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KAAPSTAD, 8 SEPTEMBER 1967.
 CAPE TOWN, 8TH SEPTEMBER, 1967.

[No. 1842]

PROKLAMASIE

VAN DIE WAARNEMENDE STAATSPRESIDENT VAN DIE
 REPUBLIEK VAN SUID-AFRIKA

No. R.197, 1967.]

**BEHEER OOR SEKERE AANGELEENTHEDE
 MET BETREKKING TOT LANDBOU IN
 BANTOEGBIEDE**

KRAGTENS die bevoegdheid my verleen by artikel 25 (1) van die Bantoe-administrasie Wet, 1927 (Wet No. 38 van 1927) gelees met artikel 21 (1) van die Bantoe-trust en -grond Wet, 1936 (Wet No. 18 van 1936) verklaar ek hierby dat die regulasies vervat in die Bylae van hierdie Proklamasie van die datum van afkondiging hiervan in alle Bantoegebiede van krag en regsgeldig is.

GEGEE onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria op hede die Sestiende dag van Augustus Eenduisend Negehoenderd Sewe-en-sestig.

J. F. NAUDÉ,
 Waarnemende Staatspresident.

Op las van die Waarnemende Staatspresident-in-Rade.
 M. C. BOTHA.

BYLAE*Woordomskeywing*

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

„Bantoegebiede” die gebiede genoem in artikel 25 (1) van die Wet, gelees met artikel 21 (1) van die Bantoe-trust en -grond Wet, 1936 (Wet No. 18 van 1936), maar uitgesonderd enige sodanige gebied geleë in die Transkei soos in die Transkeise Grondwet, 1963 (Wet No. 48 van 1963), beskryf of wat ingevolge enige wet tot 'n besproeiingswerk verklaar is of as 'n dorp bepaal en afgesonderd is;

„Bantoesakekommissaris” 'n Bantoesakekommissaris of 'n Addisionele of Assistent-Bantoesakekommissaris kragtens artikel 2 van die Wet vir enige distrik of gebied aangestel en ook iemand wat kragtens die skriftelike magtiging van sodanige Bantoesakekommissaris optree;

„meent” alle grond binne 'n Bantoegebied, uitgesonderd grond wat 'n perseel uitmaak;

„perseel” enige grond deur enige persoon wettiglik geokkupeer vir bewerkings- of woondoeleindes of in enige persoon of liggaam se eiendoms- of huurbesit of besit kragtens spesiale vergunning deur bevoegde gesag verleen;

PROCLAMATION

BY THE ACTING STATE PRESIDENT OF THE REPUBLIC OF
 SOUTH AFRICA

No. R.197, 1967.]

**CONTROL OF CERTAIN MATTERS RELATING
 TO AGRICULTURE IN BANTU AREAS**

UNDER and by virtue of the powers vested in me by section 25 (1) of the Bantu Administration Act, 1927 (Act No. 38 of 1927), read with section 21 (1) of the Bantu Trust and Land Act, 1936 (Act No. 18 of 1936), I hereby declare that the regulations contained in the Schedule to this Proclamation shall, from the date of publication hereof, take effect and have the force of law in all Bantu areas.

GIVEN under my Hand and the Seal of the Republic of South Africa at Pretoria on this Sixteenth day of August, One thousand Nine hundred and Sixty-seven.

J. F. NAUDÉ,
 Acting State President.

By Order of the Acting State President-in-Council.
 M. C. BOTHA.

SCHEDULE*Definitions*

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

“Act” means the Bantu Administration Act, 1927 (Act No. 38 of 1927);

“Bantu Affairs Commissioner” means a Bantu Affairs Commissioner or an Additional or Assistant Bantu Affairs Commissioner appointed in terms of section 2 of the Act for any district or area and includes any person acting under the written authority of such Bantu Affairs Commissioner;

“Bantu areas” means the areas referred to in section 25 (1) of the Act read with section 21 (1) of the Bantu Trust and Land Act, 1936 (Act No. 18 of 1936), but excluding any such area situated in the Transkei as described in the Transkei Constitution Act, 1963 (Act No. 48 of 1963), or which has been declared or defined and set apart in terms of any law as an irrigation works or township;

“commonage” means all land within a Bantu area other than land comprising any site;

“noxious weeds” means the plants named in the Annexure to these regulations in the respective

„skadelike onkruid“ die plante in die Aanhangsel van hierdie regulasies genoem in die onderskeie gebiede daarin gespesifiseer en ook die saad, hetsy ryp of onryp, van enige sodanige plant;

„Trust“ die Suid-Afrikaanse Bantoe-trust by artikel 4 van die Bantoe-trust en -grond Wet, 1936 (Wet No. 18 van 1936), ingestel;

„Wet“ die Bantoe-administrasie Wet, 1927 (Wet No. 38 van 1927).

Diere- en vlermuismis

2. (1) Niemand mag enige diere- of vlermuismis van enige Bantoegebied verwyder of probeer verwyder nie tensy die skriftelike toestemming van die Bantoesake-kommissaris eers verkry is.

(2) Enige toestemming ingevolge subartikel (1) verleen, kan uitgereik word onderworpe aan sodanige voorwaardes as wat die Bantoesakekommissaris na goeëdunke oël, en sodanige toestemming kan te eniger tyd deur hom ingetrek word sonder om 'n rede aan te voer.

Ploeg volgens die kontoer

3. (1) Niemand mag grond in enige Bantoegebied ploeg of bewerk of enige gewasse in sodanige gebied plant nie of, as hy die geregistreerde eienaar of okkupeerder van sodanige grond is, toelaat dat sodanige grond geploeg of bewerk word of enige gewasse daarin geplant word nie, behalwe langs 'n reeks lyne op 'n horisontale vlak wat die topografie van die gebied volg.

(2) Die Bantoesakekommissaris kan, na goeëdunke, enige grond of blok of groep landerye van die toepassing van hierdie artikel vrystel. Kennis van sodanige vrystelling kan gegee word op sodanige wyse as wat die Bantoesakekommissaris gelas.

Brand van gras

4. (1) Niemand mag enige veld-, gras- of bosbrand op die meent stig nie behalwe in opdrag van die Bantoesakekommissaris of ooreenkomstig enige voorwaardes vervat in enige toestemming aan sodanige persoon deur die Bantoesakekommissaris verleen: Met dien verstande dat die wettige okkupeerder van enige perseel of iemand deur hom daartoe gemagtig, met die doel om 'n voorbrand om sodanige perseel te maak, enige gras of ander plantegroei mag brand binne 'n gebied wat nie meer as twintig jaart buite die grens van sodanige perseel op die meent strek nie.

(2) Iemand wat vir enige doel wettiglik enige gras of ander plantegroei op enige perseel of binne twintig jaart van enige perseel of binne enige ander gebied op die meent aan die brand steek of brand ooreenkomstig enige toestemming kragtens subartikel (1) verleen, of wat enige vuur op die meent aansteek of help om dit aan te steek of brandstof by sodanige vuur voeg of sodanige vuur weer aansteek, moet al sodanige voorsorgmaatreëls tref as wat redelik nodig is om te verhoed dat enige sodanige vuur versprei en die gras of plantegroei op enige deel van die meent aan die brand steek.

Skadelike onkruid

5. (1) Iemand wat enige perseel okkupeer of die onmiddellike beheer daaroor het, moet enige skadelike onkruid op sodanige perseel totaal vernietig deur elke sodanige onkruid met wortel en al uit te trek en dit te verbrand: Met dien verstande dat in die geval van enige spesie van turksvy (*opuntia*) enige ander middel gebruik kan word waardeur sodanige turksvy geheel en al vernietig word.

(2) Niemand mag enige skadelike onkruid op enige pad of enige rivier, stroom, waterloop, voor, sloot of donga plaas of toelaat dat dit daar geplaas word nie waar dit te eniger tyd deur water weggevoer kan word, of die plek waar dit aldus geplaas is deur hom geokkupeer word of onder sy onmiddellike beheer is of nie, of op enige grond sonder die toestemming, in die geval van enige perseel, van die eienaar of okkupeerder van sodanige perseel of, in die geval van enige ander grond, van die Bantoesakekommissaris.

areas specified therein and includes the seed, whether mature or immature, of any such plant;

„site“ means any land lawfully occupied by any person for arable or residential purposes or which is held by any person or body under title, lease or special permission granted by competent authority;

„Trust“ means the South African Bantu Trust constituted under section 4 of the Bantu Trust and Land Act, 1936 (Act No. 18 of 1936).

Animal and Bat Manure

2. (1) No person shall remove or attempt to remove any animal or bat manure from any Bantu area without first having obtained the written permission of the Bantu Affairs Commissioner.

(2) Any permission granted in terms of subsection (1) may be issued subject to such conditions as the Bantu Affairs Commissioner, in his discretion, may impose, and such permission may be withdrawn by him at any time without reason assigned.

Contour Ploughing

3. (1) No person shall plough or cultivate land in any Bantu area or plant any crops in such land or, being the registered owner or occupier of such land, permit such land to be ploughed or cultivated or any crops to be planted therein, except along a series of lines on a horizontal plane following the topography of the area.

(2) The Bantu Affairs Commissioner may exempt any land or block or group of lands, in his discretion, from the operation of this section. Notification of such exemption may be given in such manner as the Bantu Affairs Commissioner may direct.

Grass Burning

4. (1) No person shall start any veld, grass or bush fire on the commonage except under the orders of the Bantu Affairs Commissioner or in accordance with any conditions contained in any permission granted to such person by the Bantu Affairs Commissioner: Provided that the lawful occupier of any site or a person authorized by him may, for the purpose of making a fire-break round such site, burn any grass or other vegetation within an area which does not extend onto the commonage for more than twenty yards beyond the boundary of such site.

(2) Any person who, for any purpose, lawfully sets fire to or burns any grass or other vegetation on any site or within twenty yards of any site or within any other area on the commonage in terms of any permission granted under subsection (1), or who lights or assists in lighting any fire on the commonage or adds fuel to or rekindles such fire, shall take all such precautions as may be reasonably necessary to prevent any such fire from spreading and igniting the grass or vegetation on any other part of the commonage.

Noxious Weeds

5. (1) Any person who occupies or has the immediate control of any site shall totally destroy any noxious weeds on such site by uprooting every such weed and burning it: Provided that in the case of any species of prickly pear (*opuntia*) any other means may be employed which has the effect of completely destroying such prickly pear.

