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B

BITENGWONE



EXTRAORDINARY

Staatskoerant

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KANTOOR VAN DIE EERSTE MINISTER.

Onderstaande Goewermentskennisgewing word ter algemene inligting gepubliseer:—

No. 794.] 23 April 1954.

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

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OFFICE OF THE PRIME MINISTER.

The following Government Notice is published for general information:—

No. 794.] [23rd April, 1954.

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

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No. 16, 1954.]

WET

Tot wysiging van die „Staatsdienst Wet, 1923”.

(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 14 April 1954.)

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

Wysiging van
artikel 98 van
Wet 27 van 1923
soos gewysig
deur artikel 84
van Wet 32 van
1936.

1. (1) Artikel *agt-en-negentig* van die „Staatsdienst Wet, 1923”, word hiermee gewysig deur aan die end van paragraaf (c) van sub-artikel (1) die woorde „en de bevoegdheden van een voorgeschreven gezag om, ten opzichte van een beambte of klasse van beambten, de voorgeschreven schalen van betaling voor overwerk of toelagen te veranderen, of om de betaling voor overwerk of toelagen te worden gedaan aan een beambte of klasse van beambten ten opzichte van wie geen zodanige betaling of toelagen voorgeschreven zijn, te bepalen.” by te voeg.

(2) Sub-artikel (1) word geag op die eerste dag van Januarie 1926 in werking te getree het.

Kort titel.

2. Hierdie Wet heet die Staatsdienswysigingswet, 1954.

No. 16, 1954.]

ACT

To amend the Public Service Act, 1923.

(Afrikaans text signed by the Governor-General.)
(Assented to 14th April, 1954.)

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. (1) Section *ninety-eight* of the Public Service Act, 1923, is hereby amended by the addition to paragraph (c) of sub-section (1) of the words "and the powers of any prescribed authority to vary, in respect of any officer or class of officers, the prescribed rates of overtime payments or allowances or to determine the overtime payments or allowances payable to any officer or class of officers in respect of whom no such payments or allowances have been prescribed." Amendment of section 98 of Act 27 of 1923, as amended by section 84 of Act 32 of 1936.

(2) Sub-section (1) shall be deemed to have come into operation on the first day of January, 1926.

2. This Act shall be called the Public Service Amendment Act, Short title. 1954.

No. 17, 1954.]

WET

Om voorsiening te maak vir die verlegging van die aansluitingspunt van die Milnertonspoorlyn met die spoorlyne van die Administrasie van die Suid-Afrikaanse Spoorweë en Hawens, en vir aangeleenthede wat daarmee in verband staan.

*(Engelse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 15 April 1954.)*

Aanhef.

NADEMAAL die maatskappy wat bekend staan as die „Milnerton Estates, Limited”, deur die „Milnerton Railway Act, 1898” (Wet No. 16 van 1898), van die Kaap die Goeie Hoop, gemagtig is om ’n spoorlyn aan te lê, toe te rus, in stand te hou en te eksploiteer vanaf ’n aansluitingspunt op die Staatspoorlyne by of naby ’n plek bekend as „Craig’s Crossing” tot by ’n eindpunt by of naby die opstal van die plaas „Jan Biesjes Kraal” geleë op sekere grond genaamd die „Milnerton Estates”, eien-
dom van bedoelde maatskappy;

EN **NADEMAAL** bedoelde spoorlyn ingevolge bedoelde Wet en volgens voorskrif daarvan, na behore aangelê en toegerus is;

EN **NADEMAAL** dit ten gevolge van die aanleg van die spoorlyn van Kaapstad na Woltemade, wat by die Spoorwegaanlegwet, 1927 (Wet No. 30 van 1927), gemagtig is, nodig geword het om die aansluitingspunt van die maatskappy se spoorlyn met die spoorlyne van die Administrasie van Spoorweë en Hawens by of naby voormelde „Craig’s Crossing”, te verlê;

EN **NADEMAAL** bedoelde aansluitingspunt by of naby „Craig’s Crossing”, ingevolge die bevoegdhede verleen by die Wet op die Milnerton-Spoorweg (Verlegging van Aansluiting), 1930 (Wet No. 7 van 1930), verbreek is en ’n nuwe aansluiting met die spoorlyne van die genoemde Administrasie gemaak is op voormelde spoorlyn van Kaapstad na Woltemade by die punt omskrywe in klousule 1 van die ooreenkoms opgeneem in die Bylae by daardie Wet;

EN **NADEMAAL** bedoelde Administrasie tans besig is met die uitleë, aanleg en toerusting van ’n nuwe spoorweggoedereterrein te Kaapstad, watter werk behoorlik deur die Parlement goedgekeur is as deel van bedoelde Administrasie se program van kapitaal- en verbeteringswerke;

EN **NADEMAAL** dit nodig is dat die bestaande aansluitingspunt van die spoorlyn van bedoelde „Milnerton Estates, Limited”, met die spoorlyne van bedoelde Administrasie weer verlê word, ten einde bedoelde Administrasie in staat te stel om bedoelde werk, wat in die openbare belang vereis word, behoorlik en doeltreffend uit te voer en te voltooi;

EN **NADEMAAL** dit in die openbare belang dienstig is dat aan bedoelde Administrasie die reg verleen word om sodanige verlegging van bedoelde aansluitingspunt te bewerkstellig;

EN **NADEMAAL** dit dienstig is om voorsiening te maak vir ander aangeleenthede wat met die verlegging van bedoelde aansluitingspunt in verband staan:

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

Woord-
bepalings.

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—

„Administrasie”, die Administrasie van die Suid-Afrikaanse Spoorweë en Hawens;

„Maatskappy”, die „Milnerton Estates, Limited”;

„Milnertonspoorlyn”, die spoorlyn van die Maatskappy aangelê kragtens magtiging van die „Milnerton Railway Act, 1898” (Wet No. 16 van 1898), van die Kaap die Goeie Hoop;

„nuwe aansluitingspunt”, die in artikel twee vermelde punt alwaar die Administrasie gemagtig word om ’n nuwe aansluiting van die Milnertonspoorlyn met sy lyne te maak;

„ou aansluitingspunt”, presies die plek waar die Milnertonspoorlyn tans by die Administrasie se lyne aansluit.

No. 17, 1954.]

ACT

To provide for the alteration of the point of junction of the line of the Milnerton Railway with the lines of the South African Railways and Harbours Administration, and for matters incidental thereto.

*(English text signed by the Governor-General.)
(Assented to 15th April, 1954.)*

WHEREAS the company known as the Milnerton Estates, Limited, was authorized and empowered by the Milnerton Railway Act, 1898 (Act No. 16 of 1898), of the Cape of Good Hope, to construct, equip, maintain and work a line of railway from a point of junction on the lines of the Government railways at or near a place known as Craig's Crossing, to a terminal point at or near the homestead of the farm "Jan Biesjes Kraal", situated upon certain lands styled the "Milnerton Estates", the property of the said company; Preamble.

