

EXTRAORDINARY



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DEPARTMENT OF THE PRIME MINISTER.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 1119.]

[21st June, 1968.

No. 1119.]

[21 Junie 1968.

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

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

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BLADSY

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No. 70, 1968.]

ACT

To repeal the Registration of Firms Act, 1906, of Natal, and the Beef Export Bounties Act, 1923; to amend the Liquor Act, 1928; the Attorneys, Notaries and Conveyancers Admission Amendment Act, 1965; the Attorneys, Notaries and Conveyancers Admission Act, 1934; the Protection of Names, Uniforms and Badges Act, 1935; the Bantu Trust and Land Act, 1936; the Matrimonial Causes Jurisdiction Act, 1939; the Land Bank Act, 1944; the South African Reserve Bank Act, 1944; the Magistrates' Courts Act, 1944; the Soil Conservation Act, 1946; the South African Tourist Corporation Act, 1947; the Rents Act, 1950; the Suppression of Communism Act, 1950; the Criminal Procedure Act, 1955; the Animal Diseases and Parasites Act, 1956, and the General Law Amendment Act, 1956; to repeal the Special Justices of the Peace Act, 1957; to amend the Public Service Act, 1957; the Prisons Act, 1959, and the Extradition Act, 1962; to repeal section 34 of the General Law Further Amendment Act, 1962; to amend the Reciprocal Enforcement of Maintenance Orders Act, 1963; the Gambling Act, 1965; the Hotels Act, 1965; the Agricultural Credit Act, 1966, and the Removal of Restrictions Act, 1967; and to validate Proclamation No. R.123 of 1967.

(English text signed by the State President.) -

(Assented to 19th June, 1968.)

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

1. So much of the Registration of Firms Act, 1906, of Natal as is unrepealed, is hereby repealed. Repeal of Act 35 of 1906 (Natal).
2. The Beef Export Bounties Act, 1923, is hereby repealed. Repeal of Act 12 of 1923.
3. The following section is hereby substituted for section 45bis of the Liquor Act, 1928 (hereinafter referred to as the principal Act): Substitution of section 45bis of Act 30 of 1928, as inserted by section 5 of Act 85 of 1964.

"Certain licences not to be transferred without authority of Minister or person acting under his directions.

45bis. (1) No licence for the sale of liquor (other than a foreign liquor licence or a wine farmer's licence) granted or renewed under this Act in respect of premises situated in an area other than a prohibited area as defined in section 53 shall be transferred to any person unless the chairman of a licensing board or a licensing board, as the case may be, recommends the application for such transfer to the Minister and the Minister or any person acting under his directions, authorizes such chairman or board to approve of such transfer: Provided that no such authority shall be required—

(a) in the case of a transfer of a licence from an employee of a company, society, partnership or

other association of persons to another employee of the same company, society, partnership or other association of persons; or

- (b) in the case of a transfer of a licence to any person other than such employee, if the chairman of the licensing board or the licensing board, as the case may be, is satisfied that such person and, if he is the agent or nominee of any other person or of a private company or partnership, that other person or private company or partnership and every shareholder or partner of such private company or partnership, as the case may be, have no financial interest in the liquor trade in the Republic, other than a financial interest in the business or undertaking in respect of which the licence in question has been issued.

(2) The Minister or any person acting under his directions, shall not withhold any authority under subsection (1) unless he is of opinion, after he has afforded the applicant an opportunity to make representations to him within such period as he may determine, that the transfer of the licence might give rise to or aggravate a monopolistic condition detrimental to the public interest in the liquor trade or any branch thereof.

(3) The decision of the Minister or any person acting under his directions on any application referred to in subsection (1) shall be final."

4. Section 75 of the principal Act is hereby amended by the substitution for the second proviso to paragraph (f) of subsection (2) of the following proviso:

"Provided further that if a condition has been imposed under subsection (1) (b) (i) of section 78 in respect of the supply of liquor to any particular class of persons under a bar licence or a wine and malt liquor licence or an hotel liquor licence in respect of premises situated in an area declared under the Group Areas Act, 1966 (Act No. 36 of 1966), an area for the occupation by members of the white group, liquor shall be sold and delivered by the holder of such licence to the particular class of persons concerned only during such hours (being not earlier than ten o'clock in the morning or later than half-past eleven o'clock at night) as the Minister may, on the recommendation of the National Liquor Board made after enquiry in terms of section 118ter, direct or, if the Minister does not so direct, as may be determined by the authority granting or renewing the licence;"

Amendment of section 75 of Act 30 of 1928, as substituted by section 58 of Act 88 of 1963 and amended by section 10 of Act 85 of 1964.

5. The following section is hereby inserted in the principal Act after section 100sex:

101. (1) If after having obtained a report and recommendation of the National Liquor Board made after an enquiry under section 118ter, the Minister is of the opinion—

- (a) that the sale or supply of liquor to coloured or Asiatic persons for consumption on premises situated in an area declared under the Group Areas Act, 1966 (Act No. 36 of 1966), to be an area for occupation by members of the white group, gives rise to undesirable conditions in such area; or
- (b) that sufficient provision exists for the sale or supply of liquor to coloured or Asiatic persons in an area declared under the Group Areas Act, 1966, to be an area for occupation by members of the coloured group, the Malay group, the Indian group or the Chinese group, he may—

"Prohibition of sale or supply of liquor to certain persons by the holders of on-consumption licences granted or renewed in respect of premises situated in certain areas.

Insertion of section 101 in Act 30 of 1928.

