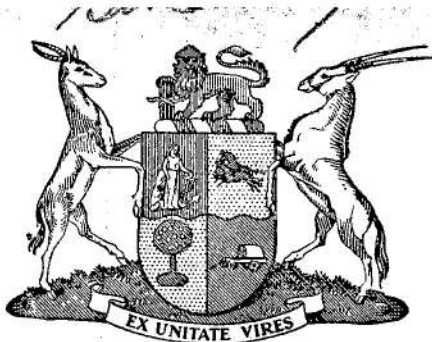


BUITENGEWONE



EXTRAORDINARY

Staatskoerant

VAN DIE UNIE VAN SUID-AFRIKA

THE UNION OF SOUTH AFRICA

Government Gazette

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KANTOOR VAN DIE EERSTE MINISTER.

Onderstaande Goewermentskennisgewing word ter algemene inligting gepubliseer:—

No. 1089.] [9 Junie 1954.

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

	BLADSY
No. 19 van 1954: Wet op die Hervestiging van Naturrelle, 1954	2
No. 20 van 1954: Wet tot Wysiging van die Suid-Afrika Wet, 1954	32
No. 21 van 1954: Wysigingswet op Kriminele Procedure en Juries, 1954	34
No. 22 van 1954: Wysigingswet op die Kontrole oor Wyn en Spiritualieë, 1954	48
No. 23 van 1954: Wet op die Kunsmatige Inseminering van Diere, 1954	72

OFFICE OF THE PRIME MINISTER.

The following Government Notice is published for general information:—

No. 1089.] [9th June, 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:—

	PAGE
No. 19 of 1954: Natives Resettlement Act, 1954	3
No. 20 of 1954: South Africa Act Amendment Act, 1954	33
No. 21 of 1954: Criminal Procedure and Jurors Amendment Act, 1954	35
No. 22 of 1954: Wine and Spirits Control Amendment Act, 1954	49
No. 23 of 1954: Artificial Insemination of Animals Act, 1954	73

No. 19, 1954.]

WET

Om voorsiening te maak vir die verwydering van natuurle 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.

(Engelse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 4 Junie 1954.)

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;
- (ii) „grond” ook enige reg in of oor grond; (iv)
- (iii) „belastings” belastings op die waarde van grond of persele gehes; (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 beklee is en bevoeg is om in sy naam as regspersoon as eiser en verweerder in regte op te tree en om alle handelinge 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.

(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 minstens nege en hoogstens tien lede deur die Goewerneur-generaal aangestel, van wie minstens vier of (as tien lede aangestel word) vyf deur die Minister hoofsaaklik 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.

(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 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-ruim sy amp—

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

No. 19, 1954.]

ACT

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.

(English text signed by the Governor-General.)
(Assented to 4th June, 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. 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)
- (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)
- (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)
- (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)

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 not less than nine and not more than ten members appointed by the Governor-General, of whom not less than four or (if ten members are appointed) five 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.

(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*.

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.

(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-one*;

- (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 gevonnissen 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 bepalinge van sub-artikel (2), maandeliks gehou op die tyd 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.

(6) 'n Lid of 'n plaasvervanger van 'n lid van die raad mag nie aanwesig wees by of deelneem aan die bespreking van of 'n stemming oor 'n saak voor die raad of 'n komitee daarvan, waarin hy of sy eggenote of sy vennoot of werkgewer, of die vennoot of werkgewer van sy eggenote, regstreeks of onregstreeks 'n geldelike belang het nie.

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 Departement van Naturellesake ten bate van die Gekonsolideerde Inkomstefonds enige bedrag terugbetaal wat by wyse van vervoer- of onderhoudstoelae uit openbare fondse betaal word aan 'n lid of 'n 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

- (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);
 - (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
 - (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 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. Meetings of the board.

(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) A member or an alternate to a member of the board shall not be present at or take part in the discussion of or vote upon any matter before the board, or any committee thereof, in which he or his spouse, or his partner or employer, or the partner or employer of his spouse, has, directly or indirectly, any pecuniary interest.

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 Department of Native Affairs for the benefit of the Consolidated Revenue Fund 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

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.

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 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 met die toestemming van die raad of by die uitvoering van sy pligte of as 'n getuie in 'n geregshof, inligting in die loop van sy pligte deur hom ingewin, bekendmaak, is 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—

- (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 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 persoon is, behalwe vir sover in die bedinge en voorwaardes van sy aanstelling anders bepaal, onderhewig aan die diensvoorwaardes van toepassing op tydelike werknemers van die stadsraad, asof hy so 'n tydelike werknemer was, en vir dié doel word 'n verwysing na die stadsraad in enige personeelregulasies of stadsraadsbesluite of in 'n ooreenkoms of toekenning wat van krag is ingevolge die Nywerheid-versoeningswet, 1937 (Wet No. 36 van 1937), of enige ander wet en wat betrekking het op die diensvoorwaardes van werknemers van die stadsraad, uitgelê as 'n verwysing na die raad en word 'n verwysing daarin na 'n amptenaar van die stadsraad aan wie, of ingevolge sodanige personeelregulasies of stadsraadsbesluite of vir die doeleindes van sodanige ooreenkoms of toekenning enige bevoegdhede verleen is, geag 'n verwysing te wees na 'n deur of op gesag van die raad aangewese amptenaar of werknemer van die raad.

(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 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, geag die hoof van die departement te wees waarin daardie amptenaar in diens is;
- (b) is die bepalinge van sub-artikel (2) *mutatis mutandis* van toepassing met betrekking tot 'n amptenaar in die diens van die stadsraad wat aldus na die diens van die raad oorgeplaas is.

(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 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 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;

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.

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 with the consent of the board or 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 conditions of employment applicable to temporary employees of the council, as if he were such a temporary employee, and for that purpose any reference to the council in any staff regulations or resolutions of the council or in any agreement or award which is in operation under the Industrial Conciliation Act, 1937 (Act No. 36 of 1937), or any other law, and which relates to the conditions of employment of employees of 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 either in terms of any such staff regulations or resolutions or for the purpose of any such agreement or award, 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) the provisions of sub-section (2) shall *mutatis mutandis* apply in relation to any officer in the service of the council so seconded to the service of the board.

(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;

Funds and assets of board.

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

(d) enige bedrae uit enige ander bron verkry.

(2) Die stadsraad moet uit sy heffingsfonds vir natuurleedienste 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 na oorlegpleging met die Komitee op Heffings vir Naturelledienste aangestel kragtens artikel *sewe* van die Wet op Heffings vir Naturelledienste, 1952 (Wet No. 64 van 1952), mag gelas, en sodanige bedrae moet deur die raad uitsluitlik vir die in sub-artikel (3)*bis* van genoemde artikel *negentien* 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 Openbare Skuldkommissaris 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 goedgekeur mag word.

Ouditering van rekenings.

11. Die boeke en rekenings en balansstaat van die raad word jaarliks deur die Kontroleur en Ouditeur-generaal geouditeer.

Oogmerk en algemene bevoegdheid van raad.

12. (1) Die oogmerk waarmee die raad ingestel word, is om die verwydering uit verklaarde gebiede te bewerkstellig van naturelle wat in daardie gebiede woon en om vir die vestiging elders van daardie naturelle voorsiening te maak, en te dien einde is die raad, benewens enige ander bevoegdhede 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;

(b) om uit sy lede een of meer komitees aan te stel en om na goeiddunke van sy bevoegdhede aan 'n aldus aangestelde komitee oor te dra: Met dien verstande dat die oordrag van bevoegdhede aan so 'n komitee nie die uitwerking het om die raad of die in artikel *sewe* bedoelde uitvoerende komitee van daardie bevoegdhede 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;

(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—

(i) deur aankoop, ruil, onteining of andersins grond te verkry wat die raad nodig ag vir die verwesenliking van die oogmerk waarmee hy ingestel is;

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

(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 after consultation with the Native Services Levy Committee appointed under section *seven* of the Native Services Levy Act, 1952 (Act No. 64 of 1952), direct, and any such amounts shall be used by the board exclusively for the purposes set out in sub-section (3)*bis* of the said section *nineteen*.

(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. The books and statements of account and balance sheet of the board shall be audited annually by the Controller of accounts and Auditor-General.

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 settlement 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—

(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) grond wat aan die raad behoort te ontwikkel en dienste en geriewe te voorsien in 'n verklaarde gebied of enige gebied waarheen natuurlike verwyder word of staan te word;
- (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;
- (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 bepalings 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;
 - (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;
 - (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;
- (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 natuurlike 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;
- (f) om met goedkeuring van die Minister en onderworpe aan die voorwaardes wat hy in oorleg met die Minister van Finansies bepaal—
 - (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 natuurlike wat uit so 'n gebied verwyder is, te verhuur, of om die reg van bewoning van bedoelde huise aan sodanige natuurlike van die hand te sit;
 - (ii) sodanige grond te huur aan bedoelde natuurlike beskikbaar te stel ten einde hulle in staat te stel om, onderworpe aan die goedkeuring van die raad en op die voorwaardes wat hy goedvind, in hulle eie behuisingsbehoefte te voorsien;
 - (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 verwesenliking van die oogmerk waarmee die raad ingestel is;
- (g) om met behoorlike inagneming van enige ter sake dienende ooreenkomste tussen die Unie-regering en die stadsraad wat ten tyde van die inwerkingtreding van hierdie Wet bestaan, 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
- (h) om oor die algemeen alle handelinge te verrig wat volgens die raad se oordeel nodig is vir of in verband staan met die verwesenliking van die oogmerk waarmee die raad ingestel is.

(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 daarvoor, en sodanige ander besonderhede as wat nodig geag mag word.

(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”,

- (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 and 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 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 for their own housing requirements;
 - (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) with due regard to any relevant agreements between the Union Government and the council which are in existence at the date of commencement of this Act, 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,

of die Dorpe- en Dorpsaanleg-Ordonnansie, 1931, van Transvaal, of enige ander wet wat op dorpe of dorpsaanleg betrekking het, te voldoen nie.

Hulp en asiliteite 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;
- (b) enige pad, straat of deurgang op sodanige grond te verbind met enige pad, straat of deurgang wat deur die stadsraad beheer word,

vir sover as wat redelikerwys doenlik en 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 bevoegdheid onder daardie paragraaf nodig ag.

(2) Die stadsraad moet so ver redelikerwys doenlik 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 binne die regsgebied 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).

Verslae van raad.

14. (1) 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.

(2) Die Minister moet aan die Administrateur en aan die stadsraad afskrifte stuur van alle verslae ingevolge sub-artikel (1) aan hom voorgelê.

Opheffing of wysiging van beperkings op grond.

15. (1) Ondanks andersluidende wetsbepalings kan die Goewerneur-generaal op aanbeveling van die Minister 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.

(2) Geen aanbeveling word ingevolge sub-artikel (1) deur die Minister gedoen nie behalwe nadat minstens een maand vooraf kennis gegee is aan elke persoon wat volgens sy oordeel waarskynlik daardeur geraak sal word.

(3) Die bepalinge van sub-artikels (2), (3) en (4) van artikel sewentien is *mutatis mutandis* van toepassing in verband met enige kennisgewing wat ingevolge sub-artikel (2) van hierdie artikel gegee moet word.

Onteining 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 geprospekteer 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 onteining 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 onteining.

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

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—

Assistance and facilities to be afforded to board by 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,

in so far as may be reasonably practicable and 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 in so far as may be reasonably practicable 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 within the jurisdiction 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. (1) 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.

(2) The Minister shall forward to the Administrator and the council copies of all reports submitted to him in terms of sub-section (1).

15. (1) Notwithstanding anything to the contrary in any other law contained, the Governor-General may on the recommendation of the Minister 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) No recommendation shall be made by the Minister under sub-section (1) except after not less than one month's prior notice to every person who in his opinion is likely to be affected thereby.

(3) The provisions of sub-sections (2), (3) and (4) of section seventeen shall *mutatis mutandis* apply in connection with any notice required to be given under sub-section (2) of this section.

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-

Procedure on expropriation.

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.

(3) 'n Verbandhouer aan wie 'n afskrif van 'n kennisgewing van onteiening 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 onteiening, 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

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.

(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
- (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.

(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.

(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.

(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.

(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.

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

Duties of
registrar of
deeds on
expropriation.

- (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—

- (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) 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

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 geleverde 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) Die arbiters moet voordat hulle enige stappe in verband met die arbitrasie doen, 'n geskikte persoon as skeidsregter aanstel ingeval die arbiters nie ooreenkoms nie en die beslissing van so 'n skeidsregter is afdoende en indien die arbiters versuim om 'n persoon as skeidsregter aan te stel of nie oor die aanstelling kan ooreenkoms 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 magistraatshoue, 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 ooreenkoms 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 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 onteining.

(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 bepalings 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—

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 sub-paragraph (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 sub-paragraph.

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.

Appointment
of arbitrators
and referees.

(2) The arbitrators shall before taking any steps in connection with the arbitration appoint a suitable person as a referee in case the arbitrators do not agree, and the decision of such referee shall be final and if the arbitrators fail to appoint or are unable to agree upon the appointment of a person as a referee, 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—

Basis for
determination
of amount of
compensation.

- (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 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) 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 onteining, min 'n redelike bedrag ten opsigte van waardevermindering; of
 - (b) waar bedoelde werklike koste of die datum waarop die verbeterings voltooi is, nie gereedelik vasgestel kan word nie, gelyk aan die geraamde waarde van die verbeterings.
- (5) Waar 'n klandisiewaarde, wat as gevolg van die onteining 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 onteiene 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 onteining verkry het.
- (7) Ingeval die onteiene 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 onteiene 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 onteining 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 verskuldig, 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 bepalinge 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 wetsbepalinge 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.

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

Payment of compensation.

22. (1) The registrar of deeds shall, subject to the provisions of section *thirty-one* of the Deeds Registries Act, 1937 (Act No. 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) Geen oordrag van grond wat kragtens hierdie Wet ont-eien is, word geregistreer nie, tensy daar aan die registrateur van aktes 'n ten behoeve van die raad ondertekende sertifikaat verstrek is ten effekte dat—

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

Grond in die
plek van grond
deur raad verkry
aan natuurle
beskikbaar gestel
te word.

23. (1) Indien binne drie maande na die datum waarop grond wat in die naam van 'n naturel geregistreer is, deur die raad ingevolge hierdie Wet verkry word, daardie naturel die Minister skriftelik in kennis stel dat hy verlang om eiendomsreg in ander grond te bekom, moet die Suid-Afrikaanse Naturelletrust (hieronder die Trust genoem) ondanks andersluidende bepalings in die Naturelletrust en -grond Wet, 1936 (Wet No. 18 van 1936), vervat, maar behoudens die bepalings van sub-artikels (2) en (3)—

- (a) sodanige grond behorende aan die Trust as wat hy mag bepaal, vir aankoop deur daardie naturel beskikbaar stel, en aan hom die hulp verleen wat die Trust goedvind in verband met die aankoop van sodanige grond; of
- (b) indien die Trust nie in staat is nie om sodanige grond beskikbaar te stel of om met die betrokke naturel tot ooreenkoms te geraak aangaande die koopprys of die ander verkoopvoorwaardes van sodanige grond as wat die Trust in staat is om beskikbaar te stel, aan daardie naturel die hulp verleen wat die Trust goedvind in verband met die aankoop van enige grond (uitgesonderd grond wat aan die Trust behoort) in 'n oopgestelde gebied, soos in bedoelde Wet omskryf, wat daardie naturel in staat mag wees om te bekom.

(2) Geen hulp word ingevolge sub-artikel (1) aan 'n naturel verleen nie dan alleen ooreenkomstig en onderworpe aan die bepalings van voormelde Wet.

(3) Enige grond wat ingevolge sub-artikel (1) beskikbaar gestel word, moet of grond wat 'n ekonomiese landbou-eenheid uitmaak of grond in 'n deur die Trust ingestelde dorp of neder-setting wees, en die voorwaardes van die titelbewys oor enige sodanige grond moet ooreenstem met die voorwaardes wat algemeen geld met betrekking tot grond van dieselfde kategorie as die grond wat beskikbaar gestel word in die gebied waarin daardie grond geleë is.

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

24. (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 verhuur of verkoop is, word dit vanaf die datum van die verhuring of verkoping aan belasting onderhewig asof dit op daardie datum aan die persoon aan wie dit verhuur of 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 verhuur of verkoop word, kan belastings op daardie grond of perseel gehef word op dieselfde grondslag as dié 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 verhuur of 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 verhuring of verkoping tot die hele jaar staan.

Kennisgewing
om persele
in verklaarde
gebied te
ontruim.

25. Die raad kan, by skriftelike kennisgewing gerig of gelewer aan 'n naturel wat in 'n verklaarde gebied woon, of aange-plak op of naby die hoofingang van die perseel deur hom ge-okkupeer, daardie naturel gelas om tesame met die lede van sy huisgesin 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 geregtig is om binne die regsgebied van die stadsraad te woon, gelas word om 'n perseel te ontruim nie, tensy—

- (a) in die geval van 'n naturel woonagtig in die dorpe Sophiatown, Martindale, Newclare of Pageview, soos in die Bylae by hierdie Wet beskryf, 'n huis of ander woonplek vir hom en sy huisgesin of (indien hy dit

(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) If within three months after the date on which any land registered in the name of a native is acquired by the board under this Act, that native in writing advises the Minister that he desires to acquire ownership in other land, the South African Native Trust (hereinafter referred to as the Trust) shall, notwithstanding anything contained in the Native Trust and Land Act, 1936 (Act No. 18 of 1936), but subject to the provisions of sub-sections (2) and (3)—

Land to be made available to natives in lieu of land acquired by board.

- (a) make available for purchase by that native such land belonging to the Trust as it may determine and afford him such assistance as it may deem fit in connection with the purchase of such land; or
- (b) if the Trust is unable to make available such land or to reach agreement with the native concerned as to the purchase price or the other conditions of sale of any such land which the Trust is able to make available, afford that native such assistance as it may deem fit in connection with the purchase of any land (not being land belonging to the Trust) in a released area as defined in the said Act which that native may be able to acquire.

(2) No assistance shall be granted to any native under sub-section (1) except in accordance with and subject to the provisions of the aforesaid Act.

(3) Any land made available under sub-section (1) shall either be land comprising an economic agricultural unit or land in a village or settlement established by the Trust, and the conditions of title to any such land shall conform to the conditions generally applicable in relation to land of the same class as that made available in the area in which such land is situated.

24. (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 leased or sold by the board, it shall become rateable as from the date of the lease or sale as if it had been transferred on that date to the person to whom it has been leased or 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 leased or 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 leased or 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 lease or sale bears to the whole year.

25. 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 entitled to reside 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, a house or other place of residence for himself and his household or

verkies) 'n reg om grond te okkupeer waarop hy in sy behuisingsbehoefte en dié van sy huisgesin kan voorsien; of

- (b) in die geval van 'n naturel wat, met uitsondering van die lede van sy huisgesin, die enigste okkupeerder (behalwe as 'n huurder ingevolge 'n onderverhuring) van 'n huis is wat elders geleë is as in enige van die genoemde dorpe en goedgekeur is kragtens die verordeninge of regulasies van die plaaslike owerheid in wie se gebied dit geleë is, 'n huis of ander woonplek vir hom en sy huisgesin of (indien hy dit verkies) 'n reg om grond te okkupeer waarop hy in sy behuisingsbehoefte en dié van sy huisgesin kan voorsien; of

- (c) in die geval van 'n ander naturel, 'n reg om grond te okkupeer soos voormeld of 'n woonplek, 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.

26. (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 huisgesin versuim het om ooreenkomstig die vereistes van 'n kennisgewing kragtens artikel vyf-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 oorlegpleging deur bedoelde magistraat nodig geag word, die bevel uitreik en die opdragte gee en die bevoegdhede verleen wat hy nodig ag—

- (a) om die onmiddellike verwydering van bedoelde naturel of lid van sy huisgesin uit bedoelde perseel te bewerkstellig;
(b) om die oorpasing van bedoelde naturel of lid van sy huisgesin na die huis, woonplek 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 alle geboue en strukture wat daarop opgerig mag wees, en van enige eiendom wat aan daardie naturel of enige lid van sy huisgesin 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 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 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 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 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* uitoefening van so 'n opdrag of uitoefening van so 'n bevoegdheid gely mag word 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.

27. (1) Die voorsitter van die raad kan skriftelik 'n lid van die 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 ondervra;
(c) die titelbewyse, boeke of ander aantekeninge van enigiemand wat op enigerlei wyse op die eiendomsreg of okkupasie van of verblyf op grond of 'n perseel in

- (if he so elects) a right to occupy land on which he may provide for the housing needs of himself and his household; or
- (b) in the case of a native who, except for the members of his household, is the sole occupant (otherwise than as a lessee under a sub-lease) of a house which is situated elsewhere than in any of the said townships and has been approved under the bye-laws or regulations of the local authority in whose area it is situated, a house or other place of residence for himself and his household or (if he so elects) a right to occupy land on which he may provide for the housing needs of himself and his household; or
- (c) in the case of any other native, a right to occupy land as aforesaid or a place of residence,
- is offered to him by the board and specified in the notice requiring him to vacate any such premises.

26. (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-five*, 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 is considered necessary by that magistrate, issue such orders and give such instructions and confer such authority as he may deem necessary—

Procedure on failure to vacate premises.

- (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 house, place of residence or land offered by the board and specified in such notice;
- (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:

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 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, 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 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 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 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.

27. (1) The chairman of the board may appoint in writing 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;
- (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 residence on land or premises in a

'n verklaarde gebied betrekking het, kan inspekteur, en uittreksels uit sodanige titelbewyse, boeke of ander aantekeninge kan maak;

- (d) van enigiemand kan verlang om inligting tot sy beskikking met betrekking tot die eiendomsreg of okkupasie van of verblyf op sodanige grond of so 'n perseel 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 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 aan, vereiste gestel deur, verhinderings of belemmering van of bemoeiing met 'n inspekteur te wees.

Oordrag van
grond aan
stadsraad.

28. (1) Die raad kan met goedkeuring van die Minister en onderworpe aan die voorwaardes wat hy in oorleg met die Minister van Finansies en die stadsraad bepaal, nadat minstens drie maande 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 deur die Minister in oorleg met die Minister van Finansies en die stadsraad bepaal, aan die Departement van Naturellesake ten bate van die Gekonsolideerde Inkomstefonds 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: Met dien verstande dat by die bepaling van die bedrag wat ingevolge hierdie sub-artikel deur die stadsraad betaalbaar is, behoorlik rekening gehou word met die inkomste deur die raad verkry uit die grond en verbeterings in verband met die oordrag waarvan daardie bedrag betaalbaar is.

(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 bepalings van sub-artikel (2) van artikel nege-entwintig is *mutatis mutandis* van toepassing ten opsigte van die verhaal van enige bedrag wat uit hoofde van die bepalings van sub-artikel (1) van hierdie artikel deur die stadsraad verskuldig mag word.

Bevoegdhede
van Minister.

29. (1) Indien die stadsraad nalaat om 'n handeling te verrig wat hy deur of ingevolge die bepalings 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 dié 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

specified area, and make extracts from such title 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 residence 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 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.

28. (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 and the council, 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, to the council which shall be bound to accept transfer thereof and shall, subject to such terms and conditions as may be determined by the Minister in consultation with the Minister of Finance and the council, pay to the Department of Native Affairs for the benefit of the Consolidated Revenue Fund 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: Provided that in the determination of any amount payable by the council under this sub-section due regard shall be had to any income derived by the board from the land and improvements in connection with the transfer of which such amount is payable.

Transfer of
land to
council.

(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), 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-nine* shall *mutatis mutandis* apply in respect of the recovery of any amount which may be by virtue of the provisions of sub-section (1) of this section become payable by the council.

29. (1) If the council neglects to perform any act which by or under the provisions of this Act it is empowered or required to 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 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 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 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

kennisgewing vermeldde 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, toekenning of ander gelde uit die Gekonsolideerde Inkomstefonds of deur die Administrateur aan die stadsraad betaalbaar, of deur middel van al drie of enige twee van bedoelde verhaalmethodes, 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.

30. 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 bepalings 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 vermeldde bepalings 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 dié doel kragtens artikel *nege-en-dertig* van genoemde Wet aangewys.

Afskaffing van raad.

31. (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.

32. 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.

33. (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 inspekteurs kragtens artikel *sewe-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) die prosedure in verband met die vra en aanneem van tenders vir die uitvoering van werk ten behoeve van die raad of vir die verskaffing van goedere of materiaal aan die raad;
- (f) 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

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
- (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,

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.

30. The Governor-General may, if he deems it expedient, after reference to the Administrator and the urban local 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 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 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.

31. (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.

32. 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.

33. (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-seven*;
- (d) the conduct of and procedure at expropriation proceedings, including the subpoenaing of witnesses and the payment of allowances to such witnesses;
- (e) the procedure relating to the calling for and acceptance of tenders for the execution of any work on behalf of the board or for the supply of any goods or materials to the board;
- (f) 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

opsigte van oortreding daarvan of versuim om aan die bepaling 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 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.

34. (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 voordoen;
- (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 bevoegdheid of die verrigting van sy werksaamheid of pligte ingevolge hierdie Wet of 'n daarkragtens uitgevaardigde regulasie hinder, belemmer of weerstaan of hom met so 'n inspekteur bemoei of sonder gegronde 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.

35. (1) Ondanks die bepaling van artikel *agt* 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.

36. 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.

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.

34. (1) Any person who—

Offences and penalties.

- (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 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.

35. (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.

36. 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.

Bylae.

BESKRYWING VAN 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.

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.

No. 20, 1954.]

WET

Tot wysiging van die „Zuid-Afrika Wet, 1909”.

(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 4 Junie 1954.)

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

Wysiging van
artikel 78 van die
„Zuid-Afrika
Wet, 1909”.

1. Artikel *agt-en-sewentig* van die „Zuid-Afrika Wet, 1909”, word hiermee gewysig deur aan die end van sub-artikel (3) die woorde „en een lid van het Uitvoerend Komitee is niet onbevoegd als lid van de Provinciale Raad gekozen te worden” by te voeg.

Kort titel.

2. Hierdie Wet heet die Wet tot Wysiging van die Suid-Afrika Wet, 1954.

No. 20, 1954.]

ACT

To amend the South Africa Act, 1909.

(Afrikaans text signed by the Governor-General.)
(Assented to 4th June, 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. Section *seventy-eight* of the South Africa Act, 1909, is Amendment of hereby amended by the addition at the end of sub-section (3) section 78 of the of the words "and a member of the executive committee shall South Africa Act, not be disqualified from being elected as a member of the 1909. provincial council".

2. This Act shall be called the South Africa Act Amendment Short title. Act, 1954.

No. 21, 1954.]

WET

Tot wysiging van die „Wet op de Kriminele Procedure en Bewijslevering, 1917”, die Vrouejurie-wet, 1931, en die Algemene Regswysigingswet, 1949.