AND WHEREAS the said line of railway was duly constructed and equipped pursuant to and in the manner provided for in the said Act;

AND WHEREAS in consequence of the construction of the line of railway from Cape Town to Woltemade, which was authorized by the Railways Construction Act, 1927 (Act No. 30 of 1927), it became necessary to alter the point of junction of the company's line of railway with the lines of the Railways and Harbours Administration at or near Craig's Crossing aforementioned;

AND WHEREAS, pursuant to powers conferred by the Milnerton Railway (Junction Alteration) Act, 1930 (Act No. 7 of 1930), the said point of junction at or near Craig's Crossing was severed and a new junction with the lines of the said Administration was made on the aforesaid line of railway from Cape Town to Woltemade at the point defined in clause 1 of the agreement set forth in the Schedule to the said Act;

AND WHEREAS the said Administration is presently engaged upon the laying out, construction and equipment of a new railway goods yard at Cape Town, which work has been duly sanctioned by Parliament as part of the said Administration's programme of capital and betterment works;

AND WHEREAS, in order that the said Administration may properly and effectively carry out and complete the said works, which are required in the public interest, it is necessary that the existing point of junction of the line of railway of the said Milnerton Estates, Limited, with the lines of the said Administration, be again altered;

AND WHEREAS it is expedient in the public interest that the said Administration be empowered to effect such alteration of the said point of junction;

AND WHEREAS it is expedient to provide for other matters incidental to the alteration of the said point of junction:

BE IT THEREFORE 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.

"Administration" means the South African Railways and Harbours Administration;

"Company" means the Milnerton Estates, Limited;

"Milnerton Railway" means the line of railway belonging to the Company and constructed under the authority of the Milnerton Railway Act, 1898 (Act No. 16 of 1898), of the Cape of Good Hope;

"new point of junction" means the point referred to in section two, at which the Administration is empowered to effect a new junction of the Milnerton Railway with its lines;

"old point of junction" means the precise place at which the line of the Milnerton Railway at present joins the lines of the Administration.

Administrasie
gemagtig om
aansluitings-
punt van
Milnerton-
spoorlyn met
sy eie lyne
te verlé.

Verkryging
van sekere
gedeelte van
die Milnerton-
spoorlyn
deur die
Administrasie,
en vergoeding
daarvoor.

Toepassing
van sekere
Wette.

Kort titel.

2. Die Administrasie word hierby gemagtig om op sy eie koste die bestaande aansluiting van die Milnertonspoorlyn met die lyne van die Administrasie te verbreek, en indien hy hierdie bevoegdheid uitoefen, is hy verplig om op sy eie koste met daardie lyne 'n nuwe aansluiting te maak en dit in stand te hou by die punt waar bedoelde spoorlyn die gemeenskaplike grens van die Administrasie en die Maatskappy deursny, soos aangedui op die planne by die Klerk van die Volksraad ingelewer ingevolge die Reglement van Orde van daardie Raad.

3. (1) Sodra 'n aansluiting van die Milnertonspoorlyn met die lyne van die Administrasie by die nuwe aansluitingspunt gemaak is, gaan daardie gedeelte van bedoelde spoorlyn geleë tussen die ou en die nuwe aansluitingspunte, ongeveer eenduisend driehonderd voet lank, op die Administrasie oor, en die Administrasie word hierby gemagtig om daardie gedeelte van bedoelde spoorlyn te sluit.

(2) Ten opsigte van die verkryging deur die Administrasie van die in sub-artikel (1) vermelde gedeelte van die Milnertonspoorlyn betaal die Administrasie aan die Maatskappy redelike vergoeding, wat nie meer mag bedra nie dan—

(a) in die geval van die bestaande spoorwegbrug van die Maatskappy oor die Soutrivier: 'n som verteenwoordigende die koste daarvan soos deur die Maatskappy aan die Administrasie betaal, tesame met rente daarop teen die koers van vyf persent per jaar, bereken vanaf die eerste dag van Augustus 1927, tot op die datum waarop bedoelde gedeelte van die Milnertonspoorlyn ooreenkomstig sub-artikel (1) op die Administrasie oorgaan;

(b) in die geval van die treinspoor tussen die ou en die nuwe aansluitingspunte: 'n som verteenwoordigende die koste daarvan vir die Maatskappy (welke koste vir die doel van hierdie paragraaf bereken word op die grondslag dat die koste van 'n halfmyl treinspoor drieënduisend vyfhonderd pond was) tesame met rente daarop teen die koers van vyf persent per jaar bereken vanaf die eerste dag van Oktober 1904, tot op die datum waarop bedoelde gedeelte van die Milnertonspoorlyn ooreenkomstig sub-artikel (1) op die Administrasie oorgaan.

Indien daar nie omtrent die bedrag van sodanige vergoeding ooreengekom kan word nie, word dit bepaal by wyse van arbitrasie volgens voorskrif van die „Lands and Arbitrations Clauses Act, 1882” (Wet No. 6 van 1882), van die Kaap die Goeie Hoop.

4. (1) Die „Milnerton Railway Act, 1898” (Wet No. 16 van 1898), en die „Milnerton Railway Amendment Act, 1902” (Wet No. 16 van 1902), van die Kaap die Goeie Hoop, hou op om van toepassing te wees op daardie gedeelte van die Milnertonspoorlyn wat kragtens sub-artikel (1) van artikel drie op die Administrasie oorgegaan het, maar behalwe soos in sub-artikel (2) bepaal, doen die bepalings van hierdie Wet geen afbreuk aan die toepassing van die een of die ander van daardie Wette ten opsigte van die oorblywende gedeelte van die Milnertonspoorlyn nie.

(2) In enige transaksie ter verkryging deur die Regering van die Milnertonspoorlyn ooreenkomstig artikel drie-en-twintig van bedoelde „Milnerton Railway Act, 1898”, word by berekening van die prys wat die Regering moet betaal, die volgende uitgesluit—

(a) die koste vir die Administrasie om die aansluiting van sy lyne met die Milnertonspoorlyn by die nuwe aansluitingspunt te maak;

(b) die koste vir die Maatskappy van daardie gedeelte van die Milnertonspoorlyn wat in sub-artikel (1) van artikel drie bedoel word.

5. Hierdie Wet heet die Wet op die Milnertonspoorlyn (Verlegging van Aansluiting), 1954.

2. The Administration is hereby empowered at its own cost to sever the existing point of junction of the Milnerton Railway with the lines of the Administration, and if it exercises this power it shall be obliged to effect at its own cost and to maintain a new junction with those lines at the point where the said Railway meets the common boundary of the Administration and the Company, as indicated on the plans deposited with the Clerk of the House of Assembly pursuant to the Standing Orders of that House.

Administration empowered to alter point of junction of Milnerton Railway with its lines.

3. (1) Upon the establishment of a connection between the Milnerton Railway and the Administration's lines at the new point of junction, that portion of the said Railway lying between the old and the new points of junction, in length approximately one thousand three hundred feet, shall vest in the Administration, which portion of the said Railway the Administration is hereby authorized to close.

Acquisition of portion of Milnerton Railway by Administration, and compensation therefor.

(2) In respect of the acquisition by it of that portion of the Milnerton Railway referred to in sub-section (1), the Administration shall compensate the Company in a reasonable amount, not exceeding—

- (a) in the case of the existing railway bridge of the Company over the Salt River: a sum representing the cost thereof as paid by the Company to the Administration, together with interest thereon at the rate of five per cent. per annum reckoned from the first day of August, 1927, up to the date when the said portion of the Milnerton Railway vests in the Administration in terms of sub-section (1);
- (b) in the case of the track between the old and the new points of junction: a sum representing the cost thereof to the Company (which for the purpose of this paragraph shall be calculated on the basis that the cost of one-half mile of track was three thousand five hundred pounds) together with interest thereon at the rate of five per cent. per annum reckoned from the first day of October, 1904, up to the date when the said portion of the Milnerton Railway vests in the Administration in terms of sub-section (1).