- (i) in a case referred to in paragraph (a), by notice under his hand delivered or tendered to the holder of the licence granted or renewed in respect of the premises concerned, prohibit such holder, as from a date specified in the notice, from selling or supplying liquor to coloured or Asiatic persons for consumption on such premises; or
- (ii) in a case referred to in paragraph (b), by notice in the *Gazette*, prohibit, as from a date specified in the notice, all holders of on-consumption licences granted or renewed in respect of premises situated in an area declared under the Group Areas Act, 1966, to be an area for occupation by members of the white group as well as within the district within which the area referred to in the said paragraph is situated, from selling or supplying liquor to coloured or Asiatic persons for consumption on those premises.

(2) The decision of the Minister to prohibit the sale or supply of liquor under subsection (1) shall be final."

6. The following section is hereby inserted in the principal Act after section 118bis:

"Enquiries
by the
National
Liquor
Board.

Insertion of
section 118ter
in Act 30 of 1928.

118ter. (1) The National Liquor Board (hereafter in this section referred to as the board) shall conduct an enquiry into any matter referred to it for enquiry by the Minister.

(2) The chairman of the board or, in his absence, any member of the board appointed by the Minister to preside at an enquiry under this section may, for the purposes of the enquiry, summon, in the manner in which a person may be subpoenaed to appear before a magistrate's court in a criminal trial, any person to give evidence at the enquiry or to produce thereat any book, document or thing which may, in the opinion of the chairman of the board or of such member be relevant to the subject matter of the enquiry.

(3) The board may call and examine any person present at the enquiry, whether or not such person has been summoned under subsection (2) to attend the enquiry, and may inspect and retain for such period as it may deem fit any book, document or thing the production of which was required under the said subsection or produced to it at such enquiry.

(4) (a) The board may direct any person to give his evidence at the enquiry on oath or affirmation.

(b) The chairman of the board or the member of the board presiding at the enquiry, as the case may be, may administer an oath to, or accept an affirmation from, any person appearing before the board to give evidence or to produce any book, document or thing.

(5) In connection with the giving of evidence or the production of any book, document or thing at such enquiry, the law relating to privilege as applicable to a witness giving evidence or summoned to produce a book, document or thing in criminal proceedings in a magistrate's court shall apply.

(6) The board may, in its discretion, order that no person whose presence is not necessary shall be present at the enquiry.

(7) Any person attending an enquiry in pursuance of a subpoena referred to in subsection (2) shall be entitled to an allowance as if he were attending criminal proceedings as a witness for the State.

(8) Any person who—

(a) having been summoned under subsection (2) to give evidence at an enquiry, fails to attend at the time and place specified in the subpoena, or fails to remain in attendance until the conclusion of the enquiry or until he is excused by the chairman or member of the board presiding at the enquiry from further attendance, or fails to produce any book, document or thing in his possession or custody or under his control, which he has been summoned to produce; or

(b) having been called under subsection (3) and directed by the chairman or member of the board presiding at the enquiry to do so, refuses to be sworn or to make an affirmation as a witness, or, having been so called and sworn or made affirmation, refuses to testify, or refuses or fails to answer fully and satisfactorily any question lawfully put to him,

shall, unless he proves that he has a just excuse for his failure or refusal, be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

(9) Any person who, after having been sworn or having made affirmation, gives false evidence before the board at an enquiry on any matter, knowing such evidence to be false or not knowing or believing it to be true, shall be guilty of an offence and liable on conviction to the penalties prescribed by law for perjury.

(10) Any person who wilfully interrupts the proceedings at an enquiry under this section or who wilfully hinders or obstructs the board or any member of the board in the performance of its or his functions at such enquiry shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

(11) Any holder of a licence granted or renewed under this Act who has a substantial interest in any matter referred to the board for enquiry under this section shall be entitled to appear at such enquiry and to be represented thereat by counsel or an attorney.

(12) The provisions of subsections (6), (8) and (9) of section 118*bis* shall *mutatis mutandis* apply to an enquiry held by the board under this section.

(13) Subject to the provisions of this section, any enquiry under the said section shall be conducted in such manner and subject to such rules as the board may deem fit.

(14) The board shall, as soon as possible after the conclusion of an enquiry, make such report and recommendation to the Minister as it may deem fit.”.

7. The following section is hereby inserted in the principal Act after section 131:

“Permit for conveyance of liquor.

132. (1) The Minister may by notice under his hand delivered or tendered to any holder of an off-consumption licence or to a licensee who has in terms of section 64 or 71*bis* been granted authority to sell liquor for consumption off the licensed premises, prohibit such holder or licensee for any period specified in that notice, from conveying or causing to be conveyed at any one time any liquor in quantities exceeding two gallons, unless

Insertion of section 132 in Act 30 of 1928.

he is in possession of a permit in the prescribed form issued by a member of the police force holding a rank designated by the Commissioner of Police and authorizing him to convey such liquor or to cause such liquor to be conveyed.

(2) A member of the police force holding a rank designated under subsection (1) may, subject to an appeal to the Commissioner of Police, whose decision shall be final, in his discretion, refuse to issue any such permit.

(3) No notice delivered or tendered to any holder of an off-consumption licence or to a licensee under subsection (1) shall apply to the conveyance of any liquor from the licensed premises of such holder or licensee to the licensed premises of any other licensee or to or from authorized places of storage determined in terms of section 79ter."

8. The following section is hereby substituted for section 134 of the principal Act:

134. (1) No holder of any off-consumption licence, no licence holder authorized under section 64 or 71bis to sell liquor for consumption off the licensed premises, and no holder of an authority under section 100sex authorized to sell liquor for consumption off the premises described in the authority shall by himself, his servant or agent deliver or cause to be delivered any liquor to any person within—

- (a) a Bantu residential area defined, set apart and laid out or deemed to have been defined, set apart and laid out under section 2 of the Bantu (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945); or
- (b) a township established by the Minister of Bantu Administration and Development under the provisions of any law relating to the settlement of Bantu,

who is not the holder of an authority granted or renewed under section 100bis.

