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# Government Gazette

# Staatskoerant

## VAN DIE UNIE VAN SUID-AFRIKA

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### GOVERNMENT NOTICE.

The following Government Notice is published for general information.

H. D. J. BODENSTEIN,
Secretary to the Prime Minister.

Prime Minister's Office,
Cape Town.

No. 773. 8th June, 1934.

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


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### GOEWERMENTSKENNISGEWING.

Onderstaande Goewermentskennisgewing word vir algemene informasie gepubliseer.

H. D. J. BODENSTEIN,
Sekretaris van die Eerste Minister.

Kantoor van die Eerste Minister,
Kaapstad.

No. 773. 8 Junie 1934.

Hierby word bekend gemaak dat dit Sy Eksellensie die Goewerneur-generaal behaag het om sy goedkeuring te heg aan onderstaande Wette wat hiermee vir algemene informasie gepubliseer word:—


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No. 52, 1934.]

# ACT

## To provide for the eradication of jointed cactus.

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows :—

Notification of presence of jointed cactus.

**1.** (1) Within three months after the commencement of this Act, every occupier, or if there is no occupier then every owner, of land on which jointed cactus is growing shall give notice in writing to the prescribed officer of the presence of such cactus on such land, and shall in such notice state the approximate area on which such cactus is growing.

(2) Whenever after the commencement of this Act jointed cactus appears on any land, the occupier or owner thereof (as the case may be) shall forthwith give the notice referred to in sub-section (1).

Information may be obtained as to presence of jointed cactus.

**2.** (1) The Minister may take such steps as he deems necessary in order to obtain information as to the presence of jointed cactus on any land and as to the area on which such cactus is growing.

(2) Any officer may enter upon and inspect any land on which he suspects jointed cactus is growing, and do upon such land any act which he considers necessary for the purpose of obtaining the information referred to in sub-section (1).

Eradication of jointed cactus at the instance of the Minister.

**3.** (1) Any officer specially authorized thereto by the Minister shall, if jointed cactus is discovered upon any land, eradicate such cactus or cause it to be eradicated.

(2) For the purposes of sub-section (1), such officer may take with him upon such land the labour, animals, vehicles, instruments, appliances, drugs or any other thing which in his opinion is necessary or required for the purpose of eradicating such cactus.

Eradication by occupier or owner.

**4.** (1) The Minister may cause an order to be served on any occupier or owner of land requiring him to eradicate or cause to be eradicated within a specified period any jointed cactus present on such land.

(2) The Minister may supply free of cost to the occupier or owner referred to in sub-section (1) for the purposes of the said sub-section, such assistance, whether in the form of labour, materials, appliances or in any other form, as he deems fit.

Failure to comply with order.

**5.** (1) Where any occupier or owner upon whom an order has in terms of section *four* been served, fails to comply with such order within the specified period, or any extension thereof granted by the Minister (which extension the Minister is hereby authorized to grant) the Minister may cause the said cactus to be eradicated by any officer and such officer shall have the powers referred to in sub-section (2) of section *three*.

(2) The Minister may recover any costs incurred under sub-section (1) from the occupier or owner concerned.

Clearance certificate.

**6.** If the Minister is satisfied on information submitted to him by any officer that any land has been cleared of jointed cactus, he shall issue or cause to be issued a certificate to the occupier or owner thereof stating that such land has been cleared of jointed cactus, and such certificate shall be conclusive proof that the land described therein was so cleared as at the date stated in such certificate.

Order to keep land free from jointed cactus.

**7.** Together with any certificate issued in terms of section *six*, the Minister shall issue or cause to be issued an order (hereinafter called a continuance order), upon the occupier or owner concerned requiring him to keep and maintain the land described in such certificate free from jointed cactus.

Failure to comply with continuance order.

**8.** (1) Where any occupier or owner to whom a continuance order has been issued, fails at any time to comply with that order, the Minister may cause the land referred to in such order to be cleared of jointed cactus by any officer, and such officer shall have the powers referred to in sub-section (2) of section *three*.

(2) The Minister may recover any costs incurred under sub-section (1) from the occupier or owner concerned.

Prevention of spread of jointed cactus.

**9.** (1) No person unless authorized thereto by the Minister shall remove or permit to be removed any jointed cactus or portion thereof from any one piece of land to another.

No. 52, 1934.]

# WET

## Om voorsiening te maak vir die uitroeiing van lidjies kaktus.

DIT WORD BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie Suid-Afrika, as volg :—

Kennisgewing van teenwoordigheid van lidjies kaktus.

**1.** (1) Binne drie maande na die inwerkingtreding van hierdie Wet, moet elke bewoner of, ingeval daar geen bewoner is nie, elke eienaar van grond waarop lidjies kaktus groei skriftelik kennis gee aan die aangewese amptenaar van die teenwoordigheid van daardie kaktus op bedoelde grond, en die beraamde oppervlakte waarop daardie kaktus groei moet in bedoelde kennisgewing gemeld word.

(2) Wanneer na die inwerkingtreding van hierdie Wet lidjies kaktus op enige grond verskyn moet die bewoner of eienaar daarvan (soas die geval mag wees) onmiddellik kennis gee soas in sub-artikel (1) bepaal.

Informasie kan verkry word omtrent die teenwoordigheid van lidjies kaktus.

**2.** (1) Die Minister kan sodanige stappe neem as hy nodig beskou om informasie te verkry aangaande die teenwoordigheid van lidjies kaktus op enige grond en die oppervlakte waarop daardie kaktus groei.

(2) 'n Amptenaar kan op enige grond gaan waarop hy vermoed dat lidjies kaktus groei en dit besigtig en daarop enige handeling doen wat hy nodig beskou vir die doel om die informasie, waarna in sub-artikel (1) verwys word, te verkry.

Uitroeiing van lidjies kaktus op las van die Minister.

**3.** (1) 'n Amptenaar indien spesiaal daartoe deur die Minister gemagtig, moet lidjies kaktus wat op enige grond ontdek word uitroei of dit laat uitroei.

(2) Vir die doeleindes van sub-artikel (1), kan daardie amptenaar met hom op die bedoelde grond neem die arbeid, diere, voertuie, implemente, toestelle, gemikalieë of enige ander iets wat volgens sy mening nodig is of benodig word vir die doel om daardie kaktus uit te roei.

Uitroeiing deur bewoner of eienaar.

**4.** (1) Die Minister kan 'n bevel laat dien op 'n bewoner of eienaar van grond om enige lidjies kaktus teenwoordig op daardie grond uit te roei of te laat uitroei binne 'n vasgestelde tydperk.

(2) Die Minister kan vry van koste aan die bewoner of eienaar vermeld in sub-artikel (1) en vir die doeleindes van genoemde sub-artikel, sodanige hulp verskaf as hy goed mag vind in die vorm van arbeid, materiaal, toestelle of in enige ander vorm.

Versuim om te voldoen aan aanskrywing.

**5.** (1) Wanneer 'n bewoner of eienaar op wie 'n bevel in terme van artikel *vier* gedien is, versuim om aan sodanige bevel te voldoen binne die vasgestelde tydperk of binne enige verlenging daarvan wat die Minister mag toestaan (watter verlenging die Minister hierby gemagtig word om toe te staan) kan die Minister die bedoelde kaktus laat uitroei deur 'n amptenaar, en daardie amptenaar besit die magte in sub-artikel (2) van artikel *drie* vermeld.

(2) Die Minister kan die koste beloop kragtens sub-artikel (1) op die betrokke bewoner of eienaar verhaal.

Uitroeiing-sertifikaat.

**6.** Wanneer die Minister as gevolg van informasie aan hom voorgelê deur 'n amptenaar tevrede is dat enige grond van lidjies kaktus skoongemaak is, moet hy 'n sertifikaat aan die bewoner of eienaar daarvan uitreik of laat uitreik ten effekte dat daardie grond van lidjies kaktus skoongemaak is en daardie sertifikaat is afdoende bewys dat die grond daarin omskrywe, sodanig skoongemaak was ten tyde van die datum op bedoelde sertifikaat vermeld.

Bevel om grond skoon te hou van lidjies kaktus.

**7.** Met die sertifikaat, uitgereik kragtens artikel *ses*, moet die Minister 'n bevel (hierna 'n staande bevel genoem), uitreik of laat uitreik aan die betrokke bewoner of eienaar ten effekte dat hy die grond, omskrywe in sodanige sertifikaat, skoon moet hou van lidjies kaktus.

Versuim om te voldoen aan staande bevel.

**8.** (1) Wanneer 'n bewoner of eienaar aan wie 'n staande bevel uitgereik is te eniger tyd versuim om aan daardie bevel te voldoen, kan die Minister die grond waarna in genoemde bevel verwys word laat skoonmaak van lidjies kaktus deur 'n amptenaar, en daardie amptenaar besit die magte in sub-artikel (2) van artikel *drie* vermeld.

(2) Die Minister kan die koste beloop kragtens sub-artikel (1) op die betrokke bewoner of eienaar verhaal.

Voorkom van verspreiding van lidjies kaktus.

**9.** (1) Geen persoon wat nie daartoe gemagtig is nie deur die Minister mag enige lidjies kaktus of deel daarvan verwyder van een stuk grond na 'n ander stuk grond of toelaat dat dit verwyder word.

(2) No person unless authorized thereto by the Minister shall drive or permit to be driven any stock to which jointed cactus or portions thereof are adhering from any one piece of land to another, nor shall he permit any such stock to stray from any such piece of land.

Prohibition of use of public outspan.

**10.** The Minister may by notice in the *Gazette* prohibit the use as an outspan of any public outspan on which in his opinion jointed cactus is growing until it has been cleared to his satisfaction of such cactus, and he may by like notice withdraw or vary such prohibition.

Obstruction.

**11.** Any person who obstructs or hinders the Minister or any officer in the exercise of any power conferred or any duty imposed by this Act, shall be guilty of an offence and on conviction liable to a fine not exceeding fifty pounds.

Recovery of costs.

**12.** (1) Where the costs incurred in connection with the eradication of jointed cactus or the clearance of any land therefrom are recoverable from any occupier or owner in terms of section *five* or *eight*, such costs may, notwithstanding anything to the contrary in the law relating to magistrates' courts, be recovered by the Minister in the magistrate's court of the district in which the land concerned is situate.

(2) Where any occupier or owner is charged with and convicted of a contravention of section *five* or *eight* the court convicting may, in addition to imposing any penalty in terms of section *thirteen*, order the accused to pay to the Minister any costs incurred in terms of the said section *five* or *eight*.

(3) Any order made in terms of sub-section (2) shall have the same force and effect as a civil judgment of a magistrate's court and shall be enforceable in the same manner as any judgment of such court.

(4) In the case of locations or native reserves, the costs claimed in terms of section *five* or *eight* shall first be enquired into by the magistrate of the district, within which such location or native reserve is situated, in the presence of the headman or other person designated by the Minister of Native Affairs, and any sum found to be due by the magistrate shall be recovered in the manner and from the person prescribed by regulation.

Penalty.

**13.** Any person who contravenes or fails to comply with any provision of this Act or of any order lawfully made thereunder shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds.

Regulations.

**14.** The Minister may make regulations not inconsistent with this Act—

(*a*) prescribing the officer to whom the notice referred to in section *one* shall be given;

(*b*) prescribing the facilities and assistance to be provided by any occupier or owner to any officer entrusted with the duty of eradicating jointed cactus upon the land of such occupier or owner;

(*c*) prescribing the duties and powers of any officer engaged in the inspection of any land or the eradication of jointed cactus;

(*d*) prescribing the manner in which and the person from whom the costs recoverable in terms of section *five* or *eight* in respect of locations and native reserves shall be recovered.

Interpretation of terms.

**15.** In this Act unless inconsistent with the context—

"jointed cactus" means the plant botanically designated as *Opuntia aurantiaca*;

"Minister" means the Minister of Agriculture, or any other Minister of State acting in his stead;

"occupier", in relation to land, means any fiduciary usufructuary, lessee or sub-lessee under a contract which has at least five years to run, or purchaser who has not yet taken transfer;

"officer" means any person to whom the Minister has either generally or specially assigned duties under this Act;

"owner", in relation to land, means the person in whose name the title to any land is registered, and if there is no such owner or the Minister is unable to determine, who is the owner as above defined, then the person or authority who has the control or management of such land or who is entitled to the beneficial use thereof;

"this Act" includes any regulations made thereunder.

Short title.

**16.** This Act shall be known as the Jointed Cactus Eradication Act, 1934.

(2) Geen persoon wat nie daartoe gemagtig is nie deur die Minister mag enige vee, waaraan lidjies kaktus of dele daarvan kleef, van een stuk grond na 'n ander stuk grond drywe of toelaat om gedryf te word, en mag ook nie toelaat dat bedoelde vee van daardie grond wegloop nie.

Verbod op die gebruik van publieke uitspannings.

**10.** Die Minister kan, by kennisgewing in die *Staatskoerant*, die gebruik van enige publieke uitspanning as 'n uitspanning verbied, waarop volgens sy mening lidjies kaktus groei, tot sodanige tyd as dit tot sy bevrediging skoongemaak is van daardie kaktus, en hy kan, by soortgelyke kennisgewing, daardie verbod intrek of wysig.

Verhindering.

**11.** 'n Persoon wat die Minister of 'n amptenaar belemmer of hinder in die uitoefening van enige magte, aan hom toegeken, of enige plig, aan hom opgelê deur hierdie Wet, is skuldig aan'n misdryf en by veroordeling strafbaar met 'n boete van hoogstens vyftig pond.

Verhaling van koste.

**12.** (1) Wanneer die koste beloop in verband met die uitroeiing van lidjies kaktus of die skoonmaak van enige grond daarvan verhaalbaar is op 'n bewoner of eienaar kragtens die bepalings van artikel *vyf* of *agt*, kan daardie koste, nieteenstaande enige strydige bepaling in die Wet op Magistraatshowe, deur die Minister verhaal word in die magistraatshof van die distrik waarin die betrokke grond geleë is.

(2) Wanneer 'n bewoner of eienaar aangekla en veroordeel is van 'n oortreding van artikel *vyf* of *agt*, kan die hof bo en behalwe enige straf opgelê kragtens die bepalings van artikel *dertien*, die beskuldigde beveel om enige koste beloop in terme van genoemde artikel *vyf* of *agt* aan die Minister te betaal.

(3) 'n Bevel deur 'n hof, kragtens die bepalings van subartikel (2) gemaak, het dieselfde krag en effek as 'n siviele uitspraak van 'n magistraatshof en is uitvoerbaar op dieselfde manier as enige ander uitspraak van daardie hof.

(4) In die geval van lokasies of naturelle-reserwes moet die koste geëis kragtens die bepalings van artikel *vyf* of *agt* eers ondersoek word deur die magistraat van die distrik waarin die lokasie of naturelle-reserwe geleë is en wel in die teenwoordigheid van die hoofman of 'n ander persoon deur die Minister van Naturellesake aangewys, en enige som wat die magistraat verskuldig mag vind word verhaal op die wyse en op die persoon by regulasie omskrewe.

Strawwe.

**13.** 'n Persoon wat enige bepaling van hierdie Wet of enige bevel wettiglik daaronder gemaak oortree of versuim om enige bepaling of bevel uit te voer, is skuldig aan 'n misdryf en by veroordeling strafbaar met 'n boete van hoogstens vyftig pond.

Regulasies.

**14.** Die Minister kan regulasies maak nie onbestaanbaar met hierdie Wet nie—

(*a*) om die amptenaar aan te wys aan wie die kennisgewing vermeld in artikel *een* gegee moet word;

(*b*) om die fasiliteite en hulp te omskryf wat 'n bewoner of eienaar moet verleen aan 'n amptenaar aan wie die plig van uitroeiing van lidjies kaktus op die grond van daardie bewoner of eienaar opgelê is;

(*c*) om die pligte en magte te omskryf van 'n amptenaar belas met die besigtiging van enige grond of die uitroeiing van lidjies kaktus;

(*d*) om die wyse waarop en die persoon op wie die koste verhaalbaar kragtens die bepalings van artikel *vyf* of *agt* ten opsigte van lokasies en naturelle-reserwes verhaal moet word.

Woordomskrywing.

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

„lidjies kaktus" die plant wat plantkundig bekend is as *Opuntia aurantiaca*;

„Minister" die Minister van Landbou of enige ander Staatsminister wat namens hom optree;

„bewoner" ten opsigte van grond, 'n fidusiaris, vruggebruiker, huurder of onderhuurder onder 'n kontrak wat vir ten minste nog vyf jaar moet duur, of koper wat nog nie transport geneem het nie;

„amptenaar", 'n persoon aan wie die Minister óf in die algemeen óf spesiaal pligte onder hierdie Wet opgedra het;

„eienaar" ten opsigte van grond, die persoon in wie se naam die reg tot enige grond geregistreer is, en as daar nie so'n eienaar is nie, of die Minister nie kan bepaal wie die eienaar is soos hierbo omskrywe nie, dan die persoon of outoriteit wat die beheer of bestuur van daardie grond het of geregtig is op die nuttige gebruik daarvan;

„hierdie Wet" sluit in enige regulasies wat daaronder gemaak is.

Kort titel.

**16.** Hierdie Wet heet die Wet op die Uitroeiing van Lidjies Kaktus, 1934.

No. 53, 1934.]

# ACT

**To make better provision for the elimination of slums within the areas of jurisdiction of certain local authorities.**

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows :—

## CHAPTER I.

### INTRODUCTORY.

Interpretation and application.

1. (1) In this Act, unless inconsistent with the context—

"Administrator" means the Administrator of the province in which the district concerned is situate, acting on the advice of the executive committee of the province ;

"building" includes any dwelling and any other structure whatsoever, for whatever purpose used ;

"deeds registry" in relation to any land means the deeds registry established for the area in which that land is situate, and in the case of land held under stand licence and situate within a township means the office of the Rand Townships Registrar, and in the case of land held under stand licence and situate outside a township means the office of the Registrar of Mining Titles ;

"district" means, in relation to a local authority, the area which is under the control of that local authority ;

"dwelling" means any house, room, shed, hut or tent or any other structure or place, any portion whereof is used by any human being for sleeping in, or in which any human being dwells ;

"land" means and includes—

(i) land with or without buildings thereon ;

(ii) any servitude registered over land ;

(iii) any lease of land registered in the deeds registry which, when entered into, was for a period of not less than ten years or for the natural life of the lessee or any person mentioned in the lease, or which is renewable from time to time at the will of the lessee indefinitely or for periods which, together with the first period, amount in all to not less than ten years ;

(iv) any lease granted by the local authority over any land of which it is the owner;

"local authority" means the council of any city, town or borough specified in the list of which the First Schedule to this Act consists, or added to that list by proclamation issued under sub-section (3) of this section or any body of persons declared by any such proclamation to be a local authority ;

"medical officer of health" means a medical practitioner registered as such under the Medical, Dental and Pharmacy Act, 1928 (Act No. 13 of 1928), and appointed as medical officer of health or assistant medical officer of health by a local authority, and includes any medical practitioner so registered lawfully acting in that capacity ;

"Minister" means the Minister of Public Health, or any other Minister of State acting in his stead ;

"owner" in relation to any land means and includes—

(i) the person in whose name the title to that land is registered, and includes the holder of the stand licence ;

No. 53, 1934.]

# WET

**Om beter voorsiening te maak vir die opruiming van slums in die gebiede van seker plaaslike besture.**

DIT WORD BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg :—

## HOOFSTUK I.

### INLEIDINGSBEPALINGS.

Woordomskrywing en toepassing van Wet.

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

„Administrateur", die Administrateur van die provinsie waarin die betrokke distrik geleë is, handelende op advies van die uitvoerende komitee van die provinsie ;

„gebou" ook 'n woning en enige ander bouwerk, van watter aard ook, en vir watter doel ook gebruik ;

„registrasiekantoor", met betrekking tot grond, die registrasiekantoor van aktes opgerig vir die streek waarin daardie grond geleë is ; en met betrekking tot grond wat kragtens standplaaslisensie besit word en binne 'n dorp geleë is, beteken „registrasiekantoor" die kantoor van die Registrateur van Randdorpe ; en met betrekking tot grond wat kragtens standplaaslisensie besit word en buite 'n dorp geleë is, beteken „registrasiekantoor" die kantoor van die Registrateur van Myntitels ;

„distrik", met betrekking tot 'n plaaslike bestuur, die gebied waaroor daardie plaaslike bestuur beheer uitoefen ;

„woning", 'n huis, kamer, skuur, pondok of tent of enige ander bouwerk of plek, waarvan 'n gedeelte deur mense gebruik word as slaapplek of waarin 'n mens woon ;

„grond", ook—

(i) grond met of sonder geboue daarop ;

(ii) 'n serwituut geregistreer op grond ;

(iii) 'n huur van grond wat in die registrasiekantoor geregistreer is, en wat by aanvang aangegaan is vir 'n tydperk van minstens tien jaar of vir die lewe van die huurder of van 'n in die huurkontrak genoemde persoon, of wat die huurder van tyd tot tyd kan hernuwe òf onbepaald òf vir tydperke wat, saamgereken met die eerste tydperk, uitwerk op minstens tien jaar ;

(iv) 'n huur deur die plaaslike bestuur toegestaan van grond waarvan hy eienaar is ;

„plaaslike bestuur", die stadsraad van 'n stad vermeld in die lys waaruit die Eerste Bylae tot hierdie Wet bestaan, of aan daardie lys toegevoeg deur 'n kragtens sub-artikel (3) van hierdie artikel uitgevaardigde proklamasie of 'n liggaam wat deur so 'n proklamasie tot 'n plaaslike bestuur verklaar is ;

„geneeskundige gesondheidsamptenaar", 'n geneesheer wat as sodanig ingevolge die Wet op Geneeshere, Tandartse en Aptekers, 1928 (Wet No. 13 van 1928), geregistreer is, en wat deur 'n plaaslike bestuur as geneeskundige gesondheidsamptenaar of assistent-geneeskundige gesondheidsamptenaar aangestel is, met inbegrip van 'n aldus geregistreerde geneesheer wat wettig as sulks optree ;

„Minister", die Minister van Volksgesondheid, of 'n ander Staatsminister wat namens hom optree ;

„eienaar", met betrekking tot grond, ook—

(i) die persoon in wie se naam die eiendomstitel van daardie grond geregistreer is, met inbegrip van die houer van die standplaaslisensie ;

(ii) in the case of any registered lease such as is referred to in paragraph (iii) of the definition of the word "land", the lessee;

(iii) in the case of any lease such as is referred to in paragraph (iv) of the definition of the word "land", the lessee;

(iv) if the owner as above defined is dead or if his estate has been sequestrated or assigned under the provisions of the Insolvency Act, 1916 (Act No. 32 of 1916), or if he is under any legal disability, the person empowered by law to administer his estate, or if the owner as above defined is a company, which is being wound up, the liquidator thereof;

(v) if for any reason the local authority is unable to determine who is the owner as above defined, the person who is entitled to the beneficial use of the land;

(vi) if the owner as above defined is absent from the Union or if his whereabouts are unknown to the local authority an agent of such owner or any person receiving or entitled to receive rent in respect of the land.

"premises" means any dwelling, together with the land on which the same is situated and the adjoining land used in connection therewith but does not include any compound situate on proclaimed land and erected in terms of the regulations made under the Native Labour Regulations Act, 1911 (Act No. 15 of 1911), or any amendment thereof, nor any location, native village or native hostel, or any part thereof established by a local authority in terms of the Natives (Urban Areas) Act, 1923 (Act No. 21 of 1923), or any amendment thereof;

"registrar of deeds" means the officer in charge of the deeds registry concerned;

"slum" means any premises or any part of any premises which has been declared a slum under the provisions of section *four*.

(2) Whenever the medical officer of health is of the opinion that—

(*a*) any condition exists in or upon any premises or part thereof which does not conform with the requirements of the Second Schedule to this Act or of any regulations made under this Act; or

(*b*) any premises or part thereof are of such construction or in such a state or so situated or so dirty or so verminous as to be injurious or dangerous to health or liable to favour the spread of any infectious disease; or

(*c*) any premises or part thereof are so situated, used or kept as to be unsafe or injurious or dangerous to health; or

(*d*) any land or part thereof is so congested with buildings as to be injurious or dangerous to health; or

(*e*) any premises have not such a proper, sufficient and wholesome water supply available within a reasonable distance as under the circumstances it is possible to obtain;

he shall report to the local authority that in his opinion a nuisance exists in or upon such premises or land or part thereof, and upon the receipt of the report by the local authority a nuisance liable to be dealt with under this Act shall be deemed to exist in or upon such premises or land or part thereof: Provided that where the nuisance is one in which the structural condition of any premises is concerned the medical officer of health may before reporting to the local authority as herein provided consult such other person as he may deem fit to select in regard to such structural condition, in which event the medical officer of health shall attach to his report to the local authority any report received by him from such other person.

(3) The Governor-General may from time to time by proclamation in the *Gazette* add any city, town or borough to the list of which the First Schedule to this Act consists, after consultation with the Administrator of the province in which such city, town or borough is situate and with the council of such city, town or borough or declare any body of persons to be a local authority with control over an area defined by such

(ii) in die geval van so 'n geregistreerde huurkontrak as wat in paragraaf (iii) van die omskrywing van die woord „grond" bedoel word, die huurder;

(iii) in die geval van so 'n huur as wat in paragraaf (iv) van die omskrywing van die woord „grond" bedoel word, die huurder;

(iv) as die eienaar soas hierbo omskrywe oorlede is, of as sy boedel ingevolge die bepalings van die „Insolventie Wet, 1916" (Wet No. 32 van 1916), gesekwestreer of afgestaan is, of as hy regsonbevoeg is, die persoon wat regtens gemagtig is sy boedel te bestuur, of, in die geval van 'n maatskappy wat gelikwideer word, die likwidateur daarvan;

(v) as die plaaslike bestuur om een of ander rede nie kan vasstel wie die eienaar is soas hierbo omskrywe, die persoon wat geregtig is op die nuttige gebruik van die grond;

(vi) as die eienaar soas hierbo omskrywe buite die Unie is of as sy verblyfplek aan die plaaslike bestuur onbekend is, 'n agent van die eienaar of 'n persoon wat die huurgeld van die grond ontvang of geregtig is om dit te ontvang.

„perseel", 'n woning, tesame met die grond waarop dit staan en die aangrensende grond wat in verband daarmee gebruik word maar sluit nie in 'n kompound geleë op geproklameerde grond en opgerig ingevolge die regulasies uitgevaardig kragtens die „Naturellearbeid Regelingswet, 1911" (Wet No. 15 van 1911), of 'n wysiging daarvan, en ook nie 'n lokasie, naturelledorp of naturelletehuis ingestel deur 'n plaaslike bestuur ingevolge die „Naturellen (Stadsgebieden) Wet, 1923" (Wet No. 21 van 1923), of 'n wysiging daarvan;

„registrateur van aktes", die amptenaar wat belas is met die bestuur van die betrokke registrasiekantoor;

„slum", 'n perseel of 'n gedeelte van 'n perseel, wat ingevolge die bepalings van artikel *vier* tot 'n slum verklaar is.

(2) Wanneer die geneeskundige gesondheidsamptenaar van mening is dat—

(*a*) op 'n perseel of 'n gedeelte daarvan toestande bestaan wat nie aan die vereistes van die Tweede Bylae tot hierdie Wet of van enige kragtens hierdie Wet uitgevaardigde regulasies voldoen nie; of

(*b*) 'n perseel of 'n gedeelte daarvan so gebou is, of in so 'n toestand is, of so vuil is, of so vol ongedierte is, dat dit skadelik of gevaarlik vir die gesondheid is, of die verspreiding van besmetlike siektes sou kan bevorder; of

(*c*) 'n perseel of 'n gedeelte daarvan so geleë, gebruik of in so 'n toestand gehou word dat dit onveilig is of skadelik of gevaarlik vir die gesondheid is; of

(*d*) grond of 'n gedeelte daarvan so dig met geboue bedek is dat dit skadelik of gevaarlik vir die gesondheid is; of

(*e*) vir 'n perseel, binne 'n redelike afstand, nie so 'n behoorlike, voldoende en gesonde watervoorraad beskikbaar is nie, as wat onder omstandighede moontlik verkry kan word,

rapporteer hy aan die plaaslike bestuur dat na sy mening 'n misstand bestaan in of op sulk 'n perseel of sulke grond of gedeelte daarvan, en na ontvangs van die rapport deur die plaaslike bestuur word geag dat 'n misstand waarop hierdie Wet toegepas kan word in of op sulk 'n perseel of sulke grond of gedeelte daarvan bestaan: Met die verstande dat wanneer die misstand betrekking het op die toestand van 'n gebou die geneeskundige gesondheidsamptenaar, alvorens aan die plaaslike bestuur te rapporteer soos hierin bepaal, 'n ander persoon na sy keuse kan raadpleeg omtrent die toestand van 'n gebou, in watter geval die geneeskundige gesondheidsamptenaar aan sy rapport aan die plaaslike bestuur die rapport heg wat hy van so 'n ander persoon ontvang het.

(3) Die Goewerneur-generaal kan van tyd tot tyd by proklamasie in die *Staatskoerant* enige stad aan die lys waaruit die Eerste Bylae tot hierdie Wet bestaan toevoeg, na beraadslaging met die Administrateur van die provinsie waarin die stad geleë is en met die stadsraad van die stad of 'n liggaam tot 'n plaaslike bestuur verklaar, met beheer oor 'n deur bedoelde

proclamation, after consultation with the Administrator of the province in which such area is situate and with such body of persons.

This Act is supplementary to certain other laws.

2. (1) The provisions of this Act shall be deemed to be supplementary to and not in substitution for the provisions of any laws relating to public health or local government and of any regulations or by-laws made thereunder, save in so far as the provisions of this Act are inconsistent with the provisions of any such laws or any such regulations or by-laws, in which case the provisions of this Act shall prevail.

(2) The powers conferred and the duties imposed upon a local authority by this Act shall be deemed to be such powers and duties as are referred to in section *eleven* of the Public Health Act, 1919 (Act No. 36 of 1919).

Local authority to prevent nuisances and ensure provision of suitable housing.

3. It shall be the duty of the local authority to take all lawful, necessary and reasonably practicable measures—

(*a*) for preventing or remedying or causing to be prevented or remedied all nuisances in its district, and

(*b*) for ensuring the provision of suitable housing generally and as far as circumstances permit for the inhabitants of its district.

## CHAPTER II.

### REPAIR, DEMOLITION AND EVACUATION OF SLUMS.

Declaration of a slum.

4. (1) If the local authority has received a report by the medical officer of health in terms of sub-section (2) of section *one* to the effect that a nuisance exists in or upon any premises or land or any part thereof which can most effectively be dealt with by applying the provisions of this Act, the local authority shall cause a notice signed by the town clerk to be served upon the owner of such premises or of the part thereof upon which the nuisance exists, calling upon him to appear before the local authority at a place and at a time stated in such notice, not being less than ten days nor more than thirty days after the service of such notice, to show cause why such premises or such part thereof shall not be declared to be a slum.

(2) The report of the medical officer of health, in consequence of which the notice is issued, shall be annexed to the notice.

(3) At the place and time stated in such notice, the local authority shall investigate the matter and shall afford the owner an opportunity of adducing reasons why such premises or such part thereof should not be declared to be a slum.

(4) The owner may appear personally or by any person appointed by him in writing.

(5) The local authority may adjourn the hearing from time to time for periods not exceeding seven days each.

(6) A record shall be kept of the proceedings at such hearing.

(7) The local authority shall consider all documents produced to it and all facts and arguments adduced at the hearing, and—

(*a*) where the investigation is made by the local authority itself, if it is satisfied that a nuisance does exist in or upon such premises or such part thereof and that it can be most effectively dealt with under this Act, the local authority may by resolution declare such premises or such part thereof a slum; or

(*b*) where the investigation is made by a committee, appointed under section *thirty-seven*, the committee shall make a report in writing to the local authority.

(8) Whenever the committee has reported to the local authority as in paragraph (*b*) of sub-section (7) provided, the local authority shall consider that report and the record of the proceedings at the hearing and all documents produced to the committee or to the local authority, and if the local authority is satisfied that a nuisance does exist in or upon such premises or part thereof and that it can be most effectively dealt with under this Act, may by resolution declare such premises or such part thereof a slum.

(9) No resolution by the local authority in terms of paragraph (*a*) of sub-section (7) or of sub-section (8) hereof shall be of effect unless carried by a majority of the members present at the

proklamasie bepaalde gebied, na beraadslaging met die Administrateur van die provinsie waarin bedoelde gebied geleë is en met bedoelde liggaam.

Hierdie Wet is aanvullend tot sekere andere wette.

**2.** (1) Die bepalings van hierdie Wet word geag die bepalings van wette op die volksgesondheid of plaaslike bestuur en van regulasies of verordenings uit kragte daarvan uitgevaardig aan te vul en nie te vervang nie, behalwe vir sover die bepalings van hierdie Wet onverenigbaar is met die bepalings van sulke wette of van sulke regulasies of verordenings, in watter geval die bepalings van hierdie Wet geld.

(2) Die bevoegdhede verleen en die pligte opgelê aan 'n plaaslike bestuur deur hierdie Wet word geag sulke bevoegdhede en pligte te wees as wat in artikel *elf* van die „Volksgezondheidswet, 1919". (Wet No. 36 van 1919) vermeld word.

Plaaslike bestuur moet misstande belet en daarvoor sorg dat geskikte huisvesting verskaf word.

**3.** Dit is die plig van die plaaslike bestuur om alle wettige, nodige en redelikerwys uitvoerbare maatreëls te neem—

(*a*) om alle misstande in sy distrik te belet of beëindig of te doen belet of beëindig, en

(*b*) om daarvoor te sorg dat oor die algemeen en vir sover die omstandighede dit toelaat geskikte huisvesting vir die inwoners van sy distrik verskaf word.

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## HOOFSTUK II.

### Reparasie, Afbraak en Ontruiming van Slums.

Verklaring tot 'n slum.

**4.** (1) Wanneer die plaaslike bestuur 'n rapport deur die geneeskundige gesondheidsamptenaar ingevolge sub-artikel (2) van artikel *een* ontvang het dat 'n misstand in of op 'n perseel of grond of 'n gedeelte daarvan bestaan wat op die doelmatigste wyse behandel kan word deur die bepalings van hierdie Wet toe te pas, moet die plaaslike bestuur 'n kennisgewing deur die stadsklerk onderteken op die eienaar van bedoelde perseel, of van die gedeelte daarvan waarop die misstand bestaan, laat dien, wat hom aanmaan om op 'n in die kennisgewing vermelde plek en tyd, wat nie vroeër as tien dae en nie later as dertig dae na diening van bedoelde kennisgewing is nie, voor die plaaslike bestuur te verskyn, om gronde aan te toon waarom bedoelde perseel of bedoelde gedeelte daarvan nie tot 'n slum verklaar sal word nie.

(2) Die rapport van die geneeskundige gesondheidsamptenaar, wat aanleiding gegee het tot die uitreiking van die kennisgewing, word aan die kennisgewing aangeheg.

(3) Die plaaslike bestuur moet op die in die kennisgewing vermelde plek en tyd die saak ondersoek, en moet aan die eienaar 'n geleentheid verskaf om redes aan te voer, waarom bedoelde perseel of bedoelde gedeelte daarvan nie behoort tot 'n slum verklaar te word nie.

(4) Die eienaar kan persoonlik verskyn of deur iemand wat deur hom skriftelik aangestel is optree.

(5) Die plaaslike bestuur kan die verhoor van tyd tot tyd vir tydperke van nie meer as sewe dae elk verdaag.

(6) Aantekenings moet gehou word van die verrigtings by die verhoor.

(7) Die plaaslike bestuur moet alle dokumente wat aan hom oorgelê is, en alle feite en argumente wat by die verhoor aangevoer is, oorweeg, en—

(*a*) wanneer die ondersoek gedoen word deur die plaaslike bestuur self, kan hy, as hy oortuig is dat 'n misstand wel op bedoelde perseel of bedoelde gedeelte daarvan bestaan, en dat op die doelmatigste wyse daarteen opgetree kan word deur hierdie Wet toe te pas, bedoelde perseel of bedoelde gedeelte daarvan deur besluit tot 'n slum verklaar; of

(*b*) wanneer die ondersoek gedoen word deur 'n komitee kragtens artikel *sewen-en-dertig* aangestel, moet die komitee skriftelik verslag doen aan die plaaslike bestuur.

(8) Wanneer die komitee in ooreenstemming met die bepalings van paragraaf (*b*) van sub-artikel (7) aan die plaaslike bestuur verslag gedoen het, moet die plaaslike bestuur daardie verslag, en die aantekenings van die verrigtings by die verhoor, en alle dokumente wat aan die komitee of aan die plaaslike bestuur oorgelê is, oorweeg, en as die plaaslike bestuur oortuig is dat 'n misstand wel op bedoelde perseel of bedoelde gedeelte daarvan bestaan, en dat op die doelmatigste wyse daarteen opgetree kan word deur hierdie Wet toe te pas, kan hy deur besluit bedoelde perseel of bedoelde gedeelte daarvan tot 'n slum verklaar.

(9) Geen besluit van die plaaslike bestuur ingevolge paragraaf (*a*) van sub-artikel (7) of van sub-artikel (8) van hierdie artikel is geldig tensy aangeneem deur 'n meerderheid van die lede

meeting: Provided that the members voting in favour of such resolution shall be not less than one-third of the total members of the local authority.

(10) Any person who feels aggrieved at such a declaration in respect of any premises of which he is the owner may appeal to the Minister by lodging a notice of appeal with the Minister and the local authority within a period of ten days after the making of such declaration; and the decision of the Minister upon any such appeal shall be final.

Order to remove nuisance or demolish dwellings.

**5.** (1) The local authority shall, upon expiration of the period of ten days after it has in terms of section *four* declared any premises or any part of any premises a slum, or if an appeal to the Minister has within that period been noted, upon the confirmation by the Minister of the declaration (if the declaration be so confirmed), cause a notice signed by the town clerk to be served on the owner of the slum—

(*a*) directing him to remove the nuisance by reason of which the declaration was made before a date stated in such notice not being less than three months from the date of service of such notice and before such stated date to execute all such works or take such steps for the reduction of the number of occupiers of the slum and do all such things as may be necessary to effect such removal and, if the local authority think it advisable (but not otherwise), directing him, in order that a recurrence of the nuisance may be prevented, to execute the works and perform the acts specified in the notice before such stated date; or

(*b*) (if the local authority is satisfied that any dwelling comprised in the slum is so dilapidated, or so defectively constructed, or so situated, that repairs to or alterations of the same are not likely to remove the nuisance), directing him to demolish such dwelling, and to commence such demolition on or before a date stated in such notice and to complete the demolition and remove the materials of which such dwelling was constructed from the site before a date stated in such notice; or

(*c*) notifying the owner that it intends to acquire such property by expropriation and to apply to the Minister for his approval thereof under the provisions hereinafter set out under Chapter III.

(2) No compensation shall be payable by the local authority to the owner or occupier of any such dwelling as aforesaid or to any other person in respect of the demolition thereof.

(3) If the owner of the slum fails to comply with any of the directions set forth in the notice referred to in sub-section (1), he shall be guilty of an offence.

(4) The town clerk shall transmit a copy of the notice referred to in paragraph (*c*) of sub-section (1) to every holder of a mortgage bond registered over the land which has been declared a slum whose name and address is known to him.

Publication of declaration of premises as a slum.

**6.** (1) The local authority shall, upon expiration of the period of ten days after it has in terms of section *four* declared any premises or any part of any premises a slum, or if an appeal to the Minister has within that period been noted, upon the confirmation by the Minister of the declaration (if the declaration be so confirmed), cause to be published in the Union *Government Gazette*, in the *Official Gazette* of the province within which the district is situate and in one or more newspapers circulating in the district, a notice stating that the declaration has been made, and describing the slum and its situation in such detail as will enable it to be identified.

(2) Such notice shall, whenever the local authority has in terms of paragraph (*b*) of sub-section (1) of section *five* directed the owner of the slum to demolish any dwelling comprised therein, state that fact and set forth the date on or before which the owner has been directed to commence the demolition.

Owner of slum to furnish information to local authority.

**7.** (1) The owner of the slum shall, within a period of seven days from the date of service of the notice referred to in section *five*, or within such longer period as the local authority may determine, deliver to the town clerk a list signed by him of—

(*a*) the names of all occupiers of the slum as at the date of service of such notice; and

op die vergadering aanwesig: Met die verstande dat die lede wat vir so 'n besluit stem minstens een-derde van die gesamentlike lede van die plaaslike bestuur tel.

(10) Iedereen wat verongelyk voel deur so 'n verklaring ten opsigte van 'n perseel waarvan hy die eienaar is, kan na die Minister appelleer, deur inlewering by die Minister en by die plaaslike bestuur, binne 'n tydperk van tien dae nadat bedoelde verklaring uitgevaardig is, van 'n kennisgewing van appèl, en die beslissing van die Minister op so 'n appèl is afdoende.

Bevel om misstand te beëindig of om wonings af te breek.

5. (1) Die plaaslike bestuur moet, na verloop van 'n tydperk van tien dae na hy ingevolge artikel *vier* 'n perseel of 'n gedeelte van 'n perseel tot 'n slum verklaar het, of, ingeval appèl na die Minister binne daardie tydperk aangeteken is, na bekragtiging deur die Minister van die verklaring (indien die verklaring wel bekragtig word), 'n kennisgewing, onderteken deur die stadsklerk, op die eienaar van die slum laat dien—

(*a*) wat hom gelas om die misstand, na aanleiding waarvan die verklaring gedoen is, te beëindig voor 'n dag in bedoelde kennisgewing vermeld, wat nie vroeër vasgestel moet wees nie dan drie maande na die dag waarop bedoelde kennisgewing gedien is, en om voor bedoelde vermelde dag alle werke uit te voer, of alle maatreëls tot vermindering van die aantal bewoners van die slum te neem, en alle andere handelings te verrig, wat nodig is om bedoelde beëindiging teweeg te bring, en, ingeval die plaaslike bestuur dit raadsaam ag (maar nie anders nie), wat hom gelas om, ten einde te verhoed dat die misstand herhaal word, die in die kennisgewing opgegewe werke en handelings voor bedoelde vermelde dag uit te voer en te verrig; of

(*b*) (ingeval die plaaslike bestuur daarvan oortuig is dat 'n woning wat 'n deel van die slum uitmaak so bouvallig is, of so sleg gebou is, of so geleë is, dat reparasies en veranderings daarvan die misstand vermoedelik nie sou kan beëindig nie), wat hom gelas om bedoelde woning af te breek, en om op of voor 'n in bedoelde kennisgewing vermelde dag met die afbraak aan te vang, en om voor 'n in bedoelde kennisgewing vermelde dag die afbraak te voltooi en die boustof waaruit die woning bestaan het van die terrein te verwyder; of

(*c*) wat die eienaar in kennis stel dat hy voornemens is om bedoelde eiendom by onteiening te verkry en by die Minister aansoek te doen om sy goedkeuring daarvan ingevolge die bepalings hierna in Hoofstuk III uiteengesit.

(2) Geen vergoeding is betaalbaar deur die plaaslike bestuur aan die eienaar of bewoner van 'n bowebedoelde woning of aan iemand anders ten opsigte van die afbraak daarvan.

(3) Indien die eienaar van die slum versuim om aan een of ander van die voorskrifte van die in sub-artikel (1) bedoelde kennisgewing te voldoen, is hy aan 'n misdryf skuldig.

(4) Die stadsklerk moet 'n afskrif van die in paragraaf (*c*) van sub-artikel (1) bedoelde kennisgewing stuur aan elke houer van 'n verband wat geregistreer is op die grond wat tot 'n slum verklaar is, wie se naam en adres hom bekend is.

Publikasie van verklaring van 'n perseel tot 'n slum.

6. (1) Die plaaslike bestuur moet, na verloop van 'n tydperk van tien dae na hy ingevolge artikel *vier* 'n perseel of 'n gedeelte van 'n perseel tot 'n slum verklaar het, of, ingeval appèl na die Minister binne daardie tydperk aangeteken is, na bekragtiging deur die Minister van die verklaring (indien die verklaring wel bekragtig word), 'n kennisgewing, wat vermeld dat die verklaring gedoen is, en wat die slum en die ligging daarvan so in besonderhede omskrywe dat dit herken kan word, in die *Unie-Staatskoerant*, in die *Offisiële Staatskoerant* van die provinsie waarin die distrik geleë is en in een of meer nuusblaaie wat in die distrik in omloop is, laat publiseer.

(2) So 'n kennisgewing moet, wanneer die plaaslike bestuur ingevolge paragraaf (*b*) van sub-artikel (1) van artikel *vyf* die eienaar van die slum gelas het om 'n woning wat 'n deel uitmaak van die slum af te breek, melding maak van daardie feit en van die dag waarop of voor welke die eienaar gelas is om met die afbraak aan te vang.

Gegewens wat eienaar van slum aan plaaslike bestuur moet verstrek.

7. (1) Die eienaar van die slum oorhandig aan die stadsklerk, binne 'n tydperk van sewe dae vanaf die dag waarop die in artikel *vyf* bedoelde kennisgewing gedien is, of binne 'n langer tydperk deur die plaaslike bestuur vas te stel, 'n lys deur hom onderteken van—

(*a*) die name van alle bewoners van die slum op die dag waarop bedoelde kennisgewing gedien is; en

(*b*) his documents of title to the slum, setting forth the numbers and dates of such documents of title; and

(*c*) the registered mortgage bonds over the slum, setting forth the numbers and dates of such bonds and the names and addresses of the holders thereof.

(2) Any owner who fails to comply with the provisions of sub-section (1), or who knowingly or negligently makes any false statement in any such list or omits from any such list any particulars which he is by sub-section (1) required to state therein, shall be guilty of an offence.

Notice to occupiers of slum of order to reduce their number.

**8.** (1) Whenever the local authority has, by notice issued under paragraph (*a*) of sub-section (1) of section *five* directed that the number of occupiers of the slum be reduced, or has by notice issued under paragraph (*b*) of that sub-section directed that any dwelling comprised in the slum be demolished, the town clerk shall cause a notice stating that fact and setting forth the date on or before which the reduction in number is to be effected or the demolition is to be commenced, as the case may be, to be served on every occupier of the slum whose name is known to the town clerk and to be posted up in a conspicuous position on such slum. The town clerk may, from time to time, as necessity arises, cause a fresh notice to be so posted up.

(2) Any person who removes, destroys, damages or defaces any notice affixed to the slum in terms of sub-section (1) shall, subject to the provisions of paragraph (*d*) of sub-section (4) of section *fifteen*, be guilty of an offence.

Upon failure of owner, local authority may remove nuisance.

**9.** (1) If the owner of the slum fail to comply with the directions set forth in the notice referred to in section *five* the local authority may itself carry out such directions or cause them to be carried out.

(2) The local authority may cause to be sold by public auction or otherwise any materials of which any building comprised in the slum is constructed, and which are derived from the demolition or partial demolition or alteration of such building in obedience to such notice.

(3) The local authority may recover from the owner all expense or the balance of all expenses incurred by it under the provisions of this section after deduction of the nett proceeds of any materials so sold.

(4) If the nett proceeds of any materials so sold exceed the amount of such expenses, the local authority shall pay over to the holders of any registered mortgage bonds over the slum in their legal order of preference so much of the balance as is owing under such bonds and the remainder of the balance to the owner of the slum.

(5) A certificate signed by the town clerk stating the amount of such expenses and the amount of the nett proceeds, if any, of any materials so sold shall be received in all courts as *prima facie* evidence of the matters stated.

Reduction of overcrowding: determination of names of occupiers who must leave slum.

**10.** (1) Whenever the local authority has, by notice issued under paragraph (*a*) of sub-section (1) of section *five*, directed the number of occupiers of the slum to be reduced, the occupiers of the slum may agree amongst themselves which of them shall cease to occupy the slum, and may, not later than one month after the date on which the notice setting forth the requirements of the local authority was first posted up on the slum in terms of sub-section (1) of section *eight*, lodge with the local authority a list of the names of the occupiers who have agreed to cease to occupy the slum, signed by such occupiers and furnish the local authority with such further particulars as it may require.

(2) If the list referred to in sub-section (1), duly signed, is not lodged with the local authority within the period fixed by that sub-section, or if the number of names on the list is smaller than the number by which the number of the occupiers of the slum must be reduced, the local authority shall immediately after the expiration of the said period of one month cause a notice to be served upon the owner of the slum inviting him to lodge with the local authority within seven days from the date of service a list containing a sufficient number of names of occupiers of the slum to make up the number by which the number of occupiers must be reduced and call upon him to furnish such particulars (if any) in regard to them as the local authority may require.

(3) If the owner fail to lodge the list or particulars referred to in sub-section (2) with the local authority within the said period

(*b*) sy titelbewyse van die slum, met opgawe van die nommers en datums van bedoelde titelbewyse; en

(*c*) die geregistreerde verbande op die slum, met opgawe van die nommers en datums van bedoelde verbande en die name en adresse van die houers daarvan.

(2) 'n Eienaar wat versuim om aan die bepalings van sub-artikel (1) te voldoen, of wat met wete of nalatiglik 'n valse verklaring in so 'n lys maak of uit so 'n lys besonderhede weglaat wat hy volgens sub-artikel (1) daarin moet verklaar, is aan 'n misdryf skuldig.

Kennisgewing aan bewoners van slum om hulle aantal te verminder.

**8.** (1) Wanneer die plaaslike bestuur, deur 'n kragtens paragraaf (*a*) van sub-artikel (1) van artikel *vyf* uitgereikte kennisgewing voorgeskrywe het dat die aantal bewoners van die slum verminder word, of, deur 'n kragtens paragraaf (*b*) van daardie sub-artikel uitgereikte kennisgewing, voorgeskrywe het dat 'n woning wat 'n deel uitmaak van die slum afgebreek word, moet die stadsklerk 'n kennisgewing, wat melding maak van daardie feit en van die dag waarop of voor welke die aantal-vermindering teweeggebring moet word of met die afbraak aangevang moet word, al na die geval, op elke bewoner van die slum wie se naam aan die stadsklerk bekend is laat dien, en in 'n in die oog vallende plek op die slum laat opplak. Die stadsklerk kan, van tyd tot tyd, as dit nodig word, 'n nuwe kennisgewing laat opplak.

(2) Behoudens die bepalings van paragraaf (*d*) van sub-artikel (4) van artikel *vyftien*, is enigeen wat 'n kennisgewing, wat ingevolge sub-artikel (1) op die slum opgeplak is, verwyder, vernietig, beskadig of uitwis, aan 'n misdryf skuldig.

By versuim van eienaar kan plaaslike bestuur misstand beëindig.

**9.** (1) As die eienaar van die slum versuim om aan die voorskrifte van die in artikel *vyf* bedoelde kennisgewing te voldoen, kan die plaaslike bestuur daardie voorskrifte self uitvoer of hulle laat uitvoer.

(2) Die plaaslike bestuur kan materiaal, waaruit 'n gebou bestaan wat deel uitmaak van die slum, en wat verkry word deur afbraak of gedeeltelike afbraak of verandering van die gebou ooreenkomstig so 'n kennisgewing deur publieke veiling of anders laat verkoop.

(3) Die plaaslike bestuur kan op die eienaar alle koste of die balans van alle koste verhaal deur die plaaslike bestuur ingevolge die bepalings van hierdie artikel aangegaan, na aftrek van die netto opbrings van aldus verkoopte boustof.

(4) As die netto opbrings van aldus verkoopte boustof die bedrag van die bedoelde koste te bowe gaan, betaal die plaaslike bestuur aan die houers van geregistreerde verbande op die slum in hulle wetlike orde van voorkeur soveel van die balans as wat kragtens die verband verskuldig is, en die res van die balans aan die eienaar van die slum.

(5) 'n Sertifikaat deur die stadsklerk onderteken, wat die bedrag van sodanige koste en die bedrag van die eventuele netto opbrings van die aldus verkoopte boustof vermeld, word in alle howe op blote vertoon daarvan as *prima facie* bewys van die vermelde feite aangeneem.

Verhoeding van oorbevolking: vasstelling van name van bewoners wat slum moet verlaat.

**10.** (1) Wanneer die plaaslike bestuur, deur 'n kragtens paragraaf (*a*) van sub-artikel (1) van artikel *vyf* uitgereikte kennisgewing, voorgeskrywe het dat die aantal bewoners van die slum verminder word, kan die bewoners van die slum onder mekaar ooreenkom wie van hulle moet ophou die slum te bewoon, en kan hulle, binne een maand na die dag waarop die kennisgewing, waarin die voorskrifte van die plaaslike bestuur, vermeld word, vir die eerste keer ingevolge sub-artikel (1) van artikel *agt* op die slum opgeplak is, by die plaaslike bestuur 'n lys indien van die name van die bewoners wat ingewillig het om op te hou die slum te bewoon, wat deur daardie bewoners onderteken is en die plaaslike bestuur sulke verdere besonderhede verskaf as hy mog verlang.

(2) As die in sub-artikel (1) bedoelde lys, behoorlik onderteken, nie binne die deur daardie sub-artikel vasgestelde tydperk by die plaaslike bestuur ingedien is nie, of as die aantal name op die lys kleiner is dan die aantal waarmee die aantal van die bewoners van die slum verminder moet word, moet die plaaslike bestuur, onmiddellik na verstryking van vermelde tydperk van een maand, 'n kennisgewing op die eienaar van die slum laat dien, wat hom uitnodig om, binne sewe dae na die dag waarop die kennisgewing gedien word, by die plaaslike bestuur 'n lys in te dien, waarin genoeg name van bewoners van die slum vervat is om die aantal vol te maak waarmee die aantal van die bewoners verminder moet word en hom opvorder om sulke besonderhede (as daar is) omtrent hulle te verskaf as die plaaslike bestuur mag vereis.

(3) As die eienaar versuim om die in sub-artikel (2) bedoelde lys of besonderhede by die plaaslike bestuur binne vermelde

of seven days, or if the local authority reject any of the names appearing on the list lodged by him or on the list lodged by the occupiers referred to in sub-section (1) (which it is hereby authorized to do), or if the number of names on the list lodged by him is insufficient to make up the number by which the number of occupiers of the slum must be reduced, the local authority shall itself frame a list containing the required number of names.

(4) Immediately after the names of the occupiers who must cease to occupy the slum have been determined in terms of this section, the local authority shall cause an order signed by the town clerk to be served on each of such occupiers directing him to cease to occupy the slum before the date fixed by the notice issued under section *five* as the date before which the reduction in numbers of occupiers of the slum must be effected.

(5) Any person upon whom any order issued under sub-section (4) has been served, who occupies the slum on or after the date before which he was by such order directed to cease to occupy it, shall be guilty of an offence, unless it is proved—

(*a*) that his occupation of the slum on or after such date was with the written permission of the medical officer of health; or

(*b*) that during the whole of the period of his occupation of the slum on or after such date the number of occupiers of the slum did not exceed the number to which the local authority by notice issued under paragraph (*a*) of sub-section (1) of section *five* directed the number of occupiers to be reduced.

**No one may enter slum after date fixed for commencement of demolition, except to carry out demolition.**

**11.** (1) Whenever the local authority has by notice issued under paragraph (*b*) of sub-section (1) of section *five* directed that all the dwellings comprised in the slum be demolished, no person shall enter or be upon the slum after the date fixed by such notice for the commencement of the demolition, except for the purpose of carrying out the demolition.

(2) Whenever the local authority has by notice issued under the said paragraph directed that any one or more of but not all the dwellings comprised in the slum be demolished, no person shall enter or be within any dwelling so required to be demolished after the date fixed by such notice for the commencement of the demolition, except for the purpose of carrying out the demolition.

(3) Any person contravening the provisions of this section shall be guilty of an offence, and the burden of proving that his entry or presence was for the purpose of carrying out the demolition shall lie upon the accused.

**Duty of owner to prevent prohibited occupancy of slum.**

**12.** (1) Whenever the local authority has by notice issued under paragraph (*a*) of sub-section (1) of section *five* directed that the number of occupiers of the slum be reduced before a date stated, the owner of the slum shall not permit any person to occupy the slum on or after the said date, who was directed by an order issued under sub-section (4) of section *ten* to cease to occupy the slum, or who was not one of the occupiers of the slum at the time when the said notice was issued unless it is proved that such occupation was with the written permission of the medical officer of health.

(2) Whenever the local authority has by notice issued under paragraph (*b*) of sub-section (1) of section *five* directed that any one or more of but not all the dwellings comprised in the slum be demolished, the owner of the slum shall not—

(*a*) permit any person who at the date of service of the notice upon the owner was not an occupier of any dwelling so required to be demolished, to occupy such dwelling after that date, unless it is proved that such occupation was with the written permission of the medical officer of health; or

(*b*) permit any person whatsoever to enter or be within any such dwelling on or after the date fixed for the commencement of the demolition thereof, unless it is proved that his entry into or presence in such dwelling is for the purpose of carrying out the demolition.

tydperk van sewe dae in te dien, of as die plaaslike bestuur enige van die name skrap wat voorkom op die lys ingedien deur hom of op die in sub-artikel (1) bedoelde lys ingedien deur die bewoners (wat die plaaslike bestuur hiermee gemagtig word te doen), of as die aantal name op die deur hom ingediende lys te klein is om die aantal vol te maak waarmee die aantal van die bewoners van die slum verminder moet word, trek die plaaslike bestuur self 'n lys op bevattende die vereiste aantal name.

(4) Onmiddellik na vasstelling ingevolge hierdie artikel van die name van die bewoners wat moet ophou om die slum te bewoon, moet die plaaslike bestuur 'n bevel, deur die stadsklerk onderteken, op elke sodanige bewoner laat dien, wat hom gelas om op te hou die slum te bewoon voor die dag wat deur die kragtens artikel *vyf* uitgevaardigde kennisgewing vasgestel is as die dag voor welke die vermindering van die aantal bewoners van die slum teweeggebring moet word.

(5) Elke persoon op wie 'n kragtens sub-artikel (4) uitgereikte bevel gedien is, wat die slum bewoon op of na die dag voor welke hy deur daardie bevel gelas was op te hou dit te bewoon, is aan 'n misdryf skuldig, tensy bewys word—

(*a*) dat sy bewoning van die slum op of na bedoelde dag geskied het ooreenkomstig skriftelike toestemming van die geneeskundige gesondheidsamptenaar; of

(*b*) dat gedurende die hele tydperk wat hy die slum op of na bedoelde dag bewoon het, die aantal bewoners van die slum nie die aantal oortref het nie waartoe die plaaslike bestuur deur 'n kragtens paragraaf (*a*) van sub-artikel (1) van artikel *vyf* uitgevaardigde kennisgewing voorgeskryf het dat die aantal bewoners verminder word.

Niemand mag slum betree na datum waarop aanvang gemaak moet word met afbraak, behalwe om afbraak uit te voer.

**11.** (1) Wanneer die plaaslike bestuur, deur 'n kragtens paragraaf (*b*) van sub-artikel (1) van artikel *vyf* uitgereikte kennisgewing gelas het dat al die wonings wat deel uitmaak van die slum afgebreek moet word, mag niemand na die datum wat deur daardie kennisgewing vasgestel is as die dag waarop 'n aanvang gemaak moet word met die afbraak, die slum betree of op die slum wees, behalwe met die doel om die afbraak uit te voer.

(2) Wanneer die plaaslike bestuur, deur 'n kragtens vermelde paragraaf uitgereikte kennisgewing, gelas het dat een of meer van maar nie al die wonings wat deel uitmaak van die slum afgebreek moet word, mag niemand na die datum wat deur daardie kennisgewing vasgestel is as die dag waarop 'n aanvang gemaak moet word met die afbraak, 'n woning, die afbraak waarvan aldus voorgeskrywe is, betree of daarin wees, behalwe met die doel om die afbraak uit te voer.

(3) Enigeen wat die bepalings van hierdie artikel oortree is aan 'n misdryf skuldig; en die bewyslas om te bewys dat sy betreding of aanwesigheid die uitvoering van die afbraak ten doel gehad het, rus op die beskuldigde.

Eienaar moet verbode bewoning van slum belet.

**12.** (1) Wanneer die plaaslike bestuur, deur 'n kragtens paragraaf (*a*) van sub-artikel (1) van artikel *vyf* uitgereikte kennisgewing, gelas het dat die aantal bewoners van die slum voor 'n vermelde datum verminder word, mag die eienaar van die slum nie toelaat nie dat iemand wat deur 'n kragtens sub-artikel (4) van artikel *tien* uitgevaardigde bevel gelas is op te hou die slum te bewoon, of wat nie tydens uitreiking van bedoelde kennisgewing een van die bewoners van die slum was nie, die slum op of na die vermelde datum bewoon, tensy bewys word dat sodanige bewoning van die slum geskied het ooreenkomstig skriftelike toestemming van die geneeskundige gesondheidsamptenaar.

(2) Wanneer die plaaslike bestuur, deur 'n kragtens paragraaf (*b*) van sub-artikel (1) van artikel *vyf* uitgevaardigde kennisgewing, gelas het dat een of meer van maar nie al die wonings wat deel uitmaak van die slum afgebreek word, mag die eienaar van die slum nie toelaat nie—

(*a*) dat iemand, wat toe die kennisgewing op die eienaar gedien is nie 'n bewoner was van 'n woning, die afbraak waarvan aldus voorgeskrywe is, daardie woning na daardie datum bewoon, tensy bewys word dat sodanige bewoning geskied het ooreenkomstig skriftelike toestemming van die geneeskundige gesondheidsamptenaar; of

(*b*) dat enigeen, wie ook al, op of na die dag wat vasgestel is as die dag waarop 'n aanvang gemaak moet word met die afbraak van so 'n woning, die woning betree of daarin is, tensy bewys word dat sy betreding van die woning of sy aanwesigheid daarin ten doel het die uitvoering van die afbraak.

(3) Whenever the local authority has by notice issued under paragraph (*b*) of sub-section (1) of section *five* directed that all the dwellings comprised in the slum be demolished, the owner of the slum shall not—

(*a*) permit any person who at the date of service of the notice upon the owner was not an occupier of the slum to occupy the slum after that date, unless it is proved that such occupation was with the written permission of the medical officer of health; or

(*b*) permit any person whatsoever to enter or be upon the slum after the date fixed for the commencement of the demolition, unless it is proved that his entry or presence upon the slum is for the purpose of carrying out the demolition.

(4) If the owner of the slum contravenes any of the provisions of this section, he shall be guilty of an offence.

(5) Whenever the owner of the slum is charged with having, in contravention of any of the provisions of this section, permitted any person to occupy or enter or be upon the slum or to occupy or enter or be within any dwelling comprised therein after any specified date, and it is proved that that person occupied or entered or was upon the slum or occupied or entered or was within such dwelling after such date, the owner shall be found guilty of the charge unless it is proved—

(*a*) that such occupation, entry or presence was without his knowledge and that he could not by the exercise of reasonable care have had knowledge thereof; or

(*b*) that such occupation, entry or presence was not such an occupation, entry or presence as by this section he is forbidden to permit.

When rent of declared slum irrecoverable.

**13.** (1) No rent of the slum or of any portion thereof shall be recoverable from any person—

(*a*) in respect of any period during which he is by section *ten* or *eleven* forbidden to occupy the slum; or

(*b*) in respect of any period during which the owner of the slum is by section *twelve* forbidden to permit him to occupy the slum.

(2) Any rent paid by any person which is by sub-section (1) declared not to be recoverable from that person may be recovered in any court of competent jurisdiction by that person from the person to whom it was paid, whether such rent was paid with or without knowledge that it was not recoverable.

Recording in deeds registry of declaration of slum and prohibitions in regard to subsequent transfers of slum property.

**14.** (1) The town clerk shall, upon expiration of the period of ten days after the local authority has in terms of section *four* declared any premises or any part of any premises a slum, or if an appeal to the Minister has within that period been noted, upon the comfirmation by the Minister of the declaration (if the declaration be so confirmed) transmit to the registrar of deeds a notice stating that the declaration has been made and containing such particulars of the slum as will enable the registrar of deeds to identify it. The town clerk shall furnish to the registrar of deeds such further particulars of the slum as that officer may demand.

(2) The registrar of deeds shall, free of charge, upon receipt of any such notice, record such notice and note thereon the day and hour of its receipt, and note in the appropriate registers and on the title of the land which has been declared a slum that the same has been declared a slum.

(3) The registrar of deeds shall not after receipt by him of any such notice register any transfer, lease or mortgage or other encumbrance of the land which is by such notice stated to have been declared a slum, except a transfer—

(*a*) in pursuance of a *bona fide* contract of sale, exchange or donation concluded prior to such receipt; or

(*b*) in pursuance of a sale in execution of the judgment of a court of competent jurisdiction upon a mortgage bond registered prior to such receipt; or

(*c*) by the trustee of an insolvent estate or by the assignee of an estate assigned under the provisions of the Insolvency Act, 1916 (Act No. 32 of 1916), as amended, or by the liquidator of a company which is unable to pay its debts in full; or

(3) Wanneer die plaaslike bestuur, deur 'n kragtens paragraaf (*b*) van sub-artikel (1) van artikel *vyf* uitgereikte kennisgewing, gelas het dat al die wonings wat deel uitmaak van die slum afgebreek word, mag die eienaar van die slum nie toelaat nie—

(*a*) dat iemand, wat toe die kennisgewing op die eienaar gedien is nie 'n bewoner van die slum was nie, die slum na daardie datum bewoon, tensy bewys word dat sodanige bewoning geskied het ooreenkomstig skriftelike toestemming van die geneeskundige gesondheidsamptenaar; of

(*b*) dat enigeen, wie ook al, op af na die dag wat vasgestel is as die dag waarop 'n aanvang gemaak moet word met die afbraak, die slum betree of daarop is, tensy bewys word dat sy betreding van die slum of sy aanwesigheid daarop ten doel het die uitvoering van die afbraak.

(4) As die eienaar van die slum een of ander van die bepalings van hierdie artikel oortree, is hy aan 'n misdryf skuldig.

(5) Wanneer die eienaar van die slum daarvan aangekla word, dat hy, in stryd met een of ander van die bepalings van hierdie artikel, iemand toegelaat het om na 'n bepaalde datum die slum te bewoon of te betree of daarop te wees of om na 'n bepaalde datum 'n woning wat daarvan 'n deel uitmaak te betree of daarin te wees, en bewys word dat daardie persoon na bedoelde datum die slum bewoon het of betree het of daarop was of die woning bewoon het of betree het of daarin was, word die eienaar aan die aanklag skuldig bevind, tensy bewys word—

(*a*) dat bedoelde bewoning, betreding of aanwesigheid sonder sy wete was en dat hy nie deur die toepassing van redelike sorg daarvan kennis sou kan verkry het nie; of

(*b*) dat die bedoelde bewoning, betreding of aanwesigheid nie so 'n bewoning, betreding of aanwesigheid was nie as wat hy deur hierdie artikel verbied word toe te laat.

Wanneer huurgeld vir 'n verklaarde slum onverhaalbaar is.

**13.** (1) Huurgeld vir die slum of vir 'n gedeelte daarvan is op geen persoon verhaalbaar nie—

(*a*) ten aansien van 'n tydperk gedurende welke hy deur artikel *tien* of *elf* verbied word die slum te bewoon; of

(*b*) ten aansien van 'n tydperk gedurende welke die eienaar van die slum deur artikel *twaalf* verbied word om hom toe te laat om die slum te bewoon.

(2) Betaalde huurgeld, wat deur sub-artikel (1) verklaar word nie verhaalbaar te wees nie op die persoon wat dit betaal het, kan deur daardie persoon in enige bevoegde hof op die persoon aan wie dit betaal was verhaal word, hetsy daardie huurgeld al dan nie betaal was met wete dat dit onverhaalbaar was.

Aantekening in registrasiekantoor van verklaring tot 'n slum, en verbod op later transport van slum-eiendom.

**14.** (1) Na verloop van 'n tydperk van tien dae na die plaaslike bestuur ingevolge artikel *vier* 'n perseel of 'n gedeelte van 'n perseel tot 'n slum verklaar het, of, ingeval appèl na die Minister binne daardie tydperk aangeteken is, na bekragtiging deur die Minister van die verklaring (indien die verklaring wel bekragtig word), moet die stadsklerk aan die registrateur van aktes 'n kennisgewing stuur, wat aan hom meedeel dat die verklaring gedoen is en wat sulke besonderhede van die slum vermeld as wat nodig is om die registrateur van aktes in staat te stel om die slum te herken. Die stadsklerk verskaf aan die registrateur van aktes alle verdere besonderhede van die slum wat deur daardie amptenaar verlang word.

(2) By ontvangs van so 'n kennisgewing, moet die registrateur van aktes sonder betaling van 'n fooi die kennisgewing registreer en daarop aanteken die datum en tyd wanneer dit ontvang is, en in die geskikte registers en op die titelbewys van die grond wat tot 'n slum verklaar is, aantekenings maak dat dit tot 'n slum verklaar is.

(3) Na ontvangs deur die registrateur van aktes van so 'n kennisgewing, mag hy geen transport, verhuring of verhipotekering of ander beswaring van die grond wat volgens die kennisgewing tot 'n slum verklaar is registreer nie, behalwe 'n transport—

(*a*) na aanleiding van 'n *bona fide* koopkontrak, ruilkontrak of skenking, aangegaan voor bedoelde ontvangs; of

(*b*) na aanleiding van 'n verkoping ter uitvoering van 'n vonnis van 'n bevoegde hof verkry op 'n verband wat voor bedoelde ontvangs geregistreer is; of

(*c*) deur die kurator van 'n insolvente boedel of deur die boedelredder van 'n boedel afgestaan ingevolge die bepalings van die „Insolventie Wet, 1916" (Wet No. 32 van 1916), soas gewysig, of deur die likwidateur van 'n maatskappy wat nie in staat is sy skulde ten volle te betaal; of

(*d*) in pursuance of a sale by an executor of an estate under sub-section (3) of section *forty-eight* of the Administration of Estates Act, 1913 (Act No. 24 of 1913); or

(*e*) to give effect to the will of a testator who died prior to such receipt; or

(*f*) to any person who has inherited such land from a person who died intestate prior to such receipt.

(4) No transfer of such land under sub-section (3) and no transfer, lease, mortgage or other encumbrance of any land in respect of which a notice in terms of sub-section (1) of section *four* has been served shall in any respect affect any proceedings under section *four* or the declaration of the land as a slum or the effect of such proceedings or declaration, except that every obligation and liability imposed upon the owner of such land by or under this Act (other than a liability to be punished for a contravention of any of the provisions of this Act prior to the transfer) shall upon such transfer pass to and be imposed upon the transferee.

(5) The town clerk shall transmit a copy of the notice referred to in sub-section (1) to every holder of a mortgage bond registered over such land whose name and address is known to him.

(6) Nothing in this section contained shall affect the rights of the local authority under this or any other law.

Rescission of declaration of slum.

**15.** (1) The owner of the slum may at any time apply to the local authority for a rescission of the declaration made in respect of the slum in terms of section *four*.

(2) The local authority may grant or refuse to grant such application, but it shall not grant the application unless—

(*a*) the owner satisfies the local authority that the nuisance by reason of which the declaration was made has been removed and that adequate steps have been taken for the prevention of a recurrence of the nuisance, and

(*b*) all expenses incurred by the local authority in terms of sub-section (1) of section *six* and of section *nine* and all costs incurred by the local authority in connection with the execution of any order of ejectment made under sub-section (1) or (3) of section *twenty-eight* have been reimbursed to the local authority.

(3) If the local authority refuse the application, the owner may appeal to the Minister within a period of ten days after such refusal, and the decision of the Minister upon any such appeal shall be final.

Provided that the Minister shall not direct that any such declaration be rescinded unless he is satisfied that the nuisance has been removed and adequate steps to prevent a recurrence thereof have been taken, and that all expenses and costs referred to in paragraph (*b*) of sub-section (2) have been reimbursed to the local authority.

(4) Upon rescission by the local authority of the said declaration—

(*a*) every notice or order issued under section *five* or *ten* shall be deemed to be cancelled; and

(*b*) the provisions of sections *eleven*, *twelve*, *thirteen* and *fourteen* shall not apply to the premises which were the subject of the declaration, unless such premises are at a later date again declared a slum; and

(*c*) the town clerk shall at the expense of the owner cause to be published in the Union *Government Gazette*, in the *Official Gazette* of the province within which the district is situate and in a newspaper circulating in the district, and in such other newspapers as the owner may desire, a notice stating that the declaration has been rescinded; and

(*d*) the town clerk shall cause the notice posted up on the premises in terms of section *eight* to be removed; and

(*e*) the town clerk shall transmit to the registrar of deeds a notice referring to the notice previously transmitted in terms of section *fourteen* and stating that the declaration mentioned in such earlier notice has been rescinded, and upon receipt of such later notice the registrar of deeds shall without charge record such

(*d*) na aanleiding van 'n verkoping deur 'n eksekuteur van 'n boedel ooreenkomstig sub-artikel (3) van artikel *ag-en-veertig* van die Boedelwet, 1913.(Wet No. 24 van 1913) ; of

(*e*) ter uitvoering van die testament van 'n testateur wat voor bedoelde ontvangs gesterf het ; of

(*f*) aan iemand wat bedoelde grond geërf het van iemand wat voor bedoelde ontvangs sonder testament gesterf het.

(4) Transport van bedoelde grond ingevolge sub-artikel (3) en transport, verhuring, verhipotekering of ander beswaring van enige grond ten opsigte waarvan 'n kennisgewing ingevolge sub-artikel (1) van artikel *vier* gedien is het hoegenaamd geen invloed nie op verrigtings ingevolge artikel *vier* of op die verklaring van die grond tot 'n slum of op die werking van sulke verrigtings of op so 'n verklaring, behalwe dat elke verpligting en aanspreeklikheid wat deur of ingevolge hierdie Wet aan die eienaar van bedoelde grond opgelê word (behalwe strafbaarheid weens oortreding van een of ander van die bepalings van hierdie Wet voor registrasie van die transport) by registrasie van bedoelde transport op die transportnemer oorgaan en aan hom opgelê word.

(5) Die stadsklerk moet 'n afskrif van die in sub-artikel (1) bedoelde kennisgewing stuur aan elke houer van 'n verband wat op bedoelde grond geregistreer is, wie se naam en adres hom bekend is.

(6) Die bepalings van hierdie artikel het geen invloed op die regte van die plaaslike bestuur kragtens hierdie Wet of ander regsbepalings nie.

Opheffing van verklaring tot 'n slum.

**15.** (1) Die eienaar van die slum kan te eniger tyd by die plaaslike bestuur aansoek doen om opheffing van die verklaring wat ingevolge artikel *vier* ten opsigte van die slum gedoen is.

(2) Die plaaslike bestuur kan so 'n aansoek toestaan of verwerp, maar hy staan die aansoek nie toe nie, tensy—

(*a*) die eienaar die plaaslike bestuur oortuig dat die misstand, na aanleiding waarvan die verklaring gedoen is, beëindig is, en dat doeltreffende maatreëls geneem is om te verhoed dat die misstand herhaal word ; en

(*b*) alle koste aangegaan deur die plaaslike bestuur ingevolge sub-artikel (1) van artikel *ses* en artikel *nege*, en alle koste aangegaan deur die plaaslike bestuur in verband met die uitvoering van 'n ingevolge sub-artikel (1) of (3) van artikel *agt-en-twintig* uitgevaardigde ontruimingsbevel, terugbetaal is aan die plaaslike bestuur.

(3) As die plaaslike bestuur die aansoek verwerp, kan die eienaar binne 'n tydperk van tien dae na die verwerping na die Minister appelleer, en die beslissing van die Minister op so 'n appèl is afdoende : Met die verstande dat die Minister nie die opheffing van so 'n verklaring gelas nie, tensy hy daarvan oortuig is dat die misstand beëindig is en doeltreffende maatreëls getref is om te verhoed dat die misstand herhaal word, en dat alle in paragraaf (*b*) van sub-artikel (2) bedoelde koste terugbetaal is aan die plaaslike bestuur.

(4) By opheffing deur die plaaslike bestuur van bedoelde verklaring—

(*a*) word elke kragtens artikel *vyf* of *tien* uitgereikte kennisgewing of bevel geag herroep te wees ; en

(*b*) is die bepalings van artikels *elf*, *twaalf*, *dertien* en *veertien* nie op die perseel, wat die onderwerp van die verklaring was, van toepassing nie, behalwe wanneer bedoelde perseel weer later tot 'n slum verklaar word ; en

(*c*) moet die stadskerk op koste van die eienaar 'n kennisgewing wat vermeld dat die verklaring opgehef is in die *Unie-Staatskoerant*, in die *Offisiële Staatskoerant* van die provinsie waarin die distrik geleë is en in 'n nuusblad wat in die distrik in omloop is, en in ander nuusblaaie na verlangste van die eienaar, laat publiseer ; en

(*d*) moet die stadsklerk die kennisgewing, wat ingevolge artikel *ag* op die perseel opgeplak is, laat verwyder ; en

(*e*) moet die stadsklerk aan die registrateur van aktes 'n kennisgewing stuur, wat melding maak van die kennisgewing wat ingevolge artikel *veertien* vroeër aangestuur is, en wat vermeld dat die verklaring waarvan in daardie vroeëre kennisgewing melding gemaak is opgehef is, en by ontvangs van die latere kennisgewing, moet die registrateur van aktes sonder betaling van 'n fooi die latere kennisgewing registreer en daarop

later notice and note thereon the day and hour of its receipt and shall cancel the notes made by him in terms of sub-section (2) of section *fourteen*.

(5) Notwithstanding the rescission of any declaration of any premises as a slum, it shall be competent for the local authority at any later date to make a fresh declaration in terms of section *four* in respect of such premises.

(6) An application for the rescission of any declaration of any premises as a slum shall not suspend the operation of such declaration or of any notice or order made in pursuance thereof.

(7) The rescission of any declaration of any premises as a slum shall not affect the previous operation of such declaration or of any notice or order made in pursuance thereof or any liability to punishment in respect of any contravention of any of the provisions of this Act prior to such rescission.

Application of provisions of this Chapter to all premises within defined areas.

**16.** If the local authority, by resolution carried by a majority of the members present at the meeting declare that it is satisfied that the removal of nuisances existing on premises situate within an area the boundaries of which are defined in such resolution can be most effectively dealt with under the provisions of this Chapter by treating the premises situate within that area as a single set of premises, all the premises situate within that area shall for the purposes of this Chapter be deemed to constitute a single set of premises, notwithstanding that within that area are included premises upon which no nuisance exists: Provided that the members voting in favour of such resolution shall be not less than one-third of the total members of the local authority.

## CHAPTER III.

### ACQUISITION AND EXPROPRIATION OF LAND.

Acquisition by local authority by agreement or expropriation of land the premises on which have been declared a slum and neighbouring land.

**17.** (1) Notwithstanding anything in any other law contained, a local authority may, if it is satisfied that it is expedient to do so in order that injurious conditions arising out of the existence of insanitary or overcrowded premises or congested areas, may more effectively be remedied, and if the Minister approve in writing, acquire by agreement or expropriation—

(*a*) any land comprised in a slum; and

(*b*) any land which adjoins or is near to land acquired or to be acquired by the local authority under paragraph (*a*)

if in the case of land acquired or to be acquired under paragraph (*b*) the local authority is of opinion that the acquisition thereof is necessary or useful for the purpose of forming an area of convenient shape and dimensions or for the satisfactory development or use of land acquired or to be acquired under paragraph (*a*).

(2) Whenever any land is acquired by the local authority in terms of this section, the mineral rights in such land shall be reserved to the holder of the mineral rights.

(3) The local authority may borrow money for the purpose of acquiring land under this section, and the provisions of the Housing Act, 1920 (Act No. 35 of 1920), shall, *mutatis mutandis*, apply to any such borrowing.

Approval by Minister of expropriation.

**18.** The Minister shall not approve of the acquisition by expropriation in terms of section *seventeen* of any land unless he is satisfied that the land is suitable for the purpose for which it is to be acquired.

Notice to treat and appointment of arbitrator.

**19.** (1) Upon the approval in writing of the Minister of the acquisition of land in terms of section *seventeen*, the local authority may cause a notice to be served on the owner of the land requiring him to notify the local authority what amount he is willing to accept from the local authority for the land; and every such notice shall state that the local authority is willing to treat for the purchase of the land.

(2) If the local authority and the owner of the land to be acquired in terms of section *seventeen* are unable to agree within thirty days after service on the owner of the notice referred to in sub-section (1), as to the amount to be paid by the local authority for such land, the local authority and the owner may agree to the appointment of a particular person as sole arbitrator whose decision shall be final; and, if within fourteen days after notice has been given by either party to the other, an agreement has not been reached as to who should be appointed as sole arbitrator, the Minister shall, on application by either party or both parties, appoint a sole arbitrator, whose decision shall be final.

aanteken die datum en tyd wanneer dit ontvang is, en die aantekenings wat deur hom ingevolge sub-artikel (2) van artikel *veertien* gemaak is kanselleer.

(5) Die plaaslike bestuur is, ondanks die opheffing van 'n verklaring tot 'n slum van 'n perseel bevoeg om op 'n later dag 'n nuwe verklaring ingevolge artikel *vier* ten opsigte van daardie perseel te doen.

(6) 'n Aansoek om opheffing van 'n verklaring tot 'n slum van 'n perseel skort nie op nie die werking van bedoelde verklaring, of van 'n kennisgewing of bevel uitgevaardig na aanleiding daarvan.

(7) Opheffing van 'n verklaring tot 'n slum van 'n perseel het geen invloed nie op die vroeëre werking van bedoelde verklaring, of van 'n kennisgewing of bevel uitgevaardig na aanleiding daarvan, of op strafbaarheid weens oortreding van een of ander van die bepalings van hierdie Wet voor bedoelde opheffing.

Toepassing van bepalings van hierdie Hoofstuk op alle persele binne bepaalde areas.

**16.** As die plaaslike bestuur, by besluit, deur die meerderheid van die lede op 'n vergadering aanwesig aangeneem, verklaar dat hy oortuig is dat die beëindiging van misstande, bestaande op persele geleë binne 'n area, die grense waarvan in bedoelde besluit omskrywe word, op die doelmatigste wyse ooreenkomstig die bepalings van hierdie Hoofstuk teweeggebring kan word deur die persele binne daardie area geleë te behandel asof hulle een enkele perseel uitmaak, word, by toepassing van die bepalings van hierdie Hoofstuk, al die persele wat geleë is binne daardie area geag een enkele perseel uit te maak, al is persele waarop geen misstand bestaan nie begrepe in daardie area: Met die verstande dat die lede wat vir so 'n besluit stem minstens een-derde van die gesamentlike lede van die plaaslike bestuur tel.

## HOOFSTUK III.

### VERKRYGING EN ONTEIENING VAN GROND.

Verkryging deur plaaslike bestuur by wyse van ooreenkoms of onteiening van perseel wat tot slum verklaar is en naburige grond.

**17.** (1) Ondanks andere regsbepalings, kan 'n plaaslike bestuur—

(*a*) grond wat deel uitmaak van 'n slum; en

(*b*) grond wat grens of naby lê aan grond wat kragtens paragraaf (*a*) deur die plaaslike bestuur verkry is of verkry word,

by wyse van ooreenkoms of onteiening verkry, as die plaaslike bestuur daarvan oortuig is dat, om nadelige toestande wat voortspruit uit die bestaan van onhigiëniese of oorbevolkte persele of grond op 'n meer doeltreffende wyse te bestry, dit raadsaam is sulks te doen, en as die Minister skriftelik daartoe toestem, en, in die geval van grond wat kragtens paragraaf (*b*) verkry is of verkry word, as die plaaslike bestuur meen dat die verkryging daarvan nodig of nuttig is tot vorming van 'n stuk grond met geskikte vorm en grootte, of tot behoorlike ontwikkeling van grond wat kragtens paragraaf (*a*) verkry is of verkry word.

(2) Wanneer grond deur 'n plaaslike bestuur ingevolge hierdie artikel verkry word, word die minerale regte in daardie grond ten gunste van die houer van die minerale regte voorbehou.

(3) Met die doel om grond kragtens hierdie artikel te verkry, kan die plaaslike bestuur geld leen, en die bepalings van die Woningwet, 1920 (Wet No. 35 van 1920), is, *mutatis mutandis*, van toepassing op so 'n lening.

Goedkeuring van onteiening deur Minister.

**18.** Die Minister mag die verkryging van grond by wyse van onteiening ingevolge artikel *sewentien* nie goedkeur nie, tensy hy oortuig is dat die grond geskik is vir die doel waarvoor dit verkry word.

Kennisgewing om te onderhandel en benoeming van skeidsregter.

**19.** (1) Na skriftelike toestemming deur die Minister tot verkryging van grond ingevolge artikel *sewentien*, kan die plaaslike bestuur 'n kennisgewing op die eienaar van die grond laat dien, wat hom gelas om aan die plaaslike bestuur mee te deel watter bedrag hy gewillig is om van die plaaslike bestuur aan te neem vir die grond; en in elke sodanige kennisgewing moet verklaar word dat die plaaslike bestuur gewillig is om oor die aankoop van die grond te onderhandel.

(2) As die plaaslike bestuur en die eienaar van die grond, wat ingevolge artikel *sewentien* verkry word, nie binne dertig dae na die in sub-artikel (1) bedoelde kennisgewing op die eienaar gedien is ooreen kan kom nie aangaande die bedrag wat deur die plaaslike bestuur vir bedoelde grond betaal moet word, kan die plaaslike bestuur en die eienaar ooreenkom dat 'n bepaalde persoon tot enigste skeidsregter benoem word, wie se beslissing afdoende sal wees; en as binne veertien dae na deur die een party aan die ander party kennis gegee is, nog geen ooreenkoms aangaande wie tot enigste skeidsregter benoem sal word getref is nie, moet die Minister, op aansoek van een van of albei die partye, 'n persoon benoem tot enigste skeidsregter, wie se beslissing afdoende sal wees.

(3) Whenever there are more owners than one in respect of any piece of land, whether by reason of the fact that more persons than one own that piece of land jointly, or by reason of the fact that a servitude or a lease such as is referred to in paragraph (iii) of the definition of the expression "land" contained in section *one* is registered over that piece of land or that a lease such as is referred to in paragraph (iv) of that definition exists over that piece of land, the several owners shall join in any such agreement.

(4) The town clerk shall transmit a copy of the notice referred to in sub-section (1) to every holder of a mortgage bond registered over such land whose name and address is known to him.

Basis on which compensation to be assessed.

20. (1) Notwithstanding the provisions of any other law, the total amount of compensation payable to the owner by a local authority in the case of expropriation of land under this Chapter shall not be in excess of the valuation of such land appearing in the valuation roll on which such land is liable to be rated by the local authority: Provided that if the Minister is satisfied that the average prices at which land situate within the district of a local authority has been sold by public auction during the immediately preceding period of three years exceeds the valuation of the land sold appearing in the said valuation roll, he may by notice in the *Gazette* declare that the total amount of compensation so payable in respect of land in that district shall exceed the said valuation by a stated percentage, not being more than thirty per cent., as he may consider fair and reasonable, and he may by notice in the *Gazette* at any time alter or repeal any such declaration: Provided, further, that in the case of land or part thereof upon which no nuisance exists but which is being dealt with under section *sixteen* or paragraph (*b*) of section *seventeen*, an addition may be made to such valuation in respect of the goodwill of any business other than the letting or hiring of accommodation carried on by the owner on such land or part thereof, but no such addition shall exceed one year's nett profit derived from such business.

(2) In determining the amount of compensation payable in respect of land acquired by expropriation under this Chapter, the arbitrator shall take into account the following factors:

(*a*) the site value;

(*b*) the value of other properties of the same class and similar position and physical features;

(*c*) the value of the buildings on estimated cost of erection at the time of valuation, less structural depreciation and such depreciation as may be due to the fact that the buildings are wholly or in part unsuitable for the purpose for which they were originally erected or are being used at the time of valuation;

(*d*) the amount required to be expended in order to put the buildings in a proper state of repair and make them fit for human habitation, in accordance with the regulations or by-laws of the local authority.

(3) In determining the amount of compensation payable in respect of land acquired by expropriation under this Chapter the arbitrator shall not take into account the following factors:

(*a*) any increase in value by reason of the fact that the land is used in a manner or for a purpose which is contrary to law or is detrimental to the health of the occupiers thereof or to the public health;

(*b*) the amount of any mortgage registered against the land;

(*c*) any enhancement in value which may be caused by the carrying out of the purposes of this Act;

(*d*) any right or interest which is not registered in the deeds registry;

(*e*) any improvements of the land made in the case of land comprised in premises which have in terms of section *four* been declared a slum, after the date of such declaration, unless such declaration has been set aside by the Minister under section *four* or has been rescinded under section *fifteen*, and, in the case of other land, after the date of notification to the owner thereof by the local authority of its intention

(3) Wanneer daar meer as een eienaar is ten opsigte van 'n stuk grond, hetsy omrede dat meer as een persoon medeeienaars is van daardie stuk grond, hetsy omrede dat 'n serwituut of so 'n huurkontrak as wat in paragraaf (iii) van die omskrywing van die uitdrukking „grond" vervat in artikel *een* bedoel word op daardie stuk grond geregistreer is of dat so 'n huur as wat in paragraaf (iv) van daardie omskrywing bedoel word van daardie stuk grond bestaan, moet die verskeie eienaars gesamentlik so 'n ooreenkoms aangaan.

(4) Die stadsklerk moet 'n afskrif van die in sub-artikel (1) bedoelde kennisgewing stuur aan elke houer van 'n verband wat op bedoelde grond geregistreer is, wie se naam en adres hom bekend is.

Basis waarop vergoeding bereken moet word.

**20.** (1) Ondanks ander regsbepalings, mag die totaalbedrag van die vergoeding, wat deur 'n plaaslike bestuur aan die eienaar betaalbaar is in 'n geval van onteiening van grond kragtens hierdie Hoofstuk nie hoër wees dan die valuasie van bedoelde grond, wat voorkom in die valuasielys volgens welke bedoelde grond deur die plaaslike bestuur belasbaar is: Met die verstande dat, as die Minister oortuig is dat die gemiddelde pryse waarteen grond geleë in die distrik van 'n plaaslike bestuur gedurende die onmiddellik voorafgaande tydvak van drie jaar deur publieke veiling verkoop is hoër is dan die valuasie van die verkoopte grond volgens bedoelde valuasielys, hy by kennisgewing in die *Staatskoerant* kan verklaar dat die totaalbedrag van die aldus betaalbare vergoeding ten opsigte van grond in daardie distrik die bedoelde valuasie te bowe mag gaan met 'n genoemde persentasie, nie synde meer dan dertig persent nie, wat volgens sy oordeel billik en redelik is, en hy by kennisgewing in die *Staatskoerant* te eniger tyd so 'n verklaring kan wysig of herroep: Met die verstande verder dat in die geval van grond of 'n gedeelte daarvan waarop geen misstand bestaan nie, maar wat ingevolge artikel *sestien* of paragraaf (*b*) van artikel *sewentien* behandel word, aan sodanige valuasie toegevoeg kan word ten opsigte van die klandisie van 'n besigheid nie synde die huur of verhuur van akkommodasie nie, deur die eienaar op sulke grond of gedeelte daarvan uitgeoefen, maar geen sodanige toevoeging gaan een jaar netto wins verkry van sulke besigheid te bowe nie.

(2) By vasstelling van die bedrag van die vergoeding betaalbaar ten opsigte van grond wat kragtens hierdie Hoofstuk by wyse van onteiening verkry word, moet die skeidsregter die volgende faktore in aanmerking neem:

(*a*) die liggingswaarde;

(*b*) die waarde van ander eiendomme van dieselfde soort en met soortgelyke ligging en natuurlike hoedanighede;

(*c*) die waarde van die geboue volgens geskatte koste van oprigting ten tyde van waardering, na aftrekking van die waardevermindering as bouwerk en van die waardevermindering wat toe te skrywe is aan die feit dat die geboue geheel of gedeeltelik ongeskik is vir die doel waarvoor hulle oorspronklik opgerig was of waarvoor hulle ten tyde van waardering gebruik word;

(*d*) die bedrag wat bestee sou moet word om die geboue behoorlik te herstel en om hulle geskik te maak vir bewoning deur mense, in ooreenstemming met die regulasies of verordenings van die plaaslike bestuur.

(3) By vasstelling van die bedrag van die vergoeding betaalbaar ten opsigte van grond wat kragtens hierdie Hoofstuk by wyse van onteiening verkry word, mag die skeidsregter die volgende faktore nie in aanmerking neem nie:

(*a*) 'n waardevermeerdering wat toe te skrywe is aan die feit dat die grond gebruik word op 'n wyse of vir 'n doel wat onwettig is of wat nadelig is vir die gesondheid van die bewoners daarvan of vir die volksgesondheid;

(*b*) die bedrag van 'n verband wat op die grond geregistreer is;

(*c*) 'n verhoging in waarde wat veroorsaak mag wees deur die uitvoering van die doel van hierdie Wet;

(*d*) 'n reg of belang wat nie in die registrasiekantoor geregistreer is nie;

(*e*) verbeterings van die grond wat, in die geval van grond wat deel uitmaak van 'n perseel wat ingevolge artikel *vier* tot 'n slum verklaar is, na die datum van bedoelde verklaring gemaak is, tensy bedoelde verklaring deur die Minister kragtens artikel *vier* tersyde gestel is of kragtens artikel *vyftien* opgehef is, en, wat, in die geval van ander grond, gemaak is na die datum waarop die plaaslike bestuur aan die eienaar daarvan kennis

to acquire such land by expropriation, except such improvements as were necessary for the maintenance of the property in a proper state of repair, or were made in pursuance of obligations entered into prior to such date;

(*f*) in the case of a slum, the rent payable by occupiers of the slum;

(*g*) in the case of a slum, the existence of any lease of the slum and the terms thereof.

(4) If land acquired by expropriation under this Chapter has been sold to any person, who has paid the purchase price or a portion thereof, but has not been transferred to him, or if any lease such as is referred to in paragraph (iii) of the definition of the expression "land" contained in section *one* is registered or any lease such as is referred to in paragraph (iv) of that definition exists, or any servitude is registered over such land the arbitrator shall determine what portion of the amount of compensation payable in respect of that land shall be payable to the purchaser or the lessee or the person in whose favour the servitude is registered or, where the servitude is registered in favour of other land, to the owner of that other land: Provided that the amount of compensation in respect of land shall not be increased by reason of the sale of that land or the existence of a lease or a servitude over that land.

(5) For the purpose of determining the amount of compensation payable in respect of any such land, the arbitrator shall be entitled to co-opt in an advisory capacity only, a sworn appraiser and a builder, in each case with not less than ten years' experience.

Appearance before arbitrator.

**21.** Each party may appear in person or by any person appointed by him in writing before the arbitrator; and each party may adduce such oral and written evidence as the arbitrator allows.

Remuneration of arbitrator and co-opted persons.

**22.** The Minister shall determine the remuneration to be paid to the arbitrator or to any person co-opted by him under sub-section (5) of section *twenty*.

Costs of arbitration.

**23.** The costs of and incidental to any arbitration proceedings, including the remuneration of the arbitrator and of any persons co-opted by him under section *twenty*, shall be borne by the local authority, unless the arbitrator fixes the sum to be paid by the local authority for the land at an amount equal to or less than the sum offered by the local authority, in which case each party shall bear its own costs and the remuneration of the arbitrator and of any persons so co-opted shall be paid by the owner.

Land subject to mortgage.

**24.** If the land to be acquired by the local authority in terms of section *seventeen* is hypothecated by registered mortgage bonds, the money to be paid in respect of that land shall be applied as far as it is required towards the payment of the claims secured by those bonds, in their legal order of preference.

In case of dispute as to person entitled to money, local authority may pay it to Master of Supreme Court.

**25.** In case of any dispute or doubt as to who is entitled to receive any money to be paid in respect of any land acquired by the local authority in terms of section *seventeen*, or in case of any such money being payable to any person who cannot be found, or in case of any interdict with respect to any such money, the local authority may pay such money to the Master of the Supreme Court appointed for the province in which the land is situate, to hold the same in trust for the person or persons entitled thereto; and thereupon all responsibility of the local authority in respect of such money shall come to an end.

Right of local authority to take immediate possession of land to be expropriated.

**26.** (1) Subject to the provisions of sub-sections (3) and (6), the local authority may, forthwith after receipt of the Minister's approval of the acquisition by it by expropriation of any land, cause such land to be entered upon, taken possession of and used, before proceedings have been taken to settle the amount of compensation to be paid for such land, leaving all questions as to such compensation to be settled afterwards.

(2) Every person occupying or using any such land, shall, subject to the provisions of sub-sections (3) and (6), and if thereto required by written demand signed by the town clerk, cease to occupy or use such land, and if he fail to do so shall be guilty of an offence.

gegee het van sy voorneme om die grond by wyse van onteiening te verkry, behalwe verbeterings wat nodig was om die eiendom in 'n behoorlike toestand te hou, of wat gemaak was na aanleiding van verbintenisse wat voor bedoelde datum aangegaan is;

(*f*) in die geval van 'n slum, die huurgelde betaalbaar deur bewoners van die slum;

(*g*) in die geval van 'n slum, die bestaan van 'n huur van die slum, en die bepalings daarvan.

(4) Indien grond, wat deur onteiening kragtens hierdie Hoofstuk verkry is, aan iemand verkoop is wat die koopprys of 'n gedeelte daarvan betaal het, maar nie aan hom oorgedra is nie of indien so 'n huurkontrak as wat in paragraaf (iii) van die omskrywing van die uitdrukking „grond" vervat in artikel *een* bedoel word geregistreer is op, of so 'n huur as wat in paragraaf (iv) van daardie omskrywing bedoel word bestaan van, of 'n serwituut geregistreer is op sulke grond, bepaal die skeidsregter watter gedeelte van die bedrag van vergoeding verskuldig ten opsigte van daardie grond betaal moet word aan die koper of die huurder of die persoon ten gunste van wie die serwituut geregistreer is, of, wanneer die serwituut ten gunste van ander grond geregistreer is, aan die eienaar van daardie ander grond: Met die verstande dat die bedrag van vergoeding ten opsigte van grond nie verhoog word uit hoofde van die verkoop van daardie grond of die bestaan van 'n huur van of 'n serwituut op daardie grond nie.

(5) Om die bedrag van die vergoeding wat ten opsigte van enige sodanige grond betaalbaar is vas te stel, kan die skeidsregter verlang dat 'n beëdigde taksateur en 'n boukontrakteur, wat albei nie minder as tien jaar ondervinding het, hom met raad sal bystaan.

Verskyning voor skeidsregter.

**21.** Elke party kan persoonlik of deur iemand wat deur hom skriftelik daartoe aangestel is voor die skeidsregter verskyn; en elke persoon kan mondelinge en skriftelike bewys aanvoer as wat die skeidsregter mog toelaat.

Beloning van skeidsregter en raadgewers.

**22.** Die Minister stel vas watter beloning aan die skeidsregter of aan 'n persoon, wat ingevolge sub-artikel (5) van artikel *twintig* deur hom gekoöpteer is, betaal moet word.

Koste van arbitrasie.

**23.** Die koste van en verbonde met die verrigtings van 'n skeidsgereg, met inbegrip van die beloning van die skeidsregter en van persone wat deur hom aldus ingevolge artikel *twintig* gekoöpteer is, word deur die plaaslike bestuur gedra, tensy die skeidsregter die som wat deur die plaaslike bestuur vir die grond betaal moet word vasstel op 'n bedrag wat gelyk is met, of minder is dan, die som wat deur die plaaslike bestuur aangebied is, by watter geval elke party sy eie koste moet dra en die beloning van die skeidsregter en van persone wat deur hom aldus gekoöpteer is deur die eienaar betaal moet word.

Grond onder verband.

**24.** Wanneer die grond wat deur die plaaslike bestuur ingevolge artikel *sewentien* verkry moet word deur geregistreerde verbandaktes verhipotekeer is, word die geld vir daardie grond betaalbaar vir sover nodig aangewend tot betaling van die vorderings verseker deur daardie verbandaktes, in hulle wetlike orde van voorkeur.

By geskil omtrent persoon wat op geld geregtig is, kan plaaslike bestuur dit aan Meester van Hooggeregshof betaal.

**25.** Ingeval daar 'n geskil of twyfel ontstaan omtrent watter persoon geregtig is om geld te ontvang wat betaalbaar is ten opsigte van grond wat deur die plaaslike bestuur ingevolge artikel *sewentien* verkry is, of ingeval sodanige geld betaalbaar is aan 'n persoon wat nie gevind kan word nie, of ingeval 'n interdik op sodanige geld geplaas word, kan die plaaslike bestuur bedoelde geld betaal aan die Meester van die Hooggeregshof, wat aangestel is vir die provinsie waarin die grond geleë is, om dit vir die persoon of persone, wat daarop geregtig is, in bewaring te neem, en daardeur word alle verantwoordelikheid van die plaaslike bestuur ten opsigte van bedoelde geld beëindig.

Reg van plaaslike bestuur om grond wat onteien word onmiddellik in besit te neem.

**26.** (1) Behoudens die bepalings van sub-artikels (3) en (6), kan die plaaslike bestuur, onmiddellik na ontvangs van die Minister se goedkeuring van die verkryging deur die plaaslike bestuur van grond by wyse van onteiening, bedoelde grond laat betree, in besit neem en gebruik, voordat stappe gedoen is om die bedrag van die daarvoor te betale vergoeding vas te stel, terwyl hy alle kwessies met betrekking tot bedoelde vergoeding laat oorstaan om later opgelos te word.

(2) Behoudens die bepalings van sub-artikels (3) en (6), moet iedereen wat bedoelde grond bewoon of gebruik, wanneer hy daartoe by aanskrywing, deur die stadsklerk onderteken, gelas word, ophou om bedoelde grond te bewoon of gebruik, en by versuim om daaraan te voldoen is hy aan 'n misdryf skuldig.

(3) The lessee of any such land shall not be required to vacate the land, except upon notice for the period for which, in terms of his lease, notice must be given of termination of that lease : Provided that such period shall not exceed three months.

(4) The local authority may in its discretion pay to the lessee under any lease other than a lease such as is referred to in paragraph (iii) or (iv) of the definition of the expression "land" contained in section *one* in respect of the termination of his lease an amount of compensation to be determined by the local authority, if—

(*a*) the local authority is of the opinion that it would be equitable to pay compensation ; and

(*b*) the land or part thereof is used by him for the purpose of carrying on a business other than the letting or hiring of accommodation ; and

(*c*) no nuisance exists upon the premises ; and

(*d*) the land or part thereof is being dealt with under section *sixteen* or paragraph (*b*) of sub-section (1) of section *seventeen*,

and except as is herein expressly provided the local authority shall not pay or be liable to pay compensation to the lessee.

(5) For the purposes of this section lessee shall include sub-lessee.

(6) If any such land is occupied by the owner thereof, such owner shall not be required to vacate such land, except upon three months' notice, and no compensation shall be payable to the owner except as is provided in section *twenty* in consequence of his having been required to vacate such land.

Transfer of land to local authority.

27. (1) Whenever the local authority has—

(*a*) with the written approval of the Minister, entered into any written agreement with the owner of any land for the acquisition by it in terms of section *seventeen* of such land ; or

(*b*) has received the written approval of the Minister of the acquisition by it in terms of section *seventeen* of land by expropriation,

the local authority may cause such written agreement or approval to be lodged with the registrar of deeds.

(2) The registrar of deeds shall thereafter, as soon as he has received from the surveyor-general the necessary diagrams, and subject to the provisions of section *fifty-five* of the Deeds Registries Act, 1918 (Act No. 13 of 1918), and without payment of any transfer duty, stamp duty, fees of office or other charges, transfer to the local authority or, where the local authority itself is not a corporate body, to the corporate body represented by the local authority, any such land registered in the deeds registry of which he is in charge, and endorse upon the title deeds of the land the fact of such transfer, and, if the land is mortgaged, endorse upon the mortgage bond and note in the appropriate register the fact that the land is released from the mortgage.

(3) Upon such transfer being effected, all rights and interests in such land of any person other than the local authority or the corporate body represented by the local authority, as the case may be, shall be extinguished, and such land shall be released from the operation of any mortgage bond : Provided that nothing in this section contained shall affect any right to compensation under this Act.

(4) If the owner of the land or the mortgagee under a mortgage bond over the land, after due notice by the local authority fails to produce such title deeds or such mortgage bond for endorsement, the local authority may apply to the court having jurisdiction for an order for such production, and the court may make such order on the application as to it may seem fit.

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## CHAPTER IV.

### GENERAL AND SUPPLEMENTARY.

Ejectment of persons unlawfully occupying or entering slum.

28. (1) Whenever any person is convicted of occupying or entering or being upon a slum, or of occupying or entering or being within a building comprised in a slum, in contravention of any of the provisions of section *ten* or *eleven*, the court convicting him shall, in addition to passing any sentence upon him, order his ejectment from the slum.

(2) Whenever the owner of a slum is convicted of permitting, in contravention of any of the provisions of section

(3) Die huurder van bedoelde grond is nie verplig om die grond te ontruim nie, behalwe na kennisgewing vir die tydperk waarvoor, volgens sy huurkontrak, kennisgewing moet geskied om die huur te beëindig: Met die verstande dat daardie tydperk nie langer as drie maande mag wees nie.

(4) Die plaaslike bestuur kan na goeddunke aan die huurder kragtens enige huurkontrak, behalwe so 'n huurkontrak as wat in paragraaf (iii) of (iv) van die omskrywing van die uitdrukking „grond" vervat in artikel *een* bedoel word, weens die beëindiging van sy huur 'n bedrag van vergoeding betaal deur die plaaslike bestuur bepaal te word, indien—

(*a*) die plaaslike bestuur van oordeel is dat dit regverdig sou wees om vergoeding te betaal; en

(*b*) die grond of 'n gedeelte daarvan deur hom gebruik word om 'n besigheid te dryf nie synde die huur of verhuur van akkommodasie nie; en

(*c*) geen misstand op die perseel bestaan nie; en

(*d*) die grond of 'n gedeelte daarvan behandel word ingevolge artikel *sestien* of paragraaf (*b*) van subartikel (1) van artikel *sewentien*,

en behalwe soos hierin uitdruklik bepaal, betaal die plaaslike bestuur geen vergoeding aan die huurder en is daarvoor nie aanspreeklik nie.

(5) Vir die toepassing van hierdie artikel beteken huurder ook onderhuurder.

(6) As bedoelde grond deur die eienaar daarvan bewoon word, is die eienaar nie verplig die grond te ontruim nie, behalwe na kennisgewing vir drie maande en geen vergoeding is aan die eienaar betaalbaar behalwe soos bepaal in artikel *twintig* weens lasgewing tot ontruiming van sodanige grond.

Oordrag van grond aan plaaslike bestuur.

**27.** (1) Wanneer die plaaslike bestuur—

(*a*) met die skriftelike goedkeuring van die Minister, met die eienaar van grond 'n skriftelike ooreenkoms aangegaan het tot verkryging van daardie grond deur die plaaslike bestuur ingevolge artikel *sewentien*; of

(*b*) die skriftelike goedkeuring van die Minister ontvang het van die verkryging van grond deur die plaaslike bestuur by wyse van onteiening ingevolge artikel *sewentien*,

kan die plaaslike bestuur bedoelde skriftelike ooreenkoms of goedkeuring by die registrateur van aktes laat indien.

(2) Die registrateur van aktes moet daarna, sodra hy van die Landmeter-generaal die nodige kaarte ontvang het, en behoudens die bepalings van artikel *vyf-en-vyftig* van die „Registratiekantoren van Akten Wet, 1918" (Wet No. 13 van 1918) en sonder betaling van hereregte, seëlbelasting, kantoorlone of ander heffings, aan die plaaslike bestuur, of waar die plaaslike bestuur self geen regspersoon is nie, aan die regspersoon verteenwoordig deur die plaaslike bestuur, enige sodanige grond oordra geregistreer in die registrasiekantoor van aktes onder sy beheer, en op die titelbewyse van die grond die feit van daardie oordrag aanteken, en, as die grond verhipotekeer is, op die verbandakte aanteken en in die betrokke register die feit inskrywe dat die grond van die hipoteek onthef is.

(3) Na daardie oordrag verval alle regte en belange in sulke grond van enige persoon nie synde die plaaslike bestuur of die regspersoon verteenwoordig deur die plaaslike bestuur nie, soos die geval mag wees, en word sulke grond van die werking van enige verbandakte onthef: Met die verstande dat die bepalings van hierdie artikel geen afbreuk doen aan reg op vergoeding kragtens hierdie Wet nie.

(4) Wanneer die eienaar van die grond of die verbandnemer ingevolge 'n verbandakte op die grond, na behoorlike kennisgewing deur die plaaslike bestuur in gebreke bly om daardie titelbewyse of daardie verbandakte vir aantekening voor te lê, kan die plaaslike bestuur aansoek doen by die regsbevoegde hof om 'n bevel vir sodanige voorlegging en die hof kan so 'n bevel uitvaardig as wat hy voegsaam ag.

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## HOOFSTUK IV.

### Algemene en Aanvullende Bepalings.

Uitsetting van persone wat onregmatig 'n slum bewoon of betree.

**28.** (1) Wanneer iemand daaraan skuldig bevind word, dat hy, in stryd met een of ander van die bepalings van artikel *tien* of *elf*, 'n slum bewoon het of betree het of daarop was, of 'n woning wat deel uitmaak van 'n slum bewoon het of betree het of daarin was, moet die hof wat hom veroordeel, behalwe 'n straf oor hom te vel, ook beveel dat hy uit die slum uitgesit word.

(2) Wanneer die eienaar van 'n slum daaraan skuldig bevind word, dat hy, in stryd met een of ander van die bepalings van

*twelve*, any person to occupy or enter or be upon the slum or to occupy or enter or be within any dwelling comprised in the slum, the court convicting the owner shall issue an order directing the person out of whose occupancy, entry or presence the charge has arisen to appear before it to show cause why an order for his ejectment from the slum should not be made.

(3) If upon the appearance of such person he fails to show any just cause why he should not be ejected from the slum, or if he fails to appear and the court is satisfied that the order calling upon him to appear was duly served upon him, the court shall order his ejectment from the slum.

(4) Whenever any person is convicted of failing to cease to occupy or use any land in contravention of section *twenty-six*, the court convicting him shall, in addition to passing any sentence upon him, order his ejectment from such land.

(5) An order of ejectment made under the provisions of this section shall be executed in all respects as if it were a civil judgment of the court.

(6) The costs of executing any order of ejectment made under this section shall be paid in the first instance by the local authority; and the local authority may recover from the owner of the slum the costs of executing any such order made under sub-section (1) or (3) and from the person convicted the costs of executing any such order made under sub-section (4).

(7) An order of ejectment made under this section shall not be subject to any review or appeal whatsoever.

No exemption on ground of lack of other accommodation.

**29.** (1) A declaration in terms of section *four* of any premises or of any part thereof as a slum shall not be invalid by reason of the fact that other suitable accommodation for the occupiers of the slum is not available: Provided that it shall not be competent for the local authority to make such a declaration in respect of any premises upon the sole ground that adequate provision for the separation of the sexes as required by paragraph II of the Second Schedule to this Act is not made in such premises, unless the local authority is satisfied that suitable accommodation for the occupiers of such premises is available upon other premises, where adequate provision exists for the separation of the sexes as required by the said paragraph.

(2) No person shall be excused from complying with the provisions of section *eleven*, *twelve* or *twenty-six* or with the directions contained in a notice or order issued by the local authority under section *five* or *ten*, by reason of the fact that other suitable accommodation for the occupiers of the slum affected by such notice is not available.

(3) If the local authority notifies the owner or any occupiers of the slum of other accommodation available to the occupiers of the slum affected by any such notice, the local authority shall not thereby become bound to provide such accommodation or any other accommodation for such occupiers of the slum.

If owner of land cannot be determined, Master may act as owner.

**30.** If for any reason whatsoever the local authority is unable to determine who is the owner of any land, it may treat the Master of the Supreme Court appointed for the province in which the land is situate as the owner of the land; and for the purposes of this Act the Master may act as the agent of the owner of the land: Provided that the Master shall not be subject to any penalty imposed by this Act by reason of any act or omission by him as agent under the provisions of this section.

Service of documents

**31.** (1) Any document required by this Act to be served on any person may be served—

(*a*) by delivering such document to him; or

(*b*) by leaving such document with some adult inmate of his last known abode; or

(*c*) whenever service cannot be effected in terms of paragraph (*a*) or (*b*), by sending such document by registered post, addressed to him at his last known abode and by posting up such document in a conspicuous position on the premises or land concerned.

(2) It shall not be necessary in any such document required to be served on an owner or occupier of land or premises or any part thereof to name him, but such document shall describe him as the owner or occupier of the land or premises or part thereof.

artikel *twaalf*, iemand toegelaat het die slum te bewoon of te betree of daarop te wees, of 'n woning wat deel uitmaak van die slum te bewoon of te betree of daarin te wees, moet die hof wat die eienaar veroordeel 'n bevel uitvaardig, wat die persoon, uit wie se bewoning, betreding of aanwesigheid die aanklag ontstaan het, oproep om voor die hof te verskyn, om gronde aan te toon waarom die hof nie 'n bevel behoort uit te vaardig nie, wat gelas dat hy uit die slum uitgesit word.

(3) Indien by verskyning van bedoelde persoon, hy in gebreke bly om redelike gronde aan te toon waarom hy nie uit die slum behoort uitgesit te word nie, of indien hy versuim om te verskyn, en die hof oortuig word dat die bevel wat hom tot verskyning oproep behoorlik op hom gedien was, moet die hof beveel dat hy uit die slum uitgesit word.

(4) Wanneer iemand daaraan skuldig bevind word, dat hy, in stryd met artikel *ses-en-twintig*, versuim het om op te hou om grond te bewoon of gebruik, moet die hof wat hom veroordeel, behalwe 'n straf oor hom te vel, ook beveel dat hy van die grond verwyder word.

(5) 'n Ontruimingsbevel uitgevaardig kragtens die bepalings van hierdie artikel word in alle opsigte uitgevoer asof dit 'n vonnis is wat deur die hof in 'n siviele saak uitgespreek is.

(6) Die koste van tenuitvoerlegging van 'n ontruimingsbevel uitgevaardig kragtens hierdie artikel word in eerste instansie deur die plaaslike bestuur betaal; en die plaaslike bestuur kan op die eienaar van die slum die koste van tenuitvoerlegging van 'n bevel uitgevaardig ingevolge sub-artikel (1) of (3), en op die skuldig bevonde persoon die koste van tenuitvoerlegging van 'n bevel uitgevaardig ingevolge sub-artikel (4) verhaal.

(7) 'n Ontruimingsbevel uitgevaardig kragtens hierdie artikel is onderworpe aan geen hersiening of appèl hoegenaamd.

Geen vrystelling weens gebrek aan ander huisvesting.

**29.** (1) 'n Verklaring ingevolge artikel *vier* van 'n perseel of van 'n gedeelte daarvan tot 'n slum is nie ongeldig nie omrede dat ander geskikte huisvesting vir die bewoners van die slum nie beskikbaar is nie: Met die verstande, dat 'n plaaslike bestuur nie bevoeg is om so 'n verklaring ten opsigte van 'n perseel uit te vaardig nie alleen op grond dat op bedoelde perseel geen voldoende voorsiening gemaak word nie vir skeiding tussen mans en vrouens, soas deur paragraaf II van die Tweede Bylae tot hierdie Wet vereis word, tensy die plaaslike bestuur oortuig is dat geskikte huisvesting vir die bewoners van bedoelde perseel op ander persele beskikbaar is, alwaar voldoende voorsiening bestaan vir skeiding tussen mans en vrouens, soas deur vermelde paragraaf vereis word.

