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HOUSE OF ASSEMBLY.

J. M. HUGO,
Clerk of the House of Assembly.

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WETSONTWERP

Om voorsiening te maak vir die verwydering van naturelle uit enige gebied in die magistraatsdistrik Johannesburg of 'n daaraanliggende magistraatsdistrik, en hul vestiging elders, en om te dien einde 'n raad in te stel en sy werksaamhede te omskryf; en om vir ander bykomstige aangeleenthede voorsiening te maak.

(Ingedien deur die MINISTER VAN NATURELLESAKE.)

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

Woord-
omskrywings.

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

- (i) „Administrateur” die Administrateur van Transvaal; (i)
- (ii) „grond” ook enige reg in of oor grond; (iv)
- (iii) „belastings” belastinge op die waarde van grond of persele hef; (viii)
- (iv) „magistraat” ook 'n naturellekommissaris, 'n addisionele magistraat of 'n addisionele naturellekommissaris; (v)
- (v) „Minister” die Minister van Naturellesake; (vi)
- (vi) „naturel” iemand wat lid is van 'n inboorlingras of -stam van Afrika, en wanneer daar twyfel ontstaan oor die vraag of iemand 'n naturel is, word hy veronderstel 'n naturel te wees, tensy die teendeel bewys word; (vii)
- (vii) „raad” die by artikel twee ingestelde Raad vir die Hervestiging van Naturelle; (ii)
- (viii) „stadsraad” die stadsraad van die stad Johannesburg; (iii)
- (ix) „verklaarde gebied” enige gebied in die Bylae by hierdie Wet beskryf en enige gebied binne die magistraatsdistrik Johannesburg of binne 'n magistraatsdistrik wat aan eersbedoelde distrik grens, waarop die Goewerneur-generaal by proklamasie in die *Staatskoerant* die bepalinge van hierdie Wet mag toepas. (ix)

Instelling van
Raad vir die
Hervestiging
van Naturelle.

2. (1) Hierby word 'n raad ingestel bekend as die Raad vir die Hervestiging van Naturelle, wat met regs persoonlikheid 30 bekleed is en bevoeg is om in sy naam as regspersoon as eiser en verweerder in regte op te tree en om alle handeling te verrig wat vir die uitoefening van sy bevoegdhede en die verrigting van sy werksaamhede en pligte ingevolge hierdie Wet nodig is of daarmee in verband staan. 35

(2) Die raad is nie vir enige belasting, reg, gelde of ander heffing deur of kragtens een of ander wetsbepaling opgelê, aanspreeklik nie.

Samestelling
van raad.

3. (1) Die raad bestaan uit nege lede deur die Goewerneur-generaal aangestel, van wie vier deur die Minister hoofsaaklik 40 op grond van hul bekendheid met en wye kennis van die sake van die stadsraad genomineer word, en vir elke lid (behalwe die lid as voorsitter van die raad aangewys) word daar 'n plaasvervanger op dieselfde wyse as daardie lid aangestel.

(2) Die Goewerneur-generaal wys een van die lede van die raad aan om voorsitter van die raad te wees. 45

(3) Die naam van elke persoon as lid of as plaasvervanger van 'n lid van die raad aangestel, moet in die *Staatskoerant* bekendgemaak word.

Ampsduur van
raadslede.

4. (1) 'n Lid of 'n plaasvervanger van 'n lid van die raad 50 word aangestel vir die tydperk wat die Goewerneur-generaal in elke geval bepaal, en kan by verstryking van 'n tydperk waarvoor hy aangestel is, weer aangestel word.

(2) 'n Lid of 'n plaasvervanger van 'n lid van die raad ont- 55
ruim sy amp—

(a) indien hy bedank of te sterwe kom of die raad kragtens artikel dertig afgeskaf word;

BILL

To provide for the removal of natives from any area in the magisterial district of Johannesburg or any adjoining magisterial district and their settlement elsewhere, and for that purpose to establish a board and to define its functions; and to provide for other incidental matters.

(Introduced by the MINISTER OF NATIVE AFFAIRS.)

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

- 5 1. In this Act, unless the context otherwise indicates— Definitions.
- (i) "Administrator" means the Administrator of the Transvaal; (i)
- (ii) "board" means the Natives Resettlement Board established under section two; (vii)
- 10 (iii) "council" means the council of the city of Johannesburg; (viii)
- (iv) "land" includes any right in or over land; (ii)
- (v) "magistrate" includes a native commissioner, an additional magistrate or an additional native commissioner; (iv)
- 15 (vi) "Minister" means the Minister of Native Affairs; (v)
- (vii) "native" means any person who is a member of an aboriginal race or tribe of Africa, and whenever there is doubt as to whether any person is a native, he shall be presumed to be a native, unless the contrary is proved; (vi)
- 20 (viii) "rates" means rates levied on the value of land or premises; (iii)
- (ix) "specified area" means any area described in the Schedule to this Act, and any area within the magisterial district of Johannesburg or within any magisterial district adjoining such first-mentioned district, to which the Governor-General may, by proclamation in the *Gazette*, apply the provisions of this Act. (ix)
- 25
- 30 2. (1) There is hereby established a board to be known as the Natives Resettlement Board, which shall be a body corporate capable of suing and being sued in its corporate name and of performing all such acts as are necessary for or incidental to the exercise of its powers and the performance of its functions and duties under this Act. Establishment of Natives Resettlement Board.
- (2) The board shall not be liable for any tax, duty, fee or other charge imposed by or under any law.
3. (1) The board shall consist of nine members appointed by the Governor-General, of whom four shall be nominated by the Minister on the ground mainly of their acquaintance with and wide knowledge of the affairs of the council, and for each member (other than the member designated as chairman of the board) there shall be an alternate appointed in the same manner as such member. Constitution of board.
- 40 (2) The Governor-General shall designate one of the members of the board to be chairman of the board.
- (3) The name of every person appointed as a member or as an alternate to a member of the board shall be made known in the *Gazette*.
- 45
- 50 4. (1) A member or an alternate to a member of the board shall be appointed for such a period as the Governor-General may in each case determine, and shall be eligible for re-appointment on the termination of any period for which he has been appointed. Tenure of office of members of board.
- 55 (2) A member or an alternate to a member of the board shall vacate his office—
- (a) if he resigns or dies or the board is abolished in terms of section thirty;

- (b) indien sy boedel gesekwestreer word of 'n kennisgewing ingevolge sub-artikel (1) van artikel *tien* van die Boere-Bystandswet, 1935 (Wet No. 48 van 1935), met betrekking tot hom gepubliseer word;
 - (c) indien hy kranksinnig word of weens 'n misdryf ingevolge artikel *agt* veroordeel word of weens 'n ander misdryf veroordeel en tot gevangenisstraf sonder die keuse van 'n boete gevonnis word; of
 - (d) in die geval van 'n lid, indien hy van drie agtereenvolgende raadsvergaderings afwesig was sonder verlof van die raad wat nie vir 'n langer tydperk as ses maande in enige tydperk van twaalf maande toegestaan word nie.
- (3) 'n Lid of 'n plaasvervanger van 'n lid van die raad kan te eniger tyd deur die Goewerneur-generaal uit sy amp ontslaan word.

Vergaderings
van raad.

5. (1) Die eerste vergadering van die raad word gehou op die tyd en plek wat die Minister bepaal, en alle daaropvolgende vergaderings word, behoudens die bepalings van sub-artikel (2), maandeliks gehou op die tye en plekke wat die raad of die voorsitter van die raad, indien deur die raad daartoe gemagtig, mag bepaal.

(2) Die voorsitter van die raad kan te eniger tyd 'n spesiale vergadering van die raad byeenroep, en moet so 'n vergadering byeenroep binne veertien dae na ontvangs van 'n skriftelike versoek wat deur minstens vier lede van die raad onderteken is en waarin die byeenroeping van so 'n vergadering verlang word.

(3) Vyf lede van die raad maak 'n kworum uit vir 'n vergadering van die raad.

(4) Die voorsitter van die raad moet by alle raadsvergaderings waarop hy teenwoordig is, voorsit, en indien hy van 'n vergadering afwesig is, moet die aldaar aanwesige lede een uit hul midde kies om op die vergadering voor te sit.

(5) Die besluit van 'n meerderheid van die aanwesige raadslede op 'n vergadering van die raad word geag die besluit van die raad te wees: Met dien verstande dat by 'n staking van stemme oor enige aangeleentheid voor 'n vergadering van die raad, die persoon wat by daardie vergadering voorsit benewens sy beraadslagende stem ook 'n beslissende stem het.

Besoldiging
en toelaes
van lede van
raad.

6. (1) Daar moet aan 'n lid of 'n plaasvervanger van 'n lid van die raad, wat nie in die voltydse diens van die Staat is nie, ten opsigte van sy dienste die besoldiging en toelaes betaal word wat die Minister in oorleg met die Minister van Finansies bepaal.

(2) 'n Lid of 'n plaasvervanger van 'n lid van die raad wat in die voltydse diens van die Staat is, kan, benewens sy salaris en toelaes ten opsigte van daardie diens, sodanige besoldiging ontvang as wat onderworpe aan die wette op die Staatsdiens bepaal word.

(3) Enige besoldiging of toelaes wat ingevolge hierdie artikel betaalbaar mag word, moet uit die raad se fondse betaal word.

(4) Die raad moet aan die Minister enige bedrag terugbetaal wat by wyse van vervoer- of onderhoudstoelae uit openbare fondse betaal word aan 'n lid of plaasvervanger van 'n lid van die raad terwyl hy besig is met die sake van die raad, met inbegrip van sodanige sake wat aan die ingevolge artikel *sewe* aangestelde uitvoerende komitee of 'n kragtens paragraaf (b) van sub-artikel (1) van artikel *twaalf* aangestelde komitee toevertrou word.

Aanstelling en
bevoegdhede van
uitvoerende
komitee.

7. (1) Die raad moet 'n uitvoerende komitee aanstel wat bestaan uit die voorsitter van die raad en twee ander lede, van wie een 'n lid moet wees wat aangestel is ingevolge nominasie deur die Minister hoofsaaklik op grond van sy bekendheid met en wye kennis van die sake van die stadsraad, en een 'n lid moet wees wat nie aldus aangestel is nie.

(2) Die voorsitter van die raad is die voorsitter van die uitvoerende komitee.

(3) Die uitvoerende komitee kan, onderworpe aan die voorskrifte van die raad, tussen raadsvergaderings al die bevoegdhede van die raad uitoefen en al sy werksaamhede verrig, maar is, behalwe vir sover die raad anders gelas, nie bevoeg om 'n besluit van die raad ter syde te stel of te wysig nie, en enige stappe deur die uitvoerende komitee gedoen of besluit deur hom geneem, is onderhewig aan hersiening op die eersvolgende vergadering van die raad.

(4) Die uitvoerende komitee kom byeen op die tye en plekke wat die voorsitter van die raad gelas.

- (b) if his estate is sequestrated or a notice with reference to him is published under sub-section (1) of section *ten* of the Farmers' Assistance Act, 1935 (Act No. 48 of 1935);
- 5 (c) if he becomes of unsound mind or is convicted of an offence under section *eight* or is convicted of any other offence and sentenced to imprisonment without the option of a fine; or
- 10 (d) in the case of a member, if he has absented himself from three consecutive meetings of the board without its leave which shall not be granted for a period exceeding six months in any period of twelve months.

(3) A member or an alternate to a member of the board may at any time be removed from his office by the Governor-General.

5. (1) The first meeting of the board shall be held at a time and place to be determined by the Minister, and all subsequent Meetings of the board. meetings shall, subject to the provisions of sub-section (2), be held monthly at such times and places as the board or the chairman of the board, if authorized thereto by it, may determine.

(2) The chairman of the board may at any time call a special meeting of the board, and shall call such a meeting within fourteen days after receipt of a written request, signed by not less than four members of the board, desiring such a meeting to be called.

(3) Five members of the board shall form a quorum for a meeting of the board.

(4) The chairman of the board shall preside at all meetings thereof at which he is present, and if he is absent from any meeting the members present thereat may elect one of their number to preside at such meeting.

(5) The decision of a majority of the members of the board present at any meeting thereof shall be deemed to be the decision of the board: Provided that in the event of an equality of votes on any matter before a meeting of the board, the person presiding at such meeting shall have a casting vote in addition to his deliberative vote.

6. (1) There shall be payable to a member or an alternate to a member of the board who is not in the full-time employment of the State, such remuneration and allowances in respect of his services as the Minister may in consultation with the Minister of Finance, determine. Remuneration and allowances of members of board.

(2) A member or an alternate to a member of the board who is in the full-time employment of the State, may receive such remuneration, in addition to his salary and allowances in respect of such employment, as may be determined subject to the laws governing the public service.

(3) Any remuneration or allowances which may become payable under this section shall be paid out of the funds of the board.

(4) The board shall refund to the Minister any amount paid out of public funds by way of transport or subsistence allowance to a member or an alternate to a member of the board whilst engaged in connection with the business of the board, including any such business entrusted to the executive committee appointed under section *seven* or any committee appointed under paragraph (b) of sub-section (1) of section *twelve*.

7. (1) The board shall appoint an executive committee consisting of the chairman of the board and two other members, of whom one shall be a member appointed on nomination by the Minister on the ground mainly of his acquaintance with and wide knowledge of the affairs of the council, and one shall be a member not so appointed. Appointment and powers of executive committee.

(2) The chairman of the board shall be the chairman of the executive committee.

(3) The executive committee may, subject to the directions of the board, exercise all the powers and perform all the functions of the board between meetings of the board, but shall not have power, save in so far as the board otherwise directs, to set aside or vary any decision of the board, and any action taken or decision made by the executive committee shall be subject to review at the first ensuing meeting of the board.

(4) The executive committee shall meet at such times and places as the chairman of the board may direct.

Verbod op
ontvang van
gelde of
belonings en
geheimhouding.

8. (1) 'n Lid of 'n plaasvervanger van 'n lid van die raad wat regstreeks of onregstreeks geld of beloning van enigiemand ontvang in verband met enige saak hoegenaamd wat deur die raad behandel word, is aan 'n misdryf skuldig en by veroordeling strafbaar met gevangenisstraf vir 'n tydperk van hoogstens 5 een jaar.

(2) 'n Lid of 'n plaasvervanger van 'n lid van die raad, of 'n amptenaar of ander persoon in sy diens, wat, behalwe by die uitvoering van sy pligte of as 'n getuie in 'n gereghof, inligting in die loop van sy pligte deur hom ingewin, bekendmaak, is 10 aan 'n misdryf skuldig en by veroordeling strafbaar met 'n boete van hoogstens vyftig pond.

Personeel
van raad.

9. (1) Die werk verbonde aan die verrigting van sy werksaamhede deur die raad, word op sy koste en onder sy opdrag en beheer verrig deur— 15

(a) amptenare in die Staatsdiens wat op aanbeveling van die Staatsdienskommissie tydelik na die raad se diens oorgeplaas word;

(b) amptenare in die diens van die stadsraad wat by reëling met die stadsraad tydelik na die raad se diens 20 oorgeplaas word; en

(c) die ander persone wat deur die raad aangestel mag word op bedinge en voorwaardes deur die Minister in oorleg met die Minister van Finansies goedgekeur.

(2) 'n Kragtens paragraaf (c) van sub-artikel (1) aangestelde 25 persoon is, behalwe vir sover in die bedinge en voorwaardes van sy aanstelling anders bepaal, onderhewig aan die bepalinge *mutatis mutandis* van die personeelregulasies van toepassing op amptenare van die stadsraad, asof hy so 'n amptenaar was, en vir die doel word 'n verwysing in daardie regulasies na die stadsraad as 'n verwysing na die raad uitgelê, en word 'n verwysing daarin na 'n amptenaar van die stadsraad aan wie vir 30 die doeleindes van bedoelde regulasies enige bevoegdheede verleen is, geag 'n verwysing te wees na 'n deur of op gesag van die raad aangewese amptenaar of werknemer van die raad. 35

(3) Die Minister moet een van die amptenare aldus tydelik uit die Staatsdiens oorgeplaas, as sekretaris van die raad aanwys, en bedoelde amptenaar is die administratiewe hoofamptenaar van die raad.

