# STAATSKOERANT
## VAN DIE REPUBLIEK VAN SUID-AFRIKA

## REPUBLIC OF SOUTH AFRICA
# GOVERNMENT GAZETTE

REGULASIEKOERANT No. 1663
*As 'n Nuusblad by die Poskantoor Geregistreer*

PRYS 10c PRICE
OORSEE 15c OVERSEAS
POSVRY—POST FREE

REGULATION GAZETTE No. 1663
*Registered at the Post Office as a Newspaper*

VOL. 87] PRETORIA, 15 SEPTEMBER 1972 [No. 3651


## PROKLAMASIE

*van die Staatspresident van die Republiek van Suid-Afrika*

No. R. 230, 1972

AANSTELLING EN HERAANSTELLING VAN LEDE VAN DIE SPESIALE HOWE VIR DIE VERHOOR VAN INKOMSTEBELASTINGAPPÈLSAKE

Nademaal die persone genoem in Bylae A by hierdie Proklamasie kragtens die bepalings van artikel 83 (5) (a) van die Inkomstebelastingwet, 1962 (Wet 58 van 1962), as lede van die spesiale howe vir die verhoor van inkomstebelastingappèlsake, ingestel kragtens die bepalings van subartikel (3) van daardie artikel, by Proklamasie 255 van 1967 aangestel of heraangestel is;

En nademaal die ampstyd van genoemde lede op 5 Oktober 1972 verstryk;

So is dit dat ek hierby, kragtens die bevoegdheid my verleen by subartikel (5) (b) van genoemde artikel die persone in Bylae A by hierdie Proklamasie genoem, vir 'n verdere tydperk van vyf jaar met ingang van die datum van hierdie Proklamasie as lede van genoemde spesiale howe, behoudens die voorbehoudsbepalings van subartikel (5) (a) van genoemde artikel heraanstel;

En voorts stel ek, ooreenkomstig die bepalings van subartikel (5) (a) van genoemde artikel, die persone genoem in Bylae B by hierdie Proklamasie aan as lede van genoemde spesiale howe.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die Agt-en-twintigste dag van Augustus Eenduisend Negehonderd Twee-en-sewentig.

J. J. FOUCHÉ, Staatspresident.

Op las van die Staatspresident-in-rade:

N. DIEDERICHS.

BYLAE A

*Rekenmeesterlede*

Ryk Nagel van Johannesburg;
Barry Sluyter Wiehahn van Pretoria;
Henry Guise Laurie Albertyn;
Max Richard Lindhorst;
Sarel Petrus Francois van Aswegen—almal van Kaapstad;

## PROCLAMATION

*by the State President of the Republic of South Africa*

No. R. 230, 1972

APPOINTMENT AND RE-APPOINTMENT OF MEMBERS OF THE SPECIAL COURTS FOR HEARING INCOME TAX APPEALS

Whereas by Proclamation 255 of 1967 the persons mentioned in Schedule A to this Proclamation were appointed or re-appointed under the provisions of section 83 (5) (a) of the Income Tax Act, 1962 (Act 58 of 1962), as members of the special courts for hearing income tax appeals, constituted under the provisions of subsection (3) of the said section;

And whereas the appointments of the said members expire on 5 October 1972;

Now, therefore, under the powers vested in me by subsection (5) (b) of the said section, I do hereby re-appoint the persons mentioned in Schedule A to this Proclamation as members of the said special courts for a further period of five years from the date of this Proclamation subject to the provisions of the proviso to subsection (5) (a) of the said section;

And further, in terms of the provisions of subsection (5) (a) of the said section, I do hereby appoint as members of the said special courts the persons mentioned in Schedule B to this Proclamation.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Twenty-eighth day of August, One thousand Nine hundred and Seventy-two.

J. J. FOUCHÉ, State President.

By Order of the State President-in-Council:

N. DIEDERICHS.

SCHEDULE A

*Accountant Members*

Ryk Nagel of Johannesburg;
Barry Sluyter Wiehahn of Pretoria;
Henry Guise Laurie Albertyn;
Max Richard Lindhorst;
Sarel Petrus Francois van Aswegen—all of Cape Town;

Joseas Servaas Fick van Worcester;
Michael Belchers van Oos-Londen;
Heinz Jakob Karl Hermann Betz van Port Elizabeth;
Robert Howard Button;
John Aylmer Nel—albei van Durban.

*Kommersiële-lede*

Colin George Corbett;
Thomas Burnham King;
Thomas Holding Schutte;
Louis Roy Serrurier—almal van Johannesburg;
Edgar Alfred Alexander;
Jos Roy—albei van Kaapstad;
Daniel van der Merwe Benadé van Paarl;
Jacobus Christoffel Kotze Erasmus van Port Elizabeth;
Pieter Marius Louw van Oos-Londen;
Walter Meyers van Durban.

*Gekwalifiseerde Myningenieurslid*

Cyril Alexander Mc Kechnie van Johannesburg.

BYLAE B

*Rekenmeesterlede*

Anthony Charles Geake;
Hercules Viljoen Hefer—albei van Johannesburg;
Gabriel Johannes Roux van Oos-Londen;
Darrell Bruce Syggs Armour van Durban.

*Kommersiële-lede*

Spencer Teske Firman van Johannesburg;
Johannes Marthinus Kotze;
Alastair Hedley Dark—albei van Durban.

Joseas Servaas Fick of Worcester;
Michael Belchers of East London;
Heinz Jakob Karl Hermann Betz of Port Elizabeth;
Robert Howard Button;
John Aylmer Nel—both of Durban.

*Commercial Members*

Colin George Corbett;
Thomas Burnham King;
Thomas Holding Schutte;
Louis Roy Serrurier—all of Johannesburg;
Edgar Alfred Alexander;
Jos Roy—both of Cape Town;
Daniel van der Merwe Benadé of Paarl;
Jacobus Christoffel Kotze Erasmus of Port Elizabeth;
Pieter Marius Louw of East London;
Walter Meyers of Durban.

*Qualified Mining Engineer Member*

Cyril Alexander Mc Kechnie of Johannesburg.

SCHEDULE B

*Accountant Members*

Anthony Charles Geake;
Hercules Viljoen Hefer—both of Johannesburg;
Gabriel Johannes Roux of East London;
Darrell Bruce Syggs Armour of Durban.

*Commercial Members*

Spencer Teske Firman of Johannesburg;
Johannes Marthinus Kotze;
Alastair Hedley Dark—both of Durban.

# GOEWERMENTSKENNISGEWINGS

## DEPARTEMENT VAN BANTOE-ADMINISTRASIË EN -ONTWIKKELING

No. R. 1615 15 September 1972

LEBOWA- WETGEWENDE VERGADERING

WET 4 VAN 1972

(ADDISIONELE BEGROTINGSWET)

Dit het die Staatspresident behaag om kragtens die bevoegdheid hom verleen by artikel 3 (2) van die Grondwet van die Bantoetuislande, 1971 (Wet 21 van 1971), sy goedkeuring te heg aan onderstaande Wet:

LEBOWA- WETGEWENDE VERGADERING

WET 4 VAN 1972

TOT AANWENDING VAN 'N VERDERE SOM GELD VIR DIE DIENSTE VAN DIE GEBIED VAN DIE LEBOWA- WETGEWENDE VERGADERING VIR DIE BOEKJAAR WAT OP DIE 31STE DAG VAN MAART 1972 EINDIG

Daar word bepaal deur die Lebowa- Wetgewende Vergadering, soos volg:

*Inkomstefonds belas met somme geld soos uiteengesit in kolom 1 van Bylae*

1. Die Inkomstefonds van die gebied van die Lebowa-Wetgewende Vergadering word hierby belas met die somme geld wat nodig is vir die dienste van genoemde gebied vir die boekjaar wat op die 31ste dag van Maart 1972 eindig, soos uiteengesit in kolom 1 van die Bylae, benewens die somme waarmee die Tesourie van die Lebowa-gebiedsowerheid deur die Begrotingsmaatreël, 1971 (Maatreël 2 van 1971), belas is.

# GOVERNMENT NOTICES

## DEPARTMENT OF BANTU ADMINISTRATION AND DEVELOPMENT

No. R. 1615 15 September 1972

LEBOWA LEGISLATIVE ASSEMBLY

ACT 4 OF 1972

(ADDITIONAL APPROPRIATION ACT)

The State President has been pleased, under and by virtue of the powers vested in him by section 3 (2) of the Bantu Homelands Constitution Act, 1971 (Act 21 of 1971), to approve the following Act:

LEBOWA LEGISLATIVE ASSEMBLY

ACT 4 OF 1972

TO APPLY A FURTHER SUM OF MONEY TOWARDS THE SERVICES OF THE AREA OF THE LEBOWA LEGISLATIVE ASSEMBLY FOR THE FINANCIAL YEAR ENDING ON THE 31ST DAY OF MARCH 1972

Be it enacted by the Lebowa Legislative Assembly, as follows:

*Revenue Fund charged with sums of money as shown in column 1 of Schedule*

1. The Revenue Fund of the area of the Lebowa Legislative Assembly is hereby charged with such sums of money as may be required for the services of the said area for the financial year ending on the 31st day of March 1972, as shown in column 1 of the Schedule, in addition to the sums with which the Treasury of the Lebowa Territorial Authority has been charged by the Appropriation Enactment, 1971 (Enactment 2 of 1971).

*Hoe die geld bestee moet word*

2. Die geld wat deur hierdie Wet beskikbaar gestel word, moet aangewend word vir die dienste in besonderhede in die Bylae vermeld en meer omstandig uiteengesit in die Begrotings van Addisionele Uitgawes, soos aan die Lebowa- Wetgewende Vergadering voorgelê en deur die Lebowa- Wetgewende Vergadering goedgekeur, en vir geen ander doel nie.

*Hoofraadslid kan afwyking goedkeur*

3. Met die goedkeuring van die Hoofraadslid kan 'n besparing onder die een subhoof van 'n begrotingspos aangewend word tot dekking van uitgawes bo die gemagtigde bedrag onder 'n ander subhoof, of van uitgawes onder 'n nuwe subhoof van dieselfde begrotingspos: Met dien verstande dat die som(me) wat in kolom 2 van die Bylae voorkom, nie oorskry mag word nie en besparings daarop ewemin aangewend mag word vir 'n ander doel as die waarvoor die geld hierby toegestaan word soos in gemelde Bylae aangedui.

*Kort titel*

4. Hierdie Wet heet die Lebowa-wet op die Addisionele Begroting, 1972.

BYLAE

| Begrotingspos | | Kolom 1 | Kolom 2 |
|---|---|---|---|
| No. | Benaming | | |
| | | R | R |
| 1. | Owerheidsake en Finansies.... | 89 200 | — |
| 2. | Gemeenskapsake..... | 285 000 | — |
| 3. | Werke..... | 450 000 | — |
| 4. | Onderwys en Kultuur..... | 243 000 | — |
| | Totaal.....R | 1 067 200 | |

No. R. 1616 15 September 1972

## LEBOWA- WETGEWENDE VERGADERING

## WET 5 VAN 1972

## (WET OP ONGEMAGTIGDE UITGAWES)

Dit het die Staatspresident behaag om kragtens die bevoegdheid hom verleen by artikel 3 (2) van die Grondwet van die Bantoetuislande, 1971 (Wet 21 van 1971), sy goedkeuring te heg aan onderstaande Wet.

## LEBOWA- WETGEWENDE VERGADERING

## WET 5 VAN 1972

TOT AANWENDING VAN 'N VERDERE SOM GELD VIR DIE DIENSTE VAN DIE GEBIED VAN DIE LEBOWA- WETGEWENDE VERGADERING VIR DIE BOEKJAAR WAT OP DIE 31STE DAG VAN MAART 1971 GEËINDIG HET, TER BESTRYDING EN DEKKING VAN SEKERE ONGEMAGTIGDE UITGAWES

Daar word bepaal deur die Lebowa- Wetgewende Vergadering, soos volg:

*Inkomstefonds belas met* R699 924,45

1. Die Inkomstefonds van die gebied van die Lebowa-Wetgewende Vergadering word hierby belas met die som van R699 924,45 tot dekking van sekere uitgawes bo en behalwe die bedrae waarmee die Tesourie van die Lebowa-gebiedsowerheid belas is vir die boekjaar wat op die 31ste dag van Maart 1971 geëindig het. Hierdie uitgawes word in die Bylae by hierdie Wet uiteengesit en nader omskryf op bladsy 2 van die Verslag van die Kontroleur en Ouditeur-generaal oor die Rekenings van

*How money to be applied*

2. The money appropriated by this Act shall be applied to the services detailed in the Schedule, and more particularly specified in the Estimates of Additional Expenditure, as submitted to and approved by the Lebowa Legislative Assembly, and to no other purpose.

*Chief Councillor may approve variation*

3. With the approval of the Chief Councillor, a saving on any subhead of a vote may be made available to meet excess expenditure on any other subhead, or expenditure on a new subhead of the same vote: Provided that the sum(s) appearing in column 2 of the Schedule shall not be exceeded, nor shall savings thereon be made available for any purpose other than that for which the money is hereby granted as indicated in the said Schedule.

*Short title*

4. This Act shall be called the Lebowa Additional Appropriation Act, 1972.

SCHEDULE

| Vote | | Column 1 | Column 2 |
|---|---|---|---|
| No. | Designation | | |
| | | R | R |
| 1. | Authority Affairs and Finance | 89 200 | — |
| 2. | Community Affairs..... | 285 000 | — |
| 3. | Works..... | 450 000 | — |
| 4. | Education and Culture..... | 243 000 | — |
| | Total.....R | 1 067 200 | |

No. R. 1616 15 September 1972

## LEBOWA LEGISLATIVE ASSEMBLY

## ACT 5 OF 1972

## (UNAUTHORISED EXPENDITURE ACT)

The State President has been pleased, under and by virtue of the powers vested in him by section 3 (2) of the Bantu Homelands Constitution Act, 1971 (Act 21 of 1971), to approve the following Act:

## LEBOWA LEGISLATIVE ASSEMBLY

## ACT 5 OF 1972

TO APPLY A FURTHER SUM OF MONEY TOWARDS THE SERVICES OF THE AREA OF THE LEBOWA LEGISLATIVE ASSEMBLY FOR THE FINANCIAL YEAR ENDED ON THE 31ST DAY OF MARCH 1971, FOR THE PURPOSE OF MEETING AND COVERING CERTAIN UNAUTHORISED EXPENDITURE

Be it enacted by the Lebowa Legislative Assembly, as follows:

*Revenue Fund charged with* R699 924,45

1. The Revenue Fund of the area of the Lebowa Legislative Assembly is hereby charged with the sum of R699 924,45 to meet certain expenditure over and above the amounts with which the Treasury of the Lebowa Territorial Authority has been charged for the financial year which ended on the 31st day of March 1971. Such expenditure is set forth in the Schedule to this Act and is more particularly specified on page 2 of the Report of the Controller and Auditor-General on the

die Lebowa-gebiedsowerheid en van die Rekenings van Laer Owerhede in die Gebied vir die Finansiële Jaar 1970-71.

*Kort titel*

2. Hierdie Wet heet die Lebowa-wet op Ongemagtigde Uitgawes (1970-1971), 1972.

BYLAE

| Begrotingspos | | Bedrag |
|---|---|---|
| No. | Benaming | |
| | | R |
| 1. | Owerheidsake en Finansies | 29 096,56 |
| 3. | Werke | 411 724,49 |
| 5. | Landbou | 254 749,33 |
| 6. | Justisie | 4 354,07 |
| | Totaal R | 699 924,45 |

No. R. 1617 15 September 1972

DIE WET OP PENSIOENE VIR BANTOE-OWERHEIDSDIENS, 1971.—REGULASIES BETREFFENDE DIE PENSIOENFONDS VIR PERSONE IN OWERHEIDSDIENS—WYSIGING

Kragtens die bevoegdheid my verleen by artikel 5 van die Wet op Pensioene vir Bantoe-owerheidsdiens, 1971 (Wet 6 van 1971), wysig ek, Michiel Coenraad Botha, Minister van Bantoe-administrasie en -ontwikkeling, hierby die Regulasies betreffende die Pensioenfonds vir Persone in Owerheidsdiens, afgekondig by Goewermentskennisgewing R. 1955 van 29 Oktober 1971 deur regulasie 8 (2) (e) te skrap en die volgende na regulasie 8 (3) in te voeg:

*"Betaling uit die Gekonsolideerde Inkomstefonds*

8A. Met ingang van die vasgestelde datum word daar op die 31ste dag van Maart van elke jaar uit die Gekonsolideerde Inkomstefonds rente teen 4½ persent per jaar aan die Pensioenfonds betaal op die gemiddelde van die onbelegde bedrae in laasgenoemde Fonds aan die end van iedere maand in die tydperk ten opsigte waarvan rente betaal word.".

M. C. BOTHA, Minister van Bantoe-administrasie en -ontwikkeling.

(Lêer 1/2/4/2)

No. R. 1618 15 September 1972

DIE WET OP PENSIOENE VIR BANTOE-OWERHEIDSDIENS, 1971.—REGULASIES BETREFFENDE DIE SUPERANNUASIEFONDS VIR PERSONE IN OWERHEIDSDIENS—WYSIGING

Kragtens die bevoegdheid my verleen by artikel 5 van die Wet op Pensioene vir Bantoe-owerheidsdiens, 1971 (Wet 6 van 1971), wysig ek, Michiel Coenraad Botha, Minister van Bantoe-administrasie en -Ontwikkeling, hierby die Regulasies betreffende die Superannuasiefonds vir Persone in Owerheidsdiens, afgekondig by Goewermentskennisgewing R. 1954 van 29 Oktober 1971, deur regulasie 8 (2) te skrap en die volgende na regulasie 8 (1) in te voeg:

*"Betaling uit die Gekonsolideerde Inkomstefonds*

8A. Met ingang van die vasgestelde datum word daar op die 31ste dag van Maart van elke jaar uit die Gekonsolideerde Inkomstefonds rente teen 4½ persent per jaar aan die Superannuasiefonds betaal op die gemiddelde van

Accounts of the Lebowa Territorial Authority and of the Accounts of Lower Authorities in the area for the Financial Year 1970-71.

*Short title*

2. This Act shall be called the Lebowa Unauthorised Expenditure (1970-1971) Act, 1972.

SCHEDULE

| Vote | | Amount |
|---|---|---|
| No. | Designation | |
| | | R |
| 1. | Authority Affairs and Finance | 29 096,56 |
| 3. | Works | 411 724,49 |
| 5. | Agriculture | 254 749,33 |
| 6. | Justice | 4 354,07 |
| | Total R | 699 924,45 |

No. R. 1617 15 September 1972

BANTU AUTHORITIES' SERVICE PENSIONS ACT, 1971.—REGULATIONS GOVERNING THE PENSION FUND FOR PERSONS IN AUTHORITIES' SERVICE—AMENDMENT

Under and by virtue of the powers vested in me by section 5 of the Bantu Authorities' Service Pensions Act, 1971 (Act 6 of 1971), I, Michiel Coenraad Botha, Minister of Bantu Administration and Development, hereby amend the Regulations governing the Pension Fund for Persons in Authorities' Service, published under Government Notice R. 1955 of 29 October 1971, by the deletion of regulation 8 (2) (e) thereof and the insertion of the following after regulation 8 (3):

*"Payment from the Consolidated Revenue Fund*

8A. With effect from the fixed date there shall be paid from the Consolidated Revenue Fund to the Pension Fund on the 31st day of March each year, interest at the rate of 4½ per cent per annum on the average of the uninvested amounts in the lastnamed Fund at the end of each month in the period in respect of which interest is being paid.".

M. C. BOTHA, Minister of Bantu Administration and Development.

(File 1/2/4/2)

No. R. 1618 15 September 1972

BANTU AUTHORITIES' SERVICE PENSIONS ACT, 1971.—REGULATIONS GOVERNING THE SUPERANNUATION FUND FOR PERSONS IN AUTHORITIES' SERVICE—AMENDMENT

Under and by virtue of the powers vested in me by section 5 of the Bantu Authorities Service Pensions Act, 1971 (Act 6 of 1971), I, Michiel Coenraad Botha, Minister of Bantu Administration and Development, hereby amend the Regulations governing the Superannuation Fund for Persons in Authorities' Service, published under Government Notice R. 1954 of 29 October 1971, by the deletion of regulation 8 (2) and the insertion of the following after regulation 8 (1):

*"Payment from the Consolidated Revenue Fund*

8A. With effect from the fixed date there shall be paid from the Consolidated Revenue Fund to the Superannuation Fund on the 31st day of March each year, interest at the rate of 4½ per cent per annum on the average

die onbelegde bedrae in laasgenoemde Fonds aan die end van iedere maand in die tydperk ten opsigte waarvan rente betaal word.".

M. C. BOTHA, Minister van Bantoe-administrasie en -ontwikkeling.

---

No. R. 1623 15 September 1972

CISKEISE WETGEWENDE VERGADERING

DIE CISKEISE WET OP DIE REGERINGSDIENS, 1972 (WET 2 VAN 1972)

Dit het die Staatspresident behaag om kragtens die bevoegdheid hom verleen by artikel 3 (2) van die Grondwet van die Bantoetuislande, 1971 (Wet 21 van 1971), sy goedkeuring te heg aan onderstaande Wet van die Ciskeise Wetgewende Vergadering:

DIE CISKEISE WET OP DIE REGERINGSDIENS, 1972

WET 2 VAN 1972

**WET**

TOT REELING VAN DIE AANSTELLING, DIENSVOORWAARDES, DIENSTERMYN, DISSIPLINE, AFTREDE, AFDANKING EN ONTSLAG VAN LEDE VAN DIE REGERINGSDIENS EN ANDER AANGELEENTHEDE WAT DAARMEE IN VERBAND STAAN

Daar word bepaal deur die Ciskeise Wetgewende Vergadering, soos volg:

HOOFSTUK 1

INLEIDENDE BEPALINGS

*Woordomskrywing*

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

(i) "beampte" 'n persoon wat vas aangestel is, al is die aanstelling op proef, in 'n pos bedoel in artikel 3 (1) (a) en (b) en ook 'n persoon bedoel in artikel 3 (1) (c) en artikel 3 (2) (b) wat 'n voorgeskrewe pos beklee het wat as 'n nie-voorgeskrewe pos herklassifiseer is; (xvii)

(ii) "burger" 'n persoon wat kragtens die Wet op Burgerskap van Bantoetuislande, 1970 (Wet 26 van 1970), 'n burger is van die Ciskei; (iv)

(iii) "Ciskei" die gebied waarvoor die Ciskeise Wetgewende Vergadering ingestel is; (iii)

(iv) "departement" 'n departement, subdepartement of kantoor van die Regeringsdiens ingestel kragtens artikel 5 (2) van die Grondwet van die Bantoetuislande, 1971 (Wet 21 van 1971); (vii)

(v) "departementshoof" of enige variasie daarvan, die beampte of toegewese beampte wat 'n pos met die benaming Direkteur van 'n departement op die vaste diensstaat beklee of daarin waarneem; (xiii)

(vi) "hoof van kantoor" die hoof van 'n kantoor, tak, inrigting, afdeling of werkplek en ook 'n departementshoof; (xiv)

(vii) "Inkomstefonds" die inkomstefonds van die Ciskei, ingestel kragtens artikel 6 van die Grondwet van die Bantoetuislande, 1971 (Wet 21 van 1971); (xxiii)

(viii) "kalendermaand" 'n tydperk wat strek van 'n dag van 'n maand tot en met die dag wat die dag voorafgaan wat numeriek ooreenstem met daardie dag in die volgende maand; (ii)

(ix) "Kommissie" die Regeringsdienskommissie bedoel in artikel 4 van hierdie Wet; (v)

of the uninvested amounts in the last-named Fund at the end of each month in the period in respect of which interest is being paid.".

M. C. BOTHA, Minister of Bantu Administration and Development.

---

No. R. 1623 15 September 1972

CISKEIAN LEGISLATIVE ASSEMBLY

THE CISKEIAN PUBLIC SERVICE ACT, 1972 (ACT 2 OF 1972)

The State President has been pleased, under and by virtue of the powers vested in him by section 3 (2) of the Bantu Homelands Constitution Act, 1971 (Act 21 of 1971), to approve the following Act of the Ciskeian Legislative Assembly:

THE CISKEIAN PUBLIC SERVICE ACT, 1972

ACT 2 OF 1972

**ACT**

TO REGULATE THE APPOINTMENT, CONDITIONS OF EMPLOYMENT, TENURE OF OFFICE, DISCIPLINE, RETIREMENT AND DISCHARGE OF MEMBERS OF THE PUBLIC SERVICE AND OTHER INCIDENTAL MATTERS

Be it enacted by the Ciskeian Legislative Assembly, as follows:

CHAPTER 1

PRELIMINARY PROVISIONS

*Definition*

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

(i) "allocated officer" means an officer of the Public Service of the Republic designated in terms of section 5 (4) of the Bantu Homelands Constitution Act, 1971 (Act 21 of 1971), to assist the Executive Council; (xviii)

(ii) "calendar month" means a period extending from a day in any month to the day preceding the day corresponding numerically to that day in the following month, both days inclusive; (viii)

(iii) "Ciskei" means the area for which the Ciskeian Legislative Assembly has been established; (iii)

(iv) "citizen" means any person who, in terms of the Bantu Homelands Citizenship Act, 1970 (Act 26 of 1970), is a citizen of the Ciskei; (ii)

(v) "Commission" means the Public Service Commission referred to in section 4 of this Act; (ix)

(vi) "Councillor" in relation to an officer or employee or person who is or has been employed or is to be employed, means the Councillor responsible for the department in which such officer, employee or person is or was last employed or is to be employed; and in relation to an officer or employee or such other person who is or has been or is to be employed in the office of the Commission, means the Councillor for the Department of Community Affairs; (xiii)

(vii) "department" means a department, subdepartment or office of the Public Service, established in terms of section 5 (2) of the Bantu Homelands Constitution Act, 1971 (Act 21 of 1971); (iv)

(viii) "employee" means a person referred to in section 3 (1) (d) ; (xxiv)

(ix) "Executive Council" means the Executive Council constituted in terms of section 5 (1) of the Bantu Homelands Constitution Act, 1971 (Act 21 of 1971); (xx)

(x) "maand" 'n tydperk wat van die eerste tot en met die laaste dag van enige een van die 12 maande van die jaar strek; (xv)

(xi) "nie-voorgeskrewe pos" 'n pos as sodanig geklassifiseer kragtens artikel 3 (2); (xvi)

(xii) "pensioenleeftyd" die leeftyd waarop 'n beampte kragtens artikel 15 (1) die reg het om uit die Regeringsdiens af te tree en daaruit afgedank moet word; (xviii)

(xiii) "Raadslid" met betrekking tot 'n beampte of werknemer of persoon wat in diens is of was of wat in diens geneem gaan word, die Raadslid wat verantwoordelik is vir die departement waarin die beampte, werknemer of persoon in diens is of laas in diens was of in diens geneem gaan word; en met betrekking tot 'n beampte of werknemer of sodanige ander persoon wat in diens is of was of geneem gaan word in die kantoor van die Kommissie, die Raadslid vir die Departement van Gemeenskapsake; (vi)

(xiv) "Regering" die regering van die Ciskei; (xi)

(xv) "Regering van die Republiek" die Regering van die Republiek van Suid-Afrika en ook 'n provinsiale administrasie, maar nie ook die Spoorwegadministrasie nie; (xii)

(xvi) "Regeringsdiens" die regeringsdiens bedoel in artikel 3; (xxi)

(xvii) "regulasie" 'n regulasie kragtens artikel 26 van hierdie Wet uitgevaardig; (xxii)

(xviii) "skaal" met betrekking tot salaris, ook salaris teen 'n vaste bedrag; (xxiv)

(xix) "toegewese beampte" 'n beampte van die Staatsdiens van die Republiek wat kragtens artikel 5 (4) van die Grondwet van die Bantoetuislande, 1971 (Wet 21 van 1971), aangewys is om die Uitvoerende Raad by te staan; (i)

(xx) "Uitvoerende Raad" die Uitvoerende Raad saamgestel kragtens artikel 5 (1) van die Grondwet vir die Bantoetuislande, 1971 (Wet 21 van 1971); (ix)

(xxi) "vaste diensstaat" die poste geskep vir die normale en gereelde vereistes van 'n departement; (x)

(xxii) "voorgeskrewe apparaat" enige apparaat (deur die Uitvoerende Raadslid vir Gemeenskapsake, op aanbeveling van die Kommissie, by kennisgewing in die *Staatskoerant* voorgeskryf deur middel waarvan die asem van 'n persoon getoets of ontleed word om te bepaal of die alkoholinhoud van die bloed van bedoelde persoon 'n gegewe perk oorskry al dan nie; (xviii)

(xxiii) "voorgeskrewe pos" 'n pos as sodanig geklassifiseer kragtens artikel 3 (2) (xx)

(xxiv) "werknemer" 'n persoon in artikel 3 (1) (d) bedoel. (viii)

(2) Waar daar in hierdie Wet in verband met 'n beampte van 'n verlaging van 'n salarisskaal melding gemaak word, word dit so uitgelê dat dit die toepassing van 'n salarisskaal inluit wat laer is as die skaal wat tevore toegepas is wat betref die maksimum of minimum van die skaal, of die tempo van vordering in die skaal; en so 'n vermelding van 'n verlaging in graad of dat 'n graad laer is as 'n ander graad, word in ooreenstemmende sin uitgelê.

*Toepassing van Wet*

2. Behalwe waar uit die samehang anders blyk, is die bepalings van hierdie Wet van toepassing op of ten opsigte van alle beamptes en werknemers in die Regeringsdiens.

(x) "fixed establishment" means the posts created for the normal and regular requirements of a department; (xxi)

(xi) "Government" means the Government of the Ciskei; (xxiv)

(xii) "Government of the Republic" means the Government of the Republic of South Africa and includes any provincial administration but does not include the Railways Administration; (xv)

(xiii) "head of department" or any variation thereof, means the officer or allocated officer holding or acting in a post on the fixed establishment and designated director of a department; (v)

(xiv) "head of office" means the head of an office, branch, institution, division or place of work and includes the head of a department; (vi)

(xv) "month" means a period extending from the first to the last day, both days inclusive, of any one of the 12 months of the year; (x)

(xvi) "non-prescribed post" means a post classified as such in terms of section 3 (2); (xi)

(xvii) "officer" means a person who has been appointed permanently, notwithstanding that such appointment may be on probation, to a post referred to in section 3 (1) (a) and (b), and includes a person referred to in section 3 (2) (b) who occupied a prescribed post that has been reclassified as a non-prescribed post; (i)

(xviii) "pensionable age" means the age at which, in terms of section 15 (1), an officer shall have the right to retire and shall be discharged from the Public Service; (xii)

(xix) "prescribed apparatus" means any apparatus (prescribed by the Executive Councillor for Community Affairs, on the recommendation of the Commission, by notice in the *Government Gazette*) by means of which the breath of any person is tested or analysed in order to determine whether or not the alcohol content of the blood of such person exceeds a given limit; (xxii)

(xx) "prescribed post" means a post classified as such in terms of section 3 (2); (xxiii)

(xxi) "Public Service" means the Public Service referred to in section 3; (xvi)

(xxii) "regulation" means a regulation made in terms of section 26 of this Act; (xvii)

(xxiii) "Revenue Fund" means the Revenue Fund of the Ciskei established in terms of section 6 of the Bantu Homelands Constitution Act, 1971 (Act 21 of 1971); (vii)

(xxiv) "scale" in relation to salary, includes salary at a fixed rate. (xviii)

(2) Where in this Act reference is made in relation to an officer to a reduction in a scale of salary, the reference shall be construed as including the application of a scale of salary which is lower than the scale previously applied as regards the maximum or minimum of the scale or the rate of progression in the scale; and any such reference to a reduction in grade or to a grade being lower than any other grade shall be correspondingly construed.

*Application of Act*

2. Save as the context otherwise indicates, the provisions of this Act shall apply to or in respect of all officers and employees of the Ciskeian Public Service.

## HOOFSTUK 2

## ORGANISASIE EN ADMINISTRASIE

*Die Regeringsdiens*

3. (1) Die Regeringsdiens bestaan uit persone, uitgesonderd die lede van die Wetgewende Vergadering, Raadslede en lede van die Kommissie—

(a) wat voorgeskrewe poste op die vaste diensstaat beklee;

(b) wat ander poste op die vaste diensstaat beklee as die poste in paragraaf (a) genoem;

(c) wat, nadat hulle opgehou het om poste op die vaste diensstaat in paragraaf (a) vermeld, te beklee en wat nie uit diens getree het of ontslaan is nie, bykomend by die vaste diensstaat in diens gehou word kragtens 'n aanbeveling gedoen ingevolge artikel 6 (2) (e), of wat geag word 'n voorgeskrewe pos te bly beklee onder die omstandighede in die voorbehoudsbepaling van subartikel (2) (b) bedoel;

(d) wat tydelik of onder 'n spesiale kontrak in 'n departement, hetsy in 'n voltydse of deeltydse hoedanigheid, bykomend by die vaste diensstaat, in diens gehou word ooreenkomstig 'n aanbeveling gedoen kragtens artikel 6 (2) (d).

(2) Die Kommissie het die bevoegdheid om te gelas dat—

(a) enige pos op die vaste diensstaat as 'n voorgeskrewe of 'n nie-voorgeskrewe pos geklassifiseer word; en

(b) enige voorgeskrewe pos as 'n nie-voorgeskrewe pos herklassifiseer word; of enige nie-voorgeskrewe pos as 'n voorgeskrewe pos herklassifiseer word: Met dien verstande dat geen lasgewing kragtens hierdie paragraaf 'n beampte of werknemer verlof of 'n ander voorreg of reg wat sy bekleding van 'n voorgeskrewe of 'n nie-voorgeskrewe pos meegebring het, mag ontneem nie.

*Regeringsdienskommissie: Aanstelling, besoldiging en ampstermyn*

4. (1) In ooreenstemming met die bepalings van artikel 16 van die Grondwet van die Bantoetuislande, 1971 (Wet 21 van 1971), is daar 'n kommissie bekend as die Regeringsdienskommissie, met die bevoegdhede, werksaamhede en pligte wat by hierdie Wet of enige ander wetsbepaling voorgeskryf word.

(2) (a) Die Kommissie bestaan uit drie lede wat nie lede van die Wetgewende Vergadering is nie en wat deur die Uitvoerende Raad aangestel word.

(b) Die Uitvoerende Raad wys een lid as voorsitter en een lid as ondervoorsitter van die Kommissie aan.

(3) Behoudens die bepalings van subartikels (8), (9), (10) en (11), beklee 'n lid van die Kommissie sy amp vir 'n tydperk van drie jaar en kan hy by die verstryking van sy ampstyd heraangestel word: Met dien verstande dat 'n lid van die Kommissie wat behoorlik as 'n kandidaat vir verkiesing tot lid van die Wetgewende Vergadering genomineer is, sy amp as lid van die Kommissie met ingang van die datum waarop hy aldus genomineer is, neerlê.

(4) Die Uitvoerende Raad stel die salarisse en dienswaardes van lede van die Kommissie vas: Met dien verstande dat die salaris van 'n lid nie gedurende sy ampstermyn verminder mag word nie, behalwe by 'n Wet van die Wetgewende Vergadering.

## CHAPTER 2

## ORGANISATION AND ADMINISTRATION

*The Public Service*

3. (1) The Public Service shall consist of persons other than members of the Legislative Assembly, Councillors and members of the Commission—

(a) who hold prescribed posts on the fixed establishment;

(b) who hold posts on the fixed establishment other than posts referred to in paragraph (a);

(c) who, having ceased to hold posts on the fixed establishment referred to in paragraph (a), and not having retired or having been discharged, are employed additional to the fixed establishment in accordance with a recommendation made in terms of section 6 (2) (e), or who are deemed to continue to hold prescribed posts in the circumstances contemplated by the proviso to subsection (2) (b);

(d) who are employed temporarily or under a special contract in a department, whether in a full-time or part-time capacity, additional to the fixed establishment, in accordance with a recommendation made in terms of section 6 (2) (d).

(2) It shall be competent for the Commission to direct that—

(a) any post on the fixed establishment be classified as a prescribed post or as a non-prescribed post; and

(b) any prescribed post be reclassified as a non-prescribed post or any non-prescribed post be reclassified as a prescribed post: Provided that no direction under this paragraph shall deprive an officer or employee of any leave or other privilege or right which flowed from the occupancy by him of a prescribed or non-prescribed post.

*Public Service Commission: Appointment, remuneration and tenure of office*

4. (1) In accordance with the provisions of section 16 of the Bantu Homelands Constitution Act, 1971 (Act 21 of 1971), there shall be a commission known as the Public Service Commission with such powers, functions and duties as are prescribed in this Act or in any other law.

(2) (a) The Commission shall consist of three members, not being members of the Legislative Assembly, to be appointed by the Executive Council.

(b) The Executive Council shall designate one member as chairman and one member as vice-chairman of the Commission.

(3) Subject to the provisions of subsections (8), (9), (10) and (11), a member of the Commission shall hold office for a period of three years, and shall be eligible for reappointment on the expiry of his period of office: Provided that a member of the Commission who has duly been nominated for election as a member of the Legislative Assembly shall relinquish his office as member of the Commission with effect from the date on which he was so nominated.

(4) The Executive Council shall determine the salaries and conditions of service of members of the Commission: Provided that the salary of a member shall not be reduced during his tenure of office, except by an Act of the Legislative Assembly.

(5) 'n Lid van die Kommissie mag nie sonder die toestemming van die Uitvoerende Raad besoldigde werk buite sy ampspligte verrig of hom verbind om dit te verrig nie of hom aktief met die politiek bemoei nie.

(6) (a) Gedurende die afwesigheid van die voorsitter van die Kommissie, om watter rede ook al, of as daar geen voorsitter is nie, moet die ondervoorsitter as voorsitter van die Kommissie optree.

(b) Gedurende die afwesigheid van enige een of meer as een van die drie lede van die Kommissie kan die Uitvoerende Raad 'n persoon of persone aanstel om waar te neem in die plek van sodanige afwesige lid of lede.

(c) Gedurende die afwesigheid van beide van voorsitter en ondervoorsitter van die Kommissie kan die Uitvoerende Raad 'n lid of waarnemende lid aanstel om op te tree as voorsitter van die Kommissie.

(7) 'n Lid van die Kommissie mag nie in sy amp geskors of daarvan onthef word nie, behalwe ooreenkomstig die bepalings van subartikels (8), (9) en (10).

(8) (a) Die Uitvoerende Raad kan 'n lid van die Kommissie in sy amp skors en, behoudens die bepalings van hierdie subartikel hom daarvan onthef—

(i) weens wangedrag;

(ii) weens ongeskiktheid vir sy ampspligte of onvermoë om hulle op bekwame wyse uit te voer; of

(iii) as om ander redes as sy eie ongeskiktheid of onvermoë sy ontheffing van sy amp doeltreffendheid of besuiniging sal bevorder.

(b) Elke skorsing van 'n lid van die Kommissie en die rede daarvoor moet aan die Wetgewende Vergadering binne 14 dae na die skorsing meegedeel word as die Wetgewende Vergadering dan sit of as die Wetgewende Vergadering nie dan sit nie, binne 14 dae na die aanvang van sy eersvolgende sessie.

(c) As aan die Uitvoerende Raad, binne 21 dae vanaf die datum waarop genoemde skorsing en die rede daarvoor aldus aan die Wetgewende Vergadering meegedeel is, 'n adres van die Wetgewende Vergadering voorgelê word waarin versoek word dat die lid van sy amp onthef word en waarin die rede vir die ontheffing genoem word, kan die Uitvoerende Raad hom dienooreenkomstig onthef.

(d) As geen sodanige adres binne die tydperk in paragraaf (c) genoem aan die Uitvoerende Raad voorgelê word nie, moet die lid in sy amp herstel word.

(9) As 'n lid van die Kommissie 'n blywende verstandelike of liggaamlike swakheid opdoen wat hom ongeskik maak vir die behoorlike vervulling van sy ampspligte, kan die Uitvoerende Raad—

(a) hom toelaat om sy amp neer te lê; of

(b) hom, behoudens die bepalings van subartikel (8), van sy amp op grond van onvermoë onthef.

(10) 'n Lid van die Kommissie moet minstens 40 jaar oud wees en moet aftree wanneer hy die leeftyd van 70 jaar bereik.

(11) As 'n beampte in die Regeringsdiens aangestel word om lid van die Kommissie te wees, moet hy uit sy betrekking in die Regeringsdiens bedank, en in dié geval is hy geregtig op die pensioen waarop hy geregtig sou gewees het as hy weens die afskaffing van sy pos uit die Regeringsdiens ontslaan was.

*Uitoefening en delegasie van die Kommissie se bevoegdhede en werksaamhede*

5. (1) Behoudens die bepalings van subartikel (2), word 'n aanbeveling of lasgewing wat deur minstens twee lede van die Kommissie gegee is by die toepassing van hierdie Wet of enige ander wetsbepaling geag 'n aanbeveling of lasgewing te wees wat deur die Kommissie gegee is.

(5) A member of the Commission shall not without the permission of the Executive Council perform or engage himself to perform any remunerative work outside the duties of his office or actively engage in politics.

(6) (a) During the absence of the chairman of the Commission, for any reason whatsoever, or where there is no chairman, the vice-chairman shall act as chairman.

(b) During the absence of any one or more than one of the three members of the Commission the Executive Council may appoint a person or persons to act in the place of such absent person or persons.

(c) During the absence of both the chairman and vice-chairman the Executive Council may appoint a member or an acting member to act as chairman.

(7) A member of the Commission shall not be suspended or removed from office except in accordance with the provisions of subsections (8), (9) and (10).

(8) (a) The Executive Council may suspend a member of the Commission from office and subject to the provisions of this subsection, remove him from office—

(i) for misconduct;

(ii) for unfitness for the duties of his office or incapacity to carry them out efficiently; or

(iii) if for reasons other than his own unfitness or incapacity his removal from office will promote efficiency or economy.

(b) Every suspension of a member of the Commission and the reason therefor shall be communicated to the Legislative Assembly within 14 days of the suspension if the Legislative Assembly is then in session, or, if the Legislative Assembly is not then in session, within 14 days of the commencement of its next session.

(c) If, within 21 days of the date on which the said suspension and the reason therefor have been so communicated to the Legislative Assembly, an address of the Legislative Assembly is presented to the Executive Council requesting the removal of the member from office and stating the reason for such removal, the Executive Council may remove him accordingly.

(d) If no such address is presented to the Executive Council within the period referred to in paragraph (c), the member shall be reinstated in office.

(9) If a member of the Commission becomes afflicted with a permanent infirmity of mind or body which disables him from the proper discharge of the duties of his office, the Executive Council may—

(a) allow him to vacate his office; or

(b) subject to the provisions of subsection (8), remove him from office on the ground of incapacity.

(10) A member of the Commission shall be at least 40 years of age and shall retire when he reaches the age of 70 years.

(11) If an officer in the Public Service is appointed a member of the Commission he shall resign his post in the Public Service, in which case he shall be entitled to the pension to which he would have been entitled had he been discharged from the Public Service owing to the abolition of his post.

*Exercise and delegation of powers and functions of the Commission*

5. (1) Subject to the provisions of subsection (2), a recommendation or direction given by not less than two members of the Commission shall be deemed for the purposes of this Act or any other law to be a recommendation or direction given by the Commission.

(2) Behoudens die bepalings van subartikel (3), kan enige bevoegdheid wat verleen of werksaamheid wat opgedra is aan die Kommissie by hierdie Wet of enige ander wetsbepaling (uitgesonderd die delegasiebevoegdheid wat hierby verleen word), met die instemming van die Kommissie uitgeoefen of verrig word—

(a) deur 'n lid of lede van die Kommissie ingevolge 'n algemene of spesiale delegasie van die Kommissie; of

(b) deur 'n beampte of toegewese beampte in diens in die kantoor van die Kommissie.

(3) Die Kommissie mag nie die bevoegdhede aan hom verleen by artikel 6 (2) (a), (g) en (n), of by artikels 15 (2), 15 (3), 15 (4) (a) tot en met (e), 15 (5) en 15 (7) of Hoofstuk 4 van hierdie Wet delegeer nie.

(4) Die Kommissie kan enige persoon magtig om 'n ondersoek in te stel na enige aangeleentheid waaroor hy kragtens hierdie Wet of enige ander wetsbepaling die bevoegdheid het om 'n aanbeveling te doen of 'n lasgewing te gee.

(5) Enige delegasie of magtiging deur die Kommissie kragtens hierdie artikel verleen, kan te eniger tyd deur die Kommissie gewysig of ingetrek word.

*Bevoegdhede, werksaamhede en pligte van die Kommissie*

6. (1) Die Kommissie het die bevoegdheid—

(a) om die werksaamhede aan hom opgedra en die pligte aan hom toevertrou by hierdie Wet of by of kragtens enige ander wet te verrig en uit te voer; en

(b) om aanbevelings te doen of lasgewings te gee oor alle aangeleenthede waarvoor daar nie uitdruklik in hierdie Wet of enige ander wet voorsiening gemaak is nie maar wat nie daarmee strydig is nie, met betrekking tot of voortspruitende uit die indiensneming van en die diensvoorwaardes in die algemeen van beamptes en werknemers.

(2) Die Kommissie moet—

(a) aanbevelings doen aangaande die skepping of afskaffing van departemente, subdepartemente, takke of kantore, die oordrag van werksaamhede van een departement aan 'n ander, of van 'n departement aan 'n ander liggaam of van 'n ander liggaam aan 'n departement;

(b) aanbevelings doen aangaande die beheer, organisasie en herreëling van departemente, subdepartemente, takke of kantore;

(c) aanbevelings doen aangaande die getal, gradering, hergradering en omskepping van poste op die vaste diensstaat;

(d) aanbevelings doen aangaande die getal persone wat tydelik of onder 'n spesiale kontrak, hetsy in 'n voltydse of 'n deeltydse hoedanigheid, in diens geneem moet word—

(i) teen poste op die vaste diensstaat, wat nie permanent gevul is nie; of

(ii) bykomend by die vaste diensstaat, hetsy weens die afwesigheid of siekte van die bekleër van 'n pos, of wanneer dit nodig is om personeel te verskaf vir die verrigting van 'n klas werk waarvoor personeel nie onder gewone omstandighede op 'n permanente basis aangehou word nie, of wanneer dit om enige ander rede nodig is om die personeel van 'n departement tydelik te vergroot;

(e) wanneer hy dit nodig ag 'n aanbeveling doen vir die indiensneming van 'n beampte bykomende by die vaste diensstaat, of in 'n pos wat hoër of laer as sy eie graad gegradeer is;

(2) Subject to the provisions of subsection (3), any power conferred upon or function entrusted to the Commission by this Act or any other law (except the power of delegation conferred hereby), may, with the concurrence of the Commission, be exercised or performed—

(a) by any member or members of the Commission under a general or special delegation from the Commission; or

(b) by any officer or allocated officer employed in the office of the Commission.

(3) The Commission shall not delegate the powers conferred upon it by section 6 (2) (a), (g) and (n) or by sections 15 (2), 15 (3), 15 (4) (a) to (e) inclusive, 15 (5) and 15 (7) or Chapter 4 of this Act.

(4) The Commission may authorise any person to conduct an inquiry into any matter upon which in terms of this Act or of any other law it is competent for the Commission to make a recommendation or give a direction.

(5) Any delegation or authorisation made or given by the Commission under this section may at any time be amended or revoked by the Commission.

*Powers, functions and duties of the Commission*

6. (1) The Commission shall have the power—

(a) to perform the functions entrusted to and to carry out the duties imposed upon it by this Act or by or under any other law; and

(b) to make recommendations or give directions on all matters not specifically provided for in this act or any other law, but not inconsistent therewith, relating to or arising out of the employment of and the conditions of service generally of officers and employees.

(2) The Commission shall—

(a) make recommendations as to the creation or abolition of departments, subdepartments, branches or offices, the transfer of functions from one department to another or from a department to any other body or from any other body to a department;

(b) make recommendations as to the control, organization and readjustment of departments, subdepartments, branches or offices;

(c) make recommendations on the number, grading, regrading and conversion of posts on the fixed establishment;

(d) make recommendations as to the number of persons to be employed temporarily or under a special contract, whether in a full-time or a part-time capacity—

(i) against posts on the fixed establishment which are not permanently filled; or

(ii) in addition to the fixed establishment, either by reason of the absence or illness of the incumbent of any post, or when it is necessary to provide staff for the performance of a class of work for which staff is not ordinarily maintained on a permanent basis, or when it is necessary for any other reason to increase temporarily the staff of any department;

(e) whenever it considers it necessary, make a recommendation for the employment of an officer additional to the fixed establishment, or in a post graded lower or higher than his own grade;

(f) aanbevelings doen vir die bewerkstelliging van besuiniging en die bevordering van doeltreffendheid in die bestuur en funksionering van departemente, subdepartemente, takke en kantore deur—

(i) verbeterde organisasie, prosedure en metodes;

(ii) verbeterde toesig;

(iii) vereenvoudiging van werk en die uitskakeling van onnodige werk;

(iv) koördinasie van werk;

(v) beperking van die getal beamptes en werknemers van departemente, subdepartemente, takke en kantore en die aanwending van die dienste van beamptes en werknemers op die voordeligste wyse;

(g) aanbevelings doen aangaande die skale van salarisse, lone en toelaes van al die verskillende klasse en grade van beamptes en werknemers;

(h) wanneer dit nodig is om 'n aanstelling of bevordering te doen in of tot 'n voorgeskrewe pos op die vaste diensstaat, hetsy dit nodig is weens die feit dat die pos vakant of hergradeer of omskep is, 'n aanbeveling doen aangaande die persoon wat aangestel of bevorder moet word;

(i) aantekening hou van beamptes wat in voorgeskrewe poste in diens geneem is;

(j) ondersoek instel na griewe van beamptes en, behoudens die bepalings van hierdie Wet, die aanbevelings daaroor doen wat hy goeddink;

(k) lasgewings gee aangaande die leeftyds-, opvoedkundige, taal- en ander kwalifikasies wat persone moet besit by aanstelling in, oorplasing na of bevordering in die Regeringsdiens, waar die kwalifikasies nie by of kragtens hierdie Wet of enige ander wet voorgeskryf is nie;

(l) waar hy dit nodig ag, eksamens afneem of laat afneem in vakke, insluitende tale, soos hy gelas, of soos voorgeskryf as 'n kwalifikasie wat persone by aanstelling in oorplasing na of bevordering in die Regeringsdiens moet besit;

(m) dié ander bevoegdhede uitoefen, dié ander werksaamhede verrig en dié ander pligte uitvoer wat nie met hierdie Wet strydig is nie en wat die Uitvoerende Raad aan hom opgedra of hom opgelê het;

(n) aanbevelings doen by die Uitvoerende Raad vir die uitvaardiging of wysiging van regulasies in artikel 26 van hierdie Wet bedoel;

(o) so spoedig doenlik na die 31ste dag van Desember van elke jaar 'n verslag opstel oor aangeleenthede wat die Kommissie gedurende die vorige jaar behandel het, asook spesiale verslae wat die Kommissie van tyd tot tyd wenslik ag.

(3) Die Uitvoerende Raad kan die bevoegdhede, werksaamhede en pligte wat by enige wet aan hom en/of 'n Raadslid verleen, opgedra of opgelê is ten opsigte van die aanstelling, gradering, bevordering, aftreding, dissipline, diensure, verlof en, in die algemeen, diensvoorwaardes van persone in diens van rade, dergelike inrigtings en ander instellings wat hul fondse geheel of gedeeltelik uit die Inkomstefonds verkry, aan die Kommissie delegeer.

*Uitvoering van aanbevelings van die Kommissie*

7. (1) Elke aanbeveling wat deur die Kommissie ooreenkomstig hierdie Wet gedoen word en wat op 'n bepaalde persoon betrekking het—altyd behoudens die bepalings van subartikel (2)—

(a) kan voordat dit uitgevoer is, deur die Kommissie teruggetrek of gewysig word of deur die Uitvoerende Raad verwerp of gewysig word te eniger tyd, binne 'n tydperk van ses kalendermaande na die datum waarop dit deur die Kommissie gedoen is of binne 'n tydperk van ses kalendermaande na die datum waarop dit deur

(f) make recommendations for effecting economy and promoting efficiency in the management and working of departments, subdepartments, branches and offices by—

(i) improved organisation, procedure and methods;

(ii) improved supervision;

(iii) simplification of work and the elimination of unnecessary work;

(iv) co-ordination of work;

(v) limitation of the number of officers and employees of departments, subdepartments, branches and offices and the utilisation of the services of officers and employees to the best advantage;

(g) make recommendations as to the scales of salaries, wages and allowances of all the various classes and grades of officers and employees;

(h) whenever it is necessary to make any appointment or promotion to a prescribed post on the fixed establishment, whether such necessity arises from the fact that the post is vacant or has been regraded or converted, make a recommendation as to the person to be appointed or promoted;

(i) keep a record of officers employed in prescribed posts;

(j) inquire into the grievances of officers and, subject to the provisions of this Act, make such recommendations thereon as it may deem fit;

(k) give directions regarding the age, educational, language and other qualifications to be possessed by persons on appointment, transfer or promotion to or in the Public Service where such qualifications are not prescribed by or under this Act or any other law;

(l) where it deems it necessary, conduct examinations or cause examinations to be conducted in such subjects, including languages, as it may direct or as may be prescribed as a qualification to be possessed by persons on appointment, transfer or promotion to or in the Public Service;

(m) exercise such other powers, perform such other functions, and carry out such other duties, not repugnant to this Act, as may be entrusted to or conferred upon it by the Executive Council;

(n) make recommendations to the Executive Council for the promulgation or amendment or regulations referred to in section 26 of this Act;

(o) as soon as practicable after the 31st day of December of each year compile a report on the matters dealt with by the Commission during the previous year, as well as special reports which the Commission may deem expedient from time to time.

(3) The Executive Council may delegate to the Commission the powers, functions and duties as are by any law granted or entrusted to or imposed upon the Executive Council and/or a Councillor in connection with the appointment, grading, promotion, retirement, discipline, hours of attendance, leave and conditions of service in general, of persons in the employment of councils, similar institutions and other establishments which obtain their funds from the Revenue Fund, wholly or in part.

*Implementation of recommendations of the Commission*

7. (1) Subject to the provisions of subsection (2) every recommendation made by the Commission in accordance with this Act and relating to a particular person—

(a) may be withdrawn or varied by the Commission or may be rejected or varied by the Executive Council before it has been implemented, at any time within a period of six calendar months of the date upon which it was made by the Commission or within a period of six calendar months of the date upon

dit Kommissie gewysig is: Met dien verstande dat die Kommissie nie 'n aanbeveling wat deur die Uitvoerende Raad gewysig is, mag intrek of wysig nie;

(b) word, as dit deur die Uitvoerende Raad gewysig is, onverwyld deur die Raadslid, soos aldus gewysig, uitgevoer;

(c) word, as die Uitvoerende Raad geweier het om dit te wysig of te verwerp, onverwyld deur die Raadslid soos deur die Kommissie gedoen of gewysig, uitgevoer;

(d) word, as genoemde tydperk verstryk het en dit nie uitgevoer of deur die Kommissie teruggetrek of deur die Uitvoerende Raad verwerp of gewysig is nie, onverwyld deur die Raadslid soos deur die Kommissie gedoen of gewysig, uitgevoer.

(2) Elke aanbeveling van die Kommissie aangaande—

(a) die getal, gradering, hergradering, en omskepping van poste op die vaste diensstaat;

(b) die indiensneming en indienshouding van beamptes en werknemers bykomend by die vaste diensstaat of teen poste wat laer of hoër gegradeer is as hulle eie gradering;

(c) die skale van salarisse, lone, en toelaes van beamptes en werknemers;

(d) die betaling aan beamptes en werknemers of aan klasse beamptes of werknemers van salarisse teen hoër bedrae as die minimums van skale wat op hulle poste by aanstelling, oorplasing of bevordering van toepassing is;

(e) die spesiale vordering van beamptes en werknemers of van klasse beamptes of werknemers binne die salarisskale wat op hulle poste van toepassing is of die betaling aan hulle van salarisse ooreenkomstig hoër skale;

(f) die betaling aan beamptes en werknemers van ekstra besoldiging vir die verrigting van oortyddiens;

(g) die bedrae aan bonusse, toekennings, gratifikasies, honorariums en enige ander ekstra betalings wat aan beamptes en werknemers gedoen moet word;

(h) die toekenning van beurse en hulptoelaes vir studie- en navorsingsdoeleindes;

(i) die diensvoorwaardes, in die algemeen, van beamptes en werknemers;

en al die aanbevelings gedoen kragtens artikel 6 (2) (n) wat uitgawes deur die Inkomstefonds meebring, word aan die Direkteur van Owerheidsake en Finansies meegedeel en nie uitgevoer nie, tensy die Direkteur sodanige uitgawes goedgekeur het.

(3) Waar 'n aanbeveling van die Kommissie deur die Uitvoerende Raad verwerp of gewysig is, handel die Raadslid in die aangeleentheid in verband waarmee die aanbeveling gedoen is, ooreenkomstig enige magtiging deur die Uitvoerende Raad verleen of ooreenkomstig die aanbeveling van die Kommissie, soos aldus gewysig, sonder om 'n verdere aanbeveling van die Kommissie te verkry.

(4) Vir die toepassing van die bepalings van subartikels (1) en (3) betreffende die verwerping of wysiging deur die Uitvoerende Raad van 'n aanbeveling van die Kommissie word 'n weiering deur of 'n versuim van die Kommissie om 'n aanbeveling te doen, geag 'n aanbeveling van die Kommissie te wees.

(5) Geen aansoek om die verwerping of wysiging van 'n aanbeveling word by die Uitvoerende Raad gedoen nie, tensy die Raadslid aan die Kommissie minstens 14 dae kennis gegee het van sy voorneme om aldus aansoek te doen en sodanige kennisgewing moet die gronde uiteensit waarop die Raadslid van voorneme is om die aansoek te baseer.

which it was varied by the Commission: Provided that it shall not be competent for the Commission to withdraw or vary any recommendation which has been varied by the Executive Council;

(b) shall, if the Executive Council has varied it, forthwith be implemented by the Councillor as so varied;

(c) shall, if the Executive Council has refused to vary or reject it, forthwith be implemented by the Councillor as made or varied by the Commission;

(d) shall, if the said period has expired, and it has not been implemented or withdrawn by the Commission or rejected or varied by the Executive Council, forthwith be implemented by the Councillor as made or varied by the Commission.

(2) Every recommendation of the Commission on—

(a) the number, grading, regrading and conversion of posts on the fixed establishment;

(b) the employment and continued employment of officers and employees additional to the fixed establishment or against posts graded higher or lower than their own grading;

(c) the scales of salaries, wages and allowances of officers and employees;

(d) the payment to officers and employees or to classes of officers or employees of salaries at higher rates than the minima of the scales applicable to their posts on appointment, transfer or promotion;

(e) the special advancement of officers and employees or of classes of officers or employees within the scales of salary applicable to their posts or the payment to them of salaries in accordance with higher scales;

(f) the payment to officers and employees of extra remuneration for the performance of overtime duties;

(g) the amounts of bonuses, awards, gratuities, honoraria and any other extra payments to be made to officers and employees;

(h) the grant of bursaries and grants-in-aid for purposes of study and research;

(i) the conditions of service generally of officers and employees;

and every recommendation made in terms of section 6 (2) (n) involving expenditure from the Revenue Fund shall be communicated to the Director of Authority Affairs and Finance and shall not be implemented unless the Director has approved the expenditure involved.

(3) Where a recommendation of the Commission has been rejected or varied by the Executive Council, the Councillor shall act in the matter in connection with which the recommendation was made, in accordance with any authority granted by the Executive Council or in accordance with the recommendation of the Commission as so varied, without obtaining a further recommendation of the Commission.

(4) For the purposes of the provisions of subsections (1) and (3), relating to the rejection or variation by the Executive Council of a recommendation of the Commission, any refusal or failure by the Commission to make a recommendation shall be deemed to be a recommendation of the Commission.

(5) No application for the rejection or variation of a recommendation shall be made to the Executive Council unless the Councillor has given the Commission at least 14 days notice of its intention so to apply and such notice shall set forth the grounds upon which the Councillor intends basing the application.

(6) Vir die toepassing van hierdie Wet of enige ander wet word 'n aanbeveling geag—

(a) gedoen te gewees het op die datum van die skriftelike mededeling waarin sodanige aanbeveling oorgedra word; en

(b) as dit op 'n bepaalde persoon betrekking het, deur die Raadslid uitgevoer te gewees het op die datum van die skriftelike mededeling aan daardie persoon dat die Raadslid sodanige aanbeveling goedgekeur het.

(7) As die Uitvoerende Raad nie in staat of nie bereid is om 'n aanbeveling van die Kommissie wat ooreenkomstig hierdie Wet gedoen is, aan te neem nie, of dit verwerp of wysig, moet die Kommissie die aangeleentheid, hetsy deur middel van 'n spesiale verslag of in sy jaarverslag, volledig aan die Wetgewende Vergadering rapporteer.

*Delegasie van bevoegdhede en werksaamhede*

8. (1) (a) Enige bevoegdheid verleen aan 'n Raadslid by hierdie Wet kan, met die instemming van die Raadslid uitgevoer of uitgeoefen word—

(i) deur enige toegewese beampte; of

(ii) deur enige beampte.

(b) 'n Raadslid mag nie die werksaamhede by artikel 7 (1) aan hom opgedra delegeer nie.

(2) (a) Enige bevoegdheid wat kragtens hierdie Wet aan 'n departementshoof verleen is, kan deur hom aan 'n ander beampte of toegewese beampte, gedelegeer word op voorwaardes wat hy bepaal.

(b) 'n Departementshoof kan 'n delegasie wat kragtens hierdie artikel verleen is te eniger tyd terugtrek.

*Die Kommissie kan departemente inspekteer en het insae in amptelike dokumente*

9. Die Kommissie het die bevoegdheid om, vergesel van die sekretaris van die Kommissie, enige departement te inspekteer, en moet insae gegee word in amptelike dokumente en stukke en moet voorsien word van alle inligting deur hoofde van departemente en ander beamptes en werknemers, wat na sy mening nodig is vir die uitoefening van sy bevoegdhede, die verrigting van sy werksaamhede en die uitvoering van sy pligte kragtens hierdie Wet of kragtens enige ander wet.

*Personeel van die Kommissie, inspeksie van departemente en byeenroeping van Kommissie*

10. (1) Daar word met inagneming van die bepalings van hierdie Wet 'n sekretaris vir die Kommissie en dié aantal ander beamptes en werknemers aangestel as wat van tyd tot tyd nodig is om die Kommissie in staat te stel om op doeltreffende wyse sy bevoegdhede uit te oefen, sy werksaamhede te verrig en sy pligte uit te voer.

(2) Die sekretaris in subartikel (1) bedoel, moet die opdragte nakom en die pligte uitvoer wat die Kommissie van tyd tot tyd aan hom gegee of hom opgelê het.

(3) Die Kommissie kan enige persoon magtig om die inspeksie van departemente namens die Kommissie uit te voer en enige persoon aldus gemagtig het die bevoegdhede wat by artikel 9 aan die Kommissie verleen is.

(4) Die sekretaris in subartikel (1) bedoel of 'n beampte of toegewese beampte deur hom daartoe gemagtig, moet die Kommissie, na oorlegpleging met die voorsitter of waarnemende voorsitter, byeenroep: Met dien verstande dat niks die voorsitter of waarnemende voorsitter van die Kommissie verhinder om op enige tyd 'n vergadering van die Kommissie te belê nie: Met dien verstande voorts dat die Kommissie minstens een keer per maand moet vergader.

(5) Die sekretaris in subartikel (1) bedoel of 'n beampte of toegewese beampte wat deur hom daartoe gemagtig is, moet alle vergaderings van die Kommissie bywoon.

(6) For the purposes of this Act or any other law, a recommendation shall be deemed—

(a) to have been made on the date of the written communication conveying such recommendation; and

(b) if it relates to a particular person, to have been implemented by the Councillor on the date of the written communication to such person stating that the Councillor has approved such recommendation.

(7) If the Executive Council is unable or not prepared to accept a recommendation by the Commission in accordance with this Act, or rejects or varies it, the Commission shall report the matter fully to the Legislative Assembly, either by means of a special report or in its annual report.

*Delegation of powers and functions*

8. (1) (a) Any power conferred upon a Councillor by this Act may, with the concurrence of the Councillor, be exercised or carried out—

(i) by any allocated officer; or

(ii) by any officer.

(b) A councillor shall not delegate the functions conferred upon him by section 7 (1).

(2) (a) Any power conferred upon a head of department by this Act may be delegated by him to another officer or allocated officer, on conditions determined by him.

(b) A head of department may at any time withdraw a delegation granted in terms of this section.

*The Commission may inspect departments and has access to official documents*

9. The Commission accompanied by the secretary of the Commission shall have the power to inspect any department and shall be given access to official documents and records, and shall be furnished with all such information by heads of departments and other officers and employees as in its opinion may be necessary for the exercise of its powers, the performance of its functions and the carrying out of its duties under this Act or under any other law.

*Staff of the Commission, inspection of departments and convening of the Commission*

10. (1) There shall be appointed, subject to the provisions of this Act a secretary to the Commission and so many other officers and employees as may from time to time be necessary to enable the Commission effectually to exercise its powers, to perform its functions and to carry out its duties.

(2) The secretary referred to in subsection (1) shall observe such directions and carry out such duties as may from time to time be given to or imposed upon him by the Commission.

(3) The Commission may authorise any person to carry out an inspection of departments on behalf of the Commission and any person so authorised shall have the powers conferred upon the Commission by section 9.

(4) The secretary referred to in subsection (1) or an officer or an allocated officer authorised by him shall, after consultation with the chairman or acting chairman convene the Commission: Provided that nothing shall prevent the chairman or acting chairman of the Commission from convening a meeting of the Commission at any time: Provided further that the Commission shall meet at least once a month.

(5) The secretary referred to in subsection (1) or an officer or an allocated officer authorised by him shall attend all meetings of the Commission.

## HOOFSTUK 3

## AANSTELLINGS, BEVORDERINGS, OORPLASINGS, AFTREDINGS, AFDANKINGS EN ONTSLAG

*Deur wie aanstellings en bevorderings gedoen word*

11. Ondanks die bepalings van enige wet wat voor die inwerkingtreding van hierdie Wet aangeneem is en sonder om afbreuk te doel aan die werksaamhede wat deur die Kommissie kragtens hierdie Wet verrig moet word, word die aanstelling of bevordering van enige persoon in die Regeringsdiens deur die Raadslid gedoen.

