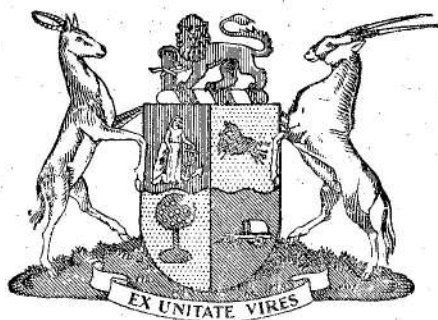


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EXTRAORDINARY



BUITENGEWONE

THE UNION OF SOUTH AFRICA

Government Gazette

Staatskoerant

VAN DIE UNIE VAN SUID-AFRIKA

VOL. CXXXI.] PRICE 6d.

CAPE TOWN, 24TH MARCH, 1943.
KAAPSTAD, 24 MAART 1943.

PRYS 6d. [No 3168.

OFFICE OF THE PRIME MINISTER.

The following Government Notice is published for general information:—

No. 556.] [24th March, 1943.

It is notified that His Excellency the Officer Administering the Government has been pleased to assent to the following Acts, which are hereby published for general information:—

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No. 9 of 1943: Part Appropriation Act, 1943 ..	xiv

KANTOOR VAN DIE EERSTE MINISTER.

Onderstaande Goewermentskennisgewing word ter algemene inligting gepubliseer.

No. 556.] [24 Maart 1943.

Hierby word bekendgemaak dat dit Sy Eksellensie die Amptenaar Belas met die Uitoeffening van die Uitvoerende Gesag behaag het om sy goedkeuring te heg aan onderstaande Wette, wat hierby, ter algemene inligting, gepubliseer word:—

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No. 7, 1943.]

ACT

To amend the Vocational Education and Special Schools Act, 1928.

(Signed by the Officer Administering the Government in English.)
(Assented to 22nd March, 1943.)

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 11 of Act
29 of 1928.

1. Sub-section (2) of section *eleven* of the Vocational Education and Special Schools Act, 1928, is hereby deleted.

Replacement of
section 12 of Act
29 of 1928.

2. The following section is hereby substituted for section *twelve* of the said Act:

“Charge of misconduct. 12. (1) When a person employed at a school is accused of misconduct, the head of the department or any other person who has been authorized thereto by the head of the department, may charge him in writing under his hand with that misconduct.

(2) The person who signed the charge shall cause it to be sent by post in a registered letter or to be delivered to the person charged or to be left at his last known place of residence.

(3) The charge shall contain or shall be accompanied by a direction calling upon the person charged to transmit or deliver, within a reasonable period specified in the direction, to a person likewise specified, a written admission or denial of the charge and, if he so desires, a written explanation of the misconduct charged.

(4) The Minister, or if authorized thereto by the Minister, either specially in a particular case, or generally, the head of the department or any other officer thereof may suspend the person charged from duty.

(5) A person who has been suspended from duty as aforesaid shall not be entitled to any emoluments for the period of his suspension, but the Minister may, in his discretion, order payment to the said person of the whole or a portion of his emoluments.

(6) The Minister may at any time cancel the suspension, but such cancellation shall in no way affect the prosecution of the charge.

(7) If the person charged admits the charge, he shall be deemed to be guilty of the misconduct with which he was charged.

(8) If the person charged denies the charge, or fails to comply with the direction mentioned in sub-section (3) the head of the department shall appoint a suitable person to enquire into the charge.

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

(10) If the person who is to hold the enquiry has reason to believe that any person is able to give evidence or to produce a document or article which will be relevant to the enquiry, he may, either on his own initiative or at the request of any person interested in the enquiry summon the person in question by a summons under his hand, to attend the enquiry at a time and place specified in the summons and to give evidence or to produce the document or article in question thereat, and at the enquiry the person holding it may administer the oath to any person present thereat.

(11) Subject to the provisions of sub-section (12) any person who—

No: 7, 1943.]

WET

**Tot wysiging van die Wet op Beroepsonderwys en
Spesiale Skole, 1928.***(Deur die Amptenaar Belas met die Uitoefening van die
Uitvoerende Gesag in Engels geteken.)
(Goedgekeur op 22 Maart, 1943.)*

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

1. Sub-artikel (2) van artikel *elf* van die Wet op Beroepsonderwys en Spesiale Skole, 1928, word hiermee geskrap. Wysiging van artikel 11 van Wet 29 van 1928.

2. Artikel *twaalf* van voormelde Wet word hiermee deur die volgende artikel vervang: Vervanging van artikel 12 van Wet 29 van 1928.

„Aanklag
weens
wangedrag.

12. (1) Wanneer iemand wat by 'n skool in diens is van wangedrag beskuldig word, dan kan die hoof van die Departement of iemand anders wat deur die hoof van die Departement daartoe gemagtig is, hom skriftelik onder sy handtekening weens daardie wangedrag aankla.

(2) Die persoon wat die aanklag onderteken het, laat dit deur die pos in 'n aangetekende brief stuur of laat dit oorhandig aan die aangeklaagde of laat dit by sy laaste bekende woonplek afgee.

(3) Die aanklag bevat, of gaan vergesel van, 'n aansegging van die aangeklaagde om binne 'n redelike, in die aansegging vasgestelde termyn, 'n skriftelike erkenning of ontkenning van die aanklag, en as hy wil, ook 'n skriftelike verklaring van die ten laste gelegde wangedrag, te stuur of te oorhandig aan 'n in die aansegging vermelde persoon.

(4) Die Minister, of indien spesiaal in 'n bepaalde geval of in die algemeen deur die Minister daartoe gemagtig, die hoof van die Departement of enige ander amptenaar daarvan, kan die aangeklaagde in sy diens skors.