(Engelse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 4 Junie 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 165 van
Wet 31 van 1917.

1. Artikel *honderd vyf-en-sestig* van die „Wet op de Kriminele Procedure en Bewijslevering, 1917” (hieronder die Hoofwet genoem), word hiermee deur die volgende artikel vervang:

„Zekere
kriminele
zaken
worden
berecht
door een
rechter en
een jury
van negen
leden.

165. (1) Iemand die wegens een overtreding door een magistraat ter terechtzitting verwezen wordt, en die—

(a) mondelings bij afloop van het voorlopig onderzoek; of

(b) bij schriftelijke kennisgeving aan de magistraat van het distrikt waarin het voorlopig onderzoek werd gehouden, binnen drie weken vanaf de datum waarop hij ter terechtzitting verwezen wordt; of

(c) indien voor dat bedoeld tijdperk van drie weken verstreken is, kennisgeving op hem bediend wordt dat hij op een akte van beschuldiging voor een provinciale of plaatselijke afdeling van het Hooggerechtshof zal terechtstaan, bij schriftelijke kennisgeving aan bedoelde magistraat binnen zeven dagen na de bediening van zodanige kennisgeving,

eist voor een rechter en een jury terecht te staan, moet, indien hij wegens een overtreding op een akte van beschuldiging voor een hoger hof vervolgd wordt, behoudens de bepalingen van artikels *twee honderd en vijftien* en *twee honderd en vijftien bis*, terechtstaan voor een rechter van het Hooggerechtshof en een jury van negen leden van wie niet minder dan zeven de uitspraak vaststellen: Met dien verstande dat indien twee of meer personen tezamen in dezelfde akte van beschuldiging aangeklaagd worden, zulk een eis niet geldig is tenzij door al die personen gedaan.

(2) De magistraat die een persoon ter terechtzitting verwijst, moet bij afloop van het voorlopig onderzoek de persoon die ter terechtzitting verwezen wordt, in kennis stellen dat hij indien hij op een akte van beschuldiging voor een hoger hof vervolgd wordt het recht heeft om, behoudens de bepalingen van artikels *twee honderd en vijftien* en *twee honderd en vijftien bis*, voor een rechter en een jury terecht te staan mits hij overeenkomstig de bepalingen van en binnen de tijdperken voorgeschreven bij sub-artikel (1) eist voor een rechter en een jury terecht te staan, en moet op de notulen van het voorlopig onderzoek het feit dat hij de ter terechtzitting verwezen persoon aldus in kennis gesteld heeft, aantekenen en zulk een aantekening is afdoend bewijs dat die persoon aldus in kennis gesteld is.”.

Vervanging van
artikel 167 van
Wet 31 van 1917,
soos gewysig deur
artikel 1 van Wet
20 van 1931 en
artikel 25 van Wet
46 van 1935.

2. Artikel *honderd sewen-en-sestig* van die Hoofwet word hiermee deur die volgende artikel vervang:

„Bevoegd-
heid van
juryleden.

167. Iedere blanke manspersoon boven de leeftijd van vijf en twintig jaren en onder de leeftijd van vijf en zestig jaren die een geregistreerde parlementaire kiezer in de Unie is en niet door de hieronder vermelde bepalingen of andere wetsbepalingen vrijgesteld is, is bevoegd en gehouden als jurylid dienst te doen op elke jury uitgeloot voor een kriminele berechting in het jurydistrikt waarin die persoon woont.”.

No. 21, 1954.]

ACT

To amend the Criminal Procedure and Evidence Act, 1917, the Female Jurors Act, 1931, and the General Law Amendment Act, 1949.

(English text signed by the Governor-General.)
(Assented to 4th June, 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 *one hundred and sixty-five* of the Criminal Procedure and Evidence Act, 1917 (hereinafter referred to as the principal Act):

Substitution of
section 165 of
Act 31 of 1917.

'Certain
criminal
cases to
be tried
by a judge
and a jury
of nine
men.

165. (1) Any person who is committed for trial for any offence by a magistrate and who—

(a) verbally at the conclusion of the preparatory examination; or

(b) by written notice to the magistrate of the district in which the preparatory examination was held, within three weeks from the date upon which he is committed for trial; or

(c) if before the said period of three weeks has elapsed, notice is served upon him that he will be tried upon an indictment before a provincial or local division of the Supreme Court, by written notice to the said magistrate within seven days after the service of such notice,

demands to be tried by a judge and a jury, shall, if he is indicted for trial for any offence before a superior court, but subject to the provisions of sections *two hundred and fifteen* and *two hundred and fifteen bis*, be tried by a judge of the Supreme Court and a jury of nine men of whom not less than seven shall determine the verdict: Provided that if two or more persons are charged jointly on the same indictment, no such demand shall be effective unless made by all such persons.

(2) The magistrate who commits any person for trial shall upon conclusion of the preparatory examination inform the person committed for trial that if he is indicted for trial before a superior court he shall have the right, subject to the provisions of sections *two hundred and fifteen* and *two hundred and fifteen bis*, to be tried by a judge and jury, provided he demands to be tried by a judge and jury in accordance with and within the periods prescribed by sub-section (1), and shall record upon the record of the preparatory examination the fact that he has so informed the person committed for trial and any such record shall be conclusive proof that the person was so informed."

2. The following section is hereby substituted for section *one hundred and sixty-seven* of the principal Act:

Substitution of
section 167 of
Act 31 of 1917,
as amended by
section 1 of Act
20 of 1931
and section 25 of
Act 46 of 1935.

"Qualifi-
cation of
jurors.

167. Every European male person over the age of twenty-five and under the age of sixty-five years who is a registered parliamentary voter in the Union and who is not exempted by the provisions hereinafter contained or by any other law, shall be qualified and liable to serve as a juror on any jury empanelled for any criminal trial within the jury district in which such person resides."

Herroeping van artikel 168 van Wet 31 van 1917, soos gewysig deur artikel 26 van Wet 46 van 1935.

3. Artikel *honderd agt-en-sestig* van die Hoofwet word hiermee herroep.

Wysiging van artikel 169 van Wet 31 van 1917, soos gewysig deur artikel 27 van Wet 46 van 1935.

4. Artikel *honderd negen-en-sestig* van die Hoofwet word hiermee gewysig—

- (a) deur in sub-artikel (1) die woorde „en hun namen zullen in geen jurylijst opgenomen worden” te skrap; en
- (b) deur die volgende paragrawe by sub-artikel (1) te voeg:
 - „(g) personele die wegens doofheid, blindheid of ander blijvend gebrek onbevoegd zijn om op een jury dienst te doen;
 - (r) sekretarissen van afdelingsraden;
 - (s) municipale raadsleden;
 - (t) hoofden en onder-hoofden van municipale departementen;
 - (u) verkeerspolitie in dienst van een plaatselijk bestuur.”

Vervanging van artikel 170 van Wet 31 van 1917.

5. Artikel *honderd-en-sewentig* van die Hoofwet word hiermee deur die volgende artikel vervang:

„Omschrijving van jurydistrikten.

170. Iedere kiesafdeling, zoals van tijd tot tijd overeenkomstig de bepalingen van artikels *acht en dertig* tot en met *drie en veertig* van de Zuid-Afrika Wet, 1909, afgebakend, waarbinnen het hofgebouw gelegen is waar een zitting van een hoger hof voor de berechting van kriminele zaken gehouden staat te worden, is een jurydistrikt: Met dien verstande dat waar een kiesafdeling de grenzen van het magistraatsdistrikt waarbinnen zulk een hofgebouw is gelegen, overschrijdt, het jurydistrikt slechts uit die stemdistrikten in bedoelde kiesafdeling bestaat die geheel en al binnen het magistraatsdistrikt gelegen zijn: Met dien verstande voorts dat indien geen stemdistrikt geheel en al binnen zulk een magistraatsdistrikt gelegen is, het stemdistrikt waarbinnen zulk een hofgebouw gelegen is, het jurydistrikt is: Met dien verstande voorts dat indien de Minister van mening is dat het gebied van een jurydistrikt overmatig groot is, hij bij kennisgeving in de *Staatskoerant* een of meer stemdistrikten uit dat jurydistrikt kan schrappen en daarna bestaat het jurydistrikt slechts uit die stemdistrikten die niet aldus geschrapt zijn.”

Herroeping van artikel 171 van Wet 31 van 1917, soos gewysig deur artikel 23 van Wet 39 van 1926.

6. Artikel *honderd een-en-sewentig* van die Hoofwet word hiermee herroep.

Vervanging van artikel 172 van Wet 31 van 1917, soos gewysig deur artikel 28 van Wet 46 van 1935.

7. Artikel *honderd twee-en-sewentig* van die Hoofwet word hiermee deur die volgende artikel vervang:

„Jurylijsten.

172. (1) Gedurende de Maand Julie, 1954, verstrekt de Hoofdverkiezingsbeambte aan de magistraat van ieder magistraatsdistrikt waarbinnen een jurydistrikt gelegen is, een kopie van de kiezerslijst voor blanke manspersonen krachtens artikel *acht* van de ,Wet tot Konsolidasie van die Kieswette, 1946’ (Wet No. 46 van 1946), opgesteld bij de laatste voorafgaande algemene registratie van kiezers voor de kiesafdeling die het jurydistrikt uitmaakt of waarbinnen het jurydistrikt gelegen is, en waaruit de namen van alle personen onder de leeftijd van vijf en twintig jaren of boven de leeftijd van vijf en zestig jaren op de dertigste dag van Julie, 1954, en van alle personen niet als woonachtig binnen het jurydistrikt geregistreerd, verwijderd zijn.

(2) Een lijst ingevolge sub-artikel (1) verstrekt, is de jurylijst voor het jurydistrikt ten opzichte waarvan het aldus verstrekt is, en treedt in werking op de eerste dag van Augustus, 1954, en blijft in werking totdat het door een nieuwe ingevolge sub-artikel (3) voor bedoeld jurydistrikt verstrekte lijst vervangen wordt.

(3) Binnen drie maanden vanaf de datum waarop een kiezerslijst opgesteld na iedere algemene registratie van kiezers, krachtens sub-artikel (3) van artikel *acht* van de ,Wet tot Konsolidasie van die

3. Section *one hundred and sixty-eight* of the principal Act is hereby repealed. Repeal of section 168 of Act 31 of 1917, as amended by section 26 of Act 46 of 1935.
4. Section *one hundred and sixty-nine* of the principal Act is hereby amended—
- (a) by the deletion in sub-section (1) of the words “and their names shall not be inserted in any jury list”; and
 - (b) by the addition to sub-section (1) of the following paragraphs:
 - “(g) persons incapacitated by deafness, blindness or other permanent infirmity for service on a jury;
 - (r) secretaries of divisional councils;
 - (s) municipal councillors;
 - (t) heads and sub-heads of municipal departments;
 - (u) traffic police in the employ of a local authority.”.
5. The following section is hereby substituted for section *one hundred and seventy* of the principal Act: Substitution of section 170 of Act 31 of 1917.
- “Jury districts defined. 170. Every electoral division, as delimited from time to time in accordance with the provisions of sections *thirty-eight* to and including *forty-three* of the South Africa Act, 1909, in which the court house is situate where a superior court is to be held for the trial of criminal cases, shall be a jury district: Provided that where an electoral division extends beyond the boundaries of the magisterial district in which such a court house is situate, the jury district shall comprise only those polling districts in the said electoral division which are situate wholly within the magisterial district: Provided further that if no polling district is situate wholly within such magisterial district, the polling district within which such a court house is situate, shall be the jury district: Provided further that if the Minister is of opinion that the area of any jury district is unduly large, he may by notice in the *Gazette* excise from that jury district one or more polling districts, and thereupon the jury district shall comprise only those polling districts which have not been so excised.”.
6. Section *one hundred and seventy-one* of the principal Act is hereby repealed. Repeal of section 171 of Act 31 of 1917, as amended by section 23 of Act 39 of 1926.
7. The following section is hereby substituted for section *one hundred and seventy-two* of the principal Act: Substitution of section 172 of Act 31 of 1917, as amended by section 28 of Act 46 of 1935.
- “Jury lists. 172. (1) During the month of July, 1954, the Chief Electoral Officer shall furnish the magistrate of every magisterial district within which a jury district is situate with a copy of the voters' list for European male persons which has under section *eight* of the Electoral Consolidation Act, 1946 (Act No. 46 of 1946), been prepared at the last preceding general registration of voters for the electoral division which comprises the jury district or within which the jury district is situate, and from which have been removed the names of all persons under the age of twenty-five or over the age of sixty-five years on the thirtieth day of July, 1954, and of all persons not registered as resident within the jury district.
- (2) Any list furnished in terms of sub-section (1) shall be the jury list for the jury district in respect of which it has been so furnished, and shall come into operation on the first day of August, 1954, and shall remain in operation until replaced by a new list furnished for that jury district in terms of sub-section (3).
- (3) Within three months from the date upon which a voters' list prepared after every general registration of voters comes into operation under sub-section (3) of section *eight* of the Electoral Consolidation Act,

Kieswette, 1946', in werking treedt, ten opzichte van een kiesafdeling die een jurydistrikt uitmaakt of waarbinnen een jurydistrikt gelegen is, verstrekt de Hoofdverkiezingsbeambte aan de magistraat van het magistraatsdistrikt waarbinnen bedoeld jurydistrikt gelegen is, een kopie van de kiezerslijst voor blanke manspersonen voor die kiesafdeling waaruit de namen van alle personen die op de datum voormeld onder de leeftijd van vijf en twintig jaren of boven de leeftijd van vijf en zestig jaren waren, en van alle personen niet als woonachtig binnen het jurydistrikt geregistreerd, verwijderd zijn.

(4) Een lijst ingevolge sub-artikel (3) verstrekt, is de jurylijst voor het jurydistrikt ten opzichte waarvan het aldus verstrekt is, en treedt onverwijld in werking en blijft in werking totdat het door een nieuwe ingevolge sub-artikel (3) voor bedoeld jurydistrikt verstrekte lijst vervangen wordt.

(5) Wanneer ten gevolge van het feit dat een hoger hof een zitting voor de berechting van kriminele zaken staat te houden op een plaats waar zulk een hof niet voorheen sedert de datum van de inwerking-treding van de 'Wysigingswet op Kriminele Prosedure en Juries, 1954', gehouden is, een jurydistrikt tot stand komt, verstrekt de Hoofdverkiezingsbeambte binnen een maand vanaf de datum waarop dat jurydistrikt tot stand komt aan de magistraat van het magistraatsdistrikt waarbinnen bedoeld jurydistrikt gelegen is, een kopie van de kiezerslijst voor blanke manspersonen krachtens artikel acht van de 'Wet tot Konsolidasie van die Kieswette, 1946', opgesteld bij de laatste voorafgaande algemene registratie van kiezers voor de kiesafdeling die dat jurydistrikt uitgemaakt of waarbinnen dat jurydistrikt gelegen is, en waaruit de namen van alle personen die op de datum voormeld onder de leeftijd van vijf en twintig jaren of boven de leeftijd van vijf en zestig jaren waren en van alle personen niet als woonachtig binnen dat jurydistrikt geregistreerd, verwijderd zijn.

(6) Een lijst ingevolge sub-artikel (5) verstrekt, is de jurylijst voor het jurydistrikt ten opzichte waarvan het aldus verstrekt is, en treedt onverwijld in werking en blijft in werking totdat het door een nieuwe ingevolge sub-artikel (3) voor bedoeld jurydistrikt verstrekte lijst vervangen wordt.

(7) Een jurydistrikt word geacht binnen het magistraatsdistrikt gelegen te zijn waarbinnen het hofgebouw gelegen is waar de zitting van de hoger hof voor de berechting van kriminele zaken gehouden staat te worden, alhoewel dat jurydistrikt niet geheel en al binnen bedoeld magistraatsdistrikt gelegen is."

Herroeping van artikels 173 en 175 tot en met 180 van Wet 31 van 1917.

8. Artikels *honderd drie-en-sewentig* en *honderd vyf-en-sewentig* tot en met *honderd-en-tagtig* van die Hoofwet word hiermee herroep.

Vervanging van artikel 181 van Wet 31 van 1917 soos vervang deur artikel 30 van Wet 46 van 1935.

9. Artikel *honderd een-en-tagtig* van die Hoofwet word hiermee deur die volgende artikel vervang:

„Inzending van jurylijst aan baljuw. 181. Bij ontvangst van een krachtens artikel *honderd twee en zeventig* aan hem verstrekte lijst, zendt de magistraat dezelve aan de betrokken baljuw of adjunkt-baljuw wiens plicht het is de juryleden wier namen op de lijst voorkomen zoals hieronder bepaald te dagvaarden."

Wysiging van artikel 186 van Wet 31 van 1917 soos gewysig deur artikel 32 van Wet 46 van 1935.

10. Artikel *honderd ses-en-tagtig* van die Hoofwet word hiermee gewysig—

- (a) deur by paragraaf (1) die woorde „en diegenen die volgens de biezonderheden in bedoelde lijst vervat, klaarblykelyk ingevolge artikel *honderd negen en zestig* van dienst als juryleden vrijgesteld zijn." by te voeg; en
- (b) deur in paragraaf (4) na die woord „verschijnen" waar dit die tweede maal voorkom die woorde „of indien zulk een persoon hem overtuigt dat hij ingevolge artikel *honderd negen en zestig* van dienst als een jurylid vrijgesteld is," in te voeg.

Herroeping van artikel 191 van Wet 31 van 1917.

11. Artikel *honderd een-en-negentig* van die Hoofwet word hiermee herroep.

1946, in respect of any electoral division which comprises a jury district or within which a jury district is situate, the Chief Electoral Officer shall furnish the magistrate of the magisterial district within which that jury district is situate with a copy of the voters' list for European male persons for the said electoral division, from which have been removed the names of all persons who on the aforesaid date were under the age of twenty-five or over the age of sixty-five years and of all persons not registered as resident within the jury district.

(4) Any list furnished in terms of sub-section (3) shall be the jury list for the jury district in respect of which it has been so furnished and shall come into operation forthwith and shall remain in operation until replaced by a new list furnished for that jury district in terms of sub-section (3).

(5) Whenever by reason of the fact that a superior court is to be held for the trial of criminal cases at a place where such a court has not previously since the date of commencement of the Criminal Procedure and Jurors Amendment Act, 1954, been held, a jury district comes into existence, the Chief Electoral Officer shall within one month of the date upon which that jury district comes into existence, furnish the magistrate of the magisterial district within which that jury district is situate, with a copy of the voters' list for European male persons which has under section *eight* of the Electoral Consolidation Act, 1946, been prepared at the last preceding general registration of voters for the electoral division which comprises that jury district or within which that jury district is situate and from which have been removed the names of all persons who on the aforesaid date were under the age of twenty-five or over the age of sixty-five years and of all persons not registered as resident within that jury district.

(6) Any list furnished in terms of sub-section (5) shall be the jury list for the jury district in respect of which it has been so furnished and shall come into operation forthwith and shall remain in operation until replaced by a new list furnished for that jury district in terms of sub-section (3).

(7) A jury district shall be deemed to be situated within the magisterial district within which the court house is situate where the superior court is to be held for the trial of criminal cases notwithstanding that that jury district is not situate wholly within that magisterial district."

8. Sections *one hundred and seventy-three* and *one hundred and seventy-five* to *one hundred and eighty* both inclusive of the principal Act are hereby repealed.

Repeal of sections 173 and 175 to 180 inclusive of Act 31 of 1917.

9. The following section is hereby substituted for section *one hundred and eight-one* of the principal Act:

"Trans-
mission
of jury
list to
sheriff.

181. Upon receipt of any list furnished to him in terms of section *one hundred and seventy-two*, the magistrate shall transmit it to the sheriff or deputy-sheriff concerned whose duty it will be to summon jurors whose names are included in that list, as hereinafter provided."

Substitution of section 181 of Act 31 of 1917, as substituted by section 30 of Act 46 of 1935.

10. Section *one hundred and eighty-six* of the principal Act is hereby amended—

- (a) by the addition to paragraph (1) of the words "and those who, according to the particulars contained in the said list, are clearly exempt from serving as jurors in terms of section *one hundred and sixty-nine*."; and
- (b) by the insertion in paragraph (4) after the word "attend" where it occurs for the second time of the words "or if any such person satisfies him that he is in terms of section *one hundred and sixty-nine* exempt from serving as a juror,".

Amendment of section 186 of Act 31 of 1917, as amended by section 32 of Act 46 of 1935.

11. Section *one hundred and ninety-one* of the principal Act is hereby repealed.

Repeal of section 191 of Act 31 of 1917.

Wysiging van
artikel 195 van
Wet 31 van 1917.

12. Artikel *honderd vyf-en-negentig* van die Hoofwet word hiermee gewysig deur die volgende paragrafe daarby te voeg:

- „(d) dat het jurylid hetzij in de Unie of elders veroordeeld is wegens hoogverraad, moord, verkrachting, diefstal, bedrog, meened, vervalsing, of bedriegelijke insolventie of wegens een overtreding waarvoor hij veroordeeld is tot gevangenisstraf zonder keuze van boete voor een tijdperk van drie maanden of langer, tenzij hij ten opzichte van zodanige overtreding volle vergiffenis verkregen heeft;
- (e) dat het jurylid de ene noch de andere officiële taal kan lezen en schrijven.”.

Invoeging in Wet
31 van 1917 van
artikel 215bis.

13. Die volgende artikel word hiermee na artikel *tweehonderd-en-vyftien* van die Hoofwet ingevoeg:

„Minister
kan in
zekere
zaken
berechting
door een
rechter
zonder
een jury
gelasten.

215bis. Wanneer een persoon die ter terechtzitting verwezen is, voor een provinciale of plaatselijke afdeling van het Hooggerechtshof terecht moet staan op een akte van beschuldiging waarin hem ten laste gelegd wordt een overtreding of poging tot een overtreding—

- (a) ingevolge Hoofdstuk I van de Oproerige Bijeenkomsten en Krimineel Recht Wijzigingswet, 1914 (Wet No. 27 van 1914); of
- (b) ingevolge artikel *drie en dertig* van de „Wet op Atoomkrag, 1948” (Wet No. 35 van 1948); of
- (c) in verband met onwettige handel in of onwettig bezit van edele metaal of edelgesteenten; of
- (d) in verband met de verschaffing van bedwelmende drank aan naturellen of kleurlingen; of
- (e) in verband met insolventie; of
- (f) in verband waarmee feiten aangaande „voorgeskrewe materiaal” zoals in artikel *een* van de „Wet op Atoomkrag, 1948”, omschreven mogelijk overwogen zullen moeten worden; of
- (g) in verband waarmee feiten mogelijk overwogen zullen moeten worden, voor het behoorlijk begrijpen waarvan deskundige kennis van boekhouding, rekeningen, geologie, mineralogie of metallurgie nodig mag wezen; of
- (h) jegens of in verband met een non-Europeaan als de beschuldigde een Europeaan is, of jegens of in verband met een Europeaan als de beschuldigde een non-Europeaan is;

dan kan de Minister, door een mededeling op of gehecht aan de kennisgeving van het verhoor gelasten dat de beschuldigde voor een rechter zonder jury moet terechtstaan.”.

Vervanging van
artikel 216 van
Wet 31 van 1917
soos vervang deur
artikel 36 van Wet
46 van 1935, en
gewysig deur
artikel 4 van Wet
37 van 1948 en
artikel 1 van Wet
19 van 1951.

14. Artikel *tweehonderd-en-sestien* van die Hoofwet word hiermee deur die volgende artikel vervang:

„Kriminele
zaken door
een rechter
zonder een
jury te
worden
berecht.

216. (1) In iedere kriminele zaak aanhangig voor een hoger hof—

- (a) waarin de Minister ingevolge artikel *tweehonderd en vijftien bis* heeft gelast dat de beschuldigde voor een rechter zonder een jury moet terechtstaan; of
- (b) waarin de Minister niet aldus heeft gelast en de beschuldigde niet ingevolge artikel *honderd vijf en zestig* overeenkomstig de bepalingen van dat artikel geëist heeft voor een rechter en een jury terecht te staan,

moet de beschuldigde, behoudens de bepalingen van artikel *tweehonderd en vijftien*, terechtstaan voor een rechter van het Hooggerechtshof zonder een jury en zoals hieronder in dit artikel bepaald.

(2) De rechter die bij de terechtzitting voorziet, kan een of twee personen, naar zijn mening ervaren in de rechtspleging of bedreven in een of ander onderwerp dat bij de terechtzitting ter overweging geopperd zou kunnen worden, oproepen om als assessor of assessors met hem bij de terechtzitting zitting te nemen: Met dien verstande dat indien de beschuldigde terecht moet staan op een aanklacht wegens het plegen van hoogverraad, moord, verkrachting of oproer of een poging daartoe of in een geval waarin de Minister krachtens artikel *tweehonderd en vijftien* een lastgeving gedaan heeft, de rechter twee assessors zoals voormeld moet oproepen om hem bij te staan.

12. Section *one hundred and ninety-five* of the principal Act is hereby amended by the addition thereto of the following paragraphs: Amendment of section 195 of Act 31 of 1917.

“(d) that the juror has been convicted, whether in the Union or elsewhere, of treason, murder, rape, theft, fraud, perjury, forgery, fraudulent insolvency, or of any offence for which he has been sentenced to imprisonment without the option of a fine for a period of three months or more, unless he has received a free pardon for such offence;

(e) that the juror is unable to read and write one or other of the official languages.”.

13. The following new section is hereby inserted after section *two hundred and fifteen* of the principal Act: Insertion in Act 31 of 1917 of new section 215 bis.

“Minister may direct trial by judge without a jury in certain cases.

215bis. When a person committed for trial is to be tried before a provincial or local division of the Supreme Court upon an indictment charging him with having committed or attempted to commit an offence—

(a) under Chapter I of the Riotous Assemblies and Criminal Law Amendment Act, 1914 (Act No. 27 of 1914); or

(b) under section *thirty-three* of the Atomic Energy Act, 1948 (Act No. 35 of 1948); or

(c) relating to illicit dealing in or illegal possession of precious metal or precious stones; or

(d) relating to the supply of intoxicating liquor to natives or coloured persons; or

(e) relating to insolvency; or

(f) in connection with which facts relating to ‘prescribed material’ as defined in section *one* of the Atomic Energy Act, 1948, may have to be considered; or

(g) in connection with which facts may have to be considered, for the proper understanding of which an expert knowledge of bookkeeping, accounts, geology, mineralogy or metallurgy may be necessary; or

(h) towards or in connection with a non-European if the accused is a European or towards or in connection with a European, if the accused is a non-European,

the Minister may, by a notification on or attached to the notice of trial, direct that the accused be tried by a judge without a jury.”.

14. The following section is hereby substituted for section *two hundred and sixteen* of the principal Act: Substitution of section 216 of Act 31 of 1917, as substituted by section 36 of Act 46 of 1935 and amended by section 4 of Act 37 of 1948 and section 1 of Act 19 of 1951.