(2) No person may deposit or allow the depositing of any noxious weed on any road or in any river, stream, watercourse, furrow, ditch or donga where it is liable to be removed at any time by water, whether the place where it is so deposited is or is not occupied by him or under his immediate control, or on any land without the consent, in the case of any site, of the owner or occupier of such site or, in the case of any other land, of the Bantu Affairs Commissioner.

Kwotagewasse

6. (1) Niemand mag in enige Bantoegebied enige tipe gewas, plant of boom vir verkoopsdoeleindes plant of verbou nie waarvan die verkoop of bemarking of die verkoop of bemarking van enige deel daarvan ten tye van die plant daarvan onderworpe is aan 'n kwota deur enige raad, vereniging of ander liggaam vasgestel, behalwe kragtens 'n permit deur die Bantoesakekommissaris uitgereik.

(2) Enige permit in subartikel (1) genoem, word na goeddunke van die Bantoesakekommissaris uitgereik, onderworpe aan 'n appèl by die Hoofbantoesakekommissaris in die geval van weiering, en enige sodanige permit kan vir sodanige tydperk en onderworpe aan sodanige ander voorwaardes as wat die Bantoesakekommissaris voorskryf, uitgereik word.

Bevoegdheid tot betreding, deursoeking en inbeslagneming

7. (1) Die Bantoesakekommissaris, enige lid van die Suid-Afrikaanse Polisie, enige kaptein of enige hoofman kragtens artikel 2 van die Wet aangestel kan met die doel om vas te stel of enige bepaling van hierdie regulasies oortree is—

- (a) op alle redelike tye enige grond, hetsy afgeperk of andersins, betree en inspekteer;
- (b) enige voertuig, pakket, pakkie of ander ding op enige voertuig of wat op enige wyse van een plek na 'n ander vervoer word, deursoek;
- (c) van enige persoon wat met enige werksaamheid besig is waarvoor skriftelike toestemming ingevolge enige bepaling van hierdie Proklamasie vereis word vereis dat hy enige permit aan hom uitgereik, toon;

en kan van enige persoon wat, na hy op redelike gronde vermoed, enige bepaling van hierdie regulasies oortree het, vereis dat hy volledige en juiste inligting betreffende sy naam en adres verstrek.

(2) Enige artikel of voertuig wat nodig is as 'n bewysstuk teen enige persoon op enige aanklag kragtens hierdie regulasies kan in beslag geneem en verwyder word deur die persoon wat enigeen van die bevoegdhede hom by subartikel (1) verleen, uitoefen.

Misdrywe en strafbepalings

8. Iemand wat—

- (1) die bepalinge van artikel 2 (1), 3 (1), 4 (1) of (2), 5 (1) of (2) of 6 (1) oortree of versuim om daaraan te voldoen;
- (2) versuim om te voldoen aan enige voorwaarde opgelê in enige toestemming verleen of permit uitgereik kragtens artikel 2 (2), artikel 4 (1) of artikel 6 (2);
- (3) enige persoon dwarsboom of hinder of belemmer in die uitoefening van enigeen van die bevoegdhede by artikel 7 (1) of (2) verleen of sodanige persoon verhinder of probeer verhinder om dit uit te oefen;
- (4) versuim om aan enige vereiste kragtens artikel 7 (1) te voldoen of wat, in antwoord, op enige sodanige vereiste, valse of misleidende inligting verstrek;

begaan 'n misdryf en is by skuldigbevinding strafbaar met 'n boete van hoogstens R50 of gevangenisstraf van hoogstens 50 dae.

9. Benewens enige ander straf wat opgelê word, kan die hof na goeddunke beveel—

- (a) in die geval van 'n skuldigbevinding weens enige oortreding van artikel 6 (1), dat die gewas, plant of boom, of
- (b) in die geval van 'n skuldigbevinding wat volg op 'n deursoeking en inbeslagneming soos bepaal in artikel 7 (2), dat die artikels aldus in beslag geneem, uitgesonderd 'n voertuig,

aan die Trust verbeurd verklaar word.

Quota Crops

6. (1) No person shall in any Bantu area for the purpose of sale, plant or grow any type of crop, plant or tree, the sale or marketing of which or of any part whereof is at the time of planting subject to a quota fixed by any board, association or other body, except under authority of a permit issued by the Bantu Affairs Commissioner.

(2) The issue of any permit referred to in subsection (1) shall be in the discretion of the Bantu Affairs Commissioner, subject to an appeal to the Chief Bantu Affairs Commissioner in the event of refusal, and any such permit may be issued for such period and subject to such other conditions as the Bantu Affairs Commissioner may prescribe.

Powers of Entry, Search and Seizure

7. (1) The Bantu Affairs Commissioner, any member of the South African Police, any chief or any headman appointed in terms of section 2 of the Act, may, for the purpose of ascertaining whether any provision of these regulations has been contravened—

- (a) at all reasonable times enter upon and inspect any land, whether enclosed or otherwise;
- (b) search any vehicle, package, parcel or other thing on any vehicle or which is being conveyed in any way from one place to another;
- (c) demand from any person engaged on any activity for which written permission is required in terms of any provision of this Proclamation the production of any permit issued to him;

and may demand from any person whom he reasonably suspects of having contravened any provision of these regulations full and exact information as to his name and address.

(2) Any article or vehicle required for the purpose of evidence against any person on any charge under these regulations may be seized and removed by the person exercising any of the powers conferred on him by subsection (1).

Offences and Penalties

8. Any person shall be guilty of an offence who—

- (1) contravenes or fails to comply with the provisions of section 2 (1), 3 (1), 4 (1) or (2), 5 (1) or (2) or 6 (1);
- (2) fails to comply with any conditions imposed in any permission granted or permit issued in terms of section 2 (2), section 4 (1) or section 6 (2);
- (3) obstructs or hinders or interferes with any person in or prevents or attempts to prevent such person from exercising any of the powers conferred upon such person by section 7 (1) or (2);
- (4) fails to comply with any demand made in terms of section 7 (1) or who, in response to any such demand, supplies false or misleading information;

and shall be liable on conviction to a fine not exceeding R50 or imprisonment for a period not exceeding 50 days.

9. In addition to any other penalty which may be imposed the court may in its discretion order—

- (a) in the case of a conviction for any contravention of section 6 (1), that the crop, plant or tree, or
- (b) in the case of a conviction following upon a search and seizure made as provided in section 7 (2) that the articles so seized, other than a vehicle,

shall be forfeited to the Trust.

Herroeping van regulasies

10. Proklamasies Nos. 116 van 1929, 172 van 1938, 134 van 1941, 185 van 1941, 142 van 1949, 25 van 1951, 77 van 1952, 1 van 1953, 43 van 1953, 66 van 1955, 352 van 1957 en artikel 44 van Proklamasie No. 123 van 1931, en Goewermenskennisgewings Nos. 1116 van 1931 en 846 van 1947 word hierby herroep behalwe vir sover hulle van toepassing is op die Transkei soos in die Transkeise Grondwet, 1963 (Wet No. 48 van 1963), beskryf.

Kort titel

11. Hierdie Proklamasie kan vir alle doeleindes as die Algemene Landbouproklamasie No. R.197 van 1967 aangehaal word.

Repeal of Regulations

10. Proclamations Nos. 116 of 1929, 172 of 1938, 134 of 1941, 185 of 1941, 142 of 1949, 25 of 1951, 77 of 1952, 1 of 1953, 43 of 1953, 66 of 1955, 352 of 1957, and section 44 of Proclamation No. 123 of 1931, and Government Notices Nos. 1116 of 1931 and 846 of 1947 are hereby repealed, except in so far as they may be applicable to the Transkei as described in the Transkei Constitution Act, 1963 (Act No. 48 of 1963).

Short Title

11. This Proclamation may be cited for all purposes as the General Agricultural Proclamation No. R.197 of 1967.

ANNEXURE.—AANHANGSEL.

LIST OF NOXIOUS WEEDS.—LYS VAN SKADELIKE ONKRUIDE.

Botanical Name/ <i>Botaniese naam.</i>	English Name/ <i>Engelse naam.</i>	Afrikaans Name/ <i>Afrikaanse naam.</i>
In all Bantu Areas of the Republic/<i>In alle Bantoegebiede in die Republiek.</i>		
<i>Cannabis sativa</i>	Indian hemp	dagga.
<i>Centaurea cyanus</i>	blue centaurea	bloucentaurea.
<i>Centaurea melitensis</i>	Malta centaurea	Malta-centaurea.
<i>Centaurea repens</i>	Russian centaurea	Russiese centaurea.
<i>Centaurea solstitialis</i>	yellow centaurea	geelcentaurea.
<i>Cirsium vulgare</i>	Scotch thistle	Skotse dissel.
<i>Cuscuta</i> (all species)	dodder (all species)	dodder (alle soorte).
<i>Opuntia aurantiaca</i>	jointed prickly pear	litjiesurksvy.
<i>Opuntia imbricata</i>	imbricate prickly pear	kabelturksvy.
<i>Opuntia magacantha</i> (excluding spineless varieties)	mission prickly pear (excluding spineless varieties)	grootdoringturksvy (uitgesonderd doringlose soorte).
<i>Xanthium spinosum</i>	spiny cockle burr	boetebossie.
<i>Xanthium strumarium</i> var. <i>glabratum</i>	large cockle burr	kankerroos.
In Bantu Areas in the Province of Transvaal/<i>In Bantoegebiede in die provinsie Transvaal.</i>		
<i>Acanthospermum</i> (all species)	starburr (all species)	sterklits (alle soorte).
In Bantu Areas in the Province of Natal/<i>In Bantoegebiede in die provinsie Natal.</i>		
<i>Acanthospermum australe</i>	prostrate starburr	kruipsterklits.
<i>Lantana camara</i>	common lantana	gewone lantana.
In Bantu Areas in the Province of the Orange Free State/<i>In Bantoegebiede in die provinsie Oranje-Vrystaat.</i>		
<i>Salsola kali</i>	Russian tumbleweed	Russiese rolbossie.
In Bantu Areas in the following Divisional Council Areas in the Province of the Cape of Good Hope. <i>In die Bantoegebiede in die gebied van die volgende Afdelingsrade in die provinsie Kaap die Goeie Hoop.</i>		
Fort Beaufort.		
<i>Argemone subfusiformis</i> (erratum <i>A. mexicana</i>)	Mexican poppy	Mexikaanse papawer.
Humansdorp.		
<i>Eichhornia crassipes</i>	water hyacinth	waterhiasint.
<i>Hakea tenuifolia</i>	silky hakea	syerige hakea
King William's Town.		
<i>Argemone subfusiformis</i> (erratum <i>A. mexicana</i>)	Mexican poppy	Mexikaanse papawer.
<i>Pteronia incana</i>	blue buchu karoo	blouboegoekaroo.
Komgha.		
<i>Argemone subfusiformis</i> (erratum <i>A. mexicana</i>)	Mexican poppy	Mexikaanse papawer.
Peddie.		
<i>Eichhornia crassipes</i>	water hyacinth	waterhiasint.
<i>Pteronia incana</i>	blue buchu karoo	blouboegoekaroo.
Queenstown.		
<i>Eichhornia crassipes</i>	water hyacinth	waterhiasint.
<i>Euryops floribundus</i>	kamdeboo resin bush	kamdebooharpuis.
Victoria East/<i>Victoria-Oos.</i>		
<i>Argemone subfusiformis</i> (erratum <i>A. mexicana</i>)	Mexican poppy	Mexikaanse papawer.
<i>Eichhornia crassipes</i>	water hyacinth	waterhiasint.
Vryburg.		
<i>Argemone subfusiformis</i> (erratum <i>A. mexicana</i>)	Mexican poppy	Mexikaanse papawer.
<i>Eichhornia crassipes</i>	water hyacinth	waterhiasint.
<i>Hakea tenuifolia</i>	silky hakea	syerige hakea.
<i>Inula graveolens</i>	camphor inula	kamfer-inula.
<i>Schkuhria pinnata</i>	dwarf marigold	kleinkakiebos.
In Bantu Areas in the following Magisterial Districts in the Province of the Cape of Good Hope. <i>In die Bantoegebiede in die volgende landdrosdistrikte in die provinsie Kaap die Goeie Hoop.</i>		
Glen Grey.		
<i>Euryops floribundus</i>	kamdeboo resin bush	kamdebooharpuis.
Herschel.		
<i>Argemone subfusiformis</i> (erratum <i>A. mexicana</i>)	Mexican poppy	Mexikaanse papawer.
<i>Schkuhria pinnata</i>	dwarf marigold	kleinkakiebos.