(2) Niemand is van die plig om te voldoen aan die bepalings van artikel *elf*, *twaalf* of *ses-en-twintig*, of aan die voorskrifte van 'n kennisgewing of bevel uitgereik deur die plaaslike bestuur kragtens artikel *vyf* of *tien*, vrygestel, omrede dat ander geskikte huisvesting vir die bewoners van die by bedoelde kennisgewing betrokke slum nie beskikbaar is nie.

(3) Ingeval die plaaslike bestuur die eienaar of bewoners van die slum in kennis stel van ander huisvesting wat verkrygbaar is deur die bewoners van die by so 'n kennisgewing betrokke slum, verplig die plaaslike bestuur hom daardeur nie om aan bedoelde bewoners van die slum daardie huisvesting of enige ander huisvesting te verskaf nie.

As eienaar van grond nie aangewys kan word nie, kan Meester as eienaar optree.

**30.** Indien, om watter rede ook, die plaaslike bestuur nie in staat is om vas te stel wie die eienaar van grond is nie, kan hy die Meester van die Hooggeregshof, wat aangestel is vir die provinsie waarin die grond geleë is, as eienaar van die grond behandel; en by toepassing van hierdie Wet kan die Meester optree as agent van die eienaar van die grond: Met die verstande dat die Meester nie weens 'n handeling of versuim deur hom as agent kragtens die bepalings van hierdie artikel met 'n straf deur hierdie Wet opgelê strafbaar is nie.

Diening van dokumente.

**31.** (1) 'n Dokument wat volgens hierdie Wet op 'n persoon gedien moet word, kan gedien word—

(*a*) deur die dokument aan hom te oorhandig; of

(*b*) deur die dokument aan 'n volwasse bewoner van sy laasbekende woonplaas af te gee; of

(*c*) ingeval diening daarvan nie in ooreenstemming met paragraaf (*a*) of (*b*) kan geskied nie, deur die dokument per aangetekende brief aan hom te stuur, aan hom geadresseer na sy laasbekende woonplaas, en deur die dokument in 'n in die oog vallende plek op die betrokke perseel of grond te laat opplak.

(2) In 'n dokument wat op 'n eienaar of bewoner van grond of 'n perseel of 'n gedeelte daarvan gedien moet word behoef hy nie met naam genoem te word nie, maar so 'n dokument moet hom as die eienaar of bewoner van die grond of perseel of 'n gedeelte daarvan beskrywe.

Regulations.

**32.** (1) The local authority may make regulations for its district as to—

(*a*) the prevention or prohibition of overcrowding or of the use of such premises as in the opinion of the local authority are unhealthy, insanitary, unfit for human habitation, or likely to be injurious to the health of the persons occupying them;

(*b*) the control, inspection and licensing of premises let in rooms or sets of rooms or occupied by more than one family and of all premises situate within a zone or zones to be defined from time to time by the local authority; the fixing of the number of persons who may be permitted to occupy such premises; the separation of the sexes therein; the conduct, cleanliness, cleansing, drainage, lighting and ventilation of such premises; the provision therein of air spaces and floor space, water supply, washing accommodation, and latrines; the fees payable for licences for such premises.

(*c*) (i) the management and control of dwellings provided by the local authority by officers or other persons appointed or employed by the local authority;

(ii) the regulation of the separation of the sexes in such dwellings;

(iii) the prevention in such dwellings of damage, disturbance and indecent and offensive language and behaviour;

(*d*) the forms to be used in connection with the administration of this Act.

(2) No regulation made under sub-section (1) shall be of any force or effect unless it has been approved by the Administrator and has been promulgated in the manner prescribed for the promulgation of regulations or by-laws under the law governing such local authority.

Penalties.

**33.** (1) Every person convicted of an offence under the provisions of sub-section (3) of section *five*, sub-section (2) of section *seven*, sub-section (4) of section *twelve* or sub-section (2) of section *twenty-six* shall be liable to a fine not exceeding one hundred pounds; and every person convicted of any other offence under the provisions of this Act or of contravening any regulation made under section *thirty-two* shall be liable to a fine not exceeding twenty-five pounds.

(2) Whenever any person has been so convicted, any continuation after his conviction of the contravention of which he was convicted shall constitute a fresh offence.

Local authority may appear by its officers.

**34.** In any proceedings under this Act, whether civil or criminal or administrative, the local authority may appear by any officer in its employ, nominated by it for the purpose.

Defects in form not to invalidate.

**35.** No defect in the form of any notice given or order made under this Act or the regulations made thereunder shall invalidate or render unlawful the administrative action, or be a ground for exemption to any legal proceedings which may be taken in the matter to which such notice or order relates: Provided the requirements thereof are substantially and intelligibly set forth.

Application of this Act to the Crown.

**36.** The powers conferred and duties imposed by this Act on a local authority shall be exercised and discharged by the Minister in relation to any premises of which the State is the owner.

Delegation functions, powers and duties.

**37.** (1) Where the Minister deems it expedient to do so, in order that any function, power or duty vested in, conferred upon or devolving upon him by or under this Act may be more effectively discharged, performed or carried out, he may in writing authorize the Administrator, or any officer of the Department of Public Health, or the Central Housing Board appointed under the Housing Act, 1920 (Act No. 35 of 1920), to discharge, perform or carry out that function, power, or duty on his behalf, and anything done by the Administrator, officer of the Department of Public Health or Central Housing Board under and within the scope of such authority shall be as valid and effective as if done by the Minister himself: Provided that the Minister shall not delegate to any person or body other than the Central Housing Board the functions and powers vested in and conferred upon him by sub-section (10) of section *four*.

(2) Where the local authority deems it necessary for the proper discharge of any function or duty vested in or devolving

Regulasies.

**32.** (1) Die plaaslike bestuur kan vir sy distrik regulasies uitvaardig betreffende—

(*a*) verhoeding van of verbod op oorbevolking of gebruik van persele wat na oordeel van die plaaslike bestuur ongesond, onhigiënies of ongeskik tot bewoning deur mense is, of vermoedelik vir die gesondheid van persone wat hulle bewoon nadelig kan wees;

(*b*) toesig op en inspeksie en lisensiëring van persele wat in kamers of stelle kamers verhuur word, of wat deur meer as een gesin bewoon word en alle persele geleë binne 'n streek of streke van tyd tot tyd deur die plaaslike bestuur bepaal te word; bepaling van die aantal persone wat toegelaat mag word om sulke persele te bewoon; die skeiding tussen mans en vrouens daarin; die bestuur, sindelikheid, skoonmaak, dreinering, verligting en ventilasie van sulke persele; die beskikbaarstelling daarin van lugvolume en vloeroppervlakte, watervoorraad, wasplekke en latrines; die fooie betaalbaar vir lisensies vir sulke persele;

(*c*) (i) die bestuur van en toesig oor wonings wat deur die plaaslike bestuur verskaf word, deur amptenare en ander persone aangestel deur of in diens van die plaaslike bestuur;

(ii) reëling van die skeiding tussen mans en vrouens in sulke wonings;

(iii) beletting in sulke wonings van skade, oproer en onsedelike en aanstootlike taal en gedrag;

(*d*) die vorms wat gebruik moet word in verband met die uitvoering van hierdie Wet.

(2) 'n Regulasie uitgevaardig kragtens sub-artikel (1) is van geen krag nie, tensy dit goedgekeur is deur die Administrateur en afgekondig is op die wyse wat voorgeskrywe is vir afkondiging van regulasies of verordenings uitgevaardig kragtens die regsbepalings tot reëling van die betrokke plaaslike bestuur.

Strawwe.

**33.** (1) Iedereen wat aan 'n misdryf skuldig bevind is ingevolge die bepalings van sub-artikel (3) van artikel *vyf*, sub-artikel (2) van artikel *sewe*, sub-artikel (4) van artikel *twaalf* of sub-artikel (2) van artikel *ses-en-twintig*, is strafbaar met 'n boete van hoogstens honderd pond; en iedereen wat aan 'n ander misdryf skuldig bevind is ingevolge die bepalings van hierdie Wet, of wat skuldig bevind is aan oortreding van 'n kragtens artikel *twee-en-dertig* uitgevaardigde regulasie, is strafbaar met 'n boete van hoogstens vyf-en-twintig pond.

(2) Wanneer iemand aldus veroordeel is, maak 'n voortsetting, na sy veroordeling, van die oortreding waaraan hy skuldig bevind is, 'n nuwe misdryf uit.

Plaaslike bestuur kan deur sy amptenare optree.

**34.** Die plaaslike bestuur kan, by verrigtings ingevolge hierdie Wet, hetsy siviele of kriminele of administratiewe verrigtings, deur 'n amptenaar in sy diens optree, wat daartoe deur die plaaslike bestuur benoem is.

Gebreke in vorm maak nie ongeldig nie.

**35.** Geen gebrek in die vorm van 'n kennisgewing of bevel uitgevaardig kragtens hierdie Wet of die ingevolge hierdie Wet uitgevaardigde regulasies maak die uitvoerende krag daarvan ongeldig of onwettig nie, of is 'n rede tot vrystelling van regsgedinge wat ingestel kan word in die saak waarop daardie kennisgewing of bevel betrekking het, mits die eise daarvan op wesenlike en verstaanbare wyse uiteengesit is.

Toepassing van Wet op die Kroon.

**36.** Die bevoegdhede en pligte deur hierdie Wet aan 'n plaaslike bestuur verleen en opgelê word uitgeoefen en nagekom deur die Minister in verband met persele waarvan die Staat die eienaar is.

Oordrag van bevoegdhede deur Minister.

**37.** (1) Wanneer die Minister dit raadsaam ag, opdat enige werksaamheid, mag of plig, deur of kragtens hierdie Wet in hom gevestig of aan hom verleen of opgelê, doelmatiger verrig, uitgeoefen of nagekom word, kan hy skriftelik die Administrateur, of 'n amptenaar van die Departement van Volksgesondheid, of die Sentrale Woningraad aangestel kragtens die Woningwet, 1920 (Wet No. 35 van 1920), magtig om namens hom daardie werksaamheid, mag of plig te verrig, uit te oefen of na te kom, en is enigiets wat deur die Administrateur, die amptenaar van die Departement van Volksgesondheid of die Sentrale Woningraad uit kragte van en binne die bestek van bedoelde magtiging gedoen word net so geldig en doeltreffend asof dit deur die Minister self gedoen is: Met die verstande dat die Minister die werksaamhede en bevoegdhede deur sub-artikel (10) van artikel *vier* in hom gevestig en aan hom verleen aan geen persoon of liggaam behalwe die Sentrale Woningraad mag oordra nie.

(2) Wanneer 'n plaaslike bestuur dit nodig ag vir die behoorlike uitvoering van 'n werksaamheid of plig kragtens hierdie

on it under this Act, other than a function or duty mentioned in paragraph (*a*) of sub-section (7) or in sub-section (8) of section *four* or in sub-section (2) of section *fifteen* or in section *sixteen*, it may authorize a committee of its members to carry out such function or duty on its behalf.

(3) Where the local authority deems it necessary for the proper discharge of any function or duty vested in or devolving on the town clerk it may authorize such function or duty to be carried out by any other officer as it may determine.

Protection of local authorities.

38. (1) The local authority and all persons acting under the orders or instructions of the local authority are hereby indemnified and exempted from all claims and demands whatsoever by reason of anything necessarily done in the execution of their duties or the exercise of their powers under this Act.

(2) In any proceedings against the local authority or any person acting under the orders or instructions of the local authority founded upon the allegation that anything done in the execution of duties or the exercise of powers under this Act was not necessarily done a certificate signed by the Chief Health Officer appointed under the Public Health Act 1919 that such thing was necessarily done shall be accepted in all courts as *prima facie* evidence of that fact.

(3) No report made or action taken or thing done by the medical officer of health or any generally or specially authorized officer of a local authority in the exercise of any power conferred or the performance of any duty imposed by this Act shall subject him in his personal capacity to any legal proceedings whatsoever : Provided such report was made or action was taken or thing was done in good faith and without negligence.

Short title and commencement.

39. This Act shall be known as the Slums Act, 1934, and shall come into operation on a date to be fixed by the Governor-General by proclamation in the *Gazette*.

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## First Schedule.

Bloemfontein.
Cape Town.
Durban.
East London.
Johannesburg.
Pietermaritzburg.
Port Elizabeth.
Pretoria.

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## Second Schedule.

REQUIREMENTS REFERRED TO IN SUB-SECTION (2) OF SECTION *one*.

I. No room wholly or partly used by human beings for sleeping in shall be occupied by a greater number of persons than will allow four hundred cubic feet of free air space and forty square feet of floor space for each person aged ten years or more and two hundred cubic feet of free air space and twenty square feet of floor space for each person less than ten years of age : Provided that under no circumstances shall any latrine or any passage, staircase, landing or cupboard or any outbuilding, garage, stable, tent, storeroom, lean-to, shed, cellar or loft be used for sleeping in by any human being, unless its use for that purpose has been approved by the local authority.

II. No dwelling, or part thereof, shall be occupied by such a number of persons that the sleeping accommodation is insufficient to allow of persons of opposite sexes over twelve years of age, other than persons living together as husband and wife, being segregated in separate rooms, separated from one another by brick walls or partitions extending from the floor to the ceiling and of such construction as is in the opinion of the medical officer of health reasonably sufficient to render such segregation effective.

III. Every dwelling, or part thereof, shall be provided with one or more latrines, in such numbers that there shall be not less than one latrine for every twelve persons or fewer than twelve persons, not less than two latrines for more than twelve persons but not more than twenty-four persons, and so forth, occupying such dwelling, or part thereof, and in such position or positions as to be accessible to all the occupants with reasonable convenience.

IV. Every dwelling, or part thereof, shall be provided with accommodation for the preparation and cooking of food, adequate for the use of and readily accessible to each tenant or sub-tenant by whom any room or rooms therein is or are occupied under separate tenancy or sub-tenancy, and where in the opinion of the medical officer of health it is necessary that separate accommodation in respect of each such tenant or sub-tenant for the preparation and cooking of food be provided, such separate accommodation shall be provided.

Wet in hom gevestig of aan hom opgelê, nie synde 'n werksaamheid of plig vermeld in paragraaf (*a*) van sub-artikel (7) of in sub-artikel (8) van artikel *vier* of in sub-artikel (2) van artikel *vyftien* of in artikel *sestien* nie, kan hy 'n komitee van sy lede opdra om sulk 'n werksaamheid of plig namens hom uit te voer.

(3) Wanneer 'n plaaslike bestuur dit nodig ag vir die behoorlike uitvoering van 'n werksaamheid of plig gevestig in of opgelê aan die stadsklerk kan hy die uitvoering van sulk 'n werksaamheid of plig aan enige ander amptenaar opdra wat hy mog aanwys.

Beskerming van plaaslike bestuur.

**38.** (1) Die plaaslike bestuur en alle persone wat onder die bevele of lasgewings van die plaaslike bestuur handel word hiermee gevrywaar en vrygestel van alle eise en vorderings hoegenaamd uit hoofde van enigiets noodwendig gedoen by die uitvoering van hul pligte of die uitoefening van hul bevoegdhede kragtens hierdie Wet.

(2) In 'n regsgeding teen die plaaslike bestuur of iemand wat onder die bevele of lasgewings van die plaaslike bestuur handel, rustende op die beskuldiging dat enigiets gedoen by die uitvoering van pligte of die uitoefening van bevoegdhede kragtens hierdie Wet nie noodwendig gedoen is nie, word 'n sertifikaat geteken deur die hoof geneeskundige gesondheidsamptenaar aangestel ingevolge die „Volksgezondheidswet, 1919" dat so iets noodwendig gedoen is in alle howe aangeneem as *prima facie* bewys van daardie feit.

(3) Die geneeskundige gesondheidsamptenaar of 'n algemeen of spesiaal gemagtigde amptenaar van 'n plaaslike bestuur is in sy persoonlike hoedanigheid nie onderhewig aan enige regsvervolging hoegenaamd weens 'n rapport uitgebring of 'n handeling verrig of 'n ding gedoen by die uitoefening van 'n bevoegdheid verleen of die uitvoering van 'n plig opgelê deur hierdie Wet: Met die verstande dat so 'n rapport uitgebring, of handeling verrig of ding gedoen is te goeder trou en sonder nalatigheid.

Kort titel en inwerkingtreding.

**39.** Hierdie Wet heet die Slumswet, 1934, en tree op 'n dag deur die Goewerneur-generaal by proklamasie in die *Staatskoerant* vas te stel in werking.

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## Eerste Bylae.

Bloemfontein.
Kaapstad.
Durban.
Oos-Londen.
Johannesburg.
Pietermaritzburg.
Port Elizabeth.
Pretoria.

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## Tweede Bylae.

VEREISTES BEDOEL IN SUB-ARTIKEL (2) VAN ARTIKEL *een*.

I. Geen kamer wat geheel of gedeeltelik deur mense as slaapplek gebruik word, word bewoon deur so groot 'n aantal persone dat minder as vierhonderd kubieke voet lugvolume en veertig vierkante voet vloeroppervlakte beskikbaar is vir elke persoon wat tien jaar oud of ouer is, en minder as tweehonderd kubieke voet lugvolume en twintig vierkante voet vloeroppervlakte beskikbaar is vir elke persoon wat onder die ouderdom is van tien jaar: Met die verstande dat onder geen omstandighede 'n latrine of 'n gang, 'n trap, 'n trapportaal, of 'n muurkas of 'n buitegebou, 'n motorhuis, 'n stal, 'n tent, 'n pakkamer, 'n afdak, 'n skuur, 'n kelder of 'n solder deur mense as slaapplek gebruik mag word, tensy die gebruik daarvan vir daardie doel deur die plaaslike bestuur goedgekeur is.

II. Geen woning, of 'n gedeelte daarvan, word bewoon deur so groot 'n aantal persone dat die slaapplek so min is dat dit nie doenlik is nie om mans wat meer as twaalf jaar oud is van vrouens bokant daardie ouderdom (behalwe persone wat as man en vrou saamleef) in aparte kamers te huisves, wat van mekaar geskei is deur steenmure of deur afskortings van die vloer af tot by die solder, wat op so 'n wyse saamgestel is dat, na oordeel van die geneeskundige gesondheidsamptenaar, hulle die skeiding tussen mans en vrouens redelik doelmatig maak.

III. Elke woning, of gedeelte daarvan, moet voorsien wees van so 'n aantal latrines, dat daar nie minder as een latrine is vir elke twaalf bewoners of minder as twaalf bewoners daarvan, en nie minder as twee latrines is vir meer as twaalf maar nie meer as vier-en-twintig bewoners daarvan, en so voort; en die latrines moet op sulke plekke staan, dat al die bewoners hulle maklik kan bereik.

IV. Elke woning, of gedeelte daarvan, moet plek bevat vir die bereiding en kook van kos, wat voldoende is vir die gebruik van elke huurder of onderhuurder wat 'n kamer of kamers in die woning kragtens 'n afsonderlike huurkontrak bewoon, en wat gemaklik deur hom bereik kan word, en ingeval na oordeel van die geneeskundige gesondheidsamptenaar dit nodig is dat daar 'n aparte plek vir die bereiding en kook van kos aan elke sodanige huurder of onderhuurder verskaf moet word, moet so 'n aparte plek verskaf word.

No. 54, 1934.]

# ACT

**To abolish certain quitrents and other taxes and certain debts in respect of land.**

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows :—

Interpretation of terms.

1. In this Act—

" prescribed date " means the thirty-first day of December, 1934, except when used in relation to quitrent in respect of land referred to in paragraph (i), (ii), (iii), (iv) or (vi) of the definition of " quitrent ", in which case " prescribed date " means the date on which the period of forty years, reckoned from the date from which such quitrent first became payable in respect of that land, elapses or the thirty-first day of December, 1934, according as the date on which such period of forty years elapses or the thirty-first day of December, 1934, is the later date ; and

" quitrent " means—

(i) any quitrent payable in respect of land situate in the province of the Cape of Good Hope, in terms of the proclamation of Sir John Francis Cradock dated the sixth day of April, 1813, and Acts No. 2 of 1860, No. 4 of 1870, No. 5 of 1870, No. 10 of 1877, No. 14 of 1878, No. 33 of 1879, No. 10 of 1881, No. 37 of 1882, No. 46 of 1899, No. 47 of 1899, No. 41 of 1908 and No. 17 of 1919, and any periodical payment in respect of any such land imposed by any condition or reservation in favour of the State contained in or attached to any deed of grant of such land issued under the said proclamation or under any of the said Acts ;

(ii) any quitrent payable in respect of land situate in that portion of the province of the Cape of Good Hope which was formerly known as the province of Griqualand West, in terms of Ordinance No. 3 of 1874, of the province of Griqualand West ;

(iii) any periodical payment in respect of land situate in those portions of the province of the Cape of Good Hope which were formerly known as the province of Griqualand West and the territory of British Bechuanaland, including the territories formerly known as Stellaland and Goosen, imposed by any condition or reservation in favour of the State contained in or attached to any deed of grant of any such land ;

(iv) the outstanding balance of the debt and any interest secured by any mortgage bond passed under Act No. 15 of 1887 of the Cape of Good Hope whereby land, situate in the province of the Cape of Good Hope and granted under that Act before the first day of April, 1934, was hypothecated ;

(v) any quitrent payable in respect of land situate in the province of Natal, in terms of Act No. 31 of 1907 ;

(vi) any periodical payment in respect of any land situate in the province of Natal, imposed by any condition or reservation in favour of the State contained in or attached to any deed of grant of any such land ;

(vii) any tax payable in respect of freehold farms, quitrent farms and burgher-right erven situate in the province of the Transvaal, in terms of article *one hundred and ninety-four* of the Grondwet of the South African Republic, 1858, Volksraad Resolution dated the twenty-fifth day of October, 1866 (article 561), Volksraad Resolution dated the twenty-sixth day of November, 1868 (article 318), Volksraad Resolution dated the twenty-seventh day of November, 1868 (article 319), Volksraad Resolutions dated the fifth day of June, 1869 (articles

No. 54, 1934.]

# WET

**Tot opheffing van sekere rekognisies en ander belastings en sekere skulde ten opsigte van grond.**

DIT WORD BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg :—

Woordomskrywing.

1. In hierdie Wet beteken—

„bepaalde datum", die een-en-dertigste dag van Desember 1934, behalwe wanneer die uitdrukking gebruik word in verband met rekognisie ten opsigte van grond bedoel in paragraaf (i), (ii), (iii), (iv) of (vi) van die omskrywing van „rekognisie", en dan beteken „bepaalde datum" die dag waarop die tydperk van veertig jaar, bereken vanaf die dag vanaf welke bedoelde rekognisie vir die eerste keer ten opsigte van daardie grond verskuldig was, verstryk of die een-en-dertigste dag van Desember 1934, namate die dag waarop bedoelde tydperk van veertig jaar verstryk of die een-en-dertigste dag van Desember 1934 later val ; en

„rekognisie"—

(i) rekognisie verskuldig ten opsigte van grond geleë in die provinsie Kaap die Goeie Hoop, ingevolge proklamasie van Sir John Francis Cradock gedateer die sesde dag van April 1813 en Wette No. 2 van 1860, No. 4 van 1870, No. 5 van 1870, No. 10 van 1877, No. 14 van 1878, No. 33 van 1879, No. 10 van 1881, No. 37 van 1882, No. 46 van 1899, No. 47 van 1899, No. 41 van 1908 en No. 17 van 1919, en 'n periodieke betaling ten opsigte van sulke grond opgelê by een of ander voorwaarde of voorbehoud ten gunste van die Staat vervat in of geheg aan 'n grondbrief van zulke grond uitgereik kragtens vermelde proklamasie of kragtens een of ander van vermelde Wette ;

(ii) rekognisie verskuldig ten opsigte van grond geleë in daardie deel van die provinsie Kaap die Goeie Hoop wat vroeër bekend was as die provinsie Grikwaland-Wes, ingevolge Ordonnansie No. 3 van 1874 van die provinsie Grikwaland-Wes ;

(iii) 'n periodieke betaling ten opsigte van grond geleë in daardie dele van die provinsie Kaap die Goeie Hoop wat vroeër bekend was as die provinsie Grikwaland-Wes en die gebied Brits Betsjoeanaland, met inbegrip van die gebiede vroeër bekend as Stellaland en Goosen, opgelê by een of ander voorwaarde of voorbehoud ten gunste van die Staat vervat in of geheg aan 'n grondbrief van sulke grond ;

(iv) die onbetaalde balans van die skuld en rente verseker deur 'n verband wat ingevolge Wet No. 15 van 1887 van die Kaap die Goeie Hoop gepasseer is, waardeur grond, geleë in die provinsie Kaap die Goeie Hoop en kragtens daardie Wet voor die eerste dag van April 1934 toegeken, verhipotekeer is ;

(v) rekognisie verskuldig ten opsigte van grond geleë in die provinsie Natal, ingevolge Wet No. 31 van 1907 ;

(vi) 'n periodieke betaling ten opsigte van grond geleë in die provinsie Natal, opgelê by een of ander voorwaarde of voorbehoud ten gunste van die Staat vervat in of geheg aan 'n grondbrief van sulke grond ;

(vii) belasting verskuldig ten opsigte van eiendomsplase, leningsplase en burggerregerwe geleë in die provinsie Transvaal, ingevolge artikel *honderd-vier-en-negentig* van die Grondwet van die Suid-Afrikaanse Republiek, 1858, Volksraadsbesluit gedateer die vyf-en-twinstigste dag van Oktober 1866 (artikel 561), Volksraadsbesluit gedateer die ses-en-twintigste dag van November 1868 (artikel 318), Volksraadsbesluit gedateer die sewen-en-twinstigste dag van November 1868 (artikel 319), Volksraadsbesluite gedateer die vyfde dag van Junie 1869 (artikels 155 en 156),

155 and 156), Volksraad Resolution dated the fifth day of June 1876 (article 105), Volksraad Resolution dated the seventh day of June, 1876 (article 107), Volksraad Resolutions dated the seventh and eighth days of July, 1882 (articles 743 and 744), First Volksraad Resolution dated the thirtieth day of August, 1893 (article 1235, paragraph 7), Law No. 4 of 1899 and section *twenty* of Act No. 35 of 1923 ;

(viii) any tax payable in respect of farms situate in the province of the Orange Free State, in terms of Chapter LXIX of the Law Book of the Orange Free State, 1891 ;

(ix) any tax or fine payable in terms of any law or deed of grant referred to in paragraph (i), (iii), (iv) or (vi) of this definition, by reason of failure to occupy any land in compliance with the requirements of such law or deed of grant.

Abolition of quitrent.

2. (1) Save as is otherwise provided in this Act, the liability to pay quitrent which, were it not for the provisions of this section, would in terms of any law or any deed of grant of any land, fall due on or after the prescribed date, is hereby extinguished.

(2) The provisions of sub-section (1) shall not apply to quitrent in respect of any land referred to in paragraph (i), (ii), (iii) or (iv) of the definition of the expression " quitrent " contained in section *one*, unless the Commissioner for Inland Revenue is satisfied that the land in question is, at the prescribed date, not situate in a town or village.

(3) The provisions of sub-section (1) shall not apply to quitrent in respect of any land referred to in paragraph (iv) of the said definition, unless the Commissioner for Inland Revenue is satisfied that the land in question is, at the prescribed date, being used for farming.

Cancellation of mortgage bond registered under Cape Act 15 of 1887.

3. Upon production of a certificate signed by the Commissioner for Inland Revenue stating that interest, which has accrued under a bond such as is referred to in paragraph (iv) of the definition of the expression " quitrent " contained in section *one*, has been paid in respect of a period of forty years, and that, in terms of section *two*, the liability of the mortgagee in respect of the outstanding balance and further interest under that bond has been extinguished, the registrar in charge of the deeds registry in which that bond is registered shall cancel the registration of the bond.

Application of Act.

4. Nothing in this Act shall—

(*a*) apply to any quitrent which falls due prior to the prescribed date ;

(*b*) confer upon any person any claim to a rebate of any quitrent which has become payable prior to the prescribed date in respect of any period after the prescribed date ;

(*c*) confer upon any person any claim to a refund of any amount paid prior to the prescribed date for the purpose of redeeming the quitrent in respect of any land, either wholly or partially ;

(*d*) apply to any " native quitrent " as defined by section *nineteen* of Act No. 41 of 1925, as amended by section *five* of Act No. 28 of 1926, other than quitrent payable in terms of any condition or reservation in favour of the State contained in any deed of grant issued under Act No. 14 of 1878 of the Cape of Good Hope ;

(*e*) affect the right of any local authority to claim payment of quitrent which under any law is payable to the local authority for the benefit of its own revenues ;

(*f*) affect the liability of any person to pay any quitrent which, in accordance with the deed of grant of the land in respect of which it is payable, must be applied in whole or in part to a purpose other than the benefit of the revenues of the State ;

(*g*) abridge the power conferred upon provincial councils by section *eleven* of Act No. 10 of 1913, as amended by section *nine* of Act No. 46 of 1925, to raise revenue by means of a tax upon the ownership of immovable property ;

(*h*) alter the nature of the tenure of the land in respect of which any quitrent was payable prior to the prescribed date.

Short title.

5. This Act shall be known as the Abolition of Quitrent Act, 1934.

Volksraadsbesluit gedateer die vyfde dag van Junie 1876 (artikel 105), Volksraadsbesluit gedateer die sewende dag van Junie 1876 (artikel 107), Volksraadsbesluite gedateer die sewende en agtste dae van Julie 1882 (artikels 743 en 744), Eerste Volksraadsbesluit gedateer die dertigste dag van Augustus 1893 (artikel 1235, paragraaf 7), Wet No. 4 van 1899 en artikel *twintig* van Wet No. 35 van 1923;

(viii) belasting verskuldig ten opsigte van plase geleë in die provinsie Oranje-Vrystaat, ingevolge Hoofstuk LXIX van die Wetboek van die Oranje-Vrystaat, 1891;

(ix) 'n belasting of geldboete wat, ingevolge een of ander regsbepaling of grondbrief bedoel in paragraaf (i), (iii), (iv) of (vi) van hierdie omskrywing, verskuldig is weens versuim om grond te bewoon volgens die vereistes van bedoelde regsbepaling of grondbrief.

Opheffing van rekognisie.

**2.** (1) Behalwe vir sover hierdie Wet anders bepaal, word die verpligting tot betaling van rekognisie wat, afgesien van die bepalings van hierdie artikel, ingevolge enige regsbepaling of enige grondbrief, op of na die bepaalde datum verskuldig sou geword het, hiermee opgehef.

(2) Die bepalings van sub-artikel (1) is nie van toepassing nie op rekognisie ten opsigte van grond bedoel in paragraaf (i), (ii), (iii) of (iv) van die omskrywing van die uitdrukking „rekognisie" vervat in artikel *een*, tensy die Kommissaris van Binnelandse Staatsinkomste oortuig is dat die betrokke grond op die bepaalde datum nie in 'n stad of dorp geleë is.

(3) Die bepalings van sub-artikel (i) is nie van toepassing op rekognisie ten opsigte van grond bedoel in paragraaf (iv) van vermelde omskrywing nie, tensy die Kommissaris van Binnelandse Staatsinkomste oortuig is dat die betrokke grond op die bepaalde datum vir boerdery gebruik word.

Kansellering van verband geregistreer ingevolge Wet 15 van 1887 (Kaap).

**3.** Op vertoon van 'n sertifikaat onderteken deur die Kommissaris van Binnelandse Staatsinkomste, waarin verklaar word dat rente, verskuldig kragtens 'n verband bedoel in paragraaf (iv) van die omskrywing van die uitdrukking „rekognisie" vervat in artikel *een*, ten opsigte van 'n tydperk van veertig jaar betaal is, en dat die aanspreeklikheid van die verbandgewer ten opsigte van die onbetaalde balans en verdere rente ingevolge daardie verband volgens artikel *twee* vernietig is, moet die registrateur wat belas is met die bestuur van die registrasiekantoor waarin daardie verband geregistreer is die registrasie van die verband kanselleer.

Toepassing van Wet.

**4.** Die bepalings van hierdie Wet—

(*a*) is nie van toepassing nie op rekognisie wat verskuldig word voor die bepaalde datum;

(*b*) verleen aan niemand 'n reg om aanspraak te maak op 'n korting op rekognisie wat voor die bepaalde datum betaalbaar geword het vir 'n tydperk na die bepaalde datum;

(*c*) verleen aan niemand 'n reg om aanspraak te maak op terugbetaling van 'n bedrag wat voor die bepaalde datum betaal is tot aflossing, geheel of gedeeltelik, van rekognisie ten opsigte van grond;

(*d*) is nie van toepassing nie op „naturellengrondrenten", soos in artikel *negentien* van Wet No. 41 van 1925, soos gewysig deur artikel *vyf* van Wet No. 28 van 1926, behalwe rekognisie verskuldig ingevolge een of ander voorwaarde of voorbehoud ten gunste van die Staat vervat in 'n grondbrief uitgereik kragtens Wet No. 14 van 1878 van die Kaap die Goeie Hoop;

(*e*) maak geen inbreuk op die reg van 'n plaaslike bestuur om betaling te eis van rekognisie wat ingevolge een of ander regsbepaling aan die plaaslike bestuur betaal moet word tot stywing van sy eie inkomste;

(*f*) verminder die aanspreeklikheid van niemand nie vir rekognisie wat, volgens die grondbrief van die grond ten opsigte waarvan dit betaal moet word, aangewend moet word, geheel of gedeeltelik, tot 'n ander doel as tot stywing van die Staatsinkomste;

(*g*) kort die mag wat aan provinsiale rade deur artikel *elf* van Wet No. 10 van 1913, soos gewysig deur artikel *nege* van Wet No. 46 van 1925, verleen word, om by wyse van 'n belasting op die eiendom van onroerende goed inkomste te hef nie in nie;

(*h*) verander nie die aard van die titel tot grond nie, ten opsigte waarvan rekognisie voor die bepaalde datum verskuldig was.

Kort titel.

**5.** Hierdie Wet heet die Wet tot Opheffing van Rekognisie, 1934.

No. 55, 1934.]

# ACT

## To amend further the Farmers' Special Relief Act, 1931.

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Interpretation.

**1.** In this Act the expression "the principal Act" means the Farmers' Special Relief Act, 1931 (Act No. 4 of 1931), as amended by the Financial Adjustments Act, 1932 (Act No. 25 of 1932), and the Financial Adjustments Act, 1933 (Act No. 29 of 1933).

Amendment of section 3 of Act 4 of 1931, as amended by section 5 of Act 29 of 1933.

**2.** (1) Section *three* of the principal Act is hereby amended—

(*a*) by the addition at the end of sub-section (1) of the following words:

"Provided that in determining for the purposes of this sub-section the amount of the loan made to any person, there shall not be taken into account the amount of any debt owing by him by reason of the transfer to him under section *ten ter* of any immovable property or movable property mortgaged or hypothecated in terms of this Act";

(*b*) by the substitution in sub-section (2) for the word "six" of the word "five";

(*c*) by the addition at the end of sub-section (2) of the following words:

"Provided that during such time as the Farm Mortgage Interest Act, 1933 (Act No. 34 of 1933), is in force, the rate of such interest shall be three and one-half per cent. per annum, except in the case of a debt owing by a person other than the spouse of the original debtor by reason of the transfer to him under section *ten ter* of any immovable property or movable property mortgaged or hypothecated in terms of this Act"; and

(*d*) by the substitution for sub-section (5) of the following new sub-section:

"(5) The managing director may, at the request of a person to whom a loan has been granted under this Act—

(i) vary the times of payment of interest determined under sub-section (2) or of instalments determined under sub-section (3); or

(ii) extend the period of repayment of the loan, even though thereby the total period of the loan may exceed the period of seven years; or

(iii) vary the amounts of the instalments in which repayment of the loan must be made, or any other conditions of repayment imposed under sub-section (3); or

(iv) capitalize any interest that may be in arrear on such loan even though thereby the amount owing may exceed one thousand pounds";

(*e*) by the addition at the end of the section of the following new sub-section:

"(7) Where arrear interest has been capitalized under paragraph (iv) of sub-section (5), it shall not be necessary to make any note thereof on the bond or cession by which the loan is secured, or, where immovable property is mortgaged, on the title deed of that property; and the interest so capitalized, with the interest thereon, shall be secured by the existing bond or cession in the same manner as if that bond or cession had originally been executed to secure the loan and the capitalized interest".

(2) Paragraphs (*b*) and (*c*) of sub-section (1) shall be deemed to have come into operation on the first day of April, 1933.

Amendment of section 11 of Act 4 of 1931.

**3.** Section *eleven* of the principal Act is hereby amended by the substitution for the word "and", where it occurs the first time, of the word "or".

No. 55, 1934.]

# WET

## Tot verdere wysiging van die Wet tot Spesiale Onderstand aan Boere, 1931.

DIT WORD BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg :—

Woordomskrywing.

**1.** In hierdie Wet beteken die uitdrukking „die Hoofwet" die Wet tot Spesiale Onderstand aan Boere, 1931 (Wet No. 4 van 1931), soas gewysig deur die Finansiële Reëlingswet, 1932 (Wet No. 25 van 1932), en die Finansiële Reëlingswet, 1933 (Wet No. 29 van 1933).

Wysiging van artikel 3 van Wet 4 van 1931, soas gewysig deur artikel 5 van Wet 29 van 1933.

**2.** (1) Artikel *drie* van die Hoofwet word hiermee gewysig—

(*a*) deur aan die end van sub-artikel (1) die volgende woorde by te voeg :—

„Met die verstande dat, by berekening (by toepassing van hierdie sub-artiekel) van die bedrag van die lening wat aan 'n persoon gemaak is, die bedrag van 'n skuld, wat deur hom verskuldig is as gevolg van die oordrag ingevolge artiekel *tien ter* van onroerende goed of roerende goed wat kragtens hierdie Wet met verband beswaar is of verpand is, buiten rekening gelaat word" ;

(*b*) deur in sub-artikel (2) die woord „ses" te vervang deur die woord „vyf" ;

(*c*) deur aan die end van sub-artikel (2) die volgende woorde by te voeg :

„Met die verstande dat gedurende die tyd wat die Wet op Plaasverbandrente, 1933 (Wet No. 34 van 1933), van krag is, die jaarlikse koers van daardie rente moet wees drie en 'n half persent, behalwe in die geval van 'n skuld wat deur 'n ander persoon as die eggenoôt van die oorspronklike skuldenaar verskuldig is as gevolg van die oordrag aan hom ingevolge artiekel *tien ter* van onroerende goed of roerende goed wat kragtens hierdie Wet met verband beswaar is of verpand is" ;

(*d*) deur sub-artikel (5) te vervang deur die volgende nuwe sub-artikel :

„(5) Die besturende direkteur kan op versoek van iemand aan wie 'n lening kragtens hierdie Wet verstrek is—

(i) die tydstippe van betaling van rente, ingevolge sub-artiekel (2) bepaal, of van paaiemente, ingevolge sub-artiekel (3) bepaal, verander ; of

(ii) die tydperk van terugbetaling van die lening verleng, selfs al oorskry daardeur die gehele tydperk van die lening 'n tydperk van sewe jaar; of

(iii) die bedrae van die paaiemente waarin terugbetaling van die lening moet geskied, of enige ander voorwaardes van terugbetaling, ingevolge sub-artiekel (3) bepaal, verander ; of

(iv) rente op so 'n lening wat agterstallig mag wees kapitaliseer, selfs al oorskry daardeur die verskuldigde bedrag duisend pond" ;

(*e*) deur aan die end van die artikel die volgende nuwe sub-artikel by te voeg :

„(7) Wanneer agterstallige rente kragtens paragraaf (iv) van sub-artiekel (5) gekapitaliseer is, is dit nie nodig nie om daarvan 'n aantekening te maak op die skuldbrief of sessie, waardeur die lening verseker is, of ingeval onroerende goed verbind is, op die titelbewys van daardie goed ; en die aldus gekapitaliseerde rente, met die rente daarop, word deur die bestaande skuldbrief of sessie op dieselfde wyse verseker asof daardie skuldbrief of sessie oorspronklik opgemaak is tot versekering van die lening en die gekapitaliseerde rente".

(2) Paragrawe (*b*) en (*c*) van sub-artikel (1) word geag in werking te getree het op die eerste dag van April 1933.

Wysiging van artikel 11 van Wet 4 van 1931.

**3.** Artikel *elf* van die Hoofwet word hiermee gewysig deur die woord „en", waar dit vir die eerste keer voorkom, te vervang deur die woord „of".

Amendment of section 12 of Act 4 of 1931.

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

(*a*) by the substitution in sub-section (3) for the words "such property shall not vest in the Master of the Supreme Court concerned or in the trustee or assignee of such estate, as the case may be, but such trustee or assignee shall take charge thereof" of the words "or upon the death of any such person, the trustee, assignee or executor, as the case may be, shall take charge of such property";

(*b*) by the insertion in sub-section (3) after the word "assigned" of the words "or the hypothec debtor was still alive";

(*c*) by the substitution in sub-section (3) for the words "and vest in the trustee or assignee" of the words "the trustee, assignee or executor, as the case may be"; and

(*d*) by the insertion in sub-section (4) after the word "assignee" of the words "or executor, as the case may be".

Substitution of existing mortgage by mortgage of property of which borrower is not owner.

5. (1) The managing director of the Land and Agricultural Bank of South Africa may accept in substitution for or in addition to any existing mortgage of immovable property or hypothec of movable property, whereby a loan granted under the principal Act is secured, a mortgage of immovable property, or a hypothec of movable property, of which the person to whom the loan was granted is not the owner.

(2) Any such mortgage or hypothec shall be in the form of a bond corresponding substantially with the First or Second Schedule to the principal Act, as the case may be, suitably adapted as prescribed by the said managing director; and the provisions of the principal Act shall apply to every such bond and to the property hypothecated thereby.

Short title.

6. This Act shall be known as the Farmers' Special Relief Amendment Act, 1934.

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No. 56, 1934.]

# ACT

## To amend the Public Service and Pensions Act, 1923.

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Amendment of section 26 of Act 27 of 1923.

1. Sub-section (5) of section *twenty-six* of the Public Service and Pensions Act, 1923 (hereinafter referred to as the principal Act), is hereby amended by the addition at the end of paragraph (*c*) of the following words:

"but the difference so paid by the officer shall not be regarded as part of his contributions for the purpose of any provision of this Act, which requires the payment of an amount equal to twice an officer's contributions".

Amendment of section 42 of Act 27 of 1923.

2. Sub-section (1) of section *forty-two* of the principal Act is hereby amended by the deletion of all the words preceding paragraph (*a*) and the substitution therefor of the following words:

"If an officer is compelled to retire from the public service by reason of bodily injury or permanent ill-health arising, without his default, out of and in the course of the discharge of his official duties, the Governor-General shall grant him a pension at the following rate, namely—."

Amendment of section 54 of Act 27 of 1923.

3. Sub-section (1) of section *fifty-four* of the principal Act is hereby amended by the deletion of all the words preceding paragraph (*a*) and the substitution therefor of the following words:

"If a member is retired from the services owing to bodily injury or permanent ill-health arising, without his default, out of and in the course of the discharge of his official duties, the Governor-General shall grant him a pension at the following rate, namely—".

Short title and commencement.

4. This Act shall be known as the Public Service Pensions Amendment Act, 1934, and shall be deemed to have come into operation on the first day of August, 1923.

Wysiging van artikel 12 van Wet 4 van 1931.

4. Artikel *twaalf* van die Hoofwet word hiermee gewysig—

(*a*) deur in sub-artikel (3) die woorde „gaan daardie goed nie oor, al na die geval, op die betrokke Meester van die Hooggeregshof of op die kurator of boedelredder van daardie boedel nie, maar daardie kurator of boedelredder moet dit" te vervang deur die woorde „of by die oorlye van so iemand, moet, al na die geval, die kurator, boedelredder of eksekuteur daardie goed";

(*b*) deur in sub-artikel (3) na die woorde „afgestaan was nie" die woorde „of die hipoteek-skuldenaar nog in lewe was" in te voeg;

(*c*) deur in sub-artikel (3) die woorde „aan en oorgaan op die kurator of boedelredder" te vervang deur „al na die geval aan die kurator, boedelredder of eksekuteur"; en

(*d*) deur in sub-artikel (4) na die woord „boedelredder" in te voeg die woorde „of eksekuteur, na die geval mag wees".

Vervanging van bestaande hipoteek deur hipoteek op goed waarvan lener nie die eienaar is nie.

5. (1) Die besturende direkteur van die Land- en Landbou-bank van Suid-Afrika kan in plaas van of benewens 'n bestaande verband op onroerende goed of hipoteek op roerende goed, waardeur 'n lening kragtens die Hoofwet verstrek verseker word, 'n verband op onroerende goed, of 'n hipoteek op roerende goed, waarvan die persoon aan wie die lening verstrek is nie die eienaar is nie, aanneem.

(2) So 'n verband of hipoteek moet in die vorm wees van 'n skuldbrief wat in hoofsaak al na die geval met die Eerste of Tweede Bylae tot die Hoofwet ooreenkom, met die nodige veranderings daarin aangebring, soas deur vermelde besturende direkteur voorgeskrywe; en die bepalings van die Hoofwet is van toepassing op elke sodanige skuldbrief en op die goed wat daardeur verhipotekeer word.

Kort titel.

6. Hierdie Wet heet die Wysigingswet op Spesiale Onderstand aan Boere, 1934

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No. 56, 1934.]

# WET

## Tot wysiging van die „Staatsdienst- en Pensioenwet, 1923".

DIT WORD BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

Wysiging van artikel 26 van Wet 27 van 1923.

1. Sub-artikel (5) van artikel *ses-en-twintig* van die „Staatsdienst- en Pensioenwet, 1923" (hieronder die Hoofwet genoem) word hiermee gewysig deur aan die end van paragraaf (*c*) die volgende woorde by te voeg:

„doch het aldus door de beambte betaalde verschil wordt geacht geen deel van zijn bijdragen uit te maken, bij de toepassing van een bepaling van deze Wet die de betaling van een bedrag gelijk aan twee maal de bijdragen van een beambte voorschrijft".

Wysiging van artikel 42 van Wet 27 van 1923.

2. Sub-artikel (1) van artikel *twee-en-veertig* van die Hoofwet word hiermee gewysig deur al die woorde voor paragraaf (*a*) te skrap en te vervang deur die volgende woorde:

„Indien een beambte verplicht is uit dienst te treden wegens lichamelik letsel of voortdurende slechte gezondheid, zonder zijn toedoen ontstaan uit en in de loop van de verrichting van zijn dienstplichten, staat de Goeverneur-generaal hem een pensioen toe volgens onderstaande schaal, namelik—"

Wysiging van artikel 54 van Wet 27 van 1923.

3. Sub-artikel (1) van artikel *vier-en-vyftig* van die Hoofwet word hiermee gewysig deur al die woorde voor paragraaf (*a*) te skrap en te vervang deur die volgende woorde:

„Indien een lid uit dienst getreden is wegens lichamelik letsel of voortdurende slechte gezondheid, zonder zijn toedoen ontstaan uit en in de loop van de verrichting van zijn dienstplichten, staat de Goeverneur-generaal hem een pensioen toe volgens onderstaande schaal, namelik—"

Kort titel en inwerkingtreding.

4. Hierdie Wet heet die Staatsdienspensioen Wysigingswet, 1934 en word geag op die eerste dag van Augustus, 1923 in werking te getree het.

No. 57, 1934.]

# ACT

**To amend the law relating to land settlement.**

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows :—

Interpretation of terms.

**1.** In this Act the expression "principal Act" means the land Settlement Act, 1912, (Act No. 12 of 1912), as amended from time to time ; and any expression to which in the principal Act a meaning has been assigned bears, when used in this Act, the same meaning.

Amendment of section 2 of Act 12 of 1912, as amended by section 1 of Act 25 of 1931.

**2.** Section *two* of the principal Act is hereby amended by the substitution for the definition of the word "Minister" of the following new definition :—

"'Minister' shall mean the Minister of Lands or any other Minister of State acting in his stead".

Amendment of section 3 of Act 12 of 1912.

**3.** (1) Section *three* of the principal Act is hereby repealed and the following new section substituted therefor :—

"Appointment of central land board.

3. (1) There shall be a central land board for the Union.

(2) No member of the Senate or of the House of Assembly or of a provincial council shall be a member of the central land board.

(3) The functions of the central land board appointed under this section shall be to advise the Minister in matters which, under this Act are specifically expressed to be matters for the consideration, advice, report and recommendation of the board and in any other matter referred to it by the Minister.

(4) All the functions vested by or under any law in a land board appointed under the Crown Land Disposal Ordinance, 1903 (Ordinance No. 57 of 1903), of the Transvaal or by the Agricultural Development Act, 1904 (Act No. 44 of 1904), of Natal shall be transferred to and vested in the central land board.

(5) The central land board may, with the approval of the Minister, delegate any of its functions to a local land board appointed in terms of section *three bis*.

(6) The central land board shall consist of a chairman appointed by the Governor-General, the persons appointed as chairmen of the respective local land boards constituted in terms of section *three bis*, and one other person appointed by the Governor-General.

(7) Subject to the provisions of sub-sections (8) and (9) the chairman and the other member of the board appointed as such by the Governor-General shall hold office for three years.

(8) The date of the retirement of the chairman and the other member appointed as such by the Governor-General shall in every case be an anniversary of the commencement of the Land Settlement (Amendment) Act, 1934.

(9) If, by reason of death, resignation or any other cause whatever, a member of the board appointed by the Governor-General vacate his seat upon the board, his place shall be filled by the Governor-General ; and the person appointed to fill the place of a member so vacating his seat shall hold office for the remainder of the period for which the vacating member would otherwise have held office.

(10) The name of every person appointed by the Governor-General a member of the board shall, within fourteen days of the appointment, be laid upon the Tables of both Houses of Parliament, if Parliament be then in session, or if it be not then

No. 57, 1934.]

# WET

**Tot wysiging van die wetsbepalings op nedersetting.**

DIT WORD BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg :—

Woordbepaling.

1. In hierdie Wet beteken die uitdrukking „Hoofwet" die „Kroongrond Nederzettings Wet, 1912" (Wet No. 12 van 1912), soos van tyd tot tyd gewysig, en 'n uitdrukking waaraan in die Hoofwet 'n betekenis toegeskrywe is het, waar dit in hierdie Wet gebesig word, dieselfde betekenis.

Wysiging van artikel 2 van Wet 12 van 1912, soos gewysig deur artikel 1 van Wet 25 van 1931.

2. Artikel *twee* van die Hoofwet word hiermee gewysig deur die bepaling van die woord „Minister" te vervang deur die volgende nuwe bepaling :

„ 'Minister' betekent de Minister van Landen of een andere Staatsminister die namens hem optreedt".

Wysiging van artikel 3 van Wet 12 van 1912.

3. (1) Artikel *drie* van die Hoofwet word hiermee herroep en deur die volgende nuwe artikel vervang :

„Aanstelling van centrale landraad.

3. (1) Er zal voor de Unie een centrale landraad zijn.

(2) Geen lid van de Senaat of van de Volksraad of van een provinciale raad mag lid van de centrale landraad zijn.

(3) De werkkring van de centrale landraad aangesteld ingevolge dit artikel, bestaat in het voorlichten van de Minister omtrent aangelegenheden, welke bij deze Wet uitdrukkelik opgedragen zijn ter overweging, voor advies, rapport en aanbeveling van de raad, en omtrent elke andere zaak, die door de Minister naar de raad verwezen wordt.

(4) Alle de bevoegdheden die door of ingevolge enig wèt bij een landraad ingevolge de „Crown Land Disposal Ordinance, 1903" (Ordonantie No. 57 van 1903), van Transvaal of ingevolge de „Agricultural Development Act, 1904" (Wet No. 44 van 1904), van Natal worden overgedragen aan, en berusten bij de centrale landraad.

(5) De centrale landraad kan, met toestemming van de Minister, enigeen van zijn functiën opdragen aan een plaatselike landraad ingevolge artikel *drie bis* benoemd.

(6) De centrale landraad bestaat uit een voorzitter door de Goeverneur-generaal benoemd, uit de personen welke als voorzitters van de onderscheidelike plaatselike landraden, ingesteld ingevolge artikel *drie bis*, aangesteld zijn, en uit een ander persoon door de Goeverneur-generaal benoemd.

(7) Behoudens de bepalingen van sub-artikels (8) en (9) blijven de voorzitter en het andere door de Goeverneur-generaal als zodanig benoemde lid van de raad gedurende drie jaren in dienst.

(8) De datum van aftreding van de voorzitter en het andere lid als zodanig door de Goeverneur-generaal benoemd is in ieder geval een jaardag van de inwerkingtreding van de ‚Nedersettings Wysigingswet, 1934'.

(9) Wanneer door overlijden, bedanken of een andere reden welke ook de bediening van een door de Goeverneur-generaal benoemd lid van de raad openvalt, voorziet de Goeverneur-generaal in die vakature, en de persoon die benoemd wordt om zulke opengevallen plaats te vervullen blijft in dienst voor het overige van het tijdperk gedurende hetwelk het lid wiens plaats openviel anders in dienst zou gebleven zijn.

(10) De naam van een ieder, die door de Goeverneur-generaal als lid van de raad wordt aangesteld moet, binnen veertien dagen na de aanstelling, ter Tafel van beide Huizen van het Parlement worden gelegd, wanneer het Parlement alsdan in

in session, within fourteen days after commencement of its next ensuing session; and if, within thirty days after any name has been so laid before Parliament, both Houses pass resolutions disapproving of the appointment, it shall be cancelled, without prejudice to anything done thereunder or to the power of the Governor-General to make a new appointment.

(11) There shall be paid to each member of the central land board, not being an officer in the public service, in addition to his reasonable expenses for travelling and subsistence while engaged upon the business of the board, a monthly salary at a rate not exceeding one thousand pounds per annum, subject to such conditions and limitations as may be prescribed by regulation.

(12) The expenses for travelling and subsistence aforesaid shall be paid in accordance with a tariff prescribed by regulation.

(13) Four members of the board shall form a quorum.

(14) The chairman shall have a deliberative vote and in the event of an equality of votes shall, in addition, have a casting vote.

(15) The decision of the majority of the board present at any meeting thereof shall, subject to the provisions of sub-section (14), be the decision of the board.

(16) Rules as to the holding of meetings, the procedure thereat, the appointment of alternates for the chairman and members, and other matters connected with the central land board for which no specific provision is made by this Act shall be prescribed by regulation."

(2) Any reference in the principal Act, as amended by this Act, or in any law relating to land settlement, to a board or a land board shall be deemed to be a reference to the central land board appointed in terms of section *three* of the principal Act as amended by this section.

Insertion of new section 3*bis* in Act 12 of 1912.

**4.** The following new section is hereby inserted in the principal Act after section *three*:—

"Appointment of local land boards.

"3*bis*. (1) In addition to the central land board referred to in section *three* the Governor-General shall appoint a local land board in respect of the following areas:

(*a*) The Province of Natal;
(*b*) the Province of the Orange Free State;
(*c*) the areas comprised by the districts of Marico, Rustenburg, Lichtenburg, Ventersdorp, Klerksdorp, Christiana, Wolmaransstad, Bloemhof and Brits in the Province of the Transvaal and that portion of the Province of the Cape of Good Hope north of the Orange River;
(*d*) that portion of the Province of the Cape of Good Hope not referred to in paragraph (*c*);
(*e*) that portion of the Province of the Transvaal not referred to in paragraph (*c*).

Each local land board shall be subordinate to the central land board and it shall be its function within the area in respect of which it was appointed to advise, report and make recommendations to the central land board on any such matter as may by resolution of the central land board and with the approval of the Minister be referred to it generally or specifically for advice, report or recommendation, and to exercise such functions of the central land board as may by such resolution with such approval be delegated to it generally or specifically by the said board.

(2) Such board shall consist of not more than four members, who shall be persons possessing a thorough knowledge of land values, farming, and agricultural conditions in the area for which that board is appointed.

(3) No member of the Senate or of the House of Assembly or of a provincial council shall be a member of a local land board.

zitting is, of wanneer het dan niet in zitting is binnen veertien dagen na het begin van de eerstvolgende zitting, zullende wanneer binnen dertig dagen nadat een naam aldus voor het Parlement is gebracht, beide Huizen bij besluiten de aanstelling afkeuren, die aanstelling ingetrokken worden, onverminderd echter de geldigheid van hetgeen uit krachte daarvan gedaan is en behoudens tevens de bevoegdheid van de Goeverneur-generaal om een nieuwe aanstelling te doen.

(11) Aan ieder lid van de centrale landraad, die geen ambtenaar is in de staatsdienst, wordt boven zijn billike reis- en verblijfkosten, zolang hij bezig is met zaken de raad betreffende, een maandeliks salaris toegekend tegen een voet niet te boven gaande duizend pond per jaar, onderhevig aan zodanige voorwaarden en beperkingen als bij regulatie vastgesteld mogen worden.

(12) De uitgaven voor voormelde reis- en verblijfkosten worden betaald overeenkomstig een bij regulatie vastgesteld tarief.

(13) Vier leden van de raad vormen een quorum.

(14) De voorzitter heeft een beraadslagende stem, en bij staking van stemmen heeft hij bovendien een beslissende stem.

(15) Behoudens de bepalingen van sub-artikel (14), maakt de beslissing van de meerderheid van de raad op een vergadering daarvan aanwezig de beslissing van de raad uit.

(16) Regels ten aanzien van het houden van vergaderingen, de wijze waarop de verrichtingen daarvan moeten geschieden, de aanstelling van plaatsvervangers van de voorzitter en leden, en andere zaken in verband met de centrale landraad, waaromtrent deze Wet niet afzonderlik bepaalt, worden bij regulatie voorgeschreven".

(2) Verwysings in die Hoofwet, soos deur hierdie Wet gewysig, of in enige wet op nedersetting na 'n raad of 'n landraad, word geag verwysings te wees na die sentrale landraad aangestel ingevolge artikel *drie* van die Hoofwet soos gewysig deur hierdie artikel.

**4.** Die volgende nuwe artikel word hiermee na artikel *drie* in die Hoofwet ingevoeg:

Invoeging van nuwe artikel 3*bis* in Wet 12 van 1912.

„Aanstelling van plaatselike landraden.

3*bis*. (1) Behalve de centrale landraad genoemd in artikel *drie*, benoemt de Goeverneur-generaal een plaatselike landraad ten opzichte van de volgende gebieden:

(*a*) De provincie Natal;

(*b*) de provincie Oranje Vrijstaat;

(*c*) de gebieden bestaande uit de distrikten Marico, Rustenburg, Lichtenburg, Ventersdorp, Klerksdorp, Christiana, Wolmaransstad, Bloemhof en Brits in de provincie Transvaal en dat gedeelte van de provincie Kaap de Goede Hoop ten noorden van de Oranjerivier;

(*d*) dat gedeelte van de provincie Kaap de Goede Hoop niet in paragraaf (*c*) genoemd;

(*e*) dat gedeelte van de provincie Transvaal niet in paragraaf (*c*) genoemd.

Elke plaatselike landraad is ondergeschikt aan de centrale landraad en de werkkring daarvan bestaat, binnen het gebied ten opzichte waarvan hij aangestel is, in het voorlichten, rapporteren en maken van aanbevelingen aan de centrale landraad omtrent zulke zaken als volgens besluit van de centrale landraad en met toestemming van de Minister in het algemeen of in het biezonder voor advies, rapport of aanbeveling naar hem verwezen mogen worden, en om zulke functiën van de centrale raad te verrichten als volgens zulk besluit met zulke toestemming in het algemeen of in het biezonder door genoemde raad aan hem opgedragen mogen worden.

(2) Zulke raad bestaat uit niet meer dan vier leden, die personen moeten zijn die grondige kennis hebben van de waarde van grond, het boerebedrijf en de gesteldheid van de landbouw in het gebied waarvoor die raad aangesteld is.

(3) Geen lid van de Senaat of van de Volksraad of van een provinciale raad mag lid van een plaatselike landraad zijn.

(4) Subject to the provisions of sub-sections (5), (6), (7) and (8), the chairman and every member of a local land board shall hold office for three years.

(5) Of the four persons first appointed members of a local land board one (not being the chairman) shall retire at the expiration of one year from the commencement of the Land Settlement (Amendment) Act, 1934, and another (not being the chairman) at the expiration of two years from the commencement of the Land Settlement (Amendment) Act, 1934.

(6) The date of the retirement of any member of a local land board shall in every case be an anniversary of the commencement of the Land Settlement (Amendment) Act, 1934.

(7) Unless the members other than the chairman agree as to the order in which each member shall retire in terms of sub-section (5), that order shall be determined by lot at the first meeting of the board, and the members shall retire in the order so agreed or determined. The place of any member so retiring shall be filled by the Governor-General. A retiring member shall be eligible for reappointment.

(8) If by reason of death, resignation or any other cause whatever, a member of a board vacate his seat upon the board, his place shall be filled by the Governor-General and the person appointed to fill the place of a member so vacating his seat shall hold office for the remainder of the period for which the vacating member would otherwise have held office.

(9) The Governor-General may from time to time as occasion arises designate any member of a local land board as chairman thereof. Any person so designated as chairman shall hold office as such until he vacates his seat on the board.

(10) There shall be paid to each member of a board, not being an officer of the public service or a member of the central land board, in addition to his reasonable expenses for travelling and subsistence while engaged upon the business of the board, such remuneration out of moneys appropriated for the purpose by Parliament as the Governor-General may prescribe by regulation, not exceeding two guineas for each period of twenty-four hours upon which the member is engaged upon such business.

(11) The expenses of travelling and subsistence aforesaid shall be in accordance with a tariff prescribed by regulation.

(12) Two members of a board shall form a quorum.

(13) The chairman shall have a deliberative vote and in the event of an equality of votes shall, in addition, have a casting vote.

(14) The decision of the majority of the board present at any meeting thereof shall, subject to the provisions of sub-section (13), be a decision of the board.

(15) The provisions of sub-sections (10) and (16) of section *three* and of sections *four*, *five*, *six* and *seven* shall, *mutatis mutandis*, apply to any board appointed in terms of this section".

Amendment of section 6 of Act 12 of 1912.

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

(*a*) by the substitution for the words "an application under this Act for a holding or a matter concerning the purchase or exchange of land under this Act" of the words "any matter whatsoever which is being dealt with by the board"; and

(*b*) by the substitution for the words "the grant of the application or the purchase or exchange of the land" of the words "any such matter".

Amendment of section 7 of Act 12 of 1912, as amended by section 2 of Act 6 of 1928.

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

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

"(1) If a member of a land board directly or indirectly receive any fee or reward from any person

(4) Behoudens de bepalingen van sub-artikels (5), (6), (7) en (8) blijven de voorzitter en ieder lid van een plaatselike landraad gedurende drie jaren in dienst.

(5) Van de vier personen het eerst aangesteld als leden van een plaatselike landraad treedt één (niet de voorzitter zijnde) na verloop van één jaar van af de datum van de inwerkingtreding van de ‚Nedersettings Wysigingswet, 1934', af en een ander (niet de voorzitter zijnde) na verloop van twee jaren van af de datum van inwerkingtreding van de ‚Nedersettings Wysigingswet, 1934'.

(6) De datum van aftreding van een lid van een plaatselike landraad is in ieder geval een jaardag van de inwerkingtreding van de ‚Nedersettings Wysigingswet, 1934'.

(7) Tenzij de leden, behalve de voorzitter, overeenkomen omtrent de volgorde waarin ieder lid overeenkomstig sub-artikel (5) moet aftreden, wordt die volgorde op de eerste vergadering van de raad door het lot beslist, en de leden treden af in de aldus overeengekomen of vastgestelde volgorde. In de vakature van een aldus aftredend lid wordt door de Goeverneur-generaal voorzien. Een aftredend lid is herbenoembaar.

(8) Wanneer door overlijden, bedanken of een andere reden welke ook de bediening van een lid van de raad openvalt, voorziet de Goeverneur-generaal in die vakature, en de persoon die benoemd wordt om zulke opengevallen plaats te vervullen blijft in dienst voor het overige van het tijdperk gedurende hetwelk het lid, wiens plaats openviel, anders in dienst zou gebleven zijn.

(9) De Goeverneur-generaal kan van tijd tot tijd, wanneer de gelegenheid zulks vereist, een lid van een plaatselike landraad als voorzitter daarvan benoemen. Iemand aldus als voorzitter benoemd blijft als zodanig in dienst totdat hij zijn zetel op de raad opgeeft.

(10) Aan ieder lid van een raad, die geen ambtenaar is in de staatsdienst of een lid van de centrale landraad, wordt boven zijn billike reis- en verblijfkosten, zolang hij bezig is met zaken de raad betreffende, zulke bezoldiging toegekend uit de gelden daarvoor door het Parlement beschikbaar gesteld, als de Goeverneur-generaal bij regulatie moge bepalen, niet te boven gaande twee guinjes voor elk tijdperk van vier en twintig uren gedurende de tijd dat het lid met zulke zaken bezig is.

(11) De uitgaven voor voormelde reis- en verblijfkosten worden betaald overeenkomstig een bij regulatie vastgesteld tarief.

(12) Twee leden van een raad vormen een quorum.

(13) De voorzitter heeft een beraadslagende stem, en bij staking van stemmen heeft hij bovendien een beslissende stem.

(14) Behoudens de bepalingen van sub-artikel (13), maakt de beslissing van de meerderheid van de raad op een vergadering daarvan aanwezig, de beslissing van de raad uit.

(15) De bepalingen van sub-artikels (10) en (16) van artikel *drie* en van artikels *vier*, *vijf*, *zes* en *zeven* zijn *mutatis mutandis* van toepassing op 'n raad overeenkomstig dit artikel benoemd".

Wysiging van artikel 6 van Wet 12 van 1912.

5. Artikel *ses* van die Hoofwet word hiermee gewysig—

(*a*) deur die woorde „een ingevolge deze Wet gemaakte applikatie voor een hoeve, of over een zaak betreffende de aankoop of ruiling van grond volgens deze Wet" te vervang deur die woorde „enige zaak hoegenaamd welke door de raad behandeld wordt"; en

(*b*) deur die woorde „het toestaan van de applikatie of de aankoop of ruiling van de grond" te vervang deur die woorde „enige zulke zaak".

Wysiging van artikel 7 van Wet 12 van 1912, soos gewysig deur artikel 2 van Wet 6 van 1928.

6. Artikel *sewe* van die Hoofwet word hiermee gewysig—

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

„(1) Een lid van een landraad die middellik of onmiddellik van iemand een vergoeding of beloning

in respect of or in connection with any matter whatsoever dealt with by the board, he shall be guilty of an offence and liable on conviction to imprisonment with or without hard labour for a period of not less than one year and not exceeding five years and shall further, by reason of the conviction, vacate his seat upon the board";

(*b*) by the substitution in sub-section (2) thereof for the words "application or acquisition" of the word "matter".

Amendment of section 11 of Act 12 of 1912.

**7.** Section *eleven* of the principal Act is hereby repealed and the following new section substituted therefor:

"Acquisition of particular land at request of applicant contributing part of purchase price.

**11.** (1) If any such person as in section *nineteen* is described make written application to the Secretary for Lands or other officer designated by the Minister—

(*a*) requesting that certain land, specifically mentioned and described by plan or otherwise in the application, be purchased by the Minister for settlement purposes on behalf of the applicant;

(*b*) stating the purchase price of the land;

(*c*) stating that the applicant is willing to contribute in cash forthwith not less than one-tenth of the purchase price,

the Minister may authorize the magistrate of the district in which the land, the subject of the application, is situate to obtain the report of a valuator on the land: Provided that the applicant first deposit with the magistrate an amount sufficient to cover the prescribed fee and travelling expenses of the valuator.

(2) Every such application shall be in the form prescribed by regulation and shall be accompanied by a valid option to purchase the land granted by the owner in favour of the Minister in the form prescribed by regulation: Provided that such option may be dispensed with by the Minister, if the land is to be acquired otherwise than by private treaty.

(3) The magistrate shall, after obtaining the report of the valuator on the following matters—

(*a*) the value of the land;

(*b*) the suitability of the land for settlement purposes;

(*c*) the nature and extent of the existing water supply on the land and the likelihood of readily obtaining a water supply adequate for settlement purposes; and

(*d*) the nature and value of any improvements existing on the land,

submit the documents relating to the application, together with his recommendation thereon, to the Secretary for Lands or other officer designated by the Minister.

(4) If in terms of section *twelve* the Central Land Board recommends the purchase of the land the Minister may, subject to the provisions of this Act, purchase the land out of moneys appropriated by Parliament for the acquisition of land for settlement purposes.

(5) Before completing an agreement for the purchase of land under this section, the Minister shall require the applicant to deposit with him in cash not less than one-tenth of the purchase price or to furnish proof to his satisfaction that a portion not less than one-tenth of the purchase price has been paid to the seller.

(6) The Minister may furthermore require the applicant to furnish affidavits signed by himself and the seller respectively, setting forth the purchase price paid or to be paid for the land and declaring that no consideration other than the purchase price paid or to be paid for the land by the Minister (including the amount contributed by the applicant towards the purchase price as aforesaid), or other

ontvangt voor of in verband met enige zaak hoegenaamd welke door de raad behandeld wordt, is aan een misdrijf schuldig en wordt bij veroordeling gestraft met gevangenis met of zonder harde arbeid van ten minste één jaar en ten hoogste vijf jaren, en ontruimt voorts als gevolg van de veroordeling zijn zetel in de raad";

(*b*) deur die woorde „applikatie of verkrijging" in subartikel (2) daarvan te vervang deur die woord „zaak".

Wysiging van artikel 11 van Wet 12 van 1912.

**7.** Artikel *elf* van die Hoofwet word hiermee herroep en deur die volgende nuwe artikel vervang:

„Verkrijging van biezondere grond op verzoek van applikant die gedeelte van de koopprijs bijdraagt.

**11.** (1) Wanneer een in artikel *negentien* bedoelde persoon bij de Sekretaris voor Landen of andere door de Minister aangewezen ambtenaar schriftelik applikatie maakt—

(*a*) verzoekende dat zekere grond, die in een plan of anders in de applikatie bepaaldelik genoemd en beschreven is, ten behoeve van de applikant door de Minister aangekocht worde voor nederzettingsdoeleinden;

(*b*) vermeldende de koopprijs van de grond;

(*c*) vermeldende dat de applikant bereid is dadelik ten minste een tiende van de koopprijs in kontant bij te dragen,

dan kan de Minister aan de magistraat van het distrikt waarin de grond, het onderwerp van de applikatie uitmakende, gelegen is opdragen het rapport van een taxateur te bekomen aangaande de grond, mits de applikant eerst bij de magistraat een bedrag deponeert, voldoende om de voorgeschreven fooi en reiskosten van de taxateur te dekken.

(2) Iedere zulke applikatie moet gemaakt worden in de bij regulatie voorgeschreven vorm en moet vergezeld gaan van een bindende optie van aankoop van de grond ten gunste van de Minister in de bij regulatie voorgeschreven vorm door de eigenaar gegeven: Met dien verstande dat, wanneer de grond op een andere wijze dan bij private overeenkomst verkregen moet worden, de Minister van die optie kan afzien.

(3) De magistraat, na het rapport van de taxateur aangaande de volgende zaken ontvangen te hebben—

(*a*) de waarde van de grond;

(*b*) de geschiktheid van de grond voor nederzettingsdoeleinden;

(*c*) de aard en omvang van de op de grond bestaande watervoorraad en de waarschijnlikheid om gemakkelik een voldoende watervoorraad, voor nederzettingsdoeleinden, te bekomen; en

(*d*) de aard en waarde van op de grond aangebrachte verbeteringen,

legt de dokumenten met betrekking tot de applikatie benevens zijn aanbeveling dienaangaande, aan de Sekretaris voor Landen of andere door de Minister aangewezen ambtenaar over.

(4) Indien ingevolge artikel *twaalf* de centrale landraad de aankoop van de grond aanbeveelt, kan de Minister, met inachtneming van de bepalingen van deze Wet, de grond aankopen met gelden, welke door het Parlement beschikbaar gesteld zijn voor de verkrijging van grond voor nederzettingsdoeleinden.

(5) Alvorens een overeenkomst voor de aankoop van grond uit krachte van dit artikel aan te gaan, moet de Minister de applikant ten minste een-tiende van de koopprijs in kontant bij hem doen deponeren of bewijs, tot zijn bevrediging, doen verschaffen dat een gedeelte van niet minder dan een-tiende van de koopprijs aan de verkoper betaald is.

(6) De Minister kan voorts van de applikant overlegging verlangen van beëdigde verklaringen, respektievelik door hemzelf en door de verkoper ondertekend, waarin de voor de grond betaalde of te betalen koopprijs vermeld wordt en waarin verklaard wordt, dat, buiten de door de Minister voor de grond betaalde of te betalen koopprijs (met inbegrip van het bedrag door de applikant tot de koopprijs zoals voorzegd bijgedragen), of

than the additional consideration approved by the Minister as provided in sub-section (7), has passed or will pass from the applicant to the seller or from the seller to the applicant in respect of the land.

(7) Any undertaking by an applicant to pay any consideration to a seller in addition to the purchase price paid or to be paid by the Minister shall be void, unless the payment of such additional consideration has been approved by the Minister on the recommendation of the central land board.

(8) If any person makes in such an affidavit as is referred to in sub-section (6) any false statement knowing it to be false he shall be guilty of an offence and liable on conviction to the penalties prescribed by law for perjury.

(9) As soon as the purchase has been completed and transfer of the land into the name of the Government has been obtained, the land shall be allotted upon lease to the applicant, subject to the provisions of this Act, and at a purchase price equal to the aggregate amount of—

(*a*) the purchase price paid by the Minister;

(*b*) the costs of transfer and the survey fees, if any;

(*c*) other expenditure by the Minister in connection with the purchase, transfer and allotment of the land;

(*d*) interest for a period of two years at the rate of four per cent. per annum on the aggregate of the amounts mentioned in paragraphs (*a*), (*b*) and (*c*) of this sub-section, but there shall be excluded from that aggregate the contribution made towards the purchase price by the applicant:

Provided that the right of the lessee to purchase the land as provided in section *twenty-seven* shall be deemed to have been exercized as from the date on which transfer of the land into the name of the Government has been obtained: Provided further that the amount contributed by the applicant towards the purchase price as aforesaid shall be deemed to have been a payment by him on account of purchase price and any such instalments of principal and interest payable as are provided in section *twenty-seven* shall be calculated on such reduced amount.

(10) If the lease of a holding allotted as in this section is provided is cancelled under this Act for any breach of or noncompliance with the provisions thereof or the conditions of the lease, or if the lease is surrendered and such surrender is accepted by the Minister, or if the lease is terminated under section *thirty-five* or *thirty-six*, the amount contributed by the applicant towards the purchase price aforesaid shall be forfeited to the Crown".

Insertion of new section 11*bis* in Act 12 of 1912.

8. The following new section is hereby inserted in the principal Act after section *eleven*:

"Appointment of valuators.

11*bis*. (1) The Minister shall from time to time appoint fit and proper persons as valuators to inspect and value land for the purposes of this Act, and may in his discretion remove any person so appointed.

(2) The fees and travelling expenses of valuators appointed in terms of sub-section (1), which shall be in accordance with tariffs prescribed by regulation shall be payable by the Minister out of moneys appropriated by Parliament, except in the case of valuations made in connection with applications under section *eleven*, in which case such fees and expenses shall be paid by the applicant.

(3) Every valuator appointed in terms of this section shall, when making inspections and valuations of land for the purpose of this Act, act as the agent of the Minister.

buiten de door de Minister goedgekeurde bijkomende vergoeding, zoals bepaald in sub-artikel (7), geen vergoeding met betrekking tot de grond van de applikant op, de verkoper, of van de verkoper op de applikant overgegaan is of overgaan zal.

(7) Een belofte van een applikant om, buiten de door de Minister betaalde of te betalen koopprijs, aan een verkoper een vergoeding te betalen, is nietig, tenzij de betaling van zodanige bijkomende vergoeding door de Minister, op aanbeveling van de centrale landraad, goedgekeurd is.

(8) Indien iemand in zulk een verklaring als in sub-artikel (6) vermeld wordt een valse bewering maakt, wetende dat dezelve vals is, maakt hij zich aan een overtreding schuldig, en is hij bij veroordeling onderhevig aan de rechtens op meineed gestelde straffen.

(9) Zodra de koop gesloten, en de grond aan de Regering getransporteerd is, wordt de grond aan de applikant in huur toegekend, onderworpen aan de bepalingen van deze Wet en tegen een koopprijs gelijk aan het gezamenlike bedrag van—

(*a*) de door de Minister bepaalde koopprijs;
(*b*) transport- en opmetingskoste, indien er zodanige zijn;
(*c*) andere onkosten door de Minister gemaakt in verband met de aankoop, het transport en de toekenning van de grond;
(*d*) rente over een tijdperk van twee jaren tegen de koers van vier percent in het jaar op het geheel van de bedragen vermeld in paragrafen (*a*), (*b*) en (*c*) van dit sub-artikel, zullende echter van dat geheel worden uitgesloten de bijdrage door de applikant in mindering van de koopsom gestort:

Met dien verstande dat het recht van de huurder om de grond te kopen, zoals in artikel *zeven en twintig* bepaald, geacht word uitgeoefend te zijn gerekend van af de datum waarop de grond aan het Goevernement getransporteerd is: Met dien verstande voorts dat het bedrag door de applikant tot de koopprijs zoals voorzegd bijgedragen, geacht wordt een betaling te zijn in mindering van de koopprijs, zullende alle paaiementen van hoofdsom en rente, die betaalbaar zijn zoals bij artikel *zeven en twintig* bepaald is, over zodanig verminderd bedrag worden berekend.

(10) Wanneer de huur van een hoeve, die toegekend is zoals in dit artikel bepaald is, onder deze Wet vernietigd wordt wegens een overtreding of niet-nakoming van de bepalingen daarvan of van de voorwaarden van het huurkontrakt, of wanneer van de huur afstand gedaan wordt en zodanige afstand wordt door de Minister aangenomen, of wanneer de huur beëindigd wordt krachtens artikel *vijf en dertig* of *zes en dertig*, dan is het bedrag door de applikant tot de koopsom voormeld bijgedragen, ten bate van de Kroon verbeurd".

Invoeging van nuwe artikel 11*bis* in Wet 12 van 1912.

8. Die volgende nuwe artikel word hiermee na artikel *elf* in die Hoofwet ingevoeg:

„Aanstelling van taxateurs.

**11*bis*.** (1) De Minister moet van tijd tot tijd geschikte en behoorlike personen als taxateurs aanstellen, om grond voor de doeleinden van deze Wet te inspekteren en te waarderen, en kan naar zijn goeddunken enige aldus aangestelde persoon afzetten.

(2) De fooien en reiskosten van taxateurs aangesteld krachtens sub-artikel (1), welke zullen zijn overeenkomstig bij regulatie vastgestelde tarieven, zijn door de Minister betaalbaar uit gelden door het Parlement beschikbaar gesteld, behalve in het geval van waarderingen gemaakt in verband met applikaties ingevolge artikel *elf*, in welk geval zulke fooien en kosten door de applikant moeten worden betaald.

(3) Iedere taxateur krachtens dit artikel aangesteld, wanneer hij inspekties van grond houdt en waarderingen maakt voor de doeleinden van deze Wet, handelt als agent van de Minister.

(4) The provisions of section *seven* shall *mutatis mutandis*, apply to any valuator appointed in terms of this section ".

Amendment of section 12 of Act 12 of 1912.

**9.** Section *twelve* of the principal Act is hereby repealed and the following new section substituted therefor:

"Reference to central land board of proposals for the acquisition of land for settlement purposes.

**12.** (1) Every proposal to acquire land in terms of section *ten* or *eleven*, together with any report obtained from a valuator appointed in terms of section *eleven bis*, shall be referred by the Minister to the central land board for a recommendation as to whether the land should be acquired for settlement purposes.

(2) If the board recommends the proposal it shall state the terms and conditions upon which the land should be acquired, including the maximum purchase price which should be paid for the land and any special conditions upon which the land should be offered for allotment to applicants.

(3) The purchase price paid shall in no case exceed the maximum recommended by the board".

Amendment of section 15 of Act 12 of 1912.

**10.** Section *fifteen* of the principal Act is hereby amended—

(*a*) by the substitution in sub-section (1) for the word "Governor-General" of the words "central land board";

(*b*) by the substitution in that sub-section for the word "shall" of the word "may"; and

(*c*) by the addition at the end of sub-section (3) of the words "or on such terms and conditions as the Minister may determine after he has considered a report by the board".

Amendment of section 18 of Act 12 of 1912.

**11.** Section *eighteen* of the principal Act is hereby amended—

(*a*) by the substitution in sub-section (1) for the words "a holding" of the words "the allotment of a holding or for consent to the cession of a lease";

(*b*) by the substitution in the Dutch text only of sub-section (3) for the word "afdoende" of the words "van belang"; and

(*c*) by the insertion in sub-section (3) after the word "allotted" of the words "or a lease ceded".

Amendment of section 27 of Act 12 of 1912.

**12.** Section *twenty-seven* of the principal Act is hereby amended—

(*a*) by the substitution for sub-section (3) thereof of the following new sub-section:

"(3) Upon the exercise by the lessee of the right of purchase aforesaid, the purchase price together with interest at the rate of four per cent per annum shall, in the case of a holding allotted in accordance with Chapter III, be payable by the lessee to the Government yearly in advance in forty equal instalments, the first of which shall be payable on the date on which the right of purchase is exercised:

Provided that—

(*a*) the lessee may, at any time subsequent to the date on which the right of purchase is exercised, pay to the Government the balance of the purchase price then unpaid or any sum on account of such balance;

(*b*) if any sum is so paid on account of such balance, a *pro rata* reduction may, in the discretion of the Minister, be made in the number of future payments or in the amount of such instalments; and

(*b*) by the addition at the end thereof of the following new sub-section:

"(4) The provisions of sub-section (3) shall, *mutatis mutandis*, apply in the case of a holding allotted in terms of section *eleven*:

Provided that—

(*a*) the purchase price, less the amount contributed towards the purchase price, together with interest at the rate of four per cent. per annum shall be payable yearly in advance in thirty equal instalments, the first of which shall be payable at the expiration of ten years from the date of the commencement of the lease;

(*b*) interest at the rate of four per cent. per annum shall be payable yearly in advance

(4) De bepalingen van artikel *zeven* zijn *mutatis mutandis* van toepassing op enige krachtens dit artikel aangestelde taxateur".

Wysiging van artikel 12 van Wet 12 van 1912.

9. Artikel *twaalf* van die Hoofwet word hiermee herroep, en deur die volgende nuwe artikel vervang:

Verwijzing naar centrale landraad van voorstellen tot verkrijging van grond voor nederzettingsdoeleinden.

„12. (1) Ieder voorstel tot verkrijging van grond ingevolge artikel *tien* of *elf*, benevens een rapport van een taxateur aangesteld krachtens artikel *elf bis*, moet door de Minister naar de centrale landraad worden verwezen voor een aanbeveling of de grond voor nederzettingsdoeleinden verkregen moet worden.

(2) Indien de raad het voorstel aanbeveelt, moet hij de termen en voorwaarden vermelden waarop de grond behoort verkregen te worden, alsmede de maximum koopprijs die voor de grond behoort betaald te worden en de biezondere voorwaarden waarop de grond aan applikanten ter toewijzing behoort te worden aangeboden.

(3) De betaalde koopprijs mag in geen geval hoger zijn dan het door de raad aanbevolen maximum".

Wysiging van artikel 15 van Wet 12 van 1912.

10. Artikel *vyftien* van die Hoofwet word hiermee gewysig—

(*a*) deur die woord „Goeverneur-generaal" in sub-artikel (1) deur die woorde „centrale landraad" te vervang;

(*b*) deur die woord „moet" in daardie sub-artikel deur die woord „mag" te vervang; en

(*c*) deur byvoeging aan die end van sub-artikel (3) van die woorde „of onder zulke bedingen en voorwaarden als de Minister, na overweging van een rapport van de raad, mag bepalen".

Wysiging van artikel 18 van Wet 12 van 1912.

11. Artikel *agtien* van die Hoofwet word hiermee gewysig—

(*a*) deur in sub-artikel (1) die woorde „een hoeve" te vervang deur die woorde „toewijzing van een hoeve of cessie van een huurkontrakt";

(*b*) deur in sub-artikel (3), alleen van die Hollandse teks, die woord „afdoende" te vervang deur die woorde „van belang"; en

(*c*) deur invoeging in sub-artikel (3) na die woord „toegewezen" van die woorde „of een huurkontrakt is gecedeerd".

Wysiging van artikel 27 van Wet 12 van 1912.

12. Artikel *sewen-en-twintig* van die Hoofwet word hiermee gewysig—

(*a*) deur sub-artikel (3) daarvan te vervang deur die volgende nuwe sub-artikel:

„(3) Bij uitoefening door de huurder van voormeld recht van aankoop, moet de koopprijs tezamen met rente tegen de koers van vier percent per jaar in het geval van een hoeve toegewezen overeenkomstig Hoofdstuk III jaarliks bij vooruitbetaling door de huurder aan de Regering betaald worden in veertig gelijke paaiementen, waarvan het eerste paaiement betaalbaar zal zijn op de datum waarop het recht van aankoop uitgeoefend wordt:

Met dien verstande—

(*a*) dat de huurder te eniger tijd na de datum waarop het recht van aankoop uitgeoefend is, het alsdan nog onbetaalde saldo van de koopprijs, of enige som in mindering van zodanig saldo, aan de Regering mag betalen;

(*b*) voorts dat indien enige som alzo in mindering van het saldo betaald wordt, een *pro rata* vermindering, naar goeddunken van de Minister, in het getal van toekomstige betalingen of in het bedrag van zodanige paaiementen kan worden gemaakt"; en

(*b*) deur aan die end daarvan die volgende nuwe sub-artikel by te voeg:

„(4) De bepalingen van sub-artikel (3) zijn *mutatis mutandis* van toepassing in het geval van een ingevolge artikel *elf* toegewezen hoeve: Met dien verstande—

(*a*) dat de koopprijs, min het bedrag tot de koopprijs bijgedragen tezamen met rente tegen de koers van vier percent per jaar, jaarliks bij vooruitbetaling betaalbaar is in dertig gelijke paaiementen, waarvan het eerste paaiement betaalbaar zal zijn na verloop van tien jaren van af de aanvang van het huurkontrakt;

(*b*) dat rente tegen de koers van vier percent per jaar, ingaande na afloop van twee jaren van

on the purchase price, less the amount so contributed, as from the expiration of two years from the date of the commencement of the lease to the expiration of the period of ten years aforesaid ".

Amendment of section 35 of Act 12 of 1912.

**13.** Section *thirty-five* of the principal Act is hereby repealed, and the following new section substituted therefor:

"Prohibition of subletting or cession or hypothecation of lease, except in certain cases.

**35.** (1) Save as in this Act is provided, the lessee of a holding shall not sublet the holding or cede or hypothecate his interest in the lease, unless the consent in writing of the Minister has been first obtained.

(2) Whenever any interest of the lessee in any such lease is sold in process of execution issued out of any court, the sale shall be subject to the condition that the consent in writing of the Minister to the cession of the lease to the purchaser shall be first obtained.

(3) The mode in which the interest of the lessee in any lease under this Act may be ceded shall be as prescribed by regulation ".

Insertion of new section 35*bis* in Act 12 of 1912.

**14.** (1) The principal Act is hereby amended by the insertion after section *thirty-five* of the following new section:

"Insolvency of the lessee.

35*bis*. (1) If the estate of the lessee is sequestrated or assigned under the provisions of the Insolvency Act, 1916, or any amendment thereof, the trustee or assignee, as the case may be, of his estate may cede the lease to any person qualified as in section *nineteen* is described and approved by the Minister in writing.

(2) If the said trustee or assignee, as the case may be, fail within three months, or such longer period as the Minister may in writing grant, after the date of his appointment to cede the lease, the lease shall determine, and the trustee or assignee, as the case may be, shall, subject to the provisions of section *thirty-eight*, be entitled to be paid by the Minister for the benefit of the estate such compensation for any permanent improvements on the holding made by the lessee as the central land board may recommend: Provided that no compensation shall be payable in respect of improvements not connected with the use of the holding for agriculture or in respect of improvements not calculated to increase the value thereof as a holding for settlement.

(3) If the right to purchase described in section *twenty-seven* has been exercised and any instalment of purchase price paid, the trustee or assignee, as the case may be, shall, subject to the provisions of section *thirty-eight*, further be entitled to be repaid by the Minister for the benefit of the estate the aggregate amount of those instalments less the amount of so much of those instalments as represents the interest paid and the interest, if any, due and payable on the purchase price: Provided that in the case of any holding allotted in accordance with section *eleven* the provisions of paragraph (*b*) of sub-section (5) of section *forty-two* shall apply.

(4) Except as specially provided in this section, nothing herein contained shall affect the right of the Minister to cancel the lease in terms of section *forty-two*.

(5) If the lessee whose estate has been sequestrated or assigned was a joint lessee of a holding, the provisions of sub-sections (1), (2) and (3) shall not apply to the lease, but the trustee or assignee, as the case may be, may, with the consent of the remaining lessee or lessees, and subject to the written approval of the Minister, cede the interest in the joint lease of the lessee whose estate has been sequestrated or assigned; and

van het huurkontrakt, of gedurende het tijdperk waarin de wettelike vertegenwoordiger het huurkontrakt ten behoeve van de boedel aanhoudt, zoals het geval moge zijn, moeten de voorwaarden van het huurkontrakt door voorzegde wettelike vertegenwoordiger of namens hem door een door hem benoemd en door de Minister goedgekeurde persoon vervuld worden.

(2) De Minister kan het huurkontrakt vernietigen—

(*a*) wanneer voorzegde wettelike vertegenwoordiger in gebreke blijft om de Minister binnen het in sub-artikel (1) vastgestelde tijdperk schriftelik in kennis te stellen van zijn voornemen om het huurkontrak hetzij te cederen, hetzij aan te houden; of

(*b*) wanneer de wettelike vertegenwoordiger, de Minister in kennis gesteld hebbende van zijn voornemen om het huurkontrakt te cederen, er niet in slaagt om het huurkontrakt binnen zulk tijdperk te cederen als door de Minister vastgesteld moge zijn; of

(*c*) wanneer, hangende cessie van het huurkontrakt, of gedurende het tijdperk waarin het huurkontrakt ten behoeve van de boedel wordt aangehouden, de wettelike vertegenwoordiger of de door hem benoemde en door de Minister goedgekeurde persoon in gebreke blijft om te voldoen aan enige bepaling van deze Wet, waaraan de huurder verplicht was te voldoen, of om enige voorwaarde van het huurkontrakt te vervullen.

(3) Wanneer de wettelike vertegenwoordiger de Minister binnen het in sub-artikel (1) vastgesteld tijdperk schriftelik in kennis stelt dat hij van alle belangen in het huurkontrakt afstand wenst te doen of wanneer de Minister ingevolge sub-artikel (2) het huurkontrakt vernietigt, is de wettelike vertegenwoordiger, met inachtneming van de bepalingen van artikel *acht en dertig*, ten behoeve van de boedel gerechtigd om van de Minister zodanige vergoeding te erlangen voor duurzame verbeteringen door de huurder op de hoeve aangebracht, als de raad moge aanbevelen: Met dien verstande—

(*a*) dat geen vergoeding betaalbaar is ten opzichte van verbeteringen die niet in verband staan met het gebruik van de hoeve voor landbouwdoeleinden, of ten opzichte van verbeteringen die niet berekend zijn om de waarde daarvan, als een nederzettingshoeve, te verhogen;

(*b*) dat bij afstand of vernietiging van het huurkontrakt overeenkomstig dit artikel, de bepalingen van sub-artikel (4) van artikel *vier en twintig* niet van toepassing zijn.

(4) Wanneer het recht van aankoop in artikel *zeven en twintig* omschreven uitgeoefend, en enig paaiement van de koopprijs betaald is, is de wettelike vertegenwoordiger, met inachtneming van de bepalingen van artikel *acht en dertig*, voorts gerechtigd tot terugbetaling door de Minister ten behoeve van de boedel van het gezamenlik bedrag van die paaiementen, verminderd met het bedrag van zoveel van zodanige paaiementen als vertegenwoordigt de betaalde rente en de rente, welke op de koopprijs verschuldigd en betaalbaar mocht zijn: Met dien verstande dat, in het geval van een hoeve toegewezen overeenkomstig artikel *elf*, de voorschriften van paragraaf (*b*) van sub-artikel (5) van artikel *twee en veertig* van toepassing zullen zijn.

(5) Behalve zoals speciaal in dit artikel voorgeschreven, maakt niets hierin vervat enige inbreuk op het recht van de Minister om het huurkontrakt overeenkomstig artikel *twee en veertig* te vernietigen.

(6) If the lessee who has died or who is detained as a mentally disordered or defective person or has been declared incapable of managing his own affairs was a joint lessee of a holding, the provisions of sub-sections (1), (2), (3) and (4) shall not apply to the lease, but the legal representative may, with the consent of the remaining lessee or lessees, and subject to the approval of the Minister, cede the interest in the joint lease of the lessee who has died or who is being detained as a mentally disordered or defective person or has been declared incapable of managing his own affairs; and if the legal representative fail within a period fixed by the Minister to cede such interest in the joint lease, the Minister may cancel the lease, in which event the legal representative of such lessee jointly with the remaining lessee or lessees shall, subject to the provisions of section *thirty-eight*, be entitled to be paid by the Minister such compensation for permanent improvements and to be repaid such amount in respect of instalments of purchase price as would have been payable in terms of sub-sections (3) and (4) to the legal representative if the lessee who has died or who is being detained as a mentally disordered or defective person or has been declared incapable of managing his own affairs had been the sole lessee.

(7) The provisions of sub-section (6) of section *thirty-five bis* shall, *mutatis mutandis*, apply to any lease cancelled in terms of sub-section (6)".

(2) Section *thirty-six* of the principal Act, as amended by this section, shall be applicable to every lease issued before the commencement of this Act, where the death of the lessee occurs, or the order declaring the lessee incapable of managing his own affairs, or directing that he be detained as a mentally disordered or defective person is issued, after such commencement; and section *thirty-six* of the principal Act shall, notwithstanding its repeal by this section, continue to apply to every lease issued before the commencement of this Act, where the death of the lessee occurred or the order declaring the lessee incapable of managing his own affairs or directing that he be detained as a mentally disordered or defective person was issued, prior to such commencement.

Amendment of section 37 of Act 12 of 1912.

**16.** Section *thirty-seven* of the principal Act is hereby repealed, and the following new section substituted therefor:

"Hypothecation of lessee's interest in holding and pledge of his movable property in security of amounts owing to Government.

**37.** (1) The Government shall have an hypothec over every lessee's interest in his lease in security of all amounts owing to the Government by the lessee in respect of purchase price, advances, rent, interest or water rates in terms of the lease or under the provisions of this Act; and such hypothec shall rank prior to every mortgage bond, hypothec or charge upon the said interest.

(2) All stock and all movable property belonging to any lessee which is, or at any time has been, upon his holding shall be deemed to be in the possession of the Government and to be pledged in favour of the Government in security of all amounts owing to the Government by the lessee in respect of purchase price, advances, rent, interest or water rates in terms of the lease or under the provisions of this Act: Provided that—

(*a*) nothing in this sub-section contained shall in any way interfere with the lessee's right—

(i) to use any such stock or movable property necessarily required for consumption by himself, his household or his servants employed upon the holding, or to use any produce necessarily

(6) Wanneer de huurder die overleden is, of die als een geestelik gekrenkte of gebrekkige aangehouden wordt of die onbevoegd tot besturing van zijn eigen zaken verklaard is, een mede-huurder was van een hoeve, zijn de bepalingen van sub-artikels (1), (2), (3) en (4) niet op het huurkontrakt van toepassing, maar kan de wettelike vertegenwoordiger, met toestemming van de overige huurder of huurders, en onderworpen aan de goedkeuring van de Minister, de belangen in het gezamenlik huurkontrakt van de huurder die overleden is of die als een geestelik gekrenkte of gebrekkige aangehouden wordt of onbevoegd tot besturing van zijn eigen zaken verklaard is, cederen; en wanneer de wettelike vertegenwoordiger er niet in slaagt om binnen een door de Minister vastgestelde tijdperk zodanige belangen in het gezamenlik huurkontrakt te cederen, kan de Minister het huurkontrakt vernietigen, als wanneer de wettelike vertegenwoordiger van zodanige huurder gezamenlik met de overige huurder of huurders, met inachtneming van de bepalingen van artikel *acht en dertig*, gerechtigd zal zijn van de Minister zodanige vergoeding voor duurzame verbeteringen te erlangen en zodanig bedrag ten opzichte van paaiementen van de koopprijs terugbetaald te krijgen als overeenkomstig sub-artikels (3) en (4) aan de wettelike vertegenwoordiger betaalbaar zou zijn geweest indien de overlede of als geestelik gekrenkte of gebrekkige aangehouden of als onbevoegd tot besturing van zijn eigen zaken verklaarde huurder de enige huurder geweest was.

(7) De bepalingen van sub-artikel (6) van artikel *vijf en dertig bis* zijn *mutatis mutandis* van toepassing op een huurkontrakt dat overeenkomstig sub-artikel (6) vernietigd is".

(2) Artikel *ses-en-dertig* van die Hoofwet, soos gewysig deur hierdie artikel is van toepassing op elke huurkontrak uitgereik voor die inwerkingtreding van hierdie Wet, ingeval die dood van die huurder plaasgevind het of die order wat die huurder onbevoeg tot besturing van sy eie sake verklaar of opdrag gee dat hy as geestelik gekrenkte of gebrekkige aangehou word uitgevaardig is, na sodanige inwerkingtreding; en, ondanks die herroeping van artikel *ses-en-dertig* van die Hoofwet deur hierdie artikel, bly vermelde artikel *ses-en-dertig* van toepassing op elke huurkontrak uitgereik voor die inwerkingtreding van hierdie Wet, ingeval die dood van die huurder plaasgevind het, of die order wat die huurder onbevoeg tot besturing van sy eie sake verklaar of opdrag gee dat hy as geestelik gekrenkte of gebrekkige aangehou word uitgevaardig is, voor sodanige inwerkingtreding.

Wysiging van artikel 37 van Wet 12 van 1912.

**16.** Artikel *sewen-en-dertig* van die Hoofwet word hiermee herroep, en deur die volgende nuwe artikel vervang:

„Verhypothekering van het belang van huurder in hoeve en verpanding van zijn roerende goederen als sekuriteit voor bedragen aan Regering verschuldigd.

**37.** (1) De Regering heeft een hypotheek over het belang van iedere huurder in zijn huurkontrakt als sekuriteit voor alle bedragen die door de huurder ingevolge het huurkontrakt of krachtens de bepalingen van deze Wet aan de Regering verschuldigd zijn met betrekking tot koopprijs, voorschotten, huur, rente of waterbelastingen, en zodanige hypotheek neemt voorrang boven iedere verbandakte, hypotheek of last op gezegd belang.

(2) Alle levende have en alle roerende goederen een huurder toebehorende die op zijn hoeve zijn of te eniger tijd op zijn hoeve geweest zijn, worden geacht in het bezit van de Regering te zijn en aan de Regering verpand te zijn als sekuriteit voor alle bedragen die ingevolge het huurkontrakt of krachtens de bepalingen van deze Wet door de huurder aan de Regering verschuldigd zijn met betrekking tot koopprijs, voorschotten, huur, rente of waterbelastingen: Met dien verstande—

(*a*) dat dit sub-artikel op geen wijze inbreuk maakt op het recht van de huurder—

(i) om zulke levende have of roerende goederen te verbruiken als bepaald nodig zijn voor eigen verbruik of voor verbruik door zijn huishouding of zijn bedienden die op de hoeve werkzaam zijn, of om zulke produkten te verbruiken als bepaald nodig zijn

required for the feeding of his stock upon the holding; or

(ii) to dispose of any such stock or movable property for the purpose of obtaining funds necessarily required for the carrying on of farming operations upon the holding; or

(iii) to dispose of any such stock or movable property in the ordinary course of farming operations;

(*b*) the onus of proving that any stock or movable property used or disposed of was used or disposed of in accordance with the provisions of proviso (*a*) to this sub-section shall lie upon the lessee or other person alleging it;

(*c*) the Secretary for Lands or any person thereto authorized by him may by letter direct the lessee not to dispose of any such stock or movable property specified in such letter, and thereupon the provisions of proviso (*a*) to this sub-section shall not apply to such stock or movable property so specified.

(3) The Minister may, on the application of a lessee who desires to hypothecate in favour of a third person any stock or movable property which in terms of sub-section (2) is deemed to be pledged in favour of the Government, waive in respect of all the stock or movable property which is so deemed to be pledged in favour of the Government, or in respect only of certain specified stock or movable property, the pledge constituted by sub-section (2), subject to such conditions as he may deem expedient. No such waiver shall be effective until a certificate has been issued by the Secretary for Lands or other officer designated by the Minister, stating which stock or movable property has been released from the pledge.

(4) The provisions of this section shall not apply to any lessee to whom a Crown grant of his holding has been issued ".

Amendment of section 42 of Act 12 of 1912.

**17.** (1) Section *forty-two* of the principal Act is hereby amended by the substitution for sub-sections (1), (2) and (3) of the following new sub-sections:

" (1) A lease shall be liable to cancellation by the Minister, if any provision of this Act with which it was the lessee's duty to comply be not complied with or any condition of the lease be not fulfilled; and the lease shall be cancelled by the Minister for any such non-compliance or non-fulfilment by the lessee, if the central land board recommends the cancellation.

(2) A lease may be cancelled by the Minister forthwith—

(*a*) if the lessee is convicted of making any such false statement or declaration as is referred to in sub-section (8) of section *eleven*, or in section *eighteen* or *twenty-one*; or

(*b*) if the lessee has in any form of application completed by him under the Act made the statement that he is not an insolvent, and it appears from a certificate by the Master of the Supreme Court appointed in respect of any province that he was at the date of the application an unrehabilitated insolvent; or

(*c*) if the lessee has failed to comply with the provisions of section *twenty-eight*.

(3) In every case other than a case referred to in sub-section (2) written notice of the intention of the Minister to cancel the lease shall be transmitted by the Minister to the lessee by registered post to his last-known place of abode, and the notice shall specify a period within

voor het voeden van zijn levende have op de hoeve; of

(ii) om ter verkrijging van de fondsen, die voor het voortzetten van de boerderij op de hoeve bepaald nodig zijn, enige zodanige levende have of roerende goederen van de hand te zetten; of

(iii) om enige zodanige levende have of roerende goederen in de gewone loop van boerderijbezigheid van de hand te zetten;

(*b*) dat de bewijslast om te bewijzen dat gebruikte of van de hand gezette levende have of roerende goederen overeenkomstig de voorschriften van voorbehoudsbepaling (*a*) van dit sub-artikel verbruikt of van de hand gezet zijn, op de huurder of ander persoon die het beweert rust;

(*c*) dat de Sekretaris voor Landen of enig daartoe door hem gemachtigd persoon de huurder per brief kan gelasten om geen zodanige levende have of roerende goederen als in zulke brief gespecificeerd zijn, van de hand te zetten, en dat de voorschriften van voorbehoudsbepaling (*a*) van dit sub-artikel daarna niet op zulke aldus gespecificeerde levende have of roerende goederen van toepassing zijn.

(3) De Minister kan, op aanzoek van een huurder die begerig is om aan een derde persoon levende have of roerende goederen te verhypothekeren die ingevolge sub-artikel (2) geacht zijn aan de Regering verpand te zijn, afstand doen van het pand, ingevolge sub-artikel (2) daargesteld, ten aanzien van alle levende have of roerende goederen die alzo geacht zijn aan de Regering verpand te zijn of ten aanzien van slechts zekere gespecificeerde levende have of roerende goederen, behoudens zodanige voorwaarden als hij dienstig moge achten. Geen zodanige afstand is van kracht behalve wanneer door de Sekretaris voor Landen of door een ander door de Minister aangewezen persoon een certifikaat uitgereikt is, verklarende welke levende have of roerende goederen van het pand bevrijd zijn.

(4) De bepalingen van dit artikel zijn niet van toepassing op een huurder aan wie een Kroongrondbrief van zijn hoeve is uitgereikt".

Wysiging van artikel 42 van Wet 12 van 1912.

**17.** (1) Artikel *twee-en-veertig* van die Hoofwet word hiermee gewysig deur sub-artikels (1), (2) en (3) deur die volgende nuwe sub-artikels te vervang:

„(1) Een huurkontrakt kan door de Minister worden vernietigd indien een bepaling van deze Wet, die de huurder verplicht was na te komen, niet nagekomen is, of indien een voorwaarde van het huurkontrakt niet is vervuld; en het huurkontrakt wordt door de Minister vernietigd wegens enige zodanige niet-nakoming of niet-vervulling, indien de centrale landraad de vernietiging aanbeveelt.

(2) Een huurkontrakt kan door de Minister onmiddellik vernietigd worden—

(*a*) indien de huurder veroordeeld wordt wegens aflegging van een valse verklaring bedoeld in sub-artikel (8) van artikel *elf*, of in artikel *achtien* of *een en twintig*; of

(*b*) indien de huurder in een door hem overeenkomstig de wet ondertekende applikatievorm de verklaring gedaan heeft dat hij niet een insolvent is, en het volgens een certifikaat van de voor enige provincie aangestelde meester van het Hooggerechtshof blijkt dat hij ten tijde van het maken van de applikatie een ongerehabiliteerde insolvent was; of

(*c*) indien de huurder in gebreke gebleven is om de bepalingen van artikel *acht en twintig* na te komen.

(3) In elk geval, buiten een geval bedoeld in sub-artikel (2), moet door de Minister bij geregistreerde brief, geadresseerd aan zijn laatstbekende woonplaats, aan de huurder schriftelik kennis worden gegeven van het voornemen van de Minister tot vernietiging van het huurkontrakt, zullende de kennisgeving een tijd bepalen waarbinnen

which the default of the lessee shall be remedied and if within that period the default be not remedied the Minister may forthwith cancel the lease ".

(2) The provisions of section *forty-two* of the principal Act as amended by this Act shall apply to any lease whether issued before or after the commencement of this Act.

Amendment of section 44 of Act 12 of 1912.

**18.** (1) Section *forty-four* of the principal Act is hereby repealed and the following new section substituted therefor :

"Advances to lessees.

**44.** The Minister may, out of moneys appropriated by Parliament for the purpose, and on terms of repayment and conditions prescribed by regulation, advance moneys—

(i) for providing a lessee with stock, implements, seeds and other things necessary to enable him to develop and work his holding beneficially ; or

(ii) to enable a lessee to have work calculated to improve his holding to be effected thereon ;

or the Minister may in lieu of an advance in money, cause work calculated to improve the holding to be effected thereon out of moneys so appropriated, and in that event the cost of work so effected and of materials used in connection with such work or upon which such work was expended shall for the purposes of this Act, be deemed to be an advance to the lessee : Provided that—

(*a*) no advance shall be made to a lessee except on the recommendation of the central land board ;

(*b*) no advance under this section shall be made to a lessee which would bring the total amount owing by him in respect of such advances to an amount exceeding the sum of fifty per cent. of the value of the improvements effected on the holding by the lessee at his own expense and seventy five per cent. of the value of the stock belonging to him and running on the holding, and the total amount owing by any lessee in respect of such advances shall not at any time exceed the sum of five hundred pounds ;

(*c*) if an advance is either wholly or in part made against the security of stock belonging to the lessee, the Minister may require the lessee to mark or brand such stock with a distinctive brand or mark as prescribed by regulation, and the provisions of section *thirteen* of the Land Settlement Laws Further Amendment Act, 1925 (Act No. 26 of 1925), shall apply to any stock so marked or branded ;

(*d*) on the cancellation, determination or surrender of a lease from whatever cause so much of the principal amount outstanding in respect of advances as remains unpaid at the date of such cancellation, determination or surrender shall forthwith become due and payable ;

(*e*) the rate of interest payable upon any such advance shall be four per cent. per annum, calculated as from the date of the advance ;

(*f*) the advance shall be repaid with all interest due thereon within a period of five years from the date thereof, or, within such longer period (not exceeding ten years, inclusive of such period of five years) as the Minister may in writing allow ;

(*g*) an advance in money shall be paid over within six months (or within such longer

het verzuim van de huurder hersteld moet worden, en indien het verzuim niet binnen die tijd hersteld wordt, kan de Minister het huurkontrakt onmiddellik vernietigen".

(2) Die bepalings van artikel *twee-en-veertig* van die Hoofwet, soos gewysig deur hierdie Wet, is van toepassing op enige huurkontrak, hetsy dit voor of na die inwerkingtreding van hierdie Wet uitgereik is.

Wysiging van artikel 44 van Wet 12 van 1912.

**18.** (1) Artikel *vier-en-veertig* van die Hoofwet word hiermee herroep, en deur die volgende nuwe artikel vervang:

„Voorskotten aan huurders.

**44.** De Minister kan uit door het Parlement daartoe beschikbaar gestelde gelden en op bij regulatie vastgestelde voorwaarden van terugbetaling en bedingingen geld voorschieten—

(i) ten einde een huurder te voorzien van vee, werktuigen, zaad en andere zaken die nodig zijn om hem in staat te stellen zijn hoeve deugdelik te ontginnen en nuttig te bewerken; of

(ii) om een huurder in staat te stellen werk, ter verbetering van zijn hoeve, daarop te doen verrichten;

of de Minister kan, in plaats van een voorschot in geld te geven, werk ter verbetering van de hoeve daarop doen verrichten uit zulke beschikbaar gestelde gelden, en in dat geval worden de kosten van aldus verricht werk en van materialen in verband met zulk werk gebruikt of waarop zulk werk verricht was, geacht een voorschot aan de huurder te zijn voor de doeleinden van deze Wet: Met dien verstande dat—

(*a*) geen voorschot aan een huurder verstrekt wordt behalve op aanbeveling van de centrale landraad;

(*b*) geen voorschot krachtens dit artikel aan een huurder verstrekt wordt, hetwelk het totaalbedrag, dat door hem ten aanzien van zulke voorschotten verschuldigd is, zou brengen op een bedrag hoger dan de som van vijftig percent van de waarde van de verbeteringen door hem op eigen kosten op de hoeve aangebracht en vijf en zeventig percent van de waarde van het vee hem toebehorende en zich op de hoeve bevindende, en het totaalbedrag, dat door een huurder ten aanzien van zulke voorschotten verschuldigd is, te gener tijde de som van vijf honderd pond te boven gaat;

(*c*) ingeval een voorschot geheel of gedeeltelik verstrekt wordt tegen sekuriteit van vee dat aan de huurder toebehoort, kan de Minister van de huurder vergen om zulk vee met een bij regulatie voorgeschreven onderscheidend brandijzer of merk te branden of te merken, en de bepalingen van artikel *dertien* van de Kroongrond Nederzettingswetten Verdere Wijzigings Wet, 1925 (Wet No. 26 van 1925), zijn van toepassing op enig alzo gemerkt of gebrand vee;

(*d*) ingeval van vernietiging, beëindiging of afstand van een huurkontrakt om welke reden ook, wordt zoveel van de uitstaande hoofdsom als op de datum van zodanige vernietiging, beëindiging of afstand ten aanzien van voorschotten nog onbetaald is, onmiddellik betaalbaar;

(*e*) de rentekoers voor zulk voorschot bedraagt vier percent per jaar, betaalbaar van af de datum van het voorschot;

(*f*) het voorschot wordt met alle daarop verschuldigde rente binnen een tijdperk van vijf jaren van af de datum daarvan terugbetaald of binnen zulk langer tijdperk (tien jaren niet te boven gaande, insluitende genoemde tijdperk van vijf jaren) als de Minister in geschrifte moge toestaan;

(*g*) een geldelik voorschot wordt uitgekeerd binnen zes maanden (of binnen zulk

period as the Minister may allow) after the same has been approved, and, if not so paid over, the approval shall be deemed to have been rescinded ".

(2) Section *forty-four* of the principal Act, as amended by this section, shall not be applicable to the making of any advance—

(*a*) in connection with any lease in force prior to the commencement of this Act; or

(*b*) in connection with any lease issued after the commencement of this Act—

(i) in terms of sub-section (2) of section *twenty* of the Land Settlement Amendment Act, 1917 (Act No. 23 of 1917); or

(ii) in terms of sub-section (6) of section *thirty-five bis* or sub-section (7) of section *thirty-six* of the principal Act, as amended by this Act,

in lieu of a lease issued prior to such commencement; or

(*c*) to any lessee to whom a holding may be allotted in terms of sub-section (2) of section *one* of the Land Settlement Acts Further Amendment Act, 1924 (Act No. 38 of 1924); or

(*d*) to any lessee to whom in lieu of a holding held under a lease mentioned in paragraph (*a*) another holding is allotted in terms of sub-section (1) of section *seventeen* of the Land Settlement Laws Further Amendment Act, 1925 (Act No. 26 of 1925),

and section *forty-four* of the principal Act shall notwithstanding its repeal by this section continue to apply to the making of any such advances save that the rate of interest upon any such advance shall be four per cent. per annum: Provided that if the whole of the interests in any lease mentioned in paragraph (*a*) is ceded to another person the provisions of section *forty-four* of the principal Act as amended by this section shall apply to the making of any advance in connection therewith.

Amendment of section 45 of Act 12 of 1912.

**19.** Section *forty-five* of the principal Act is hereby amended—

(*a*) by the substitution for the words " the amount thereof shall " of the words " the amount thereof shall, except in the circumstances described in sections *thirty-five bis* and *thirty-six*, and "; and

(*b*) by the deletion of paragraph (*c*).

Amendment of section 46 of Act 12 of 1912.

**20.** Section *forty-six* of the principal Act is hereby amended—

(*a*) by the substitution for the words " paragraph (*e*) " of the words " paragraphs (*e*) and (*g*) "; and

(*b*) by the addition thereto of the following new sub-section the existing section as hereby amended becoming sub-section (1):

" (2) For the purposes of this section, the expression 'this Act' shall include any Act relating to land settlement ".

Amendment of section 1 of Act 16 of 1916.

**21.** Section *one* of the Transvaal and Orange Free State Land Settlements Act Further Amendment Act, 1916 (Act No. 16 of 1916), is hereby amended by the substitution for all words after the words " more than one of them jointly " of the words:

" (*d*) in circumstances other than those described in paragraph (*a*), (*b*) or (*c*), consent to the transfer of the land so hypothecated to any person to whom the settler mortgagor may have agreed to transfer the land: Provided that in all cases described in paragraphs (*a*), (*b*), (*c*) and (*d*) respectively, the transferee shall be substituted as the debtor under the existing mortgage bond as provided in section *fifteen* of the Deeds Registries Act, 1918 (Act No. 13 of 1918) ".

Amendment of section 11 of Act 23 of 1917.

**22.** Section *eleven* of the Land Settlement Act Amendment Act, 1917 (Act No. 23 of 1917) is hereby amended by the addition at the end thereof of the words " and to every case in which the lease has been surrendered by the lessee and such surrender has been accepted by the Minister ".

langer tijdperk als de Minister moge toestaan) nadat het is goedgekeurd, en wanneer niet aldus uitgekeerd, wordt de goedkeuring geacht te zijn herroepen".

