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OFFICE OF THE PRIME MINISTER.

The following Government Notice is published for general information:—

No. 1286.] [30th 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:—

		BLADSY
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No. 47, 1954.]

WET

Om die Handelswaremerke-wet, 1941, te wysig.

(Engelse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 18 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 1 van Wet 17 van 1941 soos deur artikel 1 van Wet 39 van 1952 gewysig.

1. (1) Die Engelse teks van artikel *een* van die Handelswaremerke-wet, 1941 (hieronder die Hoofwet genoem), word hiermee gewysig deur aan die end van die woordomskeywing van „sell” die woorde „, and the word ‘sale’ has a corresponding meaning;” by te voeg.

(2) Dit word geag dat sub-artikel (1) op die agtiende dag van Oktober 1941 in werking getree het.

Wysiging van artikel 4 van Wet 17 van 1941.

2. Artikel *vier* van die Hoofwet word hiermee gewysig deur die volgende sub-artikel daarby te voeg:

„(4) Geen vergoeding is betaalbaar ten opsigte van enige skade wat deur enigiemand by die uitoefening van sy bevoegdhede kragtens hierdie artikel aan enige ware veroorsaak word nie, tensy dit bewys word dat die skade deur die uitoefening van redelike sorg vermy kon gewees het.”.

Kort titel.

3. Hierdie Wet heet die Wysigingswet op Handelswaremerke, 1954.

No. 47, 1954.]

ACT

To amend the Merchandise Marks Act, 1941.

(English text signed by the Governor-General.)
(Assented to 18th 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. (1) Section *one* of the Merchandise Marks Act, 1941 (hereinafter referred to as the principal Act), is hereby amended by the addition at the end of the definition of "sell" of the words " , and the word 'sale' has a corresponding meaning;".

Amendment of section 1 of Act 17 of 1941, as amended by section 1 of Act 39 of 1952.

(2) Sub-section (1) shall be deemed to have come into operation on the eighteenth day of October, 1941.

2. Section *four* of the principal Act is hereby amended by the addition thereto of the following sub-section:

Amendment of section 4 of Act 17 of 1941.

"(4) No compensation shall be payable in respect of any damage caused to any goods by any person in the exercise of his powers under this section, unless it is proved that such damage could have been avoided by the exercise of reasonable care."

3. This Act shall be called the Merchandise Marks Amendment Act, 1954.

Short title.

No. 56, 1954.]

WET

Om voorsiening te maak vir die oorplasing van die administrasie van natuurellesake en aangeleenthede wat natuurelle in besonder raak van die Administrateur van die gebied Suidwes-Afrika handelende onder die direksie en toesig van die Goewerneur-generaal na die Minister van Naturellesake, vir die reservering of afsondering van grond vir gebruik en okkupasie deur natuurelle in daardie gebied ter vervanging van ander grond aldus gereserveer of afgesonder en vir daarmee in verband staande aangeleenthede.

(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 18 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) „Administrateur”, die Administrateur van die gebied;
- (ii) „die gebied”, die gebied Suidwes-Afrika, en sluit dit die hawe en nedersetting Walvisbaai in; (iv)
- (iii) „Inkomstefonds van die gebied”, die fonds waarna in artikel *ses-en-dertig* van die „Zuidwest-Afrika Konstitutie Wet, 1925” (Wet No. 42 van 1925), verwys word; (iii)
- (iv) „Minister”, die Minister van Naturellesake. (ii)

Wysiging van artikel 7 van Wet 42 van 1925, soos gewysig deur artikel 5 van Wet 19 van 1940 en vervang deur artikel 5 van Wet 23 van 1949.

2. Artikel *sewe* van die „Zuidwest-Afrika Konstitutie Wet, 1925”, word hiermee gewysig—

- (a) deur in sub-artikel (1) na die uitdrukking „Goewerneur-generaal” die woorde „en behoudens het bij sub-artikel (1)*bis* bepaalde” in te voeg; en
- (b) deur na sub-artikel (1) die volgende sub-artikel in te voeg:
„(1)*bis*. Behoudens de bepalingen van artikel *drie* van de „Wet op die Administrasie van Naturellesake in Suidwes-Afrika, 1954”, voert de Minister van Naturellezaken van de Unie de administratie van de aangelegenheden van het gebied ten opzichte van alle zaken vermeld in paragraaf (a) van artikel *zes en twintig*.”.

Bepalings omtrent bestaande wette.

