

EXTRAORDINARY



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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. 468. 9th April, 1935.

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. 468. 9 April, 1935.

Hierby word bekendgemaak 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. 5, 1935.]

ACT

To amend the South Africa Act, 1909, and the Census Act, 1910.

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 34 of the South Africa Act, 1909.

1. Section *thirty-four* of the South Africa Act, 1909, is hereby amended by the insertion after the word "thereafter" in paragraph (ii) of the words "till nineteen hundred and forty-one and thereafter every ten years".

Amendment of section 41 of the South Africa Act, 1909.

2. Section *forty-one* of the South Africa Act, 1909, is hereby amended by the deletion of the words "quinquennial census" and the substitution therefor of the words "census referred to in paragraph (ii) of section *thirty-four*".

Amendment of section 7 of Act 2 of 1910.

3. Sub-section (1) of section *seven* of the Census Act, 1910, is hereby amended by the insertion after the words "justice of the peace" of the words "or a commissioner of oaths".

Amendment of section 11 of Act 2 of 1910.

4. Section *eleven* of the Census Act, 1910, is hereby amended by the addition of the following new sub-section (2) at the end thereof, the existing section becoming sub-section (1):—

"(2) The occupier or person in charge of any piece of land not within an area defined by the Director, shall furnish an enumerator, at his request, with the particulars required for insertion in the forms prescribed under this Act, in respect of every person who abode on the aforesaid piece of land on the night of the census day."

Amendment of section 19 of Act 2 of 1910.

5. Section *nineteen* of the Census Act, 1910, is hereby amended by the deletion of the word "quinquennial".

Short title.

6. This Act shall be known as the Census Amendment Act, 1935.

No. 6, 1935.]

ACT

To amend Act No. 20 of 1917; and to alter the name of "The Grey University College" to that of "The University College of the Orange Free State".

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:—

Insertion of new section 3bis in Act 20 of 1917.

1. The Higher Education Additional Provision Act, 1917 (Act No. 20 of 1917), is hereby amended by the insertion after section *three* of the following new section:

"Appointment of professors and lecturers.

3bis. The professors, lecturers and other teachers at a college shall be appointed by the college authority after consultation with the senate of the college or with such faculty or committee thereof as may be appointed for that purpose by the senate".

"The Grey University College" to be known as "The University College of the Orange Free State.

2. Notwithstanding anything to the contrary contained in Act No. 5 of 1910 (Orange Free State), Act No. 12 of 1916, Act No. 20 of 1917 or any other law, "The Grey University College", Bloemfontein, shall be known by the name of "The University College of the Orange Free State"; and any mention of the Grey University College in any law, university statute or regulation shall be deemed to be a mention of the University College of the Orange Free State.

Short title.

3. This Act shall be known as the Higher Education Amendment Act, 1935.

No. 5, 1935.]

WET

Tot wysiging van die „Zuid-Afrika Wet,” 1909 en van die „Census Wet,” 1910.

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

1. Artikel *vier-en-dertig* van die „Zuid-Afrika Wet,” 1909 word hiermee gewysig deur in paragraaf (ii) die woorde „tot negentien honderd een en veertig en daarna om de tien jaren” na die woord „jaren” in te voeg. Wysiging van artikel 34 van die „Zuid-Afrika Wet, 1909”.
2. Artikel *een-en-veertig* van die „Zuid-Afrika Wet,” 1909 word hiermee gewysig deur die woorde „vielfjaarlikse volkstelling” te skrap en te vervang deur die woorde „volkstelling” bedoeld in paragraaf (ii) van artikel *vier-en-dertig*. Wysiging van artikel 41 van die „Zuid-Afrika Wet, 1909”.
3. Sub-artikel (1) van artikel *sewe* van die „Census-Wet,” 1910 word hiermee gewysig deur die woorde „of een kommissaris van eden” na die woord „vrederechter” in te voeg. Wysiging van artikel 7 van Wet 2 van 1910.
4. Artikel *elf* van die „Census-Wet,” 1910 word hiermee gewysig deur die volgende nuwe sub-artikel (2) aan die end by te voeg, waardeur die bestaande artikel sub-artikel (1) word: Wysiging van artikel 11 van Wet 2 van 1910.
„(2) De bewoner of persoon onder wiens opzicht een stuk grond staat, dat niet in een door de Directeur omschreven kring gelegen is, moet aan een teller, op diens verzoek, de gegevens verstrekken die nodig zijn tot invulling van die krachtens deze Wet voorgeschreven staat, met betrekking tot iedere persoon die in de nacht van de censusdag op voormeld stuk grond vertoefde.”
5. Artikel *negentien* van die „Census-Wet,” 1910 word hiermee gewysig deur die woord „vielfjaarlikse census” te vervang deur die woord „volkstelling”. Wysiging van artikel 19 van Wet 2 van 1910.
6. Hierdie wet heet die Sensus-Wysigingswet, 1935. Kort titel.

No. 6, 1935.]

WET

Tot wysiging van Wet No. 20 van 1917; en om die naam van „Het Grey Universiteitskollege” te verander tot die van „Die Universiteitskollege van die Oranje-Vrystaat”.

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

1. Die „Wet tot Additionele Regeling van het Hoger Onderwijs, 1917” (Wet No. 20 van 1917), word hiermee gewysig deur die volgende nuwe artikel na artikel *drie* in te voeg: Invoeging van nuwe artikel 3bis in Wet 20 van 1917.
„Benoeming van professoren en lektoren. *3bis.* De professoren, lektoren en andere docenten aan een kollege worden aangesteld door het kollegebestuur na overleg met de senaat van het kollege of met een fakulteit of komitee daarvan te dien einde door de senaat aangesteld”.
2. Ondanks andersluidende bepalingen in Wet No. 5 van 1910 (Oranje-Vrystaat), Wet No. 12 van 1916, Wet No. 20 van 1917 of enige ander wet, word „Het Grey Universiteitskollege”, Bloemfontein, „Die Universiteitskollege van die Oranje-Vrystaat” genoem; en word enige vermelding van die Grey Universiteitskollege in enige wet, universiteitstatuut of regulasie geag te wees ’n vermelding van die Universiteitskollege van die Oranje-Vrystaat. „Het Grey Universiteitskollege” word genoem „Die Universiteitskollege van die Oranje-Vrystaat”.
3. Hierdie Wet heet die Hoër Onderwys-Wysigingswet, 1935. Kort titel.

No. 7, 1935.

ACT

To enable effect to be given to the International Convention for the sanitary control of aerial navigation and to make further provision for safeguarding the public health in the Union.

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:—

Ratification of International Convention for the sanitary control of aerial navigation.

1. The International Convention for determining by a common agreement between the Powers and States signatory to that Convention, certain uniform rules with respect to the sanitary control of aerial navigation, is hereby ratified and confirmed. A translation of the Convention is set out in the Schedule to this Act.

Power to carry out and apply Convention.

2. The Governor-General may—

- (a) designate any aerodrome in the Union as a sanitary aerodrome, and do such other acts as he may deem necessary or expedient for giving effect to the terms of the Convention or any regulations which have in terms of paragraph (c) been applied to aerial navigation limited to the Union;
- (b) do all things necessary to ratify or cause to be ratified on behalf of the Union any amendments of or additions to the Convention which may from time to time be made: Provided that copies of any amendments or additions so ratified shall be laid upon the Tables of both Houses of Parliament within fourteen days after their ratification 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; and
- (c) by proclamation in the *Gazette* apply any regulations made under section *three*, with such modifications and additions as he may deem necessary or expedient, to aerial navigation limited to the Union.

Regulations.

3. (1) The Governor-General may make regulations—

- (a) to give effect to any provision of the Convention requiring legislation in the Union; and
- (b) imposing fees, and providing for the recovery of expenditure incurred, in connection with the sanitary control of aerial navigation.

(2) Any regulations made under this section may prescribe penalties for any contravention thereof or failure to comply therewith not exceeding imprisonment for a period of six months together with a fine not exceeding two hundred pounds, and the mode of enforcing such penalties.

Jurisdiction.

4. An offence under any regulation made under this Act shall, with regard to the jurisdiction of a court to try the offence, be deemed to have been committed in any place where the accused happens to be.

Application of Act.

5. This Act and the regulations made thereunder shall apply also—

- (a) in the mandated territory of South-West Africa and the port and settlement of Walvis Bay; and
- (b) to aircraft and aerodromes belonging to or in use by the Union Government, except in so far as such aircraft or aerodromes are used exclusively for naval or military purposes by the Union forces: Provided that the Governor-General may, by proclamation in the *Gazette*, apply any provision, of this Act or the regulations made thereunder, with or without modification or addition, to any aircraft or aerodromes so used.

Interpretation of terms.

6. In this Act and the regulations made thereunder, unless the context otherwise requires—

No. 7, 1935.

WET

Om mag te verleen tot uitvoering van die Internasionale Konvensie vir gesondheidsbeheer van lugvaart en om verdere voorsiening te maak ter beskerming van die openbare gesondheid in die Unie.

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

1. Die Internasionale Konvensie ter vasstelling by onderlinge ooreenkoms tussen die Moondhede en State wat daardie Konvensie onderteken het van sekere gelykvormige reëls met betrekking tot gesondheidsbeheer van lugvaart, word hiermee geratificeer en bekragtig. 'n Vertaling van die Konvensie is in die Bylae by hierdie Wet opgeneem. Ratifikasie van Internasionale Konvensie vir gesondheidsbeheer van lugvaart.
2. Die Goewerneur-generaal kan—
 - (a) enige vliegveld in die Unie aanwys as 'n gesondheids-vliegveld, en sulke ander handelings verrig as hy nodig of wenslik mag ag om gevolg te gee aan die bepalinge van die Konvensie of enige regulasies wat ooreenkomstig paragraaf (c) toegepas is op lugvaart wat tot die Unie beperk is; Mag om Konvensie uit te voer en toe te pas.
 - (b) al die nodige doen om ten behoeve van die Unie enige wysigings in of aanvullings van die Konvensie wat van tyd tot tyd aangebring mag word, te ratificeer of te laat ratificeer: Met die verstande dat afskrifte van alle wysigings of aanvullings aldus geratificeer, indien die Parlement dan in sitting is, binne veertien dae na ratifikasie, en indien die Parlement nie dan in sitting is nie, binne veertien dae na die aanvang van die eersvolgende sitting, in albei Huise van die Parlement ter Tafel gelê word; en
 - (c) by proklamasie in die *Staatskoerant* enige regulasies kragtens artikel drie uitgevaardig, met sodanige wysigings en aanvullings as hy nodig of wenslik mag ag, toepas op lugvaart wat tot die Unie beperk is.
3. (1) Die Goewerneur-generaal kan regulasies uitvaardig— Regulasies.
 - (a) om gevolg te gee aan enige bepaling van die Konvensie waarvoor wetgewing in die Unie nodig is; en
 - (b) wat gelde opleë en voorsiening maak vir die verhaal van uitgawes beloop in verband met gesondheidsbeheer van lugvaart.
- (2) Enige regulasies kragtens hierdie artikel uitgevaardig kan strawwe voorskryf vir enige oortreding daarvan of versuim om daaraan te voldoen, n.l. gevangenisstraf vir 'n tydperk van hoogstens ses maande tesame met 'n boete van hoogstens tweehonderd pond, asook die wyse waarop sodanige strawwe uitgevoer moet word.
4. Dit word beskou dat 'n oortreding kragtens enige regulasie, uitgevaardig ingevolge hierdie Wet, met betrekking tot die jurisdiksie van 'n hof wat die oortreding in verhoor moet neem begaan is op die plek waar die beskuldigde hom mag bevind. Jurisdiksie.
5. Hierdie Wet en die regulasies ingevolge daarvan uitgevaardig is ook van toepassing— Toepassing van Wet.
 - (a) in die mandaatgebied Suidwes-Afrika en die hawe en nedersetting Walvisbaai; en
 - (b) op lugvaartuie en vliegvelde wat behoort aan of in gebruik is van die Unieregering, behalwe in sover as wat sulke lugvaartuie of vliegvelde deur die Unie magte uitsluitend vir marine- of militêre doeleindes gebruik word: Met die verstande dat die Goewerneur-generaal by proklamasie in die *Staatskoerant* enige bepaling van hierdie Wet of die regulasies ingevolge daarvan uitgevaardig, met of sonder wysiging of aanvulling, op lugvaartuie of vliegvelde wat aldus gebruik word, van toepassing kan maak.
6. In hierdie Wet en die regulasies ingevolge daarvan uitgevaardig, tensy dit met die samehang in stryd is, beteken— Woordbepaling.

"aerodrome" means any definite and limited ground or water area or any building used either wholly or in part for the landing or departure of aircraft;

"Convention" means the International Sanitary Convention for Aerial Navigation signed at The Hague on the twelfth day of April, one thousand nine hundred and thirty-three, and any amendment of or addition to the said Convention ratified under paragraph (b) of section two; and

"Union" includes the mandated territory of South-West Africa and the port and settlement of Walvis Bay.

Short title and commencement.

7. This Act shall be known as the Aviation Health Act, 1935, and shall come into operation on a date to be fixed by the Governor-General by proclamation in the *Gazette*.

Schedule.

[Translation.]

INTERNATIONAL SANITARY CONVENTION FOR AERIAL NAVIGATION.

The Hague, April 12, 1933.

WITH a view to the regulation of the sanitary control of aëria navigation,

the undersigned, plenipotentiaries of the High Contracting Parties, furnished with full powers found in good and due form, have agreed on the following articles :—

PART I.—General Provisions.

ARTICLE 1.

For the purposes of this Convention the High Contracting Parties adopt the following definitions :—

I. The word *aircraft* includes any machine which can derive support in the atmosphere from the reactions of the air, and is intended for aerial navigation.

The present Convention applies only to aircraft—

- (1) of which the place of departure and place of final landing are situated in different territories;
- (2) which, although the place of departure and place of final landing are situated on the same territory, make an intermediate landing on a different territory;
- (3) which fly without landing over more than one territory; whether these territories are placed under the sovereignty, suzerainty, mandate or authority of the same Power or of different Powers.

II. The words *authorized aerodrome* denote a customs or other aerodrome, specially designated as such by the competent authority of the State in which it is situated, on which aircraft may make their first landing on entering a territory, or from which they may depart on leaving a territory.

III.—The words *sanitary aerodrome* denote an authorized aerodrome organized and equipped in accordance with the terms of Article 5 of the present Convention, and designated as such by any competent authority of the country.

IV.—The word *crew* includes any person having duties on board in connexion with the flying or the safety of the flight of the aircraft or employed on board in any way in the service of the aircraft, the passengers or the cargo.

V.—The words *local area* denote a well-defined area, such as a province, a government, a district, a department, a canton, an island, a commune, a town, a quarter of a town, a village, a port, an agglomeration, etc., whatever may be the extent and population of such areas. Subject to the conditions laid down in Article 8 of the present Convention, an aerodrome may constitute a local area.

VI. The word *observation* means the isolation of persons in a suitable place.

The word *surveillance* means that persons are not isolated, that they may move about freely, but that they are notified to the sanitary authorities of the several places whither they are bound and are subjected to a medical examination with a view to establishing their state of health.

VII.—The word *day* means an interval of 24 hours.

ARTICLE 2.

Whatever relates in the present Convention to aerodromes is to be understood as applying *mutatis mutandis* to places for the landing on water of hydroplanes and similar craft.

„vliegveld” enige bepaalde en beperkte grond- of water-
terrein of enige gebou, geheel of gedeeltelik gebruik
vir die land of vertrek van lugvaartuie;

„Konvensie” die Internasionale Gesondheidskonvensie
vir Lugvaart geteken in Den Haag op die twaalfde
dag van April, eenduisend negehonderd drie-en-
dertig, en enige wysiging van of aanvulling tot ge-
noemde Konvensie geratificeer kragtens paragraaf (b)
van artikel twee; en

„Unie” ook die mandaatgebied Suidwes-Afrika en die
hawe en nedersetting Walvisbaai.

7. Hierdie Wet word genoem die Lugvaartgesondheidswet, Kort titel en inwer-
kingtrede. 1935, en tree in werking op 'n datum wat deur die Goewerneur-
generaal by proklamasie in die *Staatskoerant* vasgestel moet
word.

Bylae.

(Vertaling.)

INTERNASIONALE GESONDHEIDSKONVENSIE VIR LUGVAART.

Den Haag, 12 April 1933.

Met die oog op die regulering van die gesondheidskontrole van die
lugvaart,
het die ondergetekendes, gevolmagtigdes van die Hoë Kontrak-
terende Partye, met volle bevoegdhe in goeie en behoorlike vorm
bevind,
ooreengekom aangaande die volgende artikels:—

DEEL I.—Algemene Bepalings.

ARTIKEL 1.

Vir die doel van hierdie Konvensie aanvaar die Hoë Kontrakterende
Partye onderstaande omskrywings:—

I.—Die woord *vliegtuig* sluit in enige masjiene wat in die atmosfeer
gedra kan word weens die reaksies van die lug, en wat vir lugverkeer
bedoel is.

Die onderhawige Konvensie is alleen van toepassing op vliegtuie—

- (1) waarvan die plek van vertrek en plek van uiteindelijke landing
in verskillende gebiede geleë is;
- (2) wat, hoewel die plek van vertrek en plek van uiteindelijke
landing in dieselfde gebied geleë is, 'n intermedieë landing
in 'n ander gebied doen;
- (3) wat, sonder om te land, oor meer as een gebied vlieg;
of hierdie gebiede onder die soewereiniteit, susereiniteit, mandaat
of gesag van dieselfde Moondheid of van verskillende Moondhede
geplaas is.

II.—Die woorde *geoutoriseerde vliegveld* beteken 'n doeane- of ander
vliegveld spesiaal as sodanig aangewys deur die bevoegde gesag van die
Staat waarin dit geleë is, waarop vliegtuie vir die eerste keer, by
aankoms in die gebied, kan land, of waarvandaan hulle, wanneer hulle
'n gebied verlaat, kan vertrek.

III.—Die woord *gesondheidsvliegveld* beteken 'n *geoutoriseerde*
vliegveld georganiseer en toegerus ooreenkomstig die bepalinge van
Artikel 5 van die onderhawige Konvensie en wat as sodanig deur enige
bevoegde gesag van die land aangewys is.

IV.—Die woord *bemannig* sluit in iedereen wat aan boord werksaam
is in verband met die vlug of veiligheid van die vlug van die vliegtuig
of wat op enige manier aan boord in verband met die vliegtuig, die
passasiers of die lading werksaam is.

V.—Die woorde *plaaslike gebied* beteken 'n duidelik omskrewe streek,
soos 'n provinsie, 'n goewement, 'n distrik, 'n departement, 'n kanton,
'n eiland, 'n kommune, 'n dorp, 'n buurt van 'n dorp, 'n dorpie, 'n
hawe, 'n groep, ens., wat ook al die omvang en bevolking van sodanige
streke mag wees. 'n Vliegveld kan, onderworpe aan die voorwaardes
vasgestel in Artikel 8 van die onderhawige Konvensie, 'n plaaslike
gebied uitmaak.

VI.—Die woord *observasie* beteken die afsondering van persone in 'n
geskikte plek.

Die woord *toesig* beteken dat persone nie afgesonder is nie, dat hulle
hul vry mag beweeg, maar dat hulle by die gesondheidsoutoriteite
van die onderskeie plekke van hul bestemming aangegee is en onder-
worpe is aan 'n geneeskundige ondersoek om hul gesondheidstoestand
te bepaal.

VII.—Die woord *dag* beteken 'n tydperk van 24 uur.

ARTIKEL 2.

Alles wat in die onderhawige Konvensie in verband staan met vliegvelde
moet verstaan word as van toepassing *mutatis mutandis* op plekke
vir die landing op water van watervliegtuie en dergelike vaartuie.

Section I.—*Aerodromes in general and their Staff.*

ARTICLE 3.

Each High Contracting Party undertakes to provide on his authorized aerodromes a sanitary organization adapted to the current needs of prophylaxis, which as a minimum shall consist of definite arrangements to ensure the attendance of a medical practitioner, at such times as may be necessary, for the medical examinations contemplated by the present Convention.

ARTICLE 4.

It rests with each High Contracting Party, taking into account the risks of infectious disease to which his territory may be exposed, to decide whether or not to establish sanitary aerodromes and which authorized aerodromes shall be selected for this purpose.

ARTICLE 5.

The sanitary aerodrome shall at all times have at its disposal—

- (a) an organized medical service with one medical officer at least and one or more sanitary inspectors, it being understood that this staff will not necessarily be in permanent attendance at the aerodrome;
- (b) a place for medical inspection
- (c) equipment for taking and despatching suspected material for examination in a laboratory, if such examination cannot be made on the spot;
- (d) facilities, in the case of necessity for the isolation, transport and care of the sick, for the isolation of contacts separately from the sick and for carrying out any other prophylactic measure in suitable premises either within the aerodrome or in proximity to it;
- (e) apparatus necessary for carrying out disinfection, disinsectisation and deratisation if required, as well as any other measures laid down in the present Convention.

The aerodrome shall be provided with a sufficient supply of wholesome drinking water, and with a proper and safe system for the disposal of excreta and refuse, and for the removal of waste water.

The aerodrome shall, as far as possible, be protected from rats.

ARTICLE 6.

The medical officer of the sanitary aerodrome shall be an official of or approved by, the competent sanitary authority.

ARTICLE 7.

Each High Contracting Party shall communicate, either to the Office International d'Hygiène publique or to the International Commission for Air Navigation (which will transmit to each other the information thus received) a list of his sanitary aerodromes, in order that it may be brought to the knowledge of the other High Contracting Parties. The communication shall include, in the case of each aerodrome, details as to its situation, its sanitary equipment and its sanitary staff.

The notification to the Office International d'Hygiène publique provided for in the present Article, as well as in Articles 8, 37, 40, 58 59 and 60 of the present Convention may, in the case of those High Contracting Parties who have adhered to the Pan-American Sanitary Code, be made through the intermediary of the Pan-American Sanitary Bureau.

ARTICLE 8.

In order that a sanitary aerodrome may be designated as a local area for the purpose of notification of infectious diseases and for other purposes as provided by the present Convention it must be so organized that—

- (1) the entry and exit of any persons are under the supervision and control of the competent authority;
- (2) in the case of a disease specified in Article 18 of this Convention occurring in the surrounding territory, access to the aerodrome by any route other than the air is forbidden to persons suspected of being infected, and measures are applied to the satisfaction of the competent authority with a view to preventing persons who are resident in or passing through the aerodrome from being exposed to the risk of infection, either by contact with persons from outside or by any other means.

In order that an authorized aerodrome which is not a sanitary aerodrome may similarly be designated a local area, it is necessary in addition that it shall be so situated, topographically, as to be beyond all probable risk of infection from without.

The High Contracting Parties shall notify to the Office International d'Hygiène publique aerodromes which have been constituted local areas in accordance with terms of the present Article and the Office International d'Hygiène publique will communicate the notification to the other High Contracting Parties and to the International Commission for Air Navigation.

Section II.—*Aircraft Sanitary Documents.*

ARTICLE 9.

The following entries shall be made in the journey log book, under the heading "Observations":—

- (1) Any facts relevant to public health which have arisen on the aircraft in course of the voyage.
- (2) Any sanitary measures undergone by the aircraft before departure or at places of call, in application of the present Convention.

Afdeling I.—Vliegvelde in die algemeen en hul Personeel.

ARTIKEL 3.

Elke Hoë Kontrakterende Party onderneem om op sy geoutoriseerde vliegvelde 'n gesondheidsorganisasie daar te stel geskik vir die teenswoordige vereistes van profilakse wat ten minste moet bestaan uit definitiewe reëlings vir die dienste van 'n mediese praktisyn op sulke tye as wat nodig mag wees vir die geneeskundige ondersoek soos deur die onderhawige Konvensie bedoel.

ARTIKEL 4.

Dit berus by elke Hoë Kontrakterende Party, met inagneming van die gevaar van besmetlike siektes waaraan sy gebied blootgestel mag wees, om te besluit om gesondheidsvliegvelde daar te stel of nie, en watter geoutoriseerde vliegvelde vir die doel uitgekies moet word.

ARTIKEL 5.

Die gesondheidsvliegveld moet te allen tyde tot sy beskikking hê—

- (a) 'n georganiseerde geneeskundige diens met minstens een geneeskundige beampte en een of meer gesondheidsinspekteurs met dien verstande dat hierdie personeel nie noodwendig altyd op die vliegveld aanwesig moet wees nie;
- (b) 'n plek vir geneeskundige inspeksie;
- (c) uitrusting vir die neem en versending van verdagte materiaal vir ondersoek in 'n laboratorium indien sodanige ondersoek nie op die plek gedoen kan word nie;
- (d) fasiliteite, in die geval van die noodsaaklikheid vir die afsondering, vervoer en versorging van die siekes, vir die afsondering van kontakte afsonderlik van die siekes en vir die uitvoering van enige ander profilaktiese maatreëls in geskikte persele hetsy op die vliegveld of in die nabyheid daarvan.
- (e) apparaat nodig vir ontsmetting, uitroeiing van insekte en van rotte indien nodig, sowel as enige ander maatreëls vasgestel in die onderhawige Konvensie.

Die vliegveld moet voorsien wees van 'n voldoende toevoer van gesonde drinkwater en van 'n behoorlike en veilige stelsel vir die verwydering van ontlappings en vuilgoed en die verwydering van afvalwater.

Die vliegveld moet vir sover moontlik teen rotte beskerm wees.

ARTIKEL 6.

Die geneeskundige beampte van die gesondheidsvliegveld moet 'n beampte wees van, of goedgekeur wees deur die bevoegde gesondheids-otoriteit.

ARTIKEL 7.

Elke Hoë Kontrakterende Party moet, of aan die Office International d'Hygiène publique of die Internasionale Kommissie vir Lugverkeer (wat aan mekaar die gegewens aldus ontvang, sal meedeel) 'n lys van sy gesondheidsvliegvelde verskaf, sodat dit tot die kennis van die ander Hoë Kontrakterende Partye gebring kan word. Die mededeling moet, in die geval van elke vliegveld, besonderhede insluit betreffende sy ligging, sy gesondheidsuitrusting en -personeel.

Aangifte by die Office International d'Hygiène publique soos in hierdie Artikel bepaal, sowel as in Artikels 8, 37, 40, 58, 59 en 60 van die onderhawige Konvensie, kan, in die geval van daardie Hoë Kontrakterende Partye wat hulle aangesluit het by die Pan-Amerikaanse Gesondheidskode, geskied deur bemiddeling van die Pan-Amerikaanse Gesondheidsburo.

ARTIKEL 8.

Sodat 'n gesondheidsvliegveld as 'n plaaslike gebied vir die aangifte van besmetlike siektes en vir ander doeleindes aangewys kan word, soos by die onderhawige Konvensie bepaal, moet dit so georganiseer wees dat—

- (1) die in- en uitgaan van enigen onder toesig van kontrole van die bevoegde outoriteit is;
- (2) in die geval van 'n siekte in Artikel 18 van hierdie Konvensie gespesifiseer, in die omliggende gebied voorkom, toegang tot die vliegveld langs enige ander weg as die lug aan persone wat verdag word besmet te wees, verbode is, en middele ter bevestiging van die bevoegde outoriteit toegepas word om te voorkom dat persone wat op die vliegveld woon of daardeur gaan aan die gevaar van besmetting blootgestel word, hetsy deur aanraking met persone van buite of op enige ander manier.

Sodat 'n geoutoriseerde vliegveld wat nie 'n gesondheidsvliegveld is nie op dergelike wyse as 'n plaaslike gebied aangewys kan word, is dit bowendien nodig dat dit topografies so geleë moet wees dat alle waarskynlike gevaar van besmetting van buite uitgesluit is.

Die Hoë Kontrakterende Partye moet by die Office International d'Hygiène publique aangifte doen van vliegvelde wat tot plaaslike gebiede, ooreenkomstig die bepalings van die onderhawige Artikel verklaar is, en die Office International d'Hygiène publique sal die aangifte aan die ander Hoë Kontrakterende Partye en aan die Internasionale Kommissie vir Lugverkeer meedeel.

Afdeling II.—Gesondheidsdokumente vir Vliegtuie.

ARTIKEL 9.

Ondergenoemde aantekeninge moet gemaak word in die reis-logboek onder die opskrif „Opmerkings”—

- (1) Enige feite met betrekking tot die openbare gesondheid wat tydens die reis op die vliegtuig voorgekom het.
- (2) Enige gesondheidsmaatreëls waaraan die vliegtuig voor sy vertrek of op die plekke waar hy aandoen, ingevolge die onderhawige Konvensie, onderwerp is.

- (3) Information concerning the appearance in the country from which the aircraft is departing of any of the infectious diseases mentioned in Part III of the present Convention. This entry is made with a view to facilitating the medical examination which passengers arriving at aerodromes in another territory may be required to undergo.

For this purpose the Government of any non-infected country in which one of the said diseases makes its appearance shall, in addition to other means by which it is already required to inform other countries of the outbreak of such diseases and of their nature, transmit the necessary information to the competent authorities of each of its authorized aerodromes. The latter shall enter the information in the journey log of any aircraft leaving the aerodrome during a period of fifteen days from the date on which the information was first received.

Aircraft shall not be required to carry bills of health. The entries made in the journey log book in accordance with the terms of this Article shall be verified and certified free of charge by the competent authority of the aerodrome.

Section III.—*Merchandise and Mails.*

ARTICLE 10.

In addition to the measures prescribed in Articles 25, 29, 33, 42, 44, 47, 49 and 51 of the present Convention, merchandise in aircraft may be subject to the laws of the country as regards measures to be applied to merchandise imported by whatever means of transport.

ARTICLE 11.

Letters and correspondence, printed matter, books, newspapers, business documents, postal packages and anything sent by post shall not be subject to any sanitary measure unless they contain articles coming within the terms of Article 33 of the present Convention.

PART II.—*Sanitary Regulations generally Applicable.*

ARTICLE 12.

In the case of sanitary or authorized aerodromes, the medical officer attached to the aerodrome has the right, either before the departure or after the landing of aircraft, to proceed to inspect the sanitary condition of passengers and crew, whenever circumstances justify this measure.

This visit should, however, be so arranged in relations to the other ordinary administrative and customs operations as to avoid any delay or interference with the continuation of the voyage. No fees shall be charged for this inspection. Reservation is made of the right of the Sanitary and Maritime Quarantine Board of Egypt to levy dues in accordance with its special powers.

ARTICLE 13.

The competent authority of any aerodrome may, on the advice of the medical officer attached to the aerodrome, prohibit the embarkation of persons with symptoms of infectious disease, except in the case of the transport of sick persons by aircraft specially allocated for the purpose.

In the absence of a medical officer the competent authority of the aerodrome may defer the departure of such persons until the advice of a doctor has been obtained.

ARTICLE 14.

Aircraft in flight are forbidden to throw or let fall matter capable of producing an outbreak of infectious disease.

ARTICLE 15.

If the commander of the aircraft wishes to disembark a sick person he shall, so far as he is able, notify the aerodrome of arrival in good time before landing.

ARTICLE 16.

If there is on board an aircraft a case of infectious disease duly verified by the medical officer attached to the aerodrome, not being a disease specified in Part III of the present Convention, the usual measures in force in the country in which the aerodrome is situated shall be applied. The sick person may be landed and, if the competent sanitary authority considers it desirable, isolated in a suitable place; the other passengers and the crew shall have the right to continue the voyage after medical inspection, and, if necessary, the carrying out of the appropriate sanitary measures.

Such of these sanitary measures as can be carried out at the aerodrome shall be so arranged in relation to the administrative and customs operations that the aircraft may be detained as short a time as possible.

ARTICLE 17.

Except as expressly provided for in the present Convention, aircraft shall be exempt from sanitary formalities at the aerodromes both of call and of final destination.

PART III.—*Sanitary Regulations applicable in the case of certain Diseases.*

ARTICLE 18.

The diseases which are the subject of the special measures prescribed by this Part of the Convention are plague, cholera, yellow fever, typhus and smallpox.

- (3) Besonderhede betreffende die voorkoms in die land vanwaar die vliegtuig vertrek van enige van die besmetlike siektes in Deel III van die onderhawige Konvensie genoem. Hierdie aantekening word gemaak om die geneeskundige ondersoek wat passasiers wat by vliegvelde in ander gebiede arriveer moontlik moet ondergaan, te vergemaklik.

Vir hierdie doel moet die Regering van enige nie-besmette land waarin een van die genoemde siektes sy verskyning maak, behalwe die ander middels waardeur dit alreeds van hom vereis word om ander lande van die uitbreking van sulke siektes en hul aard in kennis te stel, die nodige besonderhede aan die bevoegde outoriteite van elk van sy geoutoriseerde vliegvelde meedeel. Laasgenoemdes moet die informasie inskryf in die reis-logboek van enige vliegtuig wat die vliegveld gedurende 'n tydperk van vyftien dae vanaf die datum waarop die berig vir die eerste maal ontvang is, verlaat.

Dit word nie van vliegtuie vereis om gesondheidsertifikate te hê nie. Die aantekening wat in die reis-logboek ooreenkomstig die bepaling van hierdie Artikel gemaak word, moet deur die bevoegde outoriteit van die vliegveld kosteloos geverifieer en gesertifiseer word.

Afdeling III.—*Handelsware en Pos.*

ARTIKEL 10.

Behalwe die maatreëls voorgeskryf in Artikels 25, 29, 33, 42, 44, 47, 49 en 51 van die onderhawige Konvensie, kan handelsware in vliegtuie onderworpe wees aan die wette van die land ten opsigte van maatreëls wat toegepas moet word op handelsware wat deur enige middel van vervoer, hoegenaamd, ingevoer word.

ARTIKEL 11.

Briewe en korrespondensie, drukwerk, boeke, nuusblaaie, besigheidsdokumente, pospakkette en enigiets wat per pos gestuur word, is nie aan enige gesondheidsmaatreëls onderworpe nie tensy hulle artikels bevat wat binne die bepaling van Artikel 33 van die onderhawige Konvensie, val.

DEEL II.—*Gesondheidsregulasies Algemeen van Toepassing.*

ARTIKEL 12.

In die geval van gesondheids- of geoutoriseerde vliegvelde, het die geneeskundige beamppte aan die vliegveld verbonde die reg om, of voor die vertrek of na die landing van vliegtuie, oor te gaan tot die inspeksie van die gesondheidstoestand van passasiers en bemanning wanneer ook al omstandighede hierdie maatreël regverdig.

Hierdie besoek, egter, moet so in verhouding tot die ander gewone administratiewe en doeane-werksaamhede gereël word dat enige opont-houd van of bemoeiing met die voortsetting van die reis vermy word. Hierdie inspeksie word kosteloos gedoen. Die reg van die Sanitary and Maritime Quarantine Board van Egipte om, ooreenkomstig sy besondere bevoegdhede, regte te hef, word voorbehou.

ARTIKEL 13.

Die bevoegde outoriteit van enige vliegveld kan, op advies van die geneeskundige beamppte aan die vliegveld verbonde, belet dat enige persoon met tekens van besmetlike siekte aan boord gaan, behalwe in die geval van die vervoer van siekes in vliegtuie spesiaal daarvoor aangewys.

By ontstentenis van 'n geneeskundige beamppte kan die bevoegde outoriteit van die vliegveld die vertrek van sulke persone vertraag totdat die advies van 'n dokter ingewin is.

ARTIKEL 14.

Vliegtuie in vlug word verbied om enigiets wat die uitbreking van besmetlike siekte kan veroorsaak, uit te gooi of te laat val.

ARTIKEL 15.

As die gesagvoerder van die vliegtuig 'n sieke wens af te laai, moet hy, vir sover dit vir hom moontlik is, die vliegveld van aankoms vroegtydig, voor landing, in kennis stel.

ARTIKEL 16.

Indien daar aan boord van 'n vliegtuig 'n geval van besmetlike siekte is behoorlik deur die geneeskundige beamppte aan die vliegveld verbonde geverifieer, en wat nie 'n siekte is in Deel III van die onderhawige Konvensie gespesifiseer nie, is die gewone maatreëls wat van krag is in die land waarin die vliegveld geleë is van toepassing. Die sieke kan geland word en, indien die bevoegde gesondheidsoutoriteit dit wenslik ag, in 'n geskikte plek afgesonder word; die ander passasiers en die bemanning het die reg om, na geneeskundige inspeksie, en, indien nodig, die uitvoering van gepaste gesondheidsmaatreëls, die reis voort te sit.

Sodanige van hierdie gesondheidsmaatreëls as wat op die vliegveld uitgevoer kan word moet so in verhouding tot die administratiewe en doeane-werksaamhede gereël word dat die vliegtuig so min as moontlik vertraag word.

ARTIKEL 17.

Behalwe soos uitdruklik in die onderhawige Konvensie voorsiening voor gemaak is, is vliegtuie van gesondheidsformaliteite op die vliegveld beide waar hulle aandoen en van die eindbestemming, vrygestel.

DEEL III.—*Gesondheidsregulasies van toepassing in die geval van seker Siektes.*

ARTIKEL 18.

Die siektes wat die onderwerp vorm van die besondere maatreëls in hierdie Deel van die onderhawige Konvensie voorgeskryf is pes, cholera, geelkoors, tifuskoors en pokkies.

