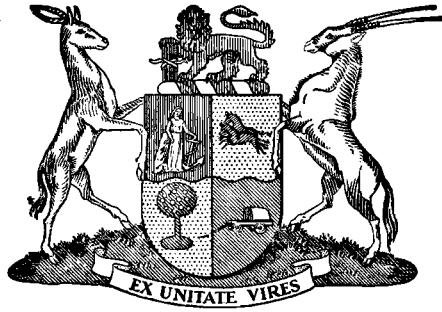


**BUITENGEWONE**



**EXTRAORDINARY**

# Staatskoerant

**VAN DIE REPUBLIEK VAN SUID-AFRIKA**

**THE REPUBLIC OF SOUTH AFRICA**

# Government Gazette

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[No. 1171.]

**DEPARTEMENT VAN DIE EERSTE MINISTER.**

**DEPARTMENT OF THE PRIME MINISTER.**

No. 1002.] [7 Julie 1965.]

No. 1002.] [7th July, 1965.]

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

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

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No. 90, 1965.]

# ACT

To provide for the promotion of metallurgical research including research into the properties, composition, recovery, extraction, processing and utilization of minerals and mineral products and for that purpose to provide for the establishment of a National Institute for Metallurgy and to prescribe its powers and functions and the manner in which it shall be managed and controlled and to provide for other incidental matters.

(English text signed by the State President.)  
(Assented to 18th June, 1965.)

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

## Definitions.

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

- (i) “board” means the board of control referred to in sub-section (1) of section *four*; (iv)
- (ii) “fixed date” means the date to be fixed in terms of section *two*; (vii)
- (iii) “institute” means the National Institute for Metallurgy established under section *two*; (i)
- (iv) “laboratory” means the laboratory known as the Government Metallurgical Laboratory maintained in terms of an agreement between the Government and the University of the Witwatersrand; (ii)
- (v) “Minister” means the Minister of Mines; (iii)
- (vi) “Republic” includes the territory of South-West Africa; (v)
- (vii) “university” includes any institution for higher education approved by the Minister. (vi)

## Establishment of National Institute for Metallurgy.

2. (1) As from a date to be fixed by the State President by proclamation in the *Gazette* there shall be established an institute to be known as the National Institute for Metallurgy, which shall be a body corporate, capable of suing and being sued in its corporate name and of performing all such acts as are necessary for or incidental to the carrying out of its objects, the exercise of its powers and the performance of its functions.

(2) The head office of the institute shall be situated at Johannesburg, but may, with the consent of the Minister, be moved to any other place in the Republic.

## Objects and general powers of the institute.

3. The objects of the institute shall be—

- (a) to conduct metallurgical research;
- (b) to conduct research into the properties, composition, recovery, extraction, processing and utilization of minerals and mineral products (other than fuel of an organic chemical nature) produced or utilized in the Republic or any place outside the Republic determined by the Minister or potentially capable of being so produced or utilized;
- (c) to perform such functions relating to the objects aforesaid as the Minister may from time to time determine,

and to that end the institute shall, in addition to any other powers vested in it by this Act, have power—

No. 90, 1965.]

## WET

Om voorsiening te maak vir die bevordering van metallurgiese navorsing met inbegrip van navorsing met betrekking tot die eienskappe, samestelling, winning, ekstrahering, verwerking en benutting van minerale en minerale produkte en om vir daardie doel vir die instelling van 'n Nasionale Metallurgiese Instituut voorsiening te maak en sy bevoegdhede en werksaamhede en die wyse waarop die instituut bestuur en beheer word, voor te skryf en om voorsiening te maak vir ander aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)  
(Goedgekeur op 18 Junie 1965.)

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

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

- (i) „instituut” die kragtens artikel twee ingestelde Nasionale Metallurgiese Instituut; (iii)
- (ii) „laboratorium” die laboratorium bekend as die Staatslaboratorium vir Metallurgie en in stand gehou ingevolge 'n ooreenkoms tussen die Regering en die Universiteit van die Witwatersrand; (iv)
- (iii) „Minister” die Minister van Mynwese; (v)
- (iv) „raad” die in sub-artikel (1) van artikel vier bedoelde beheerraad; (i)
- (v) „Republiek” ook die gebied Suidwes-Afrika; (vi)
- (vi) „universiteit” ook 'n deur die Minister goedgekeurde inrigting vir hoër onderwys; (vii)
- (vii) „vasgestelde datum” die datum wat ingevolge artikel twee vasgestel word. (ii)

2. (1) Vanaf 'n datum deur die Staatspresident by proklamasie in die *Staatskoerant* vasgestel, word daar 'n instituut ingestel bekend as die Nasionale Metallurgiese Instituut, met regs persoonlikheid beklee en bevoeg om in sy naam as regspersoon as eiser en verweerder in regte op te tree en om alle handelinge te verrig wat nodig is vir of in verband staan met die verwesenliking van sy oogmerke, die uitoefening van sy bevoegdhede en die verrigting van sy werksaamhede.

Instelling van  
Nasionale  
Metallurgiese  
Instituut.

(2) Die hoofkantoor van die instituut is te Johannesburg geleë, maar kan, met goedkeuring van die Minister, na 'n ander plek in die Republiek verskuif word.

3. Die oogmerke van die instituut is—

- (a) om metallurgiese navorsing te onderneem;
- (b) om navorsing te onderneem met betrekking tot die eienskappe, samestelling, winning, ekstrahering, verwerking en benutting van minerale en minerale produkte (behalwe brandstof van 'n organiese chemiese aard) wat in die Republiek of 'n deur die Minister bepaalde plek buite die Republiek geproduseer of benut word of moontlik aldus geproduseer of benut kan word;
- (c) om die werksaamhede met betrekking tot voormelde oogmerke te verrig wat die Minister van tyd tot tyd bepaal.

Oogmerke en  
algemene  
bevoegdhede  
van die instituut.

en vir die bereiking van daardie oogmerke het die instituut, benewens enige ander bevoegdhede by hierdie Wet aan hom verleë, die bevoegdheid—

- (i) to collaborate with and assist any department of State (including the Administration of South-West Africa, any provincial administration and the Railway Administration), the Atomic Energy Board, the Council for Scientific and Industrial Research, any university and any other body approved by the Minister, and to afford facilities for research scholars appointed by such bodies;
- (ii) to provide laboratory and other facilities and staff for advanced instruction of university students upon such conditions as it may determine;
- (iii) subject to the approval of the Minister acting in consultation with the Minister of Finance, to grant research bursaries to students or make grants-in-aid to research workers or research institutions upon such conditions as it may determine;
- (iv) on such terms and conditions as it may determine, to arrange for investigations to be undertaken or for services to be rendered on behalf of public bodies or private enterprises, either as an independent referee or where facilities for such investigations or such services are not otherwise available;
- (v) with the approval of the Minister acting in consultation with the Minister of Finance, to purchase or otherwise acquire, or to hold, alienate, hire or let immovable property;
- (vi) to purchase or otherwise acquire, or hold or alienate movable property, or to hire or let such property as well as any services;
- (vii) with the approval of the Minister, to prospect for or mine or otherwise acquire any mineral or mineral product required for the purposes of the institute;
- (viii) to do all such things and perform all such functions as may be necessary for the proper control and management of the institute or incidental to the attainment of its objects or as the Minister may from time to time determine.

## Board of control.

4. (1) The affairs of the institute shall, subject to the provisions of this Act, be managed and controlled by a board of control which shall consist of not less than seven and not more than nine members to be appointed by the Minister, of whom—

- (a) two shall be officers in the Department of Mines;
- (b) one shall be appointed by reason of his knowledge of atomic energy and matters relating to the Atomic Energy Board;
- (c) one shall be appointed by reason of his knowledge and experience of scientific research in general;
- (d) one shall be appointed by reason of his knowledge of matters relating to the mining industry;
- (e) one shall be appointed by reason of his knowledge of university matters.

(2) The members of the board shall hold office for such period, not exceeding three years, as the Minister may determine at the time of the appointment, but shall be eligible for re-appointment: Provided that if in his opinion there are good reasons for doing so, the Minister may at any time terminate the period of office of any member.

(3) The Minister may appoint any person to serve as an alternate in the stead of any member of the board during his absence from any meeting of the board.

(4) A member of the board designated by the Minister as chairman or, in his absence, such a member so designated as deputy chairman, shall preside at any meeting of the board: Provided that if both the chairman and the deputy chairman are absent from any meeting of the board, a chairman elected by the members present from among themselves, shall preside at such meeting.

(5) Subject to the provisions of sub-section (6), the institute shall out of its funds pay to a member of the board or his alternate such remuneration and allowances and afford him such transport facilities in respect of his services as such a member or alternate as the Minister in consultation with the Minister of Finance may determine.

(6) In respect of his services as a member of the board or his alternate, any person in the full-time service of the State shall receive no remuneration and shall not be paid any allowances exceeding those payable to him in respect of his work in the service of the State.

- (i) om saam te werk met en hulp te verleen aan enige Staatsdepartement (met inbegrip van die Administrasie van Suidwes-Afrika, 'n provinsiale administrasie en die Spoorwegadministrasie), die Raad op Atoomkrag, die Wetenskaplike en Nywerheidsnavorsingsraad, 'n universiteit en enige ander deur die Minister goedgekeurde liggaam en om geriewe te verskaf aan navorsingstudente deur bedoelde liggame aangestel;
- (ii) om op die voorwaardes wat die instituut bepaal, laboratorium- en ander geriewe en personeel vir gevorderde opleiding van universiteitstudente beskikbaar te stel;
- (iii) om behoudens die goedkeuring van die Minister, wat in oorleg met die Minister van Finansies optree, navorsingsbeurse aan studente of hulptoelae aan navorsers of navorsingsinrigtings toe te staan op die voorwaardes wat die instituut bepaal;
- (iv) om op die voorwaardes wat die instituut bepaal, reëlings te tref vir die onderneming van ondersoeke of vir die lewering van dienste ten bate van openbare liggame of private ondernemings, hetsy as onafhanklike arbiter of waar ander geriewe vir sodanige ondersoeke of sodanige dienste nie beskikbaar is nie;
- (v) om met goedkeuring van die Minister, wat in oorleg met die Minister van Finansies optree, onroerende goed te koop of andersins te verkry, of te besit, vervreem, huur of verhuur;
- (vi) om roerende goed te koop of andersins te verkry, of te besit of vervreem of om sowel roerende goed as dienste te huur of verhuur;
- (vii) om met goedkeuring van die Minister, na minerale of minerale produkte wat vir die doeleindes van die instituut benodig is, te prospekter of dit te ontgin of andersins te verkry;
- (viii) om alles te doen en alle werksaamhede te verrig wat vir die behoorlike beheer en bestuur van die instituut nodig is of met die verwesenliking van die instituut se oogmerke in verband staan of wat die Minister van tyd tot tyd bepaal.

4. (1) Die sake van die instituut word, behoudens die bepalinge van hierdie Wet, bestuur en beheer deur 'n beheerraad wat bestaan uit minstens sewe en hoogstens nege lede deur die Minister aangestel, van wie—

- (a) twee beamptes in die Departement van Mynwese is;
- (b) een aangestel word vanweë sy kennis van atoomkrag en aangeleenthede wat met die Raad op Atoomkrag in verband staan;
- (c) een aangestel word vanweë sy kennis en ervaring van wetenskaplike navorsing oor die algemeen;
- (d) een aangestel word vanweë sy kennis van aangeleenthede wat met die mynbedryf in verband staan;
- (e) een aangestel word vanweë sy kennis van universiteitsaangeleenthede.

(2) Die lede van die raad beklee hul amp vir die tydperk, maar hoogstens drie jaar, wat die Minister ten tyde van die aanstelling bepaal, maar kan weer aangestel word: Met dien verstande dat, indien daar na sy oordeel gegronde redes daarvoor bestaan, die Minister te eniger tyd die ampstermyn van 'n lid kan beëindig.

(3) Die Minister kan enige persoon aanstel as plaasvervanger van 'n lid om gedurende sy afwesigheid van 'n vergadering van die raad in sy plek te dien.

(4) 'n Deur die Minister as voorsitter aangewese lid van die raad of, in sy afwesigheid, so 'n aldus as adjunk-voorsitter aangewese lid, sit voor op 'n vergadering van die raad: Met dien verstande dat indien sowel die voorsitter as die adjunk-voorsitter van 'n vergadering van die raad afwesig is, 'n voorsitter deur die aanwesige lede uit hul midde verkies, op die vergadering voorsit.

(5) Behoudens die bepalinge van sub-artikel (6), betaal die instituut uit sy fondse aan 'n lid van die raad of sy plaasvervanger die besoldiging en toelae en verskaf aan hom die voergeriewe ten opsigte van sy dienste as so 'n lid of plaasvervanger, wat die Minister in oorleg met die Minister van Finansies bepaal.

(6) Ten opsigte van sy dienste as lid van die raad of sy plaasvervanger, ontvang 'n persoon in die voltydse diens van die Staat geen besoldiging nie en word aan hom nie toelae betaal wat groter is as dié wat ten opsigte van sy werk in diens van die Staat aan hom betaalbaar is nie.

Committees of  
the board.

5. (1) The board may establish committees to assist it in the exercise of its functions and the performance of its duties, and may appoint such persons, including officers of the institute, as it may deem fit to be members of any such committee.

(2) The members of a committee, who are not members of the board or officers of the institute, may, out of the funds of the institute, be paid such remuneration and allowances in respect of their services as the Minister in consultation with the Minister of Finance may determine.

(3) The provisions of sub-section (6) of section *four* shall apply *mutatis mutandis* in respect of members of a committee.

Delegation of  
powers of  
board.

6. The board may, with approval of the Minister, delegate to any of its members or committees or to any officer of the institute any of its powers, but shall not thereby be divested of any power which it may so have delegated, and may amend or withdraw any decision by a member, committee or officer.

Officers and  
employees of  
the institute.

7. (1) The Minister may, on such conditions and at such remuneration as he may in consultation with the Minister of Finance determine, appoint a director who shall be chief executive officer of the institute and perform such duties as the board may from time to time determine, and appoint one or more deputy directors who shall assist the director in the performance of his duties and one of whom designated by the Minister or, if there is only one deputy director, that deputy director shall, whenever the office of director is vacant or the director is for any reason unable to perform the duties of his office, serve as acting director.

(2) The institute may from time to time appoint to such posts and on such conditions and at such remuneration as may be approved by the Minister in consultation with the Minister of Finance, such officers or employees as may be required to assist it in the performance of its functions and duties.

(3) Any person, other than the director of the laboratory or an officer in the public service, who on the day immediately preceding the fixed date was in full-time service at the laboratory and was remunerated for such service out of moneys appropriated by Parliament for the purposes of the laboratory, shall be deemed to have been appointed on the said date to the service of the institute under sub-section (2), at the remuneration received by him and on the conditions of service applicable in respect of him on the said day.

(4) (a) Except in relation to any person referred to in sub-section (3) who on the day immediately preceding the fixed date was not a member of the fund as defined in the Associated Institutions Pension Fund Act, 1963 (Act No. 41 of 1963), the institute shall for the purposes of the said Act be deemed to be an associated institution.

(b) Any person referred to in sub-section (3) who on the said day was a member of the university institutions provident fund as so defined, shall continue to be such a member, and in relation to any such person the institute shall be deemed to be a council as defined in the regulations governing that provident fund and shall, anything to the contrary notwithstanding, pay to the said provident fund or contribute towards any additional annuity or gratuity the contributions that would otherwise have been payable by the Government.

Finances of  
the institute.

8. (1) The funds of the institute shall consist of—

- (a) moneys appropriated by Parliament to enable the institute to perform its functions;
- (b) revenue obtained by virtue of the provisions of sub-sections (4) and (5);
- (c) fees or royalties referred to in sub-section (1) of section *ten*, which are paid to the institute;
- (d) donations or contributions which the institute may receive from any person or which the Legislative Assembly of South-West Africa may appropriate in aid of the institute.

(2) (a) Subject to the provisions of sub-section (5), the institute shall utilize its funds for defraying expenses in connection with the performance of its functions.

(b) The institute shall utilize any moneys contemplated in paragraph (a) of sub-section (1) in accordance with the statement in question of its estimated income and

5. (1) Die raad kan komitees instel om hom behulpsaam te wees by die verrigting van sy werksaamhede en die uitvoering van sy pligte, en kan die persone, met inbegrip van amptenare van die instituut, wat hy goedvind as lede van so 'n komitee aanstel. Komitees van die raad.

(2) Die lede van 'n komitee wat nie lede van die raad of amptenare van die instituut is nie, kan uit die fondse van die instituut die besoldiging en toelaes ten opsigte van hul dienste betaal word wat die Minister in oorleg met die Minister van Finansies bepaal.

(3) Die bepalings van sub-artikel (6) van artikel vier is *mutatis mutandis* ten opsigte van lede van 'n komitee van toepassing.

6. Die raad kan, met goedkeuring van die Minister, enige van sy bevoegdhede aan enigen van sy lede of komitees of aan 'n amptenaar van die instituut delegeer, maar word nie daardeur enige van sy aldus gedelegeerde bevoegdhede ontnem nie, en kan 'n beslissing deur 'n lid, komitee of amptenaar wysig of intrek. Delegering van bevoegdhede van raad.

7. (1) Die Minister kan, op die voorwaardes en teen die besoldiging wat hy in oorleg met die Minister van Finansies bepaal, 'n direkteur aanstel wat die hoof- uitvoerende beampte van die instituut is en die pligte verrig wat die raad van tyd tot tyd bepaal, en een of meer adjunk-direkteure aanstel wat die direkteur by die verrigting van sy pligte bystaan en van wie een deur die Minister aangewys of, indien daar slegs een adjunk-direkteur is, daardie adjunk-direkteur as waarnemende direkteur dien wanneer die amp van direkteur vakant is of die direkteur om die een of ander rede nie in staat is om sy ampspligte te verrig nie. Amptenare en werknemers van die instituut.

(2) Die instituut kan van tyd tot tyd in die poste en op die voorwaardes en teen die besoldiging wat die Minister in oorleg met die Minister van Finansies goedkeur, die amptenare of werknemers aanstel wat benodig is om die instituut by te staan by die verrigting van sy werksaamhede en pligte.

(3) Enige ander persoon as die direkteur van die laboratorium of 'n beampte in die staatsdiens, wat op die dag wat die vasgestelde datum onmiddellik voorafgaan, in voltydse diens by die die laboratorium was en besoldig was uit gelde deur die Parlement vir die doeleindes van die laboratorium bewillig, word geag op bedoelde datum ingevolge sub-artikel (2) in diens van die instituut aangestel te wees teen die besoldiging wat deur hom op bedoelde dag ontvang is en op die diensvoorwaardes wat toe ten opsigte van hom gegeld het.

(4) (a) Behalwe met betrekking tot 'n in sub-artikel (3) bedoelde persoon wat op die dag wat die vasgestelde datum onmiddellik voorafgaan, nie lid van die in die Wet op die Pensioenfonds vir Geassosieerde Inrigtings, 1963 (Wet No. 41 van 1963), omskrewe fonds was nie, word die instituut by die toepassing van bedoelde Wet geag 'n geassosieerde inrigting te wees.

(b) 'n In sub-artikel (3) bedoelde persoon wat op genoemde datum lid was van die aldus omskrewe voorsorgfonds vir universiteitsinrigtings, bly so 'n lid en met betrekking tot so 'n persoon word die instituut geag 'n in die regulasies op daardie voorsorgfonds omskrewe raad te wees en, ondanks andersluidende bepalings, betaal die instituut aan genoemde voorsorgfonds of dra hy by tot enige addisionele jaargeld of gratifikasie, die bydraes wat anders deur die Regering betaalbaar sou wees.

8. (1) Die fondse van die instituut bestaan uit— Finansies van die instituut.

- (a) gelde deur die Parlement bewillig ten einde die instituut in staat te stel om sy werksaamhede te verrig;
- (b) inkomste verkry uit hoofde van die bepalings van sub-artikels (4) en (5);
- (c) die in sub-artikel (1) van artikel tien bedoelde gelde of tantieme wat aan die instituut betaal word;
- (d) skenkings of bydraes wat die instituut van 'n persoon ontvang of wat die Wetgewende Vergadering van Suidwes-Afrika ten bate van die instituut bewillig.

(2) (a) Behoudens die bepalings van sub-artikel (5) moet die instituut sy fondse aanwend vir die bestryding van onkoste in verband met die verrigting van sy werksaamhede.

(b) Die instituut moet die in paragraaf (a) van sub-artikel (1) beoogde gelde aanwend ooreenkomstig die betrokke in sub-artikel (3) bedoelde staat van sy geraamde inkomste

expenditure referred to in sub-section (3) as approved by the Minister: Provided that, subject to the provisions of paragraph (a), the institute may utilize any amount or portion of any amount required to be so utilized for a particular purpose in connection with a specified matter, for any other purpose in connection with that matter: Provided further that the institute may utilize any balance of such moneys remaining at the end of the institute's financial year in question for any expenses in connection with the performance of its functions.

(c) The institute shall utilize any donations or contributions contemplated in paragraph (d) of sub-section (1) in accordance with the conditions (if any) imposed by the donor or contributor in question.

(3) The institute shall in each financial year at a time determined by the Secretary for Mines, submit a statement of its estimated income and expenditure during the following financial year to the Minister for his approval after consultation with the Minister of Finance.

(4) Subject to the provisions of any regulation made under section *twelve*, the institute may, in respect of any services rendered by it under this Act, charge such fees or make such other financial arrangements as it may deem fit.

(5) The institute may invest any unexpended portion of its moneys with the Public Debt Commissioners or in such other manner as may be determined by the Minister in consultation with the Minister of Finance.

(6) The institute may establish such reserve funds as it may deem necessary or expedient and pay therein such amount as the Minister may approve.

(7) (a) The financial year of the institute shall terminate on the thirty-first day of March in each year, and the institute shall keep proper records of all its financial transactions and such records as shall at all times reflect the stocks of materials, equipment and other property in its custody.

(b) The institute shall open one or more accounts with any bank approved by the Minister and shall deposit therein any moneys received.

(c) The accounts of the institute shall be audited by the Controller and Auditor-General.

(d) The institute shall furnish to the Minister such information as he may call for from time to time in respect of the activities and financial position of the institute, and shall in addition submit to the Minister an annual report, including a balance sheet and a statement of income and expenditure certified by the Controller and Auditor-General.

(e) The Minister shall lay the said report upon the Table of the Senate and of the House of Assembly within fourteen days after receipt thereof, if Parliament is then in ordinary session, or, if Parliament is not in ordinary session, within fourteen days after the commencement of its next ensuing ordinary session.

Transfer of certain assets and liabilities of the institute.

9. (1) As from the fixed date there shall be vested in the institute—

(a) all moneys standing to the credit of the account of the laboratory or held by the Government for the purposes of the laboratory, whether moneys appropriated by Parliament or contributed by the Atomic Energy Board or derived from any other source for the said purposes;

(b) all claims due to the Government in connection with the laboratory;

(c) all rights and privileges due to the Government in connection with the laboratory under any agreement entered into by or on behalf of the Government;

(d) all such other assets held by the Government for the purposes of the laboratory as the Minister acting in consultation with the Minister of Finance may determine.

(2) As from the fixed date the institute shall be liable for the payment of any moneys due on the fixed date to any person by the Government in connection with the laboratory, and all the liabilities of the Government in connection with the laboratory, under any agreement entered into by or on behalf of the Government prior to the fixed date shall, on the fixed date, be transferred to the institute.



en uitgawes soos deur die Minister goedgekeur: Met dien verstande dat, behoudens die bepalings van paragraaf (a), die instituut enige bedrag of gedeelte van 'n bedrag wat vir 'n besondere doel in verband met 'n bepaalde aangeleentheid aldus aangewend moet word, vir enige ander doel in verband met daardie aangeleentheid kan aanwend: Met dien verstande voorts dat die instituut enige saldo van bedoelde gelde wat aan die end van die betrokke boekjaar van die instituut oorbly, vir enige uitgawes in verband met die verrigting van sy werksaamhede kan aanwend.

- (c) Die instituut moet enige in paragraaf (d) van sub-artikel (1) beoogde skenkings of bydraes aanwend ooreenkomstig die voorwaardes (indien daar is) deur die betrokke skenker of bydraer opgelê.

(3) Die instituut moet in elke boekjaar, op 'n tydstip deur die Sekretaris van Mynwese bepaal, 'n staat van sy geraamde inkomste en uitgawes gedurende die daaropvolgende boekjaar aan die Minister voorlê vir sy goedkeuring na oorlegpleging met die Minister van Finansies.

(4) Behoudens die bepalings van 'n kragtens artikel *twalf* uitgevaardigde regulasie, kan die instituut, ten opsigte van enige dienste deur hom ingevolge hierdie Wet gelewer, die gelde vra of die ander geldelike reëlins tref wat hy goedvind.

(5) Die instituut kan enige onbestede gedeelte van sy geld belê by die Staatskuldkommissaris of op die ander wyse wat deur die Minister in oorleg met die Minister van Finansies bepaal word.

(6) Die instituut kan die reserwefondse instel wat hy nodig of wenslik ag, en daarin die bedrae stort wat die Minister goedkeur.

(7) (a) Die boekjaar van die instituut eindig op die een-en-dertigste dag van Maart in elke jaar, en die instituut moet van al sy geldelike transaksies behoorlik boekhou, en aantekeninge hou wat te alle tye die voorraad materiaal, toerusting en ander besittings in sy bewaring aandui.

(b) Die instituut moet by 'n deur die Minister goedgekeurde bank een of meer rekenings open en daarin enige geld stort wat ontvang word.

(c) Die rekenings van die instituut word deur die Kontroleur en Ouditeur-generaal geouditeer.

(d) Die instituut moet aan die Minister die inligting verstrek wat hy van tyd tot tyd ten opsigte van die bedrywighede en geldelike stand van die instituut aanvra, en moet daarbenewens aan die Minister 'n jaarlikse verslag verstrek en ook 'n balansstaat en 'n staat van inkomste en uitgawes deur die Kontroleur en Ouditeur-generaal gesertifiseer.

(e) Die Minister lê bedoelde verslag in die Senaat en die Volksraad ter tafel binne veertien dae na ontvangs daarvan, indien die Parlement dan in gewone sessie is, of, indien die Parlement nie in gewone sessie is nie, binne veertien dae na die aanvang van die eersvolgende gewone sessie.

9. (1) Vanaf die vasgestelde datum berus daar by die instituut—

- (a) alle gelde wat tot die krediet van die rekening van die laboratorium staan of deur die Regering vir die doeleindes van die laboratorium besit word, hetsy gelde vir genoemde doeleindes deur die Parlement bewillig of deur die Raad op Atoomkrag bygedra of uit enige ander bron verkry;
- (b) alle vorderings in verband met die laboratorium aan die Regering verskuldig;
- (c) alle regte en-voorregte wat in verband met die laboratorium aan die Regering toekom kragtens enige ooreenkoms deur of ten behoeve van die Regering aangegaan;
- (d) alle ander bates deur die Regering vir die doeleindes van die laboratorium besit, wat die Minister, wat in oorleg met die Minister van Finansies optree, bepaal.

(2) Vanaf die vasgestelde datum is die instituut aanspreeklik vir die betaling van alle gelde wat op die vasgestelde datum aan enige persoon deur die Regering in verband met bedoelde laboratorium verskuldig is, en al die verpligtings van die Regering in verband met die laboratorium kragtens enige ooreenkoms wat voor die vasgestelde datum deur of ten behoeve van die Regering aangegaan is, gaan op die vasgestelde datum op die instituut oor.

Oordrag van sekere bates en laste aan die instituut.

Discoveries, inventions and improvements by officers of the institute and others and the award of bonuses to such persons.

**10.** (1) Subject to the provisions of section *eleven*, the rights in all discoveries, inventions and improvements made by officers or employees of the institute or by persons to whom bursaries have been granted or to whom grants-in-aid have been made by the institute in terms of this Act, shall vest in the institute and the institute may make such discoveries, inventions or improvements available for use in the public interest subject to such conditions and the payment of such fees or royalties as the institute may, in accordance with regulations made in terms of section *twelve*, determine.

(2) If the rights in any discovery, invention or improvement are in terms of sub-section (1) vested in the institute, the institute may award, to the discoverer or inventor in question such bonus, or make provision for financial participation by him in the profits derived from such discovery, invention or improvement to such extent as the Minister, in consultation with the Minister of Finance, may determine.

(3) The institute may apply for a patent in respect of any invention, discovery or improvement referred to in sub-section (1) and shall for the purpose of the Patents Act, 1952 (Act No. 37 of 1952), be regarded as the assignee of the discoverer or inventor in question.

Special investigations by arrangement with any person with a view to discoveries, inventions or improvements.

**11.** (1) The institute may, by arrangement with any person, and at such place and subject to such conditions and the payment of such charges as may be agreed upon, carry out or cause to be carried out special investigations with the object of making any discovery, invention or improvement in relation to any matter within the purview of the institute in terms of this Act.

(2) The rights in any discovery, invention or improvement so made shall vest in either the institute or any other person, according to the provisions of a written agreement entered into by the parties in question prior to the investigation.

(3) If the rights in any discovery, invention or improvement vest in the institute in pursuance of an agreement contemplated in sub-section (2), the institute may make such discovery, invention or improvement available for use in the public interest, and the institute may apply for a patent in respect thereof as if it were a discovery, invention or improvement contemplated in sub-section (1) of section *ten*.

(4) If the rights in any discovery, invention or improvement vest in any person other than the institute in pursuance of an agreement contemplated in sub-section (2), the said discovery, invention or improvement shall be used or be made available for use in the public interest subject to such conditions as may be provided by the agreement.

(5) In respect of any special investigation carried out in terms of sub-section (1), the institute may issue reports and publications subject to such conditions as may be provided for by the agreement concerned.

Regulations.

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

- (a) the calling of and procedure and quorum at meetings of the board and of committees thereof;
- (b) the determination of fees or royalties to be paid to the institute in terms of this Act;
- (c) the conditions under which discoveries, inventions or improvements may be made available by the institute for use;
- (d) the preservation of secrecy in regard to the affairs of the institute;
- (e) generally, all matters for which he deems it necessary or expedient to make regulations in order to achieve the objects of this Act.

(2) Any regulations made under paragraph (d) of sub-section (1) may provide that any person who contravenes or fails to comply with any provision thereof shall be guilty of an offence and liable on conviction to such fine not exceeding two hundred rand or imprisonment for such period, not exceeding one year, as may be specified therein or to both such fine and such imprisonment.

Appropriation by Legislative Assembly of South-West Africa of moneys for institute.

**13.** Notwithstanding anything to the contrary contained in the South-West Africa Constitution Act, 1925 (Act No. 42 of 1925), or any other law, the Legislative Assembly of South-West Africa may appropriate moneys from the Territory Revenue Fund for the purposes for which the moneys referred to in sub-section (2) of section *eight* are to be utilized.

10. (1) Behoudens die bepalings van artikel *elf*, berus die regte op alle ontdekkings, uitvindings en verbeterings wat gedoen word deur amptenare of werknemers van die instituut of deur persone aan wie beurse of hulptoelae deur die instituut ingevolge hierdie Wet toegestaan is, by die instituut en die instituut kan sodanige ontdekkings, uitvindings of verbeterings vir gebruik in die openbare belang beskikbaar stel op die voorwaardes en teen betaling van die gelde of tantième wat die instituut bepaal ooreenkomstig regulasies kragtens artikel *twaalf* uitgevaardig.

Ontdekkings, uitvindings en verbeterings deur amptenare van die instituut en ander persone en die toekenning van bonusse aan sodanige persone.

(2) Indien die regte op 'n ontdekking, uitvinding of verbetering ingevolge sub-artikel (1) by die instituut berus, kan die instituut aan die betrokke ontdekker of uitvinder die bonus toeken of voorsiening maak vir geldelike deelname deur so 'n persoon in die winste verkry uit daardie ontdekking, uitvinding of verbetering in die mate wat die Minister in oorleg met die Minister van Finansies bepaal.

(3) Die instituut kan aansoek doen om 'n patent ten opsigte van 'n in sub-artikel (1) bedoelde uitvinding, ontdekking of verbetering en word by die toepassing van die Wet op Patente, 1952 (Wet No. 37 van 1952), as die sessionaris van die betrokke ontdekker of uitvinder beskou.

11. (1) Die instituut kan by wyse van ooreenkoms met 'n persoon en op die plek en op die voorwaardes en teen betaling van die koste waarop ooreengekom word, spesiale ondersoeke instel of laat instel met die doel om 'n ontdekking, uitvinding of verbetering te doen met betrekking tot enige aangeleentheid wat volgens hierdie Wet binne die bestek van die instituut val.

Spesiale ondersoeke by wyse van ooreenkoms met 'n persoon met die oog op ontdekkings, uitvindings of verbeterings.

(2) Die regte op 'n ontdekking, uitvinding of verbetering aldus gedoen, berus of by die instituut of by 'n ander persoon, volgens die bepalings van 'n skriftelike ooreenkoms wat vóór die ondersoek deur die betrokke partye aangegaan is.

(3) Indien die regte op enige ontdekking, uitvinding of verbetering uit hoofde van 'n in sub-artikel (2) beoogde ooreenkoms by die instituut berus, kan die instituut bedoelde ontdekking, uitvinding of verbetering vir gebruik in die openbare belang beskikbaar stel en kan die instituut om 'n patent ten opsigte daarvan aansoek doen asof dit 'n in sub-artikel (1) van artikel *tien* beoogde ontdekking, uitvinding of verbetering is.

(4) Indien die regte op enige ontdekking, uitvinding of verbetering by 'n ander persoon as die instituut berus uit hoofde van 'n in sub-artikel (2) beoogde ooreenkoms, word bedoelde ontdekking, uitvinding of verbetering in die openbare belang gebruik of vir gebruik beskikbaar gestel op die voorwaardes wat by die ooreenkoms bepaal word.

(5) Ten opsigte van 'n spesiale ondersoek ingestel ingevolge sub-artikel (1), kan die instituut verslae en publikasies uitreik op die voorwaardes waarvoor die ooreenkoms voorsiening maak.

12. (1) Die Minister kan regulasies uitvaardig met betrekking tot—

Regulasies.

- (a) die byeenroep van en prosedure en kworum op vergaderings van die raad en van komitees daarvan;
- (b) die bepaling van gelde of tantième wat aan die instituut ingevolge hierdie Wet betaal moet word;
- (c) die voorwaardes waarop ontdekkings, uitvindings of verbeterings deur die instituut vir gebruik beskikbaar gestel kan word;
- (d) geheimhouding ten opsigte van die sake van die instituut;
- (e) oor die algemeen, alle aangeleenthede waarvoor hy dit nodig of dienstig ag dat regulasies uitgevaardig moet word ten einde die oogmerke van hierdie Wet te verwesenlik.

(2) Regulasies kragtens paragraaf (d) van sub-artikel (1) uitgevaardig, kan bepaal dat 'n persoon wat 'n bepaling daarvan oortree of versuim om dit na te kom, aan 'n misdryf skuldig is en by skuldigbevinding strafbaar is met die boete van hoogstens tweehonderd rand of gevangenisstraf vir die tydperk, maar hoogstens een jaar, wat daarin bepaal word of met sowel daardie boete as daardie gevangenisstraf.

13. Ondanks andersluidende bepalings van die „Zuidwest-Afrika Konstitutie Wet, 1925” (Wet No. 42 van 1925), of enige ander wet, kan die Wetgewende Vergadering van Suidwest-Afrika geld bewillig uit die Inkomstefonds van die gebied vir die doeleindes waarvoor die in sub-artikel (2) van artikel *agt* bedoelde gelde aangewend moet word.

Bewilliging deur Wetgewende Vergadering van Suidwest-Afrika van geld vir instituut.

Application of Act to South-West Africa.

14. This Act shall apply also in the territory of South-West Africa (including the Eastern Caprivi Zipfel referred to in sub-section (3) of section *three* of the South-West Africa Affairs Amendment Act, 1951 (Act No. 55 of 1951)) and in relation to all persons in that portion of the 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.

15. This Act shall be called the National Institute for Metallurgy Act, 1965.

No. 91, 1965.]

## ACT

To amend the Mines and Works Act, 1956, and the Factories, Machinery and Building Work Act, 1941.

(Afrikaans text signed by the State President.)  
(Assented to 18th June, 1965.)

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

Amendment of section 1 of Act 27 of 1956, as amended by section 1 of Act 51 of 1959 and section 1 of Act 46 of 1964.

1. Section *one* of the Mines and Works Act, 1956 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the substitution for the definition of the expressions "Sunday", "Christmas Day", "Day of the Covenant" and "Good Friday" of the following definition:

"'Sunday', 'Christmas Day', 'Day of the Covenant', 'Good Friday' or 'Republic Day' means the period from twelve o'clock midnight on the day previous to any such day to twelve o'clock midnight on such day;"; and

(b) by the insertion in the definition of "works" after paragraph (f) of the following paragraph:

"(g) the making, repairing, re-opening or closing of any subterranean tunnel;";

Amendment of section 9 of Act 27 of 1956, as amended by section 2 of Act 51 of 1959.

2. Section *nine* of the principal Act is hereby amended by the substitution in sub-section (1) for all the words preceding paragraph (a) of the following words:

"No person shall perform, or cause or permit any other person to perform, any work at a mine or works, in connection with the operation of a mine or works, on a Sunday, Christmas Day, Day of the Covenant or Good Friday or on Republic Day in the year 1966 or, after such year, on Republic Day in every fifth year, unless the work is—".

Amendment of section 12 of Act 27 of 1956, as amended by section 11 of Act 46 of 1964.

3. Section *twelve* of the principal Act is hereby amended by the substitution for paragraph (f) of sub-section (1) of the following paragraph:

"(f) the transfer and transport of explosives from magazines of mines to workings of mines or from magazines of works to works, the use of explosives on the surface of mines in connection with mining operations, and the storage, distribution, transport and use of explosives in the workings of mines, excluding quarries worked by persons for and on behalf of State departments, or in works;";

Amendment of section 2 of Act 22 of 1941, as amended by section 1 of Act 31 of 1960 and section 2 of Act 34 of 1963.

4. Section *two* of the Factories, Machinery and Building Work Act, 1941, is hereby amended by the substitution in sub-section (1) for the definition of "excavation work" of the following definition:

"'excavation work' includes loosening, taking out and removing stone, soil and other material in connection with the making, repairing, re-opening or closing of any trench or similar excavation which is not a works within the meaning of the Mines and Works Act, 1956 (Act No. 27 of 1956);";

Short title.

5. This Act shall be called the Mines and Works Amendment Act, 1965.

14. Hierdie Wet is ook van toepassing in die gebied Suidwes-Afrika (met inbegrip van die in sub-artikel (3) van artikel drie van die Wysigingswet op Aangeleenthede van Suidwes-Afrika, 1951 (Wet No. 55 van 1951), bedoelde Oostelike Caprivi Zipfel), en met betrekking tot alle persone in daardie gedeelte van genoemde gebied bekend as die „Rehoboth Gebiet” en omskryf in die Eerste Bylae by Proklamasie No. 28 van 1923 van genoemde gebied.

Toepassing van Wet op Suidwes-Afrika.

15. Hierdie Wet heet die Wet op die Nasionale Metallurgiese Kort titel. Instituut, 1965.

No. 91, 1965.]

## WET

Tot wysiging van die Wet op Myne en Bedrywe, 1956, en die Wet op Fabriek, Masjinerie en Bouwerk, 1941.

(Afrikaanse teks deur die Staatspresident geteken.)  
(Goedgekeur op 18 Junie 1965.)

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

1. Artikel een van die Wet op Myne en Bedrywe, 1956 (hieronder die Hoofwet genoem), word hierby gewysig—
  - (a) deur in die omskrywing van „bedryf” na paragraaf (f) die volgende paragraaf in te voeg:
 

„(g) die maak, repareer, heropening of toemaak van ’n ondergrondse tunnel;” en
  - (b) deur die omskrywing van die uitdrukkings „Sondag”, „Kersdag”, „Geloftedag” en „Goeie Vrydag” deur die volgende omskrywing te vervang:
 

„Sondag’, „Kersdag’, „Geloftedag’, „Goeie Vrydag’ of „Republiekdag’, die tydperk van twaalfuur middernag op die dag wat enige so ’n dag voorafgaan, tot twaalfuur middernag op so ’n dag;”.
2. Artikel nege van die Hoofwet word hierby gewysig deur in sub-artikel (1) al die woorde wat paragraaf (a) voorafgaan, deur die volgende woorde te vervang:
 

„Niemand mag op ’n Sondag, Kersdag, Geloftedag of Goeie Vrydag of op Republiekdag in die jaar 1966 of, na daardie jaar, op Republiekdag in elke vyfde jaar, enige werk, in verband met die werking van ’n myn of bedryf, by ’n myn of bedryf verrig of laat verrig of toelaat dat iemand anders dit aldus verrig nie, tensy die werk bestaan uit—”.
3. Artikel twaalf van die Hoofwet word hierby gewysig deur paragraaf (f) van sub-artikel (1) deur die volgende paragraaf te vervang:
 

„(f) die oorpasing en vervoer van ontplofbare stowwe van magasyn van myne na delfplekke van myne of van magasyn van bedrywe na bedrywe, die gebruik van ontplofbare stowwe op die oppervlakte van myne in verband met mynwerkzaamhede, en die opberging, verspreiding, vervoer en gebruik van ontplofbare stowwe in delfplekke van myne, uitgesonderd steengroewe deur persone vir of namens Staatsdepartemente bewerk, of in bedrywe;”.
4. Artikel twee van die Wet op Fabriek, Masjinerie en Bouwerk, 1941, word hierby gewysig deur in sub-artikel (1) die omskrywing van „uitgrawingswerk” deur die volgende omskrywing te vervang:
 

„uitgrawingswerk’, ook losmaak, uithaal en verwydering van klip, grond en ander materiaal in verband met die maak, repareer, heropening of toemaak van ’n sloot of dergelyke uitgraving wat nie ’n bedryf binne die bedoeling van die Wet op Myne en Bedrywe, 1956 (Wet No. 27 van 1956), is nie;”.

5. Hierdie Wet heet die Wysigingswet op Myne en Bedrywe, Kort titel. 1965.

No. 92, 1965.]

# ACT

To provide for the payment of additional benefits in respect of pneumoconiosis and tuberculosis; for the amendment of sections 70, 120, 121 and 129 of the Pneumoconiosis Compensation Act, 1962; and to provide for incidental matters.

(English text signed by the State President.)  
(Assented to 18th June, 1965.)

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

**Definitions.**

1. In this Act the expression “the principal Act” means the Pneumoconiosis Compensation Act, 1962 (Act No. 64 of 1962), and, unless the context otherwise indicates, any expression to which in that Act a meaning has been assigned, bears the meaning so assigned thereto.

**Increase of benefits.**

2. (1) Subject to the provisions of sections *ninety-four* and *one hundred and thirty-one* of the principal Act, any benefit payable under any provision of the principal Act, whether before or after the commencement of this Act, shall be increased by twenty per cent.

(2) The provisions of this section shall not apply with reference to any one-sum benefit to which any person became entitled before the commencement of this Act.

**Benefits for dependants in respect of pneumoconiosis less than 20 per cent.**

3. (1) If the committee finds that a miner or coloured labourer who died after the commencement of the principal Act was at the time of his death suffering from pneumoconiosis in respect of which his dependants are not entitled to a pension under the provisions of the principal Act, and if such miner or coloured labourer had not prior to his death become entitled to any benefit under the said provisions, the dependants, if any, of such miner or coloured labourer shall be entitled—

(a) in the case of a miner, to a one-sum benefit of one thousand one hundred and fifty rand; and

(b) in the case of a coloured labourer, to a one-sum benefit of six hundred rand.

(2) The provisions of the principal Act, which are applicable with reference to a benefit, shall *mutatis mutandis* apply with reference to a benefit payable under sub-section (1).

**Council to estimate the amount of the liabilities under section 2 of group A and group B mines, and to credit A-account and B-account therewith.**

4. (1) The council shall, as soon as possible after the commencement of this Act, in respect of the mines which at the date of such commencement were controlled mines of group A, and in respect of the mines which at that date were controlled mines of group B, estimate the amounts which shall, in the opinion of the council, be necessary to pay the increase under section *two* of the benefits to which persons became entitled after the commencement of the principal Act but before the commencement of this Act.

(2) The council shall transfer from the C-account the amount estimated under sub-section (1) in respect of group A mines to the A-account and in respect of group B mines to the B-account, together with interest, at a rate determined by the council, on those amounts from the date of the commencement of this Act to the date of such transfer.

## WET

**Om voorsiening te maak vir die betaling van bykomende voordele ten opsigte van pneumokoniose en tuberkulose; tot wysiging van artikels 70, 120, 121 en 129 van die Pneumokoniosevergoedingswet, 1962; en om vir bykomstige aangeleenthede voorsiening te maak.**

(Engelse teks deur die Staatspresident geteken.)  
(Goedgekeur op 18 Junie 1965.)

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

1. In hierdie Wet beteken die uitdrukking „die Hoofwet” Woodomskrydie Pneumokoniosevergoedingswet, 1962 (Wet No. 64 van 1962), en, tensy uit die samehang anders blyk, het elke uitdrukking waaraan in daardie Wet ’n betekenis toegeskryf is, die betekenis aldus daaraan toegeskryf.

2. (1) Behoudens die bepaling van artikels vier-en-negentig Verhoging van en honderd een-en-dertig van die Hoofwet, word ’n voordeel voordele. wat kragtens ’n bepaling van die Hoofwet betaalbaar is, hetsy voor of na die inwerkingtreding van hierdie Wet, met twintig persent verhoog.

(2) Die bepaling van hierdie artikel geld nie met betrekking tot ’n enkelbedragvoordeel waarop iemand voor die inwerkingtreding van hierdie Wet geregtig geword het nie.

3. (1) Indien die komitee bevind dat ’n mynwerker of kleurlingarbeider wat na die inwerkingtreding van die Hoofwet oorlede is, ten tyde van sy dood aan pneumokoniose gely het ten opsigte waarvan sy afhanklikes nie op ’n pensioen ingevolge die bepaling van die Hoofwet geregtig is nie, en indien bedoelde mynwerker of kleurlingarbeider voor sy dood nie op ’n voordeel kragtens bedoelde bepaling geregtig geword het nie, is die afhanklikes, as daar is, van sodanige mynwerker of kleurlingarbeider geregtig—

(a) in die geval van ’n mynwerker, op ’n enkelbedragvoordeel van duisend eenhonderd-en-vyftig rand; en

(b) in die geval van ’n kleurlingarbeider, op ’n enkelbedragvoordeel van seshonderd rand.

(2) Die bepaling van die Hoofwet wat met betrekking tot ’n voordeel geld, geld *mutatis mutandis* met betrekking tot ’n voordeel wat kragtens sub-artikel (1) betaalbaar is.

4. (1) Die raad moet so gou doenlik na die inwerkingtreding van hierdie Wet, ten opsigte van die myne wat op die datum van bedoelde inwerkingtreding beheerde myne van groep A was, en ten opsigte van die myne wat op bedoelde datum beheerde myne van groep B was, ’n raming maak van die bedrae wat, na die oordeel van die raad, nodig is om die verhoging ingevolge artikel twee te betaal van die voordele waarop persone na die inwerkingtreding van die Hoofwet maar voor die inwerkingtreding van hierdie Wet geregtig geword het.

(2) Die raad moet uit die C-rekening die ingevolge sub-artikel (1) geraamde bedrag ten opsigte van groep A-myne aan die A-rekening en ten opsigte van groep B-myne aan die B-rekening oorbetal, tesame met rente, teen ’n deur die raad bepaalde koers, op daardie bedrae vanaf die datum van die inwerkingtreding van hierdie Wet tot die datum van sodanige oorbetal.

Voordele aan afhanklikes ten opsigte van pneumokoniose onder 20 persent.

Raad moet ’n raming maak van die bedrag van die verpligtings ingevolge artikel 2 van groep A- en groep B-myne, en A-rekening en B-rekening daarmee krediteer.

Council to estimate the amount of additional liabilities under section 2 in respect of defunct mines and to credit A-account and B-account therewith.

5. (1) The council shall, as soon as possible after the commencement of this Act, estimate the amounts which shall, in the opinion of the council, be necessary to pay the increase under section *two* of the benefits to which persons become entitled after such commencement in respect of mines which prior to such commencement ceased to be controlled mines of group A or scheduled mines under a repealed Act, and in respect of mines which prior to such commencement ceased to be controlled mines of group B or registered mines under a repealed Act.

(2) The council shall transfer from the C-account the amount estimated under sub-section (1) in respect of group A mines and scheduled mines under a repealed Act to the A-account, and in respect of group B mines and registered mines under a repealed Act to the B-account, together with interest, at a rate determined by the council, on those amounts from the date of the commencement of this Act to the date of such transfer.

Accounts to be charged with increase in benefits.

6. (1) The council shall charge the C-account with—

- (a) the increase under section *two* relating to any benefit to which any person became entitled before the commencement of the principal Act; and
- (b) the amount of any benefit or any other amount payable under the provisions of sub-section (1) of section *three* in respect of a finding made before the commencement of this Act.

(2) The council shall charge the A-account or the B-account or the A-account partly and the B-account partly, as the case may be having regard to the applicable provisions of the principal Act, with—

- (a) the expenditure due to the increase under section *two* of any benefit to which a person became entitled after the commencement of the principal Act; and
- (b) the amount of any benefit or any other amount payable to any person under the provisions of sub-section (1) of section *three* in respect of a finding made after the commencement of this Act.

Increased and additional benefits to be included in estimate of outstanding liabilities of mine owners.

7. The council shall, when estimating the amounts contemplated in sub-section (1) of section *one hundred and twenty* and sub-section (1) of section *one hundred and twenty-one* of the principal Act, include in the estimate the increased and additional benefits under this Act.

Amendment of section 70 of Act 64 of 1962, as amended by section 6 of Act 50 of 1964.

8. Section *seventy* of the principal Act is hereby amended by the substitution for paragraph (c) of sub-section (5) of the following paragraph:

- “(c) Any pension to which a dependent child of a deceased miner or deceased coloured labourer was entitled immediately before the commencement of this Act, shall from the said commencement be paid at the appropriate rate mentioned in sub-section (1) of section *seventy-five*, as if that sub-section applied, and the provisions of sub-section (3) of the said section shall apply with reference to any such pension the payment of which was continued after such dependant attained the age of eighteen years, or which was increased, in terms of sub-section (4) of section *seventy-nine* of the 1956 Act: Provided that any pension to which a dependent child was entitled prior to the commencement of this Act but which had not been continued previously or increased in terms of sub-section (4) of section *seventy-nine* of the 1956 Act, may at any time be continued or increased as if the provisions of sub-section (3) of section *seventy-five* of this Act were applicable.”

Amendment of section 120 of Act 64 of 1962.

9. Section *one hundred and twenty* of the principal Act is hereby amended by the substitution for paragraph (a) of sub-section (3) of the following paragraph:

- “(a) in the case of such mines which were in existence on the said day, and subject to the provisions of sub-section (4), be recovered from or returned to the owners over a period not exceeding twenty years by means of addition to or deduction from their pneumoconiosis levies; and”.



5. (1) Die raad moet so gou doenlik na die inwerkingtreding van hierdie Wet 'n raming maak van die bedrae wat na die oordeel van die raad nodig is om die verhoging ingevolge artikel twee te betaal van die voordele waarop persone na bedoelde inwerkingtreding geregtig word ten opsigte van myne wat voor bedoelde inwerkingtreding opgehou het om beheerde myne van groep A of ingelyste myne ingevolge 'n herroepe Wet te wees, en ten opsigte van myne wat voor bedoelde inwerkingtreding opgehou het om beheerde myne van groep B of geregistreerde myne ingevolge 'n herroepe Wet te wees.

Raad moet 'n raming maak van die bedrag van bykomende verpligtings ingevolge artikel 2 ten opsigte van geslote myne, en A-rekening en B-rekening daarmee krediteer.

(2) Die raad moet uit die C-rekening die ingevolge sub-artikel (1) geraamde bedrag ten opsigte van groep A-myne en ingelyste myne ingevolge 'n herroepe Wet, aan die A-rekening, en ten opsigte van groep B-myne en geregistreerde myne ingevolge 'n herroepe Wet, aan die B-rekening oorbetal, tesame met rente, teen 'n deur die raad bepaalde koers, op daardie bedrae vanaf die datum van die inwerkingtreding van hierdie Wet tot die datum van sodanige oorbetalings.

6. (1) Die raad moet die C-rekening belas met—

Rekenings wat met verhoging van voordele belas moet word.

(a) die verhoging ingevolge artikel twee betreffende 'n voordeel waarop iemand voor die inwerkingtreding van die Hoofwet geregtig geword het; en

(b) die bedrag van 'n voordeel of enige ander bedrag ingevolge die bepalings van sub-artikel (1) van artikel drie betaalbaar ten opsigte van 'n bevinding wat voor die inwerkingtreding van hierdie Wet gemaak is.

(2) Die raad moet die A-rekening of die B-rekening of die A-rekening gedeeltelik en die B-rekening gedeeltelik, na gelang van die geval, volgens die toepaslike bepalings van die Hoofwet, belas met—

(a) die uitgawe wat ontstaan uit die verhoging ingevolge artikel twee van 'n voordeel waarop iemand na die inwerkingtreding van die Hoofwet geregtig geword het; en

(b) die bedrag van 'n voordeel of enige ander bedrag ingevolge die bepalings van sub-artikel (1) van artikel drie aan iemand betaalbaar ten opsigte van 'n bevinding wat na die inwerkingtreding van hierdie Wet gemaak is.

7. Die raad moet, wanneer hy 'n raming van die in sub-artikel (1) van artikel honderd-en-twintig en sub-artikel (1) van artikel honderd een-en-twintig van die Hoofwet beoogde bedrae maak, die verhoogde en bykomende voordele ingevolge hierdie Wet, by die raming insluit.

Verhoogde en bykomende voordele moet by raming van uitstaande verpligtings van myneienaars ingesluit word.

8. Artikel sewentig van die Hoofwet word hierby gewysig deur paragraaf (c) van sub-artikel (5) deur die volgende paragraaf te vervang:

Wysiging van artikel 70 van Wet 64 van 1962, soos gewysig deur artikel 6 van Wet 50 van 1964.

„(c) 'n Pensioen waarop 'n afhanklike kind van 'n oorlede mynwerker of oorlede kleurlingarbeider onmiddellik voor die inwerkingtreding van hierdie Wet geregtig was, word vanaf bedoelde inwerkingtreding uitbetaal teen die toepaslike skaal in sub-artikel (1) van artikel vyf-en-sewentig vermeld, asof daardie sub-artikel van toepassing is, en die bepalings van sub-artikel (3) van bedoelde artikel is van toepassing met betrekking tot so 'n pensioen waarvan die betaling voortgesit was nadat bedoelde afhanklike die ouderdom van agtien jaar bereik het, of wat vermeerder was, ingevolge sub-artikel (4) van artikel nege-en-sewentig van die Wet van 1956: Met dien verstande dat 'n pensioen waarop 'n afhanklike kind voor die inwerkingtreding van hierdie Wet geregtig was maar wat nie voorheen voortgesit of ingevolge sub-artikel (4) van artikel nege-en-sewentig van die Wet van 1956 verhoog was nie, te eniger tyd voortgesit of verhoog kan word asof die bepalings van sub-artikel (3) van artikel vyf-en-sewentig van hierdie Wet van toepassing is.”

9. Artikel honderd-en-twintig van die Hoofwet word hierby gewysig deur paragraaf (a) van sub-artikel (3) deur die volgende paragraaf te vervang:

Wysiging van artikel 120 van Wet 64 van 1962.

„(a) in die geval van sodanige myne wat op gemelde dag bestaan het, en onderworpe aan die bepalings van sub-artikel (4), oor 'n tydperk van hoogstens twintig jaar deur middel van byvoeging by of aftrekking van hul pneumokonioseheffings op die eienaars verhaal of aan hulle teruggegee; en”

Amendment of section 121 of Act 64 of 1962.

**10.** Section *one hundred and twenty-one* of the principal Act is hereby amended by the substitution for paragraph (a) of sub-section (3) of the following paragraph:

“(a) in the case of such mines which were in existence on the said day, and subject to the provisions of sub-section (4), be recovered from or returned to the owners of such mines over a period not exceeding twenty years by means of deduction from or addition to the pneumoconiosis levies of such owners; and”.

Substitution of section 129 of Act 64 of 1962.

**11.** The following section is hereby substituted for section *one hundred and twenty-nine* of the principal Act:

“Minister to make payments into C-account. **129.** (1) The Minister shall, in consultation with the Minister of Finance, out of moneys appropriated by Parliament for the purpose, pay to the council for the credit of the C-account, such amounts as he deems necessary or desirable to enable the council to meet all the liabilities which are payable from that account.

(2) If after the liabilities payable from the C-account have been extinguished, the moneys credited to the said account under sub-section (3) of section *one hundred and ten* and sub-section (3) of section *one hundred and twelve* of the principal Act have not been expended fully, the unexpended balance of such moneys shall be credited to the A-account and the B-account in such proportions as the council may determine after consultation with an actuary.

(3) If after the liabilities payable from the C-account have been extinguished and the total of the payments made from the said account exceeds the aggregate of the moneys mentioned in sub-section (2), the moneys standing to the credit of that account shall be paid into the Consolidated Revenue Fund.”.

Extension of provisions of section 101 of Act 64 of 1962, as substituted by section 22 of Act 50 of 1964.

**12.** The provisions of section *one hundred and one* of the principal Act shall *mutatis mutandis* apply with reference to any person or (in the case of a male person) the wife of such person, who on the date immediately preceding the commencement of this Act was in receipt of a pension under the principal Act or a repealed Act and who ceases as from such commencement to be entitled to a pension which was payable to him or her under any other Act, by reason of the fact that such person is entitled to a pension under this Act.

Commencement.

**13.** This Act, except sections *three* and *eight* which shall be deemed to have come into operation on the first day of October, 1962, shall come into operation on the first day of October, 1965.

Short title.

**14.** This Act shall be called the Pneumoconiosis Compensation Amendment Act, 1965.

10. Artikel *honderd een-en-twintig* van die Hoofwet word hierby gewysig deur paragraaf (a) van sub-artikel (3) deur die volgende paragraaf te vervang: Wysiging van artikel 121 van Wet 64 van 1962.

„(a) in die geval van sodanige myne wat op bedoelde dag bestaan het, en onderworpe aan die bepalings van sub-artikel (4), oor 'n tydperk van hoogstens twintig jaar deur middel van byvoeging by of aftrekking van hul pneumokonioseheffings op die eenaars van bedoelde myne verhaal of aan hulle teruggee; en”.

11. Artikel *honderd nege-en-twintig* van die Hoofwet word hierby deur die volgende artikel vervang: Vervanging van artikel 129 van Wet 64 van 1962.

„Minister moet betalings aan C-rekening maak.

129. (1) Die Minister moet in oorleg met die Minister van Finansies uit gelde wat die Parlement vir die doel bewillig het, aan die raad tot krediet van die C-rekening, die bedrae betaal wat hy nodig of doenlik ag om die raad in staat te stel om al die verpligtings wat uit daardie rekening betaalbaar is, te dek.

(2) Indien, nadat die verpligtings wat uit die C-rekening betaalbaar is, uitgewis is, die geld waarmee bedoelde rekening ingevolge sub-artikel (3) van artikel *honderd-en-tien* en sub-artikel (3) van artikel *honderd-en-twaalf* van die Hoofwet gekrediteer is, nie ten volle bestee is nie, moet die onuitbetaalde balans van dié geld tot krediet van die A-rekening en die B-rekening geplaas word in die verhoudings wat die raad na oorlegpleging met 'n aktuaris bepaal.

(3) Indien, nadat die verpligtings wat uit die C-rekening betaalbaar is, uitgewis is en die totaal van die betalings wat uit gemelde rekening gemaak is, die som van die in sub-artikel (2) bedoelde geld te bowe gaan, moet die geld wat tot die krediet van daardie rekening staan in die Gekonsolideerde Inkomstefonds gestort word.”.

