

BUITENGEWONE



EXTRAORDINARY

# Staatskoerant

## VAN DIE UNIE VAN SUID-AFRIKA

# THE UNION OF SOUTH AFRICA

# Government Gazette

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### DEPARTEMENT VAN DIE EERSTE MINISTER.

Onderstaande Goewermenskennisgewing word ter algemene inligting gepubliseer:—

No. 535.] [21 Maart 1956.]

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:—

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| No. 20 van 1956: Spoorweg- en Hawebegrotingswet, 1956 | 12     |

### VOLKSRAAD.

[21 Maart 1956.]

Die volgende Wetsontwerp, ingedien in die Volksraad, word gepubliseer ingevolge Art. 164 van die Reglement van Orde.

J. M. HUGO,  
Klerk van die Volksraad.

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### PARLEMENTÊRE KENNISGEWING.

#### DIE SENAAT.

Die volgende Wetsontwerp is in die Huis ingedien en word hiermee gepubliseer ooreenkomstig Artikel 76 van die Reglement van Orde.

W. T. WOOD,  
Klerk van die Senaat.

Die Senaat,  
Parlementshuis,  
Kaapstad.  
20 Maart 1956.

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### DEPARTMENT OF THE PRIME MINISTER.

The following Government Notice is published for general information:—

No. 535.] [21st March, 1956.]

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

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### HOUSE OF ASSEMBLY.

[21st March, 1956.]

The following Bill, having been introduced into the House of Assembly, is published in accordance with Standing Order No. 164.

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

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### PARLIAMENTARY NOTICE.

#### THE SENATE.

The following Bill has been introduced into this House and is published forthwith in accordance with Standing Order No. 76.

W. T. WOOD,  
Clerk of the Senate.

The Senate,  
Houses of Parliament,  
Cape Town.  
20th March, 1956.

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No. 16, 1956.]

# WET

Om vir die beskerming teen openbaarmaking van amptelike geheime voorsiening te maak.

(Engelse teks deur die Goewerneur-generaal geteken.)  
(Goedgekeur op 8 Maart 1956.)

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

## Woordbepaling.

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

- (i) „agent van 'n vreemde Staat” ook iemand wat, met die doel om in die Unie of elders 'n daad te verrig wat tot nadeel van die veiligheid of belange van die Unie strek, deur 'n ander Staat as die Unie, direk of indirek gebruik word of is of wat redelikerwys daarvan verdink word dat hy so gebruik word of is, of wat in belang van 'n ander Staat as die Unie, in die Unie of elders so 'n daad verrig het of gepoog het om te verrig of redelikerwys daarvan verdink word dat hy so 'n daad verrig het of gepoog het om te verrig; (i)
  - (ii) „krygstuig” 'n voorwerp, materiaal of uitvinding of 'n deel daarvan, hetsy dit werklik bestaan of slegs in vooruitsig gestel is, wat vir gebruik in oorlog of vir die verdediging van die Unie bedoel of aangepas is of vir sodanige gebruik aangepas kan word; (iv)
  - (iii) „model” ook 'n ontwerp, patroon of monster; (iii)
  - (iv) „Regering” ook die Spoorwegadministrasie, die Administrasie van die gebied Suidwes-Afrika en 'n provinsiale administrasie; (ii)
  - (v) „skets” ook 'n fotografiese of ander voorstelling van 'n plek of voorwerp; (vi)
  - (vi) „Unie” ook die gebied Suidwes-Afrika; (vii)
  - (vii) „verbode plek”—
    - (a) verdedigingswerke wat aan die Regering behoort of deur of namens die Regering beset of gebruik word, met inbegrip van—
      - (i) 'n magasyn, vloot-, militêre of lugmag-inrigting of -stasie, fabriek, skeepswerf, kamp, skip, vaartuig of vliegtuig;
      - (ii) 'n telegraaf-, telefoon-, radio- of seinstasie of -kantoor; en
      - (iii) 'n plek wat gebruik word om krygstuig of 'n skets, plan, model of dokument wat daarmee in verband staan, te bou, herstel, maak of hou of om metaal, olie of minerale wat in oorlogstyd van nut is, te verkry;
    - (b) 'n plek waar krygstuig of 'n skets, plan, model of dokument wat daarmee in verband staan, ingevolge 'n kontrak met of namens die Regering of die regering van 'n ander land as die Unie, gebou, herstel, gemaak, gehou of verkry word;
    - (c) 'n plek deur die Goewerneur-generaal by proklamasie in die *Staatskoerant* vir die doeleindes van hierdie Wet tot 'n verbode plek verklaar. (v)
- (2) In hierdie Wet, tensy uit die samehang anders blyk—
- (a) is 'n verwysing na openbaarmaking of ontvangs van enigiets ook 'n verwysing na die openbaarmaking of ontvangs van 'n deel of die inhoud, uitwerking of beskrywing daarvan;
  - (b) is 'n verwysing na verkryging of terughou van enigiets ook 'n verwysing na die verkryging of terughou van 'n deel of kopieer of laat kopieer van die geheel of 'n deel daarvan, hetsy deur fotografie of andersins; en
  - (c) is 'n verwysing na openbaarmaking van enigiets ook 'n verwysing na die oorsending of oordrag daarvan.

## Spioenasie.

2. Iemand wat met 'n doel wat tot nadeel van die veiligheid of belange van die Unie strek—

- (a) 'n verbode plek nader, ondersoek, daaroor gaan of in die omgewing daarvan is of dit binnegaan; of
- (b) 'n skets, plan, model of aantekening maak wat waarskynlik direk of indirek vir 'n vyand van nut sal wees; of

No. 16, 1956.]

# ACT

To provide for the protection from disclosure of official secrets.

(English text signed by the Governor-General.)  
(Assented to 8th March, 1956.)

**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) In this Act, unless the context otherwise indicates— Definitions.**

- (i) "foreign agent" includes any person who is or has been or is reasonably suspected of being or having been directly or indirectly employed by a State other than the Union for the purpose of committing in the Union or elsewhere an act prejudicial to the safety or interests of the Union, or who has or is reasonably suspected of having committed or attempted to commit such an act in the Union or elsewhere in the interests of a State other than the Union; (i)
- (ii) "Government" includes the Railway Administration, the Administration of the territory of South-West Africa and a provincial administration; (iv)
- (iii) "model" includes a design, pattern or specimen; (iii)
- (iv) "munitions of war" means any article, material or device or any part thereof, whether actual or proposed, intended or adapted for use in war or the defence of the Union, or capable of being adapted for such use; (ii)
- (v) "prohibited place" means—
  - (a) any work of defence belonging to or occupied or used by or on behalf of the Government, including—
    - (i) any arsenal, naval, military or air force establishment or station, factory, dockyard, camp, ship, vessel or aircraft;
    - (ii) any telegraph, telephone, wireless or signal station or office; and
    - (iii) any place used for building, repairing, making or keeping munitions of war or any sketch, plan, model or document relating thereto or for obtaining any metals, oil or minerals of use in time of war;
  - (b) any place where any munitions of war or any sketch, plan, model or document relating thereto is being built, repaired, made, kept or obtained under contract with or on behalf of the Government or of the government of any country other than the Union;
  - (c) any place declared by the Governor-General by proclamation in the *Gazette* as a prohibited place for the purposes of this Act; (vii)
- (vi) "sketch" includes any photographic or other representation of any place or thing; (v)
- (vii) "Union" includes the territory of South-West Africa. (vi)

**(2) In this Act, unless the context otherwise indicates—**

- (a) any reference to communicating or receiving anything includes a reference to communicating or receiving any part or the substance, effect or description thereof;
- (b) any reference to obtaining or retaining anything includes a reference to obtaining or retaining any part or copying or causing to be copied the whole or any part thereof, whether by photography or otherwise; and
- (c) any reference to communicating anything includes a reference to the transmission or transfer thereof.

**2. Any person who, for any purpose prejudicial to the safety or interests of the Union—**

- (a) approaches, inspects, passes over or is in the neighbourhood of or enters any prohibited place; or
- (b) makes any sketch, plan, model or note which is likely to be directly or indirectly useful to an enemy; or

(c) 'n geheime amptelike kode of wagwoord, of 'n skets, plan, model, voorwerp of aantekening of ander dokument of inligting wat waarskynlik direk of indirek vir 'n vyand van nut sal wees, verkry, versamel, opteken of publiseer of aan iemand openbaar, is aan 'n misdryf skuldig en by skuldigbevinding met gevangenisstraf vir 'n tydperk van hoogstens vyftien jaar strafbaar.

Openbaarmaking  
van sekere  
inligting verbied.

3. (1) Iemand wat in sy besit of onder sy beheer 'n geheime amptelike kode of wagwoord het, of 'n skets, plan, model, voorwerp, aantekening, dokument of inligting wat in verband staan met of gebruik word in 'n verbode plek of enigiets in 'n verbode plek, of wat in stryd met hierdie Wet gemaak of verkry is, of wat deur iemand wat 'n Regeringsamp beklee vertroulik aan hom toevertrou is, of wat hy verkry het of waartoe hy toegang gehad het weens sy posisie as iemand wat so 'n amp beklee of beklee het, of as iemand wat 'n kontrak het of gehad het wat namens die Regering aangegaan is, of 'n kontrak waarvan die uitvoering in die geheel of gedeeltelik in 'n verbode plek plaasvind, of as iemand wat by iemand wat so 'n amp beklee of beklee het of so 'n kontrak het of gehad het, in diens is of was, en wat—

- (a) die kode, wagwoord, skets, plan, model, voorwerp, aantekening, dokument of inligting openbaar aan iemand anders as iemand aan wie hy gemagtig is om dit te openbaar of as iemand aan wie dit in belang van die Unie sy plig is om dit te openbaar; of
- (b) die inligting gebruik op 'n wyse of met 'n doel wat tot nadeel van die veiligheid of belange van die Unie strek; of
- (c) die skets, plan, model, voorwerp, aantekening of dokument in sy besit of onder sy beheer terughou, wanneer hy geen reg het om dit terug te hou nie of wanneer dit in stryd met sy plig is om dit terug te hou, of in gebreke bly om enige voorskrifte op wettige gesag uitgevaardig ten opsigte van die teruggawe daarvan of beskikking daaroor, na te kom; of
- (d) in gebreke bly om die skets, plan, model, voorwerp, aantekening, dokument, kode, wagwoord of inligting behoorlik op te pas of hom so te gedra dat die veiligheid daarvan in gevaar gestel word,

is aan 'n misdryf skuldig en by skuldigbevinding met 'n boete van hoogstens vyfhonderd pond of met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar of met beide sodanige boete en sodanige gevangenisstraf strafbaar.

(2) Iemand wat 'n skets, plan, model, voorwerp, aantekening, dokument of inligting wat met krygstuig in verband staan, in sy besit of onder sy beheer het, en wat dit op 'n wyse of met 'n doel wat tot nadeel van die veiligheid of belange van die Unie strek, direk of indirek aan iemand openbaar, is aan 'n misdryf skuldig en by skuldigbevinding met 'n boete van hoogstens sewehonderd-en-vyftig pond of met gevangenisstraf vir 'n tydperk van hoogstens sewe jaar of met beide sodanige boete en sodanige gevangenisstraf strafbaar.