(5) Iemand wat soos voormeld in sy diens geskors is, is nie geregtig op enige besoldiging nie gedurende sy skorsing, dog die Minister kan, as hy dit wenslik ag, gelas dat aan bedoelde persoon sy hele besoldiging of 'n deel daarvan uitbetaal moet word.

(6) Die Minister kan te eniger tyd die skorsing intrek, dog daardie intrekking maak geen inbreuk nie op die afhandeling van die aanklag.

(7) As die aangeklaagde die aanklag erken, dan word hy geag skuldig te wees aan die wangedrag wat hom ten laste gelê is.

(8) As die aangeklaagde die aanklag ontken of in gebreke bly om gevolg te gee aan die aansegging bedoel in sub-artikel (3), dan stel die hoof van die Departement 'n geskikte persoon aan om die aanklag te ondersoek.

(9) Die persoon wat die ondersoek moet hou bepaal, in oorleg met die persoon wat die aanklag onderteken het, die tyd en plek van die ondersoek, en die persoon wat die aanklag onderteken het gee aan die aangeklaagde 'n redelike tyd vooraf kennis van die aldus bepaalde tyd en plek.

(10) As die persoon wat die ondersoek moet hou, 'n gegronde vermoede het dat iemand in staat is om getuienis af te lê of om 'n dokument of voorwerp voor te lê wat by die ondersoek relevant sal wees, dan kan hy, hetsy uit eie beweging, hetsy op versoek van iemand wat by die ondersoek belang het, die betrokke persoon deur middel van 'n deur hom ondertekende dagvaarding dagvaar om die ondersoek op 'n in die dagvaarding vermelde tyd en plek by te woon en om aldaar getuienis af te lê of die betrokke dokument of voorwerp voor te lê, en by die ondersoek kan die persoon wat dit hou, aan enigeen wat by die ondersoek aanwesig is, die eed oplê.

(11) Behoudens die bepalinge van sub-artikel (12) is enigeen wat—

- (a) after having been summoned as aforesaid fails, without reasonable excuse, to attend the enquiry or to bring with him a document or article in accordance with the summons, or absents himself from the enquiry before its conclusion without having been excused, by the person holding the enquiry, from further attendance; or
 - (b) when present at the enquiry, refuses to be sworn, or after having been sworn, refuses to answer fully and satisfactorily any relevant question put to him, or to produce any document or article which he was summoned to produce; or
 - (c) hinders or intimidates any person taking part in the enquiry or giving evidence thereat,
- shall be guilty of an offence and liable to a fine not exceeding twenty pounds.

(12) At the enquiry no person shall be obliged to answer a question if the answer to that question may render him liable to a criminal prosecution, and no person shall produce any document or article at the enquiry if any Minister of State has stated in writing that the production of that document or article at the enquiry would be contrary to the public interest.

(13) Any person who, while giving evidence on oath at the enquiry, makes a material statement relevant to the enquiry, which he knows to be false or which he does not believe to be true, shall be deemed to be guilty of perjury.

(14) The person who signed the charge may authorize any person to attend the enquiry and to adduce evidence and arguments in support of the charge and to cross-examine any person called as a witness for the defence.

(15) At the enquiry the person charged may be present and be heard either personally or by a representative, cross-examine any person called as a witness in support of the charge, inspect any document or article produced in evidence, give evidence himself and call any other person as a witness.

(16) The person holding the enquiry shall keep a record of the proceedings at the enquiry and of all evidence given thereat.

(17) If the person charged fails to attend, the enquiry may be held in his absence.

(18) If the misconduct set forth in the charge amounts to an offence of which the person charged has been convicted by a court of law, a certified copy of the record of his trial and conviction by that court shall be sufficient proof that he committed the said offence, unless he was pardoned or unless the conviction has been set aside by a superior court: Provided that it shall be competent for the person charged to adduce evidence that he was in fact wrongly convicted.

(19) At the conclusion of the enquiry the person holding it shall find whether the person charged is guilty or not guilty of the misconduct with which he was charged and shall inform the person charged of his finding. He shall report the result of the enquiry to the head of the department.

(20) If the person charged was suspended from duty and the person holding the enquiry has found that he is not guilty of the misconduct with which he was charged, the first mentioned person shall be re-instated in his post and paid his full emoluments for the period of his suspension.

(21) If the person holding the enquiry has found the person charged guilty of misconduct, the latter may, within a period of seven days as from the date upon which he was informed of the finding, appeal therefrom to the Minister by delivering or forwarding by post to the head of the department

- (a) nadat hy soos voormeld gedagvaar is, sonder redelike verontskuldiging in gebreke bly om volgens die dagvaarding die ondersoek by te woon of 'n dokument of voorwerp saam te bring, of van die ondersoek weggaan voordat dit voltooi is sonder dat die persoon wat die ondersoek hou hom van verdere bywoning daarvan vrygestel het; of
- (b) wanneer hy by die ondersoek teenwoordig is, weier om die eed af te lê of nadat hy die eed afgelê het, weier om 'n relevante vraag wat hom gestel is, volledig en bevredigend te beantwoord of om 'n dokument of voorwerp voor te lê wat hy gedagvaar is om voor te lê; of
- (c) iemand wat aan die ondersoek deelneem of daarby getuienis aflê, hinder of intimideer, aan 'n misdryf skuldig en strafbaar met 'n boete van hoogstens twintig pond.

(12) By die ondersoek is niemand verplig om 'n vraag te beantwoord as die antwoord op daardie vraag hom aan 'n straf-vervolgning sou kon blootstel nie, en niemand mag 'n dokument of voorwerp by die ondersoek voorlê nie as een of ander Staatsminister skriftelik verklaar het dat die voorlegging van daardie dokument of voorwerp by die ondersoek in stryd met die openbare belang sou wees.

(13) Iemand wat, terwyl hy by die ondersoek onder eed getuienis aflê, 'n bewering van wesenlike belang maak wat by die ondersoek relevant is en waarvan hy weet dat dit vals is of waarvan hy nie glo dat dit waar is nie, word geag aan meenede skuldig te wees.