ARTICLE 19.

For the purposes of the present Convention the period of incubation is reckoned as 6 days in the case of plague, 5 days in the case of cholera, 6 days in the case of yellow fever, 12 days in the case of typhus, and 14 days in the case of smallpox.

ARTICLE 20.

The chief health authorities shall transmit to the sanitary and authorized aerodromes of their respective countries all information contained in the epidemiological notifications and communications received from the Office International d'Hygiène publique (and the Regional Bureaux with which it has made agreements for this purpose) in execution of the provisions of the International Sanitary Convention of the 21st June, 1926,* which may affect the exercise of sanitary control in those aerodromes.

ARTICLE 21.

The measures prescribed in this Part of the Convention shall be regarded as constituting a maximum within the limits of which High Contracting Parties may regulate the procedure which may be applied to aircraft.

It is for each High Contracting Party to determine whether measures should be applied, within the limits of the present Convention, to arrivals from a foreign local area or aerodrome.

In this respect information received and measures already applied shall, in accordance with Article 54 of the present Convention, be taken into the fullest possible account.

ARTICLE 22.

For the purpose of Part III of the present Convention a local area is considered to be infected when the conditions specified in the International Sanitary Convention of the 21st June, 1926, are applicable to it.†

Chapter 1.—*Measures applicable in the Case of Plague, Cholera, Typhus and Smallpox.*Section I.—*Measures on Departure.*

ARTICLE 23.

The measures to be applied on the departure of aircraft from a local area infected by one of the diseases mentioned in this Chapter are the following :—

- (1) Thorough cleansing of the aircraft, especially the parts liable to be contaminated.
- (2) Medical inspection of passengers and crew.
- (3) Exclusion of any person showing symptoms of one of the diseases in question; as well as of persons in such close relation with the sick as to render them liable to transmit the infection of these diseases.
- (4) Inspection of personal effects, which shall only be accepted if in a reasonable state of cleanliness.
- (5) In the case of plague, deratisation if there is any reason to suspect the presence of rats on board.
- (6) In the case of typhus, disinsectisation, limited to persons who, after medical inspection, are considered as likely to convey infection, and to their effects.

The aircraft's papers shall be annotated in accordance with the requirements of Article 9.

Section II.—*Measures on Arrival.*

ARTICLE 24.

Aircraft, even when coming from a local area infected by one of the diseases to which this Chapter applies, may land at any authorized aerodrome. Nevertheless, each High Contracting Party, if epidemiological conditions demand such action, has the right to require aircraft coming from particular local areas to land at prescribed sanitary or authorized aerodromes, account being taken of the geographical position of those aerodromes and of the routes followed by the aircraft, in such a manner as not to hamper aerial navigation.

The only measures which, if necessary, may be taken at authorized aerodromes which are not also sanitary aerodromes, are the medical inspection of crew and passengers and the landing and isolation of the sick. Passengers and crew may not move beyond the limits prescribed by the aerodrome authority except with the permission of the visiting medical officer. This restriction may continue to be imposed on the aircraft at each landing place until it arrives at a sanitary aerodrome, where it will be subject to the measures laid down in this Chapter.

ARTICLE 25.

The commander of the aircraft is required, on landing, to place himself at the disposal of the sanitary authority, to answer all requests for information affecting public health which are made to him by the competent service, and to produce the aircraft's papers for examination.

* Cmd. 3207.

† According to the terms of the International Sanitary Convention of the 21st June, 1926, Article 10, and the first paragraph of Article 11, a local area is considered "infected" by one of the diseases in question in the following circumstances: For plague and yellow fever when the first case recognized as non-imported is reported; for cholera when forming a foyer—that is, when the occurrence of new cases outside the immediate surroundings of the first cases proves that the spread of the disease has not been confined to the place where it began; for typhus and smallpox when they appear in epidemic form.

ARTIKEL 19.

Vir die doel van die onderhawige Konvensie word die inkubasietydperk bereken as 6 dae in die geval van pes, 5 dae in die geval van cholera, 6 dae in die geval van geelkoors, 12 dae in die geval van tifuskoors, en 14 dae in die geval van pokkies.

ARTIKEL 20.

Die hoofgesondheidsoutoriteite moet aan die gesondheids- en geoutoriseerde vliegvelde van hul respektiewe lande alle besonderhede aanstuur soos vervat in die epidemiologiese aangiftes en mededelings van die Office International d'Hygiène publique (en die Regional Bureaux waarmee hy ooreenkomste vir die doel aangegaan het) ingevolge die bepalings van die Internasionale Sanitêre Konvensie van 21 Junie 1926* wat die uitoefening van gesondheidskontrole op daardie vliegvelde mag raak.

ARTIKEL 21.

Die maatreëls in hierdie Deel van die Konvensie voorgeskryf word beskou as vormende 'n maksimum binne die perke waarvan die Hoë Kontrakterende Partye die prosedure wat op vliegtuie toegepas kan word, kan reël.

Elke Hoë Kontrakterende Party moet self beslis of maatreëls, binne die perke van die onderhawige Konvensie, op vliegtuie wat aankom van 'n vreemde plaaslike gebied of vliegveld toegepas behoort te word.

In hierdie verband moet ten volle rekening gehou word met informasie ontvang en maatreëls reeds toegepas ooreenkomstig Artikel 54 van die onderhawige Konvensie.

ARTIKEL 22.

Vir die doel van Deel III van die onderhawige Konvensie word 'n plaaslike gebied beskou as besmet te wees wanneer die kondisies in die Internasionale Gesondheidskonvensie van 21 Junie 1926 gespesifiseer, daarop van toepassing is.†

Hoofstuk 1.—*Maatreëls van toepassing in die geval van Pes, Cholera, Tifuskoors en Pokkies.*

Afdeling I.—*Maatreëls by Vertrek.*

ARTIKEL 23.

Die maatreëls van toepassing by vertrek van vliegtuie van 'n plaaslike gebied wat met een van die siektes in hierdie Hoofstuk genoem besmet is, is die volgende:—

- (1) Deeglike reiniging van die vliegtuig, vernameelik die dele wat maklik besmet kan raak.
- (2) Geneeskundige inspeksie van passasiers en bemanning.
- (3) Uitsluiting van enigeen wat tekens van een van die betrokke siektes vertoon; sowel as van persone wat so nou in aanraking met die sieke kom dat hulle as gevolg daarvan die besmetting van hierdie siektes kan oordra.
- (4) Inspeksie van persoonlike besittings, wat aangeneem word alleen as dit in 'n redelike toestand van sindelikeid is.
- (5) In die geval van pes, uitroeiing van rotte indien daar enige rede is om te vermoed dat rotte aan boord is.
- (6) In die geval van tifuskoors, uitroeiing van insekte, beperk tot die persone wat, na geneeskundige inspeksie beskou word dat hulle die besmetting kan oordra, en tot hul besittings.

Die dokumente van die vliegtuig moet ooreenkomstig die vereistes van Artikel 9 aangeteken word.

Afdeling II.—*Maatreëls by Aankoms.*

ARTIKEL 24.

Al kom vliegtuie van 'n plaaslike gebied besmet met een van die siektes waarop hierdie Hoofstuk van toepassing is, kan hulle op enige geoutoriseerde vliegveld land. Nietemin het elke Hoë Kontrakterende Party, indien epidemiologiese toestande dit vereis, die reg om te vereis dat vliegtuie wat van besondere plaaslike gebiede kom, op voorgeskrewe gesondheids- of geoutoriseerde vliegvelde land, waarby rekening gehou word met die geografiese ligging van dergelike vliegvelde en van die roetes wat die vliegtuie volg, sodat die lugvaart nie belemmer word nie.

Die enigste maatreëls wat, indien nodig, getref kan word op geoutoriseerde vliegvelde wat nie ook gesondheidsvliegvelde is nie, is die geneeskundige inspeksie van passasiers en bemanning en die landing en afsondering van die siekes. Passasiers en bemanning mag hulle nie buite die perke begewe nie wat deur die vliegveldoutoriteit voorgeskryf is, behalwe met die toestemming van die besoekende geneeskundige beampte. Hierdie beperking kan steeds aan die vliegtuig by elke landingsplek opgelê word totdat dit 'n gesondheidsvliegveld bereik, waar dit onderworpe sal wees aan die maatreëls in hierdie Hoofstuk vasgestel.

ARTIKEL 25.

Dit word, by landing, van die gesagvoerder van die vliegtuig vereis dat hy hom tot beskikking van die gesondheidsoutoriteite sal stel ten einde te antwoord op alle versoeke om informasie betreffende openbare gesondheid wat aan hom deur die bevoegde diens gerig word, en om die vliegtuigdokumente vir insae voor te lê.

* Cmd. 3207.

† Ooreenkomstig die bepalings van die Internasionale Gesondheidskonvensie van 21 Junie 1926, Artikel 10, en die eerste paragraaf van Artikel 11, word 'n plaaslike gebied onder die volgende omstandighede beskou as besmet met een van die betrokke siektes: Vir pes en geelkoors wanneer die eerste geval as 'n nie-ingevoerde herken, gerapporteer word; vir cholera wanneer dit 'n foyer vorm—d.w.s., wanneer die voorkoms van nuwe gevalle buite die onmiddellike omgewing van die eerste gevalle bewys dat die verspreiding van die siekte nie beperk was tot die plek waar dit begin het nie; vir tifuskoors en pokkies, wanneer hulle in epidemiese vorm voorkom.

Should an aircraft, on entering a territory, land elsewhere than on a sanitary or authorized aerodrome, the commander of the aircraft shall, if the aircraft comes from an infected local area or is itself infected, notify the nearest local authority to this effect, and the latter shall take such measures as are appropriate to the circumstances, being guided by the general principles on which the present Convention is based, and shall, if possible, direct the aircraft to a sanitary aerodrome. No cargo shall be unloaded and no passenger or member of the crew shall leave the vicinity of the aircraft without the permission of the competent sanitary authority.

ARTICLE 26.

In the application of the present Convention, surveillance may not be replaced by observation except—

- (a) in circumstances in which it would not be practicable to carry out surveillance with sufficient thoroughness; or
- (b) if the risk of the introduction of infection into the country is considered to be exceptionally serious; or
- (c) if the person who would be subject to surveillance cannot furnish adequate sanitary guarantees.

Persons under observation or surveillance shall submit themselves to any examination which the competent sanitary authority may consider necessary.

(A)—*Plague.*

ARTICLE 27.

If there has not been a case of plague on board, the only measures which may be prescribed are—

- (1) medical inspection of passengers and crew;
- (2) deratisation and disinsectisation, if in exceptional cases these operations are considered necessary, and if they have not been carried out at the aerodrome of departure;
- (3) the crew and passengers may be subjected to surveillance for a period not exceeding six days from the date on which the aircraft left the infected local area.

ARTICLE 28.

If there is on board a recognized or suspected case of plague, the following measures are applicable :—

- (1) Medical inspection.
- (2) The sick shall be immediately disembarked and isolated.
- (3) All persons who have been in contact with the sick, and those whom the sanitary authority has reason to consider suspect, shall be subject to surveillance for a period not exceeding six days from the date of arrival of the aircraft.
- (4) Personal effects, linen and any other articles which in the opinion of the sanitary authority are infected, shall be disinsectised and, if necessary, disinfected.
- (5) Any parts of the aircraft which are suspected of being infected shall be disinsectised;
- (6) The sanitary authority may carry out deratisation in exceptional cases, if there is any reason to suspect the presence of rats on board and if the operation was not carried out on departure.

ARTICLE 29.

If the sanitary authority considers that merchandise coming from an area infected with plague may harbour rats or fleas, such merchandise shall not be discharged except with the necessary precautions.

(B)—*Cholera.*

ARTICLE 30.

If there has not been a case of cholera on board, the only measures which may be prescribed are—

- (1) medical inspection of passengers and crew;
- (2) surveillance of passengers and crew for a period not exceeding five days from the date on which the aircraft left the infected local area.

ARTICLE 31.

If a case of disease presenting clinical signs of cholera appears on board during the voyage, the aircraft shall be subject, at places of call or on arrival, to the following procedure :—

- (1) Medical inspection.
- (2) The sick shall be immediately disembarked and isolated.
- (3) The crew and passengers shall be kept under surveillance for a period not exceeding five days from the date of arrival of the aircraft.
- (4) Personal effects, linen and all other articles which in the opinion of the sanitary authority are infected, shall be disinfected.
- (5) The parts of the aircraft which have been occupied by the sick or which are regarded as liable to have been infected, shall be disinfected.
- (6) When the drinking water on board is considered suspect, it shall be disinfected, and if practicable emptied out and replaced, after the disinfection of the container, by wholesome water.

In countries in which investigation for the defection of carriers of the cholera vibrio is prescribed for the inhabitants, persons arriving by aircraft who wish to remain in the country shall submit to the obligations imposed on the inhabitants.

Indien 'n vliegtuig, by aankoms in 'n gebied elders as op 'n gesondheids- of geoutoriseerde vliegveld land, moet die gesagvoerder van die vliegtuig, indien die vliegtuig van 'n besmette plaaslike gebied kom of self besmet is, die naaste plaaslike outoriteit dienooreenkomstig in kennis stel, en laasgenoemde moet sulke maatreëls tref as wat onder die omstandighede paslik is op grondslag van die algemene beginsels waarop hierdie Konvensie gebaseer is, en moet hy, indien moontlik vir die vliegtuig 'n gesondheidsvliegveld aanwys. Geen vrag sal afgelaai word nie en geen passasier of lid van die bemanning mag die omgewing van die vliegtuig sonder toestemming van die gesondheidsoutoriteit verlaat nie.

ARTIKEL 26.

By die toepassing van die onderhawige Konvensie mag toesig nie deur observasie vervang word nie behalwe—

- (a) onder omstandighede waar dit nie prakties sou wees om 'n voldoende mate van deeglike toesig te handhaaf nie; of
- (b) as die risiko van invoer van besmetting in die land as buitengewoon ernstig beskou word; of
- (c) as die persoon wat aan toesig onderhewig sou wees nie voldoende gesondheidswaarborg kan verskaf nie.

Persone onder observasie of toesig moet hulle aan enige ondersoek wat die bevoegde gesondheidsoutoriteite nodig mag ag, onderwerp.

(A)—*Pes*.

ARTIKEL 27.

Indien geen geval van pes aan boord voorgekom het nie is die enigste maatreëls wat voorgeskryf kan word—

- (1) geneeskundige inspeksie van passasiers en bemanning;
- (2) uitroeiing van rotte en insekte, indien in buitengewone omstandighede hierdie handelings nodig geag word, en indien hulle nie op die vliegveld van vertrek uitgevoer is nie;
- (3) die bemanning en passasiers kan onderwerp word aan 'n tydperk van toesig van hoogstens ses dae vanaf die datum waarop die vliegtuig die besmette plaaslike gebied verlaat het.

ARTIKEL 28.

Indien daar aan boord 'n duidelike of verdagte geval van pes is, is die volgende maatreëls van toepassing:—

- (1) Geneeskundige inspeksie.
- (2) Die sieke moet onmiddellik afgelaai en afgesonder word.
- (3) Alle persone wat in aanraking met die sieke was en die van wie die gesondheidsoutoriteite rede het om as verdag te beskou, moet onder toesig kom vir 'n tydperk van hoogstens ses dae vanaf die datum van aankoms van die vliegtuig.
- (4) Persoonlike besittings, linne en enige ander artikels wat volgens die mening van die gesondheidsoutoriteite besmet is, moet van insekte vry gemaak, en indien nodig, ontsmet word.
- (5) Enige gedeeltes van die vliegtuig wat verdag word besmet te wees moet van insekte vry gemaak word.
- (6) Die gesondheidsoutoriteite kan die uitroeiing van rotte in buitengewone gevalle uitvoer as daar enige rede is om die aanwesigheid van rotte aan boord te vermoed en indien dit nie by die vertrek uitgevoer is nie.

ARTIKEL 29.

Indien die gesondheidsoutoriteit meen dat handelware afkomstig van 'n gebied wat met pes besmet is rotte of vlooië herberg, moet dergelike handelware nie, behalwe met die nodige voorsorgsmaatreëls gelos word nie.

(B)—*Cholera*.

ARTIKEL 30.

Indien geen geval van cholera aan boord voorgekom het nie, is die enigste maatreëls wat voorgeskryf kan word—

- (1) geneeskundige inspeksie van passasiers en bemanning;
- (2) toesig oor passasiers en bemanning vir 'n tydperk van hoogstens vyf dae vanaf die datum waarop die vliegtuig die besmette plaaslike gebied verlaat het.

ARTIKEL 31.

Indien 'n siektegeval wat kliniese tekens van cholera vertoon aan boord gedurende die reis voorkom, is die vliegtuig op die plekke wat hy aandoen of by aankoms, aan die volgende prosedure onderworpe:—

- (1) Geneeskundige inspeksie.
- (2) Die sieke moet onmiddellik afgelaai en afgesonder word.
- (3) Die bemanning en passasiers moet vir 'n tydperk van hoogstens vyf dae vanaf die datum van aankoms van die vliegtuig, onder toesig gehou word.
- (4) Persoonlike besittings, linne en alle ander artikels wat volgens die mening van die gesondheidsoutoriteit besmet is, moet ontsmet word.
- (5) Die gedeeltes van die vliegtuig waarin die siekes was of waarvan dit beskou word dat hulle moontlik besmet kon geraak het, moet ontsmet word.
- (6) Wanneer die drinkwater aan boord as verdag beskou word, moet dit ontsmet en indien uitvoerbaar uitgetap en, na ontsmetting van die houer, deur gesonde water vervang word.

In lande waar die ondersoek vir die ontdekking van draers van die cholera-vibrio vir die inwoners voorgeskryf is, moet persone wat per vliegtuig aankom en wat in die land wil bly, hulle onderwerp aan die verpligtings wat aan die inwoners opgelê is.

ARTICLE 32.

Persons producing proof that they have been vaccinated against cholera within less than six months and more than six days, may be subjected to surveillance only.

Proof shall consist of a written certificate signed by a doctor, whose signature shall be officially authenticated; failing such authentication, the certificate shall be countersigned by either (a) the medical officer attached to a sanitary aerodrome or (b) a person, other than the person performing the vaccination, who is authorized to witness an application for a passport under the regulations of the country.

ARTICLE 33.

The unloading from aircraft of the following fresh foods may be prohibited: fish, shellfish, fruit and vegetables, coming from a local area infected with cholera.

(C)—*Typhus*.

ARTICLE 34.

(a) If there has not been a case of typhus on board, no sanitary measure may be carried out save those prescribed in Article 52 of the present Convention for persons who have within 12 days left a local area where typhus is epidemic.

(b) The following measures are applicable if there is a case of typhus on board:—

- (1) Medical inspection.
- (2) The sick shall be immediately disembarked, isolated and deloused.
- (3) Any person suspected of harbouring lice or of having been exposed to infection shall also be deloused, and may be subjected to surveillance for a period not exceeding 12 days, reckoned from the date of delousing.
- (4) Linen, personal effects, and other articles which the sanitary authority considers to be infected shall be disinfected.
- (5) The parts of the aircraft which have been occupied by persons suffering from typhus and which the sanitary authority considers to be infected shall be disinfected.

(D)—*Smallpox*.

ARTICLE 35.

(a) If there has not been a case of smallpox on board no sanitary measure may be carried out save in the case of persons who have within 14 days left a local area where smallpox is epidemic and who, in the opinion of the sanitary authority, are not sufficiently immunized. Such persons may be subjected, without prejudice to the terms of Article 52, to vaccination, or to surveillance, or to vaccination followed by surveillance, the period of which shall not exceed 14 days from the date of arrival of the aircraft.

(b) The following measures are applicable if there is a case of smallpox on board:—

- (1) Medical inspection.
- (2) The sick shall be immediately disembarked and isolated.
- (3) Other persons who there is reason to believe have been exposed to infection and who, in the opinion of the sanitary authority, are not sufficiently immunized may be subjected to the measures prescribed in paragraph (a) of this Article.
- (4) Linen, personal effects, and other articles which the sanitary authority considers to have been recently infected, shall be disinfected.
- (5) The parts of the aircraft which have been occupied by persons suffering from smallpox and which the sanitary authority considers to be infected shall be disinfected.

For the purposes of this Article persons shall be considered immune (a) if they can produce proof of a previous attack of smallpox, or if they have been vaccinated within less than three years and more than 12 days, or (b) if they show local signs of early reaction attesting an adequate immunity. Apart from cases where these signs are present, proof shall be afforded by a written certificate of a doctor, authenticated in the manner prescribed in the second paragraph of Article 32.

Chapter II.—*Measures applicable in the case of Yellow Fever.*Section I.—*General Provisions.*

ARTICLE 36.

In territories where endemicity of yellow fever is suspected, the High Contracting Parties shall take the necessary steps to ascertain whether yellow fever exists in their territory in a form which, though not clinically recognizable, might be revealed by biological examination.

ARTICLE 37.

Independently of the notification of cases of and circumstances relating to recognized cases of yellow fever as laid down in Articles 1, 2, 3, 4, 5 and 8 of the International Sanitary Convention of the 21st June, 1926, each High Contracting Party undertakes to notify immediately to the other High Contracting Parties and at the same time to the Office International d'Hygiène publique (either directly or indirectly through the Regional Bureaux with which it has made agreements for this purpose), the discovery in his territory of the actual existence of yellow fever in the above-mentioned form.

ARTIKEL 32.

Persone wat bewys kan lewer dat hulle teen cholera binne minder as ses maande en meer as ses dae ingeënt is, kan alleen aan toesig onderwerp word.

Bewys bestaan uit 'n skriftelike sertifikaat onderteken deur 'n dokter wie se naamtekening amptelik bekragtig moet wees; by gebreke van sulke bekragtiging, moet die sertifikaat mede-onderteken word deur of (a) die geneeskundige beampte aan 'n gesondheidsvliegveld verbonde of (b) 'n ander persoon as die persoon wat die inenting doen wat gemagtig is om die aansoek om 'n paspoort ingevolge die regulasies van die land as getuie te teken.

ARTIKEL 33.

Die aflaai van vliegtuie van die volgende vars voedsels kan verbied word: vis, skulpvis, vrugte en groente, afkomstig van 'n plaaslike gebied wat met cholera besmet is.

(C)—*Tifuskoors.*

ARTIKEL 34.

(a) Indien daar geen geval van tifuskoors aan boord voorgekom het nie, word geen gesondheidsmaatreëls uitgevoer nie, behalwe die wat in Artikel 52 van die onderhawige Konvensie vir persone wat binne 12 dae 'n plaaslike gebied verlaat het waar tifuskoors epidemies is, voorgeskryf is.

(b) Die volgende maatreëls is van toepassing as daar 'n geval van tifuskoors aan boord is:—

- (1) Geneeskundige inspeksie.
- (2) Die sieke moet onmiddellik afgelaai, afgesonder en ontluis word.
- (3) Enigeen wat verdag word luisse te herberg of dat hy aan besmetting blootgestel was, moet ook ontluis word, en kan aan toesig onderwerp word vir 'n tydperk van hoogstens 12 dae gereken vanaf die datum van ontluising.
- (4) Linne, persoonlike besittings, en ander artikels wat die gesondheidsoutoriteite as besmet ag, moet van insekte vry gemaak word.
- (5) Die gedeeltes van 'n vliegtuig wat geokkupeer is deur persone wat aan tifuskoors ly en wat die gesondheidsoutoriteit as besmet ag, moet van insekte vry gemaak word.

(D)—*Pokkies.*

ARTIKEL 35.

(a) Indien daar geen geval van pokkies aan boord voorgekom het nie, word geen gesondheidsmaatreëls uitgevoer nie behalwe in die geval van persone wat binne 14 dae 'n plaaslike gebied verlaat het waar pokkies epidemies is, en wat, volgens die mening van die gesondheidsoutoriteit nie in voldoende mate onvatbaar gemaak is nie. Sulke persone kan, met voorbehoud van die bepalinge van Artikel 52, onderwerp word aan inenting of toesig, of aan inenting gevolg deur toesig, waarvan die tydperk hoogstens 14 dae vanaf die datum van aankoms van die vliegtuig mag wees.

(b) Die volgende maatreëls is van toepassing indien daar 'n geval van pokkies aan boord is:—

- (1) Geneeskundige inspeksie.
- (2) Die sieke moet onmiddellik afgelaai, en afgesonder word.
- (3) Indien daar rede is om te vermoed dat ander persone aan besmetting blootgestel was en wat, volgens die mening van die gesondheidsoutoriteit nie in 'n voldoende mate onvatbaar gemaak is nie, kan hulle onderwerp word aan die maatreëls wat in paragraaf (a) van hierdie Artikel voorgeskryf is.
- (4) Linne, persoonlike besittings, en ander artikels waarvan die gesondheidsoutoriteite ag dat hulle onlangs besmet geraak het, moet ontsmet word.
- (5) Die gedeeltes van 'n vliegtuig waarin persone was wat aan pokkies ly en wat die gesondheidsoutoriteite as besmet ag, moet ontsmet word.

Vir die doeleindes van hierdie Artikel word persone as onvatbaar beskou (a) as hulle bewys van 'n vorige aanval van pokkies kan lewer, of dat hulle binne minder as drie jaar en meer as twaalf dae tevore geënt is, of (b) as hulle lokale tekens van 'n vroeë reaksie wat 'n voldoende mate van onvatbaarheid bewys, kan toon. Behalwe in gevalle waar hierdie tekens aanwesig is, moet skriftelik gesertifiseerde bewyse van 'n dokter gelewer word, bekragtig soos in die tweede paragraaf van Artikel 32 voorgeskryf.

Hoofstuk II.—*Maatreëls van toepassing in die geval van Geelkoors.*

Afdeling I.—*Algemene Bepalings.*

ARTIKEL 36.

In gebiede waar gemeen word dat geelkoors endemies is, moet die Hoë Kontrakterende Partye die nodige stappe doen om vas te stel of geelkoors in hul gebied bestaan in 'n vorm wat, hoewel nie klinies herkenbaar nie, deur biologiese ondersoek aan die lig gebring mag word.

ARTIKEL 37.

Afgesien van die aangifte van gevalle van en omstandighede wat betref duidelike gevalle van geelkoors soos in Artikels 1, 2, 3, 4, 5 en 8 van die Internasionale Gesondheidskonvensie van 21 Junie 1926 vasgestel, onderneem elke Hoë Kontrakterende Party om onmiddellik die ander Hoë Kontrakterende Partye en terselfdertyd die Office International d'Hygiène publique (direk of indirek deur die Regional Bureaux met wie hy 'n ooreenkoms met hierdie doel getref het) in kennis te stel van die ontdekking in sy gebied van die werklike voorkoms van geelkoors in bogenoemde vorm.

Section II.—*Provisions concerning regions in which Yellow Fever has occurred or exists in an endemic form.*

ARTICLE 38.

Notwithstanding Article 4 of the present Convention, and subject to the terms of Article 46 hereafter, every aerodrome which receives aircraft to which Article 1, I, second paragraph, applies, and which is situated in a region, that is to say a part of a territory, in which yellow fever exists in a form clinically or biologically recognizable, shall become a sanitary aerodrome as defined in the present Convention, and in addition, shall be—

- (1) Situated at an adequate distance from the nearest inhabited centre.
- (2) Provided with arrangements for a water supply completely protected against mosquitoes and kept as free as possible from mosquitoes by systematic measures for the suppression of breeding places and the destruction of the insects in all stages of development.
- (3) Provided with mosquito-proof dwellings for the crews of aircraft and for the staff of the aerodrome.
- (4) Provided with a mosquito-proof dwelling in which passengers can be accommodated or hospitalized when it is necessary to apply the measures specified in Articles 42 and 44 below.

ARTICLE 39.

If, in the region where yellow fever has occurred or exists in an endemic form, there is not already an aerodrome fulfilling the conditions specified in the preceding Article, all aerial navigation from this region to any other territory shall be suspended until such an aerodrome shall have been established.

ARTICLE 40.

Every aerodrome established and equipped in accordance with the provisions of Article 38 above shall be called an *anti-amaryl aerodrome*, and shall be deemed to be a separate local area. The creation of such an aerodrome shall be notified by the High Contracting Party in whose territory it is situated to the other High Contracting Parties, and either to the Office International d'Hygiène publique or to the International Commission for Aerial Navigation, under the conditions laid down in Article 7. Consequent on this notification, the declaration of the presence of yellow fever in an adjacent town or village, or in another local area, shall not apply to the aerodrome, and the aerodrome shall not be declared infected unless yellow fever occurs among the persons residing therein.

ARTICLE 41.

If an anti-amaryl aerodrome becomes an infected local area, aerial navigation from that aerodrome to any other territory shall be discontinued until all measures have been taken to free it from infection, and all risk of the spread of yellow fever has ceased.

ARTICLE 42.

Where the anti-amaryl aerodrome is not infected, but yellow fever exists in the region, the following measures shall be taken on the departure, or in any event as late as possible before the departure, of an aircraft:—

- (1) Inspection of the aircraft and cargo to ensure that they do not contain mosquitoes, and, if necessary, disinsectisation. A record of this inspection and any action taken shall be entered in the journey log-book.
- (2) Medical inspection of passengers and crew; those who are suspected of suffering from yellow fever, or in whose case it has been duly established that they have been exposed to the infection of yellow fever, shall be required to remain under observation either within the precincts of the aerodrome or elsewhere, under conditions approved by the sanitary authority, until six days have elapsed since the last day on which they were exposed to infection.
- (3) The names of the passengers and crew shall be entered in the journey log-book, together with the relevant information with regard to their exposure to infection, and the period and conditions of the observation which they have undergone prior to departure.

ARTICLE 43.

Aircraft in transit, not coming from a region in which yellow fever exists, and landing for the purpose of taking in supplies in an anti-amaryl aerodrome, shall be exempt from the prescribed sanitary measures on leaving that aerodrome. In the further course of the voyage they shall not be subject to the provisions of this Chapter provided that the fact that they have called at an anti-amaryl aerodrome for the sole purpose of taking in supplies is entered in the journey log-book.

ARTICLE 44.

Aircraft to which Article 1, I, second paragraph, of the present Convention applies, flying between two regions where yellow fever exists must depart from and land at an anti-amaryl aerodrome in these regions. Passengers, crew and cargo shall not be disembarked or embarked except at an anti-amaryl aerodrome.

During the voyage between these aerodromes aircraft may land for the purpose of taking in supplies in any aerodrome not situated within a region where yellow fever exists.

The measures to be taken on arrival at the anti-amaryl aerodrome are the following:—

- (1) Inspection of the aircraft and cargo to ensure that they do not contain mosquitoes, and, if necessary, disinsectisation.

Afdeling II.—Bepalings betreffende streke waarin Geelkoors voorgekom het of in 'n endemiese vorm aanwesig is.

ARTIKEL 38.

Nieteenstaande Artikel 4 van die onderhawige Konvensie en onderworpe aan die bepaling van Artikel 46 hierna, word elke vliegvelde wat vliegtuie ontvang waarop Artikel 1, I, tweede paragraaf, van toepassing is, en wat binne 'n streek geleë is, d.w.s., 'n gedeelte van 'n gebied waarin geelkoors in 'n klinies of biologies herkenbare vorm voorkom, 'n gesondheidsvliegvelde soos in die onderhawige Konvensie bepaal, en bowendien moet dit—

- (1) op 'n voldoende afstand geleë wees van die naaste bewoonde sentrum;
- (2) voorsien wees van inrigtings vir 'n watertoevoer wat volkome teen muskiete beskerm is en so vry as moontlik van muskiete gehou word deur stelselmatige maatreëls vir die onderdrukking van broeiplekke en die vernietiging van die insekte in alle stadiums van ontwikkeling;
- (3) voorsien is van muskietproef-wonings vir die bemannings van vliegtuie en vir die personeel van die vliegvelde;
- (4) voorsien is van 'n muskietproef woning waarin vir die passasiers akkommodasie of hospitaalbehandeling kan verskaf word wanneer dit nodig is om die maatreëls in Artikels 42 en 44 hieronder gespesifiseer, toe te pas.

ARTIKEL 39.

Indien in die geweste waar geelkoors voorgekom het of in endemiese vorm bestaan daar nie reeds 'n vliegvelde is wat aan die voorwaardes in die voorgaande Artikel gespesifiseer voldoen nie, moet alle lugvaart van hierdie streek na enige ander gebied gestaak word totdat so'n vliegvelde opgerig is.

ARTIKEL 40.

Elke vliegvelde opgerig en uitgerus ooreenkomstig die bepaling van Artikel 38 sal 'n *anti-amaril-vliegvelde* genoem en as 'n afsonderlike plaaslike gebied beskou word. Die oprigting van so'n vliegvelde moet deur die Hoë Kontrakterende Party binne wie se gebied dit geleë is aan die ander Hoë Kontrakterende Partye bekendgemaak word, en of aan die Office International d'Hygiène publique of aan die Internasionale Kommissie vir Lugvaart, ooreenkomstig die bepaling van Artikel 7. Na hierdie kennisgewing sal die verklaring dat geelkoors in 'n aangrensende dorp of dorpie, of in 'n ander plaaslike gebied aanwesig is, nie op die vliegvelde van toepassing wees nie, en die vliegvelde sal nie as besmet verklaar word nie, tensy geelkoors voorkom onder die persone wat daarop woon.

ARTIKEL 41.

Indien 'n *anti-amaril-vliegvelde* 'n besmette plaaslike gebied word, word die lugvaart van daardie vliegvelde na enige ander gebied gestaak totdat maatreëls getref is om dit van besmetting vry te maak en daar geen gevaar meer vir die verspreiding van geelkoors is nie.

ARTIKEL 42.

Wanneer die *anti-amaril-vliegvelde* nie besmet is nie maar geelkoors nog in die streek voorkom, moet die volgende maatreëls by vertrek getref word, of in elk geval so laat moontlik voor die vertrek van 'n vliegtuig:—

- (1) Inspeksie van die vliegtuig en die lading om seker te maak dat hulle geen muskiete herberg nie, en, indien nodig, vernietiging van insekte daarin. 'n Aantekening van hierdie inspeksie en enige genome maatreëls moet in die reis-logboek gemaak word.
- (2) Geneeskundige ondersoek van passasiers en bemanning; die wat vermoedelik aan geelkoors ly, of by wie dit behoorlik vasgestel is dat hulle aan die besmetting met geelkoors blootgestel was, sal onder observasie moet bly of binne die omtrek van die vliegvelde of elders, onder voorwaardes deur die gesondheidsoutoriteit goedgekeur, totdat ses dae verstryk het na die laaste dag waarop hulle aan besmetting blootgestel was.
- (3) Die name van die passasiers en die bemanning moet in die reis-logboek ingeskrywe word tesame met die besonderhede betreffende hul blootstelling aan besmetting, en die tydperk en voorwaardes van die observasie waaraan hulle voor die vertrek onderwerp is.

ARTIKEL 43.

Vliegtuie in transito wat nie van 'n streek kom waar daar geelkoors is nie en wat op 'n *anti-amaril-vliegvelde* land om voorrade in te neem, word by vertrek van daardie vliegvelde van die voorgeskrewe gesondheidsmaatreëls vrygestel. Gedurende die res van die reis is hulle nie onderworpe aan die bepaling van hierdie Hoofstuk nie, mits die feit dat hulle by 'n *anti-amaril-vliegvelde* uitsluitlik vir die inneem van voorrade aangedoen het, in die reis-logboek aangeteken is.

ARTIKEL 44.

Vliegtuie waarop Artikel 1, I, tweede paragraaf van die onderhawige Konvensie van toepassing is, wat tussen twee streke vlieg waar daar geelkoors is, moet in hierdie streke van 'n *anti-amaril-vliegvelde* vertrek en op so'n vliegvelde land. Passasiers, bemanning en lading mag nie, behalwe op 'n *anti-amaril-vliegvelde*, afgelaai of opgeneem word nie. Gedurende die reis tussen hierdie vliegvelde kan vliegtuie, met die doel om voorrade in te neem, op enige vliegvelde land wat nie geleë is binne 'n streek waar daar geelkoors is nie.

Die volgende is die maatreëls wat getref moet word by aankoms op 'n *anti-amaril-vliegvelde*:—

- (1) Inspeksie van die vliegtuig en lading om seker te maak dat hulle geen muskiete herberg nie, en indien nodig, vernietiging van insekte daarin.

- (2) Medical examination of passengers and crew to ascertain that they are free from symptoms of yellow fever.

If a person is suspected to be suffering from yellow fever, or if it has not been established to the satisfaction of the sanitary authority of the aerodrome of arrival that a person has completed a period of six days since possible exposure to infection, he may be subjected to observation either within the precincts of the aerodrome or elsewhere, under conditions approved by the sanitary authority, for a period not exceeding six days reckoned from the last day on which that person could have been infected.

ARTICLE 45.

Aircraft having departed from an anti-amaryl aerodrome in a region where yellow fever exists and arriving at a region where yellow fever does not exist, shall be subject to the provisions of Sections III and IV below.

ARTICLE 46.

For the purposes of local aerial navigation, nothing in this section shall be deemed to prevent the Governments of neighbouring territories in which yellow fever is found or exists endemically from establishing or employing, by mutual agreement, aerodromes which are not anti-amaryl aerodromes, for the needs of aerial navigation exclusively between these territories.