(3) Iemand wat 'n geheime amptelike kode of wagwoord, of 'n skets, plan, model, voorwerp, aantekening, dokument of inligting ontvang, as hy weet of redelike gronde het om te glo wanneer hy dit ontvang, dat die kode, wagwoord, skets, plan, model, voorwerp, aantekening, dokument of inligting aan hom in stryd met die bepalings van hierdie Wet openbaar word, is, tensy hy bewys dat die openbaarmaking daarvan aan hom teen sy sin plaasgevind het, aan 'n misdryf skuldig en by skuldigbevinding met die strawwe in sub-artikel (1) voorgeskryf, strafbaar.

Sekere daad  
verbied wat tot  
nadeel van die  
veiligheid of  
belange van die  
Unie strek.

4. (1) Iemand wat, met die doel om toegang tot 'n verbode plek te verkry, of om aan iemand anders hulp te verleen om toegang tot 'n verbode plek te kry, of met 'n ander doel wat tot nadeel van die veiligheid of belange van die Unie strek—

- (a) 'n vloot, militêre, lugmag-, polisie- of ander amptelike uniform van die Unie of 'n uniform wat so 'n groot ooreenkoms daarmee toon dat dit bereken is om te mislei, sonder wettige magtiging gebruik of dra, of hom valslik as iemand voordoen wat geregtig is of was om so 'n uniform te gebruik of te dra; of
- (b) mondelings of skriftelik in 'n verklaring of aansoek, of in 'n dokument deur of namens hom onderteken, opsetlik 'n valse bewering maak of 'n feit wat ter sake is, weglaat; of
- (c) 'n paspoort of 'n amptelike pas, permit, sertifikaat, lisensie of ander dokument (hieronder in hierdie artikel 'n amptelike dokument genoem) vervals,

- (c) obtains, collects, records or publishes or communicates to any person any secret official code or password, or any sketch, plan, model, article or note or other document or information which is likely to be directly or indirectly useful to an enemy,

shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding fifteen years.

3. (1) Any person who has in his possession or under his control any secret official code or password, or any sketch, plan, model, article, note, document or information which relates to or is used in a prohibited place or anything in a prohibited place, or which has been made or obtained in contravention of this Act, or which has been entrusted in confidence to him by any person holding office under the Government, or which he has obtained or to which he has had access owing to his position as a person who holds or has held such an office, or as a person who holds or has held a contract made on behalf of the Government, or a contract the performance of which in whole or in part is carried out in a prohibited place, or as a person who is or has been employed under a person who holds or has held such an office or contract, and who—

Communication of certain information prohibited.

- (a) communicates the code, password, sketch, plan, model, article, note, document or information to any person, other than a person to whom he is authorized to communicate it or a person to whom it is in the interests of the Union his duty to communicate it; or
- (b) uses the information in any manner or for any purpose prejudicial to the safety or interests of the Union; or
- (c) retains the sketch, plan, model, article, note or document in his possession or under his control when he has no right to retain it or when it is contrary to his duty to retain it, or fails to comply with any directions issued by lawful authority with regard to the return or disposal thereof; or
- (d) fails to take proper care of or so conducts himself as to endanger the safety of the sketch, plan, model, article, note, document, code, password or information,

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 five years or to both such fine and such imprisonment.

(2) Any person who has in his possession or under his control any sketch, plan, model, article, note, document or information which relates to munitions of war and who communicates it, directly or indirectly, to any person in any manner or for any purpose prejudicial to the safety or interests of the Union, shall be guilty of an offence and liable on conviction to a fine not exceeding seven hundred and fifty pounds or to imprisonment for a period not exceeding seven years or to both such fine and such imprisonment.

(3) Any person who receives any secret official code or password, or any sketch, plan, model, article, note, document or information, knowing or having reasonable grounds to believe, at the time when he receives it, that the code, password, sketch, plan, model, article, note, document or information is communicated to him in contravention of the provisions of this Act, shall, unless he proves that the communication thereof to him was against his wish, be guilty of an offence and liable on conviction to the penalties prescribed in sub-section (1).

4. (1) Any person who, for the purpose of gaining or assisting any other person to gain admission to a prohibited place, or for any other purpose prejudicial to the safety or interests of the Union—

Certain acts prejudicial to the safety or interests of the Union prohibited.

- (a) without lawful authority uses or wears any naval, military, air force, police or other official uniform of the Union or any uniform so closely resembling the same as to be calculated to deceive, or falsely represents himself to be a person who is or has been entitled to use or wear any such uniform; or
- (b) orally or in writing in any declaration or application, or in any document signed by him or on his behalf, knowingly makes any false statement or omits any relevant fact; or
- (c) forges, alters or tampers with any passport or any official pass, permit, certificate, licence or other document (hereinafter in this section referred to as an

verander of daaraan peuter of 'n vervalste, veranderde of onreëlmatige amptelike dokument gebruik of in sy besit het; of

- (d) hom uitgee vir, of valslik voordoen as, iemand wat 'n Regeringsamp bekleed, of wat in diens van iemand is wat 'n Regeringsamp bekleed, of as iemand of nie as iemand nie aan wie 'n amptelike dokument of 'n geheime amptelike kode of wagwoord behoorlik uitgereik of openbaar gemaak is, of, met die opset om 'n amptelike dokument of 'n geheime amptelike kode of wagwoord, hetsy vir homself of vir iemand anders, te verkry, opsetlik 'n valse bewering maak; of
- (e) 'n amptelike stempel, seël of tjap van die Unie of 'n stempel, seël of tjap wat so 'n groot ooreenkoms met so 'n amptelike stempel, seël of tjap toon dat dit bereken is om te mislei, sonder wettige magtiging gebruik of in sy besit of onder sy beheer het, of so 'n amptelike stempel, seël of tjap namaak, of so 'n nagemaakte stempel, seël of tjap gebruik of in sy besit of onder sy beheer het,

is aan 'n misdryf skuldig en by skuldigbevinding met 'n boete van hoogstens vyfhonderd pond of met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar of met beide sodanige boete en sodanige gevangenisstraf strafbaar.

(2) Iemand wat—

- (a) met 'n doel wat tot nadeel van die veiligheid of belange van die Unie strek, 'n amptelike dokument, hetsy dit voltooi of vir gebruik uitgereik is of nie, terughou as hy nie die reg het om dit terug te hou nie of as dit in stryd met sy plig is om dit terug te hou, of in gebreke bly om enige voorskrifte op wettige gesag uitgevaardig ten opsigte van die teruggawe daarvan of beskikking daarvoor na te kom; of
- (b) iemand anders toelaat om in besit van 'n amptelike dokument te kom wat slegs vir eie gebruik uitgereik is, of 'n geheime amptelike kode of wagwoord aldus uitgereik, aan iemand openbaar, of 'n amptelike dokument of geheime amptelike kode of wagwoord wat vir die gebruik van iemand anders as homself uitgereik is, sonder wettige magtiging of verskoning in sy besit het, of, as hy in besit van 'n amptelike dokument kom, hetsy deur dit te vind of andersins, nalaat of in gebreke bly om dit aan die persoon of gesag deur wie of vir wie se gebruik dit uitgereik was of aan 'n lid van die Suid-Afrikaanse Polisie te oorhandig; of
- (c) sonder wettige magtiging of verskoning so 'n stempel, tjap of seël soos voornoemd, vervaardig of verkoop, of vir verkoop in sy besit het,

is aan 'n misdryf skuldig en by skuldigbevinding met die strawwe in sub-artikel (1) voorgeskryf, strafbaar.

Dwarsboming van persone op wag by verbode plekke.

5. Iemand wat in die nabyheid van 'n verbode plek iemand wat op wag-, brandwag-, patrollie- of ander soortgelyke diens in verband met 'n verbode plek is, dwarsboom, opsetlik mislei of andersins hinder, is aan 'n misdryf skuldig en by skuldigbevinding met 'n boete van hoogstens vyftig pond of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met beide sodanige boete en sodanige gevangenisstraf strafbaar.

Herberg of versteek van sekere persone en in gebreke bly om inligting in verband met agente van 'n vreemde Staat te rapporteer.

6. Iemand wat—

- (a) opsetlik iemand herberg of versteek wat hy weet of rede het om te glo iemand te wees wat, op die punt staan om 'n misdryf teen hierdie Wet te pleeg, of so 'n misdryf gepleeg het, of opsetlik sodanige persone toelaat om in 'n plek deur hom bewoon of onder sy beheer, byeen te kom of te vergader; of
- (b) nadat hy so iemand geherberg of versteek het, of sodanige persone toegelaat het om in 'n plek deur hom bewoon of onder sy beheer, byeen te kom of te vergader, opsetlik versuim of weier om aan 'n lid van die Suid-Afrikaanse Polisie inligting te openbaar wat hy in staat is om ten opsigte van so 'n persoon te verstrek; of
- (c) as hy bewus is dat 'n agent van 'n vreemde Staat of iemand wat met 'n agent van 'n vreemde Staat in verbinding getree het of in verbinding tree, hetsy in die Unie of elders, in die Unie is, in gebreke bly om onverwyld die aanwesigheid van of inligting wat hy in staat is om ten opsigte van so 'n agent van 'n vreemde Staat te verstrek, aan 'n lid van die Suid-Afrikaanse Polisie te rapporteer,

- official document) or uses or has in his possession any forged, altered or irregular official document; or
- (d) impersonates or falsely represents himself to be a person holding, or in the employment of a person holding office under the Government, or to be or not to be a person to whom an official document or a secret official code or password has been duly issued or communicated, or, with intent to obtain an official document or any secret official code or password, whether for himself or for any other person, knowingly makes any false statement; or
  - (e) uses or has in his possession or under his control, without lawful authority, any official die, seal or stamp of the Union or any die, seal or stamp so closely resembling any such official die, seal or stamp as to be calculated to deceive, or counterfeits any such official die, seal or stamp, or uses or has in his possession or under his control any such counterfeited die, seal or stamp,

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 five years or to both such fine and such imprisonment.

(2) Any person who—

- (a) retains for any purpose prejudicial to the safety or interests of the Union any official document, whether or not completed or issued for use, when he has no right to retain it or when it is contrary to his duty to retain it, or fails to comply with any directions issued by lawful authority with regard to the return or disposal thereof; or
- (b) allows any other person to have possession of any official document issued for his use alone, or communicates to any person any secret official code or password so issued, or without lawful authority or excuse has in his possession any official document or secret official code or password issued for the use of some person other than himself, or, on obtaining possession of any official document, whether by finding or otherwise, neglects or fails to hand it over to the person or authority by whom or for whose use it was issued or to a member of the South African Police; or
- (c) without lawful authority or excuse manufactures or sells, or has in his possession for sale any such die, seal or stamp as aforesaid,

shall be guilty of an offence and liable on conviction to the penalties prescribed in sub-section (1).

5. Any person who, in the vicinity of any prohibited place, obstructs, knowingly misleads or otherwise interferes with any person engaged on guard, sentry, patrol or other similar duty in relation to the prohibited place, shall be guilty of an offence and liable on conviction 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.

Obstructing persons on guard at prohibited places.