(14) Die persoon wat die aanklag onderteken het, kan iemand magtig om die ondersoek by te woon en die aanklag deur bewyse en argumente testaa en iemand wat as verdedigingsgetuie opgeroep is, onder kruisverhoor te neem.

(15) By die ondersoek kan die aangeklaagde teenwoordig wees en persoonlik of by gemagtigde sy saak voordra, iemand wat opgeroep is as getuie tot stawing van die aanklag onder kruisverhoor neem, 'n as bewysstuk voorgelegde dokument of voorwerp besigtig, self getuienis aflê en iemand anders as getuie oproep.

(16) Die persoon wat die ondersoek hou notuleer die verrigtings en alle daarby aangevoerde getuienis.

(17) As die aangeklaagde in gebreke bly om die ondersoek by te woon, kan dit in sy afwesigheid gehou word.

(18) As die in die aanklag vermelde wangedrag 'n misdryf uitmaak, waarvan 'n geregshof die aangeklaagde skuldig bevind het, dan strek 'n gesertifiseerde afskrif van die notule van sy teregstelling en skuldigbevinding tot voldoende bewys dat hy daardie misdryf gepleeg het, tensy hom grasië verleen is of tensy die skuldigbevinding deur 'n hoër hof vernietig is: Met dien verstande dat dit die aangeklaagde vrystaan om getuienis aan te voer dat hy inderdaad ten onregte skuldig bevind is.

(19) Aan die einde van die ondersoek beslis die ondersoeker of die aangeklaagde skuldig of onskuldig is aan die wangedrag wat hom ten laste gelê is en verwittig die aangeklaagde van sy beslissing. Hy meld die uitslag van sy ondersoek aan by die hoof van die Departement.

(20) As die aangeklaagde in sy diens geskors is en die persoon wat die ondersoek gehou het, beslis het dat hy onskuldig is aan die hom ten laste gelêde wangedrag, dan word die aangeklaagde in sy pos herstel en ontvang hy sy volle besoldiging vir die tydperk van sy skorsing.

(21) As die persoon wat die ondersoek gehou het die aangeklaagde skuldig bevind het aan wangedrag, dan kan die aangeklaagde binne 'n termyn van sewe dae vanaf die dag waarop hy van die beslissing verwittig is, daarteen na die Minister appelleer deur 'n skriftelike kennisgewing van appèl, waarin die redes waarop die appèl steun

a written notice of appeal wherein are set forth fully the grounds upon which the appeal is based.

(22) If the person who held the enquiry has found in terms of sub-section (21) he shall forward to the head of the department the record of the proceedings at the enquiry and any documentary evidence admitted thereat, a statement of his finding and his reasons therefor, and any observations on the case which he may desire to offer.

(23) If the person found guilty of misconduct has noted an appeal, the head of the department shall furnish the appellant with a copy of the reasons for the finding against which the appeal is brought.

(24) If the person found guilty, within a period of seven days as from the date upon which he received a copy of the reasons for the finding (or if he lodged no appeal, within a period of fourteen days as from the date upon which he was informed of the finding), applies to the head of the department for a copy of the record of the proceedings at the enquiry and of any documents admitted in evidence thereat, the head of the department shall furnish him with such copies.

(25) The appellant may, within a period of seven days as from the date upon which he received the copy of the record of the proceedings, or if he did not apply for a copy of the record, within a period of fourteen days as from the date upon which he received the copy of the reasons for the finding, submit to the Minister written representations in support of his appeal. Such written representations shall be delivered or forwarded by post, to the head of the department.

(26) The head of the department shall submit to the Minister the record of the proceedings at the enquiry and all documents in his possession which relate to the enquiry or to the appeal, with his recommendation thereon.

(27) After consideration of the aforesaid record and documents, the Minister may allow the appeal wholly or in part and set aside or modify the finding or dismiss the appeal and confirm the finding wholly or in part, or the Minister may, before arriving at a final decision on the appeal, remit any question in connection with the enquiry to the person who held the enquiry, and direct him to report thereon or to hold a further enquiry and arrive at a finding thereon.

(28) If the Minister has directed the holding of a further enquiry, the provisions of sub-sections (9) to and including (17) shall apply in connection with the further enquiry.

(29) When the Minister has arrived at a final decision on an appeal, that decision shall be conveyed in writing to the appellant.

(30) If the Minister allows the appeal of an appellant who was suspended from duty, he shall be re-instated in his post and paid his full emoluments for the period of his suspension.

(31) If the person charged has admitted the charge in terms of sub-section (7) or if the record and documents mentioned in sub-section (22) have in terms of that sub-section been forwarded to the head of the department and no appeal was noted against the finding or if the Minister has dismissed the appeal, wholly or in part, the head of the department shall determine whether in his opinion the misconduct which the said person admitted or of which he was found guilty, is or is not of a serious nature.

(32) In determining whether the misconduct in question is or is not of a serious nature, the head of the department shall give due regard to the probable effect of the misconduct on the tone and efficiency of the school at which the person charged was employed when the misconduct occurred, and on the pupils of such school.

volledig aangevoer word, te oorhandig of deur die pos te stuur aan die hoof van die Departement.

(22) As die persoon wat die ondersoek gehou het, in die sin van sub-artikel (21) beslis het, dan stuur hy aan die hoof van die Departement die notule van die verrigtings by die ondersoek en die bewysstukke wat daarby toegelaat is, 'n optekening van sy beslissing en sy redes daarvoor en enige toelichtings van die saak wat hy wenslik ag.

(23) As die aan wangedrag skuldigebevinde persoon appèl aangeteken het, verstrek die hoof van die Departement aan die appellant 'n afskrif van die redes vir die beslissing waarteen geappelleer word.

