

EXTRAORDINARY



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PRYS 6d. [No. 4581.

OFFICE OF THE PRIME MINISTER.

The following Government Notice is published for general information:—

No. 907.] [16th April, 1951.

It is hereby 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 ter algemene inligting gepubliseer:—

No. 907.] [16 April 1951.

Hierby word bekendgemaak dat dit Sy Eksellensie die Goewerneur-generaal behaag het om sy goedkeuring te heg aan onderstaande Wette, wat hierby ter algemene inligting gepubliseer word:—

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No. 13, 1951.]

ACT

To amend the Children's Act, 1937.

*(Afrikaans text signed by the Governor-General.)
(Assented to 11th April, 1951.)*

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 29 of Act 31 of 1937 as amended by section 10 of Act 25 of 1944.

1. Section *twenty-nine* of the Children's Act, 1937 (hereinafter referred to as the principal Act), is hereby amended by the insertion in sub-section (2), after the word "child" where it occurs the second time, of the words "if it has attained the age of sixteen years."

Substitution of section 48 of Act 31 of 1937.

2. The following section is hereby substituted for section *forty-eight* of the principal Act:

"Admission of children from other territories to certain institutions.

48. (1) The Minister may authorize the admission to an institution registered in terms of section *thirty-nine bis* or a statutory institution, other than a reformatory, of any child sent thereto by a competent court or officer of the territory of South-West Africa or of any British territory in Africa south of the equator.

(2) Such authority may be granted on such conditions as may—

(a) in the case of a child sent by a competent court or officer of the territory of South-West Africa, be determined by the Minister after consultation with the Administrator of that territory; or

(b) in the case of a child sent by a competent court or officer of a British territory in Africa south of the equator, be agreed upon between the Minister and the Government of the territory concerned.

(3) A child admitted under sub-section (1) shall, as from the date of the Minister's authority for his admission, be deemed—

(a) in the case of a child admitted to a certified hostel, to have been sent thereto under the Criminal Procedure and Evidence Act, 1917; and

(b) in the case of a child admitted to any other statutory institution or to an institution registered in terms of section *thirty-nine bis*, to have been sent thereto under this Act.

(4) The managers of a statutory institution to which a child has been sent under sub-section (1) shall not without the consent of the Minister deal with that child under section *forty-one*."

Amendment of section 51 of Act 31 of 1937.

3. Section *fifty-one* of the principal Act is hereby amended by the insertion after the word "child" where it occurs the second time, of the words "if it has attained the age of sixteen years."

Amendment of section 69 of Act 31 of 1937 as amended by section 1 of Act 30 of 1943.

4. Section *sixty-nine* of the principal Act is hereby amended by the addition at the end of sub-section (3), of the following proviso:

"Provided further that the court shall admit as satisfying the requirements of paragraphs (d) and (e) of sub-section (2), a consent given outside the Union which has not been signed or attested in the manner prescribed or which does not set out the names or any other particulars of the proposed adoptive parents, if that consent has been approved of in writing by the Minister for the purposes of this section."

Insertion of section 78bis in Act 31 of 1937.

5. The following section is hereby inserted in the principal Act after section *seventy-eight*:

"Registration of birth of adopted child born outside the Union.

78bis. When an order has been made, whether before or after the commencement of the Children's (Amendment) Act, 1951, for the adoption of a child born outside the Union, the registrar of births, marriages and deaths of the province in which the order of adoption has been made, shall on the application of the adoptive parent and on production of—

No. 13, 1951.]

WET

Tot wysiging van die Kinderwet, 1937.

(Afrikaanse teks geteken deur die Goewerneur-generaal.)
(Goedgekeur op 11 April 1951.)

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

1. Artikel *negen-en-twintig* van die Kinderwet, 1937 (hieronder die Hoofwet genoem), word hiermee gewysig deur in sub-artikel (2), na die woord „kind” waar dit die tweede maal voorkom, die woorde „,indien hy die ouderdom van sestien jaar bereik het,” in te voeg.

Wysiging van artikel 29 van Wet 31 van 1937 soos gewysig deur artikel 10 van Wet 25 van 1944.

2. Artikel *agt-en-veertig* van die Hoofwet word hiermee deur die volgende artikel vervang:

Vervanging van artikel 48 van Wet 31 van 1937.

„Toelating van kinders van ander gebiede tot sekere inrigtings.

48. (1) Die Minister kan magtiging verleen vir die toelating tot ’n ooreenkomstig artikel *negen-enderdtig bis* geregistreerde inrigting of ’n gestig, behalwe ’n verbeteringshuis, van enige kind wat deur ’n bevoegde hof of beampte van die gebied Suidwes-Afrika of van ’n Britse gebied in Afrika suid van die ewenaar daarheen verwys is.

(2) Bedoelde magtiging kan verleen word op die voorwaardes—

(a) wat die Minister, in die geval van ’n kind wat deur ’n bevoegde hof of beampte van die gebied Suidwes-Afrika verwys is, na oorleg met die Administrateur van daardie gebied mag bepaal; of

(b) waaroor, in die geval van ’n kind wat deur ’n bevoegde hof of beampte van ’n Britse gebied in Afrika suid van die ewenaar verwys is, tussen die Minister en die Regering van die betrokke gebied ooreengekom mag word.

(3) ’n Kind wat kragtens sub-artikel (1) toegelaat is, word, vanaf die datum van die Minister se magtiging vir sy toelating, geag—

(a) in die geval van ’n kind wat tot ’n gesertifiseerde tehuis toegelaat is, ingevolge die „Wet op de Kriminele Procedure en Bewijslevering, 1917” daarheen verwys te wees; en

(b) in die geval van ’n kind wat tot enige ander gestig of tot ’n ooreenkomstig artikel *negen-enderdtig bis* geregistreerde inrigting toegelaat is, ingevolge hierdie Wet daarheen verwys te wees.

(4) Die bestuurders van ’n gestig waarheen ’n kind kragtens sub-artikel (1) verwys is, handel nie sonder die toestemming van die Minister met betrekking tot daardie kind ingevolge artikel *een-en-veertig* nie.”

3. Artikel *een-en-vyftig* van die Hoofwet word hiermee gewysig deur na die woord „kind”, waar dit die tweede maal voorkom, die woorde „,indien hy die ouderdom van sestien jaar bereik het,” in te voeg.

Wysiging van artikel 51 van Wet 31 van 1937.

4. Artikel *negen-en-sestig* van die Hoofwet word hiermee gewysig deur aan die end van sub-artikel (3), die volgende verdere voorbehoudsbepaling by te voeg:

Wysiging van artikel 69 van Wet 31 van 1937 soos gewysig deur artikel 1 van Wet 30 van 1943.