(2) Vir die toepassing van hierdie artikel beteken „bewaterbare perseel” ’n perseel wat kragtens enige wet vir die uitsluitlike produksie van gewasse of vrugte of van albei gehou of toegeken word en nie ’n perseel nie wat vir woon- of ander doeleindes gehou of toegeken word.

12. (1) Niemand mag—

- (a) enige vee in ’n verbeteringsgebied inbring nie behalwe ooreenkomstig ’n permit toegestaan deur die Bantoesakekommissaris of deur sy plaasvervanger wat behoorlik skriftelik daartoe gemagtig is;
- (b) enige vee wat strydig met paragraaf (a) van hierdie subartikel in ’n verbeteringsgebied ingebring is, ontvang of onder sy toesig neem nie.

(2) In enige strafgeding ingevolge subartikel (1) is dit geen voldoende verdediging vir die beskuldigde om te bewys dat hy inderdaad geen kennis van sodanige inbring gedra het nie, tensy hy verder bewys dat hy alle redelike stappe gedoen het om vas te stel of die vee strydig met daardie subartikel ingebring is of nie.

(3) Die toestaan of die weier van ’n permit berus by die Bantoesakekommissaris wat sodanige voorwaardes in enige permit toegestaan, kan opleë as wat hy nodig ag.

(4) Iemand wat enige vee in ’n verbeteringsgebied inbring waar die brandmerk of merk ingevolge artikel 8 (6) gelas is, moet voor sodanige inbring sodanige vee op die wyse in genoemde subartikel bepaal, laat brandmerk of merk.

13. (1) Die Bantoesakekommissaris kan vir die bewaring en herstel van die weiding en vir die vergemakliking van wisselweiding daarop die meent van enige verbeteringsgebied in weigebiede, kampe of kampies verdeel of laat verdeel, en kan vir die toepassing van hierdie subartikel sodanige weigebiede of kampe en kampies laat omhein of afbaken met bakens of op sodanige ander manier as wat hy besluit.

(2) Die Bantoesakekommissaris kan sodanige reëls voorskryf of sodanige beperkings opleë of sodanige opdragte gee vir die beheer oor die wei van vee in enige weigebied, kamp, of kampie in subartikel (1) genoem as wat hy nodig ag vir die doeltreffende uitvoering van die bepalings van hierdie Proklamasie.

(3) Die Bantoesakekommissaris kan verskillende reëls voorskryf of verskillende beperkings opleë of verskillende opdragte gee ten opsigte van verskillende weigebiede, kampe of kampies in dieselfde of in verskillende verbeteringsgebiede.

(4) Niemand mag strydig met enige reëls, beperkings of opdragte wat kragtens subartikel (1) voorgeskryf, opgelê of gegee is, enige vee in enige weigebied, kamp of kampie in ’n verbeteringsgebied inbring nie.

(5) Vir die toepassing van hierdie artikel beteken „baken” enige struktuur, voorwerp, ding of aanwyser wat opgerig af aangebring is om die limiete of grense van enige gebied of kamp of kampie aan te dui of af te baken, en ook enige natuurlike landmerk wat vir dieselfde doel gebruik word.

14. Die Bantoesakekommissaris kan, by kennisgewing ten opsigte van enige verbeteringsgebied, na oorlegging met die komitee of, waar geen komitee saamgestel is nie, die kaptein of hoofman met regsbevoegdheid in sodanige verbeteringsgebied of, as daar nie een is nie, die Bantoe vee-eienaars in sodanige verbeteringsgebied woonagtig, op ’n openbare vergadering vir dié doel belê—

- (i) gedeeltes van die meent vir die beweiding deur sekere gespesifiseerde veeklasse reserveer;
- (ii) vir die beter bewaring van die veld en die plantegroei enige gedeelte van die meent vir enige gespesifiseerde tydperk aan beweiding onttrek.

15. Niemand mag enige vee laat wei of toelaat om te wei op enige landbou- of bewerkbare gebied of enige afgeoeste lande in ’n verbeteringsgebied of enige vee daarin inbring nie, behalwe op sodanige voorwaardes en op sodanige tye en vir sodanige tydperke as wat die Bantoesakekommissaris by kennisgewing mag bepaal.

(2) For the purposes of this section, “arable allotment” shall mean an allotment held or granted under any law for the exclusive production of crops or fruit or of both, and shall not include an allotment held or granted for residential or other purposes.

12. (1) No person shall—

- (a) introduce any stock into a betterment area except in accordance with a permit granted by the Bantu Affairs Commissioner, or by his deputy duly authorized thereto in writing;
- (b) receive or take charge of any stock introduced into a betterment area in contravention of paragraph (a) of this subsection.

(2) In any criminal proceedings under subsection (1) it shall not be a sufficient defence for the accused to prove that he, in fact, had no knowledge of such introduction, unless he proves in addition that he took all reasonable steps to ascertain whether or not the stock had been introduced in contravention of that subsection.

(3) The grant or the refusal of a permit shall be at the discretion of the Bantu Affairs Commissioner who may impose such conditions in any permit granted as he may deem necessary.

(4) Any person who introduces stock into any betterment area, where branding or marking has been directed in terms of section 8 (6), shall cause such stock to be branded or marked in the manner provided in the said section before such introduction.

13. (1) The Bantu Affairs Commissioner may, for the preservation and rehabilitation of the pasturage and to facilitate rotational grazing thereon, divide the commonage of any betterment area or cause such commonage to be divided into grazing areas, camps or paddocks and may, for the purposes of this subsection, cause such grazing areas or camps and paddocks to be fenced or demarcated by beacons or by such other means as he may decide.

(2) The Bantu Affairs Commissioner may make such rules or impose such restrictions or give such directions for the control of the grazing of stock in any grazing area, camp or paddock referred to in subsection (1) as he may deem necessary effectively to carry out the provisions of this Proclamation.

(3) The Bantu Affairs Commissioner may make different rules or impose different restrictions or give different directions in respect of different grazing areas, camps or paddocks in the same or in different betterment areas.

(4) No person shall introduce any stock into any grazing area, camp or paddock in a betterment area in contravention of any rules, restrictions or directions as may have been made, imposed or given in terms of subsection (1).

(5) For the purposes of this section “beacon” means any structure, object, thing or indicator erected or placed to indicate or demarcate the limits or boundaries of any area or camp or paddock, and includes any natural landmark utilized for the same purpose.

14. The Bantu Affairs Commissioner may, by notice in respect of any betterment area, after consultation with the committee, or where no committee has been constituted, the chief or headman having jurisdiction in such betterment area or, if none, the Bantu stock owners residing in such betterment area at a public meeting called for the purpose—

- (i) reserve portions of the commonage for the grazing of certain specified classes of stock;
- (ii) for the better preservation of the veld and the vegetation withdraw from grazing any portion of the commonage for any specified period.

15. No person shall graze or permit to graze or introduce any stock on or into any agricultural or arable area or any reaped lands in a betterment area, except on such conditions and at such times and for such periods as may be fixed by the Bantu Affairs Commissioner by notice.

16. (1) Enige vee wat op die meent van 'n verbeteringsgebied oortree of enige vee wat in 'n verbeteringsgebied ingebring word of aan die wei in 'n verbeteringsgebied aangetref word strydig met enige bepaling van hierdie Proklamasie, of strydig met of met verontagsaming van enige bevel, opdrag, voorwaarde of verbod wettiglik gegee of opgelê kragtens hierdie Proklamasie, kan deur die Bantoesakekommissaris of deur enige persoon behoorlik deur hom skriftelik daartoe gemagtig, of deur die kaptein of hoofman met regsbevoegdheid in sodanige verbeteringsgebied of deur enige lid van die komitee vir sodanige gebied geskut word.

(2) Waar daar geen gerieflike skut is nie, kan sodanige vee deur enigeen van die persone in subartikel (1) genoem, verwyder word na die kaptein of hoofman se kraal of sodanige ander plek as wat die Bantoesakekommissaris bepaal, en daarna moet daarmee gehandel word op sodanige wyse as wat die Bantoesakekommissaris na goeddunke gelas.