12. Die bepalings van artikel *honderd-en-een* van die Hoofwet is *mutatis mutandis* van toepassing met betrekking tot 'n persoon of (in die geval van 'n manspersoon) die eggenote van daardie persoon, wat onmiddellik voor die inwerkingtreding van hierdie Wet 'n pensioen ingevolge die Hoofwet of 'n herroepe Wet ontvang het en wat vanaf bedoelde inwerkingtreding ophou om op 'n pensioen wat aan hom of haar ingevolge enige ander Wet betaalbaar was, geregtig te wees vanweë die feit dat daardie persoon op 'n pensioen ingevolge hierdie Wet geregtig is. Uitbreiding van bepalings van artikel 101 van Wet 64 van 1962, soos vervang deur artikel 22 van Wet 50 van 1964.

13. Hierdie Wet, behalwe artikels *drie* en *agt*, wat geag word op die eerste dag van Oktober 1962 in werking te getree het, tree op die eerste dag van Oktober 1965 in werking. Inwerkingtreding.

14. Hierdie Wet heet die Wysigingswet op Pneumokoniose-vergoeding, 1965. Kort titel.

No. 93, 1965.]

# ACT

To amend the National Parks Act, 1962.

(Afrikaans text signed by the State President.)  
(Assented to 18th June, 1965.)

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

Amendment of section 1 of Act 42 of 1962.

1. Section *one* of the National Parks Act, 1962 (hereinafter referred to as the principal Act), is hereby amended by the insertion after the definition of "hunt" of the following definition:

"'land' includes the sea and the sea-shore as defined in the Sea-shore Act, 1935 (Act No. 21 of 1935);".

Substitution of section 4 of Act 42 of 1962.

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

4. The object of the constitution of a park is the preservation and study therein of wild animal, marine and plant life and of objects of geological, archaeological, historical, ethnological, oceanographic and other scientific interest and the benefit and enjoyment of visitors to the park."

Amendment of section 12 of Act 42 of 1962.

3. Section *twelve* of the principal Act is hereby amended—

(a) by the substitution for paragraph (a) of sub-section (2) of the following paragraph:

"(a) construct such roads, bridges, buildings, dams, fences, breakwaters, seawalls, boathouses, landing stages, mooring places, swimming-pools, oceanariums and underwater tunnels and carry out such other works as it may consider necessary for the control, management or maintenance of the park;" and

(b) by the addition of the following sub-sections:

"(4) The board may, if authorized thereto by the Minister, investigate the question whether or not it would be desirable to have any area declared a park or to have any land included in a park.

(5) The board may, if approved by the Minister acting in consultation with the Minister of Finance, grant exemption or partial exemption from payment of any or all of the charges determined under paragraph (i) of sub-section (2) or the fees payable in terms of any regulation made under paragraph (d) or (e) of sub-section (1) of section *twenty-eight*, to members of the board and to any particular other person so approved."

Insertion of section 12bis in Act 42 of 1962.

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

"Manufacture, sale and supply of Bantu beer in a park by the board.

12bis. (1) Notwithstanding anything to the contrary in any law contained, the board may, subject to the succeeding provisions of this section, in any camp manufacture, sell and supply Bantu beer and any person to whom such beer is so sold or supplied may be in possession thereof in or on any place within the park determined by the board.

(2) The board shall manufacture, sell and supply such beer only on sites or in premises approved by the Minister.

No. 93, 1965.]

# WET

## Tot wysiging van die Wet op Nasionale Parke, 1962.

(Afrikaanse teks deur die Staatspresident geteken.)  
(Goedgekeur op 18 Junie 1965.)

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

1. Artikel *een* van die Wet op Nasionale Parke, 1962 (hieronder die Hoofwet genoem), word hierby gewysig deur na die omskrywing van „dier” die volgende omskrywing in te voeg: „grond’ ook die see en die strand soos in die Strandwet, 1935 (Wet No. 21 van 1935), omskryf;”. Wysiging van artikel 1 van Wet 42 van 1962.
  
2. Artikel *vier* van die Hoofwet word hierby deur die volgende artikel vervang: Vervanging van artikel 4 van Wet 42 van 1962.

„Oogmerk van ’n park. 4. Die oogmerk met die instelling van ’n park is die bewaring en bestudering daarin van die wilde dierelewe, seelewe en plantelewe en van voorwerpe van geologiese, argeologiese, historiese, etnologiese, oseanografiese en ander wetenskaplike belang, en die voordeel en genot van besoekers aan die park.”
  
3. Artikel *twaalf* van die Hoofwet word hierby gewysig— Wysiging van artikel 12 van Wet 42 van 1962.
  - (a) deur paragraaf (a) van sub-artikel (2) deur die volgende paragraaf te vervang:
 

„(a) die paaie, brugge, geboue, damme, heinings, seewerings, strandmure, boothuise, aanlegsteiers, vasmeerplekke, swemdamme, oseanariums en onderwatertonnels aanlê en oprig en sulke ander werke uitvoer as wat hy vir die beheer, bestuur of instandhouding van die park nodig ag;” en
  - (b) deur die volgende sub-artikels by te voeg:
 

„(4) Die raad kan, indien deur die Minister daartoe gemagtig, die vraag ondersoek of dit wenslik al dan nie sou wees om enige gebied tot ’n park te verklaar of om enige grond tot deel van ’n park te verklaar.

(5) Die raad kan, indien deur die Minister handelende in oorleg met die Minister van Finansies goedgekeur, vrystelling of gedeeltelike vrystelling verleen van betaling van enige van of al die gelde kragtens paragraaf (i) van sub-artikel (2) bepaal of die gelde betaalbaar ingevolge enige regulasie kragtens paragraaf (d) of (e) van sub-artikel (1) van artikel *agt-entwintig* uitgevaardig, aan lede van die raad en aan enige besondere ander persoon aldus goedgekeur.”
  
4. Die volgende artikel word hierby in die Hoofwet na artikel *twaalf* ingevoeg: Invoeging van artikel 12bis in Wet 42 van 1962.

„Maak, verkoop en verskaffing van Bantoebier in ’n park deur die raad. **12bis.** (1) Ondanks andersluidende wetsbepalings, kan die raad, behoudens die volgende bepalinge van hierdie artikel, in enige kamp Bantoebier maak, verkoop en verskaf en enigiemand aan wie sodanige bier aldus verkoop of verskaf word, mag in besit daarvan wees in of op enige plek in die park wat die raad bepaal.

(2) Die raad maak, verkoop en verskaf sodanige bier alleen op terreine of in persele deur die Minister goedgekeur.

(3) The board shall not sell or supply Bantu beer to any person under the apparent age of eighteen years.

(4) Different selling prices may be fixed by the board for Bantu beer sold to different classes of persons.

(5) For the purposes of this section Bantu beer means Bantu beer within the meaning of the Bantu Beer Act, 1962 (Act No. 63 of 1962)."

Amendment of section 14 of Act 42 of 1962.

5. Section *fourteen* of the principal Act is hereby amended by the substitution for sub-section (2) of the following sub-section:

"(2) An officer or employee shall receive such remuneration and allowances and such retiring pension or gratuity (if any) and be granted such residential, pastoral and agricultural facilities in a park and be entitled to such privileges as the board may deem reasonable and proper."

Amendment of section 20 of Act 42 of 1962.

6. Section *twenty* of the principal Act is hereby amended—

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

"(a) enter or reside in a park without the permission of the board or any officer or employee authorized to grant such permission;"

(b) by the substitution for paragraph (d) of the said sub-section of the following paragraph:

"(d) wilfully or negligently cause a veld fire or any damage to any object of geological, archaeological, historical, ethnological, oceanographic or other scientific interest within a park;"

(c) by the substitution for paragraph (g) of the said sub-section of the following paragraph:

"(g) cut, damage, remove or destroy any tree or other plant (including any marine plant) in a park or remove seed from any such tree or plant;"

(d) by the deletion at the end of paragraph (d) of sub-section (2) of the word "or";

(e) by the addition at the end of paragraph (e) of sub-section (2) of the word "or"; and

(f) by the addition to sub-section (2) of the following paragraph:

"(f) to capture or gather and remove from a park any quantity of any species of aquatic animal or aquatic plant if he does so on the authority of and in accordance with a permit obtained from the board or any officer or employee authorized to grant such a permit."

Amendment of section 23 of Act 42 of 1962.

7. Section *twenty-three* of the principal Act is hereby amended—

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

"(1) Any person who contravenes the provisions of paragraph (c) of sub-section (1) of section *twenty* with reference to any elephant, rhinoceros, hippopotamus, giraffe, eland, inyala, buffalo, roan antelope, sable, tsessebe, gemsbok mountain, zebra, bontbok, Natal red duiker, oribi, black wildebeest, steenbok, blue duiker, reedbuck, lion, leopard, cheetah, secretary bird, Kori bustard, roller, albatross, whale, porpoise, sea-elephant or sea-leopard, shall be guilty of an offence and liable on conviction to a fine of not less than four hundred rand and not more than eight hundred rand or in default of payment of such fine to imprisonment for a period of not less than one year and not more than two years or, if such person has been previously convicted under this sub-section or under sub-section (2), he may be sentenced to such imprisonment without the option of a fine, and, if the court so convicting such person finds that the contravention was wilful, it may on a first or subsequent conviction in addition to any fine or imprisonment to which such person may be sentenced, sentence such person to corporal punishment not exceeding ten strokes."

(3) Die raad mag nie Bantoebier aan iemand onder die skynbare leeftyd van agtien jaar verkoop of verskaf nie.

(4) Verskillende verkooppriese kan deur die raad vasgestel word vir Bantoebier wat aan verskillende klasse van persone verkoop word.

(5) By die toepassing van hierdie artikel beteken Bantoebier Bantoebier binne die bedoeling van die Wet op Bantoebier, 1962 (Wet No. 63 van 1962)."

5. Artikel *veertien* van die Hoofwet word hierby gewysig deur sub-artikel (2) deur die volgende sub-artikel te vervang:

Wysiging van artikel 14 van Wet 42 van 1962.

„(2) 'n Beampte of werknemer ontvang die besoldiging en toelaes en by aftreding die pensioen of gratifikasie (as dit toegestaan word) en aan hom word die woon-, weidings- en landbougeriewe in 'n park toegeken en hy is geregtig op die voorregte wat die raad redelik en gepas ag.”

6. Artikel *twintig* van die Hoofwet word hierby gewysig—

Wysiging van artikel 20 van Wet 42 van 1962.

(a) deur paragraaf (a) van sub-artikel (1) deur die volgende paragraaf te vervang:

„(a) sonder verlof van die raad of 'n beampte of werknemer wat gemagtig is om sodanige verlof te verleen, 'n park betree of daarin woon nie;”;

(b) deur paragraaf (d) van genoemde sub-artikel deur die volgende paragraaf te vervang:

„(d) opsetlik of nalatiglik 'n veldbrand of skade aan 'n voorwerp van geologiese, argeologiese, historiese, etnologiese, oseanografiese of ander wetenskaplike belang in 'n park veroorsaak nie;”;

(c) deur paragraaf (g) van genoemde sub-artikel deur die volgende paragraaf te vervang:

„(g) 'n boom of ander plant (met inbegrip van enige seeplant) in 'n park vel of afsny, beskadig, verwyder of vernietig nie of saad van so 'n boom of plant verwyder nie;”;

(d) deur aan die end van paragraaf (d) van sub-artikel (2) die woord „of” te skrap;

(e) deur aan die end van paragraaf (e) van sub-artikel (2) die woord „of” by te voeg; en

(f) deur die volgende paragraaf by sub-artikel (2) te voeg:

„(f) om enige hoeveelheid van enige soort waterdier of waterplant te vang of te versamel en uit 'n park te verwyder nie indien hy dit doen op gesag van en ooreenkomstig 'n permit verkry van die raad of enige beampte of werknemer wat gemagtig is om so 'n permit te verleen.”

7. Artikel *drie-en-twintig* van die Hoofwet word hierby gewysig—

Wysiging van artikel 23 van Wet 42 van 1962.

(a) deur sub-artikel (1) deur die volgende sub-artikel te vervang:

„(1) Iemand wat die bepalings van paragraaf (c) van sub-artikel (1) van artikel *twintig* oortree met betrekking tot 'n olifant, renoster, seekoei, kameelperd, eland, injala, buffel, bastergemsbok, swartwitpens, basterhartbees, gemsbok, bergkwagga, bontbok, Natal-rooидуiker, oorbietjie, swartwildebees, steenbok, blou-duiker, rietbok, leeu, luiperd, jagluiperd, sekretarisvoël, gompou, troupan, albatros, walvis, tornyn, see-olifant of seeluiperd is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van minstens vierhonderd rand en hoogstens agthonderd rand of by wanbetaling van sodanige boete met gevangenisstraf vir 'n tydperk van minstens een jaar en hoogstens twee jaar of, as so iemand voorheen ingevolge hierdie sub-artikel of sub-artikel (2) veroordeel is, kan hy tot sodanige gevangenisstraf sonder die keuse van 'n boete gevonnissen word, en as die hof wat so iemand veroordeel, bevind dat die oortreding opsetlik was, kan die hof by 'n eerste of latere skuldigbevinding, benevens enige boete of gevangenisstraf waartoe so iemand gevonnissen kan word, so iemand tot lyfstraf van hoogstens tien houevonnissen.”;

(b) by the substitution for paragraph (b) of sub-section (5) of the following paragraph:

“(b) Any vehicle or vessel used in connection with a contravention of the provisions of paragraph (c) of sub-section (1) of section *twenty* may, if the contravention was wilful, be declared forfeited to the State unless it is proved that the person convicted is not the owner of such vehicle or vessel and that the owner thereof could not have prevented its use by the person convicted.”; and

(c) by the substitution for sub-section (6) of the following sub-section:

“(6) Any fine paid or recovered in respect of an offence under this Act, committed within a park, and any weapon, explosive, trap, poison, animal, article, vehicle or vessel forfeited in terms of sub-section (5), shall be paid over or delivered to the board.”.

Amendment of section 26 of Act 42 of 1962.

8. Section *twenty-six* of the principal Act is hereby amended by the substitution for sub-section (2) of the following sub-section:

“(2) Any officer designated by the board may, within a park or at any place within one mile from the boundary of a park, search without a warrant any premises, place, vehicle, vessel, tent or receptacle of whatever nature if it is on reasonable grounds suspected that there is at or in such premises, place, vehicle, vessel, tent or receptacle any animal or article which may afford evidence of the commission of an offence under this Act and may seize any such animal or article wherever found.”.

Amendment of section 28 of Act 42 of 1962.

9. Section *twenty-eight* of the principal Act is hereby amended—

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

“(iii) the burning of grass, the cutting of trees, reeds and grass and the gathering of marine plants within a park;”; and

(b) by the substitution for paragraph (e) of the said sub-section of the following paragraph:

“(e) the fees (if any) to be paid in respect of permission under section *twenty-two* to enter or reside in a park, the admission of motor cars or other vehicles or of vessels to and the taking of photographs within a park or any other matter connected with the use and enjoyment of a park;”.

Insertion of section 28bis in Act 42 of 1962.

10. The following section is hereby inserted in the principal Act after section *twenty-eight*:

“Application of Sea-shore Act, 1935 and Sea Fisheries Act, 1940, in a park.

28bis. (1) The Sea-shore Act, 1935 (Act No. 21 of 1935), shall not apply in or in respect of any area which forms part of a park.

(2) Where any portion of the sea, as defined in the Sea-shore Act, 1935, forms part of a park the Sea Fisheries Act, 1940 (Act No. 10 of 1940), shall not apply in or in respect of so much of such portion as is situated within such distance (not exceeding one nautical mile) out to sea from the low water mark of such portion, as the Minister may, in consultation with the Minister of Economic Affairs, determine by notice in the *Gazette*.”.

Short title.

11. This Act shall be called the National Parks Amendment Act, 1965.



(b) deur paragraaf (b) van sub-artikel (5) deur die volgende paragraaf te vervang:

„(b) 'n Voertuig of vaartuig wat gebruik is in verband met 'n oortreding van die bepalings van paragraaf (c) van sub-artikel (1) van artikel *twintig* kan, as die oortreding opsetlik was, aan die Staat verbeurd verklaar word tensy bewys word dat die veroordeelde persoon nie die eienaar van sodanige voertuig of vaartuig is nie en dat die eienaar daarvan nie die gebruik daarvan deur die veroordeelde persoon kon verhoed het nie.”; en

(c) deur sub-artikel (6) deur die volgende sub-artikel te vervang:

„(6) 'n Boete betaal of ingevorder ten opsigte van 'n misdryf ingevolge hierdie Wet wat in 'n park gepleeg is, en enige wapen, ontplofbare stof, val, gif, dier, artikel, voertuig of vaartuig wat ingevolge sub-artikel (5) verbeurd verklaar is, word aan die raad oorbetaal of oorhandig.”.

8. Artikel *ses-en-twintig* van die Hoofwet word hierby gewysig deur sub-artikel (2) deur die volgende sub-artikel te vervang:

Wysiging van artikel 26 van Wet 42 van 1962.

„(2) 'n Beamppte deur die raad aangewys, kan enige perseel, plek, voertuig, vaartuig, tent of houer van watter aard ook al in 'n park of op enige plek binne een myl van die grens van 'n park sonder 'n lasbrief visenteer as dit op redelike gronde vermoed word dat daar op of in bedoelde perseel, plek, voertuig, vaartuig, tent of houer 'n dier of artikel is wat tot bewys van die pleeg van 'n misdryf ingevolge hierdie Wet kan strek en kan so 'n dier of artikel in beslag neem waar dit ook al gevind word.”.

9. Artikel *agti-en-twintig* van die Hoofwet word hierby gewysig—

Wysiging van artikel 28 van Wet 42 van 1962.

(a) deur sub-paragraaf (iii) van paragraaf (a) van sub-artikel (1) deur die volgende sub-paragraaf te vervang:

„(iii) die brand van gras, die vel van bome, die sny van riet of gras en die versamel van seeplante in 'n park;”; en

(b) deur paragraaf (e) van genoemde sub-artikel deur die volgende paragraaf te vervang:

„(e) die gelde (as dit geëis word) wat betaal moet word ten opsigte van verlof kragtens artikel *twee-en-twintig* om 'n park te betree of daarin te woon, die toelating van motorkarre of ander voertuie of van vaartuie en die neem van foto's in 'n park of enige ander aangeleentheid wat met die gebruik en genot van 'n park in verband staan;”.

10. Die volgende artikel word hierby na artikel *agti-en-twintig* in die Hoofwet ingevoeg:

Invoeging van artikel 28bis in Wet 42 van 1962.

„Toepassing van die Strandwet, 1935, en die Wet op Seevisserye 1940, in 'n park.

28bis. (1) Die Strandwet, 1935 (Wet No. 21 van 1935), is nie in of ten opsigte van enige gebied wat deel van 'n park uitmaak van toepassing nie.

(2) Waar enige gedeelte van die see, soos in die Strandwet, 1935, omskryf, deel van 'n park uitmaak, is die Wet op Seevisserye, 1940 (Wet No. 10 van 1940), nie van toepassing nie in of ten opsigte van soveel van sodanige gedeelte as wat geleë is binne die afstand (nie een seemyl te bowe gaande nie) seewaarts vanaf die laagwatermerk van sodanige gedeelte wat die Minister, in oorleg met die Minister van Ekonomiese Sake, by kennisgewing in die *Staatskoerant* bepaal.”.

11. Hierdie Wet heet die Wysigingswet op Nasionale Parke, Kort titel. 1965.

No. 94, 1965.]

# ACT

**To consolidate and amend the laws relating to the removal or modification of restrictions on immovable property imposed by will or other instrument; to impose a limit on the duration of fideicommissa created by will or other instrument in respect of immovable property; to impose a limit on the duration of restrictions on the alienation of immovable property imposed by will or other instrument otherwise than by way of a fideicommissum; and to provide for incidental matters.**

*(English text signed by the State President.)  
(Assented to 18th June, 1965.)*

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

Interpretation of terms.

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

- (i) “beneficiary” means any person entitled to a beneficial interest in immovable property under a will or other instrument or for whose benefit any immovable property is held in terms of a will or other instrument by a trustee, administrator or fiduciary without a beneficial interest; (i)
- (ii) “court” means a court of a provincial or local division of the Supreme Court of South Africa having jurisdiction; (ii)
- (iii) “fideicommissum” does not include a trust. (ii)

Application to the court for the removal or modification of restrictions on immovable property.

**2.** (1) If any beneficiary interested in immovable property which is subject to any restriction imposed by will or other instrument before or after the commencement of this Act, desires to have such restrictions removed or modified on the ground that such removal or modification will be to the advantage of the persons, born or unborn, certain or uncertain, who are or will be entitled to such property or the income thereof under such will or instrument, such beneficiary may apply to the court for the removal or modification of such restriction.

(2) An application to the court under this Act shall be on notice of motion supported by affidavits, and notice of such application shall be given to all other beneficiaries under the will or instrument: Provided that if all the beneficiaries join in such application, it may be made by way of petition.

Powers of court as to removal or modification of restrictions on immovable property and as to disposal of proceeds of such property.

**3.** (1) If the court to which application is made under this Act, is satisfied—

- (a) that the shares which any of the beneficiaries in being at the time of the making of such application individually hold in the immovable property concerned are so small that they cannot be beneficially occupied or enjoyed; or
- (b) that no beneficial use can be made of the immovable property concerned by the beneficiaries in being owing to there being a prohibition in the will or other instrument against the subdivision of the property; or

## WET

**Tot samevatting en wysiging van die wetsbepalings met betrekking tot die opheffing of wysiging van beperkinge op onroerende goed opgelê by testament of ander dokument; om 'n beperking te plaas op die duur van fideikommisse geskep by testament of ander dokument ten opsigte van onroerende goed; om 'n beperking te plaas op die duur van beperkinge op die vervreemding van onroerende goed opgelê by testament of ander dokument op 'n ander wyse as by wyse van 'n fideikommis; en om voorsiening te maak vir bykomstige aangeleenthede.**

*(Engelse teks deur die Staatspresident geteken.)  
(Goedgekeur op 18 Junie 1965.)*

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

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

- (i) „begunstigde” iemand wat 'n voordelige reg op onroerende goed ingevolge 'n testament of ander dokument het of ten bate van wie onroerende goed ingevolge 'n testament of ander dokument deur 'n trustee, administrateur of fiduciarius sonder 'n voordelige reg gehou word; (i)
- (ii) „fideikommis” nie ook 'n trust nie; (iii)
- (iii) „hof” 'n hof van 'n provinsiale of plaaslike afdeling van die Hoogeregshof van Suid-Afrika wat jurisdiksie het. (ii)

**2.** (1) Indien 'n begunstigde wat belang het by onroerende goed wat onderworpe is aan 'n beperking wat voor of na die inwerkingtreding van hierdie Wet by testament of ander dokument opgelê is, verlang dat die beperking opgehef of gewysig word op die grond dat die opheffing of wysiging tot die voordeel sal wees van die persone, gebore of ongeboore, seker of onseker, wat ingevolge daardie testament of ander dokument geregtig is of geregtig sal word op daardie onroerende goed of die inkomste daarvan, kan daardie begunstigde by die hof aansoek doen om die opheffing of wysiging van daardie beperking.

Aansoek by die hof om die opheffing of wysiging van beperkinge op onroerende goed.

(2) 'n Aansoek by die hof ingevolge hierdie Wet geskied by kennisgewing van mosie gesteun deur beëdigde verklarings, en kennis van die aansoek moet aan al die ander begunstigdes ingevolge die testament of dokument gegee word: Met dien verstande dat indien al die begunstigdes saam die aansoek doen, dit by petisie kan geskied.

**3.** (1) Indien die hof by wie aansoek ingevolge hierdie Wet gedoen word, oortuig is—

- (a) dat die aandeel wat deur een of meer van die begunstigdes wat ten tyde van die doen van die aansoek in lewe is, afsonderlik in die betrokke onroerende goed gehou word, so klein is dat hulle nie met voordeel geokkupeer of geniet kan word nie; of
- (b) dat geen nuttige gebruik van die betrokke onroerende goed deur die begunstigdes wat in lewe is, gemaak kan word nie ten gevolge van 'n verbod in die testament of ander dokument teen die onderverdeling van daardie goed; of

Bevoegdheid van hof betreffende die opheffing of verwydering van beperkinge op onroerende goed en betreffende die beskikking oor opbrengs van sodanige goed.

- (c) that since the taking effect of the will or other instrument imposing any restriction upon the immovable property concerned circumstances materially affecting the value of the property have arisen which in the opinion of the court were not contemplated or foreseen by the person who made and executed the will or instrument; or
- (d) that it will be in the public interest or in the interests of the persons referred to in sub-section (1) of section *two*, to do so,

it may remove or modify any restriction such as is referred to in sub-section (1) of section *two* and order the property to be sold in whole or in part or may make such further or other order as to it may seem just.

(2) If the court orders the property or any portion thereof to be sold, it may further order that the proceeds derived from such sale—

- (a) be paid over to some person specially appointed by the court who shall, for the benefit of the persons referred to in sub-section (1) of section *two*, invest the same in securities or immovable property which shall *mutatis mutandis* be subject to all the terms, conditions and trusts contained in the will or other instrument relating to the property sold; or
- (b) be distributed among the beneficiaries in being to be enjoyed by them absolutely; or
- (c) be dealt with in such further or other manner as to it may seem just in order to give effect to any order it may make under sub-section (1) of this section.

Powers of court relating to evidence.

4. The court may, if it thinks fit—

- (a) order oral evidence to be produced before it upon any point arising out of the application and affecting the rights of any person, whether such person is a party to the application or not;
- (b) order any magistrate or other person specially appointed by the court as commissioner to take and record such oral evidence or to cause the same to be recorded and transmit the record thereof to the court;
- (c) refer the application to the Master of the Supreme Court or to some other person specially appointed by the court for a report thereon or upon some matter arising therefrom.

Appeal.

5. An appeal from a judgment or order of the court under this Act shall lie direct to the Appellate Division of the Supreme Court of South Africa without leave first obtained.

Limit on duration of any fideicommissum created after the commencement of this Act in respect of immovable property in favour of more than two successive fideicommissaries.

6. (1) Any fideicommissum created after the commencement of this Act by any will or other instrument in respect of immovable property in favour of more than two successive fideicommissaries shall, notwithstanding the terms of such will or instrument, be limited to two successive fideicommissaries.

(2) If in terms of any disposition made by will or other instrument after the commencement of this Act any immovable property or any undivided share in immovable property becomes vested in any fiduciary (other than a fiduciary without a beneficial interest) subject to a fideicommissum purporting to be in favour of more than two successive fideicommissaries, such immovable property or undivided share, or any undivided share therein, shall, notwithstanding the terms of such will or instrument, when it vests in the second successive fideicommissary, vest in, and be transferred to, such fideicommissary free of the fideicommissum.

Limit on duration of any fideicommissum created before the commencement of this Act in respect of immovable property.

7. (1) Any fideicommissum created before the commencement of this Act by any will or other instrument in respect of immovable property in favour of more than two successive fideicommissaries, shall, notwithstanding the terms of such will or instrument—

- (a) if at such commencement no fideicommissary substitution has taken place in terms of such will or instrument, be limited to two successive fideicommissaries;
- (b) if at such commencement one fideicommissary substitution has already taken place in terms of such will or instrument, be limited to one further fideicommissary;

- (c) dat sedert die inwerkingtreding van die testament of ander dokument wat 'n beperking op die betrokke onroerende goed lê, omstandighede ontstaan het wat 'n wesentlike invloed op die waarde van die goed het en wat volgens die oordeel van die hof nie deur die persoon wat die testament of dokument gemaak en verly het, beoog of voorsien is nie; of
- (d) dat dit in die openbare belang of in die belang van die in sub-artikel (1) van artikel twee bedoelde persone sal wees om dit te doen,

kan hy enige in sub-artikel (1) van artikel twee bedoelde beperking ophef of wysig en beveel dat die goed in sy geheel of ten dele verkoop word of kan hy so 'n verdere of ander bevel gee wat hy goeddink.

(2) Indien die hof beveel dat die goed of 'n gedeelte daarvan verkoop moet word, kan hy verder beveel dat die opbrengs wat van die verkoop verkry word—

- (a) aan 'n persoon spesiaal deur die hof benoem betaal word, wat dit ten voordele van die in sub-artikel (1) van artikel twee bedoelde persone moet belê in sekuriteite of onroerende goed wat *mutatis mutandis* onderworpe is aan alle bedinge, voorwaardes en trusts vervat in die testament of ander dokument wat op die verkoopte goed betrekking het; of
- (b) verdeel word onder die begunstigdes wat in lewe is, om deur hulle onvoorwaardelik geniet te word; of
- (c) op die verdere of ander manier wat hy goeddink, aangewend word om gevolg te gee aan 'n bevel wat hy kragtens sub-artikel (1) van hierdie artikel gee.

4. Die hof kan, na goeddunke—

- (a) beveel dat mondelinge getuienis aan hom voorgelê word oor punt wat uit die aansoek ontstaan en wat die regte van iemand raak, hetsy daardie iemand 'n party by die aansoek is al dan nie;
- (b) 'n landdros of ander persoon spesiaal deur die hof benoem, beveel om as kommissaris bedoelde getuienis af te neem en te notuleer of te laat notuleer en om die notule daarvan na die hof te stuur;
- (c) die aansoek verwys na die Meester van die Hooggeregshof of na 'n ander persoon spesiaal deur die hof benoem om daarvoor of oor die een of ander aangelentheid wat daaruit ontstaan, verslag te doen.

Bevoegdheids van hof met betrekking tot getuienis.

5. Van 'n uitspraak of bevel van die hof ingevolge hierdie Appèl. Wet kan regstreeks na die Appèlafdeling van die Hooggeregshof van Suid-Afrika geappelleer word sonder om vooraf verlof daartoe te verkry.

6. (1) 'n Fideikommis wat na die inwerkingtreding van hierdie Wet by testament of ander dokument ten opsigte van onroerende goed geskep word ten gunste van meer as twee opeenvolgende fideicommissarii, word, ondanks die bepaling van daardie testament of dokument, tot twee opeenvolgende fideicommissarii beperk.

Beperking op duur van 'n fideikommis wat na die inwerkingtreding van hierdie Wet ten opsigte van onroerende goed geskep word ten gunste van meer as twee opeenvolgende fideicommissarii.

(2) Indien ingevolge 'n beskikking na die inwerkingtreding van hierdie Wet by testament of ander dokument gemaak onroerende goed of 'n onverdeelde aandeel in onroerende goed oorgaan op 'n fiduciarius (uitgesonderd 'n fiduciarius sonder 'n voordelige reg) onderworpe aan 'n fideikommis wat ten gunste van meer as twee opeenvolgende fideicommissarii heet te wees, gaan, ondanks die bepaling van daardie testament of dokument, daardie onroerende goed of onverdeelde aandeel, of 'n onverdeelde aandeel daarin, wanneer dit op die tweede opeenvolgende fideicommissarius oorgaan, vry van die fideikommis op daardie fideicommissarius oor en word vry van daardie fideikommis aan daardie fideicommissarius getranspoteer.

7. (1) 'n Fideikommis wat voor die inwerkingtreding van hierdie Wet by testament of ander dokument ten opsigte van onroerende goed geskep is ten gunste van meer as twee opeenvolgende fideicommissarii, word, ondanks die bepaling van daardie testament of dokument—

Beperking op duur van 'n fideikommis wat voor die inwerkingtreding van hierdie Wet ten opsigte van onroerende goed geskep is.

- (a) indien by daardie inwerkingtreding geen fideikommissêre substitusie ingevolge daardie testament of dokument plaasgevind het nie, tot twee opeenvolgende fideicommissarii beperk;
- (b) indien by daardie inwerkingtreding reeds een fideikommissêre substitusie ingevolge daardie testament of dokument plaasgevind het, tot een verdere fideicommissarius beperk;

(c) if at such commencement two or more fideicommissary substitutions have already taken place in terms of such will or other instrument, be terminated at such commencement.

(2) If in terms of any disposition made by will or other instrument before the commencement of this Act any immovable property or any undivided share in immovable property—

(a) is vested at such commencement for the first time or becomes vested after such commencement for the first time, in terms of such will or instrument, in a fiduciary (other than a fiduciary without a beneficial interest) subject to a fideicommissum purporting to be in favour of more than two successive fideicommissaries, such immovable property or undivided share, or any undivided share therein, shall, notwithstanding the terms of such will or instrument, when it vests in the second successive fideicommissary, vest in such fideicommissary free of the fideicommissum and such immovable property or undivided share or the undivided share therein, as the case may be, shall be transferred to such fideicommissary free of the fideicommissum;

(b) is already vested at such commencement in terms of such will or instrument in the first fideicommissary subject to a fideicommissum purporting to be in favour of more than one further fideicommissary, such immovable property or undivided share, or any undivided share therein, shall, notwithstanding the terms of such will or instrument, when it vests after such commencement in the second successive fideicommissary, vest in such fideicommissary free of the fideicommissum and such immovable property or undivided share or the undivided share therein, as the case may be, shall be transferred to such fideicommissary free of the fideicommissum;

(c) is already vested at such commencement in terms of such will or instrument in the second or a later successive fideicommissary subject to a fideicommissum purporting to be in favour of further fideicommissaries, such immovable property or undivided share, shall, notwithstanding the terms of such will or instrument, at such commencement be released from such fideicommissum and such immovable property or undivided share, as the case may be, shall vest in such second or later fideicommissary free of the fideicommissum and such immovable property or undivided share shall, if it is not already registered in the name of such second or later fideicommissary, be transferred to such fideicommissary free of the fideicommissum.

Limit on duration of restrictions on alienation of immovable property imposed by will or other instrument otherwise than by way of a fideicommissum.

8. (1) No restriction against the alienation of any immovable property imposed before or after the commencement of this Act, otherwise than by way of a fideicommissum, by any will or other instrument which provides for benefits for successive beneficiaries named, described or designated therein, shall be effectual to prohibit or restrict the alienation of such immovable property after a right to enjoy any benefit in connection with or derived from such immovable property or any fund of which such immovable property forms a part, has in terms of the will or other instrument vested in the third successive beneficiary.

(2) After any restriction against alienation has ceased to be effectual in respect of any immovable property in terms of sub-section (1), such immovable property shall thereafter in all other respects continue to be, or if it is sold, the proceeds or any investment of the proceeds thereof, shall thereafter in all other respects *mutatis mutandis* be, subject to the terms, conditions and trusts contained in the will or other instrument relating to such immovable property.

Endorsement of title deed.

9. (1) Where any immovable property or any undivided share in immovable property which has vested in any fideicommissary free of any fideicommissum in terms of section six or seven, is registered in the name of such fideicommissary

- (c) indien by daardie inwerkingtreding reeds twee of meer fideikommissêre substitusies ingevolge daardie testament of ander dokument plaasgevind het, by daardie inwerkingtreding beëindig.
- (2) Indien ingevolge 'n beskikking voor die inwerkingtreding van hierdie Wet by testament of ander dokument gemaak, onroerende goed of 'n onverdeelde aandeel in onroerende goed—
- (a) by daardie inwerkingtreding vir die eerste keer oorgegaan het, of na daardie inwerkingtreding vir die eerste keer oorgaan, ingevolge daardie testament of dokument, op 'n fiduciarius (uitgesonderd 'n fiduciarius sonder 'n voordelige reg) onderworpe aan 'n fideikommis wat ten gunste van meer as twee opeenvolgende fideicommissarii heet te wees, gaan, ondanks die bepaling van daardie testament of dokument, daardie onroerende goed of onverdeelde aandeel, of 'n onverdeelde aandeel daarin, wanneer dit op die tweede opeenvolgende fideicommissarius oorgaan, vry van die fideikommis op daardie fideicommissarius oor en word daardie onroerende goed of onverdeelde aandeel of die onverdeelde aandeel daarin, na gelang van die geval, vry van die fideikommis aan daardie fideicommissarius getranspoteer;
- (b) by daardie inwerkingtreding reeds ingevolge daardie testament of dokument op die eerste fideicommissarius oorgegaan het onderworpe aan 'n fideikommis wat ten gunste van meer as een verdere fideicommissarius heet te wees, gaan, ondanks die bepaling van daardie testament of dokument, daardie onroerende goed of onverdeelde aandeel, of 'n onverdeelde aandeel daarin, wanneer dit na daardie inwerkingtreding op die tweede opeenvolgende fideicommissarius oorgaan, vry van die fideikommis op daardie fideicommissarius oor en word daardie onroerende goed of onverdeelde aandeel of die onverdeelde aandeel daarin, na gelang van die geval, vry van die fideikommis aan daardie fideicommissarius getranspoteer;
- (c) by daardie inwerkingtreding reeds ingevolge daardie testament of dokument op die tweede of 'n latere opeenvolgende fideicommissarius oorgegaan het onderworpe aan 'n fideikommis wat ten gunste van verdere fideicommissarii heet te wees, word, ondanks die bepaling van daardie testament of dokument, daardie onroerende goed of onverdeelde aandeel by daardie inwerkingtreding van bedoelde fideikommis bevry en gaan daardie onroerende goed of onverdeelde aandeel, na gelang van die geval, vry van die fideikommis op bedoelde tweede of latere fideicommissarius oor en word bedoelde onroerende goed of onverdeelde aandeel, indien dit nie reeds op die naam van bedoelde tweede of latere fideicommissarius geregistreer is nie, vry van die fideikommis aan bedoelde fideicommissarius getranspoteer.

8. (1) Geen beperking op die vervreemding van onroerende goed wat voor of na die inwerkingtreding van hierdie Wet anders as by wyse van 'n fideikommis opgelê is by 'n testament of ander dokument waarin voorsiening gemaak word vir voordele vir opeenvolgende begunstigdes daarin genoem, beskryf of aangewys, het die regskrag om die vervreemding van daardie onroerende goed te verbied of te beperk nadat 'n reg om 'n voordeel in verband met daardie onroerende goed of 'n fonds waarvan daardie onroerende goed 'n deel uitmaak of wat van daardie onroerende goed of so 'n fonds afkomstig is, te geniet, ingevolge die testament of ander dokument op die derde opeenvolgende begunstigde oorgegaan het nie.

Beperking op duur van beperkinge op vervreemding van onroerende goed opgelê by testament of ander dokument anders as by wyse van 'n fideikommis.

(2) Nadat 'n beperking op vervreemding ingevolge sub-artikel (1) opgehou het om ten opsigte van enige onroerende goed regskrag te hê, bly bedoelde onroerende goed daarna in alle ander opsigte, of as dit verkoop word, is die opbrengs of enige belegging van die opbrengs daarvan daarna in alle ander opsigte *mutatis mutandis*, onderworpe aan die bedinge, voorwaardes en trusts vervat in die testament of ander dokument wat op daardie onroerende goed betrekking het.

9. (1) Wanneer onroerende goed of 'n onverdeelde aandeel in onroerende goed wat ingevolge artikel ses of sewe vry van 'n fideikommis op 'n fideicommissarius oorgegaan het, op naam van daardie fideicommissarius geregistreer is of word onderworpe

Aantekening teen titelbewys.

subject to such fideicommissum, the registrar of deeds shall, on application by or on behalf of the fideicommissary, accompanied by the title deed under which such immovable property or undivided share is so registered and in which such fideicommissum is embodied, together with an order of court, or such other proof as the registrar may consider necessary, to the effect that the said immovable property or undivided share has vested in the fideicommissary free of the said fideicommissum, endorse the said title deed to that effect.

(2) After any restriction against alienation has ceased to be effectual in respect of any immovable property in terms of section *eight*, the registrar shall, on the application by or on behalf of the person in whose name such immovable property is registered, accompanied by the title deed under which such immovable property is so registered and in which such restriction is embodied, together with an order of court, or such other proof as the registrar may consider necessary, to the effect that the said restriction has so ceased to be effectual in respect of the said immovable property, endorse the said title deed to that effect.

Application of this Act in South-West Africa.

**10.** This Act and any amendment thereof shall apply also in the territory of South-West Africa, including that portion of the said territory known as the Eastern Caprivi Zipfel and referred to in sub-section (3) of section *three* of the South-West Africa Affairs Amendment Act, 1951 (Act No. 55 of 1951), and also in relation to all immovable property in that portion of the said territory known as the "Rehoboth Gebiet" and defined in the First Schedule to Proclamation No. 28 of 1923 of the Administrator of the said territory.

Repeal of laws.

**11.** (1) The laws specified in the Schedule are hereby repealed to the extent set out in the fourth column thereof.

(2) Any application made and any other thing done under any provision of any law repealed by this Act shall be deemed to have been made or done under the corresponding provision of this Act.

Short title and date of commencement.

**12.** This Act shall be called the Immovable Property (Removal or Modification of Restrictions) Act, 1965, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

#### Schedule.

Republic or Province.	No. and year of Law.	Title.	Extent of Repeal.
Republic ..	Act No. 2 of 1916.	The Removal or Modification of Restrictions on Immovable Property Act, 1916.	The whole.
..	Act No. 20 of 1924.	The Removal or Modification of Restrictions on Immovable Property Act, 1916, Amendment Act, 1924.	The whole.
..	Act No. 32 of 1952.	The General Law Amendment Act, 1952.	Section <i>six</i> .
South-West Africa.	Proclamation No. 43 of 1948.	The Removal or Modification of Restrictions on Immovable Property Proclamation, 1948.	The whole.
..	Ordinance No. 12 of 1956.	The General Law Amendment Ordinance, 1956.	Section <i>five</i> .



aan daardie fideikommis, moet die registrator van aktes, op aansoek deur of namens die fideicommissarius, vergesel van die titelbewys waarkragtens daardie onroerende goed of onverdeelde aandeel aldus geregistreer is en waarin daardie fideikommis beliggaam is, tesame met 'n bevel van die hof, of die ander bewys wat die registrator nodig ag, ten effekte dat bedoelde onroerende goed of onverdeelde aandeel vry van bedoelde fideikommis op die fideicommissarius oorgegaan het, 'n aantekening teen bedoelde titelbewys te dien effekte aanbring.

(2) Nadat 'n beperking op vervreemding ingevolge artikel *agt* opgehou het om ten opsigte van onroerende goed regsrag te hê, moet die registrator, op aansoek deur of namens die persoon op wie se naam daardie onroerende goed geregistreer staan, vergesel van die titelbewys waarkragtens daardie onroerende goed aldus geregistreer staan en waarin daardie beperking beliggaam is, tesame met 'n bevel van die hof, of die ander bewys wat die registrator nodig ag, ten effekte dat bedoelde beperking opgehou het om ten opsigte van bedoelde onroerende goed regsrag te hê, 'n aantekening teen bedoelde titelbewys te dien effekte aanbring.

10. Hierdie Wet en enige wysiging daarvan is ook van toepassing in die gebied Suidwes-Afrika, met inbegrip van daardie deel van genoemde gebied wat bekend staan as die Oostelike Caprivi Zipfel en wat in sub-artikel (3) van artikel *drie* van die Wysigingswet op Aangeleenthede van Suidwes-Afrika, 1951 (Wet No. 55 van 1951), genoem word, en ook met betrekking tot alle onroerende goed in dié deel van genoemde gebied wat bekend staan as die „Rehoboth Gebiet” en wat in die Eerste Bylae by Proklamasie No. 28 van 1923 van die Administrateur van daardie gebied omskryf word.

Toepassing van hierdie Wet in Suidwes-Afrika.

11. (1) Die wette in die Bylae vermeld, word hierby herroep in die mate in die vierde kolom daarvan uiteengesit.

Herroeping van wette.

(2) 'n Aansoek en enigiets anders gedoen kragtens 'n bepaling van 'n wet wat deur hierdie Wet herroep word, word geag kragtens die ooreenstemmende bepaling van hierdie Wet gedoen te gewees het.

12. Hierdie Wet heet die Wet op die Opheffing of Wysiging van Beperkings op Onroerende Goed, 1965, en tree in werking op 'n datum deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

Kort titel en datum van inwerkingtreding.

**Bylae.**

Republiek of Provinsie.	No. en jaar van Wet.	Titel.	In watter mate herroep.
Republiek ..	Wet No. 2 van 1916.	„De Wegneming of Wijziging van Beperkings op Vastgoed Wet, 1916”.	Die geheel.
„	Wet No. 20 van 1924.	„De Wegneming of Wijziging van Beperkings op Vastgoed Wet, 1916, Wijzigings Wet, 1924”.	Die geheel.
„	Wet No. 32 van 1952.	Die Algemene Regswysigingswet, 1952.	Artikel <i>ses</i> .
Suidwes-Afrika	Proklamasie No. 43 van 1948.	Die Proklamasie tot Verwydering of Wysiging van Beperkings op Vaste Goedere, 1948.	Die geheel.
„	Ordonnansie No. 12 van 1956.	Die Algemene Regswysigingsordonnansie, 1956.	Artikel <i>vyf</i> .

No. 99, 1965.]

# ACT

## To amend the Insolvency Act, 1936.

(Afrikaans text signed by the State President.)  
(Assented to 18th June, 1965.)

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

Amendment of section 5 of Act 24 of 1936, as amended by section 4 of Act 16 of 1943.

1. Section *five* of the Insolvency Act, 1936 (hereinafter referred to as the principal Act), is hereby amended by the substitution for sub-section (1) of the following sub-section:

“(1) After the publication of a notice of surrender in the *Gazette* in terms of section *four*, it shall not be lawful to sell any property of the estate in question, which has been attached under writ of execution or other process, unless the person charged with the execution of the writ or other process could not have known of the publication: Provided that the Master, if in his opinion the value of any such property does not exceed one thousand pounds, or the Court, if it exceeds that amount, may order the sale of the property attached and direct how the proceeds of the sale shall be applied.”.

Amendment of section 9 of Act 24 of 1936, as amended by section 6 of Act 16 of 1943.

2. Section *nine* of the principal Act is hereby amended by the substitution for sub-section (3) of the following sub-section:

“(3) Such a petition shall set forth the amount, cause and nature of the claim in question, shall state whether the claim is or is not secured and, if it is, the nature and value of the security, and shall set forth the debtor's act of insolvency upon which the petition is based or otherwise allege that the debtor is in fact insolvent. The facts stated in the petition shall be confirmed by affidavit and the petition shall be accompanied by a certificate of the Master given not more than ten days before the date of such petition that sufficient security has been given for the payment of all fees and charges necessary for the prosecution of all sequestration proceedings and of all costs of administering the estate until a trustee has been appointed, or if no trustee is appointed, of all fees and charges necessary for the discharge of the estate from sequestration.”.

Amendment of section 13 of Act 24 of 1936, as amended by section 7 of Act 16 of 1943.

3. Section *thirteen* of the principal Act is hereby amended by the substitution for sub-section (2) of the following sub-section:

“(2) Where the individual estate of a partner is unable fully to meet the costs of sequestration, the balance shall be paid out of the assets of the estate of the partnership.”.

Substitution of section 16 of Act 24 of 1936, as amended by section 9 of Act 16 of 1943.

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

“Insolvent and spouse whose separate estate has not been sequestered must deliver his business records and lodge statement of his affairs with Master.  
**16.** (1) The registrar of the court granting a final order of sequestration (including an order on acceptance of surrender) shall without delay cause a copy thereof to be served by the deputy sheriff, in the manner provided by the rules of court, on the insolvent concerned and if such order relates to the separate estate of one of two spouses who are not living apart under a judicial order of separation, also on the spouse whose estate has not been sequestered, and file with the Master a copy of the deputy sheriff's return of service.

(2) An insolvent upon whom a copy of such order has been served shall—

# WET

## Tot wysiging van die Insolvensiewet, 1936.

(Afrikaanse teks deur die Staatspresident geteken.)  
(Goedgekeur op 18 Junie 1965.)

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

1. Artikel vyf van die Insolvensiewet, 1936 (hieronder die Hoofwet genoem), word hierby gewysig deur sub-artikel (1) deur die volgende sub-artikel te vervang:

„(1) Na die publikasie in die *Staatskoerant*, ingevolge artikel vier, van 'n kennisgewing van boedeloorgawe, mag geen goed van die betrokke boedel wat in beslag geneem is kragtens 'n lasbrief tot eksekusie of 'n ander prosesstuk, verkoop word nie, tensy die persoon belas met die tenuitvoerlegging van die lasbrief of ander prosesstuk nie van die publikasie kon geweet het nie: Met dien verstande dat die Meester as die waarde van sodanige goed na sy mening nie meer as duisend pond bedra nie, of die hof, as die waarde meer bedra, die verkoop van die in beslaggenome goed kan gelas en kan beveel hoe die opbrengs van die verkoping bestee moet word.”

Wysiging van artikel 5 van Wet 24 van 1936, soos gewysig deur artikel 4 van Wet 16 van 1943.

2. Artikel nege van die Hoofwet word hierby gewysig deur sub-artikel (3) deur die volgende sub-artikel te vervang:

„(3) So 'n versoekskrif moet die bedrag, regsgrond en aard van die betrokke vordering vermeld en ook of sekuriteit vir die vordering gegee is of nie en indien wel, die aard en waarde van die sekuriteit, en moet die skuldenaar se daad van insolvensie waarop die versoek steun, aangee of andersins beweer dat die skuldenaar wel insolvent is. Die bewerings in die versoekskrif moet deur 'n beëdigde verklaring bevestig word en die versoekskrif moet vergesel gaan van 'n sertifikaat van die Meester wat nie meer as tien dae voor die datum van die versoekskrif uitgereik is nie, dat voldoende sekuriteit gestel is vir die betaling van alle gelde en koste wat nodig is om alle sekwestrasieverrigtings te volvoer en van alle koste van bereddering van die boedel totdat 'n kurator aangestel is, of as geen kurator aangestel word nie, van alle gelde en koste wat nodig is om die boedel van sekwestrasie te onthef.”

Wysiging van artikel 9 van Wet 24 van 1936, soos gewysig deur artikel 6 van Wet 16 van 1943.

3. Artikel dertien van die Hoofwet word hierby gewysig deur sub-artikel (2) deur die volgende sub-artikel te vervang:

„(2) Ingeval die afsonderlike boedel van 'n vennoot nie in staat is om die koste van sekwestrasie ten volle te dek nie, word die oorskot betaal uit die bates van die boedel van die vennootskap.”

Wysiging van artikel 13 van Wet 24 van 1936, soos gewysig deur artikel 7 van Wet 16 van 1943.

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

„Insolvent en eggenoot wie se afsonderlike boedel nie gesekwestreer is nie, moet sy besigheids-papiere afgee en staat van sy sake by Meester indien.

16. (1) Die griffier van die hof wat 'n finale sekwestrasie-order (met inbegrip van 'n order by aanname van boedeloorgawe) uitvaardig, laat sonder versuim 'n afskrif daarvan deur die onderbalju volgens voorskrif van die reëls van die hof aan die betrokke insolvent beteken, en indien so 'n order betrekking het op die afsonderlike boedel van een van twee eggenote wat nie kragtens 'n geregtelike skeidingsbevel geskeie leef nie, ook aan die eggenoot wie se boedel nie gesekwestreer is nie, en dien 'n afskrif van die onderbalju se relaas van betekening by die Meester in.

(2) 'n Insolvent aan wie 'n afskrif van so 'n order beteken is, moet—

Vervanging van artikel 16 van Wet 24 van 1936, soos gewysig deur artikel 9 van Wet 16 van 1943.

- (a) forthwith deliver to the deputy sheriff all books and records relating to his affairs, which have not yet been taken into custody in terms of paragraph (a) of sub-section (1) of section *nineteen* and obtain from the deputy sheriff a detailed receipt therefor; and
- (b) within seven days of such service lodge, in duplicate, with the Master a statement of his affairs as at the date of the sequestration order, framed in a form corresponding substantially with Form B of the First Schedule to this Act, containing the particulars for which provision is made in the said Form and verified by an affidavit (which shall be free from stamp duty) in the form set forth therein.

(3) A spouse whose separate estate has not been sequestrated and upon whom a copy of an order referred to in sub-section (1) has been served shall within seven days of such service lodge, in duplicate, with the Master a statement of his affairs, as at the date of the sequestration order, framed in a form corresponding substantially with Form B of the First Schedule to this Act containing the particulars for which provision is made in the said Form and verified by affidavit (which shall be free from stamp duty) in the form set forth therein.

(4) In the statement referred to in paragraph (b) of sub-section (2) or in sub-section (3) any merchandise mentioned therein shall be valued at its cost price or at its market value, at the time of the making of the said affidavit, whichever is the lower.

(5) If the Master is satisfied that the insolvent or a spouse referred to in sub-section (3) was unable to prepare, without assistance, such a statement which he lodged as aforesaid, the person who assisted the insolvent or such spouse with the preparation of the statement shall be entitled to a reasonable fee, to be determined by the Master, which shall be deemed to be part of the costs of the sequestration.”.

Amendment of section 19 of Act 24 of 1936, as amended by section 11 of Act 50 of 1956.

5. Section *nineteen* of the principal Act is hereby amended—

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

“(a) he shall take into his own custody all books of account, invoices, vouchers, business correspondence, and any other records relating to the affairs of the insolvent, cash, share certificates, bonds, bills of exchange, promissory notes, and other securities, and remit all such cash to the Master;”;

- (b) by the insertion after paragraph (c) of the said sub-section of the following paragraphs:

“(d) he shall make a detailed list of all such books and records and endorse thereon any explanation offered by the insolvent in respect thereof or in respect of any books or records relating to his affairs which the insolvent is unable to produce;

(e) if the insolvent is present he shall enquire from him whether the list referred to in paragraph (d) is a complete list of the books and records relating to his affairs and record his reply thereto.”;

- (c) by the insertion after sub-section (1) of the following sub-section:

“(1)*bis*. If an insolvent has in reply to the deputy sheriff’s enquiry intimated that the list referred to in paragraph (d) of sub-section (1) is a complete list of the books and records relating to his affairs, the books and records referred to in such list shall, unless the contrary is proved, in any criminal proceedings against him under this Act, be deemed to be the only books and records maintained by him.”; and

- (d) by the substitution for sub-section (3) of the following sub-section:

“(3) The deputy-sheriff shall—

- (a) immediately after effecting the attachment, report to the Master in writing that the attachment has been effected and mention in his report any

- (a) dadelik alle boeke en stukke wat op sy sake betrekking het en wat nie reeds ingevolge paragraaf (a) van sub-artikel (1) van artikel *negentien* in bewaring geneem is nie, aan die onderbalju oorhandig en van die onderbalju 'n gespesifiseerde kwitansie daarvoor ontvang; en
- (b) binne sewe dae na sodanige betekening by die Meester twee eksemplare indien van 'n vermoëstaat soos op die datum van die sekwestrasie-order, opgemaak in 'n vorm wat in hoofsaak ooreenkom met Formulier B van die Eerste Bylae tot hierdie Wet waarin die gegewens in daardie formulier vermeld, aangegee word, en wat deur 'n beëdigde verklaring (wat vry van seëlreg is) in die daarin aangegewe vorm bevestig word.

(3) 'n Eggenoot wie se afsonderlike boedel nie gesekwestreer is nie en aan wie 'n afskrif van 'n order in sub-artikel (1) bedoel, beteken is, moet binne sewe dae na sodanige betekening by die Meester twee eksemplare indien van 'n vermoëstaat soos op die datum van die sekwestrasie-order, opgemaak in 'n vorm wat in hoofsaak ooreenkom met Formulier B van die Eerste Bylae tot hierdie Wet, waarin die gegewens in daardie formulier vermeld, aangegee word en wat deur 'n beëdigde verklaring (wat vry van seëlreg is) in die daarin aangegewe vorm bevestig word.

(4) In die staat bedoel in paragraaf (b) van sub-artikel (2) of in sub-artikel (3) moet alle daarin vermelde handelsware gewaardeer word teen hulle kosprys of teen hulle markwaarde op die tydstip wanneer die beëdigde verklaring afgelê word, na gelang die een of die ander laer is.

(5) As die Meester oortuig is dat die insolvent of die eggenoot bedoel in sub-artikel (3) nie in staat was om die vermoëstaat wat hy soos voormeld, ingedien het, sonder hulp op te stel nie, dan is die persoon wat die insolvent of so 'n eggenoot gehelp het om die vermoëstaat op te stel, geregtig op 'n redelike deur die Meester vasgestelde geld, wat beskou word as deel van die koste van die sekwestrasie."

5. Artikel *negentien* van die Hoofwet word hierby gewysig—  
 (a) deur paragraaf (a) van sub-artikel (1) deur die volgende paragraaf te vervang:

Wysiging van artikel 19 van Wet 24 van 1936, soos gewysig deur artikel 11 van Wet 50 van 1956.

„(a) hy moet in sy eie bewaring neem alle rekening-boeke, fakture, bewysstukke, besigheidskorrespondensie en enige ander stukke wat op die insolvent se sake betrekking het, kontantgeld, aandeelsertifikate, verbande, wissels, promesses en ander sekuriteite en daardie kontantgeld aan die Meester stuur;”;

- (b) deur na paragraaf (c) van die genoemde sub-artikel die volgende paragrawe in te voeg:

„(d) hy moet 'n gespesifiseerde lys van alle sodanige boeke en stukke opstel en daarop enige verduideliking van die insolvent ten opsigte daarvan of ten opsigte van enige boeke of stukke wat op sy sake betrekking het en wat die insolvent nie kan voorlê nie, aanteken;

(e) indien die insolvent teenwoordig is, moet hy hom vra of die in paragraaf (d) bedoelde lys, 'n volledige lys is van die boeke en stukke wat op sy sake betrekking het en sy antwoord daarop aanteken.”;

- (c) deur na sub-artikel (1) die volgende sub-artikel in te voeg:

„(1)*bis*. Indien 'n insolvent in antwoord op die onderbalju se navraag aangedui het dat die in paragraaf (d) van sub-artikel (1) bedoelde lys, 'n volledige lys is van die boeke en stukke wat op sy sake betrekking het, word die boeke en stukke in daardie lys genoem in enige strafgeding teen hom ingevolge hierdie Wet, tensy die teendeel bewys word, geag die enigste boeke en stukke deur hom gehou te wees.”; en

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

„(3) Die onderbalju moet—

(a) onmiddellik nadat die beslaglegging gedoen is, skriftelik aan die Meester verslag doen dat die beslaglegging gedoen is en moet in sy verslag

property which to his knowledge is in the lawful possession of a pledgee or of a person who is entitled to retain such property by virtue of a right of retention and shall submit with such report a copy of the inventory made by him under sub-section (1);

(b) as soon as possible after the appointment of the trustee, submit a copy of such inventory to him.”.

Amendment of section 29 of Act 24 of 1936, as amended by section 17 of Act 16 of 1960 and section 9 of Act 64 of 1960.

6. Section *twenty-nine* of the principal Act is hereby amended by the substitution for sub-section (1) of the following sub-section:

“(1) Every disposition of his property made by a debtor not more than six months before the sequestration of his estate or, if he is deceased and his estate is insolvent, before his death, which has had the effect of preferring one of his creditors above another, may be set aside by the Court if immediately after the making of such disposition the liabilities of the debtor exceeded the value of his assets, unless the person in whose favour the disposition was made proves that the disposition was made in the ordinary course of business and that it was not intended thereby to prefer one creditor above another.”.

Amendment of section 39 of Act 24 of 1936.

7. Section *thirty-nine* of the principal Act is hereby amended by the substitution for sub-section (2) of the following sub-section:

“(2) All meetings of creditors held in the district, wherein there is a Master’s office shall be presided over by the Master or an officer in the public service, designated, either generally or specially, by the Master for that purpose. Meetings of creditors held in any other district shall be held in accordance with the direction of the Master and shall be presided over by the magistrate of the district, or by an officer in the public service, designated, either generally or specially, by the magistrate for that purpose.”.

Amendment of section 40 of Act 24 of 1936.

8. Section *forty* of the principal Act is hereby amended by the substitution for sub-section (3) of the following sub-section:

“(3) (a) After the first meeting of creditors and the appointment of a trustee, the Master shall appoint a second meeting of creditors for the proof of claims against the estate, and for the purpose of receiving the report of the trustee on the affairs and condition of the estate and giving the trustee directions in connection with the administration of the estate.

(b) The trustee shall convene the second meeting of creditors by notice in the *Gazette* and in one or more newspapers circulating in the district in which the insolvent resides or his principal place of business is situate.

(c) Whenever the notice referred to in paragraph (b) is published in any newspaper, the publication shall take place simultaneously in the Afrikaans language and in the English language and in the case of each such language in a newspaper circulating in the district referred to in the said paragraph which appears mainly in that language and the publication in each such language shall as far as practicable occupy the same amount of space: Provided that where in the district in question any newspaper appears substantially in both such languages publication in both such languages may take place in that newspaper.”.