(2) Subject to the provisions of subsection (1), no person other than the holder of an authority under section 100bis, shall by himself, his servant or agent at any one time introduce liquor in quantities exceeding two gallons into a Bantu residential area or township referred to in subsection (1), unless he is in possession of a permit in the prescribed form issued by a member of the police force holding a rank designated by the Commissioner of Police and authorizing him to do so.

9. Section 162 of the principal Act is hereby amended by the insertion after paragraph (b)bis of subsection (1) of the following paragraph:

"(b)ter conveys or causes to be conveyed any liquor in quantities exceeding two gallons in contravention of a notice delivered or tendered to him under section 132 (1);"

10. Section 163 of the principal Act is hereby amended by the addition of the following paragraph:

"(d) sells or supplies liquor to a coloured or Asiatic person in contravention of a notice issued under section 101."

11. Section 164 of the principal Act is hereby amended by the insertion after paragraph (b) of the following paragraph:

"(c) in contravention of the provisions of section 134, delivers or causes to be delivered any liquor to any person within a Bantu residential area or township referred to in that section;"

Substitution of section 134 of Act 30 of 1928, as amended by section 13 of Act 72 of 1961 and section 20 of Act 63 of 196

Amendment of section 162 of Act 30 of 1928, as amended by section 15 of Act 72 of 1961 and section 102 of Act 88 of 1963.

Amendment of section 163 of Act 30 of 1928, as amended by section 103 of Act 88 of 1963.

Amendment of section 164 of Act 30 of 1928, as amended by section 16 of Act 72 of 1961 and section 104 of Act 88 of 1963.

12. Section 166 of the principal Act is hereby amended by the substitution for paragraph (p) of the following paragraph:
“(p) in contravention of the provisions of section 134, introduces any liquor into any Bantu residential area or township referred to in that section;”.
- Amendment of section 166 of Act 30 of 1928, as amended by section 33 of Act 41 of 1934, section 42 of Act 61 of 1956, section 10 of Act 58 of 1957, section 17 of Act 72 of 1961, section 20 of Act 63 of 1962, section 10 of Act 89 of 1962, section 106 of Act 88 of 1963, section 18 of Act 85 of 1964, section 36 of Act 70 of 1965 and section 10 of Act 98 of 1965.
13. Section 168 of the principal Act is hereby amended—
- (a) by the insertion after paragraph (a) of subsection (1) of the following paragraph:
“(aA) if the contravention is of a provision of section 164 (c), to a fine not exceeding two hundred pounds or in default of payment to imprisonment for a period not exceeding six months;”;
- (b) by the substitution for paragraph (b) of the said subsection of the following paragraph:
“(b) if the contravention is of the provisions of section 100bis (8) or section 100sex (7) or of a provision of section 166 (d), (f), (i), (i)bis, (i)ter, (j), (k), (l), (o), (p) or (u), to a fine not exceeding two hundred pounds or in default of payment to imprisonment for a period not exceeding twelve months;”.
- Amendment of section 168 of Act 30 of 1928, as amended by section 34 of Act 41 of 1934, section 12 of Act 35 of 1956, section 43 of Act 61 of 1956, section 18 of Act 72 of 1961, section 20 of Act 63 of 1962, section 12 of Act 89 of 1962 and section 108 of Act 88 of 1963.
14. Section 17 of the Attorneys, Notaries and Conveyancers Admission Amendment Act, 1965, is hereby repealed with effect from the date of promulgation of the said Act.
- Repeal of section 17 of Act 26 of 1965.
15. (1) Section 18 of the Attorneys, Notaries and Conveyancers Admission Act, 1934, is hereby amended by the substitution for subsection (1) of the following subsection:
“(1) No attorney shall have or retain any clerk under articles unless such attorney is actually practising the profession of attorney either on his own account or as a partner in a firm of attorneys or as State Attorney or as one of the three most senior professional assistants in the office of the State Attorney at Pretoria or as professional assistant in charge of any branch of the said office or as senior professional assistant to such professional assistant in charge of such branch and has—
- (i) if he is an attorney so practising on his own account or as a partner in a firm of attorneys, so practised continuously for a period of three years immediately prior to taking such clerk under articles;
- (ii) if he is the State Attorney or any professional assistant as aforesaid, practised the profession of attorney in the office of the State Attorney or any branch thereof continuously for a period of three years immediately prior to taking such clerk under articles.”.
- (2) Subsection (1) shall be deemed to have into operation on the date of commencement of the Attorneys, Notaries and Conveyancers Admission Act, 1934.
- Amendment of section 18 of Act 23 of 1934, as amended by section 1 of Act 22 of 1949, section 2 of Act 31 of 1957 and section 6 of Act 67 of 1967.
16. Section 27 of the Attorneys, Notaries and Conveyancers Admission Act, 1934, is hereby amended by the addition of the following subsection:
- Amendment of section 27 of Act 23 of 1934,

“(3) No examination shall be conducted under subsection (1) in respect of any person unless he satisfies the examiners concerned that he has complied with the provisions of this Act in regard to service under articles or that he is serving under articles and has so served for a continuous period of not less than six months or that he is, under the provisions of this Act, exempt from service under articles.”

as substituted by section 11 of Act 67 of 1967.

17. Section 32 of the Attorneys, Notaries and Conveyancers Admission Act, 1934, is hereby amended—

Amendment of section 32 of Act 23 of 1934, as amended by section 3 of Act 19 of 1941, section 5 of Act 81 of 1962 and section 16 of Act 63 of 1964.

(a) by the substitution for all the words preceding the proviso to subsection (5) of the following words:

“(5) Any person contravening any of the provisions of this section shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred rand for each offence;” and

(b) by the substitution for paragraph (e) of the said proviso of the following paragraph:

“(e) any attorney, notary or conveyancer makes known in such manner as may be approved by the law society of the province in which he practises that he does such work;”.

