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# Government Gazette

# Staatskroerant

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[No. 829]

DEPARTMENT OF THE PRIME MINISTER.

No. 914.]

[24th June, 1964.

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

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 914.]

[24 Junie 1964.

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

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BLADSY

No. 80, 1964]

# WET

**Tot wysiging van die Slumswet, 1934, die Wet op Nasionale Paaie, 1935, die Wapens- en Ammunisiewet, 1937, die Registrasie van Aktes Wet, 1937, die Verjaringswet, 1943, die Wet op Landdroshowe, 1944, die Kommissiewet, 1947, die Bevolkingsregistrasiewet, 1950, die Wet op die Onderdrukking van Kommunisme, 1950, die Wet op Patente, 1952, die Wet op Testamente, 1953, die Strafproseswet, 1955, die Algemene Regswysigingswet, 1955, die Wet op die Ontwikkeling van Groepsgebiede, 1955, die Algemene Regswysigingswet, 1956, die Wet op Groepsgebiede, 1957, die Wet op die Voorkoming van Korruptie, 1958, die Wet op Gevangenis, 1959, die Wet op Veediefstal, 1959, die Wet op die Hooggereghof, 1959, en die Wet op Vrederegters en Kommissarisse van Ede, 1963.**

*(Afrikaanse teks deur die Staatspresident geteken.)  
(Goedgekeur op 20 Junie 1964.)*

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

**Wysiging van artikel 3bis van Wet 53 van 1934, soos ingevoeg deur artikel 3 van Wet 55 van 1963.**

**1. Artikel drie bis** van die Slumswet, 1934, word hierby gewysig—

- (a) deur in paragraaf (a) van sub-artikel (2) die uitdrukking „paragraaf (b)” deur die uitdrukking „paragrawe (b) en (c)” te vervang;
- (b) deur by paragraaf (b) van sub-artikel (2) die woorde „en kan aldus van tyd tot tyd so 'n landdros as waarnemende voorsitter aanstel om die werksaamhede en pligte van 'n in hierdie paragraaf bedoelde voorsitter te verrig tydens sy afwesigheid of siekte of wanneer hy om enige rede nie in staat is om sy werksaamhede en pligte te verrig nie of terwyl die aanstelling van so 'n voorsitter hangende is” by te voeg;
- (c) deur die volgende paragraaf by sub-artikel (2) by te voeg:  
„(c) Die Minister kan hoogstens twee persone as plaasvervangende lede van 'n Slumopruimingshof aanstel, en 'n aldus aangestelde plaasvervangende lid kan op versoek van die voorsitter in die plek van 'n lid van bedoelde hof in sy afwesigheid optree, teen betaling van dieselfde vergoeding en toelaes as dié waarop die afwesige lid geregtig is.”

**Wysiging van artikel 10bis van Wet 42 van 1935, soos ingevoeg deur artikel 18 van Wet 67 van 1955.**

**2. (1)** Artikel tien bis van die Wet op Nasionale Paaie, 1935, word hierby gewysig deur na die woorde „aangegaan is” die woorde „of aangegaan staan te word” in te voeg.

(2) Sub-artikel (1) word geag op die eerste dag van Julie 1955 in werking te getree het.

**Wysiging van artikel 15 van Wet 28 van 1937.**

**3. Artikel vyftien** van die Wapens- en Ammunisiewet, 1937, word hierby gewysig deur by sub-artikel (3) die woorde „en, behalwe in die geval van 'n bestaande handelaarsbesigheid in wapens-en-ammunisie, dat die aantal sodanige besighede in die distrik ontoereikend is om in die behoeftes van die publiek te voorsien” by te voeg.

**Wysiging van artikel 16 van Wet 47 van 1937.**

**4. (1)** Artikel sestien van die Registrasie van Aktes Wet, 1937, word hierby gewysig deur die volgende voorbehoudsbepaling daarby te voeg:

„Met dien verstande dat notariële attestasie nie ten opsigte van die oordrag van saaklike regte kragtens 'n verbandakte verkry, nodig is nie.”.

(2) Sub-artikel (1) word geag op die eerste dag van September 1937 in werking te getree het.

No. 80, 1964]

# ACT

**To amend the Slums Act, 1934, the National Roads Act, 1935, the Arms and Ammunition Act, 1937, the Deeds Registries Act, 1937, the Prescription Act, 1943, the Magistrates' Courts Act, 1944, the Commissions Act, 1947, the Population Registration Act, 1950, the Suppression of Communism Act, 1950, the Patents Act, 1952, the Wills Act, 1953, the Criminal Procedure Act, 1955, the General Law Amendment Act, 1955, the Group Areas Development Act, 1955, the General Law Amendment Act, 1956, the Group Areas Act, 1957, the Prevention of Corruption Act, 1958, the Prisons Act, 1959, the Stock Theft Act, 1959, the Supreme Court Act, 1959, and the Justices of the Peace and Commissioners of Oaths Act, 1963.**

*(Afrikaans text signed by the State President.)  
(Assented to 20th June, 1964.)*

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

1. Section *three bis* of the Slums Act, 1934, is hereby amended—
  - (a) by the substitution in paragraph (a) of sub-section (2) for the expression „paragraph (b)” of the expression “paragraphs (b) and (c)”; Amendment of section 3bis of Act 53 of 1934, as inserted by section 3 of Act 55 of 1963.
  - (b) by the addition to paragraph (b) of sub-section (2) of the words “and may from time to time so appoint any such magistrate as acting chairman to perform the functions and duties of a chairman referred to in this paragraph during his absence or illness or whenever for any reason he is unable to perform his functions and duties or while the appointment of any such chairman is pending”;
  - (c) by the addition to sub-section (2) of the following paragraph:
    - (c) The Minister may appoint not more than two persons as alternate members of a Slum Clearance Court, and an alternate member so appointed may, at the request of the chairman, act in the place of a member of the said court in his absence, upon payment of the same remuneration and allowances as that to which the absent member is entitled.”.
2. (1) Section *ten bis* of the National Roads Act, 1935, is hereby amended by the insertion after the word “occurred” of the words “or to be incurred”. Amendment of section 10bis of Act 42 of 1935, as inserted by section 18 of Act 67 of 1955.
  - (2) Sub-section (1) shall be deemed to have come into operation on the first day of July, 1955.
3. Section *fifteen* of the Arms and Ammunition Act, 1937, is hereby amended by the addition to sub-section (3) of the words “and, except in the case of an existing arms and ammunition dealer's business, that the number of such businesses in the district are insufficient to provide for the needs of the public”. Amendment of section 15 of Act 28 of 1937.
4. (1) Section *sixteen* of the Deeds Registries Act, 1937, is hereby amended by the addition of the following proviso: Amendment of section 16 of Act 47 of 1937.
  - “Provided that notarial attestation shall not be necessary in respect of the conveyance of real rights acquired under a mortgage bond.”.
  - (2) Sub-section (1) shall be deemed to have come into operation on the first day of September, 1937.

Wysiging van artikel 91 van Wet 47 van 1937.

Wysiging van artikel 6 van Wet 18 van 1943, soos gewysig deur artikel 28 van Wet 46 van 1945.

Wysiging van artikel 7 van Wet 32 van 1944, soos gewysig deur artikel 23 van Wet 93 van 1962.

Invoeging van artikel 30bis in Wet 32 van 1944.

Wysiging van artikel 51 van Wet 32 van 1944, soos gewysig deur artikel 7 van Wet 19 van 1963.

Invoeging van artikel 51bis in Wet 32 van 1944.

5. (1) Artikel *een-en-negentig* van die Registrasie van Aktes Wet, 1937, word hierby gewysig deur na die woorde „op grond” die woorde „behalwe 'n verband” in te voeg.

(2) Sub-artikel (1) word geag op die eerste dag van September 1937 in werking te getree het.

6. (1) Artikel *ses* van die Verjaringswet, 1943, word hierby gewysig deur na paragraaf (b) van sub-artikel (1) die volgende paragrawe in te voeg:

„(b)*bis* die diening op die skuldenaar deur 'n verweerde by 'n aksie van 'n kennisgewing ingevolge 'n hofreël, waarby bedoelde skuldenaar as mede-gedingvoerder tot die aksie gevoeg word;

(b)*ter* die diening op die skuldenaar van 'n teeneis.”