Substitution of section 41 of Act 24 of 1936.

9. The following section is hereby substituted for section *forty-one* of the principal Act:

“41. The trustee of an insolvent estate may at any time and shall, whenever he is so required by the Master or by a creditor or creditors representing one-fourth of the value of all claims proved against the estate, convene in the manner prescribed by sub-section (3) of section *forty*, a meeting of creditors (hereinafter called a general meeting of creditors) for the purpose of giving him directions concerning any matter relating to the administration of the estate and shall state in such notice the matters to be dealt with at that meeting.”.

enige goed wat volgens sy wete in die wettige besit is van 'n pandhouer of van iemand wat geregtig is om sodanige goed kragtens 'n retensiereg te behou, vermeld en moet 'n afskrif van die inventaris wat kragtens sub-artikel (1) deur hom gemaak is saam met sodanige verslag stuur;

(b) so spoedig doenlik na die aanstelling van die kurator 'n afskrif van sodanige inventaris aan hom stuur."

6. Artikel *nege-en-twintig* van die Hoofwet word hierby gewysig deur sub-artikel (1) deur die volgende sub-artikel te vervang:

Wysiging van artikel 29 van Wet 24 van 1936, soos gewysig deur artikel 17 van Wet 16 van 1960 en artikel 9 van Wet 64 van 1960.

„(1) Elke vervreemding van sy goed, deur 'n skuldenaar nie meer as ses maande voor die sekwestrasie van sy boedel of, indien hy oorlede en sy boedel insolvent is, voor sy dood, gedaan, waarvan die gevolg is dat aan een van sy skuldeisers bo 'n ander voorkeur verleen is, kan deur die hof vernietig word, as die skulde van die skuldenaar onmiddellik na die vervreemding die waarde van sy bate te bo gegaan het, tensy die persoon ten bate van wie die vervreemding gedaan is, bewys dat die vervreemding in die gewone loop van besigheid gedaan is en dat daarmee nie bedoel was om aan een skuldeiser bo 'n ander voorkeur te verleen nie."

7. Artikel *nege-en-dertig* van die Hoofwet word hierby gewysig deur sub-artikel (2) deur die volgende sub-artikel te vervang:

Wysiging van artikel 39 van Wet 24 van 1936.

„(2) Op alle byeenkomste van skuldeisers gehou in 'n distrik waarin daar 'n meesterskantoor is, sit die Meester of 'n amptenaar in die staatsdiens wat die Meester in die algemeen of spesiaal daarvoor aangewys het, voor. Byeenkomste van skuldeisers in 'n ander distrik gehou, word volgens die Meester se voorskrifte, gehou onder voorsitterskap van die magistraat van die distrik of van 'n amptenaar in die staatsdiens wat die magistraat in die algemeen of spesiaal daarvoor aangewys het."

8. Artikel *veertig* van die Hoofwet word hierby gewysig deur sub-artikel (3) deur die volgende sub-artikel te vervang:

Wysiging van artikel 40 van Wet 24 van 1936.

„(3) (a) Na die eerste byeenkoms van skuldeisers en die aanstelling van 'n kurator, moet die Meester 'n tweede byeenkoms van skuldeisers vasstel om vorderings teen die boedel te bewys en om die kurator se verslag oor die sake en toestand van die boedel te ontvang en om aan die kurator opdrag in verband met die bereddering van die boedel te gee.

(b) Die kurator moet die tweede byeenkoms van skuldeisers by kennisgewing in die *Staatskoerant* en in een of meer nuusblaaië in omloop in die distrik waarin die insolvent woon of sy vernaamste besigheidsplek geleë is, belê.

(c) Wanneer die in paragraaf (b) bedoelde kennisgewing in 'n nuusblad gepubliseer word, moet die publikasie gelyktydig in die Afrikaanse taal en in die Engelse taal plaasvind en in die geval van elke sodanige taal in 'n nuusblad wat in die in genoemde paragraaf bedoelde distrik in omloop is en hoofsaaklik in daardie taal verskyn, en moet die publikasie in elke sodanige taal sover doenlik dieselfde ruimte in beslag neem: Met dien verstande dat waar in die betrokke distrik 'n nuusblad weselik in albei sodanige tale verskyn, die publikasie in albei bedoelde tale in daardie nuusblad kan geskied."

9. Artikel *een-en-veertig* van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 41 van Wet 24 van 1936.

„41. Die kurator van 'n insolvente boedel kan te eniger tyd en moet, as die Meester of 'n skuldeiser of skuldeisers wat een-vierde van die waarde van alle teen die boedel bewese vorderings verteenwoordig, dit verlang, volgens voorskrif van sub-artikel (3) van artikel *veertig* 'n byeenkoms van skuldeisers (hieronder 'n algemene byeenkoms van skuldeisers genoem) belê vir die doel om aan hom opdrag met betrekking tot enige aangeleentheid betreffende die bereddering van die boedel te gee en moet in so 'n kennisgewing die aangeleentheid wat op daardie byeenkoms behandel moet word, vermeld."

Substitution of section 43 of Act 24 of 1936.

10. The following section is hereby substituted for section *forty-three* of the principal Act:

"A creditor may register his name and address with trustee.

43. Any person who claims to be a creditor of an insolvent estate may register his name and address in the Republic, with the trustee of that estate upon payment to the trustee of a fee of one pound. Thereupon the trustee shall send to that address a notice of every meeting of creditors of that estate, a copy of every account which he is submitting to the Master and a notice of the date, time and place of the sale of any property over which the creditor has a preferent right by virtue of a special mortgage, pledge or right of retention or a landlord's tacit or legal hypothec. Failure on the part of the trustee to comply with a provision of this section shall constitute a failure to perform his duties but shall not invalidate anything done under this Act."

Amendment of section 44 of Act 24 of 1936, as amended by section 15 of Act 16 of 1943.

11. Section *forty-four* of the principal Act is hereby amended—

(a) by the substitution for the second proviso to sub-section (3) of the following proviso:

"and provided further that if a creditor has twenty-four or more hours before the time advertised for the commencement of a meeting of creditors submitted to the officer who is to preside at that meeting the affidavit and other documents mentioned in sub-section (4), he shall be deemed to have tendered proof of his claim at that meeting.";

(b) by the substitution for sub-section (4) of the following sub-section:

"(4) Every such claim shall be proved by affidavit in a form corresponding substantially with Form C or D in the First Schedule to this Act. That affidavit may be made by the creditor or by any person fully cognizant of the claim, who shall set forth in the affidavit the facts upon which his knowledge of the claim is based and the nature and particulars of the claim, whether it was acquired by cession after the institution of the proceedings by which the estate was sequestrated, and if the creditor holds security therefor, the nature and particulars of that security and in the case of security other than movable property which he has realized in terms of section *eighty-three*, the amount at which he values the security. The said affidavit or a copy thereof and any documents submitted in support of the claim shall be delivered at the office of the officer who is to preside at the meeting of creditors not later than twenty-four hours before the advertised time of the meeting at which the creditor concerned intends to prove the claim, failing which the claim shall not be admitted to proof at that meeting, unless the presiding officer is of opinion that through no fault of the creditor he has been unable to deliver such evidences of his claim within the prescribed period: Provided that if a creditor has proved an incorrect claim, he may, with the consent in writing of the Master given after consultation with the trustee and on such conditions as the Master may think fit to impose, correct his claim or submit a fresh correct claim."; and

(c) by the substitution for sub-section (6) of the following sub-section:

"(6) A claim against an insolvent's estate for payment of the purchase price of goods sold and delivered to the insolvent on an open account shall not be admitted to proof unless a statement is submitted in support of such claim showing the monthly total and a brief description of the purchases and payments for the full period of trading or for the period of twelve months immediately before the date of sequestration, whichever is the lesser."



10. Artikel *drie-en-veertig* van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 43 van Wet 24 van 1936.

„'n Skuldeiser kan sy naam en adres by kurator aangee.

43. Elkeen wat beweer dat hy 'n skuldeiser van 'n insolvente boedel is, kan sy naam en adres in die Republiek by die kurator van daardie boedel aangee, teen betaling van 'n geld van een pond. Daarop moet die kurator aan daardie adres stuur 'n kennisgewing van elke byeenkoms van skuldeisers van daardie boedel, 'n afskrif van elke rekening wat die kurator aan die Meester voorlê en 'n kennisgewing van die datum, tyd en plek van die verkoping van eiendom waarop die skuldeiser 'n preferente reg het kragtens 'n spesiale verband, pand of retensiereg of 'n verhuurder se stilswyende hipoteek. As 'n kurator versuim om aan 'n bepaling van hierdie artikel te voldoen, maak hy homself aan 'n pligsversuim skuldig maar dit maak nie ongeldig wat ingevolge hierdie Wet gedaan is nie.”.

11. Artikel *vier-en-veertig* van die Hoofwet word hierby gewysig—

Wysiging van artikel 44 van Wet 24 van 1936, soos gewysig deur artikel 15 van Wet 16 van 1943.

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

„en met dien verstande voorts, dat as 'n skuldeiser vier-en-twintig uur of meer voor die tyd wat vir die begin van 'n byeenkoms van skuldeisers geadverteer is, aan die amptenaar wat op daardie byeenkoms sal voorsit, die beëdigde verklaring en ander dokumente vermeld in sub-artikel (4) voorgelê het, veronderstel word dat hy die bewys van sy vordering op daardie byeenkoms aangebied het.”;

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

„(4) Elke sodanige vordering moet bewys word deur 'n beëdigde verklaring in 'n vorm wat in hoofsaak ooreenkom met Formulier C of D in die Eerste Bylae tot hierdie Wet. Daardie beëdigde verklaring kan afgelê word deur die skuldeiser of deur iemand ten volle bekend met die vordering, wat in die beëdigde verklaring moet vermeld die feite waarop sy kennis van die vordering berus en die aard en besonderhede van die vordering, of dit verkry is deur cessie na die begin van die geding waardeur die boedel gesekwestreer is en as die skuldeiser in besit van sekuriteit daarvoor is, die aard en besonderhede van daardie sekuriteit en in die geval van ander sekuriteit as losgoed wat hy te gelde gemaak het volgens artikel *drie-en-tagtig*, die bedrag waarop hy die sekuriteit waardeer. Voormelde beëdigde verklaring of 'n afskrif daarvan en die stukke wat tot staving van die vordering voorgelê mog word, moet op die kantoor van die amptenaar wat op die byeenkoms van skuldeisers sal voorsit, afgegee word nie later nie as vier-en-twintig uur voor die aangekondigde tyd van die byeenkoms waarop die betrokke skuldeiser voornemens is om sy vordering te bewys, by gebreke waarvan die bewys van die vordering nie op daardie byeenkoms toegelaat word nie, tensy die voorsittende amptenaar van oordeel is dat die skuldeiser buiten sy skuld nie in staat was om bedoelde bewyse van sy vordering binne die voorgeskrewe tydperk af te gee nie: Met dien verstande dat as 'n skuldeiser 'n onjuiste vordering bewys het, hy dit met skriftelike toestemming van die Meester, verleen na beraadslaging met die kurator en op die voorwaardes wat die Meester mag wenslik ag om te stel, kan verbeter of 'n nuwe juiste vordering kan voorlê.”; en

(c) deur sub-artikel (6) deur die volgende sub-artikel te vervang:

„(6) Die bewys van 'n vordering teen die boedel van 'n insolvent vir betaling van die koopprys van goedere wat aan die insolvent op 'n ope rekening verkoop en gelewer is, word nie toegelaat nie tensy 'n staat voorgelê is tot staving van so 'n vordering waarin die maandelikse totaal en 'n kort beskrywing van die aankope en betalings vir die volle handelstydperk of vir die tydperk van twaalf maande onmiddellik voor die datum van sekwestrasie, wat ook al die kortste is, aangedui word.”.

Amendment of section 49 of Act 24 of 1936, as amended by section 21 of Act 6 of 1963.

12. Section *forty-nine* of the principal Act is hereby amended by the substitution for sub-section (2) of the following sub-section:

“(2) Nothing in this section shall be construed as preventing the Secretary for Inland Revenue or the Commissioner for Inland Revenue of the Territory from proving in the manner provided in this Act a claim against the estate of a partnership in respect of any sum referred to in paragraph (b) of section *one hundred and one*, or any interest due on such sum.”.

Amendment of section 51 of Act 24 of 1936.

13. Section *fifty-one* of the principal Act is hereby amended by the substitution for sub-section (2) of the following sub-section:

“(2) A creditor who has so withdrawn his claim may, by registered notice addressed to the Master and to the trustee, cancel his withdrawal, but if he does so, he shall not become liable for any costs in connection with the sequestration for which he was not liable at the time of cancellation and he shall not be entitled to any payment out of the estate in respect of his claim until all the other creditors who have proved their claims have been paid in full.”.

Amendment of section 53 of Act 24 of 1936.

14. Section *fifty-three* of the principal Act is hereby amended—

(a) by the substitution for sub-section (2) of the following sub-section:

“(2) Subject to the provisions of section *fifty-four* and sub-section (7) of section *one hundred and nineteen*, every matter upon which a creditor may vote shall be determined by the majority of votes reckoned in accordance with sub-section (2) of section *fifty-two*, and every creditor may vote either personally or by an agent specially authorized thereto or acting under his general power of attorney: Provided that no creditor shall vote by any agent being—

- (a) the trustee or a person nominated for election as trustee in the estate concerned;
- (b) the employer or employee of such trustee or person;
- (c) the employee of any person or association of persons, whether corporate or unincorporate, by whom or by which such trustee or the person referred to in paragraph (a) is employed;
- (d) the spouse of or a person related to such trustee or the person referred to in paragraph (a) by consanguinity or affinity within the third degree; or
- (e) a person directly or indirectly having a pecuniary interest in the remuneration of such trustee or the person referred to in paragraph (a).”; and

(b) by the substitution for sub-section (5) of the following sub-section:

“(5) The majority of creditors (reckoned in number and in value) may direct the trustee to employ or not to employ a particular attorney or auctioneer in connection with the administration of the estate and if the trustee has reason to believe that it will not be in the interests of the estate to carry out such direction, he may submit the matter to the Master, whose decision, after considering any representations in writing by the trustee and the creditors, shall be final.”.

Amendment of section 55 of Act 24 of 1936, as amended by section 17 of Act 16 of 1943.

15. Section *fifty-five* of the principal Act is hereby amended by the insertion after paragraph (k) of the following paragraphs:

- (l) any person who at any time during a period of twelve months immediately preceding the date of sequestration acted as the bookkeeper, accountant or auditor of the insolvent;
- (m) any agent authorized specially or under a general power of attorney to vote for or on behalf of a creditor at a meeting of creditors of the estate concerned and acting or purporting to act under such special authority or general power of attorney.”.

12. Artikel *nege-en-veertig* van die Hoofwet word hierby gewysig deur sub-artikel (2) deur die volgende sub-artikel te vervang:

Wysiging van artikel 49 van Wet 24 van 1936, soos gewysig deur artikel 21 van Wet 6 van 1963.

„(2) Die bepalings van hierdie artikel word nie so uitgelê dat dit die Sekretaris van Binnelandse Inkomste of die Kommissaris van Binnelandse Inkomste van die Gebied belet om op die wyse in hierdie Wet voorgeskryf ’n vordering teen die boedel van ’n vennootskap ten opsigte van ’n som bedoel in paragraaf (b) van artikel *honderd-en-een* of enige verskuldigde rente op sodanige som te bewys nie.”

13. Artikel *een-en-vyftig* van die Hoofwet word hierby gewysig deur sub-artikel (2) deur die volgende sub-artikel te vervang:

Wysiging van artikel 51 van Wet 24 van 1936.

„(2) ’n Skuldeiser wat aldus sy vordering teruggetrek het, kan sy terugtrekking deur geregistreerde kennisgewing gerig aan die Meester en die kurator, weer intrek; dog as hy dit doen, word hy nie aanspreeklik nie vir koste in verband met die sekwestrasie waarvoor hy op die tydstip van die intrekking nie aanspreeklik was nie en is hy nie geregtig op betaling uit die boedel weens sy vordering totdat alle ander skuldeisers, wat hulle vorderings bewys het, ten volle uitbetaal is nie.”

14. Artikel *drie-en-vyftig* van die Hoofwet word hierby gewysig—

Wysiging van artikel 53 van Wet 24 van 1936.

(a) deur sub-artikel (2) deur die volgende sub-artikel te vervang:

„(2) Behoudens die bepalings van artikel *vier-en-vyftig* en sub-artikel (7) van artikel *honderd-en-negentien*, word elke saak waaroor ’n skuldeiser kan stem, beslis deur die meerderheid van stemme, bereken volgens sub-artikel (2) van artikel *twee-en-vyftig*, en elke skuldeiser kan stem of persoonlik, of deur ’n spesiaal daartoe gevolmagtigde, of deur iemand wat kragtens sy algemene prokurasie optree: Met dien verstande dat geen skuldeiser deur ’n gevolmagtigde mag stem nie wat—

- (a) die kurator in die betrokke boedel is of ’n persoon is wat vir verkiesing as kurator in die betrokke boedel voorgestel is;
  - (b) die werkgewer of werknemer van so ’n kurator of persoon is;
  - (c) die werknemer van enige persoon of vereniging van persone is, hetsy met of sonder regs persoonlikheid, by wie of waarby so ’n kurator of die persoon in paragraaf (a) bedoel in diens is;
  - (d) die eggenote van, of ’n bloed- of aanverwant binne die derde graad van, so ’n kurator of die persoon bedoel in paragraaf (a) is; of
  - (e) ’n persoon is wat regstreeks of onregstreeks ’n geldelike belang het in die vergoeding van so ’n kurator of die persoon bedoel in paragraaf (a).”;
- en

(b) deur sub-artikel (5) deur die volgende sub-artikel te vervang—

„(5) Die meerderheid van skuldeisers (bereken volgens getal en volgens waarde) kan die kurator gelas om ’n bepaalde prokureur of venduafslaer aan te stel of nie aan te stel nie in verband met die bereddering van die boedel en as die kurator van oordeel is dat dit nie in belang van die boedel sal wees om so ’n opdrag uit te voer nie, kan hy die saak voorlê aan die Meester, wie se beslissing, na oorweging van enige skriftelike verhoë van die kurator en die skuldeisers, finaal is.”

15. Artikel *vyf-en-vyftig* van die Hoofwet word hierby gewysig deur na paragraaf (k) die volgende paragrawe in te voeg:

Wysiging van artikel 55 van Wet 24 van 1936, soos gewysig deur artikel 17 van Wet 16 van 1943.

„(l) iemand wat te eniger tyd binne ’n tydperk van twaalf maande wat die datum van sekwestrasie onmiddellik voorafgaan as boekhouer, rekenmeester of ouditeur van die insolvent opgetree het;

(m) ’n agent wat spesiaal of kragtens ’n algemene prokurasie gemagtig is om vir of namens ’n skuldeiser by ’n byeenkoms van skuldeisers van die betrokke boedel te stem en wat kragtens so ’n spesiale magtiging of algemene prokurasie optree of voorgee op te tree.”

Amendment of section 56 of Act 24 of 1936, as amended by section 18 of Act 16 of 1943.

16. Section *fifty-six* of the principal Act is hereby amended—

(a) by the substitution for sub-section (2) of the following sub-section:

“(2) Subject to the provisions of section *fifty-seven*, the Master shall, when a person so elected has given security to his satisfaction for the proper performance of his duties as trustee, confirm his election and appoint him as trustee by delivering to him a certificate of appointment, which shall be valid throughout the Republic.”; and

(b) by the substitution for sub-section (5) of the following sub-section:

“(5) Whenever the trustees in the estate disagree on any matter relating to the estate of which they are trustees, the matter shall be referred to the Master who shall determine the question in issue or give directions as to the procedure to be followed for the determination thereof.”.

Amendment of section 57 of Act 24 of 1936.

17. Section *fifty-seven* of the principal Act is hereby amended—

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

“(1) If a person who has been elected as trustee was not properly elected or is disqualified, under section *fifty-five*, from being elected or appointed a trustee or is disqualified from being a trustee of the estate in question or has failed to give within a period of seven days as from the date upon which he was notified that the Master had confirmed his election, or within such further period as the Master may allow, the security mentioned in sub-section (2) of section *fifty-six* or if in the opinion of the Master the person elected as trustee should not be appointed as trustee to the estate in question, the Master shall give notice in writing to the person so elected that he declines to confirm his election or to appoint him as trustee and shall, in that notice, state his reason for declining to confirm his election or to appoint him: Provided that if the Master declines to confirm the election of a trustee because he is of the opinion that the person elected should not be appointed as trustee, it shall be sufficient if the Master states, in that notice, as such reason, that he is of the opinion that the person elected should not be appointed as trustee to the estate in question.”;

(2) When the Master has declined to confirm the election of a trustee or to appoint a person elected as a trustee, or the Minister has under sub-section (9) set aside the appointment of a trustee, the Master shall in accordance with the provisions of sub-sections (1) and (2) of section *forty* convene a meeting of creditors of the estate in question for the purpose of electing another trustee in the place of the person whose election as a trustee the Master declined to confirm or whom the Master declined to appoint or whose appointment as trustee has been so set aside. In the notice convening the meeting the Master shall state that he has declined to confirm the election of the person previously elected as trustee, or to appoint the person so elected, and the reasons therefor (but subject to the proviso to sub-section (1)), or that the appointment of the person previously appointed as trustee has been set aside by the Minister, as the case may be, and that the meeting is convened for the purpose of electing another trustee. The Master shall post a copy of the notice to every creditor whose claim against the estate was previously proved and admitted.”; and

(b) by the insertion after sub-section (6) of the following sub-sections:

“(7) Any person aggrieved by the appointment of a trustee or the refusal of the Master to confirm the election of a trustee or to appoint a person elected as a trustee, may within a period of seven days from

16. Artikel *ses-en-vyftig* van die Hoofwet word hierby gewysig—

Wysiging van artikel 56 van Wet 24 van 1936, soos gewysig deur artikel 18 van Wet 16 van 1943.

(a) deur sub-artikel (2) deur die volgende sub-artikel te vervang:

„(2) Behoudens die bepalings van artikel *sewe-en-vyftig*, moet die Meester, wanneer 'n aldus gekosene sekuriteit, wat die Meester voldoende ag, gestel het dat hy sy werksaamhede as kurator behoorlik sal verrig, sy verkiesing bekragtig en hom as kurator aanstel deur oorhandiging aan hom van 'n sertifikaat van aanstelling, wat orals in die Republiek regsgeldig is.”; en

(b) deur sub-artikel (5) deur die volgende sub-artikel te vervang:

„(5) Wanneer die kurators van die boedel van mening verskil omtrent een of ander saak wat betrekking het op die boedel waarvan hulle kurators is, moet die saak na die Meester verwys word wat die geskilpunt moet besleg of opdragte uitreik aangaande die prosedure wat gevolg moet word vir die beslegting daarvan.”.

17. Artikel *sewe-en-vyftig* van die Hoofwet word hierby gewysig—

Wysiging van artikel 57 van Wet 24 van 1936.

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

„(1) As iemand wat as kurator gekies is, nie regmatig gekies is nie of kragtens artikel *vyf-en-vyftig* onbevoeg is om as kurator gekies of aangestel te word of onbevoeg is om kurator van die betrokke boedel te wees, of in gebreke gebly het om binne 'n termyn van sewe dae vanaf die dag waarop hy kennis ontvang het dat die Meester sy verkiesing bekragtig het of binne so 'n verdere termyn as wat die Meester mag toestaan, die sekuriteit bedoel in sub-artikel (2) van artikel *ses-en-vyftig* te stel, of na die Meester se mening die persoon wat gekies is nie as kurator van die betrokke boedel aangestel moet word nie, dan moet die Meester aan die aldus gekosene skriftelik kennis gee dat hy weier om sy verkiesing te bekragtig of om hom as kurator aan te stel en moet in daardie kennisgewing die rede aangee waarom hy weier om sy verkiesing te bekragtig of om hom aan te stel: Met dien verstande dat as die Meester weier om die verkiesing van 'n kurator te bekragtig omdat hy van mening is dat die gekosene nie as kurator aangestel moet word nie, dit voldoende is as die Meester in daardie kennisgewing as voormelde rede aangee dat hy van mening is dat die gekosene nie as kurator van die betrokke boedel aangestel moet word nie.”;

(2) Wanneer die Meester geweier het om die verkiesing van 'n kurator te bekragtig of om 'n persoon wat as kurator gekies is, aan te stel, of die Minister ingevolge sub-artikel (9) die aanstelling van 'n kurator tersyde gestel het, moet die Meester ooreenkomstig die bepalings van sub-artikels (1) en (2) van artikel *veertig* 'n byeenkoms van die skuldeisers van die betrokke boedel belê, ten einde 'n ander kurator te kies in die plek van die persoon wie se verkiesing as kurator die Meester geweier het om te bekragtig of wat die Meester geweier het om aan te stel of wie se aanstelling as kurator aldus tersyde gestel is. In die kennisgewing ter belegging van die byeenkoms moet die Meester aangee dat hy geweier het om die verkiesing van die persoon wat tevore as kurator gekies is, te bekragtig, of om die aldus gekosene aan te stel, en die redes daarvoor (maar behoudens die voorbehoud tot sub-artikel (1)), of dat die aanstelling van die persoon wat tevore as kurator aangestel is, deur die Minister tersyde gestel is, na gelang van die geval, en dat die byeenkoms belê word ten einde 'n ander kurator te kies. Die Meester moet aan elke skuldeiser wie se vordering teen die boedel tevore bewys en erken is, 'n afskrif van die kennisgewing oor die pos stuur.”; en

(b) deur na sub-artikel (6) die volgende sub-artikels in te voeg:

„(7) Iemand wat homself verongelyk ag deur die aanstelling van 'n kurator of deur die Meester se weiering om die verkiesing van 'n kurator te bekragtig of om 'n persoon wat as kurator verkies is, aan te stel, kan binne 'n tydperk van sewe dae vanaf die dag

the date of such appointment or refusal request the Master in writing to submit his reasons for such appointment or refusal to the Minister of Justice.

(8) The Master shall within seven days of the receipt by him of the request referred to in sub-section (7) submit to the Minister, in writing, his reasons for such appointment or refusal together with any relevant documents, information or objections received by him.

(9) The Minister may after consideration of the reasons referred to in sub-section (8) and any representations made in writing by the person who made the request referred to in sub-section (7) and of all relevant documents, information or objections submitted to him or the Master by any interested person, confirm, uphold or set aside the appointment or the refusal by the Master and, in the event of the refusal by the Master being set aside, direct the Master to confirm the election of the trustee concerned and to appoint him as trustee to the estate in question.

(10) The decision of the Minister under sub-section (9) shall be final.”.

Substitution of section 60 of Act 24 of 1936.

18. The following section is hereby substituted for section *sixty* of the principal Act:

“Removal of trustee by Master. 60. The Master may remove a trustee from his office on the ground—

- (a) that he was not qualified for election or appointment as trustee or that his election or appointment was for any other reason illegal, or that he has become disqualified from election or appointment as a trustee or has been authorized, specially or under a general power of attorney, to vote for or on behalf of a creditor at a meeting of creditors of the insolvent estate of which he is the trustee and has acted or purported to act under such special authority or general power of attorney; or
- (b) that he has failed to perform satisfactorily any duty imposed upon him by this Act or to comply with a lawful demand of the Master; or
- (c) that he is mentally or physically incapable of performing satisfactorily his duties as trustee; or
- (d) that the majority (reckoned in number and in value) of creditors entitled to vote at a meeting of creditors has requested him in writing to do so; or
- (e) that, in his opinion, the trustee is no longer suitable to be the trustee of the estate concerned.”.

Amendment of section 62 of Act 24 of 1936.

19. Section *sixty-two* of the principal Act is hereby amended—

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

“(1) When a Court or the Master has removed one of two joint trustees from office, the Master may convene a meeting of the creditors of the estate in question for the purpose of electing a new trustee in the place of the trustee who was removed.”; and

- (b) by the substitution for sub-section (3) of the following sub-section:

“(3) When one of two joint trustees has vacated his office or has resigned or died the Master may convene a meeting of the creditors of the estate in question for the purpose of electing a new trustee in the place of the trustee who has vacated his office or has resigned or died.”.

Amendment of section 65 of Act 24 of 1936.

20. Section *sixty-five* of the principal Act is hereby amended by the substitution in sub-section (3) for all the words preceding the proviso of the following words:

“(3) The presiding officer shall record or cause to be recorded in the manner provided by the rules of court for the recording of evidence in a civil case before a magistrate’s

van so 'n aanstelling of weiering die Meester skriftelik versoek om sy redes vir daardie aanstelling of weiering aan die Minister van Justisie te verstrek.

(8) Die Meester moet binne sewe dae na die ontvangs deur hom van 'n versoek in sub-artikel (7) bedoel sy redes vir so 'n aanstelling of weiering, tesame met enige tersaaklike stukke, inligting of besware wat deur hom ontvang is, skriftelik aan die Minister verstrek.

(9) Die Minister kan, na oorweging van die redes in sub-artikel (8) genoem en van enige skriftelike ver- toë van die persoon wat die versoek in sub-artikel (7) bedoel, gerig het en van alle tersaaklike stukke, in- ligting of besware wat aan hom of die Meester deur 'n belanghebbende persoon verstrek is, die aanstelling of weiering deur die Meester bekragtig, handhaaf of tersyde stel en, ingeval die weiering van die Meester tersyde gestel word, die Meester gelas om die verkiesing van die betrokke kurator te bekragtig en om hom as kurator van die betrokke boedel aan te stel.

(10) Die Minister se beslissing in sub-artikel (9) genoem, is afdoende."

18. Artikel *sestig* van die Hoofwet word hierby deur die volgende artikel vervang: Vervanging van artikel 60 van Wet 24 van 1936.

„Afsitting van kurator deur Meester. 60. Die Meester kan 'n kurator afsit op grond daarvan—

- (a) dat hy nie bevoeg was om as kurator gekies of aangestel te word nie of dat sy verkiesing of aanstelling om 'n ander rede onwettig was of dat hy onbevoeg geword het om as kurator gekies of aangestel te word of spesiaal of kragtens 'n algemene prokurasie gemagtig is om vir of namens 'n skuldeiser by 'n byeenkoms van skuldeisers van die insolvente boedel waarvan hy kurator is, te stem en kragtens so 'n spesiale magtiging of algemene prokurasie opgetree of voorgegee op te getree het; of
- (b) dat hy versuim het om op 'n bevredigende wyse te voldoen aan 'n verpligting wat hierdie Wet aan hom oplê, of om aan 'n wettige eis van die Meester te voldoen; of
- (c) dat hy geestelik of liggaamlik onbekwaam is om sy werksaamhede as kurator op bevredigende wyse te verrig; of
- (d) dat die meerderheid (bereken volgens getal en volgens waarde) van skuldeisers wat geregtig is om by 'n byeenkoms van skuldeisers te stem hom skriftelik versoek het om dit te doen; of
- (e) dat die kurator, na sy mening, nie meer geskik is om kurator van die betrokke boedel te wees nie."

19. Artikel *twee-en-sestig* van die Hoofwet word hierby gewysig— Wysiging van artikel 62 van Wet 24 van 1936.

(a) deur sub-artikel (1) deur die volgende sub-artikel te vervang:

„(1) Wanneer die hof of die Meester een van twee medekurators uit sy betrekking afgesit het, kan die Meester 'n byeenkoms van die skuldeisers van die betrokke boedel belê om 'n nuwe kurator te kies in die plek van die kurator wat afgesit is."; en

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

„(3) Wanneer een van twee medekurators sy betrekking ontruim of bedank het of oorlede is, dan kan die Meester 'n byeenkoms van die skuldeisers van die betrokke boedel belê om 'n nuwe kurator te kies in die plek van die kurator wat sy betrekking ontruim of bedank het of oorlede is."

20. Artikel *vyf-en-sestig* van die Hoofwet word hierby gewysig deur in sub-artikel (3) al die woorde wat die voor- behoudsbepaling voorafgaan deur die volgende woorde te vervang: Wysiging van artikel 65 van Wet 24 van 1936.

„(3) Die voorsittende amptenaar moet die verklaring van iemand wat ingevolge hierdie artikel getuienis aflê,

court the statement of any person giving evidence under this section:".

Amendment of section 66 of Act 24 of 1936.

21. Section *sixty-six* of the principal Act is hereby amended by the substitution for sub-sections (1) and (2) of the following sub-sections:

"(1) If a person summoned under section *sixty-four* fails to appear at a meeting of creditors, in answer to the summons, or if an insolvent fails to attend any meeting of creditors in terms of sub-section (1) of section *sixty-four*, or fails to remain in attendance at that meeting, the officer presiding at such meeting may issue a warrant, authorizing any member of the police force to apprehend the person summoned or the insolvent, as the case may be, and to bring him before the said officer.

(2) Unless the person summoned or the insolvent, as the case may be, satisfies the said officer that he had a reasonable excuse for his failure to appear at or attend such meeting, or for absenting himself from the meeting, the said officer may commit him to prison to be detained there until such time as the said officer may appoint, and the officer in charge of the prison to which the said person or insolvent was committed, shall detain him and produce him at the time and place appointed by the first-mentioned officer for his production."

Amendment of section 67 of Act 24 of 1936, as amended by section 19 of Act 16 of 1943.

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

"(1) If it appears from any statement made at an interrogation under section *sixty-five* that there are reasonable grounds for suspecting that any person has committed any offence the Master shall transmit the said statement, or a certified copy thereof, and all necessary documents to the Attorney-General in whose area of jurisdiction the interrogation was held or the offence is suspected to have been committed, to enable him to determine whether any criminal proceedings shall be instituted in the matter.

Amendment of section 69 of Act 24 of 1936.

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

(1) A trustee shall, as soon as possible after his appointment, but not before the deputy-sheriff has made the inventory referred to in sub-section (1) of section *nineteen*, take into his possession or under his control all movable property, books and documents belonging to the estate of which he is trustee and shall furnish the Master with a valuation of such movable property by an appraiser appointed under any law relating to the administration of the estates of deceased persons or by a person approved of by the Master for the purpose."

Amendment of section 73 of Act 24 of 1936, as amended by section 20 of Act 16 of 1943.

24. Section *seventy-three* of the principal Act is hereby amended by the substitution for sub-section (2) of the following sub-sections:

"(2) (a) All costs incurred under this section which are not subject to taxation by the taxing officer of the Court, shall, after fourteen days' notice by the trustee to each creditor who has proved a claim against the estate and to the insolvent, be taxed by the Master according to a tariff framed by him.

(b) The Master may disallow any costs, including any costs taxed by the taxing officer of the Court, incurred under this section if in his opinion, the trustee acted *mala fide*, negligently or unreasonably, in incurring such costs.

(3) Any creditor referred to in sub-section (2) or the insolvent may, either personally or by his agent, not being a person referred to in the proviso to sub-section (2) of section *fifty-three*, be present at the taxation and object to any costs or part of such costs included in such bill of costs."



notuleer of laat notuleer op die wyse voorgeskryf deur die reëls van die hof vir die notulering van getuienis in 'n siviele saak voor 'n magistratshof:".

21. Artikel *ses-en-sestig* van die Hoofwet word hierby gewysig deur sub-artikels (1) en (2) deur die volgende sub-artikels te vervang: Wysiging van artikel 66 van Wet 24 van 1936.

„(1) As 'n kragtens artikel *vier-en-sestig* gedagvaarde persoon in gebreke bly om op 'n byeenkoms van skuldeisers volgens voorskrif van die dagvaarding te verskyn, of as 'n insolvent versuim om 'n byeenkoms van skuldeisers ingevolge sub-artikel (1) van artikel *vier-en-sestig* by te woon, of in gebreke bly om op daardie byeenkoms aanwesig te bly, dan kan die amptenaar wat op daardie byeenkoms voorsit, 'n lasbrief uitreik wat elke lid van die polisiemag magtig om die gedagvaarde of die insolvent, na gelang van die geval, in hegtenis te neem en hom voor bedoelde amptenaar te bring.

(2) Tensy die gedagvaarde persoon of die insolvent, na gelang van die geval, bedoelde amptenaar oortuig dat hy 'n redelike verontskuldiging had vir sy versuim om by bedoelde byeenkoms te verskyn of bedoelde byeenkoms by te woon of om die byeenkoms te verlaat, kan bedoelde amptenaar hom verwys na 'n gevangenis om daar aangehou te word tot op 'n tydstip wat bedoelde amptenaar mag bepaal en die amptenaar aan die hoof van die gevangenis waarna bedoelde persoon of insolvent verwys is, moet hom aanhou en uitlewer op die tyd en plek wat eersbedoelde amptenaar vir sy uitlewering bepaal het.”.

22. Artikel *sewe-en-sestig* van die Hoofwet word hierby gewysig deur sub-artikel (1) deur die volgende sub-artikel te vervang: Wysiging van artikel 67 van Wet 24 van 1936, soos gewysig deur artikel 19 van Wet 16 van 1943.

„(1) As uit 'n verklaring, afgelê by 'n ondervraging kragtens artikel *vyf-en-sestig*, blyk dat daar gegronde redes bestaan om te vermoed dat enige persoon 'n misdryf begaan het, dan moet die Meester bedoelde verklaring of 'n gesertifiseerde afskrif daarvan en alle nodige stukke instuur aan die Prokureur-generaal in wie se regsgebied die ondervraging plaasgevind het of die misdryf vermoed word begaan te gewees het om hom in staat te stel om te beslis of 'n strafgeding in die saak ingestel moet word.”.

23. Artikel *nege-en-sestig* van die Hoofwet word hierby gewysig deur sub-artikel (1) deur die volgende sub-artikel te vervang: Wysiging van artikel 69 van Wet 24 van 1936.

„(1) 'n Kurator moet so spoedig moontlik na sy aanstelling, maar nie voordat die onderbalju die in sub-artikel (1) van artikel *negentien* bedoelde inventaris gemaak het nie, alle roerende goedere, boeke en geskifte wat behoort aan die boedel waarvan hy kurator is, in sy besit of onder sy beheer neem en moet die Meester van 'n waardasie van daardie roerende goedere deur 'n taksateur wat kragtens 'n wet betreffende die bereddering van die boedels van afgestorwe persone aangestel is of deur iemand wat vir dié doel deur die Meester goedgekeur is, voorsien.”.

24. Artikel *drie-en-sewentig* van die Hoofwet word hierby gewysig deur sub-artikel (2) deur die volgende sub-artikels te vervang: Wysiging van artikel 73 van Wet 24 van 1936, soos gewysig deur artikel 20 van Wet 16 van 1943.

„(2) (a) Alle koste ingevolge hierdie artikel aangegaan wat nie aan taksasie deur die taksasie-amptenaar van die hof onderhewig is nie, word, na veertien dae kennisgewing deur die kurator aan elke skuldeiser wat 'n vordering teen die boedel bewys het en aan die insolvent, getakseer deur die Meester, volgens 'n tarief deur hom vasgestel.

(b) Die Meester kan enige koste, met inbegrip van enige koste deur die taksasie-amptenaar van die hof getakseer, ingevolge hierdie artikel aangegaan, afkeur indien hy van oordeel is dat die kurator *mala fide*, nalatig of onredelik by die aangaan van sodanige koste opgetree het.

(3) 'n In sub-artikel (2) bedoelde skuldeiser of die insolvent kan of persoonlik of deur sy gevolmagtigde, wat nie 'n in die voorbehoudsbepaling by sub-artikel (2) van artikel *drie-en-veftig* bedoelde persoon is nie, by die taksasie teenwoordig wees en teen enige koste of gedeelte van sodanige koste wat by die kosterekening ingesluit is, beswaar maak.”.

Amendment of  
section 81 of Act  
24 of 1936.

25. Section *eighty-one* of the principal Act is hereby amended—

(a) by the substitution in sub-section (1) for all the words preceding paragraph (a) of the following words:

“(1) A trustee shall investigate the affairs and transactions of the insolvent concerned before the sequestration of his estate and shall, at the second meeting or, with the written permission of the Master obtained before the second meeting, at an adjourned second meeting of the creditors of that estate, or, if an offer of composition has been accepted by creditors in terms of section *one hundred and nineteen*, within one month after the acceptance of such offer of composition, submit a full written report on those affairs and transactions and on any matter of importance relating to the insolvent or the estate, and more especially in regard to—”;

(b) by the insertion after sub-section (1) of the following sub-section:

“(1)*bis* (a) The trustee shall, at least fourteen days before the date specified in the notice in the *Gazette* for the holding of the meeting at which the report referred to in sub-section (1) is to be submitted, send by registered post to each creditor of the estate whose name and address is known to him a copy of such report and of the inventory transmitted to him by the deputy sheriff under section *nineteen* and of the valuation furnished by him to the Master under section *sixty-nine* and shall submit therewith any recommendation in respect of any resolution or direction which in his opinion ought to be passed or given at such meeting.

(b) The trustee shall at least twenty-four hours before the time advertised for the commencement of the meeting referred to in paragraph (a) submit to the officer who is to preside at that meeting an affidavit setting out the names and addresses of the creditors to whom copies of the report, inventory and valuation have been sent in terms of paragraph (a) and containing full particulars of each resolution and direction recommended by him to such creditors under the said paragraph.”;

(c) by the substitution for sub-section (3) of the following sub-section:

“(3) (a) The creditors may, at the meeting in question, direct what action shall be taken by the trustee in respect of any matter reported to them under paragraph (e), (f), (g), (h) or (i) of sub-section (1).

(b) If no directions have been given by the creditors at the second meeting of creditors, any resolution or direction alleged in the affidavit referred to in paragraph (a) of sub-section (1)*bis* to have been recommended to the creditors of the estate and which could lawfully have been passed or given by the creditors at such meeting shall, if the Master so approves, be deemed to have been passed or given, as the case may be, by the creditors at such meeting.

(c) Subject to the provisions of this Act, the Master may, if no directions have been given by the creditors at the second meeting of creditors, in addition to any resolution or direction approved of by him under paragraph (b) or if no such resolution or direction has been so approved of, give such directions relating to any matter reported to the creditors under sub-section (1) or to the administration or realization of the estate as he thinks fit.

(d) Notwithstanding the provisions of sub-section (3) of section *fifty-three*, any resolution or direction approved under paragraph (b) and any direction given by the Master under paragraph (c) shall be binding upon the trustee.”; and

(d) by the substitution for sub-section (4) of the following sub-section:

25. Artikel *een-en-tagtig* van die Hoofwet word hierby gewysig—
- Wysiging van artikel 81 van Wet 24 van 1936.
- (a) deur in sub-artikel (1) al die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:
- „(1) ’n Kurator moet die sake en regshandelings van die betrokke insolvent voor die sekwestrasie van sy boedel ondersoek en op die tweede byeenkoms of, met die skriftelike toestemming van die Meester voor die tweede byeenkoms verkry, op die verdaagde tweede byeenkoms van die skuldeisers van daardie boedel, of, indien ’n akkoord deur die skuldeisers ingevolge artikel *honderd-en-negentien* aangeneem is, binne een maand na die aanneme van so ’n akkoord, ’n volledige skriftelike verslag indien oor daardie sake en regshandelings en oor elke aangeleentheid van belang wat op die insolvent of die boedel betrekking het en vernaamlik omtrent—”;
- (b) deur na sub-artikel (1) die volgende sub-artikel in te voeg:
- „(1)*bis* (a) Die kurator moet minstens veertien dae voor die in die kennisgewing in die *Staatskoerant* bepaalde datum vir die hou van die byeenkoms waarby die in sub-artikel (1) bedoelde verslag ingedien moet word, per geregistreerde pos aan elke skuldeiser van die boedel wie se naam en adres aan hom bekend is, ’n afskrif van sodanige verslag en van die inventaris wat deur die onderbalju kragtens artikel *negentien* aan hom gestuur is en van die waardasie wat deur hom kragtens artikel *nege-en-sestig* aan die Meester voorsien is, stuur en moet daarby enige aanbeveling ten opsigte van enige besluit of opdrag wat na sy oordeel by daardie byeenkoms geneem of gegee behoort te word, voorlê.
- (b) Die kurator moet minstens vier-en-twintig uur voor die tyd wat vir die begin van die in paragraaf (a) bedoelde byeenkoms geadverteer is, aan die amptenaar wat op daardie byeenkoms sal voorsit ’n beëdigde verklaring voorlê wat die name en adresse vermeld van die skuldeisers aan wie afskrifte van die verslag, inventaris en waardasie ingevolge bedoelde paragraaf gestuur is en wat volledige besonderhede bevat van elke besluit en opdrag wat deur hom ingevolge bedoelde paragraaf by die skuldeisers aanbeveel is.”;
- (c) deur sub-artikel (3) deur die volgende sub-artikel te vervang:
- „(3) (a) Die skuldeisers kan by die betrokke byeenkoms opdrag gee watter stappe deur die kurator gedoen moet word ten opsigte van enige aangeleentheid waarvoor kragtens paragraaf (e), (f), (g), (h) of (i) aan hulle verslag gedoen is.
- (b) Indien geen opdragte deur die skuldeisers by die tweede byeenkoms van skuldeisers gegee is nie, word enige besluit of opdrag wat in die in paragraaf (a) van sub-artikel (1)*bis* bedoelde beëdigde verklaring beweer word by die skuldeisers van die boedel aanbeveel te gewees het en wat wettiglik deur die skuldeisers by sodanige byeenkoms aangeneem of gegee kon gewees het, indien die Meester aldus goedkeur, geag deur die skuldeisers by sodanige byeenkoms geneem of gegee, na gelang van die geval, te gewees het.
- (c) Behoudens die bepalinge van hierdie Wet, kan die Meester, indien geen opdragte deur die skuldeisers by die tweede byeenkoms van skuldeisers gegee is nie, benewens enige deur hom kragtens paragraaf (b) goedgekeurde besluit of opdrag of indien geen sodanige besluit of opdrag aldus goedgekeur is nie, sodanige opdragte betreffende enige aangeleentheid waarvoor kragtens sub-artikel (1) aan die skuldeisers verslag gedoen is of die administrasie of tegeldemaking van die boedel gee as wat hy goedvind.
- (d) Ondanks die bepalinge van sub-artikel (3) van artikel *drie-en-vyftig*, is enige kragtens paragraaf (b) goedgekeurde besluit of opdrag en enige opdrag deur die Meester kragtens paragraaf (c) gegee, bindend op die kurator.”; en
- (d) deur sub-artikel (4) deur die volgende sub-artikel te vervang.

“(4) The report referred to in sub-section (1) shall contain full particulars of all the facts relating to any alleged contravention of this Act by the insolvent or the alleged commission by him of any offence reported in terms of paragraph (d) of that sub-section and the trustee shall furnish such further information in regard thereto as the Master or the Attorney-General may require.”.

Amendment of section 82 of Act 24 of 1936.

26. Section *eighty-two* of the principal Act is hereby amended—

- (a) by the deletion of sub-sections (3) and (4); and  
(b) by the substitution for sub-section (5) of the following sub-section:

“(5) After the opening of the tenders no further offer for the property in question shall be considered and unless the creditors have otherwise directed, or if they have given no directions, unless the Master has otherwise directed, the trustee shall accept the best tender or reject all the tenders and sell the property by public auction.”.

Amendment of section 83 of Act 24 of 1936, as amended by section 24 of Act 16 of 1943.

27. Section *eighty-three* of the principal Act is hereby amended by the substitution for sub-section (11) of the following sub-section:

“(11) If a creditor has valued his security when proving his claim, the trustee, if authorized by the creditors, may, unless the creditor has realized his security in terms of sub-section (2) or (3), within three months as from the date of his appointment or as from the date of the proof of the claim (whichever is the later) take over the property (whether movable or immovable) which constitutes the security at the value placed thereon by the creditor when his claim was proved: Provided that if two or more creditors have a pledge or special mortgage of the same property, a creditor who has valued his security shall be deemed to have valued, and the trustee shall be entitled to take over, only the preferent rights of the creditor in respect of the property, and not the property itself. If the trustee does not, within that period, take over the said property or security he shall realize it for the benefit of all creditors whose claims are secured thereby, according to their respective rights.”.

Substitution of section 91 of Act 24 of 1936.

28. The following section is hereby substituted for section *ninety-one* of the principal Act:

“Liquidation account and plan of distribution or contribution. 91. Subject to the provisions of sections *one hundred and nine* and *one hundred and ten*, a trustee shall within a period of six months as from the date of his appointment, submit to the Master a liquidation account and a plan of distribution of the proceeds of the property in the estate available for payment to creditors, or, if all realizable property in the estate has been realized and brought to account and the proceeds are insufficient to cover the costs and charges mentioned in section *ninety-seven*, a plan of contribution apportioning the liability for the deficiency among the creditors who are liable to contribute.”.

Amendment of section 96 of Act 24 of 1936.

29. Section *ninety-six* of the principal Act is hereby amended by the substitution for sub-sections (1), (2) and (3) of the following sub-sections:

“(1) Any free residue of an insolvent estate shall be applied in the first place in defraying the expenses of the funeral of the insolvent, if he died before the trustee's first plan of distribution was submitted to the Master in terms of section *ninety-one*, and the expenses of the funeral of the insolvent's wife or minor child, if those expenses were incurred within the period of three months immediately preceding the sequestration of the insolvent's estate, but the amount payable under this sub-section shall not exceed fifty pounds in all.

(2) Thereafter any balance of the free residue shall be applied in defraying the death-bed expenses of the insolvent if they were incurred before the trustee's first plan of distribution was submitted to the Master in terms of section *ninety-one* and the death-bed expenses of the debtor's wife or minor child, if those expenses were incurred

„(4) Die in sub-artikel (1) bedoelde verslag moet volledige besonderhede bevat van alle feite betreffende enige beweerde oortreding van hierdie Wet deur die insolvent of die beweerde pleging deur hom van enige misdryf waaroor ingevolge paragraaf (d) van daardie sub-artikel verslag gedoen is, en die kurator verstrek sodanige verdere besonderhede in verband daarmee as wat die Meester of die Prokureur-generaal vereis.”

26. Artikel *twee-en-tagtig* van die Hoofwet word hierby gewysig—

Wysiging van artikel 82 van Wet 24 van 1936.

- (a) deur sub-artikels (3) en (4) te skrap; en  
(b) deur sub-artikel (5) deur die volgende sub-artikel te vervang:

„(5) Na die opening van die inskrywings word geen verdere aanbod vir die betrokke goed in aanmerking geneem nie en tensy die skuldeisers anders gelas het of as hulle geen voorskrifte gegee het nie, tensy die Meester anders gelas het, moet die kurator die beste inskrywing aanneem of alle inskrywings afwys en die goed by publieke veiling verkoop.”

27. Artikel *drie-en-tagtig* van die Hoofwet word hierby gewysig deur sub-artikel (11) deur die volgende sub-artikel te vervang:

Wysiging van artikel 83 van Wet 24 van 1936, soos gewysig deur artikel 24 van Wet 16 van 1943.

„(11) As 'n skuldeiser by die bewys van sy vordering sy sekuriteit gewaardeer het, dan kan die kurator, indien deur die skuldeisers gemagtig, tensy die skuldeiser sy sekuriteit kragtens sub-artikel (2) of (3) te gelde gemaak het, binne drie maande vanaf die dag van sy aanstelling of vanaf die dag waarop die vordering bewys is (na gelang die een of die ander later is) die goed (hetsy roerend of onroerend) wat die sekuriteit uitmaak, oorneem teen die bedrag waarop die skuldeiser dit gewaardeer het toe sy vordering bewys is: Met dien verstande dat as twee of meer skuldeisers 'n pandreg of spesiale verband op dieselfde goed het, dan word 'n skuldeiser wat sy sekuriteit gewaardeer het, geag slegs sy preferente regte op daardie goed te gewaardeer het en is die kurator geregtig om slegs daardie regte oor te neem en nie die goed self nie. As die kurator nie binne daardie termyn bedoelde goed of sekuriteit oorneem nie, dan moet hy dit te gelde maak ten bate van alle skuldeisers wie se vorderings daardeur verseker is, na gelang van hulle respektiewe regte.”

28. Artikel *een-en-negentig* van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 91 van Wet 24 van 1936.

„Likwidasierekening, distribusierekening en kontribusierekening. 91. Behoudens die bepalings van artikels *honderden-nege* en *honderden-tien*, moet 'n kurator binne 'n termyn van ses maande vanaf die dag van sy aanstelling, aan die Meester voorlê 'n likwidasierekening en 'n distribusierekening van die opbrengs van die goed in die boedel, wat beskikbaar is vir betaling aan skuldeisers, of as alle vervreembare goed in die boedel te gelde gemaak en verantwoord is en die opbrengs onvoldoende is tot dekking van die koste vermeld in artikel *sewe-en-negentig*, 'n kontribusierekening, wat die aanspreeklikheid van elke kontribusiepligtige skuldeiser vir die tekort bepaal.”

29. Artikel *ses-en-negentig* van die Hoofwet word hierby gewysig deur sub-artikels (1), (2) en (3) deur die volgende sub-artikels te vervang:

Wysiging van artikel 96 van Wet 24 van 1936.

„(1) 'n Vrye oorskot van 'n insolvente boedel word aangewend in die eerste plek tot dekking van die koste van die begrafnis van die insolvent, as hy oorlede is voordat die kurator se eerste distribusierekening volgens artikel *een-en-negentig* aan die Meester voorgelê is, en van die koste van die begrafnis van die insolvent se vrou of minderjarige kind, as daardie koste gemaak is binne die tydperk van drie maande onmiddellik voor die sekwestrasie van die insolvent se boedel; dog nie meer as 'n totaalbedrag van vyftig pond mag ingevolge hierdie sub-artikel uitbetaal word nie.

(2) Daarna word die orige van die vrye oorskot aangewend tot dekking van die sterfbed-onkoste van die insolvent, as hulle gemaak is voordat die kurator se eerste distribusierekening volgens artikel *een-en-negentig* aan die Meester voorgelê is, en van die sterfbed-onkoste van die insolvent se vrou of minderjarige kind, as daardie onkoste gemaak is

within the period of three months immediately preceding the sequestration of the insolvent's estate, but the amount payable under this sub-section shall not exceed fifty pounds in all.

(3) In sub-section (2) 'death-bed expenses' means expenses incurred for medical attendance, nursing otherwise than by a nurse referred to in section *one hundred*, medicines and medical necessaries, and claims for those expenses shall rank *pari passu* and abate in equal proportion, if necessary."

Substitution of section 99 of Act 24 of 1936, as amended by section 29 of Act 16 of 1943.

30. The following section is hereby substituted for section *ninety-nine* of the principal Act:

"Compensation under the Workmen's Compensation Act, 1941 and contributions to certain funds. 99. Thereafter any balance of the free residue shall be applied in defraying any compensation which the estate owes to a workman or to any dependant of a workman under the Workmen's Compensation Act, 1941 (Act No. 30 of 1941), and in defraying any contributions by any employer and by his employees payable by such employer under the provisions of any law and which the estate owes to any pension, sick, medical, unemployment, holiday, provident or other insurance fund."

Amendment of section 100 of Act 24 of 1936, as amended by section 13 of Act 32 of 1952.

31. Section *one hundred* of the principal Act is hereby amended—

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

"(1) (a) Thereafter any balance of the free residue shall be applied in paying the salary or wages, for a period not exceeding two months prior to the date of sequestration of the estate, due to an employee who was engaged by the insolvent and in paying any fee due to a nurse or an accountant or auditor registered under the Public Accountants and Auditors Act, 1951 (Act No. 51 of 1951), who was engaged, whether full-time or part time, by the insolvent before the said date to nurse himself, his wife or minor child or to keep or write up or audit the books relating to the insolvent's affairs, as the case may be: Provided that not more than two hundred pounds shall be paid out under this sub-section to any employee, nurse, accountant, or auditor.

(b) For the purposes of paragraph (a) a commercial traveller engaged on a commission basis or on a salary and commission basis shall be deemed to be an employee engaged by the insolvent, and any commission earned by him shall be regarded as his salary or wages or part of his salary or wages, as the case may be.

(2) If on the date of sequestration any leave is due to any such employee or any bonus in respect of leave or holiday due to him has accrued to such employee, he shall be entitled to salary or wages in respect of any period, not exceeding twenty-one days of leave due to him or to such bonus whether or not payment thereof is then due or to both such salary or wages and such bonus, as the case may be: Provided that not more than one hundred pounds shall be paid out under this sub-section to any such employee in respect of such salary or wages and bonus."

(b) by the insertion after sub-section (3) of the following sub-section:

"(4) The claims referred to in sub-sections (1) and (2) shall rank *pari passu* and abate in equal proportion, if necessary."

Amendment of section 106 of Act 24 of 1936.

32. Section *one hundred and six* of the principal Act is hereby amended by the substitution for all the words preceding the proviso of the following words:

"106. Where there is no free residue in an insolvent estate or when the free residue is insufficient to meet all the expenses, costs and charges mentioned in section *ninety-seven*, all creditors who have proved claims against the estate shall be liable to make good any deficiency, the non-preferent creditors each in proportion to the amount

binne die tydperk van drie maande onmiddellik voor die sekwestrasie van die insolvent se boedel; dog nie meer as 'n totaalbedrag van vyftig pond mag ingevolge hierdie sub-artikel uitbetaal word nie.

(3) In sub-artikel (2) beteken 'sterfbed-onkoste' die onkoste gemaak vir geneeskundige behandeling, verpleging anders as deur 'n verpleegster in artikel *honderd* bedoel, geneesmiddels en geneeskundige benodigdhede. Vorderings vir daardie onkoste staan gelyk in rangorde en word, indien nodig, eweredig verminder."

30. Artikel *nege-en-negentig* van die Hoofwet word hierby deur die volgende artikel vervang:

„Skadeloosstelling ingevolge die Ongevalwet, 1941, en bydraes tot sekere fondse.

99. Daarna word die orige van die vrye oorskot aangewend tot dekking van die skadeloosstelling wat die boedel ingevolge die Ongevalwet, 1941 (Wet No. 30 van 1941), skuld aan 'n werksman of aan 'n afhanklike van 'n werksman, en tot dekking van enige bydraes van 'n werkgewer en van sy werknemers wat deur so 'n werkgewer kragtens die bepalings van 'n wet betaalbaar is en wat die boedel skuld aan 'n pensioen-, siekte-, mediese-, werkloosheids-, vakansie-, voorsienings- of ander versekeringsfonds."

Vervanging van artikel 99 van Wet 24 van 1936, soos gewysig deur artikel 29 van Wet 16 van 1943.

31. Artikel *honderd* van die Hoofwet word hierby gewysig—  
(a) deur sub-artikels (1) en (2) deur die volgende sub-artikels te vervang:

„(1) (a) Daarna word die orige van die vrye oorskot aangewend tot betaling van die salaris of loon, vir 'n tydperk van nie meer as twee maande nie voor die datum van die sekwestrasie van die boedel, verskuldig aan 'n werknemer van die insolvent en tot betaling van enige geld verskuldig aan 'n verpleegster of 'n rekenmeester of ouditeur geregistreer kragtens die Wet op Openbare Rekenmeesters en Ouditeurs, 1951 (Wet No. 51 van 1951), wat, hetsy voltyds of deelyds, deur die insolvent voor genoemde datum in diens geneem is om homself, sy vrou of minderjarige kind te verpleeg of om die boeke wat op die insolvent se sake betrekking het, te hou, by te skryf of te ouditeur, na gelang van die geval: Met dien verstande dat nie meer as tweehonderd pond ingevolge hierdie sub-artikel aan 'n werknemer, verpleegster, rekenmeester of ouditeur uitbetaal word nie.

(b) By die toepassing van paragraaf (a) word 'n handelsreisiger wat op 'n kommissiebasis of op 'n salaris- en kommissiebasis werk, geag 'n werknemer van die insolvent te wees en word enige kommissiegelde wat hy verdien, geag sy salaris of loon of deel van sy salaris of loon te wees, na gelang van die geval.