18. Section 32*bis* of the Attorneys, Notaries and Conveyancers Admission Act, 1934, is hereby amended by the substitution in subsection (1) for the words “two hundred” of the words “five hundred” and for the word “three” of the word “six”.

Amendment of section 32*bis* of Act 23 of 1934, as inserted by section 4 of Act 19 of 1941 and amended by section 6 of Act 81 of 1962.

19. Section 11*ter* of the Protection of Names, Uniforms and Badges Act, 1935, is hereby amended by the substitution for paragraph (a) of the following paragraph:

Amendment of section 11*ter* of Act 23 of 1935, as inserted by section 1 of Act 3 of 1967.

“(a) any regulation made thereunder and in force at the commencement of the said Protection of Names, Uniforms and Badges Amendment Act, 1967; and”.

20. Section 13 of the Bantu Trust and Land Act, 1936, is hereby amended by the substitution for subsection (3) of the following subsection:

Amendment of section 13 of Act 18 of 1936, as amended by section 7 of Act 17 of 1939, section 2 of Act 18 of 1954, section 5 of Act 73 of 1956, section 3 of Act 41 of 1958, section 16 of Act 42 of 1964 and section 18 of Act 55 of 1965.

“(3) (a) The provisions of sections 3 to 14, inclusive, of the Expropriation Act, 1965 (Act No. 55 of 1965), shall *mutatis mutandis* apply in respect of the expropriation of land in terms of subsection (1) or (2) of this section: Provided that in the case of land held in trust for a Bantu tribe or community the individual members of which are not described in the title deed, notice to such tribe or community and to the individual members thereof shall be deemed to have been given in accordance with the provisions of subsection (1) of section 4 of the said Act if the members of such tribe or community present at a public meeting convened by the Bantu Affairs Commissioner for the purpose, be informed by the Bantu Affairs Commissioner of the proposed expropriation and the other particulars which a notice is in terms of the provisions of subsection (3) of the last-mentioned section required to contain: Provided further that if the whereabouts of any person to whom notice is to be given in accordance with the provisions of subsection (1) of the said section 4 is not readily ascertainable by the Minister of Agriculture, such notice shall be deemed to be given if the Bantu Affairs Commissioner causes a notice complying with the provisions of subsection (3) of the said section 4 to be posted up at his office and at the post office in which the inhabitants of

the area, wherein the land in question is situated, are served in the ordinary course of business, and, if the boundaries of such land are readily ascertainable on the spot, on any door of any building on such land, or, if there is no building on the land, at any conspicuous place thereon.

- (b) In any case contemplated in the first or the second proviso to paragraph (a) the written certificate of the Bantu Affairs Commissioner to the effect that the provisions of the relevant proviso have been complied with shall be conclusive proof of such notice to such tribe or community and the members thereof, or to such person, as the case may be, and the date of the meeting in question or the date on which the notice was posted up at the office of the Bantu Affairs Commissioner, as the case may be, shall for the purpose of the said Act be deemed to be the date of such notice.”.

21. Section 1 of the Matrimonial Causes Jurisdiction Act, 1939, is hereby amended—

- (a) by the insertion after subsection (1) of the following subsection:

“(1A) A provincial or local division of the Supreme Court of South Africa shall have jurisdiction to try an action for divorce or restitution of conjugal rights instituted by a wife against her husband who is not domiciled in the Republic, if immediately before her marriage the wife was a South African citizen or was domiciled in the Republic, and she was ordinarily resident in the Republic for the period of one year immediately preceding the date on which the proceedings are instituted.”; and

- (b) by the addition of the following subsection:

“(3) Any issue in proceedings relating to an action referred to in subsection (1A) shall be determined in accordance with the law which would be applicable if both parties were domiciled in the Republic at the time of the proceedings.”.

22. (1) The following section is hereby substituted for section 7ter of the Matrimonial Causes Jurisdiction Act, 1939: “Application 7ter. This Act and any amendment thereof to South-West Africa, including the Eastern Caprivi Zipfel referred to in section 38 (5) of the South-West Africa Constitution Act, 1968 (Act No. 39 of 1968).”.

(2) Subsection (1) shall be deemed to have come into operation on the eighteenth day of October, 1953.

23. The Matrimonial Causes Jurisdiction Act, 1939, is hereby amended by the substitution for the word “Union”, wherever it occurs, of the word “Republic”.

24. Section 10 of the Land Bank Act, 1944, is hereby amended by the insertion after subsection (1) of the following subsection:

“(1)bis. In addition to the salary mentioned in subsection (1), such further remuneration may be paid to every member of the board, out of the funds of the bank, as the Minister may deem fit.”.

Amendment of section 1 of Act 22 of 1939, as amended by section 6 of Act 37 of 1953.

Substitution of section 7ter of Act 22 of 1939, as inserted by section 1 of Act 17 of 1943.

Substitution for the word “Union” of the word “Republic” in Act 22 of 1939.

Amendment of section 10 of Act 13 of 1944, as amended by section 1 of Act 10 of 1952, section 3 of Act 47 of 1959, section 3 of Act 46 of 1965 and section 1 of Act 5 of 1968.