6. Any person who—

- (a) knowingly harbours or conceals any person whom he knows or has reason to believe to be a person who is about to commit or who has committed an offence against this Act, or knowingly permits any such persons to meet or assemble in any premises in his occupation or under his control; or
- (b) having harboured or concealed any such person, or permitted such persons to meet or assemble in any premises in his occupation or under his control, wilfully omits or refuses to disclose to any member of the South African Police any information it is in his power to give in relation to any such person; or
- (c) being aware that any foreign agent or any person who has been or is in communication with a foreign agent, whether in the Union or elsewhere, is in the Union, fails forthwith to report to any member of the South African Police the presence of or any information it is in his power to give in relation to any such foreign agent or person,

Harbouring or concealing certain persons and failing to report information relating to foreign agents.

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

In verbinding  
tree met 'n agent  
van 'n vreemde  
Staat is bewys  
van sekere feite.

7. (1) As by 'n vervolging van iemand weens 'n misdryf ingevolge artikel twee, bewys word dat hy met 'n agent van 'n vreemde Staat, in die Unie of elders, in verbinding getree het of gepoog het om in verbinding te tree, word dit vermoed, tensy die teendeel bewys word, dat hy met 'n doel wat tot nadeel van die veiligheid of belange van die Unie strek, inligting verkry of gepoog het om te verkry wat waarskynlik direk of indirek vir 'n vyand van nut sal wees.

(2) Vir die doeleindes van sub-artikel (1)—

(a) word dit vermoed dat iemand, tensy hy die teendeel bewys, in verbinding met 'n agent van 'n vreemde Staat getree het, as—

(i) hy, in die Unie of elders, die adres van 'n agent van 'n vreemde Staat besoek het of met 'n agent van 'n vreemde Staat omgang gehad het; of

(ii) in die Unie of elders, die naam of adres van of ander inligting omtrent 'n agent van 'n vreemde Staat in sy besit of onder sy beheer gevind is, of deur hom aan iemand anders verstrekt is of deur hom van iemand anders verkry is;

(b) word 'n adres, in die Unie of elders, wat redelikerwys vermoed word 'n adres te wees wat gebruik word vir die ontvangs van kommunikasies vir 'n agent van 'n vreemde Staat bedoel of waar 'n agent van 'n vreemde Staat woon, of waarvan hy gebruik maak met die doel om kommunikasies te doen of te ontvang, of waar hy handel dryf, die adres van 'n agent van 'n vreemde Staat geag en iemand wat kommunikasies aan daardie adres rig, word geag in verbinding met 'n agent van 'n vreemde Staat te getree het.

Bewys van doel  
wat tot nadeel  
van veiligheid  
of belange van  
Unie strek.

8. (1) By 'n vervolging kragtens hierdie Wet op 'n aanklag weens die pleeg van 'n daad met 'n doel wat tot nadeel van die veiligheid of belange van die Unie strek, word dit, as die omstandighede van die saak of die gedrag van die beskuldigde daarop dui dat sy doel 'n doel was wat tot nadeel van die veiligheid of belange van die Unie strek, vermoed, tensy die teendeel bewys word, dat die doel waarmee daardie daad verrig is, 'n doel is wat tot nadeel van die veiligheid of belange van die Unie strek.

(2) As by 'n vervolging kragtens hierdie Wet op 'n aanklag weens die maak, verkry, versamel, opteken, publiseer of openbaarmaking van enigiets met 'n doel wat tot nadeel van die veiligheid of belange van die Unie strek, dit bewys word dat dit gemaak, verkry, versamel, opgeteken, gepubliseer of openbaar gemaak was deur iemand anders as iemand wat ingevolge wettige magtiging optree, word dit vermoed, tensy die teendeel bewys word, dat die doel waarmee dit gemaak, verkry, versamel, opgeteken, gepubliseer of openbaar gemaak was, 'n doel is wat tot nadeel van die veiligheid of belange van die Unie strek.

Regsbevoegdheid.

9. 'n Misdryf ingevolge hierdie Wet word, vir die doeleindes van die bepaling van die regsbevoegdheid van 'n hof om die misdaad te verhoor, geag gepleeg te gewees het by die plek waar dit in werklikheid gepleeg was en ook by die plek waar die beskuldigde hom bevind.

Magtiging van  
prokureur-generaal  
of sollisiteur-  
generaal vir  
die instelling  
van 'n strafsak  
vereis.

10. Geen verhoor of voorlopige ondersoek ten opsigte van 'n misdryf ingevolge hierdie Wet, behalwe 'n oortreding van artikel vyf, word sonder die skriftelike magtiging van die prokureur-generaal of die sollisiteur-generaal, na gelang van die geval, wat regsbevoegdheid in die betrokke gebied besit, ingestel nie.

Verhoor sonder  
'n jurie.

11. Die bepalings van artikel honderd-en-elf van die Strafproseswet, 1955, is ten aansien van 'n verhoor ten opsigte van 'n misdryf ingevolge hierdie Wet van toepassing.

'n Strafsak kan  
agter geslote  
deure plaasvind.

12. 'n Hof kan, indien dit na die mening van daardie hof ter wille van die veiligheid van die Unie nodig blyk, gelas dat 'n verhoor of voorlopige ondersoek ten opsigte van 'n misdryf ingevolge hierdie Wet, agter geslote deure plaasvind of dat die publiek oor die algemeen of 'n deel daarvan nie daarby aanwesig mag wees nie.

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

7. (1) If in any prosecution against any person for an offence under section *two*, it is proved that he has been in communication with, or attempted to communicate with a foreign agent in the Union or elsewhere, it shall, unless the contrary is proved, be presumed that he has, for a purpose prejudicial to the safety or interests of the Union, obtained or attempted to obtain information which is likely to be directly or indirectly useful to an enemy.

Communication with a foreign agent is proof of certain facts.

(2) For the purposes of sub-section (1)—

(a) a person shall, unless he proves the contrary, be presumed to have been in communication with a foreign agent if—

(i) he has, in the Union or elsewhere, visited the address of a foreign agent or associated with a foreign agent; or

(ii) in the Union or elsewhere, the name or address of or any other information regarding a foreign agent has been found in his possession or under his control, or has been supplied by him to any other person or has been obtained by him from any other person;

(b) any address, in the Union or elsewhere, reasonably suspected of being an address used for the receipt of communications intended for a foreign agent, or at which a foreign agent resides, or to which he resorts for the purpose of giving or receiving communications, or at which he carries on any business, shall be deemed to be the address of a foreign agent, and any person who addresses communications to such an address shall be deemed to have been in communication with a foreign agent.

8. (1) In any prosecution under this Act upon a charge of committing an act for a purpose prejudicial to the safety or interests of the Union, it shall, if, from the circumstances of the case or the conduct of the accused, it appears that his purpose was a purpose prejudicial to the safety or interests of the Union, be presumed, unless the contrary is proved, that the purpose for which that act has been committed, is a purpose prejudicial to the safety or interests of the Union.

Proof of purpose prejudicial to safety or interests of the Union.

(2) If in any prosecution under this Act upon a charge of making, obtaining, collecting, recording, publishing or communicating anything for a purpose prejudicial to the safety or interests of the Union, it is proved that it was made, obtained, collected, recorded, published or communicated by any person other than a person acting under lawful authority, it shall, unless the contrary is proved, be presumed that the purpose for which it was made, obtained, collected, recorded, published or communicated, is a purpose prejudicial to the safety or interests of the Union.

9. Any offence under this Act shall, for the purposes of determining the jurisdiction of a court to try the offence, be deemed to have been committed at the place where it actually was committed and also at any place where the accused happens to be.

Jurisdiction.

10. No trial or preparatory examination in respect of any offence under this Act, other than any contravention of section *five*, shall be instituted without the written authority of the attorney-general or the solicitor-general as the case may be, having jurisdiction in the area concerned.

Authority of attorney-general or solicitor-general required for institution of criminal proceedings.

11. The provisions of section *one hundred and eleven* of the Criminal Procedure Act, 1955, shall apply with reference to any trial in respect of any offence under this Act.

Trial without a jury.

12. Any court may, if it appears to that court to be in the interests of the safety of the Union, direct that any trial or preparatory examination in respect of an offence under this Act, shall take place with closed doors or that the public generally or any portion thereof shall not be present thereat.

Criminal proceedings may take place with closed doors.

Ekstraterritoriale toepassing van Wet.

13. Hierdie Wet is ook van toepassing ten opsigte van 'n daad wat 'n misdryf ingevolge hierdie Wet uitmaak en buite die Unie deur 'n Suid-Afrikaanse burger of iemand wat in die Unie gedomicilieer is, gepleeg is.

Herroeping in die Unie van die „Official Secrets Act, 1911” van die Verenigde Koninkryk.

14. Die „Official Secrets Act, 1911” (1 en 2 Geo. 5, Hoofstuk 28) van die Verenigde Koninkryk, vir sover dit in die Unie van krag is, word hiermee herroep.

Toepassing van Wet in Suidwes-Afrika.

15. Hierdie Wet is ook in die gebied Suidwes-Afrika van toepassing.

Kort titel.

16. Hierdie Wet heet die Wet op Amptelike Geheime, 1956.

13. This Act shall apply also in respect of any act constituting an offence under this Act, committed outside the Union by any South African citizen or any person domiciled in the Union. Extra-territorial application of Act.
14. The Official Secrets Act, 1911 (1 and 2 Geo. 5, Chapter 28) of the United Kingdom is hereby repealed in so far as it is in force in the Union. Repeal in the Union of the Official Secrets Act, 1911, of the United Kingdom.
15. This Act shall apply also in the territory of South-West Africa. Application of Act to South-West Africa.
16. This Act shall be called the Official Secrets Act, 1956. Short title.

No. 20, 1956.]

## WET

Tot aanwending van 'n som van hoogstens tweehonderd drie-en-twintigmiljoen vierhonderd-en-negentigduisend vierhonderd vyf-en-twintig pond uit die Spoorweg- en Hawefonds vir die dienste van die spoorweë en hawens vir die jaar wat op die een-en-dertigste dag van Maart 1957 eindig.

(Engelse teks deur die Goewerneur-generaal geteken.)  
(Goedgekeur op 21 Maart 1956.)

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

Spoorweg- en  
Hawefonds  
belas met  
£223,490,425.

1. Die Spoorweg- en Hawefonds word hiermee belas met sodanige somme geld as wat nodig mag wees vir die dienste van die spoorweë en hawens van die Unie gedurende die jaar wat op die een-en-dertigste dag van Maart 1957 eindig, maar gesamentlik ten bedrae van hoogstens eenhonderd nege-en-sestigmiljoen seshonderd vier-en-dertigduisend pond vir inkomstedienste en drie-en-vyftigmiljoen agthonderd ses-en-vyftigduisend vierhonderd vyf-en-twintig pond vir kapitaal- en verbeteringsdienste.

Hoe die gelde  
bestee moet word.

2. Die gelde deur hierdie Wet beskikbaar gestel vir inkomstedienste moet aangewend word vir die doeleindes vermeld in die Eerste Bylae by hierdie Wet en nader omskrywe in die Begroting van Uitgawe [U.G. 5—1956] soos deur die Parlement goedgekeur, en vir kapitaal- en verbeteringsdienste vir die doeleindes vermeld in die Tweede Bylae by hierdie Wet en nader omskrywe in die Begroting van Uitgawe [U.G. 6—1956] soos deur die Parlement goedgekeur, maar geen deel van die som van vyfmiljoen vyfhonderd een-en-sewentigduisend vierhonderd vyf-en-twintig pond getrek uit die verbeteringsfonds in die Derde Bylae vermeld, mag vir ander doeleindes as dié wat onder die hoofde genummer 2 tot en met 9 van bedoelde Tweede Bylae val, bestee word nie.

