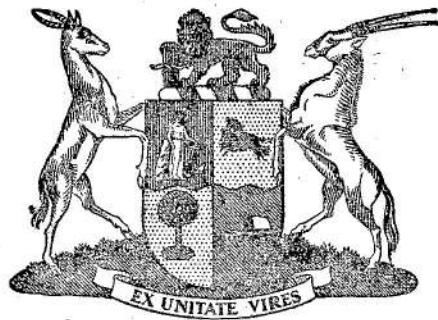


BUITENGEWONE



EXTRAORDINARY

Staatskoerant

VAN DIE REPUBLIEK VAN SUID-AFRIKA

THE REPUBLIC OF SOUTH AFRICA

Government Gazette

[Geregistreer by die Hoofposkantoor as 'n Nuusblad.]

[Registered at the General Post Office as a Newspaper.]

VOL. IX.]

PRYS 5c

KAAPSTAD, 3 JULIE 1963.
CAPE TOWN, 3RD JULY, 1963.

PRICE 5c

[No. 543.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 986.]

[3 Julie 1963.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wette wat hierby ter algemene inligting gepubliseer word:—

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DEPARTMENT OF THE PRIME MINISTER.

No. 986.]

[3rd July, 1963.

It is hereby notified that the State President has assented to the following Acts which are hereby published for general information:—

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No. 67, 1963.]

ACT

To amend the Extension of University Education Act, 1959, and the University College of Fort Hare Transfer Act, 1959.

*(Afrikaans text signed by the State President.)
(Assented to 26th June, 1963.)*

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Insertion of section 3bis in Act 45 of 1959.

1. (1) The following section is hereby inserted in the Extension of University Education Act, 1959 (hereinafter referred to as the principal Act), after section *three*:

"Accounts and audit. **3bis.** (1) The council of a university college shall cause a full and correct account to be kept of all moneys received or expended by it and of all its assets and liabilities and of all its financial transactions.

(2) The books and statements of account and balance sheet of any such council shall be audited annually by the Controller and Auditor-General.”.

(2) Sub-section (1) shall be deemed to have come into operation on the nineteenth day of June, 1959.

Substitution of section 25 of Act 45 of 1959.

2. The following section is hereby substituted for section *twenty-five* of the principal Act:

"Appointment, promotion, etc. **25.** (1) The power to appoint, promote, transfer, second or discharge any person employed at a university college in a State post, shall be vested in the Minister: Provided that, with regard to teaching staff, the Minister shall act only after consultation with the council.

(2) The power to appoint, promote, transfer, second or discharge any person employed at a university college in a council post, shall be vested in the council: Provided that every appointment, promotion, transfer, secondment or discharge by the council shall be subject to the approval of the Minister.”.

Insertion of section 28bis in Act 45 of 1959.

Secondment of persons employed at university colleges.

3. (1) The following section is hereby inserted in the principal Act after section *twenty-eight*:

28bis. Every person employed at a university college may, with his own consent, be seconded either for a particular service or for a period of time to the service of any office, department or administration of the Government of the Republic (including any provincial administration, the South African Railways and Harbours Administration and the administration of the territory of South-West Africa) or of any office, department or administration of any other Government, or to the service of any board, institution or body established by or under any law or of any other body or person, upon such conditions as may be determined, in the case of a person employed in a State post, by the Minister, and, in the case of a person employed in a council post, by the council with the approval of the Minister, and any such person shall, while so seconded, remain subject to the provisions of this Act: Provided that in the application of the disciplinary provisions of this Act, the head of the office, department or administration or the chief executive officer of the board, institution or body or such other person to whose service such person is seconded, shall have all the powers vested in the rector of the university college concerned: Provided further that, notwithstanding anything to the contrary in this section contained, the pro-

No. 67, 1963.]

WET

Tot wysiging van die Wet op Uitbreiding van Universiteitsopleiding, 1959, en die Wet op Oordrag van die Universiteitskollege Fort Hare, 1959.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 26 Junie 1963.)*

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. (1) Die volgende artikel word hierby na artikel *drie* van die Wet op Uitbreiding van Universiteitsopleiding, 1959 (hieronder die Hoofwet genoem), ingevoeg: Invoeging van artikel 3bis in Wet 45 van 1959.

„Rekenings 3bis. (1) Die raad van 'n universiteitskollege laat volledige en juiste rekenings van alle gelde deur hom ontvang of bestee en van al sy bates en laste en van al sy finansiële transaksies hou.

(2) Die boeke en rekenings en balansstaat van enige sodanige raad word jaarliks deur die Kontroleur en Ouditeur-generaal geouditeer.”.

(2) Sub-artikel (1) word geag op die negentiende dag van Junie 1959 in werking te getree het.

2. Artikel *vyf-en-twintig* van die Hoofwet word hierby deur die volgende artikel vervang: Vervanging van artikel 25 van Wet 45 van 1959.

„Aanstellingsbevordering, ens. van personeel. 25. (1) Die bevoegdheid om 'n persoon wat by 'n universiteitskollege in 'n Staatspos in diens geneem word of is, aan te stel, te bevorder, oor te plaas, tydelik af te staan of te ontslaan, berus by die Minister: Met dien verstande dat met betrekking tot doserende personeel, die Minister slegs na oorlegpleging met die raad handel.

(2) Die bevoegdheid om 'n persoon wat by 'n universiteitskollege in 'n raadpos in diens geneem word of is, aan te stel, te bevorder, oor te plaas, tydelik af te staan of te ontslaan, berus by die raad: Met dien verstande dat elke aanstelling, bevordering, oorplasing, tydelike afstaan of ontslag deur die raad aan die Minister se goedkeuring onderworpe is.”.

3. (1) Die volgende artikel word hierby na artikel *agt-en-twintig* in die Hoofwet ingevoeg: Invoeging van artikel 28bis in Wet 45 van 1959.

„Tydelike afstaan van personeel in diens by universiteitskolleges. 28bis. Elke persoon wat by 'n universiteitskollege in diens is, kan, met sy eie toestemming, tydelik afgestaan word, hetsy vir 'n besondere diens of vir 'n tydperk, aan die diens van enige kantoor, departement of administrasie van die Regering van die Republiek (met inbegrip van enige provinsiale administrasie, die administrasie van die Suid-Afrikaanse Spoorweë en Hawens en die administrasie van die gebied Suidwes-Afrika) of van enige kantoor, departement of administrasie van enige ander Regering, of aan die diens van enige raad, inrigting of liggaaam wat by of kragtens een of ander wetsbepaling ingestel is of van enige ander liggaaam of persoon, op die voorwaardes wat, in die geval van 'n persoon in diens in 'n Staatspos, deur die Minister, en in die geval van 'n persoon in diens in 'n raadpos, deur die raad met die goedkeuring van die Minister, bepaal word, en so 'n persoon bly, terwyl hy aldus afgestaan is, onderworpe aan die bepalings van hierdie Wet: Met dien verstande dat by die toepassing van die tugbepalings van hierdie Wet die hoof van die kantoor, departement of administrasie of die uitvoerende hoofbeampte van die raad, inrigting of liggaaam of sodanige ander persoon aan wie se diens bedoelde persoon tydelik afgestaan is, al die bevoegdhede besit wat by die rektor van die betrokke universiteitskollege berus: Met dien verstande voorts dat, ondanks andersluidende bepalings van hierdie artikel, die bepalings van artikel *elf* en sub-artikel

visions of section *eleven* and sub-section (11) of section *seventy-three* of the Pensions Act shall apply in respect of any person referred to in sub-section (1) of section *twenty-seven* of this Act who is so seconded.”.

(2) Sub-section (1) shall be deemed to have come into operation on the nineteenth day of June, 1959.

Amendment of
section 29 of
Act 45 of 1959.

Amendment of
section 37 of
Act 45 of 1959.

Insertion of
section 2bis in
Act 64 of 1959.

Substitution of
section 26 of
Act 64 of 1959.

Insertion of
section 29bis in
Act 64 of 1959.

4. Section *twenty-nine* of the principal Act is hereby amended by the deletion in sub-section (1) of the word “first”.

5. Section *thirty-seven* of the principal Act is hereby amended by the substitution in sub-section (1) for the words “*eighteen, nineteen*” of the words “*eighteen and nineteen*”, sub-section (2) of section *twenty-four*, sections *twenty-five*.

6. (1) The following section is hereby inserted in the University College of Fort Hare Transfer Act, 1959 (hereinafter referred to as the Fort Hare Act), after section *two*:

“Accounts and audit. 2bis. (1) The council shall cause a full and correct account to be kept of all moneys received or expended by it and of all its assets and liabilities and of all its financial transactions.

(2) The books and statements of account and balance sheet of the council shall be audited annually by the Controller and Auditor-General.”.

(2) Sub-section (1) shall be deemed to have come into operation on the first day of April, 1963.

7. The following section is hereby substituted for section *twenty-six* of the Fort Hare Act:

“Appointment, promotion, etc. 26. (1) The power to appoint, promote, transfer, second or discharge any person employed at the university college in a State post, shall be vested in the Minister: Provided that, with regard to teaching staff, the Minister shall act only after consultation with the council.

(2) The power to appoint, promote, transfer, second, or discharge any person employed at the university college in a council post, shall be vested in the council: Provided that every appointment, promotion, transfer, secondment or discharge by the council shall be subject to the approval of the Minister.”.

8. The following section is hereby inserted in the Fort Hare Act after section *twenty-nine*:

“Secondment of persons employed at university college. 29bis. Every person employed at the university college may, with his own consent, be seconded either for a particular service or for a period of time to the service of any office, department or administration of the Government of the Republic (including any provincial administration, the South African Railways and Harbours Administration and the administration of the territory of South-West Africa) or of any office, department or administration of any other Government, or to the service of any board, institution or body established by or under any law or of any other body or person, upon such conditions as may be determined, in the case of a person employed in a State post, by the Minister, and, in the case of a person employed in a council post, by the council with the approval of the Minister, and any such person shall, while so seconded, remain subject to the provisions of this Act: Provided that in the application of the disciplinary provisions of this Act, the head of the office, department or administration or the chief executive officer of the board, institution or body or such other person to whose service such person is seconded, shall have all the powers vested in the rector of the university college: Provided further that, notwithstanding anything to the contrary in this section contained, the provisions of section *eleven* and sub-section (11) of section *seventy-three* of the Pensions Act shall apply in respect of any person referred to in sub-section (1) of section *twenty-eight* of this Act who is so seconded.”.

(11) van artikel *drie-en-sewentig* van die Pensioenwet van toepassing is ten opsigte van enige in sub-artikel (1) van artikel *sewe-en-twintig* van hierdie Wet bedoelde persoon wat aldus tydelik afgestaan word.”

(2) Sub-artikel (1) word geag op die negentiende dag van Junie 1959 in werking te getree het.

4. Artikel *nege-en-twintig* van die Hoofwet word hierby gewysig deur in sub-artikel (1) die woord „eerste” te skrap. Wysiging van artikel 29 van Wet 45 van 1959.

5. Artikel *sewe-en-dertig* van die Hoofwet word hierby gewysig deur in sub-artikel (1) die woorde „agtien, negentien” deur die woorde „agtien en negentien, sub-artikel (2) van artikel *vier-en-twintig*, artikels *wyf-en-twintig*” te vervang. Wysiging van artikel 37 van Wet 45 van 1959.

6. (1) Die volgende artikel word hierby na artikel *twee* van die Wet op Oordrag van die Universiteitskollege Fort Hare, 1959 (hieronder die Wet op Fort Hare genoem), ingevoeg: Invoeging van artikel 2bis in Wet 64 van 1959.

„**Rekenings en oudit.** (1) Die raad laat volledige en juiste rekenings van alle gelde deur hom ontvang of bestee en van al sy bates en laste en van al sy finansiële transaksies hou.

(2) Die boeke en rekenings en balansstaat van die raad word jaarliks deur die Kontroleur en Ouditeur-generaal geouditeer.”.

(2) Sub-artikel (1) word geag op die eerste dag van April 1963 in werking te getree het.

7. Artikel *ses-en-twintig* van die Wet op Fort Hare word hierby deur die volgende artikel vervang: Vervanging van artikel 26 van Wet 64 van 1959.

„**Aanstelling, bevordering, ens. van personeel.** **26.** (1) Die bevoegdheid om 'n persoon wat by die universiteitskollege in 'n Staatspos in diens geneem word of is, aan te stel, te bevorder, oor te plaas, tydelik af te staan of te ontslaan, berus by die Minister: Met dien verstande dat met betrekking tot doserende personeel, die Minister slegs na oorlegpleging met die raad handel.

(2) Die bevoegdheid om 'n persoon wat by die universiteitskollege in 'n raadspos in diens geneem word of is, aan te stel, te bevorder, oor te plaas, tydelik af te staan of te ontslaan, berus by die raad: Met dien verstande dat elke aanstelling, bevordering, oorplasing, tydelike afstaan of ontslag deur die raad aan die Minister se goedkeuring onderworpe is.”.

8. Die volgende artikel word hierby na artikel *nege-en-twintig* in die Wet op Fort Hare ingevoeg: Invoeging van artikel 29bis in Wet 64 van 1959.

„**Tydelike afstaan van personeel by universiteitskollege in diens.** **29bis.** Elke persoon wat by die universiteitskollege in diens is, kan, met sy eie toestemming, tydelik afgestaan word, hetsy vir 'n besondere diens of vir 'n tydperk, aan die diens van enige kantoor, departement of administrasie van die Regering van die Republiek (met inbegrip van enige provinsiale administrasie, die administrasie van die Suid-Afrikaanse Spoorweë en Hawens en die administrasie van die gebied Suidwes-Afrika) of van enige kantoor, departement of administrasie van enige ander Regering, of aan die diens van enige raad, inrigting of liggaam wat by of kragtens een of ander wetsbepaling ingestel is of van enige ander liggaam of persoon, op die voorwaardes wat, in die geval van 'n persoon in diens in 'n Staatspos, deur die Minister, en in die geval van 'n persoon in diens in 'n raadspos, deur die raad met die goedkeuring van die Minister, bepaal word, en so 'n persoon bly, terwyl hy aldus afgestaan is, onderworpe aan die bepalings van hierdie Wet: Met dien verstande dat by die toepassing van die tugbepalings van hierdie Wet die hoof van die kantoor, departement of administrasie of die uitvoerende hoofbeampte van die raad, inrigting of liggaam of sodanige ander persoon aan wie se diens bedoelde persoon tydelik afgestaan is, al die bevoegdhede besit wat by die rektor van die universiteitskollege berus: Met dien verstande voorts dat ondanks andersluidende bepalings van hierdie artikel, die bepalings van artikel *elf* en sub-artikel (11) van artikel *drie-en-sewentig* van die Pensioenwet van toepassing is ten opsigte van enige in sub-artikel (1) van artikel *agt-en-twintig* van hierdie Wet bedoelde persoon wat aldus tydelik afgestaan word.”.

Amentment of
section 30 of
Act 64 of 1959.

Amendment of
section 36 of
Act 64 of 1959.

9. Section *thirty* of the Fort Hare Act is hereby amended by the deletion in sub-section (1) of the word "first".

10. Section *thirty-six* of the Fort Hare Act is hereby amended—

(a) by the substitution in sub-section (1) for the words "section *twenty* or *twenty-nine* or paragraph (a) or (b)" of the words "sections *twenty*, *twenty-five*, *twenty-six* and *twenty-nine*, and paragraphs (a) and (b)"; and

(b) by the substitution in sub-section (2) for the word "or", where it occurs for the fourth time, of the word "and".

Short title.

11. This Act shall be called the Extension of University Education Amendment Act, 1963.

- 9.** Artikel *dertig* van die Wet op Fort Hare word hierby Wysiging van gewysig deur in sub-artikel (1) die woord „eerste” te skrap. artikel 30 van Wet 64 van 1959.
- 10.** Artikel *ses-en-dertig* van die Wet op Fort Hare word hier- by gewysig— Wysiging van artikel 36 van Wet 64 van 1959.
(a) deur in sub-artikel (1) die woorde „artikel *twintig* of *nege-en-twintig*, of paragraaf (a) of (b)” deur die woorde „artikels *twintig*, *vyf-en-twintig*, *ses-en-twintig* en *nege-en-twintig*, en paragrawe (a) en (b)” te vervang; en
(b) deur in sub-artikel (2) die woord „of”, waar dit die tweede maal voorkom, deur die woord „en” te vervang.
- 11.** Hierdie Wet heet die Wysigingswet op Uitbreidung van Kort titel. Universiteitsopleiding, 1963.

No. 68, 1963.]

ACT

To amend the Indians Relief Act, 1914 (Act No. 22 of 1914), the Admission of Persons to the Union Regulation Act, 1913 (Act No. 22 of 1913) and the Immigration and Indian Relief (Further Provision) Act, 1927 (Act No. 37 of 1927); to repeal the Indian Immigration Law, 1891 (Law No. 25 of 1891 of Natal), Act No. 2 of 1907 of Natal, the Asiatic Law Amendment Act, 1907 (Act No. 2 of 1907 of Transvaal), the Asiatics Registration Amendment Act, 1908 (Act No. 36 of 1908 of Transvaal) and the Indian Marriages Validation Act, 1944 (Act No. 8 of 1944); and to provide for matters incidental thereto.

*(English text signed by the State President.)
(Assented to 26th June, 1963.)*

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Repeal of
section 1 of
Act 22 of 1914.

1. Section *one* of the Indians Relief Act, 1914 (hereinafter referred to as the principal Act), is hereby repealed.

Amendment of
section 2 of Act 22
of 1914.

2. Section *two* of the principal Act is hereby amended—
(a) by the deletion in sub-section (1) of the words “(whether appointed under this Act or under any other law);”; and
(b) by the addition to the said sub-section of the following proviso:

“Provided that the said union shall, if it is registered after a date to be fixed by the Minister of Indian Affairs by notice in the *Gazette*, become a valid and binding marriage as from the date of such registration.”.

Repeal of section 4
of Act 22 of 1914.

3. Section *four* of the principal Act is hereby repealed.

Amendment of
section 6 of Act 22
of 1914, as
amended by
section 11 of Act
37 of 1927 and
section 18 of Act
45 of 1931.

4. Section *six* of the principal Act is hereby amended by the deletion in sub-section (1) of the words “or out of the funds of the Indian Immigration Bureau” and the words “(other than an Indian who is or may become entitled under Law No. 25 of 1891, Natal, or any amendment thereof, to a free passage to India)”.

Validation of
registration of
marriages under
Law 25 of 1891 of
Natal and Act 22
of 1914.

5. (1) Subject to the provisions of this section, any marriage registered by any magistrate in the Province of Natal or by the Protector or Assistant Protector of Indian Immigrants or by the Minister of the Interior by virtue of the powers granted to him by section *three* of the Indian Immigration Bureau Transfer Act, 1949 (Act No. 31 of 1949), under section *seventy* of the Indian Immigration Law, 1891 (Law No. 25 of 1891 of Natal), between the third day of September, 1891, and the date of commencement of this Act, shall be deemed to have been validly registered and to be a valid and binding marriage in law as from the date of such registration, notwithstanding that such registration may have been contrary to the provisions of the law requiring such registration.

(2) Subject to the provisions of this section, any marriage which has been registered under section *two* of the principal Act between the second day of July, 1914, and the date of commencement of this Act, shall be deemed to have been validly registered and to be a valid and binding marriage in law as from the date referred to in the said section, notwithstanding that at the time of such registration the law did not permit of the registration of the marriage under the said section.

(3) The provisions of sub-section (1) or (2) shall not apply to any marriage registered under section *seventy* of the Indian Immigration Law, 1891 (Law No. 25 of 1891 of Natal) or section *two* of the principal Act, which has been dissolved or declared to be invalid by a competent court of law prior to the commencement of this Act.

No. 68, 1963.]

WET

Om die „Indiërs Verlichting Wet, 1914” (Wet No. 22 van 1914), die „Wet tot Regeling van Toelating van Personen tot de Unie, 1913” (Wet No. 22 van 1913) en die Immigrasie en Indiërs Verligting (Verdere Voorsienings) Wet, 1927 (Wet No. 37 van 1927), te wysig; om die „Indian Immigration Law, 1891” (Wet No. 25 van 1891 van Natal), Wet No. 2 van 1907 van Natal, die „Asiatic Law Amendment Act, 1907” (Wet No. 2 van 1907 van Transvaal), die „Asiatics Registration Amendment Act, 1908” (Wet No. 36 van 1908 van Transvaal) en die Wet tot Geldigverklaring van Indiërhuwelike, 1944 (Wet No. 8 van 1944) te herroep; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 26 Junie 1963.)*

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

- | | |
|---|---|
| <p>1. Artikel <i>een</i> van die „Indiërs Verlichting Wet, 1914” (hieronder die Hoofwet genoem), word hierby herroep.</p> <p>2. Artikel <i>twoe</i> van die Hoofwet word hierby gewysig—</p> <p>(a) deur in sub-artikel (1) die woorde „(hetzij kragtens deze Wet of kragtens een andere wet aangesteld)” te skrap; en</p> <p>(b) deur by genoemde sub-artikel die volgende voorbehoudsbepaling te voeg:</p> <p style="padding-left: 20px;">„Met dien verstande dat bedoelde vereniging, indien het na een datum door die Minister van Indiërzaken bij kennisgeving in die <i>Staatskoerant</i> bepaald te worden geregistreerd word, een geldig en bindend huwelik word vanaf die datum van zodanige registratie.”.</p> | <p style="text-align: right;">Herroeping van artikel 1 van Wet 22 van 1914.</p> <p style="text-align: right;">Wysiging van artikel 2 van Wet 22 van 1914.</p> |
| <p>3. Artikel <i>vier</i> van die Hoofwet word hierby herroep.</p> | <p style="text-align: right;">Herroeping van artikel 4 van Wet 22 van 1914.</p> |
| <p>4. Artikel <i>ses</i> van die Hoofwet word hierby gewysig deur in sub-artikel (1) die woorde „of uit gelden van het Indiese Immigratie bureau” en die woorde „(behalve een Indiërs die ingevolge Wet 25 van 1891—Natal—of een wijziging daarvan, gerechtigd is of mocht worden tot vrije overtocht naar Indië)” te skrap.</p> | <p style="text-align: right;">Wysiging van artikel 6 van Wet 22 van 1914, soos gewysig deur artikel 11 van Wet 37 van 1927 en artikel 18 van Wet 45 van 1931.</p> |
| <p>5. (1) Behoudens die bepalings van hierdie artikel, word 'n huwelik wat deur 'n landdros in die provinsie Natal of deur die Beskermer of Assistent-Beskermer van Indiese Immigrante of deur die Minister van Binnelandse Sake uit hoofde van bevoegdheid aan hom by artikel <i>drie</i> van die Wet op die Oordrag van die Indiërimmigrasieburo, 1949 (Wet No. 31 van 1949), verleen, kragtens artikel <i>sewentig</i> van die „Indian Immigration Law, 1891” (Wet No. 25 van 1891 van Natal), tussen die derde dag van September 1891 en die datum van inwerkingtreding van hierdie Wet, geregistreer is, geag geldiglik geregistreer te gewees het en vanaf die datum van die registrasie regtens 'n geldige en bindende huwelik te wees, ondanks die feit dat die registrasie in stryd mag gewees het met die bepalings van die wet wat die registrasie vereis.</p> <p>(2) Behoudens die bepalings van hierdie artikel, word 'n huwelik wat kragtens artikel <i>twoe</i> van die Hoofwet tussen die tweede dag van Julie 1914 en die datum van inwerkingtreding van hierdie Wet geregistreer is, geag geldiglik geregistreer te gewees het en vanaf die datum waarna in genoemde artikel verwys word, regtens 'n geldige en bindende huwelik te wees, ondanks die feit dat ten tyde van die registrasie dit regtens nie veroorloof was om die huwelik kragtens genoemde artikel te registreer nie.</p> <p>(3) Die bepalings van sub-artikel (1) of (2) is nie op 'n huwelik wat kragtens artikel <i>sewentig</i> van die „Indian Immigration Law, 1891” (Wet No. 25 van 1891 van Natal), of artikel <i>twoe</i> van die Hoofwet geregistreer is en wat voor die inwerkingtreding van hierdie Wet deur 'n bevoegde geregshof ontbind of ongeldig verklaar is, van toepassing nie.</p> | <p style="text-align: right;">Geldigverklaring van registrasie van huwelike kragtens Wet 25 van 1891 van Natal en Wet 22 van 1914.</p> |

(4) The provisions of sub-section (1) or (2) shall not apply if, subsequent to the marriage and prior to the commencement of this Act and at a time when both parties were still alive, one of them entered into a union with a third party which is recognized in law as a valid marriage.

(5) If the estate of any party to—

(a) a marriage validated by the Indian Marriages Validation Act, 1944 (Act No. 8 of 1944), has been sequestered under the provisions of the Insolvency Act, 1936 (Act No. 24 of 1936), or of any prior law, before the thirty-first day of March, 1944; or

(b) a marriage (other than a marriage referred to in paragraph (a)) validated by this Act has been sequestered under the provisions of the Insolvency Act, 1936, before the commencement of this Act,

the insolvent estate of that party shall be liquidated and distributed in all respects as if this Act had not come into operation.

(6) If any party to—

(a) a marriage validated by the Indian Marriages Validation Act, 1944, has died before the thirty-first day of March, 1944; or

(b) a marriage (other than a marriage referred to in paragraph (a)) validated by this Act has died before the date of commencement of this Act,

the deceased estate of that party shall only be administered on the basis of a valid marriage if, at the thirty-first day of March, 1944, in the case of a marriage referred to in paragraph (a) or at the said date, in the case of a marriage referred to in paragraph (b), letters of administration have not been issued by the Master of the Supreme Court to any executor in respect of the estate, or if, in the case of an estate not exceeding two hundred rand, no directions have, at the thirty-first day of March, 1944, or at the said date, been given by the Master under sub-section (1) of section *sixty-five* of the Administration of Estates Act, 1913 (Act No. 24 of 1913), and in all other cases the estate shall be administered and distributed in all respects as if this Act had not come into operation.

(7) All marriages registered under section *seventy* of the Indian Immigration Law, 1891 (Law No. 25 of 1891 of Natal), which have been dissolved in terms of section *seventy-eight* of the said law by order of any magistrate in the Province of Natal, except where such order has been reversed upon appeal to the Supreme Court under the provisions of section *seventy-nine* of the said law, shall be deemed to have been correctly dissolved with effect from the date stated in such order.

Proof of registration or dissolution of marriages under Law 25 of 1891 of Natal.

6. Whenever it shall be necessary in any court, civil or criminal, to prove the registration or dissolution of any marriage under the provisions of the Indian Immigration Law, 1891 (Law No. 25 of 1891 of Natal), it shall be competent for any person to prove the same by the production of a copy of the register kept by the Protector of Indian Immigrants, a magistrate, a minister of the Christian religion or a marriage officer, provided that such copy be certified under the hand of the said person who kept such register or of his successor in office.

Repeal of laws.

7. The laws specified in the Schedule to this Act are hereby repealed to the extent set forth in the third column thereof.

Short title and date of commencement.

8. This Act shall be called the Indians Laws Amendment Act, 1963, and shall come into force on a date to be fixed by the State President by proclamation in the *Gazette*.

(4) Die bepalings van sub-artikel (1) of (2) is nie van toepassing nie indien een van die partye na die huwelik en voor die inwerkingtreding van hierdie Wet en terwyl hulle albei nog in lewe was, met 'n derde persoon 'n verbintenis aangegaan het wat regtens as 'n geldige huwelik erken word.

(5) Indien die boedel van 'n party by—

- (a) 'n huwelik wat deur die Wet tot Geldigverklaring van Indiërhuwelike, 1944 (Wet No. 8 van 1944), geldig verklaar is, kragtens die bepalings van die Insolvensie Wet, 1936 (Wet No. 24 van 1936), of van 'n vorige wet, voor die een-en-dertigste dag van Maart 1944 gesekwestreer is; of
- (b) 'n huwelik (behalwe 'n in paragraaf (a) bedoelde huwelik) wat deur hierdie Wet geldig verklaar is, kragtens die bepalings van die Insolvensie Wet, 1936, voor die inwerkingtreding van hierdie Wet gesekwestreer is, word die insolvente boedel van daardie party in alle opsigte gelikwiede en verdeel asof hierdie Wet nie in werking getree het nie.