Section III.—*Provision in respect of Territories or Regions in which Yellow Fever does not exist, but in which there may be conditions which permit of its development.*

ARTICLE 47.

In territories or regions where yellow fever does not exist, but where there may be conditions which permit of its development, the measures which may be taken on the arrival of an aircraft at a sanitary aerodrome are the following :—

- (1) Inspection of aircraft and cargo to ensure that they do not contain mosquitoes, and, if necessary, disinsectisation.
- (2) Medical examination of passengers and crew to ascertain that they are free from symptoms of yellow fever.

If a person is suspected to be suffering from yellow fever, or if it has not been established to the satisfaction of the sanitary authority of the aerodrome that a person has completed a period of six days since possible exposure to infection, he may be subjected to observation either within the precincts of the aerodrome or elsewhere, under conditions approved by the sanitary authority, for a period not exceeding six days reckoned from the last day on which that person could have been infected.

ARTICLE 48.

The High Contracting Parties undertake, save in exceptional circumstances which will require to be justified, not to invoke sanitary reasons for prohibiting the landing in the territories referred to in Article 47 of aircraft coming from regions where yellow fever exists, provided that the provisions of Section II of this Chapter, particularly those concerning the measures to be taken on departure, are observed there.

ARTICLE 49.

Nevertheless, the High Contracting Parties may designate particular sanitary aerodromes as those at which aircraft from territories where yellow fever exists shall land for the purpose of disembarking passengers, crew or cargo.

Section IV.—*Provisions in respect of Territories or regions where the conditions do not permit of the development of Yellow Fever.*

ARTICLE 50.

In territories or regions where the conditions do not permit of the development of yellow fever, aircraft coming from regions where yellow fever exists may land on any sanitary or authorized aerodrome.

ARTICLE 51.

The measures to be taken on arrival are the following :—

- (1) Inspection of the aircraft and cargo to ensure that they do not contain mosquitoes, and, if necessary, disinsectisation.
- (2) Medical inspection of passengers and crew.

Chapter III.—General Provisions.

ARTICLE 52.

Persons who arrive in aircraft in the territory of any High Contracting Party and who have been exposed to risk of infection by one of the diseases referred to in Article 18 of the present Convention, and who are within the period of incubation, may, subject to the provisions of Chapter II of this Part, be subjected to surveillance until the termination of that period.

In the case of cholera and smallpox, the provisions of Articles 32 and 35 relating to immunized persons apply equally to action under this Article.

ARTICLE 53.

Persons who, on arrival at an aerodrome, are considered under the terms of this Part liable to surveillance up to the expiration of the period of incubation of the disease, may nevertheless continue the voyage on condition that the fact is notified to the authorities of subsequent landing places and of the place of arrival, either by means of an entry in the journey log-book as prescribed in Article 9 of the present Convention, or by some other method sufficient to secure that they can be subjected to medical inspection in any subsequent aerodrome on the route.

- (2) Geneeskundige ondersoek van passasiers en bemanning om te bepaal of hulle nie simptome van geelkoors vertoon nie.

Indien vermoed word dat iemand aan geelkoors ly of indien dit nie tot bevrediging van die gesondheidsoutoriteit van die vliegveld van aankoms bewys is dat 'n tydperk van ses dae verstryk het sedert die persoon aan moontlike besmetting blootgestel was nie, kan so 'n persoon aan observasie onderwerp word of binne die grense van die vliegveld of elders, onder voorwaardes deur die gesondheidsoutoriteit goedgekeur, vir 'n tydperk van hoogstens ses dae gereken vanaf die laaste dag waarop die persoon besmet kon geraak het.

ARTIKEL 45.

Wanneer vliegtuie van 'n anti-amaril-vliegveld vertrek het waar daar geelkoors is en in 'n streek aankom waar daar geen geelkoors is nie, is hulle onderworpe aan die bepalinge van Afdelings III en IV hieronder.

ARTIKEL 46.

Vir die doeleindes van plaaslike lugverkeer word dit nie beskou dat enigiets in hierdie afdeling die Regerings van aangrensende gebiede waarin geelkoors aangetref word of endemies bestaan, belet om onderling vliegvelde wat nie anti-amaril-vliegvelde is nie, uitsluitlik vir die lugverkeer tussen sulke gebiede op te rig en te gebruik.

Afdeling III.—Bepalings ten opsigte van Gebiede of Streke waar daar geen Geelkoors is nie, maar waar daar moontlik toestande is wat sy ontwikkeling moontlik maak.

ARTIKEL 47.

In gebiede of streke waar daar geen geelkoors is nie, maar waar daar toestande mag wees wat sy ontwikkeling moontlik maak, is die volgende die maatreëls wat getref moet word by die aankoms van vliegtuie op 'n gesondheidsvliegveld:—

- (1) Inspeksie van vliegtuie en lading om seker te maak dat hulle geen muskiete herberg nie en, indien nodig, vernietiging van insekte daarin.
- (2) Geneeskundige ondersoek van passasiers en bemanning om te bepaal of hulle nie simptome van geelkoors vertoon nie.

Indien vermoed word dat iemand aan geelkoors ly, of indien dit nie tot bevrediging van die gesondheidsoutoriteit van die vliegveld bewys is dat 'n tydperk van ses dae verstryk het sedert die persoon aan moontlike besmetting blootgestel was nie, kan hy aan observasie onderwerp word of binne die grense van die vliegveld of elders, onder voorwaardes deur die gesondheidsoutoriteit goedgekeur, vir 'n tydperk van hoogstens ses dae gereken vanaf die laaste dag waarop die persoon besmet kon geraak het.

ARTIKEL 48.

Die Hoë Kontrakterende Partye onderneem om, behalwe in buitengewone omstandighede wat geregverdig sal moet wees, geen gesondheidsredes aan te voer om die landing van vliegtuie afkomstig uit streke waar daar geelkoors is te belet in die gebiede waarna in Artikel 47 verwys word nie, mits die bepalinge van Afdeling II van hierdie Hoofstuk, veral die bepalinge betreffende die maatreëls wat by vertrek getre moet word, aldaar uitgevoer word.

ARTIKEL 49.

Nogtans kan die Hoë Kontrakterende Partye besondere gesondheidsvliegvelde aanwys as dié waarop vliegtuie van gebiede waar geelkoors bestaan, vir die aflaai van passasiers, bemanning of lading, moet land.

Afdeling IV.—Bepalings ten opsigte van Gebiede of Streke waar toestande nie die ontwikkeling van Geelkoors moontlik maak nie.

ARTIKEL 50.

In gebiede of streke waar toestande sodanig is dat geelkoors nie kan ontwikkel nie, kan vliegtuie wat van streke kom waar daar geelkoors is, op enige gesondheids- of geoutoriseerde vliegveld land.

ARTIKEL 51.

Die maatreëls wat by aankoms getref moet word is die volgende:—

- (1) Inspeksie van die vliegtuig en bemanning om seker te maak dat hulle geen muskiete herberg nie, en, indien nodig, vernietiging van insekte.
- (2) Geneeskundige ondersoek van passasiers en bemanning.

Hoofstuk III.—Algemene Bepalings.

ARTIKEL 52.

Persone wat per vliegtuig in die gebied van enige van die Hoë Kontrakterende Partye aankom en wat blootgestel was aan die gevaar van besmetting met een van die siektes in Artikel 18 van die onderhawige Konvensie genoem, en wat binne die inkubasietydperk verkeer, kan, onderworpe aan die bepalinge van Hoofstuk II van hierdie Deel, aan toesig onderwerp word totdat daardie tydperk verstryk het.

In die geval van cholera en pokkies is die bepalinge van Artikels 32 en 35 betreffende onvatbare persone ewe van toepassing op optrede ingevolge hierdie Artikel.

ARTIKEL 53.

Diegene wat by aankoms op 'n vliegveld ingevolge hierdie Deel beskou word as onderworpe aan toesig tot verstryking van die inkubasietydperk van die siekte, kan nogtans die reis voortsit op voorwaarde dat die feit by die outoriteite van die daaropvolgende landingsplekke en van die plek van aankoms aangegee word, of deur middel van 'n aantekening in die reis-logboek soos in Artikel 9 van die onderhawige Konvensie bepaal, of op 'n ander manier wat voldoende is om te verseker dat hulle aan geneeskundige ondersoek op enige daaropvolgende vliegveld op die roete onderwerp kan word.

Persons who are liable to observation under the terms of Articles 26, 44 (fourth paragraph) and 47 (second paragraph) of this Convention, shall not be authorized until the expiration of the period of incubation to continue their voyage, except—in the case of diseases other than yellow fever—with the approval of the sanitary authorities of the place of their destination.

ARTICLE 54.

In applying sanitary measures to an aircraft coming from an infected local area, the sanitary authority of every aerodrome shall, to the greatest possible extent, take into account all measures which have already been applied to the aircraft in another sanitary aerodrome abroad or in the same country, and which are duly noted in the journey log-book referred to in Article 9 of the present Convention.

Aircraft coming from an infected local area which have already been subjected to satisfactory sanitary measures shall not be subjected to these measures a second time on arrival at another aerodrome, whether the latter belongs to the same country or not, provided no subsequent incident has occurred which calls for the application of the sanitary measures in question, and that the aircraft has not called at an infected aerodrome except to take in fuel.

ARTICLE 55.

The aerodrome authority applying sanitary measures shall, whenever requested, furnish free of charge to the commander of the aircraft, or any other interested person, a certificate specifying the nature of the measures, the methods employed, the parts of the aircraft treated, and the reason why the measures have been applied.

The authority shall also issue, on demand and without charge, to passengers arriving by an aircraft in which a case of one of the infectious diseases referred to in Article 18 has occurred, a certificate showing the date of their arrival and the measures to which they and their luggage have been subjected.

ARTICLE 56.

Save as expressly provided in the present Convention, aircraft shall not be detained for sanitary reasons.

If an aircraft has been occupied by a person suffering from plague, cholera, yellow fever, typhus or smallpox, its detention shall be limited to the period strictly necessary for it to undergo the prophylactic measures applicable to the aircraft in the case of each disease referred to in the present Convention.

ARTICLE 57.

Subject to the provisions of Chapter II of the present Convention, and particularly those of Article 47, any aircraft which does not wish to submit to the measures prescribed by the aerodrome authority in virtue of the provisions of the present Convention, is at liberty to continue its voyage. It may not, however, land in another aerodrome of the same country except for the purpose of taking in supplies.

An aircraft shall be permitted to land goods on condition that it is isolated and that the goods are subjected, if necessary, to the measures laid down in Article 10 of the present Convention.

Aircraft shall also be permitted to disembark passengers at their request, on condition that such passengers submit to the measures prescribed by the sanitary authority.

Aircraft may also take in fuel, replacements, food and water while remaining in isolation.

PART IV.—*Final Provisions.*

ARTICLE 58.

Any two or more High Contracting Parties have the right to conclude between themselves, on the basis of the principles of the present Convention, special agreements relating to particular points concerning aerial sanitary measures notably as regards the application within their territories of Chapter II of Part III.

These agreements, as well as those referred to in Article 46, shall be notified as soon as they come into force either to the Office International d'Hygiène publique or to the International Commission for Air Navigation, under the conditions laid down in Article 7.

ARTICLE 59.

The High Contracting Parties agree to seek the opinion of the Permanent Committee of the Office International d'Hygiène publique, before having recourse to any other procedure, should any disagreement arise between them as to the interpretation of the present Convention.

ARTICLE 60.

Without prejudice to the provisions of the last paragraph of Article 12, High Contracting Parties undertake to apply the same tariff of charges to the aircraft of other High Contracting Parties as they apply to their own national aircraft for sanitary operations in their aerodromes.

This tariff shall be as moderate as possible, and shall be notified either to the Office International d'Hygiène publique or to the International Commission for air Navigation under the conditions laid down in Article 7.

ARTICLE 61.

Any High Contracting Party which desires to introduce modifications in the present Convention shall communicate his proposals to the Government of the Netherlands. The latter will inform the Office International d'Hygiène publique, which, if it thinks fit, will prepare a protocol amending the Convention, and will transmit it to the Government of the Netherlands.

The Government of the Netherlands will submit by dated circular letter the text of the said protocol to the Governments of the other

Diegene wat ingevolge die bepalinge van Artikels 26, 44 (vierde paragraaf) en 47 (tweede paragraaf) van hierdie Konvensie aan observasie onderwerp kan word, sal nie voordat die inkubasietydperk verstryk het toegelaat word om die reis voort te sit nie, behalwe—in die geval van siektes uitgesonderd geelkoors—met die toestemming van die gesondheidsoutoriteite van die plek van hul bestemming.

ARTIKEL 54.

By die toepassing van gesondheidsmaatreëls op 'n vliegtuig wat kom van 'n besmette plaaslike gebied, moet die gesondheidsoutoriteit van elke vliegveld, sover moontlik, rekening hou met alle maatreëls wat reeds op die vliegtuig op 'n ander buitelandse gesondheidsvliegveld of in dieselfde land toegepas is en wat behoorlik in die reis-logboek in Artikel 9 van die onderhawige Konvensie genoem, aangeteken is.

Vliegtuie wat van 'n besmette plaaslike gebied kom en reeds onderwerp is aan bevredigende gesondheidsmaatreëls, sal nie vir 'n tweede keer by aankoms op 'n ander vliegveld aan hierdie maatreëls onderwerp word nie, hetsy laasgenoemde aan dieselfde land behoort of nie, mits geen daaropvolgende voorval plaasgevind het wat die toepassing van die betrokke gesondheidsmaatreëls noodsaaklik maak nie, en mits die vliegtuig nie by 'n besmette vliegveld behalwe vir die inneem van brandstof aangedoen het nie.

ARTIKEL 55.

Die vliegveldoutoriteit wat die gesondheidsmaatreëls toepas, moet steeds, wanneer daarom gevra word, kosteloos aan die gesagvoerder van die vliegtuig, of enige ander belanghebbende persoon, 'n sertifikaat verstrek waarop die aard van die maatreëls die metodes toegepas, die gedeeltes van die vliegtuig behandel en die rede waarom die maatreëls toegepas is, gespesifiseer word.

Die outoriteit moet ook op versoek en kosteloos aan passasiers wat aankom per vliegtuig waarin 'n geval van een van die besmetlike siektes in Artikel 18 genoem, voorgekom het, 'n sertifikaat uitreik wat die datum van hul aankoms en die maatreëls waaraan hulle en hul baggage onderwerp is, aangegee word.

ARTIKEL 56.

Behalwe soos uitdruklik in die onderhawige Konvensie bepaal, moet vliegtuie nie weens gesondheidsredes opgehou word nie.

Indien 'n vliegtuig deur iemand geokkupeer is wat aan pes, cholera, geelkoors, tifuskoors of pokkies ly, moet sy aanhouding beperk word tot die tydperk wat absoluut noodsaaklik is vir onderwerping aan die voorbehoedmaatreëls van toepassing op die vliegtuig in die geval van elke siekte in die onderhawige Konvensie genoem.

ARTIKEL 57.

Onderworpe aan die bepalinge van Hoofstuk II van die onderhawige Konvensie, en veral die van Artikel 47, kan enige vliegtuig wat hom nie aan die maatreëls ingevolge die bepalinge van die onderhawige Konvensie deur die vliegveldoutoriteite voorgeskrywe wil onderwerp nie, sy reis voortsit. Dit mag egter nie op 'n ander vliegveld van dieselfde land behalwe met die doel om voorrade in te neem, land nie.

'n Vliegtuig sal toegelaat word om goedere te land op voorwaarde dat dit afgesonderd word en dat die goedere indien nodig, onderwerp word aan die maatreëls in Artikel 10 van die onderhawige Konvensie neergelê.

Vliegtuie sal ook toegelaat word om passasiers, op hul versoek, te land, op voorwaarde dat sulke passasiers hulle aan die maatreëls deur die gesondheidsoutoriteit voorgeskrywe, onderwerp.

Vliegtuie kan ook brandstof, vernuwings, voedsel en water inneem, solank hulle afgesonderd is.

DEEL IV.—*Finale Bepalings.*

ARTIKEL 58.

Enige twee of meer Hoë Kontrakterende Partye het die reg om onderling op grondslag van die beginsels van die onderhawige Konvensie, besondere ooreenkomste te tref betreffende besondere gesondheidsmaatreëls in verband met lugvaart, veral ten opsigte van die toepassing binne hul gebiede van Hoofstuk II van Deel III.

Hierdie ooreenkomste sowel as dié waarna in Artikel 46 verwys word, moet, sodra hulle in werking tree, bekendgemaak word of aan die Office International d'Hygiène publique of aan die Internasionale Kommissie vir Lugvaart, ingevolge die bepalinge neergelê in Artikel 7.

ARTIKEL 59.

Die Hoë Kontrakterende Partye kom ooreen om die sienswyse in te win van die Permanente Komitee van die Office International d'Hygiène publique, voordat op enige ander manier handelend opgetree word, indien daar enige verskil tussen hulle mag ontstaan betreffende die vertolking van die onderhawige Konvensie.

ARTIKEL 60.

Sonder om afbreuk te doen aan die bepalinge van die laaste paragraaf van Artikel 12, onderneem die Hoë Kontrakterende Partye om dieselfde tariewe van koste toe te pas op vliegtuie van ander Hoë Kontrakterende Partye wat op hul eie nasionale vliegtuie vir gesondheidswerksaamhede op hul vliegvelde toegepas word.

Hierdie tariewe moet so redelik moontlik wees, en moet of aan die Office International d'Hygiène publique of aan die Internasionale Kommissie vir Lugvaart, soos in Artikel 7 neergelê, bekendgemaak word.

ARTIKEL 61.

Enige Hoë Kontrakterende Party wat wens om wysigings in die onderhawige Konvensie aan te bring, moet sy voorstelle aan die Nederlandse Regering rig. Laasgenoemde sal die Office International d'Hygiène publique in kennis stel, wat, indien hy dit goedvind, 'n protokol sal opstel om die Konvensie te wysig en dit aan die Nederlandse Regering sal deurstuur.

Die Nederlandse Regering sal onder 'n gedateerde omsendbrief die inhoud van genoemde protokol aan die ander Hoë Kontrakterende

High Contracting Parties, asking them if they accept the proposed modifications. The accession of a High Contracting Party to these modifications will result either from explicit approval given to the Government of the Netherlands or from the fact that he refrains from notifying the latter of any objections within twelve months from the date of the circular letter above referred to.

When the number of expressed or tacit accessions represents at least two-thirds of the Governments of the High Contracting Parties, the Government of the Netherlands will certify the fact by means of a *procès-verbal* which it will communicate to the Office International d'Hygiène publique and to the Governments of all the High Contracting Parties. The protocol will enter into force between the High Contracting Parties mentioned in the said *procès-verbal* after a period of six months from the date of the *procès-verbal*. The present Convention will continue to be applied without modification by the other High Contracting Parties until such time as they shall have acceded to the protocol.

ARTICLE 62.

The present Convention shall bear to-day's date and may be signed within one year from this date.

ARTICLE 63.

The present Convention shall be ratified and the ratifications shall be deposited with the Government of the Netherlands as soon as possible.

As soon as ten ratifications have been deposited the Government of the Netherlands will draw up a *procès-verbal* and transmit copies of the *procès-verbal* to the Governments of the High Contracting Parties and to the Office International d'Hygiène publique. This Convention shall come into force on the hundred and twentieth day after the date of the said *procès-verbal*.

Each subsequent deposit of ratification will be notified by a *procès-verbal* prepared and communicated according to the procedure indicated above. This Convention shall come into force in regard to each of the High Contracting Parties on the hundred and twentieth day following the date of the *procès-verbal* attesting the deposit of his ratification.

ARTICLE 64.

Countries which have not signed the present Convention shall be allowed to accede to it at any time after the date of the *procès-verbal* recording the deposit of the first ten ratifications.

Each accession shall be effected by a notification through the diplomatic channel addressed to the Government of the Netherlands. The latter will deposit the document of accession in its archives and will forthwith inform the Governments of all the countries participating in the Convention, as well as the Office International d'Hygiène publique, informing them at the same time of the date of the deposit of the accession. Each accession shall come into force on the hundred and twentieth day from that date.

ARTICLE 65.

Any High Contracting Party may declare at the time of his signature, ratification or accession, that his acceptance of this Convention does not bind any or all of his colonies, protectorates, territories beyond the sea, or territories under his suzerainty or mandate. In that event the present Convention shall not apply to any territories named in such declaration.

Any High Contracting Party may give notice to the Government of the Netherlands at any subsequent date that he desires that the present Convention shall apply to any or all of his territories which have been made the subject of a declaration under the preceding paragraph. In that case, the Convention shall apply to all the territories named in such notice on the hundred and twentieth day from the date of the deposit of the notification in the archives of the Government of the Netherlands.

Any High Contracting Party may likewise declare at any time after the expiration of the period mentioned in Article 66 that he desires that the present Convention shall cease to apply to any or all of his colonies, protectorates, territories beyond the sea, or territories under his suzerainty or mandate. The Convention shall in that case cease to apply to the territories named in such declaration one year after the date of deposit of this declaration in the archives of the Government of the Netherlands.

The Government of the Netherlands will inform the Governments of all countries participating in the present Convention, as well as the Office International d'Hygiène publique, of the notifications and declarations made in pursuance of the above provisions, informing them at the same time of the date of their deposit in its archives.

ARTICLE 66.

The Government of each country participating in the present Convention, may, at any time after the Convention has been in force for that country for five years, denounce it by notification in writing addressed to the Government of the Netherlands through the diplomatic channel. The latter will deposit the act of denunciation in its archives. It will forthwith inform the Governments of all the countries participating in the Convention as well as the Office International d'Hygiène publique, and will at the same time notify them of the date of such deposit; each denunciation will come into force one year after that date.

ARTICLE 67.

The signature of the present Convention shall not be accompanied by any reservation which has not previously been approved by the High Contracting Parties who are already signatories. Moreover, ratifications or accessions cannot be accepted if they are accompanied by reservations which have not previously been approved by all the countries participating in the Convention.

In virtue of which the respective Plenipotentiaries have signed the present Convention.

Done at the Hague, this twelfth day of April, One Thousand Nine Hundred and Thirty-three, in a single copy, which shall remain deposited in the archives of the Government of the Netherlands and of which copies, certified as correct, shall be transmitted through the diplomatic channel to each of the High Contracting Parties.

Partye meedeel en hulle vra of hulle die voorgestelde wysigings aanvaar. Die aanvaarding deur 'n Hoë Kontrakterende Party van hierdie wysigings sal afgelei word of uit sy uitdruklike goedkeuring aan die Nederlandse Regering meegedeel of uit die feit dat hy nie aan laasgenoemde binne twaalf maande vanaf die datum van die omsendbrief waarna hierbo verwys word, van enige besware kennis gegee het nie.

Wanneer die getal uitdruklike of stilswyende aanvaardings minstens twee-derdes verteenwoordig van die Hoë Kontrakterende Partye, sal die Nederlandse Regering die feit, deur middel van 'n amptelike stuk, bevestig, wat aan die Office International d'Hygiène publique en aan die Regerings van al die Hoë Kontrakterende Partye meegedeel sal word. Die protokol sal tussen die Hoë Kontrakterende Partye in die amptelike stuk genoem in werking tree ses maande na die datum van die amptelike stuk. Die onderhawige Konvensie sal steeds ongewysig op die ander Hoë Kontrakterende Partye van toepassing wees totdat hulle die protokol goedgekeur het.

ARTIKEL 62.

Die onderhawige Konvensie sal vandag se datum dra en kan binne een jaar vanaf hierdie datum onderteken word.

ARTIKEL 63.

Die onderhawige Konvensie moet bekragtig word en die bekragtiging moet so spoedig moontlik by die Nederlandse Regering ingehandig word.

Sodra tien bekragtigings ingedien is sal die Nederlandse Regering 'n amptelike stuk opstel en kopieë daarvan aan die Regerings van die Hoë Kontrakterende Partye en aan die Office International d'Hygiène publique stuur. Hierdie Konvensie sal in werking tree op die honderd-en-twintigste dag na die datum van genoemde amptelike stuk.

Elke daaropvolgende indiening van bekragtiging moet deur 'n amptelike stuk ooreenkomstig die prosedure hierbo aangedui opgestel en bekendgemaak word. Hierdie Konvensie sal ten opsigte van elke Hoë Kontrakterende Party in werking tree op die honderd-en-twintigste dag na die datum van die amptelike stuk wat die indiening van sy bekragtiging bevestig.

ARTIKEL 64.

Lande wat nie die onderhawige Konvensie onderteken het nie, sal toegelaat word om te eniger tyd na die datum van die amptelike stuk wat die indiening van die eerste tien bekragtigings aanteken, toe te tree.

Elke toetreding moet geskied deur middel van 'n kennisgewing deur diplomatieke kanale gerig aan die Nederlandse Regering. Laasgenoemde sal die toetredingsdokument in sy argief bewaar en onmiddellik die Regerings van al die lande wat partye is by die Konvensie, sowel as die Office International d'Hygiène publique terselfdertyd in kennis stel van die datum van indiening van die toetredingsdokument. Elke toetreding kom honderd-en-twintig dae na daardie datum in werking.

ARTIKEL 65.

Enige Hoë Kontrakterende Party kan tydens sy ondertekening, bekragtiging of toetreding verklaar dat sy aanvaarding van hierdie Konvensie nie enige of al sy kolonies, protektorate, oorseese gebiede, of gebiede onder sy suweriniteit of mandaat bind nie. In so'n geval sal die onderhawige Konvensie nie op enige gebiede in sulke verklaring genoem van toepassing wees nie.

Enige Hoë Kontrakterende Party kan op enige datum daarna die Nederlandse Regering in kennis stel dat hy verlang dat die onderhawige Konvensie van toepassing sal wees op enige van of al sy gebiede wat genoem is in 'n verklaring ingevolge voorafgaande paragraaf. In so'n geval sal die Konvensie van toepassing wees op al die gebiede in so'n kennisgewing genoem op die honderd-en-twintigste dag vanaf die datum waarop die kennisgewing in die argief van die Nederlandse Regering gedeponeer is.

Enige Hoë Kontrakterende Party kan insgelyks te eniger tyd na verstryking van die tydperk genoem in artikel 66 verklaar dat hy verlang dat die onderhawige Konvensie nie langer van toepassing sal wees op enige van of al sy kolonies, protektorate, oorseese gebiede, of gebiede onder sy suweriniteit of mandaat. In so'n geval sal die Konvensie een jaar na die datum van deponering van hierdie verklaring in die argief van die Nederlandse Regering, nie meer op die gebiede in die verklaring genoem, van toepassing wees nie.

Die Nederlandse Regering moet die Regerings van alle lande wat partye is by die onderhawige Konvensie, sowel as die Office International d'Hygiène publique in kennis stel betreffende die bekendmakings en verklarings ingevolge bogenoemde bepalinge, en hulle terselfdertyd verwittig van die datum van deponering in sy argief.

ARTIKEL 66.

Die Regering van elke land wat partye is by die onderhawige Konvensie, kan te eniger tyd na die Konvensie vir daardie land vir vyf jaar van krag was, dit opse deur 'n skriftelike bekendmaking deur diplomatieke kanale gerig aan die Nederlandse Regering. Laasgenoemde sal dan die akte van opsegging in sy argief deponeer. Hy moet onmiddellik die Regerings van al die lande wat partye is by die Konvensie sowel as die Office International d'Hygiène publique daarvan in kennis stel, en hulle terselfdertyd verwittig van die datum van so'n deponering; elke opsegging tree een jaar na daardie datum in werking.

ARTIKEL 67.

Die ondertekening van die onderhawige Konvensie sal nie met enige voorbehoud geskied wat nie vooraf deur die Hoë Kontrakterende Partye wat reeds ondertekenaars is, goedgekeur is nie. Bowendien kan bekragtigings of toetredings nie aanvaar word indien hulle gepaard gaan met voorbehoude wat nie vooraf deur al die lande wat partye is by die Konvensie, goedgekeur is nie.

Ingevolge waarvan die onderskeie Gevolmagtigdes die onderhawige Konvensie onderteken het.

Voltrek te Den Haag, op hede die twaalfde dag van April, Eenduisend Negehonderd Drie-en-dertig, op één kopie wat in die argief van die Nederlandse Regering gedeponeer sal bly en waarvan kopieë, as korrek gesertifiseer, deur diplomatieke kanale aan elke Hoë Kontrakterende Party gestuur sal word.

No. 15, 1935.

ACT

To declare that the descendants of the late John Dunn are entitled to the award of certain land ; and to provide for the appointment of a commission to determine which persons are, by virtue of their descent from the late John Dunn, entitled to such award; for the survey of such land; for the award of the land so surveyed and the grant of title thereto to the descendants of the late John Dunn.

Preamble.

WHEREAS in the year 1900 the Government of the Colony of Natal decided to set apart land for the occupation of the descendants of the late John Dunn, a European, who had been resident in Zululand for many years and had there acquired the status of a Chief, and instructed the Zululand Lands Delimitation Commission to inquire into, and make a recommendation as to what land should be set apart for the said purpose :

AND WHEREAS, in pursuance of the said instructions, the Zululand Lands Delimitation Commission recommended that a certain tract of land, ten thousand acres in extent, situate in Zululand, be set aside for the said purpose, but that the natives resident therein should not be removed therefrom but should be allowed to continue to reside therein, which recommendation was accepted by the Government of the Colony of Natal :

AND WHEREAS the said tract of land was delimited as Reserve No. 7A, commonly known as Dunn's Reserve, and was granted, with other pieces of land, to the Zululand Native Trust by deed of grant issued by the Governor of Natal, dated the sixth day of April, 1909, and was described, with other pieces of land, in the Schedule to the Natives Land Act, 1913 (Act No. 27 of 1913) :

AND WHEREAS the persons resident in the said reserve have not been removed therefrom but have been allowed to continue to reside therein :

AND WHEREAS some of the descendants of the late John Dunn did not occupy land in the said reserve, but continued to occupy land already occupied by them and situate at or near Emoyeni, in Reserve No. 9, in Zululand, where the late John Dunn had resided during his lifetime :

AND WHEREAS disputes have arisen between descendants of the late John Dunn and other persons residing in the said reserves concerning their respective rights of occupation of land situate in the said reserves :

AND WHEREAS it is expedient to determine those disputes by defining precisely the rights of the descendants of the late John Dunn to land situate in the said reserves :

NOW THEREFORE 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 :—

Descendants of late John Dunn entitled to award of land.

1. (1) Subject to the provisions of this Act, each child of the late John Dunn shall be entitled to the award of a plot of land not exceeding one hundred acres in extent situate in Reserve No. 7A : Provided that if any such child is dead at the commencement of this Act, his descendants who are then alive shall, *per stirpes*, be entitled jointly to such award.

(2) The Minister may, at the request (communicated to the commission to be appointed under section *two*) of any such child who on the first day of January, 1935, was resident in Reserve No. 9, or at the request (communicated to the said commission) of the majority of the members of any such group of persons, where the persons making such request were at such date resident in Reserve No. 9, authorize the award to that child, or to the persons composing that group, as the case may be, of a plot of land not exceeding one hundred acres in extent situate in Reserve No. 9, in lieu of a piece of land one hundred acres in extent situate in Reserve No. 7A, and thereupon the claim of that child or of the persons composing that group, as the case may be, to an award in terms of sub-section (1), shall lapse.

No. 15, 1935].

WET

Om te verklaar dat die afstammeling van wyle John Dunn geregtig is op die toekenning van seker grond; en om voorsiening te maak vir die aanstelling van 'n kommissie om vas te stel watter persone geregtig is op so 'n toekenning om rede dat hulle van wyle John Dunn afstam; vir die opmeting van daardie grond; vir die toekenning van die aldus opgemete grond en die uitreiking van grondbriewe in verband daarmee aan die afstammeling van wyle John Dunn.

NADEMAAL die Regering van die Kolonie Natal gedurende die jaar 1900 besluit het om grond opsy te sit om bewoon te word deur die afstammeling van wyle John Dunn, 'n Europeaan, wat baie jare lank in Zoeloeland woonagtig was en aldaar die stand van Kafferkaptein verwerf het, en opdrag gegee het aan die Zoeloeland-Lande-Afbakenings-Kommissie om ondersoek in te stel en aanbeveling te doen aangaande watter grond vir daardie doel opsy gesit moes word: Aanhef.

EN NADEMAAL, ingevolge vermelde opdrag, die Zoeloeland-Lande-Afbakenings-Kommissie aanbeveel het dat sekere streek grond, groot tienduizend akkers, geleë in Zoeloeland, opsy gesit word vir vermelde doel, maar dat die daar woonagtige naturelle nie daarvan verwyder moes word nie maar moes toegelaat word om daar te bly woon, watter aanbeveling deur die Regering van die Kolonie Natal aangeneem is:

EN NADEMAAL vermelde streek grond afgebaken is as Reservaat No. 7A, wat algemeen bekend staan as Dunn se Reservaat, en, tesame met ander stukke grond, aan die Zoeloelandse Naturelle-Trust toegeken is by toekenningsbrief uitgereik deur die Goewerneur van Natal, gedagteken die sesde dag van April 1909, en, tesame met ander stukke grond, in die Bylae tot die „Naturellen Grond Wet, 1913” (Wet No. 27 van 1913), omskrewe is:

EN NADEMAAL die in genoemde Reservaat woonagtige persone nie daarvan verwyder is nie maar toegelaat is om daar te bly woon:

EN NADEMAAL sommige van die afstammeling van wyle John Dunn nie grond in vermelde reservaat bewoon het nie, maar grond wat reeds deur hulle bewoon is, geleë te of naby Emoyeni, in Reservaat No. 9, in Zoeloeland, waar wyle John Dunn gedurende sy leeftyd woonagtig was, bly bewoon het:

EN NADEMAAL geskille ontstaan het tussen afstammeling van wyle John Dunn en ander persone woonagtig in vermelde reservate, met betrekking tot hul besondere regte om grond geleë in vermelde Reservate te bewoon:

EN NADEMAAL dit raadsaam is om daardie geskille te eindig, deur die regte van afstammeling van wyle John Dunn tot grond geleë in vermelde reservate noukeurig te bepaal:

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

1. (1) Behoudens die bepalinge van hierdie Wet, is elke kind van wyle John Dunn geregtig op toekenning van 'n stuk grond, honderd akkers nie tebowegaande nie geleë in Reservaat No. 7A: Met dien verstande dat as so 'n kind by die inwerking-treding van hierdie Wet reeds oorlede is, sy afstammeling wat dan in lewe is gesamentlik geregtig is, *per stirpes*, op sodanige toekenning. Afstammeling van wyle John Dunn geregtig op toekenning van grond.

(2) Op aansoek van so 'n kind (meegedeel aan die kommissie wat ooreenkomstig artikel twee aangestel is), wat op die eerste dag van Januarie 1935 in Reservaat No. 9 woonagtig was, of op aansoek van die meerderheid van die lede van so 'n groep persone (meegedeel aan die kommissie), as die persone wat aansoek doen op bedoelde dag in Reservaat No. 9 woonagtig was, kan die Minister die toekenning aan daardie kind of aan die persone wat daardie groep vorm, na die geval mag wees, van 'n stuk grond, honderd akkers nie tebowegaande nie geleë in Reservaat No. 9, in plaas van 'n stuk grond, groot honderd akkers, geleë in Reservaat No. 7A, goedkeur, en daarop verval die aanspraak van daardie kind, of van die persone wat daardie groep vorm, na die geval mag wees, op 'n toekenning ooreenkomstig sub-artikel (1).

(3) No person shall be entitled under this Act, solely by virtue of his descent from the late John Dunn through any person who is alive at the commencement of this Act, to be awarded any plot of land or any share in any plot of land.

(4) No person shall be entitled under this Act, solely by reason of the fact that he or she is married with or without community of property to any descendant of the late John Dunn, to be awarded any plot of land or any share in any plot of land.

(5) The share of every person entitled to share in any plot of land awarded under this Act, by virtue of the fact that he is descended from the late John Dunn through any child of the late John Dunn who was dead at the commencement of this Act, shall be determined in accordance with the principles of the law of intestate succession applicable to Europeans, as though the child of the late John Dunn through whom such person is descended had died while he was the owner of such plot of land, and as though the persons entitled to share therein had been his sole heirs and as though they and every person through whom they are descended from the late John Dunn had been born in lawful wedlock.

Appointment of commission.

2. As soon as practicable after the commencement of this Act the Governor-General shall appoint a commission, hereinafter referred to as the commission, consisting of the Chief Native Commissioner of the Province of Natal, who shall be chairman, and two other persons, to perform the functions entrusted to the commission by this Act.

Sittings of the commission.

3. (1) The place and time of the first sitting of the commission shall be determined by the chairman thereof, and notice thereof shall be published in three issues of the *Gazette* and three issues of a newspaper circulating in the Province of Natal, the last of such publications being not less than three months prior to the date stated in such notice as the date for the holding of the first sitting of the commission.

(2) The place and time of subsequent sittings of the commission shall be determined by the commission.

(3) All the evidence heard by the commission shall be heard in public.

(4) The commission may in its discretion hold inspections and take evidence *in loco*.