(2) Artikel *vier-en-veertig* van die Hoofwet, soos deur hierdie artikel gewysig, is nie van toepassing nie op die verstrekking van 'n voorskot—

(*a*) in verband met 'n huurkontrak wat voor die inwerkingtreding van hierdie Wet van krag was; of

(*b*) in verband met 'n huurkontrak wat na die inwerkingtreding van hierdie Wet uitgereik word—

(i) ingevolge sub-artikel (2) van artikel *twintig* van die „Nederzettingswet Wijzigingswet, 1917" (Wet No. 23 van 1917); of

(ii) ingevolge sub-artikel (6) van artikel *vyf-en-dertig bis* of sub-artikel (7) van artikel *ses-en-dertig* van die Hoofwet, soos gewysig deur hierdie Wet,

in die plek van 'n huurkontrak wat voor daardie inwerkingtreding uitgereik was; of

(*c*) aan 'n huurder aan wie 'n hoewe ingevolge sub-artikel (2) van artikel *een* van die „Kroongrond Nederzettings Wetten Verdere Wijzigings Wet, 1924" (Wet No. 38 van 1924), toegewys kan word; of

(*d*) aan 'n huurder aan wie ingevolge sub-artikel (1) van artikel *sewentien* van die „Kroongrond Nederzettingswetten Verdere Wijzigings Wet, 1925" (Wet No. 26 van 1925), 'n hoewe toegewys is in die plek van 'n hoewe besit kragtens 'n in paragraaf (*a*) bedoelde huurkontrak,

en ondanks die herroeping deur hierdie artikel van artikel *vier-en-veertig* van die Hoofwet, bly laasgenoemde artikel van toepassing op die verstrekking van sulke voorskotte, behalwe dat die rentekoers betaalbaar op so 'n voorskot vier persent per jaar moet wees: Met die verstande dat ingeval al die belange in 'n in paragraaf (*a*) vermelde huurkontrak aan 'n ander persoon gesedeer word, die bepalings van artikel *vier-en-veertig* van die Hoofwet, soos deur hierdie artikel gewysig, van toepassing is op die verstrekking van 'n voorskot in verband daarmee.

Wysiging van artikel 45 van Wet 12 van 1912.

**19.** Artikel *vyf-en-veertig* van die Hoofwet word hiermee gewysig—

(*a*) deur die woorde „moet het bedrag" te vervang deur die woorde „moet het bedrag daarvan, behalwe onder de omstandigheden in artikels *vijf en dertig bis* en *zes en dertig* omschreven, en"; en

(*b*) deur paragraaf (*c*) te skrap.

Wysiging van artikel 46 van Wet 12 van 1912.

**20.** Artikel *ses-en-veertig* van die Hoofwet word hiermee gewysig—

(*a*) deur die woorde „paragraaf (*e*)" te vervang deur die woorde „paragrafen (*e*) en (*g*)"; en

(*b*) deur die volgende nuwe sub-artikel daaraan toe te voeg, waardeur die bestaande artikel, soos hiermee gewysig, sub-artikel (1) word:

„(2) Bij toepassing van dit artikel sluit de uitdrukking 'deze Wet' enige wet in, op nederzetting betrekking hebbende".

Wysiging van artikel 1 van Wet 16 van 1916.

**21.** Artikel *een* van die Transvaalse en Oranje Vrystaatse Landvestiging Wet Verdere Wijzigingswet, 1916" (Wet No. 16 van 1916), word hiermee gewysig deur alle woorde na die woorde „meer dan een van hen gezamenlik" te vervang deur die woorde:

„(*d*) onder omstandigheden behalve die in paragraaf (*a*), (*b*) of (*c*) omschreven, zijn toestemming geven om de aldus bezwaarde grond te transporteren aan iemand, aan wie de settelaar-verbandgever overeengekomen moge zijn de grond te transporteren: Met dien verstande dat in alle gevallen in paragrafen (*a*), (*b*), (*c*) en (*d*), onderscheidenlik, omschreven, de transportnemer, volgens de bepalingen van artikel *vijftien* van de Wet op Registratiekantoren van Akten, 1918 (Wet No. 13 van 1918), in het bestaande verband als verbandschuldenaar in de plaats gesteld wordt".

Wysiging van artikel 11 van Wet 23 van 1917.

**22.** Artikel *elf* van die „Nederzettingswet Wijzigingswet, 1917" (Wet No. 23 van 1917), word hiermee gewysig deur byvoeging aan die end daarvan van die woorde „en op elk geval waarin door de huurder afstand van de huur gedaan is en zulke afstand door de Minister aangenomen is".

Amendment of section 17 of Act 23 of 1917.

**23.** Section *seventeen* of the Land Settlement Act Amendment Act, 1917 (Act No. 23 of 1917), is hereby repealed and the following new section substituted therefor:

"Addition to purchase price of holding of cost of improvements effected thereon by Government.

**17.** The Minister may on receipt of an application from the lessee of a holding, and subject to the recommendation of the central land board, cause improvements, calculated in the opinion of the central land board to assist in the proper use, working and development of the holding and to enhance the value thereof, to be effected on such holding or on any other land for the purpose of serving such holding, subject to the lessee obtaining from the owner of such other land the necessary rights for effecting such improvements: Provided that—

(*a*) on completion of such improvements, the costs thereof shall be added to the purchase price of the holding (including interest on such costs calculated at the rate payable under the lease either as rent or interest on the purchase price from the date of completion of such improvements to the date on which such costs are added to the purchase price) and the rent or instalments of purchase price or interest payable by the lessee of the holding shall be increased accordingly as from the commencement of the yearly or half yearly period of the lease next succeeding the date of such completion;

(*b*) the provisions of section *twenty-nine* of the principal Act shall, *mutatis mutandis*, be applicable in respect of the care and maintenance of such improvements;

(*c*) such improvements shall, for the purposes of sections *thirty, thirty-one, thirty-three, thirty-five bis, thirty-six* and *forty-two* of the principal Act or of sections *seventeen* and *twenty-one* of the Land Settlement Laws Further Amendment Act, 1925 (Act No. 26 of 1925), not be deemed to be improvements effected or made by the lessee, and that no compensation shall be payable in terms of those sections in respect of such improvements".

Amendment of section 18 of Act 23 of 1917.

**24.** Section *eighteen* of the Land Settlement Act Amendment Act, 1917 (Act No. 23 of 1917), is hereby repealed and the following new section substituted therefor:

"Revaluation of holdings.

**18.** (1) On receipt of a report from the central land board stating that the purchase price of any holding allotted or which may hereafter be allotted in accordance with the principal Act is excessive and recommending, for reasons set out in the report, that the said purchase price be reduced to a price stated in the report, the Minister may reduce the aforesaid purchase price to a sum not being less than the reduced purchase price recommended by the board: Provided that no such reduction shall be made in the purchase price of any land acquired by purchase under section *ten* or *eleven* or by exchange under section *ten* of the principal Act, unless such reduction has been approved by resolution of both Houses of Parliament.

(2) Such reduction of the purchase price as aforesaid shall be effective from a date determined by the Minister, on the recommendation of the central land board, and any instalments of rent, interest or purchase price payable by the lessee shall be reduced accordingly.

(3) If a lessee has paid in respect of the purchase price, interest or rent more than has accrued, as calculated on the basis of the reduced purchase price, the excess payment shall be credited against

Wysiging van artikel 17 van Wet 23 van 1917.

23. Artikel *seventien* van die „Nederzettingswet Wijzigingswet, 1917" (Wet No. 23 van 1917), word hiermee herroep, en deur die volgende nuwe artikel vervang:

„Toevoeging aan koopprijs van hoeve van kosten van verbeteringen door Regering daarop aangebracht.

**17.** De Minister kan op ontvangst van een applikatie van de huurder van een hoeve en onderworpen aan de aanbeveling van de centrale landraad, verbeteringen op zodanige hoeve doen aanbrengen die, naar mening van de centrale landraad, berekend zijn ter bevordering van het behoorlike gebruik en de behoorlike bewerking en ontginning van de hoeve en ter verhoging van de waarde daarvan, of op andere grond ten dienste van zodanige hoeve, mits de huurder de nodige rechten om zulke verbeteringen aan te brengen van de eigenaar van zodanige andere grond verkregen heeft: Met dien verstande dat—

(*a*) na voltooiing van zodanige verbeteringen, de kosten daarvan aan de koopprijs van de hoeve toegevoegd worden (plus rente op zodanige kosten, berekend van af de datum van voltooiing van zodanige verbeteringen tot de dag waarop zodanige kosten aan de koopprijs worden toegevoegd, tegen de koers die, volgens het huurkontrakt, hetzij als huur, hetzij als rente op de koopprijs, betaalbaar is), zullende de huurgelden of paaiementen van de koopprijs of rente die door de huurder van de hoeve betaalbaar zijn dienovereenkomstig worden verhoogd, te rekenen van af de aanvang van de jaarlikse of halfjaarlikse huurtermijn die onmiddellik volgt op de datum van zodanige voltooiing;

(*b*) de bepalingen van artikel *negen en twintig* van de Hoofdwet, *mutatis mutandis* van toepassing zijn ten aanzien van de verzorging en het onderhoud van zodanige verbeteringen;

(*c*) zodanige verbeteringen bij toepassing van artikels *dertig, een en dertig, drie en dertig, vijf en dertig bis, zes en dertig* en *twee en veertig* van de Hoofdwet, of van artikels *zeventien* en *een en twintig* van de Kroongrond Nederzettingswetten Verdere Wijzigings Wet, 1925 (Wet No. 26 van 1925), niet geacht worden verbeteringen te zijn door de huurder verricht of aangebracht, en dat geen schadeloosstelling ingevolge genoemde artikels ten aanzien van zodanige verbeteringen betaalbaar is".

Wysiging van artikel 18 van Wet 23 van 1917.

24. Artikel *agtien* van die „Nederzettingswet Wijzigingswet, 1917" (Wet No. 23 van 1917), word hiermee herroep en deur die volgende nuwe artikel vervang:

„Herwaardering van hoeven.

**18.** (1) Op ontvangst van een rapport van de centrale landraad, verklarende dat de koopprijs van een hoeve die overeenkomstig de Hoofdwet toegekend is of later toegekend mocht worden buitensporig is, en aanbevelende dat, om de redenen in het rapport vermeld, gezegde koopprijs verlaagd wordt tot een prijs in het rapport genoemd, kan de Minister gezegde koopprijs verlagen tot een som van minstens de verlaagde prijs door de raad aanbevolen: Met dien verstande dat geen zodanige verlaging van de koopprijs van grond verkregen door koop ingevolge artikel *tien* of *elf* of door ruil ingevolge artikel *tien* van de Hoofdwet gemaakt mag worden, tenzij zodanige verlaging door besluit van beide Huizen van het Parlement goedgekeurd is.

(2) Zodanige verlaging van voorzegde koopprijs is van af een door de Minister op aanbeveling van de centrale landraad te bepalen datum van kracht, en paaiementen van huur, rente, of koopprijs die door de huurder betaalbaar zijn, worden dienovereenkomstig verminderd.

(3) Ingeval een huurder ten opzichte van de koopprijs, meer rente of huurgeld betaald heeft dan volgens berekening op de basis van de verlaagde koopprijs verschuldigd is, wordt het betaalde overschot gekrediteerd tegen toekomstige beta-

future payments as they become due by the lessee.

Amendment of section 20 of Act 23 of 1917, as amended by section 16 of Act 26 of 1925.

**25.** Section *twenty* of the Land Settlement Act Amendment Act, 1917 (Act No. 23 of 1917), as amended, is hereby amended by the substitution in sub-section (1) for the word "Governor-General" of the words "Minister acting on the recommendation of the central land board".

Amendment of section 3 of Act 21 of 1922.

**26.** Section *three* of the Land Settlement Acts Further Amendment Act, 1922 (Act No. 21 of 1922), is hereby amended by the substitution for sub-section (2) thereof of the following new sub-section:

"(2) Notwithstanding anything contained in sub-section (2) of section *fifteen* of the principal Act, the Minister may, on the recommendation of the central land board, fix the allotment price of any holding at less than the total cost of the holding to the Government, inclusive of all expenditure incurred in connection with such holding on improvements or otherwise".

Amendment of section 7 of Act 21 of 1922.

**27.** Section *seven* of the Land Settlement Acts Further Amendment Act, 1922 (Act No. 21 of 1922), as amended, is hereby repealed and the following new section substituted therefor:

"Allotment of holding on condition of payment of part purchase price thereof.

**7.** (1) Notwithstanding anything contained in the principal Act, the Minister may, on the recommendation of the central land board, offer for allotment any holding subject to the condition that the successful applicant for such holding shall pay on allotment and as a condition thereof an amount to be determined by the Minister, not exceeding one-fifth of the purchase price of such holding as notified in the *Gazette*.

(2) The lessee of any holding allotted in accordance with sub-section (1) shall be deemed to have exercised, as from the date of the commencement of the lease, which shall be the date when the notice of allotment was despatched from the office of the Minister, the right to purchase the land as provided in section *twenty-seven* of the principal Act, at the price notified in the *Gazette*.

(3) Interest for a period of two years at the rate of four per cent. per annum on the unpaid balance of the purchase price shall be added to such balance.

(4) The aggregate amount of such balance of the purchase price, inclusive of such interest as aforesaid, shall together with interest at the rate of four per cent. per annum be paid in thirty equal annual instalments, the first of which instalments shall be payable at the expiration of ten years from the date of the commencement of the lease: Provided that interest at the rate of four per cent. per annum on the aggregate amount as aforesaid shall be paid by the lessee yearly in advance as from the expiration of two years from the date of the commencement of the lease to the expiration of the period of ten years aforesaid.

(5) If the lease of a holding allotted as in this section provided is cancelled for any breach of the provisions of the principal Act or any non-compliance with the provisions of such lease, or if the lease is surrendered and such surrender is accepted by the Minister, or if the lease is terminated under section *thirty-five* or *thirty-six* of the principal Act, the amount paid by the applicant towards the purchase price shall be forfeited to the Crown.

(6) Except as otherwise provided in this section, any holding allotted in terms of this section shall be subject to all the provisions of the principal Act applicable to holdings allotted in terms of section *twenty* of the said Act".

Amendment of section 8 of Act 21 of 1922.

**28.** Section *eight* of the Land Settlement Acts Further Amendment Act, 1922 (Act No. 21 of 1922), is hereby amended—

(*a*) by the deletion of the words "(but not in any case by an amount less than four hundred pounds)"; and

lingen naar gelang zij van de huurder opvorderbaar worden.

Wysiging van artikel 20 van Wet 23 van 1917, soos gewysig deur artikel 16 van Wet 26 van 1925.

25. Artikel *twintig* van die „Nederzettingswet Wijzigingswet, 1917" (Wet No. 23 van 1917), soos gewysig, word hiermee gewysig deur in sub-artikel (1) die woord „Goeverneur-generaal" te vervang deur die woorde „Minister, handelende op aanbeveling van de centrale landraad".

Wysiging van artikel 3 van Wet 21 van 1922.

26. Artikel *drie* van die „Kroongrond Nederzettingswetten Verdere Wijzigingswet, 1922" (Wet No. 21 van 1922), word hiermee gewysig deur sub-artikel (2) daarvan deur die volgende nuwe sub-artikel te vervang:

„(2) Niettegenstaande het bepaalde bij sub-artikel (2) van artikel *vijftien* van de Hoofdwet, kan de Minister, op aanbeveling van de centrale landraad, de toewijzingsprijs van een hoeve lager stellen dan de totale inkoopsprijs van de hoeve voor de Regering, insluitende alle uitgaven voor verbeteringen of anderzins in verband met zodanige hoeve aangegaan".

Wysiging van artikel 7 van Wet 21 van 1922.

27. Artikel *sewe* van die „Kroongrond Nederzettingswetten Verdere Wijzigingswet, 1922" (Wet No. 21 van 1922), soos gewysig, word hiermee herroep en deur die volgende nuwe artikel vervang:

„Toewijzing van hoeve op voorwaarde van gedeeltelike betaling van koopprijs.

7. (1) Niettegenstaande het bepaalde in de Hoofdwet, kan de Minister, op aanbeveling van de centrale landraad, een hoeve ter toewijzing aanbieden op voorwaarde dat de goedgekeurde applikant voor zulke hoeve, bij toewijzing en als een voorwaarde daarvan, een bedrag, door de Minister te worden vastgesteld, een-vijfde gedeelte van de koopprijs van zulke hoeve zoals in de *Staatskoerant* bekend gemaakt niet te boven gaande, betaalt.

(2) De huurder van een overeenkomstig sub-artikel (1) toegewezen hoeve wordt geacht van af de dag van het begin van de huur, die de dag is waarop de kennisgeving van toewijzing uit het kantoor van de Minister verzonden wordt, het recht om de grond aan te kopen uitgeoefend te hebben zoals bepaald in artikel *zeven en twintig* van de Hoofdwet, en wel tegen de in de *Staatskoerant* bekendgemaakte prijs.

(3) Rente over een tijdperk van twee jaar tegen de koers van vier percent in het jaar op het onbetaalde saldo van de koopprijs wordt bij zodanig saldo gevoegd.

(4) Het gezamenlik bedrag van zodanig saldo van de koopprijs, insluitende bedoelde voornoemde rente, moet tezamen met rente tegen de koers van vier percent in het jaar in dertig gelijke jaarlikse paaiementen betaald worden, het eerste paaiement betaalbaar zijnde na verloop van tien jaren van af de datum van aanvang van de huur: Met dien verstande dat rente tegen de koers van vier percent in het jaar op het voornoemd gezamenlik bedrag jaarliks bij vooruitbetaling door de huurder betaald moet worden, ingaande na afloop van twee jaren van af de datum van aanvang van de huur tot de verstrijking van voornoemd tijdperk van tien jaren.

(5) Indien het huurkontrakt van een volgens voorschrift van dit artikel toegewezen hoeve vernietigd wordt wegens verbreking van een of ander van de bepalingen van de Hoofdwet of niet-nakoming van een of ander van de voorschriften van zodanig huurkontrakt, of indien van het huurkontrakt afstand gedaan wordt en de Minister die afstand aanneemt, of indien het huurkontrakt beëindigd wordt ingevolge artikel *vijf en dertig* of *zes en dertig* van de Hoofdwet, wordt het door de applikant op de koopprijs afbetaalde bedrag ten behoeve van de Kroon verbeurd.

(6) Behalve voor zover dit artikel anders bepaalt, is een volgens dit artikel toegewezen hoeve onderworpen aan al de bepalingen van de Hoofdwet die toepasselik zijn op hoeven, toegewezen volgens artikel *twintig* van bedoelde Wet".

Wysiging van artikel 8 van Wet 21 van 1922.

28. Artikel *agt* van die „Kroongrond Nederzettingswetten Verdere Wijzigingswet, 1922" (Wet No. 21 van 1922), word hiermee gewysig—

(*a*) deur die woorde „(maar in geen geval met een bedrag minder dan vier honderd pond)" te skrap; en

(*b*) by the substitution for paragraph (*a*) thereof of the following new paragraph—

"(*a*) (i) if in terms of the lease the purchase price was payable in instalments, the mortgagor shall redeem the capital sum secured by the bond with interest thereon in such number of equal instalments as would, from the date of the commencement of the mortgage bond, have been payable, in respect of the purchase price in accordance with the purchase conditions of the lease;

(ii) if in terms of the lease the purchase price was not payable in instalments, the mortgagor shall redeem the capital sum secured by the bond within the period within which the purchase price was payable in accordance with the purchase conditions of the lease: Provided that during such period the mortgagor shall pay yearly in advance interest on the amount owing by him and secured by the bond."

Amendment of section 14 of Act 26 of 1925.

**29.** Section *fourteen* of the Land Settlement Laws Further Amendment Act, 1925 (Act No. 26 of 1925), is hereby amended by the substitution for the word "Governor-General" of the words "Minister, acting on the recommendation of the central land board".

Amendment of section 17 of Act 26 of 1925, as amended by section 12 of Act 6 of 1928 and section 14 of Act 25 of 1931.

**30.** Section *seventeen* of the Land Settlement Laws Further Amendment Act, 1925 (Act No. 26 of 1925), as amended, is hereby further amended by the substitution in sub-section (4) for all words preceding the word "Provided", where that word first occurs, of the following words:

"Any debt (including any debts which may be revived in terms of sub-section (4) of section *eighteen* of this Act and sub-section (5) of section *four* of Act No. 25 of 1931) in respect of rent or water rates or of any advance made in terms of section *forty-four* of the principal Act or of any interest thereon due and payable by the lessee at the date of the allotment to him of a new holding in terms of sub-section (1) of this section and the balance, if any, of any such advance together with the interest thereon shall be repaid by the lessee on such terms and conditions as may be prescribed by the Minister; or the Minister may authorize the addition of any debts as aforesaid, including the unpaid balance of any such advance, to the purchase price of the new holding, in which case the rent, interest and instalments of purchase price payable by the lessee in respect of the new holding shall be increased accordingly, and the provisions of sub-section (4) of section *eighteen* of this Act shall, *mutatis mutandis*, apply to any amount added to the purchase price in terms of this sub-section".

Amendment of section 18 of Act 26 of 1925.

**31.** Sub-section (4) of section *eighteen* of the Land Settlement Laws Further Amendment Act, 1925 (Act No. 26 of 1925), is hereby amended by the insertion after the words "section *forty-two* of the principal Act", where those words first occur, of the words "or sub-section (1) of section *seventeen* of this Act".

Amendment of section 5 of Act 25 of 1931.

**32.** Section *five* of the Land Settlement Relief Act, 1931 (Act No. 25 of 1931), is hereby amended—

(i) by the deletion of the third proviso to sub-section (1);

(ii) by the substitution for paragraph (*c*) of sub-section (3) of the following new paragraph:

"(*c*) On exercise of the option to purchase the holding, the lessee shall pay the purchase price of the holding yearly in advance together with interest at the rate of one per cent. per annum in forty equal instalments, the first of which shall be payable on the date on which the option of purchase is exercised";

(iii) by the addition at the end of sub-section (3) of the following new paragraph:

"(*g*) Upon the issue of a Crown grant in respect of the holding in terms of section *eight* of the Land Settlement Act Further Amendment Act, 1922 (Act No. 21 of 1922), the provisions of that

(*b*) deur paragraaf (*a*) daarvan te skrap en deur die volgende nuwe paragraaf te vervang:

„(*a*) (i) indien volgens het huurkontrakt de koopprijs in paaiementen betaalbaar was, moet de verbandgever de hoofdsom door het verband verzekerd, met de rente daarop, in hetzelfde aantal gelijke paaiementen aflossen als van af de dag van registratie van het verband ten aanzien van de koopprijs volgens de koopvoorwaarden van het huurkontrakt zouden moeten worden betaald;

(ii) indien volgens het huurkontrakt de koopprijs niet in paaiementen betaalbaar was, moet de verbandgever de hoofdsom door het verband verzekerd aflossen binnen het tijdperk waarbinnen de koopprijs volgens de koopvoorwaarden van het huurkontrakt betaalbaar was: Met dien verstande dat gedurende bedoeld tijdperk de verbandgever rente op het bedrag door hem verschuldigd en door het verband verzekerd jaarliks vooruit moet betalen".

Wysiging van artikel 14 van Wet 26 van 1925.

**29.** Artikel *veertien* van die „Kroongrond Nederzettingswetten Verdere Wijzigings Wet, 1925" (Wet No. 26 van 1925), word hiermee gewysig deur die woord „Goeverneur-generaal" te vervang deur die woorde „Minister, handelende op aanbeveling van de centrale landraad".

Wysiging van artikel 17 van Wet 26 van 1925, soos gewysig deur artikel 12 van Wet 6 van 1928 en artikel 14 van Wet 25 van 1931.

**30.** Artikel *sewentien* van die „Kroongrond Nederzettingswetten Verdere Wijzigings Wet, 1925" (Wet No. 26 van 1925), soos gewysig, word hiermee verder gewysig deur alle woorde in sub-artikel (4) voorafgaande aan die woorde „Met dien verstande", waar daardie woorde die eerste keer gebesig word, te vervang deur onderstaande woorde:

„Schulden (insluitende schulden die ingevolge sub-artikel (4) van artikel *achttien* van deze Wet en sub-artikel (5) van artikel *vier* van Wet No. 25 van 1931 weder in het leven geroepen zijn) ten aanzien van huurgelden of waterbelasting of van voorschotten verstrekt ingevolge artikel *vier en veertig* van de Hoofdwet, of van rente daarop, die door de huurder verschuldigd en betaalbaar was ten tijde van de toewijzing aan hem van een nieuwe hoeve ingevolge sub-artikel (1) van dit artikel, en het saldo, indien daar een saldo is, van enig zodanig voorschot, te zamen met de rente daarop, worden door de huurder terugbetaald op zulke termen en voorwaarden als door de Minister voorgeschreven mogen worden; of de Minister kan de toevoeging van schulden zoals voornoemd, met inbegrip van het onbetaalde saldo van enig zulk voorschot, tot de koopprijs van de nieuwe hoeve machtigen, in welk geval het huurgeld, de rente en de paaiementen van de koopprijs, door de huurder ten aanzien van de nieuwe hoeve betaalbaar, dienovereenkomstig worden vermeerderd, en de voorschriften van sub-artikel (4) van artikel *achttien* van deze Wet zijn *mutatis mutandis* van toepassing op alle bedragen die overeenkomstig dit sub-artikel bij de koopprijs gevoegd zijn".

Wysiging van artikel 18 van Wet 26 van 1925.

**31.** Sub-artikel (4) van artikel *agtien* van die „Kroongrond Nederzettingswetten Verdere Wijzigings Wet, 1925" (Wet No. 26 van 1925), word hiermee gewysig deur na die woorde „artikel *twee en veertig* van de Hoofdwet", waar daardie woorde die eerste keer voorkom, die woorde „of sub-artikel (1) van artikel *zeventien* van deze Wet" in te voeg.

Wysiging van artikel 5 van Wet 25 van 1931.

**32.** Artikel *vyf* van die Nedersettings Noodlenigingswet, 1931 (Wet No. 25 van 1931), word hiermee gewysig—

(i) deur die derde voorbehoudsbepaling van sub-artikel (1) te skrap;

(ii) deur paragraaf (*c*) van sub-artikel (3) deur die volgende nuwe paragraaf te vervang:

„(*c*) Na uitoefening van die reg tot aankoop van die hoewe moet die huurder die koopprys van die hoewe jaarliks, by vooruitbetaling, tesame met rente teen die koers van een persent per jaar, in veertig gelyke paaiemente betaal, waarvan die eerste paaiement betaalbaar is op die datum waarop die reg tot aankoop uitgeoefen word";

(iii) deur aan die end van sub-artikel (3) die volgende nuwe paragraaf by te voeg:

„(*g*) Na uitreiking ingevolge artikel *agt* van die „Kroongrond Nederzettingswetten Verdere Wijzigingswet, 1922" (Wet No. 21 van 1922), van 'n Kroongrondbrief ten aansien van die hoewe,

section shall apply: Provided that, notwithstanding anything contained in the lease, interest shall be paid yearly in advance on such portion of the capital sum secured by the bond as represents the purchase price of the holding at the rate of four per cent. per annum ".

Suspension of section 7 of Act 25 of 1931.

**33.** The operation of section *seven* of the Land Settlement Relief Act, 1931 (Act No. 25 of 1931) is hereby suspended during a period of twelve months reckoned from the commencement of this Act.

Abolition of existing land boards.

**34.** (1) The several land boards appointed prior to the commencement of this Act in terms of Chapter I. of the principal Act or in terms of the Crown Land Disposal Ordinance, 1903 (Ordinance No. 57 of 1903), of the Transvaal or the Agricultural Development Act, 1904 (Act No. 44 of 1904), of Natal are abolished as from such commencement.

(2) No member of a land board as aforesaid shall have any claim for compensation by reason of the abolition of the land board of which he was a member or in respect of remuneration for the unexpired portion of the period for which he was appointed.

Mineral rights reserved to Crown on re-allotment of land acquired under section 10 or 11 of Act 12 of 1912, after termination of lease.

**35.** If the lease of any land purchased or acquired in terms of section *ten* or *eleven* of the principal Act, as amended by this Act, is cancelled, surrendered or otherwise determined under the principal Act, as amended by this Act, the provisions of section *sixteen* of the Land Settlement Act Amendment Act, 1917 (Act No. 23 of 1917), as amended by section *fifteen* of the Land Settlement Laws Further Amendment Act, 1925 (Act No. 26 of 1925), shall not apply on the reallotment of such land on lease in terms of the principal Act, as amended by this Act.

Addition to purchase price of amount paid by Government to Land Bank in settlement of advance by Land Bank to lessee.

**36.** Whenever in terms of section *two* of the Land Bank Acts Further Amendment Act, 1924 (Act No. 32 of 1924), any amount has been paid to the Land and Agricultural Bank of South Africa out of the Consolidated Revenue Fund in respect of any unrecovered advance made by the said bank to the lessee of any holding allotted under the principal Act, the Minister may, notwithstanding anything contained in the said section, add the amount so paid to the purchase price of the holding (plus interest on such amount calculated at the rate payable under the lease, either as rent or interest on the purchase price, from the date of such payment to the date on which such amount is added to the purchase price); and the instalments of rent, interest and purchase price shall be increased accordingly as from the commencement of the yearly or half-yearly period of the lease next succeeding the date of such payment.

Provisions as to redemption of capital and interest to be contained in mortgage bond to be passed upon issue of Crown grant of holding to which section 5 of Act 25 of 1931 applies.

**37.** Notwithstanding anything contained in the third proviso to sub-section (1) of section *five* of the Land Settlement Relief Act, 1931 (Act No. 25 of 1931), whenever a Crown grant is issued in terms of section *eight* of the Land Settlement Acts Further Amendment Act, 1922 (Act No. 21 of 1922), in respect of any holding to which the provisions of section *five* of the said Land Settlement Relief Act, 1931, applies, and which was allotted prior to the commencement of this Act, the mortgage bond to be passed by the lessee shall provide—

(*a*) that the mortgagor shall redeem the capital sum secured by the bond not later than forty years from the date on which he exercised his option to purchase the holding in terms of the lease; and

(*b*) that the mortgagor shall pay interest yearly in advance on that portion of the capital sum secured by the bond which represents the purchase price of the holding at the rate of four per cent. per annum.

Extension of period of repayment of capital secured by mortgage bond passed in terms of section 1 or 2 of Act 15 of 1912.

**38.** (1) Notwithstanding anything contained in the Transvaal and Orange Free State Land Settlements Amendment Act, 1912 (Act No. 15 of 1912), as amended from time to time, the Minister of Lands may on the application of any settler-mortgagor referred to in section *one* or *two* of that Act extend the period within which the capital secured by the mortgage bond passed by such settler-mortgagor in favour of the Government in terms of either of those sections shall be redeemed to a date not later than the thirty-first day of December, 1940.

is die bepalings van daardie artikel van toepassing: Met dien verstande dat ondanks die bepalings van die huurkontrak, rente teen die koers van vier persent per jaar jaarliks, by vooruitbetaling, betaal moet word op daardie gedeelte van die hoofsom wat deur die verband verseker is en wat die koopprys van die hoewe uitmaak".

Opskorting van artikel 7 van Wet 25 van 1931.

**33.** Die bepalings van artikel *sewe* van die Nedersettings Noodlenigingswet, 1931 (Wet No. 25 van 1931), word hiermee opgeskort gedurende 'n tydperk van twaalf maande bereken vanaf die inwerkingtreding van hierdie Wet.

Afskaffing van bestaande landrade.

**34.** (1) Die verskeie landrade, wat voor die inwerkingtreding van hierdie Wet kragtens Hoofstuk I van die Hoofwet of kragtens die „Crown Land Disposal Ordinance, 1903" (Ordonansie No. 57 van 1903), van Transvaal of die „Agricultural Development Act, 1904" (Wet No. 44 van 1904), van Natal, ingestel is, word met ingang vanaf sodanige inwerkingtreding afgeskaf.

(2) Geen lid van 'n landraad soos voornoem is ten gevolge van die afskaffing van die landraad waarvan hy lid was, of ten aansien van besoldiging vir die onverstreke tydperk van die termyn waarvoor hy aangestel was, op skadevergoeding geregtig nie.

Minerale regte van grond wat ooreenkomstig artikel 10 of 11 van Wet 12 van 1912 aangekoop was, word na afloop van huurkontrak, by hertoekenning, aan die Kroon voorbehou.

**35.** Ingeval 'n huurkontrak van grond, wat kragtens artikel *tien* of *elf* van die Hoofwet, soos deur hierdie Wet gewysig, aangekoop of verkry is, vernietig, afgestaan, of op ander wyse beëindig word ingevolge die Hoofwet, soos deur hierdie Wet gewysig, is die bepalings van artikel *sestien* van die „Nederzettingswet Wijzigingswet, 1917" (Wet No. 23 van 1917), soos gewysig deur artikel *vyftien* van die „Kroongrond Nederzettingswetten Verdere Wijzigings Wet, 1925" (Wet No. 26 van 1925), by hertoekenning van die huur van daardie grond kragtens die Hoofwet, soos by hierdie Wet gewysig, nie van toepassing nie.

Toevoeging aan koopprys van bedrag deur Regering aan Landbank betaal, vir vereffening van voorskot deur Landbank aan huurder verstrek.

**36.** Indien kragtens artikel *twee* van die „Landbank Wetten Verdere Wijzigingswet, 1924" (Wet No. 32 van 1924), 'n bedrag aan die Land- en Landboubank van Suid-Afrika uit die Gekonsolideerde Inkomstefonds betaal is ten aansien van 'n uitstaande voorskot deur genoemde bank verstrek aan die huurder van 'n hoewe, wat ooreenkomstig die Hoofwet toegewys is, kan die Minister, ondanks die bepalings van bedoelde artikel, die bedrag aldus betaal (plus rente daarop, bereken vanaf die dag waarop die bedrag betaal is tot op die dag waarop die bedrag aan die koopprys toegevoeg is, teen die koers wat, volgens die huurkontrak, hetsy as huur, hetsy as rente op die koopprys, betaalbaar is) aan die koopprys van die hoewe toevoeg; en die paaiemente van huurgeld, rente en koopprys word, gereken vanaf die aanvang van die jaarlikse of halfjaarlikse huurtermyn wat onmiddellik volg op die dag waarop sodanige betaling geskied, dienooreenkomstig vermeerder.

Bepalings aangaande aflossing van kapitaal en rente wat opgeneem moet word in verband, by uitreiking van Kroongrondbrief van hoewe gepasseer, waarop artikel 5 van Wet 25 van 1931 toepaslik is.

**37.** Ondanks die voorskrifte van die derde voorbehoudsbepaling tot sub-artikel (1) van artikel *vyf* van die Nedersettings Noodlenigingswet, 1931 (Wet No. 25 van 1931), moet, wanneer 'n Kroongrondbrief ingevolge artikel *agt* van die „Kroongrond Nederzettingswetten Verdere Wijzigingswet, 1922" (Wet No. 21 van 1922), uitgereik word ten aansien van 'n hoewe waarop die bepalings van artikel *vyf* van genoemde Nedersettings Noodlenigingswet, 1931, toepaslik is en wat voor die inwerkingtreding van hierdie Wet toegewys was, die verband, deur die huurder gepasseer, bepaal—

(*a*) dat die verbandgewer die hoofsom deur die verband verseker moet aflos binne veertig jaar vanaf die datum waarop hy sy reg om die hoewe aan te koop ooreenkomstig die huurkontrak uitgeoefen het; en

(*b*) dat die verbandgewer jaarliks by vooruitbetaling rente teen die koers van vier persent per jaar moet betaal op daardie gedeelte van die hoofsom deur die verband verseker, wat die koopprys van die hoewe verteenwoordig.

Verlenging van tydperk van terugbetaling van hoofsom verseker deur verband, ingevolge artikel 1 of 2 van Wet 15 van 1912 gepasseer.

**38.** (1) Ondanks die bepalings van die „Transvaalse en Oranje Vrystaatse Landvestiging Wijzigingswet, 1912" (Wet No. 15 van 1912), soos van tyd tot tyd gewysig, kan die Minister van Lande, op aansoek van 'n setlaar-verbandgewer bedoel in artikel *een* of *twee* van daardie Wet, die tydperk waarbinne die hoofsom, verseker deur die verband deur sodanige setlaar-verbandgewer ingevolge een van beide genoemde artikels ten gunste van die Regering gepasseer, afgelos moet word verleng tot 'n dag nie later as die een-en-dertigste dag van Desember 1940 nie.

(2) The provisions of sub-sections (2) and (3) of section *eighteen* of the Financial Adjustments Act, 1932 (Act No. 25 of 1932), shall, *mutatis mutandis*, apply to any mortgage bond whose period of redemption has been extended in terms of sub-section (1).

Reduction of purchase price secured by mortgage bond passed in terms of section 1 or 2 of Act 15 of 1912.

**39.** (1) Notwithstanding anything contained in the Transvaal and Orange Free State Land Settlements Amendment Act, 1912 (Act No. 15 of 1912), as from time to time amended, the Minister may, on receipt of a report from the central land board constituted under the principal Act, as amended by this Act, stating that the purchase price secured in any mortgage bond passed by a settler-mortgagor in accordance with the provisions of section *one* or *two* of the said Act No. 15 of 1912 is excessive, and recommending, for reasons set out in the report, that the said purchase price be reduced to a price stated in the report, reduce the aforesaid purchase price as recommended by the board.

(2) Such reduction of the purchase price shall be effective from a date determined by the Minister on the recommendation of the central land board, and any instalment in redemption of the capital sum secured by the bond and any interest thereon payable by the settler-mortgagor shall be reduced accordingly.

(3) In the event of a settler-mortgagor having paid one or more instalments in redemption of the purchase price included in the capital sum secured by the mortgage bond, or one or more instalments of interest in respect of such purchase price, such instalments and the interest thereon, or the instalments of interest, as the case may be, paid in excess of an amount equal to such instalments and the interest or the instalments of interest calculated on the basis of the reduced purchase price shall be credited against future payments as they become due by the settler-mortgagor.

Extension of period of occupation of probationary lessees on Karos and Buchuberg settlements.

**40.** Notwithstanding anything contained in section *one* of the Land Settlement Acts Further Amendment Act, 1924 (Act No. 38 of 1924), as amended by section *two* of the Land Settlement (Amendment) Act, 1931 (Act No. 1 of 1931), the Minister may, on the recommendation of the committee of control referred to in section *three* of the first-mentioned Act, extend the period of any right of temporary occupation granted to any probationary lessee on the Karos and Buchuberg Closer Settlement Areas, situate in the Divisions of Kenhardt and Prieska, in the Province of the Cape of Good Hope, so that such extended period expires upon a date not later than seven years after the date of the commencement of such right.

Repeals and amendments.

**41.** (1) Sections *eight* and *nine* of the Land Settlement Act, 1912 (Act No. 12 of 1912), sections *two*, *eight*, *nine* and *twelve* of the Land Settlement Act Amendment Act, 1917 (Act No. 23 of 1917), section *two* of the Land Settlement Acts Further Amendment Act, 1920 (Act No. 28 of 1920), sections *one*, *three*, *nine*, *ten* and *twenty-three* of the Land Settlement Laws Further Amendment Act, 1925 (Act No. 26 of 1925), section *one*, sub-sections (3), (4), (5) and (6) of section *two* and section *five* of the Irrigation Commission Act, 1926 (Act No. 33 of 1926), sections *three*, *eight*, *nine* and *ten* of the Land Settlement (Amendment) Act, 1928 (Act No. 6 of 1928), and sections *three*, *twelve* and *thirteen* of the Land Settlement Relief Act, 1931 (Act No. 25 of 1931), are hereby repealed.

(2) Section *nine* of the Irrigation Commission Act, 1926 (Act No. 33 of 1926), is hereby amended by the deletion of the definitions of the expressions "irrigation settlement area" and "the Land Settlement Acts" and the deletion of the words "or the Land Settlement Acts."

(3) Every irrigation settlement area defined as such by proclamation, in terms of section *one* of Act No. 33 of 1926, shall as from the commencement of this Act be subject to the jurisdiction of the central land board and of the local land board appointed for the area within which such irrigation settlement area is situate.

Short title and commencement.

**42.** This Act shall be known as the Land Settlement (Amendment) Act, 1934, and shall commence upon a date to be fixed by the Governor-General by proclamation in the *Gazette*.

(2) Die bepalings van sub-artikels (2) en (3) van artikel *agtien* van die Finansiële Reëlingswet, 1932 (Wet No. 25 van 1932), is *mutatis mutandis* van toepassing op 'n verband waarvan die tydperk van aflossing ingevolge sub-artikel (1) verleng is.

Vermindering van koopprys verseker deur verband, wat ingevolge artikel 1 of 2 van Wet 15 van 1912 gepasseer is.

**39.** (1) Ondanks die bepalings van die Transvaalse en Oranje Vrystaatse Landvestiging Wijzigingswet, 1912" (Wet No. 15 van 1912), soos van tyd tot tyd gewysig, kan die Minister, op ontvangs van 'n rapport van die sentrale landraad ingestel kragtens die Hoofwet soos by hierdie Wet gewysig, waarin verklaar word dat die koopprys, deur 'n verband deur 'n setlaar-verbandgewer ingevolge die bepalings van artikel *een* of *twee* van genoemde Wet No. 15 van 1912 gepasseer verseker, buitensporig is, en waarin aanbeveel word, om redes in die rapport uiteengesit, om genoemde koopprys tot 'n prys in die rapport genoem te verminder, voorsegde koopprys soos deur die raad aanbeveel verminder.

(2) Sodanige vermindering van die koopprys tree in werking vanaf 'n datum wat deur die Minister, op aanbeveling van die sentrale landraad, vasgestel word, en die paaiemente in aflossing van die hoofsom, wat deur die verband verseker is, en rente deur die setlaar-verbandgewer daarop betaalbaar, word dienooreenkomstig verminder.

(3) Wanneer 'n setlaar-verbandgewer een of meer paaiemente in aflossing van die koopprys, wat by die hoofsom deur die verband verseker bygevoeg is, of een of meer paaiemente van rente ten aansien van bedoelde koopprys, betaal het, word daardie paaiemente en die rente daarop, of die paaiemente van rente, soos die geval mag wees, wat betaal is bo 'n bedrag gelyk aan sodanige paaiemente en die rente of die paaiemente van rente bereken op die basis van die verminderde koopprys, teen toekomstige betalings, na gelang hulle deur die setlaar-verbandgewer betaalbaar word, gekrediteer.

Verlenging van okkupasie-termyn van proefhuurders op nedersettings Karos en Buchuberg.

**40.** Ondanks die bepalings van artikel *een* van die „Kroongrond Nederzettings Wetten Verdere Wijzigings Wet, 1924" (Wet No. 38 van 1924), soos gewysig deur artikel *twee* van die Nedersettings-Wysigingswet, 1931 (Wet No. 1 van 1931), kan die Minister, op aanbeveling van die kontrole-kommissie bedoel in artikel *drie* van eersgenoemde wet, die tydperk, waarvoor 'n reg van tydelike okkupasie aan 'n proefhuurder op die Digtere Nedersettingsterreine Karos en Buchuberg, geleë in die Afdelings Kenhardt en Prieska, in die Provinsie die Kaap die Goeie Hoop, verleen is, verleng sodat die verlengde tydperk verloop op 'n dag nie later as sewe jaar na die dag waarop die reg begin het.

Herroepings en wysigings.

**41.** (1) Artikels *agt* en *nege* van die „Kroongrond Nederzettings Wet, 1912" (Wet No. 12 van 1912), artikels *twee, ag, nege* en *twaalf* van die Nederzettingswet Wijzigingswet, 1917" (Wet No. 23 van 1917), artikel *twee* van die „Kroongrond Nederzettingswetten Verdere Wijzigingswet, 1920" (Wet No. 28 van 1920), artikels *een, drie, nege, tien* en *drie-en-twintig* van die „Kroongrond Nederzettingswetten Verdere Wijzigings Wet, 1925" (Wet No. 26 van 1925), artikel *een*, sub-artikels (3), (4), (5) en (6) van artikel *twee* en artikel *vyf* van die Besproeiingskommissiewet, 1926 (Wet No. 33 van 1926), artikels *drie, agt, nege* en *tien* van die Nedersettings Wysigingswet, 1928 (Wet No. 6 van 1928), en artikels *drie, twaalf* en *dertien* van die Nedersettings Noodlenigingswet, 1931 (Wet No. 25 van 1931), word hiermee herroep.

(2) Artikel *nege* van die Besproeiingskommissiewet, 1926 (Wet No. 33 van 1926), word hiermee gewysig deur die omskrywings van die uitdrukkings „besproeiingsnedersettings-streek" en „die Nedersettingswette" te skrap en die woorde „of die Nedersettingswette" te skrap.

(3) Elke besproeiingsnedersettings-streek wat as sodanig by proklamasie, ingevolge artikel *een* van Wet No. 33 van 1926, omskryf is, val vanaf die inwerkingtreding van hierdie Wet onder die jurisdiksie van die sentrale landraad en van die plaaslike landraad benoem vir die gebied waarin die streek geleë is.

Kort titel en inwerkingtreding.

**42.** Hierdie Wet heet die Nedersettings Wysigingswet, 1934, en tree in werking op 'n dag deur die Goewerneur-generaal by proklamasie in die *Staatskoerant* vas te stel.

No. 58, 1934.[

# ACT

**To amend the laws relating to the Land and Agricultural Bank of South Africa and Acts No. 32 of 1916 and No. 40 of 1926.**

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Interpretation of terms.

1. In this Act the expression "the principal Act" means the Land Bank Act, 1912 (Act No. 18 of 1912), as amended from time to time, and any expression to which in the principal Act a meaning has been assigned bears, when used in this Act, the same meaning.

Amendment of section 9 of Act 18 of 1912, as amended by section 17 of Act 32 of 1924.

2. Section *nine* of the principal Act is hereby repealed and the following new section substituted therefor:

"Execution of documents.

9. Subject to the provisions of section *eight*, all deeds, instruments, contracts, cheques and other documents shall be deemed to be duly executed by or on behalf of the bank or the board, as the case may be, if signed by the managing director and the general manager, or by the managing director and any officer of the bank deputed thereto by the managing director, or by the general manager and any officer of the bank deputed thereto by the managing director, or by any two officers of the bank deputed thereto by the managing director".

Amendment of section 19 of Act 18 of 1912, as amended by section 2 of Act 30 of 1916.

3. Section *nineteen* of the principal Act is hereby amended by the deletion of all the words after paragraph (*f*).

Amendment of section 23 of Act 18 of 1912, as amended by section 2 of Act 30 of 1916 and section 20 of Act 36 of 1921.

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

(*a*) by the insertion at the beginning of sub-section (2) of the words "Subject to any provision to the contrary contained in this Act or any amendment thereof or in any other law";

(*b*) by the deletion in sub-section (5) of the word "such" and of the words "as will last beyond the period for which the advance was made";

(*c*) by the substitution in sub-section (6) for the word "ten" of the word "thirty";

(*d*) by the addition at the end of the section of the following new sub-section:

"(7) Notwithstanding anything to the contrary in this Act or any amendment thereof, an advance made by the board to the surviving spouse or any heir of a deceased debtor for the sole purpose of redeeming debts, with interest and costs, owing to the bank by such debtor, may exceed the percentages of values referred to in this section, but shall in all other respects be subject to the provisions of this Act and any amendment thereof."

Amendment of section 37 of Act 18 of 1912, as amended by section 2 of Act 30 of 1916, section 20 of Act 36 of 1921 and section 17 of Act 32 of 1924.

5. Section *thirty-seven* of the principal Act is hereby amended—

(*a*) by the insertion in paragraph (*c*) after the word "court" of the words "or be attached in pursuance of a judgment of any such court";

(*b*) by the substitution for paragraph (ii) of the following new paragraph:

"(ii) after demand by registered letter, addressed to the address of the debtor stated in the form of application for the advance, has been made for the repayment of the advance, and, if the land or other security is mortgaged to any person other than the bank, after due notice to the

No. 58, 1934.]

# WET

**Tot wysiging van die regsbepalings op die Land- en Landboubank van Suid-Afrika en van Wette No. 32 van 1916 en No. 40 van 1926.**

DIT WORD BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg :—

Woordomskrywing.

**1.** In hierdie Wet beteken die uitdrukking „die Hoofwet" die Landbank Wet, 1912 (Wet No. 18 van 1912), soos van tyd tot tyd gewysig, en elke uitdrukking waaraan in die Hoofwet 'n betekenis verleen is, het in hierdie Wet dieselfde betekenis.

Wysiging van artikel 9 van Wet 18 van 1912, soos gewysig deur artikel 17 van Wet 32 van 1924.

**2.** Artikel *nege* van die Hoofwet word hiermee herroep en vervang deur die volgende nuwe artikel :

„Het opmaken van akten.

9. Behoudens de bepalingen van artikel *acht*, worden alle akten, geschriften, kontrakten, cheques en andere dokumenten geacht behoorlik door of namens de bank of de raad, al na het geval, opgemaakt te zijn, indien zij ondertekend zijn door de besturende direkteur en de algemene bestuurder, of door de besturende direkteur en een door de besturende direkteur daartoe aangewezen ambtenaar van de bank, of door de algemene bestuurder en een door de besturende direkteur daartoe aangewezen ambtenaar van de bank, of door twee door de besturende direkteur daartoe aangewezen ambtenaren van de bank".

Wysiging van artikel 19 van Wet 18 van 1912, soos gewysig deur artikel 2 van Wet 30 van 1916.

**3.** Artikel *negentien* van die Hoofwet word hiermee gewysig deur alle woorde na paragraaf (*f*) te skrap.

Wysiging van artikel 23 van Wet 18 van 1912, soos gewysig deur artikel 2 van Wet 30 van 1916 en artikel 20 van Wet 36 van 1921.

**4.** Artikel *drie-en-twintig* van die Hoofwet word hiermee gewysig—

(*a*) deur in sub-artikel (2) die woorde „Geen voorschot wordt" te vervang deur die woorde „Behoudens andersluidende bepalingen vervat in deze Wet of in een wijziging daarvan of in een andere wet, wordt geen voorschot" ;

(*b*) deur in sub-artikel (5) die woord „zodanige" en die woorde „als langer dan het tijdperk, waarvoor het voorschot verstrekt werd, duren zullen" te skrap ;

(*c*) deur in sub-artikel (6) die woord „tien" te vervang deur die woord „dertig" ;

(*d*) deur aan die end van die artikel die volgende nuwe sub-artikel by te voeg :

„(7) Ondanks andersluidende bepalingen van deze Wet of van een wijziging daarvan, kan een voorschot door de raad aan de overblijvende echtgenoot of een erfgenaam van een overleden schuldenaar verstrekt, alleen om schulden, tezamen met rente en kosten, door bedoelde schuldenaar aan de bank verschuldigd te delgen, de in dit artikel bedoelde waardepercentages overschrijden, maar is in alle andere opzichten aan de bepalingen van deze Wet en aan elke wijziging daarvan onderworpen".

Wysiging van artikel 37 van Wet 18 van 1912, soos gewysig deur artikel 2 van Wet 30 van 1916, artikel 20 van Wet 36 van 1921 en artikel 17 van Wet 32 van 1924.

**5.** Artikel *sewen-en-dertig* van die Hoofwet word hiermee gewysig—

(*a*) deur in paragraaf (c) na die woorde „verklaard is" die woorde „of in beslag genomen is ter uitvoering van een vonnis van een zodanig hof" in te voeg ;

(*b*) deur paragraaf (ii) te vervang deur die volgende nuwe paragraaf :

„(ii) nadat per geregistreerde brief, geadresseerd aan het adres van de schuldenaar opgegeven in de vorm van applikatie voor het voorschot, tot terugbetaling van het voorschot aangemaand is, en, indien de grond of andere zekerheid ten gunste van een andere persoon dan de bank met verband bezwaard is, na behoorlike

mortgagee, and without recourse to a court of law, enter upon and take possession of and sell by public auction the whole or any part of the security for the advance upon such terms and conditions as appear under all the circumstances to be just: Provided that if the default be only in respect of the circumstances mentioned in paragraph (*a*) of this sub-section, such seizure and sale shall not take place until after the expiration of three months from the date on which payment was due of the sum of money in respect of which the default has occurred: Provided further, that, in the circumstances mentioned in paragraph (*c*) of this sub-section, the board may so enter upon and take possession of and sell the whole or any part of such security as soon after the debtor's estate has been finally sequestrated or assigned, or the debtor has been sentenced, or the property has been declared executable or attached, or the debtor's estate is being administered under the provisions of sub-section (3) of section *forty-eight* of Act No. 24 of 1913, as the board may deem expedient";

(*c*) by the insertion at the end of paragraph (iii) of the word "and" and of the further new paragraph:

"(iv) make an advance under the provisions of this Act or any amendment thereof, on such terms and conditions as it may deem fit, to the purchaser of such land or other security, for the purpose of defraying the whole or part of the purchase price, notwithstanding that such advance may exceed the limits prescribed by section *twenty-three*";

(*d*) by the addition at the end of the section of the following new sub-section, the existing section as hereby amended becoming sub-section (1):

"(2) No property mortgaged to the bank shall be sold in execution by a messenger of the court, or a sheriff, or the trustee of an insolvent estate, or the assignee of an assigned estate, or the executor administering the estate of a deceased person under the provisions of sub-section (3) of section *forty-eight* of Act No. 24 of 1913, unless the bank agrees in writing to such sale or has failed to sell such mortgaged property within three months after receipt of a notice from the messenger, sheriff, trustee, assignee or executor, as the case may be, to the effect that the property mortgaged has been attached, or that the estate of the debtor has been finally sequestrated or assigned or is being administered under the provisions of sub-section (3) of section *forty-eight* of Act No. 24 of 1913, as the case may be."

Amendment of section 46 of Act 18 of 1912.

6. Section *forty-six* of the principal Act is hereby amended by the substitution for the words "is temporarily acquired as the result of foreclosure or otherwise on account of debt, and all land so temporarily acquired shall be sold at the earliest favourable opportunity upon such special terms and conditions as the board may approve" of the words "other than land mortgaged to and bought in by the bank or other than land otherwise acquired on account of debt. All land so bought in or otherwise acquired shall be sold at the earliest favourable opportunity upon such special terms and conditions as the board may approve. The board may allow the purchase price or any portion thereof to be secured by a mortgage bond over the land in favour of the bank. The amount so secured shall for the purposes of this Act be deemed to be an advance under the provisions of this Act; and the provisions of this Act and of all amendments thereof relating to advances, except the provisions of sub-section (2) of section *twenty-three*, shall apply to such amount".

kennisgeving aan de verbandhouder en zonder vorm van proces, de zekerheid voor het voorschot, geheel of gedeeltelik, betreden, in bezit nemen en bij openbare veiling verkopen onder zodanige bedingen en voorwaarden als onder die omstandigheden billik lijken : Met dien verstande dat indien alleen verzuimd wordt ten opzichte van de in paragraaf (*a*) van dit sub-artikel vermelde aangelegenheden, zodanige inbezitneming en verkoping niet mag geschieden tot na verloop van drie maanden vanaf de dag waarop de som gelds, ten aanzien waarvan verzuimd werd, moest worden betaald : Met dien verstande voorts, dat in de omstandigheden vermeld in paragraaf (*c*) van dit sub-artikel de raad de bedoelde zekerheid geheel of gedeeltelik aldus kan betreden, in bezit nemen en bij openbare veiling verkopen so spoedig nadat de boedel van de schuldenaar finaal gesekwestreerd of afgestaan is, of de schuldenaar veroordeeld is, of het eigendom exekutabel verklaard of in beslag genomen is, of de boedel van de schuldenaar beheerd wordt volgens de bepalingen van sub-artikel (3) van artikel *acht en veertig* van Wet No. 24 van 1913, als de raad wenselik mocht achten" ;

(*c*) deur aan die end van paragraaf (iii) die woord „en" en die volgende nuwe paragraaf in te voeg : „(iv) krachtens de bepalingen van deze Wet of een wijziging daarvan, een voorschot onder zodanige bedingen en voorwaarden als hij wenselik mocht achten aan de koper van bedoelde grond of andere zekerheid verstrekken, tot dekking van de koopprijs, geheel of gedeeltelik, niettegenstaande dat het voorschot de perken door artikel *drie en twintig* voorgeschreven mag overschrijden" ;

(*d*) deur aan die end van die artikel die volgende nuwe sub-artikel by te voeg, waardeur die bestaande artikel soos hierdeur gewysig sub-artikel (1) word : „(2) Geen eigendom dat ten gunste van de bank verhypothekeerd is wordt in exekutie door een gerechtsbode, of een baljuw, of de kurator van een insolvente boedel, of de boedelredder van een afgestane boedel, of de exekuteur die de boedel van een overledene schuldenaar volgens de bepalingen van sub-artikel (3) van artikel *acht en veertig* van Wet No. 24 van 1913 beheert, verkocht, tenzij de bank haar schriftelike toestemming tot de verkoping verleent, of verzuimd heeft het verhypothekeerde eigendom te verkopen binnen drie maanden vanaf ontvangst van een kennisgeving van de gerechtsbode, baljuw, kurator, boedelredder of exekuteur, al na het geval, dat het verhypothekeerde eigendom in beslag genomen is, of dat de boedel van de schuldenaar finaal gesekwestreerd of afgestaan is of beheerd wordt volgens de bepalingen van sub-artikel (3) van artikel *acht en veertig* van Wet No. 24 van 1913, na het geval mocht zijn".

Wysiging van artikel 46 van Wet 18 van 1912.

**6.** Artikel *ses-en-veertig* van die Hoofwet word hiermee gewysig deur die woorde „of tijdelik verkregen is ten gevolge van overname of anderzins in betaling van schuld. Al de alzo tijdelik verkregen grond moet worden verkocht bij de eerste gunstige gelegenheid onder zodanige biezondere bedingen en voorwaarden als de raad mocht goedkeuren" te vervang deur die woorde „behalve grond die ten gunste van de bank verhypothekeerd en door de bank overgenomen is, en behalve grond die op andere wijze in betaling van schuld verkregen is. Al de grond die aldus overgenomen of verkregen wordt, moet worden verkocht bij de eerste gunstige gelegenheid onder zodanige biezondere bedingen en voorwaarden als de raad mocht goedkeuren. De raad kan de koopprijs of een gedeelte daarvan laten verzekeren door verband op de grond ten gunste van de bank. Het aldus verzekerde bedrag wordt bij toepassing van deze Wet geacht te zijn een voorschot verstrekt krachtens de bepalingen van deze Wet ; en de bepalingen van deze Wet en van alle wijzigingen daarvan met betrekking tot voorschotten, uitgezonderd de bepalingen van sub-artikel (2) van artikel *drie en twintig*, zijn op dat bedrag toepasselik".

Amendment of section 48 of Act 18 of 1912, as amended by section 20 of Act 36 of 1921.

**7.** Sub-section (1) of section *forty-eight* of the principal Act is hereby amended by the deletion of all words after the word "Minister", and the substitution therefor of the following paragraph:

"In the event of the application not being dealt with by the board, the applicant shall be entitled to a refund of fees paid by him, less an amount of ten shillings, and less the amount also of the valuator's fee and travelling expenses."

Amendment of section 13 of Act 36 of 1921, as amended by section 17 of Act 32 of 1924.

**8.** Section *thirteen* of the Land Bank Act Further Amendment Act, 1921 (Act No. 36 of 1921), as amended, is hereby further amended by the substitution for sub-section (1) thereof of the following new sub-section:

"(1) The board may make an advance on such terms as it may deem fit, and may direct that the advance shall be repaid in such instalments, with interest on the balance of the advance outstanding from time to time, and within such period, not being in excess of thirty years, as it may prescribe."

Amendment of section 14 of Act 36 of 1921, as amended by section 17 of Act 32 of 1924 and section 16 of Act 29 of 1933.

**9.** Section *fourteen* of the Land Bank Act Further Amendment Act, 1921 (Act No. 36 of 1921), as amended, is hereby further amended—

(*a*) by the deletion in sub-section (1) of all words after the word "may", and the substitution therefor of the words "apply such excess towards reduction of the advance";

(*b*) by the deletion in sub-section (2) of the words "six months after the excess payment has been so applied", the word "half-yearly" and the word "originally"; and

(*c*) by the repeal of sub-section (3).

Amendment of section 5 of Act 40 of 1922.

**10.** Section *five* of the Land Bank Acts Further Amendment Act, 1922 (Act No. 40 of 1922), is hereby amended by the substitution for sub-section (5) of the following new sub-section:

"(5) All amounts collected by the board and, subject to the provisions of sub-section (3), the proceeds of the sale of immovable or movable property, shall be employed to reduce or liquidate the company's debt to the bank, and any surplus after liquidation of such debt shall be paid over to the company or its legal representative".

Amendment of section 5 of Act 32 of 1924.

**11.** Section *five* of the Land Bank Acts Further Amendment Act, 1924 (Act No. 32 of 1924), is hereby amended by substituting for the words "the Fencing Act, 1912, or any amendment thereof, to the owner as in that Act defined, of a holding which is" the words "any law to the owner (as defined in Act No. 20 of 1911, or any amendment thereof, or Act No. 17 of 1912, or any amendment thereof) of a holding for the construction of a dipping tank or a silo or other contrivance for the making or storage of ensilage, or the erection of or contribution to the cost of erecting or altering a fence, or the provision of a supply of water, the holding being".

Repeal of section 16 of Act 32 of 1924.

**12.** Section *sixteen* of the Land Bank Acts Further Amendment Act, 1924 (Act No. 32 of 1924) is hereby repealed.

Amendment of section 18 of Act 29 of 1933.

**13.** Section *eighteen* of the Financial Adjustments Act, 1933 (Act No. 29 of 1933), is hereby amended—

(*a*) by the deletion in sub-section (1) of the words ,,whether made to any person and secured by bond or charge on land or to any co-operative society or company"; and

(*b*) by the substitution in sub-section (2) for the words "bond or charge on land" of the word "instrument".

Amendment of section 19 of Act 29 of 1933.

**14.** (1) Section *nineteen* of the Financial Adjustments Act, 1933 (Act No. 29 of 1933), is hereby amended—

(*a*) by the deletion in sub-section (1) of all words after the word "fit" and the substitution therefor of the words "consolidate debts owing to the bank, including accrued interest thereon and costs, notwithstanding that the total amount of the debts so consolidated may, in relation to the value of the land, rights or interests upon which the consolidated debts are secured, exceed the limits prescribed by section *twenty-three* of the said Act: Provided that no debt owing to the bank secured by a mortgage bond or charge upon land which is mortgaged in favour of the Government of the Union by a mortgage bond which ranks prior to the bond or charge in favour

Wysiging van artikel 48 van Wet 18 van 1912, soos gewysig deur artikel 20 van Wet 36 van 1921.

**7.** Sub-artikel (1) van artikel *agt-en-veertig* van die Hoofwet word hiermee gewysig deur alle woorde na die woord „goedgekeurd" te skrap en te vervang deur die volgende paragraaf:

„Ingeval de aanvraag niet door de raad behandeld wordt, is de aanvrager gerechtigd op teruggave van de door hem betaalde lonen, onder aftrek van een bedrag van tien shillings, en onder aftrek van het bedrag ook van de beloning en reiskosten van de taksateur".

Wysiging van artikel 13 van Wet 36 van 1921, soos gewysig deur artikel 17 van Wet 32 van 1924.

**8.** Artikel *dertien* van die „Landbank Wet Verdere Wijzigingswet, 1921" (Wet No. 36 van 1921), soos gewysig, word hiermee verder gewysig deur sub-artikel (1) daarvan te vervang deur die volgende nuwe sub-artikel:

„(1) De raad kan een voorschot verstrekken op voorwaarden die hij wenselik acht, en hij kan voorschrijven dat het voorschot worde terugbetaald in paaiementen, met rente op de balans van het voorschot van tijd tot tijd verschuldigd, en binnen een tijdruimte, van ten hoogste dertig jaar, die hij vaststelt".

Wysiging van artikel 14 van Wet 36 van 1921, soos gewysig deur artikel 17 van Wet 32 van 1924 en artikel 16 van Wet 29 van 1933.

**9.** Artikel *veertien* van die „Landbank Wet Verdere Wijzigingswet, 1921" (Wet No. 36 van 1921), soos gewysig, word hiermee verder gewysig—

(*a*) deur in sub-artikel (1) alle woorde na die woord „raad" te skrap en te vervang deur die woorde „het overschot aanwenden tot vermindering van het voorschot";

(*b*) deur in sub-artikel (2) die woorde „zes maanden nadat die hogere betaling aldus is aangewend"; die woord „halfjaarlikse" en die woord „oorspronkelik" te skrap; en

(*c*) deur sub-artikel (3) te skrap.

Wysiging van artikel 5 van Wet 40 van 1922.

**10.** Artikel *vyf* van die „Landbank Wetten Verdere Wijzigings Wet, 1922" (Wet No. 40 van 1922), word hiermee gewysig deur sub-artikel (5) te vervang deur die volgende nuwe sub-artikel:

„(5) Alle bedragen door de raad geïnd en, behoudens de bepalingen van sub-artikel (3), de opbrengst van de verkoping van onroerende of roerende goederen, worden aangewend om de schuld van de maatschappij aan de bank te verminderen of te likwideren, en enig bedrag dat na likwidering van bedoelde schuld overblijft, wordt aan de maatschappij of zijn wettelike vertegenwoordiger uitbetaald".

Wysiging van artikel 5 van Wet 32 van 1924.

**11.** Artikel *vyf* van die „Landbank Wetten Verdere Wijzigingswet, 1924" (Wet No. 32 van 1924), word hiermee gewysig deur die woorde „de Omheiningswet, 1912, of een wijziging daarvan aan de eigenaar, zoals in die wet beschreven, van een bezitting die onderhevig is" te vervang deur die woorde „enige rechtsbepaling aan de eigenaar (zoals gedefinieerd in Wet No. 20 van 1911, of een wijziging daarvan, of Wet No. 17 van 1912, of een wijziging daarvan) van een bezitting voor het bouwen van een dipbak of een silo of andere inrichting voor het maken of bewaren van ensilage, of voor het oprichten, of het bijdragen tot de kosten van oprichting of verandering van een omheining, of voor het verkrijgen van water, de bezitting onderhevig zijnde".

Herroeping van artikel 16 van Wet 32 van 1924.

**12.** Artikel *sestien* van die „Landbank Wetten Verdere Wijzigingswet, 1924" (Wet No. 32 van 1924), word hiermee herroep.

Wysiging van artikel 18 van Wet 29 van 1933.

**13.** Artikel *agtien* van die Finansiële Reëlingswet, 1933 (Wet No. 29 van 1933), word hiermee gewysig—

(*a*) deur in sub-artikel (1) die woorde „hetsy aan 'n persoon verstrek en verseker deur 'n verband op of 'n beswaring van grond, hetsy aan 'n koöperatiewe vereniging of maatskappy verstrek" te skrap; en

(*b*) deur in sub-artikel (2) die woorde „'n verband op of beswaring van grond" te vervang deur die woorde „enige dokument".

Wysiging van artikel 19 van Wet 29 van 1933.

**14.** (1) Artikel *negentien* van die Finansiële Reëlingswet, 1933 (Wet No. 29 van 1933), word hiermee gewysig—

(*a*) deur in sub-artikel (1) alle woorde na die woord „ag" te skrap, en te vervang deur die woorde „skulde wat aan die bank verskuldig is, tesame met opgelope rente daarop en koste, konsolideer, al gaan die totaalbedrag van die aldus gekonsolideerde skulde, met betrekking tot die waarde van die grond, regte of belange waarop die gekonsolideerde skulde verseker is, die deur artikel *drie-en-twintig* van vermelde wet voorgeskrewe perke te bowe: Met die verstande dat 'n skuld verskuldig aan die bank verseker deur 'n verband op of beswaring van grond, wat ten gunste van die Regering van die Unie verhipotekeer is deur 'n verband wat preferent is aan die

of the bank shall be consolidated under the provisions of this section except with the written consent of the Treasury";

(*b*) by the substitution for sub-section (2) of the following new sub-section:

"(2) The registrar in charge of any deeds registry in which is registered any bond or in which is recorded any charge whereby is secured any one or more of the debts consolidated under this section shall, on production to him of a statement signed by the general manager of the said bank, or an officer authorized thereto by him, and by the debtor, setting forth the amount of the consolidated debts and the conditions of the consolidation, cause a note to be made in terms of such statement on every such bond and on every document in which is recorded any such charge. It shall not be necessary to make any endorsement on the title-deeds or other documents of title of or to the land, rights or interests affected in respect of such statement. Such registrar shall cause such statement to be filed in the deeds registry, and shall transmit forthwith to the bank a certified copy of the note so made. No charge, fee of office or stamp duty shall be payable in respect of such statement or note, or in respect of any document required in connection therewith";

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

"(3) The making of such note shall have the effect of—

(i) securing under the existing bond or charge in respect of which such note has been made (or, where there are two or more bonds or charges, under the bond or charge registered or recorded first), the sum total of the consolidated debts as set out in the said statement and such interest and costs as may as from the date specified in that statement accrue thereon or become due in respect thereof, in the same manner as if such bond or charge had originally been passed or recorded for such sum total upon all the land, rights or interests hypothecated or charged under any bond or charge whereby any of the debts so consolidated was secured; and

(ii) varying the conditions of such bond or charge in the manner and to the extent set out in the said statement;

and such bond or charge shall rank preferent to every mortgage bond, hypothec or charge upon the land, rights or interests; and any waiver of preference, suretyship, renunciation, or any other undertaking or agreement in favour of the bank executed upon or after registration of such bond or recording of such charge shall remain of full force and effect in respect of such consolidated debts".

(2) Sub-section (1) shall be deemed to have come into operation on the twenty-sixth day of June, 1933.

Amendment of section 20 of Act 29 of 1933.

**15.** (1) Section *twenty* of the Financial Adjustments Act, 1933 (Act No. 29 of 1933), is hereby amended—

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

"(1) The central board of the Land and Agricultural Bank of South Africa may, on behalf of the Government of the Union, out of moneys appropriated by Parliament for the purpose, make an advance to—

(*a*) a farmer as defined in section *two* of the Land Bank Act, 1912 (Act No. 18 of 1912); or

(*b*) a committee or board of management of a settlement,

on a mortgage of land or upon the security of Crown land the purchase price of which is partly paid or upon the security of land held under lease from the State registered in a deeds registry, for the purposes of—

verband of beswaring ten gunste van die bank, nie kragtens die bepalings van hierdie artikel gekonsolideer word nie, behalwe met skriftelike toestemming van die Tesourie" ;

(*b*) deur sub-artikel (2) te vervang deur die volgende nuwe sub-artikel :

„(2) Wanneer aan die registrateur wat belas is met die bestuur van 'n registrasiekantoor waarin 'n verband geregistreer is, of waarin 'n beswaring aangeteken is, waardeur een of meer van die kragtens hierdie artikel gekonsolideerde skulde verseker is 'n verklaring oorlê word, onderteken deur die algemene bestuurder van genoemde bank, of deur 'n daartoe deur hom aangewese amptenaar, en deur die skuldenaar, vermeldende die bedrag van die gekonsolideerde skulde en die voorwaardes van konsolidasie, moet die registrateur 'n aantekening ooreenkomstig die inhoud van die verklaring laat maak op elke sodanige verband en op elke dokument waarin 'n sodanige beswaring aangeteken is. Dit is nie nodig om op die transportaktes of ander titelbewyse van die betrokke grond, regte of belange 'n aantekening aangaande bedoelde verklaring te maak nie. Die registrateur laat bedoelde verklaring in die registrasiekantoor opberg, en stuur onverwyld aan die bank 'n gesertifiseerde afskrif van die aldus gemaakte aantekening. Geen loon, ampsfooi of seëlreg is betaalbaar ten opsigte van so 'n verklaring of aantekening, of ten opsigte van enige nodige dokument in verband daarmee" ;

(*c*) deur sub-artikel (3) te vervang deur die volgende nuwe sub-artikel :

„(3) Deur die maak van so 'n aantekening word—

(i) die totaalbedrag van die gekonsolideerde skulde, soos opgegee in vermelde verklaring, met die rente en koste wat na die datum vermeld in daardie verklaring daarby aangroei of in verband daarmee verskuldig word, kragtens die bestaande verband of beswaring, ten aansien waarvan bedoelde aantekening gemaak is (of, ingeval daar twee of meer verbande of beswarings is, kragtens die verband of beswaring wat eerste geregistreer of aangeteken is), verseker, op dieselfde wyse asof bedoelde verband of beswaring oorspronklik vir bedoelde totaalbedrag gepasseer of aangeteken was oor al die grond, regte of belange wat, kragtens 'n verband of beswaring waardeur enige van die aldus gekonsolideerde skulde verseker is, verhipotekeer of beswaar is ; en

(ii) die voorwaardes van bedoelde verband of beswaring, op die wyse en in die mate opgegee in vermelde verklaring gewysig ;

en bedoelde verband of beswaring is preferent aan elke verband of hipoteek op of beswaring van die grond, regte of belange ; en elke afsiening van preferensie, borgtog, afstand, of enige ander belofte of ooreenkoms ten gunste van die bank aangegaan tydens registrasie van bedoelde verband of aantekening van bedoelde beswaring, of daarna, bly van volle krag en in volle werking ten opsigte van bedoelde gekonsolideerde skulde".

(2) Sub-artikel (1) word geag in werking te getree het op die ses-en-twintigste dag van Junie 1933.

Wysiging van artikel 20 van Wet 29 van 1933.

**15.** (1) Artikel *twintig* van die Finansiële Reëlingswet, 1933 (Wet No. 29 van 1933), word hiermee gewysig—

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

„(1) Die sentrale raad van die Land- en Landboubank van Suid-Afrika kan, namens die Regering van die Unie, uit gelde daartoe deur die Parlement beskikbaar gestel, 'n voorskot—

(*a*) aan 'n boer, soos in artikel *twee* van die Landbank Wet, 1912 (Wet No. 18 van 1912), omskrewe ; of

(*b*) aan 'n komitee of raad van beheer van 'n nedersetting,

verstrek op verband van grond, of op sekerheid van kroongrond 'n gedeelte van die koopprys waarvan betaal is, of op sekerheid van grond gehou onder huurkontrak van die Staat geregistreer in 'n registrasiekantoor—

(i) redeeming any mortgage bond registered in a deeds registry whereby any land or any interest in land, including any lease of land, is hypothecated; or

(ii) redeeming any notarial bond registered in a deeds registry whereby the mortgagor's rights under any lease of land or under any agreement for the purchase of land by him from the State or from any other person are hypothecated; or

(iii) redeeming any charge on land; or

(iv) enabling the farmer to whom the advance is made to obtain transfer of any land inherited by him under any testamentary disposition or *ab intestato*; or

for any two or more of the purposes mentioned in paragraphs (i), (ii), (iii) and (iv), and for defraying any expenses which in the opinion of the central board it is necessary to incur in order that the security for the advance may be completed, notwithstanding that the amount of such advance, in relation to the value of the land, rights or interests, upon which it is secured, exceeds the limits prescribed by section *twenty-three* of the said act: Provided that no advance shall be made under the provisions of this section to redeem any charge referred to in paragraph (iii) which was created on or after the twenty-sixth day of June, 1933, or any bond referred to in paragraph (i) or (ii) which was registered on or after that date, except a farm mortgage such as is referred to in paragraph (iii) of the definition of the expression "farm mortgage" contained in sub-section (1) of section *one* of the Farm Mortgage Interest Act, 1933 (Act No. 34 of 1933), or a bond passed to secure an advance made under this section";

(*b*) by the substitution in sub-section (3)—

(i) for the words "sixty per cent. of the fair agricultural and pastoral value of the security, as then determined by the said board" of the words "the limits prescribed by section *twenty-three* of the Land Bank Act, 1912"; and

(ii) for the words "date (next succeeding the date on which the said resolution of the Treasury and the board was taken) upon which any money becomes payable in respect of interest on such amount by the person to whom the advance was made" of the words "due date of interest thereon last preceding the date on which the said resolution of the Treasury and the board was taken";

(*c*) by the deletion in sub-section (5) of all words after the words "board";

(*d*) by the addition at the end of the section of the following new sub-sections:

"(6) No advance shall be made under this section except upon first mortgage bond, or notarial bond, save where the bank holds the first mortgage bond, or notarial bond, in which event an advance may be made on a mortgage bond or notarial bond ranking immediately after the bond or bonds held by the bank.

(7) No advance shall be made under this section which, together with the amounts secured by any prior mortgages in favour of the bank on the land, rights or interests upon which the advance is to be secured, exceeds the value of the land, rights or interests, as determined by the board".

(2) Sub-section (1) shall be deemed to have come into operation on the twenty-sixth day of June, 1933.

Conditions of advances for fencing, dipping tanks, silos and water supply.

16. Notwithstanding anything contained in any law relating to the making of advances by the bank for the erection of or contribution to the cost of erecting or altering fences, for the construction of dipping tanks, for the construction of silos or other contrivances for the making or storage of ensilage, or for the provision of a water supply, the board may make any such advance on such terms as it may deem fit and may

(i) tot delging van 'n verband geregistreer in 'n registrasiekantoor, waardeur grond, of 'n belang in grond, met inbegrip van 'n huur van grond, verhipotekeer is; of

(ii) tot delging van 'n notariële verband geregistreer in 'n registrasiekantoor, waardeur die regte van die verbandgewer, kragtens 'n huur van grond, of kragtens 'n ooreenkoms vir die aankoop deur hom van grond van die Staat of van 'n ander persoon, verhipotekeer is; of

(iii) tot delging van 'n beswaring van grond; of

(iv) om die boer aan wie die voorskot verstrek is in staat te stel om transport te ontvang van grond wat hy ingevolge 'n testamentêre beskikking of *ab intestato* geërf het, of

tot verwesenliking van twee of meer van die in paragrawe (i), (ii), (iii) en (iv) vermelde oogmerke, en tot bestryding van die onkoste wat, na oordeel van die sentrale raad, noodsaaklikerwys aangegaan moet word om sekerheid vir die voorskot te stel, al gaan die bedrag van die voorskot, met betrekking tot die waarde van die grond, regte of belange waarop dit verseker is, die deur artikel *drie-en-twintig* van vermelde wet voorgeskrewe perke te bowe:

Met die verstande dat geen voorskot kragtens die bepalings van hierdie artikel verstrek word nie tot delging van 'n in paragraaf (iii) bedoelde beswaring wat op of na die ses-en-twintigste dag van Junie 1933 tot stand gebring is, of van 'n in paragraaf (i) of (ii) bedoelde verband wat op of na daardie dag geregistreer is, behalwe 'n plaasverband bedoel in paragraaf (iii) van die omskrywing van die uitdrukking „plaasverband" vervat in sub-artikel (1) van artikel *een* van die Wet op Plaasverbandrente, 1933 (Wet No. 34 van 1933), of 'n verband gepasseer tot versekering van 'n kragtens hierdie artikel verstrekte voorskot";

(*b*) deur in sub-artikel (3)—

(i) die woorde „nie sestig persent van die billike waarde van die verhipotekeerde grond vir landbou of veeteelt, soos dan deur die raad bepaal" te vervang deur die woorde „die deur artikel *drie-en-twintig* van die Landbank Wet, 1912, voorgeskrewe perke nie"; en

(ii) die woorde „dag (eersvolgende op die dag waarop bedoelde besluit deur die Tesourie en die raad aangeneem is) waarop geld deur die persoon ten gunste van wie die voorskot verstrek is betaalbaar word ten opsigte van rente op bedoelde bedrag" te vervang deur die woorde „laaste vervaldag van rente daarop voor die dag waarop bedoelde besluit deur die Tesourie en die raad aangeneem is";

(*c*) deur in sub-artikel (5) alle woorde na die woord „raad" te skrap;

(*d*) deur aan die end van die artikel die volgende nuwe sub-artikels by te voeg:

„(6) 'n Voorskot word kragtens hierdie artikel alleen op eerste verband of notariële verband verstrek, behalwe wanneer die bank die houer is van die eerste verband of notariële verband, in welk geval 'n voorskot verstrek mag word op 'n verband of notariële verband wat in aanmerking kom onmiddellik na die verband of verbande wat deur die bank gehou word.

(7) Geen voorskot word kragtens hierdie artikel verstrek nie, wat, tesame met die bedrae verseker deur preferente verbande ten gunste van die bank oor die grond, regte of belange waardeur die voorskot verseker moet word, die waarde van die grond, regte of belange, soos deur die raad getakseer, te bowe gaan".

(2) Sub-artikel (1) word geag in werking te getree het op die ses-en-twintigste dag van Junie 1933.

Voorwaardes van voorskotte verstrek vir omheinings, dipbakke, silos en watertoevoer.

**16.** Ondanks andersluidende regsbepalings met betrekking tot die verstrekking deur die bank van voorskotte vir die oprig van, of die bydra tot die koste van oprigting of verandering van, omheinings, vir die bou van dipbakke, vir die bou van silos of ander inrigtings vir die maak of bewaring van kuilvoer, of vir verkryging van water, kan die raad so 'n voorskot op voorwaardes wat hy wenslik mog ag verstrek,

direct that the advance shall be repaid in such instalments, with interest on the balance outstanding from time to time, and within such period, not exceeding twenty years, as it may prescribe.

Sale of produce by a co-operative society or company indebted to the bank under a cash credit account.

**17.** Notwithstanding anything contained in any law or in the regulations of a co-operative society or co-operative company, while any such society or company is indebted to the bank in the form of a cash credit account, any produce delivered by any member to the society or company shall be realisable only by the society or company in the ordinary course of its business or by the bank in the exercise of the powers conferred on it by the principal Act; and such produce or the proceeds thereof shall not, while such debt with interest and costs remains unpaid, be attached in execution by any person other than the bank, except with the written consent of the bank.

Board empowered to vary instalments or due dates thereof.

**18.** The board may at any time, with the consent of any debtor of the bank, vary the instalments prescribed in repsect of the advance made to him, or the due dates of such instalments; and the bond or other document securing the advance shall be deemed to have been amended accordingly without such variation being recorded thereon or in the deeds registry or other office in which such bond or other document is registered.

Exclusion of Land Bank from the provisions of section 50 of Act 13 of 1918.

**19.** The provisions of section *fifty* of the Deeds Registries Act, 1918 (Act No. 13 of 1918), shall not apply to the passing of a mortgage bond or the registration of a notarial bond in favour of the bank upon the authority of a special power of attorney.

Amendment of section 78 of Act 32 of 1916.

**20.** Section *seventy-eight* of the Insolvency Act, 1916 (Act No. 32 of 1916), is hereby amended by the deletion of all words after the words "Land Bank Act, 1912".

Amendment of Act 40 of 1926 as amended by Act 45 of 1931.

**21.** (1) The Agricultural Credit Act, 1926 (Act No. 40 of 1926), as amended by the Financial Adjustments Act, 1931 (Act No. 45 of 1931), is hereby amended by the repeal of section *seven* (in so far as it is not already repealed), section *fourteen* and section *thirty-two*.

(2) No person shall, by reason of the fact that he is or at any time has been a member of a rural credit society, as defined by section *forty* of the Agricultural Credit Act, 1926, be liable for any debt or obligation of the society whether incurred before or after the commencement of this Act; but the provisions of this sub-section shall not affect the liability of any such person under any accommodation or loan granted to him or under any bill drawn or endorsed by him or any other liability undertaken by him in his personal capacity.

Short title.

**22.** This Act shall be known as the Land Bank Amendment Act, 1934.

en kan hy bepaal dat die voorskot met sulke paaiemente, met rente op die balans verskuldig van tyd tot tyd, en binne so 'n tydperk, twintig jaar nie te bowe gaande nie, as wat hy mog vasstel terugbetaal moet word.

Verkoop van produkte deur 'n koöperatiewe vereniging of maatskappy wat by kaskredietrekening aan bank verskuldig is.

**17.** Ondanks andersluidende bepalings in 'n wet of in die statute van 'n koöperatiewe vereniging of koöperatiewe maatskappy, mag, terwyl so 'n vereniging of maatskappy aan die bank verskuldig is in die vorm van 'n kaskredietrekening, produkte wat deur 'n lid aan die vereniging of maatskappy afgelewer is, alleen deur die vereniging of maatskappy in die gewone loop van sy besigheid, of deur die bank by die uitoefening van die bevoegdhede deur die Hoofwet aan hom verleen, tot geld gemaak word; en voordat sodanige skuld, met rente en koste, afbetaal is, mag sodanige produkte nie in beslag geneem word nie deur 'n ander persoon as die bank, tensy met die skriftelike toestemming van die bank.

Raad gemagtig om paaiemente of vervaldae daarvan te verander.

**18.** Met toestemming van 'n skuldenaar van die bank, kan die raad te eniger tyd die paaiemente wat ten opsigte van die aan hom verstrekte voorskot bepaal is, of die vervaldae van bedoelde paaiemente, verander; en die verband of ander dokument waardeur die voorskot verseker word word geag dienooreenkomstig gewysig te geword het, sonder dat bedoelde verandering aangeteken is op die verband of ander dokument of in die registrasiekantoor van aktes of ander kantoor waar die verband of ander dokument geregistreer is.

Vrystelling van Landbank van bepalings van artikel 50 van Wet 13 van 1918.

**19.** Die bepalings van artikel *vyftig* van die „Wet op Registratiekantoren van Akten, 1918" (Wet No. 13 van 1918), is op die passeer van 'n verband of die registrasie van 'n notariële verband ten gunste van die bank op krag van 'n spesiale prokurasie nie van toepassing nie.

Wysiging van artikel 78 van Wet 32 van 1916.

**20.** Artikel *agt-en-sewentig* van die „Insolventie Wet, 1916" (Wet No. 32 van 1916), word hiermee gewysig deur alle woorde na die woorde „Landbank Wet, 1912" te skrap.

Wysiging van Wet 40 van 1926, soos gewysig deur Wet 45 van 1931.

**21.** (1) Die Landbou Krediet Wet, 1926 (Wet No. 50 van 1926), soos gewysig deur die Finansiële Reëlingswet, 1931 (Wet No. 45 van 1931), word hiermee gewysig deur artikel *sewe* (vir sover dit nog nie herroep is nie), artikel *veertien* en artikel *twee-en-dertig* te herroep.

(2) Niemand is weens die feit dat hy lid is van 'n plattelandse kredietvereniging, soos omskrywe in artikel *veertig* van die Landbou Krediet Wet, 1926, of dit te eniger tyd was, aanspreeklik vir enige skuld of verbintenis van die vereniging, hetsy dit voor of na die inwerkingtreding van hierdie Wet aangegaan is; maar die bepalings van hierdie sub-artikel verminder nie die aanspreeklikheid van so iemand ingevolge akkommodasie-bystand of 'n lening aan hom verleen of ingevolge 'n wissel deur hom getrek of geëndosseer, of enige ander aanspreeklikheid wat hy in sy persoonlike hoedanigheid aanvaar het.

Kort titel.

**22.** Hierdie Wet heet die Landbank-wysigingswet, 1934.

No. 59, 1934.]

# ACT

**To consolidate, amend and extend the law with respect to compensation for disablement caused by accidents to or industrial diseases contracted by workmen in the course of their employment, or for death resulting from such accidents or diseases.**

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows :—

## INTRODUCTORY.

Division of Act.

1. This Act is divided into Chapters, as follows :—


*Chapter* I.
Application of the Act .. .. Sections 2 to 12

*Chapter* II.
Procedure and Recovery of Compensation .. .. .. .. Sections 13 to 46

*Chapter* III.
Amount and method of compensation Sections 47 to 52

*Chapter* IV.
Medical Aid .. .. .. .. Sections 53 to 59

*Chapter* V.
Industrial Diseases .. .. .. Sections 60 to 66

*Chapter* VI.
Compensation for Natives .. .. Sections 67 to 73

*Chapter* VII.
Insurance .. .. .. .. Sections 74 to 77

*Chapter* VIII.
General and Miscellaneous .. .. Sections 78 to 86


## CHAPTER I.

### APPLICATION OF THE ACT.

Right of workman or dependants to compensation.

2. (1) If an accident to a workman arising out of and in the course of his employment happens after the commencement of this Act, and results in such workman's disablement or death his employer shall pay to him or if he dies to his dependants compensation in accordance with the provisions of this Act: Provided that no compensation shall be recoverable—

(*a*) in respect of an accident resulting in disablement—

(i) for the first three days of disablement where disablement lasts for less than two weeks;

(ii) for the first two days of disablement where disablement lasts for two weeks or more, but for less than three weeks;

(iii) for the first day of disablement where disablement lasts for three weeks or more, but for less than four weeks;

(*b*) if the accident is attributable to the serious and wilful misconduct of the workman, unless the accident results in serious disablement, or the workman has died in consequence of the accident leaving as a dependant his widow or her invalid widower, or a child or any person wholly dependent upon him: Provided that notwithstanding the provisions of this paragraph the workman himself shall not be entitled to compensation where the accident was directly attributable to the workman's drunkenness;

(*c*) in respect of disablement or death if the accident would not have occurred, or if the disablement or death would not have resulted, but for a pre-existing diseased condition of the workman known to the workman but unknown to the employer:

No. 59, 1934.]

# WET

**Tot [s]amevatting, wysiging en uitbreiding van die regsbepalings betreffende skadeloosstelling vir arbeidsongeskiktheid veroorsaak deur ongevalle of bedryfsiektes opgedoen deur werksmense in die loop van hul diens, of vir dood as gevolg van sodanige ongevalle of siektes.**

DIT WORD BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van [S]uid-Afrika, as volg :—

INLEIDING.

1. Hierdie Wet is ingedeel in hoofstukke as volg— Indeling van Wet.


*Hoofstuk* I.

Toepassing van die Wet .. .. Artikels 2 tot 12

*Hoofstuk* II.

Prosedure en verhaal van skadeloosstelling .. .. .. .. Artikels 13 tot 46

*Hoofstuk* III.

Bedrag en wyse van skadeloosstelling Artikels 47 tot 52

*Hoofstuk* IV.

Geneeskundige behandeling .. Artikels 53 tot 59

*Hoofstuk* V.

Bedryfsiektes. .. .. .. Artikels 60 tot 66

*Hoofstuk* VI.

Skadeloosstelling aan naturelle .. Artikels 67 tot 73

*Hoofstuk* VII.

Versekering .. .. .. .. Artikels 74 tot 77

*Hoofstuk* VIII.

Algemene en gemengde bepalings .. Artikels 78 tot 86


## HOOFSTUK I.

TOEPASSING VAN DIE WET.

2. (1) Indien na die inwerkingtreding van hierdie Wet 'n werksman 'n ongeval oorkom wat ontstaan uit en in die loop van sy diens en die arbeidsongeskiktheid of dood van so 'n werksman tot gevolg het, moet sy werkgewer aan hom, of, indien hy sterf, aan sy nabestaandes, ooreenkomstig die bepalings van hierdie Wet skadeloosstelling betaal: Met dien verstande dat geen skadeloosstelling verhaal kan word nie— Regte van werksman of nabestaandes op skadeloosstelling.

(*a*) weens 'n ongeval wat arbeidsongeskiktheid tot gevolg het—

(i) vir die eerste drie dae van arbeidsongeskiktheid as die arbeidsongeskiktheid minder as twee weke duur;

(ii) vir die eerste twee dae van arbeidsongeskiktheid as die arbeidsongeskiktheid twee weke of langer maar minder as drie weke duur;

(iii) vir die eerste dag van arbeidsongeskiktheid as die arbeidsongeskiktheid drie weke of langer maar minder as vier weke duur;

(*b*) as die ongeval aan ernstige en opsetlike wangedrag van die werksman toe te skryf is, tensy die ongeval ernstige arbeidsongeskiktheid tot gevolg het of die werksman as gevolg van die ongeval oorlede is en as nabestaande nalaat sy weduwee of haar sieklike wewenaar, 'n kind of ander persoon wat van hom geheel afhanklik was: Met dien verstande dat ondanks die bepalings van hierdie paragraaf, 'n werksman, self nie op skadeloosstelling geregtig is wanneer die ongeval regstreeks aan die werksman se dronkenskap toe te skryf is nie;

(*c*) weens arbeidsongeskiktheid of dood as die ongeval nie sou plaasgevind het nie of as dit nie arbeidsongeskiktheid of die dood tot gevolg sou gehad het nie, was dit nie dat die werksman al voorheen in 'n sieklike toestand waarvan hy self bewus was, maar waarvan die werkgewer onbewus was, verkeer het nie: Met dien

Provided that, on the application of the workman or his representative or of the commissioner, the magistrate may in his discretion award such compensation as he deems equitable if in his opinion the accident materially increased the extent of the disablement or materially accelerated the death: Provided further that a workman shall be presumed to have known of his diseased condition unless the contrary is proved;

(*d*) in respect of his death, if the workman dies more than twelve months after the accident, unless it is proved that the accident directly caused the death, or was the principal contributory cause of death.

(2) For the purposes of this Act, an accident resulting in the serious disablement or death of a workman shall be deemed to arise out of and in the course of his employment, notwithstanding that the workman at the time when the accident happened was acting in contravention of any law applicable to his employment, or of any instructions issued by or on behalf of his employer, or that he was acting without instructions from his employer, if such act was done by the workman for the purposes of and in connection with his employer's trade or business.

Accidents during first aid.

3. When a workman meets with an accident—

(*a*) in, at or about any mine, works or premises, while with the consent of his employer being trained in first aid, ambulance or rescue work or engaged in any competition in connection therewith; or

(*b*) in, at or about the employer's mine, works or premises, while engaged in any first aid, ambulance or rescue work;

whereby such workman sustains personal injury resulting in disablement or death, the injury shall for the purposes of this Act be deemed to arise out of and in the course of his employment.

Substitution of compensation for other legal remedy.

4. (1) No action at common law shall lie by a workman or any dependant of a workman against such workman's employer or the principal as defined in section *forty-five* to recover any damages for or in respect of any injury resulting in the disablement or death of such workman caused by any accident happening after the commencement of this Act; and any claim for such damages shall be determined under and in accordance with this Act.

(2) No liability for compensation shall arise save under and in accordance with the provisions of this Act in respect of any such injury.

Compensation may be increased when accident due to employer's negligence.

5. (1) Notwithstanding anything to the contrary in this Act contained, if a workman meets with an accident which is due to the negligence of his employer or of a person entrusted by such employer with the management of his trade or business, or to a patent defect in the condition of the premises, works, plant or machinery used in such trade or business and the employer or such person or a person under whom the workman worked in the service of such employer has knowingly or negligently caused or failed to remedy such defect, the workman or, in the case of his death as a result of such accident, his representative may, within six months of such accident, apply to the magistrate for further compensation in addition to the compensation ordinarily payable under this Act.

(2) If such application is in the opinion of the commissioner supported by *prima facie* proof that the applicant is entitled to additional compensation in terms of this section, the magistrate shall hear the application upon a date which the magistrate shall fix and notify to the applicant and to the employer concerned.

(3) If, after hearing any such application, the magistrate is satisfied that the accident was due to any such negligence or defect as is referred to in sub-section (1), he shall award the applicant such additional compensation as he deems equitable: Provided that the amount of such additional compensation, together with any other compensation awarded under this Act, shall not exceed the amount of the pecuniary loss which, in the opinion of the magistrate, the applicant has suffered or may reasonably be expected to suffer as a direct result of the said accident.

(4) In any proceedings under this section, the magistrate may make such order as to costs and the payment thereof as he deems fit.

verstande dat die magistraat, op aansoek van die werksman of sy verteenwoordiger of die kommissaris na eie goeddunke so 'n skadeloosstelling kan toeken as wat hy billik ag wanneer die ongeval na sy mening die arbeidsongeskiktheid wesenlik vererger of die dood wesenlik verhaas het : Met dien verstande verder dat 'n werksman vermoed word van sy sieklike toestand te geweet het tensy die teenoorgestelde bewys word ;

(*d*) weens die werksman se dood, as hy meer as twaalf maande na die ongeval sterf, tensy bewys word dat die ongeval die regstreekse of die vernaamste bydraende oorsaak van die dood was.

(2) Vir die toepassing van hierdie Wet word 'n ongeval, wat ernstige arbeidsongeskiktheid of die dood van 'n werksman tot gevolg het, geag uit en in die loop van sy diens te ontstaan het, ofskoon die werksman op die tydstip toe die ongeval plaasgevind het, in stryd met 'n op sy diens toepaslike regsbepaling of met 'n deur of namens sy werkgewer uitgevaardigde bevel, of sonder bevel van sy werkgewer gehandel het, mits die werksman vir die doeleindes van en in verband met sy werkgewer se besigheid aldus gehandel het.

Ongevalle tydens eerste hulp.

3. Wanneer 'n ongeval 'n werksman oorkom—

(*a*) terwyl hy in of by 'n myn, werke of perseel, met die toestemming van sy werkgewer in eerste hulp, ambulans- of reddingswerk opgelei word of aan 'n daarmee in verband staande wedstryd deelneem ; of

(*b*) terwyl hy in of by die werkgewer se myn, werke of perseel met eerste hulp, ambulans- of reddingswerk besig is ;

waardeur daardie werksman persoonlike besering opdoen, wat arbeidsongeskiktheid of die dood tot gevolg het, dan word die besering vir die toepassing van hierdie Wet geag uit sy diens te ontstaan en in die loop daarvan plaas te vind.

Vervanging van ander regsmiddels deur skadeloosstelling.

4. (1) Geen regsgeding kan kragtens gemenereg deur 'n werksman of 'n nabestaande van 'n werksman teen die werkgewer van sodanige werksman of sy lasgewer, soos omskryf in artikel *vyf-en-veertig* ingestel word nie tot verhaal van enige skadevergoeding weens, of ten opsigte van, 'n besering veroorsaak deur 'n ongeval wat plaas gevind het na die inwerkingtreding van hierdie Wet en wat arbeidsongeskiktheid of die dood van daardie werksman tot gevolg het, en elke eis vir sodanige skadevergoeding word kragtens en ooreenkomstig hierdie Wet beslis.

(2) Geen aanspreeklikheid vir skadeloosstelling ontstaan ten opsigte van so 'n besering nie behalwe kragtens en ooreenkomstig die bepalings van hierdie Wet.

Skadeloosstelling kan vermeerder word indien ongeval aan nalatigheid van werkgewer te wyte is.

5. (1) Indien 'n werksman 'n ongeval oorkom wat aan die nalatigheid van sy werkgewer, of 'n persoon aan wie die bestuur van die bedryf of besigheid deur die werkgewer opgedra is, of aan 'n waarneembare gebrek in die toestand van die perseel, werkplek, uitrusting of masjinerie, gebruik in sodanige bedryf of besigheid, te wyte is en die werkgewer of sodanige persoon of 'n persoon onder wie die werksman in die diens van die werkgewer gewerk het, met wete of deur nalatigheid sodanige gebrek veroorsaak het of versuim het om dit te herstel, dan kan die werksman of, ingeval van sy oorlyde as gevolg van sodanige ongeval, sy verteenwoordiger, ondanks enige teenstrydige bepaling in hierdie Wet, binne ses maande na sodanige ongeval by die magistraat aansoek doen om verdere skadeloosstelling benewens die skadeloosstelling wat in die gewone loop van sake ingevolge hierdie Wet betaalbaar is.

(2) Indien die kommissaris van mening is dat die aansoek gesteun word deur *prima facie* bewys dat die applikant op vermeerderde skadeloosstelling ooreenkomstig hierdie artikel geregtig is, dan moet die magistraat die aansoek verhoor op 'n datum wat die magistraat moet vasstel en waarvan hy die applikant en die betrokke werkgewer moet verwittig.

(3) Indien die magistraat na verhoor van 'n sodanige aansoek daarvan oortuig is dat die ongeval te wyte is aan enige sodanige nalatigheid of gebrek soos in sub-artikel (1) vermeld word, moet hy aan die applikant sodanige addisionele skadeloosstelling toeken as hy billik ag : Met dien verstande dat die bedrag van sodanige addisionele skadeloosstelling tesaam met enige ander skadeloosstelling toegeken ingevolge hierdie Wet, nie die bedrag van die geldelike verlies oortref nie, wat die applikant volgens mening van die magistraat gely het of redelik verwag kan word om te ly as 'n regstreekse gevolg van die gemelde ongeval.

(4) Die magistraat kan in enige verrigtings ingevolge hierdie artikel sodanige bevel uitvaardig aangaande koste en die betaling daarvan as hy wenslik ag.

Persons who are regarded as workmen and employers for the purposes of this Act.

6. (1) A person shall be regarded for the purposes of this Act as a workman if he has entered into, or works under, a contract of employment or of apprenticeship with an employer, whether the contract is expressed or implied, is oral or in writing, and whether the remuneration is calculated by time or by work done. For the said purposes "workman" shall include any person whose occupation is conveying for gain, persons or goods by means of any vehicle, vessel or aircraft, the use of which he has obtained from the owner thereof under any contract other than a purchase or hire-purchase agreement, whether or not the remuneration of such person under such contract be partly an agreed sum and partly a share in takings, but shall not include any such person whose remuneration is fixed solely by a share in takings: Provided that the following persons shall not be regarded for the purposes of this Act as workmen—

(*a*) persons in naval or military service under the Crown or the Government of the Union or of any British dominion, colony or possession, or members of "the services" as defined in section *one hundred and one* of the Public Service and Pensions Act, 1923, (Act No. 27 of 1923); or

(*b*) persons whose remuneration for work is at a rate exceeding six hundred pounds a year; or

(*c*) persons employed casually by an employer and not in connection with the employer's trade or business, or persons employed casually for the purpose of any game or recreation unless so employed by a club or association of persons; or

(*d*) outworkers, that is to say, persons to whom articles or materials are given out by employers to be made up, cleaned, washed, ornamented, finished or repaired or adapted for sale on premises not under the control of the employer; or

(*e*) persons who contract or sub-contract for the carrying out of work and themselves engage other persons, independently of the employer, to perform such work.

(2) Any reference in this Act to a workman who has been injured shall, when the workman is dead or is a person under disability, include a reference to his representative or to his dependants or to any other person to whom or for whose benefit compensation is payable.

(3) Any person or any body of persons, corporate or unincorporate, having a contract of employment with a workman to perform work shall be regarded for the purposes of this Act as the employer of that workman, whether the contract be entered into before or after the commencement of this Act. If the services of a workman be temporarily lent or let on hire to another person by the person with whom such contract of employment is made, the latter shall, save as is provided in sub-section (1) of section *forty-five*, be deemed to continue to be the employer of the workman, whilst he is working for that other person. The expression "employer" shall include also the employer's legal representative, successor, or assign.

Dependants of a workman.

7. (1) The dependants of a workman entitled to claim compensation under this Act are—

(*a*) the widow or invalid widower, if married to the workman at the time of the accident;

(*b*) any child as defined in section *eighty-four* or any other sons or daughters;

(*c*) any parent or step-parent or any adoptive parent who adopted such workman in terms of the Adoption of Children Act, 1923 (Act No. 25 of 1923) or who adopted him prior to the commencement of that Act or outside the Union if the workman was in fact adopted and, in either case, that the workman was adopted prior to the accident;

(*d*) any brother, sister, half-brother, half-sister; any sister or brother of a parent; any grand-parent, or grand-child;

(*e*) any other relation to the workman, whether by consanguinity or affinity;

Provided that—

(i) the claimant for compensation, if a person referred to in paragraph (*e*), was wholly dependent and, if a person referred to in any other paragraph of this sub-section, was wholly or partly dependent for support and maintenance upon the earnings of the workman at the time of the accident; and

Persone wat by die toepassing van hierdie Wet as werksmense en werkgewers beskou word.

**6.** (1) Vir die toepassing van hierdie Wet word 'n persoon as 'n werksman beskou indien hy met 'n werkgewer 'n diens- of leerlingskapkontrak aangegaan het of daaronder werk, hetsy die kontrak uitdruklik of stilswygend, of mondeling of skriftelik is, en hetsy die loon volgens tyd of gedane werk bereken word. Vir bedoelde toepassing sluit „werksman" 'n persoon in wie se beroep dit is om teen vergoeding persone of goedere te vervoer deur middel van 'n voertuig, vaartuig, of vliegtuig, waarvan hy die gebruik van die eienaar daarvan verkry het kragtens 'n ander kontrak dan 'n koop- of huurkoopkontrak, onverskillig of die beloning van bedoelde persoon ingevolge daardie kontrak al dan nie bestaan gedeeltelik uit 'n afgesproke bedrag en gedeeltelik uit 'n aandeel in die verdienste; maar dit sluit nie so 'n persoon in as sy beloning alleen uit 'n aandeel in die verdienste bestaan nie: Met dien verstande dat die volgende persone vir die toepassing van hierdie Wet nie as werksmense beskou word nie—

(*a*) persone in die marine- of militêre diens onder die Kroon of die Regering van die Unie of van enige Britse vrygewes, kolonie of besitting, of lede van „de diensten" soos omskryf in artikel *honderd-en-een* van die „Staatsdienst en Pensioen Wet, 1923" (Wet No. 27 van 1923); of

(*b*) persone wie se verdienste seshonderd pond per jaar te bowe gaan; of

(*c*) persone wat deur 'n werkgewer by geleentheid en nie in verband met sy bedryf of besigheid in diens geneem word, of persone wat by geleentheid in verband met 'n spel of ontspanning in diens geneem word, tensy hulle deur 'n klub of vereniging van persone aldus in diens geneem word; of

(*d*) buitewerkers, dit wil sê, persone aan wie artikels of materiaal deur werkgewers uitgegee word om deur hulle op 'n perseel wat nie onder die beheer van die werkgewer staan nie, opgemaak, skoongemaak, gewas, versier, afgewerk, herstel of vir verkoop reggemaak word; of

(*e*) persone wat werk aanneem of onderaanneem en, onafhanklik van die werkgewer, ander persone in diens neem om daardie werk te verrig.

(2) By 'n verwysing in hierdie Wet na 'n werksman wat beseer is word ook ingesluit, as die werksman dood is of 'n onbevoegde persoon is, sy verteenwoordiger of nabestaandes of enige ander persoon aan wie of ten bate van wie skadeloosstelling betaalbaar is.

(3) Enige persoon of liggaam van persone met of sonder regspersoonlikheid wat met 'n werksman 'n dienskontrak aangegaan het vir die verrigting van werk, word vir die toepassing van hierdie Wet die werkgewer van daardie werksman beskou, hetsy die kontrak aangegaan is voor of na hierdie Wet in werking getree het. Indien die dienste van die werksman tydelik deur die persoon met wie die dienskontrak aangegaan is aan 'n ander persoon geleen of verhuur word, word eersgenoemde, behalwe soos in sub-artikel (1) van artikel *vyf-en-veertig* bepaal, geag die werkgewer van die werksman te bly terwyl hy vir daardie ander persoon werk. Die uitdrukking „werkgewer" sluit ook in die werkgewer se wets-verteenwoordiger, opvolger of sessionaris.

Nabestaandes van werksman.

**7.** (1) Die nabestaandes van 'n werksman wat ingevolge hierdie Wet geregtig is op skadeloosstelling is—

(*a*) die weduwee of sieklike wewenaar, indien tydens die ongeval met die werksman getroud;

(*b*) enige kind soos omskryf in artikel *vier-en-tagtig* of enige ander seuns of dogters;

(*c*) enige ouer of stiefouer of enige aangenome ouer wat sodanige werksman ingevolge die „Aanneming van Kinderen Wet, 1923" (Wet No. 25 van 1923), aangeneem het of wat hom voor die inwerkingtreding van daardie Wet of buite die Unie aangeneem het, indien die werksman werklik en in enige geval voor die ongeval aangeneem was;

(*d*) enige broer, suster, halfbroer, halfsuster; enige suster of broer van 'n ouer; enige grootouer, of kleinkind;

(*e*) enige ander aan- of bloedverwante van die werksman:

Met dien verstande dat—

(i) die eiser van skadeloosstelling tydens die ongeval, in die geval van 'n persoon vermeld in paragraaf (*e*), geheel afhanklik, en in die geval van 'n persoon vermeld in enige ander paragraaf van hierdie sub-artikel, geheel of gedeeltelik vir sy onderhoud afhanklik was van die verdienstes van die werksman;

(ii) no compensation shall be payable in respect of any dependant who is not living or in respect of the estate of a deceased dependant; and

(iii) the widow or child of a workman or a person referred to in the second proviso to paragraph (*c*) of sub-section (1) of section *forty-nine* who would, if under sixteen years of age, be the child of a workman, shall be deemed to be dependent for his or her support and maintenance upon the earnings of such workman unless the contrary is proved.

(2) In the case of an Asiatic workman, " widow " or " invalid widower " means the surviving spouse of the workman by a lawful marriage made binding in terms of section *one* or *two* of the Indians Relief Act, 1914 (Act No. 22 of 1914) or by any other law of the Union.

(3) In the case of a native, " widow " includes a woman who was associated with a deceased native workman in a conjugal relationship according to native law and custom, where neither the man nor the woman was a party to a subsisting marriage.

(4) The decision of the magistrate on any question whether a person is a dependant or as to the degree of dependency shall not be subject to appeal in any court of law.

Compensation of workmen for whom special provisions exist.

8. (1) When a workman who is compelled to retire owing to injury or permanent ill-health attributable to the performance of his duties under his employment, is entitled to receive from the revenues of the Union or of a Provincial Administration or of the Railways and Harbours Administration or from a pension, superannuation or provident fund administered by any department of State of the Union or by any such administration, benefits under the law governing his rights on retirement, or dies under circumstances that would entitle his dependants to benefits under such law, then notwithstanding the provisions of such law the workman or his representative shall within one month after the date of his retirement or death elect to receive either—

(*a*) the benefits payable under such law; or

(*b*) any benefits which would have been payable under such law had the injury or ill-health causing the retirement or death not been attributable to the performance of his duties under his employment, together with compensation under this Act: Provided that in determining the amount of such compensation allowance may be made for the value of any part of the benefit which has been contributed by the employer.

(2) If the workman or his representative fails to make such election either within the period specified in sub-section (1) or within such further period as the commissioner may allow, or if the workman or his representative is considered by the commissioner to be incapable of making such an election, then the commissioner himself shall make such election as he considers to be the more favourable to the workman or his dependants. The decision of the commissioner shall be final.

(3) When the workman or his representative or the commissioner has elected to receive the benefits under paragraph (*a*) of sub-section (1), no compensation shall be awarded under this Act.

(4) When the benefits and compensation referred to in paragraph (*b*) of sub-section (1) have been paid, there shall be no further claim upon the employer either by or in respect of the workman or his dependants: Provided that this sub-section shall not deprive such dependants of any right to which they are entitled under any other provision of this Act.

Compensation of workman entitled to pension to which employer contributes.

9. Save as is provided in section *eight*, if a workman or any of his dependants who is entitled to compensation under this Act has received or will receive any pension or gratuity in respect of an accident payable by the employer of the workman, or from a pension, superannuation or provident fund to which the employer has contributed, then in determining the amount of such compensation allowance may be made for any amount paid by the employer by way of such pension or gratuity or for the amount contributed by the employer towards such fund in respect of such workman.

(ii) geen skadeloosstelling ten opsigte van enige nabestaande wat afgesterf is of ten opsigte van die boedel van 'n gestorwe nabestaande betaalbaar is nie; en

(iii) die weduwee of kind van 'n werksman of 'n persoon vermeld in die tweede voorbehoudsbepaling tot paragraaf (*c*) van sub-artikel (1) van artikel *nege-en-veertig* wat, indien hy nog nie sestien jaar oud is nie, die kind van 'n werksman sou wees, geag word vir sy of haar onderhoud afhanklik te wees van die verdienstes van sodanige werksman tensy die teenoorgestelde bewys word.

(2) In die geval van 'n Asiatiese werksman beteken „weduwee" of „sieklike wewenaar" die oorlewende eggenoot van die werksman uit 'n wettige huwelik wat ooreenkomstig artikel *een* of *twee* van die „Indiërs Verlichting Wet, 1914" (Wet No. 22 van 1914) of enige ander wet van die Unie bindend gemaak is.

(3) In die geval van 'n naturel word onder „weduwee" inbegrepe 'n vrou wat met 'n naturelle-werksman in 'n egtelike verhouding ooreenkomstig naturellereg en -gebruik saamgeleef het, waar nóg die man nóg die vrou 'n party by 'n bestaande huwelik was.

(4) Die beslissing van die magistraat aangaande die vraag of 'n persoon 'n nabestaande is of aangaande die mate van afhanklikheid is nie aan appèl na enige geregshof onderhewig nie.

Skadeloosstelling aan werksmense ten aansien van wie besondere bepalings bestaan.

8. (1) Wanneer 'n werksman, wat verplig word om af te tree weens besering of blywende slegte gesondheid, wat aan die verrigting van sy pligte in verband met sy diens toe te skryf is, geregtig is om uit die inkomste van die Unie of van 'n provinsiale administrasie of van die Spoorweg- en Haweadministrasie, of uit 'n pensioen-, superannuasie- of versorgingsfonds, geadministreer deur 'n staatsdepartement van die Unie of deur so 'n administrasie, voordele te ontvang ingevolge die regsbepalings aangaande sy regte by aftreding, of wanneer hy sterf onder omstandighede, wat sy nabestaandes 'n reg op voordele ingevolge daardie regsbepalings sou verleen, dan moet die werksman of sy verteenwoordiger ondanks daardie regsbepalings binne een maand na sy uitdienstreding of dood kies of hy wil ontvang—

(*a*) òf die voordele wat ingevolge daardie regsbepalings betaalbaar is;

(*b*) òf alle voordele wat ingevolge daardie regsbepalings betaalbaar sou gewees het as die besering of slegte gesondheidstoestand, wat die aftreding of dood veroorsaak het, nie aan die verrigting van sy pligte in verband met sy diens toe te skryf was nie, benewens skadeloosstelling ingevolge hierdie Wet: Met dien verstande dat by vasstelling van die bedrag van sodanige skadeloosstelling, rekening gehou kan word met die waarde van die deel van die voordeel wat die werkgewer bygedra het.

(2) As die werksman of sy verteenwoordiger in gebreke bly om sodanige keuse te doen òf binne die tydperk neergelê in sub-artikel (1) òf binne sodanige verdere tydperk as wat die kommissaris mag toestaan, of as die kommissaris van mening is dat die werksman of sy verteenwoordiger onbekwaam is om so 'n keuse te doen, dan moet die kommissaris self daardie keuse doen wat hy vir die werksman of sy nabestaandes die voordeligste ag. Die beslissing van die kommissaris is afdoende.

(3) Wanneer die werksman of sy verteenwoordiger of die kommissaris verkies het om die voordele ingevolge paragraaf (*a*) van sub-artikel (1) te ontvang, word geen skadeloosstelling kragtens hierdie Wet toegeken nie.

(4) Wanneer die voordele en skadeloosstelling vermeld in paragraaf (*b*) van sub-artikel (1) betaal is, kan deur of ten opsigte van die werksman of sy nabestaandes, geen verdere aanspraak gemaak word teen die werkgewer nie: Met dien verstande dat hierdie sub-artikel aan daardie nabestaandes geen reg ontneem nie waarop hulle kragtens enige ander bepaling van hierdie Wet aanspraak het.

Skadeloosstelling van werksmense geregtig op pensioen waartoe werkgewer bydra.