25. The First Schedule to the South African Reserve Bank Act, 1944, is hereby amended by the deletion of the expression "of which £..... is held outside the Union." Amendment of First Schedule to Act 29 of 1944, as substituted by section 6 of Act 45 of 1956.
26. Section 4 of the Magistrates' Courts Act, 1944, is hereby amended by the substitution for subsection (4) of the following subsection: Amendment of section 4 of Act 32 of 1944, as amended by section 5 of Act 40 of 1952.
- "(4) Any process issued out of any court may be served or executed by the messenger of the court appointed for the area within which such process is to be served or executed."
27. Section 7 of the Magistrates' Courts Act, 1944, is hereby amended by the addition to subsection (1) of the following proviso: Amendment of section 7 of Act 32 of 1944, as substituted by section 1 of Act 8 of 1967.
- "Provided that the said Secretary may order that the records of a court for any regional division shall be so preserved at such a place or places within that division as he may from time to time determine."
28. (1) Section 14 of the Magistrates' Courts Act, 1944, is hereby amended— Amendment of section 14 of Act 32 of 1944, as amended by section 10 of Act 40 of 1952.
- (a) by the substitution for subsection (1) of the following subsection:
- "(1) The Minister may appoint for every court a person or two or more persons as a messenger or messengers of such court subject, in the case of any such person who is not an officer of the public service, to such conditions, including the payment of remuneration and allowances, as the Minister may determine.";
- (b) by the insertion after the said subsection (1) of the following subsection:
- "(1A) A messenger appointed under subsection (1) or deemed to have been appointed thereunder, shall perform the duties and exercise the powers of a messenger only within the area of jurisdiction of the court for which he has been so appointed or is deemed to have been so appointed or, if the Minister or any person authorized thereto by him so directs, within the area determined by the Minister or such person, as the case may be."; and
- (c) by the addition at the beginning of subsection (2) of the following paragraph, the existing subsection becoming paragraph (b):
- "(a) Whenever the Minister has appointed an officer of the public service as a messenger of any court, he may appoint so many officers of the said service as deputy-messengers of that court as he may deem fit."
- (2) Any appointment made under section 14 (1) of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), prior to its substitution by subsection (1) of this section, shall be deemed to have been made under the said section 14 (1) as so substituted.
29. Section 15 of the Magistrates' Courts Act, 1944, is hereby amended by the substitution for subsection (1) of the following subsection: Amendment of section 15 of Act 32 of 1944, as amended by section 11 of Act 40 of 1952 and section 2 of Act 19 of 1963.
- "(1) (a) Whenever process of the court in a civil case is to be served or executed within any area for which no messenger has been appointed, and whenever process of any court in a criminal case is to be served, a member of the police force shall be as qualified to serve or execute all such process and all other documents in such a case as if he had been duly appointed messenger.
- (b) The fees payable in respect of or in connection with any such service to a messenger shall in any such case

be chargeable but shall be paid into the Consolidated Revenue Fund.”.

30. Section 65 of the Magistrates' Courts Act, 1944, is hereby amended by the substitution for subsection (3) of the following subsection: Amendment of section 65 of Act 32 of 1944, as substituted by section 15 of Act 40 of 1952 and amended by section 1 of Act 14 of 1954, section 20 of Act 50 of 1956 and section 10 of Act 19 of 1963.

“(3) The notice shall be served on the debtor by the messenger in any manner prescribed by the rules for the service of process generally.

31. The following section is hereby substituted for section 93*bis* of the Magistrates' Courts Act, 1944: Substitution of section 93*bis* of Act 32 of 1944, as inserted by section 23 of Act 40 of 1952.

“Transfer of proceedings to court of a regional division. 93*bis*. Notwithstanding anything to the contrary in any law contained, the judicial officer presiding at the trial of or who convicts any person being tried before a court which is not a court of a regional division shall, if it appears that the trial may more properly be conducted before the court of a regional division or that the imposition of a sentence in terms of section 334*quat* (2) or 335 (2) of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), would have been competent if such person had been so convicted by the court of a regional division, or when the public prosecutor so requests, as the case may be, stop the trial or, if such person has been convicted, set aside his finding in respect of such person and of any other person convicted after having been tried jointly with such firstmentioned person, and the proceedings shall thereupon be commenced afresh before the court of the regional division concerned.”.

32. Section 1 of the Soil Conservation Act, 1946, is hereby amended by the substitution for the definition of “urban area” of the following definition: Amendment of section 1 of Act 45 of 1946, as amended by section 1 of Act 6 of 1949, section 1 of Act 37 of 1960, section 1 of Act 31 of 1964 and section 1 of Act 15 of 1967.

“‘urban area’ means the area of a local authority established for any particular township or city, and includes any area subdivided into erven or lots and public open spaces and streets bounded by such erven or lots or spaces, but does not include any commonage in any such area, or any other piece of land therein not less than ten morgen in extent.”.

33. The following section is hereby inserted in the South African Tourist Corporation Act, 1947, after section 9: Insertion of section 9A in Act 54 of 1947.

“Delegation of powers by the board. 9A. (1) The board may, with the approval of the Minister and subject to the conditions determined by the board, delegate in writing any of its functions, duties or powers under this Act or any regulation to one or more of its members or to one or more of its employees.

(2) The board shall not be divested of a function, duty or power delegated under subsection (1) to any person.”.

34. Section 3 of the Rents Act, 1950, is hereby amended by the substitution for subparagraph (ii) of subsection (1) (b) of the following subparagraph: Amendment of section 3 of Act 43 of 1950.

“(ii) if any amount allowable in terms of paragraph (e), (h) or (j) of the said definition suffers an increase, such increase may be added to the rent;”.

35. Section 33 of the Rents Act, 1950, is hereby amended by the addition to subsection (1A) of the following paragraph: Amendment of section 33 of Act 43 of 1950, as amended by section 6

“(d) any rent charged on the relevant fixed date for any dwelling, garage, parking space or business premises

in respect of which the provisions of this section have been so declared applicable, shall be deemed to be rent determined by the rent board therefor.”.

of Act 53 of 1951, section 7 of Act 47 of 1964, section 13 of Act 98 of 1965, section 9 of Act 54 of 1966 and section 5 of Act 102 of 1967.