(2) As daar op die dag van die sekwestrasie aan so 'n werknemer verlof toekom of as enige bonus ten opsigte van verlof of vakansie wat hom toekom so 'n werknemer toegeval het, is hy geregtig op salaris of loon ten opsigte van enige tydperk, nie een-en-twintig dae te bowe gaande nie, van die verlof wat hom toekom of op so 'n bonus, hetsy dit dan betaalbaar is al dan nie, of op sodanige salaris of loon sowel as sodanige bonus, na gelang van die geval: Met dien verstande dat nie meer as honderd pond ingevolge hierdie sub-artikel aan enige sodanige werknemer ten opsigte van sodanige salaris of loon en bonus uitbetaal word nie."; en

(b) deur na sub-artikel (3) die volgende sub-artikel in te voeg:

„(4) Die in sub-artikels (1) en (2) bedoelde vorderings staan gelyk in rangorde en word, indien nodig, eweredig verminder."

Wysiging van artikel 100 van Wet 24 van 1936, soos gewysig deur artikel 13 van Wet 32 van 1952.

32. Artikel *honderd-en-ses* van die Hoofwet word hierby gewysig deur al die woorde voor die voorbehoudsbepaling deur die volgende woorde te vervang:

„106. Wanneer daar geen vrye oorskot in 'n insolvente boedel is nie of wanneer die vrye oorskot onvoldoende is om al die koste en onkoste bedoel in artikel *sewe-en-negentig* te dek, is alle skuldeisers wat vorderings teen die boedel bewys het, verplig om die tekort te dek, en wel die nie-preferente skuldeisers elkeen na eweredigheid van die bedrag van sy vordering, en die versekerde skuldeisers

Wysiging van artikel 106 van Wet 24 van 1936.

of his claim and the secured creditors each in proportion to the amount for which he would have ranked upon the surplus of the free residue, if there had been any;”.

Amendment of section 108 of Act 24 of 1936, as amended by section 20 of Act 62 of 1955.

33. Section *one hundred and eight* of the principal Act is hereby amended by the substitution for sub-section (2) of the following sub-section:

“(2) The trustee shall, as soon as possible after he has submitted an account to the Master, give notice in the manner prescribed by paragraphs (b) and (c) of sub-section (3) of section *forty* that he has so submitted such account and that the account will lie open for inspection by the creditors of the estate at the place or places and during the period stated in the notice.”.

Amendment of section 110 of Act 24 of 1936.

34. Section *one hundred and ten* of the principal Act is hereby amended by the deletion of sub-section (3).

Amendment of section 111 of Act 24 of 1936.

35. Section *one hundred and eleven* of the principal Act is hereby amended by the substitution in sub-section (2) for all the words preceding the proviso of the following words:

“(2) If the Master is of the opinion that any such objection is well founded or if, apart from any objection, he is of the opinion that the account is in any respect incorrect or contains any improper charge or that the trustee acted *mala fide*, negligently or unreasonably in incurring any costs included in the account and that the account should be amended, he may direct the trustee to amend the account or may give such other direction in connection therewith as he may think fit:”.

Amendment of section 114 of Act 24 of 1936.

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

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

“Provided that a cheque purporting to be drawn payable to a creditor in respect of any dividend due to him and paid by the banker on whom it is drawn, may be accepted by the Master in lieu of any such receipt.”; and

(b) by the deletion of sub-section (3).

Repeal of section 115 of Act 24 of 1936.

37. Section *one hundred and fifteen* of the principal Act is hereby repealed.

Amendment of section 116 of Act 24 of 1936.

38. Section *one hundred and sixteen* of the principal Act is hereby amended by the deletion of sub-section (2).

Insertion of section 116bis in Act 24 of 1936.

39. The following section is hereby inserted in the principal Act after section *one hundred and sixteen*:

“Failure by trustee to submit account or to perform duties.

**116bis.** (1) If any trustee fails to submit any account to the Master as and when required by or under this Act, or to submit any vouchers in support of such account or to perform any other duty imposed upon him by this Act or to comply with any reasonable demand of the Master for information or proof required by him in connection with the liquidation or distribution of an estate, the Master or any person having an interest in the liquidation or distribution of the estate may, after giving the trustee not less than fourteen days' notice, apply to the court for an order directing the trustee to submit such account or any vouchers in support thereof or to perform such duty or to comply with such demand.

(2) The costs adjudged to the Master or to such person shall, unless otherwise ordered by the Court, be payable by the trustee *de bonis propriis*.”.

Amendment of section 117 of Act 24 of 1936.

40. Section *one hundred and seventeen* of the principal Act is hereby amended by the substitution for sub-section (1) of the following sub-section:

“(1) If a trustee has failed to comply with any order of the Court made under section *one hundred and sixteen bis* the Court may direct that any sum of money which that trustee was ordered to pay be recovered by attachment and sale of the goods of the trustee and may further commit him to prison for contempt of the Court.”.



elkeen na eweredigheid van die bedrag waarvoor hy by die verdeling van die surplus van die vrye oorskot in aanmerking sou gekom het, as daar so 'n surplus was."

33. Artikel *honderd-en-agt* van die Hoofwet word hierby gewysig deur sub-artikel (2) deur die volgende sub-artikel te vervang:

Wysiging van artikel 108 van Wet 24 van 1936, soos gewysig deur artikel 20 van Wet 62 van 1955.

„(2) Die kurator moet so spoedig doenlik nadat hy 'n rekening aan die Meester voorgelê het, kennis op die in paragrawe (b) en (c) van sub-artikel (3) van artikel *veertig* voorgeskrewe wyse gee dat hy sodanige rekening aldus voorgelê het en dat die rekening ter insae van die skuldeisers van die boedel op die in die kennisgewing vermelde plek of plekke en gedurende die aldus vermelde tydperk, sal lê."

34. Artikel *honderd-en-tien* van die Hoofwet word hierby gewysig deur sub-artikel (3) te skrap.

Wysiging van artikel 110 van Wet 24 van 1936.

35. Artikel *honderd-en-elf* van die Hoofwet word hierby gewysig deur in sub-artikel (2) al die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:

Wysiging van artikel 111 van Wet 24 van 1936.

„(2) Indien die Meester van oordeel is dat so 'n beswaar gegrond is of indien hy, afgesien van enige beswaar, van oordeel is dat die rekening in enige opsig onjuis is of 'n onbehoorlike uitgawe bevat of dat die kurator *mala fide*, nalatig of onredelik opgetree het by die aangaan van enige koste wat by die rekening ingesluit is en dat die rekening gewysig behoort te word, kan hy die kurator beveel om die rekening te wysig of sodanige bevel in verband daarmee gee as wat hy goedvind."

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

Wysiging van artikel 114 van Wet 24 van 1936.

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

„Met dien verstande dat 'n tjek wat so getrek heet te wees dat dit aan 'n skuldeiser ten opsigte van enige diwidend aan hom verskuldig, betaalbaar is en deur die bankier op wie dit getrek is, betaal is, deur die Meester in plaas van enige sodanige kwitansie aanvaar kan word."; en

(b) deur sub-artikel (3) te skrap.

37. Artikel *honderd-en-vyftien* van die Hoofwet word hierby herroep.

Herroeping van artikel 115 van Wet 24 van 1936.

38. Artikel *honderd-en-sestien* van die Hoofwet word hierby gewysig deur sub-artikel (2) te skrap.

Wysiging van artikel 116 van Wet 24 van 1936.

39. Die volgende artikel word hierby na artikel *honderden-sestien* van die Hoofwet ingevoeg:

Invoeging van artikel 116bis in Wet 24 van 1936.

„Versuim **116bis.** (1) Indien 'n kurator versuim om op die tyd en wyse by of ingevolge hierdie Wet voorgeskryf deur kurator om rekening enige rekening aan die Meester voor te lê of om bewysstukke ter staving van sodanige rekening voor te lê of om 'n ander plig wat hom by hierdie Wet opgelê is, uit te voer of om aan 'n redelike eis van die Meester vir inligting of bewys wat hy in vervand met die bereddering of verdeling van 'n boedel nodig het, te voldoen, kan die Meester of iemand wat by die bereddering of verdeling van die boedel belang het, na kennisgewing van minstens veertien dae aan die kurator, by die hof aansoek doen om 'n bevel wat die kurator gelas om sodanige rekening of bewysstukke ter staving daarvan voor te lê of om sodanige plig uit te voer of om aan sodanige eis te voldoen.

(2) Die koste aan die Meester of aan bedoelde persoon toegewys, is, tensy die hof anders gelas, deur die kurator *de bonis propriis* betaalbaar."

40. Artikel *honderd-en-sewentien* van die Hoofwet word hierby gewysig deur sub-artikel (1) deur die volgende sub-artikel te vervang:

Wysiging van artikel 117 van Wet 24 van 1936.

„(1) As 'n kurator in gebreke gebly het om te voldoen aan 'n order van die hof wat kragtens artikel *honderden-sestien bis* uitgevaardig is, dan kan die hof gelas dat een of ander geldsom tot betaling waarvan daardie kurator veroordeel is, verhaal moet word deur inbeslagneming en verkoop van die goedere van die kurator, en kan hom buitendien weens minagting van die hof na 'n gevangenis verwys."

Amendment of section 124 of Act 24 of 1936, as amended by section 32 of Act 16 of 1943.

41. Section *one hundred and twenty-four* of the principal Act is hereby amended by the substitution for the second proviso to sub-section (1) of the following proviso:
- “and provided further that the said certificate shows that payment has been made or the security prescribed by sub-section (7) of section *one hundred and nineteen* has been given for the payment of not less than ten shillings for every pound of every claim proved or to be proved against the estate of the insolvent.”.

Amendment of section 138 of Act 24 of 1936.

42. Section *one hundred and thirty-eight* of the principal Act is hereby amended by the deletion of paragraph (a).

Insertion of section 138*bis* in Act 24 of 1936.

43. The following section is hereby inserted in the principal Act after section *one hundred and thirty-eight*:

“Presumption in case of prosecution for failure to notify change of address. 138*bis*. If in any prosecution for a contravention of paragraph (d) of section *one hundred and thirty-eight* it is proved that the insolvent has changed his residential or postal address it shall, unless the contrary is proved, be presumed that he has failed to notify the trustee of such change.”.

Amendment of section 151 of Act 24 of 1936.

44. Section *one hundred and fifty-one* of the principal Act is hereby amended by the substitution for all the words preceding the first proviso of the following words:

“151. Subject to the provisions of section *fifty-seven* any person aggrieved by any decision, ruling, order or taxation of the Master or by a decision, ruling or order of an officer presiding at a meeting of creditors may bring it under review by the Court and to that end may apply to the Court by motion, after notice to the Master or to the presiding officer, as the case may be, and to any person whose interests are affected:”.

Insertion of section 151*bis* in Act 24 of 1936.

45. The following section is hereby inserted in the principal Act after section *one hundred and fifty-one*:

“Costs of review. 151*bis*. If the court reviewing any matter referred to in section *one hundred and fifty-one* confirms any decision, ruling, order or taxation of the Master or officer referred to in that section the costs of the applicant for the review of that matter shall not be paid out of the assets of the estate concerned unless the Court otherwise directs.”.

Amendment of section 152 of Act 24 of 1936.

46. Section *one hundred and fifty-two* of the principal Act is hereby amended by the substitution for sub-section (2) of the following sub-section:

“(2) If at any time after the sequestration of the estate of a debtor and before his rehabilitation, the Master is of the opinion that the insolvent or the trustee of that estate or any other person is able to give any information which the Master considers desirable to obtain, concerning the insolvent, or concerning his estate or the administration of the estate or concerning any claim or demand made against the estate, he may by notice in writing delivered to the insolvent or the trustee or such other person summon him to appear before the Master or before a magistrate or an officer in the public service mentioned in such notice, at the place and on the date and hour stated in such notice, and to furnish the Master or other officer before whom he is summoned to appear with all the information within his knowledge concerning the insolvent or concerning the insolvent's estate or the administration of the estate.”.

Insertion of section 158*ter* in Act 24 of 1936.

47. (1) The following section is hereby inserted in the principal Act after section *one hundred and fifty-eight bis*:

“Application of Act to South-West Africa. 158*ter*. This Act and any amendment thereof shall apply also in the Territory, including that portion of the Territory known as the Eastern Caprivi Zipfel and referred to in sub-section (3) of section *three* of the South-West Africa Affairs Amendment Act, 1951 (Act No. 55 of 1951).”.

(2) Sub-section (1) shall be deemed to have come into operation on the first day of July, 1943.

41. Artikel *honderd vier-en-twintig* van die Hoofwet word hierby gewysig deur die tweede voorbehoudsbepaling by sub-artikel (1) deur die volgende voorbehoudsbepaling te vervang: „en mits ook uit voormelde sertifikaat blyk dat nie minder as tien sjielings op elke pond van elke vordering wat teen die boedel van die insolvent bewys is of nog bewys sal word, betaal is of dat die sekuriteit wat sub-artikel (7) van artikel *honderd-en-negentien* vir die betaling van daardie bedrag voorskryf, gestel is.”
- Wysiging van artikel 124 van Wet 24 van 1936, soos gewysig deur artikel 32 van Wet 16 van 1943.
42. Artikel *honderd agt-en-dertig* van die Hoofwet word hierby gewysig deur paragraaf (a) te skrap.
- Wysiging van artikel 138 van Wet 24 van 1936.
43. Die volgende artikel word hierby in die Hoofwet na artikel *honderd agt-en-dertig* ingevoeg:
- 138bis. Indien daar in enige vervolging vir 'n oortreding van paragraaf (d) van artikel *honderd agt-en-dertig* bewys word dat die insolvent van woon- of posadres verander het, word dit geag, tensy die teendeel bewys word, dat hy versuim het om die kurator van daardie verandering in kennis te stel.”
- „Vermoede in geval van vervolging vir versuim om kennis te gee van adresverandering.
- Invoeging van artikel 138bis in Wet 24 van 1936.
44. Artikel *honderd een-en-vyftig* van die Hoofwet word hierby gewysig deur al die woorde wat die eerste voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:
- „151. Behoudens die bepalings van artikel *sewe-en-vyftig* kan iemand wat homself verongelyk ag deur 'n beslissing, beskikking, bevel of taksasie van die Meester, of deur 'n beslissing, beskikking of bevel van 'n amptenaar wat by 'n byeenkoms van skuldeisers voorsit, dit by die hof in hersiening bring en kan hy te dien einde by die hof by wyse van mosie aansoek doen, na kennisgewing aan die Meester of aan die voorsittende amptenaar, al na die geval, en aan enige ander persoon wie se belange daarmee gemoeid is.”
- Wysiging van artikel 151 van Wet 24 van 1936.
45. Die volgende artikel word hierby in die Hoofwet na artikel *honderd een-en-vyftig* ingevoeg:
- „Koste van hersiening. 151bis. Indien die hof wat enige aangeleentheid in artikel *honderd een-en-vyftig* bedoel, hersien, enige beslissing, beskikking, bevel of taksasie van die Meester of die in daardie artikel bedoelde amptenaar bekragtig, word die koste van die applikant om die hersiening van daardie aangeleentheid nie uit die bates van die betrokke boedel betaal nie tensy die hof anders gelas.”
- Invoeging van artikel 151bis in Wet 24 van 1936.
46. Artikel *honderd twee-en-vyftig* van die Hoofwet word hierby gewysig deur sub-artikel (2) deur die volgende sub-artikel te vervang:
- „(2) As die Meester te eniger tyd na die sekwestrasie van 'n boedel van 'n skuldenaar en voor sy rehabilitasie van mening is dat die insolvent of die kurator van daardie boedel of enige ander persoon in staat is om inligting te verstrek, wat die Meester wenslik ag om te verkry, aangaande die insolvent of aangaande sy boedel of die beheer van die boedel of aangaande 'n vordering of eis teen die boedel ingebring, dan kan hy by skriftelike kennisgewing, aan die insolvent of die kurator of daardie ander persoon oorhandig, hom oproep om voor die Meester of voor 'n magistrat of 'n in daardie kennisgewing vermelde amptenaar in die staatsdiens te verskyn op 'n plek, dag en uur in daardie kennisgewing aangegee, en om aan die Meester of ander amptenaar voor wie hy opgeroep word om te verskyn, al die inligting te verstrek waarvan hy kennis dra aangaande die insolvent of aangaande die boedel van die insolvent of die beheer van die boedel.”
- Wysiging van artikel 152 van Wet 24 van 1936.
47. (1) Die volgende artikel word hierby in die Hoofwet na artikel *honderd agt-en-vyftig bis* ingevoeg:
- „Toepassing van Wet op Suidwes-Afrika. 158ter. Hierdie Wet en enige wysiging daarvan is ook van toepassing in die Gebied, met inbegrip van daardie gedeelte van die Gebied wat bekend is as die Oostelike Caprivi Zipfel en wat in sub-artikel (3) van artikel *drie* van die Wysigingswet op Aangeleenthede van Suidwes-Afrika, 1951 (Wet No. 55 van 1951), vermeld word.”
- Invoeging van artikel 158ter in Wet 24 van 1936.
- (2) Sub-artikel (1) word geag op die eerste dag van Julie 1943 in werking te getree het.

Substitution for  
"Governor-  
General" and  
"Union" of  
"State President"  
and "Republic"  
respectively, in Act  
24 of 1936.

**48.** The principal Act is hereby amended by the substitution for the word "Governor-General", wherever it occurs, of the words "State President" and for the word "Union", wherever it occurs, of the word "Republic".

Savings.

**49.** The provisions of this Act shall not apply to any estate sequestrated provisionally or finally before the commencement of this Act. Any such estate shall in all respects be dealt with according to the provisions of the principal Act as they existed immediately before the commencement of this Act.

Repeal of section  
37 of Act 16 of  
1943.

**50.** Section *thirty-seven* of the Insolvency Law Amendment Act, 1943, is hereby repealed.

Short title.

**51.** This Act shall be called the Insolvency Amendment Act, 1965.

48. Die Hoofwet word hierby gewysig deur die woord „Goewerneur-generaal” oral waar dit voorkom deur die woord „Staatspresident” en die woord „Unie” oral waar dit voorkom deur die woord „Republiek” te vervang. Vervanging van „Goewerneur-generaal” en „Unie” deur onderskeidelik „Staatspresident” en „Republiek” in Wet 24 van 1936.
49. Die bepalings van hierdie Wet is nie van toepassing op 'n boedel wat voor die inwerkingtreding van hierdie Wet voorlopig of finaal gesekwestreer is nie. Enige sodanige boedel word in alle opsigte ingevolge die bepalings van die Hoofwet soos wat dit onmiddellik voor die inwerkingtreding van hierdie Wet bestaan het, afgehandel. Voorbehoudsbepalings.
50. Artikel *sewe-en-dertig* van die Wet tot Wysiging van die Insolvensiewet, 1943, word hierby herroep. Herroeping van artikel 37 van Wet 16 van 1943.
51. Hierdie Wet heet die Wysigingswet op Insolvensie, 1965. Kort titel.

No. 100, 1965.]

# ACT

To provide for certain pensions, grants, gratuities and other benefits.

(English text signed by the State President.)  
(Assented to 18th June, 1965.)

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

Granting of certain benefits.

1. Notwithstanding anything to the contrary in any law, every person indicated as a beneficiary in an item of the Schedule to this Act shall be entitled to the benefit specified in that item.

Short title.

2. This Act shall be called the Pensions (Supplementary) Act, 1965.

## Schedule.

1. For the purposes of the War Special Pensions Act, 1962, Jane A. Colville and Flora L. Colville, sisters of the late sergeant A. E. Colville and trooper J. S. H. Colville, Natal Carbineers, who died while on military service during the Anglo-Boer War (1899-1902), shall be deemed to have applied for compensation in respect of the death of the said A. E. Colville and J. S. H. Colville within the period prescribed by sub-section (3) of section *thirty-two* of that Act and to comply with the requirements of sub-section (1) of section *twenty-two* of the said Act: Provided that no such compensation shall be payable in respect of any period prior to the first day of April, 1965.

2. The award to Ann E. Stewart, widow of J. Stewart, formerly No. 4097, private, 1st South African Infantry, with effect from 1st April, 1965, of the alternative allowance to which she would have been entitled in terms of section *seventeen* of the War Special Pensions Act, 1962, had the pre-war earnings of the said J. Stewart amounted to R625 per annum.

3. The award to Maria M. Mitchell, widow of A. Mitchell, formerly No. 3338, company quartermaster sergeant, Cape Auxiliary Horse Transport Company, with effect from 1st April, 1964, of the alternative allowance to which she would have been entitled in terms of section *seventeen* of the War Special Pensions Act, 1962, had the pre-war earnings of the said A. Mitchell amounted to R625 per annum.

4. The application for compensation by S. B. Buys, formerly No. E1813, 2nd Mounted Rifles, Natal Carbineers, in respect of the effects of injuries to his leg, shall be considered as if it had been lodged prior to the date referred to in section *forty-eight* of the War Special Pensions Act, 1962, subject to the condition that no compensation shall be payable in respect of any period prior to the first day of April, 1965.

5. For the purposes of the War Pensions Act, 1942, Daniel Saul Metter, son of F. R. Metter, formerly No. 542412, lieutenant, South African Air Force, shall be deemed to have been born within ten years of the date on which the said F. R. Metter was released from military service, subject to the condition that no benefit in respect of the said child shall be payable in respect of any period prior to the first day of April, 1964.

6. Subject to such conditions as the Secretary for Social Welfare and Pensions may determine, the following persons shall be deemed to have elected in terms of sub-section (1) of section *five* of the Government Service Pensions Act, 1955, to become contributors to the South African Police and Prisons Service Pension Fund:—

- (i) M. W. P. Deetlefs, chief warder, Prisons Department;
- (ii) T. H. de Klerk, lieutenant, Prisons Department;
- (iii) J. J. Jacobs, chief warder, Prisons Department;
- (iv) H. Roelofse, detective warrant officer, South African Police;
- (v) J. T. van Rensburg, chief warder, Prisons Department;
- (vi) H. L. van Stryp, warrant officer, South African Police;
- (vii) A. L. van Wyk, lieutenant colonel, Prisons Department; and
- (viii) H. A. Vorster, sergeant, South African Police.

# WET

**Om voorsiening te maak vir sekere pensioene, toelaes, gratifikasies en ander voordele.**

(Engelse teks deur die Staatspresident geteken.)  
(Goedgekeur op 18 Junie 1965.)

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

1. Ondanks andersluidende wetsbepalings, is elke persoon wat in 'n item van die Bylae by hierdie Wet as 'n bevoordeelde aangewys word, op die in daardie item vermelde voordeel geregtig. Toekening van sekere voordele.

2. Hierdie Wet heet die Wet tot Aanvulling van Pensioene, Kort titel. 1965.

## Bylae.

1. By die toepassing van die Wet op Spesiale Oorlogspensioene, 1962, word Jane A. Colville en Flora L. Colville, susters van wyle sersant A. E. Colville en kavalleris J. S. H. Colville, „Natal Carbineers”, wat tydens militêre diens gedurende die Anglo-Boere-oorlog (1899-1902) gesterf het, geag binne die in sub-artikel (3) van artikel *twee-en-dertig* van daardie Wet voorgeskrewe tydperk aansoek te gedoen het om vergoeding ten opsigte van die dood van bedoelde A. E. Colville en J. S. H. Colville, en aan die vereistes van sub-artikel (1) van artikel *twee-en-twintig* van bedoelde Wet te voldoen; Met dien verstande dat geen sodanige vergoeding ten opsigte van enige tydperk voor die eerste dag van April 1965 betaalbaar is nie.

2. Die toekening aan Ann E. Stewart, weduwee van J. Stewart, voorheen No. 4097, manskap, 1ste Suid-Afrikaanse Infanterie, met ingang van 1 April 1965 van die alternatiewe toelae waarop sy ingevolge artikel *sewentien* van die Wet op Spesiale Oorlogspensioene, 1962, geregtig sou gewees het indien die vooroorlogse verdienste van bedoelde J. Stewart R625 per jaar bedra het.

3. Die toekening aan Maria M. Mitchell, weduwee van A. Mitchell, voorheen No. 3338, kompanie-kwartiermeestersersant, Kaapse Hulpkompanie vir Transport met Perde, met ingang van 1 April 1964, van die alternatiewe toelae waarop sy ingevolge artikel *sewentien* van die Wet op Spesiale Oorlogspensioene, 1962, geregtig sou gewees het indien die vooroorlogse verdienste van bedoelde A. Mitchell R625 per jaar bedra het.

4. Die aansoek om vergoeding deur S. B. Buys, voorheen No. E1813, 2de Berede Skutters, „Natal Carbineers”, ten opsigte van die gevolge van beserings aan sy been word beskou asof dit voor die in artikel *agt-en-veertig* van die Wet op Spesiale Oorlogspensioene, 1962, bedoelde datum ingedien was, onderworpe aan die voorwaarde dat geen vergoeding ten opsigte van enige tydperk voor die eerste dag van April 1965 betaalbaar is nie.

5. By die toepassing van die Oorlogspensioenwet, 1942, word Daniel Saul Metter, seun van F. R. Metter, voorheen No. 542412, luitenant, Suid-Afrikaanse Lugmag, geag gebore te gewees het binne tien jaar vanaf die datum waarop bedoelde F. R. Metter uit militêre diens ontslaan is, onderworpe aan die voorwaarde dat geen voordeel ten opsigte van bedoelde kind betaalbaar is ten opsigte van enige tydperk voor die eerste dag van April 1964 nie.

6. Behoudens die voorwaardes wat die Sekretaris van Volkswelsyn en Pensioene bepaal, word die volgende persone geag ooreenkomstig sub-artikel (1) van artikel *vyf* van die Regeringsdiens-pensioenwet, 1955, te gekies het om bydraers tot die Suid-Afrikaanse Polisie- en Gevangensdiens-pensioenfonds te word:—

- (i) M. W. P. Deetlefs, opperbewaarder, Departement van Gevangenis- en Straffereguleering;
- (ii) T. H. de Klerk, luitenant, Departement van Gevangenis- en Straffereguleering;
- (iii) J. J. Jacobs, opperbewaarder, Departement van Gevangenis- en Straffereguleering;
- (iv) H. Roelofse, speurder-adjudant-offisier, Suid-Afrikaanse Polisie;
- (v) J. T. van Rensburg, opperbewaarder, Departement van Gevangenis- en Straffereguleering;
- (vi) H. L. van Stryp, adjudant-offisier, Suid-Afrikaanse Polisie;
- (vii) A. L. van Wyk, luitenant-kolonel, Departement van Gevangenis- en Straffereguleering; en
- (viii) H. A. Vorster, sersant, Suid-Afrikaanse Polisie.

7. Subject to such conditions as the Secretary for Social Welfare and Pensions may determine and to the repayment by B. C. van Zyl, clerk, Department of Agricultural Economics and Marketing, of the sum of R492.51 paid to him from the South African Police and Prisons Service Pension Fund and the sum of R68.86 paid to him from the Government Service Widows' Pension Fund, together with interest at the rate of four per cent. per annum, compounded annually as at 31st March, on such sums, from date of payment to date of repayment, he shall, for the purposes of section *twelve* of the Government Service Pensions Act, 1955, be deemed to have been transferred from the South African Police to the said Department with effect from 1st February, 1964.

8. The late A. A. Volbrecht, teacher, Department of Education, Arts and Science, shall be deemed to have elected in terms of sub-section (2) of section *thirteen* of the Government Service Pensions Act, 1955, to reckon the period of his pensionable service as a teacher in the Transvaal Education Department from and after 18th January, 1949, as pensionable service under that Act.

9. C. M. S. Beukes, inspector of schools, Natal Provincial Administration, may elect in writing within sixty days after the date upon which the Secretary for Social Welfare and Pensions calls upon him to do so, to contribute to the Public Service Pension Fund in respect of the period of his probationary service as a teacher from 1st January, 1935, to 30th June, 1935, and if he so elects to contribute—

- (a) he shall, in respect of that period, pay contributions to the said Fund, in accordance with the scale set forth in section *twenty-five* of the Government Service Pensions Act, 1955;
- (b) he shall pay to that Fund interest on such contributions at the rate of four per cent. per annum, annually compounded as at the thirty-first day of March and calculated according to the dates upon which the said contributions would have been payable had he during that period been a contributor to the said Fund; and
- (c) the provisions of sub-sections (3), (4) and (5) of section *thirty-five* of the Pension Laws Amendment Act, 1956, shall *mutatis mutandis* apply in respect of the amount payable in terms of paragraphs (a) and (b).

10. F. J. du T. de Bruyn, teacher, Cape Education Department, shall be permitted to make an election in terms of section *two hundred and six* of the Education Ordinance, 1956 (Cape Ordinance No. 20 of 1956), within sixty days of the date upon which he is called upon by the Superintendent-General of Education, Cape, to do so.

11. Subject to such conditions as the Secretary for Social Welfare and Pensions may determine and to the repayment by Constance G. Hopkins, senior woman clerk, Cape Technical College, of the amounts paid to her from the Technical Colleges Provident Fund on her resignation in 1947, together with an amount equal to the dividends and interest which would have accrued to the Fund in respect of such amounts had she not resigned, the break in her service from 1st November, 1947, to 29th February, 1948, shall be condoned for the purposes of the Technical Colleges Provident Fund and Pension Scheme, being regarded as special leave of absence without pay not counting as service, and the period of her previous service from 6th February, 1931, to 31st October, 1947, shall be deemed to be approved service for the purposes of that scheme.

12. Subject to the repayment by Elizabeth M. L. Volstedt, matron, Karl Bremer Hospital, of the sum of R459.80 paid to her from the Cape Nurses' Pension Fund on her resignation in 1952, together with interest thereon at the rate of five per cent. per annum, compounded annually, from date of payment to date of repayment, the break in her service from 1st August, 1952, to 31st October, 1952, shall be condoned for pension purposes, being regarded as special leave of absence without pay, not counting as service but preserving to her the benefit of her previous service from 16th January, 1938, to 31st July, 1952, for such purposes.

13. The pension of Marianne E. Bouwer, widow of Brigadier-General B. D. Bouwer, shall be increased from R480 to R648 per annum, with effect from 1st April, 1965.

14. The award to W. de Villiers, formerly judge of the High Court of South-West Africa, of a pension of R800 per annum with effect from 1st April, 1965.

15. The award to Martha W. Potgieter, formerly curatrix of the Voortrekker Museum, Pietermaritzburg, with effect from 1st May, 1964, of a pension of R20 per month.

16. The award to Mary E. van der Merwe, widow of J. A. van der Merwe, member of the House of Assembly, with effect from 1st April, 1965, of a pension of R25 per month, payable during widowhood.

17. The award to R. C. Larkan, formerly temporary assistant stock inspector, Department of Lands, who sustained an injury to his left ankle in the course of the execution of his official duties, of an amount of R320 in respect of medical expenses incurred by him.

18. The award to J. J. Veenstra, formerly technical officer, Department of Agricultural Technical Services, of a sum of R283.13.

19. Subject to such conditions as the Secretary for Social Welfare and Pensions may determine, S. M. Langerman, senior lecturer of the University of Cape Town, shall be permitted to pay contributions to the University Institutions Provident Fund in respect of his service from 1st February, 1944, to 31st December, 1947.

20. Sister Elizabeth Haselkamp, formerly teacher at Government-aided schools in Natal, shall be deemed to have obtained registration in terms of Natal Act No. 31 of 1910 and the regulations made in pursuance



7. Behoudens die voorwaardes wat die Sekretaris van Volkswelsyn en Pensioene bepaal en die terugbetaling deur B. C. van Zyl, klerk, Departement van Landbou-ekonomie en -bemarking, van die bedrag van R492.51 aan hom betaal uit die Suid-Afrikaanse Polisie- en Gevangensdiens-pensioenfonds en die bedrag van R68.86 aan hom betaal uit die Regeringsdiens-weduweespensioenfonds, tesame met rente teen die koers van vier persent per jaar, jaarliks saamgestel op 31 Maart, op sodanige bedrae, vanaf die datum van betaling tot die datum van terugbetaling, word hy, vir die doeleindes van artikel *twaalf* van die Regeringsdiens-pensioenwet, 1955, geag met ingang van 1 Februarie 1964 van die Suid-Afrikaanse Polisie na genoemde Departement oorgeplaas te gewees het.

8. Wyle A. A. Volbrecht, onderwyser, Departement van Onderwys, Kuns en Wetenskap, word geag ooreenkomstig sub-artikel (2) van artikel *dertien* van die Regeringsdiens-pensioenwet, 1955, te gekies het om die tydperk van sy pensioengewende diens as onderwyser in die Transvaalse Onderwysdepartement vanaf en na 18 Januarie 1949, as pensioengewende diens ingevolge daardie Wet te reken.

9. C. M. S. Beukes, inspekteur van skole, Natalse Provinsiale Administrasie, kan binne sestig dae na die datum waarop hy deur die Sekretaris van Volkswelsyn en Pensioene aangesê word om dit te doen, skriftelik kies om by te dra tot die Staatsdiens-pensioenfonds ten opsigte van die tydperk van sy proefdiens as onderwyser vanaf 1 Januarie 1935 tot 30 Junie 1935, en indien hy aldus kies om by te dra—

- (a) moet hy ten opsigte van daardie tydperk aan genoemde Fonds bydraes betaal volgens die skaal voorgeskryf in artikel *vyf-entwintig* van die Regeringsdiens-pensioenwet, 1955;
- (b) moet hy aan daardie Fonds rente op sodanige bydraes betaal teen die koers van vier persent per jaar, jaarliks op die een-en-dertigste dag van Maart saamgestel en bereken volgens die datums waarop bedoelde bydraes betaalbaar sou gewees het indien hy gedurende daardie tydperk 'n bydraer tot genoemde Fonds was; en
- (c) is die bepalings van sub-artikels (3), (4) en (5) van artikel *vyf-entertig* van die Wysigingswet op die Pensioenwette, 1956, *mutatis mutandis* van toepassing ten opsigte van die bedrag ingevolge paragrawe (a) en (b) betaalbaar.

10. F. J. du T. de Bruyn, onderwyser, Kaapse Onderwysdepartement, word toegelaat om ingevolge artikel *tweehonderd-en-ses* van die Onderwysordonnansie, 1956 (Kaapse Ordonnansie No. 20 van 1956), 'n keuse te doen binne sestig dae vanaf die datum waarop hy deur die Superintendent-generaal van Onderwys, Kaap, aangesê word om dit te doen.

11. Behoudens die voorwaardes wat die Sekretaris van Volkswelsyn en Pensioene bepaal en die terugbetaling deur Constance G. Hopkins, senior vroueklerk, Kaapse Tegniese Kollege, van die bedrae wat uit die Voorsorgfonds vir Tegniese Kolleges by haar bedanking in 1947 aan haar betaal is, tesame met 'n bedrag wat gelykstaan met die diwidende en rente wat ten opsigte van sodanige bedrae aan die Fonds sou toegeval het indien sy nie bedank het nie, word die onderbreking van haar diens vanaf 1 November 1947 tot 29 Februarie 1948 vir die doeleindes van die Voorsorgfonds en Pensioenskema vir Tegniese Kolleges verskoon en beskou as spesiale afwesighedsverlof sonder betaling wat nie as diens geld nie, en word die tydperk van haar vorige diens vanaf 6 Februarie 1931 tot 31 Oktober 1947 vir die doeleindes van daardie skema as goedgekeurde diens beskou.

12. Behoudens die terugbetaling deur Elizabeth M. L. Volsteedt, matrone, Karl Bremer-hospitaal, van die bedrag van R459.80 wat uit die Kaapse Verpleegsterspensioenfonds by haar bedanking in 1952 aan haar betaal is, tesame met rente daarop teen die koers van vyf persent per jaar, jaarliks saamgestel, vanaf die datum van betaling tot die datum van terugbetaling, word die onderbreking van haar diens vanaf 1 Augustus 1952 tot 31 Oktober 1952 vir pensioendoeleindes verskoon en beskou as spesiale afwesighedsverlof sonder betaling wat nie as diens geld nie, maar wat haar die voordeel van haar vorige diens vanaf 16 Januarie 1938 tot 31 Julie 1952 vir sodanige doeleindes laat behou.

13. Die pensioen van Marianne E. Bouwer, weduwee van brigadier-generaal B. D. Bouwer, word met ingang van 1 April 1965 van R480 tot R648 per jaar verhoog.

14. Die toekenning aan W. de Villiers, voorheen regter van die Hoë Hof van Suidwes-Afrika, met ingang van 1 April 1965 van 'n pensioen van R800 per jaar.

15. Die toekenning aan Martha W. Potgieter, voorheen kuratrise van die Voortrekkeermuseum, Pietermaritzburg, met ingang van 1 Mei 1964, van 'n pensioen van R20 per maand.

16. Die toekenning aan Mary E. van der Merwe, weduwee van J. A. van der Merwe, lid van die Volksraad, met ingang van 1 April 1965, van 'n pensioen van R25 per maand, betaalbaar gedurende weduweeskap.

17. Die toekenning aan R. C. Larkan, voorheen tydelike assistent-vee-inspekteur, Departement van Lande, wat tydens die vervulling van sy amptelike pligte 'n besering aan sy linker-enkel opgedoen het, van 'n bedrag van R320 ten opsigte van mediese koste deur hom aangegaan.

18. Die toekenning aan J. J. Veenstra, voorheen tegniese beampte, Departement van Landbou-tegniese Dienste, van 'n bedrag van R283.13.

19. Behoudens die voorwaardes wat die Sekretaris van Volkswelsyn en Pensioene bepaal, word S. M. Langerman, senior lektor van die Universiteit van Kaapstad, toegelaat om bydraes tot die Voorsorgfonds vir Universiteitsinrigtings te betaal ten opsigte van sy diens vanaf 1 Februarie 1944 tot 31 Desember 1947.

20. Suster Elizabeth Haselkamp, voorheen onderwyseres by Staats-ondersteunde skole in Natal, word geag ooreenkomstig Natalse Wet No. 31 van 1910 en die regulasies daarkragtens uitgevaardig, geregistreer te

thereof, and to have complied with the requirements of paragraphs (a) and (b) of section *two* and the first and third paragraphs of section *three* of the said Act: Provided that no pension shall be payable to her in terms of the said Act in respect of any period prior to the first day of April, 1964.

21. The award to Stella I. M. Childs, widow of the late Alfred George Childs, ex-assistant foreman, South African Railways, of compensation in respect of the death on 23rd August, 1964, of her late husband as a result of lung cancer due to asbestosis which he contracted between 25th April, 1917, and 30th June, 1954, in the course of his employment with the South African Railways, which shall be assessed as if asbestosis had appeared as a scheduled industrial disease in the Second Schedule to the Workmen's Compensation Act, 1941, and the provisions of that Act had thus been applicable at the date of his death.

22. Mr. A. J. Gouws, formerly a casual railworker, Klerksdorp, shall be deemed to have been retired from the service of the South African Railways and Harbours Administration with effect from 1st January, 1964, because of permanent ill-health in respect of which a railway medical officer has not certified that it was occasioned by his own default, and the provisions of section 3 (2) (c) (i) of the Railways and Harbours Pensions Amendment Act, 1941 (Act No. 26 of 1941), shall be applicable to him.

23. The pension of Mary Meser, widow of J. Meser, formerly Chief Committee Clerk, House of Assembly, shall be increased from R480 per annum to R565.25 per annum with effect from 1st April, 1965.

gewees het en aan die vereistes van paragrawe (a) en (b) van artikel twee en die eerste en derde paragrawe van artikel drie van bedoelde Wet te voldoen het: Met dien verstande dat geen pensioen ingevolge bedoelde Wet aan haar betaalbaar is ten opsigte van enige tydperk voor die eerste dag van April 1964 nie.

21. Die toekenning aan Stella I. M. Childs, weduwee van wyle Alfred George Childs, gewese assistent-voorman, Suid-Afrikaanse Spoorweë, van skadeloosstelling ten opsigte van haar oorlede eggenoot se afsterwe op 23 Augustus 1964 weens longkanker as gevolg van asbestose wat hy opgedoen het tussen 25 April 1917 en 30 Junie 1954, in die loop van sy diens by die Suid-Afrikaanse Spoorweë, wat bereken word asof asbestose as 'n vergoedingspligtige bedryfsiekte in die Tweede Bylae van die Ongevallewet, 1941, verskyn het en die bepaling van daardie Wet aldus op die datum van sy afsterwe van toepassing was.

22. Mnr. A. J. Gouws, voorheen 'n los spoorwerker, Klerksdorp, word geag met ingang van 1 Januarie 1964 afgedank te gewees het uit die diens van die Administrasie van die Suid-Afrikaanse Spoorweë en Hawens op grond van voortdurende slegte gesondheid ten opsigte waarvan 'n mediese spoorwegbeampte nie gesertifiseer het dat dit deur sy eie skuld veroorsaak is nie, en die bepaling van artikel 3 (2) (c) (i) van die Wysigingswet op Spoorweg- en Hawepensioene, 1941 (Wet No. 26 van 1941), is op hom van toepassing.

23. Die pensioen van Mary Meser, weduwee van J. Meser, voorheen Hoofkomiteeklerk, die Volksraad, word met ingang van 1 April 1965, van R480 per jaar tot R565.25 per jaar verhoog.

No. 101, 1965.]

# ACT

**To provide for the registration of drugs intended for human use,  
for the establishment of a Drugs Control Council and for  
matters incidental thereto.**

*(Afrikaans text signed by the State President.)  
(Assented to 19th June, 1965.)*

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

**Definitions.**

1. (1) In this Act, unless the context otherwise indicates—
- (i) “advertisement”, in relation to any drug, means any written, pictorial, visual or other descriptive matter or verbal statement or reference—
    - (a) appearing in any newspaper or other publication; or
    - (b) distributed to members of the public; or
    - (c) brought to the notice of members of the public in any manner whatsoever,
 which is intended to promote the sale of that drug; and “advertise” has a corresponding meaning; (i)
  - (ii) “analyst” means a person appointed as such under section *twenty-seven*; (xiv)
  - (iii) “appeal board” means the Drugs Control Appeal Board established by section *ten*; (ii)
  - (iv) “approved name”, in relation to a drug means the internationally recognized name of such drug or such other name as the council may determine; (ix)
  - (v) “chemist and druggist” means a person registered as such under the Medical Act; (iii)
  - (vi) “council” means the Drugs Control Council established by section *two*; (xvii)
  - (vii) “dental practitioner” means a person registered as a dentist under the Medical Act; (xxi)
  - (viii) “drug” means any substance or mixture of substances used or purporting to be suitable for use or manufactured or sold for use in—
    - (a) the diagnosis, treatment, mitigation, modification or prevention of disease, abnormal physical or mental state or the symptoms thereof in man; or
    - (b) restoring, correcting or modifying any somatic or psychic or organic function in man; (xii)
  - (ix) “inspector” means a person appointed as such under section *twenty-six*; (xi)
  - (x) “label”, when used as a verb, means brand, mark or otherwise designate or describe, and when used as a noun, means any brand or mark or any written, pictorial or other descriptive matter appearing on or attached to or packed with and referring to any article or the package containing any article; (v)

No. 101, 1965.]

## WET

**Om voorsiening te maak vir die registrasie van medisyne bestem vir menslike gebruik, vir die instelling van 'n Medisyne-beheerraad en vir aangeleenthede wat daarmee in verband staan.**

(Afrikaanse teks deur die Staatspresident geteken.)  
(Goedgekeur op 19 Junie 1965.)

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

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

- (i) „advertensie”, met betrekking tot medisyne, enige skriftelike, geïllustreerde, visuele of ander beskrywende stof of mondelinge verklaring of verwysing—
  - (a) wat in 'n nuusblad of ander publikasie verskyn; of
  - (b) wat onder lede van die publiek versprei word; of
  - (c) wat op enige wyse hoegenaamd onder die aandag van lede van die publiek gebring word, en wat bedoel is om die verkoop van daardie medisyne te bevorder; en het „adverteer” 'n ooreenstemmende betekenis; (i)
- (ii) „appèlraad” die Appèlraad op Medisynebeheer by artikel *tien* ingestel; (iii)
- (iii) „apteker” iemand wat kragtens die Wet op Geneeshere as sodanig geregistreer is; (v)
- (iv) „die gebied” die gebied Suidwes-Afrika; (xxiv)
- (v) „etiket” enige kenmerk of merk of enige skriftelike, geïllustreerde of ander beskrywende stof wat verskyn op of geheg is aan of verpak is met en betrekking het op enige artikel of die pakket wat enige artikel bevat; en „etiketteer” van 'n kenmerk of merk voorsien of op 'n ander wyse onderskei of beskryf; (x)
- (vi) „farmakoloog”, behalwe by die toepassing van paragraaf (c) van sub-artikel (1) van artikel *tien*, iemand wat kragtens artikel *sewe-en-twintig* as sodanig aangestel is; (xvi)
- (vii) „geneesheer” iemand wat kragtens die Wet op Geneeshere as sodanig geregistreer is; (xii)
- (viii) „geregistreer” in die register ingeskryf; (xix)
- (ix) „goedgekeurde naam” met betrekking tot medisyne die naam van daardie medisyne wat internasionale erkenning geniet of die ander naam wat die raad bepaal; (iv)
- (x) „hierdie Wet” ook enige regulasie daarkragtens uitgevaardig; (xxiii)
- (xi) „inspekteur” iemand wat kragtens artikel *ses-en-twintig* as sodanig aangestel is; (ix)
- (xii) „medisyne” enige stof of mengsel van stowwe wat gebruik word of geskik heet te wees vir gebruik of vervaardig of verkoop word vir gebruik by—

- (xi) "Medical Act" means the Medical, Dental and Pharmacy Act, 1928 (Act No. 13 of 1928); (xxiv)
- (xii) "medical practitioner" means a person registered as such under the Medical Act; (vii)
- (xiii) "Minister" means the Minister of Health; (xiii)
- (xiv) "package" means anything in or by which any drug is enclosed, covered, contained or packed; (xv)
- (xv) "pathologist" means a person appointed as such under section *twenty-seven*; (xvi)
- (xvi) "pharmacologist", except for the purposes of paragraph (c) of sub-section (1) of section *ten*, means a person appointed as such under section *twenty-seven*; (vi)
- (xvii) "prescribed" means prescribed by or under this Act; (xxiii)
- (xviii) "register", when used as a noun, means the register referred to in section *thirteen*, and when used as a verb, means to enter in such register; (xviii)
- (xix) "registered" means entered in the register; (viii)
- (xx) "registrar" means the Registrar of Drugs appointed under section *twelve*; (xix)
- (xxi) "regulation" means a regulation made and in force under this Act; (xx)
- (xxii) "sell" means sell by wholesale or retail for human use, and includes import, offer, advertise, keep, expose, transmit, consign, convey or deliver for sale or authorize, direct or allow a sale or prepare or possess for purposes of sale for such use, and barter or exchange or supply or dispose of to any person whether for a consideration or otherwise for such use; and "sale" and "sold" have corresponding meanings; (xxii)
- (xxiii) "this Act" includes any regulations made thereunder; (x)
- (xxiv) "the territory" means the territory of South-West Africa. (iv)

(2) A drug produced either within or outside the Republic shall, notwithstanding the fact that its components are identical to those of any other drug, for the purposes of this Act not be regarded as being the same drug as that other drug if it is not produced by the same manufacturer or presented in the same form as that other drug.

(3) In determining whether or not the registration or availability of a drug is in the public interest, regard shall be had only to the safety, quality and therapeutic efficacy thereof in relation to its effect on the health of man.

Establishment,  
powers and  
functions of  
Drugs Control  
Council.

2. There is hereby established a council to be known as the Drugs Control Council which may exercise the powers and shall perform the functions conferred upon or assigned to the council by this Act.

Constitution  
of council.

3. (1) The council shall consist of not less than five or more than eleven members as may from time to time be determined by the State President.

(2) The following persons shall be appointed by the State President as members of the council, namely—

- (a) at least one but not more than two persons who shall be medical practitioners who have a speciality in medicine entered in the appropriate register contemplated in section *fifteen* of the Medical Act;
- (b) at least one person who shall be a medical practitioner engaged in general medical practice;
- (c) at least one person who shall have a special knowledge of the action and application of drugs for human use;

- (a) die diagnose, behandeling, leniging, matiging of voorkoming van siektes, abnormale liggaamlike of geestelike toestande of die simptome daarvan by die mens; of
- (b) genesing, regstelling of matiging van enige somatiese of psigiese of organiese funksie by die mens; (viii)
- (xiii) „Minister” die Minister van Gesondheid; (xiii)
- (xiv) „ontleder” iemand wat kragtens artikel *sewe-en-twintig* as sodanig aangestel is; (ii)
- (xv) „pakket” enigiets waarin of waarmee medisyne omhul, bedek, bevat of verpak is; (xiv)
- (xvi) „patoloog” iemand wat kragtens artikel *sewe-en-twintig* as sodanig aangestel is; (xv)
- (xvii) „raad” die Medisyne-beheerraad by artikel *twee* ingestel; (vi)
- (xviii) „register” die in artikel *dertien* bedoelde register; en „registreer” in sodanige register inskryf; (xviii)
- (xix) „registrateur” die kragtens artikel *twaalf* aangestelde Registrateur van Medisyne; (xx)
- (xx) „regulasie” ’n regulasie wat kragtens hierdie Wet uitgevaardig en van krag is; (xxi)
- (xxi) „tandarts” iemand wat kragtens die Wet op Geneeshere as tandarts geregistreer is; (vii)
- (xxii) „verkoop” by die groot of klein maat verkoop vir menslike gebruik en ook vir verkoop vir sodanige gebruik invoer, aanbied, adverteer, hou, uitstal, versend, stuur, vervoer of lewer, of so ’n verkoop magtig, gelas of toelaat, of vir verkoop vir sodanige gebruik berei of besit en ook ruil of verruil of verskaf of van die hand sit aan enigiemand hetsy teen ’n teenprestasie of andersins vir sodanige gebruik; en het „verkoop” as ’n selfstandige naamwoord ’n ooreenstemmende betekenis; (xxii)
- (xxiii) „voorgeskrewe” of „voorgeskryf” by of kragtens hierdie Wet voorgeskryf; (xvii)
- (xxiv) „Wet op Geneeshere” die Wet op Geneeshere, Tandartse en Aptekers, 1928 (Wet No. 13 van 1928). (xi)

(2) ’n Medisyne, hetsy in of buite die Republiek geproduseer, word by die toepassing van hierdie Wet nie geag dieselfde medisyne as ander medisyne te wees nie, al is die bestanddele daarvan dieselfde as dié van daardie ander medisyne, indien dit nie deur dieselfde vervaardiger as daardie ander medisyne geproduseer of in dieselfde vorm as daardie ander medisyne aangebied word nie.

(3) Wanneer bepaal word of die registrasie of beskikbaarheid van ’n medisyne in die openbare belang is al dan nie, word in aanmerking geneem slegs die veiligheid, gehalte en geneeskundige doeltreffendheid daarvan met betrekking tot die uitwerking daarvan op die gesondheid van die mens.

2. Hierby word ’n raad ingestel wat die Medisyne-beheerraad heet en die bevoegdhede kan uitoefen en die werksaamhede moet verrig wat by hierdie Wet aan die raad verleen of toegewys is.

Instelling, bevoegdhede en werksaamhede van Medisyne-beheerraad.

3. (1) Die raad bestaan uit minstens vyf en hoogstens elf lede soos van tyd tot tyd deur die Staatspresident bepaal.

Samestelling van raad.

(2) Die volgende persone moet deur die Staatspresident as lede van die raad aangestel word, naamlik—

- (a) minstens een maar hoogstens twee persone wat geneeshere moet wees en ten opsigte van wie ’n spesialiteit in geneeskunde in die gepaste in artikel *vyftien* van die Wet op Geneeshere beoogde register ingeskryf is;
- (b) minstens een persoon wat ’n geneesheer moet wees wat ’n algemene mediese praktyk beoefen;
- (c) minstens een persoon wat besondere kennis moet hê van die werking en toediening van medisyne vir menslike gebruik;

- (d) at least one person who shall be a chemist and druggist;
- (e) at least one person who shall be an officer of the Department of Health; and
- (f) not more than two other persons.

(3) If two or more persons are appointed in terms of paragraph (c) of sub-section (2) at least one of them shall also be a medical practitioner.

Period of office and remuneration of members of the council.

4. (1) A member of the council shall, subject to the provisions of sub-section (3) of section *six*, be appointed for a period of five years.

(2) Any person whose period of office as a member of the council has expired, shall be eligible for reappointment.

(3) The Minister shall give notice in the *Gazette* of the appointment of any member of the council and the date from which his membership commences and, in the case of a member appointed to fill a casual vacancy on the council, the period for which he is appointed.

(4) A member of the council (other than a person who is in the full-time employment of the State) shall receive such remuneration and such allowances in respect of his services as a member of the council or of any committee thereof, as the State President may determine.

Chairman and vice-chairman.

5. (1) One of the members of the council shall be designated by the State President as chairman of the council and another member shall be designated by the State President as vice-chairman to act as chairman during the absence of the chairman.

(2) The vice-chairman, when acting as chairman as provided in sub-section (1), shall have all the powers and discharge all the duties of the chairman.

Disqualifications, vacation of office and filling of vacancies.

6. (1) No person shall be appointed as a member of the council—

- (a) who is an unrehabilitated insolvent;
- (b) who is disqualified under the Medical Act from carrying on his calling, while so disqualified;
- (c) who has a direct or indirect interest in the sale of any drug; or
- (d) who is not a South African citizen permanently resident in the Republic or the territory.

(2) A member of the council shall vacate his office—

- (a) if he becomes subject to any disqualification referred to in sub-section (1);
- (b) if he ceases to hold any qualification necessary for his appointment;
- (c) if he becomes of unsound mind;
- (d) if he is convicted of an offence and is sentenced to imprisonment without the option of a fine; or
- (e) if he has been absent from more than two consecutive meetings of the council without the council's leave.

(3) If the office of any member of the council becomes vacant before the expiration of the period for which he was appointed, the State President may, subject to the applicable provisions of section *three*, appoint another person to hold office for the unexpired portion of the period for which his predecessor was appointed.

(4) For the purposes of paragraph (c) of sub-section (1) a medical practitioner or a chemist and druggist shall not be deemed to have an interest in the sale of any drug by reason only of the fact that—

- (a) in the case of a medical practitioner, he sells the drug in question in the course of carrying on his professional activities as a medical practitioner; or
- (b) in the case of a chemist and druggist, he sells the drug in question in the course of any business carried on under a licence referred to in Item 7 of Part I of the Second Schedule to the Licences Act, 1962 (Act No. 44 of 1962).

Meetings of the council.

7. (1) The first meeting of the council shall be held at a time and place to be fixed by the Minister, and all subsequent meetings shall, subject to the provisions of sub-section (2), be held at such times and places as may be fixed by the council: Provided that the council shall hold at least one meeting in any period of three months and, if at the close of any meeting the council has not fixed the time and place for its next meeting, such time and place shall be fixed by the chairman.

(2) The chairman of the council may at any time call a special meeting of the council to be held at such time and place as he may determine, and shall, upon a written request signed



- (d) minstens een persoon wat 'n apteker moet wees;
- (e) minstens een persoon wat 'n beampte van die Departement van Gesondheid moet wees; en
- (f) hoogstens twee ander persone.

(3) Indien twee of meer persone ingevolge paragraaf (c) van sub-artikel (2) aangestel word, moet minstens een van hulle ook 'n geneesheer wees.

4. (1) 'n Lid van die raad word, behoudens die bepalings van sub-artikel (3) van artikel *ses*, vir 'n tydperk van vyf jaar aangestel. Ampstermyn en besoldiging van lede van die raad.

(2) Iemand wie se ampstermyn as lid van die raad verstryk het, kan weer aangestel word.

(3) Die Minister gee in die *Staatskoerant* kennis van die aanstelling van 'n lid van die raad en die datum waarop sy lidmaatskap begin en, in die geval van 'n lid wat aangestel word om 'n toevallige vakature in die raad te vul, die tydperk waarvoor hy aangestel word.

(4) 'n Lid van die raad (behalwe iemand wat voltyds in diens van die Staat is) ontvang die besoldiging en die toelaes ten opsigte van sy dienste as 'n lid van die raad of van enige komitee daarvan, wat die Staatspresident bepaal.

5. (1) Een van die lede van die raad word deur die Staatspresident as voorsitter van die raad aangewys en 'n ander lid word deur die Staatspresident as onder-voorsitter aangewys om gedurende die afwesigheid van die voorsitter as voorsitter op te tree. Voorsitter en onder-voorsitter.

(2) Terwyl die onder-voorsitter as voorsitter optree soos in sub-artikel (1) bepaal, het hy al die bevoegdhede en vervul hy al die pligte van die voorsitter.

6. (1) Niemand word as lid van die raad aangestel nie— Onbevoegdhede, onruiming van amp en die vul van vakatures.

- (a) wat 'n ongerehabiliteerde insolvente persoon is;
- (b) wat ingevolge die Wet op Geneeshere onbevoeg is om sy beroep te beoefen, terwyl hy aldus onbevoeg is;
- (c) wat 'n regstreekse of onregstreekse belang by die verkoop van enige medisyne het; of
- (d) wat nie 'n Suid-Afrikaanse burger is wat permanent in die Republiek of die gebied woonagtig is nie.

(2) 'n Lid van die raad ontruim sy amp—

- (a) indien hy aan 'n in sub-artikel (1) bedoelde onbevoegdheid onderhewig word;
- (b) indien hy ophou om 'n bevoegdheid te besit wat vir sy aanstelling nodig is;
- (c) indien hy kranksinnig word;
- (d) indien hy weens 'n misdryf skuldig bevind word en tot gevangenisstraf sonder die keuse van 'n boete gevonnisd word; of
- (e) indien hy sonder verlof van die raad van meer as twee agtereenvolgende vergaderings van die raad afwesig was.

(3) Indien die amp van 'n lid van die raad vakant raak voor die verstryking van die tydperk waarvoor hy aangestel is, kan die Staatspresident, met inagneming van die toepaslike bepalings van artikel *drie*, iemand anders aanstel om die amp te beklee vir die onverstreke deel van die tydperk waarvoor sy voorganger aangestel was.

(4) By die toepassing van paragraaf (c) van sub-artikel (1) word 'n geneesheer of 'n apteker nie geag 'n belang by die verkoop van enige medisyne te hê nie bloot omrede die feit dat hy—

- (a) in die geval van 'n geneesheer, die betrokke medisyne in die loop van die verrigting van sy professionele werksaamhede as 'n geneesheer, verkoop; of
- (b) in die geval van 'n apteker, die betrokke medisyne in die loop van enige besigheid wat kragtens 'n in Item 7 van Deel 1 van die Tweede Bylae by die Wet op Lisensies, 1962 (Wet No. 44 van 1962), bedoelde lisensie gedryf word, verkoop.

7. (1) Die eerste vergadering van die raad word gehou op 'n tyd en plek wat die Minister vasstel, en alle daaropvolgende vergaderings word, behoudens die bepalings van sub-artikel (2), gehou op die tye en plekke wat die raad bepaal: Met dien verstande dat die raad minstens een vergadering in enige tydperk van drie maande moet hou en indien die raad aan die einde van 'n vergadering nie die tyd en plek vir sy volgende vergadering bepaal het nie, die voorsitter sodanige tyd en plek moet bepaal. Vergaderings van die raad.

(2) Die voorsitter van die raad kan te eniger tyd 'n buitengewone vergadering van die raad belê wat gehou word op 'n tyd en plek deur hom vasgestel en moet op skriftelike versoek wat

by not less than three members of the council, call a special meeting thereof to be held within thirty days after the date of receipt of such request, at such time and place as he may determine.

Quorum, majority decision and chairman's casting vote.

8. (1) A majority of all the members of the council shall form a quorum for any meeting of the council.

(2) At all meetings of the council the chairman, or in his absence the vice-chairman, or in the absence of both the chairman and the vice-chairman, some other member of the council chosen by the members present, shall preside.

(3) Save as provided in section *thirty-six*, the decision of a majority of the members of the council present at any meeting thereof shall constitute a decision of the council, and in the event of an equality of votes in regard to any matter, the person presiding at the meeting in question shall have a casting vote in addition to his deliberative vote.

(4) No decision or act done under the authority of the council shall be invalid by reason only of an interim vacancy on the council or of the fact that a person who is disqualified from being a member of the council, or with respect to whose appointment the provisions of this Act have not been observed, sat or acted as a member at the time when the decision was taken or the act was performed or authorized, if the decision was taken or the act was performed or authorized by the requisite majority of the members of the council present at the time who were entitled to sit and act as members.

Appointment of executive committee and other committees.