*Voorwaardes vir die vulling van poste*

12. (1) Behoudens die bepalings van hierdie artikel en artikel 13, word aanstellings, oorplasings en bevorderings in die Regeringsdiens gedoen op die wyse en onder die voorwaardes deur die Kommissie gelas of aanbeveel, insluitende die besit van kennis van amptelike tale, tale wat kragtens artikel 108 van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet 32 van 1961) as addisionele amptelike tale van die Ciskei erken is, of ander tale.

(2) Niemand word vas aangestel, of oorgeplaas en vas aangestel, hetsy op proef al dan nie, in enige pos op die vaste diensstaat van die Regeringsdiens nie, tensy so iemand—

(a) 'n burger is;

(b) van goeie karakter is; en

(c) na die mening van die Kommissie vry van enige verstandelike of liggaamlike gebrek, siekte of swakheid is, wat waarskynlik die behoorlike uitvoering van sy pligte sal belemmer, of sy aftreding uit die Regeringsdiens voordat hy die pensioenleeftyd bereik, nodig sal maak en die Kommissie aldus verklaar het:

Met dien verstande dat 'n persoon aldus op proef aangestel kan word, ondanks die bepalings van paragraaf (c), as die Kommissie die verklaring daarin bedoel, agterweë hou en as 'n voorwaarde van die aanstelling aanbeveel dat dit bekragtig kan word slegs nadat die Kommissie sodanige verklaring uitgereik het.

(3) By die vulling van 'n pos in die Regeringsdiens moet daar behoorlik rekening gehou word met die kwalifikasies, betreklike verdienstelikheid, bekwaamheid en geskiktheid van die persone wat vir bevordering, oorplasing of aanstelling in aanmerking kom.

(4) Vir die vulling van 'n voorgeskrewe pos op die vaste diensstaat moet die Kommissie, behoudens die bepalings van subartikel (3), òf—

(a) die oorplasing of bevordering van 'n beampte aanbeveel; òf

(b) as die pos nie op bevredigende wyse deur sodanige oorplasing of bevordering gevul kan word nie, die aanstelling van 'n persoon wat nie 'n beampte is nie, aanbeveel:

Met dien verstande dat binne een kalendermaand na die aanvang van elke gewone sessie van die Wetgewende Vergadering, die Raadslid van die Departement van Gemeenskapsake in die Wetgewende Vergadering 'n opgawe ter tafel moet lê waarin opgegee word—

(a) die naam van elke persoon wat sedert die aanvang van die vorige gewone sessie van die Wetgewende Vergadering in 'n pos hoër as 'n toetredingsrang aangestel is en wat onmiddellik voor sodanige aanstelling nie 'n beampte was nie;

(b) die pos waarin daardie persoon aangestel is;

(c) die salarisskaal aan daardie pos verbonde; en

(d) die spesiale kwalifikasies van daardie persoon vir die pos en die spesiale redes vir sy aanstelling.

## CHAPTER 3

## APPOINTMENTS, PROMOTIONS, TRANSFERS, RETIREMENTS AND DISCHARGES

*By whom appointments and promotions are made*

11. Notwithstanding the provisions of any law passed before the commencement of this Act and without derogation from the functions to be performed by the Commission under this Act, the appointment or promotion of any person in the Public Service shall be made by the Councillor.

*Conditions for the filling of posts*

12. (1) Subject to the provisions of this section and of section 13, appointments, transfers and promotions in the Public Service shall be made in such manner and subject to such conditions as the Commission may direct or recommend, including the possession of knowledge of the official languages, languages which are recognised in terms of section 108 of the Republic of South Africa Constitution Act, 1961 (Act 32 of 1961), as additional official languages for the Ciskei, or other languages.

(2) No person shall be appointed permanently, or be transferred and appointed permanently, whether on probation or not, to any post on the fixed establishment of the Public Service unless such person is—

(a) a citizen;

(b) of good character; and

(c) in the opinion of the Commission, free from any mental or physical defect, disease or infirmity which would be likely to interfere with the proper carrying out of his duties or to render necessary his retirement from the Public Service before reaching the pensionable age and the Commission has so declared:

Provided that a person may be so appointed on probation, notwithstanding the provisions of this subparagraph, if the Commission withholds the declaration referred to therein and recommends, as a condition of the appointment, that it may be confirmed only after the Commission has issued such declaration.

(3) In the filling of any post in the Public Service due regard shall be had to the qualifications, relative merit, efficiency and suitability of the persons who are eligible for promotion, transfer or appointment.

(4) For the filling of any prescribed post on the fixed establishment the Commission shall, subject to the provisions of subsection (3), recommend either—

(a) the transfer or promotion of an officer; or

(b) if the post cannot be satisfactorily filled by such transfer or promotion, the appointment of a person who is not an officer:

Provided that within one calendar month from the commencement of each ordinary session of the Legislative Assembly the Councillor for the Department of Community Affairs shall lay upon the Table of the Legislative Assembly a return showing—

(a) the name of every person who has, since the commencement of the preceding ordinary session of the Legislative Assembly, been appointed to a post higher than an entry grade and who was, immediately prior to such appointment, not an officer;

(b) the post to which such person has been appointed;

(c) the salary scale attached to such post; and

(d) the special qualifications of such person for the post and the special reasons for his appointment.

*Aanstellings, oorplasings en bevorderings op proef*

13. (1) Aanstellings in, oorplasings na en bevorderings tot poste op die vaste diensstaat geskied op proef as—

(a) in die geval van voorgeskrewe poste, die Kommissie aldus aanbeveel; of

(b) in die geval van nie-voorgeskrewe poste, die persoon wat die bevoegdheid het om aanstellings, oorplasings en bevorderings goed te keur, magtiging daartoe verleen.

(2) Die proeftyd aldus aanbeveel of waartoe magtiging aldus verleen is, is minstens 12 kalendermaande: Met dien verstande dat as 'n beampte wat diens op proef doen, oorgeplaas word na of bevorder word tot 'n ander pos, 'n korter dienstyd op proef in die nuwe pos aanbeveel kan word of magtiging daartoe verleen kan word wat, saam met die proeftyd in diens in die vorige pos, minstens 12 kalendermaande is: Met dien verstande voorts dat die proeftyd van 'n beampte verleng word met die getal dae verlof wat hy gedurende die proeftyd of enige verlenging daarvan geneem het.

(3) As die hoof van die kantoor, tak, subdepartement of departement sertifiseer dat gedurende die proeftyd of verlengde proeftyd, die betrokke beampte ywerig en sy gedrag deurgaans bevredigend was en dat hy in alle opsigte geskik is vir die pos wat hy beklee, kan die Raadslid, as die beampte voldoen het aan al die voorwaardes waaraan sy aanstelling, oorplasing of bevordering onderworpe was, die aanstelling, oorplasing of bevordering bekragtig; maar as die aanstelling, oorplasing of bevordering op proef nie aldus begragtig word nie—

(a) moet die departementshoof in die geval van 'n beampte wat 'n voorgeskrewe pos geklee die redes vir die nie-bekragtiging aan die Kommissie rapporteer wat behoudens die bepalings van subartikel (5) 'n aanbeveling wat hy goeddink oor die aangeleentheid kan doen;

(b) kan die Raadslid die proeftyd verleng of optree soos in subartikel (4) as die beampte 'n nie-voorgeskrewe pos beklee.

(4) Ondanks andersluidende bepalings in subartikel (2) of in Hoofstuk 4 vervat, maar behoudens die bepalings van subartikel (5), kan 'n beampte wat op proef in diens is, deur die Raadslid uit die Regeringsdiens ontslaan word, hetsy gedurende of by of na die verstryking van die proeftyd—

(a) deur een maand kennis te gee; of

(b) onverwyld as sy gedrag onbevredigend is:

Met dien verstande dat voordat 'n beampte wat 'n voorgeskrewe pos beklee aldus ontslaan word, die Kommissie eers 'n aanbeveling gedoen het.

(5) Ondanks andersluidende bepalings in artikels 14 en 23 keer 'n persoon wat onmiddellik voor sy oorplasing of bevordering op proef 'n beampte was, maar wat nie 'n beampte op proef was nie, terug na die pos wat hy tevore beklee het, of na 'n pos van gelyke gradering, en na die salaris wat hy in sy vorige pos sou bereik het, as sy oorplasing of bevordering op proef nie bekragtig word nie: Met dien verstande dat, in die geval van 'n beampte wat 'n voorgeskrewe pos beklee, die Kommissie eers 'n aanbeveling moet doen.

*Oorplasing en sekondering van beamptes en werknemers*

14. (1) Behoudens die bepalings van hierdie Wet kan elke beampte en werknemer, wanneer die openbare belang dit vereis, oorgeplaas word uit die pos of betrekking wat

*Appointments, transfers and promotions on probation*

13. (1) Appointments, transfers or promotions to posts on the fixed establishment shall be made on probation if—

(a) in the case of prescribed posts the Commission recommends accordingly; or

(b) in the case of non-prescribed posts, the person holding power to approved appointments, transfers and promotions therein, so authorises.

(2) The period of probation so recommended or authorised shall not be less than 12 calendar months: Provided that if an officer who is serving on probation is transferred or promoted to any other post, a lesser period of service on probation in the new post may be recommended or authorised, which together with the period of probation served in the former post, shall total at least 12 calendar months: Provided further that the probationary period of an officer shall be extended by the number of days leave taken by him during the period of probation or any extension thereof.

(3) If the head of the office, branch, subdepartment or department certifies that during the period of probation or extended period of probation the officer concerned has been diligent and his conduct uniformly satisfactory and that he is in all respects suitable for the post which he holds, the Councillor may, if the officer has complied with all the conditions to which his appointment, transfer or promotion was subject, confirm the appointment, transfer or promotion; but if the probationary appointment, transfer or promotion is not so confirmed—

(a) the head of department shall, in the case of an officer holding a prescribed post, report the reasons for the non-confirmation to the Commission which, subject to the provisions of subsection (5) make such recommendation in the matter as it may deem fit;

(b) the Councillor may extend the period of probation or act as is provided in subsection (4) if the officer holds a non-prescribed post.

(4) Notwithstanding anything to the contrary in subsection (2) or in Chapter 4 contained, but subject to the provisions of subsection (5), an officer who is serving on probation may be discharged from the Public Service by the Councillor either during or at or after the expiry of the period of probation—

(a) by giving one month's notice; or

(b) forthwith, if his conduct is unsatisfactory:

Provided that before an officer holding a prescribed post is so discharged the Commission shall first have made a recommendation.

(5) Notwithstanding anything contained in sections 14 and 23 a person who immediately prior to his transfer or promotion on probation was an officer not being a probationary officer, shall revert to the post formerly held by him or to a post of equivalent grading, and to the salary he would have attained in his former post, if his probationary transfer or promotion be not confirmed: Provided that in the case of an officer holding a prescribed post the Commission shall, first have made a recommendation.

*Transfer and secondment of officers and employees*

14. (1) Subject to the provisions of this Act, every officer and employee shall, whenever the public interest so requires, be liable to be transferred from the post or

hy beklee na enige ander pos of betrekking in dieselfde of in enige ander departement, hetsy sodanige pos of betrekking van 'n laer of hoër graad is al dan nie: Met dien verstande dat—

(a) by oorplasing 'n beampte of werknemer se salarisskaal nie sonder sy toestemming verlaag mag mag word nie, behalwe in ooreenstemming met die bepalings van Hoofstuk 4;

(b) 'n beampte wat oorgeplaas is na of in diens is in 'n pos van 'n laer of hoër graad as sy eie graad sonder 'n verandering in sy salarisskaal, deur die Kommissie aanbeveel moet word vir oorplasing na 'n pos waarby sy salarisskaal pas sodra 'n geskikte vakature ontstaan;

(c) 'n beampte of werknemer wat oorgeplaas is na of in diens is in 'n pos wat hoër as sy eie graad gegradeer is, of wat hergradeer is na, of omskep is in 'n pos van 'n hoër graad as sy eie graad, nie uit hoofde alleen van sodanige oorplasing of diens op die hoër salarisskaal of salaris wat op die pos van toepassing is, geregtig is nie.

(2) Die oorplasing van 'n beampte of werknemer uit een pos of betrekking na 'n ander pos of betrekking kan, behoudens die bepalings van subartikel (3), geskied op gesag van die Raadslid: Met dien verstande dat sodanige oorplasing van een departement na 'n ander nie mag geskied nie behalwe op gesag van die Raadslid wat verantwoordelik is vir elk van die twee betrokke departemente: Met dien verstande voorts dat die bepalings van hierdie subartikel nie die Kommissie belet om die oorplasing van 'n beampte of werknemer uit 'n voorgeskrewe pos op die vaste diensstaat na 'n ander voorgeskrewe pos op die vaste diensstaat aan te beveel nie.

(3) 'n Beampte mag nie uit een pos oorgeplaas word na 'n ander pos wat van 'n hoër of laer graad as sy eie graad is of 'n ander benaming het nie, tensy die Kommissie die oorplasing aanbeveel het; maar hierdie subartikel is nie van toepassing nie as elkeen van die twee poste 'n nie-voorgeskrewe pos is.

(4) 'n Beampte of werknemer kan met sy eie toestemming en op aanbeveling van die Kommissie op sodanige voorwaardes (benewens dié by of kragtens enige wet voorgeskryf) as wat die Kommissie in oorleg met die Direkteur van Owerheidsake en Finansies bepaal òf vir 'n bepaalde diens òf vir 'n tydperk, na die diens van die Regering van die Republiek of die regering van 'n gebied waarvoor 'n Wetgewende Vergadering kragtens die Grondwet van die Bantoetuislande, 1971 (Wet 21 van 1971) ingestel is, of van 'n raad, inrigting of liggaam ingestel by of kragtens enige wet, of van enige ander liggaam of persoon gesekondeer word en terwyl sodanige beampte of werknemer aldus gesekondeer is, bly hy onderworpe aan die wette wat op beamptes in die Regeringsdiens van toepassing is.

(5) 'n Burger wat 'n beampte of werknemer van die Staatsdiens van die Republiek is of wat in diens van die Regering van die Republiek is, kan oorgeplaas word na die Regeringsdiens op die voorwaardes wat die Kommissie aanbeveel in oorleg met die Direkteur van Owerheidsake en Finansies nadat 'n ooreenkoms oor sodanige oorplasing met die Regering van die Republiek bereik is.

*Aftreding, afdanking en ontslag van beamptes*

15. (1) (a) Behoudens die bepalings van subartikels (2) en (3) en enige wet betreffende die pensioenregte van beamptes, het 'n beampte die reg om uit die Regeringsdiens af te tree wanneer hy die leeftyd van 60 jaar bereik en tree hy aldus af wanneer hy gemelde leeftyd bereik indien daardie dag op die eerste dag van 'n maand is of, indien daardie dag 'n latere dag is, op die eerste dag van die maand onmiddellik na die maand waarin hy die leeftyd van sestig jaar bereik het.

appointment held by him to any other post or appointment in the same or any other department, whether or not such post or appointment is of a lower or higher grade: Provided that—

(a) upon transfer an officer or employee shall not suffer any reduction in his salary scale without his consent except in accordance with the provisions of Chapter 4;

(b) an officer who has been transferred to or is employed in a post of lower or higher grade than his own grade without a change in his salary scale shall be recommended by the Commission for transer to a post to which his salary scale is appropriate as soon as a suitable vacancy occurs;

(c) an officer or employee who has been transferred to or is employed in a post which is graded higher than his own grade or which is regraded or converted to a post of a grade higher than his own grade, shall not by reason only of such transfer or employment be entitled to the higher scale or salary applicable to the post.

(2) The transfer of an officer or employee from one post or appointment to some other post or appointment may, subject to the provisions of subsection (3), be made on the authority of the Councillor: Provided that such transfer from one department to another shall not be made except on the authority of the Councillor responsible for each of the two departments concerned: Provided further that the provisions of this subsection shall not preclude the Commission from recommending the transfer of any officer or employee from a prescribed post on the fixed establishment to any other prescribed post on the fixed establishment.

(3) An officer shall not be transferred from one post to some other post which is of a higher or lower grade than his own grade or bears a different designation, unless the Commission has recommended the transfer; but this subsection shall not apply if each of the two posts is a non-prescribed post.

(4) An officer or employee may, with his own consent, and on the recommendation of the Commission upon such conditions (in addition to those prescribed by or under any law) as may be determined by it in consultation with the Director of Authority Affairs and Finance, be seconded either for a particular service or for a period of time, to the service of the Government of the Republic or the Government of an area for which a Legislative Assembly has been established in terms of the Bantu Homelands Constitution Act, 1971 (Act 21 of 1971), or of any board, institution or body established by or under any law, or of any other body or person, and such officer or employee while so seconded shall remain subject to the laws governing officers in the Public Service.

(5) A citizen who is an officer or employee of the Public Service of the Republic or is employed by the Government of the Republic, may be transferred to the Public Service on conditions recommended by the Commission in consultation with the Director of Authority Affairs and Finance, after an agreement regarding such transfer has been reached with the Government of the Republic.

*Retirement and discharge of officers*

15. (1) (a) Subject to the provisions of subsections (2) and (3) a law governing the pension rights of officers, an officer shall have the right to retire from the Public Service on attaining the age of 60 years and shall be so retired on reaching the said age if that day is the first day of a month or, if that day is any later day, on the first of the month immediately following the month in which he attains the age of 60 years.

(b) 'n Beampte wat uit die Staatsdiens van die Republiek na die Regeringsdiens oorgeplaas word sonder 'n onderbreking in diens, het die reg om af te tree met ingang van die datum bepaal by artikel 14 van die Staatsdienswet, 1957 (Wet 54 van 1957), asof hy 'n beampte van die Staatsdiens van die Republiek gebly het.

(2) As dit in die openbare belang is om 'n beampte in sy pos in diens te hou na die leeftyd waarop hy ooreenkomstig subartikel (1) moet aftree, kan hy aldus van tyd tot tyd op aanbeveling van die Kommissie en met goedkeuring van die Raadslid vir verdere tydperke in diens gehou word wat, behalwe met die goedkeuring van die Wetgewende Vergadering, altesaam nie twee jaar te bowe mag gaan nie.

(3) (a) 'n Beampte [uitgesonderd 'n beampte genoem in subartikel (7)] wat die leeftyd van 55 jaar bereik het, kan, in elke geval behoudens die aanbeveling van die Kommissie, uit die Regeringsdiens afgedank word.

(b) 'n Beampte wat uit die Staatsdiens van die Republiek oorgeplaas is na die Regeringsdiens sonder 'n onderbreking in diens kan, op aanbeveling van die Kommissie, afgedank word met ingang van die datum bepaal in artikel 14 (5) van die Staatsdienswet, 1957 (Wet 54 van 1957), gelees met artikel 6 van die Regeringsdienspensioenwet, 1965 (Wet 62 van 1965), asof hy 'n beampte van die Staatsdiens van die Republiek gebly het.

(4) Elke beampte kan uit die Regeringsdiens ontslaan word—

(a) weens voortdurende swak gesondheid;

(b) weens die afskaffing van sy pos of vermindering of reorganisasie of herreëling van departemente of kantore;

(c) as, om ander redes as sy eie ongeskiktheid of onvermoë, sy ontslag doeltreffendheid of besuiniging in die departement of kantoor waarin hy in diens is, sal bevorder;

(d) weens ongeskiktheid vir sy pligte of onvermoë om hulle op bekwame wyse uit te voer;

(e) weens wangedrag;

(f) as, in die geval van 'n beampte wat op proef aangestel is, sy aanstelling nie bekragtig word nie.

(5) 'n Vroulike beampte wat in die huwelik tree, word geag vrywillig met die oog op die huwelik uit die Regeringsdiens te getree het, met ingang van die datum van haar huwelik, of as sy haar pligte op daardie dag vervul het, met ingang van die dag wat op die datum van haar huwelik volg, tensy die Kommissie aanbeveel dat sy in die Regeringsdiens in diens gehou word.

(6) 'n Beampte wat sonder verlof van die departementshoof of die hoof van sy kantoor vir 'n tydperk van meer as een kalendermaand van sy ampspligte wegbly, word geag uit die Regeringsdiens weens wangedrag ontslaan te gewees het met ingang van die datum wat onmiddellik volg op die laaste dag waarop hy op sy plek van diens teenwoordig was: Met dien verstande dat as sodanige beampte ander werk aanvaar, hy geag word ontslaan te gewees het soos voormeld, nieteenstaande dat genoemde tydperk nog nie verstryk het nie: Met dien verstande voorts dat as sodanige beampte hom te eniger tyd na die verstryking van sodanige tydperk vir diens aanmeld, die Kommissie, ondanks andersluidende wetsbepaling kan aanbeveel dat hy in die Regeringsdiens in sy vorige of enige ander pos of betrekking herstel word op dié voorwaardes wat die Kommissie aanbeveel, en in so 'n geval word die tydperk van sy afwesigheid van sy ampspligte, geag afwesigheid met vakansieverlof sonder besoldiging of verlof op dié ander voorwaardes wat die Kommissie aanbeveel, te wees.

(b) An officer who has been transferred from the Public Service of the Republic to the Public Service without a break in service shall have the right to be retired with effect from the date determined by section 14 of the Public Service Act, 1957 (Act 5 of 1957), as if he had remained an officer of the Public Service of the Republic.

(2) If it is in the public interest to retain an officer in his post beyond the age at which in accordance with subsection (1) he shall be retired, he may be so retained from time to time on the recommendation of the Commission and the approval of the Councillor for further periods which shall not, except with the approval of the Legislative Assembly, exceed in the aggregate two years.

(3) (a) An officer [except an officer referred to in subsection (6)] who has reached the age of 55 years may, subject in every case to the recommendation of the Commission, be retired from the Public Service.

(b) An officer who has been transferred from the Public Service of the Republic to the Public Service without a break in service, may be retired on recommendation of the Commission with effect from the date determined in section 14 (5) of the Public Service Act, 1957 (Act 54 of 1957), read with section 6 of the Government Service Pensions Act, 1965 (Act 62 of 1965), as if he had remained an officer of the Public Service of the Republic.

(4) Every officer shall be liable to be discharged from the Public Service—

(a) on account of continued ill-health;

(b) owing to the abolition of his post or any reduction in or reorganisation or readjustment of departments of offices;

(c) if, for reasons other than his own unfitness or incapacity, his discharge will promote efficiency or economy in the department or office in which he is employed;

(d) on account of unfitness for his duties, or incapacity to carry them out efficiently;

(e) on account of misconduct;

(f) if, in the case of an officer appointed on probation, his appointment is not confirmed.

(5) An officer who absents himself from his official duties without the permission of the head of his department or the head of his office for a period exceeding one calendar month, shall be deemed to have been discharged from the Public Service on account of misconduct with effect from the date immediately succeeding his last day of attendance at his place of duty: Provided that if such officer assumes other employment he shall be deemed to have been discharged as aforesaid notwithstanding that the said period has not expired: Provided further that if such officer reports for duty at any time after the expiry of the said period the Commission may, notwithstanding anything to the contrary contained in this Act or any other law, recommend that he be reinstated in the Public Service in his former or any other post or appointment, on such conditions as the Commission may recommend, in which event the period of his absence from official duty shall be deemed to have been absence on vacation leave without pay or leave on such other conditions as the Commission may recommend.

(7) Die dienste van 'n beampte wat 'n nie-voorgeskrewe pos op die vaste diensstaat beklee, kan, ondanks die afwesigheid van enige rede vir ontslag ooreenkomstig subartikel (4), beëindig word na minstens een maand skriftelike kennisgewing: Met dien verstande dat, in die geval van 'n beampte met 10 jaar of langer ononderbroke diens, die Kommissie eers die beëindiging van sy dienste moet aanbeveel.

(8) Die bevoegdheid om 'n beampte of werknemer te ontslaan berus by die Raadslid: Met dien verstande dat in die geval van 'n beampte wat 'n voorgeskrewe pos beklee die Kommissie eers sy ontslag moet aanbeveel.

## HOOFSTUK 4

## ONBEKWAAMHEID EN WANGEDRAG

*Onbekwame beamptes*

16. (1) As 'n departementshoof aan die Raadslid verslag doen dat 'n beampte wat 'n voorgeskrewe pos in sy departement beklee, na sy mening ongeskik is vir sy pligte of nie in staat is om hulle op bekwame wyse uit te voer nie, stel die Raadslid 'n beampte of 'n toegewese beampte aan om ondersoek na die inhoud van daardie verslag in te stel; en as enige sodanige verslag aan 'n departementshoof gedoen word deur 'n beampte of 'n toegewese beampte, wat ingevolge artikel 10 (3) gemagtig is om departemente te inspekteer, stuur genoemde departementshoof dit binne een kalendermaand na die datum waarop hy dit ontvang het deur na die Raadslid wat 'n beampte of toegewese beampte moet aanstel om ondersoek na die inhoud van daardie verslag in te stel.

(2) Die beampte of toegewese beampte wat die ondersoek moet instel, stel, in oorleg met die departementshoof, die tyd en die plek van die ondersoek vas en die departementshoof gee aan die betrokke beampte redelike skriftelike kennis van die tyd en plek aldus vasgestel en verstrek aan hom 'n skriftelike uiteensetting van die redes op grond waarvan beweer word dat hy ongeskik is vir sy pligte of nie in staat is om hulle op bekwame wyse uit te voer nie.

(3) Die departementshoof kan enige persoon magtig om by die ondersoek teenwoordig te wees en om getuienis en argumente ter stawing van die bewerings in subartikel (2) bedoel, aan te voer en om enige persoon wat getuienis afgelê het om daardie bewerings te weerlê te kruisvra.

(4) (a) By die ondersoek het die btrokke beampte die reg om teenwoordig te wees en aangehoor te word, hetsy persoonlik of deur 'n verteenwoordiger, om enige persoon wat as getuie opgeroep is ter stawing van die bewerings in subartikel (2) bedoel, te kruisvra, om insae te hê in alle dokumente wat as getuienis voorgelê is, om self getuienis af te lê en om enige ander persoon as getuie op te roep.

(b) Die beampte of toegewese beampte wat die ondersoek instel, moet notule hou van die verrigtings by die ondersoek en van alle getuienis wat aldaar afgelê word.

(c) Die versuim van die betrokke beampte om by die ondersoek teenwoordig te wees, hetsy persoonlik of deur 'n verteenwoordiger, maak die verrigtings nie ongeldig nie.

(5) Na afloop van die ondersoek moet die beampte of toegewese beampte wat dit instel, bevind of die betrokke beampte ongeskik is vir sy pligte of nie in staat is om hulle op bekwame wyse uit te voer nie, die betrokke beampte van sy bevinding verwittig en oor die uitslag van die ondersoek aan die Raadslid verslag doen.

(6) As die beampte of toegewese beampte wat die ondersoek ingestel het, bevind het dat die betrokke beampte ongeskik is vir sy pligte of nie in staat is om hulle op bekwame wyse uit te voer nie, kan die betrokke beampte binne 14 dae na die datum waarop hy van die bevinding verwittig is, by die Kommissie daarteen appelleer deur aan die beampte of toegewese beampte wat die

(6) The services of an officer who occupies a non-prescribed post on the fixed establishment may, notwithstanding the absence of any cause of discharge under subsection (4), be terminated by the giving of not less than one month's notice in writing: Provided that in the case of an officer with 10 years' continuous service or longer, the Commission shall first make a recommendation for his discharge.

(7) The power of discharge of an officer or employee is vested in the Councillor: Provided that in the case of an officer who occupies a prescribed post the Commission shall first make a recommendation for his discharge.

## CHAPTER 4

## INEFFICIENCY AND MISCONDUCT

*Inefficient officers*

16. (1) If a head of a department reports to the Councillor that any officer who occupies a prescribed post in his department is, in his opinion unfit for his duties or incapable of carrying them out efficiently, the Councillor shall appoint an officer or an allocated officer to inquire into the subject matter of that report; and if any such report is made to a head of department by an officer or an allocated officer, who is authorised to inspect departments in terms of section 10 (3), the said head of department shall within one calendar month of the date on which he received it transmit it to the Councillor who shall appoint an officer or an allocated officer to inquire into the subject matter of that report.

(2) The officer or allocated officer who is to hold the inquiry shall, in consultation with the head of department, fix the time and place of the inquiry and the head of department shall give the officer concerned reasonable notice in writing of the time and place so fixed and shall furnish him with a written statement of the grounds on which it is alleged that he is unfit for his duties or incapable of carrying them out efficiently.

(3) The head of department may authorise any person to attend the inquiry and to adduce evidence and arguments in support of the allegation referred to in subsection (2) and to cross-examine any person who has given evidence to rebut those allegations.

(4) (a) At the inquiry the officer concerned shall have the right to be present and to be heard either personally or through a representative, to cross-examine any person called as a witness in support of the allegations referred to in subsection (2), to inspect any documents produced in evidence, to give evidence himself and to call any other person as a witness.

(b) The officer or allocated officer holding the inquiry shall keep a record of the proceedings at the inquiry and of all evidence given thereat.

(c) The failure of the officer concerned to attend the inquiry, either personally or by a representative, shall not invalidate the proceedings.

(5) At the conclusion of the inquiry the officer or allocated officer holding it shall find whether or not the officer concerned is unfit for his duties or incapable of carrying them out efficiently, shall inform the officer concerned of his findings and shall report the result of the inquiry to the Councillor.

(6) If the officer or allocated officer who held the inquiry has found that the officer concerned is unfit for his duties or incapable of carrying them out efficiently the officer concerned, may, within 14 days of the date upon which he was informed of the finding, appeal therefrom to the Commission by giving to the officer or

ondersoek ingestel het, skriftelik kennis van appèl te gee, waarin hy volledig die gronde waarop die appèl gebaseer word, moet uiteensit.

(7) As die beampte of toegewese beampte wat die ondersoek ingestel het, bevind het dat die betrokke beampte ongeskik is vir sy pligte of nie in staat is om hulle op bekwame wyse uit te voer nie, moet hy die notule van die verrigtings by die ondersoek en alle dokumentêre getuienis wat aldaar toegelaat is, 'n skriftelike uiteensetting van sy bevinding en sy redes daarvoor en enige opmerkings oor die saak wat hy wens te maak, aan die Kommissie stuur. As kennis van appèl ooreenkomstig die bepalings van subartikel (6) gegee is, moet hy saam met die notule die kennisgewing en gronde van appèl aanstuur en aan die betrokke beampte 'n afskrif van die redes vir sy bevinding verstrek.

(8) As die betrokke beampte binne sewe dae na die datum waarop hy 'n afskrif van die redes vir die bevinding ontvang het, by die Kommissie om 'n afskrif van die notule van die verrigtings by die ondersoek aansoek doen, moet die Kommissie sodanige afskrif aan hom verstrek.

(9) Die betrokke beampte kan binne 14 dae na die datum waarop hy die afskrif van die notule van die verrigtings ontvang het, of as hy nie om 'n afskrif van die notule aansoek gedoen het nie, binne 21 dae na die datum waarop hy die afskrif van die redes vir die bevinding ontvang het, aan die Kommissie skriftelike vertoë, in viervoud, ter stawing van sy appèl voorlê.

(10) Die Kommissie stuur 'n afskrif van die notule en dokumente in subartikel (7) bedoel en 'n afskrif van die vertoë in subartikel (9) bedoel aan die departementshoof.

(11) Die departementshoof kan binne 14 dae na die datum waarop hy die afskrifte in subartikel (10) bedoel, ontvang het, vertoë wat hy wens voor te lê ter stawing van die bevinding waarteen die appèl aangeteken is, in viervoud tot die Kommissie rig; en die Kommissie moet 'n afskrif van sodanige vertoë aan die betrokke beampte verstrek.

(12) (a) Die betrokke beampte kan binne 14 dae na die datum waarop hy 'n afskrif van die vertoë in subartikel (11) bedoel, ontvang het, enige skriftelike repliek wat hy op sodanige vertoë wil lewer, in viervoud aan die Kommissie voorlê.

(b) Die Kommissie verstrek 'n afskrif van bedoelde repliek aan die departementshoof.

(c) Die departementshoof het nie die reg om verdere vertoë in antwoord op bedoelde repliek voor te lê nie, behalwe met verlof van die Kommissie.

(13) Na oorweging van bedoelde notule en dokumente kan die Kommissie die appèl in sy geheel of gedeeltelik handhaaf en die bevinding tersyde stel of wysig of die appèl van die hand wys en die bevinding in sy geheel of gedeeltelik bekragtig, of kan die Kommissie, voordat hy tot 'n finale beslissing oor die appèl geraak, enige vraag in verband met die ondersoek na die beampte of toegewese beampte wat dit ingestel het, terugverwys, en hom gelas om verslag daaroor te doen of om 'n verdere ondersoek in te stel en tot 'n bevinding daaroor te geraak.

(14) As die Kommissie gelas dat 'n verdere ondersoek ingestel moet word, is die bepalings van subartikels (3) en (4) van toepassing.

(15) Wanneer die Kommissie tot 'n finale beslissing oor 'n appèl geraak het, deel hy daardie beslissing skriftelik aan die appellant en aan die Raadslid mee.

(16) As die beampte of toegewese beampte wat die ondersoek ingestel het, bevind het dat die beampte ongeskik is vir sy pligte of nie in staat is om hulle op bekwame wyse uit te voer nie en die beampte nie teen die bevinding soos hierbo bepaal, geappelleer het nie, of as hy aldus geappelleer het en sy appèl van die hand

allocated officer who held the inquiry a written notice of appeal wherein he shall set forth fully the grounds upon which the appeal is based.

(7) If the officer or allocated officer who held the inquiry has found that the officer concerned is unfit for his duties or incapable of carrying them out efficiently, he shall forward to the Commission the record of the proceedings at the inquiry and any documentary evidence admitted thereat, a written statement of his finding and his reasons therefor and any observations on the case which he may desire to make. If notice of appeal has been given in accordance with the provisions of subsection (6), he shall forward with the record the notice and grounds of appeal, and shall furnish the officer concerned with a copy of the reasons for his findings.

(8) If the officer concerned applies to the Commission for a copy of the record of the proceedings at the inquiry within seven days of the date upon which he received a copy of the reasons for the finding, the Commission shall furnish him with such copy.

(9) The officer concerned may within 14 days of the date upon which he received the copy of the record of the proceedings, or if he did not apply for a copy of the record, within 21 days of the date upon which he received the copy of the reasons for the finding submit to the Commission written representations, in quadruplicate, in support of his appeal.

(10) The Commission shall forward to the head of department a copy of the record and documents referred to in subsection (7) and a copy of the representations referred to in subsection (9).

(11) The head of department may, within 14 days of the date upon which he received the copies referred to in subsection (10), submit to the Commission, in quadruplicate, any representations which he desires to make in support of the finding against which the appeal is brought; and te Commission shall furnish the officer concerned with a copy of such representations.

(12) (a) The officer concerned may within 14 days of the date upon which he received a copy of the representations referred to in subsection (11), submit to the Commission, in quadruplicate, any reply in writing he may wish to make to such representations.

(b) The Commission shall furnish the head of department with a copy of such reply.

(c) The head of department shall have no right to submit further representations in answer to such reply, except by leave of the Commission.

(13) After consideration of the aforesaid record and documents, the Commission may allow the appeal wholly or in part and set aside or alter the finding, or dismiss the appeal and confirm the finding wholly or in part, or the Commission may, before arriving at a final decision on the appeal, remit any question in connection with the inquiry to the officer or allocated officer who held it, and direct him to report thereon or to hold a further inquiry and arrive at a finding thereon.

(14) If the Commission directs the holding of a further inquiry, the provisions of subsections (3) and (4) shall apply.

(15) When the Commission has arrived at a final decision in writing to the appellant and to the Councillor.

(16) If the officer or allocated officer who held the inquiry has found that the officer is unfit for his duties or incapable of carrying them out efficiently and the officer has not appealed against the finding as hereinbefore provided, or if he has so appealed and his appeal

gewys is, stuur die Kommissie die notule en alle ander dokumente wat op die ondersoek betrekking het, aan die Raadslid en beveel hy aan—

(a) dat geen verdere stappe in die saak gedoen word nie; of

(b) dat die betrokke beampte na 'n ander pos oorgeplaas of in diens gehou word bykomend tot die vaste diensstaat; of

(c) dat sy salaris of graad of sy salaris sowel as sy graad verlaag word in die mate wat aanbeveel word; of

(d) dat hy uit die Regeringsdiens ontslaan word met ingang van 'n datum deur die Raadslid bepaal.

As die Kommissie 'n aanbeveling ingevolge paragraaf (b) doen, kan hy ook 'n aanbeveling ingevolge paragraaf (c) doen.

(17) Die Raadslid kan die gedragslyn volg wat die Kommissie aanbeveel het of, behoudens die bepalings van artikel 7 (1), enige ander gedragslyn wat die Kommissie wettiglik ingevolge subartikel (16) kon aanbeveel het.

*Onbekwame departementshoofde*

17. (1) As daar na die mening van die Raadslid redelike gronde bestaan om te vermoed dat 'n departementshoof wat 'n beampte is, ongeskik is vir sy pligte of nie in staat is om hulle op bekwame wyse uit te voer nie, doen die Raadslid dienooreenkomstig verslag aan die Uitvoerende Raad en die Uitvoerende Raad kan 'n persoon of persone aanstel om ondersoek na die inhoud van daardie verslag in te stel.

(2) Die bepalings van artikel 16 (2) tot en met (17) is *mutatis mutandis* van toepassing op 'n ondersoek ingevolge subartikel (1) van hierdie artikel en vir doeleindes van sodanige toepassing word die verwysing in artikel 16 (17) na 'n Raadslid uitgelê as 'n verwysing na die Uitvoerende Raad, word elke verwysing na 'n departementshoof uitgelê as 'n verwysing na die Raadslid en word elke verwysing na die beampte of toegewese beampte wat die ondersoek instel, uitgelê as ook 'n verwysing na die persoon of persone wat ingevolge subartikel (1) van hierdie artikel aangestel is.

*Omskrywing van wangedrag*

18. 'n Beampte is skuldig aan wangedrag en daar kan ooreenkomstig die bepalings van artikel 19 met hom gehandel word, as hy—

(a) 'n bepaling van hierdie Wet oortree of versuim om te voldoen aan 'n bepaling daarvan waaraan dit sy plig is om te voldoen; of

(b) 'n daad wat nadelig vir die administrasie, dissipline of doeltreffendheid van 'n departement, kantoor of inrigting van die Regering is, doen, laat doen of toelaat of oogluikend toelaat dat dit gedoen word; of

(c) 'n wettige bevel wat aan hom gegee is deur 'n persoon wat die bevoegdheid het om dit te gee, nie gehoorsaam nie, dit verontagsaam of opsetlik versuim om dit uit te voer, of deur woord of gedrag insubordinansie aan die dag lê; of

(d) nalatig of traag is in die vervulling van sy pligte; of

(e) sonder die toestemming van die Raadslid (verleen op aanbeveling van die Kommissie in die geval van 'n beampte wat 'n voorgeskrewe pos op die vaste diensstaat beklee) enige private agentskap of private werk in enige aangeleentheid in verband met die verrigting van sy amptelike werksaamhede of die uitvoering van sy ampspligte onderneem; of

(f) hom in die openbaar uitlaat oor die administrasie van enige departement; of

(g) lid van 'n politieke organisasie word of aktief aan politieke aangeleenthede deelneem; of

has been dismissed, the Commission shall forward the record and all documents relating to the inquiry to the Councillor and recommend—

(a) that no further action be taken in the matter; or

(b) that the officer concerned be transferred to another post or be employed additional to the fixed establishment; or

(c) that his salary or grade or both his salary and grade be reduced to an extent recommended; or

(d) that he be discharged from the Public Service from a date to be specified by the Councillor.

If the Commission makes a recommendation in terms of paragraph (b), it may also make a recommendation in terms of paragraph (c).

(17) The Councillor may adopt the course recommended by the Commission or, subject to the provisions of section 7 (1) any other course which the Commission could lawfully have recommended under subsection (16).

*Inefficient heads of departments*

17. (1) If in the opinion of the Councillor there are reasonable grounds for believing that a head of department who is an officer is unfit for his duties or incapable of carrying them out efficiently the Councillor reports accordingly to the Executive Council and the Executive Council may appoint a person or persons to inquire into the subject matter of that report.

(2) The provisions of section 16 (2) to (17), inclusive, shall *mutatis mutandis* apply to any inquiry under subsection (1) of this section; and for the purposes of such application the reference in section 16 (17) to a Councillor shall be construed as a reference to the Executive Council, every reference to a head of department shall be construed as a reference to the Councillor and every reference to the officer or allocated officer holding the inquiry shall be construed as including a reference to the person or persons appointed under subsection (1) of this section.

*Definition of misconduct*

18. Any officer shall be guilty of misconduct and may be dealt with in accordance with the provisions of section 19 if he—

(a) contravenes any provision of this Act or fails to comply with any provision thereof with which it is his duty to comply; or

(b) does, or causes or permits to be done, or connives at, any act which is prejudicial to the administration, discipline or efficiency of any department, office or institution of the Government; or

(c) disobeys, disregards, or makes wilful default in carrying out a lawful order given to him by a person having authority to give it, or by word or conduct displays insubordination; or

(d) is negligent or indolent in the discharge of his duties; or

(e) undertakes, without the permission of the Councillor (granted on the recommendation of the Commission in the case of an officer who holds a prescribed post on the fixed establishment), any private agency or private work in any matter connected with the performance of his official functions or the carrying out of his official duties; or

(f) publicly adversely comments upon the administration of any department; or

(g) becomes a member of any political organisation or takes active part in political matters; or

(h) probeer om uit politieke of buitebronne ingryping in verband met sy posisie en diensvoorwaardes in die Regeringsdiens te verkry: Met dien verstande dat niks in hierdie paragraaf vervat 'n beampte verhinder om herstel van 'n grief deur bemiddeling van die Wetgewende Vergadering te probeer verkry nie; of

(i) hom op 'n skandelike, onbehoorlike of onbetaamlike wyse gedra, of terwyl hy diens doen, hom uiters onbeleefd teenoor 'n persoon gedra; of

(j) buitensporig gebruik maak van bedwelmende drank of gewoontevormende middels; of

(k) te eniger tyd gedurende die diensure wat deur of kragtens 'n regulasie ten opsigte van sy werk voorgeskryf is—

(i) onder die invloed van bedwelmende drank is; of

(ii) 'n bloedalkoholinhoud, uitgedruk in gram per honderd milliliter bloed, van minstens sewentig milligram (0,07 persent) het; of

(l) insolvent word of 'n akkoord met sy skuldeisers aangaan of as 'n bevel tot siviele gyseling deur 'n geregshof teen hom gegee is, tensy daar bewys word dat sy insolvensie of akkoord of die gee van 'n bevel tot siviele gyseling teen hom deur onvermydelike teenspoed veroorsaak is; of

(m) in geldelike moeilikheid geraak, tensy daar bewys word dat sy geldelike moeilikheid nie die gevolg is van onversigtigheid of ander laakbare oorsaak nie en nie nadelig is vir die getroue uitvoering van sy en nie nadelig is vir die getroue uitvoering van sy pligte nie; of

(n) sonder dat hy eers die toestemming van sy departementshoof verkry het, inligting wat hy ingewin of waaraan hy gekom het as gevolg van sy werk in die Regeringsdiens, openbaar maak anders as in die vervulling van sy ampspligte of sodanige inligting gebruik vir 'n ander doel as vir die vervulling van sy ampspligte, hetsy hy sodanige inligting openbaar maak of nie; of

(o) sonder die toestemming van die Raadslid (verleen op aanbeveling van die Kommissie in die geval van 'n beampte wat 'n voorgeskrewe pos op die vaste diensstaat beklee) enige kommissie, geld of beloning, geldelik of anders (wat nie die emolumente is wat ten opsigte van sy pligte aan hom betaalbaar is nie) aanneem of dit eis ten opsigte van die uitvoering van sy pligte of die versuim om sy pligte uit te voer, of versuim om aan sy departementshoof of, as hy die departementshoof is, wat 'n beampte is, aan die Raadslid, die aanbod van sodanige kommissie, geld of beloning te rapporteer; of

(p) hom eiendom van die Regering wederregtelik toeëien of onbehoorlike gebruik daarvan maak onder sodanige omstandighede dat sy daad nie 'n kriminele misdryf uitmaak nie; of

(q) 'n kriminele misdryf begaan; of

(r) sonder verlof of geldige rede van sy kantoor of diens wegbly; of

(s) met die oog op die verkryging van enige voorreg of voordeel met betrekking tot sy amptelike posisie of sy pligte, of met die oog op die veroorsaking van enige nadeel of skade aan die Regering of 'n departement of die Regeringsdiens of 'n lid van die Regeringsdiens, 'n valse of onjuiste verklaring doen, wetende dat dit vals of onjuis is.

*Prosedure in gevalle van wangedrag*

19. (1) Wanneer 'n beampte (uitgesonderd 'n departementshoof) van wangedrag beskuldig word, kan sy departementshoof of 'n beampte of toegewese beampte in

(h) attempts to secure intervention from political or outside sources in relation to his position and conditions of service in the Public Service: Provided that nothing in this paragraph contained shall preclude any officer from endeavouring to obtain redress of any grievance through the Legislative Assembly; or

(i) conducts himself in a disgraceful, improper or unbecoming manner, or whilst on duty is grossly discourteous to any person; or

(j) uses intoxicating liquor or habit-forming drugs excessively; or

(k) at any time during the hours of attendance prescribed by or under a regulation in respect of his employment—

(i) is under the influence of intoxicating liquor; or

(ii) has a blood alcohol content, expressed in grams per 100 millilitres of blood, of not less than 70 milligrams (0,07 per cent); or

(l) becomes insolvent or compromises with his creditors or has a decree of civil imprisonment made against him by any court of law, unless it is shown that his insolvency or compromise or the making of a decree of civil imprisonment against him has been occasioned by unavoidable misfortune; or

(m) becomes pecuniarily embarrassed, unless it is shown that his pecuniary embarrassment has not been occasioned by imprudence or other reprehensible cause and is not prejudicial to the faithful performance of his duties; or

(n) without first having obtained the permission of his head of department discloses, otherwise than in the discharge of his official duties, information gained by or conveyed to him through his employment in the Public Service, or uses such information for any purpose other than for the discharge of his official duties, whether or not he discloses such information; or

(o) without the permission of the Councillor (granted on the recommendation of the Commission in the case of an officer holding a prescribed post on the fixed establishment) accepts or demands in respect of the carrying out of or the failure to carry out his duties, any commission, fee, or reward, pecuniary or otherwise (not being the emoluments payable to him in respect of his duties), or fails to report to his head of department or if he is the head of a department who is an officer, to the Councillor, the offer of any such commission, fee or reward; or

(p) misappropriates or improperly uses any property of the Government under such circumstances that his act does not constitute a criminal offence; or

(q) commits a criminal offence; or

(r) absents himself from his office or duty without leave or valid cause; or

(s) with a view to obtaining any privilege or advantage in relation to his official position or his duties, or to causing prejudice or injury to the Government or a department or the Public Service or a member of the Public Service, makes a false or incorrect statement knowing it to be false or incorrect.

*Procedure in cases of misconduct*

19. (1) When an officer (other than a head of department) is accused of misconduct, his head of department, or any officer or allocated officer in that department who

daardie departement wat deur die departementshoof daartoe gemagtig is, behoudens die bepalings van subartikels (22) en (30) hom skriftelik onder sy handtekening van daardie wangedrag aankla.

(2) Die beampte of toegewese beampte wat die aanklag onderteken het, moet dit aan die aangeklaagde beampte laat beteken.

(3) Die aanklag moet 'n aansegging bevat of van 'n aansegging vergesel gaan waarby die aangeklaagde beampte aangesê word om binne 'n redelike tydperk van minstens 14 werksdae wat in die aansegging vermeld word, aan 'n persoon wat ook daarin vermeld word, 'n skriftelike erkenning of ontkenning van die aanklag en, as hy dit verlang, 'n skriftelike verklaring van die wangedrag waarvan hy aangekla word, te stuur of by hom af te lewer.

(4) Die Raadslid of die departementshoof of, indien daartoe gemagtig deur die departementshoof, enige ander beampte of toegewese beampte in die departement, kan te eniger tyd voor of nadat daar met die beampte ooreenkomstig die bepalings van hierdie artikel gehandel is, die beampte in sy diens skors.

(5) 'n Beampte wat ingevolge subartikel (4) in sy diens geskors is, is nie op enige emolumente vir die tydperk van sy skorsing geregtig nie: Met dien verstande dat die Raadslid na goeddunke kan gelas dat die geheel of 'n gedeelte van sy emolumente aan sodanige beampte betaal word.

(6) As geen aanklag van wangedrag teen 'n beampte wat in sy diens geskors is, ingebring word of hangende is nie, word hy toegelaat om weer diens te aanvaar en word sy volle emolumente vir die tydperk van sy skorsing aan hom betaal.

(7) Die Raadslid of die departementshoof of ander beampte of toegewese beampte wat die beampte geskors het, kan die skorsing te eniger tyd intrek, maar ondanks die intrekking van die skorsing kan die verrigtings in verband met die aanklag van wangedrag voortgesit word.

(8) As die aangeklaagde beampte die aanklag ontken, kan die Raadslid, indien daar na sy oordeel voldoende grond vir verdere stappe bestaan, 'n beampte of toegewese beampte aanstel om ondersoek na die aanklag in te stel.

(9) Die beampte of toegewese beampte wat die ondersoek moet instel, moet in oorleg met die beampte of toegewese beampte wat die aanklag onderteken het, die tyd en plek van die ondersoek vasstel, en die beampte of toegewese beampte wat die aanklag onderteken het, moet aan die aangeklaagde beampte redelike skriftelike kennisgee van die tyd en plek aldus vasgestel.

(10) Die beampte of toegewese beampte wat die aanklag onderteken het, kan enige persoon magtig om by die ondersoek teenwoordig te wees en om getuienis en argumente ter stawing van die aanklag aan te voer en om enige persoon wat as getuie vir die verweer opgeroep is, te kruisvra.

(11) (a) By die ondersoek het die aangeklaagde beampte die reg om teenwoordig te wees en om aangehoor te word, hetsy persoonlik of deur 'n verteenwoordiger, om enige persoon wat ter stawing van die aanklag opgeroep is, te kruisvra, om insae te hê in alle dokumente wat as getuienis voorgelê is, om self getuienis af te lê en ander persone as getuies op te roep.

(b) Die beampte of toegewese beampte wat die ondersoek instel, moet notule hou van die verrigtings by die ondersoek en van alle getuienis wat aldaar afgelê word.

(c) Die versuim van die aangeklaagde beampte om persoonlik of deur 'n verteenwoordiger by die ondersoek teenwoordig te wees, maak die verrigtings nie ongeldig nie.

has been authorised thereto by the head of department may, subject to the provisions of subsections (22) and (30) charge him in writing under his hand with that misconduct.

(2) The officer or allocated officer who signed the charge shall cause it to be served upon the officer charged.

(3) The charge shall contain or shall be accompanied by a direction calling upon the officer charged to transmit or deliver, within a reasonable period specified in the direction, which shall not be less than 14 working days, to a person likewise specified, a written admission or denial of the charge and, if he so desires, a written explanation of the misconduct with which he is charged.

(4) The Councillor, or the head of the department or if authorised thereto by the head of the department, any other officer or allocated officer in the department may at any time before or after the officer has been dealt with under this section suspend him from duty.

(5) An officer who has been suspended from duty in terms of subsection (4) shall not be entitled to any emoluments for the period of his suspension: Provided that the Councillor may, at his discretion, order payment to such officers of the whole or portion of his emoluments.

(6) If no charge of misconduct is preferred or is pending against an officer who has been suspended from duty, he shall be allowed to resume duty and be paid his full emoluments for the period of his suspension.

(7) The Councillor or the head of department or other officer or allocated officer who suspended the officer may at any time cancel the suspension but, notwithstanding the cancellation of the suspension, the proceedings on the charge of misconduct may be continued.

(8) If the officer charged denies the charge, the Councillor may, if in his opinion there is sufficient cause for further proceedings, appoint an officer or allocated officer to inquire into the charge.

(9) The officer or allocated officer who is to hold the inquiry shall, in consultation with the officer or allocated officer who signed the charge, fix the time and place of the inquiry and the officer or allocated officer who signed the charge shall give the officer charged reasonable notice in writing of the time and place so fixed.

(10) The officer or allocated officer who signed the charge may authorise any person to attend the inquiry and to adduce evidence and arguments in support of the charge and to cross-examine any person called as a witness for the defence.

(11) (a) At the inquiry the officer charged shall have the right to be present and to be heard either personally or through a representative, to cross-examine any person called as a witness in support of the charge, to inspect any documents produced in evidence, to give evidence himself and call other persons as witnesses.

(b) The officer or allocated officer holding the inquiry shall keep a record of the proceedings at the inquiry and of all evidence given thereat.

(c) The failure of the officer charged to attend the inquiry, either personally or by a representative, shall not invalidate the proceedings.

(12) Na afloop van die ondersoek moet die beampte of toegewese beampte wat dit instel—

(a) bevind of die aangeklaagde beampte skuldig is of nie skuldig is nie aan die wangedrag waarvan hy aangekla is;

(b) die aangeklaagde beampte van sy bevinding verwittig; en

(c) aan die Raadslid verslag doen oor die uitslag van die ondersoek.

(13) As die aangeklaagde beampte ingevolge subartikel (4) in sy diens geskors is en die beampte of toegewese beampte wat die ondersoek instel, bevind dat hy nie skuldig is aan die wangedrag waarvan hy aangekla is nie, moet genoemde beampte toegelaat word om dadelik weer diens in sy pos te aanvaar en moet aan hom sy volle emolumente vir die tydperk van sy skorsing betaal word.

(14) As die beampte of toegewese beampte wat die ondersoek instel, die aangeklaagde beampte skuldig bevind aan die wangedrag waarvan hy aangekla is, is die bepalings van artikel 16 (6) *mutatis mutandis* van toepassing.

(15) As die beampte of toegewese beampte wat die ondersoek ingestel het, die aangeklaagde beampte skuldig bevind het aan die wangedrag waarvan hy aangekla is, moet hy die notule van die verrigtings by die ondersoek en enige dokumentêre getuienis wat aldaar toegelaat is, 'n uiteensetting van sy bevinding en sy redes daarvoor, en enige opmerkings oor die saak wat hy wens te maak, aan die Kommissie stuur: Met dien verstande dat as die beampte wat aan wangedrag skuldig bevind is 'n nievoorgeskrewe pos beklee en nie ooreenkomstig die bepalings van artikel 16 (6), soos toegepas by subartikel (14) van hierdie artikel, kennis van appél teen die bevinding gegee het nie, die beampte of toegewese beampte wat die ondersoek ingestel het, genoemde notule en ander dokumente nie aan die Kommissie nie maar aan die hoof van die departement waarin die beampte wat aan wangedrag skuldig bevind is, in diens is, moet stuur.

(16) As die beampte wat aan wangedrag skuldig bevind is, kennis van appél ooreenkomstig voormelde bepalings, soos aldus toegepas, gegee het, moet die beampte of toegewese beampte wat die ondersoek ingestel het, saam met die notule en ander dokumente genoem in subartikel (15), die appellant se kennisgewing en gronde van appél aan die Kommissie stuur en 'n afskrif van die redes vir die bevinding waarteen die appél aangeteken is, aan die appellant verstrek.

(17) As kennis van appél ooreenkomstig voormelde bepalings, soos aldus toegepas, gegee is, is die bepalings van artikel 16 (8) tot en met (15) *mutatis mutandis* van toepassing.

(18) As die Kommissie die appél van 'n appellant wat in sy diens geskors is, toestaan, moet die appellant dadelik toegelaat word om weer sy diens te aanvaar en moet sy volle emolumente vir die tydperk van sy skorsing aan hom betaal word.

(19) As die notule en dokumente genoem in subartikel (15) ingevolge daardie subartikel aan die hoof van die departement waarin die beampte wat aan wangedrag skuldig bevind is, in diens is, gestuur is, of as gemelde notule en dokumente ingevolge daardie subartikel aan die Kommissie gestuur is en geen appél teen die bevinding aangeteken is nie, of as 'n appél aldus aangeteken is en die Kommissie die appél in sy geheel of gedeeltelik van

(12) At the conclusion of the inquiry the officer or allocated officer holding it shall—

(a) find whether the officer charged is guilty or not guilty of the misconduct with which he has been charged;

(b) inform the officer charged of his finding; and

(c) report the result of the inquiry to the Councillor.

(13) If the officer charged is under suspension from duty under subsection (4) and the officer or allocated officer holding the inquiry finds that he is not guilty of the misconduct with which he has been charged, the said officer shall be allowed forthwith to resume duty in his post and be paid his full emoluments for the period of his suspension.

(14) If the officer or allocated officer holding the inquiry finds the officer charged guilty of the misconduct with which he has been charged, the provisions of section 16 (6) shall *mutatis mutandis* apply.

(15) If the officer or allocated officer who held the inquiry has found the officer charged guilty of the misconduct with which he has been charged, he shall forward to the Commission the record of the proceedings at the inquiry and any documentary evidence admitted thereat, a statement of his finding and his reasons therefor and any observations on the case which he may desire to make: Provided that if the officer found guilty of misconduct holds a non-prescribed post and he has not given notice of appeal in accordance with the provisions of section 16 (6), as applied by subsection (14) of this section, the officer or allocated officer who held the inquiry shall forward the said record and other documents not to the Commission but to the head of department in which the officer found guilty of misconduct is employed.

(16) If the officer found guilty of misconduct has given notice of appeal in accordance with the provisions aforesaid, as so applied, the officer or allocated officer who held the inquiry shall forward to the Commission, with the record and other documents referred to in subsection (15), the applicant's notice and grounds of appeal and shall furnish the appellant with a copy of the reasons for the finding against which the appeal is brought.

(17) If notice of appeal has been given in accordance with the provisions aforesaid, as so applied, the provisions of section 16 (8) to (15), inclusive, shall *mutatis mutandis* apply.

(18) If the Commission allows the appeal of an appellant who was suspended from duty, he shall forthwith be allowed to resume his duties and be paid his full emoluments for the period of his suspensions.

(19) If the record and documents referred to in subsection (15) have, in terms of that subsection, been forwarded to the head of the Department in which the officer found guilty of misconduct is employed or if the said record and documents have, in terms of that subsection been forwarded to the Commission and no appeal was noted against the finding, or if an appeal was so noted and the Commission has dismissed such appeal wholly or

die hand gewys het, kan bedoelde departementshoof of die Kommissie, na gelang van die geval, by die Raadslid aanbeveel dat—

(a) bedoelde beampte gewaarsku of berispe word; of

(b) 'n boete van hoogstens R400 hom opgelê word, en die boete kan verhaal word deur aftrekking van sy emolumente in die paaiemente wat deur die Raadslid vasgestel word; of

(c) hy na 'n ander pos oorgeplaas of bykomend by die vaste diensstaat in diens gehou word; of

(d) sy salaris of graad of sy salaris sowel as sy graad verlaag word in die mate wat aanbeveel word; of

(e) hy ontslaan word of aangesê word om uit die Regeringsdiens te bedank met ingang van 'n datum wat deur die Raadslid bepaal word:

Met dien verstande dat—

(i) behalwe waar 'n aanbeveling kragtens paragraaf (e) gedoen word, die Kommissie of departementshoof nie belet word om 'n aanbeveling kragtens meer as een van die voorgaande paragrawe te doen nie;

(ii) die Kommissie of die departementshoof die doen van 'n aanbeveling vir 'n tydperk van hoogstens 12 kalendermaande kan uitstel; en

(iii) as 'n beampte wat aangesê is om uit die Regeringsdiens te bedank, versuim om aldus te bedank, hy geag word daaruit ontslaan te gewees het met ingang van 'n datum wat deur die Raadslid bepaal word.

(20) Die Raadslid kan die gedragslyn volg wat die Kommissie of departementshoof aanbeveel of enige ander gedragslyn wat die Kommissie of departementshoof wettiglik ingevolge subartikel (19) kon aanbeveel het, maar altyd onderworpe aan die bepalings van artikel 7 (1) in die geval van 'n aanbeveling van die Kommissie.

(21) Die Kommissie of departementshoof, na gelang van geval, stuur saam met sy aanbeveling ingevolge subartikel (19) die notule van die verrigtings by die ondersoek en alle dokumente in sy besit wat op die ondersoek of op die appél betrekking het, aan die Raadslid.

(22) As die wangedrag neerkom op 'n misdryf waaraan die beampte deur 'n geregshof skuldig bevind is, is dit nie nodig om hom ingevolge subartikel (1) aan te kla nie maar word dit afdoende geag dat hy skuldig is aan daardie wangedrag, tensy die skuldigbevinding deur 'n hoër hof tersyde gestel of hy ten volle begenadig is.

(23) Die vryspreking van 'n beampte deur 'n geregshof op 'n aanklag van 'n kriminele misdryf, belet nie dat stappe ingevolge hierdie Wet op 'n aanklag van wangedrag teen hom ingestel word nie, ondanks die feit dat die feite uiteengesit in die aanklag van wangedrag, as dit bewys sou word, die misdryf sou uitmaak wat uiteengesit is in die kriminele aanklag waarop hy vrygespreek is of 'n ander misdryf waaraan hy, by sy verhoor op genoemde kriminele aanklag, skuldig bevind kon geword het.

(24) As die beampte wat ingevolge hierdie artikel aangekla is, die aanklag erken, word hy geag skuldig te wees aan die wangedrag waarvan hy aangekla is.

(25) As die beampte in subartikel (22), (24) of (30) bedoel 'n voorgeskrewe pos beklee, stuur die departementshoof alle dokumente wat hy tot sy beskikking het en wat op die wangedrag betrekking het en enige opmerkings daaroor wat hy wens te maak, aan die Kommissie, en die Kommissie doen 'n aanbeveling ingevolge subartikel (19) by die Raadslid.

(26) As die beampte in subartikel (22), (24) of (30) bedoel 'n nie-voorgeskrewe pos beklee, doen die departementshoof ingevolge subartikel (19) 'n aanbeveling by die Raadslid.

in part, the Commission or the head of the department, as the case may be, may recommend to the Councillor that—

(a) the said officer be cautioned or reprimanded; or

(b) a fine not exceeding R400 be imposed upon him, which fine may be recovered by deduction from his emoluments in such instalments as may be determined by the Councillor; or

(c) he be transferred to some other post or be employed additional to the fixed establishment; or

(d) his salary or grade or both his salary and grade be reduced to an extent recommended; or

(e) he be discharged or be called upon to resign from the Public Service as from a date to be specified by the Councillor:

Provided that—

(i) except where a recommendation is made under paragraph (e), the Commission or the head of department shall not be precluded from making a recommendation under more than one of the aforegoing paragraphs;

(ii) the Commission or the head of department may postpone, for a period not exceeding 12 calendar months, the making of a recommendation; and

(iii) if an officer, who has been called upon to resign from the Public Service, fails so to resign, he shall be deemed to have been discharged therefrom as from a date to be specified by the Councillor.

(20) The Councillor may adopt the course recommended by the Commission or head of department or any other course which the Commission or head of department could lawfully have recommended under subsection (19) but subject always to the provisions of section 7 (1) in the case of a recommendation of the Commission.

(21) The Commission or head of department, as the case may be, shall forward to the Councillor with its recommendation, in terms of subsection (19), the record of the proceedings at the inquiry and all documents in its possession which relate to the injury or to the appeal.

(22) If the misconduct amounts to an offence of which the officer has been convicted by a court of law, it shall not be necessary to charge him under subsection (1) but he shall be deemed conclusively to be guilty of that misconduct unless the conviction has been set aside by a superior court or he has been granted a free pardon.

(23) The acquittal of an officer by a court of law upon a charge of a criminal offence shall not be a bar to proceedings against him under this Act on a charge of misconduct notwithstanding the fact that the facts set forth in the charge of misconduct would, if proved, constitute the offence set forth in the criminal charge on which he was acquitted or some other offence of which he might have been convicted at his trial on the said criminal charge.

(24) If the officer charged in terms of this section admits the charge, he shall be deemed to be guilty of the misconduct with which he has been charged.

(25) If the officer referred to in subsection (22), (24) or (30) holds a prescribed post the head of department shall forward to the Commission all documents available to him which relate to the misconduct and any observations thereon which he may desire to make, and the Commission shall make a recommendation to the Councillor in terms of subsection (19).

(26) If the officer referred to in subsection (22), (24) or (30) holds a non-prescribed post the head of department shall make a recommendation to the Councillor in terms of subsection (19).

(27) Die bepalings van subartikel (20) is van toepassing ten opsigte van 'n aanbeveling ingevolge subartikel (25) of (26) asof die aanbeveling ingevolge subartikel (19) gedoen is.

(28) As daar met 'n beampte wat ingevolge subartikel (4) in sy diens geskors is, ooreenkomstig die bepalings van subartikel (19) (a), (b) of (d) of van die tweede voorbehoudsbepaling van daardie subartikel gehandel word, moet hy onverwyld toegelaat word om weer diens te aanvaar, en as daar met hom ooreenkomstig die bepalings van subartikel (19) (c) gehandel word, moet hy so gou doenlik toegelaat word om diens te aanvaar in die pos of pligte waarna hy oorgeplaas word, en in sodanige geval moet sy volle emolumente vir die tydperk van sy skorsing aan hom betaal word: Met dien verstande dat as sy graad ingevolge genoemde subartikel (19) (d) verlaag word, hy so gou doenlik toegelaat moet word om diens in 'n pos van die verlaagde graad te aanvaar, en moet aan hom vir die tydperk van sy skorsing die emolumente van daardie pos betaal word, maar as hoër emolumente as die emolumente van daardie pos aan hom gedurende die tydperk van sy skorsing ingevolge subartikel (5) betaal is, hy nie verplig is om die verskil terug te betaal nie.

(29) 'n Beampte wat ingevolge subartikel (4) in sy diens geskors is, of teen wie 'n aanklag ingevolge hierdie artikel ingebring is, en wat uit die Regeringsdiens bedank of ander werk aanvaar voordat sodanige aanklag finaal ooreenkomstig die bepalings van hierdie artikel afgehandel is, word geag weens wangedrag ontslaan te gewees het met ingang van 'n datum wat deur die Raadslid bepaal word, tensy hy voor die ontvangs van sy kennisgewing van bedanking of die datum van sy aanvaardig van ander werk, in kennis gestel is dat geen aanklag teen hom ingebring sal word nie of dat die aanklag wat teen hom ingebring is, teruggetrek is.