9. As 'n werksman of een van sy nabestaandes, wat op skadeloosstelling ingevolge hierdie Wet geregtig is, 'n pensioen of gratifikasie ten opsigte van 'n ongeval ontvang het of sal ontvang wat verskuldig is deur die werkgewer van die werksman of uit 'n pensioen-, superannuasie- of versorgingsfonds, waartoe die werkgewer bygedra het, kan, behoudens die bepalings van artikel *agt*, by die vasstelling van die bedrag van sodanige skadeloosstelling, enige bedrag deur die werkgewer betaal as so 'n pensioen of gratifikasie of die bedrag deur die werkgewer ten opsigte van daardie werksman aan sodanige fonds bygedra, in aanmerking geneem word.

Compensation of workman who has previously received compensation or other benefits.

**10.** (1) Save as is provided in section *eight* or *nine*, the magistrate may in his discretion, in awarding or revising the award of any compensation to a workman in respect of permanent disablement or to his dependants, have regard to—

(*a*) in the case of a workman any compensation for permanent disablement previously awarded to the workman under this Act, the Workmen's Compensation Act, 1914 (Act No. 25 of 1914), the Workmen's Compensation (Industrial Diseases) Act, 1917 (Act No. 13 of 1917), or section *twenty-two* of the Native Labour Regulation Act, 1911 (Act No. 15 of 1911), whether as the result of one or more than one accident or paid by one or more than one employer, or any benefit granted to the workman under any law on account of permanent disablement;

(*b*) in the case of dependants any benefits granted to them under any law on account of the death of the workman;

(*c*) in the case of a workman or his dependants any monetary advance or other benefits which the workman or his dependants may have received from his employer in respect of the accident to the workman.

(2) Save as provided in sub-section (3) of section *five* a workman shall not receive compensation in the form of a pension or pensions, in respect of one or more accidents, exceeding in the aggregate the pension provided in respect of one hundred per cent. permanent disablement: Provided that, in determining such compensation, the calculation shall be based upon the earnings most favourable to the workman at the time of any such accident.

With certain exceptions Act not to apply to accidents happening outside the Union.

**11.** This Act shall not apply in respect of accidents happening outside the Union or the territorial waters thereof save as is provided in section *twelve*.

Application of Act to seamen and airmen.

**12.** (1) This Act shall apply in respect of an accident happening to a seaman while employed in a Union ship (as herein defined), notwithstanding that the accident happened outside the Union or the territorial waters thereof; but the application of this Act in respect of such an accident, shall be subject to the following modifications:—

(*a*) If the accident happened outside the Union it shall not be necessary to give any notice thereof to the employer, and the application for compensation may be made to the magistrate of any district of the Union in which the port is situate where the ship is moored or anchored or completes her voyage;

(*b*) If the accident happened outside the Union and death results from the injury caused thereby, application for compensation shall be made within six months after news of the death has been received by any person who claims to be entitled to the compensation or any part thereof; and no compensation shall be paid in respect of such death if the seaman leaves no dependants and the employer is, under any law in force in any province relating to merchant shipping, liable to pay the expenses of burial and has paid those expenses;

(*c*) if under any such law relating to merchant shipping an employer is liable to pay the expenses of maintaining the injured seaman during any period, and has paid those expenses, then such expenses shall be deducted from the periodical payments payable in respect of any such period under this Act.

(2) If it is alleged that an employer is liable to pay compensation in respect of an accident happening on a Union ship and at any time that ship is found in any port or harbour of the Union or within the territorial waters thereof, a judge of the provincial or local division having jurisdiction may, upon it being shown to him by any person applying in accordance with rules of court that the employer is probably liable to pay compensation and does not have his principal office or place of business or reside in the Union, issue an order directed to any officer of customs or other officer named by the judge requiring him to detain the ship until such time as the compensation has been paid, or security for the payment thereof

Skadeloosstelling aan werksmense wat van te vore skadeloosstelling of ander voordele ontvang het.

**10.** (1) Behoudens die bepalings van artikel *agt* of *nege* kan die magistraat by die toekenning van 'n skadeloosstelling aan 'n werksman ten opsigte van blywende arbeidsongeskiktheid, of aan sy nabestaandes of by die hersiening van so 'n toekenning na eie goeddunke in aanmerking neem—

(*a*) in die geval van 'n werksman 'n skadeloosstelling wat van te vore vir blywende arbeidsongeskiktheid aan die werksman ingevolge hierdie Wet, die „Werklieden Schadeloosstelling Wet, 1914" (Wet No. 25 van 1914), die „Werklieden Schadeloosstelling (Bedrijfsziekten) Wet, 1917" (Wet No. 13 van 1917) of artikel *twee-en-twintig* van die „Naturellearbeid Regelingswet, 1911" (Wet No. 15 van 1911) toegeken is, hetsy as gevolg van een of meer dan een ongeval, hetsy deur een of deur meer dan een werkgewer betaal, of 'n voordeel wat ingevolge enige regsbepalings aan die werksman weens blywende arbeidsongeskiktheid toegeken is;

(*b*) in die geval van nabestaandes voordele wat ingevolge enige wet aan hulle toegeken is weens die dood van die werksman;

(*c*) in die geval van 'n werksman of sy nabestaandes enige geldelike voorskot of ander voordele wat die werksman of sy nabestaandes van sy werkgewer ontvang het ten opsigte van die ongeval wat die werksman oorkom het.

(2) Behoudens die bepalings van sub-artikel (3) van artikel *vyf* is 'n werksman nie geregtig om skadeloosstelling by wyse van 'n pensioen of pensioene ten opsigte van een of meer ongevalle te ontvang wat meer bedra as die pensioen wat ten opsigte van honderd persent arbeidsongeskiktheid betaalbaar is nie: Met dien verstande dat wanneer sodanige skadeloosstelling vasgestel word, die berekening gebaseer sal word op die verdienste wat ten tyde van die ongeval vir die werksman die gunstigste was.

Behalwe sekere uitsonderings is Wet nie van toepassing op ongevalle buite die Unie nie.

**11.** Behalwe soos in artikel *twaalf* bepaal is hierdie Wet nie van toepassing op ongevalle wat buite die Unie of die territoriale waters daarvan plaasvind nie.

Toepassing van Wet op seeliede en vliegeniers.

**12.** (1) Hierdie Wet is van toepassing ten opsigte van 'n ongeval wat 'n seeman oorkom onderwyl hy diens doen op 'n Unie-skip (soos hierin omskryf), ofskoon die ongeval buite die Unie of die territoriale waters daarvan plaasgevind het, die toepassing van hierdie Wet ten opsigte van sodanige ongeval is egter aan onderstaande beperkings onderhewig—

(*a*) as die ongeval buite die Unie plaasgevind het is dit onnodig om die werkgewer daarvan in kennis te stel en kan aansoek vir skadeloosstelling gedoen word by die magistraat van enige distrik in die Unie waarin die hawe, waar die skip aangelê of geanker is of die reis beëindig het, geleë is;

(*b*) as 'n ongeval buite die Unie plaasgevind het en die daardeur veroorsaakte besering die dood tot gevolg het, word die aansoek vir skadeloosstelling gedoen binne ses maande nadat tyding van die dood ontvang is deur enige persoon wat aanspraak maak op die skadeloosstelling of 'n deel daarvan; geen skadeloosstelling is ten opsigte van sodanige dood betaalbaar indien die seeman geen nabestaandes nalaat nie en die werkgewer, kragtens enige regsbepaling betreffende koopvaardy wat in een of ander provinsie van krag is, verantwoordelik is vir die begrafniskoste en sodanige onkoste betaal het;

(*c*) indien kragtens 'n sodanige regsbepaling betreffende koopvaardy, 'n werkgewer verantwoordelik is vir betaling van die onderhoudskoste van die beseerde seeman gedurende 'n tydperk, en daardie koste betaal het, dan moet daardie koste afgetrek word van die periodieke uitkerings betaalbaar ten opsigte van daardie tydperk kragtens hierdie Wet.

(2) Indien beweer word dat 'n werkgewer verantwoordelik is vir die betaling van skadeloosstelling ten opsigte van 'n ongeval wat op 'n Unie-skip plaasgevind het en indien sodanige skip te eniger tyd binne 'n hawe of die territoriale waters van die Unie verkeer, dan kan 'n bevoegde regter van die provinsiale of plaaslike afdeling, nadat bewys gelewer is deur enige persoon, wat ooreenkomstig die reëls van die hof aansoek doen, dat die werkgewer waarskynlik vir die betaling van skadeloosstelling verantwoordelik is en dat sy hoofkantoor of besigheidsplek of woonplek buite die Unie is, 'n bevel uitvaardig wat 'n doeanebeampte of enige ander deur die regter aangewese amptenaar gelas om die skip aan te hou totdat die skadeloosstelling betaal is of totdat 'n deur die regter goed-

approved by the judge has been given to abide the result of any proceedings which may be instituted to recover the compensation and to pay the same together with such costs as may be awarded in the proceedings; and any officer of customs or other officer to whom the order is directed shall detain the ship accordingly.

(3) In any application to recover compensation the person giving security shall be the respondent and the production of the order of the judge made in relation to security shall be conclusive evidence of the liability of the respondent to have such application made against him.

(4) This Act shall further apply in respect of an accident happening to a workman while employed in or upon any Union aircraft (as herein defined), whether as pilot, commander, navigator, or member of the crew thereof, notwithstanding that such accident happened outside the Union, subject *mutatis mutandis* to the provisions of paragraphs (*a*) and (*b*) of sub-section (1).

(5) In this section—

"aircraft" means and includes all flying machines, aeroplanes, seaplanes, flying boats and other aircraft designed to be heavier than air, also all airships and balloons and other aircraft designed to be lighter than air, and "Union aircraft" means any aircraft registered or licensed in the Union, the owner of which resides or has a place of business in the Union.

"Union ship" includes a vessel of any description used in navigation in whatever manner propelled:

Provided that—

(i) it is registered in the Union under any such law aforesaid relating to merchant shipping, and is not registered in any other country under a similar law; or

(ii) not being so registered in the Union or elsewhere it is owned or chartered by a person or body of persons whose principal office or place of business is in the Union or by a person who resides therein;

"seaman" includes any person employed or engaged in any capacity on board a ship provided he is a workman within the meaning of this Act; but in the case of a fishing vessel the expression "seaman" shall not include a person employed thereon who is remunerated solely by a share in the profits or the gross earnings of the working of such vessel.

## CHAPTER II.

### PROCEDURE.

Conditions to be fulfilled before compensation can be obtained.

**13.** (1) In order that compensation may be obtained under this Act—

(*a*) written notice of the accident causing disablement or death shall be given as soon as reasonably possible after the happening of the accident;

(*b*) save as is otherwise provided in this Act, an application for compensation shall, in the case of disablement, be made within six months after the date of the accident or, in case of death, within six months after the date of the death.

(2) The provisions of paragraph (*b*) of sub-section (1) shall not be construed as enabling an application to be made for compensation in respect of a death which occurred more than six months after an accident causing injury if no claim for compensation has been made by the workman within six months after the date of the accident.

(3) The notice mentioned in paragraph (*a*) of sub-section (1) shall state the name and address of the workman and shall further state in plain and ordinary terms the cause of the injury and the date upon which the accident happened. The notice shall be served upon the employer personally or by delivering it, or sending it by post in a registered letter addressed to him, at his residence or place of business, or if the employer be a body of persons corporate or unincorporate, the notice may be served by delivering it, or sending it by post in a registered letter addressed to the employing body, at its office or if it has more than one office, then at any one of its offices.

gekeurde borgtog vir die betaling daarvan gelewer is om die uitslag af te wag van enige regsvordering wat tot verhaal van die skadeloosstelling ingestel word en om dit te betaal saam met sodanige koste soos in die verrigtings toegeken word; en enige sodanige doeanebeampte of ander amptenaar aan wie die bevelskrif gerig is moet die skip dienooreenkomstig aanhou.

(3) Met 'n aansoek om skadeloosstelling te verhaal is die borgsteller die verweerder en die vertoning van die bevelskrif wat die regter in verband met die borgtog uitgereik het is afdoende bewys dat so 'n aansoek teen die verweerder gedoen kan word.

(4) Hierdie Wet is verder van toepassing ten opsigte van 'n ongeval wat 'n werksman oorkom onderwyl hy diens doen in of op 'n Unie-lugvaartuig (soos hierin omskryf), of as loods, bevelhebber, bestuurder of lid van die bemanning daarvan, ofskoon die ongeval buite die Unie plaasgevind het, onderhewig *mutatis mutandis* aan die bepalings van paragrawe (*a*) en (*b*) van sub-artikel (1).

(5) In hierdie artikel sluit—

„Lugvaartuig" in 'n vliegmasjien, vliegtuig, watervliegtuig, vliegboot en ander lugvaartuig ontwerp om swaarder as lug te wees, asook 'n lugskip en ballon en ander lugvaartuig ontwerp om ligter as lug te wees, en „Unie-lugvaartuig" beteken 'n lugvaartuig wat in die Unie geregistreer of gelisensieer is, die eienaar waarvan sy verblyf- of besigheidsplek binne die Unie het;

„Unie-skip" in 'n vaartuig van watter aard ook wat vir skeepvaart gebruik word hoe dit ookal voortbeweeg word:

Met dien verstande dat—

(i) dit ingevolge enige sodanige voorgemelde regsbepaling betreffende koopvaardy in die Unie geregistreer en nie in 'n ander land ingevolge 'n soortgelyke regsbepaling geregistreer is nie; of

(ii) indien dit nie in die Unie of elders aldus geregistreer is nie, dit behoort aan of kragtens 'n vragkontrak gehuur is deur 'n persoon of liggaam van persone wie se hoofkantoor of besigheidsplek in die Unie is of deur 'n persoon wat in die Unie woon;

„seeman" in 'n persoon wat aan boord van 'n skip in diens of in watter hoedanigheid ookal werksaam is, mits hy 'n werksman is soos in hierdie Wet bepaal; in die geval van 'n vissersvaartuig, egter, sluit die uitdrukking „seeman" nie in 'n persoon wat daarop werksaam is maar wie se besoldiging alleen bestaan uit 'n aandeel van die wins of die bruto bedryfsverdienste van sodanige vaartuig.

## HOOFSTUK II.

### PROSEDURE.

Voorwaardes nagekom te word voordat skadeloosstelling verkry kan word.

**13.** (1) Ten einde skadeloosstelling kragtens hierdie Wet te verkry moet—

(*a*) so spoedig as redelik moontlik is na 'n ongeval wat arbeidsongeskiktheid of dood tot gevolg het daarvan skriftelik kennis gegee word;

(*b*) 'n aansoek om skadeloosstelling behalwe wanneer hierdie Wet anders bepaal, in geval van arbeidsongeskiktheid binne ses maande na die datum van die ongeval, of in geval van dood, binne ses maande na die datum daarvan gedoen.

(2) Die bepalings van paragraaf (*b*) van sub-artikel (1) word egter nie gehou 'n aansoek om skadeloosstelling toe te laat ten opsigte van 'n sterfgeval wat plaasgevind het meer as ses maande na die ongeval wat die besering veroorsaak het nie indien die werksman geen eis om skadeloosstelling gedoen het binne ses maande na die datum van die ongeval nie.

(3) Die in paragraaf (*a*) van sub-artikel (1) vermelde kennisgewing moet die naam en adres van die werksman vermeld en moet verder in duidelike en gewone woorde die oorsaak van die besering en die datum waarop die ongeval plaasgevind het vermeld. Die kennisgewing moet op die werkgewer gedien word òf persoonlik òf deur dit af te lewer of as 'n geregistreerde brief deur die pos aan hom te adresseer na sy huis of besigheidsplek, of as die werkgewer 'n vereniging van persone is met of sonder regspersoonlikheid kan die kennisgewing gedien word deur dit af te lewer by, of as 'n geregistreerde brief deur die pos, aan die werkgewende vereniging te stuur na sy kantoor, of indien hy meer as een kantoor besit, na enigeen van die kantore.

(4) The workman shall, if required by his employer, supply to him such further particulars of the accident and the injury as the employer may reasonably require.

(5) Notwithstanding anything to the contrary in this section contained—

(*a*) the failure to give such notice or any defect or inaccuracy therein shall not be a bar to an application for compensation if it be found upon the hearing of the application that the employer is not, or would not be if an amended notice were then given and the hearing postponed, prejudiced in his defence by the failure, defect or inaccuracy, or that such failure, defect or inaccuracy was occasioned by mistake, absence from the Union, or other reasonable cause;

(*b*) the failure to give such notice or to make the application within the period herein laid down shall not be a bar to an application for compensation if the employer is not prejudiced by such failure or there be an acknowledgment in writing signed by the employer that he waives compliance with the provisions of this section; and those provisions shall be deemed to be waived to the extent set out in such acknowledgment;

(*c*) if the employer admit in writing liability to pay compensation, it shall not be necessary for the workman to give any such notice, and the application for compensation may be made within six months after the date of the admission of liability.

Rights of employer to require submission to medical examination.

**14.** (1) An employer who has received such a notice as is described in section *thirteen* or who has in any other manner been informed of an accident causing personal injury to any of his workmen may require the workman to submit himself for examination by a medical practitioner named by the employer.

(2) The workman shall, when required, attend upon that medical practitioner at the time and place notified to the workman by the employer, provided such time and place is reasonable. Any necessary expenses of the workman's attendance upon such medical practitioner shall be paid by the employer. In the event of the workman being, in the opinion of any medical practitioner, unable or not in a fit state to attend on the medical practitioner named by the employer, that fact shall be notified to the employer, and the medical practitioner so named may be required to attend on the workman at a reasonable time and place to be agreed. The workman shall be entitled to have his own medical practitioner present at such examination, but at his own expense.

Agreements as to amount of compensation.

**15.** (1) The employer and the workman may, after the injury in respect of which the claim to compensation has arisen, agree in writing as to the compensation to be paid by the employer.

(2) Any such agreement may on application to the magistrate by either party be made an order under this Act: Provided that any such agreement shall first have been referred to the commissioner for his report.

Special terms in contract of employment to receive less than the maximum amount of compensation.

**16.** (1) Notwithstanding anything to the contrary in this Act contained, a person in respect of whom a district surgeon has certified that, by reason of old age or serious physical infirmity or any previous injury he is specially liable to meet with an accident or to sustain a serious injury if employed as a workman may, in any contract of employment lawfully agree with the employer that the employer shall pay less than the amount payable under this Act in respect of the disablement or death of that person.

(2) No such agreement shall be valid and effectual, unless the amount agreed to be paid in respect of the disablement or death is at least one-half the amount that would otherwise be payable as compensation under this Act and the Commissioner has approved of such agreement.

Appointment of commissioner.

**17.** The Minister may from time to time appoint an officer subject to the provisions of the law relating to the public service of the Union, to be called the Workmen's Compensation Commissioner (in this Act called the commissioner).

Functions of the commissioner.

**18.** The functions and duties of the commissioner shall include the following—

(*a*) To investigate or cause investigation to be made into any claim or other matter referred to him in terms of this Act and to assist the parties in bringing about a settlement of the dispute by agreement;

(4) Die werksman moet, indien sy werkgewer dit verlang, sodanige verdere besonderhede aangaande die ongeval verstrek as wat die werkgewer redelikerwys kan verlang.

(5) Nieteenstaande enige teenstrydige bepalings in hierdie artikel—

(*a*) vernietig versuim om sodanige kennis te gee of enige fout of onnoukeurigheid daarin nie die reg om 'n aansoek om skadeloosstelling te doen nie as dit by die verhoor van die aansoek blyk dat die werkgewer nie in sy verdediging deur sodanige versuim, fout of onnoukeurigheid benadeel is of sou wees as 'n gewysigde kennisgewing dan gegee en die verhoor uitgestel word, of dat sodanige versuim, fout of onnoukeurigheid veroorsaak is deur 'n vergissing, afwesigheid uit die Unie of ander redelike oorsaak;

(*b*) vernietig versuim om sodanige kennis te gee of om binne die hierin bepaalde tydperk aansoek te doen nie die reg om 'n aansoek om skadeloosstelling te doen nie as die werkgewer nie deur so 'n versuim benadeel is nie of as daar 'n skriftelike erkenning, onderteken deur die werkgewer, is waarby hy afstand doen van die nakoming van die bepalings van hierdie artikel; en dit word geag dat daar van daardie bepalings afstand gedoen is vir sover dit in sodanige erkenning uiteengesit is;

(*c*) is dit vir die werksman onnodig om sodanige kennis te gee wanneer die werkgewer skriftelik sy aanspreeklikheid vir die betaling van skadeloosstelling erken, en kan die aansoek om skadeloosstelling binne ses maande na die datum van erkenning van aanspreeklikheid gedoen word.

Regte van werkgewers om 'n mediese ondersoek te verlang.

**14.** (1) Wanneer 'n werkgewer 'n soos in artikel *dertien* beskrewe kennisgewing ontvang het, of op enige ander wyse verwittig is van 'n ongeval waardeur een van sy werksmense persoonlike besering opgedoen het, kan hy van die werksman verlang dat hy hom laat ondersoek deur 'n geneesheer deur die werkgewer aangewys te word.

(2) Die werksman moet wanneer dit verlang word en op sodanige tyd en plek soos deur die werkgewer aan hom meegedeel, sy opwagting by daardie geneesheer maak, mits die tyd en plek redelik is. Alle nodige onkoste in verband met die werksman se besoek aan sodanige geneesheer moet deur die werkgewer betaal word. Indien die werksman na mening van een of ander geneesheer onbekwaam of nie in staat is om sy opwagting te maak by die deur die werkgewer aangewese geneesheer nie, moet die werkgewer hiervan verwittig word, en van die aangewese geneesheer kan verlang word om die werksman te besoek op 'n redelike tyd en plek waaroor onderling ooreengekom word. Die werksman kan, op eie koste, sy eie geneesheer by so 'n ondersoek teenwoordig laat wees.

Ooreenkomste aangaande bedrag van skadeloosstelling.

**15.** (1) Na die besering waaruit die eis om skadeloosstelling ontstaan het kan die werkgewer en werksman skriftelik ooreenkom omtrent die skadeloosstelling wat die werkgewer moet betaal.

(2) Op aansoek van enige party aan die magistraat kan enige sodanige ooreenkoms 'n bevel kragtens hierdie Wet gemaak word: Met dien verstande dat enige sodanige ooreenkoms eers na die kommissaris vir sy verslag verwys is.

Spesiale bepalings in dienskontrak om minder as die maksimum bedrag skadeloosstelling te ontvang.

**16.** (1) Nieteenstaande enige strydige bepaling in hierdie Wet kan 'n persoon, ten opsigte van wie 'n distriksgeneesheer verklaar het dat hy weens ouderdom of ernstige liggaamlike swakheid of enige vorige besering besonder blootstaan aan 'n ongeval of ernstige besering indien hy as werksman op enige werk in diens is, in enige dienskontrak wettiglik met die werkgewer ooreenkom dat die werkgewer minder as die kragtens hierdie Wet betaalbare bedrag sal betaal ten opsigte van die arbeidsongeskiktheid of dood van daardie persoon.

(2) Geen sodanige ooreenkoms is egter geldig of van krag tensy die betaalbare bedrag waarop ooreengekom is ten opsigte van die arbeidsongeskiktheid of dood minstens helfte van die bedrag is wat anders as skadeloosstelling kragtens hierdie Wet betaalbaar sou wees en die kommissaris daardie ooreenkoms goedgekeur het.

Aanstelling van Kommissaris.

**17.** Die Minister kan van tyd tot tyd 'n persoon kragtens die bepalings van die wet ten opsigte van die staatsdiens van die Unie aanstel, bekend te staan as die Ongevallekommissaris (in hierdie Wet die kommissaris genoem).

Werksaamhede van Kommissaris.

**18.** Die werksaamhede en pligte van die kommissaris sluit in—

(*a*) om enige eis of ander saak wat kragtens hierdie Wet na hom verwys word te ondersoek of te laat ondersoek, en om partye by te staan ten einde geskille deur ooreenkoms te skik;

(*b*) to examine the settlements transmitted to him in terms of section *seventy-seven* by any insurer and if he be not satisfied that the terms of any such settlement are equitable, to bring the claim into review before a magistrate within a period of six months from the date of such settlement: Provided that in any such application for review no costs shall be awarded against the commissioner;

(*c*) to hear complaints from any workman or his representative or any insurer or any employer, in respect of any claim for compensation under this Act;

(*d*) To hold on behalf of persons entitled thereto any money awarded for compensation and to pay it to or for the benefit of such person in terms of section *thirty-seven*;

(*e*) to keep the register of licensed insurers and to control and supervise the carrying out of any agreement entered into by the Minister in terms of section *seventy-five* with any insurer;

(*f*) if satisfied, to approve of any arrangement in regard to medical aid in terms of section *fifty-nine*;

(*g*) to devise and give effect to any scheme which he may deem suitable for the prevention of industrial accidents or scheduled diseases;

(*h*) after the conclusion of each calendar year, to report to the Minister upon the working of the Act during that year;

(*i*) to collect, compile and maintain such statistics and information relating to the occurrence or cause of accidents and scheduled diseases and the payment of benefits to persons under this Act as he may deem necessary;

(*j*) to perform such other functions and duties as may have been assigned to him in terms of this Act or as may be prescribed.

In default of agreement within two weeks proceedings may be taken to enforce claim.

19. If an employer on whom notice of the accident has been served as aforesaid does not within two weeks after the receipt of the notice agree in writing with the workman as to the compensation to be paid, the workman may make such application as in this Act is provided for enforcing his claim to compensation.

Questions in dispute to be determined by magistrate.

20. (1) All questions in dispute as to—

(*a*) the liability of an employer (whether under this Act or any agreement made in accordance with this Act) to pay compensation; and

(*b*) the amount and nature of the compensation; and

(*c*) the duration of the compensation when it is to be made by pension or periodical payment; and

(*d*) in the case of compensation in respect of the death of a workman, the person or persons to whom the whole or any portion thereof is to be paid and the amount to be awarded in respect of each dependant; and

(*e*) any other matter directly arising out of proceedings under this Act,

shall be determined in accordance with this Act by a magistrate of the district in which occurred the accident in respect of which the claim for compensation arose. All such questions shall be determined upon application made to such magistrate in manner provided by this Act.

(2) The Minister of Justice may from time to time by notice in the *Gazette* assign any magistrate, civil magistrate, or assistant magistrate to determine all such questions in any two or more districts, and all applications which would otherwise under this section be made to the magistrate of the district in which the accident happened shall be made to, and the question in dispute determined by, the magistrate so assigned; but, notwithstanding that a magistrate has been so assigned, the magistrate of the district in which the accident occurred may if requested by the assigned magistrate, deal with any matter in connection with any such application, other than the determination of any such question aforesaid.

(3) The Minister of Justice may after consultation with the Minister by notice in the *Gazette* appoint an advocate of not less than seven years standing to act as a magistrate in terms of this Act, subject to such regulations as may be prescribed.

(*b*) om skikkings wat kragtens artikel *sewe-en-sewentig* deur 'n versekeraar na hom verwys te ondersoek, en indien die bepalings daarvan syns insiens nie billik is nie, die eis binne ses maande na die datum van sodanige skikking vir hersiening na 'n magistraat te verwys: Met dien verstande dat in enige sodanige aansoek om hersiening geen koste teen die kommissaris toegeken moet word nie;

(*c*) om klagtes ten opsigte van enige eis vir skadeloosstelling ingevolge hierdie Wet van 'n werksman of sy verteenwoordiger of enige versekeraar of werkgewer aan te hoor;

(*d*) om enige geld wat as skadeloosstelling toegeken is ten behoewe van die daarop geregtigde persoon in bewaring te hou en dit kragtens artikel *sewe-en-dertig* van hierdie Wet aan of ten bate van sodanige persoon uit te betaal;

(*e*) om 'n register van gelisensieerde versekeraars te hou, en om die uitvoering van enige ooreenkoms deur die Minister kragtens artikel *vyf-en-sewentig* met 'n versekeraar aangegaan te beheer en toesig daaroor te hou;

(*f*) om indien hy daarmee tevrede is, goedkeuring te verleen aan enige reeling in verband met mediese behandeling kragtens artikel *nege-en-vyftig*;

(*g*) om planne te beraam en uit te voer wat hy geskik ag vir die verhindering van nywerheidsongevalle of vergoedingspligtige siektes;

(*h*) om na die afloop van elke kalenderjaar aan die Minister verslag te lewer oor die toepassing van die Wet gedurende daardie jaar;

(*i*) om sodanige statistieke en inligting aangaande die voorval of oorsake van ongevalle en vergoedingspligtige siektes en die betaling van voordele aan persone ingevolge hierdie Wet as wat hy nodig mog ag te versamel, te kompileer, en by te hou;

(*j*) om sodanige ander werksaamhede en pligte te verrig soos kragtens hierdie Wet aan hom opgedra is of soos voorgeskryf mag word.

By gebreke aan ooreenkoms binne twee weke kan regsvordering ingestel word.

**19.** Indien 'n werkgewer aan wie soos hiervoor bepaal kennis van 'n ongeval gegee is versuim om binne twee weke na die ontvangs van die kennisgewing skriftelik met die werksman ooreen te kom aangaande die betaalbare skadeloosstelling, dan kan die werksman sodanige aansoek doen soos hierdie Wet bepaal om sy eis om skadeloosstelling gestand te doen.

Geskilpunte moet deur magistraat beslis word.

**20.** (1) Alle geskilpunte aangaande—

(*a*) die aanspreeklikheid van 'n werkgewer om skadeloosstelling te betaal, hetsy ingevolge hierdie Wet of enige ooreenkoms daaronder aangegaan; en

(*b*) die bedrag en aard van skadeloosstelling; en

(*c*) die duur van skadeloosstelling wanneer dit by wyse van pensioen of periodieke uitkerings geskied; en

(*d*) ingeval van skadeloosstelling ten opsigte van die dood van 'n werksman, die persoon of persone aan wie die hele bedrag of 'n deel daarvan uitgekeer moet word, en die bedrag wat aan elke nabestaande toegeken moet word; en

(*e*) alle ander sake wat regstreeks uit verrigtings ingevolge hierdie Wet voortspruit,

word ooreenkomstig hierdie Wet beslis deur die magistraat van die distrik waarin die ongeval, waaruit die eis vir skadeloosstelling ontstaan het, plaasgevind het. Alle sodanige geskilpunte word beslis op 'n aansoek wat op die wyse in hierdie Wet bepaal aan die magistraat gerig is.

(2) Die Minister van Justisie kan van tyd tot tyd by kennisgewing in die *Staatskoerant* 'n magistraat, siviele magistraat of assistent-magistraat aanwys om in twee of meer distrikte alle sodanige geskilpunte te beslis, en alle aansoeke wat anders ingevolge hierdie artikel aan die magistraat van die distrik waarin die ongeval plaasgevind het gedoen sou moes word, word gedoen aan en beslis deur daardie aangewese magistraat; ofskoon so 'n magistraat aldus aangewys is, kan die magistraat van die distrik waarin die ongeval plaasgevind het, op versoek van die aangewese magistraat, alle sake in verband met sodanige aansoek, behalwe die beslissing van voorgaande geskilpunte, behandel.

(3) Die Minister van Justisie kan, na beraadslaging met die Minister, deur kennisgewing in die *Staatskoerant*, 'n persoon wat minstens sewe jaar advokaat was benoem om as 'n magistraat ingevolge hierdie Wet te dien, onderhewig aan sodanige regulasies soos voorgeskryf mag word.

(4) Notwithstanding anything to the contrary in this Act, no dispute arising out of or in connection with any claim for compensation or any application for revision of any award shall be determined by a magistrate before such dispute or such application has been referred to the commissioner, with a view to settlement by agreement or for his report.

Medical and technical assessors and medical arbitration.

21. (1) The Minister of Justice may frame a list of—

(*a*) medical practitioners to act as medical assessors; and

(*b*) persons to act as assessors in technical questions other than medical or surgical questions,

when summoned under sub-section (2) so to act.

(2) A magistrate may in his discretion summon to his assistance from the list so framed any medical assessor or one such other assessor aforesaid, or both such assessors to sit with him and act in an advisory capacity in the hearing of any application under this Act.

(3) A magistrate may, on application and subject to such terms and conditions as he deems fit, nominate two special medical arbitrators to determine the extent, nature or duration of any injuries to the workman or any other medical or surgical question in dispute. One of such arbitrators shall be a medical practitioner selected by the workman and the other a medical practitioner selected by the employer, and, in the event of their being unable to agree on any question referred to them, they shall submit that question for the decision of an independent medical practitioner selected by them, or if they are unable to agree upon a selection, then to a medical practitioner nominated by the magistrate. The decision of the question so submitted shall be transmitted to the magistrate in such manner as he may decide and shall, as regards that question, be binding and conclusive upon all parties to the application. The magistrate may make such order as he deems fit with regard to the costs of an arbitration under this sub-section and if the workman be unable to pay any part of the costs awarded against him, the employer shall be liable to pay the reasonable fees and expenses of the medical practitioner selected by him, as well as those of the independent medical practitioner, provided the said independent medical practitioner is not a medical assessor on the list framed under sub-section (1).

(4) A medical assessor or medical arbitrator or independent medical practitioner may examine the workman in private. In making any such examination he shall also examine as to any allegations which have been made to him in writing either by the workman or by the employer respecting the condition of the workman, and the conclusions arrived at by him on such examination may be taken into consideration in deciding the questions in dispute.

(5) A person shall not be summoned, nominated, or selected or, if summoned, nominated, or selected, shall not sit or act as an assessor or independent medical arbitrator if he has in connection with the injury or death out of which the application arises given professional assistance or advice in regard to the accident or question in dispute to either party to the application or to any person with whom an insurance has been effected in respect of the payment of compensation under this Act to that workman.

(6) There shall be paid out of the Consolidated Revenue Fund to any assessor for sitting or acting as aforesaid or for any other assistance or advice given in connection with matters to be determined under this Act, fees according to a scale fixed by regulation.

Mode and form of application under this Act.

22. (1) A workman or an employer (hereinafter called the applicant) who desires the determination of any question arising out of an accident in which compensation is or might be claimed shall lodge with the clerk of the magistrate's court of the district, a written application in the prescribed form accompanied by particulars containing—

(*a*) a concise statement of the circumstances under which the application is made and the relief or order which the applicant claims, or the question which he desires to have determined;

(*b*) the full name and address of the applicant and of his attorney, or other representative as provided in section *twenty-five* if he intend to be so represented, and the name and address of the respondent.

(4) Nieteenstaande enige strydige bepaling in hierdie Wet word geen geskil wat uit 'n eis om skadeloosstelling of in verband daarmee ontstaan, of enige aansoek om hersiening van enige toekenning deur 'n magistraat beslis voor en aleer sodanige geskil of sodanige aansoek na die kommissaris verwys is ten einde 'n skikking by wyse van ooreenkoms te bewerkstellig of vir sy verslag.

Geneeskundige en tegniese assessore en geneeskundige skeidsgereg.

21. (1) Die Minister van Justisie kan 'n lys opstel van—

(*a*) geneeshere om as geneeskundige assessore te dien; en

(*b*) persone om as assessore te dien in verband met tegniese vraagstukke uitgesonder dié van geneeskundige en heelkundige aard,

wanneer hulle kragtens sub-artikel (2) gedagvaar word om also te dien.

(2) 'n Magistraat kan na eie goeddunke enige geneeskundige of sodanige ander voormelde assessor uit die lys so opgestel dagvaar om hom behulpsaam te wees, of beide sodanige assessore dagvaar om met hom te sit in 'n raadgewende hoedanigheid tydens die verhoor van enige aansoek ingevolge hierdie Wet.

(3) Op aansoek en onderhewig aan sodanige bepalings en voorwaardes soos hy goedvind, kan 'n magistraat twee spesiale geneeskundige skeidsregters benoem ten einde die omvang, aard of duur van enige beserings deur die werksman opgedoen of enige ander geneeskundige of heelkundige geskilpunt te beslis. Een van sodanige geneeskundige skeidsregters moet 'n geneesheer wees deur die werksman en die ander 'n geneesheer deur die werkgewer gekies, en ingeval hulle nie kan ooreenkom ten opsigte van enige vraag wat na hulle verwys is nie, moet hulle sodanige vraag voorlê ter beslissing van 'n onafhanklike geneesheer deur hulle gekies, of as hulle nie oor sodanige keuse kan ooreenkom nie, dan van 'n geneesheer deur die magistraat benoem. Die beslissing oor die voorgelegde vraag word aan die magistraat oorgedra op sodanige wyse soos hy mag bepaal, en is, ten opsigte van daardie vraag bindend en beslissend vir al die partye wat in die aansoek betrokke is. In verband met 'n skeidsregterlike beslissing kragtens hierdie artikel kan die magistraat sodanige bevel aangaande koste uitvaardig as wat hy mag goedvind, en indien die werksman nie in staat is om enige deel van die koste wat teen hom toegeken is te betaal nie, is die werkgewer verantwoordelik vir die betaling van die redelike fooie en onkoste van die geneesheer deur hom gekies, asook dié van die onafhanklike geneesheer, mits genoemde onafhanklike geneesheer nie 'n mediese assessor is nie op die lys wat kragtens sub-artikel (1) opgestel is.

(4) 'n Geneeskundige assessor of geneeskundige skeidsregter of onafhanklike geneesheer kan die werksman privaat ondersoek. By sodanige ondersoek moet hy ook enige skriftelike bewerings aangaande die toestand van die werksman, wat òf deur die werksman òf deur die werkgewer aan hom gemaak is, ondersoek, en sy gevolgtrekking by sodanige ondersoek kan in oorweging geneem word by die beslissing van die geskilpunte.

(5) Niemand kan as assessor of as onafhanklike geneeskundige skeidsregter gedagvaar, benoem of gekies word, of, as hy so gedagvaar, benoem of gekies is, as sulks sitting hê of optree nie indien hy in verband met die besering of dood waaruit die aansoek ontstaan het en ten opsigte van die ongeval of geskilpunte, professionele hulp verleen of raad gegee het aan een of ander party wat in die aansoek betrokke is, of aan enige persoon met wie 'n versekering aangegaan is in verband met die betaling van skadeloosstelling ingevolge hierdie Wet aan die werksman.

(6) Aan 'n assessor wat soos voormeld sitting geneem of opgetree het of enige hulp verleen of raad gegee het in verband met sake kragtens hierdie Wet bepaal te word, word uit die Gekonsolideerde Inkomstefonds fooie volgens 'n by regulasie voorgeskrewe tarief betaal.

Wyse en vorm van aansoek kragtens hierdie Wet.

22. (1) 'n Werksman of 'n werkgewer (hierna die applikant genoem) wat 'n beslissing verlang in verband met enige saak wat ontstaan uit 'n ongeval ten opsigte waarvan skadeloosstelling geëis is of kan word, lewer by die klerk van die magistraatshof van die distrik 'n skriftelike aansoek op die voorgeskrewe vorm in, vergesel van besonderhede bevattende—

(*a*) 'n beknopte uiteensetting van die omstandighede waaronder die aansoek gedoen en die bystand of bevel wat die applikant verlang of die vraag waaroor hy 'n beslissing wil hê;

(*b*) die volle naam en adres van die applikant asook van sy prokureur of ander verteenwoordiger soos in artikel *vyf-en-twintig* bepaal, indien hy voornemens is om so verteenwoordig te word, en die naam en adres van die verweerder.

(2) If the application be made by an employer, it shall be accompanied by a statement whether he admits his liability to pay compensation, or denies such liability and whether the admission or denial is total or partial, and if he admit or deny liability partially, a statement of the extent to which he admits or denies liability. In the case of a denial of liability the grounds shall be stated.

(3) If the clerk of the said magistrate's court be satisfied that the applicant is, owing to illiteracy, blindness or any other physical cause, unable to furnish the information required, he shall himself fill in the application and particulars on the prescribed form.

Who may take proceedings on behalf of dependants.

**23.** (1) In the case of an accident causing injury which resulted in the death of a workman, the application for compensation made on behalf of the dependants shall be made by the representative of the deceased workman or, if there be no such representative, by a person specially appointed by the Master to make such an application and in other respects to act as representative of the deceased workman for the purposes of this Act; and the Master is hereby authorized to make such an appointment.

For the purposes of this sub-section the expression "dependants" shall include persons who claim or may be entitled to claim to be dependants, but as to whose claim to rank as dependants any question arises.

(2) A representative shall comply with the provisions of section *twenty-two* as to the lodging of an application accompanied by particulars.

Service of application upon, and lodging of answer by respondent.

**24.** (1) As soon as an application, together with the accompanying particulars and statements herein prescribed, has been lodged, the clerk of the magistrate's court shall, as soon as the application has been dealt with by the commissioner in terms of sub-section (4) of section *twenty*, cause a copy thereof to be served upon the respondent in manner prescribed, together with a notice informing the respondent that he must lodge with the clerk of the court such an answer as is prescribed in sub-section (2) within the period therein prescribed, and that in default of his complying with that sub-section or of his appearing at a time and place fixed in the notice, such order may be made under this Act as the magistrate deems just and expedient. Except with the written consent of the respondent communicated to the clerk of the magistrate's court, not less than fourteen clear days shall elapse between the date of the service of the notice upon the respondent and the date fixed for hearing the application.

(2) If the respondent intends to oppose an application he shall, within seven days after service of the notice, or within such extended period as the magistrate may upon special request allow, lodge with the said clerk a written answer containing a concise statement of the extent and grounds of his opposition.

(3) The magistrate may, at any time before the determination of the question in dispute and upon such terms as to adjournment or as to costs as he deems just, allow an application, or any particulars or statement accompanying the same, or any answer thereto, to be amended. Any such amendment shall be lodged with the clerk of the magistrate's court who shall forthwith cause it to be served upon the opposite party in manner prescribed.

Appearance by parties.

**25.** (1) Every party to an application may appear—

(*a*) in person; or

(*b*) by an attorney; or

(*c*) by an advocate duly instructed by an attorney; or

(*d*) by a member of his family; or

(*e*) by a person in the permanent and exclusive employment of such party; or

(*f*) in the case of a workman, by an officer of a trade union registered under the Industrial Conciliation Act, 1924 (Act No. 11 of 1924), or in the case of an employer by an officer of an employers' organization registered under that Act; or

(*g*) in the case of a native, by an officer of the Native Affairs Department; or

(2) Word die aansoek deur 'n werkgewer gedoen, dan moet hy 'n verklaring daarby voeg waarin hy sy aanspreeklikheid vir die betaling van skadeloosstelling erken of ontken, en verklaar of sodanige erkenning of ontkenning geheel of gedeeltelik is, en indien hy sy aanspreeklikheid gedeeltelik erken of ontken, 'n verklaring in hoeverre hy dit erken of ontken. Indien hy aanspreeklikheid ontken, moet die gronde vermeld word.

(3) Indien die klerk van genoemde magistraatshof daarvan oortuig is dat die applikant weens ongeletterdheid of blindheid of 'n ander liggaamlike oorsaak nie in staat is om die vereiste inligting te verstrek nie, vul hy self die aansoek en besonderhede op die voorgeskrewe vorm in.

Wie namens die nabestaandes stappe kan neem.

**23.** (1) As die ongeval 'n besering veroorsaak wat die dood van 'n werksman tot gevolg het, word die aansoek om skadeloosstelling namens die nabestaandes gedoen deur die verteenwoordiger van die oorlede werksman of as daar nie so 'n verteenwoordiger is nie, deur iemand spesiaal deur die Meester aangestel om daardie aansoek te doen en om in ander opsigte op te tree as verteenwoordiger van die oorlede werksman vir die toepassing van hierdie Wet, en die Meester word hiermee gemagtig om so 'n aanstelling te maak.

Vir die toepassing van hierdie sub-artikel sluit die uitdrukking „nabestaande" in persone wat beweer of geregtig mag wees om te beweer dat hulle nabestaandes is, maar in verband met wie se bewering dat hulle nabestaandes is daar enige twyfel bestaan.

(2) 'n Verteenwoordiger moet voldoen aan die bepalings van artikel *twee-en-twintig* in verband met die inlewering van 'n aansoek vergesel van besonderhede.

Diening van aansoek op en indiening van repliek deur verweerder.

**24.** (1) Sodra 'n aansoek, vergesel van die hierin voorgeskrewe begeleidende besonderhede en verklarings, ingelewer is, moet die klerk van die magistraatshof, sodra die aansoek deur die kommissaris behandel is kragtens sub-artikel (4) van artikel *twintig*, 'n afskrif daarvan op die voorgeskrewe wyse op die verweerder dien, asook 'n kennisgewing aan die verweerder wat aan hom meedeel dat hy 'n antwoord soos in sub-artikel (2) voorgeskryf binne die daarin vermelde tydperk moet inlewer en as hy in gebreke bly om aan genoemde sub-artikel te voldoen of om te verskyn op 'n tyd en plek in die kennisgewing vasgestel, dat die magistraat sodanige bevel ingevolge hierdie Wet kan uitvaardig soos hy billik en raadsaam ag. Behalwe met skriftelike toestemming van die verweerder aan die klerk van die magistraatshof meegedeel, moet minstens veertien dae verloop tussen die datum waarop die kennisgewing op die verweerder gedien word en die datum wat vasgestel is vir die verhoor van die aansoek.

(2) Indien die verweerder voornemens is om 'n aansoek te bestry, moet hy binne sewe dae na die diening van 'n kennisgewing, of binne sodanige verlengde tydperk soos die magistraat op spesiale versoek mag toestaan, by die genoemde klerk 'n skriftelike repliek inlewer bevattende 'n beknopte uiteensetting van die omvang en gronde van sy verset.

(3) Die magistraat kan te eniger tyd voordat 'n geskilpunt beslis is en onder sodanige voorwaardes aangaande uitstel en koste soos hy billik mag ag, wysigings in 'n aansoek of in die begeleidende besonderhede of verklarings of in die repliek daarop toestaan. Enige sodanige wysiging moet ingelewer word by die klerk van die magistraatshof, wie dit dadelik op die voorgeskrewe wyse op die teenparty moet dien.

Verskyning van partye.

**25.** (1) Elke party in 'n aansoek kan verskyn—

(*a*) persoonlik; of
(*b*) verteenwoordig deur 'n prokureur; of
(*c*) verteenwoordig deur 'n advokaat wat behoorlik deur 'n prokureur daartoe gelas is; of
(*d*) verteenwoordig deur 'n lid van sy gesin; of
(*e*) verteenwoordig deur 'n persoon vas en uitsluitend in diens by daardie party; of
(*f*) ingeval van 'n werksman, verteenwoordig deur 'n beampte van 'n vakvereniging wat ooreenkomstig die „Nijverheid Verzoenings Wet, 1924" (Wet No. 11 van 1924) soos gewysig geregistreer is, of ingeval van 'n werkgewer, verteenwoordig deur 'n beampte van 'n ooreenkomstig daardie Wet geregistreerde werkgewersorganisasie; of
(*g*) ingeval van 'n naturel verteenwoordig deur 'n beampte van die Departement van Naturellesake; of

(*h*) in the case of a company, by any director, secretary or other officer thereof and in the case of a corporate body which is not a company, by an officer thereof,

or, by leave of the magistrate, by any other person.

(2) No person other than an advocate or attorney shall be entitled for so appearing to recover any fee or reward except necessary out-of-pocket disbursements and expenses.

Place of hearing.

**26.** Every application shall, in the absence of a special direction of the magistrate, be heard by him in the principal court-house of the district, and the court or other place in which the application is heard shall be open to the public during the hearing and when any order is made thereon.

Powers and jurisdiction of magistrate on or in connection with the application.

**27.** Save as is specially provided in this Act, a magistrate shall, upon or in connection with any question to be determined thereunder, have all the powers and jurisdictions exercisable and be subject to all the duties and obligations to be performed by a magistrate's court of the district in or in connection with civil actions in such court and the law, rules and practice in such civil actions shall *mutatis mutandis* apply; and any order made by a magistrate under this Act may be enforced as if it were a judgment or order of such court.

Duties of magistrate on application.

**28.** (1) The date and place of hearing an application or any adjournment thereof shall be entered by the magistrate upon the record.

(2) The magistrate shall, on the hearing of the application, record—

(*a*) the evidence taken thereon; and

(*b*) the fact that any evidence was tendered and rejected by him and the nature of such evidence and the grounds of its rejection; and

(*c*) any objection made to the admission by him of any evidence and the grounds for admitting evidence to the admission whereof objection has been made; and

(*d*) the terms of any order made by him;

and if the employer rely upon an allegation which if proved would debar the workman from recovering or suspend his right to recover compensation, the magistrate shall, if he give a finding on that allegation, enter upon the record whether or not he finds the allegation to be proved.

Costs.

**29.** (1) Save as is provided in paragraph (*b*) of section *eighteen* the costs of any application shall be in the discretion of the magistrate, and if any application or answer thereto appear to him to be frivolous and vexatious he may award double costs to the successful party.

(2) The Magistrate may award the costs of any issue raised upon an application to the party who has been successful on that issue, notwithstanding that such party has been unsuccessful in the result of the application.

(3) Save as is provided in sub-section (1), the costs of an application shall be allowed in accordance with a tariff prescribed by regulation.

(4) A magistrate may certify that an application heard and determined by him is fit for the employment of an advocate and thereupon the costs of instructing an advocate who has appeared for a party on the application may be allowed, together with a fee not exceeding five guineas for such advocate's appearance for each day or portion of a day actually occupied by the application.

(5) All costs awarded by a magistrate under this Act shall be taxed and recoverable in manner prescribed by the law or rules governing costs in civil actions in the magistrate's court of the district. Any costs awarded against a workman on any issue on which he has been unsuccessful may be set off by the employer in paying any compensation awarded to that workman.

(6) Every attorney employed by any party to an application may, on application *ex parte*, be ordered by the magistrate to submit to taxation and review his bill of costs as between attorney and client and also a statement showing what he has received or contracted to obtain from his client in respect of that application. Upon such taxation and review the clerk of the court may, subject to revision by the magistrate, allow such costs, charges, and expenses as are in all the circumstances of the case reasonable and proper as between attorney and client. Any payment made or reward given in excess of the amount so allowed shall be refunded, and any contract to

(*h*) ingeval van 'n maatskappy, verteenwoordig deur enige direkteur, sekretaris of ander beampte daarvan en ingeval van 'n liggaam met regspersoonlikheid wat nie 'n maatskappy is nie, deur 'n beampte daarvan :

of met verlof van die magistraat verteenwoordig deur enige ander persoon.

(2) Niemand anders as 'n advokaat of prokureur is geregtig om weens sodanige verteenwoordiging 'n fooi of beloning in te vorder nie buiten noodsaaklike uitgawes en onkoste.

Verhoorplek.

**26.** By gebrek aan 'n spesiale aanwysing van die magistraat, word elke aansoek deur hom verhoor in die vernaamste hof van die distrik, en die verhoor van die aansoek en die uitvaardiging van enige bevel in verband daarmee moet in die openbaar plaasvind.

Bevoegdhede en regsgesag van magistraat by die verhoor of in verband met die aansoek.

**27.** Tensy dit in hierdie Wet uitdruklik anders bepaal is, het 'n magistraat met of in verband met enige saak wat ingevolge hierdie Wet moet beslis word, die bevoegdhede en regsgesag, en is hy onderworpe aan die pligte en verpligtings wat 'n magistraatshof van die distrik besit en uitoefen in of in verband met siviele sake in dergelike howe, en die regsbepalings, reëls en praktyk in sulke siviele sake is *mutatis mutandis* van toepassing, en enige bevel wat die magistraat ingevolge hierdie Wet uitvaardig is uitvoerbaar asof dit 'n vonnis of bevel van sodanige hof is.

Pligte van magistraat by verhoor van aansoek.

**28.** (1) Die datum en plek van verhoor van enige aansoek of enige verdaging daarvan moet deur die magistraat in die notule aangeteken word.

(2) By die verhoor van 'n aansoek moet die magistraat aantekening hou van—

(*a*) die getuienis in verband daarmee gegee; en

(*b*) die feit dat enige getuienis aangebied en deur hom afgewys is, en die aard van sodanige getuienis en die gronde waarop hy dit afgewys het; en

(*c*) enige beswaar wat geopper is teen die toelating van enige getuienis deur hom en die gronde waarop hy getuienis toegelaat het waarteen beswaar gemaak is; en

(*d*) die bepalings van enige bevel deur hom uitgevaardig;

en indien die werkgewer sig verlaat op 'n bewering wat, indien dit bewys word, die werksman van skadeloosstelling sou uitsluit of sy reg om dit te verkry sou opskort, moet die magistraat, indien hy op daardie bewering 'n beslissing gee, aanteken of die bewering syns insiens bewys is al dan nie.

Koste.

**29.** (1) Behoudens die bepalings van paragraaf (*b*) van artikel *agtien*, word die koste van enige aansoek aan die oordeel van die magistraat oorgelaat, en indien enige aansoek of repliek syns insiens beuselagtig en ergerlik is, kan hy dubbele koste toeken aan die suksesvolle party.

(2) Die magistraat kan die koste in verband met enige punt wat by verhoor voorgebring is toeken aan die party ten gunste van wie daardie punt beslis is, ofskoon daardie persoon nie in die aansoek slaag nie.

(3) Behoudens die bepalings van sub-artikel (1) moet die koste van die aansoek teen die voorgeskrewe tarief toegelaat word.

(4) 'n Magistraat kan verklaar dat die verskyning van 'n advokaat geregverdig was in 'n aansoek wat deur hom aangehoor en beslis is, en daarop kan die koste wat aangegaan is in verband met die opdrag aan die advokaat wat namens die party verskyn het toegelaat word, asook 'n fooi van hoogstens vyf ghienies vir die verskyning van daardie advokaat vir elke dag of deel van 'n dag wat die verhoor werklik geduur het.

(5) Alle koste deur 'n magistraat ingevolge hierdie Wet toegeken moet getakseer word en, is verhaalbaar soos voorgeskryf in die regsbepalings of reëls ten opsigte van siviele sake in die magistraatshof van die distrik. Enige koste teen 'n werksman toegeken in verband met enige punt waarop hy nie geslaag het nie kan deur die werkgewer afgetrek word van enige skadeloosstelling wat aan daardie werksman toegeken is.

(6) Op 'n *ex parte* aansoek kan die magistraat elke prokureur wat werk verrig het vir 'n party by 'n aansoek gelas om sy kosterekening tussen prokureur en kliënt aan taksasie en hersiening te onderwerp, asook 'n opgaaf van gelde wat hy van sy kliënt ontvang het of volgens ooreenkoms moet ontvang in verband met daardie aansoek. By sodanige taksasie en hersiening kan die klerk van die hof, onderhewig aan hersiening deur die magistraat, sodanige koste, onkoste en uitgawes toestaan soos redelik en behoorlik is tussen prokureur en kliënt, met inagneming van alle omstandighede in verband met die saak. Alle betalinge gemaak en belonings ontvang wat meer bedra as die toegestane bedrag moet terugbetaal word en enige ooreenkoms vir die betaling van gelde of ontvangs

make any payment or give any reward in excess of the amount so allowed shall be void as to that excess.

Adjournment of the hearing of application.

**30.** If the workman at the hearing of an application be not disabled but there is reason to believe that the injury sustained by him may ultimately result in his permanent or total disablement or in his death, the magistrate may adjourn the hearing for such period or periods as he may deem necessary, so that the workman may retain his right to recover compensation in the case of permanent disablement, resulting ultimately from the injury, or the dependants retain their right to recover compensation in the event of the workman's death.

Appeals to superior courts from magistrate's decision.

**31.** (1) A party aggrieved by any decision of the magistrate on the questions enumerated in sub-section (2) may appeal from that decision to the provincial or local division to which an appeal would lie from the judgment or order of the magistrate's court of the district in a civil action. The appeal shall be prosecuted within the period and in the manner prescribed by the law and rules governing appeals in civil actions from the magistrate's court of the district.

(2) The questions upon which an appeal shall lie under this section are—

(*a*) any question as to the interpretation of this Act or any other law;

(*b*) whether there was or was not evidence to support the finding of the magistrate or whether any evidence has been improperly admitted or rejected;

(*c*) whether the accident causing the disablement or death of the workman was attributable to his own serious and wilful misconduct;

(*d*) whether the amount of any compensation awarded is in the circumstances so excessive or so inadequate that the award could not reasonably be made.

(3) The appellant shall in his notice of appeal state concisely the question upon which he is appealing and the grounds of the appeal.

(4) Upon the hearing of the appeal the provincial or local division aforesaid may remit the matter to the magistrate for further hearing with such instructions as regards the taking of further evidence or otherwise as it may deem necessary or may give such judgment or order as may appear just, including any order as to costs. An appeal shall lie from the decision of the said provincial or local division to the appellate division, as provided in section *one hundred and five* of the South Africa Act, 1909.

Revision of orders and agreements for periodical payments and provision for medical examination.

**32.** (1) An order or agreement for periodical payments under this Act may be revised by the magistrate upon the application either of the employer or of the workman and upon that application an order may be made ending, suspending, diminishing or increasing the payments.

(2) The workman and the employer may without reference to the magistrate and after the injury in respect of which a claim to compensation has arisen, enter into a written agreement for the suspending, ending, diminishing or increasing of periodical payments made under any agreement which has not been made an order under this Act.

(3) Any workman receiving periodical payments or a pension or any person referred to in the second proviso to paragraph (*c*) of sub-section (1) of section *forty-nine* receiving a pension shall, if required by the employer, submit himself from time to time but at reasonable intervals, for examination by a medical practitioner named by the employer and the provisions of section *fourteen* shall *mutatis mutandis* apply in respect of any such examination.

Circumstances under which periodical payments shall be suspended or cease.

**33.** (1) If a workman—

(*a*) refuse or wilfully neglect to submit himself to such medical examination as is mentioned in section *fourteen* or sub-section (3) of section *thirty-two* or in any way wilfully obstruct or unnecessarily delay such examination; or

(*b*) to the prejudice and without the consent of the employer, absent himself in such a manner that any notice under this Act cannot be served upon him; or

(*c*) resume work at the rate of earnings which he was receiving at the time of the accident,

van belonings wat meer bedra as die bedrag wat so toegestaan is, is van nul en gener waarde ten opsigte van sodanige meerdere bedrag.

Verdaging van die verhoor van die aansoeke.

**30.** Wanneer die werksman by die verhoor van die aansoek nie arbeidsongeskik is nie, maar daar rede bestaan om te verwag dat die besering wat hy opgedoen het uiteindelik mag lei tot blywende of algehele arbeidsongeskiktheid of die dood, dan kan die magistraat die verhoor verdaag vir sodanige tydperk of tydperke soos hy nodig mog ag, sodat die werksman sy reg behou om skadeloosstelling te verhaal ingeval van blywende arbeidsongeskiktheid wat uiteindelik volg op die besering, of die nabestaandes hulle reg behou om skadeloosstelling te verhaal ingeval van die werksman se dood.

Appèlle na hoëre howe teen beslissing van magistraat.

**31.** (1) 'n Party wat sig veronreg beskou deur 'n beslissing van die magistraat in verband met die vrae in sub-artikel (2) aangehaal kan appèl aanteken teen sodanige beslissing na 'n provinsiale of plaaslike afdeling wat in 'n siviele regsaak bevoeg is om appèlle aan te hoor teen die vonnis of bevel van die magistraatshof van die distrik. Die appèl moet voortgesit word binne die tydperk en op die wyse voorgeskryf in die regsbepalings en reëls aangaande appèlle in siviele regsake van die magistraatshof van die distrik.

(2) Die vrae waarop ingevolge hierdie artikel appèl aangeteken kan word is—

(*a*) enige vraag aangaande die vertolking van hierdie Wet of enige ander wet;

(*b*) of daar getuienis was om die uitspraak van die magistraat te steun, al dan nie, en of enige getuienis onbehoorlik toegelaat of afgewys is;

(*c*) of die ongeval wat die arbeidsongeskiktheid of dood van die werksman veroorsaak het aan sy eie ernstige en opsetlike wanbedrag toe te skryf is;

(*d*) of die bedrag van enige skadevergoeding wat toegeken is, met inagneming van die omstandighede, so buitensporig of so onvoldoende is dat die toewysing nie redelikerwys gemaak kon word nie.

(3) In sy kennisgewing van appèl moet die appellant 'n beknopte uiteensetting gee van die vraag waarop hy appèl aanteken en die gronde van appèl.

(4) Die voorgenoemde provinsiale of plaaslike afdeling kan by die verhoor van die appèl die saak vir verdere verhoor na die magistraat terugverwys, met sodanige bevele wat betref die afneem van verdere getuienis of andersins as hy nodig mag ag, of kan sodanige uitspraak gee of bevel uitvaardig, insluitende enige bevel aangaande koste, soos billik geag mag word. Appèl kan by die appèlafdeling aangeteken word teen die uitspraak van genoemde provinsiale of plaaslike afdeling, soos bepaal in artikel *honderd-en-vyf* van die Zuid-Afrika Wet, 1909.

Hersiening van bevele en ooreenkomste aangaande periodieke uitkerings, en voorsiening van geneeskundige ondersoek.

**32.** (1) Die magistraat kan, op aansoek òf van die werkgewer òf van die werksman, 'n bevel of ooreenkoms in verband met periodieke uitkerings wat kragtens hierdie Wet uitgevaardig is, hersien, en op daardie aansoek kan hy 'n bevel uitvaardig wat die uitkerings beëindig, opskort, verminder of vermeerder.

(2) Die werkgewer en die werksman kan, sonder om die magistraat te nader en na die besering ten opsigte waarvan 'n eis vir skadeloosstelling ontstaan het, 'n skriftelike ooreenkoms aangaan wat periodieke uitkerings, gemaak kragtens enige ooreenkoms, wat nie as 'n bevel kragtens hierdie Wet uitgevaardig is nie, opskort, beëindig, verminder of vermeerder.

(3) Enige werksman wat periodieke uitkerings of 'n pensioen ontvang, of enige persoon vermeld in die tweede voorbehoudsbepaling tot paragraaf (*c*) van sub-artikel (1) van artikel *negen-en-veertig* wat 'n pensioen ontvang, moet, indien die werkgewer dit vereis, sig van tyd tot tyd, dog met redelike tussenposes, onderwerp aan 'n ondersoek deur 'n deur die werkgewer aangewese geneesheer, en die bepalings van artikel *veertien* is *mutatis mutandis* op sodanige ondersoek van toepassing.

Omstandighede waaronder periodieke uitkerings opgeskort of beëindig moet word.

**33.** (1) Indien 'n werksman—

(*a*) weier of opsetlik versuim om sig te onderwerp aan sodanige geneeskundige ondersoek soos in artikel *veertien* of sub-artikel (3) van artikel *twee-en-dertig* vermeld word of op enige wyse sodanige ondersoek opsetlik belemmer of onnodiglik vertraag; of

(*b*) tot nadeel en sonder toestemming van die werkgewer sig op so 'n wyse verwyder dat 'n kennisgewing ingevolge hierdie Wet nie op hom gedien kan word nie; of

(*c*) werk hervat teen dieselfde verdienste wat hy ten tyde van die ongeval ontvang het,

his right to periodical payments or the continuance of such payments, whether by order of the magistrate or by agreement, shall *ipso facto* be suspended and no compensation shall be payable by the employer in respect of the period of suspension.

(2) If a workman—

(*a*) is awarded or receives compensation for permanent disablement in terms of section *forty-eight*; or

(*b*) dies,

his right to periodical payments shall *ipso facto* cease and determine.

Revision of compensation for permanent disablement.

**34.** (1) Where the payment of compensation in the form of a monthly pension has been awarded or agreed upon in terms of section *fifteen*, the magistrate may, upon the application of the workman or of the employer made at any time or times within a period not exceeding five years from the date of such award or agreement, revise such reward or such agreement on good cause shown by the applicant, and make an order confirming, discontinuing, suspending, reducing or increasing such monthly pension, or make an order for the payment of a lump sum in lieu of such monthly pension.

(2) Wherever compensation for permanent disablement in any form other than that referred to in sub-section (1) has been agreed upon as aforesaid, the magistrate may, upon the application of the workman or the employer, made within a period not exceeding six months after the date of such agreement, cancel such agreement or make such order (including an order as to any sum already paid under the agreement) as in the circumstances he deems fit, if it is proved—

(*a*) that the sum paid or to be paid was or is grossly inadequate or excessive; or

(*b*) that the agreement was obtained by such fraud, undue influence, misrepresentation or other improper means as would in law be sufficient ground for avoiding an agreement; or

(*c*) that the agreement was entered into in ignorance of, or under a mistake as to, the nature of the injury.

Circumstances precluding the recovery of compensation.

**35.** (1) No compensation shall be payable under this Act in respect of any disablement or death if the death is caused, or if and so far as the disablement is caused, continued or increased in extent by an unreasonable refusal or wilful neglect to submit to medical or surgical treatment.

(2) No compensation shall be payable under this Act in respect of any disablement or death resulting from personal injury, if the workman has at any time represented to the employer that he was not suffering or had not previously suffered from that or a similar injury, knowing that the representation was false.

No abatement of compensation if claimant insured.

**36.** Save as is provided in sections *eight*, *nine* and *ten*, there shall be no abatement of the amount of compensation which an employer is ordinarily liable to pay under this Act by reason of the fact that, in consequence of the accident causing the disablement or death money has become due to the workman or his dependants under an accident or life insurance policy effected by himself or by any person other than the employer.

Control of payment of compensation to beneficiaries.

**37.** (1) Where compensation is payable in the form of a lump sum exceeding two hundred pounds or in the case of a minor, fifty pounds, such sum shall, unless the commissioner otherwise directs, be paid to the commissioner to be dealt with by him in the manner provided in this section, and the receipt of the commissioner shall be a sufficient discharge in respect of the amount paid.

(2) Any compensation so payable to a workman or dependant may, in the discretion of the commissioner and for reasons deemed by him to be sufficient, be—

(*a*) paid to the workman or dependant in the form of a lump sum or in instalments, or to or on behalf of persons dependent for maintenance on such workman or dependant;

(*b*) invested or applied from time to time as the commissioner may deem to the advantage of the workman or dependant, or those dependent on either of them for maintenance;

word sy reg tot, of tot die voortsetting van, periodieke uitkerings, hetsy deur 'n magistraatsbevel of ooreenkoms gemaak, *ipso facto* opgeskort en die werkgewer hoef geen skadeloosstelling ten opsigte van die tydperk van opskorting te betaal nie.

(2) Indien 'n werksman—

(*a*) vir blywende arbeidsongeskiktheid kragtens artikel *agt-en-veertig* skadeloosstelling toegeken is of ontvang; of

(*b*) sterf,

hou sy reg op periodieke uitkerings *ipso facto* op.

Hersiening van skadeloosstelling vir algehele arbeidsongeskiktheid.

34. (1) Waar die betaling van skadeloosstelling by wyse van 'n maandelikse pensioen toegeken of daarop ooreengekom is kragtens die bepalings van artikel *vyftien*, kan die magistraat op aansoek van die werksman of werkgewer, wat gedoen is te eniger tyd of tye binne 'n tydperk van hoogstens vyf jaar na die datum van daardie toekenning of ooreenkoms, daardie toekenning of ooreenkoms hersien as die applikant goeie redes daarvoor aantoon, en 'n bevel uitvaardig wat sodanige maandelikse pensioen bekragtig, beëindig, opskort, verminder of vermeerder, of vir die betaling van 'n enkele geldsom instede van daardie maandelikse pensioen.

(2) Wanneer daar soos voormeld ooreengekom is oor skadeloosstelling vir blywende arbeidsongeskiktheid op enige ander wyse as dié waarna in sub-artikel (1) verwys word, kan die magistraat op aansoek van die werksman of werkgewer, wat gedoen is binne 'n tydperk van hoogstens ses maande na die datum van daardie ooreenkoms, daardie ooreenkoms vernietig, en sodanige bevel uitvaardig soos hy onder omstandighede geskik ag, insluitende 'n bevel aangaande enige bedrag wat alreeds kragtens die ooreenkoms betaal is, indien dit bewys word—

(*a*) dat die bedrag wat betaal is of moet word buitematig onvoldoende of buitensporig is; of

(*b*) dat die ooreenkoms verkry is deur sodanige bedrog, onbehoorlike invloed, wanvoorstelling of ander onbehoorlike middels wat regtens voldoende gronde sou uitmaak om 'n ooreenkoms ter syde te sit; of

(*c*) dat die ooreenkoms aangegaan is in onwetendheid van of onder 'n vergissing aangaande die aard van die besering.

Omstandighede wat die reg op skadeloosstelling uitsluit.

35. (1) Geen skadeloosstelling is kragtens hierdie Wet betaalbaar ten opsigte van enige arbeidsongeskiktheid of die dood as die dood veroorsaak is, of as en vir sover die arbeidsongeskiktheid veroorsaak is, voortduur of vererger word deur 'n onredelike weiering of opsetlike versuim om sig aan geneeskundige of heelkundige behandeling te onderwerp.

(2) Geen skadeloosstelling is kragtens hierdie Wet betaalbaar ten opsigte van arbeidsongeskiktheid of die dood wat volg op persoonlike besering wanneer die werksman te eniger tyd aan die werkgewer voorgegee het, met wete dat die inligting vals was, dat hy toe of voorheen nie aan sodanige besering gely het nie.

Geen korting van skadeloosstelling indien eiser verseker is.

36. Behoudens die bepalings van artikels *agt*, *nege* en *tien* moet daar geen korting wees in die bedrag van skadeloosstelling wat 'n werkgewer kragtens hierdie Wet in die gewone loop van sake verplig is om te betaal omrede dat, as gevolg van die ongeval wat die arbeidsongeskiktheid of dood veroorsaak het, geld aan die werksman of sy nabestaandes verskuldig is kragtens 'n ongevalle- of lewensversekeringsfonds wat deur homself of enige ander persoon, uitgesonder die werkgewer, aangegaan is.

Beheer oor betaling van skadeloosstelling aan bedeeldes.

37. (1) Waar skadeloosstelling betaalbaar is in die vorm van 'n enkele geldsom van meer as tweehonderd pond, of ingeval van 'n minderjarige, vyftig pond moet daardie som, tensy die kommissaris anders bepaal, aan die kommissaris uitbetaal word om daaroor op die in hierdie artikel bepaalde wyse te beskik en die kwitansie van die kommissaris is genoegsame kwytskelding ten opsigte van die bedrag uitbetaal.

(2) Skadeloosstelling sodanig betaalbaar aan 'n werksman of sy nabestaande kan na goeddunke van die kommissaris en op redes wat hy voldoende ag—

(*a*) aan die werksman of nabestaande betaal word in die vorm van 'n enkele geldsom of in paaiemente of aan of ten behoewe van persone wat vir hulle onderhoud van sodanige werksman of nabestaande afhanklik is;

(*b*) belê word of van tyd tot tyd bestee word soos na mening van die kommissaris tot voordeel is van die werksman of nabestaande of diegenes wat vir hulle onderhoud van die werksman of nabestaande afhanklik is;

(*c*) paid to the Master, a trustee or other person to be used subject to such conditions as may be imposed by the commissioner;

(*d*) applied partly in one and partly in another or others of the methods mentioned in paragraphs (*a*), (*b*) and (*c*), as the commissioner may determine.

(3) Any pension payable, in terms of sub-section (1) of section *forty-nine*, shall be paid in such manner and to such person as may be approved by the commissioner and the commissioner may require that such pension be paid to the Master, the parent, step-parent, adoptive parent or such other person on behalf of the child as he may determine.

(4) On the death of a workman or a dependant, any unpaid balance of an award shall be paid to the dependants referred to in section *seven* and shall not form part of the estate of the deceased workman or dependant: Provided that where no dependant exists, the commissioner may, in his discretion, pay such balance or part thereof to any creditor of the estate of the deceased workman or dependant: Provided further that, if dependants exist, burial expenses may be paid by the commissioner to the persons to whom such expenses are due.

(5) The Minister may prescribe the method of accounting and investment in respect of any moneys paid to the commissioner under this Act.

Compensation not to be assigned, charged, or attached.

**38.** Compensation payable or paid to a workman shall not be capable of being assigned or charged nor shall it be attached by the order of any court. The right to a periodical payment to a workman shall not pass by operation of law to any other person and no claim shall be set off against an order for such a payment.

Compensation not to be subject to administration of estates or estate duty law.

**39.** (1) Compensation recovered or recoverable in respect of the death of a workman shall not form part of the deceased person's estate for the purposes of the law relating to the administration of estates or the law relating to estate and succession duty.

(2) The Master may allow the representative of a deceased workman to be paid out of the compensation recovered on behalf of the deceased's dependants such remuneration and out-of-pocket expenses as the Master considers reasonable.

Priority of compensation.

**40.** (1) The amount of any compensation due to any workman or his dependants by an employer—

(*a*) at the date of the sequestration or assignment of such employer's estate under the law relating to insolvency; or

(*b*) at the date of the commencement of the winding up under the law relating to companies, if the employer is a company which is being wound up,

shall, notwithstanding anything to the contrary in any other law contained, have priority over all debts whatsoever other than debts secured by mortgage, tacit hypothec, pledge or right of retention and the costs, fees and charges referred to in sections *eighty-two*, *eighty-three* and *eighty-four* of the Insolvency Act, 1916 (Act No. 32 of 1916), and in the case of the winding up of a company all expenditure properly incurred in the winding up, including the remuneration of the liquidator.

(2) When the compensation is in the form of a pension or periodical payment the amount thereof shall, for the purposes of this section, be taken to be the capitalized value of such pension or payment as determined by the commissioner.

Deductions from earnings prohibited.

**41.** (1) Any employer who deducts from the earnings of any of his workmen any part of any sum which the employer is or may become liable to pay as compensation under this Act, or who requires or permits any of his workmen to contribute towards the cost of any liability which he has incurred or may incur under this Act, shall be guilty of an offence.

(2) Any court convicting an employer under sub-section (1) may, in addition to imposing any lawful criminal penalty upon him, order that he pay to the workman any sum which he has unlawfully required or permitted the workman to contribute and such order shall have the effect of a civil judgment of that court.

Contracting out prohibited.

**42.** Save as is specially provided in this Act in respect of agreements, any provision in a contract existing at the commencement of this Act or thereafter entered into, whereby a workman or his dependants relinquish any right to compensa-

(*c*) aan die Meester of 'n kurator of ander persoon betaal word om bestee te word volgens sulke voorwaardes as die kommissaris oplê;

(*d*) bestee word deels op een en deels op 'n ander of op andere van die wyses wat in paragrawe (*a*), (*b*) en (*c*) bepaal word soos die kommissaris mag vasstel.

(3) Enige pensioen betaalbaar kragtens sub-artikel (1) van artikel *negen-en-veertig* moet betaal word op sodanige wyse en aan sodanige persoon soos die kommissaris mag goedkeur, en die kommissaris kan vereis dat sodanige pensioen ten behoewe van die kind betaal word aan die Meester, die ouer, stiefouer, aangenome ouer, of sodanige ander persoon soos hy mag bepaal.

(4) 'n Onbetaalde balans van 'n toekenning moet indien 'n werksman of 'n nabestaande sterf aan die in artikel *sewe* gemelde nabestaandes betaal word en dit maak nie deel van die boedel van die oorlede werksman of nabestaande uit nie:

Met dien verstande dat die kommissaris, waar geen nabestaandes bestaan nie, na eie goeddunke sodanige balans of 'n gedeelte daarvan aan enige skuldeiser in die boedel van die oorlede werksman of nabestaande kan betaal:

Met dien verstande verder dat, waar nabestaandes bestaan, begrafniskoste deur die kommissaris betaal kan word aan die persone aan wie sodanige koste toekom.

(5) Die Minister kan die wyse voorskryf waarop enige gelde kragtens hierdie Wet aan die kommissaris betaal belê of daarvan rekening gehou moet word.

Skadeloosstelling mag nie afgestaan, beswaar of in beslag geneem word nie.

**38.** Skadeloosstelling aan 'n werksman betaalbaar of betaal kan nie afgestaan of beswaar word nie en daar kan ewemin beslag op gelê word kragtens 'n bevel van enige hof. Die reg van 'n werksman op periodieke uitkerings mag regsweë nie op 'n ander persoon oorgaan nie en geen eis mag van 'n bevel vir sodanige betaling afgetrek word nie.

Skadeloosstelling nie onderhewig aan die bepalings van boedelwet of boedelbelastingswet.

**39.** (1) Skadeloosstelling, wat ten opsigte van die dood van 'n werksman verhaal is of kan word maak, vir die toepassing van die boedelwet of die wet aangaande boedelbelasting en suksessieregte nie 'n deel uit van die boedel van die oorlede persoon nie.

(2) Die Meester kan toestaan dat aan die verteenwoordiger van 'n oorlede werksman sodanige vergoeding en noodsaaklike uitgawes as wat die Meester redelik beskou betaal word uit die skadeloosstelling wat ten behoewe van die oorledene se nabestaandes verhaal is.

Voorrang van skadeloosstelling.

**40.** (1) Die bedrag van enige skadeloosstelling wat deur 'n werkgewer aan 'n werksman of sy nabestaandes verskuldig is—

(*a*) op die datum van die sekwestrasie of afstand van die boedel van sodanige werkgewer ingevolge die wet op insolvensie; of

(*b*) op die datum wanneer begin word met likwidasie ingevolge die wet op maatskappye, as die werkgewer 'n maatskappy is, wat gelikwideer word,

het, ondanks enige daarmee strydige bepaling van 'n ander wet, voorrang bo alle skulde hoegenaamd behalwe skulde wat deur verband, regshipoteek, pand of retensiereg gewaarborg is en die koste, onkoste en gelde bedoel in artikels *twee-en-tagtig*, *drie-en-tagtig* en *vier-en-tagtig* van die Insolventie Wet, 1916 (Wet No. 32 van 1916) en, ingeval van likwidasie van 'n maatskappy, alle uitgawes behoorlik beloop in verband met die likwidasie, met inbegrip van besoldiging van die likwidateur.

(2) Wanneer die skadeloosstelling uit 'n pensioen of periodieke uitkering bestaan, word die bedrag daarvan vir die toepassing van hierdie artikel geag die gekapitaliseerde waarde te wees van daardie pensioen of uitkering soos vasgestel deur die kommissaris.

Verbod van korting van verdienste.

**41.** (1) 'n Werkgewer, wat van die verdienste van enigeen van sy werksmense 'n deel van enige bedrag aftrek wat die werkgewer verplig is of mag word om as skadeloosstelling ingevolge hierdie Wet te betaal. of wat enigeen van sy werksmense gelas of toelaat om by te dra tot die koste van 'n aanspreeklikheid waaraan hy ingevolge hierdie Wet onderhewig is of kan word, is aan 'n misdryf skuldig.

(2) 'n Hof wat 'n werkgewer kragtens sub-artikel (1) veroordeel, kan buiten 'n wettige kriminele straf wat hy aan hom mag oplê, hom beveel om aan die werksman die som te betaal wat hy onwettiglik van die werksman as bydraes geëis of aangeneem het en daardie bevel het die regskrag van 'n siviele vonnis van daardie hof.

Kontrakte buite die Wet is verbied.

**42.** Behoudens die uitdruklike bepalings van hierdie Wet ten opsigte van ooreenkomste is enige bepaling van 'n kontrak wat met die inwerkingtreding van hierdie Wet bestaan het of daarna aangegaan is waardeur 'n werksman of sy nabestaandes

tion, whether for the workman or for any dependant, shall be null and void.

Provisions in case of insolvency or assignment of employer.

43. (1) Where any employer has entered into a contract with any insurer in respect of any liability under this Act to any workman, then, in the event of the employer becoming insolvent or assigning his estate or making a composition or arrangement with his creditors, or, if the employer be a company, in the event of the winding up thereof having been commenced, the rights of the employer against the insurer in respect of that liability shall, notwithstanding anything contained in the law relating to insolvency or assignment or the winding up of companies, be transferred to and vest in the workman and upon any such transfer the insurer shall have the same rights and remedies and be subject to the same liabilities as if the insurer were the employer; but the insurer's liability to the workman shall not be greater than it would have been to the employer.

(2) If the liability of the insurer to the workman be less than the liability of the employer to the workman the workman may prove for the balance in the insolvency or assignment or winding up.

(3) This section shall not apply where a company is wound up voluntarily merely for the purposes of reconstruction or of amalgamation with another company.

(4) If the workman dies from the injury caused by the accident the rights of, and the liability to, the workman under this section shall be transferred to and vest in the deceased workman's representative.

Position of employers in relation to insurers.

44. When an insurer indemnifies an employer against liability to pay compensation and has used or uses that employer's name or has acted on his behalf in any proceedings under this Act, that insurer shall be bound by the decision given upon those proceedings in the same manner and to the same extent as the employer, and the insurer shall indemnify the employer accordingly: Provided that the liability of the insurer shall be limited by the terms and conditions of the policy of insurance subsisting between him and the employer.

Principals and contractors.

45. (1) Where any person (in this section referred to as the principal) in the course or for the purposes of his trade or business contracts with any other person (in this section referred to as the contractor) for the execution by or under the supervision of the contractor of the whole or any part of any work undertaken by the principal, any workman engaged upon such work shall be deemed to be the workman of the principal unless and until such contractor is in respect of such work in possession of a policy of insurance or indemnity in terms of section *seventy-four*, and any reference in this Act to the employer shall be deemed to be a reference to the principal, except that the amount of compensation shall be calculated with reference to the earnings of the workman under the employer by whom he is immediately employed: Provided that where the contract relates to agricultural work to which this Act applies and the contractor provides and uses an engine worked or a machine driven by mechanical power for the purpose of such work, he and he alone shall be the employer and liable under this Act to pay compensation to any workman employed on such work.

(2) Where a claim or application for compensation is made under this section against a principal, he may give notice thereof to the contractor who shall thereupon be entitled to intervene in any application made against the principal. If he does so intervene, any order for compensation and costs made upon the application in favour of a workman shall be made against the principal and the contractor jointly and severally, and the principal who has given the notice mentioned in this sub-section shall be entitled to be indemnified by the contractor to the extent of any compensation and costs payable under the said order or of any taxed costs incurred by the principal in successfully opposing the application. If the principal has not given such notice, he shall nevertheless, on proof that the contractor was liable to pay compensation to the workman, be entitled to be indemnified to the extent of any compensation paid by him to the workman. All questions as to the right to or the amount of such indemnity shall be settled by the magistrate on application made under and in accordance with this Act.

afstand doen van enige reg op skadeloosstelling, hetsy ten behoewe van die werksman of van enige nabestaande, van nul en geen waarde.

Bepalings ingeval van insolvensie, of boedelafstand deur werkgewer.

43. (1) Wanneer 'n werkgewer met enige versekeraar 'n kontrak aangegaan het ten opsigte van enige aanspreeklikheid teenoor enige werksman kragtens hierdie Wet, en die werkgewer insolvent raak of afstand van sy boedel doen of 'n akkoord maak of vergelyk tref met sy skuldeisers, of, indien die werkgewer 'n maatskappy is, ingeval dit gelikwideer word, dan word alle regte van die werkgewer teenoor die versekeraar ten opsigte van daardie aanspreeklikheid oorgedra aan en berus dit by die werksman, ondanks enige bepalings van die wet betreffende insolvensie of boedelafstand of die likwidasie van maatskappye, en na sodanige oordrag is die versekeraar in besit van dieselfde regte en regsmiddels en onderhewig aan dieselfde verpligtings asof die versekeraar die werkgewer was; die versekeraar se verpligting teenoor die werksman is egter nie meer as wat dit teenoor die werkgewer sou gewees het nie.

(2) Indien die aanspreeklikheid van die versekeraar teenoor die werksman minder is as dié van die werkgewer teenoor die werksman, kan die werksman vir die oorskot bewys in die insolvente boedel of boedelafstand of likwidasie.

(3) Hierdie artikel is nie van toepassing waar 'n maatskappy vrywilliglik in likwidasie gaan bloot met die doel om te hervorm of saam te smelt met 'n ander maatskappy nie.

(4) Indien die werksman sterf as gevolg van die besering deur die ongeval veroorsaak, word die regte van en verpligting teenoor die werksman ingevolge hierdie artikel oorgedra aan en berus dit by die oorlede werksman se verteenwoordiger.

Standpunt van werkgewers teenoor versekeraars.

44. Wanneer 'n versekeraar 'n werkgewer vrywaar teen die aanspreeklikheid om skadeloosstelling te betaal, en die naam van die werkgewer gebruik het of gebruik, of ten behoewe van hom opgetree het in enige verrigtings kragtens hierdie Wet, dan is die versekeraar deur die beslissing in die verrigtings op dieselfde wyse en tot dieselfde mate gebind as die werkgewer, en die versekeraar moet die werkgewer dienooreenkomstig vrywaar: Met dien verstande dat die aanspreeklikheid van die versekeraar beperk is deur die bepalings en voorwaardes van die versekeringspolis wat bestaan tussen hom en die werkgewer.

Lasgewers en aannemers.

45. (1) Ingeval enige persoon (in hierdie artikel genoem die lasgewer) in die loop of vir die doeleindes van sy bedryf of besigheid met enige ander persoon (in hierdie artikel genoem die aannemer) 'n kontrak aangaan vir die uitvoering deur of onder toesig van die aannemer van die hele stuk werk wat deur die lasgewer onderneem is of 'n gedeelte daarvan, dan word enige werksman in diens by sodanige werk beskou die werksman van die lasgewer te wees tensy en totdat sodanige aannemer ten opsigte van sodanige werk in besit is van 'n versekerings- of vrywaringspolis kragtens artikel *vier-en-sewentig* en enige verwysing in hierdie Wet na 'n werkgewer word geag as 'n verwysing na die lasgewer, behalwe dat die bedrag van skadeloosstelling bereken word volgens die verdienstes van die werksman by die werkgewer by wie hy onmiddellik in diens is:

Met dien verstande dat wanneer die kontrak betrekking het op landbouwerk waarop hierdie Wet van toepassing is, en die aannemer 'n meganies gedrewe werktuig vir daardie werk voorsien en gebruik, hy en hy alleen die werkgewer is, en kragtens hierdie Wet aanspreeklik is vir die betaling van skadeloosstelling aan 'n werksman wat by daardie werk in diens is.

(2) Wanneer daar kragtens hierdie artikel by 'n lasgewer 'n eis ingestel of aansoek gedoen word vir skadeloosstelling, kan hy die aannemer daarvan in kennis stel, wat daarna die reg sal hê om tussenbeide te kom in enige aansoek wat teen die lasgewer gedoen word. Indien hy op hierdie wyse tussenbeide kom, moet enige bevel aangaande skadeloosstelling en koste ten gunste van die werksman wat volg op die aansoek teen die lasgewer en aannemer gesamentlik en afsonderlik uitgevaardig word, en die lasgewer wat die in hierdie sub-artikel genoemde kennis gegee het is geregtig op vrywaring deur die aannemer, tot die bedrag van enige skadeloosstelling en koste kragtens genoemde bevel betaalbaar of van enige getakseerde koste deur die lasgewer aangegaan met die geslaagde verdediging van die aansoek. As die lasgewer sodanige kennis nie gegee het nie, is hy nogtans geregtig op vrywaring tot die bedrag van enige skadeloosstelling wat hy aan die werksman betaal het indien hy bewys dat die aannemer vir die betaling van skadeloosstelling aan die werksman aanspreeklik was.

Alle vrae aangaande die reg op en mate van sodanige vrywaring moet deur die magistraat beslis word op aansoek kragtens en ooreenkomstig hierdie Wet gemaak.

(3) Nothing in this section shall be construed as preventing a workman recovering compensation from the contractor instead of the principal.

(4) This section shall not apply in any case where the accident occurred elsewhere than on, or in, or about premises on which the principal has undertaken to execute the work or which are otherwise under his control or management.

Remedies both against employer and stranger.

**46.** Where the accident in respect of which compensation is payable was caused under circumstances creating a legal liability in some person other than the employer to pay damages in respect thereof—

(*a*) the workman may take proceedings both against that person to recover damages, and against any person liable to pay compensation to recover such compensation: Provided that where a workman who has recovered compensation also recovers damages the following provisions shall apply—

(i) if the person liable to pay damages has paid any amount under the provisions of paragraph (*b*) the court in assessing the damages shall credit such person with such amount;

(ii) if the person liable to pay damages has not paid any amount under the provisions of paragraph (*b*) the workman shall be liable to the extent of any damages so recovered and actually received by him to indemnify the person by whom the compensation was paid and any person who has been called upon to pay an indemnity under section *forty-five*;

(*b*) if the workman has recovered compensation and has not recovered any damages, the person by whom the compensation was paid and any person who has been called upon to pay an indemnity under section *forty-five* shall be entitled to be indemnified by the person so liable to pay damages as aforesaid and all questions as to the right to and amount of any such indemnity shall, in default of agreement, be settled by action in a competent court or, by consent of parties, by an application to the magistrate under this Act.

## CHAPTER III.

### AMOUNT AND METHOD OF COMPENSATION.

Amount of compensation for temporary partial or total disablement.

**47.** (1) Compensation in the case of temporary total disablement shall be periodical payments during such temporary disablement, as follows:

(*a*) at the rate of sixty per cent. of the monthly earnings of the workman up to twenty pounds of such earnings, together with thirty-five per cent. of his monthly earnings in excess of twenty pounds up to thirty-three pounds six shillings and eightpence: Provided that such compensation may be increased to an amount not exceeding the rate of the workman's earnings or six pounds and ten shillings per month, whichever may be the less—

(i) when the workman was at the date of the accident causing disablement under twenty-one years of age; or

(ii) when the workman, although above that age, would be unable to maintain himself and those dependent on him upon the periodical payment;

(*b*) such payments shall be made during the period of the temporary total disablement, but not exceeding a period of six months: Provided that if such disablement continues after the expiration of the said period of six months such payments may be continued during the continuance of such disablement for a further period not exceeding six months;

(*c*) if such disablement continues for longer than twelve months, the compensation payable shall be monthly payments equal to fifty per cent. of the monthly earnings of the workman up to twenty pounds of such

(3) Geen bepaling in hierdie artikel word beskou 'n werksman die reg te ontneem om van die aannemer instede om van die lasgewer skadeloosstelling te verhaal nie.

(4) Hierdie artikel is nie van toepassing op enige geval waar die ongeval elders plaasgevind het as op, of in, of in die buurt van die perseel waarop die lasgewer onderneem het om die werk te verrig of wat andersins onder sy toesig of beheer was nie.

Regsmiddels beide teen werkgewer en vreemdeling.

**46.** Wanneer die ongeval ten opsigte waarvan skadeloosstelling betaalbaar is veroorsaak is in omstandighede waaronder 'n persoon, ander as die werkgewer, regtens aanspreeklik is vir die betaling van skadevergoeding ten opsigte daarvan—

(*a*) kan die werksman geregtelike stappe neem beide teen daardie persoon om skadevergoeding te verhaal en teen enige persoon wat vir die betaling van skadeloosstelling aanspreeklik is om sodanige skadeloosstelling te verhaal:

Met dien verstande dat wanneer 'n werksman wat skadevergoeding verhaal het ook skadeloosstelling verhaal, die volgende bepalings van toepassing is—

(i) indien die persoon wat aanspreeklik is vir die betaling van skadevergoeding enige bedrag kragtens paragraaf (*b*) betaal het, moet die hof by die beraming van die skadevergoeding daardie persoon met sodanige bedrag krediteer;

(ii) indien die persoon wat aanspreeklik is vir die betaling van skadevergoeding nie 'n bedrag kragtens paragraaf (*b*) betaal het nie, is die werksman aanspreeklik tot die bedrag van enige skadevergoeding op daardie wyse verhaal en werklik deur hom ontvang om die persoon te vrywaar deur wie die skadeloosstelling betaal is en enige persoon wat kragtens artikel *vyf-en-veertig* geroepe was om 'n vrywaring te betaal;

(*b*) indien 'n werksman skadeloosstelling verhaal het maar nie skadevergoeding nie, is die persoon wat skadeloosstelling betaal het en enige persoon wat kragtens artikel *vyf-en-veertig* geroepe was om vrywaring te betaal, geregtig om gevrywaar te word deur die persoon wat soos voormeld aanspreeklik is vir die betaling van skadevergoeding, en alle vrae aangaande die reg op en bedrag van sodanige vrywaring moet, by gebreke van 'n ooreenkoms, beslis word deur 'n regsgeding in 'n bevoegde hof, of, met toestemming van die partye, op 'n aansoek kragtens hierdie Wet aan die magistraat.

## HOOFSTUK III.

### Bedrag en Wyse van Skadeloosstelling.

Bedrag van skadeloosstelling vir tydelike gedeeltelike of algehele arbeidsongeskiktheid.

**47.** (1) Skadeloosstelling weens tydelike algehele arbeidsongeskiktheid is periodieke uitkerings gedurende sodanige tydelike arbeidsongeskiktheid, as volg:

(*a*) teen die tarief van sestig persent van die maandelikse verdienste van die werksman tot twintig pond van daardie verdienste, benewens vyf-en-dertig persent van sy maandelikse verdienste bo twintig pond tot drie-en-dertig pond ses sjielings en agt pennies:

Met dien verstande dat so 'n skadeloosstelling verhoog kan word tot 'n bedrag van hoogstens die skaal van die werksman se verdienste of ses pond tien sjielings per maand, na gelang die een of die ander minder bedra—

(i) wanneer die werksman op die datum van die ongeval, wat die arbeidsongeskiktheid veroorsaak het, onder een-en-twintigjarige leeftyd was; of

(ii) wanneer die werksman nie in staat sou wees om uit die periodieke uitkerings homself en diegenes wat van hom afhanklik is te onderhou nie, hoewel hy bo daardie ouderdom is;

(*b*) sodanige uitkerings moet gedoen word vir die duur van die tydelike algehele arbeidsongeskiktheid vir hoogstens 'n tydperk van ses maande:

Met dien verstande dat as daardie arbeidsongeskiktheid na afloop van die vermelde tydperk van ses maande voortduur, daardie uitkerings kan voortduur vir die duur van daardie arbeidsongeskiktheid vir hoogstens 'n verdere tydperk van ses maande;

(*c*) waar sodanige arbeidsongeskiktheid vir meer as twaalf maande duur geskied die skadeloosstelling by wyse van maandelikse uitkerings gelyk aan vyftig persent van die maandelikse verdienste van die werksman tot

earnings together with twenty-five per cent. of his monthly earnings in excess of twenty pounds up to thirty-three pounds six shillings and eightpence during the continuance of the disablement for a further period not exceeding six months.

(2) The periodical payments shall be made at such times and at such intervals (but not at intervals of longer than one month) as may be agreed upon subject to a proportionate reduction in the amount of such payments if made at such shorter intervals.

(3) In determining the amount of any payments under subsection (1) any excess of any monthly earnings of a workman above thirty-three pounds six shillings and eightpence shall not be taken into consideration.

(4) The compensation in case of temporary partial disablement shall be such portion of the periodical payments referred to in sub-section (1) or in section *sixty-nine* as may be agreed upon.

Amount of compensation for permanent disablement.

48. (1) The compensation in the case of permanent disablement, including permanent injury or serious disfigurement, shall be according to the degree of disablement of the workman and in accordance with the following rules :—

(*a*) Where the degree of disablement is forty per cent., a lump sum equal to sixteen times the monthly earnings of the workman up to twenty pounds of such earnings, together with nine times his monthly earnings in excess of twenty pounds up to thirty-three pounds six shillings and eightpence ;

(*b*) where the degree of disablement is under forty per cent., a lump sum bearing the same proportion to a lump sum calculated in accordance with paragraph (*a*) as the degree of such disablement bears to forty per cent. ;

(*c*) where the degree of disablement is over forty per cent. and under seventy per cent., then in respect of one-half of the percentage of disablement, a lump sum calculated according to paragraph (*b*) and in respect of the other half of the percentage of disablement, a monthly pension calculated in the manner provided in paragraph (*e*) ;

(*d*) where the degree of disablement is one hundred per cent., a monthly pension equal to one-half of the monthly earnings of the workman up to twenty pounds of such earnings, together with one-quarter of his monthly earnings in excess of twenty pounds up to thirty-three pounds six shillings and eightpence ;

(*e*) where the degrees of disablement is seventy per cent. or over but under one hundred per cent., a monthly pension bearing the same proportion to a pension calculated in accordance with paragraph (*d*) as the degree of such disablement bears to one hundred per cent.

(2) In determining the amount of any payments under subsection (1) any excess of any monthly earnings of a workman above thirty-three pounds six shillings and eightpence shall not be taken into consideration.

(3) In determining the degree of disablement the provisions of the First Schedule to this Act shall apply : Provided that where the injury is not specified in such Schedule a percentage of disablement which is not inconsistent with the provisions of such Schedule, shall be adopted : Provided further that where the injury has particular consequences having regard to the special nature of the workman's occupation and the magistrate, upon application by the workman, considers that the percentage of disablement which would otherwise have been determined is clearly inadequate, he may adopt such higher percentage as he deems equitable.

(4) From any compensation payable under this section no deduction shall be made on account of any periodical payments in respect of temporary disablement under section *forty-seven*.

(5) Where a workman who has suffered permanent disablement was at the date of the accident under twenty-one years of age, the amount of his compensation may in the discretion of the magistrate be increased to the amount which the workman would have been entitled to receive had his earnings been equal to the amount which he would probably have been earning at the end of three years after the accident had he not met with the accident.

twintig pond van daardie verdienste benewens vyf-en-twintig persent van sy maandelikse verdienste bo twintig pond tot drie-en-dertig pond ses sjielings en agt pennies, tydens die duur van daardie arbeidsongeskiktheid vir 'n verdere tydperk van hoogstens ses maande.

(2) Die periodieke uitkerings geskied op sodanige tye en by sodanige tussenpose (maar nie by langer tussenpose as een maand nie), soos ooreengekom mag word, onderworpe aan 'n proporsionele vermindering in die bedrag van sodanige uitkerings as dit by korter tussenpose geskied.

(3) By die bepaling van die bedrag van uitkerings ingevolge sub-artikel (1) word die bedrag van maandelikse verdienste van 'n werksman bo drie-en-dertig pond ses sjielings en ag pennies buite rekening gelaat.

(4) Skadeloosstelling weens tydelike gedeeltelike arbeidsongeskiktheid is so 'n gedeelte van die in sub-artikel (1) of in artikel *negen-en-sestig* genoemde periodieke uitkerings soos ooreengekom mag word.

Bedrag van skadeloosstelling vir blywende arbeidsongeskiktheid.

48. (1) Die skadeloosstelling weens blywende arbeidsongeskiktheid met inbegrip van blywende besering of ernstige verminking word ooreenkomstig die graad van arbeidsongeskiktheid van die werksman en die volgende reëls bepaal:—

(*a*) Wanneer die graad van arbeidsongeskiktheid veertig persent is, 'n enkele geldsom gelyk aan sestienmaal die maandelikse verdienste van die werksman tot twintig pond van daardie verdienste, benewens negemaal sy maandelikse verdienste bo twintig pond tot drie-en-dertig pond ses sjielings en agt pennies;

(*b*) wanneer die graad van arbeidsongeskiktheid minder as veertig persent is, 'n enkele geldsom wat tot 'n enkele som, bereken volgens paragraaf (*a*), in dieselfde verhouding staan as die graad van daardie arbeidsongeskiktheid tot veertig persent;

(*c*) wanneer die graad van arbeidsongeskiktheid meer as veertig persent en minder as sewentig persent is, dan 'n enkele geldsom volgens paragraaf (*b*) bereken op een helfte van die persentasie van arbeidsongeskiktheid, en op die ander helfte 'n maandelikse pensioen, bereken volgens die wyse in paragraaf (*e*) bepaal;

(*d*) wanneer die graad van arbeidsongeskiktheid honderd persent is, 'n maandelikse pensioen gelyk aan die helfte van die maandelikse verdienste van die werksman tot twintig pond van daardie verdienste benewens 'n kwart van sy maandelikse verdienste bo twintig pond tot drie-en-dertig pond ses sjielings en agt pennies;

(*e*) wanneer die graad van arbeidsongeskiktheid sewentig persent of meer maar onder honderd persent is, 'n maandelikse pensioen wat tot 'n pensioen, bereken volgens paragraaf (*d*), in dieselfde verhouding staan as die graad van daardie arbeidsongeskiktheid tot honderd persent.

(2) By die bepaling van die bedrag van betalings ingevolge sub-artikel (1) word die bedrag van maandelikse verdienste van 'n werksman bo drie-en-dertig pond ses sjielings en agt pennies buite rekening gelaat.

(3) By die bepaling van die graad van arbeidsongeskiktheid is die bepalings van die Eerste Bylae tot hierdie Wet toepaslik: Met dien verstande dat wanneer die besering nie in daardie Bylae genoem word nie, 'n persentasie van arbeidsongeskiktheid wat nie met die bepalings van daardie Bylae onbestaanbaar is nie aangeneem moet word: Met dien verstande verder dat wanneer die besering besondere gevolge het met die oog op die besondere aard van die werksman se werk, en die magistraat, na aansoek van die werksman, van mening is dat die persentasie van arbeidsongeskiktheid wat anders sou vasgestel geword het klaarblyklik onvoldoende is, kan hy so 'n hoër persentasie aanneem as hy billik ag.

(4) Van 'n ingevolge hierdie artikel betaalbare skadeloosstelling word geen bedrae ten opsigte van periodieke uitkerings vir tydelike arbeidsongeskiktheid ingevolge artikel *sewen-en-veertig* afgetrek nie.

(5) Wanneer 'n werksman wat blywende arbeidsongeskiktheid gely het ten tyde van die ongeval onder een-en-twintigjarige leeftyd was, kan die magistraat na eie goeddunke die bedrag van skadeloosstelling verhoog tot die bedrag waarop die werksman geregtig sou gewees het indien sy verdienste gelyk gestaan het aan die bedrag wat hy waarskynlik sou verdien het na verloop van drie jaar na die datum van die ongeval indien die ongeval hom nie oorgekom het nie.

(6) In this section "monthly pension" means a pension payable monthly during the lifetime of the workman.

Amount of compensation where workman dies.

**49.** (1) The compensation where the workman dies from an injury caused by an accident shall be as follows—

(*a*) if the workman leaves as a dependant a widow or invalid widower and no children, an amount not exceeding two years' earnings of the workman or five hundred pounds, whichever is the less;

(*b*) if the workman leaves as dependants a widow or invalid widower and one or more children, an amount not exceeding eighteen months' earnings of the workman or three hundred and seventy-five pounds, whichever is the less, to such widow or widower together with a pension in respect of such children as provided in paragraph (*c*): Provided that, if the amount of compensation payable under this paragraph is less than the amount payable under paragraph (*a*), such amount may be increased to an amount not exceeding that payable under paragraph (*a*);

(*c*) if the workman leaves as dependants one or more children, a monthly pension in respect of the children amounting to the undermentioned percentage of the pension which would have been granted to the workman if totally and permanently disabled as provided in paragraph (*d*) of sub-section (1) of section *forty-eight*, according to the number from time to time of such children who are entitled to receive a pension, that is to say—

| | |
|---|---|
| 1 child .. .. .. | 20 per cent. |
| 2 children .. .. .. | 35 per cent. |
| 3 children .. .. .. | 50 per cent. |
| 4 children .. .. .. | 60 per cent. |
| 5 children .. .. .. | 65 per cent. |
| 6 children or more .. | 70 per cent. |

Provided that the pension payable in respect of a child shall cease when the child attains the age of sixteen years or dies or marries before reaching that age and the pension in respect of any remaining children shall be diminished accordingly: Provided further that, upon the application of any interested person, the magistrate may in his discretion direct that the pension awarded in respect of a child shall continue after he or she attains the age of sixteen years, or that a similar pension be awarded in respect of any son or daughter not being a child as in this Act defined, if he or she is in the opinion of the magistrate unable by reason of mental or physical disability to earn an income for so long as it might reasonably have been expected that the deceased workman would have continued to contribute towards his or her support;

(*d*) if the workman leaves no dependants of any class referred to in paragraph (*a*), (*b*) or (*c*), an amount not exceeding two years' earnings or five hundred pounds whichever is the less, to his dependant wholly dependent upon him;

(*e*) where no compensation is payable under paragraph (*a*), (*b*), (*c*) or (*d*), there shall be paid to his dependant partly dependent upon him, a sum proportionate to the extent of the dependency, but not exceeding the amount specified in paragraph (*d*): Provided that if the workman leaves any dependant referred to in this paragraph and any dependant referred to in paragraph (*d*), such compensation shall be payable partly to the dependant referred to in this paragraph and partly to the one referred to in paragraph (*d*), in the discretion of the magistrate;

(*f*) where the workman does not leave as a dependant a widow or invalid widower but leaves as dependants one or more children to whom a pension is payable in terms of paragraph (*c*), and other dependants in terms of paragraph (*d*) or (*e*), and the total amount

(6) In hierdie artikel beteken „maandelikse pensioen" 'n pensioen wat maandeliks betaalbaar is gedurende die leeftyd van die werksman.

Bedrag van skadeloosstelling wanneer werksman sterf.

49. (1) Die skadeloosstelling ingeval die werksman as gevolg van 'n deur 'n ongeval veroorsaakte besering sterf, is as volg—

(*a*) as die werksman 'n weduwee of sieklike wewenaar as nabestaande nalaat en daar geen kinders is nie, 'n bedrag van hoogstens twee jaar van die werksman se verdienste of vyfhonderd pond, na gelang die een of die ander bedrag laer is;

(*b*) as die werksman 'n weduwee of sieklike wewenaar en een of meer kinders as nabestaandes nalaat, 'n bedrag van hoogstens agtien maande van die werksman se verdienste of drichonderd-en-vyf-en-sewentig pond, na gelang die een of die ander bedrag laer is, vir die weduwee of wewenaar, benewens 'n pensioen ten opsigte van daardie kinders, soos in paragraaf (*c*) bepaal: Met dien verstande dat, as die bedrag van die skadeloosstelling ingevolge hierdie paragraaf betaalbaar minder is as die bedrag ingevolge paragraaf (*a*) betaalbaar, daardie bedrag vermeerder kan word tot 'n bedrag wat nie meer is nie as die bedrag betaalbaar ingevolge paragraaf (*a*);

(*c*) as die werksman een of meer kinders as nabestaandes nalaat, 'n maandelikse pensioen ten opsigte van die kinders, wat die hierna genoemde persentasie uitmaak van die pensioen wat ooreenkomstig die bepalings van paragraaf (*d*) van sub-artikel (1) van artikel *agt-en-veertig* aan die werksman sou toegewys geword het as hy algeheel en blywend arbeidsongeskik gemaak was, na gelang van die aantal kinders wat van tyd tot tyd pensioengeregtig is, naamlik:

| | |
|---|---|
| 1 kind .. .. .. .. | 20 persent. |
| 2 kinders .. .. .. .. | 35 persent. |
| 3 kinders .. .. .. .. | 50 persent. |
| 4 kinders .. .. .. .. | 60 persent. |
| 5 kinders .. .. .. .. | 65 persent. |
| 6 of meer kinders .. .. | 70 persent: |

Met dien verstande dat die pensioen wat ten opsigte van 'n kind betaalbaar is verval wanneer die kind die ouderdom van sestien jaar bereik of voor daardie ouderdom sterf of trou en die pensioen ten opsigte van die orige kinders word dienooreenkomstig verminder: Met dien verstande verder dat die magistraat, op aansoek van enige belanghebbende persoon, na eie goeddunke kan gelas dat die pensioen aan 'n kind toegeken, kan voortduur nadat hy of sy die ouderdom van sestien jaar bereik het, of dat 'n dergelike pensioen toegeken word ten opsigte van 'n ander seun of dogter, wat nie 'n kind is soos in hierdie Wet omskryf, indien hy of sy volgens mening van die magistraat weens geestelike of liggaamlike ongesteldheid onbekwaam is om 'n inkomste te verdien vir solank as redelik kon verwag word dat die bydrae van die gestorwe werksman tot sy of haar onderhoud sou voortgeduur het;

(*d*) As die werksman geen nabestaandes van een van die in paragraaf (*a*), (*b*) of (*c*) genoemde klasse nalaat nie, aan sy nabestaande wat heeltemal van hom afhanklik was, 'n bedrag van hoogstens twee jaar se verdienste of vyfhonderd pond, na gelang die een of die ander laer is.

(*e*) Wanneer geen skadeloosstelling ingevolge paragraaf (*a*), (*b*), (*c*) of (*d*) betaalbaar is nie, moet daar aan 'n nabestaande wat gedeeltelik van die werksman afhanklik is, 'n bedrag betaal word na verhouding van die mate van afhanklikheid maar nie meer as die in paragraaf (*d*) bepaalde bedrag nie: Met dien verstande dat as die werksman 'n in hierdie paragraaf bedoelde nabestaande sowel as 'n in paragraaf (*d*) bedoelde nabestaande nalaat, sodanige skadeloosstelling gedeeltelik aan die in hierdie paragraaf en gedeeltelik aan die in paragraaf (*d*) bedoelde nabestaande betaal moet word na goeddunke van die magistraat;

(*f*) Wanneer die werksman geen weduwee of sieklike wewenaar as nabestaande nalaat nie maar een of meer kinders as nabestaandes nalaat aan wie 'n pensioen ingevolge paragraaf (*c*) betaalbaar is en ander nabestaandes nalaat ingevolge paragraaf (*d*)

of the pension likely to be payable in terms of paragraph (*c*) is less than the amount payable to a widow or invalid widower in terms of paragraph (*a*), then additional compensation shall be payable not exceeding the likely excess of the amount payable in terms of paragraph (*a*) over the total amount of the pension likely to be payable under paragraph (*c*), and such additional compensation may be apportioned between such child or children and such other dependants in the discretion of the magistrate;

(*g*) where the workman leaves as dependants only one or more children to whom a pension is payable in terms of paragraph (*c*), such dependants shall be awarded compensation of an amount not less than the amount payable in respect of a widow or invalid widower in terms of paragraph (*a*).

(2) The total compensation payable in respect of the death of a workman in accordance with the provisions of this section shall in no case exceed five hundred pounds or two years' earnings of the workman, whichever is the less, except where he leaves as dependants persons entitled to a pension in terms of paragraph (*c*) of sub-section (1).

(3) Save as provided in section *ten*, no deduction shall be made from the compensation awarded under this section in respect of any compensation awarded to the workman for the same accident.

(4) The right to any pension in respect of a deceased workman shall be calculated from the date of his death.

(5) Where it appears that compensation payable to any child or children is likely to exceed the total amount of pension payable to such child or children in terms of paragraph (*c*) of sub-section (1), the magistrate may order the payment of such likely excess to such child or children in such manner as he thinks fit.

Method of calculating earnings.

**50.** (1) For the purposes of determining the compensation payable, the earnings of the workman shall be computed in such manner as is best calculated to give the monthly rate at which the workman was remunerated by his employer at the time of the accident, disregarding temporary absence from work during sickness, holiday leave, or unemployment, but not in any case so as to exceed the rate of thirty-three pounds six shillings and eightpence per month, and shall include—

(*a*) the value of any food or quarters supplied by the employer if as a result of the accident the workman is deprived of such food or quarters; and

(*b*) any overtime payments or other special remuneration if of constant character or for work habitually performed;

but shall not include remuneration for intermittent overtime, casual payments of a non-recurrent nature, or any sums paid by an employer to a workman to cover any special expense entailed on the workman by the nature of the work or any *ex gratia* payment whether given by the employer or other person.

(2) Where the workman's remuneration is fixed at a rate calculated upon work performed, his earnings shall be taken to be his remuneration for similar work upon the same terms of remuneration for as long a period as possible prior to the accident but not exceeding twelve months. Where by reason of the shortness of time during which the workman has been in the employment of the employer it is impracticable to compute his earnings in such employment, the earnings shall be computed if possible upon the basis of the amount which the workman earned at similar work at the same terms of remuneration with another employer during the twelve months immediately preceding the accident, or upon the basis of the amount which during the twelve months immediately preceding the accident has been earned by other workmen with the first-mentioned employer at similar employment on the same terms of remuneration, or would have been earned by the workman during such preceding twelve months had he been so employed.

(3) Where the workman has entered into concurrent contracts of service with two or more employers, and has worked under those contracts at one time for one employer and at another time for another employer, his earnings shall be computed as

of (*e*), en die hele bedrag van die pensioen wat waarskynlik ingevolge paragraaf (*c*) betaalbaar sal wees, minder bedra as die bedrag wat aan 'n weduwee of sieklike wewenaar ingevolge paragraaf (*a*) betaalbaar is, dan is addisionele skadeloosstelling betaalbaar van hoogstens so veel as wat die waarskynlike bedrag ingevolge paragraaf (*a*) betaalbaar, meer bedra as die hele bedrag van die pensioen waarskynlik ingevolge paragraaf (*c*) betaalbaar, en sodanige addisionele skadeloosstelling kan tussen daardie kind of kinders en daardie ander nabestaandes verdeel word na goeddunke van die magistraat;

(*g*) wanneer 'n werksman slegs een of meer kinders as nabestaandes nalaat aan wie 'n pensioen kragtens paragraaf (*c*) betaalbaar is, moet aan daardie nabestaandes skadeloosstelling toegeken word van 'n bedrag nie minder as die bedrag wat kragtens paragraaf (*a*) betaalbaar is ten opsigte van 'n weduwee of sieklike wewenaar nie.

(2) Die totale skadeloosstelling wat weens die dood van 'n werksman ooreenkomstig die bepalings van hierdie artikel betaalbaar is, mag in geen geval meer bedra nie as vyfhonderd pond of twee jaar van die werksman se verdienste, na gelang die een of die ander bedrag laer is, behalwe wanneer hy nabestaandes nalaat wat kragtens paragraaf (*c*) van sub-artikel (1) op 'n pensioen geregtig is.

(3) Behalwe vir sover in artikel *tien* anders bepaal word, mag van die skadeloosstelling toegeken ingevolge hierdie artikel geen bedrag afgetrek word nie ten opsigte van skadeloosstelling vir dieselfde ongeval aan die werksman toegeken.

(4) Die reg op enige pensioen ten opsigte van 'n oorlede werksman word bereken vanaf die datum van sy dood.

(5) Wanneer blyk dat skadeloosstelling wat aan 'n kind of kinders betaalbaar is waarskynlik meer sal bedra as die hele bedrag van die pensioen aan daardie kind of kinders betaalbaar kragtens paragraaf (*c*) van sub-artikel (1) kan die magistraat beveel dat daardie meerdere bedrag aan daardie kind of kinders uitbetaal moet word op sodanige wyse as wat hy mag goedvind.

Wyse van berekening van verdienste.

**50.** (1) Ter bepaling van die betaalbare skadeloosstelling moet die verdienste van die werksman bereken word op die beste wyse om die maandelikse skaal waarop sy werkgewer hom ten tyde van die ongeval besoldig het, vas te stel, en daarby moet tydelike afwesigheid van werk gedurende siekte, vakansieverlof of werkloosheid buite aanmerking gelaat word, maar in geen geval mag dit meer beloop as 'n bedrag op die skaal van drie-en-dertig pond ses sjielings en ag pennies per maand en dit moet insluit—

(*a*) die waarde van kos of huisvesting wat deur die werkgewer voorsien word, as die werksman as gevolg van die ongeval daardie kos of huisvesting verloor; en

(*b*) alle oortydbetaling of ander besondere besoldiging as dit van gereelde aard of vir gewoonlik verrigte werk was;

maar dit sluit nie besoldiging in nie vir af en toe gewerkte oortyd, nie-wederkerende geleentheidsverdienste of bedrae wat 'n werkgewer aan 'n werksman betaal het tot dekking van besondere onkoste, wat uit die aard van die werk op die werksman geval het, of 'n betaling *ex gratia* hetsy deur die werkgewer of 'n ander persoon.