9. (1) The council may appoint—

(a) from among its members an executive committee the majority of the members of which shall be persons appointed in terms of paragraphs (a) and (c) of sub-section (2) of section *three*; and

(b) subject to the approval of the Minister, such other committees as it may deem necessary, to investigate and report to it on any matter within the purview of the council in terms of this Act.

(2) The executive committee may, subject to the directions of the council, exercise all the powers and perform all the functions of the council during periods between meetings of the council, but shall not have the power, save in so far as the council otherwise directs, to set aside or vary any decision of the council, and any action taken or decision made by the executive committee shall be subject to review at the first ensuing meeting of the council.

(3) The council may appoint such persons, including persons other than members of the council, as it may deem fit, to be members of any committee appointed in terms of paragraph (b) of sub-section (1).

(4) There shall be payable to a member of a committee of the council (other than a member of the council or a person who is in the full-time employment of the State) such allowances, while he is engaged in the carrying out of his duties as a member of such committee, as the Minister may, in consultation with the Minister of Finance, determine.

Establishment of Drugs Control Appeal Board.

10. (1) There is hereby established a board to be known as the Drugs Control Appeal Board, which shall consist of three members to be appointed by the State President, of whom—

(a) one shall be a retired judge or an advocate of the Supreme Court of South Africa, who shall be the chairman of the board;

(b) one shall be a medical practitioner who has a speciality in medicine entered in the appropriate register contemplated in section *fifteen* of the Medical Act; and

(c) one shall be a pharmacologist.

(2) The provisions of section *four* shall *mutatis mutandis* apply in respect of a member of the appeal board.

Disqualifications, vacation of office and filling of vacancies on appeal board.

11. (1) No person shall be appointed as a member of the appeal board—

(a) if he is a member of the council;

(b) if he has at any time served as a member of a committee referred to in paragraph (b) of sub-section (1) of section *nine*;

(c) if he is in the full-time employment of the State;

(d) if he is an unrehabilitated insolvent;

(e) so long as he is disqualified under any law from carrying on his calling;

deur minstens drie lede van die raad onderteken is, 'n buitengewone vergadering van die raad belê wat op 'n tyd en plek deur hom bepaal, gehou word binne dertig dae vanaf die datum van ontvangs van bedoelde versoek.

8. (1) Die meerderheid van al die lede van die raad maak 'n kworum, meerderheidsbesluit en voorsitter se beslissende stem.

(2) By alle vergaderings van die raad moet die voorsitter, of in sy afwesigheid die onder-voorsitter, of in die afwesigheid van sowel die voorsitter as die onder-voorsitter, 'n ander lid van die raad wat gekies word deur die lede wat teenwoordig is, voorsit.

(3) Die beslissing van 'n meerderheid van die lede van die raad wat op 'n raadsvergadering aanwesig is, maak, behoudens die bepaling van artikel *ses-en-dertig*, 'n besluit van die raad uit, en by 'n staking van stemme oor enige aangeleentheid het die persoon wat op die betrokke vergadering voorsit, benewens sy beraadslagende stem ook 'n beslissende stem.

(4) Geen besluit of handeling op gesag van die raad verrig, is ongeldig bloot vanweë 'n tydelike vakature in die raad of omdat 'n persoon wat onbevoeg is om 'n lid van die raad te wees, of met betrekking tot wie se aanstelling die bepaling van hierdie Wet nie nagekom is nie, as 'n raadslid sitting geneem of opgetree het toe die besluit geneem of die handeling verrig of gemagtig is nie, indien die besluit geneem of die handeling verrig of gemagtig is deur die vereiste meerderheid van die lede van die raad wat toe aanwesig was en geregtig was om as lede sitting te neem en op te tree.

9. (1) Die raad kan—

(a) uit sy lede 'n uitvoerende komitee aanstel waarvan die meerderheid van die lede persone moet wees wat ingevolge paragrawe (a) en (c) van sub-artikel (2) van artikel *drie* aangestel is; en

(b) onderworpe aan die goedkeuring van die Minister, die ander komitees aanstel wat die raad nodig ag om ondersoek in te stel en verslag aan hom te doen oor enige aangeleentheid wat ingevolge hierdie Wet binne die bestek van die raad val.

(2) Die uitvoerende komitee kan, onderworpe aan die voorskrifte van die raad, gedurende tydperke tussen raadsvergaderings al die bevoegdhede van die raad uitoefen en al sy werksaamhede verrig, maar is, behalwe vir sover die raad anders gelas, nie bevoeg om 'n besluit van die raad tersyde te stel of te wysig nie, en enige stappe deur die uitvoerende komitee gedoen of besluit deur hom geneem, is onderhewig aan hersiening op die eersvolgende vergadering van die raad.

(3) Die raad kan die persone, insluitende persone wat nie lede van die raad is nie, aanstel wat hy goetvind om lede te wees van 'n komitee wat ingevolge paragraaf (b) van sub-artikel (1) aangestel word.

(4) Daar word aan 'n lid van 'n komitee van die raad (behalwe 'n lid van die raad of iemand wat voltyds in diens van die Staat is) die toelaes betaal terwyl hy besig is met die uitvoering van sy pligte as lid van sodanige komitee, wat die Minister, in ooreenstemming met die Minister van Finansies, bepaal.

10. (1) Hierby word 'n raad ingestel wat die Appèlraad op Medisynebeheer heet en bestaan uit drie lede deur die Staatspresident aangestel, van wie—

(a) een 'n afgetrede regter of 'n advokaat van die Hooggeregshof van Suid-Afrika is en die voorsitter van die raad moet wees;

(b) een 'n geneesheer is wat 'n spesialiteit in geneeskunde besit wat in die gepaste in artikel *vyftien* van die Wet op Geneesheer beoogde register ingeskryf is; en

(c) een 'n farmakoloog is.

(2) Die bepaling van artikel *vier* is *mutatis mutandis* van toepassing ten opsigte van 'n lid van die appèlraad.

11. (1) Niemand word as lid van die appèlraad aangestel nie—

(a) indien hy 'n lid van die raad is;

(b) indien hy te eniger tyd as lid van 'n in paragraaf (b) van sub-artikel (1) van artikel *nege* bedoelde komitee gedien het;

(c) indien hy voltyds in diens van die Staat is;

(d) indien hy 'n ongerehabiliteerde insolvente persoon is;

(e) solank hy ingevolge enige wet onbevoeg is om sy beroep te beoefen;

Aanstelling van uitvoerende komitee en ander komitees.

Instelling van Appèlraad op Medisynebeheer.

Onbevoegdheid, ampsontruiming en vul van vakatures in appèlraad.

- (f) if he has a direct or indirect interest in the sale of any drug;
- (g) if he holds any appointment under section *twenty-seven*; or
- (h) if he is not a South African citizen permanently resident in the Republic or the territory.

(2) A member of the appeal board shall vacate his office—

- (a) if he becomes subject to any disqualification referred to in sub-section (1);
- (b) if he ceases to hold any qualification necessary for his appointment;
- (c) if he becomes of unsound mind;
- (d) if he is convicted of an offence and is sentenced to imprisonment without the option of a fine; or
- (e) if he has been absent from more than two consecutive meetings of the appeal board without the appeal board's leave.

(3) If the office of any member of the appeal board becomes vacant before the expiration of the period for which he was appointed, the State President may, subject to the applicable provisions of section *ten*, appoint another person to hold office for the unexpired portion of the period for which his predecessor was appointed.

(4) For the purposes of paragraph (f) of sub-section (1) a medical practitioner shall not be deemed to have an interest in the sale of any drug by reason only of the fact that he sells the drug in question in the course of carrying on his professional activities as a medical practitioner.

Appointment of Registrar of Drugs.

12. (1) The Minister may, subject to the laws governing the public service and after consultation with the council, appoint an officer to be styled the Registrar of Drugs who shall perform the functions and carry out the duties assigned to or imposed upon the registrar by or under this Act and such other functions and duties as may from time to time be assigned to or imposed upon him by the Minister or the Secretary for Health.

(2) The registrar shall also act as secretary of the council.

Drugs register.

13. The registrar shall keep in the prescribed form a register to be known as the drugs register, in which he shall register all drugs the registration of which has been approved by the council, and in which he shall enter all such particulars in regard to such drugs as are required by this Act to be entered therein.

Prohibition on sale of drugs which are not registered.

14. (1) Save as provided in this section or section *twenty-one*, no person shall sell any drug unless it is registered.

(2) In the case of a drug which was available for sale in the Republic or the territory immediately prior to the commencement of any regulation promulgated under paragraph (c) of sub-section (1) of section *thirty-five* which is applicable to such drug, the provisions of sub-section (1) shall come into operation—

- (a) if no application for registration of such drug is made within the period of six months immediately succeeding the commencement of such regulation, on the expiration of that period; or
- (b) if application for the registration of such drug is made within the said period, on the date one month after the date on which a notice in respect of such drug is published in the *Gazette* in terms of sub-section (10) of section *fifteen* or paragraph (a) of sub-section (1) of section *seventeen*.

(3) The provisions of sub-section (1) shall not apply in respect of the sale of any drug compounded by a medical practitioner or a chemist and druggist if such drug does not contain any component the sale of which is prohibited by this Act or any component in respect of which an application for registration has been rejected and is not and has not been advertised.

(4) The provisions of sub-section (3) shall, with effect from the date upon which regulations promulgated under paragraph (c) of sub-section (1) of section *thirty-five* come into operation

- (f) indien hy 'n regstreekse of onregstreekse belang by die verkoop van enige medisyne het;
  - (g) indien hy 'n aanstelling ingevolge artikel *sewe-en-twintig* hou; of
  - (h) indien hy nie 'n Suid-Afrikaanse burger is wat permanent in die Republiek of die gebied woonagtig is nie.
- (2) 'n Lid van die appèlraad ontruim sy amp—
- (a) indien hy aan 'n in sub-artikel (1) bedoelde onbevoegdheid onderhewig word;
  - (b) indien hy ophou om 'n bevoegdheid te besit wat vir sy aanstelling nodig is;
  - (c) indien hy kranksinnig word;
  - (d) indien hy weens 'n misdryf skuldig bevind en tot gevangenisstraf sonder die keuse van 'n boete gevonnissen word; of
  - (e) indien hy sonder die appèlraad se verlof van meer as twee agtereenvolgende vergaderings van die appèlraad afwesig was.

(3) Indien die amp van 'n lid van die appèlraad vakant raak voor die verstryking van die tydperk waarvoor hy aangestel is, kan die Staatspresident, met inagneming van die toepaslike bepalinge van artikel *tien*, iemand anders aanstel om die amp te beklee vir die onverstreke deel van die tydperk waarvoor sy voorganger aangestel was.

(4) By die toepassing van paragraaf (f) van sub-artikel (1) word 'n geneesheer nie geag 'n belang by die verkoop van enige medisyne te hê bloot omrede hy die betrokke medisyne in die loop van die verrigting van sy professionele bedrywighede as 'n geneesheer verkoop nie.

12. (1) Die Minister kan, behoudens die wetsbepalinge op die Staatsdiens en na oorlegpleging met die raad, 'n beampte, die Registrateur van Medisyne genoem, aanstel, wat die werksaamhede verrig en die pligte uitvoer wat by of kragtens hierdie Wet aan die registrateur toegewys of hom opgelê word en die ander werksaamhede en pligte wat van tyd tot tyd deur die Minister of die Sekretaris van Gesondheid aan hom toegewys of hom opgelê word.

Aanstelling van Registrateur van Medisyne.

(2) Die registrateur tree ook as sekretaris van die raad op.

13. Die registrateur moet in die voorgeskrewe vorm 'n register, bekend as die medisyne-register, hou, waarin hy alle medisyne waarvan die registrasie deur die raad goedgekeur is, moet registreer en waarin hy al die besonderhede met betrekking tot sodanige medisyne moet aanteken wat ingevolge hierdie Wet daarin aangeteken moet word.

Medisyne-register.

14. (1) Behoudens die bepalinge van hierdie artikel of artikel *een-en-twintig*, mag niemand enige medisyne verkoop nie tensy dit geregistreer is.

Verbod op verkoop van medisyne wat nie geregistreer is nie.

(2) In die geval van medisyne wat onmiddellik voor die inwerkingtreding van 'n kragtens paragraaf (c) van sub-artikel (1) van artikel *vyf-en-dertig* uitgevaardigde regulasie wat op daardie medisyne van toepassing is, in die Republiek of die gebied vir verkoop beskikbaar was, tree die bepalinge van sub-artikel (1) in werking—

- (a) indien daar nie binne die tydperk van ses maande onmiddellik na die inwerkingtreding van bedoelde regulasie om registrasie van daardie medisyne aansoek gedoen word nie, by verstryking van daardie tydperk; of
- (b) indien daar binne daardie tydperk om die registrasie van bedoelde medisyne aansoek gedoen word, op die datum een maand na die datum waarop 'n kennisgewing met betrekking tot dié medisyne ingevolge sub-artikel (10) aan artikel *vyftien* of paragraaf (a) van sub-artikel (1) van artikel *sewentien* in die *Staatskoerant* gepubliseer word.

(3) Die bepalinge van sub-artikel (1) is nie van toepassing nie ten opsigte van die verkoop van enige medisyne wat deur 'n geneesheer of 'n apteker berei word indien sodanige medisyne nie 'n bestanddeel bevat waarvan die verkoop deur hierdie Wet verbied word of 'n bestanddeel ten opsigte waarvan 'n aansoek om registrasie van die hand gewys is nie en nie geadverteer word of is nie.

(4) Die bepalinge van sub-artikel (3) is, met ingang van die datum waarop regulasies uitgevaardig ingevolge paragraaf (c) van sub-artikel (1) van artikel *vyf-en-dertig*, met betrekking tot

in relation to all drugs, not apply to any drug unless the active components of such drug have been registered under this Act.

Registration of  
drugs.

15. (1) Every application for the registration of a drug shall be submitted to the registrar in the prescribed form and shall be accompanied by the prescribed particulars and samples of the relevant drug and by the prescribed registration fee.

(2) The registrar shall as soon as possible after the receipt by him of any such application submit the application together with any particulars and samples which accompanied the application to the council for consideration and shall simultaneously inform the applicant in writing that the application has been so submitted.

(3) (a) If after consideration of any such application and after any investigation or enquiry which it may consider necessary the council is satisfied that the drug in question is suitable for the purpose for which it is intended and complies with the prescribed requirements and that registration of that drug is in the public interest, it shall approve of the registration thereof.

(b) If the council is not so satisfied it shall cause the applicant to be notified in writing of the reasons why it is not so satisfied and cause the applicant to be informed that he may within a period of one month after the date of the notification furnish the registrar with his comments on the council's reasons for not being so satisfied.

(c) If no such comments are submitted by the applicant within the said period, or if after consideration of any comments so submitted the council is still not satisfied as aforesaid, it shall reject the application.

(4) When the council has approved of the registration of any drug the registrar shall register that drug and shall enter in the register such particulars in regard to the drug as are required by this Act to be so entered and shall issue to the applicant a certificate of registration in the prescribed form in respect of that drug.

(5) Every drug shall be registered under its approved name.

(6) The registrar shall allocate to every drug registered under this Act a registration number which shall be recorded in the register opposite the name of such drug and which shall be stated in the certificate of registration issued in respect of such drug.

(7) Any registration under this section may be made subject to such conditions as may with due regard to the succeeding provisions of this section be determined by the council.

(8) No condition shall be imposed under sub-section (7) whereby the sale of the drug in question by any person other than a chemist and druggist is prohibited or until after the applicant has in writing been notified by the registrar that the imposition of such condition is contemplated and invited to submit written representations to the council in regard to the matter.

(9) If no such representations are lodged with the registrar by the applicant concerned within a period of one month after the receipt by him of any notification referred to in sub-section (8), or if after consideration of any such representations the council is still of the opinion that the condition in question should be imposed, the council shall direct the registrar to register the relevant drug subject to the said condition.

(10) Notice of the rejection of an application under this section in respect of a drug referred to in sub-section (2) of section *fourteen* shall be given in the *Gazette* by the registrar—

(a) if no appeal is lodged against the rejection within the period prescribed in section *twenty-four*, as soon as possible after the expiration of that period; or

(b) if any appeal so lodged is dismissed, as soon as possible after the decision dismissing the appeal has been given.

(11) The registrar shall within fourteen days after the date of expiry of the appropriate period referred to in sub-section (2) of section *fourteen* publish in the *Gazette* the prescribed particulars in respect of all applications for registration received by him prior to such date.

alle medisyne in werking tree, nie van toepassing op enige medisyne nie tensy die aktiewe bestanddele van sodanige medisyne ingevolge hierdie Wet geregistreer is.

15. (1) Elke aansoek om die registrasie van medisyne moet in die voorgeskrewe vorm by die registrateur ingedien word en moet vergesel gaan van die voorgeskrewe besonderhede en monsters van die betrokke medisyne en van die voorgeskrewe registrasiegeld. Registrasie van medisyne.

(2) Die registrateur moet so spoedig doenlik na die ontvangs deur hom van so 'n aansoek, die aansoek, tesame met enige besonderhede en monsters wat daardie aansoek vergesel het, aan die raad vir oorweging voorlê en moet terselfdertyd die applikant skriftelik in kennis stel dat die aansoek aldus voorgelê is.

(3) (a) Indien die raad, na oorweging van enige sodanige aansoek en na enige ondersoek of navraag wat hy nodig ag, oortuig is dat die betrokke medisyne geskik is vir die doel waarvoor dit bestem is en voldoen aan die voorgeskrewe vereistes en dat registrasie van daardie medisyne in die openbare belang is, moet hy die registrasie daarvan goedkeur.

(b) Indien die raad nie aldus oortuig is nie laat hy die applikant skriftelik in kennis stel van die redes waarom hy nie aldus oortuig is nie, en laat hy die applikant meedeel dat hy binne 'n tydperk van een maand na die datum van die kennisgewing sy opmerkings oor die redes waarom die raad nie aldus oortuig is nie, aan die registrateur kan verstrek.

(c) Indien sodanige opmerkings nie binne gemelde tydperk deur die applikant voorgelê word nie, of indien die raad na oorweging van enige aldus voorgelegde opmerkings nog nie soos voormeld oortuig is nie, wys die raad die aansoek van die hand.

(4) Wanneer die raad die registrasie van 'n medisyne goed-gekeur het, moet die registrateur daardie medisyne registreer en in die register die besonderhede met betrekking tot die medisyne aanteken wat volgens vereiste van hierdie Wet aldus aangeteken moet word en moet hy aan die applikant 'n registrasiesertifikaat in die voorgeskrewe vorm ten opsigte van daardie medisyne uitreik.

(5) Elke medisyne word onder sy goedgekeurde naam geregistreer.

(6) Die registrateur moet aan elke medisyne wat kragtens hierdie Wet geregistreer word 'n registrasienuommer toewys wat in die register ingeskryf moet word teenoor die naam van sodanige medisyne en wat vermeld moet word in die registrasiesertifikaat wat ten opsigte van sodanige medisyne uitgereik word.

(7) 'n Registrasie kragtens hierdie artikel kan onderworpe gestel word aan die voorwaardes wat die raad met inagneming van onderstaande bepalinge van hierdie artikel bepaal.

(8) Geen voorwaarde word ingevolge sub-artikel (7) opgelê nie waarby die verkoop van die betrokke medisyne deur iemand anders as 'n apteker verbied word of voordat die applikant skriftelik deur die registrateur in kennis gestel is dat die oplegging van bedoelde voorwaarde beoog word en uitgenodig is om skriftelike verhoë in verband met die saak aan die raad voor te lê.

(9) Indien sodanige verhoë nie binne een maand nadat hy 'n in sub-artikel (8) bedoelde kennisgewing ontvang het deur die applikant by die registrateur ingedien word nie, of indien die raad na oorweging van sodanige verhoë nog van oordeel is dat die betrokke voorwaarde opgelê behoort te word, gelas die raad die registrateur om die betrokke medisyne onderworpe aan daardie voorwaarde te registreer.

(10) Die registrateur moet in die *Staatskoerant* kennis gee dat 'n aansoek ingevolge hierdie artikel ten opsigte van medisyne in sub-artikel (2) van artikel *veertien* bedoel, van die hand gewys is—

(a) indien daar nie binne die in artikel *vier-en-twintig* voorgeskrewe tydperk teen die vandiehandwysing appèl aangeteken word nie, so spoedig moontlik na die verstryking van daardie tydperk; of

(b) indien 'n aldus aangetekende appèl afgewys word, so spoedig moontlik nadat die beslissing waarby die appèl afgewys word, gegee is.

(11) Die registrateur moet binne veertien dae na die datum van verstryking van die toepaslike tydperk in sub-artikel (2) van artikel *veertien* bedoel, die voorgeskrewe besonderhede ten opsigte van alle aansoeke om registrasie wat hy voor daardie datum ontvang het in die *Staatskoerant* publiseer.

Cancellation of registration.

16. (1) If the council—

- (a) is of the opinion that any person has failed to comply with any condition subject to which any drug has been registered; or
- (b) is of the opinion that any drug does not comply with any prescribed requirement; or
- (c) is of the opinion that it is not in the public interest that any drug shall be available to the public,

the council shall cause notice in writing to be given accordingly by the registrar to the person by whom or on whose behalf application for the registration of that drug was made.

(2) Any such notice shall specify the grounds on which the council's opinion is based, and shall indicate that the person to whom it is directed may within one month after receipt thereof submit to the registrar any comments he may wish to put forward in connection with the matter.

(3) If no such comments are so submitted, or if after consideration of any comments so submitted the council is of the opinion that the registration of the drug in question should be cancelled, the council may direct the registrar to cancel the registration thereof.

Notification of registration or cancellation of registration in Gazette.

17. (1) The registrar shall give notice in the *Gazette* of the registration or cancellation of the registration of any drug in terms of this Act, and shall in such notice specify—

- (a) in the case of a registration of any drug, the name under which such drug is registered, the name of the manufacturer thereof, the number allocated to it in terms of section *fifteen* and the conditions (if any) subject to which it is registered;
- (b) in the case of a cancellation of the registration of any drug, the name under which such drug was registered, the name of the manufacturer and the number which was allocated to it in terms of section *fifteen*.

(2) Any notice of registration required to be given under sub-section (1) in respect of any drug referred to in sub-section (2) of section *fourteen* which by reason only of the provisions of sub-section (2) of section *one* is not regarded as being the same drug as any other drug so referred to, shall appear in the *Gazette* simultaneously with any notice so required to be given in respect of that other drug.

Name under which drug is registered and number to appear on labels.

18. (1) No person shall sell any drug registered under this Act unless the package in which such drug is sold bears a label stating—

- (a) the approved name of that drug, immediately followed by the number allocated thereto under section *fifteen*, which shall, if any trade name or brand name (not being such approved name) appears on the label, appear immediately above such trade name or brand name and shall be in letters not less than half the size of the letters in which such trade name or brand name appears and shall in all other respects be not less conspicuous than such trade name or brand name; and
- (b) if the approved name is a trade name or brand name, the active components of such drug by weight or by volume or by unit immediately before or after the said approved name.

(2) No person shall in writing advertise any such drug for sale, unless—

- (a) the approved name of such drug, immediately followed by the number allocated thereto in terms of section *fifteen*, is stated in the advertisement, and (if the trade name or brand name, not being such approved name, of the drug is also stated in the advertisement) appears immediately above such trade name or brand name where it is used for the first time and is in letters not less than half the size of the letters in which such trade name or brand name appears and is in all other respects not less conspicuous than such trade name or brand name; and



16. (1) Indien die raad—

- (a) van oordeel is dat iemand versuim het om te voldoen aan 'n voorwaarde onderworpe waaraan 'n medisyne geregistreer is; of
- (b) van oordeel is dat 'n medisyne nie aan 'n voorgeskrewe vereiste voldoen nie; of
- (c) van oordeel is dat dit nie in die openbare belang is dat enige medisyne vir die publiek beskikbaar moet wees nie,

laat die raad skriftelik dienooreenkomstig kennis gee deur die registrateur aan die persoon deur of ten behoewe van wie die aansoek om die registrasie van bedoelde medisyne geskied het.

(2) So 'n kennisgewing moet die gronde vermeld waarop die raad se oordeel berus en moet aandui dat die persoon aan wie dit gerig is binne een maand na ontvangs daarvan enige opmerkings by die registrateur kan indien wat hy in verband met die saak wil voorlê.

(3) Indien geen opmerkings aldus ingedien word nie of indien die raad na oorweging van enige aldus ingediende opmerkings van oordeel is dat die registrasie van die betrokke medisyne ingetrek behoort te word, kan die raad die registrateur gelas om die registrasie daarvan in te trek.

17. (1) Die registrateur moet in die *Staatskoerant* kennis gee van die registrasie of intrekking van die registrasie van enige medisyne ingevolge hierdie Wet, en moet in sodanige kennisgewing vermeld—

Bekendmaking van registrasie of intrekking van registrasie in *Staatskoerant*.

- (a) in die geval van 'n registrasie van 'n medisyne, die naam waaronder sodanige medisyne geregistreer is, die naam van die vervaardiger daarvan, die nommer daaraan toegewys ingevolge artikel vyftien en die voorwaardes (as daar is) waaraan die registrasie onderworpe gestel is;
- (b) in die geval van 'n intrekking van die registrasie van 'n medisyne, die naam waaronder sodanige medisyne geregistreer was, die naam van die vervaardiger en die nommer wat daaraan toegewys was ingevolge artikel vyftien.

(2) 'n Kennisgewing van registrasie wat ingevolge sub-artikel (1) gegee moet word ten opsigte van 'n medisyne in sub-artikel (2) van artikel veertien bedoel wat bloot op grond van die bepalings van sub-artikel (2) van artikel een nie dieselfde medisyne as enige ander aldus bedoelde medisyne is nie, moet gelyktydig met 'n kennisgewing wat aldus ten opsigte van daardie ander medisyne gegee moet word, in die *Staatskoerant* verskyn.

18. (1) Niemand mag ingevolge hierdie Wet geregi- streerde medisyne verkoop nie, tensy die pakket waarin daardie medisyne verkoop word 'n etiket aan het waarop vermeld word—

Naam waaronder medisyne geregistreer is en nommer moet op etikette verskyn.

- (a) die goedgekeurde naam van daardie medisyne en onmiddellik daarna die nommer ingevolge artikel vyftien daaraan toegewys, wat, indien daar afgesien van die goedgekeurde naam ook 'n handelsnaam of die naam van die fabriek op die etiket voorkom, onmiddellik bo bedoelde handelsnaam of naam van die fabriek moet voorkom en in letters moet wees wat nie kleiner is as die helfte van die grootte van die letters wat vir bedoelde handelsnaam of naam van die fabriek gebruik word nie en wat in alle ander opsigte nie minder opvallend as bedoelde handelsnaam of naam van die fabriek moet wees nie; en
- (b) indien die goedgekeurde naam 'n handelsnaam of 'n naam van 'n fabriek is, die aktiewe bestanddele van bedoelde medisyne volgens gewig of volgens volume of volgens eenhede onmiddellik voor of na bedoelde goedgekeurde naam.

(2) Niemand mag sodanige medisyne skriftelik vir verkoop adverteer nie, tensy—

- (a) die goedgekeurde naam van daardie medisyne en onmiddellik daarna die nommer ingevolge artikel vyftien daaraan toegewys, in die advertensie vermeld word, en wel (indien die handelsnaam of die naam van die fabriek van die medisyne, wat nie die goedgekeurde naam is nie, ook in die advertensie vermeld word) onmiddellik bo daardie handelsnaam of naam van die fabriek waar dit die eerste maal gebesig word en in letters nie kleiner nie as die helfte van die grootte van die letters wat vir daardie handelsnaam of naam van die fabriek gebruik word en sodat dit in alle ander opsigte nie minder opvallend as bedoelde handelsnaam of naam van die fabriek is nie; en

(b) where the approved name of such drug is also the trade name or brand name thereof, the number allocated thereto appears immediately after such name where it is used for the first time, and the names, as determined by the council, of the active components thereof and the weight or volume or number of units of such components are stated immediately before such name or after such number.

(3) The provisions of sub-section (1) shall not apply in respect of the sale of any drug—

- (a) sold by a medical practitioner for the treatment of a particular person and supplied by such medical practitioner to or on behalf of such person; or
- (b) sold by a chemist and druggist for the treatment of a particular person and supplied to or on behalf of such person by such chemist and druggist in accordance with a direction given by a medical practitioner; or
- (c) if such drug forms a portion of the original contents of a package which is labelled in accordance with the provisions of this Act and such drug is taken by a chemist and druggist from such package and is sold by such chemist and druggist for the treatment of a particular person and is supplied to or on behalf of such person in a package which bears a label stating the name and address of such chemist and druggist, the number allocated to such drug under section *fifteen*, directions in regard to the manner in which such drug should be used and the name of the person for whose treatment such drug is sold.

Prohibition on sale of drugs which do not comply with prescribed requirements and furnishing of information regarding drugs to the council.

19. (1) No person shall sell any drug unless it complies with the prescribed requirements.

(2) The council may by notice in writing require any person who manufactures or sells or administers or prescribes any drug or on whose direction any drug is administered to furnish it, within a period stipulated in such notice, with any information which such person has in his possession or which such person is in a position to obtain regarding such drug.

(3) The council may, if so requested by any person to whom a notice under sub-section (2) is addressed, extend the period stipulated in such notice.

Publication or distribution of false advertisements concerning drugs.

20. (1) No person shall—

- (a) publish or distribute or in any other manner whatsoever bring to the notice of the public or cause or permit to be published or distributed or to be so brought to the notice of the public any false or misleading advertisement concerning any drug; or
- (b) in any advertisement make any claim to the effect that the therapeutic efficacy and effect of any drug is other than that stated by the council in terms of sub-paragraph (ii) of paragraph (a) of section *twenty-two* or state or suggest that any drug should be used for a purpose or under circumstances or in a manner other than that stated by the council in terms of sub-paragraph (iii) of paragraph (a) of that section.

(2) It shall be a sufficient defence in any prosecution for an offence under paragraph (a) of sub-section (1) if it is proved to the satisfaction of the court that the accused, not being a person selling the drug to which the false or misleading advertisement which is the subject of the prosecution relates, did not know, and could not reasonably be expected to have known, that the advertisement was in any respect false or misleading, unless it is proved that the accused failed on demand by the registrar or an inspector or a member of the South African Police to furnish the name and address of the person at whose instance the advertisement was published, distributed or so brought to the notice of the public.

Council may authorize sale of unregistered drug for certain purposes.

21. (1) The council may in writing authorize any person to sell during a specified period to any specified person or institution a specified quantity of any particular drug which is not registered.

- (b) waar die goedgekeurde naam van bedoelde medisyne ook die handelsnaam of die naam van die fabriek daarvan is, die nommer daaraan toegewys voorkom onmiddellik na bedoelde naam waar dit die eerste maal gebesig word, en die name, soos deur die raad bepaal, van die aktiewe bestanddele daarvan en die gewig of volume of getal eenhede van sodanige bestanddele onmiddellik voor bedoelde naam of na bedoelde nommer vermeld word.
- (3) Die bepaling van sub-artikel (1) is nie van toepassing nie ten opsigte van die verkoop van medisyne wat—
- (a) deur 'n geneesheer vir die behandeling van 'n bepaalde persoon verkoop word en deur dié geneesheer aan of ten behoeve van daardie persoon verskaf word; of
- (b) deur 'n apteker vir die behandeling van 'n bepaalde persoon verkoop word en deur daardie apteker aan of ten behoeve van bedoelde persoon verskaf word ooreenkomstig 'n opdrag deur 'n geneesheer gegee; of
- (c) indien sodanige medisyne 'n gedeelte is van die oorspronklike inhoud van 'n pakket wat ooreenkomstig die bepaling van hierdie Wet geëtiketteer is, deur 'n apteker uit sodanige pakket geneem en deur hom verkoop word vir die behandeling van 'n bepaalde persoon en wat aan of ten behoeve van sodanige persoon verskaf word in 'n pakket wat 'n etiket aan het waarop vermeld word die naam en adres van sodanige apteker, die nommer ingevolge artikel vyftien aan sodanige medisyne toegewys, aanwysings van die wyse waarop sodanige medisyne gebruik behoort te word en die naam van die persoon vir wie se behandeling sodanige medisyne verkoop word.

19. (1) Niemand mag 'n medisyne verkoop nie tensy dit aan die voorgeskrewe vereistes voldoen.

Verbod op verkoop van medisyne wat nie aan voorgeskrewe vereistes voldoen nie en verskaffing van inligting oor medisyne aan die raad.

(2) Die raad kan by skriftelike kennisgewing enigiemand gelas wat 'n medisyne vervaardig of verkoop of toedien of voorskryf of op wie se lasgewing 'n medisyne toegedien word, om binne 'n tydperk in so 'n kennisgewing bepaal, aan die raad oor sodanige medisyne inligting te verskaf wat so 'n persoon in sy besit het of wat hy in staat is om te verkry.

(3) Die raad kan, indien hy daarom versoek word deur iemand aan wie 'n kennisgewing ingevolge sub-artikel (2) gerig is, die tydperk verleng wat in die kennisgewing bepaal word.

20. (1) Niemand mag—

Publikasie of verspreiding van vals advertensies betreffende medisyne.

(a) 'n valse of misleidende advertensie betreffende 'n medisyne publiseer of versprei of op enige ander wyse hoegenaamd tot die kennis van die publiek bring nie, of bewerkstellig of toelaat dat so 'n advertensie gepubliseer of versprei of aldus tot die kennis van die publiek gebring word nie; of

(b) in 'n advertensie 'n bewering maak ten effekte dat die terapeutiese doeltreffendheid en effek van 'n medisyne anders is as dié wat ingevolge sub-paragraaf (ii) van paragraaf (a) van artikel twee-en-twintig deur die raad vermeld is nie of verklaar of aan die hand doen dat 'n medisyne gebruik behoort te word vir 'n ander doel of onder ander omstandighede of op 'n ander wyse as dié wat ingevolge sub-paragraaf (iii) van paragraaf (a) van daardie artikel deur die raad vermeld is nie.

(2) Dit is 'n voldoende verweer by enige vervolging weens 'n misdryf ingevolge paragraaf (a) van sub-artikel (1) as dit tot die oortuiging van die hof bewys word dat die beskuldigde, indien hy nie iemand is nie wat die medisyne verkoop waarop die valse of misleidende advertensie, wat die onderwerp van die vervolging uitmaak, betrekking het, nie geweet het nie, en daar nie redelikerwys van hom verwag kan word om te geweet het nie, dat die advertensie in enige opsig vals of misleidend was, tensy bewys word dat die beskuldigde versuim het om op versoek van die registrateur of 'n inspekteur of 'n lid van die Suid-Afrikaanse Polisie die naam en adres te verstrek van die persoon op wie se versoek die advertensie gepubliseer, versprei of aldus tot die kennis van die publiek gebring is.

21. (1) Die raad kan enige persoon skriftelik magtig om gedurende 'n bepaalde tydperk 'n bepaalde hoeveelheid van 'n bepaalde medisyne wat nie geregistreer is nie aan 'n bepaalde persoon of inrigting te verkoop.

Raad kan verkoop van ongeregistreerde medisyne vir sekere doeleindes magtig.

(2) Any drug sold in pursuance of any authority granted under sub-section (1) may be used for such purposes and in such manner and during such period as the council may in writing determine.

(3) The council may at any time by notice in writing withdraw any authority granted in terms of sub-section (1) if effect is not given to any determination made in terms of sub-section (2).

Council to furnish certain information to medical and dental practitioners and chemists and druggists.

22. The council shall, subject to the approval of the Secretary for Health, in such manner as it considers most suitable—

(a) as soon as practicable after any drug has been registered, inform medical practitioners, dental practitioners, chemists and druggists and the person who applied for the registration of such drug—

(i) of the name and number under which such drug is registered and the conditions, if any, subject to which such drug is registered;

(ii) of the therapeutic efficacy and effect of such drug;

(iii) of the purpose for which, the circumstances under which and the manner in which such drug should be used; and

(iv) regarding any other matter concerning such drug which, in the opinion of the council, may be of value to them;

(b) as soon as practicable after the registration of any drug has been cancelled in terms of section *sixteen*, inform medical practitioners, dental practitioners, chemists and druggists and the person who applied for the registration of such drug of the cancellation of such registration.

Disposal of undesirable drugs.

23. (1) If the council is of the opinion that it is not in the public interest that any drug shall be available to the public, it may—

(a) by notice in writing transmitted by registered post to any person direct that person; or

(b) by notice in the *Gazette* direct any person, to return any quantity of such drug which he has in his possession to the manufacturer thereof or (in the case of any imported drug) to the importer concerned or to deliver or send it to any other person designated by the council.

(2) The council may by notice in writing direct any manufacturer or importer of any such drug who has in his possession any quantity thereof (including any quantity returned, delivered or sent to him in pursuance of a direction under sub-section (1)), or any other person to whom any quantity of such drug has been so returned, delivered or sent, to deal with or dispose of that quantity in such manner as the council may determine.

(3) No person shall sell any drug which is the subject of a notice under sub-section (1) which has not been set aside on appeal.

Appeals.

24. (1) Any person who is aggrieved by any decision of the council may appeal against such decision to the appeal board.

(2) (a) Any such appeal shall be lodged within one month after the date of the decision appealed against and shall be accompanied by written arguments and explanations of the grounds of appeal.

(b) The appellant may appear before the appeal board in person or through a representative and may tender evidence and submit any arguments or explanations in support of any written arguments or explanations submitted by him.

(3) The operation of any decision of the council which is the subject of an appeal under sub-section (1) (not being a decision contemplated in sub-section (1) of section *twenty-three*) shall be suspended pending a decision on the appeal.

(4) The decision of the appeal board on any appeal lodged with it under this section shall be final and shall be deemed to be a decision of the council.

(2) 'n Medisyne wat uit hoofde van 'n kragtens sub-artikel (1) verleende magtiging verkoop word, kan gebruik word vir die doeleindes en op die wyse en gedurende die tydperk wat die raad skriftelik bepaal.

(3) Die raad kan te eniger tyd by skriftelike kennisgewing 'n magtiging wat ingevolge sub-artikel (1) verleen is, intrek, indien daar nie aan 'n bepaling wat ingevolge sub-artikel (2) gemaak is, gevolg gegee word nie.

**22.** Die raad moet, onderworpe aan die goedkeuring van die Sekretaris van Gesondheid, en op die wyse wat die raad die geskikste ag—

Raad moet sekere inligting aan geneeshere, tandartse en aptekers verstrek.

(a) So spoedig doenlik nadat 'n medisyne geregistreer is, geneeshere, tandartse, aptekers en die persoon wat aansoek om die registrasie van sodanige medisyne gedoen het, verwittig van—

(i) die naam en nommer waaronder sodanige medisyne geregistreer is en die voorwaardes (as daar is) waaraan die medisyne se registrasie onderworpe gestel is;

(ii) die terapeutiese doeltreffendheid en effek van sodanige medisyne;

(iii) die doel waarvoor, die omstandighede waaronder en die wyse waarop sodanige medisyne gebruik behoort te word; en

(iv) enige ander aangeleentheid betreffende sodanige medisyne wat, na die mening van die raad, vir hulle van waarde kan wees;

(b) so spoedig doenlik nadat die registrasie van 'n medisyne ingevolge artikel *sestien* ingetrek is, geneeshere, tandartse, aptekers en die persoon wat aansoek om die registrasie van sodanige medisyne gedoen het van die intrekking van sodanige registrasie verwittig.

**23.** (1) Indien die raad van mening is dat dit nie in die openbare belang is dat 'n medisyne aan die publiek beskikbaar moet wees nie, kan hy—

Beskikking oor ongewenste medisyne.

(a) by skriftelike kennisgewing per aangetekende pos aan enige persoon gestuur, daardie persoon gelas; of

(b) by kennisgewing in die *Staatskoerant*, enige persoon gelas,

om enige hoeveelheid van sodanige medisyne wat hy in sy besit het na die vervaardiger daarvan of (in die geval van 'n ingevoerde medisyne) na die betrokke invoerder terug te stuur of om dit aan enige ander deur die raad aangewese persoon te lewer of te stuur.

(2) Die raad kan by skriftelike kennisgewing 'n vervaardiger of invoerder van sodanige medisyne wat enige hoeveelheid daarvan (met inbegrip van enige hoeveelheid ingevolge 'n lasgewing kragtens sub-artikel (1) aan hom teruggestuur, gelewer of gestuur) in sy besit het, of enige ander persoon aan wie 'n hoeveelheid van sodanige medisyne aldus teruggestuur, gelewer of gestuur is, gelas om met daardie hoeveelheid te handel of daarvoor te beskik op die wyse wat die raad bepaal.

(3) Niemand mag enige medisyne wat die onderwerp is van 'n kennisgewing ingevolge sub-artikel (1) wat nie op appèl tersyde gestel is, verkoop nie.

**24.** (1) Iemand wat hom veronreg ag deur 'n beslissing van die raad kan teen daardie beslissing by die appèlraad appèl aanteken.

Appèlle.

(2) (a) So 'n appèl moet ingedien word binne een maand na die datum van die beslissing waarteen appèl aangeteken word en moet vergesel gaan van skriftelike beredenerings en verduidelikings van die gronde van appèl.

(b) Die appellant kan persoonlik of deur 'n verteenwoordiger voor die appèlraad verskyn en getuienis aanbied of enige beredenering of verduideliking voorlê tot staving van enige skriftelike beredenerings of verduidelikings deur hom ingedien.

(3) Die toepassing van enige beslissing van die raad wat die onderwerp van appèl ingevolge sub-artikel (1) is (behalwe 'n beslissing in sub-artikel (1) van artikel *drie-en-twintig* beoog), word opgeskort hangende 'n beslissing oor die appèl.

(4) Die beslissing van die appèlraad oor 'n appèl ingevolge hierdie artikel by hom ingedien, is afdoende en word geag 'n beslissing van die raad te wees.

Privileges of council and committees.

25. No legal proceedings shall lie against the council or any committee appointed under sub-section (1) of section *nine* or any member of the council or of any such committee in respect of any act done by the council or any such committee in the exercise of its powers or the performance of its functions under this Act.

Appointment of inspectors.

26. (1) The Minister may, subject to the laws governing the public service, appoint such inspectors, who shall be officers of the Department of Health, as he may consider necessary for the proper enforcement of this Act.

(2) Every inspector shall be furnished with a certificate signed by the registrar and stating that he has been appointed as an inspector under this Act.

(3) An inspector shall, before he exercises or performs any power or function under this Act, produce and exhibit to any person affected thereby, the certificate referred to in sub-section (2).

Appointment of analysts, pharmacologists and pathologists.

27. (1) The Minister may appoint such analysts, pharmacologists and pathologists as he may consider necessary for the proper enforcement of this Act.

(2) Every appointment made under sub-section (1) shall be notified in the *Gazette*.

Powers of inspectors.

28. (1) An inspector may at all reasonable times—

(a) enter upon any premises, place, vehicle, vessel or aircraft at or in which there is or is on reasonable grounds suspected to be any drug;

(b) inspect any drug, or any book, record or document found in or upon such premises, place, vehicle, vessel or aircraft;

(c) seize any such drug, or any books, records or documents found in or upon such premises, place, vehicle, vessel or aircraft and appearing to afford evidence of a contravention of any provision of this Act;

(d) take so many samples of any such drug as he may consider necessary for the purpose of testing, examination or analysis in terms of the provisions of this Act.

(2) Any sample taken in terms of paragraph (d) of sub-section (1) shall be taken in accordance with the prescribed methods and in the presence of the person who is in charge of such drug, or if there is no such person or if he is absent for any reason, in the presence of any other witness, and shall in the presence of such person or such witness be divided into three parts, each of which shall forthwith be fastened up and sealed and suitably labelled or marked in such manner as its nature may permit. One part shall then be transmitted to an analyst, pharmacologist or pathologist together with a certificate in the prescribed form signed by such inspector. The second part, together with a copy of the aforesaid certificate, shall be handed or transmitted by registered post to the owner or seller of such drug or his agent. The third part shall be retained by the inspector.

(3) The analyst, pharmacologist or pathologist to whom one part of a sample has been transmitted in terms of the provisions of sub-section (2) shall with all convenient speed test, examine or analyse the sample delivered to him, and the result of the test, examination or analysis shall be stated in a certificate in the prescribed form.

(4) The owner of the drug from which the sample was taken may claim from the Secretary for Health an amount equal to the market value thereof.

Offences.

29. Any person who—

(a) obstructs or hinders any inspector in the exercise of his powers or the carrying out of his duties under this Act; or

25. Geen regsgeeding kan teen die raad of 'n kragtens sub-artikel (1) van artikel *nege* aangestelde komitee of 'n lid van die raad of van enige sodanige komitee ten opsigte van enige handeling verrig deur die raad of enige sodanige komitee by die uitoefening van sy bevoegdheid of die verrigting van sy werksaamheid kragtens hierdie Wet, ingestel word nie.

Privilegie van raad en komitees.

26. (1) Die Minister kan, behoudens die wetsbepalings op die Staatsdiens, die inspekteurs, wat amptenare van die Departement van Gesondheid moet wees, aanstel wat hy vir die behoorlike uitvoering van hierdie Wet nodig ag.

Aanstelling van inspekteurs.

(2) Elke inspekteur moet van 'n deur die registrateur ondertekende sertifikaat voorsien word waarin verklaar word dat hy kragtens hierdie Wet as 'n inspekteur aangestel is.

(3) Voordat 'n inspekteur enige bevoegdheid of werksaamheid kragtens hierdie Wet uitoefen of verrig, moet hy aan enigiemand wat daardeur geraak word, die in sub-artikel (2) bedoelde sertifikaat oorlê en vertoon.

27. (1) Die Minister kan die ontleders, farmakoloë en patoloë wat hy vir die behoorlike toepassing van hierdie Wet nodig ag, aanstel.

Aanstelling van ontleders, farmakoloë en patoloë.

(2) Elke aanstelling wat kragtens sub-artikel (1) gemaak word, moet in die *Staatskoerant* bekend gemaak word.

28. (1) 'n Inspekteur kan te alle redelike tye—

Bevoegdhede van inspekteurs.

- (a) 'n perseel, plek, voertuig, vaartuig of vliegtuig betree waarin of waarop daar enige medisyne is, of op redelike gronde vermoed word te wees;
- (b) enige medisyne, of enige boek, aantekening of dokument wat in of op sodanige perseel, plek, voertuig, vaartuig of vliegtuig gevind word, inspekteer;
- (c) op sodanige medisyne, of op enige boeke, aantekeninge of dokumente wat in of op sodanige perseel, plek, voertuig, vaartuig of vliegtuig gevind word en wat bewys skyn te lewer van 'n oortreding van 'n bepaling van hierdie Wet, beslag lê;
- (d) soveel monsters van sodanige medisyne neem as wat hy nodig ag vir die doel van 'n toets, ondersoek of ontleding ingevolge die bepaling van hierdie Wet.

(2) 'n Monster wat ingevolge paragraaf (d) van sub-artikel (1) geneem word, moet ooreenkomstig die voorgeskrewe metodes en in die teenwoordigheid van die persoon wat toesig het oor die medisyne geneem word, of, as daar nie so 'n persoon is nie of as hy om die een of ander rede afwesig is, in die teenwoordigheid van 'n ander getuie, en word in die teenwoordigheid van sodanige persoon of sodanige getuie in drie dele verdeel, elk waarvan dadelik op die wyse wat die aard daarvan toelaat, verpak en verseël en behoorlik geëtiketteer of gemerk word. Een deel word dan gestuur aan 'n ontleder, farmakoloog of patoloog tesame met 'n sertifikaat in die voorgeskrewe vorm wat deur die inspekteur onderteken is. Die tweede deel, tesame met 'n afskrif van voormelde sertifikaat, word aan die eienaar of verkoper van sodanige medisyne of sy agent oorhandig of per aangetekende pos gestuur. Die derde deel word deur die inspekteur bewaar.

(3) Die ontleder, farmakoloog of patoloog aan wie een deel van 'n monster ooreenkomstig die bepaling van sub-artikel (2) gestuur is, moet die monster wat aan hom gelewer is so spoedig doenlik toets, ondersoek of ontleed en die resultaat van die toets, ondersoek of ontleding word aangeteken op 'n sertifikaat in die voorgeskrewe vorm.

(4) Die eienaar van die medisyne waarvan die monster geneem is, kan 'n bedrag gelykstaande met die markwaarde daarvan van die Sekretaris van Gesondheid eis.

29. Iemand wat—

Oortredings.

- (a) 'n inspekteur by die uitoefening van sy bevoegdheid of die uitvoering van sy pligte ingevolge hierdie Wet bemerker of hinder; of

- (b) contravenes or fails to comply with the provisions of sub-section (1) of section *fourteen* or section *eighteen*; or
  - (c) contravenes the provisions of sub-section (1) of section *nineteen* or fails to comply with a notice issued under sub-section (2) of that section; or
  - (d) contravenes the provisions of sub-section (1) of section *twenty*; or
  - (e) contravenes or fails to comply with any condition imposed under sub-section (7) of section *fifteen*; or
  - (f) fails to comply with any direction given under section *twenty-three* or contravenes the provisions of sub-section (3) of that section; or
  - (g) with fraudulent intent tampers with any sample taken in terms of this Act; or
  - (h) makes any false or misleading statement in connection with any drug—
    - (i) in an application for the registration thereof; or
    - (ii) in the course of the sale thereof; or
  - (i) sells any drug upon the container of which a false or misleading statement in connection with the contents is written; or
  - (j) for purposes of business or trade makes use of any report or certificate made or issued by an inspector, analyst, pharmacologist or pathologist under this Act,
- shall be guilty of an offence.

**Penalties.**

30. (1) Any person who is convicted of an offence referred to in section *twenty-nine* shall be liable—

- (a) on a first conviction, to a fine not exceeding five hundred rand or, in default of payment of such fine, to imprisonment for a period not exceeding six months; and
- (b) on a second or subsequent conviction, to a fine not exceeding one thousand rand or to imprisonment for a period not exceeding twelve months or to both such fine and such imprisonment.

(2) The court convicting any person of an offence under this Act may, upon the application of the prosecutor, declare any drug in respect of which the offence has been committed to be forfeited to the State.

(3) Any drug forfeited under this Act shall be destroyed or otherwise dealt with as the Minister may direct.

**Procedure and evidence.**

31. (1) In any criminal proceedings under this Act—

- (a) any quantity of a drug in or upon any premises, place, vehicle, vessel or aircraft at the time a sample thereof is taken pursuant to the provisions of this Act shall, unless the contrary is proved, be deemed to possess the same properties as such sample;
- (b) any person who is proved to have tampered with any sample shall be deemed to have acted with fraudulent intent unless the contrary is proved;
- (c) a certificate stating the result of a test, examination or analysis carried out in terms of the provisions of section *twenty-eight* and purporting to be signed by the analyst, pharmacologist or pathologist who carried out such test, examination or analysis, shall be accepted as *prima facie* proof of the facts stated therein;
- (d) any statement or entry contained in any book, record or document kept by any owner of a drug, or by the manager, agent or employee of such owner or found upon or in any premises occupied by, or any vehicle used in the business of, such owner, shall be admissible in evidence against him as an admission of the facts set forth in that statement or entry, unless it is proved that that statement or entry was not made by such owner, or by any manager, agent or employee of such owner in the course of his work as manager, or in the course of his agency or employment.



- (b) die bepalings van sub-artikel (1) van artikel *veertien*, of artikel *agtien* oortree of versuim om daaraan te voldoen; of
  - (c) die bepalings van sub-artikel (1) van artikel *negentien* oortree of versuim om te voldoen aan 'n kennisgewing ingevolge sub-artikel (2) van daardie artikel uitgereik; of
  - (d) die bepalings van sub-artikel (1) van artikel *twintig* oortree; of
  - (e) 'n voorwaarde opgelê kragtens sub-artikel (7) van artikel *vyftien* oortree of versuim om daaraan te voldoen; of
  - (f) versuim om aan 'n lasgewing uitgereik kragtens artikel *drie-en-twintig* te voldoen of die bepalings van sub-artikel (3) van daardie artikel oortree; of
  - (g) met frauduleuse opset aan 'n monster wat ooreenkomstig hierdie Wet geneem is, peuter; of
  - (h) in verband met 'n medisyne 'n valse of misleidende verklaring maak—
    - (i) in 'n aansoek om die registrasie daarvan; of
    - (ii) by die verkoop daarvan; of
  - (i) 'n Medisyne, op die houer waarvan 'n valse of misleidende verklaring in verband met die inhoud geskryf is, verkoop; of
  - (j) vir besigheids- of handelsdoeleindes gebruik maak van enige verslag of sertifikaat wat kragtens hierdie Wet deur 'n inspekteur, ontleder, farmakoloog of patoloog gedoen of uitgereik is,
- is aan 'n misdryf skuldig.

30. (1) Iemand wat aan 'n in artikel *nege-en-twintig* bedoelde misdryf skuldig bevind word, is strafbaar—

- (a) by 'n eerste skuldigbevinding, met 'n boete van hoogstens vyfhonderd rand of, by wanbetaling van sodanige boete, met gevangenisstraf vir 'n tydperk van hoogstens ses maande; en
  - (b) by 'n tweede of daaropvolgende skuldigbevinding, met 'n boete van hoogstens duisend rand of met gevangenisstraf vir 'n tydperk van hoogstens twaalf maande of met sowel sodanige boete as sodanige gevangenisstraf.
- (2) Die hof wat iemand aan 'n misdryf ingevolge hierdie Wet skuldig bevind, kan op versoek van die vervolger, enige medisyne ten opsigte waarvan die misdryf gepleeg is, aan die Staat verbeurd verklaar.
- (3) Kragtens hierdie Wet verbeurdverklaarde medisyne word vernietig of andersins mee gehandel soos die Minister gelas.

31. (1) In 'n strafsak ingevolge hierdie Wet—

- (a) word 'n hoeveelheid medisyne wat in of op 'n perseel, plek, voertuig, vaartuig of vliegtuig is wanneer 'n monster daarvan ooreenkomstig die bepalings van hierdie Wet geneem word, tensy die teendeel bewys word, geag dieselfde eienskappe te besit as daardie monster;
- (b) word geag, wanneer daar bewys gelewer is dat iemand aan 'n monster gepeuter het, dat so iemand met frauduleuse opset gehandel het, tensy die teendeel bewys word;
- (c) word 'n sertifikaat waarin die resultaat van 'n toets, ondersoek of ontleding wat ingevolge die bepalings van artikel *agt-en-twintig* uitgevoer is, aangeteken is, en wat deur die ontleder, farmakoloog of patoloog wat die toets, ondersoek of ontleding uitgevoer het, onderteken heet te wees, aangeneem as *prima facie*-bewys van die daarin vermelde feite;
- (d) is 'n verklaring of inskrywing vervat in 'n boek, aantekening of dokument wat deur 'n eenaar van 'n medisyne of deur die bestuurder, agent of werknemer van sodanige eenaar gehou word, of wat gevind word op of in 'n perseel wat deur sodanige eenaar geokkupeer word, of op 'n voertuig wat in die besigheid van sodanige eenaar gebruik word, toelaatbaar by wyse van getuënis teen hom as 'n erkenning van die feite uiteengesit in daardie verklaring of inskrywing, tensy bewys word dat daardie verklaring of inskrywing nie deur sodanige eenaar of deur 'n bestuurder, agent of werknemer van sodanige eenaar in die loop van sy werk as bestuurder of in die loop van sy agentskap of diens gemaak is nie.

Prosedure en bewyslewing.

(2) No prosecution shall be instituted as a result of any test, examination or analysis carried out in terms of the provisions of section *twenty-eight* unless a copy of the analyst's, pharmacologist's or pathologist's certificate has, at least twenty-one days before the institution of such prosecution, been handed or transmitted by registered post to the person who is to be the accused.

(3) The court in which any such certificate is adduced in evidence may in its discretion cause the person who signed such certificate to be summoned to give oral evidence in the proceedings in question 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 be admissible in evidence in such proceedings.

Special defences  
in case of  
prosecutions.

32. It shall be a sufficient defence for a person charged with the sale of any drug in contravention of the provisions of section *nineteen* if he proves to the satisfaction of the court—

- (a) that he purchased such drug from a person residing in the Republic who had furnished him with a written warranty that such drug complied with the prescribed requirements; and
- (b) that he had no reason to believe that such drug did not so comply.

Act or omission  
by manager,  
agent or employee.

33. (1) Whenever any manager, agent or employee of any person (hereinafter called the employer) does or omits to do any act which it would be an offence under this Act for the employer to do or omit to do, then unless it is proved that—

- (a) in doing or omitting to do that act the manager, agent or employee was acting without the connivance or the permission of the employer; and
- (b) all reasonable steps were taken by the employer to prevent any act or omission of the kind in question; and
- (c) it was not under any condition or in any circumstances within the scope of the authority or in the course of the employment of the manager, agent or employee to do or to omit to do acts, whether lawful or unlawful, of the character of the act or omission charged,

the employer shall be presumed himself to have done or omitted to do that act and shall be liable to be convicted and sentenced in respect thereof; and the fact that he issued instructions forbidding any act or omission of the kind in question shall not, of itself, be accepted as sufficient proof that he took all reasonable steps to prevent the act or omission.

(2) Whenever any manager, agent or employee of any such employer does or omits to do an act which it would be an offence under this Act for the employer to do or omit to do, he shall be liable to be convicted and sentenced in respect thereof as if he were the employer.

(3) Any such manager, agent or employee may be so convicted and sentenced in addition to the employer.

Preservation of  
secrecy.

34. Any person who discloses, except to the Minister or to any other person for the purpose of the carrying out of his duties or the performance of his functions under this Act or when required to do so by any court or under any law, any information acquired by him in the carrying out of any duty or the performance of any function under this Act, in relation to the business or affairs of any other person, shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand rand or to imprisonment for a period not exceeding twelve months.

Regulations.

35. (1) The council may, with the approval of the Minister, make regulations—

- (a) prescribing the persons by whom application may be made for the registration of any drug;
- (b) prescribing the forms which shall be used for any application for the registration of any drug and the particulars which shall be furnished with any such application (including particulars regarding the method by which the drug in question or any component of such drug is manufactured and the premises in which such drug or any such component is manufactured);
- (c) providing for the provisions of sub-section (1) of section *fourteen* to come into operation in terms of sub-section (2) of that section in respect of any specified drugs or classes or categories of drugs;
- (d) prescribing the samples of any drug and the quantity thereof which shall accompany any application for the registration of a drug;

(2) Geen vervolging mag ingestel word as gevolg van 'n toets, ondersoek of ontleding wat ingevolge die bepalings van artikel *agt-en-twintig* uitgevoer is nie, tensy 'n afskrif van die ontleder, farmakoloog of patoloog se sertifikaat minstens een-en-twintig dae voor die instelling van sodanige vervolging aan die persoon wat die beskuldigde gaan wees, oorhandig is of per aangetekende pos aan hom gestuur is.

(3) Die hof waarin so 'n sertifikaat as getuienis voorgelê word, kan na goedduke die persoon wat die sertifikaat onderteken het, laat dagvaar om mondelinge getuienis in die betrokke saak af te lê of kan skriftelike vraagpunte aan hom vir beantwoording laat voorlê en sulke vraagpunte en enige antwoord daarop wat 'n antwoord van sodanige persoon heet te wees, is as getuienis in so 'n saak toelaatbaar.

32. Dit is 'n voldoende verweer vir iemand wat beskuldig word van die verkoop van 'n medisyne in stryd met die bepalings van artikel *negentien*, as hy tot die oortuiging van die hof bewys—

Spesiale verwer  
in geval van  
vervolgings.

- (a) dat hy sodanige medisyne gekoop het van 'n persoon in die Republiek woonagtig wat aan hom 'n skriftelike waarborg verstrekket dat sodanige medisyne aan die voorgeskrewe vereistes voldoen; en
- (b) dat hy geen rede gehad het om te glo dat bedoelde medisyne nie aldus voldoen nie.

33. (1) Wanneer 'n bestuurder, agent of werknemer van enige persoon (hieronder die werkgewer genoem) enige daad of versuim begaan wat 'n misdryf ingevolge hierdie Wet sou wees as die werkgewer dit begaan het, dan, tensy bewys word dat—

Daad of versuim  
van bestuurder,  
agent of werk-  
nemer.