(4) 'n Amptenaar wat kragtens hierdie artikel tydelik na 40 die diens van die raad oorgeplaas word, bly in alle opsigte onderworpe aan die wette op die Staatsdiens of die diens van die stadsraad, al na die geval, en vir daardie doel—

(a) word die administratiewe hoofamptenaar van die raad, met betrekking tot 'n amptenaar in die Staatsdiens, 45 geag die hoof van die departement te wees waarin daardie amptenaar in diens is;

(b) word 'n verwysing na die stadsraad in die personeelregulasies van toepassing op amptenare van die stadsraad, geag 'n verwysing na die raad te wees, en word 50 'n verwysing daarin na 'n amptenaar van die stadsraad aan wie vir die doeleindes van die toepassing van daardie regulasies enige bevoegdheid verleen is, geag 'n verwysing na 'n deur of op gesag van die raad aangewese amptenaar of werknemer van die raad te wees. 55

(5) 'n Amptenaar in die Staatsdiens wat tydelik na die diens van die raad oorgeplaas is, kan, benewens sy salaris en toelaes as so 'n amptenaar, sodanige besoldiging ontvang as wat met inagneming van die wette op die Staatsdiens bepaal mag word.

(6) Enige verwysing in sub-artikel (2) of (4) na 'n amptenaar van die raad word geag ook 'n verwysing na 'n amptenaar 60 wat kragtens paragraaf (a) of (b) van sub-artikel (1) tydelik na die diens van die raad oorgeplaas is, in te sluit.

Fondse en
bates van raad.

10. (1) Die fondse van die raad bestaan uit—

(a) enige lenings op voorwaardes wat die Minister van 65 Finansies mag bepaal, uit gelde deur die Parlement vir die doel bewillig, aan die raad toegestaan;

(b) gelde verkry uit die verkoop of verhuur van grond of persele deur die raad;

(c) enige bedrae wat aan die raad betaalbaar mag word 70 uit hoofde van hierdie Wet of enige regulasies kragtens artikel twee-en-dertig uitgevaardig;

(d) enige bedrae uit enige ander bron verkry.

(2) Die stadsraad moet uit sy heffingsfonds vir natuurle- 75 dienste bedoel in artikel negentien van die Naturelle (Stadsgebiede) Konsolidasiewet, 1945 (Wet No. 25 van 1945), aan die raad die bedrae betaal wat die Minister van tyd tot tyd mag gelas, en sodanige bedrae moet deur die raad uitsluitlik

8. (1) A member or an alternate to a member of the board who directly or indirectly receives any fee or reward from any person in connection with any matter whatsoever dealt with by the board, shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding one year. Prohibition on receiving of fees or rewards and preservation of secrecy.

(2) A member or an alternate to a member of the board, or any officer or other person in its service, who discloses, except in the performance of his duties or as a witness in a court of law, any information acquired by him in the course of his duties, shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds.

9. (1) The work incidental to the performance by the board of its functions shall be performed at its expense and under its directions and control by— Staff of board.

(a) officers in the public service who may on the recommendation of the Public Service Commission be seconded to the service of the board;

(b) officers in the service of the council who may by arrangement with the council be seconded to the service of the board; and

(c) such other persons as may be appointed by the board on such terms and conditions as may be approved by the Minister in consultation with the Minister of Finance.

(2) Any person appointed under paragraph (c) of sub-section (1) shall, except in so far as it is otherwise provided in the terms and conditions of his appointment, be subject to the provisions *mutatis mutandis* of the staff regulations applicable to officers of the council, as if he were such an officer, and for that purpose any reference in those regulations to the council shall be construed as a reference to the board and any reference therein to any officer of the council in whom any powers are vested for the purposes of the said regulations, shall be deemed to be a reference to an officer or employee of the board designated by it or under its authority.

(3) The Minister shall designate one of the officers so seconded from the public service as secretary to the board and such officer shall be the chief administrative officer of the board.

(4) Any officer seconded to the service of the board under this section shall in all respects remain subject to the laws governing the public service or the service of the council, as the case may be, and for that purpose—

(a) the chief administrative officer of the board shall, in relation to any officer in the public service, be deemed to be the head of the department in which such officer is employed;

(b) any reference to the council in the staff regulations applicable to officers of the council, shall be deemed to be a reference to the board, and any reference therein to any officer of the council in whom any powers are vested for the purpose of the application of the said regulations shall be deemed to be a reference to an officer or employee of the board designated by it or under its authority.

(5) Any officer in the public service who has been seconded to the service of the board may receive such remuneration, in addition to his salary and allowances as such an officer, as may be determined subject to the laws governing the public service.

(6) Any reference in sub-section (2) or (4) to an officer of the board shall be deemed to include a reference to any officer seconded under paragraph (a) or (b) of sub-section (1) to the service of the board.

10. (1) The funds of the board shall consist of—

(a) any loans granted to the board on such conditions as the Minister of Finance may determine, out of moneys appropriated by Parliament for the purpose;

(b) moneys derived from the sale or lease of land or premises by the board;

(c) any amounts which may become payable to the board under this Act or any regulations made under section thirty-two;

(d) any amounts obtained from any other source.

(2) The council shall pay to the board out of its native services levy fund referred to in section nineteen of the Natives (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945), such amounts as the Minister may from time to time direct, and any such amounts shall be used by the board

Funds and assets of board.

vir die in sub-artikel (3)*bis* van daardie artikel vermelde doeleindes aangewend word.

(3) Enige bates (met inbegrip van grond) of regte verkry en enige laste of verpligtings aangegaan deur die Unie-regering voor die inwerkingtreding van hierdie Wet, vir 'n doel verbonde aan die oogmerk waarmee die raad ingestel is, word, behalwe vir sover deur die Minister na oorlegpleging met die Minister van Finansies anders bepaal word, en onderworpe aan die voorwaardes wat aldus bepaal mag word, geag deur die raad verkry of aangegaan te gewees het, en enige bedrag voor bedoelde inwerkingtreding in verband met so 'n doel deur die Minister betaal, word geag 'n lening te wees kragtens paragraaf (a) van sub-artikel (1) aan die raad toegestaan onderworpe aan voorwaardes deur die Minister van Finansies bepaal te word.

(4) Ondanks die bepalings van artikel *sestien* van die Registrasie van Aktes Wet, 1937 (Wet No. 47 van 1937), kan die oordrag aan die raad van in sub-artikel (3) bedoelde grond op aansoek by die beamppte in bevel van die betrokke registrasiekantoor van aktes, deur middel van endossement op die transportakte teweeggebring word, en so 'n endossement is vir alle doeleindes voldoende bewys van die feit dat die eiendomsreg op die betrokke grond by die raad berus.

(5) Die raad moet 'n volledige en juiste rekening laat hou van alle gelde deur hom ontvang of uitgegee.

(6) Enige geld in besit van die raad wat nie vir onmiddellike gebruik nodig is nie, moet, behoudens die bepalings van sub-artikel (7), deur hom belê word by die Staatskuldkommissaris of op die ander wyse wat die Minister in oorleg met die Minister van Finansies bepaal.

(7) Die raad kan van tyd tot tyd in die Gekonsolideerde Inkomstefonds sodanige bedrae betaal uit gelde wat tot sy krediet staan, as wat in elke geval deur die Minister in oorleg met die Minister van Finansies bepaal mag word.

Ouditering van rekenings.

11. (1) Die boeke en rekenings en balansstaat van die raad word jaarliks geouditeer deur die Kontroleur en Ouditeur-generaal wat vir die doeleindes van so 'n audit en onderworpe aan die voorskrifte wat hy goetvind, een of meer persone kan aanstel om hom behulpzaam te wees.

(2) Die bepalings van artikels *dertien*, *veertien*, *vyftien*, *agtien* en *negentien* van die „Financiewet, 1911” (Wet No. 21 van 1911), is *mutatis mutandis* van toepassing ten opsigte van so 'n audit, en vir daardie doel—

(a) word die verwysings na die Tesourie in artikels *dertien* en *agtien* van bedoelde Wet, geag verwysings onderskeidelik na die Minister en na die raad te wees;

(b) word die verwysing in artikels *veertien* en *vyftien* van bedoelde Wet na 'n persoon in die diens van die Regering van die Unie, geag 'n verwysing na 'n persoon in diens van of tydelik oorgeplaas na die raad in te sluit; en

(c) word die verwysing in artikel *negentien* van bedoelde Wet na die Minister van Finansies, geag 'n verwysing na die Minister te wees.

(3) So gou doenlik na so 'n audit stuur die Kontroleur en Ouditeur-generaal 'n afskrif van die rekenings en balansstaat, tesame met sy sertifikaat en verslag daaromtrent, aan die Minister en aan die Minister van Finansies.

(4) Die Minister van Finansies lê die rekenings, balansstaat en verslag in beide Huise van die Parlement ter Tafel binne veertien dae nadat hy dit ontvang het, as die Parlement dan in gewone sitting is, of, as die Parlement dan nie in gewone sitting is nie, binne veertien dae na die aanvang van sy eersvolgende gewone sitting.

(5) Die Kontroleur en Ouditeur-generaal moet die raad in kennis stel van enige strafteugvordering wat hy kragtens artikel *vyftien* van die „Financiewet, 1911”, soos deur sub-artikel (2) van hierdie artikel toegepas, opgelê het, en die raad moet, onderworpe aan die bepalings van artikel *negentien* van bedoelde Wet, soos aldus toegepas, die bedrag daarvan verhaal op die persoon aan wie die strafteugvordering opgelê is: Met dien verstande dat, tensy die Minister anders gelas, die bedrag van so 'n strafteugvordering verskuldig deur iemand in diens van of tydelik oorgeplaas na die raad, in gelyke maandelikse bedrae deur aftrekkings van sy salaris, maar hoogstens eenvierde daarvan, verhaal moet word.

(6) Die bedrag van so 'n strafteugvordering kan deur die raad deur aksie in 'n bevoegde hof verhaal word.

(7) 'n Bedrag wat die Tesourie na oorlegpleging met die Minister en die Kontroleur en Ouditeur-generaal bepaal, moet

exclusively for the purposes set out in sub-section (3)*bis* of that section.

(3) Any assets (including any land) or rights acquired and any liabilities or obligations incurred by the Government of the Union prior to the commencement of this Act, for a purpose connected with the object for which the board is established, shall, save as may be otherwise determined by the Minister after consultation with the Minister of Finance, and subject to such conditions as may be so determined, be deemed to have been acquired or incurred by the board, and any amount paid by the Minister before such commencement in connection with such a purpose, shall be deemed to be a loan granted to the board under paragraph (a) of sub-section (1) subject to conditions to be determined by the Minister of Finance.

(4) Notwithstanding the provisions of section *sixteen* of the Deeds Registries Act, 1937 (Act No. 47 of 1937), the transfer to the board of any land referred to in sub-section (3) may be effected by endorsement on the title deed on application to the officer in charge of the deeds registry concerned, and such endorsement shall for all purposes be sufficient evidence of the fact that the ownership in the land in question is vested in the board.

(5) The board shall cause full and correct account to be kept of all amounts received or expended by it.

(6) Any moneys in the possession of the board which are not required for immediate use, shall, subject to the provisions of sub-section (7), be invested by it with the Public Debt Commissioners or in such other manner as the Minister may in consultation with the Minister of Finance determine.

(7) The board may from time to time pay to the Consolidated Revenue Fund, such amounts from funds standing to its credit as may in each case be approved by the Minister in consultation with the Minister of Finance.

11. (1) The books and statements of account and balance sheet of the board shall be audited annually by the Controller and Auditor-General who may for the purpose of any such audit appoint one or more persons to assist him, subject to such directions as he may deem fit. Auditing of accounts.

(2) The provisions of sections *thirteen, fourteen, fifteen, eighteen and nineteen* of the Exchequer and Audit Act, 1911 (Act No. 21 of 1911), shall *mutatis mutandis* apply in respect of such audit, and for that purpose—

(a) the references in sections *thirteen* and *eighteen* of the said Act to the Treasury shall be deemed to be references to the Minister and to the board, respectively;

(b) the reference in sections *fourteen* and *fifteen* of the said Act to a person in the employment of the Union Government shall be deemed to include a reference to a person employed by or seconded to the board; and

(c) the reference in section *nineteen* of the said Act to the Minister of Finance, shall be deemed to be reference to the Minister.

(3) As soon as possible after any such audit, the Controller and Auditor-General shall transmit to the Minister and to the Minister of Finance a copy of the statements of account and balance sheet together with his certificate and report thereon.

(4) The Minister of Finance shall lay the accounts, balance sheet and report on the Tables of both Houses of Parliament within fourteen days after their receipt by him, if Parliament be then in ordinary session, or if Parliament be not then in ordinary session, within fourteen days after the commencement of its next ensuing ordinary session.

(5) The Controller and Auditor-General shall notify the board of any surcharge which he may have made under section *fifteen* of the Exchequer and Audit Act, 1911, as applied by sub-section (2) of this section, and the board shall, subject to the provisions of section *nineteen* of the said Act, as so applied, recover the amount thereof from the person against whom the surcharge has been made: Provided that unless the Minister otherwise directs, the amount of any such surcharge which may be due from a person employed by or seconded to the board, shall be recovered in equal monthly instalments by deductions from his salary, not exceeding one-fourth thereof.

(6) The amount of any such surcharge may be recovered by the board by action in any competent court.

(7) An amount which shall be determined by the Treasury after consultation with the Minister and the Controller and

Oogmerk en
algemene
bevoegdheid
van raad.

ten opsigte van so 'n oudit deur die raad aan die Gekonsolideerde Inkomstefonds betaal word.