„Met dien verstande voorts dat die hof ’n toestemming wat buite die Unie verleen is en nie op die voorgeskrewe wyse onderteken of geattesteer is nie of nie die name of ander besonderhede van die voorgenome pleegouers uit-eensit nie, toelaat asof aan die vereistes van paragrawe (d) en (e) van sub-artikel (2) voldoen is, indien bedoelde toestemming skriftelik deur die Minister vir die doeleindes van hierdie artikel goedgekeur is.”

5. Die volgende artikel word hiermee na artikel *agt-en-sewentig* in die Hoofwet ingevoeg:

Invoeëing van artikel 78bis in Wet 31 van 1937.

„Registrasie van geboorte van aangenome kind wat buite die Unie gebore is.

78bis. Nadat ’n order uitgevaardig is, ditsy voor of na die inwerkingtreding van die Wysigingswet op Kinders, 1951, vir die aanneming van ’n kind wat buite die Unie gebore is, moet die registrateur van geboortes, huwelike en sterfgevallen van die provinsie waarin die order van aanneming uitgevaardig is, op aansoek van die pleegouer en na voorlegging van—

- (a) the order of adoption or a certified copy thereof; and
- (b) the birth or baptismal certificate of the child or a certified copy thereof or, if no such certificate is available, such documentary evidence relating to the date of birth of the child as the registrar concerned may deem sufficient or, if the age of the child has been estimated in terms of section *eighty-one*, a certificate signed by a commissioner of child welfare specifying the age of the child as so estimated; and
- (c) the form prescribed under the Births, Marriages and Deaths Registration Act, 1923 (Act No. 17 of 1923), for use in connection with registration of a birth, completed as far as may be possible and signed by the adoptive parent,

and on payment of the prescribed fee, cause the birth of that child to be recorded in his registers and in the birth register of the district registrar of births and deaths of the district in which the order of adoption has been made, and shall cause the fact of adoption and a statement whether the name of the adoptive parent was or was not conferred upon the child by virtue of the adoption, to be recorded on the birth information form filed in his office and against the entry of the birth in the births register of the district registrar of births and deaths in which the birth was recorded under this section.”.

Amendment of section 85 of Act 31 of 1937 as amended by section 2 of Act 18 of 1939 and section 23 of Act 25 of 1944.

6. Section *eighty-five* of the principal Act is hereby amended by the deletion of all the words after the word “Act”.

Amendment of section 350 of Act 31 of 1917 as substituted by section 103 of Act 31 of 1937.

7. Section *three hundred and fifty* of the Criminal Procedure and Evidence Act, 1917, is hereby amended by the insertion in sub-section (3) after the word “convicted” of the words “, if he has attained the age of sixteen years,”.

Certain orders of adoption deemed to be valid.

8. Any order of adoption granted after the first day of January, 1948, and prior to the commencement of this Act, in respect of which any consent required under paragraph (d) or (e) of sub-section (2) of section *sixty-nine* of the principal Act was given outside the Union, shall notwithstanding the fact that all or any of the requirements of sub-section (3) of the said section were not complied with, be deemed to be valid.

Short title.

9. This Act shall be called the Children's (Amendment) Act, 1951.

- (a) die order van aanneming of 'n gewaarmerkte afskrif daarvan; en
- (b) die geboorte- of doopsertifikaat van die kind of 'n gewaarmerkte afskrif daarvan of, indien geen sodanige sertifikaat beskikbaar is nie, van die dokumentêre bewys met betrekking tot die datum van geboorte van die kind wat die betrokke registrateur voldoende mag ag of, indien die ouderdom van die kind ingevolge artikel *een-en-tagtig* geskat is, van 'n deur 'n kommissaris van kindersorg ondertekende sertifikaat waarin die aldus geskatte ouderdom van die kind vermeld word; en
- (c) die formulier wat ingevolge die „Wet op de Registratie van Geboorten, Huweliken en Sterfgevallen, 1923” (Wet No. 17 van 1923) voorgeskryf is in verband met die registrasie van 'n geboorte, sover moontlik ingevul en deur die pleegouer onderteken,

en na betaling van die voorgeskrewe gelde, die geboorte van bedoelde kind laat aanteken in sy registers en in die geboorteregister van die distriksregistrateur van geboortes en sterfgevallen van die distrik waarin die order van aanneming uitgevaardig is, en die feit van aanneming en tewens 'n verklaring of die naam van die pleegouer, al dan nie, kragtens die aanneming aan die kind toegeken is, laat inskryf op die formulier van geboorte-aangifte wat in sy kantoor bewaar word, en teenoor die inskrywing van die geboorte in die geboorteregister van die distriksregistrateur van geboortes en sterfgevallen waarin die geboorte kragtens hierdie artikel aangeteken is.”.

6. Artikel *vyf-en-tagtig* van die Hoofwet word hiermee gewysig deur al die woorde na die woord „oordra” te skrap.

Wysiging van artikel 85 van Wet 31 van 1937 soos gewysig deur artikel 2 van Wet 18 van 1939 en artikel 23 van Wet 25 van 1944.

7. Artikel *driehonderd-en-vyftig* van die „Wet op de Kriminele Procedure en Bewijslevering, 1917” word hiermee gewysig deur in sub-artikel (3), na die woord „persoon”, waar dit die eerste maal voorkom, die woorde „, indien hy de leeftijd van zestien jaar bereikt heeft,” in te voeg.

Wysiging van artikel 350 van Wet 31 van 1917 soos deur artikel 103 van Wet 31 van 1937 vervang.

8. 'n Order van aanneming wat na die eerste dag van Januarie 1948 en voor die inwerkingtreding van hierdie Wet toegestaan is, ten opsigte waarvan 'n kragtens paragraaf (d) of (e) van sub-artikel (2) van artikel *negen-en-sestig* van die Hoofwet vereiste toestemming buite die Unie gegee is, word ondanks die feit dat sommige of al die vereistes van sub-artikel (3) van bedoelde artikel nie nagekom was nie, geag geldig te wees.

Sekere orders van aanneming geag geldig te wees.

9. Hierdie Wet heet die Wysigingswet op Kinders, 1951.

Kort titel.

No. 14, 1951.]

ACT

To amend the Liquor Act, 1928, and to provide for matters incidental thereto.

(English text signed by the Governor-General.)
(Assented to 11th April, 1951.)

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

Insertion of new section 174bis in Act 30 of 1928.

1. The Liquor Act, 1928 (Act No. 30 of 1928), hereinafter called the principal Act, is hereby amended by the insertion of the following new section after section *one hundred and seventy-four*:

"Declara-
tion of races
to whom
racial dis-
criminations
shall not
apply.

174bis. (1) The Governor-General may by proclamation in the *Gazette* declare that any restrictions imposed by this Act, which do not apply to Europeans, shall not apply to the members of any race or nationality mentioned in such proclamation: Provided that the provisions of such proclamation shall not apply to any South African citizen or to any native who is not a South African citizen.