3. (1) Vir die doel van die toepassing van die wette van krag in die gebied by die inwerkingtreding van hierdie Wet vir sover hulle betrekking het op enige aangeleentheid waarna in sub-artikel (1)*bis* van artikel *sewe* van die „Zuidwest-Afrika Konstitutie Wet, 1925”, verwys word, maar behoudens die bepalinge van hierdie Wet, word ’n verwysing in so ’n wet—

- (a) na die Wetgewende Vergadering van die gebied as ’n verwysing na die Parlement uitgelê;
- (b) na die Administrateur of na die Administrasie van die gebied, as ’n verwysing na die Goewerneur-generaal uitgelê;
- (c) na die Sekretaris van Suidwes-Afrika as ’n verwysing na die Sekretaris van Naturellesake uitgelê;
- (d) na die Rekenpligtige Amptenaar van Suidwes-Afrika as ’n verwysing na die rekenpligtige amptenaar van die Departement van Naturellesake uitgelê;
- (e) na die Inkomstefonds van die gebied as ’n verwysing na die Gekonsolideerde Inkomstefonds uitgelê;
- (f) na ’n ander persoon of amptenaar wat nie hierbo genoem is nie, as ’n verwysing na ’n amptenaar in die Departement van Naturellesake aan wie die werksaamhede van daardie ander persoon of amptenaar deur die Minister toegewys is, uitgelê,

tensy uit die samehang anders blyk.

(2) Die Goewerneur-generaal kan by proklamasie in die *Staatskoerant* en in die *Offisiële Koerant* van die gebied verklaar dat die bepalinge van paragraaf (a), (b), (c), (d), (e) of (f) van sub-artikel (1) ten opsigte van enige in sub-artikel (1) bedoelde wet of enige bepaling daarvan nie van toepassing is nie, en kan

No. 56, 1954.]

ACT

To provide for the transfer of the administration of native affairs and matters specially affecting natives from the Administrator of the territory of South-West Africa, acting under the direction and control of the Governor-General, to the Minister of Native Affairs, for the reservation or setting apart of land for the use and occupation of natives in that territory in substitution for any other land so reserved or set apart, and for matters incidental thereto.

(Afrikaans text signed by the Governor-General.)
(Assented to 18th 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 territory; (i)
 - (ii) "Minister" means the Minister of Native Affairs; (iv)
 - (iii) "Territory Revenue Fund" means the fund referred to in section *thirty-six* of the South-West Africa Constitution Act, 1925 (Act No. 42 of 1925); (iii)
 - (iv) "the territory" means the territory of South-West Africa and includes the port and settlement of Walvis Bay. (ii)

2. Section *seven* of the South-West Africa Constitution Act, 1925, is hereby amended—

Amendment of section 7 of Act 42 of 1925, as amended by section 5 of Act 19 of 1940 and substituted by section 5 of Act 23 of 1949.

 - (a) by the insertion in sub-section (1) after the expression "Governor-General" of the words "and the provisions of sub-section (1)*bis*"; and
 - (b) by the insertion after sub-section (1) of the following sub-section:
 "(1)*bis*. Subject to the provisions of section *three* of the South-West Africa Native Affairs Administration Act, 1954, the Minister of Native Affairs of the Union shall carry on the administration of the affairs of the territory in regard to all matters referred to in paragraph (a) of section *twenty-six*."

3. (1) For the purpose of the application of the laws in force in the territory at the commencement of this Act in so far as they relate to any matter referred to in sub-section (1)*bis* of section *seven* of the South-West Africa Constitution Act, 1925, but subject to the provisions of this Act, any reference in any such law—

Provisions regarding existing laws.

 - (a) to the Legislative Assembly of the territory, shall be construed as a reference to Parliament;
 - (b) to the Administrator or to the Administration of the territory, shall be construed as a reference to the Governor-General;
 - (c) to the Secretary for South-West Africa, shall be construed as a reference to the Secretary for Native Affairs;
 - (d) to the Accounting Officer of South-West Africa, shall be construed as a reference to the accounting officer of the Department of Native Affairs;
 - (e) to the Territory Revenue Fund, shall be construed as a reference to the Consolidated Revenue Fund;
 - (f) to any other person or officer not hereinbefore mentioned, shall be construed as a reference to any officer of the Department of Native Affairs to whom the functions of that other person or officer may be assigned by the Minister,

unless the context indicates otherwise.

(2) The Governor-General may by proclamation in the *Gazette* and in the *Official Gazette* of the territory declare the provisions of paragraph (a), (b), (c), (d), (e) or (f) of sub-section (1) to be inapplicable in respect of any law referred to in sub-section (1) or any provision of such law, and may by such

by so 'n proklamasie bepaal op welke wyse enige toepaslike verwysing uitgelê moet word vir die in sub-artikel (1) bedoelde doel.