(24) As die skuldigebevinde persoon binne 'n termyn van sewe dae vanaf die dag waarop hy 'n afskrif van die redes vir die beslissing ontvang het (of as hy geen appèl aangeteken het nie, binne 'n termyn van veertien dae vanaf die dag waarop hy van die beslissing verwittig is) die hoof van die Departement versoek om 'n afskrif van die notule van die verrigtings by die ondersoek en van enige daarby toegelate bewysstukke, dan verstrek die hoof van die Departement aan hom daardie afskrifte.

(25) Die appellant kan binne 'n termyn van sewe dae vanaf die dag waarop hy 'n afskrif van die notule van die verrigtings ontvang het, of as hy nie om 'n afskrif van die notule versoek het nie, binne 'n termyn van veertien dae vanaf die dag waarop hy 'n afskrif van die redes vir die beslissing ontvang het, aan die Minister 'n skriftelike vertoog tot ondersteuning van sy appèl voorlê. So 'n skriftelike vertoog moet aan die hoof van die Departement oorhandig of deur die pos gestuur word.

(26) Die hoof van die Departement lê aan die Minister voor die notule van die verrigtings by die ondersoek en alle stukke in sy besit wat op die ondersoek of op die appèl betrekking het, met sy aanbeveling daaromtrent.

(27) Na oorweging van voormelde notule en stukke kan die Minister die appèl geheel of gedeeltelik toestaan en die beslissing vernietig of wysig of die appèl afwys en die beslissing geheel of gedeeltelik bekragtig of die Minister kan, voordat hy die appèl finaal uitwys, een of ander vraag in verband met die ondersoek terugverwys na die persoon wat die ondersoek gehou het en hom gelas om daaromtrent verslag te doen of 'n verdere ondersoek te hou en daaromtrent te beslis.

(28) As die Minister 'n verdere ondersoek gelas het, is die bepalinge van sub-artikels (9) tot en met (17) van toepassing in verband met die verdere ondersoek.

(29) Wanneer die Minister die appèl finaal uitgewys het, word sy beslissing skriftelik aan die appellant meegedeel.

(30) As die Minister die appèl van 'n appellant wat in sy diens geskors is, toestaan, dan word hy in sy pos herstel en ontvang hy sy volle besoldiging vir die tydperk van sy skorsing.

(31) As die aangeklaagde die aanklag volgens sub-artikel (7) erken het of as die in sub-artikel (22) vermelde notule en stukke volgens daardie sub-artikel aan die hoof van die Departement gestuur is en daar is geen appèl teen die beslissing aangeteken nie of as die Minister die appèl geheel of gedeeltelik afgewys het, dan bepaal die hoof van die Departement of die wangedrag wat die aangeklaagde erken het of waaraan hy skuldig bevind is, volgens sy oordeel al dan nie van ernstige aard is.

(32) By die bepaling of die betrokke wangedrag al dan nie van ernstige aard is, neem die hoof van die Departement in aanmerking die waarskynlike uitwerking van die wangedrag op die gees en doeltreffendheid van die skool waar die aangeklaagde in diens was toe die wangedrag plaasgevind het en op die leerlinge in daardie skool.

(33) If the head of the department has determined that the misconduct which the person charged has admitted or of which he has been found guilty, is not of a serious nature, he may recommend that the Minister—

- (a) caution or reprimand the said person; or
- (b) impose upon him a fine not exceeding five pounds,

and the Minister may thereupon adopt the course recommended or the other course which the head of the department could lawfully have recommended under this sub-section.

(34) If the head of the department has determined that the misconduct which the person charged has admitted or of which he has been found guilty, is of a serious nature, he may recommend that the Minister—

- (a) caution or reprimand the said person; or
- (b) impose upon him a fine not exceeding one hundred pounds, which may be recovered in such instalments as the Minister may determine, by deduction from his emoluments; or
- (c) reduce his emoluments or grade or both his emoluments and his grade to an extent recommended; or
- (d) discharge him from the service of the department or call upon him to resign therefrom as from a date to be specified by the Minister,

and the Minister may thereupon adopt the course recommended, or any other course which the head of the department could lawfully have recommended under this sub-section.

(35) If a person who is under suspension from duty under sub-section (4) is dealt with in accordance with sub-section (33) or paragraph (a), (b) or (c) of sub-section (34), he shall be re-instated in the post which he held at the time of his suspension and paid his full emoluments for the period of his suspension: Provided that if his grade is reduced in terms of the said paragraph (c) he shall be re-instated in the service of the department in a post of the reduced grade and paid for the period of his suspension the emoluments of that post, but if emoluments in excess of the emoluments of that post were, during his suspension, paid to him under sub-section (5), he shall not be obliged to refund the excess.

(36) If a person who was called upon to resign from the service of the department in terms of sub-section (34) fails to so resign, he shall be deemed to have been discharged from the service of the department upon the date upon which he was called upon to resign."

Short title.

3. This Act shall be called the Vocational and Special Schools Amendment Act, 1943.

(33) As die hoof van die Departement bepaal het dat die wangedrag wat die aangeklaagde erken het of waaraan hy skuldig bevind is, nie van ernstige aard is nie, dan kan hy aanbeveel dat die Minister—

- (a) die aangeklaagde waarsku of berispe; of
- (b) aan hom 'n boete van hoogstens vyf pond oplê,

en daarop kan die Minister volgens die aanbeveling handel of die ander weg inslaan wat die hoof van die Departement ingevolge hierdie sub-artikel wettig sou kon aanbeveel het.