The amount of such compensation shall, in default of agreement, be determined by arbitration in the manner provided for under the Lands and Arbitrations Clauses Act, 1882 (Act No. 6 of 1882), of the Cape of Good Hope.

4. (1) The Milnerton Railway Act, 1898 (Act No. 16 of 1898), and the Milnerton Railway Amendment Act, 1902 (Act No. 16 of 1902), of the Cape of Good Hope, shall cease to apply to that portion of the Milnerton Railway which has vested in the Administration in terms of sub-section (1) of section *three*, but nothing in this Act contained shall, except as provided in sub-section (2), affect the operation of either of those Acts in respect of the remaining portion of the said Railway.

Application of certain Acts.

(2) In any transaction for the acquisition, by the Government, of the Milnerton Railway in terms of section *twenty-three* of the said Milnerton Railway Act, 1898, the following shall be excluded from the computation of the price to be paid by the Government—

- (a) the cost to the Administration of making the connection between its lines and the Milnerton Railway at the new point of junction;
- (b) the cost to the Company of that portion of the Milnerton Railway referred to in sub-section (1) of section *three*.

5. This Act shall be called the Milnerton Railway (Junction Short title. Alteration) Act, 1954.

No. 18, 1954.]

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

(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 15 April 1954.)

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

Vervanging van artikel 12*bis* van Wet 18 van 1936, soos ingevoeg deur artikel 32 van Wet 56 van 1949.

1. Artikel twaalf bis van die Naturelletrust en -grond Wet, 1936 (hierna die Hoofwet genoem), word hiermee deur die volgende artikel vervang:

„Beperking op die onderverdeling, vervreemding of verhuring van grond aan naturelle in sekere gebiede.

12bis. (1) Ondanks die bepalings van hierdie of van enige ander wet, mag niemand, behalwe met die toestemming van die Minister, enige grond in 'n afgesonderde naturelle gebied of oopgestelde gebied onderverdeel of verdeel nie.

(2) Ondanks die bepalings van hierdie of van enige ander wet, mag niemand, behalwe met die toestemming van die Minister, 'n gedeelte van enige grond in 'n afgesonderde naturelle gebied of oopgestelde gebied, wat na 8 Julie 1949 onderverdeel of verdeel is, aan 'n naturel vervreem of verhuur nie.

(3) Die Minister kan sy toestemming ingevolge sub-artikel (1) of (2) onderworpe aan sulke voorwaardes as wat hy mag vasstel verleen en kan sulke voorwaardes opelê ten opsigte van die gebruik en bewoning van in sub-artikel (2) bedoelde grond na vervreemding of verhuring daarvan, as wat hy goed dink.

(4) Ondanks die bepalings van die Registrasie van Aktes Wet, 1937 (Wet No. 47 van 1937), moet die transportgewer van grond ten opsigte waarvan 'n voorwaarde met betrekking tot gebruik of bewoning daarvan kragtens sub-artikel (3) opgelê is, elke sodanige voorwaarde in die betrokke transportakte laat invoeg.

(5) (a) Die Minister is bevoeg om enige kragtens sub-artikel (3) opgelegde voorwaardes betreffende die gebruik of bewoning van grond af te dwing.

(b) Iemand wat die bepalings van sub-artikel (1) of (2) oortree of wat grond anders dan in ooreenstemming met die voorwaardes opgelê kragtens sub-artikel (3) onderverdeel, verdeel, vervreem of verhuur, is aan 'n misdryf skuldig.

(6) Geen Landmeter-generaal keur 'n kaart van 'n onderverdeling van enige in sub-artikel (1) bedoelde grond goed nie tensy aan hom 'n sertifikaat, onderteken deur die Sekretaris van Naturellesake voorgelê word waarin verklaar word dat die Minister tot die onderverdeling toegestem het en wat die voorwaardes wat die Minister kragtens sub-artikel (3) mag opgelê het, uiteensit.

(7) Geen registrator van aktes onderteken, attesteer of registreer enige akte wat betrekking het op die onderverdeling, verdeling, vervreemding of verhuring van enige in sub-artikel (1) of (2) bedoelde grond nie, tensy daar aan hom 'n sertifikaat, onderteken deur die Sekretaris van Naturellesake, voorgelê word waarin verklaar word dat die Minister tot die onderverdeling, verdeling, vervreemding of verhuring, na gelang van die geval, toegestem het en wat die voorwaardes wat die Minister kragtens sub-artikel (3) mag opgelê het, uiteensit.

(8) Die bepalings van sub-artikel (1) is van toepassing op enige daarin bedoelde grond wat ingevolge 'n laaste wilsbeskikking aan 'n naturel bemaak word.

(9) Die bepalings van hierdie artikel is nie van toepassing op enige daarin bedoelde grond waarvan die Trust die eienaar is of ten opsigte van grond wat deel uitmaak van 'n dorp, onderverdeelde landgoed, privaatdorp of landelike samelewing in die stigting,

No. 18, 1954.]

ACT

To amend the Native Trust and Land Act, 1936.

(Afrikaans text signed by the Governor-General.)
(Assented to 15th April, 1954.)

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. The following section is hereby substituted for section *twelve bis* of the Native Trust and Land Act, 1936 (hereinafter referred to as the principal Act):

"Restriction upon sub-division, alienation or lease of land to natives in certain areas.

12bis. (1) Notwithstanding anything in this Act or in any other law contained no person shall, except with the consent of the Minister, subdivide or partition any land in a scheduled native area or released area.

(2) Notwithstanding anything in this Act or in any other law contained, no person shall, except with the consent of the Minister, alienate or lease to a native any portion of any land in a scheduled native area or released area which has been subdivided or partitioned after the 8th July, 1949.

(3) The Minister may grant his consent in terms of sub-section (1) or (2) subject to such conditions as he may determine and may impose in regard to the use and occupation of land referred to in sub-section (2) after alienation or lease thereof, such conditions as he may deem fit.

(4) Notwithstanding anything contained in the Deeds Registries Act, 1937 (Act No. 47 of 1937), the transferor of any land in respect of which any condition relating to use or occupation thereof has been imposed under sub-section (3) shall cause every such condition to be inserted in the relevant deed of transfer.

(5) (a) The Minister shall be entitled to enforce any conditions relating to the use or occupation of land imposed under sub-section (3).

(b) Any person who contravenes the provisions of sub-section (1) or (2) or who subdivides, partitions, alienates or leases any land otherwise than in accordance with the conditions imposed under sub-section (3) shall be guilty of an offence.

(6) No Surveyor-General shall approve of any diagram of any subdivision of any land referred to in sub-section (1) unless there is produced to him a certificate under the hand of the Secretary for Native Affairs stating that the Minister has consented to such subdivision and setting forth any conditions which the Minister may have imposed under sub-section (3).

(7) No registrar of deeds shall execute, attest or register any deed relating to the subdivision, partition, alienation or lease of any land referred to in sub-section (1) or (2) unless there is produced to him a certificate under the hand of the Secretary for Native Affairs stating that the Minister has consented to such subdivision, partition, alienation or lease as the case may be and setting forth any conditions which the Minister may have imposed under sub-section (3).

