

EXTRAORDINARY



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PRYS 6d. [No. 2635.

OFFICE OF THE PRIME MINISTER.

The following Government Notice is published for general information.

10th May, 1939.

No. 638.

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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KANTOOR VAN DIE EERSTE MINISTER.

Onderstaande Goewermentskennisgewing word vir algemene informasie gepubliseer.

10 Mei 1939.

No. 638.

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. 17, 1939.]

ACT

To amend the Native Trust and Land Act, 1936.

(Signed by the Governor-General in English.)
(Assented to 6th May, 1939.)

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 2 of Act
18 of 1936.

1. Section *two* of the Native Trust and Land Act, 1936 (hereinafter referred to as the principal Act) is hereby amended 5 by the substitution for sub-section (2) of the following sub-section:

“(2) The Governor-General may from time to time, whenever he considers it in the public interest to do so, by proclamation in the *Gazette* declare that any released 10 area shall cease to be such an area or excise from any released area such land as may be defined in such proclamation: Provided that—

- (a) land referred to in paragraph (c) or (d) of sub-section (2) of section *ten* of at least an equivalent pastoral or 15 agricultural value and defined in such proclamation, has, before the issue of such proclamation, been acquired by the Trust in the province concerned in substitution for the land to which the declaration or excision relates or that land likewise defined and of 20 the said value, adjoining land in the province concerned of which the Trust or a native is the registered owner shall by such proclamation be added to a released area within that province in substitution for the land to which the declaration or excision relates; 25
- (b) if the land to which the declaration or excision relates is land which has been vested in or acquired by the Trust, the land so added shall be transferred by the Governor-General to the Trust by deed of grant; and
- (c) no land shall be added to a released area under this 30 sub-section except with the consent of the registered owner thereof”.

Substitution in
Act 18 of 1936
of new section 3

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 Section *three* of the principal Act is hereby repealed and the following section substituted therefor:

3. The Governor-General may, by proclamation 35 in the *Gazette*—

- (a) amend the Schedule to the principal Act by including therein any land in a released area vested in the Trust under paragraph (b) of sub-section (1) of section *six* or any such land as is 40 referred to in paragraph (b), (c) or (d) of sub-section (2) of section *ten* which has been acquired by and transferred to the Trust or a native; or
- (b) with the approval of Parliament signified by 45 resolution of both Houses amend the said Schedule by deleting therefrom any reference to land defined in such proclamation which is the property of the Trust or of a native or excising from land referred to therein which is 50 the property of the Trust or of a native any portion thereof so described: Provided that—
 - (i) land likewise defined of at least an equivalent pastoral or agricultural value, being 55 land referred to in paragraph (b), (c) or (d) of sub-section (2) of section *ten*, shall by such proclamation be included in a scheduled native area in the province concerned;
 - (ii) if the land to which the deletion refers or 60 which has been so excised is land which is the property of the Trust, such land shall become Crown land and the land so included shall be transferred by the Governor-General to the Trust by deed 65 of grant; and

No. 17, 1939.]

WET

Tot wysiging van die Naturelletrust en -grond Wet, 1936.

(Deur die Goewerneur-generaal in Engels geteken.)
(Goedgekeur op 6 Mei 1939.)

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

1. Artikel twee van die Naturelletrust en -grond Wet, 1936 (hieronder die Hoofwet genoem) word hiermee gewysig deur sub-artikel (2) deur die volgende sub-artikel te vervang:

„(2) Die Goewerneur-generaal kan van tyd tot tyd, so dikwels hy dit in die openbare belang ag sulks te doen, by proklamasie in die *Staatskoerant* verklaar dat 'n oopgestelde gebied nie langer so'n gebied is nie, of uit 'n oopgestelde gebied sodanige grond wegneem as wat in die proklamasie omskryf word: Met dien verstande dat—

 - (a) grond waarna in paragraaf (c) of (d) van sub-artikel (2) van artikel *tien* verwys word van minstens 'n gelyke veeteelt- of landbouwaarde, en in die proklamasie omskryf, deur die Trust, voor die uitreiking van die proklamasie, in die betrokke provinsie verkry is in die plek van die grond waarop die verklaring of wegname betrekking het of dat grond op 'n dergelike wyse omskryf en van genoemde waarde, wat grens aan grond in die betrokke provinsie waarvan die Trust of 'n naturel die geregistreerde eienaar is, deur die proklamasie toegevoeg word tot 'n oopgestelde gebied binne daardie provinsie, in die plek van die grond waarop die verklaring of wegname betrekking het;
 - (b) indien die grond waarop die verklaring of wegname betrekking het grond is wat op die Trust oorgegaan het of deur die Trust verkry is, die aldus toegevoegde grond deur die Goewerneur-generaal deur toekenningsakte aan die Trust oorgedra word; en
 - (c) geen grond kragtens hierdie sub-artikel tot 'n oopgestelde gebied toegevoeg word nie, behalwe met toestemming van die geregistreerde eienaar daarvan.”
2. Artikel drie van die Hoofwet word hiermee herroep en deur die volgende artikel vervang:

„Grond in oopgestelde gebied kan afgesonderde natu-
relle gebied verklaar word, en grond in afgesonderde natu-
relle gebied kan daaruit weggenom word.

 3. Die Goewerneur-generaal kan, by proklamasie in die *Staatskoerant*—
 - (a) die Bylae van die Hoofwet wysig deur grond in 'n oopgestelde gebied, wat kragtens paragraaf (b) van sub-artikel (1) van artikel *ses* op die Trust oorgegaan het, of grond bedoel in paragraaf (b), (c) of (d) van sub-artikel (2) van artikel *tien*, wat verkry is deur en oorgedra is aan die Trust of 'n naturel, daarin op te neem; of
 - (b) met goedkeuring van die Parlement by besluit van beide Huise genoemde Bylae wysig deur 'n verwysing na grond in bedoelde proklamasie omskryf, wat die eiendom is van die Trust of van 'n naturel, daaruit weg te laat of uit grond daarin vermeld wat die eiendom is van die Trust of van 'n naturel, 'n aldus omskrewe gedeelte weg te neem: Met dien verstande dat—
 - (i) grond op 'n dergelike wyse omskryf en van minstens 'n gelyke veeteelt- of landbouwaarde, wat grond is in paragraaf (b), (c) of (d) van sub-artikel (2) van artikel *tien* bedoel, deur bedoelde proklamasie in 'n afgesonderde natu-
relle gebied in die betrokke provinsie opgeneem word;
 - (ii) indien die grond waarop die weglating betrekking het, of wat aldus weggenom is grond is waarvan die Trust die eienaar is, daardie grond Kroongrond word, en die aldus opgenome grond deur die Goewerneur-generaal deur toekenningsakte aan die Trust oorgedra word; en

Wysiging van artikel 2 van Wet 18 van 1936.

Vervanging van artikel 3 van Wet 18 van 1936 deur nuwe artikel.

(iii) land which is included in a scheduled native area under this paragraph shall not be taken into account in computing for the purposes of sub-section (1) of section *ten* the extent of land acquired by the Trust". 5

Amendment of section 6 of Act 18 of 1936.

3. Section *six* of the principal Act is hereby amended by the substitution for paragraph (b) of sub-section (2) and the proviso thereto of the following paragraph :

" (b) which is legally held under the provisions of any law relating to land settlement at the commencement of this Act, for so long as it continues to be so held : 10
Provided that any land which at the commencement of this Act is so held, shall not vest in the Trust merely by reason that it is no longer so held, if the Minister of Lands certifies that it is required for allotment 15
under any provision of any law relating to land settlement other than section *sixteen* of the Land Settlement Act, 1912 (Act No. 12 of 1912), as amended".

Amendment of section 9 of Act 18 of 1936 as amended by section 27 of Act 17 of 1938.

4. Section *nine* of the principal Act is hereby amended by the substitution in sub-section (2) for the words " area for which 20
a board has been appointed under section *seven* " of the word " province ".

Amendment of section 10 of Act 18 of 1936.

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

(a) by the addition at the end of sub-section (1) of the following proviso : 25

" Provided that if in any province land is expropriated under sub-section (2) of section *thirteen*, or reverts to the Crown under paragraph (b) of sub-section (2) of section *seventeen* the number of morgen which may be so acquired in that province shall be increased 30
by the number of morgen comprised in the land which has been so expropriated or has so reverted " ;
and

(b) by the insertion in paragraph (b) of sub-section (3) after the word " natives " of the words " from per- 35
sons other than natives ".

Amendment of section 12 of Act 18 of 1936.

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

(a) by the insertion in paragraph (a) of sub-section (1), after the word " held " where it occurs for the first time of the words " under registered title " ; and 40

(b) by the insertion in paragraph (b) of the said sub-section after the word " held " of the words " under registered title ".

Amendment of section 13 of Act 18 of 1936.

7. Section *thirteen* of the principal Act is hereby amended—

(a) by the deletion in sub-section (2) of all the words 45
after the word " owner " ;

(b) by the addition at the end of the said sub-section of the following proviso :

" Provided that in the case of any farm or other piece of land of which one person is the registered owner, the Governor-General shall not, except with the consent of that person, expropriate a part only of that farm or piece of land " ; and 50

(c) by the addition at the end of the section of the following new sub-sections : 55

" (7) If any native whose land has been expropriated under sub-section (2), applies to the Trustee within a period of three months after the date of the expropriation, for the purchase in a scheduled native area or a released area of land of a pastoral or agri- 60
cultural value stated in the application, but not exceeding the amount of compensation agreed upon or determined under this section in respect of the land so expropriated, the Trustee shall offer for sale to such native— 65

(a) at a price equal to the value so stated ;

(b) upon conditions of tenure similar in so far as may be practicable to the conditions of tenure subject to which such native held the land so expropriated ; and 70

(c) upon such other conditions as the Trustee may deem expedient,

such land in any such area as the Trustee may consider to be of the said value, and as the Trustee may determine. 75

- (iii) grond wat kragtens hierdie paragraaf in 'n afgesonderde natuurellegebied opgeneem word, by die berekening vir die doeleindes van sub-artikel (1) van artikel *tien* van die grootte van grond deur die Trust besit, buite rekening gelaat word".
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3. Artikel *ses* van die Hoofwet word hiermee gewysig deur Wysiging van paragraaf (b) van sub-artikel (2) en die voorbehoudsbepaling artikel 6 van daarvan deur die volgende paragraaf te vervang: Wet 18 van 1936.
- 10 „(b) wat by die inwerkingtreding van hierdie Wet wettig ingevolge die bepalings van 'n wet op nedersetting besit word, solank dit aldus bly besit word: Met dien verstande dat grond wat by die inwerkingtreding van hierdie Wet aldus besit word nie op die Trust oorgaan
- 15 nie slegs omrede dat dit nie meer aldus besit word nie, as die Minister van Lande sertifiseer dat dit benodig word vir toewysing kragtens een of ander bepaling van 'n wet op nedersetting, uitgesonderd artikel *sestien* van die Kroongrond Nederzetting Wet 1912' (Wet No. 12 van 1912), soos gewysig."
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4. Artikel *nege* van die Hoofwet word hiermee gewysig deur Wysiging van in sub-artikel (2) die woorde „gebied waarvoor 'n raad kragtens artikel 9 van artikel *sewe* aangestel is" deur die woord „provinsie" te vervang. Wet 18 van 1936 soos gewysig deur artikel 27 van Wet 17 van 1938.
5. Artikel *tien* van die Hoofwet word hiermee gewysig— Wysiging van artikel 10 van Wet 18 van 1936.
- 25 (a) deur die volgende voorbehoudsbepaling aan die end van sub-artikel (1) by te voeg:
- „Met dien verstande dat indien in enige provinsie grond kragtens sub-artikel (2) van artikel *dertien* onteien word, of kragtens paragraaf (b) van sub-artikel (2) van artikel *sewentien* aan die Kroon terugval, die aantal morge wat aldus in daardie provinsie verkry kan word, vermeerder word met die aantal morge wat aldus onteien is of aan die Kroon teruggeval het beslaan"; en
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- (b) deur in paragraaf (b) van sub-artikel (3) die woorde „van ander persone as naturelle" na die woord „*sewentien*" in te voeg.
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6. Artikel *twaalf* van die Hoofwet word hiermee gewysig— Wysiging van artikel 12 van Wet 18 van 1936.
- 40 (a) deur in paragraaf (a) van sub-artikel (1) die woorde „kragtens geregistreerde titel" na die woord „grond" waar dit vir die derde maal voorkom, in te voeg; en
- (b) deur in paragraaf (b) van genoemde sub-artikel die woorde „kragtens geregistreerde titel" na die woord „grond" waar dit vir die derde maal voorkom, in te voeg.
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7. Artikel *dertien* van die Hoofwet word hiermee gewysig— Wysiging van artikel 13 van Wet 18 van 1936.
- (a) deur in sub-artikel (2) alle woorde na die woord „onteien" te skrap;
- (b) deur aan die end van genoemde sub-artikel die volgende voorbehoudsbepaling by te voeg:
- 50 „Met dien verstande dat in die geval van 'n plaas of ander stuk grond waarvan een enkele persoon die geregistreerde eienaar is, die Goewerneur-generaal nie sonder toestemming van daardie persoon 'n deel alleen van daardie plaas of stuk grond onteien nie"; en
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- (c) deur die volgende nuwe sub-artikels aan die end van die artikel by te voeg:
- „(7) Indien 'n naturel wie se grond kragtens sub-artikel (2) onteien is, binne 'n tydperk van drie maande na die onteiening by die Trustee aansoek doen vir die koop in 'n afgesonderde natuurellegebied of 'n oopgestelde gebied van grond van 'n veeteelt- of landbouwaarde in die aansoek vermeld maar die bedrag van die vergoeding waarop ooreengekom is of wat bepaal is kragtens hierdie artikel ten opsigte van die aldus onteierende grond, nie te bowe gaande nie, moet die Trustee aan bedoelde naturel—
- 60 (a) teen 'n prys gelyk aan die aldus vermelde waarde;
- (b) op besitsvoorwaardes wat sover doenlik soortgelyk is aan die besitsvoorwaardes waaronder bedoelde naturel die aldus onteierende grond besit het; en
- 65 (c) op sodanige ander voorwaardes as wat die Trustee raadsaam mag ag,
- 70 grond wat die Trustee beskou van genoemde waarde te wees, en wat die Trustee mag bepaal, in so 'n gebied te koop aanbied.
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(8) Whenever any land has been expropriated under sub-section (1) or (2) the Minister shall lay upon the Table of both Houses of Parliament within six weeks after the expropriation, if Parliament is then in session, or if Parliament is not then in session, within six 5 weeks after its next ensuing session, a report containing full particulars in connection with such expropriation”.