(2) (a) Every declaration made in terms of subsection (1) shall be laid upon the Tables of both Houses of Parliament within fourteen days after publication if Parliament is then in ordinary session, or if it is not then in ordinary session, within fourteen days after the commencement of its next ensuing ordinary session, and shall remain on the said Tables as aforesaid for a period of at least twenty-eight consecutive days. If Parliament is prorogued before the necessary twenty-eight days have elapsed, such declaration shall again be laid on the said Tables as aforesaid within fourteen days after the commencement of its next ensuing session.

(b) If both Houses have by resolutions passed in the same session (being a session during which any declaration referred to in paragraph (a) has been duly laid on the Tables) disapproved of any such declaration, or of any provision in such declaration, such declaration shall thereafter cease to be of force and effect to the extent to which it has been so disapproved."

Amendment of section 175 of Act 30 of 1928, as amended by section 36 of Act 41 of 1934.

2. Section *one hundred and seventy-five* of the principal Act is hereby amended by the substitution for the definition of "urban local authority" of the following new definition:

"'urban local authority' means any municipal council, borough council, town council, village council, town board, village management board, local board, health board or health committee, or any local area committee established under the provisions of the Peri-Urban Areas Health Board Ordinance, 1943 (Ordinance No. 20 of 1943 of Transvaal)".

Validation of licences granted in respect of local committee areas under control of Peri-Urban Areas Health Board in Transvaal, and authority for reconsideration of applications refused in respect of such areas.

3. (1) Notwithstanding anything to the contrary contained in section *fifty-four* of the principal Act, any licence heretofore granted or renewed by any licensing board constituted under the provisions of the principal Act, in respect of any area under the control of a local committee established under the provisions of the Peri-Urban Areas Health Board Ordinance, 1943 (Transvaal), shall be deemed to have been validly so granted or renewed, as if such area were under the jurisdiction of an urban local authority for the purposes of the principal Act.

(2) (a) Where the grant or renewal of a liquor licence was refused at the annual meeting of any licensing board constituted as aforesaid, held in the month of December, 1950, or at any adjournment of such meeting, on the ground that such licence fell or would fall within an

No. 14, 1951.]

WET

Tot wysiging van die Drankwet, 1928, en om voorsiening te maak vir sake wat daarmee in verband staan.

(Engelse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 11 April 1951.)

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

1. Die Drankwet, 1928 (Wet No. 30 van 1928), hieronder die Hoofwet genoem, word hiermee gewysig deur die volgende nuwe artikel na artikel honderd vier-en-sewentig in te voeg:

Invoeging van
nuwe artikel 174bis
in Wet 30 van 1928.

„Verklaring omtrent rasse waarop beperkings nie van toepassing is nie.” 174bis. (1) Die Goewerneur-generaal kan by proklamasie in die *Staatskoerant* verklaar dat beperkings deur hierdie Wet opgelê, wat nie op blanke persone van toepassing is nie, nie van toepassing sal wees op die lede van 'n ras of nasionaliteit in so 'n proklamasie vermeld nie: Met dien verstande dat die bepalings van so 'n proklamasie nie op 'n Suid-Afrikaanse burger of op 'n naturel wat nie 'n Suid-Afrikaanse burger is nie van toepassing is nie.

(2) (a) Elke verklaring wat ingevolge sub-artikel (1) gedoen word, word binne veertien dae na bekendmaking in albei Huise van die Parlement ter Tafel gelê indien die Parlement dan 'n gewone sitting hou, of indien hy nie dan 'n gewone sitting hou nie, binne veertien dae na die aanvang van sy eersvolgende gewone sitting en bly dan op genoemde Tafels soos voormeld vir 'n tydperk van minstens agt-en-twintig agtereenvolgende dae. Indien die Parlement geprorogeer word voordat die nodige agt-en-twintig dae verloop het, word so 'n verklaring weer soos voormeld binne veertien dae na die aanvang van die volgende gewone sitting ter Tafel gelê.

(b) Indien albei Huise van die Parlement by besluite wat gedurende dieselfde sitting geneem is (naamlik 'n sitting waarin 'n in paragraaf (a) bedoelde verklaring behoorlik ter Tafel gelê is) so 'n verklaring of 'n bepaling van so 'n verklaring afgekeur het, is so 'n verklaring daarna in die mate waarin dit aldus afgekeur is, nie meer van krag nie.”

2. Artikel honderd vyf-en-sewentig van die Hoofwet word hiermee gewysig deur die omskrywing van „stedelike plaaslike bestuur” deur die volgende nuwe omskrywing te vervang:

Wysiging van
artikel 175 van
Wet 30 van 1928,
soos gewysig deur
artikel 36 van
Wet 41 van 1934.

„stedelike plaaslike bestuur” beteken 'n munisipale raad, stadsraad, dorpsraad, dorpsbestuursraad, plaaslike raad, gesondheidsraad of gesondheidskomitee of 'n plaaslike gebiedskomitee ingestel kragtens die bepalings van die Ordonnansie tot Instelling van 'n Gesondheidsraad vir Buite-Stedelike Gebiede, 1943 (Ordonnansie No. 20 van 1943 van Transvaal)”.

3. (1) Ondanks andersluidende bepalings in artikel vier-en-vyftig van die Hoofwet vervat, word dit geag dat 'n lisensie in die verlede verleen of vernuwe deur 'n lisensieraad kragtens die bepalings van die Hoofwet ingestel, ten opsigte van 'n gebied onder die beheer van 'n plaaslike komitee ingestel kragtens die bepalings van die Ordonnansie tot Instelling van 'n Gesondheidsraad vir Buite-Stedelike Gebiede 1943 (Transvaal), geldiglik aldus verleen of vernuwe is, asof so 'n gebied vir die doeleindes van die Hoofwet onder die beheer van 'n stedelike plaaslike bestuur was.

Bekragtiging van
lisensies verleen
ten opsigte van
plaaslike komitee-
gebiede onder
beheer van die
gesondheidsraad
vir Buitestedelike
gebiede in
Transvaal, en
magtiging vir
heroorweging van
aansoeke ten
opsigte van sulke
gebiede wat
geweer is.

(2) (a) Ingeval die verlening of vernuwing van 'n drank-lisensie geweier is by die jaarlikse vergadering van 'n lisensieraad soos voormeld ingestel, wat in die maand Desember 1950 gehou is, of by die verdaging van so 'n vergadering, op grond daarvan dat so 'n lisensie

area described in sub-section (1), or where any application for such grant or renewal which had been placed before a licensing board to be considered at such meeting was withdrawn on the said ground, the application for such grant or renewal shall be reconsidered by the licensing board after the date of commencement of this Act, as if such board had been compelled to adjourn without having come to a decision on such application.