12. (1) Die oogmerk waarmee die raad ingestel word, is om die verwydering uit verklaarde gebiede te bewerkstellig van natuurle wat in daardie gebiede woon en om vir die huisvesting elders van daardie natuurle voorsiening te maak, en te dien einde is die raad, benewens enige ander bevoegdheid by hierdie Wet aan hom verleen, bevoeg—

- (a) om met goedkeuring van die Minister en onderworpe aan die voorwaardes wat hy in oorleg met die Minister van Finansies bepaal, die eiendom te verkry of te huur en die dienaars aan te stel wat hy vir die doeltreffende verrigting van sy werksaamhede nodig ag; 10
- (b) om uit sy lede een of meer komitees aan te stel en om na goeddunke van sy bevoegdheid aan 'n aldus aangestelde komitee oor te dra: Met dien verstande dat die oordrag van bevoegdheid aan so 'n komitee nie die uitwerking het om die raad of die in artikel sewe bedoelde uitvoerende komitee van daardie bevoegdheid te onthef nie, en dat enige stappe gedoen of besluit geneem deur so 'n komitee onderhewig is aan hersiening op die eersvolgende vergadering van die raad en, waar 'n vergadering van die uitvoerende komitee voor bedoelde vergadering van die raad plaasvind, ook op daardie vergadering van die uitvoerende komitee; 25
- (c) om met goedkeuring van die Minister en onderworpe aan die voorwaardes wat hy in oorleg met die Minister van Finansies mag bepaal, hetsy algemeen of in enige besondere geval— 30
 - (i) deur aankoop, ruil, onteiening of andersins grond te verkry wat die raad nodig ag vir die verwesenliking van die oogmerk waarmee hy ingestel is;
 - (ii) grond wat aan die raad behoort te ontwikkel en dienste en geriewe te voorsien in 'n verklaarde gebied of enige gebied waarheen natuurle verwyder word of staan te word; 35
 - (iii) grond wat aan die raad behoort te verkoop, te verhuur, te verhipotekeer of andersins daarvoor te beskik of dit andersins te beswaar of vir ander grond te verruil of vir enige doel te skenk of op enige ander wyse daarmee te handel soos die raad goedvind; 40
- (d) om met goedkeuring deur die Minister na oorlegpleging met die Administrateur en die stadsraad verleen, die stadsraad te gelas om met behoorlike inagneming van die Dorpe- en Dorpsaanleg-Ordonnansie, 1931 (Ordonnansie No. 11 van 1931), van Transvaal, en die voorskrifte van die raad—
 - (i) enige verklaarde gebied of gedeelte daarvan op te deel, uit te lê, te beplan en te ontwikkel; 50
 - (ii) opmetings, planne, seksies, kaarte, verdelingskaarte of tekenings ten opsigte daarvan te laat maak;
 - (iii) enige gedeelte daarvan vir strate, oop terreine of ander openbare doeleindes uit te hou of opsy te sit; 55
 - (iv) paaie, strate, deurgange, brûe, duikweë, afvoerslote, riole, waterleidings, pype, water- en ander hoofleidings, kraglyne en ander werke, met inbegrip van geboue, wat die raad nodig ag, op of oor sodanige gebiede te bou; 60
- (e) om met goedkeuring deur die Minister na oorlegpleging met die Administrateur en die stadsraad verleen, en met behoorlike inagneming van die bepalings van bedoelde Ordonnansie, met betrekking tot 'n verklaarde gebied of enige gebied waarheen natuurle ingevolge hierdie Wet verwyder is of staan te word, enige handeling te verrig of werksaamheid uit te voer wat die raad kragtens paragraaf (d) gemagtig is om die stadsraad te gelas om met betrekking tot 'n verklaarde gebied of enige gedeelte daarvan te verrig of uit te voer; 70
- (f) om met goedkeuring van die Minister en onderworpe aan die voorwaardes wat hy in oorleg met die Minister van Finansies bepaal— 75
 - (i) op grond elders as in 'n verklaarde gebied wat aan die raad behoort huise of ander strukture te bou, en om sodanige grond of huise aan natuurle wat uit so 'n gebied verwyder is, te verhuur, of om die

Auditor-General, shall be paid by the board to the Consolidated Revenue Fund in respect of such audit.

12. (1) The object for which the board is established is to effect the removal from specified areas of natives residing in those areas and to provide for the accommodation elsewhere of such natives, and to that end the board shall, in addition to any other powers vested in it by this Act, have power—
- Object and
general
powers of board.
- (a) with the approval of the Minister, and subject to such conditions as he may in consultation with the Minister of Finance determine, to acquire or hire such property and to appoint such servants as it may consider necessary for the effective performance of its functions;
 - (b) to appoint from amongst its members one or more committees and to vest in a committee so appointed such of its powers as it may deem fit: Provided that the vesting of any powers in any such committee shall not have the effect of divesting the board or the executive committee referred to in section seven of those powers, and that any action taken or decision made by any such committee shall be subject to review at the first ensuing meeting of the board, and, where a meeting of the executive committee takes place before such a meeting of the board, also at that meeting of the executive committee;
 - (c) with the approval of the Minister and subject to such conditions as he may, in consultation with the Minister of Finance, determine either generally or in any particular case—
 - (i) to acquire by purchase, exchange, expropriation or otherwise such land as the board may consider necessary for the attainment of the object for which it is established;
 - (ii) to develop any land belonging to the board and to provide services and amenities in any specified area or any area to which natives are or are intended to be removed;
 - (iii) to sell, let, hypothecate or otherwise dispose of or encumber any land belonging to the board or to exchange it for other land or to donate it for any purpose or to deal therewith in any other manner as the board may deem fit;
 - (d) with the approval of the Minister, given after consultation with the Administrator and the council, to require the council, with due regard to the provisions of the Townships and Town Planning Ordinance, 1931 (Ordinance No. 11 of 1931), of the Transvaal, and the directions of the board—
 - (i) to sub-divide, lay out, plan and develop any specified area or any portion thereof;
 - (ii) to cause surveys, plans, sections, maps, diagrams or drawings to be made in respect thereof;
 - (iii) to reserve or set aside any portion thereof for streets, open spaces or other public purposes;
 - (iv) to construct roads, streets, thoroughfares, bridges, subways, drains, sewers, aqueducts, conduits, water or other mains, power lines and such other works, including buildings, on or over such areas as the board may consider necessary;
 - (e) with the approval of the Minister, given after consultation with the Administrator and the council, and with due regard to the provisions of the said Ordinance, to do any act or perform any function in relation to any specified area or any area to which natives are or are intended to be removed under this Act, which in terms of paragraph (d) the board is empowered to require the council to do or perform in relation to any specified area or any portion thereof;
 - (f) with the approval of the Minister, and subject to such conditions as he may in consultation with the Minister of Finance, determine—
 - (i) to build houses or other structures on land belonging to the board elsewhere than in a specified area, and to grant leases over such land or houses or to dispose of the right of occupation

reg van bewoning van bedoelde huise aan sodanige natuurle van die hand te sit;

(ii) sodanige grond te huur aan bedoelde natuurle beskikbaar te stel ten einde hulle in staat te stel om, onderworpe aan die goedkeuring van die raad en op die voorwaardes wat hy goeuvind, vir hulself huisvesting te voorsien; 5

(iii) lenings toe te staan of geld voor te skiet of materiaal beskikbaar te stel vir enige doel wat volgens die raad se oordeel sal bydra tot die verwezenliking van die oogmerk waarmee die raad ingestel is; 10

(g) om kontrakte aan te gaan met die Unie-regering, met inbegrip van die Suid-Afrikaanse Spoorwegadministrasie en die Provinsiale Administrasie van Transvaal, die stadsraad of enige ander liggaam of persoon, vir die verrigting van enige handeling wat die raad gemagtig is om te verrig; en 15

(j) om oor die algemeen alle handelinge te verrig wat volgens die raad se oordeel nodig is vir of in verband staan met die verwezenliking van die oogmerk waarmee die raad ingestel is. 20

(2) Die raad moet 'n register hou van alle onroerende goed wat deur die raad verkry of in hom gevestig is, met vermelding van die beskrywings van sodanige goed, die datums en koste van verkryging daarvan, besonderhede van enige konsolidasies of onderverdelings daarvan of beskikkings daaroor, en sodanige ander besonderhede as wat nodig geag mag word. 25

(3) Behalwe soos in paragrawe (d) en (e) van sub-artikel (1) bepaal, is die raad nie verplig om aan die bepalings van die „Proclamation of Townships Ordinance, 1905”, of die „Townships Act, 1907”, of die „Townships Amendment Act, 1908”, of die Dorpe- en Dorpsaanleg-Ordonnansie, 1931, van Transvaal, of enige ander wet wat op dorpe of dorpsaanleg betrekking het, te voldoen nie. 30 35

Hulp en
fasiliteite deur
stadsraad aan
raad verleen
te word.

13. (1) Die raad het die reg om na kennisgewing aan die stadsraad—

(a) enige afvoersloot, riool, pyp, water- of ander hoofleiding of kraglyn op grond wat aan die raad behoort, te verbind met enige afvoersloot, riool, pyp, water- of ander hoofleiding of kraglyn in die omgewing van daardie grond wat onder die stadsraad se beheer is; 40

(b) enige pad, straat of deurgang op sodanige grond te verbind met enige pad, straat of deurgang wat deur die stadsraad beheer word, 45

vir sover as wat volgens die raad se oordeel nodig mag wees om essensiële dienste te voorsien op grond wat aan die raad behoort of om gerieflike toegang tot of uitgang vanaf sodanige grond te verleen, en kan vir die doeleindes van paragraaf (a) van die stadsraad of sy dienaars die hulp of inligting eis wat die raad vir die doeltreffende uitoefening van sy bevoegdhede onder daardie paragraaf nodig ag. 50

(2) Die stadsraad moet by 'n aansluiting kragtens sub-artikel (1) gemaak, water en elektrisiteit verskaf en aldaar water of rioolslyk ontvang op dieselfde wyse en op dieselfde voorwaardes asof die betrokke dienste ten opsigte van grond onder beheer van die stadsraad voorsien was: Met dien verstande dat die gelde ten opsigte van sodanige dienste bereken nie hoër mag wees nie as die gelde bereken vir dergelike dienste ten opsigte van 'n lokasie of naturelledorp deur die stadsraad bepaal en afgesonder kragtens artikel twee van die Naturelle (Stadsgebiede) Konsolidasiewet, 1945 (Wet No. 25 van 1945). 55 60

Verslae van
raad.

14. Die raad moet van tyd tot tyd, maar minstens eenmaal elke jaar, verslae oor sy bedrywighede aan die Minister voorlê, en die Minister moet afskrifte van alle sodanige verslae in beide Huise van die Parlement ter Tafel lê binne veertien dae na ontvangs daarvan as die Parlement dan in gewone sitting is, of, as die Parlement dan nie in gewone sitting is nie, binne veertien dae na die aanvang van sy eersvolgende gewone sitting. 65

Opheffing of
wysiging van
beperkings
op grond.

15. (1) Ondanks andersluidende wetsbepalings kan die Goewerneur-generaal by proklamasie in die *Staatskoerant* gelas dat enige beperkende voorwaarde rakende die gebruik of okkupasie van grond wat aan die raad behoort of deur hom verkry staan te word, geskors is vir so 'n tydperk of verval of op so 'n wyse en in so 'n mate gewysig is as wat in daardie lasgewing vermeld word. 70 75

of such houses to natives removed from such an area;

- (ii) to make available any such land for lease by such natives for the purpose of enabling them, subject to the approval of the board and on such conditions as it may deem fit, to provide accommodation for themselves;
- (iii) to grant loans or advance money or make available materials for any purpose which in the opinion of the board will contribute towards the attainment of the object for which the board is established;
- (g) to enter into contracts with the Union Government, including the South African Railways Administration and the Provincial Administration of the Transvaal, the council or any other body or person for the performance of any act which the board is empowered to perform; and
- (h) generally to do all such things as in the opinion of the board are necessary for or incidental to the attainment of the object for which the board is established.

(2) The board shall keep a register of all immovable property acquired by or vested in the board, reflecting the descriptions of such property, the dates and costs of acquisition thereof, details of any consolidations, subdivisions or disposals and such other particulars as may be deemed necessary.

(3) Save as provided in paragraphs (d) and (e) of sub-section (1), the board shall not be required to comply with the provisions of the Proclamation of Townships Ordinance, 1905, or the Townships Act, 1907, or the Townships Amendment Act, 1908, or the Townships and Town Planning Ordinance, 1931, of the Transvaal, or of any other law relating to townships or town planning.

13. (1) The board shall have the right, after notice to the council—

- (a) to connect any drain, sewer, conduit, water or other main or power line on land belonging to the board, to any drain, sewer, conduit, water or other main or power line in the vicinity of such land which is under the control of the council;
- (b) to connect any road, street or thoroughfare on such land to any road, street or thoroughfare controlled by the council,

Assistance and facilities to be afforded to board by council.

in so far as may in the opinion of the board be necessary for the purpose of providing essential services on land belonging to the board or ensuring convenient entrance to or exit from such land, and may for the purpose of paragraph (a) require the council or its servants to furnish any assistance or information which the board may consider necessary for the effective exercise of its powers under that paragraph.

(2) The council shall supply water and electricity from and receive water or sewerage at any connection made under sub-section (1) in the same manner and on the same conditions as if the services in question were provided in respect of land under the control of the council: Provided that any charges made in respect of such services shall not exceed the charges for similar services in respect of a location or native village defined and set apart by the council under section two of the Natives (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945).

14. The board shall from time to time, but not less than once in every year, submit to the Minister reports on its activities, and the Minister shall lay copies of all such reports on the Tables of both Houses of Parliament within fourteen days after receipt thereof if Parliament is then in ordinary session or if Parliament is not then in ordinary session, within fourteen days after the commencement of its next ensuing ordinary session.

Reports by board.

15. (1) Notwithstanding anything to the contrary in any other law contained, the Governor-General may by proclamation in the *Gazette* direct that any restrictive condition affecting the use or occupation of land belonging to or to be acquired by the board shall be suspended for such period or shall lapse or shall be modified in such manner and to such extent as may be specified in that direction.

Extinction or modification of any restrictions on land.

(2) Dit is nie nodig om aan enige persoon ten bate van wie 'n in sub-artikel (1) bedoelde beperkende voorwaarde opgelê is, 'n geleentheid te gee om teen die skorsing, verval of wysiging daarvan besware in te dien nie.

Onteiening
van grond.

16. Die raad kan, ondanks andersluidende wetsbepalings, met skriftelike goedkeuring van die Minister enige grond geleë in 'n verklaarde gebied of elders onteien soos die raad nodig ag vir die verwesenliking van die oogmerk waarmee die raad ingestel is: Met dien verstande dat grond wat ingevolge 'n wet op mynbou geproklameerde grond is of geag word te wees of wat deel van sodanige grond uitmaak, of waarop geprospekter of gedelf of mynbouwerkzaamhede gedryf word, of waarop daar, na op redelike gronde vermoed word, minerale in ontginbare hoeveelhede voorkom, nie onteien word nie behalwe na oorlegpleging met die Minister van Mynwese: Met dien verstande voorts dat die Minister nie die onteiening van grond goedkeur nie tensy hy oortuig is dat die raad nie in staat is om die grond op redelike voorwaardes te koop nie en (in geval van grond buite 'n verklaarde gebied) dat geen ander geskikte grond vir die raad beskikbaar is nie, en dat die raad nie in staat is om ander geskikte grond op redelike voorwaardes te koop nie.

Prosedure by
onteiening.

17. (1) By ontvangs van die Minister se skriftelike goedkeuring om grond te onteien, moet die raad op die in sub-artikel (2) voorgeskrewe wyse aan die eienaar 'n kennisgewing besorg of laat besorg waarin 'n duidelike en volledige beskrywing van die grond uiteengesit word en die eienaar uitgenodig word om die bedrag wat hy vir die grond verlang, te vermeld: Met dien verstande dat dit nie vir die raad nodig is om enige kennisgewing te besorg aan iemand wat nie met wete van die raad die eienaar is van die grond wat onteien staan te word nie.

(2) Die in sub-artikel (1) bedoelde kennisgewing moet besorg word—

- (a) deur die kennisgewing aan die eienaar persoonlik af te lewer; of
- (b) deur die kennisgewing te laat by 'n volwasse inwoner van die plek waar hy woon; of
- (c) deur die kennisgewing per aangetekende pos te versend in 'n koevert aan sy laaste bekende adres gerig; of
- (d) indien die kennisgewing nie volgens paragraaf (a), (b) of (c) besorg kan word nie, deur afkondiging in beide offisiële tale van die Unie in drie agtereenvolgende gewone uitgawes van die *Staatskoerant* en eenmaal per week gedurende drie agtereenvolgende weke in 'n koerant in omloop in die magistraatsdistrik waarin die grond geleë is.

(3) Dit is nie nodig om in 'n kennisgewing kragtens sub-artikel (1) die eienaar te noem nie, maar as hy nie in die kennisgewing genoem word nie, moet hy daarin as die eienaar van die betrokke grond beskryf word.

(4) 'n Kennisgewing kragtens sub-artikel (1) wat volgens voorskrif van sub-artikels (2) en (3) besorg is, word geag behoorlik besorg te gewees het, en die datum van besorging van 'n kennisgewing kragtens paragraaf (d) van sub-artikel (2) is die datum waarop dit die eerste maal afgekondig word.

(5) 'n Kennisgewing om te onteien, moet besorg word binne dertig dae na ontvangs van die Minister se goedkeuring, en indien dit nie binne daardie tyd besorg word nie, verval die goedkeuring, tensy die Minister skriftelik tot die verlenging daarvan ingestem het.