(30) (a) 'n Hoof van kantoor kan 'n beampte wat hy redelikerwys vermoed skuldig te wees aan wangedrag soos omskryf in artikel 18 (k) (i) of (ii), gelas om—

(i) in die voorgeskrewe apparaat uit te asem vir die tydperk wat hy mag bepaal; of

(ii) hom aan ondersoek deur 'n distriksgeneesheer of ander mediese praktisyn te onderwerp, met inbegrip van enige bloedtoets wat sodanige distriksgeneesheer of ander mediese praktisyn nodig mag ag om die alkoholinhoud van die bloed van bedoelde beampte te bepaal; of

(iii) in die voorgeskrewe apparaat uit te asem en om hom aan die in subparagraaf (ii) bedoelde ondersoek te onderwerp.

(b) Indien—

(i) 'n beampte versuim of weier om in die voorgeskrewe apparaat uit te asem of hom aan 'n ondersoek te onderwerp nadat hy aldus kragtens paragraaf (a) gelas is; of

(ii) die voorgeskrewe apparaat wys dat die alkoholinhoud van die bloed van 'n beampte 'n perk oorskry wat, op aanbeveling van die Kommissie deur die Raadslid vir Gemeenskapsake by kennisgewing in die *Staatskoerant* met betrekking tot daardie besondere fabrikaat van voorgeskrewe apparaat gespesifiseer is;

word bedoelde beampte onweerlegbaar geag skuldig te wees aan wangedrag soos in artikel 18 (k) (i) omskryf.

(31) (a) Die bepalings van artikel 239 (4) van die Strafproseswet, 1955 (Wet 56 van 1955) is *mutatis mutandis* van toepassing met betrekking tot 'n ondersoek na 'n aanklag van wangedrag soos omskryf in artikel 18 (k) (i) of (ii).

(b) Waar daar by enige ondersoek na 'n aanklag van wangedrag soos omskryf in artikel 18 (k) (i) of (ii) getuienis aangevoer word van 'n ontleding van 'n monster van die bloed van enige persoon, word daar vermoed,

(27) The provisions of subsection (20) shall apply in respect of a recommendation under subsection (25) or (26) as if the recommendation had been made under subsection (19).

(28) If an officer who has been suspended from duty in terms of subsection (4) is dealt with in accordance with the provisions of subsection (19) (a), (b) or (d) or of the second proviso to that subsection, he shall forthwith be allowed to resume duty and, if he is dealt with in accordance with the provisions of subsection (19) (c), he shall as soons as practicable be allowed to assume duty in the post or duties to which he is transferred and, in any such case, he shall be paid his full emoluments for the period of his suspension: Provided that, if his grade is reduced in terms of the said subsection (19) (d), he shall as soon as practicable be allowed to assume duty in a post of the reduced grade and be paid, for the period of suspension, the emoluments of that post but, if emoluments in excess of the emoluments of that post were, during the period of his suspension, paid to him under subsection (5), he shall not be obliged to refund the excess.

(29) An officer who has been suspended from duty in terms of subsection (4) or against whom a charge has been preferred under this section and who resigns from the Public Service or assumes other employment before such charge has been dealt with to finality in accordance with the provisions of this section, shall be deemed to have been discharged on account of misconduct with effect from a date to be specified by the Councillor unless, prior to the receipt of his notification of resignation or the date of his assumption of other employment, he had been notified that no charge would be preferred against him or that the charge preferred against him had been withdrawn.

(30) (a) A head of office may require an officer whom he suspects on reasonable grounds to be guilty of misconduct as defined in section 18 (k) (i) or (ii)—

(i) to breathe into the prescribed apparatus for such period as he may direct; or

(ii) to undergo examination by a district surgeon or other medical practitioner, including any blood test which such district surgeon or other medical practitioner may deem necessary in order to determine the alcohol content of the blood of such officer; or

(iii) to breathe into the prescribed apparatus and to undergo the examination referred to in subparagraph (ii).

(b) If—

(i) any officer fails or refuses to breathe into the prescribed apparatus or to undergo any examination when so required under paragraph (a); or

(ii) the prescribed apparatus records that the alcohol content of the blood of an officer exceeds a limit specified, on the recommendation of the Commission, by the Executive Councillor for Community Affairs by notice in the *Government Gazette* in respect of that particular make of prescribed apparatus;

such officer shall be deemed conclusively to be guilty of misconduct as defined in section 18 (k) (i).

(31) (a) The provisions of section 239 (4) of the Criminal Procedure Act, 1955 (Act 56 of 1955) apply *mutatis mutandis* in relation to any inquiry into a charge of misconduct as defined in section 18 (k) (i) or (ii).

(b) Where in any inquiry into a charge of misconduct as defined in section 18 (k) (i) or (ii), evidence is tendered of the analysis of a specimen of the blood of any person it shall be presumed until the contrary is proved, that

totdat die teendeel bewys word, dat enige spuit wat gebruik is om sodanige monsters te neem en die houer waarin sodanige monster geplaas is vir versending na 'n ontleder vry van enige stof of kontaminasie was wat die uitslag van sodanige ontleding kon geaffekteer het.

*Wangedrag van departementshoofde*

20. (1) Wanneer 'n departementshoof, wat 'n beampte is, van wangedrag beskuldig word, kan die Raadslid die aangeleentheid aan die Uitvoerende Raad rapporteer wat die Raadslid kan gelas om hom van daardie wangedrag aan te kla; en as 'n ondersoek ingevolge artikel 19 (8), soos toegepas by subartikel (2) van hierdie artikel, nodig word, kan die Uitvoerende Raad 'n persoon of persone aanstel om die ondersoek in te stel.

(2) Die bepalings van artikel 19 (2) tot en met (31) is *mutatis mutandis* van toepassing op verrigtings wat op 'n lasgewing ingevolge subartikel (1) van hierdie artikel volg; en vir doeleindes van sodanige toepassing word die verwysing in genoemde subartikels na die Raadslid uitgelê as 'n verwysing na die Uitvoerende Raad, word die verwysing in subartikel (25) na departementshoof uitgelê as 'n verwysing na die Raadslid en word elke verwysing in genoemde subartikels na die beampte of toegewese beampte wat die ondersoek instel, uitgelê as ook 'n verwysing na 'n persoon of persone wat ingevolge subartikel (1) van hierdie artikel aangestel is.

*Wyse waarop kennis, ens. gegee of verstrek word*

21. Waar daar by artikel 16, 17, 19 of 20 bepaal word—

(a) dat enige kennis, verklaring of ander dokument aan 'n persoon gegee of verstrek of beteken moet word of dat enige aangeleentheid skriftelik aan 'n persoon meegedeel moet of kan word, kan die kennisgewing, verklaring, dokument of geskrif per pos in 'n geregistreerde brief aan hom gestuur word of aan hom afgelewer of by sy laaste bekende woonplek gelaat word; of

(b) dat 'n persoon van 'n beslissing of bevinding verwittig moet word, kan hy mondeling of per geskrif wat per pos in 'n geregistreerde brief aan hom gestuur word of aan hom afgelewer of by sy laaste bekende woonplek gelaat word, daarvan verwittig word.

## HOOFSTUK 5

## ALGEMEEN

*Besoldiging van beamptes en werknemers*

22. (1) Behoudens die bepalings van artikel 7, word aan beamptes en werknemers salarisse, lone en toelaes betaal ooreenkomstig die skale wat by hulle grade pas, soos deur die Kommissie ingevolge artikel 6 (2) (g) aanbeveel.

(2) Op aanbeveling van die Kommissie, maar behoudens die bepalings van artikel 7—

(a) kan aan beamptes of werknemers of aan klasse beamptes of werknemers by aanstelling, oorplasing of bevordering salarisse of lone teen hoër bedrae as die minimums van die toepaslike skale betaal word; en

(b) kan aan beamptes of werknemers of aan klasse beamptes of werknemers spesiale vordering toegestaan word binne die skale wat op hulle van toepassing is; en

(c) kan aan 'n beampte of werknemer wat buitengewoon bekwaam is of wat spesiale kwalifikasies besit of wat verdienstelike diens gelewer het, en kan aan enige beampte of werknemer, as dit in die Regeringsdiens se belang is, spesiale vordering toegestaan word binne die skaal wat op hom van toepassing is of kan aan hom 'n salaris of loon ooreenkomstig 'n hoër skaal betaal of enige ander geskikte beloning toegeken word.

(3) Behoudens die bepalings van artikel 7, kan aan geen beampte of werknemer ten opsigte van sy diens as

any syringe used for obtaining such specimen and the receptacle in which such specimen was placed for dispatch to an analyst, were free of any substance or contamination which could have affected the result of such analysis.

*Misconduct of heads of departments*

20. (1) When a head of department who is an officer is accrued of misconduct, the Councillor may report the matter to the Executive Council who may instruct the Councillor to charge him with that misconduct; and if an inquiry becomes necessary under section 19 (8) as applied by subsection (2) of this section, the Executive Council may appoint a person or persons to hold the inquiry.

(2) The provisions of section 19 (2) to (3), inclusive, shall *mutatis mutandis* apply to any proceedings following upon a direction under subsection (1) of this section; and for the purposes of such application the reference in the said subsections to the Councillor shall be construed as a reference to the Executive Council, the reference in subsection (25) to head of department shall be construed as a reference to the Councillor and every reference in the said subsections to the officer or allocated officer holding the inquiry shall be construed as including a reference to a person or persons appointed under subsection (1) of this section.

*Manner in which notice etc. may be given or furnished*

21. Whenever by section 16, 17, 19 or 20 it is provided—

(a) that any notice, statement or other document is to be given or funished to or served upon any person or that any matter is to be or may be conveyed to any person in writing the notice, statement, document or writing may be sent by post in a registered letter or be delivered to him or left at his last known place of residence; or

(b) that any person is to be informed of any decision or finding, he may be informed thereof orally or in writing sent by post in a registered letter or delivered to him or left at his last known place of residence.

## CHAPTER 5

## GENERAL

*Remuneration of officers and employees*

22. (1) Subject to the provisions of section 7 officers and employees shall be paid salaries, wages and allowances in accordance with the scales, appropriate to their grades, as recommended by the Commission in terms of section 6 (2) (g).

(2) On the recommendation of the Commission but subject to the provisions of section 7—

(a) officers or employees or classes of officers or employees may, on appointment, transfer or promotion be paid salaries or wages at higher rates than the minima of the appropriate scales; and

(b) officers or employees or classes of officers or employees may be specially advanced within the scales applicable on them; and

(c) an officer or employee of exceptional ability or posessing special qualifications or who has rendered meritorious service may, and any officer or employee may, if it is in the interests of the Public Service, be specially advanced within the scale applicable to him or may be paid a salary or wage in accordance with a higher scale, or may be granted any other fitting reward.

(3) Subject to the provisions of section 7, no officer or employee shall in respect of his employment as such

sodanig enige besoldiging, toelae, honorarium, toekenning of bonus van watter aard ook al betaal word nie behalwe dié wat deur die Kommissie aanbeveel is.

*Salarisse van beamptes mag nie verlaag word nie behalwe soos spesiaal bepaal*

23. n Beampte se salaris of salarisskaal mag nie sonder sy eie toestemming verlaag word nie, behalwe in ooreenstemming met die bepalings van Hoofstuk 4 of ingevolge 'n wet van die Wetgewende Vergadering.

*Sessie van emolumente verbode*

24. Geen beampte of werknemer mag sonder die skriftelike goedkeuring van die rekenpligtige amptenaar die geheel of 'n gedeelte van enige salaris of toelae wat aan hom betaalbaar is, sedeer nie.

*Beamptes en werknemers moet al hulle tyd ter beskikking van die Regeringsdiens stel*

25. (1) Tensy anders in sy diensvoorwaardes bepaal word—

(a) moet elke beampte en werknemer al sy tyd ter beskikking van die Regering stel;

(b) mag geen beampte of werknemer besoldigde werk buite sy werk in die Regeringsdiens sonder die toestemming van die Raadslid verrig of hom verbind om dit te verrig nie, en dié toestemming word in die geval van 'n beampte slegs op aanbeveling van die Kommissie verleen; en

(c) kan geen beampte of werknemer regtens aanspraak maak op addisionele besoldiging vir die verrigting van enige amptelike plig of werk wat hy deur 'n bevoegde owerheid aangesê is om te verrig nie.

(2) Die Raadslid of die hoof van 'n departement, tak, kantoor of inrigting is bevoeg om 'n beampte of werknemer onder sy beheer aan te sê om tydelik ander pligte te verrig as dié wat gewoonlik aan sodanige beampte opgedra word of wat by die graad, benaming of indeling van sy pos pas.

(3) Enige besoldiging of toelae van watter aard ook al wat 'n beampte of werknemer ontvang anders as ooreenkomstig die bepalings van hierdie Wet of 'n aanbeveling wat deur die Kommissie kragtens enige ander wet gedoen is, moet deur sodanige beampte of werknemer in die Inkomstefonds gestort word en as hy dit nie doen nie moet dit deur die Direkteur van Owerheidsake en Finansies deur middel van geregtelike stappe of op sodanige ander wyse as wat die Direkteur van Owerheidsake en Finansies goeddink op die beampte of werknemer verhaal en in die Inkomstefonds gestort word.

(4) Alle gelde wat 'n beampte of werknemer in sy amptelike hoedanigheid ontvang, moet in die Inkomstefonds gestort word, tensy die Kommissie aanbeveel het dat hy die geheel of 'n gedeelte van genoemde gelde as deel van sy besoldiging kan behou.

(5) Waar die dienste van 'n beampte of werknemer weens sy vakkundige, tegniese of ander spesiale kwalifikasies tydelik ter beskikking van die Regering van die Republiek of van 'n inrigting of liggaam ingestel by of ingevolge 'n wet van die Wetgewende Vergadering of van die Republiek of 'n ander persoon of liggaam geplaas word, moet enige salaris, toelae, geld, bonus of honorarium wat ten opsigte van sy dienste betaalbaar is, in die Inkomstefonds gestort word: Met dien verstande dat onder spesiale omstandighede die Kommissie kan aanbeveel dat 'n bedrag wat gelyk is aan genoemde salaris, toelae, geld, bonus of honorarium, of 'n gedeelte daarvan, aan die beampte of werknemer betaal word.

*Regulasies*

26. (1) Behoudens die bepalings van artikel 7 (2) van hierdie Wet, kan die Uitvoerende Raadslid vir Gemeenskapsake, nadat die Kommissie 'n aanbeveling gedoen het,

be paid any remuneration, allowance, honorarium, award or bonus of any kind whatsoever other than such as has been recommended by the Commission.

*Salaries of officers not to be reduced except as specially provided*

23. An officer's salary or salary scale shall not be reduced without his own consent except in accordance with the provisions of Chapter 4 or in terms of an act of the Legislative Assembly.

*Session of emoluments prohibited*

24. No officer or employee shall, without the written approval of the accounting officer, cede the whole or any part of any salary or allowance payable to him.

*Whole time of officers to be at the disposal of the Public Service*

25. (1) Unless it is otherwise provided in his conditions of service—

(a) every officer and employee shall place the whole of this time at the disposal of the Government;

(b) no officer or employee shall perform or engage himself to perform remunerative work outside his employment in the Public Service without the permission of the Councillor, which in the case of an officer shall be granted only on the recommendation of the Commission; and

(c) no officer or employee may claim as of right additional remuneration in respect of any official duty or work which he is required by competent authority to perform.

(2) It shall be competent for the Councillor or the head of a department, branch, office or institution to require any officer or employee under his control to perform duties other than those ordinarily assigned to such officer or appropriate to the grade, designation or classification of his post.

(3) Any remuneration or allowance whatsoever received by an officer or employee otherwise than in accordance with the provisions of this Act or a recommendation made by the Commission under any other law shall be paid by such officer or employee into the Revenue Fund, and if he does not do so, shall be recovered from him by the Director of Authority Affairs and Finance by legal proceedings or in such other manner as the Director of Authority Affairs and Finance may think fit and be paid into the Revenue Fund.

(4) All fees received by an officer or employee in his official capacity shall be paid into the Revenue Fund unless tha Commission has recommended that he may retain the whole or a portion of the said fees as part of his remuneration.

(5) Where on account of his professional, technical or other special qualifications the services of an officer or employee are placed temporarily at the diposal of the Government of the Republic or of an institution or body established by or under any law of the Legislative Assembly or of the Republic, or of any other person or body, any salary, allowance, fee, bonus or honorarium which may be payable in respect of his services shall be paid into the Revenue Fund: Provided that in special circumstances the Commission may recommend the payment to the officer or employee of an amount equal to the said salary, allowance, fee, bonus or honorarium or a portion thereof.

*Regulations*

26. (1) Subject to the provisions of section 7 (2) of this Act, the Executive Councillor for Community Affairs may, after the Commission has made a recommendation,

regulasies met betrekking tot enigeen van die volgende aangeleenthede uitvaardig:

(a) Die bevordering, oorplasing, dissipline, gedrag, bevoegdhede en pligte, diensure en afwesigheidsverlof van beamptes en werknemers en hulle ander diensvoorwaardes;

(b) die tarief van besoldiging vir uitsonderlike oortyddiens verrig deur beamptes en werknemers en van reiskoste en verblyf- of ander toelaes wat aan beamptes en werknemers betaal moet word en die omstandighede waaronder sodanige betalings gedoen moet word;

(c) die omstandighede waaronder 'n geneeskundige ondersoek vereis word vir doeleindes van enige bepaling van hierdie Wet, en die vorm van geneeskundige verslae en sertifikate van ongesteldheid;

(d) die bepaalde klasse beamptes en werknemers van wie dit vereis kan word om sekuriteit te gee, en die bedrag en vorm daarvan;

(e) die prosedure wat gevolg moet word by die ondersoek van en optrede in verband met beweerde wangedrag waaraan beamptes hulle skuldig maak;

(f) alle aangeleenthede wat ingevolge hierdie Wet voorgeskryf moet of kan word; en

(g) in die algemeen alle aangeleenthede wat hy nodig of dienstig ag om voor te skryf ten einde die doeleindes van hierdie Wet te bereik;

en sodanige regulasies kan 'n gesag of meer as een gesag voorskryf, asook die bevoegdhede van sodanige gesag om ten opsigte van enige beampte of werknemer of klas beamptes of werknemers van die bepalings daarvan af te wyk.

(2) Verskillende regulasies kan uitgevaardig word ten opsigte van beamptes wat voorgeskrewe of nie-voorgeskrewe poste op die vaste diensstaat beklee of om te pas by die verskillende vereistes van bepaalde departemente of takke van departemente, of van bepaalde klasse beamptes of werknemers, of van bepaalde soort diens in die Regeringsdiens.

(3) Elke regulasie wat ingevolge hierdie Wet uitgevaardig word, moet in die *Staatskoerant* gepubliseer word en binne sewe dae nadat dit gepubliseer is, in die Wetgewende Vergadering ter tafel gelê word as die Wetgewende Vergadering dan sit, of as die Wetgewende Vergadering nie dan sit nie, binne sewe dae na die aanvang van sy eersvolgende sessie.

(4) Elke regulasie wat ingevolge hierdie Wet uitgevaardig word, is van krag en regsgeldig, tensy en totdat, gedurende die sessie waarin dit in die Wetgewende Vergadering ter tafel gelê is soos in subartikel (3) bepaal, die Wetgewende Vergadering die regulasie by besluit afgekeur het, en in dié geval verval die regulasie met ingang van 'n datum wat in die besluit vermeld word; maar die verval van die regulasie raak nie die geldigheid van enigiets wat ingevolge die regulasie voor die datum van die besluit gedoen is nie, en niks wat in hierdie subartikel vervat is, raak die bevoegdheid van die Uitvoerende Raadslid vir Gemeenskapsake om op aanbeveling van die Kommissie 'n nuwe regulasie aangaande die inhoud van daardie regulasie uit te vaardig nie.

*Kommissie se verslae moet in die Wetgewende Vergadering ter tafel gelê word*

27. Elke verslag wat die Kommissie ingevolge artikel 6 (2) (o) of artikel 7 (7) doen, word in die Wetgewende Vergadering ter tafel gelê binne sewe dae nadat hy dit ontvang het, as die Wetgewende Vergadering dan sit, of as die Wetgewende Vergadering nie dan sit nie, binne sewe dae na die aanvang van sy eersvolgende sessie.

*Beperking van regsgedinge*

28. (1) Geen regsgeding van watter aard ookal mag teen die Regering of 'n liggaam of persoon ten opsigte van enigiets wat ingevolge hierdie Wet gedoen of versuim

make regulations with respect to any of the following matters:

(a) The promotion, transfer, discipline, conduct, powers and duties, hours of attendance and leave of absence of officers and employees and their other conditions of service;

(b) the rates of payment for exceptional overtime duty performed by officers and employees and of any travelling expenses and subsistence or other allowances to be paid to officers and employees and the circumstances under which such payment shall be made;

(c) the circumstances in which medical examination shall be required for the purposes of any provision of this Act and the form of medical reports and certificates of indisposition;

(d) the particular classes of officers and employees who may be required to give security, and the amount and form thereof;

(e) the procedure to be observed in inquiring into and dealing with alleged misconduct committed by officers;

(f) all matters which under this Act are required or permitted to be prescribed; and

(g) generally, all matters which he considers necessary or expedient to prescribe in order that the purposes of this Act may be achieved;

and such regulations may prescribe an authority or more than one authority and the powers of any such authority to deviate, in respect of any officer or employee or class of officers or employees, from the provisions thereof.

(2) Different regulations may be made in respect of officers holding prescribed or non-prescribed posts on the fixed establishment, or to suit the varying requirements of particular departments or branches of departments, or of particular classes of officers or employees, or of particular kinds of employment in the Public Service.

(3) Every regulation made in terms of this Act shall be published in the *Government Gazette* and shall be laid upon the Table of the Legislative Assembly within seven days of such publication if the Legislative Assembly is then not in session, within seven days of the commencement of its next ensuing session.

(4) Every regulation made under this Act shall be of force and effect unless and until, during the session in which it has been laid upon the Table of the Legislative Assembly as provided by subsection (3), the Legislative Assembly has by resolution disapproved of the regulation, in which event the regulation shall lapse as from the date to be specified in the resolution; but the lapsing of the regulation shall not affect the validity of anything done under the regulation before the date of the resolution, and nothing contained in this subsection shall affect the power of the Executive Councillor for Community Affairs to make, on the recommendation of the Commission, a new regulation as to the subject matter of that regulation.

*Commission's reports to be tabled in the Legislative Assembly*

27. Every report made by the Commission in pursuance of section 6 (2) (o) or section 7 (7), shall be laid upon the Table of the Legislative Assembly within seven days after it has received it if the Legislative Assembly is then in session, or if the Legislative Assembly is not then in session, within seven days of the commencement of its next ensuing session.

*Limitations to actions*

28. (1) No legal proceedings of any nature shall be brought against the Government or any body or person in respect of anything done or omitted under this Act,

is, ingestel word nie, tensy die geding ingestel word voor die verstryking van 'n tydperk van 12 kalendermaande na die datum waarop die eiser kennis van die beweerde daad of versuim gehad het of na die datum waarop redelikerwyse verwag kon word dat die eiser van genoemde daad of versuim bewus sou wees, na gelang van watter datum die eerste is.

(2) Geen sodanige geding mag ingestel word voor die verstryking van minstens een kalendermaand nadat 'n skriftelike kennisgewing van die voorneme om sodanige geding in te stel aan die Regering of die betrokke liggaam of persoon bestel is nie. In daardie kennisgewing moet besonderhede aangaande die beweerde daad of versuim duidelik en uitdruklik verstrek word.

*Voorbehoud*

29. Geen bepaling van hierdie Wet word so uitgelê dat dit enige bestaande, aankomende of voorwaardelike reg, aanspreeklikheid of verpligting van enige persoon wat uit enige ander wet voortvloei, ophef of afbreuk daaraan doen nie.

*Herroeping van wette*

30. (1) Behoudens die bepalings van subartikel (2) word die Ciskeise-personeelregulasies, 1971, afgekondig by Goewermentskennisgewing R. 516 van 1971, hierby herroep.

(2) Totdat regulasies kragtens artikel 26 uitgevaardig word, bly die Ciskeise-personeelregulasies, 1971, ondanks die herroeping daarvan, van krag vir sover hulle nie onbestaanbaar met die bepalings van hierdie Wet is nie en betrekking het op die aangeleenthede in artikel 26 bedoel.

*Kort titel en inwerkingtreding*

31. Hierdie Wet heet die Ciskeise-wet op die Regeringsdiens, 1972, en tree in werking op 'n datum wat die Uitvoerende Raadslid vir Gemeenskapsake by kennisgewing in die *Staatskoerant* bepaal.

R203/4/2/7)

---

No. R. 1626 15 September 1972

## OWAMBO- WETGEWENDE RAAD

## MAATREËL 3 VAN 1972 (OWAMBO HANDELS- EN LISENSIEMAATREËL)

Dit het die Staatspresident behaag om kragtens die bevoegdheid hom verleen by artikel 5 (2) van die Wet op die Ontwikkeling van Selfbestuur vir Naturellevolke in Suidwes-Afrika, 1968 (Wet 54 van 1968), sy goedkeuring te heg aan onderstaande maatreël:

### OWAMBO- WETGEWENDE RAAD

### MAATREËL 3 VAN 1972

### OM VOORSIENING TE MAAK VIR DIE BEHEER VAN SAKE- EN HANDELSONDERNEMINGS VAN LEDE VAN DIE OVAMBOVOLK EN VIR DIE UITREIKING VAN LISENSIES AAN HULLE EN OM VIR BYKOMSTIGE AANGELEENTHEDE VOORSIENING TE MAAK

Ingevolge die bevoegdheid hom verleen by artikel 5 van die Wet op die Ontwikkeling van Selfbestuur vir Naturellevolke in Suidwes-Afrika, 1968 (Wet 54 van 1968), vaardig die Owambo- Wetgewende Raad die volgende Maatreël uit:

*Woordomskrywing*

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

(i) "die beleggingskorporasie" die Bantoebeleggingskorporasie bedoel in artikel 2 van die Wet op die Bevordering van die Ekonomiese Ontwikkeling van Bantoetuislande, 1968 (Wet 46 van 1968);

usless the proceedings are brought before the expiry of a period of 12 calendar months after the date upon which the claimant had knowledge, or after the date upon which the claimant might reasonably have been expected to have knowledge, of the act or omission alleged, whichever is the earlier date.

(2) No such proceedings shall be commenced before the expiry of at least one calendar month after written notice of the intention to bring such proceedings has been served on the Government or the body or person concerned. In that notice particulars of the alleged act or ommission shall be clearly and explicitly given.

*Savings*

29. No provision of this Act shall be construed as in any way abrogating or derogating from any existing, accruing or contingent right, liability or obligation of any person flowing from any other law.

*Repeal of laws*

30. (1) Subject to the provisions of subsection (2), the Ciskeian Staff Regulations, 1971, published under Government Notice R. 516 of 1971, are hereby repealed.

(2) Until regulations have been made under section 26, the Ciskeian Staff Regulations, 1971, shall, notwithstanding their repeal, remain in force in sofar as they are not inconsistent with the provisions of this Act and relate to the matters referred to in section 26.

*Short title and commencecent*

31. This Act shall be called the Ciskeian Public Service Act, 1972, and shall come into operation on a date to be fixed by the Executive Councillor for Community Affairs by notice in the *Government Gazette*.

R203/4/2/7)

---

No. R. 1626 15 September 1972

## OWAMBO LEGISLATIVE COUNCIL

## ENACTMENT 3 OF 1972 (OWAMBO TRADING AND LICENCING ENACTMENT)

The State President has been pleased, under and by virtue of the powers vested in him by section 5 (2) of the Development of Self-government for Native Nations in South-West Africa Act, 1968 (Act 54 of 1968), to approve the following Enactment:

### OWAMBO LEGISLATIVE COUNCIL

### ENACTMENT 3 OF 1972

### TO PROVIDE FOR THE CONTROL OF BUSINESS AND TRADING UNDERTAKINGS OF MEMBERS OF THE OVAMBO NATION AND FOR THE ISSUE OF LICENCES TO THEM AND TO PROVIDE FOR INCIDENTAL MATTERS

By virtue of the authority vested in it by section 5 of the Development of Self-government for Native Nations in South-West Africa Act, 1968 (Act 54 of 1968), the Owambo Legislative Council promulgates the following Enactment:

*Definitions*

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

(i) "area" means the area South-West Africa;

(ii) "die gebied" die gebied Suidwes-Afrika;

(iii) "die Lisensieraad" die Lisensieraad van Owambo, ingestel by artikel 3;

(iv) "die magistraat" die magistraat van die distrik Owambo;

(v) "die uitreikingsbeampte" die beampte wat belas is met die uitreiking van lisensies ingevolge hierdie Maatreël namens die stamowerheid;

(vi) "Direkteur" die administratiewe hoof van die Departement van Ekonomiese Sake vermeld in Bylae A van Proklamasie R. 298 van 1968;

(vii) "lisensie" 'n lisensie bedoel in artikel 2;

(viii) "lisensiehouer" die houer van 'n geldige lisensie wat ingevolge hierdie Maatreël aan hom uitgereik is;

(ix) "Ovambo" 'n lid van die Ovambovolk;

(x) "Owambo" die gebied omskryf as "Owambo" in artikel 2 (f) van die Wet op die Ontwikkeling van Selfbestuur vir Naturellevolke in Suidwes-Afrika, 1968 (Wet 54 van 1968);

(xi) "Raadslid" die lid van die Uitvoerende Raad aan wie die beheer van die Departement Ekonomiese Sake toegewys is;

(xii) "stamkantoor" die administratiewe kantoor van 'n stamowerheid;

(xiii) "stamowerheid" met betrekking tot 'n aansoek gedoen of 'n lisensie uitgereik ingevolge die bepalings van hierdie Maatreël, 'n stamowerheid vermeld in die Bylae van Proklamasie R. 290 van 1968 in wie se regsgebied die perseel geleë is waarop die betrokke aansoek of lisensie betrekking het;

(xiv) "voorgeskrewe" enigiets voorgeskryf deur hierdie Maatreël;

(xv) "Voorsitter" die Voorsitter van die Lisensieraad en ook 'n lid van die Lisensieraad wat as voorsitter waarneem.

*Lisensies en lisensiegelde*

2. (1) Geen Ovambo mag 'n besigheid of beroep vermeld in Bylae 1 van hierdie Maatreël in Owambo dryf of beoefen sonder die nodige lisensie nie.

(2) 'n Lisensie word deur die uitreikingsbeampte uitgereik, wesenlik in die vorm uiteengesit in Bylae 2 van hierdie Maatreël.

(3) Die uitreikingsbeampte reik nie 'n lisensie uit nie tensy—

(a) die Klerk van die Lisensieraad ingevolge artikel 9 (6) die nodige magtiging verleen het vir die uitreiking van sodanige lisensie; en

(b) die toepaslike lisensiegeld vermeld in Bylae 1 van hierdie Maatreël betaal word.

(4) 'n Lisensie wat in stryd met die bepalings van subartikel (3) uitgereik word is ongeldig en die houer daarvan word geag ongelisensieer te wees: Met dien verstande dat, ondanks andersluidende bepalings, iemand wat 'n besigheid dryf of beroep beoefen met so 'n lisensie nie ingevolge artikel 15 (a) skuldig is aan 'n misdryf nie, tensy daar bewys word dat hy ten tye van die dryf of beoefening van sodanige besigheid of beroep, daarvan bewus was dat die lisensie wat hy gehou het ongeldig was.

(5) Elke lisensie word uitgeskryf in die oorspronklike en twee afskrifte waarvan een afskrif aan die Klerk van die Lisensieraad gestuur word en een afskrif in die stamkantoor bewaar word en die oorspronklike word aan die lisensiehouer oorhandig.

(6) Die Klerk van die Lisensieraad hou 'n register van alle lisensies wat ingevolge hierdie Maatreël uitgereik word en teken daarin ten opsigte van elke lisensie aan—

(a) die volle naam van die lisensiehouer; of, in die geval van 'n vennootskap, die naam van elke vennoot; of, in die geval van 'n maatskappy, die geregistreerde naam daarvan en die volle naam van elke direkteur daarvan;

(ii) "Councillor" means a member of the Executive Council to whom control of the Department of Economic Affairs is designated;

(iii) "Chairman" means the Chairman of the Licensing Board and also a member of the Licensing Board acting as chairman;

(iv) "Director" means the administrative head of the Department of Economic Affairs referred to in Annexure A of Proclamation R. 298 of 1968;

(v) "the investment corporation" means the Bantu Investment Corporation intended in terms of section 2 of the Promotion of Economic Development of Bantu Homelands Act, 1968 (Act 46 of 1968);

(vi) "the issuing officer" means the officer responsible for the issuing of licences in terms of this Enactment on behalf of the tribal authority;

(vii) "the Licensing Board" means the Licensing Board of Owambo, established in terms of section 3;

(viii) "licence" means a licence referred to in section 2;

(ix) licence holder" means the holder of a valid licence issued in terms of this Enactment;

(x) "the magistrate" means the magistrate of the district Owambo;

(xi) "Ovambo" means a member of the Ovambo Nation;

(xii) "Owambo" means the area defined as "Owambo" in section 2 (f) of the Development of Self-government for Native Nations in South-West Africa Act, 1968 (Act 54 of 1968);

(xiii) "prescribed" means anything prescribed by this Enactment;

(xiv) "tribal office" means the administrative office of a tribal authority;

(xv) "tribal authority" in connection with an application made or licence issued in terms of the provisions of this Enactment, means a tribal authority referred to in the Annexure to Proclamation R. 290 of 1968 in whose area of jurisdiction the site to which the application or licence concerned refers, is situated.

*Licences and licence fees*

2. (1) No Ovambo may conduct or exercise a business or occupation referred to in Annexure 1 of this Enactment in Owambo without the necessary licence.

(2) A licence is issued by the issuing officer, substantially in the form set out in Annexure 2 of this Enactment.

(3) The issuing officer shall not issue a licence unless—

(a) the Clerk of the Licensing Board authorised the issue of such licence in terms of section 9 (6) of this Enactment; and

(b) the appropriate licence fees mentioned in Annexure 1 of this Enactment are paid.

(4) A licence issued contrary to the provisions of subsection (3) is invalid and the holder thereof shall be deemed not to be licenced: Provided that, notwithstanding provisions to the contrary, a person operating a business or practising an occupation with such a licence shall not be guilty of an offence in terms of section 15 (a), unless it is proved that he was conscious thereof that the licence held was invalid at the time of operating or practising of such business or occupation.

(5) Every licence shall be completed in the original and two copies of which one copy shall be forwarded to the Clerk of the Licensing Board and one copy kept in the tribal office, and the original handed to the licensee.

(6) The Clerk of the Licensing Board shall keep a register of all licences issued in terms of this Enactment and note therein in respect of every licence—

(a) the full name of the licensee; or, in the case of a partnership, the name of each partner; or, in the case of a company, the registered name thereof and the full name of each director thereof;

(b) 'n beskrywing van die besigheid of beroep ten opsigte waarvan die lisensie uitgereik is;

(c) die naam van die stamowerheid in wie se regsgebied die besigheid of beroep gedryf of beoefen word;

(d) die nommer van die lisensie en die datum waarop dit uitgereik is; en

(e) enige oordrag van die lisensie of verplasing van die besigheid ten opsigte waarvan dit uitgereik is.

(7) Geen lisensie word vir die oordrag van 'n lisensie of vir die verplasing van 'n besigheid van een perseel na 'n ander uitgereik nie, maar die uitreikingsbeampte moet, by verlening van die nodige magtiging deur die Klerk van die Lisensieraad en by voorlegging van die betrokke lisensie, die feit van sodanige oordrag of verplasing op daardie lisensie endosseer.

(8) Geen liefdadigheids-, godsdienstige of opvoedkundige inrigting hoef 'n lisensie ingevolge hierdie Maatreël uit te neem vir die dryf van enige besigheid vermeld in Bylae 1 van hierdie Maatreël nie, indien sodanige besigheid geheel en al tot die uitsluitlike voordeel van sodanige inrigting gedryf word.

(9) 'n Lisensie is behoudens die bepalings van artikel 11 (7), geldig vir die tydperk van 1 Januarie in enige jaar ten opsigte waarvan dit uitgereik is tot 31 Desember van daardie jaar, albei dae ingesluit, of vir die onverstreke gedeelte van daardie tydperk indien die lisensie na 1 Januarie uitgereik word.

*Lisensieraad*

3. (1) 'n Raad word hierby ingestel wat as die Lisensieraad van Owambo bekend staan en wat, behoudens die bepalings van hierdie Maatreël, uit vyf lede bestaan, synde—

(a) die magistraat wat die voorsitter is; en

(b) vier lede deur die Uitvoerende Raad benoem wat almal Ovambo's moet wees en van wie—

(i) twee lede lisensiehouers ingevolge hierdie Maatreël moet wees; en

(ii) twee lede geen belange binne of buite Owambo moet hê by enige besigheid of beroep vermeld in Bylae 1 van hierdie Maatreël nie.

(2) 'n Benoemde lid van die Lisensieraad beklee sy amp vir 'n tydperk van drie jaar: Met dien verstande dat 'n benoemde lid—

(a) by verstryking van sy ampstermyn herbenoem kan word; en

(b) te enigertyd deur die Uitvoerende Raad afgedank kan word.

(3) Niemand mag as 'n lid van die Lisensieraad sitting neem of sy stem uitbring of deelneem aan enige verrigtinge van die Lisensieraad, of enige bevoegdheid of werksaamheid van die Lisensieraad uitoefen of verrig nie, indien hy of sy eggenote of kind of iemand met wie hy 'n gebruiklike verbinding aangegaan het—

(a) 'n aansoeker is wie se aansoek om die verlening, hernuwing of oordrag van 'n lisensie of verplasing van 'n besigheid ingevolge hierdie Maatreël deur die Lisensieraad oorweeg moet word; of

(b) 'n vennoot, agent of werknemer is van 'n aansoeker wie se aansoek om die verlening, hernuwing of oordrag van 'n lisensie of verplasing van 'n besigheid ingevolge hierdie Maatreël oorweeg moet word; of

(c) 'n beswaar ooreenkomstig die bepalings van hierdie Maatreël aangeteken het teen 'n aansoek wat deur die Lisensieraad oorweeg moet word; of

(d) wat enige belang het by 'n besigheid of lisensie ten opsigte waarvan of in verband waarmee enige aansoek ingevolge hierdie Maatreël deur die Lisensieraad oorweeg moet word.

(b) a description of the business or occupation in respect of which the licence is issued;

(c) the name of the tribal authority in whose area of jurisdiction the business or occupation is operated or practised;

(d) the number of the licence and the date on which it is issued; and

(e) any transfer of the licence or transfer of the business in respect of which it was issued.

(7) No other licence shall be issued for the transfer of a licence or the transfer of a business from one site to another, but the issuing officer shall, on receipt of the necessary authorisation from the Clerk of the Licensing Board and on submission of the licence concerned, endorse the fact of such transfers on that licence.

(8) No charitable, religious or educational institution shall be required to obtain a licence in terms of this Enactment to operate any business referred to in Annexure 1 of this Enactment, provided that such business is operated exclusively for the benefit of such institution.

(9) A licence is subject to the provisions of section 11 (7) valid for the period commencing on 1 January of any year in respect of which it was issued to 31 December of that year, both days included, or for the unexpired part of that period if the licence was issued after the 1st January.

*Licensing Board*

3. (1) A board known as the Licensing Board of Owambo is hereby established and which, in accordance with the provisions of this Enactment, shall consist of five members, being—

(a) the magistrate who shall be the chairman; and

(b) four members nominated by the Executive Council who shall all be Ovambos and of whom—

(i) two members shall be licencees in terms of this Enactment; and

(ii) two members shall have no interests inside or outside Owambo in any business or occupation mentioned in Annexure 1 of this Enactment.

(2) A nominated member of the Licensing Board shall serve for a period of three years: Provided that such member—

(a) may be re-appointed on expiration of his term of office; and

(b) may at any time be deprived of his membership by the Executive Council.

(3) No person may sit as a member of the Licensing Board or cast a vote or participate in any proceedings of the Licensing Board, or exercise any power or perform any function of the Licensing Board, if he or his wife or child or someone with whom he has entered into a customary union—

(a) is an applicant whose application is to be considered by the Licensing Board for the granting, renewal or transfer of a licence or removal of a business in terms of this Enactment; or

(b) is a partner, agent or employee of an applicant whose application is to be considered for the granting, renewal or transfer of a licence or removal of a business in terms of this Enactment; or

(c) lodged a complaint in accordance with the provisions of this Enactment against an application under consideration by the Licensing Board; or

(d) has any interest in a business or licence in respect of which or in connection with which an application in terms of this Enactment is to be considered by the Licensing Board.

(4) Die Lisensieraad vergader minstens vier maal per jaar by die setel van die magistraat op die datums en tye wat die Voorsitter bepaal, om aansoeke ingevolge hierdie Maatreël te oorweeg en te beslis: Met dien verstande dat die laaste vergadering in elke jaar nie voor die eerste dag van Desember plaasvind nie.

(5) Die Raadslid stel 'n beampte van sy departement aan as Klerk van die Lisensieraad.

(6) Die Klerk van die Lisensieraad—

(a) hou notule van alle verrigtinge van die Lisensieraad ingevolge hierdie Maatreël;

(b) verrig die werksaamhede wat hy ingevolge die bepalings van hierdie Maatreël verplig is om te verrig; en

(c) verrig sodanige ander administratiewe werksaamhede as wat die Raadslid of die Voorsitter van tyd tot tyd aan hom mag toewys in verband met enige aangeleentheid waarop hierdie Maatreël betrekking het.

(7) Minstens 30 dae voor die datum waarop die Lisensieraad vergader om aansoeke ingevolge hierdie Maatreël te oorweeg, stel die Klerk van die Lisensieraad elke stamowerheid skriftelik van die datum in kennis.

(8) Behoudens die bepalings van subartikel (9), maak vier lede van die Lisensieraad 'n kworum uit. Indien daar geen kworum by die aanvang van 'n vergadering aanwesig is nie, word die vergadering verdaag totdat daar 'n kworum aanwesig is.

(9) As enige lid of lede tydens die verrigtinge van die Lisensieraad weens die bepalings van subartikel (3) of weens enige ander oorsaak onbevoeg raak, word die Lisensieraad se verrigtinge deur die oorblywende lede afgehandel.

(10) As die magistraat 'n vergadering van die Lisensieraad nie kan bywoon nie of tydens die verrigtinge van die Lisensieraad onbevoeg raak, kies die oorblywende lede uit hul geledere 'n voorsitter vir die duur van die magistraat se afwesigheid of onbevoegdheid tydens die betrokke vergadering.

(11) Die beslissing van die meerderheid van die aanwesige bevoegde lede is die beslissing van die Lisensieraad: Met dien verstande dat die Voorsitter in die geval van 'n staking van stemme 'n beslissende stem uitoefen.

(12) Behalwe waar die Lisensieraad weier om 'n lisensie te hernieu, of 'n lisensie intrek, staan dit onder geen verpligting om enige redes vir sy beslissing te verstrek nie.

(13) Die vergaderings van die Lisensieraad is nie vir die publiek of vir enige aansoekers wie se aansoeke deur die Lisensieraad oorweeg word of vir enige beswaarmakers wat teen sodanige aansoeke beswaar aangeteken het, toeganklik nie.

*Aansoeke om die verlening van lisensies*

4. (1) Enigiemand wat die verlening van 'n nuwe lisensie verlang moet skriftelik daarom aansoek doen, in die vorm soos deur die Direkteur voorgeskryf.

(2) 'n Aansoek ingevolge hierdie artikel, tesame met die aanhangsels vermeld in subartikels (3) en (4), word in tweevoud by die stamkantoor ingedien.

(3) Elke aansoek moet vergesel wees van 'n beskrywing van die perseel en 'n plan, volgens skaal geteken, wat die afmetings en die inrigting van die binnegeboue, asook alle deure, vensters en binne- en buiteverbindings duidelik aantoon.

(4) 'n Aansoeker kan by sy aansoek sodanige skriftelike vertoë ter stawing daarvan aanheg as wat hy verlang in ag geneem moet word by die oorweging daarvan.

*Aansoeke om hernuwing van lisensies*

5. (1) 'n Aansoek om die hernuwing van 'n lisensie moet skriftelik gedoen word, in die vorm soos deur die Direkteur voorgeskryf.

(4) The Licensing Board shall meet at least four times a year at the seat of the magistrate on the dates and times appointed by the Chairman, to consider and decide on applications in terms of this Enactment: Provided that the last meeting of every year shall not take place before the 1st day of December.

(5) The Councillor shall appoint an officer of his Department as Clerk of the Licensing Board.

(6) The Clerk of the Licensing Board—

(a) shall keep minutes of all the proceedings of the Licensing Board in terms of this Enactment;

(b) shall perform the duties pursuant to the provisions of this Enactment which he is compelled to perform; and

(c) shall perform such other administrative duties allocated to him from time to time by the Councillor or Chairman in connection with any matter with which this Enactment is concerned.

(7) At least 30 days before the date on which the Licensing Board meets to consider applications in terms of this Enactment, the Clerk of the Lecinsing Board shall notify each tribal authority, in writing, of the date.

(8) Subject to the provisions of subsection (9), four members of the Licensing Board form a quorum. Should a quorum not be present at the start of the meeting, the meeting will adjourn until a quorum is present.

(9) Should any member or members during the proceedings of the Licensing Board become unfit in terms of the provisions of subsection (3) or any other cause, the proceedings of the Licensing Board will be completed by the remaining members.

(10) Should the magistrate not be able to attend a meeting of the Licensing Board or become unfit during the proceedings of the Licensing Board, the remaining members shall elect a chairman from their ranks for the duration of the magistrate's absence or incompetence during the relative meeting.

(11) The decision of the majority of the competent members present shall be the decision of the Licensing Board: Provided that the Chairman may exercise a casting vote in the case of a tie of votes.

(12) Except where the Licensing Board refuses the renewal of a licence, or withdraws a licence there will be no obligation to give any reasons for its decisions.

(13) The meetings of the Licensing Board are not accessible to the public or any applicants whose applications are considered by the Licensing Board or to any objectors against such applications.

*Applications for granting of licences*

4. (1) Any person requiring the issue of a new licence must apply therefor, in writing, in the form prescribed by the Director.

(2) An application in terms of this section, together with the annexures mentioned in subsection (3) and (4), must be submitted, in duplicate, to the tribal office.

(3) Every application must be accompanied by a description of the site and a plan, drawn according to scale, clearly showing the measurements and the arrangement of the interior as well as all doors, windows and interior and exterior connections.

(4) An applicant may in support, attach to his application such written representations as he desires to be taken into account in the consideration of his application.

*Applications for the renewal of licences*

5. (1) An application for the renewal of a licence shall be made, in writing, in the form prescribed by the Director.

(2) 'n Aansoek ingevolge hierdie artikel moet voor 1 Oktober in die jaar ten opsigte waarvan die betrokke lisensie uitgereik is, in tweevoud by die stamkantoor ingedien word.

*Aansoeke om oordrag van lisensies*

6. (1) 'n Lisensiehouer wat 'n besigheid ten opsigte waarvan hy 'n lisensie hou vervreem, en verlang om die lisensie aan die nuwe eienaar van die betrokke besigheid oor te dra, moet skriftelik kennis gee, in die vorm soos deur die Direkteur voorgeskryf van sy voorneme om die besigheid oor te dra en van sy afstanddoening van die lisensie wat hy ten opsigte daarvan hou.

(2) Die oordragnemer kan skriftelik aansoek doen, in die vorm soos deur die Direkteur voorgeskryf, om die oordrag aan hom van die lisensie bedoel in subartikel (1). Die aansoek, tesame met die kennisgewing bedoel in subartikel (1), moet in tweevoud by die stamkantoor ingedien word.

(3) Indien 'n aansoek ingevolge subartikel (2) ingedien word gelyktydig met of na die indiening deur die lisensiehouer van 'n aansoek om die hernuwing van die betrokke lisensie, kan die hernieude lisensie in die naam van die oordragnemer uitgereik word indien die oordrag gemagtig word voordat die hernieude lisensie uitgereik is.

(4) In geval van die oorlye van 'n lisensiehouer, kan die weduwee of wewenaar of naasbestaande of die eksekuteur, trustee, *kurator bonis* of verteenwoordiger van die boedel van die oorledene, indien so iemand vir die boedel aangestel is, die besigheid van die oorledene voortsit vir die duur van die onverstreke gedeelte van die tydperk waarvoor die betrokke lisensie uitgereik is.

(5) Indien die besigheid van 'n oorlede lisensiehouer nie aan die regmatige erfgenaam of erfgename, of, indien die besigheid vervreem word, aan die oordragnemer, oorgedra kan word voor die verstryking van die geldigheidsduur van die lisensie nie of indien die oorlede lisensiehouer reeds om die hernuwing van die betrokke lisensie aansoek gedoen het, kan die persoon wat die besigheid ingevolge die bepalings van subartikel (4) voortsit—

(a) aansoek doen om die hernuwing van die lisensie indien dit nie reeds gedoen is nie; of

(b) met die goedkeuring van die magistraat versoek dat die lisensie in sy naam uitgereik word indien die oorlede lisensiehouer reeds om die hernuwing daarvan aansoek gedoen het.

*Verplasing van besigheid*

7. (1) 'n Lisensiehouer wat verlang om die besigheid ten opsigte waarvan 'n lisensie ingevolge hierdie Maatreël aan hom uitgereik is, te verplaas na 'n ander perseel in die regsgebied van die stamowerheid, moet 'n skriftelike aansoek daarom in tweevoud by die stamkantoor indien, in die vorm soos deur die Direkteur voorgeskryf.

(2) Elke sodanige aansoek moet vergesel wees van—

(a) 'n beskrywing van die perseel waarheen die besigheid verplaas gaan word, en 'n plan daarvan, volgens skaal geteken, wat die afmeting en die inrigting van die binnegeboue, asook alle deure, vensters en binne- en buiteverbindings duidelik aandui; en

(b) 'n verklaring deur die aansoeker waarin die redes vir die verplasing en enige vertoë ter stawing daarvan, uiteengesit word.

(3) Geen besigheid mag van 'n perseel in die regsgebied van een stamowerheid na 'n perseel in die regsgebied van 'n ander stamowerheid verplaas word nie.

(2) An application in terms of this section must be submitted, in duplicate, to the tribal office before the 1st day of October of the year in respect of which the licence has been issued.

*Applications for transfer of licences*

6. (1) A licence-holder who alienates a business of which he is the licensee and who wishes to transfer the licence to the new owner of the said business shall give written notice, in the form prescribed by the Director, of his intention to transfer the business and his renunciation of the licence which he holds in respect thereof.

(2) The transferee may apply, in writing, in the form prescribed by the Director, for the transfer to him, of the licence referred to in subsection (1). This application, together with the notice referred to in subsection (1) must be submitted to the tribal office, in duplicate.

(3) Should an application in terms of subsection (2) be submitted simultaneously with the submission of an application for the renewal of the relevant licence, the renewed licence may be issued in the name of the transferee provided that the transfer is authorised prior to the issue of the licence.

(4) In case of death of the licence holder, the widow or widower or next of kin or the executor, trustee, *curator bonis* or representative of the estate of the deceased, if such a person has been appointed for the estate, may continue the business of the deceased for the duration of the unexpired period of the relevant licence issued.

(5) If the business of a deceased licence holder cannot be transferred to the rightful heir or heirs, or if the business is alienated, to the transferee, prior to the expiration of the validity of the licence or if the deceased licence holder has already applied for the renewal of the relevant licence, the person who continues the business in terms of subsection (4) may—

(a) apply for renewal of the licence if the application has not yet been made; or

(b) with the approval of the magistrate request that the licence be issued in his name if the deceased licence holder has already applied for the renewal thereof.

*Moving of business*

7. (1) A licence holder who desires to move the business in respect of which a licence has been issued to him in terms of this Enactment, from one site to another within the jurisdiction area of a tribal authority, must apply therefor, in writing, in the form prescribed by the Director, in duplicate, at the office of that tribal authority.

(2) Each such application must be accompanied by—

(a) a description of the site the business is to be moved to together with a plan thereof, drawn to scale clearly showing the measurements and arrangement of the interior of the building, as well as all doors, windows and interior and exterior connections; and

(b) a declaration by the applicant giving the reasons for the removal and any representations in support thereof.

(3) No business may be transferred from a site in the jurisdiction area of one tribal authority to a site in the jurisdiction area of another tribal authority.

*Behandeling van aansoeke deur die stamowerheid*

8. (1) Elke stamowerheid laat ten opsigte van elke aansoek wat ingevolge die bepalings van hierdie Maatreël by die stamkantoor ingedien word, in 'n opsigtelike plek by daardie kantoor 'n kennisgewing aanbring waarin vermeld word—

(a) die naam van die aansoeker;

(b) die aard van die lisensie waarom aansoek gedoen word;

(c) of dit 'n aansoek om die verlening of hernuwing of oordrag van 'n lisensie of die verplasing van 'n besigheid is;

(d) die naam of 'n beskrywing van die plek waar die perseel geleë is waarop die aansoek betrekking het en, in die geval van 'n aansoek ingevolge artikel 7, ook die plek waar die beoogde nuwe perseel geleë gaan wees; en

(e) die datum waarop die aansoek deur die stamowerheid oorweeg gaan word ingevolge die bepalings van subartikel (5).

(2) Die kennisgewing vermeld in subartikel (1) moet minstens 21 dae voor die datum waarop die aansoek daarin vermeld ingevolge subartikel (5) deur die stamowerheid oorweeg word, aangebring word.

(3) Enigiemand wat teen 'n aansoek beswaar wil aanteken, moet sy beswaar skriftelik aanteken en voor die datum waarop die aansoek ingevolge subartikel (5) deur die stamowerheid oorweeg word, in tweevoud by die stamkantoor indien. So 'n beswaar moet die gronde waarop die beswaar berus, volledig uiteensit.

(4) By die oorweging van 'n aansoek deur die stamowerheid ingevolge subartikel (5), het—

(a) 'n aansoeker wie se aansoek deur die stamowerheid oorweeg word of sy gemagtigde verteenwoordiger; en

(b) enige beswaarmaker wat ooreenkomstig die bepalings van subartikel (3) beswaar aangeteken het of sy gemagtigde verteenwoordiger;

die reg om voor die stamowerheid te verskyn en deur die stamowerheid aangehoor te word en om getuienis voor te lê ter stawing van die aansoek of beswaar, na gelang van die geval.

(5) Die stamowerheid oorweeg elke aansoek en die besware (as daar is) daarteen en stuur daarna die aansoek tesame met sy skriftelike verslag en aanbeveling in die vorm soos deur die Direkteur voorgeskryf en enige skriftelike besware wat ooreenkomstig die bepalings van subartikel (3) teen die aansoek ingedien is, aan die Klerk van die Lisensieraad.

*Oorweging van aansoeke deur die Lisensieraad*

9. (1) Die Klerk van die Lisensieraad lê alle aansoeke wat deur stamowerhede aan hom gestuur word, by die eersvolgende sitting van die Lisensieraad aan daardie Raad voor vir oorweging.

(2) By die oorweging van aansoeke ingevolge hierdie Maatreël neem die Lisensieraad enige skriftelike vertoë deur die aansoeker en enige besware wat ooreenkomstig die bepalings van artikel 8 (3) daarteen ingedien is, asook die skriftelike verslag en aanbeveling van die stamowerheid, in ag.

(3) Die Lisensieraad kan enige aansoek na die stamowerheid terugverwys en die stamowerheid versoek om die aansoek verder te ondersoek of te laat ondersoek en sodanige verdere besonderhede in verband daarmee te verstrek as wat die Lisensieraad nodig mag ag vir die behoorlike oorweging en beslissing van die aansoek.

*Consideration of applications by the tribal authority*

8. (1) Each tribal authority shall display in a conspicuous place in respect of each application in terms of the provisions of this Enactment, a notice showing—

(a) the name of the applicant;

(b) the kind of licence being applied for;

(c) whether it is an application for the issue or renewal or transfer of a licence or the removal of a business;

(d) the name or a description of the place where the site in respect of which the application is being made, is situated and, in the case of an application in terms of section 7, also the place where the intended new site is situated; and

(e) the date on which the application will be considered in terms of subsection (5) by the tribal authority.

(2) The notice mentioned in subsection (1) must be displayed for at least 21 days before the date on which the tribal authority will consider the appliction in terms of subsection (5).

(3) Anyone wishing to object against an application shall note his objection, in writing, and shall hand it in at the tribal office, in duplicate, before the date set down for consideration in terms of subsection (5) of the application by the tribal authority. Such an objection must fully state the grounds upon which the objection is based.

(4) In the consideration of the application by the tribal authority in terms of subsection (5), the—

(a) applicant whose application is being considered by the tribal authority or his authorised representative; and

(b) any objector who noted his objection in terms of subsection (3) or his authorised representative;

has the right to appear before the tribal authority and to be heard by the tribal authority and to submit evidence supporting the application or objection, as the case may be.

(5) The tribal authority considers each application and the objections (if any) thereto and sends the application, together with its written report and recommendations in the form prescribed by the Director and any written objections submitted in terms of subsection (3) against the application to the Clerk of the Licensing Board.

*Consideration of applications by the Licensing Board*

9. (1) The Clerk of the Licensing Board shall submit all applications received from the tribal authorities to the next meeting of the Licensing Board to that board for consideration.

(2) In considering applications in terms of this Enactment the Licensing Board shall take into account all written representations by the applicant and any objection submitted in terms of section 8 (3), as well as the written report and recommendations of the tribal authority.

(3) The Licensing Board may refer any application back to the tribal authority and request the tribal authority to reconsider or have such investigations made and to supply such additional information as required by the Licensing Board for proper consideration and ruling on the application.

(4) Die Lisensieraad staan nie 'n aansoek om die verlening of hernuwing of oordrag van 'n lisensie of om die verplasing van 'n besigheid toe nie, tensy die Lisensieraad oortuig is—

(a) dat die aansoeker 'n Ovambo is;

(b) dat die aansoeker bo die ouderdom van 21 jaar is en 'n geskikte persoon is om die beoogde besigheid te dryf of beroep te beoefen; en

(c) dat die perseel waarop die aansoek betrekking het vir die doel van die beoogde besigheid of beroep—

(i) redelike en bevredigende akkommodasie bied; en

(ii) vanuit die oogpunt van die openbare gesondheid geskik is of geskik sal wees.

(5) Wanneer die Lisensieraad 'n aansoek toestaan, kan hy aan die lisensiehouer die voorwaardes en beperkings oplê wat hy goedvind.

(6) Die Klerk van die Lisensieraad stel so gou doenlik elke stamowerheid skiftelik in kennis van die Lisensieraad se beslissing in elke aansoek en sodanige kennisgewing dien as magtiging vir die uitreiking of endossering, na gelang van die geval, van die lisensies waarop die aansoek wat deur die Lisensieraad toegestaan is, betrekking het.

*Persele*

10. (1) Geen lisensiehouer mag enige wesenlike verandering of aanbouing aanbring aan die perseel ten opsigte waarvan 'n lisensie ingevolge die bepalings van hierdie Maatreël aan hom verleen of uitgereik is nie, tensy hy vooraf die goedkeuring van die Lisensieraad verkry het.

(2) 'n Aansoek om die goedkeuring bedoel in subartikel (1) word skriftelik in tweevoud by die stamkantoor ingedien en moet—

(a) benewens die volle naam van die aansoeker en besonderhede van die lisensie wat op die perseel betrekking het, die redes vir die beoogde verandering of aanbouing verstrek; en

(b) vergesel wees van 'n plan, volgens skaal geteken, waarop die beoogde verandering of aanbouing duidelik aangetoon word.

(3) Die stamowerheid laat die aansoek, tesame met sy aanbeveling, so gou doenlik aan die Klerk van die Lisensieraad stuur.

(4) Die Klerk van die Lisensieraad verwys elke aansoek ingevolge hierdie artikel na die Voorsitter wat—

(a) die aansoek summier namens die Lisensieraad kan oorweeg en beslis; of

(b) die aansoek na die Klerk van die Lisensieraad kan terugverwys vir oorweging deur die Lisensieraad.

*Appèlle*

11. (1) 'n Aansoeker wie se aansoek om die verlening, hernuwing of oordrag van 'n lisensie of die verplasing van 'n besigheid deur die Lisensieraad geweier is, kan teen sodanige beslissing na die Raadslid appèlleer.

(2) 'n Appèl ingevolge subartikel (1) word skriftelik aangeteken, wesenlik in die vorm uiteengesit in Bylae 3 van hierdie Maatreël en in tweevoud by die stamkantoor ingedien binne 30 dae nadat die stamowerheid deur die Klerk van die Lisensieraad van die beslissing waarteen appèl aangeteken word, in kennis gestel is.

(3) Die stamowerheid laat so gou doenlik die appèl aan die Klerk van die Lisensieraad stuur wat die appèl tesame met die notule van die Lisensieraad wat op die aansoek betrekking het en die redes wat die Lisensieraad verkies of verplig is om te verstrek, na die Direkteur verwys vir voorlegging aan die Raadslid.

(4) The Licensing Board shall refuse an application for the issue or renewal or transfer of a licence or the removal of a business unless the Board is convinced that—

(a) the applicant is an Ovambo;

(b) the applicant is over 21 years of age and is a person fit to conduct the intended business or practice the profession; and

(c) that the site for the purpose of the intended business or profession to which the application refers—

(i) offers reasonable and satisfactory accommodation; and

(ii) is or shall be suitable from a public health point of view.

(5) When the Licensing Board approves an application it may add such conditions and limitations to the approval as it deems fit.

(6) The Clerk of the Licensing Board shall inform each tribal office as soon as possible, in writing, of the decision of the Licensing Board in respect of each application and such notice serves as authority for the issue or endorsement, as the case may be, of licences in respect of which an application has been approved by the Licensing Board.

*Premises*

10. (1) No licensee may make any material alteration or addition to the site in respect of which a licence which has been granted or issued in terms of the provisions of this Enactment to him, unless the prior approval of the Licensing Board has been obtained.

(2) An application for the approval intended by subsection (1) must be submitted, in writing, in duplicate, to the tribal office and must—

(a) apart from the full name of the applicant and details of the licence pertaining to the site, give the reasons for the intended alterations or additions; and

(b) be accompanied by a plan, drawn to scale, on which the intended alterations or additions are clearly shown.

(3) The tribal authority shall cause the application, together with its recommendation, to be sent to the Clerk of the Licensing Board as soon as possible.

(4) The Clerk of the Licensing Board refers each application in terms of this section to the Chairman, who—

(a) forthwith considers and decides the application on behalf of the Licensing Board; or

(b) refers the application back to the Clerk of the Licensing Board for consideration by the Licensing Board.

*Appeals*

11. (1) An applicant whose application for the issue, renewal or transfer of a licence or the removal of a business has been refused by the Licensing Board, may appeal against such a decision to the Councillor.

(2) An appeal in terms of subsection (1) must be made, in writing, substantially in the form set out in Annexure 3 of this Enactment, in duplicate, to the tribal office within 30 days after the tribal authority has been informed by the Clerk of the Licensing Board of the decision against which the appeal is being lodged.

(3) The tribal authority shall forward the appeal as soon as possible to the Clerk of the Licensing Board who refers the appeal together with a copy of the minutes of the Licensing Board pertaining to the application and the reasons which the Licensing Board is compelled to or may give, to the Director for submission to the Councillor.

(4) Die Raadslid kan na oorweging van die appèl en behoudens die bepalings van hierdie Maatreël—

(a) die appèl handhaaf, die beslissing van die Lisensieraad ter syde stel en magtiging verleen vir die uitreiking of endossering van die lisensie of die verplasing van die besigheid, na gelang van die geval; of

(b) die appèl van die hand wys; of

(c) die appèl na die Lisensieraad terugverwys vir heroorweging of verdere oorweging met betrekking tot die feitlike of regsvrae wat hy aandui.

(5) Wanneer 'n appèl ingevolge subartikel (4) deur die Raadslid na die Lisensieraad terugverwys word, lê die Klerk van die Lisensieraad die appèl tesame met die feitlike of regsvrae soos deur die Raadslid aangedui, aan die Lisensieraad voor by sy eersvolgende sitting. Na verdere oorweging deur die Lisensieraad ingevolge hierdie subartikel, stuur die Klerk van die Lisensieraad so gou doenlik die appèl, tesame met 'n afskrif van die Lisensieraad se verdere notule en die Lisensieraad se bevinding en kommentaar in verband met die feitlike en regsvrae deur die Raadslid aangedui, aan die Direkteur vir voorlegging aan die Raadslid.

(6) Die Raadslid se beslissing is afdoende: Met dien verstande dat die bepalings van hierdie artikel geen afbreuk doen aan die regsmag van enige bevoegde hof met betrekking tot die oorweging en beslissing van aansoeke deur die Lisensieraad of die oorweging en beslissing van appèlle deur die Raadslid ingevolge hierdie Maatreël nie.

(7) Ondanks andersluidende bepalings bly 'n lisensie ten opsigte waarvan die Lisensieraad 'n aansoek om hernuwing geweier het en—

(a) 'n appèl ooreenkomstig die bepalings van hierdie artikel teen sodanige weiering aangeteken is; of

(b) enige regsgeding in verband met sodanige weierings ingestel is;

van krag totdat die appèl of die regsgeding, na gelang van die geval, beslis is.

*Kansellasie en intrekking van lisensie*

12. (1) Wanneer 'n bevoegde hof 'n lisensiehouer aan 'n misdryf kragtens hierdie Maatreël skuldig bevind, kan die hof, benewens enige straf wat hy ingevolge hierdie Maatreël kan oplê, die lisensie ten opsigte waarvan die misdryf gepleeg is of wat betrekking het op die besigheid of beroep ten opsigte waarvan die misdryf gepleeg is, kanselleer.

(2) Die Lisensieraad kan te eniger tyd, op versoek van 'n beampte bedoel in artikel 13 die intrekking van 'n lisensie oorweeg: Met dien verstande dat die Lisensieraad nie sodanige versoek oorweeg nie tensy—

(a) die versoek skriftelik in tweevoud by die Klerk van die Lisensieraad ingedien is en die gronde waarop dit berus duidelik uiteensit;

(b) 'n afskrif daarvan deur die Klerk van die Lisensieraad aan die lisensiehouer verstrek is; en

(c) die lisensiehouer voldoende geleentheid gebied is om skriftelik daarop te antwoord of vertoë in verband daarmee aan die Lisensieraad te rig.