- (b) For the purposes of reconsideration as aforesaid, the provisions of section *two* shall be deemed to have been in force at the date of application; and in regard to applications for the renewal of a licence, such licence shall be deemed to have continued to be in force until the board shall have decided upon the application.

Short title.

4. This Act shall be called the Liquor Law Amendment Act, 1951.

binne 'n in sub-artikel (1) omskrewe gebied val of sou val, of ingeval 'n aansoek om sodanige verlening of vernuwing wat voor 'n lisensieraad geplaas is om by bedoelde vergadering oorweeg te word, op genoemde grond teruggetrek is, moet die aansoek om so 'n verlening of vernuwing na die datum van inwerking-treding van hierdie Wet heroorweeg word, asof so 'n raad verplig was om te verdaag sonder om in verband met so 'n aansoek tot 'n beslissing te kom.

- (b) Vir die doeleindes van heroorweging soos voormeld, word dit geag dat die bepalings van artikel *twee* ten tye van die datum van aansoek van krag was, en in verband met 'n aansoek om die vernuwing van 'n lisensie word dit geag dat so 'n lisensie aangehou het om van krag te wees totdat die raad tot 'n beslissing omtrent die aansoek gekom het.

4. Hierdie Wet heet die Wysigingswet op die Drankwet, 1951. Kort titel.

No. 15, 1951.]

ACT

To amend the Special Schools Act, 1948.

(Afrikaans text signed by the Governor-General.)
(Assented to 11th April, 1951)

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:—

Substitution for the words "spesiale onderwys" of the words "buitengewone onderwys" in Act 9 of 1948.

1. The Special Schools Act, 1948 (hereinafter referred to as the principal Act), is hereby amended by the substitution in the Afrikaans version thereof for the words "spesiale onderwys" wherever those words occur of the words "buitengewone onderwys".

Amendment of section 1 of Act 9 of 1948.

2. Section *one* of the principal Act is hereby amended by the substitution for the definition of "competent officer" of the following definition:

"'competent officer' means any such medical inspector of schools, departmental psychologist, inspector of schools or other suitable person (including any officer of the Department of Social Welfare recommended thereto by the Secretary for Social Welfare) as has been appointed by a head of department as a competent officer for the purposes of this Act;"

Amendment of section 2 of Act 9 of 1948.

3. Section *two* of the principal Act is hereby amended by the insertion in sub-section (3) after the word "establish" of the words "and maintain".

Amendment of section 3 of Act 9 of 1948.

4. Section *three* of the principal Act is hereby amended by the substitution in the Afrikaans version of sub-section (1) for the expression "sub-artikel (2)" of the words "artikel twee".

Amendment of section 6 of Act 9 of 1948.

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

(a) by the insertion in sub-section (1) after the word "mental" of the words "or other";

(b) by the substitution for sub-section (2) of the following sub-section:

"(2) A competent officer may instruct a parent, in the circumstances set out in sub-section (1), to bring his child to a specified place for the purpose of such examination as aforesaid, and if such parent fails to comply with such instruction, the head of department concerned or the said competent officer may cause such child to be taken to that place for examination.";

(c) by the deletion in sub-section (3) of the words "who is subject to compulsory school attendance in terms of any law";

(d) by the insertion in sub-section (4) after the word "correct" of the words "and if the child is a child who is subject to compulsory school attendance in terms of any law or is a child who is not so subject to compulsory school attendance but belongs to a class of handicapped children mentioned in the First Schedule and has not yet reached his nineteenth birthday, he shall certify on the prescribed form that such child is a handicapped child and shall indicate the nature of the handicap thereon, and";

(e) by the substitution in paragraph (c) of sub-section (4) for the words "the child may, in terms of the provisions of this Act, be removed to a suitable special school after such period has elapsed" of the words "the head of department may, after consultation with the parent, determine to which special school the child should be sent"; and

(f) by the addition at the end thereof of the following sub-sections:

"(5) If it appears to a head of department to whom a competent officer reports in terms of sub-section (3) that another head of department will have authority

No. 15, 1951.]

WET

Tot wysiging van die Wet op Spesiale Skole, 1948.

(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 11 April 1951.)

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

1. Die Wet op Spesiale Skole, 1948 (hieronder die Hoofwet genoem), word hiermee gewysig deur die woorde „spesiale onderwys” oral waar hulle voorkom deur die woorde „buitengewone onderwys” te vervang. Vervanging van die woorde „spesiale onderwys” deur die woorde „buitengewone onderwys” in Wet 9 van 1948.
2. Artikel een van die Hoofwet word hiermee gewysig deur die woordbepaling van „bevoegde beampte” deur die volgende woordbepaling te vervang: Wysiging van artikel 1 van Wet 9 van 1948.
 „„bevoegde beampte” enige sodanige mediese skool-inspekteur, departementele sielkundige, inspekteur van skole of ander geskikte persoon (met inbegrip van ’n beampte van die Departement van Volkswelsyn wat daartoe deur die Sekretaris van Volkswelwelsyn aanbeveel is), as wat deur ’n departementshoof as ’n bevoegde beampte vir die doeleindes van hierdie Wet aangestel is;”.
3. Artikel twee van die Hoofwet word hiermee gewysig deur in sub-artikel (3) na die woord „oprig” die woorde „en in stand hou” in te voeg. Wysiging van artikel 2 van Wet 9 van 1948.
4. Artikel drie van die Hoofwet word hiermee gewysig deur in sub-artikel (1) die uitdrukking „sub-artikel (2)” deur die woorde „artikel twee” te vervang. Wysiging van artikel 3 van Wet 9 van 1948.
5. Artikel ses van die Hoofwet word hiermee gewysig— Wysiging van artikel 6 van Wet 9 van 1948.
 - (a) deur in sub-artikel (1) na die woord „verstandelik” die woorde „of andersins” in te voeg;
 - (b) deur sub-artikel (2) deur die volgende sub-artikel te vervang:
 „(2) ’n Bevoegde beampte kan aan ’n ouer opdrag gee om, onder die in sub-artikel (1) vermelde omstandighede, sy kind vir die doeleindes van ’n ondersoek soos voormeld, na ’n bepaalde plek te bring, en indien so ’n ouer nie aan so ’n opdrag voldoen nie, kan die betrokke departementshoof of bedoelde bevoegde beampte so ’n kind na daardie plek vir ondersoek laat bring.”;
 - (c) deur in sub-artikel (3) die woorde „wat ingevolge enige wet verplig is om ’n skool by te woon” te skrap;
 - (d) deur in sub-artikel (4) na die woorde „korrek is” die woorde „en indien die kind ’n kind is wat ingevolge enige wet verplig is om ’n skool by te woon of ’n kind is wat nie aldus verplig is om ’n skool by te woon nie maar wat onder ’n in die Eerste Bylae vermelde kategorie van afwykende kinders ressorteer en nog nie sy negentiende verjaardag bereik het nie, sertifiseer hy op die voorgeskrewe vorm dat die kind ’n afwykende kind is en dui hy die aard van die afwyking daarop aan, en” in te voeg;
 - (e) deur in paragraaf (c) van sub-artikel (4) die woorde „daardie kind ingevolge die bepalings van hierdie Wet na ’n geskikte spesiale skool verwyder kan word nadat vermelde termyn verstryk het” deur die woorde „die departementshoof, na raadpleging met die ouer, kan vasstel na welke spesiale skool die kind gestuur moet word” te vervang; en
 - (f) deur aan die end daarvan die volgende sub-artikels by te voeg:
 „(5) Indien dit aan ’n departementshoof aan wie ’n bevoegde beampte ooreenkomstig sub-artikel (3) verslag doen, blyk dat ’n ander departementshoof ten