“Criminal cases to be tried by a judge without a jury.

216. (1) In any criminal case pending before a superior court—

(a) in which the Minister has in terms of section *two hundred and fifteen bis* directed that the trial of the accused shall be by a judge without a jury; or

(b) in which the Minister has not so directed and the accused has not in terms of section *one hundred and sixty-five*, in accordance with the provisions of that section, demanded to be tried by a judge and a jury,

the trial of the accused shall, subject to the provisions of section *two hundred and fifteen*, be before a judge of the Supreme Court without a jury and as hereinafter in this section provided.

(2) The judge presiding at the trial may summon to his assistance any person who has, or any two persons who have, in the opinion of the judge, experience in the administration of justice, or skill in any matter which may have to be considered at the trial, to sit with him at the trial, as assessor or assessors: Provided that if the accused is to be tried upon a charge of having committed or attempted to commit treason, murder, rape or sedition or in any case in which the Minister has given a direction under section *two hundred and fifteen*, the judge shall summon to his assistance two assessors as aforesaid.

(3) Voor de terechtzitting moet gemelde rechter van de persoon of personen die hij aldus opgeroepen heeft om hem bij te staan een eed afnemen dat hij of zij een ware uitspraak zal of zullen geven overeenkomstig de getuigenis op de vragen die verhoord worden, en daarop is of zijn hij of zij een lid of leden van het hof onderhevig aan de volgende bepalingen:

- (a) enig rechtspunt dat opkomt voor beslissing bij zodanige terechtzitting en enige vraag die daar opkomt of een punt voor beslissing een feitenpunt of een rechtspunt is, wordt beslist door de voorzittende rechter en geen assessor heeft enige zeggenschap bij enige zodanige beslissing;
- (b) de voorzittende rechter kan het argument verdedigen op een punt of vraag in paragraaf (a) vermeld en kan alleen zitten voor het verhoren van zodanig argument en de beslissing van zodanig punt of zodanige vraag;
- (c) wanneer de voorzittende rechter een beslissing geeft krachtens paragraaf (a) geeft hij zijn redenen voor die beslissing;
- (d) op alle feitenpunten is de beslissing of bevinding van de meerderheid van de leden van het hof de beslissing of bevinding van het hof, behalve wanneer slechts één assessor met de voorzittende rechter zit, in welk geval de beslissing of bevinding van zodanige rechter de beslissing of bevinding van het hof is indien daar verschil van mening bestaat;
- (e) het hof is niet verplicht om enige redenen op te geven voor zijn beslissing of bevinding op enig punt gegeven krachtens paragraaf (d).

(4) Is zulk een assessor niet een persoon in voltijdse dienst van de Staat dan is hij gerechtigd tot vergoeding van alle redelijke uitgaven die hij noodwendig gedaan heeft in verband met zijn bijwoning van de terechtzitting en tot een honorarium voor zijn diensten als assessor door de Minister in overleg met de Minister van Financiën vastgesteld.

(5) De bepalingen van deze Wet met betrekking tot een terechtzitting van een hoger hof zijn voor zover zij toegepast kunnen worden, van toepassing op een terechtzitting zonder een jury ingevolge dit artikel."

Wysiging van artikel 321bis van Wet 31 van 1917, soos ingevoegd deur artikel 60 van Wet 46 van 1935.

15. (1) Artikel *driehonderd een-en-twintig bis* van die Hoofwet word hiermee gewysig—

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

„(1)bis. (a) Ingeval van een overtreding (behalve een gemeenrechtelijke overtreding of een overtreding volgens „die Motortransportwet, 1930” (Wet No. 39 van 1930) ten aanzien van enig voertuig hoegenaamd of van verkeer van enige aard hoegenaamd (behalve lucht- of waterverkeer) die binnen het rechtsgebied van een plaatselijke overheid gepleegd is, kan enig iemand die een kennisgeving ingevolge sub-artikel (1) van een beampte in dienst van bedoelde plaatselijke overheid ontvangt, bedoelde kennisgeving met een som geld gelijk aan het in zodanige kennisgeving vermeld bedrag aan bedoelde plaatselijke overheid overhandigen of zenden.

- (b) Een som geld aan een plaatselijke overheid betaald zoals in paragraaf (a) bepaald wordt, wordt geacht een boete te zijn opgelegd als een „verkeersboete” bij de toepassing van artikel *twee en twintig* van „Die Finansiële Reëlingswet, 1932” (Wet No. 25 van 1932).
- (c) Niet meer dan zeven dagen na ontvangst van een som geld zoals in paragraaf (a) bepaald, zendt de betrokken plaatselijke overheid een bedrag gelijk aan bedoelde som geld naar de magistraat van het distrikt waarin de overtreding beweerd wordt begaan te zijn, alsook een afschrift van de kennisgeving betreffende de betrokken betaling.
- (d) Indien er door de magistraat gevonden wordt dat het bedrag waarvan zoals voormeld kennis gegeven is en hetwelk aldus betaald is niet de betrokken vaststelling ingevolge sub-artikel (4) gedaan, te

(3) Before the trial the said judge shall administer an oath to the person or persons whom he has so called to his assistance that he or they will give a true verdict, according to the evidence upon the issues to be tried, and thereupon he or they shall be a member or members of the court subject to the following provisions:

- (a) any matter of law arising for decision at such trial, and any question arising thereat as to whether a matter for decision is a matter of fact or a matter of law, shall be decided by the presiding judge and no assessor shall have a voice in any such decision;
- (b) the presiding judge may adjourn the argument upon any such matter or question as is mentioned in paragraph (a) and may sit alone for the hearing of such argument and the decision of such matter or question;
- (c) whenever the presiding judge shall give a decision in terms of paragraph (a) he shall give his reasons for that decision;
- (d) upon all matters of fact the decision or finding of the majority of the members of the court shall be the decision or finding of the court, except when only one assessor sits with the presiding judge in which case the decision or finding of such judge shall be the decision or finding of the court if there is a difference of opinion;
- (e) it shall not be incumbent on the court to give any reasons for its decision or finding on any matter made under paragraph (d).

(4) If any such assessor is not a person in the full-time employment of the State he shall be entitled to a refund of any reasonable expenditure which he may have necessarily incurred in connection with his attendance at the trial and to such remuneration for his services as assessor as the Minister in consultation with the Minister of Finance, may determine.

(5) The provisions of this Act relating to trials by a superior court shall, in so far as they can be applied, apply to any trial without a jury under this section."

15. (1) Section *three hundred and twenty-one bis* of the principal Act is hereby amended—

- (a) by the insertion after sub-section (1) of the following new sub-section:

Amendment of section 321*bis* of Act 31 of 1917, as inserted by section 60 of Act 46 of 1935.

"(1)*bis*. (a) In the case of an offence (other than an offence at common law or an offence under the Motor Carrier Transportation Act, 1930 (Act No. 39 of 1930), relating to any vehicle whatsoever or to traffic of whatsoever nature (other than aerial or waterborne traffic) committed within the area of jurisdiction of a local authority, any person receiving a notification in terms of sub-section (1) from an officer in the employ of such local authority may deliver or transmit the said notification, together with a sum of money equal to the amount specified in such notification to such local authority.

- (b) Any sum of money paid to a local authority as provided in paragraph (a) shall for the purposes of section *twenty-two* of the Financial Adjustments Act, 1932 (Act No. 25 of 1932), be deemed to be a fine imposed as a traffic fine.
- (c) Not later than seven days after receipt of any sum of money as provided in paragraph (a), the local authority concerned shall forward an amount equal to such sum of money to the Magistrate of the district wherein the offence is alleged to have been committed, together with a copy of the notification relating to the payment concerned.
- (d) If the amount notified and paid as aforesaid is found by the magistrate not to exceed the relative determination made in terms of sub-section (4),

- boven gaat, dan wordt bedoeld bedrag aan de betrokken plaatselike overheid terug betaald.
- (e) Indien er gevonden wordt dat voormeld bedrag genoemde vaststelling te boven gaat, dan wordt het overschot door de magistraat aan de betrokken persoon terugbetaald, en slechts het bedrag dat eigenlijk betaald moest geweest zijn wordt aan bedoelde plaatselike overheid terugbetaald.
- (f) Bij de toepassing van dit sub-artikel betekent „plaatselike overheid” een stadsraad, een dorpsraad, een dorpsbestuursraad, of een plaatselike raad.”;
- (b) deur in sub-artikel (5) die woord „Gouverneur-generaal” deur die woord „Minister” te vervang.
- (2) Die bepaling van paragraaf (b) van sub-artikel (1) raak nie die geldigheid van regulasies kragtens sub-artikel (5) van artikel *driehonderd een-en-twintig bis* van die Hoofwet uitgevaardig wat op die datum van inwerkingtreding van hierdie Wet van krag is nie.

Wysiging van artikel 344 van Wet 31 van 1917, soos gewysig deur artikel 2 van Wet 33 van 1952 en artikel 2 van Wet 20 van 1953.

16. Artikel *driehonderd vier-en-veertig* van die Hoofwet word hiermee gewysig—

- (a) deur paragraaf (i) van die voorbehoudsbepaling by sub-artikel (1)*bis* deur die volgende paragraaf te vervang:
- „(i) de vorige veroordelingen die overeenkomstig paragrafen (a) en (b) bewezen worden, opgelopen zijn binnen het tijdperk van tien jaar onmiddellijk voorafgaande aan de datum waarop de overtreding ten aanzien waarvan zo iemand weder veroordeeld wordt, gepleegd werd;” en
- (b) deur in paragraaf (ii) van die voorbehoudsbepaling by bedoelde sub-artikel die woorde „veroordeelingen of” te vervang deur die woorde „vorige veroordelingen of ten aanzien van bedoelde twee vorige veroordelingen tezamen met” en deur in bedoelde paragraaf die woord „ondergaan” te vervang deur die woord „opgelopen”.

Vervanging van artikel 2 van Wet 20 van 1931 soos gewysig deur artikel 10 van Wet 32 van 1952.

17. Artikel *twee* van die Vrouejurie-Wet, 1931, word hiermee deur die volgende artikel vervang:

„Inskrywing van sekere vrouens as jurielede.

2. (1) Ondanks enige andersluidende wetsbepaling, is iedere vrou wat, as sy ’n manspersoon was, bevoeg sou wees om as jurielid te dien en nie vrystelling van sodanige diens sou kon eis nie, bevoeg om ingeskrywe te word as jurielid van die juriedistrik waarin sy woon mits sy, gedurende die maand Julie 1954 of binne een maand vanaf die datum waarop bedoelde juriedistrik tot stand gekom het, na gelang van watter datum later is, en daarna van tyd tot tyd binne drie maande vanaf die datum waarop ’n kieserslys opgestel na iedere algemene registrasie van kiesers kragtens sub-artikel (3) van artikel *agt* van die Wet op die Konsolidasie van die Kieswette, 1946 (Wet No. 46 van 1946), in werking tree ten opsigte van die kiesafdeling wat die juriedistrik waarin sy woon, uitmaak of waarbinne daardie juriedistrik geleë is, by die magistraat van die magistraatsdistrik waarbinne bedoelde juriedistrik geleë is, ’n skriftelike aansoek indien om as jurielid ingeskryf te word.

(2) Die magistraat van iedere magistraatsdistrik waarbinne ’n juriedistrik geleë is, stel ’n lys op van alle vrouens wat ingevolge sub-artikel (1) aansoek gedoen het en bevoeg is om as jurielede van daardie juriedistrik ingeskryf te word.

(3) ’n Lys wat kragtens sub-artikel (2) van hierdie artikel ten opsigte van ’n juriedistrik opgestel is, word geag deel te wees van die jurielys wat vir daardie juriedistrik ingevolge artikel *honderd twee-en-sewentig* van die „Wet op de Kriminele Procedure en Bewijslevering, 1917” (Wet No. 31 van 1917), opgestel is, en bly in werking vir solank bedoelde jurielys ingevolge bedoelde artikel in werking bly.

(4) Geen vrou wat as jurielid ingeskrywe is, mag as jurielid dien of gedagvaar of opgeroep word om as jurielid te dien nie, behalwe as lid van ’n jurie wat slegs uit vrouens saamgestel is, volgens die bepaling van artikel *drie*.

(5) By die toepassing van hierdie artikel beteken ’n juriedistrik ’n juriedistrik soos omskryf by artikel *honderd-en-sewentig* van die „Wet op de Kriminele Procedure en Bewijslevering, 1917”.

the said amount shall be refunded to the local authority concerned.

(e) If the said amount is found to exceed the said determination, the excess shall be repaid by the magistrate to the person concerned, and only the amount that should properly have been paid shall be refunded to the said local authority.

(f) For the purposes of this sub-section 'local authority' means a city council, a town council, a village council, a village management board or a local board.”;

(b) by the substitution for the word “Governor-General” in sub-section (5) of the word “Minister”.

(2) The provisions of paragraph (b) of sub-section (1) shall not affect the validity of any regulations made under sub-section (5) of section *three hundred and twenty-one bis* of the principal Act which are in force at the date of commencement of this Act.

16. Section *three hundred and forty-four* of the principal Act is hereby amended—

(a) by the substitution for paragraph (i) of the proviso to sub-section (1)*bis* of the following paragraph:

“(i) the previous convictions proved in terms of paragraphs (a) and (b) have been sustained within the period of ten years immediately preceding the date on which the offence was committed in respect of which such person is again convicted;”;

and
(b) by the substitution in paragraph (ii) of the proviso to the said sub-section for the words “convictions or” of the words “previous convictions or in respect of such two previous convictions together with” and by the substitution in the said paragraph for the word “suffered” of the word “sustained”.

Amendment of section 344 of Act 31 of 1917, as amended by section 2 of Act 33 of 1952 and section 2 of Act 20 of 1953.

17. The following section is hereby substituted for section *two* of the Female Jurors Act, 1931:

“Enrolment of certain women as jurors.

2. (1) Notwithstanding anything to the contrary contained in any law, any woman, who if she were a male person, would be qualified to serve as a juror and could not claim exemption from such service, shall be qualified to be enrolled as a juror of the jury district wherein she resides if, during the month of July, 1954, or within one month from the date on which that jury district came into existence, whichever be the later date, and thereafter from time to time within three months of the date upon which a voters' list prepared after every general registration of voters comes into operation under sub-section (3) of section *eight* of the Electoral Consolidation Act, 1946 (Act No. 46 of 1946), in respect of the electoral division which comprises the jury district within which she resides or within which that jury district is situate, she submits to the magistrate of the magisterial district within which that jury district is situate, an application in writing to be enrolled as a juror.

(2) The magistrate of every magisterial district within which a jury district is situate, shall compile a list of all women who in terms of sub-section (1) have applied and are qualified to be enrolled as jurors of that jury district.

(3) A list compiled under sub-section (2) of this section in respect of any jury district shall be deemed to be part of the jury list prepared for that jury district in terms of section *one hundred and seventy-two* of the Criminal Procedure and Evidence Act, 1917 (Act No. 31 of 1917), and shall remain in operation for as long as the said jury list remains in operation in terms of the said section.

(4) No woman enrolled as a juror shall serve or be summoned or called to serve as a juror otherwise than upon a jury consisting of women only, in accordance with the provisions of section *three*.

(5) For the purpose of this section a jury district means a jury district as defined by section *one hundred and seventy* of the Criminal Procedure and Evidence Act, 1917.”.

Substitution of section 2 of Act 20 of 1931, as amended by section 10 of Act 32 of 1952.

Wysiging van
artikel 8 van
Wet 54 van 1949.

18. Artikel *agt* van die Algemene Regswysigingswet, 1949, word hiermee gewysig—

- (a) deur in paragraaf (a) van sub-artikel (1) na die woord „provincies” die woord „Natal,” in te voeg; en
- (b) deur in sub-artikel (3) na die syfers „1832,” die woorde „of van artikel *een-en-twintig* van „the Law for the better administration of Justice within the Colony of Natal,” (Wet No. 10 van 1857)” in te voeg en deur in bedoelde sub-artikel na die woorde „Oostelike Distrikte,” die woorde „of van die provinsiale afdeling Natal,” in te voeg.

Toepassing van
artikels 1 en 14
van hierdie Wet.

19. Die bepalings van artikels *een* en *veertien* van hierdie Wet is nie van toepassing nie met betrekking tot iemand wat voor die datum van die inwerkingtreding van hierdie Wet kragtens die Hoofwet ter strafsitting verwys is.

Kort titel.

20. Hierdie Wet heet die Wysigingswet op Kriminele Prosedure en Juries, 1954.

18. Section *eight* of the General Law Amendment Act, 1949, is hereby amended—

Amendment of section 8 of Act 54 of 1949.

- (a) by the insertion in paragraph (a) of sub-section (1) after the words "provinces of" of the word "Natal,"; and
- (b) by the insertion in sub-section (3) after the figures "1832," of the words "or of section *twenty-one* of the Law for the better administration of Justice within the Colony of Natal, (Law No. 10 of 1857)" and by the insertion in the said sub-section after the words "Eastern Districts Local Division," of the words "or of the Natal Provincial Division,".

19. The provisions of sections *one* and *fourteen* of this Act shall not apply in relation to a person who was committed for trial under the principal Act prior to the date of commencement of this Act.

Application of sections 1 and 14 of this Act.

20. This Act shall be called the Criminal Procedure and Jurors Amendment Act, 1954.

Short title.

No. 22, 1954.]

WET

Om voorsiening te maak vir die reëling onder sekere omstandighede van die verdeling van wyn bestem vir distillering en ander wyn; vir die verkryging van druiwe vir omsetting in wyn of spiritus en die van die hand setting van wyn en spiritus deur die Sagtevrugteraad en vir daarmee in verband staande aangeleenthede; en tot wysiging van die „Wet op de Kontrôle over Wijn en Spiritualiën, 1924”, en die Wysigingswet op die Kontrole oor Wyn en Spiritualieë, 1940.

(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 4 Junie 1954.)

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

Woord-
omskrywing.

1. In hierdie Wet beteken die uitdrukking „die Hoofwet” die „Wet op de Kontrôle over Wijn en Spiritualiën, 1924” (Wet No. 5 van 1924), en, tensy uit die samehang anders blyk, het elke uitdrukking, wat nie in hierdie Wet omskryf word nie en waaraan in die Hoofwet of in die Wysigingswet op die Kontrole oor Wyn en Spiritualieë, 1940 (Wet No. 23 van 1940), ’n betekenis toegeskryf is die betekenis aldus daaraan toegeskryf, en beteken—

- (i) „druive”, druiwe, die opbrings van die wynstok in die Kaapprovinsie, van die variëteite wat die Minister van tyd tot tyd by kennisgewing in die *Staatskoerant* as druiwe vir die doeleindes van hierdie Wet aanwys;
- (ii) „jaar”, ’n kalenderjaar; (vi)
- (iii) „Raad”, die Sagtevrugteraad bedoel in sub-artikel (1) van artikel 3 van die by Proklamasie No. 134 van 1951 afgekondigde Sagtevrugte-skema; (i)
- (iv) „Regeringsbrandewynraad”, die raad of ander liggaam in artikel *sewentig* van die Aksynswet, 1942 (Wet No. 45 van 1942), bedoel; (ii)
- (v) „uitvoerhawe”, enige plek kragtens artikel *veertien* van die Doeanewet, 1944 (Wet No. 35 van 1944), aangewys, waardeur goedere uitgevoer kan word; (iv)
- (vi) „wyn”, wyn, soos in die Hoofwet omskryf en vir distilleringsdoeleindes bestem. (v)

Toepassing
van die
regulasies in
die Bylae
uiteengesit.

2. (1) Die Goewerneur-generaal kan, wanneer die Minister rede het om te vermoed dat die hoeveelheid wyn wat gedurende enige jaar geproduseer is of geproduseer staan te word, te min sal wees om aan die geraamde behoeftes van die handel en die geraamde benodighede van die vereniging ten opsigte van sulke wyn te voldoen, op aanbeveling van die Minister, by proklamasie in die *Staatskoerant* die regulasies in die Bylae by hierdie Wet uiteengesit, hetsy met of sonder die insluiting van regulasie 3 daarvan, in werking verklaar vir so ’n tydperk, wat nie voor die eerste dag van Februarie van daardie jaar begin of na die een-en-dertigste dag van Januarie van die daaropvolgende jaar eindig nie, as wat in die proklamasie vermeld mag word, en hy kan insgelyks te eniger tyd gedurende daardie tydperk sodanige proklamasie wysig of intrek.

(2) (a) Die Goewerneur-generaal kan te eniger tyd by proklamasie in die *Staatskoerant* bedoelde Bylae wysig, hetsy deur verandering van of toevoeging tot bedoelde regulasies, vir die beter verwesenliking van die oogmerke van daardie regulasies.

(b) Elke kragtens paragraaf (a) uitgevaardigde proklamasie moet in beide Huise van die Parlement ter Tafel gelê word binne veertien dae na die datum van publikasie 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.

Verkryging van
druive deur
Raad vir
omsetting in
wyn of
spiritus.

3. (1) Die Raad kan, met toestemming van die vereniging, druiwe van ’n wynbouer verkry vir omsetting in wyn of spiritus.

(2) Die Raad mag nie enige druiwe ingevolge sub-artikel (1) verkry nie dan alleen ingevolge ’n skriftelike koopkontrak teen ’n prys wat nie hoër is nie as die vasgestelde minimum prys wat die vereniging, in die jaar waarin daardie druiwe verkry word,

No. 22, 1954.]

ACT

To provide for the regulation under certain circumstances of the distribution of wine intended for distillation purposes and other wine; for the acquisition of grapes for conversion into wine or spirit and the disposal of wine and spirit by the Deciduous Fruit Board, and for matters incidental thereto; and to amend the Wine and Spirits Control Act, 1924, and the Wine and Spirits Control Amendment Act, 1940.

(Afrikaans text signed by the Governor-General.)
(Assented to 4th June, 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. In this Act the expression "the principal Act" means the Wine and Spirits Control Act, 1924 (Act No. 5 of 1924), and unless the context otherwise indicates, any expression not defined in this Act, to which in the principal Act or the Wine and Spirits Control Amendment Act, 1940 (Act No. 23 of 1940), a meaning has been assigned, bears the meaning so assigned thereto, and—

- (i) "Board" means the Deciduous Fruit Board referred to in sub-section (1) of section 3 of the Deciduous Fruit Scheme promulgated by Proclamation No. 134 of 1951; (iii)
- (ii) "Government Brandy Board" means the board or other body referred to in section *seventy* of the Excise Act, 1942 (Act No. 45 of 1942); (iv)
- (iii) "grapes" means grapes the produce of the vine in the Province of the Cape of Good Hope, of such varieties as are designated by the Minister from time to time by notice in the *Gazette* as grapes for the purposes of this Act; (i)
- (iv) "port of export" means any place appointed in terms of section *fourteen* of the Customs Act, 1944 (Act No. 35 of 1944), through which goods may be exported; (v)
- (v) "wine" means wine as defined in the principal Act and intended for distillation purposes; (vi)
- (vi) "year" means a calendar year. (ii)

2. (1) The Governor-General may, whenever the Minister has reason to believe that the quantity of wine produced or to be produced during any year will be insufficient to meet the estimated needs of the trade and the estimated requirements of the vereniging in respect of such wine, on the recommendation of the Minister, by proclamation in the *Gazette*, declare the regulations set out in the Schedule to this Act, either with or without the inclusion of regulation 3 thereof, to be operative for such period, commencing not earlier than the first day of February of that year and ending not later than the thirty-first day of January of the year next following such year, as may be specified in such proclamation, and he may likewise at any time during such period amend or rescind such proclamation.

Application of the regulations set out in the Schedule.

(2) (a) The Governor-General may, at any time by proclamation in the *Gazette* amend the said Schedule whether by alteration of, or addition to, such regulations, for the purpose of the better achievement of the objects of those regulations.

(b) Any proclamation issued under paragraph (a) shall be laid upon the Tables of both Houses of Parliament within fourteen days after the date of publication 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.

3. (1) The Board may, with the consent of the vereniging, acquire grapes from a winegrower for the purpose of conversion into wine or spirit.

Acquisition of grapes by Board for conversion into wine or spirit.

(2) The Board shall not acquire any grapes in terms of sub-section (1) except in pursuance of a written contract of purchase and sale at a price not exceeding the fixed minimum price charged by the vereniging under the principal Act to wholesale

ingevolge die Hoofwet van groothandelaars vra vir die hoeveelheid wyn, van 'n sterkte van twintig persent, wat van daardie duiwe gemaak sou kon word, min heffings bereken op dieselfde wyse as die heffings (met inbegrip van die heffing ten bate van die fonds bekend as die „surplus bijdrage”) wat deur die vereniging gedurende daardie jaar op so 'n hoeveelheid wyn gelê word.

(3) Duiwe wat aldus gekoop word, moet deur die betrokke wynbouer by sodanige wynkelder van die Raad as wat die Raad mag gelas, afgelewer word, en die Raad mag geen diens in verband met sodanige aflewering verrig of laat verrig nie: Met dien verstande dat in die geval van duiwe bestem vir uitvoer wat by 'n uitvoerhawe afgelewer is en deur die Raad ingevolge hierdie artikel gekoop word, dit by sodanige uitvoerhawe deur die Raad in ontvangs geneem kan word.

(4) Die Raad moet die koopprys van sodanige duiwe, min enige bedrae deur die betrokke wynbouer aan hom verskuldig, aan die vereniging betaal en die vereniging moet enige gelde aldus aan hom betaal, min enige bedrae deur die wynbouer aan hom verskuldig, aan daardie wynbouer oorbetal.

(5) 'n Wynbouer van wie die Raad ingevolge hierdie artikel duiwe gekoop het, word by die toepassing van artikel een van die Hoofwet en artikel nege van die Wysigingswet op die Kontrole oor Wyn en Spiritualieë, 1940 (Wet No. 23 van 1940), geag 'n hoeveelheid wyn van 'n sterkte van twintig persent te produseer het gelykstaande met die hoeveelheid van sulke wyn wat uit die duiwe wat aldus gekoop is, gemaak sou kon word.

(6) By die toepassing van sub-artikels (2) en (5) van hierdie artikel en artikel nege, word een ton van tweeduisend pond duiwe teen twintig grade (soos met Balling se saccharometer bepaal) geag gelyk te staan met een lêer wyn van 'n sterkte van twintig persent.

Omsetting van
duiwe in wyn
of spiritus en
verkoop daarvan
deur die Raad.

4. (1) Die Raad kan, met toestemming van die vereniging—
(a) duiwe ingevolge artikel drie deur hom verkry in wyn of spiritus omsit;

(b) bedoelde wyn of spiritus aan 'n distilleerder of groothandelaar wat in die Unie handel dryf of aan die vereniging verkoop.