(8) The provisions of sub-section (1) shall be applicable to any such land as is referred to therein which is bequeathed to a native by will.

(9) The provisions of this section shall not apply in respect of land which is the property of the Trust or in respect of land included in any township, subdivided estate, private township or hamlet, to

Substitution of section 12bis of Act 18 of 1936, as inserted by section 32 of Act 56 of 1949.

goedkeuring, proklamasie of erkenning waarvan die Minister ooreenkomstig artikel *sewe-en-dertig* van die Wet tot Wysiging van die Wette op Naturelle, 1937 (Wet No. 46 van 1937), verklaar het dat hy toestem."

Wysiging van artikel 13 van Wet 18 van 1936, soos gewysig deur artikel 7 van Wet 17 van 1939.

2. Artikel *dertien* van die Hoofwet word hiermee gewysig—

(a) deur in sub-artikel (2) voor die woord „onteien” die woorde „of wat op naam van die Minister of enige ander persoon in trust vir ’n naturellestam of -gemeenskap geregistreer staan of wat op naam van ’n naturel wat oorlede is geregistreer staan”, in te voeg.

(b) deur in sub-artikel (3) na die woord „grond” waar dit vir die tweede keer voorkom die woorde „of aan die by wet erkende verteenwoordiger van so ’n geregistreerde eienaar wat oorlede is”, in te voeg; en deur aan die end van genoemde sub-artikel die volgende voorbehoudsbepaling by te voeg:

„Met dien verstande dat in die geval van grond wat besit word in trust vir ’n naturellestam of -gemeenskap waarvan die individuele lede nie in die titelbewys beskrywe word nie, voldoende kennisgewing aan sodanige stam of gemeenskap en die individuele lede daarvan geag word gegee te gewees het indien die lede van sodanige stam of gemeenskap wat teenwoordig is op ’n openbare vergadering vir die doel deur die naturellekommissaris byeengeroep, deur die naturellekommissaris van die voorgenome onteining en die vergoeding wat aangebied word, verwittig word. Die skriftelike sertifikaat van die naturellekommissaris ten effekte dat die bepaling van hierdie voorbehoudsbepaling nagekom is, is afdoende bewys van bedoelde kennisgewing aan sodanige stam of gemeenskap.”; en

(c) deur na sub-artikel (5) die volgende sub-artikel in te voeg:

„(5)*bis*. In ’n regsgeding wat voortspruit uit ’n onteining kragtens hierdie artikel van grond wat in trust vir ’n naturellestam of -gemeenskap besit word, kan die betrokke stam of gemeenskap verteenwoordig word deur sy behoorlik aangestelde of erkende kaptein of, indien die kaptein afwesig is of om een of ander rede nie kan optree nie, deur enige ander persoon of persone wat deur bedoelde stam of gemeenskap op ’n openbare vergadering vir die doel deur die naturellekommissaris byeengeroep, benoem word. Die skriftelike sertifikaat van die naturellekommissaris is afdoende bewys van sodanige aanstelling, erkenning of benoeming.”.

Wysiging van artikel 23 van Wet 18 van 1936.

3. Artikel *drie-en-twintig* van die Hoofwet word hiermee gewysig—

(a) deur in sub-artikel (1) die woorde „Trust of ’n naturel die eienaar is van die minerale regte” deur die woorde „minerale regte deur die Trust of ’n naturel of in trust vir ’n naturellestam of -gemeenskap besit word:” te vervang;

(b) deur in paragraaf (a) van sub-artikel (1) voor die woord „fooi” waar dit vir die eerste keer voorkom die woord „minimum” in te voeg; en

(c) deur in sub-artikel (2) die woorde „waarvan die Trust of ’n naturel die geregistreerde eienaar is” deur die woorde „wat deur die Trust of ’n naturel of in trust vir ’n naturellestam of -gemeenskap besit word,” te vervang.

Wysiging van artikel 25 van Wet 18 van 1936, soos gewysig deur artikel 38 van Wet 46 van 1937.

4. Artikel *vyf-en-twintig* van die Hoofwet word hiermee gewysig—

(a) deur in paragraaf (a) van sub-artikel (2) die woorde „of ’n naturel” te skrap; en

(b) deur aan die end van die artikel die volgende sub-artikel by te voeg:

„(3) Die Minister lê ter Tafel van beide Huise van die Parlement binne dertig dae na die aanvang van elke sitting van die Parlement, ’n verslag ten opsigte van alle proklamasies kragtens hierdie artikel sedert die aanvang van die vorige sitting uitgevaardig.”.

Wysiging van artikel 26 van Wet 18 van 1936.

5. Artikel *ses-en-twintig* van die Hoofwet word hiermee gewysig—

(a) deur in paragraaf (a) van sub-artikel (1) na die woord „grond” die woorde „of, in die geval van grond wat

the establishment, approval, proclamation or recognition of which the Minister has declared his consent in terms of section *thirty-seven* of the Native Laws Amendment Act, 1937 (Act No. 46 of 1937)."

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

Amendment of section 13 of Act 18 of 1936, as amended by section 7 of Act 17 of 1939.

- (a) by the insertion in sub-section (2) after the word "owner" where it occurs for the first time of the words "or which is registered in the name of the Minister or any other person in trust for a native tribe or community or which is registered in the name of a native who has died:";

- (b) by the insertion in sub-section (3) after the word "land" where it occurs for the second time of the words "or to the representative recognized by law of any such registered owner who has died"; and by the addition at the end of the said sub-section of the following proviso:

"Provided that in the case of land held in trust for a native tribe or community the individual members of which are not described in the title deed, sufficient notice to such tribe or community and to the individual members thereof shall be deemed to have been given if the members of such tribe or community present at a public meeting convened by the native commissioner for the purpose, be informed by the native commissioner of the proposed expropriation and the compensation offered. The written certificate of the native commissioner to the effect that the provisions of this proviso have been complied with, shall be sufficient proof of such notice to such tribe or community."; and

- (c) by the insertion after sub-section (5) of the following sub-section:

"(5)*bis*. In any legal proceedings arising out of an expropriation under this section of land held in trust for a native tribe or community, the tribe or community concerned may be represented by its duly appointed or recognized chief, or, if the chief is absent or for any reason unable to act, by any other person or persons nominated by such tribe or community at a public meeting convened for that purpose by the native commissioner. The written certificate of the native commissioner shall be sufficient proof of such appointment, recognition or nomination."

3. Section *twenty-three* of the principal Act is hereby amended—

Amendment of section 23 of Act 18 of 1936.

- (a) by the substitution in sub-section (1) for the words "Trust or a native is the owner of the mineral rights" of the words "mineral rights are held by the Trust or a native or in trust for a native tribe or community:";

- (b) by the insertion in paragraph (a) of sub-section (1) before the word "fee" where it occurs for the first time of the word "minimum"; and

- (c) by the substitution in sub-section (2) for the words "of which the Trust or a native is the registered owner" of the words "held by the Trust or a native or in trust for a native tribe or community".

4. Section *twenty-five* of the principal Act is hereby amended—

Amendment of section 25 of Act 18 of 1936, as amended by section 38 of Act 46 of 1937.