(6) By besorging van so 'n kennisgewing gaan die eiendomsreg in die grond wat in die kennisgewing beskryf is, oor op die raad vry van alle beswarings, en die raad kan na verstryking van 'n tydperk van minstens dertig dae vanaf die datum van sodanige besorging die grond in besit neem en gebruik.

Pligte van
registrateur
van aktes by
onteiening.

18. (1) Wanneer grond kragtens artikel *sewentien* onteien is, moet die raad onverwyld—

- (a) aan die registrateur van aktes 'n gesertifiseerde afskrif stuur van die kennisgewing waarby die onteiening plaasgevind het; en
- (b) aan elke houer van 'n geregistreerde verband oor die grond van wie die naam en adres aan die raad bekend is, 'n afskrif van bedoelde kennisgewing stuur.

(2) By ontvangs van die in sub-artikel (1) bedoelde afskrif moet die registrateur van aktes—

- (a) die tyd en datum van ontvangs van bedoelde afskrif daarop aanteken; en
- (b) in die gepaste registers aanteken dat die betrokke grond onteien is.

(2) It shall not be necessary to afford any person for whose benefit any restrictive condition referred to in sub-section (1) has been imposed, any opportunity of submitting any objection to the suspension, lapsing or modification thereof.

- 5 16. Notwithstanding anything to the contrary in any other law contained, the board may, with the written approval of the Minister, expropriate any land situate in any specified area or elsewhere as the board may consider necessary in order to achieve the object for which the board is established: Provided that land which, in terms of any law relating to mining, is or is deemed to be proclaimed land or which forms part of any such land, or upon which prospecting, digging or mining operations are being carried on, or on which there are reasonable grounds for believing that minerals exist in workable quantities, shall not be expropriated except after consultation with the Minister of Mines: Provided further that the Minister shall not approve of the expropriation of any land unless he is satisfied that the board is unable to purchase such land on reasonable terms and (in the case of land outside a specified area) that no other suitable land is available to the board and that the board is unable to purchase other suitable land on reasonable terms.

Expropriation of land.

17. (1) Upon receipt of the written approval of the Minister to expropriate any land, the board shall serve or cause to be served on the owner a notice in the manner prescribed in sub-section (2) setting forth clearly and fully a description of the land and inviting the owner to state the amount claimed by him for the land: Provided that it shall not be necessary for the board to serve any notice on any person who is not to the knowledge of the board, the owner of the land to be expropriated.

Procedure on expropriation.

- 30 (2) The notice referred to in sub-section (1) shall be served—
 (a) by delivery of the notice to the owner personally; or
 (b) by leaving the notice with some adult inmate of his place of residence; or
 35 (c) by despatching the notice by registered post in an envelope addressed to his last known address; or
 (d) if service cannot be effected as provided in paragraph (a), (b) or (c), by publication in both official languages of the Union in three consecutive ordinary issues of the *Gazette* and once a week during three consecutive weeks in a newspaper circulating in the magisterial district in which the land is situate.

- 40 (3) It shall not be necessary in any notice under sub-section (1) to name the owner, but the notice if it does not name him shall describe him as the owner in respect of the land in question.

- 45 (4) A notice under sub-section (1), which has been served as provided in sub-sections (2) and (3), shall be deemed to have been duly served, and the date of service of a notice under paragraph (d) of sub-section (2) shall be the date of the first publication thereof.

- 50 (5) A notice to expropriate shall be served within thirty days after receipt of the approval by the Minister and if not served within that time, such approval shall lapse unless the Minister has agreed in writing to the extension thereof.

- 55 (6) Upon the service of any such notice the ownership in the land described in the notice shall pass to the board free of all encumbrances and the board may, after expiry of a period of not less than thirty days from the date of such service, take possession of and use the land.

- 60 18. (1) Whenever any land has been expropriated under section *seventeen*, the board shall forthwith—

Duties of registrar of deeds on expropriation.

- 65 (a) transmit to the registrar of deeds a certified copy of the notice by which the expropriation has taken place; and
 (b) transmit to every holder of a bond registered over such land, whose name and address are known to it, a copy of such notice.

- (2) Upon receipt of the copy referred to in sub-section (1) the registrar of deeds shall—

- 70 (a) record thereon the time and date of such receipt; and
 (b) note in the appropriate records that the land in question has been expropriated.

(3) 'n Verbandhouer aan wie 'n afskrif van 'n kennisgewing van onteining gestuur is, moet binne veertien dae na die datum van ontvangs daarvan aan die raad—

- (a) 'n skriftelike verklaring stuur waarin die bedrae deur hom ontvang by wyse van betaling van die skuld deur die verband versekureer en besonderhede van die bedrag nog daaronder verskuldig, uiteengesit word; en
 - (b) die verbandakte stuur waarvan hy die houer is, asook enige dokument van eiendomsreg wat op die grond betrekking het en wat in sy besit of onder sy beheer mag wees.
- (4) (a) Elke eienaar aan wie 'n kennisgewing kragtens artikel *sewentien* besorg is, moet binne dertig dae na die datum van onteining, of binne so 'n verdere tydperk as wat die raad mag toelaat, aan die raad lewer of laat lewer—
- (i) 'n skriftelike verklaring waarin die bedrag van die vergoeding (as daar is) wat hy verlang, uiteengesit word;
 - (ii) die stukke wat sy titelbewyse op die grond uitmaak, indien dit in sy besit of onder sy beheer is;
 - (iii) 'n deur hom ondertekende lys van bedoelde stukke indien dit nie in sy besit of onder sy beheer is nie, met vermelding van die registrasienommers en datums daarvan en die naam en adres van die persoon in wie se besit of onder wie se beheer daardie stukke is en die registrasienommers en datums van verbande op die grond (as daar is) en die name en adresse van die houters daarvan.
- (b) Die raad kan by skriftelike kennisgewing iemand wat in 'n ingevolge sub-paragraaf (iii) van paragraaf (a) aan hom gelewerde lys genoem word, aansê om binne 'n in die kennisgewing vermelde tydperk die in daardie sub-paragraaf bedoelde stukke aan die raad te lewer of te laat lewer.

Aanstelling van arbiters en skeidsregters.

19. (1) Indien die eienaar van die grond en die raad nie binne 'n tydperk van sestig dae vanaf die datum van onteining van daardie grond, of binne so 'n verdere tydperk as wat die raad mag toelaat, tot 'n ooreenkoms geraak aangaande die bedrag van die vergoeding wat vir die grond betaal moet word nie, word daardie bedrag onderworpe aan die bepalings van artikel *twintig* deur twee arbiters bepaal, van wie een deur die raad en die ander deur die eienaar of (indien hy uit die Unie afwesig is of dit nie geredelik vasgestel kan word waar hy hom bevind nie of hy versuim om iemand te benoem of om die raad van die naam en adres van die deur hom benoemde persoon in kennis te stel binne veertien dae nadat hy deur die raad skriftelik aangesê is om iemand te benoem) deur die Minister benoem word.

(2) Wanneer die arbiters nie ooreenkom nie, stel die Minister 'n geskikte persoon aan as skeidsregter wie se beslissing afdoende is.

(3) Die koste, bereken volgens die tabel van koste in magistraatshowe, in verband met 'n bepaling van vergoeding ingevolge hierdie artikel, word, by ontstentenis van ooreenkoms tussen die partye, betaal soos die arbiters gelas of, indien die arbiters nie kan ooreenkom nie, soos gelas deur die skeidsregter wie se beslissing afdoende is.

Grondslag vir bepaling van bedrag van vergoeding.

20. (1) Wanneer die Minister die onteining van grond goedkeur, is die vergoeding daarvoor betaalbaar, in die geval van grond binne die regsgebied van die stadsraad geleë, nie hoër nie as een of ander van die volgende bedrae, na gelang watter die minste is, te wete—

- (a) behoudens die bepalings van sub-artikel (5), die maksimum bedrag wat ingevolge Hoofstuk III van die Slumswet, 1934 (Wet No. 53 van 1934), betaalbaar sou gewees het indien die onteining onder daardie Wet plaasgevind het; of
- (b) behoudens die bepalings van sub-artikels (2), (3) (4) en (5), 'n bedrag bepaal op een of ander van die volgende maniere, na gelang watter die gepaste is, te wete—
 - (i) in die geval van grond deur die eienaar deur aankoop verkry, deur by die koopprys 'n bedrag te voeg bereken teen ses persent per jaar op daardie prys vir die tydperk vanaf die datum van verkryging van die grond deur die eienaar tot die datum van onteining; of
 - (ii) in die geval van grond deur die eienaar andersins as deur aankoop verkry, deur by die koopprys betaal deur die laaste vorige eienaar wat dit deur

- (3) A mortgagee to whom a copy of a notice of expropriation has been transmitted shall within fourteen days of the date of receipt thereof, transmit to the board—
- (a) a statement in writing setting forth the amounts received by him in payment of the debt secured by the bond and particulars of the amount still owing thereunder; and
 - (b) the bond of which he is the holder and any document of title relating to the land which may be in his possession or under his control.
- (4) (a) Every owner on whom a notice has been served under section *seventeen* shall, within thirty days after the date of expropriation, or within such further period as the board may allow, deliver or cause to be delivered to the board—
- (i) a statement in writing setting forth the amount of compensation, if any, claimed by him;
 - (ii) his documents of title to the land if these are in his possession or under his control;
 - (iii) a list signed by him of the said documents if these are not in his possession or under his control, setting forth the registration numbers and dates thereof and the name and address of the person in whose possession or under whose control those documents are and the registration numbers and dates of mortgage bonds, if any, on the land and the names and addresses of the holders thereof.
- (b) The board may by notice in writing call upon any person named in any list delivered to it under subparagraph (iii) of paragraph (a), to deliver or cause to be delivered to the board, within a period specified in the notice, the documents referred to in that subparagraph.
19. (1) If the owner of land and the board do not, within a period of sixty days from the date of expropriation of such land, or within such further period as the board may allow, come to an agreement as to the amount of compensation to be paid for the land, such amount shall subject to the provisions of section *twenty*, be determined by two arbitrators, one of whom shall be appointed by the board and the other by the owner or (if he is absent from the Union or his whereabouts cannot be readily ascertained or he fails to nominate any person or to advise the board of the name and address of the person nominated by him within fourteen days after having been required in writing by the board to make a nomination) by the Minister.
- (2) Where the arbitrators do not agree, the Minister shall appoint a suitable person as a referee whose decision shall be final.
- (3) The costs, calculated in accordance with the table of costs in magistrates' courts, in connection with any determination of compensation in terms of this section, shall, in the absence of agreement between the parties, be paid as directed by the arbitrators or if the arbitrators are unable to agree, as directed by the referee, whose decision shall be final.
20. (1) Whenever the Minister approves of the expropriation of land, the compensation payable therefor shall not exceed, in the case of land situate within the area of jurisdiction of the council, the lesser amount of either—
- (a) subject to the provisions of sub-section (5), the maximum amount which would have been payable in terms of Chapter III of the Slums Act, 1934 (Act No. 53 of 1934), if the expropriation had taken place under that Act; or
 - (b) subject to the provisions of sub-sections (2), (3), (4) and (5) an amount determined by one or other of the following methods, whichever is appropriate, namely—
 - (i) in the case of land acquired by the owner by purchase, by adding to the purchase price an amount calculated at the rate of six per cent. per annum on that price for the period from the date of acquisition of the land by the owner to the date of expropriation; or
 - (ii) in the case of land acquired by the owner otherwise than by purchase, by adding to the purchase price paid by the last previous owner who

Appointment
of arbitrators
and referees.

Basis for
determination
of amount of
compensation.

aankoop verkry het, 'n bedrag te voeg bereken teen ses persent per jaar op daardie prys vir die tydperk vanaf die datum van verkryging deur bedoelde laaste vorige eienaar tot die datum van onteiening.

(2) Indien grond wat kragtens hierdie Wet onteien word, deel uitmaak van 'n groter stuk grond deur die eienaar of, al na die geval, die laaste vorige eienaar verkry, is die bedrag, by wyse van vergoeding betaalbaar, 'n bedrag wat in dieselfde verhouding staan tot 'n bedrag ooreenkomstig die bepalinge van die toepaslike sub-paragraaf van paragraaf (b) van sub-artikel (1) bepaal, as wat die geraamde waarde van bedoelde onteienende grond tot die geraamde waarde van daardie groter stuk grond staan.

(3) Wanneer die koopprys deur enigiemand ten opsigte van grond betaal, nie geredelik vasgestel kan word nie, word daardie prys by die toepassing van paragraaf (b) van sub-artikel (1) geag die geraamde waarde van daardie grond op die datum van aankoop daarvan te wees.

(4) Ingeval verbeterings aan grond aangebring is sedert die datum van verkryging daarvan deur die eienaar of, al na die geval, die laaste vorige eienaar, word daar by die vergoeding soos ingevolge paragraaf (b) van sub-artikel (1) bepaal, 'n bedrag bygevoeg—

(a) gelyk aan die werklike koste van bedoelde verbeterings, plus 'n bedrag bereken teen ses persent per jaar op daardie koste vanaf die datum waarop die verbeterings voltooi is tot die datum van onteiening, min 'n redelike bedrag ten opsigte van waardevermindering; of

(b) waar bedoelde werklike koste of die datum waarop die verbeterings voltooi is, nie geredelik vasgestel kan word nie, gelyk aan die geraamde waarde van die verbeterings.

(5) Waar 'n klandisiewaarde, wat as gevolg van die onteiening van grond waarskynlik verloor sal word, verbonde is aan 'n beroep of besigheid wat op daardie grond gedryf word, moet daar by die vergoeding soos ingevolge paragraaf (a) of (b) van sub-artikel (1) bepaal, 'n bedrag gevoeg word gelyk aan die geraamde waarde van bedoelde klandisiewaarde, maar hoogstens gelyk aan die netto-wins gedurende die onmiddellik voorafgaande tydperk van twaalf maande uit daardie beroep of besigheid verkry, of, waar bedoelde beroep of besigheid vir minder as twaalf maande gedryf is, 'n bedrag gelyk aan twaalf maal die gemiddelde netto-wins per maand gedurende die tydperk wat daardie beroep of besigheid werklik op bedoelde grond gedryf is.

(6) Indien die Minister van oordeel is dat die eienaar van die onteienende grond daardie grond vir spekulasiedoeleindes teen 'n hoër prys as die normale prys verkry het, kan hy skriftelik onder sy hand gelas dat die vergoeding volgens die bepalinge van paragraaf (b) van sub-artikel (1) daarvoor betaalbaar, bereken moet word *mutatis mutandis* ooreenkomstig bedoelde bepalinge op grondslag van 'n laer bedrag waarvoor 'n ander gemelde persoon of die voorganger van bedoelde eienaar daardie grond binne 'n tydperk van hoogstens drie jaar voor die onteiening verkry het.

(7) Ingeval die onteienende grond nie binne die regsgebied van die stadsraad geleë is nie, gaan die vergoeding daarvoor betaalbaar nie 'n bedrag ooreenkomstig die bepalinge van paragraaf (b) van sub-artikel (1) bereken, te bowe nie.

(8) By die toepassing van hierdie artikel—

(a) word hereregte, oordrag- of opmetingsgelde in verband met die verkryging van grond betaal, geag deel uit te maak van die prys waarteen daardie grond verkry is; en

(b) beteken die uitdrukking „geraamde waarde” die waarde soos geraam deur die arbiters kragtens sub-artikel (1) van artikel negentien aangestel of (waar hulle nie ooreenkom nie) deur die skeidsregter kragtens sub-artikel (2) van daardie artikel aangestel.

Betaling van vergoeding.