(34) As die hoof van die Departement bepaal het dat die wangedrag wat die aangeklaagde erken het of waaraan hy skuldig bevind is, van ernstige aard is, dan kan hy aanbeveel dat die Minister—

- (a) die aangeklaagde waarsku of berispe; of
- (b) aan hom 'n boete oplê van hoogstens honderd pond, wat in die paaielemente wat die Minister mag vasstel, verhaal kan word deur aftrek van sy besoldiging; of
- (c) sy besoldiging of graad of beide sy besoldiging en sy graad verlaag in 'n aanbevole mate; of

- (d) hom uit die diens van die Departement ontslaan of hom gelas om daaruit af te tree vanaf 'n deur die Minister vas te stelle dag,

en daarop kan die Minister volgens die aanbeveling handel of 'n ander weg inslaan wat die hoof van die Departement ingevolge hierdie sub-artikel wettig sou kon aanbeveel het.

(35) As met iemand wat staan onder skorsing in sy diens ingevolge sub-artikel (4), gehandel word volgens sub-artikel (33) of paragraaf (a), (b) of (c) van sub-artikel (34), dan word hy herstel in die pos wat hy op die tydstop van sy skorsing beklee het en ontvang hy sy volle besoldiging vir die tydperk van sy skorsing: Met dien verstande dat, as sy graad volgens bedoelde paragraaf (c) verlaag is, hy in die diens van die Departement herstel word in 'n pos van die verlaagde graad en hy vir die tydperk van sy skorsing die besoldiging van daardie pos ontvang; dog as gedurende sy skorsing 'n hoër besoldiging as die besoldiging van daardie pos ingevolge sub-artikel (5) aan hom uitbetaal is, dan is hy nie verplig om die verskil terug te betaal nie.

(36) As iemand wat volgens sub-artikel (34) gelas is om uit die diens van die Departement af te tree, in gebreke bly om aldus af te tree, dan word hy geag uit die diens van die Departement ontslaan te wees op die dag waarop hy gelas is om af te tree."

3. Hierdie Wet heet die Wysigingswet op Beroeps- en Spesiale Kort titel. Skole, 1943.

No. 8, 1943.]

ACT

To amend the law relating to the payment of subsidies towards interest due or paid under certain mortgage bonds passed by farmers.

(Signed by the Officer Administering the Government in Afrikaans.)
(Assented to 22nd March, 1943.)

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

Interpretation.

1. In this Act "principal Act" means the Farm Mortgage Interest Act, 1933 (Act No. 34 of 1933), as amended, and any expression to which a meaning has been assigned in that Act bears, when used in this Act, the same meaning.

Extension and cessation of the provisions of Act 34 of 1933.

2. All the provisions of the principal Act, except the first proviso to section *sixteen* of the said Act (which is hereby repealed) shall, subject to the provisions of this Act, continue in operation after the thirty-first day of March, 1943, and shall, subject to the second proviso to the said section, cease to be in operation on the first day of April, 1951, and no application for the payment of subsidy under the said Act which is lodged more than twelve months after the latter date shall be granted.

Circumstances under which subsidy payable to creditor or person other than the creditor.

3. (1) Notwithstanding anything contained in section *three* of the principal Act and subject to the provisions of sub-sections (2), (3) and (4) of this section, the full amount of any subsidy due and payable under the said Act on or after the first day of April, 1943, shall be paid—

- (a) to the creditor under the farm mortgage in reduction of the amount of the debt of which payment is secured by that mortgage; or
- (b) if such creditor is under the terms of the mortgage entitled to refuse to accept any part-payment of such debt and refuses to accept such payment of the subsidy, into the fund referred to in section *four* of this Act.

(2) At the written request of any person (other than the creditor under the mortgage) who is entitled to the benefit of the subsidy under the principal Act, there shall, instead of the full amount of the subsidy being paid to the creditor or into the said fund under sub-section (1), be paid—

- (a) to that person in respect of the year ending on the thirty-first day of March, 1944, the full amount of the subsidy payable under the principal Act during that year;
- (b) to that person in respect of the years ending on the thirty-first day of March, 1945, 1946, 1947, 1948, 1949, 1950 and 1951, sums equivalent to seven-eighths, six-eighths, five-eighths, four-eighths, three-eighths, two-eighths and one-eighth respectively of the full amount of the subsidy payable under the principal Act during the year concerned;
- (c) to the creditor, in respect of any year referred to in paragraph (b), that portion of the full amount of the said subsidy which is not paid to that person in respect of that year under the said paragraph; and
- (d) into the said fund, in respect of any such year, the said portion of the subsidy, if the creditor is under the terms of the mortgage entitled to refuse to accept any part payment of the debt and refuses to accept payment of such portion of the subsidy.

- (3) (a) If the Minister is satisfied that any person who is entitled to the benefit of the subsidy under the principal Act has, on or after the first day of April, 1943, paid to the creditor under the farm mortgage,

No. 8, 1943.]

WET

Tot wysiging van die wetsbepalings betreffende die betaling van subsidies op rente verskuldig of betaal ingevolge sekere verbande deur boere gepasseer.

(Deur die Amptenaar Belas met die Uitoefening van die Uitvoerende Gesag in Afrikaans geteken.)
(Goedgekeur op 22 Maart 1943.)

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

1. In hierdie Wet beteken „Hoofwet” die Wet op Plaasverbandrente, 1933 (Wet No. 34 van 1933), soos gewysig, en het enige uitdrukking waaraan in daardie Wet ’n betekenis toegeskryf is, waar dit in hierdie Wet voorkom, dieselfde betekenis.

Woordbepaling.

2. Al die bepalings van die Hoofwet, behalwe die eerste voorbehoudsbepaling by artikel *sestien* van genoemde Wet (wat hiermee herroep word) bly, onderworpe aan die bepalings van hierdie Wet, in werking na die een-en-dertigste dag van Maart 1943, en tree, onderworpe aan die tweede voorbehoudsbepaling by genoemde artikel, op die eerste dag van April 1951, buite werking, en geen aansoek om betaling van subsidie ingevolge genoemde Wet, wat later dan twaalf maande na laasgenoemde datum ingedien word, word toegestaan nie.

Verlenging en uitwerkingtreding van bepalings van Wet 34 van 1933.