- (a) by the deletion in paragraph (a) of sub-section (2) of the words "or a native"; and

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

"(3) The Minister shall lay upon the Tables of both Houses of Parliament within thirty days after the commencement of each session of Parliament, a report in respect of all proclamations issued under this section since the commencement of its previous session."

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

Amendment of section 26 of Act 18 of 1936.

- (a) by the insertion in paragraph (a) of sub-section (1) after the word "land" of the words "or, in the case of

in trust vir 'n naturellestam of -gemeenskap besit word, 'n lid van sodanige stam of gemeenskap," in te voeg; en

- (b) deur in sub-artikel (2) na die woord „eienaar” die woorde „lid van so 'n stam of gemeenskap,” in te voeg.

Wysiging van
artikel 27 van
Wet 18 van 1936.

6. Artikel *sewe-en-twintig* van die Hoofwet word hiermee gewysig deur sub-artikel (2) deur die volgende sub-artikel te vervang:

„(2) Behalwe met goedkeuring van die betrokke plakkerdiensbodeskontroleraad, word 'n naturel nie as 'n plakkerdiensbode kragtens hierdie Hoofstuk geregistreer nie ten aansien van grond waarop daar op die datum waarop die bepalings van hierdie Hoofstuk op daardie grond van toepassing geword het, geen plakkerdiensbodes woonagtig was nie: Met dien verstande dat indien die bepalings van hierdie Hoofstuk op enige grond van toepassing geword het na die in sub-artikel (4) van artikel *agt* van die Naturelle (Afskaffing van Passe en Koördinerings van Dokumente) Wet, 1952 (Wet No. 67 van 1952), bedoelde vasgestelde datum, geen sodanige registrasie plaasvind sonder sodanige goedkeuring nie tensy besonderhede ten opsigte van plakkerdiensbodes op daardie grond volgens die bepalings van daardie sub-artikel aan die naturellekommissaris van die distrik verstrek is.”.

Wysiging van
artikel 28 van
Wet 18 van 1936.

7. Artikel *agt-en-twintig* van die Hoofwet word hiermee gewysig deur in sub-artikel (1) na die woord „tyd” waar dit vir die tweede keer voorkom die woorde „so dikwels hy dit raadsaam ag sulks te doen, op die by regulasie voorgeskrewe wyse en vir die tydperk wat hy mag bepaal,” in te voeg en deur die woord „twee” in genoemde sub-artikel deur die woord „drie” te vervang.

Wysiging van
artikel 29 van
Wet 18 van 1936.

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

- (a) deur in sub-artikel (1) die woorde „Die naturellekommissaris van 'n distrik kan, en indien daartoe deur die Minister gelas, of indien skriftelik daarom versoek deur ses of meer eienaars van grond geleë in die distrik, moet hy skriftelike kennisgewing van 'n eienaar ten aansien van wie se grond plakkerdiensbodes in bedoelde distrik geregistreer is, vorder” deur die woorde „'n Plakkerdiensbodeskontroleraad van 'n distrik moet, wanneer hy rede het om te vermoed dat die getal plakkerdiensbodes op enige grond binne die distrik buitensporig hoog is, of dat om 'n ander rede 'n ondersoek aangaande die aantal plakkerdiensbodes op sodanige grond nodig is, of wanneer 'n ondersoek aangaande die aantal plakkerdiensbodes op sodanige grond skriftelik versoek word deur ses of meer eienaars van grond in daardie distrik, die eienaar van die betrokke grond by skriftelike kennisgewing aansê” te vervang;

- (b) deur sub-artikel (7) deur die volgende sub-artikel te vervang:

„(7) Die persoon wat as voorsitter van 'n plakkerdiensbodeskontroleraad aangestel word, het geen reg om op 'n vergadering van daardie raad te stem nie, behalwe by 'n staking van stemme, in watter geval hy 'n beslissende stem het. 'n Kworum bestaan uit die persoon wat as voorsitter aangestel word en twee ander lede, en 'n besluit aangeneem deur twee of meer lede van die raad word beskou as die bevel van die raad.”; en

- (c) deur aan die end van die artikel die volgende sub-artikel by te voeg:

„(8) Iemand wat hom veronreg voel deur 'n vasstelling gemaak of 'n bevel uitgevaardig deur die raad, kan op die wyse en binne die tydperk by regulasie voorgeskryf, teen daardie vasstelling of bevel appelleer na die Minister, wie se beslissing oor so 'n appèl afdoende is.”.

Wysiging van
artikel 30 van
Wet 18 van 1936.

9. Artikel *dertig* van die Hoofwet word hiermee gewysig—

- (a) deur in sub-artikel (1) na die woord „plaas” die woorde „(waarby inbegrepe is 'n stuk grond bestaande uit twee of meer aangrensende stukke grond wat vir die doeleindes van die boerdery of 'n ander nywerheid, ambag, besigheid of handwerk, deur die eienaar daarvan voortgesit, 'n enkele grondeenheid uitmaak)” in te voeg;
- (b) deur sub-artikel (2) deur die volgende sub-artikel te vervang:

land held in trust for a native tribe or community, a member of such tribe or community;"; and

- (b) by the insertion in sub-section (2) after the word "owner", of the words "member of any such tribe or community,".

6. Section *twenty-seven* of the principal Act is hereby amended by the substitution for sub-section (2) of the following sub-section: Amendment of section 27 of Act 18 of 1936.

"(2) Except with the approval of the labour tenants control board concerned, a native shall not be registered under this Chapter as a labour tenant in respect of any land on which no labour tenants were resident at the date upon which the provisions of this Chapter became applicable to that land: Provided that if the provisions of this Chapter became applicable to any land after the fixed date referred to in sub-section (4) of section *eight* of the Natives (Abolition of Passes and Co-ordination of Documents) Act, 1952 (Act No. 67 of 1952), no such registration shall take place without such approval unless particulars of labour tenants on that land had been furnished in terms of that sub-section to the native commissioner of the district."

7. Section *twenty-eight* of the principal Act is hereby amended by the insertion in sub-section (1) after the word "time" where it occurs for the second time of the words "whenever he deems it expedient to do so, in the manner prescribed by regulation and for such period as he may determine," and by the substitution for the word "two" in the said sub-section of the word "three". Amendment of section 28 of Act 18 of 1936.

8. Section *twenty-nine* of the principal Act is hereby amended— Amendment of section 29 of Act 18 of 1936.

- (a) by the substitution in sub-section (1) for the words "The native commissioner of any district may, and if instructed thereto by the Minister or if requested in writing by six or more owners of land situate in the district, shall by notice in writing call upon any owner in respect of whose land labour tenants are registered in such district" of the words "A labour tenants control board of any district shall, whenever it has reason to believe that the number of labour tenants on any land in the district is unduly large, or that for any other reason an investigation into the number of labour tenants on any such land is necessary, or whenever an investigation into the number of labour tenants on any such land is requested in writing by six or more owners of land in that district, by notice in writing call upon the owner of the land in question";
- (b) by the substitution for sub-section (7) of the following sub-section:

"(7) The person appointed as chairman of a labour tenants control board shall not have a right to vote at a meeting of that board except in the event of an equality of votes in which case he shall have a casting vote. A quorum shall consist of the person appointed as chairman and two other members, and any resolution passed by two or more members of the board shall be regarded as the order of the board."; and

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

"(8) Any person who is aggrieved by any determination or order made by the board may in the manner and within the period prescribed by regulation, appeal against that determination or order to the Minister, whose decision on any such appeal shall be final."