21. Vergoeding vir onteienende grond word aan die eienaar van daardie grond betaal, indien sy adres bekend is, of, as sy adres nie bekend is nie, aan die meester van die hooggeregshof om in die voogdyfonds gestort te word: Met dien verstande dat waar die grond met verband beswaar is, die vergoeding vir sover nodig aangewend kan word vir die betaling van die eise van verbandhouders volgens hul wetlike rangorde, mits bedoelde verbandhouders aan die voorskrifte van artikel agtien voldoen het: Met dien verstande voorts dat, indien bedoelde grond voor die onteiening verkoop is aan iemand wat bewys lewer dat hy die koopprys of ten volle of ten dele betaal het, die volle bedrag van die vergoeding ten opsigte van die grond betaalbaar, min enige bedrag nog by wyse van die koopprys aan die verkoper verskul-

acquired it by purchase, an amount calculated at the rate of six per cent. per annum on that price for the period from the date of acquisition by such last previous owner to the date of expropriation.

(2) If any land expropriated under this Act forms part of a larger area of land acquired by the owner or the last previous owner, as the case may be, the amount payable as compensation shall be an amount which bears the same ratio to an amount determined in accordance with the applicable sub-paragraph of paragraph (b) of sub-section (1), as the assessed value of such expropriated land bears to the assessed value of such larger area of land.

(3) Whenever the purchase price paid in respect of any land by any person cannot be readily ascertained, that price shall for the purpose of paragraph (b) of sub-section (1) be deemed to be the assessed value of that land at the date of purchase thereof.

(4) In the event of improvements having been made to land since the date of acquisition thereof by the owner or the last previous owner, as the case may be, there shall be added to the compensation as determined under paragraph (b) of sub-section (1)—

(a) an amount equal to the actual cost of such improvements plus an amount calculated at the rate of six per cent. per annum on such cost from the date on which the improvements were completed to the date of expropriation, less a reasonable amount in respect of depreciation, or

(b) where such actual cost or the date of completion of such improvements cannot be readily ascertained, an amount equal to the assessed value of the improvements.

(5) Where a goodwill value, which is likely to be lost on account of the expropriation of any land, is attached to any profession or business being conducted on that land, there shall be added to the compensation determined under paragraph (a) or (b) of sub-section (1), an amount equivalent to the assessed value of such goodwill, but not exceeding the net profit derived from such profession or business during the immediately preceding period of twelve months, or, where such profession or business has been carried on for less than twelve months, an amount equivalent to twelve times the average net profit per month during the period such profession or business has actually been conducted on such land.

(6) If the Minister is of opinion that the owner of the land expropriated acquired such land at more than a normal price for speculative purposes, he may order in writing under his hand that the compensation payable therefor according to the provisions of paragraph (b) of sub-section (1) shall be calculated *mutatis mutandis* according to the said provisions on the basis of a lesser amount for which another named person or the predecessor of the said owner, acquired that land within a period not exceeding three years prior to the expropriation.

(7) In the event of the land expropriated not being situated within the area of jurisdiction of the council, the compensation payable therefor shall not exceed an amount calculated according to the provisions of paragraph (b) of sub-section (1).

(8) For the purposes of this section—

(a) any transfer duty, transfer or survey fees paid in connection with the acquisition of land shall be deemed to form part of the price at which that land was acquired; and

(b) the expression "assessed value" means the value assessed by the arbitrators appointed under sub-section (1) of section *nineteen* or (where they fail to agree) by the referee appointed under sub-section (2) of that section.

21. Any compensation for land expropriated shall be paid to the owner of such land, if his address is known, or, if his address is not known, to the master of the supreme court for deposit in the guardian's fund: Provided that where the land is mortgaged, the compensation may be applied as far as may be required towards the payment of the claims of mortgagees in their legal order of preference provided such mortgagees have complied with the provisions of section *eighteen*: Provided further that in the event of the said land having been sold prior to expropriation to a person who adduces proof that he has paid the purchase price either in full or in part, the full amount of the compensation payable in respect of such land, less any amount still due to the seller in respect of the purchase price,

Payment of compensation.

dig, aan die koper betaal mag word, hetsy hy oordrag van die grond geneem het al dan nie.

Registrasie
van oordrag
van grond.

22. (1) Die registrateur van aktes moet, onderworpe aan die bepalings van artikel *een-en-dertig* van die Registrasie van Aktes Wet, 1937 (Wet No. 47 van 1937)—

- (a) die oordrag aan die raad van grond wat die raad onteien het, registreer;
- (b) terselfdertyd die skorsing, verval of wysiging van enige beperkende voorwaarde op die gebruik of okkupasie van sodanige grond, wat uit hoofde van 'n proklamasie kragtens artikel *vyftien* geskors mag wees of mag verval het of gewysig mag wees, in sy register aanteken;
- (c) indien bedoelde grond deur verband beswaar is, op die verband aanteken dat die grond daarvan onthef is.

(2) Die raad het die reg om 'n transportbesorger aan te stel om namens hom op te tree in verband met die oordrag van grond deur hom verkry, en is vir die oordragkoste aanspreeklik.

(3) Ondanks andersluidende wetsbepalings kan die registrateur van aktes, indien hy oortuig is dat die transportakte van grond verlore of vernietig is, die oordrag van daardie grond aan die raad sonder die oorlegging van bedoelde transportakte of magtiging deur 'n hofbevel, registreer.

(4) Geen oordrag van grond wat kragtens hierdie Wet onteien is, word geregistreer nie, tensy daar aan die registrateur van aktes 'n ten behoeve van die raad ondertekende sertifikaat verstrekk is ten effekte dat—

- (a) die in artikel *sewentien* voorgeskrewe prosedure nagekom is; en
- (b) alle bedrae deur die raad op die transaksie verskuldig, betaal of gewaarborg is.

Vrystelling van
belastings ten
opsigte van
grond wat aan
raad behoort.

23. (1) Geen belastings word op grond of 'n perseel wat aan die raad behoort, gehef nie, solank as wat daardie grond of perseel nie deur die raad aan enige persoon verhuur of verkoop is nie.

(2) Wanneer sodanige grond of so 'n perseel deur die raad verkoop is, word dit vanaf die datum van die verkoping aan belasting onderhewig asof dit op daardie datum aan die persoon aan wie dit verkoop is, getranspoteer was, en belastings daarop is vanaf daardie datum deur daardie persoon betaalbaar.

(3) Ten opsigte van die jaar waarin grond of 'n perseel soos voormeld verkoop word, kan belastings op daardie grond of perseel gehef word op dieselfde grondslag as die waarop belastings op ander grond of persele binne dieselfde gebied vir daardie jaar gehef word, en die persoon aan wie die grond of perseel aldus verkoop word, moet ten opsigte van daardie jaar so 'n gedeelte van die belasting daarop betaal as wat verteenwoordig word deur die verhouding waarin die onverstreke deel van daardie jaar vanaf die datum van die verkoping tot die hele jaar staan.

Kennisgewing
om persele
in verklaarde
gebied te
ontruim.

24. Die raad kan, by skriftelike kennisgewing gerig of gelewer aan 'n naturel wat in 'n verklaarde gebied woon, of aangeplak op of naby die hoofingang van die perseel deur hom geokkupeer, daardie naturel gelas om tesame met die lede van sy gesin die perseel waarop hy woon te ontruim, en alle eiendom wat aan hom of 'n lid van sy gesin behoort van daardie perseel te verwyder, binne 'n tydperk wat in die kennisgewing vermeld word, maar nie vroeër eindig nie as die laaste dag van die maand na die maand waarin aldus kennis gegee word: Met dien verstande dat geen naturel wat wettiglik binne die regsgebied van die stadsraad woon, gelas word om 'n perseel te ontruim nie, tensy—

- (a) in die geval van 'n naturel woonagtig in die dorp Sophiatown, Martindale, Newclare of Pageview, soos in die Bylae by hierdie Wet omskryf, ander huisvesting vir hom en sy huisgesin of (indien hy dit verkies) 'n reg om grond te okkupeer waarop sodanige ander huisvesting deur hom voorsien kan word; of
 - (b) in die geval van 'n ander naturel, 'n reg om grond te okkupeer soos voormeld,
- hom deur die raad aangebied word en in die kennisgewing wat hom gelas om so 'n perseel te ontruim, vermeld word.

Prosedure by
versuim om
perseel te
ontruim.

25. (1) Wanneer deur middel van beëdigde verklarings aan hom voorgelê tot bevrediging van 'n magistraat bewys word dat 'n naturel of 'n lid van sy gesin versuim het om ooreenkomstig die vereistes van 'n kennisgewing kragtens artikel *vier-en-twintig* 'n perseel te ontruim, kan daardie magistraat, na oorlegpleging met die voorsitter van die raad en die voorsitter van die stadsraad se komitee op nie-blanke sake, indien sodanige oorleg-

may be paid to the purchaser, whether or not he has taken transfer of the land.

22. (1) The registrar of deeds shall, subject to the provisions of section *thirty-one* of the Deeds Registries Act, 1937 (Act No. 5 47 of 1937)—

Registration of transfer of land.

- (a) register the transfer to the board of any land expropriated by it;
- (b) at the same time note in his register the suspension, lapsing or modification of any restrictive condition upon the use or occupation of such land which may have been suspended or modified or may have lapsed by virtue of any proclamation issued under section *fifteen*;
- (c) if such land is subject to any bond, endorse upon the bond that the land is released therefrom.

(2) The board shall have the right to appoint a conveyancer to act for it in connection with the transfer of land acquired by it and shall be responsible for the costs of transfer.

(3) Notwithstanding anything to the contrary in any other law contained, the registrar of deeds may, on being satisfied that the title deeds of any land have been lost or destroyed, register the transfer to the board of such land without the production thereof or the authority of any order of court.

(4) No transfer of land which has been expropriated under this Act shall be registered unless the registrar of deeds has been furnished with a certificate signed on behalf of the board that—

- (a) the procedure prescribed in section *seventeen* has been observed; and
- (b) all amounts payable by the board on the transaction have been paid or guaranteed.

23. (1) No rates shall be levied upon any land or premises owned by the board so long as such land or premises have not been leased or sold to any person by the board.

Exemption from rates in respect of land belonging to the board.

(2) Whenever any such land or premises have been sold by the board, it shall become rateable as from the date of the sale as if it had been transferred on that date to the person to whom it has been sold and rates thereon shall as from that date become payable by that person.

(3) In respect of the year in which any land or premises is sold as aforesaid, rates on that land or premises may be levied on the same basis as that on which rates on other land or premises within the same area are levied for that year, and the person to whom the land or premises is so sold shall in respect of that year pay such a portion of the rates thereon as is represented by the proportion which the unexpired portion of the year as from the date of the sale bears to the whole year.

24. The board may, by notice in writing addressed or delivered to any native residing in a specified area, or posted up at or near the main entrance to the premises occupied by him, require that native to vacate the premises in which he resides, together with the members of his household, and to remove all property belonging to him or any member of his household from those premises, within a period stated in the notice, but ending not earlier than the last day of the month following that during which such notice is given: Provided that no native lawfully residing in the area under the jurisdiction of the council shall be required to vacate any premises, unless—

Notice to vacate premises in specified area.

- (a) in the case of a native residing in the township of Sophiatown, Martindale, Newclare or Pageview as described in the Schedule to this Act, other accommodation for himself and his household or (if he so elects) a right to occupy land on which such other accommodation may be provided by him; or
- (b) in the case of any other native, a right to occupy land as aforesaid,

is offered to him by the board and specified in the notice requiring him to vacate any such premises.

25. (1) Whenever it is proved to the satisfaction of a magistrate by means of affidavits placed before him that any native or any member of his household, has failed to vacate any premises in accordance with the requirements of a notice under section *twenty-four*, that magistrate may, after consultation with the chairman of the board and the chairman of the non-European affairs committee of the council, if such consultation

Procedure on failure to vacate premises

pleging deur bedoelde magistraat nodig geag word, die bevel uitreik en die opdragte gee en die bevoegdheid verleen wat hy nodig ag—

- (a) om die onmiddellike verwydering van bedoelde naturel of lid van sy gesin uit bedoelde perseel te bewerkstellig; 5
- (b) om die oorplasing van bedoelde naturel of lid van sy gesin na die huisvesting of grond deur die raad aangebied en in bedoelde kennisgewing vermeld te weeg te bring;
- (c) om die sloping en verwydering van bedoelde perseel van 10 alle geboue en strukture wat daarop opgerig mag wees, en van enige eiendom wat aan daardie naturel of enige lid van sy gesin mag behoort, te verseker vir sover die sloping of verwydering daarvan nodig geag mag word:

Met dien verstande dat—

- (i) voordat die magistraat 'n bevel soos voormeld uitreik hy by beëdigde verklaring tevrede gestel moet wees dat 'n kennisgewing van die voorneme om aansoek om so 'n bevel te doen, en van die tyd wanneer en plek waar die aansoek gedoen sal word, in beide offisiële tale van 20 die Unie en in 'n naturelletaal wat algemeen deur naturelle in die betrokke verklaarde gebied gebesig word, minstens drie dae voordat die aansoek plaasvind aan die betrokke persoon besorg is of, waar dit nie aldus besorg kan word nie, op 'n opvallende plek op 25 bedoelde perseel aangeplak is;
- (ii) daardie persoon geregtig is om voor bedoelde magistraat te verskyn of behoorlik verteenwoordig te word deur 'n advokaat of prokureur en om mondelings of by beëdigde verklaring of deur sy verteenwoordiger op die 30 bewerings in bedoelde beëdigde verklarings vervat, te antwoord.

(2) 'n Lid van die polisiemag of 'n amptenaar in die diens van die stadsraad of 'n amptenaar of persoon in die diens van die raad kan enige stappe doen wat nodig mag wees om 'n opdrag 35 uit te voer wat aan hom gegee is of in verband met die uitoefening van enige bevoegdheid wat aan hom verleen is kragtens sub-artikel (1), en geen geding kan ingestel word ten opsigte van enige verlies of skade wat as gevolg van die *bona fide* uitvoering van so 'n opdrag of uitoefening van so 'n bevoegdheid gely mag word 40 nie.

(3) Enige uitgawes deur die raad aangegaan ten einde aan die bepalings van paragraaf (a), (b) of (c) van sub-artikel (1) gevolg te gee, word uit die raad se fondse gedek.

Aanstelling
en pligte van
inspekteurs.

26. (1) Die voorsitter van die raad kan skriftelik 'n lid van die 45 raad of 'n in artikel *nege* bedoelde amptenaar aanstel as 'n inspekteur wat op alle redelike tye ter bevordering van die oogmerk waarmee die raad ingestel is—

- (a) enige perseel in 'n verklaarde gebied kan betree;
- (b) enigiemand wat in of op so 'n perseel gevind word, kan 50 ondervra;
- (c) die titelbewyse, boeke of ander aantekenings van enigiemand wat op enigerlei wyse op die eiendomsreg of okkupasie van of huisvesting op grond of 'n perseel in 'n verklaarde gebied betrekking het, kan inspekteur, 55 en uittreksels uit sodanige titelbewyse, boeke of ander aantekenings kan maak;
- (d) van enigiemand kan verlang om inligting tot sy beskikking met betrekking tot die eiendomsreg of okkupasie van of huisvesting op sodanige grond of so 'n perseel 60 te verstrek.

(2) 'n Inspekteur in sub-artikel (1) bedoel, kan by die verrigting van sy werksaamhede ingevolge daardie sub-artikel deur 'n tolk of ander assistent vergesel wees.

(3) 'n Tolk of assistent word terwyl hy ingevolge die wettige 65 opdragte optree van 'n in sub-artikel (1) bedoelde inspekteur wat hy vergesel, geag 'n inspekteur te wees, en 'n vraag gestel deur, antwoord gegee aan, vereiste gestel deur of verhinderings of belemmering van of bemoeiing met 'n tolk of assistent terwyl hy aldus optree, word geag 'n vraag gestel deur, antwoord gegee 70 aan, vereiste gestel deur, verhinderings of belemmering van of bemoeiing met 'n inspekteur te wees.