(2) Die Raad mag nie enige wyn of spiritus kragtens sub-artikel (1) verkoop nie dan alleen ingevolge 'n skriftelike koopkontrak teen 'n prys—

(a) in die geval van wyn, nie laer as die vasgestelde minimum prys wat die vereniging ingevolge die Hoofwet vir daardie wyn sou vra nie as hy dit in die jaar waarin dit deur die Raad verkoop word, aan groothandelaars sou verkoop; en

(b) in die geval van spiritus, nie laer nie as die vasgestelde minimum prys wat die vereniging (in die jaar waarin die spiritus deur die Raad verkoop word) ingevolge die Hoofwet van groothandelaars vra vir die hoeveelheid wyn van 'n sterkte van twintig persent wat nodig sou wees om die spiritus wat aldus verkoop word, te produseer, plus 'n bedrag wat nie minder is nie as die koste (deur die vereniging bepaal te word) om daardie spiritus te distilleer.

(3) Die Raad moet ten opsigte van wyn of spiritus deur hom verkoop of ingevolge 'n versoek kragtens artikel vyf aan die vereniging gelewer, heffings (met inbegrip van die heffing ten bate van die fonds bekend as die „surplus bijdrage”) aan die vereniging betaal, bereken—

(a) in die geval van wyn, op dieselfde wyse as die heffings wat deur die vereniging, gedurende die jaar waarin daardie wyn verkoop word of daardie versoek gedoen word, op wyn gelê word;

(b) in die geval van spiritus, op dieselfde wyse as die heffings wat deur die vereniging (gedurende die jaar waarin sodanige spiritus verkoop word of daardie versoek gedoen word) op die hoeveelheid wyn van 'n sterkte van twintig persent wat nodig sou wees om daardie spiritus te produseer, gelê word: Met dien verstande dat as geen betaling vir sodanige spiritus ingevolge sub-artikel (2) van artikel vyf gemaak word nie, geen heffing ten opsigte van daardie spiritus betaal word nie.

(4) 'n Distilleerder of groothandelaar wat wyn of spiritus van die Raad koop, moet die koopprys aan die vereniging betaal en die vereniging moet enige gelde aldus aan hom betaal, na aftrekking daarvan van die in sub-artikel (3) bedoelde heffings en enige ander bedrae aan hom verskuldig deur die Raad, aan die Raad oorbetal.

traders, in the year in which such grapes are acquired, for the quantity of wine, of a strength of twenty per cent. which could be made from those grapes, less levies calculated in the same manner as the levies (including the levy towards the fund known as the "surplus contribution") imposed by the vereniging on such a quantity of wine during that year.

(3) Any grapes so purchased shall be delivered by the wine-grower concerned to such winery of the Board as it may direct, and the Board shall not render or cause to be rendered any service in connection with such delivery: Provided that the Board may, in the case of grapes intended for export delivered at a port of export and purchased by it in terms of this section, take delivery thereof at such port of export.

(4) The Board shall pay the purchase price of such grapes less any amounts due to it by the winegrower concerned, to the vereniging and the vereniging shall remit any moneys so paid to it, less any amounts due to it by such winegrower, to that winegrower.

(5) A winegrower from whom the Board has purchased any grapes in terms of this section shall, for the purposes of section *one* of the principal Act and section *nine* of the Wine and Spirits Control Amendment Act, 1940 (Act No. 23 of 1940), be deemed to have produced a quantity of wine of a strength of twenty per cent. equivalent to the quantity of such wine which could be made from the grapes so purchased.

(6) For the purposes of sub-sections (2) and (5) of this section and section *nine* one ton of two thousand pounds of grapes at twenty degrees (as ascertained by Balling's saccharometer) shall be deemed to be the equivalent of one leaguer of wine of a strength of twenty per cent.

4. (1) The Board may, with the consent of the vereniging—
 - (a) convert grapes acquired by it in terms of section *three* into wine or spirit;
 - (b) sell such wine or spirit to a distiller or wholesale trader carrying on business in the Union or to the vereniging.
- Conversion of grapes into wine or spirit and sale thereof by the Board.
- (2) The Board shall not sell any wine or spirit in terms of sub-section (1) except under written contract of purchase and sale at a price—
 - (a) in the case of wine, not less than the fixed minimum price which would be charged by the vereniging under the principal Act for that wine if sold by it to wholesale traders in the year in which the wine is sold by the Board; and
 - (b) in the case of spirit, not less than the fixed minimum price charged (in the year in which the spirit is sold by the Board) by the vereniging under the principal Act to wholesale traders for the quantity of wine of a strength of twenty per cent. which would be required to produce the spirit so sold, plus an amount which is not less than the cost (to be determined by the vereniging) of distilling such spirit.
 - (3) The Board shall, in respect of wine or spirit sold by it or delivered to the vereniging in pursuance of a request under section *five* pay to the vereniging levies (including the levy towards the fund known as the "surplus contribution") calculated—
 - (a) in the case of wine, in the same manner as the levies imposed by the vereniging on wine during the year in which such wine is sold or such request is made;
 - (b) in the case of spirit, in the same manner as the levies imposed by the vereniging (during the year in which such spirit is sold or such request is made) on the quantity of wine of a strength of twenty per cent. which would be required to produce such spirit: Provided that if no payment for such spirit is made in terms of sub-section (2) of section *five*, no levy shall be paid in respect of that spirit.

(4) A distiller or wholesale trader who purchases wine or spirit from the Board, shall pay the purchase price to the vereniging and the vereniging shall remit to the Board any moneys so paid to it, after deduction therefrom of the levies referred to in sub-section (3) and any other amounts due to it by the Board.

Lewering van
onverkoopte
wyn en spiritus
aan vereniging
deur die Raad.

5. (1) Op versoek van die vereniging te eniger tyd na die eerste dag van Desember in enige jaar, moet die Raad onverwyld alle onverkoopte wyn en spiritus in sy besit of onder sy beheer wat afkomstig is van druiwe wat die Raad gedurende daardie jaar ingevolge artikel *drie* verkry het, of sulke kleiner hoeveelhede daarvan as wat die vereniging skriftelik mag gelas, aan die vereniging, by die naaste van sy dépôts, lewer teen betaling deur die vereniging van 'n bedrag—

- (a) in die geval van wyn, gelyk aan die vasgestelde minimum prys wat die vereniging ingevolge die Hoofwet vir daardie wyn sou vra as hy dit in daardie jaar aan groot-handelaars sou verkoop, min sulke aftrekkings vir gebreke, insluitende vlugtige suurheid, as wat die vereniging ingevolge sy konstitusie geregtig sou gewees het om te maak as sodanige wyn deur hom as onverkoopte wyn van 'n lid van die vereniging ingeneem was;
- (b) in die geval van spiritus wat deur die Regeringsbrandewynraad ingevolge paragraaf (c) van artikel *ses* van die Hoofwet goedgekeur en as suiwer wynges gesertifiseer is en ingevolge artikel *sewentig bis* van die Aksynswet, 1942 (Wet No. 45 van 1942), as geskik vir gebruik by die vervaardiging van gefortifiseerde wyn of die vervaardiging van spiritus wat bedoel is om gedrink te word, gesertifiseer is, gelyk aan die prys wat deur die vereniging vir daardie spiritus van groothandelaars gevra sou word as dit in sodanige jaar aan groothandelaars verkoop sou word,

min die in sub-artikel (3) van artikel *vier* bedoelde heffings en enige ander bedrae wat aan hom deur die Raad verskuldig is.

(2) Geen betaling word deur die vereniging gemaak nie vir ingevolge sub-artikel (1) gelewerde spiritus wat die Regeringsbrandewynraad weier om soos voormeld goed te keur of te sertifiseer.

Verskaffing van
onversterkte
wyn aan lede
van die ver-
eniging deur
Raad.

6. Ondanks andersluidende wetsbepalings kan die vereniging te eniger tyd in plaas daarvan om ingevolge paragraaf (b) van die voorbehoudsbepaling by artikel *vier* van die Wysigingswet op die Kontrole oor Wyn en Spiritualieë, 1940 (Wet No. 23 van 1940), onversterkte wyn aan enigeen van sy lede te verskaf, die Raad magtig om sodanige verskaffing namens hom te doen op die voorwaardes en in die hoeveelhede wat die Minister mag goedkeur, en kan vir die doel van sodanige verskaffing ook die Raad magtig om so 'n hoeveelheid onversterkte wyn as wat nodig mag wees, te verkry, te produseer of te vervaardig.

Verbod op
sekere hande-
linge deur
Raad.

7. (1) (a) Die Raad mag nie—

- (i) druiwe vir omsetting in wyn of spiritus verkry nie, dan alleen ooreenkomstig die bepalinge van artikel *drie* of enige ander wyn as druiwe verkry nie;
- (ii) druiwe in wyn of spiritus omsit nie, dan alleen ooreenkomstig die bepalinge van artikel *vier*;
- (iii) wyn of spiritus van die hand sit nie, dan alleen ooreenkomstig die bepalinge van artikel *vier* of *vyf*;
- (iv) enige spiritus produseer of vervaardig nie, dan alleen ooreenkomstig die bepalinge van artikel *vier*, of brandewyn, jenewer, likeur of enige ander drinkbare spiritus produseer of vervaardig nie.

(b) Behoudens die bepalinge van artikel *ses*, mag die Raad geen wyn soos omskryf in die Wysigingswet op die Kontrole oor Wyn en Spiritualieë, 1940 (Wet No. 23 van 1940), verkry, produseer, vervaardig of verskaf nie.

(2) Die Raad mag in verband met druiwe deur hom verkry vir omsetting in wyn of spiritus geen vergoeding benewens die koopprys gee nie.

(3) Druive en wyn van enige soort, spiritus, brandewyn, jenewer, likeur of ander drinkbare spiritus wat die Raad in stryd met sub-artikel (1) verkry, produseer of vervaardig, word aan die vereniging verbeur en word sy eiendom sonder dat vergoeding betaal word en moet aan hom op aanvraag gelewer word.

Besteding van
winste deur
Raad.

8. Die Raad moet enige winste deur hom gemaak in die uitoefening van sy bevoegdhede of die vervulling van sy pligte kragtens artikel *drie*, *vier*, *vyf* of *ses* in een of ander reserwefonds stort wat deur hom ingestel is ingevolge die bevoegdhede aan hom verleen kragtens paragraaf (e) *bis* van sub-artikel (1) van artikel *agtien* van die Bemerkingswet, 1937 (Wet No. 26 van 1937).

5. (1) The Board shall, upon request by the vereniging at any time after the first day of December in any year, forthwith deliver to the vereniging, at the nearest of its depots, all unsold wine and spirit in its possession or under its control which have been derived from grapes acquired by the Board in terms of section *three* during that year, or such lesser quantities thereof as the vereniging may in writing direct, against payment by the vereniging of an amount—

Delivery of unsold wine and spirit to vereniging by the Board.

- (a) in the case of wine, equal to the fixed minimum price which would be charged by the vereniging under the principal Act for that wine if sold by it to wholesale traders, in such year, less such deduction for defects, including volatile acidity, as the vereniging would have been entitled to make in terms of its constitution if such wine had been taken in by it as unsold wine from a member of the vereniging;
- (b) in the case of spirit, approved and certified as pure wine spirit by the Government Brandy Board in terms of paragraph (c) of section *six* of the principal Act and certified by the Government Brandy Board as suitable for use in the manufacture of fortified wine or the manufacture of spirits for potable purposes in terms of section *seventy bis* of the Excise Act, 1942 (Act No. 45 of 1942), equal to the price which would be charged by the vereniging for that spirit if sold to wholesale traders in such year,

less the levies referred to in sub-section (3) of section *four* and any other amounts due to it by the Board.

(2) No payment shall be made by the vereniging for spirit delivered in terms of sub-section (1) which the Government Brandy Board refuses to approve or certify as aforesaid.

6. Notwithstanding anything to the contrary in any law contained, the vereniging may at any time, in lieu of supplying any of its members with unfortified wine in terms of paragraph (b) of the proviso to section *four* of the Wine and Spirits Control Amendment Act, 1940 (Act No. 23 of 1940), authorize the Board to effect such supply on its behalf on such conditions and in such quantities as may be approved by the Minister and for the purpose of such supply may also authorize the Board to acquire, produce or manufacture such quantity of unfortified wine as may be requisite.

Supply of unfortified wine to members of the vereniging by the Board.

7. (1) (a) The Board shall not—

- (i) acquire grapes for conversion into wine or spirit except in accordance with the provisions of section *three* or acquire any wine other than grapes;
- (ii) convert grapes into wine or spirit except in accordance with the provisions of section *four*;
- (iii) dispose of wine or spirit except in accordance with the provisions of section *four* or *five*;
- (iv) produce or manufacture any spirit except in accordance with the provisions of section *four*, or produce or manufacture brandy, gin, liqueur or any other potable spirit.

Prohibition of certain acts by the Board.

(b) Save as provided in section *six*, the Board shall not acquire, produce, manufacture or supply any wine as defined in the Wine and Spirits Control Amendment Act, 1940 (Act No. 23 of 1940).

(2) The Board shall give no consideration additional to the purchase price in connection with grapes acquired by it for conversion into wine or spirit.

(3) Grapes and wine of any description, spirit, brandy, gin, liqueur or other potable spirit, acquired, produced or manufactured by the Board in contravention of sub-section (1) shall be forfeited to and become the property of the vereniging without payment of compensation and shall be delivered to it on demand.

8. The Board shall pay any profits realized by it in the exercise of its powers or the performance of its duties under section *three*, *four*, *five* or *six* into any reserve fund established by it in pursuance of powers vested in it by virtue of paragraph (e)*bis* of sub-section (1) of section *eighteen* of the Marketing Act, 1937 (Act No. 26 of 1937).

Disposal of profits by Board.

Betaling van
bonusse deur
die vereniging.

9. Indien die vereniging met betrekking tot enige jaar 'n bonus betaalbaar maak waarvan enige deel gedistribueer moet word ten opsigte van enige van die bedrae wat gedurende daardie jaar deur hom verhaal is by wyse van heffings ingevolge artikel *vier* of *vyf*, moet die vereniging daardie deel aan die wynbouers betaal van wie die Raad gedurende daardie jaar duiwe vir omsetting in wyn of spiritus ingevolge artikel *drie* verkry het en is elke wynbouer geregtig op betaling van 'n bedrag wat in dieselfde verhouding tot daardie deel staan as die verhouding waarin die hoeveelheid wyn van 'n sterkte van twintig persent wat gemaak sou kon word uit duiwe wat aldus van hom deur die Raad verkry is, staan tot die totale hoeveelheid wyn van so 'n sterkte wat gemaak sou kon word van die duiwe wat aldus deur die Raad gedurende daardie jaar van alle wynbouers verkry is: Met dien verstande dat geen betaling aan 'n wynbouer die verskil tussen die totaal van alie ander gelde wat aan hom betaal is of waarmee hy gekrediteer is ten opsigte van die duiwe wat aldus gedurende daardie jaar van hom deur die Raad verkry is en die bedrag wat ten opsigte van daardie duiwe betaalbaar sou gewees het as daardie duiwe aan die vereniging gelewer was deur 'n lid van die vereniging en deur hom gedurende daardie jaar as onverkoopte wyn ingevolge sy konstitusie ingeneem was te bowe mag gaan nie.

Inspeksiebevoegd-
hede.

10. Enige aksynsamptenaar wat skriftelik daartoe gemagtig is deur die Kommissaris van Doeane en Aksyns en enige beampte van die vereniging wat aldus deur die vereniging gemagtig is, kan—

- (a) te eniger tyd en op enige plek van enige persoon wat 'n boek of stuk in sy bewaring of onder sy beheer het wat deur die Raad gebruik word of in die Raad se besit is in verband met die verkryging, omsetting, opberging of van die hand setting deur die Raad van duiwe, wyn, onversterkte wyn of spiritus, die oorlegging daarvan, dan en daar of op 'n tyd en plek deur sodanige amptenaar of beampte bepaal, eis;
- (b) te eniger tyd enige perseel wat deur die Raad gebruik word in verband met die verkryging, omsetting, opberging of van die hand setting van duiwe, wyn, onversterkte wyn of spiritus betree en enige voorwerp hoegenaamd op daardie perseel besigtig en 'n opname daarvan maak.

Raad vrygestel
van uitneem
van sekere
lisensies.

11. Ondanks andersluidende wetsbepalings, is die Raad onthef van enige verpligting om 'n lisensie uit te neem vir die verkoop, lewering, verskaffing of vervoer van enige wyn, onversterkte wyn of spiritus wat deur hom ingevolge hierdie Wet geproduseer, vervaardig of verkry is.

Regulasies.

12. (1) Die Goewerneur-generaal kan regulasies uitvaardig wat die aantekeninge wat deur die Raad gehou moet word en die opgawes wat deur hom verstrekk moet word en die vorm waarin so 'n aantekening gehou moet word en die tye wanneer en die vorm waarin en die wyse waarop en die persoon aan wie so 'n opgawe verstrekk moet word, voorskryf.

(2) Regulasies kragtens sub-artikel (1) uitgevaardig kan strawwe, wat 'n boete van honderd pond nie te bowe gaan nie, voorskryf vir 'n oortreding daarvan of versuim om daaraan te voldoen.

Oortredings
en strawwe.

13. Iemand wat—

- (a) 'n bepaling van artikel *drie*, *vier*, *vyf*, *sewe*, *agt* of *nege* oortree of versuim om daaraan te voldoen; of
- (b) weier of in gebreke bly om na sy beste vermoë te voldoen aan enige vereiste wat 'n aksynsamptenaar of beampte van die vereniging ingevolge artikel *tien* gestel het of so 'n amptenaar of beampte by die uitoefening van sy bevoegdhede kragtens daardie artikel hinder of belemmer,

is aan 'n misdryf skuldig en strafbaar by veroordeling—

- (i) in die geval van 'n in paragraaf (a) bedoelde misdryf, met 'n boete van hoogstens vyfhonderd pond; en
- (ii) in die geval van 'n in paragraaf (b) bedoelde misdryf, met 'n boete van hoogstens honderd pond of met gevangenisstraf vir 'n tydperk van hoogstens ses maande, of met beide daardie boete en daardie gevangenisstraf.

9. If, in relation to any year, the vereniging makes payable a bonus any portion of which is to be distributed in respect of any of the amounts recovered by it as levies in terms of section *four* or *five* during such year, such portion shall be paid by the vereniging to the winegrowers from whom the Board acquired grapes for conversion into wine or spirit in terms of section *three* during that year, and each winegrower shall be entitled to payment of an amount which bears the same ratio to that portion as the quantity of wine of a strength of twenty per cent. which could be made from the grapes so acquired from him by the Board bears to the total quantity of wine of such strength which could be made from the grapes so acquired by the Board from all winegrowers during that year: Provided that no payment to any winegrower shall exceed the difference between the total of all other moneys paid or credited to him in respect of the grapes so acquired from him by the Board during that year and the amount which would have been payable in respect of such grapes if such grapes had been delivered to the vereniging by a member of the vereniging and had been taken in by it as unsold wine in terms of its constitution during such year.

Payment of
bonuses by the
vereniging.

10. Any excise officer authorized thereto in writing by the Commissioner of Customs and Excise, and any official of the vereniging so authorized by the vereniging may—

Powers of
inspection.

- (a) at any time and at any place require from any person who has the custody or control of any book or document used by or in the possession of the Board in connection with the acquisition, conversion, storage or disposal by it of grapes, wine, unfortified wine or spirit the production thereof then and there, or at a time and place fixed by such officer or official;
- (b) at any time enter upon any premises used by the Board in connection with the acquisition, conversion, storage or disposal of grapes, wine, unfortified wine or spirit and examine and take stock of any article whatsoever on such premises.

11. Notwithstanding anything to the contrary in any law contained, the Board shall be free from any obligation to take out a licence for the sale, delivery, supply or conveyance of any wine, unfortified wine or spirit produced, manufactured or acquired by it in terms of this Act.

Board exempted
from taking
out certain
licences.

12. (1) The Governor-General may make regulations prescribing the records to be kept and the returns to be rendered by the Board, and the form in which any such record shall be kept and the times at which and the form and manner in which and the person to whom any such return shall be rendered.

Regulations.

(2) Any regulations made under sub-section (1) may prescribe penalties for any contravention thereof or failure to comply therewith not exceeding a fine of one hundred pounds.

13. Any person who—

Offences and
penalties.

- (a) contravenes or fails to comply with any provision of section *three*, *four*, *five*, *seven*, *eight* or *nine*; or
- (b) refuses or fails to comply to the best of his power with any requirement made by an excise officer or official of the vereniging in terms of section *ten* or hinders or obstructs any such officer or official in the exercise of his powers under that section,

shall be guilty of an offence and liable on conviction—

- (i) in the case of an offence referred to in paragraph (a), to a fine not exceeding five hundred pounds; and
- (ii) in the case of an offence referred to in paragraph (b), to a fine not exceeding one hundred pounds or to imprisonment for a period not exceeding six months, or to both such fine and such imprisonment.

Wysiging van artikel 1 van Wet 5 van 1924, soos gewysig deur artikel 12 van Wet 23 van 1940.

14. Artikel *een* van die Hoofwet word hiermee gewysig—

- (a) deur sub-artikel (3) deur die volgende sub-artikel te vervang:

„(3) De genoemde Vereniging weigert enige toestemming vereist ingevolge sub-artikel (1) in het geval van een wijnbouwer die geen lid van de genoemde Vereniging is, tenzij zodanige wijnbouwer toestemt zich ten aanzien van de handeling of transactie in verband waarmee zodanige toestemming vereist wordt, te onderwerpen aan alle voorwaarden en verplichtingen waaraan hij onderworpen zou zijn geweest indien hij een zodanig lid ware.”; en

- (b) deur in sub-artikel (4) al die woorde na die woord „pond” te skrap.

Wysiging van artikel 2 van Wet 5 van 1924, soos gewysig deur artikel 13 van Wet 23 van 1940 en artikel 1 van Wet 23 van 1946.

15. Artikel *twee* van die Hoofwet word hiermee gewysig—

- (a) deur in sub-artikel (1) na die woorde „zijn kontrôle heeft” die volgende voorbehoudsbepaling in te voeg:

„Met dien verstande dat de genoemde Vereniging binnen veertien dagen na ontvangst van enige aanvraag om zodanige wijn, de zaak naar de Minister kan verwijzen, die na overweging van enige vertogen ingediend door de Vereniging en de persoon die zodanige aanvraag doet, de Vereniging kan machtigen om voldoening aan dat aanvraag te weigeren of om zulk een kleinere hoeveelheid wijn ter voldoening daaraan te verschaffen als hij mocht gelasten, indien hij overtuigd is dat de aanvraag buitensporig is in acht genomen de beschikbare voorraden, de geraamde behoeften van de handel, de vroegere aankopen van de persoon die de aanvraag doet en de geraamde behoeften van de Vereniging.”;

- (b) deur in genoemde sub-artikel die laaste voorbehoudsbepaling deur die volgende voorbehoudsbepaling te vervang:

„Met dien verstande dat, ondanks andersluidende wetsbepalingen, de vereniging gedurende enig jaar aan enigeen van zijn leden—

- (a) voor zijn privaat gebruik, in ruil voor wijn (zoals in deze Wet omschreven) voor distillatie doeleinden bestemd, of wijn zoals in genoemde Wet omschreven, door dat lid op grond waarvan hij de eigenaar of bewoner is, voortgebracht en aan de vereniging geleverd, zulk een hoeveelheid brandewijn, jenever en likeur kan verschaffen als in't geheel, tezamen met enige hoeveelheid wijn gedurende dat jaar ingevolge paragraaf (a) van de voorbehoudsbepaling bij artikel vier van genoemde Wet aan het betrokken lid geleverd, gelijkstaande is met hoogstens vijftien gallon spiritualiën tegen proefsterkte; en

- (b) voor de versterking van zijn eigen produkt, in ruil voor wijn voor distillatie doeleinden bestemd, door dat lid op grond waarvan hij de eigenaar of bewoner is, voortgebracht en aan de vereniging geleverd, zulk een hoeveelheid spiritualiën, in't geheel niet meer als een hoeveelheid gelijkstaande met de hoeveelheid wijn aldus geleverd, en op zodanige voorwaarden als de vereniging mocht bepalen, kan verschaffen.”; en

- (c) deur sub-artikel (3) deur die volgende sub-artikel te vervang:

„(3) Indien de bedoelde vereniging een bepaling van dit artikel overtreedt of verzuimt om daaraan te voldoen is zij aan een misdrijf schuldig en bij schuldbevinding strafbaar met een boete van hoogstens vijf honderd pond.”.

Vervanging van artikel 6 van Wet 5 van 1924, soos gewysig deur artikel 2 van Wet 17 van 1928.

16. Artikel *ses* van die Hoofwet word hiermee deur die volgende artikel vervang:

„Van de hand zetten van spiritualiën om in de Unie gedronken te worden.

6. Niemand mag spiritualiën, die in de Unie uit voortbrengselen van de wijnstok vervaardigd zijn, verkopen of anderszins van de hand zetten om in de Unie gedronken te worden (behalve om herdistilleerd of gerektificeerd te worden of voor zodanige doeleinden als de Regerings-Brandewijnraad mocht goedkeuren) tenzij dezelve—

- (a) brandewijn is—

- (i) gedistilleerd in een potstil onder aksijns-toezicht, tegen een sterkte van niet meer dan dertig percent boven proef, geheel uit

14. Section one of the principal Act is hereby amended—

Amendment of
section 1 of
Act 5 of 1924,
as amended by
section 12 of
Act 23 of 1940.

- (a) by the substitution for sub-section (3) of the following sub-section:

“(3) The said vereniging shall withhold any consent required in terms of sub-section (1) in the case of a winegrower who is not a member of the said vereniging unless that winegrower agrees to be subject, in respect of the act or transaction in relation to which such consent is required, to all the conditions and obligations to which he would have been subject if he were such a member.”; and

- (b) by the deletion in sub-section (4) of all the words after the word “pounds”.

15. Section two of the principal Act is hereby amended—

Amendment of
section 2 of
Act 5 of 1924,
as amended by
section 13 of
Act 23 of 1940
and section 1
of Act 23 of 1946.

- (a) by the insertion in sub-section (1) after the word “control” of the following proviso:

“Provided that the said vereniging may within fourteen days after receipt of any demand for such wine, refer the matter to the Minister who may, after consideration of any representations made by the vereniging and by the person making such demand, authorize the vereniging to refuse to fulfil that demand or to supply such lesser quantity of wine in fulfilment thereof as he may direct, if he is satisfied that the demand is excessive, having regard to the available supplies, the estimated needs of the trade, the previous purchases of the person making the demand and the estimated requirements of the vereniging.”;

- (b) by the substitution in the said sub-section for the last proviso of the following proviso:

“Provided that notwithstanding anything contained in any law, the vereniging may during any year supply to any of its members—

- (a) for his private use, in exchange for wine (as defined in this Act) intended for distillation purposes, or wine as defined in the said Act, produced by that member on land owned or occupied by him and delivered to the vereniging, such a quantity of brandy, gin and liqueur as in the aggregate, together with any quantity of wine supplied to that member during that year under paragraph (a) of the proviso to section four of the said Act, is equivalent to not more than fifteen gallons of spirit at proof strength; and

- (b) for the fortification of his own product, in exchange for wine intended for distillation purposes produced by that member on land owned or occupied by him and delivered to the vereniging, such a quantity of spirits, not exceeding in the aggregate a quantity equivalent to the quantity of wine so delivered, and on such conditions as may be determined by the vereniging.”; and

- (c) by the substitution for sub-section (3) of the following sub-section:

“(3) If the said vereniging contravenes or fails to comply with any provision of this section it shall be guilty of an offence and liable on conviction to a penalty not exceeding five hundred pounds.”.