17. (1) Die Bantoesakekommissaris kan vir die beter gebruik en okkupering van die grond in enige verbeteringsgebied, en vir die ordelike aanleg van en vestiging van persone in sodanige gebied, gebiede vir woon-, bewerkings-, veeboerdery- of sodanige ander doeleindes as wat hy gerade ag, omskryf en afbaken of laat omskryf en laat afbaken.

(2) Vir die beter gebruik en ontwikkeling van landbouhulpbronne en die bewaring en die verbetering van gebiede onder bewerking kan die Bantoesakekommissaris ten opsigte van enige verbeteringsgebied sodanige reëls voorskryf of sodanige opdragte gee as wat hy raadzaam ag ten opsigte van—

- (a) die metode en wyse van bewerking van grond;
- (b) die metode van oesinsameling, grondbewerking, wisselbou en die soort gewasse wat verbou moet word;
- (c) die gebruik van kraalmis, kompos en kunsmisstowwe;
- (d) die bestryding van onkruid; en
- (e) enige ander sake vir die herwinning van grond of vir die herstelling of instandhouding van die vrugbaarheid daarvan of vir die vermeerdering van gewas- of voedselproduksie daaruit of vir die voorkoming van erosie daarop.

18. Die Bantoesakekommissaris kan te eniger tyd enige reël, opdrag, voorwaarde, verbod of voorbehoud wat hy voorgeskryf, gegee, opgelê of gestel het, of enige tyd of tydperk wat hy kragtens artikel 6, 7, 13, 14, 15, of 17 bepaal het, wysig of intrek.

19. (1) Kennis van enige stap gedoen of van enige vasstelling gedoen, reël voorgeskryf, opdrag gegee, voorwaarde of verbod opgelê of voorbehoud gestel of van enige tyd of tydperk bepaal kragtens artikel 5, 6, 7, 10, 13, 14, 15 of 17 of van enige wysiging of intrekking daarvan moet skriftelik deur die Bantoesakekommissaris gegee word aan die kaptein of hoofman met regsbevoegdheid in die verbeteringsgebied, wat die bepalinge daarvan aan die inwoners van sodanige gebied moet meedeel of indien daar geen kaptein of hoofman in die verbeteringsgebied is nie moet die Bantoesakekommissaris of sy behoorlik benoemde plaasvervanger die inwoners van sodanige gebied in kennis stel van enige sodanige stap, vasstelling, reël, opdrag, voorwaarde, verbod, voorbehoud of tyd of tydperk bepaal of van enige wysiging of intrekking daarvan, en wel op 'n vergadering vir dié doel in daardie verbeteringsgebied gehou.

(2) Dit is 'n regsveronderstelling dat die feite-inhoud van enige kennisgewing ooreenkomstig hierdie artikel onder die aandag van elke inwoner van, en elke eienaar van vee in die betrokke verbeteringsgebied gekom het binne dertig dae na die datum waarop sodanige kennis gegee is.

16. (1) Any stock found trespassing on the commonage of a betterment area or any stock introduced into a betterment area or found grazing in a betterment area in contravention of any provision of this Proclamation, or in contravention or in disobedience of any order, direction, condition or prohibition lawfully made in terms of this Proclamation, may be impounded by the Bantu Affairs Commissioner or by any person duly authorized by him in writing to do so or by the chief or headman having jurisdiction in such betterment area or by any member of the committee for such area.

(2) Where there is no convenient pound, any such stock may be removed, by any of the persons referred to in subsection (1), to the chief's or headman's kraal or such other place as the Bantu Affairs Commissioner may appoint, and shall thereafter be dealt with in such manner as the Bantu Affairs Commissioner, in his discretion, may direct.

17. (1) The Bantu Affairs Commissioner may for the better use and occupying of the land in any betterment area, and the orderly lay-out and settlement of such area, define and demarcate, or cause to be defined and demarcated, areas for residential, arable, pastoral or such other purposes as he may deem expedient.

(2) For the better use and development of agricultural resources and the conservation and improvement of areas under cultivation, the Bantu Affairs Commissioner may, in respect of any betterment area, make such rules or give such directions as he may deem advisable in respect of—

- (a) the method and manner of cultivation of land;
- (b) the method of cropping, tillage, rotation of crops and the kind of crops to be grown;
- (c) the use of kraal manure, compost and fertilizers;
- (d) the control of weeds; and
- (e) any other matters for the reclamation of land or for the restoration or maintenance of its fertility or for the increase of crop or food production therefrom or for the prevention of erosion thereon.

18. The Bantu Affairs Commissioner may at any time vary or withdraw any rules, directions, conditions, prohibition or reservations made by him, or any times or periods fixed by him in terms of section 6, 7, 13, 14, 15 or 17.

19. (1) Notice of any action taken or of any assessments, rules, directions, conditions, prohibitions or reservations made or given or of any times or periods fixed in terms of section 5, 6, 7, 10, 13, 14, 15 or 17 or of any variation or withdrawal thereof shall be given by the Bantu Affairs Commissioner, in writing, to the chief or headman having jurisdiction in the betterment area, who shall convey the terms thereof to the residents of such area; or if there be no chief or headman in the betterment area, the Bantu Affairs Commissioner or his duly appointed deputy shall advise the residents of such area of any such action, assessments, rules, directions, conditions, prohibitions, reservations or times or periods fixed or of any variation or withdrawal thereof, at a meeting held for the purpose in that betterment area.

(2) It shall be a presumption of law that the subject matter of any notice given in the manner provided for in this section shall have come to the notice of every resident of and any owner of stock in the betterment area concerned within thirty days of the date on which such notice was given.

20. Die Bantoesakekommissaris moet 'n rekord hou met besonderhede van elke kennisgewing ooreenkomstig artikel 19. 'n Uittreksel uit sodanige rekord behoorlik deur die Bantoesakekommissaris as korrek gesertifiseer, is in alle geregshowe by die blote oorlegging daarvan *prima facie*-bewys dat sodanige kennis wel gegee is.

21. Die Bantoesakekommissaris of enige persoon skriftelik deur hom gemagtig—

- (i) het op alle redelike tye die reg om enige grond in enige verbeteringsgebied te betree en te inspekter en om enige gebou of struktuur of afperking daarop binne te gaan;
- (ii) kan enige Bantoe wat in enige verbeteringsgebied aangetref word of enige Bantoe wat hy op redelike gronde meen die eienaar te wees van enige vee wat in enige verbeteringsgebied aangetref word, aansê om volledige en juiste inligting te verstrek ten opsigte van sy naam, persoonsnommer, woonplek en werkplek en volledige besonderhede aangaande sy gesin, of enige grond in enige verbeteringsgebied wat deur hom of enige lid van sy gesin beploeg of bewerk of geokkupeer of gebruik word en van al die of enige vee wat aan hom behoort.

22. (1) In elke verbeteringsgebied kan daar, behoudens die bepalinge van artikel 23, op las van die Hoofbantoesakekommissaris 'n adviserende komitee ingestel word wat uit minstens vyf en hoogstens tien lede moet bestaan wat almal belastingbetalers, in die betrokke verbeteringsgebied woonagtig, moet wees. Behoudens die beperkings hierin opgelê, moet die getal lede wat 'n komitee uitmaak ooreenkomstig die getal belastingbetalers in die betrokke verbeteringsgebied vasgestel word in sodanige verhouding as wat die Hoofbantoesakekommissaris gelas: Met dien verstande dat die Hoofbantoesakekommissaris die instelling van een komitee vir twee of meer verbeteringsgebiede as groep kan gemagtig.

(2) Die funksie van 'n komitee is om die ontwikkeling, verbetering en herstelling van die verbeteringsgebied waarvoor dit ingestel is, aan te moedig en daarmee behulpzaam te wees, om as skakel tussen die Bantoesakekommissaris en die inwoners op te tree ten einde hulle samewerking te verseker, en in die algemeen om in 'n raadgewende hoedanigheid vir die Bantoesakekommissaris op te tree in sy toepassing en uitvoering van die bepalinge van hierdie Proklamasie.

(3) Die lede van 'n komitee moet deur die inwoners van 'n betrokke verbeteringsgebied verkies word op 'n vergadering wat vir dié doel by kennisgewing belê is en waarop die Bantoesakekommissaris die voorsitter is: Met dien verstande dat enige kaptein of hoofman *ex officio*-lid van die komitee is vir die verbeteringsgebied waarin hy woonagtig is.

(4) Op die vergadering ingevolge subartikel (3) belê, moet stemming, indien nodig, met handopsteking of deur sodanige ander metode as wat die Bantoesakekommissaris voorskryf, geskied.

(5) Die ampstermyn van 'n komitee is 'n tydperk van drie jaar vanaf die datum van die vergadering waarop hy verkies is.

(6) Die lede van 'n komitee moet op hul eerste vergadering 'n voorsitter, 'n ondervoorsitter en 'n sekretaris verkies, met pligte wat gewoonlik met sodanige ampte in verband staan.

(7) 'n Komitee moet so dikwels as wat nodig is, maar minstens een maal elke drie maande byeenkom, en dit is die plig van die sekretaris om te verseker dat elke lid van die komitee 'n tydig kennisgewing van elke vergadering ontvang. Die vergaderings moet deur die voorsitter gelei word of, in sy afwesigheid, deur die ondervoorsitter en in die afwesigheid van sowel die voorsitter as die ondervoorsitter moet die aanwesige lede iemand uit hulle midde kies om die voorsitterstoel in te neem. In die geval van 'n komitee van vyf lede maak drie lede 'n kworum uit, maar in die geval van 'n

20. The Bantu Affairs Commissioner shall keep a record containing particulars of any notice given in terms of section 19. An extract from such record duly certified as correct by the Bantu Affairs Commissioner shall in all courts of law on its mere production be *prima facie* proof of the giving of such notice.

21. The Bantu Affairs Commissioner or any person authorized by him in writing—

- (i) shall at all reasonable times have the right to enter upon and inspect any land in any betterment area and to enter any building or structure or enclosure thereon;
- (ii) may demand from any Bantu found in any betterment area or from any Bantu whom he believes on reasonable grounds to be the owner of any stock found in any betterment area, full and exact information as to his name, national identity number, residence and place of employment and full details of his family, of any land in any betterment area which is being ploughed or cultivated or occupied or used by him or any member of his family and of all or any stock owned by him.