- (a) die werkgewer daardie daad of versuim van die bestuurder, agent of werknemer nie oogluikend toegelaat of veroorloof het nie; en
- (b) die werkgewer alle redelike stappe gedoen het om so 'n daad of versuim te voorkom; en
- (c) 'n daad of versuim, hetsy wettig of onwettig, van die ten laste gelegde aard onder geen voorwaardes of omstandighede binne die bestek van die bevoegdheid of in die loop van die diens van die bestuurder, agent of werknemer geval het nie,

word veronderstel dat die werkgewer self die daad of versuim begaan het, en kan hy ten opsigte daarvan skuldig bevind en gevonnissen word; en die feit dat hy 'n daad of versuim van die betrokke aard verbied het, word nie op sigself aanvaar as voldoende bewys dat hy alle redelike stappe gedoen het om die daad of versuim te voorkom nie.

(2) Wanneer 'n bestuurder, agent of werknemer van enige sodanige werkgewer 'n daad of versuim begaan wat 'n misdryf ingevolge hierdie Wet sou wees as die werkgewer dit begaan, kan hy ten opsigte daarvan skuldig bevind en gevonnissen word asof hy die werkgewer is.

(3) Enige sodanige bestuurder, agent of werknemer kan benewens die werkgewer aldus skuldig bevind en gevonnissen word.

34. Iemand wat, behalwe aan die Minister of aan 'n ander persoon vir die doel van die uitvoering van sy pligte of die verrigting van sy werksaamhede ingevolge hierdie Wet, of wanneer dit deur 'n hof of ingevolge 'n wet van hom vereis word, enige inligting aangaande die besigheid of sake van 'n ander persoon wat hy by die uitvoering van 'n plig of verrigting van 'n werksaamheid ingevolge hierdie Wet ingewin het, openbaar maak, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens duisend rand of met gevangenisstraf vir 'n tydperk van hoogstens twaalf maande.

Geheimhouding.

35. (1) Die raad kan, met die goedkeuring van die Minister, regulasies uitvaardig—

Regulasies.

- (a) wat die persone voorskryf deur wie aansoek om die registrasie van 'n medisyne gedoen kan word;
- (b) wat die vorms wat by 'n aansoek om die registrasie van 'n medisyne gebruik moet word en die besonderhede wat saam met so 'n aansoek verstrekket moet word (met inbegrip van besonderhede betreffende die metode waarvolgens die betrokke medisyne of 'n bestanddeel van daardie medisyne vervaardig word en die perseel waarop dit vervaardig word), voorskryf;
- (c) wat voorsiening maak dat die bepalings van sub-artikel (1) van artikel *veertien*, ingevolge sub-artikel (2) van daardie artikel ten opsigte van enige vermelde medisyne of klasse of kategorieë van medisyne in werking tree;
- (d) wat die monsters van enige medisyne en die hoeveelheid daarvan wat 'n aansoek om die registrasie van 'n medisyne moet vergesel, voorskryf;

- (e) prescribing the form in which the drugs register shall be kept and the particulars which shall be entered therein in respect of any registered drug;
  - (f) prescribing the form of any certificate of registration of any drug;
  - (g) prescribing the manner in which any package containing any drug shall be labelled, packed or sealed;
  - (h) prescribing the particulars in regard to the use thereof which shall be furnished with any drug sold, and the manner in which such particulars shall be furnished;
  - (i) prescribing the particulars which shall appear in any advertisement relating to any drug;
  - (j) prescribing the requirements with which any drug or any component thereof shall comply in regard to composition, therapeutic suitability and effect, purity or any other property;
  - (k) prescribing the particulars which shall be published in the *Gazette* in respect of any application for registration referred to in sub-section (11) of section *fifteen*; and
  - (l) prescribing the procedure at meetings of the council and of the appeal board and of any committee appointed under section *nine* (including the quorum in the case of committees) and the manner in which meetings of the appeal board and of any such committee shall be called.
- (2) The council shall, not less than three months before any regulation is made under sub-section (1), cause the text of such regulation to be published in the *Gazette* together with a notice declaring its intention to make that regulation and inviting interested persons to furnish it with any comments thereon or any representations they may wish to make in regard thereto.
- (3) The provisions of sub-section (2) shall not apply in respect of—
- (a) any regulation made by the council which, after the provisions of that sub-section have been complied with, has been amended by the council in consequence of comments or representations received by it in pursuance of the notice issued thereunder; or
  - (b) any regulation in respect of which the Minister is, after consultation with the council, of the opinion that the public interest requires it to be made without delay.
- (4) The Minister may, after consultation with the council, make regulations—
- (a) prescribing the methods in accordance with which samples may be taken under this Act and the form of the certificates to be issued by inspectors in respect of such samples;
  - (b) prescribing the methods to be employed and the form of the certificates to be issued in connection with the testing, examination or analysis of samples taken under this Act;
  - (c) prescribing the fee (not exceeding one hundred rand) to be paid to the registrar in respect of the registration of a drug; and
  - (d) generally for the efficient carrying out of the objects and purposes of this Act.
- (5) No regulation shall be made under paragraph (c) of sub-section (4) except in consultation with the Minister of Finance.
- (6) The provisions of sub-sections (2) and (3) shall *mutatis mutandis* apply to any regulation made by the Minister under sub-section (4).
- (7) Regulations may be made under this section in respect of particular drugs or classes or categories of drugs or in respect of drugs other than particular classes or categories of drugs, and different regulations may be so made in respect of different drugs or different classes or categories of drugs.
- (8) Any regulations made under this section may prescribe penalties for any contravention thereof or failure to comply therewith not exceeding a fine of two hundred rand or imprisonment for a period of three months.

Exclusion of any drug from operation of Act.

36. The Minister may, on the unanimous recommendation of the members present at any meeting of the council, by notice in the *Gazette* exclude, subject to such conditions as

- (e) wat die vorm waarin die medisyne-register gehou moet word en die besonderhede wat ten opsigte van enige geregistreeerde medisyne daarin aangeteken moet word, voorskryf;
  - (f) wat die vorm van 'n registrasiesertifikaat van medisyne voorskryf;
  - (g) wat die wyse waarop 'n pakket wat medisyne bevat, geëtiketteer, gepak of verseël moet word, voorskryf;
  - (h) wat die besonderhede met betrekking tot die gebruik daarvan wat tesame met 'n medisyne wat verkoop word, verstrekkend moet word en die wyse waarop sodanige besonderhede verstrekkend moet word, voorskryf;
  - (i) wat die besonderhede wat in enige advertensie betreffende 'n medisyne moet verskyn, voorskryf;
  - (j) wat die vereistes met betrekking tot die samestelling, terapeutiese bruikbaarheid en effek, suiwerheid of enige ander eienskap waaraan 'n medisyne of bestanddeel daarvan moet voldoen, voorskryf;
  - (k) waarby die besonderhede voorgeskryf word wat in die *Staatstkoerant* afgekondig moet word ten opsigte van 'n aansoek om registrasie in sub-artikel (11) van artikel vyftien bedoel; en
  - (l) wat die prosedure by vergaderings van die raad en van die appèlraad en van enige kragtens artikel nege aangestelde komitee (met inbegrip van die kworum in die geval van komitees) en die wyse waarop vergaderings van die appèlraad en van enige sodanige komitee belê moet word, voorskryf.
- (2) Die raad moet minstens drie maande voordat hy enige regulasie kragtens sub-artikel (1) uitvaardig, die teks van daardie regulasie in die *Staatstkoerant* laat publiseer tesame met 'n kennisgewing waarby verklaar word dat hy voornemens is om daardie regulasie uit te vaardig en belanghebbende persone uitgenooi word om enige opmerkings daarvoor of enige verhoë wat hulle in verband daarmee wil rig, aan die raad te verstrek.
- (3) Die bepalings van sub-artikel (2) is nie van toepassing nie ten opsigte van—
- (a) enige regulasie wat, nadat aan die bepalings van daardie sub-artikel voldoen is, deur die raad gewysig is as gevolg van opmerkings of verhoë deur hom ontvang na aanleiding van die kennisgewing ingevolge daardie sub-artikel gepubliseer; of
  - (b) enige regulasie ten opsigte waarvan die Minister, na oorlegpleging met die raad, van oordeel is dat die uitvaardiging daarvan sonder versuim in die openbare belang nodig is.
- (4) Die Minister kan, na oorlegpleging met die raad, regulasies uitvaardig—
- (a) wat die metodes waarvolgens monsters kragtens hierdie Wet geneem mag word en die vorm van die sertifikate wat deur inspekteurs ten opsigte van sodanige monsters uitgereik moet word, voorskryf;
  - (b) wat die metodes wat gevolg moet word en die vorm van die sertifikate wat uitgereik moet word in verband met die toets, ondersoek of ontleding van monsters wat kragtens hierdie Wet geneem word, voorskryf;
  - (c) wat die gelde (ten bedrae van hoogstens honderd rand) wat aan die registrateur betaal moet word ten opsigte van die registrasie van 'n medisyne, voorskryf; en
  - (d) oor die algemeen vir die doeltreffende uitvoering van die doelstellings en oogmerke van hierdie Wet.
- (5) Geen regulasie word kragtens paragraaf (c) van sub-artikel (4) uitvaardig nie behalwe in oorleg met die Minister van Finansies.
- (6) Die bepalings van sub-artikels (2) en (3) is *mutatis mutandis* van toepassing met betrekking tot enige regulasie kragtens sub-artikel (4) deur die Minister uitvaardig.
- (7) Regulasies kan kragtens hierdie artikel uitvaardig word ten opsigte van bepaalde medisyne of klasse of kategorieë van medisyne of ten opsigte van ander medisyne as bepaalde klasse of kategorieë van medisyne, en verskillende regulasies kan aldus ten opsigte van verskillende medisyne of verskillende klasse of kategorieë van medisyne uitvaardig word.
- (8) Regulasies wat kragtens hierdie artikel uitvaardig word kan vir oortreding daarvan of versuim om daaraan te voldoen, strawwe voorskryf wat nie 'n boete van tweehonderd rand of gevangenisstraf vir 'n tydperk van drie maande te bowe gaan nie.

36. Die Minister kan, op eenparige aanbeveling van die lede van die raad wat op 'n vergadering aanwesig is, by kennisgewing in die *Staatstkoerant* enige medisyne, onderworpe aan die voorwaardes

Uitsluiting van enige medisyne van toepassing van Wet.

he may determine, any drug from the operation of any or all of the provisions of this Act, and may in like manner amend or withdraw any such notice.

Drugs manufactured for export.

37. Notwithstanding anything to the contrary in this Act contained, the provisions of this Act shall not apply in respect of any drug or any quantity of any drug which is manufactured in or imported into the Republic solely for the purpose of export from the Republic and is not used or disposed of for use in the Republic and in respect of which the council has granted a certificate that it is satisfied in regard to its quality, purity and safety.

Operation of Act in relation to other laws.

38. The provisions of this Act shall be in addition to and not in substitution for any other law which is not in conflict with or inconsistent with this Act.

Application of Act in South-West Africa.

39. This Act and any amendment thereof shall apply also in the territory (including the Eastern Caprivi Zipfel referred to in sub-section (3) of section *three* of the South-West Africa Affairs Amendment Act, 1951 (Act No. 55 of 1951)) and in relation to all persons in the portion of the territory known as the "Rehoboth Gebiet" and defined in the First Schedule to Proclamation No. 28 of 1923 of the territory.

Short title and commencement.

40. This Act shall be called the Drugs Control Act, 1965, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

wat hy bepaal, uitsluit van die toepassing van enige van of al die bepalings van hierdie Wet en kan so 'n kennisgewing insgelyks wysig of intrek.

37. Ondanks andersluidende bepalings van hierdie Wet, is die bepalings van hierdie Wet nie van toepassing nie ten opsigte van enige medisyne of enige hoeveelheid van enige medisyne wat in die Republiek vervaardig of ingevoer word uitsluitlik met die doel om dit uit die Republiek uit te voer en wat nie in die Republiek gebruik of van die hand gesit word om daarin gebruik te word nie, en ten opsigte waarvan die raad 'n sertifikaat verleen het dat hy aangaande die kwaliteit, suiwerheid en veiligheid van die medisyne oortuig is.

Medisyne uitvoer vervaardig.

38. Die bepalings van hierdie Wet geld benewens enige ander wetsbepalings wat nie met hierdie Wet strydig of onbestaanbaar is nie, en dien nie ter vervanging daarvan nie.

Uitwerking van Wet met betrekking tot ander wetsbepalings.

39. Hierdie Wet en enige wysiging daarvan is van toepassing ook in die gebied (met inbegrip van die Oostelike Caprivi Zipfel vermeld in sub-artikel (3) van artikel drie van die Wysigingswet op Aangeleenthede van Suidwes-Afrika, 1951 (Wet No. 55 van 1951)) en met betrekking tot alle persone in die gedeelte van die gebied bekend as die „Rehoboth Gebiet” en omskrywe in die Eerste Bylae by Proklamasie No. 28 van 1923 van die gebied.

Toepassing van Wet in Suidwes-Afrika.

40. Hierdie Wet heet die Wet op die Beheer van Medisyne, 1965, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

Kort titel en inwerkingtrekking.

No. 102, 1965.]

# ACT

To amend the War Pensions Act, 1942, the Pension Laws Amendment Act, 1951, the Pension Laws Amendment Act, 1956, the Republic of South Africa Constitution Act, 1961, the War Special Pensions Act, 1962, the Old Age Pensions Act, 1962, the Blind Persons Act, 1962, the War Veterans' Pensions Act, 1962, and the Disability Grants Act, 1962, and to provide for the continuation of certain pensions and grants, for the payment of gratuities to certain Bantu employees of the Government, for the application of certain laws in the territory of South-West Africa and for other incidental matters.

(English text signed by the State President.)  
(Assented to 21st June, 1965.)

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

Amendment of section 1 of Act 44 of 1942, as amended by section 11 of Act 33 of 1943, section 11 of Act 48 of 1944, section 5 of Act 58 of 1946, section 8 of Act 17 of 1947, section 29 of Act 48 of 1947 and section 4 of Act 49 of 1952.

1. Section *one* of the War Pensions Act, 1942, is hereby amended by the addition of the following sub-section, the existing section becoming sub-section (1):

“(2) For the purpose of calculating any supplementary pension payable in terms of this Act in respect of any period commencing on or after the first day of October, 1965, the volunteer's potential pre-disablement earning capacity as determined prior to that date may be increased—

- (a) in the case of a European volunteer, by an amount equal to forty-five per cent of such earning capacity;
- (b) in the case of a non-European volunteer, by such lesser amount as the Minister may determine.”.

Amendment of section 7 of Act 44 of 1942, as substituted by section 9 of Act 58 of 1946 and amended by section 10 of Act 35 of 1949 and section 8 of Act 44 of 1953.

2. Section *seven* of the War Pensions Act, 1942, is hereby amended by the substitution for sub-section (3) of the following sub-section:

“(3) If a volunteer to whom a gratuity has been awarded in terms of sub-section (2) of this section, subsequently alleges in an application that there has been a substantial increase in the extent of his pensionable disablement or submits an application for compensation in respect of a new disablement which was caused or aggravated by military service, his case shall be reviewed and if the extent of his disablement is then assessed by the board at a percentage entitling him to a larger gratuity in terms of the Fifth Schedule or a disablement pension in terms of the Second Schedule, he shall be awarded such larger gratuity, or such pension as from the first day of the month in which his subsequent application is made: Provided that—

- (a) the gratuity previously awarded in terms of sub-section (2) shall be set off against such larger gratuity;
- (b) if such pension is effective from a date within a period of five years of the date on which the gratuity pre-



## WET

Tot wysiging van die Oorlogspensioenwet, 1942, die Wysigingswet op die Pensioenwette, 1951, die Wysigingswet op die Pensioenwette, 1956, die Grondwet van die Republiek van Suid-Afrika, 1961, die Wet op Spesiale Oorlogspensioene, 1962, die Ouderdomspensioenwet, 1962, die Wet op Blindes, 1962, die Wet op Oudstryderspensioene, 1962, en die Wet op Ongeskiktheidstoelaes, 1962, en om voorsiening te maak vir die voortsetting van sekere pensioene en toelaes, vir die betaling van gratifikasies aan sekere Bantoewerknemers van die Regering, vir die toepassing van sekere wette in die gebied Suidwes-Afrika en vir ander aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)  
(Goedgekeur op 21 Junie 1965.)

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

1. Artikel een van die Oorlogspensioenwet, 1942, word hierby gewysig deur die volgende sub-artikel by te voeg terwyl die bestaande artikel sub-artikel (1) word:
 

„(2) By die berekening van 'n aanvullingspensioen wat ingevolge hierdie Wet betaalbaar word ten opsigte van enige tydperk wat op of na die eerste dag van Oktober 1965 'n aanvang neem, kan die vrywilliger se potensiele verdienvermoë-voor-ongeskiktheid, soos voor daardie datum bepaal, verhoog word—

  - (a) in die geval van 'n blanke vrywilliger, met 'n bedrag gelyk aan vyf-en-veertig persent van bedoelde verdienvermoë;
  - (b) in die geval van 'n nie-blanke vrywilliger, met die mindere bedrag wat die Minister bepaal.”

Wysiging van artikel 1 van Wet 44 van 1942, soos gewysig deur artikel 11 van Wet 33 van 1943, artikel 11 van Wet 48 van 1944, artikel 5 van Wet 58 van 1946, artikel 8 van Wet 17 van 1947, artikel 29 van Wet 48 van 1947, en artikel 4 van Wet 49 van 1952.
  
2. Artikel sewe van die Oorlogspensioenwet, 1942, word hierby gewysig deur sub-artikel (3) deur die volgende sub-artikel te vervang:
 

„(3) Indien 'n vrywilliger aan wie 'n gratifikasie ooreenkomstig sub-artikel (2) van hierdie artikel toegeken is, op 'n later datum in 'n aansoek beweer dat sy pensioenge-wende ongeskiktheid aanmerklik toegeneem het of aansoek doen om vergoeding ten opsigte van 'n nuwe ongeskiktheid wat deur militêre diens veroorsaak of vererger is, word sy saak hersien en indien die mate van sy ongeskiktheid dan deur die raad teen 'n persentasie vasgestel word wat hom geregtig maak op 'n groter gratifikasie ooreenkomstig die Vyfde Bylae of 'n ongeskiktheidspensioen ooreenkomstig die Tweede Bylae, word sodanige groter gratifikasie of sodanige pensioen vanaf die eerste dag van die maand waarin sy latere aansoek gedoen word, aan hom toegeken: Met dien verstande dat—

  - (a) die gratifikasie wat voorheen kragtens sub-artikel (2) aan hom toegeken is, teen sodanige groter gratifikasie verreken word;
  - (b) indien sodanige pensioen in werking tree vanaf 'n datum binne 'n tydperk van vyf jaar vanaf die datum

Wysiging van artikel 7 van Wet 44 van 1942, soos vervang deur artikel 9 van Wet 58 van 1946 en gewysig deur artikel 10 van Wet 35 van 1949 en artikel 8 van Wet 44 van 1953.

viously awarded in terms of sub-section (2) became effective a deduction at a monthly rate equivalent to one-sixtieth of the said gratuity shall be made from the said pension until the date of expiration of the said period of five years or until the date on which the pension ceases, whichever is the earlier date.”.

Amendment of section 9 of Act 44 of 1942, as substituted by section 11 of Act 58 of 1946 and amended by section 8 of Act 41 of 1948 and section 29 of Act 36 of 1950.

3. Section *nine* of the War Pensions Act, 1942, is hereby amended—

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

“(1) If the sum of the disablement pension awarded to a volunteer and his post-disablement earning capacity is less than his potential pre-disablement earning capacity, there shall be paid to him a supplementary pension equal to the difference: Provided that—

(i) a supplementary pension shall not at any time be payable—

(a) at a rate which, together with the volunteer's disablement pension and his post-disablement earning capacity, exceeds one hundred and nine rand per month in the case of a European volunteer, ninety-six rand per month in the case of a non-European volunteer (other than a Bantu volunteer) or eighty-six rand and fifty cents per month in the case of a Bantu volunteer; or

(b) at a rate which, together with his disablement pension, his post-disablement earning capacity and all allowances under this Act (excluding attendant's allowance) exceeds one hundred and forty-five rand per month in the case of a European volunteer, one hundred and twenty-seven rand and fifty cents per month in the case of a non-European volunteer (other than a Bantu volunteer) or one hundred and fifteen rand per month in the case of a Bantu volunteer;

(ii) in the case of a volunteer who has no post-disablement earning capacity the minimum supplementary pension shall be sixty per cent of his disablement pension;

(iii) a volunteer shall be deemed to be without post-disablement earning capacity, if his pensionable disability is one of the following:—

(a) total blindness;

(b) loss of both hands;

(c) loss of both feet;

(d) facial disfigurement rendering contact with the public impossible or undesirable; or

(e) a disease or injury as a result of which he is permanently bedridden or which has unusually serious consequences, having regard to the volunteer's age, sex and pre-enlistment occupation;

(iv) in the case of a volunteer whose pensionable disability is assessed at eighty per cent or more, his post-disablement earning capacity shall be reduced by an amount of eight rand and fifty cents per month;

(v) in the case of a volunteer whose pensionable disability is active pulmonary tuberculosis, he shall be deemed to be without post-disablement earning capacity for a period of at least two years from the date of the termination of his military service, unless he is actually earning, when the amount of such earnings shall be regarded as his post-disablement earning capacity.”;

(b) by the substitution for sub-section (3) of the following sub-section:

“(3) The provisions of sub-sections (1) and (2) shall apply *mutatis mutandis* to a volunteer who has been awarded a gratuity in terms of sub-section (2) of section *seven*, on the basis that one sixtieth of such gratuity shall be deemed to be the monthly disablement pension awarded.”.

waarop die gratifikasie wat voorheen kragtens sub-artikel (2) toegeken is, van krag geword het, daar 'n aftrekking teen 'n maandelikse koers gelyk aan een-sestigste van bedoelde gratifikasie, van bedoelde pensioen gemaak word tot die verstrykingsdatum van bedoelde tydperk van vyf jaar of tot die datum waarop die pensioen gestaak word, watter ookal die vroegste datum is."

3. Artikel *nege* van die Oorlogspensioenwet, 1942, word hierby gewysig—

(a) deur sub-artikel (1) deur die volgende sub-artikel te vervang:

„(1) Indien die totaal van die ongeskiktheids-pensioen wat aan 'n vrywilliger toegeken is en sy verdienvermoë-na-ongeskiktheid minder is as sy potensiële verdienvermoë-voor-ongeskiktheid word aan hom 'n aanvullingspensioen wat gelyk is aan die verskil betaal: Met dien verstande dat—

(i) 'n aanvullingspensioen nie te eniger tyd betaalbaar is—

(a) teen 'n skaal wat, tesame met die vrywilliger se ongeskiktheidspensioen en sy verdienvermoë-na-ongeskiktheid, meer as honderd-en-nege rand per maand in die geval van 'n blanke vrywilliger, ses-en-negentig rand per maand in die geval van 'n nie-blanke vrywilliger (behalwe 'n Bantoe-vrywilliger) of ses-en-tagtig rand en vyftig sent per maand in die geval van 'n Bantoe-vrywilliger, bedra nie; of

(b) teen 'n skaal wat, tesame met sy ongeskiktheidspensioen, sy verdienvermoë-na-ongeskiktheid en alle toelaes kragtens hierdie Wet (behalwe oppasserstoelaag) meer as honderd vyf-en-veertig rand per maand in die geval van 'n blanke vrywilliger, honderd sewe-en-twintig rand en vyftig sent per maand in die geval van 'n nie-blanke vrywilliger (behalwe 'n Bantoe-vrywilliger) of honderd-en-vyftien rand per maand in die geval van 'n Bantoe-vrywilliger, bedra nie;

(ii) die minimum aanvullingspensioen in die geval van 'n vrywilliger sonder verdienvermoë-na-ongeskiktheid sestig persent van sy ongeskiktheidspensioen bedra;

(iii) dit geag word dat 'n vrywilliger sonder verdienvermoë-na-ongeskiktheid is, indien sy pensioengewende gebrek een van die volgende is: —

(a) algehele blindheid;

(b) verlies van albei hande;

(c) verlies van albei voete;

(d) gelaatskending wat aanraking met die publiek onmoontlik of ongewens maak; of

(e) 'n siekte of besering as gevolg waarvan hy blywend bedlënd is, of wat, met inagneming van die vrywilliger se ouderdom, geslag en beroep voor aansluiting, buitengewoon ernstige gevolge het;

(iv) in die geval van 'n vrywilliger wie se pensioengewende gebrek op tagtig persent of meer vasgestel is, sy verdienvermoë-na-ongeskiktheid met 'n bedrag van agt rand en vyftig sent per maand verminder word;

(v) in die geval van 'n vrywilliger, wie se pensioengewende gebrek aktiewe longtering is, dit geag word dat hy vir 'n tydperk van minstens twee jaar vanaf die datum van beëindiging van sy militêre diens sonder verdienvermoë-na-ongeskiktheid is, tensy hy werklik iets verdien, in welke geval die bedrag van sulke verdienste beskou word as sy verdienvermoë-na-ongeskiktheid."

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

„(3) Die bepalinge van sub-artikels (1) en (2) is *mutatis mutandis* van toepassing op 'n vrywilliger aan wie 'n gratifikasie ooreenkomstig sub-artikel (2) van artikel *sewe* toegeken is, op die grondslag dat een-sestigste van so 'n gratifikasie geag word die maandelikse ongeskiktheidspensioen te wees wat toegeken is."

Wysiging van artikel 9 van Wet 44 van 1942, soos vervang deur artikel 11 van Wet 58 van 1946 en gewysig deur artikel 8 van Wet 41 van 1948 en artikel 29 van Wet 36 van 1950.

Amendment of section 13bis of Act 44 of 1942, as substituted by section 9 of Act 41 of 1948 and amended by section 7 of Act 67 of 1959.

4. Section *thirteen bis* of the War Pensions Act, 1942, is hereby amended by the substitution for the table of rates thereunder of the following table:

	<i>“One artificial limb, crutch or crutches or other appliance.</i>	<i>More than one artificial limb, or one artificial limb with crutch or crutches or with other appliance.</i>
Europeans .. .. .	R3.50 per month	R5.00 per month
Non-Europeans (other than Bantu) .. .. .	R2.50 per month	R3.75 per month
Bantu .. .. .	R1.75 per month	R2.50 per month.”.

Amendment of section 18 of Act 44 of 1942, as inserted by section 17 of Act 58 of 1946 and amended by section 10 of Act 41 of 1948.

5. Section *eighteen* of the War Pensions Act, 1942, is hereby amended:

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

“Provided that the sum of her pension and supplementary pension shall not exceed—

- (i) sixty rand and fifty cents per month, in the case of a widow of a European volunteer;
- (ii) fifty-four rand and fifty cents per month, in the case of a widow of a non-European volunteer (other than a Bantu volunteer);
- (iii) forty-eight rand and fifty cents per month, in the case of a widow of a Bantu volunteer.”;

(b) by the substitution for paragraph (a) of the proviso to sub-section (2) of the following paragraph:

“(a) in no case shall such widow be paid by way of pension, children’s allowances and supplementary pension an amount exceeding—

- (i) one hundred and seventeen rand per month, in the case of a widow of a European volunteer;
- (ii) one hundred rand per month, in the case of a widow of a non-European volunteer (other than a Bantu volunteer); or
- (iii) eighty-eight rand and fifty cents per month, in the case of a widow of a Bantu volunteer; and”.

Substitution of section 22 of Act 44 of 1942, as amended by section 22 of Act 33 of 1943 and section 22 of Act 58 of 1946.

6. The following section is hereby substituted for section *twenty-two* of the War Pensions Act, 1942:

“Reputed wife.

22. Any woman who had lived in concubinage with a deceased volunteer for a period of not less than one year immediately prior to his enlistment, but who is not his widow, or who has in her charge a child by herself and the volunteer, may, if his death occurred in the circumstances described in section *seventeen* and if she was actually dependent on him at the time of his death, be granted a pension not exceeding the appropriate amount specified in the last column of the Seventh Schedule.”.

Substitution of section 24 of Act 44 of 1942, as substituted by section 24 of Act 58 of 1946.

7. The following section is hereby substituted for section *twenty-four* of the War Pensions Act, 1942:

“Other dependants.

24. Any dependant, not hereinbefore mentioned in this Act, of a volunteer whose death occurred in the circumstances described in section *seventeen* shall, if wholly or partly incapable of self-support and in pecuniary need, be granted a pension not exceeding the appropriate amount specified in the last column of the Seventh Schedule.”.

Substitution of section 25 of Act 44 of 1942, as substituted by section 25 of Act 58 of 1946.

8. The following section is hereby substituted for section *twenty-five* of the War Pensions Act, 1942:

“Remarriage gratuity to parents, reputed wives and dependants.

25. Any allowance granted to a woman under section *twenty bis*, before the repeal of that section by the War Pensions Laws Amendment Act, 1946, and any pension granted to a woman under section *twenty-two*, *twenty-three* or *twenty-four*, shall cease on her marriage or remarriage, and she shall then be awarded a gratuity not exceeding six times the monthly amount of such allowance or pension.”.

4. Artikel *dertien bis* van die Oorlogspensioenwet, 1942, word hierby gewysig deur die tabel van skale daaronder deur die volgende tabel te vervang:

	„Een kunslid, kruk of krukke of ander apparaat.	Meer dan een kunslid, of een kunslid met kruk of krukke of met ander apparaat.
Blankes .. .. .	R3.50 per maand	R5.00 per maand
Nie-blankes (behalwe Bantoepersone) ..	R2.50 per maand	R3.75 per maand
Bantoepersone ..	R1.75 per maand	R2.50 per maand.”

Wysiging van artikel 13bis van Wet 44 van 1942, soos vervang deur artikel 9 van Wet 41 van 1948 en gewysig deur artikel 7 van Wet 67 van 1959.

5. Artikel *agtien* van die Oorlogspensioenwet, 1942, word hierby gewysig—

- (a) deur die voorbehoudsbepaling by sub-artikel (1) deur die volgende voorbehoudsbepaling te vervang:  
 „Met dien verstande dat die totaal van haar pensioen en aanvullingspensioen nie meer bedra nie as—
- (i) sestig rand en vyftig sent per maand, in die geval van 'n weduwee van 'n blanke vrywilliger;
  - (ii) vier-en-vyftig rand en vyftig sent per maand, in die geval van 'n weduwee van 'n nie-blanke vrywilliger (behalwe 'n Bantoe-vrywilliger);
  - (iii) agt-en-veertig rand en vyftig sent per maand, in die geval van 'n weduwee van 'n Bantoe-vrywilliger.”;
- (b) deur paragraaf (a) van die voorbehoudsbepaling by sub-artikel (2) deur die volgende paragraaf te vervang:  
 „(a) daar in geen geval aan sodanige weduwee by wyse van pensioen, kindertoelaes, en aanvullingspensioen 'n bedrag betaal word wat meer bedra nie as—
- (i) honderd-en-sewentien rand per maand, in die geval van 'n weduwee van 'n blanke vrywilliger;
  - (ii) honderd rand per maand, in die geval van 'n weduwee van 'n nie-blanke vrywilliger (behalwe 'n Bantoe-vrywilliger); of
  - (iii) agt-en-tagtig rand en vyftig sent per maand, in die geval van 'n weduwee van 'n Bantoe-vrywilliger; en”.

Wysiging van artikel 18 van Wet 44 van 1942, soos ingevoeg deur artikel 17 van Wet 58 van 1946 en gewysig deur artikel 10 van Wet 41 van 1948.

6. Artikel *twee-en-twintig* van die Oorlogspensioenwet, 1942, word hierby deur die volgende artikel vervang:

„Vermeende vrou. 22. Aan 'n vrou wat nie die weduwee van 'n vrywilliger is nie maar wat met hom saamgelewe het as sy vrou vir 'n tydperk van minstens 'n jaar onmiddellik voor sy aansluiting, of wat 'n kind van haar en die vrywilliger onder haar toesig het, kan, indien sy dood onder die in artikel *sewentien* vermelde omstandighede plaasgevind het en indien sy werklik van hom afhanklik was ten tye van sy dood, 'n pensioen toegeken word, wat nie die toepaslike bedrag in die laaste kolom van die Sewende Bylae vermeld te bowe gaan nie.”.

Vervanging van artikel 22 van Wet 44 van 1942, soos gewysig deur artikel 22 van Wet 33 van 1943, en artikel 22 van Wet 58 van 1946.

7. Artikel *vier-en-twintig* van die Oorlogspensioenwet, 1942, word hierby deur die volgende artikel vervang:

„Ander afhanklikes. 24. Aan 'n afhanklike, wat nie voorheen in hierdie Wet vermeld is nie, van 'n vrywilliger wie se dood in die in artikel *sewentien* vermelde omstandighede plaasgevind het, word, indien hy geheel of gedeeltelik nie in staat is om homself te onderhou nie en in geldelike nood verkeer, 'n pensioen toegeken, wat die toepaslike bedrag in die laaste kolom van die Sewende Bylae vermeld nie te bowe gaan nie.”.

Vervanging van artikel 24 van Wet 44 van 1942, soos vervang deur artikel 24 van Wet 58 van 1946.

8. Artikel *vyf-en-twintig* van die Oorlogspensioenwet, 1942, word hierby deur die volgende artikel vervang:

„Hertrouingsgratifikasies aan ouers, vermeende vroue en afhanklikes. 25. 'n Toelaag wat aan 'n vrou kragtens artikel *twintig bis* toegeken is, voor genoemde artikel deur die Wysigingswet op Oorlogspensioenwette, 1946, herroep is, en 'n pensioen wat aan 'n vrou kragtens artikel *twee-en-twintig*, *drie-en-twintig* of *vier-en-twintig* toegeken is, hou op wanneer sy in die huwelik tree, of weer in die huwelik tree, en 'n gratifikasie wat ses maal die maandelikse bedrag van bedoelde toelaag of pensioen nie te bowe gaan nie word dan aan haar toegeken.”.

Vervanging van artikel 25 van Wet 44 van 1942, soos vervang deur artikel 25 van Wet 58 van 1946.

Amendment of section 35 of Act 44 of 1942, as substituted by section 33 of Act 58 of 1946.

9. Section *thirty-five* of the War Pensions Act, 1942, is hereby amended by the substitution for sub-section (3) of the following sub-section:

“(3) The special pensions board may in its discretion grant either a monthly pension or a gratuity to any applicant, as aforesaid, but such monthly pension shall in no case exceed thirty rand to any one individual, and such gratuity shall in no case exceed two hundred and forty rand to any one individual in any one year.”

Amendment of section 47 of Act 44 of 1942, as substituted by section 40 of Act 58 of 1946 and amended by section 11 of Act 41 of 1948.

10. Section *forty-seven* of the War Pensions Act, 1942, is hereby amended—

(a) by the substitution for sub-sections (1), (2) and (3) of the following sub-sections:

“(1) If a volunteer applies for compensation in respect of disablement within six months of the termination of his military service or the date of notification of the termination of his military service, whichever is later, the date of taking effect of any benefit awarded to him shall be the first day of the month in which his military service terminated, or in which he becomes entitled to such benefit, whichever is the later.

(2) If a widow, child, parent or dependant of a deceased volunteer applies for a pension in respect of the death of such volunteer within six months of the date of notification to the next-of-kin of the volunteer's death, or within six months of the cessation of the allotment or separation allowance, if any, the date of taking effect of any benefit awarded shall be the first day of the month in which the death of the volunteer occurred: Provided that any benefit, other than a gratuity, payable in respect of a period during which the beneficiary received any allotment or separation allowance, shall be discounted by the amount of such allotment and separation allowance.

(3) If application is not made within the period mentioned in sub-sections (1) and (2), any benefit granted shall take effect from the first day of the month in which the application was made: Provided that in the case of an application under sub-section (1) the board may in its discretion make an award from an earlier date, but not prior to the date on which the pensionable disability manifested itself, and not more than six months before the date of such application.”

(b) by the addition of the following sub-sections:

“(8) For the purpose of determining the date of taking effect of any increase in the rate of any allowance payable in terms of section *eight*, *seventeen* or *twenty* in respect of any child, such child shall be deemed to have attained any particular age on the first day of the month in which he in fact attained that age.

(9) Notwithstanding anything to the contrary in this Act or any other law contained, any benefit payable in terms of this Act, other than a benefit under the provisions of sub-section (3) or (7) of section *twelve*, may be granted from the first day of the month in which the beneficiary qualifies for such benefit, and may be continued up to and including the last day of the month in which the beneficiary dies or ceases to be entitled to such benefit.”

Repeal of section 47bis of Act 44 of 1942, as inserted by section 2 of Act 84 of 1964.

11. Section *forty-seven bis* of the War Pensions Act, 1942, is hereby repealed.

Amendment of section 48 of Act 44 of 1942, as substituted by section 41 of Act 58 of 1946 and amended by section 15 of Act 17 of 1947 and section 3 of Act 84 of 1964.

12. Section *forty-eight* of the War Pensions Act, 1942, is hereby amended—

(a) by the deletion of paragraph (b) of sub-section (2);

(b) by the substitution in sub-section (4) for all the words preceding the proviso of the following words:

“(4) Notwithstanding anything contained in section *forty-seven*, the date of effectiveness of any benefit awarded under this section shall be such date as the board may decide.”

9. Artikel *vyf-en-dertig* van die Oorlogspensioenwet, 1942, word hierby gewysig deur sub-artikel (3) deur die volgende sub-artikel te vervang:

„(3) Die buitengewone pensioenraad kan, na goeë dunke, of ’n maandelikse pensioen of ’n gratifikasie aan ’n applikant soos voormeld toeken, maar so ’n maandelikse pensioen aan een enkele persoon moet in geen geval dertig rand te bowe gaan nie, en so ’n gratifikasie aan een enkele persoon moet in geen geval tweehonderd-en-veertig rand in enige bepaalde jaar te bowe gaan nie.”

Wysiging van artikel 35 van Wet 44 van 1942, soos vervang deur artikel 33 van Wet 58 van 1946.

10. Artikel *sewe-en-veertig* van die Oorlogspensioenwet, 1942, word hierby gewysig—

(a) deur sub-artikels (1), (2) en (3) deur die volgende sub-artikels te vervang:

„(1) Indien ’n vrywilliger binne ses maande na die beëindiging van sy militêre diens, of die datum waarop hy in kennis gestel is van die beëindiging van sy militêre diens, na gelang watter datum later is, om vergoeding ten opsigte van ongeskiktheid aansoek doen, is die datum waarop ’n voordeel aan hom toegeken, van krag word, die eerste dag van die maand waarin sy militêre diens beëindig is, of waarin hy op so ’n voordeel geregtig word, na gelang watter datum later is.

(2) Indien ’n weduwee, kind, ouer of afhanklike van ’n oorlede vrywilliger binne ses maande na die datum van kennisgewing aan die naasbestaande van die vrywilliger se dood, of binne ses maande na die ophou van die toegewese bedrag of skeidingstoelaag, as daar is, om ’n pensioen ten opsigte van die dood van so ’n vrywilliger aansoek doen, is die datum waarop ’n toegekende voordeel van krag word die eerste dag van die maand waarin die vrywilliger se dood plaasgevind het: Met dien verstande dat ’n ander voordeel as ’n gratifikasie, wat ten opsigte van ’n tydperk gedurende welke die bedeelde ’n toegewese bedrag of skeidingstoelaag ontvang het, betaalbaar is, met die totaal van so ’n toegewese bedrag en skeidingstoelaag verminder word.

(3) Indien aansoek nie binne die in sub-artikels (1) en (2) vermelde tydperk gedoen word nie, word ’n toegekende voordeel vanaf die eerste dag van die maand waarin aansoek gedoen is, van krag: Met dien verstande dat in die geval van ’n aansoek ingevolge sub-artikel (1) die raad na goeë dunke ’n toekenning vanaf ’n vroeër datum kan maak, maar nie vroeër as die datum waarop die pensioengewende gebrek sy verskyning gemaak het nie en nie meer as ses maande voor die datum van so ’n aansoek nie.”

(b) deur die volgende sub-artikels by te voeg:

„(8) By die bepaling van die datum van inwerking-treding van enige verhoging in die skaal van enige toelae ingevolge artikel *agt, sewentien* of *twintig* ten opsigte van ’n kind betaalbaar, word daardie kind geag ’n bepaalde leeftyd te bereik het op die eerste dag van die maand waarin hy in werklikheid daardie leeftyd bereik het.

(9) Ondanks andersluidende bepalings van hierdie Wet of enige ander wet, kan enige voordeel wat ingevolge hierdie Wet betaalbaar is, behalwe ’n voordeel ingevolge die bepalings van sub-artikel (3) of (7) van artikel *twaalf*, vanaf die eerste dag van die maand waarin die bevoordeelde vir bedoelde voordeel kwalifiseer, toegeken word, en kan dit tot en met die laaste dag van die maand waarin die bevoordeelde te sterwe kom of ophou om op bedoelde voordeel geregtig te te wees, voortgesit word.”

11. Artikel *sewe-en-veertig bis* van die Oorlogspensioenwet, 1942, word hierby herroep.

Herroeping van artikel 47bis van Wet 44 van 1942, soos ingevoeg deur artikel 2 van Wet 84 van 1964.

12. Artikel *agt-en-veertig* van die Oorlogspensioenwet, 1942, word hierby gewysig—

(a) deur paragraaf (b) van sub-artikel (2) te skrap;

(b) deur in sub-artikel (4) al die woorde wat die voorbe-houdsbepaling voorafgaan deur die volgende woorde te vervang:

„(4) Ondanks enigiets in artikel *sewe-en-veertig* ver-vat, is die datum waarop ’n kragtens hierdie artikel toegekende voordeel van krag word, sodanige datum as wat die raad bepaal.”

Wysiging van artikel 48 van Wet 44 van 1942, soos vervang deur artikel 41 van Wet 58 van 1946 en gewysig deur artikel 15 van Wet 17 van 1947 en artikel 3 van Wet 84 van 1947.

- Amendment of section 49 of Act 44 of 1942, as substituted by section 4 of Act 84 of 1964.
- 13.** Section *forty-nine* of the War Pensions Act, 1942 is hereby amended—  
 (a) by the deletion of sub-section (2);  
 (b) by the substitution for sub-section (4) of the following sub-section:  
 “(4) Notwithstanding anything contained in section *forty-seven*, the date of effectiveness of any benefit awarded under this section shall be such date as the board may determine: Provided that such date shall in no case be earlier than the first day of April, 1946.”.
- Substitution of Schedules 2 to 7 to Act 44 of 1942, as substituted by section 2 of Act 92 of 1962 and amended by section 5 of Act 84 of 1964.
- 14.** The First, Second, Third, Fourth, Fifth and Sixth Schedules to this Act are hereby substituted, with effect from the first day of October, 1965, for the Second, Third, Fourth, Fifth, Sixth and Seventh Schedules, respectively, to the War Pensions Act, 1942.
- Substitution of Schedules 2, 3, 5, 6 and 7 to Act 44 of 1942, as substituted by section 14 of this Act.
- 15.** The Eleventh, Twelfth, Thirteenth, Fourteenth and Fifteenth Schedules to this Act are hereby substituted, with effect from the first day of April, 1966, for the Second, Third, Fifth, Sixth and Seventh Schedules, respectively, to the War Pensions Act, 1942.
- Repeal of section 13 of Act 47 of 1951.
- 16.** Section *thirteen* of the Pension Laws Amendment Act 1951, is hereby repealed.
- Repeal of section 34 of Act 56 of 1956.
- 17.** Section *thirty-four* of the Pension Laws Amendment Act, 1956, is hereby repealed.
- Amendment of section 15 of Act 32 of 1961.
- 18.** Section *fifteen* of the Republic of South Africa Constitution Act, 1961, is hereby amended by the substitution for paragraph (a) of sub-section (1) of the following paragraph:  
 “(a) to any person who has at any time occupied the office of State President, a pension at the rate of ten thousand rand per annum;”.
- Amendment of section 2 of Act 35 of 1962.
- 19.** Section *two* of the War Special Pensions Act, 1962, is hereby amended by the substitution for sub-section (1) of the following sub-section:  
 “(1) Subject to the provisions of sub-sections (2) to (8) inclusive and unless the context otherwise indicates, ‘pre-war earnings’ in this Act means the average weekly earnings of a volunteer during the twelve months immediately preceding the commencement of the war or an amount calculated at the rate of seventy-five rand per month in the case of a European volunteer, or forty-five rand per month in the case of a non-European volunteer, whichever is the lesser amount.”.
- Amendment of section 6 of Act 35 of 1962.
- 20.** Section *six* of the War Special Pensions Act, 1962, is hereby amended by the substitution for sub-section (1) of the following sub-section:  
 “(1) In order that a volunteer may obtain an alternative pension, it shall be necessary for him to show that the disablement pension and the allowances (if any) which have been awarded to him together with the average earnings (if any) of which he remains capable, are less than his pre-war earnings plus seventy-five per cent.”.
- Substitution of section 9 of Act 35 of 1962.
- 21.** The following section is hereby substituted for section *nine* of the War Special Pensions Act, 1962:  
 “Limitation of alternative pension. **9.** A volunteer shall not be awarded an alternative pension which, together with the average amount (if any) which he is, in the opinion of the military pensions board, capable of earning, exceeds his pre-war earnings plus seventy-five per cent, and an alternative pension shall, in no case, exceed the sum of one hundred and nine rand per month in the case of a European volunteer, or the sum of sixty rand per month in the case of a non-European volunteer.”.
- Amendment of section 13 of Act 35 of 1962, as amended by section 10 of Act 84 of 1964.
- 22.** Section *thirteen* of the War Special Pensions Act, 1962, is hereby amended by the substitution for sub-section (2) of the following sub-section:  
 “(2) If a volunteer to whom a pension has been awarded under the preceding provisions in respect of a disablement



13. Artikel *nege-en-veertig* van die Oorlogspensioenwet, 1942, word hierby gewysig—  
 (a) deur sub-artikel (2) te skrap;  
 (b) deur sub-artikel (4) deur die volgende sub-artikel te vervang:  
 „(4) Ondanks enigiets in artikel *sewe-en-veertig* ver-  
 vat, is die datum waarop 'n kragtens hierdie artikel  
 toegekende voordeel van krag word, sodanige datum  
 as wat die raad bepaal: Met dien verstande dat so 'n  
 datum in geen geval vroeër is as die eerste dag van  
 April 1946 nie.”.
14. Die Tweede, Derde, Vierde, Vyfde, Sesde en Sewende Bylaes by die Oorlogspensioenwet, 1942, word hierby met  
 ingang van die eerste dag van Oktober 1965 deur onderskeidelik  
 die Eerste, Tweede, Derde, Vierde, Vyfde en Sesde Bylaes by  
 hierdie Wet vervang.
15. Die Tweede, Derde, Vyfde, Sesde en Sewende Bylaes by  
 die Oorlogspensioenwet, 1942, word hierby met ingang van die  
 eerste dag van April 1966 deur onderskeidelik die Elfde, Twaalf-  
 de, Dertiende, Veertiende en Vyftiende Bylaes by hierdie Wet  
 vervang.
16. Artikel *dertien* van die Wysigingswet op die Pensioen-  
 wette, 1951, word hierby herroep.
17. Artikel *vier-en-dertig* van die Wysigingswet op die Pen-  
 sioenwette, 1956, word hierby herroep.
18. Artikel *vyftien* van die Grondwet van die Republiek van  
 Suid-Afrika, 1961, word hierby gewysig deur paragraaf (a)  
 van sub-artikel (1) deur die volgende paragraaf te vervang:  
 „(a) aan iemand wat te eniger tyd die amp van Staatspre-  
 sident bekleed het, 'n pensioen teen die skaal van tien-  
 duisend rand per jaar betaal;”.
19. Artikel *twee* van die Wet op Spesiale Oorlogspensioene,  
 1962, word hierby gewysig deur sub-artikel (1) deur die volgende  
 sub-artikel te vervang:  
 „(1) Behoudens die bepalings van sub-artikels (2) tot  
 en met (8) en tensy uit die samehang anders blyk, beteken  
 'vooroorlogse verdienste' in hierdie Wet die gemiddelde  
 weeklikse verdienste van 'n vrywilliger gedurende die  
 twaalf maande wat die aanvang van die oorlog onmiddellik  
 voorafgegaan het of 'n bedrag bereken volgens 'n skaal van  
 vyf-en-sewentig rand per maand in die geval van 'n blanke  
 vrywilliger of vyf-en-veertig rand per maand in die geval  
 van 'n nie-blanke vrywilliger, na gelang van watter bedrag  
 die kleinste is.”.
20. Artikel *ses* van die Wet op Spesiale Oorlogspensioene,  
 1962, word hierby gewysig deur sub-artikel (1) deur die volgende  
 sub-artikel te vervang:  
 „(1) Om 'n alternatiewe pensioen te verkry, moet 'n  
 vrywilliger bewys dat die ongeschiktheidspensioen en  
 die toelaes (indien enige) wat aan hom toegeken is, te-  
 same met die gemiddelde verdienste (indien enige) waar-  
 toe hy nog is staat is minder is as sy vooroorlogse verdienste  
 plus vyf-en-sewentig persent.”.
21. Artikel *nege* van die Wet op Spesiale Oorlogspensioene,  
 1962, word hierby deur die volgende artikel vervang:  
 „Beperking 9. Aan 'n vrywilliger mag nie 'n alternatiewe  
 van alter- pensioen toegeken word wat tesame met die gemid-  
 natiewe delde bedrag (indien enige) wat hy, na die mening  
 pensioen. van die militêre pensioenraad, in staat is om te ver-  
 dien, sy vooroorlogse verdienste plus vyf-en-sewen-  
 tig persent te bowe gaan nie, en in geen geval mag 'n  
 alternatiewe pensioen die bedrag van honderd-en-  
 nege rand per maand in die geval van 'n blanke vry-  
 williger, of die bedrag van sestig rand per maand in  
 die geval van 'n nie-blanke vrywilliger, te bowe gaan  
 nie.”.
22. Artikel *dertien* van die Wet op Spesiale Oorlogspensioene,  
 1962, word hierby gewysig deur sub-artikel (2) deur die volgende  
 sub-artikel te vervang:  
 „(2) Indien 'n vrywilliger aan wie kragtens die voor-  
 gaande bepalings 'n pensioen toegeken is ten opsigte van 'n

Wysiging van  
 artikel 49  
 van Wet 44 van  
 1942, soos vervang  
 deur artikel 4 van  
 Wet 84 van 1964.

Vervanging van  
 Bylaes 2 tot 7  
 by Wet 44 van  
 1942, soos ver-  
 vang deur  
 artikel 2 van  
 Wet 92 van 1962  
 en gewysig deur  
 artikel 5 van  
 Wet 84 van 1964.

Vervanging van  
 Bylaes 2, 3, 5,  
 6 en 7 by  
 Wet 44 van 1942,  
 soos vervang deur  
 artikel 14 van  
 hierdie Wet.

Herroeping van  
 artikel 13 van  
 Wet 47 van 1951.

Herroeping van  
 artikel 34 van  
 Wet 56 van 1956.

Wysiging van  
 artikel 15 van  
 Wet 32 van 1961.

Wysiging van  
 artikel 2 van  
 Wet 35 van 1962.

Wysiging van  
 artikel 6 van  
 Wet 35 van 1962.

Vervanging van  
 artikel 9 van  
 Wet 35 van 1962.

Wysiging van  
 artikel 13 van  
 Wet 35 van 1962,  
 soos gewysig deur  
 artikel 10 van  
 Wet 84 van 1964.

of eighty or more per cent, needs the constant attendance of any person, the military pensions board may award to him or to any person on his behalf, on such conditions as the Minister may determine, in addition to the said pension, an allowance not exceeding twenty rand per month in the case of a European volunteer or ten rand per month in the case of a non-European volunteer.”.

Substitution of section 14 of Act 35 of 1962.

**23.** The following section is hereby substituted for section *fourteen* of the War Special Pensions Act, 1962:

“Clothing grant.

**14.** If a volunteer is in receipt of a disablement pension or an alternative pension in respect of a disability which requires him regularly to wear an artificial limb or regularly to use crutches (or any other appliance which, in the opinion of the military pensions board, causes excessive wear and tear of the volunteer’s clothing), he may be awarded a clothing grant at the appropriate rate specified hereunder:

	One artificial limb, crutch or crutches, or other appliance.	More than one artificial limb, or one artificial limb with crutch or crutches or with other appliance.
Europeans . .	R3.50 per month	R5.00 per month
Non-Europeans . .	R2.50 per month	R3.75 per month.”.

Amendment of section 16 of Act 35 of 1962.

**24.** Section *sixteen* of the War Special Pensions Act, 1962, is hereby amended by the deletion of the proviso to sub-section (1).

Amendment of section 19 of Act 35 of 1962, as amended by section 36 of Act 92 of 1962.

**25.** Section *nineteen* of the War Special Pensions Act, 1962, is hereby amended by the substitution for sub-section (1) of the following sub-section:

“(1) The widow of a volunteer who was, at the time of his death, in receipt of a disablement pension or an alternative pension in respect of a pensionable degree of disablement of not less than forty per cent, but whose death does not entitle her to a pension under section *sixteen*, may receive a pension of not more than one-half of her deceased husband’s pension and of the allowance for his wife: Provided that—

- (a) up to and including the thirty-first day of March, 1966, the pension payable to the widow shall not exceed forty rand per month in the case of the widow of a European volunteer or twenty rand per month in the case of the widow of a non-European volunteer;
- (b) on and after the first day of April, 1966, such pension shall not exceed forty-three rand and twenty cents per month in the case of the widow of a European volunteer or twenty-one rand and sixty cents per month in the case of the widow of a non-European volunteer.”.

Amendment of section 20 of Act 35 of 1962.

**26.** Section *twenty* of the War Special Pensions Act, 1962, is hereby amended by the substitution for sub-section (1) of the following sub-section:

“(1) Any woman who, not being the widow of a volunteer, has lived in concubinage with him may, if his death occurred in the circumstances described in section *sixteen* and if she has been actually dependent on him, be granted, for so long as there are in her charge children by her and the volunteer or for any period during which from infirmity or age she is wholly or partly incapable of supporting herself, a pension not exceeding twenty-nine rand per month if the volunteer was a European, or seventeen rand and forty cents per month if the volunteer was a non-European, and she may be granted in addition the full children’s allowances under section *sixteen*.”.

Repeal of section 38*bis* of Act 35 of 1962, as inserted by section 11 of Act 84 of 1964.

**27.** Section *thirty-eight bis* of the War Special Pensions Act, 1962, is hereby repealed.

ongeskiktheid van tagtig persent of meer, voortdurend deur iemand opgepas moet word, kan die militêre pensioenraad aan hom of aan enigiemand ten behoeve van hom, op die voorwaardes wat die Minister bepaal, benewens bedoelde pensioen, 'n toelae toeken wat nie twintig rand per maand in die geval van 'n blanke vrywilliger of tien rand per maand in die geval van 'n nie-blanke vrywilliger, oorskry nie."

23. Artikel *veertien* van die Wet op Spesiale Oorlogspensioene, 1962, word hierby deur die volgende artikel vervang: Vervanging van artikel 14 van Wet 35 van 1962.

„Klere-toelae.

14. Indien 'n vrywilliger 'n ongeskiktheidspensioen of 'n alternatiewe pensioen ontvang ten opsigte van 'n ongeskiktheid wat hom genoodsaak om gereeld 'n kunsledemaat te dra of om gereeld krukke (of enige ander apparaat wat na die mening van die militêre pensioenraad oormatige slytasie van die vrywilliger se klere veroorsaak) te gebruik, kan aan hom 'n kleretoelae toegeken word, teen die toepaslike skaal hieronder vermeld:

	Een kunsledemaat, kruk of krukke, of ander apparaat.	Meer as een kunsledemaat, of een kunsledemaat met kruk of krukke of met ander apparaat.
Blankes .. ..	R3.50 per maand	R5.00 per maand
Nie-blankes .. ..	R2.50 per maand	R3.75 per maand."

24. Artikel *sestien* van die Wet op Spesiale Oorlogspensioene, 1962, word hierby gewysig deur die voorbehoudsbepaling by sub-artikel (1) te skrap. Wysiging van artikel 16 van Wet 35 van 1962.

25. Artikel *negentien* van die Wet op Spesiale Oorlogspensioene, 1962, word hierby gewysig deur sub-artikel (1) deur die volgende sub-artikel te vervang: Wysiging van artikel 19 van Wet 35 van 1962, soos gewysig deur artikel 36 van Wet 92 van 1962.

„(1) Die weduwee van 'n vrywilliger wat ten tyde van sy dood 'n ongeskiktheidspensioen of 'n alternatiewe pensioen ten opsigte van 'n pensioengewende mate van ongeskiktheid van minstens veertig persent ontvang het, maar wie se dood haar nie geregtig maak op 'n pensioen kragtens artikel *sestien* nie, kan 'n pensioen ontvang van hoogstens die helfte van die pensioen van haar oorlede eggenoot en van die toelae vir sy vrou: Met dien verstande dat—

- (a) tot en met die een-en-dertigste dag van Maart 1966 die pensioen aan die weduwee betaalbaar, nie meer bedra nie as veertig rand per maand in die geval van die weduwee van 'n blanke vrywilliger of twintig rand per maand in die geval van die weduwee van 'n nie-blanke vrywilliger;
- (b) op en na die eerste dag van April 1966 bedoelde pensioen nie meer bedra nie as drie-en-veertig rand en twintig sent per maand in die geval van die weduwee van 'n blanke vrywilliger of een-en-twintig rand en sestig sent per maand in die geval van die weduwee van 'n nie-blanke vrywilliger."

26. Artikel *twintig* van die Wet op Spesiale Oorlogspensioene, 1962, word hierby gewysig deur sub-artikel (1) deur die volgende sub-artikel te vervang: Wysiging van artikel 20 van Wet 35 van 1962.

„(1) Aan enige vrou wat, terwyl sy nie die weduwee van 'n vrywilliger is nie, as sy vrou met hom saamgeleef het, kan, as sy dood plaasgevind het onder die omstandighede vermeld in artikel *sestien* en as sy werklik van hom afhanklik was, vir solank as wat daar kinders van haar en die vrywilliger in haar sorg is of gedurende enige tydperk waartydens sy as gevolg van swak gesondheid of ouderdom geheel en al of gedeeltelik ongeskik is om haarself te onderhou, 'n pensioen toegeken word van hoogstens nege-en-twintig rand per maand as die vrywilliger 'n blanke was, of sewentien rand en veertig sent per maand as die vrywilliger 'n nie-blanke was, en daarbenewens kan daar aan haar die volle kindertoelae kragtens artikel *sestien* toegeken word."

27. Artikel *agt-en-dertig bis* van die Wet op Spesiale Oorlogspensioene, 1962, word hierby herroep. Herroeping van artikel 38bis van Wet 35 van 1962, soos ingevoeg deur artikel 11 van Wet 84 van 1964.

Amendment of section 39 of Act 35 of 1962, as amended by section 12 of Act 84 of 1964.

**28.** Section *thirty-nine* of the War Special Pensions Act, 1962, is hereby amended by the deletion of sub-section (2).

Insertion of section 41 in Act 35 of 1962.

**29.** The following section is hereby inserted in the War Special Pensions Act, 1962, after section *forty*:

"Date of commencement and cessation of benefits.

**41.** (1) Subject to the provisions of section *forty-eight*, any benefit payable in terms of this Act, other than a benefit in terms of sub-section (1) or (5) of section *twelve*, may be awarded with effect from the first day of the month in which application therefor is made to the Commissioner: Provided that if, in the case of the widow or a dependant of a deceased volunteer, application for a pension in respect of the death of such volunteer is made within six months of the date of the volunteer's death, a pension may be awarded with effect from the first day of the month in which such volunteer's death occurred.

(2) Notwithstanding anything contained in this Act or in any other law, any benefit payable in terms of this Act, other than a benefit in terms of sub-section (1) or (5) of section *twelve*, may be continued up to and including the last day of the month in which the beneficiary dies or ceases to be entitled to such benefit."

Substitution of Schedules 2 to 5 to Act 35 of 1962, as amended by sections 38, 39, 40 and 41 of Act 92 of 1962.