16. The following section is hereby substituted for section six of the principal Act:

Substitution of
section 6 of
Act 5 of 1924,
as amended by
section 2 of Act
17 of 1928.

“Disposal
of spirits
for potable
purposes
in the
Union.

6. No person shall for potable purposes in the Union sell or otherwise dispose of any spirit manufactured in the Union from the produce of the vine (except for redistillation or rectification or for such purposes as the Government Brandy Board may approve) unless such spirit—

- (a) is brandy which—

- (i) has been distilled in a pot still under excise supervision, at a strength not exceeding thirty per cent. overproof, wholly from

- zuivere wijn of most, het produkt van verse druiven, welke goedgekeurd is door de Regerings-Brandewijnraad; en
- (ii) door de Regerings-Brandewijnraad goedgekeurd en volgens het certifikaat van die Raad zuivere wijnbrandewijn; en
- (iii) gedurende een tydperk van niet minder dan drie jaar belegen door bewaring in een pakhuis in houten vaten goedgekeurd door de Kommissaris van Doeane en Aksijns of een schriftelik door hem daartoe gemagtigde persoon; of
- (b) gedistilleerd is uit zuivere wijn of most, het produkt van verse druiven, teen een sterkte van niet minder dan vijf percent boven proef en door de Regerings-Brandewijnraad goedgekeurd is en volgens het certifikaat van die Raad zuivere wijngeest is en vermengd is met niet minder dan vijf en twintig percent (teen proef berekend) van de brandewijn beskreeven in paragraaf (a); of
- (c) gedistilleerd is teen een sterkte van niet minder dan vijf percent boven proef, en door de Regerings-Brandewijnraad goedgekeurd is en volgens het certifikaat van die Raad zuivere wijngeest is en bedoeld is om te worden gebruik—
- (i) door een menger voor doeleinden van vermenging overeenkomstig paragraaf (b); of
- (ii) voor de versterking van wijn of bij de verwaardiging van jenever of likeur.”

Wysiging van artikel 11 van Wet 5 van 1924, soos gewysig deur artikel 3 van Wet 17 van 1928 en artikel 18 van Wet 23 van 1940.

17. Artikel *elf* van die Hoofwet word hiermee gewysig—

- (a) deur na die woordbepaling van „jenever” die volgende woordbepaling in te voeg:
- „Regerings-Brandewijnraad’, de in artikel *zeventig* van de „Aksynswet, 1942” (Wet No. 45 van 1942), bedoelde raad of ander lichaam;”;
- (b) deur in die woordoms krywing van „Minister” al die woorde na die woord „Landbou” te skrap; en
- (c) deur na die woordoms krywing van „proefsterkte” die volgende woordoms krywing in te voeg:
- „pakhuis’, een pakhuis zoals omskreeven in artikel *een* van de „Aksynswet, 1942” (Wet No. 45 van 1942)”.

Wysiging van artikel 4 van Wet 23 van 1940.

18. Artikel *vier* van die Wysigingswet op die Kontrole oor Wyn en Spiritualieë, 1940, word hiermee gewysig deur in paragraaf (a) van die voorbehoudsbepaling daarby die woorde „enige hoeveelheid brandewyn” deur die woorde „die gesamentlike hoeveelheid brandewyn, jenever en likeur” en die woorde „die tweede” deur die woorde „paragraaf (a) van die laaste” te vervang.

Invoeging van artikel 24bis in Wet 23 van 1940.

19. Die volgende artikel word hiermee in die Wysigingswet op die Kontrole oor Wyn en Spiritualieë, 1940, na artikel *vier-en-twintig* ingevoeg:

- „Opskorting van sekere bepalinge van hierdie Wet ten opsigte van sekere kooperatiewe verenigings of kooperatiewe maatskappye.
- 24bis. (1) Die werking van enige of van al daardie bepalinge van—
- (a) sub-artikel (1) van artikel *twee*, waarvolgens geen kooperatiewe vereniging of kooperatiewe maatskappy wyn mag verkoop of van die hand sit nie, dan alleen deur of met toestemming van die vereniging;
- (b) sub-artikel (1) van artikel *drie*, waarvolgens geen persoon wat gelisensieer is om in drank handel te dryf en geen distilleerder wyn van ’n kooperatiewe vereniging of kooperatiewe maatskappy mag koop of verkry nie dan alleen deur of met toestemming van die vereniging;
- (c) sub-artikel (1) van artikel *ses*, waarvolgens iedereen wat gelisensieer is om in drank handel te dryf, en elke distilleerder, wat wyn van ’n kooperatiewe vereniging of kooperatiewe maatskappy koop, die koopprys aan die vereniging moet betaal; en
- (d) enige regulasie kragtens hierdie Wet, waarvolgens dit van ’n kooperatiewe vereniging of kooperatiewe maatskappy vereis word om aantekeninge te hou of opgawes te verstrek,

pure wine or must, the produce of fresh grapes, which has been approved by the Government Brandy Board; and

- (ii) has been approved by the Government Brandy Board and certified by it to be pure wine brandy; and
- (iii) has been matured by storage, for a period of not less than three years, in a warehouse, in wood approved by the Commissioner of Customs and Excise or any person authorized thereto in writing by him; or
- (b) has been distilled from pure wine or must, the produce of fresh grapes, at a strength of not less than five per cent. overproof and has been approved by the Government Brandy Board and certified by it to be pure wine spirit and is blended with not less than twenty-five per cent. (calculated at proof) of brandy described in paragraph (a); or
- (c) has been distilled at a strength of not less than five per cent. overproof and has been approved by the Government Brandy Board and certified by it to be pure wine spirit and is intended for use—
 - (i) by a blender for purposes of blending in accordance with paragraph (b); or
 - (ii) in the fortification of wine or in the manufacture of gin or liqueur.”

17. Section *eleven* of the principal Act is hereby amended— Amendment of section 11 of Act 5 of 1924, as amended by section 3 of Act 17 of 1928, and section 18 of Act 23 of 1940.

- (a) by the insertion after the definition of “gin” of the following definition:

“ ‘Government Brandy Board’ means the board or other body referred to in section *seventy* of the Excise Act, 1942 (Act No. 45 of 1942);”;

- (b) by the deletion in the definition of “Minister” of all the words after the word “Agriculture”; and

- (c) by the insertion after the definition of “proof strength” of the following definition:

“ ‘warehouse’ means a warehouse as defined in section *one* of the Excise Act, 1942 (Act No. 45 of 1942);”.

18. Section *four* of the Wine and Spirits Control Amendment Act, 1940, is hereby amended by the substitution in paragraph (a) of the proviso thereto for the words “any quantity of brandy” of the words “the aggregate quantity of brandy, gin and liqueur” and for the words “the second” of the words “paragraph (a) of the last”. Amendment of section 4 of Act 23 of 1940.

19. The following section is hereby inserted in the Wine and Spirits Control Amendment Act, 1940, after section *twenty-four*: Insertion of section 24 *bis* in Act 23 of 1940.

“Suspension of certain provisions of this Act in respect of certain co-operative societies or co-operative companies.

24*bis*. (1) The operation of any or all of those provisions of—

- (a) sub-section (1) of section *two*, under which no co-operative society or co-operative company shall sell or dispose of any wine except through or with the consent of the vereniging;
- (b) sub-section (1) of section *three*, under which no person licensed to deal in liquor and no distiller shall purchase or acquire any wine from any co-operative society or co-operative company except through or with the consent of the vereniging;
- (c) sub-section (1) of section *six*, under which every person licensed to deal in liquor and every distiller who purchases wine from a co-operative society or co-operative company, shall pay the purchase price to the vereniging; and
- (d) any regulation under this Act, under which a co-operative society or co-operative company is required to keep records or render returns,

vir sover hulle op 'n koöperatiewe vereniging of koöperatiewe maatskappy betrekking het wat op die datum van inwerkingtreding van hierdie Wet die houer was van 'n groothandelaarsdranklisensie kragtens die Drankwet, 1928 (Wet No. 30 van 1928), uitgereik, kan te eniger tyd op aanbeveling van die vereniging en onderworpe aan die voorwaardes wat die Minister mag goedvind, deur hom by kennisgewing in die *Staatskoerant* totdat die kennisgewing teruggetrek word, opgeskort word wanneer hy oortuig is dat ondanks so 'n opskorting die oogmerke van hierdie Wet wesenlik bereik sal word as die voorwaardes van opskorting nagekom word.

(2) Die Minister kan 'n in sub-artikel (1) bedoelde kennisgewing terugtrek of van tyd tot tyd wysig.

Kort titel.

20. Hierdie Wet heet die Wysigingswet op die Kontrole oor Wyn en Spiritualieë, 1954.

Bylae.

Woordomskrywing.

1. In hierdie regulasies, tensy uit die samehang anders blyk, het enige uitdrukking waaraan 'n betekenis in die „Wet op de Kontrôle over Wijn en Spiritualiën, 1924” (Wet No. 5 van 1924), of in die Wysigingswet op die Kontrole oor Wyn en Spiritualieë, 1940 (Wet No. 23 van 1940), toegeskryf is, en wat nie in hierdie regulasies spesiaal omskryf word nie, daardie betekenis, en beteken—

- (i) „afsetbare hoeveelheid”, die hoeveelheid stookwyn afkomstig uit die lopende wynoes en enige vroeëre wynoes wat vir verdeling beskikbaar is en ook 'n hoeveelheid stookwyn wat die komitee bepaal gelyk te staan met die hoeveelheid spiritus wat die Raad beskikbaar hou of moet hou ingevolge sub-regulasie (3) van regulasie 8, maar nie ook daardie gedeelte van die lopende wynoes of enige vroeëre wynoes nie wat as geskatte oorskot aan die vereniging toegeval het of mag toeval ingevolge enige vasstelling van sodanige oorskot wat deur hom kragtens sy konstitusie gemaak is of uit hoofde van hierdie regulasies geag word gemaak te gewees het, of ingevolge sub-artikel (3) van artikel een van die „Wet op de Kontrôle over Wijn en Spiritualiën, 1924” (Wet No. 5 van 1924), of ingevolge hierdie regulasies, onderworpe egter aan die voorbehoudsbepaling in sub-regulasie (2) van regulasie 14, en ook nie daardie gedeelte van die lopende wynoes of enige vroeëre wynoes wat deur die vereniging ingevolge sub-regulasie (6) van regulasie 4 verkry is of verkry sal word nie; (viii)
- (ii) „basiese tydperk”, met betrekking tot—
 - (a) stookwyn, spiritus en brandewyn, die tydperk beginnende—
 - (i) in die geval van iemand wat op die eerste dag van Januarie van die jaar drie jaar voor die jaar waarin die vasgestelde datum val, in besit was van 'n lisensie om in drank handel te dryf, op eersgenoemde datum; en
 - (ii) in die geval van iemand wat op eersgenoemde datum nie in besit van so 'n lisensie was nie, op die datum waarop hy daarna die besitter van so 'n lisensie geword het, en eindigende op die een-en-dertigste dag van Desember van die jaar wat die jaar waarin die vasgestelde datum val onmiddellik voorafgaan;
 - (b) goeiewyn, die tydperk beginnende—
 - (i) in die geval van iemand wat op die eerste dag van Februarie van die jaar drie jaar voor die jaar waarin die vasgestelde datum val, in besit was van 'n lisensie om in drank handel te dryf, op eersgenoemde datum; en
 - (ii) in die geval van iemand wat op eersgenoemde datum nie in besit van so 'n lisensie was nie, op die datum waarop hy daarna die besitter van so 'n lisensie geword het, en eindigende op die een-en-dertigste dag van Januarie van die jaar waarin die vasgestelde datum val; (ii)
- (iii) „brandewyn”, enige brandewyn in die Unie uit die opbrings van die wynstok vir drinkdoeleindes vervaardig; (iv)
- (iv) „goeiewyn”, wyn soos in die Wysigingswet op die Kontrole oor Wyn en Spiritualieë, 1940 (Wet No. 23 van 1940), omskryf; (xi)
- (v) „jaar”, 'n kalenderjaar; (xv)
- (vi) „komitee” die kragtens regulasie 2 ingestelde Stookwyn- en Goeiewynpoelkomitee; (v)
- (vii) „koöperatiewe vereniging” of „koöperatiewe maatskappy”, 'n koöperatiewe vereniging of koöperatiewe maatskappy (behalwe 'n koöperatiewe handelsvereniging of 'n sentrale of federale koöperatiewe handelsmaatskappy) wat met die produkte van wynbouers handel en ingevolge die wet op koöperatiewe verenigings en koöperatiewe maatskappye geregistreer is, en ook die vereniging; (vi)
- (viii) „lopende wynoes” die opbrings van die wynstok wat in die Kaapprovinsie gedurende die jaar waarin die vasgestelde datum val, ingesamel is of sal word; (vii)
- (ix) „minimum stookwynprys”, die vasgestelde minimum prys waarna in artikel twaalf van die „Wet op de Kontrôle over Wijn en Spiritualiën, 1924” (Wet No. 5 van 1924), verwys word; (xii)

in so far as they relate to a co-operative society or co-operative company which, at the date of commencement of this Act, was the holder of a wholesale liquor licence issued under the Liquor Act, 1928 (Act No. 30 of 1928), may at any time on the recommendation of the vereniging and subject to such conditions as the Minister may deem fit, be suspended by him by notice in the *Gazette* until the notice is withdrawn, whenever he is satisfied that notwithstanding such suspension the objects of this Act will be substantially attained if the conditions of suspension are observed.

(2) The Minister may withdraw or from time to time amend any notice referred to in sub-section (1)."

20. This Act shall be called the Wine and Spirits Control Amendment Act, 1954. Short title.

Schedule.

Definitions.

1. In these regulations, unless the context otherwise indicates, any expression to which a meaning has been assigned in the Wine and Spirits Control Act, 1924 (Act No. 5 of 1924), or in the Wine and Spirits Control Amendment Act, 1940 (Act No. 23 of 1940), and which is not specially defined in these regulations, bears that meaning, and—

- (i) "acquire" shall not include the receipt by a co-operative society or co-operative company of the produce of its members for the purpose of distribution in accordance with allocations made in terms of these regulations or the receipt by the Board of grapes under section *three* of this Act for such purpose; (xiv)
- (ii) "basic period", in relation to—
 - (a) distilling wine, spirit and brandy, means the period commencing—
 - (i) in the case of a person who on the first day of January of the year three years before the year in which the fixed date occurs, held a licence to deal in liquor, on the firstmentioned date; and
 - (ii) in the case of a person who on such firstmentioned date did not hold such a licence, on the date upon which he thereafter became the holder of such a licence, and ending on the thirty-first day of December of the year immediately preceding the year in which the fixed date occurs;
 - (b) good wine, means the period commencing—
 - (i) in the case of a person who on the first day of February of the year three years before the year in which the fixed date occurs, held a licence to deal in liquor, on the firstmentioned date; and
 - (ii) in the case of a person who on such firstmentioned date did not hold such a licence, on the date upon which he thereafter became the holder of such a licence, and ending on the thirty-first day of January of the year in which the fixed date occurs; (ii)
- (iii) "Board" means the Deciduous Fruit Board referred to in sub-section (1) of section 3 of the Deciduous Fruit Scheme promulgated by Proclamation No. 134 of 1951; (x)
- (iv) "brandy" means any brandy for potable purposes manufactured in the Union from the produce of the vine; (iii)
- (v) "committee" means the Distilling and Good Wine Pool Committee established in terms of regulation 2; (vi)
- (vi) "co-operative society" or "co-operative company" means a co-operative society or co-operative company (other than a co-operative trading society or a central or federal co-operative trading company) which deals with the produce of winegrowers and has been registered under the law relating to co-operative societies and co-operative companies, and includes the vereniging; (vii)
- (vii) "current vintage" means the produce of the vine harvested or to be harvested in the Cape Province during the year in which the fixed date occurs; (viii)
- (viii) "disposable quantity" means the quantity of distilling wine derived from the current vintage and any prior vintage available for distribution and shall include a quantity of distilling wine determined by the committee to be equivalent to the quantity of spirit held or to be held available by the Board in terms of sub-regulation (3) of regulation 8 but shall not include that portion of the current vintage or any prior vintage which has accrued or may accrue to the vereniging as estimated surplus by virtue of any determination of such surplus made or deemed by these regulations to have been made by it in terms of its constitution, or by virtue of sub-section (3) of section *one* of the Wine and Spirits Control Act, 1924 (Act No. 5 of 1924), or of these regulations, subject however to the proviso in sub-regulation (2) of regulation 14, and shall also not include that portion of the current vintage or any prior vintage which has been or will be acquired by the vereniging in terms of sub-regulation (6) of regulation 4; (i)
- (ix) "distilling wine" means wine as defined in the Wine and Spirits Control Act, 1924 (Act No. 5 of 1924), and intended for distillation; (xii)

- (x) „Raad”, die Sagtevrugteraad bedoel in sub-artikel (1) van artikel 3 van die by Proklamasie No. 134 van 1951 afgekondigde Sagtevrugteskema; (iii)
- (xi) „spiritus”, enige spiritus in die Unie uit die opbrings van die wynstok vir drinkdoeleindes vervaardig; (xiv)
- (xii) „stookwyn”, wyn, soos omskryf in die „Wet op de Kontrôle over Wijn en Spiritualiën, 1924” (Wet No. 5 van 1924), en vir distilleringdoeleindes bestem; (ix)
- (xiii) „vasgestelde datum”, die datum wat deur die Goewerneurgeneraal by proklamasie in die *Staatskoerant* ingevolge sub-artikel (1) van artikel twee van hierdie Wet vasgestel is waarop hierdie regulasies in werking tree; (x)
- (xiv) „verkry”, nie ook die ontvangs deur ’n koöperatiewe vereniging of koöperatiewe maatskappy van die produkte van sy lede met die bedoeling om dit ooreenkomstig toekennings ingevolge hierdie regulasies te distribueer nie of die ontvangs van druiwe deur die Raad kragtens artikel drie van hierdie Wet met sodanige bedoeling nie; (i)
- (xv) „vroëere wynoes”, die opbrings van die wynstok in die Kaap-provinsie ingesamel gedurende enige jaar wat die jaar waarin die vasgestelde datum val, voorafgaan. (xiii)

Stookwyn- en Goeiewynpoelkomitee.

2. (1) Hiermee word ’n Stookwyn- en Goeiewynpoelkomitee ingestel bestaande uit vyf lede wat deur die Minister aangestel moet word, van wie—

- (a) een ’n beampde van die Departement van Landbou moet wees wat voorsitter van die komitee is;
 - (b) een deur die „Cape Distilling Merchants’ Association” benoem moet word;
 - (c) een deur die „Cape Wholesale Wine Merchants’ Association” benoem moet word; en
 - (d) twee deur die vereniging benoem moet word,
- en vir elke lid word daar op dieselfde wyse as die betrokke lid ’n plaasvervanger benoem en aangestel.

(2) Die benoeming van enige lid of sy plaasvervanger ingevolge sub-regulasie (1) moet op of voor die vyftiende dag na die vasgestelde datum by die Sekretaris van Landbou ingedien word, en vir die geval so ’n benoeming genoemde Sekretaris nie op of voor daardie dag bereik nie, het die Minister die mag om enigiemand wat hy as geskik beskou om die betrokke lid of sy plaasvervanger te wees, aan te stel.

(3) ’n Plaasvervanger kan, in die afwesigheid van die lid vir wie hy as plaasvervanger aangestel is ingevolge sub-regulasie (1), enige vergadering van die komitee bywoon en aldaar in die plek van daardie lid optree, en die plaasvervanger van die voorsitter kan enige vergadering van die komitee bywoon.

(4) Die voorsitter van die komitee of sy plaasvervanger beklee sy amp solank dit die Minister behaag en ’n lid van die komitee of sy plaasvervanger wat deur die „Cape Distilling Merchants’ Association”, die „Cape Wholesale Wine Merchants’ Association” of die vereniging benoem is, beklee sy amp solank dit die „Cape Distilling Merchants’ Association”, die „Cape Wholesale Wine Merchants’ Association” of die vereniging, na gelang van die geval, behaag.

(5) Wanneer die amp van ’n in paragraaf (b), (c) of (d) van sub-regulasie (1) bedoelde lid of sy plaasvervanger om enige rede vakant word, moet die betrokke organisasie enige ander persoon vir aanstelling deur die Minister in daardie amp benoem, en indien sodanige benoeming nie die Sekretaris van Landbou binne vyftien dae na die datum waarop die vakature ontstaan het, bereik nie, is die bepalings van sub-regulasie (2) *mutatis mutandis* ten opsigte van daardie benoeming van toepassing.

(6) Die komitee kom byeen so dikwels en op sodanige tye en plekke as wat sy voorsitter gelas en drie lede van die komitee, van wie een die voorsitter of sy plaasvervanger moet wees, maak ’n kworum uit.

(7) Besluite van die komitee geskied by meerderheid van stemme van sy lede wat op ’n vergadering teenwoordig is: Met dien verstande dat die voorsitter, of in sy afwesigheid, sy plaasvervanger, by ’n staking van stemme benewens sy beraadslagende stem ook ’n beslissende stem het.

(8) Die komitee het die bevoegdheid om dienaars al na hy nodig ag, aan te stel om hom by die verrigting van sy werksaamhede behulpsaam te wees.

(9) Aan die lede van die komitee en hul plaasvervangers wat nie in die voltydse diens van die Staat is nie, kan sodanige toelaes as wat die Minister goedkeur, betaal word.

(10) Enige bedrag wat by wyse van vervoer- of verblyftoelae uit staatsgelde aan ’n lid van die komitee of aan sy plaasvervanger wat in die voltydse diens van die Staat is, betaal word terwyl bedoelde lid of sy plaasvervanger met sake van die komitee besig is word aan die Minister, terugbetaal.

Verkryging en toekenning van goeiewyn.

3. (1) Niemand behalwe ’n wynbouer mag goeiewyn afkomstig van die lopende wynoes of enige vroëere wynoes van ’n wynbouer of ’n koöperatiewe vereniging of koöperatiewe maatskappy vir handelsdoeleindes verkry nie behalwe ooreenkomstig ’n toekenning van goeiewyn op aanvraag ingevolge regulasie 5 deur die komitee aan hom gemaak.

(2) Die komitee kan, wanneer so ’n aansoek by hom gedoen is—

- (a) in die geval van ’n applikant wat gedurende die basiese tydperk goeiewyn wat deur hom van ’n wynbouer of ’n koöperatiewe vereniging of koöperatiewe maatskappy vir handelsdoeleindes verkry is, van die hand gesit het, aan hom ’n hoeveelheid goeiewyn toeken wat die komitee regverdig ag, met inagneming van die gemiddelde jaarlikse hoeveelheid goeiewyn (met uitsluiting van enige spiritus of brandewyn in goeiewyn) aldus verkry wat deur hom gedurende die basiese tydperk van die hand gesit mag gewees het, en van enige ander omstandighede wat die komitee redelik ag om in aanmerking te neem;
- (b) in die geval van die vereniging, of van iemand wat nie gedurende die basiese tydperk goeiewyn wat deur hom van ’n wynbouer of ’n koöperatiewe vereniging of ’n koöperatiewe maatskappy vir handelsdoeleindes verkry is, van die hand gesit het nie, aan die vereniging of so iemand so ’n hoeveelheid goeiewyn toeken as wat die komitee regverdig ag.

- (x) "fixed date" means the date fixed by the Governor-General by proclamation in the *Gazette* in terms of sub-section (1) of section *two* of this Act on which these regulations shall come into operation; (xiii)
- (xi) "good wine" means wine as defined in the Wine and Spirits Control Amendment Act, 1940 (Act 23 of 1940); (iv)
- (xii) "minimum distilling wine price" means the fixed minimum price referred to in section *twelve* of the Wine and Spirits Control Act, 1924 (Act No. 5 of 1924); (ix)
- (xiii) "prior vintage" means the produce of the vine harvested in the Cape Province during any year preceding the year in which the fixed date occurs; (xv)
- (xiv) "spirit" means any spirit for potable purposes manufactured in the Union from the produce of the vine; (xi)
- (xv) "year" means a calendar year. (v)

Distilling and Good Wine Pool Committee.

2. (1) There is hereby established a Distilling and Good Wine Pool Committee consisting of five members who shall be appointed by the Minister of whom—

- (a) one shall be an officer of the Department of Agriculture who shall be chairman of the committee;
- (b) one shall be nominated by the Cape Distilling Merchants' Association;
- (c) one shall be nominated by the Cape Wholesale Wine Merchants' Association; and

(d) two shall be nominated by the vereniging, and for each member there shall be an alternate member nominated and appointed in the same manner as the member concerned.

(2) The nomination of any member or alternate member in terms of sub-regulation (1) shall be submitted to the Secretary for Agriculture on or before the fifteenth day succeeding the fixed date, and, in the event of any such nomination not reaching the said Secretary on or before that day, the Minister shall have the power to appoint any person whom he considers suitable to be the member or alternate member concerned.

(3) Any alternate member may, in the absence of the member as whose alternate he has been appointed in terms of sub-regulation (1), attend any meeting of the committee and act thereat in the place of that member, and the alternate of the chairman may attend any meeting of the committee.

(4) The chairman of the committee or his alternate shall hold office during the Minister's pleasure and a member or alternate member of the committee nominated by the Cape Distilling Merchants' Association, the Cape Wholesale Wine Merchants' Association or the vereniging shall hold office during the pleasure of the Cape Distilling Merchants' Association, the Cape Wholesale Wine Merchants' Association or the vereniging, as the case may be.

(5) Whenever for any reason the office of any member referred to in paragraph (b), (c) or (d) of sub-regulation (1) or his alternate becomes vacant, the organization concerned shall nominate any other person for appointment by the Minister to such office and in the event of any such nomination not reaching the Secretary for Agriculture within fifteen days from the date on which such vacancy occurs, the provisions of sub-regulation (2) shall *mutatis mutandis* apply in respect of such nomination.

(6) The committee shall meet as often and at such times and places as is directed by its chairman and three members of the committee, one of whom shall be the chairman or his alternate, shall form a quorum.

(7) The decisions of the committee shall be by a majority vote of its members present at any meeting: Provided that in the event of an equality of votes, the chairman or in his absence his alternate shall have a casting vote in addition to his deliberative vote.

(8) The committee shall have power to appoint such servants as it may consider necessary to assist it in the performance of its functions.