Minister kan  
afwykings magtig.

3. Met goedkeuring van die Minister van Vervoer kan 'n besparing op een of ander van die hoofde in die Eerste en Tweede Bylaes by hierdie Wet vermeld, aangewend word ter dekking van meerdere uitgawe onder enige ander hoof in dieselfde Bylae: Met dien verstande dat geen som wat in kolom 2 van een van bedoelde Bylaes voorkom, oorskry mag word nie, en dat besparings daarop vir geen ander doel aangewend mag word nie as dié waarvoor die geld hiermee beskikbaar gestel word soos in daardie Bylaes aangetoon: Met dien verstande verder dat die bedrag in kolom 3 van die Tweede Bylae vermeld, vir enige dienste onder die hoofde genummer 2 tot en met 8 in daardie Bylae aangewend kan word.

Lyn in aanbou.

4. By die diens vermeld onder Hoof No. 1 van die Tweede Bylae mag die gesamentlike uitgawe vir 'n lyn wat in aanbou is, nie meer bedra nie as die bedrag wat deur 'n wet vasgestel is as die maksimum-bedrag wat daaraan bestee mag word.

Vermeerdering of  
vermindering van  
uitgawes op  
sekere  
goedgekeurde  
spoorlyne.

5. Ondanks andersluidende bepalings in enige wet wat magtiging verleen vir die aanleg en uitrusting van enige spoorlyn vermeld in kolom 1 van die Vierde Bylae by hierdie Wet—

(a) word die bedrag vermeld in kolom 3 van daardie Bylae teenoor die naam van so 'n lyn, naamlik, die bedrag deur 'n wet vasgestel as die maksimum-som wat aan daardie lyn bestee mag word, vermeerder tot die som wat in kolom 5 teenoor daardie naam uitgedruk staan;

(b) word die bedrag vermeld in kolom 2 van daardie Bylae teenoor die naam van so 'n lyn, naamlik, die bedrag deur 'n wet vasgestel as die maksimum-som wat aan daardie lyn bestee mag word, verminder tot die som wat in kolom 4 teenoor daardie naam uitgedruk staan.

Bronne waaruit  
beskikbaar-  
gestelde gelde  
verskaf sal word.

6. Die gelde wat deur hierdie Wet vir kapitaal- en verbeteringsdienste beskikbaar gestel word, moet uit die in die Derde Bylae by hierdie Wet vermelde bronne verskaf word.

Kort titel.

7. Hierdie Wet heet die Spoorweg- en Hawebegrotingswet, 1956.

No. 20, 1956.]

# ACT

To apply a sum of money not exceeding two hundred and twenty-three million four hundred and ninety thousand four hundred and twenty-five pounds from the Railway and Harbour Fund for the services of the railways and harbours for the year ending the thirty-first day of March, 1957.

(English text signed by the Governor-General.)  
(Assented to 21st March, 1956.)

**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 Railway and Harbour Fund is hereby charged with such sums of money as may be required for the services of the railways and harbours of the Union for the year ending the thirty-first day of March, 1957, not exceeding in the whole for revenue services the sum of one hundred and sixty-nine million six hundred and thirty-four thousand pounds and for capital and betterment services the sum of fifty-three million eight hundred and fifty-six thousand four hundred and twenty-five pounds.

Railway and Harbour Fund to be charged with £223,490,425.

2. The moneys appropriated by this Act for revenue services shall be applied to the purposes set forth in the First Schedule hereto and more particularly specified in the Estimates of Expenditure [U.G. 5—1956] as approved by Parliament, and for capital and betterment services to the purposes set forth in the Second Schedule hereto and more particularly specified in the Estimates of Expenditure [U.G. 6—1956] as approved by Parliament, but no portion of the sum of five million five hundred and seventy-one thousand four hundred and twenty-five pounds contributed from the Betterment Fund specified in the Third Schedule shall be utilized for expenditure except for the purposes falling under heads numbered 2 to 9 inclusive in the said Second Schedule.

How moneys to be applied.

3. With the approval of the Minister of Transport a saving on any of the heads set out in the First and Second Schedules to this Act may be made available for any excess of expenditure on any other head in the same Schedule: Provided that no excess shall be incurred on any sum appearing in column 2 of either of the said Schedules and that savings thereon shall not be available for any purpose other than that for which the money is hereby appropriated as indicated in those Schedules: Provided further that the amount appearing in column 3 of the Second Schedule may be made available for any services falling under heads numbered 2 to 8 inclusive in that Schedule.

Minister may authorize variations.

4. In the case of the service falling under Head No. 1 of the Second Schedule the total expenditure on any line under construction shall not exceed the amount prescribed by law as the maximum amount which may be expended thereon.

Lines under construction.

5. Anything to the contrary notwithstanding in any law authorizing the construction and equipment of any line of railway mentioned in column 1 of the Fourth Schedule to this Act—

Increase or decrease in expenditure on certain authorized lines.

- (a) the amount mentioned in column 3 of that Schedule opposite the name of any such line (being the amount prescribed by law as the maximum sum to be expended on that line) shall be increased to the sum set out in column 5 opposite such name;
- (b) the amount mentioned in column 2 of that Schedule opposite the name of any such line (being the amount prescribed by law as the maximum sum to be expended on that line) shall be reduced to the sum set out in column 4 opposite such name.

6. The moneys appropriated by this Act for capital and betterment services shall be provided from the sources set out in the Third Schedule hereto.

Sources from which moneys appropriated will be provided.

7. This Act shall be called the Railways and Harbours Appropriation Act, 1956.

Short title.

## Eerste Bylae.

## INKOMSTEDIENSTE.

| Hoof No. | Hoof.                                                                                 | Kolom 1.     | Kolom 2.   |
|----------|---------------------------------------------------------------------------------------|--------------|------------|
|          |                                                                                       | £            | £          |
|          | <b>SPOORWEE.</b>                                                                      |              |            |
|          | <i>Vervoerdienste—</i>                                                                |              |            |
| 1        | Algemene koste .. .. .                                                                | 2,308,657    | —          |
| 2        | Onderhoud van spoorbaan en werke                                                      | 12,407,766   | —          |
| 3        | Onderhoud van rollende materiaal                                                      | 16,447,787   | —          |
| 4        | Treinloopkoste .. .. .                                                                | 24,062,402   | —          |
| 5        | Verkeerskoste .. .. .                                                                 | 19,880,945   | —          |
| 6        | Superannuasie .. .. .                                                                 | 4,636,000    | —          |
| 7        | Besteldiens .. .. .                                                                   | 1,803,408    | —          |
| 8        | Waardevermindering .. .. .                                                            | 8,355,121    | —          |
|          | <i>Hulpdienste—</i>                                                                   |              |            |
| 9        | Verversings- en beddegoeddiens ..                                                     | 2,697,049    | —          |
| 10       | Publisiteit, boekwinkels, reklame en outomate .. .. .                                 | 915,656      | —          |
| 11       | Graansuiers .. .. .                                                                   | 318,774      | —          |
| 12       | Padvervoerdiens .. .. .                                                               | 5,234,147    | —          |
| 13       | Toeristediens .. .. .                                                                 | 491,200      | —          |
|          | <i>Netto inkomsterekening—</i>                                                        |              |            |
| 14       | Rente op kapitaal .. .. .                                                             | —            | 15,467,026 |
| 15       | Rente op superannuasie- en ander fondse .. .. .                                       | —            | 4,290,500  |
| 17       | Diverse uitgawe .. .. .                                                               | —            | 28,683,562 |
|          | <b>HAWENS.</b>                                                                        |              |            |
|          | <i>Vervoerdienste—</i>                                                                |              |            |
| 18       | Onderhoud van bate .. .. .                                                            | 1,216,478    | —          |
| 19       | Bedryfskoste .. .. .                                                                  | 1,297,988    | —          |
| 20       | Algemene koste .. .. .                                                                | 140,892      | —          |
| 21       | Superannuasie .. .. .                                                                 | 139,300      | —          |
| 22       | Waardevermindering .. .. .                                                            | 391,901      | —          |
|          | <i>Hulpdienste—</i>                                                                   |              |            |
| 23       | Vuurtorings, bakens, klokke en seinstasies .. .. .                                    | 208,601      | —          |
|          | <i>Netto inkomsterekening—</i>                                                        |              |            |
| 24       | Rente op kapitaal .. .. .                                                             | —            | 967,802    |
| 25       | Diverse uitgawe .. .. .                                                               | —            | 1,053,038  |
|          | <b>STOOMSKEPE.</b>                                                                    |              |            |
|          | <i>Vervoerdienste—</i>                                                                |              |            |
| 26       | Eksplorasie en onderhoud .. .. .                                                      | 102,617      | —          |
|          | <i>Netto inkomsterekening—</i>                                                        |              |            |
| 27       | Diverse uitgawe .. .. .                                                               | —            | 5,383      |
|          | <b>LUGDIENS.</b>                                                                      |              |            |
|          | <i>Vervoerdienste—</i>                                                                |              |            |
| 28       | Eksplorasie en onderhoud .. .. .                                                      | 5,233,470    | —          |
|          | <i>Netto inkomsterekening—</i>                                                        |              |            |
| 29       | Rente op kapitaal .. .. .                                                             | —            | 183,497    |
| 30       | Diverse uitgawe .. .. .                                                               | —            | 633,033    |
|          | <b>AANWENDINGSREKENING VAN NETTO INKOMSTE.</b>                                        |              |            |
| 31       | Verbeteringsfonds .. .. .                                                             | —            | 5,000,000  |
| 32       | Tekort in pensioenfonds .. .. .                                                       | —            | 60,000     |
| 33       | Bydrae tot vermindering van rente-draende kapitaal (departementele behuising) .. .. . | —            | 3,000,000  |
| 34       | Spesiale bydrae tot vernuwingsfonds .. .. .                                           | —            | 2,000,000  |
|          | Totaal .. .. .                                                                        | £169,634,000 |            |

## Tweede Bylae.

## KAPITAAL- EN VERBETERINGSDIENSTE.

| Hoof No. | Hoof.                                    | Kolom 1.   | Kolom 2.    | Kolom 3. |
|----------|------------------------------------------|------------|-------------|----------|
|          |                                          | £          | £           | £        |
| 1        | Aanleg van spoorweë .. .. .              | —          | 3,214,017   | —        |
| 2        | Nuwe werke aan oop-gestelde lyne .. .. . | 34,100,290 | —           | —        |
| 3        | Rollende materiaal .. .. .               | 12,260,750 | —           | —        |
| 4        | Padvervoerdiens .. .. .                  | 178,521    | —           | —        |
| 5        | Hawens .. .. .                           | —          | 1,001,893   | —        |
| 6        | Stoomskepe .. .. .                       | —          | 5,000       | —        |
| 7        | Lugdiens .. .. .                         | —          | 694,954     | —        |
| 8        | Bedryfskapitaal .. .. .                  | 1,901,000  | —           | —        |
| 9        | Onvoorsiene werke .. .. .                | —          | —           | 500,000  |
|          | Totaal .. .. .                           |            | £53,856,425 |          |