(2) Sub-artikel (1) tree in werking op 'n datum deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

7. Artikel *sewe* van die Wet op Landdroshewe, 1944, word hierby gewysig deur die voorbehoudsbepaling deur die volgende voorbehoudsbepaling te vervang:

„Met dien verstande dat die Sekretaris van Justisie na verloop van—

(a) twee jaar vanaf die datum waarop die dagvaarding verval het in die geval van siviele verrigtings waarin die dagvaarding verval het; of

(b) drie jaar vanaf die datum van die oplegging van vonnis in die geval van verrigtings waarin die vonnis opgelê is ingevolge sub-artikel (5) van artikel *driehonderd een-en-vyftig* van die Strafproseswet, 1955 (Wet No. 56 van 1955); of

(c) vyftien jaar vanaf die datum van die uitspraak in die geval van enige ander verrigtings, kan gelas dat die stukke in daardie verrigtings na 'n sentrale bewaarplek oorgebring word of dat hulle vernietig word of dat op 'n ander wyse daaroor beskik word.”.

8. (1) Die volgende artikel word hierby na artikel *dertig* van die Wet op Landdroshewe, 1944, ingevoeg:

„Inhegtenisneming of beslaglegging om jurisdiksie te vestig of bevestig, teen 'n persoon wat nie in die Republiek woon nie, ten opsigte van 'n aksie binne sy jurisdiksie beveel, waar die vordering of die waarde van die onderwerp in geskil minstens veertig rand bedra, met uitsluiting van die koste ten opsigte van die invordering daarvan, en kan 'n bevel verleen wat diening van enige stukke in die aksie op die in bedoelde bevel vermelde wyse magtig.”.

(2) Sub-artikel (1) tree in werking op 'n datum deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

9. (1) Artikel *een-en-vyftig* van die Wet op Landdroshewe, 1944, word hierby gewysig deur paragraaf (a) van sub-artikel (2) deur die volgende paragraaf te vervang:

„(a) Wanneer iemand wat behoorlik gedagvaar is om getuenis af te lê of om boeke, geskrifte of dokumente in sy besit of onder sy beheer oor te lê, wat die party wat sy aanwesigheid verlang, as bewyssukke wil toon, sonder wettige verontskuldiging versuim om sy opwagting te maak of om getuenis af te lê of om daardie boeke, geskrifte of dokumente ooreenkomsdig die getuiedagvaarding oor te lê of, sonder behoorlik verskoon te wees, versuim om gedurende die hele verhoor aanwesig te bly, dan kan die hof, indien hy op grond van 'n verklaring onder eed of van die relaas van die geregsbode oortuig is dat so iemand behoorlik gedagvaar is en dat sy redelike koste, bereken ooreenkomsdig die tarief kragtens artikel *een-en-vyftig bis* voorgeskryf, aan hom betaal of aangebied is, so iemand veroordeel tot 'n boete van hoogstens vyftig rand, en by wanbetaling, tot gevangenisstraf vir 'n tydperk van hoogstens drie maande, ongeag of so iemand origens aan die jurisdiksie van die hof onderworpe is al dan nie.”.

(2) Sub-artikel (1) tree in werking op 'n datum deur die Staatspresident by kennisgewing in die *Staatskoerant* bepaal.

10. Die volgende artikel word hierby na artikel *een-en-vyftig* van die Wet op Landdroshewe, 1944, ingevoeg:

„Getuie- 51bis. (1) Die Minister kan in oorleg met die gelde. Minister van Finansies van tyd tot tyd by kennisgewing in die *Staatskoerant* 'n tarief van toelaes

5. (1) Section *ninety-one* of the Deeds Registries Act, 1937, Amendment of is hereby amended by the insertion after the words "in land" section 91 of of the words "except a mortgage".

(2) Sub-section (1) shall be deemed to have come into operation on the first day of September, 1937.

6. (1) Section *six* of the Prescription Act, 1943, is hereby Amendment of amended by the insertion after paragraph (b) of sub-section (1) section 6 of of the following paragraphs:

"(b)*bis* service on the debtor by a defendant to an action of a notice in terms of a rule of court joining such debtor as a party to such action;

(b)*ter* service on the debtor of a claim in reconvention;".

(2) Sub-section (1) shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

7. Section *seven* of the Magistrates' Courts Act, 1944, is hereby amended by the substitution for the proviso of the following proviso:

"Provided that after—

(a) two years from the date on which the summons has lapsed in the case of civil proceedings in which the summons has lapsed; or

(b) three years from the date of passing sentence in the case of proceedings in which sentence was passed in terms of sub-section (5) of section *three hundred and fifty-one* of the Criminal Procedure Act, 1955 (Act No. 56 of 1955); or

(c) fifteen years from the date of the judgment in the case of any other proceedings, the record of such proceedings may upon order of the Secretary for Justice be removed to a central place of custody or be destroyed or otherwise disposed of.".

8. (1) The following section is hereby inserted after section *thirty* of the Magistrates' Courts Act, 1944:

"Attachment to found or confirm jurisdiction."

**30bis.** The court may order attachment of person or property to found or confirm jurisdiction against any person who does not reside in the Republic, in respect of an action within its jurisdiction, where the claim or the value of the matter in dispute amounts to at least forty rand, exclusive of any costs in respect of the recovery thereof, and may grant an order allowing service of any process in such action to be effected in such manner as may be stated in such order.".

Insertion of section 30bis in Act 32 of 1944.

(2) Sub-section (1) shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

9. (1) Section *fifty-one* of the Magistrates' Courts Act, 1944, is hereby amended by the substitution for paragraph (a) of sub-section (2) of the following paragraph:

"(a) If any person, being duly subpoenaed to give evidence or to produce any books, papers or documents in his possession or under his control, which the party requiring his attendance desires to show in evidence, fails, without lawful excuse, to attend or to give evidence or to produce those books, papers or documents according to the subpoena or, unless duly excused, fails to remain in attendance throughout the trial, the court may, upon being satisfied upon oath or by the return of the messenger that such person has been duly subpoenaed and that his reasonable expenses, calculated in accordance with the tariff prescribed under section *fifty-one bis*, have been paid or offered to him, impose upon the said person a fine not exceeding fifty rand, and in default of payment, imprisonment for a period not exceeding three months, whether or not such person is otherwise subject to the jurisdiction of the court.".

Amendment of section 51 of Act 32 of 1944, as amended by section 7 of Act 19 of 1963.

(2) Sub-section (1) shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

10. The following section is hereby inserted after section *fifty-one* of the Magistrates' Courts Act, 1944:

"Witness fees. 51bis. (1) The Minister may in consultation with the Minister of Finance from time to time by notice in the *Gazette* prescribe a tariff of allowances

Insertion of section 51bis in Act 32 of 1944.

voorskryf wat betaal moet word aan 'n getuie in 'n siviele saak of aan iemand wat noodwendig so 'n getuie weens die jeug of 'n ouderdoms- of ander gebrek van daardie getuie moet begelei.

(2) So 'n kennisgewing kan onderskeid maak tussen persone volgens die afstande wat hulle moet reis om aanwesig te wees by die hof waarheen hulle opgeroep of gedagvaar is of volgens hul professie, beroep of besigheid of tussen verskillende klasse van persone, en kan aan daarin vermelde beampetes in diens van die Staat die bevoegdheid verleen om, in gevalle waar betaling van toelaes teen die aldus voorgeskrewe tarief buitensporige ontbering kan meebring, die betaling van toelaes teen 'n hoër tarief as die aldus voorgeskrewe tarief te gelas.

(3) Ondanks andersluidende wetsbepalings, kan die hof gelas dat geen toelaes of slegs 'n deel van die voorgeskrewe toelaes aan 'n getuie betaal word.”.

**Invoeging van artikel 75bis in Wet 32 van 1944.**

**11. Die volgende artikel word hierby na artikel *vijf-en-sentig* van die Wet op Landdroshewe, 1944, ingevoeg:**

„Hersiening 75bis. Ondanks andersluidende wetsbepalings, van verkoopsvoorraadswaardes van onroerende eiendom wat by ten-uitvoerlegging van 'n vennis van die Hoogregshof verkoop staan te word, hersien en bekragtig, wysig of skik.”.

**12. Artikel *drie-en-negentig* van die Wet op Landdroshewe, 1944, word hierby gewysig deur sub-artikel (2) deur die volgende sub-artikel te vervang:**

„(2) Indien die presiderende regterlike amptenaar by skuldigbevinding van 'n beskuldigde na summiere verhoor maar voor vonnisoplegging, in kennis gestel is dat die beskuldigde vorige veroordelings het wat na die oordeel van bedoelde amptenaar, 'n vennis sou regverdig wat sy jurisdiksie te bowe gaan, kan hy sy bevinding ter syde stel, en moet in so 'n geval ook sy bevinding ter syde stel ten opsigte van enige ander beskuldigde wat nadat hy tesame met sodanige eersgenoemde beskuldigde verhoor was, skuldig bevind is, en die verrigtings word geag 'n voorlopige ondersoek te gewees het, tensy, in die geval van 'n verhoor deur 'n hof wat nie die hof van 'n streekafdeling is nie, die presiderende regterlike amptenaar op aansoek van die openbare aanklaer gelas dat die saak van nuuts af deur die hof van 'n streekafdeling verhoor moet word.”.