(2) Wanneer die werksman se besoldiging vasgestel is volgens 'n skaal wat op die verrigte werk bereken word, dan word as sy verdienste beskou sy besoldiging vir soortgelyke werk onder dieselfde besoldigingsvoorwaardes oor die langste tydperk moontlik voor die ongeval tot hoogstens twaalf maande. Wanneer dit weens die korte duur van die werksman se diens by die werkgewer ondoenlik is om sy verdienste in daardie diens te bereken, word die verdienste, indien moontlik, bereken op die grondslag van die bedrag wat die werksman met soortgelyke werk onder dieselfde besoldigingsvoorwaardes by 'n ander werkgewer gedurende die twaalf maande onmiddellik voor die ongeval verdien het, of op die grondslag van die bedrag wat ander werksmense van die eersgenoemde werkgewer gedurende die twaalf maande onmiddellik voor die ongeval met soortgelyke werk onder dieselfde besoldigingsvoorwaardes verdien het of wat die werksman gedurende daardie voorafgaande twaalf maande sou verdien het as hy aldus werksaam gewees het.

(3) Wanneer die werksman gelyktydige dienskontrakte met twee of meer werkgewers aangegaan het en onder daardie kontrakte op een geleentheid vir die een werkgewer en op 'n ander geleentheid vir 'n ander werkgewer gewerk het, word

if his earnings under all such contracts were earnings in the employment of the employer for whom he was working at the time of the accident.

(4) Nothing in this section shall prevent the computation of earnings on a weekly basis. Where earnings are so computed the monthly earnings shall be calculated as equal to four and one-third times the amount of such weekly earnings.

Payment of lump sum in lieu of part of pension.

**51.** (1) When the monthly pension to the workman does not exceed three pounds, the payment of a lump sum in lieu of a portion or the whole of such pension may be agreed upon.

(2) When the monthly pension to the workman exceeds three pounds, the payment of a lump sum, in lieu of a part of such pension not exceeding fifteen per cent. may be agreed upon.

(3) Any lump sum payment under the provisions of this section shall be calculated on a basis to be approved by the commissioner.

Where workman requires constant attendance.

**52.** (1) Where the injury in respect of which compensation is payable causes permanent disablement of such a nature that the workman is unable to perform the essential actions of life without the constant help of another person, the magistrate may, upon the application of the workman, in his discretion from time to time order the employer to pay an allowance towards the cost of such help as may be required for a specified period.

(2) The magistrate may, upon the application of the workman or of the employer liable to pay such allowance and on good cause shown by the applicant, revise any order made in terms of sub-section (1).

## CHAPTER IV.

### MEDICAL AID.

First aid.

**53.** (1) An employer shall furnish and maintain such appliances and services for the rendering of first aid to his workmen in case of any accident to them as may be prescribed in respect of the trade or business in which he is engaged.

(2) The provisions of sub-section (1) shall not apply to an employer who, in compliance with any requirement of the Mines and Works Act, 1911 (Act No. 12 of 1911), or the Factories Act, 1918 (Act No. 28 of 1918), or any regulations made under the said Acts maintains appliances and services for rendering first aid to his employees in case of an accident to them or has under any such Act or regulation been granted exemption from any such requirement.

(3) Failure to comply with the provisions of this section shall be an offence.

Transportation of injured workmen.

**54.** (1) In the event of an accident happening to a workman which necessitates his removal to a hospital or his residence, the employer of such workman shall at his own expense forthwith provide the necessary conveyance therefor.

(2) Any employer who fails to do so shall be liable for the reasonable cost of the removal of the workman to a hospital or his residence, and if the failure is due to the wilful or negligent default of the employer or of anyone in charge of the work upon which the workman was employed at the time of the accident the employer or any such person shall, in addition, be guilty of an offence.

Medical expenses.

**55.** (1) In addition to the compensation payable under this Act, the employer shall defray, during a period not exceeding one year from the date of the accident, the reasonable expenses incurred by a workman in respect of medical, surgical or hospital treatment, skilled nursing services and the supply and repair of artificial limbs and apparatus in connection with his injury, but not exceeding in all the sum of one hundred pounds.

(2) The magistrate may, when determining any dispute in respect of compensation or upon the application of any interested person, order the payment of any of the expenses referred to in this section to the persons entitled to receive it, and if such expenses exceed the amount provided in this Act he may apportion the amount available in such manner as he may deem expedient.

Decisions of magistrate in regard to treatment and medical reports.

**56.** (1) All disputes as to the necessity for, or the character or sufficiency of, any medical aid provided or to be provided in terms of this Chapter shall be determined by the magistrate, but not before such dispute has been referred to the commissioner for his report.

sy verdienste bereken asof sy verdienste onder al daardie kontrakte sy verdienste in die diens van die werkgewer was vir wie hy ten tyde van die ongeval gewerk het.

(4) Hierdie artikel belet nie die berekening van verdienste op 'n weeklikse grondslag nie. Word verdienste aldus bereken, dan word die maandelikse verdienste as gelyk aan vier-en-een-derde maal die bedrag van daardie weeklikse verdienste bereken.

Betaling van enkele geldsom in plaas van gedeelte van pensioen.

**51.** (1) Wanneer die maandelikse pensioen aan die werksman drie pond nie te bowe gaan nie, kan ooreengekom word op die betaling van 'n enkele geldsom instede van sodanige pensioen of 'n deel daarvan.

(2) Wanneer die maandelikse pensioen aan die werksman drie pond te bowe gaan, kan ooreengekom word om, instede van 'n gedeelte van daardie pensioen van hoogstens vyftien persent, 'n enkele geldsom te betaal.

(3) 'n Betaling van 'n enkele geldsom ingevolge die bepalings van hierdie artikel word bereken op 'n grondslag wat deur die kommissaris goedgekeur moet word.

Werksman wat voortdurende hulp nodig het.

**52.** (1) Wanneer die besering ten opsigte waarvan skadeloosstelling betaalbaar is, blywende arbeidsongeskiktheid van so 'n aard veroorsaak dat die werksman onbekwaam word om die noodsaaklike lewenshandelings te verrig sonder die gedurige hulp van 'n ander persoon, kan die magistraat op aansoek van die werksman, na eie goeddunke, van tyd tot tyd, die werkgewer beveel om 'n toelae vir die koste van sodanige hulp te betaal, soos nodig mag wees vir 'n aangewese tydperk.

(2) Die magistraat kan, op aansoek van die werksman of die werkgewer aanspreeklik vir sodanige toelae en as goeie redes daarvoor aangetoon word deur die applikant, enige bevel ingevolge sub-artikel (1) gemaak in hersiening neem.

## HOOFSTUK IV.

### GENEESKUNDIGE BEHANDELING.

Eerste hulp.

**53.** (1) 'n Werkgewer moet sodanige toestelle en dienste verskaf en onderhou vir eerste hulp aan sy werksmense ingeval hulle 'n ongeval oorkom, as wat voorgeskryf mag word vir die bedryf of besigheid waarby hy betrokke is.

(2) Die bepalings van sub-artikel (1) is nie van toepassing op 'n werkgewer wat ooreenkomstig 'n vereiste van die „Mijnen en Bedrijven Wet, 1911" (Wet No. 12 van 1911) of die „Fabriekswet, 1918" (Wet No. 28 van 1918) of van regulasies, kragtens genoemde wette uitgevaardig, toestelle en dienste onderhou vir eerste hulp aan sy werksmense ingeval hulle 'n ongeval oorkom of wat ingevolge een van daardie wette of regulasies van daardie vereistes vrygestel is.

(3) Versuim om aan die bepalings van hierdie artikel te voldoen, is 'n misdryf.

Vervoer van beseerde werksman.

**54.** (1) Ingeval 'n werksman 'n ongeval oorkom wat sy vervoer na 'n hospitaal of sy huis nodig maak, moet die werkgewer van daardie werksman dadelik en op eie koste die nodige vervoermiddel daarvoor voorsien.

(2) As 'n werkgewer versuim om dit te doen, is hy aanspreeklik vir die redelike koste van die vervoer van die werksman na 'n hospitaal of sy huis, en as die versuim te wyte is aan die opset of nalatigheid van die werkgewer of iemand wat die toesig had oor die werk waaraan die werksman op die tydstip van die ongeval besig was, is die werkgewer of daardie persoon bowendien skuldig aan 'n misdryf.

Geneeskundige onkoste.

**55.** (1) Behalwe die skadeloosstelling wat kragtens hierdie Wet betaalbaar is moet die werkgewer vir 'n tydperk van hoogstens een jaar na die datum van die ongeval die redelike onkoste deur die werksman aangegaan ten opsigte van geneeskundige, heelkundige of hospitaalbehandeling, deskundige verplegingsdienste en die voorsiening en herstelling van kunsmatige ledemate en toestelle in verband met sy besering, maar tesame nie die bedrag van honderd pond te bowe gaande nie, betaal.

(2) Die magistraat kan, wanneer hy enige geskil ten opsigte van skadeloosstelling beslis of op aansoek van enige belanghebbende persoon, beveel dat die onkoste in hierdie artikel vermeld betaal moet word aan die persone wat daarop geregtig is, en indien sodanige onkoste die bedrag te bowe gaan waarvoor in hierdie Wet voorsiening gemaak is, kan hy die beskikbare bedrag op so 'n wyse verdeel soos hy raadsaam ag.

Beslissings van magistraat met betrekking tot behandeling en geneeskundige rapporte.

**56.** (1) Alle geskille omtrent die noodsaaklikheid, die aard of die genoegsaamheid van enige geneeskundige behandeling wat ingevolge hierdie Hoofstuk verleen is of moet word, word deur die magistraat beslis, maar nie alvorens sodanige geskil na die kommissaris vir sy verslag verwys is nie.

(2) Any decision of the magistrate given in terms of subsection (1) shall be final.

Fees for medical aid to be prescribed.

**57.** The fees and charges for medical aid to workmen shall be in accordance with the scale prescribed by the Minister from time to time after consultation with the Medical Association of South Africa (British Medical Association), and no claim for an amount in excess of a fee or charge in accordance with that scale shall lie against any workman or his employer in respect of any such medical aid.

Contributions from workman towards cost of medical aid forbidden.

**58.** (1) No employer shall receive from a workman any contribution towards the expense of medical aid rendered or to be rendered to such workman in terms of section *fifty-five*.

(2) Any employer acting in contravention of this section shall be guilty of an offence and shall, in addition, be ordered by the court convicting him to refund any sum so received.

When employer supplies medical aid.

**59.** If any employer makes an arrangement for furnishing medical aid to his workmen injured by accident which in the opinion of the commissioner is not less favourable to the workmen than that provided for in this Chapter, the commissioner may approve such an arrangement, and unless and until such approval is withdrawn the medical aid under such arrangement may be substituted for the medical aid referred to in this Chapter and an employer shall be liable only to provide and pay for medical aid in accordance therewith.

## CHAPTER V.

### INDUSTRIAL DISEASES.

Compensation in respect of scheduled industrial diseases.

**60.** Where it shall appear from a certificate granted by a medical practitioner that a workman is suffering from a scheduled disease causing disablement or that the death of a workman was caused by any such disease, and that such disease was due to the nature of the workman's employment as set out in the Second Schedule to this Act at any time within the twelve months previous to the date of such disablement or death, the workman or, if he is deceased, his dependants, shall be entitled to claim compensation under this Act as if such disablement or death had been caused by an accident, and the provisions of this Act shall, subject to the provisions of this Chapter, *mutatis mutandis*, apply unless at the time of entering into the employment, the workman wilfully and falsely represented to the employer in reply to a specific question that he had not previously suffered from the disease: Provided that—

(*a*) where the workman was not, at the date of the disablement or death, employed in the occupation to the nature of which the disease is due, the earnings of the workman shall be calculated on the basis of his earnings when he was last employed in such occupation; and

(*b*) in no event shall the workman or his dependants be entitled to compensation in respect of any causation or aggravation of the disease which was due to employment outside the Union, except in respect of a Union workman employed outside the Union by his employer within the Union or by someone to whom his employer has lent the workman's services.

Liability to pay compensation.

**61.** (1) Compensation shall be payable by the employer who last employed the workman during the period of twelve months referred to in section *sixty* unless that employer proves that the disease was not contracted while the workman was in such employment.

(2) The workman or his dependants, if so required, shall furnish to the employer from whom compensation is claimed, such information as he or they may possess, as to the names and addresses of all other employers who, during the said twelve months employed the workman in the occupation to the nature of which the disease is due.

(3) If the employer alleges that the disease was in fact contracted whilst the workman was in the employment of some other employer and not whilst in his employment, he may join such other employer as a party to any application in terms of section *twenty-two*, and if the allegation is proved, that other employer shall be the employer from whom the compensation is to be recoverable.

(2) 'n Beslissing van 'n magistraat, ingevolge sub-artikel (1) gegee, is afdoende.

Fooie vir geneeskundige behandeling moet voorgeskryf word.

**57.** Die fooie en koste vir geneeskundige behandeling aan werksmense word bereken volgens die tarief wat die Minister van tyd tot tyd na beraadslaging met die „Medical Association of South Africa (British Medical Association)" voorgeskryf het en geen groter bedrag dan 'n fooi of koste volgens daardie tarief kan ten opsigte van sodanige geneeskundige behandeling op 'n werksman of sy werkgewer verhaal word nie.

Bydraes van werksmense tot koste van geneeskundige behandeling is verbode.

**58.** (1) Geen werkgewer mag van 'n werksman 'n bydrae ontvang nie tot die koste van geneeskundige behandeling aan so 'n werksman verleen of te verleen kragtens artikel *vyf-en-vyftig*.

(2) 'n Werkgewer wat in stryd met hierdie artikel handel, is aan 'n misdryf skuldig en moet buitendien deur die hof wat hom vonnis gelas word om die aldus ontvange bedrag terug te betaal.

Wanneer werkgewer geneeskundige behandeling verstrek.

**59.** Wanneer 'n werkgewer 'n reëling tref om aan sy werksmense wat deur ongeval beseer is, geneeskundige behandeling te verleen, wat na mening van die kommissaris vir die werksmense nie minder voordelig is nie dan die behandeling waarvoor in hierdie Hoofstuk voorsiening gemaak word, kan die kommissaris daardie reëling goedkeur en tensy en totdat daardie goedkeuring ingetrek word, kan die in hierdie Hoofstuk genoemde geneeskundige behandeling deur die geneeskundige behandeling volgens sodanige reëling vervang word, en 'n werkgewer is alleen verplig om dienooreenkomstig geneeskundige behandeling te verleen en daarvoor te betaal.

## HOOFSTUK V.

### BEDRYFSIEKTES.

Skadeloosstelling weens vergoedingspligtige bedryfsiektes.

**60.** Wanneer dit blyk uit 'n sertifikaat deur 'n geneesheer uitgereik dat 'n werksman aan 'n vergoedingspligtige siekte ly wat arbeidsongeskiktheid veroorsaak, of dat die dood van 'n werksman deur so 'n siekte veroorsaak is, en dat daardie siekte toegeskryf moet word aan die aard van die werksman se diens, soos in die Tweede Bylae tot hierdie Wet uiteengesit, te eniger tyd binne die twaalf maande voor die datum van daardie arbeidsongeskiktheid of dood, dan is die werksman of, as hy oorlede is, sy nabestaandes geregtig om ingevolge hierdie Wet skadeloosstelling te eis asof daardie arbeidsongeskiktheid of dood deur 'n ongeval veroorsaak was, en behoudens die bepalings van hierdie Hoofstuk, is die bepalings van hierdie Wet *mutatis mutandis* van toepassing, tensy die werksman by sy indienstreding in antwoord op 'n besondere vraag opsetlik en op valse wyse aan die werkgewer voorgegee het dat hy nooit van te vore aan die siekte gely het nie: Met dien verstande dat—

(*a*) wanneer die werksman op die datum van die arbeidsongeskiktheid of dood nie in die bedryf werksaam was nie, aan die aard waarvan die siekte toegeskryf word, die verdienste van die werksman bereken moet word op die grondslag van sy verdienste toe hy laas in daardie bedryf werksaam was; en

(*b*) die werksman of sy nabestaandes in geen geval geregtig is nie op skadeloosstelling vir die veroorsaking of verergering van die siekte wat aan diens buite die Unie toegeskryf moet word nie, behalwe ingeval van 'n Unie-werksman wat buite die Unie in diens gestel is deur sy in die Unie gevestigde werkgewer of deur iemand aan wie sy werkgewer die werksman se dienste geleen het.

Aanspreeklikheid vir betaling van skadeloosstelling.

**61.** (1) Skadeloosstelling moet betaal word deur die werkgewer wat gedurende die in artikel *sestig* genoemde tydperk van twaalf maande die werksman laaste in sy diens gehad het, tensy die werkgewer bewys dat die siekte nie opgedoen is nie terwyl die werksman in sodanige diens was.

(2) Die werksman of sy nabestaandes moet, indien dit verlang word aan die werkgewer van wie skadeloosstelling geëis word, sodanige inligting verstrek waaroor hy of hulle beskik aangaande die name en adresse van alle ander werkgewers by wie die werksman gedurende genoemde twaalf maande in diens was in die bedryf aan die aard waarvan die siekte toe te skryf is.

(3) Indien die werkgewer beweer dat die siekte werklik opgedoen is terwyl die werksman by 'n ander werkgewer en nie by hom in diens was nie, kan hy hom by so 'n ander werkgewer aansluit in 'n aansoek kragtens artikel *twee-en-twintig* en indien die bewering bewys word, is daardie ander werkgewer die werkgewer van wie die skadeloosstelling verhaalbaar is,

(4) If the disease is of such a nature as to be contracted by a gradual process, any other employers who during the said twelve months employed the workman in the occupation to the nature of which the disease is due, shall be liable to make to the employer from whom compensation is recoverable, such contributions as in default of agreement, may be determined by the magistrate on application.

(5) The provisions of paragraph (*c*) of sub-section (1) of section *two* with regard to the pre-existing diseased condition of the workman shall not apply to a scheduled disease.

Fixing date from which time is to run, indicating the person to whom notice to be given and defining earnings.

**62.** (1) The date of the certificate referred to in section *sixty* or of the death of the workman, as the case may be, shall be treated for the purposes of this Act as the date of the happening of the accident.

(2) Notice as provided by section *thirteen* shall be given to the employer who last employed the workman during the said twelve months in the occupation to the nature of which the disease is due.

(3) For the purpose of determining compensation the earnings of the workman shall be his earnings in the occupation to the nature of which the disease is due with the employer from whom compensation is recoverable, at the date of the certificate or at the date of his death (if there is no previous period of disablement immediately preceding his death) and, if the workman is not then so employed, the earnings shall be the average weekly earnings of the workman when he was last so employed with the employer from whom compensation is recoverable.

Presumption as to cause of disease.

**63.** If a workman who becomes disabled by or dies of any disease mentioned in the Second Schedule to this Act was within the period of twelve months immediately preceding the disablement or death, employed in any occupation mentioned in such Schedule opposite such disease, it shall be presumed unless or until the contrary is proved, that the disease was contracted in the course of such employment.

Saving right of workman to proceed against previous employer.

**64.** Nothing in this Chapter contained shall be construed as preventing compensation being recovered from any employer who employed the workman during the twelve months referred to in section *sixty*, if the employer who last employed the workman during that period proves that the disease was not contracted while the workman was in his employment, in which case the provisions of sub-section (3) of section *sixty-one* shall apply.

Right of workman to compensation for injury caused by accident not affected.

**65.** Nothing in this Chapter contained shall affect the rights of a workman to recover compensation in respect of a disease, other than a scheduled disease, if the contracting of that disease entitles him to compensation under this Act.

Investigation into occupational diseases.

**66.** (1) The commissioner may carry out an investigation as to whether any disease should be included in the Second Schedule as an industrial disease, and may recommend to the Minister the inclusion in such Schedule of any disease and the occupation in which such disease should be regarded as an industrial disease or may recommend the deletion of any such disease from such Schedule.

(2) The Governor-General may, by proclamation in the *Gazette*, amend the Second Schedule in accordance with any such recommendation: Provided that not less than three months before the publication of such proclamation there has been published in the *Gazette* a notice—

(*a*) of the intention to publish such proclamation and of its proposed contents; and

(*b*) inviting any person who objects to the publication of such proclamation to lodge an objection thereto in writing with the commissioner.

## CHAPTER VI.

### COMPENSATION FOR NATIVES.

Application of Act to natives.

**67.** In relation to native workmen the provisions of this Chapter shall in case of conflict or inconsistency prevail over any other provisions of this Act, but such provisions as are not inconsistent with the provisions of this Chapter shall also apply in relation to native workmen.

Procedure where workman is a native.

**68.** (1) The Minister may, after consultation with the Minister of Native Affairs, in respect of any area or areas by notice in the *Gazette* appoint an officer of the Native Affairs Department (in this Chapter referred to as the officer) for the

(4) Indien die siekte van so 'n aard is dat dit geleidelik opgedoen word, is enige ander werkgewers by wie die werksman gedurende genoemde twaalf maande in diens was in die bedryf aan die aard waarvan die siekte toe te skryf is, aansprecklik om aan die werkgewer van wie skadeloosstelling verhaalbaar is sodanige bydraes te maak soos, die magistraat, in gebreke van 'n ooreenkoms, op aansoek mag bepaal.

(5) Die bepalings van paragraaf (*c*) van sub-artikel (1) van artikel *twee* aangaande die voorafbestaande siekliko toestand van die werksman is nie op 'n vergoedingspligtige siekte van toepassing nie.

Bepaling van datum vanaf wanneer tyd bereken word, aanwysing van die persoon aan wie kennis gegee moet word en omskrywing van verdienste.

62. (1) Die datum van die sertifikaat waarna in artikel *sestig* verwys word of van die dood van die werksman soos die geval mag wees, word vir die toepassing van hierdie Wet beskou as die datum waarop die ongeval plaasgevind het.

(2) Kennis soos deur artikel *dertien* bepaal moet gegee word aan die werkgewer by wie die werksman laaste gedurende die genoemde twaalf maande in diens was in die bedryf aan die aard waarvan die siekte toe te skryf is.

(3) Ten einde skadeloosstelling te bepaal is die verdienste van 'n werksman sy verdienste met die werkgewer van wie skadeloosstelling verhaalbaar is in die bedryf, aan die aard waarvan die siekte toe te skryf is, op die datum van die sertifikaat of van sy dood (indien geen tydperk van arbeidsongeskiktheid sy dood onmiddellik voorafgegaan het nie) en, indien die werksman nie op daardie datum so in diens was nie, is die verdienste die gemiddelde weeklikse verdienste van die werksman toe hy laaste so in diens was by die werkgewer van wie skadeloosstelling verhaalbaar is.

Vermoede aangaande oorsaak van siekte.

63. Ingeval 'n werksman wat deur 'n siekte, in die Tweede Bylae tot hierdie Wet genoem, arbeidsongeskik word of daaraan sterf, in die tydperk van twaalf maande wat aan die arbeidsongeskiktheid of die dood onmiddellik voorafgaan, in diens was in 'n bedryf wat in daardie Bylae teenoor daardie siekte genoem word, dan word vermoed, tensy of totdat die teendeel bewys word, dat die siekte in die loop van daardie diens opgedoen is.

Werksman behou reg om teen vorige werkgewer stappe te neem.

64. Geen bepaling in hierdie Hoofstuk moet beskou word om 'n werksman te belet om skadeloosstelling te verhaal van enige werkgewer by wie die werksman gedurende die in artikel *sestig* genoemde twaalf maande in diens was indien die werkgewer by wie die werksman laas in diens was bewys dat die siekte nie opgedoen was terwyl die werksman in sy diens was nie, in watter geval die bepalings van sub-artikel (3) van artikel *een-en-sestig* van toepassing is.

Reg op skadeloosstelling wanneer siekte deur ongeval veroorsaak word.

65. Geen bepaling van hierdie Hoofstuk raak die reg van 'n werksman op skadeloosstelling weens 'n ander siekte as 'n vergoedingspligtige siekte nie, as hy weens daardie siekte op skadeloosstelling kragtens hierdie Wet geregtig is nie.

Ondersoek na bedryfsiektes.

66. (1) Die kommissaris kan 'n ondersoek doen om vas te stel of 'n siekte in die Tweede Bylae tot hierdie Wet behoort opgeneem te word as 'n bedryfsiekte en kan aan die Minister aanbeveel om 'n siekte en die bedryf in verband waarmee daardie siekte as 'n bedryfsiekte behoort beskou te word, in daardie Bylae op te neem of hy kan aanbeveel dat so 'n siekte uit die Bylae geskrap word.

(2) Die Goewerneur-generaal kan by proklamasie in die *Staatskoerant* die Tweede Bylae ooreenkomstig so 'n aanbeveling wysig, mits daar minstens drie maande voor die uitvaardiging van daardie proklamasie, in die *Staatskoerant* 'n kennisgewing gepubliseer is—

(*a*) van die voorneme om daardie proklamasie uit te vaardig en van sy voorgestelde inhoud; en

(*b*) wat elkeen, wat beswaar het teen die uitvaardiging van daardie proklamasie, uitnooi om 'n beswaarskrif daarteen by die kommissaris in te lewer.

## HOOFSTUK VI.

### SKADELOOSSTELLING AAN NATURELLE.

Toepassing van Wet op naturelle.

67. Met betrekking tot naturelle-werksmense geld die bepalings van hierdie Hoofstuk ingeval van stryd of onbestaanbaarheid teenoor ander bepalings van hierdie Wet, maar sodanige ander bepalings soos nie met die bepalings van hierdie Hoofstuk onbestaanbaar is nie, is ook van toepassing met betrekking tot naturelle-werksmense.

Prosedure wanneer werksman 'n naturel is.

68. (1) Die Minister kan na beraadslaging met die Minister van Naturellesake by kennisgewing in die *Staatskoerant* ten opsigte van enige gebied of gebiede 'n beampte van die Departement van Naturellesake (in hierdie Hoofstuk die beampte genoem) aanstel ten einde behulpsaam te wees met die toe-

purpose of assisting in the administration of the Act in cases where the workman is a native.

(2) In any area in respect of which such officer has not been appointed, the Native Commissioner, additional native commissioner or assistant native commissioner, and in the absence of any such officer or commissioner any magistrate, shall perform the duties imposed upon the officer in terms of this chapter.

(3) Notwithstanding the provisions of section *thirteen*, whenever an accident happens to a native involving a claim to compensation, his employer shall forthwith furnish to the officer in writing particulars of the accident in the form prescribed and the officer shall after investigation assess the compensation payable by the employer on behalf of such workman or in the event of his death, of his dependants.

(4) Any compensation assessed by the officer or awarded by the magistrate in resepct of an injured native shall be paid by the employer to the officer and the officer shall pay any such sum, in the case of disablement, to the native entitled to receive it, and in the case of the death of the workman, to any wife, child, parent or other person deemed by the officer to be dependant on such native workman: Provided that the form and manner in which payment shall in each case be made shall be in the discretion of the officer.

(5) The Minister may prescribe the form of notice of accident to be given by the employer and the procedure in connection with the assessment, payment or recovery of compensation for accidents to native workmen.

Compensation in case of temporary total disablement.

**69.** During any period of temporary total disablement, a native workman whose monthly earnings do not exceed thirteen pounds six shillings and eightpence shall receive as compensation periodical payments at the rate of sixty per cent. of his monthly earnings for a period not exceeding six months: Provided that a native workman shall not be entitled to any such payments if the period of disablement lasts for less than one week: Provided further that where the native workman receives from his employer food, quarters and medical aid to the satisfaction of the officer, he shall not be entitled to any such payments during the first six weeks of disablement and in respect of any period thereafter he shall be entitled only to such compensation not exceeding twenty-five per cent. of his earnings as the officer may, in his discretion, award to him.

Compensation in respect of permanent disablement.

**70.** (1) If a native workman is permanently disabled he shall be entitled to compensation in terms of paragraphs (*a*), (*b*) and (*c*), and such compensation shall be fixed by the officer in accordance with his estimate of the degree of disablement as follows:

(*a*) where the degree of disablement is estimated by the officer to be one hundred per cent. the compensation shall be a lump sum calculated according to the following scale:

| *Monthly earnings.* | *Lump sums.* |
|---|---|
| Up to five pounds. | Seventy-five pounds. |
| Exceeding five pounds, but not exceeding ten pounds. | From seventy-five pounds to one hundred and fifty pounds in proportion to the increase of monthly earnings above five pounds. |
| *Monthly earnings.* | *Lump sums.* |
| Exceeding ten pounds but not exceeding thirteen pounds six shillings and eightpence. | From one hundred and fifty pounds to two hundred and twenty-five pounds in proportion to the increase of monthly earnings above ten pounds. |

(*b*) where the degree of disablement is estimated by the officer to be one hundred per cent. and if the monthly earnings of the workman exceed thirteen pounds six shillings and eightpence, a lump sum equal to twenty-five times the monthly earnings of the workman up to twenty pounds of such earnings together with ten times his monthly earnings in excess of twenty pounds up to thirty-three pounds six shillings and eightpence. In determining the amount of any payments under this paragraph, any excess of any monthly earnings above thirty-three pounds six

passing van hierdie Wet in gevalle waar die werksman 'n naturel is.

(2) In enige gebied ten opsigte waarvan so 'n beampte nie aangestel is nie, moet die pligte wat kragtens hierdie Hoofstuk aan hom opgedra is uitgevoer word deur die Naturelle Kommissaris, Addisionele Naturelle Kommissaris, of Assistent Naturelle Kommissaris en in die afwesigheid van enige sodanige beampte of kommissaris enige magistraat.

(3) Ondanks die bepalings van artikel *dertien* moet die werkgewer, wanneer 'n naturel in 'n ongeval betrokke is wat 'n eis om skadeloosstelling meebring, dadelik die beampte skriftelik voorsien van besonderhede op die voorgeskrewe wyse en die beampte moet na ondersoek die skadeloosstelling beraam wat deur die werkgewer betaalbaar is ten behoewe van die werksman of, ingeval van sy dood, van sy nabestaandes.

(4) Enige skadeloosstelling deur die beampte beraam of deur die magistraat toegeken ten opsigte van 'n beseerde naturel moet deur die werkgewer aan die beampte betaal word en die beampte moet enige sodanige bedrag ingeval van arbeidsongeskiktheid aan die naturel wat daarop geregtig is en ingeval van die dood van die werksman, aan enige vrou, kind, ouer of ander persoon wat die beampte ag afhanklik te wees van sodanige naturelle-werksman: Met dien verstande dat die vorm en wyse van betaling in elke geval na goeddunke van die beampte geskied.

(5) Die Minister kan die vorm voorskryf waarop kennisgewing van die ongeval deur die werkgewer gegee moet word, asook die prosedure in verband met die beraming, betaling of verhaal van skadeloosstelling vir ongevalle aan naturelle-werksmense.

Skadeloosstelling ingeval van tydelik algehele arbeidsongeskiktheid.

69. Gedurende 'n tydperk van tydelike algehele arbeidsongeskiktheid, ontvang 'n naturelle-werksman, wie se maandelikse verdienste nie meer as dertien pond ses sjielings en ag pennies per maand bedra nie as skadeloosstelling periodieke uitkerings, teen die skaal van sestig persent van sy maandelikse verdienste gedurende 'n tydperk van hoogstens ses maande: Met dien verstande dat 'n naturelle-werksman nie op sulke uitkerings geregtig is as die arbeidsongeskiktheid minder as 'n week duur nie: Met dien verstande verder dat wanneer die naturelle-werksman van sy werkgewer ontvang kos, huisvesting en geneeskundige behandeling wat die beampte bevredigend ag, hy vir die eerste ses weke van arbeidsongeskiktheid nie op sulke uitkerings geregtig is nie, en dat hy vir enige tydperk daarna geregtig is alleen op sodanige skadeloosstelling van hoogstens vyf-en-twintig persent van sy verdienste as wat die beampte hom na goeddunke mag toeken.

Skadeloosstelling ingeval van blywende arbeidsongeskiktheid.

70. (1) As 'n naturelle-werksman blywend arbeidsongeskik word, is hy volgens paragrawe (*a*), (*b*) en (*c*) op skadeloosstelling geregtig, en sodanige skadeloosstelling word deur die beampte ooreenkomstig sy skatting van die graad van arbeidsongeskiktheid vasgestel as volg:

(*a*) Wanneer die graad van arbeidsongeskiktheid deur die beampte op honderd persent geskat word, bestaan die skadeloosstelling uit 'n enkele geldsom, volgens die volgende skaal bereken:

| *Maandelikse Verdienste.* | *Enkele Geldsom.* |
|---|---|
| Tot vyf pond. | Vyf-en-sewentig pond. |
| Meer as vyf maar nie meer as tien pond nie. | Van vyf-en-sewentig pond tot honderd-en-vyftig pond, in verhouding tot die vermeerdering in maandelikse verdienste bo vyf pond. |
| Meer as tien pond maar nie meer as dertien pond ses sjielings en ag pennies nie. | Van honderd-en-vyftig pond tot tweehonderd vyf-en-twintig pond, in verhouding tot die vermeerdering in maandelikse verdienste bo tien pond. |

(*b*) Wanneer die graad van arbeidsongeskiktheid deur die beampte op honderd persent geskat word en die maandelikse verdienste van die werksman meer as dertien pond ses sjielings en ag pennies bedra, 'n enkele geldsom gelyk aan vyf-en-twintig maal die maandelikse verdienste van die werksman tot twintig pond van daardie verdienste, benewens tien maal sy maandelikse verdienste bo twintig pond tot drie-en-dertig pond ses sjielings en ag pennies. By die bepaling van die bedrag van betalings ingevolge hierdie paragraaf, word die maandelikse verdienste bo

shillings and eightpence shall not be taken into consideration;

(c) where the degree of disablement is estimated by the officer to be under one hundred per cent. the lump sum shall be proportionate to the degree of disablement.

(2) From any compensation awarded under this section no deduction shall be made on account of any periodical payments in respect of temporary disablement made under section *forty-seven* or *sixty-nine*.

Compensation in case of death.

**71.** (1) Where a native workman dies from an accident and leaves dependants, such dependants shall be entitled to such lump sum amount of compensation as the officer deems equitable in each case, according to the number of dependants and the degree of dependency, but not exceeding in the aggregate eighty per cent. of the lump sum that would have been payable to the workman had he been permanently and totally disabled, or the sum of three hundred and seventy-five pounds, or eighteen months' earnings, whichever may be the least.

(2) Where such workman dies from the accident and leaves no dependants, the officer may in his discretion award the reasonable expenses of the burial of the workman, not exceeding an amount of five pounds.

Medical aid.

**72.** In respect of an accident causing disablement to any native workman, the officer may, unless the employer provides medical, surgical and hospital treatment free of expense to such workman during the period of disablement due to such accident, award an allowance payable by the employer towards the reasonable cost of such treatment not exceeding the sum of twenty-five pounds.

Questions in dispute to be determined by magistrate.

**73.** (1) If an employer disputes that compensation is payable to or in respect of a native workman or fails to pay the amount assessed, the officer shall, unless he is a magistrate, refer the matter to the magistrate for determination in terms of section *twenty*.

(2) The decision of the magistrate upon a question whether a workman in respect of whom is claimed compensation under this Act is a native or not, shall be final.

(3) In any proceedings for the recovery of compensation before the magistrate no costs shall be awarded against a native workman or his dependants or the officer.

## CHAPTER VII.

### INSURANCE.

Insurance to be compulsory upon employers.

**74.** (1) Within three months after the commencement of this Act every employer, other than the Crown, the State and any Provincial Administration, shall obtain from a society or association or company licensed under this Act a policy of insurance or indemnity for the full extent of his potential liability under this Act to all workmen employed by him and shall thereafter so long as he is an employer maintain such policy in force: Provided that the provisions of this subsection shall not apply to any employer engaged in agriculture in respect of workmen employed by him in agriculture, whether such workmen are or are not employed in connection with any engine driven or machine worked by mechanical power.

(2) The Minister may, by writing under his hand, exempt from the operation of sub-section (1) for such period as he may specify, and subject to such conditions including the payment of a fee as may be prescribed any employer who proves to his satisfaction that he has established, and made provision for the maintenance of a fund for insurance against any liability that may be imposed upon him under this Act and has deposited with the Treasury sufficient security to meet all payments which may become due from him under this Act.

(3) The commissioner or any officer authorized in terms of section *eighty-one* may demand from any employer the production of the policy of insurance or indemnity referred to in subsection (1) and failure or refusal by the employer to produce such policy shall constitute an offence and render such employer liable on conviction to the penalties provided in sub-section (4).

(4) An employer who fails to comply with the provisions of this section shall be guilty of an offence and liable, on conviction, to a fine not exceeding five pounds in respect of each

drie-en-dertig pond ses sjielings en ag pennies buite rekening gelaat.

(c) Wanneer die graad van arbeidsongeskiktheid deur die beampte op minder as honderd persent geskat word, dan is die enkele geldsom eweredig met die graad van arbeidsongeskiktheid.

(2) Van 'n skadeloosstelling toegeken ingevolge hierdie artikel, word geen bedrag afgetrek nie weens periodieke uitkerings ten opsigte van tydelike arbeidsongeskiktheid betaal ingevolge artikels *sewe-en-veertig* of *nege-en-sestig*.

Skadeloosstelling ingeval van dood.

**71.** (1) Wanneer 'n naturelle-werksman as gevolg van 'n ongeval sterf en nabestaandes nalaat, dan is daardie nabestaandes geregtig op 'n sodanige skadeloosstelling in 'n enkele geldsom as wat die beampte al na die geval met die oog op die aantal nabestaandes en die mate van afhanklikheid billik ag maar in die geheel nie meer nie as tagtig persent van die enkele geldsom wat aan die werksman sou verskuldig gewees het as hy blywende en algeheel arbeidsongeskik was, of 'n som van driehonderd-vyf-en-sewentig pond of agtien maande se verdienste, na gelang die een of die ander bedrag laer is.

(2) Ingeval daardie werksman as gevolg van die ongeval sterf en geen nabestaandes nalaat nie kan die beampte na eie goeddunke die redelike begrafniskoste van die werksman tot 'n bedrag van hoogstens vyf pond toeken.

Geneeskundige behandeling.

**72.** Ingeval van 'n ongeval aan 'n naturelle-werksman wat arbeidsongeskiktheid veroorsaak kan die beampte, tensy die werkgewer tydens die arbeidsongeskiktheid deur so 'n ongeval veroorsaak daardie werksman kosteloos van mediese, heelkundige en hospitaal-behandeling voorsien, 'n toelae, deur die werkgewer betaalbaar, toeken tot die redelike koste van sodanige behandeling, wat vyf-en-twintig pond nie te bowe gaan nie.

Geskilpunte deur magistraat beslis te word.

**73.** (1) Indien 'n werkgewer betwis dat skadeloosstelling aan of ten opsigte van 'n naturelle-werksman betaalbaar is, of in gebreke bly om die beraamde bedrag te betaal, moet die beampte, tensy hy die magistraat is, die saak na die magistraat verwys vir 'n beslissing kragtens artikel *twintig*.

(2) Oor 'n vraag of 'n werksman ten opsigte van wie kragtens hierdie Wet skadeloosstelling geëis word 'n naturel is, al dan nie, is die beslissing van die magistraat afdoende.

(3) In enige verrigtings voor 'n magistraat ter verhaal van skadeloosstelling moet geen koste toegeken word nie teen 'n naturelle-werksman of sy nabestaandes of die beampte.

## HOOFSTUK VII.

### VERSEKERING.

Versekering is verpligtend op werkgewers.

**74.** (1) Binne drie maande na die inwerkingtreding van hierdie Wet moet elke werkgewer, behalwe die Kroon, die Staat en enige provinsiale administrasie, van 'n genootskap of vereniging of maatskappy wat ingevolge hierdie Wet gelisensieer is 'n versekerings- of vrywaringspolis verkry vir die volle bedrag van sy moontlike aanspreeklikheid kragtens hierdie Wet aan alle werksmense by hom in diens en hy moet daarna vir solank hy 'n werkgewer is sodanige polis van krag hou.

Met dien verstande dat die bepalings van hierdie sub-artikel nie van toepassing is nie op 'n werkgewer wat die landbou beoefen ten opsigte van werksmense wat by hom in die landbou werksaam is, of daardie werksmense werksaam is of nie in verband met enige werktuie wat met meganiese krag gedryf word.

(2) Die Minister kan deur 'n deur hom ondertekende skrywe enige werkgewer van die toepassing van sub-artikel (1) vrystel vir sodanige tydperk soos hy mag aanwys en onderhewig aan sodanige voorwaardes, insluitende die betaling van 'n fooi, soos voorgeskryf mag word indien daardie werkgewer tot sy bevrediging bewys lewer dat hy 'n versekeringsfonds in die lewe geroep het teen enige aanspreeklikheid wat kragtens hierdie Wet op hom opgelê mag word en voorsiening gemaak het om dit by te hou en voldoende fondse by die Tesourie gedeponeer het om alle betalings wat kragtens hierdie Wet deur hom verskuldig mag word, te dek.

(3) Die kommissaris of enige beampte wat kragtens artikel *een-en-tagtig* gemagtig is kan van enige werkgewer die vertoning van die versekerings- of vrywaringspolis in sub-artikel (1) genoem vereis en versuim of weiering deur die werkgewer om so 'n polis te vertoon maak 'n misdryf uit en maak daardie werkgewer na skuldigbevinding onderhewig aan die strafbepalings in sub-artikel (4) bepaal.

(4) 'n Werkgewer wat versuim om die bepalings van hierdie artikel na te kom is aan 'n misdryf skuldig en is na skuldigbevinding strafbaar met 'n boete van hoogstens vyf pond ten

uninsured workman employed by him, or in default of payment to imprisonment for a period not exceeding six months.

Insurers to be licensed.

**75.** (1) The Minister may, upon application for such period and subject to such conditions as he may impose, including the payment of a prescribed fee or fees, issue a licence to carry on the business of insurance of employers against their liabilities to workmen under this Act, to—

(*a*) a mutual association licensed under the Insurance Act, 1923 (Act No. 37 of 1923), which shall mean an association of employers formed with the object of collectively insuring its members in respect of liability for accidents to their workmen, and

(*b*) any other insurance society, association or company licensed under the Insurance Act, 1923 (Act No. 37 of 1923):

Provided that the Minister may from time to time require that, in addition to any securities deposited under the Insurance Act, 1923 (Act No. 37 of 1923), securities considered by him to be sufficient to cover all such liabilities be provided or secured to his satisfaction.

(2) If at any time it is proved to the satisfaction of the Minister that any society, association or company licensed under the provisions of sub-section (1) has failed to comply with any of the conditions imposed by the Minister in terms of that sub-section, the Minister may suspend or withdraw the said licence, and no appeal shall lie against the decision of the Minister.

(3) Any society, association or company which engages in the business of insurance of employers against their liabilities to workmen under this Act and which is not in possession of a licence referred to in sub-section (1) shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding five pounds in respect of each workman insured.

(4) A list of the societies, associations or companies licensed in terms of this section shall be published yearly in the *Gazette*.

Onus of proof.

**76.** In any prosecution for a contravention of or failure to comply with any provision of sections *seventy-four* and *seventy-five* relating to the possession of any licence or policy of insurance the burden of proving such possession shall be upon the accused.

Licensed insurance associations to furnish information.

**77.** (1) A society, association or company licensed in terms of section *seventy-five* shall collect, compile and maintain in respect of all employers insured by it, statistics and information relating to—

(*a*) the occurrence and cause of accidents and scheduled diseases; and

(*b*) any settlements of claims for compensation arrived at by agreement; and

(*c*) any claims for compensation determined by the magistrate; and

(*d*) the amount of any premium or charges demanded from or paid by employers in respect of the insurance of workmen;

(*e*) the ratio of expenses to benefits;

in the form required by the commissioner and shall transmit all or any such information to the commissioner upon demand or at such times as may be prescribed.

(2) The provisions of sub-section (1) shall *mutatis mutandis* apply to every employer exempted by the Minister in terms of sub-section (2) of section *seventy-four*.

## CHAPTER VIII.

### GENERAL AND MISCELLANEOUS.

Threats and compulsion.

**78.** Any person who, by threats or any other manner whatever, compels or attempts to compel any workman to do or omit to do any act the doing or omission of which deprives or is intended to deprive him or his dependants of any right to compensation, shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds or, in default of payment, to imprisonment with or without hard labour for a period not exceeding six months.

Reciprocal arrangements for the administration of compensation.

**79.** For the purpose of giving effect to any convention with a foreign State or with the government of any member of the British Commonwealth of Nations or of any part of His Majesty's Dominions providing for reciprocity in matters relat-

opsigte van elke werksman in sy diens wat nie verseker is nie, of by wanbetaling tot gevangenisstraf van hoogstens ses maande.

Versekeraars moet gelisensieer wees.

**75.** (1) Die Minister kan op aansoek en vir sodanige tydperk en onderhewig aan sodanige voorwaardes soos hy mag bepaal, insluitende die betaling van 'n voorgeskrewe fooi of fooie, 'n lisensie uitreik om besigheid te dryf in verband met die versekering van werkgewers teen hulle aanspreeklikheid teenoor werksmense ingevolge hierdie Wet aan—

(*a*) 'n onderlinge vereniging gelisensieer ingevolge die „Verzekeringswet, 1923" (Wet No. 37 van 1923) wat 'n vereniging van werkgewers beteken wat in die lewe geroep is ten einde sy lede gesamentlik te verseker ten opsigte van aanspreeklikheid vir ongevalle aan hul werksmense; en

(*b*) enige ander versekeringsgenootskap, vereniging of maatskappy gelisensieer ingevolge die „Verzekeringswet, 1923" (Wet No. 37 van 1923):

Met dien verstande dat die Minister van tyd tot tyd kan vereis dat, benewens enige sekuriteite wat ingevolge die „Verzekeringswet, 1923" (Wet No. 37 van 1923) gedeponeer is, sodanige sekuriteite, as wat hy voldoende beskou om alle sodanige aanspreeklikhede te dek, tot sy bevrediging verstrek of verkry word.

(2) Indien dit te eniger tyd tot bevrediging van die Minister bewys word dat 'n genootskap, vereniging of maatskappy wat ingevolge die bepalings van sub-artikel (1) gelisensieer is versuim het om te voldoen aan enige voorwaardes deur die Minister kragtens daardie sub-artikel opgelê, kan die Minister genoemde lisensie opskort of intrek, en teen die Minister se beslissing kan nie geappelleer word nie.

(3) Enige genootskap, vereniging of maatskappy wat besigheid dryf in verband met die versekering van werkgewers teen hul aanspreeklikheid teenoor werksmense kragtens hierdie Wet en wat nie in besit is van 'n lisensie genoem in sub-artikel (1) nie, is aan 'n misdryf skuldig en is na skuldbevinding strafbaar met 'n boete van hoogstens vyf pond ten opsigte van elke werksman wat verseker is.

(4) 'n Lys van die genootskappe, verenigings en maatskappye wat ingevolge hierdie artikel gelisensieer is moet jaarliks in die *Staatskoerant* verskyn.

Bewyslas.

**76.** By 'n vervolging vir 'n oortreding van of versuim om aan die bepalings van artikels *vier-en-sewentig* en *vyf-en-sewentig* te voldoen met betrekking tot die besit van enige lisensie of versekeringspolis, rus die bewyslas van sodanige besit op die beskuldigde.

Gelisensieerde versekeringsverenigings moet inligting verstrek.

**77.** (1) 'n Genootskap, vereniging of maatskappy wat ingevolge artikel *vyf-en-sewentig* gelisensieer is moet ten opsigte van alle werkgewers deur hulle verseker, statistieke en inligtings versamel, kompileer en byhou aangaande—

(*a*) die voorval en oorsake van ongevalle en vergoedingspligtige siektes; en

(*b*) enige skikkings van eise vir skadeloosstelling wat by wyse van ooreenkoms getref is; en

(*c*) enige eise vir skadeloosstelling wat deur die magistraat beslis is; en

(*d*) die bedrag van enige premies of gelde wat van werkgewers geëis of deur hulle betaal is ten opsigte van die versekering van werksmense;

(*e*) die verhouding van onkoste tot voordele;

in die vorm wat die kommissaris mag verlang en moet alle sodanige inligtings of enige deel daarvan aan die kommissaris verskaf wanneer dit vereis word of op voorgeskrewe tye.

(2) Die bepalings van sub-artikel (1) is *mutatis mutandis* van toepassing op elke werkgewer wat deur die Minister vrygestel is kragtens sub-artikel (2) van artikel *vier-en-sewentig*.

## HOOFSTUK VIII.

### ALGEMENE EN GEMENGDE BEPALINGS.

Dreigemente en dwang.

**78.** Iemand wat 'n werksman deur dreigemente of op enige ander wyse beweeg of probeer beweeg om 'n handeling te verrig of te versuim as die verrigting of versuim daarvan vir die werksman of sy nabestaandes die verlies van 'n reg op skadeloosstelling ten gevolge het of beoog, is aan 'n misdryf skuldig en na skuldigbevinding strafbaar met 'n boete van hoogstens honderd pond, of, by wanbetaling met gevangenisstraf van hoogstens ses maande met of sonder hardepad.

Onderlinge reëlings vir die toepassing van skadeloosstelling.

**79.** Ten einde uitvoering te gee aan enige konvensie met 'n vreemde Staat of met die Regering van enige lid van die Britse Gemenebes of enige deel van Sy Majesteit se Dominiums wat voorsiening maak vir resiprositeit in sake betreffende

ing to compensation to workmen for accidents causing disablement or death, the Governor-General may make rules by proclamation in the *Gazette* including rules—

(*a*) for determining in any case where a workman is entitled to compensation both under this Act and under the law of any such country, with which the convention is made, under the law of which party to the convention such workman or his dependants shall be entitled to recover compensation;

(*b*) for conferring on any court, powers for the admission of evidence taken in any such country, and the procuring and taking of evidence for use in any such country or otherwise for the purpose of facilitating proceedings for the recovery of compensation under the respective laws of any such country;

(*c*) whereby compensation awarded in the territory of any such country to persons resident or becoming resident in the Union, may be transferred to and administered by the commissioner, and whereby compensation awarded under this Act to persons resident or becoming resident in the territory of any such country may be transferred to and administered by a competent authority in that territory.

Exhibition of notice of procedure for recovery of compensation.

**80.** (1) Every employer shall cause to be affixed and at all times to be kept affixed in a conspicuous place a clearly printed summary, in the form prescribed, of the procedure laid down in this Act for the recovery of compensation in the event of accident.

(2) Failure to comply with the provisions of this section shall be an offence.

Inspection.

**81.** (1) The Minister may in writing authorize any officer of the public service and any medical practitioner to investigate any matter falling within the purview of the commissioner, and to report to the commissioner upon any such matter, and any person so authorized shall have power to require and take affidavits or declarations as to any matter to which the investigation or report relates, or to take any other declarations required under this Act, and in all cases to administer oaths and attest declarations.

(2) Upon the production of the written authority referred to in sub-section (1), such person may, without previous notice at all reasonable times, enter upon any land, works, premises or other place and may question any employer or other person and inspect any part of the land, works, premises or other place or any books or documents and take copies or extracts from such books or documents.

(3) Any one who obstructs any such person in the lawful exercise of his functions under this section or who makes or subscribes to any statement knowing that it is false or who refuses to answer any questions or produce any documents, shall be guilty of an offence.

(4) The commissioner may himself exercise any powers which under sub-section (1) may be conferred upon the person specified therein by the Minister, and whenever the commissioner is exercising any such power, all the provisions of this section shall apply.

Regulations.

**82.** (1) The Minister may make regulations not inconsistent with this Act as to all or any of the following matters—

(*a*) the procedure to be followed in connection with claims for compensation or applications under this Act;

(*b*) the forms which may be used in connection with such procedure or which may be used for any other matters dealt with by this Act;

(*c*) the fees which may be charged by medical practitioners, medical and technical assessors, and medical arbitrators in respect of matters done under or for the purpose of this Act;

(*d*) the fees and expenses payable to the messengers of magistrates' courts for serving and executing process;

(*e*) the scales of costs which may be allowed in applications under this Act;

(*f*) the scale of fees and expenses which may be allowed to witnesses in applications under this Act;

(*g*) the procedure to be followed in referring any matter to the commissioner in terms of sub-section (4) of section *twenty* and sub-section (1) of section *twenty-four*;

skadeloosstelling aan werksmense vir ongevalle wat arbeidsongeskiktheid of dood veroorsaak kan die Goewerneur-generaal by proklamasie in die *Staatskoerant*, reëls neerlê, insluitende reëls :—

(*a*) om in 'n geval waar 'n werksman geregtig is op skadeloosstelling beide kragtens hierdie Wet en kragtens die regsbepalings van so 'n land met wie die konvensie aangegaan is te bepaal kragtens die wet van watter party tot die konvensie, daardie werksman of sy nabestaandes geregtig is om skadeloosstelling te verhaal ;

(*b*) om aan enige hof mag te verleen om getuienis toe te laat wat in so 'n land afgeneem is, en om getuienis te verkry en af te neem vir gebruik in so 'n land of andersins ter vergemakliking van verrigtings vir die verhaal van skadeloosstelling kragtens die onderskeidelike regsbepalings van so 'n land ;

(*c*) waarby skadeloosstelling wat toegeken is in die gebied van so 'n land aan persone wat in die Unie woonagtig is of word, oorgedra word aan en beheer word deur die kommissaris, en waardeur skadeloosstelling wat kragtens hierdie Wet toegeken is aan persone wat in die gebied van so 'n land woonagtig is of word, oorgedra word aan en beheer word deur 'n bevoegde gesag in daardie gebied.

Vertoning van kennisgewing van prosedure vir verhaal van skadeloosstelling.

**80.** (1) 'n Helder gedrukte opsomming op die voorgeskrewe vorm van die prosedure kragtens hierdie Wet neergelê vir die verhaal van skadeloosstelling ingeval van 'n ongeval moet deur die werkgewer op 'n in die oogvallende plek vertoon en ten alle tye vertoon gehou word.

(2) Versuim om aan die bepalings van hierdie artikel te voldoen maak 'n misdryf uit.

Besigtiging.

**81.** (1) Die Minister kan skriftelik 'n staatsamptenaar of 'n geneesheer magtig om enige saak binne die bevoegdheid van die kommissaris te ondersoek en aan die kommissaris oor enige sodanige saak verslag te doen en elke aldus gemagtigde persoon het die reg om beëdigde of ander verklarings te eis en af te neem oor enige saak in verband met die ondersoek of verslag of om enige ander verklaring kragtens hierdie Wet benodig af te neem en om in alle gevalle die eed op te lê en verklarings te attesteer.

(2) Op vertoning van die skriftelike magtiging vermeld in sub-artikel (1), kan sodanige persoon, sonder voorafgaande kennisgewing, op alle redelike tye enige gronde, werke, perseel of ander plek betree en enige werkgewer of ander persoon ondervra en enige deel van daardie gronde, werke, perseel of ander plek of enige boeke of stukke besigtig en afskrifte of uittreksels van sodanige boeke of stukke neem.

(3) Enigeen wat so 'n persoon by die wettige verrigting van sy werksaamhede ingevolge hierdie artikel hinder, of wat 'n valse verklaring maak of onderteken, met wete dat dit vals is, of wat weier om vrae te beantwoord of stukke te vertoon is aan 'n misdryf skuldig.

(4) Die kommissaris kan self die magte uitoefen wat kragtens sub-artikel (1) opgelê word op die persoon daarin deur die Minister aangewys, en al die bepalings van hierdie artikel is van toepassing wanneer die kommissaris sodanige magte uitoefen.

Regulasies.

**82.** (1) Die Minister kan in verband met al, of sommige van, die onderstaande sake regulasies uitvaardig, mits hulle nie met hierdie Wet onbestaanbaar is nie—

(*a*) die prosedure wat gevolg moet word in verband met eise om skadeloosstelling of aansoeke ingevolge hierdie Wet ;

(*b*) die vorms wat in verband met sodanige prosedure gebruik kan word of wat gebruik kan word vir enige ander sake deur hierdie Wet behandel ;

(*c*) die fooie wat deur geneeshere, geneeskundige en tegniese assessore, en geneeskundige skeidsregters geëis kan word ten opsigte van verrigtings kragtens of vir die doeleindes van hierdie Wet ;

(*d*) die fooie en onkoste betaalbaar aan geregsbodes van magistraatshowe vir die diening en uitvoering van prosesstukke ;

(*e*) die koste-tariewe wat toegelaat kan word in aansoeke ingevolge hierdie Wet ;

(*f*) die fooi- en onkoste-tariewe wat aan getuies toegelaat kan word in aansoeke ingevolge hierdie Wet ;

(*g*) die prosedure gevolg te word wanneer enige saak na die kommissaris verwys word kragtens sub-artikel (4) van artikel *twintig* en sub-artikel (1) van artikel *vier-en-twintig* ;

(*h*) matters which are specifically mentioned in this Act as being matters which may be prescribed;

and generally for the better carrying out of the objects and purposes of this Act.

(2) Different regulations may be made for different provinces, districts, or other areas in the Union.

Penalties.

83. Every person guilty of an offence under this Act shall, where no penalty is specially provided for such offence, be liable on conviction to a fine not exceeding fifty pounds or in default of payment to imprisonment for a period not exceeding three months.

Interpretation of terms.

84. In this Act, unless inconsistent with the context—

"accident" means an accidental injury and "injury" means a personal injury.

"agriculture" means horticulture, forestry and any employment upon a farm or connected with farming;

"child" means a son or daughter under the age of sixteen years and includes an illegitimate child, a posthumous child, and a step child, and a child adopted under the provisions of the Adoption of Children Act, 1923 (Act No. 25 of 1923), or adopted prior to the commencement of that Act or outside the Union if the child was in fact adopted prior to the accident;

"compensation" means compensation under this Act, and includes any benefit of whatever nature, except medical aid or any allowance referred to in section *fifty-two* to which a workman or his dependants may be entitled under this Act;

"disablement" means disablement for employment.

"district", in relation to a claim for compensation, means the magisterial district or division in the Union in which the accident happened in respect of which the claim is made;

"earnings" means the average remuneration of a workman at the time of the accident, calculated in the manner provided in section *fifty* not exceeding four hundred pounds per annum;

"employment" means work of any kind whatsoever in the Union, but does not include domestic service unless in connection with hotels or boarding houses in respect of which a licence referred to in item 5 of Part I of the Second Schedule to the Licences Consolidation Act, 1925 (Act No. 32 of 1925), is required nor employment in agriculture unless such employment be in connection with any engine driven or machine worked by mechanical power; and "employer" means any person who gives, or has given employment to any person;

"magistrate" includes a civil magistrate and an advocate appointed under the provisions of sub-section (3) of section *twenty* but does not include an assistant magistrate, unless he has been assigned under sub-section (2) of that section to hear and determine claims for compensation in particular districts;

"Master" means the Master of the provincial division of the Supreme Court appointed in respect of the province in which compensation is paid or payable and as regards the area of jurisdiction of the Griqualand West local division, includes the Assistant Master at Kimberley;

"medical aid" means medical, surgical, or hospital treatment, skilled nursing services and the supply and repair of any artificial part of the body or any device necessitated by an accident resulting in disablement;

"medical practitioner" means a person duly registered as such under any law in force in any part of the Union relating to the registration of medical practitioners;

"Minister" means the Minister of Labour or any other Minister to whom the Governor-General may from time to time assign the administration of this Act;

"native" means any person belonging to one or other of the following classes—

(*a*) aboriginal tribes or races of Africa, including Bushmen, Hottentots and Korannas;

(*h*) sake wat uitdruklik in hierdie Wet aangedui word as sake wat voorgeskryf mag word,

en in die algemeen vir die beter uitvoering van die doeleindes en strekkings van hierdie Wet.

(2) Verskillende regulasies kan vir verskillende provinsies, distrikte of ander gebiede binne die Unie gemaak word.

Strafbepalings.

**83.** Elke persoon wat aan 'n misdryf volgens hierdie Wet skuldig is, is as daar geen besondere straf vir sodanige misdryf bepaal is nie, by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig pond of by wanbetaling met gevangenisstraf van hoogstens drie maande.

Woordomskrywing.

**84.** Tensy uit die samehang anders blyk, het onderstaande woorde in hierdie Wet die volgende betekenis—

„ongeval" beteken 'n toevallige besering en „besering" beteken 'n persoonlike besering.

„landbou" beteken tuinbou, bosbou of enige ander diens op 'n plaas of in verband met boerdery;

„kind" beteken 'n seun of dogter onder sestienjarige leeftyd en sluit in 'n onegte kind, 'n nagebore kind en 'n stiefkind en 'n kind wat ingevolge die bepalings van die „Aanneming van Kinderen Wet, 1923" (Wet No. 25 van 1923), of wat voordat daardie wet van krag geword het of buite die Unie, aangeneem is, as die kind werklik aangeneem was voor die ongeval;

„skadeloosstelling" beteken skadeloosstelling ingevolge hierdie Wet, en dit sluit in enige voordele van watter aard ookal behalwe geneeskundige behandeling of 'n toelae waarna in artikel *twee-en-vyftig* verwys word, waarop 'n werksman of sy nabestaandes kragtens hierdie Wet geregtig mag wees;

„arbeidsongeskiktheid" beteken arbeidsongeskiktheid vir diens;

„distrik" beteken in verband met 'n eis om skadeloosstelling, die magistraatsdistrik of afdeling in die Unie waarin die ongeval, ten opsigte waarvan die eis ingestel is, plaasgevind het;

„verdienste" beteken die gemiddelde besoldiging van die werksman ten tyde van die ongeval, volgens voorskrif van artikel *vyftig* bereken, maar nie meer as vierhonderd pond per jaar nie;

„diens" beteken enige werk hoegenaamd in die Unie; dit sluit egter nie huishoudelike werk in nie tensy dit in verband staan met hotelle of losieshuise ten opsigte waarvan 'n lisensie, waarna in item 5 van Deel I van die Tweede Bylae tot die „Licencies Konsolidatie Wet, 1925" (Wet No. 32 van 1925) verwys word, vereis word, nog landboudiens tensy sodanige diens in verband staan met enige werktuie wat met meganiese krag gedryf word; en „werkgewer" beteken 'n persoon vir wie 'n werksman diens verrig of verrig het.

„magistraat" sluit 'n siviele magistraat en 'n advokaat benoem kragtens die bepalings van sub-artikel (3) van artikel *twintig* in maar dit sluit nie 'n assistent-magistraat in nie tensy hy ingevolge sub-artikel (2) van daardie artikel aangewys is om eise om skadeloosstelling in bepaalde distrikte te verhoor en te beslis;

„Meester" beteken die Meester van die Hooggeregshof van die provinsiale afdeling van die Hooggeregshof wat aangestel is ten opsigte van die provinsie waarin skadeloosstelling betaal of betaalbaar is, en dit sluit in, wat die Grikwaland-Wes plaaslike afdeling betref, die Assistent-Meester te Kimberley;

„geneeskundige behandeling" beteken genees- of heelkundige of hospitaalbehandeling, deskundige verplegingsdienste en die verskaffing en herstelling van 'n kunsmatige liggaamsdeel of 'n toestel nodig gemaak deur 'n ongeval wat arbeidsongeskiktheid tot gevolg het;

„geneesheer" beteken 'n persoon wat behoorlik geregistreer is kragtens enige wetsbepalings ten opsigte van die registrasie van geneeshere wat in enige deel van die Unie van krag is;

„Minister" beteken die Minister van Arbeid of 'n ander Minister aan wie die Goewerneur-generaal van tyd tot tyd die uitvoering van hierdie Wet mag opdra;

„naturel" beteken iemand wat tot een van die volgende klasse behoort—

(*a*) inboorlingstamme of -rasse van Afrika, met inbegrip van Boesmans, Hottentotte en Korannas;

(*b*) persons upon whom are levied general or local tax in terms of section *two* of the Natives Taxation and Development Act, 1925 (Act No. 41 of 1925), or any tax substituted for any such tax,

and does not include American negroes, Eurafricans, Eurasians, or a member of the races or classes commonly known as Cape Malays, Griquas, Mauritians or St. Helenians;

"pension" means the monthly payments of compensation referred to in section *forty-eight* in respect of permanent disablement and the monthly payments of compensation to a dependant who is a child, or a person referred to in the second proviso to paragraph (*c*) of sub-section (1) of section *forty-nine*.

"periodical payment" means a periodical payment of compensation in respect of temporary disablement;

"person under disability" means a minor, a lunatic or any person who by law is subject to curatorship or tutorship;

"prescribed" means prescribed by or under the authority of this Act or the regulations;

"representative" means the executor or other person lawfully appointed to take charge of the estate of a deceased workman and if there be no such person so appointed, means any person specially appointed by the Master under this Act, to make an application on behalf of the deceased workman's dependants for compensation, and in other respects to act as his representative for the purposes of this Act;

"regulation" means a regulation made and in force under this Act;

"scheduled disease" means any disease specified in the Second Schedule to this Act;

"serious and wilful misconduct" means—

(*a*) drunkenness; or

(*b*) a contravention of any law or statutory regulation made for the purpose of ensuring the safety or health of workmen or of preventing accidents to workmen, if the contravention was committed deliberately or with a reckless disregard of the terms of such law or regulation; or

(*c*) any other act or omission which the magistrate or a court of law may, having regard to all the circumstances of an accident, declare to be serious and wilful misconduct;

"temporary partial disablement", in relation to a workman, means the temporary inability of such workman, as the result of an accident in respect of which compensation is payable, to perform the whole of the work at which he was employed at the time of such accident or to resume such work at the same rate of earnings as he was receiving at the time of such accident;

"temporary total disablement", in relation to a workman, means the temporary inability of such workman, as the result of an accident in respect of which compensation is payable, to perform the work at which he was employed at the time of such accident or work similar thereto;

"this Act" includes the Schedules thereto and any regulation made thereunder.

Repeal of laws.

85. (1) The laws specified in the Third Schedule to this Act shall be and are hereby repealed to the extent set out in the third column of that Schedule.

(2) A claim for compensation in respect of—

(*a*) an accident which happened; or

(*b*) a scheduled disease, in respect of which a death occured or a certificate was granted in terms of the Workmen's Compensation (Industrial Diseases) Act, 1917 (Act No. 13 of 1917;

before the commencement of this Act shall be dealt with and adjudged of under the laws referred to in sub-section (1) as if this Act had not been passed.

Short title and commencement.

86. This Act shall be known as the Workmen's Compensation Act, 1934, and shall come into operation on a date to be fixed by the Governor-General by proclamation in the *Gazette*.

(*b*) persone op wie 'n algemene of plaaslike belasting gehef word, kragtens artikel *twee* van die „Naturelle Belasting en Ontwikkeling Wet, 1925" (Wet No. 41 van 1925), of 'n belasting wat daardie belasting vervang,

en daaronder word nie Amerikaanse negers, Eurafrikane, Eurasiate of lede van die rasse of klasse gewoonlik Kaapse Slamaaiers, Griekwas, Maurisiane of Sint Helenas genoem inbegrepe nie;

„pensioen" beteken die in artikel *agt-en-veertig* bedoelde maandelikse betalings van skadeloosstelling weens blywende arbeidsongeskiktheid en die maandelikse betalings van skadeloosstelling aan 'n nabestaande wat 'n kind is of aan iemand vermeld in die tweede voorbehoudsbepaling tot paragraaf (*c*) van sub-artikel (1) van artikel *negen-en-veertig*;

„periodieke uitkering" beteken 'n periodieke uitkering van skadeloosstelling vir tydelike arbeidsongeskiktheid;

„onbevoegde persoon" beteken 'n minderjarige, 'n sielsieke of 'n persoon wat regtens onder kuratele of voogdyskap staan;

„voorgeskryf" of „voorgeskrewe" beteken ingevolge hierdie Wet of 'n uit kragte daarvan uitgevaardigde regulasie voorgeskryf;

„verteenwoordiger" beteken die eksekuteur of ander persoon wat wettig benoem is om die beheer van die boedel van 'n oorlede werksman te aanvaar of ingeval só 'n persoon nie benoem is nie, dan 'n persoon wat vir daardie doel deur die Meester kragtens hierdie Wet aangestel is om ten behoewe van die oorlede werksman se nabestaandes aansoek te doen vir skadeloosstelling en om andersins vir die toepassing van hierdie Wet as sy verteenwoordiger op te tree;

„regulasie" beteken 'n regulasie ingevolge hierdie Wet uitgevaardig en van krag;

„vergoedingspligtige siekte" beteken 'n bedryfsiekte wat in die Tweede Bylae tot hierdie Wet genoem word;

„ernstige en opsetlike wangedrag" beteken—

(*a*) dronkenskap; of

(*b*) 'n oortreding van 'n wet of wetlike regulasie, wat uitgevaardig is tot beveiling of vir die gesondheid van werksmense of ter voorkoming van ongevalle, as die oortreding opsetlik of met roekelose verontagsaming van die bepalings van daardie wet of regulasie begaan word; of

(*c*) elke ander handeling of versuim wat die magistraat of 'n geregshof met inagneming van al die omstandighede van 'n ongeval, as ernstige en opsetlike wangedrag beskou;

„tydelike gedeeltelike arbeidsongeskiktheid", met betrekking tot 'n werksman, beteken die tydelike onbekwaamheid van daardie werksman as gevolg van 'n ongeval waarvoor skadeloosstelling betaalbaar is om al die werk te doen waaraan hy werksaam was ten tyde van daardie ongeval, of om sodanige werk te hervat teen dieselfde skaal van verdienste as wat hy ten tyde van daardie ongeval ontvang het;

„tydelike algehele arbeidsongeskiktheid", met betrekking tot 'n werksman, beteken die tydelike onbekwaamheid van daardie werksman as gevolg van 'n ongeval waarvoor skadeloosstelling betaalbaar is, om dieselfde of dergelike werk te doen as dié waaraan hy werksaam was tydens daardie ongeval;

„hierdie Wet" omvat die Bylaes daartoe asook elke regulasie daaronder;

Herroeping van Wette.

85. (1) Die wette in die Derde Bylae tot hierdie Wet aangewys word en is hiermee herroep vir soverre dit in die derde kolom van daardie Bylae uiteengesit is

(2) 'n Eis vir skadeloosstelling ten opsigte van—

(*a*) 'n ongeval wat plaasgevind het; of

(*b*) 'n vergoedingspligtige siekte ten opsigte waarvan die dood gevolg het of 'n sertifikaat uitgereik is kragtens die „Werklieden Schadeloosstelling (Bedrijfsziekten) Wet, 1917" (Wet No. 13 van 1917);

voor die inwerkingtreding van hierdie Wet moet behandel en beslis word ingevolge die wette waarna in sub-artikel (1) verwys is asof hierdie Wet nie ingevoer was nie.

Kort titel. en inwerkingtreding.

86. Hierdie Wet heet die Werksmense Skadeloosstelling Wet, 1934, en tree in werking op 'n datum deur die Goewerneur-generaal by proklamasie in die *Staatskoerant* te bepaal.

## First Schedule.

| Injury. | Percentage of Disablement. |
|---|---|
| Loss of two limbs .. .. .. .. .. | 100 |
| Loss of both hands or of all fingers, and thumbs .. | |
| Total loss of sight .. .. .. .. .. | |
| Total paralysis .. .. .. .. .. | |
| Injuries resulting in being permanently bedridden .. | |
| Any other injury causing permanent total disablement | |
| Loss of *arm* at shoulder .. .. .. .. .. | 60 |
| Loss of *arm* between elbow and shoulder .. .. .. | 50 |
| Loss of *arm* at elbow .. .. .. .. .. .. | 47½ |
| Loss of *arm* between wrist and elbow .. .. .. | 45 |
| Loss of *hand* at wrist .. .. .. .. .. .. | 42½ |
| Loss of *four fingers* .. .. .. .. .. .. | 35 |
| Loss of *thumb*—both phalanges .. .. .. .. | 17½ |
| one phalanx .. .. .. .. .. | 7 |
| Loss of *index finger*—three phalanges .. .. .. .. | 8 |
| two phalanges .. .. .. .. | 6 |
| one phalanx .. .. .. .. | 2 |
| Loss of *middle finger*—three phalanges .. .. .. | 5 |
| two phalanges .. .. .. .. | 3 |
| one phalanx .. .. .. .. | 1½ |
| Loss of *ring finger*—three phalanges .. .. .. .. | 4 |
| two phalanges .. .. .. .. | 2 |
| one phalanx .. .. .. .. | 1 |
| Loss of *little finger*—three phalanges .. .. .. .. | 4 |
| two phalanges .. .. .. .. | 2 |
| one phalanx .. .. .. .. | 1 |
| Loss of *metacarpals*—first or second (additional) .. .. | 3 |
| third, fourth or fifth (additional) .. | 2 |
| Loss of *leg*—at hip .. .. .. .. .. .. | 70 |
| between knee and hip .. .. .. | 40 to 70 |
| below knee .. .. .. .. | 30 to 42½ |
| Loss of *toes*—all .. .. .. .. .. .. .. | 15 |
| great, both phalanges .. .. .. .. | 5 |
| one phalanx .. .. .. .. | 2 |
| other than great, if more than one toe lost each | 1 |
| Loss of *eye*—eye out .. .. .. .. .. .. | 30 |
| sight of .. .. .. .. .. | 25 |
| lens of .. .. .. .. .. | 20 |
| sight of, except perception of light .. .. | 22½ |
| Loss of *hearing*—both ears .. .. .. .. .. | 50 |
| one ear .. .. .. .. .. | 7 |

Total permanent loss of use of member shall be treated as loss of member.

In the case of a right-handed workman, an injury to the left arm or hand and in the case of a left-handed workman, to the right arm or hand shall be rated at ninety per cent. of the above percentages.

Where there are two or more injuries, the sum of the percentages for such injuries may be increased.

## Second Schedule.

| Description of Disease. | Description of Work. |
|---|---|
| Cyanide rash .. .. | The handling of cyanide or any work involving the use of cyanide. |
| Lead poisoning or its sequelae. | The handling of lead or its preparations or compounds or any work involving the use of lead or its preparations or compounds. |
| Mercury poisoning or its sequelae. | Any work involving the use of mercury or its preparations or compounds. |
| Ankylostomiasis (hookworm) (in workmen other than Asiatics or Natives). | In mining carried on underground. |

## Third Schedule.

LAWS REPEALED.

| No. and Year of Law. | Short Title or Subject of Law. | Extent of Repeal. |
|---|---|---|
| Act No. 15 of 1911 of the Union. | Native Labour Regulation Act, 1911. | Section *twenty-two*. |
| Act No. 25 of 1914 of the Union. | The Workmen's Compensation Act, 1914. | The whole. |
| Act No. 13 of 1917 of the Union. | The Workmen's Compensation (Industrial Diseases) Act, 1917. | The whole. |
| Act No. 29 of 1931 of the Union. | The Workmen's Compensation (Amendment) Act, 1931. | The whole. |

## Eerste Bylae.

| *Besering.* | *Persentasie van Arbeidsongeskiktheid.* |
|---|---|
| Verlies van twee ledemate .. .. .. .. | 100 |
| Verlies van albei hande of alle vingers en beide duime | |
| Algehele blindheid .. .. .. .. .. | |
| Algehele verlamming .. .. .. .. .. | |
| Besering as gevolg waarvan die werksman blywend bedlêend word .. .. .. .. .. | |
| Enige ander besering wat blywende algehele arbeidsongeskiktheid veroorsaak .. .. .. .. | |
| Verlies van *arm* by die skouer .. .. .. .. | 60 |
| Verlies van *arm* tussen elmboog en skouer .. .. .. | 50 |
| Verlies van *arm* by die elmboog .. .. .. .. | 47½ |
| Verlies van *arm* tussen pols en elmboog .. .. .. | 45 |
| Verlies van *hand* by die pols .. .. .. .. .. | 42½ |
| Verlies van vier *vingers* .. .. .. .. .. | 35 |
| Verlies van *duim*—albei litte .. .. .. .. .. | 17½ |
| een lit .. .. .. .. .. | 7 |
| Verlies van *voorvinger*—drie litte .. .. .. .. | 8 |
| twee litte .. .. .. .. | 6 |
| een lit.. .. .. .. .. | 2 |
| Verlies van *middelvinger*—drie litte .. .. .. .. | 5 |
| twee litte .. .. .. .. | 3 |
| een lit .. .. .. .. | 1½ |
| Verlies van *ringvinger*—drie litte .. .. .. .. | 4 |
| twee litte .. .. .. .. | 2 |
| een lit.. .. .. .. .. | 1 |
| Verlies van *pinkie*—drie litte .. .. .. .. .. | 4 |
| twee litte .. .. .. .. .. | 2 |
| een lit .. .. .. .. .. | 1 |
| Verlies van *handwortelbeen*—eerste of tweede (verdere) .. | 3 |
| derde, vierde of vyfde (verdere) | 2 |
| Verlies van *been*—by die heup.. .. .. .. .. | 70 |
| tussen knie en heup .. .. | 40 tot 70 |
| onder knie .. .. .. .. | 30 tot 42½ |
| Verlies van *tone*—almal .. .. .. .. .. .. | 15 |
| groottoon, albei litte .. .. .. | 5 |
| een lit .. .. .. .. | 2 |
| ander tone, as meer as een toon verloor is, elkeen .. .. .. .. .. | 1 |
| Verlies van *oog*—oog verwyder .. .. .. .. | 30 |
| verblinding van oog .. .. .. | 25 |
| lens van oog.. .. .. .. .. | 20 |
| siensvermoë, behalwe onderskeiding van lig | 22½ |
| Verlies van *gehoor*—albei ore .. .. .. .. .. | 50 |
| een oor .. .. .. .. .. | 7 |

Algehele blywende verlies van die gebruik van 'n ledemaat moet beskou word as verlies van die ledemaat.

Besering aan die linkerarm of hand en, in die geval van 'n werksman wat links is, aan die regterarm of hand moet bereken word op negentig persent van bostaande persentasie.

Wanneer daar twee of meer besering is, kan die totaalbedrag van die persentasies vir daardie beserings verhoog word.

## Tweede Bylae.

| Naam van Siekte. | Beskrywing van Bedryf. |
|---|---|
| Sianieduitslag .. .. | Die hantering van sianied of elke werksaamheid waarby sianied gebruik word. |
| Loodvergiftiging of die gevolge daarvan. | Die hantering van lood of sy preparate of samestellings of elke werksaamheid waarby lood of sy preparate of samestellings gebruik word. |
| Kwikvergiftiging of die gevolge daarvan. | Elke werksaamheid waarby kwiksilwer of sy preparate of samestellings gebruik word. |
| Ankylostomiasis (haakwurm) (in werksmense uitgesonderd Asiate en Naturelle). | Mynwerk wat ondergronds verrig word. |

## Derde Bylae.

WETTE HERROEP.

| No. en Jaar van Wet. | Kort Titel of Onderwerp van Wet. | In hoeverre herroep. |
|---|---|---|
| Wet No. 15 van 1911 van die Unie. | „Naturellearbeid Regelingswet, 1911" | Artikel *twee-en-twintig* |
| Wet No. 25 van 1914 van die Unie | „Werklieden Schadeloosstelling Wet, 1914" | Die geheel |
| Wet No. 13 van 1917 van die Unie | „Werklieden Schadeloosstelling (Bedrijfsziekten) Wet, 1917" | Die geheel |
| Wet No. 29 van 1931 van die Unie | Werkliede Skadeloosstelling Wysigingswet, 1931 | Die geheel |

No. 60, 1934.]

# ACT

**To amend the law relating to miners' phthisis.**

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Definitions.

1. In this Act the expression "Consolidation Act" means the Miners' Phthisis Consolidation Act, 1925 (Act No. 35 of 1925), as amended by the Miners' Phthisis Acts Further Amendment Act, 1930 (Act No. 38 of 1930).

Amendment of section 8 of Act 35 of 1925.

2. Sub-section (2) of section *eight* of the Consolidation Act is hereby amended by the insertion after the words "Rand Water Board Stock" of the words "or in any loan raised by the Electricity Supply Commission under the Electricity Act, 1922 (Act No. 42 of 1922)."

Amendment of section 10 of Act 35 of 1925.

3. Section *ten* of the Consolidation Act is hereby amended by the addition thereto of the following new sub-section:—

"(7) The provisions of section *six* of this Act shall *mutatis mutandis* apply in relation to the Bureau."

Amendment of section 11 of Act 35 of 1925.

4. Section *eleven* of the Consolidation Act is hereby amended—

(*a*) by the insertion in sub-section (1) after the word "practitioners" of the words "(in the appointment of whom the Minister shall take into consideration a list of medical practitioners submitted to him by the Unions representing the underground workers)";

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

"(3) Whenever any dependent of a miner is dissatisfied with the decision of the Bureau as to the cause of such miner's death or as to whether such miner did or did not have silicosis or tuberculosis or both these diseases at the time of his death, he may appeal from that decision to the Medical Board of Appeal, whose decision shall be final: Provided that, if the Board paid to or on behalf of the appellant a greater amount by way of a benefit under this Act than it could lawfully have paid if the facts established by the lastmentioned decision had been established at the time of the said payment, that payment shall nevertheless be deemed to have been lawfully made";

(*c*) by the substitution for the word "Bureau" in sub-section (4) of the words "Medical Board of Appeal";

(*d*) by the substitution for sub-section (7) of the following sub-section:

"(7) The Medical Board of Appeal shall meet as often as is necessary, but not less frequently than once a month. Every such meeting shall be held in the office of the Medical Board of Appeal and shall be convened by its secretary on the instructions of its chairman or acting chairman";

(*e*) by the substitution for sub-section (8) of the following sub-sections:—

"(8) The members of the Medical Board of Appeal shall be entitled to such remuneration as the Minister may have determined, and that remuneration and the remuneration of the members of the staff of the Medical Board of Appeal and all the expenses incurred in the performance of its functions shall be paid out of the Consolidated Revenue Fund";

"(9) The provisions of section *six* and of sub-sections (3), (4) and (6) of section *ten* of this Act shall *mutatis mutandis* apply in relation to the Medical Board of Appeal."

No. 60. 1934

# WET

## Tot wysiging van die wette op mynteringe.

DIT WORD BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg :—

Woordomskrywing.

**1.** In hierdie Wet beteken die uitdrukking „Konsolidasiewet" die „Mijnteringwetten-Konsolidatiewet, 1925" (Wet No. 35 van 1925) soos gewysig deur die Mynteringwette Verdere Wysigingswet, 1930 (Wet No. 38 van 1930).

Wysiging van artikel 8 van Wet 35 van 1925.

**2.** Sub-artikel (2) van artikel *agt* van die Konsolidasiewet word hiermee gewysig deur die woorde " of in een lening door de Elektrisiteit-Voorzienings Kommissie gesloten ingevolge de Elektrisiteit-Wet, 1922 (Wet No. 42 van 1922)" na die woorde „Rand Waterraad Stock" in te voeg.

Wysiging van artikel 10 van Wet 35 van 1925.

**3.** Artikel *tien* van die Konsolidasiewet word hiermee gewysig deur die volgende nuwe sub-artikel daaraan toe te voeg :—

„(7) De bepalingen van artikel *zes* van deze Wet zijn *mutatis mutandis* van toepassing met betrekking tot het bureau."

Wysiging van artikel 11 van Wet 35 van 1925.

**4.** Artikel *elf* van die Konsolidasiewet word hiermee gewysig—

(*a*) deur invoeging in sub-artikel (1) na die woord „praktizijns" van die woorde „(by wier aanstelling de Minister in overweging neemt een lijst van mediese praktizijns aan hem voorgelegd door de Unies vertegenwoordigende de ondergrondse mijnwerkers)" ;

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

„(3) Wanneer een afhankelike van een mijnwerker ontevreden is met de beslissing van het bureau aangaande de oorzaak van het overlijden van die mijnwerker of aangaande de vraag of die mijnwerker ten tijde van zijn overlijden al dan niet silikosis of tuberkulosis of beide die ziekten had, dan kan hij van die beslissing appelleren naar de Mediese Raad van Appèl, wiens beslissing afdoende is : Met dien verstande dat indien de raad aan of ten behoeve van de appellant een groter voordeel ingevolge deze Wet uitbetaald heeft, dan hij wettig had kunnen uitbetalen als de feiten die door de laatstbedoelde beslissing vastgesteld worden, reeds vastgesteld waren geweest ten tijde van bedoelde uitbetaling, die uitbetaling desniettemin geacht wordt wettig te zijn geschied" ;

(*c*) deur die woorde „het bureau" in sub-artikel (4) te vervang deur die woorde „de Mediese Raad van Appèl" ;

(*d*) deur sub-artikel (7) te vervang deur die volgende sub-artikel :

„(7) De Mediese Raad van Appèl vergadert zo dikwels als nodig is, doch niet minder vaak dan eens in de maand. Iedere zodanige vergadering wordt gehouden in het kantoor van de Mediese Raad van Appèl en wordt belegd door diens sekretaris op last van diens voorzitter of waarnemende voorzitter" ;

(*e*) deur sub-artikel (8) te vervang deur die volgende sub-artikels :

„(8) De leden van de Mediese Raad van Appèl zijn gerechtigd tot de door de Minister vastgestelde bezoldiging, en die bezoldiging alsmede de bezoldiging van het personeel van de Mediese Raad van Appèl en alle bij de verrichting van diens werkzaamheden gedane uitgaven worden uit het Gekonsolideerde Inkomstefonds betaald" ;

„(9) De bepalingen van artikel *zes* en van sub-artikels (3), (4) en (6) van artikel *tien* van deze Wet zijn *mutatis mutandis* van toepassing met betrekking tot de Mediese Raad van Appèl".

Substitution of section 17 of Act 35 of 1925.

5. Section *seventeen* of the Consolidation Act is hereby repealed and the following section substituted therefor:

"Conditions precedent to grant of benefits to miners.

**17.** (1) A miner shall be entitled to benefits under this Act, as hereinafter provided, if he submits the prescribed claim therefor and satisfies the Board in the prescribed manner that he has silicosis or tuberculosis or both these diseases.

(2) Subject to the provisions of section *twenty-three* of this Act any miner who is not a beneficiary and who is certified under this Act to have tuberculosis without silicosis shall be entitled to the benefits prescribed for such a miner if he satisfies the Board that he has during a period or periods amounting in the aggregate to at least twelve months been employed underground at any mine scheduled at any time for the purposes of this Act or the previous Act or the principal Act or the prior law.

(3) Subject to the provisions of this Act any miner who is not a beneficiary and who is certified under this Act to have silicosis with or without tuberculosis shall be entitled to the benefits prescribed for such a miner if he—

(*a*) submits the prescribed claim for benefits within five years from the date on which he last worked underground at any mine scheduled at any time for the purposes of this Act or the previous Act or the principal Act or the prior law;

(*b*) satisfies the Board that he has after the first day of August, 1908, worked underground at any such mine; and

(*c*) satisfies the board that he has worked underground at any such mine or mines for a period or periods amounting in the aggregate to at least five years;

Provided that paragraphs (*a*), (*b*) and (*c*) shall have no application to any miner who has from the date on which he last worked underground on such a mine to the date of the first certificate of the Bureau that he has silicosis, been resident in the Union, Bechuanaland, Basutoland, Swaziland or the Mandated Territory of South West Africa and in regard to whom the Board is satisfied that he contracted such silicosis during or in consequence of underground work at any such mine: Provided further, that, paragraphs (*a*) and (*c*) of this sub-section shall have no application to any miner who was not so resident if the Board is satisfied that he contracted such silicosis during or in consequence of underground work at any such mine and that he has not worked in any occupation (other than on a scheduled mine) which in its opinion is likely to have caused silicosis or aggravated existing silicosis".

Amendment of section 22 of Act 35 of 1925.

6. (1) Section *twenty-two* of the Consolidation Act is hereby amended—

(*a*) by the insertion of the words "or under section *twenty-three* of this Act" after the words "section *twenty-six* of the principal Act" wherever they occur in sub-section (1);

(*b*) by the insertion of the words "(or in such instalments as the Board may in its discretion determine)" after the words "one sum" wherever they occur in paragraphs (*a*) and (*b*) of sub-section (1);

(*c*) by the substitution for the proviso to sub-section (1) of the following proviso:

"Provided that if any such miner is entitled to a monthly allowance and was at any time certified to have silicosis in the primary stage he shall not be entitled to any benefit under paragraph (*b*) but shall in lieu thereof be entitled to a benefit under paragraph (*a*) (whether he has or has not been certified to have silicosis in the ante-primary stage) unless he has already been granted a benefit under

Vervanging van artikel 17 van Wet 35 van 1925.

**5.** Artikel *sewentien* van die Konsolidasiewet word hiermee herroep en deur die volgende artikel vervang :

„Voorwaarden van toekenning van voordelen aan mijnwerkers.

**17.** (1) Een mijnwerker is gerechtigd tot voordelen ingevolge deze Wet, zoals hieronder bepaald, indien hij de voorgeschreven aanspraak erop indient en de raad op de voorgeschreven wijze overtuigt dat hij silikosis of tuberkulosis of beide deze ziekten heeft.

(2) Behoudens de bepalingen van artikel *drie en twintig* van deze Wet, is een mijnwerker, die geen bevoordeelde is en die luidens een ingevolge deze Wet uitgevaardigd certifikaat tuberkulosis zonder silikosis heeft, gerechtigd tot de voor hem voorgeschreven voordelen indien hij de raad overtuigt dat hij gedurende een of meer tijdperken van gezamenlik ten minste twaalf maanden ondergronds werkzaam was in een mijn die te eniger tijd voor de toepassing van deze Wet of de vorige wet of de Hoofdwet of de vroegere wetten ingelijst werd.

(3) Behoudens de bepalingen van deze Wet, is een mijnwerker die niet een bevoordeelde is en die luidens een ingevolge deze Wet uitgevaardigd certifikaat silikosis met of zonder tuberkulosis heeft, gerechtigd tot de voor hem voorgeschreven voordelen indien hij—

(*a*) de voorgeschreven aanspraak op voordelen indient binnen vijf jaar vanaf de dag waarop hij voor de laatste keer werkte in een mijn die te eniger tijd voor de toepassing van deze Wet, of de vorige wet of de Hoofdwet of de vroegere wetten ingelijst werd ;

(*b*) de raad overtuigt dat hij na de eerste dag van Augustus 1908 in zulk een mijn ondergronds gewerkt heeft ; en

(*c*) de raad overtuigt dat hij in zulk een mijn of zulke mijnen ondergronds gewerkt heeft gedurende een of meer tijdperken van gezamenlik ten minste vijf jaar :

Met dien verstande dat paragrafen (*a*), (*b*) en (*c*) niet toepasselik zijn op een mijnwerker die vanaf de dag waarop hij voor de laatste keer op zulk een mijn ondergronds werkte, tot de dag van het eerste certificaat van het bureau dat hij silikosis heeft, woonachtig was in de Unie, Betsjoeanaland, Basoetoland, Swasieland of het mandaatgebied Zuidwest-Afrika, en van wie de raad overtuigd is dat hij bedoelde silikosis opgelopen heeft gedurende of als gevolg van werk ondergronds in zulk een mijn : Met dien verstande voorts, dat paragrafen (*a*) en (*c*) van dit sub-artikel niet toepasselik zijn op een mijnwerker die niet als voormeld woonachtig was, indien de raad overtuigd is dat hij bedoelde silikosis gedurende of ten gevolge van werk ondergronds in zulk een mijn opgelopen heeft en dat hij niet elders dan in een ingelijste mijn werkzaam was in een beroep die naar het oordeel van de raad silikosis had kunnen veroorzaken of bestaande silikosis had kunnen erger maken".

Wysiging van artikel 22 van Wet 35 van 1925

**6.** (1) Artikel *twee-en-twintig* van die Konsolidasiewet word hiermee gewysig—

(*a*) deur die woorde „of ingevolge artikel *drie en twintig* van deze Wet" in te voeg na die woorde „artikel *zes en twintig* van de Hoofdwet", orals waar hulle in sub-artikel (1) voorkom ;

(*b*) deur die woorde „(of in zulke paaiementen als de raad volgens zijn diskretie mocht bepalen)" in te voeg na die woorde „één som", orals waar hulle in paragrawe (*a*) en (*b*) van sub-artikel (1) voorkom ;

(*c*) deur die vervanging van die voorbehoudsbepaling op sub-artikel (1) deur die volgende voorbehoudsbepaling :

„Met dien verstande dat indien een zodanige mijnwerker gerechtigd is tot een maandelikse toelage en te eniger tijd gecertificeerd werd silikosis te hebben in het primaire stadium, hij niet gerechtigd zal zijn tot enig voordeel ingevolge paragraaf (*b*) maar in plaats daarvan gerechtigd zal zijn tot een voordeel ingevolge paragraaf (*a*) (om het even of hij al dan niet gecertificeerd is silikosis in het anteprimaire stadium te hebben), tenzij hem reeds een

the said paragraph (*a*) or under paragraph (*a*) of section *twenty-five* of the principal Act or is otherwise entitled thereto."

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

"(2) Any miner who has been granted a one-sum benefit may leave the whole or any part thereof in the hands of the Board, and the amount so left and any balance of any benefit awarded to any person in one sum but payable in instalments shall, if it stands to the credit of the beneficiary in the books of the Board for a period exceeding thirty days, bear interest calculated in the manner set out in the Second Schedule to this Act".

(2) If, before the commencement of this Act, the Miners' Phthisis Board paid to any miner from the Compensation Fund referred to in section *thirty-nine* of the Consolidation Act any sum which the said Board was not authorized by sub-section (1) of section *twenty-two* of the said Act to pay to such miner, but which it could lawfully have paid to such miner under the said sub-section if this Act had been in force at the time of the payment, then that payment shall be deemed to have been lawfully made.

Amendment of section 23 of Act 35 of 1925.

**7.** Section *twenty-three* of the Consolidation Act is hereby amended by the insertion therein after the words "previous Act" of the words "or for primary silicosis under the said paragraph (*b*)".

Amendment of section 24 of Act 35 of 1925.

**8.** Section *twenty-four* of the Consolidation Act is hereby amended by the insertion of the word "dependent" before the word "widow" wherever it occurs in sub-section (1).

Amendment of section 25 of Act 35 of 1925.

**9.** Section *twenty-five* of the Consolidation Act is hereby amended by the deletion of the words "(otherwise than under sub-section (2) of section *twenty-two* of this Act)" from paragraph (*a*).

Amendment of section 26 of Act 35 of 1925.

**10.** (1) Sub-section (1) of section *twenty-six* of the Consolidation Act is hereby deleted and the following sub-section substituted therefor:

"(1) Subject to the provisions of this Act a monthly allowance prescribed by paragraph (*c*) of sub-section (1) of section *twenty-two* of this Act shall, subject to the conditions contained in that paragraph, be granted on application therefor to a miner who has been granted benefits under the prior law but who has not been granted a monthly allowance and who has been certified by the Bureau to have silicosis in the secondary stage or tuberculosis with silicosis: Provided that he has satisfied the Board that he has been resident in South Africa from the first day of August, 1933, or from the date on which he was so certified (whichever is the earlier) to the date of the award under this sub-section."

(2) If, before the commencement of this Act, the Miners' Phthisis Board paid to any miner from the Compensation Fund referred to in section *thirty-nine* of the Consolidation Act any sum which the said Board was not authorized by sub-section (1) of section *twenty-six* of the said Act to pay to such miner, but which it could lawfully have paid to such miner under the said sub-section if this Act had been in force at the time of the payment, then that payment shall be deemed to have been lawfully made.

Amendment of section 32 of Act 35 of 1925.

**11.** Section *thirty-two* of the Consolidation Act is hereby amended by the addition at the end thereof of the following further proviso:

"Provided also that if any such miner or dependent returned to South Africa before the first day of August, 1933, payment of such monthly allowance shall be continued after the said amount of seven hundred and fifty pounds has been paid but shall cease and determine finally if any such miner or dependent after the said date left or leaves South Africa without the written permission of the Board granted for temporary purposes only, or outstays the period of such permission: Provided also that if the Board paid to or for the benefit of any such miner or dependent any sum in terms of sub-section (2) of section *thirty-three* of the principal Act or of sub-section (2) of section *sixty-two* of this Act, the Board may in its

voordeel toegekend is ingevolge bedoelde paragraaf (*a*) of ingevolge paragraaf (*a*) van artikel *vyf en twintig* van de Hoofdwet of anderszins daartoe gerechtigd is.";

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

„(2) Een mijnwerker aan wie een voordeel in één som toegekend werd, kan de hele som of een deel ervan in handen van de raad laten, zullende het aldus gelaten bedrag en het saldo van een aan iemand in één som toegekend doch in paaiementen uit te betalen voordeel, rente dragen, berekend op de wijze bepaald in de Tweede Bijlage tot deze Wet, mits het in de boeken van de raad gedurende een tijdperk van langer dan dertig dagen ten krediete van de bevoordeelde staat".

(2) As die Mynteringraad voor die inwerkingtreding van hierdie Wet uit die kompensasiefonds bedoel in artikel *negen-en-dertig* van die Konsolidasiewet aan 'n mynwerker 'n som uitbetaal het wat daardie raad nie kragtens sub-artikel (1) van artikel *twee-en-twintig* van daardie wet aan daardie mynwerker kon uitbetaal nie, maar wat hy wettig ingevolge daardie sub-artikel aan bedoelde mynwerker sou kan uitbetaal het as hierdie Wet op die tydstip van uitbetaling in werking gewees was, dan word daardie uitbetaling as wettig beskou.

Wysiging van artikel 23 van Wet 35 van 1925.

**7.** Artikel *drie-en-twintig* van die Konsolidasiewet word hiermee gewysig deur die woorde „of voor primaire silikosis ingevolge voormelde paragraaf (*b*)" na die woorde „vorige wet" in te voeg.

Wysiging van artikel 24 van Wet 35 van 1925.

**8.** Artikel *vier-en-twintig* van die Konsolidasiewet word hiermee gewysig deur die woord „afhankelike" voor die woord „weduwe" in te voeg orals waar dit in sub-artikel (1) voorkom.

Wysiging van artikel 25 van Wet 35 van 1925.

**9.** Artikel *vyf-en-twintig* van die Konsolidasiewet word hiermee gewysig deur die woorde „(anderzins dan ingevolge sub-artikel (2) van artikel *twee en twintig* van deze Wet)" uit paragraaf (*a*) te skrap.

Wysiging van artikel 26 van Wet 35 van 1925.

**10.** (1) Sub-artikel (1) van artikel *ses-en-twintig* van die Konsolidasiewet word hiermee geskrap en deur die volgende sub-artikel vervang:

„(1) Behoudens de bepalingen van deze Wet, wordt een maandelikse toelage, voorgeschreven door paragraaf (*c*) van sub-artikel (1) van artikel *twee en twintig* van deze Wet, op de voorwaarden in die paragraaf vervat, op aanzoek daarom verleend aan een mijnwerker aan wie voordelen ingevolge de vroegere wetten verleend werden doch aan wie geen maandelikse toelage verleend werd en die door het bureau gecertificeerd werd aan silikosis in het tweede stadium of aan tuberkulosis met silikosis te lijden, mits hij de raad overtuigt dat hij vanaf de eerste dag van Augustus 1933 of vanaf de dag waarop hij aldus gecertificeerd werd (naar gelang de ene of de andere dag vroeger is) tot de dag van de toekenning ingevolge dit sub-artikel in Zuid-Afrika woonachtig was."

(2) As die Mynteringraad voor die inwerkingtreding van hierdie Wet uit die kompensasiefonds bedoel in artikel *negen-en-dertig* van die Konsolidasiewet aan 'n mynwerker 'n som uitbetaal het wat daardie raad nie kragtens sub-artikel (1) van artikel *ses-en-twintig* van daardie Wet aan daardie mynwerker kon uitbetaal nie, maar wat hy wettig ingevolge daardie sub-artikel aan daardie mynwerker sou kan uitbetaal het as hierdie Wet op die tydstip van uitbetaling in werking gewees was, dan word daardie uitbetaling as wettig beskou.

Wysiging van artikel 32 van Wet 35 van 1925.

**11.** Artikel *twee-en-dertig* van die Konsolidasiewet word hiermee gewysig deur die volgende verdere voorbehoudsbepaling aan die end by te voeg:

„Met dien verstande voorts, dat indien zulk een mijnwerker of afhankelike vóór de eerste dag van Augustus 1933 teruggekeerd is naar Zuid-Afrika, uitkering van bedoelde maandelikse toelage voortgezet wordt nadat voormeld bedrag van zeven honderd en vijftig pond uitbetaald is geworden, doch finaal gestaakt wordt indien zulk een mijnwerker of afhankelike na voormelde datum Zuid-Afrika verlaat of verlaten heeft zonder schriftelik vergunning van de raad, slechts voor een tijdelik doel verleend, of langer dan het vergunde tijdperk wegblijft: Met dien verstande ook, dat indien de raad aan of ten bate van zulk een mijnwerker of afhankelike een som gelds ingevolge sub-artikel (2) van artikel *drie en dertig* van de Hoofdwet of ingevolge sub-artikel (2) van artikel *twee en zestig* van deze Wet uitbetaald heeft, de raad volgens

discretion deduct that sum or a part thereof in such instalments it thinks fit, from any monthly allowance to be paid as aforesaid to such miner or dependent in excess of the said amount of seven hundred and fifty pounds".

Amendment of section 33 of Act 35 of 1925.

12. Section *thirty-three* of the Consolidation Act is hereby amended by the addition at the end of sub-section (3) of the words " or the amount which would otherwise be payable by virtue of paragraph (*g*) of the Third Schedule to this Act ".

Insertion of new section 33*bis* in Act 35 of 1925.

13. The following new section is hereby inserted in the Consolidation Act after section *thirty-three*:

" Special grants.

33*bis*. (1) The Board may in its absolute discretion make special grants, as hereinafter provided, from the Special Fund referred to in section *thirty-nine bis* of this Act to miners and dependents of deceased miners to or in respect of whom no further benefits under the prior law or the principal Act or the previous Act or this Act are payable.

(2) Grants from the Special Fund may be paid in such monthly instalments and during such period or periods as the Board may from time to time decide and shall cease and determine immediately if the beneficiary leaves the Union, Bechuanaland, Basutoland, Swaziland and the Mandated Territory of South-West Africa for any purpose whatsoever.

(3) A grant from the Special Fund may on application be made to a beneficiary miner who—

(*a*) is in the opinion of the Board in necessitous circumstances; and

(*b*) has been from the first day of August, 1933, to the date of the grant, resident in the territories mentioned in sub-section (2); and

(*c*) is in the opinion of the Bureau or Medical Board of Appeal unfit for moderate work owing to age or disease or physical incapacity or though not so unfit is in the opinion of the Board through no fault of his own unable to obtain employment or earning insufficient for his maintenance and that of his dependents.

(4) Grants from the Special Fund may on application be made to the dependents of a deceased miner who—

(*a*) are in the opinion of the Board in necessitous circumstances;

(*b*) have been from the first day of August, 1933, or the date of death of the miner (whichever is the later) to the date of the grant resident in the territories mentioned in sub-section (2); and

(*c*) are beneficiaries or the dependents of a beneficiary miner.

(5) Any grant made by the Board to a beneficiary miner out of moneys received, prior to the coming into operation of this section, from the Consolidated Revenue Fund for the relief of distress among such miners, shall be deemed to have been made in terms of this section."

Amendment of section 35 of Act 35 of 1925.

14. Section *thirty-five* of the Consolidation Act is hereby amended—

(*a*) by the insertion of the following new sub-section after sub-section (2):

" (2)*bis*. Where a native labourer who has not received benefits under this Act, the previous Act, the principal Act or the prior law dies of a cause other than that referred to in sub-section (2) and was at the time of his death qualified to receive any such benefits and had at that time any dependent referred to in sub-section (2), those benefits shall be paid to the Director for the benefit of that dependent."

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

" (3) Whenever any native labourer, after having worked underground for a period of not less than thirty days, whether continuously or otherwise for any one employer, ceases to work underground, he shall

zijn diskretie die som of een deel ervan in zodanige paaiementen als hij wenselik acht, kan aftrekken van de maandelikse toelage die zoals voormeld aan die mijnwerker of afhankelike uit te betalen is boven het bedoelde bedrag van zeven honderd en vijftig pond."

Wysiging van artikel 33 van Wet 35 van 1925.

**12.** Artikel *drie-en-dertig* van die Konsolidasiewet word hiermee gewysig deur aan die end van sub-artikel (3) die volgende woorde by te voeg: „of het bedrag dat anders betaalbaar zou zijn krachtens paragraaf (*g*) van de Derde Bijlage tot deze Wet".

Invoeging van nuwe artikel 33*bis* in Wet 35 van 1925.

**13.** Die volgende nuwe artikel word hiermee na artikel *drie-en-dertig* in die Konsolidasiewet ingevoeg:

„Speciale toelagen.

33*bis*. (1) De raad kan geheel volgens goeddunken uit het speciale fonds vermeld in artikel *negen en dertig bis* van deze Wet volgens onderstaande bepalingen speciale toelagen verstrekken aan mijnwerkers en afhankeliken van overleden mijnwerkers aan of ten behoeve van wie geen verdere voordelen ingevolge de vroegere wetten of de Hoofdwet of de vorige wet of deze Wet betaald kunnen worden.

(2) Toelagen uit het speciale fonds kunnen uitbetaald worden in de maandelikse paaiementen en gedurende een of meer tijdperken die de raad van tijd tot tijd mag bepalen en houden op en beëindigen zodra de bevoordeelde de Unie, Betsjoeanaland, Swasieland en het mandaatgebied Zuidwest-Afrika met welk doel ook verlaat.

(3) Een toelage uit het speciale fonds kan op aanzoek verleend worden aan een bevoordeelde mijnwerker die—

(*a*) naar het oordeel van de raad behoeftig is; en

(*b*) vanaf de eerste dag van Augustus 1933, tot de dag waarop de toelage verleend wordt, in de gewesten vermeld in sub-artikel (2) woonachtig was; en

(*c*) volgens het oordeel van het bureau of van de Mediese Raad van Appèl wegens ouderdom of ziekte of lichaamsgebreken ongeschikt is voor matig werk of, alhoewel hij niet aldus ongeschikt is, volgens het oordeel van de raad zonder zijn eigen schuld niet in staat is om werk te vinden of om voldoende te verdienen om zich en zijn afhankeliken te onderhouden.

(4) Toelagen uit het speciale fonds kunnen op aanzoek verleend worden aan de afhankeliken van een overleden mijnwerker die—

(*a*) naar het oordeel van de raad behoeftig zijn; en

(*b*) vanaf de eerste dag van Augustus 1933, of vanaf de dag van overlijden van de mijnwerker (naar gelang de ene of de andere dag later is) tot de dag waarop de toelage verleend wordt in de gewesten vermeld in sub-artikel (2) woonachtig waren; en

(*c*) bevoordeelden of afhankeliken van een bevoordeelde mijnwerker zijn.

(5) Iedere toelage door de raad verleend aan een bevoordeelde mijnwerker uit gelden, vóór het in werking treden van dit artikel uit het Gekonsolideerde Inkomstefonds ontvangen tot leniging van nood onder zodanige mijnwerkers, wordt geacht ingevolge dit artikel verleend te zijn".

Wysiging van artikel 35 van Wet 35 van 1925.

**14.** Artikel *vyf-en-dertig* van die Konsolidasiewet word hiermee gewysig—

(*a*) deur invoeging van die volgende nuwe sub-artikel na sub-artikel (2):

„(2)*bis*. Wanneer een naturelle-arbeider, die geen voordelen ingevolge deze Wet, de vorige wet, de Hoofdwet of de vroegere wetten ontvangen heeft, aan een andere oorzaak dan de in sub-artikel (2) vermelde, overleden is en ten tijde van zijn dood bevoegd was om zodanige voordelen te ontvangen en hij op dat tijdstip een in sub-artikel (2) vermelde afhankelike had, dan worden die voordelen aan de Direkteur ten bate van die afhankelike uitbetaald";

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

„(3) Wanneer een naturelle-arbeider, nadat hij gedurende een tijdvak van niet minder dan dertig dagen al dan niet onafgebroken voor een werkgever ondergronds gewerkt heeft, ophoudt om

be stethoscopically examined by the Bureau or by a medical practitioner nominated (either generally or specially) by the Bureau. If he is at such examination, or at any other medical examination held within six months from the date upon which he ceased to work underground as aforesaid, found by the Bureau or by a medical practitioner nominated as aforesaid, to be suffering from tuberculosis without silicosis, he shall be entitled to the benefits referred to in paragraph (*b*) of sub-section (1)".

Amendment of section 38 of Act 35 of 1925.

**15.** Sub-section (1) of section *thirty-eight* of the Consolidation Act is hereby amended by inserting "(2), (3) or" before "(4)".

Amendment of section 39 of Act 35 of 1925.

**16.** Sub-section (3) of section *thirty-nine* of the Consolidation Act is hereby amended by substituting the word "five" for the word "four".

Insertion of new section 39*bis* in Act 35 of 1925.

**17.** The following new section is hereby inserted in the Consolidation Act after section *thirty-nine*:

Special Fund.

39*bis*. (1) The Board shall establish a fund to be styled the Miners' Phthisis Special Fund (hereinafter referred to as the Special Fund) for the purpose of paying therefrom special grants under section *thirty-three bis* of this Act.

(2) The Special Fund shall consist of any amount which the Board has received from the Consolidated Revenue Fund for the relief of distress among beneficiary miners and their dependents and of such of the undermentioned moneys as the Board may in its absolute discretion transfer from the Compensation Fund to the Special Fund and any interest which may accrue on moneys so received or transferred—

(*a*) any balance of an award (other than a monthly allowance) granted by the Board under the prior law or the principal Act or the previous Act or this Act which lapsed to the Compensation Fund on—

(i) the death of a beneficiary miner who left no dependents, or

(ii) the death or marriage of a beneficiary dependent where there are no other dependents of the deceased miner;

(*b*) any amount which has lapsed to the Compensation Fund in terms of sub-section (2) of section *thirty-six* of the principal Act or sub-section (2) of section *thirty-eight* of this Act;

(*c*) any fine received by the Board;

(*d*) any donation or legacy made or bequeathed to the Board or to any of the funds under its control, unless made or bequeathed for a specific purpose."

Amendment of section 41 of Act 35 of 1925.

**18.** Section *forty-one* of the Consolidation Act is hereby amended—

(*a*) by the substitution for the words "by such employer" in paragraph (*a*) of sub-section (2) of the words "at such scheduled mine";

(*b*) by the substitution for the words "on a scheduled mine by each employer" in sub-section (3) of the words "at each employer's scheduled mine".

Amendment of section 43 of Act 35 of 1925.

**19.** Section *forty-three* of the Consolidation Act is hereby amended by the substitution for the words "by him in the scheduled mine" in sub-sections (1) and (2) of the words "at his scheduled mine".

Amendment of section 45 of Act 35 of 1925.

**20.** Section *forty-five* of the Consolidation Act is hereby amended by the addition of the following further proviso:

Provided further that if any such person—

(*a*) has been granted an initial certificate by the Bureau under the prior law or the principal Act or this Act; and

(*b*) has not since the date of such certificate been found by the Bureau to have silicosis or tuberculosis or both diseases and whose capacity for underground work at a scheduled mine is not in the opinion of the Bureau seriously impaired by any other disease or disability; and

ondergronds te werken, moet hij stethoskopies onderzocht worden door het bureau of door een hetzij in het algemeen of speciaal door het bureau benoemde mediese praktizijn. Indien hij bij dat onderzoek of bij een ander medies onderzoek, binnen zes maanden na de dag waarop hij ophield om ondergronds te werken, gehouden door het bureau of door een zoals voormeld benoemde mediese praktizijn, bevonden wordt aan tuberkulosis zonder silikosis te lijden, dan is hij gerechtigd tot de voordelen vermeld in paragraaf (*b*) van sub-artikel (1) ".

Wysiging van artikel 38 van Wet 35 van 1925

**15.** Sub-artikel (1) van artikel *agt-en-dertig* van die Konsolidasiewet word hiermee gewysig deur „(2), (3) of" voor „(4)" in te voeg.

Wysiging van artikel 39 van Wet 35 van 1925

**16.** Sub-artikel (3) van artikel *negen-en-dertig* van die Konsolidasiewet word hiermee gewysig deur die woord „vier" te vervang deur die woord „vyf".

Invoeging van nuwe artikel 39*bis* in Wet 35 van 1925.

**17.** Die volgende nuwe artikel word hiermee na artikel *negen-en-dertig* in die Konsolidasiewet ingevoeg:

„Speciaal Fonds.

**39*bis*.** (1) De raad moet een fonds, te worden genoemd het Speciale Mijnteringfonds (hieronder het speciale fonds genoemd) oprichten, ten einde daaruit speciale toelagen ingevolge artikel *drie en dertig bis* van deze Wet te betalen.

(2) Het speciale fonds bestaat uit ieder bedrag dat de raad uit het Gekonsolideerde Inkomstefonds ontvangen heeft tot leniging van nood onder bevoordeelde mijnwerkers en hun afhankeliken en uit de hieronder vermelde gelden die de raad geheel volgens goeddunken uit het kompensatiefonds mag overdragen naar het speciale fonds benevens alle rente die op aldus ontvangen of overgedragen gelden mocht inkomen, te weten:

(*a*) elk saldo van een toekenning (behalve een maandelikse toelage) door de raad verleend ingevolge de vroegere wetten of de Hoofdwet of de vorige wet of deze Wet, dat aan het kompensatiefonds verviel—

(i) bij de dood van een bevoordeelde mijnwerker die geen afhankeliken naliet; of

(ii) bij de dood of het huwelik van een bevoordeelde afhankelike, wanneer er geen andere afhankeliken van de overleden mijnwerker zijn;

(*b*) elk bedrag dat aan het kompensatiefonds verviel volgens sub-artikel (2) van artikel *zes en dertig* van de Hoofdwet of sub-artikel (2) van artikel *acht en dertig* van deze Wet;

(*c*) elke boete die de raad ontvangen heeft;

(*d*) elke schenking of elk legaat aan de raad of aan een van de fondsen onder zijn beheer gedaan of vermaakt, tenzij de schenking of vermaking voor een speciaal doel geschiedde."

Wysiging van artikel 41 van Wet 35 van 1925.

**18.** Artikel *een-en-veertig* van die Konsolidasiewet word hiermee gewysig—

(*a*) deur die woorde „bij zulke werkgever" in paragraaf (*a*) van sub-artikel (2) te vervang deur die woorde: „op die ingelijste mijn";

(*b*) deur die woorde „bij elke werkgever op een ingelijste mijn" in sub-artikel (3) te vervang deur die woorde „op de ingelijste mijn van iedere werkgever".

Wysiging van artikel 43 van Wet 35 van 1925.

**19.** Artikel *drie-en-veertig* van die Konsolidasiewet word hiermee gewysig deur die woorde „door hem geëmployeerd op de ingelijste mijn" in sub-artikels (1) en (2) te vervang deur die woorde „op zijn ingelijste mijn in dienst".

Wysiging van artikel 45 van Wet 35 van 1925.