## SAMEVATTING.

|                                                       |                     |
|-------------------------------------------------------|---------------------|
| Inkomstediens (Eerste Bylae) .. .. .                  | £                   |
| Kapitaal- en verbeteringsdiens (Tweede Bylae) .. .. . | 53,856,425          |
|                                                       | <u>£223,490,425</u> |

**First Schedule.**  
**REVENUE SERVICES.**

| Head No. | Head.                                                                                   | Column 1.           | Column 2.  |
|----------|-----------------------------------------------------------------------------------------|---------------------|------------|
|          | <b>RAILWAYS.</b>                                                                        | <b>£</b>            | <b>£</b>   |
|          | <i>Transportation Services—</i>                                                         |                     |            |
| 1        | General Charges .. ..                                                                   | 2,308,657           | —          |
| 2        | Maintenance of Permanent Way and Works .. ..                                            | 12,407,766          | —          |
| 3        | Maintenance of Rolling Stock .. ..                                                      | 16,447,787          | —          |
| 4        | Running Expenses .. ..                                                                  | 24,062,402          | —          |
| 5        | Traffic Expenses .. ..                                                                  | 19,880,945          | —          |
| 6        | Superannuation .. ..                                                                    | 4,636,000           | —          |
| 7        | Cartage Services .. ..                                                                  | 1,803,408           | —          |
| 8        | Depreciation .. ..                                                                      | 8,355,121           | —          |
|          | <i>Subsidiary Services—</i>                                                             |                     |            |
| 9        | Catering and Bedding Services ..                                                        | 2,697,049           | —          |
| 10       | Publicity, Bookstalls, Advertising and Automatic Machines ..                            | 915,656             | —          |
| 11       | Grain Elevators .. ..                                                                   | 318,774             | —          |
| 12       | Road Transport Service .. ..                                                            | 5,234,147           | —          |
| 13       | Tourist Service .. ..                                                                   | 491,200             | —          |
|          | <i>Net Revenue Account—</i>                                                             |                     |            |
| 14       | Interest on Capital .. ..                                                               | —                   | 15,467,026 |
| 15       | Interest on Superannuation and other Funds .. ..                                        | —                   | 4,290,500  |
| 17       | Miscellaneous Expenditure ..                                                            | —                   | 28,683,562 |
|          | <b>HARBOURS.</b>                                                                        |                     |            |
|          | <i>Transportation Services—</i>                                                         |                     |            |
| 18       | Maintenance of Assets .. ..                                                             | 1,216,478           | —          |
| 19       | Operating Expenses .. ..                                                                | 1,297,988           | —          |
| 20       | General Charges .. ..                                                                   | 140,892             | —          |
| 21       | Superannuation .. ..                                                                    | 139,300             | —          |
| 22       | Depreciation .. ..                                                                      | 391,901             | —          |
|          | <i>Subsidiary Service—</i>                                                              |                     |            |
| 23       | Lighthouses, Beacons, Bells and Signal Stations .. ..                                   | 208,601             | —          |
|          | <i>Net Revenue Account—</i>                                                             |                     |            |
| 24       | Interest on Capital .. ..                                                               | —                   | 967,802    |
| 25       | Miscellaneous Expenditure ..                                                            | —                   | 1,053,038  |
|          | <b>STEAMSHIPS.</b>                                                                      |                     |            |
|          | <i>Transportation Services—</i>                                                         |                     |            |
| 26       | Working and Maintenance .. ..                                                           | 102,617             | —          |
|          | <i>Net Revenue Account—</i>                                                             |                     |            |
| 27       | Miscellaneous Expenditure ..                                                            | —                   | 5,383      |
|          | <b>AIRWAYS.</b>                                                                         |                     |            |
|          | <i>Transportation Services—</i>                                                         |                     |            |
| 28       | Working and Maintenance .. ..                                                           | 5,233,470           | —          |
|          | <i>Net Revenue Account—</i>                                                             |                     |            |
| 29       | Interest on Capital .. ..                                                               | —                   | 183,497    |
| 30       | Miscellaneous Expenditure ..                                                            | —                   | 633,033    |
|          | <b>NET REVENUE APPROPRIATION ACCOUNT.</b>                                               |                     |            |
| 31       | Betterment Fund .. ..                                                                   | —                   | 5,000,000  |
| 32       | Deficiency in Pension Fund ..                                                           | —                   | 60,000     |
| 33       | Contribution towards Reduction of Interest-bearing Capital (Departmental Housing) .. .. | —                   | 3,000,000  |
| 34       | Special Contribution to Renewals Fund .. ..                                             | —                   | 2,000,000  |
|          | <b>Total .. ..</b>                                                                      | <b>£169,634,000</b> |            |

**Second Schedule.**

**CAPITAL AND BETTERMENT SERVICES.**

| Head No. | Head.                          | Column 1.  | Column 2.          | Column 3. |
|----------|--------------------------------|------------|--------------------|-----------|
|          |                                | <b>£</b>   | <b>£</b>           | <b>£</b>  |
| 1        | Construction of Railways .. .. | —          | 3,214,017          | —         |
| 2        | New Works on Open Lines .. ..  | 34,100,290 | —                  | —         |
| 3        | Rolling Stock .. ..            | 12,260,750 | —                  | —         |
| 4        | Road Transport Service .. ..   | 178,521    | —                  | —         |
| 5        | Harbours .. ..                 | —          | 1,001,893          | —         |
| 6        | Steamships .. ..               | —          | 5,000              | —         |
| 7        | Airways .. ..                  | —          | 694,954            | —         |
| 8        | Working Capital .. ..          | 1,901,000  | —                  | —         |
| 9        | Unforeseen Works .. ..         | —          | —                  | 500,000   |
|          | <b>Total .. ..</b>             |            | <b>£53,856,425</b> |           |

**SUMMARY.**

|                                                      |   |                     |
|------------------------------------------------------|---|---------------------|
| Revenue Services (First Schedule) .. ..              | £ | 169,634,000         |
| Capital and Betterment Services (Second Schedule) .. |   | 53,856,425          |
|                                                      |   | <b>£223,490,425</b> |

## Derde Bylae.

BRONNE WAARUIT FONDSE VIR KAPITAAL- EN VERBETERINGSDIENSTE  
VERSKAF SAL WORD.

|                                                                                                                | £                  |
|----------------------------------------------------------------------------------------------------------------|--------------------|
| 1. Leningsfondse .. .. .                                                                                       | 42,855,000         |
| 2. Lening van die Suidwes-Afrika-administrasie .. .. .                                                         | 130,000            |
| 3. Verbeteringsfonds .. .. .                                                                                   | 5,571,425          |
| 4. Kapitaalkrediete .. .. .                                                                                    | 1,700,000          |
| 5. Bydrae uit Inkomstefondse tot vermindering van rente-<br>draende kapitaal .. .. .                           | 3,500,000          |
| 6. Invorderings van Munisipaliteite en ander bronne as<br>bydraes tot die koste van verskillende werke .. .. . | 100,000            |
|                                                                                                                | <u>£53,856,425</u> |

## Vierde Bylae.

| Kolom 1.                                                                             | Kolom<br>2. | Kolom<br>3. | Kolom<br>4.  | Kolom<br>5. |
|--------------------------------------------------------------------------------------|-------------|-------------|--------------|-------------|
|                                                                                      | £           | £           | £ s. d.      | £           |
| Dube—Doornkop .. .. .                                                                | —           | 2,148,860   | —            | 2,150,000   |
| Kamfersdam—Beaconsfield .. .. .                                                      | —           | 208,000     | —            | 262,250     |
| Bloemfontein—Nuwe hulp-<br>lyn van Bloemspruit na<br>nuwe opstellingsterrein .. .. . | 88,092      | —           | —            | —           |
| Village Main—Faraday .. .. .                                                         | 306,400     | —           | 281,396 16 8 | —           |

**Third Schedule.**

SOURCES FROM WHICH FUNDS FOR CAPITAL AND BETTERMENT SERVICES  
WILL BE PROVIDED.

|                                                                                                              | £                  |
|--------------------------------------------------------------------------------------------------------------|--------------------|
| 1. Loan Funds .. .. .                                                                                        | 42,855,000         |
| 2. Loan from the South-West Africa Administration ..                                                         | 130,000            |
| 3. Betterment Fund .. .. .                                                                                   | 5,571,425          |
| 4. Capital Credits .. .. .                                                                                   | 1,700,000          |
| 5. Contribution from Revenue Funds towards reduction of<br>Interest-bearing Capital .. .. .                  | 3,500,000          |
| 6. Recoveries from Municipalities and other sources as<br>contributions towards the cost of various works .. | 100,000            |
|                                                                                                              | <u>£53,856,425</u> |

**Fourth Schedule.**

| Column 1.                                                                                    | Column<br>2. | Column<br>3. | Column<br>4. | Column<br>5. |
|----------------------------------------------------------------------------------------------|--------------|--------------|--------------|--------------|
|                                                                                              | £            | £            | £ s. d.      | £            |
| Dube—Doornkop ..                                                                             | —            | 2,148,860    | —            | 2,150,000    |
| Kamfersdam—Beaconsfield                                                                      | —            | 208,000      | —            | 262,250      |
| Bloemfontein—New avoid-<br>ing line from Bloem-<br>spruit to new marshal-<br>ling yard .. .. | 88,092       | —            | —            | —            |
| Village Main—Faraday ..                                                                      | 306,400      | —            | 281,396 16 8 | —            |

# WETSONTWERP

Tot wysiging van die Wet op Afsonderlike Verteenwoordiging van Kiesers, 1951.

(Ingedien deur die MINISTER VAN BINNELANDSE SAKE.)

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

Wysiging van artikel 12 van Wet 46 van 1951.

1. Artikel *twaalf* van die Wet op Afsonderlike Verteenwoordiging van Kiesers, 1951 (hieronder die Hoofwet genoem), word hierby gewysig deur die volgende paragraaf by sub-artikel (1) te voeg:

„(iii) iemand nie bevoegd is om as 'n lid van voormelde provinsiale raad verkies te word nie tensy hy 'n blanke is.”. 10

Vervanging van artikels 14, 15, 16, 17, 18 en 19 van Wet 46 van 1951.

2. Artikels *veertien, vyftien, sestien, sewentien, agtien en negentien* van die Hoofwet word hierby deur die volgende artikels vervang:

„DIE UNIALE RAAD VAN KLEURLINGSAKE.

Instelling van Uniale Raad van Kleurlingsake.

14. (1) Daar word hierby met ingang van 'n 15 deur die Goewerneur-generaal by proklamasie in die *Staatskoerant* bepaalde datum 'n Uniale Raad van Kleurlingsake (hieronder die Raad genoem) bestaande uit drie nie-blanke lede vir elke Uniale kiesafdeling wat verkies word en vyftien nie-blanke lede wat deur die Goewerneur-generaal benoem word, ingestel.

(2) (a) Van die vyftien nie-blanke lede wat benoem word, verteenwoordig—

(i) agt lede die provinsie die Kaap die Goeie Hoop waarvan minstens een 'n lid is van die ras of klas bekend as die Kaapse Maleiers en minstens een 'n lid is van die ras of klas bekend as die Griekwas; 25

(ii) twee lede die provinsie Natal; 30

(iii) een lid die provinsie Oranje-Vrystaat; en

(iv) vier lede die provinsie Transvaal.