(6) Indien 'n party by—

- (a) 'n huwelik wat deur die Wet tot Geldigverklaring van Indiërhuwelike, 1944, geldig verklaar is, voor die een-en-dertigste dag van Maart 1944 oorlede is; of
 - (b) 'n huwelik (behalwe 'n in paragraaf (a) bedoelde huwelik) wat deur hierdie Wet geldig verklaar is, voor die datum van inwerkingtreding van hierdie Wet oorlede is,
- word die bestorwe boedel van daardie party alleen dan op die basis van 'n geldige huwelik beredder, as die Meester van die Hooggereghof op die een-en-dertigste dag van Maart 1944 in die geval van 'n in paragraaf (a) bedoelde huwelik, of op genoemde datum, in die geval van 'n in paragraaf (b) bedoelde huwelik, nog nie brieve van administrasie aan die eksekuteur ten opsigte van die boedel uitgereik het nie, of as, in die geval van 'n boedel van hoogstens tweehonderd rand die Meester op die een-en-dertigste dag van Maart 1944 of op genoemde datum nog geen voorskrifte ingevolge sub-artikel (1) van artikel *vyf-en-sestig* van die Boedelwet, 1913 (Wet No. 24 van 1913), gegee het nie, en in alle ander gevalle word die boedel in alle opsigte beredder en verdeel asof hierdie Wet nie in werking getree het nie.

(7) Alle huwelike wat kragtens artikel *sewentig* van die „Indian Immigration Law, 1891“ (Wet No. 25 van 1891 van Natal), geregistreer is en wat ingevolge artikel *agt-en-sewentig* van genoemde wet by bevel van 'n landdros in die provinsie Natal ontbind is, word, behalwe waar daardie bevel op appèl na die Hooggereghof kragtens die bepalings van artikel *nege-en-sewentig* van genoemde wet, omvergewerp is, geag vanaf die datum in daardie bevel vermeld, behoorlik ontbind te gewees het.

6. Wanneer dit in 'n siviele hof of strafhof nodig is om die registrasie of ontbinding van 'n huwelik kragtens die bepalings van die „Indian Immigration Law, 1891“ (Wet No. 25 van 1891 van Natal), te bewys, kan enige persoon dit bewys deur 'n afskrif van die register wat deur die Beskermer van Indiese Immigrante, 'n landdros, 'n leraar van die Christelike godsdiens of 'n huweliksbevestiger gehou is, voor te lê, mits sodanige afskrif gesertifiseer is onder die handtekening van bedoelde persoon wat sodanige register gehou het of van sy ampsopvolger.

Bewys van
registrasie of
ontbinding van
huwelike kragtens
Wet 25 van 1891
van Natal.

**7. Die wette in die Bylae by hierdie Wet vermeld word hierby Herroeping van
herroep vir sover in die derde kolom daarvan uiteengesit.**

**8. Hierdie Wet heet die Wysigingswet op Indiërwetgewing, Kort titel en datum
1963, en tree in werking op 'n datum deur die Staatspresident van inwerking-
by proklamasie in die *Staatskoerant* bepaal te word.**

Schedule.

Province or Republic.	No. and year of Law.	Title or Subject matter.	Extent of Repeal.
Natal ..	Law No. 25 of 1891 ..	Indian Immigration Law, 1891.	In so far as it has not been repealed.
	Act No. 2 of 1907 ..	To make certain provisions relative to Marriages of Indian Immigrants.	The whole.
Transvaal ..	Act No. 2 of 1907 ..	Asiatic Law Amendment Act, 1907.	In so far as it has not been repealed.
” ..	Act No. 36 of 1908 ..	Asiatics Registration Amendment Act, 1908.	In so far as it has not been repealed.
Republic ..	Act No. 22 of 1913 ..	Admission of Persons to the Union Regulation Act, 1913.	Section <i>twenty-eight</i> .
” ..	Act No. 37 of 1927 ..	Immigration and Indian Relief (Further Provision) Act, 1927.	Sections <i>twelve, thirteen, fourteen and fifteen</i> .
” ..	Act No. 8 of 1944 ..	Indian Marriages Validation Act, 1944.	The whole.

Bylae.

Provincie of Republiek.	No. en jaar van wet.	Titel of onderwerp.	In hoeverre herroep.
Natal ..	Wet No. 25 van 1891	„Indian Immigration Law, 1891”.	Vir sover dit nie herroep is nie.
	Wet No. 2 van 1907	„To make certain provisions relative to Marriages of Indian Immigrants”.	Die geheel.
Transvaal ..	Wet No. 2 van 1907	„Asiatic Law Amendment Act, 1907”.	Vir sover dit nie herroep is nie.
	Wet No. 36 van 1908	„Asiatics Registration Amendment Act, 1908”.	Vir sover dit nie herroep is nie.
Republiek..	Wet No. 22 van 1913	„Wet tot Regeling van Toelating van Personen tot de Unie, 1913”.	Artikel <i>agi-en-twintig</i> .
	Wet No. 37 van 1927	Immigrasie en Indiërs Verligting (Verdere Voorseenings) Wet, 1927.	Artikels <i>twaalf, dertien, veertien en vyftien</i> .
	Wet No. 8 van 1944	Wet tot Geldigverklaring van Indiërhuwelike, 1944.	Die geheel.

No. 69, 1963.]

ACT

To amend the Building Societies Act, 1934.

(Afrikaans text signed by the State President.)
(Assented to 27th June, 1963.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 62 of 1934, as amended by section 1 of Act 77 of 1961.

Amendment of section 24 of Act 62 of 1934, as amended by section 3 of Act 39 of 1941, section 7 of Act 24 of 1942, section 8 of Act 28 of 1943, section 4 of Act 33 of 1946, section 21 of Act 33 of 1949, section 3 of Act 28 of 1955, section 4 of Act 47 of 1960 and section 26 of Act 77 of 1961.

1. Section one of the Building Societies Act, 1934 (hereinafter referred to as the principal Act), is hereby amended with effect from the commencement thereof by the substitution for sub-section (2) of the following sub-section:

“(2) For the purposes of this Act the expression ‘building society’ means an association of persons the principal object of which is the making, out of funds derived from the issue of shares to and the acceptance of deposits from the public or from subscriptions by members, of advances for any purpose upon the security of the mortgage of urban immovable property.”.

2. Section twenty-four of the principal Act is hereby amended—

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

“(a) subject to the provisions of this section, in advances or readvances to members and others on the security of reducible or fixed term mortgage of urban immovable property situate within the Union;”; and

(b) by the substitution for sub-section (1)*bis* of the following sub-section:

“(1)*bis* (a) A society shall not make against the security of a mortgage of urban immovable property an advance exceeding—

(i) ten thousand pounds or ten per cent of the sum of its indefinite share capital and statutory reserve as at the close of its last preceding financial year, whichever is the greater amount, nor exceeding in any event two hundred thousand pounds; or

(ii) five thousand pounds or ten per cent of its indefinite share capital, whichever is the lesser amount, in the case of a society which has not completed its first financial year.

(b) The sum total of all advances on each of which there is owing to a society an aggregate sum in excess of five thousand pounds shall at no time exceed the percentage set out in the second column hereunder, in relation in each case to the total assets of the society, as severally set out in the first column:

<i>Total assets of society as at the close of its last preceding financial year.</i>	<i>Maximum percentage of advances on each of which there is owing over £5,000.</i>
Not exceeding £500,000	7½
Not exceeding £1,000,000	12½
Not exceeding £5,000,000	15
Not exceeding £10,000,000	20
Exceeding £10,000,000	25

(c) The registrar may, subject to such conditions and limitations as he may prescribe, allow a society to exceed the limit applicable to it in terms of paragraph (b) of this sub-section for such period or periods as he may deem fit, not exceeding twelve months each or a maximum period of five years in all—

(i) where the society exceeds such limit owing to a reduction in its assets; and

No. 69, 1963.]

WET

Tot wysiging van die Bouverenigingswet, 1934.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 27 Junie 1963.)*

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. Artikel een van die Bouverenigingswet, 1934 (hieronder Wysiging van die Hoofwet genoem), word hierby gewysig met ingang van die inwerkingtreding daarvan deur sub-artikel (2) deur die volgende sub-artikel te vervang:

„(2) By die toepassing van hierdie Wet beteken die uitdrukking ‚bouvereniging’ ’n vereniging van persone waarvan die hoofdoel is om uit fondse verkry deur die uitreiking van aandele aan en die aanname van deposito’s van die publiek of van subskripsies deur lede, voorskotte vir enige doel teen sekuriteit van verband op stedelike onroerende eiendom te maak.”

2. Artikel vier-en-twintig van die Hoofwet word hierby gewysig—

(a) deur paragraaf (a) van sub-artikel (1) deur die volgende paragraaf te vervang:

„(a) onderworpe aan die bepalings van hierdie artikel, in voorskotte of hervoorskotte aan lede en ander persone teen sekuriteit van ’n verminderbare of vaste termyn-verband op stedelike onroerende eiendom geleë binne die Unie;”; en

(b) deur sub-artikel (1)*bis* deur die volgende sub-artikel te vervang:

„(1)*bis* (a) ’n Vereniging maak nie teen sekuriteit van ’n verband op stedelike onroerende eiendom ’n voorskot wat meer bedra nie as—

(i) tienduisend pond of tien persent van die totaalbedrag van sy onbepaalde aandelekapitaal en statutêre reserwe aan die einde van sy jongste voorafgaande boekjaar, watter bedrag ook al die grootste is, of wat in enige geval meer as tweehonderdduisend pond bedra nie; of

(ii) vyfduisend pond of tien persent van sy onbepaalde aandelekapitaal, watter bedrag ook al die kleinste is, in die geval van ’n vereniging waarvan die eerste boekjaar nog nie verstryk het nie.

(b) Die totaalbedrag van alle voorskotte op elkeen waarvan daar in die geheel meer as vyfduisend pond aan ’n vereniging verskuldig is, mag te gener tyd die persentasie in elke geval in die tweede kolom hieronder uiteengesit teenoor die onderskeie totale bates van die vereniging, soos in die eerste kolom uiteengesit, te bove gaan nie:

<i>Totale bates van vereniging aan die einde van sy jongste voorafgaande boekjaar.</i>	<i>Maksimum persentasie van voorskotte op elk waarvan meer as £5,000 verskuldig is.</i>
Hoogstens £500,000	$7\frac{1}{2}$
Hoogstens £1,000,000	$12\frac{1}{2}$
Hoogstens £5,000,000	15
Hoogstens £10,000,000	20
Bo £10,000,000	25

(c) Die registrator kan, onderworpe aan die voorwaardes en beperkings wat hy voorskryf, ’n vereniging toelaat om vir die tydperk of tydperke wat hy goedvind, maar hoogstens twaalf maande op ’n keer en hoogstens vyf jaar in die geheel, die perk wat ingevolge paragraaf (b) van hierdie sub-artikel vir hom van toepassing is, te oorskry—
(i) waar die vereniging bedoelde perk weens vermindering van sy bates oorskry; en

(ii) in such other cases as the registrar may determine:

Provided that the registrar shall not grant a further period of grace at the termination of any such twelve month period unless he is satisfied that the society concerned has during the said period taken all such steps as it could reasonably be expected to take to conform to the aforesaid limit.

- (d) Save with the written consent of the registrar and subject to such conditions as he may prescribe, the aggregate amount owing to a society in respect of advances secured by mortgage of vacant land shall not at any time exceed five thousand pounds or five per cent of the sum of its indefinite share capital and statutory reserve as at the close of the last preceding financial year, whichever is the greater amount, nor shall the aggregate amount owing to the society in respect of advances on vacant land situate in any one township at any time exceed two thousand five hundred pounds or one per cent of the sum of its indefinite share capital and statutory reserve as at the close of the last preceding financial year, whichever is the greater amount.
- (e) For the purposes of paragraph (d) "township" bears the meaning assigned thereto in paragraph (a) of the definition of "urban immovable property" in section *sixty-one* and includes any area subdivided into stands or industrial stands or small holdings falling within the said definition."

Application in
South-West
Africa.

3. This Act shall to the same extent as the principal Act apply also in the territory of South-West Africa.

Short title.

4. This Act shall be called the Building Societies Amendment Act, 1963.

- (ii) in die ander gevalle wat die registrator bepaal:
Met dien verstande dat die registrator nie by die verstryking van so 'n tydperk van twaalf maande verdere uitstel verleen nie tensy hy oortuig is dat die betrokke vereniging gedurende bedoelde tydperk alle stappe gedoen het wat redelikerwys van hom verwag kon word om aan voormalde perk te voldoen.
- (d) Behalwe met skriftelike toestemming van die registrator en onderworpe aan die voorwaardes wat hy voorskryf, mag die totaalbedrag wat aan 'n vereniging verskuldig is ten opsigte van voorskotte teen sekuriteit van verband oor onbeboude grond te gener tyd vyfduisend pond of vyf persent van die som van sy onbepaalde aandelekapitaal en statutêre reserwe aan die einde van sy jongste voorafgaande boekjaar, watter bedrag ook al die grootste is, te bowe gaan nie, en die totaalbedrag ten opsigte van voorskotte oor onbeboude grond geleë in 'n bepaalde dorpsgebied aan die vereniging verskuldig, mag ook te gener tyd tweeduiseend vyfhonderd pond of een persent van die som van sy onbepaalde aandelekapitaal en statutêre reserwe aan die einde van sy jongste voorafgaande boekjaar, watter bedrag ook al die grootste is, te bowe gaan nie.
- (e) By die toepassing van paragraaf (d) het 'dorpsgebied' die betekenis in paragraaf (a) van die omskrywing van 'stedelike onroerende eiendom' in artikel een-en-sestig daaraan toegeskryf en is daarby ook enige gebied inbegrepe wat onderverdeel is in standplose of industriële standplose of kleinhoewes wat binne bedoelde omskrywing val."

3. Hierdie Wet is in dieselfde mate as die Hoofwet ook in die **Toepassing in Suidwes-Afrika.**

4. Hierdie Wet heet die **Wysigingswet op Bouverenigings, Kort titel. 1963.**

No. 70, 1963.]

ACT

To provide that a reference in any law or document to the Commissioner for Inland Revenue shall be construed as a reference to the person who, in terms of the Public Service Act, 1957, is the head of the Department of Inland Revenue, and to amend the Transfer Duty Act, 1949, the Exchequer and Audit Act, 1956, and the Stamp Duties Act, 1962.

(*English text signed by the State President.*)
(Assented to 27th June, 1963.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

A reference in any law or document to Commissioner for Inland Revenue to be construed as a reference to the head of the Department of Inland Revenue.

Amendment of section 4 of Act 40 of 1949.

Amendment of section 9 of Act 40 of 1949, as amended by section 3 of Act 31 of 1953 and section 12 of Act 80 of 1959.

Amendment of section 21 of Act 40 of 1949.

Amendment of section 21 of Act 23 of 1956, as amended by section 18 of Act 77 of 1962 and section 27 of Act 6 of 1963.

Amendment of section 7 of Act 59 of 1962.

1. A reference in any law or document to the Commissioner for Inland Revenue shall be construed as a reference to the person who, in terms of the Public Service Act, 1957 (Act No. 54 of 1957), is for the time being the head of the Department of Inland Revenue.

2. Section *four* of the Transfer Duty Act, 1949, is hereby amended, with effect from the twentieth day of March, 1963, by the substitution in sub-section (1) for the word "twelve" of the words "seven and a half" and by the addition at the end of that sub-section of the following proviso:

"Provided that if in any case the said period ended before the nineteenth day of March, 1963, and the duty was not paid before the twentieth day of March, 1963, the penalty shall be calculated—

- (i) from the date of expiration of that period up to and including the nineteenth day of March, 1963, at the rate of twelve per centum per annum on the amount of the unpaid duty; and
- (ii) from the twentieth day of March, 1963, to the date of payment of the duty, at the rate of seven and a half per centum per annum on the amount of the unpaid duty.".

3. Section *nine* of the Transfer Duty Act, 1949, is hereby amended by the substitution for paragraph (b) of sub-section (1) of the following paragraph:

"(b) any divisional council, rural council, municipal council, town council, village council, town board, local board, village management board, health committee or other committee of a similar nature, or any district council or any local or general council established or deemed to have been established under the Native Affairs Act, 1959 (Act No. 55 of 1959), or the Evaton Native Township Liaison Committee as constituted under Part II of Schedule B to Proclamation No. 54 of 1959;".

4. Section *twenty-one* of the Transfer Duty Act, 1949, is hereby amended by the addition, with effect from the twentieth day of March, 1963, of the following proviso:

"Provided further that if any such duty was not paid before the twentieth day of March, 1963, any interest payable in respect of such duty under any such law shall, in respect of the period from that date to the date of payment of the duty, be calculated at the rate of seven and a half per centum per annum.".

5. Section *twenty-one* of the Exchequer and Audit Act, 1956, is hereby amended by the insertion in paragraph (a) of sub-section (4) after the word "Account" of the words "the Transkeian Revenue Fund" and after the word "Fund" of the words "the said Transkeian Revenue Fund".

6. Section *seven* of the Stamp Duties Act, 1962, is hereby amended by the substitution for sub-section (7) of the following sub-section:

"(7) If any duty is determinable by reference to the

No. 70, 1963.]

WET

Om te bepaal dat 'n verwysing in 'n wet of dokument na die Kommissaris van Binnelandse Inkomste uitgelê word as 'n verwysing na die persoon wat ingevolge die Staatsdienswet, 1957, die hoof van die Departement van Binnelandse Inkomste is, en om die Wet op Hereregte, 1949, die Skatkis- en Ouditwet, 1956, en die Seëlwet, 1962, te wysig.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 27 Junie 1963.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. 'n Verwysing in 'n wet of dokument na die Kommissaris van Binnelandse Inkomste word uitgelê as 'n verwysing na die persoon wat ingevolge die Staatsdienswet, 1957 (Wet No. 54 van 1957), op die betrokke tydstip die hoof van die Departement van Binnelandse Inkomste is.

'n Verwysing in
'n wet of
dokument na
Kommissaris van
Binnelandse
Inkomste
word uitgelê as
'n verwysing na
die hoof van die
Departement van
Binnelandse
Inkomste.

2. Artikel vier van die Wet op Hereregte, 1949, word hierby met ingang van die twintigste dag van Maart 1963 gewysig deur in sub-artikel (1) die woord „twaalf” deur die uitdrukking „sewe-en-'n-half” te vervang en die volgende voorbehoudbepaling aan die end van daardie sub-artikel by te voeg:

Wysiging van
artikel 4 van
Wet 40 van 1949.

„Met dien verstande dat indien in die een of ander geval genoemde tydperk vóór die negentiende dag van Maart 1963 geëindig het en die hereregte nie vóór die twintigste dag van Maart 1963 betaal is nie, die boete bereken word—

- (i) vanaf die datum van verstryking van daardie tydperk tot en met die negentiende dag van Maart 1963, teen die skaal van twaalf per centum per jaar op die bedrag van die onbetaalde hereregte; en
- (ii) vanaf die twintigste dag van Maart 1963 tot die datum van betaling van die hereregte, teen die skaal van sewe-en-'n-half per centum per jaar op die bedrag van die onbetaalde hereregte.”.

3. Artikel nege van die Wet op Hereregte, 1949, word hierby gewysig deur paragraaf (b) van sub-artikel (1) deur die volgende paragraaf te vervang:

Wysiging van
artikel 9 van
Wet 40 van 1949,
soos gewysig deur
artikel 3 van
Wet 31 van 1953
en artikel 12 van
Wet 80 van 1959.

„(b) 'n afdelingsraad, landelike raad, munisipale raad, stadsraad, dorpsraad, stadskomitee, plaaslike bestuursraad, dorpsbestuursraad, gesondheidskomitee of ander komitee van 'n soortgelyke aard, of 'n distrikstraad of 'n plaaslike of algemene raad ingestel of geag ingestel te wees kragtens die Wet op Naturellesake, 1959 (Wet No. 55 van 1959), of die Skakelkomitee vir Evaton-Naturelledorp soos ingestel kragtens Deel II van Bylae B by Proklamasie No. 54 van 1959.”.

4. Artikel een-en-twintig van die Wet op Hereregte, 1949, word hierby gewysig deur met ingang van die twintigste dag van Maart 1963 die volgende voorbehoudbepaling by te voeg:

Wysiging van
artikel 21 van
Wet 40 van 1949.

„Met dien verstande voorts dat indien enige sodanige hereregte nie vóór die twintigste dag van Maart 1963 betaal is nie, enige rente wat ten opsigte van sodanige hereregte kragtens enige sodanige wet betaalbaar is, ten opsigte van die tydperk vanaf daardie datum tot die datum van betaling van die hereregte teen die skaal van sewe-en-'n-half per centum per jaar bereken word.”.

5. Artikel een-en-twintig van die Skatkis- en Ouditwet, 1956, word hierby gewysig deur in paragraaf (a) van sub-artikel (4) na die woord „Skatkisrekening” die woorde „die Transkeise Inkomstefonds” en na die woord „Inkomstefonds” die woorde „genoemde Transkeise Inkomstefonds” in te voeg.

Wysiging van
artikel 21 van
Wet 23 van 1956,
soos gewysig deur
artikel 18 van
Wet 77 van 1962
en artikel 27 van
Wet 6 van 1963.

6. Artikel sewe van die Seëlwet, 1962, word hierby gewysig deur sub-artikel (7) deur die volgende sub-artikel te vervang:

Wysiging van
artikel 7 van
Wet 59 van 1962.

„(7) Indien enige seëlreg met verwysing na die bedrag

amount of any value or consideration, and that amount is in dispute, it may with the consent of the person liable for the duty be fixed by the Commissioner and shall, in the absence of such consent, be determined in the same manner as if transfer duty were payable in respect of such amount.”.

Amendment of
Item 17 of
First Schedule to
Act 59 of 1962.

7. Item 17 of the First Schedule to the Stamp Duties Act, 1962, is hereby amended by the substitution in paragraph (2) of the Afrikaans version for the words “minder as vyf jaar is” of the words “nie meer as vyf jaar is nie”.

Short title.

8. This Act shall be called the Revenue Laws Amendment Act, 1963.

van enige waarde of vergoeding bepaalbaar is en daar 'n geskil oor daardie bedrag bestaan, kan dit met die instemming van die persoon wat vir die seëlreg aanspreeklik is, deur die Kommissaris vasgestel word, en moet dit, by ontstentenis van sodanige instemming, bepaal word op dieselfde wyse asof hereregte ten opsigte van sodanige bedrag betaalbaar is.”.

7. Item 17 van die Eerste Bylae by die Seëlwet, 1962, word Wysiging van hierby gewysig deur in paragraaf (2) van die Afrikaanse teks die Item 17 van woorde „minder as vyf jaar is” deur die woerde „nie meer as Eerste Bylae by vyf jaar is nie” te vervang. Wet 59 van 1962.

8. Hierdie Wet heet die Wysigingswet op Inkomstewette, Kort titel. 1963.

No. 71, 1963.]

ACT

To amend the Public Service Act, 1957.

*(Afrikaans text signed by the State President.)
(Assented to 27th June, 1963.)*

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 54 of 1957.

1. Section *one* of the Public Service Act, 1957 (hereinafter referred to as the principal Act), is hereby amended by the addition at the end of the definition of "Commission" in sub-section (1) of the words "and in relation to any such power or function the exercise or performance of which has been so delegated to the staff board established by section *four bis*, includes that staff board".

Insertion of section 4bis in Act 54 of 1957.

2. The following section is hereby inserted in the principal Act after section *four*:

"Establishment of a staff board for the Department of Posts and Telegraphs for the

Department of Posts and Telegraphs. (2) The staff board shall consist of three members of whom one shall be a member of the Commission designated from time to time by the Commission after consultation with the Minister of the Interior, and the other two shall be officers of the Department of Posts and Telegraphs designated from time to time by the Minister of Posts and Telegraphs in consultation with the Commission.

(3) The member of the Commission so designated as a member of the staff board shall be the chairman of the staff board.

(4) Failing general agreement among the members of the staff board on any matter which in terms of a delegation under paragraph (c) of sub-section (2) of section *five* falls within its powers or functions, the Postmaster-General shall submit such matter to the Commission which shall deal with it as if the power or function concerned had not been delegated to the staff board."

Amendment of section 5 of Act 54 of 1957.

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

(a) by the addition at the end of paragraph (b) of sub-

section (2) of the word "or";

(b) by the addition to the said sub-section of the following paragraph:

"(c) in respect of the Department of Posts and Telegraphs, by the staff board under a general or special delegation from the Commission.;" and

(c) by the addition at the end of sub-section (3) of the words "except, with the approval of the Minister of the Interior, to the staff board".

Amendment of section 26 of Act 54 of 1957.

4. Section *twenty-six* of the principal Act is hereby amended by the insertion after paragraph (b) of sub-section (1) of the following paragraph:

"(bbis) the establishment and management of and control over a medical aid fund or medical aid funds for the public service, the classes of officers and employees who may be required to become members of and to contribute to such fund or funds, the scales of contributions, the rights, privileges and obligations of members, and generally all matters reasonably necessary for the regulation and operation of such fund or funds;".

Short title.

5. This Act shall be called the Public Service Amendment Act, 1963.

No. 71, 1963.]

WET

Tot wysiging van die Staatsdienswet, 1957.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 27 Junie 1963.)*

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. Artikel *een* van die Staatsdienswet, 1957 (hieronder die Hoofwet genoem), word hierby gewysig deur aan die end van die omskrywing van „Kommissie” in sub-artikel (1) die woorde „en in verband met so ’n bevoegdheid of werksaamheid waarvan die uitvoering of verrigting aldus aan die by artikel *vier bis* ingestelde personeelraad gedelegeer is, ook daardie personeelraad” by te voeg.

2. Die volgende artikel word hierby na artikel *vier* in die Hoofwet ingevoeg:

„Instelling 4bis. (1) Daar word hierby ’n personeelraad vir die Departement van Pos- en Telegraafwese (hieronder die personeelraad genoem) ingestel.

(2) Die personeelraad bestaan uit drie lede, van wie een ’n lid van die Kommissie is wat van tyd tot tyd deur die Kommissie na oorlegpleging met die Minister van Binnelandse Sake aangewys word, en die ander twee beampetes van die Departement van Pos- en Telegraafwese is wat van tyd tot tyd deur die Minister van Pos- en Telegraafwese in oorleg met die Kommissie aangewys word.

(3) Die lid van die Kommissie wat aldus as lid van die personeelraad aangewys word, is die voorzitter van die personeelraad.

(4) By gebrek aan eenstemmigheid onder die lede van die personeelraad oor enige aangeleentheid wat ingevolge ’n delegasie kragtens paragraaf (c) van sub-artikel (2) van artikel *vyf* by sy bevoegdhede of werksaamhede inbegrepe is, moet die Posmeester-generaal bedoelde aangeleentheid aan die Kommissie voorlê, wat daarmee handel asof die betrokke bevoegdheid of werksaamheid nie aan die personeelraad gedelegeer was nie.”.

3. Artikel *vyf* van die Hoofwet word hierby gewysig— Wysiging van (a) deur aan die end van paragraaf (b) van sub-artikel (2) die woorde „of” by te voeg;

(b) deur by gemelde sub-artikel die volgende paragraaf te voeg:

„(c) ten opsigte van die Departement van Pos- en Telegraafwese, deur die personeelraad ingevolge ’n algemene of spesiale delegasie van die Kommissie.”; en

(c) deur aan die end van sub-artikel (3) die woorde „dan alleen, met die goedkeuring van die Minister van Binnelandse Sake, aan die personeelraad” by te voeg.