**30.** The Seventh, Eighth, Ninth and Tenth Schedules to this Act are hereby substituted, with effect from the first day of October, 1965, for the Second, Third, Fourth and Fifth Schedules, respectively, to the War Special Pensions Act, 1962.

Substitution of Schedules 2 to 5 to Act 35 of 1962, as substituted by section 30 of this Act.

**31.** The Sixteenth, Seventeenth, Eighteenth and Nineteenth Schedules to this Act are hereby substituted, with effect from the first day of April, 1966, for the Second, Third, Fourth and Fifth Schedules, respectively, to the War Special Pensions Act, 1962.

Amendment of section 8 of Act 38 of 1962, as amended by section 43 of Act 92 of 1962, section 24 of Act 95 of 1963 and section 14 of Act 84 of 1964.

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

(a) by the substitution for paragraphs (a) to (f), inclusive, of sub-section (1) of the following paragraphs:

- "(a) in the case of a white person, at the rate of three hundred and thirty-six rand per annum;
- (b) in the case of a Coloured person or an Indian, at the rate of seventy-two rand per annum;
- (c) in the case of a Bantu person, at the rate of twenty-one rand per annum."

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

"(2) In addition to the pension provided for in sub-section (1), there shall be paid to a Coloured person, an Indian or a Bantu person to whom a pension is granted under that sub-section—

- (a) in the case of a Coloured person or an Indian, an allowance of ninety-six rand per annum;
- (b) in the case of a Bantu person, an allowance of twenty-three rand and forty cents per annum.

(3) No pension granted under sub-section (1) shall be at such a rate as will make the pensioner's income or means together with the pension exceed—

- (a) in the case of a white person, five hundred and twenty-eight rand per annum;
- (b) in the case of a Coloured person or an Indian, one hundred and sixty-eight rand per annum;
- (c) in the case of a Bantu person, forty-two rand per annum:

Provided that if immediately prior to the date of commencement of section *thirty-two* of the Pension Laws Amendment Act, 1965, a white pensioner was maintaining a child by him who was under the age of sixteen years or who was over the age of sixteen but under the age of eighteen years and was a full-time

28. Artikel *nege-en-dertig* van die Wet op Spesiale Oorlogspensioene, 1962, word hierby gewysig deur sub-artikel (2) te skrap.

Wysiging van artikel 39 van Wet 35 van 1962, soos gewysig deur artikel 12 van Wet 84 van 1964.

29. Die volgende artikel word hierby na artikel *veertig* in die Wet op Spesiale Oorlogspensioene, 1962, ingevoeg:

Invoeging van artikel 41 in Wet 35 van 1962.

„Datum van aanvang en staking van voordele.

41. (1) Behoudens die bepalings van artikel *agt-en-veertig*, kan enige voordeel ingevolge hierdie Wet betaalbaar, behalwe 'n voordeel kragtens sub-artikel (1) of (5) van artikel *twaalf*, toegeken word met ingang vanaf die eerste dag van die maand waarin aansoek daarom aan die Kommissaris gedoen word: Met dien verstande dat indien, in die geval van die weduwee of 'n afhanklike van 'n oorlede vrywilliger, aansoek om 'n pensioen ten opsigte van die dood van sodanige vrywilliger binne ses maande vanaf die datum van die vrywilliger se dood gedoen word, 'n pensioen toegeken kan word vanaf die eerste dag van die maand waarin sodanige vrywilliger se dood plaasgevind het.

(2) Ondanks andersluidende bepalings van hierdie Wet of enige ander wet, kan enige voordeel ingevolge hierdie Wet betaalbaar, behalwe 'n voordeel kragtens sub-artikel (1) of (5) van artikel *twaalf*, tot en met die laaste dag van die maand waarin die bevoordeelde te sterwe kom of ophou om op bedoelde voordeel geregtig te wees, voortgesit word.”.

30. Die Tweede, Derde, Vierde en Vyfde Bylaes by die Wet op Spesiale Oorlogspensioene, 1962, word met ingang van die eerste dag van Oktober 1965 deur onderskeidelik die Sewende, Agtste, Negende en Tiende Bylaes by hierdie Wet vervang.

Vervanging van Bylaes 2 tot 5 by Wet 35 van 1962, soos gewysig deur artikels 38, 39, 40 en 41 van Wet 92 van 1962.

31. Die Tweede, Derde, Vierde en Vyfde Bylaes by die Wet op Spesiale Oorlogspensioene, 1962, word met ingang van die eerste dag van April 1966 deur onderskeidelik die Sestiende, Sewentiende, Agtiende en Negentiende Bylaes by hierdie Wet vervang.

Vervanging van Bylaes 2 tot 5 by Wet 35 van 1962, soos vervang deur artikel 30 van hierdie Wet.

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

Wysiging van artikel 8 van Wet 38 van 1962, soos gewysig deur artikel 43 van Wet 92 van 1962, artikel 24 van Wet 95 van 1963 en artikel 14 van Wet 84 van 1964.

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

„(a) in die geval van 'n blanke, teen driehonderd ses-en-dertig rand per jaar;

(b) in die geval van 'n Kleurling of 'n Indiër, teen twee-en-sewentig rand per jaar;

(c) in die geval van 'n Bantoepersoon, teen een-en-twintig rand per jaar.”;

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

„(2) Benewens die pensioen waarvoor in sub-artikel (1) voorsiening gemaak word, word daar aan 'n Kleurling, 'n Indiër of 'n Bantoepersoon aan wie 'n pensioen ingevolge daardie sub-artikel toegeken word—

(a) in die geval van 'n Kleurling of 'n Indiër, 'n toelae van ses-en-negentig rand per jaar betaal;

(b) in die geval van 'n Bantoepersoon, 'n toelae van drie-en-twintig rand en veertig sent per jaar betaal.

(3) 'n Pensioen word nie kragtens sub-artikel (1) toegeken teen so 'n skaal dat die pensioentrekker se inkomste of middele tesame met die pensioen meer sal bedra nie as—

(a) in die geval van 'n blanke, vyfhonderd agt-en-twintig rand per jaar;

(b) in die geval van 'n Kleurling of 'n Indiër, honderd agt-en-sestig rand per jaar;

(c) in die geval van 'n Bantoepersoon, twee-en-veertig rand per jaar;

Met dien verstande dat indien onmiddellik voor die datum van inwerkingtreding van artikel *twee-en-dertig* van die Wysigingswet op die Pensioenwette, 1965, 'n blanke pensioentrekker 'n kind deur hom onderhou het wat onder die leeftyd van sestien jaar was of wat bo die leeftyd van sestien maar onder die leeftyd van agtien jaar was en 'n voltydse student aan

student at an educational institution, and such pensioner was immediately prior to that date in receipt of a pension in terms of sub-section (1) and an allowance in terms of sub-section (2), as those sub-sections existed immediately prior to the said date, then, while such child—

- (i) is under the age of sixteen years; or
- (ii) is over the age of sixteen but under the age of eighteen years and is a full-time student at an educational institution; and
- (iii) is maintained by such pensioner,

the said pensioner shall, notwithstanding anything to the contrary contained in paragraph (a) of this sub-section, but subject to such conditions as the commissioner may determine, be entitled to receive a pension which is not less than the aggregate amount of the pension and allowance which was payable to him immediately prior to the said date of commencement.

(3)*bis* If immediately prior to the date of commencement of section *thirty-two* of the Pension Laws Amendment Act, 1965, a Bantu pensioner was resident in a city, the provisions of paragraph (d) of sub-section (1) and paragraph (d) of sub-section (3), as those paragraphs existed immediately prior to the said date, shall, notwithstanding anything to the contrary contained in this section, but subject to such conditions as the commissioner may determine, continue to apply in respect of such pensioner as long as—

- (i) he continues to reside in the city in which he was resident immediately prior to that date; and
- (ii) he is entitled to a pension by virtue of the said provisions.”;

(c) by the substitution for paragraphs (c), (d), (e) and (f) of sub-section (4) of the following paragraphs:

“(c) any benefit paid to any person under this Act, the Blind Persons Act, 1962, the War Veterans’ Pensions Act, 1962, or the Disability Grants Act, 1962;

(d) any grant made in terms of any regulation framed under paragraph (k) of sub-section (1) of section *ninety-two* of the Children’s Act, 1960 (Act No. 33 of 1960), towards the maintenance of any person mentioned in paragraph (c) of sub-section (1) of section *eighty-nine* of that Act;

(e) property, whether movable or immovable, to the value determined by the Minister in consultation with the Minister of Finance.”.

Amendment of section 9 of Act 38 of 1962.

33. Section *nine* of the Old Age Pensions Act, 1962, is hereby amended—

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

“(1) If in the opinion of the commissioner the physical or mental condition of a person to whom a pension has been granted under this Act necessitates the regular attendance of any person, he may, on such conditions as he may determine, in addition to the said pension, grant to the pensioner or to any person on his behalf an allowance not exceeding—

- (a) in the case of a white person, one hundred and twenty rand per annum;
- (b) in the case of a Coloured person or an Indian, sixty rand per annum;
- (c) in the case of a Bantu person, forty-eight rand per annum.”;

(b) by the insertion after sub-section (2) of the following sub-section:

“(2)*bis* (a) If any person to whom a pension has been granted under this Act and who is not in receipt of an allowance in terms of sub-section (1), satisfies the commissioner that he has attained the age of ninety years, the commissioner may, on such conditions as he may determine, in addition to the said pension, grant to the pensioner or to any person on his behalf an allowance not exceeding the appropriate rate specified in the said sub-section.

'n onderwysinrigting was, en bedoelde pensioentrekker onmiddellik voor daardie datum 'n pensioen ingevolge sub-artikel (1) en 'n toelae ingevolge sub-artikel (2), soos daardie sub-artikels onmiddellik voor bedoelde datum bestaan het, ontvang het, dan, terwyl bedoelde kind—

- (i) onder die leeftyd van sestien jaar is; of
- (ii) bo die leeftyd van sestien maar onder die leeftyd van agtien jaar is en 'n voltydse student aan 'n onderwysinrigting is; en
- (iii) deur bedoelde pensioentrekker onderhou word, is daardie pensioentrekker, ondanks enige andersluidende bepaling van paragraaf (a) van hierdie sub-artikel, maar behoudens die voorwaardes wat die kommissaris bepaal, geregtig om 'n pensioen te ontvang wat nie minder bedra nie as die totale bedrag van die pensioen en toelae wat onmiddellik voor bedoelde datum van inwerkingtreding aan hom betaalbaar was.

(3)*bis* Indien onmiddellik voor die datum van inwerkingtreding van artikel *twee-en-dertig* van die Wysigingswet op die Pensioenwette, 1965, 'n Bantoe-pensioentrekker in 'n stad woonagtig was, bly, ondanks andersluidende bepalings van hierdie artikel, maar behoudens die voorwaardes wat die kommissaris bepaal, die bepalings van paragraaf (d) van sub-artikel (1) en paragraaf (d) van sub-artikel (3), soos daardie paragrawe onmiddellik voor bedoelde datum bestaan het, van toepassing ten opsigte van bedoelde pensioentrekker solank—

- (i) hy in die stad waarin hy onmiddellik voor daardie datum woonagtig was, bly woon; en
- (ii) hy uit hoofde van gemelde bepalings op 'n pensioen geregtig is.”;
- (c) deur paragrawe (c), (d), (e) en (f) van sub-artikel (4) deur die volgende paragrawe te vervang:
  - „(c) enige voordeel wat ingevolge hierdie Wet, die Wet op Blindes, 1962, die Wet op Oudstryderspensioene, 1962, of die Wet op Ongeskiktheidstoelae, 1962, aan iemand betaal word;
  - (d) enige toelae wat ingevolge 'n regulasie uitgevaardig kragtens paragraaf (k) van sub-artikel (1) van artikel *twee-en-negentig* van die Kinderwet, 1960 (Wet No. 33 van 1960), by wyse van bydrae tot die onderhoud van iemand in paragraaf (c) van sub-artikel (1) van artikel *nege-en-tagtig* van daardie Wet bedoel, toegeken is;
  - (e) eiendom, hetsy roerend of onroerend, tot die waarde wat die Minister in oorleg met die Minister van Finansies bepaal.”.

33. Artikel *nege* van die Ouderdomspensioenwet, 1962, word hierby gewysig— Wysiging van artikel 9 van Wet 38 van 1962.

- (a) deur sub-artikel (1) deur die volgende sub-artikel te vervang:
  - „(1) Indien die kommissaris oordeel dat iemand aan wie 'n pensioen ingevolge hierdie Wet toegeken is, in so 'n liggaamlike of geestestoestand verkeer dat hy gereeld deur iemand opgepas moet word, kan hy, op die voorwaardes wat hy bepaal, benewens bedoelde pensioen aan die pensioentrekker of aan iemand ten behoeve van hom 'n toelae toeken wat nie meer bedra nie as—
    - (a) in die geval van 'n blanke, honderd-en-twintig rand per jaar;
    - (b) in die geval van 'n Kleurling of 'n Indiër, sestig rand per jaar;
    - (c) in die geval van 'n Bantoe persoon, agt-en-veertig rand per jaar.”;
- (b) deur na sub-artikel (2) die volgende sub-artikel in te voeg:
  - „(2)*bis* (a) Indien iemand aan wie 'n pensioen ingevolge hierdie Wet toegeken is en wat nie ingevolge sub-artikel (1) 'n toelae ontvang nie, die kommissaris oortuig dat hy die leeftyd van negentig jaar bereik het, kan die kommissaris op die voorwaardes wat hy bepaal, benewens bedoelde pensioen aan die pensioentrekker of aan iemand ten behoeve van hom 'n toelae toeken wat nie meer bedra nie as die toepaslike skaal in bedoelde sub-artikel vermeld.

- (b) An allowance in terms of paragraph (a) may be granted with effect from the first day of October, 1965, or the first day of the month in which the person concerned attains the age of ninety years, whichever is the later date.”.

Insertion of section 9bis in Act 38 of 1962.

34. The following section is hereby inserted in the Old Age Pensions Act, 1962, after section *nine*:

“Supplementing of certain pensions.

- 9bis. (1) If any white person—
- (a) who has not been in receipt of a pension under this Act, the Blind Persons Act, 1962, or the War Veterans' Pensions Act, 1962, or a grant under the Disability Grants Act, 1962, at any time after the date on which he attained the appropriate age referred to in paragraph (a) of sub-section (1) of section *two*; and
- (b) whose age on the first day of October, 1966, or the date on which he applies for a pension in terms of section *five*, whichever is the later date, exceeds the appropriate age referred to in the said paragraph (a) by not less than twelve months,
- so applies on or after the first day of October, 1966, and is granted a pension under this Act, the pension so granted may, subject to such conditions as the commissioner may determine, be supplemented by the appropriate amount specified hereunder:

Age at date of application		Amount per annum
Males	Females	
66 years and over but under 67 years	61 years and over but under 62 years	R 48
67 years and over but under 68 years	62 years and over but under 63 years	R 72
68 years and over but under 69 years	63 years and over but under 64 years	R 96
69 years and over	64 years and over	R 120.

(2) If a pension which has been supplemented in terms of sub-section (1), is cancelled in terms of section *eleven*, and the pension is subsequently restored in terms of that section, the pension which has been so restored may, notwithstanding anything to the contrary contained in sub-section (1), be supplemented by the amount by which it was supplemented prior to the cancellation: Provided that if a period of not less than twelve months has elapsed between the date from which the pension was so cancelled and the date from which it is so restored, the amount by which the pension is to be supplemented in terms of this sub-section shall be determined according to the age of the pensioner on the date from which the pension is restored.

(3) The provisions of sub-sections (1) and (2) shall not apply in respect of any person to whom, by virtue of the provisions of section *fifty-one* of the Pension Laws Amendment Act, 1962 (Act No. 92 of 1962), a pension is granted under this Act.”.

Amendment of section 6 of Act 39 of 1962, as amended by section 45 of Act 92 of 1962, section 27 of Act 95 of 1963 and section 18 of Act 84 of 1964.

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

- (a) by the substitution for paragraphs (a) to (f), inclusive, of sub-section (1) of the following paragraphs:
- “(a) in the case of a white person, at the rate of three hundred and thirty-six rand per annum;
- (b) in the case of a Coloured person or an Indian, at the rate of seventy-two rand per annum;
- (c) in the case of a Bantu person, at the rate of twenty-one rand per annum.”;

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

“(2) In addition to the pension provided for in sub-section (1), there shall be payable to a Coloured person, an Indian or a Bantu person to whom a pension is granted under that sub-section—



- (b) 'n Toelae ingevolge paragraaf (a) kan met ingang van die eerste dag van Oktober 1965 of die eerste dag van die maand waarin die betrokke persoon die leeftyd van negentig jaar bereik, na gelang van watter datum die jongste is, toegeken word.”.

34. Die volgende artikel word hierby na artikel *nege* in die Ouderdomspensioenwet, 1962, ingevoeg:

Invoeging van artikel 9bis in Wet 38 van 1962.

„Aanvulling van sekere pensioene.

9bis. Indien 'n blanke persoon—

- (a) wat nie te eniger tyd na die datum waarop hy die toepaslike leeftyd in paragraaf (a) van sub-artikel (1) van artikel *twee* bedoel, bereik het 'n pensioen ingevolge hierdie Wet, die Wet op Blindes, 1962, of die Wet op Oudstryderspensioene, 1962, of 'n toelae ingevolge die Wet op Ongeskiktheidstoelae, 1962, ontvang het nie; en
- (b) wie se leeftyd op die eerste dag van Oktober 1966 of die datum waarop hy ingevolge artikel *vyf* om 'n pensioen aansoek doen, na gelang van watter datum die jongste is, die toepaslike leeftyd in bedoelde paragraaf (a) vermeld met minstens twaalf maande oorskry,

op of na die eerste dag van Oktober 1966 aldus aansoek doen en 'n pensioen ingevolge hierdie Wet aan hom toegeken word, kan die pensioen wat aldus toegeken word, behoudens die voorwaardes wat die kommissaris bepaal, met die toepaslike bedrag hieronder vermeld, aangevul word:

Ouderdom op datum van aansoek		Bedrag per jaar
Manlike persone	Vroulike persone	
66 jaar en ouer maar onder 67 jaar	61 jaar en ouer maar onder 62 jaar	R 48
67 jaar en ouer maar onder 68 jaar	62 jaar en ouer maar onder 63 jaar	R 72
68 jaar en ouer maar onder 69 jaar	63 jaar en ouer maar onder 64 jaar	R 96
69 jaar en ouer	64 jaar en ouer	R120.

(2) Indien 'n pensioen wat ingevolge sub-artikel (1) aangevul is, ingevolge artikel *elf* ingetrek word, en die pensioen later ingevolge daardie artikel herstel word, kan, ondanks andersluidende bepalings van sub-artikel (1), die pensioen wat aldus herstel is, met die bedrag waarmee dit voor die intrekking aangevul is, aangevul word: Met dien verstande dat indien 'n tydperk van minstens twaalf maande tussen die datum met ingang waarvan die pensioen aldus ingetrek is en die datum met ingang waarvan dit aldus herstel word, verloop het, die bedrag waarmee die pensioen ingevolge hierdie sub-artikel aangevul moet word, bepaal word ooreenkomstig die pensioentrekker se leeftyd op die datum met ingang waarvan die pensioen herstel word.

(3) Die bepalings van sub-artikels (1) en (2) is nie van toepassing nie ten opsigte van iemand aan wie daar uit hoofde van die bepalings van artikel *een-en-vyftig* van die Wysigingswet op die Pensioenwette, 1962 (Wet No. 92 van 1962), 'n pensioen ingevolge hierdie Wet toegeken word.”.

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

Wysiging van artikel 6 van Wet 39 van 1962, soos gewysig deur artikel 45 van Wet 92 van 1962, artikel 27 van Wet 95 van 1963 en artikel 18 van Wet 84 van 1964.

- (a) deur paragrawe (a) tot en met (f) van sub-artikel (1) deur die volgende paragrawe te vervang:
- „(a) in die geval van 'n blanke, teen driehonderd ses-en-dertig rand per jaar;
- (b) in die geval van 'n Kleurling of 'n Indiër, teen twee-en-sewentig rand per jaar;
- (c) in die geval van 'n Bantoe persoon, teen een-en-twintig rand per jaar.”;
- (b) deur sub-artikels (2) en (3) deur die volgende sub-artikels te vervang:
- „(2) Benewens die pensioen waarvoor in sub-artikel (1) voorsiening gemaak word, word daar aan 'n Kleurling, 'n Indiër of 'n Bantoe persoon aan wie 'n pensioen ingevolge daardie sub-artikel toegeken word—

- (a) in the case of a Coloured person or an Indian, an allowance of ninety-six rand per annum;
- (b) in the case of a Bantu person, an allowance of twenty-three rand and forty cents per annum.

(3) No pension granted under sub-section (1) shall be at such rate as will make the pensioner's income or means together with the said pension exceed—

- (a) in the case of a white person, five hundred and twenty-eight rand per annum;
- (b) in the case of a Coloured person or an Indian, one hundred and sixty-eight rand per annum;
- (c) in the case of a Bantu person, forty-two rand per annum.”.

(3)*bis* If immediately prior to the date of commencement of section *thirty-five* of the Pension Laws Amendment Act, 1965, a Bantu pensioner was resident in a city, the provisions of paragraph (d) of sub-section (1) and paragraph (d) of sub-section (3), as those paragraphs existed immediately prior to the said date, shall, notwithstanding anything to the contrary contained in this section, but subject to such conditions as the commissioner may determine, continue to apply in respect of such pensioner as long as—

- (i) he continues to reside in the city in which he was resident immediately prior to that date; and
- (ii) he is entitled to a pension by virtue of the said provisions.”;

- (c) by the substitution for paragraphs (c) to (g), inclusive, of sub-section (4) of the following paragraphs:

“(c) any benefit paid to any person under this Act, the Old Age Pensions Act, 1962, the War Veterans' Pensions Act, 1962, or the Disability Grants Act, 1962;

(d) any grant made in terms of any regulation framed under paragraph (k) of sub-section (1) of section *ninety-two* of the Children's Act, 1960 (Act No. 33 of 1960), towards the maintenance of any person mentioned in paragraph (c) of sub-section (1) of section *eighty-nine* of that Act;

(e) property, whether movable or immovable, to the value determined by the Minister in consultation with the Minister of Finance.”.

Amendment of section 7 of Act 39 of 1962.

36. Section *seven* of the Blind Persons Act, 1962, is hereby amended—

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

“(1) If in the opinion of the commissioner the physical or mental condition of a person to whom a pension has been granted under this Act necessitates the regular attendance of any person, the commissioner may, on such conditions as he may determine, in addition to the said pension, grant to the pensioner or to any person on his behalf an allowance not exceeding—

- (a) in the case of a white person, one hundred and twenty rand per annum;
- (b) in the case of a Coloured person or an Indian, sixty rand per annum;
- (c) in the case of a Bantu person, forty-eight rand per annum.”;

- (b) by the insertion after sub-section (2) of the following sub-section:

“(2)*bis* (a) If any person to whom a pension has been granted under this Act and who is not in receipt of an allowance in terms of sub-section (1), satisfies the commissioner that he has attained the age of ninety years, the commissioner may, on such conditions as he may determine, in addition to the said pension, grant to the pensioner or to any person on his behalf an allowance not exceeding the appropriate rate specified in the said sub-section.

- (b) An allowance in terms of paragraph (a) may be granted with effect from the first day of October, 1965, or the first day of the month in which the person concerned attains the age of ninety years, whichever is the later date.”.

- (a) in die geval van 'n Kleurling of 'n Indiër, 'n toelae van ses-en-negentig rand per jaar betaal;
- (b) in die geval van 'n Bantoepersoon, 'n toelae van drie-en-twintig rand en veertig sent per jaar betaal.
- (3) 'n Pensioen word nie kragtens sub-artikel (1) toegeken teen so 'n skaal dat die pensioentrekker se inkomste of middele tesame met die pensioen meer sal bedra nie as—
  - (a) in die geval van 'n blanke, vyfhonderd agt-en-twintig rand per jaar;
  - (b) in die geval van 'n Kleurling of 'n Indiër, honderd agt-en-sestig rand per jaar;
  - (c) in die geval van 'n Bantoepersoon, twee-en-veertig rand per jaar.
- (3)*bis* Indien onmiddellik voor die datum van inwerkingtreëding van artikel *vyf-en-dertig* van die Wysigingswet op die Pensioenwette, 1965, 'n Bantoe-pensioentrekker in 'n stad woonagtig was, bly, ondanks andersluidende bepalings van hierdie artikel, maar behoudens die voorwaardes wat die kommissaris bepaal, die bepalings van paragraaf (d) van sub-artikel (1) en paragraaf (d) van sub-artikel (3), soos daardie paragrawe onmiddellik voor bedoelde datum bestaan het, van toepassing ten opsigte van bedoelde pensioen-trekker solank—
  - (i) hy in die stad waarin hy onmiddellik voor daardie datum woonagtig was, bly woon; en
  - (ii) hy uit hoofde van gemelde bepalings op 'n pensioen geregtig is.”;
- (e) deur paragrawe (c) tot en met (g) van sub-artikel (4) deur die volgende paragrawe te vervang:
  - „(c) enige voordeel wat ingevolge hierdie Wet, die Ouderdomspensioenwet, 1962, die Wet op Oudstryderspensioene, 1962, of die Wet op Ongeskiktheidstoelae, 1962, aan iemand betaal word;
  - (d) enige toelae wat ingevolge enige regulasie uitgevaardig kragtens paragraaf (k) van sub-artikel (1) van artikel *twee-en-negentig* van die Kinderwet, 1960 (Wet No. 33 van 1960), by wyse van bydrae tot die onderhoud aan iemand in paragraaf (c) van sub-artikel (1) van artikel *nege-en-tagtig* van daardie Wet bedoel, toegeken is;
  - (e) eiendom, hetsy roerend of onroerend, tot die waarde wat die Minister in oorleg met die Minister van Finansies bepaal.”.

**36. Artikel sewe van die Wet op Blindes, 1962, word hierby gewysig—**

Wysiging van artikel 7 van Wet 39 van 1962.

- (a) deur sub-artikel (1) deur die volgende sub-artikel te vervang:
  - „(1) Indien die kommissaris oordeel dat iemand aan wie 'n pensioen ingevolge hierdie Wet toegeken is, in so 'n liggaamlike of geestestoestand verkeer dat hy gereeld deur iemand opgepas moet word, kan hy op die voorwaardes wat hy bepaal, benewens bedoelde pensioen aan die pensioentrekker of aan iemand ten behoeve van hom 'n toelae toeken wat nie meer bedra nie as—
    - (a) in die geval van 'n blanke, honderd-en-twintig rand per jaar;
    - (b) in die geval van 'n Kleurling of 'n Indiër, sestig rand per jaar;
    - (c) in die geval van 'n Bantoepersoon, agt-en-veertig rand per jaar.”;
- (b) deur na sub-artikel (2) die volgende sub-artikel in te voeg:
  - „(2)*bis* (a) Indien iemand aan wie 'n pensioen ingevolge hierdie Wet toegeken is en wat nie ingevolge sub-artikel (1) 'n toelae ontvang nie, die kommissaris oortuig dat hy die leeftyd van negentig jaar bereik het, kan die kommissaris op die voorwaardes wat hy bepaal, benewens bedoelde pensioen, aan die pensioentrekker of aan iemand ten behoeve van hom 'n toelae toeken wat nie meer bedra nie as die toepaslike skaal in bedoelde sub-artikel vermeld.
  - (b) 'n Toelae ingevolge paragraaf (a), kan met ingang van die eerste dag van Oktober 1965 of die eerste dag van die maand waarin die betrokke persoon die leeftyd van negentig jaar bereik, na gelang van watter datum die jongste is, toegeken word.”.

Amendment of section 1 of Act 40 of 1962, as amended by section 20 of Act 84 of 1964.

37. Section *one* of the War Veterans' Pensions Act, 1962, is hereby amended by the substitution for the definition "war veteran" of the following definition:

"'war veteran' means a European, a Coloured person or an Indian—

- (a) who performed any military or naval service in South Africa during the Anglo-Boer War, 1899-1902, in any British Force or in any force of the late South African Republic or the late Republic of the Orange Free State; or
- (b) who performed any military or naval service during the Great War of 1914-1920 as a member of any Union or British force; or
- (c) who performed any naval, military or air service during the war which commenced on the sixth day of September, 1939, as a member of the Union Defence Forces or, in the case of a Union National, as a member of any British or Dominion force or any force of a government which was allied to the Government of the Union during that war; or
- (d) who, while he was not a Union National, performed any naval, military or air service during such lastmentioned war as a member of any British or Dominion Force and who is a South African citizen on the date on which he applies for a veteran's pension,

and includes a member of the Union Defence Forces who signed an undertaking to serve in connection with the hostilities in Korea and who during the said hostilities performed any naval, military or air service on or after the date on which he was detailed for duty in connection therewith."

Amendment of section 3 of Act 40 of 1962, as amended by section 29 of Act 95 of 1963 and section 21 of Act 84 of 1964.

38. Section *three* of the War Veterans' Pensions Act, 1962, is hereby amended—

(a) by the substitution in sub-section (1) for all the words preceding paragraph (a) of the following words:

"Subject to the provisions of section *four*, a war veteran shall be entitled to receive a veteran's pension to be determined in accordance with the provisions of section *eight* of the Old Age Pensions Act, 1962, if—"

(b) by the insertion after sub-section (1) of the following sub-section:

"(1)*bis* A war veteran who is a Coloured person or an Indian, and who is entitled to receive a veteran's pension, shall, in addition to such pension, be entitled to receive an allowance to be determined in accordance with the provisions of sub-section (2) of section *eight* of the Old Age Pensions Act, 1962.";

(c) by the substitution for sub-section (3) of the following sub-section:

"(3) The amount of the pension awarded or to be awarded to a war veteran as determined in accordance with the provisions of this Act shall—

- (a) in the case of a war veteran who is a European, be increased by ninety-six rand per annum";
- (b) in the case of a war veteran who is a Coloured person or an Indian, be increased by forty-eight rand per annum.";

(d) by the substitution for sub-section (9) of the following sub-section:

"(9) In the case of a European war veteran who satisfies the commissioner that he has attained the age of seventy years, the amount of five hundred and twenty-eight rand per annum mentioned in paragraph (a) of sub-section (3) of section *eight* of the Old Age Pensions Act, 1962, shall be increased to eight hundred and forty rand per annum."

Insertion of section 4*bis* in Act 40 of 1962.

39. The following section is hereby inserted in the War Veterans' Pensions Act, 1962, after section *four*:

"Supplementing of certain veterans' pensions.

4*bis*. (1) If any European war veteran—

- (a) who has not been in receipt of a pension under this Act, the Old Age Pensions Act, 1962, the Blind Persons Act, 1962, or a grant under the Disability Grants Act, 1962, at any time after the date on which he attained the age referred to in paragraph (a) of sub-section (1) of section *three*; and

37. Artikel *een* van die Wet op Oudstryderspensioene, 1962, Wysiging van artikel 1 van Wet 40 van 1962, word hierby gewysig deur die omskrywing van „oudstryder” deur die volgende omskrywing te vervang:

- „oudstryder” ’n blanke, ’n Kleurling of ’n Indiër—
- (a) wat militêre of vlootdiens in Suid-Afrika verrig het gedurende die Anglo-Boere-oorlog, 1899-1902, in enige Britse mag of in ’n mag van die gewese Zuid-Afrikaanse Republiek of die gewese Republiek van die Oranje-Vrystaat; of
- (b) wat gedurende die Wêreldoorlog van 1914-1920 militêre of vlootdiens as lid van enige Unie- of Britse mag verrig het; of
- (c) wat gedurende die oorlog wat op die sesde dag van September, 1939 begin het as lid van die verdedigingsmagte van die Unie of, in die geval van ’n Unieburger as lid van enige Britse of Dominiale mag of enige mag van ’n regering wat ’n bondgenoot van die Unie-regering gedurende daardie oorlog was, vloot-, militêre of lugdiens verrig het of;
- (d) wat, terwyl hy nie ’n Unieburger was nie, gedurende laasbedoelde oorlog as lid van enige Britse of Dominiale mag vloot-, militêre of lugdiens verrig het en wat op die datum waarop hy om ’n oudstryderspensioen aansoek doen ’n Suid-Afrikaanse burger is,
- en ook ’n lid van die verdedigingsmagte van die Unie wat ’n onderneming onderteken het om in verband met die vyandelikhede in Korea diens te doen en wat gedurende bedoelde vyandelikhede op of na die datum waarop hy vir diens in verband daarmee aangesê is, vloot-, militêre of lugdiens verrig het;”.

38. Artikel *drie* van die Wet op Oudstryderspensioene, 1962, word hierby gewysig—

- (a) deur in sub-artikel (1) al die woorde wat paragraaf (a) voorafgaan, deur die volgende woorde te vervang: „Behoudens die bepalings van artikel *vier*, is ’n oudstryder geregtig om ’n oudstryderspensioen wat ooreenkomstig die bepalings van artikel *agt* van die Ouderdomspensioenwet, 1962, vasgestel word, te ontvang indien—”;
- (b) deur na sub-artikel (1) die volgende sub-artikel in te voeg:
- „(1)*bis* ’n Oudstryder wat ’n Kleurling of ’n Indiër is en wat geregtig is om ’n oudstryderspensioen te ontvang, is geregtig om, benewens bedoelde pensioen, ’n toelae te ontvang wat ooreenkomstig die bepalings van sub-artikel (2) van artikel *agt* van die Ouderdomspensioenwet, 1962, vasgestel word.”;
- (c) deur sub-artikel (3) deur die volgende sub-artikel te vervang:
- „(3) Die bedrag van die pensioen aan ’n oudstryder toegeken of toegeken te word, soos ooreenkomstig die bepalings van hierdie Wet bepaal, word—
- (a) in die geval van ’n oudstryder wat ’n blanke is, met ses-en-negentig rand per jaar verhoog;
- (b) in die geval van ’n oudstryder wat ’n Kleurling of ’n Indiër is, met agt-en-veertig rand per jaar verhoog.”;
- (d) deur sub-artikel (9) deur die volgende sub-artikel te vervang:
- „(9) In die geval van ’n blanke oudstryder wat die kommissaris oortuig dat hy die leeftyd van sewentig jaar bereik het, word die bedrag van vyfhonderd agt-en-twintig rand per jaar in paragraaf (a) van sub-artikel (3) van artikel *agt* van die Ouderdomspensioenwet, 1962, vermeld tot agthonderd en veertig rand per jaar verhoog.”.

39. Die volgende artikel word hierby na artikel *vier* van die Wet op Oudstryderspensioene, 1962, ingevoeg:

- „Aanvulling van sekere oudstryderspensioene.
- 4*bis*. (1) Indien ’n blanke oudstryder—
- (a) wat nie te eniger tyd na die datum waarop hy die leeftyd in paragraaf (a) van sub-artikel (1) van artikel *drie* bedoel, bereik het ’n pensioen ingevolge hierdie Wet, die Ouderdomspensioenwet, 1962, of die Wet op Blindes, 1962, of ’n toelae ingevolge die Wet op Ongeskiktheidstoelae, 1962, ontvang het nie; en

Invoeging van artikel 4*bis* in Wet 40 van 1962.

(b) whose age on the first day of October, 1966, or the date on which he applies for a veteran's pension in terms of section *five* of the Old Age Pensions Act, 1962, as applied by section *four* of this Act, whichever is the later date, exceeds, in the case of a male person, the age of sixty-five years and, in the case of a female person, the age of sixty years, by at least twelve months, so applies on or after the first day of October, 1966, and is granted a pension under this Act, the pension so granted may, subject to such conditions as the commissioner may determine, be supplemented by the appropriate amount specified hereunder:

Age at date of application		Amount per annum
Males	Females	
66 years and over but under 67 years	61 years and over but under 62 years	R 48
67 years and over but under 68 years	62 years and over but under 63 years	R 72
68 years and over but under 69 years	63 years and over but under 64 years	R 96
69 years and over	64 years and over	R120.

(2) If a veteran's pension which has been supplemented in terms of sub-section (1), is cancelled in terms of section *eleven* of the Old Age Pensions Act, 1962, as applied by section *four* of this Act, and the pension is subsequently restored in terms of the firstmentioned section, the pension which has been so restored may, notwithstanding anything to the contrary contained in sub-section (1), be supplemented by the amount by which it was supplemented prior to the cancellation: Provided that if a period of not less than twelve months has elapsed between the date from which the pension was so cancelled and the date from which it is so restored, the amount by which the veteran's pension is to be supplemented in terms of this sub-section shall be determined according to the age of the pensioner on the date from which the pension is restored.

(3) The provisions of sub-sections (1) and (2) shall not apply in respect of a war veteran—

- (a) to whom a veteran's pension is granted but who, but for the provisions of sub-section (9) of section *three*, would not be entitled to such a pension; or
- (b) to whom, by virtue of the provisions of section *fifty-one* of the Pension Laws Amendment Act, 1962 (Act No. 92 of 1962), such a pension is granted.”.

Amendment of section 5 of Act 40 of 1962.

40. Section *five* of the War Veterans' Pensions Act, 1962, is hereby amended—

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

“(1) If in the opinion of the commissioner the physical or mental condition of a person to whom a pension has been granted under this Act, necessitates the regular attendance of any person, he may, on such conditions as he may determine, in addition to the said pension, grant to the pensioner or to any person on his behalf an allowance not exceeding—

- (a) in the case of a white person, one hundred and twenty rand per annum;
- (b) in the case of a coloured person or an Indian, sixty rand per annum.”;

- (b) by the insertion after sub-section (2) of the following sub-section:

“(2)*bis* (a) If any person to whom a pension has been granted under this Act and who is not in receipt of an allowance in terms of sub-section (1), satisfies the commissioner that he has attained the

(b) wie se leeftyd op die eerste dag van Oktober 1966 of die datum waarop hy om 'n oudstryderspensioen aansoek doen ingevolge artikel vyf van die Ouderdomspensioenwet, 1962, soos toegepas deur artikel vier van hierdie Wet, na gelang van watter datum die jongste is, in die geval van 'n manlike persoon, die leeftyd van vyf-en-sestig jaar en, in die geval van 'n vroulike persoon, die leeftyd van sestig jaar met minstens twaalf maande oorskry,

op of na die eerste dag van Oktober 1966 aldus aansoek doen en 'n pensioen ingevolge hierdie Wet aan hom toegeken word, kan die pensioen wat aldus toegeken word, behoudens die voorwaardes wat die kommissaris bepaal, met die toepaslike bedrag hieronder vermeld, verhoog word:

Ouderdom op datum van aansoek		Bedrag per jaar
Manlike persone	Vroulike persone	
66 jaar en ouer maar onder 67 jaar	61 jaar en ouer maar onder 62 jaar	R 48
67 jaar en ouer maar onder 68 jaar	62 jaar en ouer maar onder 63 jaar	R 72
68 jaar en ouer maar onder 69 jaar	63 jaar en ouer maar onder 64 jaar	R 96
69 jaar en ouer	64 jaar en ouer	R120.

(2) Indien 'n oudstryderspensioen wat ingevolge sub-artikel (1) aangevul is, ingevolge artikel elf van die Ouderdomspensioenwet, 1962, soos toegepas deur artikel vier van hierdie Wet, ingetrek word en die pensioen later ingevolge eersbedoelde artikel herstel word, kan die pensioen wat aldus herstel is, ondanks andersluidende bepalings van sub-artikel (1), met die bedrag waarmee dit voor die intrekking aangevul is, aangevul word: Met dien verstande dat indien 'n tydperk van minstens twaalf maande tussen die datum met ingang waarvan die pensioen aldus ingetrek is en die datum met ingang waarvan dit aldus herstel word, verloop het, die bedrag waarmee die oudstryderspensioen ingevolge hierdie sub-artikel aangevul moet word, bepaal word ooreenkomstig die pensioentrekker se leeftyd op die datum met ingang waarvan die pensioen herstel word.

(3) Die bepalings van sub-artikels (1) en (2) is nie van toepassing nie ten opsigte van 'n oudstryder—

- (a) aan wie 'n oudstryderspensioen toegeken word maar wie by onstentenis van die bepalings van sub-artikel (9) van artikel drie nie op so 'n pensioen geregtig sou gewees het nie; of
- (b) aan wie daar uit hoofde van die bepalings van artikel een-en-vyftig van die Wysigingswet op die Pensioenwette, 1962 (Wet No. 92 van 1962), so 'n pensioen toegeken word."

40. Artikel vyf van die Wet op Oudstryderspensioene, 1962, Wysiging van artikel 5 van Wet 40 van 1962.

(a) deur sub-artikel (1) deur die volgende sub-artikel te vervang:

„(1) Indien die kommissaris oordeel dat iemand aan wie 'n pensioen ingevolge hierdie Wet toegeken is, in so 'n liggaamlike of geestestoestand verkeer dat hy gereeld deur iemand opgepas moet word, kan hy op die voorwaardes wat hy bepaal, benewens bedoelde pensioen aan die pensioentrekker of aan iemand ten behoeve van hom 'n toelae toeken wat nie meer bedra nie as—

- (a) in die geval van 'n blanke, honderd-en-twintig rand per jaar;
- (b) in die geval van 'n Kleurling of 'n Indiër, sestig rand per jaar."

(b) deur na sub-artikel (2) die volgende sub-artikel in te voeg:

„(2)bis (a) Indien iemand aan wie 'n pensioen ingevolge hierdie Wet toegeken is en wat nie ingevolge sub-artikel (1) 'n toelae ontvang nie, die kommissaris oortuig dat hy die leeftyd van

age of ninety years, the commissioner may, on such conditions as he may determine, in addition to the said pension, grant to the pensioner or to any person on his behalf an allowance not exceeding the appropriate rate specified in the said sub-section.

- (b) An allowance in terms of paragraph (a) may be granted with effect from the first day of October, 1965, or the first day of the month in which the person concerned attains the age of ninety years, whichever is the later date.”.

Amendment of section 11 of Act 41 of 1962, as amended by section 47 of Act 92 of 1962, section 31 of Act 95 of 1963 and section 23 of Act 84 of 1964.

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

- (a) by the substitution for paragraphs (a) to (d), inclusive, of sub-section (1) of the following paragraphs:

“(a) in the case of a white person, at the rate of three hundred and thirty-six rand per annum;

(b) in the case of a Coloured person or an Indian, at the rate of seventy-two rand per annum;

(c) in the case of a Bantu person, at the rate of twenty-one rand per annum.”;

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

“(2) In addition to the grant provided for in sub-section (1), there shall be payable to a Coloured person, an Indian or a Bantu person to whom a grant has been made under that sub-section—

(a) in the case of a Coloured person or an Indian, an additional grant of ninety-six rand per annum;

(b) in the case of a Bantu person, an additional grant of twenty-three rand and forty cents per annum.

(3) No grant made under sub-section (1) shall be at such a rate as will make the grantee's income or means together with the grant exceed—

(a) in the case of a white person, five hundred and twenty-eight rand per annum;

(b) in the case of a Coloured person or an Indian, one hundred and sixty-eight rand per annum;

(c) in the case of a Bantu person, forty-two rand per annum:

Provided that if immediately prior to the date of commencement of section *forty-one* of the Pension Laws Amendment Act, 1965, a white grantee was maintaining a child by him who was under the age of sixteen years or who was over the age of sixteen but under the age of eighteen years and was a full-time student at an educational institution, and such grantee was immediately prior to that date in receipt of a grant in terms of sub-section (1) and an additional grant in terms of sub-section (2), as those sub-sections existed immediately prior to the said date, then while such child—

(i) is under the age of sixteen years; or

(ii) is over the age of sixteen but under the age of eighteen years and is a full-time student at an educational institution; and

(iii) is maintained by such grantee,

the said grantee shall, notwithstanding anything to the contrary contained in paragraph (a) of this sub-section, but subject to such conditions as the commissioner may determine, be entitled to receive a grant which is not less than the aggregate amount of the grant and additional grant which was payable to him immediately prior to the said date of commencement.

(3)*bis* If immediately prior to the date of commencement of section *forty-one* of the Pension Laws Amendment Act, 1965, a Bantu grantee was resident in a city, the provisions of paragraph (d) of sub-section (1) and paragraph (d) of sub-section (3), as those paragraphs existed immediately prior to the said date, shall, notwithstanding anything to the contrary contained in this section, but subject to such conditions as the commissioner may determine, continue to apply in respect of such grantee as long as—



negentig jaar bereik het, kan die kommissaris op die voorwaardes wat hy bepaal, benewens bedoelde pensioen aan die pensioentrekker of aan iemand ten behoeve van hom 'n toelae toeken wat nie meer bedra nie as die toepaslike skaal in bedoelde sub-artikel vermeld.

- (b) 'n Toelae ingevolge paragraaf (a) kan met ingang van die eerste dag van Oktober 1965 of die eerste dag van die maand waarin die betrokke persoon die leeftyd van negentig jaar bereik, na gelang van watter datum die jongste is, toegeken word."

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

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

- „(a) in die geval van 'n blanke, teen driehonderd ses-en-dertig rand per jaar;  
 (b) in die geval van 'n Kleurling of 'n Indiër, teen twee-en-sewentig rand per jaar;  
 (c) in die geval van 'n Bantoepersoon, teen een-en-twintig rand per jaar.”;

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

„(2) Benewens die toelae waarvoor in sub-artikel (1) voorsiening gemaak word, word daar aan 'n Kleurling, 'n Indiër of 'n Bantoepersoon aan wie 'n toelae ingevolge daardie sub-artikel toegeken is—

- (a) in die geval van 'n Kleurling of 'n Indiër, 'n bykomende toelae van ses-en-negentig rand per jaar betaal;  
 (b) in die geval van 'n Bantoepersoon, 'n bykomende toelae van drie-en-twintig rand en veertig sent per jaar betaal.

(3) 'n Toelae word nie kragtens sub-artikel (1) toegeken teen so 'n skaal dat die begiftigde se inkomste of middele tesame met die toelae meer sal bedra nie as—

- (a) in die geval van 'n blanke, vyfhonderd agt-en-twintig rand per jaar;  
 (b) in die geval van 'n Kleurling of 'n Indiër, honderd agt-en-sestig rand per jaar;  
 (c) in die geval van 'n Bantoepersoon, twee-en-veertig rand per jaar:

Met dien verstande dat indien onmiddellik voor die datum van inwerkingtreding van artikel *een-en-veertig* van die Wysigingswet op die Pensioenwette, 1965, 'n blanke begiftigde 'n kind deur hom onderhou het wat onder die leeftyd van sestien jaar was of wat bo die leeftyd van sestien maar onder die leeftyd van agtien jaar was en 'n voltydse student aan 'n onderwysinrigting was, en bedoelde begiftigde onmiddellik voor daardie datum 'n toelae ingevolge sub-artikel (1) en 'n bykomende toelae ingevolge sub-artikel (2), soos daardie sub-artikels onmiddellik voor bedoelde datum bestaan het, ontvang het, dan, terwyl bedoelde kind—

- (i) onder die leeftyd van sestien jaar is; of  
 (ii) bo die leeftyd van sestien maar onder die leeftyd van agtien jaar is en 'n voltydse student aan 'n onderwysinrigting is; en

(iii) deur bedoelde begiftigde onderhou word, is daardie begiftigde, ondanks andersluidende bepalings van paragraaf (a) van hierdie sub-artikel, maar behoudens die voorwaardes wat die kommissaris bepaal, geregtig om 'n toelae te ontvang wat nie minder bedra nie as die totale bedrag van die toelae en bykomende toelae wat onmiddellik voor bedoelde datum van inwerkingtreding aan hom betaalbaar was.

(3)*bis* Indien onmiddellik voor die datum van inwerkingtreding van artikel *een-en-veertig* van die Wysigingswet op die Pensioenwette, 1965, 'n Bantoebegiftigde in 'n stad woonagtig was, bly, ondanks andersluidende bepalings van hierdie artikel maar behoudens die voorwaardes wat die kommissaris bepaal, die bepalings van paragraaf (d) van sub-artikel (1) en paragraaf (d) van sub-artikel (3), soos daardie paragrawe onmiddellik voor bedoelde datum bestaan het, van toepassing ten opsigte van bedoelde begiftigde solank—

Wysiging van artikel 11 van Wet 41 van 1962, soos gewysig deur artikel 47 van Wet 92 van 1962, artikel 31 van Wet 95 van 1963 en artikel 23 van Wet 84 van 1964.

- (i) he continues to reside in the city in which he was resident immediately prior to that date; and
- (ii) he is entitled to a grant by virtue of the said provisions.”;
- (c) by the substitution for paragraphs (b), (c) and (d) of sub-section (4) of the following paragraphs:
  - “(b) any benefit paid to any person under this Act, the Old Age Pensions Act, 1962, the Blind Persons Act, 1962, or the War Veterans’ Pensions Act, 1962;
  - (c) any grant made in terms of any regulation framed under paragraph (k) of sub-section (1) of section *ninety-two* of the Children’s Act, 1960 (Act No. 33 of 1960), towards the maintenance of any person mentioned in paragraph (c) of sub-section (1) of section *eighty-nine* of that Act;
  - (d) property, whether movable or immovable, to the value determined by the Minister in consultation with the Minister of Finance.”.

Amendment of section 12 of Act 41 of 1962.

42. Section *twelve* of the Disability Grants Act, 1962, is hereby amended—

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

“(1) If in the opinion of the commissioner the physical or mental condition of a person to whom a disability grant has been awarded under this Act, necessitates the regular attendance of any person, the commissioner may, on such conditions as he may determine, in addition to the said grant award to the grantee or to any person on his behalf an attendant’s allowance not exceeding—

- (a) in the case of a white person, one hundred and twenty rand per annum;
- (b) in the case of a Coloured person or an Indian, sixty rand per annum;
- (c) in the case of a Bantu person, forty-eight rand per annum.”;

- (b) by the insertion after sub-section (2) of the following sub-section:

“(2)*bis* (a) If any person to whom a disability grant has been awarded in terms of this Act and who is not in receipt of an attendant’s allowance in terms of sub-section (1), satisfies the commissioner that he has attained the age of ninety years, the commissioner may, on such conditions as he may determine, in addition to the said disability grant, award to the grantee or to any person on his behalf an attendant’s allowance not exceeding the appropriate rate specified in the said sub-section.

- (b) An allowance in terms of paragraph (a), may be awarded with effect from the first day of October, 1965, or the first day of the month in which the person concerned attains the age of ninety years, whichever is the later date.”.

Continuation of certain pensions and grants.

43. (1) If any pension or grant payable to any person falls to be cancelled or reduced under paragraph (a) of sub-section (1) of section *eleven* of the Old Age Pension Act, 1962, or under that paragraph as applied by section *eight* of the Blind Persons Act, 1962, or by section *four* of the War Veterans’ Pensions Act, 1962, or under paragraph (a) of sub-section (1) of section *fourteen* of the Disability Grants Act, 1962, by reason of the fact that any pension or allowance which such person or his spouse receives under the War Pensions Act, 1942, or the War Special Pensions Act, 1962, is in terms of any amendment effected by this Act, increased with effect from the first day of October, 1965, or the first day of April, 1966, as the case may be, payment of the whole or part of the pension or grant and the allowance or additional grant if any, payable to such person in terms of section *eight* of the Old Age Pensions Act, 1962, section *six* of the Blind Persons Act, 1962, section *eight* of the Old Age Pensions Act, 1962, as applied by section *four* of the War Veterans’ Pensions Act, 1962, or section *eleven* of the Disability Grants Act, 1962, may nevertheless be continued at such rates and subject to such conditions as the secretary may from time to time determine.

- (i) hy in die stad waarin hy onmiddellik voor daardie datum woonagtig was, bly woon; en
- (ii) hy uit hoofde van gemelde bepalings op 'n toelae geregtig is.”;
- (c) deur paragrafe (b), (c) en (d) van sub-artikel (4) deur die volgende paragrafe te vervang:
  - „(b) enige voordeel wat ingevolge hierdie Wet, die Ouderdomspensioenwet, 1962, die Wet op Blindes, 1962, of die Wet op Oudstryderspensioene, 1962, aan iemand betaal word;
  - (c) enige toelae wat ingevolge enige regulasie uitgevaardig kragtens paragraaf (k) van sub-artikel (1) van artikel *twee-en-negentig* van die Kinderwet, 1960 (Wet No. 33 van 1960), by wyse van bydrae tot die onderhoud van iemand in paragraaf (c) van sub-artikel (1) van artikel *nege-en-tagtig* van daardie Wet bedoel, toegeken is;
  - (d) eiendom, hetsy roerend of onroerend, tot die waarde wat die Minister in oorleg met die Minister van Finansies bepaal.”.

42. Artikel *twaalf* van die Wet op Ongeskiktheidstoelae, 1962, word hierby gewysig—

Wysiging van artikel 12 van Wet 41 van 1962.

- (a) deur sub-artikel (1) deur die volgende artikel te vervang:
  - „(1) Indien die kommissaris oordeel dat iemand aan wie 'n ongeschiktheidstoelae ingevolge hierdie Wet toegeken is, in so 'n liggaamlike of geestestoestand verkeer dat hy gereeld deur iemand opgepas moet word, kan die kommissaris, op die voorwaardes wat hy bepaal, benewens bedoelde toelae aan die begiftigde of aan iemand ten behoeve van hom 'n oppasserstoelae toeken wat nie meer bedra nie as—
    - (a) in die geval van 'n blanke, honderd-en-twintig rand per jaar;
    - (b) in die geval van 'n Kleurling of 'n Indiër, sestig rand per jaar;
    - (c) in die geval van 'n Bantoe persoon, agt-en-veertig rand per jaar.”;
- (b) deur na sub-artikel (2) die volgende sub-artikel in te voeg:
  - „(2)*bis* (a) Indien iemand aan wie 'n ongeschiktheidstoelae ingevolge hierdie Wet toegeken is en wat nie ingevolge sub-artikel (1) 'n oppasserstoelae ontvang nie, die kommissaris oortuig dat hy die leeftyd van negentig jaar bereik het, kan die kommissaris, op die voorwaardes wat hy bepaal, benewens bedoelde ongeschiktheidstoelae, aan die begiftigde of aan iemand ten behoeve van hom 'n oppasserstoelae toeken wat nie meer bedra nie as die toepaslike skaal in bedoelde sub-artikel vermeld.
  - (b) 'n Toelae ingevolge paragraaf (a), kan met ingang van die eerste dag van Oktober 1965 of die eerste dag van die maand waarin die betrokke persoon die leeftyd van negentig jaar bereik, na gelang van watter datum die jongste is, toegeken word.”.

43. (1) Indien 'n pensioen of toelae wat aan iemand betaalbaar is, ingevolge paragraaf (a) van sub-artikel (1) van artikel *elf* van die Ouderdomspensioenwet, 1962, of ingevolge daardie paragraaf soos toegepas deur artikel *agt* van die Wet op Blindes, 1962, of deur artikel *vier* van die Wet op Oudstryderspensioene, 1962, of ingevolge paragraaf (a) van sub-artikel (1) van artikel *veertien* van die Wet op Ongeskiktheidstoelae, 1962, ingetrek of verminder moet word op grond van die feit dat 'n pensioen of toelae wat so iemand of sy eggenoot ingevolge die Oorlogspensioenwet, 1942, of die Wet op Spesiale Oorlogspensioene, 1962, ontvang, ooreenkomstig enige wysiging wat deur hierdie Wet aangebring is, met ingang van die eerste dag van Oktober 1965 of die eerste dag van April 1966 verhoog word, na gelang van die geval, kan betaling in die geheel of ten dele van die pensioen of toelae en die toelae of bykomende toelae, indien daar is, wat ingevolge artikel *agt* van die Ouderdomspensioenwet, 1962, artikel *ses* van die Wet op Blindes, 1962, artikel *agt* van die Ouderdomspensioenwet, 1962, soos toegepas deur artikel *vier* van die Wet op Oudstryderspensioene, 1962, of artikel *elf* van die Wet op Ongeskiktheidstoelae, 1962, aan so iemand betaalbaar is, nietemin voortgesit word en wel teen die skaal en op die voorwaardes wat die sekretaris van tyd tot tyd bepaal.

Voortsetting van sekere pensioene en toelae.

(2) For the purposes of sub-section (1) "secretary" means, in so far as that sub-section applies in relation to—

- (a) a white person, the Secretary for Social Welfare and Pensions;
- (b) a Coloured person, the Secretary for Coloured Affairs;
- (c) an Indian, the Secretary for Indian Affairs;
- (d) a Bantu person, the Secretary for Bantu Administration and Development.

Gratuities to certain Bantu employees of the Government.

44. (1) A Bantu person who has been in the service of the Government from a date prior to the first day of January, 1955, during a continuous period of ten years or longer and whose services are terminated for the reason that, in terms of any law relating to Bantu persons or in consequence of any action taken by competent authority pursuant to such law, it has become unlawful for him to remain or work in the area in which he is employed, shall, subject to the provisions of sub-section (6), be paid a gratuity calculated at the rate of one-half of his pensionable emoluments during the last month of his service under the Government, in respect of each complete year of such service.

(2) If any Bantu person to whom this section applies, was during his service—

- (a) remunerated at a weekly, daily or hourly rate of pay, his pensionable emoluments shall be assessed on the basis of the annual equivalent of such rate, calculated to the nearest rand;
- (b) on leave of absence or under suspension with less than full pay, he shall, for the purpose of determining any gratuity payable under this section, be deemed to have been paid his full pensionable emoluments during any period of such leave or suspension.

(3) (a) Any period of service in respect of which a gratuity is to be calculated under this section shall be continuous and shall include the time spent—

- (i) on normal duty;
- (ii) on leave of absence with full or less than full pay;
- (iii) under suspension with full or less than full pay if followed by reinstatement in the same or another post,

but shall not include the time spent on leave of absence or under suspension without pay or any other period of absence from duty without pay.

(b) Any period of such service shall not be regarded as interrupted—

- (i) by absence on leave without pay;
- (ii) by suspension without pay, if followed by reinstatement in the same or another post;
- (iii) in the case of an employee to whom leave of absence cannot be granted under the law or conditions of service governing his employment, by absence from duty for a period not exceeding ninety days or for such longer period as the Secretary for Social Welfare and Pensions may in special circumstances allow.

(4) Any gratuity under this section shall be paid from revenue.

(5) For the purposes of this section the expressions "Government", "pensionable emoluments" and "revenue" shall bear the meanings assigned to them in section *one hundred and nine* of the Government Service Pensions Act, 1955 (Act No. 58 of 1955).

(6) This section shall be deemed to have come into operation on the first day of January, 1965, and shall not apply in respect of any Bantu employee of the Government who is entitled to a pension or gratuity under any other law in respect of service in respect of which a gratuity is payable to him under this section.

Application of certain laws in South-West Africa.

45. (1) The State President may by proclamation in the *Gazette* declare the provisions of sections *eighty-nine* and *ninety* and paragraph (k) of sub-section (1) and sub-section (2) of section *ninety-two* of the Children's Act, 1960 (Act No. 33 of 1960), and the provisions of the Old Age Pensions Act, 1962 (Act No. 38 of 1962), the Blind Persons Act, 1962 (Act No. 39

(2) By die toepassing van sub-artikel (1) beteken „sekretaris”, vir sover daardie sub-artikel van toepassing is met betrekking tot—

- (a) 'n blanke, die Sekretaris van Volkswelsyn en Pensioene;
- (b) 'n Kleurling, die Sekretaris van Kleurlingsake;
- (c) 'n Indiër, die Sekretaris van Indiërsake;
- (d) 'n Bantoepersoon, die Sekretaris van Bantoe-administrasie en -ontwikkeling.

44. (1) Aan 'n Bantoepersoon wat vanaf 'n datum voor die eerste dag van Januarie 1955 in diens van die Regering was gedurende 'n onafgebroke tydperk van tien jaar of langer en wie se dienste beëindig word omrede dit, ingevolge die een of ander wet met betrekking tot Bantoeperone of ten gevolge van optrede deur 'n bevoegde gesag ingevolge so 'n wet, vir hom onwettig geword het om in die gebied waarin hy in diens is, te bly of te werk, word daar, behoudens die bepalings van sub-artikel (6), 'n gratifikasie betaal wat bereken word volgens die skaal van die helfte van sy pensioengewende verdienste gedurende die laaste maand van sy diens by die Regering, ten opsigte van elke voltooide jaar van sodanige diens.