(b) Niemand kan as lid benoem word nie tensy—

(i) hy *mutatis mutandis* ooreenkomstig paragrafe (a), (b), (c) en (d) van sub-artikel 35 (1) van artikel *vier* van die Hoofwet gekwalifiseer is; en

(ii) hy vir 'n tydperk van twee jaar onmiddellik voor die datum van sy aanstelling in die provinsie wat hy benoem word om te 40 verteenwoordig, gewoon het en daar bly woon.

(3) Iemand wat in die Kaapse Kleurling-kieserslys geregistreer is en daarbenewens in die provinsie die Kaap die Goeie Hoop vir 'n tydperk van twee 45 jaar onmiddellik voor die datum van sy verkiesing gewoon het en daar bly woon, is gekwalifiseer om as 'n lid van die Raad verkies te word.

(4) Daar word 'n uitvoerende komitee van die Raad saamgestel bestaande uit vyf lede van die 50 Raad waarvan twee deur die lede van die Raad verkies word en drie deur die Goewerneur-generaal aangewys word.

(5) Die Goewerneur-generaal wys een van die lede van die uitvoerende komitee aan as voorsitter 55 van die Raad.

(6) Die voorsitter van die Raad is ook die voorsitter van die uitvoerende komitee.

(7) Die voorsitter het benewens sy beraadslagende stem, in die geval van 'n staking van stemme, ook 60 'n beslissende stem.

(8) Tot tyd en wyl die voorsitter van die Raad aangewys is, of wanneer die voorsitter van 'n

# BILL

## To amend the Separate Representation of Voters Act, 1951.

(Introduced by the MINISTER OF THE INTERIOR.)

**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 *twelve* of the Separate Representation of Voters Act, 1951 (hereinafter referred to as the principal Act), is hereby amended by the addition to sub-section (1) of the following paragraph: Amendment of section 12 of Act 46 of 1951.

“(iii) a person shall not be qualified for election as a member of the said provincial council unless he is a white person.”.

2. The following sections are hereby substituted for sections *fourteen, fifteen, sixteen, seventeen, eighteen and nineteen* of the principal Act: Substitution of sections 14, 15, 16, 17, 18 and 19 of Act 46 of 1951.

“THE UNION COUNCIL FOR COLOURED AFFAIRS.

14. (1) A Union Council for Coloured Affairs (hereinafter called the Council) consisting of three non-European members for each Union electoral division who shall be elected and fifteen non-European members who shall be nominated by the Governor-General is hereby established with effect from a date to be fixed by the Governor-General by proclamation in the *Gazette*.

(2) (a) Of the fifteen non-European members to be nominated—

(i) eight members of whom at least one shall be a member of the race or class known as the Cape Malays and at least one shall be a member of the race or class known as the Griquas shall represent the province of the Cape of Good Hope;

(ii) two members shall represent the province of Natal;

(iii) one member shall represent the province of the Orange Free State; and

(iv) four members shall represent the province of the Transvaal.

(b) No person shall be nominated as a member unless—

(i) he qualifies *mutatis mutandis*, in terms of paragraphs (a), (b), (c) and (d) of sub-section (1) of section *four* of the principal Act; and

(ii) he has resided for a period of two years immediately prior to the date of his appointment in the province that he is nominated to represent and continues to reside therein.

(3) Any person who is registered in the Cape Coloured voters' list and has in addition resided in the province of the Cape of Good Hope for a period of two years immediately prior to the date of his election and continues to reside therein, shall be qualified to be elected as a member of the Council.

(4) There shall be constituted an executive committee of the Council consisting of five members of the Council of whom two shall be elected by the members of the Council and three shall be designated by the Governor-General.

(5) The Governor-General shall designate one of the members of the executive committee as the chairman of the Council.

(6) The chairman of the Council shall also be the chairman of the executive committee.

(7) The chairman shall in addition to his deliberative vote have in the case of an equality of votes, a casting vote.

(8) Until such time as the chairman of the Council has been designated, or whenever the chair-

vergadering van die Raad of van die uitvoerende komitee afwesig is, tree die Kommissaris van Kleurlingsake op as voorsitter van die Raad of van die uitvoerende komitee, na gelang van die geval, en het hy, onderwyl hy aldus optree, 'n beslissende stem in die geval van 'n staking van stemme maar geen beraadslagende stem nie.

(9) Die voorsitter van die Raad en die lede van van die uitvoerende komitee ontruim hul amp as sodanig wanneer hulle hul setels as lede van die Raad ontruim.

(10) Die volgende persone het die reg om vergaderings van die Raad en van die uitvoerende komitee by te woon en aan die beraadslagings deel te neem, maar het nie die reg om 'n stem uit te bring nie—

- (a) die Kommissaris van Kleurlingsake;
- (b) 'n verteenwoordiger van die Departement van Volkswelsyn;
- (c) 'n verteenwoordiger van die Departement van Arbeid; en
- (d) 'n verteenwoordiger van die Administrasie van die provinsie die Kaap die Goeie Hoop.

(11) Die Raad kan enige aangeleentheid wat binne die werksaamhede van die Raad val na die uitvoerende komitee verwys vir ondersoek en verslag en sodanige aanbevelings as wat die komitee mag goedvind.

Verkiezing  
van lede  
van die  
Raad.

15. (1) Die persone wie se name in die Kaapse Kleurling-kieserslys vir 'n Uniale kiesafdeling verskyn, is geregtig om drie lede van die Raad te kies om so 'n kiesafdeling te verteenwoordig.

(2) Indien die getal Uniale kiesafdelings verander word ingevolge die bepalinge van sub-artikel (4) van artikel nege, word dit geag dat die vier Uniale kiesafdelings wat voor so 'n verandering bestaan het, vir die doel van 'n verkiesing van raadslede bly voortbestaan, tensy en totdat daar by wetgewing anders bepaal word.

Ampster-  
myn van  
lede van  
die Raad.

16. (1) Die lede van die Raad beklee hul setels vir 'n tydperk van vyf jaar vanaf die datum van verkiesing of aanstelling, na gelang van die geval: Met dien verstande dat in die geval van 'n kandidaat wat ooreenkomstig sub-artikel (8) van artikel ses-en-dertig van die Hoofwet verkose verklaar is, sy ampstermyn voortduur vir 'n tydperk van vyf jaar vanaf die datum waarop stemming sou plaasgevind het indien stemming nodig gewees het.

(2) Indien die setel van 'n lid van die Raad of van die uitvoerende komitee voor die verstrykingsdatum van sy ampstermyn oopval, dan, indien die setel wat oopval—

- (a) dié van 'n benoemde of aangewysde lid is, word iemand anders in sy plek deur die Goe-werneur-generaal benoem of aangewys;
- (b) dié van 'n verkose lid is, word iemand anders in sy plek verkies,

en die aldus benoemde, aangewysde of verkose persoon het die reg om die setel tot voormelde datum te beklee.

(3) Die in sub-artikel (10) van artikel veertien vermelde persone het die reg *ex officio* om vergaderings van die Raad by te woon, en die in paragrawe (b), (c) en (d) van genoemde sub-artikel vermelde verteenwoordigers word onderskeidelik van tyd tot tyd deur die hoof van die betrokke departement benoem.

Ontruiming  
van setels  
deur lede  
van die  
Raad.

17. Indien 'n raadslid—

- (a) ophou om gekwalifiseer te wees vir benoeming of verkiesing, na gelang van die geval; of
  - (b) gedurende 'n hele gewone sitting sonder die spesiale verlof van die Raad versuim om die Raad by te woon,
- val sy setel oop.

Werksaam-  
hede van  
die Raad.

18. Die werksaamhede van die Raad is—

- (a) om op versoek die Unie-regering te adviseer in verband met alle sake rakende die ekonomiese, maatskaplike, opvoedkundige en staatkundige belange van die nie-blanke bevolking van die Unie;

man is absent from any meeting of the Council or of the executive committee, the Commissioner for Coloured Affairs shall act as the chairman of the Council, or, as the case may be, of the executive committee, and shall when so acting have a casting vote in the case of an equality of votes, but no deliberative vote.

(9) The chairman of the Council and the members of the executive committee shall vacate their office as such when they vacate their seats as members of the Council.

(10) The following persons shall have the right to attend the meetings of the Council and of the executive committee and to take part in the deliberations, but shall not have the right to vote—

- (a) the Commissioner for Coloured Affairs;
- (b) a representative of the Department of Social Welfare;
- (c) a representative of the Department of Labour; and
- (d) a representative of the Administration of the province of the Cape of Good Hope.

(11) The Council may refer to the executive committee any matter falling within the functions of the Council for investigation and report and such recommendations as the committee may deem fit.

**Election of members of the Council.** 15. (1) The persons whose names appear in the Cape Coloured voters' list for any Union electoral division, shall be entitled to elect three members of the Council to represent that electoral division.

(2) If the number of Union electoral divisions is altered as provided in sub-section (4) of section *nine*, the four Union electoral divisions existing before such alteration shall be deemed to persist as for the purpose of any election of members of the Council, unless and until any contrary provision is made by law.

**Tenure of office of members of the Council.** 16. (1) The members of the Council shall hold their seats for a period of five years from the date of election or appointment as the case may be: Provided that, in the case of a candidate who is declared elected in terms of sub-section (8) of section *thirty-six* of the principal Act, his tenure of office shall continue for a period of five years from the date on which polling would have taken place, if a poll had been necessary.

(2) If the seat of any member of the Council or of the executive committee becomes vacant before the date of expiry of his tenure of office, another person shall, if the seat becoming vacant—

- (a) is that of a nominated or designated member, be nominated or designated in his stead by the Governor-General;
- (b) is that of an elected member, be elected in his stead,

and the person so nominated, designated or elected shall be entitled to hold the seat until the aforesaid date of expiry.

(3) The persons mentioned in sub-section (10) of section *fourteen* shall have the right to attend the meetings of the Council *ex officio* and the representatives mentioned under paragraphs (b), (c) and (d) of the said sub-section shall respectively be nominated from time to time by the head of the department concerned.

**Vacation of seats of members of the Council.** 17. If a member of the Council—

- (a) ceases to be qualified to be nominated or elected, as the case may be; or
- (b) fails for a whole ordinary session to attend the Council without the special leave of the Council, his office shall become vacant.

**Functions of the Council.** 18. The functions of the Council are—

- (a) to advise the Government of the Union at its request on all matters affecting the economic, social, educational and political interests of the non-European population of the Union;

- (b) om aanbevelings te doen by die Unie-regering in verband met enige beplanning wat bereken is om die beste belange van genoemde bevolking te bevorder;
- (c) om in die algemeen te dien as 'n skakel en 'n middel vir aanraking en beraadslaging tussen die Unie-regering en genoemde bevolking;
- (d) om sodanige statutêre of ander administratiewe funksies uit te voer as wat deur die Goewerneur-generaal aan die Raad toevertrou mag word.