**20.** Artikel *vyf-en-veertig* van die Konsolidasiewet word hiermee gewysig deur die volgende verdere voorbehoudsbepaling daaraan toe te voeg:

Met dien verstande voorts, dat indien een zodanige persoon—

(*a*) van het bureau ingevolge de vroegere wetten of de Hoofdwet of deze Wet, een eerste certifikaat ontvangen heeft; en

(*b*) niet sedert de datum van dat certifikaat door het bureau bevonden werd silikosis of tuberkulosis of beide die ziekten te hebben en zijn geschiktheid om ondergronds op een ingelijste mijn te werken naar het oordeel van het bureau niet door een andere ziekte of gebrek ernstig belemmerd is; en

(*c*) has after the date of such certificate been employed underground at a scheduled mine for a period or periods amounting to at least three years; and

(*d*) has been since the date of such certificate and still is permanently resident in the Union, Bechuanaland, Basutoland, Swaziland or the Mandated Territory of South-West Africa; and

(*e*) would, but for the lapse of the said period of two years be eligible for a periodical examination in terms of this section,

he may, notwithstanding the expiry of the said period of two years, submit himself for a periodical examination as if such period had not elapsed.

Amendment of section 52 of Act 35 of 1925.

**21.** Section *fifty-two* of the Consolidation Act is hereby amended—

(*a*) by the substitution for the word "such" in paragraphs (*b*) and (*c*) of the word "medical";

(*b*) by the addition thereto of the following new sub-section (2), the existing section as hereby amended becoming sub-section (1):

"(2) The bureau or the Medical Board of Appeal (as the case may be) may cancel or amend any medical certificate which has, in its opinion, been obtained from it by fraud or by any incorrect statement: Provided that, if any person has before the first day of August, 1934, obtained an initial certificate under a name which is not his correct name, the Minister shall, on application by such person if he is satisfied that in obtaining such certificate in an incorrect name such person was not actuated by any fraudulent intent, authorize the substitution of the correct name of such person on such certificate and thereupon the Bureau shall not cancel such certificate merely on the ground that the said person obtained such certificate on an incorrect statement of his name."

Substitution of section 60 of Act 35 of 1925.

**22.** Section *sixty* of the Consolidation Act is hereby repealed and the following new section substituted therefor:

"Manner of payment of benefits.

60. Whenever any benefit of whatever description is due under this Act, the previous Act, the principal Act or the prior law, to any person other than a native labourer, the Board may pay out such benefit in such instalments or in such other manner as it from time to time considers most advantageous to the beneficiary concerned or to his dependents and it may make any such payment to the beneficiary himself or wholly or partly to a dependent of the beneficiary or to any other person for the benefit of the beneficiary or his dependents if it is satisfied that such payment will be to the advantage of the beneficiary or his dependents".

Substitution of section 64 of Act 35 of 1925.

**23.** Section *sixty-four* of the Consolidation Act is hereby repealed and the following section substituted therefor:

"Contribution towards medical and burial expenses.

64. (1) Upon the death of a miner who has been awarded any benefits under this Act, the previous Act, the principal Act or the prior law or who was at the time of his death qualified to receive any benefits under this Act, the Board may, in its discretion, contribute out of any fund from which the said benefits were paid or payable, a sum not exceeding twenty-five pounds towards the reasonable expenses of his burial and of the medical attendance upon him during his last illness and towards any other reasonable expenses in connection with such illness.

(2) If the said benefits were paid or payable both from the Gazetted Mines Fund referred to in sub-section (10) of section *seventy-five* and from the Compensation Fund, the Board shall apportion the said contribution in terms of sub-section (9) of section *seventy-five* as if it were a liability for compensation.

Insertion of new section 64*bis* in Act 35 of 1925.

**24.** The following new section is hereby inserted in the Consolidation Act after section *sixty-four*:

"Provisions in the case of the death of a beneficiary

64*bis*. (1) If upon the death of any miner or any dependent of a deceased miner there is in the hands of the Board any balance of any benefit awarded to such a miner or dependent, such balance

(*c*) na de datum van dat certifikaat gedurende een of meer tijdperken van ten minste drie jaar ondergronds op een ingelijste mijn werkzaam was; en

(*d*) sedert de datum van dat certifikaat permanent woonachtig was en nog is in de Unie, Betsjoeanaland, Basoetoland, Swasieland of het mandaatgebied Zuidwest-Afrika; en

(*e*) afgezien van de verstrijking van voormeld tijdperk van twee jaar, zich aan een periodiek onderzoek ingevolge dit artikel zou kunnen onderwerpen,

hij, ondanks het verstrijken van voormeld tijdperk van twee jaar, zich aan een periodiek onderzoek kan onderwerpen alsof dat tijdperk niet verstreken was.

Wysiging van artikel 52 van Wet 35 van 1925.

**21.** Artikel *twee-en-vyftig* van die Konsolidasiewet word hiermee gewysig—

(*a*) deur die woorde „zulk een" in paragrawe (*b*) en (*c*) te vervang deur die woorde „een medies";

(*b*) deur die volgende nuwe sub-artikel (2) daaraan toe te voeg, waardeur die bestaande artikel, soos hiermee gewysig, sub-artikel (1) word:

„(2) Naar gelang van het geval kan het bureau of de Mediese Raad van Appèl een medies certifikaat dat volgens zijn oordeel door bedrog of door een onjuiste bewering van hem verkregen werd, intrekken of wijzigen: Met dien verstande dat, indien iemand vóór de eerste dag van Augustus, 1934, een eerste certifikaat verkregen heeft op een naam die niet zijn juiste naam is, de Minister, na aanzoek door zo iemand, wanneer hij overtuigd is dat bedoelde persoon niet met bedrieglike oogmerken dat certifikaat op een onjuiste naam verkregen heeft, machtiging verleent om de juiste naam van zo iemand op dat certifikaat in de plaats te stellen, zullende het bureau daarna dat certifikaat niet intrekken alleen op grond dat bedoelde persoon dit verkregen heeft door onjuiste opgaaf van zijn naam".

Vervanging van artikel 60 van Wet 35 van 1925.

**22.** Artikel *sestig* van die Konsolidasiewet word hiermee herroep en deur die volgende artikel vervang:

„Wijze van betaling van voordelen.

**60.** Wanneer een voordeel van welke aard ook ingevolge deze Wet, de vorige wet, de Hoofdwet of de vroegere wetten aan iemand anders dan een naturelle-arbeider toekomt, kan de raad dat voordeel uitbetalen in zulke paaiementen of op zulk een andere wijze als hij van tijd tot tijd het voordeligst acht voor de betrokken bevoordeelde of voor zijn afhankeliken, en hij kan zulk een uitbetaling doen aan de bevoordeelde zelf of geheel of gedeeltelik aan een afhankelike van de bevoordeelde of aan iemand anders ten bate van de bevoordeelde of van zijn afhankeliken, indien hij overtuigd is dat die uitbetaling in het belang van de bevoordeelde of van zijn afhankeliken is".

Vervanging van artikel 64 van Wet 35 van 1925.

**23.** Artikel *vier-en-sestig* van die Konsolidasiewet word hiermee herroep en deur die volgende artikel vervang:

„Bijdrage tot mediese en begrafeniskosten.

**64.** (1) Na het overlijden van een mijnwerker aan wie als mijnwerker voordelen toegekend werden ingevolge deze Wet, de vorige wet, de Hoofdwet of de vroegere wetten of die ten tijde van zijn dood bevoegd was om voordelen ingevolge deze Wet te ontvangen, kan de raad, volgens zijn diskretie uit een fonds waaruit die voordelen betaald worden of betaalbaar waren, een som van ten hoogste vijf en twintig pond bijdragen tot de redelike kosten van zijn begrafenis en van de mediese behandeling gedurende zijn laatste ziekte en tot alle andere redelike onkosten in verband met die ziekte.

(2) Indien voormelde voordelen betaald werden of betaalbaar waren beide uit het Gepubliceerde Mijnen Fonds vermeld in sub-artikel (10) van artikel *vijf en zeventig* en uit het kompensatiefonds, dan wijst de raad de aansprakelikheid voor bedoelde bijdrage toe volgens sub-artikel (9) van artikel *vijf en zeventig* alsof dezelve een aansprakelikheid voor kompensatie was".

Invoeging van nuwe artikel 64*bis* in Wet 35 van 1925.

**24.** Die volgende nuwe artikel word hiermee na artikel *vier-en-sestig* in die Konsolidasiewet ingevoeg:

„Bepalingen bij dood van bevoordeelde.

**64*bis*.** (1) Wanneer bij het overlijden van een mijnwerker of van een afhankelike van een overleden mijnwerker de raad een saldo van een aan de mijnwerker of afhankelike toegekend voordeel

shall be paid in such instalments as the Board may decide to the dependents of the miner and if there are no such dependents such balance or portion thereof may at the discretion of the Board be paid to any heir or legatee of the deceased. If not so paid the balance or remainder shall lapse to the Compensation Fund or Gazetted Mines Fund referred to in sub-section (10) of section *seventy-five* (as the case may be).

(2) The Board may in its discretion pay to any dependent of the deceased referred to in sub-section (1) or if there are no dependents to any person who is in the opinion of the Board a creditor of the deceased, any moneys which had accrued to the deceased at the time of his death, by way of a monthly allowance or other monthly payment ".

Amendment of section 70 of Act 35 of 1925.

**25.** Section *seventy* of the Consolidation Act is hereby amended:—

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

" Provided, further, that this sub-section shall have no application to a beneficiary miner who is the holder of a valid certificate issued by the Bureau in the prescribed form for the purposes of this sub-section (hereinafter referred to as a ' special authorization ') and who works underground at a scheduled mine in any locality or occupation defined in writing by the Minister for each particular mine for the purpose of this sub-section, and any such beneficiary miner shall for the purposes of sections *forty-one*, *forty-three* and *seventy-six* of this Act be deemed not to be working underground or as a miner at a scheduled mine ";

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

" (1)*bis*. With a view to obtaining a special authorization, a beneficiary miner who, when last examined before the first day of August, 1934, by the Bureau, was found to have neither silicosis nor tuberculosis may, with the written permission of the Board, submit himself to a prescribed medical examination by the Bureau and after such medical examination the Bureau shall transmit to him either a special authorization stating that he has neither silicosis nor tuberculosis and that he is suitable for underground work at a scheduled mine in a locality or occupation defined by the Minister under the second proviso to sub-section (1), or a notification that the Bureau is unable to grant him such special authorization.

(1)*ter*. Such special authorization shall be valid for a period of six months and the provisions of sections *forty-four*, *forty-seven* and *fifty-two* of this Act shall *mutatis mutandis* apply to any special authorization and to any beneficiary miner who has obtained a special authorization.

(1)*quater*. If the holder of a special authorization is at any medical examination whatsoever by the Bureau found to have silicosis or tuberculosis or to be no longer suitable for such underground work, his special authorization shall lapse and he shall forthwith be discharged from underground employment (if so employed) at a scheduled mine and thereafter he shall not again be so employed at any scheduled mine ".

Amendment of section 76 of Act 35 of 1925.

**26.** Paragraph (*b*) of sub-section (4) of section *seventy-six* of the Consolidation Act is hereby amended by the addition thereto of the following provisions:—

" Provided that the provisions of this paragraph shall not apply to any dependent who has contracted a marriage after the death of the deceased person upon whom he was dependent: Provided, further, that if any benefit has been awarded to a dependent under this paragraph of a deceased person and thereafter any dependent under paragraph (*a*) of the same deceased person, establishes a

in handen heeft, moet dat saldo in zodanige paaiementen als de raad mocht bepalen, aan de afhankeliken van de mijnwerker uitbetaald worden en indien er geen zodanige afhankeliken zijn, kan dat saldo of een deel ervan volgens de diskretie van de raad aan een erfgenaam of legataris van de overledene uitbetaald worden. Indien niet aldus uitbetaald, vervalt het saldo of overschot na gelang van het geval aan het kompensatiefonds of aan het Gepubliceerde Mijnen Fonds vermeld in sub-artikel (10) van artikel *vijf en zeventig*.

(2) De raad kan volgens zijn diskretie aan een afhankelike van een in sub-artikel (1) vermelde overledene of als er geen afhankeliken zijn aan iemand die volgens het oordeel van de raad een schuldeiser van de overledene is, de gelden uitbetalen, die ten tijde van het overlijden van de overledene aan hem als een maandelikse toelage of een andere maandelikse uitkering toekwamen".

Wysiging van artikel 70 van Wet 35 van 1925.

**25.** Artikel *sewentig* van die Konsolidasiewet word hiermee gewysig—

(*a*) deur die volgende verdere voorbehoudsbepaling aan sub-artikel (1) toe te voeg:

„Met dien verstande voorts, dat dit sub-artikel niet toepasselik is op een bevoordeelde mijnwerker die in bezit is van een door het bureau in de voorgeschreven vorm voor de toepassing van dit sub-artikel uitgereikt geldig certifikaat (hieronder een ‚speciale vergunning' genoemd) en die op een ingelijste mijn ondergronds werkt in een lokaliteit of beroep, die de Minister voor iedere biezondere mijn voor de toepassing van dit sub-artikel schriftelik bepaald heeft, zullende zulk een bevoordeelde mijnwerker voor de toepassing van artikels *een en veertig, drie en veertig* en *zes en zeventig* van deze Wet geacht worden niet als een mijnwerker of ondergronds op een ingelijste mijn te werken";

(*b*) deur invoeging van die volgende nuwe sub-artikels na sub-artikel (1):

„(1)*bis*. Ten einde een speciale vergunning te bekomen, kan een bevoordeelde mijnwerker die, toen hij de laatste keer, voor de eerste dag van Augustus 1934, door het bureau onderzocht werd, bevonden werd noch silikosis noch tuberkulosis te hebben, met schriftelik verlof van de raad zich aan een voorgeschreven medies onderzoek door het bureau onderwerpen, zullende het bureau na dat medies onderzoek aan hem zenden òf een speciale vergunning, waarin verklaard wordt dat hij noch silikosis, noch tuberkulosis heeft en dat hij geschikt is voor werk ondergronds op een ingelijste mijn in een lokaliteit of beroep die de Minister ingevolge de tweede voorbehoudsbepaling tot sub-artikel (1) bepaald heeft, òf een kennisgeving dat het bureau niet in staat is om hem een speciale vergunning te verlenen.

(1)*ter*. Zulk een speciale vergunning is zes maanden lang geldig en de bepalingen van artikels *vier en veertig, zeven en veertig* en *twee en vijftig* van deze Wet zijn *mutatis mutandis* van toepassing op een speciale vergunning en op een bevoordeelde mijnwerker die een speciale vergunning verkregen heeft.

(1)*quater*. Indien de bezitter van een speciale vergunning bij welk medies onderzoek ook al door het bureau bevonden wordt silikosis of tuberkulosis te hebben of niet meer geschikt te zijn voor zodanig werk ondergronds, dan vervalt zijn speciale vergunning en moet hij onverwijld uit zijn dienst ondergronds (indien hij aldus in dienst is) op een ingelijste mijn ontslagen worden en daarna kan hij niet weer aldus op een ingelijste mijn in dienst gesteld worden".

Wysiging van artikel 76 van Wet 35 van 1925.

**26.** Paragraaf (*b*) van sub-artikel (4) van artikel *ses-en-sewèntig* van die Konsolidasiewet word hiermee gewysig deur die volgende bepalings daaraan toe te voeg:—

„Met dien verstande dat de bepalingen van deze paragraaf niet van toepassing zijn op een afhankelike die een huwelik aangegaan heeft na het overlijden van de overledene persoon van wie hij afhankelik was: Met dien verstande voorts, dat indien een voordeel toegekend werd aan een in deze paragraaf bedoelde afhankelike van een overleden persoon en een in paragraaf (*a*) bedoelde afhanke-

right to any benefit as such dependent, the award to such first mentioned dependent shall be cancelled but any payment made under the award prior to its cancellation shall be valid and be deemed to have been made to such last mentioned dependent".

Amendment of section 77 of Act 35 of 1925.

27. Sub-section (8) of section *seventy-seven* of the Consolidation Act is hereby deleted.

Substitution of Second Schedule to Act 35 of 1925.

28. The Schedule to this Act is hereby substituted for the Second Schedule to the Consolidation Act.

Amendment of Third Schedule to Act 35 of 1925.

29. The following new sub-paragraphs are hereby added at the end of paragraph (*c*) of the Third Schedule to the Consolidation Act:

"(iv) an allowance granted to a child who has attained the age of sixteen years and who is, in the opinion of the Bureau, unable to earn a living, may in the discretion of the Board be increased up to an amount not exceeding double the allowance prescribed for such child before it attained such age, but this sub-paragraph shall not apply to more than one child of any miner;

(v) a monthly allowance granted to a legitimate or adopted child who has not attained the age of sixteen years and who has no parent or adopting parent or step-parent alive, may in the discretion of the Board be increased up to an amount not exceeding double the allowance prescribed for such child, and when such a child (if not a child to whom sub-paragraph (iv) of this paragraph applies) has attained the age of sixteen years, payment of such allowance may be continued by the Board for such period as is mentioned in paragraph (*g*) of this Schedule, but this sub-paragraph shall not apply to more than two children of any deceased miner".

Provision as to monthly allowances not retrospective.

30. No monthly allowance shall be paid by virtue of any provision of this Act, in respect of any period prior to the commencement of this Act.

Short title and commencement.

31. This Act shall be known as the Miners' Phthisis Amendment Act, 1934, and shall come into operation on the first day of August, 1934.

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## Schedule.

(To be substituted for Second Schedule to the Consolidation Act.)

"SECOND SCHEDULE.

Interest at 4 per cent. per annum shall be calculated (fractions of a penny being disregarded) on the amount standing to the credit of a beneficiary in the books of the Board from time to time and such interest, if not paid out to or in favour of the beneficiary, shall be added to the principal on the last day of March and on the last day of September of each year".

like van dezelfde overleden persoon daarna zijn recht bewijst tot een voordeel als zulk een afhankelike, de toekenning aan eerstbedoelde afhankelike ingetrokken wordt, doch een krachtens die toekenning vóór die intrekking gedane uitbetaling geldig is en geacht wordt aan laatstbedoelde afhankelike gedaan te zijn."

Wysiging van artikel 77 van Wet 35 van 1925.

27. Sub-artikel (8) van artikel *sewen-en-sewentig* van die Konsolidasiewet word hiermee geskrap.

Vervanging van Tweede Bylae tot Wet 35 van 1925.

28. Die Tweede Bylae tot die Konsolidasiewet word hiermee vervang deur die Bylae tot hierdie Wet.

Wysiging van Derde Bylae tot Wet 35 van 1925.

29. Die volgende nuwe sub-paragrawe word hiermee bygevoeg aan die end van paragraaf (*c*) van die Derde Bylae tot die Konsolidasiewet:

„(iv) een toelage verleend aan een kind dat de ouderdom van zestien jaar bereikt heeft en dat volgens het oordeel van het bureau niet in staat is om een levensonderhoud te verdienen, volgens de diskretie van de raad verhoógd kan worden tot een bedrag van ten hoogste het dubbele van de voor dat kind voorgeschreven toelage voordat het bedoelde ouderdom bereikte, zullende deze sub-paragraaf echter niet van toepassing zijn op meer dan een kind van een mijnwerker;

(v) een maandelikse toelage verleend aan een wettig of aangenomen kind dat nog niet de ouderdom van zestien jaar bereikt heeft en dat geen levende ouder of adoptant of stiefouder heeft, volgens de diskretie van de raad verhoogd kan worden tot een bedrag van ten hoogste het dubbele van de voor dat kind voorgeschreven toelage, zullende de raad nadat voormeld kind (indien het niet een kind is waarop sub-paragraaf (iv) van deze paragraaf van toepassing is) de ouderdom van zestien jaar bereikt heeft, de betaling van die toelage kunnen voortzetten voor zolang als bepaald in paragraaf (*g*) van deze Bijlage. Deze sub-paragraaf is echter niet van toepassing op meer dan twee kinderen van een overleden mijnwerker."

Bepalings omtrent maandelikse toelaes nie terugwerkend nie.

30. Geen maandelikse toelae word kragtens 'n bepaling van hierdie Wet uitbetaal nie vir 'n tydperk voor die inwerkingtreding van hierdie Wet.

Kort titel en inwerkingtreding.

31. Hierdie Wet heet die Myntering-Wysigingswet, 1934, en tree op die eerste dag van Augustus 1934 in werking.

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## Bylae.

(Tot vervanging van die Tweede Bijlage tot die Konsolidasiewet.)

„TWEEDE BIJLAGE.

Op het bedrag waarmee een bevoordeelde van tijd tot tijd in de boeken van de raad gekrediteerd staat, wordt rente tegen 4 percent in het jaar berekend (met veronachtzaming van breukdelen van een penny) en die rente wordt, indien niet aan of ten bate van de bevoordeelde uitbetaald, op de laatste dag van Maart en op de laatste dag van September in ieder jaar bij de hoofdsom gevoegd".

No. 62, 1934.]

# ACT

**To provide for the registration, incorporation, regulation, management and dissolution of building societies.**

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Application of Act.

**1.** (1) The provisions of this Act shall apply to every building society and shall not apply to any association of persons other than a building society.

(2) For the purposes of this Act the expression "building society" means an association of persons—

(*a*) the name or title of which contains the words "building society" or implies that the association is such an association as is described in paragraph (*b*); or

(*b*) the principal object of which is the raising by the subscriptions of its members and by contributions of or deposits or loans by its members and others a fund out of which advances shall be made to members and others upon the security of the mortgage of urban immovable property for the purpose of enabling the persons to whom such advances are made to acquire by purchase urban immovable property or to erect buildings upon urban immovable property.

(3) The registrar of building societies appointed in terms of section *two* shall determine whether any association of persons is or is not a building society.

(4) The decision of the registrar in terms of sub-section (3) shall be subject to an appeal to the Minister: Provided such appeal be made within one month after the decision of the registrar has been pronounced.

(5) The decision of the Minister on any such appeal shall be subject to an appeal to the court: Provided such appeal be noted within three months after the decision of the Minister has been pronounced.

Registrar of building societies.

**2.** There shall be established in Pretoria an office for the registration of building societies and for the other purposes of this Act, and the Governor-General may from time to time subject to the provisions of the laws governing the public service of the Union, appoint an officer of the public service to be styled the registrar of building societies (hereinafter called the registrar), who shall exercise all such powers or jurisdiction and perform all such duties as are assigned by this Act to the registrar.

Formation of building society.

**3.** (1) Any seven or more persons may form a building society, by subscribing their names to rules agreed to by them for the government of such society and obtaining its registration under this Act.

(2) A building society may be either—

(*a*) a permanent society, that is to say a society which is not by its rules bound to terminate upon the expiration of a fixed period or upon the occurrence of an event specified in its rules; or

(*b*) a terminating society, that is to say a society which, by its rules, is to terminate upon the expiration of a fixed period or upon the occurrence of an event specified in its rules:

Provided that for the purposes of this Act a society shall be deemed to be a terminating society, if notwithstanding the fact that the society is not by its rules bound to terminate upon the expiration of a period or the occurrence of an event, its rules provide for the organization of the members of the society according to sections, for the separate administration of the affairs of each section, and for the termination of each section upon the expiration of a fixed period or upon the occurrence of an event specified in the rules of the society and if the society applies to the registrar to be registered as a terminating society.

No. 62, 1934.]

# WET

**Om voorsiening te maak vir die registrasie van, die verlening van regspersoonlikheid aan, en die reëling, beheer en ontbinding van, bouverenigings,**

DIT WORD BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg :—

Toepassing van Wet.

**1.** (1) Die bepalings van hierdie Wet is van toepassing op elke bouvereniging en is nie van toepassing op 'n assosiasie van persone nie synde 'n bouvereniging nie.

(2) Vir die toepassing van hierdie Wet beteken die uitdrukking „bouvereniging" 'n assosiasie van persone—

(*a*) die naam of titel waarvan die woord „bouvereniging" bevat of te kenne gee dat die assosiasie so 'n assosiasie is as in paragraaf (*b*) omskrywe ; of

(*b*) die hoofdoel waarvan is om deur inskrywings deur sy lede en deur bydraes of deposito's of lenings deur sy lede en andere 'n fonds te stig waaruit aan lede en andere voorskotte gemaak word teen sekuriteit van verband op stedelike onroerende eiendom ten einde die persone aan wie die voorskotte verstrek is in staat te stel om stedelike onroerende eiendom deur aankoop te verkry of om geboue op te rig op stedelike onroerende eiendom.

(3) Die registrateur van bouverenigings aangestel ingevolge artikel *twee* beslis of 'n assosiasie van persone al dan nie 'n bouvereniging is.

(4) Die beslissing van die registrateur bedoel in sub-artikel (3) is onderworpe aan 'n appèl na die Minister, mits so 'n appèl binne een maand na die bekendmaking van die beslissing van die registrateur geskied.

(5) Die beslissing van die Minister oor so 'n appèl is onderworpe aan 'n appèl na die hof, mits so 'n appèl binne drie maande na die bekendmaking van die beslissing van die Minister aangeteken word.

Registrateur van bouverenigings.

**2.** Vir die registrasie van bouverenigings en vir die ander doeleindes van hierdie Wet word te Pretoria 'n kantoor gevestig, en die Goewerneur-generaal kan van tyd tot tyd, met inagneming van die wette wat die staatsdiens van die Unie reël, 'n amptenaar van die staatsdiens aanstel genoem die registrateur van bouverenigings (hieronder die registrateur genoem), wat alle sodanige bevoegdhede of jurisdiksie uitoefen en alle sodanige pligte vervul as wat deur hierdie Wet aan die registrateur verleen word.

Oprigting van bouvereniging.

**3.** (1) 'n Bouvereniging word opgerig deur die ondertekening deur sewe of meer persone van statute wat hulle aangeneem het vir die reëling daarvan en deur die verkryging van die registrasie van die vereniging ooreenkomstig hierdie Wet.

(2) 'n Bouvereniging kan wees—

(*a*) òf 'n permanente vereniging, dit wil sê, 'n vereniging wat nie deur sy statute gebonde is om, na 'n vasgestelde tydperk of wanneer 'n gebeurtenis plaasvind wat in die statute beskrewe is, af te loop nie ;

(*b*) òf 'n tydelike vereniging, dit wil sê, 'n vereniging wat ooreenkomstig sy statute na 'n vasgestelde tydperk of wanneer 'n gebeurtenis plaasvind wat in die statute beskryf is, afloop :

Met die verstande dat vir die toepassing van hierdie Wet 'n vereniging as 'n tydelike vereniging beskou word wanneer, nieteenstaande die feit dat die vereniging nie deur sy statute gebonde is om na 'n vasgestelde tydperk of by die plaasvind van 'n gebeurtenis af te loop nie, sy statute voorsiening maak vir die organisasie van die lede van die vereniging volgens afdelings, vir die afsonderlike beheer van die sake van elke afdeling, en vir die afloop van elke afdeling na verstryking van 'n vasgestelde tydperk of wanneer 'n gebeurtenis plaasvind wat in die statute beskryf is en wanneer die vereniging by die registrateur aansoek doen om as 'n tydelike vereniging geregistreer te word.

Registration of new societies.

4. (1) The persons intending to establish a building society shall transmit to the registrar the rules agreed upon by them for the government of the society and signed by them, accompanied by a copy thereof certified as such by two of such persons and the intended secretary.

(2) The registrar shall, after consideration of such rules and such further information and arguments as may be submitted to him by such persons, and subject to the provisions of sub-sections (4) and (5) of section *one* determine whether according to its rules, the society to be established is or is not a building society.

(3) If it be determined in terms of sub-section (2) that the society to be established is not a building society, the registrar shall decline to register the society.

(4) If it be determined in terms of sub-section (2) that the society to be established is a building society, then, upon payment to him of the prescribed fee, the registrar, if he finds that the rules are in conformity with this Act, and is satisfied that the rules are financially sound and that the methods of transacting the business of the society as laid down in the rules are not undesirable, and if, in the case of a permanent society, he is satisfied that the requirements of section *fifteen* have been complied with, shall register the society under this Act as a building society and record his approval of the rules, and shall return the copy of the rules to the secretary of the society with the date of registration of the society endorsed thereon.

(5) When registering any society the registrar shall record whether the society is registered as a permanent society or as a terminating society.

(6) The word "terminating" shall form part of the name under which any terminating society is registered.

(7) No society shall be registered as a building society by a name identical with that by which a society is already registered under this Act, or so nearly resembling that name as to be calculated to deceive, unless such existing society is in course of being liquidated and consents to the registration.

(8) Upon the registration of any society the registrar shall issue to the society a certificate under his hand stating that the society is registered under this Act, and stating whether the society is registered as a permanent or as a terminating society.

Registration of societies established after commencement of Act, which were not registered as building societies upon their establishment.

5. (1) Any association of persons, whether or not it is registered under any law relating to companies, and whether incorporated or not, which has commenced to carry on business after the commencement of this Act, and which is not registered under this Act, may transmit to the registrar two copies of its rules duly certified as such by two of the directors and the secretary of the association, together with one set of copies of the last annual accounts of the association and such further particulars and information in regard to the financial position of the association as the registrar may require.

(2) The registrar shall, after consideration of such rules, accounts, particulars and information and such further information and arguments as may be submitted to him by the association, and subject to the provisions of sub-sections (4) and (5) of section *one*, determine whether the association is or is not a building society.

(3) The provisions of sub-sections (3), (4), (5), (6), (7) and (8) of section *four* and sub-sections (7), (8) and (9) of section *six* shall apply in respect of any such society.

Registration of existing societies.

6. (1) Every association of persons, whether or not it is registered under any law relating to companies, and whether incorporated or unincorporated, which at the commencement of this Act carries on business, may transmit to the registrar two copies of its rules duly certified as such by two of the directors and the secretary of the association, together with one set of copies of the last annual accounts of the association and such further particulars and information in regard to the financial position of the association as the registrar may require.

(2) The registrar shall, after consideration of such rules, accounts, particulars and information and such further information and arguments as may be submitted to him by the association, and subject to the provisions of sub-sections (4) and (5) of section *one*, determine whether the association is a building society at the date of such determination.

(3) If it be determined in terms of sub-section (2) that the association is not a building society, the registrar shall refuse to register the association.

Registrasie van nuwe verenigings.

4. (1) Persone wat voornemens is om 'n bouvereniging op te rig moet aan die registrateur die statute stuur deur hulle vir die bestuur van die vereniging aangeneem en deur hulle onderteken, tesame met 'n afskrif daarvan as sodanig deur twee van hulle en deur die toekomstige sekretaris gesertifiseer.

(2) Na oorweging van die statute en sulke verdere inligtings en bewysgronde as wat deur sulke persone aan hom voorgelê mag word, beslis die registrateur, met inagneming van die bepalings van sub-artikels (4) en (5) van artikel *een* of die op te rigte vereniging volgens sy statute 'n bouvereniging is of nie.

(3) Wanneer ingevolge sub-artikel (2) beslis word dat die op te rigte vereniging geen bouvereniging is nie, weier die registrateur om die vereniging te registreer.

(4) Wanneer ingevolge sub-artikel (2) beslis word dat die op te rigte vereniging 'n bouvereniging is, moet die registrateur na betaling aan hom van die voorgeskrewe fooi, as hy bevind dat die statute aan die voorskrifte van hierdie Wet voldoen, en as hy daarvan oortuig is dat die statute wat geldelike sake aanbetref gesond is en dat die wyse waarop die besigheidstransaksies van die vereniging volgens die statute verrig moet word nie onwenslik is nie, en wanneer hy, in die geval van 'n permanente vereniging, oortuig is dat aan die voorskrifte van artikel *vyftien* voldoen is, die vereniging kragtens hierdie Wet as 'n bouvereniging registreer, sy goedkeuring van die statute aanteken, en moet hy die afskrif van die statute met die datum van registrasie van die vereniging daarop aangeteken aan die sekretaris van die vereniging terugstuur.

(5) By registrasie van 'n vereniging teken die registrateur aan of die vereniging geregistreer is as 'n permanente vereniging of as 'n tydelike vereniging.

(6) Die woord „tydelike" moet deel uitmaak van die naam waaronder 'n tydelike vereniging geregistreer word.

(7) Geen vereniging mag as 'n bouvereniging geregistreer word onder 'n naam gelyk aan die waaronder 'n vereniging al kragtens hierdie Wet geregistreer is, of wat daar soveel op lyk dat dit bereken is om te mislei, tensy so 'n bestaande vereniging onder likwidasie is en tot die registrasie toestem.

(8) Na die registrasie van 'n vereniging reik die registrateur aan die vereniging 'n sertifikaat onder sy handtekening uit, verklarende dat die vereniging kragtens hierdie Wet geregistreer is en vermeldende of die vereniging as 'n permanente of as 'n tydelike vereniging geregistreer is.

Registrasie van verenigings opgerig na inwerkingtreding van Wet wat by hul oprigting nie as bouverenigings geregistreer is nie.

5. (1) Elke assosiasie van persone, hetsy hy al dan nie kragtens 'n wet op maatskappye geregistreer is, en hetsy hy al dan nie 'n regspersoon is, wat begin het om na die inwerkingtreding van hierdie Wet besigheid te dryf en wat nie kragtens hierdie Wet geregistreer is nie, kan aan die registrateur twee afskrifte van sy statute stuur, behoorlik as sulks gesertifiseer deur twee van die direkteure en deur die sekretaris van die assosiasie, tesame met een stel afskrifte van die jongste jaarlikse rekenings van die vereniging en alle verdere besonderhede en inligtings in verband met die geldelike toestand van die assosiasie wat deur die registrateur vereis word.

(2) Na oorweging van die statute, rekenings, besonderhede en inligtings en van sulke verdere inligtings en bewysgronde as die assosiasie aan hom mag voorlê, en met inagneming van die bepalings van sub-artikels (4) en (5) van artikel *een*, beslis die registrateur of die assosiasie 'n bouvereniging is of nie.

(3) Die bepalings van sub-artikels (3), (4), (5), (6), (7), en (8) van artikel *vier* en sub-artikels (7), (8) en (9) van artikel *ses* is ten opsigte van elke sodanige vereniging van toepassing.

Registrasie van bestaande verenigings.

6. (1) Elke vereniging van persone, hetsy hy al dan nie kragtens 'n wet op maatskappye geregistreer is, en hetsy hy al dan nie 'n regspersoon is, wat by die inwerkingtreding van hierdie Wet besigheid dryf, kan aan die registrateur twee afskrifte van sy statute stuur, behoorlik as sulks deur twee van die direkteure en deur die sekretaris van die assosiasie gesertifiseer, tesame met een stel afskrifte van die jongste jaarlikse rekenings van die assosiasie en alle verdere besonderhede en inligtings in verband met die geldelike toestand van die assosiasie wat deur die registrateur vereis word.

(2) Na oorweging van die statute, rekenings, besonderhede en inligtings en van sulke verdere inligtings en bewysgronde as die assosiasie aan hom mag voorlê, en met inagneming van die bepalings van sub-artikels (4) en (5) van artikel *een*, beslis die registrateur of die assosiasie op die datum van daardie beslissing 'n bouvereniging is.

(3) Wanneer ingevolge sub-artikel (2) beslis word dat die assosiasie nie 'n bouvereniging is nie, weier die registrateur om die assosiasie te registreer.

(4) If it be determined in terms of sub-section (2) that the association is a building society, then, upon payment of the prescribed fee, the registrar, if he finds that the rules are in conformity with this Act, and if he is satisfied that the rules are financially sound, that the methods of transacting the business of the association as laid down in the rules are not undesirable and that (in the case of an association to be registered as a permanent society) the association complies with the requirements of paragraph (ii) of the proviso to paragraph (*d*) of sub-section (1) of section *twenty-two*, sub-section (4) of section *twenty-three* and section *twenty-five*, shall register the association under this Act as a building society and record his approval of the rules and shall return one copy of the rules to the secretary of the society with the date of registration endorsed thereon: Provided that if there are two or more existing societies which have the same name or names so nearly resembling each other as to be calculated to deceive, the society which first was established shall be entitled to registration in its own name and the other society or societies shall not be registered under the name or names by which it or they have been known, but shall be registered by some other name or names approved by the registrar: Provided further that the word "terminating" shall form part of the name under which any terminating society is registered.

(5) When registering any society the registrar shall record whether the society is registered as a permanent society or as a terminating society.

(6) The registrar shall issue to such existing society on its registration a certificate under his hand that the society is registered under this Act and stating whether the society is registered as a permanent or as a terminating society.

(7) From the date of such registration—

(*a*) all assets whatsoever belonging to or held in trust for the existing society shall vest in the society as registered without transfer or cession;

(*b*) the society as registered shall assume all liabilities whatsoever of the existing society:

Provided that such registration shall in no way deprive any creditor of the existing society, who at the date of registration was not a member of the society, of any right or remedy which he had immediately prior to such registration against the existing society or any member or officer thereof.

(8) Whenever in accordance with the provisions of this section a society is registered by a name other than that by which it has been known, the officer in charge of a deeds registry or other office in which is registered any mortgage bond or any immovable property belonging to the society shall, without charge and upon the production to him by the society of such bond or the title deeds of such immovable property and a certificate by the registrar of the registration of the society, make such endorsements upon such bond or title deeds and such alterations in his registers as are necessary by reason of the change of name.

(9) From the date of such registration, no person shall, notwithstanding anything contained in the rules of the society in force prior to such registration or in any agreement entered into by the society prior to such registration, be deemed to be a member of the society, unless he holds shares in the society, and the rights and privileges of every member of the society shall be determined in accordance with the provisions of this Act and the rules of the society as approved under this Act.

Provisional registration of existing societies.

7. (1) If the registrar is not satisfied, with regard to an association of persons which it has been determined in terms of sub-section (2) of section *six* is a building society, that its rules are in conformity with this Act, that its rules are financially sound, that the methods of transacting its business as laid down in the rules are not undesirable, and that it complies with paragraph (ii) of the proviso to paragraph (*d*) of sub-section (1) of section *twenty-two*, sub-section (4) of section *twenty-three* and section *twenty-five*, he shall provisionally register the association under this Act as a building society and issue a certificate of the provisional registration of such society.

(4) Wanneer ingevolge sub-artikel (2) beslis word dat die assosiasie 'n bouvereniging is, dan registreer die registrateur na betaling van die voorgeskrewe fooi, indien hy bevind dat die statute in ooreenstemming met hierdie Wet is, en wanneer hy oortuig is dat die statute wat geldelike sake aanbetref gesond is en dat die wyse waarop die besigheidstransaksies van die assosiasie volgens die statute verrig moet word, nie onwenslik is nie en dat (in die geval van 'n assosiasie wat as 'n permanente vereniging geregistreer moet word) die assosiasie voldoen aan die voorskrifte van paragraaf (ii) van die voorbehoudsbepaling op paragraaf (*d*) van sub-artikel (1) van artikel *twee-en-twintig*, sub-artikel (4) van artikel *drie-en-twintig* en artikel *vyf-en-twintig*, die assosiasie ingevolge hierdie Wet as 'n bouvereniging en teken sy goedkeuring van die statute aan en stuur een afskrif van die statute aan die sekretaris van die vereniging terug met die datum van registrasie daarop aangeteken: Met die verstande dat wanneer daar twee of meer bestaande verenigings is wat dieselfde naam of name het wat soveel op mekaar gelyk dat dit bereken is om te mislei die vereniging wat eers gevestig is geregtig is op registrasie onder sy eie naam en die ander vereniging of verenigings nie geregistreer word onder die naam of name waarby hulle bekend staan nie, maar geregistreer word onder 'n ander naam of name goedgekeur deur die registrateur: Met die verstande verder dat die woord „tydelike" deel uitmaak van die naam waaronder 'n tydelike vereniging geregistreer word.

(5) By registrasie van 'n vereniging teken die registrateur aan of die vereniging geregistreer word as 'n permanente vereniging of as 'n tydelike vereniging.

(6) Die registrateur reik aan so 'n bestaande vereniging by sy registrasie onder sy handtekening 'n sertifikaat uit dat die vereniging kragtens hierdie Wet geregistreer is en vermeld of die vereniging as 'n permanente of as 'n tydelike vereniging geregistreer is.

(7) Vanaf die datum van sodanige registrasie—

(*a*) word alle bates hoegenaamd toebehorende aan of in trust gehou vir die bestaande vereniging die eiendom van die vereniging soos geregistreer sonder oordrag of sessie;

(*b*) neem die vereniging soos geregistreer alle skulde hoegenaamd van die bestaande vereniging oor:

Met die verstande dat sodanige registrasie geensins enige krediteur van die bestaande vereniging, wat op die datum van registrasie geen lid van die vereniging was nie, enige reg of regsmiddel ontneem wat hy onmiddellik voor sodanige registrasie teen die bestaande vereniging of 'n lid of amptenaar daarvan gehad het.

(8) Wanneer 'n vereniging ooreenkomstig die bepalings van hierdie artikel geregistreer word onder 'n ander naam dan waaronder hy bekend is gewees, maak die amptenaar belas met die beheer van 'n registrasiekantoor van aktes of ander kantoor waarin 'n verbandakte op onroerende eiendom toebehorende aan die vereniging geregistreer is, kosteloos en op vertoning aan hom deur die vereniging van sodanige verbandakte of die titelbewyse van daardie onroerende eiendom en 'n sertifikaat deur die registrateur van die registrasie van die vereniging, sodanige aantekenings op daardie verbandakte of titelbewyse en sulke wysigings in sy registers as nodig is uit hoofde van die naamsverandering.

(9) Ondanks die bepalings van die statute van die vereniging wat voor bedoelde registrasie van krag was of van 'n ooreenkoms wat voor bedoelde registrasie deur die vereniging aangegaan is, word niemand, vanaf die datum van bedoelde registrasie geag lid van die vereniging te wees nie, tensy hy aandele in die vereniging besit, en die regte en voorregte van elke lid van die vereniging word volgens die bepalings van hierdie Wet en die kragtens hierdie Wet goedgekeurde statute van die vereniging vasgestel.

Voorlopige registrasie van bestaande verenigings.

**7.** (1) Wanneer die registrateur met betrekking tot 'n assosiasie van persone waaroor ingevolge sub-artikel (2) van artikel *ses* beslis is dat dit 'n bouvereniging is, nie oortuig is dat sy statute in ooreenstemming met hierdie Wet is, dat sy statute wat geldelike sake aanbetref gesond is en dat die wyse waarop die besigheid van die vereniging volgens die statute verrig moet word, nie onwenslik is nie, en dat hy aan paragraaf (ii) van die voorbehoudsbepaling op paragraaf (*d*) van sub-artikel (1) van artikel *twee-en-twintig*, sub-artikel (4) van artikel *drie-en-twintig* en artikel *vyf-en-twintig* voldoen, registreer hy die vereniging onder hierdie Wet voorlopig as 'n bouvereniging en reik 'n sertifikaat uit van die voorlopige registrasie van daardie vereniging.

(2) Such certificate of provisional registration shall be valid for twelve months from its date, and the registrar may thereafter in his discretion extend the period of its validity from time to time for further periods of twelve months, up to a maximum of five years in all, to afford such society an opportunity to comply with his requirements as to the rules and the requirements of this Act: Provided that if after the expiration of such five years the society finds itself still unable to comply with the requirements of this Act, and if the Minister is satisfied that the society has taken all such steps as it could reasonably have been expected to take with the object of complying with the requirements of this Act within such five years, the Minister may, in his absolute discretion, and subject to such conditions as he may deem desirable, extend the period of validity of the certificate of provisional registration for an additional period of twelve months: Provided further that if after the expiration of such additional twelve months, the society continues to find itself unable to comply with the requirements of this Act, and if the Minister is satisfied that the society has during such twelve months complied with any conditions he may have imposed and taken such other measures as it could reasonably have been expected to take with the object of complying with the requirements of this Act, he may, in his absolute discretion, and subject to such further conditions as he may deem desirable, extend the period of validity of the certificate of provisional registration for an additional period of twelve months, and may, in like circumstances, from time to time thereafter, extend the validity of such certificate for further periods of twelve months up to a maximum of ten years in all from the commencement of this Act.

(3) Such certificate shall during its currency authorize such society to transact business as though this Act had not been passed.

Appeal from refusal of registrar to register a society.

8. Every refusal by the registrar to register a society carrying on business at the commencement of this Act, other than a refusal in terms of sub-section (3) of section *four* or sub-section (3) of section *six*, and every refusal by the registrar to extend the period of the validity of a certificate of provisional registration (where such period, together with the desired extension, does not exceed a maximum of five years in all) shall be subject to an appeal to the Minister. The decision of the Minister on any such appeal shall be subject to an appeal to the Court.

Registrar may require unregistered societies to furnish information.

9. (1) The registrar may at any time by notice in writing require any association of persons, whether or not it is registered under any law relating to companies, and whether incorporated or not, which is not registered or provisionally registered under this Act, and which he has reason to suspect is a building society, to transmit to him within a period stated in such notice, or within such further period as the registrar may allow, one copy of its rules duly certified as such by two of the directors and the secretary of the association, together with one set of copies of the last annual accounts of the association and such further particulars of and information regarding the association as the registrar may require.

(2) The provisions of section *four*, other than sub-section (1) thereof, shall, *mutatis mutandis*, apply in respect of every such association which was not carrying on business at the commencement of this Act.

(3) The provisions of section *six*, other than sub-section (1) thereof, and of section *seven*, shall, *mutatis mutandis*, apply in respect of every such association which was carrying on business at the commencement of this Act.

Registered building society to be body corporate.

10. (1) From the date of registration (other than provisional registration under section *seven*) of a society under this Act—

(*a*) which at the commencement of this Act is in existence as a body corporate, it shall continue as before such commencement a body corporate, and in the case of a society registered under the Companies Act, 1926 (Act No. 46 of 1926), or under any of the provincial companies laws referred to in section *two hundred and seven* of that Act, or under any law repealed by any of the said laws, the provisions of the law under which it is registered and of the said Act shall, subject to the provisions of sections *thirty-nine* and *forty* of this Act, cease to have any application thereto;

(2) So 'n sertifikaat van voorlopige registrasie is geldig vir twaalf maande vanaf die datum van uitgifte, en die registrateur kan daarna na goeddunke die termyn van geldigheid van tyd tot tyd vir verdere tydperke van twaalf maande verleng, tot 'n maksimum van vyf jaar altesaam, om aan so 'n vereniging die geleentheid te verskaf om aan sy vereistes omtrent die statute en die vereistes van hierdie Wet te voldoen : Met die verstande dat wanneer na afloóp van daardie vyf jaar die vereniging nog onbekwaam is om aan die vereistes van hierdie Wet te voldoen, en die Minister oortuig is dat die vereniging alle maatreëls getref het wat redelikerwys van hom verwag kan word ten einde binne daardie vyf jaar aan die vereistes van hierdie Wet te voldoen, hy geheel na eie goedvinde, en onderworpe aan sulke voorwaardes as hy wenslik ag die geldigheidstermyn van die sertifikaat van voorlopige registrasie met 'n verdere tydperk van twaalf maande kan verleng : Met die verstande verder dat wanneer na afloop van daardie verdere twaalf maande die vereniging nog steeds onbekwaam bly om aan die vereistes van hierdie Wet te voldoen, en wanneer die Minister oortuig is dat die vereniging gedurende daardie twaalf maande voldoen het aan alle voorwaardes wat hy opgelê het en sulke andere maatreëls getref het as redelikerwys van hom verwag kan word ten einde aan die vereistes van hierdie Wet te voldoen, hy geheel na sy eie goedvinde en onderworpe aan sulke verdere voorwaardes as hy wenslik ag die geldigheidstermyn van die sertifikaat van voorlopige registrasie vir 'n verdere tydperk van twaalf maande kan verleng, en onder gelyke omstandighede van tyd tot tyd daarna die geldigheid van so 'n sertifikaat vir verdere tydperke van twaalf maande tot 'n maksimum van tien jaar altesaam vanaf die inwerkingtreding van hierdie Wet kan verleng.

(3) So 'n sertifikaat magtig daardie vereniging gedurende sy geldigheid om sy besigheidstransaksies te dryf asof hierdie Wet nie aangeneem was nie.

Appèl van weiering van die registrateur om 'n vereniging te registreer.

8. Elke weiering deur die registrateur om 'n vereniging te registreer wat by die inwerkingtreding van hierdie Wet besigheid dryf, nie synde 'n weiering ingevolge sub-artikel (3) van artikel *vier* of sub-artikel (3) van artikel *ses*, en elke weiering deur die registrateur om die geldigheidstermyn van 'n sertifikaat van voorlopige registrasie te verleng (wanneer daardie termyn, tesame met die verlangde verlenging 'n maksimum van vyf jaar altesaam nie te bowe gaan nie) is onderhewig aan appèl na die Minister. Die beslissing van die Minister oor so 'n appèl is onderworpe aan 'n appèl na die hof.

Registrateur kan ongeregistreerde verenigings gelas om inligtings te verskaf.

9. (1) Die registrateur kan te eniger tyd deur skriftelike kennisgewing 'n assosiasie van persone, hetsy al dan nie geregistreer kragtens 'n wet op maatskappye, en hetsy hy al dan nie 'n regspersoon is, wat nie kragtens hierdie Wet geregistreer of voorlopig geregistreer is nie, en wat hy op goeie grond vermoed 'n bouvereniging te wees, gelas om aan hom binne 'n tydperk in daardie kennisgewing genoem, of binne so 'n verdere tydperk as die registrateur mag toestaan, een afskrif te stuur van sy statute behoorlik as sulks gesertifiseer deur twee van die direkteure en die sekretaris van die assosiasie, tesame met een stel afskrifte van die jongste jaarlikse rekenings van die assosiasie en sulke verdere besonderhede en inligtings omtrent die assosiasie as deur die registrateur vereis word.

(2) Die bepalings van artikel *vier* met uitsondering van sub-artikel (1) daarvan is, *mutatis mutandis*, van toepassing op elke sodanige assosiasie wat geen besigheid gedryf het by die inwerkingtreding van hierdie Wet.

(3) Die bepalings van artikel *ses* met uitsondering van sub-artikel (1) daarvan, en van artikel *sewe* is, *mutatis mutandis*, van toepassing op elke sodanige assosiasie wat besigheid gedryf het by die inwerkingtreding van hierdie Wet.

Geregistreerde bouvereniging regspersoon te wees.

10. (1) Vanaf die datum van registrasie (nie synde 'n voorlopige registrasie ingevolge artikel *sewe* nie) van 'n vereniging kragtens hierdie Wet—

(*a*) wat by die inwerkingtreding van hierdie Wet bestaan as 'n regspersoon, gaan hy voort soos voor daardie inwerkingtreding as 'n regspersoon, en in die geval van 'n vereniging geregistreer kragtens die Maatskappywet, 1926 (Wet No. 46 van 1926) of kragtens een van die provinsiale maatskappywette bedoel in artikel *tweehonderd-en-sewe* van daardie Wet, of kragtens 'n wet herroep deur een van genoemde wette het die bepalings van die wet waaronder hy geregistreer is en van die genoemde Wet, behoudens die bepalings van artikels *negen-en-dertig* en *veertig* van hierdie Wet nie langer toepassing daarop nie ;

(*b*) which at the commencement of this Act is in existence but is not a body corporate, it shall be a body corporate;

(*c*) which is established after the commencement of this Act, it shall be a body corporate.

(2) Every society so registered shall be capable in law of suing and being sued, of acquiring, owning, hiring, letting and alienating property, and of doing all such things as bodies corporate may by law do, subject to its rules and to the provisions of this Act.

(3) Whenever a society which is registered under the Companies Act, 1926 (Act No. 46 of 1926), or under any of the provincial companies laws referred to in section *two hundred and seven* of that Act, or under any law repealed by any of the said laws, is registered under this Act, otherwise than under section *seven*, the registrar shall notify the Registrar of Companies in writing of such registration, and upon receipt by the Registrar of Companies of such notice, he shall strike the name of such society off the register of companies.

Conclusiveness of certificate of registration.

**11.** A certificate of registration (or of provisional registration under section *seven*) of a society issued by the registrar shall, upon its mere production, in the absence of proof of fraud, be conclusive evidence that all the requirements of this Act in respect of registration (or of provisional registration) and of matters precedent and incidental thereto have been complied with and that the society is a society duly registered (or provisionally registered) under this Act.

Cancellation and suspension of registration.

**12.** (1) Where in the opinion of the registrar reasonable grounds exist for believing that a certificate of registration (or provisional registration under section *seven*) has been obtained for a society by fraud or mistake, or that a society exists for an illegal purpose, or has wilfully and after notice from the registrar violated any of the provisions of this Act applicable to it, or has ceased to exist, the registrar may, with the approval of the Minister, apply to the court for the cancellation or suspension of the registration (or provisional registration) of the society.

(2) The registrar shall, before making any such application, give to the society not less than two months' previous notice in writing of his intention to make the application, specifying briefly the grounds of the proposed application.

(3) The court may cancel the registration (or provisional registration) of the society or suspend such registration for such period as it thinks fit, and may attach to such cancellation or suspension such conditions as it thinks desirable, or may make any other order which in the circumstances it thinks desirable.

(4) Unless the court otherwise orders, the costs of the registrar in or in connection with the application shall be paid by the society, and shall be a first charge upon the assets of the society.

(5) The registrar shall cancel the registration (or provisional registration) of a society, if the society by resolution passed at a general meeting convened for the purpose, in favour of which the majority of the members voting in accordance with the rules, vote, resolves that the registration (or provisional registration) of the society be cancelled: Provided that where the members so voting in favour of such resolution do not hold more than one-half of the value of shares of the society, the resolution shall not become effective until it obtains the concurrence in writing of other members whose shares together with the shares of the members who voted in favour of the said resolution exceed in value one-half of the total value of shares of the society.

(6) The registrar shall, as soon as practicable after any cancellation or suspension under sub-section (3) or (5) takes place, cause notice thereof to be published in the *Gazette*, and in a newspaper circulating in the district in which the head office of the society is situate.

(7) A society whose registration (or provisional registration) has been cancelled or suspended shall from the time of such cancellation or suspension (but in case of suspension, only while the suspension lasts) be deemed to be a society not registered or provisionally registered under this Act, as the case may be, and cease to enjoy the privileges of a registered society or provisionally registered society, as the case may be.

(*b*) wat by die inwerkingtreding van hierdie Wet bestaan maar nie langer 'n regspersoon is nie, sal hy 'n regspersoon wees;

(*c*) wat na die inwerkingtreding van hierdie Wet opgerig word, sal hy 'n regspersoon wees.

(2) Elke aldus geregistreerde vereniging is bevoeg om in regte eisend en verwerend op te tree, om eiendom te verkry, te besit, te huur, te verhuur en te vervreem, en om alle sodanige dinge te doen wat regspersone geregtig is om te doen, onderworpe aan sy statute en aan die bepalings van hierdie Wet.

(3) Wanneer 'n vereniging wat geregistreer is kragtens die Maatskappywet, 1926 (Wet No. 46 van 1926), of kragtens een van die provinsiale maatskappywette bedoel in artikel *tweehonderd-en-sewe* van daardie wet, of kragtens 'n wet herroep deur een van genoemde wette, geregistreer word kragtens hierdie Wet, andersins dan kragtens artikel *sewe*, moet die registrateur die Registrateur van Maatskappye skriftelik in kennis stel van bedoelde registrasie, en na ontvangs deur die Registrateur van Maatskappye van bedoelde kennisgewing, moet hy die naam van die vereniging uit die register van maatskappye skrap.

Afdoendheid van sertifikaat van registrasie.

**11.** 'n Sertifikaat van registrasie (of van voorlopige registrasie ingevolge artikel *sewe*) van 'n vereniging deur die registrateur uitgereik is, uitsluitend op vertoon daarvan en by afwesigheid van bewys van bedrog, afdoende bewys dat aan alle vereistes van hierdie Wet ten opsigte van registrasie (of van voorlopige registrasie), en van sake daaraan voorafgaande of daarmee in verband staande voldoen is en dat die vereniging 'n behoorlik geregistreerde (of voorlopig geregistreerde) vereniging kragtens hierdie Wet is.

Kansellasie en skorsing van registrasie.

**12.** (1) Wanneer volgens die mening van die registrateur redelike gronde bestaan om te vermoed dat 'n sertifikaat van registrasie (of voorlopige registrasie ingevolge artikel *sewe*) vir 'n vereniging deur bedrog of vergissing verkry is, of dat 'n vereniging bestaan vir 'n onwettige doel, of opsetlik en na kennisgewing van die registrateur een van die bepalings van hierdie Wet wat op hom van toepassing is geskend het, of opgehou het om te bestaan, kan die registrateur met goedkeuring van die Minister, by die hof aansoek doen vir die kansellasie of skorsing van die registrasie (of voorlopige registrasie) van die vereniging.

(2) Die registrateur gee, voor sodanige aansoek te doen, die vereniging minstens twee maande voorafgaande kennis in geskrifte van sy voorneme om die aansoek te doen, daarby kortliks die gronde van die voorgenome aansoek uiteensittende.

(3) Die hof kan die registrasie (of voorlopige registrasie) van die vereniging kanselleer of sodanige registrasie vir so 'n tydperk as hy voegsaam oordeel skors, en kan aan daardie kansellasie of skorsing sulke voorwaardes verbind as hy wenslik ag, of hy kan enige ander bevel uitvaardig wat hy onder die omstandighede wenslik oordeel.

(4) Tensy die hof anders beveel word die koste van die registrateur in verband met die aansoek betaal deur die vereniging en is 'n eerste las op die bates van die vereniging.

(5) Die registrateur kanselleer die registrasie (of voorlopige registrasie) van 'n vereniging, wanneer die vereniging by besluit geneem op 'n algemene vergadering vir daardie doel belê ten gunste waarvan die meerderheid van die lede stem wat ooreenkomstig die statute stem, besluit dat die registrasie (of voorlopige registrasie) van die vereniging gekanselleer word: Met die verstande dat wanneer die lede wat aldus ten gunste van so 'n besluit stem, nie meer dan die helfte van die waarde van die aandele van die vereniging hou, die besluit nie geldig word nie voordat dit die skriftelike toestemming verkry van ander lede wie se aandele, tesame met die aandele van die lede wat ten gunste van genoemde besluit gestem het, die helfte van die totale waarde van aandele van die vereniging te bowe gaan.

(6) Die registrateur laat so spoedig moontlik nadat 'n kansellasie of skorsing ingevolge sub-artikel (3) of (5) plaasvind, kennisgewing daarvan publiseer in die *Staatskoerant* en in 'n nuusblad in omloop in die distrik waarin die hoofkantoor van die vereniging geleë is.

(7) 'n Vereniging waarvan die registrasie (of voorlopige registrasie) gekanselleer of geskors is word vanaf die tyd van daardie kansellasie of skorsing (maar in die geval van skorsing alleen terwyl die skorsing duur) geag 'n vereniging te wees wat nie geregistreer of voorlopig geregistreer, soos die geval mag wees, onder hierdie Wet is nie, en hou op om die voorregte van 'n geregistreerde vereniging of voorlopig geregistreerde vereniging, soos die geval mag wees, te geniet. Daardie kan-

Such cancellation or suspension shall be without prejudice to any right acquired by any person against the society before the publication in the *Gazette* of the notice referred to in sub-section (6), and every such right may be enforced as if such cancellation or suspension had not taken place.

Change of name of society.

**13.** (1) A registered society may change its name by resolution passed at a meeting called for the purpose in favour of which the majority of the members, voting in accordance with the rules, vote: Provided that where the members so voting in favour of such resolution do not hold more than one-half of the value of shares of the society, the resolution shall not become effective until it obtains the concurrence in writing of other members whose shares together with the shares of the members who voted in favour of the said resolution exceed in value one-half of the total value of shares of the society: Provided further that the new name is not identical with that of any building society previously registered and still existing, or so nearly resembling the same as to be calculated to deceive, unless such existing society is in course of being liquidated and consents to the registration.

(2) Upon receipt by the registrar of notice of such change of name, he shall enter the new name in his records in place of the former name and shall issue a new certificate of registration of the society under its new name: Provided the certificate previously issued by him is delivered to him for cancellation.

(3) The change of name shall not affect any right or obligation of the society, or of any member thereof, or other person concerned, or render defective any legal proceedings by or against the society; and any legal proceedings that may have been continued or commenced by or against it under its former name may be continued or commenced under its new name.

(4) The officer in charge of a deeds registry or other office in which is registered any mortgage bond or any immovable property belonging to the society shall, upon production to him by the society of such bond or of the title-deeds of such immovable property and a certificate by the registrar of building societies of the registration of the society under its new name, and upon payment of the fees that may be payable in terms of any law relating to deeds registries, make such endorsements upon such bond or title-deeds and such alterations in his registers as are necessary by reason of the change of name.

Head office of society to be situate within the Union.

**14.** (1) Every registered society shall have its head office in the Union.

(2) Notice in writing of the situation of the head office shall be lodged by the society with the registrar when application for the registration of the society is made, and whenever any change takes place in the situation of the head office a notice in writing of the change shall be lodged by the society with the registrar within fourteen days thereof.

Deposit of cash or securities to be made with Treasury.

**15.** (1) A permanent building society, not being a building society which was carrying on business at the commencement of this Act, shall not carry on business within the area of a local authority, the land within which area is valued for rating purposes at £750,000 or more, unless it has deposited with the Treasury money or approved securities or both to the amount of £5,000, or unless its funds amount to at least £20,000, and any society which contravenes the provisions of this sub-section shall be guilty of an offence.

(2) Such deposit shall be subject to the following provisions:—

(*a*) if money is deposited, the Treasury shall invest such money in approved securities, and such securities shall be deemed to be securities deposited by the society;

(*b*) a society which makes a deposit shall, upon application, be entitled to obtain from the Treasury an annual certificate of the deposit so made;

(*c*) a society which makes a deposit shall be entitled to receive the income from the securities deposited;

(*d*) a society may substitute for any security deposited under this Act any equivalent approved security;

(*e*) when the funds of any such society amount to £20,000, the Treasury shall return to the society the securities deposited;

sellasie of skorsing doen geen afbreuk aan enige reg deur iemand teen die vereniging verkry voor die publikasie in die *Staatskoerant* van die in sub-artikel (6) bedoelde kennisgewing, en elke sodanige reg kan uitgeoefen word asof daardie kansellasie of skorsing nie plaasgevind het nie.

Verandering van naam van vereniging.

**13.** (1) 'n Geregistreerde vereniging kan sy naam verander by besluit aangeneem op 'n vergadering vir daardie doel belê ten gunste waarvan die meerderheid van die lede stem wat ooreenkomstig die reëls stem: Met die verstande dat wanneer die lede wat aldus ten gunste van so 'n besluit stem nie meer as die helfte van die waarde van aandele van die vereniging hou, die besluit nie van krag word nie voordat dit die skriftelike goedkeuring verkry van ander lede wie se aandele, tesame met die aandele van die lede wat ten gunste van bedoelde besluit gestem het, die helfte van die totale waarde van aandele van die vereniging te bowe gaan: Met die verstande verder dat die nuwe naam nie dieselfde is as die van 'n tevore geregistreerde en bestaande vereniging nie of nie soveel daarmee ooreenkom dat hy sou kan mislei nie, behalwe wanneer die reeds bestaande vereniging gelikwideer word en toestem tot die registrasie.

(2) Na ontvangs van kennisgewing van so 'n verandering van naam, moet die registrateur die nuwe naam in plaas van die vorige op sy rekords inskrywe en 'n nuwe sertifikaat van registrasie van die vereniging onder sy nuwe naam uitreik, mits die tevore uitgereikte sertifikaat aan hom ingehandig word om gekanselleer te word.

(3) Die naamsverandering het geen invloed op enige reg of verpligting van die vereniging, of van 'n lid daarvan of ander betrokke persoon nie, en maak geen regsgeding ingestel deur of teen die vereniging ongeldig nie; en enige regsgeding wat onder sy vorige naam deur of teen hom voortgesit of ingestel mog geword het kan onder sy nuwe naam voortgesit of ingestel word.

(4) Die beampte wat oor 'n registrasiekantoor van aktes of ander kantoor gestel is waarin enige verband of onroerende eiendom behorende aan die vereniging geregistreer is moet by vertoning aan hom deur die vereniging van sodanige verband of die titelbewyse van sodanige onroerende eiendom en 'n sertifikaat deur die registrateur van bouverenigings van die registrasie van die vereniging onder sy nuwe naam, en na betaling van die fooie wat betaalbaar is ingevolge enige wet betreffende registrasie van aktes, sodanige aantekenings op sodanige verband of titelbewyse en sodanige veranderings in sy registers maak as wat nodig is weens die naamsverandering.

Hoofkantoor van 'n vereniging moet binne die Unie wees.

**14.** (1) Die hoofkantoor van elke geregistreerde vereniging moet binne die Unie geleë wees.

(2) Wanneer aansoek om registrasie van die vereniging gedoen word, moet die vereniging skriftelike kennisgewing van die plek waar sy hoofkantoor geleë is by die registrateur indien, en wanneer die hoofkantoor verplaas word moet die vereniging binne veertien dae vanaf die datum van verplasing skriftelike kennisgewing daarvan by die registrateur indien.

Kontant of sekuriteite by Tesourie gedeponeer te word.

**15.** (1) 'n Permanente bouvereniging, nie synde 'n bouvereniging wat by die inwerkingtreding van hierdie Wet besigheid gedryf het, dryf geen besigheid binne die gebied van 'n plaaslike bestuur, waarin die grond vir belastingsdoeleindes gewaardeer word op £750,000 of meer, tensy hy by die Tesourie geld of goedgekeurde sekuriteite of albei tot die bedrag van £5,000 gedeponeer het, of tensy sy fondse minstens £20,000 bedra, en enige vereniging wat die bepalings van hierdie sub-artikel oortree is aan 'n misdryf skuldig.

(2) Sodanige deposito is aan die volgende bepalings onderhewig—

(*a*) indien geld gedeponeer word belê die Tesourie sodanige geld in goedgekeurde sekuriteite, en sodanige sekuriteite word geag sekuriteite te wees deur die vereniging gedeponeer;

(*b*) 'n vereniging wat 'n deposito maak is op aansoek geregtig om van die Tesourie 'n jaarlikse sertifikaat van die aldus gemaakte deposito te verkry;

(*c*) 'n vereniging wat 'n deposito maak is geregtig om die inkomste van die gedeponeerde sekuriteite te ontvang;

(*d*) 'n vereniging kan enige sekuriteit onder hierdie Wet gedeponeer vervang deur enige gelykwaardige goedgekeurde sekuriteit;

(*e*) wanneer die fondse van enige sodanige vereniging £20,000 bedra stuur die Tesourie die gedeponeerde sekuriteite aan die vereniging terug;

(*f*) in all matters relating to deposits or to the value of securities deposited the decision of the Treasury shall be final; and

(*g*) all moneys and securities for the time being deposited under this section shall, subject to the provisions of this section, be and remain as a security for the payment of liabilities of the society in respect of shares in and deposits with the society, and shall not be liable for any other liabilities of the society until the liabilities of the society in respect of shares in and deposits with the society have been fulfilled.

(3) No prosecution shall be instituted for any contravention of the provisions of sub-section (1) unless the Treasury has in writing notified the society of the default and required the society to comply with the said provisions within a specified time, not being less than sixty days after the receipt by the society of such notification, and the society has failed within the time so specified to comply with the said provisions.

Prospectuses and other publications.

16. (1) Every society shall, when transmitting its rules to the registrar in terms of section *four*, *five*, *six* or *nine*, at the same time transmit to him copies of all its prospectuses or other publications relating to the affairs of the society, which are issued from time to time and which are then in circulation setting forth the terms on which shares are or will be issued, deposits accepted and money borrowed and lent, or setting forth generally the terms on which it transacts or intends to transact business with members and others.

(2) The society shall notify the registrar of the cancellation of such prospectus or publication, and shall lodge with the registrar a copy of any such prospectus or publication that may thereafter be issued, within fourteen days after the issue thereof, and a copy of every alteration in or addition to any such prospectus or publication within fourteen days after the making thereof.

RULES OF SOCIETIES.

Matters to be set forth in rules.

17. (1) The rules of every registered society shall set forth—

(*a*) the name of the society and the situation of its head office;

(*b*) the manner in which the funds of the society are to be raised;

(*c*) the terms upon which subscription shares are to be issued and the manner in which the contributions are to be paid to the society and repaid to members;

(*d*) the terms upon which paid-up shares, if any, are to be issued and repaid;

(*e*) whether subscription or paid-up shares are to be issued, and, if so, within what limits and upon what terms;

(*f*) the manner in and the conditions upon which advances are to be made and repaid, and the conditions upon which a borrower can repay the amount owing by him before the expiry of the period for which the advance was made;

(*g*) the manner in which losses are to be ascertained and provided for;

(*h*) the manner in which membership is to be acquired and to cease;

(*i*) whether the society intends to receive deposits and to borrow money, and, if so, within what limits, not exceeding those prescribed by this Act;

(*j*) the purposes to which the funds of the society are to be applied, and the manner in which, subject to the provisions of this Act, they are to be invested;

(*k*) the manner of altering and rescinding the rules of the society, and of making additional rules;

(*l*) the qualifications of directors and the manner of appointing, electing, remunerating and removing directors, local or other boards or committees and officers;

(*m*) the manner of calling the annual general meeting and special general meetings of members, the quorum

(*f*) in alle sake betreffende deposito's of die waarde van gedeponeerde sekuriteite is die beslissing van die Tesourie finaal ; en

(*g*) alle gelde en sekuriteite onder hierdie artikel tot tyd en wyl gedeponeer, is en bly behoudens die bepalings van hierdie artikel sekuriteit vir betaling van skulde van die vereniging ten opsigte van aandele in en deposito's by die vereniging, en is nie aanspreeklik vir enige ander verpligtings van die vereniging totdat aan die verpligtings van die vereniging ten opsigte van aandele in en deposito's by die vereniging voldoen is.

(3) Geen vervolging word ingestel vir enige oortreding van die bepalings van sub-artikel (1) tensy die Tesourie die vereniging van die versuim skriftelik kennis gegee het en van die vereniging vereis het om aan gemelde bepalings te voldoen binne 'n vasgestelde tydperk van minstens sestig dae na die ontvangs deur die vereniging van sodanige kennisgewing en die vereniging versuim het om binne die aldus vasgestelde tydperk aan gemelde bepalings te voldoen.

Prospektusse en ander pamflette.

**16.** (1) Wanneer 'n vereniging sy statute aan die registrateur stuur ingevolge artikel *vier, vyf, ses* of *nege* moet hy aan die registrateur tegelykertyd stuur afskrifte van al sy prospektusse of ander pamflette betreffende die sake van die vereniging wat van tyd tot tyd uitgegee word en dan in omloop is en wat die voorwaardes vermeld waarop hy aandele uitgee, deposito's ontvang, geld in leen ontvang en geld uitleen, of voornemens is aandele uit te gee, deposito's te ontvang, geld in leen te ontvang, of geld uit te leen, of wat in die algemeen uiteensit op watter voorwaardes hy met sy lede en ander persone sake doen of voornemens is sake te doen.

(2) Die vereniging gee aan die registrateur kennis van die kansellering van sodanige prospektus of pamflet, en dien by die registrateur 'n afskrif in van elke sodanige prospektus of pamflet wat daarna uitgegee mog wees, binne veertien dae vanaf die datum waarop dit uitgegee is, en 'n afskrif van elke verandering in of toevoeging tot sodanige prospektus of pamflet binne veertien dae nadat dit geskied het.

### Statute van Verenigings.

Sake wat in die statute vermeld moet word.

**17.** (1) Die statute van elke geregistreerde vereniging moet vermeld—

(*a*) die naam van die vereniging en die plek waar sy hoofkantoor geleë is ;

(*b*) die wyse waarop die fondse van die vereniging verkry word ;

(*c*) die voorwaardes waarop subskripsie-aandele uitgegee word, en die wyse waarop paaiemente of aandele aan die vereniging betaal en aan lede terugbetaal word :

(*d*) die voorwaardes waarop opbetaalde aandele (as daar is) uitgegee en terugbetaal word ;

(*e*) of subskripsie- of opbetaalde aandele uitgegee word, en so ja, tot watter bedrag en op watter voorwaardes ;

(*f*) die wyse en voorwaardes waarop voorskotte toegestaan en terugbetaal word, en die voorwaardes waarop 'n lener die deur hom verskuldigde bedrag kan terugbetaal voor die afloop van die termyn waarvoor die voorskot toegestaan is ;

(*g*) die wyse waarop verliese vasgestel word en die wyse waarop vir verliese voorsiening gemaak word ;

(*h*) die wyse waarop lidmaatskap verkry word en tot 'n end kom ;

(*i*) of die vereniging voornemens is geld in deposito te ontvang en te leen, en so ja, tot watter bedrag, binne die voorskrifte van hierdie Wet ;

(*j*) vir watter doeleindes die fondse van die vereniging aangewend word, en die wyse waarop, met inagneming van die voorskrifte van hierdie Wet, daardie fondse belê word ;

(*k*) die wyse waarop die statute van die vereniging gewysig of herroep word en die wyse waarop aanvullende statute gemaak word ;

(*l*) die kwalifikasies van direkteure en die wyse van benoeming, verkiesing, besoldiging en ontslag van direkteure, plaaslike of andere rade of komitees en amptenare ;

(*m*) die wyse waarop die jaarlikse algemene vergadering en buitengewone algemene vergadering belê word,

necessary for the transaction of business at such meetings, and the manner of voting thereat;

(*n*) the manner of making an annual or more frequent audit of the accounts, and inspection by the auditor of the mortgage bonds and other securities belonging to the society;

(*o*) whether disputes between the society and any of its members, or between the society and any person claiming under the rules or whose claim is derived from a member, shall be settled by the court or by arbitration;

(*p*) how custody shall be kept of the mortgage bonds, title deeds, and other securities belonging to or held by the society;

(*q*) the powers and duties of the board of directors, local or other committees and officers;

(*r*) how contracts or other documents binding the society shall be executed;

(*s*) the fees, fines and forfeitures that may be imposed on members of the society;

(*t*) the manner in which, subject to the provisions of this Act, the society shall be terminated or liquidated.

(2) The provisions of sub-section (1) may be modified by the registrar in their application to terminating societies, having regard to the nature of the business transacted by such societies.

(3) A terminating society shall not include in its rules the power to accept deposits or to borrow.

Amendment of rules.

**18.** (1) A registered society may, in the manner directed by its rules, alter or rescind any rule, or make any additional rule, but no such alteration, rescission or addition shall be valid if—

(*a*) it purports to affect any right of a creditor of the society who is not a member thereof; or
(*b*) it is directed against any particular individual; or
(*c*) it purports to alter the rights of members in a winding up.

(2) Two copies of every resolution for the alteration or rescission of any rule or the making of any additional rule shall be transmitted by the secretary of the society to the registrar, together with a certificate by the chairman of the board of directors and the secretary of the society that the provisions of the rules of the society governing the alteration or rescission of, or addition to, any rule have been complied with.

(3) If the registrar finds that such alteration, rescission or addition is in conformity with this Act, and is satisfied that it is financially sound and that the methods of transacting the business of the society as laid down therein are not undesirable, he shall register the resolution and return one of the copies to the secretary of the society, with the date of registration endorsed thereon, and as from the date of registration the alteration, rescission or addition, as the case may be, shall take effect.

Binding force of rules.

**19.** The rules of the society shall, when registered, be binding on the society and the members and officers thereof, and on all persons claiming under the rules or whose claim is derived from a member.

Applications for shares or for leave to make deposits.

**20.** (1) No person shall be permitted to become a member of or a depositor with a registered society unless he has signed a form applying for shares in the society or applying to be allowed to make deposits with the society, as the case may be.

(2) Every person signing any such form shall be furnished by the society with a copy thereof. Every such form shall have printed or written thereon the whole of section *forty-one* and such portions of or references to section *twenty-two* and the rules as the registrar may prescribe.

Minors and married women.

**21.** Unless otherwise provided by the rules of the society, a minor over the age of sixteen years or a married woman whether under marital power or not may be a member or depositor of any registered society and may without assistance execute all necessary documents, give all necessary acquittances

die kworum wat nodig is vir die afhandeling van besigheid op so 'n vergadering, en die wyse waarop daarop gestem word;

(*n*) die wyse van instelling van 'n rekeningsopname een- of meermale in die jaar en vir inspeksie deur die ouditeur van die verbande en ander sekuriteite van die vereniging;

(*o*) of geskille tussen die vereniging en sy lede, of tussen die vereniging en 'n persoon wat 'n vordering het wat uit die statute voorspruit of wat hy van 'n lid verkry het, deur die hof of deur middel van arbitrasie beslis moet word;

(*p*) hoe die bewaring moet geskied van die verbande, titelbewyse en ander sekuriteite wat aan die vereniging behoort of deur hom gehou word;

(*q*) die bevoegdhede en pligte van die raad van direkteure, plaaslike of andere komitees, en amptenare;

(*r*) hoe kontrakte of ander stukke wat die vereniging bind verly moet word;

(*s*) die fooie, boetes en verbeuring wat aan lede van die vereniging opgelê kan word;

(*t*) die wyse waarop, behoudens die voorskrifte van hierdie Wet, die vereniging afloop of gelikwideer word.

(2) Die bepalings van sub-artikel (1) kan by toepassing daarvan op tydelike verenigings deur die registrateur gewysig word, met inagneming van die aard van die besigheid wat deur die betrokke verenigings verrig word.

(3) Aan 'n tydelike vereniging kan nie deur sy statute mag verleen word om deposito's te ontvang of geld in leen te ontvang nie.

Wysiging van statute.

**18.** (1) 'n Geregistreerde vereniging kan, op die in sy statute voorgeskrewe wyse, enige van sy statute wysig of herroep of enige aanvullende statute maak; maar geen wysiging, herroeping of aanvulling is geldig nie as—

(*a*) die bedoeling daarvan is om inbreuk te maak op enige reg van 'n skuldeiser van die vereniging, wat geen lid daarvan is nie; of

(*b*) hy gerig is teen 'n besondere persoon; of

(*c*) die bedoeling daarvan is om die regte van lede ingeval van likwidasie te wysig.

(2) Twee afskrifte van elke besluit tot wysiging, herroeping of aanvulling van die statute word deur die sekretaris van die vereniging aan die registrateur ingestuur, met 'n sertifikaat onderteken deur die voorsitter van die raad van direkteure en die sekretaris van die vereniging, dat aan die voorskrifte van die statute van die vereniging betreffende die wysiging, herroeping of aanvulling van statute voldoen is.

(3) As die registrateur bevind dat die wysiging, herroeping of aanvulling aan die voorskrifte van hierdie Wet voldoen, en, wat geldelike sake aanbetref, gesond is, en dat die wyse waarop die besigheid van die vereniging verrig moet word soos daardeur vasgestel nie onwenslik is nie, moet hy die besluit registreer en een van die afskrifte met die datum van registrasie daarop aangeteken aan die sekretaris van die vereniging terugstuur, en vanaf die datum van registrasie is die wysiging, herroeping of aanvulling, na die geval mag wees, van krag.

Bindende krag van statute.

**19.** Die statute van die vereniging bind, na hulle registrasie, die vereniging en sy lede en amptenare en alle persone wat vorderings het wat uit die statute voorspruit of wat hulle van 'n lid verkry het.

Aansoeke om aandele of om verlof om deposito's te maak

**20.** (1) Niemand word veroorloof om lid van 'n geregistreerde vereniging of 'n depositogewer daarvan te word nie tensy hy 'n formulier geteken het om aansoek te doen om aandele in die vereniging of om aansoek te doen om toegelaat te word om deposito's by die vereniging te maak, na die geval mag wees.

(2) Elke persoon wat so 'n formulier teken, word deur die vereniging van 'n afskrif daarvan voorsien. Op elke sodanige formulier word die gehele artikel *een-en-veertig* en sulke gedeeltes van of verwysings na artikel *twee-en-twintig* en die statute as wat die registrateur voorskrywe, gedruk of geskrywe.

Minderjariges en getroude vroue.

**21.** Tensy deur die statute van die vereniging andersins bepaal word, kan 'n minderjarige wat die leeftyd van sestien jaar bereik het, of 'n getroude vrou, hetsy al dan nie onder maritale mag, lid wees van of geld in deposito plaas in 'n geregistreerde vereniging en kan hy of sy sonder bystand alle nodige dokumente en ontvangsbewyse verly en gee en al die

and enjoy all the privileges (except that a minor shall not hold office) and be liable to all the obligations attaching to members or depositors.

POWERS OF SOCIETIES AND THEIR DIRECTORS.

General powers of societies.

22. (1) A registered society shall have the following powers, that is to say, power—

(*a*) to acquire or retain the ownership of land or lease of land and to erect buildings thereon required for the administration of the society's affairs, and from time to time to alienate such land or terminate or cede such lease and acquire or hire other or further land for like purposes, and to let such portion of the buildings in which the business of the society is carried on as may not be immediately required for the purposes of the society;

(*b*) to buy in immovable property mortgaged to the society or acquire leases of land ceded to the society in security for debt: Provided that all such immovable property and every such lease shall be sold within five years from the date of its acquisition, except where the registrar authorizes in writing its retention for a longer period;

(*c*) from time to time to raise funds by the issue of shares of one or more classes and denominations, either paid up in full or to be paid by periodical or other subscriptions, and with or without accumulating dividends, such dividends being payable out of the available profits of the society, and to repay such shares according to the terms under which they were issued;

(*d*) in the case of a permanent society, to receive deposits at interest subject to notice or fixed for periods not exceeding two years and not less than three months, or to borrow money at interest from members or other persons to be applied to the purposes of the society: Provided that—

(i) a society shall not borrow money from any person other than a banker approved by the Minister except upon terms approved in writing by the registrar; but this provision shall not apply to the receipt of deposits from members and others in accordance with the rules;

(ii) the total amount owing to a society on the mortgage bonds registered in its favour shall not at any time be less than the total amount received by the society on deposit and loan and not yet repaid by the society;

(*e*) to hold cash and to make deposits in accordance with the provisions of paragraphs (*a*) and (*b*) of sub-section (4) of section *twenty-three* and to make investments as authorized by section *twenty-four*;

(*f*) to maintain safe deposits for the use of members and others;

(*g*) to negotiate the purchase or sale and the hiring or letting by members or others of immovable property mortgaged or to be mortgaged to the society;

(*h*) to act as the agent of insurance companies or societies in effecting insurances in respect of immovable property mortgaged or to be mortgaged to the society and any other insurances designed to secure any debt to the society and to collect on behalf of such companies or societies the premiums in respect of any insurances so effected and of insurances pledged to the society;

(*i*) to pay pensions or gratuities to its employees, to establish a pension fund separate from the assets of the society or to adopt a pension scheme for providing pensions or gratuities for its employees or to join with other societies in establishing or adopting any such fund or scheme; and

(*j*) to undertake such other business as the Governor-General by proclamation in the *Gazette* may approve.

voorregte geniet (behalwe dat 'n minderjarige nie 'n amp kan beklee nie) en verbonde wees aan al die verpligtings van lede of depositogewers.

BEVOEGDHEDE VAN VERENIGINGS EN HULLE DIREKTEURE.

Algemene bevoegdhede van verenigings.

**22.** (1) 'n Geregistreerde vereniging het die volgende bevoegdhede, dit wil sê, hy kan—

(*a*) die eiendomsreg op grond of huur van grond verkry of behou en geboue daarop oprig benodig vir administrasie van die sake van die vereniging, en van tyd tot tyd sodanige grond vervreem of sodanige huur beëindig of oordra en ander of verder grond vir dergelike doeleindes verkry of huur, en sodanige gedeelte van die geboue waarin die besigheid van die vereniging gedryf word verhuur as wat nie onmiddellik vir die doeleindes van die vereniging benodig is nie;

(*b*) onroerende goedere inkoop wat aan die vereniging verhipotekeer is of huurkontrakte van grond verkry wat aan die vereniging oorgedra is as sekuriteit vir skuld: Met die verstande dat alle sodanige onroerende goedere en elke sodanige huurkontrak binne vyf jaar vanaf datum van verkryging daarvan verkoop word behalwe wanneer die registrateur die behoud daarvan vir 'n langer tydperk in geskrifte magtig;

(*c*) van tyd tot tyd geld opneem deur uitgifte van aandele van een of meer klasse en groothede, hetsy ten volle opbetaal of by periodieke of ander paaiemente betaalbaar, en met of sonder akkumulatiewe diwidende, sodanige diwidende synde betaalbaar uit die beskikbare winste van die vereniging, en sulke aandele volgens die voorwaardes waarop hulle uitgegee is afbetaal;

(*d*) in die geval van 'n permanente vereniging, geld in deposito op rente-ontvang onderhewig aan kennisgewing of vasgesit vir tydperke van hoogstens twee jaar en van minstens drie maande, of geld in leen op rente van lede of ander persone ontvang om vir die doeleindes van die vereniging aangewend te word: Met die verstande dat—

(i) 'n vereniging geen geld van enige persoon behalwe 'n deur die Minister goedgekeurde bankier mag leen nie, tensy die voorwaardes van die lening deur die registrateur in geskrifte goedgekeur is; maar hierdie bepaling is nie op die ontvangs van geld in deposito van lede en ander ooreenkomstig die statute van toepassing nie;

(ii) die totaalbedrag aan 'n vereniging verskuldig ten opsigte van verbande ten gunste van die vereniging geregistreer, te gener tyd minder mag wees nie as die totaalbedrag deur die vereniging in deposito en in leen ontvang en nog nie deur die vereniging terugbetaal nie;

(*e*) kontant hou en geld in depotiso plaas ooreenkomstig die bepalings van paragrawe (*a*) en (*b*) van sub-artikel (4) van artikel *drie-en-twintig* en geld belê soos gemagtig in artikel *vier-en-twintig*;

(*f*) brandkaste in stand hou vir gebruik van lede en ander;

(*g*) die koop of verkoop en die huur of verhuur deur lede of ander van onroerende goedere aan die vereniging verhipotekeer of verhipotekeer te word, deursit;

(*h*) optree as verteenwoordiger van versekeringsmaatskappye of verenigings om versekerings te bewerkstellig ten opsigte van onroerende goedere aan die vereniging verhipotekeer of verhipotekeer te word en enige ander versekerings bedoel om 'n skuld aan die vereniging te beskerm en namens sulke maatskappye of verenigings die premies invorder ten opsigte van enige versekerings aldus bewerkstellig en van versekerings aan die vereniging verpand;

(*i*) pensioene of gratifikasies aan sy werknemers betaal, 'n pensioenfonds instel afsonderlik van die bates van die vereniging of 'n pensioenskema aanneem om pensioene of gratifikasies vir sy werknemers te verskaf of by ander verenigings aansluit met die instelling of aanneming van so 'n fonds of skema; en

(*j*) sodanige ander besigheid onderneem as wat die Goewerneur-generaal by proklamasie in die *Staatskoerant* goedkeur.

(2) A registered society shall not undertake any business other than that authorized by this section, and in particular shall not enter into any contract (other than a contract for the allotment of shares in terms of paragraph (*c*) of sub-section (1), or for the receipt of money on deposit or loan in terms of paragraph (*d*) of that sub-section) whereby, in return for one or more sums of money paid to the society, the society agrees to pay a sum of money at a future date or a series of sums of money at future dates.

Deposits.

23. (1) A registered society shall not accept deposits of money subject to withdrawal by cheque, draft or order payable on demand.

(2) Deposits, other than for fixed periods, shall not be accepted by a registered society upon terms allowing withdrawal thereof upon shorter notice than—

(*a*) four days, where the amount withdrawn does not exceed five pounds;
(*b*) seven days, where the amount withdrawn exceeds five pounds but does not exceed ten pounds;
(*c*) fourteen days where the amount withdrawn exceeds ten pounds but does not exceed twenty-five pounds;
(*d*) thirty days, where the amount withdrawn exceeds twenty-five pounds:

Provided that the directors may in their discretion authorize deposits subject to notice to be withdrawn before the expiry of the period of notice: Provided, further, that no notice of withdrawal shall run concurrently with a previous notice.

(3) Fixed deposits shall be paid out on the due dates: Provided that the directors may in their discretion cause the same to be paid out before the due dates on the application of the depositors.

(4) As security for the prompt repayment of deposits, the society shall hold not less than one-fourth of the total value received by the society on deposit and not yet repaid by the society—

(*a*) in cash; or
(*b*) on deposit with a bank approved by the registrar, withdrawable on demand or at notice, or upon a transferable certificate of deposit for a fixed period not exceeding two years; or
(*c*) in securities specified in paragraphs (*c*), (*d*) and (*e*) of sub-section (1) of section *twenty-four*: Provided that for the purposes of this paragraph the value of the securities so held shall at any date be taken at cost, except where such cost is not more than two per cent. in excess of the middle market price of those securities at that date, in which case the value of the securities shall be taken at the middle market price thereof at that date.

The moneys and the securities held and the deposits made in terms of this sub-section shall not be pledged or otherwise encumbered.

Investment of funds.

24. (1) Such portion of the funds of a registered society as is not held in cash or on deposit with a bank shall, subject to the provisions of this Act, be invested in one or more of the following forms of security and in no other manner, that is to say—

(*a*) in advances to members and others secured by the mortgage of immovable property situate within the Union;
(*b*) in loans to members and others on the security of their deposits with the society and to members on the security of their shares in the society;
(*c*) in bills, bonds, certificates, debentures or stock issued or guaranteed by the Government of the Union;
(*d*) in bills, bonds, certificates, debentures or stock of any local authority in the Union authorized by law to levy rates upon immovable property;
(*e*) in debentures or stock of the Rand Water Board, the Electricity Supply Commission or such other body constituted or established by or under any law and supported wholly or partly by public funds as the Governor-General by proclamation in the *Gazette* may approve;

(2) 'n Geregistreerde vereniging onderneem geen besigheid ander dan deur hierdie artikel gemagtig, en gaan veral geen kontrak aan (ander dan 'n kontrak vir toekenning van aandele ingevolge paragraaf (*c*) van sub-artikel (1), of vir ontvangs van geld in deposito of leen ingevolge paragraaf (*d*) van daardie sub-artikel) waardeur die vereniging, ten opsigte van een of meer somme geld aan die vereniging betaal, instem om 'n som geld op 'n toekomstige dag of 'n reeks somme geld op toekomstige dae te betaal.

Deposito's.

**23.** (1) 'n Geregistreerde vereniging ontvang geen geld in deposito waaroor per tjek, wissel of orderbriefie by aanvraag beskik kan word nie.

(2) Geld wat nie in vaste deposito geplaas is nie word nie deur 'n geregistreerde vereniging in deposito ontvang nie op voorwaardes wat die depositogewer die reg gee om daardie geld uit te trek sonder ten minste—

(*a*) vier dae opsegging, as die bedrag wat uitgetrek word nie vyf pond te bo gaan nie;

(*b*) sewe dae opsegging, as die bedrag wat uitgetrek word vyf pond maar nie tien pond te bo gaan nie;

(*c*) veertien dae opsegging, as die bedrag wat uitgetrek word tien pond maar nie vyf-en-twintig pond te bo gaan nie;

(*d*) dertig dae opsegging as die bedrag wat uitgetrek word vyf-en-twintig pond te bo gaan:

Met die verstande dat die direkteure volgens goeddunke hulle toestemming kan gee tot die uitbetaling van geld in deposito geplaas op voorwaardes wat opsegging vereis, voor die opseggingstermyn verstreke is: Met die verstande verder dat geen kennisgewing van uittrekking gelyktydig met 'n voorafgaande kennisgewing loop nie.

(3) Geld wat op vaste deposito ontvang is word op die vervaldag uitbetaal, maar die direkteure kan volgens goeddunke die geld voor die vervaldag laat uitbetaal op aansoek van die depositogewers.

(4) Om te verseker dat geld wat in deposito ontvang is sonder versuim uitbetaal kan word hou die vereniging nie minder as een-vierde van die totaalbedrag wat deur die vereniging in deposito ontvang en nog nie deur die vereniging terugbetaal is nie—

(*a*) in kontant; of

(*b*) by 'n deur die registrateur goedgekeurde bank gedeponeer, op voorwaarde dat dit op aanvraag of na opsegging terugbetaalbaar is, of teen 'n oordraagbare deposito-sertifikaat vir 'n vasgestelde termyn van nie langer as twee jaar nie; of

(*c*) in sekuriteite in paragrawe (*c*), (*d*) en (*e*) van sub-artikel (1) van artikel *vier-en-twintig* vermeld: Met die verstande dat die waarde van die aldus gehoue sekuriteite vir doeleindes van hierdie paragraaf op enige dag teen kostewaarde geneem moet word, behalwe waar sodanige kostewaarde nie meer as twee persent bo die gemiddelde markprys van daardie sekuriteite op daardie dag is nie, in watter geval die waarde van die sekuriteite teen die gemiddelde markprys daarvan op daardie dag geneem moet word.

Die gelde en die sekuriteite gehou en die deposito's ingevolge hierdie sub-artikel gemaak, word nie verpand of andersins beswaar nie.

Belegging van fondse.

**24.** (1) Daardie deel van die fondse van 'n geregistreerde vereniging wat nie in kontantgeld gehou of by 'n bank gedeponeer is nie, word behoudens die bepalings van hierdie Wet in een of meer van die volgende sekuriteite belê, en op geen ander wyse belê nie, dit word belê—

(*a*) in voorskotte aan lede en ander verseker deur die verhipotekering van onroerende goedere geleë binne die Unie;

(*b*) in lenings aan lede en nie-lede teen sekerheid van hulle deposito's by die vereniging en aan lede teen sekerheid van hulle aandele in die vereniging;

(*c*) in wissels, skuldbriewe, sertifikate, obligasies of effekte uitgegee of gewaarborg deur die Unie-regering;

(*d*) in wissels, skuldbriewe, sertifikate, obligasies of effekte van 'n plaaslike bestuur in die Unie wat volgens wet belastings op onroerende goedere kan hef;

(*e*) in obligasies of effekte van die Randse Waterraad, die Elektrisiteits-voorsieningskommissie of sodanige ander liggaam ingestel of opgerig by of ingevolge enige wet en geheel of gedeeltelik gesteun deur staatsfondse as wat die Goewerneur-generaal by proklamasie in die *Staatskoerant* goedkeur;

(*f*) in the case of a terminating society, on deposit with registered permanent societies.

(2) A society shall not advance money on the security of immovable property which is subject to a prior mortgage bond, unless the prior mortgage bond is in favour of the society.

(3) A permanent society shall not, on the security of a reducible mortgage of immovable property advance more than seventy-five per cent. of the value reasonably determined of the property hypothecated or the lease ceded: Provided that it may advance a further amount not exceeding the remaining twenty-five per cent. of that value if collateral security in a form mentioned in sub-section (1) or in any other form is furnished to such an amount that the sum of the value of the immovable property hypothecated and the value of the collateral security exceeds the total amount advanced by not less than forty per cent.

(4) A permanent society shall not, on the security of a fixed term mortgage of immovable property, advance more than sixty per cent. of the value reasonably determined of the property hypothecated or the lease ceded: Provided that it may advance a further amount not exceeding the remaining forty per cent. of that value if collateral security in a form mentioned in sub-section (1) or in any other form is furnished to such an amount that the sum of the value of the immovable property hypothecated and the value of the collateral security exceeds the total amount advanced by not less than seventy-five per cent.

Share capital.

**25.** The paid-up share capital of a registered society shall not at any time amount to less than one-third of the total sum received by the society on deposit and loan and not yet repaid by the society: Provided that—

(*a*) not less than fifty per cent. of the share capital shall be obtained by the issue of paid-up shares or subscription shares which—

(i) shall not be repayable to the shareholders by the society without the consent of the society; and

(ii) may be redeemed by the society upon notice in accordance with the rules, but such notice to the shareholder to be not less than six months;

(*b*) not more than twenty-five per cent. of the share capital shall be obtained by the issue of—

(i) paid-up shares issued for a fixed period of not less than two years, repayable or redeemable at any time thereafter upon notice in accordance with the rules, but such notice by the shareholder or the society to be not less than twelve months; or

(ii) subscription shares issued for a period of not less than three years, to be redeemed in cash at maturity by the society, but not to be repayable or redeemable previously either on the application by the shareholder or after notice by the society, or by the issue of both such paid-up shares and such subscription shares;

(*c*) the remainder of the share capital shall be obtained from paid-up shares issued for a fixed period of not less than five years, repayable or redeemable thereafter upon notice in accordance with the rules, but such notice by the shareholder or the society to be not less than twelve months:

Provided, further, that on the application by any shareholder the society may in its discretion repay any share referred to in paragraph (*a*), (*b*) or (*c*) of the first proviso: Provided further, that the society may issue such shares in such classes and denominations with such preferential rights regarding dividends and capital and such rights of transfer as may be decided by the society in accordance with its rules.

Reserve fund.

**26.** (1) Subject to the provisions of this section every permanent registered society shall in each year take from the profits thereof an amount equal to at least ten per cent. of the nett profits in that year for the purpose of forming therewith a reserve fund.

(*f*) in die geval van 'n tydelike vereniging, in deposito by geregistreerde permanente verenigings.

(2) Geen vereniging mag geld voorskiet teen sekerheid van onroerende eiendom wat reeds verbind is nie, tensy die vroeëre verband ten gunste van die vereniging is.

(3) 'n Permanente vereniging mag nie teen sekerheid van 'n verminderbare verband op onroerende eiendom meer voorskiet as vyf-en-sewentig persent van die redelik vasgestelde waarde van die verhipotekeerde eiendom of oorgedraagde huurkontrak: Met die verstande dat hy 'n verdere bedrag kan voorskiet van nie meer as die orige vyf-en-twintig persent van daardie waarde indien kollaterale sekerheid in die vorm vermeld in sub-artikel (1) of in enige ander vorm verskaf word vir so 'n bedrag dat die totaal van die waarde van die verhipotekeerde onroerende eiendom en die waarde van die kollaterale sekerheid die totale bedrag voorgeskiet oorskry met minstens veertig persent.

(4) 'n Permanente vereniging mag nie teen die sekerheid van 'n vaste termyn verband op onroerende eiendom meer voorskiet as sestig persent van die redelik vasgestelde waarde van die verhipotekeerde eiendom of oorgedraagde huurkontrak: Met die verstande dat hy 'n verdere bedrag kan voorskiet van nie meer as die orige veertig persent van daardie waarde indien kollaterale sekerheid in die vorm vermeld in sub-artikel (1) of in enige ander vorm verskaf word vir so 'n bedrag dat die totaal van die waarde van die verhipotekeerde onroerende eiendom en die waarde van kollaterale sekerheid die totale bedrag voorgeskiet oorskry met minstens vyf-en-sewentig persent.

Aandelekapitaal.

25. Die opbetaalde aandelekapitaal van 'n geregistreerde vereniging bedra te gener tyd minder as een-derde van die totaalbedrag deur die vereniging ontvang in deposito en in leen en nog nie deur die vereniging terugbetaal nie:

Met die verstande dat—

(*a*) minstens vyftig persent van die aandelekapitaal verkry word deur die uitgifte van opbetaalde aandele of subskripsie-aandele wat—

(i) nie aan die aandeelhouers deur die vereniging terugbetaalbaar is nie sonder toestemming van die vereniging; en

(ii) deur die vereniging afgelos kan word na kennisgewing ooreenkomstig die statute, maar sodanige kennisgewing aan die aandeelhouers nie minder as ses maande te wees nie;

(*b*) nie meer as vyf-en-twintig persent van die aandelekapitaal verkry word deur die uitgifte van—

(i) opbetaalde aandele uitgegee vir 'n vaste tydperk van minstens twee jaar, terugbetaalbaar of aflosbaar te eniger tyd daarna na kennisgewing ooreenkomstig die statute, maar sodanige kennisgewing deur die aandeelhouer of die vereniging nie minder as twaalf maande te wees nie; of

(ii) subskripsie-aandele uitgegee vir 'n tydperk van minstens drie jaar, afgelos te word in kontant op die vervaldag deur die vereniging, maar nie tevore terugbetaalbaar of aflosbaar nie hetsy op aansoek van die aandeelhouer of na kennisgewing deur die vereniging of deur die uitgifte van beide sulke opbetaalde aandele en sulke subskripsie-aandele;

(*c*) die orige aandelekapitaal verkry word van opbetaalde aandele uitgegee vir 'n vaste tydperk van minstens vyf jaar, terugbetaalbaar of aflosbaar daarna na kennisgewing ooreenkomstig die statute, maar sodanige kennisgewing deur die aandeelhouer of die vereniging nie minder as twaalf maande te wees nie:

Met die verstande verder dat die vereniging op aansoek van 'n aandeelhouer volgens diskresie enige aandeel vermeld in paragraaf (*a*), (*b*) of (*c*) van die eerste voorbehoudsbepaling kan terugbetaal: Met die verstande verder dat die vereniging sodanige aandele kan uitgee in sodanige klasse en groothede met sodanige voorkeurregte aangaande dividende en kapitaal en sodanige oordragregte as wat deur die vereniging besluit word ooreenkomstig sy statute.

Reserwefonds.

26. (1) Behoudens die bepalings van hierdie artikel sit elke permanente geregistreerde vereniging elke jaar uit die winste 'n bedrag opsy gelyk aan minstens tien persent van die nettowinste van daardie jaar om daarmee 'n reserwefonds te stig.

(2) The reserve fund so formed may be invested in the forms of security described in section *twenty-four*.

(3) If and so long as the reserve fund accumulated in accordance with this section equals or exceeds ten per cent. of the sum total of the society's liabilities to depositors and the paid-up share capital of the society, it shall not be obligatory upon the society to apply any portion of its profits to the increase of that fund.

(4) The reserve fund shall not be drawn upon to pay dividends or bonuses to members until it exceeds the amount mentioned in sub-section (3), nor, after it has reached that amount, shall it be reduced below that amount by payments of dividends or bonuses to members.

(5) The directors or officers who knowingly and wilfully concur—

(*a*) in the failure to comply with sub-section (1), as qualified by sub-section (3), or

(*b*) in the contravention of sub-section (4),

shall be jointly and severally liable, as a debt due by them to the society—

(i) for the amount which by such failure it was omitted to apply to the reserve fund, or

(ii) for the amount of such dividend or bonus,

as the case may be.

(6) The directors may charge to the reserve fund any losses sustained by the society during any year.

(7) This section shall not apply to terminating societies.

Directors.

**27.** (1) The business of every registered society shall be managed by a board of directors.

(2) A director shall be elected for a period not exceeding two years but shall be eligible for re-election.

(3) Whenever a casual vacancy occurs, a person may be appointed by the remaining directors to fill the vacancy until the next annual general meeting.

(4) Vacancies shall be filled at the annual general meeting by election by a majority of the members voting in accordance with the rules.

(5) The society shall send to the registrar a notice of every election of a director signed by the director elected and by the secretary of the society.

(6) The secretary or any employee of a society shall not be elected as a director of that society.

Branch offices.

**28.** (1) The directors of any registered society may, whenever they think it desirable, open one or more offices or agencies of the society within the Union, at such place or places as they may determine.

(2) The directors may place any such office or agency under the management of a local board and may determine the duties and powers of any such local board.

(3) Every local board and every officer appointed to any such office or agency shall be under the control of the directors of the society.

General meetings.

**29.** (1) A general meeting of the members of every registered society shall be held within four months after the close of every financial year in order that the financial position of the society and the account and statement referred to in section *thirty* may be considered and dealt with, directors may be elected and general business may be transacted.

(2) That meeting shall be designated the annual general meeting and shall be held at the head office or at such other convenient place and at such time as may be prescribed by the rules.

(3) A special general meeting may be convened by three or more directors and shall be convened by the board of directors upon receipt of a requisition signed by one hundred members or by not less than one-tenth of the whole body of members, if the membership is less than one thousand, or by such smaller number or proportion of members as the rules of the society may fix.

(4) If within fourteen days after the receipt of such a requisition a special general meeting of the society is not convened by the board of directors, it may be convened by the requisitionists or a majority of them.

(5) Notice of annual and special general meetings of a society shall be given to members in the form and manner prescribed by the rules, and shall specify the day, hour and place and the objects of the meeting, and if any alteration, rescission or

(2) Die aldus gevormde reserwefonds kan belê word in die in artikel *vier-en-twintig* vermelde sekuriteite.

(3) Wanneer en terwyl die reserwefonds wat ooreenkomstig hierdie artikel byeengebring is soveel of meer bedra as tien persent van die totale som van die verpligtings van die vereniging teenoor sy depositogewers en die opbetaalde aandelekapitaal van die vereniging, is die vereniging nie verplig om enige deel van sy winste tot stywing van daardie fonds aan te wend nie.

(4) Geen geld word uit die reserwefonds getrek om dividende of bonusse aan lede te betaal nie voor die fonds die in sub-artikel (3) genoemde bedrag te bo gaan, en na die fonds daardie bedrag bereik het word hy nie tot benede daardie bedrag verminder deur daaruit dividende of bonusse aan lede te betaal nie.

(5) Die direkteure of amptenare wat willens en wetens instem—

(*a*) met die versuim om aan die vereistes van sub-artikel (1), soos deur sub-artikel (3) beperk, te voldoen; of

(*b*) met die oortreding van sub-artikel (4),

is gesamentlik en afsonderlik aanspreeklik, as 'n skuld deur hulle aan die vereniging verskuldig—

(i) vir die bedrag wat ten gevolge van die versuim nagelaat is om aangewend te word tot stywing van die reserwefonds, of

(ii) vir die bedrag van die dividend of bonus,

na die geval mag wees.

(6) Die direkteure kan uit die reserwefonds enige verliese vereffen wat die vereniging in enige jaar ly.

(7) Hierdie artikel is nie van toepassing op tydelike verenigings nie.

Direkteure.

**27.** (1) Die besigheid van elke geregistreerde vereniging word deur 'n raad van direkteure bestuur.

(2) 'n Direkteur word verkies vir 'n tydperk van hoogstens twee jaar maar is herkiesbaar.

(3) Wanneer 'n toevallige vakature voorkom kan 'n persoon deur die orige direkteure benoem word om die vakature te vul tot die volgende jaarlikse algemene vergadering.

(4) Vakatures word by die jaarlikse algemene vergadering gevul deur verkiesing deur 'n meerderheid van die lede wat ooreenkomstig die statute stem.

(5) Die vereniging stuur aan die registrateur 'n kennisgewing van elke verkiesing van 'n direkteur geteken deur die verkose direkteur en deur die sekretaris van die vereniging.

(6) Die sekretaris of enige emplojee van die vereniging word nie as direkteur van daardie vereniging verkies nie.

Takkantore.

**28.** (1) Die direkteure van 'n geregistreerde vereniging kan wanneer hulle dit raadsaam ag, een of meer kantore of agentskappe van die vereniging binne die grense van die Unie stig, op 'n plek of plekke deur die direkteure vasgestel te word.

(2) Die direkteure kan so 'n kantoor of agentskap onder beheer van 'n plaaslike raad stel, en kan die pligte en magte van so 'n plaaslike raad vasstel.

(3) Elke plaaslike raad en elke amptenaar wat in so 'n kantoor of agentskap aangestel is, staan onder beheer van die direkteure van die vereniging.

Algemene vergaderings.

**29.** (1) 'n Algemene vergadering van die lede van elke geregistreerde vereniging moet binne vier maande na afloop van elke boekjaar gehou word sodat die geldelike toestand van die vereniging en die rekening en staat vermeld in artikel *dertig* in oorweging geneem en behandel kan word, direkteure gekies en algemene besigheid afgehandel kan word.

(2) Daardie vergadering word genoem die jaarlikse algemene vergadering en word gehou by die hoofkantoor of op 'n ander geskikte plek, en op 'n tyd soos deur die statute vasgestel.

(3) Drie of meer direkteure kan 'n buitengewone algemene vergadering belê, en op 'n versoekskrif onderteken deur honderd lede, of deur nie minder nie dan een-tiende van al die lede as die ledetal minder as duisend is, of deur 'n kleiner aantal lede of proporsie van die lede soos deur die statute van die vereniging vasgestel mag wees, moet die raad van direkteure 'n buitengewone algemene vergadering belê.

(4) As die raad van direkteure nie 'n buitengewone algemene vergadering van die vereniging binne veertien dae na ontvangs van 'n sodanige versoekskrif belê nie, kan die versoekers, of die meerderheid van hulle, self die vergadering belê.

(5) Kennis van jaarlikse en buitengewone algemene vergaderings van 'n vereniging word aan lede in die kragtens die statute voorgeskrewe vorm en wyse gegee, en vermeld die dag, uur en plek en die doel van die vergadering, en indien daar 'n voorneme bestaan om 'n wysiging of herroeping of aanvulling

addition to the rules is intended to be proposed shall contain a copy of every such alteration, rescission or addition.

(6) The period of notice of every annual or special general meeting shall be not less than twenty-one days.

Annual accounts.

30. (1) Every registered society shall, at least once in every financial year of that society, prepare, in the prescribed form, an account of all the revenue and expenditure of the society since the close of the period covered by the preceding account, and a statement showing its assets and liabilities.

(2) No such account or statement shall include as an asset any sum representing expenses of organization or extension or the purchase of business or goodwill.

(3) In every such statement there shall be specified—

(*a*) the amounts at the credit of the holders of the various classes of shares respectively;

(*b*) the amount due under each class of deposits separately;

(*c*) the amount owing by the society for loans;

(*d*) the amount owing to the society on loans made by the society, such details being given and the information being classified in such manner as may be required by the registrar;

(*e*) particulars of the amount invested in Government, municipal or other securities, giving for each class the value at which they are held in the books of the society with their respective market values at the end of the period covered by the account;

(*f*) the aggregate amount owing to the society by its directors, auditors or officers or by any firm or partnership in which they or any of them have any direct interest;

(*g*) the amount of loans granted, but not paid out;

(*h*) the aggregate amount of the remuneration paid to directors and to members of local boards.

(4) To every such statement shall be attached a schedule which shall consist of the list referred to in sub-section (6) but shall not disclose the names and addresses of debtors.

(5) Such account, statement and schedule shall be attested by the auditor of the society, to whom the mortgage bonds and other securities belonging to the society shall be produced, and shall be countersigned by two directors and the secretary.

(6) A copy of every such annual account and statement so attested and countersigned, to which shall be attached a list, similarly attested and countersigned, showing the full name and address of every person by whom there is owing to the society in respect of capital amounts advanced and interest due thereon an aggregate sum of not less than five thousand pounds, the amount advanced, the date of the advance, the aggregate sum owing by every such person in respect of capital and interest, and the nature and value of the security held by the society in respect thereof, accompanied by a copy of any special report by the auditor, shall be sent to the registrar within fourteen days after the annual or other general meeting at which it is presented, or within four months after the expiration of the financial year of the society, whichever period expires first.

(7) The registrar may call for such additional information or explanations as he may require in regard to the account and statement of a society.

Auditor of society.

31. (1) Every registered society shall at each annual general meeting appoint an auditor to hold office until the next annual general meeting, and such appointment shall be notified to the registrar within thirty days of such meeting.

(2) If such appointment is not made at an annual general meeting, the registrar shall, on the application of any member of the society, appoint an auditor of the society for the current year, and fix the remuneration to be paid to him by the society for his services.

(3) No officer of the society shall be capable of being appointed its auditor.

(4) The retiring auditor shall be eligible for reappointment, and no person other than a retiring auditor shall be appointed auditor at an annual general meeting unless notice of an intention to nominate that person to the office of auditor has

van die statute voor te stel, bevat die kennisgewing elke sodanige wysiging, herroeping of aanvulling.

(6) Nie minder nie dan een-en-twintig dae kennis word gegee van elke jaarlikse of buitengewone algemene vergadering.

Rekenings.

**30.** (1) Minstens eenmaal per boekjaar van daardie vereniging moet elke geregistreerde vereniging 'n rekening in die voorgeskrewe vorm opmaak van al die inkomste en uitgawes van die vereniging vanaf die einde van die tydperk wat deur die vorige rekening gedek is, en 'n staat aantonende sy bates en laste.

(2) So 'n rekening of staat toon nie as 'n bate aan enige bedrag wat insluit koste van organisasie of uitbreiding of van aankoop van 'n ander se besigheid of klandisie nie.

(3) In so 'n staat moet aangegee word—

(*a*) die bedrae waarmee die houers van die verskeie soorte aandele respektiewelik gekrediteer staan;

(*b*) afsonderlik die bedrag verskuldig ten opsigte van elke soort deposito;

(*c*) die bedrag deur die vereniging ten opsigte van lenings verskuldig;

(*d*) die bedrag aan die vereniging verskuldig ten opsigte van lenings deur die vereniging toegestaan, met vermelding van sulke besonderhede, en met die opgawes op so 'n wyse gerangskik, as wat deur die registrateur verlang word;

(*e*) besonderhede aangaande die bedrag wat in Regerings-, munisipale en andere sekuriteite belê is, met vermelding, ten opsigte van elke kategorie, van die waarde waarop sodanige sekuriteite in die boeke van die vereniging ingeskrywe staan en van hulle onderskeidelike markwaardes by die einde van die tydperk wat deur die rekening gedek is;

(*f*) die totaalbedrag verskuldig aan die vereniging deur sy direkteure, ouditeure of amptenare of deur enige firma of vennootskap waarin hulle of enige van hulle 'n direkte belang het;

(*g*) die bedrag aan lenings toegestaan maar nie uitbetaal nie;

(*h*) die totaalbedrag van die besoldiging aan direkteure en lede van plaaslike rade betaal.

(4) Aan elke sodanige staat word 'n skedule geheg bestaande uit die lys bedoel in sub-artikel (6) maar dit openbaar nie die name en adresse van skuldenaars nie.

(5) Sodanige rekening, staat en skedule word onderteken deur die ouditeur van die vereniging, en die verbande en andere sekuriteite van die vereniging moet aan hom voorgelê word, en die rekening en staat word mede-onderteken deur twee direkteure en die sekretaris.

(6) 'n Afskrif van elke sodanige jaarlikse rekening en staat aldus onderteken en mede-onderteken, waarby gevoeg word 'n lys, insgelyks onderteken en mede-onderteken, met die volle naam en adres van elke persoon deur wie aan die vereniging verskuldig is ten opsigte van kapitaalbedrae voorgeskiet en rente daarop verskuldig 'n gesamentlike bedrag van minstens vyfduisend pond, die bedrag voorgeskiet, die datum van die voorskot, die gesamentlike bedrag verskuldig deur elke sodanige persoon ten opsigte van kapitaal en rente en die aard en waarde van die sekuriteit gehou deur die vereniging ten opsigte daarvan, tesame met 'n afskrif van enige spesiale verslag deur die ouditeur, word aan die registrateur ingestuur binne veertien dae na die jaarlikse of ander algemene vergadering waarop dit ingedien is, of binne vier maande na afloop van die boekjaar van die vereniging, namate eers- of laasgenoemde tydperk eerste verstreke is.

(7) Die registrateur kan sulke verdere opgawes of verduidelikings verlang as hy mag nodig vind in verband met die rekening en staat van 'n vereniging.

Ouditeur van vereniging.

**31.** (1) Elke geregistreerde vereniging benoem by elke jaarlikse algemene vergadering 'n ouditeur om op te tree tot die volgende jaarlikse algemene vergadering, en van sodanige benoeming word aan die registrateur binne dertig dae van sodanige vergadering kennis gegee.

(2) Indien sodanige benoeming nie by 'n jaarlikse algemene vergadering geskied nie benoem die registrateur op aansoek van 'n lid van die vereniging, 'n ouditeur van die vereniging vir die lopende jaar, en stel hy die besoldiging vas wat deur die vereniging vir sy dienste betaal moet word.

(3) Geen amptenaar van die vereniging is bevoeg om as ouditeur daarvan benoem te word nie.

(4) Die aftredende ouditeur kan weer benoem word en geen ander persoon as 'n aftredende ouditeur word tot ouditeur op 'n jaarlikse algemene vergadering benoem tensy kennis van voorneme om daardie persoon tot die amp van ouditeur te

been given by a member to the society not less than fourteen days before the annual general meeting; and the society shall send a copy of any such notice to the retiring auditor, and shall give notice thereof to the members, either by advertisement or otherwise, not less than seven days before the annual general meeting.