**Wysiging van artikel 93 van Wet 32 van 1944, soos gewysig deur artikel 22 van Wet 40 van 1952 en artikel 24 van Wet 62 van 1955.**

**13. Artikel *een* van die Kommissiewet, 1947, word hierby gewysig—**

(a) deur al die woorde na die woord „*Staatskoerant*” deur die volgende paragraue te vervang:

„(a) die bepalings van hierdie Wet of enige ander wet met betrekking tot daardie kommissie van toepassing verklaar, oehoudens die wysigings en uitsonderings wat hy in die proklamasie bepaal; en

(b) regulasies met betrekking tot daardie kommissie uitvaardig, wat bykomende bevoegdhede aan die kommissie verleen en voorsiening maak vir die wyse waarop die ondersoek ingestel moet word of die prosedure wat daarby gevvolg moet word of vir geheimhouding en oor die algemeen vir alle aangeleenthede wat hy nodig of dienstig ag om vir die doeleindes van die ondersoek voor te skryf.”;

(b) deur die volgende sub-artikel by te voeg, terwyl die bestaande artikel sub-artikel (1) word:

„(2) 'n Kragtens sub-artikel (1) uitgevaardigde regulasie kan voorsiening maak vir strawwe by wyse van 'n boete van hoogstens honderd pond of gevangenisstraf vir 'n tydperk van hoogstens ses maande vir 'n oortreding daarvan of versuim om dit na te kom.”.

**Wysiging van artikel 1 van Wet 8 van 1947.**

which shall be paid to a witness in civil proceedings or to any person necessarily required to accompany any such witness on account of his youth or infirmity due to old age or any other infirmity.

(2) Such notice may differentiate between persons according to the distances which they have to travel to attend the court to which they are summoned or subpoenaed or according to their professions, callings or occupations or between different classes of persons, and may empower such officers in the service of the State as may be specified therein, in cases where payment of allowances in accordance with the tariffs so prescribed may cause undue hardship, to order payment of allowances in accordance with a higher tariff than the tariff so prescribed.

(3) Notwithstanding anything to the contrary in any law contained, the court may order that no allowances or only a portion of the allowances prescribed shall be paid to any witness.”.

**11. The following section is hereby inserted after section *seventy-five* of the Magistrates' Courts Act, 1944:**

**“Review of conditions of sale of immovable property to be sold in execution of a Supreme Court judgment.** *75bis.* Notwithstanding anything to the contrary in any law contained, the court may, on the application of any interested party, review and confirm, modify or settle the conditions of sale in respect of any immovable property to be sold in execution of any judgment of any division of the Supreme Court of South Africa.”.

Insertion of  
section 75bis  
in Act 32

**12. Section *ninety-three* of the Magistrates' Courts Act, 1944, is hereby amended by the substitution for sub-section (2) of the following sub-section:**

**“(2) If upon conviction of an accused person after summary trial it is brought to the notice of the presiding judicial officer before sentence is passed, that the accused has previous convictions which in the opinion of that officer, would justify a sentence in excess of his jurisdiction he may set aside his finding and shall in such event also set aside his finding in respect of any other accused person who has been convicted after being tried jointly with such first-mentioned accused person, and the proceedings shall thereupon be deemed to have been a preparatory examination, unless, in the case of a trial by a court which is not the court of a regional division, the presiding judicial officer on the application of the public prosecutor, directs that the case be tried afresh by the court of a regional division.”.**

Amendment of  
section 93 of  
Act 32 of 1944,  
as amended by  
section 22 of  
Act 40 of 1952  
and section 24  
of Act 62  
of 1955.

**13. Section *one* of the Commissions Act, 1947, is hereby amended—**

Amendment of  
section 1 of  
Act 8 of 1947.

**(a) by the substitution for all the words after the word “*Gazette*” of the following paragraphs:**

**“(a) declare the provisions of this Act or any other law to be applicable with reference to such commission, subject to such modifications and exceptions as he may specify in such proclamation; and**

**(b) make regulations with reference to such commission, conferring additional powers on the commission and providing for the manner of holding or the procedure to be followed at the investigation or for the preservation of secrecy and generally for all matters which he considers it necessary or expedient to prescribe for the purposes of the investigation.”;**

**(b) by the addition of the following sub-section the existing section becoming sub-section (1):**

**“(2) Any regulation made under sub-section (1) may provide for penalties by way of a fine not exceeding one hundred pounds or imprisonment for a period not exceeding six months for any contravention thereof or failure to comply therewith.”.**

Wysiging van artikel 10 van Wet 44 van 1950, soos gewysig deur artikel 7 van Wet 15 van 1954, artikel 8 van Wet 76 van 1962 en artikel 4 van Wet 37 van 1963.

Wysiging van artikel 11 van Wet 44 van 1950, soos gewysig deur artikel 8 van Wet 15 van 1954, artikel 10 van Wet 76 van 1962 en artikel 5 van Wet 37 van 1963.

Wysiging van artikel 1 van Wet 37 van 1952, soos gewysig deur artikel 1 van Wet 28 van 1953, artikel 1 van Wet 50 van 1960 en artikel 28 van Wet 22 van 1964.

Vervanging van artikel 4 van Wet 37 van 1952.

Wysiging van artikel 64 van Wet 37 van 1952.

Herroeping van artikel 81 van Wet 37 van 1952.

Wysiging van artikel 2 van Wet 7 van 1953, soos gewysig deur artikel 1 van Wet 48 van 1958.

**14. (1) Artikel tien van die Wet op die Onderdrukking van Kommunisme, 1950, word hierby gewysig—**

- (a) deur in paragraaf (a)ter van sub-artikel (1) die uitdrukking „1964” deur die uitdrukking „1965” te vervang;
- (b) deur na paragraaf (b) van sub-artikel (1) die volgende paragraaf in te voeg:

„(c) Terwyl ’n kragtens paragraaf (a) of paragraaf (a) gelees met paragraaf (a)bis uitgevaardigde kennisgewing van krag is, kan die in bedoelde kennisgewing bepaalde tydperk van die betrokke verbod verleng word by ’n deur die Minister ondertekende kennisgewing aan die betrokke persoon gerig en aan hom oorhandig of aangebied.”.

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

**15. Artikel elf van die Wet op die Onderdrukking van Kommunisme, 1950, word hierby gewysig deur in paragraaf (b)ter die woorde „enige opleiding buite die Republiek ontvang het of uit ’n bron buite die Republiek” deur die woorde „en in die Republiek of elders enige opleiding ontvang het, of gepoog, ingewillig of enige stapte gedoen het om enige opleiding te ontvang, of iemand anders uitgelok, aangestig, beveel, hulp verleen, aangeraai, aangemoedig of verkry het om enige opleiding te ontvang, of” te vervang en na die woorde „opleiding ontvang” die woorde „het of gepoog, ingewillig of enige stapte gedoen het om dit te ontvang, of so iemand anders uitgelok, aangestig, beveel, hulp verleen, aangeraai, aangemoedig of verkry het om dit te ontvang,” in te voeg.**

**16. Artikel een van die Wet op Patente, 1952, word hierby gewysig deur in die omskrywing van „kommissaris” die woord „aangestelde” deur die woord „aangewese” te vervang.**

**17. Artikel vier van die Wet op Patente, 1952, word hierby deur die volgende artikel vervang:**

„Aanwyse **4. Die Regter-president van die Transvaalse Provinciale Afdeling van die Hooggereghof van missaris Suid-Afrika wys van tyd tot tyd ’n regter of waarnemende regter van daardie Afdeling aan as kommissaris van patente om die by hierdie Wet aan die kommissaris toegewysde bevoegdhede uit te oefen en werkzaamhede te verrig.”.**

**18. Artikel vier-en-sestig van die Wet op Patente, 1952, word hierby gewysig deur die woord „kommissaris” waar dit ook al in sub-artikel (1), paragraaf (b) van sub-artikel (3) en sub-artikel (4) voorkom, deur die woord „registrator” te vervang.**

**19. Artikel een-en-tachtig van die Wet op Patente, 1952, word hierby herroep.**

**20. Artikel twee van die Wet op Testamente, 1953, word hierby gewysig—**

- (a) deur in sub-paragraaf (iv) van paragraaf (a) van sub-artikel (1) die woorde „elke bladsy” deur die woorde „elke ander bladsy as die bladsy waarop dit eindig, ook” te vervang en na die woorde „onderteken word” die woorde „op enige plek op die bladsy” in te voeg;
- (b) deur sub-paragraaf (v) van genoemde paragraaf (a) deur die volgende sub-paragraaf te vervang:
  - „(v) indien die testament deur die erflater deur die maak van ’n merk of deur iemand anders in teenwoordigheid en in opdrag van die erflater onderteken word, ’n magistraat, vrederegter, kommissaris van ede of notaris aan die end daarvan sertificeer dat hy homself oortuig het van die identiteit van die erflater en dat die aldus ondertekende testament die testament van die erflater is, en indien die testament meer dan een bladsy beslaan, elke ander bladsy as die bladsy waarop dit eindig, ook deur die magistraat, vrederegter, kommissaris van ede of notaris wat aldus sertificeer, onderteken word op enige plek op die bladsy;”.