Gratifikasies aan sekere Bantoe-werknemers van die Regering.

(2) Indien 'n Bantoepersoon op wie hierdie artikel van toepassing is, gedurende sy diens—

- (a) per week, per dag of per uur besoldig is, word sy pensioengewende verdienste vasgestel op grondslag van die jaarlikse ekwivalent van bedoelde besoldiging, bereken tot die naaste rand;
  - (b) met verlof afwesig of onder skorsing met minder as volle betaling was, word by die berekening van 'n gratifikasie kragtens hierdie artikel betaalbaar, sy volle pensioengewende verdienste gedurende enige tydperk van sodanige verlof of skorsing geag aan hom betaal te gewees het.
- (3) (a) 'n Tydperk van diens ten opsigte waarvan 'n gratifikasie kragtens hierdie artikel bereken moet word, moet ononderbroke wees, en daarby word inbegrepe tyd wat verloop het—
- (i) tydens normale diens;
  - (ii) tydens afwesigheid met verlof met volle of minder as volle betaling;
  - (iii) tydens skorsing met volle of minder as volle betaling indien gevolg deur herstelling in dieselfde of 'n ander pos, maar nie ook die tyd wat tydens afwesigheid met verlof of skorsing sonder betaling verloop het of enige ander tydperk van afwesigheid van diens sonder betaling nie.
- (b) 'n Tydperk van sodanige diens word nie geag onderbreek te word nie—
- (i) deur afwesigheid met verlof sonder betaling;
  - (ii) deur skorsing sonder betaling, indien gevolg deur herstelling in dieselfde of 'n ander pos;
  - (iii) in die geval van 'n werknemer aan wie verlof tot afwesigheid nie ingevolge die wet of diensvoorwaardes wat sy indienshouding beheer, toegestaan kan word nie, deur afwesigheid van diens vir 'n tydperk van hoogstens negentig dae of so 'n langer tydperk as wat die Sekretaris van Volkswelsyn en Pensioene in besondere omstandighede mag toelaat.

(4) 'n Gratifikasie ingevolge hierdie artikel word uit inkomste betaal.

(5) By die toepassing van hierdie artikel het die uitdrukking „inkomste”, „pensioengewende verdienste” en „Regering” die betekenis wat by artikel *honderd-en-nege* van die Regeringsdiens-pensioenwet, 1955 (Wet No. 58 van 1955), daaraan toegeskryf word.

(6) Hierdie artikel word geag op die eerste dag van Januarie 1965 in werking te getree het en is nie van toepassing nie ten opsigte van 'n Bantoe-werknemer van die Regering wat ingevolge 'n ander wet op 'n pensioen of gratifikasie geregtig is ten opsigte van diens ten opsigte waarvan 'n gratifikasie ingevolge hierdie artikel aan hom betaalbaar is.

45. (1) Die Staatspresident kan by proklamasie in die *Staatskoerant* die bepalings van artikels *nege-en-tagtig* en *negentig* en paragraaf (k) van sub-artikel (1) en sub-artikel (2) van artikel *twee-en-negentig* van die Kinderwet, 1960 (Wet No. 33 van 1960), en die bepalings van die Ouderdomspensioenwet, 1962 (Wet No. 38 van 1962), die Wet op Blindes, 1962 (Wet No. 39 van

Toepassing van sekere wette in Suidwes-Afrika.

of 1962), and the Disability Grants Act, 1962 (Act No. 41 of 1962), to be *mutatis mutandis* applicable in the territory of South-West Africa, including the Caprivi Zipfel, in respect of natives, as defined in section *twenty-five* of the Native Administration Proclamation, 1928 (Proclamation No. 15 of 1928), of the said territory, in so far as those provisions relate to Bantu or Bantu persons.

(2) The said provisions may be declared to be applicable subject to such conditions, amendments (including any amendments made by this Act) or exceptions and with retrospective effect from any date, not earlier than the first day of April, 1965, specified in the proclamation.

(3) The State President may in like manner withdraw or amend any proclamation issued under this section.

Commencement  
of certain  
provisions.

**46.** The provisions of sections *one* to *seventeen*, inclusive, and sections *nineteen* to *forty-two*, inclusive, shall come into operation on the first day of October, 1965.

Short title.

**47.** This Act shall be called the Pension Laws Amendment Act, 1965.

1962), en die Wet op Ongeskiktheidstoelaes, 1962 (Wet No. 41 van 1962), *mutatis mutandis* in die gebied Suidwes-Afrika met inbegrip van die Caprivi Zipfel, ten opsigte van naturelle, soos omskrywe in artikel *vyf-en-twintig* van die Naturelle-administrasie Proklamasie, 1928 (Proklamasie No. 15 van 1928), van bedoelde gebied, van toepassing verklaar vir sover daardie bepalings op Bantoes of Bantoe persone betrekking het.

(2) Bedoelde bepalings kan van toepassing verklaar word onderworpe aan die voorwaardes, wysigings (met inbegrip van enige wysigings by hierdie Wet aangebring) of uitsonderings en met terugwerkende krag van 'n datum, nie vroeër as die eerste dag van April 1965 nie, wat in die proklamasie vermeld word.

(3) Die Staatspresident kan op dergelike wyse enige proklamasie kragtens hierdie artikel uitgevaardig, intrek of wysig.

46. Die bepalings van artikels *een* tot en met *sewentien* en artikels *negentien* tot en met *twee-en-veertig* tree op die eerste dag van Oktober 1965 in werking. Inwerkingtreding van sekere bepalings.

47. Hierdie Wet heet die Wysigingswet op die Pensioenwette, Kort titel. 1965.

**First Schedule.**

(To be inserted as Second Schedule to Act No. 44 of 1942.)

DISABLEMENT PENSIONS AND ALLOWANCES FOR WIVES OR DEPENDENT HUSBANDS.

Percentage of disablement.	European Volunteers (Male and Female).		Non-European Volunteers (other than Bantu Volunteers).		Bantu Volunteers.	
	Disablement Pension.	Allowance for wife or dependent husband.	Disablement Pension.	Allowance for wife.	Disablement Pension.	Allowance for wife.
	per month. R c	per month. R c	per month. R c	per month. R c	per month. R c	per month. R c
100	50.00	12.00	25.00	6.00	12.50	3.00
90	45.00	10.80	22.50	5.40	11.25	2.70
80	40.00	9.60	20.00	4.80	10.00	2.40
70	35.00	8.40	17.50	4.20	8.75	2.10
60	30.00	7.20	15.00	3.60	7.50	1.80
50	25.00	6.00	12.50	3.00	6.25	1.50
40	20.00	4.80	10.00	2.40	5.00	1.20
30	15.00	3.60	7.50	1.80	3.75	0.90
20	10.00	2.40	5.00	1.20	2.50	0.60



**Eerste Bylae.**

(Ingevoeg te word as Tweede Bylae by Wet No. 44 van 1942).

**ONGESKIKTHEIDSPENSIOENE EN TOELAES VIR VROUE OF AFHANKLIKE EGGENOTE.**

Persentasie van ongekiktheid.	Blanke Vrywilligers (Manlik en Vroulik).		Nie-blanke Vrywilligers (behalwe Bantoe-vrywilligers).		Bantoe-vrywilligers.	
	Ongeskiktheidspensioen.	Toelae vir vrou of afhanklike eggenoot.	Ongeskiktheidspensioen.	Toelae vir vrou.	Ongeskiktheidspensioen.	Toelae vir vrou.
	per maand.	per maand.	per maand.	per maand.	per maand.	per maand.
	R c	R c	R c	R c	R c	R c
100	50.00	12.00	25.00	6.00	12.50	3.00
90	45.00	10.80	22.50	5.40	11.25	2.70
80	40.00	9.60	20.00	4.80	10.00	2.40
70	35.00	8.40	17.50	4.20	8.75	2.10
60	30.00	7.20	15.00	3.60	7.50	1.80
50	25.00	6.00	12.50	3.00	6.25	1.50
40	20.00	4.80	10.00	2.40	5.00	1.20
30	15.00	3.60	7.50	1.80	3.75	0.90
20	10.00	2.40	5.00	1.20	2.50	0.60

**Second Schedule.**

(To be inserted as Third Schedule to Act No. 44 of 1942.)

**ALLOWANCES AND EDUCATIONAL GRANTS IN RESPECT OF THE CHILDREN OF A DISABLED VOLUNTEER.**

Percentage of Volunteer's pensionable disablement.	European Volunteers (Male and Female).				Non-European Volunteers (other than Bantu Volunteers).				Bantu Volunteers.			
	Children's Allowances.			Educational grants.	Children's Allowances.			Educational grants.	Children's Allowances.			Educational grants.
	Each child under 6 years.	Each child of 6 years and over but under 13 years.	Each child of 13 years and over.		Each child under 6 years.	Each child of 6 years and over but under 13 years.	Each child of 13 years and over.		Each child under 6 years.	Each child of 6 years and over but under 13 years.	Each child of 13 years and over.	
	per month.	per month.	per month.	Not exceeding per annum.	per month.	per month.	per month.	Not exceeding per annum.	per month.	per month.	per month.	Not exceeding per annum.
R c	R c	R c	R c	R c	R c	R c	R c	R c	R c	R c	R c	
100	8.80	10.40	12.00	96.00	4.40	5.20	6.00	48.00	2.20	2.60	3.00	24.00
90	7.92	9.36	10.80	86.40	3.96	4.68	5.40	43.20	1.98	2.34	2.70	21.60
80	7.04	8.32	9.60	76.80	3.52	4.16	4.80	38.40	1.76	2.08	2.40	19.20
70	6.16	7.28	8.40	67.20	3.08	3.64	4.20	33.60	1.54	1.82	2.10	16.80
60	5.28	6.24	7.20	57.60	2.64	3.12	3.60	28.80	1.32	1.56	1.80	14.40
50	4.40	5.20	6.00	48.00	2.20	2.60	3.00	24.00	1.10	1.30	1.50	12.00
40	3.52	4.16	4.80	38.40	1.76	2.08	2.40	19.20	.88	1.04	1.20	9.60
30	2.64	3.12	3.60	28.80	1.32	1.56	1.80	14.40	.66	.78	.90	7.20
20	1.76	2.08	2.40	19.20	.88	1.04	1.20	9.60	.44	.52	.60	4.80

**Tweede Bylae.**

(Ingevoeg te word as Derde Bylae by Wet No. 44 van 1942).

**TOELAES EN OPVOEDINGSTOEKENINGS TEN OPSIGTE VAN KINDERS VAN 'N VRYWILLIGER WAT AAN ONGESKIKTHEID LY.**

Persentasie van vrywilliger se pensioengewende ongeskiktheid.	Blanke Vrywilligers (Manlik en Vroulik).				Nie-blanke Vrywilligers (behalwe Bantoe-vrywilligers).				Bantoe-vrywilligers.			
	Kindertoelaes.			Opvoedingstoe-kennings.	Kindertoelaes.			Opvoedingstoe-kennings.	Kindertoelaes.			Opvoedingstoe-kennings.
	Elke kind onder 6 jaar.	Elke kind van 6 jaar en ouer maar onder 13 jaar.	Elke kind van 13 jaar en ouer.		Elke kind onder 6 jaar.	Elke kind van 6 jaar en ouer maar onder 13 jaar.	Elke kind van 13 jaar en ouer.		Elke kind onder 6 jaar.	Elke kind van 6 jaar en ouer maar onder 13 jaar.	Elke kind van 13 jaar en ouer.	
	per maand.	per maand.	per maand.	Hoogstens per jaar.	per maand.	per maand.	per maand.	Hoogstens per jaar.	per maand.	per maand.	per maand.	Hoogstens per jaar.
R c	R c	R c	R c	R c	R c	R c	R c	R c	R c	R c	R c	
100	8.80	10.40	12.00	96.00	4.40	5.20	6.00	48.00	2.20	2.60	3.00	24.00
90	7.92	9.36	10.80	86.40	3.96	4.68	5.40	43.20	1.98	2.34	2.70	21.60
80	7.04	8.32	9.60	76.80	3.52	4.16	4.80	38.40	1.76	2.08	2.40	19.20
70	6.16	7.28	8.40	67.20	3.08	3.64	4.20	33.60	1.54	1.82	2.10	16.80
60	5.28	6.24	7.20	57.60	2.64	3.12	3.60	28.80	1.32	1.56	1.80	14.40
50	4.40	5.20	6.00	48.00	2.20	2.60	3.00	24.00	1.10	1.30	1.50	12.00
40	3.52	4.16	4.80	38.40	1.76	2.08	2.40	19.20	.88	1.04	1.20	9.60
30	2.64	3.12	3.60	28.80	1.32	1.56	1.80	14.40	.66	.78	.90	7.20
20	1.76	2.08	2.40	19.20	.88	1.04	1.20	9.60	.44	.52	.60	4.80

**Third Schedule.**

(To be inserted as Fourth Schedule to Act No. 44 of 1942.)

## ATTENDANTS' ALLOWANCES.

European Volunteers (Male and Female).	Non-European Volunteers (other than Bantu Volunteers).	Bantu Volunteers.
per month.	per month.	per month.
R 20	R 10	R 5

**Fourth Schedule.**

(To be inserted as Fifth Schedule to Act No. 44 of 1942.)

## GRATUITIES PAYABLE IN FULL AND FINAL SETTLEMENT FOR DISABLEMENT ASSESSED AT LESS THAN TWENTY PER CENT.

All Ranks.	Disablement.	
	10%	Nominal (i.e. nearer 1% than 10%).
	R c	R c
European Volunteers (Male and Female) .. .. .	450.00	225.00
Non-European Volunteers (other than Bantu Volunteers) .. .. .	225.00	112.50
Bantu Volunteers .. .. .	112.50	56.25

**Derde Bylae.**

(Ingevoeg te word as Vierde Bylae by Wet No. 44 van 1942).

**OPPASSERSTOELAE.**

Blanke Vrywilligers (Manlike en Vroulike).	Nie-blanke Vrywilligers (behalwe Bantoe-vrywilligers).	Bantoe-vrywilligers.
per maand.	per maand.	per maand.
R	R	R
20	10	5

**Vierde Bylae.**

(Ingevoeg te word as Vyfde Bylae by Wet No. 44 van 1942).

**GRATIFIKASIES BETAALBAAR TER VOLLE VEREFFENING VAN ONGESKIKTHEID VASGESTEL OP MINDER DAN TWINTIG PERSENT.**

Alle Range.	Ongeskiktheid.	
	10 %	Nominaal (d.w.s. nader aan 1 % as aan 10 %).
	R c	R c
Blanke Vrywilligers (Manlik en Vroulik) .. .. .	450.00	225.00
Nie-blanke Vrywilligers (behalwe Bantoe-vrywilligers) .. .. .	225.00	112.50
Bantoe-vrywilligers .. .. .	112.50	56.25

**Fifth Schedule.**

(To be inserted as Sixth Schedule to Act No. 44 of 1942.)

**BENEFITS PAYABLE TO THE WIDOWS AND IN RESPECT OF THE CHILDREN OF DECEASED VOLUNTEERS.**

Deceased Volunteer.	Pension payable to widow.	Allowances payable in respect of each child.			Gratuity payable to widow.	Gratuity payable in respect of each child.	Educational grant in respect of each child.
		Under the age of 6 years.	6 years and over but under 13 years.	13 years and over.			
	per month.	per month.	per month.	per month.			Not exceeding per annum.
	R c	R c	R c	R c	R c	R c	R c
European Volunteers . . . . .	40.00	8.80	10.40	12.00	264.00	88.00	96.00
Non-European Volunteers (other than Bantu Volunteers) . . . . .	20.00	4.40	5.20	6.00	Nil	Nil	48.00
Bantu Volunteers . . . . .	10.00	2.20	2.60	3.00	Nil	Nil	24.00

**Vyfte Bylae.**

(Ingevoeg te word as Sesde Bylae by Wet No. 44 van 1942).

VOORDELE BETAALBAAR AAN DIE WEDUWES EN TEN OPSIGTE VAN DIE KINDERS VAN OORLEDE VRYWILLIGERS.

Oorlede Vrywilliger.	Pensioen betaalbaar aan weduwee.	Toelaes betaalbaar ten opsigte van elke kind.			Gratifikasie aan weduwee betaalbaar.	Gratifikasie ten opsigte van elke kind betaalbaar.	Opvoedings-toekenning ten opsigte van elke kind.
		Onder die ouderdom van 6 jaar.	6 jaar en ouer maar onder 13 jaar.	13 jaar en ouer.			
	per maand.	per maand.	per maand.	per maand.			Hoogstens per jaar.
	R c	R c	R c	R c	R c	R c	R c
Blanke Vrywilligers .. .. .	40.00	8.80	10.40	12.00	264.00	88.00	96.00
Nie-blanke Vrywilligers (behalwe Bantoe-vrywilligers) .. .. .	20.00	4.40	5.20	6.00	Nul	Nul	48.00
Bantoe-vrywilligers .. .. .	10.00	2.20	2.60	3.00	Nul	Nul	24.00

**Sixth Schedule.**

(To be inserted as Seventh Schedule to Act No. 44 of 1942).

**PENSIONS TO PARENTS AND DEPENDANTS (OTHER THAN WIDOW, CHILD OR PARENT) OF DECEASED VOLUNTEERS.**

Deceased Volunteer.	Pension to one surviving parent in respect of the loss of—		Pension to two surviving parents in respect of the loss of—		Pension to dependants (other than widow, child or parent).
	One child.	An only child or two or more children.	One child.	An only child or two or more children.	
	Not exceeding per month. R c	Not exceeding per month. R c	Not exceeding per month. R c	Not exceeding per month. R c	Not exceeding per month. R c
European Volunteers (Male and Female) .. ..	30.00	45.00	38.00	57.00	30.00
Non-European Volunteers (other than Bantu Volunteers)	15.00	22.50	19.00	28.50	15.00
Bantu Volunteers .. .. .	7.50	11.25	9.50	14.25	7.50



**Sesde Bylae.**

(Ingevoeg te word as Sewende Bylae by Wet No. 44 van 1942).

PENSIOENE AAN OUERS EN AFHANKLIKES (BEHALWE WEDUWEES, KINDERS OF OUERS) VAN OORLEDE VRYWILLIGERS.

Oorlede Vrywilliger.	Pensioen aan een oorlewende ouer ten opsigte van die verlies van—		Pensioen aan twee oorlewende ouers ten opsigte van die verlies van—		Pensioen aan ander afhanklikes as 'n weduwee, kind of ouer.
	Een kind.	Die enigste kind of twee of meer kinders.	Een kind.	Die enigste kind of twee of meer kinders.	
	Hoogstens per maand.	Hoogstens per maand.	Hoogstens per maand.	Hoogstens per maand.	Hoogstens per maand.
	R c	R c	R c	R c	R c
Blanke Vrywilligers (Manlik en Vroulik) .. ..	30.00	45.00	38.00	57.00	30.00
Nie-blanke Vrywilligers (behalwe Bantoe-vrywilligers)	15.00	22.50	19.00	28.50	15.00
Bantoe-vrywilligers .. .. .	7.50	11.25	9.50	14.25	7.50

### Seventh Schedule.

(To be inserted as Second Schedule to Act No. 35 of 1962.)

#### DISABLEMENT PENSIONS.

Percentage of Disablement.	Brigadier-General, or Fighting General, General, Hoofd Commandant or Assistant Hoofd Commandant in the Republican Forces.	Colonel.	Lieutenant-Colonel, or District Commandant in the Republican Forces.	Major, or Assistant Commandant or Lager Commandant in the Republican Forces.	Ranks up to and including Captain, or Field-Cornet in the Republican forces (male European volunteers and nurses).	Non-European Volunteers.
	per month. R c	per month. R c	per month. R c	per month. R c	per month. R c	per month. R c
100	69.20	60.90	56.70	52.50	50.00	25.00
90	62.28	54.81	51.03	47.25	45.00	22.50
80	55.36	48.72	45.36	42.00	40.00	20.00
70	48.44	42.63	39.69	36.75	35.00	17.50
60	41.52	36.54	34.02	31.50	30.00	15.00
50	34.60	30.45	28.35	26.25	25.00	12.50
40	27.68	24.36	22.68	21.00	20.00	10.00
30	20.76	18.27	17.01	15.75	15.00	7.50
20	13.84	12.18	11.34	10.50	10.00	5.00

**NOTES:**

- (1) An officer above the rank of Captain or Field-Cornet, whose disability is the total loss of vision of one eye (without the enucleation of the eye) shall be paid the appropriate pension applicable to his rank in respect of a disablement assessed at fifty per cent.
- (2) All other officers of commissioned rank, a Field-Cornet, Assistant Field-Cornet or Adjutant and a matron-in-chief, whose disability is the total loss of vision of one eye (without the enucleation of the eye) shall be paid a pension of twenty rand and sixty cents per month.

**Sewende Bylae.**

(Ingevoeg te word as die Tweede Bylae by Wet No. 35 van 1962).

**ONGESKIKTHEIDSPENSIOENE.**

Persentasie van ongeskiktheid.	Brigadier-generaal, of Veggeneraal, Generaal, Hoof-kommandant of Assistent-hoof-kommandant in die Republikeinse magte.	Kolonel.	Luitenant-kolonel, of Distriks-kommandant in die Republikeinse magte.	Majoor, of Assistent-kommandant of Laer-kommandant in die Republikeinse magte.	Range tot en met Kaptein, of Veld-kornet in die Republikeinse magte (blanke manlike vrywilligers en verpleegsters).	Nie-blanke vrywilligers.
	per maand. R c	per maand. R c	per maand. R c	per maand. R c	per maand. R c	per maand. R c
100	69.20	60.90	56.70	52.50	50.00	25.00
90	62.28	54.81	51.03	47.25	45.00	22.50
80	55.36	48.72	45.36	42.00	40.00	20.00
70	48.44	42.63	39.69	36.75	35.00	17.50
60	41.52	36.54	34.02	31.50	30.00	15.00
50	34.60	30.45	28.35	26.25	25.00	12.50
40	27.68	24.36	22.68	21.00	20.00	10.00
30	20.76	18.27	17.01	15.75	15.00	7.50
20	13.84	12.18	11.34	10.50	10.00	5.00

**OPMERKINGS:**

- (1) Aan 'n offisier bo die rang van Kaptein of Veldkornet wie se ongeskiktheid die totale verlies van die gesig van een oog is (sonder verwydering van die oog), word die toepaslike pensioen betaal wat op sy rang van toepassing is ten opsigte van ongeskiktheid vasgestel op vyftig persent.
- (2) Aan alle ander offisiere wat offisierrang beklee, 'n Veldkornet, Assistent-veldkornet of Adjutant en 'n hoofmatrone, wie se ongeskiktheid die totale verlies van die gesig van een oog is (sonder verwydering van die oog), word 'n pensioen van twintig rand en sestig sent per maand betaal.

**Eighth Schedule.**

(To be inserted as Third Schedule to Act No. 35 of 1962.)

**ALLOWANCE FOR WIFE AND ALLOWANCES AND EDUCATIONAL GRANTS IN RESPECT OF CHILDREN OF A DISABLED VOLUNTEER.**

Percentage of volunteer's pensionable disablement.	European Volunteers.					Non-European Volunteers.				
	Wife's Allowance.	Children's Allowances.			Educational Grant.	Wife's Allowance.	Children's Allowances.			Educational Grant.
		Each child under 6 years.	Each child of 6 years and over but under 13 years.	Each child of 13 years and over.			Each child under 6 years.	Each child of 6 years and over but under 13 years.	Each child of 13 years and over.	
	per month.	per month.	per month.	per month.	Not exceeding per annum	per month.	per month.	per month.	per month.	Not exceeding per annum.
	R c	R c	R c	R c	R c	R c	R c	R c	R c	R c
100	12.00	8.80	10.40	12.00	96.00	6.00	4.40	5.20	6.00	48.00
90	10.80	7.92	9.36	10.80	86.40	5.40	3.96	4.68	5.40	43.20
80	9.60	7.04	8.32	9.60	76.80	4.80	3.52	4.16	4.80	38.40
70	8.40	6.16	7.28	8.40	67.20	4.20	3.08	3.64	4.20	33.60
60	7.20	5.28	6.24	7.20	57.60	3.60	2.64	3.12	3.60	28.80
50	6.00	4.40	5.20	6.00	48.00	3.00	2.20	2.60	3.00	24.00
40	4.80	3.52	4.16	4.80	38.40	2.40	1.76	2.08	2.40	19.20
30	3.60	2.64	3.12	3.60	28.80	1.80	1.32	1.56	1.80	14.40
20	2.40	1.76	2.08	2.40	19.20	1.20	.88	1.04	1.20	9.60

**Agste Bylae.**

(Ingevoeg te word as die Derde Bylae by Wet No. 35 van 1962).

TOELAE TEN AANSIEN VAN VROU EN TOELAES EN OPVOEDINGSTOEKENINGS TEN OPSIGTE VAN DIE KINDERS VAN 'N VRYWILLIGER WAT AAN ONGESKIKTHEID LY.

Persentasie van vrywilliger se pensioengewende ongeskiktheid.	Blanke Vrywilligers.					Nie-blanke Vrywilligers.				
	Vrou se Toelae.	Kindertoelae.			Opvoedings-toekenning.	Vrou se Toelae.	Kindertoelae.			Opvoedings-toekenning.
		Elke kind onder 6 jaar	Elke kind van 6 jaar en ouer maar onder 13 jaar.	Elke kind van 13 jaar en ouer.			Elke kind onder 6 jaar.	Elke kind van 6 jaar en ouer maar onder 13 jaar.	Elke kind van 13 jaar en ouer.	
	per maand.	per maand.	per maand.	per maand.	Hoogstens per jaar.	per maand.	per maand.	per maand.	per maand.	Hoogstens per jaar.
	R c	R c	R c	R c	R c	R c	R c	R c	R c	R c
100	12.00	8.80	10.40	12.00	96.00	6.00	4.40	5.20	6.00	48.00
90	10.80	7.92	9.36	10.80	86.40	5.40	3.96	4.68	5.40	43.20
80	9.60	7.04	8.32	9.60	76.80	4.80	3.52	4.16	4.80	38.40
70	8.40	6.16	7.28	8.40	67.20	4.20	3.08	3.64	4.20	33.60
60	7.20	5.28	6.24	7.20	57.60	3.60	2.64	3.12	3.60	28.80
50	6.00	4.40	5.20	6.00	48.00	3.00	2.20	2.60	3.00	24.00
40	4.80	3.52	4.16	4.80	38.40	2.40	1.76	2.08	2.40	19.20
30	3.60	2.64	3.12	3.60	28.80	1.80	1.32	1.56	1.80	14.40
20	2.40	1.76	2.08	2.40	19.20	1.20	.88	1.04	1.20	9.60

**Ninth Schedule.**

(To be inserted as Fourth Schedule to Act No. 35 of 1962.)

**BENEFITS PAYABLE TO THE WIDOWS AND IN RESPECT OF THE CHILDREN OF DECEASED VOLUNTEERS.**

Rank of Volunteer.	Widow's pension.	Widow's gratuity.	Children's Allowances.			Educational grant in respect of each child.
			First child.	Second and subsequent children.		
	per month. R c	R	per month. R c	per month. R c		Not exceeding per annum. R c
1. Brigadier-General, or Fighting General, General, Hoofd Commandant or Assistant Hoofd Commandant in the Republican Forces .. .. .	62.00	1,800	7.25	7.25		96.00
2. Colonel .. .. .	45.33	1,200	6.28	5.80		96.00
3. Lieutenant-Colonel, or District Commandant in the Republican Forces ..	42.00	900	6.28	5.80		96.00
			Each child under 6 years.	Each child of 6 years and over but under 13 years.	Each child of 13 years and over.	
			per month. R c	per month. R c	per month. R c	
4. All ranks up to and including Major, or Assistant-Commandant or Lager Commandant in the Republican Forces (European volunteers) .. .. .	40.00	264	8.80	10.40	12.00	96.00
5. Non-European Volunteers .. .. .	20.00	Nil	4.40	5.20	6.00	48.00

NOTE: In lieu of the benefits specified against the number 4 in this Schedule, the widow of an officer who held the rank of Major, Captain or Lieutenant (Assistant-Commandant or Lager Commandant, Field-Cornet or Assistant Field-Cornet in the Republican Forces) may elect to receive pension, gratuity, allowances and educational grant at the appropriate rate specified hereunder:

Rank of Volunteer.	Widow's pension.	Widow's gratuity.	Children's Allowances.		Educational grant in respect of each child.
			First child.	Second and subsequent children.	
	per month. R c	R	per month. R c	per month. R c	Not exceeding per annum. R c
6. Major, or Assistant Commandant or Lager Commandant in the Republican Forces .. .. .	33.82	600	6.28	5.80	96.00
7. Captain, or Field-Cornet in the Republican Forces .. .. .	24.17	500	6.28	5.80	96.00
8. Lieutenant, or Assistant Field-Cornet in the Republican Forces .. .. .	24.17	280	6.28	5.80	96.00

**Negende Bylae.**

(Ingevoeg te word as die Vierde Bylae by Wet No. 35 van 1962).

VOORDELE BETAALBAAR AAN DIE WEDUWES EN TEN OPSIGTE VAN DIE KINDERS VAN OORLEDE VRYWILLIGERS.

Rang van Vrywilliger.	Weduwees-pensioen.	Weduwees-gratifikasie.	Kindertoelaes.			Opvoedings-toekenning ten opsigte van elke kind.
			Eerste kind.	Tweede en volgende kinders.		
	per maand. R c	R	per maand. R c	per maand. R c		Hoogstens per jaar. R c
1. Brigadier-generaal, of Veggeneraal, Generaal, Hoof-kommandant of Assistent-hoof-kommandant in die Republikeinse magte	62.00	1,800	7.25	7.25		96.00
2. Kolonel .. .. .	45.33	1,200	6.28	5.80		96.00
3. Luitenant-kolonel of Distrikskommandant in die Republikeinse magte .. .. .	42.00	900	6.28	5.80		96.00
			Elke kind onder 6 jaar.	Elke kind van 6 jaar en ouer maar onder 13 jaar.	Elke kind van 13 jaar en ouer.	
			per maand. R c	per maand. R c	per maand. R c	
4. Alle range tot en met Majoor of Assistent-kommandant of Laer-kommandant in die Republikeinse magte (blanke vrywilligers) .. .. .	40.00	264	8.80	10.40	12.00	96.00
5. Nie-blanke vrywilligers .. .. .	20.00	Nul	4.40	5.20	6.00	48.00

OPMERKING: In plaas van die voordele vermeld teenoor die nommer 4 in hierdie Bylae, kan die weduwe van 'n offisier wat die rang van Majoor, Kaptein of Luitenant (Assistent-kommandant of Laer-kommandant, Veldkornet of Assistent-veldkornet in die Republikeinse magte) beklee het, verkies om pensioen, gratifikasie, toelaes en opvoedingstoekenning volgens die toepaslike skaal hieronder vermeld, te ontvang.

Rang van Vrywilliger.	Weduwees-pensioen.	Weduwees-gratifikasie.	Kindertoelaes.		Opvoedings-toekenning ten opsigte van elke kind.
			Eerste kind.	Tweede en volgende kinders.	
	per maand. R c	R	per maand. R c	per maand. R c	Hoogstens per jaar. R c
6. Majoor, of Assistent-kommandant of Laer-kommandant in die Republikeinse magte	33.82	600	6.28	5.80	96.00
7. Kaptein, of Veldkornet in die Republikeinse magte	24.17	500	6.28	5.80	96.00
8. Luitenant, of Assistent-veldkornet in die Republikeinse magte .. .. .	24.17	280	6.28	5.80	96.00

**Tenth Schedule.**

(To be inserted as Fifth Schedule to Act No. 35 of 1962.)

**PENSIONS TO PARENTS AND DEPENDANTS OF DECEASED VOLUNTEERS.**

Deceased Volunteer.	Pension to one surviving parent in respect of the loss of—			Pension to two surviving parents in respect of the loss of—			Pension to Dependants.
	One child.	An only child.	Two or more children.	One child.	An only child.	Two or more children.	
	Not exceeding per month.	Not exceeding per month.	Not exceeding per month.	Not exceeding per month.	Not exceeding per month.	Not exceeding per month.	Not exceeding per month.
	R c	R c	R c	R c	R c	R c	R c
European Volunteers .. ..	30.00	45.00	45.00	38.00	57.00	57.00	30.00
Non-European Volunteers .. ..	17.40	22.50	26.35	19.00	28.50	28.50	15.00



**Tiende Bylae.**

(Ingevoeg te word as die Vyfde Bylae by Wet No. 35 van 1962).

**PENSIOENE AAN OUERS EN AFHANKLIKES VAN OORLEDE VRYWILLIGERS.**

Oorlede Vrywilliger.	Pensioen aan een oorlewende ouer ten opsigte van die verlies van—			Pensioen aan twee oorlewende ouers ten opsigte van die verlies van—			Pensioen aan afhanklikes.
	Een kind.	Die enigste kind.	Twee of meer kinders.	Een kind.	Die enigste kind.	Twee of meer kinders.	
	Hoogstens per maand. R c	Hoogstens per maand. R c	Hoogstens per maand. R c	Hoogstens per maand. R c	Hoogstens per maand. R c	Hoogstens per maand. R c	
Blanke Vrywilligers .. ..	30.00	45.00	45.00	38.00	57.00	57.00	30.00
Nie-Blanke Vrywilligers .. ..	17.40	22.50	26.35	19.00	28.50	28.50	15.00

**Eleventh Schedule.**

(To be inserted as Second Schedule to Act No. 44 of 1942.)

**DISABLEMENT PENSIONS AND ALLOWANCES FOR WIVES OR DEPENDENT HUSBANDS.**

Percentage of disablement.	European Volunteers (Male and Female).		Non-European Volunteers (other than Bantu Volunteers).		Bantu Volunteers.	
	Disablement Pension.	Allowance for wife or dependent husband.	Disablement Pension.	Allowance for wife.	Disablement Pension.	Allowance for wife.
	per month. R c	per month. R c	per month. R c	per month. R c	per month. R c	per month. R c
100	54.00	13.20	27.00	6.60	13.50	3.30
90	48.60	11.88	24.30	5.94	12.15	2.97
80	43.20	10.56	21.60	5.28	10.80	2.64
70	37.80	9.24	18.90	4.62	9.45	2.31
60	32.40	7.92	16.20	3.96	8.10	1.98
50	27.00	6.60	13.50	3.30	6.75	1.65
40	21.60	5.28	10.80	2.64	5.40	1.32
30	16.20	3.96	8.10	1.98	4.05	.99
20	10.80	2.64	5.40	1.32	2.70	.66

**Elfde Bylae.**

(Ingevoeg te word as Tweede Bylae by Wet No. 44 van 1942).

**ONGESKIKTHEIDSPENSIOENE EN TOELAES VIR VROUE OF AFHANKLIKE EGGENOTE.**

Persentasie van ongeskiktheid.	Blanke Vrywilligers (Manlik en Vroulik).		Nie-blanke Vrywilligers (behalwe Bantoe-vrywilligers).		Bantoe-vrywilligers.	
	Ongeskiktheidspensioen.	Toelae vir vrou of afhanklike eggenoot.	Ongeskiktheidspensioen.	Toelae vir vrou.	Ongeskiktheidspensioen.	Toelae vir vrou.
	per maand.	per maand.	per maand.	per maand.	per maand.	per maand.
	R c	R c	R c	R c	R c	R c
100	54.00	13.20	27.00	6.60	13.50	3.30
90	48.60	11.88	24.30	5.94	12.15	2.97
80	43.20	10.56	21.60	5.28	10.80	2.64
70	37.80	9.24	18.90	4.62	9.45	2.31
60	32.40	7.92	16.20	3.96	8.10	1.98
50	27.00	6.60	13.50	3.30	6.75	1.65
40	21.60	5.28	10.80	2.64	5.40	1.32
30	16.20	3.96	8.10	1.98	4.05	.99
20	10.80	2.64	5.40	1.32	2.70	.66

**Twelfth Schedule.**

(To be inserted as Third Schedule to Act No. 44 of 1942.)

**ALLOWANCES AND EDUCATIONAL GRANTS IN RESPECT OF THE CHILDREN OF A DISABLED VOLUNTEER.**

Percentage of Volunteer's pensionable disablement.	European Volunteers (Male and Female).				Non-European Volunteers (other than Bantu Volunteers).				Bantu Volunteers.			
	Children's Allowances.			Educational grants.	Children's Allowances.			Educational grants.	Children's Allowances.			Education grants.
	Each child under 6 years.	Each child of 6 years and over but under 13 years.	Each child of 13 years and over.		Each child under 6 years.	Each child of 6 years and over but under 13 years.	Each child of 13 years and over.		Each child under 6 years.	Each child of 6 years and over but under 13 years.	Each child of 13 years and over.	
	per month.	per month.	per month.	Not exceeding per annum.	per month.	per month.	per month.	Not exceeding per annum.	per month.	per month.	per month.	Not exceeding per annum.
R c	R c	R c	R c	R c	R c	R c	R c	R c	R c	R c	R c	
100	10.00	11.60	13.20	96.00	5.00	5.80	6.60	48.00	2.50	2.90	3.30	24.00
90	9.00	10.44	11.80	86.40	4.50	5.22	5.94	43.20	2.25	2.61	2.97	21.60
80	8.00	9.28	10.56	76.80	4.00	4.64	5.28	38.40	2.00	2.32	2.64	19.20
70	7.00	8.12	9.24	67.20	3.50	4.06	4.62	33.60	1.75	2.03	2.31	16.80
60	6.00	6.76	7.92	57.60	3.00	3.38	3.96	28.80	1.50	1.69	1.98	14.40
50	5.00	5.80	6.60	48.00	2.50	2.90	3.30	24.00	1.25	1.45	1.65	12.00
40	4.00	4.64	5.28	38.40	2.00	2.32	2.64	19.20	1.00	1.16	1.32	9.60
30	3.00	3.48	3.96	28.80	1.50	1.74	1.98	14.40	.75	.87	.99	7.20
20	2.00	2.32	2.64	19.20	1.00	1.16	1.32	9.60	.50	.58	.66	4.80

**Twaalfde Bylae.**

(Ingevoeg te word as Derde Bylae by Wet No. 44 van 1942).

**TOELAES EN OPVOEDINGSTOEKENNINGS TEN OPSIGTE VAN KINDERS VAN 'N VRYWILLIGER WAT AAN ONGESKIKTHEID LY.**

Persentasie van vrywilliger se pensioengewende ongeskiktheid.	Blanke Vrywilligers (Manlik en Vroulik).				Nie-blanke Vrywilligers (behalwe Bantoe-vrywilligers).				Bantoe-vrywilligers.			
	Kindertoelaes.			Opvoedingstoe-kennings.	Kindertoelaes.			Opvoedingstoe-kennings.	Kindertoelaes.			Opvoedingstoe-kennings.
	Elke kind onder 6 jaar.	Elke kind van 6 jaar en ouer maar onder 13 jaar.	Elke kind van 13 jaar en ouer.		Elke kind onder 6 jaar.	Elke kind van 6 jaar en ouer maar onder 13 jaar.	Elke kind van 13 jaar en ouer.		Elke kind onder 6 jaar.	Elke kind van 6 jaar en ouer maar onder 13 jaar.	Elke kind van 13 jaar en ouer.	
	per maand.	per maand.	per maand.	Hoogstens per jaar.	per maand.	per maand.	per maand.	Hoogstens per jaar.	per maand.	per maand.	per maand.	Hoogstens per jaar.
	R c	R c	R c	R c	R c	R c	R c	R c	R c	R c	R c	R c
100	10.00	11.60	13.20	96.00	5.00	5.80	6.60	48.00	2.50	2.90	3.30	24.00
90	9.00	10.44	11.80	86.40	4.50	5.22	5.94	43.20	2.25	2.61	2.97	21.60
80	8.00	9.28	10.56	76.80	4.00	4.64	5.28	38.40	2.00	2.32	2.64	19.20
70	7.00	8.12	9.24	67.20	3.50	4.06	4.62	33.60	1.75	2.03	2.31	16.80
60	6.00	6.76	7.92	57.60	3.00	3.38	3.96	28.80	1.50	1.69	1.98	14.40
50	5.00	5.80	6.60	48.00	2.50	2.90	3.30	24.00	1.25	1.45	1.65	12.00
40	4.00	4.64	5.28	38.40	2.00	2.32	2.64	19.20	1.00	1.16	1.32	9.60
30	3.00	3.48	3.96	28.80	1.50	1.74	1.98	14.40	.75	.87	.99	7.20
20	2.00	2.32	2.64	19.20	1.00	1.16	1.32	9.60	.50	.58	.66	4.80

**Thirteenth Schedule.**

(To be inserted as Fifth Schedule to Act No. 44 of 1942.)

GRATUITIES PAYABLE IN FULL AND FINAL SETTLEMENT FOR DISABLEMENT ASSESSED AT LESS THAN TWENTY PER CENT.

All Ranks.	Disablement.	
	10 %	Nominal (i.e. nearer 1 % than 10 %).
	R c	R c
European Volunteers (Male and Female) .. .. .	480.00	240.00
Non-European Volunteers (other than Bantu Volunteers) .. .. .	240.00	120.00
Bantu Volunteers .. .. .	120.00	60.00

**Dertiende Bylae.**

(Ingevoeg te word as Vyfde Bylae by Wet No. 44 van 1942).

GRATIFIKASIES BETAALBAAR TER VOLLE VEREFFENING VAN ONGESKIKTHEID VASGESTEL OP MINDER DAN TWINTIG PERSENT.

Alle Range.	Ongeskiktheid.	
	10 %	Nominaal (d.w.s. nader aan 1 % as aan 10 %).
	R c	R c
Blanke Vrywilligers (Manlik en Vroulik) .. .. .	480.00	240.00
Nie-blanke Vrywilligers (behalwe Bantoe-vrywilligers) .. .. .	240.00	120.00
Bantoe-vrywilligers .. .. .	120.00	60.00

**Fourteenth Schedule.**

(To be inserted as Sixth Schedule to Act No. 44 of 1942.)

BENEFITS PAYABLE TO THE WIDOWS AND IN RESPECT OF THE CHILDREN OF DECEASED VOLUNTEERS.

Deceased Volunteer.	Pension payable to widow.	Allowances payable in respect of each child.			Gratuity payable to widow.	Gratuity payable in respect of each child.	Educational grant in respect of each child.
		Under the age of 6 years.	6 years and over but under 13 years.	13 years and over.			
	per month.	per month.	per month.	per month.			Not exceeding per annum.
	R c	R c	R c	R c	R c	R c	R c
European Volunteers .. .. .	43.20	10.00	11.60	13.20	264.00	88.00	96.00
Non-European Volunteers (other than Bantu Volunteers) .. .. .	21.60	5.00	5.80	6.60	Nil	Nil	48.00
Bantu Volunteers .. .. .	10.80	2.50	2.90	3.30	Nil	Nil	24.00



**Veertiende Bylae.**

(Ingevoeg te word as Sesde Bylae by Wet No. 44 van 1942).

VOORDELE BETAALBAAR AAN DIE WEDUWES EN TEN OPSIGTE VAN DIE KINDERS VAN OORLEDE VRYWILLIGERS.

Oorlede Vrywilliger.	Pensioen betaalbaar aan weduwee.	Toelaes betaalbaar ten opsigte van elke kind.			Gratifikasie aan weduwee betaalbaar.	Gratifikasie ten opsigte van elke kind betaalbaar.	Opvoedings-toekenning ten opsigte van elke kind.
		Onder die ouderdom van 6 jaar.	6 jaar en ouer maar onder 13 jaar.	13 jaar en ouer.			
	per maand.	per maand.	per maand.	per maand.			Hoogstens per jaar.
	R c	R c	R c	R c	R c	R c	R c
Blanke Vrywilligers .. .. .	43.20	10.00	11.60	13.20	264.00	88.00	96.00
Nie-blanke Vrywilligers (behalwe Bantoe-vrywilligers) .. .. .	21.60	5.00	5.80	6.60	Nul	Nul	48.00
Bantoe-vrywilligers .. .. .	10.80	2.50	2.90	3.30	Nul	Nul	24.00

**Fifteenth Schedule.**

(To be inserted as Seventh Schedule to Act No. 44 of 1942).

**PENSIONS TO PARENTS AND DEPENDANTS (OTHER THAN WIDOW, CHILD OR PARENT) OF DECEASED VOLUNTEERS.**

Deceased Volunteer.	Pension to one surviving parent in respect of the loss of—		Pension to two surviving parents in respect of the loss of—		Pension to dependants (other than widow, child or parent).
	One child.	An only child or two or more children.	One child.	An only child or two or more children.	
	Not exceeding per month. R c	Not exceeding per month. R c	Not exceeding per month. R c	Not exceeding per month. R c	Not exceeding per month. R c
European Volunteers (Male and Female) .. .. .	32.48	48.72	40.60	60.90	32.48
Non-European Volunteers (other than Bantu Volunteers)	16.24	24.36	20.30	30.45	16.24
Bantu Volunteers .. .. .	8.12	12.18	10.15	15.23	8.12

**Vyftiende Bylae.**

(Ingevoeg te word as Sewende Bylae by Wet No. 44 van 1942).

PENSIOENE AAN OUIERS EN AFHANKLIKES (BEHALWE WEDUWEEES, KINDERS OF OUIERS) VAN OORLEDE VRYWILLIGERS.

Oorlede Vrywilliger.	Pensioen aan een oorlewende ouer ten opsigte van die verlies van—		Pensioen aan twee oorlewende ouers ten opsigte van die verlies van—		Pensioen aan ander afhanklikes as 'n weduwee, kind of ouer.
	Een kind.	Die enigste kind of twee of meer kinders.	Een kind.	Die enigste kind of twee of meer kinders.	
	Hoogstens per maand.	Hoogstens per maand.	Hoogstens per maand.	Hoogstens per maand.	Hoogstens per maand.
	R c	R c	R c	R c	R c
Blanke Vrywilligers (Manlik en Vroulik) .. .. .	32.48	48.72	40.60	60.90	32.48
Nie-blanke Vrywilligers (behalwe Bantoe-vrywilligers) ..	16.24	24.36	20.30	30.45	16.24
Bantoe-vrywilligers .. .. .	8.12	12.18	10.15	15.23	8.12

## Sixteenth Schedule.

(To be inserted as Second Schedule to Act No. 35 of 1962).

## DISABLEMENT PENSIONS.

Percentage of Disablement.	Brigadier-General or Fighting General, Hoofd Commandant or Assistant Hoofd Commandant in the Republican Forces.	Colonel.	Lieutenant-Colonel, or District Commandant in the Republican Forces.	Ranks up to and including Major, or Assistant Commandant in the Republican Forces (male European volunteers and nurses).	Non-European Volunteers.
	per month. R c	per month. R c	per month. R c	per month. R c	per month. R c
100	69.20	60.90	56.70	54.00	27.00
90	62.28	54.81	51.03	48.60	24.30
80	55.36	48.72	45.36	43.20	21.60
70	48.44	42.63	39.69	37.80	18.90
60	41.52	36.54	34.02	32.40	16.20
50	34.60	30.45	28.35	27.00	13.50
40	27.68	24.36	22.68	21.60	10.80
30	20.76	18.27	17.01	16.20	8.10
20	13.84	12.18	11.34	10.80	5.40

## NOTES:

- (1) An officer above the rank of Major or Assistant-Commandant or Lager Commandant whose disability is the total loss of vision of one eye (without the enucleation of the eye) shall be paid the appropriate pension applicable to his rank in respect of a disablement assessed at fifty per cent.
- (2) A Major or Assistant-Commandant or Lager Commandant, whose disability is the total loss of vision of one eye (without the enucleation of the eye) shall be paid a pension of twenty-six rand and twenty-five cents per month.

**Sestiende Bylae.**

(Ingevoeg te word as Tweede Bylae by Wet No. 35 van 1962).

ONGESKIKTHEIDSPENSIOENE.

Persentasie van Ongeskiktheid.	Brigadier-generaal, of Veggeneraal, Generaal, Hoof-kommandant of Assistent-hoof-kommandant in die Republikeinse magte.	Kolonel.	Luitenant-kolonel, of Distriks-kommandant in die Republikeinse magte.	Range tot en met Majoor, of Assistent-kommandant in die Republikeinse magte (blanke manlike vrywilligers en verpleegsters).	Nie-blanke Vrywilligers.
per maand. R c	per maand. R c	per maand. R c	per maand. R c	per maand. R c	per maand. R c
100	69.20	60.90	56.70	54.00	27.00
90	62.28	54.81	51.03	48.60	24.30
80	55.36	48.72	45.36	43.20	21.60
70	48.44	42.63	39.69	37.80	18.90
60	41.52	36.54	34.02	32.40	16.20
50	34.60	30.45	28.35	27.00	13.50
40	27.68	24.36	22.68	21.60	10.80
30	20.76	18.27	17.01	16.20	8.10
20	13.84	12.18	11.34	10.80	5.40

**OPMERKINGS:**

- (1) Aan 'n offisier bo die rang van Majoor, of Assistent-kommandant of Laer-kommandant wie se ongeskiktheid die totale verlies van die gesig van een oog is (sonder verwydering van die oog), word die toepaslike pensioen betaal wat op sy rang van toepassing is ten opsigte van ongeskiktheid vasgestel op vyftig persent.
- (2) Aan 'n Majoor of Assistent-kommandant of Laer-kommandant wie se ongeskiktheid die totale verlies van die gesig van een oog is (sonder verwydering van die oog), word 'n pensioen van ses-en-twintig rand en vyf-en-twintig sent per maand betaal.

## Seventeenth Schedule.

(To be inserted as Third Schedule to Act No. 35 of 1962.)

## ALLOWANCE FOR WIFE AND ALLOWANCES AND EDUCATIONAL GRANTS IN RESPECT OF CHILDREN OF A DISABLED VOLUNTEER.

Percentage of volunteer's pensionable disablement.	European Volunteers.					Non-European Volunteers.				
	Wife's Allowance.	Children's Allowances.			Educational Grant.	Wife's Allowance.	Children's Allowances.			Educational Grant.
		Each child under 6 years.	Each child of 6 years and over but under 13 years.	Each child of 13 years and over.			Each child under 6 years.	Each child of 6 years and over but under 13 years.	Each child of 13 years and over.	
	per month.	per month.	per month.	per month.	Not exceeding per annum	per month.	per month.	per month.	per month.	Not exceeding per annum.
	R c	R c	R c	R c	R c	R c	R c	R c	R c	R c
100	13.20	10.00	11.60	13.20	96.00	6.60	5.00	5.80	6.60	48.00
90	11.88	9.00	10.44	11.88	86.40	5.94	4.50	5.22	5.94	43.20
80	10.56	8.00	9.28	10.56	76.80	5.28	4.00	4.64	5.28	38.40
70	9.24	7.00	8.12	9.24	67.20	4.62	3.50	4.06	4.62	33.60
60	7.92	6.00	6.76	7.92	57.60	3.96	3.00	3.38	3.96	28.80
50	6.60	5.00	5.80	6.60	48.00	3.30	2.50	2.90	3.30	24.00
40	5.28	4.00	4.64	5.28	38.40	2.64	2.00	2.32	2.64	19.20
30	3.96	3.00	3.48	3.96	28.80	1.98	1.50	1.74	1.98	14.40
20	2.64	2.00	2.32	2.64	19.20	1.32	1.00	1.16	1.32	9.60

### Sewentiende Bylae.

(Ingevoeg te word as die Derde Bylae by Wet No. 35 van 1962).

TOELAE TEN AANSIEN VAN VROU EN TOELAES EN OPVOEDINGSTOEKENNINGS TEN OPSIGTE VAN DIE KINDERS VAN 'N VRYWILLIGER WAT AAN ONGESKIKTHEID LY.

Persentasie van vrywilliger se pensioengewende ongeskiktheid.	Blanke Vrywilligers.					Nie-blanke Vrywilligers.				
	Vrou se Toelae.	Kindertoelae.			Opvoedings-toekenning.	Vrou se Toelae.	Kindertoelae.			Opvoedings-toekenning.
		Elke kind onder 6 jaar	Elke kind van 6 jaar en ouer maar onder 13 jaar.	Elke kind van 13 jaar en ouer.			Elke kind onder 6 jaar.	Elke kind van 6 jaar en ouer maar onder 13 jaar.	Elke kind van 13 jaar en ouer.	
	per maand.	per maand.	per maand.	per maand.	Hoogstens per jaar.	per maand.	per maand.	per maand.	per maand.	Hoogstens per jaar.
	R c	R c	R c	R c	R c	R c	R c	R c	R c	R c
100	13.20	10.00	11.60	13.20	96.00	6.60	5.00	5.80	6.60	48.00
90	11.88	9.00	10.44	11.88	86.40	5.94	4.50	5.22	5.94	43.20
80	10.56	8.00	9.28	10.56	76.80	5.28	4.00	4.64	5.28	38.40
70	9.24	7.00	8.12	9.24	67.20	4.62	3.50	4.06	4.62	33.60
60	7.92	6.00	6.76	7.92	57.60	3.96	3.00	3.38	3.96	28.80
50	6.60	5.00	5.80	6.60	48.00	3.30	2.50	2.90	3.30	24.00
40	5.28	4.00	4.64	5.28	38.40	2.64	2.00	2.32	2.64	19.20
30	3.96	3.00	3.48	3.96	28.80	1.98	1.50	1.74	1.98	14.40
20	2.64	2.00	2.32	2.64	19.20	1.32	1.00	1.16	1.32	9.60

**Eighteenth Schedule.**

(To be inserted as Fourth Schedule to Act No. 35 of 1962.)

**BENEFITS PAYABLE TO THE WIDOWS AND IN RESPECT OF THE CHILDREN OF DECEASED VOLUNTEERS.**

Rank of Volunteer.	Widow's pension.	Widow's gratuity.	Children's Allowances.			Educational grant in respect of each child.
			First child.	Second and subsequent children.		
	per month. R c	R	per month. R c	per month. R c		Not exceeding per annum. R c
1. Brigadier-General, or Fighting General, General, Hoofd Commandant or Assistant Hoofd Commandant in the Republican Forces .. .. .	62.00	1,800	7.25	7.25		96.00
2. Colonel .. .. .	45.33	1,200	6.28	5.80		96.00
			Each child under 6 years.	Each child of 6 years and over but under 13 years.	Each child of 13 years and over.	
	per month. R c		per month. R c	per month. R c	per month. R c	
3. All ranks up to and including Lieutenant Colonel, or District Commandant in the Republican Forces (European Volunteers)	43.20	264	10.00	11.60	13.20	96.00
4. Non-European volunteers .. .. .	21.60	Nil	5.00	5.80	6.60	48.00

NOTE: In lieu of the benefits specified against the number 3 in this Schedule, the widow of an officer who held the rank of Lieutenant-Colonel, Major, Captain or Lieutenant (District Commandant, Assistant Commandant or Lager Commandant, Field-Cornet or Assistant Field-Cornet in the Republican Forces) may elect to receive pension, gratuity, allowances and educational grant at the appropriate rate specified hereunder:—

Rank of Volunteer.	Widow's pension.	Widow's gratuity.	Children's Allowances.		Educational grant in respect of each child.
			First child.	Second and subsequent children.	
	per month. R c	R	per month. R c	per month. R c	Not exceeding per annum. R c
5. Lieutenant-Colonel or District Commandant in the Republican Forces ..	42.00	900	6.28	5.80	96.00
6. Major, or Assistant Commandant or Lager Commandant in the Republican Forces .. .. .	33.82	600	6.28	5.80	96.00
7. Captain or Field Cornet in the Republican Forces .. .. .	24.17	500	6.28	5.80	96.00
8. Lieutenant or Assistant Field-Cornet in the Republican Forces .. .. .	24.17	280	6.28	5.80	96.00



### Agtiende Bylae.

(Ingevoeg te word as die Vierde Bylae by Wet No. 35 van 1962).

#### VOORDELE BETAALBAAR AAN DIE WEDUWES EN TEN OPSIGTE VAN DIE KINDERS VAN OORLEDE VRYWILLIGERS.

Rang van Vrywilliger.	Weduwees-pensioen.	Weduwees-gratifikasie.	Kindertoelaes.			Opvoedings-toekenning ten opsigte van elke kind.
			Eerste kind.	Tweede en volgende kinders.		
	per maand. R c	R	per maand. R c	per maand. R c		Hoogstens per jaar. R c
1. Brigadier-generaal, of Veggeneraal, Generaal, Hoof-kommandant of Assistent-Hoof-kommandant in die Republikeinse magte .. .. .	62.00	1,800	7.25	7.25		96.00
2. Kolonel .. .. .	45.33	1,200	6.28	5.80		96.00
			Elke kind onder 6 jaar.	Elke kind van 6 jaar en ouer maar onder 13 jaar.	Elke kind van 13 jaar en ouer.	
			per maand. R c	per maand. R c	per maand. R c	
3. Alle range tot en met Luitenant-kolonel, of Distrikskommandant in die Republikeinse magte (blanke vrywilligers) ..	43.20	264	10.00	11.60	13.20	96.00
4. Nie-blanke vrywilligers .. .. .	21.60	Nul	5.00	5.80	6.60	48.00

OPMERKING: In plaas van die voordele vermeld teenoor die nommer 3 in hierdie Bylae, kan die weduwee van 'n offisier wat die rang van Luitenant-kolonel, Majoor, Kaptein of Luitenant (Distrikskommandant, Assistent-kommandant of Laer-kommandant, Veldkornet of Assistent-veldkornet in die Republikeinse magte) beklee het, verkies om pensioen, gratifikasie, toelaes en opvoedingstoekenning volgens die toepaslike skaal hieronder vermeld, te ontvang.

Rang van Vrywilliger.	Weduwees-pensioen.	Weduwees-gratifikasie.	Kindertoelaes.		Opvoedings-toekenning ten opsigte van elke kind.
			Eerste kind.	Tweede en volgende kinders.	
	per maand. R c	R	per maand. R c	per maand. R c	Hoogstens per jaar. R c
5. Luitenant-kolonel, of Distrikskommandant in die Republikeinse magte ..	42.00	900	6.28	5.80	96.00
6. Majoor, of Assistent-kommandant of Laer-kommandant in die Republikeinse magte .. .. .	33.82	600	6.28	5.80	96.00
7. Kaptein, of Veldkornet in die Republikeinse magte .. .. .	24.17	500	6.28	5.80	96.00
8. Luitenant, of Assistent-veldkornet in die Republikeinse magte .. .. .	24.17	280	6.28	5.80	96.00

**Nineteenth Schedule.**

(To be inserted as Fifth Schedule to Act No. 35 of 1962.)

**PENSIONS TO PARENTS AND DEPENDANTS OF DECEASED VOLUNTEERS.**

Deceased Volunteer.	Pension to one surviving parent in respect of the loss of—			Pension to two surviving parents in respect of the loss of—			Pension to Dependants.
	One child.	An only child.	Two or more children.	One child.	An only child.	Two or more children.	
	Not exceeding per month.	Not exceeding per month.	Not exceeding per month.	Not exceeding per month.	Not exceeding per month.	Not exceeding per month.	Not exceeding per month.
	R c	R c	R c	R c	R c	R c	R c
European Volunteers .. ..	32.48	48.72	48.72	40.60	60.90	60.90	32.48
Non-European Volunteers .. ..	17.40	24.36	26.35	20.30	30.45	30.45	16.24

**Negentiende Bylae.**

(Ingevoeg te word as die Vyfde Bylae by Wet No. 35 van 1962).

**PENSIOENE AAN OUERS EN AFHANKLIKES VAN OORLEDE VRYWILLIGERS.**

Oorlede Vrywilliger.	Pensioen aan een oorlewende ouer ten opsigte van die verlies van—			Pensioen aan twee oorlewende ouers ten opsigte van die verlies van—			Pensioen aan afhanklikes.
	Een kind.	Die enigste kind.	Twee of meer kinders.	Een kind.	Die enigste kind.	Twee of meer kinders.	
	Hoogstens per maand. R c	Hoogstens per maand. R c	Hoogstens per maand. R c	Hoogstens per maand. R c	Hoogstens per maand. R c	Hoogstens per maand. R c	
Blanke Vrywilligers .. ..	32.48	48.72	48.72	40.60	60.90	60.90	32.48
Nie-blanke Vrywilligers .. ..	17.40	24.36	26.35	20.30	30.45	30.45	16.24