(5) The first auditor of the society may be appointed by the directors and shall hold office until the first annual general meeting, unless previously removed by a resolution of the members in general meeting, in which case the members at that meeting shall appoint an auditor.

(6) The directors of a society may fill any casual vacancy in the office of auditor, but while any such vacancy continues the surviving or continuing auditor or auditors (if any) may act.

(7) The remuneration of the auditor of a society shall be fixed by the society in general meeting, but the remuneration of the first auditor or of an auditor appointed to fill any casual vacancy, may be fixed by the directors.

(8) If a society fails to comply with any requirement of this section, it shall be guilty of an offence.

(9) Every auditor appointed under this section shall have a right of access to the securities, books, accounts and vouchers of the society and may require from its directors and other officers such information as may be necessary for the performance of his duties as auditor.

(10) Any auditor of a society shall report direct to the board of directors of the society and to the registrar any irregularity of which he has cause to complain.

(11) In making any report to the members of the society or in attesting any account or statement as to its affairs, the auditor shall state—

(*a*) whether he has obtained the information and explanations required by him;

(*b*) whether in his opinion the account or statement is duly vouched and is properly drawn up so as to exhibit a true and correct view of the financial position of the society according to the information at his disposal and explanations given to him and as shown by the books of the society; and

(*c*) in the case of the annual account and statement referred to in section *thirty*, that he has at the audit actually inspected the mortgage bonds and other securities belonging to the society, and shall state the number of mortgage bonds which have been produced to him.

Officers handling funds to give security.

32. Every officer of a registered society having the receipt or charge of any money belonging to the society shall, on taking office, give the security of a guarantee society or insurance company, or such other security as the directors require, for rendering a just and true account of all moneys received and paid by him on account of the society, and for payment of all sums of money due from him to the society at such time as its rules appoint, or as the society may require.

INVESTIGATION OF AFFAIRS OF BUILDING SOCIETIES.

Power of registrar to appoint inspector.

33. (1) The registrar may on the application of one hundred members of a registered society, or of one-tenth of all the members if the membership of the society is less than one thousand or of the judicial manager of the society, appoint an inspector to examine into and report on the affairs of the society in general or upon such part of its affairs as the registrar may direct.

(2) An application under this section shall be supported by such evidence as the registrar may direct for the purpose of showing that the applicants have good reason for requiring the investigation to be made, and that they are not actuated by malicious motives in their application.

(3) Such notice of the application shall be given to the society as the registrar may direct.

(4) The applicants shall give security for the costs of the proposed investigation before the inspector is appointed.

(5) All expenses of and incidental to the investigation shall be recovered by the registrar from the applicants, or from the society, or from the members or officers, or former members or officers of the society, in such proportions as the registrar may direct.

benoem deur 'n lid aan die vereniging gegee is minstens veertien dae voor die jaarlikse algemene vergadering; en die vereniging stuur 'n afskrif van enige sodanige kennisgewing aan die aftredende ouditeur, en gee aan die lede kennis daarvan, hetsy by advertensie of andersins, minstens sewe dae voor die jaarlikse algemene vergadering.

(5) Die eerste ouditeur van die vereniging kan deur die direkteure benoem word en beklee sy amp tot die eerste jaarlikse algemene vergadering, tensy tevore afgesit by besluit van die lede in algemene vergadering, in watter geval die lede op daardie vergadering 'n ouditeur benoem.

(6) Die direkteure van 'n vereniging kan enige toevallige vakature in die amp van ouditeur vul, maar terwyl enige sodanige vakature voortduur kan die oorblywende of aanblywende ouditeur of ouditeure (as daar is) optree.

(7) Die besoldiging van die ouditeur van 'n vereniging word vasgestel deur die vereniging in algemene vergadering, maar die besoldiging van die eerste ouditeur of van 'n ouditeur benoem om enige toevallige vakature te vul, kan deur die direkteure vasgestel word.

(8) Indien 'n vereniging versuim om aan enige vereiste van hierdie artikel te voldoen is hy aan 'n misdryf skuldig.

(9) Elke ouditeur ooreenkomstig hierdie artikel benoem, het reg van toegang tot die sekuriteite, boeke, rekenings en bewysstukke van die vereniging en kan van sy direkteure en ander amptenare alle inligtings verlang, wat nodig mog wees vir uitoefening van sy pligte as ouditeur

(10) Elke ouditeur van 'n vereniging meld direk aan die raad van direkteure van die vereniging en aan die registrateur elke onreëlmatigheid wat hom oorsaak tot klagte gee.

(11) Wanneer die ouditeur verslag doen aan die lede van die vereniging, of 'n rekening of staat wat die sake van die vereniging aanbetref onderteken, moet hy verklaar—

(*a*) of die inligtings en verduidelikings wat deur hom verlang is aan hom verskaf is;

(*b*) of na sy oordeel die rekening of staat behoorlik van bewysstukke voorsien is, en behoorlik opgestel is om 'n getroue en juiste insig te gee van die geldelike toestand van die vereniging, volgens die informasie waaroor hy beskik en die verduidelikings wat aan hom gedoen is, en soos getoon deur die boeke van die vereniging; en

(*c*) in die geval van die jaarlikse rekening en staat waarna in artikel *dertig* verwys word, dat hy by die ouditering inderdaad die verbande en ander sekuriteite van die vereniging besigtig het, en moet hy verklaar hoeveel verbande aan hom voorgelê is.

Amptenare wat gelde hanteer moet sekuriteit stel.

**32.** Elke amptenaar van 'n geregistreerde vereniging wat belas is met die ontvangs of bewaring van geld van die vereniging, moet, as hy sy amp aanvaar, die sekuriteit van 'n garansievereniging of 'n versekeringsmaatskappy of ander sekuriteit, soos deur die direkteure verlang word, stel, dat hy 'n eerlike en juiste afrekening sal gee van alle gelde deur hom namens die vereniging ontvang of uitbetaal, en dat hy, op sulke tye as die statute vasstel of as die vereniging van hom mog verlang, alle geldsomme deur hom aan die vereniging verskuldig sal betaal.

ONDERSOEK NA DIE SAKE VAN 'N BOUVERENIGING.

Registrateur kan inspekteur aanstel.

**33.** (1) Op aansoek van honderd lede van 'n geregistreerde vereniging, of van een-tiende van al die lede, as die ledetal van die vereniging minder as duisend is of van die geregtelike bestuurder van die vereniging, kan die registrateur 'n inspekteur benoem om ondersoek in te stel na, en verslag te doen omtrent, die sake van die vereniging in die algemeen of so 'n deel daarvan as wat deur die registrateur gelas word.

(2) 'n Aansoek wat ooreenkomstig hierdie artikel gedoen word moet deur sodanige bewys gesteun word as wat die registrateur gelas, om aan te toon dat die applikante goeie rede het om die ondersoek te verlang en dat hulle nie deur kwaadwillige bedoelings aangespoor word om aansoek daarom te doen nie.

(3) Kennis moet aan die vereniging van die aansoek gegee word, soos deur die registrateur gelas word.

(4) Die applikante stel sekuriteit vir die koste van die voorgestelde ondersoek voordat die inspekteur benoem word.

(5) Al die uitgawes van en in verband met die ondersoek is deur die registrateur op die applikante of op die vereniging of op die lede of amptenare of vroeëre lede of amptenare van die vereniging verhaalbaar in sulke proporsies as wat deur die registrateur gelas word.

(6) An inspector appointed under this section may require the production of all or any of the books, accounts, securities and documents of the society, and may examine on oath its officers, auditors, members, agents and servants in relation to its business and may administer an oath accordingly.

(7) The registrar may, without any application by members, but with the written consent of the Minister, given on each occasion, exercise the powers given by this section in any of the following cases—

(*a*) where a society has, for two months after notice, failed to make any return required by this Act;

(*b*) where a society has for two months after notice, failed to correct or complete any such return;

(*c*) where the registrar is possessed of information which in his opinion calls for an investigation into the affairs of a society.

(8) The court may, whenever application is made to it for the winding-up of a registered society or for the placing of a registered society under judicial management, direct the registrar to exercise the powers given by this section.

(9) An inspector appointed under this section shall report to the registrar who shall transmit copies of the report to the applicants, if any, and to the society.

Investigation by society's inspectors.

**34.** (1) The members of a registered society may, by resolution passed at a general meeting at which not less than one-tenth of the members vote in accordance with the rules, appoint an inspector to investigate its affairs.

(2) The inspector thus appointed shall have the same powers and be subject to the same duties as an inspector appointed under section *thirty-three* and shall report in such manner and to such persons as the society by its resolution has directed, and send a copy of such report to the registrar.

Information to be supplied to inspectors.

**35.** (1) It shall be the duty of all officers, auditors and members of a registered society whose affairs are being investigated under the provisions of section *thirty-three* or *thirty-four* to produce to the inspector all the securities, accounts, books and documents in their custody and to give all information relating to the society which they are able to give.

(2) If any officer, auditor, member, agent or servant of the society refuse to be sworn, or to produce any such securities, accounts, books or documents, or to answer any question put to him by such inspector relating to the affairs of the society, notwithstanding that the answer may tend to incriminate him, he shall be guilty of an offence.

(3) Any person who, having been sworn by any such inspector, knowingly makes any false statement in relation to any matter which is the subject of the investigation, shall be deemed to be guilty of perjury.

## JUDICIAL MANAGEMENT OF SOCIETY.

Judicial management.

**36.** (1) Subject to the provisions of this Act, the provisions relating to the judicial management of companies contained in the Companies Act, 1926 (Act No. 46 of 1926), or any amendment thereof, shall, *mutatis mutandis*, apply to every registered society.

(2) A judicial management order may be granted in respect of a registered society by the court on the application of the registrar or of the society.

## AMALGAMATION OF SOCIETIES.

Union of two or more societies.

**37.** (1) With the written approval of the registrar, two or more registered societies may amalgamate and become one society, with or without any liquidation or division of the funds of such societies or either or any of them, or a registered society may transfer all its assets and liabilities to another registered society, if each of the societies so decides by resolution passed at a general meeting convened for the purpose, in favour of which not less than three-fourths of the members voting in accordance with the rules vote: Provided that where the members so voting in favour of such resolution do not hold at least two-thirds of the value of the shares of the society, the resolution shall not become effective until it obtains the concurrence in writing of other members

(6) 'n Inspekteur kragtens hierdie artikel aangestel kan die vertoning vereis van al of enige van die boeke, rekenings, sekuriteite en dokumente van die vereniging, en kan onder ede sy amptenare, ouditeure, lede, agente en bediendes ondervra aangaande die sake van die vereniging, en kan dienooreenkomstig die eed aan hulle oplê.

(7) Die registrateur kan, sonder enige aansoek deur lede, maar met skriftelike toestemming van die Minister, by elke geleentheid verleen, die magte deur hierdie artikel verleen uitoefen in enigeen van die volgende gevalle—

(*a*) ingeval 'n vereniging gedurende twee maande na vermaning in gebreke gebly het om 'n opgawe deur hierdie Wet vereis in te dien;

(*b*) ingeval 'n vereniging gedurende twee maande na vermaning in gebreke gebly het om enige sodanige opgawe te verbeter of te voltooi;

(*c*) ingeval die registrateur in besit is van informasie wat na sy oordeel die instelling van 'n ondersoek in die sake van 'n vereniging vereis.

(8) Die hof kan wanneer aansoek by hom gedoen word vir die likwidasie van 'n geregistreerde vereniging of om 'n geregistreerde vereniging onder geregtelike bestuur te plaas, die registrateur gelas om die by hierdie artikel verleende bevoegdhede uit te oefen.

(9) 'n Inspekteur kragtens hierdie artikel benoem doen verslag aan die registrateur, en die registrateur stuur afskrifte van die verslag aan die aansoekers (as daar is) en aan die vereniging.

Ondersoek deur inspekteure deur die vereniging benoem.

**34.** (1) Die lede van 'n geregistreerde vereniging kan deur besluit geneem op 'n algemene vergadering waarop nie minder nie dan een-tiende van die lede ooreenkomstig die statute stem, 'n inspekteur benoem om sy sake te ondersoek.

(2) Die inspekteur aldus benoem het dieselfde magte en is onderhewig aan dieselfde verpligtings as 'n inspekteur wat ooreenkomstig artikel *drie-en-dertig* aangestel is, en doen verslag op 'n wyse en aan persone soos die vereniging deur sy besluit bepaal het, en stuur 'n afskrif van sodanige verslag aan die registrateur.

Informasie moet aan inspekteure meegedeel word.

**35.** (1) Alle amptenare, ouditeure en lede van 'n geregistreerde vereniging wie se sake ooreenkomstig artikel *drie-en-dertig* of *vier-en-dertig* ondersoek word, is verplig om aan die inspekteur alle sekuriteite, rekenings, boeke en dokumente in hulle bewaring voor te lê en om alle informasie aangaande die vereniging te verskaf waartoe hulle in staat is.

(2) Elke amptenaar, ouditeur, lid, agent of bediende van die vereniging wat weier om die eed af te lê, of om enige sodanige sekuriteite, rekenings, boeke of dokumente voor te lê, of om enige vraag betreffende die sake van die vereniging wat deur die inspekteur aan hom gestel word te beantwoord, ofskoon die antwoord hom aan strafvervolging sou kan blootstel is aan 'n misdryf skuldig.

(3) Elke persoon wat nadat die eed aan hom deur die inspekteur opgelê is met wete 'n valse verklaring maak betreffende enige saak wat onderwerp is van die ondersoek, word geag skuldig te wees aan meineed.

### Geregtelike Bestuur van Vereniging.

Geregtelike bestuur.

**36.** (1) Behoudens die bepalings van hierdie Wet is die bepalings betreffende die geregtelike bestuur van maatskappye vervat in die Maatskappywet, 1926 (Wet No. 46 van 1926), of enige wysiging daarvan, *mutatis mutandis* van toepassing op elke geregistreerde vereniging.

(2) 'n Bevel tot geregtelike bestuur kan toegestaan word ten opsigte van 'n geregistreerde vereniging deur die hof op aansoek van die registrateur of van die vereniging.

### Samesmeltings van Verenigings.

Samesmelting van twee of meer verenigings.

**37.** (1) Met die skriftelike goedkeuring van die registrateur kan twee of meer geregistreerde verenigings saamsmelt en een vereniging vorm, met of sonder likwidasie of verdeling van die fondse van sulke verenigings of van een of meer van hulle, of kan 'n geregistreerde vereniging al sy bates en laste aan 'n ander geregistreerde vereniging oordra, indien elk van die verenigings aldus besluit op 'n algemene vergadering vir die doel belê, ten gunste waarvan minstens drie-vierdes van die lede stem, wat ooreenkomstig die statute stem: Met die verstande dat indien die lede wat aldus ten gunste van sodanige besluit stem nie ten minste twee-derdes in waarde van die aandele van die vereniging besit nie, die besluit nie geldig sal

whose shares together with the shares of the members who voted for the said resolution are in value at least two-thirds of the total value of shares of the society.

(2) Notwithstanding anything to the contrary contained in sub-section (1), any such amalgamation or transfer may be effected if each of the societies so decides by resolution passed at a general meeting convened for the purpose, in favour of which the majority of the members voting in accordance with the rules vote: Provided that where the members so voting in favour of such resolution do not hold more than one-half of the value of shares of the society, the resolution shall not become effective until it obtains the concurrence in writing of other members whose shares together with the shares of the members who voted in favour of the said resolution exceed in value one-half of the total value of shares of the society: Provided further, that no amalgamation or transfer shall be effected under this sub-section unless the Minister states in writing that he is satisfied that it would be to the benefit of both or all societies concerned and consents thereto.

(3) The person conducting the winding-up of a registered society under section *thirty-eight*, or the liquidator of a registered society which is being wound up voluntarily or by the court, or the judicial manager of a registered society may transfer all the assets and liabilities of the society being wound up or under judicial management to another registered society, provided all the requirements laid down by sub-section (2) are fulfilled.

(4) The amalgamation or transfer shall take place upon terms set forth in such resolution.

(5) Notice of every such amalgamation or transfer and the terms thereof shall be sent to the registrar and registered by him.

(6) Upon the registration by the registrar of the notice of the amalgamation of two or more societies, or of the transfer of the assets and liabilities of any society to another society, all the assets and liabilities of the societies so amalgamated shall vest in and become binding upon the united society, or, as the case may be, all the assets and liabilities of the society transferring its assets and liabilities shall vest in and become binding upon the society to which they are to be transferred.

(7) The officer in charge of a deeds registry or other office n which is registered any mortgage bond or any immovable property which is transferred in accordance with the provisions of sub-section (6) shall, upon production to him by the society concerned of such bond or of the title deeds of such immovable property and acertificate by the registrar of building societies of the registration by him of the notice of amalgamation or transfer, as the case may be, make such endorsements upon such bond or title deeds and such alterations in his registers as are necessary by reason of such amalgamation or transfer without payment of transfer or stamp duty or registration fees or charges.

(8) The amalgamation of societies or transfer of assets and liabilities under the provisions of this section shall not affect the rights of any creditor of either or any of the societies concerned.

### WINDING-UP OF SOCIETY.

Winding-up of terminating society upon expiration of period fixed for its duration or occurrence of event fixed for its termination.

38. (1) A society registered as a terminating society shall be wound up when the period (if any) fixed by its rules for the duration of the society expires, or the event (if any) occurs, on the occurrence of which the rules provide that the society is to terminate.

(2) Every such winding-up shall, subject to the provisions of this section, take place in manner prescribed by the rules.

(3) During such winding-up the provisions of this Act shall continue to apply to the society, as if the person conducting the winding-up were the board of directors of the society.

(4) The person conducting the winding-up of the society under this section shall, within twenty-eight days after the

wees nie, totdat ander lede wie se aandele tesame met die aandele van die lede wat vir die bedoelde besluit gestem het in waarde minstens twee-derdes van die totale waarde van die aandele van die vereniging bedra, skriftelik hul goedkeuring te kenne gee.

(2) Nieteenstaande die bepalings van sub-artikel (1) kan so 'n samesmelting of oordrag bewerkstellig word indien elk van die verenigings daartoe besluit op 'n algemene vergadering vir die doel belê, ten gunste waarvan die meerderheid van die lede stem, wat ooreenkomstig die statute stem: Met die verstande dat wanneer die lede wat aldus ten gunste van sodanige besluit stem nie meer as die helfte in waarde van die aandele van die vereniging besit nie, die besluit nie van krag word nie totdat ander lede wie se aandele tesame met die aandele van die lede wat vir die bedoelde besluit gestem het, die helfte van die totale waarde van aandele van die vereniging te bowe gaan, skriftelik hulle goedkeuring te kenne gee: Met die verstande verder dat geen samesmelting of oordrag onder hierdie sub-artikel bewerkstellig word nie tensy die Minister skriftelik te kenne gee dat hy oortuig is dat dit tot voordeel van beide of al die betrokke verenigings sal wees en daarmee instem.

(3) Die persoon wat die likwidasie van 'n geregistreerde vereniging onder artikel *agt-en-dertig* bestuur of die likwidateur van 'n geregistreerde vereniging wat vrywillig of deur die hof gelikwideer word, of die geregtelike bestuurder van 'n geregistreerde vereniging kan alle bates en laste van die vereniging wat gelikwideer word of onder geregtelike bestuur is, aan 'n ander vereniging oordra: Met die verstande dat aan alle vereistes by sub-artikel (2) neergelê voldoen word.

(4) Die samesmelting of oordrag geskied volgens voorwaardes in sodanige besluit uiteengesit.

(5) Kennisgewing van so 'n samesmelting of oordrag en die voorwaardes daarvan word aan die registrateur gestuur en deur hom geregistreer.

(6) By registrasie deur die registrateur van die kennisgewing van die samesmelting van twee of meer verenigings, of van die oordrag van die bates en laste van een vereniging aan 'n ander vereniging, word daarop al die bates en laste van die aldus saamgesmelte verenigings gevestig in en verpligtend op die verenigde vereniging, of, na die geval mag wees, al die bates en laste van die vereniging wat sy bates en laste op 'n ander vereniging oordra gevestig in en verpligtend op daardie ander vereniging waaraan hulle oorgedra moet word.

(7) Die beampte wat oor 'n registrasiekantoor van aktes of ander kantoor gestel is waarin enige verband of onroerende eiendom geregistreer is wat ooreenkomstig die bepalings van sub-artikel (6) oorgedra is, moet by vertoning aan hom deur die betrokke vereniging van sodanige verband of die titelbewyse van daardie onroerende eiendom en 'n sertifikaat onderteken deur die registrateur van bouverenigings van die registrasie deur hom van die kennisgewing van samesmelting of oordrag, na die geval mag wees, sodanige aantekenings op sodanige verband of titelbewyse en sodanige veranderings in sy registers maak as nodig is weens sodanige samesmelting of oordrag—sonder betaling van oordrag of seëlbelastings of registrasiegelde of koste.

(8) Die samesmelting van verenigings of oordrag van bates en laste ooreenkomstig die bepalings van hierdie artikel maak geen inbreuk op die regte van enige skuldeiser van enige van die betrokke verenigings nie.

### Likwidasie van Vereniging.

Likwidasie van tydelike vereniging na verloop van tydperk bepaal vir sy duur of plaasvinding van gebeurtenis bepaal vir sy beëindiging.

**38.** (1) 'n Vereniging as tydelike vereniging geregistreer word gelikwideer wanneer die tydperk (as daar is), deur sy statute bepaal vir die duur van die vereniging, verstryk of die gebeurtenis (as daar is) plaasvind, waarna volgens die statute bepaal die vereniging beëindig moet word.

(2) Elke sodanige likwidasie vind plaas, behoudens die bepalings van hierdie artikel, op die by die statute voorgeskrewe wyse.

(3) Gedurende sodanige likwidasie bly die bepalings van hierdie Wet van toepassing op die vereniging, asof die persoon wat die likwidasie beheer die raad van direkteure van die vereniging is.

(4) Die persoon wat die likwidasie van die vereniging onder hierdie artikel beheer moet binne agt-en-twintig dae

completion of the liquidation, lodge with the registrar an account and balance sheet in duplicate, signed and certified by him as correct, fully supported by vouchers, and showing the assets and liabilities of the society at the commencement of the winding up and the mode in which those assets and liabilities have been applied and discharged.

(5) The registrar shall transmit a duplicate of the account and balance sheet to the magistrate of the district in which the head office of the society is situate.

(6) The account and balance sheet shall lie open at the registrar's office, and the duplicate thereof shall lie open at the office of the magistrate of the said district, for inspection by persons interested for such reasonable time, not being less than fourteen days, as the registrar may determine.

(7) The registrar shall at the cost of the society cause to be published in the *Gazette* and in a newspaper circulating in the said district a notice in the prescribed form stating the period during which and the places at which the account and balance sheet will lie open for inspection as aforesaid, and calling upon all persons interested to lodge in writing with the registrar before a stated day, not being earlier than seven days after the close of the said period, any objection to the account, with the reasons therefor.

(8) If the registrar is of opinion that—

(*a*) any objection lodged with him ought to be sustained ; or

(*b*) notwithstanding that no objection has been lodged with him, any improper charge has been made against the assets or the account is in any respect incorrect and should be amended,

he may, subject to an appeal to the court, direct the liquidator to amend the account or may give such other directions as he may think fit.

(9) After an account has been open to inspection as hereinbefore prescribed, and if the registrar is satisfied that the winding-up is complete, and that the account and balance sheet are correct, and that his directions, in so far as they have not been set aside or varied by the court, have been given effect to, he shall confirm the account.

Voluntary winding-up.

**39.** The provisions of the Companies Act, 1926 (Act No. 46 of 1926), or any amendment thereof, relating to the voluntary winding-up of companies shall, *mutatis mutandis*, apply to every permanent registered building society.

Winding-up by the court.

**40.** (1) Subject to the provisions of this section, the provisions of the Companies Act, 1926 (Act No. 46 of 1926), or any amendment thereof, relating to the winding-up of companies by the court, shall, *mutatis mutandis*, apply to every registered society.

(2) An order for the winding-up of a registered society may be granted by the court on the application of any creditor or of the registrar or of the judicial manager of the society.

(3) The court may give to the liquidator any directions which to it may appear to be suitable in the circumstances, due regard being had to the interests of members and creditors of the society.

(4) An order for the winding-up of a registered society by the court shall not be made unless the court is satisfied that it is not desirable that the society be placed under judicial management.

Limitation of liability of members.

**41.** When a registered society is being wound up, the liability of any member in respect of any share shall be limited to the amount in arrear on such share at the commencement of such winding-up : Provided that he shall not be entitled to claim repayment of any amount actually paid on such share unless the claims of all creditors of the society have been paid in full : Provided further, that if he has received any advance from the society, he shall also be liable to repay such advance.

Liability of borrowers in winding-up.

**42.** When a registered society is being wound up, any member or other person to whom an advance has been made under any mortgage or other security or under the rules of the society shall not be liable to pay the amount payable under such mortgage security or rules except at the time or times and subject to the conditions therein expressed.

## DISSOLUTION OF SOCIETY.

Dissolution.

**43.** (1) Upon confirmation by the registrar, in terms of subsection (9) of section *thirty-eight*, of the account and plan of distribution lodged by the person conducting the winding-up

na voltooiing van die likwidasie by die registrateur 'n rekening en balansstaat in duplikaat indien, deur hom geteken en gesertifiseer vir korrek, gesteun deur volledige bewysstukke, en aantonende die bates en laste van die vereniging by die aanvang van die likwidasie en die metode waarvolgens daardie bates en laste aangewend en afgelos is.

(5) Die registrateur stuur 'n duplikaat van die rekening en balansstaat aan die magistraat van die distrik waarin die hoofkantoor van die vereniging gelee is.

(6) Die rekening en balansstaat moet by die registrateurskantoor ter insage lê, en die duplikaat daarvan moet by die magistraat van gemelde distrik ter insage lê van belanghebbende persone vir sodanige redelike tyd, van minstens veertien dae, as die registrateur bepaal.

(7) Die registrateur laat op koste van die vereniging in die *Staatskoerant* en in 'n koerant in omloop in gemelde distrik 'n kennisgewing publiseer in die voorgeskrewe vorm met vermelding van die tydperk waarin en die plekke waar die rekening en balansstaat ter insage soos voormeld sal lê, en met die versoek aan alle belanghebbende persone om by die registrateur voor 'n aangegewe dag, nie gouer as sewe dae na verloop van gemelde tydperk, enige beswaar teen die rekening skriftelik in te dien met die redes daarvoor.

(8) Indien die registrateur van mening is dat—

(*a*) enige beswaar by hom ingedien gehandhaaf behoort te word; of

(*b*) nieteenstaande geen beswaar by hom ingedien is nie, enige onbehoorlike koste teen die bates of die rekening gemaak is of die rekening in enige opsig verkeerd is en gewysig behoort te word,

kan hy, onderworpe aan appèl na die hof, die likwidateur gelas om die rekening te wysig of hy kan sodanige ander instruksies gee as hy wenslik ag.

(9) Nadat 'n rekening vir insage gelê het soos hierbo beskryf en indien die registrateur oortuig is dat die likwidasie voltooi is en dat die rekening en balansstaat reg is, en dat sy instruksies insover dit nie deur die hof verwerp of gewysig is nie, uitgevoer is, bekragtig hy die rekening.

Vrywillige likwidasie.

**39.** Die bepalings van die Maatskappywet, 1926 (Wet No. 46 van 1926), of enige wysiging daarvan, betreffende die vrywillige likwidasie van maatskappye is *mutatis mutandis* op elke permanente geregistreerde bouvereniging van toepassing.

Likwidasie deur die hof.

**40.** (1) Behoudens die bepalings van hierdie artikel is die bepalings van die Maatskappywet, 1926 (Wet No. 46 van 1926) of enige wysiging daarvan, betreffende die likwidasie van maatskappye deur die hof *mutatis mutandis* van toepassing op elke geregistreerde vereniging.

(2) 'n Bevel vir likwidasie van enige geregistreerde vereniging kan deur die hof toegestaan word op aansoek van enige krediteur of van die registrateur of van die geregtelike bestuurder van die vereniging.

(3) Die hof kan die likwidateur enige instruksies gee wat onder die omstandighede vir hom wenslik skyn, met behoorlike inagneming van die belange van lede en skuldeisers van die vereniging.

(4) 'n Bevel vir die likwidasie van 'n geregistreerde vereniging deur die hof word nie gegee nie tensy die hof oortuig is dat dit onwenslik is dat die vereniging onder geregtelike bestuur geplaas word.

Beperking van aanspreeklikheid van lede.

**41.** Wanneer 'n geregistreerde vereniging gelikwideer word is die aanspreeklikheid van enige lid ten opsigte van enige aandeel beperk tot die bedrag agterstallig op sodanige aandeel by die aanvang van sodanige likwidasie: Met die verstande dat hy nie geregtig is om terugbetaling te eis van enige bedrag werklik op sodanige aandeel betaal tensy die eise van alle skuldeisers van die vereniging ten volle betaal is: Met die verstande verder dat indien hy enige voorskot van die vereniging ontvang het hy ook onderhewig aan terugbetaling van sodanige voorskot is.

Aanspreeklikheid van leners by likwidasie.

**42.** Wanneer 'n geregistreerde vereniging gelikwideer word is geen lid of ander persoon aan wie 'n voorskot onder enige verband of ander sekuriteit of onder die statute van die vereniging verstrek is aanspreeklik om die bedrag betaalbaar onder sodanige verband, sekuriteit of statute te betaal nie behalwe op die tyd of tye en onderworpe aan die voorwaardes daarin uiteengesit.

### Ontbinding van Vereniging.

Ontbinding.

**43.** (1) Na bekragtiging deur die registrateur ingevolge sub-artikel (9) van artikel *agt-en-dertig* van die rekening en distribusieplan ingedien deur die persoon wat die likwidasie

of a society under that section, the registrar shall cancel the registration of the society, and thereupon the society shall be dissolved.

(2) Immediately after the confirmation of the final account in the winding-up of a registered society which is wound up under the provisions of the Companies Act, 1926 (Act No. 46 of 1926), as amended from time to time, as applied by section *thirty-nine*, or under the said provisions as modified and applied by section *forty*, the master of the court shall give notice thereof to the registrar, who shall register it and cancel the registration of the society, and thereupon the society shall be dissolved.

GENERAL AND MISCELLANEOUS.

Half-yearly return.

**44.** Every registered society shall not later than forty-two days after the end of every period of six months reckoned from the commencement of the financial year of the society, and not later than forty-two days after the end of every financial year of the society lodge with the registrar a return made up to the date of the close of business at the end of that period of six months or that financial year, as the case may be, and signed by two directors and the secretary of the society, showing the aggregate—

(*a*) value of shares;

(*b*) amount standing at credit of depositors;

(*c*) sums borrowed and described in paragraph (i) of the proviso to paragraph (*d*) of sub-section (1) of section *twenty-two*;

(*d*) amount owing under mortgage bonds, the property hypothecated by which is being administered by the society under irrevocable power of attorney;

(*e*) amount owing under all mortgage bonds other than those referred to in paragraph (*d*);

(*f*) liquid assets held in terms of sub-section (4) of section *twenty-three* showing separately—

(i) cash;

(ii) deposits with a bank; and

(iii) securities;

(*g*) amount of loans granted but not paid out.

Lost or destroyed share certificates fixed deposit receipts and pass-books.

**45.** If any share certificate, savings deposit passbook or fixed deposit receipt issued by a permanent registered society is lost or destroyed, the society, upon such evidence and subject to such terms and conditions as the directors think fit, and after the loss of such certificate, passbook or receipt has been duly advertised once in the *Gazette* and once in a newspaper circulating in the town or district in which the member or depositor, as the case may be, resides, may issue a certified copy of such certificate, passbook or receipt. Such certified copy shall thereafter for all purposes take the place of the certificate or receipt so lost or destroyed, and be the sole evidence thereof.

Acceptance of gifts.

**46.** (1) No officer or auditor of a registered society shall receive from any person nor shall any person offer or give to any such officer or auditor any benefit whatever for or in connection with any loan made by the society.

(2) No officer or auditor of a registered society shall purchase, or be interested in the purchase of, any property owned by or mortgaged to the society and sold by or at the instance of the society, unless the property is purchased at a public sale, duly advertised, or the sale is approved by the registrar.

(3) Any person who contravenes any of the provisions of sub-sections (1) and (2) shall be guilty of an offence.

(4) Any person accepting any such benefit shall, when directed by the court by which he is convicted, pay over to the society the amount or value of such benefit, and if he fails to obey any such direction of the court, he shall be guilty of an offence.

van 'n vereniging onder daardie artikel beheer, kanselleer die registrateur die registrasie van die vereniging en daarna word die vereniging ontbind.

(2) Onmiddellik na bekragtiging van die finale rekening van die likwidasie van 'n geregistreerde vereniging wat gelikwideer word onder die bepalings van die Maatskappywet, 1926 (Wet No. 46 van 1926), soos van tyd tot tyd gewysig, soos toegepas kragtens artikel *neën-en-dertig*, of onder gemelde bepalings soos verander en toegepas kragtens artikel *veertig* gee die Meester van die hof daarvan aan die registrateur kennis wat dit registreer en die registrasie van die vereniging kanselleer, en daarna word die vereniging ontbind.

### Algemene en Diverse Bepalings.

Half-jaarlikse opgawes.

44. Elke geregistreerde vereniging moet nie later as twee-en-veertig dae na die einde van elke tydperk van ses maande gereken vanaf die begin van die boekjaar van die vereniging, en nie later as twee-en-veertig dae na die einde van elke boekjaar van die vereniging by die registrateur 'n opgawe indien gemaak tot die datum van die sluiting van besigheid by die einde van daardie tydperk van ses maande of daardie boekjaar, na die geval mag wees, en geteken deur twee direkteure en die sekretaris van die vereniging, aantonende die totale—

(*a*) waarde van aandele;

(*b*) bedrag op krediet van depositogewers;

(*c*) bedrae in leen ontvang en beskryf in paragraaf (i) van die voorbehoudsbepaling tot paragraaf (*d*) van sub-artikel (1) van artikel *twee-en-twintig*;

(*d*) bedrag verskuldig onder verbande waar die verhipotekeerde eiendom deur die vereniging onder 'n onherroepelike volmag beheer word;

(*e*) bedrag verskuldig onder alle verbande ander dan die in paragraaf (*d*) vermeld;

(*f*) likwiede bates gehou ingevolge sub-artikel (4) van artikel *drie-en-twintig* apart aantonende—

(i) kontant;

(ii) deposito's by 'n bank; en

(iii) sekuriteite;

(*g*) bedrag van lenings toegestaan maar nie uitbetaal nie.

Verlore of vernietigde aandelesertifikate, depositoboekie of vaste depositokwitansies.

45. Indien enige aandelesertifikaat, spaardepositoboekie of vaste depositokwitansie deur 'n permanente geregistreerde vereniging uitgereik, verloor of vernietig word kan die vereniging of sodanige bewyse en onderworpe aan sodanige voorwaardes as die direkteure nodig ag en nadat die verlies van sodanige sertifikaat, depositoboekie of kwitansie behoorlik geadverteer is eenmaal in die *Staatskoerant* en eenmaal in 'n koerant in omloop in die stad of distrik waarin die lid of depositogewer, na die geval mag wees, woon, 'n gesertifiseerde afskrif van sodanige sertifikaat, depositoboekie of kwitansie uitreik. Sodanige gesertifiseerde afskrif vervang daarna vir alle doeleindes die aldus verlore of vernietigde sertifikaat of kwitansie, en is die enigste bewys daarvan.

Aanname van geskenke.

46. (1) Geen amptenaar of ouditeur van 'n geregistreerde vereniging mag enige voordeel van enige persoon aanneem nie, en geen persoon mag aan enige amptenaar of ouditeur van 'n vereniging enige voordeel aanbied of toestaan nie wat in verband staan met enige lening wat deur die vereniging gemaak word.

(2) Geen amptenaar of ouditeur van 'n vereniging mag enige eiendom koop of betrokke wees in die aankoop daarvan indien dit aan die vereniging behoort of verhipotekeer is en deur of op verlange van die vereniging verkoop is, tensy die eiendom op 'n publieke verkoping, behoorlik geadverteer, gekoop word, of die verkoop deur die registrateur goedgekeur word.

(3) Enigeen wat enige bepaling van sub-artikels (1) en (2) oortree is aan 'n misdryf skuldig.

(4) Enige persoon wat so 'n voordeel aangeneem het moet, wanneer die hof wat hom veroordeel hom daartoe gelas, aan die vereniging die bedrag of waarde van die voordeel betaal, en as hy in gebreke bly om aan die bevel van die hof te voldoen, is hy aan 'n misdryf skuldig.

Default in rendering accounts, furnishing information and giving notice.

**47.** (1) Any registered society which fails—

(*a*) to render to the registrar within the period fixed by or under this Act any account or statement or other document required by this Act to be rendered by it to the registrar; or

(*b*) to amend or complete any document referred to in paragraph (*a*), when required by the registrar to do so; or

(*c*) to furnish to the registrar upon demand by him any information required by him for the purposes of this Act; or

(*d*) to lodge or send any notice or perform any act which the society is by this Act required to lodge, send or perform,

shall be guilty of an offence.

(2) No prosecution shall be instituted for any contravention of the provisions of paragraph (*a*) of sub-section (1) unless the registrar has in writing notified the society of the default and required the society to comply with the said provisions within a specified time, not being less than one week after the receipt by the society of such notification, and the society has failed within the time so specified to comply with the said provisions.

Withholding money or other effects of a society.

**48.** (1) If any person not entitled thereto has in his possession any moneys, securities, books, papers or other effects of a registered society, and withholds or misapplies the same, or wilfully applies the same or any part thereof to purposes other than those expressed in the rules of the society and authorized by this Act, he shall be guilty of an offence.

(2) Every such person shall, when directed by the court by which he is convicted, deliver up to the society all such moneys, securities, books, papers or other effects and repay the amount of money or the value of other effects applied to an unauthorized purpose, and, if he fails to obey any such direction of the court, he shall be guilty of an offence.

False statements.

**49.** If any person makes, orders or allows to be made any false statements in any document which is required by this Act to be sent to the registrar or which such person expects will be published knowing such statement to be false, or by addition, alteration, erasure or omission, falsifies any such documents, knowing that the addition, alteration, erasure or omission will cause a falsification of the document, he shall be guilty of an offence.

Unregistered building society not to carry on business.

**50.** (1) No building society other than a registered society shall carry on business, and any society which contravenes the provisions of this section shall be guilty of an offence.

(2) The provisions of sub-section (1) shall not apply to any society which lawfully carried on business at the commencement of this Act until one month has elapsed after such commencement.

Only registered building society may claim to be successor of or to be connected with a building society.

**51.** Any association of persons, other than a registered society, which, and any person who, in any letter, account or other document or by public advertisement or in any other manner of announcement states that it or he is the successor of, or has or had any connection with, any building society shall be guilty of an offence.

Default in maintaining prescribed proportions between amounts received on deposit and loan and other funds.

**52.** (1) If at any time—

(*a*) in contravention of paragraph (ii) of the proviso to paragraph (*d*) of sub-section (1) of section *twenty-two*, the total amount owing to a registered society on the mortgage bonds registered in its favour falls below the total amount received by the society on deposit and loan and not yet repaid by the society; or

(*b*) in contravention of sub-section (4) of section *twenty-three*, the sum required thereby to be held in cash or deposits with a bank or securities as laid down in that sub-section falls below one-fourth of the total amount received by the society on deposit and not yet repaid by the society; or

(*c*) in contravention of section *twenty-five*, the share capital of a registered society falls below one-third of the

Versuim om rekenings te lewer of om opgawes te doen en om kennis te gee.

**47.** (1) Enige geregistreerde vereniging wat in gebreke bly—

(*a*) om binne die tydperk wat deur of volgens hierdie Wet vasgestel word enige rekening of staat of ander dokument aan die registrateur te lewer, wat na vereiste van hierdie Wet aan die registrateur deur hom gelewer moet word; of

(*b*) om op versoek van die registrateur enige dokument waarna in paragraaf (*a*) verwys word te wysig of te voltooi; of

(*c*) om op versoek van die registrateur enige opgawes te doen wat hy by die toepassing van hierdie Wet nodig vind; of

(*d*) om enige kennisgewing in te dien of te stuur of om enige handeling te verrig wat volgens hierdie Wet die vereniging verplig is in te dien, te stuur of te verrig,

is aan 'n misdryf skuldig.

(2) Geen vervolging vir 'n oortreding van die bepalings van paragraaf (*a*) van sub-artikel (1) word ingestel nie, tensy die registrateur in geskrifte die vereniging van die versuim in kennis gestel het en die vereniging versoek het om aan die bepalings te voldoen binne 'n bepaalde tydperk, nie minder dan een week na die vereniging sodanige kennisgewing ontvang het, en die vereniging in gebreke gebly het om binne die bepaalde tydperk aan gemelde bepalings te voldoen.

Terughou van geld of andere bates van 'n vereniging.

**48.** (1) Enigeen wat nie daartoe geregtig is nie, wat enige gelde, sekuriteite, boeke, dokumente of andere goedere van 'n geregistreerde vereniging in sy besit het, en dié terughou of misbruik of dit of 'n deel daarvan opsetlik aanwend tot 'n ander doel as wat in die statute van die vereniging vermeld word en deur hierdie Wet goedgekeur word, is aan 'n misdryf skuldig.

(2) Elke sodanige persoon moet, wanneer die hof wat hom veroordeel hom daartoe gelas, aan die vereniging alle sodanige gelde, sekuriteite, boeke, dokumente of andere goedere oorhandig en die bedrag van die geld of die waarde van ander goedere wat hy tot 'n ongeoorloofde doel aangewend het terugbetaal, en as hy in gebreke bly om aan die bevel van die hof te voldoen, is hy aan 'n misdryf skuldig.

Valse verklarings.

**49.** Enigeen wat 'n valse verklaring in enige dokument wat volgens die vereistes van hierdie Wet aan die registrateur toegestuur moet word, of wat na verwagting van daardie persoon gepubliseer sal word, wetende dat die verklaring vals is, maak, gelas of toelaat dat die verklaring gemaak word, of wat deur byvoeging, wysiging, uitveging of weglating 'n sodanige dokument vervals, wetende dat die byvoeging, wysiging, uitveging of weglating die dokument sal vervals, is aan 'n misdryf skuldig.

Ongeregistreerde bouvereniging mag geen besigheid drywe nie.

**50.** (1) Geen bouvereniging ander dan 'n geregistreerde vereniging mag besigheid dryf nie, en enige vereniging wat die bepalings van hierdie artikel oortree is aan 'n misdryf skuldig.

(2) Die bepalings van sub-artikel (1) is nie op enige vereniging wat by die inwerkingtreding van hierdie Wet wettiglik besigheid gedryf het, van toepassing nie totdat een maand na sodanige inwerkingtreding verloop het.

Slegs geregistreerde bouvereniging kan eis om opvolger te wees van of verbonde te wees met 'n bouvereniging.

**51.** Enige assosiasie van persone, ander dan 'n geregistreerde vereniging en enige persoon wat in enige brief, rekening of ander dokument of by publieke advertensie of in enige ander soort bekendmaking verklaar dat hy die opvolger is van of enigsins verbonde is of was met enige bouvereniging is aan 'n misdryf skuldig.

Versuim om voorgeskrewe verhouding tussen bedrae ontvang in deposito en in leen en ander fondse te behou.

**52.** (1) Indien te eniger tyd—

(*a*) in stryd met paragraaf (ii) van die voorbehoudsbepaling tot paragraaf (*d*) van sub-artikel (1) van artikel *twee-en-twintig* die totale bedrag aan 'n geregistreerde vereniging verskuldig op die verbande in sy guns geregistreer onder die totale bedrag deur die vereniging in deposito en in leen ontvang en nog nie deur die vereniging terugbetaal nie, daal; of

(*b*) in stryd met sub-artikel (4) van artikel *drie-en-twintig* die som daardeur vereis om in kontant of deposito's by 'n bank of sekuriteite gehou te word soos in daardie sub-artikel bepaal onder een-vierde van die totale bedrag deur die vereniging in deposito ontvang en nog nie deur die vereniging terugbetaal nie, daal; of

(*c*) in stryd met artikel *vyf-en-twintig* die aandelekapitaal van 'n geregistreerde vereniging onder een-derde

total amount received by the society on deposit and loan and not yet repaid by the society,

the society shall report the fact to the registrar.

(2) Any society which fails to make such report within the period of twenty-one days after the close of the calendar month during which the deficiency first occurred, shall be liable to pay, for every day upon which a deficiency continues after the expiration of the said period of twenty-one days, and until the fact of the deficiency is reported to the registrar by the society, a penalty of one-tenth of one per cent. of the amount of the deficiency that existed on that day.

(3) When the registrar receives any such report, or when it appears from any return or otherwise that such a deficiency exists, the registrar shall direct the society to take such steps as will, within a period fixed by him, make good the deficiency, and may from time to time, for good cause shown, extend the period fixed by him.

(4) If any society after receiving any such directions from the registrar fails to make good the deficiency within the period fixed by the registrar, as extended from time to time, it shall be liable to pay for every day upon which the deficiency continues after the expiration of that period as so extended, a penalty of one-tenth of one per cent. of the amount of the deficiency that existed on that day.

(5) Every penalty payable under the provisions of sub-section (2) or (4) may be recovered by the registrar from such society by action in any competent court, and upon recovery shall be paid into the Consolidated Revenue Fund.

(6) The registrar may at any time call upon any society for such reports or returns, or may make such inspection of the books and accounts of any society, as may be necessary to ascertain whether any such deficiency exists, or to ascertain the amount of any such deficiency and the period during which the deficiency has continued.

Penalties.

**53.** (1) Every person convicted of an offence under the provisions of—

(*a*) sub-section (1) of section *fifteen* or sub-section (1) of section *fifty* shall be liable to a fine not exceeding five hundred pounds ;

(*b*) sub-section (8) of section *thirty-one*, sub-section (2) of section *thirty-five*, sub-section (3) of section *forty-six*, sub-section (1) of section *forty-seven*, sub-section (1) of section *forty-eight*, section *forty-nine* or section *fifty-one* shall be liable to a fine not exceeding one hundred pounds ;

(*c*) sub-section (4) of section *forty-six* or sub-section (2) of section *forty-eight* shall be liable to imprisonment for a period not exceeding six months.

(2) Whenever any person has been so convicted, any continuation after his conviction of the contravention of which he was convicted shall constitute a fresh offence.

Admissibility in evidence of certified documents.

**54.** Every document purporting to be certified by the registrar to be a document deposited at his office under the provisions of this Act shall, in the absence of proof to the contrary, be deemed to be such document and every document purporting to be similarly certified to be a copy of such document, shall be deemed to be a true copy thereof, and shall be received in evidence as if it were the original document, unless some variation between it and the original document is proved.

Inspection of documents.

**55.** On payment of the prescribed fees, any person may inspect the documents relating to any society kept by the registrar, or obtain from the registrar a certificate of the registration or provisional registration of any society or a copy or extract of any such document or part of any such document kept by the registrar.

Annual report by registrar.

**56.** The registrar shall annually submit to the Minister a report on the working of all registered societies and on the matters relating to such societies which have been dealt with by him during the year, and the Minister shall lay the report on the Tables of both Houses of Parliament.

Procedure in appeals to Minister.

**57.** Every appeal to the Minister under sub-section (4) of section *one* or section *eight* shall be prosecuted in accordance with regulations which the Minister is hereby authorized to prescribe by notice in the *Gazette*.

van die totale bedrag deur die vereniging in deposito en in leen ontvang en nog nie deur die vereniging terugbetaal nie, daal,

rapporteer die vereniging die feit aan die registrateur.

(2) Enige vereniging wat versuim om aldus te rapporteer binne die tydperk van een-en-twintig dae na die einde van die kalendermaand waarin die tekort eers voorgekom het, is onderhewig aan betaling vir elke dag waarop 'n tekort voortduur na verloop van gemelde tydperk van een-en-twintig dae en totdat die voorkoming van die tekort aan die registrateur deur die vereniging gerapporteer word, van 'n boete van een-tiende van een persent van die bedrag van die tekort wat op daardie dag bestaan het.

(3) Wanneer die registrateur sodanige rapport ontvang, of wanneer dit uit enige opgawe of andersins blyk dat sodanige tekort bestaan, gelas die registrateur die vereniging om sodanige maatreëls te tref as wat binne 'n deur hom bepaalde tydperk die tekort sal goed maak, en van tyd tot tyd kan hy vir goeie redes aangevoer die tydperk deur hom bepaal verleng.

(4) Indien 'n vereniging na ontvangs van sodanige instruksies van die registrateur in gebreke bly om die tekort binne die deur die registrateur bepaalde tydperk, soos van tyd tot tyd verleng, goed te maak, is hy onderhewig aan betaling vir elke dag waarop die tekort voortduur na verloop van daardie tydperk, soos aldus verleng, van 'n boete van een-tiende van een persent van die bedrag van die tekort wat op daardie dag bestaan het.

(5) Elke boete betaalbaar kragtens die bepalings van sub-artikel (2) of (4) kan deur die registrateur op sodanige vereniging verhaal word by regsgeding in enige bevoegde hof, en na verhaal word dit in die Gekonsolideerde Inkomstefonds gestort.

(6) Die registrateur kan te enige tyd enige vereniging versoek om sodanige verslae of opgawes, of hy kan sodanige ondersoek na die boeke en rekenings van enige vereniging instel, as wat nodig mog wees om te wete te kom of sodanige tekort bestaan, of om die bedrag van sodanige tekort en hoelank die tekort voortgeduur het, te wete te kom.

Strawwe.

**53.** (1) Elke persoon wat skuldig gevind word aan 'n oortreding onder die bepalings van—

(*a*) sub-artikel (1) van artikel *vyftien* of sub-artikel (1) van artikel *vyftig* is onderhewig aan 'n boete van hoogstens vyfhonderd pond;

(*b*) sub-artikel (8) van artikel *een-en-dertig*, sub-artikel (2) van artikel *vyf-en-dertig*, sub-artikel (3) van artikel *ses-en-veertig*, sub-artikel (1) van artikel *sewen-en-veertig*, sub-artikel (1) van artikel *agt-en-veertig*, artikel *neën-en-veertig* of artikel *een-en-vyftig* is onderhewig aan 'n boete van hoogstens honderd pond;

(*c*) sub-artikel (4) van artikel *ses-en-veertig* of sub-artikel (2) van artikel *agt-en-veertig* is onderhewig aan gevangenisstraf vir 'n tydperk van hoogstens ses maande.

(2) Wanneer enige persoon aldus skuldig gevind is maak enige voortsetting na sy skuldigbevinding van die oortreding waaraan hy skuldig bevind is, 'n nuwe oortreding uit.

Toelaatbaarheid van gesertifiseerde dokumente.

**54.** Elke geskrif wat voorgee dat dit deur die registrateur gesertifiseer is 'n dokument te wees wat kragtens die bepalings van hierdie Wet op sy kantoor bewaar word, moet, tensy anders bewys word, geag word daardie dokument te wees, en elke geskrif wat voorgee dat dit deur die registrateur gesertifiseer is 'n afskrif van so 'n dokument te wees, moet geag word 'n ware afskrif daarvan te wees, en moet as bewys toegelaat word, asof daardie geskrif die oorspronklike dokument is, tensy dit bewys word dat daar 'n verskil bestaan tussen daardie geskrif en die oorspronklike dokument.

Insage van dokumente.

**55.** Iedereen kan, teen betaling van die voorgeskrewe fooie, die dokumente in verband met enige vereniging wat deur die registrateur bewaar word insien, of van die registrateur 'n sertifikaat van die registrasie of voorlopige registrasie van enige vereniging, of 'n afskrif van of uittreksel uit enige sodanige dokument of deel van enige sodanige dokument wat deur die registrateur bewaar word, verlang.

Jaarlikse verslag deur die registrateur.

**56.** Die registrateur dien elke jaar by die Minister 'n verslag in oor die werksaamhede van alle geregistreerde verenigings, en oor die sake in verband met sulke verenigings wat hy gedurende die jaar afgehandel het, en die Minister lê die verslag in albei Parlementshuise ter Tafel.

Prosedure met appèls na Minister.

**57.** Elke appèl na die Minister kragtens sub-artikel (4) van artikel *een* of artikel *agt* word ingestel ooreenkomstig die regulasies wat die Minister hierby gemagtig word om by kennisgewing in die *Staatskoerant* voor te skrywe.

Annual licence.

58. (1) Every registered society other than a terminating society shall obtain from the Receiver of Revenue of the district in which its head office is situate a building society licence in respect of each and every year.

(2) For that licence there shall be paid a duty of twenty pounds: Provided that in the case of a society registered on or after the first day of July in any year a licence shall be issued in respect of the remaining portion of that year on payment of one-half the duty otherwise chargeable under this section.

(3) Every society which is liable for the payment of any duty under this section shall make an application in the prescribed form to the receiver of revenue by whom the licence is issuable.

(4) Every society which fails to take out the licence as required by this section on or before the thirty-first day of January in any year in which the liability for such licence commenced on the first day of January in that year, or within one month of the day upon which the society was registered in any year in which the liability for such licence commenced on a date other than the first day of January, shall pay as additional duty a further sum equal to ten per centum of the amount of duty payable for each month or part of a month, reckoned from the day upon which the liability for the duty commenced, during which the duty remains unpaid: Provided that the additional duty thus payable shall not be more than the amount of duty payable.

(5) All moneys due under this section shall be a debt due to the Government of the Union and shall be recoverable by the Commissioner for Inland Revenue by action in any competent court.

(6) For the purposes of this section "year" means a year ending on the thirty-first day of December.

Prescribed fees.

59. (1) There shall be paid in respect of the several matters mentioned in the First Schedule to this Act, or in that Schedule as altered or added to in terms of sub-section (2), the several fees specified in that Schedule as so altered or added to.

(2) The Minister may from time to time alter or add further matters to the said Schedule and specify the fees payable in respect of any matter so added, but in altering the said Schedule he shall not increase the amount of any fee specified in the Schedule as it exists at the commencement of this Act.

(3) Every alteration and addition made in terms of sub-section (2) shall be published in the *Gazette* and thereupon shall have the same force and effect as if it were contained in the said Schedule, and shall further be laid on the Tables of both Houses of Parliament within fourteen days after its publication in the *Gazette*, if Parliament is then in session, or, if Parliament is not then in session, within fourteen days after the commencement of its next ensuing session.

Prescribed forms.

60. (1) The Minister may from time to time by notice in the *Gazette* prescribe the form of any document referred to in this Act.

(2) The provisions of sub-sections (2) and (3) of section so*ty-nine* shall apply, *mutatis mutandis*, in respect of any form prescribed.

Interpretation of terms.

61. In this Act, unless inconsistent with the context—

"approved securities" means securities issued by the Government of the Union and such other securities as the Treasury may approve;

"board of directors" means, in relation to any society, the managing body thereof, whether it is called a committee of management or a board or by any other name;

"court" means, in relation to any society, any division of the Supreme Court within whose jurisdiction the head office of such society is situated, and, in relation to any offence against this Act, includes a magistrate's court having jurisdiction in respect of that offence;

"fixed term mortgage of immovable property" means a mortgage of immovable property other than a reducible mortgage of immovable property;

Jaarlikse lisensie.

**58.** (1) Elke geregistreerde vereniging behalwe 'n tydelike vereniging verkry van die ontvanger van inkomste van die distrik waarin sy hoofkantoor geleë is 'n bouverenigingslisensie ten opsigte van elke jaar.

(2) Vir daardie lisensie word 'n belasting van twintig pond betaal: Met die verstande dat in die geval van 'n vereniging geregistreer op of na die eerste dag van Julie in enige jaar 'n lisensie uitgereik word ten opsigte van die orige deel van daardie jaar na betaling van die helfte van die belasting andersins onder hierdie artikel berekenbaar.

(3) Elke vereniging wat vir betaling van enige belasting onder hierdie artikel aanspreeklik is doen op die voorgeskrewe formulier aansoek by die ontvanger van inkomste deur wie die lisensie uitgereik word.

(4) Elke vereniging wat versuim om die lisensie soos deur hierdie artikel vereis uit te neem voor of op die een-en-dertigste dag van Januarie in enige jaar waarin die aanspreeklikheid vir sodanige lisensie begin het op die eerste dag van Januarie in daardie jaar, of binne een maand van die dag waarop die vereniging geregistreer is in enige jaar waarin die aanspreeklikheid vir sodanige lisensie begin het op 'n datum ander as die eerste dag van Januarie, betaal as addisionele belasting 'n verdere som gelyk aan tien persent van die bedrag van belasting betaalbaar vir elke maand of gedeelte van 'n maand, gereken vanaf die dag waarop die aanspreeklikheid vir die belasting begin het, waarin die belasting onbetaald gebly het: Met die verstande dat die addisionele belasting aldus betaalbaar nie meer as die bedrag van belasting betaalbaar is nie.

(5) Alle gelde verskuldig ingevolge hierdie artikel is 'n skuld aan die Regering van die Unie verskuldig en is verhaalbaar deur die Kommissaris van Binnelandse Inkomste by geding in enige bevoegde hof.

(6) Vir die doeleindes van hierdie artikel beteken „jaar" 'n jaar eindigende op die een-en-dertigste dag van Desember.

Voorgeskrewe fooie.

**59.** (1) Ten opsigte van die verskeie aangeleenthede vermeld in die Eerste Bylae tot hierdie Wet, of in daardie Bylae soas ooreenkomstig sub-artikel (2) gewysig of aangevul, word die verskeie fooie uiteengesit in daardie Bylae, soas aldus gewysig of aangevul, betaal.

(2) Die Minister kan van tyd tot tyd daardie Bylae wysig of ander items daartoe byvoeg en die fooie vasstel wat ten opsigte van sulke bygevoegde items betaalbaar is, maar by wysiging van die vermelde Bylae, verhoog hy nie die bedrag van 'n fooi nie wat voorkom in die Bylae soas dit by die inwerkingtreding van hierdie Wet bestaan.

(3) Elke wysiging en aanvulling wat kragtens sub-artikel (2) gemaak word, word in die *Staatskoerant* gepubliseer, en daarna het die wysiging of aanvulling dieselfde bindende krag asof dit in die vermelde Bylae opgeneem was, en word voorts in albei Parlementshuise ter Tafel gelê binne veertien dae na publikasie in die *Staatskoerant*, as die Parlement dan in sessie is, of as die Parlement nie dan in sessie is nie, binne veertien dae na die begin van sy eersvolgende sitting.

Voorgeskrewe vorms.

**60.** (1) Die Minister kan van tyd tot tyd by kennisgewing in die *Staatskoerant* die vorm voorskryf van enige dokument waarna in hierdie Wet verwys word.

(2) Die bepalings van sub-artikels (2) en (3) van artikel *negen-en-vyftig* het betrekking, *mutatis mutandis*, op elke vorm aldus voorgeskrewe.

Woordomskrywing.

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

„goedgekeurde sekuriteite", sekuriteite deur die Regering van die Unie uitgegee en sodanige ander sekuriteite as wat die Tesourie goedkeur;

„raad van direkteure", in verband met 'n vereniging, die besturende liggaam daarvan, hetsy daardie liggaam 'n bestuurkomitee, 'n raad of by 'n ander beskrywing genoem word;

„hof", in verband met 'n vereniging, enige afdeling van die Hooggeregshof binne die regsgebied waarvan die hoofkantoor van die vereniging geleë is, en in verband met 'n misdryf teen hierdie Wet sluit dit 'n magistraatshof in wat ten opsigte van daardie misdryf regsbevoeg is;

„vaste termyn verband op onroerende eiendom", 'n verband op onroerende eiendom ander dan 'n verminderbare verband op onroerende eiendom;

"member" means, in relation to any society, a person who holds shares therein, whether fully or partly paid, which participate in the profits thereof, whether or not such shares are held by the society as security for an advance;

"Minister" means the Minister of Finance or any other Minister of State acting in his stead;

"mortgage of immovable property" includes the cession of a registered lease having not less than twenty years to run, and the cession of any lease or licence, whether or not it is registered entitling the lessee or licensee and his successors in title to occupy any land situate within the municipality of Kimberley and belonging to De Beers Consolidated Mines, Limited;

"officer" means, in relation to a society, any director, manager, secretary, clerk, agent or other employee of the society other than an auditor;

"prescribed fee" means a fee prescribed in the First Schedule to this Act, or in that Schedule as altered or added to under sub-sections (2) and (3) of section *fifty-nine*;

"prescribed form" means a form prescribed by the Minister under section *sixty*;

"reducible mortgage of immovable property" means a mortgage of immovable property on terms providing for the repayment of the capital amount advanced within a period of not more than twenty years and at a rate of not less than three per cent. in any year of the capital amount advanced;

"registered society" means a society registered under this Act and, notwithstanding anything contained in section *seven*, "registered society" in sections *thirteen, fourteen, thirty, thirty-one, thirty-three, thirty-four, thirty-five thirty-six, thirty-seven, thirty-eight, thirty-nine, forty, forty-one, forty-two, forty-three, forty-five, forty-six, forty-seven, forty-eight, fifty, fifty-one, fifty-four* and *fifty-eight*, includes a society provisionally registered under section *seven*, during the currency of the certificate of provisional registration;

"secretary" includes, in relation to a society, a manager, deputy or assistant manager, secretary or other principal executive officer of the society by whatever name he may be called;

"subscription share" means a share subscribed for by periodical contributions;

"Treasury" means the Secretary for Finance or any other officer in the Department of Finance authorized by the Minister to perform the functions assigned to the Treasury under this Act;

"value of share" means the amount standing at the credit of a share in the books of the society.

Repeal and amendment of laws.

62. (1) The laws specified in the Second Schedule to this Act are hereby repealed or amended to the extent set out in the fourth column of that Schedule.

(2) Notwithstanding any such repeal or amendment and subject to the provisions of sub-section (3) of section *seven* and section *fifty*, any such law which at the commencement of this Act applies to any society shall continue to apply to it until the date upon which such society is registered under this Act.

Investment of funds of societies provisionally registered.

63. Notwithstanding anything contained in any law relating to any society which is provisionally registered under section *seven*, or in the rules of any such society, any such society may invest any of its funds in any such debentures or stock as are referred to in paragraph (*e*) of sub-section (1) of section *twenty-four*; and the investment prior to the commencement of this Act by any such society of any of its funds in any such debentures or stock is hereby validated.

Short title and commencement of Act.

64. This Act may be cited as the Building Societies Act, 1934, and shall come into operation on the first day of January, 1935.

„lid", in verband met 'n vereniging, 'n persoon wat aandele daarin besit, hetsy ten volle of gedeeltelik opbetaal, wat deel in die winste van die vereniging, hetsy al dan nie die aandele in besit is van die vereniging as sekuriteit vir 'n lening;

„Minister", die Minister van Finansies of 'n ander Staatsminister wat namens hom optree;

„verband op onroerende eiendom", ook die oordrag van 'n geregistreerde huurkontrak wat oor minstens twintig jaar moet loop, en die oordrag van enige huurkontrak of lisensie, hetsy geregistreer of nie, wat die huurder of lisensiehouer en sy regsopvolgers die reg gee om enige grond geleë binne die munisipaliteit van Kimberley en behorende aan die De Beers Consolidated Mines, Limited, te okkupeer;

„amptenaar", in verband met 'n vereniging, enige direkteur, bestuurder, sekretaris, klerk, agent of ander emplojee van die vereniging, maar sluit nie 'n ouditeur in nie;

„voorgeskrewe fooi", 'n fooi voorgeskrewe in die Eerste Bylae tot hierdie Wet, of in daardie Bylae soas gewysig of aangevul ooreenkomstig sub-artikels (2) en (3) van artikel *negen-en-vyftig*;

„voorgeskrewe vorm", 'n deur die Minister ooreenkomstig die bepalings van artikel *sestig* voorgeskrewe vorm;

„verminderbare verband op onroerende eiendom", 'n verband op onroerende eiendom op voorwaardes vereisende die terugbetaling van die kapitaalbedrag voorgeskiet binne 'n termyn van hoogstens twintig jaar en teen 'n koers van minstens drie persent in enige jaar van die kapitaalbedrag voorgeskiet;

„geregistreerde vereniging", 'n vereniging geregistreer kragtens hierdie Wet, en nieteenstaande die bepalings van artikel *sewe*, beteken „geregistreerde vereniging" in artikels *dertien*, *veertien*, *dertig*, *een-en-dertig*, *drie-en-dertig*, *vier-en-dertig*, *vyf-en-dertig*, *ses-en-dertig*, *sewen-en-dertig*, *agt-en-dertig*, *negen-en-dertig*, *veertig*, *een-en-veertig*, *twee-en-veertig*, *drie-en-veertig*, *vyf-en-veertig*, *ses-en-veertig*, *sewen-en-veertig*, *agt-en-veertig*, *vyftig*, *een-en-vyftig*, *vier-en-vyftig* en *agt-en-vyftig* ook 'n vereniging voorlopig geregistreer kragtens artikel *sewe* gedurende die geldigheid van die sertifikaat van voorlopige registrasie.

„sekretaris", in verband met 'n vereniging, ook 'n bestuurder, adjunk- of assistentbestuurder, sekretaris of ander hoof uitvoerende amptenaar van die vereniging, hoe hy ook genoem word;

„subskripsie-aandeel", 'n aandeel waarvoor deur periodieke bydraes ingeskrywe word;

„Tesourie", die Sekretaris van Finansies of enige ander amptenaar in die Departement van Finansies deur die Minister gemagtig om die werksaamhede aan die Tesourie by hierdie Wet opgedra te verrig;

„waarde van aandeel", die bedrag waarmee in die boeke van die vereniging 'n aandeel gekrediteer is.

Wetsherroeping en wysiging.

**62.** (1) Die wette vermeld in die Tweede Bylae tot hierdie Wet word hiermee herroep of gewysig tot die omvang aangegee in die vierde kolom van daardie Bylae.

(2) Ondanks 'n sodanige herroeping of wysiging, en behoudens die bepalings van sub-artikel (3) van artikel *sewe* en artikel *vyftig* word elke sodanige wet, wat op die datum van inwerkingtreding van hierdie Wet toepaslik is op enige vereniging, toegepas op daardie vereniging totdat hy ooreenkomstig hierdie Wet geregistreer word.

Belegging van fondse van verenigings voorlopig geregistreer.

**63.** Ondanks andersluidende bepalings vervat in enige wet betreffende 'n vereniging wat ingevolge artikel *sewe* voorlopig geregistreer is, of in die statute van so 'n vereniging, kan so 'n vereniging sy fondse in obligasies of effekte wat bedoel word in paragraaf (*e*) van sub-artikel (1) van artikel *vier-en-twintig* belê; en die belegging gemaak in sulke obligasies of effekte deur so 'n vereniging van sy fondse voor die inwerkingtreding van hierdie Wet word hierdeur bekragtig.

Kort titel en inwerkingtreding van Wet.

**64.** Hierdie Wet kan aangehaal word as die Bouvereenigingswet, 1934, en tree op die eerste dag van Januarie 1935 in werking.

## First Schedule.

PRESCRIBED FEES.

| | £ | s. | d. |
|---|---|---|---|
| For the certificate of registration of a society .. .. | 1 | 0 | 0 |
| For the certificate of provisional registration of a society .. | 1 | 0 | 0 |
| For the certificate of alteration of rules .. .. .. | 0 | 10 | 0 |
| For the certificate of registration of a change of name .. | 1 | 0 | 0 |
| For every appointment of an inspector .. .. .. | 1 | 0 | 0 |
| For the certificate of registration of an instrument of liquidation .. .. .. .. .. .. .. .. | 1 | 0 | 0 |
| For the registration of notice of the termination of a liquidation .. .. .. .. .. .. .. .. | 1 | 0 | 0 |
| For every document required to be authenticated by the registrar, and not chargeable with any other fee .. .. | 0 | 10 | 0 |
| For every inspection on the same day of documents (whether one or more) in the custody of the registrar, relating to one and the same society .. .. .. .. | 0 | 2 | 6 |

For every copy or extract of any document in the custody of the registrar, not exceeding 216 words, one shilling and sixpence, and if exceeding that number, sixpence for every additional 72 words or portion thereof in addition to the fee for the signature of the registrar.

For every document certified as a true copy of a document in the custody of the registrar, when the copy so certified is not made by the registrar, ninepence for the examination of such copy, and if the copy exceeds 216 words, threepence for every additional 72 words or portion thereof, in addition to the fee for the signature of the registrar.

No fee is payable for any document or copy of a document supplied to a public department.

The registrar may dispense with the fee for inspection of documents in cases where he may consider it for the public interest to do so.

## Second Schedule.

LAWS REPEALED.

| Province or Union. | No. and year of Law. | Title or subject of Law. | Extent of repeal or Amendment. |
|---|---|---|---|
| Cape of Good Hope | Act No. 30 of 1908 | The Insurance and Loan Companies Act, 1908 | So much as is unrepealed. |
| Natal | Law No. 12 of 1858 | Law for the Regulation of Building Societies | The whole. |
| Natal | Act No. 27 of 1909 | The Natal Building Society (Permanent) Act, 1909 | The whole. |
| Natal | Act No. 34 of 1909 | The County Permanent Building Society Act, 1909 | The whole. |
| Union | Act No. 6 of 1932. | Building Societies and Savings Bank Societies Borrowing Powers Act, 1932. | In the title, by the deletion of the words "building societies and"; in section *one*, by the deletion of the words "building society or"; in section *two*, by the deletion of the words "Building Societies and"." |

## Eerste Bylae.

VOORGESKREWE FOOIE.

| | £ | s. | d. |
|---|---|---|---|
| Vir die sertifikaat van registrasie van 'n vereniging .. .. .. | 1 | 0 | 0 |
| Vir die sertifikaat van voorlopige registrasie van 'n vereniging | 1 | 0 | 0 |
| Vir die sertifikaat van wysiging van statute .. .. .. | 0 | 10 | 0 |
| Vir die sertifikaat van registrasie van naamsverandering .. | 1 | 0 | 0 |
| Vir elke aanstelling van inspekteur .. .. .. .. | 1 | 0 | 0 |
| Vir die sertifikaat van registrasie van 'n akte van likwidasie.. | 1 | 0 | 0 |
| Vir registrasie van kennisgewing van voltooiing van likwidasie | 1 | 0 | 0 |
| Vir elke dokument wat deur die registrateur gesertifiseer moet word en wat nie met enige ander bedrag belasbaar is nie | 0 | 10 | 0 |
| Vir elke insage op dieselfde dag van een of meer dokumente in die bewaring van die registrateur in verband met een en dieselfde vereniging .. .. .. .. .. | 0 | 2 | 6 |

Vir elke afskrif van of uittreksel uit 'n dokument in die bewaring van die registrateur wat nie meer as 216 woorde bevat nie, een sjieling en ses pennies, en as daar meer as daardie aantal woorde daarin bevat is, ses pennies vir elke verdere 72 woorde of gedeelte daarvan bo en behalwe die fooi vir die ondertekening deur die registrateur.

Vir elke dokument gesertifiseer as ware afskrif van 'n dokument in bewaring van die registrateur, wanneer die aldus gesertifiseerde afskrif nie deur die registrateur gemaak word nie, nege pennies vir ondersoek van sodanige afskrif, en as daar meer as 216 woorde in die afskrif bevat is, drie pennies vir elke verdere 72 woorde of gedeelte daarvan bo en behalwe die fooi vir die ondertekening deur die registrateur.

Geen fooi is betaalbaar vir enige dokument of afskrif van 'n dokument aan 'n staatsdepartement verstrek.

Die registrateur kan afsien van die fooi vir insage van dokumente in gevalle waar hy dit in die openbare belang ag om dit te doen.

## Tweede Bylae.

HERROEPE WETTE.

| Provinsie of Unie. | No. en jaar van Wet. | Titel of onderwerp van Wet. | Omvang van herroeping. of wysiging. |
|---|---|---|---|
| Kaap die Goeie Hoop | Wet No. 30 van 1908 | Wet op Versekering en op Lenings-maatskappye, 1908 | Insover dit nie reeds herroep is nie. |
| Natal | Wet No. 12 van 1858 | Wet tot Beheer van Bouverenigings | Geheel. |
| Natal | Wet No. 27 van 1909 | „The Natal Building Society (Permanent) Act, 1909" | Geheel. |
| Natal | Wet No. 34 van 1909 | „The County Permanent Building Society Act, 1909" | Geheel. |
| Unie | Wet No. 6 van 1932 | Wet op Leningsbevoegdhede van Bouverenigings en Spaarbankverenigings, 1932 | In die titel, die woorde „bouverenigings en" te skrap; in artikel *een*, die woorde „bouverenigingof" te skrap; in artikel *twee*, die woorde, „Bouverenigings en" te skrap. |

No. 63, 1934.]

# ACT

## To amend the Farm Mortgage Interest Act, 1933.

BE IT ENACTED by the King's Most Excellent Majesty' the Senate and the House of Assembly of the Union of South Africa, as follows:—

Amendment of section 1 of Act 34 of 1933.

**1.** Section *one* of the Farm Mortgage Interest Act, 1933, (Act No. 34 of 1933) hereinafter referred to as the principal Act, is hereby amended—

(*a*) by the insertion in sub-section (1), after the definition of the expression "conventional year", of the following definition:

"'covering bond' means any deed of hypothecation in which it is expressly stipulated that future advances are intended to be secured thereby, and in which the maximum amount to be secured thereby is stated";

(*b*) by the insertion in sub-section (1), at the end of paragraph (*d*) in the definition of the expression "farm mortgage", of the word "or" and the following new paragraph:

"(*e*) a covering bond passed by a farmer which has been registered in a deeds registry";

(*c*) by the substitution for the words "paragraph (*a*) or (*b*)", in both places in which those words occur in the definition of the expression "farm mortgage" contained in sub-section (1), of the words "paragraph (*a*), (*b*) or (*c*)";

(*d*) by the addition in sub-section (1), at the end of the definition of the expression "farm mortgage", of the word "or" and the following new paragraphs:

"(iv) such bond has been passed to secure interest which has accrued under a farm mortgage; or

(v) such bond has been passed by the surviving spouse of any deceased farmer to replace or redeem a bond under which such deceased farmer was a debtor at the time of his death and which, in the case of a bond referred to in paragraph (*a*), (*b*) or (*c*), was registered before the first day of April, 1933, and in the case of a bond referred to in paragraph (*c*) was passed before the first day of April, 1933";

(*e*) by the substitution in sub-section (1) for the definition of the expression "farmer" of the following new definition:

"farmer" means any person who, in the opinion of the Minister, normally derives his sole or principal means of livelihood from farming, and includes—

(*a*) any person who is—

(i) the owner of land which is hypothecated, or

(ii) the lessee of land under a lease which is hypothecated,

by a mortgage bond registered in a deeds registry, where farming operations are carried on on such land by some person who, in the opinion of the Minister normally derives his sole or principal means of livelihood from such farming operations, and whom such owner or lessee is, in the opinion of the Minister, legally or morally bound to assist; and

(*b*) the surviving spouse or the estate of any deceased farmer, where, owing to the existence of special circumstances, the Minister considers the surviving spouse or the estate of such deceased farmer ought, for the purposes of this Act, to be regarded as a farmer,

but does not include any person whose estate has been sequestrated or assigned under the provisions of the Insolvency Act, 1916 (Act No. 32 of 1916), as amended, or any estate which has

No. 63, 1934.]

# WET

## Tot wysiging van die Wet op Plaasverbandrente, 1933.

DIT WORD BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg :—

Wysiging van artikel 1 van Wet 34 van 1933.

**1.** Artikel *een* van die Wet op Plaasverbandrente, 1933, (Wet No. 34 van 1933) hieronder die Hoofwet genoem, word hiermee gewysig—

(*a*) deur invoeging in sub-artikel (1), na die omskrywing van die uitdrukking „konvensionele jaar", van die volgende omskrywing :

„ ‚dekkingsverband', 'n hipoteekakte waarin uitdruklik beding is dat bedoel word dat toekomstige voorskotte daardeur verseker sal word, en waarin die hoogste bedrag wat daardeur verseker word genoem is ";

(*b*) deur invoeging in sub-artikel (1) aan die end van paragraaf (*d*) in die omskrywing van die uitdrukking „plaasverband" van die woord „of" en die volgende nuwe paragraaf :

„(*e*) 'n dekkingsverband wat gepasseer is deur 'n boer, en wat geregistreer is in 'n registrasiekantoor" ;

(*c*) deur die woorde „paragraaf (*a*) of (*b*)", op albei plekke waar daardie woorde voorkom in die omskrywing van die uitdrukking „plaasverband" vervat in sub-artikel (1), te vervang deur die woorde „paragraaf (*a*), (*b*) of (*e*)" ;

(*d*) deur byvoeging in sub-artikel (1), aan die end van die omskrywing van die uitdrukking „plaasverband", van die woord „of" en die volgende nuwe paragrawe :

„(iv) bedoelde verband gepasseer is tot versekering van rente wat kragtens 'n plaasverband verval het ; of

(v) bedoelde verband deur die oorblywende eggenote van 'n oorlede boer gepasseer is tot vervanging of delging van 'n verband, kragtens welke bedoelde oorlede boer, toe hy gesterf het, 'n skuldenaar was, en wat, in die geval van 'n in paragraaf (*a*), (*b*) of (*e*) bedoelde verband, voor die eerste dag van April 1933 geregistreer is, en, in die geval van 'n in paragraaf (*c*) bedoelde verband, voor die eerste dag van April 1933 gepasseer is" ;

(*e*) deur in sub-artikel (1) die omskrywing van die uitdrukking „boer" te vervang deur die volgende nuwe omskrywing :

„boer", iemand wat, volgens die oordeel van die Minister, gewoonlik sy bestaan geheel of hoofsaaklik trek uit die boerdery, en sluit in—

(*a*) iemand wat :—

(i) die eienaar is van grond wat verhipotekeer is, of

(ii) die huurder van grond is kragtens 'n huur wat verhipotekeer is,

deur 'n verband geregistreer in 'n registrasiekantoor, wanneer op bedoelde grond 'n boerdery voortgesit word deur iemand wat, volgens die oordeel van die Minister, gewoonlik sy bestaan geheel of hoofsaaklik trek uit daardie boerdery, en wat bedoelde eienaar of huurder, volgens die oordeel van die Minister, regtens of sedelik verplig is met hulp by te staan ; en

(*b*) die oorblywende eggenote of die boedel van 'n oorlede boer, wanneer die Minister van oordeel is dat, weens die bestaan van spesiale omstandighede, die oorblywende eggenote of die boedel van daardie oorlede boer, by toepassing van hierdie Wet, as 'n boer behoort beskou te wees,

dog sluit niemand in nie, wie se boedel ingevolge die bepalings van die „Insolventie Wet, 1916" (Wet No. 32 van 1916), soos gewysig, gesekwestreer of afgestaan is, en sluit geen boedel in nie, wat aldus gesekwestreer

been so sequestrated or assigned, unless the farm subject to the bond or charge in question has been restored to the insolvent in terms of section *one hundred and six* of that Act subject to the condition that the insolvent shall pay the interest due or accruing under that bond or charge;

(*f*) by the addition, at the end of the section, of the following new sub-sections:

"(4) So much only of the interest which is due or was paid on the capital amount of any debt secured by any covering bond shall, for the purposes of this Act, be deemed to be interest due or paid under a farm mortgage—

(*a*) as is due or was paid on an amount not exceeding the amount owing as at midnight between the thirty-first day of March and the first day of April, 1933; and

(*b*) as is due or was paid on an amount not exceeding the sum stated in such covering bond to be the maximum amount which is to be secured by such covering bond; and

(*c*) in a case where such debt has been partly secured by some security other than such covering bond, as the Minister in his discretion may determine.

(5) Whenever, in terms of section *fifteen* of the Deeds Registries Act, 1918 (Act No. 13 of 1918), any person has been substituted as the debtor under a mortgage bond, such mortgage bond shall, for the purposes of this Act, be deemed to have been registered on the date on which such substitution was made."

Amendment of section 4 of Act 34 of 1933.

**2.** Sub-section (1) of section *four* of the principal Act is hereby amended by the insertion in paragraph (*b*) after the word "he" of the words "or such person as is referred to in paragraph (*a*) of the definition of the expression "farmer" contained in that sub-section".

Amendment of section 16 of Act 34 of 1933.

**3.** Section *sixteen* of the principal Act is hereby amended by the substitution for all words after the figure "1933" of the following words:

"and shall cease to have effect on the first day of April, 1935: Provided that any application for the payment of subsidy towards interest—

(*a*) due or paid under any farm mortgage referred to in paragraph (*a*), (*b*) or (*e*) of the definition of the expression "farm mortgage" contained in sub-section (1) of section *one* which was registered before the first day of April, 1933, or under any farm mortgage referred to in paragraph (*c*) of that definition which was passed before that date, or under any farm mortgage referred to in paragraph (*d*) of that definition which was created before that date, and in terms of which interest is payable in advance, in respect of any period prior to the expiration of two calendar years from the first date after the thirty-first day of March, 1933, on which any interest accrued; or

(*b*) due or paid under any other farm mortgage in respect of any period prior to the first day of April, 1935,

shall be dealt with, and the Minister may pay a subsidy towards the interest to which the application relates, as if this Act were still in force."

Short title and commencement.

**4.** This Act shall be known as the Farm Mortgage Interest (Amendment) Act, 1934, and shall be deemed to have come into operation on the date on which the principal Act came into operation, with the exception of paragraphs (*a*), (*b*), (*c*) and (*f*) of section *one*, which shall be deemed to have come into operation on the first day of April, 1934: Provided that sections *six*, *seven* and *eight* of the principal Act shall not apply to interest received before the date on which this Act was first published in the *Gazette* as a law on any amount secured by any bond which is not a farm mortgage as defined by the principal Act before it was amended by this Act.

of afgestaan is, tensy die plaas wat onderhewig is aan die betrokke verband of beswaring aan die insolvent ingevolge artikel *honderd-en-ses* van daardie wet teruggegee is op voorwaarde dat die insolvent die rente wat kragtens daardie verband of beswaring verskuldig is of verval moet betaal;

(*f*) deur byvoeging, aan die end van die artikel, van die volgende nuwe sub-artikels:

„(4) Alleen soveel van die rente wat verskuldig is of betaal was op die hoofsom van 'n skuld wat verseker is deur 'n dekkingsverband word, by die toepassing van hierdie Wet, geag rente te wees wat kragtens 'n plaasverband verskuldig of betaal is—

(*a*) as wat verskuldig is of betaal was op 'n bedrag wat die bedrag nie te bowe gaan nie wat om middernag tussen die een-en-dertigste dag van Maart en die eerste dag van April 1933 verskuldig was; en

(*b*) as wat verskuldig is of betaal was op 'n bedrag wat die bedrag nie te bowe gaan nie wat in bedoelde dekkingsverband genoem is as die hoogste bedrag wat deur bedoelde dekkingsverband verseker word; en

(*c*) ingeval bedoelde skuld gedeeltelik deur ander sekuriteit behalwe bedoelde dekkingsverband verseker is, as wat die Minister na goeddunke mag vasstel.

(5) Wanneer iemand, ingevolge artikel *vyftien* van die ‚Wet op Registratiekantoren van Akten, 1918' (Wet No. 13 van 1918), in die plek gestel is van die skuldenaar kragtens 'n verband, word, by die toepassing van hierdie Wet, bedoelde verband geag geregistreer te gewees het op die dag waarop bedoelde vervanging geskied het".

Wysiging van artikel 4 van Wet 34 van 1933.

2. Sub-artikel (1) van artikel *vier* van die Hoofwet word hiermee gewysig deur in paragraaf (*b*) na die woord „hy" die woorde „of 'n persoon bedoel in paragraaf (*a*) van die omskrywing van die uitdrukking ‚boer' in daardie sub-artikel vervat" in te voeg.

Wysiging van artikel 16 van Wet 34 van 1933.

3. Artikel *sestien* van die Hoofwet word hiermee gewysig deur alle woorde na die syfer „1933" te vervang deur die volgende woorde:

„en sy regsgeldigheid eindig op die eerste dag van April 1935: Met dien verstande dat enige aanvraag om uitbetaling van subsidie tot rente—

(*a*) verskuldig of betaal kragtens 'n plaasverband bedoel in paragraaf (*a*), (*b*) of (*c*) van die omskrywing van die uitdrukking ‚plaasverband' vervat in sub-artikel (1) van artikel *een* wat voor die eerste dag van April 1933 geregistreer is, of kragtens 'n plaasverband bedoel in paragraaf (*c*) van daardie omskrywing wat voor daardie datum gepasseer is, of kragtens 'n plaasverband bedoel in paragraaf (*d*) van daardie omskrywing wat voor daardie datum tot stand gebring is, en ooreenkomstig welke rente vooruitbetaalbaar is, ten opsigte van 'n tydperk voor verloop van twee kalenderjare vanaf die eerste dag, na die een-en-dertigste dag van Maart 1933, waarop enige rente verval het; of

(*b*) verskuldig of betaal kragtens enige ander plaasverband ten opsigte van 'n tydperk voor die eerste dag van April 1935,

behandel word, en die Minister 'n subsidie kan bydra tot die rente waarop die aanvraag betrekking het, asof hierdie Wet nog regsgeldig was".

Kort titel en inwerkingtreding.

4. Hierdie Wet heet die Plaasverbandrente-Wysigingswet, 1934, en word geag in werking te getree het op die dag waarop die Hoofwet in werking getree het, behalwe paragrawe (*a*), (*b*), (*c*) en (*f*) van artikel *een*, wat geag word in werking te getree het op die eerste dag van April 1934: Met dien verstande dat artikels *ses*, *sewe* en *agt* van die Hoofwet nie van toepassing is nie op rente wat voor die dag waarop hierdie Wet vir die eerste keer in die *Staatskoerant* as 'n wet afgekondig was ontvang was op 'n bedrag verseker deur 'n verband wat, volgens die omskrywing van die uitdrukking „plaasverband" vervat in die Hoofwet voor dit deur hierdie Wet gewysig was, nie 'n plaasverband is nie.

No. 64, 1934.]

# ACT

**To appropriate certain surplus State revenues; to determine the pre-Union liabilities of the Railways and Harbours Administration and the rate of interest payable on all its capital liabilities; to provide for the repayment by landowners of loans or of a portion of the State moneys expended in combating soil erosion and in other works on their land; to write off certain irrigation loans; to amend Law No. 2 of 1871 (Transvaal), Acts Nos. 21 and 30 of 1911, No. 29 of 1922, No. 16 of 1924, No. 32 of 1925, No. 46 of 1926, No. 25 of 1927, No. 25 of 1930 and No. 29 of 1933.**

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Disposal of surplus State revenues.

**1.** The surplus State revenues in respect of the financial year 1933-'34 are hereby appropriated as hereunder provided:

(*a*) One million nine hundred thousand pounds shall be transferred to the credit of the loan account.

(*b*) One million pounds shall be utilized to reduce the deficit on the Cape of Good Hope Civil Service Pension Fund.

(*c*) Six hundred and fifty thousand pounds shall be utilized for assistance to agricultural co-operative societies and companies and agricultural credit societies.

(*d*) The remainder of the surplus as certified by the Controller and Auditor-General shall be utilized towards the redemption of debt and shall be applied as provided in sub-section (1) of section *four* of the Public Debt Commissioners Amendment Act, 1926 (Act No. 50 of 1926).

Determination of pre-Union Railway and Harbour capital, and of interest on all Railway and Harbour capital.

**2.** (1) Notwithstanding the provisions of section *one hundred and twenty-seven* of the South Africa Act, 1909, the amount of capital invested in the Railways and Harbours of the Union as at the thirty-first day of May, 1910, shall be deemed to have been £73,247,749 14s. 8d. and the interest payable thereon shall be calculated at the rate of £3 8s. 8d. per centum per annum.

(2) On capital sums advanced to the Railways and Harbours Administration since the thirty-first day of May, 1910, that Administration shall pay interest at the true rate of interest payable by the State on the post-Union funded debt and Treasury Bills which are outstanding at the end of each financial year, plus a sum to meet management charges and a further sum to repay the cost of raising of the loans in question, in proportion to the total amount of advances made to the said Administration from those loans.

Creation of a charge on land for moneys spent in combating soil erosion, etc.

**3.** (1) When the Government has lent or has undertaken to lend money to an owner (as defined in section *two* of the Fencing Act, 1912 (Act No. 17 of 1912)), of a holding (as defined in that act) for the purpose of carrying out therewith any work to combat soil erosion or to conserve fodder for livestock or to provide stabling or shelter for livestock on that holding, or when any such owner has in writing, assumed liability for any part of the cost incurred or to be incurred by the State in carrying out any such work on his holding, the Minister of Agriculture (hereinafter referred to as the Minister) may in writing direct the registrar of deeds in charge of the deeds registry in which the title to such holding is registered, to note, free of charge, the loan or liability on the title deed of such holding and in the appropriate registers in such registry.

No 64, 1934.]

# WET

**Tot besteding van die oorskot van sekere staatsinkomste; tot bepaling van die Spoorweg- en Hawe-administrasie se laste van voor die Unie, en van die rentekoers op al sy kapitaallaste; om voorsiening te maak vir die terugbetaling, deur grondeienaars, van lenings of van 'n deel van die staatsgelde wat uitgegee is om verspoeling van hulle grond te voorkom en om ander werke op hulle grond uit te voer; tot wysiging van Wette No. 2 van 1871 (Transvaal), Nos. 21 en 30 van 1911, No. 29 van 1922, No. 16 van 1924, No. 32 van 1925, No. 46 van 1926, No. 25 van 1927, No. 25 van 1930 en No. 29 van 1933.**

DIT WORD BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg :—

Besteding van oorskot van staatsinkomste.

1. Die oorskot van die staatsinkomste oor die finansiële jaar 1933-'34 word hiermee bestee soos hieronder bepaal :

(*a*) Eenmiljoen negehonderd-duisend pond word op krediet van die leningsrekening oorgedra.

(*b*) Eenmiljoen pond word aangewend tot vermindering van die tekort van die Staatsdiens-pensioenfonds van die Kaap die Goeie Hoop.

(*c*) Seshonderd-en-vyftig-duisend pond word aangewend tot ondersteuning van koöperatiewe landbouverenigings en maatskappye en landbou-kredietverenigings.

(*d*) Die res van die oorskot, vasgestel deur 'n sertifikaat van die Kontroleur- en Ouditeur-generaal, word aangewend vir skuldaflossing en word bestee volgens voorskrif van sub-artikel (1) van artikel *vier* van die Openbare Skuldkommissarisse Wysigingswet, 1926 (Wet No. 50 van 1926).

Vasstelling van Spoorweg- en Hawekapitaal van voor Unie en van rente op alle Spoorweg- en Hawekapitaal.

2. (1) Nieteenstaande die bepalings van artikel *honderd-sewen-en-twintig* van die Suid-Afrika-Wet, 1909, word die bedrag van die kapitaal wat op die een-en-dertigste dag van Mei 1910 in die Spoorweë en Hawens van die Unie belê was, geag £73,247,749 14s. 8d. te gewees het en die daarop verskuldigde rente word bereken teen £3 8s. 8d. persent per jaar.

(2) Op kapitaalsomme wat sedert die een-en-dertigste dag van Mei 1910 aan die Spoorweg- en Hawe-administrasie voorgeskiet is, moet daardie Administrasie rente betaal teen die werklike rentekoers wat die Staat moet betaal op die fondsskuld van na die Unie en op Skatkisbiljette wat aan die end van elke boekjaar uitstaande is, benewens 'n som tot dekking van die koste van beheer en 'n verdere som tot terugbetaling van die koste van sluiting van die betrokke lenings, na ewredigheid van die totale bedrag van die voorskotte aan bedoelde Administrasie uit daardie lenings.

Beswaring van grond vir gelde bestee aan voorkoming van verspoeling, ens.

3. (1) Wanneer die Regering aan 'n eienaar (soos omskrywe in artikel *twee* van die Omheiningswet, 1912 (Wet No. 17 van 1912)) van 'n besitting (soos in daardie wet omskrywe) geld geleen het of belowe het om aan hom geld te leen, om daarmee werk uit te voer ten einde op sy besitting grondverspoeling te voorkom of veevoer te bewaar of stalle of skuiling vir vee aan te lê, of wanneer so 'n eienaar skriftelik aanspreeklikheid aanvaar het vir 'n deel van die koste wat die Staat aangegaan het of sal aangaan om sodanige werk op sy besitting uit te voer, dan kan die Minister van Landbou (hieronder die Minister genoem) aan die registrateur van aktes aan die hoof van die registrasiekantoor waarin die eiendom van daardie besitting geregistreer is, skriftelik opdra om die lening of aanspreeklikheid kosteloos aan te teken op die titelbewys van daardie besitting en in die toepaslike registers in daardie registrasiekantoor.

(2) The document conveying such direction shall set forth—

(*a*) a description of the holding in question and the number and date of its title deed;

(*b*) the name of the owner;

(*c*) the total amount of the liability to be noted;

(*d*) the amount and period of the instalments by which such liability is to be paid off.

(3) Such document shall be accompanied by the title deed in question.

(4) The amount to be noted as aforesaid shall be the amount of the loan or liability referred to in sub-section (1) with any interest due thereon.

(5) The making of such note on the title deed of a holding shall create a charge, of the amount noted, upon the holding, attaching thereto on transfer of the holding and binding every successive owner thereof.

(6) Any such charge shall be redeemed within a period of fifty years in such equal instalments and on such conditions as the Minister may determine: Provided that any owner of the holding to which the charge attaches may at any time redeem the charge entirely by the payment of an amount equal to the unredeemed portion of the charge, after deduction therefrom of the amount representing any interest included therein for the unexpired part of the said period of fifty years.

(7) Any holding subject to any such charge may, with the consent of the Minister, be divided between the various owners thereof, or any portion of such holding may, with the Minister's consent, be transferred, and the Minister shall in any such case, determine what share of the charge shall be allocated to each portion of the holding, and the registrar of deeds concerned shall make the necessary notes in accordance with such allocation, free of charge, on the relevant title deeds, in the same manner as the original charge was noted, and thereupon each such portion shall be charged as if the note had originally been made thereon for the amount so allocated.

(8) If any instalment due under the charge is in arrear for more than three months, the Minister may by legal proceedings, recover from the owner concerned the instalment due or the full amount which the owner would have to pay in terms of sub-section (6) in order to redeem the charge entirely, and he may in like manner recover such full amount if in his opinion the person from whom the recovery is sought, has failed to comply with any condition upon which the liability to which the charge relates, was entered into.

(9) Any advance made by the central board of the Land and Agricultural Bank of South Africa under section *seventeen* of the Financial Adjustments Act, 1933 (Act No. 29 of 1933) shall be deemed to be a loan referred to in sub-section (1) of this section, and any note made by a registrar of deeds on any title deed or in any register in his deeds registry in connection with such advance shall be deemed to be a note made under this section, which note he shall alter in accordance with the directions which the Minister shall issue to him in order that such note may conform with the provisions of this section.

(10) The Minister shall refund to the said bank all moneys advanced by the central board of the bank under the said section *seventeen*.

(11) Whenever a charge created under this section has been redeemed in full, the Minister shall notify the registrar of deeds concerned, who shall thereupon cancel the relevant notes.

(12) The Minister may designate any officer in the Department of Agriculture to perform any function assigned to the Minister under this section.

Discharge of Maraisburg Irrigation Board debts.

**4.** Every person named in the Third Schedule to the Irrigation Loans Adjustments Act, 1929 (Act No. 21 of 1929), is hereby relieved from the liability to pay any amount owing by him in terms of sub-section (1) of section *six* of the said Act and the said Schedule, and the registrar of deeds shall cancel, free of any charge, any bond passed by any such person in terms of the said sub-section.

Amendment of section 17 of Law 2 of 1871. (Transvaal.)

**5.** Section *seventeen* of Law No. 2 of 1871 (Transvaal) bearing the superscription "Beëdigde Vertalers," is hereby amended by the deletion of the words "Geene vertalingen mogen door eenen beëdigden vertaler afgegeven worden zonder een zegel van .. .. .. .. .. .. .. 0.0.9".

(2) Die geskrif wat daardie opdrag behels, moet bevat—

(*a*) 'n beskrywing van die betrokke besitting en die nommer en datum van sy titelbewys;

(*b*) die naam van die eienaar;

(*c*) die totale bedrag van die skuld wat aangeteken moet word;

(*d*) die bedrag en termyn van die paaiemente waarmee daardie skuld afbetaal moet word.

(3) Daardie geskrif moet vergesel gaan van die betrokke titelbewys.

(4) Die bedrag wat soos voormeld aangeteken moet word, is die bedrag van die lening of aanspreeklikheid vermeld in sub-artikel (1) met die rente wat daarop verskuldig mag wees.

(5) So 'n aantekening op 'n titelbewys van 'n besitting vestig, na mate van die aangetekende bedrag, 'n las op die besitting, wat by oordrag van die besitting daaraan verbonde bly en alle op mekaar volgende eienaars daarvan verbind.

(6) So 'n las moet binne 'n tydperk van vyftig jaar afgelos word in sodanige gelyke paaiemente en op sodanige voorwaardes as wat die Minister mag bepaal: Met die verstande, dat elke eienaar van die besitting waarop die las rus, te eniger tyd die las geheel kan aflos, deur betaling van 'n bedrag gelyk aan die nog nie afgeloste deel van die las, na aftrek daarvan, van die bedrag wat enige daarin begrepe rente voorstel vir die nog nie verstreke deel van voormelde tydperk van vyftig jaar.

(7) Elke besitting waarop so 'n las rus, kan met toestemming van die Minister verdeel word onder sy verskeie eienaars, of met die Minister se toestemming kan 'n deel van so 'n besitting oorgedra word en die Minister moet in so 'n geval die deel van die las bepaal wat op elke deel van die besitting val, en die betrokke registrateur van aktes moet volgens daardie bepaling kosteloos die nodige aantekenings op die betrokke titelbewyse maak, op dieselfde wyse waarop die oorspronklike las aangeteken is, en dan is elke sodanige deel belas asof die aantekening oorspronklik vir die aldus bepaalde bedrag daarop gemaak was.

(8) As 'n paaiement van die las meer as drie maande agterstallig is, kan die Minister van die betrokke eienaar die verskuldigde paaiement of die volle bedrag wat die eienaar volgens sub-artikel (6) sou moet betaal om die las geheel af te los, in regte invorder, en hy kan op dieselfde wyse daardie volle bedrag invorder as die persoon van wie ingevorder word, volgens die Minister se mening versuim het om te voldoen aan 'n voorwaarde waarop die skuld, waarop die las betrekking het, aangegaan is.

(9) Elke voorskot, deur die sentrale raad van die Land- en Landboubank van Suid-Afrika verstrek kragtens artikel *sewentien* van die Finansiële Reëlingswet, 1933 (Wet No. 29 van 1933), word beskou as 'n lening bedoel in sub-artikel (1) van hierdie artikel, en elke aantekening wat 'n registrateur van aktes in verband met so 'n voorskot gemaak het op 'n titelbewys of in 'n register in sy registrasiekantoor, word beskou as 'n aantekening ingevolge hierdie artikel en hy moet daardie aantekening verander volgens die opdrag wat die Minister aan hom moet gee om daardie aantekening in ooreenstemming met hierdie artikel te bring.

(10) Die Minister moet aan voormelde bank alle gelde terugbetaal wat die sentrale raad van die bank kragtens voormelde artikel *sewentien* voorgeskiet het.

(11) Wanneer 'n kragtens hierdie artikel gevestigde las ten volle afgelos is, moet die Minister daarvan kennis gee aan die betrokke registrateur van aktes, wat daarop die toepaslike aantekenings moet rojeer.

(12) Die Minister kan 'n amptenaar in die Departement van Landbou aansê om alle handelings te verrig wat hierdie artikel aan die Minister opdra.

Afskrywing van skulde van Besproeiingsraad Maraisburg.

4. Elkeen van die persone genoem in die Derde Bylae tot die Wet tot Reëling van Besproeiingslenings, 1929 (Wet No. 21 van 1929) word hiermee onthef van die verpligting tot betaling van die bedrag wat hy volgens sub-artikel (1) van artikel *ses* van daardie Wet en bedoelde Bylae verskuldig mag wees, en die registrateur van aktes moet 'n verband wat so iemand ingevolge bedoelde sub-artikel gepasseer het, kosteloos rojeer.

Wysiging van artikel 7 van Wet 2 van 1871 (Transvaal).

5. Artikel *sewentien* van Wet No. 2 van 1871 (Transvaal) met die opskrif „Beëdigde Vertalers", word hiermee gewysig deur die volgende woorde te skrap: „Geene vertalingen mogen door eenen beëdigden vertaler afgegeven worden zonder een zegel van .. .. .. .. .. .. .. 0.0.9".

Amendment of section 26 of Act 21 of 1911.

**6.** Paragraph (1) of the proviso to section *twenty-six* of the Exchequer and Audit Act, 1911, is hereby amended by the substitution of the word " five " for the word " three ".

Amendment of section 11 of Act 30 of 1911, as amended by section 3 of Act 42 of 1931.

**7.** Sub-section (3) of section *eleven* of the Stamp Duties and Fees Act, 1911, is hereby deleted and the following sub-section substituted therefor :

" (3) A promissory note liable to duty, which is executed within the Union on or after the first day of July, 1934, shall not be duly stamped for the purposes of this Act and shall not be valid, nor shall any person be entitled to recover thereon or to make the same available for any purpose whatsoever, unless before the due date of payment of the note and in any case within forty-two days after the date of the execution of the note, or if the promissory note is payable on demand, within forty-two days after the date of execution of the note, and in any case before such demand is made, the stamps required to be affixed thereto have been defaced by an authorized revenue officer or by a postmaster as defined in section *two* of the Post Office Administration and Shipping Combines Discouragement Act, 1911 (Act No. 10 of 1911), or by a justice of the peace appointed under section *two* or referred to in section *four* of the Justices of the Peace and Oaths Act, 1914 (Act No. 16 of 1914), or by a banker to whom such promissory note has been presented in the ordinary course of business ; ".

Amendment of section 21 of Act 30 of 1911.

**8.** The following new sub-section is hereby added to section *twenty-one* of the said Act No. 30 of 1911 :

" (10) If any person liable to stamp any instrument is in doubt whether he is so liable, or as to the extent of his liability, and he has within seven days after the execution of such instrument lodged it with an authorized revenue officer for submission to the Commissioner for his decision whether such liability exists or as to the extent of such liability, the date of the execution of such instrument shall be deemed, for the purposes of this section, to be the date on which the decision of the Commissioner is communicated to the person who lodged such instrument as aforesaid."

Amendment of Second Schedule to Act 30 of 1911 as amended by section 5 of Act 42 of 1931.

**9.** The Second Schedule to the said Act No. 30 of 1911 is hereby amended—

(*a*) by the substitution of the figure " 1 " for the figure " 2 " in the third column of sub-item (1) of Item 7 ;

(*b*) by the insertion after the figure " (1) " in sub-item (3) of Item 9, of the words " or of any bond substituted therefor " ;

(*c*) by the deletion in sub-item (4) of the said Item 9 of the words " collateral or substituted " and the substitution therefor of the words " or collateral " ;

(*d*) by the insertion at the end of the said sub-item (4) of the following provision—

" In determining, for the purposes of this Item, the amount of any debt secured or to be secured or remaining due under any bond, any sum separately secured by such bond to cover any costs incurred in connection with such debt, shall be excluded from that amount " ;

(*e*) by the deletion of the exemption to Item 14 and the substitution therefor of the following provision—
" Exemptions :

(*a*) Any bill or document of entry coastwise from any port in the Union to any other port in the Union.

(*b*) Any bill or document of entry relating to any goods imported by post ".

(*f*) by the deletion of sub-item (1) of Item 21 and the substitution therefor of the following sub-item :
" (1) If given for or upon the payment of a sum of money amounting to £1 or more .. .0.0.1 ".

(*g*) by the addition of the following paragraph to Item 21:
" (i) Receipt in respect of money deposited in or withdrawn from an account in any bank, if that

(3) Any allotment or building site surrendered under the provisions of this section shall revert to the Natal Native Trust and the relative deed of transfer shall be cancelled.

(4) On reversion of an allotment or building site to the Natal Native Trust it shall be available for retransfer to an approved applicant in the manner set forth in sub-section (1) (*b*) of section *forty*.

46. (1) The registered holder of an allotment or building site shall not alienate, transfer or lease the same without the approval of the Chief Native Commissioner first had and obtained, provided such approval shall not be required for any lease to a Native for a period not exceeding twelve months and not renewable at the expiration of such period; and provided further that approval shall not be granted in respect of the transfer or lease of an allotment or building site owned by a minor unless and until—

(*a*) application for permission to effect the transfer or lease has been made by the lawful guardian of the minor to the Native Commissioner of the area;

(*b*) evidence in support of the application has been furnished to the Native Commissioner on oath or by way of solemn declaration together with such further information relative to the application as the Native Commissioner may require;

(*c*) the Chief Native Commissioner is satisfied that the proposed transfer or lease would be in the interests of the minor concerned.

(2) Whenever the approval of the Chief Native Commissioner has been obtained to the alienation of an allotment or building site the prospective transferor, or in the event of such transferor being a minor, his legal guardian, shall complete a form of transfer to be endorsed on the document of title, which shall be substantially in the form set forth in Schedule "C" to this proclamation, and leave such document of title together with the sum of two shillings and sixpence as and for a revenue stamp to be affixed to the said form of transfer, with the Native Commissioner for transmission by him to the Chief Native Commissioner for registration in the deeds office established in terms of Proclamation No. ..... of 19.....

The completion of such form of transfer may be effected before the Native Commissioner of the area in which the holding is situated or before the Magistrate or Native Commissioner of any district in which the transferor may at the time be residing.

(3) The provisions of sub-section (2) shall *mutatis mutandis* apply to transfers of land in a mission reserve acquired by Natives in freehold tenure prior to the promulgation of this proclamation; provided that the prior consent of the Chief Native Commissioner shall not be required unless the original title deed contains any restrictive provision regarding alienation.

(4) Upon production to him of any document of title duly endorsed as described in sub-section (2) the Chief Native Commissioner, in his capacity of Registrar of Deeds as in Proclamation No. ..... of 19...., provided, shall register the transferee named in the form of transfer endorsed thereon as the registered holder of the allotment or building site therein described, making all necessary entries in his registers and records to show that the transferor or any other person or body is disentitled to the same.

47. (1) Allotment or building sites acquired by a registered holder in terms of this proclamation shall be heritable according to the Native law of primogeniture as set forth in Chapter XII of the Schedule to Proclamation No. 168 of 1932 or any amendment thereof.

(2) In the event of failure of an heir in the male line the allotment or building site shall be transferred to the widow of the deceased registered holder, if not herself already a registered holder, or failing such widow to any other female landless member of the deceased registered holder's family to whom the Minister may in his discretion award it.

(3) In the event of there being no one, whether male or female, upon whom the allotment or building site can devolve or to whom it can be transferred under the provisions of sub-section (2) it shall revert to the Natal Native Trust and shall be available for retransfer in the manner set forth in sub-section (1) (*b*) of section *forty*, provided that any improvements on the allotment or building site shall be sold and the amount realised shall be paid into and in all respects treated as an ordinary asset of the estate of the deceased registered holder.

(4) Upon determination by the Native Commissioner of the person upon whom the allotment or building site of a deceased registered holder devolves he shall complete a form of transfer to be endorsed on the document of title substantially in the form set forth in Schedule "D" to this proclamation and shall, upon payment by the transferee of

(3) 'n Toekenning of bouterrein waarvan kragtens die bepalings van hierdie artikel afstand gedoen is, word weer die eiendom van die Natalse Naturelletrust en die betrokke eiendomsbewys verval.

(4) As 'n toekenning of bouterrein weer die eiendom word van die Natalse Naturelletrust, is dit beskikbaar om weer oorgedra te word aan 'n goedgekeurde applikant op die wyse soos in subartikel (1) (*b*) van artikel *veertig* uiteengesit.

46. (1) Die geregistreerde houer van 'n toekenning of bouterrein mag dit nie vervreem, oordra of verhuur sonder die voorafgaande goedkeuring van die Hoof-Naturellekommissaris nie, met dien verstande dat sodanige goedkeuring nie nodig sal wees by verhuur aan 'n Naturel vir 'n tydperk van hoogstens twaalf maande onder 'n kontrak wat nie na verloop van sodanige tydperk vernubaar is nie; en met dien verstande verder dat goedkeuring nie verleen mag word ten opsigte van die oordrag of verhuur van 'n toekenning of bouterrein wat aan 'n onmondige persoon behoort nie, tensy en alvorens—

(*a*) aansoek om toestemming tot die oordrag of huurkontrak gedoen is by die Naturellekommissaris van die streek deur die wettige voog van die onmondige persoon;

(*b*) getuienis onder eed of by wyse van 'n beëdigde verklaring tot ondersteuning van die aansoek aan die Naturellekommissaris verskaf is tesame met sodanige verdere informasie met betrekking tot die aansoek as die Naturellekommissaris mag verlang;

(*c*) die Hoof-Naturellekommissaris daarvan oortuig is dat die voorgestelde oordrag of huurkontrak in belang van die betrokke onmondige persoon is.

(2) Wanneer die goedkeuring van die Hoof-Naturellekommissaris verkry is tot die vervreemding van 'n toekenning of bouterrein, moet die transportgewer, of ingeval sodanige transportgewer 'n onmondige persoon is, sy wettige voog, 'n vorm van oordrag wat op die eiendomsbewys geëndosseer moet word en wesenlik in die vorm moet wees soos in Bylae "C" van hierdie proklamasie uiteengesit, voltooi en saam met die bedrag van twee sjielings en ses pennies vir 'n inkomsteseël, wat op die vorm van oordrag geplak moet word, by die Naturellekommissaris laat vir versending deur hom aan die Hoof-Naturellekommissaris vir registrasie in die Akteskantoor wat ooreenkomstig Proklamasie No..... van 19... ingestel is.

Die voltooiing van sodanige vorm van oordrag kan geskied voor die Naturellekommissaris van die streek waarin die hoewe geleë is of voor die Magistraat of Naturellekommissaris van 'n distrik waarin die transportgewer op die tydstip woonagtig is.

(3) Die bepalings van subartikel (2) is, *mutatis mutandis*, van toepassing op oordragte van grond in 'n sendingreserwe wat deur Naturelle in eiendom verkry is voor die afkondiging van hierdie proklamasie; met dien verstande dat die voorafgaande toestemming van die Hoof-Naturellekommissaris nie nodig is nie, tensy die oorspronklike eiendomsbewys enige beperkende bepaling aangaande vervreemding bevat.

(4) By vertoning aan hom van 'n eiendomsbewys geëndosseer soos in subartikel (2) omskryf, moet die Hoof-Naturellekommissaris, in sy hoedanigheid as Registrateur van Aktes soos in Proklamasie No..... van 19... bepaal, die transportnemer wat in die vorm van oordrag daarop geëndosseer genoem word, registreer as die geregistreerde houer van die toekenning of bouterrein wat daarin omskryf is, en alle nodige aantekenings in sy register en dokumente maak om aan te toon dat die transportgewer of enige ander persoon of liggaam nie verder aanspraak daarop het nie.

47. (1) Toekennings of bouterreine deur 'n geregistreerde houer ooreenkomstig hierdie proklamasie verkry, vererf ooreenkomstig die Naturellewet van eersgeboortereg soos in Hoofstuk XII van die Bylae tot Proklamasie No. 168 van 1932 of enige wysiging daarvan, uiteengesit.

(2) By gebreke van 'n erfgenaam onder die manlike afstammelinge moet die toekenning of bouterrein oorgedra word aan die weduwee van die gestorwe geregistreerde houer, mits sy nie self reeds 'n geregistreerde houer is nie, of by gebreke van sodanige weduwee, aan enige ander vroulike lid van die gestorwe geregistreerde houer se familie, wat nie grond het nie, aan wie die Minister dit, na goeddunke, mag toeken.

(3) Indien daar niemand is, hetsy manlik of vroulik, op wie die toekenning of bouterrein kan oorgaan nie of aan wie dit ooreenkomstig die bepalings van subartikel (2) oorgedra kan word nie, val dit terug na die Natalse Naturelletrust en is dan beskikbaar om weer oorgedra te word op die wyse soos in subartikel (1) (*b*) van artikel *veertig* uiteengesit, met dien verstande dat enige verbeterings op die toekenning of bouterrein verkoop en die opbrings daarvan inbetaal moet word en in alle opsigte behandel moet word as 'n bate in die boedel van die gestorwe geregistreerde houer.

(4) Nadat die Naturellekommissaris die persoon bepaal het op wie die toekenning of bouterrein van 'n gestorwe geregistreerde houer moet oorgaan, moet hy 'n vorm van oordrag, wat op die eiendomsbewys geëndosseer moet word en wesenlik in die vorm is soos in Bylae "D" van hierdie proklamasie uiteengesit, voltooi en by betaling deur die transportnemer

(5) The cost of survey of allotments and building sites as in sub-section (1) provided shall be repaid by the approved applicants therefor in such annual instalments as the Minister may prescribe; provided that no transfer of any allotment or building site shall be effected until the first instalment of survey expenses shall have been paid.

(6) Notwithstanding anything to the contrary in any other law contained transfer duty shall not be payable in respect of any transfer effected under the provisions of sub-section (1) or sub-section (4), but a fee of two shillings and sixpence shall be paid by the transferee as and for a revenue stamp to be affixed to the deed of transfer.

(7) The deed of transfer in respect of any transfer effected under the provisions of sub-section (1) or sub-section (4) shall be in the form set forth in Schedule " B " to this proclamation and no fees other than the fee of two shillings and sixpence mentioned in the preceding sub-section shall be payable on the preparation or registration thereof nor shall the services of a conveyancer be necessary for the preparation thereof.

41. Upon production to him of any deed of transfer passed under the provisions of sub-sections (1) (*b*) and (4) of section *forty* the Chief Native Commissioner, in his capacity as Registrar of Deeds, as in Proclamation No. ..... of 19..... provided, shall register the person named therein as the registered holder of the allotment or building site therein described, making all necessary entries in his registers and records to show that the transferor Trust or any other person or body is disentitled to the same, and thereupon the said deed of transfer shall serve and avail for all purposes as the title deed in respect of the said allotment or building site.

42. It shall not be lawful for a registered holder acquiring a holding under the provisions of this proclamation to mortgage such holding, nor shall such holding be liable to execution for debt.

43. No canteen or shop for the sale of wines, spirituous liquors, or beer or malt liquors of any description, shall be kept upon a holding acquired in terms of this proclamation. Any person contravening the provisions of this section shall be guilty of an offence and on conviction shall be liable to the penalties prescribed in section *forty-nine*.

44. (1) The registered holder of an allotment or building site shall be bound to maintain the beacons thereof in a good state of repair.

(2) In case any beacon becomes dilapidated, demolished, or lost the registered holder of the allotment or building site or the registered holders, jointly and severally, of all allotments and building sites for the definition of which such beacon may originally have been erected, shall be bound to have such beacon replaced or rebuilt in its proper place. Any beacon so replaced or rebuilt shall conform to the requirements of the Surveyor-General of Natal.