in regard to the child concerned in terms of sub-section (1) of section *seven*, he may refer the case immediately to such other head, who shall then act in terms of sub-section (4), as if the report had been made to him in the first instance.

(6) If the decision of a head of department in terms of sub-section (4) is reversed on appeal, the certificate which has been issued by such head of department in respect of the child concerned shall lapse."

Amendment of
section 7 of
Act 9 of 1948.

6. Section *seven* of the principal Act is hereby amended by the substitution in sub-section (1) for the words "the head of department concerned shall proceed to" of the words "or if a head of department is satisfied, upon a certificate issued by a competent officer, that a child in respect of whom a competent officer has certified as aforesaid, is no longer receiving efficient instruction and that it is necessary that that child should receive special education, the head of department concerned may, subject to prior consultation with the parent, at any time before the child has reached, in the case of a child who belongs to a class of handicapped children mentioned in the First Schedule, his nineteenth birthday, or in the case of a child who belongs to a class of handicapped children which is not mentioned in the First Schedule, his sixteenth birthday,".

Amendment of
section 8 of
Act 9 of 1948.

7. Section *eight* of the principal Act is hereby amended by the substitution for the words "instruct the parent to send such child to the school determined under the said section" of the words "if the parent fails to send such child to the school determined under the said section within a reasonable period, instruct the parent to send such child to that school".

Amendment of
section 9 of
Act 9 of 1948.

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

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

"Provided that unless the child is a child whom the head of department has caused to be taken to a special school under section *eight* the head of department shall first consult the parent before he transfers such child from one special school to another special school."; and

(b) by the insertion in sub-section (2) after the word "may", where it occurs for the second time of the words "after consultation with the parent and".

Substitution of
section 11 of
Act 9 of 1948.

9. The following section is hereby substituted for section *eleven* of the principal Act:

"Duration
of compul-
sory atten-
dance,

11. (1) A child who has been certified in terms of sub-section (4) of section *six* to be a handicapped child and in respect of whom it has been determined under section *seven* to which special school he should be sent, shall, if he is a child who belongs to a class of handicapped children mentioned in the First Schedule, attend that special school or any other special school to which he may be transferred in terms of section *nine*, until his nineteenth birthday, unless he is exempted in terms of section *twelve* from further attendance.

(2) A child who is required in terms of sub-section (1) to attend a special school until his nineteenth birthday may be compelled by the Secretary to attend a special school for a further period which shall not extend beyond his twenty-first birthday, if the Secretary is satisfied, upon a certificate issued by a competent officer, that such further attendance is necessary for the proper training of the child.

(3) A child who has completed his period of compulsory school attendance in terms of the provisions of sub-section (1) or (2), may be allowed by the Secretary to attend a special school for a further period if the Secretary is of opinion that further attendance will be in the child's interest with a view to completing a particular course, but not after the end of the school year in which such child reaches his twenty-fourth birthday.

opsigte van die betrokke kind ingevolge sub-artikel (1) van artikel *sewe* gesag sal hê, kan hy die saak onmiddellik verwys na sodanige ander hoof, wat dan handel ooreenkomstig sub-artikel (4), asof die verslag in die eerste plek aan hom gedoen was.

(6) Indien die besluit van die departementshoof ingevolge sub-artikel (4) by appèl verwerp word, verval die sertifikaat wat deur so 'n departementshoof ten opsigte van die betrokke kind uitgereik is."

6. Artikel *sewe* van die Hoofwet word hiermee gewysig deur in sub-artikel (1) die woorde „gaan die betrokke departementshoof voort om vas te stel” deur die volgende woorde te vervang: „of as 'n departementshoof oortuig is, op grond van 'n sertifikaat deur 'n bevoegde beampte uitgereik, dat 'n kind ten opsigte van wie 'n bevoegde beampte soos voormeld gesertifiseer het, nie meer doeltreffende onderrig ontvang nie en dat dit noodsaaklik is dat daardie kind buitengewone onderwys moet ontvang, kan die betrokke departementshoof te eniger tyd voordat die kind, in die geval van 'n kind wat onder 'n in die Eerste Bylae vermelde kategorie van afwykende kinders ressorteer, sy negentiende verjaardag, of in die geval van 'n kind wat onder 'n kategorie van afwykende kinders ressorteer wat nie in die Eerste Bylae vermeld word nie, sy sestiende verjaardag, bereik het, onderworpe aan voorafgaande raadpleging met die ouer, vasstel”.

Wysiging van artikel 7 van Wet 9 van 1948.

7. Artikel *agt* van die Hoofwet word hiermee gewysig deur die woorde „die ouer opdrag gee om daardie kind na die skool wat kragtens die vermelde artikel vasgestel is te stuur” deur die woorde „indien die ouer nalaat om daardie kind binne 'n redelike tydperk na die skool wat kragtens die vermelde artikel vasgestel is te stuur, die ouer opdrag gee om die kind na daardie skool te stuur” te vervang.

Wysiging van artikel 8 van Wet 9 van 1948.

8. Artikel *nege* van die Hoofwet word hiermee gewysig—

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

Wysiging van artikel 9 van Wet 9 van 1948.

„Met dien verstande dat tensy die kind 'n kind is wat die departementshoof kragtens artikel *agt* na 'n spesiale skool laat neem het, die departementshoof eers die ouer moet raadpleeg voordat hy die kind van een spesiale skool na 'n ander spesiale skool oorplaas.”; en

(b) deur in sub-artikel (2) na die woord „hy” die woorde „na raadpleging met die ouer en” in te voeg.

9. Artikel *elf* van die Hoofwet word hiermee deur die volgende artikel vervang:

Vervanging van artikel 11 van Wet 9 van 1948.

„Duur van verpligte bywoning.