Amendment of section 18 of Act 18 of 1936.

8. Section *eighteen* of the principal Act is hereby amended by the addition at the end of sub-section (4) of the following words: 10

“ Provided further that if any person is, at the commencement of this Act, the holder of a certificate of occupation for trading purposes issued in respect of any area of land in the Transkeian Territories, which is vested in the Trust in terms of sub-section (1) of section *six*, a grant to such 15 person, for trading purposes, of the said area of land or any part thereof, may be made without the said consent.”

Amendment of section 19 of Act 18 of 1936.

9. Section *nineteen* of the principal Act is hereby amended by the addition of the following proviso at the end thereof :

“ Provided that the Trustee may from time to time pay 20 out of the fund to any divisional council, road board or other body charged by law with the building and maintenance of public roads at the end of the financial year of such council, board or other body such an amount as he may determine, in lieu of the amount which would, 25 but for the provisions of this section, have become payable to such council, board or other body by the Trust during that financial year ”.

Insertion of new section 31*bis* in Act 18 of 1936.

10. The following new section is hereby inserted after section *thirty-one* of the principal Act : 30

“Certain Natives deemed to be labour tenants.

31*bis*. Any native male adult residing upon land owned by any society registered under the Co-operative Societies Act, 1922, and approved by the Minister for the purposes of this section under a contract with the society, entered into in writing 35 in the presence of a native commissioner, in terms of which such native or any member of his family dependent upon him is obliged to render services for such period in a calendar year as may have been fixed under paragraph (v) of sub-section (1) 40 of section *forty-eight* in respect of the district or area in which the land is situate, to the society in any business carried on by the society upon any other land held by it, or to any member of the society in or about farming operations carried on 45 by such member on any land held by him, shall for the purposes of this Chapter be deemed to be a labour tenant of such society, and the provisions of this Chapter relating to labour tenants, except section *thirty-one*, shall *mutatis mutandis* apply with 50 reference to such native: Provided that in determining under section *twenty-nine* the number of labour tenants in respect of land owned by such society, the board shall have regard to the number of labour tenants actually and *bona fide* required by 55 the society in any business so carried on by the society, and to the aggregate number of labour tenants so required by members of the society in or about farming operations carried on by such members on land held by them ”. 60

Short title and commencement of Act.

11. This Act shall be called the Native Trust and Land Amendment Act, 1939, and shall come into operation on a date to be fixed by the Governor-General by proclamation in the *Gazette*.

- (8) Wanneer grond kragtens sub-artikel (1) of (2) onteien is, lê die Minister binne ses weke van die onteiening, indien die Parlement dan in sitting is, of indien die Parlement nie dan in sitting is nie, binne ses weke na die aanvang van sy eersvolgende sessie, in albei Huise van die Parlement 'n rapport ter Tafel wat volledige besonderhede betreffende die onteiening bevat."
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- 10 8. Artikel *agtien* van die Hoofwet word hierby gewysig deur Wysiging van artikel 18 van Wet 18 van 1936.
- volgende woorde :
- „Met dien verstande voorts dat indien enige persoon by die inwerkingtreding van hierdie Wet die houer is van 'n sertifikaat van bewoning vir handelsdoeleindes, uitgereik ten opsigte van 'n stuk grond in die Transkei-gebied wat ingevolge sub-artikel (1) van artikel *ses* op die Trust oorgaan, 'n toekenning aan daardie persoon vir handelsdoeleindes van genoemde stuk grond of 'n deel daarvan sonder genoemde toestemming gedoen kan word."
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- 20 9. Artikel *negentien* van die Hoofwet word hiermee gewysig deur die volgende voorbehoudsbepaling aan die end daarvan by te voeg :
- Wysiging van artikel 19 van Wet 18 van 1936.
- „Met dien verstande dat die Trustee van tyd tot tyd aan 'n afdelingsraad, padraad of ander liggaam wat wettig met die aanlê en in stand hou van openbare paaie belas is by die end van die boekjaar van die raad, of ander liggaam, sodanige bedrag as wat hy mag bepaal uit die fonds kan betaal in die plek van die bedrag wat, as dit nie was vir die bepalings van hierdie artikel nie, aan bedoelde raad of ander liggaam gedurende daardie boekjaar deur die Trust betaalbaar sou geword het."
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10. Die volgende nuwe artikel word hiermee na artikel *een-en-dertig* van die Hoofwet ingevoeg :
- Invoeging van nuwe artikel 31bis in Wet 18 van 1936.
- 35 "Sekere natuurlike geag plakker-diensbodes te wees.
- 31bis. 'n Volwasse manlike naturel wat op grond waarvan 'n kragtens die „Wet op Koöperatiewe Verenigings", 1922, geregistreerde vereniging, deur die Minister vir die doeleindes van hierdie artikel goedgekeur, eienaar is, woon ingevolge 'n kontrak met die vereniging, skriftelik in teenwoordigheid van 'n naturellekommissaris aangegaan, waarvolgens daardie naturel of 'n familielid van hom afhanklik, verplig is om vir sodanige tydperk in 'n kalenderjaar as wat kragtens paragraaf (v) van sub-artikel (1) van artikel *agten-veertig* ten opsigte van die distrik of gebied waarin die grond geleë is, vasgestel mag wees, dienste te lewer aan die vereniging by 'n besigheid deur die vereniging beoefen op ander grond wat hy besit, of aan 'n lid van die vereniging by of in verband met boerdery deur daardie lid voortgesit op grond wat hy besit, word by die toepassing van hierdie Hoofstuk geag 'n plakker-diensbode van bedoelde vereniging te wees, en die bepalings van hierdie Hoofstuk betreffende plakker-diensbodes, behalwe artikel *een-en-dertig*, is *mutatis mutandis* van toepassing met betrekking tot so 'n naturel : Met dien verstande dat die raad, by die vasstelling kragtens artikel *negen-en-twintig* van die aantal plakker-diensbodes ten aansien van grond waarvan die vereniging eienaar is, in aanmerking moet neem die aantal plakker-diensbodes wat werklik en *bona fide* deur die vereniging benodig word by enige besigheid aldus deur die vereniging beoefen, en die totale aantal plakker-diensbodes wat aldus deur lede van die vereniging benodig word vir of in verband met boerdery deur bedoelde lede voortgesit op grond wat hul besit."
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11. Hierdie Wet heet die Wet tot Wysiging van die Naturelle-trust en -grond Wet, 1939, en tree in werking op 'n datum wat deur die Goewerneur-generaal by proklamasie in die *Staatskoerant* bepaal moet word.
- Kort titel en inwerking-treding van Wet.
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No. 19, 1939.]

ACT

To provide for the incorporation of the South-West Africa Police in the South African Police and for other matters incidental thereto.*(Signed by the Governor-General in English.)**(Assented to 6th May, 1939.)*

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 :—

Incorporation of South-West Africa Police in South African Police.

1. The police force entitled the South-West Africa Police, established by the Administration of Justice Proclamation, 1919 (Proclamation No. 21 of 1919), and the Police Proclamation, 1921 (Proclamation No. 56 of 1921), signed by the Administrator of the mandated territory of South-West Africa on the twelfth day of December, 1919, and the first day of December, 1921, respectively, as amended, shall, as from a date to be fixed by the Governor-General by proclamation in the *Gazette*, be incorporated in the South African Police; and, subject to the provisions of section *four* of the Police Act, 1912 (Act No. 14 of 1912), as applied to those persons who by reason of the provisions of this section become members of the South African Police, the provisions of the said proclamations, and of any amendment thereof shall, as from the date so fixed, cease to apply to those persons.

Members of South African Police may exercise powers entrusted to police by laws of mandated territory.

2. The provisions of any law in force in the mandated territory of South-West Africa whereby any function is entrusted to, or any power is conferred upon, or any duty is imposed upon members of the South-West Africa Police shall apply in respect of members of the South African Police employed in the said territory.

Contribution from South-West Africa revenue towards cost of police.

3. There shall be paid from the revenue fund of the mandated territory of South-West Africa to the Consolidated Revenue Fund, in respect of the expenditure incurred in connection with the employment of the South African Police in the said territory, the sum of one hundred and fourteen thousand pounds in every year.

Amendment of section 7 of Act 14 of 1912, as amended by section 391 of Act 31 of 1917.

4. Sub-section (3) of section *seven* of the Police Act, 1912, as amended, is hereby amended by the addition at the end thereof of the words "or in the mandated territory of South-West Africa".

Amendment of section 8 of Act 14 of 1912.

5. Section *eight* of the Police Act, 1912, is hereby amended by the insertion after the word "Union", where that word first occurs, of the words "(including the mandated territory of South-West Africa)".

This Act and Act 14 of 1912 to be in force in mandated territory and Walvis Bay.

6. This Act and the Police Act, 1912, and the regulations made thereunder, shall be in force in and apply to the mandated territory of South-West Africa and the port and settlement of Walvis bay.

Short title.

7. This Act shall be called the Police (South-West Africa) Act, 1939, and shall be deemed to have come into operation on the seventeenth day of April, 1939.

No. 19, 1939.]

WET

Om voorsiening te maak vir die inlywing van die Suidwes-Afrika-Polisie by die Suid-Afrikaanse Polisie en vir ander desbetreffende aangeleenthede.*(Deur die Goewerneur-generaal in Engels geteken.)
(Goedgekeur op 6 Mei 1939.)*

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

1. Die polisiemag wat die Suidwes-Afrika-Polisie heet en
5 ingestel is deur die „Rechtsbedeeling Proclamatie, 1919” (Proklamasie No. 21 van 1919), en die „Politie Proclamatie, 1921” (Proklamasie No. 56 van 1921), onderteken deur die administrateur van die mandaatgebied Suidwes-Afrika op die twaalfde dag van Desember 1919 en die eerste dag van
10 Desember 1921 onderskeidelik, soos gewysig, word vanaf ’n deur die Goewerneur-generaal by proklamasie in die *Staatskoerant* te bepale datum, by die Suid-Afrikaanse Polisie ingelyf; en, behoudens die bepalings van artikel vier van die „Politiewet, 1912” (Wet No. 14 van 1912), soos toegepas op die persone
15 wat uit hoofde van die bepalings van hierdie artikel lede van die Suid-Afrikaanse Polisie word, tree vanaf die aldus bepaalde datum die bepalings van gemelde proklamasies, en van enige wysiging daarvan, ten aansien van dié persone buite werking.
2. Die bepalings van enige wet van krag in die mandaat-
20 gebied Suidwes-Afrika waarby enige funksie toevertrou of enige bevoegdheid verleen of enige plig opgedra word aan lede van die Suidwes-Afrika-Polisie, geld ten opsigte van lede van die Suid-Afrikaanse Polisie wat in gemelde gebied diens doen.
3. Die bedrag van honderd-en-veertien duisend pond word
25 elke jaar uit die inkomstefonds van die mandaatgebied Suidwes-Afrika in die Gekonsolideerde Inkomstefonds gestort ten opsigte van die koste aangegaan in verband met die gebruik van die Suid-Afrikaanse Polisie in gemelde gebied.
4. Sub-artikel (3) van artikel *sewe* van die „Politiewet,
30 1912”, soos gewysig, word hiermee gewysig deur aan die end daarvan die woorde „of in het mandaatgebied Zuidwest-Afrika” by te voeg.
5. Artikel *agt* van die „Politiewet, 1912”, word hiermee
35 gewysig deur na die woord „Unie”, waar dit die eerste maal voorkom, die woorde „(met inbegrip van het mandaatgebied Zuidwest-Afrika)” in te voeg.
6. Hierdie Wet en die „Politiewet, 1912”, en die daar-
40 kragtens gemaakte regulasies, is van krag in en van toepassing op die mandaatgebied Suidwes-Afrika en die hawe en neder-setting Walvisbaai.
7. Hierdie Wet heet die Polisie (Suidwes-Afrika) Wet,
1939, en word geag in werking te getree het op die sewentiende dag van April 1939.

Inlywing van
Suidwes-Afrika-
Polisie by Suid-
Afrikaanse
Polisie.Lede van Suid-
Afrikaanse
Polisie kan
bevoegdhede uit-
oefen wat aan
polisie kragtens
wette van
mandaatgebied
verleen word.Bydrae uit
Suidwes-Afrika-
inkomste tot
koste van
polisie.Wysiging van
artikel 7 van Wet
14 van 1912 soos
gewysig deur
artikel 391 van
Wet 31 van 1917.Wysiging van
artikel 8 van Wet
14 van 1912.Hierdie Wet en
Wet 14 van 1912
van krag in
mandaatgebied
en Walvisbaai.

Kort titel.

No. 20, 1939.]

ACT

To establish an electrical wiremen's registration board, to make provision for the registration of electrical wiremen, to provide for the control of the licensing and registration of electrical contractors and for matters incidental thereto.

*(Signed by the Governor-General in Afrikaans.)
(Assented to 8th May, 1939.)*

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, unless inconsistent with the context—
 - “apprentice” means— 5
 - (a) a person bound under a contract of apprenticeship in a trade comprising the work of a wireman in accordance with the Apprenticeship Act, 1922, as amended; or
 - (b) in any area in which a trade comprising the work 10 of a wireman has not been designated under the said Act, a person bound under a contract of apprenticeship in such trade approved by the inspector of apprenticeship appointed under section *three* of the said Act; 15
 - “area” includes any number of areas whether or not contiguous;
 - “board” means the Electrical Wiremen's Registration Board established by section *two*;
 - “by-law” means any by-law or regulation made by the 20 electricity supply commission established under section *one* of the Electricity Act, 1922, or a local authority, relating to wiring work or to electric wires connecting any premises to the distribution lines of such commission or authority; 25
 - “certificate” means a registration certificate issued under sub-section (2) of section *eleven* or a provisional registration certificate issued under section *thirteen*, as the case may be;
 - “contractor” means any person who undertakes, or holds 30 himself out, whether generally or to any specific person, as being prepared to undertake, the carrying out, otherwise than as an employee, of any wiring work for or on behalf of any person;
 - “improver” means a person who— 35
 - (a) has completed the period of his apprenticeship under such a contract as is mentioned in the definition of “apprentice”; and
 - (b) has sat for, but failed to pass, the prescribed 40 examinations; and
 - (c) has not been registered as a wireman under this Act;
 - “Minister” means the Minister of Labour or any other Minister of State acting in his stead, or any other Minister of State to whom the Governor-General may 45 from time to time assign the administration of this Act;
 - “officer” means a person on the fixed establishment of the public service;
 - “prescribed” means prescribed under this Act or by 50 regulation made thereunder;
 - “registered” means registered in accordance with the provisions of this Act;
 - “supplier” means the electricity supply commission established under section *one* of the Electricity Act, 55 1922, or any local authority or other person who supplies or contracts or agrees to supply electricity;
 - “this Act” includes any regulation made thereunder;
 - “wireman” means any person who does wiring work in 60 person;
 - “wiring work” means the installation, alteration, repair or testing of any wire, fitting or apparatus in or

No. 20. 1939.]