(3) The cost of repairing or rebuilding any beacon in accordance with these regulations shall be borne in equal proportions by the registered holders of the allotments or building sites to which such beacon is common, provided that any registered holder intending to rebuild or effect necessary repairs to any such beacon shall previously have given notice in writing of his intention to any other registered holder who may be liable to contribute towards the cost thereof and provided further that the Natal Native Trust shall not be liable for the cost of maintaining any beacon which may be common to such allotment or building site and any adjoining commonage.

(4) In any case where it becomes necessary to have a beacon repaired or rebuilt and the necessary steps are not taken by the registered holder or registered holders concerned, the Native Commissioner of the district in which such beacon is situated shall give notice in writing to the registered holder or registered holders concerned to have the required work satisfactorily effected.

Failure within a period of six months to comply with such written notice shall constitute an offence and the person convicted hereof shall be liable to the penalties prescribed in section *forty-nine*.

(5) Any person who shall wilfully destroy or damage any beacon or remove it from its correct position shall be guilty of an offence and on conviction shall be liable to the penalties prescribed in section *forty-nine*.

45. (1) Whenever the registered holder of an allotment or building site shall desire to surrender it the Governor-General may accept such surrender provided that rents, costs and charges in respect of such holding shall have been paid.

(2) It shall be lawful for any registered holder, whose allotment or building site has been surrendered under the provisions of this section, to remove within three months of such surrender or within such additional time as may be approved by the Chief Native Commissioner any improvements belonging to him thereon which can be taken away without damage to the land. Should such improvements not be so removed they shall become the property of the Natal Native Trust without payment of compensation.

(5) Die koste van opmeting van toekennings en bouterreine soos in subartikel (1) bepaal, moet in sodanige jaarlikse paaiemente as die Minister mag voorskryf deur die goedgekeurde applikante daarom terugbetaal word; met dien verstande dat geen oordrag van enige toekenning of bouterrein gemaak mag word alvorens die eerste paaiemente van die opmetingskoste betaal is.

(6) Nieteenstaande teenstrydige bepalings in enige ander Wet is oordragkoste nie betaalbaar ten opsigte van 'n oordrag wat kragtens die bepalings van subartikel (1) of subartikel (4) ten uitvoer gebring is nie, maar 'n fooi van twee sjielings en ses pennies moet deur die persoon aan wie die oordrag gemaak is, betaal word vir 'n inkomsteseël wat op die akte van oordrag geplak moet word.

(7) Die akte van oordrag ten opsigte van enige oordrag ooreenkomstig die bepalings van subartikel (1) of subartikel (4) gemaak, moet in die vorm wees soos in Bylae „ B " van hierdie proklamasie uiteengesit en geen fooie behalwe die fooi van twee sjielings en ses pennies in die voorgaande subartikel vermeld, is by die voorbereiding of registrasie daarvan betaalbaar nie, en ook is die dienste van 'n transportbesorger vir die voorbereiding daarvan nie nodig nie.

41. By vertoning aan hom van 'n akte van oordrag ooreenkomstig die bepalings van subartikels (1) (*b*) en (4) van artikel *veertig* gemaak, moet die Hoof-Naturellekommissaris in sy hoedanigheid as Registrateur van Aktes, soos by Proklamasie No. van 19 bepaal, die persoon wat daarin genoem word registreer as die geregistreerde houer van die toekenning of bouterrein wat daarin omskryf is, en alle nodige aantekeninge in sy registers en dokumente maak om aan te toon dat die oordragende Trust of enige ander persoon of liggaam nie verder aanspraak daarop het nie, en daarna is genoemde akte van oordrag vir alle doeleindes die eiendomsbewys ten opsigte van genoemde toekenning of bouterrein.

42. 'n Geregistreerde houer, wat 'n hoewe kragtens die bepalings van hierdie proklamasie verkry, is nie geoorloof om 'n verband op sodanige hoewe te neem nie, en sodanige hoewe kan ook nie vir skuld verkoop word nie.

43. Geen kantien of winkel vir die verkoop van wyn, of sterkdrank; of bier of moutdranke van enige aard mag op 'n hoewe, kragtens die bepalings van hierdie proklamasie, verkry, gehou word nie. Iemand wat die bepalings van hierdie artikel oortree is aan 'n misdryf skuldig en by skuldigbevinding strafbaar soos in artikel *nege-en-veertig* voorgeskryf.

44. (1) Die geregistreerde houer van 'n toekenning of bouterrein is verplig om die bakens daarvan in goeie orde te hou.

(2) Ingeval enige baken bouvallig, vernietig of verlore raak, is die geregistreerde houer van die toekenning of bouterrein of die geregistreerde houers, gesamentlik en afsonderlik, van al die toekennings en bouterreine vir die afbakening waarvan sodanige bakon oorspronklik opgerig was, verplig om so'n baken op sy regte plek te herstel of te herbou. Enige baken, wat aldus herstel of herbou word, moet aan die vereistes van die Landmeter-generaal van Natal voldoen.

(3) Die koste in verband met die herstel of herbou van enige baken ooreenkomstig hierdie regulasies, moet in gelyke dele gedra word deur die geregistreerde houers van die toekennings of bouterreine waaraan sodanige baken gemeen is, mits 'n geregistreerde houer wat van voorneme is om sodanige baken te herbou of om die nodige herstelwerk daaraan te doen, vooraf skriftelik kennisgegee het van sy voorneme aan enige ander geregistreerde houer wat aanspreeklik mag wees om tot die koste daarvan by te dra, met dien verstande dat die Natalse Naturelletrust nie aanspreeklik is vir die koste van instandhouding van 'n baken wat aan sodanige toekenning of bouterrein en enige aangrensende gemeentegrond gemeen is nie.

(4) In elke geval waar dit noodsaaklik word om 'n baken te laat repareer of herbou en die nodige stappe word nie deur die betrokke geregistreerde houer of geregistreerde houers gedoen nie, moet die Naturellekommissaris van die distrik waarin so'n baken gelegë is skriftelik kennis gee aan die betrokke geregistreerde houer of geregistreerde houers om die nodige werk op 'n bevredigende wyse te laat uitvoer.

Versuim om binne 'n tydperk van ses maande aan sodanige skriftelike kennisgewing te voldoen, is 'n misdryf en die persoon wat daaraan skuldig bevind word strafbaar ooreenkomstig die strafbepalings in artikel *nege-en-veertig* voorgeskryf.

(5) Iedereen wat opsetlik 'n baken vernietig of beskadig of wat dit van sy regte plek verwyder, begaan 'n misdryf en is by skuldigbevinding strafbaar ooreenkomstig die strafbepalings in artikel *nege-en-veertig* voorgeskryf.

45. (1) Wanneer die geregistreerde houer van 'n toekenning of bouterrein daarvan afstand wil doen, kan die Goewerneur-generaal sodanige afstand aanneem, mits huurgelde, koste en vorderinge ten opsigte van sodanige hoewe betaal is.

(2) Dit is 'n geregistreerde houer, wat van sy toekenning of bouterrein kragtens die bepalings van hierdie artikel afstand gedoen het, geoorloof om binne drie maande vanaf sodanige afstand of binne sodanige addisionele tyd as deur die Naturellekommissaris goedgekeur mag word, enige verbeterings daarop wat aan hom behoort, en wat weggeneem kan word sonder om die grond te beskadig, te verwyder. Indien sodanige verbeterings nie aldus verwyder word nie, word hulle, sonder betaling van vergoeding, die eiendom van die Natalse Naturelletrust.

REGULATIONS.

38. The Minister may from time to time make regulations for the administration of the affairs of the Council in respect of any of the following matters: —

(*a*) Procedure at meetings of the Council.

(*b*) Payment of allowances, including transport allowances, to members of the Council.

(*c*) Leave of absence and other privileges of officers of the Council.

(*d*) The control and management of mission reserve commonages.

(*e*) The regulation of grazing rights upon mission reserve commonages.

(*f*) The enclosing of arable lands by owners or occupiers.

(*g*) The regulation of the number, position and locality of huts and kraals upon mission reserve commonages.

(*h*) The control and management of plantations.

(*i*) The control and management of agricultural institutions and farms.

(*j*) The provision and regulation of public outspans.

(*k*) The manner of assessment and collection of stock rate and the method of registration of cattle or other stock for the purposes of any levy imposed under the provisions of section *twenty-seven*.

(*l*) Such other matters as may from time to time be approved by the Minister.

39. (1) Any regulations made under this proclamation may prescribe a penalty for any breach thereof and may also impose different penalties in case of successive breaches, but no such penalty shall exceed a fine of twenty pounds or in default of payment imprisonment for a period of three months.

(2) In imposing any penalty upon any person convicted of a breach of any regulation made under this proclamation the Court may, in addition, enter judgment in favour of the Council against the offender for such an amount as it may deem to be fair compensation to the Council for any loss or expense suffered by it in consequence of such breach, and the said judgment shall be executed in the same manner as if it had been given in a civil action in a magistrate's court.

INDIVIDUAL TENURE.

40. (1) Notwithstanding anything contained in Act No. 1 of 1912 or in any other law or in the deeds of the Natal Native Trust or in any other title deeds the Governor-General may, in accordance with a resolution adopted by the Council and by the majority of approved residents present at a special meeting convened for the purpose, cause steps to be taken in respect of any mission reserve under the jurisdiction of the Council—

(*a*) for the sub-division and survey of such portions of the said mission reserve as may be deemed necessary into allotments and building sites;

(*b*) for the allotment and transfer in freehold tenure, subject to the conditions embodied in the form of deed of transfer set forth in Schedule "B" to this proclamation, from the Natal Native Trust of allotments and building sites or both such holdings to approved applicants; provided that the claims of approved residents occupying land in the mission reserve shall receive first consideration.

(2) The Governor-General may, in respect of any mission reserve to which the provisions of sub-section (1) have been applied—

(*a*) fix the average extent of an allotment and a building site;

(*b*) reduce the extent or rearrange the boundaries of any land occupied by an approved resident who applies for the transfer of such land where such reduction or rearrangement is considered necessary in the general interest of the community or for technical reasons of survey.

(3) The extent of land remaining in any mission reserve after the survey of allotments and building sites has been effected as in sub-section (1) provided shall, subject to the provisions of sub-section (4), be reserved as commonage for the use of registered holders in such mission reserve; provided that the Governor-General shall at all times have the right, subject to the provisions of Act No. 1 of 1912, to approve of the survey and transfer from the Natal Native Trust of portions of the commonage for church, school, recreation ground or other public purposes, subject to such conditions as he may prescribe.

(4) The Governor-General may, after consultation with the Council, cause steps to be taken for the sub-division and survey of further allotments and building sites on such commonage and for their transfer in freehold tenure.

REGULASIES.

38. Die Minister kan van tyd tot tyd regulasies uitvaardig vir die administrasie van die sake van die Raad ten opsigte van enige van die volgende:—

(*a*) Prosedure op vergaderings van die Raad.

(*b*) Betaling van toelaes, vervoertoelaes inbegrepe, aan lede van die Raad.

(*c*) Verlof van afwesigheid en ander voorregte van amptenare van die Raad.

(*d*) Die beheer en bestuur van gemeentegronde van sendingreserwes.

(*e*) Die reëling van weiregte op gemeentegronde van sendingreserwes.

(*f*) Die toemaak van beboubare lande deur eienaars of bewoners.

(*g*) Die reëling van die getal, posisie en plek van hutte en krale op die gemeentegronde van sendingreserwes.

(*h*) Die beheer en bestuur van plantasies.

(*i*) Die beheer en bestuur van landbou-inrigtings en plase.

(*j*) Die daarstelling en reëling van publieke uitspannings.

(*k*) Die wyse van aanslag en insameling van veebelasting en die metode van registrasie van beeste of ander vee vir die doeleindes van enige heffing opgelê kragtens die bepalings van artikel *sewe-en-twintig*.

(*l*) Sodanige ander sake as van tyd tot tyd deur die Minister goedgekeur mag word.

39. (1) In enige regulasies kragtens hierdie proklamasie uitgevaardig kan 'n straf vir enige oortreding daarvan neergelê word en kan ook verskillende strawwe opgelê word in geval van agtereenvolgende oortredings, maar geen sodanige straf mag uit 'n boete van meer as twintig pond of by wanbetaling gevangenisstraf vir 'n tydperk van meer as drie maande bestaan nie.

(2) Wanneer 'n straf opgelê word op 'n persoon wat skuldig bevind is van 'n oortreding van enige regulasie kragtens hierdie proklamasie uitgevaardig, kan die hof, boonop, vonnis ten gunste van die Raad teen die oortreder aanteken vir sodanige bedrag as hy mag beskou as billike vergoeding aan die Raad vir enige verlies gely of onkoste deur hom gedra as gevolg van sodanige oortreding, en genoemde vonnis moet op dieselfde wyse uitgevoer word as of dit in 'n siviele saak in 'n Magistraatshof gevel was.

INDIVIDUËLE EIENDOMSREG.

40. (1) Nieteenstaande teenstrydige bepalings in Wet No. 1 van 1912 of in enige ander Wet of in die aktes van die Natalse Naturelletrust of in enige ander eiendomsbewyse, kan die Goewerneur-generaal, ooreenkomstig 'n besluit van die Raad en die meerderheid van die goedgekeurde inwoners teenwoordig op 'n spesiale vergadering vir die doel belê, ten opsigte van 'n sendingreserwe onder beheer van die Raad, maatreëls laat tref—

(*a*) vir die onderverdeling en opmeting van sodanige gedeeltes van genoemde sendingreserwe as vir toekennings en bouterreine nodig geag mag word;

(*b*) vir die toekenning en oordrag in eiendom van toekennings en bouterreine of beide van die Natalse Naturelletrust aan goedgekeurde applikante, onderworpe aan die voorwaardes vervat in die vorm van oordrag in Bylae "B" van hierdie proklamasie aangegee;

met dien verstande dat die aansprake van goedgekeurde bewoners wat grond in die sendingreserwe okkupeer eerste in aanmerking geneem word.

(2) Die Goewerneur-generaal kan, ten opsigte van enige sendingreserwe waarop die bepalings van subartikel (1) toegepas is—

(*a*) die gemiddelde grootte van 'n toekenning en 'n bouterrein vasstel;

(*b*) die grootte verminder of die grense omskik van enige grond geokkupeer deur 'n goedgekeurde inwoner wat aansoek doen om die oordrag van sodanige grond waar sodanige vermindering of omskikking noodsaaklik geag word in die algemene belang van die gemeenskap of weens tegniese redes in verband met die opmeting.

(3) Die gedeelte grond wat in 'n sendingreserwe oorbly na die opmeting van toekennings en bouterreine soos by subartikel (1) bepaal, moet, onderworpe aan die bepalings van subartikel (4), gehou word as gemeentegrond vir die gebruik van geregistreerde houers in sodanige sendingreserwe; met dien verstande dat die Goewerneur-generaal te eniger tyd die reg het om, onderworpe aan die bepalings van Wet No. 1 van 1912, en onderhewig aan sodanige bepalings as hy mag voorskryf, die opmeting en oordrag van die Natalse Naturelletrust van gedeeltes van die gemeentegrond vir kerk-, skool-, sportsgronde of ander publieke doeleindes, goed te keur.

(4) Die Goewerneur-generaal kan, na beraadslaging met die Raad, maatreëls laat tref vir die onderverdeling en opmeting van verdere toekennings en bouterreine op sodanige gemeentegrond en vir die oordrag daarvan in eiendom.

in the said Natives Taxation and Development Act and regulations thereunder; provided that in the case of stock rate the owner of any cattle, which at the time of the accrual of the rate, were kept at a kraal or homestead in charge of another person, shall be liable jointly and severally with such other person for the rate due in respect of such cattle and in default of payment by such other person the arrear rate may be recovered from such owner in the manner prescribed by this section.

29. The Minister may, upon the resolution of the Council, and when he is satisfied that all available means have been used for the recovery of any arrear rent or stock rate or any other revenue due to the Council and it is satisfactorily shown that there is no prospect of securing payment, direct that such amount shall be written off as irrecoverable.

30. The funds of the Council shall be—

(*a*) the rates levied under section *twenty-five* of this proclamation;

(*b*) the amounts referred to in section *twenty-six* of this proclamation;

(*c*) the proceeds of any rate imposed under section *twenty-seven* of this proclamation;

(*d*) the fees collected under any by-laws made by it under section *thirty-two*;

(*e*) the fines recovered in respect of contraventions of any by-laws or regulations made by it under sections *thirty-two* and *thirty-eight*, respectively;

(*f*) any grants of public moneys;

(*g*) the proceeds of any property disposed of under the provisions of sub-section (3) of section *twenty-six*.

31. The funds accruing to the Council may, subject to the approval of the Governor-General and under such regulations as may from time to time be made by the Minister, be appropriated to—

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

(*b*) the provision of improved water supplies;

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

(*d*) the eradication of proclaimed noxious weeds;

(*e*) the preservation of public health by the establishment or maintenance (wholly or in part) of hospitals, nursing or other institutions and in any other manner whatsoever;

(*f*) the improvement in methods of agriculture;

(*g*) the control and regulation of the grazing of stock;

(*h*) afforestation;

(*i*) educational facilities;

(*j*) the payment of the salaries of officers or employees of the Council;

(*k*) the payments authorized to members of the Council;

(*l*) any work or service authorized under section *thirty-five* of this proclamation;

(*m*) any such purpose which can be regarded as proper to local administration as may be committed to it by the Minister.

32. (1) The Council may make by-laws in respect of any of the matters specified in sub-sections (*a*) to (*i*), both inclusive, of section *thirty-one*, as well as in respect of any matter committed to it by the Minister, and may prescribe the fees which shall be payable for any service rendered.

(2) Any fine imposed for the contravention of a by-law shall be paid over to the Council.

(3) No by-law shall be of force and effect until it has been approved by the Minister and published in the *Gazette* and the Minister may, after consultation with the Council, amend any by-law, make other by-laws or repeal existing by-laws.

(4) All prosecutions for the contravention of such by-laws shall be at the instance of the Crown.

POWERS AND DUTIES OF THE GENERAL COUNCIL.

33. Any loss or deficiency through theft, fraud or other cause, shall be reported immediately by the Chief Executive Officer or by the Treasurer to the Controller and Auditor-General.

34. Such works and services as may be proposed by the Council and approved by the Minister may be carried out by the said Council.

35. The Council may undertake any work or service in conjunction with a Provincial or other Council now or hereafter established on such terms and in such manner as may be approved by the Minister.

36. The Council may construct and maintain works beyond its area of jurisdiction for the benefit of Native people within its area of jurisdiction; provided that no such work or service shall be undertaken without the written approval of the Chief Executive Officer.

37. The Council shall, in any legal proceedings in a court of law, sue or be sued in the name of its Chief Executive Officer, *nomine officii*.

of ander behoorlik gemagtigde amptenaar, om alle koste te dek, is soos voorgeskryf in genoemde Naturellebelasting en Ontwikkelings Wet en die regulasies ingevolge daarvan opgestel; met dien verstande dat in die geval van veebelasting, die eienaar van enige beeste wat, wanneer die belasting betaalbaar is, by 'n kraal of woonhuis onder toesig van 'n ander persoon gehou word, gesamentlik met en afsonderlik van sodanige ander persoon aanspreeklik is vir die belasting wat ten opsigte van sodanige beeste betaalbaar is, en by wanbetaling deur sodanige ander persoon kan die agterstallige belasting van sodanige eienaar van die beeste ingevorder word op die wyse soos in hierdie artikel voorgeskryf.

29. Die Minister kan, op besluit van die Raad, en as hy oortuig is dat alle beskikbare middels aangewend is vir die invordering van enige agterstallige huurgeld of veebelasting of enige ander inkomste wat aan die Raad verskuldig is, en dit op bevredigende wyse bewys word dat daar geen vooruitsig bestaan om betaling te verkry nie, gelas dat sodanige bedrag afgeskryf word as onverkrygbaar.

30. Die fondse van die Raad bestaan uit—

(*a*) die belastings kragtens artikel *vyf-en-twintig* van hierdie proklamasie gehef;

(*b*) die bedrae in artikel *ses-en-twintig* van hierdie proklamasie vermeld;

(*c*) die opbrings van enige belasting kragtens artikel *sewe-en-twintig* van hierdie proklamasie opgelê;

(*d*) die gelde ingesamel ooreenkomstig enige verordeninge deur hom uitgevaardig kragtens artikel *twee-en-dertig*;

(*e*) die boetes ingevorder ten opsigte van oortredings van enige verordeninge of regulasies deur hom uitgevaardig kragtens artikels *twee-en-dertig* en *agt-en-dertig* onderskeidelik;

(*f*) enige toekennings van publieke gelde;

(*g*) die opbrings van enige eiendom van die hand gesit kragtens die bepalings van subartikel (3) van artikel *ses-en-twintig*.

31. Die fondse wat aan die Raad toekom kan, mits die Goewerneur-generaal dit goedkeur, en ooreenkomstig sodanige regulasies as van tyd tot tyd deur die Minister gemaak word, aangewend word vir—

(*a*) die maak en onderhoud van paaie, brûens, heinings, riole, damme en vore en die voorkoming van grondverspoeling;

(*b*) die verskaffing van verbeterde watervoorrade;

(*c*) die onderdrukking van veesiektes deur die bou en onderhoud van diphokke en op enige ander manier;

(*d*) die uitroeiing van geproklameerde skadelike plante;

(*e*) die behoud van publieke gesondheid deur die bou of onderhoud (geheel of gedeeltelik) van hospitale, verpleeg- of ander inrigtings en op enige ander manier;

(*f*) die verbetering van landboumetodes;

(*g*) die beheer en reëling van weiveld vir vee;

(*h*) bosaanplanting;

(*i*) onderwysfasiliteite;

(*j*) die betaling van die salarisse van amptenare of werknemers van die Raad;

(*k*) die geoorloofde betalings aan lede van die Raad;

(*l*) enige werk of diens wat kragtens artikel *vyf-en-dertig* van hierdie proklamasie geoorloof is;

(*m*) enige doel wat beskou kan word as deel van plaaslike administrasie en wat deur die Minister aan hom toevertrou is.

32. (1) Die Raad kan verordeninge maak ten opsigte van enige saak vermeld in subartikels (*a*) tot (*i*), albei inbegrepe, van artikel *een-en-dertig*, sowel as ten opsigte van enige saak aan hom toevertrou deur die Minister, en kan die gelde wat betaalbaar is vir enige dienste verrig, voorskryf.

(2) 'n Boete wat vir die oortreding van 'n verordening opgelê word moet aan die Raad betaal word.

(3) Geen verordening sal van krag wees totdat dit deur die Minister goedgekeur en in die *Staatskoerant* gepubliseer is en die Minister kan, na beraadslaging met die Raad, enige verordening wysig, ander verordeninge maak of bestaande verordeninge herroep.

(4) Alle vervolgings vir die oortreding van sodanige verordeninge moet in naam van die kroon ingestel word.

BEVOEGDHEDE EN PLIGTE VAN DIE ALGEMENE RAAD.

33. Enige verlies of tekort weens diefstal, bedrog of ander oorsaak, moet onmiddellik deur die Hoof-uitvoerende Beampte of deur die Tesourier aan die Kontroleur en Ouditeur-generaal gerapporteer word.

34. Sodanige werke en dienste as deur die Raad voorgestel en deur die Minister goedgekeur mag word, kan deur genoemde Raad uitgevoer word.

35. Die Raad kan enige werk of diens onderneem in samewerking met 'n Provinsiale of ander Raad wat nou of later ingestel word op sulke voorwaardes en op sodanige wyse as deur die Minister goedgekeur mag word.

36. Die Raad kan tot voordeel van die Naturellebevolking binne sy regsgebied werke buitekant sy regsgebied instel en onderhou, met dien verstande dat geen sodanige werk of diens sonder die skriftelike toestemming van die Hoof-uitvoerende Beampte onderneem word nie.

37. In enige regsgeding in 'n hof moet die Raad aangeklaag word of aankla in die naam van sy Hoof-uitvoerende beampte, *nomine officii*.

20. The Controller and Auditor-General, or any person duly authorised by him, shall have access to all records, books or documents of the Council for the purpose of carrying out his audit.

21. If it appears to the Controller and Auditor-General—

(*a*) that any deficiency has occurred in collecting or accounting for the revenues of the Council; or

(*b*) that any moneys of the Council have been improperly paid or are not duly vouched; or

(*c*) that any money, stamps, securities, stores or other property of the Council are deficient;

and if a proper explanation be not, within a period specified by him, furnished to him with regard to any such deficiency or improper payment or payment not duly vouched, the Controller and Auditor-General may surcharge against the person responsible therefor the amount of any such deficiency, improper payment or payment not duly vouched. The amount of any such surcharge shall be a debt due from the person against whom the surcharge is made.

22. The Controller and Auditor-General shall notify to the Treasurer any surcharge which may be made under the last preceding section and the Council shall recover the amount thereof from the person liable to pay the same: Provided that, unless the Chief Executive Officer with the approval of the Minister otherwise direct, the amount of such surcharge which may be due from a person in the employment of the Council shall be recovered in equal monthly instalments by deductions from his salary not exceeding one-fourth of his monthly salary.

23. Every surcharge made by the Controller and Auditor-General shall be a debt due to the Council and recoverable as such, but, if in the opinion of the Chief Executive Officer there are circumstances to justify such a course, relief may be granted wholly or in part from the surcharge provided the authority of the Minister is first obtained.

24. The Council shall pay an audit fee to be fixed by the Treasury in consultation with the Controller and Auditor-General. Such fee shall not exceed the estimated cost of audit.

25. Every Native owner of land in any mission reserve within the jurisdiction of the Council, whether the land be held under the provisions of this proclamation or otherwise, shall pay to the Natal Native Trust an annual rate assessed as follows:—

| | | | |
|---|---|---|---|
| (*a*) On land up to but not exceeding thirteen acres in extent ... ... ... ... ... ... ... ... ... ... ... | £1 | 0 | 0 |
| (*b*) On land exceeding thirteen acres in extent ... | 1 | 5 | 0 |

The proceeds of this rate shall, for the purposes of section *ten* of the Mission Reserves Act, No. 49 of 1903 (Natal) be deemed to be included in the moneys collected under that Act.

26. (1) Notwithstanding anything to the contrary contained in section *ten* of the Mission Reserves Act, No. 49 of 1903 (Natal), the Natal Native Trust shall, after payment to the missionary bodies labouring in such mission reserves as fall within the jurisdiction of the Council of the amounts specified therein and after deducting the amount of any advance made to or expense incurred on behalf of any such mission reserve, pay to the Council the remainder of such moneys as are in that section referred to.

(2) Any credit or debit balance or any other asset or liability held by the Natal Native Trust on behalf of a mission reserve under the jurisdiction of the Council shall, if so required or authorised by the Minister, be transferred to the account of the Council.

(3) All property, movable and immovable, lawfully acquired for Council purposes, whether by collection of revenue or by expenditure under the provisions of this proclamation, or by grant, donation, or other means shall vest in the Mission Reserves General Council and immovable property shall be duly registered. Any immovable property so acquired may be disposed of only with the permission of the Minister and the proceeds thereof shall vest in the Council.

27. For the purpose of repaying expenditure in connection with the dipping of large stock and maintenance of dipping tanks within the area of the Council's jurisdiction, the Minister may, at the request of the Council as signified by resolution, levy—

(*a*) an annual stock rate payable by every person in charge of a kraal or homestead in respect of each head of cattle or other stock kept by him within a mission reserve under the jurisdiction of the Council; or

(*b*) an annual rate to be paid by every male adult resident within a mission reserve under the jurisdiction of the Council.

28. The provisions of section *nine* of the Natives Taxation and Development Act, No. 41 of 1925, or any amendment thereof, and the regulations framed under the said Act for the recovery of arrear taxes shall, *mutatis mutandis*, apply to the recovery of any rent or rate levied under the provisions of this proclamation or any amendment thereof or of the Mission Reserves Act, No. 49 of 1903 (Natal), which may be in arrear for more than three months after due date; and the fees of the Messenger of the Court or other duly authorized officer, to cover all costs, shall be as prescribed

20. Die Kontroleur en Ouditeur-generaal, of enige persoon behoorlik deur hom gemagtig, sal vir doeleindes van sy ouditering toegang hê tot alle stukke, boeke of dokumente van die Raad.

21. Indien dit vir die Kontroleur en Ouditeur-generaal skyn asof—

(*a*) daar 'n ongereëldheid is in verband met die insameling of verantwoording van die inkomste van die Raad; of

(*b*) enige gelde van die Raad op 'n onbehoorlike manier bestee is, of sonder behoorlike bewysstukke, uitbetaal is; of

(*c*) daar 'n tekort is aan enige geld, seëls, sekuriteite, voorrade of ander eiendom van die Raad;

met betrekking tot sodanige tekort, onbehoorlike uitbetaling of uitbetaling sonder behoorlike bewysstukke nie binne 'n tydperk deur hom bepaal aan hom verskaf word kan die Kontroleur en Ouditeur-generaal die bedrag van sodanige tekort, onbehoorlike uitbetaling of uitbetaling sonder behoorlike bewysstukke as 'n terugvordering boek teen die persoon wat daarvoor verantwoordelik is. Die bedrag van sodanige terugvordering sal 'n skuld wees van die persoon teen wie dit geboek is.

22. Die Kontroleur en Ouditeur-generaal moet die Tesourier in kennis stel betreffende enige terugvordering wat kragtens die voorgaande artikel gemaak word, en die Raad moet daar die bedrag van die aanspreeklike persoon invorder: met dien verstande dat, tensy die Hoof-uitvoerende Beampte met goedkeuring van die Minister anders gelas, die bedrag van sodanige terugvordering wat verskuldig mag wees deur 'n persoon in diens van die Raad, in gelyke maandelikse paaiemente van hoogstens een-vierde van sy maandelikse salaris ingevorder kan word deur aftrekking van sy salaris.

23. Elke terugvordering gemaak deur die Kontroleur en Ouditeur-generaal is 'n bedrag aan die Raad verskuldig en is as sulks invorderbaar, maar as daar, na die mening van die Hoof-uitvoerende Beampte, omstandighede is om sodanige gedragslyn te regverdig kan algehele of gedeeltelike kwytskelding verleen word ten opsigte van die terugvordering, mits magtiging van die Minister vooraf daartoe verkry word.

24. Die Raad moet 'n ouditeersfooi betaal, wat vasgestel moet word deur die Tesourie in oorleg met die Kontroleur en Ouditeur-generaal. Sodanige fooi moet die geraamde koste van ouditering nie oortref nie.

25. Elke Naturelle-eienaar van grond in enige sendingreserwe binne die regsgebied van die Raad, hetsy die grond kragtens die bepalings van hierdie proklamasie of andersins gehou word, moet aan die Natalse Naturelletrust 'n jaarlikse belasting, as volg bereken, betaal:—

| | | | |
|---|---|---|---|
| (*a*) Op grond hoogstens dertien acres groot ... | £1 | 0 | 0 |
| (*b*) Op grond meer as dertien acres groot ... ... | 1 | 5 | 0 |

Die opbrings van hierdie belasting moet, vir die doeleindes van artikel *tien* van die Sendingreserweswet, No. 45 van 1903 (Natal), beskou word as inbegrepe by die gelde wat ingevolge daardie Wet ingesamel is.

26. (1) Nieteenstaande teenstrydige bepalings in artikel *tien* van die Sendingreserweswet, No. 49 van 1903 (Natal), moet die Natalse Naturelletrust, na betaling aan sendingliggame werksaam in sodanige sendingreserwes as wat binne die regsgebied van die Raad val, van die bedrae daarin vermeld, en na aftrek van die bedrag van enige voorskot aan, of van onkoste gemaak namens, enige sodanige sendingreserwe, die saldo van sodanige gelde in daardie artikel vermeld, aan die Raad betaal.

(2) Enige batige of debietsaldo of enige ander bate of laste wat die Natalse Naturelletrust namens 'n sendingreserwe onder die jurisdiksie van die Raad hou, moet, indien die Minister dit vereis of magtig, op die rekening van die Raad oorgeplaas word.

(3) Alle roerende sowel as onroerende sake, wettig verkry vir doeleindes van die Raad, hetsy deur insameling van inkomste of deur uitgawe kragtens die bepalings van hierdie Proklamasie, of deur toekenning, skenking of andersins, is die eiendom van die Algemene Raad vir Sendingreserwes, en onroerende sake moet behoorlik geregistreer word. Onroerende sake aldus verkry, kan van die hand gesit word alleen met die toestemming van die Minister en die opbrings daarvan is die eiendom van die Raad.

27. Om uitgawes in verband met die dip van grootvee en die instandhouding van dipbakke binne die regsgebied van die Raad terug te betaal, kan die Minister, op versoek van die Raad soos deur 'n besluit te kenne gegee, die volgende heffings oplê:—

(*a*) 'n Jaarlikse veebelasting betaalbaar deur iedere persoon wat toesig het oor 'n kraal of woonhuis ten opsigte van elke bees of ander stuk vee wat hy aanhou in 'n sendingreserwe onder beheer van die Raad; of

(*b*) 'n jaarlikse belasting betaalbaar deur iedere volwasse manspersoon woonagtig in 'n sendingreserwe onder beheer van die Raad.

28. Die bepalings van artikel *nege* van die Naturellebelasting en Ontwikkelings Wet, No. 41 van 1925, of enige wysiging daarvan, en die regulasies opgestel kragtens gemelde Wet vir die insameling van agterstallige belastings is, *mutatis mutandis*, van toepassing op die invordering van enige huurgeld of belasting gehef kragtens die bepalings van hierdie proklamasie of enige wysiging daarvan of van die Sendingreserweswet, No. 49 van 1903 (Natal), wat agterstallig mag wees vir meer as drie maande vanaf die datum waarop dit betaalbaar was; en die fooie van die Geregsbode

(2) The Minister may, should he deem it necessary, direct the attendance at sittings of the Council of Native Commissioners and Additional Native Commissioners in whose districts the mission reserves represented on the Council are situated. Such Native Commissioners shall have the right to speak but not to vote upon any matter before the Council.

7. The functions and powers of the Council shall include—

(*a*) the initiation and consideration of any matter relating to the economic, industrial or social condition of the Native population of the Union or any part thereof, in so far as it affects the Natives within the area of its jurisdiction;

(*b*) the consideration of any proposed legislation or existing law which specially affects the Native population of the Union in so far as it affects the Natives within the area of its jurisdiction;

(*c*) the consideration of any specific matter submitted to it by the Governor-General or by the Minister;

(*d*) the passing of resolutions on any such matter.

8. (1) There shall be held at Pietermaritzburg two ordinary meetings of the Council in every year, to commence upon such days in the months of February and August as may from time to time be fixed by the Chief Native Commissioner by whom such meetings shall be convened.

(2) Such meetings shall be presided over by the Chief Native Commissioner or, in his absence, by a member of the public service designated by the Minister.

9. The Chief Native Commissioner may at any time, upon being satisfied of the necessity for so doing, call a special meeting of the Council, and at such meeting such business only as the Chairman may lay before it or approve shall be transacted.

10. The Chief Native Commissioner shall, not less than twenty-one days prior to any meeting of the Council, cause the members thereof and the missionaries or ecclesiastical bodies concerned to be informed of the date fixed for and of the business to be transacted at such meeting.

11. At every meeting the members shall, by voting, record their opinions upon the subjects under consideration.

In the event of an equality of votes the motion or amendment, as the case may be, shall be regarded as negatived.

12. The Chief Native Commissioner shall be responsible for giving the necessary directions or applying for any necessary authority in regard to the decisions of the Council.

ADMINISTRATION.

13. The Chief Native Commissioner shall be the Chief Executive Officer in general control of the administration of Council affairs under this proclamation and regulations framed in terms thereof and he may from time to time prescribe rules not inconsistent with such proclamation or regulations for the guidance of officers in immediate charge of Council affairs.

OFFICERS.

14. (1) An officer to be styled the Secretary and Treasurer of the Mission Reserves General Council shall be appointed by the Minister.

(2) The said officer shall be responsible to the Chief Native Commissioner for the collection of all dues accruing to the Council, for the disbursement of its funds and generally for the management of its affairs.

(3) The said officer in his capacity as Treasurer (hereinafter, in that capacity, referred to in this Proclamation and the regulations thereunder as the Treasurer), shall keep an account in the name of the Council with a bank to be approved by the Minister.

15. The Minister may assign to and impose on officers of the public service such powers, functions and duties as he may think fit in connection with the administration of Council affairs under this Proclamation and regulations framed in terms thereof.

16. The Chief Native Commissioner may, with the approval of the Minister, appoint persons other than officers of the public service for the discharge of such functions and duties and at such emoluments as he may think fit, in connection with the administration of Council affairs under this Proclamation and regulations framed in terms thereof, and may require from them such security as he may determine.

17. The Council shall be a "local authority" for the purposes of the "Prevention of Corruption Act, No. 4 of 1918".

AUDIT AND FINANCE.

18. The financial year of the Council shall be the period from the 1st January to the 31st December.

19. The accounts of the Council, including those of collectors and sub-accountants, shall be audited by the Controller and Auditor-General of the Union, and each yearly certificate of discharge issued by the Controller and Auditor-General to the Treasurer shall be laid before the Council at its first session after such issue.

(2) Die Minister mag, indien hy dit nodig ag, die Naturellekommissarisse en Addisionele Naturellekommissarisse in wie se distrikte die sendingreserwes wat verteenwoordigers op die Raad het, geleë is, gelas om die sittings van die Raad by te woon. Sulke Naturellekommissarisse sal die reg hê om enige saak wat voor die Raad kom te bespreek maar mag nie 'n stem daarop uitbring nie.

7. Die funksies en bevoegdhede van die Raad sluit die volgende in—

(*a*) die inisiëring en oorweging van enige saak aangaande die ekonomiese, industriële of sosiale toestand van die Naturellebevolking van die Unie of 'n deel daarvan, vir sover dit die Naturelle binne sy regsgebied betref;

(*b*) die oorweging van enige voorgestelde wetgewing of bestaande wet wat spesiaal betrekking het op die Naturellebevolking van die Unie, vir sover dit die Naturelle in sy regsgebied betref;

(*c*) die oorweging van enige besondere saak wat aan die Raad deur die Goewerneur-generaal of die Minister voorgelê word;

(*d*) die aanneem van besluite in verband met enige sodanige saak.

8. (1) Daar moet in elke jaar te Pietermaritzburg twee gewone vergaderings van die Raad gehou word wat op sulke dae in die maande Februarie en Augustus moet begin as van tyd tot tyd vasgestel word deur die Hoof-Naturellekommissaris, deur wie sulke vergaderings belê moet word.

(2) Sulke vergaderings moet gehou word onder voorsitterskap van die Hoof-Naturellekommissaris, of by sy afwesigheid, van 'n lid van die Staatsdiens deur die Minister aangewys.

9. Die Hoof-Naturellekommissaris kan te eniger tyd, as hy van die noodsaaklikheid daarvan oortuig is, 'n spesiale vergadering van die Raad belê, en op so'n vergadering kan alleen sulke besigheid as wat die Voorsitter mag voorlê of goedkeur, behandel word.

10. Die Hoof-Naturellekommissaris moet sorg dra dat minstens een-en-twintig dae voor enige vergadering van die Raad die lede daarvan en die betrokke sendelinge of kerklike liggame in kennis gestel word van die vasgestelde datum van die vergadering en die sake wat daarop behandel sal word.

11. Op elke vergadering moet lede, by wyse van stemming, hulle sienswyse oor die onderwerp onder bespreking, te kenne gee.

As gelyk-op gestem word, word die mosie of amendement, na die geval mag wees, beskou as verwerp.

12. Die Hoof-Naturellekommissaris word verantwoordelik gehou om die nodige opdragte te gee of om aansoek te doen om die nodige magtiging in verband met die besluite van die Raad.

ADMINISTRASIE.

13. Die Hoof-Naturellekommissaris is die Hoof-uitvoerende Beampte en het algemene beheer oor die administrasie van Raadsake ingevolge hierdie proklamasie en die regulasies ingevolge hiervan opgestel, en hy kan van tyd tot tyd vir informasie van amptenare wat belas is met die onmiddellike toesig oor Raadsake reëls voorskryf wat nie in stryd is met sodanige proklamasie of regulasies nie.

AMPTENARE.

14. (1) 'n Amptenaar wat die Sekretaris-tesourier van die Algemene Raad vir Sendingreserwes genoem sal word moet deur die Minister aangestel word.

(2) Genoemde amptenaar is verantwoordelik aan die Hoof-Naturellekommissaris vir die insameling van alle gelde aan die Raad verskuldig, vir die uitbetaling van sy fondse en vir die beheer van sake oor die algemeen.

(3) Genoemde amptenaar in sy hoedanigheid as Tesourier (hierna, in daardie hoedanigheid, in hierdie proklamasie en die regulasies ingevolge hiervan die Tesourier genoem) moet in die naam van die Raad 'n rekening hou by 'n bank wat deur die Minister goedgekeur moet word.

15. Die Minister kan aan amptenare van die Staatsdiens sodanige bevoegdhede, funksies en pligte, as hy mag goed ag, toeskryf en oplê in verband met die administrasie van Raadsake kragtens hierdie proklamasie en die regulasies dienooreenkomstig opgestel.

16. In verband met die administrasie van die sake van die Raad ingevolge hierdie proklamasie en die regulasies dienooreenkomstig opgestel, kan die Hoof-Naturellekommissaris, met goedkeuring van die Minister, persone, wat nie amptenare van die Staatsdiens is nie, aanstel vir die uitvoer van sodanige funksies en pligte en teen sodanige besoldiging as hy mag goed ag, en van hulle sodanige waarborg eis as hy mag bepaal.

17. Vir die doeleindes van die „Korruptie Verhinderings Wet, No. 4 van 1918", is die Raad 'n „plaaslike bestuur".

OUDITERING EN FINANSIES.

18. Die boekjaar van die Raad strek oor die tydperk 1 Januarie tot 31 Desember.

19. Die rekenings van die Raad, tesame met die van kollektante en onder-rekenmeesters, moet deur die Kontroleur en Ouditeur-generaal van die Unie geouditeer word en elke jaarlikse ontslagsertifikaat uitgereik deur die Kontroleur en Ouditeur-generaal aan die Tesourier moet aan die Raad op sy eerste vergadering na sodanige uitreiking voorgelê word.

in the original deed of grant notwithstanding any subsequent alienations of portions thereof; but nothing in this proclamation, save as in sub-section (3) of section *forty-six* and in section *forty-seven* provided, shall affect the rights conferred or the obligations imposed under any freehold title already held in respect of any portion of land which was so alienated subsequent to the date of the original deed of grant aforesaid.

GENERAL COUNCIL.

2. The Governor-General may, for the purpose of the administration of local affairs in mission reserves, by notification in the *Gazette*—

(*a*) establish a General Council to be styled the Mission Reserves General Council (hereinafter in this proclamation and regulations thereunder referred to as the Council) with jurisdiction over any number of mission reserves, and

(*b*) extend from time to time the jurisdiction of the Council to embrace further mission reserves.

3. (1) The Council shall consist of three members from the Inanda Mission Reserve and two members from each of the other mission reserves. Such members shall be approved residents of the respective mission reserves embraced in the Council's area of jurisdiction.

Subject to the provisions of sub-section (5) of section *four*, one member from each mission reserve shall be nominated by the Minister and the remaining member or members, as the case may be, shall be elected by the approved residents of the respective mission reserves for appointment by the Minister.

(2) For the purposes of such election a meeting of the approved residents of each mission reserve shall be convened by the Native Commissioner of the district concerned, and shall be conducted in such manner as the Chief Native Commissioner may prescribe.

4. (1) No person shall be appointed or sit as a member of the Council who—

(*a*) has at any time been convicted of any crime or offence for which he shall have been sentenced to imprisonment without the option of a fine for a term of not less than six months, unless he shall have received a grant of amnesty or a free pardon, or unless such term of imprisonment shall have expired at least five years before the date of his appointment; or

(*b*) is an unrehabilitated insolvent; or

(*c*) is of unsound mind and has been so declared by a competent court.

(2) If a member of the Council—

(*a*) becomes subject to any of the disabilities mentioned in the last preceding sub-section; or

(*b*) dies; or

(*c*) becomes, in the opinion of the Minister, incapable of effective service on the Council by reason of illness, infirmity or other cause; or

(*d*) becomes, in the opinion of the Minister, unfit, by reason of misconduct or other cause, to be a member of the Council; or

(*e*) fails, without special leave of the Council, to attend three consecutive meetings of such Council; or

(*f*) contravenes any of the provisions of sub-section (3);

his seat shall thereupon become vacant.

(3) No member of the Council shall accept any salary, allowance, fee or reward for any duty or service performed by him as such, except in accordance with such tariff as may be framed by the Minister, nor shall any member become a contractor with the Council or be interested directly or indirectly in any contract entered into with the Council.

(4) Any member of the Council may, by writing under his hand addressed to the Chief Native Commissioner, resign his seat which shall thereupon become vacant.

(5) Whenever for any cause the seat of any member of the Council becomes vacant it shall be filled as soon as possible in the manner in which the vacating member was nominated or elected unless the unexpired portion of the period for which such member was nominated or elected is less than nine months, in which case it shall be filled by nomination by the Minister.

A member of the Council appointed under the provisions of this sub-section shall hold office during the unexpired term of office of the member whom he replaces.

5. (1) The Council shall enter upon office on the first day of January following the year in which the election of members is held.

(2) Members shall during pleasure hold office for a period of three years but shall be eligible for reappointment.

6. (1) The missionaries or ecclesiastical bodies named in the title deeds of the mission reserves within the jurisdiction of the Council may each nominate one person to attend the meetings of the Council.

Such persons shall have the right to speak but not to vote upon any question before the Council.

deeltes daarvan; maar niks in hierdie proklamasie sal, behalwe soos in subartikel (3) van artikel *ses-en-veertig* en in artikel *sewe-en-veertig* bepaal, die regte toegeken of die verpligtinge opgelê kragtens enige eiendomsbewys wat ten opsigte van enige gedeelte van grond aldus vervreemd na die datum van die voormelde originele akte van toekenning, gehou word, verander nie.

ALGEMENE RAAD.

2. Vir doeleindes van die bestuur van plaaslike sake in sendingreserwes kan die Goewerneur-generaal, deur middel van kennisgewing in die *Staatskoerant*:—

(*a*) 'n Algemene Raad instel wat die naam sal dra van die Algemene Raad vir Sendingreserwes (hierna in hierdie proklamasie en die regulasies ingevolge daarvan genoem die Raad) met jurisdiksie oor enige aantal sendingreserwes, en

(*b*) die jurisdiksie van die Raad van tyd tot tyd uitbrei om ander sendingreserwes in te sluit.

3. (1) Die Raad sal bestaan uit drie lede van die Inandasendingreserwe en twee lede van elkeen van die ander sendingreserwes. Sulke lede moet goedgekeurde inwoners wees van die besondere sendingreserwes inbegrepe in die regsgebied van die Raad.

Onderworpe aan die bepalings van subartikel (5) van artikel *vier* moet een lid van elke sendingreserwe deur die Minister benoem word en die orige lid of lede, na die geval mag wees, vir aanstelling deur die Minister deur die goedgekeurde inwoners van die besondere sendingreserwes gekies word.

(2) Vir die doeleindes van sodanige verkiesing moet 'n vergadering van die goedgekeurde inwoners van elke sendingreserwe deur die Naturellekommissaris van die betrokke distrik belê en op so'n wyse gehou word as die Hoof-Naturellekommissaris mag bepaal.

4. (1) Niemand kan aangestel of as 'n lid van die Raad sitting neem nie wat—

(*a*) te eniger tyd skuldig bevind was aan 'n misdaad of misdryf waarvoor hy gevonnis is tot gevangenisstraf sonder die keuse van 'n boete vir 'n tydperk van minstens ses maande, tensy aan hom amnestie of grasie verleen is, of tensy die datum van sy aanstelling voorafgegaan is deur minstens vyf jaar na verloop van sodanige gevangenisstraf; of

(*b*) 'n ongerehabiliteerde insolvente persoon is; of

(*c*) swaksinnig is en deur 'n bevoegde hof swaksinnig verklaar is.

(2) Indien 'n lid van die Raad—

(*a*) ongeskik word soos in die voorgaande subartikel vermeld; of

(*b*) sterf; of

(*c*) na die mening van die Minister weens siekte, swakheid of 'n ander oorsaak onbekwaam word vir doeltreffende diens op die Raad; of

(*d*) na die mening van die Minister, weens wangedrag of 'n ander oorsaak ongeskik word om 'n lid van die Raad te wees; of

(*e*) versuim om, sonder spesiale verlof van die Raad, drie agtereenvolgende vergaderings van sodanige Raad by te woon; of

(*f*) enige van die bepalings van subartikel (3) oortree;

word sy setel vakant.

(3) 'n Lid van die Raad mag geen salaris, toelaag, fooi of beloning vir enige plig of diens deur hom as sodanig verrig aanneem nie behalwe in ooreenstemming met sodanige tarief as deur die Minister vasgestel mag word, ook mag 'n lid nie direk of indirek 'n kontrak met die Raad aangaan of belang hê in enige kontrak wat met die Raad aangegaan is nie.

(4) 'n Lid van die Raad kan deur persoonlik aan die Hoof-Naturellekommissaris te skryf, sy setel bedank wat daarop vakant word.

(5) Indien die setel van 'n lid van die Raad, om welke rede ook al, vakant word, moet dit so spoedig moontlik opgevul word op die wyse waarop die uittredende lid benoem of gekies was, tensy die onverstreke gedeelte van die tydperk waarvoor sodanige lid benoem of gekies was minder as nege maande is, in welke geval dit deur benoeming deur die Minister opgevul moet word.

'n Lid van die Raad, wat ooreenkomstig die bepalings van hierdie subartikel aangestel word, bly aan vir die onverstreke dienstyd van die lid wat hy vervang.

5. (1) Die Raad tree in diens op die eerste dag van Januarie wat volg op die jaar waarin die verkiesing van lede gehou word.

(2) Lede dien, na genoeë, vir 'n tydperk van drie jaar maar kom vir herbenoeming in aanmerking.

6. (1) Die sendelinge of kerklike liggame genoem in die grondbriewe van die sendingreserwes binne die regsgebied van die Raad kan elkeen 'n persoon benoem om die vergaderings van die Raad by te woon.

Sulke persoon sal die reg hê om enige saak wat voor die Raad kom te bespreek, maar mag nie 'n stem daarop uitbring nie.

✱ No. 797:] [15th June, 1934.

TONGAAT HEALTH COMMITTEE, NATAL.—BREWING OF KAFFIR BEER; POWERS OF SEARCH.

It is hereby notified for general information that the Minister of Native Affairs has made the following regulation under the provisions of section *twenty-three* (2) of Act No. 21 of 1923 for the Health Committee of Tongaat, Natal:—

Any superintendent of a location or Native Village, any member of the South African Police or any officer duly authorized by the Local Authority upon being satisfied that there is reason to suspect the existence of kaffir beer made, kept, supplied or sold in contravention of the Natives (Urban Areas) Act, 1923, or the regulations thereunder, on any premises within the urban area of Tongaat, Natal, may enter and search without warrant such premises at all reasonable hours during the day or night.

Any kaffir beer found on any premises which has been made, kept, or procured in contravention of the said Act may, together with the utensils in which it is contained, be seized and confiscated.

✱ No. 798.] [15th June, 1934.

It is hereby notified for general information that the office of the Assistant Native Commissioner, Rayton, will be removed to Premier Mine on the 11th instant. From that date his address will be Assistant Native Commissioner, Premier Mine.

✱ No. 803.] [15th June, 1934.

URBAN AREA OF ISIPINGO RAIL, NATAL.—BREWING OF KAFFIR BEER—POWERS OF SEARCH.

It is hereby notified for general information that the Minister of Native Affairs has made the following regulation under the provisions of section *twenty-three* (2) of Act No. 21 of 1923 for the Urban Area of Isipingo Rail, Natal:—

Any superintendent of a location or native village, any member of the South African Police or any officer duly authorized by the local authority upon being satisfied that there is reason to suspect the existence of kaffir beer made, kept, supplied or sold in contravention of the Natives (Urban Areas) Act, 1923, or the regulations thereunder, on any premises within the Urban Area of Isipingo Rail, Natal, may enter and search without warrant such premises at all reasonable hours during the day or night.

Any kaffir beer found on any premises which has been made, kept, or procured in contravention of the said Act may, together with the utensils in which it is contained, be seized and confiscated.

✱ No. 805.] [15th June, 1934.

The accompanying Draft Proclamation is hereby published for general information in terms of sub-section (2) of section *twenty-five* of the Native Administration Act, No. 38 of 1927.

JOHN S. ALLISON,
Acting Secretary for Native Affairs.

Department of Native Affairs, Pretoria.

DRAFT PROCLAMATION.

ESTABLISHMENT OF A GENERAL COUNCIL FOR MISSION RESERVES IN NATAL AND GRANT OF LAND IN FREEHOLD TENURE TO NATIVES THEREIN.

Whereas it is expedient to amplify and in certain respects to amend the Mission Reserves Act, No. 49 of 1903, Natal, in order to make provision for the establishment of a General Council for any number or all of the Mission Reserves detailed in Schedule "A" to this Proclamation:

And whereas it is desirable to make provision for the survey of holdings in those Mission Reserves for which a General Council shall have been established and for transfer of such holdings in freehold tenure to native residents therein:

Now, therefore, under and by virtue of the powers and authority vested in me by section *twenty-five* of the Native Administration Act, No. 38 of 1927, I do hereby proclaim, declare and make known that the following provisions shall take effect and have the force of law with effect from the date of promulgation hereof:

1. For the purposes of this proclamation a mission reserve shall, notwithstanding anything contained in the schedule to Act No. 49 of 1903 (Natal), and subject to the provisions of Act No. 28 of 1925, be deemed to include all land comprised

✱ No. 797.] [15 Junie 1934.

GESONDHEIDSKOMITTE VAN TONGAAT, NATAL.—BROU VAN KAFFERBIER; BEVOEGDHEID TOT ONDERSOEK.

Hierby word vir algemene informasie bekendgemaak dat die Minister van Naturellesake, ingevolge die bepalings van artikel *drie-en-twintig* (2) van Wet No. 21 van 1923, onderstaande regulasie vir die Gesondheidskomitee van Tongaat, Natal, gemaak het:—

'n Superintendent van 'n Lokasie of Naturelledorp, 'n lid van die Suid-Afrikaanse Polisie of 'n ander amptenaar behoorlik daartoe gemagtig deur die plaaslike bestuur, kan, as hy oortuig is dat daar rede bestaan vir die vermoede dat daar op 'n perseel binne die stadsgebied van Tongaat, Natal, kafferbier gemaak, gehou, verskaf of verkoop word in stryd met die „ Naturellen (Stadsgebieden) Wet ", 1923, of die regulasies ingevolge daarvan, so'n perseel op alle redelike tye bedags of snags sonder lasbrief betree en ondersoek.

Die kafferbier gevind op 'n perseel, wat in stryd met bogenoemde Wet gemaak, gehou, of verkry is, kan tesame met die houers wat dit bevat, inbeslaggeneem en verbeurdverklaar word.

✱ No. 798.] [15 Junie 1934.

Hierby word vir algemene informasie bekendgemaak dat die kantoor van die Assistent-naturellekommissaris, Rayton, vanaf 11 deser na Premiermyn verskuiwe word. Vanaf daardie datum sal sy adres wees, Assistent-naturellekommissaris, Premiermyn.

✱ No. 803.] [15 Junie 1934.

DORPSGEBIED VAN ISIPINGO RAIL, NATAL.—BROU VAN KAFFERBIER—BEVOEGDHEID TOT ONDERSOEK.

Hierby word vir algemene informasie bekendgemaak dat die Minister van Naturellesake, ingevolge die bepalings van artikel *drie-en-twintig* (2) van Wet No. 21 van 1923, onderstaande regulasie vir die Dorpsgebied Isipingo Rail, Natal, uitgevaardig het:—

'n Superintendent van 'n lokasie of naturelledorp, 'n lid van die Suid-Afrikaanse Polisie of 'n ander amptenaar behoorlik daartoe gemagtig deur die plaaslike bestuur, kan, as hy oortuig is dat daar rede bestaan vir die vermoede dat kafferbier gemaak, gehou, verskaf of verkoop word op 'n perseel binne die gebied van Isipingo Rail, Natal, in stryd met die „ Naturellen (Stadsgebieden) Wet ", 1923, of die regulasies ingevolge daarvan, so 'n perseel op alle redelike tye bedags of snags sonder lasbrief betree en ondersoek.

Die kafferbier gevind op 'n eiendom, wat in stryd met bogenoemde Wet gemaak, gehou of verkry is, kan tesame met die houers wat dit bevat, inbeslaggeneem en verbeurdverklaar word.

✱ No. 805.] [15 Junie 1934.

Onderstaande Ontwerp-Proklamasie word hierby vir algemene informasie gepubliseer ooreenkomstig subartikel (2) van artikel *vyf-en-twintig* van die Naturelle-administrasiewet, No. 38 van 1927.

JOHN S. ALLISON,
Waarnemende Sekretaris van Naturellesake.

Departement van Naturellesake, Pretoria.

ONTWERP-PROKLAMASIE.

INSTELLING VAN 'N ALGEMENE RAAD VIR SENDING-RESERWES IN NATAL EN TOEKENNING VAN GROND IN EIENDOM AAN NATURELLE DAARIN.

Nademaal dit dienstig is om die Sending-Reserwes-wet, No. 49 van 1903 (Natal), aan te vul en in sekere opsigte te wysig, ten einde voorsiening te maak vir die instelling van 'n Algemene Raad vir enige getal van of al die sendingreserwes soos in Bylae „ A " van hierdie Proklamasie uiteengesit:

En nademaal dit wenslik is om voorsiening te maak vir die opmeting van hoewes in daardie sendingreserwes ten opsigte waarvan 'n Algemene Raad ingestel is en vir oordrag van sodanige hoewes in eiendom aan Naturelle wat daarin woon:

So is dit dat ek, ingevolge en kragtens die bevoegdheid my verleen by artikel *vyf-en-twintig* van die Naturelle-administrasiewet, No. 38 van 1927, hierby proklameer, verklaar en bekendmaak dat die volgende bepalings in werking sal tree en krag van wet sal hê met ingang van datum van afkondiging hiervan:

1. Vir die doeleindes van hierdie proklamasie word dit beskou dat 'n sendingreserwe, ondanks enige bepaling in die Bylae van Wet No. 49 van 1903 (Natal) vervat, en onderworpe aan die bepalings van Wet No. 28 van 1925, al die grond insluit wat in die oorspronklike akte van toekenning inbegrepe is nieteenstaande 'n latere vervreemding van ge-

(2) In any criminal proceedings against a person charged with contravening the provisions of sub-section (1)—

(*a*) the burden of proving that he has lawful authority for the act in respect of which he is charged shall be upon the accused;

(*b*) it shall be no defence that the building in respect of the erection or the occupation of which such proceedings are instituted is situated upon land duly allotted as a residential or kraal site or for arable or garden purposes within such Reserve.

3. (1) In addition to any other penalty to which he may be liable the Court may order any person convicted of contravening the provisions of sub-section (1) of section *two* to remove, within a period to be prescribed in the order, any building unlawfully erected or occupied and in the event of such person failing or neglecting to comply with such order the Native Commissioner may take all necessary steps to carry out the order himself and may by summary warrant under his hand recover from such person the costs incurred thereby.

(2) Any warrant issued by a Native Commissioner under the provisions of sub-section (1) shall be executed as if it were a warrant issued in pursuance of a judgment of a Magistrate's or Native Commissioner's Court.

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✱ No. 783.] [15th June, 1934.

It is hereby notified for general information that the Honourable the Minister of Native Affairs has been pleased to approve of the appointment of Mr. John Schiller Allison, M.A. (Edin.), LL.B. (Cape), Under Secretary for Native Affairs, as Acting Secretary for Native Affairs with effect from the 5th June, 1934, *vice* Mr. J. F. Herbst, retired, and pending the appointment of his successor.

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✱ No. 788.] [15th June, 1934.

## CONSTITUTION OF BOARD OF APPEAL, IN TERMS OF SECTION *EIGHT* OF ACT No. 38 OF 1927.

It is hereby notified for general information that His Excellency the Governor-General has been pleased to appoint George Maxwell Bruce Whitfield, Esquire, in terms of sub-section (9) of section *eight* of the Native Administration Act, No. 38 of 1927, as a member of the Board of Appeal, as prescribed by the said section and constituted under Government Notice No. 384 of the 23rd March, 1934, *vice* Reginald Douglas Herold Barry, Esquire, resigned.

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✱ No. 796.] [15th June, 1934.

## REDEFINITION OF THE BOUNDARIES OF CERTAIN LOCATIONS IN THE DISTRICT OF LUSIKISIKI.

It is hereby notified for general information that His Excellency the Governor-General has been pleased to approve, in terms of paragraph (*a*) of sub-section (1) of section *five* of the Native Administration Act, No. 38 of 1927, of the cancellation of the boundaries of Locations Nos. 30, called Mateku, and 31, called Umsikaba, in the District of Lusikisiki, as defined in Government Notice No. 177 of the 5th February, 1906, and the substitution therefor of the definitions set forth in the Schedule hereto.

### SCHEDULE.

LOCATION No. 30, CALLED MATEKU.

From the junction of the Nzoyiya ravine and the Mateku River, up the former to its source at a neck; thence over the neck and down a ravine opposite into the Silahli Stream; up this stream to a point opposite the source of the Mpangane Stream; from that point to the source of the Mpangane Stream; down this stream to its junction with the Umsikaba River; down this river to the junction of the Zintloko Stream; up this stream to a point opposite the source of the Mcume Stream; thence in a straight line to the source of the Mcume Stream and down that stream to its junction with the Njombela Stream; down the Njombela Stream to its junction with the Mateku River; thence up that river to the point first referred to.

LOCATION No. 31, CALLED UMSIKABA.

From the junction of the Umsikaba River and the Zintloko Stream; up the latter to a point opposite the source of the Mcume Stream; thence in a straight line to the source of Mcume Stream and down that stream to its junction with the Njombela Stream; down the Njombela Stream to its junction with the Mateku River; down that river to its junction with the Umsikaba River and up the latter to the point first referred to.

(2) In enige strafgeding teen 'n persoon wat beskuldig staan weens oortreding van die bepalings van subartikel (1)—

(*a*) rus die bewyslas op die beskuldigde dat hy regtens magtiging het ten opsigte van die daad waarvan hy beskuldig staan;

(*b*) geld dit nie as 'n verdediging dat die gebou, aangaande die oprigting of okkupasie waarvan sodanige geding ingestel is, geleë is op grond wat as 'n woon- of kraalterrein of vir beboubare- of tuindoeleindes binne sodanige reserwe behoorlik toegeken is nie.

3. (1) Behalwe enige ander straf waaraan iemand bloot staan kan die hof iedereen, wat skuldigbevind is aan 'n oortreding van die bepalings van subartikel (1) van artikel *twee*, gelas om enige gebou, wat wederregtelik opgerig is of geokkupeer word, binne 'n tydperk wat in sodanige order bepaal moet word, te verwyder, en ingeval so 'n persoon versuim of nalaat om aan sodanige order te voldoen kan die Naturellekommissaris alle nodige stappe doen om self die order uit te voer en kan summier 'n lasbrief onder sy hand uitreik om op sodanige persoon die koste in verband daarmee te verhaal.

(2) 'n Lasbrief deur die Naturellekommissaris kragtens die bepalings van subartikel (1) uitgereik moet ten uitvoer gelê word asof dit 'n lasbrief is wat ingevolge 'n uitspraak van 'n Magistraats- of Naturellekommissarishof uitgereik is.

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✱ No. 783.] [15 Junie 1934.

Hierby word bekendgemaak dat dit die Minister van Naturellesake behaag het om die aanstelling van mnr. John Schiller Allison, M.A. (Edin.), LL.B. (Kaap), Ondersekretaris van Naturellesake, as Waarnemende Sekretaris van Naturellesake met ingang van 5 Junie 1934, in die plek van mnr. J. F. Herbst, afgetree, en totdat sy opvolger aangestel is, goed te keur.

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✱ No. 788.] [15 Junie 1934.

## AANSTELLING VAN RAAD VAN APPÈL KRAGTENS ARTIKEL *AGT* VAN WET No. 38 VAN 1927.

Hierby word vir algemene informasie bekendgemaak dat dit Sy Eksellensie die Goewerneur-generaal behaag het om, kragtens die bepalings van subartikel (9) van artikel *agt* van die Naturelle-administrasie Wet, No. 38 van 1927, die weledele heer George Maxwell Bruce Whitfield aan te stel as lid van die Raad van Appèl, soos voorgeskryf by genoemde artikel en ingestel by Goewermentskennisgewing No. 384 van 23 Maart 1934, in die plek van die weledele heer Reginald Douglas Herold Barry, wat bedank het.

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✱ No. 796.] [15 Junie 1934.

## HEROMSKRYWING VAN DIE GRENSLYNE VAN SEKERE LOKASIES IN DIE DISTRIK LUSIKISIKI.

Hierby word vir algemene informasie bekendgemaak dat dit Sy Eksellensie die Goewerneur-generaal behaag het om, kragtens paragraaf (*a*) van subartikel (1) van artikel *vyf* van die Naturelle-administrasiewet, No. 38 van 1927, sy goedkeuring te heg aan die intrekking van die grenslyne van Lokasies Nos. 30, Mateku genoem, en 31, Umsikaba genoem, in die distrik Lusikisiki, soos omskryf in Goewermentskennisgewing No. 177 van 5 Februarie 1906, en dit te vervang deur die omskrywings soos vermeld in die Skedule hiervan.

### SKEDULE.

LOKASIE No. 30, MATEKU GENOEM.

Vanaf die sameloop van die Nzoyiyakloof en die Matekurivier op met eersgenoemde tot by sy oorsprong by 'n nek; vandaar oor die nek en af met die kloof aan die anderkant tot in die Silahlistroom; met hierdie stroom op tot by 'n punt teenoor die oorsprong van die Mpanganestroom; vandaar na die oorsprong van die Mpanganestroom; met hierdie stroom af tot by sy sameloop met die Umsikabarivier; met hierdie rivier af tot by sy sameloop met die Zintlokostroom; met hierdie stroom op tot by 'n punt teenoor die oorsprong van die Mcumestroom; vandaar reguit na die oorsprong van die Mcumestroom en met daardie stroom af tot by sy sameloop met die Njombelastroom; met hierdie stroom af tot by sy sameloop met die Matekurivier; vandaar met daardie rivier op tot by eersgenoemde punt.

LOKASIE No. 31, UMSIKABA GENOEM.

Vanaf die sameloop van die Umsikabarivier en die Zintlokostroom met laasgenoemde op tot by 'n punt teenoor die oorsprong van die Mcumestroom; vandaar reguit na die oorsprong van die Mcumestroom en met daardie stroom af tot by sy sameloop met die Njombelastroom; met die Njombelastroom af tot by sy sameloop met die Matekurivier; met daardie rivier af tot by sy sameloop met die Umsikabarivier en met laasgenoemde op tot by eersgenoemde punt.

## DEPARTMENT OF NATIVE AFFAIRS.

The following Government Notices are published for general information.

JOHN S. ALLISON,
Acting Secretary for Native Affairs.

Department of Native Affairs, Pretoria.

* No. 774.] [15th June, 1934.

It is hereby notified for general information that His Excellency the Governor-General has been pleased, under the provisions of sub-section (1) of section *fifty-one* of Proclamation No. 191 of 1932, to levy stock rates in the districts mentioned in the accompanying Schedule of the amounts and incidence respectively indicated therein, the said rates to be payable at the offices of the Native Commissioners of the respective districts on the dates specified in the said Schedule.

SCHEDULE.

| *District.* | *Amount of Rate.* s. d. | *Incidence of Rate.* | *Rate due and payable on.* |
|---|---|---|---|
| Elliotdale..... | 0 6 | Payable by every Native in the said District owning cattle or in charge of a kraal or homestead at which cattle are kept, within the jurisdiction of the United Transkeian Territories General Council in respect of each head of cattle owned by him or in his charge on 1st July, 1934. | 1/7/1934 |
| Engcobo..... | 0 6 | " " " | 1/7/1934 |
| Mount Ayliff.... | 0 9 | " " " | 1/7/1934 |
| Mount Frere..... | 0 6 | " " " | 1/7/1934 |
| Mqanduli..... | 0 6 | " " " | 1/7/1934 |
| Nqamakwe..... | 0 9 | " " " | 1/7/1934 |
| Qumbu..... | 0 6 | " " " | 1/7/1934 |
| Tsolo..... | 0 6 | " " " | 1/7/1934 |
| Tsomo..... | 0 3 | " " " | 1/7/1934 |
| Umtata..... | 0 3 | " " " | 1/7/1934 |
| Xalanga..... | 0 6 | " " " | 1/7/1934 |
| Bizana..... | 0 9 | " " " | 1/10/1934 |
| Flagstaff..... | 0 9 | " " " | 1/10/1934 |
| Libode..... | 0 9 | " " " | 1/10/1924 |
| Lusikisiki..... | 0 9 | " " " | 1/10/1934 |
| Ngqeleni..... | 0 6 | " " " | 1/10/1934 |
| Port St. Johns.... | 0 9 | " " " | 1/10/1934 |
| Tabankulu ..... | 0 9 | " " " | 1/10/1934 |
| Matatiele..... | 0 6 | " " " | 1/12/1934 |
| Kentani..... | 0 6 | " " " | 1/1/1935 |
| Mount Fletcher.. | 0 6 | " " " | 1/1/1935 |

* No. 778.] [15th June, 1934.

The following draft proclamation is published for general information in terms of section *twenty-five* of the Native Administration Act, No. 38 of 1927.

JOHN S. ALLISON,
Acting Secretary for Native Affairs.

Department of Native Affairs, Pretoria.

DRAFT PROCLAMATION.

OCCUPATION OF SITES IN THE WITZIESHOEK NATIVE RESERVE IN THE DISTRICT OF HARRISMITH, ORANGE FREE STATE, FOR CHURCH, SCHOOL OR MISSION PURPOSES.

Under and by virtue of the powers and authorities vested in me by sub-section (1) of section *twenty-five* of the Native Administration Act, No. 38 of 1927, I do hereby declare, proclaim and make known that from and after the promulgation of this proclamation the following regulations shall take effect and have the force of law in the Witzieshoek Native Reserve in the District of Harrismith, Orange Free State.

1. The Minister of Native Affairs may, after consultation with the Native Affairs Commission, authorize the temporary occupation of land for church, school or mission purposes by any religious denomination, mission society or educational authority.

2. (1) Any person who after the promulgation of this Proclamation erects or causes or allows to be erected any church, school or mission building on land in the said Reserve or otherwise occupies any such land for church, school or mission purposes without being lawfully authorized thereto or who remains in occupation after the cancellation or lapse of any temporary rights conceded under section *one*, shall be guilty of an offence and upon conviction shall be liable to the penalties prescribed in section *thirty-two* of the Native Administration Act, No. 38 of 1927.

## DEPARTEMENT VAN NATURELLESAKE.

Onderstaande Goewermentskennisgewings word vir algemene informasie gepubliseer.

JOHN S. ALLISON,
Waarnemende Sekretaris van Naturellesake.

Departement van Naturellesake, Pretoria.

* No. 774.] [15 Junie 1934.

Hierby word vir algemene informasie bekendgemaak dat dit Sy Eksellensie die Goewerneur-generaal behaag het om, ingevolge die bepalings van subartikel (1) van artikel *een-en-vyftig* van Proklamasie No. 191 van 1932, veebelastings te hef van sekere naturelle tot 'n bedrag en in die distrikte genoem in bygaande skedule, welke belastings betaalbaar is ten kantore van die Naturellekommissarisse van die betrokke distrikte op die datums soos in die skedule uiteengesit.

SKEDULE.

| *Distrik.* | *Bedrag van Belasting.* s. d. | *Deur wie Betaalbaar.* | *Belasting Betaalbaar en Datum van Betaling.* |
|---|---|---|---|
| Elliotdale..... | 0 6 | Betaalbaar deur elke Naturel in genoemde distrik, in besit van vee of wat 'n kraal of woning onder sy toesig het, waar vee aangehou word binne die regsgebied van die Algemene Raad van die Verenigde Transkeigebied ten opsigte van elke stuk vee in sy besit of onder sy toesig op 1 Julie 1934 | 1/7/1934 |
| Engcobo..... | 0 6 | " " " | 1/7/1934 |
| Mount Ayliff.... | 0 9 | " " " | 1/7/1934 |
| Mount Frere.... | 0 6 | " " " | 1/7/1934 |
| Mqanduli..... | 0 6 | " " " | 1/7/1934 |
| Nqamakwe..... | 0 9 | " " " | 1/7/1934 |
| Qumbu..... | 0 6 | " " " | 1/7/1934 |
| Tsolo..... | 0 6 | " " " | 1/7/1934 |
| Tsomo..... | 0 3 | " " " | 1/7/1934 |
| Umtata..... | 0 3 | " " " | 1/7/1934 |
| Xalanga..... | 0 6 | " " " | 1/7/1934 |
| Bizana..... | 0 9 | " " " | 1/10/1934 |
| Flagstaff..... | 0 9 | " " " | 1/10/1934 |
| Libode..... | 0 9 | " " " | 1/10/1924 |
| Lusikisiki..... | 0 9 | " " " | 1/10/1934 |
| Ngqeleni..... | 0 6 | " " " | 1/10/1934 |
| Port St. Johns.... | 0 9 | " " " | 1/10/1934 |
| Tabankulu..... | 0 9 | " " " | 1/10/1934 |
| Matatiele..... | 0 6 | " " " | 1/12/1934 |
| Kentani..... | 0 6 | " " " | 1/1/1935 |
| Mount Fletcher.. | 0 6 | " " " | 1/1/1935 |

* No. 778.] [15 Junie 1934.

Onderstaande ontwerp-proklamasie word kragtens artikel *vyf-en-twintig* van die Naturelle-administrasie Wet, No. 38 van 1927, vir algemene informasie gepubliseer.

JOHN S. ALLISON,
Waarnemende Sekretaris van Naturellesake.

Departement van Naturellesake, Pretoria.

ONTWERP-PROKLAMASIE.

OKKUPASIE VAN TERREINE IN DIE WITZIESHOEK-NATURELLERESERWE IN DIE DISTRIK HARRISMITH, ORANJE-VRYSTAAT, VIR KERK-, SKOOL- EN SENDINGDOELEINDES.

Ingevolge en kragtens die bevoegdheid my verleen by subartikel (1) van artikel *vyf-en-twintig* van die Naturelle-administrasie Wet, No. 38 van 1927, verklaar, proklameer en maak ek hierby bekend dat vanaf en na afkondiging van hierdie proklamasie die volgende reguasies in werking sal tree en krag van wet sal hê in die Witzieshoek-naturellereserwe in die distrik Harrismith, Oranje-Vrystaat.

1. Die Minister van Naturellesake kan, na oorleg met die Naturellesake-kommissie, die tydelike okkupasie van grond deur enige kerklike liggaam, sendinggenootskap of onderwysliggaam vir kerk-, skool- of sendingdoeleindes, magtig.

2. (1) Iedereen wat na afkondiging van hierdie proklamasie enige kerk-, skool- of sendinggebou oprig, laat oprig of toelaat dat dit opgerig word op grond in genoemde reserwe, of wat sodanige grond vir kerk-, skool- of sendingdoeleindes okkupeer sonder dat hy wettelik daartoe gemagtig is, of wat in okkupasie bly na kansellasie of verloop van enige tydelike regte wat ooreenkomstig artikel *een* verleen is, is aan 'n misdryf skuldig, en is by skuldigbevinding strafbaar met die strafbepalings voorgeskryf in artikel *twee-en-dertig* van die Naturelle-administrasie Wet, No. 38 van 1927.

No. 772.] [8th June, 1934.

PORTION OF THE FARM KLIPSPRUIT No. 8, DISTRICT JOHANNESBURG, TO BE PROCLAIMED.

It is hereby notified that, under the powers vested in him by section *twenty-six* of the Precious and Base Metals Act, 1908 (Act No. 35 of 1908 of the Transvaal), it is the intention of His Excellency the Governor-General to proclaim as a public digging for precious metals, in terms of Chapter IV of the said Act, a portion of the farm Klipspruit No. 8, District Johannesburg, Mining District of Johannesburg, Transvaal Province, in extent approximately 461 morgen, and registered in the name of the City Council of Johannesburg, as shown on a plan, copies whereof are filed in the Mining Titles Office, Johannesburg, and in the Office of the Mining Commissioner, Johannesburg, under R.M.T. No. 539.

M.M. 35/88.

* No. 787.] [15th June, 1934.

In terms of sections *twenty* and *twenty-three* of the Diamond Trade Ordinance, 1903, of the Transvaal (Ordinance No. 63 of 1903), it is notified that, from and after the date of publication of this notice in the *Union Government Gazette* and until further notice, Portion "B" of the southern portion of the farm Panfontein No. 12, situate in the District of Bloemhof, Mining District of Klerksdorp, Transvaal Province, proclaimed as an alluvial digging for precious stones by Proclamation No. 76 of 3rd May, 1934, and published in the *Union Government Gazette* of the 18th May, 1934, shall be a locality in respect of which licences may be issued to deal in rough and uncut diamonds.

PATRICK DUNCAN,
Minister of Mines.

M.M. 25/11/10.

* No. 793.] [15th June, 1934.

RESERVATION OF GROUND FOR TOWNSHIP PURPOSES.

Notice is hereby given that, under and by virtue of the powers vested in him by section *five* of the Townships Amendment Act, 1908 (Act No. 34 of 1908 of the Transvaal), the Mining Commissioner for the Mining District of Johannesburg has reserved for township purposes a certain area of proclaimed land on the farm Turffontein No. 21, District Johannesburg, Mining District of Johannesburg, Province of the Transvaal, registered in the name of the Ferreira Estate Company, Limited, as shown on a plan filed in the Mining Titles Office, Johannesburg, and in the Office of the Mining Commissioner, Johannesburg, under R.M.T. No. 531, which reservation has been confirmed by the Minister of Mines.

M.M. 17/37.

* No. 794.] [15th June, 1934.

In terms of sections *twenty* and *twenty-three* of the Diamond Trade Ordinance, 1903, of the Transvaal (Ordinance No. 63 of 1903), it is notified that, from and after the date of publication of this notice in the *Union Government Gazette* and until further notice, the farm Ryedale No. 85, situate in the District of Ventersdorp, Mining District of Lichtenburg, Transvaal Province, proclaimed as an alluvial digging for precious stones by Proclamation No. 60, dated the 10th April, 1934, and published in the *Union Government Gazette* of the 20th April, 1934, shall be a locality in respect of which licences may be issued to deal in rough and uncut diamonds.

PATRICK DUNCAN,
Minister of Mines.

M.M. 25/11/9.

* No. 808.] [15th June, 1934.

FARM BULTFONTEIN No. 9.—WITHDRAWAL FROM PROSPECTING.

It is hereby notified that, under and by virtue of the powers vested in him by sub-section (3) of section *ten* of the Precious and Base Metals Act, 1908 (Act No. 35 of 1908 of the Transvaal), the Minister of Mines has withdrawn from prospecting under the said section as from the 15th day of June, 1934, the farm Bultfontein No. 9, District Waterberg, Mining District of Pietersburg, Transvaal Province.

M.M. 11/77.

* No. 809.] [15th June, 1934.

RESERVATION OF GROUND FOR TOWNSHIP PURPOSES.

Notice is hereby given that under and by virtue of the powers vested in him by section *five* of the Townships Amendment Act, 1908. (Act No. 34 of 1908 of the Transvaal), the Mining Commissioner for the Mining District of Johannesburg has reserved for township purposes an area of proclaimed land known as Portion "1" of Portion 10 of Portion K of Portion of the farm Turffontein No. 21, District Johannesburg, Mining District of Johannesburg, Transvaal Province, registered in the names of Nathan Rosenberg and A. Sprinz and Company, Limited, as defined by diagram framed by Surveyor W. J. A. Reid in June, 1924, and approved by the Surveyor-General on 19th June, 1924, under A. No. 1774/24, copies whereof are filed in the Mining Titles Office, Johannesburg, and in the office of the Mining Commissioner, Johannesburg, under R.M.T. No. 536, which reservation has been confirmed by the Minister of Mines.

M.M. 17/38.

No. 772.] [8 Junie 1934.

VOORGENOME PROKLAMASIE VAN 'N GEDEELTE VAN DIE PLAAS KLIPSPRUIT No. 8, DISTRIK JOHANNESBURG.

Hierby word bekendgemaak dat, ingevolge die bevoegdheid hom verleen by artikel *ses-en-twintig* van die „Precious and Base Metals Act", 1908 (Wet No. 35 van 1908 van Transvaal), Sy Eksellensie die Goewerneur-generaal voornemens is om 'n gedeelte van die plaas Klipspruit No. 8, distrik Johannesburg, myndistrik Johannesburg, Provinsie Transvaal, groot omtrent 461 morge, en geregistreer op naam van die Stadsraad van Johannesburg, soos aangetoon op 'n kaart, kopieë waarvan in die Mynbriewekantoor, Johannesburg, en in die kantoor van die Mynkommissaris, Johannesburg, onder R.M.T. No. 539, berus, as 'n publieke delwery vir edele metale, kragtens Hoofstuk IV van gemelde Wet, te proklameer.

8-15-22-29

* No. 787.] [15 Junie 1934.

Kragtens artikels *twintig* en *drie-en-twintig* van die „Diamond Trade Ordinance", 1903, van Transvaal (Ordonnansie No. 63 van 1903), word hierby bekendgemaak dat, vanaf datum van publikasie van hierdie kennisgewing in die *Staatskoerant* en tot nadere kennisgewing, Gedeelte „B" van die suidelike gedeelte van die plaas Panfontein No. 12, geleë in die Distrik Bloemhof, Myndistrik Klerksdorp, Provinsie Transvaal, geproklameer as 'n alluviale delwery vir edelgesteentes by Proklamasie No. 76 van 3 Mei 1934, en gepubliseer in die *Staatskoerant* van 18 Mei 1934, 'n plek is ten aansien waarvan lisensies om in ru en ongeslypte diamante te handel uitgereik mag word.

PATRICK DUNCAN,
Minister van Mynwese.

* No. 793.] [15 Junie 1934.

UITHOUDING VAN GROND VIR DORPSDOELEINDES.

Hierby word bekendgemaak dat, ingevolge en kragtens die bevoegdheid hom verleen by artikel *vyf* van die „Townships Amendment Act, 1908" (Wet No. 34 van 1908 van Transvaal), die Mynkommissaris vir die myndistrik Johannesburg, 'n sekere gedeelte geproklameerde grond op die plaas Turffontein, No. 21, distrik Johannesburg, myndistrik Johannesburg, Provinsie Transvaal, geregistreer op naam van „Ferreira Estate Company, Limited", soos op 'n sketskaart aangetoon, wat in die Mynbriewekantoor, Johannesburg, en in die Kantoor van die Mynkommissaris, Johannesburg, onder R.M.T. No. 531 berus, uitgehou het vir dorpsdoeleindes, en dat dit deur die Minister van Mynwese bekragtig is.

* No. 794.] [15 Junie 1934.

Kragtens artikels *twintig* en *drie-en-twintig* van die „Diamond Trade Ordinance", 1903, van Transvaal (Ordonnansie No. 63 van 1903), word hierby bekendgemaak dat, vanaf die datum van publikasie van hierdie kennisgewing in die *Staatskoerant* en tot nadere kennisgewing, die plaas Ryedale No. 85, geleë in die distrik Ventersdorp, myndistrik Lichtenburg, Provinsie Transvaal, geproklameer as 'n alluviale delwery vir edelgesteentes by Proklamasie No. 60 van 10 April 1934, en gepubliseer in die *Staatskoerant* van 20 April 1934, 'n plek is ten aansien waarvan lisensies om in ru en ongeslypte diamante te handel, uitgereik mag word.

PATRICK DUNCAN,
Minister van Mynwese.

* No. 808.] [15 Junie 1934.

PLAAS BULTFONTEIN No. 9.—ONTTREKKING AAN PROSPEKTERING.

Hierby word bekendgemaak dat, kragtens en ingevolge die bevoegdheid hom verleen by subartikel (3) van artikel *tien* van die „Precious and Base Metals Act", 1908 (Wet No. 35 van 1908 van Transvaal), die Minister van Mynwese die plaas Bultfontein No. 9, distrik Waterberg, myndistrik Pietersburg, Provinsie Transvaal, vanaf die 15de dag van Junie 1934, kragtens voormelde artikel, aan prospektering onttrek het.

* No. 809.] [15 Junie 1934.

UITHOUDING VAN GROND VIR DORPSDOELEINDES.

Hierby word bekendgemaak dat, ingevolge en kragtens die bevoegdheid hom verleen by artikel *vyf* van die „Townships Amendment Act", 1908 (Wet No. 34 van 1908 van Transvaal), die Mynkommissaris vir die myndistrik Johannesburg 'n gedeelte geproklameerde grond bekend as gedeelte „1" van gedeelte 10 van gedeelte K van gedeelte van die plaas Turffontein No. 21, distrik Johannesburg, myndistrik Johannesburg, Provinsie Transvaal, geregistreer op naam van Nathan Rosenberg en „A. Sprinz & Company, Limited", soos aangetoon op 'n kaart deur Landmeter W. J. A. Reid in Junie 1924 vervaardig, en deur die Landmeter-generaal op 19 Junie 1924, onder A. No. 1774/24 goedgekeur is, kopieë waarvan in die Mynbriewekantoor, Johannesburg, en in die kantoor van die Mynkommissaris, Johannesburg, onder R.M.T. No. 536, berus, uitgehou het vir dorpsdoeleindes, en dat dit deur die Minister van Mynwese goedgekeur is.

* No. 802.] [15th June, 1934.

## SOUTH AFRICAN RESERVE BANK.

Statement, pursuant to Section *twenty-five* (1) of Act No. 31 of 1920, and Section *thirteen* of Act No. 22 of 1923, of Liabilities and Assets on the 8th day of June, 1934.

| Liabilities. | £ | s. | d. |
|---|---|---|---|
| Capital | 1,000,000 | 0 | 0 |
| Reserve | 880,572 | 9 | 4 |
| Notes in Circulation | 11,711,641 | 10 | 0 |
| Deposits :— | | | |
| (*a*) Government | 2,471,186 | 18 | 3 |
| (*b*) Bankers | 29,375,781 | 10 | 8 |
| (*c*) Other | 4,970,348 | 8 | 0 |
| Bills Payable | — | | |
| Other Liabilities | 724,200 | 15 | 7 |
| | £51,133,731 | 11 | 10 |

| Assets. | £ | s. | d. |
|---|---|---|---|
| Gold Coin and Bullion (of which £10,636,144. 19s. 3d. held outside Union) | 19,116,811 | 19 | 9 |
| Subsidiary Coin | 313,803 | 19 | 0 |
| Bills discounted :— | | | |
| (*a*) Domestic | 12,682 | 5 | 11 |
| (*b*) Foreign | 22,285,065 | 15 | 2 |
| (*c*) Union Government Treasury Bills | — | | |
| Loans and Advances to the Government | — | | |
| Other Loans and Advances | 120,000 | 0 | 0 |
| Investments | 1,725,241 | 2 | 1 |
| Other Assets | 7,560,126 | 9 | 11 |
| | £51,133,731 | 11 | 10 |

Ratio of cash reserves to liabilities to public, 39·7 per cent.

Dated this 13th day of June, 1934.

L. J. COCKHEAD, Deputy Chief Cashier.

* No. 802.] [15 Junie 1934.

## SUID-AFRIKAANSE RESERWEBANK.

Staat, ingevolge Artikel *vyf-en-twintig* (1) van Wet No. 31 van 1920 en Artikel *dertien* van Wet No. 22 van 1923, van die Bate en Laste op die 8ste dag van Junie 1934.

| Laste (Passiva). | £ | s. | d. |
|---|---|---|---|
| Kapitaal | 1,000,000 | 0 | 0 |
| Reserwe | 880,572 | 9 | 4 |
| Banknote in omloop | 11,711,641 | 10 | 0 |
| Deposito's van :— | | | |
| (*a*) Regering | 2,471,186 | 18 | 3 |
| (*b*) Bankiers | 29,375,781 | 10 | 8 |
| (*c*) Ander | 4,970,348 | 8 | 0 |
| Te Betale Wissels | — | | |
| Ander Verpligtings | 724,200 | 15 | 7 |
| | £51,133,731 | 11 | 10 |

| Bate (Activa). | £ | s. | d. |
|---|---|---|---|
| Gemunte en Ongemunte Goud (waarvan £10,636,144. 19s. 3d. buite die Unie gehou) | 19,116,811 | 19 | 9 |
| Pasmunt | 313,803 | 19 | 0 |
| Verdiskonteerde Wissels :— | | | |
| (*a*) Binnelandse | 12,682 | 5 | 11 |
| (*b*) Buitelandse | 22,285,065 | 15 | 2 |
| (*c*) Skatkispromesses van die Unie-regering | — | | |
| Lenings en Voorskotte aan die Regering | — | | |
| Ander Lenings en Voorskotte | 120,000 | 0 | 0 |
| Beleggings | 1,725,241 | 2 | 1 |
| Ander Bate | 7,560,126 | 9 | 11 |
| | £51,133,731 | 11 | 10 |

Verhouding van spesie-reserwes tot verpligtinge teenoor die publiek, 39·7 persent.

Geteken die 13de dag van Junie 1934.

L. J. COCKHEAD, Vise Hoofkassier.

## DEPARTMENT OF MINES.

The following Government Notices are published for general information.

F. A. NIXON,
Acting Secretary for Mines.

Department of Mines, Pretoria.

No. 698.] [1st June, 1934.

### MINE SURVEYORS' EXAMINATION.

It is hereby notified that the Commission of Examiners for the Mine Surveyor's Certificate of Competency will hold the next examination on Wednesday, Thursday and Friday, the 11th, 12th and 13th July, 1934, at 9 a.m., at the Jewish Guild War Memorial Hall, corner of Bree and Von Brandis Streets, Johannesburg, also simultaneously at Dundee, and Bloemfontein, if there are sufficient applicants.

The prescribed form of application is obtainable, without payment, from the Secretary to the Commissions of Examiners, P.O. Box 1132, Johannesburg.

Those wishing to enter for the examination must send in their applications (stating at which centre they wish to be examined) to reach the Secretary on or before the 9th June, 1934.

The following syllabus of examination is published for general information, and a detailed copy thereof will be supplied on application to the Secretary.

Candidates will be examined in the following subjects:—

1. Surveying.
2. Arithmetic, algebra, geometry and plane trigonometry.
3. Geology.
4. Mine valuation.
5. Legal knowledge.

The candidate will be required to hand in on the first day of the examination a specimen plan accompanied by an affidavit stating that he has executed the plan himself.

The above examination may be followed by a trial survey.

1-8-15

## DEPARTEMENT VAN MYNWESE.

Onderstaande Goewermentskennisgewings word vir algemene informasie gepubliseer.

F. A. NIXON,
Waarnemende Sekretaris van Mynwese.

Departement van Mynwese, Pretoria.

No. 698.] [1 Junie 1934.

### EKSAMEN VIR MYNOPMETERS.

Hierby word bekendgemaak dat die Kommissie van Eksaminatore vir die Sertifikaat van Bevoegdheid vir Mynopmeters 'n eksamen sal afneem op Woensdag, Donderdag en Vrydag, 11, 12 en 13 Julie 1934, om 9 uur v.m., in die „Jewish Guild War Memorial"-Saal, hoek Bree- en Von Bandisstraat, Johannesburg, en tegelykertyd op Dundee en Bloemfontein, as daar 'n voldoende aantal kandidate is.

Die voorgeskrewe aansoekvorm is kostoloos op aanvraag verkrygbaar van die Sekretaris van die Eksamenkommissie, Posbus 1132, Johannesburg.

Diegene wat aan die eksamen wil deelneem moet hulle aansoek (met vermelding van die sentrum waar hulle die eksamen wil aflê) betyds instuur sodat dit die Sekretaris voor of op 9 Junie 1934 kan bereik.

Die onderstaande eksamensillabus word vir algemene informasie gepubliseer, en 'n uitvoerige afskrif daarvan sal, op aanvraag, deur die Sekretaris verstrek word.

Kandidate sal in onderstaande vakke geëksamineer word:—

1. Opmeting.
2. Rekenkunde, stelkunde, meetkunde en vlakdriehoeksmeting.
3. Aardkunde.
4. Mynwaardering.
5. Wetskennis.

Die kandidate moet, op die eerste eksamendag, 'n proefplan, vergesel van 'n beëdigde verklaring waarin vermeld word dat dit sy eie werk is, inlewer.

Voormelde eksamen kan deur 'n proefmeting gevolg word.

* No. 795.] [15th June, 1934.

ESTABLISHMENT OF GAOL AT CALVINIA.

His Excellency the Governor-General has been pleased to approve, in terms of section *thirteen*, sub-section (1), of the Prisons and Reformatories Act, No. 13 of 1911, of the establishment as the District Gaol for Calvinia, of the new buildings erected at Calvinia on a site bounded on the east, north and west by Town Commonage and on the south by an unnamed street running from Parsonage Street to Dorp Street, with effect from the 1st May, 1934.

## DEPARTMENT OF FINANCE.

The following Government Notices are published for general information.

J. G. HUBBALL,
Secretary for Finance.

Treasury, Pretoria.

* No. 784.] [15th June, 1934.

It is hereby notified for general information that J. M. McHardie, Esq., has accepted appointment for voluntary service on the Local Thrift Committee, Port Elizabeth.

* No. 785.] [15th June, 1934.

It is hereby notified for general information that Mr. C. J. Hofmeyr has accepted appointment for voluntary service on the National Thrift Committee, Capetown.

* No. 786.] [15th June, 1934.

CUSTOMS NOTICE.

AMENDMENT OF APPOINTMENT OF A BONDED WAREHOUSE.

Whereas by Government Notice No. 9 of 3rd January, 1930, permission was granted to Messrs. The Shell Company of South Africa, Limited, Durban, in the Province of Natal, for use of certain premises situate at Lot No. 41, Island View, Bluff, Durban, comprising seven steel storage tanks, having an approximate capacity of 9,296,000 gallons, for the securing and warehousing under bond of motor spirit and paraffin in bulk imported without payment of duty on the first entry thereof;

Notice is hereby given that, under the provisions of section *fifty-two* of the Customs Management Act (Act No. 9), 1913, the Commissioner of Customs has approved of the amendment of the bond area, which should read 8,893,836·68 imperial gallons, and the extension of the bond area by the inclusion of six steel service tanks, having a capacity of 242,589·74 imperial gallons, for use as a bonded warehouse.

* No. 800.] [15th June, 1934.

STATEMENT SHOWING THE QUANTITIES AND VALUES OF GOLD BULLION AND GOLD SPECIE EXPORTED FROM THE UNION OF SOUTH AFRICA TO COUNTRIES OVERSEA DURING THE WEEK ENDED 9TH JUNE, 1934.

| Countries of Destination. | Gold Bullion.* | | Specie (Face value). |
|---|---|---|---|
| | Fine oz. | £ | £ |
| United Kingdom..... | 207,759 | 882,504 | — |

* Value calculated at the standard rate of £4·24773 per fine oz.

* No. 801.] [15th June, 1934.

ADMISSION FREE OF CUSTOMS DUTY OF CERTAIN PREPARATIONS FOR THE PREVENTION OR TREATMENT OF MALARIA.

It is hereby notified for general information that the Minister of Finance, in terms of item No. 224 (*a*) of the First Schedule of the Customs Tariff (Amendment) Act, 1934, has been pleased to approve of the undermentioned preparations as being of recognized value in the prevention or treatment of malaria, namely:—

Quininae sulphas,
Quininae Bisulphas,
Quininae Hydrochloridum,
Quininae Dihydrochloridum,
Plasmoquin,
Plasmoquin Co.,
Quinoplasmoquin,
Atebrin, and
Tebetren.

* No. 795.] [15 Junie 1934.

STIGTING VAN TRONK OP CALVINIA.

Dit het Sy Eksellensie die Goewerneur-generaal behaag om, kragtens artikel *dertien* (1) van die „ Wet op Gevangenisse en Verbetergestichten " No. 13 van 1911, die vasstelling as die distrikstronk vir Calvinia van die nuwe gebou wat by Calvinia opgerig is op 'n bouterrein wat oos, noord en wes deur die Dorpsgronde en suid deur 'n onbenoemde straat wat van die Parsonagestraat tot by die Dorpstraat loop, begrens word, met ingang vanaf 1 Mei 1934, goed te keur.

## DEPARTEMENT VAN FINANSIES.

Onderstaande Goewermentskennisgewings word vir algemene informasie gepubliseer.

J. G. HUBBALL,
Sekretaris van Finansies.

Tesourie, Pretoria.

* No. 784.] [15 Junie 1934.

Hierby word vir algemene informasie bekendgemaak dat moneer J. M. McHardie die aanstelling vir vrywillige diens op die Plaaslike Spaarsaamheidskomitee, Port Elizabeth, aangeneem het.

* No. 785.] [15 Junie 1934.

Hierby word vir algemene informasie bekendgemaak dat meneer C. J. Hofmeyr die aanstelling vir vrywillige diens op die Nasionale Spaarsaamheidskomitee, Kaapstad, aangeneem het.

* No. 786.] [15 Junie 1934.

DOEANEKENNISGEWING.

GEWYSIGDE AANWYSING VAN 'N DOEANE-PAKHUIS.

Nademaal kragtens Goewermentskennisgewing No. 9 van 3 Januarie 1930 vergunning verleen is aan die firma The Shell Company of South Africa, Limited, Durban, in die Provinsie Natal, vir die gebruik van 'n sekere perseel geleë op Perseel 41, Island View, Bluff, Durban, bevattende sewe staal opbergingstenke, met 'n inhoud van ongeveer 9,296,000 gellings, vir die opberging en bewaring van motorbrandstof en paraffien in massa onder waarborg ingevoer sonder betaling van doeaneregte by die eerste inklaring daarvan;

So word hierby bekendgemaak dat die Kommissaris van Doeane, kragtens die bepalings van artikel *twee-en-vyftig* van die „ Wet op het Beheer van de Doeane, 1913 " (Wet No. 9 van 1913), die wysiging aan die opslagruimte, wat nou 8,893,836·68 imperiale gellings moet lees, en die uitbreiding van die opslagruimte deur die insluiting van ses staal diensstenke, met 'n inhoud van 242,589·74 imperiale gellings, vir pakhuisdoeleindes goedgekeur het.

* No. 800.] [15 Junie 1934.

OPGAWE AANTONENDE DIE HOEVEELHEID EN WAARDE VAN STAAFGOUD EN GOUDMUNT UITGEVOER UIT DIE UNIE VAN SUID-AFRIKA NA OORSESE LANDE GEDURENDE DIE WEEK GEEINDIG 9 JUNIE 1934.

| Lande van Bestemming. | Staafgoud.* | | Goudmunt (Nominale Waarde). |
|---|---|---|---|
| | Fyn onse. | £ | £ |
| Groot-Brittanje..... | 207,759 | 882,504 | — |

* Waarde bereken teen die standaardkoers van £4·24773 per onse fyn goud.

* No. 801.] [15 Junie 1934.

TOELATING VAN SEKERE PREPARATE AS VOORBEHOEDMIDDELS OF VIR DIE BEHANDELING VAN MALARIA VRY VAN DOEANEREG.

Hierby word vir algemene informasie bekendgemaak dat dit die Minister van Finansies, ingevolge item No. 224 (*a*) van die Eerste Bylae van die Doeanetarief-Wysigingswet, 1934, behaag het om die ondergenoemde preparate, synde van erkende waarde as voorbehoedmiddels of vir die behandeling van malaria, goed te keur, naamlik:—

„ Quininae Sulphas,
Quininae Bisulphas,
Quininae Hydrochloridum,
Quininae Dihydrochloridum,
Plasmoquin,
Plasmoquin Co.,
Quinoplasmoquin,
Atebrin en
Tebetren."

✱ No. 94, 1934.]

REBATE OF CUSTOMS DUTY.

Whereas by section *twelve* (*h*) of the Customs Tariff and Excise Duties Amendment Act, 1925 (Act No. 36 of 1925), as amended, the Governor-General may by proclamation in the *Gazette* declare that subject to regulations set out in such proclamation there shall be allowed a rebate of the duty on material for nurses' uniforms when imported by or on behalf of the Board of any public hospital;

Now, therefore, under and by virtue of the powers in me vested as aforesaid, I do hereby declare, proclaim and make known that on and after the date of the publication of this my proclamation in the *Gazette* there shall be allowed a rebate of the whole duty on material for hospital nurses' uniforms imported into the Union by or on behalf of the board of any public hospital, subject to the following regulations:—

(*a*) a rebate of the full duty shall be allowed on material for hospital nurses' uniforms imported by or on behalf of the board of a public hospital, and on a certificate signed by the secretary or authorized official of such board that the material is intended solely for the manufacture of nurses' uniforms for hospital use, and on an undertaking that if any of the material is otherwise used, sold or disposed of in the Union, the duty rebated thereon will forthwith be paid to the Commissioner of Customs; and

(*b*) the secretary or official referred to in paragraph (*a*) shall keep a book showing the receipts and disposals of such material, the yardage thereof, the number of nurses' uniforms made therefrom and the disposal of such uniforms, and the said book shall be open for inspection to the officer of customs at any time.

GOD SAVE THE KING.

Given under my Hand and the Great Seal of the Union of South Africa at Capetown this Seventh day of June One thousand Nine hundred and Thirty-four.

CLARENDON,
Governor-General.

By Command of His Excellency the
Governor-General-in-Council.

P. DUNCAN.

✱ No. 95, 1934.]

URBAN AREA OF LUSIKISIKI, CAPE PROVINCE.—CURFEW.

Under and by virtue of the powers vested in me by sub-section (1) of section *nineteen* of the Natives (Urban Areas) Act, 1923, Amendment Act, 1930, I do hereby proclaim, declare and make known that from and after the first day of July, 1934, no Native, male or female, not being exempted under paragraph (*b*) of sub-section (4) of the said section, shall between the hours of 9 p.m. and 4 a.m. be in any public place within the area controlled by the Village Management Board of Lusikisiki, Cape Province, unless such Native be in possession of a written permit signed by his employer or by a person authorized by such employer to issue such permit to such Native or by some person authorized by the aforesaid Board to issue such permits or by the officer in charge of any police station within such area.

GOD SAVE THE KING.

Given under my Hand and the Great Seal of the Union of South Africa at Capetown this Thirtieth day of May, One thousand Nine hundred and Thirty-four.

CLARENDON,
Governor-General.

By Command of His Excellency the
Governor-General-in-Council.

P. GROBLER.

# GOVERNMENT NOTICES

## DEPARTMENT OF JUSTICE.

The following Government Notices are published for general information.

J. F. J. VAN RENSBURG,
Secretary for Justice.

Department of Justice, Pretoria.

✱ No. 94, 1934.]

KORTING VAN DOEANEREG.

Nademaal by artikel *twaalf* (*b*) van die „Doeanetarief en Aksijnsrechten Wijzigingswet", 1925 (Wet No. 36 van 1925), soos gewysig, die Goewerneur-generaal by proklamasie in die *Staatskoerant* kan verklaar dat, met inagneming van regulasies uiteengesit in sodanige proklamasie, daar 'n korting van die hele reg sal toegestaan word op materiaal vir verpleegsters uniforms wanneer deur of ten behoewe van die raad van enige publieke hospitaal ingevoer;

So is dit dat ek, ingevolge en kragtens die bevoegdheid my verleen, soos voormeld, hierby verklaar, proklameer en bekendmaak dat, vanaf en na die datum van die publikasie in die *Staatskoerant*, 'n korting van die hele reg toegestaan word op materiaal vir verpleegsters uniforms deur of ten behoewe van die raad van enige publieke hospitaal in die Unie ingevoer, onderworpe aan die volgende regulasies:—

(*a*) 'n korting van die volle reg sal toegestaan word op materiaal vir verpleegsters uniforms ingevoer deur of ten behoewe van die raad van 'n publieke hospitaal, en op 'n sertifikaat geteken deur die sekretaris of geoutoriseerde beampte van sodanige raad dat die materiaal alleenlik bedoel is vir die maak van verpleegsters uniforms vir hospitaal gebruik, en op 'n onderneming dat indien enige van die materiaal anders gebruik, verkoop of van die hand gesit word in die Unie, moet die korting daarop toegestaan dadelik aan die Kommissaris van Doeane betaal word; en

(*b*) die sekretaris of beampte na gerefereer in paragraaf (*a*) moet 'n boek hou waarin aangetoon moet word die ontvangste en van die hand sittinge van sodanige materiaal, die jaartlengte daarvan, die aantal verpleegsters uniforms daarvan gemaak en die afsit van sodanige uniforms, en die genoemde boek moet ter eniger tyd oop wees vir inspeksie deur 'n doenebeampte.

GOD BEHOEDE DIE KONING.

Gegee onder my Hand en die Grootseël van die Unie van Suid-Afrika te Kaapstad, hierdie Sewende dag van Junie Eenduisend Negehonderd Vier-en-dertig.

CLARENDON,
Goewerneur-generaal.

Op las van Sy Eksellensie die
Goewerneur-generaal-in-rade.

P. DUNCAN.

✱ No. 95, 1934.]

STADSGEBIED LUSIKISIKI, KAAPPROVINSIE.—AANDKLOK.

Ingevolge die bevoegdheid my verleen by subartikel (1) van artikel *negentien* van die „Naturellen (Stadsgebieden) Wet, 1923", Wysigingswet, 1930, proklameer, verklaar en maak ek hierby bekend dat, vanaf die eerste dag van Julie 1934, geen Naturel, hetsy mans- of vrouspersoon, wat kragtens paragraaf (*b*) van subartikel (4) van genoemde artikel nie vrygestel is nie, tussen die ure 9 n.m. en 4 v.m. op 'n publieke plek binne die gebied, onder beheer van die Dorpsbestuur van Lusikisiki, Kaapprovinsie, mag wees nie, tensy so'n Naturel in besit is van 'n permit onderteken deur sy werkgewer of deur iemand wat deur die werkgewer gemagtig is om aan so'n Naturel 'n permit uit te reik, of deur iemand wat deur die Dorpsbestuur van Lusikisiki gemagtig is om sodanige permitte uit te reik, of deur die verantwoordelike beampte van 'n polisiekantoor in genoemde gebied.

GOD BEHOEDE DIE KONING.

Gegee onder my Hand en die Grootseël van die Unie van Suid-Afrika te Kaapstad, op hede die Dertigste dag van Mei Eenduisend Negehonderd-vier-en-dertig.

CLARENDON,
Goewerneur-generaal.

Op las van Sy Eksellensie die
Goewerneur-generaal-in-rade.

P. GROBLER.

# GOEWERMENTSKENNISGEWINGS

## DEPARTEMENT VAN JUSTISIE.

Onderstaande Goewermentskennisgewings word vir algemene informasie gepubliseer.

J. F. J. VAN RENSBURG,
Sekretaris van Justisie

Departement van Justisie, Pretoria.

✱ No. 91, 1934.]

Whereas it is expedient to amend the provisions of section *six* (*f*) of Proclamation No. 31 of 1932.

Now, therefore, under and by virtue of the powers and authorities vested in me by the Forest Act, No. 16 of 1913, I do hereby proclaim, declare and make known that, from and after the date of promulgation hereof, sub-section (*f*) of section *six* of Proclamation No. 31 of 1932 appearing in the *Government Gazette* of the 4th March, 1932, shall be and is hereby repealed and the following new sub-section is substituted in lieu thereof:—

6. (*f*) The owner or person in charge of any animals found grazing within the limits of any of the said controlled areas contrary to the provisions of section 6, sub-sections (*a*), (*b*), (*c*) and (*d*) of these regulations, and any person contravening the provisions of sub-section (*e*) of section 6 of these regulations, shall on conviction be liable to a fine not exceeding ten pounds or in default of payment of such fine to imprisonment with hard labour for a period not exceeding one month.

GOD SAVE THE KING.

Given under my Hand and the Great Seal of the Union of South Africa at Capetown, this Third day of May One thousand Nine hundred and Thirty-four.

CLARENDON,
Governor-General.

By Command of His Excellency the
Governor-General-in-Council.

J. KEMP.

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✱ No. 92, 1934.]

RECOVERY OF AMOUNT ADVANCED BY GOVERNMENT IN RESPECT OF A DIVIDING FENCE, DISTRICT OF KINGWILLIAMSTOWN.

Under and by virtue of the powers and authorities vested in me by sub-section (2) of section *three* of the Fencing Act, No. 17 of 1912, I do hereby order that, for the purpose of obtaining repayment of the advance (and payment of interest thereon) which has been made by the Government for the erection of a dividing fence between the farm Newtondale No. 6 in the District of East London and Location No. 14, called Dube, in the District of Kingwilliamstown, a rate of 7*s*. (seven shillings) shall be levied and collected from each adult male inhabitant of the said Location during the period 1st September, 1934, to 31st August, 1935.

And I do further fix the first day of September, 1934, as the date upon which the said rate shall be levied and collected.

And I do hereby provide that the amount of the said rate shall be recoverable in the same manner as any poll tax or hut tax is by law recoverable in the Province concerned from natives liable to pay such tax.

GOD SAVE THE KING.

Given under my Hand and the Great Seal of the Union of South Africa at Capetown this Thirtieth day of May One thousand Nine hundred and Thirty-four.

CLARENDON,
Governor-General.

By Command of His Excellency the
Governor-General-in-Council.

P. GROBLER.

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✱ No. 93, 1934.]

REBATE OF CUSTOMS DUTY.

Whereas by section *twelve* (*p*) of the Customs Tariff and Excise Duties Amendment Act, 1925 (Act No. 36 of 1925), as amended, the Governor-General may by proclamation in the *Gazette* declare that subject to regulations set out in such proclamation there shall be allowed a rebate of the whole duty otherwise payable on articles specially constructed or adapted for the use of the blind on a certificate to that effect from the National Council for the Blind;

Now, therefore, under and by virtue of the powers vested in me as aforesaid, I do hereby declare, proclaim and make known that on and after the date of the publication of this my proclamation in the *Gazette* a rebate of the whole duty shall be allowed on articles specially constructed or adapted for the use of the blind, subject to the condition that on importation a certificate is given by the secretary or other person in charge of the National Council for the Blind that the articles are specially constructed or adapted and are intended solely for the use of the blind.

GOD SAVE THE KING.

Given under my Hand and the Great Seal of the Union of South Africa at Capetown this Seventh day of June One thousand Nine hundred and Thirty-four.

CLARENDON,
Governor-General.

By Command of His Excellency the
Governor-General-in-Council.

P. DUNCAN.

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✱ No. 91, 1934.]

Nademaal dit wenslik is om die bepalings van artikel *ses* (*f*) van Proklamasie No. 31 van 1932 te wysig.

So is dit dat ek, kragtens die bevoegdheid my by die Boswet, No. 16 van 1913, verleen, hierby proklameer, verklaar en bekendmaak dat, vanaf datum hiervan, subartikel (*f*) van artikel *ses* van Proklamasie No. 31 van 1932, wat in die *Staatskoerant* van 4 Maart 1932 verskyn, hierby herroep en deur die volgende nuwe subartikel vervang word:—

6. (*f*) Die eienaar of persoon onder wie se toesig diere is, wat binne die grense van enige van genoemde streke wei, in stryd met die bepalings van artikel 6, subartikels (*a*), (*b*), (*c*) en (*d*) van hierdie regulasies, en elkeen wat die bepalings van subartikel (*e*) van artikel 6 van hierdie regulasies oortree, is by veroordeling strafbaar met 'n boete van hoogstens £10 of by wanbetaling met gevangenisstraf met harde arbeid van hoogstens een maand.

GOD BEHOEDE DIE KONING.

Gegee onder my Hand en die Grootseël van die Unie van Suid-Afrika te Kaap, op hede die Derde dag van Mei Eenduisend Negehonderd-vier-en-dertig.

CLARENDON,
Goewerneur-generaal.

Op las van Sy Eksellensie die
Goewerneur-generaal-in-rade.

J. KEMP.

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✱ No. 92, 1934.]

TERUGVORDERING VAN BEDRAG DEUR DIE GOEWERMENT VOORGESKIET TEN OPSIGTE VAN 'N TUSSENHEINING, DISTRIK KINGWILLIAMSTOWN.

Kragtens die bevoegdheid my verleen by subartikel (2) van artikel *drie* van die Omheiningswet, No. 17 van 1912, gelas ek hierby dat, met die doel om terugbetaling te verkry van die voorskot (en betaling van rente daarop) wat deur die Goewerment gemaak is vir die oprigting van 'n tussenheining tussen die plaas Newtondale No. 6 in die distrik Oos-Londen en Lokasie No. 14, Dube genoem, in die distrik Kingwilliamstown, 'n belasting van 7*s*. (sewe sjielings) gehef en ingevorder sal word van elke volwasse manlike bewoner van genoemde lokasie gedurende die tydperk 1 September 1934 tot 31 Augustus 1935.

En ek bepaal hierby die eerste dag van September 1934 as die datum waarop gemelde belasting gehef en ingevorder moet word.

En ek bepaal hierby dat voormelde belasting op dieselfde wyse invorderbaar is as wat enige hoof- of hutbelasting wettiglik invorderbaar is van naturelle in die betrokke Provinsie wat vir die betaling daarvan aanspreeklik is.

GOD BEHOEDE DIE KONING.

Gegee onder my Hand en die Grootseël van die Unie van Suid-Afrika te Kaapstad, op hede die Dertigste dag van Mei Eenduisend Negehonderd-vier-en-dertig.

CLARENDON,
Goewerneur-generaal.

Op las van Sy Eksellensie die
Goewerneur-generaal-in-rade.

P. GROBLER.

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✱ No. 93, 1934.]

KORTING VAN DOEANEREG.

Nademaal by artikel *twaalf* (*p*) van die „ Doeanetarief en Aksijnsrechten Wijzigingswet ", 1925 (Wet No. 36 van 1925), soos gewysig, die Goewerneur-generaal by proklamasie in die *Staatskoerant* kan verklaar dat, met inagneming van regulasies uiteengesit in sodanige proklamasie, daar 'n korting van die hele reg anders betaalbaar toegestaan sal word op artikels spesiaal vervaardig of aangewend vir gebruik deur blindes kragtens 'n sertifikaat tot die effekte van die Nasionale-raad vir Blindes;

So is dit dat ek, ingevolge en kragtens die bevoegdheid my verleen, soos voormeld, hierby verklaar, proklameer en bekendmaak dat, vanaf en na die datum van die publikasie van hierdie proklamasie in die *Staatskoerant*, 'n korting van die hele reg toegestaan word op artikels spesiaal vervaardig of aangewend vir gebruik deur blindes, onderworpe aan die voorwaarde dat by invoer 'n sertifikaat deur die sekretaris of ander persoon belas met die Nasionale-raad vir Blindes, dat die artikels spesiaal vervaardig of aangewend en alleenlik bedoel is vir gebruik deur blindes, verstrek word.

GOD BEHOEDE DIE KONING.

Gegee onder my Hand en die Grootseël van die Unie van Suid-Afrika te Kaapstad, hierdie Sewende dag van Junie Eenduisend Negehonderd Vier-en-dertig.

CLARENDON,
Goewerneur-generaal.

Op las van Sy Eksellensie die
Goewerneur-generaal-in-rade.

P. DUNCAN.