**14.** (1) Section *ten* of the Suppression of Communism Act, 1950, is hereby amended—

- (a) by the substitution in paragraph *(a)ter* of sub-section (1) for the expression “1964” of the expression “1965”;
- (b) by the insertion after paragraph (b) of sub-section (1) of the following paragraph:
- (c) While any notice issued under paragraph (a) or paragraph (a) read with paragraph *(a)bis* is in force, the period of the prohibition in question specified in such notice may be extended by a notice under the hand of the Minister addressed and delivered or tendered to the person concerned.”.

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

**15.** Section *eleven* of the Suppression of Communism Act, 1950, is hereby amended by the substitution in paragraph *(b)ter* for the words “undergone any training outside the Republic or obtained any information from a source outside the Republic” of the words “and in the Republic or elsewhere, undergone, or attempted, consented or taken any steps to undergo, or incited, instigated, commanded, aided, advised, encouraged or procured any other person to undergo any training, or obtained any information” and the insertion in the said paragraph after the word “undergo” of the words “or attempt, consent or take any steps to undergo, or incite, instigate, command, aid, advise encourage or procure such other person to undergo.”.

**16.** Section *one* of the Patents Act, 1952, is hereby amended by the substitution in the definition of “commissioner” for the word “appointed” of the word “designated”.

Amendment of section 1 of Act 37 of 1952, as amended by section 1 of Act 28 of 1953, section 1 of Act 50 of 1960 and section 28 of Act 22 of 1964.

**17.** The following section is hereby substituted for section *four* of the Patents Act, 1952:

“Designation 4. The Judge President of the Transvaal Provincial of commis- Division of the Supreme Court of South Africa sioner of shall from time to time designate a judge or acting patents. judge of that Division as commissioner of patents to exercise the powers and perform the functions assigned to the commissioner by this Act.”.

Substitution of section 4 of Act 37 of 1952.

**18.** Section *sixty-four* of the Patents Act, 1952, is hereby amended by the substitution for the word “commissioner” wherever it occurs in sub-section (1), paragraph (b) of sub-section (3) and sub-section (4) of the word “registrar”.

Amendment of section 64 of Act 37 of 1952.

**19.** Section *eighty-one* of the Patents Act, 1952, is hereby repealed.

Repeal of section 81 of Act 37 of 1952.

**20.** Section *two* of the Wills Act, 1953, is hereby amended—

(a) by the substitution in sub-paragraph (iv) of paragraph (a) of sub-section (1) for the word “is” of the words “other than the page on which it ends, is also” and the insertion in the said sub-paragraph after the word “witnesses” of the words “anywhere on the page”;

(b) by the substitution for sub-paragraph (v) of the said paragraph (a) of the following sub-paragraph:

“(v) if the will is signed by the testator by the making of a mark or by some other person in the presence and by the direction of the testator, a magistrate, justice of the peace, commissioner of oaths or notary public certifies at the end thereof that he has satisfied himself as to the identity of the testator and that the will so signed is the will of the testator, and if the will consists of more than one page, each page other than the page on which it ends, is also signed, anywhere on the page, by the magistrate, justice of the peace, commissioner of oaths or notary public who so certifies;”.

Amendment of section 2 of Act 7 of 1953, as amended by section 1 of Act 48 of 1958.

Wysiging van artikel 8 van Wet 7 van 1953.

**21.** (1) Artikel *agt* van die Wet op Testamente, 1953, word hierby deur die volgende artikel vervang:

„Toepassing van Wet op Suidwes-Afrika. 8. Hierdie Wet en enige wysiging daarvan wat van tyd tot tyd aangebring word, is ook van toepassing in die gebied Suidwes-Afrika, met inbegrip van die Oostelike Caprivi Zipfel vermeld in artikel *drie* van die Wysigingswet op Aangeleenthede van Suidwes-Afrika, 1951 (Wet No. 55 van 1951).”.

(2) Sub-artikel (1) word geag op die datum van inwerkingtreding van die Wet op Testamente, 1953, in werking te getree het.

Wysiging van artikel 60 van Wet 56 van 1955.

**22.** Artikel *sesig* van die Strafproseswet, 1955 (hieronder die Hoofwet genoem), word hierby gewysig—

(a) deur in die voorbehoudsbepaling by sub-artikel (2) voor die woorde „die getuienis” die woorde „die aard en strekking van” in te voeg en die woorde „voorgelees” deur die woorde „kortlik deur die magistraat meegeleel” te vervang;

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

„(3) Iemand wat kragtens sub-artikel (2) met ‘n beskuldigde saamgevoeg word, word op alle redelike tye toegeelaat om onder toesig van die klerk van die hof die aantekeninge van getuienis wat voor die samevoeging afgelê is, na te gaan en afskrifte daarvan te maak of te laat maak.”.

Wysiging van artikel 108bis van Wet 56 van 1955, soos ingevoeg deur artikel 4 van Wet 39 van 1961 en gewysig deur artikel 17 van Wet 76 van 1962 en artikel 9 van Wet 37 van 1963.

**23.** Artikel *honderd-en-agt bis* van die Hoofwet word hierby met ingang van die eerste dag van Junie 1964 gewysig deur sub-artikel (5) deur die volgende sub-artikel te vervang:

„(5) Behoudens die bepalings van sub-artikel (6), verval die bepalings van hierdie artikel op die eerste dag van Junie 1965.”.

Wysiging van artikel 156bis van Wet 56 van 1955, soos ingevoeg deur artikel 51 van Wet 68 van 1957.

**24.** Artikel *honderd ses-en-vyftig bis* van die Hoofwet word hierby gewysig deur die woorde „na ‘n voorlopige ondersoek” te skrap.

Wysiging van artikel 156ter van Wet 56 van 1955, soos ingevoeg deur artikel 51 van Wet 68 van 1957.

**25.** Artikel *honderd ses-en-vyftig ter* van die Hoofwet word hierby gewysig deur in sub-artikel (1) paragrawe (a), (b), (c) en (d) deur die woorde „om watter rede ook al awesig is,” en die woorde „hoërhof” deur die woorde „verhoor voor ‘n hoërhof na ‘n voorlopige ondersoek” te vervang.

Wysiging van artikel 191 van Wet 56 van 1955.

**26.** Artikel *honderd een-en-negentig* van die Hoofwet word hierby gewysig deur sub-artikel (1) deur die volgende sub-artikel te vervang:

„(1) Iemand wat weens ‘n misdryf aangekla word, kan skuldig bevind word aan poging om daardie misdryf te pleeg of aan poging om ‘n ander misdryf te pleeg waaraan hy kragtens die bepalings van hierdie Wet op die aanklag skuldig bevind kan word, indien die feite dit bewys.”.

Vervanging van artikel 212 van Wet 56 van 1955.

**27.** Artikel *tweehonderd-en-twaalf* van die Hoofwet word hierby deur die volgende artikel vervang:

**212.** (1) Indien iemand wat in ‘n hof aanwesig is en deur die hof aangesê word om in ‘n strafsaak hof ten opsigte van weerspannige getuies te getuienis af te lê, weier om as getuie die eed af te lê of ‘n bevestiging te doen, of wat na eedafliegging of nadat hy die bevestiging gedoen het, weier om ‘n vraag aan hom gestel, te beantwoord, of weier of versium om ‘n boek, stuk of dokument waarvan die oorlegging deur hom vereis word, oor te lê, kan die hof op summiere wyse ondersoek instel na bedoelde weiering of versium en, tensy die persoon wat aldus weier of versium ‘n voldoende verskoning vir sy weiering of versium het, hom ‘n vonnis van gevangenisstraf vir ‘n tydperk van hoogstens twaalf maande ople.

(2) Na verstryking van ‘n kragtens sub-artikel (1) opgelegde vonnis, kan daar van tyd tot tyd by enige verdere weiering of versium weer teen die persoon aan wie die vonnis opgelê is, kragtens daardie sub-artikel opgetree word.

(3) ‘n Hof kan te eniger tyd ‘n deur hom kragtens sub-artikel (1) opgelegde straf of ‘n gedeelte daarvan by bewys van gegronde redes kwytsekeld.