3. (1) Ondanks andersluidende bepalings in artikel *drie* van die Hoofwet vervat, word die volle bedrag van enige subsidie wat op of na die eerste dag van April 1943 kragtens genoemde Wet verskuldig en betaalbaar is, behoudens die by sub-artikels (2), (3) en (4) van hierdie artikel bepaalde—

Omstandighede waaronder subsidie aan skuldeiser of ander persoon dan skuldeiser betaalbaar is.

(a) aan die skuldeiser kragtens die plaasverband uitbetaal ter afbetaling van die bedrag van die skuld waarvan betaling deur daardie verband verseker word; of

(b) indien bedoelde skuldeiser ingevolge die bepalings van die verband die reg het om aanname van gedeeltelike betaling van die skuld te weier en aanname van bedoelde betaling van die subsidie weier, in die in artikel *vier* van hierdie Wet bedoelde fonds gestort.

(2) In plaas daarvan dat die volle bedrag van die subsidie kragtens sub-artikel (1) aan die skuldeiser uitbetaal word of in die genoemde fonds gestort word, moet daar, op skriftelike versoek van enige persoon (behalwe die skuldeiser kragtens die verband) wat op die voordeel van die subsidie kragtens die Hoofwet geregtig is—

(a) aan daardie persoon ten opsigte van die jaar wat op die een-en-dertigste dag van Maart 1944 eindig, die volle bedrag uitbetaal word van die subsidie wat gedurende daardie jaar kragtens die Hoofwet betaalbaar is;

(b) aan daardie persoon ten opsigte van die jare wat op die een-en-dertigste dag van Maart 1945, 1946, 1947, 1948, 1949, 1950 en 1951 eindig, bedrae uitbetaal word wat gelykstaan met sewe-agstes, ses-agstes, vyf-agstes, vier-agstes, drie-agstes, twee-agstes en een-agste respektieflik van die volle bedrag van die subsidie wat gedurende die betrokke jaar kragtens die Hoofwet betaalbaar is;

(c) aan die skuldeiser, ten opsigte van enige in paragraaf (b) bedoelde jaar, daardie gedeelte van die volle bedrag van genoemde subsidie uitbetaal word wat nie ingevolge genoemde paragraaf ten opsigte van daardie jaar aan daardie persoon uitbetaal word nie; en

(d) in genoemde fonds, ten opsigte van so ’n jaar, genoemde gedeelte van die subsidie gestort word, as die skuldeiser ingevolge die bepalings van die verband die reg het om aanname van gedeeltelike betaling van die skuld te weier en aanname van betaling van bedoelde gedeelte van die subsidie weier.

(3) (a) Indien die Minister oortuig is dat enige persoon wat op die voordeel van die subsidie kragtens die Hoofwet geregtig is, op of na die eerste dag van April, 1943, aan die skuldeiser kragtens die plaasverband ter

in reduction of the debt of which payment is secured by the mortgage, an amount of not less than the present value, as at the date of such payment, of the annual payments of subsidy to which such person would, if such payment had not been made, have become entitled under that Act in respect of the period from the date of such payment, to the thirty-first day of March, 1951, he shall, instead of making any payments or any further payments, as the case may be, under sub-section (1) or (2), pay to the creditor in further reduction of the debt, an amount equal to the said present value.

(b) The present value of the payments referred to in paragraph (a) shall be calculated on the basis of a discount at the rate of three and one half per cent. per annum, compounded annually as at the date upon which subsidy would become payable.

(4) The Minister may, in special circumstances, notwithstanding the provisions of sub-sections (1) and (2), authorize the payment of the subsidy to such person or persons and according to such allocation amongst them, as he may determine, or partly to such person or persons and partly into the said fund.

(5) The written request referred to in sub-section (2) shall be submitted with the first application for subsidy made by the person concerned on or after the first day of April, 1943, or within such period after receipt of such application as the Minister may, in any particular case, determine.

Establishment of Fund.

4. (1) The Minister shall establish a farm mortgage debt redemption fund (in this section referred to as the fund), and any moneys paid into the fund under section *three* shall be deposited with the Public Debt Commissioners and shall be regarded as deposits in terms of section *nine* of the Public Debt Commissioners Act, 1911 (Act No. 18 of 1911).

(2) The Public Debt Commissioners shall credit the fund with interest at the rate of three per cent. per annum on all amounts paid into the fund, calculated as from the date on which they are paid into the fund up to the date on which they are paid out of the fund.

(3) No amount paid into the fund and no interest which has accrued thereon shall be liable to be attached or subjected to any form of execution under a judgment or order of a court of law.

(4) On the thirty-first day of March, 1951, or on the date on which any subsidy payable into the fund ceases for any reason to be so payable, or on the date on which the debtor concerned becomes entitled to reduce the debt in connection with which such subsidy is so payable, by an amount not less than the aggregate of the sums paid into the fund in respect of subsidy in connection with that debt and credited to the fund in respect of that debt under sub-section (2), whichever may be the earliest date, the said sums shall, subject to the provisions of sub-sections (5) and (6), be paid to the creditor concerned, and the creditor shall, notwithstanding anything to the contrary in any agreement with the debtor, not be entitled to refuse to accept any such sum.

(5) The amount by which the aggregate of the sums referred to in sub-section (4) exceeds the amount of the debt concerned, shall, when the debt is paid under that sub-section, be paid to the debtor.