(3) Na oorweging van 'n versoek ingevolge subartikel (2) en enige antwoord of vertoë wat die betrokke lisensiehouer in verband daarmee verstrek het, kan die Lisensieraad—

(a) die betrokke lisensie intrek; of

(b) die versoek weier; of

(c) sy beslissing vir 'n bepaalde tydperk uitstel onderworpe aan die voorwaardes wat hy mag oplê met betrekking tot die perseel waarin of die wyse waarop die besigheid of beroep gedryf of beoefen word.

(4) The Councillor may after considering the appeal and subject to the provisions of this Enactment—

(a) uphold the appeal, set aside the decision of the Licensing Board and authorise the issue or endorsement of the licence or the removal of the business, as the case may be; or

(b) dismiss the appeal; or

(c) refer the appeal back to the Licensing Board for reconsideration in respect of factual or legal questions indicated by him.

(5) When the Councillor refers an appeal back to the Licensing Board in terms of subsection (4), the Clerk of the Licensing Board submits the appeal together with the factual or legal questions as indicated by the Councillor, to the Licensing Board at its next meeting. After consideration by the Licensing Board in terms of this subsection, the Clerk of the Licensing Board shall forward the appeal together with a copy of the minutes of the findings of the Licensing Board and its comments in connection with the factual or legal questions indicated by the Councillor, to the Director for submission to the Councillor.

(6) The decision of the Councillor is conclusive: Provided that the provisions of this section shall in no way derogate the jurisdiction of any competent court with regard to the consideration and ruling of applications by the Licensing Board or the consideration and ruling of appeals by the Councillor in terms of this Enactment.

(7) Notwithstanding provisions to the contrary a licence in respect of which the Licensing Board has refused an application for renewal and—

(a) an appeal in terms of this section has been lodged against such a refusal; or

(b) any legal action in connection with such a refusal has been instituted;

remains valid until the appeal or legal action, as the case may be, has been decided.

*Cancellation and withdrawal of licence*

12. (1) When a competent court finds a licensee guilty of an offence in terms of this Enactment the court may, in addition to any punishment that it may impose in terms of this Enactment, cancel the licence in respect of which the offence has been committed or that pertains to the business or profession in respect of which the offence has been committed.

(2) The Licensing Board may at any time, upon request by any official intended by section 13 consider the withdrawal of a Licence; provided that the Licensing Board will not consider such a request unless—

(a) the request is submitted, in writing, in duplicate, to the Clerk of the Licensing Board and the grounds upon which the request is based is clearly set out;

(b) a copy thereof has been supplied to the licensee by the Clerk of the Licensing Board; and

(c) the licensee has been afforded sufficient opportunity to reply, in writing, thereto or make representations in connection therewith to the Licensing Board.

(3) After consideration of the request in terms of subsection (2) and any reply or representation made by the relevant licensee, the Licensing Board may—

(a) withdraw the relevant licence; or

(b) refuse the application; or

(c) postpone its decision for a specified period subject to the conditions which it may impose with regard to the site wherein or the manner in which the business or profession is conducted or practiced.

(4) 'n Lisensiehouer wie se lisensie ingevolge bepalings van hierdie artikel gekanselleer of ingetrek is, moet sodanige lisensie sonder versuim aan 'n polisiebeampte of uitreikingsbeampte oorhandig.

*Inspeksie van persele en lisensies*

13. Enige polisiebeampte of uitreikingsbeampte en enige beampte wat ingevolge die bepalings van enige wet belas is met pligte wat op die openbare gesondheid betrekking het, kan te eniger tyd—

(a) enige perseel ten opsigte waarvan 'n lisensie uitgereik is, betree en ondersoek instel met betrekking tot die besigheid of beroep wat daarin gedryf of beoefen word; en

(b) van enige persoon wat 'n besigheid dryf of 'n beroep beoefen waarvoor 'n lisensie ingevolge die bepalings van hierdie Maatreël vereis word, verlang dat hy die vereiste lisensie voorlê.

*Toepassing van Maatreël met betrekking tot die beleggingskorporasie*

14. Ondanks andersluidende bepalings in hierdie Maatreël—

(a) is die beleggingskorporasie bevoeg om enige aansoek ingevolge hierdie Maatreël aan die Lisensieraad te rig;

(b) is die Lisensieraad bevoeg om die uitreiking van enige lisensie ingevolge hierdie Maatreël aan die beleggingskorporasie te magtig; en

(c) is al die bepalings van hierdie Maatreël met betrekking tot—

(i) sodanige aansoeke en lisensies; en

(ii) enige besigheid of beroep wat die beleggingskorporasie dryf of beoefen met lisensies wat hy ingevolge hierdie Maatreël hou;

op die beleggingskorporasie van toepassing.

*Misdrywe*

15. Enige Ovambo wat—

(a) enige besigheid of onderneming dryf of beroep beoefen sonder die nodige lisensie wat by hierdie Maatreël vereis word;

(b) enige bepaling van hierdie Maatreël oortree of versuim om daaraan te voldoen;

(c) in verband met enige aansoek ingevolge hierdie Maatreël valse inligting verstrek met die doel om daardeur 'n lisensie of 'n endossement op 'n lisensie te bekom;

(d) 'n beampte vermeld in artikel 13 verhinder om vir die doeleindes van daardie artikel 'n perseel te betree of te ondersoek;

(e) weier om 'n lisensie wat ingevolge die bepalings van artikel 12 gekanselleer is of ingetrek is, aan 'n polisiebeampte of 'n uitreikingsbeampte te oorhandig; of

(f) voorgee dat hy die houer is van 'n lisensie wat aan iemand anders uitgereik is;

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R50 of, by wanbetaling, gevangenisstraf vir 'n tydperk van hoogstens drie maande of sowel hierdie boete as daardie gevangenisstraf.

*Inkomste*

16. Alle gelde wat ingevolge die bepalings van hierdie Maatreël ingevorder word, word in die Inkomstefonds van die Owambo- Wetgewende Raad inbetaal.

*Kort titel*

17. Hierdie Maatreël heet die Owambo Handels- en Lisensiemaatreël, 1972.

(4) A licensee whose licence has been cancelled or withdrawn in terms of the provisions of this section, must hand such licence without delay to a police officer or issuing officer.

*Inspection of premises and licences*

13. Any police officer or issuing officer and any official who in terms of the provisions of any Act is charged with duties concerning public health, may at any time—

(a) enter any premises in respect of which a licence in terms of the provisions of this Enactment has been issued and to institute an inspection in respect of the business or profession conducted or practiced therein; and

(b) demand from any person who conducts a business or practices a profession for which a licence in terms of this Enactment is required to produce the required licence.

*Application of this Enactment regarding the investment corporation*

14. Notwithstanding provisions to the contrary in this Enactment—

(a) the investment corporation is competent to submit any application in terms of this Enactment to the Licensing Board;

(b) the Licensing Board is empowered to authorise the issue of any licence in terms of this Enactment to the investment corporation; and

(c) all the provisions of this Enactment in respect of—

(i) such applications and licences; and

(ii) any business or profession conducted or practised by the investment corporation with licences held in terms of this Enactment by it;

is applicable to the investment corporation.

*Offences*

15. Any Ovambo who—

(a) conducts any business or practices any profession without the necessary licence required by this Enactment;

(b) contravenes any provision of this Enactment or fails to comply therewith;

(c) in connection with any application in terms of this Enactment supplies false information for the purpose of obtaining a licence or an endorsement on a licence;

(d) prevents an official referred to in section 13 to enter or to investigate premises for the purpose mentioned in that section;

(e) refuses to hand a licence which has been cancelled or withdrawn in terms of section 12, to a police officer or an issuing officer; or

(f) pretends that he is the holder of a licence which has been issued to somebody else;

is guilty of an offence and on conviction punishable with a fine not exceeding R50 or in case of non-payment imprisonment for a period not exceeding three months, or to both such fine and imprisonment.

*Revenue*

16. All moneys collected in terms of this Enactment shall be paid into the Revenue Fund of the Owambo Legislative Council.

*Short title*

17. This Enactment is called the Owambo Trading and Licensing Enactment, 1972.

## BYLAE 1

### SOORT BESIGHEID EN LISENSIEGELDE WAT BETAALBAAR IS

Item 1 Afslaer..... R30.

Hierdie lisensie word vereis van elke Ovambo wat enige artikel en lewende hawe en produkte op enige publieke veiling in Owambo verkoop waar die hoogste bieder, hetsy die bod op prysverhoging of prysdaling berus, die koper is.

Item 2 Agent of handelsreisiger vir 'n Republiek van Suid-Afrika- of Suidwes-Afrika-firma—Groothandel..... R25.

Hierdie lisensie word vereis van 'n Ovambo wat optree as sulks as die gemagtigde verteenwoordiger van enige fabrieks- of handelsinrigting in die Republiek van Suid-Afrika of Suidwes-Afrika vir die doel om bestellings vir die verkoop of verskaffing van goedere deur sodanige fabrieks- of handelsinrigting van enige gelisensieerde handelaar in Owambo aan te vra vir verkoop of verskaffing.

Item 3 Agent of handelsreisiger vir 'n Owambo-firma—Groothandel..... R15.

Hierdie lisensie word vereis van 'n Ovambo wat optree as sulks as die gemagtigde verteenwoordiger van enige fabrieks- of handelsinrigting in Owambo vir die doel om bestellings vir die verkoop of verskaffing van goedere deur sodanige fabrieks- of handelsinrigting van enige gelisensieerde handelaar in Owambo aan te vra vir verkoop of verskaffing.

Item 4 Algemene handelaar:

As die omset R2 000 nie te bowe gaan nie..... R15.
As die omset R2 000 te bowe gaan..... R20.

Boonop R2 op elke R2 000 van omset of gedeelte daarvan wat R2 000 te bowe gaan tot R10 000 en R4 op elke R2 000 van omset of gedeelte daarvan wat R10 000 te bowe gaan.

Maksimum toevoeging..... R600.

Hierdie lisensie word benodig deur elke Ovambo in Owambo wat 'n bedryf uitoefen of besigheid dryf in enige winkel, pakhuis of plek waar goedere, ware, koopware, boerderyprodukte of lewende hawe verkoop, verruil of uitgewissel of vir verkoop, verruiling of uitwisseling aangebied of uitgestal word: Met dien verstande dat die bedryf of besigheid wat aldus uitgeoefen of gedryf word nie deur enige ander lisensie wat kragtens hierdie Maatreël uitreikbaar is, gedek is nie.

Vrystellings: 'n Boer of tuinier ten opsigte van die verkoop van produkte deur homself aangekweek of gegroei.

Item 5 Bakker..... R10.

(1) Hierdie lisensie word van iedere Ovambo vereis wat as bakker sake doen in Owambo, maar word nie van die houer van die lisensie van 'n algemene handelaar wat sodanige sake in sy gelisensieerde perseel doen, vereis nie.

Vir doeleindes van hierdie lisensie beteken "Bakker" 'n Ovambo wat sake doen deur brood, beskuit, koek of pasteigebak deur hom gebak of gemaak, te verkoop, hetsy in groot- of kleinhandel.

(2) 'n Afsonderlike lisensie word vereis ten opsigte van elke winkel of perseel waar sodanige brood, beskuit, koek of pasteigebak verkoop word, maar so 'n lisensie dek ook die verkoop by sodanige winkel of perseel van lekkers en ander banketware.

(3) 'n Lisensie word nie vereis nie ten opsigte van die verkoop vanaf 'n afleweringswa of kar deur 'n bediende van 'n behoorlik gelisensieerde bakker, van brood, beskuit, koek of pasteigebak deur bedoelde bakker gebak of gemaak.

Item 6 Bankier of bankinstelling: Ten opsigte van elke tak R40.

(1) Hierdie lisensie word vereis van iedere Ovambo wat die aanneem van geldedeposito's van die algemene publiek as besigheid beoefen, in Owambo.

(2) By die toepassing van hierdie Item word iemand wat vir deposito's van die algemene publiek adverteer of daarom vra, geag die aanneem van deposito's van die algemene publiek as besigheid te beoefen.

Vrystellings: Die Posspaarbank.

Item 7 Handelaar in spuit- en mineraalwater..... R4.

Hierdie lisensie word vereis van iedere Ovambo wat enige spuit- of mineraalwater verkoop in Owambo.

Vrystellings:

(1) 'n Gelisensieerde fabrikant van spuit- en mineraalwater ten opsigte van die produk wat hy vervaardig.

(2) Enige persoon wat onder item 4 van hierdie Bylae as 'n algemene handelaar gelisensieer is.

(3) Enige klub wat spuit- of mineraalwater of enige ander nie-alkoholiese drank van dergelike aard verkoop of verskaf slegs aan lede van sodanige klub.

## ANNEXURE 1

### KIND OF BUSINESS AND LICENCE FEES PAYABLE

Item 1 Auctioneer..... R30.

This licence is required from every Ovambo who sells any article and livestock or produce on any public auction in Owambo where the highest bidder, whether the bid is based on an increase or decrease of the price, is the purchaser.

Item 2 Agent or commercial traveller for a Republic of South Africa or South-West Africa firm—Wholesale.. R25.

This licence is required from an Ovambo who acts as this as the authorised representative of any factory or commercial institution in the Republic of South Africa or South-West Africa for the purpose of obtaining orders for the sale or supply of goods by such factories or commercial institution in the Republic of South Africa or South-West Africa for the purpose of obtaining orders for the sale or supply of goods by such factories or commercial institutions from any licensed trader in Owambo for sale or supply thereof.

Item 3 Agent or commercial traveller for an Ovambo firm—Wholesale..... R15.

This licence is required from an Ovambo who acts as such as the authorised representative of any factory or commercial institution in Owambo for the purpose of obtaining orders for the sale or supply of goods by such factories or commercial institutions from any licensed trader in Owambo for sale or supply thereof.

Item 4 General dealer:

When the turnover does not exceed R2 000 p.a...R15.
When the turnover exceeds R2 000 p.a... ..... R20.

In addition R2 on each R2 000 of turnover or part thereof in excess of R2 000 up to R10 000 and R4 of each R2 000 of turnover or part thereof in excess of R10 000.

Maximum addition..... R600.

This licence is required from each Ovambo in Owambo who conducts a business or practices a profession in any shop, warehouse or place where goods, wares, merchandise, farming produce or livestock is sold, traded, exchanged or is offered or exhibited for sale, trade or exchange: Provided that the profession or business practised or conducted as such is not covered by any licence issuable under the provisions of this Enactment.

Exemptions: A farmer or gardener in respect of the sale of produce cultivated or grown by himself.

Item 5 Baker..... R10

(1) This licence is required from every Ovambo conducting a business as a baker in Owambo, but is not required from the holder of a general dealer's licence conducting business in his licensed site.

(2) For the purposes of this licence a "Baker" means an Ovambo who conducts a business by selling bread, biscuits, cake or pastries baked or made by himself, either by retail or wholesale.

(3) A separate licence is required in respect of each shop or site where such bread, biscuits, cake or pastries are sold, but such a licence also covers the sale by such a shop or site of sweets and other confectionary.

(4) A licence is not required in respect of the sale from a delivery van or car by a servant of the properly licenced baker of bread, biscuits, cake or pastries baked or made by such baker.

Item 6 Banker or Banking institution: In respect of each branch..... R40.

(1) This licence is required from every Ovambo who practices the business of accepting money deposits from the general public in Owambo.

(2) In the application of this item a person who advertises or asks for deposits from the general public, is regarded as practising the business of accepting money deposits from the general public.

Exemptions: The Post Office Savings Bank.

Item 7 Dealer in soda- and mineralwater..... R4.

This licence is required from every Ovambo who sells soda- and mineralwater in Owambo.

Exemptions:

(1) A licensed manufacturer of soda- and mineralwater in respect of the product he manufactures.

(2) Any person who in terms of Item 4 of this Annexure is licensed as a general dealer.

(3) Any club who sells or supplies soda- and mineralwater or other non-alcoholic drink of a similar nature only to members of such a club.

Item 8 Handelaar in vars produkte..... R2.

Hierdie lisensie word van iedere Ovambo vereis wat in 'n winkel of ander perseel in Owambo vrugte, groente, neute, plante, tabak, sigare, sigarette, vuurhoutjies, eiers, heuning, brood, beskuit, koek, banketware, lekkers, vars vis, pluimvee of suiwelprodukte verkoop.

Vrystellings:

(1) 'n Boer of tuinier ten opsigte van die verkoop van produkte deur homself voortgebring of verbou.

(2) Iemand wat ingevolge item 4 as algemene handelaar gelisensieer is.

Item 9 Handelaar of spekulant in lewende hawe of produkte:

(a) 'n Ovambo vermeld in paragraaf (1) behalwe soos in (b) bepaal..... R20.

(b) 'n Ovambo vermeld in paragraaf (1) wat slegs huide en velle koop in Owambo en wat die uitreikingsbeampte deur wie die lisensie uitgereik moet word, oortuig dat sy totale aankope van huide en velle gedurende die twaalf maande wat die datum onmiddellik voorafgaan waarop aanspreeklikheid ontstaan om die lisensie uit te neem, nie meer as 500 rand bedra het nie..... R0,50.

(1) Hierdie lisensie word van iedere Ovambo vereis wat in Owambo handel dryf of sake doen deur lewende hawe of produkte te koop vir doeleindes van verkoop, versending of ruil hetsy deur openbare veiling of uit die hand en hetsy die persoon wat aldus handel dryf 'n erkende besigheidsplek het of nie.

(2) Vir doeleindes van hierdie lisensie beteken—

(a) "lewende hawe" perde, beeste, skape, bokke, varke, muile, donkies en volstruise maar nie ook pluimvee of ander voëls nie; en

(b) "produkte" alle produkte van boerderywerksaamhede behalwe volstruisvere.

Vrystellings:

(1) Enige Ovambo ten opsigte van die koop van lewende hawe of produkte en die koop van 'n besigheid waarvoor hy 'n lisensie nodig het om as algemene handelaar, handelaar in vars produkte, marskramer of venter handel dryf.

(2) 'n Boer ten opsigte van die koop van lewende hawe of produkte in die loop van sy gewone boerderywerksaamhede.

Item 10 Houer van losies- en huurkamerhuis..... R10.

Hierdie lisensie word van iedere Ovambo vereis wat as hotelhouer of losies- of huurkamerhuishouer in Owambo sake doen deur maaltye en huisvesting aan andere vir geld of die ekwivalent van geld te verskaf of wat sake doen deur woonstelle of kamers te verhuur.

Vrystellings:

(1) Iemand wie se bruto ontvangste uit sodange besigheid gedurende die voorafgaande kalenderjaar nie meer as 500 rand bedra het nie.

(2) Iemand wat 'n losies- of huurkamerhuis uitsluitlik vir skoolgaande kinders, studente of toesighoudende onderwysers hou of dryf.

Item 11 Meulenaar..... R5.

Hierdie lisensie word vereis van iedere Ovambo okkupeerder van elke meul in Owambo wat sodanige meul gebruik vir die maal van suiker, koring, mielies, kafferkoring of ander graansoorte, neute, katoen of ander saad, beendere en ander dierlike bestanddele tot meel, fynmeel of ander produkte maar word nie vir 'n meul waarmee slegs vir die uitsluitlike gebruik van die okkupeerder of sy familie, werknemers of lewende hawe gemaal word, vereis nie.

Item 12 Motorgarage..... R6.

(1) Hierdie lisensie word van iedere Ovambo vereis wat handel dryf of sake in Owambo doen deur motorkarre, motorfietse of ander meganies aangedrewe voertuie teen betaling of beloning te herstel, in ontvangs te neem, op te berg of motorhuisgeriewe daarvoor te voorsien en word vereis benewens 'n lisensie as algemene handelaar waarvoor die lisensiehouer aanspreeklik mag wees.

(2) Die houer van hierdie lisensie kan daar kragtens petrol, olie, bande en ander motortoebehore behalwe motorkarre, motorfietse of ander selfaangedrewe voertuie, verkoop.

Item 8 Dealer in fresh produce..... R2.

This licence is required from every Ovambo who sells in a shop or other site in Owambo, fruit, vegetables, nuts, plants, tobacco, cigars, cigarettes, matches, eggs, honey, bread, biscuits, cake, confectionery, sweets, fresh fish, poultry or dairy products.

Exemptions:

(1) A farmer or gardener in respect of the sale of produce produced or grown by him.

(2) Any person who in terms of item 4 of this Annexure is licensed as a general dealer.

Item 9 Trader or speculator in livestock or produce:

(a) An Ovambo mentioned in paragraph (1) except as specified in (b)..... R20.

(b) An Ovambo mentioned in paragraph (1) who buys only hides and skins in Owambo and convinces the issuing officer who issues the licence, that his total purchases of hides and skins during the 12 months immediately preceding the date on which the liability to take out the licence originates, has not amounted to more than 500 rand..... R0,50.

(1) This licence is required from every Ovambo who trades or conducts a business in Owambo by buying livestock or produce with the purpose of selling, dispatching or exchanging either by by public auction or out of hand and irrespective of whether the person who trades thus possesses an approved business site or not.

(2) For the purposes of this licence:

(a) "livestock" means horses, cattle, sheep, goats, pigs, mules, donkeys and ostridges but not poultry or other birds; and

(b) "produce" means all produce from farming activities except ostrich feathers.

Exemptions:

(1) Any Ovambo in respect of the purchase of livestock or produce and the purchase of a business for which a licence is required to trade as a general dealer, dealer in fresh produce, hawker or pedlar.

(2) A farmer in respect of livestock or produce in the course of his normal farming activities.

Item 10 Holder of a boarding- or lodginghouse..... R10.

This licence is required from every Ovambo who trades as a hotelkeeper, boarding- or lodginghouse in Owambo by supplying meals and accommodation to others for money or the equivalent of money or conducts business by letting flats or rooms.

Exemptions:

(1) Any person whose gross receipts from such business during the preceding year did not exceed 500 rand.

(2) Any person who conducts a boarding- or lodginghouse exclusively for schoolgoing children, students or supervising teachers.

Item 11 Miller..... R5.

This licence is required from every Ovambo occupying a mill in Owambo and utilising such mill to mill sugar, wheat, maize, kaffircorn or other kinds of grain, nuts, cotton or other seed, bones and other animal components to meal, flour or other products but is not required when the mill is used for milling exclusively for the occupier or his family, employees or livestock

Item 12 Motorgarage..... R6.

(1) This licence is required from every Ovambo who trades or conducts a business in Owambo by repairing, receiving, storing or providing of garage facilities against payment or reward for motorcars, motorvehicles, motorcycles or other mechanically driven vehicles and is required in addition to a general dealers licence for which the licensee may be responsible.

(2) The holder of this licence may in terms thereof sell petrol, oil, tyres and other motorcar accessories except motor-cars, motorcycles or other self-propelled vehicles.

Item 13 Patent- en eiendomsmedisyne (om te verkoop).... R4.

Hierdie lisensie word vereis van iedere Ovambo, behalwe die houer van 'n aptekerslisensie, in Owambo, wat patent- of eiendomsmedisyne, behalwe die sogenaamde Hollandse medisyne, verkoop, maar word slegs aan behoorlik gelisensieerde algemene handelaars uitgereik.

"Patent- en eiendomsmedisyne" beteken enige medisyne—

(a) wat in 'n provinsie van die Republiek van Suid-Afrika ingevolge 'n bestaande patentbrief beskerm word; of

(b) wat berei is of wat heet of voorgegee word berei te gewees het volgens een of ander geheime formule; of

(c) wat berei is of wat heet of voorgegee word berei te gewees het volgens 'n geheim of verborge kuns hetsy die formule geheim is of voorgegee word geheim te wees aldan nie; of

(d) wat verkoop word onder 'n naam of handelsmerk wat spesiaal ten opsigte daarvan geregistreer is; of

(e) wat verkoop word onder enige beskrywing waarvan eiendomsregte afgelei kan word of wat dit aandui.

Item 14 Restaurant, verversings- of teekamer..... R10.

Hierdie lisensie word van iedere Ovambo vereis, wat, hetsy in 'n gebou of opelug, in Owambo, 'n openbare restaurant, kafee of teekamer hou vir die verkoop of verskaffing van maaltye of verversings (wat nie sterk drank, vir die verkoop waarvan 'n dranklisensie vereis word, is nie).

Vrystelling: Iemand wat ingevolge Item 8 as handelaar in vars produkte gelisensieer is en wat by 'n oop kraam of stalletjie sonder sitplek, vir gebruik aldaar, tee, koffie of ander nie-sterk drank, behalwe spuit- of mineraalwater verkoop.

Item 15 Slagter:

(1) Groothandel..... R50.

(a) Hierdie lisensie word van iedere Ovambo vereis wat sake doen in Owambo deur vleis in groothandelhoeveelhede te verkoop.

(b) Die houer van die lisensie kan, sonder om as kleinhandelslagter gelisensieer te wees op die plek waar sy groothandelsbesigheid gedryf word, ook as kleinhandelslagter sake doen.

(c) Die houer van hierdie lisensie kan lewende slagvee koop en verkoop.

(2) Kleinhandel..... R10.

(a) Hierdie lisensie word van iedere Ovambo vereis wat sake doen in Owambo deur vleis vir verkoop by die kleinmaat in 'n winkel of op 'n vaste plek aan te bied of uit te stal of deur vleis vir verkoop, vir aflewering vanaf 'n ander plek, aan te bied. Die houer van hierdie lisensie kan daarkragtens ook wors, polonies, afval, ham, spek, eiers, botter, pluimvee en gesoute, bevrore of ingemaakte vleis of vis verkoop.

(b) 'n Afsonderlike lisensie is nodig ten opsigte van elke winkel of plek waar sodanige sake gedoen word.

Vrystellings: 'n Boer wat 'n gedeelte of gedeeltes van sy vee slag en aan iemand anders verkoop.

Item 16 Smous..... R5.

(1) Hierdie lisensie word vereis van 'n Ovambo in 'n spesifieke stamgebied in Owambo wat handelsware van plek tot plek vervoer met 'n selfaangedrewe voertuig of 'n voertuig wat deur homself of deur diere gestoot, gedra of getrek word.

(2) Hierdie lisensie sal toegestaan word deur die Lisensieraad vir sodanige artikels en gebied of gebiede van besigheid as wat die Lisensieraad mag goeddink.

Item 17 Vervaardiger van spuit- en mineraalwater..... R15.

Hierdie lisensie word vereis ten opsigte van elke fabriek gedryf deur 'n Ovambo-vervaardiger van spuit- of mineraalwater, gemmerbier, hopbier of ander dranke van 'n derglike aard, in Owambo, vir die verkoop waarvan 'n lisensie nie ingevolge 'n wet betreffende die verkoop van sterk drank vereis word nie.

Item 13 Patent- and property medicines (to sell)..... R4

This licence is required from every Ovambo except the holder of an apothecaries' licence in Owambo who sells patent- or property medicines, except the so-called Holland medicines, but is issued only to properly licensed general dealers.

"Patent- and property medicines" means any medicine—

(a) that is protected in any province of the Republic of South Africa in terms of an existing letters patent; or

(b) that is prepared or called or pretends to be prepared according to some or other secret formula; or

(c) that is prepared or called or pretended to be prepared according to a secret or secret skill whether the formula is a secret or be pretended to be a secret or not; or

(d) that is sold under a name or trademark that has been specially registered therefor; or

(e) that is sold under any description from which property-rights may be deduced or is indicated.

Item 14 Restaurant, refreshment- or tearoom..... R10.

This licence is required from every Ovambo in Owambo who whether in a building or the open air, keeps a restaurant, cafe or tearoom for the sale or supply of meals and refreshments (which is not spirituous liquor for the sale of which a liquor licence is required).

Exemption: Any person who in terms of Item 8 is a licensed trader in fresh produce and who at an open stall or booth without seating accommodation sells tea, coffee or other non-spirituous liquor, except soda- or mineral-water for consumption at that place.

Item 15 Butcher:

(1) Wholesale..... R50.

(a) This licence is required from every Ovambo in Owambo who conducts a business by selling meat in wholesale quantities.

(b) The holder of this licence may without being licensed as a retail butcher do business as a retail butcher on the same place as where he transacts business as a wholesale butcher.

(c) The holder of this licence may purchase and sell live slaughter-stock.

(2) Retail-trade..... R10.

(a) This licence is required from every Ovambo who conducts a business in Owambo by offering or displaying meat for sale in small quantities in a shop or at a fixed place or offering meat for sale or delivery from another place. The holder of this licence may in terms thereof also sell polonies, offval, ham, bacon, eggs, butter, poultry and salted, frozen or preserved meat or fish.

(b) A separate licence is required in respect of each shop or place where such business is conducted.

Exemptions: A farmer who sells sections or portions of his animals slaughtered by him, to somebody else.

Item 16 Hawker..... R15.

(1) This licence is required from every Ovambo in a specific tribal area in Owambo who transports merchandise from place to place with a self-propelled vehicle pushed, carried or pulled by himself or an animal, with the purpose of selling and of purchasing such merchandise.

(2) This licence will be granted by the Licensing Board for such articles and area or areas of business as it deems fit.

Item 17 Manufacturers of soda- and mineralwater..... R15.

This licence is required from each factory conducted by an Ovambo manufacturer of soda- and mineralwater, gingerbeer, hopbeer or other drinks of a similar nature in Owambo for the sale of which a licence in terms of an act concerning the sale of spirituous liquor is not required.

BYLAE 2

LISENSIE

No..... Datumstempel

Soort lisensie.....
Naam van lisensiehouer.....
Naam van besigheid.....
Adres.....
Bedrag betaal:
Rand..... R.....
Sent.....
Stamkantoor.....
.....
Uitreikingsbeampte
*Endossemente*

BYLAE 3

APPÈL TEEN BESLISSING VAN LISENSIERAAD

Die Klerk van die Lisiensieraad van Owambo.

Ek, die ondergetekende, (volle naam).....teken hiermee appèl aan teen die Lisensieraad se beslissing met betrekking tot my aansoek om (verstrek volle besonderhede van aansoek).....

My appèl berus op die volgende gronde.....

Datum..... .....
Handtekening van Appellant

ANNEXURE 2

LICENCE

No..... Datestamp

Kind of licence.....
Name of licensee.....
Name of business.....
Address.....
Amount paid:
Rand..... R.....
Cent.....
Tribal office.....
.....
Issuing officer
*Endorsements*

ANNEXURE 3

APPEAL AGAINST DECISION OF LICENSING BOARD

The Clerk of the Licensing Board of Owambo.

I, the undersigned (full name).....hereby note an appeal against the decision of the Licensing Board, in respect of my application for (state full details of application).....

My appeal is based on the following grounds.....

Date. ..... .....
Signature of Appellant

---

No. R. 1627 15 September 1972

## OWAMBO- WETGEWENDE RAAD

## MAATREËL 4 VAN 1972 (OWAMBO VEEBRAND-MERKEMAATREËL)

Dit het die Staatspresident behaag om kragtens die bevoegdheid hom verleen by artikel 5 (2) van die Wet op die Ontwikkeling van Selfbestuur vir Natureilevolke in Suidwes-Afrika, 1968 (Wet 54 van 1968), sy goedkeuring te heg aan onderstaande Maatreël:

### OWAMBO- WETGEWENDE RAAD

### MAATREËL 4 VAN 1972

### TOT REËLING VAN DIE VERPLIGTE BRAND-MERK VAN VEE IN OWAMBO

Ingevolge die bevoegdhede hom verleen by artikel 5 (1) van die Wet op die Ontwikkeling van Selfbestuur vir Naturellevolke in Suidwes-Afrika, 1968 (Wet 54 van 1968), vaardig die Owambo- Wetgewende Raad die volgende Maatreël uit:

*Woordomskrywing*

1. (1) In hierdie Maatreël, tensy uit die samehang anders blyk, beteken—

(i) "beampte" enige persoon in diens van of wie se dienste tot beskikking gestel is van die Wetgewende Raad of 'n stamowerheid;

(ii) "brandmerk", as 'n selfstandige naamwoord gebruik, 'n brandmerk wat op vee aangebring is, soos voorgeskryf of toegeken deur of kragtens die bepalings van hierdie Maatreël;

(iii) "brandmerk" as 'n werkwoord gebruik, 'n brandmerk op vee aanbring;

(iv) "brandyster" die voorgeskrewe instrument wat gebruik word, of bedoel is om gebruik te word vir die aanbring van 'n brandmerk op die vel van vee;

No. R. 1627 15 September 1972

## OWAMBO LEGISLATIVE COUNCIL

## ENACTMENT 4 OF 1972 (OWAMBO LIVESTOCK BRANDS ENACTMENT)

The State President has been pleased, under and by virtue of the powers vested in him by section 5 (2) of the Development of Self-government for Native Nations in South-Wes Africa Act, 1968 (Act 54 of 1968), to approve the following Enactment:

### OWAMBO LEGISLATIVE COUNCIL

### ENACTMENT 4 OF 1972

### TO REGULATE THE COMPULSORY BRANDING OF LIVESTOCK IN OWAMBO

Under and by virtue of the powers vested in it by section 5 (1) of the Development of Self-government for Native Nations in South-West Africa Act, 1968 (Act 54 of 1968), the Owambo Legislative Council makes the following Enactment:

*Definitions*

1. (1) In this Enactment, unless inconsistent with the context—

(i) "area" means the area defined as "Owambo" in section 2 (f) of the Development of Self-government for Native Nations in South-West Africa Act, 1968 (Act 54 of 1968);

(ii) "brand" used as a noun, means a brand made or placed on any livestock as prescribed or allotted by or in terms of this Enactment;

(iii) "brand" used as a verb, means make or place a brand on livestock;

(iv) "branding iron" means the prescribed instrument used or intended to be used for the branding of livestock;

(v) "Direkteur" die persoon aangestel, of wat waarneem in die pos van Direkteur van die Departement van Landbou van die Wetgewende Raad;

(vi) "drukgang" enige struktuur, kraal of plek deur die Direkteur aangewys of bepaal vir die doeleindes van die aanbring van brandmerke;

(vii) "eienaar" met betrekking tot 'n brandmerk, die persoon op wie se naam die brandmerk geregistreer is;

(viii) "eienaar" met betrekking tot vee, enige lid van die Ovambo-volk wie die eienaar is van vee of enige lid van die Ovambo-volk wie in beheer van vee is;

(ix) "eienaarsbrandmerk" die brandmerk soos omskryf in artikel 4 (c) van hierdie Maatreël;

(x) "Gebied" die gebied omskryf as "Owambo" in artikel 2 (f) van die Wet op die Ontwikkeling van Selfbestuur vir Naturellevolke in Suidwes-Afrika, 1968 (Wet 54 van 1968);

(xi) "geregistreer" geregistreer ingevolge hierdie Maatreël en het "registrasie " 'n ooreenstemmende betekenis;

(xii) "hof" die howe van Naturellekommissarisse en Magistrate in Owambo;

(xiii) "inspekteur" iemand wat as inspekteur van brandmerke aangestel is ingevolge artikel 2 (b) van hierdie Maatreël en ook die registrateur en enige stambode;

(xiv) "Raadslid" die lid van die Uitvoerende Raad van die Wetgewende Raad aan wie die Departement van Landbou toegewys is;

(xv) "register" 'n register van alle toegekende brandmerke in Owambo wat deur die stam sekretarisse en registrateur ingevolge artikel 12 van hierdie Maatreël bygehou word;

(xvi) "registrateur" die beampte wat as registrateur van brandmerke aangewys is ingevolge artikel 2 van hierdie Maatreël;

(xvii) "Seniorhoofman" 'n persoon wat 'n erkende pos as Seniorhoofman in 'n stamgebied beklee;

(xviii) "seniorhoofmanswyk" die grondgebied wat onder die beheer van 'n Seniorhoofman van 'n stam van Owambo is;

(xix) "stambode" die bekleër van 'n pos as stambode in 'n stamowerheid;

(xx) "stamgebied" die gebied wat onder die beheer van 'n stamowerheid val;

(xxi) "stamowerheid" 'n stamowerheid erken ingevolge Proklamasie R. 290 van 1968;

(xxii) "stamsekretaris" die beampte wat die pos van die stamsekretaris in 'n stamowerheid beklee;

(xxiii) "tegniese beampte" 'n beampte in diens van die Departement van Landbou van die Wetgewende Raad, of wie se dienste tot beskikking van daardie Departement gestel is om Landbouvoorligtingswerk te doen;

(xxiv) "vee" alle beeste, perde, muile en donkies van beide geslagte bo die ouderdom van 18 maande, in enkel of meervoud;

(xxv) "voorgeskrewe" enigiets voorgeskryf in hierdie Maatreël;

(xxvi) "Wetgewende Raad" die Owambo- Wetgewende Raad ingestel ingevolge Proklamasie R. 291 van 1968.

(2) Enige ander uitdrukking in hierdie Maatreël gebruik en waaraan 'n betekenis geheg word in die Wet op die Ontwikkeling van Selfbestuur vir Naturellevolke in Suidwes-Afrika, 1968 (Wet 54 van 1968), en die Proklamasie op die Owambo- Wetgewende Raad (Proklamasie R. 291 van 1968), het die betekenis aldus daaraan geheg.

*Aanstel van beamptes*

2. Die Raadslid moet—

(a) 'n beampte op die diensstaat van die Departement van Landbou van die Wetgewende Raad as registrateur aanwys; en

(v) "Councillor" means the member of the Executive Council of the Legislative Council responsible for the Department of Agriculture;

(vi) "court" means the courts of Native Commissioners and Magistrates in Owambo;

(vii) "crush" means any structure, kraal or place stipulated or determined by the Director for the purpose of branding;

(viii) "Director" means the person appointed or acting in the post of Director of the Department of Agriculture of the Legislative Council;

(ix) "inspector" means a person appointed as inspector of brands in terms of section 2 (b) of this Enactment and also the registrar or any tribal messenger;

(x) "Legislative Council" means the Owambo Legislative Council established in terms of Proclamation R. 291 of 1968;

(xi) "livestock" means all cattle, horses, mules and donkeys of either sex over the age of 18 months, in the singular or plural;

(xii) "official" means any person in the employ of, or whose services have been placed at the disposal of the Legislative Council or a tribal authority;

(xiii) "owner" in relation to a brand, means the person in whose name the brand is registered;

(xiv) "owner" in relation to livestock, means any member of the Ovambo nation who is the owner of livestock or any member of the Ovambo nation who is in control of livestock;

(xv) "owner's brand" means the brand as defined in section 4 (c) of this Enactment;

(xvi) "prescribed" means anything prescribed by this Enactment;

(xvii) "register" means a register of all allocated brands in Owambo kept by the tribal secretaries and registrar in terms of section 12 of this Enactment;

(xviii) "registrar" means the official nominated as registrar of brands in terms of section 2 of this Enactment;

(xix) "registered" means registered in terms of this Enactment and "registration" has a corresponding meaning;

(xx) "Senior headman" means a person occupying a recognized position as Senior headman in a tribal area;

(xxi) "Senior headman's ward" means the area under the control of a Senior headman of a tribe in Owambo;

(xxii) "technical official" means an official in the employ of the Department of Agriculture of the Legislative Council or whose services have been placed at the disposal of the Department to render agricultural extension work;

(xxiii) "tribal area" means the area of jurisdiction of a tribal authority;

(xxiv) "tribal authority" means a tribal authority recognized in terms of Proclamation R. 290 of 1968;

(xxv) "tribal messenger" means the occupier of a position as tribal messenger in a tribal authority;

(xxvi) "tribal secretary" means the official occupying the position of tribal secretary in a tribal authority.

(2) Any other term used in this Enactment to which a meaning has been assigned in the Development of Self-government for Native Nations in South-West Africa Act, 1968 (Act 54 of 1968), and the Owambo Legislative Council Proclamation (R. 291 of 1968), shall have the meaning so assigned to it.

*Appointment of officials*

2. The Councillor shall—

(a) nominate an official in the employ of the Department of Agriculture of the Legislative Council as registrar; and

(b) tegniese beamptes op die diensstaat van die Departement van Landbou van die Wetgewende Raad en ander persone wat hy dodig ag as inspekteurs van brandmerke aanwys.

*Verpligte brandmerk van vee*

3. Elke eienaar moet binne een jaar na die inwerkingtreding van hierdie Maatreël—

(a) al sy vee;

(b) daarna enige vee wat die ouderdom van 18 maande bereik het; en

(c) nadat enige vee wettiglik die gebied binnegedring is;

na die drukgang, naaste aan sy woonplek, op die dag en tyd bepaal deur die stamowerheid van sy stamgebied bring om gebrandmerk te word.

*Toekenning van brandmerke*

4. (a) Die registrateur moet 'n afsonderlike brandmerk aan elke Seniorhoofmanswyk toeken.

(b) 'n Brandmerk deur die registrateur aan 'n Seniorhoofmanswyk toegeken, sal bestaan uit twee letters van die alfabet. Die eerste letter sal die letter "Y" in sy regop vorm wees. Die tweede letter kan in sy regop, omgekeerde of dwarsvorm wees.

(c) Die stamsekretaris van elke stamgebied moet aan elke eienaar binne 'n Seniorhoofmanswyk binne sy stamgebied 'n afsonderlike brandmerk toeken. Die brandmerk moet bestaan uit die toegekende brandmerk vir die Seniorhoofmanswyk en 'n nommer, welke nommer nie uit meer as drie syfers bestaan nie wat regop, dwars of onderstebo gebruik mag word.

(d) Die syfers en letters van brandmerke moet nie-aaneenlopend gebruik word, met die syfers net onder die letters, en die grootte van elke afsonderlike syfer of letter moet 6 sentimeter in hoogte wees.

*Aansoek om brandmerke*

5. (a) Elke eienaar moet binne een jaar na die datum van inwerkingtreding van hierdie Maatreël by die stamsekretaris van sy stamgebied aansoek doen om 'n eienaarsbrandmerk.

(b) Elke aansoek om 'n eienaarsbrandmerk moet vergesel wees van 'n bedrag van 50c vir die registrasie van die brandmerk.

(c) Slegs een brandmerk mag aan enige eienaar toegeken word.

*Wyse van brandmerk*

6. (a) Wanneer enige vee vir die eerste keer gebrandmerk word, moet die brandmerk op die linkerboud aangebring word.

(b) Wanneer enige vee om een of ander rede gebrandmerk moet word nadat dit reeds 'n oorspronklike brandmerk op die linkerboud het, moet verdere brandmerke as volg aangebring word:

(i) 'n Tweede brandmerk op die linkerblad;

(ii) 'n derde brandmerk op die regterboud;

(iii) 'n vierde brandmerk op die regterblad;

(iv) 'n vyfde brandmerk op die linkerkant van die nek; en

(v) 'n sesde brandmerk op die regterkant van die nek.

*Herbrandmerk van vee*

7. As toegekende brandmerk op enige vee ter eniger tyd en om watter rede ookal, onleesbaar word, moet die eienaar, die betrokke vee onverwyld weer laat brandmerk soos voorgeskryf in artikels 3 en 6 van hierdie Maatreël.

*Toesig oor brandmerk van vee*

8. Alle vee moet gebrandmerk word deur of onder toesig van 'n inspekteur.

(b) nominate technical officials in the employ of the Department of Agriculture of the Legislative Council and such other persons as he may deem necessary, as inspectors of brands.

*Compulsory branding of livestock*

3. Every owner shall, within one year from the date of the taking effect of this Enactment, bring—

(a) all his livestock;

(b) thereafter, all livestock having attained the age of 18 months; and

(c) after any livestock have lawfully been brought into the area;

to the crush nearest to his place of residence, on the date and time determined by the tribal authority of his tribal area, to be branded.

*Allocation of brands*

4. (a) The Registrar shall allocate a separate brand to each Senior headman's ward.

(b) A brand allocated to a Senior headman's ward by the registrar, shall consist of two letters of the alphabet. The first letter shall be the letter "Y" in an upright position. The second letter may be in an upright, upsidedown or aslant position.

(c) The tribal secretary of each tribal area shall allocate to each owner within a Senior headman's ward in his tribal area a separate brand. The brand shall consist of the brand allocated for the Senior headman's ward and a number which number shall consist of not more than three digits and which may be used in an upright, aslant or upsidedown position.

(d) The numbers of letters of brands shall be used non-connectedly, with the numbers just below the letters, and the size of each separate number or letter shall be 6 centimeters in height.

*Application for brand*

5. (a) Every owner shall, within one year from the date of the taking effect of this Enactment, apply to the tribal secretary of his tribal area for an owner's brand.

(b) Every application for an owner's brand shall be accompanied by an amount of 50c for the registration of the brand.

(c) One brand only may be allocated to any one owner.

*Manner of branding*

6. (a) When livestock is branded for the first time the brand shall be affixed on the left buttock.

(b) If, for some reason or other, livestock must be branded after it already has an orginal brand on the left buttock, the new brand must be affixed as follows:

(i) A second brand on the left shoulder;

(ii) a third brand on the right buttock;

(iii) a fourth brand on the right shoulder;

(iv) a fifth brand on the left side of the neck; and

(v) a sixth brand on the right side of the neck.

*Re-brand of livestock*

7. If the allocated brand on any livestock at any time and for whatever reason becomes illegible, the owner shall forthwith have the livestock concerned re-branded as provided for in sections 3 and 6 of this Enactment.

*Supervision of branding of livestock*

8. All livestock must be branded by or under the supervision of an inspector.

*Inspeksie van brandmerke*

9. Die Raadslid kan enige stamowerheid kennis van minstens 30 dae gee om alle vee in die stamgebied op 'n bepaalde plek of plekke en tye bymekaar te laat maak vir inspeksie van die brandmerke, deur 'n inspekteur of 'n persoon skriftelik deur hom daartoe gemagtig, en die stamowerheid moet elke eienaar in sy stamgebied beveel om al sy vee op die bepaalde plek en tyd bymekaar te maak vir die inspeksie van die brandmerke.

*Beheer oor brandysters*

10. Alle brandysters word deur die Direkteur of 'n persoon skriftelik deur hom daartoe gemagtig, gehou en geen ander persoon mag in besit van 'n brandyster wees nie.

*Verskuiwing van vee*

11. Enige eienaar wat vee permanent vanuit een Seniorhoofmanswyk of stamgebied na 'n ander Seniorhoofmanswyk of stamgebied verskuif moet binne 30 dae na sodanige verskuiwing, die Seniorhoofman of stamowerheid na wie se gebied sodanige verskuiwing plaasgevind het in kennis stel, ten einde die brandmerke op die betrokke vee te laat verander soos voorgeskryf in artikels 3, 4 en 6 van hierdie Maatreël.

*Hou van registers*

12. (a) Die Registrateur moet 'n register byhou van alle brandmerke wat aan Seniorhoofmanswyke toegeken is.

(b) Die Registrateur moet 'n afsonderlike register vir elke Seniorhoofmanswyk byhou. Hierdie register moet elke brandmerk wat aan 'n eienaar toegeken is aantoon.

(c) Elke stamsekretaris moet 'n afsonderlike register vir elke Seniorhoofmanswyk byhou. In hierdie register moet alle toegekende brandmerke in numeriese volgorde opgeteken word. By elke toegekende brandmerk moet die naam en woonadres van die eienaar aan wie die betrokke brandmerk toegeken is opgeteken word, sowél as die nommer van die kwitansie wat uitgereik is.

(d) Elke stamsekretaris moet die registrateur kwartaalliks in kennis stel van alle nuut toegekende en/of gekanselleerde brandmerke.

*Kansellasie van brandmerke*

13. Die registrasie van 'n brandmerk moet gekanselleer word as—

(a) die eienaar van 'n brandmerk te sterwe kom en sy boedel beredder is;

(b) daar vir een jaar lank geen vee was wat daardie brandmerk gedra het nie;

(c) die eienaar uit die Seniorhoofmanswyk vertrek waarin sy brandmerk geregistreer is; en

(d) 'n eienaar, versoek dat 'n brandmerk wat aan hom toegeken is gekanselleer word.

*Misdrywe en strawwe*

14. Enige lid van die Ovambo-volk wat—

(a) sy eienaarsbrandmerk op vee wat nie sy eiendom is nie aanbring;

(b) enige brandmerk op vee opsetlik of onverskilliglik verander, uitwis, uitkrap of op enige wyse beskadig;

(c) vee met enige ander brandmerke as dié voorgeskryf, brandmerk;

(d) enige vee wat nie op die voorgeskrewe wyse gebrandmerk is nie, verkoop, verruil of op enige ander wyse van eienaar laat verwissel;

(e) enige vee wat nie op die voorgeskrewe wyse gebrandmerk is nie, koop, ruil of op enige ander wyse eiendomsreg daarvan verkry;

(f) enige bepalings van artikels 3, 5, 7, 9, 10 en 11 van hierdie Maatreël oortree;

*Inspection of brands*

9. The Councillor may give notice of not less than 30 days to any tribal authority to have all livestock in the tribal area rounded up at a fixed place or places and time for inspection of the brands by an inspector or a person authorised thereto in writing by him and the tribal authority shall instruct every owner in his tribal area to round up all his livestock at the fixed place and time for inspection of the brands.

*Control over branding irons*

10. All branding irons shall be kept by the Director or a person authorised thereto by him in writing and no other person may be in possession of a branding iron.

*Moving of livestock*

11. Any owner who moves livestock permanently from one Senior headman's ward or tribal area to another Senior headman's ward or tribal area shall, within 30 days after such removal, notify the Senior headman or tribal authority into whose area such removal has taken place of such removal in order to have the brands on the livestock concerned altered as prescribed in sections 3, 4 and 6 of this Enactment.

*Keeping of registers*

12. (a) The registrar shall keep a register of all brands allocated to Senior headman's wards.

(b) The registrar shall keep a separate register for every Senior headman's ward. This register shall indicate every brand allocated to an owner.

(c) Every tribal secretary shall keep a separate register for every Senior headman's ward. In this register all allocated brands shall be recorded in numerical sequence. The name and residential address of the owner to whom the relative brand has been allocated as well as the number of the receipt issued, shall be recorded against every allocated brand.

(d) Every tribal secretary shall notify the registrar quarterly of all newly allocated and/or cancelled brands.

*Cancellation of brands*

13. The registration of a brand shall be cancelled if—

(a) the owner of a brand dies and his estate has been administered;

(b) no livestock borne that brand for a period of one year;

(c) the owner moves from the Senior headman's ward in which his brand is registered; and

(d) an owner requests that a brand allocated to him should be cancelled.

*Offences and penalties*

14. Any member of the Ovambo nation who—

(a) affixes his owner's brand on livestock which is not his property;

(b) intentionally or negligently alters, obliterates, erases or in any manner damages any brand on livestock;

(c) brands livestock with any brand other than the brands prescribed;

(d) sells, exchanges or in any other manner causes the change of ownership of any livestock not branded as prescribed;

(e) buys, exchanges or in any other manner obtains ownership of any livestock not branded as prescribed;

(f) contravenes any of the provisions of sections 3, 5, 7, 9, 10 and 11 of this Enactment;

(g) meer as een eienaarsbrandmerk op sy naam laat registreer en gebruik;

(h) enige valse of misleidende inligting in verband met die toepassing van hierdie Maatreël verstrek of laat verstrek;

(i) 'n inspekteur by die verrigting van sy pligte kragtens hierdie Maatreël hinder of belemmer; of

(j) homself valslik as inspekteur voordoen;

is skuldig aan 'n misdryf en by skuldigbevinding strafbaar met 'n boete van hoogstens R50 en, by wanbetaling, gevangenisstraf van hoogstens 90 dae of sowél daardie boete as daardie gevangenisstraf.

*Verhaal van boetes*

15. Enige onbetaalde boete, kragtens hierdie Maatreël opgelê, mag by wyse van beslaglegging van die vee van die veroordeelde en geregtelike verkoping daarvan verhaal word.

*Vermoedens*

16. In enige regsgeding wat spruit uit hierdie Maatreël, tensy die teendeel bewys word, word dit vermoed dat elke eienaar kennis gekry het van die datum en tyd bepaal ingevolge artikels 3 en 9 van hierdie Maatreël, as die stamsekretaris die datum en tyd skriftelik aan die Seniorhoofman van die Seniorhoofmanswyk waarin die eienaar woon, bekend gemaak het, nie minder as 20 dae voor die bepaalde datum en tyd.

*Inkomste*

17. Alle gelde, insluitende boetes, wat ingevolge hierdie Maatreël betaalbaar is, word in die Inkomstefonds van die Wetgewende Raad inbetaal.

*Kort titel*

18. Hierdie Maatreël heet die Owambo Veebrandmerkemaatreël, 1972.

---

No. R. 1628 15 September 1972

## OWAMBO- WETGEWENDE RAAD

## MAATREËL 5 VAN 1972 (OWAMBO-VOLKSREGISTRASIEMAATREËL)

Dit het die Staatspresident behaag om kragtens die bevoegdheid hom verleen by artikel 5 (2) van die Wet op die Ontwikkeling van Selfbestuur vir Naturellevolke in Suidwes-Afrika, 1968 (Wet 54 van 1968), sy goedkeuring te heg aan onderstaande Maatreël:

## OWAMBO- WETGEWENDE RAAD

## MAATREËL 5 VAN 1972

OM VOORSIENING TE MAAK VIR DIE REGISTRASIE VAN LEDE VAN DIE OVAMBOVOLK EN VIR DIE UITREIKING VAN SERTIFIKATE AAN SODANIGE LEDE EN OM VIR BYKOMSTIGE AANGELEENTHEDE VOORSIENING TE MAAK

Kragtens die bevoegdheid hom verleen by artikel 5 van die Wet op die Ontwikkeling van Selfbestuur vir Naturellevolke in Suidwes-Afrika, 1968 (Wet 54 van 1968), vaardig die Owambo- Wetgewende Raad die volgende Maatreël uit:

*Woordomskrywing*

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

(i) "applikant" 'n persoon wat aansoek doen om registrasie as lid van die Ovambovolk of om die uitreiking aan hom van 'n duplikaat- of vervangingsertifikaat;

(g) registers in his name and uses more than one owner's brand;

(h) gives or causes to give any false or misleading information in connection with the application of this Enactment;

(i) hampers or obstructs an inspector in the execution of his duties in terms of this Enactment; or

(j) impersonates an inspector;

shall be guilty of an offence and upon conviction liable to a fine not exceeding R50 or in default of payment to imprisonment not exceeding 90 days or to both such fine and imprisonment.

*Recovery of fines*

15. Any unpaid fine, imposed in terms of this Enactment, may be recovered by way of attachment and sale in execution of the livestock of the convicted person.

*Presumptions*

16. In any judicial proceeding arising from this Enactment, unless the contrary is proved, every owner shall be deemed to have received notice of the date and time fixed in terms of sections 3 and 9 of this Enactment, if the tribal secretary has, not less than 20 days before the fixed date and time made known the fixed date and time to the Senior headman of the Senior headman's ward in which the owner resides.

*Revenue*

17. All moneys, inclusive of fines, payable in terms of this Enactment are paid into the Revenue Fund of the Legislative Council.

*Short title*

18. This Enactment may be cited as the Owambo Livestockbrands Enactment, 1972.

---

No. R. 1628 15 September 1972

## OWAMBO LEGISLATIVE COUNCIL

## ENACTMENT 5 OF 1972 (OWAMBO NATION REGISTRATION ENACTMENT)

The State President has been pleased, under and by virtue of the powers vested in him by section 5 (2) of the Development of Self-government for Native Nations in South-West Africa, 1968 (Act 54 of 1968), to approve the following Enactment:

## OWAMBO LEGISLATIVE COUNCIL

## ENACTMENT 5 OF 1972

TO PROVIDE FOR THE REGISTRATION OF MEMBERS OF THE OVAMBO NATION AND FOR THE ISSUE OF CERTIFICATES TO SUCH MEMBERS AND TO PROVIDE FOR INCIDENTAL MATTERS

Under and by virtue of the powers vested in it by the Development of Self-government for Native Nations in South-West Africa Act, 1968 (Act 54 of 1968), the Owambo Legislative Council makes the following Enactment:

*Definitions*

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

(i) "applicant" means a person who applies for registration as a member of the Ovambo Nation or for the issue to him of a duplicate or replacement certificate;

(ii) "Departement" die Departement van Bantoeadministrasie en -ontwikkeling;

(iii) "Direkteur" die beampte aangewys as administratiewe hoof van die Departement van Gemeenskapsake van die Owamboregering;

(iv) "Gebied" die gebied Suidwes-Afrika;

(v) "houer" die persoon aan wie 'n sertifikaat kragtens artikel 10 uitgereik is;

(vi) "magistraat" ook 'n addisionele of 'n assistentmagistraat;

(vii) "naturellepersoon" 'n persoon wat lid is van of algemeen aanvaar word as lid van 'n inboorlingras of -stam van Afrika;

(viii) "Ovambo" 'n persoon in artikel 5 bedoel;

(ix) "Owambo" die landstreek vermeld in artikel 1 van Proklamasie 27 van 1929 van die Gebied;

(x) "Raadslid" die lid van die Uitvoerende Raad aan wie die beheer van die Departement van Gemeenskapsake opgedra is;

(xi) "register" die register in artikel 2 bedoel;

(xii) "sertifikaat" 'n sertifikaat in artikel 10 bedoel;

(xiii) "Uitvoerende Raad" die Uitvoerende Raad van die Owambo-Wetgewende Raad; en

(xiv) "verantwoordelike beampte" 'n beampte wie se funksie dit is om aansoeke ingevolge artikels 6 en 11 te ontvang.

*Volksregister*

2. Die Raadslid laat 'n register saamstel en byhou van alle Ovambo's wat ingevolge die bepalings van hierdie Maatreël as lede van die Ovambovolk geregistreer word.

*Toekenning van registrasienommer*

3. Die Raadslid laat aan elke Ovambo wie se naam in die register opgeneem word 'n registrasienommer toeken.

*Besonderhede wat in die volksregister opgeneem moet word*

4. Daar word ten opsigte van elke Ovambo wat as lid van die Ovambovolk geregistreer word die volgende besonderhede in die register opgeneem:

(a) Registrasienommer;
(b) volle naam;
(c) geslag;
(d) stam;
(e) geboortedatum, of as die datum onbekend is, geboortejaar of vermeende geboortejaar, en geboorteplek;
(f) name van sy kaptein, senior hoofman en onderhoofman;
(g) naam van die wyk waarin woonagtig of gedomisilieer;
(h) huwelikstaat;
(i) plek en datum van registrasie;
(j) handtekening of vingerafdrukke; en
(k) 'n onlangse foto.

*Registrasie as lede van die Ovambovolk*

5. (1) Elke Ovambo binne die Gebied, hetsy hy binne of buite Owambo is of woon, is, indien hy nie 'n burger van die een of ander gebiedsowerheidsgebied in die Republiek van Suid-Afrika of van 'n selfregerende Bantoegebied in die Republiek van Suid-Afrika soos in die Wet op Burgerskap van Bantoetuislande, 1970 (Wet 26 van 1970), bedoel, is nie, geregtig op registrasie ingevolge hierdie Maatreël as 'n lid van die Ovambovolk en op die uitreiking aan hom vir hierdie doel van 'n sertifikaat.

(2) Vir die toepassing van subartikel (1) word 'n naturellepersoon wat ingevolge die bepalings van die Wet op Suid-Afrikaanse Burgerskap, 1949 (Wet 44 van 1949),

(ii) "certificate" means a certificate referred to in section 10;

(iii) "Councillor" means the member of the Executive Council to whom the control of the Department of Community Affairs has been entrusted;

(iv) "Department" means the Department of Bantu Administration and Development;

(v) "Director" means the official designated as the administrative head of the Department of Community Affairs of the Owambo Government;

(vi) "Executive Council" means the Executive Council of the Owambo Legislative Council;

(vii) "holder" means the person to whom a certificate has been issued in terms of section 10;

(viii) "magistrate" includes an additional or an assistant magistrate;

(ix) "native person" means a person who is a member or generally is accepted as a member of an aboriginal race or tribe of Africa;

(x) "Ovambo" means a person referred to in section 5;

(xi) "Owambo" means the area referred to in section 1 of Proclamation 27 of 1929 of the Territory;

(xii) "register" means the register referred to in section 2;

(xiii) "responsible officer" means an officer whose function it is to receive applications in terms of sections 6 and 11; and

(xiv) "Territory" means the Territory of South-West Africa.

*National register*

2. The Councillor shall have a register compiled and maintained of all Ovambos who are registered in terms of the provisions of this Enactment as members of the Ovambo Nation.

*Allocation of registration number*

3. The Councillor shall cause a registration number to be allocated to each Ovambo whose name is entered in the register.

*Particulars to be entered in the National register*

4. The following particulars are entered in the register in respect of each Ovambo who is registered as a member of the Ovambo Nation:

(a) Registration number;
(b) full name;
(c) sex;
(d) tribe;
(e) date of birth, or if it is not known, the year or supposed year of birth, and place of birth;
(f) names of his chief, senior headman and subheadman;
(g) name of the ward where he is resident or domiciled;
(h) marital status;
(i) place and date of registration;
(j) signature or fingerprints; and
(k) a recent photograph.

*Registration as members of the Ovambo Nation*

5. (1) Each Ovambo in the Territory, whether he is resident in or outside Owambo, shall be, if he is not a citizen of one or other territorial authority area in the Republic of South Africa or of a self-governing Bantu territory in the Republic of South Africa as referred to in the Bantu Homelands Citizenship Act, 1970 (Act 26 of 1970), entitled to registration in terms of this Enactment as a member of the Ovambo Nation and to the issue of him of a certificate for this purpose.

(2) For the purposes of subsection (1) a native person who is a South African citizen in terms of the provisions of the South African Citizenship Act, 1949 (Act 44 of

'n Suid-Afrikaanse burger is en wat onder enige van die hierondergemelde klasse van persoon ressorteer, geag 'n Ovambo te wees tensy daar bewys kan word dat hy inderdaad nie 'n Ovambo is nie:

(a) Elke naturellepersoon in Owambo gebore, hetsy voor of na die inwerkingtreding van hierdie Maatreël;

(b) elke naturellepersoon wat in Owambo gedomisilieer is;

(c) elke naturellepersoon in die Gebied wat 'n naturelletaal praat wat gebesig word deur die naturellebevolking van Owambo, met inbegrip van elke naturellepersoon wat behoort tot 'n aanverwante taalgroep wat normaalweg 'n dialek van so 'n taal besig;

(d) elke ander naturellepersoon in die Gebied wat aan 'n lid van die naturellebevolking van Owambo verwant is of wat homself met 'n deel van daardie bevolking vereenselwig het of wat op grond van sy kultuur- of rasseagtergrond aan 'n deel van daardie bevolking verbonde is.

*Aansoek om registrasie*

6. (1) Elke Ovambo bo die ouderdom van 16 jaar wat ingevolge die bepalings van artikel 5 geregtig is op registrasie as lid van die Ovambovolk, kan om sodanige registrasie aansoek doen.

(2) 'n Aansoek om registrasie moet gedoen word wesenlik in die vorm uiteengesit in Aanhangsel 1 van hierdie Maatreël en die applikant moet aan die verantwoordelike beampte die besonderhede wat in die aansoekvorm genoem word en sodanige ander besonderhede as wat die verantwoordelike beampte mag vereis, verstrek.

(3) 'n Ovambo wat om registrasie aansoek doen moet sy handtekening of regterduimafdruk op die aansoek aanbring en by wyse van 'n beëdigde verklaring of bevestiging verklaar dat die besonderhede wat deur hom in die aansoek verstrek word, korrek is.

(4) Geen aansoek om registrasie word aanvaar nie, tensy die applikant die verantwoordelike beampte oortuig dat hy 'n Ovambo ooreenkomstig artikel 5 is.

*Vingerafdrukke*

7. (1) Die verantwoordelike beampte kan versoek dat 'n stel vingerafdrukke van die applikant ook verskaf word op die keersy van die aansoekvorm of op 'n kaart wat vir die doel beskikbaar gestel word. Benewens die stel vingerafdrukke wat aldus verskaf word, kan die verantwoordelike beampte versoek dat sodanige bykomende vingerafdrukke van die applikant verskaf word as wat die verantwoordelike beampte nodig ag vir die doel van registrasie of die uitreiking van 'n sertifikaat.

(2) Waar sodanige vingerafdrukke vereis word, word drukkersinkafdrukke van elke vinger van beide hande van die applikant geneem deur elke vinger afsonderlik in die toepaslike ruimte op die keersy van die aansoekvorm of op die kaart wat vir dié doel verskaf word, te rol. Daarbenewens word gelyktydige afdrukke van vier vingers van elke hand en duidelike afdrukke van elke duim op dieselfde vorm of kaart geneem. Wanneer dit nodig geag word deur die verantwoordelike beampte, moet 'n drukkersinkafdruk van die palm van elke hand ook op die vorm of kaart geneem word.

*Foto's*

8. (1) Elke aansoek om registrasie moet vergesel gaan van twee onlangse identiese foto's van die applikant wat aan die volgende vereistes moet voldoen:

(a) Die buitenste afmetings moet sover doenlik as volg wees:

(i) Hoogte—vier sentimeter.
(ii) Breedte—twee en 'n halwe sentimeter.

1949), and who falls under any of the following classes of persons, shall be deemed to be an Ovambo unless it can be proved that he is in fact not an Ovambo:

(a) Every native person born in Owambo whether before or after the coming into operation of this Enactment;

(b) every native person who is domiciled in Owambo;

(c) every native person in the Territory who speaks a native language that is used by the native population of Owambo, including each native person who belongs to a related language group which normally uses a dialect of such language;

(d) every other native person in the Territory who is related to a member of the native population of Owambo or who is himself associated with a part of that population or who is by virtue of his cultural or racial background associated with a part of that population.

*Application for registration*

6. (1) Each Ovambo over the age of 16 years who is in terms of the provisions of section 5 entitled to registration as a member of the Ovambo Nation, may apply for such registration.

(2) An application for registration shall be made substantially in the form as set out in Annexure 1 to this Enactment and the applicant shall furnish the responsible officer with the particulars mentioned in the application form and such further particulars as the responsible officer may require.

(3) An Ovambo who applies for registration shall affix his signature or right thumb print to the application and declare by an affidavit or affirmation that the particulars furnished by him in the application, are correct.

(4) No application for registration shall be accepted unless the applicant satisfies the responsible officer that he is an Ovambo in terms of section 5.

*Fingerprints*

7. (1) The responsible officer may request that a set of fingerprints of the applicant also be furnished on the reverse side of the application form or on a card provided for that purpose. Apart from the set of fingerprints thus furnished, the responsible officer may request that such further fingerprints of the applicant be furnished as the responsible officer may deem necessary for the purpose of registration or the issue of a certificate.