(3) Die Goewerneur-generaal kan by proklamasie in die *Staatskoerant* en in die *Offisiële Koerant* van die gebied 'n bevoegdheid of werksaamheid hom ingevolge paragraaf (b) van sub-artikel (1) verleen of toegewys aan die Minister oordra, en die Minister kan 'n bevoegdheid of werksaamheid wat aldus oorgedra is aan 'n amptenaar van die Departement van Naturelle-sake oordra.

(4) Enigiets wat ingevolge 'n in sub-artikel (1) bedoelde wet voor die inwerkingtreding van hierdie Wet verrig is, geld asof dit ingevolge so 'n wet soos deur daardie sub-artikel toegepas verrig was.

Oordrag van
reservate en
fondse.

4. (1) Die grond wat in die Bylae by hierdie Wet beskryf word, word hiermee gereserveer en afgesonder vir die uitsluitlike gebruik en okkupasie deur naturelle, en daardie grond, en enige ander grond of oppervlakte in die gebied wat ingevolge enige wet te eniger tyd voor die inwerkingtreding van hierdie Wet aldus gereserveer of afgesonder is of te eniger tyd na die inwerkingtreding van hierdie Wet aldus gereserveer of afgesonder word, gaan oor op die Suid-Afrikaanse Naturellestrust, ingestel by artikel vier van die Naturellestrust en -grond Wet, 1936 (Wet No. 18 van 1936).

(2) Met betrekking tot sodanige grond of oppervlakte—

(a) het die in daardie Wet bedoelde Trustee, behoudens die bepalings van hierdie Wet, dieselfde bevoegdhede en werksaamhede en word hy dieselfde pligte opgelê, asof die gebied deel van die Unie uitgemaak het;

(b) is artikel vyf van die Naturellestrust en -grond Wet, 1936, van toepassing asof daardie grond of oppervlakte die eiendom was van 'n in daardie artikel bedoelde trust, en asof die verwysing daarin na die inwerkingtreding van daardie Wet 'n verwysing na die inwerkingtreding van hierdie Wet, of na die datum van reservering of afsondering van die betrokke grond of oppervlakte, na gelang van die omstandighede, is.

(3) Vanaf die inwerkingtreding van hierdie Wet—

(a) gaan daar, onderworpe aan sulke voorwaardes en voorbehoude as waartoe deur die Administrateur en die Minister ooreengekom word, op bedoelde Suid-Afrikaanse Naturellestrust oor al die bates, regte, laste en verpligtings van enige fonds ingevolge enige in sub-artikel (1) bedoelde wet of enige ander wet ingestel vir die doeleindes van of in verband met enige aangeleentheid waarna in sub-artikel (1)*bis* van artikel sewe van die „Zuidwest-Afrika Konstitusie Wet, 1925”, verwys word; en

(b) word daar in die Suid-Afrikaanse Naturellestrustfonds, ingevolge artikel *agt* van die Naturellestrust en -grond Wet, 1936, ingestel (hieronder die Fonds genoem) gestort alle gelde wat ingevolge enige wet aan 'n in paragraaf (a) bedoelde fonds toekom, en alle gelde aldus gestort word bestee uitsluitlik vir die doeleindes deur die wet uit hoofde waarvan daardie gelde aldus toekom, voorgeskryf.

(4) Ten opsigte van gelde ingevolge sub-artikel (3) in die Fonds gestort, word daar sodanige afsonderlike rekenings gehou as wat die Minister bepaal.

(5) 'n Bedrag gelyk aan die bedrag deur die simbool *b* in artikel *ses* voorgestel, word jaarliks uit die Gekonsolideerde Inkomstefonds in die Fonds gestort op krediet van sodanige in sub-artikel (4) bedoelde rekening as wat die Minister bepaal.

Intrekking van
reservering van
grond.

5. (1) Ondanks andersluidende wetsbepalings, kan die Goewerneur-generaal by proklamasie in die *Staatskoerant* en in die *Offisiële Koerant* van die gebied, met die goedkeuring by besluit van beide Huise van die Parlement, enige in sub-artikel (1) van artikel vier bedoelde reservering of afsondering van grond of 'n oppervlakte, of van enige deel van sodanige grond of oppervlakte, intrek, onderworpe aan die reservering of afsondering ooreenkomstig die bepalings van enige wet van krag in die gebied, vir die uitsluitlike gebruik en okkupasie deur naturelle, van grond van minstens gelykstaande veeteelt- of landbouwaarde.