22. (1) In every betterment area there may, subject to the provisions of section 23, on the instructions of the Chief Bantu Affairs Commissioner, be established an advisory committee which shall consist of not less than five nor more than ten members who shall be taxpayers residing in the betterment area concerned. Subject to the limits herein laid down the number of members constituting a committee shall be determined according to the number of taxpayers in the betterment area concerned, in such ratio as the Chief Bantu Affairs Commissioner may direct: Provided that the Chief Bantu Affairs Commissioner may authorise the establishment of one committee for two or more betterment areas, as a group.

(2) The functions of a committee shall be to encourage and assist in the development, improvement and rehabilitation of the betterment area for which it has been established, to act as a link between the Bantu Affairs Commissioner and the residents to ensure their co-operation, and generally to act in an advisory capacity to the Bantu Affairs Commissioner in his application and administration of the provisions of this Proclamation.

(3) The members of a committee shall be elected by the residents of the betterment area concerned at a meeting convened for that purpose by notice and presided over by the Bantu Affairs Commissioner: Provided that any chief or headman shall be *ex officio* a member of the committee for the betterment area within which he resides.

(4) At the meeting convened in terms of subsection (3), voting, if necessary, shall be by a show of hands or by such other method as the Bantu Affairs Commissioner may prescribe.

(5) The term of office of a committee shall be a period of three years from the date of the meeting at which it was elected.

(6) The members of a committee shall at their first meeting elect a chairman, a deputy-chairman and a secretary, whose respective duties shall be such as are usually associated with such offices.

(7) A committee shall meet as often as may be necessary, but not less frequently than once in every three months, and it shall be incumbent upon the secretary to ensure that each member of the committee is given timeous notice of every meeting. Meetings shall be presided over by the chairman, or in his absence, by the deputy-chairman, and in the absence of both the chairman and the deputy-chairman the members present shall choose one of their number to preside. In the case of a committee of five members three shall form a

komitee van meer as vyf lede maak minstens twee derdes van die getal lede waaruit sodanige komitee bestaan 'n kworum uit.

(8) Die sekretaris moet notule hou van die verrigtinge op elke vergadering en van die name van die lede wat aanwesig is.

(9) Al die vergaderings van 'n komitee is vir enige inwoners van die verbeteringsgebied waarvoor hy ingestel is, oop. Die Bantoesakekommissaris kan die vergadering in sy amptelike hoedanigheid bywoon, en die tegniese beamptes van die Departement van Bantoe-administrasie en -ontwikkeling kan in 'n raadgewende hoedanigheid teenwoordig wees.

(10) 'n Lid van 'n komitee kan te eniger tyd uit sy amp bedank deur kennisgewing onder sy handtekening aan die voorsitter te rig. Enige lid wat versuim om drie agtereenvolgende vergaderings by te woon sonder dat hy deur die voorsitter verskoon is, word geag sy amp te verbeur het en daarna ontstaan 'n vakature in die komitee.

(11) Die bepalings van subartikels (3) en (4) is *mutatis mutandis* van toepassing op die aanvulling van enige vakature in 'n komitee.

23. (1) Wanneer 'n verbeteringsgebied geleë is in die regsgebied van 'n stam- of gemeenskapsowerheid ingestel kragtens die Wet op Bantoe-owerhede, 1951 (Wet No. 68 van 1951), word sodanige owerheid of 'n komitee deur hom aangestel, beskou as die adviserende komitee en moet hy die funksies van sodanige adviserende komitee vervul.

(2) Indien 'n adviserende komitee, saamgestel soos bepaal in artikel 22, reeds funksioneer in enige regsgebied van 'n stam- of gemeenskapsowerheid wanneer sodanige owerheid ingestel word, word sodanige komitee *ipso facto* ontbind.

24. (1) Wanneer, na mening van die Minister, enige stuk grond in 'n verbeteringsgebied—

- (a) nodig is vir die voorkoming van gronderosie of die herwinning van grond wat daardeur geraak word; of
- (b) nodig is vir die voorkoming van waaisandvorming of die herwinning van grond wat daardeur geraak word; of
- (c) nodig is vir die beskerming van opvanggebiede of die bewaring van waterbronne; of
- (d) so geleë is of so gebruik of bewerk word dat dit gronderosie veroorsaak of waarskynlik kan veroorsaak; of
- (e) in die geval van grond wat gehou of geokkupeer word vir 'n woon-, bewerkings-, landbou- of enige ander doel, geleë is buite enige gebied of gebiede vir sodanige doeleindes omskryf en afgebaken kragtens artikel 17 (1);

kan hy, behoudens die toekenning of toewysing van ander grond of die betaling van vergoeding soos bepaal in artikel 27, sodanige grond onteien of enige reg van gebruik of okkupasie ten opsigte van sodanige grond beëindig.

(2) Minstens drie maande voor die Minister sodanige grond onteien of enige reg van gebruik of okkupasie kragtens hierdie artikel beëindig, moet hy aan die geregistreerde eienaar of, indien hy oorlede is, aan die regsvertegenwoordiger van sy boedel of sy erfgenaam of, indien die erfgenaam 'n minderjarige is, sy voog, na gelang van die geval, of, in die geval van die beëindiging van enige reg van gebruik of okkupasie, aan die besitter van sodanige reg en aan elke persoon wat blykens enige titelbewys van die grond belang daarby het en wie se verblyfplek hy redelik kan vasstel, skriftelik kennis gee onder die hand van die Bantoesakekommissaris waarin hy die grond beskryf wat hy voornemens is om te onteien, of ten opsigte waarvan hy voornemens is om enige reg van gebruik of okkupasie te beëindig, en enige grond wat hy voornemens is om in die plek daarvan toe te ken, of ander vergoeding daarvoor.

quorum, but in a committee of more than five members not less than two-thirds of the number of members constituting such committee shall form a quorum.

(8) The secretary shall keep minutes recording the proceedings at each meeting and the names of the members in attendance.

(9) All meetings of a committee shall be open to any resident of the betterment area for which it has been established. The Bantu Affairs Commissioner may attend in his official capacity, and technical officers of the Department of Bantu Administration and Development may be present in an advisory capacity.

(10) A member of a committee may resign his seat at any time by notice under his hand addressed to the chairman. Any member failing to attend three consecutive meetings without being excused by the chairman shall be held to have forfeited his seat, and a vacancy on the committee shall thereupon occur.

(11) The provisions of subsections (3) and (4) shall *mutatis mutandis* apply to the filling of any vacancy on a committee.

23. (1) Whenever a betterment area is situated in an area under the jurisdiction of a tribal or community authority, established in terms of the Bantu Authorities Act, 1951 (Act No. 68 of 1951), such authority or a committee appointed by it shall be regarded as the advisory committee and shall perform the functions of such advisory committee.

(2) If on the establishment of a tribal or community authority an advisory committee, constituted as provided in section 22, is already functioning in any area under the jurisdiction of such authority such committee shall *ipso facto* be dissolved.

24. (1) Whenever, in the opinion of the Minister, any area of land in a betterment area—

- (a) is required for the prevention of soil erosion or the reclamation of land affected thereby; or
- (b) is required for the prevention of sand drift or the reclamation of land affected thereby; or
- (c) is required for the protection of catchment areas or the conservation of water sources; or
- (d) is so situated or is being so used or cultivated as to cause, or is likely to cause erosion of the soil; or
- (e) in the case of land held or occupied for residential, arable, agricultural or any other purpose is situated outside any area or areas defined and demarcated for such purposes, in terms of section 17 (1);

he may, subject to the granting or allotment of other land or payment of compensation as provided in section 27, appropriate such land or terminate any right of use or occupation over such land.

(2) Not less than three months before the Minister appropriates such land or terminates any right of use or occupation under this section, he shall give to the registered owner or, if he be deceased, to the legal representative of his estate, or his heir, or should the heir be a minor, his guardian, as the case may be or, in the case of the termination of any right of use or occupation, to the holder of such right, and to every person who is shown upon any title deed of the land to have any interest therein, and whose whereabouts he can readily ascertain, a notice, in writing, under the hand of the Bantu Affairs Commissioner, describing the land which he proposes to appropriate or in respect of which he proposes to terminate any right of use or occupation, and any land which it is proposed to allot in place thereof, or other compensation therefor.

- (b) op die opdrag die naam van sodanige Bantoe, die datum, en naastenby die tyd, toe hy aldus beveel is, aanteken;
 - (c) telkens op versoek van sodanige Bantoe, sodanige opdrag aan hom toon vir insae;
 - (d) sodanige opdrag aan die Bantoesakekommissaris stuur nadat gesertifiseer is dat al die Bantoes wie se name daarop verskyn, behoorlik gelas is om hulle vir werk aan te meld.
- (4) Enige Bantoe wat kragtens hierdie artikel beveel is om hom vir werk aan te meld, mag—
- (a) in sy plek 'n plaasvervanger verskaf, onderworpe aan die goedkeuring ten opsigte van die geskiktheid van sodanige plaasvervanger, wat naamlik vooraf verkry is van die persoon wat aangestel is om oor sodanige werk toesig te hou, en daarna word beskou dat so 'n goedgekeurde plaasvervanger behoorlik beveel is om hom vir werk aan te meld op die wyse soos in subartikel (3) bepaal;
 - (b) om enige rede wat volgens die mening van die Bantoesakekommissaris voldoende is, deur sodanige Bantoesakekommissaris skriftelik vrygestel word ten opsigte van aanmelding vir werk.
- (5) Elke Bantoe wat beveel is om hom vir werk aan te meld, soos in subartikel (3) bepaal, of sy plaasvervanger wat kragtens subartikel (4) (a) goedgekeur is, moet, tensy kragtens subartikel (4) (b) vrygestel, hom aanmeld op die tyd en plek soos bepaal, en dié werk in verband met enige gemeenskapsdiens verrig wat die persoon wat aangestel is om oor die werk toesig te hou, aan hom mag toewys.

Nooddiens

3. (1) Elke liggaamlik geskikte manlike Bantoe bo die ouderdom van 18 jaar maar nie ouer as 65 jaar nie, wat hom in enige Bantoegebied bevind, moet, wanneer die Bantoesakekommissaris, kaptein of hoofman hom ook al aldus beveel, hom sonder enige onnodige versuim aanmeld by enige plek wat deur sodanige Bantoesakekommissaris, kaptein of hoofman bepaal is, en moet aldaar sodanige werk in verband met enige nooddiens verrig as wat die persoon wat aangestel is om oor die werk toesig te hou, aan hom mag toewys.