Meeting of descendants of the late John Dunn.

4. (1) The Native Commissioner of the district of Mtunzini shall convene a meeting of the descendants of the late John Dunn at which he shall explain to the persons attending such meeting the functions of the commission, and the procedure to be followed by any person claiming to be a descendant of the late John Dunn to establish his claim before the commission.

(2) Such meeting shall be held not later than two months prior to the date fixed under section *three* for the holding of the first sitting of the commission.

(3) The said native commissioner shall notify the time and place of the holding of the said meeting and the purpose thereof in such manner as in his opinion is best calculated to inform the descendants concerned of the late John Dunn thereof.

Lodging of claims.

5. (1) Every claim to the award of land or of any share in land under this Act shall be lodged with the chairman of the commission before the first sitting of the commission.

(2) Every such claim shall be in writing setting forth clearly and concisely the facts upon which it is based.

(3) Subject to the provisions of sub-section (2) of section *twelve*, no person who has not lodged a claim, or on whose behalf a claim has not been lodged, in accordance with the provisions of this section, shall be entitled to the award of land or of any share in land under this Act.

(4) The clerk of the magistrate's court for the district in which any person resides who desires to lodge any such claim shall, upon the request of such person, write out such claim.

Commission's power to summon witnesses, and privileges of witnesses.

6. (1) The commission shall have the powers which a magistrate's court has to summon witnesses, to cause the oath to be administered to them, to examine them, and to call for the production of documents.

(2) A subpoena for the attendance of a witness or for the production of any document before the commission shall be signed and issued by the chairman of the commission and shall be served in the same manner as a subpoena for the attendance of a witness at a criminal trial in a magistrate's court.

(3) Any person subpoenaed to give evidence or to produce any document or giving evidence before the commission shall

(3) Niemand is uit kragte van hierdie Wet, alleen om rede dat hy afstam van wyle John Dunn deur iemand wat by die inwerkingtreding van hierdie Wet in lewe is, geregtig op toekenning van 'n stuk grond of 'n aandeel in 'n stuk grond.

(4) Niemand is uit kragte van hierdie Wet, alleen om rede dat hy of sy in of buite gemeenskap van goedere met 'n afstammeling van wyle John Dunn getroud is, geregtig op toekenning van 'n stuk grond of 'n aandeel in 'n stuk grond.

(5) Die aandeel van elke persoon wat, om rede dat hy van wyle John Dunn afstam deur 'n kind van wyle John Dunn wat by die inwerkingtreding van hierdie wet reeds oorlede is, geregtig is op 'n aandeel in 'n stuk grond wat kragtens hierdie Wet toegeken is, word vasgestel volgens die beginsels van die Wet op intestate erfopvolging wat op Europeane toepaslik is, asof die kind van wyle John Dunn deur wie daardie persoon afstam die eienaar van daardie stuk grond was toe hy oorlede is, en asof die persone wat geregtig is op aandeel daarin sy enigste erfgename was, en asof hulle en elke persoon deur wie hulle van wyle John Dunn afstam, binne wettige eg gebore was.

2. So gou doenlik na die inwerkingtreding van hierdie Wet, stel die Goewerneur-generaal 'n kommissie aan, hieronder die kommissie genoem, bestaande uit die Hoof-naturellekommissaris van die Provinsie Natal, wat voorsitter is, en twee ander persone, om die werksaamhede wat aan die kommissie deur hierdie Wet toevertrou word te verrig.

Aanstelling van kommissie.

3. (1) Die plek en tyd van die eerste sitting van die kommissie word deur die voorsitter daarvan bepaal, en kennis daarvan word in drie uitgawes van die *Staatskoerant* en drie uitgawes van 'n koerant in omloop in die Provinsie Natal gepubliseer, waarvan die laaste publikasie moet gebeur minstens drie maande voor die datum wat in die kennisgewing bepaal word as die datum van die eerste sitting van die kommissie.

Sittings van die kommissie.

(2) Die plek en tyd van daaropvolgende sittings van die kommissie word deur die kommissie bepaal.

(3) Alle getuienis wat deur die kommissie afgeneem word, word in die openbaar afgeneem.

(4) Die kommissie kan volgens goedvinde inspeksie hou en getuienis afneem *in loco*.

4. (1) Die Naturellekommissaris vir die Distrik Mtunzini moet 'n vergadering belê van die afstammelingen van wyle John Dunn, waarop hy aan die persone wat die vergadering bywoon moet duidelik maak wat die bevoegdhede is van die kommissie, en watter prosedure 'n persoon wat beweer dat hy van wyle John Dunn afstam moet volg om sy bewering voor die kommissie te bewys.

Vergadering van afstammelingen van wyle John Dunn.

(2) Die vergadering word gehou nie later dan twee maande voor die datum wat volgens artikel drie vir die eerste sitting van die kommissie bepaal is.

(3) Die voormelde naturellekommissaris moet op 'n wyse, wat volgens sy oordeel die beste bereken is om die betrokke afstammelingen van wyle John Dunn daarvan te verwittig, die tyd en plek van die vergadering en die doel daarvan bekend maak.

5. (1) Elke aanspraak op 'n toekenning kragtens hierdie Wet van grond of van 'n aandeel in grond moet voor die eerste sitting van die kommissie by die voorsitter van die kommissie ingedien word.

Indiening van eise.

(2) Elke sodanige aanspraak moet duidelik en bondig die feite waarop dit berus in geskrif uiteensit.

(3) Behoudens die bepalings van sub-artikel (2) van artikel twaalf, is niemand behalwe 'n persoon wat 'n aanspraak ooreenkomstig die bepalings van hierdie artikel ingedien het, of namens wie 'n aanspraak aldus ingedien is, geregtig op 'n toekenning kragtens hierdie Wet van grond of van 'n aandeel in grond.

(4) Die klerk van die magistratshof vir die distrik waarin 'n persoon woon, wat verlang om so'n aanspraak in te dien, moet, op aanvraag van daardie persoon, die aanspraak uit-skrywe.

6. (1) Die kommissie het die bevoegdhede wat 'n magistratshof het om getuie te dagvaar, om hulle die eed op te lê, hulle te ondervra en om oorlegging van dokumente te gelas.

Bevoegdheid van kommissie om getuie te dagvaar en voorregte van getuie.

(2) 'n Dagvaarding van 'n getuie om voor die kommissie te verskyn of 'n dokument oor te lê, word deur die voorsitter van die kommissie onderteken en uitgevaardig, en word op dieselfde wyse gedien as 'n dagvaarding van 'n getuie om te verskyn by die verhoor van 'n kriminele saak in 'n magistratshof.

(3) Iemand wat gedagvaar is om voor die kommissie getuienis af te lê of om 'n dokument oor te lê, of wat voor die kommissie

be entitled to the same privileges and immunities as if he were subpoenaed to attend or were giving evidence at a trial in a magistrate's court.

Witness failing to attend or refusing to be sworn or to give evidence.

7. (1) If any person who has been subpoenaed to give evidence or to produce any document before the commission fails to attend or to remain in attendance until duly excused by the commission from further attendance, the chairman of the commission may, upon being satisfied upon oath or by the return of the officer charged with the service of the subpoena that the subpoena was duly served upon such person, and in case no sufficient cause for such failure seems to him to exist, issue a warrant, signed by him, for the apprehension of such person and he shall thereupon be apprehended by any member of the police to whom such warrant is delivered and shall be brought before the commission to give his evidence or to produce the document. Every such person shall be guilty of an offence and, upon conviction, shall be liable to a fine not exceeding twenty pounds.

(2) If any person who has been subpoenaed to give evidence or to produce any document before the commission refuses, without sufficient cause (the onus of proof whereof shall rest upon him), to be sworn as a witness, or, having been sworn, to answer fully and satisfactorily a question lawfully put to him, or to produce any such document, the chairman of the commission may order that person to be detained in custody as if he were a prisoner awaiting trial until he consents to be sworn or answers fully and satisfactorily all questions lawfully put to him, or produce such document, as the case may be. Every such person shall be guilty of an offence and, upon conviction, shall be liable, in addition to such detention, to a fine not exceeding twenty pounds.

Witness giving false evidence.

8. Any person who, after having been sworn, gives false evidence before the commission on any matter, knowing such evidence to be false, shall be deemed to be guilty of perjury.

Contempt of the commission.

9. If any person wilfully insults the commission or any member thereof during any sitting of the commission, or wilfully interrupts the proceedings of the commission, or otherwise wilfully disturbs the peace or order of such proceedings, or misbehaves himself in the place where the commission is sitting, the chairman of the commission may order that person to be removed and detained in custody until the rising of the commission. Every such person shall be guilty of an offence and, upon conviction, shall be liable, in addition to any such removal and detention, to a fine not exceeding twenty pounds.

Majority decision of commission.

10. The decision of the majority of the members of the commission shall be the decision of the commission.

Commission to allow claimants and persons opposing claims to give and adduce evidence.

11. (1) The commission shall not reject the claim of any person claiming to be a descendant of the late John Dunn unless it has afforded that person an opportunity to give evidence or adduce evidence in support of his claim.

(2) The commission shall afford every person who wishes to contest the claim of any person claiming to be a descendant of the late John Dunn an opportunity to give evidence or adduce evidence in support of his opposition to such claim.

Commission to determine rights of claimants.

12. (1) The commission shall determine which claimants are, in terms of this Act—

- (a) entitled each to the award of a plot of land; or
- (b) entitled jointly to the award of a plot of land, and to what share in such plot of land any such claimant is entitled.

(2) The commission shall endeavour to ascertain whether there exists any descendant of the late John Dunn who is a minor and who is entitled in terms of this Act to be awarded a plot of land or a share in a plot of land, and by whom or on whose behalf no claim has been lodged; and if the commission ascertains that such a descendant of the late John Dunn exists, it shall record the facts showing that he is entitled to such an award, and shall deal with him as though he had duly lodged a claim.

(3) The decision of the commission on the matters referred to in this section shall be final.

First report by commission.

13. (1) The commission shall frame and transmit to the Minister a report setting forth its findings on the matters referred to in section *twelve*.

(2) The report shall show graphically or otherwise the course of the descent from the late John Dunn of all claimants whom

getuienis aflê, is geregtig op dieselfde voorregte en immuniteite asof hy gedagvaar was om te verskyn of getuienis af te lê by 'n geding in 'n magistratshof.

7. (1) As 'n persoon, wat gedagvaar is om voor die kommissie getuienis af te lê of 'n dokument oor te lê, versuim om te verskyn of om aanwesig te bly totdat die kommissie hom verskoon, kan die voorsitter van die kommissie, wanneer hy, uit 'n verklaring onder eed of uit die relaas van die beamppte aan wie dit opgedra is om die dagvaarding te dien, oortuig is dat die dagvaarding behoorlik op die persoon gedien is en ingeval dit nie aan hom blyk nie dat voldoende rede bestaan vir die versuim, 'n lasbrief, deur hom onderteken, uitreik tot die gevangeneming van daardie persoon, en daarop word hy deur 'n polisiebeamppte aan wie daardie lasbrief oorhandig word in hegtenis geneem, en word hy voor die kommissie gebring om sy getuienis af te lê of die dokument oor te lê. So 'n persoon is aan 'n misdryf skuldig en by veroordeling strafbaar met 'n boete van hoogstens twintig pond.

Getuie wat versuim om te verskyn of wat weier om eed of getuienis af te lê.

(2) As 'n persoon, wat gedagvaar is om voor die kommissie getuienis af te lê of 'n dokument oor te lê, sonder voldoende rede (waarvan hy die bewys moet lewer) weier om as getuie die eed af te lê of, na eedaflegging, weier om 'n aan hom wettig gestelde vraag ten volle en op bevredigende wyse te beantwoord, of om die bedoelde dokument oor te lê, kan die voorsitter van die kommissie gelas dat daardie persoon in hegtenis aangehou word, asof hy 'n gevangene was wat sy teregstelling afwag totdat hy die eed aflê of, al na die geval, alle hom wettig gestelde vrae ten volle en op bevredigende wyse beantwoord, of die bedoelde dokument oorlê. So 'n persoon is aan 'n misdryf skuldig en by veroordeling strafbaar met 'n boete van hoogstens twintig pond.

8. Iemand wat, na hy die eed afgelê het, omtrent enige onderwerp valse getuienis voor die kommissie aflê, met wete dat daardie getuienis vals is, word geag aan meened skuldig te wees.

Getuie wat valse getuienis aflê.

9. Wanneer iemand moedswillig die kommissie of 'n lid daarvan gedurende 'n sitting van die kommissie beledig, of moedswillig die verrigtings van die kommissie steur, of op ander wyse die rus of orde van daardie verrigtings versteur, of hom op 'n onbetaamlike wyse gedra in die plek waar die kommissie sitting hou, kan die voorsitter van die kommissie gelas dat daardie persoon verwyder en tot na afloop van die sitting van die kommissie in hegtenis aangehou word. So 'n persoon is aan 'n misdryf skuldig en, buiten en behalwe sodanige verwydering en aanhouding in hegtenis, by veroordeling strafbaar met 'n boete van hoogstens twintig pond.

Minagting van die kommissie.

10. Die beslissing van die meerderheid van die lede van die kommissie maak 'n beslissing van die kommissie uit.

Meerderheidsbeslissing van kommissie.

11. (1) Geen aanspraak van 'n persoon wat beweer dat hy 'n afstammeling is van wyle John Dunn word deur die kommissie van die hand gewys tensy aan daardie persoon 'n geleentheid verleen is deur die kommissie om, tot stawing van sy aanspraak, getuienis af te lê of te lewer.

Kommissie moet persone wat aanspraak maak en persone wat aansprake van andere bestry, toelaat om getuienis af te lê en te lewer.

(2) Die kommissie moet aan ieder persoon, wat die aanspraak van 'n persoon wat beweer dat hy 'n afstammeling is van wyle John Dunn wil bestry, 'n geleentheid verleen om, tot stawing van die weerstand deur hom aan daardie aanspraak gebied, getuienis af te lê of te lewer.

12. (1) Die kommissie stel vas watter persone wat aanspraak daarop maak, ooreenkomstig hierdie Wet—

Kommissie moet regte van persone wat aanspraak maak vasstel.

- (a) elkeen geregtig is op toekenning van 'n stuk grond; of
- (b) gesamentlik geregtig is op toekenning van 'n stuk grond, en op watter aandeel in so'n stuk grond elke sodanige persoon geregtig is.

(2) Die kommissie moet streef om uit te vind of enige afstammeling van wyle John Dunn bestaan wat minderjarig is, en wat volgens hierdie Wet geregtig is op toekenning van 'n stuk grond of 'n aandeel in 'n stuk grond, en deur of namens wie geen aanspraak ingedien is nie; en as die kommissie vasstel dat so'n afstammeling van wyle John Dunn bestaan, teken die kommissie die feite aan wat aandui dat hy aldus op so'n toekenning geregtig is, en behandel hy hom asof hy behoorlik 'n aanspraak ingedien het.

(3) Die beslissing van die kommissie aangaande die in hierdie artikel bedoelde sake is finaal.

13. (1) Die kommissie stel 'n verslag op, waarin uiteengesit word sy bevindings aangaande die in artikel twaalf bedoelde sake en stuur dit aan die Minister.

Kommissie se eerste verslag.

(2) Die verslag moet grafies of op ander wyse voorstel hoe alle persone, wat aanspraak daarop gemaak het, en wat die

the commission finds to be entitled to receive awards of land or of shares in land.

(3) The report shall state where every such claimant is resident and shall contain such particulars as are necessary to identify him.

(4) The report shall state which of the said claimants who on the first day of January, 1935, were resident in Reserve No. 9 have requested that they be awarded land situate in that reserve, and shall contain the commission's recommendation on every such request.

Survey of plots of land.

14. (1) The Minister shall cause to be surveyed as many plots of land as may be necessary to give effect to the findings of the commission under section *twelve*.

(2) The plots of land so surveyed shall be situate in Reserve No. 7A, except where the Minister has in accordance with the provisions of sub-section (2) of section *one*, authorized the award to any claimant or to the members of any group of claimants of a plot of land situate in Reserve No. 9.

(3) None of the plots of land shall exceed one hundred acres in extent.

(4) All the plots situate in Reserve No. 7A shall, so far as is practicable, be situate in the western and north-western portions of that reserve and together form one block.

(5) All the plots situate in Reserve No. 9 shall, so far as is practicable, be situate in the vicinity of Emoyeni and together form one block.

(6) The surveyor making the survey shall consult the commission thereon.

(7) So far as is practicable, the plots of land shall be so delimited that it will be possible to award to every person or group of persons found by the commission to be entitled to the award of a plot of land, the land occupied by that person or group of persons on the first day of January, 1935.

(8) Any two or more pieces of land which do not adjoin one another may for the purposes of this Act be regarded as one plot of land: Provided that the several pieces of land shall not in the aggregate exceed one hundred acres in extent.

Further report by commission.

15. (1) After the survey made under section *fourteen* has been completed, the commission shall frame and transmit to the Minister a further report containing the commission's recommendations as to which of the plots ought to be awarded to each person or group of persons found by the commission to be entitled to the award of a plot of land, and the reasons for its recommendations.

(2) The commission shall, so far as is practicable and consistent with the provisions of this Act, recommend the award to every person or group of persons found by it to be entitled to the award of a plot of land, of the land occupied by that person or group of persons on the first day of January, 1935.

Records to be submitted to Minister.

16. The commission shall keep a record of its proceedings, and shall, when transmitting to the Minister the report framed by it in accordance with section *fifteen*, also transmit to him such record and all claims and other documents submitted to it.

Award of plots of land.

17. After consideration of the recommendations contained in the report framed by the commission under section *fifteen* the Minister shall, notwithstanding anything contained in sub-section (2) of section *one* of the Natives Land Act, 1913 (Act No. 27 of 1913), by notice in the *Gazette* award one of the plots of land so surveyed to each of the persons or groups of persons found by the commission to be entitled thereto, and, in the case of an award of any plot of land to a group of persons, shall state to what undivided share in such plot of land every member of such group is entitled.

Persons to whom land awarded may occupy same.

18. (1) After publication in the *Gazette* of the notice referred to in section *seventeen*, every person to whom by such notice any plot of land or any share in any plot of land has been awarded, or if any such person has died, the descendants of such person shall be entitled to occupy such plot of land, or, as the case may be, to occupy such plot of land jointly with the other persons to whom shares in such plot of land have been awarded.

(2) The Native Commissioner appointed for the area in which any such plot of land is situate may, at the request of any person who is entitled to occupy any such plot of land, and after informal inquiry, order the removal from such plot of any person found by him not to be entitled to occupy such plot, and any order so made shall be executed in like manner as if it

kommissie bevind geregtig te wees op toekennings van grond of van aandeel in grond, van wyle John Dunn afstam.

(3) Die verslag moet aangee die woonplek van elke sodanige persoon en voldoende besonderhede omtrent hom om hom te identifiseer.

(4) Die verslag moet opgee wie van die vermelde persone wat op die eerste dag van Januarie 1935 in Reservaat No. 9 woonagtig was aansoek gedoen het om 'n toekenning van grond geleë in daardie reservaat, en 'n aanbeveling deur die kommissie op elke sodanige aansoek bevat.

14. (1) Die Minister laat soveel stukke grond opmeet as Opmeting van wat nodig is om gevolg te gee aan die bevindings van die kommissie ooreenkomstig artikel *twaalf*.

(2) Elke aldus opgemete stuk grond moet in Reservaat No. 7A geleë wees, behalwe in 'n geval waar die Minister kragtens die bepalings van sub-artikel (2) van artikel *een* die toekenning aan 'n persoon of aan die lede van 'n groep persone van 'n stuk grond geleë in Reservaat No. 9 goedgekeur het.

(3) Geeneen van die stukke grond gaan honderd akkers te bowe nie.

(4) Al die stukke grond geleë in Reservaat No. 7A moet, sover doenlik, in die westelike en noordwestelike gedeeltes van daardie reservaat geleë wees en tesame een blok uitmaak.

(5) Al die stukke grond geleë in Reservaat No. 9 moet, sover doenlik, in die nabyheid van Emoyeni geleë wees en tesame een blok uitmaak.

(6) Die landmeter wat die opmeting doen moet die kommissie daaroor raadpleeg.

(7) Die stukke grond word, sover doenlik, op so 'n wyse afgebaken dat dit moontlik sal wees om aan elke persoon of groep persone wat volgens bevinding van die kommissie geregtig is op toekenning van 'n stuk grond, die grond wat op die eerste dag van Januarie 1935 deur daardie persoon of groep persone geokkupeer was, toe te ken.

(8) Enige twee of meer stukke grond wat nie aanmekaar grens nie kan vir die doeleindes van hierdie Wet as een stuk grond beskou word: Met dien verstande dat die groottes van die verskeie stukke grond tesame nie honderd akkers te bowe gaan nie.

15. (1) Na voltooiing van die opmeting ingevolge artikel *veertien*, stel die kommissie 'n verdere verslag op waarin die aanbevelings van die kommissie aangaande die vraag watter stuk grond toegeken behoort te word aan elke persoon of groep persone wat volgens die bevindings van die kommissie geregtig is op toekenning van 'n stuk grond, en die redes vir sy aanbevelings, vervat is, en stuur dit aan die Minister.

Verdere verslag deur kommissie.

(2) Die kommissie moet, sover doenlik, en behoudens die bepalings van hierdie Wet, aanbeveel dat aan elke persoon of groep persone wat volgens sy bevindings geregtig is op toekenning van 'n stuk grond, die grond wat op die eerste dag van Januarie 1935 deur daardie persoon of groep persone geokkupeer was, toegeken word.

16. Die kommissie stel notule op van sy verrigtings, en wanneer hy die deur hom ingevolge artikel *vyftien* opgestelde verslag aan die Minister stuur, stuur hy ook bedoelde notule en alle aansprake en ander dokumente aan hom voorgelê, aan die Minister.

Notule moet aan Minister gestuur word.

17. Ondanks die bepalings van sub-artikel (2) van artikel *een* van die „Naturellen Grond Wet”, 1913 (Wet No. 27 van 1913), moet die Minister, na oorweging van die aanbevelings vervat in die verslag deur die kommissie opgestel ingevolge artikel *vyftien*, by kennisgewing in die *Staatskoerant* een van die aldus opgemete stukke grond toeken aan elke persoon of groep persone wat volgens die bevindings van die kommissie daarop geregtig is, en in die geval van 'n toekenning van 'n stuk grond aan 'n groep persone, bepaal op watter onverdeelde aandeel in daardie stuk grond elke lid van daardie groep geregtig is.

Toekenning van grond.

18. (1) Elke persoon aan wie by die in artikel *sewentien* bedoelde kennisgewing 'n stuk grond of 'n aandeel in 'n stuk grond toegeken is, of, by die dood van so 'n persoon, sy afstammeling, het die reg, na publikasie van daardie kennisgewing, om daardie stuk grond te okkupeer of, al na die geval, om daardie stuk grond gesamentlik met die ander persone aan wie aandeel daarin toegeken is, te okkupeer.

Persone aan wie grond toegeken is, kan dit okkupeer.

(2) Op versoek van 'n persoon wat geregtig is om so 'n stuk grond te okkupeer, kan die naturellekommissaris aangestel vir die gebied waarin bedoelde stuk grond geleë is, na informele ondersoek, die verwydering van daardie grond beveel van enige persoon wat volgens sy bevinding nie geregtig is om bedoelde stuk grond te okkupeer nie, en so 'n bevel word op

were a process of ejectment issued from the magistrate's court for the district.

Deeds of grant.

19. (1) The person to whom any plot of land has been awarded, or if he has died, his descendants, shall be entitled to a deed of grant of such plot of land.

(2) If the plot of land has been awarded to a group of persons, each member of the group, or if he has died, his descendants, shall be entitled to a deed of grant of his undivided share in such plot of land.

(3) Every such grant shall be made on the conditions set forth in the Schedule to this Act.

(4) Every such deed of grant shall be exempt from payment of stamp duty and of registration fees and charges.

Land awarded becomes Crown land.

20. (1) Upon publication in the *Gazette* of the notice referred to in section *seventeen*, all plots of land thereby awarded shall, notwithstanding the transfer by deed of grant issued by the Governor of Natal dated the sixth day of April, 1909, of Reserve No. 7A and Reserve No. 9 to the Zululand Native Trust, cease to be the property of that Trust and shall become the property of the Crown.

(2) The Registrar of Deeds and the Surveyor-General at Pietermaritzburg shall make all such entries in the registers and records kept by them as may be necessary to record such change of owner.

Interpretation of terms.

21. In this Act unless the context otherwise indicates—
“child” means a child born of a non-European woman in or out of lawful wedlock;

“descendant” means a descendant born in or out of lawful wedlock; and “descend” and “descent” bear corresponding meanings;

“Minister” means the Minister of Native Affairs;

“Reserve No. 7A” means Reserve No. 7A, situate in the district of Mtunzini, Zululand;

“Reserve No. 9” means Reserve No. 9, situate in the district of Mtunzini, Zululand.

Short title.

22. This Act shall be known as the John Dunn (Distribution of Land) Act, 1935.

Schedule.

CONDITIONS OF GRANT.

1. The land shall not be alienated, transferred, hypothecated, subdivided, or leased unless the consent of the Governor-General shall have been first obtained.

2. The owner of the land shall be bound to preserve and maintain the beacons by which it is defined.

3. No canteen or shop for the sale of wine, spirits, beer or malt liquor of any kind shall at any time be kept on the land. Upon breach of this condition the Governor-General may declare the land forfeited.

4. All roads and thoroughfares existing on the land whether indicated in the diagram or not, shall remain free and uninterrupted unless they be closed or altered by competent authority.

5. The Governor-General may at any time make or permit to be made roads, railways, dams, aqueducts, drains, and water-furrows, and construct telegraph and telephone lines on the land, and resume the whole or any portion or portions of the land, if required for public purposes, on payment of such an amount in respect of compensation to the owner for the damage or loss so caused as may be mutually agreed upon, or, failing such agreement, as may be determined by arbitration.

6. All rights to all minerals of whatsoever nature and to any oil on or under the land shall be expressly reserved to the Crown, together with the right of access to any mines and to any works undertaken for mining or prospecting purposes. The land shall be subject to such further rights as the public or the Government have or may hereafter have or be entitled to obtain under any law relating to the prospecting or mining for minerals or oil, and such rights shall not be in any way affected by the deed of grant. The right shall be reserved to the Crown to occupy or to authorize the occupation of so much of the land and to use or to authorize the use of so much water on the land as may be required for the proper prospecting or mining of any minerals or oil, on payment of such an amount in respect of compensation as may be mutually agreed upon, or, failing such agreement, as may be determined by arbitration.

7. The Governor-General may declare the land forfeited in the case of the conviction of the owner of treason.

dieselfde wyse ten uitvoer gelê asof dit 'n order vir ontruiming is wat deur die magistratshof van die distrik uitgevaardig is.

19. (1) Die persoon aan wie 'n stuk grond toegeken is, of, by sy dood, sy afstammeling, is geregtig op 'n grondbrief van daardie stuk grond.

(2) Indien die stuk grond aan 'n groep persone toegeken is, is elke lid van die groep, of, by sy dood, sy afstammeling, geregtig op 'n grondbrief van sy onverdeelde aandeel in daardie stuk grond.

(3) Elke sodanige toekenning geskied op die voorwaardes uiteengesit in die Bylae tot hierdie Wet.

(4) Elke sodanige grondbrief is vry van seëlregte en van registrasiefooe en -koste.

20. (1) Na publikasie in die *Staatskoerant* van die in artikel *sewentien* bedoelde kennisgewing, en nieteenstaande die oordrag, by grondbrief uitgereik deur die Goewerneur van Natal, gedagteken die sesde dag van April 1909, aan die Zoeloelandse Naturelle Trust, van Reservaat No. 7A en Reservaat No. 9, is die stukke grond wat by bedoelde kennisgewing toegeken word nie meer eiendom van genoemde trust nie, en is hulle eiendom van die Kroon.

Toegekende grond
word Kroongrond.

(2) Die Registrateur van Aktes en die Landmeter-generaal te Pietermaritzburg maak alle aantekenings in die registers en dokumente deur hulle gehou, wat nodig is om die verandering van eienaar te boekstaaf.

21. Hierdie Wet uit die samehang anders blyk, beteken in hierdie Wet—

Woordomskrywing.

„afstammeling”, 'n afstammeling binne of buite wettige eg gebore („afstam” het 'n dienooreenkomstige betekenis);

„kind”, 'n kind binne of buite wettige eg uit 'n nie-Europese vrou gebore;

„Minister”, die Minister van Naturellesake;

„Reservaat No. 7A”, Reservaat No. 7A, geleë in die distrik Mtunzini, Zoeloeland;

„Reservaat No. 9”, Reservaat No. 9, geleë in die distrik Mtunzini, Zoeloeland.

22. Hierdie Wet heet die John Dunn Grondverdelings Kort titel. Wet, 1935.

Bylae.

VOORWAARDES VAN TOEKENNING.

1. Die grond word nie vervreem, oorgedra, verhipotekeer, verdeel of verhuur nie, tensy die goedkeuring van die Goewerneur-generaal eers verkry is.

2. Die eienaar van die grond is verplig om die bakens waardeur dit bepaal word te bewaar en instand te hou.

3. Geen kantien of winkel vir die verkoop van wyn, spiritualies of enige soort bier word te eniger tyd op die grond aangehou nie. By verbreking van hierdie voorwaarde kan die Goewerneur-generaal die grond verbeurdverklaar.

4. Alle weë en deurgange wat op die grond bestaan, hetsy op die kaart aangetoon al dan nie, bly vry en onbelemmerd, tensy hulle deur bevoegde outoriteit gesluit of verander word.

5. Die Goewerneur-generaal kan te eniger tyd paaie, spoorweë, damme, waterleidings, afvoerslote en watervore aanlê of die aanlê daarvan toelaat, en telegraaf- en telefoonlyne op die grond oprig, en die geheel of 'n gedeelte of gedeeltes van die grond weer in besit neem, as dit vir openbare doeleindes benodig is, teen betaling aan die eienaar van 'n bedrag ten opsigte van vergoeding vir skade of verlies aldus veroorsaak by onderlinge ooreenkoms vas te stel, of by gebreke aan so 'n ooreenkoms, by arbitrasie vas te stel.

6. Alle regte op alle minerale van watter aard ook en op alle olie op of onder die grond word uitdruklik ten behoeve van die Kroon voorbehou, met die reg van toegang tot alle myne en tot alle werke wat onderneem is met die doel om te myn of te prospekter. Die grond is onderworpe aan alle verdere regte wat die publiek of die Regering besit of later mog besit of kragtens 'n wet op die prospekter of myn vir minerale of olie kan verkry, en op bedoelde regte word deur die grondbrief geen inbreuk hoegenaamd gemaak nie. Aan die Kroon word die reg voorbehou om soveel van die grond te okkupeer, of om die okkupasie daarvan toe te laat, en om soveel water op die grond te gebruik, of om die gebruik daarvan toe te laat, as wat benodig is om vir minerale of olie behoorlik te prospekter of te myn, teen betaling van 'n bedrag ten opsigte van vergoeding by onderlinge ooreenkoms vas te stel, of by gebreke aan so 'n ooreenkoms, by arbitrasie vas te stel.

7. By skuldigbevinding van die eienaar aan verraad, kan die Goewerneur-generaal die grond verbeurdverklaar.

No. 16, 1935.

ACT

To amplify the powers of the Wage Board and of the Minister of Labour in regard to the fixing of a minimum remuneration for piece work, and to validate and amplify certain wage determinations made under the Wage Act, 1925.

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:—

Amplification of powers of Wage Board and Minister of Labour.

1. The Wage Board established by the Wage Act, 1925, may include in a recommendation under that Act, which it submits to the Minister concerned in relation to employers and employees in any trade or section of trade (as defined in the said Act) and the said Minister may include in any determination which he makes under the said Act in pursuance of such recommendation, a provision that an employer shall pay to an employee who has performed, during any period, piece work of a particular class in the trade or section of trade in question, a remuneration, for the piece work performed by him during that period, not less than the wage which the said employer would be obliged to pay the said employee under that determination if he had employed the employee not as a piece worker but as a time worker, to perform the same class of work during the said period.

Validation and amplification of certain wage determinations.

2. (1) None of the determinations mentioned in the Schedule to this Act, which the Minister of Labour purported to make under the Wage Act, 1925, shall be invalid merely by reason of its provisions relating to piece work.

(2) Every determination mentioned in the Schedule to this Act shall be deemed to contain a valid provision that an employer shall pay to an employee who has performed, during any period, piece work of a particular class in the trade or section of trade to which the determination relates, a remuneration for the piece work performed by him during that period, not less than the wage which the said employer would be obliged to pay the said employee under that determination if he had employed the employee not as a piece worker but as a time worker, to perform the same class of work during the said period.

Short title and commencement of Act.

3. This Act shall be known as the Wage Determinations Validation Act, 1935, and shall be deemed to have come into operation on the first day of February, 1935.

Schedule.

Determination number.	Number of Government Notice.	Date of Government Notice.
19	1546	7th September, 1928.
25	2207	21st December, 1928.
40	1916	11th December, 1931.
41	1921	11th December, 1931.
42	540	22nd April, 1932.
43	896	15th July, 1932.
44	1201	16th September, 1932.
45	1233	23rd September, 1932.
46	6	6th January, 1933.
47	80	20th January, 1933.
48	232	24th February, 1933.
49	355	17th March, 1933.
50	399	24th March, 1933.
52	324	16th March, 1934.
53	424	6th April, 1934.

No. 16, 1935.]

WET

Tot aanvulling van die bevoegdhe van die Loonraad en van die Minister van Arbeid met betrekking tot die bepaling van 'n minimum-beloning vir stukwerk en tot bekragtiging en aanvulling van sekere loonvasstellings gemaak kragtens die Loonwet, 1925.

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

1. Die Loonraad, ingestel deur die Loonwet, 1925, kan in 'n aanbeveling kragtens daardie Wet wat hy aan die betrokke Minister doen met betrekking tot werkgewers en werknemers in een of ander bedryf of onderdeel van 'n bedryf (soos in bedoelde Wet omskryf) en die Minister kan in 'n vasstelling wat hy kragtens bedoelde Wet as gevolg van daardie aanbeveling maak, 'n bepaling opneem dat 'n werkgewer aan 'n werknemer wat gedurende een of ander tydperk 'n bepaalde soort van stukwerk in die betrokke bedryf of onderdeel van 'n bedryf verrig het, 'n beloning moet betaal vir die stukwerk wat hy gedurende daardie tydperk verrig het, wat nie minder is nie as die loon wat bedoelde werkgewer kragtens daardie vasstelling verplig sou wees om aan bedoelde werknemer te betaal as hy die werknemer nie as stukwerker maar as tydwerker te werk gestel had om dieselfde soort van werk gedurende voormelde tydperk te verrig.

Aanvulling van bevoegdhe van Loonraad en Minister van Arbeid.

2. (1) Geen van die vasstellings vermeld in die Bylae tot hierdie Wet, wat die Minister van Arbeid bedoel het om kragtens die Loonwet, 1925, te maak, is ongeldig nie slegs weens daarin vervatte bepalings omtrent stukwerk.

Bekragtiging en aanvulling van sekere loonvasstellings.

(2) Elke in die Bylae tot hierdie Wet vermelde vasstelling word geag 'n geldige bepaling te bevat dat 'n werkgewer aan 'n werknemer wat gedurende een of ander tydperk 'n bepaalde soort van stukwerk verrig het in die bedryf of onderdeel van 'n bedryf waarop die vasstelling betrekking het, 'n beloning moet betaal vir die stukwerk wat hy gedurende daardie tydperk verrig het, wat nie minder is nie as die loon wat bedoelde werkgewer kragtens daardie vasstelling verplig sou wees om aan bedoelde werknemer te betaal as hy die werknemer nie as stukwerker maar as tydwerker te werk gestel had om dieselfde soort van werk gedurende voormelde tydperk te verrig.

3. Hierdie Wet heet die Wet tot Bekragtiging van Loonvasstellings, 1935, en word geag op die eerste dag van Februarie 1935 in werking te getree het.

Kort titel en inwerkingtreding van Wet.

Bylae.

Nommer van vasstelling.	Nommer van Goewermements-kennisgewing.	Datum van Goewermements-kennisgewing.
19	1546	7 September 1928.
25	2207	21 Desember 1928.
40	1916	11 Desember 1931.
41	1921	11 Desember 1931.
42	540	22 April 1932.
43	896	15 Julie 1932.
44	1201	16 September 1932.
45	1233	23 September 1932.
46	6	6 Januarie 1933.
47	80	20 Januarie 1933.
48	232	24 Februarie 1933.
49	355	17 Maart 1933.
50	399	24 Maart 1933.
52	324	16 Maart 1934.
53	424	6 April 1934.

No. 17, 1935.]

ACT

To establish a tobacco industry control board and to define its functions; to provide for the imposition of a levy on tobacco and for the issue of regulations for the control of the tobacco industry; and to amend the Tobacco Control Act, 1932.

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:—

Establishment of Tobacco Industry Control Board.