(2) Where such fingerprints are required, printer's ink prints of each finger of both hands of the applicant shall be taken by rolling each finger separately in the appropriate space on the reverse side of the application form or on a card provided for that purpose. Furthermore, simultaneous prints of four fingers of each hand and distinct prints of each thumb shall be taken on the same form or card. When deemed necessary by the responsible officer a printer's ink print of the palm of each hand shall also be taken on the form or card.

*Photographs*

8. (1) Each application for registration shall be accompanied by two recent identical photographs of the applicant which shall satisfy the following requirements:

(a) The outside measurements shall as far as is possible be as follows:

(i) Height—four centimetres.
(ii) Width—two and a half centimetres.

(b) Slegs die kop en skouers van die applikant moet op die foto ingesluit wees en die kop in die finale afdruk moet nie kleiner as 23 millimeter of groter as 26 millimeter van die ken tot die bopunt van die hare wees nie.

(c) Geen silwerkorrel moet op die foto's sigbaar wees nie.

(d) Die gesig moet 'n herkenbare ewebeld van die applikant wees. Vir dié doel moet die hele gesig en beide ore van die applikant sigbaar wees en moet dit 'n onlangse foto wees, geneem sonder 'n hoed of bril of enige ander bedekking of tooisel van watter aard ookal. Ook moet dit sonder tydelike merke of kleur wees wat sy natuurlike voorkoms kan verbloem of uitkenning van die foto kan bemoeilik. Die foto mag ook nie deur gate, potlood- of inkleurmerke of op enige ander wyse geskend wees nie.

(2) Die verantwoordelike beampte kan die foto's wat verstrek is, verwerp indien hulle na sy mening nie aan genoemde vereistes voldoen nie of indien hulle in ander opsigte ongeskik ag en die applikant moet dan op eie koste ander geskikte foto's verstrek.

(3) As 'n foto geneem is deur 'n fotograaf in diens van die Departement van Gemeenskapsake of van die Departement of van 'n ander agentskap wat optree ingevolge reëlings kragtens artikel 12 met die Raadslid aangegaan en wat 'n gebied besoek waar die dienste van professionele fotograwe nie geredelik beskikbaar is nie, is 'n bedrag van 20c betaalbaar vir twee afdrukke van 'n foto wat deur sodanige amptelike fotograaf geneem is maar indien sodanige afdrukke deur die verantwoordelike beampte verwerp word, word die bedrag aldus betaal, terugbetaal of 'n ander stel foto's indien moontlik, geneem.

(4) Die Direkteur kan na goeddunke goedkeuring verleen vir die neem van twee identiese foto's waarvan die koste deur die Departement van Gemeenskapsake gedra word, indien hy op aanbeveling van die verantwoordelike beampte daarvan oortuig is dat—

(a) die applikant 'n behoeftige is;

(b) die applikant reeds twee identiese foto's vir die doeleindes van registrasie verskaf het en dat dié weggeraak het of vernietig of beskadig is; of

(c) 'n foto wat geneem is deur 'n amptelike fotograaf in subartikel (3) genoem, nie meer vir identifikasiedoeleindes geskik is nie en dat die houer daarvan nie deur redelike voorsorg die swak toestand daarvan kon vergoed het nie.

*Deursending van aansoeke om registrasie*

9. (1) 'n Aansoek om registrasie (tesame met die foto's en vingerafdrukke wat op dié aansoek betrekking het) word so gou redelik moontlik deurgestuur na die Raadslid en daarna na die Departement, indien reëlings ingevolge artikel 12 bestaan vir die samestelling en instandhouding van die register of vir die prosessering van sertifikate deur die Departement namens die Raadslid.

(2) Na oorweging van die aansoek kan die Raadslid—

(a) die aansoek aanvaar en die applikant se naam in die register laat opneem; of

(b) die aansoek weier en die applikant van sy beslissing verwittig.

*Uitreiking van sertifikate*

10. (1) Aan iedere Ovambo wie se aansoek om registrasie deur die Raadslid aanvaar word en wie se naam in die register opgeneem word, word 'n sertifikaat van registrasie, wesenlik in die vorm uiteengesit in Aanhangsel 2, deur of namens die Raadslid uitgereik.

(b) Only the head and shoulders of the applicant shall be included in the photograph and the head in the final print shall not be less than 23 millimetres or more than 26 millimetres from the chin to the top of the hair.

(c) No silver grain shall be visible on the photographs.

(d) The face shall be a recognisable likeness of the applicant. For this purpose the whole face and both ears of the applicant shall be visible and the photograph shall be a recent one taken without a hat or spectacles or any other covering or ornament of any nature whatsoever. It shall also be without any temporary marks or colouring which may disguise his natural appearance or render identification from the photograph difficult. The photograph shall also not be damaged by holes, pencil or colouring-in marks or in any other way.

(2) The responsible officer may reject the photograph submitted if, in his opinion, the said requirements have not been complied with or he regards them as unsuitable in other respects and the applicant shall then furnish other suitable photographs at his own expense.

(3) If a photograph is taken by a photographer who is in the employ of the Department of Community Affairs or of the Department or any other agency, who operates in terms of arrangements concluded by virtue of section 12 with the Councillor and who visits an area where the services of professional photographers are not readily available, a sum of 20c shall be payable for two prints of a photograph taken by such official photographer, but should such prints be rejected by the responsible officer, the amount thus paid shall be repayable or another set of photographs shall, if possible, be taken.

(4) The Director may if he deems fit, authorise the taking of two identical photographs, the cost of which shall be borne by the Department of Community Affairs if he, on the recommendation of the responsible officer, is satisfied that—

(a) the applicant is an indigent person;

(b) the applicant has already supplied two identical photographs for the purpose of registration and that they have been lost or destroyed or damaged; or

(c) a photograph which has been taken by an official photographer referred to in subsection (3), is no longer suitable for identification purposes and that the holder thereof was unable to prevent the unsatisfactory condition thereof by reasonable means.

*Submission of applications for registration*

9. (1) An application for registration (together with photographs and fingerprints relative to the application) shall be submitted as soon as reasonably possible to the Councillor and thereafter to the Department, should arrangements in terms of section 12 exist for the compilation and maintenance of the register or for the processing of certificates by the Department on behalf of the Councillor.

(2) After consideration of the application the Councillor may—

(a) accept the application and have the name of the applicant entered in the register; or

(b) refuse the application and have the applicant informed of his decision.

*Issue of certificates*

10. (1) To each Ovambo whose application for registration has been accepted by the Councillor and whose name is entered in the register, a certificate of registration, substantially in the form set out in Annexure 2, shall be issued by or on behalf of the Councillor.

(2) Die Raadslid laat die sertifikaat so gou doenlik na die adres stuur wat op die aansoek om registrasie aangedui word, of tref sodanige ander gepaste reëlings as wat hy goed dink vir die deursending van die sertifikaat na die applikant.

(3) Indien dit om enige rede ondienstig, ondoenlik of onmoontlik blyk te wees om 'n sertifikaat aan 'n applikant uit te reik, kan die verantwoordelike beampte instede van 'n sertifikaat, 'n dokument wesenlik in die vorm soos uiteengesit in Aanhangsel 3 van hierdie Maatreël, wat vir die tydperk daarin vermeld geldig is, aan hom uitreik en kan hy hom versoek om hom op 'n toekomstige datum by hom of op 'n plek wat aangedui is, aan te meld sodat 'n sertifikaat indien dit aan hom uitgereik is, aan hom oorhandig kan word: Met dien verstande dat die uitreiking ingevolge hierdie artikel van 'n tydelike dokument aan die applikant nie beskou word as 'n aanvaarding van die applikant se aansoek deur die Raadslid nie.

*Duplikaatsertifikate en vervangingsertifikate*

11. (1) 'n Persoon wie se sertifikaat wegraak of vernietig word of weens beskadiging onbruikbaar word, kan aansoek doen om 'n duplikaat van daardie sertifikaat.

(2) Vir elke duplikaatsertifikaat is 'n bedrag van R2, wat nie die koste van die foto's insluit nie, betaalbaar deur die persoon wat daarom aansoek doen maar die Direkteur kan na goeddunke van die betaling van hierdie bedrag afsien as hy as gevolg van die beëdigde verklaring of bevestiging wat in die aansoek vervat is, of van ander beskikbare inligting, daarvan oortuig is dat die applikant om 'n duplikaatsertifikaat behoeftig is of dat hy nie deur redelike voorsorg die verlies, vernietiging of beskadiging van die sertifikaat kon verhoed het nie.

(3) 'n Persoon aan wie 'n sertifikaat uitgereik is waarin besonderhede voorkom wat foutief is, kan aansoek doen om 'n gratis vervangingsertifikaat waarop die juiste besonderhede voorkom.

(4) 'n Aansoek om 'n duplikaat- of vervangingsertifikaat is wesenlik in die vorm uiteengesit in Aanhangsel 4 van hierdie Maatreël.

(5) Die bepalings van artikels 6 tot en met 10 is *mutatis mutandis* van toepassing ten opsigte van 'n aansoek om 'n duplikaatsertifikaat of 'n vervangingsertifikaat.

*Onderlinge reëlings met die Departement van Bantoe-administrasie en -ontwikkeling*

12. Ondanks 'n andersluidende bepaling in hierdie Maatreël vervat, kan die Raadslid reëlings met die Sekretaris van Bantoe-administrasie en -ontwikkeling tref waarkragtens—

(a) die Departement die register namens die Raadslid saamstel en byhou;

(b) sertifikate deur die Departement of 'n ander agentskap namens die Raadslid uitgereik word;

(c) toerusting verskaf word om die neem van vingerafdrukke of van foto's vir doeleindes van hierdie Maatreël te vergemaklik of te bespoedig;

(d) vingerafdrukke wat ingevolge hierdie Maatreël geneem is in die Departement geklassifiseer en in die rekords gehou word;

(e) aansoeke om registrasie deur persone buite Owambo woonagtig, ontvang en na die Raadslid of na die verantwoordelike beampte deurgestuur word en uitgereikte sertifikate aan sodanige persone oorhandig word.

(2) The Councillor shall have the certificate submitted as soon as possible to the address which appears on the application for registration, or shall make such other appropriate arrangements as he deems fit for the dispatch of the certificate to the applicant.

(3) If for any reason it would appear to be inexpedient, impracticable or impossible to issue a certificate to an applicant, the responsible officer may, instead of a certificate, issue a document substantially in the form set out in Annexure 3 to this Enactment, which is valid for the period mentioned therein, to him and may request that on a future date he report to him or present himself at a place indicated so that a certificate, if it has been issued to him, may be handed to him: Provided that the issue in terms of this section of a temporary document to the applicant shall not be considered to be an acceptance of the applicant's application by the Councillor.

*Duplicate certificates and replacement certificates*

11. (1) A person whose certificate is lost or destroyed or as a result of damage becomes unservicable, may apply for a duplicate of that certificate.

(2) For every duplicate certificate a sum of R2, which does not include the costs of the photographs, shall be payable by the person who applies therefor, but the Director may in his discretion grant exemption from the payment of this sum if he, as a result of an affidavit or affirmation which is embodied in the application, or of any other available information, is satisfied that the applicant for a duplicate certificate is indigent or that he could not by reasonable care have prevented the loss, destruction or damage of the certificate.

(3) A person to whom a certificate which contains particulars that are incorrect, has been issued may apply for a free replacement certificate containing the correct particulars.

(4) An application for a duplicate or replacement certificate shall be substantially in the form set out in Annexure 4 to this Enactment.

(5) The provisions of sections 6 to 10 inclusive shall apply *mutatis mutandis* in repect of an application for a duplicate certificate or a replacement certificate.

*Mutual arrangements with the Department of Bantu Administration and Development*

12. Notwithstanding anything to the contrary contained in this Enactment, the Councillor may make arrangements with the Secretary for Bantu Administration and Development whereby—

(a) the Department compiles and maintains the register on behalf of the Councillor;

(b) certificates are issued by the Department or other agency on behalf of the Councillor;

(c) equipment is provided to facilitate or expedite the taking of fingerprints or photographs for purposes of this Enactment;

(d) fingerprints taken in terms of this Enactment are classified and kept on record in the Department;

(e) applications for registration received from persons resident outside Owambo are forwarded to the Councillor or the responsible officer and certificates which have been issued handed to such persons.

*Onopgeëiste sertifikate*

13. Indien 'n applikant versuim of nalaat om die sertifikaat wat aan hom uitgereik is, in ontvangs te neem binne 'n tydperk van ses maande nadat die sertifikaat ontvang is in die kantoor waarheen die applikant versoek het dat dit gestuur word—

(a) kan daar oor die sertifikaat beskik word op sodanige wyse as wat die Direkteur bepaal;

(b) word die aansoek, indien die betrokke sertifikaat 'n duplikaatsertifikaat of 'n vervangingsertifikaat is, geag te verval het; en

(c) word die bedrag wat betaal is vir 'n duplikaatsertifikaat en vir enige foto wat aan die sertifikaat geheg is en wat geneem is deur 'n amptelike fotograaf in artikel 8 (3) bedoel, verbeur en is daar geen eis ten opsigte van die verhaling van die koste van die duplikaatsertifikaat en enige foto's wat aldus geneem is en wat aan die sertifikaat geheg is nie.

*Oorlyde van houer van sertifikaat*

14. (1) By die oorlyde van die houer van 'n sertifikaat, moet die persoon wat in besit is van die sertifikaat, dit onverwyld aan die naaste magistraat of verantwoordelike beampte of aan die Direkteur stuur.

(2) Waar 'n sertifikaat aldus aan 'n magistraat of verantwoordelike beampte deurgestuur is, moet daardie magistraat of beampte die Direkteur daarvan verwittig en oor die sertifikaat beskik op sodanige wyse as wat die Direkteur bepaal.

*Inlewering van verlore sertifikate*

15. (1) 'n Persoon wat in besit kom van 'n sertifikaat wat nie aan hom uitgereik is nie, moet behalwe waar die sertifikaat aan hom oorhandig is vir deursending na die persoon aan wie dit oorspronklik uitgereik is, die sertifikaat onverwyld aflewer by of stuur aan die naaste polisiestasie, magistraat, verantwoordelike beampte of die Direkteur, met 'n aanduiding van die omstandighede waaronder hy in besit daarvan gekom het of daaroor beskik op sodanige wyse as wat die Direkteur bepaal.

(2) 'n Polisiebeampte, magistraat of verantwoordelike beampte in subartikel (1) bedoel, moet sodanige sertifikaat aan die Direkteur stuur of daaroor beskik op die wyse wat die Direkteur bepaal.

*Verlies van lidmaatskap*

16. (1) 'n Ovambo wat—

(a) 'n lid word van 'n volk van enige van die ander gebiede vermeld in artikel 2 van die Wet op die Ontwikkeling van Selfbestuur vir Naturellevolke in Suidwes-Afrika, 1968 (Wet 54 van 1968); of

(b) 'n burger word van 'n gebiedsowerheidsgebied of van 'n selfregerende Bantoegebied in die Republiek van Suid-Afrika vermeld in die Wet op Burgerskap vir Bantoetuislande, 1970 (Wet 26 van 1970); of

(c) 'n onderdaan word van 'n ander land;

hou op om 'n lid van die Ovambovolk te wees.

(2) Waar lidmaatskap aldus verloor word, moet die Raadslid alle inskrywings met betrekking tot sodanige lidmaatskap in die register laat kanselleer.

*Appèlle*

17. (1) Indien daar rede is om te glo dat 'n persoon wat as lid van die Ovambovolk geregistreer is, nie lid van die Ovambovolk is nie, kan daar na die Uitvoerende Raad geappelleer word om 'n bevel dat die registrasie van sodanige persoon en die sertifikaat wat aan hom uitgereik is, gekanselleer word.

(2) 'n Persoon wat daarop aanspraak maak dat hy 'n lid van die Ovambovolk is en wie se aansoek om registrasie as lid van die Ovambovolk geweier word, kan na die Uitvoerende Raad appelleer. 'n Appèl ingevolge

*Unclaimed certificates*

13. If an applicant fails or neglects to take possession of a certificate issued to him within a period of six months after the certificate had been received in the office to which the applicant has requested that it should be sent—

(a) the certificate may be disposed of in such manner as the Director may direct;

(b) the application, if the certificate concerned is a duplicate or a replacement certificate, shall be deemed to have lapsed; and

(c) the amount paid for a duplicate certificate and for any photograph which is attached to the certificate and which has been taken by an official photographer referred to in section 8 (3), shall be forfeited and no claim shall be in respect of the recovery of the costs of the duplicate certificate or any photographs which have been so taken and which have been attached to the certificate.

*Death of the holder of a certificate*

14. (1) On the death of the holder of the certificate, the person who is in possession of the certificate shall immediately send it to the nearest magistrate or responsible officer or to the Director.

(2) Where a certificate is thus forwarded to a magistrate or responsible officer, that magistrate or responsible officer shall advise the Director and dispose of the certificate in such manner as the Director may determine.

*Handing in of lost certificates*

15. (1) A person who comes into possession of a certificate which has not been issued to him shall except where the certificate has been handed to him for transmission to the person to whom it has originally been issued, immediately deliver or send the certificate to the nearest Police Station or to the Magistrate or responsible officer or Director with an indication of the circumstances under which he came into possession thereof or dispose of it in such manner as the Director may determine.

(2) A police officer, magistrate or responsible officer referred to in subsection (1) shall forward such certificate to the Director, or dispose of it in such manner as the Director may determine.

*Loss of membership*

16. (1) An Ovambo who—

(a) becomes a member of a nation of any of the other areas referred to in section 2 of the Development of Self-government for Native Nations in South-West Africa Act, 1968 (Act 54 of 1968); or

(b) becomes a citizen of a territorial authority area or self-governing Bantu territory in the Republic of South Africa referred to in the Bantu Homelands Citizenship Act, 1970 (Act 26 of 1970); or

(c) becomes a subject of some other country;

shall cease to be a member of the Ovambo Nation.

(2) Where membership is so lost, the Councillor shall have all entries in connection with such membership cancelled in the register.

*Appeals*

17. (1) Should there be reason to believe that a person, who is registered as a member of the Ovambo Nation, is in fact not a member of the Ovambo Nation, an appeal may be lodged to the Executive Council for an order that the registration of such person and the certificate issued to him, be cancelled.

(2) A person who claims that he is a member of the Ovambo Nation and whose application for registration as a member of the Ovambo Nation is refused, may

hierdie subartikel moet in die vorm wees van 'n skriftelike versoek aan die Direkteur vir voorlegging aan die Uitvoerende Raad.

(3) Die Uitvoerende Raad kan—

(a) 'n appèl ingevolge subartikel (1)—

(i) handhaaf en beveel dat die betrokke registrasie en die sertifikaat wat aan die betrokke persoon uitgereik is, gekanselleer word; of

(ii) van die hand wys;

(b) 'n appèl ingevolge subartikel (2)—

(i) handhaaf en beveel dat die betrokke persoon as lid van die Ovambovolk geregistreer word en dat 'n sertifikaat aan hom uitgereik word; of

(ii) van die hand wys.

(4) 'n Beslissing of bevel deur die Uitvoerende Raad ingevolge subartikel (3) is afdoende.

*Teruggawe van sertifikate deur persone wat op die punt staan om Owambo te verlaat*

18. 'n Polisiebeampte, paspoortbeheerbeampte, magistraat of ander beampte met regsbevoegdheid wat daarvan oortuig is dat 'n persoon wat in besit van 'n sertifikaat is op die punt staan om Owambo permanent te verlaat, kan van sodanige persoon vereis dat hy enige sertifikaat wat aan hom uitgereik kon gewees het, aan hom teruggee en indien sodanige persoon sou weier of nalaat om dit te doen, kan sodanige beampte op daardie sertifikaat beslag lê en beskik hy oor daardie sertifikaat op 'n wyse deur die Direkteur bepaal.

*Bewys van sekere feite deur beëdigde verklaring*

19. Indien in 'n strafsaak kragtens hierdie Maatreël, die vraag ontstaan of 'n sertifikaat of 'n bepaalde sertifikaat wat 'n bepaalde naam dra aan 'n beskuldigde uitgereik is, kan 'n beampte wat beheer het van die vingerafdrukrekord van applikante, nadat hy voorsien is van die vingerafdrukke van die beskuldigde en van bedoelde sertifikaat (as daar is), in 'n dokument wat heet 'n beëdigde verklaring te wees wat deur die beampte afgelê is, verklaar dat hy vasgestel het dat die vingerafdrukke wat ten opsigte van die beskuldigde aldus aan hom voorgelê is, volgens die vingerafdrukrekord van applikante, dieselfde is of nie dieselfde is nie as dié van die persoon aan wie daardie sertifikaat heet uitgereik te wees of van enige persoon aan wie, volgens die vingerafdrukrekord van applikante, daardie of enige sertifikaat uitgereik is en daardie dokument is, by blote voorlegging daarvan deur enige persoon in daardie saak, maar behoudens die bepalings *mutatis mutandis* van artikel 214 (7) van die Strafprosesordonnansie, 1963 (Ordonnansie 34 van 1963), van Suidwes-Afrika, *prima facie* bewys dat 'n sertifikaat aan die beskuldigde uitgereik of nie uitgereik is nie, na gelang van die inhoud van daardie verklaring.

*Misdrywe en strafbepalings*

20. (1) 'n Persoon wat—

(a) die bepalings van artikel 14 (1) of 15 (1) van hierdie Maatreël oortree of versuim om daaraan te voldoen;

(b) nadat hy die besit verkry het van 'n sertifikaat wat aan 'n ander persoon uitgereik is, voorgee dat dit aan hom ingevolge hierdie Maatreël uitgereik is;

(c) toelaat dat 'n ander persoon die besit verkry van 'n sertifikaat wat aan hom ingevolge hierdie Maatreël uitgereik is;

(d) versuim om wanneer hy om registrasie aansoek doen, die verantwoordelike beampte te verwittig van die feit dat hy voorheen om registrasie aansoek gedoen het en dat registrasie geweier is;

appeal to the Executive Council. An appeal in terms of this subsection shall be in the form of a written request to the Director for submission to the Executive Council.

(3) The Executive Council may—

(a) in regard to an appeal in terms of subsection (1)—

(i) uphold the appeal and order that the registration concerned and the certificate which was issued to the person concerned, be cancelled; or

(ii) dismiss the appeal;

(b) in regard to an appeal in terms of subsection (2)—

(i) uphold the appeal and order that the person concerned be registered as a member of the Ovambo Nation and that a certificate be issued to him; or

(ii) dismiss the appeal.

(4) A decision or order by the Executive Council in terms of subsection (3) shall be final.

*Surrender of certificates by persons who are on the point of leaving Owambo*

18. A police officer, passport control officer, magistrate or other officer with jurisdiction who is satisfied that a person who is in possession of a certificate, is on the point of leaving Owambo permanently, may demand from such person that he surrenders to him any certificate which may have been issued to him, and if such person should refuse or neglect to do so, such officer may confiscate such certificate and dispose of it in such manner as the Director may determine.

*Proof of certain facts by affidavit*

19. If in a criminal case under this Enactment, the question arises whether a certificate or a particular certificate bearing a particular name has been issued to an accused, an officer who is in charge of the fingerprint record of applicants, may after he has been furnished with the fingerprints of the accused and of the said certificate (if any), in a document called an affidavit made by that officer, declare that he has ascertained that the fingerprints that have been placed before him in respect of the accused are or are not, according to the fingerprint record of applicants, the same as that of the person to whom that certificate is purported to have been issued or of any person to whom according to the fingerprint record of applicants, that or any certificate has been issued, and such document shall by mere submission by any person in that case, but save the provisions *mutatis mutandis* of section 214 (7) of the Criminal Procedure Ordinance, 1963 (Ordinance 34 of 1963), of South-West Africa, be *prima facie* proof that a certificate has been or has not been issued to the accused, according to the contents of that declaration.

*Offences and penalties*

20. (1) Any person who—

(a) contravenes or fails to comply with the provisions of section 14 (1) or 15 (1) of this Enactment;

(b) after he has come into possession of a certificate which was issued to some other person, pretends that it has been issued to him in terms of this Enactment;

(c) permits some other person to obtain possession of a certificate issued to him in terms of this Enactment;

(d) fails when he applies for registration to inform the responsible officer of the fact that he has previously applied for registration and that registration has been refused;

(e) versuim om binne een maand nadat 'n sertifikaat aan hom uitgereik is, enige ander sertifikaat wat voorheen aan hom uitgereik is, aan 'n magistraat of verantwoordelike beampte te oorhandig;

(f) 'n sertifikaat of 'n gedeelte daarvan, of 'n dokument of seël wettiglik geheg aan, of 'n inskrywing in of endossement op 'n sertifikaat, vervals of sonder magtiging verander, onleesbaar maak, vernietig of skend;

(g) sonder magtiging 'n sertifikaat of 'n gedeelte van 'n sertifikaat ten opsigte waarvan 'n misdryf bedoel in paragraaf (f) gepleeg is, ontvang of in sy besit hou;

(h) sonder magtiging 'n boek of dokument wat oënskynlik 'n sertifikaat is of as sodanig gebruik kan word, druk, voortbring of uitreik;

(i) sonder magtiging 'n sertifikaat wat aan 'n ander persoon ingevolge hierdie Maatreël uitgereik is, of 'n gedeelte daarvan ontvang, in sy besit hou, van die hand sit of van die hand laat sit;

(j) in 'n sertifikaat of op 'n dokument wat wettiglik daaraan geheg is, ander inligting aanteken as die besonderhede wat ingevolge hierdie Maatreël daarin of daarop aangeteken moet of kan word, of wat op 'n ander wyse as op die voorgeskrewe wyse enige sodanige besonderhede daarin of daarop aanteken of 'n seël daaraan heg, of wat sonder magtiging enige sodanige besonderhede daarin of daarop aanteken;

(k) vir doeleindes van hierdie Maatreël wetens 'n verklaring aflê of laat aflê wat ten opsigte van 'n wesenlike besonderheid vals is; of

(l) weier of nalaat om 'n sertifikaat wat aan hom uitgereik is terug te gee aan 'n polisiebeampte, paspoortbeheerbeampte, magistraat of ander beampte met regsbevoegdheid wat ingevolge artikel 18 van hom vereis dat hy sodanige sertifikaat teruggee, of wat beslaglegging ingevolge artikel 18 op sodanige sertifikaat verhinder of probeer verhinder;

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar—

(i) in die geval van 'n misdryf in paragraaf (a) of (j) vermeld, met 'n boete van hoogstens R30 of gevangenisstraf vir 'n tydperk van hoogstens 30 dae; en

(ii) in die geval van 'n ander misdryf in hierdie subartikel vermeld, met 'n boete van hoogstens R50 of gevangenisstraf vir 'n tydperk van hoogstens 90 dae.

(2) Die hof wat 'n persoon aan 'n misdryf vermeld in subartikel (1) (f) of (h) skuldig bevind, moet—

(a) die sertifikaat of dokument ten opsigte waarvan die misdryf gepleeg is, verbeurd verklaar; en

(b) 'n instrument wat vir die doel van of in verband met die pleeg van die misdryf gebruik is, of die veroordeelde persoon hom sy reg daarop, verbeurd verklaar: Met dien verstande dat sodanige verbeurdverklaring geen regte raak wat 'n ander persoon as die veroordeelde persoon op die betrokke instrument mag hê nie, indien bewys word dat hy nie geweet het dat dit vir die doel van of in verband met die pleeg van sodanige misdryf gebruik word of sou word nie of dat hy sodanige gebruik nie kon verhoed nie.

(3) Die bepalings van artikel 347 (4) en (5) van die Strafprosesordonnansie, 1963 (Ordonnansie 34 van 1963), van Suidwes-Afrika, is *mutatis mutandis* van toepassing op 'n verbeurdverklaring ingevolge subartikel (2) (b) van hierdie artikel.

(4) 'n Boete wat ingevolge hierdie Maatreël verhaal word, val aan die inkomste van die Wetgewende Raad toe.

*Kort titel*

21. Hierdie Maatreël heet die Ovambo-volksregistrasiemaatreël, 1972.

(e) fails to hand over any other certificate which has previously been issued to him, to a magistrate or responsible officer within one month after a certificate has been issued to him;

(f) forges or alters without authority, renders illegible, destroys or mutilates a certificate or part thereof or a document or stamp legally attached to or an entry or endorsement in or on a certificate;

(g) receives or keeps without authority a certificate or part of a certificate in his possession in respect of which an offence as referred to in paragraph (f) has been committed;

(h) prints, makes or issues without authority a book or document which is apparently a certificate or which can be used as such;

(i) receives, keeps in his possession, disposes of or has disposed of without authority a certificate issued to some other person in terms of this Enactment;

(j) enters in a certificate or on a document legally attached thereto, information other than the particulars which shall or may in terms of this Enactment be entered therein or thereon, or in a manner other than the prescribed manner enters such particulars therein or thereon or attaches a stamp thereto, or who enters therein or thereon without authority any such information;

(k) for the purposes of this Enactment knowingly makes or causes to be made a declaration which is false in respect of a material particular;

(l) refuses or neglects to return a certificate issued to him, to a police officer, passport control officer, magistrate or other officer with jurisdiction, who in terms of section 18 requires him to return such certificate, or who prevents or tries to prevent confiscation in terms of section 18 of such certificate;

shall be guilty of an offence and liable on conviction—

(i) in the case of an offence referred to in paragraph (a) or (j) to a fine not exceeding R30 or to imprisonment for a period not exceeding one month; and

(ii) in the case of any other offence referred to in this subsection, to a fine not exceeding R50 or to imprisonment for a period not exceeding 90 days.

(2) Court which finds any person guilty of an offence referred to in subsection (1) (f) or (h), shall—

(a) confiscate the certificate or document in respect of which the offence has been committed; and

(b) confiscate any instrument which was used for the purpose of or in connection with the commission of the offence, or deprive the convicted person of his rights to it: Provided that such confiscation shall not affect the right which a person other than the convicted person may have to the instrument concerned, if it can be proved that he was not aware of the fact that it would be used for the purpose of or in connection with the commission of such offence or would have been used or that he could not have prevented such use.

(3) The provisions of section 347 (4) and (5) of the Criminal Procedure Ordinance, 1963 (Ordinance 34 of 1963), of South-West Africa, are *mutatis mutandis* applicable to a confiscation in terms of subsection (2) (b) of this section.

(4) A fine recovered in terms of this Enactment shall accrue to the revenue of the Legislative Council.

*Short title*

21. This Enactment shall be called the Ovambo Nation Registration Enactment, 1972.

## AANHANGSEL 1

Registrasienommer..... Geslag.....
Volle name.....
Geboortedatum.....Geboorteplek.....
Stam.....Wyk.....
Kaptein.....Seniorhoofman.....
Onderhoofman.....
Huwelikstaat.....
Geregistreer te.....Datum.....
Deur.....

### AANSOEK OM REGISTRASIE AS LID VAN OVAMBO-VOLK
(Moet in tweevoud voltooi word)

Voorname (in blokletters).....
Familienaam (in blokletters).....
Ek, die bogenoemde, verklaar onder eed*/bevestig* soos volg:

(1) Ek doen aansoek om registrasie as lid van die Ovambo-volk.
(2) Geen sertifikaat van sodanige registrasie is voorheen aan my uitgereik nie en ek het nie voorheen om registrasie aansoek gedoen nie*/Ek het voorheen om registrsaie aansoek gedoen maar my aansoek is geweier.*
(3) Ek beweer dat ek lid van die Ovambo-volk is en ek baseer my aansoek om registrasie op die volgende feite:
.....
.....
(4) Ek is 'n Suid-Afrikaanse burger.
(5) Dit is my vingerafdrukke wat op die keersy van hierdie dokument verskyn.
(6) Die inligting wat deur my verstrek is en wat in die vorm hierbo ingeskryf is, is na my beste wete waar en korrek.

Handtekening of regterduimafdruk

Die verklaarder het erken dat hy*/sy* vertroud is met die inhoud van hierdie beëdigde verklaring*/verklaring* en dit begryp.
Beëdig*/Bevestig* en geteken* en met sy regterduimafdruk geteken* voor my te.....op.....19.....

.....
Kommisaris van Ede
Hoedanigheid.....
Gebied.....

* Skrap wat nie van toepassing is nie.

### OP KEERSY

Volledige stel vingerafdrukke ingevolge artikel 7.

## AANHANGSEL 2

### SERTIFIKAAT VAN REGISTRASIE
### LID VAN OVAMBO-VOLK

1. (a) Embleem van Owambo.
   (b) Voorname en familienaam.
2. Registrasienommer bestaande uit—
   (a) 'n tweesyfer tuislandkode;
   (b) 'n tweesyfer stam- of wykskode;
   (c) 'n eensyfer geslagskode;
   (d) 'n vyfsyfer volgnommer;
   (e) 'n tweesyfer geboortejaarkode; en
   (f) 'n eensyfer toetskode.
3. 'n Kode wat aandui—
   (a) die kaptein se stam; of
   (b) die seniorhoofman se gebied; en
   (c) die onderhoofman se wyk.
4. Handtekening van raadslid.
5. Foto van applikant.
6. Handtekening of regterduimafdruk van applikant.
7. Blokkies vir verkiesingsdoeleindes.

## AANHANGSEL 3

### DOKUMENT IN STEDE VAN SERTIFIKAAT VAN REGISTRASIE AS LID VAN OVAMBO-VOLK

Volle naam.....

Hierdie dokument word uitgereik ingevolge artikel 10 (3) van die Ovambo-volksregistrasiemaatreël, 1972, en dien as tydelike sertifikaat van registrasie in afwagting van die oorweging van die formele aansoek deur bogenoemde om registrasie van lidmaatskap. Dit is geldig vir

## ANNEXURE 1

Registration Number.....Sex.....
Full name.....
Date of birth.....Place of birth.....
Tribe.....Ward.....
Chief.....Senior headman.....
Subheadman.....
Marital status.....
Registered at.....Date.....
By.....

### APPLICATION FOR REGISTRATION AS A MEMBER OF THE OVAMBO NATION
(To be completed in duplicate)

First names (in block letters).....
Surname (in block letters).....
I, the above-named, declare under oath*/affirm* as follows:

(1) I apply for registration as a member of the Ovambo nation.
(2) No certificate of such registration has previously been issued to me and I have not previously applied for registration*/I have previously applied for registration but my application was refused.
(3) I declare that I am a member of the Ovambo nation and my application for registration is based on the following facts:
.....
.....
(4) I am a South African citizen.
(5) The fingerprints which appear on the reverse side of this document are mine.
(6) The information furnished by me and entered in the above form is, to the best of my knowledge, correct.

Signature of right thumb print

The deponent has acknowledged that he*/she* knows and understands the contents of this affidavit*/declaration*.
Sworn to*/affirmed and signed* and signed by his right thumb print* before me at....., on.....19.....

.....
Commissioner of Oaths
Capacity.....
Area.....

* Delete which is not applicable.

### ON REVERSE SIDE

Complete set of fingerprints in terms of section 7.

## ANNEXURE 2

### CERTIFICATE OF REGISTRATION
### MEMBER OF OVAMBO NATION

1. (a) Emblem of Owambo.
   (b) First names and surname.
2. Registration number consisting of—
   (a) a two-digit homeland code;
   (b) a two-digit tribal or ward code;
   (c) a one-digit sex code;
   (d) a five-digit serial number;
   (e) a two-digit birth year code; and
   (f) a one-digit test code.
3. A code denoting—
   (a) the chief's tribe; or
   (b) the senior headman's area; and
   (c) the sub-headman's ward.
4. Signature of councillor.
5. Photograph of applicant.
6. Signature or right thumb print of applicant.
7. Squares for election purposes.

## ANNEXURE 3

### DOCUMENT INSTEAD OF CERTIFICATE OF REGISTRATION AS MEMBER OF OVAMBO NATION

Full name.....

This document is issued in terms of section 10 (3) of the Ovambo Nation Registration Enactment, 1972, and serves as a temporary certificate of registration pending consideration of the formal application by the above-named for registration of membership. It is

*twee maande* vanaf die datum van uitreiking maar die geldigheidsduur kan hieronder verleng word. Die houer moet sy sertifikaat van registrasie by die kantoor van die Magistraat,..... afhaal gedurende die geldigheidsduur van hierdie dokument.

.....
Verantwoordelike beampte/
Magistraat

Datum.....

Geldigheidsduur verleng tot.....

.....
Verantwoordelike beampte/
Magistraat

Datum.....

AANHANGSEL 4

AANSOEK OM 'N DUPLIKAAT-/VERVANGINGSERTIFIKAAT VAN REGISTRASIE AS LID VAN DIE OVAMBO-VOLK

Registrasienommer.....
(indien bekend)

Voorname.....
(in blokletters)

Familienaam.....
(in blokletters)

Ek, die bogenoemde, verklaar onder eed*/bevestig* soos volg:

(a) 'n Sertifikaat van registrasie is aan my uitgereik maar dit het verlore geraak*/is vernietig*/is beskadig* en ek gee die volgende besonderhede van sodanige verlies, vernietiging, beskadiging of diefstal:

.....

.....

(b) Die sertifikaat wat aan my uitgereik is en wat ek inlewer bevat die volgende foutiewe besonderhede en ek sal bly wees om 'n vervangingsertifikaat te kry maar met die juiste besonderhede daarop:

.....

.....

Handtekening of regterduimafdruk

Die verklaarder het erken dat hy*/sy* vertroud is met die inhoud van hierdie beëdigde verklaring*/verklaring* en dit begryp.

Beëdig*/bevestig* en geteken* en met sy regterduimafdruk geteken* voor my te.....op.....19.....

.....
Kommissaris van Ede

Hoedanigheid.....

Gebied.....

* Skrap wat nie van toepassing is nie.

valid for *two months* from the date of issue but period of validity may be extended below. The holder must collect his certificate of registration at the office of the Magistrate,..... during the period of validity of this document.

.....
Responsible officer/Magistrate

Date.....

Period of validity extended to.....

.....
Responsible officer/Magistrate

Date.....

ANNEXURE 4

APPLICATION FOR A DUPLICATE/REPLACEMENT CERTIFICATE OF REGISTRATION AS A MEMBER OF THE OVAMBO NATION

Registration Number.....
(if available)

First names.....
(in block letters)

Surname.....
(in block letters)

I, the above-named, declare under oath*/affirm* as follows:

(a) A certificate of registration has been issued to me but it has been lost*/has been destroyed*/has been damaged* and I furnish the following particulars of such loss, destruction, damage or theft:

.....

.....

(b) The certificate issued to me and which I hand in contains the following incorrect particulars and I shall be pleased to receive a replacement certificate but with the correct particulars therein:

.....

.....

Signature or right thumb print

The deponent has acknowledged that he*/she knows and understands the contents of this affidavit*/declaration*.

Sworn to*/affirmed and signed* and signed with his right thumb print* before me at....., on.....19.....

.....
Commissioner of Oaths

Capacity.....

Area.....

* Delete which is not applicable.

No. R. 1629 15 September 1972

MACHANGANA- WETGEWENDE VERGADERING

WET 4 VAN 1972 (GAZANKULU-WET OP SPESIALE BELASTING, 1972)

Dit het die Staatspresident behaag om kragtens die bevoegdheid hom verleen by artikel 3 (2) van die Grondwet van die Bantoetuislande, 1971 (Wet 21 van 1971), sy goedkeuring te heg aan onderstaande Wet:

*Republiek van Suid-Afrika*

GEBIED VAN DIE MACHANGANA-WETGEWENDE VERGADERING

GAZANKULU-WET OP SPESIALE BELASTING, 1972

WET OM 'N SPESIALE BELASTING VAN BURGERS VAN GAZANKULU TE HEF

WET 4 VAN 1972

WET

OM 'N SPESIALE BELASTING VAN BURGERS VAN GAZANKULU TE HEF

Daar word bepaal deur die Machangana- Wetgewende Vergadering, soos volg:

No. R. 1629 15 September 1972

MACHANGANA LEGISLATIVE ASSEMBLY

ACT 4 OF 1972 (GAZANKULU SPECIAL TAXATION ACT, 1972)

The State President has been pleased, under and by virtue of the powers vested in him by section 3 (2) of the Bantu Homelands Constitution Act, 1971 (Act 21 of 1971), to approve the following Act:

*Republic of South Africa*

AREA OF THE MACHANGANA LEGISLATIVE ASSEMBLY

GAZANKULU SPECIAL TAXATION ACT, 1972

ACT TO LEVY A SPECIAL TAX ON CITIZENS OF GAZANKULU

ACT 4 OF 1972

ACT

TO LEVY A SPECIAL TAX ON CITIZENS OF GAZANKULU

Be it enacted by the Machangana Legislative Assembly, as follows:

*Woordomskrywing*

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

"belastingpligtige" 'n manlike persoon bo die ouderdom van 18 jaar wat ingevolge die bepalings van die Wet op Burgerskap van Bantoetuislande, 1970 (Wet 26 van 1970) 'n burger van Gazankulu is en in Gazankulu woon;

"belastingjaar" 'n tydperk wat op die eerste dag van Maart van 'n jaar begin en op die laaste dag van Februarie van die daaropvolgende jaar eindig;

"Gazankulu" die gebied waarvoor die Machangana-Wetgewende Vergadering ingestel is;

"magistraat" die magistraat of addisionele of assistent-magistraat van 'n distrik in Gazankulu.

*Heffing van spesiale belasting*

2. Daar word ten bate van die Inkomstefonds van Gazankulu en ooreenkomstig die bepalings van hierdie Wet 'n spesiale belasting ten bedrae van R2,50 ten opsigte van elke belastingjaar van elke belastingpligtige gehef met ingang van die belastingjaar wat op die eerste dag van Maart 1972 begin.

*Betaling van spesiale belasting*

3. Behoudens die bepalings van hierdie Wet, word die spesiale belasting bedoel in artikel 2 betaal—

(a) ten opsigte van—

(i) die belastingjaar wat op die eerste dag van Maart 1972 begin, voor die eerste dag van Desember 1972; en

(ii) elke belastingjaar daarna, voor die eerste dag van Julie van die betrokke belastingjaar;

(b) in die geval van 'n belastingpligtige wat in die regsgebied van 'n stam- of gemeenskapsowerheid woon, by die kantoor van daardie stam- of gemeenskapsowerheid;

(c) in die geval van 'n belastingpligtige wat nie in die regsgebied van 'n stam- of gemeenskapsowerheid woon nie, by die kantoor van die magistraat van die distrik waarin hy woon; en

(d) op die dae en tye wanneer die kantore bedoel in paragrawe (b) en (c) oop is vir die bediening van die publiek.

*Uitstel vir betaling van spesiale belasting*

4. Die magistraat van 'n distrik waarin 'n belastingpligtige woon, kan na goeddunke aan sodanige belastingpligtige by wyse van 'n uitstelsertifikaat en in die mate wat in die uitstelsertifikaat vermeld word, uitstel verleen vir die betaling van spesiale belasting wat deur bedoelde belastingpligtige ingevolge hierdie Wet verskuldig en betaalbaar is.

*Vrystelling van spesiale belasting*

5. 'n Belastingpligtige wat ingevolge die bepalings van die Wet op Bantoebelasting, 1969 (Wet 92 van 1969) vrygestel is van die betaling van belasting deur hom ingevolge daardie Wet betaalbaar, is vrygestel van die betaling van spesiale belasting ingevolge hierdie Wet in die mate vermeld in die vrystellingsertifikaat wat aan hom uitgereik is kragtens artikel 13 van genoemde Wet op Bantoebelasting, 1969.

*Vertoning van kwitansies en sertifikate*

6. 'n Magistraat of 'n persoon of beampte deur hom skriftelik daartoe gemagtig kan te enige tyd 'n burger van Gazankulu wat vermoed word 'n belastingpligtige ingevolge hierdie Wet te wees, versoek om 'n kwitansie ter stawing van die betaling van spesiale belasting of 'n uitstelsertifikaat bedoel in artikel 4 of 'n vrystellingsertifikaat bedoel in artikel 5 te toon en kan sodanige kwitansie of sertifikaat ondersoek.

*Definitions*

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

"Gazankulu" means the area for which the Machangana Legislative Assembly has been established;

"magistrate" means the magistrate or additional or assistant magistrate of any district in Gazankulu;

"tax payer" means any male person over the age of 18 years who is a citizen of Gazankulu in terms of the Bantu Homelands Citizenship Act, 1970 (Act 26 of 1970), and who resides in Gazankulu;

"tax year" means a period commencing on the first day of March of any year and ending on the last day of February of the next succeeding year.

*Levy of special tax*

2. There shall be levied on every taxpayer for the benefit of the Revenue Fund of Gazankulu and in accordance with the provisions of this Act, a special tax of an amount of R2,50 in respect of each tax year with effect from the tax year commencing on the first day of March 1972.

*Payment of special tax*

3. Subject to the provisions of this Act, the special tax referred to in section 2 shall be paid—

(a) in respect of—

(i) the tax year commencing on the first day of March 1972, before the first day of December 1972; and

(ii) each tax year thereafter, before the first day of July of the tax year concerned;

(b) in the case of a tax payer residing in the area of jurisdiction of a tribal or community authority, at the office of such tribal or community authority;

(c) in the case of a tax payer not residing in the area of jurisdiction of a tribal or community authority, at the office of the magistrate of the district in which he resides; and

(d) on the days and times when the offices referred to in paragraphs (b) and (c) are open to the public.

*Extension of time for payment of special tax*

4. The magistrate of any district in which a tax payer resides may in his discretion grant to such tax payer by way of a certificate of extension and to such extent as may be specified in such certificate of extension, an extension of time for the payment of special tax due and payable by such tax payer in terms of this Act.

*Exemption from special tax*

5. A tax payer who has been exempted in terms of the provisions of the Bantu Taxation Act, 1969 (Act 92 of 1969), from the payment of taxes payable by him in terms of that Act, is exempt from the payment of special tax in terms of this Act to the extent specified in the certificate of exemption issued to him in terms of section 13 of the said Bantu Taxation Act, 1969.

*Production of receipts and certificates*

6. Any magistrate or any person or officer authorised thereto by him in writing may at any time request a citizen of Gazankulu of whom it is suspected that he is a tax payer in terms of this Act, to produce a receipt in proof of payment of special tax or a certificate of extension referred to in section 4 or a certificate of exemption referred to in section 5 and may examine such receipt or certificate.

*Verhaal van agterstallige spesiale belasing*

7. Wanneer 'n bedrag van spesiale belasting wat ingevolge hierdie Wet deur 'n belastingpligtige betaalbaar is, agterstallig is, kan die magistraat van die distrik waarin die belastingpligtige woon, met die doel om bedoelde bedrag te verhaal, 'n lasbrief vir eksekusie teen die roerende goedere van die belastingpligtige uitreik en daarna word so 'n lasbrief deur 'n deur die magistraat aangestelde persoon ten uitvoer gelê asof dit ingevolge 'n vonnis van 'n bevoegde hof uitgereik is, behalwe dat dit nie nodig is dat 'n afskrif van bedoelde lasbrief aan die belastingpligtige beteken word nie.

*Vorm van kwitansies en sertifikate*

8. Kwitansies en sertifikate wat ingevolge die bepalings van hierdie Wet uitgereik word, is in die vorm wat die Direkteur van Owerheidsake en Finansies voorskryf.

*Misdrywe en strawwe*

9. 'n Persoon wat—

(a) 'n belastingpligtige is en wat versuim om spesiale belasting wat ingevolge hierdie Wet deur hom betaalbaar is, te betaal op of voor die laaste dag toegelaat vir betaling van bedoelde spesiale belasting;

(b) versuim om aan 'n versoek wat kragtens artikel 6 gerig is, te voldoen;

(c) valse inligting verstrek by voldoening aan 'n versoek wat kragtens artikel 6 gerig is;

(d) 'n belastingpligtige onwettiglik die besit van 'n in artikel 6 bedoelde kwitansie of uitstelsertifikaat ontneem;

(e) toelaat dat 'n in artikel 6 bedoelde kwitansie of uitstelsertifikaat wat in sy besit is, in besit van 'n ander persoon kom met die opset dat dit vir 'n bedrieglike oogmerk gebruik word;

(f) valslik voordoen en voorgee dat 'n in artikel 6 bedoelde kwitansie of uitstelsertifikaat wat in sy besit is, aan hom uitgereik is;

(g) tensy hy nie die opset het om te bedrieg nie, 'n in artikel 6 bedoelde kwitansie of uitstelsertifikaat verander, skend, vernietig of beskadig; of

(h) 'n kwitansie of uitstelsertifikaat in artikel 6 bedoel vervals of uitgee met die wete dat dit vervals is;

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R25 of gevangenisstraf vir 'n tydperk van hoogstens 50 dae.

*Kort titel*

10. Hierdie Wet heet die Gazankulu-wet op Spesiale Belasting, 1972.

*Recovery of arrear special tax*

7. Whenever an amount of special tax which is payable by a tax payer in terms of this Act is in arrear, the magistrate of the district in which such tax payer resides may, for the purpose of recovering such amount, issue a warrant of execution against the movable property of such tax payer, and thereafter such warrant shall be executed by a person appointed by such magistrate as if it were issued pursuant to a judgment of a competent court, except that it shall not be necessary to serve a copy of such warrant upon such tax payer.

*Form of receipts and certificates*

8. Receipts and certificates issued in terms of the provisions of this Act shall be in the form prescribed by the Director of Authority Affairs and Finance.

*Offences and penalties*

9. Any person who—

(a) is a tax payer and who fails to pay special tax payable by him in terms of this Act on or before the last day permitted for payment of such special tax;

(b) fails to comply with a request made under section 6;

(c) furnishes false information in complying with a request made under section 6;

(d) unlawfully deprives any tax payer of his possession of any receipt or certificate of extension referred to in section 6;

(e) permits any receipt or certificate of extension referred to in section 6, which is in his possession, to come into the possession of any other person with intent that it be used for any fraudulent purpose;

(f) falsely gives out and pretends that any receipt or certificate of extension referred to in section 6, which is in his possession, has been issued to him;

(g) unless he has no intention to defraud, alters, defaces, destroys or mutilates any receipt or certificate of extension referred to in section 6; or

(h) forges or utters, knowing it to be forged, any receipt or certificate of extension referred to in section 6;

shall be guilty of an offence and shall on conviction be liable to a fine not exceeding R25 or to imprisonment for a period not exceeding 50 days.

*Short title*

10. This Act shall be called the Gazankulu Special Taxation Act, 1972.

## DEPARTEMENT VAN LANDBOU-EKONOMIE EN -BEMARKING

No. R. 1633 15 September 1972

### REGULASIES MET BETREKKING TOT DIE GRADERING EN VERPAKKING VAN KORING

Die Minister van Landbou het, kragtens die bevoegdheid hom verleen by artikel 89 van die Bemarkingswet, 1968 (No. 59 van 1968), en met ingang van 1 Oktober 1972, die regulasies in die Bylae hiervan uiteengesit, gemaak ter vervanging van die regulasies afgekondig by Goewermentskennisgewing R. 1676 van 2 Oktober 1970, soos gewysig, wat hierby met ingang van bogenoemde datum herroep word.

## DEPARTMENT OF AGRICULTURAL ECONOMICS AND MARKETING

No. R. 1633 15 September 1972

### REGULATIONS RELATING TO THE GRADING AND PACKING OF WHEAT

The Minister of Agriculture has, under the powers vested in him by section 89 of the Marketing Act, 1968 (No. 59 of 1968), and with effect from 1 October 1972, made the regulations set out in the Schedule hereto in substitution of the regulations published by Government Notice R. 1676 of 2 October 1970, as amended, which is hereby repealed with effect from the afore-said date.

## BYLAE

*Woordomskrywing*

1. In hierdie regulasies, tensy uit die samehang anders blyk, het 'n woord of uitdrukking waaraan in die Skema 'n betekenis geheg is, 'n ooreenstemmende betekenis, en beteken—

"ander graan" die korrels of stukkies korrels van gars, hawer en rog;

"beskadigde korrels"—

(a) koring en ander graankorrels wat beskadig is deur insekte;

(b) uitgeloopte koringkorrels waarin ontkieming of spruiting so ver gevorder is dat die vel wat die kiem bedek, gebreek is en die ontwikkelde worteltjies of spruite (plumula) duidelik sigbaar is;

(c) hittebeskadigde koringkorrels of stukke koringkorrels wat deur hitte van buite af, of as gevolg van hitte deur binnegisting in koring met 'n oormaat vog, duidelik verkleur is (bruinswart of swart), uitgesonderd koringkorrels ten opsigte waarvan die verkleuring tot die kiem-end beperk is;

(d) skimmelbesmette koringkorrels waarop skimmel- of ander swamorganismes, behalwe stinkbrand, duidelik sigbaar is; en

(e) onryp koringkorrels wat 'n duidelike groen kleur het;

"broodkoring" die kariopsis van die spesies *Triticum vulgare* en *Triticum compactum*;

"die Skema" die Wintergraanskema afgekondig by Proklamasie R. 370 van 1960, soos gewysig;

"durumkoring" die kariopsis van die spesies *Triticum durum, Triticum turgidum* en *Triticum polonicum*;

"erg rypbeskadigde koring" koring wat gedurende die melk- tot sagte deegstadium deur strawwe ryp beskadig is en wat daardeur gekenmerk word dat die korrels taamlik vet maar heeltemal, tot in die groef, met klein blasies bedek is, maar sluit nie korrels in nie waarin rypbeskadiging beperk is tot die semeldeel van die korrels waarvan net die rugkant met blasies bedek is, of onryp gerimpelde koringkorrels waarin rimpeling deur ryp veroorsaak is, terwyl die korrels nog onryp was;

"gars" die korrels van die genus *Hordeum*;

"gebreekte korrels" gebreekte en maer koringkorrels wat deur die standaardsif gaan;

"hawer" die korrels van die genus *Avena*;

"hektolitermassa" die massa in kilogram per hektoliter;

"insekte" insekte wat skadelik is vir koring soos die graankalander (*Sitophilus granarius*), die ryskalander (*Sitophilus oryzae*), die Australiese koringkalander (*Rhizopertha dominica* Fab.) en die Angoumoisgraanmot (*Sitotroga cerealella*);

"lupiene" die saad van die genus *Lupinus*;

"ongedorste are" are en gedeeltes van are van koring, gars, hawer of rog wat nog kariopsisse of korrels, na gelang van die geval, bevat;

"onsuiwerhede" wilde-ertjies, lupiene, ander graan, vreemde stowwe en ongedorste are;

"rog" die kariopsis van die genus *Secale*;

"standaardsif" 'n handsif wat bestaan uit 'n growwe smalgatsif met openings 1,8 mm wyd en 12,7 mm lank, in 'n pan met soliede bodem pas, van aluminium gemaak (dikte 0,90 mm) en 330,2 mm in deursnee is;

"stinkbrandbesmetting", met betrekking tot koring, dat die korrels 'n onmiskenbare stinkbrandreuk het, of dat die korrels weens stinkbrand swart is, of dat daar meer as vier stinkbrandballe (of dele van balle gelykstaande aan meer as vier stinkbrandballe) per 100 g koring, aanwesig is;

"vogtoetsolie" enige suiwer plantaardige slaaiolie of plantaardige kookolie;

## SCHEDULE

*Definitions*

1. In these regulations, unless inconsistent with the context a word or expression to which a meaning has been assigned in the Scheme, shall have a corresponding meaning, and—

"barley" means the kernels of the genus *Hordeum*;

"bread wheat" means the caryopsis of the species *Triticum vulgare* and *Triticum compactum*;

"broken kernels" means broken and thin wheat kernels which pass through the standard sieve;

"damaged kernels" means—

(a) wheat and other grain kernels which have been damaged by insects;

(b) sprouted wheat kernels in which germination or sprouting has proceeded so far that the skin covering the embryo has been broken and the developed rootlets or plumula are clearly visible;

(c) heat-damaged wheat kernels or pieces of wheat kernels which have been distinctly discoloured (brownish-black or black) by external heat or as a result of heating caused by internal fermentation in wheat with a high moisture content, excluding wheat kernels in respect of which the discoloration is confined to the embryo end;

(d) mould-infected wheat kernels on which mould organisms or other fungi, excluding stinking smut, are clearly visible; and

(e) immature wheat kernels which are distinctly green in colour;

"durum wheat" means the caryopsis of the species *Triticum durum, Triticum turgidum* and *Triticum polonicum*;

"foreign matter" means all material other than wheat, vetch, lupins, other grain, and unthreshed ears;

"heavily frosted wheat" means wheat which has been damaged by severe frost during the milk to soft dough stage and which is characterised by the kernels being fairly plump but covered with small blisters over the entire kernel, extending into the crease, but shall not include "bran-frosted" kernels in which blistering is confined to the back of the kernel, or immature wrinkled kernels in which wrinkling has been caused by frost while the kernels were immature;

"hectolitre mass" means the mass in kilogram per hectolitre;

"impurities" means vetch, lupings, other grain, foreign matter and unthreshed ears;

"insects" means insects injurious to wheat such as the grain weevil (*Sitophilus granarius*), the rice weevil (*Sitophilus oryzae*), the Australian wheat weevil (*Rhizopertha dominica* Fab.) and the Angoumois grain moth (*Sitotroga cerealella*);

"lupins" means the seed of the genus *Lupinus*;

"moisture testing oil" means any pure vegetable salad oil or vegetable cooking oil;

"oats" means the kernels of the genus *Avena*;

"other grain" means the kernels or pieces of kernels of barley, oats and rye;

"rye" means the caryopsis of the genus *Secale*;

"stinking smut infection", in relation to wheat, means that the kernels have an unmistakable odour of stinking smut, or that the kernels are black with stinking smut, or that the wheat contains more than four smut balls (or portions of balls equivalent to more than four smut balls) per 100 g of wheat;

"standard sieve" means a hand sieve which consists of a coarse chess sieve with slotted perforations 1,8 mm wide and 12,7 mm long, is made of aluminium (0,90 mm thick), is 330,2 mm in diameter and fits into a solid bottom pan;

"vreemde stowwe" alle materiaal behalwe koring, wilde-ertjies, lupiene, ander graan en ongedorste are;

"wilde-ertjies" die saad van die onkruid bekend as wilde-ertjies of wieke (*Vicia* spp.).

## DEEL I

## OMVANG VAN REGULASIES

2. Hierdie regulasies is van toepassing op koring wat deur produsente daarvan aan die Raad van Beheer oor die Koringnywerheid verkoop word.

## DEEL II

## KLASSIFISERING

*Klasse*

3. (1) Daar is drie klasse koring, naamlik klas A, klas B, en klas C.

(2) Die vereistes vir die verskillende klasse koring is soos volg:

(a) *Klas A.*—Dit is koring wat bestaan uit minstens 80 persent (m/m) van een of meer van die cultivars Barta, Bajio, Betta, Bona, Charter, Ciano, Flameks, Gabo, Heemraad (rooi en wit), Inia, Kasteel, Kenya Farmer, K20, Lee-Mida, Lundi, Punjab, Raven, Rheebok, Sabre, Skemer, Spica, Sonop en Zambesi (rooi en wit) wat voldoen aan die vereistes voorgeskryf vir Supergraad, graad 1 of graad 2.

(b) *Klas B.*—Dit is koring wat bestaan uit minstens 80 persent (m/m)—

(i) van een of meer van die cultivars Adeste, Bella, Belinda, Betana, Celebration, Daeraad, Dirk 48, Duiker, Elan, Falcon, Frisko, Gamenya, Gamut, Glaive, Goudveld, Impala, Janitor (61/525), Kenia Sokkies, Kleintrou, Koalisie, Lalkasarwali, Losper, Mendos, Penkop, Rooi Egipties, Sabi, Scheepers Scheepers 69, Spoetnik, Sterling, Tobari, Tokwe, Tosca, T4, T7, T8 en Verbeterde Kenia, wat voldoen aan die vereistes voorgeskryf vir graad 1, graad 2 of graad 3, uitgesonderd graad 3-koring wat uit meer as 10 persent (m/m) durumkoring bestaan;

(ii) van een of meer van die cultivars vermeld in paragraaf (a) wat voldoen aan die vereistes voorgeskryf vir graad 3, uitgesonderd koring van sodanige graad wat uit meer as 10 persent (m/m) durumkoring bestaan; en

(iii) van 'n mengsel van een of meer van die cultivars vermeld in subparagraaf (i) van hierdie paragraaf en van een of meer van die cultivars vermeld in paragraaf (a) wat voldoen aan die vereistes voorgeskryf vir graad 1, graad 2 of graad 3, uitgesonderd graad 3-koring wat uit meer as 10 persent (m/m) durumkoring bestaan.

(c) *Klas C.*—Dit is koring wat bestaan uit—

(i) een of meer van die cultivars nie vermeld ten opsigte van klas A of klas B nie wat voldoen aan die vereistes voorgeskryf vir graad 1, graad 2, graad 3 of graad 4;

(ii) minstens 80 persent (m/m) van een of meer van die cultivars vermeld ten opsigte van klas A en klas B wat voldoen aan die vereistes voorgeskryf vir graad 3 wat uit meer as 10 persent (m/m) durumkoring bestaan, of graad 4;

(iii) 'n mengsel van cultivars wat minder as 80 persent (m/m) van die cultivars vermeld ten opsigte van klas A en klas B bevat en wat voldoen aan die vereistes voorgeskryf vir graad 1, graad 2, graad 3 of graad 4; en

(iv) koring wat as Ondergraad gegradeer is.

"the Scheme" means the Winter Cereal Scheme published by Proclamation R. 370 of 1960, as amended;

"unthreshed ears" means ears and bits of ears of wheat, barley, oats or rye which still contain caryopses or kernels, as the case may be;

"vetch" means the seed of the weed known as wild vetch or "wilde-ertjies" (*Vicia* spp.).

## PART I

## SCOPE OF REGULATIONS

2. These regulations shall apply to wheat sold by producers thereof to the Wheat Industry Control Board.

## PART II

## CLASSIFICATION

*Classes*

3. (1) There shall be three classes of wheat, namely Class A, Class B and Class C.

(2) The requirements for the different classes of wheat shall be as follows:

(a) *Class A.*—That is wheat consisting of at least 80 per cent (m/m) of any one or more of the cultivars Varta, Bajio, Betta, Bona, Charter, Ciano, Flameks, Gabo, Heemraad (red and white), Inia, Kasteel, Kenya Farmer, K20, Lee-Mida, Lundi, Punjab, Raven, Rheebok, Sabre, Skemer, Spica, Sonop and Zambesi (red and white), which complies with the requirements prescribed for Super Grade, Grade 1 or Grade 2.

(b) *Class B.*—That is wheat consisting of at least 80 per cent (m/m)—

(i) of any one or more of the cultivars Adeste, Bella, Belinda, Betana, Celebration, Daeraad, Dirk 48, Duiker, Elan, Falcon, Frisko, Gamenya, Gamut, Glaive, Goudveld, Impala, Janitor (61/525), Kenia Sokkies, Kleintrou, Koalisie, Lalkasarwali, Losper, Mendos, Penkop, Rooi Egipties, Sabi, Scheepers, Scheepers 69, Spoetnik, Sterling, Tobari, Tokwe, Tosca, T4, T7, T8 and Verbeterde Kenia, which complies with the requirements prescribed for Grade 1, Grade 2 or Grade 3, excluding Grade 3 wheat consisting of more than 10 per cent (m/m) of durum wheat;

(ii) of any or more of the cultivars referred to in paragraph (a) which complies with the requirements prescribed for Grade 3, excluding wheat of such grade consisting of more than 10 per cent (m/m) of durum wheat; and

(iii) of a mixture of one or more of the cultivars referred to in subparagraph (i) of this paragraph and of one or more of the cultivars referred to in paragraph (a) which complies with the requirements prescribed for Grade 1, Grade 2 or Grade 3, excluding Grade 3 wheat consisting of more than 10 per cent (m/m) of durum wheat.

(c) *Class C.*—That is wheat consisting of—

(i) any one or more of the cultivars not mentioned in respect of Class A or Class B which complies with the requirements prescribed for Grade 1, Grade 2, Grade 3 or Grade 4;

(ii) not less than 80 per cent (m/m) of any one or more of the cultivars mentioned in respect of Class A and Class B which complies with the requirements prescribed for Grade 3 consisting of more than 10 per cent (m/m) of durum wheat, or Grade 4;

(iii) a mixture of cultivars which contains less than 80 per cent (m/m) of the cultivars mentioned in respect of Class A and Class B and which complies with the requirements prescribed for Grade 1, Grade 2, Grade 3 or Grade 4; and

(iv) wheat graded as Undergade.

## DEEL III
## GRADERING
### *Grade*

4. (1) Daar is ses grade koring, naamlik supergraad graad 1, graad 2, graad 3, graad 4 en ondergraad.

(2) Behoudens die toelaatbare afwykings in regulasie 5 voorgeskryf, is die vereistes vir die verskillende grade koring soos volg:

(a) *Supergraad, graad* 1, *graad* 2, *graad* 3 *en graad* 4.—Die koring moet—

(i) vry wees van enige chemiese of ander stof wat dit ongeskik vir kommersiële doeleindes, maak;

(ii) vry van stinkbrandbesmetting wees;

(iii) vry wees van 'n muwwe, skimmel, suur, galsterige of ander reuk of smaak wat nie eie aan koring is nie;

(iv) vry van lewende insekte wees;

(v) nie meer as 13 persent (m/m) vog bevat nie;

(vi) vry van lupine en wilde-ertjies wees;

(vii) vry van rog wees;

(viii) vry van gars, hawer en ongedorste are wees;

(ix) vry van vreemde stowwe wees;

(x) vry van gebreekte korrels wees;

(xi) vry van beskadigde korrels wees;

(xii) vry wees van giftige sade, plante of gedeeltes daarvan of enige chemiese of ander stof wat die koring moontlik vir menslike of dierlike gebruik, ongeskik kan maak;

(xiii) na gelang van die graad uit die volgende soorte en cultivars van koring bestaan:

| Graad | Soort koring | Koring cultivar |
|---|---|---|
| Supergraad.. | Minstens 95% (m/m) broodkoring en hoogstens 5% (m/m) durumkoring | Minstens 80% (m/m) van een of meer van die cultivars soos in regulasie 3 (2) (a) gespesifiseer is. |
| Graad 1.... | Minstens 95% (m/m) broodkoring en hoogstens 5% (m/m) durumkoring | Enige cultivar. |
| Graad 2.... | Minstens 92% (m/m) boodkoring en hoogstens 8% (m/m) durumkoring | Enige cultivar. |
| Graad 3.... | Broodkoring of durumkoring | Enige cultivar. |
| Graad 4.... | Broodkoring of durumkoring | Enige cultivar; en |

(xiv) na gelang van die graad, aan een van die volgende minimum hektolitermassas voldoen:

| | |
|---|---|
| Supergraad | 79 kg; |
| Graad 1 | 76 kg; |
| Graad 2 | 72 kg; |
| Graad 3 | 68 kg; |
| Graad 4 | 64 kg. |

(b) *Ondergraad*.—Koring wat nie aan die vereistes vir voorgenoemde grade voldoen nie.