(9) The members and alternate members of the committee who are not in the full-time service of the State may be paid such allowances as the Minister may determine.

(10) Any amount paid out of public funds by way of transport or subsistence allowance to a member or alternate member of the committee who is in the full-time service of the State, whilst such member or alternate member is engaged on the business of the committee, shall be refunded to the Minister.

Acquisition and Allocation of Good Wine.

3. (1) No person other than a winegrower shall acquire good wine derived from the current vintage or any prior vintage from a winegrower or a co-operative society or co-operative company for purposes of trade except in pursuance of an allocation of good wine made to him, on application in terms of regulation 5, by the committee.

(2) The committee may, on such application having been made to it—

- (a) in the case of an applicant who has during the basic period disposed of good wine acquired by him from a winegrower or a co-operative society or a co-operative company for purposes of trade, allocate to him a quantity of good wine which the committee considers equitable, having regard to the average annual quantity of good wine (excluding any spirit or brandy in good wine), so acquired which may have been disposed of by him during the basic period, and to any other circumstances which the committee considers reasonable to take into account;
- (b) in the case of the vereniging or of a person who did not during the basic period dispose of good wine acquired by him from a winegrower or a co-operative society or a co-operative company for purposes of trade, allocate to the vereniging or that person such quantity of good wine as the committee may consider equitable.

(3) Elke toekenning soos voormeld is geldig tot 'n datum deur die komitee vasgestel en deur hom aan die betrokke applikant meegedeel, na welke datum dit nie verder, behalwe met voorafgaande toestemming van die komitee, aan die persoon aan wie dit gedoen is, die reg verleen om goeiewyn daarvolgens of uit hoofde daarvan te verkry nie.

Verkryging en toekenning van stookwyn.

4. (1) Niemand mag stookwyn afkomstig van die lopende wynoes of enige vroeëre wynoes van die Raad of 'n wynbouer of 'n koöperatiewe vereniging of koöperatiewe maatskappy vir handelsdoeleindes of vir omsetting in spiritus of brandewyn verkry nie, behalwe ooreenkomstig 'n toekenning van stookwyn op aanvraag ingevolge regulasie 5 deur die komitee aan hom gemaak.

(2) Die komitee moet, wanneer so 'n aansoek by hom gedoen is, die afsetbare hoeveelheid toeken op 'n grondslag wat hy regverdig ag, met inagneming van—

(a) in die geval van 'n ander applikant as die vereniging—

(i) die gemiddelde jaarlikse afset deur daardie applikant van spiritus en brandewyn gedurende die basiese tydperk uit voorrade wat hy van wynbouers, koöperatiewe verenigings of koöperatiewe maatskappye of die Raad in die vorm van spiritus, brandewyn (met inbegrip van spiritus afkomstig van die distillering van goeiewyn wat verkry is van wynbouers, koöperatiewe verenigings of koöperatiewe maatskappye en spiritus en brandewyn in versterkte wyn wat aldus verkry is) of stookwyn verkry het;

(ii) die noodsaaklikheid daarvan om toekennings van stookwyn te doen aan ander applikante, insluitende applikante wat nie aldus gedurende die basiese tydperk spiritus of brandewyn van die hand gesit het nie; en

(iii) die hoeveelheid (indien enige) spiritus, brandewyn (met inbegrip van spiritus of brandewyn in versterkte wyn) of stookwyn afkomstig van die lopende wynoes wat deur daardie applikant sedert die een-en-dertigste dag van Januarie wat die vasgestelde datum onmiddellik voorafgaan, verkry is;

(b) in die geval waar die vereniging die applikant is—

(i) die doeleindes waarvoor die aangevraagde hoeveelheid stookwyn deur die vereniging benodig word;

(ii) die gemiddelde jaarlikse afset deur die vereniging gedurende die drie jaar wat die jaar waarin die vasgestelde datum val, voorafgaan, van asynwyn, stookwyn, uitgevoerde moskonfyt, jenewer, likeur, spiritus en brandewyn (insluitende spiritus of brandewyn in versterkte wyn en nie-drinkbare spiritus);

(iii) die hoeveelheid stookwyn (indien enige) afkomstig van die lopende wynoes wat nie deel van die afsetbare hoeveelheid uitmaak nie en wat aan die vereniging gedurende die jaar waarin die vasgestelde datum val, toegeval het of sal toeval; en

(iv) die noodsaaklikheid daarvan om toekennings van stookwyn ingevolge hierdie regulasie aan ander applikante te doen:

Met dien verstande dat geen toekenning van stookwyn, behalwe met goedkeuring van die Minister, aan die vereniging gedoen mag word nie.

(3) Die komitee kan met betrekking tot 'n hoeveelheid stookwyn wat ingevolge sub-regulasie (2) aan 'n ander applikant as die vereniging toegeken is, gelas dat die betrokke applikant 'n vermelde deel van daardie hoeveelheid tot rabatbrandewyn vir verouderingsdoeleindes moet distilleer, en vir geval dat die applikant versuim om die opdrag uit te voer, word met soveel van die vermelde hoeveelheid as wat nie ooreenkomstig daardie opdrag gedistilleer word nie op so 'n wyse gehandel soos die komitee mag gelas, en as die komitee gelas dat dit aan 'n ander persoon verkoop moet word, moet laasgenoemde persoon dit koop teen 'n prys (wat nie laer as die heersende minimum stookwynprys is nie) waaroor die betrokke partye ooreenkom of wat by ontstentenis van sodanige ooreenkoms 'n prys wat deur die komitee bepaal word, met inbegrip in geskikte gevalle van die distilleerkoste en ander gelde deur die komitee bepaal.

(4) Geen stookwyn word toegeken aan 'n applikant wat gedurende die hele tydperk van drie jaar wat die vasgestelde datum onmiddellik voorafgaan, gelisensieer was om in drank handel te dryf, en wat nie gedurende daardie tydperk 'n groothandelshoeveelheid goeiewyn, stookwyn, spiritus of brandewyn of sodanige hoeveelhede stookwyn as wat ingevolge hierdie regulasies aan hom toegeken mag gewees het, van die Raad, wynbouers, koöperatiewe verenigings of koöperatiewe maatskappye verkry het nie.

(5) Goeiewyn wat gedistilleer word deur of ten behoeve van iemand aan wie stookwyn ingevolge hierdie regulasie toegeken is, word, behalwe (as regulasie 3 in werking is) vir sover die komitee anders gelas, beskou *pro tanto* aan sodanige toekenning te voldoen.

(6) Word om enige rede 'n gedeelte van die afsetbare hoeveelheid nie deur enigiemand verkry nie, is die vereniging verplig om daardie gedeelte te verkry op die voorwaardes *mutatis mutandis* wat in sy konstitusie voorgeskryf is vir die inneem van onverkoopte wyn wat deur een van sy lede aan hom afgelewer word.

(7) Vir stookwyn wat die vereniging uit die afsetbare hoeveelheid verkry ingevolge 'n toekenning wat aan hom deur die komitee ingevolge sub-regulasie (2) gedoen is, moet nie minder nie as die heersende minimum stookwynprys betaal word.

(8) Sub-regulasie (1) is nie van toepassing nie op die verkryging deur die vereniging van enige gedeelte van die afsetbare hoeveelheid vir distribusie ooreenkomstig 'n toekenning wat ingevolge hierdie regulasie gedoen is.

Aansoeke.

5. (1) Elke aansoek om 'n toekenning van stookwyn of goeiewyn ingevolge hierdie regulasies moet skriftelik wees en moet op of voor die twee-en-twintigste dag na die vasgestelde datum of sodanige latere datum, wat nie later as die sestigste dag na die vasgestelde datum mag wees nie, as wat die komitee in enige besondere geval mag gelas, aan die komitee voorgelê word.

(3) Any allocation aforesaid shall be effective until a date determined by the committee and notified by it to the applicant concerned, after which date it shall no longer, save with the prior consent of the committee, entitle an allottee to acquire good wine in terms or by virtue thereof.

Acquisition and Allocation of Distilling Wine.

4. (1) No person shall acquire distilling wine derived from the current vintage or any prior vintage from the Board or a winegrower or a co-operative society or co-operative company for purposes of trade or for conversion into spirit or brandy except in pursuance of an allocation of distilling wine made to him on application in terms of regulation 5, by the committee.

(2) The committee shall, on such application having been made to it, allocate the disposable quantity on a basis which it considers equitable, having regard to—

- (a) in the case of an applicant other than the vereniging—
 - (i) the average annual disposal of spirit and brandy by such applicant during the basic period from stocks acquired by him from winegrowers, co-operative societies or co-operative companies or the Board in the form of spirit, brandy (including spirit derived from the distillation of good wine acquired from winegrowers, co-operative societies or co-operative companies and spirit and brandy in fortified wine so acquired) or distilling wine;
 - (ii) the necessity of making allocations of distilling wine to other applicants, including applicants who have not so disposed of spirit or brandy during the basic period; and
 - (iii) the quantity (if any) of spirit, brandy (including spirit or brandy in fortified wine) or distilling wine derived from the current vintage which has been acquired by such applicant since the thirty-first day of January immediately preceding the fixed date;
- (b) in the case where the vereniging is the applicant—
 - (i) the purposes for which the quantity of distilling wine applied for is required by the vereniging;
 - (ii) the average annual disposal of vinegar wine, distilling wine, moskonfyt exported, gin, liqueur, spirit and brandy (including spirit or brandy in fortified wine and non-potable spirits) by the vereniging during the three years preceding the year in which the fixed date occurs;
 - (iii) the quantity of distilling wine (if any) derived from the current vintage which does not form part of the disposable quantity and which has accrued or will accrue to the vereniging during the year in which the fixed date occurs; and
 - (iv) the necessity of making allocations of distilling wine to other applicants in terms of this regulation:

Provided that no allocation of distilling wine shall be made to the vereniging except with the approval of the Minister.

(3) The committee may in respect of a quantity of distilling wine allocated in terms of sub-regulation (2) to any applicant, other than the vereniging, direct that the applicant concerned shall distil a specified portion of such quantity into rebate brandy for maturation purposes, and in the event of such applicant failing to comply with such direction, so much of that specified portion as is not distilled in terms of such direction, shall be dealt with in such manner as the committee may direct and if the committee directs that it shall be sold to any other person such last-mentioned person shall purchase it at a price (not being less than the current minimum distilling wine price) agreed upon between the parties concerned, or, failing such agreement, determined by the committee, including in appropriate cases the cost of distillation and other charges determined by the committee.

(4) No allocation of distilling wine shall be made to an applicant who was licensed to deal in liquor during the entire period of three years immediately preceding the fixed date, and did not during such period acquire a wholesale quantity of good wine, distilling wine, spirit or brandy or such quantities of distilling wine as may have been allocated to him in terms of these regulations, from the Board, winegrowers, co-operative societies or co-operative companies.

(5) Any good wine distilled by or on behalf of any person to whom an allocation of distilling wine has been made in terms of this regulation shall be regarded as *pro tanto* fulfilling such allocation except (when regulation 3 is operative) in so far as the committee otherwise directs.

(6) Should for any reason any portion of the disposable quantity not be acquired by any person, the vereniging shall be bound to acquire such portion on the conditions *mutatis mutandis* prescribed in its constitution for the taking in of unsold wine delivered to it by any of its members.

(7) Any distilling wine acquired by the vereniging out of the disposable quantity in pursuance of an allocation made to it by the committee in terms of sub-regulation (2) shall be paid for at not less than the current minimum distilling wine price.

(8) Sub-regulation (1) shall not apply to the acquisition by the vereniging of any portion of the disposable quantity for the purpose of distribution in pursuance of any allocation made in terms of this regulation.

Applications.

5. (1) Any application for an allocation of distilling wine or good wine in terms of these regulations, shall be in writing and shall be lodged with the committee on or before the twenty-second day succeeding the fixed date, or such later date, not beyond the sixtieth day succeeding the fixed date as the committee may in any particular case direct.

(2) So 'n aansoek met betrekking tot stookwyn moet—

(a) indien deur 'n ander persoon as die vereniging gedoen—

- (i) die hoeveelheid sodanige wyn wat verlang word, aandui;
- (ii) die tyd wanneer en die plek waarop aflewering daarvan verlang word, aandui; en
- (iii) 'n onderneming bevat wat die applikant bind om die hoeveelheid stookwyn waarom hy aansoek gedoen het of sodanige kleiner hoeveelheid van sodanige wyn as wat ingevolge sub-regulasie (2) van regulasie 4 aan hom toegeken word, te koop teen 'n prys (wat nie laer as die heersende minimum stookwynprys is nie) waarvoor die applikant en die persoon wat aflewering van sodanige hoeveelheid aanbied, ooreenkom, of wat by ontstentenis van sodanige ooreenkoms deur die komitee bepaal word, en om dit in ontvangs te neem en daarvoor te betaal op die tyd en plek deur die vereniging aangewys;

(b) indien deur die vereniging gedoen, die hoeveelheid sodanige wyn wat verlang word en die doeleindes waarvoor dit nodig is, aandui.

(3) (a) 'n Applikant om 'n toekenning van stookwyn of goeiwyn moet

- (a) aan die komitee sodanige informasie verstrek as wat hy verlang.
- (b) Die komitee kan in verband met die aansoek van 'n applikant wat versuim of weier om die informasie aldus verlang, te verstrek, op so 'n wyse as wat hy regverdig ag, handel.

Verkryging van spiritus, brandewyn, jenewer of likeur vir handelsdoeleindes.

6. (1) Behalwe soos in sub-regulasie (3) van regulasie 7 bepaal, mag niemand enige hoeveelheid spiritus, brandewyn, jenewer of likeur (met inbegrip van spiritus of brandewyn in versterkte wyn) van die Raad of 'n wynbouer, koöperatiewe vereniging of koöperatiewe maatskappy vir handelsdoeleindes verkry nie, tensy hy gelyktydig aan die vereniging 'n gelykstaande hoeveelheid (soos deur die komitee bepaal) stookwyn of spiritus of brandewyn lewer, of tot bevrediging van die vereniging reëlins vir die lewering daarvan aan die vereniging tref.

(2) Die vereniging kan van die stookwyn of spiritus of brandewyn wat kragtens sub-regulasie (1) aan hom gelever word, 'n voldoende hoeveelheid (soos deur die komitee bepaal) behou vir die nakoming van enige verpligting van die betrokke persoon, wynbouer, koöperatiewe vereniging of koöperatiewe maatskappy of die Raad, om spiritus of brandewyn of stookwyn aan die vereniging te lewer, en moet oor die orige hoeveelheid daarvan beskik soos die komitee gelas.

Lewering van stookwyn ingevolge toekennings deur die komitee gedoen.

7. (1) Die komitee verstrek van tyd tot tyd aan die vereniging lyste of gewysigde lyste van toekennings van goeiwyn en stookwyn wat deur hom ingevolge hierdie regulasies aan applikante gedoen is en stel elke applikant in kennis van die toekennings wat aldus aan hom gedoen is.

(2) Die vereniging verseker sover redelik moontlik dat enige hoeveelheid stookwyn wat deur die komitee ingevolge sub-regulasie (2) van regulasie 4 aan 'n persoon toegeken is of die ekwivalent daarvan in spiritus (soos deur die komitee bepaal) aan daardie persoon gelever word op die tye en plekke wat die vereniging bepaal.

(3) Die vereniging kan in die plek van so 'n hoeveelheid stookwyn die ekwivalent daarvan in spiritus (soos deur die komitee bepaal) aan so 'n persoon lewer of laat lewer, in watter geval daardie persoon die destilleeringskoste van sodanige spiritus en die daarmee in verband staande gelde (watter koste en gelde deur die komitee bepaal word) bo en behalwe die prys wat ten opsigte van daardie hoeveelheid stookwyn betaalbaar sou gewees het, aan die vereniging moet betaal.

Afset van, en betaling vir, stookwyn.

8. (1) 'n Wynbouer moet, behoudens die bepalings van sub-regulasie (2), alle stookwyn afkomstig van die lopende wynoes of enige vroeëre wynoes deur hom geproduseer, beskikbaar hou, behalwe sodanige hoeveelhede as wat hy aan die Raad of aan 'n koöperatiewe vereniging of koöperatiewe maatskappy waarvan hy 'n lid is, lewer, en 'n koöperatiewe vereniging of koöperatiewe maatskappy, behalwe die vereniging, moet sodanige wyn deur hom geproduseer of aan hom deur sy lede gelever, beskikbaar hou in afwagting van die opdragte van die vereniging aangaande die lewering daarvan, en enige sodanige wynbouer, koöperatiewe vereniging of koöperatiewe maatskappy moet by ontvangs van sodanige opdragte die wyn lewer aan die persoon of persone en op die tye en plekke in die opdragte aangedui: Met dien verstande dat niks wat in hierdie sub-regulasie vervat is, geag word 'n lid van die vereniging enige voorreg te ontnem wat hom ingevolge paragraaf (a) van die laaste voorbehoudsbepaling by sub-artikel (1) van artikel twee van die „Wet op de Kontrôle over Wijn en Spiritualiën, 1924” (Wet No. 5 van 1924), of die voorbehoudsbepaling by artikel vier van die Wysigingswet op die Kontrôle oor Wyn en Spiritualië, 1940 (Wet No. 23 van 1940), verleen is nie.

(2) (a) Die komitee kan na goeddunke en op sodanige voorwaardes as wat hy van tyd tot tyd mag bepaal—

- (i) enige wynbouer magtig om soveel van die stookwyn afkomstig van die lopende wynoes wat deur hom geproduseer is en deel van die afsetbare hoeveelheid uitmaak, in spiritus of brandewyn om te sit of te laat omsit;
- (ii) enige koöperatiewe vereniging of koöperatiewe maatskappy magtig om soveel van die stookwyn afkomstig van die lopende wynoes deur hom geproduseer of deur sy lede aan hom gelever wat deel van die afsetbare hoeveelheid uitmaak, in spiritus of brandewyn om te sit of te laat omsit,

as wat na die mening van die komitee redelikerwys nodig is vir die versterking van wyn wat deur sodanige wynbouer, koöperatiewe vereniging of koöperatiewe maatskappy geproduseer is en wat hy voornemens is om uit te voer of te verouder of te verkoop.

(b) Enige magtiging kragtens paragraaf (a) vereis, moet skriftelik onder die handtekening van 'n deur die komitee aangewese persoon wees en kan te eniger tyd deur die komitee by skriftelike kennisgewing wat deur 'n aldus aangewese persoon onderteken is en aan die betrokke wynbouer, koöperatiewe vereniging of koöperatiewe maatskappy oorge'ra is, ingetrek word.

- (2) Any such application in respect of distilling wine shall—
- (a) if made by any person other than the vereniging—
 - (i) indicate the quantity of such wine required;
 - (ii) indicate the time and place when and where delivery thereof is desired; and
 - (iii) contain an undertaking binding the applicant to purchase the quantity of distilling wine applied for by him or such lesser quantity of such wine as is allocated to him in terms of sub-regulation (2) of regulation 4, at a price (not being less than the current minimum distilling wine price) agreed upon between the applicant and the person tendering delivery of such quantity or failing such agreement, determined by the committee, and to take delivery thereof and make payment therefor at the time and place directed by the vereniging;
 - (b) if made by the vereniging, indicate the quantity of such wine required and the purposes for which it is needed.
- (3) (a) An applicant for an allocation of distilling wine or good wine shall furnish the committee with such information as it may require.
- (b) The committee may deal with the application of an applicant who fails or refuses to furnish the information so required in such manner as it may deem just.

Acquisition of Spirit, Brandy, Gin or Liqueur for Purposes of Trade.

6. (1) Save as is provided in sub-regulation (3) of regulation 7, no person shall acquire any quantity of spirit, brandy, gin or liqueur (including spirit or brandy in fortified wine) from the Board or a winegrower, co-operative society or co-operative company for purposes of trade, unless he shall simultaneously deliver to the vereniging or make arrangements satisfactory to the vereniging for the delivery to it of an equivalent quantity (as determined by the committee) of distilling wine or spirit or brandy.

(2) The vereniging may retain out of any distilling wine or spirit or brandy delivered to it in terms of sub-regulation (1), a quantity (as determined by the committee) sufficient to satisfy any liability of the person, winegrower, co-operative society or co-operative company concerned or the Board to deliver spirit or brandy or distilling wine to the vereniging and shall deal with any balance thereof as the committee may direct.

Delivery of Distilling Wine in Pursuance of Allocations made by the Committee.

7. (1) The committee shall from time to time furnish the vereniging with lists or amended lists of allocations of good wine and distilling wine made by it to applicants in terms of these regulations and shall advise each such applicant of the allocations so made to him.

(2) The vereniging shall as far as is reasonably possible ensure that any quantity of distilling wine allocated to any person by the committee in terms of sub-regulation (2) of regulation 4 or its equivalent in spirit (as determined by the committee) is delivered to such person at such times and places as the vereniging may determine.

(3) The vereniging may deliver or cause to be delivered to any such person, in lieu of such quantity of distilling wine its equivalent in spirit (as determined by the committee) in which case that person shall pay to the vereniging the cost of distillation of such spirit and the charges incidental thereto (which cost and charges shall be determined by the committee) in addition to the price which would have been payable in respect of that quantity of distilling wine.

Disposal of, and Payment for Distilling Wine.

8. (1) Any winegrower shall subject to the provisions of sub-regulation (2), hold available all distilling wine derived from the current vintage or any prior vintage produced by him save such quantities as he delivers to the Board or to a co-operative society or co-operative company of which he is a member, and any co-operative society or co-operative company, other than the vereniging, shall hold available any such wine produced by it or delivered to it by its members pending the receipt of directions from the vereniging as to the delivery thereof, and any such winegrower, co-operative society or co-operative company shall on receipt of such directions deliver such wine to the person or persons and at the times and places specified in such directions: Provided that nothing contained in this sub-regulation shall be deemed to deprive any member of the vereniging of any privilege conferred upon him in terms of paragraph (a) of the last proviso to sub-section (1) of section two of the Wine and Spirits Control Act, 1924 (Act No. 5 of 1924), or the proviso to section four of the Wine and Spirits Control Amendment Act, 1940 (Act No. 23 of 1940).

(2) (a) The committee may in its discretion and subject to such conditions as it may determine from time to time, authorize—

- (i) any winegrower to convert or cause to be converted into spirit or brandy so much of the distilling wine derived from the current vintage produced by him and forming part of the disposable quantity;
- (ii) any co-operative society or co-operative company to convert or cause to be converted into spirit or brandy so much of the distilling wine derived from the current vintage produced by it or delivered to it by its members and forming part of the disposable quantity;

as in the opinion of the committee may be reasonably necessary for the fortification of wine produced by such winegrower, co-operative society or co-operative company, and intended by him or it, as the case may be, for export or for maturation or for sale.

(b) Any authority required under paragraph (a) shall be in writing under the hand of a person designated by the committee and may at any time be revoked by the committee by notice in writing signed by a person so designated and communicated to the winegrower, co-operative society or co-operative company concerned.

(3) Die Raad moet alle stookwyn afkomstig van die opbrings van die wynstok wat aan hom deur wynbouers gelewer is (en enige spiritus daarvan afkomstig) wat in sy besit of onder sy beheer is, beskikbaar hou in afwagting van die opdragte van die vereniging aangaande die lewering daarvan, en die Raad moet by ontvangs van sodanige opdragte sodanige stookwyn of spiritus lewer aan die persoon of persone en op die tye en plekke in die opdragte aangedui.

(4) Die persoon aan wie stookwyn of spiritus ingevolge opdragte in sub-regulasie (1) of (3) bedoel, afgelewer word, moet die koopprys daarvan aan die vereniging betaal en vir die geval dat so 'n persoon in gebreke bly om aldus te betaal, is die vereniging geregtig om besit te aanvaar van soveel van daardie stookwyn (of die ekwivalent daarvan in spiritus of brandewyn, soos deur die komitee bepaal) of spiritus (of die ekwivalent daarvan in brandewyn, soos deur die komitee bepaal) as waarvoor nie betaal is nie en om dit van die hand te sit soos deur die komitee gelas en die toekenning van stookwyn wat aan daardie persoon ingevolge regulasie 4 gedoen is, word met so 'n hoeveelheid verminder as wat die komitee bepaal.

Beskikking oor spiritus en stookwyn wat bo en behalwe die toegekende hoeveelheid verkry is.

9. Daar word in verband met spiritus of brandewyn wat iemand as gevolg van die distillering van goeiewyn toeval en spiritus of brandewyn of goeiewyn of stookwyn wat hy op watter wyse ook al verkry het, bo en behalwe 'n toekenning wat aan hom gedoen is ingevolge regulasie 3 of 4, na gelang van die geval, of andersins in stryd met hierdie regulasies verkry het, gehandel *mutatis mutandis* op dieselfde wyse as in die geval van stookwyn wat nie vir distillering tot rabatbrandewyn ingevolge sub-regulasie (3) van regulasie 4 gebruik word nie.

Distillering van goeiewyn.

10. Niemand wat gelisensieer is om in drank handel te dryf en geen distilleerder mag goeiewyn distilleer nie behalwe met toestemming van die komitee en onderworpe aan sodanige voorwaardes (met inbegrip van betaling van enige heffing wat die vereniging opleë ten bate van die fonds bekend as die „surplus bijdrage”) as wat die komitee met goedkeuring van die Minister mag bepaal.

Toelaes en uitgawes.

11. (1) Uitgawes aangegaan in verband met, of wat bykomstig is by—
 - (a) die verrigting deur die komitee van sy werksaamhede;
 - (b) die betaling van toelaes aan lede van die komitee en hul plaasvervangers ingevolge sub-regulasie (9) van regulasie 2; en
 - (c) die toepassing van hierdie regulasies gedurende die tydperk waarin hierdie regulasies van krag is,

word deur die vereniging betaal en is deur hom verhaalbaar van die persone aan wie stookwyn gedurende daardie tydperk toegeken is.

(2) Die bedrag wat deur so 'n persoon betaalbaar is, moet in dieselfde verhouding tot die totale bedrag van sodanige uitgawes staan as dié waarin die hoeveelheid stookwyn wat aan hom toegeken is, staan tot die totale hoeveelheid sodanige wyn wat aan alle sodanige persone toegeken is.

Vrywaring van komitee en vereniging.

12. Geen eis kan ingestel word nie teen die komitee of 'n lid of dienaar daarvan of teen die vereniging of 'n direkteur of dienaar daarvan ten opsigte van 'n besluit wat geneem, beslissing wat gegee of handeling wat verrig is, of ten opsigte van enige oponthoud, nalating of versuim in verband met die neem van enige besluit, die gee van enige beslissing of die verrigting van enige handeling met betrekking tot die toepassing van hierdie regulasies, behalwe waar kwaaië trou bewys word.

Openbaring van inligting.