Oordrag van
grond aan
stadsraad.

27. (1) Die raad kan met goedkeuring van die Minister en onderworpe aan die voorwaardes wat hy in oorleg met die Minister van Finansies bepaal, nadat minstens drie maande 75 vooruit aan die stadsraad skriftelik kennis gegee is, enige grond wat aan die raad behoort, tesame met enige verbeterings daarop, oordra aan die stadsraad, wat verplig is om die oordrag daarvan te aanvaar en, onderworpe aan die bedinge en voorwaardes

is considered necessary by that magistrate, issue such orders and give such instructions and confer such authority as he may deem necessary—

- 5 (a) to effect the immediate removal of such native or member of his household from those premises;
- (b) to effect the transfer of such native or member of his household to the accommodation or land offered by the board and specified in such notice;
- 10 (c) to ensure the demolition and removal from such premises of all buildings and structures which may have been erected thereon, and of any property belonging to that native or any member of his household in so far as the demolition or removal thereof may be considered necessary:

15 Provided that—

- (i) before the magistrate issues any order as aforesaid, he shall be satisfied on affidavit that a notice of the intention to apply for such an order, and of the time and place at which the application will be made, in both
20 official languages of the Union and in a native language commonly used by natives in the specified area in question has, not less than three days prior to the making of the application been served on the person concerned or where such service cannot be effected,
25 has been posted up in a prominent place on the said premises;
- (ii) such person shall be entitled to appear or to be suitably represented before such magistrate by an advocate or attorney and to reply either orally or by
30 affidavit or through his representative to the allegations set out in the said affidavits.

(2) Any member of the police force or any officer in the service of the council or any officer or person in the service of the board may take any steps which may be necessary for
35 carrying out any instruction given to him or in connection with the exercise of any authority conferred upon him under sub-section (1), and no action shall lie in respect of any loss or damage which may be sustained in consequence of the *bona fide* carrying out of any such instruction or exercise of any such
40 authority.

(3) Any expenditure incurred by the board in giving effect to the provisions of paragraph (a), (b) or (c) of sub-section (1) shall be met from the funds of the board.

26. (1) The chairman of the board may appoint in writing
45 any member of the board or any officer referred to in section *nine* as an inspector who may at all reasonable times in furtherance of the object for which the board is established—

Appointment and duties of inspectors.

- (a) enter upon any premises in a specified area;
- 50 (b) question any person found in or upon any such premises;
- (c) inspect the title deeds, books or other records of any person which relate in any way to the ownership or occupation of or accommodation on land or premises in a specified area, and make extracts from such title
55 deeds, books or other records;
- (d) call upon any person to furnish any information at his disposal relating to the ownership or occupation of or accommodation on such land or premises.

(2) Any inspector referred to in sub-section (1) may be accompanied by an interpreter or other assistant in the performance of his functions under that sub-section.

(3) An interpreter or assistant shall, while acting under the lawful directions of any inspector referred to in sub-section (1) whom he accompanies, be deemed to be an inspector, and any
65 question put through, reply made to, requirement made by or obstructing or hindering of or interference with an interpreter or assistant while so acting, shall be deemed to be a question put by, reply made to, requirement made by, obstruction or hindering of or interference with an inspector.

70 27. (1) The board may with the approval of the Minister, and subject to such conditions as may be determined by him in consultation with the Minister of Finance, on not less than three months' notice in writing given to the council, transfer any land owned by the board together with any improvements thereon,
75 to the council which shall be bound to accept transfer thereof and shall, subject to such terms and conditions as may be de-

Transfer of land to council.

deur die Minister in oorleg met die Minister van Finansies bepaal, regstreeks aan die Departement van Naturellesake die koste van daardie grond en verbeterings moet betaal, tesame met rente en ander betalings, met inbegrip van enige uitgawes in verband met die verwydering van natuurlike na daardie grond aangegaan, en so 'n deel van alle regstreekse en onregstreekse uitgawes tot op die datum van die kennisgewing deur die raad aangegaan, as wat met betrekking tot daardie grond en verbeterings deur die Minister na oorlegpleging met die Minister van Finansies en die stadsraad redelik geag word.

(2) Die stadsraad moet binne een maand vanaf die datum van die in sub-artikel (1) bedoelde kennisgewing, aansoek doen om die Minister se goedkeuring om enige grond wat vir die doel aan die stadsraad oorgedra staan te word, kragtens artikel twee van die Naturelle (Stadsgebiede) Konsolidasiewet, 1945 (Wet No. 25 van 1945), as 'n lokasie, naturelledorp of naturelletehuis te bepaal en af te sonder, indien daardie grond nie reeds aldus bepaal en afgesonder is nie, en moet by ontvangs van sodanige goedkeuring onverwyld bedoelde grond dienooreenkomstig bepaal en afsonder.

(3) Die bepaling van sub-artikel (2) van artikel *agt-en-twintig* is *mutatis mutandis* van toepassing ten opsigte van die verhaal van enige bedrag wat uit hoofde van die bepaling van sub-artikel (1) van hierdie artikel deur die stadsraad verskuldig mag word.

Bevoegdhede
van Minister.

28. (1) Indien die stadsraad nalaat om 'n handeling te verrig wat hy deur of ingevolge die bepaling van hierdie Wet gemagtig of verplig word om te verrig, of so 'n handeling op so 'n wyse verrig dat daar volgens die raad se oordeel nie aan die oogmerk waarmee die raad ingestel is, gevolg gegee word nie, moet die raad dienooreenkomstig verslag doen aan die Minister wat, na oorlegpleging met die Administrateur en onderworpe aan die voorwaardes wat die Minister mag bepaal, die stadsraad by skriftelike kennisgewing deur middel van die Administrateur gegee, kan gelas om bedoelde handeling te verrig of om daardie handeling te verrig ooreenkomstig die voorskrifte in die kennisgewing uiteengesit, binne 'n tydperk in die kennisgewing vermeld, en indien die stadsraad in gebreke bly om tot genoeë van die Minister aan die kennisgewing te voldoen, kan hy, na oorlegpleging met die Administrateur, en na skriftelike kennisgewing aan die stadsraad, die raad gelas om bedoelde handeling te verrig en enigiets te doen wat nodig mag wees om aan bedoelde kennisgewing gevolg te gee, en die raad het vir die doel al die regte en bevoegdhede wat die stadsraad in verband met die verrigting van bedoelde handeling mag besit.

(2) Indien die stadsraad versuim om binne die tydperk vasgestel in 'n kennisgewing kragtens sub-artikel (1), of binne verlenging van daardie tydperk deur die Minister na oorlegpleging met die Administrateur verleen, aan 'n in daardie kennisgewing vermelde voorskrif te voldoen, kan die raad, na skriftelike kennisgewing aan die stadsraad, die koste deur die raad aangegaan in verband met die verrigting van 'n handeling of enigiets deur hom gedoen ooreenkomstig 'n lasgewing deur die Minister kragtens sub-artikel (1), verhaal—

(a) deur aksie in 'n bevoegde hof teen die stadsraad; of
(b) deur 'n spesiale belasting te lê op alle belasbare eiendom geleë binne die stadsraad se regsgebied; of
(c) deur aftrekking van enige subsidie, toekennings of ander gelde uit die Gekonsolideerde Inkomstefonds of deur die Administrateur aan die stadsraad betaalbaar, of deur middel van aldie of enige twee van bedoelde verhaalmetodes, en 'n sertifikaat van die raad aangaande die bedrag van sodanige koste is *prima facie* bewys van daardie bedrag.

Aanwysing van
raad as stedelike
plaaslike bestuur.

29. Die Goewerneur-generaal kan, indien hy dit raadsaam ag, na verwysing na die Administrateur en die betrokke stedelike plaaslike bestuur, by proklamasie in die *Staatskoerant* en vanaf 'n datum in daardie proklamasie vermeld, die raad as 'n stedelike plaaslike bestuur aanwys vir die toepassing binne een of meer verklaarde gebiede, of binne 'n gebied behorende aan die raad en in die proklamasie vermeld, van sodanige bepaling van die Naturelle (Stadsgebiede) Konsolidasiewet, 1945 (Wet No. 25 van 1945), as wat aldus vermeld mag word, en daarop is die raad ten opsigte van die aldus vermelde bepalinge en gebied of gebiede bekleed en belas met al die bevoegdhede, pligte en werksaamhede van 'n stedelike plaaslike bestuur ingevolge daardie Wet, tot uitsluiting van enige ander stedelike plaaslike bestuur of enige ander liggaam vir die doel kragtens artikel *nege-en-dertig* van genoemde Wet aangewys.

terminated by the Minister in consultation with the Minister of Finance, pay direct to the Department of Native Affairs the cost of such land and improvements together with any interest or other charges, including any expenses incurred in connection with the removal of natives to such land, and such proportion of all direct and indirect expenditure incurred by the board up to the date of such notice as may, in relation to such land and improvements, be deemed by the Minister, after consultation with the Minister of Finance and the council, to be reasonable.

10 (2) The council shall within one month of the date of the notice referred to in sub-section (1) apply for the Minister's approval to the defining and setting apart as a location, native village or native hostel in terms of section two of the Natives (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945),
15 of any land to be transferred to the council for any such purpose, if such land has not already been so defined and set apart, and shall, upon receipt of such approval, forthwith proceed to define and set apart the said land accordingly.

(3) The provisions of sub-section (2) of section *twenty-eight*
20 shall *mutatis mutandis* apply in respect of the recovery of any amount which may by virtue of the provisions of sub-section (1) of this section become payable by the council.

28. (1) If the council neglects to perform any act which by or under the provisions of this Act it is empowered or required to
25 perform, or performs any such act in such a manner that, in the opinion of the board, effect is not given to the object for which the board is established, the board shall report accordingly to the Minister who may, after consultation with the Administrator, and subject to such conditions as the Minister may determine, require the council, by written notice given through the
30 Administrator, to perform such act, or to perform such act in accordance with the directions set forth in such notice, within a period to be specified in such notice, and if the council fails to comply with such notice to the satisfaction of the Minister, he
35 may, after consultation with the Administrator and after written notice to the council, direct the board to perform such act and do all such things as may be necessary to give effect to such notice, and the board shall for that purpose have all the rights and powers which the council may have in connection
40 with the performance of such act.

Powers of
Minister.

(2) Should the council fail within the period fixed in any notice given under sub-section (1), or within any extension of that period granted by the Minister after consultation with the Administrator, to comply with any requirement specified in
45 that notice, the board may, after written notice to the council, recover the costs incurred by the board in performing any act or doing anything in accordance with a direction of the Minister given under sub-section (1)—

- (a) by action in a competent court against the council; or
- 50 (b) by levying a special rate upon all rateable property within the area under the jurisdiction of the council; or
- (c) by deduction from any subsidy, grant or other moneys payable out of the Consolidated Revenue Fund or payable by the Administrator to the council;
- 55 or by all three or any two of such methods for recovery, and a certificate by the board as to the amount of such costs shall be *prima facie* proof of that amount.

29. The Governor-General may, if he deems it expedient, after reference to the Administrator and the urban local
60 authority concerned, by proclamation in the *Gazette* and as from a date to be specified in such proclamation, designate the board as an urban local authority for the purpose of the application, within one or more specified areas, or within any area belonging to the board and specified in the proclamation, of
65 such provisions of the Natives (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945), as may be so specified, and thereupon in respect of the provisions and the area or areas so specified, the board shall be vested and charged with all the powers, duties and functions of an urban local authority under
70 that Act to the exclusion of any other urban local authority or any other body designated for the purpose in terms of section *thirty-nine* of the said Act.

Designation
of board as
urban local
authority.

Afskaffing
van raad.

30. (1) Wanneer die Goewerneur-generaal oortuig is dat die raad die oogmerk waarmee hy ingestel is, verwesenlik het, kan hy by proklamasie in die *Staatskoerant* verklaar dat die raad vanaf 'n datum in die proklamasie vermeld, afgeskaf is.

(2) Vanaf die datum in 'n kragtens sub-artikel (1) uitgevaardigde proklamasie vermeld, berus al die bevoegdhede, pligte, bates en regte van die raad by die Minister en gaan al die laste en verpligtings van die raad oor op die Minister, en word 'n verwysing in 'n wet of dokument na die raad geag 'n verwysing na die Minister te wees.

(3) Die registrateur van aktes moet al die aantekeninge en endossemente in sy registers en op die titelbewyse van grond wat aan die raad behoort, laat maak wat nodig mag wees om aan die bepalings van hierdie artikel gevolg te gee.

Bekragtiging
van sekere
handelinge
van raad.

31. Enige regte of bates deur die stadsraad verkry, of laste of verpligtings, met inbegrip van uitgawes, deur hom aangegaan, voor die inwerkingtreding van hierdie Wet, vir 'n doel verbonde aan die oogmerk waarmee die raad ingestel word, word geag behoorlik in die uitoefening van bevoegdhede regtens in hom gevestig, deur die stadsraad verkry of aangegaan te gewees het.

Regulasies.

32. (1) Die Minister kan regulasies uitvaardig wat nie met hierdie Wet onbestaanbaar is nie, aangaande—

- (a) die reëling en beheer van grond wat aan die raad behoort, die beplanning of herbeplanning en uitleë van sodanige grond, die uithou of opsy sit van sodanige grond deur die raad vir strate, oop terreine of ander openbare doeleindes of enige werke deur hom of op sy gesag opgerig, en die bepaling van die ligging, konstruksie, oprigting, instandhouding en beheer van geboue en ander verbeterings daarop;
- (b) die ontruiming van onteiene grond;
- (c) die bevoegdhede, werksaamhede en pligte van inspektors kragtens artikel *ses-en-twintig* aangestel;
- (d) die bestuur van en prosedure by verrigtings in verband met onteiening, met inbegrip van die dagvaarding van getuies en die betaling van toelaes aan sodanige getuies;
- (e) oor die algemeen enige ander aangeleentheid in verband waarmee dit nodig mag wees om regulasies uit te vaardig ten einde die doeltreffende uitvoering van hierdie Wet te verseker.

(2) In enige regulasie kragtens hierdie artikel uitgevaardig, kan voorsiening gemaak word vir die oplegging van strawwe ten opsigte van oortreding daarvan of versuim om aan die bepalings daarvan of aan enige vereistes of voorwaardes voorgeskryf in enige permit, bevel of ander dokument daarkragtens uitgereik, te voldoen.

(3) Wanneer iemand kragtens 'n regulasie ingevolge paragraaf (a) van sub-artikel (1) uitgevaardig, veroordeel is, kan die raad hom gelas om enige gebou of verbetering ten opsigte van die ligging, konstruksie, oprigting, instandhouding of beheer waarvan hy aldus veroordeel is, te verwyder of te verander, of daardie gebou of verbetering op sy koste te laat verwyder of verander.

(4) 'n Regulasie kragtens hierdie artikel uitgevaardig, moet in beide Huise van die Parlement ter Tafel gelê word binne veertien dae na afkondiging daarvan indien die Parlement dan in gewone sitting is, of, indien die Parlement dan nie in gewone sitting is nie, binne veertien dae na die aanvang van sy eersvolgende gewone sitting, en indien beide Huise van die Parlement gedurende die sitting waarop dit aldus ter Tafel gelê word, besluite aanneem wat dit of enige bepaling daarvan afkeur, hou dit op om van krag te wees vir sover dit aldus afgekeur word, op die dag waarop die laaste van bedoelde besluite aangeneem word.

Oortredings
en strawwe.