### *Afwykings*

5. (1) Die maksimum afwyking van die vereistes kragtens regulasie 4, wat ten opsigte van enige van genoemde grade koring toegelaat mag word, is soos volg:

## PART III
## GRADING
### *Grades*

4. (1) There shall be six grades of wheat namely, Super Grade, Grade 1, Grade 2, Grade 3, Grade 4 and Undergrade.

(2) Subject to the allowable deviations prescribed in regulation 5, the requirements for the different grades of wheat shall be as follows:

(a) *Super Grade, Grade* 1, *Grade* 2, *Grade* 3 *and Grade* 4.—The wheat shall—

(i) be free from any chemical or other matter which can make it unsuitable for commercial purposes;

(ii) be free from stinking smut infection;

(iii) be free from musty, mouldy, sour, rancid or any other odour or taste, not typical of wheat;

(iv) be free from live insects;

(v) not contain more than 13 per cent (m/m) moisture;

(vi) be free from lupins and vetch;

(vii) be free from rye;

(viii) be free from barley, oats and unthreshed ears;

(ix) be free from foreign matter;

(x) be free from broken kernels;

(xi) be free from damaged kernels;

(xii) be free from poisonous seeds, plants or parts thereof or of any chemical or other matter which can likely make the wheat unfit for human or animal consumption;

(xiii) as the grade may be, consist of one of the following kinds and cultivars of wheat:

| Grade | Type of wheat | Cultivar of wheat |
|---|---|---|
| Super Grade | Not less than 95% (m/m) of bread wheat and not more than 5% (m/m) durum wheat | Not less than 80% (m/m) of one or more of the cultivars referred to in regulation 3 (2) (a). |
| Grade 1.... | Not less than 95% (m/m) of bread wheat and not more than 5% (m/m) of durum wheat | Any cultivar. |
| Grade 2.... | Not less than 92% (m/m) of bread wheat and not more than 8% (m/m) durum wheat | Any cultivar. |
| Grade 3.... | Bread wheat or durum wheat | Any cultivar. |
| Grade 4.... | Bread wheat or durum wheat | Any cultivar; and |

(xiv) as the grade may be, comply with one of the following minimum hectolitre masses:

| | |
|---|---|
| Super Grade | 79 kg; |
| Grade 1 | 76 kg; |
| Grade 2 | 72 kg; |
| Grade 3 | 68 kg; |
| Grade 4 | 64 kg. |

(b) *Undergrade*.—Wheat not complying with the requirements for the above-mentioned grades.

### *Deviations*

5. (1) The maximum deviation from the requirements prescribed under regulation 4, that may be allowed in respect of any of the said grades of wheat, shall be as follows:

| Aard van afwyking | Maksimum persentasie afwyking (m/m) toegelaat | | | | |
|---|---|---|---|---|---|
| | Supergraad | Graad 1 | Graad 2 | Graad 3 | Graad 4 |
| (a) Lupine en wilde-ertjies | 2 | 2 | 3 | 5 | 8 |
| (b) Rog | 5 | 5 | 7 | 9 | 12 |
| (c) Gars, hawer en ongedorste are | 3 | 3 | 5 | 8 | 12 |
| (d) Vreemde stowwe | 1 | 1 | 2 | 3 | 5 |
| (e) Afwykings in paragrawe (a), (b), (c) en (d) gesamentlik; mits sodanige afwykings individueel aan die vereistes soos hierbo voorgeskryf voldoen | 5 | 5 | 7 | 9 | 12 |
| (f) Gebreekte korrels | 7 | 7 | 10 | 15 | 20 |
| (g) Beskadigde korrels | 5 | 5 | 8 | 12 | 17 |
| (h) Alle afwykings gesamentlik; mits sodanige afwykings individueel aan die vereistes soos in paragrawe (e), (f) en (g) voorgeskryf voldoen | 8 | 8 | 11 | 15 | 20 |

| Nature of deviation | Maximum percentage deviation (m/m) allowed | | | | |
|---|---|---|---|---|---|
| | Super Grade | Grade 1 | Grade 2 | Grade 3 | Grade 4 |
| (a) Lupins | 2 | 2 | 3 | 5 | 8 |
| (b) Rye | 5 | 5 | 7 | 9 | 12 |
| (c) Barley, oats and unthreshed ears | 3 | 3 | 5 | 8 | 12 |
| (d) Foreign matter | 1 | 1 | 2 | 3 | 5 |
| (e) Deviations in paragraphs (a), (b), (c) and (d) collectively: Provided such deviations are individually within the limits as specified above | 5 | 5 | 7 | 9 | 12 |
| (f) Broken kernels | 7 | 7 | 10 | 15 | 20 |
| (g) Damaged kernels | 5 | 5 | 8 | 12 | 17 |
| (h) All deviations collectively: Provided that such deviations are individually within the limits as specified in paragraphs (e), (f) and (g) | 8 | 8 | 11 | 15 | 20 |

(2) Koring wat meer as 20 persent (m/m) erg rypbeskadigde korrels bevat moet een graad laer gegradeer word as die graad waarvoor dit andersins sou gekwalifiseer het, kragtens bostaande tabel.

## DEEL IV

## VERPAKKING

6. (1) Koring kan òf in losmaat òf in graansakke verkoop word.

(2) Graansakke waarin koring verkoop word moet nuwe onbeskadigde Imperiale of metrieke sakke wees wat vervaardig is van òf jute òf *phormium tenax* òf 'n mengsel van jute en *phormium tenax* en moet—

(a) in die geval van Imperiale sakke, 'n oppervlaktemaat van minstens 7 484 cm² en 'n massa van nie minder nie as 1,0 kg hê nie; en

(b) in die geval van metrieke sakke, 'n oppervlaktemaat van minstens 6 225 cm² en 'n massa van nie minder as 900 g hê nie.

## DEEL V

## BEREKENINGS- EN TOETSMETODES

### *Toetsmetodes*

7. (1) *Monsterneming.*—Monsters vir die bepaling van die klas en graad word geneem volgens een van onderstaande drie metodes; met dien verstande dat 'n produsent en die Raad die reg voorbehou dat in die geval van metodes (b) en (c), monsterneming moet geskied nadat die koring skoongemaak is:

(a) *Koring wat in sakke gekoop en verkoop word.*—Monsters vir die toets van koring in sakke word verkry deur klein hoeveelhede koring op verskillende hoogtes met 'n steker uit elke sak te neem. Die steker moet in alle gevalle diep en na die middel van die sak ingesteek word. As daar gevind word dat die koring van al die sakke saam oor die algemeen van dieselfde klas en kwaliteit is, word die monsters van al die sakke saam in 'n pan gegooi. Die klas en graad word dan van die monster in die pan bepaal nadat die koring in die pan deeglik gemeng is. Sakke waarvan die koring in enige opsig van die koring in ander sakke verskil, word opsy gesit en afsonderlik gegradeer.

(b) *Koring wat in losmaat gekoop en verkoop word.*—Monsters vir die toets van koring in losmaat word verkry deur klein hoeveelhede koring met 'n dubbelbuissteker van geskikte lengte op 5 óf meer plekke en so verspreid moontlik uit die losmaathouer te neem. Die steker moet met 'n hoek van nagenoeg 10 grade met die vertikale lyn in die graan gesteek word en met die steker openinge gesluit. Die steker moet so diep as moontlik in die graan gesteek word en die steker moet oopgemaak word wanneer die openinge na bo wys. Met die openinge in 'n oop posisie moet die steker met 'n paar kort vinnige op en af bewegings, beweeg word waarna die openinge gesluit en die steker verwyder word. Al die monsters wat met die steker verkry is word

(2) Wheat which contains more than 20 per cent (m/m) of heavily frosted kernels, shall be graded one grade lower than the grade it would otherwise have qualified for, subject to the above-mentioned table.

## PART IV

## PACKING

6. (1) Wheat can be sold either in bulk or in grain bags.

(2) Grain bags in which wheat is sold shall be new undamaged Imperial or metric bags manufactured from either jute or *phormium tenax* or a mixture of jute and *phormium tenax* and shall—

(a) in the case of Imperial bags, have a superficial area of not less than 7 484 cm² and have a mass of not less than 1,0 kg; and

(b) in the case of metric bags have a superficial area of not less than 6 225 cm² and have a mass of not less than 900 g.

## PART V

## CALCULATIONS AND TESTING METHODS

### *Methods of Testing*

7. (1) *Taking of samples.*—Samples for the purpose of determining the class and grade shall be obtained by one of the three methods prescribed below; provided that a producer and the Board retain the right that in the case of methods (b) and (c) the samples shall be taken after the wheat has been cleaned:

(a) *Wheat purchased and sold in bags.*—Samples for the purpose of testing wheat in bags shall be obtained by the taking of small quantities of wheat from each bag by means of a grain probe, different levels in the bag being probed. The probe must in all cases be pushed deeply into the bag and towards the centre of the bag. If the wheat from all the bags in a lot is found to be generally of the same class and quality, the samples from all the bags are thrown together into a pan. The class and grade are then determined from the sample in the pan after the wheat in the pan has been thoroughly mixed. Any bags containing wheat differing from the wheat in the other bags must be placed aside and graded separately.

(b) *Wheat purchased and sold in bulk.*—Samples for the purpose of testing wheat in bulk shall be obtained by taking small quantities of wheat from five or more places well distributed over the bulk carrier with a double-tube probe of suitable length. The probe shall be inserted into the grain at an angle of about 10 degrees from the vertical with the slots closed. The probe must be pushed as deeply as possible into the grain and opened while the slots are facing upward. While the slots remain open the probe shall be moved up and down in about two quick short motions. The probe shall then be closed and withdrawn. All the samples obtained with the probe are thrown

saam in 'n pan gegooi en nadat die monster deeglik gemeng is word die klas en graad van die monster in die pan bepaal.

In die geval waar monsterneming volgens bostaande prosedure nie moontlik is nie vanweë fisiese toestande plaaslik, kan monsters op 'n praktiese wyse wat sal verseker dat die monsters verteenwoordigend is, geneem word.

(c) *Koring wat in sakke gelewer word en wat bestem is om op 'n losmaatbasis gekoop en verkoop te word.*—Monsters vir die toets van koring wat op 'n losmaatbasis aangekoop word maar in sakke gelewer word, word verkry deur 'n klein hoeveelheid koring met 'n steker uit elke sak te neem. Die steker moet in alle gevalle diep en na die middel van die sak ingesteek word. Die monsters van al die sakke waarvan die koring nie Ondergraad is nie, word saam in 'n pan gegooi en die klas en graad word van die monster in die pan bepaal nadat die koring in die pan deeglik gemeng is.

(2) *Klassifisering.*—Wanneer dit nodig is om die persentasies van koringcultivars of -spesies vir die bepaling van die klas van die koring vas te stel, moet duplikaatmonsters van 25 g elk met die hand uitgesoek word vir die skeiding van die verskillende cultivars en spesies. Die persentasies in die mengsel word massa per massa bepaal. As die verskil tussen die persentasies ten opsigte van die twee monsters verkry, nie groter as 0,5 is nie, word die gemiddelde van die twee persentasies wat aldus verkry is, geneem; as genoemde verskil groter as 0,5 is, moet die toets herhaal word.

As die koring onsuiwerhede of gebreekte korrels bevat, word 500 g van die koring eers gesif vir die verwydering van gebreekte korrels en wel op die wyse voorgeskryf by subregulasie (5) van regulasie 8. 'n Monster van 100 g word dan van die gesifte koring geneem en alle sodanige onsuiwerhede met die hand uitgesoek. Duplikaatmonsters van 25 g elk word dan van die gesuiwerde en gesifte koring geneem en die klas bepaal volgens die wyse in hierdie subregulasie beskryf.

(3) *Bepaling van hektolitermassa.*—Die hektolitermassa word bepaal volgens die *Tweevlakregtermetode.* Die standaardapparaat by hierdie metode is soos volg:

*'n Keelvormige tregter* met 'n swaaiklep aan die nou end: Hoogte, 226 mm; bo-deursnee van tregter, 914 mm; deursnee van klepgat, 285 mm; 'n stewige ovaalvormige metaalvoetstuk met 'n verhogie aan elke punt van die langas daarvan en met 'n ronde metaalstaaf wat vertikaal in die voetstuk, presies halfpad tussen die middelpunte van die twee verhogies ingeskroef word; en 'n metaalarm waarvan een end aan die tregter en die ander end oor die regop metaalstaaf waaromheen dit kan swaai, geheg word.

*'n Vier-in-een-massameter.*

*'n Emmer.*—Binnehoogte, 123 mm; inhoud, 500 ml; val van koring van klepgat na top van emmer, nagenoeg 30 mm.

*'n Houtskraper.*—Tien mm dik, 40 mm breed en minstens 100 mm lank. Die rande van die skraper moet goed gerond wees maar nie afgeslyt nie.

*Hoe die apparaat gebruik word.*—Die hele apparaat word op 'n harde, gladde, gelyk oppervlakte geplaas wat nie gestamp of geskud kan word nie. Die tregter word met koring gevul en afgeskraap sodat dit net gelykvol is. Die emmer word nou op die hoër verhogie van die voetstuk geplaas sodat sy boom se middelpunt reg onder dié van die tregteropening is. Die emmer moet vas op die voetstuk staan. Die tregterklep word met 'n vinnige swaai oopgestoot sodat die koring die emmer vol maak en aan alle kante oorloop. Die tregter word omgeswaai weg van die emmer af, sonder dat die emmer gestamp of gestoot word.

together in a pan and the class and grade are then determined from the sample in the pan after the wheat in the pan has been thoroughly mixed.

In the event that the above sampling procedure is not possible because of local physical conditions the samples may be taken in the most practical manner that will assure their being representative.

(c) *Wheat delivered in bags intended to be purchased and sold on a bulk basis.*—Samples for the purpose of testing wheat delivered in bags but which is purchased on the basis of bulk wheat shall be obtained by the taking of small quantities of wheat by means of a grain probe from each bag. The probe must in all cases be pushed deeply into the bag, and towards the centre of the bag. The samples from all the bags of which the wheat is not Undergrade are thrown together into a pan and the class and grade are then determined from the sample in the pan after the wheat in the pan has been thoroughly mixed.

(2) *Classification.*—When it is necessary to determine the percentage of cultivars or species of wheat for the determination of the class thereof, duplicate 25 g samples must be hand-picked for the separation of the various cultivars and species. The percentage of the mixture is determined mass per mass. If the difference between the percentage determined in respect of the two samples does not exceed 0,5 the average of the two percentages thus determined shall be taken; if the said difference exceeds 0,5, the test must be repeated.

If the wheat contains impurities or broken kernels, 500 g of the wheat shall first be screened for the removal of broken kernels in the manner prescribed by subregulation (5) of regulation 8. A sample of 100 g is then taken of such screened wheat, and all such impurities removed by hand-picking. Duplicate 25 g samples are then taken of such pure, screened wheat, and the class determined in the manner described in this subregulation.

(3) *Determination of hectolitre mass.*—The hectolitre mass shall be determined by the *Two-level funnel method.* The standard apparatus in this method is the following:

*A conical hopper* with a swing shutter at the narrow end: Height, 226 mm; top diameter of hopper, 914 mm; diameter of shutter hole, 285 mm; a solid, oval-shaped metal base with a small platform at each end of its long axis and with a metal rod screwed vertically into the base equidistant between the centres of the two platforms; and a metal arm of which one end is attached to the hopper and the other end is fitted over the metal rod around which it can be rotated.

*A four-in-one-massmeter.*

*A bucket.*—Internal height, 123 mm; capacity, 500 ml; drop of wheat from shutter hole to top of bucket, approximately 30 mm.

*A wooden scrapper.*—Ten mm thick, 40 mm wide and at least 100 mm long. The edges of the scraper must be well rounded, but not worn.

*Method of using apparatus.*—The entire apparatus is placed on a hard, smooth, level surface, not subject to jarring or shaking. The hopper is filled with wheat and scraped off level full. The bucket is then placed on the higher platform of the stand so that its centre is directly below the opening of the hopper. The bucket must rest firmly on this base. Thereupon the hopper shutter is opened wide with a quick swing, the wheat being allowed to full the bucket and to overflow on all sides. The hopper is then swung round, away from the bucket, without disturbing the bucket in any way.

Die oortollige koring word dan van die emmer afgeskraap met die standaardskraper wat vertikaal op sy rand gehou word. As die skraper 'n ronde sowel as 'n skerp rand het, mag slegs die ronde rand gebruik word om mee te skraap. By die afskraap word die skraper lig maar vas op die rand van die emmer geplaas en die oortollige koring met een vaste beweging regoor die rand van die emmer heen afgeskraap sodat die emmer dan net gelykvol koring bly. Die emmer word versigtig maar goed met een hand vasgehou. Die vier-in-een-massameter word op 'n gelyke, vaste oppervlakte geplaas en in ewewig gebring. Die koring wat in die emmer is, word in die pan van die vier-in-een-massameter geplaas ten einde die hektolitermassa van die koring te bepaal.

Die hektolitermassa moet tweekeer met iedere monster koring bepaal word, en as die twee lesings nie ooreenstem nie, moet die toets herhaal word.

*Bepaling van die Persentasie Afwykings*

8. (1) *Bepaling van persentasie wilde-ertjies en lupiene.*—Die persentasie wilde-ertjies en lupiene in koring word bepaal deur die wilde-ertjies en lupiene met die hand uit te soek uit duplikaatmonsters van 100 g elk. Die massa van die wilde-ertjies en lupiene aldus verkry, uitgedruk as 'n persentasie van die totale massa van die monster, verteenwoordig die persentasie wilde-ertjies en lupiene in die monster. As die verskil tussen die persentasies ten opsigte van die twee monsters verkry, nie groter as 0,5 is nie, word die gemiddelde van die twee persentasies wat aldus verkry is, geneem; as genoemde verskil groter as 0,5 is, moet die toets herhaal word.

(2) *Bepaling van persentasie rog.*—Die persentasie rog in koring word bepaal deur die rog met die hand uit te soek uit duplikaatmonsters van 25 g elk. Die massa van die rog aldus verkry, uitgedruk as 'n persentasie van die totale massa van die monster, verteenwoordig die persentasie rog in die monster. As die verskil tussen die persentasies ten opsigte van die twee monsters verkry, nie groter as 0,5 is nie, word die gemiddelde van die twee persentasies wat aldus verkry is, geneem; as genoemde verskil groter as 0,5 is, moet die toets herhaal word.

(3) *Bepaling van persentasie gars, hawer en ongedorste are.*—Die persentasie gars, hawer en ongedorste are in koring word bepaal deur die gars, hawer en ongedorste are met die hand uit te soek uit duplikaatmonsters van 50 g elk. Die massa van die gars, hawer en ongedorste are aldus verkry, uitgedruk as 'n persentasie van die totale massa van die monster, verteenwoordig die persentasie gars, hawer en ongedorste are in die monster. As die verskil tussen die persentasies ten opsigte van die twee monsters verkry, nie groter as 0,5 is nie, word die gemiddelde van die twee persentasies wat aldus verkry is geneem; as genoemde verskil groter as 0,5 is, moet die toets herhaal word.

(4) *Bepaling van persentasie vreemde stowwe.*—Die persentasie vreemde stowwe in koring word bepaal deur die vreemde stowwe met die hand uit te soek uit duplikaatmonsters van 100 g elk. Die massa van die vreemde stowwe aldus verkry, uitgedruk as 'n persentasie van die totale massa van die monster, verteenwoordig die persentasie vreemde stowwe in die monster. As die verskil tussen die persentasies ten opsigte van die twee monsters verkry, nie groter as 0,5 is nie, word die gemiddelde van die twee persentasies wat aldus verkry is, geneem; as genoemde verskil groter as 0,5 is, moet die toets herhaal word.

(5) *Bepaling van persentasie gebreekte korrels.*—Die persentasie gebreekte korrels word bepaal deur duplikaatmonsters van 500 g elk op die volgende manier met die standaardsif te sif:

Die standaardsif word inmekaar gesit en die koring word op die smalgatsif geplaas. Die koring word dan gesif deur die sif heen en weer, beurtelings weg van en

The surplus wheat is then scraped from the bucket with the standard scraper, which is held vertically. If the scraper has both a round and a sharp edge, only the round edge may be used for scraping. In scraping, the scraper is placed lightly but firmly on the rim of the bucket, which is grasped gently but firmly with one hand, and the surplus wheat scraped off with one firm scrape straight across the rim of the bucket. The scraping should leave the bucket just level full of wheat. The four-in-one-massmeter is placed on a firm level base and balanced, the wheat in the bucket poured into the pan of the four-in-one-massmeter and the mass per hectolitre is measured.

The mass per hectolitre must be determined twice on each sample. If the two readings do not agree, the test must be repeated.

*Determination of the Percentage Deviations*

8. (1) *Determination of percentage of vetch and lupins.*—The percentage of vetch and lupins in wheat is determined by hand-picking duplicate 100 g samples. The mass of the vetch and lupins so obtained, expressed as a percentage of the total mass of the sample, gives the percentage vetch and lupins in the sample. If the difference between the percentages determined in respect of the two samples does not exceed 0,5, the average of the two percentages so determined shall be taken; if the said difference exceeds 0,5, the test must be repeated.

(2) *Determination of the percentage of rye.*—The percentage of rye in wheat is determined by hand-picking duplicate 25 g samples. The mass of the rye so obtained, expressed as a percentage of the total mass of the sample, gives the percentage rye in the sample. If the difference between the percentages determined in respect of the two samples does not exceed 0,5 the average of the two percentages so determined shall be taken; if the said difference exceeds 0,5, the test must be repeated.

(3) *Determination of percentages of barley, oats and unthreshed ears.*—The percentage of barley, oats and unthreshed ears in wheat is determined by hand-picking duplicate 50 g samples. The mass of the barley, oats and unthreshed ears so obtained expressed as a percentage of the total mass of the sample, gives the percentage barley, oats and unthreshed ears in the sample. If the difference between the percentages determined in respect of the two samples does not exceed 0,5, the average of the two percentages so determined shall be taken; if the said difference exceeds 0,5, the test must be repeated.

(4) *The determination of percentage of foreign matter.*—The percentage of foreign matter in wheat is determined by hand-picking duplicate 100 g samples. The mass of the foreign matter so obtained, expressed as a percentage of the total mass of the sample, gives the percentage foreign matter in the sample. If the difference between the percentages determined in respect of the two samples does not exceed 0,5, the average of the two percentages so determined shall be taken; if the said difference exceeds 0,5, the test must be repeated.

(5) *Determination of percentage of broken kernels.*—The percentage of broken kernels is determined by screening duplicate 500 g samples by means of the standard sieve in the following manner:

The standard sieve is assembled and the wheat is placed on the chess sieve. The wheat is then screened by moving the sieve to and fro alternately away from and toward the

terug na die hanteerder van die sif toe, te beweeg in dieselfde rigting as die lengte-asse van die openings van die smalgatsif. Iedere stoot bestaan uit 'n heen-en-weer-beweging, en 50 stote voltooi die sifproses. Met elke stoot word die sif, wat op 'n tafel of ander geskikte gladde oppervlak moet rus, 380 tot 460 mm weg van die hanteerder van die sif af en terug beweeg. Ten einde oormatige slytasie van die bodem van die soliede pan te voorkom, kan die sifwerk gedoen word oor bruin papier wat aan die tafel vasgeheg is, of die sif kan in een of ander houer geplaas word wat dan op die hierbo beskrewe manier beweeg word. Die snelheid van die beweging moet sodanig wees dat die voorgeskrewe 50 stote binne 50 tot 60 sekondes voltooi word. Gebreekte koringkorrels wat in die openings vassit, word nie vir graderingsdoeleindes as gebreekte korrels beskou nie. Die materiaal wat deur die sif gegaan het en in die soliede onderste pan versamel is, word daarna ondersoek en alle onsuiwerhede verwyder. Die massa van die oorblywende materiaal word dan gemeet en die massa, uitgedruk as 'n persentasie van die totale massa van die monster, verteenwoordig die persentasie gebreekte korrels in die monster. As die verskil tussen die persentasies wat vir die twee monsters bepaal is, nie groter as 0,5 is nie, word die gemiddelde van die twee persentasies wat aldus bepaal is, geneem; as genoemde verskil groter as 0,5 is, moet die toets herhaal word.

(6) *Bepaling van persentasie beskadigde korrels.*—Die persentasie beskadigde korrels in koring word bepaal deur die beskadigde korrels in duplikaatmonsters van 25 g elk met die hand uit te soek. Die massa van die beskadigde korrels aldus verkry, uitgedruk as 'n persentasie van die totale massa van die monster, verteenwoordig die persentasie beskadigde korrels in die monster. As die verskil tussen die persentasies wat vir die twee monsters bepaal is, nie groter as 0,5 is nie, word die gemiddelde van die twee persentasies wat aldus bepaal is geneem; as genoemde verskil groter as 0,5 is, moet die toets herhaal word.

(7) *Bepaling van persentasie erg rypbeskadigde koring.*—Die persentasie erg rypbeskadigde korrels in koring word bepaal deur die erg rypbeskadigde korrels in duplikaatmonsters van 25 g elk met die hand uit te soek. Die massa van die erg rypbeskadigde korrels aldus verkry, uitgedruk as 'n persentasie van die totale massa van die monster, verteenwoordig die persentasie erg rypbeskadigde korrels in die monster. As die verskil tussen die persentasies ten opsigte van die twee monsters verkry, nie groter as 0,5 is nie, word die gemiddelde van die twee persentasies wat aldus verkry is, geneem; as genoemde verskil groter as 0,5 is, moet die toets herhaal word.

*Bepaling van Voggehalte*

9. Die voggehalte van koring word bepaal volgens een van onderstaande twee metodes:

(1) *Brown-Duvel-toetsmetode.*—Die apparaat word opgerig op 'n plek waar daar geen trek is nie. Honderd gram koring word in die fles gegooi en 150 ml vogtoetsolie bygevoeg. Die koring en olie word deeglik gemeng deur die fles te skud. Die opening van die fles word gesluit met 'n rubberprop waardeur 'n standaardtermometer gaan wat so gestel is dat vier-vyfdes van die kwiksilwerbol in die olie en koring versink is. Slegs korrek gegradeerde Celsiustermometers, spesiaal vir die apparaat gemaak, mag gebruik word. Die fles word dan in die Brown-Duvel-apparaat geplaas en die arm van die fles met die kondenseerbuis verbind sodat dit goed pas. Die gaasdraad met asbesmiddelstuk onder die fles moet in goeie toestand wees en so gestel word dat die vlam direk onder die middel van die asbes is terwyl die fles verhit word. Die staander waarop die fles rus, moet so hoog wees dat die bodem van die fles omtrent 9,5 mm bo die asbes is. 'n

operator, the direction of motion being in a line with the long axes of the slots of the chess sieve. Each to-and-fro movement constitutes one stroke, and 50 such strokes complete the screening process. In each stroke the sieve is moved 380 to 460 mm away from the operator and back, with the sieve resting on a table or other suitable smooth surface. To prevent excessive wear of the bottom of the solid pan, the screening may be done over sheets of brown paper fastened to the table, or the sieve may be placed in some container which is subjected to the stroke movement as described. The speed of the stroke movement should be such that the prescribed 50 strokes are completed in 50 to 60 seconds. Any broken wheat sticking in the slots is for purpose of grading not to be regarded as broken kernels. The material which has passed through the sieve, into the solid bottom pan is now examined, and any inpurities are removed. The mass of the remaining material is then measured and the mass expressed as a percentage of the total mass of the sample, represents the percentage broken kernels in the sample. If the difference between the percentages determined in respect of the two samples does not exceed 0,5, the average of the two percentages so determined shall be taken; if the said difference exceeds 0,5, the test must be repeated.

(6) *Determination of percentage of damaged kernels.*—The percentage of damaged kernels in wheat is determined by hand-picking duplicate 25 g samples. The mass of the damaged kernels so obtained, expressed as a percentage of the total mass of the sample, gives the percentage of damaged wheat in the sample. If the difference between the percentages determined in respect of the two samples does not exceed 0,5, the average of the two percentages so determined shall be taken; if the said difference exceeds 0,5, the test must be repeated.

(7) *Determination of percentage of heavily frosted wheat.*—The percentage of heavily frosted kernels in wheat is determined by hand-picking duplicate 25 g samples. The mass of the heavily frosted kernels so obtained, expressed as a percentage of the total mass of the sample, gives the percentage of heavily frosted wheat in the sample. If the difference between the percentages determined in respect of the two samples does not exceed 0,5, the average of the two percentages so determined shall be taken; if the said difference exceeds 0,5, the test must be repeated.

*Determination of Moisture Content*

9. The moisture content of wheat shall be determined by one or other of the following two methods:

(1) *Brown-Duvel testing method.*—The apparatus is assembled in a place away from draughts. Hundred grams of wheat are introduced into the flask, and 150 ml of moisture testing oil added. The wheat and oil must be well mixed by shaking. The opening of the flask is closed by means of a rubber stopper, through which passes a standard thermometer, so adjusted that four-fifths of the mercury bulb is submerged in the wheat and oil. Only correctly graduated centigrade thermometers, specially made for this apparatus, may be used. The flask is then placed in the Brown-Duvel apparatus, and the arm of the flask is connected to the condenser tube so that it fits properly. The wire gauze with asbestos centre below the flask must be in good condition, and so adjusted that when the flask is heated, the flame plays directly in the centre of the asbestos. The stand upon which the flask rests should be of such a height that the bottom of the flask is about

Korrek gegradeerde maatglas word onder die kondenseerbuis geplaas om die water wat afgedryf word, op te vang. 'n Onafgebroke stroom koue water moet deur die kondenseertenk loop, of as 'n klein enkelvlak Brown-Duvel-apparaat met enkelvlak sonder voorsiening vir 'n stroom water gebruik word, moet die tenk voor elke toets met koue water gevul word.

Die deksel word dan oor die fleshouer geplaas en die verhitting begin. Verhitting kan geskied deur middel van elektrisiteit, koolgasblaaslampe of alkohollampe (spiritus-lampe) soos vir die apparaat verskaf word. In alle gevalle moet die hitte egter so gereël word dat die temperatuur van 180° C binne minstens 19 minute maar hoogstens 21 minute bereik word. As dit langer duur, sal die resultate te laag wees, en as dit korter duur, sal die resultate te hoog wees. Die verhitting moet stopgesit word sodra die temperatuur van 180° C bereik word. (Gewoonlik duur dit 10 minute voordat die temperatuur styg van 100° C tot 110° C en nog 10 minute voordat 180° C bereik word.)

As die voggehalte van die monster besonder hoog is, kan skuim gevorm word en die inhoud oorkook as die normale metode van verhitting toegepas word. Onder sulke omstandighede kan die regte voggehalte die beste bepaal word deur die mengsel vinnig te verhit totdat opborreling van olie plaasvind, en dan min hitte te gee totdat 'n paar milliliters water afgedryf is. Die normale verhitting kan dan toegepas en die orige vog sonder skuimvorming binne die voorgeskrewe tydperk deur verdamping verwyder word.

Nadat die verhitting opgehou het, kan 'n geringe geleidelike styging in temperatuur verwag word. 'n Skielike styging of daling van verskeie grade in die temperatuur toon aan dat die vlam te kwaai was gedurende die laaste deel van die verhitting, en dan moet die toets herhaal word. As die water wat oorstook, verkleur is, dui dit aan dat die koring gebrand het en dan moet die toets herhaal word. Wag totdat die temperatuur tot 160° C of laer gedaal het, en verwyder dan die deksel, haal die termometer uit en maak die afleweringsbuisie los.

Skud alle druppels water af wat aan die kante van die maatglas hang, en lees dan die persentasie vog af. Die lesing word geneem onder die laag olie wat bo-op die water dryf. Resultate moet afgelees word tot een-tiende van 1 persent. Alle toetse moet twee keer gedoen word en as die verskil tussen die twee aflesings nie groter as 0,2 is nie, word die gemiddelde van die twee aflesings as die voggehalte geneem; as genoemde verskil groter as 0,2 is, moet die toets herhaal word.

By die gebruik van hierdie apparaat moet gesorg word dat—

(a) geen voos gomlastiekproppe gebruik word nie;

(b) die maatglas skoon en drooggemaak word voordat dit gebruik word;

(c) geen olie onmiddellik na 'n vorige toets weer gebruik word nie; en

(d) die kwiksilwerkolom ongebroke is voordat met 'n toets begin word.

Gebruik vir iedere toets òf vars vogtoetsolie òf vogtoetsolie wat vir 'n tydlank nie gebruik is nie; in alle gevalle moet die olie tot 'n temperatuur van 200° C verhit word en eers afkoel voordat dit gebruik word.

(2) *Marconi-elektriese weerstandmetode.*—Die apparaat vir die bepaling van voggehalte volgens hierdie metode bestaan uit die Marconi-vogmeter, Model T.F. 933 of T.F. 933A, waardeur vog in die koring deur middel van elektriese weerstand bepaal word. Die apparaat moet nie in 'n trek en direkte sonlig geplaas word nie. 'n Hoeveelheid van minstens 70 en hoogstens 80 g van 'n verteenwoordigende monster van die koring waarvan die voggehalte getoets moet word, moet in 'n handgraanmeul of koffiemeul gemaal word wat so gestel is dat die koring

9,5 mm above the asbestos. A correctly graduated measuring cylinder is placed under the condenser tube to collect the water driven off. A continuous stream of cold water should pass through the condenser tank, or if a small single compartment Brown-Duvel outfit with no provision for a stream of water is used, the tank should be filled with cold water before each test.

The cover is then placed over the flask compartment and heating started. Heating may be brought about by electrical element, coal-gas, blowlamps or alcohol burners (spirit lamps) as supplied for the apparatus. In all cases, however, the heat must be so regulated that the temperature of 180° C is reached in not less than 19 minutes and not more than 21 minutes. A longer heating time gives results too low and a shorter time results too high. The heat must be cut off immediately the temperature reaches 180° C. (Normally it takes 10 minutes for the temperature to rise from about 100° C to 110° C and a further 10 minutes to rise to 180° C.)

If the moisture content of the sample is very high, foaming and bubbling over may result with the normal method of heating. Under such conditions the best way of getting the true moisture content is to heat rapidly until the oil bubbles, and then to apply little heat until a few millilitres of water have been driven off. The heat may then be turned on to normal again and the remaining moisture driven off without foaming within the prescribed period of heating.

After the heat has been cut off, a slight gradual rise in temperature is to be expected. A sudden increase or a sudden decrease in temperature of several degrees indicates that the flame was too intense during the latter part of heating and the test should be repeated. If the water which distils over is discoloured, the wheat has evidently been burned and the test must be repeated.

Wait until the temperature has fallen to 160° C or lower, then remove the cover and the thermometer and then disconnect the delivery tube.

All drops clinging to the sides of the measuring cylinder are shaken down and the percentage of moisture read off. The reading is taken beneath the layer of oil floating on the water. Results must be read to one-tenth of 1 per cent. All tests must be made in duplicate and if the difference between the two readings does not exceed 0,2, the average of the two readings shall be taken as the moisture content; if the said difference exceeds 0,2, the test must be repeated.

When this apparatus is used, care should be taken—

(a) to avoid the use of mushy rubber stoppers;

(b) to clean and dry the measuring flasks before using for a test;

(c) not to use oil directly from a previous test; and

(d) to see that the column of mercury in the thermometer is unbroken before any test is commenced with.

Either fresh moisture testing oil or moisture testing oil which has not been used for some time should be used for every test and the oil should in any case be heated to a temperature of about 200° C and allowed to cool before use.

(2) *Marconi electrical resistance method.*—The apparatus for moisture determination according to this method shall consist of the Marconi moisture meter model T.F. 933 or T.F. 933A by which moisture in wheat is determined through electrical resistance. The apparatus shall be placed away from draughts and direct rays of the sun. A quantity of not less than 70 and not more than 80 g of a representative sample of the wheat to be tested for moisture shall be ground in a hand grain mill or coffee mill which has been so adjusted that the wheat is ground to

tot 'n growwe meel vermaal word. Die meul moet egalig gedraai word teen so 'n spoed dat die hele monster in 'n tydperk van minstens 30 sekondes en hoogstens 90 sekondes gemaal word. Die gemaalde monster moet in 'n glasfles met 'n skroefdeksel en met 'n inhoudsmaat van tussen 300 en 400 ml geplaas word. Nadat die fles behoorlik toegeskroef is, moet die inhoud deeglik gemeng word deur die fles vir minstens 30 sekondes te skud. Onmiddellik daarna moet die toetssel van die Marconi-apparaat omtrent halfvol gemaak word met die gemaalde monster en die metaaldrukprop daarop in posisie geplaas word. Daar moet gesorg word dat die monster gelyk in die sel lê en dat die onderdele van die sel behoorlik inmekaar pas, en die sel moet slegs aan die buitenste isoleermateriaal daarom gehanteer word. Die sel moet nie gestamp of geskud word nie. Onmiddellik daarna moet die sel (met die metaaldrukprop na bo) in die klamp wat deel van die Marconi-apparaat uitmaak, geplaas word en daarin vasgeskroef word totdat die twee dele van die silindervormige veeromhulsel wat die skroef verbind, bo gelyk is. Die klamp met die sel daarin vasgeskroef moet 'n behoorlike elektriese verbinding met die hooftoestel hê. Die skakelaar moet nou na die "Zero"-posisie gedraai word, en daarna moet die galvanometernaald deur middel van die stelknoppie bokant die wyserskywe gestel word totdat die naald presies regoor die horisontale strepie te staan kom. Wanneer hierdie "Zero"-instelling gemaak word, moet die linkerhandse wyserskyf op een van die posisies 1 tot 5 staan. Die skakelaar moet daarna na die "Lees"-posisie gedraai word en die wyserskywe onmiddellik daarna gestel word totdat die galvanometer terugkeer na die posisie regoor die horisontale strepie. Die lesing op die wyserskywe moet nou geneem word sowel as die temperatuur van die gemaalde monster in die glasfles. Enige geleidelike verskuiwing van die naald nadat dit aanvanklik korrek ingestel is, moet buite rekening gelaat word. Van die oomblik wanneer die monster in die sel geplaas word totdat die finale lesing op die wyserskywe geneem word, mag hoogstens een minuut verloop. Waar moontlik, moet lesings slegs op die swart of positiewe waardes op die wyserskywe geneem word. Die lesings op die wyserskywe moet herlei word tot persentasies volgens die onderstaande tabel:

| Lesing op wyserskywe | Persentasie | Lesing op wyserskywe | Persentasie |
|---|---|---|---|
| 0 | 8,8 | 26 | 13,7 |
| 1 | 9,0 | 27 | 14,0 |
| 2 | 9,1 | 28 | 14,2 |
| 3 | 9,3 | 29 | 14,4 |
| 4 | 9,5 | 30 | 14,7 |
| 5 | 9,7 | 31 | 14,9 |
| 6 | 9,9 | 32 | 15,2 |
| 7 | 10,1 | 33 | 15,4 |
| 8 | 10,3 | 34 | 15,6 |
| 9 | 10,5 | 35 | 15,9 |
| 10 | 10,7 | 36 | 16,1 |
| 11 | 10,8 | 37 | 16,4 |
| 12 | 11,0 | 38 | 16,7 |
| 13 | 11,2 | 39 | 16,9 |
| 14 | 11,4 | 40 | 17,2 |
| 15 | 11,6 | 41 | 17,5 |
| 16 | 11,8 | 42 | 17,8 |
| 17 | 12,0 | 43 | 18,2 |
| 18 | 12,2 | 44 | 18,5 |
| 19 | 12,4 | 45 | 18,8 |
| 20 | 12,5 | 46 | 19,2 |
| 21 | 12,7 | 47 | 19,6 |
| 22 | 12,9 | 48 | 20,0 |
| 23 | 13,1 | 49 | 20,4 |
| 24 | 13,3 | 50 | 20,8 |
| 25 | 13,5 | 51 | 21,3 |

Die resultaat aldus verkry, moet vir temperatuur aangesuiwer word deur dit met 0,1 te vermeerder vir elke een graad Celsius wat die termometerlesing onder 20° C is en met 0,1 te verminder vir elke een graad Celsius wat die termometerlesing bo 20° C is.

a coarse meal. The mill shall be operated at a uniform speed which allows of the entire sample being ground in a period of not less than 30 seconds and not more than 90 seconds. The milled sample shall immediately be placed in a screw cap glass jar of between 300 and 400 ml capacity. After the jar has been properly closed by screwing the cap on tightly, the contents shall be thoroughly mixed by shaking the jar for at least 30 seconds. Immediately thereafter the test cell of the Marconi apparatus shall be filled approximately half full with the milled sample and the metal plunger shall be placed into position on it. Care shall be taken to ensure that the surface of the sample is level in the cell and that the parts of the cell fit properly into one another. The cell shall be handled only by the outer insulating material surrounding it. The cell shall not be jarred. Immediately thereafter the cell (with the metal plunger facing upwards) shall be fitted into the clamp which forms part of the Marconi apparatus and screwed tight until the two parts of the cylindrical spring housing mounted on the screw are flush. The clamp containing the cell shall have proper electric contact with the main apparatus. The switch shall now be turned to the "Zero" position and the galvanometer pointer shall thereafter be adjusted by means of the "set-zero" knob above the dials until the pointer is exactly opposite the horizontal line. When setting to zero, the left-hand dial shall be at any one of the positions 1 to 5. The switch shall then be turned to the "Read" position and the dials immediately adjusted until the galvanometer pointer returns to the position of the horizontal line. The dial reading as well as the temperature of the milled sample shall now be taken. Any gradual movement of the pointer, after having been correctly adjusted, shall be disregarded. Not more than one minute shall elapse between the placing of the samples into the cell and the taking of the final dial reading. Whenever possible, readings shall only be taken on the black or positive values on the dials. Dial readings shall be converted into percentages according to the following tables:

| Dial reading | Percentage | Dial reading | Percentage |
|---|---|---|---|
| 0 | 8,8 | 26 | 13,7 |
| 1 | 9,0 | 27 | 14,0 |
| 2 | 9,1 | 28 | 14,2 |
| 3 | 9,3 | 29 | 14,4 |
| 4 | 9,5 | 30 | 14,7 |
| 5 | 9,7 | 31 | 14,9 |
| 6 | 9,9 | 32 | 15,2 |
| 7 | 10,1 | 33 | 15,4 |
| 8 | 10,3 | 34 | 15,6 |
| 9 | 10,5 | 35 | 15,9 |
| 10 | 10,7 | 36 | 16,1 |
| 11 | 10,8 | 37 | 16,4 |
| 12 | 11,0 | 38 | 16,7 |
| 13 | 11,2 | 39 | 16,9 |
| 14 | 11,4 | 40 | 17,2 |
| 15 | 11,6 | 41 | 17,5 |
| 16 | 11,8 | 42 | 17,8 |
| 17 | 12,0 | 43 | 18,2 |
| 18 | 12,2 | 44 | 18,5 |
| 19 | 12,4 | 45 | 18,8 |
| 20 | 12,5 | 46 | 19,2 |
| 21 | 12,7 | 47 | 19,6 |
| 22 | 12,9 | 48 | 20,0 |
| 23 | 13,1 | 49 | 20,4 |
| 24 | 13,3 | 50 | 20,8 |
| 25 | 13,5 | 51 | 21,3 |

The result thus obtained shall be corrected for temperature by increasing it by 0,1 for each degree centigrade the temperatures reading is below 20° C and by decreasing it by 0,1 for each degree centigrade the temperature reading is above 20° C.

Alle toetse moet twee keer gedoen word en as die verskil tussen die twee persentasies nie groter as 0,2 is nie, word die gemiddelde van die twee persentasies as die voggehalte geneem; as genoemde verskil groter as 0,2 is, moet die toets herhaal word met afsonderlike hoeveelhede van die oorspronlik gemaalde monster.

Daar moet gesorg word dat die meul waarmee die monster gemaal word, die fles waarin dit vermeng word en die sel van die apparaat behoorlik skoon en droog is voor elke bepaling.

Wanneer 'n vogbepaling deur middel van hierdie metode gedoen word, moet gesorg word dat die apparaat in goeie werkende toestand is deur middel van 'n kort stukkie draad 'n kortsluiting in die twee boonste steeksokke op die hooftoestel te maak en daarna die skakelaar op "Zero" en die galvanometernaald regoor die horisontale strepie in te stel. Nadat die skakelaar op die "Lees"-posisie gestel is, moet die lesing op die wyserskywe geneem op die wyse hierbo omskryf, ongeveer 60 wees. Die draad moet dan verwyder word. Hierna moet die klamp soos hierbo omskryf, elektries volgens voorskrif met die hooftoestel verbind word, die skakelaar op "Zero" en die galvanometernaald regoor die horisontale strepie ingestel en die basis van die toetssel in sy normale posisie in die klamp gehou word. 'n Stukkie metaaldraad of silwerpapier (tinfoelie) moet dwarsoor die blootgestelde elektrodes (die metaaldele) van die toestel vasgedruk word sodat 'n kortsluiting veroorsaak word. Nadat die skakelaar op die "Lees"-posisie gestel is, moet die lesing op die wyserskywe geneem op die wyse hierbo omskryf, ongeveer 60 wees. Daarna moet die basis en isolering van die toetssel sonder die metaldrukprop in die klamp vasgeskroef word totdat dit net stewig in posisie bly, en die skakelaar op "Zero" en die galvanometernaald regoor die horisontale strepie ingestel word. Nadat die skakelaar nou op die "Lees"-posisie gestel is, moet die lesing op die wyserskywe in hierdie geval nul of laer as nul wees, maar indien die lesing hoër as nul is, kan die basis van die toetssel vir 'n paar minute in die son of in 'n redelike warm lug geplaas en die toets herhaal word.

Indien die toestel met batterye toegerus is en dit onmoontlik is om die galvanometernaald op "Zero"-posisie in te stel, is dit noodsaaklik dat die batterye vervang word. As dit nie moontlik is om dadelik nuwe batterye te bekom nie, moet die ou battery dadelik verwyder word, of die apparaat gebruik word of nie, daar hulle die apparaat onherstelbaar kan beskadig.

---

No. R. 1634 15 September 1972

## REGULASIES MET BETREKKING TOT DIE GRADERING EN VERPAKKING VAN ROG

Die Minister van Landbou het, kragtens die bevoegdheid hom verleen by artikel 89 van die Bemarkingswet, 1968 (No. 59 van 1968), en met ingang van 1 Oktober 1972, die regulasies in die Bylae hiervan uiteengesit, gemaak ter vervanging van die regulasies afgekondig by Goewermentskennisgewing R. 1386 van 24 Augustus 1962, soos gewysig, wat hierby met ingang van bogenoemde datum herroep word.

### BYLAE

*Woordomskrywing*

1. In hierdie regulasies, tensy uit die samehang anders blyk, het 'n woord of uitdrukking waaraan in die Skema 'n betekenis geheg is, 'n ooreenstemmende betekenis, en beteken—

"ander graan" die korrels of stukkies korrels van gars, hawer en koring;

All tests shall be made twice, and if the difference between the two percentages does not exceed 0,2, the average of the two percentages shall be taken as the moisture content; if the said difference exceeds 0,2, the tests must be repeated on separate quantities of the original milled sample.

Care shall be taken that the mill used for the grinding of the sample, the jar used for mixing the sample and pressure cell of the apparatus are clean and dry before each determination is commenced.

When a moisture determination is made by means of this method, it should be seen to that the apparatus is in good working order by short circuiting the two topmost sockets on the main apparatus with a short piece of wire, and turning the switch to "Zero" and adjusting the galvanometer pointer until it is opposite the horizontal line. After the switch has been turned to "Read" the reading on the dials taken in the manner described above, should be approximately 60. The wire shall then be removed. Thereafter the clamp shall be connected electrically with the main apparatus as described above, the switch turned to "Zero", the galvanometer pointer adjusted to the position opposite the horizontal line and the base of the test cell kept in its normal position in the clamp. A piece of metal wire or silver paper (tin-foil) shall be placed across the exposed electrodes (the metal parts) of the test cell and pressed down so as to cause a short circuit. After the switch has been turned to "Read" the dial reading, taken in the manner described above, should be approximately 60. Thereafter the base and the insulator ring of the test cell shall be placed in the clamp and screwed down without the plunger until they just fit tightly, the switch turned to "Zero" and the galvanometer pointer adjusted to the position opposite the horizontal line. After the switch has been turned to "Read", the reading on the dials in this instance would be nil or lower, but if the reading is higher than nil, the base of the test cell may be exposed to sunlight or reasonably warm air for a few minutes after which the test shall be repeated.

If the apparatus is provided with batteries and it proves impossible to adjust the galvanometer needle to the "Zero" position, it is essential that the batteries be replaced. If this cannot be done immediately, the old batteries must be removed immediately, whether the apparatus is used or not, as they may cause irreparable damage to the apparatus.

---

No. R. 1634 15 September 1972

## REGULATIONS RELATING TO THE GRADING AND PACKING OF RYE

The Minister of Agriculture, has under the powers vested in him by section 89 of the Marketing Act, 1968 (No. 59 of 1968), and with effect from 1 October, 1972, made the regulations set out in the Schedule hereto in substitution of the regulations published by Government Notice R. 1386 of 24 August 1962, as amended, which is hereby repealed with effect from the aforesaid date.

### SCHEDULE

*Definitions*

1. In these regulations, unless inconsistent with the context a word or expression to which a meaning has been assigned in the Scheme, shall have a corresponding meaning, and—

"barley" means the kernels of the genus *Hordeum;*

"broken kernels" means broken rye kernels and broken wheat kernels;

"beskadigde korrels"—

(a) rog-, koring-, gars- en hawerkorrels wat beskadig is deur insekte;

(b) uitgeloopte rogkorrels en uitgelooptekoringkorrels waarin die ontkieming of spruiting sover gevorder is dat die vel wat die kiem bedek, gebreek is en die ontwikkelende worteltjies of spruite (plumula) duidelik sigbaar is; en

(c) skimmelbesmette rogkorrels en skimmelbesmette koringkorrels waarop skimmel- of ander swamorganismebesmetting, behalwe stinkbrand, duidelik sigbaar is;

"die Skema" die Wintergraanskema afgekondig by Proklamasie R. 370 van 1960, soos gewysig;

"gars" die korrels van die genus *Hordeum*;

"gebreekte korrels" gebreekte rogkorrels en gebreekte koringkorrels;

"hawer" die korrels van die genus *Avena*;

"hektolitermassa" die massa in kilogram per hektoliter;

"insekte" insekte wat skadelik is vir rog soos die graankalander (*Sitophilus granarius*), die ryskalander (*Sitophilus oryzae*), die Australiese koringkalander (*Rhizopertha dominica* Fab.) en die Angoumois-graanmot (*Sitotroga cerealella*);

"koring" die kariopsis van die spesies *Triticum vulgare, Triticum compactum, Triticum durum, Triticum turgidum* en *Triticum polonicum*;

"ongedorste are" are of gedeeltes van are van rog, gars, hawer en koring wat nog kariopsisse of korrels, na gelang van die geval, bevat;

"rog" die kariopsis van die spesie *Secale cereale*;

"stinkbrandbesmetting" met betrekking tot rog, dat die korrels 'n onmiskenbare stinkbrandreuk het, of dat die rog, koring- of rogkariopsisse bevat wat met stinkbrand besmeer is, of dat meer as vier stinkbrandballe (of stukkies balle gelyk aan meer as vier stinkbrandballe per 100 g rog aanwesig is;

"vogtoetsolie" enige suiwer plantaardige slaaiolie of plantaardige kookolie;

"vreemde stowwe" met betrekking tot rog, alle materiaal insluitende onkruidsaad van enige aard en enige ander materiaal soos kaf, stukke bindgaring, klippe en stokkies maar uitgesonderd rog, koring, wilde-ertjies, gars, hawer en ongedorste are;

"wilde-ertjies" die saad van die onkruid bekend as wilde-ertjies of wieke (*Vicia* spp.).

## DEEL I

## OMVANG VAN REGULASIES

2. Hierdie regulasies is van toepassing op rog wat deur produsente daarvan aan die Raad van Beheer oor die Koringnywerheid, verkoop word.

## DEEL II

## GRADERING

### *Grade*

3. (1) Daar is vier grade rog naamlik graad 1, graad 2, graad 3 en Ondergraad.

(2) Behoudens die toelaatbare afwykings in regulasie 4 voorgeskryf, is die vereistes vir die verskillende grade rog soos volg:

(a) *Graad* 1, *graad* 2 *en graad* 3.—Die rog moet—

(i) vry wees van enige chemiese of ander stof wat die rog ongeskik maak vir kommersiële doeleindes;

(ii) vry van stinkbrandbesmetting wees;

(iii) vry wees van 'n muwwe, skimmel, suur, galsterige of enige ander reuk of smaak wat nie eie aan rog is nie;

(iv) vry van lewende insekte wees;

(v) nie meer as 13 persent (m/m) vog bevat nie;

"damaged kernels" means—

(a) rye, wheat, barley and oat kernels which have been damaged by insects;

(b) sprouted rye kernels and sprouted wheat kernels in which germination or sprouting has proceeded so far that the skin covering the embryo has been broken and the developing rootlets or plumule of the embryo can be clearly seen; and

(c) mould-infected rye kernels and mould-infected wheat kernels which can be clearly seen to be infected with mould organisms or other fungi, excluding stinking smut;

"foreign matter" in relation to rye, means all material including weed seeds of any kind and any other material such as chaff, bits of binder twine, stones and sticks but excluding rye, wheat, vetch, barley, oats and unthreshed ears;

"hectolitre mass" means the mass in kilogram per hectolitre;

"insects" means insects injurious to rye such a (*Sitophilus granarius*), the rice weevil (*Sitophilus oryzae*), the Australian wheat weevil (*Rhizopertha dominica* Fab.) and the Angoumois grain moth (*Sitotroga cerealella*);

"moisture-testing oil" means any pure vegetable salad oil or vegetable cooking oil;

"oats" means the kernels of the genus *Avena*;

"other grain" means the kernels or pieces of kernels of barley, oats and wheat;

"rye" means the caryopsis of the species *Secale cereale*;

"stinking smut infection" in relation to rye, means that the kernels have an unmistakable odour of stinking smut or that the rye contains wheat or rye caryopsides smeared with stinking smut or that the rye contains more than four smut balls (or portions of balls equivalent to more than four smut balls) per 100 g of rye;

"the Scheme" means the Winter Cereal Scheme published by Proclamation R. 370 of 1960, as amended;

"unthreshed ears" means ears or bits of ears of rye, barley, oats and wheat which still contain caryopsides or kernels, as the case may be;

"vetch" means the seed of the weed known as wild vetch or "wilde-ertjies" (*Vicia* spp.);

"wheat" means the caryopsis of the species *Triticum vulgare, Triticum compactum, Triticum durum, Triticum turgidum* and *Triticum polonicum*.

## PART I

## SCOPE OF REGULATIONS

2. These regulations shall apply to rye sold by producers thereof to the Wheat Industry Control Board.

## PART II

## GRADING

### *Grades*

3. (1) There shall be four Grades of rye namely Grade 1, Grade 2, Grade 3 and Undergrade.

(2) Subject to the allowable deviations prescribed in regulation 4, the requirements for the different grades of rye shall be as follows:

(a) *Grade* 1, *Grade* 2 *and Grade* 3.—The rye shall—

(i) be free from any chemical or other matter which can make it unsuitable for commercial purposes;

(ii) be free from stinking smut infection;

(iii) be free from musty, mouldy, sour, rancid or any other odour or taste foreign to rye;

(iv) be free from live insects;

(v) not contain more than 13 per cent (m/m) moisture;

(vi) vry van koring wees;
(vii) vry van wilde-ertjies wees;
(viii) vry van gars, hawer en ongedorste are wees;
(ix) vry van vreemde stowwe wees;
(x) vry van gebreekte korrels wees;
(xi) vry van beskadigde korrels wees;
(xii) vry wees van giftige sade, plante of gedeeltes daarvan of van enige chemiese of ander stof wat die rog moontlik vir menslike of dierlike gebruik ongeskik mag maak; en
(xiii) na gelang van die graad, aan een van die volgende minimum hektolitermassas voldoen:

Graad 1..... 73 kg;
Graad 2..... 70 kg;
Graad 3..... 67 kg.

(b) *Ondergraad.*—Rog wat nie aan die vereistes vir die voorafgaande grade voldoen nie.

*Afwykings*

4. Die maksimum afwyking van die vereistes voorgeskryf kragtens regulasie 3, wat ten opsigte van enigeen van genoemde grade toegelaat mag word, is soos volg:

| Aard van afwyking | Maksimum persentasie afwyking (m/m) toegelaat) | | |
|---|---|---|---|
| | Graad 1 | Graad 2 | Graad 3 |
| (a) Koring..... | 20 | 20 | 20 |
| (b) Wilde-ertjies..... | 1,5 | 2,5 | 4,5 |
| (c) Gars, hawer en ongedorste are... | 3,0 | 5,0 | 8,0 |
| (d) Vreemde stowwe..... | 1,0 | 1,5 | 2,5 |
| (e) Afwykings in paragrawe (b), (c) en (d) gesamentlik; mits sodanige afwykings individueel binne die perke, hierbo gespesifiseer, is..... | 4,0 | 5,0 | 8,0 |
| (f) Gebreekte korrels..... | 7,0 | 9,0 | 11,0 |
| (g) Beskadigde korrels..... | 5,0 | 6,0 | 8,0 |
| (h) Afwykings in paragrawe (e), (f) en (g) gesamentlik; mits sodanige afwykings binne die perke, soos hierbo gespesifiseer, is..... | 7,5 | 9,0 | 11,5 |

## DEEL III

## VERPAKKING

5. (1) Rog moet in graansakke verkoop word.

(2) Graansakke waarin rog verkoop word moet nuwe onbeskadigde Imperiale of metrieke sakke wees wat vervaardig is van òf jute òf *phormium tenax* òf 'n mengsel van jute en *phormium tenax* en moet—

(a) in die geval van Imperiale sakke, 'n oppervlaktemaat van minstens 7 484 cm² en 'n massa van nie minder as 1,0 kg hê nie; en

(b) in die geval van metrieke sakke, 'n oppervlaktemaat van minstens 6 255 cm² en 'n massa van nie minder as 900 g hê nie.

## DEEL IV

## BEREKENINGS- EN TOETSMETODES

*Toetsmetodes*

6. (1) *Monsterneming.*—Monsters vir die toets van rog word verkry deur klein hoeveelhede rog op verskillende hoogtes met 'n steker uit elke sak te neem. Die steker moet in alle gevalle diep en na die middel van die sak ingesteek word. As daar gevind word dat die rog van al die sakke saam oor die algemeen van dieselfde kwaliteit is, word die monsters van al die sakke saam in 'n pan gegooi. Die graad van die monster in die pan word dan bepaal, nadat die rog in die pan deeglik gemeng is. Enige sakke wat rog bevat wat afwyk van die rog in die ander sakke, word opsy gesit en afsonderlik gegradeer.

(vi) be free from wheat;
(vii) be free from vetch;
(viii) be free from barley, oats and unthreshed ears;
(ix) be free from foreign matter;
(x) be free from broken kernels;
(xi) be free from damaged kernels;
(xii) be free from poisonous seeds, plants or parts thereof or of any chemical or other matter which can likely make the rye unfit for human and animal consumption; and
(xiii) as the Grade may be, comply with one of the following minimum hectolitre masses:

Grade 1..... 73 kg;
Grade 2..... 70 kg;
Grade 3..... 67 kg.

(b) *Undergrade.*—Rye not complying with the requirements for the aforementioned grades.

*Deviations*

4. The maximum deviation from the requirements prescribed under regulation 3 that may be allowed in respect of any of the said grades, shall be as follows:

| Nature of deviation | Maximum percentage deviations (m/m) allowed | | |
|---|---|---|---|
| | Grade 1 | Grade 2 | Grade 3 |
| (a) Wheat..... | 20 | 20 | 20 |
| (b) Vetch..... | 1,5 | 2,5 | 4,5 |
| (c) Barley, oats and unthreshed ears.. | 3,0 | 5,0 | 8,0 |
| (d) Foreign matter..... | 1,0 | 1,5 | 2,5 |
| (e) Deviations in paragraphs (b), (c) and (d) collectively; provided such deviations are individually within the limits as specified above..... | 4,0 | 5,0 | 8,0 |
| (f) Broken kernels..... | 7,0 | 9,0 | 11,0 |
| (g) Damaged kernels..... | 5,0 | 6,0 | 8,0 |
| (h) Deviations in paragraphs (e), (f) and (g) collectively; provided such deviations are individually within the limits as specified above..... | 7,5 | 9,0 | 11,5 |

## PART III

## PACKING

5. (1) Rye shall be sold in grain bags.

(2) Grain bags in which rye is sold shall be new, undamaged Imperial or metric bags which are manufactured either from jute or *phormium tenax* or from a mixture of jute and *phormium tenax* and shall—

(a) in the case of Imperial bags, have a superficial area of at least 7 484 cm² and a mass of not less than 1,0 kg; and

(b) in the case of metric bags, have a superficial area of at least 6 225 cm² and a mass of not less than 900 g.

## PART IV

## CALCULATION AND TESTING METHODS

*Methods of Testing*

6. (1) *Taking of samples.*—Samples for the purpose of testing rye shall be obtained, by taking of small quantities of rye from each bag by means of a grain probe, different levels in the bag being probed. The probe must in all cases be pushed deeply into the bag, and towards the centre of the bag. If the rye from all the bags in a lot is found to be generally of the same quantity, the samples from all the bags, are thrown together into a pan. The Grade is then determined from the sample in the pan after the rye in the pan has been thoroughly mixed. Any bags containing rye differing from the rye in the other bags must be placed aside and graded separately.

(2) *Bepaling van hektolitermassa.*—Die hektolitermassa word bepaal volgens die *Tweevlaktregtermetode.* Die standaardapparaat by hierdie metode is soos volg:

*'n Vier-in-een-massameter.*

*'n Emmer.*—Binnehoogte, 123 mm; inhoud, 500 ml.

*'n Keëlvormige tregter* met 'n swaaiklep aan die nou end, wat deur middel van 'n regop metaalstaaf aan 'n tweevlakmetaalvoetstuk geheg is; die afmetings van die tregter is soos volg: Vertikale hoogte, 226 mm; bodeursnee, 914 mm en deursnee van klepgat, 285 mm.

Die keëlvormige tregter is aan die regop staaf geheg deur middel van 'n metaalarm wat aan die een end oor die regop staaf pas en daarom heen geswaai kan word en aan die ander end aan die tregter geheg is. Wanneer die tregter in posisie is, moet sy middellyn loodreg wees. Die hoogste vlak, wat nagenoeg 'n afstand van 30 mm moet laat tussen die onderste rand van die tregter en die rand van die emmer, word vir die toets van rog gebruik.

*'n Houtskraper.*—10 mm dik, 40 mm breed en minstens 100 mm lank. Minstens een van die rande van die skraper moet goed gerond wees, maar nie afgeslyt nie.

*Hoe die apparaat gebruik word.*—Die hele apparaat word op 'n harde, gladde, gelyke oppervlakte geplaas wat nie gestamp of geskud kan word nie. Die tregter word met rog gevul en afgeskraap sodat dit net gelykvol is. Die emmer word nou op die voetstuk van die staander geplaas sodat sy bodem se middelpunt reg onder dié van die tregterklep is. Die emmer moet vas op die voetstuk staan. Die tregterklep word met 'n vinnige swaai opgestoot sodat die rog die emmer volmaak en aan alle kante oorloop. Die tregter word omgeswaai weg van die emmer af, sonder dat die emmer gestamp of gestoot word. Die oortollige rog word dan van die emmer afgeskraap met die skraper wat vertikaal op sy rand gehou word. As die skraper 'n ronde sowel as 'n skerp rand het, mag slegs die ronder rand gebruik word om mee te skraap. By die afskraap word die skraper lig maar vas op die rand van die emmer geplaas en die oortollige rog met een vaste beweging regoor die rand van die emmer heen afgeskraap sodat die emmer dan net gelykvol rog bly. Die emmer word versigtig maar goed met die een hand vasgehou. Die vier-in-een-massameter word dan op 'n gelyke vaste oppervlakte geplaas en in ewewig gebring. Die rog wat in die emmer is, word in die pan van die vier-in-een-massameter geplaas en die hektolitermassa gemeet.

Die hektolitermassa moet twee keer met elke monster rog bepaal word, en as die twee lesings nie ooreenstem nie, moet die toets herhaal word.

*Bepaling van Persentasie Afwykings*

7. (1) *Bepaling van persentasie koring.*—Die persentasie koring in rog word bepaal deur die koring met die hand uit te soek uit duplikaatmonsters van 25 g elk. Die massa van die koring aldus verkry, uitgedruk as 'n persentasie van die totale massa van die monster, verteenwoordig die hoeveelheid koring in die monster. As die verskil tussen die persentasies ten opsigte van die twee monsters verkry, nie groter as 0,5 is nie, word die gemiddelde van die twee persentasies wat aldus verkry is, geneem; as genoemde verskil groter as 0,5 is, moet die toets herhaal word.

(2) *Bepaling van persentasie wilde-ertjies.*—Die persentasie wilde-ertjies in rog word bepaal deur die wilde-ertjies met die hand uit te soek uit duplikaatmonsters van 100 g elk. Die massa van die wilde-ertjies aldus verkry, uitgedruk as 'n persentasie van die totale massa van die monster, verteenwoordig die hoeveelheid wilde-ertjies in die monster. As die verskil tussen die persentasies ten opsigte van die twee monters verkry, nie groter as 0,5 is nie, word die gemiddelde van die twee persentasies wat aldus verkry is, geneem; as genoemde verskil groter as 0,5 is, moet die toets herhaal word.

(2) *Determination of hectolitre mass.*—The hectolitre mass shall be determined by the *Two-level-funnel Method.* The standard apparatus in this method is the following:

*A four-in-one massmeter.*

*A bucket.*—Internal height, 123 mm; capacity, 500 ml.

*A conical hopper* with a swing shutter at the narrow end, attached to a two-level metal base by means of an upright metal rod; the dimensions of the hopper are as follows: Vertical height, 226 mm; top diameter, 914 mm and shutter hole diameter, 285 mm.

The conical hopper is attached to the upright rod by means of a metal arm fitting over and able to rotate round the upright at one end and fixed to the conical hopper at the other end. When the hopper is in position, its centre line must be vertical. The higher level, which should give a clearance of approximately 30 mm between the bottom rim of the hopper and the rim of the bucket, is used for testing rye.