(2) Ondanks die bepalinge van artikel 2 of van enige ander wet, raak die afwesigheid van 'n skriftelike opdrag of bevel nie die geldigheid van enige bevel wat in subartikel (1) genoem word en wat mondelings gegee is nie: Met dien verstande dat enige persoon aan wie die Bantoesakekommissaris, kaptein of hoofman die bevoegdheid om sodanige bevel te gee, gedelegeer het, op versoek van enige Bantoe wat hy aldus beveel, sy skriftelike magtiging moet toon.

(3) Dit is 'n voorwaarde by enige bevel wat kragtens hierdie artikel aan 'n Bantoe gegee word dat die Trust nie aanspreeklik is vir die betaling van enige besoldiging aan sodanige Bantoe met betrekking tot enige werk wat in verband met 'n nooddiens verrig word nie: Met dien verstande dat die Sekretaris, wanneer hy ook al oortuig is dat die Trust aansienlike voordeel uit enige sodanige werk geput het, 'n betaling uit Trustfondse aan enige sodanige Bantoe kan magtig van naamlik sodanige bedrag as wat hy na goëddunke kan bepaal.

(4) Enige persoon wat kragtens subartikel (1) enige Bantoe beveel om hom vir werk in verband met enige nooddiens aan te meld, moet 'n register byhou wat die aard van die nooddiens aandui asook die name van sodanige Bantoes, en moet sodanige register aan die Bantoesakekommissaris besorg nadat daarop gesertifiseer is dat alle Bantoes wie se name op sodanige register voorkom, behoorlik beveel is om hulle vir werk in verband met sodanige diens aan te meld.

Algemeen

4. (1) Aan enige Bantoe wat beseer word terwyl hy enige werk verrig wat kragtens artikel 2 (5) of artikel 3 (1) aan hom toegewys is deur enige persoon wat oor

- (b) enter on the directive the name of such Bantu, and the date and approximate time when he was so ordered;
- (c) whenever requested to do so by such Bantu, produce such directive to him for inspection;
- (d) transmit such directive to the Bantu Affairs Commissioner after certifying that all Bantu whose names appear thereon were duly ordered to report for work.

(4) Any Bantu who has been ordered to report for work in terms of this section may—

- (a) provide a substitute for himself subject to the prior approval as to the suitability of such substitute by the person appointed to supervise such work, and thereupon such approved substitute shall be deemed to have been duly ordered to report for work in the manner provided in subsection (3);
- (b) for any reason which is in the opinion of the Bantu Affairs Commissioner sufficient, be exempted in writing by such Bantu Affairs Commissioner from reporting for work.

(5) Every Bantu who has been ordered to report for work as in subsection (3) provided, or his substitute who has been approved in terms of subsection (4) (a) shall, unless exempted in terms of subsection (4) (b) present himself at the time and place specified and perform such work on any community service as the person appointed to supervise the work may allot to him.

Emergency Services

3. (1) Every able-bodied Bantu male over the age of 18 years but not more than 65 years of age who is in any Bantu area shall, whenever ordered to do so by the Bantu Affairs Commissioner, chief or headman report without any unnecessary delay to any place specified by such Bantu Affairs Commissioner, chief or headman and shall there perform such work on any emergency service as may be allotted to him by the person supervising such service.

(2) Notwithstanding the provisions of section 2 or of any other law the absence of a directive or order in writing shall not affect the validity of any order referred to in subsection (1) which is given verbally: Provided that any person to whom the Bantu Affairs Commissioner, chief or headman has delegated the power to give such order shall on demand produce to any Bantu he so orders his authority in writing.

(3) It shall be a condition of any order given to a Bantu in terms of this section that the Trust shall not be liable to pay such Bantu any remuneration in respect of any work done in connection with any emergency service: Provided that the Secretary may, whenever he is satisfied that the Trust derived substantial benefit from any such work, authorize the payment from Trust funds to any such Bantu of such amount as he may, in his discretion, determine.

(4) Any person who in terms of subsection (1) orders any Bantu to report for work on an emergency service shall maintain a record indicating the nature of the emergency service and of the names of such Bantu and shall transmit such record to the Bantu Affairs Commissioner after certifying thereon that all Bantu whose names appear on such record were duly ordered to report for work on such service.

General

4. (1) Any Bantu who is injured in the course of performing any work allotted to him in terms of section 2 (5) or section 3 (1) by any person supervising work

werk in verband met enige gemeenskaps- of nooddiens toesig hou, kan deur die Trust sodanige vergoeding betaal word ten opsigte van so 'n besering as wat die Sekretaris na goeddunke kan bepaal.

(2) Ten einde die maksimum bedrag aan skadeloosstelling vas te stel wat die Sekretaris kan toeken aan enige Bantoe wat beseer word onder omstandighede wat in subartikel (1) genoem word, word geag dat sodanige Bantoe ten tyde van sodanige besering in ontvangs was van besoldiging teen 'n loon gelykstaande aan die minimum loon wat 'n Bantoe-werknemer van die Trust, wat soortgelyke werk verrig, sou ontvang het in die distrik of gebied waar sodanige besering plaasgevind het.

5. Niks wat in hierdie Proklamasie vervat is, moet vertolk word nie as sou dit aan enige persoon wat enige werk in verband met enige gemeenskaps- of nooddiens verrig, of wat gedurende die verrigting van enige sodanige werk beseer word, die reg sou gee om van die Trust enige besoldiging of skadeloosstelling te eis.

6. Enige Bantoe wat die bepalinge van artikel 2 (5) of artikel 3 (1) oortree, begaan 'n misdryf en is by skuldigbevinding strafbaar met 'n boete van hoogstens twintig rand of gevangenisstraf vir 'n tydperk van hoogstens twintig dae.

7. Wanneer iemand vir 'n oortreding van enige bepaling van hierdie Proklamasie aangekla word, word dit bloot deur die oorlegging in enige hof van die naamregister, behoorlik gesertifiseer ooreenkomstig artikel 2 (3) (d) of artikel 3 (4), veronderstel dat die persone wie se name in sodanige register voorkom, persoonlik beveel is om hulle aan te meld vir werk in verband met die gemeenskaps- of nooddiens waarop sodanige register betrekking het en dat die persoon wat sodanige register gesertifiseer het, kragtens hierdie Proklamasie behoorlik gemagtig was om sodanige bevel te gee.

8. Proklamasie No. 179 van 1929 en artikel 33 (2) (b) van Proklamasie No. 43 van 1940 word hierby herroep.

9. Hierdie Proklamasie kan vir alle doeleindes as die Gemeenskapsdienste Proklamasie No. R.200 van 1967, aangehaal word.

PROKLAMASIE

VAN DIE WAARNEMENDE STAATSPRESIDENT VAN DIE REPUBLIEK VAN SUID-AFRIKA

No. R.201, 1967.]

REGULASIES BETREFFENDE GEMEENSKAP-LIKE VERANTWOORDELIKEHEID IN BANTOE-GEBIEDE

KRAGTENS die bevoegdheid my verleen by artikel 25 (1) van die Bantoe-administrasie Wet, 1927 (Wet No. 38 van 1927), gelees met artikel 21 (1) van die Bantoe-trust en -grond Wet, 1936 (Wet No. 18 van 1936), verklaar ek hierby dat die regulasies vervat in die Bylae van hierdie Proklamasie, van die datum van publikasie hiervan van krag is en die krag van wet het in alle Bantoegebiede wat nie in die Transkei ingesluit is nie, soos in die Transkeise Grondwet, 1963 (Wet No. 48 van 1963), omskryf.

GEGEE onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria op hede die Vierde dag van Augustus Eenduisend Negehoonderd Sewe-en-sestig.

J. F. NAUDÉ,
Waarnemende Staatspresident.

Op las van die Waarnemende Staatspresident-in-Rade.
M. C. BOTHA.

on any community or emergency service may be paid such compensation by the Trust in respect of such injury as the Secretary may, in his discretion, determine.

(2) For the purpose of determining the maximum amount of compensation which the Secretary may award to any Bantu who is injured in the circumstances referred to in subsection (1) such Bantu shall, at the time of such injury, be deemed to have been in receipt of remuneration at a rate equal to the minimum rate at which a Bantu employee of the Trust engaged on similar work would have been paid in the district or area where such injury occurred.

5. Nothing in this Proclamation contained shall be construed as conferring on any person performing any work on any community or emergency service, or who is injured in the course of performing any such work the right to demand from the Trust any remuneration or compensation.

6. Any Bantu who contravenes the provisions of section 2 (5) or section 3 (1) shall be guilty of an offence and liable on conviction to a fine not exceeding twenty rand or imprisonment for a period not exceeding twenty days.

7. Whenever any person is charged with a contravention of any provision of this Proclamation it shall, on the mere production in any court of the record of names duly certified in accordance with section 2 (3) (d) or section 3 (4) be presumed that the persons whose names appear in such record were personally ordered to report for work on the community or emergency service to which such record relates and that the person who certified such record had the necessary authority in terms of this Proclamation to give such order.

8. Proclamation No. 179 of 1929 and section 33 (2) (b) of Proclamation No. 43 of 1940 are hereby repealed.

9. This Proclamation may be cited for all purposes as the Community Services Proclamation No. R.200 of 1967.

PROCLAMATION

BY THE ACTING STATE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA

No. R.201, 1967.]

REGULATIONS CONCERNING COLLECTIVE RESPONSIBILITY IN BANTU AREAS

UNDER and by virtue of the powers vested in me by section 25 (1) of the Bantu Administration Act, 1927 (Act No. 38 of 1927), read with section 21 (1) of the Bantu Trust and Land Act, 1936 (Act No. 18 of 1936), I hereby declare that the regulations contained in the Schedule to this Proclamation shall from the date of publication hereof take effect and have the force of law in all Bantu areas not included in the Transkei as defined in the Transkei Constitution Act, 1963 (Act No. 48 of 1963).

GIVEN under my Hand and the Seal of the Republic of South Africa at Pretoria on this Fourth day of August, One thousand Nine hundred and Sixty-seven.

J. F. NAUDÉ,
Acting State President.

By Order of the Acting State President-in-Council.
M. C. BOTHA.