WET

Tot instelling van 'n registrasieraad vir elektrotegniese draadwerkers, om voorsiening te maak vir die registrasie van elektrotegniese draadwerkers en vir beheer oor die verlening van lisensies aan en registrasie van aannemers in die elektrotegniese bedryf, en vir aangeleenthede wat daarmee in verband staan.

(Deur die Goewerneur-generaal in Afrikaans geteken.)
(Goedgekeur op 8 Mei 1939.)

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, tensy uit die samehang anders blyk, 5 beteken—

„leerling”—

(a) 'n persoon wat ooreenkomstig die „Vakleerlingen Wet”, 1922, soos gewysig, deur 'n leerlings-kontrak in 'n bedryf wat draadwerk omvat gebind is; of

(b) in 'n gebied waarin 'n bedryf wat draadwerk omvat nie kragtens gemelde Wet aangewys is nie, 'n persoon wat gebind is deur 'n leerlings-kontrak in bedoelde bedryf wat goedgekeur is deur die inspekteur van vakleerlinge aangestel kragtens artikel drie van gemelde Wet;

„gebied” ook 'n aantal gebiede, onverskillig of hul aangrensend is of nie;

„raad” die Registrasieraad vir Elektrotegniese Draadwerkers by artikel twee ingestel;

„bywet” 'n bywet of regulasie, uitgevaardig deur die elektrisiteitsvoorsieningskommissie kragtens artikel een van die „Elektrisiteit Wet”, 1922, ingestel, of 'n plaaslike bestuur, wat betrekking het op draadwerk of op elektriese drade wat 'n perseel met die verdelingsdrade van bedoelde kommissie of bestuur verbind;

„sertifikaat” 'n registrasiesertifikaat kragtens sub-artikel (2) van artikel elf uitgereik of 'n voorlopige registrasiesertifikaat kragtens artikel dertien uitgereik, na gelang van die geval;

„aannemer” iemand wat onderneem of, hetsy in die algemeen of aan 'n bepaalde persoon, voorgee dat hy bereid is om te onderneem om anders as werknemer draadwerk vir of namens enig iemand uit te voer;

„verbeterleerling” iemand wat—

(a) sy leerlingstyd ingevolge 'n in die woordomskrywing van „leerling” bedoelde kontrak uitgedien het; en

(b) die voorgeskrewe eksamens gedoen het maar nie geslaag het nie; en

(c) nie ingevolge hierdie Wet as draadwerker geregistreer is nie;

„Minister” die Minister van Arbeid of 'n ander Staatsminister wat namens hom optree, of 'n ander Staatsminister aan wie die Goewerneur-generaal van tyd tot tyd die uitvoering van hierdie Wet mag opdra;

„amptenaar” iemand op die vaste diensstaat van die staatsdiens;

„voorgeskryf”, voorgeskryf kragtens hierdie Wet of by regulasie uit kragte daarvan uitgevaardig;

„geregistreer”, geregistreer ooreenkomstig die bepalings van hierdie Wet;

„voorsiener”, die elektrisiteitsvoorsieningskommissie kragtens artikel een van die „Elektrisiteit Wet”, 1922, ingestel, of 'n plaaslike bestuur of ander persoon wat elektrisiteit lewer of hom verbind of instem om elektrisiteit te lewer;

„hierdie Wet”, ook enige regulasie wat uit kragte daarvan uitgevaardig word;

„draadwerker”, iemand wat persoonlik draadwerk doen;

„draadwerk”, die aanlê, verandering, reparasie of toets van enige draad, onderdeel of apparaat in of verbonde

Woord-
omskrywing.

- connected to any building and used or intended to be used for purposes incidental to the supply of electricity from a distribution line of any supplier to a point of consumption in or connected to such building, but does not include any such work on— 5
- (a) any transmission, distribution or service line or service apparatus of the supplier ;
 - (b) any wires, fittings or apparatus which are placed in, or on or over any premises owned or occupied by a supplier ; 10
 - (c) any wire or fittings for the supply of current to any electrical appliance from a point of outlet at which the fixed wiring in or upon any premises terminates ;
 - (d) any wires, fittings or apparatus connected or intended to be connected to a supply system the pressure of which is normally less than one hundred and ten volts ; 15
 - (e) any wires, fittings or apparatus which constitute machinery as defined in section *two* of the Mines and Works Act, 1911, as amended ; or 20
 - (f) any fuse-wire, or any cutting of holes or chases in floors and walls or work of a similar nature. 25

Establishing
of Electrical
Wiremen's
Registration
Board.

2. There is hereby established a body to be known as the Electrical Wiremen's Registration Board, which shall be a body corporate capable of suing and being sued in its corporate name and of performing all such acts as are necessary for or incidental to the carrying out of its functions and powers under this Act. 30

Members of
board.

3. (1) The board shall consist of the chief inspector of factories appointed under sub-section (1) of section *four* of the Factories Act, 1918 (or any person acting in his stead) and five members appointed by the Minister, of whom—

- (a) one shall be a municipal electrical engineer and a member of the South African Institute of Electrical Engineers ; 35
- (b) one shall be a person selected by the Minister for his administrative experience and (if the Minister deems it expedient) for his knowledge of and practical experience in electrical technique ; 40
- (c) one shall represent contractors and be appointed on the recommendation of the employers' organization, registered or deemed to have been registered under the Industrial Conciliation Act, 1937, or group of two or more such organizations, determined by the Minister ; and 45
- (d) two shall represent wiremen and be appointed on the recommendation of the trade union, registered or deemed to have been registered under the last-mentioned Act, or group of two or more such trade unions, determined by the Minister. 50

(2) Any group of two or more employers' organizations or trade unions, who are to make a recommendation in terms of paragraph (c) or (d) of sub-section (1) shall, in connection with the making of such recommendation, follow such procedure as the Minister may determine. 55

(3) Appointed members shall hold office for a term of three years and upon such conditions as to remuneration or otherwise as the Minister may determine at the time of appointment. 60

(4) The Minister may, for any period during which any appointed member is for any reason unable to perform his duties, appoint in accordance with the relative provisions of sub-section (1), any other person to act in the place of such member. 65

Disqualification,
vacation and
removal from
office.

4. (1) No person shall be appointed a member of the board if he—

- (a) is an unrehabilitated insolvent ; or
- (b) has been convicted of an offence and sentenced to imprisonment without the option of a fine ; or 70
- (c) is disqualified under the provisions of this Act from carrying on his trade or occupation.

(2) An appointed member of the board shall vacate his office if—

- (a) he becomes subject to a disqualification referred to in sub-section (1) ; or 75
- (b) in the case of a member referred to in paragraph (a) of sub-section (1) of section *three*, he ceases to be a member of the South African Institute of Electrical Engineers ; or 80

- met 'n gebou en gebruik of bestem vir gebruik vir doeleindes wat in verband staan met die lewering van elektrisiteit uit 'n verdelingsdraad van 'n voorsiener tot by 'n verbruikspunt in of verbonde met die gebou, maar omvat geen sodanige werk aan—
- 5 (a) 'n transmissie-, verdelings- of diensdraad of diensapparaat van die voorsiener;
- (b) drade, onderdele of apparaat wat in of op of oor 'n perseel waarvan 'n voorsiener eienaar is of wat hy okkupeer geplaas is;
- 10 (c) 'n draad of onderdeel vir die leiding van elektriese stroom na 'n elektriese toestel vanaf 'n uitleidingspunt waarby die vaste draadwerk in of op 'n perseel eindig;
- 15 (d) drade, onderdele of apparaat verbind of bestem vir verbinding met 'n toevoerstelsel waarvan die spanning normaal minder as honderd-en-tien volt is;
- (e) drade, onderdele of apparaat wat inbegryp word by masjinerie soos omskryf in artikel twee van die „Mijnen en Bedrijven Wet”, 1911, soos gewysig; of
- 20 (f) smeltdrade, of die uitsny van gate of groewe in vloere en mure of werk van 'n soortgelyke aard.
- 25 2. Daar word hierby 'n liggaam ingestel met die naam van die Registrasieraad vir Elektrotegniese Draadwerkers, met regspersoonlikheid bekleed, wat as eiser en verweerder in sy naam as regspersoon in regte kan optree en wat alle sodanige handelings kan verrig as wat nodig is vir of in verband staan met die uitvoering van sy werksaamhede en bevoegdhede ingevolge hierdie Wet.
- 30 3. (1) Die raad bestaan uit die hoofinspekteur van fabriekse aangestel kragtens sub-artikel (1) van artikel vier van die „Fabrieken Wet”, 1918 (of iemand wat namens hom optree), en vyf lede deur die Minister aangestel, van wie—
- (a) een 'n munisipale elektrotegniese ingenieur en lid van die „South African Institute of Electrical Engineers” is;
- 40 (b) een 'n persoon is deur die Minister uitgekies weens sy administratiewe ondervinding en (indien die Minister dit wenslik ag), weens sy kennis van en praktiese ondervinding in elektrotegniek;
- (c) een aannemers verteenwoordig en aangestel word op aanbeveling van die werkgewers-organisasie, geregistreer of geag geregistreer te wees ingevolge die Nywerheidsversoeningswet, 1937, of groep van twee of meer sulke organisasies, deur die Minister bepaal; en
- 45 (d) twee draadwerkers verteenwoordig en aangestel word op aanbeveling van die vakvereniging, geregistreer of geag geregistreer te wees ingevolge laasgenoemde Wet, of groep van twee of meer sulke vakverenigings, deur die Minister bepaal.
- 50 (2) 'n Groep van twee of meer werkgewersorganisasies of vakverenigings wat 'n aanbeveling kragtens paragraaf (c) of (d) van sub-artikel (1) moet doen, volg, in verband met die doen van die aanbeveling, sodanige prosedure as wat die Minister mag bepaal.
- 55 (3) Aangestelde lede bekleed hul amp vir 'n tydperk van drie jaar en op sodanige voorwaardes betreffende vergoeding of andersins as wat die Minister by die aanstelling mag bepaal.
- (4) Die Minister kan, vir 'n tydperk gedurende welke 'n aangestelde lid om een of ander rede nie sy pligte kan vervul nie, ooreenkomstig die toepaslike bepalings van sub-artikel 65 (1) iemand anders aanstel om in die plek van so 'n lid op te tree.
4. (1) Geen persoon word as lid van die raad benoem nie indien hy—
- 70 (a) 'n ongerehabiliteerde insolvent is; of
- (b) skuldig bevind is aan 'n misdryf en veroordeel is tot gevangenisstraf sonder keuse van 'n boete; of
- (c) ingevolge die bepalings van hierdie Wet onbevoeg is om sy bedryf of beroep uit te oefen.
- 75 (2) 'n Aangestelde lid van die raad ontruim sy amp indien hy—
- (a) onderhewig word aan 'n onbevoegdheid waarna in sub-artikel (1) verwys word; of
- 80 (b) in die geval van 'n lid in paragraaf (a) van sub-artikel (1) van artikel drie bedoel, ophou om lid te wees van die „South African Institute of Electrical Engineers”; of
- Instelling van Registrasieraad vir Elektrotegniese Draadwerkers.
- Lede van die raad.
- Onbevoegdheid, ontruiming van en ontslag uit amp.

	(c) he resigns his office by notice in writing to the board.	
	(3) The Minister may remove from his office any appointed member who—	
	(a) has not complied with the conditions of his appointment; or	5
	(b) in the opinion of the Minister has been guilty of improper conduct or is incapable of efficiently performing his duties; or	
	(c) has been absent, without the permission of the chairman, from three consecutive meetings of the board.	10
Chairman, meetings and quorum.	(4) Every vacancy caused by the death of an appointed member or by his vacation of or removal from office under sub-section (2) or (3), shall be filled by the appointment, in accordance with the relative provisions of sub-section (1) of section <i>three</i> of another member, who shall hold office for the unexpired portion of the period for which the member, whose office has become vacant, had been appointed.	15
	5. (1) The Minister shall designate one of the members of the board to be the chairman thereof for such a period as he may determine.	20
	(2) The meetings of the board shall be convened by notice given by the chairman of the board.	
	(3) Three members shall form a quorum at any meeting of the board.	
	(4) If the chairman is absent from any meeting, the members present shall elect one of their number to preside at that meeting and the person so elected shall during the absence from that meeting of the chairman, exercise all the functions of the chairman.	25
	(5) The decision of the majority of the members present at any meeting of the board 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.	30
Executive and other committees.	6. The board may appoint from its members an executive committee and such other committees as it may deem expedient, and may delegate to any such committee such of its functions as it may from time to time determine and cancel any such delegation, but no decision of any such committee to cause any name to be removed from or restored to the register, or to suspend any certificate, or to cause any endorsement to be made in the register under section <i>fourteen</i> , or to make any order under sub-section (6) of section <i>nineteen</i> , shall be of any force or effect until confirmed by the board.	35 40
Validity of boards' decisions and acts.	7. No decision or act of the board or act done under the authority of the board, shall be invalid by reason only of the fact that the board did not consist of the full number of members for which provision is made in section <i>three</i> , or by reason only of the fact that a disqualified person sat or acted as a member of the board at the time such decision or act was taken, done or authorized.	45 50
Staff of the board.	8. (1) The Minister may assign to the board such officers in his Department as may be necessary to enable the board to exercise its powers and carry out its functions.	
	(2) An officer so assigned shall be designated by the Minister as secretary of the board.	55
Register of wiremen.	9. (1) The board shall keep a register in which shall be entered the names, addresses, qualifications, dates of first registration thereof, and such other particulars relating to wiremen who are entitled to registration, as may be prescribed.	60
	(2) Provisional registrations under section <i>thirteen</i> shall be separately recorded in such register.	
Board may hold examina- tions and deter- mine diplomas and certificates.	10. (1) The board may hold examinations for wiremen and determine which diplomas or certificates granted after examination by the board, a college, school or other examining authority, are necessary to qualify any person for registration as a wireman under this Act.	65
	(2) The subjects to be studied for examinations held by the board under sub-section (1) shall be determined by the board from time to time, subject to the approval of the Minister.	70
Application for regis- tration.	11. (1) Any person who desires to be registered as a wireman shall make written application to the board in the prescribed form, for registration, and submit to the board proof of the facts upon which he relies: Provided that any person who relies upon the qualification referred to in paragraph (e) of sub-section (1) of section <i>twelve</i> shall apply to the board for registration within nine months after the date of commencement of this Act.	75 80