36. Section 10 of the Suppression of Communism Act, 1950, is hereby amended by the substitution for paragraph (a)ter of subsection (1) of the following paragraph:

Amendment of section 10 of Act 44 of 1950, as amended by section 7 of Act 15 of 1954, section 8 of Act 76 of 1962, section 4 of Act 37 of 1963, section 14 of Act 80 of 1964, section 3 of Act 97 of 1965, section 1 of Act 8 of 1966 and section 6 of Act 102 of 1967.

“(a)ter Subject to the provisions of paragraph (a)quat, the provisions of paragraph (a)bis shall lapse on the 30th June, 1969.”.

37. Section 5 of the Criminal Procedure Act, 1955, is hereby amended by the insertion of the following subsection after subsection (3):

Amendment of section 5 of Act 56 of 1955, as substituted by section 45 of Act 68 of 1957 and amended by section 1 of Act 92 of 1963.

“(3A) Whenever for any reason any attorney-general is absent or unable to carry out the functions of his office or whenever the office of an attorney-general becomes vacant, the State President may appoint any fit and proper officer of the public service to act in the place of such attorney-general during his absence or incapacity, or to act in the vacant office until the vacancy is filled, as the case may be.”.

38. Section 27 of the Criminal Procedure Act, 1955, is hereby amended by the substitution for the second proviso to subsection (1) of the following proviso:

Amendment of section 27 of Act 56 of 1955, as amended by section 1 of Act 96 of 1965 and section 7 of Act 102 of 1967.

“Provided further that if the said period of forty-eight hours expires on a Saturday, Sunday or public holiday or before four o'clock in the afternoon on the next day, not being a Saturday, Sunday or public holiday, it shall be deemed to expire at four o'clock in the afternoon on such next day.”.

39. Section 108bis of the Criminal Procedure Act, 1955, is hereby amended by the substitution for subsection (1) of the following subsection:

Amendment of section 108bis of Act 56 of 1955, as inserted by section 4 of Act 39 of 1961 and amended by section 17 of Act 76 of 1962, section 9 of Act 37 of 1963, section 23 of Act 80 of 1964, section 6 of Act 96 of 1965 and section 9 of Act 9 of 1968.

“(1) Whenever any person has been arrested on a charge of having committed any offence referred to in Part IIBis of the Second Schedule, the attorney-general may, if he considers it necessary in the interest of the administration of justice or the safety of the public or the maintenance of public order, issue an order that such person shall not be released on bail or otherwise before sentence has been passed or he has been discharged.”.

40. Section 259 of the Criminal Procedure Act, 1955, is hereby amended by the substitution for subsection (1) of the following subsection:

Amendment of section 259 of Act 56 of 1955.

“(1) Whenever a public prosecutor causes an accused person to be summoned (otherwise than in terms of section 351 (8)), to appear in an inferior court upon a charge of having committed any offence and he has reasonable grounds for believing that the court which will try the said charge will, on convicting the accused, not impose a sentence of imprisonment or whipping or a fine exceeding twenty-five pounds, he may attach to such summons to be

served therewith upon the accused, a form of declaration for signature by the accused, wherein the latter admits having committed the offence, expresses his intention of pleading guilty to the charge and agrees to be convicted of the offence charged upon his plea of guilty without the calling of any evidence in support of the charge.”.

41. The following section is hereby inserted in the Criminal Procedure Act, 1955, after section 333*bis*: Insertion of section 333*ter* in Act 56 of 1955.

“Ante-dating of sentences.

333*ter*. Whenever any sentence of imprisonment imposed on any person on conviction of an offence is set aside on appeal or review by a competent court and any other sentence of imprisonment is thereafter imposed on such person in respect of such offence, such other sentence may, if the court imposing it is satisfied that such person has served any part of such firstmentioned sentence of imprisonment, be antedated to a date specified by the court which is not earlier than the date on which such firstmentioned sentence was imposed, and thereupon such other sentence shall be deemed to have been imposed on the date so specified.”.

42. The following section is hereby substituted for section 5 of the Animal Diseases and Parasites Act, 1956: Substitution of section 5 of Act 13 of 1956.

“Disposal of animals and infectious things which in the Minister’s opinion were unlawfully introduced into the Republic.

5. (1) If there is found within the Republic—
(a) any animal or infectious thing which, in the opinion of the Minister, was introduced or came into the Republic in contravention of the provisions of this Act, or of a law repealed by this Act; or

(b) any animal which, in the opinion of the Minister was produced by, from or by means of an animal or infectious thing referred to in paragraph (a),

he may confiscate it or cause it to be destroyed or otherwise disposed of, as he may deem fit.

(2) If any officer, authorized person or police officer on reasonable grounds believes or suspects that—

(a) any animal or infectious thing was introduced or came into the Republic in contravention of the provisions of this Act or of a law repealed by this Act; or

(b) any animal was produced by, from or by means of an animal or infectious thing referred to in paragraph (a),

he may seize it and detain it pending the Minister’s decision, under subsection (1), as to its disposal.”.

43. (1) The following section is hereby substituted for section 5 of the General Law Amendment Act, 1956: Substitution of section 5 of Act 50 of 1956.

“Formalities in respect of donations.

5. No donation concluded after the commencement of this Act shall be invalid merely by reason of the fact that it is not registered or notarially executed: Provided that no executory contract of donation entered into after the commencement of this Act shall be valid unless the terms thereof are embodied in a written document signed by the donor or by a person acting on his written authority granted by him in the presence of two witnesses.”.

(2) Subsection (1) shall be deemed to have come into operation on the twenty-second day of June, 1956.