9. Section *thirty* of the principal Act is hereby amended— Amendment of section 30 of Act 18 of 1936.

- (a) by the insertion in sub-section (1) after the word "farm" of the words "(including any area of land comprising two or more adjoining pieces of land which for the purposes of farming operations or any other industry, trade, business, or handicraft carried on by the owner thereof, constitute a single unit of land)";
- (b) by the substitution for sub-section (2) of the following sub-section:

- „(2) Iedere eienaar op wie se grond 'n naturel wat as plakker-diensbode kragtens hierdie Hoofstuk geregistreer is, woon, moet op datum van sodanige registrasie van die betrokke natuurlekommissaris 'n lisensie, in die by regulasie voorgeskrewe vorm, vir daardie plakker-diensbode verkry, en moet daarna van jaar tot jaar terwyl so 'n naturel aldus bly woon, op die eerste dag van elke daaropvolgende Julie 'n hernuwing van bedoelde lisensie van die betrokke natuurlekommissaris verkry vir die jaar wat op daardie datum begin.”;
- (c) deur in sub-artikel (3) die woorde „ses pennies” deur die woorde „een sjieling” te vervang en deur die voorbehoudsbepaling by daardie sub-artikel te skrap; en
- (d) deur aan die end van die artikel die volgende sub-artikels by te voeg:

„(6) 'n Eienaar op wie se grond 'n naturel wat as 'n plakker-diensbode kragtens hierdie Hoofstuk geregistreer is, woon, wat die bepalings van sub-artikel (2) oortree of versuim om daaraan te voldoen, is, behalwe waar die hernuwing van 'n lisensie op die in sub-artikel (4) gemelde gronde geweier is en die betrokke maatreëls nog nie afgehandel is nie, aan 'n misdryf skuldig.

(7) Wanneer die eienaar van die grond skriftelik aan hom besonderhede verstrek van iedere naturel wat ophou om 'n plakker-diensbode te wees op die grond ten opsigte waarvan hy geregistreer is, moet die natuurlekommissaris die registrasie en lisensie ten aansien van daardie naturel as plakker-diensbode intrek.”.

Vervanging van
artikel 32 van
Wet 18 van 1936.

10. Artikel *twee-en-dertig* van die Hoofwet word hiermee deur die volgende artikel vervang:

„Plakkers
geregistreer
te word.

32. Geen naturel word as plakker op grond geregistreer nie, tensy hy sedert die een-en-dertigste dag van Augustus 1936 voortdurend op daardie grond woonagtig was en na die in sub-artikel (4) van artikel *agt* van die Naturelle (Afskaffing van Passe en Koördinerings van Dokumente) Wet, 1952 (Wet No. 67 van 1952), bedoelde vasgestelde datum besonderhede van sodanige naturel as 'n plakker op daardie grond op die datum waarop die bepalings van hierdie Hoofstuk op daardie grond van toepassing geword het, aan die natuurlekommissaris van die distrik waarin die grond geleë is, ingevolge die bepalings van daardie sub-artikel verstrek was, of tensy die Minister skriftelik sy toestemming tot die registrasie van daardie naturel as 'n plakker op daardie grond verleen het; en so 'n toestemming kan verleen word onderworpe aan sodanige voorwaardes, met inbegrip van voorwaardes ter beperking van die tydperk wat bedoelde naturel as 'n plakker op die betrokke grond mag woon, as wat die Minister mag bepaal.”.

Wysiging van
artikel 33 van
Wet 18 van 1936.

11. Artikel *drie-en-dertig* van die Hoofwet word hiermee gewysig—

- (a) deur paragrafe (a), (b), (c), (d) en (e) van sub-artikel (2) deur die volgende paragrafe te vervang:
- „(a) vir die eerste jaar, een pond;
(b) vir die tweede jaar, twee pond;
(c) vir die derde jaar, vier pond;
(d) vir die vierde jaar, ses pond;
(e) vir die vyfde jaar, agt pond;
(f) vir die sesde jaar, tien pond;
(g) vir die sewende jaar, twaalf pond;
(h) vir die agtste jaar, veertien pond;
(i) vir die negende of 'n daaropvolgende jaar, sestien pond per jaar.”;

- (b) deur na sub-artikel (2) die volgende sub-artikel in te voeg:

„(2)*bis*. Iedere eienaar op wie se grond 'n naturel wat as plakker kragtens hierdie Hoofstuk geregistreer is, woon, moet op 'n datum twaalf maande na die toepassing van die bepalings van hierdie Hoofstuk op die grond deur daardie naturel geokkupeer, van die betrokke natuurlekommissaris 'n lisensie in die by regulasie voorgeskrewe vorm vir daardie plakker verkry en moet daarna, behoudens die voorbehoudsbepaling by sub-artikel (3), van jaar tot jaar terwyl so 'n naturel aldus bly woon, op die eerste dag van elke daarop-

“(2) Every owner on whose land is resident any native registered as a labour tenant under this Chapter, shall on the date of such registration obtain from the native commissioner concerned a licence in the form prescribed by regulation for such labour tenant, and shall thereafter from year to year while any such native remains so resident, on the first day of each succeeding July obtain from the native commissioner concerned a renewal of the said licence for the year commencing on that date.”;

- (c) by the substitution in sub-section (3) for the word “sixpence” of the words “one shilling” and by the deletion of the proviso to that sub-section; and
- (d) by the addition at the end of the section of the following sub-sections:

“(6) An owner on whose land is resident any native registered as a labour tenant under this Chapter, who contravenes or fails to comply with the provisions of sub-section (2) shall, except where the renewal of a licence has been refused on the grounds mentioned in sub-section (4) and the proceedings in question have not been concluded, be guilty of an offence.

(7) Upon being furnished in writing by the owner of the land with particulars of every native who ceases to be a labour tenant on the land in respect of which he is registered, the native commissioner shall cancel the registration and licence in respect of such native as a labour tenant.”.

10. The following section is hereby substituted for section *thirty-two* of the principal Act: Substitution of section 32 of Act 18 of 1936.

“Squatters to be registered.

32. No native shall be registered as a squatter on any land unless he has been continuously resident on that land since the thirty-first day of August, 1936, and after the fixed date referred to in sub-section (4) of section *eight* of the Natives (Abolition of Passes and Co-ordination of Documents) Act, 1952 (Act No. 67 of 1952), particulars of such native as a squatter on that land had at the date of the application of the provisions of this Chapter to that land been furnished in terms of that sub-section to the native commissioner of the district in which the land is situated, or unless the Minister has in writing given his consent to the registration of such native as a squatter on that land; and any such consent may be given subject to such conditions, including conditions limiting the period for which the native may reside as a squatter on the land in question, as the Minister may determine.”.