13. (1) Ondanks enige andersluidende bepalings in artikel drie van die „Wet op de Kontrôle over Wijn en Spiritualiën, 1924” (Wet No. 5 van 1924), of in artikel ses van die Aksynswet, 1942 (Wet No. 45 van 1942), vervat, mag die Kommissaris van Doeane en Aksyns toelaat dat enige aan hom beskikbare inligting wat betrekking het op die voorrade spiritus of brandewyn wat 'n aksynshandelaar, soos in laasgenoemde Wet omskryf, te eniger tyd voorhande het aan die komitee openbaar gemaak word.

(2) Ondanks enige andersluidende bepalings in sy konstitusie of in enige wet vervat, kan die vereniging toelaat dat enige in die reël aan hom beskikbare inligting wat betrekking het op die opbrings van die wynstok in die Unie gekweek of op enige handelsartikel waarin dit omgesit is aan die komitee openbaar gemaak word.

- (3) (a) Die komitee is geregtig om enige inligting wat ingevolge sub-regulasie (1) of (2) verkry is by die verrigting van sy werksaamhede te gebruik maar vir geen ander doel nie.
- (b) 'n Lid of dienaar van die komitee wat enige sodanige inligting aan enige persoon openbaar andersins as vir die doel van die toepassing van hierdie regulasies of in die loop van 'n regs-geding is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe wat in regulasie 15 voorgeskryf is.

Opskorting en behoud van wetsbepalings.

14. (1) Ondanks andersluidende wetsbepalings—
 - (a) word artikel twee van die „Wet op de Kontrôle over Wijn en Spiritualiën, 1924” (Wet No. 5 van 1924), hiermee opgeskort vir sover dit die vereniging verplig om op aanvraag wyn aan iemand te verskaf;
 - (b) word elke wetsbepaling wat strydig is met, of wat die uitvoering van hierdie regulasies strem of wat enige handeling verbied wat redelikerwyse nodig is vir of in verband staan met die doeltreffende toepassing van hierdie regulasies of die bereiking van die volle doel van sodanige toepassing, hiermee opgeskort; en
 - (c) val minstens vyftien persent van die stookwyn afkomstig van die lopende wyne die vereniging as geskatte oorskot toe om vir sy eie doeleindes ingevolge sy konstitusie aangewend te word, en indien die vereniging ingevolge sy konstitusie minder as vyftien persent van die opbrings van sy lede, wat deel van die lopende wyne uitmaak, as geskatte oorskot bepaal het, of

(3) The Board shall hold available all distilling wine derived from produce of the vine delivered to it by winegrowers (and any spirit derived therefrom) in its possession or under its control, pending the receipt of directions from the vereniging as to the delivery thereof, and the Board shall on receipt of such directions deliver such distilling wine or spirits to the person or persons and at the times and places specified in such directions.

(4) The person to whom distilling wine or spirit is delivered in pursuance of directions referred to in sub-regulation (1) or (3) shall pay the purchase price thereof to the vereniging and in the event of any such person making default in such payment, the vereniging shall be entitled to assume possession of so much of such distilling wine (or its equivalent in spirit or brandy as determined by the committee) or such spirit (or its equivalent in brandy as determined by the committee) as is not paid for and to dispose thereof as the committee may direct and the allocation of distilling wine to such person in terms of regulation 4 shall be reduced by such quantity as the committee may determine.

Disposal of Spirit or Distilling Wine acquired in Excess of Allocation.

9. Any spirit or brandy accruing to a person as a result of the distillation of good wine and any spirit or brandy or good wine or distilling wine acquired by him in whatever manner in excess of an allocation made to him in terms of regulation 3 or 4, as the case may be, or otherwise contrary to these regulations shall *mutatis mutandis* be dealt with in the same manner as in the case of distilling wine not utilised for distillation into rebate brandy in terms of sub-regulation (3) of regulation 4.

Distillation of Good Wine.

10. No person licensed to deal in liquor and no distiller shall distil good wine except with the consent of the committee and subject to such conditions (including the payment of any levy imposed by the vereniging towards the fund known as the "surplus contribution") as the committee may with the approval of the Minister, determine.

Allowances and Expenses.

11. (1) Any expenses incurred in connection with, or which are incidental to—

- (a) the performance by the committee of its functions;
 - (b) the payment of allowances to members and alternate members of the committee in terms of sub-regulation (9) of regulation 2; and
 - (c) the application of these regulations, during the period during which these regulations shall be of force,
- shall be paid by the vereniging and shall be recoverable by it from the persons to whom allocations of distilling wine have been made during such period.

(2) The amount payable by any such person shall bear the same ratio to the total amount of such expenses as the quantity of distilling wine allocated to him bears to the total quantity of such wine allocated to all such persons.

Indemnification of Committee and Vereniging.

12. No claim shall lie against the committee or any member or servant thereof or against the vereniging or any director or servant thereof in respect of any decision made, ruling given or act done or for any delay, failure or omission in regard to the making of any decision, the giving of any ruling or the doing of any act in connection with the application of these regulations save on proof of *mala fides*.

Disclosure of Information.

13. (1) Notwithstanding anything to the contrary contained in section three of the Wine and Spirits Control Act, 1924 (Act No. 5 of 1924), or in section six of the Excise Act, 1942, (Act No. 45 of 1942), the Commissioner of Customs and Excise may permit the disclosure to the committee of any information available to him relating to stocks of spirit or brandy held at any time by an excise trader as defined in the lastmentioned Act.

(2) Notwithstanding anything to the contrary contained in its constitution or in any law, the vereniging may permit the disclosure to the committee of any information ordinarily available to the vereniging relating to the produce of the vine grown in the Union or any commodity into which such produce is converted.

- (3) (a) The committee shall be entitled to avail itself of any information obtained in terms of sub-regulation (1) or (2) in the performance of its functions but for no other purpose.
- (b) Any member or servant of the committee who discloses any such information to any person otherwise than for the purpose of the application of these regulations or in the course of any judicial proceedings shall be guilty of an offence and liable on conviction to the penalties prescribed in regulation 15.

Suspension and saving of Laws.

14. (1) Notwithstanding anything to the contrary contained in any law—

- (a) section two of the Wine and Spirits Control Act, 1924 (Act No. 5 of 1924) in so far as it compels the vereniging to supply on demand wine to any person is hereby suspended;
- (b) any provision of any law which is inconsistent with, or impedes the carrying into effect of these regulations or which forbids any act which is reasonably necessary for or incidental to the effective application of these regulations or the attainment of the full objects of such application is hereby suspended; and
- (c) not less than fifteen per cent. of the distilling wine derived from the current vintage shall accrue to the vereniging as estimated surplus to be utilized for its own purposes in terms of its constitution and if the vereniging has in terms of its constitution determined less than fifteen per cent. of the produce of its members, forming part of the current vintage, as estimated surplus,

aldus bepaal het dat daar geen geskatte oorskot is nie, word dit geag dat hy wettiglik vyftien persent van sodanige opbrings as geskatte oorskot bepaal het.

(2) Geen bepaling in hierdie regulasies vervat, raak die verkryging deur die vereniging of die aanwending deur hom vir sy eie doeleindes van daardie gedeelte van die lopende wynoes of enige vroeëre wynoes wat hy ingevolge sub-regulasie (6) van regulasie 4 verkry het of sal verkry of wat hom toegeval het of sal toeval ingevolge sub-artikel (3) van artikel een van die „Wet op de Kontrôle over Wijn en Spiritualiën, 1924” (Wet No. 5 van 1924), of hierdie regulasies, of ingevolge enige bepaling van geskatte oorskot wat deur hom gemaak is of deur hierdie regulasies geag word deur hom gemaak te gewees het: Met dien verstande dat as die vereniging ingevolge sy konstitusie meer as vyf-en-twintig persent van die opbrings van sy lede, wat deel van die lopende wynoes uitmaak, as geskatte oorskot bepaal het, dit geag word dat hy wettiglik vyf-en-twintig persent van sodanige opbrings as geskatte oorskot bepaal het.

(3) Enige bepaling van geskatte oorskot wat deur die vereniging ingevolge sy konstitusie gemaak is of ingevolge hierdie regulasies geag word gemaak te gewees het ten opsigte van die opbrings van sy lede wat deel van die lopende wynoes of enige vroeëre wynoes uitmaak, bind die Raad en alle wynbouers, koöperatiewe verenigings of koöperatiewe maatskappye wat nie lede van die vereniging is nie met betrekking tot hul opbrings wat deel van die lopende wynoes of 'n vroeëre wynoes uitmaak, na gelang van die geval, op dieselfde wyse asof hulle lede van die vereniging was, en bind ook enige ander persoon wat deur sodanige bepaling geraak word.

(4) Alle voorregte, regte en bevoegdhede wat aan die vereniging deur sy konstitusie of by enige wet verleen word, behou by ontstentenis van andersluidende bepalings in hierdie regulasies, hulle volle wetlike krag en uitwerking.

(5) Geen bepaling in hierdie regulasies vervat, raak op enige wyse die toepassing van die bepalings van artikel sewe van die „Wet op de Kontrôle over Wijn en Spiritualiën, 1924” (Wet No. 5 van 1924), nie.

Oortredings en strawwe.

15. Iemand wat—

- (a) die bepalings van sub-regulasie (1) van regulasie 3 of van sub-regulasie (1) van regulasie 4 of van regulasie 10 oortree; of
- (b) stookwyn of spiritus of brandewyn teen 'n laer prys as dié wat in of ooreenkomstig hierdie regulasies voorgeskryf of bepaal of bereken is, verkry of probeer verkry; of
- (c) enige valse informasie verstrek of enige valse voorstelling maak met betrekking tot enige saak wat ontstaan uit, of in verband staan met die uitvoering van hierdie regulasies, wetende dat sodanige informasie of voorstelling vals is; of
- (d) enige handeling verrig om regstreeks of onregstreeks die volle en behoorlike uitvoering van hierdie regulasies te belemmer, of weier of nalaat om enige opdrag van die komitee of die vereniging daarkragtens uit te voer; of
- (e) die komitee of 'n lid of dienaar daarvan of enigiemand anders in die wetlike uitoefening van 'n werksaamheid of bevoegdheid wat kragtens hierdie regulasies aan hom toevertrou is of by die verrigting van enige handeling wat nodig is vir of in verband staan met die uitvoering van sodanige werksaamheid of bevoegdheid, belemmer; of
- (f) nalaat of weier om aan die bepalings van sub-regulasie (1) of (3) van regulasie 8 of enige opdrag wat ingevolge daarvan gegee is, te voldoen,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyfhonderd pond of met gevangenisstraf vir 'n tydperk van hoogstens twaalf maande of met beide daardie boete en daardie gevangenisstraf.

or has so determined that there is no estimated surplus, it shall be deemed to have lawfully determined fifteen per cent. of such produce as estimated surplus.

(2) Nothing in these regulations contained shall affect the acquisition by the vereniging or the utilization by it for its own purposes of such portion of the current vintage or any prior vintage which has been or will be acquired by it in terms of sub-regulation (6) of regulation 4 or which has accrued or will accrue to it by virtue of sub-section (3) of section *one* of the Wine and Spirits Control Act, 1924 (Act No. 5 of 1924), or these regulations or by virtue of any determination of estimated surplus made or deemed by these regulations to have been made by it: Provided that if the vereniging has in terms of its constitution determined more than twenty-five per cent. of the produce of its members forming part of the current vintage as estimated surplus, it shall be deemed to have lawfully determined twenty-five per cent. of such produce as estimated surplus.

(3) Any determination of estimated surplus made or deemed by these regulations to have been made by the vereniging in terms of its constitution in respect of the produce of its members forming part of the current vintage or any prior vintage shall be binding on the Board and on all winegrowers, co-operative societies or co-operative companies who are not members of the vereniging in relation to their produce forming part of the current vintage or any prior vintage, as the case may be, in the same manner as if they had been members of the vereniging and shall also be binding on any other person affected by any such determination.

(4) All such privileges, rights and powers which are by its constitution or by any law vested in the vereniging shall, in the absence of any provision to the contrary contained in these regulations, remain of full force and effect.

(5) Nothing contained in these regulations shall in any way affect the operation of the provisions of section *seven* of the Wine and Spirits Control Act, 1924 (Act No. 5 of 1924).

Offences and Penalties.

15. Any person who—

- (a) contravenes the provisions of sub-regulation (1) of regulation 3 or of sub-regulation (1) of regulation 4 or of regulation 10; or
- (b) acquires or attempts to acquire any distilling wine or spirit or brandy at a price below the price prescribed in or determined or calculated in accordance with these regulations; or
- (c) furnishes any false information or makes any false representation in regard to any matter arising from or incidental to the application of these regulations, knowing such information or representation to be false; or
- (d) does any act to obstruct directly or indirectly the giving of full and proper effect to, or refuses or fails to comply with, any direction of the committee or the vereniging under these regulations; or
- (e) obstructs the committee or any member or servant thereof or any other person in the lawful exercise of any function or power entrusted to it or him under these regulations or in the performance of any act which may be necessary for or incidental to the exercise of such function or power; or
- (f) fails or refuses to comply with the provisions of sub-regulation (1) or (3) of regulation 8 or any direction issued in pursuance thereof,

shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred pounds or to imprisonment for a period not exceeding twelve months or to both such fine and such imprisonment.

No. 23, 1954.]

WET

Om voorsiening te maak vir die beheer van die kunsmatige inseminering van diere en vir daarmee in verband staande aangeleenthede.

(Engelse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 4 Junie 1954.)

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

Woordbepalings.

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

- (i) „advertensie”, ook ’n verklaring, prent, skets of ontwerp—
 - (a) in ’n koerant of openbare drukwerk bekendgemaak, of
 - (b) vervat in ’n strooibiljet, omsendbrief of ander geskrif wat aan lede van die publiek per pos uitgedeel word of wat op enige ander wyse onder die aandag van die publiek gebring word, en het „adverteer” ’n ooreenstemmende betekenis;
- (ii) „dier”, ’n lid van enigeen van die volgende klasse diere, te wete, beeste, skape, bokke, perde of varke, of van enige ander klas diere waarop die Goewerneur-generaal deur proklamasie in die *Staatskoerant* die bepalinge van hierdie Wet toepas; (iii)
- (iii) „hierdie Wet”, ook enige regulasie ingevolge daarvan uitgevaardig; (xii)
- (iv) „inseminering”, die kunsmatige inseminering van ’n dier, en het „insemineer” ’n ooreenstemmende betekenis; (vi)
- (v) „K.I.-sentrum”, ’n perseel waar saad van ’n dier opgevang word; (ii)
- (vi) „Minister”, die Minister van Landbou; (vii)
- (vii) „raad”, die ingevolge artikel drie aangestelde Raad vir Kunsmatige Inseminering; (iv)
- (viii) „Registrateur”, die Sekretaris van Landbou of ’n amptenaar in die staatsdiens wat onder sy gesag handel; (ix)
- (ix) „saad”, dieresaad; (xi)
- (x) „teler”, iemand wat ingevolge artikel veertien as ’n teler geregistreer is; (v)
- (xi) „veearts”, ’n veearts ingevolge die Veeartswet, 1933 (Wet No. 16 van 1933), geregistreer; (xiii)
- (xii) „verkoop”, ook verruil of vir verkoop of ruil aanbied, adverteer, aanhou, uitstal, versend, vervoer, lewer of voorberei, of teen enige vergoeding van die hand sit of uit hoofde van ’n verkoping, ruil of van die hand sit, soos voormeld, versend, vervoer of lewer; (x)
- (xiii) „voorgeskrif”, by regulasie ingevolge hierdie Wet uitgevaardig, voorgeskryf. (viii)

Toepassing van Wet.

2. Die bepalinge van hierdie Wet is nie van toepassing nie—

- (a) op die opvang van saad elders as by ’n K.I.-sentrum, indien die saad aldus opgevang uitsluitlik vir die inseminering van diere behorende aan die eienaar van die dier waarvan daardie saad opgevang is, gebruik word; of
- (b) op die inseminering elders as by ’n K.I.-sentrum van ’n dier met saad opgevang van ’n dier behorende aan dieselfde eienaar as die dier aldus geïnsemineer.

Aanstelling van ’n Raad vir Kunsmatige Inseminering.

3. (1) Die Minister stel ’n raad, bekend as die Raad vir Kunsmatige Inseminering, aan.

(2) Die raad bestaan uit minstens dertien en hoogstens vyftien lede, van wie—

- (a) twee deur die Suid-Afrikaanse Landbou-unie benoem word;
- (b) twee deur ’n vereniging of verenigings wat, volgens die oordeel van die Minister, verteenwoordigend van melk-producente is, benoem word;
- (c) ses deur ’n vereniging of verenigings wat, volgens die oordeel van die Minister, verteenwoordigend van telers van stoet-diere is, benoem word; en

No. 23, 1954.]

ACT

To provide for the control of the artificial insemination of animals and for matters incidental thereto.

*(English text signed by the Governor-General.)
(Assented to 4th June, 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. In this Act, unless the context otherwise indicates— Definitions.

- (i) "advertisement" includes any statement, picture, design or device—
 - (a) published in any newspaper or public print, or
 - (b) contained in any handbill, circular or other matter which is distributed to members of the public through the post or brought to the notice of the public in any other manner whatever, and "advertise" has a corresponding meaning; (i)
- (ii) "A.I. centre" means any premises where semen is collected from an animal; (v)
- (iii) "animal" means any member of any of the following classes of animals, namely, cattle, sheep, goats, horses or pigs, or of any other class of animals to which the Governor-General may by proclamation in the *Gazette* apply the provisions of this Act; (ii)
- (iv) "board" means the Artificial Insemination Board appointed under section *three*; (vii)
- (v) "breeder" means a person who has been registered as a breeder under section *fourteen*; (x)
- (vi) "insemination" means the artificial insemination of an animal, and "inseminate" has a corresponding meaning; (iv)
- (vii) "Minister" means the Minister of Agriculture; (vi)
- (viii) "prescribed" means prescribed by regulation made under this Act; (xiii)
- (ix) "Registrar" means the Secretary for Agriculture or an officer in the public service acting under his authority; (viii)
- (x) "sell" includes exchange or offer, advertise, keep, expose, transmit, convey, deliver or prepare for sale or exchange, or dispose of for any consideration whatever, or transmit, convey or deliver in pursuance of a sale, exchange or disposal as aforesaid; (xii)
- (xi) "semen" means animal semen; (ix)
- (xii) "this Act" includes any regulation made thereunder; (iii)
- (xiii) "veterinarian" means a veterinarian registered under the Veterinary Act, 1933 (Act No. 16 of 1933). (xi)

2. The provisions of this Act shall not apply—

Application of Act.

- (a) to the collection of semen elsewhere than at an A.I. centre, if the semen so collected is used exclusively for the insemination of animals belonging to the owner of the animal from which such semen is collected; or
- (b) to the insemination elsewhere than at an A.I. centre of an animal with semen collected from an animal belonging to the same owner as the animal so inseminated.

3. (1) The Minister shall appoint a board to be known as the Artificial Insemination Board. Appointment of Artificial Insemination Board.

(2) The board shall consist of not less than thirteen and not more than fifteen members, of whom—

- (a) two shall be nominated by the South African Agricultural Union;
- (b) two shall be nominated by an association or associations representative, in the opinion of the Minister, of milk producers;
- (c) six shall be nominated by an association or associations representative, in the opinion of the Minister, of stud animal breeders; and

(d) die oorblywende lede amptenare van die Departement van Landbou is.

(3) Wanneer benoemings uit hoofde van paragraaf (a), (b) of (c) van sub-artikel (2) noodsaaklik word, sê die Minister die betrokke organisasie of vereniging by skriftelike kennisgewing aan om binne 'n in die kennisgewing vermelde tydperk die persone wat kragtens bedoelde paragrawe vir aanstelling op die raad benoem kan word, te benoem.

(4) Indien 'n ingevolge paragraaf (a), (b) of (c) van sub-artikel (2) benoemde persoon volgens die oordeel van die Minister nie geskik vir aanstelling as 'n lid van die raad is nie, kan die Minister by skriftelike kennisgewing die betrokke organisasie of vereniging aansê om binne 'n in die kennisgewing vermelde tydperk 'n ander persoon in die plek van bedoelde persoon te benoem.

(5) Indien 'n ander uit hoofde van 'n kennisgewing ingevolge sub-artikel (4) benoemde persoon volgens die oordeel van die Minister, nie geskik vir aanstelling as lid van die raad is nie, of wanneer die betrokke organisasie of vereniging in gebreke bly om iemand te benoem, of indien daar geen in paragraaf (b) of (c) van sub-artikel (2) bedoelde vereniging bestaan nie, kan die Minister iemand wat hy geskik ag om lid van die raad te wees in die plek van die persoon wat deur bedoelde organisasie of vereniging benoem moet word, aanstel.

Werksaamhede
van die raad.

4. Die raad—

- (a) ondersoek en lewer verslag aan die Registrateur omtrent alle aansoeke ingevolge artikels *twaalf*, *dertien* en *veertien*;
- (b) adviseer die Registrateur en is hom behulpsaam met betrekking tot enige in hierdie Wet behandelde aangeleentheid wat die Registrateur na die raad verwys; en
- (c) adviseer en doen aanbevelings aan die Minister in verband met sodanige in hierdie Wet behandelde of uit hierdie Wet voortspruitende aangeleenthede as wat deur die Minister na hom verwys word, of wat die raad noodsaaklik of dienstig ag.

Ampstermyn van
lede van die raad.

5. (1) 'n Lid van die raad beklee sy amp vir 'n tydperk van twee jaar: Met dien verstande dat 'n ingevolge die bepalings van paragraaf (d) van sub-artikel (2) van artikel *drie* aangestelde lid sy amp beklee vir solank dit die Minister behaag.

(2) 'n Ingevolge paragraaf (a), (b) of (c) van sub-artikel (2) van artikel *drie* aangestelde lid van die raad kan by verstryking van sy ampstermyn weer as lid van die raad aangestel word.

(3) Indien die Minister oortuig is dat daar gegronde redes om sulks te doen, bestaan, kan hy te eniger tyd die ampstermyn van enige lid van die raad beëindig.

(4) 'n Lid van die raad van wie die ampstermyn deur tydverloop beëindig is en wat nie weer aangestel is nie, hou aan om sy amp te beklee tot tyd en wyl sy opvolger aangestel is, maar in elk geval nie vir 'n verdere tydperk van meer as drie maande nie.

(5) Wanneer die setel van 'n lid van die raad vakant raak voor die verstryking van die tydperk waarvoor hy aangestel is, kan die Minister, behoudens die bepalings van artikel *drie*, enige persoon wat hy geskik beskou aanstel om die vakature te vul vir die onverstreke gedeelte van die tydperk waarvoor bedoelde lid aangestel was.

(6) Wanneer 'n lid van die raad weens siekte of enige ander oorsaak wat deur die Minister as voldoende beskou word, verhinder word om sy ampspligte uit te voer, kan die Minister enige deur hom geskik geagte persoon aanstel om namens bedoelde lid op te tree gedurende die tydperk waarin hy aldus verhinder word.

(7) Wanneer 'n lid van die raad sonder verlof van die raad drie agtereenvolgende raadsvergaderings nie bygewoon het nie en niemand ingevolge sub-artikel (6) aangestel is om namens hom op te tree nie, ontruim hy sy amp.

Verkiesing en
ampstermyn van
voorsitter.

6. (1) Die lede van die raad kies op hulle eerste vergadering en daarna wanneer nodig, een uit hulle midde om voorsitter te wees, wat daardie amp beklee vir 'n tydperk van een jaar of totdat die tydperk waarvoor hy as lid van die raad aangestel was, verstryk, al na gelang van watter tydperk die kortste is, en wat herkiesbaar is.

(2) Wanneer die voorsitter om enige rede nie in staat is om sy pligte na te kom nie, kies die raad 'n ander lid om as voorsitter vir 'n tydperk wat die raad bepaal, op te tree.

(d) the remaining members shall be officers of the Department of Agriculture.

(3) Whenever nominations in terms of paragraph (a), (b) or (c) of sub-section (2) become necessary, the Minister shall, by notice in writing, call upon the organization or association concerned to nominate, within a period stated in the notice, the persons whom it is entitled to nominate for appointment to the board in terms of the said paragraphs.

(4) If any person nominated in terms of paragraph (a), (b) or (c) of sub-section (2) is, in the opinion of the Minister, not suitable for appointment as a member of the board, the Minister may by notice in writing call upon the organization or association concerned to nominate, within a period stated in the notice, some other person in the place of that person.

(5) If any other person nominated in pursuance of a notice under sub-section (4) is, in the opinion of the Minister, not suitable for appointment as a member of the board, or whenever the organization or association concerned fails to nominate any person, or if no association referred to in paragraph (b) or (c) of sub-section (2) is in existence, the Minister may appoint any person whom he deems suitable to be a member of the board in the stead of the person required to be nominated by such organization or association.

4. The board shall—

Functions of the board.

- (a) investigate and report to the Registrar on all applications under sections *twelve*, *thirteen* and *fourteen*;
- (b) advise and assist the Registrar in regard to any matter dealt with in this Act which the Registrar may refer to it; and
- (c) advise and make recommendations to the Minister in regard to such matters dealt with in or arising out of this Act as may be referred to it by the Minister, or as the board may consider necessary or expedient.

5. (1) A member of the board shall hold office for a period of two years: Provided that a member appointed under the provisions of paragraph (d) of sub-section (2) of section *three* shall hold office during the Minister's pleasure.

Tenure of office of members of the board.

(2) Any member of the board appointed under paragraph (a), (b) or (c) of sub-section (2) of section *three* shall be eligible for re-appointment upon the expiration of his term of office.

(3) The Minister may at any time, if he is satisfied that there are good reasons for doing so, terminate the period of office of any member of the board.

(4) A member of the board whose period of office has terminated by effluxion of time and who is not re-appointed shall continue to hold office until such time as his successor is appointed, but not in any case for a further period exceeding three months.

(5) Whenever the office of a member of the board becomes vacant before the expiration of the period for which he was appointed, the Minister may, subject to the provisions of section *three*, appoint any person whom he considers suitable to fill the vacancy for the unexpired portion of the period for which such member was appointed.

(6) Whenever any member of the board is prevented by illness or any other cause deemed sufficient by the Minister from performing the duties of his office, the Minister may appoint any person whom he considers suitable to deputize for such member while he is so prevented.

(7) Whenever a member of the board, has, without its leave, absented himself from three consecutive meetings of the board and no person has been appointed under sub-section (6) to deputize for him, he shall vacate his office.

6. (1) The members of the board shall at their first meeting and thereafter as occasion arises, elect one of their number as chairman of the board, who shall hold office as such for a period of one year or until the expiration of the period for which he was appointed as a member of the board, whichever shall be the shorter period, and shall be eligible for re-election.

Election and tenure of office of chairman.

(2) Whenever for any reason the chairman is unable to perform his duties, the board shall elect another of its members to act as chairman for such period as it may determine.

Vergaderings van die raad.