(6) The sum paid into the fund as subsidy in connection with any debt, or credited to the fund in respect of such debt under sub-section (2) shall—

(a) if at the time when payment thereof is to be made under sub-section (4) or (5)—

(i) the estate of the debtor is under sequestration under the Insolvency Act, 1936 (Act No. 24 of 1936); or

(ii) a notice has been published with reference to the debtor under sub-section (1) of section *ten* of the Farmers' Assistance Act, 1935 (Act No. 48 of 1935), and the proceedings under that Act in regard to the debtor have not fallen away; or

(iii) the provisions of sub-paragraph (i) or (ii) do not apply and the mortgaged property has been sold in execution,

afbetaling van die skuld waarvan betaling deur die verband verseker word, 'n bedrag betaal het van minstens die onmiddellike waarde op die dag van die betaling, van die jaarlikse betalings van subsidie waarop bedoelde persoon ingevolge daardie Wet ten opsigte van die tydperk vanaf die dag van die betaling tot op die een-en-dertigste dag van Maart 1951, geregtig sou geword het as bedoelde betaling nie geskied het nie, dan moet hy, in plaas van enige betalings of van enige verdere betalings, na gelang van die geval, ingevolge sub-artikel (1) of (2) te doen, aan die skuldeiser, ter verdere afbetaling van die skuld, 'n bedrag betaal wat met genoemde onmiddellike waarde gelykstaan.

- (b) Die onmiddellike waarde van die in paragraaf (a) bedoelde betalings word bereken op die basis van 'n korting teen die koers van drie-en-'n-half persent per jaar, jaarliks saamgestel op die datum waarop subsidie betaalbaar sou word.

(4) Die Minister kan, onder spesiale omstandighede, ondanks die by sub-artikels (1) en (2) bepaalde, daartoe magtiging verleen dat die subsidie uitbetaal word aan die persoon of persone en volgens die aandeel van elk wat hy mag bepaal, of dat dit gedeeltelik aan bedoelde persoon of persone uitbetaal word en gedeeltelik in genoemde fonds gestort word.

(5) Die in sub-artikel (2) bedoelde skriftelike versoek moet tesame met die eerste aansoek om subsidie wat die betrokke persoon op of na die eerste dag van April 1943 doen, voorgelê word, of binne die tydperk na ontvangs van die aansoek wat die Minister in enige besondere geval mag bepaal.

4. (1) Die Minister stig 'n plaasverband-skulddelgingsfonds Stigting van fonds. (in hierdie artikel die fonds genoem) en enige gelde wat kragtens artikel drie in die fonds gestort word, word by die Kommissaris van Openbare Skuld gedeponeer en beskou as deposito's volgens artikel nege van die „Openbare Schuld Kommissarissen Wet, 1911” (Wet No. 18 van 1911).

(2) Die Kommissaris van Openbare Skuld krediteer die fonds met rente teen die koers van drie persent per jaar op alle bedrae in die fonds gestort, bereken vanaf die datum waarop hul in die fonds gestort word tot op die datum waarop hul uit die fonds uitbetaal word.

(3) 'n Bedrag wat in die fonds gestort is en rente wat daarop opgehoop het, is nie vatbaar vir beslaglegging of onderhewig aan enige vorm van eksekusie ingevolge 'n vonnis of order van 'n hof nie.

(4) Op die een-en-dertigste dag van Maart 1951, of op die datum waarop enige subsidie wat in die fonds gestort moet word, om een of ander rede nie meer daarin gestort moet word nie, of op die datum waarop die betrokke skuldenaar geregtig word om op die skuld in verband waarmee die subsidie aldus gestort moet word, 'n bedrag af te betaal wat nie minder bedra nie dan die totaalbedrag van die gelde wat ten opsigte van subsidie in verband met daardie skuld in die fonds gestort is en waarmee die fonds kragtens sub-artikel (2) ten opsigte van daardie skuld gekrediteer is, na gelang die een of die ander datum die vroegste is, word genoemde gelde, behoudens die by sub-artikels (5) en (6) bepaalde, aan die betrokke skuldeiser uitbetaal, en die skuldeiser het, ondanks andersluidende bepalinge in enige ooreenkoms met die skuldenaar, nie die reg om aanname van so 'n bedrag te weier nie.

(5) Die bedrag waarby die totaalbedrag van die in sub-artikel (4) bedoelde gelde meer is dan die bedrag van die betrokke skuld, word, wanneer die skuld kragtens daardie sub-artikel betaal word, aan die skuldenaar uitbetaal.

(6) Die geld wat in verband met enige skuld as subsidie in die fonds gestort is of waarmee die fonds kragtens sub-artikel (2) ten opsigte van daardie skuld gekrediteer is—

- (a) word, indien op die datum waarop dit kragtens sub-artikel (4) of (5) uitbetaal moet word—

(i) die boedel van die skuldenaar ingevolge die Insolvensiewet, 1936 (Wet No. 24 van 1936), gesekwestreer is; of

(ii) 'n kennisgewing kragtens sub-artikel (1) van artikel tien van die Boere-Bystandswet, 1935 (Wet No. 48 van 1935), met betrekking tot die skuldenaar gepubliseer is en die verrigtings ingevolge daardie Wet nie met betrekking tot die skuldenaar tot niet geword het nie; of

(iii) die bepalinge van sub-paragraaf (i) of (ii) van toepassing is nie en die met verband beswaarde goed by wyse van eksekusie verkoop is,

be paid to the debtor, or if he is dead, in a case referred to in sub-paragraph (i) or (ii), to his surviving spouse or to such of his children, step-children or dependants and according to such allocation amongst them as the Minister may determine, or in a case referred to in sub-paragraph (iii), to the executor of his estate ;

(b) in any case referred to in sub-paragraph (i) or (ii) of paragraph (a), whether or not it has been paid to the debtor, for the purposes of the said Acts, be deemed not to be an asset of such debtor ; and

(c) in any case referred to in sub-paragraph (iii) of paragraph (a), when paid to the debtor or the executor of his estate, not be liable to be attached or be subject to any form of execution under a judgment or order of a court of law, in satisfaction of the debt of which payment was secured by the mortgage.

Regulations.

5. The Minister may make regulations as to all matters which he considers necessary or expedient to prescribe in order that the purposes of this Act may be achieved.