4. Artikel *ses-en-twintig* van die Hoofwet word hierby gewysig deur na paragraaf (b) van sub-artikel (1) die volgende paragraaf in te voeg:

„(b)*bis* die instelling en bestuur van en beheer oor ’n mediese hulpfonds of mediese hulpfondse vir die staatsdiens, die klasse beampetes en werknemers van wie vereis kan word om lede van sodanige fonds of fondse te word en daar toe by te dra, die skale van die bydraes, die regte, voorregte en verpligte van lede, en in die algemeen alle aangeleenthede wat redelikerwys nodig is vir die reëling en werking van sodanige fonds of fondse.”.

5. Hierdie Wet heet die Staatsdiens-wysigingswet, 1963. Kort titel.

No. 72, 1963.]

ACT

To fix the rates of normal tax payable by persons other than companies in respect of the years of assessment ending the twenty-eighth day of February, 1963, the thirtieth day of June, 1963, the twenty-ninth day of February, 1964, and the thirtieth day of June, 1964, and by companies in respect of their financial years ending on or before the thirty-first day of December, 1963, to provide for the payment of a portion of the normal tax payable by certain companies into provincial revenue funds, to provide for the basis of calculation of any tax levied by a provincial council on the incomes of persons other than companies, and to amend the Technological Training Advancement Act, 1960, the Income Tax Act, 1962, and the Income Tax Amendment Act, 1962.

*(English text signed by the State President.)
(Assented to 27th June, 1963.)*

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Rates of normal tax.

1. The rates of normal tax to be levied in terms of sub-section (2) of section five of the Income Tax Act, 1962 (Act No. 58 of 1962), hereinafter referred to as the principal Act—

- (a) in the case of any person referred to in paragraph (b) of sub-section (1) of that section, in respect of the years of assessment ending the thirtieth day of June, 1963, and the thirtieth day of June, 1964;
- (b) in the case of any person referred to in paragraph (c) of sub-section (1) of that section, in respect of the period of eight months ended the twenty-eighth day of February, 1963, and the year of assessment ending the twenty-ninth day of February, 1964; and
- (c) in the case of any company, in respect of every financial year of such company ending on or before the thirty-first day of December, 1963,

shall be as set forth in the Schedule to this Act.

Portions of normal tax payable by certain companies to be paid into provincial revenue funds.

2. (1) (a) Notwithstanding the provisions of sub-section (1) of section five of the principal Act but subject to the provisions of any law providing for the payment of monies into the Transkeian Revenue Fund, a portion (hereinafter referred to as the provincial portion of the normal tax) equal to one-sixth of any amount of tax determined in accordance with sub-item (i) of item (a) of sub-paragraph (1) of paragraph 1 of the Schedule to this Act shall accrue for the benefit of the respective provincial revenue funds in the proportions set forth in Proclamation No. 310 of 1957, but subject to such modifications as may be determined by the State President by proclamation in the *Gazette*, and shall in the said proportions be paid into the said provincial revenue funds in accordance with the laws relating to the collection, banking and custody of provincial revenues as though it were a tax imposed by the provincial councils of the said provinces on the incomes of companies.

- (b) The provincial portion of the normal tax shall not be payable by any company, the sole or principal business of which in the Republic is or has been mining for gold, in respect of so much of its taxable income as the Commissioner determines to be attributable to the inclusion in its gross income of any amount referred to in paragraph (j) of the definition of "gross income" in section one of the principal Act.

(2) The provisions of this section shall be deemed to have come into operation on the first day of March, 1963.

No. 72, 1963.]

WET

Tot vasstelling van die skale van normale belasting betaalbaar deur ander persone as maatskappye ten opsigte van die jare van aanslag eindigende op die agt-en-twintigste dag van Februarie 1963, die dertigste dag van Junie 1963, die nege-en-twintigste dag van Februarie 1964 en die dertigste dag van Junie 1964, en deur maatskappye ten opsigte van hul boekjare eindigende op of voor die een-en-dertigste dag van Desember 1963, om voorsiening te maak vir die betaling aan provinsiale inkomstefondse van 'n gedeelte van die normale belasting deur sekere maatskappye betaalbaar, om voorsiening te maak vir die basis van berekening van enige belasting deur 'n provinsiale raad op die inkomste van ander persone as maatskappye gehef, en om die Wet ter Bevordering van Tegnologiese Opleiding, 1960, die Inkomstebelastingwet, 1962, en die Wysigingswet op Inkomstebelasting, 1962, te wysig.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 27 Junie 1963.)*

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. Die skale van normale belasting wat ooreenkomstig sub-artikel (2) van artikel *vyf* van die Inkomstebelastingwet, 1962 (Wet No. 58 van 1962), hieronder die Hoofwet genoem—

- (a) in die geval van 'n persoon in paragraaf (b) van sub-artikel (1) van daardie artikel bedoel, ten opsigte van die jare van aanslag wat op die dertigste dag van Junie 1963 en die dertigste dag van Junie 1964 eindig;
- (b) in die geval van 'n persoon in paragraaf (c) van sub-artikel (1) van daardie artikel bedoel, ten opsigte van die tydperk van agt maande wat op die agt-en-twintigste dag van Februarie 1963 geëindig het en die jaar van aanslag wat op die nege-en-twintigste dag van Februarie 1964 eindig; en
- (c) in die geval van 'n maatskappy, ten opsigte van elke boekjaar van die maatskappy wat op of voor die een-en-dertigste dag van Desember 1963 eindig,

gehef moet word, is soos uiteengesit in die Bylae by hierdie Wet.

2. (1) (a) Ondanks die bepalings van sub-artikel (1) van artikel *vyf* van die Hoofwet, maar behoudens enige wetsbepalings wat voorsiening maak vir die inbetalings van geldie in die Transkeise inkomstefonds, val 'n gedeelte (hieronder die provinsiale gedeelte van die normale belasting genoem) gelyk aan een-sesde van enige bedrag van die belasting bereken ooreenkomstig sub-item (i) van item (a) van sub-paragraaf (1) van paragraaf 1 van die Bylae by hierdie Wet, toe ten bate van die onderskeie provinsiale inkomstefondse in die verhoudings uiteengesit in Proklamasie No. 310 van 1957, maar onderworpe aan die wysigings wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal, en word dit in bedoelde verhoudings in daardie provinsiale inkomstefondse ooreenkomstig die wette betreffende die invordering, bank en bewaring van provinsiale inkomste inbetaal, asof dit 'n belasting was wat deur die provinsiale rade van daardie provinsies op die inkomste van maatskappye gehef was.

Gedeeltes van
normale belasting
betaalbaar deur
sekere maatskappye
word in
provinsiale
inkomstefondse
inbetaal.

- (b) Die provinsiale gedeelte van die normale belasting is nie deur 'n maatskappy wie se enigste of vernaamste besigheid in die Republiek die myn van goud is of was, ten opsigte van soveel van sy belasbare inkomste as wat volgens vasstelling van die Kommissaris toe te skryf is aan die inrekening by sy bruto inkomste van 'n in paragraaf (j) van die omskrywing van „bruto inkomste“ in artikel *een* van die Hoofwet bedoelde bedrag betaalbaar nie.

(2) Die bepalings van hierdie artikel word geag in werking te getree het op die eerste dag van Maart 1963.

Calculation of provincial income taxes in respect of year of assessment ending 29th February, 1964, or 30th June, 1964.

3. For the purposes of assessing any tax imposed by a provincial council in the exercise of its powers under the Financial Relations Consolidation and Amendment Act, 1945 (Act No. 38 of 1945), on the incomes of persons, the amount of normal tax payable under this Act by any person other than a company in respect of the year of assessment ending the twenty-ninth day of February, 1964, or the thirtieth day of June, 1964, whichever is applicable, shall, notwithstanding the provisions of the first-mentioned Act, be deemed to be equal to the amount which would have been payable as normal tax if the proviso to sub-item (ii) of item (a) of sub-paragraph (1) of paragraph 1 of the Schedule to this Act had not been enacted.

Amendment of section 1 of Act 58 of 1962, as amended by section 3 of Act 90 of 1962 and section 1 of Act 6 of 1963.

- 4.** Section one of the principal Act is hereby amended—
- (a) by the insertion in paragraph (e) of the definition of “gross income” after the word “law” of the words “or for the benefit of employees of any local authority”;
 - (b) by the addition at the end of the definition of “local authority” of the words “and the Evaton Native Township Liaison Committee constituted under Part II of Schedule B to Proclamation No. 54 of 1959”;
 - (c) by the insertion in the definition of “mining operations” and “mining” after the word “mineral” of the expression “(including natural oil)”;
 - (d) by the insertion after the definition of “mining operations” and “mining” of the following definition: “natural oil” means any liquid or solid hydrocarbon or combustible gas existing in a natural condition in the earth’s crust, but does not include coal or bituminous shales or other stratified deposits from which oil can be obtained by destructive distillation, or gas arising from marsh or other surface deposits;”;
 - (e) by the addition to the definition of “new gold mine” of the words “but does not for the purposes of paragraph (c) of the definition of ‘capital expenditure’ in sub-section (11) of section thirty-six include any mine which commenced the production of gold before the twentieth day of March, 1963”; and
 - (f) by the substitution in paragraph (b) of the definition of “year of assessment” for the words “who has under the provisions of sub-paragraph (2) of paragraph 18 of the Fourth Schedule elected not to be a provisional taxpayer” of the words “referred to in paragraph (b) of sub-section (1) of section five”.

Amendment of section 6 of Act 58 of 1962, as amended by section 4 of Act 90 of 1962 and section 3 of Act 6 of 1963.

5. Section six of the principal Act is hereby amended with effect from the commencement of the year of assessment ending the twenty-ninth day of February, 1964, by the substitution in paragraph (d) of sub-section (1) for the expression “seventeen” of the expression “twenty-five”.

Amendment of section 9 of Act 58 of 1962, as amended by section 7 of Act 90 of 1962.

6. Section nine of the principal Act is hereby amended with effect from the commencement of the year of assessment ending the twenty-ninth day of February, 1964, by the insertion in paragraph (e) of sub-section (1) after the word “Corporation” where it occurs for the first time of the words “or the Council for Scientific and Industrial Research” and the substitution in that paragraph for the words “the Corporation” of the words “that Corporation or that Council”.

Amendment of section 10 of Act 58 of 1962, as amended by section 8 of Act 90 of 1962.

- 7.** Section ten of the principal Act is hereby amended—
- (a) by the insertion in paragraph (i) of sub-section (1) after the word “Bonds” where it occurs for the second time of the words “Four and a half per cent Seven Year Treasury Bonds” and in sub-paragraph (iv) of that paragraph after the word “Bonds” of the words “and Four and a half per cent Seven Year Treasury Bonds” and after the word “rand” of the words “in the aggregate”; and
 - (b) with effect from the commencement of the year of assessment ending the twenty-ninth day of February, 1964, by the insertion in paragraph (p) of the said sub-section after the word “Corporation” where it occurs for the first time of the words “or the Council

3. Vir die aanslag van 'n belasting deur 'n provinsiale raad by die uitoefening van sy bevoegdhede kragtens die Konsolidasie- en Wysigingswet op Finansiële Verhoudings, 1945 (Wet No. 38 van 1945), opgelê op die inkomste van persone, word die bedrag van normale belasting deur 'n ander persoon as 'n maatskappy kragtens hierdie Wet betaalbaar vir die jaar van aanslag wat eindig op die nege-en-twintigste dag van Februarie 1964 of die dertigste dag van Junie 1964, watter ook al van toepassing is, ondanks die bepalings van eersgenoemde Wet geag gelyk te staan met die bedrag wat as normale belasting betaalbaar sou gewees het as die voorbehoudbepaling by sub-item (ii) van item (a) van sub-paragraaf (1) van paragraaf 1 van die Bylae by hierdie Wet nie verorden was nie.

Berekening van provinsiale inkomstebelastings ten opsigte van jaar van aanslag eindigende op 29 Februarie 1964 of 30 Junie 1964.

4. Artikel een van die Hoofwet word hierby gewysig—

(a) deur na die omskrywing van „aanslag” die volgende omskrywing in te voeg:

„aardolie” enige vloeibare of vaste koolwaterstof of ontvlambare gas wat in 'n natuurstaat in die aardkors voorkom, maar nie ook steenkool of bitumineuse skalies of ander gestratificeerde afsettings waaruit olie deur droë distillasie verkry kan word of gas wat uit moeras- of ander oppervlakafsettings ontstaan nie;”;

(b) deur in paragraaf (e) van die omskrywing van „bruto inkomste” die woorde „by wet ingestelde” te skrap, en na die woorde „wesefonds” die woorde „by wet of ten voordele van werknemers van 'n plaaslike bestuur ingestel” in te voeg;

(c) deur in paragraaf (b) van die omskrywing van „jaar van aanslag” die woorde „wat ingevolge die bepalings van sub-paragraaf (2) van paragraaf 18 van die Vierde Bylae gekies het om nie 'n voorlopige belastingpligtige te wees nie” deur die woorde „in paragraaf (b) van sub-artikel (1) van artikel vyf bedoel” te vervang;

(d) deur in die omskrywing van „mynbou” na die woorde „mineraal” die uitdrukking „(met inbegrip van aardolie)” in te voeg;

(e) deur by die omskrywing van „nuwe goudmyn” die woorde „maar by die toepassing van paragraaf (c) van die omskrywing van 'kapitaaluitgawe' in sub-artikel (11) van artikel ses-en-dertig nie ook 'n myn wat vóór die twintigste dag van Maart 1963 met die produksie van goud begin het nie” te voeg; en

(f) deur aan die end van die omskrywing van „plaaslike bestuur” die woorde „en die Skakelkomitee vir Evaton-Natureldorp ingestel kragtens Deel II van Bylae B by Proklamasie No. 54 van 1959” by te voeg.

Wysiging van artikel 1 van Wet 58 van 1962, soos gewysig deur artikel 3 van Wet 90 van 1962 en artikel 1 van Wet 6 van 1963.

5. Artikel ses van die Hoofwet word hierby gewysig met ingang van die begin van die jaar van aanslag eindigende op die nege-en-twintigste dag van Februarie 1964 deur in paragraaf (d) van sub-artikel (1) die uitdrukking „sewentien” deur die uitdrukking „vyf-en-twintig” te vervang.

Wysiging van artikel 6 van Wet 58 van 1962, soos gewysig deur artikel 4 van Wet 90 van 1962 en artikel 3 van Wet 6 van 1963.

6. Artikel nege van die Hoofwet word hierby gewysig met ingang van die begin van die jaar van aanslag eindigende op die nege-en-twintigste dag van Februarie 1964 deur in paragraaf (e) van sub-artikel (1) na die woorde „Toeristekorporasie” die woorde „of die Wetenskaplike en Nywerheidnavorsingsraad” en na die woorde „Korporasie” die woorde „of dié Raad” in te voeg.

Wysiging van artikel 9 van Wet 58 van 1962, soos gewysig deur artikel 7 van Wet 90 van 1962.

7. Artikel tien van die Hoofwet word hierby gewysig—

(a) deur in paragraaf (i) van sub-artikel (1) na die woorde „Sewejaar-Tesourie-obligasies” waar dit die eerste maal voorkom die woorde „Vier-en-'n-half persent Sewejaar-Tesourie-obligasies” en in sub-paragraaf (iv) van daardie paragraaf na die woorde „Sewejaar-Tesourie-obligasies” die woorde „en Vier-en-'n-half persent Sewejaar-Tesourie-obligasies” en na die woorde „rand” die woorde „in die geheel” in te voeg; en

Wysiging van artikel 10 van Wet 58 van 1962, soos gewysig deur artikel 8 van Wet 90 van 1962.

(b) met ingang van die begin van die jaar van aanslag eindigende op die nege-en-twintigste dag van Februarie 1964, deur in paragraaf (p) van genoemde sub-artikel na die woorde „Toeristekorporasie” die woorde „of die Wetenskaplike en Nywerheidnavorsingsraad”

for Scientific and Industrial Research" and where it occurs for the second time of the words "or the said Council".

Amendment of section 11 of Act 58 of 1962, as amended by section 9 of Act 90 of 1962.

- 8. Section eleven of the principal Act is hereby amended—**
- (a) with effect from the commencement of the year of assessment ending the twenty-ninth day of February, 1964, by the insertion in the proviso to paragraph (k) after the word "law" of the words "or for the benefit of employees of any local authority" and the substitution in that proviso for the word "four" of the word "six";
 - (b) with effect from the commencement of the year of assessment ending the twenty-ninth day of February, 1964, by the substitution in the proviso to paragraph (n) for the word "eight" in both places where it occurs of the words "one thousand two";
 - (c) by the substitution in paragraph (r) for the expression "1963" of the expression "1968" and the insertion in that paragraph after the word "paragraph" of the words "or section twenty-one bis"; and
 - (d) by the substitution in paragraph (t) for the words "of two years ending on the thirtieth day of June, 1963," of the words "commencing on the first day of July, 1961, and ending on the thirty-first day of December, 1968".

Amendment of section 11bis of Act 58 of 1962, as inserted by section 10 of Act 90 of 1962.

- 9. (1) Section eleven bis of the principal Act is hereby amended by the substitution for sub-sections (2) and (3) of the following sub-sections:**

"(2) If the taxpayer has during any year of assessment incurred market development expenditure, determined as provided in sub-section (4), there shall be allowed to be deducted from his income for that year an exporters' allowance the amount of which shall be determined as provided in sub-section (3).

(3) The exporters' allowance shall be an amount equal to twenty-five per cent of the market development expenditure (determined as provided in sub-section (4)) incurred by the taxpayer during the year of assessment or, where in relation to the year of assessment the taxpayer has a current export turnover and a basic export turnover and such current export turnover exceeds such basic export turnover by more than ten per cent of such basic export turnover, an amount equal to—

- (a) thirty-seven and a half per cent of such market development expenditure if such current export turnover exceeds such basic export turnover by more than ten per cent but not more than twenty-five per cent of that basic export turnover; or
- (b) fifty per cent of such market development expenditure if such current export turnover exceeds such basic export turnover by more than twenty-five per cent of that basic export turnover:

Provided that for the purposes of this sub-section the current export turnover of an associated company in relation to any year of assessment shall be deemed to be the sum of the current export turnovers in relation to that year of all the associated companies of which that company is one, and the basic export turnover of that company in relation to that year shall be deemed to be the sum of the basic export turnovers of all the said associated companies in relation to that year."

(2) The amendment effected by sub-section (1) shall first take effect in respect of assessments for the year of assessment ended the twenty-eighth day of February, 1963, or, in the case of a company, the first year of assessment of that company ending after the thirtieth day of June, 1962.

Amendment of section 12 of Act 58 of 1962, as amended by section 11 of Act 90 of 1962 and section 4 of Act 6 of 1963.

- 10. Section twelve of the principal Act is hereby amended—**

- (a) by the deletion in sub-section (2) of the words "not later than the thirtieth day of June, 1965" and the insertion in that sub-section after the word "assessment" of the expression "(not being later than that ending on the twenty-eighth day of February, 1966)"; and

en na die woord „Korporasie” die woorde „of bedoelde Raad” in te voeg.

8. Artikel elf van die Hoofwet word hierby gewysig—

- (a) met ingang van die begin van die jaar van aanslag wat eindig op die nege-en-twintigste dag van Februarie 1964, deur in die voorbehoudbepaling by paragraaf (k) na die woord „wet” die woorde „of ten voordele van werknelmers van 'n plaaslike bestuur” in te voeg en die woord „vierhonderd” deur die woord „ses-honderd” te vervang;
- (b) met ingang van die begin van die jaar van aanslag wat eindig op die nege-en-twintigste dag van Februarie 1964, deur in die voorbehoudbepaling by paragraaf (n) die woord „agthonderd” op beide plekke waar dit voorkom deur die woorde „eenduisend tweehonderd” te vervang;
- (c) deur in paragraaf (r) die uitdrukking „1963” deur die uitdrukking „1968” te vervang en na die woord „paragraaf” die woerde „of artikel een-en-twintig bis” in te voeg; en
- (d) deur in paragraaf (t) die woerde „van twee jaar wat op die dertigste dag van Junie 1963 eindig” deur die woerde „wat op die eerste dag van Julie 1961 begin en op die een-en-dertigste dag van Desember 1968 eindig” te vervang.

Wysiging van artikel 11 van Wet 58 van 1962, soos gewysig deur artikel 9 van Wet 90 van 1962.

9. (1) Artikel elf bis van die Hoofwet word hierby gewysig deur sub-artikels (2) en (3) deur die volgende sub-artikels te vervang:

„(2) Indien die belastingpligtige gedurende 'n jaar van aanslag markontwikkelingskoste, soos volgens voorskrif van sub-artikel (4) vasgestel, aangegaan het, word daar vir daardie jaar die aftrekking van sy inkomste toegelaat van 'n uitvoerderstoelae waarvan die bedrag volgens voorskrif van sub-artikel (3) vasgestel word.

(3) Die uitvoerderstoelae is 'n bedrag gelyk aan vyf-en-twintig persent van die markontwikkelingskoste (soos volgens voorskrif van sub-artikel (4) vasgestel) deur die belastingpligtige gedurende die jaar van aanslag aangegaan of, waar die belastingpligtige met betrekking tot die jaar van aanslag 'n lopende uitvoeromset en 'n basiese uitvoeromset het en dié lopende uitvoeromset dié basiese uitvoeromset met meer as tien persent van dié basiese uitvoeromset te bove gaan, 'n bedrag gelyk aan—

- (a) sewe-en-dertig en 'n halfpersent van bedoelde markontwikkelingskoste indien dié lopende uitvoeromset dié basiese uitvoeromset met meer as tien persent maar nie meer nie as vyf-en-twintig persent van dié basiese uitvoeromset te bove gaan; of
- (b) vyftig persent van bedoelde markontwikkelingskoste indien dié lopende uitvoeromset dié basiese uitvoeromset met meer as vyf-en-twintig persent van dié basiese uitvoeromset te bove gaan:

Met dien verstande dat by die toepassing van hierdie sub-artikel die lopende uitvoeromset van 'n verwante maatskappy met betrekking tot 'n jaar van aanslag geag word die som te wees van die lopende uitvoeromsette met betrekking tot daardie jaar van al die verwante maatskappye waarvan daardie maatskappy een is, en die basiese uitvoeromset van daardie maatskappy met betrekking tot daardie jaar geag word die som te wees van die basiese uitvoeromsette van al die bedoelde verwante maatskappye met betrekking tot daardie jaar.”.

(2) Die wysiging deur sub-artikel (1) aangebring, tree vir die eerste maal in werking ten opsigte van aanslae vir die jaar van aanslag geëindig op die agt-en-twintigste dag van Februarie 1963 of, in die geval van 'n maatskappy, die eerste jaar van aanslag van dié maatskappy wat na die dertigste dag van Junie 1962 eindig.

Wysiging van artikel 11bis van Wet 58 van 1962, soos ingevoeg deur artikel 10 van Wet 90 van 1962.

10. Artikel twaalf van die Hoofwet word hierby gewysig—

- (a) deur in sub-artikel (2) die woerde „nie later nie as die dertigste dag van Junie 1965” te skrap en na die woord „aanslag” die uitdrukking „(maar nie later as dié wat op die agt-en-twintigste dag van Februarie 1966 eindig nie)” in te voeg; en

Wysiging van artikel 12 van Wet 58 van 1962, soos gewysig deur artikel 11 van Wet 90 van 1962 en artikel 4 van Wet 6 van 1963.

- (b) by the substitution in the Afrikaans version in sub-section (3) and in sub-section (4) for the words "uistrusting, gereedskap" wherever they occur of the words "gereedschap, werktuie".

Amendment of section 13 of Act 58 of 1962, as amended by section 12 of Act 90 of 1962 and section 5 of Act 6 of 1963.

11. Section thirteen of the principal Act is hereby amended—

- (a) by the substitution in paragraph (b) of sub-section (5) for the expression "1965" wherever it occurs of the expression "1966"; and
- (b) by the insertion in sub-section (6) after the word "assessment" of the expression "(but not later than that ending on the twenty-eighth day of February, 1967)" and the deletion of the second proviso to that sub-section.

Amendment of section 36 of Act 58 of 1962

12. Section thirty-six of the principal Act is hereby amended—

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

"(2)*bis* In the case of incomes derived from the working of any natural oil deposit there shall in lieu of the quotient be deducted in respect of the year of assessment during which the production of natural oil commences, the amount of capital expenditure incurred up to the close of that year of assessment, and thereafter in respect of each succeeding year of assessment the actual capital expenditure incurred during such year of assessment.";

- (b) by the deletion in paragraph (a) of sub-section (3) of the word "actual" and the deletion in that sub-section of paragraph (b);

- (c) by the insertion after sub-section (3) of the following sub-section:

"(3)*bis* The amount to be deducted under paragraph (a) of section fifteen from income derived from the working of any other deep level gold mine shall be—

- (a) where such mine became any other deep level gold mine before the commencement of the year of assessment ended the twenty-eighth day of February, 1963—

- (i) in respect of that year of assessment, the sum of the unredeemed balance of capital expenditure at the beginning of that year of assessment and the actual capital expenditure incurred during that year; and

- (ii) in respect of any subsequent year of assessment, the actual capital expenditure incurred during such subsequent year; or

- (b) where such mine became any other deep level gold mine during or after the year of assessment ended the twenty-eighth day of February, 1963—

- (i) in respect of the year of assessment during which such mine became any other deep level gold mine, the sum of the unredeemed balance of capital expenditure at the beginning of the year of assessment during which it became any other deep level gold mine and the actual capital expenditure incurred during such last-mentioned year; and

- (ii) in respect of any year of assessment subsequent to the year of assessment during which such mine became any other deep level gold mine, the actual capital expenditure incurred during such subsequent year.";

- (d) by the substitution in sub-section (4) for the words "new gold mines" of the expression "mines referred to in sub-section (3) or (3)*bis*";

- (e) by the insertion in paragraph (c) of the definition of "capital expenditure" in sub-section (11) after the word "new" where it occurs for the first time of the words "gold mine, any new";

- (f) by the insertion in the said paragraph (c) after the word "new" where it occurs in sub-paragraph (i) and where it occurs after sub-paragraph (iv) of the words "gold mine or a new";

- (g) by the substitution in the said paragraph (c) for the expression "paragraph (b) of sub-section (3)" of the expression "proviso (dd) to this paragraph"; and

(b) deur in sub-artikel (3) en in sub-artikel (4) die woorde „uitrusting, gereedskap” waar hulle ook al voorkom deur die woorde „gereedskap, werktuie” te vervang.

11. Artikel dertien van die Hoofwet word hierby gewysig—
 (a) deur in paragraaf (b) van sub-artikel (5) die uitdrukking „1965” waar dit ook al voorkom deur die uitdrukking „1966” te vervang; en

(b) deur in sub-artikel (6) na die woorde „aanslag” die uitdrukking „(maar nie later as dié wat op die agt-en-twintigste dag van Februarie 1967 eindig nie)” in te voeg en die tweede voorbehoudsbepaling by daardie sub-artikel te skrap.