*A wooden scraper.*—10 mm thick and 40 mm wide and at least 100 mm long. At least one edge of the scraper must be well rounded, but not worn.

*Method of using apparatus.*—The entire apparatus is placed on a hard, smooth, level surface, not subject to jarring or shaking. The hopper is filled with rye and scraped off level full. The bucket is then placed on the base of the stand so that its centre is directly below that of the hopper shutter. The bucket must rest firmly on this base. Thereupon the hopper shutter is opened wide with a quick swing, the rye being allowed to fill the bucket and to overflow on all sides. The hopper is then swung round, away from the bucket, without disturbing the bucket in any way. The suprlus rye is then scraped from the bucket with the scraper which is held vertically. If the scraper has both a round and sharp edge, only the round edge may be used for scraping. In scraping, the scraper is placed lightly but firmly on the rim of the bucket which is grasped gently but firmly with one hand, and the surplus rye scraped off with one firm scrape straight across the rim of the bucket. The scraping should leave the bucket just level full of rye. The four-in-one massmeter is placed on a firm base and balanced, the rye in the bucket poured into the pan of the four-in-one massmeter and the hectolitre mass determined.

The hectolitre mass must be determined twice on each sample, and if the readings do not agree the test must be repeated.

*Determination of Percentage Deviation*

7. (1) *Determination of percentage of wheat.*—The percentage of wheat in rye is determined by hand-picking duplicate 25 g samples. The mass of the wheat kernels so obtained, expressed as a percentage of the total mass of the sample, represents the wheat content of the sample. If the difference between the percentages determined in respect of the two samples does not exceed 0,5, the average of the two percentages so determined shall be taken; if the said difference exceeds 0,5, the test must be repeated.

(2) *Determination of percentage of vetch.*—The percentage of vetch in rye is determined by hand-picking duplicate 100 g samples. The mass of the vetch so obtained, expressed as a percentage of the total mass of the sample, represents the vetch content of the sample. If the difference between the percentages determined in respect of the two samples does not exceed 0,5, the average of the two percentages so determined shall be taken; if the said difference exceeds 0,5, the test must be repeated.

(3) *Bepaling van persentasie gars, hawer en ongedorste are.*—Die persentasie gars, hawer en ongedorste are in die rog word bepaal deur die gars, hawer en ongedorste are met die hand uit te soek uit duplikaatmonsters van 50 g elk. Die massa van die gars, hawer en ongedorste are aldus verkry, uitgedruk as 'n persentasie van die totale massa van die monster, verteenwoordig die hoeveelheid gars, hawer en ongedorste are in die monster. As die verskil tussen die persentasies ten opsigte van die twee monsters verkry, nie groter as 0,5 is nie, word die gemiddelde van die twee persentasies wat aldus verkry is, geneem; as genoemde verskil groter as 0,5 is, moet die toets herhaal word.

(4) *Bepaling van persentasie vreemde stowwe.*—Die persentasie vreemde stowwe in rog word bepaal deur die vreemde stowwe met die hand uit te soek uit duplikaatmonsters van 100 g elk. Die massa van die vreemde stowwe aldus verkry, uitgedruk as 'n persentasie van die totale massa van die monster, verteenwoordig die hoeveelheid vreemde stowwe in die monster. As die verskil tussen die persentasies ten opsigte van die twee monsters verkry, nie groter as 0,5 is nie, word die gemiddelde van die twee persentasies wat aldus verkry is, geneem; as genoemde verskil groter as 0,5 is, met die toets herhaal word.

(5) *Bepaling van persentasie gebreekte korrels.*—Die persentasie gebreekte korrels word bepaal deur die gebreekte korrels met die hand uit te soek uit duplikaatmonsters van 25 g elk. Die massa van die gebreekte korrels aldus verkry, uitgedruk as 'n persentasie van die totale massa van die monster, verteenwoordig die hoeveelheid gebreekte korrels in die monster. As die verskil tussen die twee persentasies ten opsigte van die twee monsters verkry, nie groter as 0,5 is nie, word die gemiddelde van die twee persentasies wat aldus verkry is, geneem; as genoemde verskil groter as 0,5 is, moet die toets herhaal word.

(6) *Bepaling van persentasie beskadigde korrels.*—Die persentasie beskadigde korrels word bepaal deur die beskadigde korrels in duplikaatmonsters van 25 g elk met die hand uit te soek. Die massa van die beskadigde korrels aldus verkry, uitgedruk as 'n persentasie van die totale massa van die monster, verteenwoordig die persentasie beskadigde korrels in die monster. As die verskil tussen die persentasies wat vir die twee monsters bepaal is, nie groter as 0,5 is nie, word die gemiddelde van die twee persentasies wat aldus bepaal is, geneem; as genoemde verskil groter as 0,5 is, moet die toets herhaal word.

*Bepaling van Voggehalte*

8. Die voggehalte van rog word bepaal deur die Brown-Duvel-standaardtoets vir voggehalte van rog soos hieronder beskryf.

*Toetsmetode*

Die apparaat word opgerig op 'n plek waar daar geen trek is nie. Honderd gram rog word in die fles gegooi en 150 ml vogtoetsolie bygevoeg. Die rog en olie word deeglik gemeng deur die fles te skud. Die opening van die fles word gesluit met 'n gomlastiekprop waardeur 'n standaardtermometer gaan wat so gestel is dat vier-vyfdes van die kwiksilwerbol in die olie en rog versink is. Slegs korrek gegradeerde Celsiustermometers, spesiaal vir die apparaat gemaak, mag gebruik word. Die fles word dan in die Brown-Duvel-apparaat geplaas, en die arm van die fles met die kondenseerbuis verbind sodat dit goed pas. Die gaasdraad met asbesmiddelstuk onder die fles moet in 'n goeie toestand wees en so gestel word dat die vlam direk onder die middel van die asbes is terwyl die fles verhit word. Die staander waarop die fles rus, moet so hoog wees dat die bodem van die fles omtrent 9,5 mm

(3) *Determination of percentage of barley, oats and unthreshed ears.*—The percentage of barley, oats and unthreshed ears in the rye is determined by hand-picking duplicate 50 g samples. The mass of the barley, oats and unthreshed ears so obtained, expressed as a percentage of the total mass of the sample, represents the barley, oats and unthreshed ear content of the sample. If the difference between the percentages determined in respect of two samples does not exceed 0,5, the average of the two percentages so determined shall be taken; if the said difference exceeds, 0,5, the test must be repeated.

(4) *Determination of percentage of foreign matter.*—The percentage of foreign matter in rye is determined by hand-picking duplicate 100 g samples. The mass of the foreign matter so determined, expressed as a percentage of the total mass of the sample, represents the foreign matter content of the samples. If the difference between the percentages determined in respect of the two samples does not exceed 0,5, the average of the two percentages so determined shall be taken; if the said difference exceeds 0,5, the test must be repeated.

(5) *Determination of percentage of broken kernels.*—The percentage of broken kernels is determined by hand-picking duplicate 25 g samples. The mass of the broken kernels so obtained expressed as a percentage of the total mass of the sample, represents the broken kernel content of the sample. If the difference between the percentages determined in respect of the two samples does not exceed 0,5, the average of the two percentages so determined shall be taken; if the said difference exceeds 0,5, the test must be repeated.

(6) *Determination of percentage of damaged kernels.*—The percentage of damaged kernels is determined by hand-picking 25 g samples. The mass of the damaged kernels so obtained, expressed as a percentage of the total mass of the sample, represents the damaged kernel content of the sample. If the difference between the percentages determined in respect of the two samples does not exceed 0,5, the average of the two percentages so determined shall be taken; if the said difference exceeds 0,5, the test must be repeated.

*Determination of Moisture Content*

8. The moisture content of the rye shall be determined by the Standard Brown-Duvel moisture test for rye as described below.

*Method of Testing*

The apparatus is assembled in a place away from draughts. One hundred gram of rye is introduced into the flask, and 150 ml of moisture-testing oil added. The rye and oil must be well mixed by shaking. The opening of the flask is closed by means of a rubber stopper through which passes a standard thermometer, so adjusted that four-fifths of the mercury bulb is submerged in the rye and oil. Only correctly graduated centigrade therometers specially made for this apparatus may be used. The flask is then placed in the Brown-Duvel apparatus, and the arm of the flask is connected to the condenser tube so that it fits properly. The wire gauze with asbestos centre below the flask must be in good condition and so adjusted that when the flask is heated, the flame plays directly in the centre of the asbestos. The stand upon which the flask rests should be of such a height that the bottom of the

bo die asbes is. 'n Korrek gegradeerde maatglas word onder die kondenseerbuis geplaas om die water wat afgedryf word, op te vang. 'n Stroom koue water moet onafgebroke deur die kondenseertenk loop, of, as 'n klein enkelvlak-Brown-Duvelapparaat sonder voorsiening vir 'n stroom water gebruik word, moet die tenk na elke toets met koue water gevul word.

Die deksel word dan oor die fleshouer geplaas en die verhitting begin. Verhitting kan geskied deur middel van elektrisiteit, koolgasblaaslampe of alkohollampe (spiritus-lampe) soos vir die apparaat verskaf word. In alle gevalle moet die hitte egter so gereël word dat die temperatuur van 185° C binne minstens 19 minute maar hoogstens 21 minute bereik word. As dit langer duur, sal die resultate te laag wees, en as dit korter duur, sal die resultate te hoog wees. Die verhitting moet stopgesit word sodra die temperatuur 185° C bereik. (Gewoonlik duur dit 10 minute voordat die temperatuur styg van omtrent 100° tot 110° C en nog 10 minute voordat 185° C bereik word.)

As die voggehalte van die monster besonder hoog is, kan skuim gevorm word en die inhoud oorkook as die normale metode van verhitting toegepas word. Onder sulke omstandighede kan die regte voggehalte die beste bepaal word deur die mengsel vinnig te verhit totdat opborreling van olie plaasvind, en dan min hitte te gee totdat 'n paar milliliter water afgedryf is. Die normale verhitting kan dan weer toegepas en die orige vog sonder skuimvorming binne die voorgeskrewe tydperk deur verdamping verwyder word.

Nadat die verhitting opgehou het, kan 'n geringe geleidelike styging in temperatuur verwag word. 'n Skielike styging of daling van verskeie grade in die temperatuur toon aan dat die vlam te warm was gedurende die laaste deel van die verhitting, en dan moet die toets herhaal word. As die water wat oorstook, verkleur is, dui dit aan dat die rog gebrand het en dan moet die toets herhaal word.

Daar moet gewag word totdat die temperatuur tot 160° C of laer gedaal het voordat die deksel verwyder en die termometer en die afleweringsbuisie losgemaak word.

Alle druppels water wat aan die kante van die maatglas hang, word afgeskud en die persentasie vog afgelees. Die lesing word geneem onder die laag olie wat bo-op die water dryf. Resultate moet afgelees word tot een-tiende van een persent. Alle toetse moet twee keer gedoen word en as die verskil tussen die twee lesings nie groter as 0,2 is nie, word die gemiddelde van die twee lesings as voggehalte geneem; as genoemde verskil groter as 0,2 is, moet die toets herhaal word.

By die gebruik van hierdie apparaat moet gesorg word dat—

(a) geen voos gomlastiekproppe gebruik word nie;

(b) die maatglas skoon en droog gemaak word voordat dit gebruik word;

(c) geen olie onmiddelik na 'n vorige toets weer gebruik word nie; en

(d) die kwiksilwerkolom ongebroke is voordat met 'n toets begin word.

Vir iedere toets moet òf vars vogtoetsolie òf vogtoetsolie wat vir 'n tydlank nie gebruik is nie, gebruik word; in elk geval moet die olie tot 'n temperatuur van ongeveer 200° C verhit word en eers afkoel voordat dit gebruik word.

---

No. R. 1635 15 September 1972

## REGULASIES MET BETREKKING TOT DIE GRADERING EN VERPAKKING VAN HAWER

Die Minister van Landbou het, kragtens die bevoegdheid hom verleen by artikel 89 van die Bemarkingswet, 1968 (No. 59 van 1968), en met ingang van 1 Oktober

flask is about 9,5 mm above the asbestos. A correctly graduated measuring cylinder is placed under the condenser tube to collect the water driven off. A continuous stream of cold water should pass through the condenser tank, or, if a small single compartment Brown-Duvel outfit with no provision for a stream of water is used, the tank should be filled with cold water before each test.

The cover is then placed over the flask compartment and heating started. The heating may be brought about by electrical elements, coal-gas blowlamps or alcohol burners (spirit lamps) as supplied for the apparatus. In all cases, however, the heat must be so regulated that the temperature of 185° C is reached in not less than 19 minutes and not more than 21 minutes. A longer heating time gives results too low and a shorter time results too high. The heat must be cut off immediately the temperature reaches 185° C. (Normally it takes 10 minutes for the temperature to rise from about 100° to 110° C and a further 10 minutes to rise to 185° C.)

If the moisture content of the sample is very high, foaming and bubbling over may result with the normal method of heating. Under such conditions the best way of obtaining the true moisture content is to heat rapidly until the oil bubbles, and then to apply little heat until a few millilitres of water have been driven off. The heat may then be turned on to normal again and the remaining moisture driven off without foaming within the prescribed period of heating.

After the heat has been cut off, a slight gradual rise in temperature is to be expected. A sudden increase or a sudden decrease in temperature of several degrees indicates that the flame was too intense during the latter part of heating and the test must be repeated. If the water which distils over is discoloured, the rye has evidently been burned and the test must be repeated. After the temperature has dropped to 160° C or lower the cover and the thermometer are removed and the delivery tube is disconnected. All drops clinging to the sides of the measuring cylinder are shaken down and the percentage of moisture read off. The reading is taken beneath the layer of oil floating on the water. Results must be read to one tenth of one per cent. All tests must be made in duplicate and if the difference between the two readings does not exceed 0,2 the average of the two readings shall be taken as the moisture content; if the said difference exceeds 0,2, the test must be repeated.

When the apparatus is used care must be taken—

(a) to avoid the use of mushy rubber stoppers;

(b) to clean and dry the measuring flasks before using for a test;

(c) not to use oil directly from a previous test; and

(d) to see that the column of mercury in the thermometer is unbroken before any test is commenced with.

Either fresh moisture testing oil or moisture testing oil which has not been used for some time should be used for every test, and the soil should in any case be heated to a temperature of about 200° C and allowed to cool before use.

---

No. R. 1635 15 September 1972

## REGULATIONS RELATING TO THE GRADING AND PACKING OF OATS

The Minister of Agriculture has, under the powers vested in him by section 89 of the Marketing Act, 1968 (No. 59 of 1968), and with effect from 1 October 1972,

1972, die regulasies in die Bylae hiervan uiteengesit, gemaak ter vervanging van die regulasies afgekondig by Goewermentskennisgewing R. 3535 van 17 Oktober 1969, soos gewysig, wat hierby met ingang van bogenoemde datum herroep word.

BYLAE

*Woordomskrywing*

1. In hierdie regulasies, tensy uit die samehang anders blyk, het 'n woord of uitdrukking waaraan in die Skema 'n betekenis geheg is, 'n ooreenstemmende betekenis en beteken—

"ander graan" die korrels of stukkies korrels van gars, rog en koring;

"beskadigde korrels"—

(a) hawer- en ander graankorrels wat beskadig is deur insekte;

(b) uitgeloopte hawer- en ander graankorrels waarin ontkieming of spruiting so ver gevorder is dat die ontwikkelende worteltjies duidelik sigbaar is; en

(c) skimmelbesmette hawer- en ander graankorrels waarop skimmelorganismebesmetting sigbaar is;

"brandbesmetting" met betrekking tot hawer, dat die korrels met brand besmeer is of meer as ses brand massas per 100 g hawer bevat;

"die Skema" die Wintergraanskema afgekondig by Proklamasie R. 370 van 1960, soos gewysig;

„drabok" die sade van die plant *Lolium temulentum*;

"hawer" die korrels of stukkies korrels, met of sonder blomdoppies, van die cultivars van die spesies *Avena byzantina, Avena sativa* of *Avena nuda*: Met dien verstande dat vir die bepaling van die persentasie swart, grys of sjokoladekleurige hawer, die uitdrukking "hawer", hawer van die genus *Avena* beteken;

"hektolitermassa" die massa in kilogram per hektoliter;

"insekte" die graankalander (*Sitophilus granarius*), die ryskalander (*Sitophilus oryzae*), die Australiese koringkalander (*Rhisopertha dominica* Fab.) en die Angoumoisgraanmot (*Sitotroga cerealella*);

"ongedorste are" are of gedeeltes van are van hawer, gars, koring en rog wat nog kariopsisse of korrels, na gelang van die geval, bevat;

"swart, grys of sjokoladekleurige hawer" die korrels of stukkies korrels, met of sonder blomdoppies, wat natuurlike swart, grys of sjokoladekleurige blomdoppies of natuurlike swart of grys kariopsisse het;

"uitgedopte hawer" hawerkorrels waarvan die omsluitende blomdoppies verwyder is;

"vogtoetsolie" enige suiwer plantaardige slaaiolie of plantaardige kookolie;

"vreemde stowwe" alle materiaal behalwe hawer, ander graan en ongedorste are.

DEEL I

OMVANG VAN REGULASIES

2. Hierdie regulasies is van toepassing of hawer wat deur produsente daarvan aan die Raad van Beheer oor die Koringnywerheid, verkoop word.

DEEL II

GRADERING

*Grade*

3. (1) Daar is vyf grade hawer, naamlik graad I, graad 2, graad 3, graad 4 en Ondergraad.

made the regulations set out in the Schedule hereto in substitution of the regulations published by Government Notice R. 3535 of 17 October 1969, as amended, which is hereby repealed with effect from the aforesaid date.

SCHEDULE

*Defintions*

1. In these regulations, unless inconsistent with the context a word or expression to which a meaning has been assigned in the Scheme, shall have a corresponding meaning and—

"black, grey or chocolate-coloured oats" means the kernels or pieces of kernels, hulled or dehulled, which have naturally black, grey or chocolate-coloured flowering glumes or naturally black or grey caryopses;

"damaged kernels" means—

(a) oat and other grain kernels which have been damaged by insects;

(b) sprouted oat and other grain kernels in which germination or sprouting has proceeded so far that the developing rootlets can be clearly seen; and

(c) mould infected oat and other grain kernels which can be seen to be infected with mould organisms;

"darnel" means the seeds of the plant *Lolium temulentum*;

"dehulled oats" means oat kernels from which the enclosing flowering glumes have been removed;

"foreign matter" means all material other than oats, other grain and unthreshed ears;

"hectolitre mass" means mass in kilogram per hectolitre;

"insects" means the grain weevil (*Sitophilus granarius*), the rice weevil (*Sitophilus oryzae*), the Australian wheat weevil (*Rhizopertha dominica* Fab.) and the Angoumois grain moth (*Sitotroga cerealella*);

"moisture-testing oil" means any pure vegetable salad oil or vegetable cooking oil;

"oats" means the kernels, or pieces of the kernels hulled or dehulled, of the cultivars of the *Avena byzantina, Avena sativa* or *Avena nuda* species: Provided that for the purpose of determining the percentage of black, grey or chocolate-coloured oats, the term "oats" shall mean oats of the genus *Avena*;

"other grain" means the kernels or pieces of the kernels of barley, rye and wheat;

"smut infection" in relation to oats, means that the kernels are smeared with smut or contain more than six smut masses per 100 g of oats;

"the Scheme" means the Winter Cereal Scheme published by Proclamation R. 370 of 1960 as amended;

"unthreshed ears" means ears and bits of ears of wheat, barley, oats, and rye which still contain caryopses or kernels, as the case may be.

PART I

SCOPE OF REGULATIONS

2. These regulations shall apply to oats sold by producers thereof to the Wheat Industry Control Board.

PART II

GRADING

*Grades*

3. (1) There shall be five grades of oats namely Grade 1, Grade 2, Grade 3, Grade 4 and Undergrade.

(2) Behoudens die toelaatbare afwykings in regulasie 4 voorgeskryf, is die vereistes vir die verskillende grade hawer soos volg:

(a) *Graad* 1, *graad* 2, *graad* 3 *en graad* 4.—Die hawer moet—

(i) vry wees van enige chemiese of ander stof wat die hawer ongeskik maak vir kommersiële doeleindes;

(ii) vry van brandbesmetting wees;

(iii) vry wees van 'n muwwe, suur, galsterige of enige ander reuk of smaak wat nie eie aan hawer is nie;

(iv) vry van lewende insekte wees;

(v) nie meer as 13 persent (m/m) vog bevat nie;

(vi) vry wees van swart, grys of sjokoladekleurige hawer;

(vii) vry wees van uitgedopte hawer;

(viii) vry wees van ander graan en ongedorste are;

(ix) vry van drabok wees;

(x) vry wees van sand, gruis en klippies;

(xi) vry van vreemde stowwe wees;

(xii) vry wees van beskadigde korrels;

(xiii) vry wees van giftige sade, plante of gedeeltes daarvan of van enige chemiese of ander stof wat die hawer moontlik vir menslike of dierlike gebruik ongeskik mag maak; en

(xiv) na gelang van die graad, aan een van die volgende minimum hektolitermassas voldoen:

Graad 1..... 46 kg;
Graad 2..... 44 kg;
Graad 3..... 40 kg;
Graad 4..... 35 kg.

(b) *Ondergraad*.—Hawer wat nie aan die vereistes vir die voorafgaande grade voldoen nie.

*Afwykings*

4. Die maksimum afwyking van die vereistes voorgeskryf kragtens regulasie 3, wat ten opsigte van enigeen van genoemde grade toegelaat mag word, is soos volg:

| Aard van afwyking | Maksimum persentasie afwyking (m/m) toegelaat | | | |
|---|---|---|---|---|
| | Graad 1 | Graad 2 | Graad 3 | Graad 4 |
| (a) Swart, grys of sjokoladekleurige hawer..... | 5 | 10 | * | * |
| (b) Uitgedopte hawer..... | 6 | 15 | * | * |
| (c) Ander graan en ongedorste are..... | 3 | 6 | 20 | 35 |
| (d) Drabok..... | 1 | 2 | 5 | 8 |
| (e) Sand, gruis en klippies.... | 0,5 | 0,5 | 0,5 | 0,5 |
| (f) Vreemde stowwe met inbegrip van sand, gruis, klippies en drabok; mits sodanige afwykings individueel binne die perke soos in paragrawe (d) en (e) gespesifiseer, is..... | 2 | 4 | 6 | 10 |
| (g) Beskadigde korrels..... | 3 | 5 | 15 | 20 |
| (h) Vreemde stowwe plus beskadigde korrels, sand, gruis en klippies; mits sodanige afwykings individueel binne die perke soos in paragrawe (e), (f) en (g) gespesifiseer, is..... | 5 | 8 | 20 | 25 |

* Geen maksimum van toepassing.

(2) Subject to the allowable deviations prescribed in regulation 4, the requirements for the different grades of oats shall be as follows:

(a) *Grade* 1, *Grade* 2, *Grade* 3 *and Grade* 4.—The oats shall—

(i) be free of any chemical or other matter which can make it unsuitable for commercial purposes;

(ii) be free from smut infection;

(iii) be free from a mouldy, sour, rancid or any other odour or taste foreign to oats;

(iv) be free from live insects;

(v) not contain more than 13 per cent (m/m) moisture;

(vi) be free from black, grey or chocolate coloured oats;

(vii) be free from dehulled oats;

(viii) be free from other grain and unthreshed ears;

(ix) be free from darnel;

(x) be free from sand, gravel and stones;

(xi) be free from foreign matter;

(xii) be free from damaged kernels;

(xiii) be free from poisonous seeds, plants or parts thereof or from any chemical or other matter which can likely make the oats unfit for human or animal consumption; and

(xiv) as the grade may be, comply with one of the following minimum hectolitre masses:

Grade 1..... 46 kg;
Grade 2..... 44 kg;
Grade 3..... 40 kg;
Grade 4..... 35 kg.

(b) *Undergrade*.—Oats which do not comply with any of the requirements as prescribed for any of the aforementioned grades.

*Deviations*

4. The maximum deviation from the requirements prescribed under regulation 3 that may be allowed in respect of any of the said grades, shall be as follows:

| Nature of deviation | Maximum percentage deviation (m/m) allowed | | | |
|---|---|---|---|---|
| | Grade 1 | Grade 2 | Grade 3 | Grade 4 |
| (a) Black grey or chocolate coloured oats..... | 5 | 10 | * | * |
| (b) Dehulled oats..... | 6 | 15 | * | * |
| (c) Other grain and unthreshed ears..... | 3 | 6 | 20 | 35 |
| (d) Darnel..... | 1 | 2 | 5 | 8 |
| (e) Sand, gravel and stones.. | 0,5 | 0,5 | 0,5 | 0,5 |
| (f) Foreign matter including sand, gravel, stones and darnel; if such deviations individually fall within the limits as specified in paragraphs (d) and (e)..... | 2 | 4 | 6 | 10 |
| (g) Damaged kernels..... | 3 | 5 | 15 | 20 |
| (h) Foreign matter plus damaged kernels and stones and gravel; if the deviations individually be within the limits as specified in paragraphs (e), (f) and (g) | 5 | 8 | 20 | 25 |

* No maximum applicable.

## DEEL III

## VERPAKKING

5. (1) Hawer moet in graansakke verkoop word.

(2) Graansakke waarin hawer verkoop word moet sterk en heel Imperiale of metrieke sakke wees wat vervaardig is van òf jute òf *phormium tenax* of van 'n mengsel van jute en *phormium tenax*, en—

(a) moet in die geval van Imperiale sakke, 'n oppervlaktemaat van minstens 7 484 cm² en 'n massa van nie minder as 1,0 kg hê nie;

(b) moet in die geval van metrieke sakke, 'n oppervlaktemaat van minstens 6 225 cm² en 'n massa van nie minder as 900 g hê nie; en

(c) mag gevlek, gestop en gelap wees; mits die oppervlakte van 'n afsonderlike lapplek nie 225 cm² oorskry nie.

## DEEL IV

## BEREKENINGS- EN TOETSMETODES

### *Toetsmetodes*

6. (1) *Monsterneming.*—Monsters vir die toets van hawer word verkry deur klein hoeveelhede hawer op verskillende hoogtes met 'n steker uit elke sak te neem. Die steker moet in alle gevalle diep en na die middel van die sak ingesteek word. As daar gevind word dat die hawer van al die sakke saam oor die algemeen van dieselfde kwaliteit is, word die monsters van al die sakke saam in 'n pan gegooi. Die graad van die monster in die pan word dan bepaal, nadat die hawer in die pan deeglik gemeng is. Enige sakke wat hawer bevat wat afwyk van die hawer in die ander sakke, word opsy gesit en afsonderlik gegradeer.

(2) *Bepaling van die hektolitermassa.*—Die hektolitermassa word bepaal volgens die *Tweevlaktregtermetode*. Die standaard apparaat by hierdie metode is soos volg:

*'n Vier-in-een-massameter.*

*'n Emmer.*—Binnehoogte, 123 mm; inhoud, 500 ml.

*'n Tweevlaktregterapparaat* wat uit die volgende bestaan:

(a) 'n Keëlvormige tregter met 'n swaaiklep aan die nou end: Hoogte, 226 mm; bo-deursnee, 914 mm en deursnee van klepgat, 28,5 mm.

(b) 'n Stewige ovaalvormige metaalvoetstuk met 'n verhogie aan elke punt van die lang-as daarvan en met 'n ronde metaalstaaf wat vertikaal in die voetstuk, presies halfpad tussen die middelpunte van die twee verhogies ingeskroef word.

(c) 'n Metaalarm waarvan een end aan die tregter en die ander end oor die regop metaalstaaf waaromheen dit kan swaai, geheg word.

*'n Skraper.*—'n Silindervormige hardehoutskraper, 124 mm hoog en met 'n deursnee van 70 mm.

*'n Sak.*—'n Sak van sterk linnedoek, 300 mm wyd, 430 mm lank, en met 'n band 25 mm onderkant die bek, om die sak mee toe te bind.

*Hoe die apparaat gebruik word.*—Vierhonderd gram van die goedgemengde monster in die pan word geneem en in die sak gegooi, en die sak toegebind. Die materiaal in die sak word dan deeglik met die hand gevryf op 'n harde oppervlakte soos die blad van 'n tafel of werksbank. Die monster word gevryf deur die bek van die sak in die een hand vas te hou, terwyl 'n handvol van die inhoud op 'n slag met sak en al teen die orige gedeelte van die monster in die sak gevryf word. Na elke vyf of ses keer se vryf word die inhoud weer gemeng deur die sak te skud. Die monster moet vir een minuut gevryf word.

## PART III

## PACKING

5. (1) Oats shall be sold in bags.

(2) Grain bags, in which oats is sold shall be strong and sound Imperial or metric bags, manufactured from either jute or *phormium tenax* or from a mixture of jute and *phormium tenax* and—

(a) in the case of Imperial bags, shall have a superficial area of at least 7 484 cm² and a mass of not less than 1,0 kg;

(b) in the case of metric bags, shall have a super ficial area of at least 6 225 cm² and a mass of not less than 900 g; and

(c) may be stained, darned and patched; provided the area of any individual patch does not exceed 225 cm².

## PART IV

## CALCULATIONS AND METHODS OF TESTING

### *Methods of Testing*

6. (1) *Taking of samples.*—

(1) *Oats purchased and sold in bags.*—Samples for the purpose of testing oats shall be obtained by the taking of small quantities of oats from each bag by means of grain probe, different levels in the bag being probed. The probe must in all cases be pushed deeply into the bag and towards the centre of the bag. If the oats from all the bags in a lot is found to be generally of the same quality, the samples from all the bags are thrown together into a pan. The grade is then determined from the sample in the pan after the oats in the pan have been throughly mixed. Any bags containing oats differing from the oats in the other bags must be placed aside and graded separately.

(2) *Determination of hectolitre mass.*—The hectolitre mass shall be determined by the *Two-level Funnel Method*. The standard apparatus is the following:

*A four-in-one massmeter.*

*A bucket.*—Internal height, 123 mm; capacity, 500 ml.

*A Two-level funnel apparatus* which consists of the following:

(a) A conical hopper with a swing shutter at the narrow end: Height, 226 mm; top diameter of hopper, 914 mm; diameter of shutter hole, 28,5 mm.

(b) A solid, oval-shaped metal base with a small platform at each end of its long axis and with a metal rod screwed vertically into the base equidistant between the centres of the two platforms.

(c) A metal arm of which one end is attached to the hopper and the other end is fitted over the metal rod around which it can be rotated.

*A scraper.*—A cylindrical hardwood scraper; height, 124 mm diameter, 70 mm.

*A bag.*—A bag of strong linen cloth 300 mm wide and 430 mm long, having a tape attached 25 mm below the open end for closing the bag.

*Method of using apparatus.*—Four hundred grammes of the well-mixed sample in the pan are placed in the bag which is then closed. The material in the bag is then briskly rubbed by hand on a hard board surface such as a table or bench. Rubbing is done by holding the closed end of the bag in one hand, grasping a handful of the contents through the bag with the other hand at a time and rubbing this against the rest of the bag's contens. After each five or six rubs the contents are mixed by shaking the bag. Rubbing must be done for one minute.

Die hele apparaat word op 'n harde, gladde, gelyk oppervlakte geplaas wat nie gestamp of geskud kan word nie. Die tregter word met die gevryfde monster uit die sak gevul en afgeskraap sodat dit net gelykvol is. Die emmer word nou op die laer verhogie van die voetstuk geplaas sodat sy middelpunt reg onder dié van die tregteropening is. Die val van die hawer van die klepgat na die top van die emmer moet nagenoeg 49,5 mm wees. Die emmer moet vas op die voetstuk staan. Die tregterklep word met 'n vinnige swaai oopgestoot sodat die hawer die emmer volmaak en aan alle kante oorloop. Die tregter word omgeswaai, weg van die emmer af, sonder dat die emmer gestamp of gestoot word. Die oortollige hawer word dan van die emmer afgeskraap met die skraper sodat die emmer net gelykvol is. By die afskraap word die skraper versigtig maar stewig op die rand van die emmer, wat stewig met die hand vasgehou word, geplaas en dwarsoor die rand gestoot; die skraper mag nie rol nie. Die vier-in-een-massameter word op 'n gelyke stewige oppervlakte geplaas en in ewewig gebring, en die hawer wat in die emmer is, word in die pan van die vier-in-een-massameter gegooi en die hektolitermassa gemeet.

Die hektolitermassa moet twee keer met elke monster bepaal word. As die twee lesings nie ooreenstem nie, moet die toets met 'n nuwe gevryfde monster herhaal word.

*Bepaling van Persentasie Afwykings*

7. (1) *Bepaling van persentasie uitgedopte hawer.*—Die persentasie uitgedopte hawer in hawer word bepaal deur die uitgedopte hawer met die hand uit te soek uit duplikaatmonster van 25 g elk. Die massa van die uitgedopte hawer aldus verkry, uitgedruk as persentasie van die totale massa van die monster, verteenwoordig die persentasie uitgedopte hawer in die monster. As die verskil tussen die persentasies wat vir die twee monsters bepaal is, nie groter as 0,5 is nie, word die gemiddelde van die twee persentasies wat aldus verkry is, geneem; as genoemde verskil groter as 0,5 is, moet die toets herhaal word.

(2) *Bepaling van persentasie swart, grys of sjokoladekleurige hawer.*—Die persentasie swart, grys of sjokoladekleurige hawer in hawer word bepaal deur dit met die hand uit te soek uit duplikaatmonsters van 50 g elk. Die massa van die swart, grys of sjokoladekleurige hawer aldus verkry, uitgedruk as 'n persentasie van die totale massa van die monster, verteenwoordig die persentasie van sulke hawer in die monster. As die verskil tussen die persentasies wat vir die monsters bepaal is, nie groter as 0,5, is nie, word die gemiddelde van die persentasies wat aldus bepaal is, geneem; as genoemde verskil groter as 0,5 is, moet die toets herhaal word.

(3) *Bepaling van persentasie vreemde stowwe.*—Die persentasie vreemde stowwe in hawer word bepaal deur die vreemde stowwe met die hand uit te soek uit duplikaatmonsters van 50 g elk. Die massa van die vreemde stowwe aldus verkry, uitgedruk as 'n persentasie van die totale massa van die monster, verteenwoordig die persentasie vreemde stowwe in die monster. As die verskil in die persentasies wat vir die twee monsters bepaal is, nie groter as 0,5 is nie, word die gemiddelde van die twee persentasies wat aldus bepaal is, geneem; as genoemde verskil groter as 0,5 is, moet die toets herhaal word:

Met dien verstande dat as 'n monster fyn sand bevat, afskeiding van die sand vergemaklik kan word deur 'n geskikte sif te gebruik.

(4) *Bepaling van persentasie ander graan en ongedorste are.*—Die persentasie ander graan en ongedorste are in hawer word bepaal deur die ander graan en ongedorste are met die hand uit te soek uit duplikaatmonsters van 50 g elk. Die massa van die ander graan en ongedorste are aldus verkry, uitgedruk as 'n persentasie van die

The entire apparatus is placed on a hard, smooth, level surface, not subject to jarring or shaking. The hopper is filled with the rubbed sample from the bag and scraped off level full. The bucket is then placed on the lower platform of the base so that its centre is directly below that of the hopper opening. The drop of oats from shutter hole to the top of the bucket must be approximately 49,5 mm. The bucket must rest firmly on the platform. Thereupon the hopper shutter is opened wide with a quick swing, the oats being allowed to fill the bucket and to overflow on all sides. The hopper is then swung round, away from the bucket, without disturbing the bucket, in any way. The surplus oats are than scraped off the bucket with the scraper so that the bucket is left just level full. The scraper must be placed gently but firmly on the rim of the bucket, which is held firmly with one hand and the scraper pushed straight across the rim. The scraper must not be allowed to roll; the four-in-one-massmeter is placed on a level, firm base and balanced, the oats in the bucket poured into the pan of the four-in-one-massmeter and the hectolitre mass is measured.

The hectolitre mass must be determined twice on each sample. If the two readings do not agree, the test must be repeated on a new rubbed sample.

*Determination of Percentage Deviations*

7. (1) *Determination of percentage of dehulled oats.*—The percentage of dehulled oats in oats is determined by hand-picking duplicate 25 g samples. The mass of the dehulled oats so obtained expressed as a percentage of the total mass of the sample, gives the dehulled oat-content of the sample. If the difference between the percentages determined in respect of the two samples does not exceed 0,5, the average of the two percentages so determined shall be taken; if the said difference exceeds 0,5, the test must be repeated.

(2) *Determination of percentage of black, grey or chocolate-coloured oats.*—The percentage of black, grey or chocolate-coloured oats in oats is determined by hand-picking duplicate 50 g samples. The mass of the black, grey or chocolate-coloured oats so obtained expressed as a percentage of the total mass of the sample, gives the percentage of the total mass of the sample, gives the percentage of such oats in the sample. If the difference between the percentages determined in respect of the two samples does not exceed 0,5, the averages of the two percentages so determined shall be taken; if the said difference exceeds 0,5 the test must be repeated.

(3) *Determination of percentage of foreign matter.*—The percentage of foreign matter in oats is determined by hand-picking duplicate samples of 50 g each. The mass of the foreign matter so obtained, expressed as a percentage of the total mass of the sample, gives the foreign matter content of the sample. If the difference between the percentages determined in respect of the two samples does not exceed 0,5 the average of the two percentages so determined shall be taken; if the said difference exceeds 0,5, the test must be repeated:

Provided that if a sample contains fine sand, separation of the sand may be facilitated by using a suitable sieve.

(4) *Determination of percentage of other grain and unthreshed ears.*—The percentage of other grain and unthreshed ears in oats is determined by hand-picking duplicate 50 g samples. The mass of other grain and unthreshed ears so obtained, expressed as a percentage

totale massa van die monster, verteenwoordig die persentasie ander graan en ongedorste are in die monster. As die verskil in die persentasies wat vir die twee monsters bepaal is nie groter as 0,5 is nie, word die gemiddelde van die twee persentasies wat aldus bepaal is, geneem; as genoemde verskil groter as 0,5 is, moet die toets herhaal word.

(5) *Bepaling van persentasie beskadigde korrels.*—Die persentasie beskadigde korrels in hawer word bepaal deur die beskadigde korrels met die hand uit te soek uit duplikaatmonsters van 25 g elk. Die massa van die beskadigde korrels aldus verkry, uitgedruk as 'n persentasie van die totale massa van die monster, verteenwoordig die persentasie beskadigde korrels van die monster. As die verskil in die persentasies wat vir die twee monsters bepaal is, nie groter as 0,5 is nie, word die gemiddelde van die twee persentasies wat aldus bepaal is, geneem; as genoemde veskil groter as 0,5 is, moet die toets herhaal word.

(6) *Bepaling van persentasie drabok.*—Die persentasie drabok in hawer word bepaal deur die drabok met die hand uit te soek uit duplikaatmonsters van 50 g elk. Die massa van die drabok aldus verkry, uitgedruk as 'n persentasie van die totale massa van die monster, verteenwoordig die persentasie drabok in die monster. As die verskil tussen die persentasies ten opsigte van die twee monsters verkry, nie groter as 0,5 is nie, word die gemiddelde van die twee persentasies wat aldus verkry is, geneem; as genoemde verskil groter as 0,5 is, moet die toets herhaal word.

*Bepaling van Voggehalte*

8. Die voggehalte van hawer word bepaal deur die Brown-Duvel-standaardtoets vir voggehalte van hawer soos hieronder beskryf.

*Toetsmetode*

Die apparaat word opgerig op 'n plek waar daar geen trek is nie. Vyftig gram hawer word in die fles gegooi en 150 ml vogtoetsolie bygevoeg. Die hawer en olie word deeglik gemeng deur die fles te skud. Die opening van die fles word gesluit met 'n gomlastiekprop waardeur 'n standaardtermometer gaan wat so gestel is dat vier vyfdes van die kwiksilwerbol in die olie en hawer versink is. Slegs korrek gegradeerde Celsiustermometers, spesiaal vir die apparaat gemaak, mag gebruik word. Die fles word dan in die Brown-Duvel-apparaat geplaas, en die arm van die fles met die kondenseerbuis verbind sodat dit behoorlik pas. Die gaasdraad met asbesmiddelstuk onder die fles moet in goeie toestand wees en so gestel word dat die vlam direk onder die middel van die asbes is terwyl die fles verhit word. Die stander waarop die fles rus, moet so hoog wees dat die bodem van die fles omtrent 9,5 mm bo die asbes is. 'n Korrek gegradeerde maatglas word onder die kondenseerbuis geplaas om die water wat afgedryf word, op te vang. 'n Onafgebroke stroom koue water moet deur die kondenseertenk loop, of, as 'n klein enkelvlak-Brown-Duvel-apparaat sonder voorsiening vir 'n stroom water gebruik word, moet die tenk voor elke toets met koue water gevul word.

Die deksel word dan oor die fleshouer geplaas en die verhitting begin. Verhitting kan geskied deur middel van elektrisiteit, koolgasblaaslampe of alkohollampe (spiritus-lampe) soos vir die apparaat verskaf word. In alle gevale moet die hitte egter so gereël word dat die temperatuur van 195° C binne minstens 19 minute maar hoogstens 21 minute bereik word. As dit langer duur, sal die resultate te laag wees, en as dit korter duur, sal die resultate te hoog wees. Die verhitting moet stopgesit word sodra die temperatuur van 195° C bereik word. (Gewoonlik duur dit 10 minute voordat die temperatuur styg van omtrent 110° C tot 120° C, en nog 10 minute voordat 195° C bereik word.)

of the total mass of the sample, gives the other grain and unthreshed ear content of the sample. If the difference between the percentages determined in respect of the two samples does not exceed 0,5 the average of the two percentages so determined shall be taken; if the said difference exceeds 0,5, the test must be repeated.

(5) *Determination of percentage of damaged kernels.*—The percentage of damaged kernels in oats is determined by hand-picking duplicate 25 g samples. The mass of the damaged kernels so obtained, expressed as a percentage of the total mass of the sample, gives the damaged kernel-content of the sample. If the difference between the percentages determined in respect of the two samples does not exceed 0,5, the average of the two percentages so determined shall be taken; if the said defference exceeds 0,5, the test must be repeated.

(6) *Determination of percentage of darnel.*—The percentage of darnel in oats is determined by hand-picking duplicate 50 g samples. The mass of the darnel so determined, expressed as a percentage of the total mass of the sample, represents the darnel content of the sample. If the difference between the percentages determined in respect of the two samples does not exceed 0,5, the average of the two percentages so determined shall be taken; if the said difference exceeds 0,5, the test must be repeated.

*Determination of Moisture Content*

8. The moisture content of the oats shall be determined by the standard Brown-Duvel moisture test for oats as described below.

*Method of Testing*

The apparatus is assembled in a place away from draughts. Fifty grammes of oats are introduced into the flask, and 150 ml of moisture-testing oil added. The oats and oil must be well mixed by shaking the flask. The opening of the flask is closed by means of a rubber stopper through which passes a standard thermometer, so adjusted that four-fifths of the mercury bulb is submerged in the oats and oil. Only correctly graduated centigrade thermometers, specially made for this apparatus, may be used. The flask is then placed in the Brown-Duvel apparatus, and the arm of the flask is connected to the condenser tube so that it fits properly. The wire gauze with asbestos centre below the flask must be in good condition, and so adjusted that when the flask is heated, the flame plays directly in the centre of the asbestos. The stand upon which the flask rests should be of such height that the bottom of the flask is about 9,5 mm above the asbestos. A correctly graduated measuring cylinder is placed under the condenser tube to collect the water driven off. A continuous stream of cold water should pass through the condenser tank, or if a small single-compartment Brown-Duvel outfit with no provision for a stream of water is used, the tank should be filled with cold water before each test.

The cover is then placed over the flask compartment and heating started. Heating may be brought about by electrical elements, coal-gas blow-lamps or alcohol burners (spirit lamps) as supplied for the apparatus. In all cases, however, the heat must be so regulated that the temperature of 195° C is reached in not less than 19 minutes and not more than 21 minutes. A longer heating time gives results too low and a shorter time results too high. The heat must be cut off immediately the temperature reached 195° C. (Normally it takes 10 minutes for the temperature to rise from about 110° C to 120° C, and a further 10 minutes to rise to 195° C).

As die voggehalte van die monster besonder hoog is, kan skuim gevorm word en die inhoud oorkook as die normale metode van verhitting toegepas word. Onder sulke omstandighede kan die regte voggehalte die beste bepaal word deur die mengsel vinnig te verhit totdat opborreling van olie plaasvind, en dan min hitte te gee totdat 'n paar milliliter water afgedryf is. Die normale verhitting kan dan weer toegepas en die orige vog sonder skuimvorming binne die voorgeskrewe tydperk verwyder word.

Nadat die verhitting opgehou het, kan 'n geringe geleidelike styging in temperatuur verwag word. 'n Skielike styging of 'n skielike daling van verskeie grade in die temperatuur toon aan dat die vlam te warm was gedurende die laaste deel van die verhitting, en dan moet die toets herhaal word. As die water wat oorstook, verkleur is, dui dit aan dat die hawer gebrand het en dan moet die toets herhaal word.

Daar moet gewag word totdat die temperatuur tot 160° C of laer gedaal het voordat die deksel en die termometer verwyder en die afleweringsbuisie losgemaak word.

Alle druppels water wat aan die kante van die maatglas hang, word afgeskud en die persentasie vog afgelees. Die lesing word geneem onder die laag olie wat bo-op die water dryf. Resultate moet afgelees word tot een tiende van 1 persent. Alle toetse moet twee keer gedoen word en as die verskil tussen die twee lesings nie groter as 0,2 is nie, word die gemiddelde van die twee lesings met twee vermenigvuldig en as die voggehalte geneem; as genoemde verskil groter as 0,2 is moet die toets herhaal word.

By die gebruik van hierdie apparaat moet gesorg word dat—

(a) geen voos gomlastiekproppe gebruik word nie;

(b) die maatglas skoon en droog gemaak word voordat dit gebruik word;

(c) geen olie onmiddellik na 'n vorige toets weer gebruik word nie; en

(d) die kwiksilwerkolom ongebroke is voordat met 'n toets begin word.

Vir iedere toets moet òf vars vogtoetsolie of vogtoetsolie wat vir 'n tydlank nie gebruik is nie, gebruik word; in elk geval moet die olie tot 'n temperatuur van ongeveer 200° C verhit word en eers afkoel voordat dit gebruik word.

---

No. R. 1636 15 September 1972

## REGULASIES MET BETREKKING TOT DIE GRADERING EN VERPAKKING VAN GARS

Die Minister van Landbou het, kragtens die bevoegdheid hom verleen by artikel 89 van die Bemarkingswet, 1968 (No. 59 van 1968), en met ingang van 1 Oktober 1972, die regulasies in die Bylae hiervan uiteengesit, gemaak ter vervanging van die regulasies afgekondig by Goewermentskennisgewing R. 1388 van 24 Augustus 1962, soos gewysig, wat hierby met ingang van bogenoemde datum herroep word.

### BYLAE

*Woordomskrywing*

1. In hierdie regulasies, tensy uit die samehang anders blyk, het 'n woord of uitdrukking waaraan in die Skema 'n betekenis geheg is, 'n ooreenstemmende betekenis, en beteken—

"ander graan" die korrels of stukkies korrels van hawer, rog en koring;

"beskadigde korrels"—

(a) gars- en ander graankorrels wat beskadig is deur insekte;

If the moisture-content of the sample is very high, foaming and bubbling over may result with the normal method of heating. Under such conditions the best way of getting the true moisture-content is to heat rapidly until the oil bubbles, and then to apply little heat until a few millilitres of water have been driven off. The heat may then be turned on to normal again and the remaining moisture driven off without foaming within the prescribed period of heating.

After the heat has been cut off, a slight gradual rise in temperature is to be expected. A sudden increase or a sudden decrease in temperature of several degrees indicates that the flame was too intense during the latter part of heating and the test should be repeated. If the water which distils over is discoloured, the oats have evidently been burned and the test must be repeated.

Only after the temperature has fallen to 160° C or lower, the cover and the thermometer are removed, and then the delivery tube is disconnected.

All drops clinging to the sides of the measuring cylinder are shaken down and the percentage of moisture read off. The reading is taken beneath the layer of oil floating on the water. Results must be read to one-tenth of 1 per cent. All tests must be made in duplicate and if the difference between the two readings does not exceed 0,2, the average of the two readings, multiplied by two, shall be taken as the moisture-content; if the said difference exceeds 0,2, the test must be repeated.

When this apparatus is used care should be taken—

(a) to avoid the use of mushy rubber stoppers;

(b) to clean and dry the measuring flasks before using for a test;

(c) not to use oil directly from a previous test; and

(d) to see that the column of mercury in the thermometer is unbroken before any test is commenced with.

Either fresh moisture testing oil or moisture testing oil which has not been used for some time should be used for every test, and the oil should in any case be heated to a temperature of about 200° C and allowed to cool before use.

---

No. R. 1636 15 September 1972

## REGULATIONS RELATING TO THE GRADING AND PACKING OF BARLEY

The Minister of Agriculture has, under the powers vested in him by section 89 of the Marketing Act, 1968 (No. 59 of 1968), and with effect from 1 October 1972, made the regulations set out in the Schedule hereto in substitution of the regulations published by Government Notice R. 1388 of 24 August 1962, as amended, which is hereby repealed with effect from the aforesaid date.

### SCHEDULE

*Definitions*

1. In these regulations, unless inconsistent with the context a word or expression to which a meaning has been assigned in the Scheme, shall have a corresponding meaning, and—

"badly discoloured kernels" means barley kernels in which the whole or part of the kernel has a brown to black colour, but shall not include barley kernels in which such colour is confined to the germ end;

(b) uitgeloopte gars- en ander graankorrels waarin ontkieming of spruiting so ver gevorder is dat die ontwikkelde worteltjies duidelik sigbaar is; en

(c) skimmelbesmette gars- en ander graankorrels waarop skimmelorganismebesmetting duidelik sigbaar is;

"brandbesmetting" met betrekking tot gars, dat die korrels met brand besmeer is of meer as ses brandmassas per 100 g gars bevat;

"die Skema" die Wintergraanskema afgekondig by Proklamasie R. 370 van 1960, soos gewysig;

"erg verkleurde korrels" garskorrels waarvan die hele korrel of 'n gedeelte van die korrel 'n bruin tot swart kleur het, met uitsluiting van garskorrels waarvan sodanige kleur tot die kiem-end beperk is;

"gars" die korrels of stukkies korrels van die gekweekte cultivars, bedek of kaal, van die spesies *Hordeum vulgare, Hordeum intermedium, Hordeum distichon* en *Hordeum deficiens*;

"hektolitermassa" die massa in kilogram per hektoliter;

"insekte" insekte wat skadelik is vir gars soos die graankalander (*Sitophilus granarius*), die ryskalander (*Sitophilus oryzae*), die Australiese koringkalander (*Rhizopertha dominica* Fab.) en die Angoumois-graanmot (*Sitotroga cerealella*);

"meganies beskadigde korrels" garskorrels wat beskadig is toe dit gedors is of as gevolg van hantering, sodat die omsluitende blomdoppies geheel en al of gedeeltelik van die korrel verwyder is, of die korrels gebreek is;

"ongedorste are" are of gedeeltes van are van hawer, gars, koring en rog wat nog kariopsisse of korrels, na gelang van die geval, bevat;

"sifsels" al die materiaal in 'n monster gars wat fyn genoeg is om deur albei siwwe van die standaardgarssifapparaat te gaan;

"standaardgarssifapparaat" 'n handsifapparaat bestaande uit 'n deksel, 'n boonste sif, 'n onderste sif en 'n pan wat in die genoemde volgorde opmekaar pas en waarvan—

(a) die boonste sif 190 mm lank, 114 mm wyd, en gemaak is van metaal van dikte 1,25 mm, met ses parallelle rye langwerpige openings, 25 mm lank en 2,5 mm wyd; die metaal tussen die langwerpige openings in dieselfde ry is 2,5 mm wyd; die lang-asse van die openings loop parallel met die lang-as van die sif; die openings in die verskillende rye loop in suilvormige en nie in skaakbordformasie nie;

(b) die onderste sif 190 mm lank, 114 mm wyd en gemaak is van metaal van dikte 1,25 mm, met ses parallelle rye langwerpige openings, 25 mm lank en 2 mm wyd; die metaal tussen die langwerpige openings in dieselfde rye is 2,5 mm wyd; die lang-asse van die openings loop parallel met die lang-as van die sif; die openings in die verskillende rye loop in suilvormige formasie en nie in skaakbordformasie nie; en

(c) die pan met 'n soliede bodem voorsien is;

"swartpuntkorrels" garskorrels waarvan die kleur van die kiem-end donkerbruin tot swart is;

"vet korrels" garskorrels wat nie deur die openings van die boonste sif van die standaardgarssifapparaat gaan nie;

"vogtoetsolie" enige suiwer plantaardige slaaiolie of plantaardige kookolie;

"vreemde stowwe"—

(a) in die geval van gars van klas A en klas B, alle materiaal behalwe gars; en

(b) in die geval van gars van klas C en klas D, alle materiaal behalwe gars, ander graan, ongedorste are, sand, gruis en klippies.

"barley" means the kernels or pieces of kernels of cultivated cultivars, hulled or hull-less, of the species *Hordeum vulgare, Hordeum intermedium, Hordeum distichon and Hordeum deficiens*;

"black-end kernels" means barley kernels in which the colour of the germ end is dark brown to black;

"damaged kernels" means—

(a) barley and other grain kernels which have been damaged by insects;

(b) sprouted barley and other grain kernels in which germination or sprouting has proceeded so far that the developed rootlets can be clearly seen; and

(c) mould-infected barley and other grain kernels which can be clearly seen to be infected with mould organisms;

"foreign matter" means—

(a) in the case of barley of Class A and Class B, all material other than barley; and

(b) in the case of barley of Class C and Class D all material other than barley, other grain, unthreshed ears, sand, gravel and stones;

"Hectolitre mass" means the mass in kilogram per hectolitre;

"insects" means insects injurious to barley, such as the grain weevil (*Sitophilus granarius*), the rice weevil (*Sitophilus oryzae*), the Australian wheat weevil (*Rhizopertha dominica* Fab.) and the Angoumois grain moth (*Sitotroga cerealella*);

"mechanically damaged kernels" means barley kernels which have been damaged in handling or threshing so that the enclosing flowering glumes have been partly or wholly removed from the kernel, or that the kernels are broken;

"moisture-testing oil" means any pure vegetable salad oil or vegetable cooking oil;

"other grain" means the kernels or pieces of kernels of oats, rye and wheat;

"unthreshed ears" means ears or bits of ears of wheat, barley, oats and rye which still contain caryopses or kernels, as the case may be;

"plump kernels" means barley kernels which do not pass through the slots of the top sieve of the standard barley sieving apparatus;

"waste" means all the material in a sample of barley which is sufficiently fine to pass through both sieves of the standard barley sieving apparatus;

"smut infection" in relation to barley means that the kernels are smeared with smut, or contain more than six smut masses per 100 g of barley;

"standard barley sieving apparatus" means a hand-sieving apparatus consisting of a lid, a top sieve, a bottom sieve and a pan which, in the above named sequence, fit into each other and of which—

(a) the top sieve is made 190 mm long, 114 mm wide, and made from metal which is 1,25 mm thick with six parallel rows of slotted perforations, 25 mm long and 2,5 mm wide, the ribs between the slotted perforations in the same row being 2,5 mm wide; the long axes of the perforations run parallel to the long axis of the sieve; the perforations in the different rows run in columnar and not in chess formation;

(b) a bottom sieve is made 190 mm long, 114 mm wide and made from metal which is 1,25 mm thick, with six parallel rows of slotted perforations, 25 mm long and 2 mm wide, the ribs between the slotted perforations in the same row being 2,5 mm wide; the long axes of the perforations run parallel to the long axis of the sieve; the perforations in the different rows run in columnar and not in chess formation; and

(c) the pan is provided with a solid base;

"the Scheme" means the Winter Cereal Scheme published by Proclamation R. 370 of 1960, as amended.

## DEEL I

## OMVANG VAN REGULASIES

2. Hierdie regulasies is van toepassing op gars wat deur produsente daarvan, aan die Raad van Beheer oor die Koringnywerheid, verkoop word.

## DEEL II

## KLASSIFISERING

*Klasse*

3. Daar is vier klasse gars, naamlik:

(a) *Klas A*—dit is gars bestaande uit minstens 90 persent (m/m) van òf "Elses" òf "Comma" en word in twee subklasse ingedeel, naamlik:

(i) *Subklas "Elses"* wat bestaan uit minstens 90 persent (m/m) van die cultivar "Elses"; en

(ii) *subklas "Comma"* wat bestaan uit minstens 90 persent (m/m) van die cultivar "Comma":

Met dien verstande dat geen bedekte swart cultivars in hierdie klas gars aanwesig mag wees nie;

(b) *klas B*—dit is gars bestaande uit minstens 90 persent (m/m) van òf "Swanneck" òf "Elsa" en word in twee subklasse ingedeel, naamlik:

(i) *Subklas "Swanneck"* wat bestaan uit minstens 90 persent (m/m) van die cultivar "Swanneck"; en

(ii) *subklas "Elsa"* wat bestaan uit minstens 90 persent (m/m) van die cultivar "Elsa":

Met dien verstande dat geen bedekte swart cultivars in hierdie klas gars aanwesig mag wees nie;

(c) *klas C*—dit is gars wat bestaan uit—

(i) een of meer bedekte cultivars wat nie in klas A of klas B val nie;

(ii) mengsels van bedekte cultivars wat in die subklasse van klas A en klas B val maar waarvan die cultivarsuiwerheid minder as 90 persent (m/m) is, soos vereis vir die onderskeie subklasse;

(iii) mengsels van kaalgarscultivars wat in klas D val, maar minder as 80 persent (m/m) van die kaalgarscultivars bevat;

(iv) 'n laer standaard is as dié voorgeskryf vir graad 3 vir klasse A, B en D; en

(v) Ondergraad; en

(d) *klas D*—dit is gars bestaande uit minstens 80 persent (m/m) van een of meer van die kaalgarscultivars.

## DEEL III

## GRADERING VAN KLAS A EN KLAS B GARS

*Grade*

4. (1) Daar is drie grade vir klasse A en B gars, naamlik graad 1, graad 2 en graad 3.

(2) Behoudens die toelaatbare afwykings in regulasie 5 voorgeskryf, is die vereistes vir die verskillende grade vir klasse A en B gars soos volg:

*Graad* 1, *graad* 2 *en graad* 3.—Die gars moet—

(i) vry wees van enige chemiese of ander stof wat die gars ongeskik maak vir kommersiële doeleindes;

(ii) vry van brandbesmetting wees;

(iii) vry wees van 'n muwwe, skimmel, suur, galsterige of enige ander reuk of smaak wat nie eie aan gars is nie;

(iv) vry van lewende insekte wees;

(v) nie meer as 13 persent (m/m) vog bevat nie;

(vi) vry wees van meganies beskadigde korrels en kaalgarskorrels;

(vii) vry van vreemde stowwe wees;

(viii) vry van beskadigde korrels wees;

## PART I

## SCOPE OF REGULATIONS

2. These regulations shall apply to barley sold by producers thereof to the Wheat Industry Control Board.

## PART II

## CLASSIFICATION

*Classes*

3. There shall be four classes of barley, namely:

(a) *Class A*—i.e. barley consisting of at least 90 per cent (m/m) of either "Elses" or "Comma" and shall be divided into two subclasses, viz.:

(i) *Subclass "Elses"* which shall consist of at least 90 per cent (m/m) of the cultivar "Elses"; and

(ii) *Subclass "Comma"* which shall consist of at least 90 per cent (m/m) of the cultivar "Comma":

Provided that no hulled black cultivars shall be present in this class of barley;

(b) *Class B*—i.e. barley consisting of at least 90 per cent (m/m) of either "Swanneck" or "Elsa" and shall be divided into two subclasses, viz.:

(i) *Subclass "Swanneck"* which shall consist of at least 90 per cent (m/m) of the cultivar "Swanneck"; and

(ii) *Subclass "Elsa"* which shall consist of at least 90 per cent (m/m) of the cultivar "Elsa":

Provided that no hulled black cultivars shall be present in this class of barley;

(c) *Class C*—i.e barley consisting of—

(i) one or more hulled cultivars not falling under Class A or Class B;

(ii) mixtures of hulled cultivars falling in the subclasses of Class A and Class B but of which the cultivar purity is less than 90 per cent (m/m) as required for the respective subclasses;

(iii) mixtures of hull-less cultivars falling under Class D but containing less than 80 per cent (m/m) of the hull-less cultivars;

(iv) a standard below that prescribed for Grade 3 for Classes A, B and D; and

(v) Undergrade; and

(d) *Class D*—i.e. barley consisting of at least 80 per cent (m/m) of one or more of the cultivars of hull-less barley.

## PART III

## GRADING OF CLASS A AND CLASS B BARLEY

*Grades*

4. (1) There shall be three grades for Class A and Class B barley, namely Grade 1, Grade 2 and Grade 3.

(2) Subject to the allowable deviations as prescribed in regulation 5, the requirements for the different grades of Classes A and B barley are as follows:

*Grade* 1, *Grade* 2 *and Grade* 3.—The barley shall—

(i) be free from any chemical or other matter which will make it unsuitable for commercial purposes;

(ii) be free from smut infection;

(iii) be free from a musty, mouldy, sour, rancid or any other odour or taste not typical of barley;

(iv) be free from live insects;

(v) contain not more than 13 per cent (m/m) moisture;

(vi) be free from mechanically damaged kernels and from hull-less kernels;

(vii) be free from foreign matter;

(viii) be free from damaged kernels;

(ix) vry wees van giftige sade, plante of gedeeltes daarvan of enige chemiese of ander stof wat die gars moontlik vir menslike of dierlike gebruik ongeskik mag maak;

(x) van 'n goeie kleur wees, uitgesonderd in die geval van graad 3, waar 'n taamlike goeie kleur toelaatbaar is;

(xi) vry van sifsels wees;

(xii) vry van swartpunt- en erg verkleurde korrels wees; en

(xiii) na gelang van die graad, aan een van die volgende minimum persentasies (m/m) vet korrels voldoen:

Graad 1: 75.
Graad 2: 65.
Graad 3: 55.

*Afwykings*

5. Die maksimum afwyking van die vereistes voorgeskryf kragtens regulasie 4, wat ten opsigte van enigeen van genoemde grade toegelaat mag word, is soos volg:

| Aard van afwyking | Maksimum persentasie afwyking (m/m) toegelaat | | |
|---|---|---|---|
| | Graad 1 | Graad 2 | Graad 3 |
| (a) Meganies beskadigde korrels en kaalgarskorrels | 12 | 15 | 18 |
| (b) Swartpunt en erg verkleurde korrels | 10 | 15 | 20 |
| (c) Sifsels | 3 | 6 | 9 |
| (d) Vreemde stowwe | 2 | 3 | 4 |
| (e) Beskadigde korrels | 2 | 3 | 5 |
| (f) Afwykings genoem in subparagrawe (a), (b), (c), (d) en (e) gesamentlik; mits sodanige afwykings binne die perke soos hierbo gespesifiseer is | 20 | 25 | 35 |

## DEEL IV

## GRADERING VAN KLAS C EN KLAS D GARS

*Grade*

6. (1) Daar is vier grade vir klas C gars, naamlik graad 1, graad 2, graad 3 en ondergraad en drie grade vir klas D gars, naamlik graad 1, graad 2 en graad 3.

(2) Behoudens die toelaatbare afwykings in regulasie 7 voorgeskryf, is die vereistes vir die verskillende grade vir klasse C en D gars soos volg:

(a) *Graad* 1, *graad* 2 *en graad* 3.—Die gars moet—

(i) vry wees van enige chemiese of ander stof wat die gars ongeskik maak vir kommersiële doeleindes;

(ii) vry van brandbesmetting wees;

(iii) vry wees van 'n muwwe, skimmel, suur, galsterige of enige ander reuk of smaak wat nie eie aan gars is nie;

(iv) vry van lewende insekte wees;

(v) nie meer as 13 persent (m/m) vog bevat nie;

(vi) vry wees van ander graan en ongedorste are;

(vii) vry van vreemde stowwe wees;

(viii) vry van beskadigde korrels wees;

(ix) vry wees van giftige sade, plante of gedeeltes daarvan of enige chemiese of ander stof wat die gars moontlik vir menslike of dierlike gebruik, ongeskik mag maak;

(x) in die geval van klas D, vry wees van bedekte gars;

(xi) vry van sand, klippies en gruis wees; en

(xii) na gelang van die graad, aan een van die volgende minimum hektolitermassas voldoen:

| | *Klas C (kg)* | *Klas D (kg)* |
|---|---|---|
| Graad 1 | 60 | 75 |
| Graad 2 | 57 | 72 |
| Graad 3 | 52 | 67 |

(ix) be free from poisonous seeds, plants or parts thereof or from chemical or any other matter which can likely make the barley unfit for human or animal consumption;

(x) be of a good colour, except in the case of Grade 3, where a fairly good colour is allowed;

(xi) be free from waste;

(xii) be free from black-end and badly discoloured kernels; and

(xiii) as the grade may be, comply with one of the following minimum percentages (m/m) plump kernels:

Grade 1: 75.
Grade 2: 65.
Grade 3: 55.

*Deviations*

5. The maximum deviation from the requirements as prescribed under regulation 4, that may be allowed in respect of any of the said grades is as follows:

| Nature of deviation | Maximum percentage deviation (m/m) allowed | | |
|---|---|---|---|
| | Grade 1 | Grade 2 | Grade 3 |
| (a) Mechanically damaged kernels and hull-less barley kernels | 12 | 15 | 18 |
| (b) Black and badly discoloured kernels | 10 | 15 | 20 |
| (c) Waste | 3 | 6 | 9 |
| (d) Foreign matter | 2 | 3 | 4 |
| (e) Damaged kernels | 2 | 3 | 5 |
| (f) Deviations in paragraphs (a), (b), (c), (d) and (e) collectively; provided such deviations are individually within limits as specified above | 20 | 25 | 35 |

## PART IV

## GRADING OF CLASS C AND CLASS D BARLEY

*Grades*

6. (1) There shall be four grades for Class C barley, namely Grade 1, Grade 2, Grade 3 and Undergrade and three grades for Class D barley, namely Grade 1, Grade 2 and Grade 3.