11. (1) 'n Kind wat ingevolge sub-artikel (4) van artikel *ses* gesertifiseer is 'n afwykende kind te wees en ten opsigte van wie kragtens artikel *sewe* vasgestel is na welke spesiale skool hy gestuur moet word, moet, indien hy 'n kind is wat onder 'n in die Eerste Bylae vermelde kategorie van afwykende kinders ressorteer, daardie spesiale skool of enige ander spesiale skool waarheen hy ingevolge artikel *nege* oorgeplaas mag word, tot sy negentiende verjaardag bywoon, tensy hy kragtens artikel *twaaalf* van verdere bywoning vrygestel word.

(2) 'n Kind wat ingevolge sub-artikel (1) verplig word om 'n spesiale skool tot sy negentiende verjaardag by te woon kan deur die Sekretaris tot verdere bywoning van 'n spesiale skool verplig word vir 'n tydperk wat nie verder as sy een-en-twintigste verjaardag strek nie, as die Sekretaris oortuig is, op grond van 'n sertifikaat deur 'n bevoegde beampte uitgereik, dat sodanige verdere bywoning vir die behoorlike opleiding van die kind noodsaaklik is.

(3) 'n Kind wat die termyn van leerplig ingevolge die bepaling van sub-artikel (1) of (2) voltooi het, kan deur die Sekretaris toegelaat word om 'n spesiale skool vir 'n verdere tydperk by te woon as die Sekretaris meen dat verdere bywoning in die kind se belang sal wees met die oog op die voltooiing van 'n besondere kursus, maar nie vir langer as die einde van die skooljaar waarin daardie kind sy vier-en-twintigste verjaardag bereik nie.

(4) A child who has been certified in terms of sub-section (4) of section *six* to be a handicapped child and in respect of whom it has been determined under section *seven* to which special school he should be sent, shall, if he is a child which belongs to a class of handicapped children which is not mentioned in the First Schedule, attend that special school or any other special school to which he may be transferred in terms of section *nine*, until his sixteenth birthday, unless he is exempted in terms of section *twelve* from further attendance.

(5) A child who is required in terms of sub-section (4) to attend a special school until his sixteenth birthday may be compelled by the head of department to attend a special school for a further period which shall not extend beyond his nineteenth birthday, if the head of department is satisfied, upon a certificate issued by a competent officer, that such further attendance is necessary for the proper training of the child.

(6) A child who has completed his period of compulsory school attendance in terms of the provisions of sub-section (4) or (5), may be allowed by the head of department to attend a special school for a further period if the head of department is of opinion that further attendance will be in the child's interest with a view to completing a particular course, but not after the end of the school year in which such child reaches his twenty-first birthday.

(7) As long as a child has not completed his period of compulsory attendance in terms of the provisions of this section, the head of department concerned may continue to cause such child to be taken to his proper school, if the parent does not take due steps to ensure attendance."

Amendment of section 17 of Act 9 of 1948.

10. Section *seventeen* of the principal Act is hereby amended by the substitution in sub-section (1) of the Afrikaans text, of the word "Administrateurs" for the word "Administrateur".

Amendment of section 18 of Act 9 of 1948.

11. Section *eighteen* of the principal Act is hereby amended—

- (a) by the insertion in sub-section (1) after the word "school" of the words "or Union home"; and
- (b) by the insertion after sub-section (1) of the following sub-section:

"(1)*bis*. The Administrator of a province may appoint an advisory committee for any provincial home in that province, and may arrange for the representation of any society or body of persons on such committee."

Amendment of section 20 of Act 9 of 1948.

12. Section *twenty* of the principal Act is hereby amended by the deletion in sub-section (1) of the words "relating to education".

Insertion of section 20*bis* in Act 9 of 1948.

13. The following section is hereby inserted in the principal Act, after section *twenty*:

"Provisions with regard to staff at special schools and homes in relation to which responsibility is transferred.

20*bis*. (1) Whenever it is intended to take action under the provisions of section *two* or section *five* which will result in the transfer of responsibility in relation to any special school or home from a province to the Union Government, or *vice versa*, the head of department under whose department such school or home falls shall at least six months before such transfer is to take place call upon every person employed at such special school or home to elect in writing, either—

- (a) to be transferred to a post similar to that occupied by him, in the service of the authority to which responsibility in relation to such school or home is to be transferred; or
- (b) to remain in the service of the authority by which he is employed on the date on which he is called upon to make his election.

(2) Any person who is called upon to make an election under sub-section (1) shall do so within

(4) 'n Kind wat ingevolge sub-artikel (4) van artikel *ses* gesertifiseer is 'n afwykende kind te wees en ten opsigte van wie kragtens artikel *sewe* vasgestel is na welke spesiale skool hy gestuur moet word, moet, indien hy 'n kind is wat onder 'n kategorie van afwykende kinders ressorteer wat nie in die Eerste Bylae vermeld word nie, daardie spesiale skool of enige ander spesiale skool waarheen hy ingevolge artikel *nege* oorgeplaas mag word, tot sy sestiende verjaardag bywoon tensy hy kragtens artikel *twaalf* van verdere bywoning vrygestel word.

(5) 'n Kind wat ingevolge sub-artikel (4) verplig word om 'n spesiale skool tot sy sestiende verjaardag by te woon kan deur die departementshoof tot verdere bywoning van 'n spesiale skool verplig word vir 'n tydperk wat nie verder as sy negentiende verjaardag strek nie, as die departementshoof oortuig is, op grond van 'n sertifikaat deur 'n bevoegde beampte uitgereik, dat sodanige verdere bywoning vir die behoorlike opleiding van die kind noodsaaklik is.

(6) 'n Kind wat sy termyn van leerplig ingevolge die bepalings van sub-artikel (4) of (5) voltooi het, kan deur die departementshoof toegelaat word om 'n spesiale skool vir 'n verder tydperk by te woon as die departementshoof meen dat verdere bywoning in die kind se belang sal wees met die oog op die voltooiing van 'n besondere kursus maar nie vir langer as die einde van die skooljaar waarin daardie kind sy een-en-twintigste verjaardag bereik nie.

(7) Solank 'n kind nie sy termyn van leerplig ingevolge die bepalings van hierdie artikel voltooi het nie, kan die betrokke departementshoof aanhou om so 'n kind na sy regte skool te laat neem, indien die ouer nie, behoorlike stappe doen om bywoning te verseker nie."

10. Artikel *sewentien* van die Hoofwet word hiermee gewysig deur in sub-artikel (1) die woord „Administrateur” deur die woord „Administrateurs” te vervang. Wysiging van artikel 17 van Wet 9 van 1948.

11. Artikel *agtien* van die Hoofwet word hiermee gewysig— Wysiging van artikel 18 van Wet 9 van 1948.

(a) deur in sub-artikel (1) na die woord „skool” die woorde „of uniale tehuis” in te voeg; en

(b) deur na sub-artikel (1) die volgende sub-artikel in te voeg:

„(1)*bis*. Die Administrateur van 'n provinsie kan 'n advieskomitee vir enige provinsiale tehuis in daardie provinsie aanstel en hy kan reëlins tref vir die verteenwoordiging van enige vereniging of liggaam van persone in daardie komitee.”