- (c) sy amp bedank deur skriftelike kennisgewing aan die raad.
- (3) Die Minister kan 'n aangestelde lid uit sy amp ontslaan wat—
- 5 (a) nie aan die voorwaardes van sy aanstelling voldoen het nie; of
- (b) na die mening van die Minister hom skuldig gemaak het aan onbetaamlike gedrag of nie in staat is om sy pligte op doeltreffende wyse te vervul nie; of
- 10 (c) sonder verlof van die voorsitter afwesig was van drie agtereenvolgende vergaderings van die raad.
- (4) Iedere vakature veroorsaak deur die dood van 'n aangestelde lid of deur sy ontruiming van of ontslag uit sy amp ingevolge sub-artikel (2) of (3), word aangevul deur die aanstelling, ooreenkomstig die toepaslike bepalings van sub-artikel (1) van artikel *drie*, van 'n ander lid wat sy amp beklee vir die onverstreke gedeelte van die tydperk waarvoor die lid, van wie die amp vakant geword het, aangestel was.
- 20 5. (1) Die Minister wys een van die raadslede aan as voorsitter van die raad vir sodanige tydperk as wat hy mag bepaal.
- (2) Die vergaderings van die raad word belê by kennisgewing deur die voorsitter van die raad uitgereik.
- (3) Drie lede maak 'n kworum uit op 'n vergadering van die raad.
- 25 (4) By afwesigheid van die voorsitter van 'n vergadering kies die aanwesige lede een uit hul midde om op daardie vergadering te presideer, en tydens die afwesigheid van die voorsitter van daardie vergadering verrig die aldus gekose persoon al die werksaamhede van die voorsitter.
- 30 (5) Die beslissing van die meerderheid van die lede op 'n vergadering van die raad aanwesig, is die beslissing van die raad: Met dien verstande dat die voorsitter by 'n staking van stemme benewens sy beraadslagende stem ook 'n beslissende stem het.
- 35 6. Die raad kan uit sy lede 'n uitvoerende komitee en ander komitees wat hy dienstig ag, benoem, en kan aan so 'n komitee sodanige van sy werksaamhede as wat hy van tyd tot tyd mag bepaal, oordra, en so 'n oordrag intrek; maar totdat die raad dit bekrachtig, geld geen besluit van so 'n komitee om 'n naam
- 40 uit die register te laat skrap of op die register te laat herstel, of om 'n sertifikaat te skors of om 'n endossement ingevolge artikel *veertien* op die register te laat aanbring, of om 'n bevel kragtens sub-artikel (6) van artikel *neëntien* te gee.
7. Geen besluit of handeling van die raad of handeling verrig op gesag van die raad, is ongeldig slegs omdat die raad nie bestaan het uit die volle aantal lede waarvoor in artikel *drie* voorsiening gemaak word nie, of slegs omdat 'n onbevoegde persoon sitting gehad het of gehandel het as lid van die raad toe die besluit of handeling geneem, verrig of gemagtig is.
- 45 8. (1) Die Minister kan aan die raad sodanige amptenare in sy Departement toewys as wat nodig mag wees om die raad in staat te stel om sy bevoegdhede uit te oefen en sy werksaamhede te verrig.
- (2) Die Minister wys 'n aldus toegewese amptenaar aan as
- 55 sekretaris van die raad.
9. (1) Die raad hou 'n register waarin die name, adresse, kwalifikasies en datums van eerste registrasie daarvan ingeskryf word, asook sodanige ander besonderhede betreffende draadwerkers wat op registrasie geregtig is as wat voorgeskryf mag word.
- 60 (2) Voorlopige registrasies ingevolge artikel *dertien* word afsonderlik in die register te boek gestel.
10. (1) Die raad kan eksamens vir draadwerkers afneem en bepaal watter diplomas of sertifikate toegeken na eksamen deur die raad, 'n kollege, skool of ander eksaminerende liggaam, nodig is om iemand vir registrasie as 'n draadwerker ingevolge hierdie Wet te kwalifiseer.
- 65 (2) Die studievakke vir eksamens wat kragtens sub-artikel (1) deur die raad gehou word, moet van tyd tot tyd deur die raad vasgestel word, onderhewig aan die goedkeuring van die Minister.
11. (1) Iemand wat verlang om as draadwerker geregistreer te word, moet skriftelik in die voorgeskrewe vorm by die raad aansoek doen om registrasie, en aan die raad bewys
- 75 voorlê van die feite waarop hy sy aanspraak grond: Met dien verstande dat iemand wat sy aanspraak grond op die kwalifikasie waarna in paragraaf (c) van sub-artikel (1) van artikel *twaalf* verwys word, binne nege maande na die datum van die inwerkingtreding van hierdie Wet by die raad aansoek moet doen om registrasie.

Voorsitter,
vergaderings
en kworum.

Uitvoerende
en ander
komitees.

Geldigheid van
raad se
besluite en
handelings.

Personeel van
die raad.

Register van
draadwerkers.

Raad kan
eksamens
afneem en
diplomas en
sertifikate
bepaal.

Aansoek om
registrasie.

(2) If the board is satisfied that the applicant is entitled to registration, it shall, upon payment of the prescribed fee, cause the necessary entries to be made in the register, and a registration certificate in the prescribed form to be issued to the applicant.

Persons
entitled to
registration.

12. (1) Any person who satisfies the board—

- (a) that he is not less than twenty years of age; and
- (b) that he is of good character and conduct; and
- (c) that he is physically able to do or supervise the doing of wiring work efficiently; and
- (d) that he has had such training and practical experience as renders him competent to do wiring work; and either
- (e) that at the commencement of this Act he is the holder of a wireman's certificate or licence or of a document of registration as a wireman, issued by a supplier; or
- (f) that he has passed the prescribed examinations; or
- (g) that he is the holder of a diploma or certificate which according to a determination by the board under section *ten* qualifies him for registration,

shall be entitled to be registered under this Act.

(2) The board may, if special circumstances are shown to exist which justify the exemption of any person, exempt such person from the whole or any part of the prescribed examinations, and such person shall thereupon for the purposes of this section be deemed to have passed such examinations or any part thereof from which he has been exempted, as the case may be.

(3) Any decision of the board under this section shall be subject to an appeal to the Minister.

Provisional
certificates.

13. (1) The board may, upon written application being made to it in the prescribed form, grant to any person upon such conditions as it may determine, a provisional registration certificate in the prescribed form for a period not exceeding six months.

(2) Any such certificate may be renewed by the board for one further period of six months and may at any time be cancelled by the board for any reason deemed by the board to be sufficient.

(3) The holder of any such certificate shall during the currency thereof and subject to any conditions imposed by the board, be deemed to be registered under this Act.

Cancellation
of registration
and suspension
of certificate.

14. (1) If any person—

- (a) has been registered in error; or
- (b) is proved to the satisfaction of the board—
 - (i) to have died; or
 - (ii) to have become unable, by reason of physical disability, to do or supervise the doing of wiring work efficiently; or
 - (iii) to have been guilty of such negligence or inefficiency in the performance of his work, as to be unfit to continue to be registered under this Act; or
- (c) has two or more endorsements against his name in the register; or
- (d) has failed to comply with the provisions of sub-section (2) of section *seventeen*; or
- (e) notifies the board in terms of the said sub-section that he is no longer engaged in the calling of a wireman, whether or not he requests that his name be retained in the register,

the board may cause his name to be removed from the register, or may suspend, except in the case to which paragraph (a) or sub-paragraph (i) of paragraph (b) applies, any certificate held by him, for such a period as the board may determine, or cause, in a case to which sub-paragraph (iii) of paragraph (b), or paragraph (d) applies, a record of the relevant facts accepted by the board to be endorsed against his name in the register: Provided that the board shall, except in a case to which sub-paragraph (i) of paragraph (b) applies, or in a case referred to in paragraph (e) in which such person does not request that his name be retained in the register, give such person not less than fourteen days' notice in the prescribed form of the grounds upon which such removal, suspension or endorsement is contemplated, and shall consider any representations made or information or evidence submitted to it by such person within that period.

(2) The said notice shall be accompanied by a summary of all the relevant facts alleged against the wireman which have up to the date of the notice come to the knowledge of the board.

(2) Indien daarvan oortuig dat die applikant op registrasie geregtig is, laat die raad, by betaling van die voorgeskrewe gelde, die nodige inskrywings in die register doen en 'n registrasiesertifikaat in die voorgeskrewe vorm aan die applikant 5 uitreik.

12. (1) Iemand wat die raad daarvan oortuig—
- (a) dat hy minstens twintig jaar oud is; en
 - (b) dat hy van goeie karakter en gedrag is; en
 - (c) dat hy liggaamlik in staat is om doeltreffend draad- 10 werk te doen of toesig te hou oor die doen daarvan; en
 - (d) dat hy opleiding geniet en praktiese ondervinding opgedoen het wat hom bevoeg maak om draadwerk te doen; en òf
 - (e) dat hy by inwerkingtreding van hierdie Wet die houer 15 is van 'n draadwerkersertifikaat of -lisensie of van 'n geskrif waaruit registrasie as 'n draadwerker blyk, wat deur 'n voorsiener uitgereik is; òf
 - (f) dat hy in die voorgeskrewe eksamens geslaag het; 20 òf
 - (g) dat hy die houer is van 'n diploma of sertifikaat wat hom uit hoofde van 'n bepaling deur die raad kragtens artikel *tien*, vir registrasie kwalifiseer,

Persone wat op registrasie geregtig is.

is geregtig op registrasie ingevolge hierdie Wet.

25 (2) Indien buitengewone omstandighede bewys word wat vrystelling van enig iemand regverdig, kan die raad so iemand geheel of gedeeltelik van die voorgeskrewe eksamens vrystel, en daarop word so iemand vir die doeleindes van hierdie artikel geag in gemelde eksamens of die deel daarvan waarvan hy 30 vrygestel is, na gelang van die geval, te geslaag het.

(3) Enige besluit van die raad ingevolge hierdie artikel is onderhewig aan appèl na die Minister.

13. (1) Die raad kan, na skriftelike aansoek by hom in die voorgeskrewe vorm en op voorwaardes wat hy mag bepaal, 'n 35 voorlopige registrasiesertifikaat in die voorgeskrewe vorm vir 'n tydperk van hoogstens ses maande aan enige persoon uitreik.

(2) So 'n sertifikaat kan deur die raad vir een verdere termyn van ses maande hernu word en kan te eniger tyd deur die raad ingetrek word om enige rede wat die raad voldoende ag.

40 (3) Die houer van so 'n sertifikaat word, gedurende die geldigheid daarvan en onderhewig aan deur die raad opgelegde voorwaardes, geag ingevolge hierdie Wet geregistreer te wees.

14. (1) Indien—

- (a) iemand per abuis geregistreer is; of
- (b) bewys gelewer word wat die raad oortuig dat iemand— 45
 - (i) oorlede is; of
 - (ii) weens liggaamlike ongeskiktheid onbekwaam geword het om doeltreffend draadwerk te doen of toesig te hou oor die doen daarvan; of
 - (iii) hom skuldig gemaak het aan sulke nalatigheid of 50 onbekwaamheid by die verrigting van sy werk, dat hy ongeskik is om sy registrasie ingevolge hierdie Wet te behou; of
- (c) daar twee of meer endossemente teenoor iemand se naam in die register is; of
- (d) iemand versuim het om aan die bepalings van sub- 55 artikel (2) van artikel *sewentien* te voldoen; of
- (e) iemand aan die raad ooreenkomstig gemelde sub-artikel kennis gee dat hy nie meer die beroep van draadwerker uitoefen nie, onverskillig of hy versoek 60 dat sy naam in die register behou word of nie,

Voorlopige sertifikaat.

Intrekking van registrasie en skorsing van sertifikaat.

kan die raad sy naam uit die register laat skrap, of, behalwe in 'n geval waarop paragraaf (a) of sub-paragraaf (i) van paragraaf (b) van toepassing is, enige sertifikaat wat hy het, 65 vir 'n deur die raad bepaalde tydperk skors, of, in 'n geval waarop sub-paragraaf (iii) van paragraaf (b), of paragraaf (d) van toepassing is, 'n relaas van die relevante feite wat die raad aanneem, teenoor sy naam in die register laat endosseer: Met dien verstande dat die raad, behalwe in 'n geval waarop 70 sub-paragraaf (i) van paragraaf (b) van toepassing is, of in 'n geval in paragraaf (e) bedoel waarin so iemand nie versoek dat sy naam in die register behou word nie, aan so iemand in die voorgeskrewe vorm minstens veertien dae kennis moet gee van die gronde waarop sodanige skraping, skorsing of endossement oorweeg word, en enige vertoë aan hom gerig of informasie 75 of getuienis aan hom voorgelê deur so iemand binne gemelde tydperk, in oorweging moet neem.

(2) Gemelde kennisgewing moet vergesel gaan van 'n opsomming van al die relevante feite teen die draadwerker 80 aangevoer wat die raad tot op datum van die kennisgewing te wete gekom het.

(3) If any relevant facts against the wireman come to the knowledge of the board after the said date, the board shall, before coming to any decision, furnish the wireman with a summary of those facts and give him a reasonable opportunity of answering them.

(4) If any matter is before the board for consideration under sub-section (1), the board may, pending the disposal of such matter, suspend any certificate issued to the person concerned.

(5) On the removal of the name of any person from the register, any registration certificate held by such person shall be deemed to be cancelled.