(2) Subject to the allowable deviations as prescribed in regulation 7, the requirements for the different grades of Classes C and D barley shall be as follows:

(a) *Grade* 1, *Grade* 2 *and Grade* 3.—The barley shall—

(i) be free from any chemical or other matter which will make the barley unsuitable for commercial purposes;

(ii) be free from smut infection;

(iii) be free from a musty, mouldy, sour, rancid or any other odour or taste not typical of barley;

(iv) be free from live insects;

(v) not contain more than 13 per cent (m/m) moisture;

(vi) be free from other grain and unthreshed ears;

(vii) be free from foreign matter;

(viii) be free from damaged kernels;

(ix) be free from poisonous seeds, plants or parts thereof or any chemical or other matter which can likely make the barley unfit for human or animal consumption;

(x) in the case of Class D, be free from hulled barley;

(xi) be free from sand, gravel and stones; and

(xii) as the grade may be comply with one of the following minimum hectolitre masses:

| | *Class C (kg)* | *Class D (kg)* |
|---|---|---|
| Grade 1 | 60 | 75 |
| Grade 2 | 57 | 72 |
| Grade 3 | 52 | 67 |

(b) *Ondergraad.*—Klas C gars wat nie aan die vereistes vir die voorafgaande grade voldoen nie.

*Afwykings*

7. Die maksimum afwyking van die vereistes voorgeskryf kragtens regulasie 6, wat ten opsigte van enigeen van genoemde grade toegelaat mag word, is soos volg:

| Aard van afwyking | Maksimum persentasie afwyking (m/m) wat vir die verskillende klasse en grade toegelaat mag word | | | | | |
|---|---|---|---|---|---|---|
| | Graad 1 | | Graad 2 | | Graad 3 | |
| | Klas C | Klas D | Klas C | Klas D | Klas C | Klas D |
| (a) Ander graan en ongedorste are..... | 5 | 4 | 12 | 6 | 20 | 10 |
| (b) Sand, gruis en klippies..... | 0,5 | 0,5 | 0,5 | 0,5 | 0,5 | 0,5 |
| (c) Vreemde stowwe met inbegrip van sand, gruis en klippies; mits sodanige sand, gruis en klippies binne die perke soos in subparagraaf (b) gespesifiseer is..... | 4 | 4 | 6 | 6 | 10 | 10 |
| (d) Beskadigde korrels.. | 5 | 5 | 10 | 10 | 15 | 15 |
| (e) Afwykings in paragraaf (c) en (d) gesamentlik; mits sodanige afwykings indiwidueel binne die perke hierbo gespesifiseer is..... | 8 | 8 | 12 | 12 | 18 | 18 |
| (f) Bedekte gars..... | — | 4 | — | 10 | — | 20 |

## DEEL V

## VERPAKKING

8. (1) Gars moet in graansakke verkoop word.

(2) Graansakke waarin gars verkoop word, moet sterk en heel Imperiale of metrieke graansakke wees, wat vervaardig is *van* jute òf *phormium tenax* òf 'n mengsel van jute en *phormium tenax*, en—

(a) moet in die geval van Imperiale sakke, 'n oppervlaktemaat van minstens 7484 cm² en 'n massa van nie minder as 1,0 kg hê nie;

(b) moet in die geval van matrieke sakke, 'n oppervlaktemaat van minstens 6 225 cm² en 'n massa van nie minder as 900 g hê nie; en

(c) mag gevlek, gestop en gelap wees; mits oppervlakte van 'n afsonderlike lapplek nie 225 cm² oorskry nie.

## DEEL VI

## BEREKENINGS EN TOETSMETODES

*Toetsmetodes*

9. (1) *Monsterneming.*—Monsters vir die toets van gars word verkry deur klein hoeveelhede gars op verskillende hoogtes met 'n steker uit elke sak te neem. Die steker moet in alle gevalle diep en na die middel van die sak ingesteek word. As daar gevind word dat die gars van al die sakke saam oor die algemeen van dieselfde klas en kwaliteit is, word die monsters van al die sakke saam in 'n pan gegooi. Die klas en graad van die monster in die pan word dan bepaal, nadat die gars in die pan deeglik gemeng is. Enige sakke wat gars bevat wat afwyk van die gars in die ander sakke, word opsy gesit en afsonderlik gegradeer.

(2) *Klassifisering.*—Waar dit nodig is om die persentasies van garscultivars of spesies vir die bepaling van die klas van die gars vas te stel, moet duplikaatmonsters van

(b) *Undergrade.*—Class C barley, not complying with the requirements for the aforementioned grades.

*Deviations*

7. The maximum deviation from the requirements as prescribed under regulation 6, that may be allowed in respect of any of the said grades is as follows:

| Nature of deviation | Maximum percentage deviation (m/m) which may be allowed for the different classes and grades | | | | | |
|---|---|---|---|---|---|---|
| | Grade 1 | | Grade 2 | | Grade 3 | |
| | Class C | Class D | Class C | Class D | Class C | Class D |
| (a) Other grain and unthreshed ears..... | 5 | 4 | 12 | 6 | 20 | 10 |
| (b) Sand, gravel and stones..... | 0,5 | 0,5 | 0,5 | 0,5 | 0,5 | 0,5 |
| (c) Foreign matter including sand, gravel and stones, if such sand, gravel and stones are within the limits as specified in subparagraph (b)... | 4 | 4 | 6 | 6 | 10 | 10 |
| (d) Damaged kernels... | 5 | 5 | 10 | 10 | 15 | 15 |
| (e) Deviations in paragraphs (c) and (d) collectively; provided such deviations are individually within the limits as specified above..... | 8 | 8 | 12 | 12 | 18 | 18 |
| (f) Hulled barley..... | — | 4 | — | 10 | — | 20 |

## PART V

## PACKING

8. (1) Barley shall be sold in grain bags.

(2) Grain bags in which barley is sold shall be strong and sound Imperial or metric grain bags manufactured from either jute or *phormium tenax* or from a mixture of jute and *phormium tenax* and—

(a) in the case of Imperial bags, shall have a superficial area of at least 7 484 cm² and a mass of not less than 1,0 kg;

(b) in the case of metric bags, shall have a superficial area of at least 6 225 cm² and a mass of not less than 900 g; and

(c) may be stained, darned and patched; provided the area of any individual patch does not exceed 225 cm².

## PART VI

## CALCULATIONS AND METHODS OF TESTING

*Methods of Testing*

9. (1) *Taking of samples.*—Samples for the purpose of testing barley shall be obtained by the taking of small quantities of barley from each bag by means of a grain probe, different levels in the bag being probed. The probe must in all cases be pushed deeply into the bag and towards the centre of the bag. If the barley from all the bags in a lot is found to be generally of the same class and quality, the samples from all the bags are thrown together into a pan. The class and grade are then determined from the sample in the pan after the barley in the pan has been thoroughly mixed. Any bags containing barley differing from the barley in the other bags must be placed aside and graded separately.

(2) *Classification.*—When it is necessary to determine the percentages of cultivars or species of barley for the determination of the class thereof, duplicate 25 g samples

25 g elk met die hand uitgesoek word vir die skeiding van die verskillende cultivars en spesies. Die persentasie in die mengsel word volgens massa bepaal. As die verskil tussen die persentasies ten opsigte van die twee monsters verkry, nie groter as 0,5 is nie, word die gemiddelde van die twee persentasies wat aldus verkry is, geneem; as genoemde verskil groter as 0,5 is, moet die toets herhaal word. As die gars vreemde stowwe of ander graan bevat, word eers 100 g van die gars geneem en alle vreemde stowwe en ander graan met die hand verwyder. Duplikaatmonsters van 25 g elk van die gars waaruit die vreemde stowwe en ander graan aldus verwyder is, word dan geneem en die klas bepaal volgens die wyse in hierdie subregulasie beskryf.

(3) *Bepaling van hektolitermassa.*—Die hektolitermassa word bepaal volgens die *Tweevlaktregtermetode*. Die standaardapparaat by hierdie metode is soos volg:

*'n Vier-in-een-massameter.*

*'n Emmer.*—Binnehoogte 123 mm; inhoud, 500 ml.

*'n Keëlvormige tregter.*—Met 'n swaaiklep aan die nouend wat deur middel van 'n regop metaalstaaf aan 'n tweevlakmetaalvoetstuk geheg is, die afmetings van die tregter is soos volg: Vertikale hoogte, 226 mm, bodeursnee, 914 mm en deursnee van klepgat, 285 mm. Die keëlvormige tregter is aan die regop staaf geheg deur middel van 'n metaalarm wat aan die een end oor die regop staaf pas en daarom heen geswaai kan word en aan die ander end aan die tregter geheg is. Wanneer die tregter in posisie is, moet sy middellyn loodreg wees. Die laagste vlak, wat 'n afstand van nagenoeg 49,5 mm moet laat tussen die onderste rand van die tregter en die rand van die emmer, word vir die toets van gars gebruik.

*'n Skraper.*—'n Silindervormige hardehoutskraper, 124 mm hoog, en met 'n deursnee van 70 mm; en

*'n Sak.*—'n Sak van sterk linnedoek, 300 mm wyd, 430 mm lank en met 'n band 25 mm onderkant die bek, om die sak mee toe te bind.

*Hoe die apparaat gebruik word.*—In die geval van gars van klas C word 500 g van die goedgemengde monster in die pan in die sak gegooi, en die sak toegebind. Die materiaal in die sak word dan deeglik met die hand gevryf op 'n harde oppervlakte soos die blad van 'n tafel of werksbank. Die monster word gevryf deur die bek van die sak in die een hand vas te hou, terwyl 'n handvol van die inhoud op 'n slag met sak en al teen die orige gedeelte van die monster in die sak gevryf word. Na elke vyf of ses keer se vryf word die inhoud weer gemeng deur die sak te skud. Die monster moet vir een minuut gevryf word. In die geval van klas D-gars word die gars nie gevryf nie.

Die hele apparaat word op 'n harde, gladde, gelyk oppervlakte geplaas wat nie gestamp of geskud kan word nie. Die tregter word met die gevryfde monster uit die sak of ongevryfde monster uit die pan, na gelang van die geval, gevul en afgeskraap sodat dit net gelykvol is. Die emmer word nou op die voetstuk van die stander geplaas sodat sy bodem se middelpunt reg onder dié van die tregterklep is. Die emmer moet vas op die voetstuk staan. Die tregterklep word met 'n vinnige swaai oopgestoot sodat die gars die emmer volmaak en aan alle kante oorloop. Die tregter word omgeswaai, weg van die emmer af, sonder dat die emmer gestamp of gestoot word. Die oortollige gars word dan van die emmer afgeskraap met die skraper, sodat die emmer net gelykvol is. By die afskraap word die skraper versigtig maar stewig op die rand van die emmer, wat stewig met die een hand vasgehou word, geplaas en dwars oor die rand gestoot; die skraper mag nie rol nie. Die vier-in-een-massameter word op 'n stewige oppervlakte geplaas en in ewewig gebring, en die gars wat in die emmer is, word in die pan van die vier-in-een-massameter gegooi en die hektolitermassa gemeet.

must be hand-picked for the separation of the various cultivars and species. The percentage of a mixture is determined by mass. If the difference between the percentages determined in respect of the two samples does not exceed 0,5, the average of the two percentages thus determined shall be taken; if the said difference exceeds 0,5, the test must be repeated. If the barley contains foreign matter or other grain, 100 g of the barley shall first be taken and all foreign matter and other grain removed by hand-picking. Duplicate 25 g samples are then taken of the barley from which the foreign matter and other grain have been so removed, and the class determined in the manner described in this subregulation.

(3) *Determination of hectolitre mass.*—The hectolitre mass shall be determined by the *Two-level funnel Method.* The standard apparatus in this method is the following:

*A four-in-one-massmeter.*

*A bucket.*—Internal height, 123 mm; capacity, 500 ml.

*A conical hopper.*—With a swing shutter at the narrow end, attached to a two-level metal base by means of an upright metal rod; the dimensions of the hopper are as follows: Vertical height, 226 mm, top diameter, 914 mm, diameter of shutter hole, 285 mm.

The conical hopper is attached to the upright rod by means of a metal arm fitting over and able to rotate round the upright at one end and fixed to the conical hopper at the other end. When the hopper is in position, its centre line must be vertical. The lower level, which should give a clearance of approximately 49,5 mm between the bottom rim of the hopper and the rim of the bucket, is used for testing barley.

*Scraper.*—A cylindrical hardwood scraper; height, 124 mm, diameter, 70 mm; and

*Bag.*—A bag of strong linen cloth 300 mm wide and 430 mm long, having a tape attached 25 mm below the open end for closing the bag.

*Method of using apparatus.*—In the case of barley of Class C, 500 g of the well-mixed sample in the pan are placed in the bag which is then closed. The material in the bag is then briskly rubbed by hand on a hard board surface such as a table or bench. Rubbing is done by holding the closed end of the bag in one hand, grasping a handful of the contents through the bag with the other hand at a time and rubbing this against the rest of the bag's contents. After each five or six rubs the contents are mixed by shaking the bag. Rubbing must be done for one minute. No rubbing is done in the case of barley of Class D.

The entire apparatus is placed on a hard, smooth, level surface, not subject to jarring or shaking. The hopper is filled with the rubbed sample from the bag or unrubbed sample from the pan, as the case may be, and scraped off level full. The bucket is then placed on the base of the stand so that its centre is directly below that of the hopper shutter. The bucket must rest firmly on this base. Thereupon the hopper shutter is opened wide with a quick swing, the barley being allowed to fill the bucket and to overflow on all sides. The hopper is then swung round, away from the bucket, without disturbing the bucket in any way. The surplus barley is then scraped off with the scraper, the bucket being left just level full. The scraper must be placed gently but firmly on the rim of the bucket, which is held firmly with one hand, and the scraper pushed straight across the rim. The scraper must not be allowed to roll. The four-in-one massmeter is placed on a firm base and balanced, the barley in the bucket poured into the pan of the four-in-one massmeter and the hectolitre mass measured.

Die hektolitermassa moet twee keer met elke monster bepaal word. As die twee lesings nie ooreenstem nie, moet die toets in die geval van gars van klas C met 'n nuwe gevryfde monster, en in die geval van klas D-gars met 'n ongevryfde monster uit die pan, herhaal word.

*Bepaling van Persentasie Afwykings*

10. (1) *Bepaling van persentasie vet korrels, vreemde stowwe en sifsels in gars van klas A en klas B.*—Die persentasie vet korrels, vreemde stowwe en sifsels in gars van klas A en klas B word bepaal deur gebruik te maak van die standaardgarssifapparaat.

Duplikaatmonsters van 100 g gevryfde gars elk, word op die volgende manier met die standaardsifapparaat gesif:

Die standaardsifapparaat word inmekaar gesit, die gars bo-op die boonste sif gegooi en die deksel opgeplaas. Die gars word dan op 'n harde, gladde, gelyk oppervlakte gesif deur die sif heen en weer beurtelings weg van en terug na die hanteerder van die sif te beweeg in dieselfde rigting as die lengte-asse van die boonste sif. Elke heen-en-weerbeweging is een stoot, en 60 sulke stote voltooi die sifproses. Met elke stoot word die sif wat op 'n tafel of ander geskikte gladde oppervlakte moet rus, 380 mm tot 460 mm weg van die hanteerder van die sif af en terug beweeg. Die snelheid van die bewegings moet sodanig wees dat die voorgeskrewe 60 stote in 50 tot 60 sekondes voltooi word. Daar word nie geag dat gars wat in die openings van die siwwe vassit, deur daardie siwwe gegaan het nie.

Wanneer die sifproses voltooi is, word die persentasies vet korrels, vreemde stowwe en sifsels soos volg bepaal:

(a) *Persentasie vet korrels.*—Die vreemde stowwe in die materiaal wat bo-op die boonste sif oorbly en tussen sy openings vassit, word met die hand uitgesoek, en die massa van die gars waaruit die vreemde stowwe aldus verwyder is, word gemeet. Die massa van die gars, in gram, verteenwoordig die persentasie vet korrels in die monster. As die verskil tussen die persentasies wat ten opsigte van die duplikaatmonsters bepaal is, nie groter as 1,0 is nie, word die gemiddelde van die persentasies wat aldus bepaal is, geneem; as genoemde verskil groter as 1,0 is, moet die toets herhaal word.

(b) *Persentasie vreemde stowwe.*—Die vreemde stowwe in die materiaal wat bo-op die onderste sif oorbly en tussen sy openings vassit, word met die hand uitgesoek en by die vreemde stowwe wat uit die boonste sif verwyder is, gevoeg. Die massa van die totale hoeveelheid vreemde stowwe word dan gemeet en die massa in gram verteenwoordig die persentasie vreemde stowwe in die monster. As die verskil tussen die persentasies wat ten opsigte van die duplikaatmonsters bepaal is, nie groter as 0,5 is nie, word die gemiddelde van die persentasies wat aldus bepaal is, geneem; as genoemde verskil groter as 0,5 is, moet die toets herhaal word. Hierdie bepaling is net van toepassing in die geval van gars van klas A en klas B.

(c) *Persentasie sifsels.*—Die massa van die materiaal wat deur albei siwwe gegaan en in die pan versamel het, word gemeet. Die massa van hierdie materiaal in gram verteenwoordig die persentasie sifsels in die monster. As die verskil tussen die persentasies wat ten opsigte van die duplikaatmonsters bepaal is, nie groter as 0,5 is nie, word die gemiddelde van die persentasies wat aldus bepaal is, geneem; as genoemde verskil groter as 0,5 is, moet die toets herhaal word.

(2) *Beoordeling van kleur.*—Die kleur van 'n monster gars word beoordeel teenoor standaardmonsters wat deur die Raad van Beheer oor die Koringnywerheid verskaf word.

The hectolitre mass must be determined twice on each sample. If the two readings do not agree, the test must be repeated on a new rubbed sample in the case of barley of Class C, and an unrubbed sample in the case of barley of Class D.

*Determination of Percentage Deviations*

10. (1) *Determination of percentage of plump kernels, foreign matter and waste in barley of Class A and Class B.*—The percentage of plump kernels, foreign matter and waste in barley of Class A and Class B is determined by the use of the standard barley sieving apparatus.

Duplicate 100 g samples of rubbed barley are screened through the Standard sieving apparatus in the following manner:

The standard sieving apparatus is assembled, the grain placed on the top sieve and the lid placed in position. Screening is then done on a hard, smooth, level surface by moving the apparatus to and fro, alternatively away from and towards the operator, the direction of motion being in line with the long axis of the apparatus. Each to-and-fro movement constitutes one stroke, and 60 such strokes complete the screening process. In each stroke the sieve is moved 380 mm to 460 mm away from the operator and back, with the sieve resting on a table or other suitable smooth surface. The speed of the stroke movement should be such that the prescribed 60 strokes are completed in 50 to 60 seconds. Barley sticking in the slots of the sieves shall not be deemed to have passed through those sieves.

When screening has been completed, the percentages of plump kernels, foreign matter and waste are determined as follows:

(a) *Percentage of plump kernels.*—The material remaining on the top sieve and between its slots is hand-picked for the foreign matter, and the mass of the barley from which the foreign matter has been so removed is measured. The mass of the barley in grammes represents the percentage of plump kernels in the sample. If the difference between the percentages determined in respect of the two samples does not exceed 1,0, the average of the percentage so determined shall be taken; if the said difference exceeds 1,0, the test must be repeated.

(b) *Percentage of foreign matter.*—The material remaining on the bottom sieve and between its slots is hand-picked for foreign matter. The foreign matter so removed is added to the foreign matter removed from the top sieve and the mass of the total quantity of foreign matter is then measured. The mass of the foreign matter in grammes represents the percentage of foreign matter in the sample. If the difference between the percentages determined, in respect of the two samples does not exceed 0,5, the average of the percentage so determined shall be taken; if the said difference exceeds 0,5, the test must be repeated.

This determination only applies in the case of barley of Class A and Class B.

(c) *Percentage of waste.*—The mass of the material which has passed through both sieves and collected in the pan is measured. The mass of this material in grammes represents the percentage of waste in the sample. If the difference between the percentages determined in respect of the two samples does not exceed 0,5, the average of the percentage so determined shall be taken; if the said difference exceeds 0,5, the test must be repeated.

(2) *Judging of colour.*—The colour of a sample of barley shall be judged by reference to standard samples supplied by the Wheat Industry Control Board.

(3) *Bepaling van persentasie meganiesbeskadigde en kaalgarskorrels.*—Die persentasie meganiesbeskadigde en kaalgarskorrels in gars word bepaal van die ongevryfde monster in die pan deur die meganiesbeskadigde en kaalgarskorrels met die hand uit te soek uit duplikaatmonsters van 25 g elk. Die massa van die meganiesbeskadigde en kaalgarskorrels aldus verkry, uitgedruk as 'n persentasie van die totale massa van die monster, verteenwoordig die persentasie meganiesbeskadigde en kaalgarskorrels in die monster. As die verskil tussen die persentasies wat vir die twee monsters bepaal is, nie groter as 1,0 is nie, word die gemiddelde van die persentasies wat aldus bepaal is, geneem; as genoemde verskil groter as 1,0 is, moet die toets herhaal word.

(4) *Bepaling van persentasie swartpunt- en erg verkleurde garskorrels.*—Die persentasie swartpunt- en erg verkleurde korrels in gars word bepaal van die ongevryfde monster in die pan, deur die swartpunt- en erg verkleurde korrels met die hand uit te soek uit duplikaatmonsters van 25 g elk. Die massa van die swartpunt- en erg verkleurde korrels aldus verkry, uitgedruk as 'n persentasie van die totale massa van die monster, verteenwoordig die persentasie swartpunt- en erg verkleurde korrels in die monster. As die verskil tussen die persentasies wat vir die twee monsters bepaal is, nie groter as 1,0 is nie, word die gemiddelde van die persentasies wat aldus bepaal is, geneem; as genoemde verskil groter as 1,0 is, moet die toets herhaal word.

(5) *Bepaling van persentasie ander graan en ongedorste are.*—Die persentasie ander graan en ongedorste are in gars word bepaal van die ongevryfde monster in die pan deur die ander graan en ongedorste are met die hand uit te soek uit duplikaatmonsters van 50 g elk. Die massa van die ander graan en ongedorste are aldus verkry, uitgedruk as 'n persentasie van die totale massa van die monster, verteenwoordig die persentasie ander graan en ongedorste are in die monster. As die verskil tussen die persentasies wat vir die twee monsters bepaal is, nie groter as 0,5 is nie, word die gemiddelde van die persentasies wat aldus bepaal is, geneem; as genoemde verskil groter as 0,5 is, moet die toets herhaal word.

(6) *Bepaling van persentasie vreemde stowwe in gars van klas C en klas D.*—Die persentasie vreemde stowwe in gars van klas C en klas D word bepaal van die ongevryfde monster in die pan, deur die vreemde stowwe met die hand uit te soek uit duplikaatmonsters van 50 g elk. Die massa van die vreemde stowwe aldus verkry, uitgedruk as 'n persentasie van die totale massa van die monster, verteenwoordig die persentasie vreemde stowwe in die monster. As die verskil tussen die persentasies wat vir die twee monsters bepaal is, nie hoër as 0,5 is nie, word die gemiddelde van die persentasies wat aldus bepaal is, geneem; as genoemde verskil groter as 0,5 is, moet die toets herhaal word: Met dien verstande dat as 'n monster fyn sand bevat, afskeiding van die sand vergemaklik kan word deur 'n geskikte sif te gebruik.

(7) *Bepaling van persentasie beskadigde korrels.*—Die persentasie beskadigde korrels in gars word bepaal van die ongevryfde monster in die pan deur die beskadigde korrels met die hand uit te soek uit duplikaatmonsters van 25 g elk. Die massa van die beskadigde korrels aldus verkry, uitgedruk as 'n persentasie van die totale massa van die monster, verteenwoordig die persentasie beskadigde korrels in die monster. As die verskil tussen die persentasies wat vir die twee monsters bepaal is, nie groter as 0,5 is nie, word die gemiddelde van die twee persentasies wat aldus bepaal is, geneem; as genoemde verskil groter as 0,5 is, moet die toets herhaal word.

(8) *Bepaling van persentasie bedekte korrels in gars van klas D.*—Die persentasie bedekte korrels in gars van klas D word bepaal van die ongevryfde monster in die pan deur die bedekte korrels met die hand uit te soek uit

(3) *Determination of percentage of mechanically damaged and hull-less barley kernels.*—The percentage of mechanically damaged and hull-less barley is determined by hand-picking duplicate 25 g samples of the unribbed barley in the pan. The mass of the mechanically damaged and hull-less barley kernels so obtained expressed as a percentage of the total mass of the sample, gives the percentage of mechanically damaged and hull-less barley in the sample. If the difference between the percentages determined in respect of the two samples does not exceed 1,0, the average of the percentages so determined shall be taken; if the said difference exceeds 1,0, the test must be repeated.

(4) *Determination of percentage of black-end and badly discoloured barley kernels.*—The percentage of black-end and badly discoloured kernels in barley is determined by hand-picking duplicate 25 g samples of the unrubbed sample in the pan. The mass of the black-end and badly discoloured kernels so obtained, expressed as a percentage of the total mass of the sample, represents the percentage of black-end and badly discoloured kernels in the sample. If the difference between the percentages determined in respect of the two samples does not exceed 1,0, the average of the percentages so determined shall be taken; if the said difference exceeds 1,0, the test must be repeated.

(5) *Determination of percentage of other grain and unthreshed ears.*—The percentage of other grain and unthreshed ears in barley is determined by hand-picking duplicate 50 g samples of the unrubbed sample in the pan. The mass of other grain and unthreshed ears so obtained expressed as a percentage of the total mass of the sample, represents the percentage of other grain and unthreshed ears in the sample. If the difference between the percentages determined in respect of the two samples does not exceed 0,5, the average of the percentages so determined shall be taken; if the said difference exceeds 0,5, the test must be repeated.

(6) *Determination of percentage of foreign matter in barley of Class C and Class D.*—The percentage of foreign matter in barley of Class C and Class D is determined by hand-picking duplicate 50 g samples of the unrubbed sample in the pan. The mass of the foreign matter so obtained, expressed as a percentage of the total mass of the sample, represents the percentage of foreign matter in the sample. If the difference between the percentages determined in respect of the two samples does not exceed 0,5, the average of the two percentages so determined shall be taken; if the said difference exceeds 0,5, the test must be repeated: Provided that if a sample contains fine sand, separation of the sand may be facilitated by using a suitable sieve.

(7) *Determination of percentage of damaged kernels.*—The percentage of damaged kernels in barley is determined by hand-picking duplicate 25 g samples of the unrubbed sample in the pan. The mass of the damaged barley so obtained, expressed as a percentage of the total mass of the sample, represents the percentage of damaged barley in the sample. If the difference between the percentages determined in respect of the two samples does not exceed 0,5, the average of the two percentages so determined shall be taken; if the said difference exceeds 0,5, the test must be repeated.

(8) *Determination of percentage of hulled kernels in barley of Class D.*—The percentage of hulled kernels in barley of Class D is determined by hand-picking duplicate 25 g samples of the unrubbed sample in the pan. The

duplikaatmonsters van 25 g elk. Die massa van die bedekte korrels aldus verkry, uitgedruk as 'n persentasie van die totale massa van die monster, verteenwoordig die persentasie bedekte korrels in die monster. As die verskil tussen die persentasies wat vir die twee monsters bepaal is, nie groter as 1,0 is nie, word die gemiddelde van die twee persentasies wat aldus bepaal is, geneem; as genoemde verskil groter as 1,0 is, moet die toets herhaal word.

*Bepaling van Voggehalte*

11. Die voggehalte van gars word bepaal deur die Brown-Duvelstandaardtoets vir voggehalte van gars soos hieronder beskryf.

*Toetsmetode*

Die apparaat word opgerig op 'n plek waar daar geen trek is nie. Honderd gram gars word in die fles gegooi en 150 ml vogtoetsolie bygevoeg. Die gars en olie word deeglik gemeng deur die fles te skud. Die opening van die fles word gesluit met 'n gomlastiekprop waardeur 'n standaardtermometer gaan wat so gestel is dat vier-vyfdes van die kwiksilwerbol in die olie en gars versink is. Slegs korrek gegradeerde Celsiustermometers, spesiaal vir die apparaat gemaak, mag gebruik word. Die fles word dan in die Brown-Duvelapparaat geplaas, en die arm van die fles met die kondenseerbuis verbind sodat dit behoorlik pas. Die gaasdraad met asbesmiddelstuk onder die fles moet in goeie toestand wees en so gestel word dat die vlam direk onder die middel van die asbes is terwyl die fles verhit word. Die stander waarop die fles rus, moet so hoog wees dat die bodem van die fles omtrant 9,5 mm bo die asbes is. 'n Korrek gegradeerde maatglas word onder die kondenseerbuis geplaas om die water wat afgedryf word, op te vang. 'n Onafgebroke stroom koue water moet deur die kondenseertenk loop, of, as 'n klein enkelvak-Brown-Duvelapparaat sonder voorsiening vir 'n stroom water gebruik word, moet die tenk voor elke toets met koue water gevul word.

Die deksel word dan oor die fleshouer geplaas en die verhitting begin. Verhitting kan geskied deur middel van elektrisiteit, koolgasblaaslampe of alkohollampe (spiritus-lampe) soos vir die apparaat verskaf word. In alle gevalle moet die hitte egter so gereël word dat die temperatuur van 190° C binne minstens 19 minute maar hoogstens 21 minute bereik word. As dit langer duur, sal die resultate te laag wees, en as dit korter duur, sal die resultate te hoog wees. Die verhitting moet stopgesit word sodra die temperatuur van 190° C bereik word. (Gewoonlik duur dit 10 minute voordat die temperatuur styg van omtrent 105° tot 115° C, en nog 10 minute voordat 190° C bereik word.)

As die voggehalte van die monster besonder hoog is, kan skuim gevorm word en die inhoud oorkook as die normale metode van verhitting toegepas word. Onder sulke omstandighede kan die regte voggehalte die beste bepaal word deur die mengsel vinnig te verhit totdat opborreling van olie plaasvind, en dan min hitte te gee totdat 'n paar milliliter water afgedryf is. Die normale verhitting kan dan weer toegepas en die orige vog sonder skuimvorming binne die voorgeskrewe tydperk deur verdamping verwyder word.

Nadat die verhitting opgehou het, kan 'n geringe geleidelike styging in temperatuur verwag word. 'n Skielike styging of 'n skielike daling van verskeie grade in die temperatuur toon aan dat die vlam te warm was gedurende die laaste deel van die verhitting, en dan moet die toets herhaal word. As die water wat oorstook, verkleur is, dui dit aan dat die gars gebrand het en dan moet die toets herhaal word.

mass of the hulled kernels so obtained expressed as a percentage of the total mass of the sample, represents the percentage of hulled kernels in the sample. If the difference between the percentages determined in respect of the two samples does not exceed 1,0, the average of the two percentages so determined shall be taken; if the said difference exceeds 1,0, the test must be repeated.

*Determination of Moisture Content*

11. The moisture content of barley shall be determined by the standard Brown-Duvel moisture test for barley as described below.

*Method of Testing*

The apparatus is assembled in a place away from draughts. One hundred grammes of barley are introduced into the flask, and 150 ml of moisture testing oil added. The barley and oil must be well mixed by shaking. The opening of the flask is covered by means of a rubber stopper through which passes a standard thermometer so adjusted that four-fifths of the mercury bulb is submerged in the barley and oil. Only correctly graduated Centigrade thermometers, specially made for this apparatus, may be used. The flask is then placed in the Brown-Duvel apparatus, and the arm of the flask is connected to the condenser tube so that it fits properly. The wire gauze with asbestos centre below the flask must be in good condition, and so adjusted that when the flask is heated, the flame plays directly in the centre of the asbestos. The stand upon which the flask rests should be of such a height that the bottom of the flask is about 9,5 mm above the asbestos. A correctly graduated measuring cylinder is placed under the condenser tube to collect the water driven off. A continuous stream of cold water should pass through the condenser tank or, if a small single-compartment Brown-Duvel outfit with no provision for a stream of water is used, the tank should be filled with cold water before each test.

The cover is then placed over the flask compartment and heating started. Heating may be brought about by electrical elements, coalgas blow-lamps or alcohol burners (spirit lamps) as supplied for the apparatus. In all cases, however, the heat must be so regulated that the temperature of 190° C is reached in not less than 19 minutes and not more than 21 minutes. A longer heating time gives results too low and a shorter time results too high. The heat must be cut off immediately the temperature reaches 190° C. (Normally it takes 10 minutes for the temperature to rise from about 105° C to 115° C and a further 10 minutes to rise to 190° C.)

If the moisture content of the sample is very high, foaming and bubbling over may result with the normal method of heating. Under such conditions the best way of obtaining a true moisture content is to heat rapidly until the oil bubbles, and then to apply little heat until a few millilitres of water have been driven off. The heat may then be turned on to normal again and the remaining moisture driven off without foaming within the prescribed period of heating.

After the heat has been cut off, a slight gradual rise in temperature is to be expected. A sudden increase or a sudden decrease in temperature of several degrees indicates that the flame was too intense during the latter part of heating and the test must be repeated. If the water which distils over is discoloured, the barley has evidently been burnt and the test must be repeated.

Daar moet gewag word totdat die temperatuur tot 160° C of laer gedaal het voordat die deksel verwyder en die termometer en die afleweringsbuisie losgemaak word.

Alle druppels water wat aan die kante van die maatglas hang, word afgeskud en die persentasie vog afgelees. Die lesing word geneem onder die laag olie wat bo-op die water dryf. Resultate moet afgelees word tot een tiende van een persent. Alle toetse moet twee keer gedoen word. As die verskil tussen die twee lesings nie groter as 0,2 is nie, word die gemiddelde van die twee lesings as die voggehalte geneem; as genoemde verskil groter as 0,2 is, moet die toets herhaal word.

By die gebruik van hierdie apparaat moet gesorg word dat—

(a) geen voos gomlastiekproppe gebruik word nie;

(b) die maatglas skoon en droog gemaak word voordat dit gebruik word;

(c) geen olie onmiddellik na 'n vorige toets weer gebruik word nie; en

(d) die kwiksilwerkolom ongebroke is voordat met 'n toets begin word.

Vir iedere toets moet òf vars vogtoetsolie òf vogtoetsolie wat vir 'n tydlank nie gebruik is nie, gebruik word; in elk geval moet die olie tot 'n temperatuur van ongeveer 200° C verhit word en eers afkoel voordat dit gebruik word.

---

No. R. 1637 15 September 1972

## RAAD VAN BEHEER OOR DIE VEE- EN VLEISNYWERHEDE

### PRODUSENTEPRYSE VIR AFVAL IN BEHEERDE GEBIEDE.—WYSIGING

Kragtens artikel 79 (b) van die Bemarkingswet, 1968 (No. 59 van 1968), maak ek, Hendrik Stephanus Johan Schoeman, Minister van Landbou, hierby bekend dat die Raad van Beheer oor die Vee- en Vleisnywerhede, vermeld in artikel 3 van die Vee- en Vleisreëlingskema, afgekondig by Proklamasie R. 200 van 1964, soos gewysig, kragtens die bevoegdheid hom verleen by artikel 15 (w) van genoemde Skema, met my goedkeuring en met ingang van 18 September 1972, die vasstellings afgekondig by Goewermentskennisgewing 1299 van 30 Julie 1971, soos gewysig, verder gewysig het soos in die Bylae hiervan uiteengesit.

H. S. J. SCHOEMAN, Minister van Landbou.

### BYLAE

Die Bylae van Goewermentskennisgewing 1299 van 30 Julie 1971, soos gewysig, word hierby verder gewysig deur—

(a) die tariewe vir die berekening van die produsentepryse vir gesonde afval vir die beheerde gebiede van Kaapstad, Port Elizabeth, Bloemfontein en Kimberley soos in Deel 1 van die Aanhangsel daarvan gespesifiseer, deur die tariewe in Deel 1 van die Aanhangsel hiervan te vervang; en

(b) die tariewe vir die berekening van die produsentepryse vir teruggehoue beesafval vir die beheerde gebiede van Kaapstad, Port Elizabeth en Kimberley soos in Deel 2 van die Aanhangsel daarvan gespesifiseer, deur die tariewe in Deel 2 van die Aanhangsel hiervan te vervang.

After the temperature has fallen to 160° C or lower, the cover and the thermometer are removed and the delivery tube is disconnected.

All drops clinging to the sides of the measuring cylinder are shaken down and the percentage of moisture read off. The reading is taken beneath the layer of oil floating on the water. Results must be read to one-tenth of one per cent. All tests must be made in duplicate and if the difference between the two readings does not exceed 0,2, the average of the two readings shall be taken as the moisture content; if the said difference exceeds 0,2, the test must be repeated.

When this apparatus is used, care must be taken—

(a) to avoid the use of mushy rubber stoppers;

(b) to clean and dry the measuring flasks before using for a test;

(c) not to use oil directly from a previous test; and

(d) to see that the column of mercury in the thermometer is unbroken before any test is commenced with.

Either fresh moisture testing oil or moisture testing oil which has not been used for some time should be used for every test, and the oil should in any case be heated to a temperature of about 200° C and allowed to cool before use.

---

No. R. 1637 15 September 1972

## LIVESTOCK AND MEAT INDUSTRIES CONTROL BOARD

### PRODUCER PRICES FOR OFFAL IN CONTROLLED AREAS.—AMENDMENT

In terms of section 79 (b) of the Marketing Act, 1968 (No. 59 of 1968), I, Hendrik Stephanus Johan Schoeman, Minister of Agriculture, hereby make known that the Livestock and Meat Industries Control Board, referred to in section 3 of the Livestock and Meat Control Scheme, published by Proclamation R. 200 of 1964, as amended, has, under the powers vested in it by section 15 (w) of the said Scheme, with my approval and with effect from 18 September 1972, further amended the determinations published by Government Notice 1299 of 30 July 1971, as amended, as set out in the Schedule hereto.

H. S. J. SCHOEMAN, Minister of Agriculture.

### SCHEDULE

The Schedule to Government Notice 1299 of 30 July 1971, as amended, is hereby further amended by—

(a) the substitution for the tariffs for the calculation of the producer prices for sound offal for the controlled areas of Cape Town, Port Elizabeth, Bloemfontein and Kimberley as specified in Part 1 of the Annexure thereto, of the tariffs as set out in Part 1 of the Annexure hereto; and

(b) the substitution for the tariffs for the calculation of the producer prices for detained cattle offal for the controlled areas of Cape Town, Port Elizabeth and Kimberley as specified in Part 2 of the Annexure thereto, of the tariffs as set out in Part 2 of the Annexure hereto.

AANHANGSEL

1. GESONDE AFVAL—PER 100 KILOGRAM KOUE GEDRESSEERDE KARKASMASSA

| Beheerde gebied | Beesafval | | Kalf-afval | Lam-, skaap- en bok-afval | Vark-afval |
|---|---|---|---|---|---|
| | Met heel of effens gesnyde lewer | Sonder lewer | | | |
| | R | R | R | R | R |
| Kaapstad..... | 2,91 | 2,10 | 1,46 | 3,08 | 0,55 |
| Port Elizabeth..... | 3,51 | 2,61 | 2,95 | 3,37 | 0,35 |
| Bloemfontein..... | 3,20 | 2,60 | 2,29 | 3,60 | 0,61 |
| Kimberley..... | 2,90 | 2,23 | 2,89 | 2,74 | 1,35 |

2. TERUGGEHOUE BEESAFVAL—PER 100 KILOGRAM KOUE GEDRESSEERDE KARKASMASSA

| *Beheerde gebied* | *Tarief* R |
|---|---|
| Kaapstad..... | 1,34 |
| Port Elizabeth..... | 1,47 |
| Kimberley..... | 1,16 |

ANNEXURE

1. SOUND OFFAL—PER 100 KILOGRAM COLD DRESSED CARCASE MASS

| Controlled area | Cattle offal | | Calf offal | Lamb, sheep and goat offal | Pig offal |
|---|---|---|---|---|---|
| | With whole or slightly trimmed liver | Without liver | | | |
| | R | R | R | R | R |
| Cape Town..... | 2,91 | 2,10 | 1,46 | 3,08 | 0,55 |
| Port Elizabeth..... | 3,51 | 2,61 | 2,95 | 3,37 | 0,35 |
| Bloemfontein..... | 3,20 | 2,60 | 2,29 | 3,60 | 0,61 |
| Kimberley..... | 2,90 | 2,23 | 2,89 | 2,74 | 1,35 |

2. DETAINED CATTLE OFFAL—PER 100 KILOGRAM COLD DRESSED CARCASE MASS

| *Controlled area* | *Tariffs* R |
|---|---|
| Cape Town..... | 1,34 |
| Port Elizabeth..... | 1,47 |
| Kimberley..... | 1,16 |

## DEPARTEMENT VAN NASIONALE OPVOEDING

No. R. 1644 15 September 1972

### WET OP DIE NASIONALE ONDERWYSBELEID, 1967

### ONDERWYS IN SKOLE.—WYSIGING

Kragtens die bevoegdheid hom verleen by artikel 2 (1) van die Wet op die Nasionale Onderwysbeleid, 1967 (Wet 39 van 1967), het die Minister van Nasionale Opvoeding die algemene beleid wat ten opsigte van onderwys in skole gevolg moet word, soos by Goewermentskennisgewing R. 2029 van 12 November 1971 afgekondig, soos volg gewysig:

1. In paragraaf 1 word in die woordomskrywing van "algemene studierigting" die uitdrukking "(g) of (i)" deur die uitdrukking "of (g)" vervang.

2. In die Engelse teks van paragraaf 13 word die woorde "an advanced" deur die woorde "a higher" en die woorde "an ordinary" deur die woorde "a standard" vervang.

3. Na paragraaf 17 word onderstaande paragrawe bygevoeg:

*"Wenke en Aanbevelings van Amptelik Erkende Onderwysersverenigings by Onderwysbeplanning*

18. 'n Onderwyshoof skenk by die onderwysbeplanning oorweging aan die wenke en aanbevelings wat 'n amptelik erkende onderwysersvereniging skriftelik aan hom voorlê.

19. Daar word voorsiening gemaak dat daar in die departementele raad of komitee van 'n departement van onderwys wat met onderwysbeplanning belas is (uitgesonderd sake wat slegs op 'n departement se interne organisasie en administrasie betrekking het), verteenwoordiging verleen word aan 'n amptelik erkende onderwysersvereniging wie se lede in die diens van so 'n departement staan.".

## DEPARTMENT OF NATIONAL EDUCATION

No. R. 1644 15 September 1972

### NATIONAL EDUCATION POLICY ACT, 1967

### EDUCATION IN SCHOOLS.—AMENDMENT

The Minister of National Education has, under and by virtue of the powers vested in him by section 2 (1) of the National Education Policy Act, 1967 (Act 39 of 1967), amended the general policy which is to be pursued in respect of education in schools, as published under Government Notice R. 2029 of 12 November 1971, as follows:

1. In paragraph 1, in the definition of "general course", the expression "or (g)" is substituted for the expression "(g) or (i)".

2. In the English text of paragraph 13 the words "a higher" are substituted for the words "an advanced" and the words "a standard" are substituted for the words "an ordinary".

3. After paragraph 17 the following paragraphs are added:

*"Suggestions and Recommendations of Officially recognised Teachers' Associations in Planning for Purposes of Education*

18. An educational head shall, when planning for purposes of education, give consideration to the suggestions and recommendations submitted to him in writing by an officially recognised teachers' association.

19. Provision shall be made for representation to be given on the departmental council or board or committee of an education department entrusted with planning for purposes of education (excluding matters relating solely to a department's internal organisation and administration) to an officially recognised teachers' association whose members are employed by such department.".

No. R. 1645 15 September 1972

### WET OP UNIVERSITEITE, 1955.—STATUUT VAN UNIVERSITEIT VAN PORT ELIZABETH—WYSIGING

Kragtens die bevoegdheid hom verleen by artikel 17 (2) van die Wet op Universiteite, 1955 (Wet 61 van 1955), het die Minister van Nasionale Opvoeding onderstaande wysiging van die Statuut van die Universiteit van Port

No. R. 1645 15 September 1972

### UNIVERSITIES ACT, 1955.—STATUTE OF UNIVERSITY OF PORT ELIZABETH—AMENDMENT

The Minister of National Education has, under and by virtue of the powers vested in him by section 17 (2) of the Universities Act, 1955 (Act 61 of 1955), approved the following amendment to the Statute of the University

Elizabeth, afgekondig by Goewermentskennisgewing R. 766 van 28 Mei 1965, soos gewysig by Gowermentskennisgewings R. 27 van 7 Januarie 1966, R. 1904 van 2 Desember 1966, R. 1629 van 20 September 1968, R. 554 van 10 April 1970 en R. 890 van 28 Mei 1971, goedgekeur:

Paragraaf 36 word deur onderstaande paragrawe vervang:

*"Name van Grade: Lettere en Wysbegeerte*

36. Behoudens die bepalinge van hierdie Statuut kan die Universiteit onderstaande grade in die Fakulteit van die Lettere en Wysbegeerte toeken, wat aangedui word deur die letters hieronder aangegee:

| *Naam* | *Aangedui deur die letters* |
|---|---|
| Baccalaureus Artium | B.A. |
| Baccalaureus Musicae | B.Mus. |
| Baccalaureus Artium Honores | B.A. (Hons.) |
| Magister Artium | M.A. |
| Magister Musicae | M.Mus. |
| Doctor Philosophiae | D.Phil. |
| Doctor Litterarum | D.Litt. |
| Doctor Musicae | D.Mus. |

*Name van Grade: Natuurwetenskappe*

36A. Behoudens die bepalinge van hierdie Statuut kan die Universiteit onderstaande grade in die Fakulteit van die Natuurwetenskappe toeken, wat aangedui word deur die letters hieronder aangegee:

| *Naam* | *Aangedui deur die letters* |
|---|---|
| Baccalaureus Scientiae | B.Sc. |
| Baccalaureus Scientiae in Technologia Textili | B.Sc. (T.T.) |
| Baccalaureus Scientiae Honores | B.Sc. (Hons.) |
| Magister Scientiae | M.Sc. |
| Doctor Scientiae | D.Sc. |
| Philosophiae Doctor | Ph.D. |

*Name van Grade: Opvoedkunde*

36B. Behoudens die bepalinge van hierdie Statuut kan die Universiteit onderstaande grade in die Fakulteit van die Opvoedkunde toeken, wat aangedui word deur die letters hieroner aangegee:

| *Naam* | *Aangedui deur die letters* |
|---|---|
| Baccalaureus Educationis | B.Ed. |
| Magister Educationis | M.Ed. |
| Doctor Educationis | D.Ed. |

*Name van Grade: Ekonomiese Wetenskappe*

36C. Behoudens die bepalinge van hierdie Statuut kan die Universiteit onderstaande grade in die Fakulteit van die Ekonomiese Wetenskappe toeken, wat aangedui word deur die letters hieronder aangegee:

| *Naam* | *Aangedui deur die letters* |
|---|---|
| Baccalaureus Commercii | B.Com. |
| Baccalaureus Commercii Honores | B.Com. (Hons.) |
| Magister Commercii | M.Com. |
| Doctor Commercii | D.Com. |
| Baccalaureus in Boukunde | B.Bou. |
| Baccalaureus in Argitektuur | B.Arch. |
| Baccalaureus in Bourekenkunde | B.Q.S. |
| Magister in Argitektuur | M.Arch. |
| Magister in Bourekenkunde | M.Q.S. |
| Doktor in Argitektuur | D.Arch. |
| Doktor in Bourekenkunde | D.Q.S. |

*Name van Grade: Regsgeleerdheid*

36D. Behoudens die bepalinge van hierdie Statuut kan die Universiteit onderstaande grade in die Fakulteit van die Regsgeleerdheid toeken, wat aangedui word deur die letters hieronder aangegee:

| *Naam* | *Aangedui deur die letters* |
|---|---|
| Baccalaureus Procurationis | B.Proc. |
| Baccalaureus Juris | B.Juris |
| Baccalaureus Legum | LL.B. |
| Magister Legum | LL.M. |
| Doctor Legum | LL.D." |

of Port Elizabeth, published under Government Notice R. 766 of 28 May 1965, as amended by Government Notices R. 27 of 7 January 1966, R. 1904 of 2 December 1966, R. 1629 of 20 September 1968, R. 554 of 10 April 1970, and R. 890 of 28 May 1971:

The following paragraphs are substituted for paragraph 36:

*"Designation of Degrees: Arts*

36. Subject to the provisions of this Statute, the University may in the Faculty of Arts confer the following degrees to be denoted by the letters indicated below:

| *Designation* | *Denoted by the letters* |
|---|---|
| Baccalaureus Artium | B.A. |
| Baccalaureus Musicae | B.Mus. |
| Baccalaureus Artium Honores | B.A. (Hons.) |
| Magister Artium | M.A. |
| Magister Musicae | M.Mus. |
| Doctor Philosophiae | D.Phil. |
| Doctor Litterarum | D.Litt. |
| Doctor Musicae | D.Mus. |

*Designation of Degrees: Science*

36A. Subject to the provisions of this Statute, the University may in the Faculty of Science confer the following degrees to be denoted by the letters indicated below:

| *Designation* | *Denoted by the letters* |
|---|---|
| Baccalaureus Scientiae | B.Sc. |
| Baccalaureus Scientiae in Technologia Textili | B.Sc. (T.T.) |
| Baccalaureus Scientiae Honores | B.Sc. (Hons.) |
| Magister Scientiae | M.Sc. |
| Doctor Scientiae | D.Sc. |
| Philosophiae Doctor | Ph.D. |

*Designation of Degrees: Education*

36B. Subject to the provisions of this Statute, the University may in the Faculty of Education confer the following degrees to be denoted by the letters indicated below:

| *Designation* | *Denoted by the letters* |
|---|---|
| Baccalaureus Educationis | B.Ed. |
| Magister Educationis | M.Ed. |
| Doctor Educationis | D.Ed. |

*Designation of Degrees: Economic Sciences*

36C. Subject to the provisions of this Statute, the University may in the Faculty of Economic Sciences confer the following degrees to be denoted by the letters indicated below:

| *Designation* | *Denoted by the letters* |
|---|---|
| Baccalaureus Commercii | B.Com. |
| Baccalaureus Commercii Honores | B.Com. (Hons.) |
| Magister Commercii | M.Com. |
| Doctor Commercii | D.Com. |
| Bachelor of Building | B.Build. |
| Bachelor of Architecture | B.Arch. |
| Bachelor of Quantity Surveying | B.Q.S. |
| Master of Architecture | M.Arch. |
| Master of Quantity Surveying | M.Q.S. |
| Doctor of Architecture | D.Arch. |
| Doctor of Quantity Surveying | D.Q.S. |

*Designation of Degrees: Law*

36D. Subject to the provisions of this Statute, the University may in the Faculty of Law confer the following degrees to be denoted by the letters indicated below:

| *Designation* | *Denoted by the letters* |
|---|---|
| Baccalaureus Procurationis | B.Proc. |
| Baccalaureus Juris | B.Juris |
| Baccalaureus Legum | LL.B. |
| Magister Legum | LL.M. |
| Doctor Legum | LL.D." |

## DEPARTEMENT VAN SPOORWEË EN HAWENS

No. R. 1608 15 September 1972

Dit het die Staatspresident behaag om kragtens artikel 32 van die Wet op Spoorweg- en Hawediens, 1960 (Wet 22 van 1960), goedkeuring daaraan te verleen dat die Personeelregulasies van die Suid-Afrikaanse Spoorweë en Hawens, gepubliseer in Goewermentskennisgewing R. 1045 van 15 Julie 1960, soos gewysig, soos volg verder gewysig word:

SUID-AFRIKAANSE SPOORWEË

PERSONEELREGULASIES

WYSIGINGSLYS

(Van krag van 15 Mei 1972)

*Regulasie* 1

Onder die woordbepaling "departementsonderhoof" voeg in "die Direkteur (tegnies en finansiële beheer)".

*Regulasie* 2 (2) (*e*)

Onder die opskrif "in die Lugdiensdepartement" voeg in "die Direkteur (tegnies en finansiële beheer)".

*Regulasie* 155 (1)

Onder die opskrif *"die Lugdiensdepartement"* voeg in "die Direkteur (tegnies en finansiële beheer)".

*Regulasie* 179 (1)

Onder die opskrif *"Amptenaar teen wie se beslissing daar geappelleer word"* en binne die hakie teenoor "die Hooflugdiensbestuurder" voeg in "die Direkteur (tegnies en finansiële beheer)".

## DEPARTMENT OF RAILWAYS AND HARBOURS

No. R. 1608 15 September 1972

The State President has, in terms of section 32 of the Railways and Harbours Service Act, 1960 (Act 22 of 1960), been pleased to approve of the South African Railways and Harbours Staff Regulations, published in Government Notice R. 1045 of 15 July 1960, as amended, being further amended as follows:

SOUTH AFRICAN RAILWAYS

STAFF REGULATIONS

SCHEDULE OF AMENDMENT

(Operative from 15 May 1972)

*Regulation* 1

Under the definition of the term "sub-head of department" insert "the Director (Technical and Financial Control)".

*Regulation* 2 (2) (*e*)

Under the heading "in the Airways Department" insert "the Director (Technical and Financial Control)".

*Regulation* 155 (1)

Under the heading *"Airways Department"* insert "the Director (Technical and Financial Control)".

*Regulation* 179 (1)

Under the heading *"Officer whose decision appealed against"* and within the bracket opposite "the Chief Airways Manager" insert "the Director (Technical and Financial Control)".

## DEPARTEMENT VAN VOLKSWELSYN EN PENSIOENE

No. R. 1624 15 September 1972

REGERINGSDIENSPENSIOENWET, 1965

STAATSDIENSPENSIOENFONDS

Kragtens die bevoegdheid my verleen by artikel 5 van die Regeringsdienspensioenwet, 1965 (Wet 62 van 1965), wysig ek, Cornelius Petrus Mulder, Minister van Volkswelsyn en Pensioene, hierby die regulasies afgekondig by Goewermentskennisgewing R. 1969 van 15 Desember 1965, soos gewysig, soos in die Bylae hiervan uiteengesit.

C. P. MULDER, Minister van Volkswelsyn en Pensioene.

BYLAE

1. Regulasie 14 word hierby met ingang van die tweede dag van Junie 1972 gewysig deur subregulasie (1) deur die volgende subregulasie te vervang:

"(1) Aan 'n lid wat voordat hy 10 jaar pensioengewende diens gehad het, uit die Staatsdiens aftree of afgedank of ontslaan word—

(a) ingevolge artikel 6 van die Wet;

(b) weens swak gesondheid nie deur sy eie toedoen veroorsaak nie;

(c) weens die afskaffing van sy betrekking of pos of die vermindering of reorganisasie of herreëling van departemente of kantore;

(d) op grond daarvan dat sy ontslag, om ander redes as sy eie ongeskiktheid of onvermoë, doeltreffendheid of besuiniging in die Departement of kantoor waarin hy in diens is, sal bevorder;

(e) weens ongeskiktheid vir sy pligte of onvermoë om hulle op bekwame wyse uit te voer;

(f) kragtens artikel 14 (9) van die Staatsdienswet, 1957; of

## DEPARTMENT OF SOCIAL WELFARE AND PENSIONS

No. R. 1624 15 September 1972

GOVERNMENT SERVICE PENSIONS ACT, 1965

PUBLIC SERVICE PENSION FUND

By virtue of the powers vested in me by section 5 of the Government Service Pensions Act, 1965 (Act 62 of 1965), I, Cornelius Petrus Mulder, Minister of Social Welfare and Pensions, do hereby amend the regulations promulgated by Government Notice R. 1969, dated 15 December 1965, as amended, as set out in the Schedule hereto.

C. P. MULDER, Minister of Social Welfare and Pensions.

SCHEDULE

1. Regulation 14 is hereby amended with effect from the second day of June 1972 by the substitution for subregulation (1) of the following subregulation:

"(1) A member who, before he has had 10 years of pensionable service, retires or is retired or discharged from the Public Service—

(a) in terms of section 6 of the Act;

(b) on account of ill-health occasioned without his own default;

(c) owing to the abolition of his office or post or to any reduction in or reorganisation or readjustment of departments or offices;

(d) on the ground that his discharge will, for reasons other than his own unfitness or incapacity, promote efficiency or economy in the department or office in which he is employed;

(e) on account of unfitness for his duties, or incapacity to carry them out efficiently;

(f) under section 14 (9) of the Public Service Act, 1957; or

(g) kragtens artikel 14 (6) (g) van die Staatsdienswet, 1957;

word 'n gratifikasie betaal wat bereken word teen 10 persent van die jaarlikse gemiddelde van sy pensioengewende verdienste oor die laaste drie jaar van sy pensioengewende diens of oor die hele tydperk van sodanige diens, naamlik die kortste tydperk, ten opsigte van elke jaar van sy pensioengewende diens: Met dien verstande dat as so 'n lid om 'n rede in paragraaf (c) of (d) vermeld of kragtens artikel 14 (6) (g) van die Staatsdienswet, 1957, aldus ontslaan word voordat hy die pensioenleeftyd bereik het, hy benewens genoemde gratifikasie geregtig is op 'n verdere bedrag gelyk aan 'n derde van sodanige gratifikasie, watter verdere bedrag uit inkomste betaal word.".

2. Regulasie 15 word hierby met ingang van die tweede dag van Junie 1972 gewysig—

(a) deur in subregulasie (5) al die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

"(5) 'n Lid wat minstens 10 jaar pensioengewende diens gehad het en wat uit die Staatsdiens aftree of afgedank of ontslaan word ingevolge artikel 6 van die Wet of om 'n rede genoem in regulasie 14 (1) (b), (c), (d) of (e) of ingevolge artikel 14 (6) (g) of (9) van die Staatsdienswet, 1957, is geregtig tot die onderstaande voordele, naamlik—";

(b) deur subregulasie (6) deur die volgende subregulasie te vervang:

"(6) As 'n lid om 'n rede in regulasie 14 (1) (c) of (d) genoem of kragtens artikel 14 (6) (g) van die Staatsdienswet, 1957, ontslaan word, word daar, uitsluitlik vir die doel van die bepaling van die tydperk van sy pensioengewende diens waarop enige jaargeld of gratifikasie waartoe hy kragtens subregulasie (5) geregtig is, gebaseer moet word, òf 'n derde van die tydperk van genoemde diens òf die tydperk maar hoogstens vyf jaar, waarmee sy pensioenleeftyd hoër is as sy leeftyd by sy ontslag, naamlik die kortste van die twee tydperke, by sy pensioengewende diens bygevoeg, en die bedrag waarmee sodanige jaargeld of gratifikasie verhoog word weens die tydperk aldus bygevoeg, word uit inkomste betaal.".

(g) under section 14 (6) (g) of the Public Service Act, 1957;

shall be paid a gratuity calculated at the rate of 10 per cent of the annual average of his pensionable emoluments for the last three years of his pensionable service or for the whole period of such service, whichever is the shorter period, in respect of each year of his pensionable service: Provided that if such a member is so discharged for a reason mentioned in paragraph (c) or (d) or under section 14 (6) (g) of the Public Service Act, 1957, before he has attained the pensionable age, he shall, in addition to the said gratuity, be entitled to a further amount equal to one-third of such gratuity, which further amount shall be paid out of revenue.".

2. Regulation 15 is hereby amended with effect from the second day of June 1972—

(a) by the substitution in subregulation (5) for all the words preceding paragraph (a) of the following words:

"(5) A member who has had not less than 10 years' pensionable service and who retires or is retired or discharged from the Public Service in terms of section 6 of the Act or for a reason mentioned in regulation 14 (1) (b), (c), (d) or (e) or under section 14 (6) (g) or (9) of the Public Service Act, 1957, shall be entitled to the following benefits, namely—";

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

"(6) If a member is discharged for a reason mentioned in regulation 14 (1) (c) or (d) or under section 14 (6) (g) of the Public Service Act, 1957, there shall be added to his pensionable service, solely for the purpose of determining the period of his pensionable service upon which any annuity or gratuity to which he is entitled under subregulation (5) is to be based, either one-third of the period of the said service or the period, not exceeding five years, by which his pensionable age exceeds his age at his discharge, whichever is the lesser period, and the amount by which such annuity or gratuity is increased by reason of the period so added, shall be paid out of revenue.".

Werk mooi daarmee.
Ons leef daarvan

Use it.
Don't abuse it.

water is for everybody

# Geregistreerde pos is nie verseker nie.

Stuur waardevolle artikels per

VERSEKERDE PAKKETPOS

en

Geld deur middel van 'n POSORDER of

POSWISSEL.

✦

*Stuur u pakkette per lugpos*

*——dis vinniger!*

✦

RAADPLEEG U PLAASLIKE POSMEESTER.

# Registered mail carries no insurance.

Send valuables by

INSURED PARCEL POST

and

Money by means of a POSTAL ORDER or

MONEY ORDER.

✦

*Use air mail parcel post*

*——It's quicker!*

✦

CONSULT YOUR LOCAL POSTMASTER.

## INHOUD


*No.* *Bladsy*

PROKLAMASIE

R. 230. Aanstelling en heraanstelling van lede van die spesiale howe vir die verhoor van inkomstebelastingappèlsake ... ... ... ... 1

GOEWERMENTSKENNISGEWINGS

**Bantoe-administrasie en -ontwikkeling, Departement van**

*Goewermentskennisgewings*

R.1615. Lebowa- Wetgewende Vergadering: Wet 4 van 1972 ... ... ... ... ... ... ... ... ... ... 2
R.1616. Lebowa- Wetgewende Vergadering: Wet 5 van 1972 ... ... ... ... ... ... ... ... ... ... 3
R.1617. Wet op Pensioene vir Bantoe-owerheidsdiens, 1971: Regulasies betreffende die Pensioenfonds vir persone in owerheidsdiens: Wysiging ... ... ... ... ... ... ... 4
R.1618. Die Wet op Pensioene vir Bantoe-owerheidsdiens, 1971: Regulasies betreffende die Superannuasiefonds vir persone in owerheidsdiens: Wysiging ... ... ... ... 4
R.1623. Ciskeise Wetgewende Vergadering: Die Ciskeise Wet op die Regeringsdiens, 1972 5
R.1626. Owambo- Wetgewende Raad: Maatreël 3 van 1972... ... ... ... ... ... ... ... ... ... 28
R.1627. Owambo- Wetgewende Raad: Maatreël 4 van 1972 ... ... ... ... ... ... ... ... ... ... 40
R.1628. Owambo- Wetgewende Raad: Maatreël 5 van 1972 ... ... ... ... ... ... ... ... ... ... 44
R.1629. Machangana- Wetgewende Vergadering: Wet 4 van 1972 ... ... ... ... ... ... ... 53

**Landbou-ekonomie en -bemarking, Departement van**

*Goewermentskennisgewings*

R.1633. Regulasies met betrekking tot die gradering en verpakking van koring ... 55
R.1634. Regulasies met betrekking tot die gradering en verpakking van rog ... ... 65
R.1635. Regulasies met betrekking tot die gradering en verpakking van hawer ... 70
R.1636. Regulasies met betrekking tot die gradering en verpakking van gars ... ... 76
R.1637. Raad van Beheer oor die Vee- en Vleisnywerhede: Produsentepryse vir afval in beheerde gebiede: Wysiging ... ... ... ... 85

**Nasionale Opvoeding, Departement van**

*Goewermentskennisgewings*

R.1644. Wet op die Nasionale Onderwysbeleid, 1967 ... ... ... ... ... ... ... ... ... ... ... 86
R.1645. Wet op Universiteite, 1955 ... ... ... ... 86

**Spoorweë en Hawens, Departement van**

*Goewermentskennisgewing*

R.1608. Wysiging in die Personeelregulasies ... ... 88

**Volkswelsyn en Pensioene, Departement van**

*Goewermentskennisgewing*

R.1624. Regeringsdienspensioenwet, 1965: Staatsdiens-pensioenfonds ... ... ... ..... ... ... 88


## CONTENTS


*No.* *Page*

PROCLAMATION

R. 230. Appointment and re-appointment of members of the special courts for hearing income tax appeals ... ... ... ... ... ... ... 1

GOVERNMENT NOTICES

**Agricultural Economics and Marketing, Department of**

*Government Notices*

R.1633. Regulations relating to the grading and packing of wheat ... ... ... ... ... ... ... 55
R.1634. Regulations relating to the grading and packing of rye ... ... ... ... ... ... ... ... 65
R.1635. Regulations relating to the grading and packing of oats ... ... ... ... ... ... ... ... 70
R.1636. Regulations relating to the grading and packing of barley ... ... ... ... ... ... ... ... 76
R.1637. Livestock and Meat Industries Control Board: Producer prices for offal in controlled areas: Amendment ... ... ... ... 85

**Bantu Administration and Development, Department of**

*Government Notices*

R.1615. Lebowa Legislative Assembly: Act 4 of 1972 ... ... ... ... ... ... ... ... ... ... ... 2
R.1616. Lebowa Legislative Assembly: Act 5 of 1972 ... ... ... ... ... ... ... ... ... ... ... 3
R.1617. Bantu Authorities' Service Pensions Act, 1971: Regulations governing the Pension Fund for persons in authorities' service: Amendment ... ... ... ... ... ... ... ... ... 4
R.1618. Bantu Authorities' Service Pension Act, 1971: Regulations governing the Superannuation Fund for persons in authorities' service: Amendment ... ... ... ... ... ... 4
R.1623. Ciskeian Legislative Assembly: The Ciskeian Public Service Act, 1972 ... ... 5
R.1626. Owambo Legislative Council: Enactment 3 of 1972 ... ... ... ... ... ... ... ... ... ... 28
R.1627. Owambo Legislative Council: Enactment 4 of 1972 ... ... ... ... ... ... ... ... ... 40
R.1628. Owambo Legislative Council: Enactment 5 of 1972 ... ... ... ... ... ... ... ... ... ... 44
R.1629. Machangana Legislative Assembly: Act 4 of 1972 ... ... ... ... ... ... ... ... ... ... 53

**National Education, Department of**

*Government Notices*

R.1644. National Education Policy Act, 1967 ... 86
R.1645. Universities Act, 1955 ... ... ... ... ... ... 86

**Railways and Harbours, Department of**

*Government Notice*

R.1608. Amendment of the Staff Regulations ... ... 88

**Social Welfare and Pensions, Department of**

*Government Notice*

R.1624. Government Service Pensions Act, 1965: Public Service Pension Fund ... ... ... 88

Gedruk deur en verkrygbaar by Die Staatsdrukker,
Bosmanstraat, Privaatsak X85, Pretoria

Printed by and obtainable from The Government Printer,
Bosman Street, Private Bag X85, Pretoria



4—3651