**21.** (1) The following section is hereby substituted for section *eight* of the Wills Act, 1953:

*"Application of Act to South-West Africa."*

8. This Act and any amendment thereof which may be made from time to time shall apply also in the territory of South-West Africa, including the Eastern Caprivi Zipfel referred to in section *three* of the South-West Africa Affairs Amendment Act, 1951 (Act No. 55 of 1951)."

Amendment of  
section 8 of  
Act 7 of 1953.

(2) Sub-section (1) shall be deemed to have come into operation on the date of commencement of the Wills Act, 1953.

**22.** Section *sixty* of the Criminal Procedure Act, 1955 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the insertion in the proviso to sub-section (2) after the words "Provided that" of the words "such person shall be briefly informed by the magistrate of the nature and purport of" and the deletion in the said proviso of the words "shall be read over to such person";

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

"(3) Any person joined with an accused under sub-section (2), shall at all reasonable times be permitted to inspect the record of evidence given before such joinder and to make or cause copies thereof to be made under the supervision of the clerk of the court."

Amendment of  
section 60 of  
Act 56 of  
1955.

**23.** Section *one hundred and eight bis* of the principal Act is hereby amended with effect from the first day of June, 1964, by the substitution for sub-section (5) of the following sub-section:

"(5) Subject to the provisions of sub-section (6) the provisions of this section shall lapse on the first day of June, 1965."

Amendment of  
section 108bis  
of Act 56 of  
1955, as inserted  
by section 4 of  
Act 39 of 1961  
and amended by  
section 17 of  
Act 76 of 1962  
and section 9 of  
Act 37 of 1963.

**24.** Section *one hundred and fifty-six bis* of the principal Act is hereby amended by the deletion of the words "after a preparatory examination".

Amendment of  
section 156bis  
of Act 56 of 1955,  
as inserted by  
section 51 of  
Act 68 of 1957.

**25.** Section *one hundred and fifty-six ter* of the principal Act is hereby amended by the substitution in sub-section (1) for paragraphs (a), (b), (c) and (d) of the words "is absent for any reason whatsoever," and for the words "superior court" of the words "trial before a superior court after a preparatory examination".

Amendment of  
section 156ter of  
Act 56 of 1955,  
as inserted by  
section 51 of  
Act 68 of 1957.

**26.** Section *one hundred and ninety-one* of the principal Act is hereby amended by the substitution for sub-section (1) of the following sub-section:

"(1) Any person charged with an offence may be found guilty of an attempt to commit that offence or of an attempt to commit any other offence of which he may under the provisions of this Act be convicted on the charge, if such be the facts proved."

Amendment of  
section 191 of  
Act 56 of 1955.

**27.** The following section is hereby substituted for section *two hundred and twelve* of the principal Act:

*"Powers of court in respect of recalcitrant witnesses."*

**212.** (1) If any person present in any court who is required by such court to give evidence in any criminal proceedings, refuses to be sworn or to make an affirmation as a witness, or having been sworn or having made an affirmation, refuses to answer any question put to him, or refuses or fails to produce any books, papers or documents required to be produced by him, the court may in a summary manner enquire into such refusal or failure and, unless the person so refusing or failing has a just excuse for his refusal or failure, sentence him to imprisonment for a period not exceeding twelve months.

(2) After the expiration of any sentence imposed under sub-section (1), the person on whom the sentence was imposed may from time to time again be dealt with under that sub-section in the event of any further refusal or failure.

(3) Any court may at any time on good cause shown remit any punishment or portion thereof imposed by it under sub-section (1).

Substitution of  
section 212 of  
Act 56 of  
1955.

(4) 'n Vonnis deur 'n hof ingevolge sub-artikel (1) opgelê, word uitgevoer en is onderworpe aan appell asof dit 'n vonnis is wat in 'n strafsaak deur daardie hof opgelê is en word uitgedien voor enige ander vonnis van gevangenisstraf wat die betrokke persoon opgelê is.

(5) Die hof kan die in sub-artikel (1) bedoelde strafsaak te eniger tyd afhandel ondanks enige stapte wat ingevolge hierdie artikel gedoen is.

(6) Niemand is verplig om 'n boek, stuk of dokument wat nie in 'n op hom bestelde subpoena aangediui word nie, oor te lê nie tensy hy dit werklik in die hof het.

(7) Enige magistraat of magistraatshof is bevoeg om 'n persoon gevangenisstraf op te lê vir die maksimum tydperk wat by hierdie artikel voorgeskryf word."

**Wysiging van artikel 218 van Wet 56 van 1955.**

**28.** (1) Artikel *tweehonderd-en-agtien* van die Hoofwet word hierby gewysig deur die volgende sub-artikels by te voeg:

,,(4) Regulasies ingevolge sub-artikel (3) kan aan daarin vermelde beampetes in die diens van die Staat die bevoegdheid verleen om, in gevalle waar betaling van toelaes teen die by bedoelde regulasies voorgeskrewe tariewe buiten-sporige ontbering kan meebring, goedkeuring te verleen vir die betaling van toelaes teen hoër tariewe as die aldus voorgeskrewe tariewe.

(5) By die toepassing van hierdie artikel beteken „getuie“ ook iemand wat noodwendig 'n getuie weens die jeug of 'n ouderdoms- of ander gebrek van daardie getuie moet begelei.“.

(2) Hierdie artikel word geag op die eerste dag van Julie 1955 in werking te getree het.

**Vervanging van artikel 254 van Wet 56 van 1955.**

**29.** Artikel *tweehonderd vier-en-vyftig* van die Hoofwet word hierby deur die volgende artikel vervang:

**254.** (1) Wanneer die aanklaer by 'n verhoor of voorlopige ondersoek die hof meedeel dat 'n persoon deur en ten behoeve van die aanklaer as getuie opgeroep, na sy oordeel 'n mededader was, hetsy as hoofdader of medepligtige, by die pleging van die misdryf wat in die aanklag ten laste gelê word, of die onderwerp van die voorlopige ondersoek uitmaak, is daardie persoon, ondanks andersluidende bepalings van hierdie Wet, verplig om as getuie die eed af te lê of 'n bevestiging te doen en om enige vraag te beantwoord waarop die antwoord die strekking sou hê om hom ten opsigte van bedoelde misdryf te inkrimineer.

(2) Indien bedoelde persoon alle vroeë wat wettiglik aan hom gestel word ten genoeë van die hof volledig beantwoord, is hy, behoudens die bepalings van sub-artikel (3), onthef van alle vervolging weens bedoelde misdryf en die hof laat bedoelde vrystelling in die notule van die saak aanteken.

(3) Bedoelde vrystelling is van nul en gener waarde en die aantekening daarvan in die notule van die saak word geskrap, indien die betrokke persoon, wanneer hy as 'n getuie geroep word by die verhoor van enige persoon op 'n aanklag dat hy die betrokke misdryf of 'n misdryf wat die voorlopige ondersoek openbaar, gepleeg het, of by die heropening van die voorlopige ondersoek, weier om as getuie die eed af te lê of 'n bevestiging te doen of weier of versuim om alle vroeë wat wettiglik aan hom gestel word ten genoeë van die hof volledig te beantwoord.“.

**Wysiging van artikel 263 van Wet 56 van 1955.**

**30.** Artikel *tweehonderd drie-en-sestig* van die Hoofwet word hierby gewysig deur in sub-artikel (1) na die woorde „dokument is“ die woerde „of deur 'n beampte in diens van die Staat deur bedoelde hoof daartoe gemagtig“ in te voeg.

**Wysiging van artikel 37 van Wet 62 van 1955.**

**31.** Artikel *sewe-en-dertig* van die Algemene Regswysigings-wet, 1955, word hierby gewysig deur by sub-artikel (1) die woerde „behalwe vir sover die oplegging van so 'n straf verpligtend is“ by te voeg.

(4) Any sentence imposed by any court under sub-section (1), shall be enforced and shall be subject to an appeal as if it were a sentence imposed in a criminal case by such court and shall be served before any other sentence of imprisonment imposed on the person concerned.

(5) The court may at any time conclude the criminal proceedings referred to in sub-section (1) despite any action which may have been taken under this section.

(6) No person shall be bound to produce any book, paper or document not specified in any subpoena served upon him, unless he actually has it in court.

(7) Any magistrate or magistrate's court shall have jurisdiction to sentence any person to the maximum period of imprisonment prescribed by this section.”.

**28.** (1) Section *two hundred and eighteen* of the principal Act is hereby amended by the addition of the following sub-sections:

Amendment of  
section 218 of  
Act 56 of  
1955.

“(4) Regulations under sub-section (3) may empower such officers in the service of the State as may be specified therein, in cases where payment of allowances in accordance with the tariffs prescribed by such regulations may cause undue hardship, to authorize the payment of allowances in accordance with higher tariffs than the tariffs so prescribed.

(5) For the purposes of this section ‘witness’ shall include any person necessarily required to accompany a witness on account of his youth or infirmity due to old age or any other infirmity.”.