(6) Upon the suspension of any certificate under this Act, such certificate shall, during the period of suspension, be deemed to be cancelled.

(7) The board may, upon application made to it in the prescribed form and after proper enquiry as to the desirability of such a course, and payment of the prescribed fees, cause the name of any person which has been removed from the register to be restored thereto, or cancel the suspension of any certificate: Provided that no fees shall be payable in respect of the restoration of the name of any person which has been removed from the register under paragraph (e) of sub-section (1) in disregard of such person's request.

(8) Any decision of the board under this section shall be subject to an appeal to the Minister.

Investigations
by the Board.

15. (1) Any electrical engineer and any officer in the public service, authorized thereto in writing by the board, may make investigations in connection with any matter falling within the powers or functions of the board, and for that purpose such engineer or officer—

(a) may at any time enter upon any premises and inspect any wiring work which is being done thereon or any wire, fitting or apparatus thereon in respect of which wiring work has been done; and

(b) may take affidavits and solemn or attested declarations and shall have the powers of and be deemed to be a commissioner of oaths.

(2) Any affidavit or solemn or attested declaration taken by such engineer or officer shall be exempt from stamp duty.

Certificates
lost or damaged.

16. If any certificate has been damaged, lost or destroyed, the person to whom such certificate was issued shall upon payment of the prescribed fee be entitled to obtain a new certificate from the board: Provided that in the case of a damaged certificate such certificate is returned to the board and that in the case of a lost or destroyed certificate, it is proved to the satisfaction of the board that such certificate has been lost or destroyed.

Production or
surrender of
wiremen's
certificates.

17. (1) Every holder of a certificate shall produce his certificate when required to do so by a member of the board, an employee of a supplier, any person authorized thereto in writing by the board or any person who desires to employ him or to agree with him in any other manner to do wiring work or for whom he is going to do such work.

(2) Every holder of a certificate shall, not later than the thirty-first day of March in every year, notify the board in the prescribed form of his residential address, and whether or not he continues to be engaged in the trade of wireman and, if not, whether he wishes his name to be retained on the register.

(3) The holder of a provisional certificate shall return it to the board within two days of the termination of the period of the currency thereof.

(4) The board may by notice require any holder of a certificate to return his certificate to the board within a period specified in such notice.

Application
of sections
nineteen and
twenty.

18. The Minister may from time to time determine the areas in which sections *nineteen* and *twenty* shall apply, and amend or withdraw any such determination. After making any such determination or amendment, or withdrawing any such determination, the Minister shall cause to be published in the *Gazette* a notice specifying the areas in which the said sections shall in terms of such determination, amendment or withdrawal apply or cease to apply, as the case may be, and the date from which the said sections shall so apply or cease to apply.

Supplier to
inspect wiring.

19. (1) No person shall in any area in respect of which a determination has been made under section *eighteen*, connect any wire, fitting or apparatus in respect of which wiring work has been done with a source of supply of electricity controlled by a supplier, unless such wire, fitting or apparatus has been inspected, tested and approved by a person in the employ of and nominated for the purpose by the supplier, and per-

(3) As die raad na gemelde datum enige relevante feite teen die draadwerker te wete kom, moet die raad, voordat hy tot 'n besluit geraak, aan die draadwerker 'n opsomming van daardie feite verstrek en hom redelike geleentheid gee 5 om hulle te weerlê.

(4) Indien 'n saak ingevolge sub-artikel (1) vir oorweging voor die raad kom, kan die raad totdat die saak afgehandel is, enige sertifikaat wat aan die betrokke persoon uitgereik is, skors.

10 (5) By skrapping van iemand se naam uit die register, word sy registrasiesertifikaat geag ingetrek te wees.

(6) By skorsing van 'n sertifikaat ingevolge hierdie Wet, word so 'n sertifikaat gedurende die skorsingstermyn geag ingetrek te wees.

15 (7) Op aansoek by hom in die voorgeskrewe vorm en na behoorlike ondersoek na die wenslikheid van sodanige optrede en na betaling van die voorgeskrewe gelde, kan die raad die naam van enig iemand wat uit die register geskrap is, op die register laat herstel, of die skorsing van 'n sertifikaat intrek : 20 Met dien verstande dat geen gelde betaalbaar is nie ten opsigte van die herstel van iemand se naam wat in weerwil van sy versoek ingevolge paragraaf (e) van sub-artikel (1) uit die register geskrap is.

(8) Enige besluit van die raad ingevolge hierdie artikel is 25 onderhewig aan appél na die Minister.

15. (1) 'n Elektrotegniese ingenieur en 'n amptenaar in die staatsdiens skriftelik deur die raad daartoe gemagtig, kan ondersoek instel in verband met enige saak wat binne die bestek van die raad se bevoegdhede of werksaamhede 30 val, en vir daardie doel kan so 'n ingenieur of amptenaar—

(a) te eniger tyd enige perseel betree en enige draadwerk wat daarop gedoen word of enige draad, onderdeel of apparaat daarop ten opsigte waarvan draadwerk gedoen is, ondersoek; en

35 (b) beëdigde en plegtige of geattesteerde verklarings afneem en het hy die bevoegdhede van 'n kommissaris van ede en word geag so 'n kommissaris te wees.

(2) 'n Beëdigde of plegtige of geattesteerde verklaring wat deur so 'n ingenieur of amptenaar afgeneem word is van 40 seëlreg vrygestel.

16. By beskadiging, verlies of vernietiging van 'n sertifikaat is die persoon aan wie dit uitgereik was, na betaling van die voorgeskrewe gelde, geregtig daarop om 'n nuwe sertifikaat van die raad te ontvang: Met dien verstande dat in die geval 45 van 'n beskadigde sertifikaat die sertifikaat aan die raad terugbesorg word, en dat in die geval van 'n verlore of vernietigde sertifikaat, aan die raad bevredigende bewys gelewer word van die verlies of vernietiging van die sertifikaat.

17. (1) Iedere houer van 'n sertifikaat moet dit toon op aanvraag deur 'n lid van die raad, 'n werknemer van 'n voorsiener, 'n deur die raad skriftelik daartoe gemagtigde persoon of iemand wat hom in diens wil neem om draadwerk te verrig of op ander wyse met hom ooreen wil kom om dit te doen, of vir wie hy sulke werk gaan verrig.

50 (2) Nie later as die een-en-dertigste dag van Maart in elke jaar moet iedere houer van 'n sertifikaat aan die raad in die voorgeskrewe vorm kennis gee van sy woonadres, en of hy nog die bedryf van draadwerker uitoefen al dan nie, en, indien nie, of hy sy naam in die register wil behou.

60 (3) Die houer van 'n voorlopige sertifikaat moet dit binne twee dae na verloop van die geldigheidstermyn daarvan aan die raad terugbesorg.

(4) Die raad kan 'n houer van 'n sertifikaat by kennisgewing aansê om sy sertifikaat binne 'n tydperk in die kennisgewing 65 vermeld, aan die raad terug te besorg.

18. Die Minister kan van tyd tot tyd die gebiede bepaal waarin artikels *neëntien* en *twintig* van toepassing is, en sodanige bepaling wysig of intrek. Na so 'n bepaling, of wysiging of intrekking van so 'n bepaling, laat die Minister in die 70 *Staatskoerant* 'n kennisgewing afkondig wat die gebiede aangee waarin genoemde artikels volgens bedoelde bepaling, wysiging of intrekking van toepassing is of nie meer van toepassing is nie, na gelang van die geval, asook die datum vanaf welke genoemde artikels aldus van toepassing is of nie 75 meer van toepassing is nie.

19. (1) Niemand mag in 'n gebied ten opsigte waarvan 'n bepaling kragtens artikel *agtien* gedoen is, 'n draad, onderdeel of apparaat ten opsigte waarvan draadwerk gedoen is met 'n bron van elektrisiteitsvoorsiening onder beheer van 'n voorsiener verbind nie, tensy 'n persoon in diens van en vir 80 daardie doel benoem deur die voorsiener daardie draad, onderdeel of apparaat ondersoek en getoets en goedgekeur het

Ondersoeke
deur die raad.

Verlore of
beskadigde
sertifikate.

Vertoning of
teruggawe van
draadwerker-
sertifikate.

Toepassing
van artikels
neëntien en
twintig.

Voorsiener
moet draadwerk
ondersoek.

mission to make such connection has been given by the supplier.

(2) If at any such inspection or test any fault or defect in such work or any contravention of any by-law made by the supplier is detected, the person making the inspection or test shall submit to the supplier a report setting forth the name of the wireman (if his name is known) who is responsible for such wiring work, and full particulars as to such fault, defect or contravention. 5

(3) If in the opinion of the supplier, the fault, defect or contravention is of a nature which would justify the removal from the register of the name of any wireman responsible for such wiring work, or the suspension of any certificate issued to him, or an endorsement against his name in the register, as the case may be, such supplier— 15

(a) shall forthwith transmit to the board the report received by him under sub-section (2), together with a copy of any order made under paragraph (b); and

(b) may, pending the decision of the board, in any case in which he is of opinion that such removal or suspension would be justified, by notice given to the said wireman in the prescribed form prohibit him for a period not exceeding one month, from doing or supervising the doing of any wiring work in any area to which the provisions of section *twenty* have, in terms of section *eighteen* been applied. 20 25

(4) Any notice given to a wireman under paragraph (b) of sub-section (3) shall be accompanied by a copy of the report transmitted to the board. 30

(5) Upon receipt of a report transmitted to the board under sub-section (3), the board may—

(a) cancel any notice given under the said paragraph;

(b) deal with the matter in terms of section *fourteen*.

(6) If, after consideration of such report and such further facts as may come to its knowledge and the representations (if any) made by the wireman concerned in terms of section *fourteen*, the board is satisfied that the giving of any notice under paragraph (b) of sub-section (3) was not justified, it may order the supplier to pay to the wireman the amount at which it assesses the loss of earnings suffered by the wireman as the result of such notice during the period of its currency: Provided that if the wireman is an employee, the board shall assess the said loss upon the assumption that he would have been regularly employed during such period. 35 40 45

(7) The board shall forthwith notify the supplier and the wireman concerned of the terms of any order made under sub-section (6), and the supplier shall within seven days of the date of such notification, pay to the wireman the amount specified in such order. 50

(8) An order made under sub-section (6) shall be final and shall not be subject to an appeal to any Court.

20. After the expiration of three months from the date of a determination under section *eighteen* in respect of any area— 55

(a) no person other than—

(i) the holder of a certificate;

(ii) an improver, during a period of twelve months subsequent to the completion of the period of his apprenticeship; 60

(iii) an apprentice;

(iv) a minor, employed (otherwise than as an apprentice) in a trade comprising the work of a wireman, in an area for which the said trade has been designated under the Apprenticeship Act, 1922, during the period for which he may be so employed in such area in terms of the said Act, 65

shall, in the area in respect of which the determination has been made, do any wiring work in person either on his own behalf or on behalf of any other person; 70

(b) no person referred to in sub-paragraph (ii), (iii) or (iv) of paragraph (a) shall, in any such area, so do any such work unless he works under the continuous supervision of a registered wireman; and 75

(c) no person shall, in such area, cause or permit any wiring work to be done by any person in contravention of the provisions of paragraph (a) or (b).

21. If in any area in which a supplier is under any law authorized to supply electricity, any person is in terms of any law or in terms of any by-law made by such supplier, required 80

Wiring of premises to be done by or under the supervision of registered wiremen.

Contractors' licences and registration as contractors.

en die voorsiener toestemming verleen het tot die totstandbring van die verbinding.

(2) As daar by so 'n ondersoek of toets 'n fout of gebrek in bedoelde werk of 'n oortreding van 'n bywet deur die voorsiener 5 uitgevaardig gewaar word, moet die persoon wat die ondersoek of toets doen, aan die voorsiener 'n verslag voorlê waarin die naam van die draadwerker (as sy naam bekend is) wat vir die draadwerk verantwoordelik is, en volle besonderhede betreffende die fout, gebrek of oortreding, vermeld word.

(3) As die voorsiener meen dat die fout, gebrek of oortreding van so 'n aard is dat dit die skraping uit die register van die naam van die draadwerker wat vir bedoelde draadwerk verantwoordelik is, of die skorsing van 'n aan hom uitgereikte 10 sertifikaat, of 'n endossement teenoor sy naam in die register, na gelang van die geval, sou regverdig—

(a) moet die voorsiener onmiddellik die verslag wat hy ingevolge sub-artikel (2) ontvang het, tesame met 'n afskrif van enige bevel kragtens paragraaf (b) gegee, na die raad deurstuur; en

(b) kan die voorsiener, in afwagting van die besluit van die raad, in 'n geval waar hy meen dat bedoelde skraping of skorsing geregverdig sou wees, by kennisgewing in die voorgeskrewe vorm aan gemelde draadwerker uitgereik, hom vir 'n tydperk van hoogstens een maand verbied om enige draadwerk te doen of toesig te hou oor die doen daarvan in 'n gebied 25 waarin die bepalinge van artikel *twintig* ooreenkomstig artikel *agtien* van toepassing verklaar is.

(4) 'n Kennisgewing aan 'n draadwerker ingevolge paragraaf (b) van sub-artikel (3) moet vergesel gaan van 'n afskrif van die verslag wat na die raad deurgestuurd is.

(5) By ontvangs van 'n verslag ingevolge sub-artikel (3) na die raad deurgestuurd, kan die raad—

(a) enige kennisgewing ingevolge gemelde paragraaf in- 35 trek;

(b) die saak ooreenkomstig artikel *veertien* afhandel.

(6) Indien die raad, na oorweging van die verslag en die verdere feite wat hy te wete mag kom en die verhoë (as daar is) deur die betrokke draadwerker ingevolge artikel *veertien* 40 gedoen, daarvan oortuig is dat 'n kennisgewing kragtens paragraaf (b) van sub-artikel (3) nie geregverdig was nie, kan hy die voorsiener beveel om aan die draadwerker die bedrag te betaal waarop hy die verlies aan verdienste vasstel wat die draadwerker ten gevolge van die kennisgewing gedurende die 45 geldigheidstermyn daarvan, gelyk het: Met dien verstande dat as die draadwerker 'n werknemer is, die raad by die vaststelling van gemelde verlies moet veronderstel dat hy gedurende daardie termyn gereeld in diens sou gewees het.