Regulasies. 19. Die Minister kan regulasies uitvaardig in verband met—

- (a) die sittings van die Raad met inbegrip van die plek vir bedoelde sittings; 15
- (b) die prosedure by sittings van die Raad met inbegrip van die kworum en wyse van stemming;
- (c) die aanstelling, met inagneming van die wetsbepalings op die staatsdiens, van sodanige beamptes as wat nodig mag wees om die Raad behulpzaam te wees met die verrigting van sy werksaamhede; 20
- (d) die oorsending van die besluite en verslae van die Raad; 25
- (e) die betaling van gelde en toelaes aan die lede van die Raad: Met dien verstande dat, ten opsigte van lede van die Raad wat voltyds in die diens van die Staat is, so 'n regulasie in oorleg met die Staatsdienskommissie opgestel word: Met dien verstande voorts dat sulke regulasies voorsiening maak vir die betaling van 'n jaarlikse toelae van minstens driehonderd pond aan die voorsitter van die Raad, tweehonderd pond aan die ander lede van die uitvoerende komitee en honderd-en-twintig pond aan die ander lede van die Raad.” 30 35

Wysiging van artikel 20 van Wet 46 van 1951.

3. Artikel *twintig* van die Hoofwet word hierby gewysig—

- (a) deur in die Engelse teks die woord „Board” waar dit ookal voorkom deur die woord „Council” te vervang; 40
- (b) deur in paragraaf (ii) van sub-artikel (4) die woorde „as twee kandidate” deur die woorde „kandidate as die aantal kandidate wat by een of ander verkiesing verkies moet word” en die woorde „twee kandidate” waar hulle die tweede maal voorkom deur die woorde „kandidate of die kandidaat” te vervang; 45
- (c) deur in paragraaf (iii) van sub-artikel (4) na die woord „nie” waar dit die tweede maal voorkom, die woorde „en 'n stembriefie waarop 'n stem aan slegs een kandidaat gegee word, as 'n aantal stemme vir daardie kandidaat gelyk aan die aantal kandidate wat by daardie verkiesing verkies moet word, getel word” in te voeg; 50
- (d) deur in paragraaf (iv) van sub-artikel (4) die woord „twee”, waar dit die eerste maal voorkom, te skrap. 55

Wysiging van lang titel van Wet 46 van 1951.

4. Die lang titel van die Hoofwet word hierby gewysig deur die woord „Raad” deur die woorde „Uniale Raad” te vervang.

Kort titel.

5. Hierdie Wet heet die Wysigingswet op Afsonderlike Verteenwoordiging van Kiesers, 1956.

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- (b) to make recommendations to the Government of the Union in regard to any projects calculated to serve the best interests of the said population;
- 5 (c) to act in general as an intermediary and a means of contact and consultation between the Government of the Union and the said population;
- 10 (d) to carry out such statutory or other administrative functions as may be assigned to the Council by the Governor-General.

Regulations. 19. The Minister may make regulations in regard to—

- (a) the sessions of the Council, including the venue of such sessions;
- 15 (b) the procedure at sessions of the Council, including the quorum and method of voting;
- (c) the appointment, subject to the laws governing the public service, of such officials as may be required to assist the Council in carrying out its functions;
- 20 (d) the transmission of the resolutions and reports of the Council;
- (e) the payment of fees and allowances to the members of the Council: Provided that in regard to members of the Council who are in the whole-time employ of the State, such regulations shall be framed in consultation with the Public Service Commission: Provided further that such regulations shall provide for the payment of an annual allowance of not less than three hundred pounds to the chairman of the Council, two hundred pounds to the other members of the executive committee and one hundred and twenty pounds to the other members of the Council.”.
- 25
- 30
- 35

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

- (a) by the substitution for the word “Board” wherever it occurs of the word “Council”; Amendment of section 20 of Act 46 of 1951.
- 40 (b) by the substitution in paragraph (ii) of sub-section (4) for the words “than two candidates” of the words “candidates than the number of candidates to be elected at any election” and by the substitution in the said paragraph for the words “two candidates” where they occur for the second time of the words “candidates or the candidate”;
- 45 (c) by the addition to paragraph (iii) of sub-section (4) of the words “and any ballot paper on which a vote is marked for only one candidate, shall be counted as a number of votes for that candidate equal to the number of candidates to be elected at that election”;
- 50 (d) by the deletion in paragraph (iv) of sub-section (4) of the word “two” where it occurs for the first time.

4. The long title of the principal Act is hereby amended by the substitution for the word “Board” of the words “Union Council”.

Amendment of long title of Act 46 of 1951.

5. This Act shall be called the Separate Representation of Voters Amendment Act, 1956. Short title.

# WETSONTWERP

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

(Ingedien deur die MINISTER VAN NATURELLESAKE.)

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

Wysiging van artikel 2 van Wet 18 van 1936, soos gewysig deur artikel 1 van Wet 17 van 1939 en artikel 28 van Wet 56 van 1949.

1. Artikel *twee* van die Naturelletrust en -grond Wet, 1936 (hieronder die Hoofwet genoem), word hiermee gewysig—
  - (a) deur in sub-artikel (1) na die woorde „en ook” die woorde „grond wat van tyd tot tyd kragtens sub-artikel (3) ’n oopgestelde gebied verklaar mag word en” in te voeg; en
  - (b) deur die volgende sub-artikel daarby te voeg:
    - „(3) Die Goewerneur-generaal kan van tyd tot tyd, so dikwels hy dit in die openbare belang ag sulks te doen, by proklamasie in die *Staatskoerant* ’n oopgestelde gebied verklaar—
    - (a) grond wat ingevolge paragraaf (a) van sub-artikel (1) van artikel *ses* op die Trust oorgegaan het;
    - (b) grond wat aan ’n afgesonderde naturrellegebied of ’n oopgestelde gebied grens en—
      - (i) waarvan ’n naturrel die geregistreerde eienaar is; of
      - (ii) wat op naam van die Minister of enige ander persoon in trust vir ’n naturrel, ’n naturrellestam of ’n naturrellegemeenskap geregistreer staan; of
      - (iii) wat op naam van ’n naturrel wat oorlede is, geregistreer staan.”.

Wysiging van artikel 6 van Wet 18 van 1936, soos deur artikel 3 van Wet 17 van 1939 gewysig.

2. Artikel *ses* van die Hoofwet word hiermee gewysig deur in paragraaf (a) van sub-artikel (2) na die woorde „uitgehou bly” die woorde „tensy die Trustee anders gelas” in te voeg.

Wysiging van artikel 12 van Wet 18 van 1936, soos deur artikel 6 van Wet 17 van 1939 gewysig.

3. Artikel *twaalf* van die Hoofwet word hiermee gewysig—
  - (a) deur in paragraaf (a) van sub-artikel (1) al die woorde na die woorde „verkry nie” te skrap; en
  - (b) deur na bedoelde paragraaf die volgende paragraaf in te voeg:
 

„(a)*bis*. mag niemand anders as die Trust of ’n naturrel ’n transaksie aangaan waarby hy die verbandhouer oor grond in ’n oopgestelde gebied word of sou word waarvan ’n naturrel die geregistreerde eienaar is nie.”.

Wysiging van artikel 12*bis* van Wet 18 van 1936, soos deur artikel 32 van Wet 56 van 1949 ingevoeg en deur artikel 1 van Wet 18 van 1954 vervang.

4. Artikel *twaalf bis* van die Hoofwet word hiermee gewysig deur in paragraaf (b) van sub-artikel (5) die woorde „of verhuur” deur die woorde „verhuur, gebruik of bewoon” te vervang.

Wysiging van artikel 13 van Wet 18 van 1936, soos deur artikel 7 van Wet 17 van 1939 en artikel 2 van Wet 18 van 1954 gewysig.

5. Artikel *dertien* van die Hoofwet word hiermee gewysig—
  - (a) deur in sub-artikel (7) die woorde „Indien ’n naturrel wie se grond kragtens sub-artikel (2) onteien is,” deur die woorde „Waar meer as twintig morge van die grond van ’n naturrel kragtens sub-artikel (2) onteien is, en hy” te vervang; en
  - (b) deur na sub-artikel (7) die volgende sub-artikel in te voeg:
 

„(7)*bis*. Waar hoogstens twintig morge van die grond van ’n naturrel kragtens sub-artikel (2) onteien is, en hy binne ’n tydperk van drie maande na die onteiening by die Trustee aansoek doen vir die koop van grond in ’n afgesonderde naturrellegebied of ’n oopgestelde gebied moet die Trustee, in die plek van die grond aldus onteien, aan bedoelde naturrel teen die prys en op sodanige voorwaardes as wat die Trustee goed ag, grond in so ’n gebied te koop aanbied wat die Trustee bepaal.”.

# BILL

## To amend the Native Trust and Land Act, 1936.

(Introduced by the MINISTER OF NATIVE AFFAIRS.)

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

1. Section *two* of the Native Trust and Land Act, 1936 (hereinafter referred to as the principal Act), is hereby amended—
    - (a) by the insertion in sub-section (1) after the words "together with" of the words "such land as may from time to time under sub-section (3) be declared a released area and"; and
    - (b) by the addition thereto of the following sub-section:
 

"(3) The Governor-General may from time to time, whenever he considers it in the public interest to do so, by proclamation in the *Gazette* declare to be a released area—

      - (a) any land vested in the Trust under paragraph (a) of sub-section (1) of section *six*;
      - (b) any land which adjoins any scheduled native area or any released area and—
        - (i) of which a native is the registered owner; or
        - (ii) which is registered in the name of the Minister or any other person in trust for a native, a native tribe or a native community; or
        - (iii) which is registered in the name of a native who has died."
- Amendment of section 2 of Act 18 of 1936, as amended by section 1 of Act 17 of 1939 and section 28 of Act 56 of 1949.
- 
2. Section *six* of the principal Act is hereby amended by the insertion in paragraph (a) of sub-section (2) after the words "so reserved", of the words "unless the Trustee otherwise directs".
- Amendment of section 6 of Act 18 of 1936, as amended by section 3 of Act 17 of 1939.
- 
3. Section *twelve* of the principal Act is hereby amended—
    - (a) by the deletion in paragraph (a) of sub-section (1) of all the words after the word "native" where it occurs for the second time; and
    - (b) by the insertion after the said paragraph of the following paragraph:
 

"(a)*bis*. No person other than the Trust or a native shall enter into any transaction whereby he becomes or would become a mortgagee over land in a released area of which a native is the registered owner."
- Amendment of section 12 of Act 18 of 1936, as amended by section 6 of Act 17 of 1939.
- 
4. Section *twelve bis* of the principal Act is hereby amended by the substitution in paragraph (b) of sub-section (5) for the words "or leases" of the words "leases, uses or occupies".
- Amendment of section 12*bis* of Act 18 of 1936, as inserted by section 32 of Act 56 of 1949 and substituted by section 1 of Act 18 of 1954.
- 
5. Section *thirteen* of the principal Act is hereby amended—
    - (a) by the substitution in sub-section (7) for the words "If any native whose land has been expropriated under sub-section (2)," of the words "Where more than twenty morgen of the land of any native has been expropriated under sub-section (2), and he"; and
    - (b) by the insertion after sub-section (7) of the following sub-section:
 

"(7)*bis*. Where not more than twenty morgen of the land of any native has been expropriated under sub-section (2), and he applies to the Trustee within a period of three months after the date of the expropriation, for the purchase of land in a scheduled native area or a released area, the Trustee shall in lieu of the land so expropriated, offer for sale to such native, at such price and upon such conditions as the Trustee may deem fit, such land in any such area as the Trustee may determine."
- Amendment of section 13 of Act 18 of 1936, as amended by section 7 of Act 17 of 1939 and section 2 of Act 18 of 1954.