(2) This section shall be deemed to have come into operation on the first day of July, 1955.

**29.** The following section is hereby substituted for section *two hundred and fifty-four* of the principal Act:

Substitution of  
section 254 of  
Act 56 of 1955.

“Accom-  
plices as  
witnesses for  
the prosecu-  
tion.

254. (1) Whenever the prosecutor at any trial or preparatory examination informs the court that any person produced by him as a witness on behalf of the prosecution has, in his opinion, been an accomplice, either as principal or accessory, in the commission of the offence alleged in the charge, or the subject of the preparatory examination, such person shall, notwithstanding anything to the contrary in this Act contained, be compelled to be sworn or to make affirmation as a witness and to answer any question the reply to which would tend to incriminate him in respect of such offence.

(2) If such person fully answers to the satisfaction of the court all such lawful questions as may be put to him, he shall, subject to the provisions of sub-section (3), be discharged from all liability to prosecution for such offence and the court shall cause such discharge to be entered on the record of the proceedings.

(3) Such discharge shall be of no force and effect and the entry thereof on the record of the proceedings shall be deleted if, when called as a witness at the trial of any person upon a charge of having committed the offence concerned or an offence disclosed by the preparatory examination, or at a re-opening of the preparatory examination, the person concerned refuses to be sworn or to make affirmation as a witness or refuses or fails to answer fully to the satisfaction of the court all such lawful questions as may be put to him.”.

**30.** Section *two hundred and sixty-three* of the principal Act is hereby amended by the insertion in sub-section (1) after the section 263 of words “document is” of the words “or by any officer in the service of the State authorized by such head”.

**31.** Section *thirty-seven* of the General Law Amendment Act, Amendment of 1955, is hereby amended by the addition to sub-section (1) of section 37 of the words “except in so far as the imposition of any such penalty may be compulsory”.

Amendment of  
section 37 of  
Act 62 of 1955.

Wysiging van artikel 12 van Wet 69 van 1955, soos gewysig deur artikel 7 van Wet 81 van 1959 en artikel 40 van Wet 49 van 1962.

Wysiging van artikel 3 van Wet 50 van 1956.

Wysiging van artikel 6 van Wet 50 van 1956.

Wysiging van artikel 42 van Wet 77 van 1957, soos gewysig deur artikel 27 van Wet 23 van 1961 en artikel 26 van Wet 49 van 1962.

**32.** Artikel *twaalf* van die Wet op die Ontwikkeling van Groepsgebiede, 1955, word hierby gewysig deur in sub-artikel (1) al die woorde wat paragraaf (a) voorafgaan, deur die woorde „Die oogmerke waarmee die raad ingestel word, is om, vir sover dit na die oordeel van die raad vir die verwesenliking van die oogmerke van hierdie Wet of die Hoofwet nodig of dienstig is, behulpsaam te wees met en beheer uit te oefen oor die vreemding van geaffekteerde eiendomme, groepsgebiede of 'n deel van die beheerde gebied te ontwikkel en aan persone hulp te verleen by die verkryging of huur van onroerende goed, en vir die bereiking van sy oogmerke is die raad, benewens enige ander bevoegdhede by hierdie Wet aan hom verleent, bevoeg—” te vervang.

**33.** (1) Artikel *drie* van die Algemene Regswysigingswet, 1956, word hierby gewysig deur die volgende sub-artikel daarby te voeg, terwyl die bestaande artikel sub-artikel (1) word:

„(2) Die bepalings van sub-artikel (1) is nie van toepassing op 'n huurkontrak van enige mineraalregte ingevolge 'n wetsbepaling met betrekking tot prospektier- of mynaangeleenthede toegeken of verkry of op enige sessie van so 'n huurkontrak nie.”

(2) Sub-artikel (1) word geag op die datum van inwerkting van artikel *drie* van die Algemene Regswysigingswet, 1956, in werking te getree het.

**34.** (1) Artikel *ses* van die Algemene Regswysigingswet, 1956, word hierby gewysig deur na die woorde „deur” die woorde „of namens” in te voeg.

(2) Sub-artikel (1) word geag op die twee-en-twintigste dag van Junie 1956 in werking te getree het.

**35.** Artikel *twoe-en-veertig* van die Wet op Groepsgebiede, 1957 (Wet No. 77 van 1957), word hierby gewysig—

(a) deur sub-artikels (2) en (3) deur die volgende sub-artikels te vervang:

„(2) (a) Die hof wat iemand skuldig bevind weens die okkupering van grond of 'n perseel in stryd met sub-artikel (1) van artikel *vyftien*, artikel *sestien bis*, sub-artikel (1) van artikel *sewentien* of sub-artikel (1) van artikel *drie-en-twintig*, kan benewens enige straf opgelê—

(i) 'n bevel uitvaardig tot uitsetting van bedoelde grond of perseel, op Staatskoste, van so iemand en enigiemand anders van dieselfde groep van wie daar bewys word dat hy, hetsy permanent of andersins, saam met die veroordeelde woon;

(ii) die bevele uitvaardig, die instruksies gee en die magtiging verleen wat die hof redelikerwys nodig ag om aan bedoelde bevel tot uitsetting gevolg te gee en vir die verwydering van bedoelde grond of perseel van die besittings van iemand wat uitgesit staan te word.

(b) 'n Bevel kan ingevolge paragraaf (a) uitgevaardig word teen enigiemand van wie daar bewys word dat hy saam met die veroordeelde woon, sonder dat vooraf kennis aan so iemand gegee is.

(3) Enigiemand wat kragtens 'n ingevolge sub-artikel (2) uitgevaardigde bevel van enige grond of perseel uitgesit is en te eniger tyd op daardie grond of perseel gevind word, sonder dat hy 'n wettige verskoning het, waarvan die bewyslas op hom rus, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe wat voorgeskryf word vir 'n in paragraaf (a) van sub-artikel (1) bedoelde misdryf.”;

(b) deur die volgende sub-artikels by te voeg:

„(5) Wanneer dit in enige akte van beskuldiging, dagvaarding of klagskrif beweer word dat twee of meer persone op dieselfde of ongeveer dieselfde tyd misdrywe ingevolge die bepalings van sub-artikel (1) van artikel *vyftien*, artikel *sestien bis*, sub-artikel (1) van artikel *sewentien* of sub-artikel (1) van artikel *drie-en-twintig* ten opsigte van dieselfde grond of perseel gepleeg het, kan daardie persone ondanks andersluidende wetsbepalings of gemeenregtelike bepalings, gesamentlik weens bedoelde misdrywe, op daardie akte van beskuldiging, dagvaarding of klagskrif verhoor word.

(6) Ondanks andersluidende wetsbepalings, is 'n landdroshof bevoeg om enige by hierdie artikel voorgeskreve straf op te lê en om enige bevel kragtens sub-artikel (2) uit te vaardig.”

**32.** Section *twelve* of the Group Areas Development Act, 1955, is hereby amended by the substitution in sub-section (1) for all the words preceding paragraph (a) of the words "The objects for which the board is established shall be to assist in and to control the disposal of affected properties, to develop group areas or any portion of the controlled area and to assist persons to acquire or hire immovable property, in so far as it may, in the opinion of the board, be necessary or expedient for the achievement of the objects of this Act or the principal Act, and to that end the board shall, in addition to any other powers vested in it by this Act, have power—".

**33.** (1) Section *three* of the General Law Amendment Act, 1956, is hereby amended by the addition of the following sub-section the existing section becoming sub-section (1):

"(2) The provisions of sub-section (1) shall not apply to a lease of any rights to minerals granted or acquired under any law relating to prospecting or mining or to any cession of any such lease."

(2) Sub-section (1) shall be deemed to have come into operation on the date of commencement of section *three* of the General Law Amendment Act, 1956.

**34.** (1) Section *six* of the General Law Amendment Act, 1956, is hereby amended by the insertion after the word "by" of the words "or on behalf of".

(2) Sub-section (1) shall be deemed to have come into operation on the twenty-second day of June, 1956.

**35.** Section *forty-two* of the Group Areas Act, 1957 (Act No. 77 of 1957), is hereby amended—

(a) by the substitution for sub-sections (2) and (3) of the following sub-sections:

"(2) (a) The court convicting any person of occupying any land or premises in contravention of sub-section (1) of section *fifteen*, section *sixteen bis*, sub-section (1) of section *seventeen* or sub-section (1) of section *twenty-three*, may in addition to any penalty imposed—

(i) make an order for the ejectment, at State expense, from such land or premises, of such person and any other person of the same group proved to be living with him, whether permanently or otherwise;

(ii) make such orders, give such instructions and confer such authority as it may deem reasonably necessary to give effect to the said order of ejectment and for the removal from such land or premises of the possessions of any person to be ejected.