44. The Special Justices of the Peace Act, 1957, is hereby repealed. Repeal of Act 19 of 1957.

45. Section 4 of the Public Service Act, 1957, is hereby amended by the substitution for paragraph (a) of subsection (12A) of the following paragraph:

Amendment of section 4 of Act 54 of 1957, as amended by section 2 of Act 63 of 1967 and section 1 of Act 17 of 1968.

“(a) to retain a member of the Commission in his office beyond the age at which he shall, in accordance with subsection (12), vacate his office or retire, he may be so retained from time to time, for further periods which shall not exceed in the aggregate two years;”.

46. Section 1 of the Prisons Act, 1959, is hereby amended—

Amendment of section 1 of Act 8 of 1959, as amended by section 1 of Act 75 of 1965.

(a) by the substitution for the definition of “Commissioner” of the following definition:

“‘Commissioner’ means the Commissioner of Prisons appointed under section 4 (1);”;

(b) by the substitution for the definition of “Minister” of the following definition:

“‘Minister’ means the Minister of Prisons;” and

(c) by the substitution for the definition of “commissioned officer” of the following definition:

“‘commissioned officer’ means a commissioned officer appointed as such under section 4 (1).”.

47. The following section is hereby substituted for section 3 of the Prisons Act, 1959:

Substitution of section 3 of Act 8 of 1959.

“Commissioner in charge of the Prisons Department. 3. The Commissioner shall, under the direction and control of the Minister, be in charge of the Prisons Department.”.

48. The following section is hereby substituted for section 4 of the Prisons Act, 1959:

Substitution of section 4 of Act 8 of 1959

“Appointment and discharge of commissioned officers. 4. (1) The State President may from time to time appoint by commission a commissioned officer, to be styled the Commissioner of Prisons, and such other commissioned officers as he may deem necessary.

(2) The State President may, subject to the provisions of this Act, discharge or retire any such commissioned officer or reduce him in rank.”.

49. Section 55 of the Prisons Act, 1959, is hereby amended—

Amendment of section 55 of Act 8 of 1959.

(a) by the substitution for subsections (1) and (2) of the following subsections:

“(1) The Commissioner or any other commissioned officer acting under his authority may, in the manner prescribed by regulation, charge any commissioned officer with misconduct and request him to submit, within the period and in the manner so prescribed, a written admission or denial of the charge, and any written explanation which he may wish to offer in regard to the alleged misconduct.

(2) (a) After the expiration of the period aforesaid, the Minister or, if authorized thereto by the Minister either specially in a particular case or generally, the Commissioner may appoint a board of enquiry to investigate the charge in question.

(b) A board of enquiry shall consist of one or more persons who—

(i) in the case of a board appointed by the Minister, shall be commissioned officers of rank equal to or higher than that of the officer charged, or magistrates;

(ii) in the case of a board appointed by the Commissioner, shall be such commissioned officers.”; and

(b) by the substitution for subsection (6) of the following subsection:

“(6) (a) After having considered the evidence adduced at the enquiry and having afforded the officer charged, or his legal adviser, an opportunity

of addressing the board of enquiry, the board shall find the said officer guilty or not guilty of the misconduct with which he has been charged and inform him of its finding: Provided that if the officer charged admits, pursuant to a request under subsection (1) or to the board, that he is guilty of the misconduct in question, he may be found guilty without any evidence having been adduced.

- (b) A commissioned officer found guilty of misconduct may, within such period and in such manner as may be prescribed by regulation, appeal to the Minister against the finding of the board of enquiry and make representations in writing to the Minister in regard to the imposition of punishment.
- (c) The board of enquiry shall, and the Commissioner may, make recommendations to the Minister in regard to any punishment which may be imposed upon a commissioned officer found guilty.
- (d) The Minister may, after considering the record of the proceedings before the board of enquiry, the recommendations of the board and of the Commissioner and the grounds of appeal of and any representations made by the officer charged—
 - (i) direct that no further action be taken in the matter; or
 - (ii) direct that the officer concerned be cautioned or reprimanded; or
 - (iii) impose a fine not exceeding one hundred rand, which may be recovered by way of stoppages from the salary or allowances of the officer concerned; or
 - (iv) direct that the matter be referred to the State President, who may thereupon take any steps provided for in section 4 (2)."

50. Section 68 of the Prisons Act, 1959, is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) The Commissioner may—

- (a) if the total period of imprisonment to be served by a prisoner under one or more sentences does not exceed four months; or
- (b) if the total period of imprisonment to be served by a prisoner under one or more sentences exceeds four months but does not exceed two years, with the approval of the Minister; or
- (c) on the authority of the State President or of the Minister granted, under any provision of any law, in respect of a prisoner serving any period of imprisonment,

and irrespective of whether the imprisonment was imposed with the option of a fine or without any such option, release such prisoner before the expiration of the period in question on parole for such period and under such supervision and on such conditions as shall be specified in the warrant of release: Provided that the Commissioner may, in a case contemplated in paragraph (a), at any time, and, in a case contemplated in paragraph (b) or (c), on the authority of the Minister, alter the provision in such warrant as to supervision and alter or cancel any such conditions."

Amendment of section 68 of Act 8 of 1959, as amended by section 20 of Act 75 of 1965.

51. Section 93 of the Prisons Act, 1959, is hereby amended—

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

"(1) The Minister may delegate any of the powers vested in him by this Act (except sections 6 (2), 16 (1), 19 (2) and 20) to the Commissioner."; and

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

Amendment of section 93 of Act 8 of 1959, as amended by section 23 of Act 75 of 1965.

“(3) The Commissioner may delegate any of the powers delegated to him under subsection (1) to any other commissioned officer of or above the rank of brigadier designated by him.”.

52. The following section is hereby substituted for section 96 of the Prisons Act, 1959: Substitution of section 96 of Act 8 of 1959.

“Applica-
tion of
Act to
South-
West
Africa.