33. (1) Iemand wat—

- (a) 'n bepaling van hierdie Wet of 'n daarkragtens uitgevaardigde regulasie oortree of versuim om daaraan te voldoen;
- (b) homself valslik as 'n inspekteur voordoet;
- (c) in 'n verklaring of besonderhede of 'n dokument wat hy ingevolge hierdie Wet of 'n daarkragtens uitgevaardigde regulasie verplig is om te verstrek, inligting, besonderhede of 'n dokument verstrek wat in 'n wesentlike opsig vals is, met wete dat dit vals is;
- (d) 'n inspekteur by die uitoefening van sy bevoegdhede of die verrigting van sy werksaamhede of pligte ingevolge hierdie Wet of 'n daarkragtens uitgevaardigde regulasie hinder, belemmer of weerstaan of hom met so 'n in-

30. (1) Whenever the Governor-General is satisfied that the board has achieved the object for which it was established, he may by proclamation in the *Gazette* declare that the board shall be abolished with effect from a date to be specified in the proclamation. Abolition of board.

(2) As from the date specified in any proclamation issued under sub-section (1) all the powers, duties, assets and rights of the board shall vest in the Minister and all the liabilities and obligations of the board shall devolve upon the Minister, and any reference in any law or document to the board shall be deemed to be a reference to the Minister.

(3) The registrar of deeds shall cause all such notes and endorsements to be made in his registers and on the title deeds of any land owned by the board as may be necessary to give effect to the provisions of this section.

31. Any rights or assets acquired or liabilities or obligations, including any expenditure, incurred by the council prior to the commencement of this Act, for any purpose connected with the object for which the board is established, shall be deemed to have been duly acquired or incurred by the council in the exercise of powers vested in it by law. Validation of certain actions of council.

32. (1) The Minister may make regulations, not inconsistent with this Act, as to— Regulations.

(a) the regulation and control of land owned by the board, the planning or replanning and laying out of any such land, the reservation or setting aside of any such land by the board for streets, open spaces or other public purposes or any works constructed by it or under its authority and the siting, construction, erection, maintenance and control of buildings and other improvements thereon;

(b) the vacation of land expropriated;

(c) the powers, functions and duties of inspectors appointed under section *twenty-six*;

(d) the conduct of and procedure at expropriation proceedings, including the subpoenaing of witnesses and the payment of allowances to such witnesses;

(e) generally any other matter in regard to which it may be necessary to make regulations in order to ensure the effective administration of this Act.

(2) In any regulation made under this section, provision may be made for the imposition of penalties for a contravention or default in complying with the provisions thereof or with any requirements or conditions prescribed in any permit, order or other document issued thereunder.

(3) Whenever any person has been convicted under any regulation made in terms of paragraph (a) of sub-section (1), the board may order him to remove or alter any building or improvement in respect of the siting, construction, erection, maintenance or control of which he has been so convicted or cause such building or improvement to be removed or altered at his expense.

(4) Any regulation made under this section shall be laid upon the Tables of both Houses of Parliament within fourteen days after promulgation thereof if Parliament is then in ordinary session, or if Parliament is not then in ordinary session within fourteen days after the commencement of its next ensuing ordinary session, and shall, if both Houses of Parliament pass resolutions disapproving thereof or of any provision thereof during the session in which it is so laid upon the said Tables, cease to have effect to the extent to which it is so disapproved of, on the day on which the last of such resolutions is passed.

33. (1) Any person who—

(a) contravenes or fails to comply with any provision of this Act or any regulation made thereunder;

(b) falsely holds himself out to be an inspector;

(c) in any statement or particulars or document which he is, in terms of this Act or any regulation framed thereunder, required to furnish, furnishes information, particulars or documents which are false in any material particular, knowing the same to be false;

(d) obstructs, hinders, resists or interferes with any inspector in the exercise of his powers or the performance of his functions or duties in terms of this Act or any regulation made thereunder or refuses or

Offences and penalties.

spekteur bemoei of sonder gegrone rede weier of versuim om inligting, besonderhede of dokumente te verstrek of versuim om aan 'n vereiste deur 'n inspekteur gestel, te voldoen,

is aan 'n misdryf skuldig en by veroordeling strafbaar, waar geen ander straf voorgeskryf is nie, met 'n boete van hoogstens vyftig pond of gevangenisstraf vir 'n tydperk van hoogstens ses maande of met beide daardie boete en daardie gevangenisstraf.

(2) Ondanks andersluidende wetsbepalings is 'n magistrats-hof regsbevoeg om enige bevel of opdrag te gee of enige straf op te lê wat ingevolge hierdie Wet of 'n daarkragtens uitgevaardigde regulasie gegee of opgelê kan word.

(3) Enige boete wat verhaal of borgtog wat verbeur word, in verband met 'n oortreding van hierdie Wet of 'n daarkragtens uitgevaardigde regulasie val die raad toe.

Sophiatown, Martindale en Newclare nie as oorwegend deur natuurlike bewoonde gebiede beskou te word nie.

34. (1) Ondanks die bepalinge van artikel 2 van die Naturelle (Stadsgebiede) Konsolidasiewet, 1945 (Wet No. 25 van 1945), of enige kennisgewing daarkragtens uitgevaardig, word die dorpe Sophiatown, Martindale en Newclare, soos in die Bylae by hierdie Wet beskryf, nie by die toepassing van genoemde artikel as gebiede wat oorwegend deur natuurlike bewoon word, beskou nie.

(2) Goewermentskennisgewings Nos. 192, 193 en 194 onder datum 4 Februarie 1949 word hiermee herroep.

Kort titel en inwerkingtreding.

35. Hierdie Wet heet die Wet op die Hervestiging van Naturelle, 1954, en tree in werking op 'n datum wat die Goewerneur-generaal by proklamasie in die *Staatskoerant* bepaal.

Bylae.

BESKRYWING VAN DIE WESTELIKE GEBIEDE.

(1) Die dorp Sophiatown synde gedeelte van die eiendomsplaas Waterval No. 10, distrik Johannesburg, groot 113 morge 383 vierkante roede, en meer volledig omskryf op die algemene plan van die dorp soos in Junie 1903 deur landmeter James B. Tucker opgestel en op 4 Januarie 1905 onder S.G. No. A 5005/03 deur die Landmeter-generaal goedgekeur.

(2) Die dorp Martindale synde gedeelte groot 23 morge 337 vierkante roede van gedeelte gemerk E van die eiendomsplaas Waterval No. 10, distrik Johannesburg, en meer volledig omskryf op die algemene plan van die dorp soos in Augustus 1904 deur landmeter James B. Tucker opgestel en op 19 Oktober 1904 onder S.G. No. A 4549/04 deur die Landmeter-generaal goedgekeur.

(3) Die dorp Newclare synde gedeelte groot 73 morge 22 vierkante roede van gedeelte gemerk E van die eiendomsplaas Waterval No. 10, distrik Johannesburg, en meer volledig omskryf op die algemene plan van die dorp soos in September 1905 deur landmeter O. T. de Villiers opgestel en op 28 Augustus 1912 onder S.G. No. A 1025/12 deur die Landmeter-generaal goedgekeur.

(4) Die dorp Pageview synde gedeelte 3, groot 11 morge 227 vierkante roede van die eiendomsplaas Johannesburg No. 29, distrik Johannesburg, en gedeelte 213 ('n gedeelte van 'n gedeelte van 'n gedeelte), groot 8 morge 510 vierkante roede, van die plaas Braamfontein No. 11, distrik Johannesburg, en meer volledig omskryf op die ware uittreksel uit die algemene plan No. 626/94 op 21 April 1894 deur die Landmeter-generaal goedgekeur.

fails without reasonable cause to furnish any information, particulars or documents or fails to comply with any requirement made by such inspector, shall be guilty of an offence and liable on conviction, where no other penalty is prescribed, to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

(2) Notwithstanding anything to the contrary in any other law contained, a magistrate's court shall have jurisdiction to issue any order or instruction or to impose any penalty which may be given or imposed under this Act or any regulation made thereunder.

(3) Any fine recovered or bail estreated in respect of a contravention of this Act or any regulation made thereunder shall accrue to the board.

34. (1) Notwithstanding the provisions of section *eight* of the Natives (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945), or any notice issued thereunder, the townships of Sophiatown, Martindale and Newclare, as described in the Schedule to this Act, shall not for the purposes of the said section, be regarded as areas predominantly occupied by natives.

(2) Government notices numbers 192, 193 and 194 dated 4th February, 1949, are hereby withdrawn.

35. This Act shall be called the Natives Resettlement Act, 1954, and shall come into operation upon a date to be fixed by the Governor-General by proclamation in the *Gazette*.

Short title
and
commencement.

Schedule.

DESCRIPTION OF AREAS.

(1) The Township of Sophiatown being portion of the freehold farm Waterval No. 10, district of Johannesburg, in extent 113 morgen 383 square roods and more fully defined on the general plan of the township framed by Surveyor James B. Tucker in June, 1903, and approved by the Surveyor-General on the 4th January, 1905, under S.G. No. A. 5005/03.

(2) The Township of Martindale being portion in extent 23 morgen 337 square roods of portion marked E of the Freehold farm Waterval No. 10, district of Johannesburg, and more fully defined on the general plan of the township framed by Surveyor James B. Tucker in August, 1904, and approved by the Surveyor-General on the 19th October, 1904, under S.G. No. A. 4549/04.

(3) The Township of Newclare being portion in extent 73 morgen 22 square roods of portion marked E of the freehold farm Waterval No. 10, district of Johannesburg, and more fully defined on the general plan of the township framed by Surveyor O. T. de Villiers in September, 1905, and approved by the Surveyor-General on the 28th August, 1912, under S.G. No. A. 1025/12.

(4) The Township of Pageview being portion 3, in extent 11 morgen 227 square roods of the freehold farm Johannesburg No. 29, district of Johannesburg, and portion 213 (a portion of portion of portion) in extent 8 morgen 510 square roods of the farm Braamfontein No. 11, district of Johannesburg, and more fully defined on the true extract of the general plan No. 626/94 approved by the Surveyor-General on the 21st April, 1894.

WETSONTWERP

Om voorsiening te maak vir die bevordering en hou van Staatsloterye.

(Ingedien deur die WELED. HEER R. B. DURRANT, L.V.)

DIT WORD BEPAAL deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, soos volg:—

Woordom-
skrywing.

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—
 - (i) „Direkteur” die Direkteur van Staatsloterye, kragtens artikel drie aangestel; (i) 5
 - (ii) „inskryf” om geld te betaal vir die reg om deel te hê in die toewysing van pryse in ’n Staatslotery en het „inskrywer” ’n ooreenstemmende betekenis; (v) 10
 - (iii) „kaartjie” die sertifikaat wat aan ’n inskrywer gegee word; (vi)
 - (iv) „kaartjieverkoper” ’n person deur die Minister gemagtig om kaartjies te verkoop; (vii)
 - (v) „Minister” die Minister van Finansies; (ii) 15
 - (vi) „nie-blanke” iemand wat volgens voorkoms klaarblyklik ’n nie-blanke is of wat gewoonlik vir ’n nie-blanke deurgaen; (iii)
 - (vii) „Staatslotery” ’n skema ingevolge die bepalings van hierdie Wet bevorder en gehou, deur middel waarvan pryse deur die lot aangewys word. (iv) 20

Minister kan
Staatsloterye
bevorder en hou.

2. (1) Ondanks enigiets teenstrydigs in ’n ander wet, kan die Minister ’n Staatslotery bevorder en hou en in verband daarmee kan hy alle handelinge verrig en dinge doen en alle opdragte gee wat hy vir daardie doel nodig en dienstig ag. 25
- (2) Na die datum van inwerkingtreding van hierdie Wet, word minstens twee Staatsloterye in elke kalenderjaar bevorder en gehou.

Direkteur van
Staatsloterye.

3. (1) Die Minister stel, vir die tydperk en op die voorwaardes wat hy bepaal, ’n Direkteur van Staatsloterye aan wat, onderworpe aan die opdragte van die Minister, alle funksies vir die behoorlike beheer en administrasie van elke Staatslotery verrig. 30
- (2) Voorts stel die Minister vir die tydperk en op die voorwaardes wat hy bepaal, ander amptenare en dienare aan wat nodig mag wees om die Direkteur in die uitvoering van sy pligte behulpsaam te wees. 35
- (3) Iemand wat ingevolge sub-artikels (1) en (2) aangestel is, is nie onderhewig aan die wette wat die staatsdiens reël nie.

Bevoegdheids
van Direkteur.

4. (1) Onderworpe aan die beheer en toesig van die Minister is die Direkteur gemagtig— 40
 - (a) om, onderworpe aan die bepalings van sub-artikel (2) van artikel twee, die aantal Staatsloterye te bepaal wat elke jaar gehou word;
 - (b) om die wyse te bepaal waarop ’n prys opgeëis moet word en om te bepaal of pryse gewen kan word met of sonder verwysing na die plaasvinding van ’n onsekere gebeurtenis behalwe die uitslag of die gevolg van die toepassing of aanwending van die geluksmetode wat vir die trek van pryse aangewend word; 50
 - (c) om kaartjieverkopers aan te stel en die plekke waar, die tydperke waarin en die tye waarop kaartjies verkoop kan word, vas te stel;
 - (d) om die amptelike stempel wat gebruik moet word om verkoopte kaartjies te stempel, te ontwerp en te maak; 55
 - (e) om die verkoopprijs van kaartjies vas te stel;
 - (f) om alle reëlins te tref vir die trek van pryse;
 - (g) om die getal en waarde van pryse te bepaal: Met dien verstande dat die waarde van een prys nie meer as die bedrag van twintigduisend pond mag wees nie; 60
 - (h) om te besluit oor die wyse waarop pryse uitbetaal word;
 - (i) om voorsiening te maak vir die beskikking oor pryse waarvoor daar ’n geskil ontstaan het;

BILL

To provide for the promotion and conduct of State lotteries.

(Introduced by R. B. DURRANT, ESQ., M.P.)

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

1. In this Act, unless the context otherwise indicates— Definitions.
 - 5 (i) "Director" means the Director of State Lotteries appointed under section *three*; (i)
 - (ii) "Minister" means the Minister of Finance; (v)
 - (iii) "non-European" means a person who in appearance obviously is a non-European, and who is generally
 - 10 (iv) "State lottery" means a scheme promoted and conducted under the provisions of this Act, by means of which prizes are drawn for by chance; (vii)
 - (v) "subscribe" means to pay over money for the right to participate in the allocation of prizes in a State lottery and "subscriber" has a corresponding meaning; (ii)
 - 15 (vi) "ticket" means the certificate given to a subscriber; (iii)
 - (vii) "ticket seller" means a person authorized by the Minister to sell tickets. (iv)
 - 20 2. (1) Notwithstanding anything to the contrary in any other law contained, the Minister may promote and conduct a State lottery, and in relation thereto may do all such acts and things and give all such directions as he may deem necessary and expedient for that purpose. Minister may promote and conduct State lotteries.
 - 25 (2) After the date of commencement of this Act, at least two State lotteries shall be promoted and conducted in each calendar year.
 3. (1) The Minister shall appoint, for such period and on such conditions as he may determine a Director of State lotteries Director of State lotteries. - 30 who shall, subject to the directions of the Minister perform all functions for the proper control and administration of each State lottery.
 - (2) The Minister shall furthermore for such period and on such conditions as he may determine, appoint such other
 - 35 officers and servants as may be required to assist the Director in carrying out his duties.
 - (3) The persons appointed in terms of sub-sections (1) and (2) shall not be subject to the laws governing the public service.
4. (1) Subject to the control and supervision of the Minister, Powers of Director.- 40 the Director shall be empowered—
 - (a) subject to the provisions of sub-section (2) of section *two* to determine the number of State lotteries which shall be held in any one year;
 - (b) to determine the manner in which a prize shall be
 - 45 claimed, and whether prizes may be gained with or without reference to the happening of any uncertain event other than the issue or the result of the application or employment of the mode of chance employed for the drawing of prizes;
 - 50 (c) to appoint ticket sellers and to fix the places at which and the period and hours during which tickets may be sold;
 - (d) to design and create the official stamp to be used for the stamping of tickets sold;
 - 55 (e) to fix the selling price of tickets;
 - (f) to make all arrangements for the drawing of prizes;
 - (g) to determine the number and value of prizes: Provided that the value of any one prize shall not exceed the sum of twenty thousand pounds;
 - 60 (h) to decide the method of payment of prizes;
 - (i) to provide for the disposal of prizes as to which any dispute has arisen;

- (j) om enige onopgeëiste prys verbeurd te verklaar en te besluit hoe daaroor beskik moet word: Met dien verstande dat geen sodanige verbeurdverklaring van krag word tot na die verloop van ses maande na die toekenning van die prys nie;
- (k) om lyste te publiseer van die nommers wat pryse gewen het.