1. As from a date to be fixed by the Governor-General by proclamation in the *Gazette*, there shall be established a board, to be known as the Tobacco Industry Control Board (hereinafter referred to as the board), which shall be a body corporate, capable of suing and being sued in its corporate name, and subject to the provisions of this Act, of performing all such acts as bodies corporate may by law perform.

Constitution of board.

2. (1) The board shall consist of nine members, appointed by the Governor-General, of whom—

- (a) one shall be an officer of the Department of Agriculture and Forestry (nominated by the Minister), who shall be chairman of the board;
- (b) four shall represent tobacco growers who are members of co-operative organizations (hereinafter referred to as the co-operative tobacco growers' representatives), who shall be nominated in accordance with section *three*;
- (c) one shall represent tobacco growers who are not members of any co-operative organization (hereinafter referred to as the non-co-operative tobacco growers' representative), who shall be nominated in accordance with section *four*;
- (d) one shall represent such manufacturers of tobacco as are referred to in section *five* (hereinafter referred to as the large scale manufacturers' representative), who shall be nominated in accordance with section *five*;
- (e) one shall represent such manufacturers of tobacco as are referred to in section *six* (hereinafter referred to as the small scale manufacturers' representative), who shall be nominated in accordance with section *six*;
- (f) one shall represent commerce (hereinafter referred to as the trade representative), who shall be nominated in accordance with section *seven*.

(2) In addition to the members to be appointed in terms of sub-section (1), there shall be the following member or members *ex officio*, to wit, such officer or officers of the Department of Agriculture and Forestry and the Department of Native Affairs as the Minister may from time to time nominate to attend all or one or more of the meetings of the board or of a committee of the board. The member or members *ex officio* shall not have the right to vote at any meeting of the board or of a committee of the board, but shall in all other respects have the same rights as members of the board.

(3) With the approval of the Minister, the co-operative organizations referred to in section *three* may nominate, jointly, one person who possesses knowledge of the cultivation of tobacco, and the South African Federated Chamber of Industries, Incorporated may nominate two persons who possess knowledge of the manufacture of tobacco, one to represent such manufacturers of tobacco as are referred to in section *five*, and the other to represent such manufacturers of tobacco as are referred to in section *six*, to attend all or one or more of the meetings of the board or of a committee of the board, as technical advisers to the board or committee.

Nomination of co-operative tobacco growers' representatives.

3. (1) If there is in existence an association of those co-operative organizations which, in the opinion of the Minister, are representative of tobacco growers, that association shall be entitled to nominate the co-operative tobacco growers' representatives for appointment to the board, or, if there is no such association in existence, the said co-operative organizations shall be entitled, after mutual consultation, to nominate the co-operative tobacco growers' representatives for appointment

No. 17, 1935.]

WET

Om 'n raad van beheer oor die tabaknywerheid in te stel en om sy werksaamhede te bepaal; om voorsiening te maak vir 'n heffing op tabak en vir die uitvaardiging van regulasies ter reëling van die tabaknywerheid; en om die Tabak-Reëlingswet, 1932, te wysig.

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

1. Vanaf 'n dag deur die Goewerneur-generaal by proklamasie in die *Staatskoerant* vas te stel, word daar 'n raad ingestel, genoem die Raad van Beheer oor die Tabaknywerheid (hieronder die raad genoem), met regspersoonlikheid bekleed, wat as eiser en verweerder in sy naam as regspersoon in regte kan optree en wat, met inagneming van die bepalinge van hierdie Wet, alle handelinge kan verrig wat regspersone regtens kan verrig.

Instelling van 'n Raad van Beheer oor die Tabaknywerheid.

2. (1) Die raad bestaan uit nege lede, deur die Goewerneur-generaal aan te stel, van wie—

Samestelling van raad.

- (a) een 'n amptenaar van die Departement van Landbou en Bosbou moet wees (deur die Minister genomineer), wat voorsitter sal wees van die raad;
- (b) vier verteenwoordigers moet wees van tabakprodusente wat lede is van koöperatiewe organisasies (hieronder die lede vir koöperatiewe tabakprodusente genoem), genomineer te word volgens artikel *drie*;
- (c) een 'n verteenwoordiger moet wees van tabakprodusente wat nie lede is van een of ander koöperatiewe organisasie nie (hieronder die lid vir nie-koöperatiewe tabakprodusente genoem), genomineer te word volgens artikel *vier*;
- (d) een 'n verteenwoordiger moet wees van tabakfabrikante wat in artikel *vyf* bedoel word (hieronder die grootfabrikante-lid genoem), genomineer te word volgens artikel *vyf*;
- (e) een 'n verteenwoordiger moet wees van tabakfabrikante wat in artikel *ses* bedoel word (hieronder die kleinfabrikante-lid genoem), genomineer te word volgens artikel *ses*;
- (f) een 'n verteenwoordiger moet wees van die handel (hieronder genoem die handelslid), genomineer te word volgens artikel *sewe*.

(2) Behalwe die lede wat kragtens sub-artikel (1) aangestel word, is daar nog die volgende lid of lede *ex officio*, te wete, 'n amptenaar of amptenare van die Departement van Landbou en Bosbou en die Departement van Naturellesake wat die Minister van tyd tot tyd mag benoem om al die vergaderings of een of meer van die vergaderings van die raad of van 'n komitee van die raad by te woon. Die lid of lede *ex officio* het geen stem by enige vergadering van die raad of van 'n komitee van die raad nie, maar het in alle ander opsigte dieselfde regte as ander lede van die raad.

(3) Met goedkeuring van die Minister, kan die in artikel *drie* bedoelde koöperatiewe organisasies gesamentlik een persoon wat kennis van die verbouing van tabak besit benoem, en kan die South African Federated Chamber of Industries, Incorporated twee persone wat kennis van die fabrisering van tabak besit benoem, een waarvan die in artikel *vyf* bedoelde tabakfabrikante moet verteenwoordig, en die andere waarvan die in artikel *ses* bedoelde tabakfabrikante moet verteenwoordig, om al die vergaderings of een of meer van die vergaderings van die raad of van 'n komitee van die raad by te woon as tegniese adviseurs van die raad of komitee.

3. Indien daar 'n vereniging bestaan van daardie koöperatiewe organisasies wat, volgens die oordeel van die Minister, verteenwoordigend is van tabakprodusente, dan het daardie vereniging die reg om die lede vir koöperatiewe tabakprodusente vir aanstelling op die raad te nomineer, of, indien daar nie so 'n vereniging bestaan nie, is bedoelde koöperatiewe organisasies geregtig om, na onderlinge raadpleging, die lede vir koöperatiewe tabakprodusente vir aan-

Nominasie van lede vir koöperatiewe tabakprodusente.

	to the board: Provided that if there is in existence a co-operative organization which, in the opinion of the Minister, is representative of growers of Turkish tobacco, that organization shall be entitled to nominate one of the co-operative tobacco growers' representatives for appointment to the board.
Nomination of non-co-operative tobacco growers' representatives.	4. (1) The non-co-operative tobacco growers' representatives shall be nominated by an organization or organizations which, in the opinion of the Minister, is representative of tobacco growers who are not members of any of the co-operative organizations referred to in section <i>three</i>. (2) The non-co-operative tobacco growers' representative shall not be a member of any such co-operative organization, and must have been a <i>bona fide</i> grower of tobacco during the whole of the period of twelve months immediately preceding the date on which he is nominated for appointment to the board.
Nomination of large scale manufacturers' representative.	5. The large scale manufacturers' representative shall be nominated by the South African Federated Chamber of Industries, Incorporated, and must, in the opinion of the Minister, be a person who is suitable to represent the interests of manufacturers of tobacco each of whom in the course of the period of twelve months immediately preceding the nomination manufactured 750,000 pounds or more of tobacco.
Nomination of small scale manufacturers' representative.	6. The small scale manufacturers' representative shall be nominated by the South African Federated Chamber of Industries, Incorporated, and must, in the opinion of the Minister, be a person who is suitable to represent the interests of manufacturers of tobacco each of whom manufactured less than 750,000 pounds of tobacco during the period of twelve months immediately preceding the nomination.
Nomination of trade representative.	7. The trade representative, who shall not be connected directly or indirectly with the trade in tobacco, shall be nominated by the Minister.
Notice to associations or organizations to nominate representatives.	8. Whenever nominations in terms of sections <i>three</i>, <i>four</i>, <i>five</i> and <i>six</i> become necessary, the Minister shall call upon the associations or organizations concerned, or cause them to be called upon, by notice in writing, to nominate, within a period fixed by such notice, such persons as they are entitled, in terms of the said sections, to nominate for appointment to the board.
If no suitable person nominated, Minister may nominate.	9. If any person nominated as aforesaid is, in the opinion of the Minister, not suitable for appointment as a member of the board or not qualified to be a member of the board in the particular capacity in which he was nominated, the Minister may refer that nomination back to the association or organization concerned and call upon that association or organization to nominate some other person for appointment to the board, and if that association or organization thereupon again nominates a person who is, in the opinion of the Minister, not suitable or not qualified, as aforesaid, or whenever the association or organization fails to nominate any person, the Minister may himself nominate any person whom he considers fit to be a member of the board, subject to the requirements of the preceding provisions of this Act as to the qualifications of any such member.
If no organization or association exists, Minister may nominate.	10. If an organization or association such as is referred to in section <i>four</i>, <i>five</i>, or <i>six</i> is not in existence, the Minister may himself nominate a person or persons for appointment to the board to represent the interests concerned.
Tenure of office of members of the board.	11. (1) With the exception of the chairman, who shall hold office at the Governor-General's pleasure, members of the board shall, subject to the provisions of sub-section (2), be appointed for a period of two years. (2) After the expiration of one year from the first appointment of members of the board, two of the four members nominated in terms of paragraph (b) of sub-section (1) of section <i>two</i> and also both members nominated in terms of paragraphs (e) and (f) of the said sub-section shall retire, and the vacancies so arising shall be filled in manner laid down in the said paragraphs. (3) Which two of the members nominated in terms of paragraph (b) of sub-section (1) of section <i>two</i> shall retire in accordance with sub-section (2) of this section, shall be decided by lot. (4) Upon the expiration of the period for which members were appointed, they shall continue to hold office until their successors have been appointed, but in no case for a further period of more than three months. (5) Retiring members shall be eligible for re-appointment. (6) Whenever for any reason the office of any member of the board becomes vacant before the expiration of the period for

stelling op die raad te nomineer: Met dien verstande dat ingeval daar 'n koöperatiewe organisasie bestaan, wat, volgens die oordeel van die Minister, verteenwoordigend is van produsente van Turkse tabak, daardie organisasie een van die lede vir koöperatiewe tabakprodusente vir aanstelling op die raad kan nomineer.

4. (1) Die lid vir nie-koöperatiewe tabakprodusente word genomineer deur 'n organisasie of organisasies, wat, volgens die oordeel van die Minister, verteenwoordigend is van tabakprodusente wat nie lede is nie van een of ander koöperatiewe organisasie bedoel in artikel drie.

Nominasie van lid vir nie-koöperatiewe tabakprodusente.

(2) Die lid vir nie-koöperatiewe tabakprodusente mag nie lid wees van so 'n koöperatiewe organisasie nie, en moet 'n *bona fide* produsent van tabak gewees het gedurende die hele tydperk van twaalf maande onmiddellik voorafgaande aan die dag waarop hy genomineer is vir aanstelling op die raad.

5. Die grootfabrikante-lid word genomineer deur die South African Federated Chamber of Industries, Incorporated, en moet, volgens oordeel van die Minister, 'n persoon wees wat geskik is om die belange te verteenwoordig van tabakfabrikante wat in die loop van die tydperk van twaalf maande wat onmiddellik aan die nominasie voorafgaan 750,000 pond of meer tabak elk gefabriseer het.

Nominasie van grootfabrikante-lid

6. Die kleinfabrikante-lid word genomineer deur die South African Federated Chamber of Industries, Incorporated, en moet, volgens oordeel van die Minister, 'n persoon wees wat geskik is om die belange te verteenwoordig van tabakfabrikante, wat gedurende die tydperk van twaalf maande wat onmiddellik die nominasie voorafgaan minder as 750,000 pond tabak elk gefabriseer het.

Nominasie van kleinfabrikante-lid.

7. Die handelslid, wat nie direk nog indirek met die tabakhandel betrokke mag wees nie, word genomineer deur die Minister.

Nominasie van handelslid.

8. Wanneer nominasies volgens artikels drie, vier, vyf en ses nodig word, sê die Minister die betrokke verenigings of organisasies skriftelik aan of laat hy hulle skriftelik aansê, om binne 'n tydperk in die aansegging vasgestel, die persone te nomineer wat hulle volgens bedoelde artikels geregtig is om vir aanstelling as lede van die raad te nomineer.

Aansegging van verenigings of organisasies om verteenwoordigers te nomineer.

9. Indien iemand wat soas voormeld genomineer is, volgens die Minister se oordeel, nie geskik is om as lid van die raad aangestel te word nie of onbevoeg is om lid van die raad te wees in die bepaalde hoedanigheid waarin hy genomineer is, kan die Minister daardie nominasie terugverwys na die betrokke vereniging of organisasie, en daardie vereniging of organisasie aansê om iemand anders vir aanstelling op die raad te nomineer, en indien daardie vereniging of organisasie daarop weer iemand nomineer wat, volgens die Minister se oordeel, ongeskik of onbevoeg is, soas voormeld, of wanneer die vereniging of organisasie in gebreke bly om iemand te nomineer, kan die Minister self iemand nomineer wat hy geskik ag om lid van die raad te wees, onderworpe aan die vereistes van die voorafgaande bepalings van hierdie Wet wat betref die bevoegdhede van so 'n lid.

As geen geskikte persoon genomineer word nie kan Minister nomineer.

10. Indien 'n organisasie of vereniging soas vermeld in artikel vier, vyf of ses nie bestaan nie, kan die Minister self 'n persoon of persone nomineer vir aanstelling op die raad om die betrokke belange te verteenwoordig.

As geen organisasie of vereniging bestaan nie kan Minister self nomineer.

11. (1) Met uitsondering van die voorsitter wat sy amp beklee solank dit die Goewerneur-generaal behaag, word, behoudens die bepalings van sub-artikel (2), lede van die raad aangestel vir 'n tydperk van twee jaar.

Ampsduur van lede van raad.

(2) Na verloop van een jaar vanaf die eerste aanstelling van lede van die raad, tree twee af uit die vier lede wat genomineer is kragtens paragraaf (b) van sub-artikel (1) van artikel twee, en ook albei die lede wat genomineer is kragtens paragrafe (e) en (f) van genoemde sub-artikel, en word die also ontstane vakatures op die in voormelde paragrafe bepaalde wyse gevul.

(3) Watter twee van die lede, kragtens paragraaf (b) van sub-artikel (1) van artikel twee genomineer, moet aftree ingevolge sub-artikel (2) van hierdie artikel, moet deur die lot beslis word.

(4) By verstryking van die tydperk waarvoor hulle aangestel is, bly lede hulle amp beklee totdat hulle opvolgers aangestel is, maar in geen geval vir 'n verdere tydperk van meer as drie maande nie.

(5) Aftredende lede is herbenoembaar.

(6) Wanneer die setel van 'n lid van die raad om enige rede vakant word voor verloop van die tydperk waarvoor hy aange-

which he was appointed, the Minister may, on the recommendation of the board or of the association or organization concerned, appoint any other person whom he considers suitable to fill the vacancy until the expiration of the period for which the vacating member was appointed.

(7) Whenever the Minister is satisfied that any member of the board is prevented by illness, absence or any other cause from performing the duties of his office, the Minister may appoint any other person whom he considers suitable to act as the deputy of that member while he is so prevented, and during the period during which the deputy so acts, he shall perform the functions of the member as whose deputy he has been appointed to act.

(8) Whenever a member of the board, without its leave, has failed to attend three consecutive meetings of the board, and no one has been appointed to act as his deputy in terms of sub-section (7), he shall cease to be a member of the board.

(9) Whenever there are so many vacancies on the board that no quorum can be formed, the Minister may perform all the functions of the board until such time as sufficient of the said vacancies have been filled to enable a quorum of the board to be formed.

Meetings of the board.

12. (1) The first meeting of the board shall be held on a day and at a place to be appointed by the Minister.

(2) All subsequent meetings of the board shall be held at such times and places as the board may from time to time determine, but not more than four ordinary meetings shall be held during any one year, except with the approval of the Minister.

(3) The chairman of the board may himself at any time call a special meeting of the board, to be held on a day and at a place to be appointed by him.

(4) The meetings of the board shall be convened by notice given by the chairman of the board.

Quorum, majority, decision and chairman's casting vote.

13. (1) Five members of the board qualified to vote shall form a quorum at any meeting of the board.

(2) The decision of the majority of the members of the board present at any meeting thereof and qualified to vote shall constitute the decision of the board: Provided that in the event of an equality of votes the chairman shall have a casting vote in addition to his deliberative vote.

Allowances of members of the board.

14. (1) The members of the board (other than those in receipt of a salary from public funds) shall receive such allowances to meet the reasonable expenses to which they are put in connection with the business of the board as the Minister may determine.

(2) Such allowances shall be paid out of the funds of the board.

Committees of board.

15. (1) The board may, with the consent of the Minister, appoint one or more committees from its members, and any such committee shall be invested with such of the board's powers as may be prescribed by regulation.

(2) The members of a committee shall receive the same allowances as the members of the board.

(3) The chairman of the board may at any time convene a meeting of a committee, to be held on a day and at a place to be appointed by him.

(4) The decision of the majority of all the members of a committee qualified to vote shall constitute a decision of the committee.

Levy on tobacco.

16. (1) The Minister may, subject to the provisions of this section, and after consideration of a recommendation by the board, impose a levy on tobacco and from time to time vary the levy: Provided that the levy shall not exceed one penny per pound.

(2) Any levy imposed by virtue of sub-section (1) and every alteration of any levy shall be made known by the Minister by notice in the *Gazette*, and shall become operative upon the date stated in such notice.

(3) The levy may be imposed on one or on two or on all three classes of tobacco, and the levy imposed on tobacco of one class may be different from the levy imposed on tobacco of another class, but the levy imposed on tobacco of any one class shall not vary according to grade, standard or quality.

(4) The levy shall be paid in accordance with the provisions of section *seventeen*.

(5) The board shall, as soon as practicable after it has been constituted, recommend to the Minister what levy should be imposed by virtue of sub-section (1) on one or more classes of tobacco, and may from time to time recommend to the Minister that a levy should be varied.

stel is, kan die Minister, op aanbeveling van die raad, of van die betrokke vereniging of organisasie, iemand anders wat hy geskik ag aanstel om die vakature te vul totdat die tydperk waarvoor die uitgetrede lid aangestel was verstryk is.

(7) Wanneer die Minister bevind dat een of ander lid van die raad deur siekte of afwesigheid of om 'n ander rede verhinder is om sy ampswerkzaamhede te verrig, kan die Minister iemand anders wat hy geskik ag aanstel om as plaasvervanger van daardie lid op te tree solank hy aldus verhinder is, en moet die plaasvervanger, vir die tydperk van sy waarneming die bevoegdhede verrig van die lid as wie se plaasvervanger hy aangestel is.

(8) Wanneer 'n raadslid sonder die raad se verlof versuim het om drie agtereenvolgende raadsvergaderings by te woon en niemand volgens sub-artikel (7) as sy plaasvervanger aangestel is nie, hou hy op om lid van die raad te wees.

(9) Wanneer daar soveel vakatures in die raad bestaan dat geen kworum tot stand kan kom nie, kan die Minister al die werkzaamhede van die raad verrig totdat soveel van die vakatures aangevul is dat 'n kworum van die raad tot stand kan kom.

12. (1) Die eerste vergadering van die raad word gehou op 'n dag en plek deur die Minister vasgestel te word. Raadsvergaderinga.

(2) Alle volgende vergaderings van die raad word op die tye en plekke gehou wat die raad van tyd tot tyd vasstel, maar nie meer as vier gewone vergaderings word gedurende een jaar gehou nie, tensy met die goedkeuring van die Minister.

(3) Die voorsitter van die raad kan self te eniger tyd 'n spesiale vergadering van die raad byeenroep, wat op 'n dag en plek deur die voorsitter vas te stel gehou moet word.

(4) Die vergaderings van die raad word saamgeroep op kennisgewing van die voorsitter van die raad.

13. (1) Vyf stemgeregtigde lede van die raad maak 'n kworum uit vir enige vergadering van die raad. Kworum, meerderheidsbeslissing en beslissende stem van voorsitter.

(2) Die beslissing van die meerderheid van die stemgeregtigde raadslede wat op 'n raadsvergadering aanwesig is, maak 'n beslissing van die raad uit: Met dien verstande dat by 'n staking van stemme die voorsitter, benewens sy beraadslagende stem, ook 'n beslissende stem het.

14. (1) Die lede van die raad (behalwe die wat uit staatsgelde 'n salaris trek) ontvang die toelaes tot dekking van die redelike onkoste deur hulle beloop in verband met die sake van die raad, wat die Minister mog bepaal. Toelaes van lede van raad.

(2) Sodanige toelaes word uit die gelde van die raad betaal.

15. (1) Die raad kan, met die Minister se toestemming, een of meer komitees uit sy lede benoem, en so 'n komitee is bekleed met sodanige bevoegdhede van die raad as wat deur regulasies omskrywe mog word. Komitees van raad.

(2) Die lede van 'n komitee ontvang dieselfde toelaes as lede van die raad.

(3) Die voorsitter van die raad kan te eniger tyd 'n vergadering van 'n komitee belê, wat op 'n dag en plek deur die voorsitter vas te stel gehou moet word.

(4) 'n Besluit van die meerderheid van al die stemgeregtigde lede van 'n komitee maak 'n besluit van die komitee uit.

16. (1) Behoudens die bepalinge van hierdie artikel kan die Minister, na oorweging van 'n aanbeveling van die raad, 'n heffing plaas op tabak en die heffing van tyd tot tyd wysig: Met dien verstande dat die heffing nie een pennie per pond te bowe gaan nie. Heffing op tabak.

(2) Elke heffing opgelê kragtens sub-artikel (1) en elke wysiging van 'n heffing word deur die Minister by kennisgewing in die *Staatskoerant* bekend gemaak, en tree in werking op 'n dag in daardie kennisgewing vasgestel.

(3) Die heffing kan op een of op twee of op al drie soorte tabak opgelê word, en die heffing opgelê op tabak van een soort kan verskil van die heffing opgelê op tabak van 'n ander soort, maar die heffing opgelê op een soort tabak mag nie volgens graad, standaard of kwaliteit verskil nie.

(4) Die heffing is betaalbaar ooreenkomstig die bepalinge van artikel *sewentien*.

(5) Die raad moet, so gou doenlik na sy samestelling, by die Minister aanbeveel watter heffing kragtens sub-artikel (1) op tabak van een of meer soorte opgelê behoort te word, en kan van tyd tot tyd by die Minister aanbeveel dat 'n heffing gewysig word.

Payment of levy.

17. (1) Every tobacco trader who purchases or otherwise acquires from the grower thereof, any tobacco of a class on which a levy has been imposed by virtue of section *sixteen*, or who imports any tobacco of such a class shall, within thirty days after the close of every calendar month, pay to the board a sum equal to the levy on the whole quantity of tobacco of that class which he so purchased or acquired or imported during the course of the preceding calendar month.

(2) Every tobacco trader who is the grower of any tobacco of a class on which a levy has been so imposed, shall, within thirty days after the close of every calendar month, pay to the board a sum equal to the levy on the whole quantity of tobacco of that class of which he is the grower and, in the case of Turkish tobacco, the drying of which was completed during the course of the preceding calendar month, or, in the case of tobacco other than Turkish tobacco, the leafing-off of which was completed during the said preceding calendar month and no person who purchases or otherwise acquires any such tobacco from such tobacco trader shall, for the purposes of sub-section (1), be deemed to purchase or otherwise acquire it from the grower thereof.

(3) Every person (including a person who in terms of the proviso to section *two* of the principal Act is not required to take out a tobacco trader's licence) who manufactures or causes to be manufactured any tobacco of a class on which a levy has been so imposed, of which he is the grower, and in respect of which he has not paid the levy, shall, within thirty days after the close of every calendar month, pay to the board a sum equal to the levy on the whole quantity of tobacco of that class of which he is the grower, and in respect of which he has not paid the levy, and which he manufactured or caused to be manufactured during the course of the preceding calendar month.

(4) Any tobacco trader who receives any tobacco from the grower thereof, for the purpose of disposing of it on behalf of the grower thereof, shall, for the purposes of sub-section (1), be deemed to purchase it from the grower thereof; and no person who purchases or otherwise acquires any such tobacco from such tobacco trader shall, for the purposes of sub-section (1), be deemed to purchase or otherwise acquire it from the grower thereof.

(5) The correctness of the amount paid in accordance with sub-sections (1), (2), (3) and (4) shall be supported by the person making payment by transmitting to the board not later than the date on which payment is made a return, in a form prescribed by regulation, showing the weight of tobacco in respect of which levy is due by him in terms of the said sub-sections.

(6) Any person who—

(a) wilfully fails to pay to the board within the time provided the full amount due by him in respect of levy in terms of sub-sections (1), (2), (3) and (4); or

(b) fails to transmit to the board within the time provided the return referred to in sub-section (5), or who knowingly makes or causes to be made a false statement in such return,

shall be guilty of an offence and on conviction be liable to a fine not exceeding two hundred pounds.

(7) Whenever any person is convicted of an offence under paragraph (a) of sub-section (6), and it is proved that he has not paid to the board the full amount due by him in respect of levy, the court convicting him shall forthwith give judgment against him and in favour of the board for the amount which the court finds is still owing by him, and any such judgment may be executed in the same manner as if it had been pronounced in the course of civil proceedings.

(8) Whenever any person is convicted of an offence under paragraph (b) of sub-section (6), in that he knowingly made or caused to be made a false statement in any return referred to in that paragraph, the court convicting him shall determine the difference between the amount actually owing by him in respect of levy and the amount which according to such return is owing by him in respect of levy, and the court shall, in addition to any sentence which it or any other court may impose or may have imposed on him under sub-section (6), and in addition to any judgment which it or any other court may pronounce or may have pronounced against him under sub-section (7), impose on the person so convicted a fine equal to the said difference.

17. (1) Elke tabakhandelaar wat 'n soort tabak waarop 'n heffing uit kragte van artikel *sestien* geplaas is, van die produsent daarvan koop of op ander wyse verkry of wat so 'n soort tabak invoer, moet binne dertig dae na verloop van elke kalendermaand aan die raad inbetaal 'n som gelyk aan die heffing op die gehele hoeveelheid tabak van daardie soort wat hy in die loop van die voorafgaande kalendermaand aldus gekoop of verkry of ingevoer het. Betaling van heffing.

(2) Elke tabakhandelaar wat die produsent is van 'n soort tabak waarop 'n heffing aldus geplaas is, moet binne dertig dae na verloop van elke kalendermaand aan die raad inbetaal 'n som gelyk aan die heffing op die gehele hoeveelheid tabak van daardie soort waarvan hy die produsent is, en, in die geval van Turkse tabak, die droging waarvan voltooï is in die loop van die voorafgaande kalendermaand, of, in die geval van ander tabak as Turkse tabak, die afblaar waarvan voltooï is in die loop van bedoelde voorafgaande kalendermaand en niemand wat van daardie tabak van daardie tabakhandelaar koop of op ander wyse verkry, word, by toepassing van sub-artikel (1), geag dit te koop of op ander wyse te verkry van die produsent daarvan.

(3) Elke persoon (inbegrepe 'n persoon wat, ingevolge die voorbehoudsbepaling tot artikel *twee* van die Hoofwet, nie verplig is om 'n tabakhandelaars-lisensie uit te neem nie) wat 'n soort tabak waarop 'n heffing aldus geplaas is, en waarvan hy die produsent is, en ten opsigte waarvan hy nie die heffing betaal het nie, fabriseer of laat fabriseer, moet binne dertig dae na verloop van elke kalendermaand aan die raad inbetaal 'n som gelyk aan die heffing op die gehele hoeveelheid tabak van daardie soort waarvan hy die produsent is, en ten opsigte waarvan hy nie die heffing betaal het nie, en wat hy in die loop van die voorafgaande kalendermaand gefabriseer of laat fabriseer het.

(4) 'n Tabakhandelaar wat tabak van die produsent daarvan ontvang, om dit ten behoeve van die produsent daarvan van die hand te sit, word, by toepassing van sub-artikel (1), geag dit van die produsent daarvan te koop; en niemand wat van daardie tabak van daardie tabakhandelaar, koop of op ander wyse verkry, word, by toepassing van sub-artikel (1), geag dit te koop of op ander wyse te verkry van die produsent daarvan.

(5) Die juistheid van die ingevolge sub-artikels (1), (2), (3) en (4) inbetaalde bedrag word deur die persoon wat dit betaal, gestaaf deur toesending aan die raad nie later dan die dag waarop betaling geskied, van 'n staat, in 'n deur regulasie voor te skrywe vorm, wat aangee die gewig van tabak waarop die heffing ingevolge voormelde sub-artikels deur hom verskuldig is.

(6) Enigeen wat—

(a) opsetlik versuim om die volle bedrag, wat ten opsigte van heffing deur hom ingevolge sub-artikels (1), (2), (3) en (4) verskuldig is, binne die bepaalde tyd aan die raad in te betaal; of

(b) versuim om die in sub-artikel (5) vermelde staat binne die bepaalde tyd aan die raad toe te send, of wat, wetens, in bedoelde staat 'n valse verklaring maak of laat maak,

is aan 'n misdryf skuldig en by veroordeling strafbaar met 'n boete van hoogstens tweehonderd pond.

(7) Wanneer iemand skuldig bevind word aan 'n misdryf volgens paragraaf (a) van sub-artikel (6) en bewys word dat hy nie die volle deur hom ten opsigte van heffing verskuldigde bedrag aan die raad inbetaal het nie, moet die hof wat hom skuldig vind meteens vonnis teen hom en ten gunste van die raad gee vir die bedrag wat, na bevinding van die hof, nog deur hom verskuldig is, en 'n sodanige vonnis kan ten uitvoer gelê word op dieselfde wyse asof dit in die loop van 'n siviele geding uitgespreek is.

(8) Wanneer iemand skuldig bevind word aan 'n misdryf volgens paragraaf (b) van sub-artikel (6), deurdat hy in 'n daarin bedoelde staat wetens 'n valse verklaring gemaak of laat maak het, moet die hof wat hom skuldig vind vasstel die verskil tussen die bedrag wat werklik deur hom ten opsigte van heffing verskuldig is, en die bedrag wat volgens bedoelde staat deur hom ten opsigte van heffing verskuldig sou wees, en moet die hof, behalwe 'n straf wat dit of 'n ander hof op hom mog oëlê of mog opeëlê het, kragtens sub-artikel (6), en behalwe 'n vonnis wat dit of 'n ander hof teen hom mog uitspreek of mog uitgespreek het kragtens sub-artikel (7), op die aldus veroordeelde persoon, 'n boete oëlê gelyk aan bedoelde verskil.

(9) Whenever any person is charged under sub-section (6) with having failed to pay to the board the full amount owing by him in respect of levy, or with having made or caused to be made a false statement, and it is proved that less than the full amount owing by him was paid by him or on his behalf, or, as the case may be, that a false statement appears in the return furnished by him or on his behalf, he shall be deemed, unless the contrary is proved, wilfully to have paid less than the full amount owing by him, or, as the case may be, knowingly to have made such false statement or caused it to be made.

(10) Whenever any person satisfies the board that any tobacco in respect of which he has paid any sum as levy under the provisions of sub-sections (1), (2), (3) and (4) is tobacco of a grade or standard or quality of which the purchase, sale or manufacture is prohibited by regulation made under paragraph (c) of sub-section (1) of section *twenty*, and that it has been withdrawn from trade in accordance with the provisions of the regulations made under paragraph (c) of that sub-section, he shall be entitled to receive from the board a refund of the sum paid by him in levy in respect of that tobacco.

Funds of the board. 18. (1) The funds of the board shall be derived from the proceeds of the levies imposed on tobacco under section *sixteen*.
(2) Moneys received under any such levy shall be paid into a special account, and the board shall have full control over such moneys and such account.

Powers of the board 19. The board shall have power—

- (a) to appoint such persons as it considers necessary to enable it to exercise its functions, at such remuneration and on such conditions as it may determine;
- (b) to acquire or hire any property which it considers necessary for the purpose of exercising its functions;
- (c) to pay out of its funds to any person who exports tobacco from the Union a bounty or premium, which may vary according to the class, grade, standard or quality of the tobacco exported, or from which may be excluded tobacco below a specified quality;
- (d) to devise means for the use of surplus tobacco;
- (e) to disseminate information concerning the tobacco industry, the dissemination of which it considers to be in the interests of that industry;
- (f) to pay out of its funds all debts which under this Act it may or is required to incur in the exercise of its functions;
- (g) to utilize its funds to assist the development and betterment of the tobacco industry;
- (h) to create a reserve fund into which any surplus levy funds not required for immediate use shall be paid;
- (i) to institute propaganda among growers for the better cultivation and treatment of tobacco;
- (j) by means of advertisement or otherwise to seek overseas markets for tobacco;
- (k) to make recommendations to the Minister concerning any or all of the following matters—
 - (i) the imposition of levies under section *sixteen*;
 - (ii) the determination of a tobacco export quota percentage under section *eight* of the principal Act;
 - (iii) the making of regulations under section *thirteen* of the principal Act and section *twenty* of this Act;
 - (iv) the exercise of the Minister's discretion under sub-section (3) of section *nine* of the principal Act;
 - (v) any matter which the Minister may refer to the board for report;
 - (vi) any other matter concerning which the board thinks it is in the interest of the tobacco industry that it should make recommendations.

Regulations.

20. (1) The Minister may make regulations—

- (a) defining the powers of the board with which the committees of the board are invested;
- (b) prescribing the form of return referred to in sub-section (5) of section *seventeen*;
- (c) defining the methods whereby, for the purposes of sub-section (10) of section *seventeen*, tobacco may be withdrawn from trade;

(9) Wanneer iemand aangekla word kragtens sub-artikel (6) weens versuim om aan die raad die volle bedrag wat ten opsigte van heffing deur hom verskuldig is, in te betaal, of weens die maak of laat maak van 'n valse verklaring, en bewys word dat minder dan die volle deur hom verskuldigde bedrag deur of namens hom inbetaal is, of, na die geval, dat 'n valse verklaring voorkom in die staat deur of namens hom verskaf, word hy geag tensy die teenoorgestelde bewys word, opsetlik minder dan die volle deur hom verskuldigde bedrag in te betaal het, of, na die geval, met wete bedoelde valse verklaring te gemaak het of te laat maak het.

(10) Wanneer iemand die raad oortuig dat enige tabak ten opsigte waarvan, ingevolge die bepalings van sub-artikels (1), (2), (3) en (4), hy 'n som as heffing betaal het, 'n graad, standaard of kwaliteit tabak is waarvan die koop, verkoop of fabrisering by 'n kragtens paragraaf (e) van sub-artikel (1) van artikel *twintig* uitgevaardigde regulasie verbied word, en dat dit ooreenkomstig die bepalings van die kragtens paragraaf (c) van daardie sub-artikel uitgevaardigde regulasies aan die handel onttrek is, is hy geregtig op terugbetaling deur die raad van die som wat hy ten opsigte van daardie tabak as heffing betaal het.

18. (1) Die gelde van die raad word verkry uit die opbrengs van die heffings wat kragtens artikel *sestien* op tabak geplaas is. Gelde van raad.

(2) Gelde ontvang uit so 'n heffing word in 'n spesiale rekening gestort, en die raad het volle beheer oor bedoelde gelde en rekening.

19. Die raad is bevoeg—

Bevoegdhede van raad.

- (a) om die persone aan te stel wat hy nodig ag om hom in staat te stel sy werksaamhede te verrig, en wel teen die besoldiging en op die voorwaardes wat hy mog vasstel;
- (b) om enige goed aan te skaf of te huur wat hy nodig ag vir die verrigting van sy werksaamhede;
- (c) om uit sy gelde aan iemand wat tabak uit die Unie uitvoer 'n toeslag of premie te betaal wat kan verskil volgens die soort, graad, standaard of kwaliteit van die uitgevoerde tabak, of waarvan tabak onder 'n vasgestelde kwaliteit uitgesluit mag word;
- (d) om middele te ontwerp vir die gebruik van surplus tabak;
- (e) om inligting omtrent die tabaknywerheid te versprei, die verspreiding waarvan hy in belang van bedoelde nywerheid ag;
- (f) om uit sy gelde alle skulde te betaal wat hy kragtens hierdie Wet kan of moet maak by die verrigting van sy werksaamhede;
- (g) om sy gelde te bestee om die ontwikkeling en verbetering van die tabaknywerheid te bevorder;
- (h) om 'n reserwefonds daar te stel waarin orige heffingsgelde, wat nie vir onmiddellike gebruik benodig is nie, inbetaal moet word;
- (i) om propaganda onder produsente te maak in belang van die betere verbouing en bewerking van tabak;
- (j) om oorseese marke vir tabak te soek deur advertensie of andersins;
- (k) om aanbevelings by die Minister te maak omtrent enigeen of almal van die volgende sake:
 - (i) die oplê van heffings kragtens artikel *sestien*;
 - (ii) die vasstelling van 'n tabakuitvoer-kwota-persentasie kragtens artikel *ag* van die Hoofwet;
 - (iii) die uitvaardiging van regulasies kragtens artikel *dertien* van die Hoofwet en artikel *twintig* van hierdie Wet;
 - (iv) die uitoefening van die Minister se diskresie kragtens sub-artikel (3) van artikel *nege* van die Hoofwet;
 - (v) enigiets wat die Minister na die raad mog verwys vir rapport;
 - (vi) enigiets anders waaromtrent die raad dit in die belang van die tabaknywerheid ag aanbevelings te maak.