11. Section *thirty-three* of the principal Act is hereby amended— Amendment of section 33 of Act 18 of 1936.

- (a) by the substitution for paragraphs (a), (b), (c), (d) and (e) of sub-section (2) of the following paragraphs:

“(a) for the first year, one pound;
 (b) for the second year, two pounds;
 (c) for the third year, four pounds;
 (d) for the fourth year, six pounds;
 (e) for the fifth year, eight pounds;
 (f) for the sixth year, ten pounds;
 (g) for the seventh year, twelve pounds;
 (h) for the eighth year, fourteen pounds;
 (i) for the ninth or any subsequent year, sixteen pounds per year.”;

- (b) by the insertion after sub-section (2) of the following sub-section:

“(2)*bis*. Every owner on whose land is resident any native registered as a squatter under this Chapter, shall on a date twelve months after the application of the provisions of this Chapter to the land occupied by such native, obtain from the native commissioner concerned a licence in the form prescribed by regulation for such squatter and shall thereafter, subject to the proviso to sub-section (3), from year to year while any such native remains so resident, on the first day

volgende September van die betrokke natuurellekommissaris 'n hernuwing van die lisensie vir die jaar wat op daardie dag begin, verkry.”;

- (c) deur in die voorbehoudsbepaling by sub-artikel (3) die woord „dertig” deur die woord „vyftien” te vervang en deur aan die end van daardie voorbehoudsbepaling die woorde „of, in die geval van 'n plakker geregistreer ingevolge toestemming kragtens artikel twee-en-dertig deur die Minister verleen, na verstryking van die tydperk wat daardie plakker uit hoofde van sodanige toestemming gemagtig was om as 'n plakker op die betrokke grond te woon.” by te voeg;
- (d) deur in sub-artikel (5) die woorde „woonagtig was op bedoelde grond op die datum van die toepassing van die bepalings van hierdie Hoofstuk op daardie grond” deur die woorde „bevoeg en geregtig is om as 'n plakker op daardie grond kragtens hierdie Hoofstuk geregistreer en gelisensieer te wees,” te vervang en deur aan die end van daardie sub-artikel die volgende woorde by te voeg: „Die natuurellekommissaris trek ook die registrasie en lisensie ten opsigte van 'n natuurel wat as plakker op grond geregistreer is, in, by die verstryking van die tydperk waarna 'n lisensie ten opsigte van daardie natuurel ingevolge die voorbehoudsbepaling by sub-artikel (3) nie hernu mag word nie, of wanneer hy skriftelik deur die eienaar van die grond ten opsigte waarvan so 'n natuurel kragtens hierdie Hoofstuk as 'n plakker geregistreer is, verwittig word dat sodanige natuurel opgehou het om 'n plakker op daardie grond te wees.”; en
- (e) deur die volgende sub-artikel aan die end van die artikel toe te voeg:

„(6) 'n Eienaar van grond waarop 'n natuurel woon wat kragtens hierdie Hoofstuk as 'n plakker geregistreer is, wat die bepalings van sub-artikel (2)bis oortree of versuim om aan die bepalings daarvan te voldoen, is aan 'n misdryf skuldig.”.

Vervanging van artikel 38 van Wet 18 van 1936, soos gewysig deur artikel 39 van Wet 46 van 1937.

12. Artikel agt-en-dertig van die Hoofwet word hiermee deur die volgende artikel vervang:

„Voorsiening vir uitgesette natuurelle.

38. Indien weens die toepassing van die bepalings van hierdie Hoofstuk of van die Natuurelle (Stadsgebiede) Konsolidasiewet, 1945 (Wet No. 25 van 1945), 'n natuurel wat wettiglik in die Unie gedomisileer is, afgesit word van grond waarop hy woonagtig is, is dit die plig van die Regering deur sy Departement van Naturellesake, indien die betrokke natuurel dit verlang—

- (a) om, indien daardie grond binne 'n oopgestelde gebied is, sodanige voorsiening te maak as wat die Minister nodig en genoegsaam ag om daardie natuurel op die by regulasie voorgeskrewe bedinge en voorwaardes in 'n afgesonderde natuurelgebied of 'n oopgestelde gebied te vestig; of
- (b) om, indien daardie grond buite 'n oopgestelde gebied is, die een of ander van die volgende stappe te doen:
 - (i) in die geval van 'n natuurel wat die betrokke grond vir so 'n tydperk of onder sodanige omstandighede geokkupeer het dat hy, volgens die Minister se oordeel, redelikerwys kon verwag het dat hy toegelaat sou word om die grond te bly okkupeer, om sodanige voorsiening te maak as wat die Minister nodig en genoegsaam ag om daardie natuurel op die by regulasie voorgeskrewe bedinge en voorwaardes in 'n afgesonderde natuurelgebied of 'n oopgestelde gebied te vestig; of
 - (ii) in die geval van 'n ander natuurel, om ander reëlings te probeer tref of hulp te verleen by die tref van ander reëlings om sodanige natuurel in werk te plaas of op ander grond te vestig hetsy binne of buite 'n afgesonderde natuurelgebied of in 'n oopgestelde gebied.”.

Wysiging van artikel 48 van Wet 18 van 1936, soos gewysig deur artikel 28 van Wet 17 van 1938.

13. Artikel agt-en-veertig van die Hoofwet word hiermee gewysig—

- (a) deur in paragraaf (n) van sub-artikel (1) na die woord „is” waar dit vir die eerste keer voorkom die woorde „of wat in trust vir 'n natuurellestam of -gemeenskap

of each succeeding September obtain from the native commissioner concerned a renewal of such licence for the year commencing on that date.”;

- (c) by the substitution in the proviso to sub-section (3) for the word “thirty” of the word “fifteen” and by the addition at the end of that proviso of the words “or, in the case of a squatter registered in pursuance of any consent given by the Minister under section *thirty-two*, after the expiration of the period for which that squatter was, in terms of such consent, authorized to reside as a squatter on the land in question.”;
- (d) by the substitution in sub-section (5) for the words “was residing on the said land upon the date of the application of the provisions of this Chapter to such land” of the words “is qualified and entitled to be registered and licensed as a squatter on such land under this Chapter,” and by the addition at the end of the said sub-section of the following words “The native commissioner shall also cancel the registration and licence in respect of any native registered as a squatter on any land upon the expiration of the period beyond which in terms of the proviso to sub-section (3) the licence in respect of such native may not be renewed or upon being advised in writing by the owner of the land in respect of which any such native is registered as a squatter under this Chapter, that such native has ceased to be a squatter on that land.”; and
- (e) by the addition at the end of the section of the following sub-section:

“(6) An owner of land on which there is resident any native registered as a squatter under this Chapter, who contravenes or fails to comply with the provisions of sub-section (2)*bis* shall be guilty of an offence.”.

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

“Provision for ejected natives.”

38. If by reason of the operation of the provisions of this Chapter or of the Natives (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945), any native lawfully domiciled in the Union is displaced from the land upon which he is residing, it shall be the duty of the Government in its Department of Native Affairs, if the native concerned so desires—

Substitution of section 38 of Act 18 of 1936, as amended by section 39 of Act 46 of 1937.

- (a) if such land is in a released area, to make such provision as the Minister may consider necessary and adequate for the settlement of such native in a scheduled native area or a released area on such terms and conditions as may be prescribed by regulation; or
- (b) if such land is outside a released area, to take either of the following steps:
 - (i) in the case of a native who has been in occupation of the land in question for such a period or under such circumstances that he could in the opinion of the Minister, reasonably have expected that he would be allowed to remain in continued occupation of that land, to make such provision as the Minister may consider necessary and adequate for the settlement of such native in a scheduled native area or a released area on such terms and conditions as may be prescribed by regulation; or
 - (ii) in the case of any other native, to endeavour to make or assist in making other arrangements for the placing of such native in employment or for his settlement on other land, either within or outside a scheduled native area or a released area.”.