(2) Die Direkteur kan alle onkoste aangaan wat vir die uitvoering van sy pligte nodig mag wees.

Minister stel
spesiale rekenings
in.

5. (1) Die Minister stel twee spesiale rekenings in wat bekend staan as die Staatslotery-rekening en die Staatslotery-trusteerekening.

(2) Alle geld ontvang uit die verkoop van kaartjies of uit die bevordering of hou van 'n Staatslotery word in die Staatslotery-rekening gestort.

(3) Die Minister kan geld uit die Staatslotery-rekening trek om betalings te doen wat deur hierdie Wet gemagtig of vereis word.

(4) Die Minister moet aan die end van elke maand uit die Staatslotery-rekening 'n bedrag gelyk aan die bedrag wat uit inkomste betaal word ingevolge paragraaf (b) van sub-artikel (1) van artikel drie-en-sestig van die Regeringsdiens Pensioenwet, 1936, in die Gekonsolideerde Inkomstefonds inbetaal ten opsigte van amptenare en dienare wat kragtens artikel drie van hierdie Wet aangestel is.

(5) Die Minister betaal alle pryse uit die Staatslotery-rekening.

(6) Die Minister moet ten opsigte van elke Staatslotery 'n bedrag in die Staatslotery-trusteerekening stort wat in elke geval deur hom bepaal moet word en dié bedrag moet nie meer wees as dertig persent van die bedrag wat op so 'n lotery ingeskryf is nie en nie minder as twintig persent van die bedrag wat aldus ingeskryf is nie.

Administrasie van
Staatslotery-
trusteerekening.

6. (1) Die Minister stel vyf trustees aan om die Staatslotery-trusteerekening te administreer. Elke sodanige aanstelling is vir 'n tydperk van vyf jaar van krag en toevallige vakatures geld vir die orige van die tydperk waarvoor die aanvanklike aanstelling gedoen is.

(2) Die aanstellings word soos volg gedoen:

- (a) een moet die Sekretaris van die Tesourie of sy benoemde wees;
- (b) een moet die Sekretaris van Volkswelsyn of sy benoemde wees;
- (c) een word aangestel in oorleg met die vier provinsiale sekretarisse as verteenwoordiger van die provinsiale administrasies;
- (d) een word aangestel om munisipale organisasies te verteenwoordig; en
- (e) een word aangestel om liefdadigheidsorganisasies te verteenwoordig.

(3) Die trustees het volle bevoegdheid om betalings uit die Trusteerekening te doen—

- (a) vir die doeleindes van maatskaplike werk, volkswelsyn, noodleniging, of vir die bestryding van of bydraes tot die uitgawes van 'n erkende liefdadigheidsinstelling;
- (b) vir die bestryding van enige redelike uitgawe aangegaan in verband met die administrasie van dié rekening.

(4) (a) Die trustees het die bevoegdheid om aan enige persoon geld uit die Trusteerekening te leen vir 'n doel in paragraaf (a) van sub-artikel (3) gemeld.

- (b) Die trustees kan so 'n lening toestaan met of sonder 'n voorwaarde betreffende die betaling van rente daarop en kan sekuriteit wat hulle goed dink vir 'n lening aanvaar.

(5) Die trustees hou 'n rekening van alle geld wat hulle uit die Trusteerekening betaal.

(6) Die trustees ontvang geen besoldiging vir hulle dienste in verband met die administrasie van die Trusteerekening nie behalwe die terugbetaling van hulle nodige uitgawe.

(7) Die trustees kan—

- (a) komitees van persone aanstel om hulle by die uitvoering van hulle pligte behulpsaam te wees en kan 'n aldus aangestelde persoon ontslaan of vervang;
- (b) geldsomme uit die Trusteerekening aan sodanige komitees betaal vir verdeling deur dié komitees vir die doeleindes in paragraaf (a) van sub-artikel (3) gemeld: Met dien verstande dat geen betaling deur 'n komitee gedoen word wat meer as honderd pond in 'n afsonderlike geval is nie.

- (j) to declare forfeited any unclaimed prize and to determine its disposal: Provided that no such forfeiture shall take effect until six months after the date of the award of the prize;
- 5 (k) to publish lists of prize winning numbers.
- (2) The Director may incur all such expenses as may be necessary for the purposes of carrying out his duties.
5. (1) The Minister shall create two special accounts to be known as the State Lotteries Account and the State Lotteries
10 Trustee Account. Minister to create special accounts.
- (2) There shall be paid into the State Lotteries Account all moneys received from the sale of tickets or from the promotion or conduct of any State lottery.
- (3) The Minister may withdraw moneys from the State
15 Lotteries Account for the purpose of making any payments authorized or required by this Act.
- (4) The Minister shall pay into the Consolidated Revenue Fund from the State Lotteries Account at the end of each month a sum equal to the sum which is paid out of revenue in terms
20 of paragraph (b) of sub-section (1) of section *sixty-three* of the Government Service Pensions Act, 1936, in respect of officers and servants appointed under section *three* of this Act.
- (5) The Minister shall pay all prizes from the State Lotteries Account.
- 25 (6) The Minister shall pay into the State Lotteries Trustee Account in respect of every State lottery a sum to be determined by him in each case, such sum not to exceed thirty per centum of the amount subscribed to such lottery, and not to be less than twenty per centum of the amount so subscribed.
- 30 6. (1) The Minister shall appoint five trustees to administer the State Lotteries Trustee Account. Every such appointment shall be for a period of five years, casual vacancies being for the remainder of the period for which the initial appointment was made. Administration of State Lotteries Trustee Account.
- 35 (2) The appointments shall be made as follows:
- (a) One shall be the Secretary to the Treasury or his nominee;
- (b) one shall be the Secretary for Social Welfare or his nominee;
- 40 (c) one shall be appointed in consultation with the four provincial secretaries to represent the provincial administrations;
- (d) one shall be appointed to represent municipal organizations; and
- 45 (e) one shall be appointed to represent charitable organizations.
- (3) The trustees shall have full power to make payments from the Trustee Account—
- 50 (a) for purposes of social service, public welfare, relief of distress, or for defraying or contributing towards the expenses of any recognized charitable institution;
- (b) for defraying any reasonable expenses incurred in connection with the administration of such account.
- 55 (4) (a) The trustees shall have power to make loans from moneys in the Trustee Account to any person for any purpose mentioned in paragraph (a) of sub-section (3);
- (b) the trustees may make any such loan with or without a stipulation as to the payment of interest thereon and may take such security for any such loan as they may
60 deem fit.
- (5) The trustees shall keep an account of all moneys paid by them from the Trustee Account.
- (6) The trustees shall receive no remuneration for their services in the administration of the Trustee Account, save
65 refunds of their necessary expenses.
- (7) The trustees may—
- (a) appoint committees of persons to assist them in the carrying out of their duties and may dismiss or replace any person so appointed;
- 70 (b) pay sums of money to such committees from the Trustee Account for distribution by such committees for the purposes mentioned in paragraph (a) of sub-section (3): Provided that no payment shall be made by any committee which is in excess of one hundred
75 pounds in any individual case.

(8) Elke ingevolge sub-artikel (7) aangestelde komitee gee aan die trustee's rekenskap van alle bedrae ontvang en uitgegee.

(9) Wanneer daar in die Trusteerekening geld is wat na die mening van die trustee's nie onmiddellik nodig is vir die doeleindes in sub-artikels (3) en (4) uiteengesit nie, kan die trustee's sodanige geld in enige van of al die volgende beleggings belê—

- (a) staatseffekte, -fondse of -obligasies of skuldbewyse of Skatkisbiljette deur die Regering van die Unie uitgegee;
- (b) effekte, obligasies of lenings vir 'n openbare doel deur 'n munisipaliteit in die Unie uitgeskryf;
- (c) vaste deposito by 'n bankinstelling wat wettig sake in die Unie doen.

(10) Die trustee's kan na goëddunke 'n belegging wat ooreenkomstig sub-artikel (9) gemaak is, verander en kan vir daardie doel sekuriteite wat by hulle berus of waarin hulle sodanige beleggings gemaak het, verkoop of van die hand sit.

(11) Alle winste wat uit beleggings soos voormeld ontstaan, hetsy in die aard van inkomste of andersins, kom die Trusteerekening toe en word daarin gestort.

Uitgawes vir Staatsloterye kan deur die Tesourie voorgeskiet word.

7. (1) Die Tesourie kan, uit geld vir dié doel deur die Parlement bewillig, voorskotte maak vir die betaling van onkoste wat ten opsigte van die bevordering en hou van Staatsloterye aangegaan word.

(2) Alle voorskotte ooreenkomstig sub-artikel (1) gemaak, moet deur die Minister uit geld wat ingeskryf is, terugbetaal word so gou as moontlik en op die laatste op die een-en-dertigste dag van Maart van die jaar wat volg op 'n jaar waarin 'n Staatslotery gehou is.

Verkoop van kaartjies.

8. (1) 'n Kaartjieverkoper mag nie 'n kaartjie verkoop aan 'n persoon wat klaarblyklik onder die ouderdom van een-en-twintig jaar is nie, en 'n persoon onder daardie ouderdom het nie die reg om 'n prys in 'n Staatslotery in te vorder nie.

(2) Niemand mag—

- (a) 'n kaartjie aan 'n nie-blanke verkoop of gee nie;
- (b) sy belang by 'n kaartjie geheel of gedeeltelik aan 'n nie-blanke verkoop, oormak of andersins van die hand sit nie;
- (c) 'n kaartjie ten behoeve van 'n nie-blanke koop of hou nie;

en 'n nie-blanke het nie die reg om 'n prys in 'n Staatslotery in te vorder nie.

(3) Iemand wat 'n bepaling van hierdie artikel oortree, is skuldig aan 'n misdryf en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig pond, of by wanbetaling, met gevangenisstraf van hoogstens ses maande, of met beide sodanige boete en sodanige gevangenisstraf.

Nie-aanspreeklikheid van Regering en amptenare.

9. Die *bona fide*-betaling van prysgeld, aan wie dit ookal geskied, onthef die Regering en die Minister en enige persoon deur wie sodanige betaling gedoen is van alle aanspreeklikheid ten opsigte van sodanige betaling ondanks enige vervalsing, bedrog, fout, nalatigheid, verlies of vertraging wat in verband daarmee gepleeg mag geword het of mag plaasgevind het: Met dien verstande dat niks in hierdie artikel bevat so uitgelê word dat dit die Regering of die Minister vrystel van aanspreeklikheid vir skade of verlies aan 'n persoon veroorsaak as gevolg van vervalsing, bedrog of nalatigheid aan die kant van 'n amptenaar met betrekking tot sy pligte ingevolge hierdie Wet.

Ouditering van rekenings.

10. Die Staatslotery-rekening en die Staatslotery-trusteerekening word elke jaar deur of in opdrag van die Kontroleur en Ouditeur-generaal geouditeer en die bepalings van die Finansiewet-wysigingswet, 1954, betreffende spesiale ouditerings is *mutatis mutandis* ten opsigte van sodanige ouditering van toepassing.

Minister kan regulasies uitvaardig.

11. Die Minister kan regulasies uitvaardig wat alle aangeleenthede voorskryf wat dit nodig en gerieflik is om voor te skryf ten einde die bepalings van hierdie Wet uit te voer of gevolg daaraan te gee, en kan strawwe vir die oortreding van sodanige regulasies bepaal wat nie die in artikel *agt* voorgeskrewe strawwe oorskry nie.

Minister kan bevoegdhede deleger.

12. Die Minister kan enige van die bevoegdhede wat deur hierdie Wet aan hom verleen word aan 'n lid van die staatsdiens wat by die Tesourie of by 'n departement van die Minister in diens is, deleger. 'n Lid van die staatsdiens aan wie bevoegdhede uit kragte van hierdie artikel gedelegeer is, bly, ondanks die bepalings van artikel *drie* van hierdie Wet, onderhewig aan die wette wat die staatsdiens reël, wanneer hy sodanige bevoegdhede uitoefen.

Kort titel.

13. Hierdie Wet heet die Wet of Staatsloterye, 1954.

(8) Every committee appointed in terms of sub-section (7) shall account to the trustees for all sums received and expended.

(9) Whenever there are moneys in the Trustee Account which, in the opinion of the trustees, are not immediately required for the purposes set out in sub-sections (3) and (4), the trustees may invest such moneys in any or all of the following investments—

- (a) public stock, funds or debenture, or bonds or Treasury bills issued by the Government of the Union;
- (b) stock, debenture or loans issued for any public purpose by any municipal council in the Union;
- (c) fixed deposit with any banking institution lawfully carrying on business in the Union.

(10) The trustees may in their discretion change any investment made in terms of sub-section (9), and for such purpose may sell or dispose of any securities which are vested in them or in which they may have made any such investments.

(11) All profits arising from any such investments as afore-said, whether in the nature of income or otherwise, shall accrue to and be paid into the Trustee Account.

7. (1) The Treasury may, out of moneys appropriated by Parliament for the purpose, make advances for the payment of the expenses incurred in respect of the promotion and conduct of State lotteries. Expenses for State lotteries may be advanced by the Treasury.

(2) All advances made in terms of sub-section (1) shall be repaid by the Minister from moneys subscribed as soon as may be, and not later than the thirty-first day of March in any year following a year in which a State lottery has been conducted.

8. (1) No ticket seller shall sell a ticket to a person apparently under the age of twenty-one years, nor shall any person under such age be entitled to recover any prize in a State lottery. Sale of tickets.

(2) No person shall—

- (a) sell or give a ticket to any non-European;
- (b) sell, assign or otherwise dispose of his interest in a ticket or any part thereof to a non-European;
- (c) purchase or hold a ticket on behalf of a non-European; and no non-European shall be entitled to recover any prize in a State lottery.

(3) Any person who contravenes any provision of this section shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds, or in default of payment to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

9. The *bona fide* payment of any prize money shall, to whomsoever made, discharge the Government and the Minister and any person by whom such payment was made from all liability whatsoever in respect of any such payment notwithstanding any forgery, fraud, mistake, neglect, loss or delay which may have been committed or have occurred in connection therewith: Provided that nothing in this section contained shall be construed as exempting the Government or Minister from liability for damage or loss caused to any person by reason of forgery, fraud or neglect on the part of an officer in relation to his duties under this Act. Non-liability of Government and officers.

10. The State Lotteries Account and the State Lotteries Trustee Account shall be audited each year by or under the direction of the Controller and Auditor-General and the provisions of the Exchequer and Audit Amendment Act, 1954, relating to special audits shall apply *mutatis mutandis* in regard to any such audit. Auditing of Accounts.

11. The Minister may make regulations prescribing all matters which are necessary and convenient to be prescribed for carrying out or giving effect to the provisions of this Act, and may provide penalties for the contravention of any such regulations not exceeding the penalties prescribed in section eight. Minister may make regulations.

12. The Minister may delegate any of the powers conferred upon him by this Act to any member of the public service who is employed in the Treasury or in a department of the Minister. A member of the public service to whom any powers have been delegated in terms of this section, shall notwithstanding the provisions of section three of this Act, continue to be subject to the laws governing the public service when exercising such powers. Minister may delegate powers.

13. This Act shall be called the State Lotteries Act, 1954. Short title.