20. (1) Die Minister kan regulasies uitvaardig—

Regulasies.

- (a) om die bevoegdhede van die raad te omskrywe waarmee die komitees van die raad bekleed is;
- (b) om die vorm van die in sub-artikel (5) van artikel *sewentien* bedoelde staat voor te skrywe;
- (c) om die wyse te bepaal waarop, by toepassing van sub-artikel (10) van artikel *sewentien*, tabak aan die handel onttrek kan word;

- (d) requiring growers, manufacturers, traders, brokers and other persons connected with the tobacco industry or the trade in tobacco to render returns and furnish information concerning the tobacco industry and the trade in tobacco and the gathering and the treatment of the crops of tobacco of which they are the growers and their dealings in tobacco to the Minister or the board; and prescribing the form and manner in which such returns or information should be rendered and furnished;
- (e) laying down what grades and standards of tobacco of all classes may be purchased, sold or manufactured, and prohibiting wholly or in part the purchase, sale or manufacture of tobacco below a specified quality;
- (f) as to the marking and packing of tobacco and tobacco products;
- (g) prescribing measures which he considers to be in the interests of the tobacco industry or the trade in tobacco;
- (h) generally for the better carrying out of the objects and purposes of this Act.

(2) The Minister may make different regulations for different areas or in respect of different classes of tobacco or tobacco produced in different areas.

(3) The regulations may prescribe penalties, not exceeding a fine of one hundred pounds, for the contravention of, or the failure to comply with, any regulation or any prohibition, direction or order issued under any regulation.

Amendment of
section 2 of Act 19
of 1932.

21. Section *two* of the principal Act is hereby amended by the deletion of the words "and no co-operative organization shall receive".

Amendment of
section 5 of Act
19 of 1932:

22. Section *five* of the principal Act is hereby amended—

- (a) by the insertion immediately before the proviso of the words "and shall also so record the weight of Turkish tobacco of which he is the grower, the drying of which was completed during that day, and the weight of tobacco (other than Turkish tobacco) of which he is the grower, the leafing-off of which was completed during the day"; and
- (b) by the insertion immediately after the word "section" of the words "relating to the recording of details concerning tobacco acquired or disposed of".

Amendment of
section 6 of Act
19 of 1932.

23. Sub-section (1) of section *six* of the principal Act is hereby amended—

- (a) by the deletion of the words "transactions in";
- (b) by the insertion immediately after the word "Act" of the words "or any amendment thereof or of any other law relating to the control of the tobacco industry or the trade in tobacco"; and
- (c) by the deletion of the words "by the Minister under section *one*" and the substitution therefor of the words "under this Act or any amendment thereof or under any other law relating to the control of the tobacco industry or the trade in tobacco".

Amendment of
section 9 of Act 19
of 1932.

24. Section *nine* of the principal Act is hereby amended—

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

"(1)*bis*. Every tobacco trader who is the grower of any tobacco of a class in respect of which a tobacco export quota percentage has been or is thereafter fixed for the period during which, in the case of Turkish tobacco the drying thereof is completed, or, in the case of tobacco other than Turkish tobacco, the leafing-off thereof is completed, shall, for the purposes of sub-section (1), be deemed to purchase it from the grower thereof; and the calendar month during which, in the case of Turkish tobacco, the drying of that tobacco is completed, or, in the case of tobacco other than Turkish tobacco, the leafing-off of that tobacco is completed, shall, for the purposes of sub-section (1), be deemed to be the calendar month during which it is received by him from a grower; and no person who purchases or otherwise acquires any such tobacco from such tobacco trader shall, for the purposes of sub-section (1), be deemed to purchase or otherwise acquire it from the grower thereof."

- (b) by the insertion in sub-section (2), after the words "sub-section (1)" of the words "or (1)*bis* of this section or section *thirteen bis*";

- (d) om produsente, fabrikante, handelaars, makelaars, en ander persone wat betrokke is in die tabaknywerheid of die tabakhandel te verplig om aan die Minister of aan die raad state in te lewer en gegewens te verstrek aangaande die tabaknywerheid en die tabakhandel en die oes en behandeling van die tabak waarvan hulle die produsente is en hulle tabaktransaksies; en om die vorm en wyse voor te skrywe waarop sulke state of gegewens ingelewer of verstrek moet word;
- (e) om die grade en standarde vas te stel van alle soorte tabak wat gekoop, verkoop of gefabriseer mag word, en om geheel of gedeeltelik die koop, verkoop of fabrisering van tabak benede 'n vasgestelde kwaliteit te verbied;
- (f) met betrekking tot die merking en verpakking van tabak en tabakprodukte;
- (g) om maatreëls voor te skrywe wat hy in belang van die tabaknywerheid of die tabakhandel raadsaam ag;
- (h) in die algemeen vir die beter uitvoering van die doeleindes en oogmerke van hierdie Wet.

(2) Die Minister kan verskillende regulasies uitvaardig vir verskillende streke of met betrekking tot verskillende soorte tabak of tabak wat in verskillende streke geproduseer word.

(3) Die regulasies kan, as straf op oortreding van, of op versuim om te voldoen aan, 'n regulasie of 'n uit kragte van 'n regulasie uitgevaardigde verbod, opdrag of order, strawwe voorskrywe wat 'n boete van honderd pond nie te bowe gaan nie.

21. Artikel twee van die Hoofwet word hiermee gewysig deur die woorde „en mag geen koöperatiewe organisasie tabak ontvang nie” te skrap.

Wysiging van artikel 2 van Wet 19 van 1932.

22. Artikel vyf van die Hoofwet word hiermee gewysig—

Wysiging van artikel 5 van Wet 19 van 1932.

- (a) deur onmiddellik voor die voorbehoudsbepaling in te voeg die woorde „en moet ook aldus aantekennings maak van die gewig Turkse tabak waarvan hy die produsent is, die droging waarvan daardie dag voltooi is, en die gewig van ander tabak as Turkse tabak waarvan hy die produsent is, die afblaar waarvan daardie dag voltooi is”; en
- (b) deur onmiddellik na die woord „artikel” in te voeg die woorde „met betrekking tot die maak van aantekennings van besonderhede aangaande tabak wat verkry of van die hand gesit word”.

23. Sub-artikel (1) van artikel ses van die Hoofwet word hiermee gewysig—

Wysiging van artikel 6 van Wet 19 van 1932.

- (a) deur die woord „tabaktransaksies” te skrap en te vervang deur „tabak”;
- (b) deur onmiddellik na die woord „Wet” in te voeg die woorde „of 'n wysiging daarvan of van enige ander wet op die reëling van die tabaknywerheid of die tabakhandel”; en
- (c) deur die woorde „deur die Minister kragtens artikel een” te skrap en te vervang deur die woorde „kragtens hierdie Wet of 'n wysiging daarvan of kragtens enige ander wet op die reëling van die tabaknywerheid of die tabakhandel”.

24. Artikel nege van die Hoofwet word hiermee gewysig—

Wysiging van artikel 9 van Wet 19 van 1932.

- (a) deur die volgende nuwe sub-artikel na sub-artikel (1) in te voeg:—

„(1)*bis*. Elke tabakhandelaar wat die produsent is van 'n soort tabak waarvoor 'n tabak-uitvoer-kwotapersentasie vasgestel is of later vasgestel word vir die tydperk waarin, in die geval van Turkse tabak, die droging daarvan voltooi is, of, in die geval van ander tabak as Turkse tabak, die afblaar daarvan voltooi is, word, by toepassing van sub-artikel (1), geag dit van die produsent daarvan te koop; en die kalendermaand waarin, in die geval van Turkse tabak, die droging daarvan voltooi is, of in die geval van ander tabak as Turkse tabak, die afblaar daarvan voltooi is, word, by toepassing van sub-artikel (1), geag te wees die kalendermaand waarin dit deur hom van die produsent ontvang is; en niemand wat van daardie tabak van daardie tabakhandelaar koop of op ander wyse verkry, word, by toepassing van sub-artikel (1), geag dit te koop of op ander wyse te verkry van die produsent daarvan.”

- (b) deur in sub-artikel (2) na die woorde „sub-artikel (1)” die woorde „of (1)*bis* van hierdie artikel of artikel dertien *bis*” in te voeg;

- (c) by the insertion in sub-section (3), after the words "exporting it" of the words: "The Minister may, in his discretion, grant such permission generally in all cases in which the obligation to export tobacco arises by reason of the purchase, acquisition, receipt or production of tobacco grown in any defined area".

Insertion of new section 13*bis* in Act 19 of 1932.

25. The following new section is hereby inserted in the principal Act after section *thirteen*:

Obligations of co-operative organizations and agents. 13*bis*. Any co-operative organization which receives any tobacco from the grower thereof, and any other person who receives any tobacco from the grower thereof for the purpose of disposing of it on behalf of the grower thereof, shall, for the purposes of section *two* and sub-section (1) of section *nine*, be deemed to purchase it from the grower thereof; and no person who purchases or otherwise acquires any such tobacco through the agency of such co-operative organization or such other person shall, for the purposes of section *two* and sub-section (1) of section *nine*, be deemed to purchase or otherwise acquire it from the grower thereof".

Interpretation of terms.

26. In this Act the expression "principal Act" means the Tobacco Control Act, 1932 (Act No. 19 of 1932), and unless the context otherwise indicates any expression to which a meaning is ascribed in the principal Act shall, when used in this Act, bear the same meaning: Provided that in sections *nineteen* and *twenty* the word "tobacco" includes also manufactured tobacco

Short title.

27. This Act shall be known as the Tobacco Control Amendment Act, 1935.

No. 8, 1935.]

ACT

To prohibit the marriage of persons who have not attained certain ages, and to amend the Marriage Law Amendment Act, 1909 (Transvaal).

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:—

Prohibition of marriage of persons under certain ages.

1. After the thirtieth day of June, 1935, no boy under the age of eighteen years and no girl under the age of sixteen years shall be capable of contracting a valid marriage except with the permission in writing of the Minister of the Interior, granted in any particular case in which he considers such marriage desirable: Provided that such permission shall not relieve the parties to the intended marriage from the obligation to comply with all other requirements prescribed by law: Provided further that permission, as aforesaid, shall not be necessary if by reason of any such requirement the consent of a judge or court having jurisdiction in the matter is necessary and has been granted.

Proof of age of youthful persons.

2. Whenever a male and a female appear before a marriage officer for the purpose of contracting a marriage with one another and such officer reasonably suspects that either of them is of an age which debars them from contracting a valid marriage without the consent or permission of some other person, he may refuse to solemnize a marriage between them unless he is furnished with such consent or permission or with a birth certificate or other satisfactory proof showing that the party in question to the intended marriage is of an age which entitles him or her to contract a marriage without such consent or permission.

Amendment of section 2 of Act 13 of 1909 Transvaal.

3. Sub-section (1) of section *two* of the Marriage Law Amendment Act, 1909 (Transvaal), is hereby amended by the substitution for the words "in the district" of the words "in the parish or in the district, as the case may be".

Amendment of section 5 of Act 43 of 1916.

4. Section *five* of the Marriage Officers Act, 1916, is hereby amended by the insertion after the word "solemnize" of the words "or which to his knowledge is prohibited by any law".

Short title.

5. This Act shall be known as the Marriage Law Amendment Act, 1935.

- (c) deur in sub-artikel (3) na die woord „onttrek” die volgende woorde in te voeg: „Die Minister kan volgens goeddunke, in die algemeen, in alle gevalle sy goedkeuring verleen, waar die verpligting om tabak uit te voer ontstaan deur die aankoop, verkryging, ontvangs of produksie van tabak wat in ’n bepaalde streek verbou is”.

25. Die volgende nuwe artikel word hiermee na artikel dertien in die Hoofwet ingevoeg:—

Invoeging van nuwe artikel 13bis in Wet 19 van 1932.

„Verpligtings van koöperatiewe organisasies en agente. 13bis. ’n Koöperatiewe organisasie wat tabak van die produsent daarvan ontvang, en ’n ander persoon wat tabak van die produsent daarvan ontvang om dit ten behoeve van die produsent daarvan van die hand to sit, word, by toepassing van artikel twee en sub-artikel (1) van artikel nege, geag dit van die produsent daarvan te koop; en niemand wat bedoelde tabak deur bemiddeling van so ’n koöperatiewe organisasie of so ’n ander persoon koop of op ander wyse verkry, word, by toepassing van artikel twee en sub-artikel (1) van artikel nege, geag dit te koop of op ander wyse te verkry van die produsent daarvan.”

26. In hierdie Wet beteken die woord „Hoofwet”, die Woordoms krywing. Tabak-Reëlswet, 1932 (Wet No. 19 van 1932), en, tensy uit die samehang anders blyk, het elke uitdrukking waaraan in die Hoofwet ’n betekenis verleen word, wanneer hy in hierdie Wet gebesig word, dieselfde betekenis: Met dien verstande dat in artikels negentien en twintig die woord „tabak” ook gefabriseerde tabak insluit.

27. Hierdie Wet heet die Tabak-Reëlswet Wysigingswet, Kort titel. 1935.

No. 8 1935,]

WET

Om die huwelik van persone wat sekere ouderdomme nie bereik het nie, te verbied, en om die „Marriage Law Amendment Act, 1909” (Transvaal) te wysig.

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

1. Na die dertigste dag van Junie 1935 is geen seun benede agtienjarige leeftyd, en is geen meisie benede sestienjarige leeftyd, bevoeg om ’n wettige huwelik aan te gaan nie, behalwe met skriftelike verlof van die Minister van Binnelandse Sake, wat in ’n bepaalde geval verleen kan word as hy meen dat die huwelik wenslik is: Met dien verstande dat bedoelde verlof nie die partye tot die voorgenome huwelik vrystel nie van die verpligting om te voldoen aan alle ander regsvoorskrifte: Met dien verstande verder dat verlof soos voormeld nie nodig is nie indien weens enige sodanige voorskrif die toestemming van ’n regter of ’n hof wat regsbevoegdheid in die saak het nodig is en verleen is.

Verbod op huwelik van persone onder sekere ouderdomme.

2. Wanneer ’n manspersoon en ’n vrouspersoon voor ’n huweliksbeampte verskyn om met mekaar in die huwelik te tree, en bedoelde beampte het ’n redelike verdenking dat een van hulle van ’n ouderdom is wat hulle belet om ’n geldige huwelik met mekaar te sluit sonder een of ander persoon se toestemming of verlof dan kan hy weier om hulle in die huwelik te bevestig tensy aan hom verstrekt word bedoelde toestemming of verlof of ’n geboortesertifikaat of ander voldoende bewys waaruit blyk dat die betrokke party tot die voorgenome huwelik die ouderdom bereik het wat hom of haar die reg gee om sonder bedoelde toestemming of verlof in die huwelik te tree.

Bewys van ouderdom van jeugdige persone.

3. Sub-artikel (1) van artikel twee van die „Marriage Law Amendment Act, 1909” (Transvaal), word hiermee gewysig deur die woorde „in the district” te vervang deur die woorde „in the parish or in the district, as the case may be”.

Wysiging van artikel 2 van Wet 13 van 1909 (Transvaal).

4. Artikel vyf van die Wet op Huweliksbevestigings, 1916, word hiermee gewysig deur na die woord „bevestigen” die woorde „of hetwelk hij weet door een of ander wet verboden wordt” in te voeg.

Wysiging van artikel 5 van Wet 43 van 1916.

5. Hierdie Wet heet die Huwelikswet Wysigingswet, 1935 Kort titel.

No. 18, 1935.

ACT

To restrict the giving or offering of benefits in connection with the sale of goods and to restrict the use of trade coupons.

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—

“benefit” means any prize, reward, gift, service, concession, admittance free or at a reduced charge to any place of entertainment, free insurance or insurance at a reduced rate, or any other benefit or advantage of any kind whatsoever; and

“trade coupon” means any thing whatsoever which, either by itself or together with any other thing or act, entitles or purports to entitle the holder thereof to receive, or to participate in any competition for, any benefit.

Prohibition of giving of unlawful benefits or trade coupons in connection with the sale of goods.

2. (1) Subject to the provisions of section *three*, any person who—

(a) in connection with the sale of any goods supplies or gives, or offers or promises to supply or give, any benefit other than the goods so sold, which by a regulation made under section *four* is declared to be a benefit to which this paragraph applies; or

(b) in connection with the sale of any goods supplies or gives, or offers or promises to supply or give, any trade coupon; or

(c) sells any trade coupon by the same transaction by which he sells any other goods; or

(d) sells, supplies or gives to any person engaged in the sale of goods any trade coupon to be issued in connection with the sale of goods; or

(e) publishes any trade coupon in any newspaper, journal, magazine, pamphlet, book or other printed matter,

shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds.

(2) If any trade coupon or benefit is supplied or given to any person in contravention of any of the provisions of this Act, such person shall have no right of action in respect of such trade coupon or benefit.

Exemptions.

3. Nothing in this Act contained shall be deemed to prohibit—

(a) the payment or offer of a commission or remuneration to any person engaged in the sale or distribution of any goods in respect of his services; or

(b) the allowance to the purchaser of any goods of a discount on the price paid or payable, or the offer to allow any such discount; or

(c) the supply or the giving, to the purchaser of any goods of a document or token entitling the holder thereof to receive on demand payment of a sum of money bearing a proportion to the price paid: Provided that the proportion, and the person by whom and the place at which the money will be paid, shall be clearly set forth on the document or token; or

(d) the supply or the giving, to the purchaser of any goods of a document or token entitling the holder thereof to receive on demand at his option either a sum of money therein specified or goods: Provided that the goods so claimable—

(i) have been produced or manufactured by the producer or manufacturer of the goods purchased; and

(ii) are of the same kind as the goods purchased or have been manufactured from materials which are substantially of the same kind as the materials from which the goods purchased were manufactured;

and provided further that the person by whom and the place at which the money or goods will be paid or delivered shall be clearly set forth on the document or token; or

No. 18, 1935.

WET

Om die gee of aanbod van bate in verband met die verkoop van goedere en die gebruik van handelskoepons te beperk.

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

1. In hierdie Wet beteken—

Woord-
omskrywing.

„baat”, ’n prys, beloning, present, diens, begunstiging, vrye toelating of toelating teen ’n verminderde prys in ’n plek van vermaak, vrye assuransie of assuransie teen ’n verminderde koers, of enige ander baat of voordeel van watter aard ook; en „handelskoepon”, enige voorwerp hoegenaamd, wat, of alleen of in verband met ’n ander voorwerp of handeling, die eienaar daarvan geregtig, of voorgee om hom te geregtig, om ’n baat te ontvang of om deel te neem in ’n kompetisie om ’n baat.

2. (1) Behoudens die bepalings van artikel drie is enigeen wat—
Verbod op die gee van onwettige bate of handelskoepons in verband met die verkoop van goedere.

(a) in verband met die verkoop van goedere, enige baat, behalwe die aldus verkoopte goedere, wat deur ’n kragtens artikel vier uitgevaardigde regulasie verklaar is tot ’n baat waarop hierdie paragraaf van toepassing is, lewer of gee, of aanbied of belowe om te lewer of te gee; of

(b) in verband met die verkoop van goedere, ’n handelskoepon lewer of gee, of aanbied of belowe om te lewer of te gee; of

(c) ’n handelskoepon by dieselfde transaksie verkoop, waarby hy enige ander goedere verkoop; of

(d) aan ’n persoon, wat betrokke is in die verkoop van goedere, ’n handelskoepon verkoop, lewer of gee, om uitgegee te word in verband met die verkoop van goedere; of

(e) ’n handelskoepon in ’n nuusblad, dagblad, tydskrif, vlugskrif, boek of ander drukwerk publiseer, aan ’n misdryf skuldig en by veroordeling strafbaar met ’n boete van hoogstens honderd pond.

(2) Niemand kan, ten opsigte van ’n handelskoepon of baat wat in stryd met die bepalings van hierdie Wet aan hom gelewer of gegee is ’n eis regtens instel nie.

3. Hierdie Wet verbied nie—

Uitsonderings.

(a) die betaling of die aanbod aan iemand, wat betrokke is in die verkoop of distribusie van goedere, van ’n kommissie of besoldiging ten opsigte van sy dienste; of

(b) die toestaan aan die koper van goedere, van ’n korting van die prys wat betaal is of betaal moet word, of die aanbod om so’n korting toe te staan; of

(c) die lewering of die gee aan die koper van goedere van ’n dokument of teken wat die eienaar daarvan geregtig om op aanvraag ’n som geld wat proporsioneel is tot die betaalde prys, te ontvang: Met die verstande dat die proporsie, en die persoon deur wie en die plek waar die geld betaal sal word, duidelik op die dokument of teken vermeld word; of

(d) die lewering of die gee aan die koper van goedere van ’n dokument of teken wat die eienaar daarvan geregtig om op aanvraag, na sy keuse, of ’n daarop vermelde som geld of goedere te ontvang: Met die verstande dat die goedere waarop aldus aanspraak gemaak kan word—

(i) geproduseer of vervaardig is deur die produsent of fabrikant van die gekoopte goedere; en

(ii) van dieselfde soort is as die gekoopte goedere of vervaardig is uit grondstowwe wat in hoofsaak van dieselfde soort is as die grondstowwe waaruit die gekoopte goedere vervaardig was;

en met die verstande voorts, dat die persoon deur wie en die plek waar die geld of die goedere betaal of gelewer sal word, duidelik op die dokument of teken vermeld word; of

- (e) the sale or the supply or the giving by any person who sells or supplies goods to a person engaged in the sale of goods of such documents or tokens as are referred to in paragraph (c) or (d), on condition that they shall not be issued or disposed of by him otherwise than in connection with the sale of the goods so sold or supplied to him by the first-mentioned person; or
- (f) the inclusion in any printed matter of any policy of insurance or any undertaking to give any policy of insurance free or at a reduced rate provided such policy or undertaking is not connected with the sale of goods, other than such printed matter; or
- (g) the giving or the offer to any purchaser of any goods of any warranty or any undertaking to provide service or any other undertaking, if such warranty or undertaking is given or offered in respect of and applies only to such goods.

Regulations.

4. (1) The Minister may make regulations declaring which benefits shall be benefits to which paragraph (a) of sub-section (1) of section *two* shall apply.

(2) The Minister may make different regulations for different areas or places or may make regulations declaring that particular benefits or benefits of a particular kind supplied or given or offered or promised by a particular person shall be benefits to which paragraph (a) of sub-section (1) of section *two* shall apply.

Repeal of law.

5. Section *five* of Act No. 31 of 1909 of Natal is hereby repealed.

Short title and commencement.

6. This Act shall be known as the Trade Coupons Act 1935, and shall come into operation on the first day of July, 1935.

- (e) die verkoop of die lewering of die gee, deur 'n persoon wat goedere verkoop of lewer, aan 'n persoon wat betrokke is in die verkoop van goedere, van dokumente of tekens waarvan melding gemaak word in paragraaf (c) of (d), onder beding dat hulle nie deur hom uitgegee of van die hand gesit mag word nie, behalwe in verband met die verkoop van die goedere wat deur eersvermelde persoon aldus aan hom verkoop of gelever is; of
- (f) die insluiting in enige drukwerk van 'n assuransiepolis of 'n onderneming om 'n assuransiepolis kosteloos of teen 'n verminderde tarief te gee, mits so 'n polis of onderneming nie in verband staan met die verkoop van goedere, nie synde daardie drukwerk nie; of
- (g) die aanvaarding of die aanbod aan die koper van goedere van 'n waarborg, of 'n onderneming om dienste te verskaf, of enige ander onderneming, mits daardie waarborg of onderneming aanvaar of aangebied word ten aansien van, en alleen betrekking het op, daardie goedere.

4. (1) Die Minister kan regulasies uitvaardig om te verklaar watter bate bate is waarop paragraaf (a) van sub-artikel (1) van artikel twee van toepassing is. Regulasies.

(2) Die Minister kan verskillende regulasies uitvaardig vir verskillende streke of plekke of kan regulasies uitvaardig waardeur bepaalde bate of bate van 'n bepaalde soort wat deur 'n bepaalde persoon gelever of gegee word of aangebied of belowe word, verklaar word tot bate waarop paragraaf (a) van sub-artikel (1) van artikel twee van toepassing is.

5. Artikel vyf van Wet No. 31 van 1909 van Natal word Wetsherroeping. hiermee herroep.

6. Hierdie Wet heet die Handelskoeponswet, 1935, en tree Kort titel en in- op die eerste dag van Julie 1935 in werking. werkingtreding.

No. 20, 1935.]

ACT

To amend the National Parks Act, 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:—

Addition of land to Kruger National Park.

1. The undermentioned pieces of land are hereby added to the Kruger National Park, constituted by section *one* of the National Parks Act, 1926 (Act No. 56 of 1926) (which is hereinafter referred to as the principal Act) and shall form part of that park, that is to say: Zeekoegat No. 4, Knaboomkop No. 5, Middelin No. 106, Chalons No. 229, Batavia No. 298, Johnniesdale No. 355, all situate in the district of Pilgrimsrest.

Substitution of section 4 of Act 56 of 1926.

2. Section *four* of the principal Act is hereby repealed and the following section substituted therefor:—

“Addition of Crown land to parks. 4. (1) The Governor-General may by proclamation in the *Gazette* add any Crown land to a park and thereafter such land shall form part of such park.

(2) No land forming part of a park shall be alienated or excluded or detached from such park, except under the authority of an Act of Parliament.”

Amendment of section 13 of Act 56 of 1926.

3. Sub-section (1) of section *thirteen* of the principal Act is hereby amended by the deletion of all the words after the words “empowered to make” and the substitution therefor of the words:

“and annual subsidies out of moneys appropriated by Parliament for the purpose, which the Minister may pay out to the board in such sums and for such purposes and on such conditions as he may determine.”

Amendment of section 15 of Act 56 of 1926.

4. Section *fifteen* of the principal Act is hereby amended by the addition of the following new sub-section (2) at the end thereof, the existing section becoming sub-section (1):—

“(2) Any officer or servant of the board may be in possession or custody of any firearm or ammunition which he requires for the performance of his duties as such officer or servant, although he or the board does not hold any licence or permit issued under the law relating to firearms and ammunition, authorizing such possession or custody.”

Amendment of section 16 of Act 56 of 1926.

5. Sub-section (1) of section *sixteen* of the principal Act is hereby amended—

- (i) by the deletion in paragraph (a) of the Afrikaans version of the words “lid, beampste of dienaar” and the substitution therefor of the word “beampste”;
- (ii) by the addition of the following proviso at the end of the sub-section:

“Provided that the board may by regulation permit any person lawfully entering a park or lawfully sojourning therein to convey into a park or within the confines thereof to be in possession of any weapon specified by regulation, on such conditions and within such limitations as may be prescribed by regulation.”

Amendment of section 18 of Act 56 of 1926.

6. Sub-section (1) of section *eighteen* of the principal Act is hereby amended—

(a) by the insertion after the words “Any officer” of the words “or servant”;

(b) by the addition at the end thereof of the words:

“Provided that the powers conferred by this section upon a servant of the board who is a native, may be exercised only in respect of a native”.

Amendment of section 19 of Act 56 of 1926.

7. Sub-section (1) of section *nineteen* of the principal Act is hereby amended—

- (i) by the deletion of the word “and” at the end of paragraph (m);

No. 20, 1935.

WET

Tot wysiging van die Wet op Nasionale Parke, 1926.

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

1. Die hieronder genoemde stukke grond word hiermee gevoeg by die Nasionale Kruger-Wildtuin, gestig deur artikel een van die Wet op Nasionale Parke, 1926 (Wet No. 56 van 1926) (wat hieronder die Hoofwet genoem word) en maak 'n deel uit van daardie wildtuin, naamlik Zeekoegat No. 4, Kna-boomkop No. 5, Middelin No. 106, Chalons No. 229, Batavia No. 298, Johnniesdale No. 355, almal in die distrik Pelgrimsrus geleë. Byvoeging van grond tot Nasionale Kruger-Wildtuin.
2. Artikel vier van die Hoofwet word hiermee herroep en deur die volgende artikel vervang :— Vervanging van artikel 4 van Wet 56 van 1926.

„Inlywing 4. (1) Die Goewerneur-generaal kan by prokla-
van Kroon- masie in die *Staatskoerant* enige Kroongrond by 'n
grond by park voeg en daarna maak daardie grond deel van
parke. daardie park uit.

(2) Geen grond wat deel van 'n park uitmaak, mag vervreemd of van daardie park uitgesluit of afgesonder word nie, dan op gesag van 'n Parlements-wet.”
3. Sub-artikel (1) van artikel dertien van die Hoofwet word hiermee gewysig deur al die woorde na die woorde „gemagtig word” te skrap en te vervang deur die volgende woorde : Wysiging van artikel 13 van Wet 56 van 1926.

„en jaarlikse subsidies, uit gelde deur die Parlement daarvoor beskikbaar gestel, wat die Minister aan die raad kan uitbetaal in bedrae en vir doeleindes en op voorwaardes wat hy mag vasstel”.
4. Artikel vyftien van die Hoofwet word hiermee gewysig deur die volgende nuwe sub-artikel (2) aan die end by te voeg, waardeur die bestaande artikel sub-artikel (1) word :— Wysiging van artikel 15 van Wet 56 van 1926.

„(2) 'n Beampde of bediende van die raad mag in besit of bewaring wees van 'n vuurwapen of ammunisie wat hy nodig het tot verrigting van sy werksaamhede as sodanige beampde of bediende, alhoewel hy of die raad nie in besit is nie van 'n lisensie of permit, uitgereik kragtens die wet op vuurwapens en ammunisie, wat bedoelde besit of bewaring veroorloof.”
5. Sub-artikel (1) van artikel sestien van die Hoofwet word hiermee gewysig— Wysiging van artikel 16 van Wet 56 van 1926.
 - (i) deur in paragraaf (a) van die Afrikaanse teks die woorde „lid, beampde of dienaar” te skrap en te vervang deur die woord „beampde”;
 - (ii) deur die volgende voorbehoudsbepaling aan die end van die sub-artikel by te voeg—

„met die verstande dat die raad deur regulasies iemand, wat wettig 'n park betree of wettig daarin vertoef, kan veroorloof om 'n deur regulasies omskrewe wapen in 'n park te bring of daarbinne in besit daarvan te wees, op voorwaardes en met beperkings wat deur regulasies vasgestel mag wees.”
6. Sub-artikel (1) van artikel agtien van die Hoofwet word hiermee gewysig— Wysiging van artikel 18 van Wet 56 van 1926.
 - (a) deur die woorde „of bediende” na die woorde „'n Beampde” in te voeg;
 - (b) deur die volgende woorde aan die end by te voeg :—

„Met die verstande dat die bevoegdheid wat hierdie artikel verleen aan 'n bediende van die raad wat 'n naturel is, slegs teenoor 'n naturel uitgeoefen mag word”.
7. Sub-artikel (1) van artikel negentien van die Hoofwet word hiermee gewysig— Wysiging van artikel 19 van Wet 56 van 1926.
 - (i) deur die woord „en” aan die end van paragraaf (m) te skrap;

- (ii) by the insertion of the following new paragraph after paragraph (m) :
“(n) any matter which may, in terms of this Act, be dealt with by regulation”;
- (iii) by the substitution of the letter “(o)” for the letter “(n)” at the beginning of the last paragraph of the said sub-section.

Amendment of
section 20 of Act
56 of 1926.

8. Section *twenty* of the principal Act is hereby amended by the addition of the following new sub-section at the end thereof :

“(7) A magistrate's court, and a native commissioner, an additional native commissioner and an assistant native commissioner upon whom the Governor-General has conferred criminal jurisdiction under section *nine* of the Native Administration Act, 1927 (Act No. 38 of 1927) shall have jurisdiction to impose the maximum penalties provided for in this section.”

Amendment of
section 22 of Act
56 of 1926.

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

- (a) by the insertion, after the definition of the word “Minister”, of the following new definition :
“‘officer’ means the warden or any European ranger appointed by the board to any park;”;
- (b) by the insertion, after the definition of the word “regulation”, of the following new definition :
“‘servant’ means an employee of the board other than an officer.”

Short title.

10. This Act shall be known as the National Parks Amendment Act, 1935.

- (ii) deur die volgende nuwe paragraaf na paragraaf (m) in te voeg :—
„(n) enige aangeleentheid wat volgens 'n bepaling van hierdie Wet deur regulasies gereël mag word”;
- (iii) deur die letter „(n)” aan die begin van die laaste paragraaf van bedoelde sub-artikel te vervang deur die letter „(o)”.

8. Artikel *twintig* van die Hoofwet word hiermee gewysig deur die volgende nuwe sub-artikel aan die end by te voeg :— Wysiging van artikel 20 van Wet 56 van 1926.

„(7) 'n Magistraatshof en 'n naturellekommissaris, 'n addisionele naturellekommissaris, en 'n assistent-naturellekommissaris aan wie die Goewerneur-generaal kragtens artikel *nege* van die Naturelle-administrasiewet, 1927 (Wet No. 38 van 1927) kriminele regs mag verleen het, is bevoeg tot oplegging van die maksimum strawwe, wat hierdie artikel bepaal.”

9. Artikel *twee-en-twintig* van die Hoofwet word hiermee gewysig— Wysiging van artikel 22 van Wet 56 van 1926.

- (a) deur die volgende nuwe omskrywing na die omskrywing van die woord „Minister” in te voeg :—
„,beampte’, die opsiener of 'n blanke veldwagter wat die raad vir 'n park aangestel het;”;
- (b) deur die volgende nuwe omskrywing na die omskrywing van die woord „regulasie” in te voeg :—
„,bediende’, 'n ander dienaar van die raad as 'n beampte”.

10. Hierdie Wet heet die Wysigingswet op Nasionale Parke, Kort titel. 1935.

No. 21, 1935.

ACT

To declare the Governor-General to be the owner of the sea-shore and to be entitled to exercise control over the sea-shore and of the sea and the bed of the sea within the three miles limit ; and to provide for the grant of rights in respect of the sea-shore and of the bed of the sea within the three miles limit, and for the alienation of portions of the sea-shore and for matters incidental thereto.

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, unless inconsistent with the context—

“ sea-shore ” means the land situated between low-water mark and high-water mark ;

“ high-water mark ” means the highest line reached by the sea during ordinary storms occurring during the most stormy period of the year, excluding exceptional or abnormal floods ;

“ low-water mark ” means the lowest line to which the sea recedes during periods of ordinary spring tides ;

“ three miles limit ” means the distance of three nautical miles out to sea from low-water mark ;

“ Minister ” means the Minister of Lands or any other Minister of State acting in his stead, save that in relation to the seashore or the sea or the bed of the sea within the three miles limit falling within the limits of any port or harbour within the jurisdiction of the Railways and Harbours Administration of the Union under any law relating to ports and harbours, “ Minister ” means the Minister of Railways and Harbours or any other Minister of State acting in his stead ; and

“ local authority ” means any municipal, borough or town or village council, town board, local board, village management board, divisional council, local administration and health board or health committee constituted in accordance with any law.

Governor-General is owner of sea-shore.

2. (1) Subject to the provisions of this Act, the Governor-General shall be the owner of the sea-shore, except of those portions thereof of which the ownership has been transferred to or declared to be vested in any person by or pursuant to any law or which are included in the pieces of land described in items 2, 3, 4 and 5 of the Schedule to this Act.

(2) The sea-shore of which the Governor-General is declared by this section to be the owner shall not be capable of being alienated or let except as provided by this Act or by any other law and shall not be capable of being acquired by prescription.

Governor-General exercises control over sea-shore and sea and bed of sea within the three miles limit.

3. Subject to the provisions of this Act, the Governor-General shall be entitled to exercise full control over the sea-shore of which he is declared by section *two* to be the owner and of the sea and the bed of the sea within the three miles limit.

Letting of sea-shore for short periods.

4. (1) The Minister may let for periods not exceeding one year, and subject to such conditions as he may deem expedient, any portion of the sea-shore of which the Governor-General is by section *two* declared to be the owner, for any of the following purposes :—

(a) The erection of bathing boxes or tents

(b) the erection of beach shelters ;

(c) the erection of tea-rooms and refreshment places ;

(d) the training of horses, the holding of races (including motor car and motor cycle races) and the provision of places for recreation, amusement or display ;

(e) the construction of temporary jetties and landing-stages ;

No. 21, 1935.]

WET

Om te verklaar dat die Goewerneur-generaal die eienaar is van die strand en geregtig is om beheer uit te oefen oor die strand en oor die see en die seebedding binne die driemyl-strook; en om voorsiening te maak vir die toekenning van regte ten opsigte van die strand en van die seebedding binne die driemyl-strook, vir die vervreemding van gedeeltes van die strand en vir daarmee in verband staande sake.