BYLAE

1. In hierdie Proklamasie, tensy onbestaanbaar met die sinsverband, beteken—

- „Bantoegebiede” die gebiede genoem in artikel 25 (1) van die Wet, gelees met artikel 21 (1) van die Bantoe-trust en -grond Wet, 1936 (Wet No. 18 van 1936);
- „Bantoesakekommissaris” die regsbevoegde Bantoesakekommissaris of Addisionele of Assistent-Bantoesakekommissaris kragtens artikel 2 van die Wet aangestel;
- „formele kennisgewing” ’n kennisgewing wesenlik in die vorm soos in artikel 3 (3) (a) voorgeskryf;
- „klaer” enige persoon wat kragtens hierdie regulasies skadevergoeding eis;
- „Natale Wetboek van Bantoreg” die Bylae van Wet No. 19 van 1891 (Natal), soos deur Proklamasie No. R.195 van 1967 vervang;
- „ondersoek” ’n ondersoek in artikel 4 (1) vermeld;
- „persoon” ook die Staat en die Trust of ’n ander statutêre liggaam;
- „pleger” die persoon wat enige onwettige daad wat in artikel 2 vermeld word, gepleeg het en vir die toepassing van artikel 4 (4) ook enige persoon wat volgens bewering enige sodanige onwettige daad gepleeg het;
- „Trust” die Suid-Afrikaanse Bantoe-trust by artikel 4 van die Bantoe-trust en -grond Wet, 1936 (Wet No. 18 van 1936), ingestel;
- „verweerder” die hoof van ’n kraal aan wie enige formele kennisgewing gerig word en ook enige pleger wat ingevolge artikel 4 (4) geag ’n verweerder te wees;
- „Wet” die Bantoe-administrasie Wet, 1927 (Wet No. 38 van 1927).

2. Uitgesonderd soos hieronder andersins bepaal, is hierdie regulasies van toepassing wanneer enige persoon deur enige onwettige daad van ’n pleger wie se identiteit nie vasgestel is nie, enige skade aan of verlies van eiendom gely het, of enige liggaamlike besering opgedoen het wat die gevolg was van—

- (a) enige veld-, gras- of bosbrand, indien sodanige vuur na die mening van die Bantoesakekommissaris aangesteek is of toegelaat was om te versprei onder omstandighede wat dui op ’n oortreding van die bepalings van die Algemene Landbouproklamasie, No. R.197 van 1967;
- (b) enige skade aan of vernietiging of verlies van enige werke soos omskryf in die Beskerming van Werkeproklamasie, No. R.199 van 1967;
- (c) enige skade aan of vernietiging van enige voertuig of die inhoud daarvan, of besering van enige persoon wat in of op so ’n voertuig reis terwyl dit op ’n openbare pad binne of op die grens van enige Bantoegebied is, hetsy sodanige skade, vernietiging of besering deur die gooi van werptuie of die plasing van hindernisse op enige pad, of op enige ander wyse, veroorsaak is.

3. (1) Wanneer die Bantoesakekommissaris uit enige bron verneem van enige skade, verlies of besering soos in artikel 2 vermeld, kan hy na goeddunke ná sodanige ondersoek as wat hy nodig mag ag, met inbegrip van ’n ondersoek ter plaatse, ’n ondersoek na die aangeleentheid instel, as hy daarvan oortuig is—

- (a) dat die identiteit van die pleger nie vasgestel is nie; en
- (b) dat die bedrag van enige skade wat gely is waarskynlik R50 te bowe sal gaan:

Met dien verstande dat as hy rede het om te vermoed dat daar onder die betrokke Bantoesake enige samespanning of sameswering bestaan soos in artikel 4 (2) (a) vermeld, hy sodanige ondersoek kan instel ongeag die feit dat die bedrag van sodanige skade waarskynlik nie R50 te bowe sal gaan nie.

SCHEDULE

1. In this Proclamation, unless inconsistent with the context—

- “Act” means the Bantu Administration Act, 1927 (Act No. 38 of 1927);
- “Bantu Affairs Commissioner” means the Bantu Affairs Commissioner, or Additional or Assistant Bantu Affairs Commissioner appointed in terms of section 2 of the Act, having jurisdiction;
- “Bantu areas” means the areas referred to in section 25 (1) of the Act read with section 21 (1) of the Bantu Trust and Land Act, 1936 (Act No. 18 of 1936);
- “complainant” means any person who claims damages in terms of these regulations;
- “formal notice” means a notice substantially in the form prescribed in section 3 (3) (a);
- “inquiry” means an inquiry referred to in section 4 (1);
- “Natal Code of Bantu Law” means the Schedule to Law No. 19 of 1891 (Natal), as substituted by Proclamation No. R.195 of 1967;
- “perpetrator” means the person who has committed any unlawful act referred to in section 2, and includes, for the purposes of section 4 (4), any person alleged to have committed any such unlawful act;
- “person” includes the State and the Trust or other statutory body;
- “respondent” means the head of a kraal to whom any formal notice is directed and includes any perpetrator deemed to be a respondent in terms of section 4 (4);
- “Trust” means the South African Bantu Trust constituted under section 4 of the Bantu Trust and Land Act, 1936 (Act No. 18 of 1936).

2. Except as hereinafter otherwise provided these regulations shall apply whenever any person has, by any unlawful act of a perpetrator whose identity has not been established, suffered any damage to or loss of property or bodily injury following on—

- (a) any veld, grass or bush fire, if in the opinion of the Bantu Affairs Commissioner such fire was started or allowed to spread in circumstances indicating a contravention of the provisions of the General Agricultural Proclamation No. R.197 of 1967;
- (b) any damage to or destruction or loss of any works as defined in the Protection of Works Proclamation No. R.199 of 1967;
- (c) any damage to or destruction of any vehicle or its contents or injury to any person travelling in or on such vehicle whilst it is on any public road within or on the boundary of any Bantu area, whether such damage, destruction or injury was caused by the throwing of missiles or the placing of obstructions on any road or in any other manner.

3. (1) Whenever the Bantu Affairs Commissioner learns from any source of any damage, loss or injury such as is referred to in section 2 he may, in his discretion, after such investigation, including any inspection *in loco*, as he may consider necessary, hold an inquiry into the matter, if he is satisfied—

- (a) that the identity of the perpetrator has not been established; and
- (b) that the amount of any damages suffered is likely to exceed R50;

Provided that if he has reason to suspect that there exists among the Bantu concerned any combination or conspiracy such as is referred to in section 4 (2) (a), he may conduct such inquiry notwithstanding that the amount of such damages is not likely to exceed R50.

(2) Die Bantoesakekommissaris moet—

- (a) in die vorm en op die wyse soos hieronder bepaal, toesien dat formele kennis van enige ondersoek wat in subartikel (1) gemeld word, gegee word aan alle hoofde van krale of aan sodaniges of soveel van hulle as wat in enige Bantoegebied woon en wat hy na goeë dunde in sodanige kennisgewing mag aanwys; en
- (b) op sodanige wyse as wat hy mag gelas 'n afskrif van sodanige kennisgewing aan die klaer laat beteken.

(3) Elke formele kennisgewing moet—

- (a) (i) deur die Bantoesakekommissaris onderteken wees;
- (ii) die naam van die klaer, die aard en die datum en plek waar die onwettige daad waaroor 'n klagte ingedien word, plaasgevind het en die bedrag aan skadevergoeding wat geëis word, aandui;
- (iii) elke verweerder wat daarin genoem word, aansê om persoonlik op 'n vasgestelde tyd en op 'n datum nie minder nie as 14 dae vanaf die datum van sodanige kennisgewing, op die plek waar sodanige onwettige daad gepleeg is of op 'n gespesifiseerde plek in die omgewing, te verskyn om die identiteit van die pleger te openbaar of om 'n rede te verstrek waarom sodanige verweerder of enige twee of meer van hulle gesamentlik, met inbegrip van enigiemand wat nalaat om aldus te verskyn nie vir die betaling van die skadevergoeding wat geëis word verantwoordelik gehou moet word nie;
- (b) beteken word deur die oorhandiging van 'n afskrif daarvan aan elke verweerder persoonlik of aan iemand wat blykbaar by sodanige verweerder se kraal woonagtig is en wat sestien jaar of ouer lyk of deur sodanige afskrif aan 'n deur van enige hut of gebou by sodanige kraal aan te bring.

(4) 'n Formele kennisgewing kan deur die Bantoesakekommissaris, enige lid van die Suid-Afrikaanse Polisie, enige kaptein of hoofman of enige persoon wat deur die Bantoesakekommissaris skriftelik daartoe gemagtig is beteken word en die oorspronklike kopie van sodanige kennisgewing moet deur die persoon wat die betekening uitvoer geëndosseer word om die wyse, tyd en datum van betekening aan te dui, waarna sodanige oorspronklike kopie deur blote voorlegging by enige ondersoek *prima facie*-bewys sal wees van elke verklaring in sodanige endossement vervat.

(5) Wanneer die krale van die onderskeie betrokke verweerders in meer as een Bantoesakekommissaris-gebied geleë is, kan die Hoofbantoesakekommissaris bepaal dat die Bantoesakekommissaris van enige sodanige gebied met al die bevoegdhede, pligte en funksies beklee word wat in hierdie regulasies ten opsigte van enige ondersoek gespesifiseer is.

4. (1) Op die plek en tyd en op die datum wat in die formele kennisgewing genoem is, kan die Bantoesakekommissaris summier en sonder pleitstukke, in die teenwoordigheid van sodanige van die verweerders as wat aanwesig is, voortgaan om ondersoek in te stel na en—

(a) vas te stel—

- (i) die aard van die onwettige daad waaroor 'n klagte ingedien is;
- (ii) die oorsaak van die skade, verlies of besering;
- (iii) die bedrag van die skade wat deur enige klaer gely is;
- (iv) die identiteit van die pleger; en

(b) aan die einde van sodanige ondersoek—

- (i) sodanige pleger wie se identiteit vasgestel is en wat 'n verweerder is, of enige twee of meer sodanige plegers gesamentlik, gelas om aan die klaer die bedrag van die skade wat deur hom vasgestel is te betaal;
- (ii) die klaer se eis van die hand te wys.

(2) The Bantu Affairs Commissioner shall—

- (a) in the form and manner hereinafter provided cause formal notice of any inquiry referred to in sub-section (1) to be given to all the heads of kraals or to such or so many of them resident in any Bantu area, as he may in his discretion specify in such notice; and
- (b) in such manner as he may direct cause a copy of such notice to be served on the complainant.
- (3) Every formal notice shall—
- (a) (i) be signed by the Bantu Affairs Commissioner;
- (ii) set out the name of the complainant, the nature and the date and place of occurrence of the unlawful act complained of, and the amount of damages claimed;
- (iii) call upon each respondent named therein to appear in person at a specified time and on a date not less than 14 days from the date of such notice, at the place where such unlawful act was committed or at a specified place in the vicinity to reveal the identity of the perpetrator, or to show cause why responsibility for payment of the damages claimed should not be fixed on such respondent or jointly on any two or more of them including any who fail to so appear;
- (b) be served by handing a copy thereof to each respondent personally or to someone apparently residing at such respondent's kraal who appears to be sixteen years of age or over, or by affixing such copy to a door of any hut or building at such kraal.