7. (1) Die eerste vergadering van die raad word gehou op 'n tyd en plek wat die Minister vasstel, en alle daaropvolgende vergaderings word, behoudens die bepalings van sub-artikel (2), gehou op die tyd en plekke wat die raad bepaal.

(2) Die voorsitter van die raad kan te eniger tyd 'n buitengewone vergadering van die raad belê wat gehou word op 'n tyd en plek deur hom vasgestel.

Kworum, meerderheidsbesluit en voorsitter se beslissende stem.

8. (1) Sewe lede van die raad maak 'n kworum vir 'n raadsvergadering uit.

(2) Die voorsitter moet voorsit op alle raadsvergaderings waarop hy aanwesig is, en as hy van 'n vergadering afwesig is, kies die aldaar aanwesige lede een uit hul midde om op daardie vergadering voor te sit.

(3) Die beslissing van die meerderheid van die lede wat op 'n raadsvergadering aanwesig is, maak die besluit van die raad uit, en by 'n staking van stemme het die persoon wat op die betrokke vergadering voorsit benewens sy beraadslagende stem ook 'n beslissende stem.

Komitees van raad.

9. (1) Die raad kan uit sy lede een of meer komitees aanstel om hom by die verrigting van sy werksaamhede by te staan.

(2) Die raad kan na goeddunke van sy bevoegdheid aan 'n aldus aangestelde komitee oordra, maar word nie geag van 'n bevoegdheid wat hy aan 'n komitee oorgedra het, onthef te wees nie, en kan 'n besluit van so 'n komitee wysig of herroep.

Besoldiging en toelaes van lede van raad en komitees.

10. 'n Lid van die raad of van 'n komitee van die raad (met inbegrip van 'n ingevolge sub-artikel (6) van artikel vyf aangestelde persoon) wat nie in die voltydse diens van die Staat is nie ontvang ten opsigte van sy dienste sodanige besoldiging en toelaes as wat die Minister bepaal.

Toewysing van amptenare aan raad en komitee.

11. Die Minister kan aan die raad en enige komitee daarvan sodanige amptenare van sy departement toewys as wat nodig is om die raad of die komitee in staat te stel om sy werksaamhede te verrig.

Registrasie van K.I.-sentrums en goedkeuring van diere.

12. (1) 'n Aansoek om die registrasie van 'n K.I.-sentrum of om die goedkeuring van 'n dier vir die opvang van saad word by die Registrateur in die voorgeskrewe vorm gedoen.

(2) Indien die Registrateur na oorweging, in oorleg met die raad, van 'n aansoek om die registrasie van 'n K.I.-sentrum, oortuig is dat aan die voorgeskrewe vereistes voldoen is, registreer hy daardie K.I.-sentrum en reik aan die applikant 'n registrasiesertifikaat op die voorgeskrewe vorm uit.

(3) Indien die Registrateur na oorweging, in oorleg met die raad, van 'n aansoek om die goedkeuring van 'n dier vir doeleindes van die opvang van saad, oortuig is dat daardie dier aan die voorgeskrewe vereistes voldoen, staan hy die aansoek toe en reik ten opsigte daarvan aan die applikant 'n sertifikaat op die voorgeskrewe vorm uit.

(4) Elke registrasie en elke goedkeuring ingevolge hierdie artikel is geldig vir sodanige tydperk as wat die Registrateur bepaal.

(5) 'n Registrasie ingevolge sub-artikel (2) kan deur die Registrateur ingetrek word indien hy, na 'n ondersoek, oortuig is dat 'n vereiste van hierdie Wet met betrekking tot die betrokke K.I.-sentrum nie nagekom is of word nie.

(6) Indien die Registrateur, na 'n ondersoek, oortuig is dat 'n ingevolge sub-artikel (3) goedgekeurde dier aan die in daardie sub-artikel bedoelde vereistes nie meer voldoen nie, kan hy by skriftelike kennisgewing gerig aan die houer van die sertifikaat ten opsigte van die goedkeuring van daardie dier uitgereik, sodanige goedkeuring intrek.

Registrasie van bevoegde inseminatore.

13. (1) Indien iemand, nadat aansoek gedoen is en na 'n ondersoek en verslag deur die raad, die Registrateur oortuig dat hy—

(a) sodanige onderrig in verband met inseminering as wat voorgeskryf is, ontvang het; en

(b) 'n voorgeskrewe eksamen of toets in verband met sy teoretiese en praktiese kennis van inseminering, met sukses afgelê het,

registreer die Registrateur hom as 'n bevoegde inseminator.

(2) 'n Registrasie ingevolge sub-artikel (1) kan, na oorlegpleging met die raad, deur die Registrateur ingetrek word indien hy, na 'n ondersoek, oortuig is dat die geregistreerde persoon in verband met inseminering onbevoeg, nalatig of onbetroubaar is.

7. (1) The first meeting of the board shall be held at a time and place to be fixed by the Minister, and all subsequent meetings shall, subject to the provisions of sub-section (2), be held at such times and places as the board may fix.

Meetings of board.

(2) The chairman of the board may at any time call a special meeting of the board to be held at such time and place as he may determine.

8. (1) Seven members of the board shall form a quorum for any meeting of the board.

Quorum, majority decision and chairman's casting vote.

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

(3) The decision of the majority of the members of the board present at any meeting thereof shall constitute the decision of the board, and in the event of an equality of votes the person presiding at the meeting in question shall have a casting vote in addition to his deliberative vote.

9. (1) The board may from amongst its members appoint one or more committees to assist it in the performance of its functions.

Committees of board.

(2) The board may assign to a committee so appointed such of its powers as it may deem fit, but shall not be deemed to be divested of any power which it may have assigned to a committee, and may amend or revoke any decision of any such committee.

10. A member of the board or of a committee of the board (including any person appointed under sub-section (6) of section five) who is not in the full-time service of the State, shall receive such remuneration and allowances in respect of his services as the Minister may determine.

Remuneration and allowances of members of board and committees.

11. The Minister may assign to the board and any committee thereof such officers in his department as may be necessary to enable the board or committee to carry out its functions.

Assignment of officers to the board and committee.

12. (1) An application for the registration of an A.I. centre or for the approval of an animal for the purpose of collecting semen shall be made to the Registrar in the prescribed form.

Registration of A.I. centres and approval of animals.

(2) If after considering, in consultation with the board, an application for the registration of an A.I. centre the Registrar is satisfied that the prescribed requirements have been complied with, he shall register that A.I. centre and issue to the applicant a certificate of registration in the prescribed form.

(3) If after considering, in consultation with the board, an application for the approval of an animal for the purpose of collecting semen the Registrar is satisfied that that animal conforms to the prescribed requirements, he shall grant the application and issue to the applicant, in respect of such approval, a certificate in the prescribed form.

(4) Every registration and every approval under this section shall be valid for such period as the Registrar may determine.

(5) A registration in terms of sub-section (2) may be cancelled by the Registrar if he is satisfied, after enquiry, that any requirement of this Act in regard to the A.I. centre in question has not been or is not being complied with.

(6) The Registrar, if satisfied, after enquiry, that any animal approved in terms of sub-section (3) no longer conforms to the prescribed requirements referred to in that sub-section, may by notice in writing addressed to the holder of the certificate issued in respect of the approval of that animal, withdraw such approval.

13. (1) If any person, on application made and after investigation and report by the board, satisfies the Registrar that he has—

Registration of qualified inseminators.

(a) received such instruction in connection with insemination as may be prescribed; and

(b) passed a prescribed examination or test in regard to his theoretical and practical knowledge of insemination,

the registrar shall register him as a qualified inseminator.

(2) Any registration under sub-section (1) may after consultation with the board, be cancelled by the Registrar if he is satisfied, after enquiry, that the person registered is incompetent, negligent or unreliable in connection with insemination.

Registrasie
van telers.

14. (1) Indien iemand, nadat aansoek gedoen is en na 'n ondersoek en verslag deur die raad, die Registrateur oortuig dat hy aan sodanige vereistes in verband met die teel van stoetdiere as wat voorgeskryf is, voldoen, registreer die Registrateur hom as 'n teler.

(2) 'n Registrasie ingevolge sub-artikel (1) kan, na oorlegging met die raad, deur die Registrateur ingetrek word indien hy, na 'n ondersoek, oortuig is dat die geregistreerde persoon aan die in daardie sub-artikel bedoelde vereistes nie meer voldoen nie.

Appel na
Minister.

15. Daar is 'n reg van appel na die Minister teen—

- (a) die weiering van die Registrateur om 'n K.I.-sentrum ingevolge artikel *twaalf* te registreer;
- (b) die weiering van die Registrateur om 'n dier ingevolge artikel *twaalf* goed te keur;
- (c) die weiering van die Registrateur om iemand as 'n bevoegde inseminator ingevolge artikel *dertien* of as 'n teler ingevolge artikel *veertien* te registreer; of
- (d) die intrekking van 'n registrasie ingevolge artikel *twaalf*, *dertien* of *veertien*, of die intrekking van 'n goedkeuring ingevolge artikel *twaalf*.

Verkoop, invoer
en uitvoer van
saad.

16. Niemand mag—

- (a) saad verkoop of uitvoer nie, behalwe saad wat opgevang is—
 - (i) by 'n K.I.-sentrum ingevolge artikel *twaalf* geregistreer, tensy hy 'n teler is; of
 - (ii) van 'n ingevolge artikel *twaalf* goedgekeurde dier;
- (b) saad invoer of uitvoer nie behalwe dan uit hoofde van 'n deur die Registrateur uitgereikte permit, of anders as ooreenkomstig die voorwaardes in daardie permit vermeld of sodanige vereistes as wat voorgeskryf is; of
- (c) saad verkoop nie, tensy—
 - (i) dit op die voorgeskrewe wyse verpak is;
 - (ii) die houer waarin dit verkoop word aan die voorgeskrewe vereistes voldoen en op die voorgeskrewe wyse gebrandmerk, geëtiketteer, gemerk en geseël is; en
 - (iii) dit die voorgeskrewe samestelling, doeltreffendheid, fynheid en suiwerheid, asook sodanige ander eienskappe as wat voorgeskryf is, besit.

Ondersoek-
bevoegdhede.

17. 'n Amptenaar in die staatsdiens, in die algemeen of spesiaal deur die Registrateur daartoe gemagtig, kan te alle redelike tye—

- (a) 'n perseel, plek, voertuig of vaartuig, waarop of waarin daar saad gehou of na vermoede gehou word, of waarop of waarin hy redelikerwyse glo dat saad opgevang word of dat inseminering uitgevoer word, betree;
- (b) so 'n perseel, plek, voertuig of vaartuig ondersoek, of 'n dier, toerusting, saad of ander voorwerp in of op bedoelde perseel, plek, voertuig of vaartuig wat gebruik word of na vermoede bestem is vir gebruik by die opvang van saad of inseminering, na gelang van die geval, ondersoek, en van die persoon wat toesig het oor so 'n perseel, plek, voertuig of vaartuig enige inligting aangaande so 'n dier, toerusting, saad of ander voorwerp eis;
- (c) alle boeke en geskrifte in of op so 'n perseel, plek, voertuig of vaartuig wat hy op redelike gronde glo betrekking het op so 'n dier, toerusting, saad of ander voorwerp, of op die opvang van saad of inseminering, nagaan, en afskrifte van of uittreksels uit sodanige boeke en geskrifte maak;
- (d) van die eienaar van so 'n boek of geskrif, of die persoon wat dit in sy bewaring het, 'n uitleg van enige inskrywing daarin eis;
- (e) beslag lê op enige dier, toerusting, saad, boek, geskrif of ander voorwerp, in of op so 'n perseel, plek, voertuig, of vaartuig gevind, wat na sy oordeel bewys mag lewer van 'n misdryf ingevolge hierdie Wet;
- (f) enige werksaamhede wat in of op so 'n perseel, plek, voertuig of vaartuig in verband met die opvang van saad of inseminering uitgevoer word, ondersoek en van die persoon wat toesig het oor sodanige werksaamhede enige inligting daaromtrent eis;
- (g) die verwydering of beskikking, op die voorgeskrewe wyse en binne die voorgeskrewe tydperk, van of oor

14. (1) If any person, on application made and after investigation and report by the board, satisfies the Registrar that he complies with such requirements in connection with the breeding of stud animals as may be prescribed, the Registrar shall register him as a breeder. Registration of breeders.

(2) Any registration under sub-section (1) may after consultation with the board, be cancelled by the Registrar if he is satisfied, after enquiry, that the person registered no longer complies with the prescribed requirements referred to in that sub-section.

15. There shall be a right of appeal to the Minister against— Appeal to Minister.

- (a) the refusal by the Registrar to register an A.I. centre under section *twelve*;
- (b) the refusal by the Registrar to approve of an animal under section *twelve*;
- (c) the refusal by the Registrar to register a person as a qualified inseminator under section *thirteen* or as a breeder under section *fourteen*; or
- (d) any cancellation of registration under section *twelve*, *thirteen* or *fourteen*, or withdrawal of approval under section *twelve*.

16. No person shall—

- (a) sell or export semen other than semen collected—
 - (i) at an A.I. centre registered under section *twelve*, unless he is a breeder; or
 - (ii) from an animal approved under section *twelve*;
- (b) import or export semen except under the authority of a permit issued by the Registrar or otherwise than in accordance with the conditions specified in such permit or such requirements as may be prescribed; or
- (c) sell semen unless—
 - (i) it is packed in such manner as may be prescribed;
 - (ii) the container in which it is sold complies with the prescribed requirements and is branded, labelled, marked and sealed in such manner as may be prescribed; and
 - (iii) it is of the prescribed composition, efficacy, fineness and purity, and possesses such other properties as may be prescribed.

Sale, import and export of semen.

17. Any officer in the public service generally or specially authorized thereto by the Registrar may at all reasonable times— Powers of inspection.

- (a) enter upon any premises, place, vehicle or vessel at or in which there is or is suspected to be kept semen or at or in which he has reason to believe that semen is being collected or that insemination is being carried out;
- (b) inspect any such premises, place, vehicle or vessel or any animal, equipment, semen or other article in or upon such premises, place, vehicle or vessel which is used or suspected to be intended for use in the collection of semen or insemination, as the case may be, and demand from the person in charge of such premises, place, vehicle or vessel any information regarding such animal, equipment, semen or other article;
- (c) examine all books and documents in or upon such premises, place, vehicle or vessel which he believes on reasonable grounds to relate to such animal, equipment, semen or other article or the collection of semen or insemination and make copies of or take extracts from such books and documents;
- (d) demand from the owner or custodian of any such book or document an explanation of any entry therein;
- (e) seize any animal, equipment, semen, book, document or other article found in or upon such premises, place, vehicle or vessel which in his opinion may afford evidence of any offence under this Act;
- (f) inspect any operations carried out in or upon any such premises, place, vehicle or vessel in connection with the collection of semen or insemination and demand from the person in charge of any such operations any information regarding such operations;
- (g) direct the removal or disposal in the manner and within the period prescribed of semen, found in or upon

saad wat in of op so 'n perseel, plek, voertuig of vaartuig gevind is en wat nie aan die voorgeskrewe vereistes voldoen nie, gelas.

Misdrywe en strafbepalings.

18. Iemand wat—

- (a) die bepalinge van artikel *sestien* oortree of versuim om daaraan te voldoen;
- (b) 'n in artikel *sewentien* bedoelde amptenaar by die uitoefening van sy bevoegdheid ingevolge daardie artikel hinder of belemmer, of wat weier of versuim om op aanvraag aan so 'n amptenaar by die uitoefening van sy bevoegdheid enige inligting of uitleg na sy beste vermoë te verstrek, of wat aan so 'n amptenaar enige valse inligting of uitleg verstrek, met wete dat dit vals is;
- (c) van 'n ander as 'n ingevolge artikel *twaalf* goedgekeurde dier, of tensy hy 'n teler is op 'n ander plek as 'n ingevolge bedoelde artikel geregistreerde K.I.-sentrum, saad opvang of laat opvang;
- (d) nie 'n veearts of as 'n bevoegde inseminator ingevolge artikel *dertien* geregistreer is nie, en saad van 'n dier opvang of inseminering uitvoer;
- (e) met wete dat dit vals is—
 - (i) in 'n aansoek ingevolge hierdie Wet; of
 - (ii) in verband met saad, by die verkoop daarvan; of
 - (iii) in 'n advertensie omtrent saad of van 'n dier waarvan saad opgevang word, 'n verklaring doen wat in 'n wesenlike besonderheid vals is; of
- (f) saad verkoop—
 - (i) op die houer waarvan 'n valse of misleidende bewering in verband met die beskrywing van die inhoud daarvan verskyn; of
 - (ii) wat nie van die soort, aard, samestelling, sterkte, vermoë, gehalte of oorsprong soos beskryf of voorgegee is nie,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd pond of gevangenisstraf vir 'n tydperk van hoogstens twaalf maande of met beide so 'n boete en so 'n gevangenisstraf.

Bewyslewering.

19. By die verhoor van iemand wat weens 'n misdryf ingevolge hierdie Wet aangekla word, is 'n verklaring of inskrywing vervat in 'n boek of geskrif gehou deur die beskuldigde of deur sy bestuurder, agent of werknemer, of gevind op of in 'n perseel deur die beskuldigde geokkupeer, in getuienis toelaatbaar teen hom as 'n erkenning van die feite in daardie verklaring of inskrywing uiteengesit, tensy bewys word dat daardie verklaring of inskrywing nie deur die beskuldigde of deur 'n bestuurder, agent of werknemer van die beskuldigde in die loop van sy werk as bestuurder of in die loop van sy agentskap of diens gemaak is nie.

Regulasies.

20. (1) Die Goewerneur-generaal kan regulasies uitvaardig, aangaande—

- (a) die inligting wat by 'n aansoek ingevolge artikel *twaalf* verstrek moet word;
- (b) die vorm van 'n aansoek ingevolge artikel *dertien* of *veertien* en die inligting wat daarby verstrek moet word;
- (c) die vereistes waaraan voldoen moet word vir die registrasie van 'n K.I.-sentrum, met inbegrip van dié wat betrekking het op die geskiktheid van die perseel en die ligging daarvan, die uitrusting wat gebruik moet word en reëlins omtrent voldoende toesig oor die daar te verrigte werksaamhede;
- (d) die vereistes waaraan voldoen moet word met betrekking tot die goedkeuring van 'n dier ingevolge artikel *twaalf*, waarby inbegrepe kan wees dié wat betrekking het op ras, ouderdom en gesondheidstoestand;
- (e) die bestuur van 'n ingevolge artikel *twaalf* geregistreerde K.I.-sentrum;
- (f) die toesig oor 'n ingevolge artikel *twaalf* geregistreerde K.I.-sentrum, en die periodieke ondersoek van ingevolge daardie artikel goedgekeurde diere;
- (g) die merk vir doeleindes van identifikasie, van ingevolge artikel *twaalf* goedgekeurde diere;
- (h) die vorm van 'n permit ingevolge artikel *sestien* en van die aansoek daarom;
- (i) die opvang, behandeling, verpakking, opberging, vervoer, invoer en uitvoer van saad;
- (j) die wyse en metode waarop en waarvolgens inseminering moet geskied;

such premises, place, vehicle or vessel, which does not comply with the prescribed requirements.

18. Any person who—

Offences and penalties.

- (a) contravenes or fails to comply with the provisions of section *sixteen*;
- (b) hinders or obstructs an officer referred to in section *seventeen* in the exercise of his powers under that section, or refuses or fails, on demand, to give to the best of his ability any information or explanation to any such officer in the exercise of his powers or knowingly furnishes any false information or explanation to any such officer;
- (c) collects or causes to be collected semen from an animal other than one approved under section *twelve*, or unless he is a breeder at a place other than an A.I. centre registered under that section;
- (d) not being a veterinarian or person registered under section *thirteen* as a qualified inseminator, collects semen from or inseminates an animal;
- (e) knowingly makes—
 - (i) in any application under this Act; or
 - (ii) in connection with any semen in the course of the sale thereof; or
 - (iii) in an advertisement relating to semen or of any animal from which semen is collected, a statement which is false in a material particular; or
- (f) sells any semen—
 - (i) upon the container of which a false or misleading statement in connection with the description of its contents appears; or
 - (ii) which is not of the kind, nature, composition, strength, potency, quality or origin described or represented,

shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds or imprisonment for a period not exceeding twelve months, or to both such fine and such imprisonment.

19. At the trial of any person charged with having committed an offence under this Act, any statement or entry contained in any book or document kept by the accused or by his manager, agent or employee, or found upon or in any premises occupied by the accused shall be admissible in evidence against the accused as an admission of the facts set forth in that statement or entry, unless it is proved that that statement or entry was not made by the accused or by the manager, agent or employee of the accused in the course of his work as manager or in the course of his agency or employment. Evidence.

20. (1) The Governor-General may make regulations as to— Regulations.

- (a) the information to be furnished with any application under section *twelve*;
- (b) the form of any application under section *thirteen* or *fourteen*, and the information to be supplied therewith;
- (c) the requirements to be complied with for the registration of an A.I. centre, including those relating to the suitability of the premises and locality, the equipment to be used and the arrangements for adequate supervision of the operations to be conducted thereat;
- (d) the requirements to be conformed with in connection with the approval of an animal under section *twelve*, which may include those pertaining to breed, age, and state of health;
- (e) the conduct of an A.I. centre registered under section *twelve*;
- (f) the supervision of an A.I. centre registered under section *twelve*, and the periodical inspection of animals approved under that section;
- (g) the marking, for identification purposes, of animals approved under section *twelve*;
- (h) the form of any permit under section *sixteen* and of the application therefor;
- (i) the collection, treatment, packing, storage, conveyance, import and export of semen;
- (j) the manner and method of inseminating animals;

- (k) die aantekenings wat gehou moet word deur elke teler, elke houer van 'n registrasiesertifikaat ten opsigte van 'n K.I.-sentrum, en elke persoon as 'n bevoegde inseminator geregistreer, en die vorm en manier waarin en waarop sodanige aantekenings gehou moet word;
- (l) die gelde betaalbaar ten opsigte van 'n registrasie, goedkeuring of sertifikaat ingevolge artikel *twaaif*, *dertien* of *veertien*, 'n permit ingevolge artikel *sestien*, of ten opsigte van die toesig oor of ondersoek van 'n kragtens artikel *twaaif* geregistreerde K.I.-sentrum, of ten opsigte van die ondersoek van ingevolge artikel *twaaif* goedgekeurde diere;
- (m) enige aangeleentheid wat ingevolge hierdie Wet by regulasie voorgeskryf moet of kan word; en
- (n) in die algemeen, enige aangeleentheid, hetsy dit op 'n aangeleentheid spesiaal in hierdie sub-artikel vermeld, betrekking het, al dan nie, wat hy nodig of raadsaam ag om voor te skryf ten einde die oogmerke van hierdie Wet te verseker.

(2) Sodanige regulasies kan voorsiening maak vir vermoedens ten aansien van enige daarin behandelde aangeleentheid, en kan op enige oortreding van of versuim om te voldoen aan enige bepaling daarvan strawwe stel, wat die by artikel *agtien* voorgeskrewe strawwe nie te bowe gaan nie.

(3) 'n Kragtens sub-artikel (1) uitgevaardigde regulasie word binne veertien dae na afkondiging daarvan in beide Huise van die Parlement ter Tafel gelê indien die Parlement dan in gewone sitting is, of indien die Parlement nie dan in gewone sitting is nie, binne veertien dae na die aanvang van sy eersvolgende gewone sitting, en bly op genoemde Tafels vir minstens agt-en-twintig agtereenvolgende dae, en indien die Parlement gepronogeer word voordat die nodige agt-en-twintig dae verloop het, word so 'n regulasie weer soos voormeld binne veertien dae na die aanvang van sy eersvolgende gewone sitting ter Tafel gelê.

(4) Indien beide Huise van die Parlement by besluit wat gedurende dieselfde sitting geneem word (naamlik 'n sitting waarin so 'n regulasie ooreenkomstig sub-artikel (3) in beide Huise van die Parlement ter Tafel gelê is) so 'n regulasie afkeur, verval die regskrag van so 'n regulasie vir sover dit aldus afgekeur word, dog sonder afbreuk te doen aan die geldigheid van enigiets wat kragtens so 'n regulasie of 'n bepaling daarvan tot op die datum waarop die regskrag daarvan aldus verval het, gedoen is, of aan enige reg, voorreg, verpligting of aanspreeklikheid wat op bedoelde datum reeds kragtens so 'n regulasie of so 'n bepaling daarvan verkry, opgeloop of aangegaan is.

Kort titel en
inwerkingtreding.

21. (1) Hierdie Wet heet die Wet op die Kunsmatige Inseminering van Diere, 1954, en tree, behoudens die bepalings van sub-artikel (2), in werking op 'n datum wat die Goewerneur-generaal by proklamasie in die *Staatskoerant* vasstel.

(2) Verskillende datums kan ingevolge sub-artikel (1) ten opsigte van die verskeie bepalings van hierdie Wet vasgestel word.

- (k) the records to be kept by every breeder, every holder of a certificate of registration in respect of an A.I. centre and every person registered as a qualified inseminator, and the form and manner in which such records are to be kept;
- (l) the fees payable in respect of any registration, approval or certificate under section *twelve*, *thirteen* or *fourteen*, any permit under section *sixteen*, or in respect of the supervision or inspection of an A.I. centre registered in terms of section *twelve*, or in respect of the inspection of animals approved under section *twelve*;
- (m) any matter which by this Act is required or permitted to be prescribed by regulation; and
- (n) generally, any matter, whether or not relating to any matter specifically mentioned in this sub-section, which he considers it necessary or expedient to prescribe in order that the purposes of this Act may be achieved.

(2) Such regulations may provide for presumptions in regard to any matter dealt with therein, and may prescribe penalties for any contravention of or failure to comply with any provision thereof, not exceeding the penalties prescribed by section *eighteen*.

(3) Any regulation made under sub-section (1) shall be laid on 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 remain on the said Tables for at least twenty-eight consecutive days, and if Parliament is prorogued before the necessary twenty-eight days have elapsed, such regulation shall again be laid on the said Tables as aforesaid within fourteen days after the commencement of its next ensuing ordinary session.

(4) If both Houses of Parliament by resolution passed in the same session (being a session during which such regulation has been laid on the Tables of both Houses of Parliament in terms of sub-section (3)) disapprove of any such regulation, it shall thereafter cease to be of force and effect to the extent to which it is so disapproved, but without prejudice to the validity of anything done in terms of such regulation or any provision thereof up to the date upon which it so ceased to be of force and effect, or to any right, privilege, obligation or liability acquired, accrued or incurred as at the said date under and by virtue of such regulation or such provision thereof.

21. (1) This Act shall be called the Artificial Insemination of Animals Act, 1954, and shall, subject to the provisions of sub-section (2), come into operation on a date to be fixed by the Governor-General by proclamation in the *Gazette*. Short title
and commence-
ment.

(2) Different dates may in terms of sub-section (1) be fixed in respect of the several provisions of this Act.