(2) Enige grond of oppervlakte ten opsigte waarvan die reservering of afsondering ingevolge sub-artikel (1) ingetrek word, word onvervreemde Staatseiendom en daarmee kan as sodanig gehandel word, en die bepalings van sub-artikel (1) van artikel vier is van toepassing op enige grond wat uit hoofde van die bepalings van sub-artikel (1) gereserveer of afgesonder word.

proclamation determine in what manner any relevant reference is to be construed for the purpose mentioned in sub-section (1).

(3) The Governor-General may by proclamation in the *Gazette* and in the *Official Gazette* of the territory delegate any power or function conferred on or assigned to him by virtue of paragraph (b) of sub-section (1) to the Minister, and the Minister may delegate any such power or function so delegated to any officer of the Department of Native Affairs.

(4) Anything done in terms of any law referred to in sub-section (1) prior to the commencement of this Act shall have effect as if it had been done under such law as applied by that sub-section.

4. (1) The land described in the Schedule hereto is hereby reserved and set apart for the sole use and occupation of natives, and that land, and any other land or area in the territory which has at any time prior to the commencement of this Act been so reserved or set apart or which may at any time after such commencement be so reserved or set apart, in terms of any law, shall be vested in the South African Native Trust established by section *four* of the Native Trust and Land Act, 1936 (Act No. 18 of 1936). Transfer of reserves and funds.

(2) In relation to any such land or area—

- (a) the Trustee referred to in that Act shall, subject to the provisions of this Act, have the same powers and functions, and be subject to the same duties, as if the territory were included in the Union;
- (b) section *five* of the Native Trust and Land Act, 1936, shall apply as if such land or area were the property of any trust mentioned in that section, and as if the reference therein to the commencement of that Act were a reference to the commencement of this Act, or to the date of the reservation or setting apart of the land or area affected, as the circumstances may require

(3) As from the commencement of this Act—

- (a) all the assets, rights, liabilities and obligations of any fund established under any law referred to in sub-section (1) or under any other law for the purposes of or in connection with any matter referred to in sub-section (1)*bis* of section *seven* of the South-West Africa Constitution Act, 1925, shall vest in or devolve upon the said South African Native Trust, subject to such conditions and reservations as may be agreed upon between the Administrator and the Minister; and
- (b) there shall be paid into the South African Native Trust Fund, established under section *eight* of the Native Trust and Land Act, 1936 (hereinafter called the Fund), all moneys which in terms of any law accrue to a fund mentioned in paragraph (a), and any moneys so paid shall be used exclusively for the purposes prescribed by the law in pursuance of which such moneys accrue.

(4) There shall be kept in respect of any moneys paid into the Fund in terms of sub-section (3), such separate accounts as the Minister may determine.

(5) An amount equal to the amount represented by the symbol *b* in section *six* shall be paid annually out of the Consolidated Revenue Fund into the Fund to the credit of such account, referred to in sub-section (4), as the Minister may determine.

5. (1) Notwithstanding anything to the contrary in any law contained the Governor-General may, by proclamation in the *Gazette* and in the *Official Gazette* of the territory, with the approval by resolution of both Houses of Parliament, rescind any reservation or setting apart of any land or area referred to in sub-section (1) of section *four*, or of any portion of such land or area, subject to land of at least an equivalent pastoral or agricultural value being reserved or set apart, in terms of any law in force in the territory, for the sole use and occupation of natives. Rescission of reservation of land.

(2) Any land or area in respect of which the reservation or setting apart is rescinded in terms of sub-section (1) shall become unalienated State property and may be dealt with as such, and the provisions of sub-section (1) of section *four* shall apply to any land reserved or set apart in pursuance of the provisions of sub-section (1).

Finansiële
bepalings.

6. Daar word jaarliks uit die Inkomstefonds van die gebied in die Gekonsolideerde Inkomstefonds gestort, vir die doel van en in verband met enige uitgawes wat betrekking het op enige aangeleentheid waarna in sub-artikel (1)*bis* van artikel sewe van die „Zuidwest-Afrika Konstitutie Wet, 1925”, verwys word, 'n bedrag ooreenkomstig die formule:

$$y = \frac{a}{40} + b$$

bereken, waarin y bedoelde bedrag voorstel, a die werklike totale uitgawes uit die Inkomstefonds van die gebied gedurende die boekjaar wat die jaar ten opsigte waarvan daardie storting gemaak word, onmiddellik voorafgaan, min—

(a) enige bedrag wat ingevolge enige wet uit die Inkomstefonds van die gebied in 'n in paragraaf (a) van sub-artikel (3) van artikel vier bedoelde fonds gestort word; en

(b) enige lenings- of kapitaaluitgawes in verband met die ontwikkeling van die gebied aangegaan, en b 'n bedrag van vyftigduisend pond: Met dien verstande dat na afloop van 'n tydperk van tien jaar vanaf die inwerking-treding van hierdie Wet bedoelde bedrag van vyftigduisend pond vermeerder of verminder kan word met sodanige bedrag as wat by ooreenkoms tussen die Administrateur en die Minister handelende in oorleg met die Minister van Finansies vasgestel word.