12. Artikel *twintig* van die Hoofwet word hiermee gewysig deur in sub-artikel (1) die woorde „met betrekking tot onderwys” te skrap. Wysiging van artikel 20 van Wet 9 van 1948.

13. Die volgende artikel word hiermee in die Hoofwet, na artikel *twintig*, ingevoeg: Invoeging van artikel 20*bis* in Wet 9 van 1948.

„Bepalings met betrekking tot personeel aan spesiale skole en tehuise ten opsigte waarvan verantwoordelijkheid oorgedra word. 20*bis*. (1) Wanneer dit die voorneme is om stappe kragtens die bepalings van artikel *twee* of artikel *vyf* te doen wat die oordrag van verantwoordelijkheid ten opsigte van 'n spesiale skool of tehuis van 'n provinsie na die Unie-regering, of omgekeerd, tot gevolg sal hê, moet die departementshoof onder wie se departement so 'n skool of tehuis ressorteer minstens ses maande voordat die oordrag gaan plaasvind elke persoon wat by daardie spesiale skool of tehuis in diens is, aansê om skriftelik te kies, om ôf—

(a) oorgeplaas te word, na 'n dergelike pos as die wat hy bekleë, in die diens van die outoriteit na wie verantwoordelijkheid ten opsigte van daardie skool of tehuis oorgedra gaan word; ôf

(b) aan te bly in die diens van die outoriteit by wie hy in diens is op die datum waarop hy aangesê word om sy keuse te doen.

(2) Iemand wat aangesê word om 'n keuse te doen kragtens sub-artikel (1) moet dit doen binne

three months of the date upon which he is called upon to do so.

(3) A person who fails to make an election within the period prescribed in sub-section (2) shall be deemed to have elected to be transferred to a post similar to that occupied by him, in the service of the authority to which responsibility in relation to the school or home is to be transferred.

(4) Any person who, as a result of an election made, or deemed to have been made, in terms of this section, is transferred to the service of the Union Government shall, as from the date of his transfer, become subject to all the provisions of this Act relating to persons employed at Union special schools or Union homes as the case may be, and any person who as a result of such an election is transferred to the service of a provincial administration shall, as from the date of his transfer, become subject to all the provisions of this Act relating to persons employed at provincial special schools or provincial homes, as the case may be.

(5) Any person who in terms of this section has elected to remain in the service of the authority by which he was employed on the date on which he was called upon to make his election may be transferred or appointed to any suitable post in the service of that authority: Provided that—

(a) no transfer or appointment involving a reduction in such person's pensionable emoluments shall be made without his consent;

(b) a person who has been transferred or appointed to a post of lower grade without reduction of pensionable emoluments shall be re-employed in the grade to which his salary is appropriate as soon as a suitable vacancy occurs.

(6) If no suitable post exists to which such a person as is referred to in sub-section (5) can be transferred or appointed he may be discharged from the service of the authority by which he is employed on the ground of abolition of his post."

Amendment of section 28 of Act 9 of 1948.

14. Section *twenty-eight* of the principal Act is hereby amended—

(a) by the insertion in paragraph (c) of sub-section (1) after the word "schools" of the words "or homes"; and

(b) by the insertion after paragraph (g) of sub-section (1) of the following paragraphs:

"(g)*bis*. the procedure to be followed in the case of an appeal to the Minister against the finding of a head of department in terms of section *six*;

(g)*ter*. the forms required for the purposes of this Act and which are to be used by the Department of Education, Arts and Science;

(g)*quater*. the conditions relating to grants-in-aid to clinics approved by the Minister in terms of section *fifteen*;"

Substitution of section 29 of Act 9 of 1948.

15. The following section is hereby substituted for section *twenty-nine* of the principal Act:

"Regulations by Minister after consultation with the Administrators and regulations by the Administrators.

29. (1) The Minister may, after consultation with the Administrators of the four provinces, make regulations, not inconsistent with this Act, relating to—

(a) the conditions attaching to grants-in-aid given to approved mixed special schools;

(b) the procedure to be adopted at meetings of the standing committee;

(c) in general the carrying out of the objects of this Act in relation to the education of handicapped children at approved mixed special schools.

(2) The Administrator of any province may, in respect of that province, by notice in the *Provincial*

drie maande na die datum waarop hy aangesê word om dit te doen.

(3) Iemand wat versuim om 'n keuse binne die in sub-artikel (2) voorgeskrewe tydperk te doen word geag te gekies het om oorgeplaas te word na 'n dergelike pos as die wat hy bekleë, in die diens van die outoriteit na wie verantwoordelikheid ten opsigte van die skool of tehuis oorgedra gaan word.

(4) Iemand wat as gevolg van 'n keuse wat ingevolge hierdie artikel gedoen is of geag word gedoen te gewees het, na die diens van die Unieregering oorgeplaas word, word vanaf die datum van sy oorplasing onderhewig aan al die bepalings van hierdie Wet wat betrekking het op persone, na gelang van die geval, in diens by uniale spesiale skole of uniale tehuise en iemand wat as gevolg van so 'n keuse oorgeplaas word na die diens van 'n provinsiale administrasie word vanaf die datum van sy oorplasing onderhewig aan al die bepalings van hierdie Wet wat betrekking het op persone, na gelang van die geval, in diens by provinsiale spesiale skole of provinsiale tehuise.

(5) Iemand wat ingevolge die bepalings van hierdie artikel gekies het om aan te bly in die diens van die outoriteit by wie hy in diens was op die datum waarop hy aangesê is om sy keuse te doen, kan oorgeplaas word na of aangestel word in enige geskikte betrekking in die diens van daardie outoriteit: Met dien verstande dat—

(a) geen oorplasing wat 'n vermindering in daardie persoon se pensioendraende besoldiging meebring sonder sy toestemming geskied nie;

(b) 'n persoon wat na 'n betrekking met 'n laer graad sonder vermindering van pensioendraende besoldiging oorgeplaas is, weer in 'n betrekking met 'n graad wat by sy salaris pas, aangestel word sodra 'n geskikte vakature ontstaan.

(6) Indien daar geen geskikte betrekking bestaan waarna of waarin 'n in sub-artikel (5) bedoelde persoon oorgeplaas of aangestel kan word nie, kan hy uit die diens van die outoriteit by wie hy in diens is, op grond van die opheffing van sy betrekking, ontslaan word."

14. Artikel *agt-en-twintig* van die Hoofwet word hiermee gewysig—

Wysiging van artikel 28 van Wet 9 van 1948.