Invoeging van  
artikel 18bis  
in Wet 18 van  
1936.

6. Die volgende artikel word hiermee na artikel *agtien* van die Hoofwet ingevoeg:

„Bevoegd-  
hede om  
sekere  
grond te  
verkry,  
beperk tot  
bevoegd-  
heid om  
slegs die  
reg te ver-  
kry om te  
gebruik en  
bewoon, en  
oorgang  
van domi-  
nium in  
sekere  
grond op  
die Trust.

18bis. (1) Met ingang van die inwerkingtreding van die Wysigingswet op Naturelletrust en -grond, 1956 (in hierdie artikel die vasgestelde datum 5 genoem), word enige wet wat voorsiening maak vir die verkryging van grond vir 'n doel daarin genoem, deur onteiening of andersins deur die Staat of 'n instelling of liggaam deur paragraaf (vi) van artikel vyf-en-tagtig van die „Zuid-Afrika Wet, 1909” 10 beoog, of 'n ander liggaam as die Trust, wat met regspersoonlikheid bekleed en by of kragtens 'n wet ingestel is, met betrekking tot grond in 'n afgesonderde natuurellegebied of 'n oopgestelde gebied of grond waar ook al geleë waarvan die Trust die 15 geregisteerde eienaar is, uitgelê asof dit voorsiening maak vir die verkryging van slegs die reg om daardie grond te gebruik en te bewoon en om oor verbeterings daarop te beskik.

(2) Daar gaan op die Trust oor, sonder betaling 20 van vergoeding, hereregte, seëlregte, of enige ander fooi of koste—

(a) vanaf die vasgestelde datum, die dominium in grond wat voor die vasgestelde datum, kragtens 'n wet deur sub-artikel (1) gewysig, 25 deur die Staat of 'n instelling of liggaam soos voormeld deur onteiening of andersins verkry was en wat—

(i) op die vasgestelde datum in 'n afgesonderde natuurellegebied of 'n oopgestelde gebied 30 geleë is; of

(ii) toe dit aldus verkry was, deel van grond uitgemaak het waarvan die Trust op die vasgestelde datum die geregisteerde eienaar 35 is; en

(b) vanaf die datum waarop dit deel van 'n oopgestelde gebied word, die dominium in grond wat voor of na die vasgestelde datum aldus verkry was of word en wat toe of wanneer dit aldus verkry was of word, deel van grond 40 uitgemaak het of uitmaak wat na die vasgestelde datum deel van 'n oopgestelde gebied word, behoudens die reg van die Staat, 'n instelling of liggaam soos voormeld, sy regsopvolger of regsverkrygende om daardie grond te bly gebruik en te 45 bly bewoon en om oor verbeterings daarop te beskik, vir enige doel waarvoor hy geregtig was om daardie grond te gebruik en te bewoon en om oor daardie verbeterings te beskik, onmiddellik voordat die dominium daarin aldus oorgegaan het en behoudens 50 enige saaklike las waarmee dit beswaar is.

(3) Die Registrateur van Aktes moet by vertoning daarvan aan hom, die titelbewys van grond in sub-artikel (2) vermeld, endosseer ten effekte dat die grond daarin beskryf op die Trust oorgegaan het 55 behoudens die reg om dit te gebruik en te bewoon en om oor verbeterings daarop te beskik, soos voormeld, en in sy registers die nodige inskrywings doen, en daarna dien en is genoemde titelbewys vir alle doeleindes geldig as die titelbewys van die 60 Trust vir bedoelde grond.”.

Wysiging van  
artikel 21 van  
Wet 18 van 1936.

7. Artikel *een-en-twintig* van die Hoofwet word hiermee gewysig deur in sub-artikel (1) die woorde „of wat deur die Trust aan 'n natuurel oorgedra is” deur die woorde „en alle grond in 'n oopgestelde gebied waarvan 'n natuurel die geregis- 65 treerde eienaar is of wat op naam van die Minister of enige ander persoon in trust vir 'n natuurel, 'n natuurellestam of 'n natuurellegemeenskap geregistreer staan, of wat op naam van 'n natuurel wat oorlede is, geregistreer staan,” te vervang.

Wysiging van  
artikel 28 van  
Wet 18 van 1936,  
soos deur artikel  
7 van Wet 18 van  
1954 gewysig.

8. Artikel *agt-en-twintig* van die Hoofwet word hiermee 70 gewysig deur in sub-artikel (1) die woord „distrik” waar dit die eerste en tweede keer voorkom, deur die woord „gebied” te vervang en deur die woorde „van die Departement van Naturellesake” deur die woorde „deur die Minister aangewys” te vervang.

Wysiging van  
artikel 29 van  
Wet 18 van 1936,  
soos deur artikel  
8 van Wet 18 van  
1954 gewysig.

9. Artikel *nege-en-twintig* van die Hoofwet word hiermee gewysig deur die woord „distrik” waar dit ook al in sub-artikels (1), (3) en (5) voorkom, deur die woord „gebied” te vervang.

6. The following section is hereby inserted in the principal Act after section *eighteen*:

Insertion of section 18*bis* in Act 18 of 1936.

5 "Powers to acquire cer-  
tain land limited to  
power to acquire the  
right to use and occupy  
only, and  
10 vesting of dominium  
in certain land in the  
Trust.  
15

18*bis*. (1) As from the commencement of the Native Trust and Land Amendment Act, 1956 (in this section referred to as the fixed date), any law which provides for the acquisition for any purpose mentioned therein by expropriation or otherwise of land by the State or any institution or body contemplated by paragraph (vi) of section *eighty-five* of the South Africa Act, 1909, or any body corporate other than the Trust, established by or under any law, shall, in relation to land situated in a scheduled native area or a released area or land wherever situated of which the Trust is the registered owner, be construed as if it provides for the acquisition of only the right to use and occupy that land and to dispose of any improvements thereon.

20 (2) There shall vest in the Trust, without payment of compensation, transfer duty, stamp duty or any other fee or charge—

25 (a) as from the fixed date, the dominium in any land which, before the fixed date, was acquired by expropriation or otherwise for any purpose under any law modified by sub-section (1), by the State or any institution or body aforesaid and which—

(i) at the fixed date is situated in a scheduled native area or a released area; or

30 (ii) when so acquired formed part of any land of which on the fixed date the Trust is the registered owner; and

35 (b) as from the date on which it becomes part of a released area, the dominium in any land which was or is so acquired before or after the fixed date and which when so acquired, formed or forms part of any land which becomes part of a released area after the fixed date,

40 subject to the right of the State, any institution or body aforesaid, its successor in title or assign, to continue to use and occupy such land and to dispose of any improvements thereon, for any purpose for which it was entitled to use and occupy that land and to dispose of such improvements, immediately before the dominium therein so vested and subject to any real charge with which it may be burdened.

45 (3) The Registrar of Deeds shall upon production to him of the title deed of any land referred to in sub-section (2) endorse the same to the effect that the land therein described is vested in the Trust subject to the aforesaid right to use and occupy it and to dispose of any improvements thereon, and make the necessary entries in his registers and thereupon the said title deed shall serve and avail for all purposes as the title deed of the Trust to the said land."  
50  
55

7. Section *twenty-one* of the principal Act is hereby amended by the substitution in sub-section (1) for the words "or which has been transferred by the Trust to a native" of the words "and all land in a released area of which a native is the registered  
60 owner or which is registered in the name of the Minister or any other person in trust for a native, a native tribe or a native community, or which is registered in the name of a native who has died,".

Amendment of section 21 of Act 18 of 1936.

8. Section *twenty-eight* of the principal Act is hereby amended  
65 by the substitution in sub-section (1) for the word "district" where it occurs for the first and the second times of the word "area" and by the substitution for the words "of the Department of Native Affairs" of the words "designated by the Minister".

Amendment of section 28 of Act 18 of 1936, as amended by section 7 of Act 18 of 1954.

9. Section *twenty-nine* of the principal Act is hereby amended  
70 by the substitution for the word "district" wherever it occurs in sub-sections (1), (3) and (5) of the word "area".

Amendment of section 29 of Act 18 of 1936, as amended by section 8 of Act 18 of 1954.

Wysiging van artikel 49 van Wet 18 van 1936, soos deur artikel 14 van Wet 18 van 1954 gewysig.

10. Artikel *nege-en-veertig* van die Hoofwet word hiermee gewysig deur in die woordskrywing van „distrik” die woorde „of ’n plakker-diensbodeskontroleraad” te skrap.

Wysiging van die Eerste Bylae van Wet 18 van 1936.

11. Die Eerste Bylae van die Hoofwet word hiermee gewysig deur die volgende by Deel II te voeg:

5

„GEBIED No. 49.

DISTRIK BABANANGO.

*Omskrywing*—Die volgende grond (met inbegrip van enige onderverdelings daarvan) voorheen in die distrik Vryheid geleë:

10

Die gedeelte van Duikerfontein No. 528 ten suide van die Wit Umfolosierivier, Welvergund No. 405, Welverdiend No. 271, Malta No. 514, Mount Sophia No. 359, Hardenarbeid No. 346, Request No. 283, Weltevreden No. 205, Strangers Rest No. 362, 15 Dwarsrivier No. 259, Welgekozen No. 191, en Koningsdal No. 220.”.

Onttrekking van sekere grond van oopgestelde gebiede.

12. Die gedeelte van die plaas Duikerfontein No. 528 ten noorde van die Wit Umfolosierivier in die distrik Vryheid in die provinsie Natal word hiermee onttrek van die oopgestelde 20 gebiede in artikel *twee* van die Hoofwet vermeld en word Kroongrond.

Kort titel.

13. Hierdie Wet heet die Wysigingswet op Naturelletrust en -grond, 1956.

10. Section *forty-nine* of the principal Act is hereby amended by the deletion in the definition of "district" of the words "or a labour tenants control board".

Amendment of section 49 of Act 18 of 1936, as amended by section 14 of Act 18 of 1954.

11. The First Schedule to the principal Act is hereby amended 5 by the addition to Part II of the following:

Amendment of the First Schedule to Act 18 of 1936.

"AREA NO. 49.

#### DISTRICT OF BABANANGO.

10 *Description*—The following land (including any subdivisions thereof) formerly situated in the district of Vryheid:

15 The portion of Duikerfontein No. 528 to the South of the White Umfolosi River, Welvergund No. 405, Welverdiend No. 271, Malta No. 514, Mount Sophia No. 359, Hardenarbeid No. 346, Request No. 283, Weltevreden No. 205, Strangers Rest No. 362, Dwarsrivier No. 259, Welgekozen No. 191, and Koningsdal No. 220."

12. The portion of the farm Duikerfontein No. 528 to the north of the White Umfolosi River in the district of Vryheid in 20 the province of Natal is hereby excised from the released areas referred to in section *two* of the principal Act and becomes Crown land.

Excision of certain land from released areas.

13. This Act shall be called the Native Trust and Land Short title. Amendment Act, 1956.