(7) Die raad moet onmiddellik aan die voorsiener en die 50 betrokke draadwerker kennis gee van die bepalinge van 'n bevel kragtens sub-artikel (6) gegee, en die voorsiener moet binne sewe dae vanaf die datum van die kennisgewing die bedrag in die bevel vermeld aan die draadwerker uitbetaal.

(8) 'n Bevel kragtens sub-artikel (6) gegee is afdoende en 55 is nie onderhewig aan 'n appél na enige hof nie.

20. Na verloop van drie maande vanaf die datum van 'n bepalings kragtens artikel *agtien* ten opsigte van 'n gebied—

(a) mag niemand behalwe—

(i) die houer van 'n sertifikaat; 60 (ii) 'n verbeterleerling, gedurende 'n tydperk van twaalf maande na afloop van sy leerlingstyd;

(iii) 'n leerling;

(iv) 'n minderjarige in diens (anders as leerling) in 'n bedryf wat draadwerk omvat in 'n gebied 65 waarvoor genoemde bedryf kragtens die „Vakleerlingen Wet”, 1922, aangewys is, gedurende die tydperk waarvoor hy in so 'n gebied ingevolge genoemde Wet aldus in diens mag wees—

in 'n gebied ten opsigte waarvan die bepaling gedoen is, persoonlik draadwerk doen nie, onverskillig of dit 70 vir homself is of vir iemand anders;

(b) mag niemand in sub-paragraaf (ii), (iii) of (iv) van paragraaf (a) bedoel, sulke werk in daardie gebied aldus doen nie, tensy hy onder voortdurende toesig 75 van 'n geregistreerde draadwerker werk; en

(c) mag niemand enige persoon in daardie gebied draadwerk laat doen of toelaat om dit te doen in stryd met die bepalinge van paragraaf (a) of (b) nie.

21. Indien in 'n gebied waarin 'n voorsiener by wet gemagtig 80 is om elektrisiteit te lewer, iemand uit hoofde van 'n wet of uit hoofde van 'n deur die voorsiener uitgevaardigde bywet

Draadwerk op persele moet deur of onder toesig van geregistreerde draadwerkers verrig word.

Aannemers-lisensies en registrasie as aannemers.

to be the holder of a licence or to be registered if he carries on the business of a contractor—

- (a) no person shall in such area carry on any such business unless he is the holder of a licence or registered; and
- (b) such supplier may refuse to issue such licence or to effect such registration if the applicant for such licence or registration—
 - (i) is not the occupier of premises which are suitable for carrying on the business of a contractor; or
 - (ii) is not in possession of adequate equipment for 10 carrying out and testing wiring work; or
 - (iii) has done, caused or permitted to be done any wiring work in a negligent or inefficient manner or in contravention of any by-law of the supplier; or
 - (iv) has carried on the business of a contractor without being the holder of a licence or registered; or
 - (v) has been convicted of any offence under this Act.

Supplier may cancel or suspend contractors' licences or registrations, and refuse renewals.

22. (1) A supplier may cancel or suspend for any period, or refuse the renewal of the licence or registration of any 20 contractor—

- (a) for any reason mentioned in sub-paragraph (i), (ii), (iii) or (v) of paragraph (b) of section *twenty-one*; or
- (b) if he has ceased to be a contractor.

(2) Upon the suspension of any licence or registration 25 under sub-section (1), such licence or registration shall, during the period of suspension, be deemed to be cancelled.

Notice to contractor.

23. (1) A supplier shall, before he refuses any licence or registration under section *twenty-one*, or cancels or suspends any licence or registration or refuses the renewal thereof 30 under section *twenty-two*, give the contractor concerned not less than fourteen days' notice in the prescribed form of the grounds upon which such refusal, cancellation or suspension is contemplated, and shall consider any representations made, or information or evidence submitted to him by such con- 35 tractor within that period.

(2) The provisions of sub-sections (2) and (3) of section *fourteen* shall *mutatis mutandis* apply in respect of suppliers and contractors.

Appeal to board.

24. The contractor concerned may appeal to the board 40 against any decision of a supplier under section *twenty-one* or *twenty-two*, and to the Minister against any decision of the board upon such appeal.

Investigations by supplier.

25. A supplier may authorize in writing an electrical engineer in his employ to make investigations in connection 45 with any matter falling within his powers or functions under sub-sections (1) to (3) of section *nineteen* or under section *twenty-one* or *twenty-two*, and for that purpose such engineer—

- (a) may at any time enter upon any premises and inspect the premises and any equipment or any wire, fitting 50 or apparatus thereon in respect of which wiring work has been done; and
- (b) may take affidavits and solemn or attested declarations and shall have the power of and be deemed to be a commissioner of oaths.

Reference in other law or in by-law to electrical contractor.

26. Any reference in any law or by-law referred to in section *twenty-one* to an electrical contractor shall for the purposes of the said section and of section *twenty-two*, be deemed to include a reference to a contractor as defined in section *one*.

Supplier may delegate powers and functions.

27. A supplier may, with the approval of the board, delegate 60 with or without restriction, all or any of the powers conferred upon or functions entrusted to him under this Act, to a specified electrical engineer in his employ, and may cancel any such delegation.

Offences and penalties.

28. Any person who—

- (a) makes any false representation to the board or a supplier for the purpose of obtaining any certificate, licence or registration;
- (b) falsely describes himself as or holds himself out to be the holder of a certificate or a licensed or registered 70 contractor;
- (c) makes or causes to be made any unauthorized entry, alteration or erasure in the register or on any certificate;

die houer van 'n lisensie of geregistreer moet wees as hy die besigheid van 'n aannemer dryf—

(a) mag niemand in daardie gebied so 'n besigheid dryf nie tensy hy die houer van 'n lisensie of geregistreer is; en

(b) kan so 'n voorsiener weier om sodanige lisensie uit te reik of om sodanige registrasie te bewerkstellig as die applikant vir die lisensie of registrasie—

(i) nie die okkupeerder is van 'n perseel wat geskik is vir die dryf van 'n aannemersbesigheid nie; of

(ii) nie voldoende toerusting besit om draadwerk uit te voer en te toets nie; of

(iii) draadwerk gedoen of laat doen het of toegelaat het dat dit gedoen word op nalatige of onbekwame wyse of in stryd met 'n bywet van die voorsiener; of

(iv) sonder om houer van 'n lisensie of geregistreer te wees, as aannemer besigheid gedryf het; of

(v) aan 'n misdryf ingevolge hierdie Wet skuldig bevind is.

22. (1) 'n Voorsiener kan die lisensie of registrasie van 'n Voorsiener kan aannemer vir enige tydperk intrek of skors of die hernuwing aannemers-

(a) om enige rede in sub-paragraaf (i), (ii) (iii) of (v) van -registrasies paragraaf (b) van artikel een-en-twintig genoem; en hernuwing intrek of skors of

(b) as hy opgehou het om aannemer te wees.

(2) By skorsing van 'n lisensie of registrasie kragtens sub-artikel (1) word die lisensie of registrasie gedurende die skorsingstermyn geag ingetrek te wees.

23. (1) Voordat hy kragtens artikel een-en-twintig 'n lisensie of registrasie weier of kragtens artikel twee-en-twintig 'n lisensie of registrasie intrek of skors of die hernuwing daarvan weier, moet 'n voorsiener aan die betrokke aannemer in die voorgeskrewe vorm minstens veertien dae kennis gee van die gronde waarop sodanige weiering, intrekking of skorsing oorweeg word, en enige verhoër aan hom gerig of informasie of getuienis aan hom voorgelê deur die aannemer binne gemelde tydperk, 40 in oorweging neem.

(2) Die bepalings van sub-artikels (2) en (3) van artikel veertien is *mutatis mutandis* van toepassing ten opsigte van voorsieners en aannemers.

24. Die betrokke aannemer kan appèlleer na die raad teen Appèl na die enige besluit van 'n voorsiener ingevolge artikel een-en-twintig raad. of twee-en-twintig, en na die Minister teen enige besluit van die raad by sodanige appèl.

25. 'n Voorsiener kan 'n elektrotegniese ingenieur in sy Ondersoeke diens skriftelik magtig om ondersoek in te stel in verband met deur voorsiener. enige saak wat binne die bestek val van sy bevoegdhede of werksaamhede ingevolge sub-artikels (1) tot en met (3) van artikel neëntien of ingevolge artikel een-en-twintig of twee-en-twintig, en vir daardie doel kan die ingenieur—

(a) te eniger tyd enige perseel betree en die perseel en enige toerusting of enige draad, onderdeel of apparaat daarop ten opsigte waarvan draadwerk gedoen is ondersoek; en

(b) beëdigde en plegtige of geattesteerde verklarings afneem, en het hy die bevoegdhede van 'n kommissaris van ede en word geag so 'n kommissaris te wees.

26. 'n Verwysing in enige wet of bywet in artikel een-en-twintig bedoel, na 'n aannemer in die elektrotegniese bedryf, Verwysing in ander wet of in bywet na word vir die doeleindes van genoemde artikel en van artikel aannemers in twee-en-twintig geag ook 'n verwysing te wees na 'n aannemer elektrotegniese bedryf. 65 soos in artikel een omskryf.

27. 'n Voorsiener kan, met goedkeuring van die raad, Voorsiener kan almal of enigeen van die bevoegdhede aan hom verleen of bevoegdhede en werksaamhede aan hom opgedra ingevolge hierdie Wet, met werksaamhede oordra. of sonder beperking, aan 'n by name genoemde elektrotegniese ingenieur in sy diens oordra, en kan so 'n oordrag intrek.

28. Iemand wat—

(a) 'n valse voorstelling aan die raad of 'n voorsiener doen teneinde 'n sertifikaat, lisensie of registrasie te verkry;

(b) homself valslik beskryf of voordoen as die houer van 'n sertifikaat of as 'n gelisensieerde of geregistreerde aannemer;

(c) 'n inskrywing, verandering of skrapping, waartoe geen magtiging verleen is nie, in die register of op 'n sertifikaat doen of laat doen;

Misdrywe en strafbepalings.

- (d) wilfully destroys any certificate or renders it illegible, without the permission of the holder ;
- (e) forges or utters, knowing the same to be forged, any document purporting to be a certificate ;
- (f) contravenes any provision of sub-sections (1) to (3) of section *seventeen*, or fails to comply with a notice under sub-section (4) of the said section ; 5
- (g) contravenes the provisions of sub-section (1) of section *nineteen* or of section *twenty*, or of paragraph (a) of section *twenty-one* ; 10
- (h) does wiring work in contravention of the terms of a provisional certificate issued to him under sub-section (1) of section *thirteen* or of a prohibition under sub-section (3) of section *nineteen* ;
- (i) fails to comply, in accordance with the provisions of sub-section (7) of section *nineteen*, with any order made by the board under sub-section (6) of the said section ; or 15
- (j) hinders or obstructs any member of the board or any person authorized under section *fifteen* or *twenty-five* to make any investigation, in the exercise of his powers, or refuses or fails to answer to the best of his knowledge any question which such member or person in the exercise of his powers, has put to him, shall be guilty of an offence and liable upon conviction, in the case of an offence under paragraph (f) or (h), to a fine not exceeding fifteen pounds or imprisonment for a period not exceeding six weeks, and in the case of an offence under any other paragraph, to a fine not exceeding fifty pounds or to imprisonment with or without hard labour for a period not exceeding six months. 20 25 30

Jurisdiction.

29. If any person is charged with having contravened the provisions of sub-section (2) or (3) of section *seventeen*, or with having failed to comply with a notice under sub-section (4) of the said section, any court within whose area of jurisdiction such person may be, shall be competent to try the charge. 35

Evidence.

30. (1) A document purporting to be an affidavit made by the chairman or the secretary of the board, in which it is stated— 40

- (a) that the name of any person appears or does not appear upon the register, or that the registration of any person has or has not been cancelled or has or has not been suspended for any period ; or
 - (b) that any notification under sub-section (2) of section *seventeen* has or has not been received, or has been received in a particular form by the board ; or 45
 - (c) that any provisional certificate issued to a person and for a period mentioned in the affidavit, has been issued upon particular conditions, or has or has not, in terms of sub-section (3) of the said section, been returned to the board upon a particular date ; or 50
 - (d) in what terms any notice under sub-section (4) of the said section has been issued by the board, or that any person has or has not returned his certificate to the board upon a particular date in pursuance of any such notice ; or 55
 - (e) in what terms any notice under sub-section (7) of section *nineteen* has been issued by the board or what the date of such notification is, 60
- shall be *prima facie* evidence in any legal proceedings of the facts stated therein.

(2) The Court in which any such affidavit is adduced in evidence may cause the chairman or secretary of the board to be summoned to give oral evidence in the proceedings in question or may cause written interrogatories to be submitted to him for reply, and such interrogatories and any reply thereto purporting to be a reply from the chairman or secretary of the board, shall be admissible as evidence in such proceedings. 65

Onus of proof.

31. (1) In any criminal proceedings against any person upon a charge of having performed any act which constitutes an offence under this Act if performed by a person who is not excepted from the prohibition under section *twenty* or under paragraph (a) of section *twenty-one*, such person shall be deemed not to be a person so excepted until he proves the contrary. 70 75

- (d) opsetlik 'n sertifikaat vernietig of onleesbaar maak, sonder toestemming van die houer;
- (e) 'n dokument wat 'n sertifikaat heet te wees, vervals of uitgee wetende dat dit vervals is;
- 5 (f) 'n bepaling van sub-artikels (1) tot en met (3) van artikel *sewentien* oortree, of versuim om aan 'n kennisgewing kragtens sub-artikel (4) van genoemde artikel te voldoen;
- 10 (g) die bepalings van sub-artikel (1) van artikel *neëntien* of van artikel *twintig* of van paragraaf (a) van artikel *een-en-twintig* oortree;
- (h) draadwerk doen in stryd met die bepalings van 'n voorlopige sertifikaat aan hom uitgereik kragtens sub-artikel (1) van artikel *dertien*, of van 'n verbod kragtens sub-artikel (3) van artikel *neëntien*;
- 15 (i) versuim om ooreenkomstig die bepalings van sub-artikel (7) van artikel *neëntien* te voldoen aan 'n bevel van die raad kragtens sub-artikel (6) van genoemde artikel gegee; of
- 20 (j) 'n lid van die raad of iemand wat kragtens artikel *vyftien* of *vyf-en-twintig* gemagtig is om 'n ondersoek in te stel, by die uitoefening van sy bevoegdhede hinder of belemmer, of weier of versuim om 'n vraag wat so 'n lid of persoon in die uitoefening van sy bevoegdhede aan hom gestel het, na sy beste wete
- 25 te beantwoord,

is skuldig aan 'n misdryf en by skuldigbevinding strafbaar, in die geval van 'n misdryf ingevolge paragraaf (f) of (h), met 'n boete van hoogstens vyftien pond of gevangenisstraf vir 'n tydperk van hoogstens ses weke, en in die geval van 'n oortreding ingevolge enige ander paragraaf, met 'n boete van hoogstens vyftig pond of gevangenisstraf met of sonder harde arbeid vir 'n tydperk van hoogstens ses maande.