13. Section *forty-eight* of the principal Act is hereby amended—

- (a) by the insertion in paragraph (n) of sub-section (1) after the word “owner” of the words “or which is held in trust for a native tribe or community,” and by the

Amendment of section 48 of Act 18 of 1936, as amended by section 28 of Act 17 of 1938.

- besit word," in te voeg en deur in die genoemde paragraaf al die woorde na „wenslik is" te skrap;
- (b) deur aan die end van paragraaf (o) van sub-artikel (1) die woorde „of in trust vir 'n naturellestam of -gemeenskap;" by te voeg;
- (c) deur paragraaf (p) van sub-artikel (1) deur die volgende paragraaf te vervang:
- „(p) wat voorsiening maak vir almal of enigeen van die volgende aangeleenthede ten opsigte van grond in 'n afgesonderde naturelle gebied of ten opsigte van grond besit deur die Trust of 'n naturel of in trust vir 'n naturellestam of -gemeenskap—
- (i) die bestryding en voorkoming van grond-erosie;
 - (ii) die vasstelling van die veeteelhulpbronne en die beperking en beheer van alle of enige soorte lewende hawe met betrekking tot daardie hulpbronne;
 - (iii) die voorkoming van veldbrande;
 - (iv) die bewaring van fauna en flora;
 - (v) die onderverdeling van sodanige grond;
 - (vi) enige aangeleentheid in die algemeen vir die bewaring, beskerming en verbetering van die veld, die bodem, die oppervlakte van die grond, die plantegroei en waterhulpbronne;
 - (vii) die bevoegdhede van gemagtigde beamptes van die staat om sodanige grond te betree en om aldaar alles te doen wat nodig is om die bepalinge van die regulasies ingevolge hierdie paragraaf uitgevaardig, uit te voer;
 - (viii) die terugvordering van die eienaar van die grond of van die naturellestam of -gemeenskap namens wie die grond in trust besit word, van die noodsaaklike uitgawe of die gedeelte daarvan wat die Minister bepaal wat deur die Regering of deur die Trust gemaak is by die verrigting op sodanige grond van werk wat nodig is om gevolg te gee aan die ingevolge hierdie paragraaf uitgevaardigde regulasies;"
- (d) deur in paragraaf (r) van sub-artikel (1) die woord „voorskryf" te skrap en deur aan die end van daardie paragraaf die woorde „en die prosedure betreffende die registrasie van plakker-diensbodes en plakkers voorskryf;" by te voeg;
- (e) deur paragraaf (u) van sub-artikel (1) deur die volgende paragraaf te vervang:
- „(u) wat die prosedure gevolg te word by die aanstelling en die bestuur van die verrigtinge van plakker-diensbodeskontrolerade, die bevoegdhede, werksaamhede en pligte van sodanige rade, die beginsels gevolg of die aangeleenthede in aanmerking geneem te word deur sodanige rade by die verlening van toestemming tot die registrasie van plakker-diensbodes of by die maak van 'n vasstelling of uitvaardiging van 'n bevel kragtens hierdie Wet in verband met plakker-diensbodes, en die wyse waarop en die tydperk waarbinne 'n persoon wat veronreg voel na die Minister teen so 'n vasstelling of bevel kan appelleer, voorskryf;"
- en
- (f) deur na paragraaf (w) van sub-artikel (1) die volgende paragraaf in te voeg:
- „(w)*bis.* wat die bedinge en voorwaardes waarop ingevolge artikel *agt-en-dertig* voorsiening gemaak kan word vir die vestiging in 'n afgesonderde naturelle gebied of oopgestelde gebied van 'n in daardie artikel bedoelde naturel;"

Wysiging van
artikel 49 van
Wet 18 van 1936.

14. Artikel *nege-en-veertig* van die Hoofwet word hiermee gewysig—

- (a) deur na die woordskrywing van „afhanklike" die volgende woordskrywing in te voeg:
- „distrik" met betrekking tot 'n naturellekommissaris of 'n plakker-diensbodeskontroleraad die reggebied van 'n hof van 'n naturellekommissaris;"
- (b) deur in die woordskrywing van „plakker-diensbode" die woord „naturellekommissaris" deur die woorde „bevoegde amptenaar, soos in artikel *een* van die Naturelle-Dienskontrak Wet, 1932 (Wet No. 24 van 1932), omskryf," te vervang.

Kort titel.

15. Hierdie Wet heet die Wysigingswet op die Naturelletrust en -grond, 1954.

deletion in the said paragraph of all the words after the word "desirable";

- (b) by the addition at the end of paragraph (o) of sub-section (1) of the words "or held in trust for a native tribe or community";

- (c) by the substitution for paragraph (p) of sub-section (1) of the following paragraph:

"(p) providing for all or any of the following matters in respect of any land in a scheduled native area or in respect of any land held by the Trust or any native or in trust for any native tribe or community—

- (i) the combating and prevention of soil erosion;
- (ii) the determination of the pastoral resources and the limitation and control of all or any classes of livestock in relation thereto;
- (iii) the prevention of veld fires;
- (iv) the preservation of fauna and flora;
- (v) the sub-division of such land;
- (vi) any matter generally for the conservation, protection and improvement of the veld, the soil, the surface of the land, the vegetation and water resources;
- (vii) the powers of authorized state officials to enter upon any such land and to do all things necessary for carrying out the provisions of any regulations made in terms of this paragraph;
- (viii) the recovery from the owner of the land or from the native tribe or community on behalf of which the land is held in trust, of any necessary expenditure or such proportion thereof as the Minister may determine incurred by the Government or by the Trust in carrying out on such land any work necessary to give effect to any regulations made in terms of this paragraph;"

- (d) by the addition at the end of paragraph (r) of sub-section (1) of the words "and the procedure as to the registration of labour tenants and squatters";

- (e) by the substitution for paragraph (u) of sub-section (1) of the following paragraph:

"(u) prescribing the procedure to be followed in the appointment and the conduct of the proceedings of labour tenants control boards, the powers, functions and duties of such boards, the principles to be followed or the matters to be taken into consideration by such boards in approving of the registration of labour tenants or in making any determination or order under this Act in regard to labour tenants and the manner in and the period within which an aggrieved person may appeal to the Minister against any such determination or order;" and

- (f) by the insertion after paragraph (w) of sub-section (1) of the following paragraph:

"(w)bis. prescribing the terms and conditions upon which provision may be made in terms of section *thirty-eight* for the settlement in a scheduled native area or a released area of any native referred to in that section;"

14. Section *forty-nine* of the principal Act is hereby amended—

- (a) by the insertion after the definition of "dependant" of the following definition: Amendment of section 49 of Act 18 of 1936.

"'district' in relation to a native commissioner or a labour tenants control board, means the area subject to the jurisdiction of the court of any native commissioner;"

- (b) by the substitution in the definition of "labour tenant" for the words "Native Commissioner" of the words "competent officer, as defined in section *one* of the Native Service Contract Act, 1932 (Act No. 24 of 1932)".

15. This Act shall be called the Native Trust and Land Short title. Amendment Act, 1954.