12. Artikel ses-en-dertig van die Hoofwet word hierby gewysig—
 (a) deur na sub-artikel (2) die volgende sub-artikel in te voeg:

„(2)*bis* In die geval van inkomste verkry uit die eksplotering van aardolie-afsettings word daar in plaas van die kwosiënt afgetrek, ten opsigte van die jaar van aanslag waartydens daar met die produksie van aardolie 'n aanvang gemaak word, die bedrag van die kapitaaluitgawe wat tot aan die end van daardie jaar van aanslag opgeloop is, en, ten opsigte van elke daaropvolgende jaar van aanslag, die werklike kapitaaluitgawe wat gedurende dié jaar van aanslag opgeloop is.”;

(b) deur in paragraaf (a) van sub-artikel (3) die woorde „werklike” te skrap en in daardie sub-artikel paragraaf (b) te skrap;

(c) deur na sub-artikel (3) die volgende sub-artikel in te voeg:

„(3)*bis* Die bedrag wat ingevolge paragraaf (a) van artikel vyftien afgetrek moet word van die inkomste uit die eksplotering van 'n ander diep-goudmyn verkry; is—

(a) waar bedoelde myn voor die begin van die jaar van aanslag geëindig op die agt-en-twintigste dag van Februarie 1963 'n ander diep-goudmyn geword het—

(i) ten opsigte van daardie jaar van aanslag, die som van die ongedelde balans van die kapitaaluitgawe by die begin van daardie jaar van aanslag en die werklike kapitaaluitgawe gedurende daardie jaar aangegaan; en

(ii) ten opsigte van 'n daaropvolgende jaar van aanslag, die werklike kapitaaluitgawe gedurende bedoelde daaropvolgende jaar aangegaan; of

(b) waar bedoelde myn gedurende of na die jaar van aanslag geëindig op die agt-en-twintigste dag van Februarie 1963 'n ander diep-goudmyn geword het—

(i) ten opsigte van die jaar van aanslag waartydens bedoelde myn 'n ander diep-goudmyn geword het, die som van die ongedelde balans van die kapitaaluitgawe by die begin van die jaar van aanslag waartydens dit 'n ander diep-goudmyn geword het en die werklike kapitaaluitgawe gedurende laasgenoemde jaar aangegaan; en

(ii) ten opsigte van 'n jaar van aanslag na die jaar van aanslag waartydens bedoelde myn 'n ander diep-goudmyn geword het, die werklike kapitaaluitgawe gedurende so 'n volgende jaar aangegaan.”;

(d) deur in sub-artikel (4) die woorde „nuwe goudmyne” deur die uitdrukking „in sub-artikel (3) of (3)*bis* bedoelde myne” te vervang;

(e) deur in paragraaf (c) van die omskrywing van „kapitaaluitgawe” in sub-artikel (11) na die woorde „nuwe” waar dit die eerste maal voorkom die woorde „goudmyn, 'n nuwe” in te voeg;

(f) deur in genoemde paragraaf (c) na die woorde „nuwe” waar dit in sub-paragraaf (i) voorkom en waar dit na sub-paragraaf (iv) voorkom die woorde „goudmyn of 'n nuwe” in te voeg;

(g) deur in genoemde paragraaf (c) die uitdrukking „paragraaf (b) van sub-artikel (3)” deur die uitdrukking „voorbehoudsbepaling (dd) by hierdie paragraaf” te vervang; en

(h) by the addition of the following provisos to the said paragraph (c):

"(dd) for the purposes of sub-sections (3) and (3)*bis* of this section any amount calculated under this paragraph in respect of any year of assessment shall be deemed to be capital expenditure incurred on the last day of such year of assessment;

(ee) the amount under this paragraph in respect of any new gold mine shall not be calculated in respect of any period occurring before the twentieth day of March, 1963;".

Amendment of section 109 of Act 58 of 1962.

Amendment of section 110*bis* of Act 58 of 1962, as inserted by section 18 of Act 6 of 1963.

Substitution of paragraph 1 of 1st Schedule to Act 58 of 1962.

Amendment of paragraph 3 of 1st Schedule to Act 58 of 1962.

Amendment of paragraph 4 of 1st Schedule to Act 58 of 1962.

Substitution of paragraph 5 of 1st Schedule to Act 58 of 1962.

13. Section *one hundred and nine* of the principal Act is hereby amended by the substitution in sub-section (2) for the expression "(7)" of the expression "(5)".

14. Section *one hundred and ten bis* of the principal Act is hereby amended by the substitution in paragraph (g) of sub-section (3) for the words following the word "shall" where it occurs for the second time of the words "accrue for the benefit of the Consolidated Revenue Fund and the provincial revenue fund concerned in the proportions determined in accordance with the provisions of paragraph 33 of the Fourth Schedule or where such charge or interest is by this paragraph deemed to have been imposed under or to be payable in terms of any ordinance of the province of the Cape of Good Hope, for the benefit of the Consolidated Revenue Fund, the revenue fund of the province of the Cape of Good Hope and the Transkeian Revenue Fund in the proportions determined in accordance with the provisions of paragraphs 33 and 34 of that Schedule".

15. The following paragraph is hereby substituted for paragraph 1 of the First Schedule to the principal Act:

"1. In this Schedule—

(a) a reference to a year of assessment shall in the case of any taxpayer who has under the provisions of sub-section (13) or (13)*ter* of section *sixty-six* of this Act been permitted to furnish accounts in respect of the income derived by him from pastoral, agricultural or other farming operations made up to a date other than the last day of the relevant year of assessment, be construed as a reference to the period covered by such accounts; and

(b) a reference to the end of a year of assessment includes, where the period assessed ends on a date other than the last day of the year of assessment, a reference to the end of that period."

16. Paragraph 3 of the First Schedule to the principal Act is hereby amended by the deletion of the expression "(reduced as provided in paragraph (10))" wherever it occurs.

17. Paragraph 4 of the First Schedule to the principal Act is hereby amended—

(a) by the insertion in sub-paragraph (1) after the word "shall" of the words ", subject to the provisions of sub-paragraph (2);";

(b) by the deletion in sub-item (i) of item (a) of the said sub-paragraph of the expression "(reduced as provided in paragraph 10 or the corresponding provisions of any previous Income Tax Act)"; and

(c) by the addition of the following sub-paragraph:

"(2) For the purposes of any assessment in respect of the year of assessment ended the twenty-eighth day of February, 1963, the value of livestock held and not disposed of by the farmer at the beginning of that year of assessment shall for purposes of sub-item (i) of item (a) of sub-paragraph (1) be deemed to be the value of the livestock held by him at the end of the year of assessment ended the thirtieth day of June, 1962, as determined in accordance with the provisions of paragraphs 5 to 8, inclusive, less so much of the amount of any reduction in such value under paragraph 10 as relates to livestock acquired by purchase for stud purposes".

18. The following paragraph is hereby substituted with effect from the end of the year of assessment ended the twenty-eighth day of February, 1963, for paragraph 5 of the First Schedule to the principal Act:

"5. (1) In the case of a farmer (other than a company or the estate of a deceased person) the value to be placed upon livestock for the purposes of this Schedule shall,

- (h) deur die volgende voorbehoudsbepalings by genoemde paragraaf (c) te voeg:
- „(dd) by die toepassing van sub-artikels (3) en (3)*bis* van hierdie artikel 'n bedrag ingevolge hierdie paragraaf ten opsigte van 'n jaar van aanslag bereken, geag word kapitaaluitgawe te wees wat op die laaste dag van sodanige jaar van aanslag aangegaan is;
- (ee) die bedrag ingevolge hierdie paragraaf ten opsigte van 'n nuwe goudmyne nie ten opsigte van 'n tydperk wat vóór die twintigste dag van Maart 1963 val, bereken word nie;”.

13. Artikel *honderd-en-nege* van die Hoofwet word hierby Wysiging van gewysig deur in sub-artikel (2) die uitdrukking „(7)” deur die artikel 109 van uitdrukking „(5)” te vervang.

14. Artikel *honderd-en-tien bis* van die Hoofwet word hierby Wysiging van gewysig deur in paragraaf (g) van sub-artikel (3) die woorde na artikel 110*bis* van die woord „dit” deur die woorde „toe ten bate van die Gekonsolideerde Inkomstefonds en die betrokke provinsiale Wet 58 van 1962, soos ingeveog deur inkomstefonds in die verhoudings vasgestel volgens voorskrif artikel 18 van van paragraaf 33 van die Vierde Bylae of waar bedoelde heffing Wet 6 van 1963. of rente ingevolge hierdie paragraaf geag word ingevolge 'n ordonmansie van die provinsie die Kaap die Goeie Hoop opgelê te gewees het of betaalbaar te wees, ten bate van die Gekonsolideerde Inkomstefonds, die inkomstefonds van die provinsie die Kaap die Goeie Hoop en die Transkeiese Inkomstefonds in die verhoudings vasgestel volgens voorskrif van paragrawe 33 en 34 van daardie Bylae” te vervang.

15. Paragraaf 1 van die Eerste Bylae by die Hoofwet word hierby deur die volgende paragraaf vervang:

„1. In hierdie Bylae—

- (a) word 'n verwysing na 'n jaar van aanslag, in die geval van 'n belastingpligtige wat ingevolge die bepalings van sub-artikel (13) of (13)*ter* van artikel *ses-en-sestig* van hierdie Wet toegelaat is om ten opsigte van die inkomste deur hom uit veeboerdery, landbou of ander boerdery verkry, rekenings te verstrek wat tot 'n ander datum as die laaste dag van die betrokke jaar van aanslag opgemaak is, uitgelê as 'n verwysing na die tydperk deur bedoelde rekenings gedek; en
- (b) is 'n verwysing na die end van 'n jaar van aanslag, waar die tydperk waarvoor aangeslaan word op 'n ander datum as die laaste dag van die jaar van aanslag eindig, ook 'n verwysing na die end van dié tydperk.”.

16. Paragraaf 3 van die Eerste Bylae by die Hoofwet word hierby gewysig deur die uitdrukking „(verminder soos in paragraaf 10 bepaal)” waar dit ook al voorkom, te skrap.

Wysiging van paragraaf 3 van 1ste Bylae by Wet 58 van 1962.

17. Paragraaf 4 van die Eerste Bylae by die Hoofwet word hierby gewysig:

(a) deur in sub-paragraaf (1) na die woorde „word” waar dit die tweede maal voorkom die woorde „behoudens die bepalings van sub-paragraaf (2)” in te voeg;

(b) deur in sub-item (i) van item (a) van genoemde sub-paragraaf die uitdrukking „(verminder soos in paragraaf 10 of die ooreenstemmende bepalings van 'n vorige Inkomstebelastingwet bepaal)” te skrap; en

(c) deur die volgende sub-paragraaf by te voeg:

„(2) Vir die doeleindes van 'n aanslag ten opsigte van die jaar van aanslag geëindig die agt-en-twintigste dag van Februarie 1963, word die waarde van lewende hawe wat die boer aan die begin van daardie jaar van aanslag besit en nie van die hand gesit het nie, by die toepassing van sub-item (i) van item (a) van sub-paragraaf (1) geag die waarde te wees van die lewende hawe wat hy aan die end van die jaar van aanslag geëindig die dertigste dag van Junie 1962 besit het, soos volgens voorskrif van paragrawe 5 tot en met 8 vasgestel, min soveel van die bedrag van 'n vermindering van dié waarde ingevolge paragraaf 10 as wat op lewende hawe wat vir aanteeldoeleindes deur aankoop verkry is, betrekking het.”.

18. Paragraaf 5 van die Eerste Bylae by die Hoofwet word hierby met ingang van die end van die jaar van aanslag geëindig op die agt-en-twintigste dag van Februarie 1963 deur die volgende paragraaf vervang:

„5. (1) In die geval van 'n boer (behalwe 'n maatskappy of die boedel van 'n oorlede persoon) is die waarde wat vir die doeleindes van hierdie Bylae op lewende hawe gestel moet

subject to the appropriate provisions of sub-item (ii) of item (a) or sub-item (ii) of item (b) of sub-paragraph (1) of paragraph 4 and the provisions of sub-paragraph (2) of this paragraph—

(a) in respect of livestock acquired by purchase for breeding purposes and of which the purchase price—

- (i) in the case of a bull or bull-calf exceeds R400;
- (ii) in the case of a cow or heifer exceeds R200;
- (iii) in the case of a stallion or colt exceeds R400;
- (iv) in the case of a mare or filly exceeds R200;
- (v) in the case of a ram or a he-goat exceeds R150;
- (vi) in the case of an ewe or a she-goat exceeds R75;
- (vii) in the case of pig exceeds R50; or
- (viii) in the case of any other animal exceeds R100,

be the purchase price incurred by the taxpayer in respect of the livestock, less an amount not exceeding such purchase price calculated at the rate of ten per cent of such purchase price for each year of assessment, whether under this Act or any previous Income Tax Act, during which the livestock in question has been held and has not been disposed of by the farmer; and

(b) in respect of livestock other than livestock referred to in item (a), be the standard value applicable to the livestock.

(2) The value to be placed on livestock held and not disposed of by any farmer referred to in sub-paragraph (1) at the end of the period of assessment terminating at his death or insolvency shall be the price which in the opinion of the Commissioner is the current market price of the livestock.

(3) In the case of a company or the estate of a deceased person the value to be placed on livestock for the purposes of this Schedule shall, subject to the appropriate provisions of sub-item (ii) of item (a) or sub-item (ii) of item (b) of sub-paragraph (1) of paragraph 4, be—

(a) if acquired by purchase, either the purchase price paid or the price which in the opinion of the Commissioner is the current market price of the livestock; or

(b) if acquired otherwise than by purchase, the price which in the opinion of the Commissioner is the current market price of the livestock.”.

Deletion of paragraphs 8 and 10 of 1st Schedule to Act 58 of 1962.

19. Paragraphs 8 and 10 of the First Schedule to the principal Act are hereby deleted.

Amendment of paragraph 4 of 2nd Schedule to Act 58 of 1962.

20. Paragraph 4 of the Second Schedule to the principal Act is hereby amended by the insertion in sub-paragraph (2) after the word “fund” where it occurs for the third time of the words “on or after the fifteenth day of March, 1961”.

Amendment of paragraph 5 of 2nd Schedule to Act 58 of 1962, as amended by section 31 of Act 90 of 1962.

21. Paragraph 5 of the Second Schedule to the principal Act is hereby amended by the insertion in item (b) of sub-paragraph (2) after the word “any” of the words “pension or”.

Amendment of paragraph 1 of 4th Schedule to Act 58 of 1962, as added by section 19 of Act 6 of 1963.

22. Paragraph 1 of the Fourth Schedule to the principal Act is hereby amended with effect from the commencement of the Income Tax Amendment Act, 1963, by the substitution in the definition of “employer” for the words “any company” of the words “any person responsible for the payment of any amount by way of remuneration to any person other than a company under the provisions of any law or out of public funds (including the funds of any provincial council or any administration or undertaking of the State) or out of funds voted by Parliament or a provincial council”.

Amendment of paragraph 2 of 4th Schedule to Act 58 of 1962, as added by section 19 of Act 6 of 1963.

23. Paragraph 2 of the Fourth Schedule to the principal Act is hereby amended—

(a) with effect from the commencement of the Income Tax Amendment Act, 1963, by the substitution in sub-paragraph (1) for the word “person” where

word, behoudens die toepaslike bepalings van sub-item (ii) van item (a) of sub-item (ii) van item (b) van sub-paragraaf (1) van paragraaf 4 en die bepalings van sub-paragraaf (2) van hierdie paragraaf—

- (a) ten opsigte van lewende hawe wat vir aanteeldoelindes deur aankoop verkry is en waarvan die koopprys—
 - (i) in die geval van 'n bul of bulkalf R400 te bowe gaan;
 - (ii) in die geval van 'n koei of vers R200 te bowe gaan;
 - (iii) in die geval van 'n hings of hingsvul R400 te bowe gaan;
 - (iv) in die geval van 'n merrie of 'n merrievel R200 te bowe gaan;
 - (v) in die geval van 'n skaap- of bokram R150 te bowe gaan;
 - (vi) in die geval van 'n skaap- of bokooi R75 te bowe gaan;
 - (vii) in die geval van 'n vark R50 te bowe gaan; of
 - (viii) in die geval van 'n ander dier R100 te bowe gaan, die koopprys deur die belastingpligtige ten opsigte van die lewende hawe aangegaan, min 'n bedrag wat bedoelde koopprys nie te bowe gaan nie en wat bereken word teen tien persent van bedoelde koopprys vir elke jaar van aanslag, hetsy ingevolge hierdie Wet of 'n vorige Inkomstebelastingwet, waartydens die betrokke lewende hawe deur die boer besit en nie van die hand gesit is nie; en
- (b) ten opsigte van ander lewende hawe as dié in item (a) bedoel, die standaardwaarde wat op die lewende hawe van toepassing is.

(2) Die waarde wat gestel moet word op lewende hawe deur 'n in sub-paragraaf (1) bedoelde boer aan die end van die tydperk van aanslag eindigende op die datum van sy dood of insolvensie besit en nie deur hom van die hand gesit nie, is die prys wat volgens die Kommissaris se oordeel die heersende markprys van die lewende hawe is.

(3) In die geval van 'n maatskappy of die boedel van 'n oorlede persoon is die waarde wat vir die doeleindes van hierdie Bylae op lewende hawe gestel moet word, behoudens die toepaslike bepalings van sub-item (ii) van item (a) of sub-item (ii) van item (b) van sub-paragraaf (1) van paragraaf 4—

- (a) indien deur aankoop verkry, of die koopprys wat betaal is of die prys wat volgens die Kommissaris se oordeel die heersende markprys van die lewende hawe is; of
- (b) indien op 'n ander wyse as deur aankoop verkry, die prys wat volgens die Kommissaris se oordeel die heersende markprys van die lewende hawe is.”.

19. Paragrawe 8 en 10 van die Eerste Bylae by die Hoofwet word hierby geskrap.

Skrapping van paragrawe 8 en 10 van 1ste Bylae by Wet 58 van 1962.

20. Paragraaf 4 van die Tweede Bylae by die Hoofwet word hierby gewysig deur in sub-paragraaf (2) na die woord „uit-tredingannuïteitsfonds” waar dit die eerste maal voorkom die woorde „op of na die vyftiende dag van Maart 1961” in te voeg.

Wysiging van paragraaf 4 van 2de Bylae by Wet 58 van 1962.

21. Paragraaf 5 van die Tweede Bylae by die Hoofwet word hierby gewysig deur in item (b) van sub-paragraaf (2) voor die woord „voorsorgsfonds” die woorde „pensioen- of” in te voeg.

Wysiging van paragraaf 5 van 2de Bylae by Wet 58 van 1962, soos gewysig deur artikel 31 van Wet 90 van 1962.

22. Paragraaf 1 van die Vierde Bylae by die Hoofwet word hierby gewysig met ingang van die inwerkintreding van die Wysigingswet op Inkomstebelasting, 1963, deur in die omskrywing van „werkewer” die woorde „elke maatskappy” deur die woorde „'n persoon verantwoordelik vir die betaling aan 'n ander persoon as 'n maatskappy van 'n bedrag by wyse van besoldiging ingevolge 'n wetsbepaling of uit staatsfondse (met inbegrip van die fondse van 'n provinsiale raad of 'n administrasie of onderneming van die Staat) of uit fondse deur die Parlement of 'n provinsiale raad beskikbaar gestel” te vervang.

Wysiging van paragraaf 1 van 4de Bylae by Wet 58 van 1962, soos bygevoeg deur artikel 19 van Wet 6 van 1963.

23. Paragraaf 2 van die Vierde Bylae by die Hoofwet word hierby gewysig—

- (a) met ingang van die inwerkintreding van die Wysigingswet op Inkomstebelasting, 1963, deur in sub-paragraaf (1) die woord „persoon” waar dit die eerste maal voor-

Wysiging van paragraaf 2 van 4de Bylae by Wet 58 van 1962, soos bygevoeg deur artikel 19 van Wet 6 van 1963.

it occurs for the first time of the word "employer" and the insertion in that sub-paragraph after the word "employer" where it occurs for the second time of the words "before the end of such month"; and

- (b) by the insertion in sub-paragraph (4) after the word "law" of the words "or for the benefit of employees of any local authority" and the substitution in that sub-paragraph for the word "four" of the word "six" and for the word "eight" of the words "one thousand two".

Amendment of paragraph 13 of 4th Schedule to Act 58 of 1962, as added by section 19 of Act 6 of 1963.

24. Paragraph 13 of the Fourth Schedule to the principal Act is hereby amended—

- (a) by the substitution in sub-paraphraphs (1) to (4), inclusive, for the word "person" wherever it occurs of the word "employer" and in sub-paragraph (3) for the word "a" of the word "an"; and
- (b) by the substitution in sub-paragraph (15) for the expression "(11)" of the expression "(12)".

Amendment of paragraph 20 of 4th Schedule to Act 58 of 1962, as added by section 19 of Act 6 of 1963.

25. Paragraph 20 of the Fourth Schedule to the principal Act is hereby amended by the insertion in the proviso to sub-paragraph (1) after the word "where" of the words "in the case of a company" and the addition to that sub-paragraph of the following proviso:

"Provided further that for the purposes of this sub-paragraph the immediately preceding year of assessment in relation to the year of assessment ending the twenty-ninth day of February, 1964, shall in the case of every provisional taxpayer (other than a company) be deemed to be the year of assessment ended the thirtieth day of June, 1962."

Amendment of paragraph 22 of 4th Schedule to Act 58 of 1962, as added by section 19 of Act 6 of 1963.

26. Paragraph 22 of the Fourth Schedule to the principal Act is hereby amended by the addition of the following sub-paragraph the existing paragraph becoming sub-paragraph (1):

"(2) If the Commissioner has in terms of sub-section (13)*ter* of section *sixty-six* of this Act agreed to accept accounts from any provisional taxpayer referred to in sub-paragraph (1) in respect of any year of assessment drawn to a date falling after the end of such year the Commissioner may upon the application of the taxpayer direct that the last day of such year of assessment shall for the purposes of sub-paragraph (1) be deemed to be such day as the Commissioner having regard to the circumstances of the case fixes."

Amendment of paragraph 24 of 4th Schedule to Act 58 of 1962, as added by section 19 of Act 6 of 1963.

27. Paragraph 24 of the Fourth Schedule to the principal Act is hereby amended by the insertion after the expression "(b)" where it occurs for the first time of the expression "of sub-paragraph (1)".

Amendment of paragraph 32 of 4th Schedule to Act 58 of 1962, as added by section 19 of Act 6 of 1963.

28. Paragraph 32 of the Fourth Schedule to the principal Act is hereby amended by the insertion before the word "any" where it occurs for the first time of the expression "(a)" and where it occurs for the seventh time of the expression "(b)".

Amendment of paragraph 33 of 4th Schedule to Act 58 of 1962, as added by section 19 of Act 6 of 1963.

29. Paragraph 33 of the Fourth Schedule to the principal Act is hereby amended—

- (a) by the insertion in sub-paragraph (2) after the word "contained" of the words "but subject to the provisions of paragraph 34," and the deletion in that sub-paragraph of the words "and no adjustment shall be made save as is provided in sub-paragraph (6);"
 - (b) by the insertion in sub-paragraph (4) after the word "refunded" of the words "by the Commissioner on or after the first day of April, 1963," and after the word "shall" of the words "subject to the provisions of paragraph 34";
 - (c) by the substitution for item (b) of sub-paragraph (6) of the following item:
- "(b) If the rates of normal or provincial taxes in respect of persons other than companies in respect of any year of assessment succeeding the year of assessment referred to in item (ii) of sub-paragraph (5) and ending before or during the fiscal year in respect of which a determination is required to be made by the

kom deur die woord „werkewer” te vervang en na die woord „wat” waar dit die vierde maal voorkom die woorde „voor die end van daardie maand” in te voeg; en

- (b) deur in sub-paragraaf (4) na die woord „wet” die woorde „of ten voordele van werknemers van 'n plaaslike bestuur” in te voeg en die woord „vierhonderd” deur die woord „seshonderd” en die woord „agthonderd” deur die woorde „eenduisend tweehonderd” te vervang.

24. Paragraaf 13 van die Vierde Bylae by die Hoofwet word hierby gewysig—

- (a) deur in sub-paragraawe (1) tot en met (4) die woord „persoon” waar dit ook al voorkom deur die woord „werkewer” te vervang; en
 (b) deur in sub-paragraaf (15) die uitdrukking „(11)” deur die uitdrukking „(12)” te vervang.

25. Paragraaf 20 van die Vierde Bylae by die Hoofwet word hierby gewysig deur in die voorbehoudsbepaling by sub-paragraaf (1) na die woord „waar” die woorde „in die geval van 'n maatskappy” in te voeg en die volgende voorbehoudsbepaling by daardie sub-paragraaf te voeg:

„Met dien verstande voorts dat by die toepassing van hierdie sub-paragraaf die onmiddellik voorafgaande jaar van aanslag, met betrekking tot die jaar van aanslag wat op die nege-en-twintigste dag van Februarie 1964 eindig, in die geval van elke voorlopige belastingpligtige (behalwe 'n maatskappy) geag word die jaar van aanslag te wees wat op die dertigste dag van Junie 1962 geëindig het.”

26. Paragraaf 22 van die Vierde Bylae by die Hoofwet word hierby gewysig deur die volgende sub-paragraaf by te voeg, terwyl die bestaande paragraaf sub-paragraaf (1) word:

„(2) Indien die Kommissaris ingevolge sub-artikel (13)ter van artikel *ses-en-sestig* van hierdie Wet ingestem het om van 'n in sub-paragraaf (1) bedoelde voorlopige belastingpligtige ten opsigte van 'n jaar van aanslag rekenings aan te neem wat opgemaak is tot 'n datum wat na die einde van daardie jaar val, kan die Kommissaris op aansoek van die belastingpligtige opdrag gee dat die laaste dag van bedoelde jaar van aanslag by die toepassing van sub-paragraaf (1) geag word 'n dag te wees wat die Kommissaris met inagneming van die omstandighede van die geval bepaal.”

27. Paragraaf 24 van die Vierde Bylae by die Hoofwet word hierby gewysig deur na die uitdrukking „(b)” waar dit die eerste maal voorkom die uitdrukking „van sub-paragraaf (1)” in te voeg.

Wysiging van paragraaf 24 van 4de Bylae by Wet 58 van 1962, soos bygevoeg deur artikel 19 van Wet 6 van 1963.

28. Paragraaf 32 van die Vierde Bylae by die Hoofwet word hierby gewysig deur in die Engelse teks voor die woord „any” waar dit die eerste maal voorkom die uitdrukking „(a)” en waar dit die sewende maal voorkom die uitdrukking „(b)” in te voeg.

Wysiging van paragraaf 32 van 4de Bylae by Wet 58 van 1962, soos bygevoeg deur artikel 19 van Wet 6 van 1963.

29. Paragraaf 33 van die Vierde Bylae by die Hoofwet word hierby gewysig—

- (a) deur in sub-paragraaf (2) na die woord „wetsbepalings” die woorde „maar behoudens die bepalings van paragraaf 34” in te voeg en die woorde „en word, behalwe soos in sub-paragraaf (6) voorgeskryf, geen verrekening gemaak nie” te skrap;
 (b) deur in sub-paragraaf (4) na die woord „wat” waar dit eerste maal voorkom die woorde „op of na die eerste dag van April 1963 deur die Kommissaris” en na die woord „word” waar dit die tweede maal voorkom die woorde „behoudens die bepalings van paragraaf 34,” in te voeg;
 (c) deur item (b) van sub-paragraaf (6) deur die volgende item te vervang:
 (b) Indien daar 'n wesenlike verskil is tussen die skale van normale of provinsiale belastings ten opsigte van ander persone as maatskappye ten opsigte van 'n jaar van aanslag wat volg op die in item (ii) van sub-paragraaf (5) bedoelde jaar van aanslag en eindig voor of gedurende die belastingjaar ten opsigte waarvan die Kommissaris 'n vasstelling

Commissioner under that sub-paragraph, differ materially from the respective rates of normal or provincial taxes, as the case may be, in respect of the year of assessment referred to in the said item he shall make such adjustment in that determination as he deems necessary.”;

- (d) by the addition at the end of sub-paragraph (7) of the words “or in terms of paragraph 34, for the benefit of the Transkeian Revenue Fund”; and
- (e) by the insertion in sub-paragraph (8) after the word “payable” of the words “on or after the first day of April, 1963,” and after the word “mining” of the words “or any private company which is managed and controlled in the Transkei and in which Bantu persons have a controlling interest”.

Addition of
paragraph 34 to
4th Schedule to
Act 58 of 1962,
as added by
section 19 of
Act 6 of 1963.

30. The Fourth Schedule to the principal Act is hereby amended by the addition at the end thereof of the following paragraph:

“PAYMENTS TO AND REFUNDS FROM THE TRANSKEIAN REVENUE FUND.

34. (1) For the purposes of this paragraph “fiscal year” means a fiscal year as defined in sub-paragraph (1) of paragraph 33.