(b) Any order may be made under paragraph (a) against any person proved to be living with the convicted person, without prior notice having been given to such first-mentioned person.

(3) Any person ejected from any land or premises under an order made under sub-section (2) who is at any time found to be on such land or premises without lawful excuse, the onus of proof whereof shall be upon him, shall be guilty of an offence and liable on conviction to the penalties prescribed for an offence referred to in paragraph (a) of sub-section (1).";

(b) by the addition of the following sub-sections:

"(5) Whenever two or more persons are in any indictment, summons or charge alleged to have committed, at the same or approximately the same time, offences under the provisions of sub-section (1) of section *fifteen*, section *sixteen bis*, sub-section (1) of section *seventeen* or sub-section (1) of section *twenty-three* in respect of the same land or premises, such persons may, notwithstanding anything to the contrary in any other law or the common law contained, be tried jointly for such offences on that indictment, summons or charge.

(6) Notwithstanding anything to the contrary in any law contained a magistrate's court shall have jurisdiction to impose any penalty prescribed by this section and to make any order under sub-section (2).".

Wysiging van artikel 2 van Wet 6 van 1958.

**36.** Artikel *twoe* van die Wet op die Voorkoming van Korrumkie, 1958, word hierby gewysig deur die woorde „vyfhonderd pond” en „twee jaar”, onderskeidelik deur die woorde „tweeduisend rand” en „vijf jaar” te vervang, en die woorde „met of sonder dwangarbeid” te skrap.

Wysiging van artikel 94 van Wet 8 van 1959.

**37.** Artikel *vier-en-negentig* van die Wet op Gevangenis, 1959, word hierby gewysig—

(a) deur na paragraaf (b) van sub-artikel (1) die volgende paragraaf in te voeg:

„(b)*bis* die instelling, bestuur en beheer van 'n fonds om voorsiening te maak vir geneeskundige, tandheelkundige en hospitaalbehandeling van lede van die Gevangenisdiens wat op of na die eerste dag van Januarie 1964 met pensioen afgetree het of aftree, en hul gesinne en van die gesinne van lede van die Gevangenisdiens wat op of na bedoelde datum te sterwe gekom het of sterf, die klas van lede van die Gevangenisdiens of ander persone wat lede van die fonds is of kan word, die skaal of totale bedrag van bydraes (indien enige) wat deur enige bepaalde klas van lede van die fonds daartoe gelewer moet word, die beëindiging van lidmaatskap van die fonds, die regte, voorregte en verpligte van lede van die fonds, en oor die algemeen alle aangeleenthede wat redelikerwys vir die reëling en werking van die fonds nodig is.”;

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

„(1)*bis* Regulasies kragtens paragraaf (b)*bis* van sub-artikel (1) kan voorsiening maak vir voordele ten opsigte van geneeskundige, tandheelkundige en hospitaalbehandeling op die grondslag wat kragtens hierdie Wet ten opsigte van lede van die Gevangenisdiens en hul gesinne geld, teen betaling vir bedoelde voordele uit 'n deur of kragtens bedoelde regulasies ingestelde fonds, op die grondslag wat in bedoelde regulasies vermeld word of ooreenkomsdig bedoelde regulasies bepaal word.”;

(c) deur in sub-artikel (2) die woorde „So 'n regulasie” deur die woorde „'n Regulasie” te vervang.

Wysiging van artikel 7 van Wet 57 van 1959.

**38.** Artikel *sewe* van die Wet op Veediefstal, 1959, word hierby gewysig deur in paragraaf (a) van sub-artikel (1) die woorde „of hoofman van die nie-Blanke” deur die woorde „hoofman of onderhoofman van die nie-Blanke, 'n gevoldmagtigde van bedoelde kaptein, 'n 'Official Witness' soos omskryf in Hoofstuk I van Deel I van die Bylae by Wet No. 19 van 1891 van Natal,” te vervang.

Wysiging van artikel 15 van Wet 57 van 1959.

**39.** Artikel *vyftien* van die Wet op Veediefstal, 1959, word hierby gewysig—

(a) deur in sub-artikel (1) na die woorde „benewens enige straf” die uitdrukking „(met inbegrip van straf waarvoor artikel drie-honderd vier-en-dertig ter of drie-honderd vier-en-dertig quat van die Strafproseswet, 1955 (Wet No. 56 van 1955), voorsiening maak)” in te voeg;

(b) deur die volgende sub-artikel daarby te voeg:

„(4) By die toepassing van artikels drie-honderd vier-en-dertig ter en drie-honderd vier-en-dertig quat van die Strafproseswet, 1955 (Wet No. 56 van 1955), word 'n kragtens hierdie artikel opgelegde straf nie in aanmerking geneem nie.”.

Invoeging van artikel 19*bis* in Wet 59 van 1959.

**40.** Die volgende artikel word hierby na artikel *negentien* van die Wet op die Hooggeregshof, 1959, ingevoeg:

„Verwysing 19*bis*. (1) 'n Hof van 'n provinsiale of plaaslike afdeling kan, in 'n siviele geding, met die toestemming van die partye—

vir onder- (a) enige aangeleenthed wat 'n uitgebreide onder- soek deur skeidsrechter. soek van dokumente of wetenskaplike, tegniese of plaaslike ondersoek verg wat na die oordeel van die hof nie geredelik deur die hof ingestel kan word nie; of

(b) enige aangeleenthed wat geheel en al of gedeeltelik op rekeninge betrekking het; of

(c) enige ander aangeleenthed wat uit bedoelde geding voortspruit,

vir ondersoek en verslag na 'n skeidsrechter verwys, en die hof kan die verslag van so 'n skeidsrechter in sy geheel of gedeeltelik aanvaar, met of sonder wy-

**36.** Section two of the Prevention of Corruption Act, 1958, is hereby amended by the substitution for the words "five hundred pounds" and "two years" of the words "two thousand rand" and "five years" respectively, and the deletion of the words "with or without compulsory labour".

Amendment of  
section 2 of  
Act 6 of 1958

**37.** Section ninety-four of the Prisons Act, 1959, is hereby amended—

Amendment of  
section 94 of  
Act 8 of 1959

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

"(b)*bis* the establishment, management and control of a fund to provide for medical, dental and hospital treatment of members of the Prisons Service who retired or retire on pension on or after the first day of January, 1964, and their families and of the families of members of the Prisons Service who died or die on or after the said date, the class of members of the Prisons Service or other persons who shall be or may become members of the fund, the scale or aggregate amount of contributions (if any) to be made to the fund by any particular class of members thereof, the termination of membership of the fund, the rights, privileges and obligations of members of the fund, and generally all matters reasonably necessary for the regulation and operation of such fund;";

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

"(1)*bis* Regulations under paragraph (b)*bis* of sub-section (1) may provide for benefits in respect of medical, dental and hospital treatment on the basis applicable in respect of members of the Prisons Service and their families under this Act, subject to payment for such benefits from a fund established by or under such regulations, on such basis as may be specified in or determined in accordance with such regulations.";

(c) by the deletion in sub-section (2) of the word "such", where it occurs for the first time.

**38.** Section seven of the Stock Theft Act, 1959, is hereby amended by the substitution in paragraph (a) of sub-section (1) for the words "or headman of such non-European" of the words "headman or sub-headman of such non-European, a deputy of such chief, an Official Witness as defined in Chapter I of Part I of the Schedule to Act No. 19 of 1891 of Natal".

Amendment of  
section 7 of  
Act 57 of 1959.

**39.** Section fifteen of the Stock Theft Act, 1959, is hereby amended—

Amendment of  
section 15 of  
Act 57 of 1959.

(a) by the insertion in sub-section (1) after the words "in addition to any sentence" of the expression "(including any sentence provided for by section three hundred and thirty-four ter or three hundred and thirty-four quat of the Criminal Procedure Act, 1955 (Act No. 56 of 1955))";

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

"(4) For the purposes of sections three hundred and thirty-four ter and three hundred and thirty-four quat of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), any sentence imposed under this section shall not be taken into consideration.".

**40.** The following section is hereby inserted after section nineteen of the Supreme Court Act, 1959:

Insertion of  
section 19*bis*  
in Act 59  
of 1959.

"Reference of particular matters for investigation by referee. **19*bis*.** (1) In any civil proceedings any court of a provincial or local division may, with the consent of the parties, refer—

- (a) any matter which requires extensive examination of documents or scientific, technical or local investigation which in the opinion of the court cannot be conveniently conducted by it; or
- (b) any matter which relates wholly or in part to accounts; or
- (c) any other matter arising in such proceedings, for enquiry and report to a referee, and the court may adopt the report of any such referee, either wholly or in part, and either with or without modi-

sigings, of kan so 'n verslag vir verdere ondersoek of verslag of oorweging deur bedoelde skeidsregter terugverwys, of 'n ander bevel ten opsigte daarvan uitvaardig wat nodig of wenslik is.