29. Indien iemand weens oortreding van die bepalings van sub-artikel (2) of (3) van artikel *sewentien* of 'n versuim om aan 'n kennisgewing kragtens sub-artikel (4) van genoemde artikel te voldoen aangekla word, is enige hof in wie se regsg gebied so iemand hom bevind, bevoeg om die aanklag te verhoor.

30. (1) 'n Geskrif wat 'n beëdigde verklaring heet te wees deur die voorsitter of die sekretaris van die raad afgelê, waarin verklaar word—

- (a) dat iemand se naam in die register voorkom of nie daarin voorkom nie, of dat iemand se registrasie ingetrek of nie ingetrek is nie, of vir enige tydperk geskors of nie geskors is nie; of
- (b) dat 'n kennisgewing ingevolge sub-artikel (2) van artikel *sewentien* ontvang of nie ontvang is nie, of in 'n bepaalde vorm ontvang is deur die raad; of
- 50 (c) dat 'n voorlopige sertifikaat wat aan iemand en vir 'n in die beëdigde verklaring vermelde tydperk uitgereik is, onder bepaalde voorwaardes uitgereik is, of aan die raad ooreenkomstig sub-artikel (3) van gemelde artikel op 'n bepaalde datum terugbesorg of nie terugbesorg is nie; of
- 55 (d) in watter bewoording 'n kennisgewing ingevolge sub-artikel (4) van gemelde artikel deur die raad uitgereik is, of dat iemand na aanleiding van so 'n kennisgewing op 'n bepaalde datum sy sertifikaat aan die raad terugbesorg of nie terugbesorg het nie; of
- 60 (e) in watter bewoording 'n kennisgewing ingevolge sub-artikel (7) van artikel *neëntien* deur die raad uitgereik is of wat die datum van so 'n kennisgewing is,

is in enige regsgeding *prima facie* bewys van die daarin vermelde feite.

(2) Die hof waarin so 'n beëdigde verklaring as bewysstuk voorgelê word, kan die voorsitter of sekretaris van die raad laat dagvaar om mondelinge getuienis af te lê of kan skriftelike vraagpunte aan hom vir beantwoording laat voorlê, en sodanige vraagpunte en enige antwoord daarop wat 'n antwoord deur die voorsitter of sekretaris van die raad heet te wees, is toelaatbaar as bewysstukke in die geding.

31. (1) In 'n kriminele saak teen iemand op 'n aanklag dat hy 'n handeling verrig het wat 'n misdryf ingevolge hierdie Wet sou wees as dit verrig word deur iemand wat nie by die verbod kragtens artikel *twintig* of kragtens paragraaf (a) van artikel *een-en-twintig* uitgesonder word nie, word so iemand geag nie 'n aldus uitgesonderde persoon te wees nie tensy hy die teendeel bewys.

(2) If any person is charged—

- (a) with having, in contravention of the provisions of paragraph (a) or (b) of section *twenty*, done wiring work; or
- (b) with having in contravention of the provisions of paragraph (c) of the said section, caused or permitted any person to do wiring work;

and it is proved, in a case referred to in paragraph (a) of this sub-section, that he was present upon the premises at the time when the wiring work in question was being done thereon, 10 or, in a case referred to in paragraph (b) of this sub-section, that any other person was present upon the premises at the time when the wiring work which the accused is charged with having caused or permitted any person to do was being done thereon, then, unless the contrary be proved, the accused 15 shall be presumed to have done such wiring work, or to have done such wiring work otherwise than under the continuous supervision of a registered wireman, or to have caused or permitted such other person to do such wiring work, or to have caused or permitted such other person to do such wiring 20 work otherwise than under the continuous supervision of a registered wireman, as the case may be.

Fees to be paid
into revenue.

32. All fees payable under this Act shall be paid into the Consolidated Revenue Fund.

Regulations.

33. (1) The Governor-General may make regulations as 25 to—

- (a) the procedure at meetings of the board and of committees of the board, and the keeping of minutes of the proceedings;
- (b) the manner in which an application to the board 30 for registration under this Act shall be made and the forms to be filled in and the documents to be submitted by applicants for registration or for restoration to the register;
- (c) the form of the register to be kept under this Act; 35
- (d) the minimum age and standard of general education required of candidates for examinations for diplomas or certificates granted by the board, the appointment and remuneration of examiners, the issue of diplomas or certificates by the board, and any other matter 40 incidental to such examinations;
- (e) the fees payable in respect of examinations and registration or restoration to the register under this Act, and in respect of the issue of certificates in substitution for certificates which have been 45 damaged, lost or destroyed;
- (f) the manner in which any notice under this Act shall be served;
- (g) the manner in which and time within which an appeal under sub-section (3) of section *twelve*, sub-section 50 (8) of section *fourteen*, or section *twenty-four* may be noted and prosecuted;
- (h) any matter which may, in terms of this Act, be prescribed; and
- (i) generally all matters which he considers it necessary 55 or expedient to prescribe in order that the purposes of this Act may be achieved.

(2) Any regulation as to fees payable in respect of registration under this Act may in the case of persons who are registered in pursuance of a qualification referred to in para- 60 graph (e) of sub-section (1) of section *twelve* provide for a fee which is less than the fee payable by other persons.

(3) Any regulations made under this section may prescribe penalties for any contravention thereof or failure to comply therewith not exceeding a fine of fifteen pounds. 65

Short title and
commencement.

34. This Act shall be called the Electrical Wiremen and Contractors Act, 1939, and shall come into operation upon a date to be fixed by the Governor-General by proclamation in the *Gazette*.

(2) Indien iemand daarvan aangekla word—

- (a) dat hy in stryd met die bepalinge van paragraaf (a) of (b) van artikel *twintig* draadwerk gedoen het; of
- 5 (b) dat hy in stryd met die bepalinge van paragraaf (c) van gemelde artikel iemand draadwerk laat doen het of toegelaat het om te doen,

en dit bewys word, in 'n geval in paragraaf (a) van hierdie sub-artikel bedoel, dat hy op die perseel teenwoordig was toe die
10 betrokke draadwerk daarop gedoen is, of in 'n geval in paragraaf (b) van hierdie sub-artikel bedoel, dat iemand anders op die perseel teenwoordig was toe die draadwerk in verband waarmee hy aangekla word dat hy iemand dit laat doen of toegelaat het om dit te doen, daarop gedoen is, dan word,
15 tensy die teendeel bewys word, die beskuldigde geag daardie draadwerk te gedoen het, of dit anders as onder voortdurende toesig van 'n geregistreerde draadwerker te gedoen het, of bedoelde ander persoon daardie draadwerk te laat doen het of toegelaat te hê om dit te doen, of bedoelde ander persoon
20 daardie draadwerk te laat doen het of toegelaat te hê om dit te doen anders as onder voortdurende toesig van 'n geregistreerde draadwerker, na gelang van die geval.

32. Alle kragtens hierdie Wet betaalbare gelde word in die Gekonsolideerde Inkomsterekening gestort. Gelde moet in inkomsterekening gestort word.

25 33. (1) Die Goewerneur-generaal kan regulasies uitvaardig Regulasies. betreffende—

- (a) die prosedure by vergaderings van die raad en van komitees van die raad, en die hou van notule van die verrigtings;
- 30 (b) die wyse waarop 'n aansoek om registrasie ingevolge hierdie Wet by die raad gedoen word en die formuliere wat ingevul moet word en die dokumente wat voorgelê moet word deur applikante vir registrasie of vir herstel op die register;
- 35 (c) die vorm van die register wat ingevolge hierdie Wet gehou moet word;
- (d) die minimum-ouderdom en die standaard van algemene opvoeding vereis van kandidate by eksamens vir diplomas en sertifikate deur die raad toegeken, die
40 aanstelling en besoldiging van eksaminatore, die uitreiking van diplomas of sertifikate deur die raad, en enige ander aangeleentheid wat met sodanige eksamens in verband staan;
- (e) die gelde wat betaalbaar is ten opsigte van eksamens en registrasie in of herstel op die register kragtens hierdie Wet, en ten opsigte van die uitreiking van sertifikate ter vervanging van sertifikate wat beskadig, verloor of vernietig is;
- 45 (f) die wyse waarop 'n kennisgewing ingevolge hierdie Wet gedien word;
- (g) die wyse waarop en tydperk binne welke 'n appèl kragtens sub-artikel (3) van artikel *twaalf*, sub-artikel (8) van artikel *veertien* of artikel *vier-en-twintig* aangeteken en voortgesit word;
- 50 (h) enige aangeleentheid wat volgens hierdie Wet voorgeskryf mag word; en
- (i) oor die algemeen, alle sake wat hy nodig of raadsaam ag om voor te skryf teneinde die oogmerke van hierdie Wet te bereik.

60 (2) 'n Regulasie betreffende die gelde wat betaalbaar is ten opsigte van registrasie kragtens hierdie Wet kan, in die geval van persone wat geregistreer word na aanleiding van 'n kwalifikasie in paragraaf (e) van sub-artikel (1) van artikel *twaalf* vermeld, voorsiening maak vir gelde wat minder is as
65 dié deur ander persone betaalbaar.

(3) Regulasies kragtens hierdie artikel uitgevaardig kan strawwe, wat 'n boete van vyftien pond nie te bowe gaan nie, voorskryf vir 'n oortreding daarvan of versuim om daaraan te voldoen.

70 34. Hierdie Wet heet die Wet op Elektrotegniese Draad- Kort titelen werkers en Aannemers, 1939, en tree in werking op 'n datum inwerking-treding. wat die Goewerneur-generaal by proklamasie in die *Staatskoerant* vasstel.

No. 21, 1939.]

ACT

To amend certain Acts relating to higher education.

(Signed by the Governor-General in English.)
(Assented to 8th May, 1939.)

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 8 of
Act 12 of 1916.

1. Section *eight* of the University of South Africa Act, 1916, is hereby amended by the substitution for sub-section (1) of the following sub-section : 5

“(1) There shall be a senate for the University consisting of the principals of the constituent colleges together with the professors and lecturers of those colleges who are heads of such departments as are recognized by the university council”. 10

Amendment of
section 15 of
Act 12 of 1916.

2. Section *fifteen* of the University of South Africa Act, 1916, is hereby amended by the substitution for all the words in that section preceding paragraph (a) of the following words : 15

“The examination of students of the University shall be conducted under the control of the university senate at the constituent colleges or at such other places as the university senate may determine.”

Amendment of
section 16 of
Act 12 of 1916,
section 17 of
Act 13 of 1916
and section 17 of
Act 14 of 1916,
as amended by
section 3 of Act
42 of 1920, section
34 of Act 15
of 1921, section
34 of Act 13 of
1930 and section
1 of Act 29 of
1934.

3. Section *sixteen* of the University of South Africa Act, 1916, section *seventeen* of the University of Stellenbosch Act, 1916, and section *seventeen* of the University of Cape Town Act, 1916, as amended, are hereby amended by the substitution in sub-section (2) of each of those sections for paragraph (c) of the following paragraph : 25

“(c) representatives of the public and private secondary schools in each of the four provinces of the Union, in Southern Rhodesia and in the mandated territory of South West Africa, appointed by the Minister, on the recommendation of the head of the education department of the province, colony or territory concerned, from among the principals of such schools in the province, colony or territory concerned.”

Amendment of
section 23 of
Act 12 of 1916,
as amended by
section 34 of
Act 15 of 1921
and section 34
of Act 13 of 1930.

4. Section *twenty-three* of the University of South Africa Act, 1916, as amended, is hereby amended by the addition at the end thereof of the following new sub-section : 35

“(3) Subject to the approval of the Minister, the said joint committee may make rules prescribing the subjects and standards of the examinations held under this section, and regulating the conduct thereof and the admission of candidates thereto.” 40

Amendment of
section 26 of
Act 12 of 1916.

5. Section *twenty-six* of the University of South Africa Act, 1916, is hereby amended by the substitution in that section for the word “academic” of the word “financial”.

Amendment of
section 19 of
Act 30 of 1923,
as amended by
section 8 of Act
27 of 1931.

6. Section *nineteen* of the Higher Education Act, 1923, as amended, is hereby amended by the substitution in sub-section (1) for paragraph (f) of the following paragraph : 45

“(f) the granting of bursaries to students and the making of loans to students undergoing training as teachers”.

Short title.

7. This Act shall be called the Higher Education (Amendment) Act, 1939. 50

No. 21, 1939.]

WET

Tot wysiging van sekere Wette betreffende hoër onderwys.

(Deur die Goewerneur-generaal in Engels geteken.)
(Goedgekeur op 8 Mei 1939.)