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

1. Tensy uit die samehang anders blyk, beteken in hierdie **Woordomskrif-
Wet—** wing.

„strand”, die land geleë tussen laagwaterpeil en hoogwaterpeil;

„hoogwaterpeil”, die hoogste lyn bereik deur die see gedurende gewone stormweer in die stormagtigste tyd van die jaar, ’n buitengewone of abnormale vloed uitgeslote;

„laagwaterpeil”, die laagste lyn waarop die see sak gedurende periodes van gewone springgetye;

„driemyl-strook”, die afstand van drie seemyle seewaarts vanaf laagwaterpeil;

„Minister”, die Minister van Lande of ’n ander Staatsminister wat namens hom optree, behalwe dat, in verband met die strand of die see of die seebedding binne die driemyl-strook wat volgens enige wet op hawens binne die grense van enige hawe binne die gebied van die Spoorweë en Hawens-Administrasie van die Unie val, „Minister” die Minister van Spoorweë en Hawens beteken of ’n ander Staatsminister wat namens hom optree; en

„plaaslike bestuur”, enige stadsraad, dorpsraad, plaaslike raad, dorpsbestuursraad, afdelingsraad, plaaslike bestuurs- en gesondheidsraad of gesondheidskomitee, wat volgens enige wet ingestel is.

2. (1) Behoudens die bepalinge van hierdie Wet, is die Goewerneur-generaal die eienaar van die strand, behalwe **Goewerneur-generaal is eienaar van strand.** van daardie gedeeltes daarvan waarvan die eiendom deur of kragtens ’n wet oorgedra is aan een of ander persoon of verklaar word by een of ander persoon te berus of wat begrepe is in die stukke grond wat in items 2, 3, 4 en 5 van die Bylae tot hierdie Wet beskrywe word.

(2) Die strand waarvan die Goewerneur-generaal deur hierdie artikel verklaar word die eienaar te wees kan nie vervreem of verhuur word nie, behalwe soos deur hierdie Wet of deur enige ander wet bepaal word, en kan nie deur verjaring verwerf word nie.

3. Behoudens die bepalinge van hierdie Wet, is die Goewerneur-generaal geregtig om volle beheer uit te oefen oor die strand, waarvan hy deur artikel twee verklaar word die eienaar te wees, en oor die see en die seebedding binne die driemyl-strook.

Goewerneur-generaal oefen beheer uit oor strand en oor see en seebedding binne driemyl-strook.

4. (1) Die Minister kan vir tydperke van nie meer as een jaar nie, en op voorwaardes wat hy raadsaam ag, enige gedeelte van die strand waarvan die Goewerneur-generaal deur artikel twee verklaar word die eienaar te wees vir een of ander van die volgende doeleindes verhuur:

Verhuring van die strand vir kort termyn.

(a) die oprigting van baaihokkies of die opslaan van tente;

(b) die oprigting van strandhutte;

(c) die oprigting van koffie- en verversingskamers;

(d) die leer van perde, die hou van reisies (motorkarreisies en fietsreisies inbegrepe) en die maak van voorsiening vir plekke vir ontspanning, vermaaklikhede of vertonings;

(e) die aanleg van tydelike seehoofde en aanlegsteiers;

- (f) the erection of temporary fish-curing sheds or any other temporary structures required in connection with the fishing industry ;
- (g) the erection of any other temporary structures ;
- (h) for the provision of landing sites for aircraft and the establishment of aerodromes.

(2) The Minister may permit, on such conditions as he may deem expedient, the removal of sand, shingle, rock, stone, shells or seaweed from the sea-shore of which the Governor-General is by section *two* declared to be the owner.

(3) If any portion of the sea-shore in respect of which it is proposed to enter into any lease in terms of sub-section (1) or to grant any permit in terms of sub-section (2), is situate within or adjoins the area of jurisdiction of a local authority, the consent in writing of that local authority shall be obtained before any such lease is entered into or any such permit is granted.

(4) The Minister may, if thereto authorized by resolution of both Houses of Parliament, by notice in the *Gazette* delegate to any local authority, subject to such conditions as may be set forth in such resolution, in respect of any portion of the sea-shore situate within or adjoining the area of jurisdiction of such local authority, any of the powers vested in him by this section, and if similarly thereto authorized by like notice withdraw any delegation so made.

Disposal, under authority of Parliament, of rights over sea-shore and bed of the sea within the three miles limit.

5. The Governor-General may, if authorized thereto by resolution of both Houses of Parliament, and on such conditions as may be set forth in such resolution—

- (a) let any portion of the sea-shore of which he is by section *two* declared to be the owner for any of the following purposes :—
 - (i) the construction or improvement of permanent wharves, piers, jetties and landing stages ;
 - (ii) the construction of breakwaters, sea walls, promenades, embankments, esplanades, buildings or other structures ;
 - (iii) the construction of bathing pools and enclosures ;
 - (iv) the erection of whaling stations or fish-canning or other factories ;
 - (v) the legalisation of any encroachment ;
 - (vi) the carrying out of any work of public utility ;
 - (vii) the laying of drainage or sewerage systems ;
 - (viii) the laying of water pipes or cables ;
 - (ix) the erection of boathouses ;
 - (x) any of the purposes mentioned in section *four* ;
- (b) transfer by deed of grant to any local authority any portion of the sea-shore of which he is by section *two* declared to be the owner for any of the purposes described in sub-paragraphs (i), (ii) and (iii) of paragraph (a) ;
- (c) permit the construction or laying on the bed of the sea within the three miles limit of—
 - (i) cables, wharves, piers, breakwaters, sea walls, embankments, jetties, landing-stages or other structures,
 - (ii) drainpipes or sewers; or
 - (iii) any work of public utility ;
- (d) permit the removal for industrial purposes of shells from the bed of the sea within the three miles limit ;
- (e) reclaim land from the sea or permit the reclamation of land from the sea, and alienate or let any land so reclaimed :

Provided that not less than one month before submitting to Parliament any proposal to grant any rights in respect of the sea-shore in terms of this section, the Minister shall at the expense of the person in whose favour such right is proposed to be granted cause a notice setting forth particulars of such proposal to be published in the *Gazette* and in a newspaper circulating in the district in which such portion of the sea-shore is situate :

Provided further that if any portion of the sea-shore proposed to be dealt with in terms of this section is situate within or adjoins the area of jurisdiction of a local authority the Minister shall before any such proposal is submitted to Parliament consult the local authority concerned.

Use by Government of sea-shore and bed of the sea within the three miles limit.

6. The Governor-General may, if authorized thereto by a resolution of both Houses of Parliament and on such conditions as may be set forth in such resolution, authorize the use of the

- (f) die oprigting van tydelike afdakke vir die droogmaak van vis, of van enige ander tydelike bouwerke vir gebruik in verband met die visserij;
- (g) die oprigting van enige ander tydelike bouwerke;
- (h) die voorsiening van landplekke vir lugvaartuie en die oprigting van vliegvelde.

(2) Die Minister kan, op voorwaardes wat hy raadsaam ag, toelaat dat sand, klippies, rots, klip, skulpe of seegras van die strand, waarvan die Goewerneur-generaal deur artikel twee verklaar word die eienaar te wees, verwyder word.

(3) Wanneer 'n gedeelte van die strand ten opsigte waarvan voorgestel word om 'n huur kragtens sub-artikel (1) aan te gaan of 'n permit kragtens sub-artikel (2) toe te staan binne die regsgebied van 'n plaaslike bestuur geleë is of daaraan grens, moet die skriftelike toestemming van daardie plaaslike bestuur verkry word, voordat so 'n huur aangegaan of so 'n permit toegestaan word.

(4) Indien daartoe gemagtig deur besluit van beide Huise van die Parlement, kan die Minister, deur kennisgewing in die *Staatskoerant*, op voorwaardes wat in daardie besluit uiteengesit word, magte wat aan die Minister deur hierdie artikel toevertrou is oordra aan 'n plaaslike bestuur, ten opsigte van 'n gedeelte van die strand wat binne die regsgebied van daardie plaaslike bestuur geleë is of daaraan grens, en indien op 'n dergelyke wyse daartoe gemagtig, kan hy 'n aldus gedane oordrag deur 'n soortgelyke kennisgewing intrek.

5. Indien daartoe gemagtig deur besluit van beide Huise van die Parlement, kan die Goewerneur-generaal op voorwaardes wat in daardie besluit uiteengesit word—

Toekenning met magtiging van die Parlement van regte op die strand en die seebedding binne die driemyl-strook.

(a) enige gedeelte van die strand, waarvan hy deur artikel twee verklaar word die eienaar te wees, vir een of ander van die volgende doeleindes verhuur:

- (i) die aanleg of verbetering van permanente kaaie, piere, seehoofde en aanlegsteiers;
- (ii) die bou van breekwaters, seemure, promenades, walle, esplanades, geboue of ander bouwerke;
- (iii) die maak van swemdamme en die afkamp van swemplekke;
- (iv) die oprigting van fabriek vir die bewerking van walvisse, die inlê van vis, of ander bedrywig-hede;
- (v) om reeds gedane oorskrydings te wettig;
- (vi) die uitvoer van enige werk van algemene belang;
- (vii) die instelling van spoelkanaal- of rioolstelsels;
- (viii) die lê van waterbuise of kables;
- (ix) die oprigting van skuithuise;
- (x) een of ander van die in artikel vier genoemde doeleindes;

(b) aan 'n plaaslike bestuur enige gedeelte van die strand, waarvan hy deur artikel twee verklaar word die eienaar te wees, by grondbrief transporteer vir enige van die in sub-paragrafe (i), (ii) en (iii) van paragraaf (a) genoemde doeleindes;

(c) toelaat dat—

- (i) kables, kaaie, piere, breekwaters, seemure, walle, seehoofde, aanlegsteiers, of ander bouwerke,
 - (ii) dreineerpype of riole, of
 - (iii) enige werk van algemene belang,
- op die seebedding binne die driemyl-strook gebou of gelê word;

(d) toelaat dat skulpe van die seebedding binne die driemyl-strook vir nywerheids-doeleindes verwyder word;

(e) land drooglê of die drooglegging van land toelaat, en die aldus drooggelegde grond vervreem of verhuur:

Met die verstande dat, minstens een maand voor die voorlegging aan die Parlement van 'n voorstel om enige regte ten opsigte van die strand ingevolge hierdie artikel te verleen, die Minister op koste van die persoon ten gunste van wie die verlening van so 'n reg voorgestel word, 'n kennisgewing wat die besonderhede van daardie voorstel bevat in die *Staatskoerant* en in 'n nuusblad in omloop in die distrik waarin daardie deel van die strand geleë is laat publiseer.

Met die verstande verder dat, wanneer enige gedeelte van die strand wat voorgestel word om oor beskik te word ingevolge hierdie artikel geleë is binne of grens aan die regsgebied van 'n plaaslike bestuur die Minister, voor so 'n voorstel aan die Parlement voorgelê word, die betrokke plaaslike bestuur moet raadpleeg.

6. Die Goewerneur-generaal kan, indien daartoe gemagtig deur 'n besluit van albei Huise van die Parlement en op sulke voorwaardes as in daardie besluit vermeld, die gebruik veroor- Gebruik deur Regering van die strand of die seebedding binne die driemyl-strook.

sea-shore of which he is by section *two* declared to be the owner or the bed of the sea within the three miles limit for the purpose of any Government undertaking or work.

Exercise of powers
for purposes of
public health.

7. (1) Notwithstanding anything contained in the Public Health Act, 1919 (Act No. 36 of 1919), the Governor-General may by proclamation in the *Gazette* declare that any local authority, as defined in the aforesaid Act, may exercise, in respect of the sea-shore situate within its area of jurisdiction or adjoining such area, any of the powers which are conferred by or under that Act on a local authority.

(2) The power conferred by section *five* of the Public Health Act, 1919, Amendment Act, 1927 (Act No. 36 of 1927) on the Minister of Public Health or the Administrator of a Province or a magistrate or a local authority, as defined in the Public Health Act, 1919 (Act No. 36 of 1919), as amended by the said Act, to delegate to certain persons or to a local authority a function or duty vested in or devolving upon him or it under the said Acts, may be exercised as regards any function or duty which may vest in or devolve upon him or it under the said Acts as regards any portion of the sea-shore or the sea or the bed of the sea within the three miles limit.

Application of
mining laws.

8. For the purposes of any law which is or at any time has been in force in any part of the Union relating to the exploitation of metals, minerals, precious stones, coal or oil, the sea-shore of which the Governor-General is by section *two* declared to be the owner and the bed of the sea within the three miles limit shall be deemed to be Crown land; and, in the application of any such law, this section shall be deemed to have been in operation as from the commencement of such law.

Determination of
actual position of
high-water mark.

9. (1) The Minister may, in his discretion—

- (a) upon the application of an owner of land of which one or more of the boundaries extend to high-water mark, or extend to a stated distance from high-water mark, to have the position of high-water mark relatively to that land or any portion of that land determined and defined by beacons; or
- (b) upon the application of a local authority, within or adjoining whose area of jurisdiction any portion of the sea-shore is situate, to have the position of high-water mark relatively to that area or to any portion of that area determined and defined by beacons; or
- (c) upon his own motion, if he considers that it is in the public interest that the position of high-water mark relatively to any land be determined and defined by beacons,

by notice in the *Gazette* appoint a commission to make the required determination: Provided that if any mortgage bond over or any real right in the land referred to in paragraph (a) is registered in the deeds registry, the application shall be accompanied by proof that written notice has been given by the owner of his intention to apply for such determination to any person in whose favour any mortgage over a real right in the land is so registered.

(2) The Minister may before appointing a commission upon any application made under paragraph (a) or (b) of sub-section (1) require the applicant to deposit with him security for the payment of any amount which in terms of sub-section (14) he may be ordered to pay.

(3) The commission shall consist of—

- (a) the magistrate of the district in which that land or area is situate, who shall be the chairman;
- (b) the Surveyor-General (or one of his professional assistants) of the province in which that land or area is situate; and
- (c) one other person, who shall be a land-surveyor in independent practice recognized as such for the purposes of the Land Survey Act, 1927 (Act No. 9 of 1927), and who has practised as such for a period of at least ten years and who shall be nominated by the Minister after consultation with the owner of the land relatively to which the position of high-water mark is to be determined, and where the position of high-water mark is to be determined relatively to the area of jurisdiction of a local authority or relatively to land situate within the area of jurisdiction of a local authority, after consultation with that local authority.

(4) The notice referred to in sub-section (1) shall state the names of the members of the commission and shall describe the land or area relatively to which it is required to determine the position of high-water mark.

loof van die strand, waarvan hy deur artikel twee verklaar word die eienaar te wees, of van die seebedding binne die driemyl-strook in verband met enige Regeringsonderneming of -werk.

7. (1) Ondanks enige andersluidende bepaling van die „Volksgezonheidswet, 1919” (Wet No. 36 van 1919), kan die Goewerneur-generaal by proklamasie in die *Staatskoerant* verklaar dat ’n „plaatselike autoriteit”, soas in daardie wet omskryf, enige van die magte wat deur of kragtens daardie wet aan ’n „plaatselike autoriteit” verleen word, kan uitoefen in verband met die strand wat binne sy regsgebied geleë is of daaraan grens.

Uitoefening van magte vir volksgezonheidsdoeleindes.

(2) Die mag wat deur artikel vyf van die Volksgezonheidswet, 1919, Wysigingswet, 1927 (Wet No. 36 van 1927), aan die Minister van Volksgezonheid, die Administrateur van ’n provinsie, ’n magistraat of ’n plaaslike outoriteit verleen word, om ’n werksaamheid of plig wat kragtens die genoemde wette aan hom opgedra is of op hom rus aan sekere persone of aan ’n plaaslike outoriteit oor te dra, kan uitgeoefen word ten opsigte van enige werksaamheid of plig wat kragtens die genoemde wette aan hom opgedra is of op hom rus ten opsigte van ’n gedeelte van die strand of die see of die seebedding binne die driemyl-strook.

8. By toepassing van enige wet op die ontginning van metale, minerale, edelgesteentes, steenkool of olie wat in enige deel van die Unie van krag is of te eniger tyd van krag was, word die strand, waarvan die Goewerneur-generaal deur artikel twee verklaar word die eienaar te wees, en die seebedding binne die driemyl-strook Kroongrond geag te wees; en by toepassing van so ’n wet, word hierdie artikel geag vanaf die inwerking-treding van bedoelde wet van krag te gewees het.

Toepassing van mynwette.

9. (1) Die Minister kan, volgens sy diskresie—

Vasstelling van werklike posisie van hoogwaterpeil.

(a) op aansoek van ’n eienaar van grond, waarvan een of meer van die grense tot hoogwaterpeil of tot ’n aangegeve afstand van hoogwaterpeil strek, om die posisie van hoogwaterpeil in verhouding tot daardie grond of enige deel van daardie grond te laat vasstel en deur bakens bepaal; of

(b) op aansoek van ’n plaaslike bestuur, binne of grensende aan wie se regsgebied enige gedeelte van die strand geleë is, om die posisie van hoogwaterpeil in verhouding tot daardie gebied of tot enige deel van daardie gebied te laat vasstel en deur bakens bepaal; of

(c) op sy eie voorstel, indien hy dit in die openbare belang ag dat die posisie van hoogwaterpeil in verhouding tot enige grond vasgestel en deur bakens bepaal word;

by kennisgewing in die *Staatskoerant* ’n kommissie benoem om die nodige vasstelling te doen: Met die verstande dat, indien in die registrasie-kantoor ’n verband of ’n saaklike reg op die in paragraaf (a) bedoelde grond geregistreer is, die aansoek vergesel gaan van bewys dat skriftelike kennis deur die eienaar van sy voorneme om vir so ’n vasstelling aansoek te doen gegee is aan enige persoon in wie se guns ’n verband of ’n saaklike reg op die grond aldus geregistreer is.

(2) Die Minister kan, voor benoeming van ’n kommissie op enige aansoek onder paragraaf (a) of (b) van sub-artikel (1), van die aansoeker verlang om sekuriteit vir betaling van enige bedrag wat hy ingevolge sub-artikel (14) gelas kan word om te betaal, by hom te deponeer.

(3) Die kommissie bestaan uit—

(a) die magistraat van die distrik waarin daardie grond of gebied geleë is, wat voorsitter is;

(b) die Landmeter-generaal (of een van sy professionele assistente) van die provinsie waarin daardie grond of gebied geleë is; en

(c) een ander persoon, wat ’n landmeter in onafhanklike praktyk is, as sulks erken vir die doeleindes van die Opmetingswet, 1927 (Wet No. 9 van 1927), wat vir ’n tydperk van minstens tien jaar as sulks gepraktiseer het en wat deur die Minister benoem word na beraadslaging met die eienaar van die grond in verhouding waartoe die posisie van hoogwaterpeil vasgestel moet word, en waar die posisie van hoogwaterpeil vasgestel moet word in verhouding tot die regsgebied van ’n plaaslike bestuur of in verhouding tot grond geleë binne die regsgebied van ’n plaaslike bestuur, na beraadslaging met daardie plaaslike bestuur.

(4) Die kennisgewing in sub-artikel (1) vermeld gee die name van die lede van die kommissie en beskryf die grond of gebied in verhouding waartoe dit nodig is om die posisie van hoogwaterpeil vas te stel.

(5) The commission shall keep a record of its proceedings and of the evidence taken by it, and such record shall, after the commission has issued an order in terms of this section, be filed in the office of the Surveyor-General and shall thereafter be available for inspection by any person.

(6) The decision of the majority of the members of the commission shall be deemed to be the decision of the commission.

(7) The commission shall for the purposes of the enquiry be entitled to enter upon the land or area relatively to which the position of high-water mark is to be determined and have the powers and jurisdiction conferred upon the Board of Trade and Industries by section two of the Board of Trade and Industries Act, 1923 (Act No. 28 of 1923), and that section shall, *mutatis mutandis*, apply to the commission and to all witnesses subpoenaed by the commission: Provided that any subpoena mentioned in sub-section (2) of section two of that Act shall be signed by the chairman of the commission.

(8) The commission shall after enquiry determine the position at the date on which the determination is made of high-water mark relatively to the land or area described in the notice referred to in sub-section (1), shall make an order setting forth that position, and shall state its reasons for its findings.

(9) The commission may, with the consent of the Governor-General and of every owner of land situate outside the area of jurisdiction of a local authority, relatively to which land the position of high-water mark is to be determined, and, where the position of high-water mark is to be determined relatively to the area of jurisdiction of a local authority or relatively to land situate within the area of jurisdiction of a local authority with the consent of the Governor-General and of that local authority, determine that a give-and-take line which follows closely the actual high-water mark and which is set forth in an order made by the commission shall be high-water mark relatively to that land or that area.

(10) Subject to the provisions of sub-section (11), high-water mark as determined by the commission in terms of sub-section (8) or (9) and set forth in the order made by the commission shall, for the purposes of this Act, and for the purposes of determining the boundaries of the land or area described in the notice referred to in sub-section (1), be deemed at all times thereafter to be high-water mark, and those boundaries shall be deemed to have been lawfully amended accordingly: Provided that if after any determination has been made any such boundary is, by reason of encroachment by the sea, regularly submerged at low-water during periods of ordinary spring tides, the Minister may, after affording a reasonable opportunity to the owner concerned to protect his land from such encroachment exercise the powers conferred on him under paragraph (c) of sub-section (1).

(11) An order made by the commission shall be final and not subject to appeal or review by any court of law, except on any question of law in which case an appeal or review may be noted or applied for within the period of three months after the date on which the order was made to any division of the Supreme Court of South Africa within whose area of jurisdiction is situate the sea-shore bounded by the high-water mark the position of which is set forth in that order. Such appeal or review shall be prosecuted within such period as may be prescribed by rule of the said division or fixed by order of that division.

(12) The Surveyor-General shall cause the necessary beacons to be erected either on the sea-shore or on the landward side of the high-water mark in accordance with the order of the commission and shall cause the position of those beacons to be determined by actual survey and cause a plan to be prepared showing the position of the beacons so erected in relation to the property affected and the beacons so erected shall, for the purposes of the Land Survey Act, 1927 (Act No. 9 of 1927), be deemed to have been lawfully established as if they had been established in terms of section thirty-one of that Act.

(13) The Surveyor-General shall cause such amendments or endorsements to be made on the relative diagrams as may be necessary to record the determination made by the commission and any alteration in the boundaries of any land consequent upon that determination, and shall notify the Registrar of Deeds concerned of those amendments; and the Registrar of Deeds shall thereupon amend the relative title-deeds and registers in the deeds registry in his charge.

(14) The commission may, if it thinks it just to do so, order that the whole or a portion of the costs of survey and of erection of beacons referred to in sub-section (12) and the fees and

(5) Die kommissie hou aantekening van sy verrigtings en van die getuienis deur hom geneem, en sodanige aantekening word in die kantoor van die Landmeter-generaal bewaar nadat die kommissie 'n bevel ingevolge hierdie artikel uitgereik het, en is daarna ter insage van enige persoon beskikbaar.

(6) Die beslissing van die meerderheid van die lede van die kommissie word geag die beslissing van die kommissie te wees.

(7) Vir die doeleindes van die ondersoek kan die kommissie die grond in verhouding waartoe die posisie van hoogwaterpeil vasgestel moet word, betree, en het hy die bevoegdhede en jurisdiksie aan die Handel- en Nywerheidsraad by artikel twee van die Handel en Nijverheidsraad Wet, 1923 (Wet No. 28 van 1923) verleen, en daardie artikel is *mutatis mutandis* van toepassing op die kommissie en op alle getuies deur die kommissie gedagvaar: Met die verstande dat enige subpoena in sub-artikel (2) van artikel twee van daardie wet genoem deur die voorsitter van die kommissie geteken word.

(8) Na ondersoek stel die kommissie die posisie vas op die datum waarop die vasstelling gedoen word van hoogwaterpeil in verhouding tot die grond of gebied in die in sub-artikel (1) vermelde kennisgewing beskryf, gee 'n bevel om daardie posisie aan te wys en verklaar sy redes vir sy bevinding.

(9) Die kommissie kan met toestemming van die Goewerneur-generaal en van elke eienaar van grond geleë buite die regsgebied van 'n plaaslike bestuur in verhouding tot watter grond die posisie van hoogwaterpeil vasgestel moet word, en waar die posisie van hoogwaterpeil vasgestel moet word in verhouding tot die regsgebied van 'n plaaslike bestuur of in verhouding tot grond geleë binne die regsgebied van 'n plaaslike bestuur, met die toestemming van die Goewerneur-generaal en van daardie plaaslike bestuur, vasstel dat 'n gee-en-neem lyn wat die werklike hoogwaterpeil noukeurig volg en wat in 'n bevel deur die kommissie gegee aangewys word, hoogwaterpeil is in verhouding tot daardie grond of daardie gebied.

(10) Behoudens die bepalinge van sub-artikel (11) word geag dat hoogwaterpeil, soos deur die kommissie ingevolge sub-artikel (8) of (9) vasgestel en in die deur die kommissie gegee bevel aangewys, vir die doeleindes van hierdie Wet en vir doeleindes van vasstelling van die grense van die grond of gebied in die in sub-artikel (1) vermelde kennisgewing beskryf en te alle tye daarna hoogwaterpeil is, en word geag dat daardie grense wettiglik dienooreenkomstig gewysig is: Met die verstande dat indien so 'n grens, nadat enige vasstelling gedoen is, weens oorstroming deur die see, by laagwater gedurende tye van gewone springgetye gereeld onder water is, die Minister nadat hy die betrokke eienaar 'n redelike geleentheid verskaf het om sy grond teen sodanige oorstroming te beskerm die aan hom onder paragraaf (c) van sub-artikel (1) verleende bevoegdhede kan uitoefen.

(11) 'n Bevel deur die kommissie gegee is finaal en nie aan appél of hersiening deur enige geregshof onderhewig nie, behalwe ten opsigte van enige regsvraag, in watter geval binne die tydperk van drie maande na die datum waarop die bevel gegee is, 'n appél of hersiening aangeteken of aangevra kan word by enige afdeling van die Hooggeregshof van Suid-Afrika binne wie se regsgebied die strand geleë is, begrens deur die hoogwaterpeil die posisie waarvan in daardie bevel aangewys word. Bedoelde appél of hersiening moet voortgesit word binne 'n tydperk wat deur reëls van vermelde afdeling voorgeskrywe mog word, of wat by bevel van daardie afdeling vasgestel mog word.

(12) Die Landmeter-generaal laat die nodige bakens oprig of op die strand of aan die landwaartse kant van die hoogwaterpeil ooreenkomstig die bevel van die kommissie, die posisie van daardie bakens deur werklike opmeting vasstel en 'n plan optrek om die posisie van die aldus opgerigte bakens aan te toon in verhouding tot die betrokke eiendom, en vir die doeleindes van die Opmetingswet, 1927 (Wet No. 9 van 1927) word geag dat die aldus opgerigte bakens wettiglik gevestig is asof hulle ingevolge artikel een-en-dertig van daardie Wet gevestig was.

(13) Die Landmeter-generaal laat sodanige wysigings of aantekenings op die betrokke planne maak as wat nodig is om die vasstelling deur die kommissie gedoen en enige verandering in die grense van enige grond as gevolg van daardie vasstelling op te teken en gee die betrokke registrateur van aktes kennis van daardie wysigings; en die registrateur van aktes wysig daarna die betrokke titelbewyse en registers in die akteskantoor onder sy beheer.

(14) Die kommissie kan, indien hy dit regverdig beskou, beveel dat die koste van opmeting en van oprigting van bakens vermeld in sub-artikel (12) en die fooie en onkoste aan getuies

expenses paid to witnesses in terms of sub-section (16) shall be borne by the person upon whose application the commission was appointed or by the owner of any land the boundaries of which are affected by the determination by the commission of high-water mark; and the Minister may deduct the amount so ordered to be paid by any person from the amount of security deposited by him in terms of sub-section (2) or may recover the same or the balance remaining after any such deduction from any such person by action in a competent court.

(15) Any person (not being a member of the public service) who is appointed as a member of the commission shall be paid, out of moneys appropriated by Parliament for the purpose, fees and expenses of travelling and subsistence prescribed under section *ten*.

(16) Any witness who is summoned to give evidence at any enquiry by the commission shall, subject to any order by the commission, be paid, out of moneys appropriated by Parliament for the purpose, fees and expenses of travelling and subsistence at such rates as may from time to time be prescribed in terms of the Magistrates' Courts Act, 1917 (Act No. 32 of 1917), or any amendment thereof for witnesses attending a magistrate's court: Provided that the commission may in its discretion disallow the expenses of any witness whom it has summoned at the request of any person.

Regulations.

10. (1) The Governor-General may make regulations, not inconsistent with this Act—

- (a) concerning the use of the sea-shore;
- (b) concerning bathing in the sea;
- (c) concerning the removal from the sea-shore or the bed of the sea within the three miles limit of sand, shingle, rock, stone, shells or seaweed;
- (d) for the prevention or the regulation of the depositing or the discharging upon the sea-shore or in the sea within the three miles limit of offal, rubbish or anything liable to be a nuisance or danger to health;
- (e) concerning the control, generally, of the sea-shore and of the sea and the bed of the sea within the three miles limit;
- (f) prescribing fees for the doing of any act upon or in or in relation to the sea-shore or the bed of the sea or the sea within the three miles limit;
- (g) prescribing the fees and expenses referred to in sub-section (15) of section *nine*.

(2) Any regulation may provide a penalty, not exceeding a fine of twenty-five pounds, for any contravention thereof or failure to comply therewith.

(3) Any regulation may be expressed to apply to the whole or to any defined portion of the sea-shore (whether it has been alienated or not) or the bed of the sea or the sea within the three miles limit; and whenever any regulation applies to any portion of the sea-shore situate within or adjoining the area of any local authority, or to any portion of the bed of the sea or the sea within the three miles limit adjoining such portion of the sea-shore, the Governor-General may by that regulation (or by any other regulation made under this section) confer powers and impose duties in relation to the administration of such regulation upon such local authority or upon any of its officers: Provided that not less than one month before any regulation is submitted to Parliament in terms of sub-section (6) the Minister shall cause to be published in the *Gazette* a copy of the proposed regulation: Provided further that before any regulation is made concerning any portion of the sea-shore situate within or adjoining the area of jurisdiction of any local authority, the Minister shall consult the local authority concerned and submit to it a copy of the proposed regulations.

(4) Any regulation may provide that all fees or fines recovered thereunder or under any other regulations made under this section, in respect of acts done upon or in relation to any portion of the sea-shore situate within or adjoining the area of any local authority, or upon or in or in relation to any portion of the bed of the sea or the sea within the three miles limit adjoining such portion of the sea-shore, shall be paid to that local authority.

(5) Nothing contained in this section or in any regulation made under this section shall affect any by-law lawfully made by a local authority under any law.

ingevolge sub-artikel (16) betaal geheel of gedeeltelik gedra word deur die persoon op wie se aansoek die kommissie benoem is of deur die eienaar van enige grond die grense waarvan deur die vasstelling deur die kommissie van hoogwaterpeil getref word; en die Minister kan die bedrag aldus beveel om deur enige persoon betaal te word aftrek van die bedrag van sekuriteit deur hom ingevolge sub-artikel (2) gedeponeer of hy kan die bedrag of die orige saldo na sodanige aftrekking op enige sodanige persoon by geding in enige bevoegde hof verhaal.

(15) Aan enige persoon (nie synde 'n lid van die staatsdiens nie) wat as lid van die kommissie benoem word, word die fooie en onkoste van reis en onderhoud onder artikel *tien* voorgeskryf betaal uit gelde deur die Parlement vir die doel beskikbaar-gestel.

(16) Aan enige getuie wat gedagvaar word om by enige ondersoek deur die kommissie getuienis af te lê word, onderhewig aan enige bevel deur die kommissie uit gelde deur die Parlement vir die doel beskikbaar-gestel fooie en onkoste van reis en onderhoud betaal teen sodanige skale as wat van tyd tot tyd ingevolge die Magistraatshoven Wet, 1917 (Wet No. 32 van 1917) of 'n wysiging daarvan voorgeskrywe word vir getuies wat 'n magistraatshof bywoon: Met die verstande dat die kommissie die onkoste aan enige getuie wat hy op versoek van enige persoon gedagvaar het, volgens sy diskresie kan onthou.

10. Die Goewerneur-generaal kan regulasies uitvaardig wat **Regulasies.** nie met hierdie Wet strydig is nie—

- (a) betreffende die gebruik van die strand;
- (b) betreffende baai in die see;
- (c) betreffende die verwydering van die strand of van die seebedding binne die driemyl-strook van sand, klippies, rots, klip, skulpe of seegras;
- (d) om die aflaai of die afvoer van afval, vullis of enigiets wat hinderlik of gevaarlik vir die gesondheid kan wees op die strand of in die see binne die driemyl-strook te verhoed of te reël;
- (e) betreffende beheer, in die algemeen, oor die strand en oor die see en die seebedding binne die driemyl-strook;
- (f) om fooie voor te skrywe vir die verrigting van handelings op of in of met betrekking tot die strand of die seebedding of die see binne die driemyl-strook.
- (g) om fooie en onkoste voor te skrywe bedoel in sub-artikel (15) van artikel *nege*.

(2) 'n Regulasie kan 'n straf van hoogstens 'n boete van vyf-en-twintig pond voorskrywe vir enige oortreding daarvan of versuim om daaraan te voldoen.

(3) 'n Regulasie kan uitdruklik toepaslik verklaar word op die hele strand of op 'n bepaalde gedeelte daarvan (hetsy dit vervreem is al dan nie) of op die hele seebedding of see binne die driemyl-strook of op 'n bepaalde gedeelte daarvan; en wanneer 'n regulasie van toepassing is op 'n gedeelte van die strand wat binne die regsgebied van 'n plaaslike bestuur geleë is of daaraan grens, of op 'n gedeelte van die seebedding of see binne die driemyl-strook wat aan so 'n gedeelte van die strand grens, kan die Goewerneur-generaal deur daardie regulasie (of deur 'n ander uit kragte van hierdie artikel uitgevaardigde regulasie) aan daardie plaaslike bestuur of aan een of ander van sy amptenare magte verleen en pligte oplê met betrekking tot die uitvoering van daardie regulasie: Met die verstande dat minstens een maand voor enige regulasie aan die Parlement ingevolge sub-artikel (6) voorgelê word, die Minister 'n kopie van die voorgestelde regulasie in die *Staatskoerant* laat publiseer: Met die verstande verder dat, alvorens 'n regulasie betreffende enige gedeelte van die strand geleë binne of grensende aan die regsgebied van 'n plaaslike bestuur uitgevaardig word, die Minister die betrokke plaaslike bestuur raadpleeg en 'n afskrif van die voorgestelde regulasies voorlê.

(4) 'n Regulasie kan bepaal dat alle fooie of geldboetes, wat kragtens daardie regulasie of ander uit kragte van hierdie artikel uitgevaardigde regulasies, ten opsigte van handelings verrig op of met betrekking tot 'n gedeelte van die strand wat binne die regsgebied van 'n plaaslike bestuur geleë is of daaraan grens, of op of in of met betrekking tot 'n gedeelte van die seebedding of see binne die driemyl-strook wat aan so 'n gedeelte van die strand grens, ingevorder word, daardie plaaslike bestuur toekom.

(5) Die bepalings van hierdie artikel of van 'n kragtens hierdie artikel uitgevaardigde regulasie maak geen inbreuk op 'n verordening wat wettiglik deur 'n plaaslike bestuur uit kragte van 'n wet uitgevaardig is nie.

(6) No regulation made under this section shall take effect unless it has been approved by resolution of both Houses of Parliament.

Validation of previous grants.

11. The pieces of land described in the Schedule to this Act shall, in so far as they include portions of the sea-shore, be deemed to have been lawfully granted.

Authority to deal with certain piece of land.

12. The Governor-General may deal with the piece of land which is described in item 1 of the Schedule to this Act, and which, in terms of section *one* of the Defence Endowment Property and Account Act, 1922 (Act No. 33 of 1922), was transferred to the Government of the Union, in accordance with the provisions of section *three* of that Act, notwithstanding the fact that a portion thereof consists of sea-shore.

Savings.

13. Nothing contained in this Act shall affect—

- (a) the provisions of the Simon's Bay Dockyard Port Regulation Statutes, 1898-1912, or any rights or powers conferred upon the Admiralty by agreement or by or under any law relating to ports and harbours in respect of any portion of the sea-shore or the sea or the bed of the sea within the three miles limit or any rights of the Admiralty under any agreement entered into in terms of section *six* of the Defence Endowment Property and Account Act, 1922 (Act No. 33 of 1922);
- (b) any rights or powers conferred upon the Railways and Harbours Administration of the Union by or under any law relating to ports and harbours in respect of any portion of the sea-shore or the sea or the bed of the sea within the three miles limit, and in the event of any conflict between the provisions of this Act and any such law, the rights and powers of the said Administration shall be determined by the provisions of such law, and not by the provisions of this Act;
- (c) any rights of any member of the public to use the sea-shore or the sea or the bed of the sea within the three miles limit, except in so far as such rights are inconsistent with the rights conferred by any title validated by this Act, or by any title, lease, permit, authority, delegation or regulation lawfully issued, entered into, granted or made by virtue of this Act or by virtue of any such title, lease, permit, authority, delegation or regulation.
- (d) the power of a provincial council to make ordinances conferred upon it by or under section *eighty-five* of the South Africa Act, 1909, or any other law, or the validity or operation of any ordinance lawfully made by any provincial council before or after the commencement of this Act; or
- (e) any rights or powers conferred upon any person by any licence granted by the Postmaster-General in terms of section *eighty* of the Post Office Administration and Shipping Combinations Discouragement Act, 1911 (Act No. 10 of 1911).