(2) Where under the provisions of sub-paragraph (2) of paragraph 33 any amount paid on or after the date referred to in sub-section (1) of section *fifty-two* of the Transkei Constitution Act, 1963, accrues partly for the benefit of the Consolidated Revenue Fund and partly for the benefit of the revenue fund of the province of the Cape of Good Hope, a proportion (determined by the Commissioner on the basis prescribed in sub-paragraph (4) of this paragraph for the fiscal year during which the amount is received) of such amount shall, notwithstanding the provisions of the said sub-paragraph (2), accrue for the benefit of the Transkeian Revenue Fund and the provisions of the said sub-paragraph (2) shall be deemed to apply in respect of only so much of the said amount as remains after the deduction of the said proportion.

(3) A proportion (determined by the Commissioner on the basis prescribed in sub-paragraph (4) of this paragraph for the fiscal year during which the refund is made) of any amount refunded on or after the date referred to in sub-section (1) of section *fifty-two* of the Transkei Constitution Act, 1963, in respect of any tax, interest, penalty or additional tax referred to in sub-paragraph (2) of paragraph 33 and paid as a drawback partly from revenues accruing to the Consolidated Revenue Fund and partly from revenues accruing to the revenue fund of the province of the Cape of Good Hope shall, notwithstanding the provisions of sub-paragraph (4) of paragraph 33, be paid as a drawback from revenues accruing to the Transkeian Revenue Fund, and the provisions of sub-paragraph (4) of paragraph 33 shall be deemed to apply in respect of only so much of the said amount as remains after the deduction of the said proportion.

(4) Subject to the provisions of sub-paragraph (5) the proportion of any amount accruing for the benefit of the Transkeian Revenue Fund in terms of sub-paragraph (2) or to be paid as a drawback from revenues accruing to that fund in terms of sub-paragraph (3) shall be determined by the Commissioner in accordance with the formula—

$$Y = \frac{D}{B} \times \frac{100}{1},$$

in which formula—

- (a) “Y” represents the proportion, expressed as a percentage, which has to be determined;
- (b) “D” represents the aggregate of the amounts of normal and provincial taxes which the Commissioner estimates as payable by citizens of the Transkei who are ordinarily resident in the Transkei in respect of the year of assessment ending during the year ending the thirty-first day of December immediately preceding the commencement of the fiscal year for which the determination is made; and

ingevolge daardie sub-paragraaf moet maak, en die onderskeie skale van normale of provinsiale belastings, na gelang van die geval, ten opsigte van die jaar van aanslag in genoemde item bedoel, moet hy die aanpassings by daardie vasstelling maak wat hy nodig ag.”;

- (d) deur aan die end van sub-paragraaf (7) die woorde „of ingevolge paragraaf 34 ten bate van die Transkeise Inkomstefonds” by te voeg; en
- (e) deur in sub-paragraaf (8) na die woorde „bedrag” die woorde „op of na die eerste dag van April 1963” en na die woorde „verkry” die woorde „of ‘n private maatskappy wat in die Transkei bestuur en beheer word en waarin Bantoepersone ‘n beherende belang het” in te voeg.

30. Die Vierde Bylae by die Hoofwet word hierby gewysig deur aan die end daarvan die volgende paragraaf by te voeg:

„BETALINGS AAN EN TERUGBETALINGS UIT DIE TRANSKEISE INKOMSTEFONDS.

Byvoeging van
paragraaf 34 by
4de Bylae by
Wet 58 van 1962,
soos bygevoeg deur
artikel 19 van
Wet 6 van 1963.

34. (1) By die toepassing van hierdie paragraaf beteken „belastingjaar” ‘n belastingjaar soos in sub-paragraaf (1) van paragraaf 33 omskryf.

(2) Waar ingevolge die bepalings van sub-paragraaf (2) van paragraaf 33 ‘n bedrag wat op of na die in sub-artikel (1) van artikel *twee-en-vyftig* van die Transkeise Grondwet, 1963, bedoelde datum betaal word, gedeeltelik ten bate van die Gekonsolideerde Inkomstefonds en gedeeltelik ten bate van die inkomstefonds van die provinsie die Kaap die Goeie Hoop toeval, val ‘n gedeelte (deur die Kommissaris op die in sub-paragraaf (4) van hierdie paragraaf voorgeskrewe basis vasgestel vir die belastingjaar waartydens die bedrag ontvang word) van dié bedrag, ondanks die bepalings van bedoelde sub-paragraaf (2), ten bate van die Transkeise Inkomstefonds toe en word die bepalings van bedoelde sub-paragraaf (2) geag slegs ten opsigte van soveel van bedoelde bedrag van toepassing te wees as wat na aftrekking van bedoelde gedeelte oorby.

(3) ‘n Gedeelte (deur die Kommissaris op die in sub-paragraaf (4) van hierdie paragraaf voorgeskrewe basis vasgestel vir die belastingjaar waartydens die terugbetaling gemaak word) van ‘n bedrag wat op of na die in sub-artikel (1) van artikel *twee-en-vyftig* van die Transkeise Grondwet, 1963, bedoelde datum ten opsigte van enige belasting, rente, boete of addisionele belasting in sub-paragraaf (2) van paragraaf 33 bedoel, terugbetaal word en betaal word by wyse van ‘n terugtrekking gedeeltelik uit inkomste wat toeval aan die Gekonsolideerde Inkomstefonds en gedeeltelik uit inkomste wat toeval aan die inkomstefonds van die provinsie die Kaap die Goeie Hoop, word, ondanks die bepalings van sub-paragraaf (4) van paragraaf 33, betaal by wyse van ‘n terugtrekking uit inkomste wat toeval aan die Transkeise Inkomstefonds en die bepalings van sub-paragraaf (4) van paragraaf 33 word geag van toepassing te wees slegs ten opsigte van soveel van bedoelde bedrag as wat na aftrekking van bedoelde gedeelte oorby.

(4) Behoudens die bepalings van sub-paragraaf (5) word die gedeelte van ‘n bedrag wat ingevolge sub-paragraaf (2) ten bate van die Transkeise Inkomstefonds toeval of wat betaal word by wyse van ‘n terugtrekking uit inkomste wat ingevolge sub-paragraaf (3) aan bedoelde fonds toeval, deur die Kommissaris ooreenkomsdig die formule—

$$Y = \frac{D}{B} \times \frac{100}{1}$$

vasgestel, in welke formule—

- (a) „Y” die gedeelte voorstel, as ‘n persentasie uitgedruk, wat vasgestel moet word;
- (b) „D” die totaal van die bedrae aan normale en provinsiale belastings voorstel wat volgens skatting van die Kommissaris deur burgers van die Transkei wat gewoonlik in die Transkei woonagtig is betaalbaar is ten opsigte van die jaar van aanslag wat eindig gedurende die jaar eindigende op die een-en-dertigste dag van Desember wat die begin van die belastingjaar ten opsigte waarvan die vasstelling gemaak word, onmiddellik voorafgaan; en

(c) "B" represents the aggregate of the amounts of normal and provincial taxes which the Commissioner estimates as payable by persons (other than companies) liable for the payment of the provincial taxes of the province of the Cape of Good Hope in respect of the year of assessment referred to in item (b).

(5) (a) In applying the formula set out in sub-paragraph (4) in relation to the fiscal year ending the thirty-first day of March, 1965, any reference in item (b) or (c) of that sub-paragraph to a year of assessment shall be deemed to be a reference to the year of assessment ended the thirtieth day of June, 1962.

(b) If the rates of normal or provincial taxes in respect of persons other than companies in respect of any year of assessment succeeding the year of assessment referred to in item (b) of sub-paragraph (4) and ending before or during the fiscal year in respect of which a determination is required to be made by the Commissioner under that sub-paragraph, differ materially from the respective rates of normal or provincial taxes, as the case may be, in respect of the year of assessment referred to in the said item, he shall make such adjustment in that determination as he deems necessary.

(6) The amounts paid into the Transkeian Revenue Fund under the provisions of this paragraph shall be deemed to be the full amounts required to be paid into that fund in terms of sub-paragraph (ii) of paragraph (a) of sub-section (1) of section *fifty-two* of the Transkei Constitution Act, 1963, in respect of any tax (other than normal tax payable by any company, non-resident shareholders' tax, undistributed profits tax, excess profits duty or donations tax) as defined in section *one* of this Act for the purposes of Part IV of Chapter III of this Act, any interest (other than interest payable by any company in respect of normal tax or provisional tax) payable in terms of section *eighty-nine* or *eighty-nine bis* of this Act, any penalty (other than a penalty payable by any company under paragraph 27) imposed under paragraph 5, 6 or 27 and any additional tax imposed on any person other than a company under paragraph 20."

Amendment of
section 1 of
Act 69 of 1960.

31. (1) Section *one* of the Technological Training Advancement Act, 1960, is hereby amended by the deletion in the definition of "technological training" of the word "post-graduate".

(2) The provisions of sub-section (1) shall first take effect in respect of donations made on or after the commencement of this Act by a company as contemplated in paragraph (r) of section *eleven* of the principal Act.

Amendment of
section 10 of
Act 90 of 1962,
as amended by
section 29 of
Act 6 of 1963.

32. Section *ten* of the Income Tax Amendment Act, 1962, is hereby amended by the addition to sub-section (2) of the words "or, in the case of a company, the first year of assessment of such company ending after the thirtieth day of June, 1962".

Commencement
of certain
amendments.

33. Save as otherwise provided the amendments effected to the principal Act by sections *four*, *seven*, *twelve* and *fifteen to twenty-one*, inclusive, shall first take effect in respect of assessments for the year of assessment ended the twenty-eighth day of February, 1963.

Short title.

34. This Act shall be called the Income Tax Act, 1963.

- (c) „B” die totaal van die bedrae aan normale en provinsiale belastings voorstel wat volgens skatting van die Kommissaris betaalbaar is deur persone (behalwe maatskappye) aanspreeklik vir die betaling van die provinsiale belastings van die provinsie die Kaap die Goeie Hoop ten opsigte van die jaar van aanslag in item (b) bedoel.
- (5) (a) By die toepassing van die formule in sub-paragraaf (4) uiteengesit met betrekking tot die belastingjaar eindigende op die een-en-dertigste dag van Maart 1965 word 'n verwysing in item (b) of (c) van daardie sub-paragraaf na 'n jaar van aanslag geag 'n verwysing te wees na die jaar van aanslag geëindig op die dertigste dag van Junie 1962.
- (b) Indien daar 'n wesenlike verskil is tussen die skale van normale of provinsiale belastings ten opsigte van ander persone as maatskappye ten opsigte van 'n jaar van aanslag wat volg op die in item (b) van sub-paragraaf (4) bedoelde jaar van aanslag en wat eindig voor of gedurende die belastingjaar ten opsigte waarvan die Kommissaris 'n vasstelling ingevolge daardie sub-paragraaf moet maak, en die onderskeie skale van normale of provinsiale belastings, na gelang van die geval, ten opsigte van die jaar van aanslag in genoemde item bedoel, moet hy die aanpassings by daardie vasstelling maak wat hy nodig ag.
- (6) Die bedrae wat ingevolge die bepalings van hierdie paragraaf in die Transkeise Inkomstefonds inbetaal word, word geag die volle bedrae te wees wat ingevolge sub-paragraaf (ii) van paragraaf (a) van sub-artikel (1) van artikel *twee-en-vyftig* van die Transkeise Grondwet, 1963, in daardie fonds inbetaal moet word, ten opsigte van enige belasting (behalwe normale belasting deur 'n maatskappy betaalbaar, belasting op buitelandse aandeelhouers, belasting op onuitgekeerde winste, oorwinstbelasting of belasting op geskenke) soos in artikel *een* van hierdie Wet vir die doeleindes van Deel IV van Hoofstuk III van hierdie Wet omskryf, enige rente (behalwe rente ten opsigte van normale belasting of voorlopige belasting deur 'n maatskappy betaalbaar) ingevolge artikel *nege-en-tagtig* of *nege-en-tagtig bis* van hierdie Wet betaalbaar, enige boete (behalwe 'n boete ingevolge paragraaf 27 deur 'n maatskappy betaalbaar) ingevolge paragraaf 5, 6 of 27 opgelê, en enige addisionele belasting ingevolge paragraaf 20 aan 'n ander persoon as 'n maatskappy opgelê.”.

31. (1) Artikel *een* van die Wet ter Bevordering van Tegnologiese Opleiding, 1960, word hierby gewysig deur in die omskrywing van „tegnologiese opleiding” die woord „na-graadse” te skrap. Wysiging van artikel 1 van Wet 69 van 1960.

(2) Die bepalings van sub-artikel (1) tree vir die eerste maal in werking ten opsigte van skenkings op of na die inwerkintreding van hierdie Wet deur 'n maatskappy gemaak soos in paragraaf (r) van artikel *elf* van die Hoofwet beoog.

32. Artikel *tien* van die Wysigingswet op Inkomstebelasting, 1962, word hierby gewysig deur by sub-artikel (2) die woorde „of, in die geval van 'n maatskappy, die eerste jaar van aanslag van dié maatskappy wat na die dertigste dag van Junie 1962 eindig” te voeg. Wysiging van artikel 10 van Wet 90 van 1962, soos gewysig deur artikel 29 van Wet 6 van 1963.

33. Behalwe vir sover anders bepaal, tree die wysigings deur artikels *vier*, *sewe*, *twaalf* en *vyftien* tot en met *een-en-twintig* in die Hoofwet aangebring, vir die eerste maal in werking ten opsigte van aanslae vir die jaar van aanslag wat op die agt-en-twintigste dag van Februarie 1963 geëindig het. Inwerkintreding van sekere wysigings.

34. Hierdie Wet heet die Inkomstebelastingwet, 1963. Kort titel.

Schedule.

RATES OF NORMAL TAX PAYABLE BY PERSONS OTHER THAN COMPANIES IN RESPECT OF THE PERIOD OF EIGHT MONTHS ENDED THE TWENTY-EIGHTH DAY OF FEBRUARY, 1963, OR THE YEAR OF ASSESSMENT ENDING THE THIRTIETH DAY OF JUNE, 1963, WHICHEVER IS APPLICABLE, AND THE YEAR OF ASSESSMENT ENDING THE TWENTY-NINTH DAY OF FEBRUARY, 1964, OR THE THIRTIETH DAY OF JUNE, 1964, WHICHEVER IS APPLICABLE, AND BY COMPANIES IN RESPECT OF THEIR FINANCIAL YEARS ENDING ON OR BEFORE THE THIRTY-FIRST DAY OF DECEMBER, 1963.

(Section one of this Act.)

1. (1) The rates of normal tax referred to in section one of this Act are as follows:—

- (a) In respect of the taxable income (excluding so much as is derived from mining operations carried on in the Republic by any company, but including so much as the Commissioner determines to be attributable to the inclusion in the gross income derived from mining in the Republic for gold, of any amount referred to in paragraph (j) of the definition of "gross income" in section one of the principal Act)—
 - (i) in the case of all companies, except as provided in paragraph (b) of sub-section (1) of section two of this Act, for each rand of the taxable income, thirty cents;
 - (ii) in the case of persons other than companies, as prescribed in the tables below: Provided that there shall in respect of the year of assessment ending the twenty-ninth day of February, 1964, or the thirtieth day of June, 1964, whichever is applicable, be deducted from the amount of tax calculated in accordance with the said tables a sum equal to five per cent of the net amount arrived at after deducting the rebates provided for in section six of the principal Act from the amount of the tax so calculated:

TABLES.

Taxable Income.	Rates of Tax in Respect of Married Persons.
Where the taxable income— does not exceed R600	6 per cent of each R1 of taxable income;
exceeds R600, but does not exceed R1,000	R36 plus 7 per cent of the amount by which the taxable income exceeds R600;
" R1,000, " " " R1,200	R64 plus 8 per cent of the amount by which the taxable income exceeds R1,000;
" R1,200, " " " R2,400	R80 plus 8 per cent of the amount by which the taxable income exceeds R1,200;
" R2,400, " " " R3,000	R176 plus 8 per cent of the amount by which the taxable income exceeds R2,400;
" R3,000, " " " R4,600	R224 plus 9 per cent of the amount by which the taxable income exceeds R3,000;
" R4,600, " " " R5,000	R368 plus 16 per cent of the amount by which the taxable income exceeds R4,600;
" R5,000, " " " R6,000	R432 plus 25 per cent of the amount by which the taxable income exceeds R5,000;
" R6,000, " " " R8,000	R682 plus 29 per cent of the amount by which the taxable income exceeds R6,000;
" R8,000, " " " R10,000	R1,262 plus 35 per cent of the amount by which the taxable income exceeds R8,000;
" R10,000 " " " R12,000	R1,962 plus 39 per cent of the amount by which the taxable income exceeds R10,000;
" R12,000, " " " R14,000	R2,742 plus 40 per cent of the amount by which the taxable income exceeds R12,000;
" R14,000, " " " R16,000	R3,542 plus 44 per cent of the amount by which the taxable income exceeds R14,000;

Bylae.

SKALE VAN NORMALE BELASTING BETAALBAAR DEUR ANDER PERSONE AS MAATSKAPPYE TEN OPSIGTE VAN DIE TYDPERK VAN AGT MAANDE GEËINDIG OP DIE AGT-EN-TWINTIGSTE DAG VAN FEBRUARIE 1963 OF DIE JAAR VAN AANSLAG EINDIGENDE OP DIE DERTIGSTE DAG VAN JUNIE 1963, WATTER OOK AL VAN TOEPASSING IS, EN DIE JAAR VAN AANSLAG EINDIGENDE OP DIE NEGE-EN-TWINTIGSTE DAG VAN FEBRUARIE 1964 OF DIE DERTIGSTE DAG VAN JUNIE 1964, WATTER OOK AL VAN TOEPASSING IS, EN DEUR MAATSKAPPYE TEN OPSIGTE VAN HUL BOEKJARE EINDIGENDE OP OF VOOR DIE EEN-EN-DERTIGSTE DAG VAN DESEMBER 1963.

(Artikel een van hierdie Wet.)

1. (1) Die skale van normale belasting bedoel in artikel een van hierdie Wet is soos volg:—

- (a) Ten opsigte van die belasbare inkomste (met uitsondering van soveel as wat verkry is uit mynwerksaamhede wat in die Republiek deur 'n maatskappy voortgesit word, maar met inbegrip van soveel as wat volgens vasstelling van die Kommissaris toe te skryf is aan die inrekening by bruto inkomste verkry uit die myn van goud in die Republiek, van 'n in paragraaf (j) van die omskrywing van „bruto inkomste” in artikel een van die Hoofwet bedoelde bedrag)—
- (i) in die geval van alle maatskappye, behalwe soos in paragraaf (b) van sub-artikel (1) van artikel twee van hierdie Wet bepaal, dertig sent op elke rand van die belasbare inkomste;
 - (ii) in die geval van ander persone as maatskappye, soos in die tabelle hieronder voorgeskryf: Met dien verstande dat daar ten opsigte van die jaar van aanslag eindigende op die nege-en-twintigste dag van Februarie 1964 of die dertigste dag van Junie 1964, watter ook al van toepassing is, van die bedrag van belasting bereken ooreenkomsdig genoemde tabelle 'n som afgetrek word gelyk aan vyf persent van die netto bedrag verkry nadat die kortings waarvoor in artikel ses van die Hoofwetvoorsiening gemaak word, afgetrek is van die bedrag van belasting aldus bereken:

TABELLE.

Belasbare Inkomste.	Skale van belasting ten opsigte van getroude persone.
Waar die belasbare inkomste— R600 nie te bowe gaan nie	6 persent van elke R1 van belasbare inkomste; R36 plus 7 persent van die bedrag waarmee die belasbare inkomste R600 oorskry;
R600 te bowe gaan, maar nie R1,000 nie	R64 plus 8 persent van die bedrag waarmee die belasbare inkomste R1,000 oorskry;
R1,000 „ „ R1,200 „	R80 plus 8 persent van die bedrag waarmee die belasbare inkomste R1,200 oorskry;
R1,200 „ „ R2,400 „	R176 plus 8 persent van die bedrag waarmee die belasbare inkomste R2,400 oorskry;
R2,400 „ „ R3,000 „	R224 plus 9 persent van die bedrag waarmee die belasbare inkomste R3,000 oorskry;
R3,000 „ „ R4,600 „	R368 plus 16 persent van die bedrag waarmee die belasbare inkomste R4,600 oorskry;
R4,600 „ „ R5,000 „	R432 plus 25 persent van die bedrag waarmee die belasbare inkomste R5,000 oorskry;
R5,000 „ „ R6,000 „	R682 plus 29 persent van die bedrag waarmee die belasbare inkomste R6,000 oorskry;
R6,000 „ „ R8,000 „	R1,262 plus 35 persent van die bedrag waarmee die belasbare inkomste R8,000 oorskry;
R8,000 „ „ R10,000 „	R1,962 plus 39 persent van die bedrag waarmee die belasbare inkomste R10,000 oorskry;
R10,000 „ „ R12,000 „	R2,742 plus 40 persent van die bedrag waarmee die belasbare inkomste R12,000 oorskry;
R12,000 „ „ R14,000 „	R3,542 plus 44 persent van die bedrag waarmee die belasbare inkomste R14,000 oorskry;
R14,000 „ „ R16,000 „	

Taxable Income.	Rates of Tax in Respect of Married Persons.
Where the taxable income— exceeds R16,000, but does not exceed R18,000	R4,422 plus 47 per cent of the amount by which the taxable income exceeds R16,000; R5,362 plus 50 per cent of the amount by which the taxable income exceeds R18,000;
" R18,000	R5,362 plus 50 per cent of the amount by which the taxable income exceeds R18,000;
Taxable Income.	Rates of Tax in Respect of Persons who are not Married.
Where the taxable income— does not exceed R600	7½ per cent of each R1 of taxable income;
exceeds R600, but does not exceed R1,000	R45 plus 9 per cent of the amount by which the taxable income exceeds R600;
" R1,000, " " " R1,200	R81 plus 9 per cent of the amount by which the taxable income exceeds R1,000;
" R1,200, " " " R2,400	R99 plus 9 per cent of the amount by which the taxable income exceeds R1,200;
" R2,400, " " " R3,000	R207 plus 10 per cent of the amount by which the taxable income exceeds R2,400;
" R3,000, " " " R4,600	R267 plus 11 per cent of the amount by which the taxable income exceeds R3,000;
" R4,600, " " " R5,000	R443 plus 18 per cent of the amount by which the taxable income exceeds R4,600;
" R5,000, " " " R6,000	R515 plus 26 per cent of the amount by which the taxable income exceeds R5,000;
" R6,000, " " " R8,000	R775 plus 30 per cent of the amount by which the taxable income exceeds R6,000;
" R8,000, " " " R10,000	R1,375 plus 36 per cent of the amount by which the taxable income exceeds R8,000;
" R10,000, " " " R12,000	R2,095 plus 41 per cent of the amount by which the taxable income exceeds R10,000;
" R12,000, " " " R14,000	R2,915 plus 42 per cent of the amount by which the taxable income exceeds R12,000;
" R14,000, " " " R16,000	R3,755 plus 45 per cent of the amount by which the taxable income exceeds R14,000;
" R16,000, " " " R18,000	R4,655 plus 48 per cent of the amount by which the taxable income exceeds R16,000;
" R18,000	R5,615 plus 50 per cent of the amount by which the taxable income exceeds R18,000;

(b) in respect of so much of the taxable income as has been derived by any company from mining in the Republic for gold (but with the exclusion of so much of the taxable income as the Commissioner determines to be attributable to the inclusion in the gross income of any amount referred to in paragraph (j) of the definition of "gross income" in section one of the principal Act), on each rand of the taxable income, a percentage determined in accordance with the formula—

$$y = 60 - \frac{360}{x}$$

in which formula (and in the formulae set out in the proviso hereto) y represents such percentage and x the ratio expressed as a percentage which the taxable income so derived (with the said exclusion) bears to the income so derived (with the said

Belasbare Inkomste.	Skale van belasting ten opsigte van getroude persone.
Waar die belasbare inkomste— R16,000 te bowe gaan, maar nie R18,000 nie	R4,422 plus 47 persent van die bedrag waarmee die belasbare inkomste R16,000 oorskry;
R18,000 te bowe gaan	R5,362 plus 50 persent van die bedrag waarmee die belasbare inkomste R18,000 oorskry.
Belasbare Inkomste.	Skale van belasting ten opsigte van persone wat nie getroud is nie.
Waar die belasbare inkomste— R600 nie te bowe gaan nie	7½ persent van elke R1 van belasbare inkomste;
R600 te bowe gaan, maar nie R1,000 nie	R45 plus 9 persent van die bedrag waarmee die belasbare inkomste R600 oorskry;
R1,000 R1,200 ..	R81 plus 9 persent van die bedrag waarmee die belasbare inkomste R1,000 oorskry;
R1,200 R2,400 ..	R99 plus 9 persent van die bedrag waarmee die belasbare inkomste R1,200 oorskry;
R2,400 R3,000 ..	R207 plus 10 persent van die bedrag waarmee die belasbare inkomste R2,400 oorskry;
R3,000 R4,600 ..	R267 plus 11 persent van die bedrag waarmee die belasbare inkomste R3,000 oorskry;
R4,600 R5,000 ..	R443 plus 18 persent van die bedrag waarmee die belasbare inkomste R4,600 oorskry;
R5,000 R6,000 ..	R515 plus 26 persent van die bedrag waarmee die belasbare inkomste R5,000 oorskry;
R6,000 R8,000 ..	R775 plus 30 persent van die bedrag waarmee die belasbare inkomste R6,000 oorskry;
R8,000 R10,000 ..	R1,375 plus 36 persent van die bedrag waarmee die belasbare inkomste R8,000 oorskry;
R10,000 R12,000 ..	R2,095 plus 41 persent van die bedrag waarmee die belasbare inkomste R10,000 oorskry;
R12,000 R14,000 ..	R2,915 plus 42 persent van die bedrag waarmee die belasbare inkomste R12,000 oorskry;
R14,000 R16,000 ..	R3,755 plus 45 persent van die bedrag waarmee die belasbare inkomste R14,000 oorskry;
R16,000 R18,000 ..	R4,655 plus 48 persent van die bedrag waarmee die belasbare inkomste R16,000 oorskry;
R18,000 te bowe gaan	R5,615 plus 50 persent van die bedrag waarmee die belasbare inkomste R18,000 oorskry.

(b) ten opsigte van soveel van die belasbare inkomste as wat deur 'n maatskappy uit die myn van goud in die Republiek verkry is (maar met uitsluiting van soveel van die belasbare inkomste as wat volgens vasstelling van die Kommissaris toe te skryf is aan die inrekening by bruto inkomste van 'n in paragraaf (J) van die omskrywing van „bruto inkomste“ in artikel een van die Hoofwet bedoelde bedrag), op elke rand van die belasbare inkomste 'n persentasie vasgestel ooreenkomstig die formule—

$$y = 60 - \frac{360}{x}$$

in welke formule (asook in die formules in die voorbehoudsbepaling hierby uiteengesit) y die bedoelde persentasie voorstel en x die verhouding, as 'n persentasie uitgedruk, waarin die aldus verkree belasbare inkomste (met genoemde uitsluiting) staan tot die aldus verkree inkomste (met genoemde uitsluiting):

exclusion): Provided that if the taxable income so derived (with the said exclusion) does not exceed forty thousand rand, the rate of tax shall not exceed a percentage determined in accordance with the formula:

$$y = 20\left(1 - \frac{6}{x}\right)$$

and if such taxable income exceeds forty thousand rand, the rate of tax shall not exceed a percentage determined in accordance with a formula arrived at by increasing the number 20

$$\text{in the formula } y = 20\left(1 - \frac{6}{x}\right) \text{ by one for each completed}$$

amount of two thousand five hundred rand by which the said taxable income exceeds forty thousand rand;

- (c) in respect of so much of the taxable income as has been derived by any company from mining in the Republic for diamonds, for each rand of the taxable income, forty-five cents;
- (d) in respect of so much of the taxable income as has been derived by any company from mining operations (other than mining for gold or diamonds) carried on by such company in the Republic, for each rand of the taxable income, thirty cents;
- (e) in respect of so much of the taxable income of any company, the sole or principal business of which in the Republic is or has been mining for gold and the determination of the taxable income of which for the period assessed does not result in an assessed loss, as the Commissioner determines to be attributable to the inclusion in its gross income of any amount referred to in paragraph (j) of the definition of "gross income" in section *one* of the principal Act, for each rand so determined to be attributable to the inclusion of any such amount, the amount by which the average rate of normal tax as determined under item (b) of sub-paragraph (2) exceeds twenty-five cents;
- (2) (a) For the purposes of sub-paragraph (1) income derived from mining in the Republic for gold shall include any income derived from silver, osmiridium, uranium, pyrites or other minerals which may be won in the course of the mining for gold, and any income which, in the opinion of the Commissioner, results directly from mining for gold.
- (b) For the purposes of item (e) of sub-paragraph (1), the average rate of normal tax shall be determined by dividing the total normal tax (excluding the tax determined in accordance with the said paragraph for the period assessed) paid by the company concerned in respect of its aggregate taxable income from gold mining for the period from the first day of July, 1916, to the end of the period assessed, by the number of rand contained in the said aggregate taxable income.
- (c) The tax determined in accordance with any one of the items (a) to (e) of sub-paragraph (1), shall be payable in addition to the tax determined in accordance with any other of the said items.