96. The State President may, by proclamation in the *Gazette* and subject to such conditions, modifications, exceptions and additions as he may specify in such proclamation, apply the provisions of this Act and of any amendment thereof to the territory of South-West Africa including 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 and also that portion of the said territory known as the ‘Eastern Caprivi Zipfel’ referred to in section 38 of the South-West Africa Constitution Act, 1968 (Act No. 39 of 1968), and he may in like manner amend or repeal any such proclamation.”.

53. (1) Section 2 of the Extradition Act, 1962, is hereby amended by the substitution for paragraph (c) of subsection (3) of the following paragraph: Amendment of section 2 of Act 67 of 1962, as amended by section 18 of Act 93 of 1963.

“(c) unless provision is made by the law of the foreign State or by the agreement, that no person surrendered to such State shall, until he has been returned or had an opportunity of returning to the Republic, be detained or tried in the foreign State for any offence committed prior to his surrender other than the offence in respect of which extradition was sought or that no such person shall be so detained or tried without the consent of the Minister.”.

(2) Subsection (1) shall be deemed to have come into operation on the first day of May, 1968.

54. Section 19 of the Extradition Act, 1962, is hereby amended by the substitution for all the words preceding the proviso to the said section of the following words: Amendment of section 19 of Act 67 of 1962, as amended by section 19 of Act 93 of 1963.

“No person surrendered to the Republic by any foreign State in terms of an extradition agreement shall, until he has been returned or had an opportunity of returning to such foreign State, be detained or tried in the Republic for any offence committed prior to his surrender other than the offence in respect of which extradition was sought, unless such foreign State consents thereto.”.

55. Section 34 of the General Law Further Amendment Act, 1962, is hereby repealed. Repeal of section 34 of Act 93 of 1962.

56. Section 2 of the Reciprocal Enforcement of Maintenance Orders Act, 1963, is hereby amended by the substitution for subsection (1) of the following subsection: Amendment of section 2 of Act 80 of 1963.

“(1) This Act shall apply in respect of any country or territory designated by the State President by proclamation in the *Gazette*.”.

57. The Schedule to the Gambling Act, 1965, is hereby amended with effect from the date of commencement of that Act by the substitution in the first column thereof under the heading “South-West Africa” for the expression “Ordinance No. 20 of 1952” of the expression “Ordinance No. 19 of 1952”. Amendment of the Schedule to Act 51 of 1965.

58. Section 1 of the Hotels Act, 1965, is hereby amended by the substitution for the definition of "accommodation establishment" of the following definition: Amendment of section 1 of Act 70 of 1965.

"accommodation establishment" means any premises wherein or whereon the business of supplying lodging and one or more meals per day for reward is or is intended to be conducted;"

59. Section 33 of the Hotels Act, 1965, is hereby amended by the substitution for paragraph (a) of subsection (2) of the following paragraph: Amendment of section 33 of Act 70 of 1965.

"(a) As from a prescribed date, which shall not be before the thirty-first day of December, 1968, no person shall use or cause or allow to be used in respect of or in relation to any premises wherein or whereon the business of supplying lodging or other accommodation, whether with or without meals, is conducted or managed by him and which is not registered as an hotel under this Act, the designation or term 'hotel', 'motel', 'botel' or any other designation or term which the Minister may, on the recommendation of the board, specify by notice in the *Gazette*, in regard to its name or style or general description in any context or in any medium whatsoever."

60. The following section is hereby substituted for section 45 of the Agricultural Credit Act, 1966: Substitution of section 45 of Act 28 of 1966.

"Exemption from duties, taxes and fees.

45. Notwithstanding anything to the contrary in any other law contained, no duty, tax or fees shall be payable by the State or any person to whom assistance is rendered, in respect of anything done or any transaction (including the purchase of immovable property with money obtained by way of assistance) under this Act, or in respect of any document required in connection with anything so done or any such transaction: Provided that if assistance is rendered to any person for the purchase of immovable property in respect of which the date of acquisition by him, as determined in accordance with the definition of 'date of acquisition' in section 1 of the Transfer Duty Act, 1949 (Act No. 40 of 1949), is a date more than six months prior to the date of such person's application for assistance, such purchase shall for the purpose of the levying and payment of transfer duty in terms of that Act, not be regarded as a transaction under this Act."

61. Section 2 of the Removal of Restrictions Act, 1967, is hereby amended by the substitution for subsection (2) of the following subsection: Amendment of section 2 of Act 84 of 1967.

"(2) The provisions of subsection (1) shall not apply in respect of any condition of title affecting rights to minerals or any condition imposed under the provisions of section 5 (3) of the Townships Amendment Act, 1908 (Act No. 34 of 1908), of the Transvaal, or of section 16 (3) of the Orange Free State Metals Mining Act, 1936 (Act No. 13 of 1936), or of section 2 (2) of the Physical Planning and Utilization of Resources Act, 1967 (Act No. 88 of 1967), or in respect of any condition specifically prohibiting or restricting the sale or supply of intoxicating liquor or the sale, lease or occupation of any land to or by a non-white person, except in so far as such condition relates to the occupation of land which is used or is intended to be used for public purposes by the State or a local authority."

62. Proclamation No. R.123 of 1967 issued by the State President under section 5 (2) of the Population Registration Act, 1950 (Act No. 30 of 1950), and published in *Government* Validation of Proclamation No. R.123 of 1967.

Gazette Extraordinary No. 1753 of the twenty-sixth day of May, 1967, and all the provisions of the said Proclamation are hereby validated.

63. This Act shall be called the General Law Amendment Act, 1968, and sections 3 to 13 inclusive and sections 26, 28, 29 and 49 shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*, and different dates may be so fixed in respect of each of those sections or the different provisions thereof. Short title and commencement.