Delegation of powers.

6. The Minister may authorize any officer of the public service to exercise any power or perform any function assigned to him in this Act except the powers referred to in section five : Provided that the Minister may review, amend or revoke any ruling or decision given by such officer.

Short title and commencement.

7. This Act shall be called the Farm Mortgage Interest Amendment Act, 1943, and shall come into operation on the first day of April, 1943.

No. 9, 1943.]

ACT

To apply a sum not exceeding thirty-five million pounds on account of the service of the Union for the year ending the thirty-first day of March, 1944.

*(Signed by the Officer Administering the Government in English.)
(Assented to 22nd March, 1943.)*

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 :—

Exchequer Account charged with £20,000,000 on Revenue Account and £15,000,000 on Loan Account.

1. On and after the first day of April, 1943, there may be issued out of the Exchequer Account such sums of money not exceeding in the aggregate the sum of twenty million pounds for revenue services and fifteen million pounds for loan services, as may from time to time be required for the service of the Union for the year ending the thirty-first day of March, 1944, until such time as provision is made therefor by Parliament in an Appropriation Act.

Sums issued under this Act to be advances in anticipation.

2. All sums issued under the provisions of this Act shall be deemed to be advances on account of grants to be made by Parliament in an Appropriation Act for the year ending the thirty-first day of March, 1944, and immediately on the commencement of such Appropriation Act, this Act shall cease to have effect and issues already made hereunder shall be deemed to be issues under that Appropriation Act, and shall be accounted for in accordance with the provisions thereof :

Provided that no services upon which expenditure has not been duly authorized under an Appropriation Act during the year ending the thirty-first day of March, 1943, or for which there is no statutory authority, shall be deemed to be authorized under section one of this Act.

Short title.

3. This Act shall be known as the Part Appropriation Act, 1943.

aan die skuldenaar uitbetaal, of as hy dood is, in 'n in sub-paragraaf (i) of (ii) bedoelde geval, aan sy oorlewende eggenoot of aan diegene van sy kinders, stiefkinders of afhanklikes, en volgens die aandeel van elk, wat die Minister mag bepaal, of in 'n in sub-paragraaf (iii) bedoelde geval, aan die eksekuteur van sy bedoel;

(b) word, in 'n in sub-paragraaf (i) of (ii) van paragraaf (a) bedoelde geval, onverskillig of dit aan die skuldenaar uitbetaal is al dan nie, vir die doeleindes van genoemde Wette geag nie 'n bate van die skuldenaar te wees nie; en

(c) is, in 'n in sub-paragraaf (iii) van paragraaf (a) bedoelde geval, wanneer dit aan die skuldenaar of die eksekuteur van sy boedel uitbetaal is, nie vatbaar vir beslaglegging of onderhewig aan enige vorm van eksekusie ingevolge 'n vonnis of order van 'n hof ter vereffening van die skuld waarvan betaling deur die verband verseker is nie.

5. Die Minister kan regulasies uitvaardig betreffende alle aangeleenthede wat hy nodig of raadsaam ag om voor te skryf ten einde die oogmerke van hierdie Wet te bereik. Regulasies.

6. Die Minister kan enige amptenaar in die staatsdiens magtig om enige bevoegdheid uit te oefen of enige werksaamheid te verrig wat in hierdie Wet aan hom opgedra is, behalwe die bevoegdhede bedoel in artikel vyf: Met dien verstande dat die Minister enige beslissing of uitspraak deur enige sodanige amptenaar gegee kan hersien, wysig of herroep. Oordrag van bevoegdhede.

7. Hierdie Wet heet die Wysigingswet op Plaasverband-rente, 1943, en tree op die eerste dag van April 1943 in werking. Kort titel en inwerkingtreding.

No. 9, 1943.]

WET

Tot aanwending van 'n som van nie meer nie as vyf-en-dertigmiljoen pond ten behoeve van die diens van die Unie vir die jaar wat eindig op die een-en-dertigste dag van Maart 1944.

*(Deur die Amptenaar Belas met die Uitoefening van die Uitvoerende Gesag in Engels geteken.)
(Goedgekeur op 22 Maart 1943.)*

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

1. Op en na die eerste dag van April 1943, mag daar uit die Skatkisrekening sodanige somme geld uitgegee word van gesamentlik nie meer nie as twintigmiljoen pond vir inkomstedienste en vyftienmiljoen pond vir leningsdienste as wat van tyd tot tyd benodig mag wees vir die diens van die Unie vir die jaar wat eindig op die een-en-dertigste dag van Maart 1944, totdat die Parlement deur 'n Begrotingswet daarvoor voorsiening maak. Skatkisrekening
belas met
£20,000,000 op
Inkomsterekening
en £15,000,000 op
Leningsrekening.

2. Alle somme, kragtens die bepalinge van hierdie Wet uitgegee, word beskou as voorskotte op rekening van gelde wat deur die Parlement by 'n Begrotingswet toegestaan sal word vir die jaar wat eindig op die een-en-dertigste dag van Maart 1944, en onmiddellik na die inwerkingtreding van daardie Begrotingswet, tree hierdie Wet buite werking en word gelde wat kragtens hom reeds uitgegee is, beskou as uitgawe kragtens daardie Begrotingswet en moet verantwoord word ooreenkomstig die voorskrifte daarvan: Somme ingevolge
hierdie Wet
uitgegee, word
beskou as voor-
lopige voorskotte.

Met dien verstande dat dienste waarop gedurende die jaar wat eindig op die een-en-dertigste dag van Maart 1943, geen uitgawe behoorlik kragtens 'n Begrotingswet geoutoriseer is nie of waarvoor geen wetlike magtiging verleen is nie, nie beskou word deur artikel een van hierdie Wet gemagtig te wees nie.

3. Hierdie Wet heet die Gedeeltelike Begrotingswet, 1943. Kort titel.