Met dien verstande dat indien die aldus verkree belasbare inkomste (met genoemde uitsluiting) nie meer as veertigduisend rand bedra nie, die belastingskaal nie hoer is nie as 'n persentasie vasgestel ooreenkomstig die formule:

$$y = 20(1 - \frac{6}{x})$$

en indien bedoelde belasbare inkomste meer as veertigduisend rand bedra, die belastingskaal nie hoer is nie as 'n persentasie vasgestel ooreenkomstig 'n formule wat verkry word deur die

getal 20 in die formule $y = 20(1 - \frac{6}{x})$ te verhoog met een vir

elke volle bedrag van tweeduiseend vyfhonderd rand wat genoemde belasbare inkomste meer as veertigduisend rand bedra;

- (c) ten opsigte van soveel van die belasbare inkomste as wat deur 'n maatskappy uit die myn van diamante in die Republiek verkry is, vyf-en-veertig sent op elke rand van die belasbare inkomste;
- (d) ten opsigte van soveel van die belasbare inkomste as wat deur 'n maatskappy verkry is uit ander mynwerksaamhede as die myn van goud of diamante wat deur sodanige maatskappy in die Republiek voortgesit word, dertig sent op elke rand van die belasbare inkomste;
- (e) ten opsigte van soveel van die belasbare inkomste van 'n maatskappy wie se enigste of vernaamste besigheid in die Republiek die myn van goud is of was en die vasstelling van die belasbare inkomste waarvan vir die tydperk van aanslag nie op 'n vasgestelde verlies uitloop nie, as wat volgens vasstelling van die Kommissaris toe te skryf is aan die inrekening by sy bruto inkomste van 'n in paragraaf (j) van die omskrywing van „bruto inkomste“ in artikel een van die Hoofwet bedoelde bedrag, op elke rand wat volgens dié vasstelling toe te skryf is aan die inrekening van so 'n bedrag, die bedrag waarmee die gemiddelde skaal van normale belasting vasgestel ooreenkomstig item (b) van sub-paragraaf (2) vyf-en-twintig sent oorskry;
- (2) (a) Vir die doeleindeste van sub-paragraaf (1) sluit inkomste uit die myn van goud in die Republiek verkry ook inkomste in wat verkry is van silwer, osmiridium, uraan, piriet of ander minerale wat in die loop van die myn van goud gewin word, en enige inkomste wat volgens die oordeel van die Kommissaris regstreks uit die myn van goud voortvloeи.
- (b) Vir die doeleindeste van item (e) van sub-paragraaf (1) word die gemiddelde skaal van normale belasting vasgestel deur die totale normale belasting (met uitsluiting van die belasting ooreenkomstig genoemde paragraaf vir die tydperk van aanslag vasgestel) wat deur die betrokke maatskappy betaal is ten opsigte van sy totale belasbare inkomste uit die myn van goud vir die tydperk vanaf die eerste dag van Julie 1916 tot die end van die tydperk waarvoor aangeslaan word, te deel deur die getal rand wat genoemde totale belasbare inkomste bevat.
- (c) Die belasting ooreenkomstig enigeen van die items (a) tot (e) van sub-paragraaf (1) vasgestel, is betaalbaar benewens die belasting ooreenkomstig enige ander van genoemde items vasgestel.

No. 73, 1963.]

ACT

To provide for the co-ordination of the activities of the State relating to cinematograph films and photographs, for the acquisition, production, exhibition, distribution and making available of certain cinematograph films and photographs, for the development of the cinematograph film industry and of photography in the Republic, for the rendering of certain cinematograph film and photographic services to departments of State, provincial administrations and statutory bodies and to the administration of the territory of South-West Africa and the South African Broadcasting Corporation, for the acquisition and preservation of cinematograph films of archival value, and to that end to establish a National Film Board; and to provide for other incidental matters.

*(Afrikaans text signed by the State President.)
(Assented to 27th June, 1963.)*

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

- Definitions.**
1. In this Act, unless the context otherwise indicates—
 - (i) "board" means the National Film Board established by section two;
 - (iv) "cinematograph film" means any sequence of visual images recorded on material of any description (whether translucent or not) so as to be capable, by the use of that material—
 - (a) of being shown as a moving picture; or
 - (b) of being recorded on other material (whether translucent or not) by the use of which it can be so shown;
 - (v)
 - (ii) "Minister" means the Minister of Education, Arts and Science;
 - (iii) "non-official member" means a member of the board appointed under paragraph (c) of sub-section (1) of section three;
 - (vi) "photograph" means any product of photography or of any process akin to photography, but does not include any part of a cinematograph film;
 - (i)
 - (vii) "statutory body" means any council, board or body established by or under any law which is maintained, in whole or in part, out of moneys voted by Parliament for that purpose.
 - (vi)

Establishment of National Film Board.

2. (1) There is hereby established a body to be known as the National Film Board, which shall be a body corporate, capable of suing and being sued in its corporate name and of performing, subject to the provisions of this Act, all such acts as are necessary for or incidental to the carrying out of its objects and functions and the exercise of its powers.

(2) No licence money, duty, fee or other tax imposed by or under any law shall be payable by the board.

Constitution of board.

3. (1) The board shall consist of the following members, namely—
 - (a) a chairman appointed by the Minister;
 - (b) subject to the provisions of sub-sections (5) and (6), the Secretary for Education, Arts and Science, the Secretary for Commerce and Industries, the Secretary for Information, the Secretary for Tourism and the Chairman of the South African Broadcasting Corporation; and
 - (c) five persons appointed by the Minister, of whom one shall have experience in commerce and industry, one shall have knowledge of science and technology, one shall have knowledge of and interest in religion and social welfare, one shall have knowledge of and interest in art and culture and one shall be a person connected with the public press.

(2) For every non-official member of the board there shall be an alternate member, who shall be appointed by the Minister with due regard to the provisions of paragraph (c) of sub-section

No. 73, 1963.]

WET

Om voorsiening te maak vir die koördinering van die bedrywighede van die Staat betreffende rolprente en foto's, vir die verkryging, vervaardiging, vertoning, verspreiding en beskikbaarstelling van sekere rolprente en foto's, vir die ontwikkeling van die rolprentbedryf en van fotografie in die Republiek, vir die verskaffing van sekere rolprent- en fotografiese dienste aan Staatsdepartemente, provinsiale administrasies en statutêre liggeme en aan die administrasie van die gebied Suidwes-Afrika en die Suid-Afrikaanse Uitsaai-korporasie, vir die verkryging en bewaring van rolprente van argivaliese waarde, en te dien einde 'n Nasionale Filmraad in te stel; en om vir ander bykomstige aangeleenthede voorsiening te maak.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 27 Junie 1963.)*

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

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

- (i) „foto” enige produk van fotografie of van 'n proses wat aan fotografie verwant is, maar nie ook 'n deel van 'n rolprent nie; (v)
- (ii) „Minister” die Minister van Onderwys, Kuns en Wetenskap; (iii)
- (iii) „nie-amptelike lid” 'n kragtens paragraaf (c) van sub-artikel (1) van artikel *drie* aangestelde lid van die raad; (iv)
- (iv) „raad” die deur artikel *twoe* ingestelde Nasionale Filmraad; (i)
- (v) „rolprent” enige reeks visuele beelde wat op enige stof, hetsy deurskynend al dan nie, opgeneem is op so 'n wyse dat dit deur gebruikmaking van daardie stof—
 - (a) as 'n bewegende prent vertoon kan word; of
 - (b) opgeneem kan word op ander stof, hetsy deurskynend al dan nie, deur gebruikmaking waarvan dit aldus vertoon kan word; (ii)
- (vi) „statutêre liggaam” enige raad of liggaam deur of kragtens 'n wet ingestel, wat geheel en al of gedeeltelik uit gelde vir daardie doel deur die Parlement bewillig, in stand gehou word. (vi)

2. (1) Hierby word 'n liggaam ingestel bekend as die Nasionale Filmraad, wat met regspersoonlikheid beklee is en bevoeg is om in sy naam as regspersoon as eiser en verweerde in regte op te tree en om, behoudens die bepalings van hierdie Wet, al die handelinge te verrig wat nodig is vir of in verband staan met die uitvoering van sy doelstellings, die verrigting van sy werkzaamhede en die uitoefening van sy bevoegdhede.

Instelling van
Nationale
Filmraad.

(2) Geen lisensiegeld, reg, gelde of ander belasting deur of kragtens die een of ander wet opgelê, is deur die raad betaalbaar nie.

3. (1) Die raad bestaan uit die volgende lede, te wete—

Samestelling
van raad.

- (a) 'n voorsitter wat deur die Minister aangestel word;
- (b) behoudens die bepalings van sub-artikels (5) en (6), die Sekretaris van Onderwys, Kuns en Wetenskap, die Sekretaris van Handel en Nywerheid, die Sekretaris van Inligting, die Sekretaris van Toerisme en die Voorsitter van die Suid-Afrikaanse Uitsaai-korporasie; en
- (c) vyf persone wat deur die Minister aangestel word, van wie een ondervinding in handel en nywerheid moet hê, een kennis van wetenskap en tegnologie moet hê, een kennis van en belangstelling in godsdiens en volkswelsyn moet hê, een kennis van en belangstelling in kuns en kultuur moet hê en een 'n persoon moet wees wat aan die openbare pers verbonde is.

(2) Vir elke nie-amptelike lid van die raad moet daar 'n plaasvervangende lid wees wat deur die Minister aangestel moet word met behoorlike inagneming van die bepalings van para-

(1) and who shall act as a member of the board in the place of the member concerned whenever he is unable to act as a member thereof.

(3) A member of the board referred to in paragraph (b) of sub-section (1) or designated under sub-section (6), may from time to time nominate a person in the service of the Department of Education, Arts and Science, the Department of Commerce and Industries, the Department of Information, the Department of Tourism or the South African Broadcasting Corporation, as the case may be (hereinafter referred to as a nominee), to act in his place as a member of the board whenever he is unable to act as a member thereof.

(4) Any alternate member or nominee, when acting in the place of a member, shall have all the powers and discharge all the duties of that member.

(5) No person shall become or serve as a member, alternate member or nominee if he has a direct interest in the production, sale, distribution or exhibition of cinematograph films for commercial purposes.

(6) Whenever any person referred to in paragraph (b) of sub-section (1) is, in terms of sub-section (5), disqualified from becoming or serving as a member, the Minister of the Department concerned or the South African Broadcasting Corporation may designate another person in the service of such Department or of the said Corporation, as the case may be, to be a member of the board while the person concerned is so disqualified.

Tenure of office of certain members and vacation of office.

4. (1) (a) The chairman of the board shall be appointed for such period not exceeding five years and a non-official member or alternate member of the board shall be appointed for such period not exceeding three years, as the Minister may determine at the time of the appointment: Provided that the period of office of the chairman of the board or of a non-official member or alternate member of the board may be terminated at any time if in the opinion of the Minister there are good reasons for doing so.

(b) Any member of the board shall be eligible for re-appointment on the termination of any period for which he has been appointed.

(2) The chairman of the board or a non-official member or alternate member of the board shall vacate his office—

- (a) if in terms of sub-section (5) of section *three* he becomes disqualified from serving as a member of the board;
- (b) if he resigns or dies;
- (c) if he becomes insolvent;
- (d) if he becomes of unsound mind;
- (e) if he is convicted of an offence and sentenced to imprisonment without the option of a fine;
- (f) if he has absented himself from two consecutive ordinary meetings of the board without its leave;
- (g) if his period of office has been terminated under sub-section (1); or
- (h) upon his election to the Senate, the House of Assembly or a provincial council or to the Legislative Assembly of South-West Africa.

Casual vacancies on board.

5. If a member or alternate member of the board vacates his office in pursuance of the provisions of sub-section (2) of section *four* the Minister shall, subject to the provisions of sections *three* and *four*, appoint a person as successor to such member or alternate member.

Meetings of board.

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

(2) The chairman of the board may at any time call a special meeting of the board to be held at such time and place as he may determine, and shall, upon a written request signed by not less than four members of the board, call a special meeting thereof to be held within two weeks from the date of receipt of such request and at such time and place as he may determine.

(3) Six members shall form a quorum at any meeting of the board.

graaf (c) van sub-artikel (1) en wat as 'n lid van die raad moet optree in die plek van die betrokke lid wanneer hy nie in staat is om as lid daarvan op te tree nie.

(3) 'n In paragraaf (b) van sub-artikel (1) bedoelde lid van die raad of 'n lid wat kragtens sub-artikel (6) aangewys is, kan van tyd tot tyd iemand in die diens van die Departement van Onderwys, Kuns en Wetenskap, die Departement van Handel en Nywerheid, die Departement van Inligting, die Departement van Toerisme of die Suid-Afrikaanse Uitsaaikorporasie, na gelang van die geval, nomineer (hieronder 'n genomineerde lid genoem) om in sy plek as 'n lid van die raad op te tree wanneer hy nie in staat is om as lid daarvan op te tree nie.

(4) 'n Plaasvervangende of genomineerde lid het, terwyl hy in die plek van 'n lid optree, al die bevoegdhede en vervul al die pligte van daardie lid.

(5) Niemand mag 'n lid of plaasvervangende of genomineerde lid word of as sodanig dien as hy 'n direkte belang by die vervaardiging, verkoop, verspreiding of vertoning van rolprente vir kommersiële doeleindes het nie.

(6) Wanneer 'n in paragraaf (b) van sub-artikel (1)-bedoelde persoon ingevolge sub-artikel (5) onbevoeg is om 'n lid te word of om as een te dien, kan die Minister van die betrokke Departement of die Suid-Afrikaanse Uitsaaikorporasie 'n ander persoon in die diens van sodanige Departement of van genoemde Korporasie, na gelang van die geval, aanwys om 'n lid van die raad te wees terwyl die betrokke persoon aldus onbevoeg is.

4. (1) (a) Die voorsitter van die raad word aangestel vir die tydperk van hoogstens vyf jaar, en 'n nie-amptelike lid of plaasvervangende lid van die raad word aangestel vir die tydperk van hoogstens drie jaar, wat die Minister ten tyde van die aanstelling bepaal: Met dien verstande dat die ampstermy van die voorsitter van die raad of van 'n nie-amptelike lid of plaasvervangende lid van die raad te eniger tyd beëindig kan word indien na die mening van die Minister goeie redes daarvoor bestaan.

(b) 'n Lid van die raad kan, by verstryking van enige tydperk waarvoor hy aangestel is, weer aangestel word.

(2) Die voorsitter van die raad of 'n nie-amptelike lid of plaasvervangende lid van die raad ontruim sy amp—

- (a) indien hy ingevolge sub-artikel (5) van artikel *drie* onbevoeg word om as 'n lid van die raad te dien;
- (b) indien hy bedank of te sterwe kom;
- (c) indien hy insolvent raak;
- (d) indien hy kranksinnig word;
- (e) indien hy weens 'n misdryf veroordeel en tot gevangenisstraf sonder die keuse van 'n boete veroordeel word;
- (f) indien hy sonder verlof van die raad van twee agtereenvolgende gewone vergaderings van die raad afwesig was;
- (g) indien sy ampstermy kragtens sub-artikel (1) beëindig is; of
- (h) by sy verkiesing tot die Senaat, die Volksraad of 'n provinsiale raad of tot die Wetgewende Vergadering van Suidwes-Afrika.

5. Indien 'n lid of plaasvervangende lid van die raad sy amp ingevolge die bepalings van sub-artikel (2) van artikel *vier* ontruim, moet die Minister, behoudens die bepalings van artikels *drie* en *vier*, iemand as opvolger van sodanige lid of plaasvervangende lid aanstel.

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

(2) Die voorsitter van die raad kan te eniger tyd 'n spesiale vergadering van die raad belê om gehou te word op die tyd en plek wat hy bepaal, en moet, op 'n skriftelike versoek deur minstens vier lede van die raad onderteken, 'n spesiale vergadering daarvan belê om gehou te word binne twee weke vanaf die datum van ontvangs van sodanige versoek en wel op die tyd en plek wat hy bepaal.

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

(4) (a) The Minister shall appoint one of the members as vice-chairman of the board to act as chairman when the chairman is absent or unable to perform his duties as chairman.

(b) The vice-chairman shall, when acting in the place of the chairman, in all respects have all the powers and discharge all the duties of the chairman.

(5) In the event of the absence of both the chairman and the vice-chairman from any meeting of the board, the members present at the meeting shall elect one of their number to preside at such meeting.

(6) A decision of the board shall be by a resolution of the majority of the members present at any meeting of the board, and, in the event of an equality of votes on any matter, the person presiding at the meeting in question shall have a casting vote in addition to his deliberative vote as a member of the board.

Committees of board.

7. (1) There shall be an executive committee of the board, consisting of the chairman of the board and two members of the board, one of whom shall be a person appointed under paragraph (c) of sub-section (1) of section *three*, selected annually by the board.

(2) The executive committee shall, under the supervision of the board, carry out all the functions and perform all the duties of the board.

(3) The board may establish subsidiary committees to assist it in the carrying out of its functions and the performance of its duties and may appoint such persons, including officers of the board, as it may deem fit to be members of any such committee.

(4) The board may assign to a committee established under sub-section (3) such of its powers as it may deem fit, but shall not be divested of any power which it may have assigned to such a committee, and may amend or withdraw any decision made by such a committee.

Remuneration and allowances of members of board and committees.

8. (1) There shall be payable to any person (not being a person in the full-time service of the State) who is the chairman or another member of the board or a member of a committee of the board, including any person appointed or nominated as an alternate to or nominee of any member of the board, such remuneration for services rendered by him in connection with the work of the board and such allowances to cover expenses reasonably incurred by him in the performance of his duties as a member of the board or of any such committee as the Minister may, in consultation with the Minister of Finance, determine.

(2) Any remuneration or allowances which may become payable in terms of sub-section (1) shall be paid out of the funds of the board.

(3) The board shall refund to the Minister, for the benefit of the Consolidated Revenue Fund, any transport or subsistence allowances paid out of public funds to any person who is a member of the board, including any person appointed or nominated as an alternate to or nominee of any member of the board, or a member of a committee of the board, and who is in the full-time service of the State, whilst engaged on the business of the board or a committee thereof.

Objects for which board is established.

9. The objects for which the board is established are—

(a) the co-ordination of the activities of the State relating to cinematograph films and photographs;

(b) the acquisition, production, exhibition, distribution and making available of cinematograph films and photographs—

(i) intended for dissemination, in the Republic or elsewhere, of information regarding Southern Africa, its peoples, their way of life, culture, traditions, economic conditions and problems;

(ii) depicting Southern Africa's scenic beauty, natural attractions and travelling facilities;

(iii) giving information regarding the problems of and social evils present in the Republic and the services available and the developments taking place in the Republic;

(iv) making known the functions and activities of the various departments of State, provincial administrations, statutory bodies and the administration of the territory of South-West Africa;

(v) recording phenomena of scientific interest for analysis and study;

(4) (a) Die Minister moet een van die lede as ondervoorsitter van die raad aanstel om as voorsitter op te tree wanneer die voorsitter afwesig is of nie in staat is om sy pligte as voorsitter uit te voer nie.

(b) Terwyl die ondervoorsitter in die plek van die voorsitter optree, het hy in alle opsigte al die bevoegdhede en vervul hy al die pligte van die voorsitter.

(5) Ingeval sowel die voorsitter as die ondervoorsitter van 'n vergadering van die raad afwesig is, kies die lede wat by die vergadering aanwesig is een uit hul midde om by die vergadering voor te sit.

(6) 'n Besluit van die raad moet geskied by 'n besluit van die meerderheid van die lede wat op 'n vergadering van die raad aanwesig is, en by 'n staking van stemme oor enige aangeleentheid het die persoon wat op die betrokke vergadering as voorsitter optree, 'n beslissende stem benewens sy beraadslagende stem as lid van die raad.

7. (1) Daar moet 'n uitvoerende komitee van die raad wees, wat bestaan uit die voorsitter van die raad en twee lede van die raad, van wie een 'n kragtens paragraaf (c) van sub-artikel (1) van artikel *drie* aangestelde persoon moet wees, wat jaarliks deur die raad gekies word.

(2) Die uitvoerende komitee moet, onder toesig van die raad, al die werksaamhede van die raad verrig en al sy pligte uitvoer.

(3) Die raad kan hulpkomitees instel om hom by die verrigting van sy werksaamhede en die uitvoering van sy pligte by te staan, en kan na goedgunke persone (met inbegrip van amptenare van die raad) as lede van enige sodanige komitee aanstel.

(4) Die raad kan na goedgunke van sy bevoegdhede aan 'n kragtens sub-artikel (3) ingestelde komitee oordra, maar word nie van 'n bevoegdheid wat hy aan so 'n komitee oorgedra het, onthef nie, en kan 'n besluit van so 'n komitee wysig of intrek.

8. (1) Daar word aan enige persoon wat die voorsitter of 'n ander lid van die raad of 'n lid van 'n komitee van die raad is, met inbegrip van enige persoon wat as 'n plaasvervanger of genomineerde van enige lid van die raad aangestel of genomineer is (maar nie iemand wat in voltydse diens van die Staat is nie) die besoldiging vir dienste in verband met die werk van die raad deur hom gelewer en die toelaes om uitgawes te dek wat redelekerwys deur hom aangegaan is in verband met die uitvoering van sy pligte as lid van die raad of van enige sodanige komitee, betaal wat die Minister, in oorelog met die Minister van Finansies, bepaal.

Besoldiging en
toelaes van
lide van raad
en komitees.

(2) Enige besoldiging of toelaes wat ingevolge sub-artikel (1) betaalbaar word, moet uit die fondse van die raad betaal word.

(3) Die raad moet aan die Minister, ten bate van die Ge-konsolideerde Inkostefonds, die reis- en verblyfkoste terugbetaal wat uit Staatsgelde betaal word aan enige persoon wat 'n lid van die raad is, met inbegrip van enige persoon wat as plaasvervanger of genomineerde van 'n lid van die raad aangestel of genomineer is, of 'n lid van 'n komitee van die raad is, en wat in die voltydse diens van die Staat is, terwyl hy besig is met die sake van die raad of 'n komitee van die raad.

9. Die doelstellings waarvoor die raad ingestel word, is—

Doelstellings
waarvoor raad
ingestel word.

(a) die koördinering van die bedrywigheude van die Staat betreffende rolprente en foto's;

(b) die verkryging, vervaardiging, vertoning, verspreiding en beskikbaarstelling van rolprente en foto's—

(i) wat bestem is vir die verspreiding, in die Republiek of elders, van inligting met betrekking tot Suidelike Afrika, sy mense, hulle leefwyse, kultuur, tradisies, ekonomiese omstandighede en probleme;

(ii) wat die natuurskoon, fisiese aantreklikhede en reisfasilitete van Suidelike Afrika afbeeld;

(iii) wat inligting verstrek met betrekking tot die probleme van en die sosiale euwels in die Republiek en die dienste wat beskikbaar is en die ontwikkelings wat plaasvind in die Republiek;

(iv) wat die werksaamhede en bedrywigheude van die verskillende Staatsdepartemente, provinsiale administrasies, statutêre liggeme en die administrasie van die gebied Suidwes-Afrika bekend maak;

(v) wat verskynsels van wetenskaplike belang vir ontleding en bestudering vaslê;

- (vi) recording historical or unique events; and
- (vii) which can be utilized as educational aids;
- (c) the promotion of the development of the cinematograph film industry and of photography in the Republic;
- (d) the rendering of photographic services to any department of State, provincial administration or statutory body or to the administration of the territory of South-West Africa or the South African Broadcasting Corporation; and
- (e) the acquisition, preserving, storing, adapting and making available of cinematograph films of archival value.

Powers of board.

- 10.** The board shall, for the purpose of achieving the objects for which it is established, have power—
- (a) at the request of any department of State, provincial administration or statutory body or the administration of the territory of South-West Africa or the South African Broadcasting Corporation to acquire or produce or cause to be produced, on such terms and conditions and subject to such restriction as may be mutually agreed upon, any such cinematograph film or photograph as is referred to in paragraph (b) of section nine;
 - (b) with the approval of the Minister, on its own behalf, to acquire or produce or cause to be produced any such cinematograph film or photograph as is referred to in paragraph (b) of section nine;
 - (c) to render or cause to be rendered any such photographic service as is referred to in paragraph (d) of section nine;
 - (d) to acquire, preserve, store and adapt cinematograph films of archival value;
 - (e) to sell, exchange, hire out or lend out any such cinematograph films or photographs as are referred to in paragraph (a), (b) or (d);
 - (f) to enter into any contract or agreement upon such terms and conditions as may be agreed upon;
 - (g) with the approval of the Minister given in consultation with the Minister of Finance, to undertake or cause to be undertaken research work in connection with cinematography and photography and to make available to producers and users of cinematograph films and photographs the results of such research work;
 - (h) to provide an information service in regard to cinematograph films and photographs and activities relating thereto;
 - (i) to promote technical training in the cinematograph film industry;
 - (j) to encourage the production of cinematograph films in the Republic by providing advice, guidance and technical and other services and, with the approval of the Minister, by offering prizes, giving awards and holding cinematograph film festivals;
 - (k) to advise the Minister in regard to any matter affecting cinematograph films or photographs which the Minister may refer to it for its advice or in regard to which the board considers it necessary to advise the Minister;
 - (l) to purchase or hire land or buildings or to erect buildings and to alienate such land or to terminate or assign any such hire and, in the case of buildings in which the business of the board is being conducted, to let such portions as are for the time being not required for the business of the board;
 - (m) to purchase, take on lease, hire out or alienate any movable property;
 - (n) to accept donations; and
 - (o) to do everything which can reasonably be regarded as complementing and promoting the objects of the board even though it is not specifically mentioned herein:

Provided that the board shall not, without the approval of the Minister, hire or let any immovable property or without the approval of the Minister given in consultation with the Minister of Finance, purchase or sell or otherwise alienate or mortgage or otherwise encumber any immovable property, or borrow any money.

- (vi) wat geskiedkundige en unieke gebeurtenisse vaslê; en
- (vii) wat as opvoedkundige hulpmiddels gebruik kan word;
- (c) die bevordering van die ontwikkeling van die rolprentbedryf en van fotografie in die Republiek;
- (d) die verskaffing van fotografiese dienste aan enige Staatsdepartement, provinsiale administrasie of statutêre liggaam of aan die administrasie van die gebied Suidwes-Afrika of die Suid-Afrikaanse Uitsaaikorporasie; en
- (e) die verkryging, bewaring, opbergung, aanpassing en beskikbaarstelling van rolprente van argivaliese waarde.