Short title.

14. This Act shall be known as the Sea-shore Act, 1935.

(6) 'n Regulasie uitgevaardig kragtens hierdie artikel is van geen krag nie, tensy dit deur besluit van beide Huise van die Parlement goedgekeur is.

11. Die stukke grond wat in die Bylae tot hierdie Wet beskrywe word, word, virsover gedeeltes van die strand daarin begrepe is, geag wettiglik toegeken te geword het. Wettiging van reeds gedane toekennings.

12. Die Goewerneur-generaal kan met die stuk grond wat in item 1 van die Bylae tot hierdie Wet beskrywe word, en wat ingevolge artikel een van die „Verdediging Begiftigings Eigendom en Rekening Wet”, 1922 (Wet No. 33 van 1922), aan die Regering van die Unie oorgedra was, ooreenkomstig die bepalings van artikel drie van daardie Wet handel, ondanks die feit dat 'n gedeelte daarvan uit strand bestaan. Magtiging om met seker stuk grond te handel.

13. Die bepalings van hierdie Wet maak geen inbreuk nie— Voorbehoudsbepalings.

- (a) op die bepalings van die Simonsbaai Dokhaven Regulings Wetten, 1898-1912 of enige regte of magte aan die Admiraliteit verleen deur ooreenkoms of deur of kragtens enige wet op hawens, ten opsigte van 'n gedeelte van die strand of van die see of seebedding binne die driemyl-strook, of op enige regte van die Admiraliteit voortspruitende uit 'n ooreenkoms wat kragtens artikel ses van die „Verdediging Begiftigings Eigendom en Rekening Wet,” 1922 (Wet No. 33 van 1922) aangegaan is;
- (b) op enige regte of magte aan die Spoorweë en Hawens-Administrasie van die Unie verleen deur of kragtens enige wet op hawens, ten opsigte van 'n gedeelte van die strand of van die see of seebedding binne die driemyl-strook, en ingeval daar enige verskil bestaan tussen die bepalings van hierdie Wet en enige sodanige wet, word die regte en magte van die vermelde Administrasie deur die bepalings van laasgenoemde wet vasgestel, en nie deur die bepalings van hierdie Wet nie;
- (c) op regte van enigeen uit die publiek om gebruik te maak van die strand of die see of die seebedding binne die driemyl-strook, behalwe insoverre sulke regte onbestaanbaar is met regte verleen deur 'n titel deur hierdie Wet bekragtig of deur 'n titel, huurkontrak, permit, volmag, delegasie of regulasie wettiglik uitgereik, aangegaan, toegeken of uitgevaardig kragtens hierdie Wet of uit kragte van so 'n titel, huurkontrak, permit, volmag, delegasie of regulasie;
- (d) op die bevoegdheid van 'n provinsiale raad om ordonnansies te maak, wat deur of kragtens artikel vyf-en-tagtig van die Suid-Afrika Wet, 1909, of 'n ander regsbeplating, aan hom verleen is, of op die geldigheid of werking van 'n ordonnansie wat voor of na die inwerkingtreding van hierdie Wet wettiglik deur 'n provinsiale raad gemaak is; of
- (e) op enige regte of magte aan enigeen verleen by lisensie deur die Posmeester-generaal kragtens artikel tagtig van die „Post Administrasie en Scheepvaart-kombinaties Verhinderings Wet”, 1911 (Wet No. 10 van 1911) uitgereik.

14. Hierdie Wet heet die Strandwet, 1935.

Kort titel.

Schedule.

Item.	Instrument of grant.	Date.	Description of land.	Approximate Area.	Grantee.
1	Grant No. 23 (Cape Freehold Grants, Vol. 19).	September 17, 1888.	Piece of land situate at Three Anchor Bay.	3 morgen 343 square roods.	Secretary of State for War.
2	Grant No. 26 (Cape Freehold Grants, Vol. 28).	April 22, 1915.	Pieces of land situate at Camps Bay named Camps Bay Foreshore South and Camps Bay Foreshore North.	52 morgen 180 square roods.	The Council of the City of Cape Town.
3	Grant No. 9 (Cape Freehold Grants, Vol. 30).	September 8, 1919.	Piece of land situate at Sea Point, named Lot Low Water No. 1.	21 morgen 300 square roods.	The Council of the City of Cape Town.
4	Grant No. 16 (Cape Freehold Grants, Vol. 30).	February 10, 1920.	Piece of land situate at Sea Point named Lot Low Water No. 2.	6 morgen.	The Council of the City of Cape Town.
5	Grant No. 146 of 1931.	July 10, 1931.	Piece of land situate at Simons-town, named Section Admiralty House East.	4 morgen 78 square roods.	The Commissioners of the Admiralty.

Bylae.

Item.	Akte van Toekenning.	Datum.	Beskrywing van grond.	Grootte naaste-by.	Persoon aan wie grond toegeken is.
1	Grondbrief No. 23 (Kaapse Eiendoms-toekennings, Deel 19).	17 September 1888.	Stuk grond by Drieankerbaai.*	3 morg 343 vierkant roedes.	Minister van Oorlog.
2	Grondbrief No. 26 (Kaapse Eiendoms-toekennings, Deel 28).	22 April 1915.	Stukke grond by Kampsbaai, genaamd „Camps Bay Fore-shore South” en „Camps Bay Fore-shore North”.	52 morg 180 vierkant roedes.	Die Stadsraad van Kaapstad.
3	Grondbrief No. 9 (Kaapse Eiendoms-toekennings, Deel 30).	8 September 1919.	Stuk grond by Seepunt, genaamd Perseel „Low Water No. 1”.	21 morg 300 vierkant roedes.	Die Stadsraad van Kaapstad.
4	Grondbrief No. 16 (Kaapse Eiendoms-toekennings, Deel 30).	10 Februarie 1920.	Stuk grond by Seepunt, genaamd Perseel „Low Water No. 2”.	6 morg.	Die Stadsraad van Kaapstad.
5	Grondbrief No. 146 van 1931.	10 Julie 1931.	Stuk grond by Simonstad, genaamd „Section Admiralty House East”.	4 morg 78 vierkant roedes.	Die Kommissaris van die Admiraliteit.

No. 22, 1935.

PRIVATE ACT

To amend the law relating to The Malmesbury Board of Executors and Trust and Fire Assurance Company.

Preamble.

WHEREAS The Malmesbury Board of Executors and Trust and Fire Assurance Company, then known as The Malmesbury Board of Executors and Trust Company, was formed under a Deed of Settlement dated the fourth day of October, 1864, and subsequently incorporated under Act No. 9 of 1865 (Cape):

AND WHEREAS following on amendments made in the said deed of settlement the said company was reincorporated under Act No. 34 of 1884 (Cape):

AND WHEREAS the said company was by Act No. 10 of 1889 (Cape) empowered to undertake the business of fire insurance and to exercise its powers under the name of The Malmesbury Board of Executors and Trust and Fire Assurance Company:

AND WHEREAS under the said original deed of settlement and subsequent amending deed of the twenty-sixth day of May, 1884 the directors were required and authorized to apply to Parliament for an Act *inter alia* providing that the shareholders should be liable in respect of the debts or claims against the company to an amount not exceeding that of the shares respectively held by each shareholder, which application to Parliament has not hitherto been made, but which, by reason of the strength and stability acquired by the said Company it has now been resolved to make:

AND WHEREAS the capital of the said company is under the said Act No. 34 of 1884 (Cape) the sum of twenty thousand pounds (£20,000) divided into two thousand shares of ten pounds each whereof one thousand six hundred and forty-four have been subscribed on each of which five pounds has been paid up in accordance with the said Act:

AND WHEREAS by an amendment made in the said deed of settlement the number of shares which a shareholder may hold may not exceed thirty:

AND WHEREAS the price of the said shares, as evidenced by the figure obtained therefor when the same have from time to time fallen to be realized, has in the past been as high as between fifty and sixty pounds per share and more recently by reason of the general depression in business between forty and fifty pounds per share in consequence whereof the number of persons who are able to invest in such shares is unduly restricted to the disadvantage of the said company:

AND WHEREAS an increase in the number of its shareholders and a subdivision of its shares into shares of a lesser nominal amount than at present would materially benefit the said company and its shareholders:

AND WHEREAS at a special general meeting of the shareholders of the said company duly convened and held on the thirtieth day of October, 1934, a resolution was unanimously adopted authorizing the directors to introduce a Bill with the object of obtaining the said limitation of liability and power to subdivide the said shares:

AND WHEREAS it is expedient that provision should be made for such limitation of liability and that power should be conferred on the company to subdivide its shares:

AND WHEREAS sections *one, three and four* of Act No. 9 of 1865 (Cape) have been repealed otherwise than specifically by Act No. 34 of 1884 (Cape) and it is expedient to repeal the said sections specifically:

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

1. The liability of each shareholder of The Malmesbury Board of Executors and Trust and Fire Assurance Company (hereinafter referred to as the company) is hereby limited to

Liability of shareholders limited.

No. 22, 1935.]

PRIVATE WET

Tot wysiging van die wetsbepalings betreffende The Malmesbury Board of Executors and Trust and Fire Assurance Company.

NADEMAAL The Malmesbury Board of Executors and Trust and Fire Assurance Company, toenmaals bekend as The Malmesbury Board of Executors and Trust Company, gestig is kragtens 'n Akte van Oprigting gedateer die vierde dag van Oktober 1864 en later regspersoonlikheid verkry het kragtens Wet No. 9 van 1865 (Kaap):

EN NADEMAAL ingevolge wysigings wat in genoemde Akte van Oprigting gemaak is aan genoemde maatskappy opnuut regspersoonlikheid verleen is kragtens Wet No. 34 van 1884 (Kaap):

EN NADEMAAL genoemde maatskappy deur Wet No. 10 van 1889 (Kaap) gemagtig is om die werk van brandversekering te onderneem en om sy bevoegdhede uit te oefen onder die naam The Malmesbury Board of Executors and Trust and Fire Assurance Company:

EN NADEMAAL kragtens genoemde oorspronklike Akte van Oprigting en die latere wysigende Akte van die ses-en-twintigste dag van Mei 1884 die direkteure vereis en geoutoriseer is om by die Parlement aansoek te doen vir 'n wet, *inter alia* bepalende dat die aandeelhouders aanspreeklik sou wees ten opsigte van die skulde of eise teen die maatskappy tot 'n bedrag nie te bo gaande nie dié van die aandele respektieflik deur elke aandeelhouer besit, watter aansoek tot dusver nie by die Parlement gedoen is nie, maar wat, uit hoofde van die sterkte en stabiliteit wat genoemde maatskappy verkry het hy nou besluit het om te doen:

EN NADEMAAL die kapitaal van genoemde maatskappy kragtens genoemde Wet No. 34 van 1884 (Kaap) die som van twintigduisend pond (£20,000) bedra, verdeel in tweeduisend aandele van tien pond elk, waarvan eenduisend seshonderdvier-en-veertig ingeskryf is op elkeen waarvan vyf pond ophetaal is ooreenkomstig genoemde Wet:

EN NADEMAAL deur 'n wysiging in genoemde Akte van Oprigting aangebring die getal aandele wat 'n aandeelhouer mag besit dertig nie mag te bo gaan nie:

EN NADEMAAL die prys van genoemde aandele, soos bewys deur die bedrag daarvoor verkry wanneer dit van tyd tot tyd gerealiseer moes word, in die verlede so hoog as van vyftig tot sestig pond per aandeel gewees is en korter gelede weens die algemene slapte in besigheid van veertig tot vyftig pond per aandeel, ten gevolge waarvan die getal persone wat in staat is om in sulke aandele te belê te veel beperk is ten nadele van genoemde maatskappy:

EN NADEMAAL 'n vermeerdering in die getal van sy aandeelhouders en 'n onderverdeling van sy aandele in aandele van 'n laer nominale bedrag dan tans genoemde maatskappy en sy aandeelhouders belangrik sou baat:

EN NADEMAAL op 'n spesiale algemene vergadering van die aandeelhouders van genoemde maatskappy behoorlik belê en gehou op die dertigste dag van Oktober 1934 'n besluit eenparig aangeneem is, die direkteure magtigende om 'n wetsontwerp in te dien met die doel om genoemde beperking van aanspreeklikheid en bevoegdheid tot onderverdeling van genoemde aandele te verkry:

EN NADEMAAL dit raadsaam is dat voorsiening gemaak word vir sodanige beperking van aanspreeklikheid en dat bevoegdheid aan die maatskappy verleen word tot onderverdeling van sy aandele:

EN NADEMAAL artikels een, drie en vier van Wet No. 9 van 1865 (Kaap) nie bepaaldelik deur Wet No. 34 van 1884 (Kaap) herroep is nie en dít raadsaam is om genoemde artikels bepaaldelik te herroep:

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

1. Die aanspreeklikheid van elke aandeelhouer van The Malmesbury Board of Executors and Trust and Fire Assurance Company (hierna genoem die maatskappy) word hiermee beperk.

Aanhef.

Aanspreeklikheid van aandeelhouders beperk.

the amount for the time being unpaid on the shares held by him: Provided that the foregoing provision shall not apply in respect of any debts, liabilities or obligations incurred or entered into by the company prior to the commencement of this Act.

Subdivision of shares.

2. Notwithstanding anything to the contrary contained in Act No. 34 of 1884 (Cape) or in any other law, the company if empowered thereto in manner set forth in paragraph (b) of section *one* of Act No. 10 of 1889 (Cape) may from time to time subdivide its shares into shares of smaller amount than as fixed immediately prior to the commencement of this Act: Provided that in any such subdivision the proportion between the amount paid and the amount, if any, unpaid on each reduced share shall be the same as it was in the case of the share from which the reduced share is derived.

Issue of fresh certificates of shares.

3. The directors of the company on tendering to any shareholder a fresh share certificate or certificates consequent on any such subdivision in lieu of that previously held by him shall be entitled to call for delivery of and to cancel the previously issued certificate or certificates.

Repeal of sections 1, 3 and 4 of Act No. 9 of 1865 (Cape), and amendment of section 5 of Act 34 of 1884.

4. Sections *one*, *three* and *four* of Act No. 9 of 1865 (Cape) are hereby repealed and section *five* of Act No. 34 of 1884 (Cape) shall be read and construed as if the words "one-tenth of the nominal value of each share" were substituted for the words "one pound sterling per share".

Short title.

5. This Act may be cited as The Malmesbury Board of Executors and Trust and Fire Assurance Company (Amendment) (Private) Act, 1935.

beperk tot die bedrag wat op 'n gegewe oomblik onbetaal is op die aandele wat deur hom besit word: Met die verstande dat die voorgaande bepaling nie van toepassing is nie ten opsigte van enige skulde, laste of verpligtings deur die maatskappy voor die inwerkingtreding van hierdie Wet gemaak of aangegaan.

2. Nieteenstaande andersluidende bepalings van Wet No. 34 van 1884 (Kaap) of enige ander wetsbepalings, mag die maatskappy indien daartoe gemagtig op die wyse vermeld in paragraaf (b) van artikel *een* van Wet No. 10 van 1889 (Kaap) van tyd tot tyd sy aandele onderverdeel in aandele van 'n kleinere bedrag dan onmiddellik voor die inwerkingtreding van hierdie Wet vasgestel: Met die verstande dat by enige sodanige onderverdeling die verhouding tussen die bedrag wat betaal is en die bedrag, indien bestaande, wat onbetaal is op elke verminderde aandeel, dieselfde bly as wat dit was in die geval van die aandeel waarvan die verminderde aandeel afkomstig is.

Onderverdeling van aandele.

3. Die direkteure van die maatskappy is by aanbieding aan 'n aandeelhouer van 'n nuwe aandeelsertifikaat of -sertifikate ten gevolge van so 'n onderverdeling inplaas van dié wat hy tevore besit het geregtig om aflewering te eis van die vroeër uitgereikte sertifikaat of sertifikate en om dit te vernietig.

Uitreiking van nuwe aandeelsertifikate.

4. Artikels *een*, *drie* en *vier* van Wet No. 9 van 1865 (Kaap) word hiermee herroep en artikel *vyf* van Wet No. 34 van 1884 (Kaap) word gelees en verklaar asof die woorde "one pound sterling per share" vervang is deur die woorde "one-tenth of the nominal value of each share."

Herroeping van artikels 1, 3 en 4 van Wet No. 9 van 1865 (Kaap), en wysiging van artikel 5 van Wet 34 van 1884.

5. Hierdie Wet kan aangehaal word as The Malmesbury Board of Executors and Trust and Fire Assurance Company (Wysigings) (Private) Wet, 1935.

Kort titel.

No. 23, 1935.

ACT

To protect the names, uniforms and badges of certain associations and institutions from use by unauthorized persons.

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:—

Keeping of register.

1. The Minister shall for the purposes of this Act cause a register to be kept wherein shall be entered the particulars referred to in sub-section (3) of section *four* as well as particulars of any amendment or deletion of any entry made under this Act.

Protection of name, etc.

2. Any association or institution may make application to the Minister for the registration of—

- (a) the name of the association or institution;
- (b) any special name or designation used by the association or institution for the members thereof or for the members of any organization constituted by the association or institution in pursuance of its rules and regulations;
- (c) any uniform, with or without a badge as an integral portion thereof, used by such association or institution;
- (d) any badge, with or without a uniform, used by such association or institution;

Form and particulars of application.

3. (1) An application made in terms of section *two* shall be made in such manner, and contain such information as the Minister may by regulation prescribe; and more particularly shall contain an exact and precise description of the pictorial representation or design of the name, uniform, or badge sought to be registered so as to indicate the limits of the protection applied for.

(2) In respect of each such application there shall be paid a fee of five pounds.

Publication of notice of application and lodging of objections.

4. (1) Upon the receipt of an application in terms of sections *two* and *three*, the Minister shall, by notice in the *Gazette*, publish particulars of the same for general information, and shall in such notice invite any person affected or likely to be affected by the grant of the application; to lodge in a form prescribed by regulation particulars of any objection thereto within three months of the date of the publication at a place specified therein: Provided that in the case of an application of an association, the Minister may further refer the application to the parent national body, if any, to which such applicant association may directly or indirectly be affiliated or connected, in order that the parent national body may make such recommendation thereon to the Minister as it may deem fit.

(2) Before granting any such application, the Minister shall consider the objections, if any, lodged in terms of sub-section (1).

(3) If no objections have been lodged within the time prescribed by sub-section (1) or if objections have been lodged and duly considered by the Minister, the Minister may, if he deems fit, cause to be entered in the register—

- (a) the name and address of the applicant association or institution; the name, uniform, or badge, the registration of which was applied for; and
- (b) an exact and precise description and a drawing or pictorial representation of the said name, uniform or badge.

(4) The decision of the Minister in respect of any application shall be final and binding.

Publication of registration and certificate.

5. (1) The Minister shall cause a notice to be published in the *Gazette* of every registration made under sub-section (3) of section *four* and of every amendment or revocation of any such registration.

(2) The Minister shall issue to an association or institution, whose application has been granted by him, a certificate of registration in such form and containing such particulars as may be prescribed by regulation.

No. 23, 1935.]

WET

Tot beskerming van name, uniforms en wapens van bepaalde verenigings en inrigtings teen die gebruik daarvan deur ongewettigde persone.

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

1. Die Minister laat vir die doeleindes van hierdie Wet 'n register aanhou waarin die besonderhede vermeld in sub-artikel (3) van artikel vier, asook die besonderhede van enige wysiging of verwydering van enige inskrywing kragtens hierdie Wet gemaak, ingeskryf moet word.

Aanhou van register.

2. Enige vereniging of inrigting kan die Minister versoek om inskrywing in die register van—

Beskerming van name, ens.

- (a) die naam van die vereniging of inrigting;
- (b) enige spesiale naam of aanwysing wat deur die vereniging of inrigting gebruik word vir sy lede of die lede van enige organisasie wat daargestel is deur die vereniging of inrigting ooreenkomstig sy reglemente en statute;
- (c) enige uniform, met of sonder 'n wapen as 'n integrale deel daarvan, deur die vereniging of inrigting gebruik;
- (d) enige wapen, met of sonder 'n uniform gedra wat deur sodanige vereniging of inrigting gebruik word.

3. (1) Enige aansoek wat gedoen word kragtens die bepalings van artikel twee moet gedoen word op so 'n wyse en met opgaawe van sodanige inligting as wat deur die Minister by wyse van regulasie bepaal mag word; en moet in besonder 'n noukeurige en juiste beskrywing bevat van die afbeeldende voorstelling of ontwerp van die naam, uniform of wapen wat ingeskryf moet word sodat aangedui word wat die omvang en beperking van die aangevraagde beskerming is.

Vorm en besonderhede van applikasie.

(2) Ten opsigte van elke sodanige aansoek moet 'n bedrag van vyf pond betaal word.

4. (1) Na ontvangs van enige aansoek kragtens die bepalings van artikels twee en drie, moet die Minister by kennisgewing in die *Staatskoerant* besonderhede van die aansoek ter algemene inligting publiseer en in sodanige kennisgewing 'n uitnodiging rig aan enige persoon wat deur die toestaan van die aansoek getref of moontlik getref mag word, om die besonderhede van sy besware in die vorm deur regulasie voorgeskryf, binne drie maande vanaf die datum van publikasie in te dien op die plek wat daarin bepaal word: Met die verstande dat in die geval van 'n aansoek van 'n vereniging die Minister die aansoek verder na die hoofdiggaam, as daar is, waarmee die vereniging middellik of onmiddellik geaffilieer of verbind is, kan verwys sodat die hoofdiggaam sodanige aanbeveling as wat dit dienstig oordeel, aan die Minister kan maak.

Publikasie van kennisgewing van applikasie en indiening van besware.

(2) Voordat die Minister enige sodanige aansoek toestaan, moet hy enige besware wat ingedien is kragtens die bepalings van sub-artikel (1) oorweeg.

(3) As geen besware binne die tydperk in sub-artikel (1) voorgeskryf ingedien is nie, of as besware ingedien en behoorlik deur die Minister oorweeg is, kan die Minister mits hy dit dienstig oordeel in die register laat inskryf—

- (a) die naam en adres van die aansoekdoende vereniging of inrigting; die naam, uniform of wapen om inskrywing waarvan aansoek gedoen is; en
- (b) 'n noukeurige en juiste beskrywing en 'n tekening of afbeeldende voorstelling van bedoelde naam, uniform of wapen.

(4) Die beslissing van die Minister ten opsigte van enige aansoek is afdoende en bindend.

5. (1) Die Minister laat 'n kennisgewing in die *Staatskoerant* publiseer van elke inskrywing gemaak kragtens sub-artikel (3) van artikel vier en van elke wysiging of herroeping van enige sodanige inskrywing.

Publikasie van inskrywing en sertifikate.

(2) Die Minister reik aan die vereniging of inrigting wie se aansoek hy toegestaan het, 'n sertifikaat van inskrywing uit in sodanige vorm en sodanige besonderhede bevattende as wat deur regulasie voorgeskryf kan word.

Use of registered names, etc.

6. (1) Every association or institution which possesses a valid certificate of registration under this Act shall be entitled to the sole and exclusive right to use the name, uniform or badge in respect of which such certificate was issued.

(2) No person shall use such name, uniform or badge, or any part of them, or any other name, uniform or badge so closely resembling them as might lead to the belief that it is such name, uniform or badge unless he has the written authority of such association or institution or is a member thereof.

(3) If any person contravenes sub-section (2) the association or institution concerned may, in the name of its secretary or chairman, sue such person in a magistrate's court—

(a) for an amount not exceeding the sum of ten pounds, and such court may without proof of any damages, in addition to the costs of the action, award such association or institution such an amount not exceeding the said sum as to it may seem reasonable in the circumstances of the case; or

(b) for damages or an interdict or for both damages and an interdict and such court may in addition to the costs of the action, award such damages as to it may seem reasonable in the circumstances or grant an interdict or both award damages and grant an interdict.

Savings.

7. (1) Nothing in this Act shall be deemed to prevent any person from using any name, uniform or badge in the course or for the purpose of a stage play or representation, or a music-hall or circus performance, pageants, or production of a cinematograph film: Provided that the name, uniform, or badge is not used in such a manner or under such circumstances as to bring it or them into ridicule or contempt.

(2) No entry shall be made in the register registering any name, uniform or badge used by an association or institution in connection with or as part of the uniform or badge of its members in respect of which or any part of which any design has been and remains registered under the Patents, Designs, Trade Marks and Copyright Act, 1916, or any amendments thereof, unless the owner of such registered design permits the use thereof.

(3) Nothing in this Act shall prevent the continued use of any mark or device not protected under the Patents, Designs, Trade Marks and Copyright Act, 1916, or any amendment thereof, which has been *bona fide* used as a trade mark before the commencement of this Act: Provided that the onus of proving such *bona fide* use shall be upon the person claiming it.

(4) Nothing in this Act or in any notice in terms thereof shall deprive any person of the right to use any name, uniform, or badge, which at the commencement of this Act, was in regular use by such person: Provided that the onus of proving such regular use shall be upon such person.

(5) Nothing in this Act or in any notice in terms thereof shall deprive any person of the right to use any uniform or badge, to the use of which he has *bona fide* become entitled by reason of his present or past membership of any association or institution, beyond the boundaries of the Union: Provided that the onus of proving such *bona-fide* use shall be upon the person claiming such right.

Amendment and cancellation of certificate of registration.

8. (1) The Minister may at any time cause a notice to be served on any association or institution calling upon it to show cause in a manner prescribed by regulation and on or before a date specified in such notice, why any certificate of registration issued to it under this Act should not be amended or cancelled.

(2) The Minister may after the said date and after considering any representation made to him by such association or institution order it to deliver to him its certificate of registration for amendment or cancellation (as the case may be) and may cause any entry in the register to be altered accordingly.

(3) Upon receiving any order made under sub-section (2) such association or institution shall deliver to the Minister its certificate of registration for amendment or cancellation (as the case may be) and upon receiving such certificate the Minister may amend or cancel it (as the case may be).

6. (1) Elke vereniging of inrigting wat 'n geldige sertifikaat van inskrywing kragtens die bepalings van hierdie Wet besit, is geregtig op die enige en uitsluitende gebruik van die naam, uniform, of wapen ten opsigte waarvan sodanige sertifikaat uitgereik is. Gebruik van ingeskrewe name, ens.

(2) Niemand mag gebruik maak van sodanige naam, uniform of wapen, of enige deel daarvan, of van enige ander naam, uniform of wapen wat so na daarby kom dat dit aanleiding kan gee dat dit vir sodanige naam, uniform of wapen gehou word tensy hy die skriftelike magtiging van sodanige vereniging of inrigting het of lid daarvan is.

(3) As enige persoon die bepalings van sub-artikel (2) oortree kan die betrokke vereniging of inrigting deur middel van sy sekretaris of voorsitter sodanige persoon in 'n magistratshof dagvaar—

- (a) vir 'n bedrag van hoogstens tien pond, en sodanige hof kan sonder bewys van enige skade en benewens die koste van die geding aan sodanige vereniging of inrigting sulk 'n bedrag toeken, die genoemde som nie te bowe gaande nie, as wat hom onder die omstandighede van die geval redelik blyk te wees; of
- (b) vir skadevergoeding of 'n interdik of vir beide skadevergoeding en 'n interdik, en sodanige hof kan benewens die koste van die geding sodanige skadevergoeding toeken as wat onder die omstandighede redelik mag blyk of 'n interdik verleen of beide skadevergoeding toeken en 'n interdik verleen.

7. (1) Die bepalings van hierdie Wet word nie geag enige persoon te belet nie om enige naam, uniform of wapen te gebruik tydens of vir die doeleindes van 'n toneelopvoering of voorstelling, 'n uitvoering in 'n musieklokaal of sirkus, 'n historiese optog of die vervaardiging van 'n kinematografiese rolprent nie, mits daardie naam, uniform, of wapen nie op so 'n wyse of in sodanige omstandighede gebruik word dat dit bespotlik gemaak of in minagting gebring word nie. Voorbehoudsbepalings.

(2) Geen aantekening geskied in die register vir inskrywing van enige naam, uniform, of wapen deur 'n vereniging of inrigting gebruik in verband met of as deel van die uniform of wapen van sy lede, ten opsigte waarvan of van enige gedeelte waarvan enige ontwerp geregistreer is en bly kragtens die „Wet op Patente, Modellen, Handelsmerken en Auteursrecht, 1916”, of enige wysiging daarvan, tensy die eienaar van so'n geregistreerde ontwerp toestem tot die gebruik daarvan.

(3) Die bepalings van hierdie Wet belet nie die voortdurende gebruik van enige merk of ontwerp nie wat nie beskerm is kragtens die „Wet op Patente, Modellen, Handelsmerken en Auteursrecht, 1916”, of enige wysiging daarvan nie, wat *bona fide* gebruik is as handelsmerk voor die inwerkingtreding van hierdie Wet: Met die verstande dat die bewyslas van sodanige *bona fide* gebruik op die persoon rus wat daarop aanspraak maak.

(4) Die bepalings van hierdie Wet of van enige kennisgewing kragtens hierdie Wet ontnem niemand die reg om enige naam, uniform, of wapen te gebruik wat by die inwerkingtreding van hierdie Wet in gereelde gebruik is deur so iemand, mits die bewyslas van sodanige gereelde gebruik op so iemand rus.

(5) Die bepalings van hierdie Wet of van enige kennisgewing kragtens hierdie Wet ontnem niemand die reg om enige uniform, of wapen te gebruik, tot die gebruik waarvan hy *bona fide* geregtig is weens sy teenswoordige of oud-lidmaatskap van enige vereniging of inrigting buite die grense van die Unie, mits die bewyslas van sodanige *bona fide* gebruik op die persoon rus wat op sodanige reg aanspraak maak.

8. (1) Die Minister kan te eniger tyd 'n kennisgewing op enige vereniging of inrigting laat dien waarby dit gelas word om voor of op 'n daarin bepaalde dag te verskyn en op 'n by regulasie voorgeskrewe wyse gronde aan te voer waarom die sertifikaat van inskrywing kragtens hierdie Wet uitgereik nie gewysig of ingetrek sal word nie. Wysiging of intrekking van sertifikaat van inskrywing.

(2) Die Minister kan na die bedoelde datum en nadat hy enige aan hom deur sodanige vereniging of inrigting gemaakte versoë oorweeg het, hom beveel om aan hom sy sertifikaat van inskrywing vir wysiging of intrekking (soos die geval mog wees) in te handig en kan enige inskrywing in die register dienooreenkomstig laat wysig.

(3) Na ontvangs van enige bevel kragtens sub-artikel (2) moet sodanige vereniging of inrigting aan die Minister sy sertifikaat van registrasie ter wysiging of intrekking (soos die geval mog wees) inhandig en na ontvangs van sodanige sertifikaat kan die Minister dit wysig of intrek (soos die geval mog wees).

Annual payment.

9. (1) Every association or institution whose name is registered under the provisions of sub-section (3) of section *four* shall pay to the Minister the sum of ten shillings on or before the thirtieth day of June in each and every year.

(2) If any such association or institution fails to pay the said sum on or before the said date in any year the Minister may cause all entries in the register aforesaid in respect of such association or institution to be deleted and thereupon any certificate issued to such association or institution under this Act shall be deemed to be cancelled.

Regulations.

10. The Minister may make regulations not inconsistent with this Act, as to all matters which by this Act are required or permitted to be prescribed by regulation, or which are necessary or convenient for giving effect to the provisions of this Act, or for the conduct of any business relating to any office established by this Act.

Interpretation of terms.

11. In this Act, unless inconsistent with the context—

“association” means an association, group or body formed for the promotion of sport or for any other purpose, not of a political or religious character, the pursuit of which in the opinion of the Minister is calculated to be in the public interest.

“badge” means any design, applicable to any article whether for the pattern, for the shape or configuration, or for the ornament thereof, or for any two or more of such purposes, and by printing, painting, embroidering, weaving, sewing, modelling, casting, embossing, engraving, staining, or any other means whatever, manual, mechanical, or chemical, separate or combined, not being a design for sculpture;

“distinctive” means adopted to distinguish or differentiate members of one association or institution from those of another association or institution;

“institution” means an institution formed or created for the promotion of education, and includes any university, university college, training college, normal college, technical college, school or any union or society of the present or past students or scholars of any such institution;

“Minister” means the Minister of the Interior or any other Minister to whom the Governor-General may assign the administration of this Act;

“parent national body” includes any association, board, union, council, or other body created, constituted or formed for the control, supervision, management, administration or execution of one or other sport or branch thereof throughout the Union, to which are or may be affiliated provincial or other subsidiary associations, boards, unions, councils or other bodies connected with such sport;

“register” means the register referred to in section *one*.

“uniform” means any article or articles of wearing apparel, being distinctive in design and colour, intended to be used by members of an association or institution;

“use” includes the use, wearing, sale, trading, bartering, or otherwise dealing in or with any name, uniform, or badge.

Short title.

12. This Act may be cited as the Protection of Names, Uniforms, and Badges Act, 1935.

9. (1) Elke vereniging of inrigting, wie se naam kragtens die Jaarlikse betaling. bepaling. van sub-artikel (3) van artikel vier ingeskryf is, moet aan die Minister die bedrag van tien shillings voor of op die dertigste dag van Junie in elke en iedere jaar betaal.

(2) Wanneer 'n vereniging of inrigting nalaat om die gesegde bedrag voor of op gesegde datum in enige jaar te betaal, kan die Minister alle inskrywings in genoemde register ten opsigte van sodanige vereniging of inrigting laat uithaal en daarop word enige sertifikaat uitgereik aan sodanige vereniging of inrigting kragtens hierdie Wet as ingetrek geag.

10. Die Minister kan regulasies, nie in stryd met hierdie Wet Regulasies. nie, opstel in verband met alle aangeleenthede wat kragtens hierdie Wet by regulasie voorgeskryf moet word of veroorloof word om voorgeskryf te word of wat noodsaaklik of doenlik is om gevolg te gee aan die bepalinge van hierdie Wet of vir die bestuur van werksaamhede met betrekking tot enige kantoor kragtens hierdie Wet gestig.

11. Tensy strydig met die inhoud van hierdie Wet beteken— Woordbepaling.

„vereniging” ’n vereniging, groep of liggaam gestig ter bevordering van sport of vir enige ander doel, nie van ’n politieke of godsdienstige aard nie, die beoging waarvan na die mening van die Minister in die algemene belang is;

„wapen” enige ontwerp, toepaslik op enige artikel hetsy vir die patroon, vir die fatsoen of vorm, of vir die versiering daarvan of vir enige twee of meer sodanige doeleindes, en deur druk, skilder, borduur, weef, naai, modelleer, giet, reliëf, graveer, verkleur of deur enige ander middel wat ook al, handewerk, meganiese of chemies, afsonderlik of gesamentlik, maar nie ’n ontwerp vir beeldhouwerk nie;

„onderskeidende” wat aanvaar is om die lede van een vereniging of inrigting te onderskei van dié van ’n ander vereniging of inrigting;

„inrigting” ’n inrigting gestig of ingestel vir die bevordering van opvoedkunde en sluit in enige universiteit, universiteitskollege, opleidingskollege, normaalkollege, tegniese kollege, skole of enige unie of vereniging van die teenswoordige of oud-studente of skoliere van enige sodanige inrigting;

„Minister” die Minister van Binnelandse Sake of enige ander Minister aan wie die Goewerneur-generaal die administrasie van hierdie Wet mag opdra;

„hoofliggaam” sluit in enige vereniging, bestuur, unie, raad of liggaam gestig, gekonstitueer of gevorm vir die beheer, toesig, bestuur, administrasie of uitvoering van een of ander sport of vertakking daarvan dwarsdeur die Unie waarmee provinsiale of ander onderhorige verenigings, besture, unies, rade of ander liggame verbonde aan sodanige sport geaffilieer is of mog wees;

„register” die register vermeld in artikel een;

„uniform”, enige kledingstuk of -stukke van onderskeidende ontwerp en kleur, bestem om gebruik te word deur lede van ’n vereniging of inrigting;

„gebruik” sluit in die gebruik, dra, verkoop, handel, ruil of enige ander handel in of met, enige naam, uniform of wapen.

12. Hierdie Wet kan aangehaal word as die Beskerming van Kort titel. Name, Uniforms en Wapens Wet, 1935.

PATE NO. XXVII

East Rietfontein Syndicate, Limited.
Notice to Shareholders.

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SECRETARIAL DEPARTMENT

MR. JONES:

VAN DIE ONT...

VOL. C.] PRICE 6d. PRETORIA, 12TH APRIL, 1935. PRYS 6d. [No. 2264.

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