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

1. Artikel *ag* van die „Universiteit van Zuid Afrika Wet, 1916”, word hiermee gewysig deur sub-artikel (1) te vervang deur die volgende sub-artikel:

„(1) Er zal zijn een senaat van de Universiteit, bestaande uit de rektoren van de samenstellende kolleges te zamen met de professoren en lektoren van gemelde kolleges die hoofden zijn van zulke departementen als door de Universiteitsraad erkend worden.”
2. Artikel *vyftien* van die „Universiteit van Zuid Afrika Wet, 1916”, word hiermee gewysig deur voor die woord „afgenomen” die volgende woorde in te voeg:

„of op zodanige andere plaatsen als de senaat van de Universiteit bepalen mag”.
3. Artikel *sestien* van die „Universiteit van Zuid Afrika Wet, 1916”, artikel *sewentien* van die „Universiteit van Stellenbosch Wet, 1916”, en artikel *sewentien* van die „Universiteit van Kaapstad Wet, 1916”, soos gewysig, word hiermee gewysig deur paragraaf (c) in sub-artikel (2) van elk van gemelde artikels te vervang deur die volgende paragraaf:

„(c) vertegenwoordigers van de openbare en private scholen voor middelbare onderwijs in elk van de vier provincies van de Unie, in Zuid-Rhodesië en in het Mandaatgebied van Zuidwest-Afrika, benoemd door de Minister, op voordracht van het hoofd van het departement van onderwijs van de betrokken provincie, kolonie of het betrokken gebied, uit de hoofdonderwijzers van zodanige scholen in de betrokken provincie, kolonie of het betrokken gebied.”
4. Artikel *drie-en-twintig* van die „Universiteit van Zuid Afrika Wet, 1916”, soos gewysig, word hiermee gewysig deur aan die end daarvan die volgende nuwe sub-artikel by te voeg:

„(3) Behoudens de goedkeuring van de Minister, mag het gemelde gemeenschappelijke komitee reglementen maken tot voorschrijving van de onderwerpen en standaarden van de examens gehouden krachtens dit artikel en tot regeling van het afnemen van de examens en het toelaten daartoe van kandidaten.”
5. Artikel *ses-en-twintig* van die „Universiteit van Zuid Afrika Wet, 1916”, word hiermee gewysig deur die woord „akademies” in daardie artikel te vervang deur die woord „financieel”.
6. Artikel *neëntien* van die „Hoger Onderwijs Wet, 1923”, soos gewysig, word hiermee gewysig deur paragraaf (f) in sub-artikel (1) te vervang deur die volgende paragraaf:

„(f) de toekenning van beurzen aan studenten en het geven van leningen aan studenten die voor onderwijzers opgeleid worden.”
7. Hierdie Wet heet die Wysigingswet op Hoër Onderwys, Kort titel. 1939,

Wysiging van artikel 8 van Wet 12 van 1916.

Wysiging van artikel 15 van Wet 12 van 1916.

Wysiging van artikel 16 van Wet 12 van 1916, artikel 17 van Wet 13 van 1916 en artikel 17 van Wet 14 van 1916, soos gewysig deur artikel 3 van Wet 42 van 1920, artikel 34 van Wet 15 van 1921, artikel 34 van Wet 13 van 1930, en artikel 1 van Wet 29 van 1934.

Wysiging van artikel 23 van Wet 12 van 1916, soos gewysig deur artikel 34 van Wet 15 van 1921 en artikel 34 van Wet 13 van 1930.

Wysiging van artikel 26 van Wet 12 van 1916.

Wysiging van artikel 19 van Wet 30 van 1923, soos gewysig deur artikel 8 van Wet 27 van 1931.

No. 22, 1939.]

ACT

To amend the law relating to the jurisdiction of the several divisions of the Supreme Court of South Africa in matrimonial causes.

(Signed by the Governor-General in Afrikaans.)
(Assented to 8th May, 1939.)

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:—

Extended juris-
diction in matri-
monial causes.

1. (1) Any provincial or local division of the Supreme Court of South Africa shall have jurisdiction to try an action 5 instituted by a wife against her husband for divorce or for restitution of conjugal rights or for judicial separation, if the wife has been ordinarily resident within the area of jurisdiction of that division for a period of one year immediately preceding the date on which the proceedings are instituted, 10 and if at that date—

(a) in the case of an action for divorce or for restitution of conjugal rights, the husband is domiciled within the Union; or

(b) in the case of an action for judicial separation, the 15 husband is domiciled or resident within the Union.

(2) For the purposes of sub-section (1) the proceedings shall be deemed to be instituted on the date on which the summons in the action is issued, or, if the action is preceded by an application by the wife for leave to sue her husband 20 *in forma pauperis* or for an interdict pending the action or for an order compelling him to pay alimony *pendente lite* or to make a contribution towards the costs of instituting the action, on the date on which the petition or notice of motion is filed. 25

Preliminary orders.

2. Any provincial or local division of the Supreme Court of South Africa which in terms of section *one* has or would have jurisdiction to try an action for divorce or for restitution of conjugal rights or for judicial separation shall have jurisdiction to hear an application made by the wife for leave to 30 sue her husband in *forma pauperis* or for an interdict pending the action or for an order compelling him to pay alimony *pendente lite* or to make a contribution towards the costs of the action.

Setting aside of
judicial separation
decreed by
another division
of Supreme
Court.

3. Any provincial or local division of the Supreme Court 35 of South Africa which in terms of section *one* has or would have jurisdiction to try an action for divorce or for restitution of conjugal rights shall have jurisdiction to set aside any order of judicial separation made by any other division of that Court, in so far as it may be necessary to set aside that order 40 before such an action may be instituted or a divorce may be granted or an order for restitution of conjugal rights may be made.

Claims in
reconvention.

4. Any provincial or local division of the Supreme Court of South Africa which in terms of section *one* has jurisdiction 45 to try an action instituted by a wife shall have jurisdiction to try any claim in reconvention made by the husband for divorce or for restitution of conjugal rights or for judicial separation, and the provisions of sections *two*, *three* and *five* shall, *mutatis mutandis*, apply to any such claim in recon- 50 vention.

Orders as to
property rights
of spouses and
custody and
maintenance of
children.

5. Any division of the Supreme Court of South Africa which tries any action or claim in reconvention for divorce or for restitution of conjugal rights or for judicial separation by virtue of the jurisdiction conferred upon it by section *one* or 55 *four* shall have jurisdiction to make an order determining the mutual property rights of the husband and wife or concerning the custody and maintenance of any minor child born of the marriage subsisting between them; and any such division which has tried any such action or claim in recon- 60 vention by virtue of the jurisdiction so conferred upon it shall have jurisdiction at any time thereafter to amend any order made by it concerning the custody or maintenance of any such child.

No. 22, 1939.]

WET

Tot wysiging van die regsbepalings insake die regsbevoegdheid van die verskeie afdelings van die Hooggeregshof van Suid-Afrika in matrimoniële regsake.

(Deur die Goewerneur-generaal in Afrikaans geteken.)
(Goedgekeur op 8 Mei 1939.)

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

1. (1) 'n Provinsiale of plaaslike afdeling van die Hooggeregshof van Suid-Afrika het regsbevoegdheid om 'n regsvordering vir egskeiding of herstel van huweliksregte of geregtelike skeiding deur 'n vrou teen haar eggenoot ingestel, te verhoor, indien die vrou vir 'n tydperk van een jaar wat die datum waarop die geding ingestel word onmiddellik voorafgaan, gewoonlik woonagtig was binne die regsgebied van daardie afdeling, en indien op daardie datum—
 - (a) in die geval van 'n regsvordering vir egskeiding of herstel van huweliksregte, die eggenoot binne die Unie gedomisilieer is; of
 - (b) in die geval van 'n regsvordering vir geregtelike skeiding, die eggenoot binne die Unie gedomisilieer of woonagtig is.
- (2) By die toepassing van sub-artikel (1) word die geding geag ingestel te wees op die datum waarop die dagvaarding in verband met die regsvordering uitgereik word of, indien die regsvordering voorafgegaan word deur 'n aansoek deur die vrou om verlof om haar eggenoot *in forma pauperis* aan te skrywe of om 'n interdik hangende die regsvordering of om 'n bevel om hom te verplig om onderhoud *pendente lite* te betaal of om by te dra tot die koste van die instel van die regsvordering, op die datum waarop die petisie of kennisgewing van mosie ingedien word.
2. 'n Provinsiale of plaaslike afdeling van die Hooggeregshof van Suid-Afrika wat ingevolge artikel een regsbevoegdheid het of sou hê om 'n regsvordering vir egskeiding of herstel van huweliksregte of geregtelike skeiding te verhoor, het ook regsbevoegdheid om 'n aansoek te verhoor deur die vrou om verlof om haar eggenoot *in forma pauperis* aan te skrywe of om 'n interdik hangende die regsvordering of om 'n bevel om hom te verplig om onderhoud *pendente lite* te betaal of om by te dra tot die koste van die regsvordering.
3. 'n Provinsiale of plaaslike afdeling van die Hooggeregshof van Suid-Afrika wat ingevolge artikel een regsbevoegdheid het of sou hê om 'n regsvordering vir egskeiding of herstel van huweliksregte te verhoor, het regsbevoegdheid om 'n bevel vir geregtelike skeiding deur 'n ander afdeling van daardie hof verleen tersy te stel, vir sover dit nodig mag wees om daardie bevel tersy te stel alvorens sodanige regsvordering ingestel kan word of 'n egskeiding toegestaan kan word of 'n bevel vir herstel van huweliksregte gegee kan word.
4. 'n Provinsiale of plaaslike afdeling van die Hooggeregshof van Suid-Afrika wat ingevolge artikel een regsbevoegdheid het om 'n regsvordering deur 'n vrou ingestel te verhoor, het regsbevoegdheid om 'n eis in rekonvensie te verhoor deur die eggenoot ingestel vir egskeiding of herstel van huweliksregte of geregtelike skeiding, en die bepalings van artikels twee, drie en vyf is *mutatis mutandis* op 'n eis in rekonvensie van toepassing.
5. 'n Afdeling van die Hooggeregshof van Suid-Afrika wat 'n regsvordering of eis in rekonvensie vir egskeiding of herstel van huweliksregte of geregtelike skeiding verhoor kragtens die regsbevoegdheid deur artikel een of vier aan hom verleen, het regsbevoegdheid om 'n bevel te verleen wat die onderlinge eiendomsregte van die eggenoot en eggenote vasstel of aangaande die bewaring en onderhoud van enige minderjarige kind uit die huwelik wat tussen hulle bestaan gebore; en sodanige afdeling wat sodanige regsvordering of eis in rekonvensie verhoor het kragtens die regsbevoegdheid aldus aan hom verleen, het regsbevoegdheid om te enige tyd daarna 'n bevel deur hom gegee aangaande die bewaring of onderhoud van enige sodanige kind te wysig.

Uitbreiding van regsbevoegdheid in matrimoniële regsake.

Voorlopige bevel.

Tersystelling van bevel vir geregtelike skeiding deur ander afdeling van Hooggeregshof verleen.

Eise in rekonvensie.

Bevele omtrent eiendomsregte van eggenote(s) en bewaring en onderhoud van kinders.

Law and practice applicable in actions or claims in reconvention for divorce or restitution of conjugal rights dealt with under this Act.

Saving.

Short title.

6. Whenever any division of the Supreme Court of South Africa deals with any action or claim in reconvention for divorce or for restitution of conjugal rights by virtue of the jurisdiction conferred upon it by section *one* or *four* or determines the mutual property rights of the husband and wife by virtue of the jurisdiction conferred upon it by section *five*, it shall do so in accordance with the practice and the law in accordance with which the division within whose area of jurisdiction the defendant in convention or the plaintiff in reconvention is domiciled would have dealt with it. 5 10

7. Nothing in this Act contained shall deprive any division of the Supreme Court of South Africa of any jurisdiction which it would have had if this Act had not been passed, or curtail any such jurisdiction.

8. This Act shall be called the Matrimonial Causes Jurisdiction Act, 1939. 15

No. 18, 1939.]

ACT

To amend the Children's Act, 1937.

(Signed by the Governor-General in Afrikaans.)
(Assented to 6th May, 1939.)

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

Amendment of section 1 of Act 31 of 1937.

1. Section *one* of the Children's Act, 1937, is hereby amended by the substitution for the paragraph containing definitions of the expressions "Secretary" and "Under-Secretary" of the following paragraph: 5

" 'Secretary' and 'Under-Secretary' and 'other senior officer' in any provision of this Act mean, respectively, the Secretary and Under-Secretary and other senior officer of the Department of State administered by the Minister to whom the administration of that provision has been assigned by proclamation issued under section *eighty-seven*." 10

Amendment of section 85 of Act 31 of 1937.

2. Section *eighty-five* of the Children's Act, 1937, is hereby amended by the insertion after the word "Under-Secretary" of the words "or to any other senior officer". 15

Short title and commencement.

3. This Act shall be called the Children's (Amendment) Act, 1939, and shall be deemed to have come into operation on the first day of April, 1938. 20

6. Wanneer 'n afdeling van die Hooggeregshof van Suid-Afrika 'n regs-vordering of eis in rekonvensie vir egskeiding of herstel van huweliksregte kragtens die regsbevoegdheid deur artikel *een* of *vier* aan hom verleen behandel, of die onder-
 5 linge eiendomsregte van die eggenoot en eggenote kragtens die regsbevoegdheid deur artikel *vyf* aan hom verleen vasstel, doen hy dit ooreenkomstig die praktyk en die wet in ooreenstemming waarmee die afdeling binne wie se regsgebied die verweerder in konvensie of die eiser in rekonvensie gedomisileer
 10 is, dit sou behandel het.
7. Die bepalings van hierdie Wet ontnem geen afdeling van die Hooggeregshof van Suid-Afrika regsbevoegdheid wat hy sou besit het indien hierdie Wet nie aangeneem was nie, of kort sodanige regsbevoegdheid in nie. Voorbehoud.
- 15 8. Hierdie Wet heet die Wet op Regsbevoegdheid in Matri-moniële Regsake, 1939. Kort titel.

No. 18, 1939.]

WET

Tot wysiging van die Kinderwet, 1937.

(Deur die Goewerneur-generaal in Afrikaans geteken.)
 (Goedgekeur op 6 Mei 1939.)

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

1. Artikel *een* van die Kinderwet, 1937, word hiermee
 5 gewysig deur die paragraaf bevattende woordskrywings van die uitdrukkings „Sekretaris” en „Onder-sekretaris” te vervang deur die volgende paragraaf: Wysiging van artikel 1 van Wet 31 van 1937.
- „„Sekretaris” en „Onder-sekretaris” en „ander senior amptenaar” in enige bepaling van hierdie Wet,
 10 beteken, onderskeidelik, die Sekretaris en Onder-sekretaris en ander senior amptenaar van die Staatsdepartement onder beheer van die Minister aan wie die uitvoering van daardie bepaling by 'n ingevolge artikel *sewe-en-tagtig* uitgevaardigde proklamasie opgedra is.”
- 15 2. Artikel *vyf-en-tagtig* van die Kinderwet 1937, word hiermee gewysig deur na die woord „Onder-sekretaris” die woorde „of aan enige ander senior amptenaar” in te voeg. Wysiging van artikel 85 van Wet 31 van 1937.
3. Hierdie Wet heet die Kinderwet-wysigingswet, 1939,
 20 en word geag om op die eerste dag van April 1938 in werking te getree het. Kort titel en inwerking-treding.