10. Die raad het, ten einde die doelstellings waarvoor hy Bevoegdhede van ingestel is, te verwesenlik, die bevoegdheid—

- (a) om op versoek van enige Staatsdepartement, provinsiale administrasie of statutêre liggaam of die administrasie van die gebied Suidwes-Afrika of die Suid-Afrikaanse Uitsaaikorporasie enige in paragraaf (b) van artikel *nege* bedoelde rolprent of foto te verkry of te vervaardig of te laat vervaardig op die bedinge en voorwaardes en onderworpe aan die beperkings waaraar daar onderling ooreengekom word;
- (b) om, met die goedkeuring van die Minister, vir homself enige in paragraaf (b) van artikel *nege* bedoelde rolprent of foto te verkry of te vervaardig of te laat vervaardig;
- (c) om enige in paragraaf (d) van artikel *nege* bedoelde fotografiese diens te verskaf of te laat verskaf;
- (d) om rolprente van argivaliese waarde te verkry, te bewaar, op te berg en aan te pas;
- (e) om enige in paragraaf (a), (b) of (d) bedoelde rolprente of foto's te verkoop, te verruil, te verhuur of uit te leen;
- (f) om enige kontrak of ooreenkoms aan te gaan op die bedinge en voorwaardes waaraar ooreengekom word;
- (g) om, met die goedkeuring van die Minister verleen in oorleg met die Minister van Finansies, navorsingswerk in verband met kinematografie en fotografie te onderneem of te laat onderneem en om aan vervaardigers en gebruikers van rolprente en foto's die resultate van sodanige navorsingswerk beskikbaar te stel;
- (h) om 'n inligtingsdiens met betrekking tot rolprente en foto's en bedrywighede wat daarvan in verband staan, in te stel;
- (i) om tegniese opleiding in die rolrentbedryf te bevorder;
- (j) om die vervaardiging van rolprente in die Republiek aan te moedig deur advies, leiding en tegniese en ander dienste te verskaf en, met die goedkeuring van die Minister, deur pryse uit te loof, toekennings te doen en rolprentfeeste te hou;
- (k) om die Minister van advies te dien met betrekking tot enige aangeleentheid rakende rolprente of foto's wat die Minister na die raad vir sy advies verwys of met betrekking waartoe die raad dit nodig ag om die Minister te adviseer;
- (l) om grond of geboue te koop of te huur of om geboue op te rig en om sodanige grond te vervreem of om so 'n huur te beëindig of oor te dra, en om, in die geval van geboue waarin die besigheid van die raad gedryf word, daardie gedeeltes te verhuur wat tydelik nie vir die besigheid van die raad benodig word nie;
- (m) om roerende goed te koop, te huur, te verhuur of te vervreem;
- (n) om skenkings te aanvaar; en
- (o) om alles te doen wat redelikerwys as aanvullend tot en bevorderlik vir die doelstellings van die raad beskou kan word, ofskoon dit nie spesifiek hierin vermeld word nie;

Met dien verstande dat die raad nie, sonder die goedkeuring van die Minister, onroerende goed kan huur of verhuur nie of, sonder die goedkeuring van die Minister verleen in oorleg met die Minister van Finansies, onroerende goed kan koop of verkoop of op 'n ander wyse vervreem of verhipotekeer of op 'n ander wyse beswaar of geld kan leen nie.

Prohibition of production of certain cinematograph films or of printing copies of photographic negatives or diapositives.

11. (1) Unless the Minister has, in consultation with the Minister of the department concerned or the Administrator of the province concerned, otherwise determined, no department of State (other than the South African Railways and Harbours Administration) or provincial administration may, without the approval of the board, produce or cause to be produced any such cinematograph film as is referred to in paragraph (b) of section nine.

(2) Unless the Minister has, in consultation with the Minister of the department concerned, otherwise determined, no department of State (other than the South African Railways and Harbours Administration) may, without the approval of the board, print or cause to be printed any copy of a photographic negative or diapositive.

Staff of board

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

- (a) persons appointed by the board on such conditions and at such rates of remuneration as may be approved by the Minister in consultation with the Minister of Finance; and
- (b) officers in the public service seconded to the service of the board in terms of sub-section (6) of section thirteen of the Public Service Act, 1957 (Act No. 54 of 1957).

(2) For the purposes of paragraph (b) of sub-section (1), a person designated by the Minister shall, in the application of the laws referred to in the said sub-section (6), be deemed to be the head of the department of the officer concerned.

Pension rights and benefits on retirement.

13. The board shall, for the purposes of the Associated Institutions Pension Fund Act, 1963 (Act No. 41 of 1963), be deemed to have been declared in terms of section four of that Act to be an associated institution with effect from the commencement of this Act.

Funds of board.

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

- (a) loans granted to the board, on such conditions as the Minister may, in consultation with the Minister of Finance, determine, out of moneys appropriated by Parliament for the purpose;
- (b) moneys derived from any services rendered or acts performed by the board in terms of this Act; and
- (c) all other moneys accruing to the board from any other source whatsoever.

(2) The board shall open an account with a bank approved by the Minister and shall deposit therein all moneys received from any source, and any moneys not required for immediate use or as a reasonable operating balance shall be invested by the board with the Public Debt Commissioners or in such other manner as the Minister may, in consultation with the Minister of Finance, determine.

Transfer of property to board

15. (1) Any movable property held by any department of State which can be used in connection with the production of cinematograph films or photographs and which the board may require for the fulfilment of its functions may, with the approval of the Minister, be transferred to the board.

(2) The board shall pay into the Consolidated Revenue Fund, in respect of any property transferred to it in terms of sub-section (1), such an amount as the Minister may, in consultation with the Minister of Finance, determine.

Utilization of profits of board.

16. Any profits of the board shall be utilized in such manner as the Minister may, in consultation with the Minister of Finance, determine.

Estimates of revenue and expenditure.

17. (1) The financial year of the board shall terminate on the thirty-first day of March in each year.

(2) The board shall, for approval by the Minister acting in consultation with the Minister of Finance, submit annually and in such form and at such time as the Minister may determine, its estimates of revenue and expenditure for the ensuing financial year and may also during the course of a financial year submit to the Minister for such approval supplementary estimates of expenditure for that year.

(3) The board shall, if the Minister at any time so directs, amend its estimates of revenue and expenditure in accordance with such direction.

11. (1) Tensy die Minister, in oorleg met die Minister van die betrokke departement of die Administrateur van die betrokke provinsie, anders bepaal het, mag geen Staatsdepartement (behalwe die administrasie van die Suid-Afrikaanse Spoorweë en Hawens) of provinsiale administrasie, sonder die goedkeuring van die raad, enige in paragraaf (b) van artikel nege bedoelde rolprent vervaardig of laat vervaardig nie. Verbod op vervaardiging van sekere rolprente of die maak van afdrukke van fotografiese negatiewe of diapositiewe.

(2) Tensy die Minister, in oorleg met die Minister van die betrokke departement, anders bepaal het, mag geen Staatsdepartement (behalwe die administrasie van die Suid-Afrikaanse Spoorweë en Hawens), sonder die goedkeuring van die raad, 'n afdruk van 'n fotografiese negatief of diapositief maak of laat maak nie.

12. (1) Die werk verbonde aan die verrigting van sy werk-saamhede deur die raad, word op sy koste en onder sy opdrag en beheer verrig deur— Personnel van die raad.

- (a) persone wat deur die raad aangestel word op die voorwaardes en teen die skaal van besoldiging wat deur die Minister in oorleg met die Minister van Finansies goedkeur word; en
- (b) beampes in die Staatsdiens wat ingevolge sub-artikel (6) van artikel dertien van die Staatsdienswet, 1957 (Wet No. 54 van 1957), tydelik aan die diens van die raad afgestaan word.

(2) Vir die doeleindes van paragraaf (b) van sub-artikel (1), word 'n persoon deur die Minister aangewys, by die toepassing van die wette waarna in genoemde sub-artikel (6) verwys word, geag die hoof van die departement van die betrokke beampete te wees.

13. By die toepassing van die Wet op die Pensioenfonds vir Geassosieerde Inrigtings, 1963 (Wet No. 41 van 1963), word geag dat die raad ingevolge artikel vier van daardie Wet met ingang van die inwerkingtreding van hierdie Wet tot 'n geassosieerde inrigting verklaar is. Pensioenregte en -voordele by uitdienstreding.

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

- (a) lenings op voorwaardes wat die Minister in oorleg met die Minister van Finansies bepaal, uit gelde deur die Parlement vir die doel bewillig, aan die raad toegestaan;
- (b) gelde verkry uit enige dienste of handelinge deur die raad ingevolge hierdie Wet gelewer of verrig; en
- (c) alle ander gelde wat uit enige ander bron hoegenaamd aan die raad toeval.

(2) Die raad moet 'n rekening by 'n deur die Minister goedkeurde bank open en daarin alle gelde stort wat uit enige bron ontvang word, en enige gelde wat nie vir onmiddellike gebruik of as 'n redelike bedryfsaldo nodig is nie, moet deur die raad belê word by die Openbare Skuldkommissarisse of op die ander wyse wat die Minister, in oorleg met die Minister van Finansies, bepaal.

15. (1) Enige roerende goed wat deur enige Staatsdepartement besit word en wat gebruik kan word in verband met die vervaardiging van rolprente of foto's en wat die raad vir die verrigting van sy werksaamhede nodig het, kan, met die goedkeuring van die Minister, aan die raad oorgedra word. Oordrag van goed aan die raad.

(2) Die raad moet, ten opsigte van enige goed wat ingevolge sub-artikel (1) aan hom oorgedra is, die bedrag wat die Minister in oorleg met die Minister van Finansies bepaal, in die Geconsolideerde Inkomstefonds stort.

16. Enige winste van die raad word op die wyse wat die Minister in oorleg met die Minister van Finansies bepaal, aangewend. Aanwending van winste van raad.

17. (1) Die boekjaar van die raad eindig op die een-en-dertigste dag van Maart in elke jaar. Begroting van inkomste en uitgawe.

(2) Die raad moet, vir goedkeuring deur die Minister handelende in oorleg met die Minister van Finansies, jaarliks en in die vorm en op die tyd wat die Minister bepaal, sy begroting van inkomste en uitgawe vir die volgende boekjaar voorlê en kan ook gedurende die loop van 'n boekjaar aanvullende begrotings van uitgawe vir daardie jaar aan die Minister vir sodanige goedkeuring voorlê.

(3) Die raad moet, indien die Minister dit te eniger tyd gelas, sy begroting van inkomste en uitgawe ooreenkomsdig sodanige lasgewing wysig.

(4) The board shall restrict its expenditure for any financial year to the amounts shown in its estimates of expenditure and approved by the Minister for that financial year.

Accounts and auditing.

18. (1) The board shall keep a proper record of its property and of all its financial transactions and shall as soon as possible after the end of each financial year prepare accounts of its revenue and expenditure for such year and a balance sheet of its assets and liabilities as at the thirty-first day of March.

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

Annual Report.

19. (1) (a) The board shall keep an accurate record of its activities and shall, as soon as possible after the end of each financial year, submit to the Minister in a manner to be determined by him a report, including a minority report, if any, upon its activities during that financial year.

(b) The board shall, if requested by the Minister to do so, furnish him with any minutes of meetings of the board or of any committee thereof or with any other information which he may require in connection with the carrying out by the board of its functions.

(2) The Minister shall lay each report submitted to him in terms of paragraph (a) of sub-section (1) on the Table of the Senate and of the House of Assembly within fourteen days after receipt thereof, if Parliament is then in ordinary session or, if Parliament is not then in ordinary session, within fourteen days after the commencement of its next ensuing ordinary session.

Directions of Minister.

20. The Minister—

(a) shall, in consultation with the Minister of Finance, determine the system of accounting for and control of the moneys, stores and equipment of the board;

(b) shall, in consultation with the Minister of Finance, determine the procedure for inviting and accepting tenders for the execution of work on behalf of the board or for the supply of goods and material to the board; and

(c) may generally, give such directions as he may deem fit for the carrying out by the board of its functions.

Rules of board.

21. The board may lay down rules for the proper control and conduct of its affairs, including rules as to the calling and conduct of meetings of committees of the board and the quorum for and procedure at such meetings.

Short title and date of commencement.

22. This Act shall be called the National Film Board Act, 1963, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

(4) Die raad moet sy uitgawe ten opsigte van enige boekjaar beperk tot die bedrae wat in sy begroting van uitgawe aangetoon is en wat deur die Minister ten opsigte van daardie boekjaar goedgekeur is.

18. (1) Die raad moet behoorlik boekhou van sy eiendom en Rekenings en van al sy finansiële transaksies en moet so spoedig moontlik na die end van elke boekjaar rekenings van sy inkomste en uitgawe vir sodanige jaar en 'n balansstaat van sy bate en laste op die een-en-dertigste dag van Maart, opstel.

(2) Die boeke, rekenings en balansstaat van die raad word deur die Kontroleur en Ouditeur-generaal geouditeer.

19. (1) (a) Die raad moet juiste aantekeninge van sy bedrywighede hou en moet, so spoedig moontlik na die end van elke boekjaar, aan die Minister 'n verslag, met inbegrip van 'n minderheidsverslag, as daar is, oor sy bedrywighede gedurende daardie boekjaar voorlê op die wyse wat die Minister bepaal.

(b) Die raad moet, indien die Minister dit verlang, enige notules van vergaderings van die raad of van enige komitee van die raad of enige ander inligting wat die Minister verlang in verband met die verrigting deur die raad van sy werkzaamhede, aan die Minister verstrek.

(2) Die Minister moet elke verslag wat ingevolge paragraaf (a) van sub-artikel (1) aan hom voorgelê word, in die Senaat en in die Volksraad ter Tafel lê binne veertien dae na ontvangs daarvan, indien die Parlement dan in gewone sessie is, of, indien die Parlement nie dan in gewone sessie is nie, binne veertien dae na die aanvang van sy eersvolgende gewone sessie.

20. Die Minister—

Voorskrifte van Minister.

(a) moet, in oorelog met die Minister van Finansies, die stelsel van verantwoording vir en beheer oor die gelde, voorrade en toerusting van die raad bepaal;

(b) moet, in oorelog met die Minister van Finansies, die procedure in verband met die vra en aanneem van tenders vir die uitvoering van werk namens die raad of in verband met die verskaffing van goedere en materiaal aan die raad, bepaal; en

(c) kan, in die algemeen die opdragte gee wat hy goedvind vir die verrigting deur die raad van sy werkzaamhede.

21. Die raad kan reëls voorskryf vir die behoorlike beheer en bestuur van sy sake, met inbegrip van reëls aangaande die byeenroep en hou van vergaderings van komitees van die raad en die kworum vir en prosedure op sodanige vergaderings.

22. Hierdie Wet heet die Wet op die Nasionale Filmraad, 1963, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die Staatskoerant bepaal.

Kort titel en datum van inwerkingtreding.

No. 74, 1963.]

ACT

To provide for the improvement of livestock and the regulation of the import and export of breeding stock, to amend the Livestock and Meat Industries Act, 1934, and the Livestock and Meat Industries Amendment Act, 1946, and to provide for matters incidental thereto.

*(English text signed by the State President.)
(Assented to 27th June, 1963.)*

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Definitions.

1. In this Act, unless the context otherwise indicates—
 - (i) “bull” means, except for the purposes of section *eight*, a bull of which the pedigree has not been registered in accordance with the provisions of the Registration of Pedigree Livestock Act, 1957 (Act No. 28 of 1957), by the South African Stud Book Association or an autonomous society as defined in section *one* of that Act, but does not include a bull which has been imported into the Republic under a permit issued in terms of a law;
 - (ii) “cattle improvement area” means a district or an area which is a cattle improvement area in terms of section *two*;
 - (iii) “department” means the Department of Agricultural Technical Services;
 - (iv) “inspector” means an officer in the department or any other person appointed as such by the Minister;
 - (v) “livestock” means cattle, sheep, goats, pigs, horses, donkeys and poultry and includes any other kind of animal declared by the Minister by notice in the *Gazette* to be livestock for the purposes of this Act, and includes, for the purposes of sections *ten*, *eleven* and *thirteen* the eggs of any kind of poultry or any other kind of bird which is livestock for the purposes of this Act;
 - (vi) “Minister” means the Minister of Agricultural Technical Services;
 - (vii) “prescribed” means prescribed by regulation in terms of this Act;
 - (viii) “Secretary” means the Secretary for Agricultural Technical Services.

Establishment of cattle improvement areas.

2. (1) The Minister may by notice in the *Gazette* declare a magisterial district specified or an area defined in such notice to be a cattle improvement area as from a date so specified subject to the provisions of sub-section (3), if he is satisfied—
 - (a) that, for the purpose of considering a proposal that such district or area be declared a cattle improvement area, a meeting of owners and lessees of land in such district or area was convened by the magistrate of such district or of the district in which such area is situate or of a district which is wholly or partly included in such area—
 - (i) on a written request signed by not less than twenty-five such owners or lessees each of whom owned at least fifteen head of cattle which were kept for breeding purposes on such land owned or leased by him; or
 - (ii) on the direction of the Minister in terms of sub-section (2);
 - (b) that not less than one month’s notice of the date, time, place and purpose of such meeting was given by advertisement in at least one newspaper circulating in such district or area; and
 - (c) that such meeting was attended by not less than twenty-five such owners and lessees who so owned such number of cattle, that such a magistrate presided thereat and that a resolution recommending that the district or area in question be declared a cattle improvement

No. 74, 1963.]

WET

Om voorsiening te maak vir die verbetering van vee en die reëling van die in- en uitvoer van aanteelvlees, om die Wet op die Vee- en Vleisnywerhede, 1934, en die Wysigingswet op Vee- en Vleisnywerhede, 1946, te wysig, en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 16 Junie 1963.)*

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. Tensy uit die samehang anders blyk, beteken in hierdie ^{Woordom-} _{skrywing.} Wet—

- (i) „beesteverbeteringsgebied” ’n distrik of gebied wat ingevolge artikel *twee* ’n beesteverbeteringsgebied is;
- (ii) „bul”, behalwe vir die doeleindeste van artikel *agt*, ’n bul waarvan die afstamming nie ooreenkomsdig die bepalings van die Wet op Registrasie van Stamboekvee, 1957 (Wet No. 28 van 1957), geregistreer is nie deur die Suid-Afrikaanse Stamboekvereniging of ’n selfbesturende genootskap soos omskryf in artikel *een* van dié Wet, maar nie ook ’n bul nie wat in die Republiek ingevoer is kragtens ’n vergunning wat ingevolge ’n wet uitgereik is; (i)
- (iii) „departement” die Departement van Landbou-tegniese Dienste; (iii)
- (iv) „inspekteur” ’n beampie in die departement of iemand anders wat deur die Minister as sodanig aangestel is; (iv)
- (v) „Minister” die Minister van Landbou-tegniese Dienste; (vi)
- (vi) „Sekretaris” die Sekretaris van Landbou-tegniese Dienste; (viii)
- (vii) „vee” beeste, skape, bokke, varke, perde, donkies en pluimvee en ook enige ander diersoort ten opsigte waarvan die Minister by kennisgewing in die *Staatskoerant* verklaar dat dit vee vir die doeleindeste van hierdie Wet is, en, vir die doeleindeste van artikels *tien*, *elf* en *dertien*, ook die eiers van enige soort pluimvee of enige ander soort voël wat vee vir die doeleindeste van hierdie Wet is; (v)
- (viii) „voorgeskryf” by regulasie ingevolge hierdie Wet voorgeskryf. (vii)

2. (1) Die Minister kan by kennisgewing in die *Staatskoerant* ’n landdrosdistrik vermeld, of ’n gebied omskryf, in dié kennisgewing, tot ’n beesteverbeteringsgebied verklaar vanaf ’n datum wat, behoudens die bepalings van sub-artikel (3), aldus vermeld word, indien hy oortuig is—

Instelling van
beesteverbeterings-
gebiede.

- (a) dat, met die doel om ’n voorstel te oorweeg dat daardie distrik of gebied tot ’n beesteverbeteringsgebied verklaar word, ’n vergadering van eienaars en huurders van grond in daardie distrik of gebied belê is deur die landdros van daardie distrik of van die distrik waarin daardie gebied geleë is of van ’n distrik wat geheel en al of ten dele binne daardie gebied val—
 - (i) op ’n skriftelike versoek onderteken deur minstens vyf-en-twintig sodanige eienaars of huurders van wie elkeen minstens vyftien beeste besit het wat vir aanteeldoelindes gehou is op sodanige grond wat deur hom besit of gehuur is; of
 - (ii) op las van die Minister ingevolge sub-artikel (2);
- (b) dat minstens een maand kennis van die datum, tyd, plek en doel van dié vergadering gegee is deur middel van ’n advertensie in ten minste een nuusblad in omloop in daardie distrik of gebied; en
- (c) dat sodanige vergadering bygewoon is deur minstens vyf-en-twintig sodanige eienaars en huurders wat sodanige aantal beeste aldus besit het, dat so ’n landdros op die vergadering voorgesit het en dat daarop ’n besluit, waarin aanbeveel word dat die betrokke distrik of gebied tot ’n beesteverbeteringsgebied

area, was passed thereat by a majority of such owners and lessees who so owned such number of cattle and were present thereat.

(2) If the Minister is of opinion that any area should be excluded from or included in the proposed cattle improvement area referred to in a resolution passed at a meeting convened as is contemplated in sub-paragraph (i) of paragraph (a) of sub-section (1), he may direct a magistrate contemplated in the said paragraph (a) to convene a further meeting for the consideration of the question whether such area should be so excluded or included, as the case may be.

(3) The date specified in a notice issued in terms of sub-section (1) shall not be earlier than a date twelve months after the date of the publication of such notice in the *Gazette*.

(4) No notice issued in terms of sub-section (1) shall be repealed or amended so as to alter the area in question, unless a resolution recommending the repeal or amendment was passed in the manner contemplated in paragraph (c) of sub-section (1) at a meeting convened in a manner contemplated in paragraphs (a) and (b) of the said sub-section.

(5) Such notice may be amended by altering the date specified therein, before such date arrives.

(6) A notice which amends a notice issued in terms of sub-section (1) by extending the area in question shall take effect as from a date specified in such first-mentioned notice, and the provisions of sub-sections (3) and (5) shall *mutatis mutandis* apply in respect of such date.

Prohibition on keeping of unapproved bulls in cattle improvement areas.

3. No person shall keep in or introduce into a cattle improvement area any bull having one pair or more than one pair of permanent incisors well up, unless such bull has previously been inspected and approved for purposes of breeding by an inspector.

Inspection of bulls and other cattle.

4. (1) An inspector may at any reasonable time enter upon any land situate within a cattle improvement area, enter any building or kraal or other enclosure upon such land, and inspect any cattle thereon or therein.

(2) An inspector may require the owner of cattle which are within a cattle improvement area, or the occupier of any land which is situate within such an area and on which cattle are running, to collect or cause to be collected all or any of those cattle at a time and place fixed by the inspector, in order that they may be inspected by him, and may require such owner or occupier to furnish him with such information in regard to any of such cattle as he may require for the exercise of his powers in terms of this Act.

(3) An inspector shall at the request of a person who keeps a bull in or intends to introduce or send a bull into a cattle improvement area, inspect such bull for the purpose of ascertaining whether it can be approved of for purposes of breeding.

(4) If an inspector has in terms of this section inspected any bull, of whatever age, he shall notify the owner of such bull or, if he does not know who the owner thereof is, the occupier of the land on which that bull is, or, if he inspected such bull at the request of some person, such person, whether or not he approves of such bull for purposes of breeding.

Appeal against disapproval of bull by inspector.

5. (1) If an inspector disapproves of any bull for purposes of breeding in terms of section four, a person having an interest in such bull may note an appeal against such disapproval of that bull with the magistrate of the district within which that bull is.

(2) Appeal shall be so noted by lodging with the said magistrate within fourteen days after the date on which the person in question was notified in terms of sub-section (4) of section four of the disapproval of the bull in question, a written notice of appeal and depositing within the said period with that magistrate such sum as, in the opinion of the magistrate, is sufficient to cover the probable costs of appeal.

(3) The appeal shall be referred to a committee of appeal consisting of three members to be appointed by the Minister and of whom one shall be an officer in the department and two shall be farmers who are breeders of cattle of the same breed as the bull in question, and none of whom shall have any interest, whether direct or indirect, in that bull.

(4) The decision of such a committee on the appeal shall be final.

verklaar word, aangeneem is deur die meerderheid van sodanige eienaars en huurders wat so 'n aantal beeste aldus besit het en daarop aanwesig was.

(2) Indien die Minister van oordeel is dat 'n gebied uitgesluit moet word van of ingesluit moet word by die voorgestelde beesteverbeteringsgebied vermeld in 'n besluit wat aangeneem is op 'n vergadering wat belê is soos beoog in sub-paragraaf (i) van paragraaf (a) van sub-artikel (1), kan hy 'n landdros beoog in genoemde paragraaf (a) gelas om nog 'n vergadering te belê vir oorweging van die vraag of sodanige gebied aldus uit- of ingesluit moet word, na gelang van die geval.

(3) Die datum vermeld in 'n kennisgewing uitgereik ingevolge sub-artikel (1), mag nie vroeër wees nie as 'n datum twaalf maande ná die datum van publikasie van sodanige kennisgewing in die *Staatskoerant*.

(4) Geen kennisgewing uitgereik ingevolge sub-artikel (1) mag herroep word of gewysig word sodat die betrokke gebied verander word nie, tensy 'n besluit waarin die herroeping of wysiging aanbeveel word, aangeneem was op die wyse beoog in paragraaf (c) van sub-artikel (1), op 'n vergadering wat belê was op 'n wyse beoog in paragrawe (a) en (b) van genoemde sub-artikel.

(5) So 'n kennisgewing kan gewysig word deur die datum wat daarin vermeld word, te verander voordat sodanige datum aanbreek.

(6) 'n Kennisgewing wat 'n kennisgewing wat ingevolge sub-artikel (1) uitgereik is, wysig deur die betrokke gebied uit te brei, tree in werking vanaf 'n datum in eersgenoemde kennisgewing vermeld, en die bepalings van sub-artikels (3) en (5) is *mutatis mutandis* van toepassing ten opsigte van so 'n datum.

3. Niemand mag 'n bul waarvan een paar of meer as een paar permanente snytande heeltemal deurgekom het, in 'n beesteverbeteringsgebied aanhou of inbring nie, tensy dié bul vooraf deur 'n inspekteur ondersoek en vir aanteeldoelindes goedgekeur is.

4. (1) 'n Inspekteur kan op enige redelike tydstip enige grond wat in 'n beesteverbeteringsgebied geleë is, betree, enige gebou of kraal of ander omslotte plek op sodanige grond binne gaan en enige beeste wat daarop of daar in is, inspekteer.

Verbod op aanhou van nie-goedgekeurde bille in beesteverbeteringsgebiede.

Inspekteer van bulle en ander beeste.

(2) 'n Inspekteur kan eis dat die eienaar van beeste wat in 'n beesteverbeteringsgebied is, of die bewoner van grond wat in so 'n gebied is en waarop daar beeste loop, al daardie beeste of sommige daarvan bymekaarmaak of laat bymekaarmaak op 'n tydstip en plek deur die inspekteur bepaal, sodat hulle deur hom geïnspekteer kan word, en kan eis dat sodanige eienaar of bewoner aan hom sodanige inligting met betrekking tot enige van sodanige beeste verstrek as wat hy vir die uitoefening van sy bevoegdhede ingevolge hierdie Wet nodig het.

(3) 'n Inspekteur moet op versoek van iemand wat 'n bul in 'n beesteverbeteringsgebied aanhou of wil inbring of na so 'n gebied wil stuur, sodanige bul inspekteer om vas te stel of dit vir aanteeldoelindes goedkeur kan word.

(4) Indien 'n inspekteur 'n bul, wat die ouerdom daarvan ook al mag wees, ingevolge hierdie artikel geïnspekteer het, moet hy die eienaar van daardie bul of, indien hy nie weet wie die eienaar daarvan is nie, die bewoner van die grond waarop daardie bul is, of, indien hy daardie bul op versoek van die een of ander persoon geïnspekteer het, daardie persoon in kennis stel of hy daardie bul vir aanteeldoelindes goedkeur of nie.

5. (1) Indien 'n inspekteur 'n bul ingevolge artikel vier afkeur vir aanteeldoelindes, kan iemand wat 'n belang in dié bul het, appèl teen sodanige afkeuring van daardie bul aanteken by die landdros van die distrik waarin daardie bul is.

Appèl teen afkeuring van bul deur inspekteur.