Wysiging van
artikel 1 van
Wet 23 van 1920.

7. Artikel een van die „Naturellezaken Wet, 1920”, word hiermee gewysig deur na die woord „vervangen” die woorde „uit de Administrateur van het gebied Zuidwest-Afrika” in te voeg.

Kort titel en
inwerkingtreding.

8. Hierdie Wet heet die Wet op die Administrasie van Naturellesake in Suidwes-Afrika, 1954, en tree in werking op die eerste dag van April 1955.

Bylae.

GROND KRAGTENS ARTIKEL vier GERESERVEER EN AFGESONDER.

'n Stuk grond, groot 32,000 hektaar, geleë in die gebied langs die Okavango-rivier oos van Runtu en begrens soos volg:—

Van 'n punt in die Okavango-rivier op die gemeenskaplike grens tussen Portugees-Angola en Suidwes-Afrika nege kilometer ooswaarts van die sendingstasie Utokota, hoofsaaklik ooswaarts langs die gemeenskaplike grens tussen Portugees-Angola en Suidwes-Afrika tot by 'n punt in die Okavango-rivier op bedoelde gemeenskaplike grens agt kilometer stroomop vanaf die sameloop van die Omatako- Omuramba- en Okavango-riviere; daarvandaan pal suid in 'n reguit lyn vir 'n afstand van sestien kilometer; daarvandaan weswaarts in 'n reguit lyn vir 'n afstand van sestien kilometer tot by 'n punt sestien kilometer reg suid van 'n punt in die Okavango-rivier op bedoelde gemeenskaplike grens nege kilometer ooswaarts van die sendingstasie Utokota; daarvandaan pal noord in 'n reguit lyn vir 'n afstand van sestien kilometer tot by die punt waar begin is.

6. There shall be paid annually out of the Territory Revenue Fund to the Consolidated Revenue Fund for the purpose of and in connection with any expenditure relating to any matter referred to in sub-section (1)*bis* of section *seven* of the South-West Africa Constitution Act, 1925, an amount calculated in accordance with the formula:

$$y = \frac{a}{40} + b$$

in which *y* represents such amount, *a* the actual total expenditure out of the Territory Revenue Fund during the financial year immediately preceding the year in respect of which such payment is made, less—

- (a) any sum which may in terms of any law be paid out of the Territory Revenue Fund to any fund referred to in paragraph (a) of sub-section (3) of section *four*; and
 - (b) any loan or capital expenditure incurred in connection with the development of the territory,
- and *b* an amount of fifty thousand pounds: Provided that after the lapse of a period of ten years from the commencement of this Act the said amount of fifty thousand pounds may be increased or reduced by such amount as may be determined by agreement between the Administrator and the Minister acting in consultation with the Minister of Finance.

7. Section *one* of the Native Affairs Act, 1920, is hereby amended by the insertion after the words "meeting of the commission" of the words "of the Administrator of the territory of South-West Africa".

Amendment of section 1 of Act 23 of 1920.

8. This Act shall be called the South-West Africa Native Affairs Administration Act, 1954, and shall come into operation on the first day of April, 1955.

Short title and commencement.

Schedule.

LAND RESERVED AND SET APART IN TERMS OF SECTION *four*.

A piece of land, 32,000 hectares in extent, situated in the territory on the Okavango River east of Runtu and bounded as follows:—

From a point in the Okavango River on the common border between Portuguese Angola and South-West Africa nine kilometres eastwards from the mission station Utokota, generally eastwards along the common border between Portuguese Angola and South-West Africa to a point in the Okavango River on the aforementioned common border eight kilometres upstream from the confluence of the Omatako Omuramba and Okavango Rivers; thence due south in a straight line for a distance of sixteen kilometres; thence westwards in a straight line for a distance of sixteen kilometres to a point sixteen kilometres due south of a point in the Okavango River on the said common border nine kilometres eastwards from the mission station Utokota; thence due north in a straight line for a distance of sixteen kilometres to the point of beginning.