(4) A formal notice may be served by the Bantu Commissioner, any member of the South African Police, any chief or headman or any person authorized thereto in writing by the Bantu Affairs Commissioner, and the original of such notice shall be endorsed by the person effecting service to indicate the manner, time and date of service, whereupon such original shall on its mere production at any inquiry be *prima facie* proof of every statement contained in such endorsement.

(5) Whenever the kraals of the several respondents concerned are situated in more than one Bantu Affairs Commissioner's area the Chief Bantu Affairs Commissioner may appoint the Bantu Affairs Commissioner of any such area to be vested with all the powers, duties and functions specified in these regulations in respect of any inquiry.

4 (1) At the time and place and on the date specified in the formal notice the Bantu Affairs Commissioner may summarily and without pleadings, in the presence of such of the respondents as are in attendance, proceed to inquire into and

(a) determine—

- (i) the nature of the unlawful act complained of;
- (ii) the cause of the damage, loss or injury;
- (iii) the amount of damages suffered by any complainant;
- (iv) the identity of the perpetrator; and

(b) at the conclusion of such inquiry—

- (i) order such perpetrator whose identity has been determined and who is a respondent, or any two or more of such perpetrators jointly, to pay to the complainant the amount of the damages determined by him; or
- (ii) dismiss the complainant's claim.

(2) Indien die omstandighede sodanige is dat die Bantoesakekommissaris by enige ondersoek nie in staat is om die identiteit van die pleger vas te stel nie, kan hy—

(a) indien hy rede het om te glo dat daar 'n same-spanning of sameswering bestaan onder die stam, gemeenskap of groep Bantoes aan wie die verweerders behoort, om getuienis in verband met sodanige onwettige daad te verswyg, of om die identiteit van die pleger te verberg, of deur lydelike of ander verset teen die ingestelde gesag die herhaling van sodanige daad aan te moedig, in enige stadium van die verrigtinge die oorkonde daarvan tesame met sy kommentaar, na die Hoofbantoesakekommissaris verwys vir afhandeling kragtens artikel 6 (1) van die Natalse Wetboek van Bantoereg; of

(b) aan die einde van sodanige ondersoek—

(i) vasstel wie vir die skade verantwoordelik gehou moet word en beveel dat die bedrag van die skadevergoeding deur hom bepaal, deur enige of almal van die verweerders gesamentlik aan die klaer betaal word, soos hy mag spesifiseer; of

(ii) die klaer se eis van die hand wys.

(3) Die Bantoesakekommissaris kan van tyd tot tyd na goeddunke die verhoor van enige ondersoek uitstel en kan, wanneer hy dit ook al gerade ag om aldus te doen, dit na sodanige plek verdaag as wat hy mag aanwys.

(4) Indien die Bantoesakekommissaris voor die afhandeling van enige ondersoek dit wenslik ag om enige pleger of die hoof van enige kraal aan wie nie voorheen 'n formele kennisgewing beteken is nie, as verweerder in sodanige ondersoek te voeg, kan hy gelas dat 'n formele kennisgewing aan sodanige pleger of hoof beteken word op die wyse waarvoor in artikel 3 voorsiening gemaak word, en ná sodanige betekening word sodanige hoof of pleger, met inbegrip van enige pleger wat nie die hoof van 'n kraal is nie, vir alle doeleindes as 'n verweerder beskou: Met dien verstande dat die Bantoesakekommissaris die oorkonde van die getuienis wat by sodanige ondersoek afgelê is moet laat oorlees vir sodanige verweerder wat sodanige ondersoek bywoon, en kan hy na goeddunke enige getuie laat terugroep en toelaat dat hy kruisondervra word deur enige sodanige verweerder wat deur hom as 'n pleger uitgesien is.

(5) 'n Bevel kragtens paragraaf (b) (i) van subartikel (1) of (2) uitgereik—

(a) belet nie die vervolging of skuldigbevinding van enige pleger aan 'n kriminele aanklag vir die oortreding van enige wet nie;

(b) is nie met betrekking tot enige verweerder in sodanige bevel genoem en aan wie 'n formele kennisgewing soos in subartikel (4) of in artikel 3 bepaal, behoorlik beteken is, ongeldig bloot op grond van sy versuim om sy opwagting te maak of deur sy afwesigheid van enigeen van of al die verhore van die betrokke ondersoek nie;

(c) word vir die doel van die uitvoering daarvan beskou as synde 'n uitspraak van 'n siviele hof met bevoegde regsag, ten gunste van sodanige klaer teen sodanige verweerder as wat in so 'n bevel genoem mag word, wat betref die bedrag van skadevergoeding daarin vermeld.

5. (1) Niks wat in hierdie regulasies vervat is, moet vertolk word dat dit—

(a) die regte, onvatbaarhede, bevoegdhede en volmagte wat ingevolge artikel 1 van die Wet aan die Staatspresident as Opperhoof van al die Bantoes in die Republiek verleen is op enige wyse beperk of raak nie;

(b) die Opperhoof in enige saak wat kragtens artikel 4 (2) (a) na hom verwys word, belet om enige Bantoe 'n boete op te lê nie, met inbegrip van een wat nie as 'n verweerder by die onderhawige ondersoek gedagvaar is nie;

(2) If the circumstances are such that the Bantu Affairs Commissioner is unable at any inquiry to determine the identity of the perpetrator he may—

(a) if he has reason to believe that there exists a combination or conspiracy among the tribe, community or group of Bantu to which the respondents belong, to suppress evidence relating to such unlawful act or to conceal the identity of the perpetrator or by passive or other resistance to constituted authority to encourage the repetition of such act, at any stage of the proceedings refer the record thereof with his comments to the Chief Bantu Affairs Commissioner for disposal in terms of section 6 (1) of the Natal Code of Bantu Law; or

(b) at the conclusion of such inquiry—

(i) fix responsibility for and order payment to the complainant of the amount of the damages determined by him, by any or all of the respondents jointly, as he may specify; or

(ii) dismiss the complainant's claim.

(3) The Bantu Affairs Commissioner may in his discretion from time to time postpone the hearing of any inquiry and may, whenever he deems it expedient to do so, adjourn it to such place as he may specify.

(4) If before the conclusion of any inquiry it appears desirable to the Bantu Affairs Commissioner to join as a respondent in such inquiry any perpetrator or the head of any kraal on whom formal notice had not previously been served he may direct that formal notice be served on such perpetrator or head in the manner provided in section 3, and upon such service such head or perpetrator, including any perpetrator who is not the head of any kraal, shall for all purposes be deemed to be a respondent: Provided that the Bantu Affairs Commissioner shall cause the record of the evidence adduced at such enquiry to be read over to any such respondent attending such enquiry, and may in his discretion recall and permit the cross-examination of any witness who deposed to the identity of any such respondent as a perpetrator.

(5) An order made in terms of paragraph (b) (i) of subsection (1) or (2)—

(a) shall not bar the prosecution or conviction of any perpetrator on a criminal charge for the contravention of any law.

(b) shall not be invalid as against any respondent named in such order on whom a formal notice was duly served as provided in subsection (4) or in section 3, merely by reason of his failure to attend or absence from any or all the hearings of the inquiry concerned;

(c) shall, for the purposes of execution, be deemed to be a judgment of a civil court of competent jurisdiction, in favour of such complainant against such respondent as may be named in such order, for the amount of damages specified therein.

5. (1) Nothing in these regulations contained shall be construed as—

(a) in any way limiting or affecting the rights, immunities, powers and authorities vested in terms of section 1 of the Act, in the State President as Supreme Chief of all Bantu in the Republic;

(b) preventing the Supreme Chief in any case referred to him in terms of section 4 (2) (a) from imposing a fine on any Bantu, including one not cited as a respondent at the inquiry in question;

(c) voorskryf dat die Opperhoof nie enige van sy bevoegdhede mag uitoefen tensy 'n ondersoek ooreenkomstig hierdie regulasies ingestel is nie.

(2) Enige verrigtinge kragtens hierdie regulasies is van 'n administratiewe aard en nie aan die prosesreëls van enige hof onderhewig nie.

6. (1) Die regulasies wat in die eerste kolom van die Aanhangsel hierby vermeld word, word hierby herroep in die mate in die tweede kolom van genoemde Aanhangsel uiteengesit.

(2) Enige ondersoek waarmee daar kragtens enige regulasie wat herroep is, 'n begin gemaak is voor die inwerkingtreding van hierdie regulasies, moet afgehandel word asof hierdie regulasies nie afgekondig is nie.

7. Hierdie regulasies kan vir alle doeleindes as die Gemeenskaplike Verantwoordelikheid van Bantoesproklamasie, No. R.201 van 1967, aangehaal word.

AANHANGSEL

HERROEPING VAN REGULASIES

<i>Nommer en jaar van Proklamasie.</i>	<i>In hoeverre herroep.</i>
No. 283 van 1931.....	Artikels 8 en 9.
No. 232 van 1932.....	Artikel 4 (1) (b)
No. 16 van 1934.....	Artikels 8 en 9.

(c) prescribing that the Supreme Chief may not exercise any of his powers unless an inquiry, as in these regulations provided, has been held.

(2) Any proceedings in terms of these regulations shall be of an administrative nature and not subject to the rules of procedure of any court.

6. (1) The regulations referred to in the first column of the Annexure hereto are hereby repealed to the extent set out in the second column of the said Annexure.

(2) Any inquiry commenced in terms of any regulation which has been repealed, before the commencement of these regulations, shall be concluded as if these regulations had not been promulgated.

7. These regulations may be cited for all purposes as the Collective Responsibility of Bantu Proclamation No. R.201 of 1967.

ANNEXURE

REPEAL OF REGULATIONS

<i>Number and Year of Proclamation.</i>	<i>Extent of Repeal.</i>
No. 283 of 1931.....	Sections 8 and 9.
No. 232 of 1932.....	Section 4 (1) (b).
No. 16 of 1934.....	Sections 8 and 9.

INHOUD.**PROKLAMASIES.**

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