(2) Appèl word aldus aangeteken deur binne veertien dae ná die datum waarop die betrokke persoon ingevolge sub-artikel (4) van artikel vier in kennis gestel is van die afkeuring van die betrokke bul, by genoemde landdros 'n skriftelike kennisgewing van appèl in te lewer en 'n bedrag te stort wat, volgens die oordeel van die landdros, voldoende is om die waarskynlike appèlkoste te dek.

(3) Die appèl moet verwys word na 'n appèlkomitee bestaande uit drie lede wat deur die Minister aangestel moet word en van wie een 'n beampie in die departement moet wees en twee boere moet wees wat telers is van beeste van dieselfde ras as die betrokke bul, en van wie geeneen 'n belang, hetsy regstreeks of onregstreeks, in daardie bul het nie.

(4) Die beslissing van so 'n komitee oor die appèl is afdoende.

(5) If the appellant withdraws the appeal or fails to proceed with the appeal within the prescribed period, or if the committee of appeal dismisses the appeal, the appellant shall be liable to the State for the costs of appeal as determined by the Secretary.

(6) If the committee upholds the appeal, the State shall be liable for such costs.

Branding of bulls approved of by inspectors.

6. If a bull has been approved of for purposes of breeding by an inspector or a committee of appeal in terms of this Act, the owner of such bull shall brand it in the prescribed manner with the prescribed brand to indicate that it has been so approved.

Castration of disapproved bulls.

7. (1) If an inspector has in terms of section *four* disapproved of a bull for purposes of breeding and he or any other inspector finds such bull in any cattle improvement area at any time after the expiration of seven days—

(a) if no appeal against such disapproval was noted in terms of section *five*, after the last day on which such appeal could have been so noted; or

(b) if such an appeal was so noted, and—

(i) it was dismissed in terms of the said section *five*, after the date of such dismissal thereof; or

(ii) if it was withdrawn, after the date of withdrawal thereof; or

(iii) if it was not proceeded with within the prescribed period, after the expiration of such period,

the inspector so finding such bull may castrate it or cause it to be castrated.

(2) The fact that a bull has been castrated in terms of sub-section (1) shall not affect the liability to punishment of any person who unlawfully kept that bull in or introduced it into a cattle improvement area.

Castration of impounded bulls.

8. (1) If a bull which has one pair or more than one pair of permanent incisors well up and which does not bear a clearly visible brand indicating that it has been approved of for purposes of breeding in terms of this Act, is received into a pound situate within a cattle improvement area, and the person impounding the bull states to the poundmaster that the bull trespassed upon land situate within that cattle improvement area, or delivers to him a letter purporting to be signed by an occupier of land so situate and stating that the bull trespassed upon such land occupied by him, the poundmaster shall forthwith report the fact in writing to the magistrate of the district in which the pound is situate, and such magistrate shall forthwith transmit such report to an inspector.

(2) The inspector receiving such report shall as soon as is practicable inspect the bull in question and, if he is not satisfied that it is not a bull as defined in section *one* and he does not approve of it for purposes of breeding, castrate it or cause it to be castrated.

(3) The poundmaster in question shall not release or sell any such bull until it has been inspected by an inspector and, if the inspector is not satisfied as is contemplated in sub-section (2) and does not approve of such bull for purposes of breeding, until it has been castrated.

Application of Act to other kinds of livestock.

9. (1) The State President may by proclamation in the *Gazette* apply *mutatis mutandis* a provision of this Act relating to cattle only, to any other kind of livestock specified in that proclamation.

(2) If the provisions of section *two* are so applied to any other kind of livestock, the State President may in the relevant proclamation specify for the purposes of the application thereof to such kind of livestock a number of animals different from the number specified in the said section in respect of cattle.

Import and export of breeding stock.

10. (1) The State President may by proclamation in the *Gazette* prohibit the import into or the export from the Republic, for breeding purposes, of any kind of livestock specified in that proclamation, except under the authority of a permit issued by the Secretary.

(2) The Secretary may refuse to issue any such permit or issue such a permit subject to such conditions as he may deem fit.

(3) The Secretary may refer any application for the issue of a permit in terms of sub-section (2) to the South African

(5) Indien die appellant die appèl terugtrek of versuim om binne die voorgeskrewe tydperk met die appèl voort te gaan, of indien die appèlkomitee die appèl van die hand wys, is die appellant teenoor die Staat aanspreeklik vir die appèlkoste soos deur die Sekretaris bepaal.

(6) Indien die komitee die appèl handhaaf, is die Staat vir sodanige koste aanspreeklik.

6. Indien 'n bul deur 'n inspekteur of 'n appèlkomitee ingevolge hierdie Wet goedgekeur is vir aanteeldoelindes, moet die eienaar van dié bul dit met die voorgeskrewe brandmerk op die voorgeskrewe wyse brandmerk om aan te dui dat dit aldus goedgekeur is.

Brandmerk van
bulle wat deur
inspekteurs
goedgekeur is.

7. (1) Indien 'n inspekteur 'n bul ingevolge artikel vier afgekeur het vir aanteeldoelindes en hy of 'n ander inspekteur dié bul in 'n beesteverbeteringsgebied aantref te eniger tyd ná verloop van sewe dae—

Kastrering van
afgekeurde bulle.

(a) indien geen appèl teen sodanige afkeuring ingevolge artikel vyf aangeteken is nie, ná die laaste dag waarop so 'n appèl aldus aangeteken kon geword het; of

(b) indien so 'n appèl aldus aangeteken is, en—

(i) dit ingevolge genoemde artikel vyf van die hand gewys is, ná die datum waarop dit aldus van die hand gewys is; of

(ii) indien dit teruggetrek is, ná die datum waarop dit teruggetrek is; of

(iii) indien daar nie daarmee binne die voorgeskrewe tydperk voortgegaan is nie, ná verloop van sodanige tydperk,

kan die inspekteur wat dié bul aldus aantref, dit kastreer of laat kastreer.

(2) Die feit dat 'n bul ingevolge sub-artikel (1) gekastreer is, raak nie die strafbaarheid van iemand wat daardie bul wederregtelik in 'n beesteverbeteringsgebied aangehou of ingebring het nie.

8. (1) Indien 'n bul waarvan een paar of meer as een paar snytande heeltemal deurgekom het en waarop nie 'n duidelik sigbare brandmerk is wat aandui dat dit vir aanteeldoelindes ingevolge hierdie Wet goedgekeur is nie, in 'n skut opgeneem word wat in 'n beesteverbeteringsgebied geleë is, en die persoon wat die bul skut, aan die skutmeester verklaar dat die bul oortree het op grond wat in daardie beesteverbeteringsgebied geleë is, of aan hom 'n brief oorhandig wat heet onderteken te wees deur 'n bewoner van grond wat aldus geleë is, en waarin verklaar word dat die bul oortree het op sodanige grond wat hy bewoon, moet die skutmeester dit onverwyld en skriftelik mededeel aan die landdros van die distrik waarin die skut geleë is, en dié landdros moet dié mededeling onverwyld deurstuur aan 'n inspekteur.

Kastrering van
bulle wat geskut is.

(2) Die inspekteur wat so 'n mededeling ontvang, moet die betrokke bul so spoedig doenlik inspekteer en, indien hy nie oortuig word dat dit nie 'n bul is soos in artikel een omskryf nie en hy dit nie vir aanteeldoelindes goedkeur nie, kastreer of laat kastreer.

(3) Die betrokke skutmeester mag nie so 'n bul vrylaat of verkoop nie voordat dit deur 'n inspekteur geïnspekteer is en, indien die inspekteur nie oortuig word soos in sub-artikel (2) beoog word, en nie dié bul vir aanteeldoelindes goedkeur nie, voordat dit gekastreer is.

9. (1) Die Staatspresident kan by proklamasie in die *Staatskoerant* verklaar dat 'n bepaling van hierdie Wet met betrekking tot slegs beeste, *mutatis mutandis* van toepassing is op enige ander soort vee wat in daardie proklamasie vermeld word.

Toepassing van
Wet op ander
soorte vee.

(2) Indien die bepaling van artikel twee op 'n ander soort vee aldus van toepassing gemaak word, kan die Staatspresident, vir doeleindes van die toepassing daarvan op dié soort vee, in die toepaslike proklamasie 'n aantal vee vasstel wat verskil van die aantal wat in genoemde artikel ten opsigte van beeste vasgestel is.

10. (1) Die Staatspresident kan by proklamasie in die *Staatskoerant* verbied dat enige soort vee in daardie proklamasie vermeld, vir aanteeldoelindes in of uit die Republiek in- of uitgevoer word, behalwe kragtens 'n vergunning deur die Sekretaris uitgereik.

In- en uitvoer
van aanteelvle.

(2) Die Sekretaris kan weier om so 'n vergunning uit te reik of so 'n vergunning uitrek op die voorwaardes wat hy goedvind.

(3) Die Sekretaris kan 'n aansoek om die uitreiking van 'n vergunning ingevolge sub-artikel (2) na die Suid-Afrikaanse

Stud Book Association for its recommendation and may without any further enquiry take any action recommended by it, if such action is authorized by the said sub-section.

(4) A person whose application for the issue of a permit in terms of sub-section (2) is refused may in the prescribed manner appeal to the Minister who may dismiss such appeal or direct the Secretary to issue such permit subject to such conditions as the Minister may specify.

(5) No person shall import or export any livestock in contravention of a proclamation issued in terms of sub-section (1), or otherwise than in accordance with the conditions of a permit issued by the Secretary in terms of this section.

(6) If any livestock are imported under the authority of a permit issued in terms of this section, the person who imported those livestock shall keep the said permit for such period as may be specified therein.

(7) The Minister may by notice in the *Gazette* and after consultation with the South African Stud Book Association prescribe the requirements with which any particular kind of livestock to which a proclamation issued in terms of sub-section (1) relates, shall comply before a permit may in terms of sub-section (2) be issued for the import or export thereof.

(8) A permit issued in terms of this section shall not exempt the holder thereof from compliance with the provisions of any law relating to the import into or export from the Republic of animals.

Regulations.

11. (1) The State President may make regulations—

- (a) prescribing rules of procedure for committees of appeal referred to in section *five*, and fixing the allowances to which members of such committees shall be entitled;
- (b) as to appeals in terms of section *five* or *ten*;
- (c) as to the branding of bulls to indicate that they have been approved of by an inspector;
- (d) as to any matter which by this Act is required or permitted to be prescribed;
- (e) generally, as to any matter in respect of which he considers it necessary or expedient to make regulations in order that the objects and purposes of this Act may be better achieved.

(2) The generality of the powers conferred by paragraph (e) of sub-section (1) shall not be limited by the provisions of the other paragraphs of the said sub-section.

(3) Different regulations may be made in terms of this section in respect of different areas or different kinds of livestock or in respect of the branding of livestock owned by whites and non-whites.

(4) Regulations made in terms of this section may prescribe in respect of any contravention thereof or failure to comply therewith a penalty of a fine not exceeding one hundred rand or imprisonment for a period not exceeding six months.

Offences and penalties.

12. Any person who—

- (a) hinders or obstructs an inspector in the exercise of his powers or the discharge of his duties under this Act;
- (b) refuses or fails without sufficient cause to comply with any requirement or order of an inspector in terms of this Act, or to furnish an inspector with any information required by him in terms of this Act, or being required in terms of this Act by an inspector to furnish him with any information, knowingly furnishes him with false information;
- (c) falsely holds himself out to be an inspector;
- (d) contravenes or fails to comply with any provision of section *three*, *six*, *eight* or *ten*;
- (e) in any application for the issue of a permit in terms of sub-section (2) of section *ten*, knowingly makes or causes to be made a false statement,

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

Presumptions.

13. (1) If a person is charged with having kept a bull in or having introduced a bull into a cattle improvement area in conflict with the provisions of this Act, and it is proved that at the time of the alleged contravention that bull was in the custody or under the control of that person or his servant or

Stamboekvereniging vir sy aanbeveling verwys en kan sonder nadere ondersoek enige stappe doen wat dié vereniging aanbeveel, indien sodanige stappe deur genoemde sub-artikel veroorloof word.

(4) Iemand wie se aansoek om die uitreiking van 'n vergunning ingevolge sub-artikel (2) geweier word, kan op die voorgeskrewe wyse na die Minister appelleer wat sodanige appèl van die hand kan wys of die Sekretaris kan gelas om sodanige vergunning uit te reik op die voorwaardes wat die Minister vasstel.

(5) Niemand mag enige vee in- of uitvoer in stryd met 'n proklamasie uitgereik ingevolge sub-artikel (1) of anders as ooreenkomsdig die voorwaardes van 'n vergunning wat deur die Sekretaris ingevolge hierdie artikel uitgereik is nie.

(6) Indien enige vee ingevoer word kragtens 'n vergunning wat ingevolge hierdie artikel uitgereik is, moet die persoon wat daardie vee ingevoer het, genoemde vergunning bewaar vir die tydperk wat daarin vasgestel word.

(7) Die Minister kan by kennisgewing in die *Staatskoerant* en ná oorlegpleging met die Suid-Afrikaanse Stamboekvereniging die vereistes voorskryf waaraan enige bepaalde soort vee, waarop 'n proklamasie, uitgevaardig ingevolge sub-artikel (1), betrekking het, moet voldoen voordat 'n vergunning vir die in- of uitvoer daarvan ingevolge sub-artikel (2) uitgereik kan word.

(8) 'n Vergunning wat ingevolge hierdie artikel uitgereik is, stel nie die houer daarvan vry van nakoming van die bepalings van enige wet met betrekking tot die in- of uitvoer van diere in of uit die Republiek nie.

11. (1) Die Staatspresident kan regulasies uitvaardig— Regulasies .

- (a) wat die reëls van prosedure vir appèlkomitees vermeld in artikel *vijf* voorskryf, en wat die toelaes vasstel waarop lede van sodanige komitees geregtig is;
- (b) betreffende appèlles ingevolge artikel *vijf* of *tien*;
- (c) betreffende die brandmerk van bulle om aan te dui dat hulle deur 'n inspekteur goedgekeur is;
- (d) betreffende enige aangeleentheid wat ingevolge hierdie Wet voorgeskryf moet of kan word;
- (e) oor die algemeen, betreffende enige aangeleentheid ten opsigte waarvan hy dit nodig of dienstig ag om regulasies uit te vaardig sodat die oogmerke en doel-eindes van hierdie Wet beter bereik kan word.

(2) Die algemeenheid van die bevoegdhede verleen by paraaf (e) van sub-artikel (1) word nie deur die bepalings van die ander paragrawe van genoemde sub-artikel beperk nie.

(3) Verskillende regulasies kan ingevolge hierdie artikel uitgevaardig word ten opsigte van verskillende gebiede of verskillende soorte vee of ten opsigte van die brandmerk van vee wat deur blankes en nie-blankes besit word.

(4) Regulasies wat ingevolge hierdie artikel uitgevaardig word kan ten opsigte van 'n oortreding daarvan of 'n versuum om daaraan te voldoen 'n straf voorskryf van 'n boete van hoogstens honderd rand of gevangenisstraf vir 'n tydperk van hoogstens ses maande.

12. Iemand wat—

Misdrywe en strawwe.

- (a) 'n inspekteur by die uitoefening van sy bevoegdhede of die uitvoering van sy pligte kragtens hierdie Wet, hinder of belemmer;
- (b) weier of sonder voldoende rede versuum om te voldoen aan 'n eis of bevel van 'n inspekteur ingevolge hierdie Wet, of om aan 'n inspekteur die inligting te verstrek wat hy ingevolge hierdie Wet eis, of indien dit van hom deur 'n inspekteur ingevolge hierdie Wet vereis word om enige inligting aan die inspekteur te verstrek, wetens valse inligting aan hom verstrek;
- (c) homself valslik as 'n inspekteur voordoen;
- (d) 'n bepaling van artikel *drie*, *ses*, *agt* of *tien* oortree of versuum om daaraan te voldoen;
- (e) in 'n aansoek om die uitreiking van 'n vergunning ingevolge sub-artikel (2) van artikel *tien*, wetens 'n valse verklaring afle of laat afle,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd rand of gevangenisstraf vir 'n tydperk van hoogstens een jaar, of met dié boete sowel as dié gevangenisstraf.

13. (1) Indien iemand daarvan aangekla word dat hy 'n bul Vermoedens. in 'n beesteverbeteringsgebied aangehou of ingebring het in stryd met die bepalings van hierdie Wet, en daar bewys word dat ten tyde van die beweerde oortreding daardie bul in die bewaring of onder die beheer was van daardie persoon of sy diensbode of

agent upon land situate within that area, that person shall be deemed to have kept that bull in or, as the case may be, to have introduced it into that area in conflict with the said provisions, until the contrary is proved.

(2) If a person is charged with having imported into or exported from the Republic any livestock in contravention of the provisions of this Act and it is proved that he imported or exported such livestock into or from the Republic, it shall be presumed, until the contrary is proved, that he so imported or exported such livestock for breeding purposes, as the case may be.

Amendment of
section 1 of
Act 48 of 1934.

14. Section *one* of the Livestock and Meat Industries Act, 1934 (hereinafter referred to as the principal Act), is hereby amended by the deletion of the words "Chapter III. Improvement of cattle. (Sections *twenty-four* to *thirty*).".

Repeal of Chapter
III of Act 48 of
1934.

15. Chapter III of the principal Act is hereby repealed.

Amendment of
section 50 of
Act 48 of 1934, as
amended by
section 11 of
Act 49 of 1946.

16. Section *fifty* of the principal Act is hereby amended—
(a) by the deletion of paragraphs (h) and (i) of sub-section (1); and
(b) by the deletion in sub-section (2) of all the words after the word "meat".

Amendment of
section 54 of
Act 48 of 1934, as
substituted by
section 13 of
Act 49 of 1946.

17. Section *fifty-four* of the principal Act is hereby amended by the deletion of all the words after the word "specify".

Amendment of
long title of
Act 48 of 1934.

18. The long title of the principal Act is hereby amended by the deletion of the words "for the improvement of cattle;".

Repeal of sections
4, 5, 6, 7, 8, 9, 10,
and 11 of
Act 49 of 1946.

19. Sections *four*, *five*, *six*, *seven*, *eight*, *nine*, *ten* and *eleven* of the Livestock and Meat Industries Amendment Act, 1946, are hereby repealed.

Savings.

20. (1) A proclamation issued by the State President under section *twenty-four* of the principal Act prior to the repeal thereof by section *fifteen* of this Act, and a proclamation amending any such proclamation, shall for the purposes of this Act be deemed to be notices issued by the Minister in terms of section *two* of this Act.

(2) Any other thing done under a provision repealed by this Act shall, if it could be done under a provision of this Act, be deemed to have been done under such last-mentioned provision.

Short title and
commencement.

21. This Act shall be called the Livestock Improvement Act, 1963, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

agent op grond wat in daardie gebied geleë is, word daardie persoon geag daardie bul in daardie gebied aan te gehou of, na gelang van die geval, in te bring het in stryd met genoemde bepalings, totdat die teendeel bewys word.

(2) Indien iemand daarvan aangekla word dat hy in stryd met die bepalings van hierdie Wet vee in of uit die Republiek in- of uitgevoer het en daar bewys word dat hy dié vee in of uit die Republiek in- of uitgevoer het, word daar vermoed, totdat die teendeel bewys word, dat hy dié vee vir aanteeldeleindes aldus in- of uitgevoer het, na gelang van die geval.

14. Artikel een van die Wet op die Vee- en Vleisnywerhede, 1934 (hieronder die Hoofwet genoem), word hierby gewysig deur die woorde „Hoofstuk III. Verbetering van Beeste. (Artikels vier-en-twintig tot dertig.)” te skrap.

Wysiging van artikel 1 van Wet 48 van 1934.

15. Hoofstuk III van die Hoofwet word hierby herroep.

Herroeping van Hoofstuk III van Wet 48 van 1934.

16. Artikel vyftig van die Hoofwet word hierby gewysig—
(a) deur paragrawe (h) en (i) van sub-artikel (1) teskrap; en
(b) deur in sub-artikel (2) al die woorde na die woorde „vleis” te skrap.

Wysiging van artikel 50 van Wet 48 van 1934, soos gewysig deur artikel 11 van Wet 49 van 1946.

17. Artikel vier-en-vyftig van die Hoofwet word hierby gewysig deur al die woorde na die woorde „opskort” te skrap.

Wysiging van artikel 54 van Wet 48 van 1934, soos vervang deur artikel 13 van Wet 49 van 1946.

18. Die lang titel van die Hoofwet word hierby gewysig deur die woorde „vir die verbetering van beeste;” te skrap.

Wysiging van lang titel van Wet 48 van 1934.

19. Artikels vier, vyf, ses, sewe, agt, nege, tien en elf van die Wysigingswet op Vee- en Vleisnywerhede, 1946, word hierby herroep.

Herroeping van artikels 4, 5, 6, 7, 8, 9, 10 en 11 van Wet 49 van 1946.

20. (1) 'n Proklamasie wat deur die Staatspresident kragtens artikel vier-en-twintig van die Hoofwet uitgevaardig is vóór die herroeping daarvan deur artikel vyftien van hierdie Wet, en 'n proklamasie wat so 'n proklamasie wysig, word by die toepassing van hierdie Wet geag kennisgewings te wees wat deur die Minister ingevolge artikel twee van hierdie Wet uitgereik is.

Voorbehoud.

(2) Indien iets anders wat gedoen is kragtens 'n bepaling wat by hierdie Wet herroep is, kragtens 'n bepaling van hierdie Wet gedoen sou kon word, word dit geag gedoen te wees kragtens laasgenoemde bepaling.

21. Hierdie Wet heet die Veeverbeteringswet, 1963, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

Kort titel en inwerkingtreding.

No. 75, 1963.]

ACT

To provide for the transfer to and the vesting in the State of certain rights vesting in the Northern Vyfhoek Management Board and owners of certain lots in terms of the Vyfhoek Management Act, 1935, to amend that Act and to provide for other incidental matters.

*(Afrikaans text signed by the State President.)
(Assented to 27th June, 1963.)*

Preamble.

WHEREAS the Northern Vyfhoek Management Board was established by section two of the Vyfhoek Management Act, 1935 (Act No. 39 of 1935):

AND WHEREAS rights in respect of irrigation works situated in the Northern Vyfhoek Area, as defined in the said Act, were transferred from the Government to the said Board and to owners of certain lots:

AND WHEREAS the Minister of Water Affairs has by virtue of the powers conferred upon him by the Water Act, 1956 (Act No. 54 of 1956), constructed a dam across the Mooi River, on the farms Naauwpoort 133 and Witkoppies 132, situated in the district of Potchefstroom, Transvaal, to impound and conserve water flowing in the said river, and is constructing betterment works, including canals and furrows, for the better irrigation of land situate in the Mooi River River District constituted by Proclamation No. 74 of 1909 (Transvaal):

AND WHEREAS the said Northern Vyfhoek Area is situate in the said Mooi River River District:

AND WHEREAS the said Minister has prepared a scheme for the betterment of the said irrigation works and for the construction of water works for the better irrigation of land in the said Area:

AND WHEREAS it is not possible for the Minister to implement the said scheme and to control the distribution of water from the said water works unless the control of the said irrigation works is vested in the State:

AND WHEREAS it is therefore expedient to amend the Vyfhoek Management Act, 1935 (Act No. 39 of 1935):

AND WHEREAS it is expedient to provide for other incidental matters.

BE IT THEREFORE ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Definition.

1. In this Act, unless the context otherwise indicates "principal Act" means the Vyfhoek Management Act, 1935 (Act No. 39 of 1935).

Certain rights transferred by Vyfhoek Management Act, 1935, transferred to the State.

2. All rights vesting in the Northern Vyfhoek Management Board by virtue of the provisions of section eight of the principal Act and all rights vesting in the owners of certain lots by virtue of the provisions of section seventeen of the principal Act are hereby transferred to and shall be vested in the State.

Amendment of section 6 of Act 39 of 1935.

3. Section six of the principal Act is hereby amended—
(a) by the deletion in sub-section (1) of all the words after the word "seven";
(b) by the deletion in sub-section (3) of the expression "(1) or".

Amendment of section 8 of Act 39 of 1935.

4. Section eight of the principal Act is hereby repealed in so far as it relates to the Northern Vyfhoek Management Board or the Northern Vyfhoek Area.

Repeal of section 17 of Act 39 of 1935.

5. Section seventeen of the principal Act is hereby repealed.

Short title.

6. This Act shall be called the Northern Vyfhoek Settlement Adjustment Act, 1963.

No. 75, 1963.]

WET

Om voorsiening te maak vir die oordrag aan en die vestiging in die Staat van sekere regte wat kragtens die Vyfhoek Bestuurswet, 1935, by die Vyfhoek-Noord Bestuursraad en eienaars van sekere persele berus, om daardie Wet te wysig en om vir ander aangeleenthede wat daar mee in verband staan, voorsiening te maak.

*(Afrikaanse teks deur die Staatspresident geteken.)
Goedgekeur op 27 Junie 1963.)*

NADEMAAL die Vyfhoek-Noord Bestuursraad by artikel Aanhef tweee van die Vyfhoek Bestuurswet, 1935 (Wet No. 39 van 1935), ingestel is:

EN NADEMAAL regte ten opsigte van besproeiingswerke geleë in die Vyfhoek-Noord Gedeelte soos in genoemde Wet omskryf, van die Staat aan genoemde Raad en eienaars van sekere persele oorgedra is:

EN NADEMAAL die Minister van Waterwese uit hoofde van die bevoegdhede hom verleen by die Waterwet, 1956 (Wet No. 54 van 1956), 'n dam oor die Mooirivier, op die plase Naauwpoort 133 en Witkoppies 132, geleë in die distrik Potchefstroom, Transvaal, gebou het om water wat in genoemde rivier vloei, op te dam en te bewaar, en besig is om verbeteringswerke, met inbegrip van kanale en vore, aan te bou tot verbetering van besproeiing van grond geleë in die by Proklamasie No. 74 van 1909 (Transvaal) ingestelde Mooirivier Rivierdistrik:

EN NADEMAAL genoemde Vyfhoek-Noord Gedeelte in die Mooirivier Rivierdistrik geleë is:

EN NADEMAAL genoemde Minister 'n skema ontwerp het tot verbetering van genoemde besproeiingswerke en vir die aanbou van waterwerke tot verbetering van besproeiing van grond in genoemde Gedeelte:

EN NADEMAAL dit nie vir die Minister moontlik is om genoemde skema tot stand te bring en om die verdeling van water uit genoemde waterwerke te beheer nie tensy die beheer oor genoemde besproeiingswerke by die Staat berus:

EN NADEMAAL dit derhalwe raadsaam is om die Vyfhoek Bestuurswet, 1935 (Wet No. 39 van 1935), te wysig:

EN NADEMAAL dit raadsaam is om voorsiening te maak vir ander aangeleenthede wat hiermee in verband staan:

WORD DAAR DERHALWE BEPAAL deur die Staats-president, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken Woord „Hoofwet” die Vyfhoek Bestuurswet, 1935 (Wet No. 39 van omskrywing, 1935).

2. Alle regte wat by die Vyfhoek-Noord Bestuursraad berus uit hoofde van die bepalings van artikel *agt* van die Hoofwet en alle regte wat by eienaars van sekere persele berus uit hoofde van die bepalings van artikel *sewentien* van die Hoofwet word hierby aan die Staat oorgedra en berus by die Staat.

3. Artikel *ses* van die Hoofwet word hierby gewysig—
(a) deur in sub-artikel (1) al die woorde na die woord „bestuur” te skrap;
(b) deur in sub-artikel (3) die uitdrukking „(1) of” te skrap.

4. Artikel *agt* van die Hoofwet word hierby herroep vir sover dit op die Vyfhoek-Noord Bestuursraad of die Vyfhoek-Noord Gedeelte betrekking het.

5. Artikel *sewentien* van die Hoofwet word hierby herroep. Herroeping van artikel 17 van Wet 39 van 1935.

6. Hierdie Wet heet die Reëlingswet op die Nedersetting Kort titel. Vyfhoek-Noord, 1963.