(a) deur in paragraaf (c) van sub-artikel (1) na die woord „skole” die woorde „of tehuise” in te voeg; en

(b) deur na paragraaf (g) van sub-artikel (1) die volgende paragraawe in te voeg:

„(g)*bis*. die prosedure wat gevolg moet word in die geval van 'n appèl na die Minister teen die beslissing van 'n departementshoof ingevolge artikel *ses*;

(g)*ter*. die vorms wat vir die doeleindes van hierdie Wet nodig is en wat deur die Departement van Onderwys, Kuns en Wetenskap gebruik moet word;

(g)*quater*. die voorwaardes aangaande hulptoelae aan klinieke wat ingevolge artikel *vyftien* deur die Minister goedgekeur is;”.

15. Artikel *nege-en-twintig* van die Hoofwet word hiermee deur die volgende artikel vervang:

Vervanging van artikel 29 van Wet 9 van 1948.

„Regulasies 29. (1) Die Minister kan na oorlegpleging met deur Minister uitgevaardig na oorlegpleging met Administrateurs en regulasies deur Administrateurs uitgevaardig.

(a) die voorwaardes wat gepaard gaan met hulptoelae toegeken aan goedgekeurde gemengde spesiale skole;

(b) die prosedure wat by vergaderings van die staande komitee gevolg moet word;

(c) in die algemeen die uitvoering van die doeleindes van hierdie Wet met betrekking tot die onderwys van afwykende kinders aan goedgekeurde gemengde spesiale skole.

(2) Die Administrateur van enige provinsie kan ten opsigte van daardie provinsie, by kennisgewing

Gazette of the province concerned, make regulations, not inconsistent with this Act, relating to—

- (a) the conditions attaching to grants-in-aid given to approved provincial special schools;
- (b) the conditions governing the transfer of approved provincial special schools to the control of the provincial education department;
- (c) the procedure to be followed in the case of an appeal to the Administrator against the finding of a head of department in terms of section *six*;
- (d) the forms required for the purposes of this Act and which are to be used by the provincial education department;
- (e) the admission of pupils to, control and treatment of pupils at, and discharge of pupils from provincial special schools;
- (f) the fees payable (if any) in respect of special education at provincial special schools, the conditions and circumstances under which exemption may be granted either wholly or in part from payment of such fees, the provision in respect of children attending provincial special schools of books and other teaching aids, artificial medical aids, transport and board and lodging and the fees (if any) payable in respect thereof and the conditions and circumstances under which exemption may be granted either wholly or in part from payment of such fees;
- (g) the conditions relating to grants-in-aid to clinics approved by the Administrator in terms of section *fifteen*;
- (h) the constitution, functions and duties of advisory committees for provincial homes;
- (i) in general the carrying out of the objects of this Act in relation to the education of handicapped children at provincial special schools or approved provincial special schools.

(3) In so far as regulations made under sub-section (1) or (2) relate to special schools, they may be restricted to one or more schools or classes of schools, and different regulations may be made in respect of different schools.

(4) Regulations made under sub-section (1) or (2) may provide penalties for the contravention thereof, not exceeding a fine of twenty-five pounds, or in default of payment, imprisonment for a period not exceeding one month."

Amendment of section 30 of Act 9 of 1948.

16. Section *thirty* of the principal Act is hereby amended by the substitution for sub-paragraph (i) of paragraph (c) of sub-section (1) of the following sub-paragraphs:

"(i) fails to comply with an instruction issued by a competent officer in terms of sub-section (2) of section *six*; or

(i)*bis*. fails to comply with an instruction issued by a head of department in terms of section *eight*; or".

Short title.

17. This Act shall be called the Special Schools Amendment Act, 1951.

in die *Provinsiale Koerant* van die betrokke provinsie, regulasies uitvaardig wat nie met hierdie Wet strydig is nie, met betrekking tot—

- (a) die voorwaardes wat gepaard gaan met hulp-toelaes toegeken aan goedgekeurde provinsiale spesiale skole;
- (b) die voorwaardes wat geld by die oordrag van goedgekeurde provinsiale spesiale skole aan die beheer van die provinsiale onderwysdepartement;
- (c) die prosedure wat gevolg moet word in die geval van 'n appèl na die Administrateur teen die beslissing van 'n departementshoof ingevolge artikel ses;
- (d) die vorms wat vir die doeleindes van hierdie Wet nodig is en wat deur die provinsiale onderwysdepartement gebruik moet word;
- (e) die toelating van leerlinge tot, die beheer en behandeling van leerlinge aan, en die ontslag van leerlinge uit provinsiale spesiale skole;
- (f) die gelde betaalbaar (as daar is) ten opsigte van buitengewone onderwys aan provinsiale spesiale skole, die voorwaardes waarop en die omstandighede waaronder algehele of gedeeltelike vrystelling van betaling van sulke gelde verleen kan word, die verskaffing ten opsigte van kinders wat provinsiale spesiale skole bywoon van boeke en ander onderwys-hulpmiddels, kunsmatige mediese hulpmiddels, vervoer, kos en inwoning en die gelde (as daar is) wat ten opsigte daarvan betaalbaar is en die voorwaardes waarop en die omstandighede waaronder algehele of gedeeltelike vrystelling van betaling van sulke gelde verleen kan word;
- (g) die voorwaardes aangaande hulptoelaes aan klinieke wat ingevolge artikel vyftien deur die Administrateur goedgekeur is;
- (h) die samestelling, werksaamhede en pligte van advieskomitees van provinsiale t huise;
- (i) in die algemeen die uitvoering van die doeleindes van hierdie Wet met betrekking tot die onderwys van afwykende kinders aan provinsiale spesiale skole of goedgekeurde provinsiale spesiale skole.

(3) Vir sover regulasies kragtens sub-artikel (1) of (2) uitgevaardig op spesiale skole betrekking het, kan hulle tot een of meer skole of klasse skole beperk word, en kan verskillende regulasies vir verskillende skole uitgevaardig word.

(4) Regulasies kragtens sub-artikel (1) of (2) uitgevaardig kan voorsiening maak vir strawwe ten aansien van die oortreding daarvan, van 'n boete van hoogstens vyf-en-twintig pond of by wanbetaling gevangenisstraf vir 'n tydperk van hoogstens een maand.”.

16. Artikel dertig van die Hoofwet word hiermee gewysig Wysiging van deur sub-paragraaf (i) van paragraaf (c) van sub-artikel (1) artikel 30 van deur die volgende sub-paragraawe te vervang: Wet 9 van 1948.

„(i) versuim om 'n opdrag wat ingevolge sub-artikel (2) van artikel ses deur 'n bevoegde beampte gegee is, na te kom; of

(i)bis. versuim om 'n opdrag wat ingevolge artikel agt deur 'n departementshoof gegee is, na te kom; of”.

17. Hierdie Wet heet die Wysigingswet op Spesiale Skole, Kort titel. 1951.