(2) So 'n verslag of enige deel daarvan wat deur die hof aanvaar word, het sy met of sonder wysigings, het die uitwerking van 'n bevinding van die hof in die betrokke siviele geding.

(3) So 'n skeidsregter het vir die doeleindeste van bedoelde ondersoek die bevoegdhede en behartig die ondersoek op die wyse wat by 'n spesiale hofbevel of by die hofreëls voorgeskryf word.

(4) Vir die doeleindeste van die verkryging van die aanwesigheid van 'n getuie (met inbegrip van 'n getuie wat kragtens 'n wetsbepaling in hegtenis gehou word) en die oorlegging van 'n dokument of saak voor 'n skeidsregter, word 'n ondersoek kragtens hierdie artikel 'n siviele geding geag.

(5) (a) Iemand wat gedagvaar is om voor 'n skeidsregter te verskyn en getuenis af te lê of 'n dokument of saak oor te lê, en wat sonder voldoende rede in gebreke bly om op die bepaalde tyd en plek aanwesig te wees of om aanwesig te bly totdat die ondersoek voltooi is of totdat die skeidsregter hom verlof gee om nie meer aanwesig te wees nie, of weier om as getuie die eed of 'n plegtige verklaring af te lê, of wat na eedadlegging of die aflare van 'n plegtige verklaring, in gebreke bly om 'n vraag aan hom gestel volledig en op bevredigende wyse te beantwoord of wat in gebreke bly om 'n dokument of saak in sy besit of bewaring of onder sy beheer, en tot oorlegging waarvan hy gedagvaar is, oor te lê, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig rand of met gevangenisstraf vir 'n tydperk van hoogstens drie maande.

(b) Iemand wat na eedadlegging of die aflare van 'n plegtige verklaring valse getuenis voor 'n skeidsregter by 'n ondersoek aflare, met die wete dat die getuenis vals is of sonder dat hy weet of glo dat dit waar is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die regtens voorgeskrewe strawwe vir meineed.

(6) 'n Skeidsregter is geregtig op die besoldiging wat by die hofreëls voorgeskryf word of, indien geen sodanige besoldiging aldus voorgeskryf is nie, wat die hof bepaal, en op enige redelike uitgawes deur hom vir die doeleindeste van die ondersoek aangegaan, en sodanige besoldiging en uitgawes word deur die takseermeester van die hof getakseer en is koste in die geding.”.

**Wysiging van artikel 20 van Wet 59 van 1959, soos gewysig deur artikel 2 van Wet 85 van 1963.**

**41. Artikel twintig van die Wet op die Hooggereghof, 1959, word hierby gewysig deur paragraaf (d) van sub-artikel (3)*bis* deur die volgende paragraaf te vervang:**

„(d) deur een ouer teen die ander om tussentydse toegang tot 'n kind wanneer 'n huweliksgeding tussen die ouers aanhangig is of op die punt staan om ingestel te word.”.

**Wysiging van artikel 43 van Wet 59 van 1959, soos gewysig deur artikel 39 van Wet 93 van 1962 en artikel 11 van Wet 85 van 1963.**

**42. Artikel drie-en-veertig van die Wet op die Hooggereghof, 1959, word hierby gewysig deur na paragraaf (c) van sub-artikel (3) die volgende paragraaf in te voeg:**

„(c)*bis* die praktyk en prosedure in verband met die verwysing van 'n aangeleenthed na 'n skeidsregter ingevolge artikel negentien *bis* en die besoldiging aan so 'n skeidsregter betaalbaar;”.

**Vervanging van artikel 4 van Wet 16 van 1963.**

**43. Artikel vier van die Wet op Vrederegters en Kommisarisse van Ede, 1963, word hierby deur die volgende artikel vervang:**

„*Vrederegters ex officio.* 4. Die bekleer van 'n amp vermeld in die Eerste Bylae is 'n vrederegter vir die Republiek en het al die bevoegdhede en verrig al die pligte wat by 'n wet aan vrederegters verleen of opgelê word.”.

**Wysiging van Eerste Bylae by Wet 16 van 1963.**

**44. Die Eerste Bylae by die Wet op Vrederegters en Kommisarisse van Ede, 1963, word hierby gewysig deur die tweede kolom te skrap.**

fications, or may remit such report for further enquiry or report or consideration by such referee, or make such other order in regard thereto as may be necessary or desirable.

(2) Any such report or any part thereof which is adopted by the court, whether with or without modifications, shall have effect as if it were a finding by the court in the civil proceedings in question.

(3) Any such referee shall for the purpose of such enquiry have such powers and shall conduct the enquiry in such manner as may be prescribed by a special order of court or by rules of court.

(4) For the purpose of procuring the attendance of any witness (including any witness detained in custody under any law) and the production of any document or thing before a referee, an enquiry under this section shall be deemed to be civil proceedings.

(5) (a) Any person summoned to appear and give evidence or produce any document or thing before a referee, who, without sufficient cause, fails to attend at the time and place specified or to remain in attendance until the conclusion of the enquiry or until he is excused by the referee from further attendance, or refuses to be sworn or to make affirmation as a witness, or having been sworn or having made affirmation, fails to answer fully and satisfactorily any question put to him, or fails to produce any document or thing in his possession or custody or under his control, which he was summoned to produce, shall be guilty of an offence and liable on conviction to a fine not exceeding fifty rand or to imprisonment for a period not exceeding three months.

(b) Any person who after having been sworn or having made affirmation, gives false evidence before a referee at an enquiry, knowing such evidence to be false or not knowing or believing it to be true, shall be guilty of an offence and liable on conviction to the penalties prescribed by law for perjury.

(6) Any referee shall be entitled to such remuneration as may be prescribed by the rules of court or, if no such remuneration has been so prescribed, as the court may determine, and to any reasonable expenditure incurred by him for the purposes of the enquiry, and any such remuneration and expenditure shall be taxed by the taxing master of the court and shall be costs in the cause.”.

**41.** Section twenty of the Supreme Court Act, 1959, is hereby amended by the substitution for paragraph (d) of sub-section (3)*bis* of the following paragraph:

“(d) by one parent against the other for interim access to a child when a matrimonial action between the parents is pending or is about to be instituted.”.

**42.** Section forty-three of the Supreme Court Act, 1959, is hereby amended by the insertion after paragraph (c) of sub-section (3) of the following paragraph:

“(c)*bis* the practice and procedure in connection with the reference of any matter to a referee in terms of section nineteen *bis* and the remuneration payable to any such referee;”.

**43.** The following section is hereby substituted for section four of the Justices of the Peace and Commissioners of Oaths Act, 1963:

“*Ex officio* justices of the peace. 4. The holder of any office specified in the First Schedule shall be a justice of the peace for the Republic and shall possess all such powers and perform all such duties as are conferred or imposed on justices of the peace by any law.”.

**44.** The First Schedule to the Justices of the Peace and Commissioners of Oaths Act, 1963, is hereby amended by the deletion of the second column.

Datum van  
inwerkingtreding  
van sekere  
wysigings van  
Wet 30 van 1950.

Bepalings van  
artikel 380 van  
Wet 56 van 1955  
nie ten opsigte  
van sekere  
verklarings van  
toepassing nie.

Kort titel.

**45.** (1) Die wysigings aangebring aan artikels *een* en *twaalf* van die Bevolkingsregistrasiewet, 1950, deur die Wysigingswet op BevolkingsRegistrasie, 1962 (Wet No. 61 van 1962), word geag op die sewende dag van Julie 1950 in werking te getree het.

(2) Enigiets gedoen kragtens die Bevolkingsregistrasiewet, 1950, te eniger tyd voor die inwerkingtreding van hierdie Wet, word geag kragtens daardie Wet soos gewysig deur die in sub-artikel (1) bedoelde wysiging van bedoelde artikel *een* gedoen te wees.

**46.** (1) Die bepalings van artikel *driehonderd en negentig* van die Strafproseswet, 1955 (Wet No. 56 van 1955), is nie van toepassing ten opsigte van 'n verklaring deur 'n kragtens artikel *sewentien* van die Algemene Regswysigingswet, 1963 (Wet No. 37 van 1963), aangehoudene gedoen terwyl hy aldus aangehou word nie.

(2) Sub-artikel (1) word geag op die datum van inwerkingtreding van artikel *sewentien* van die Algemene Regswysigingswet, 1963, in werking te getree het.

**47.** Hierdie Wet heet die Algemene Regswysigingswet, 1964.

**45.** (1) The amendments effected to sections *one* and *twelve* of the Population Registration Act, 1950, by the Population Registration Amendment Act, 1962 (Act No. 61 of 1962), shall be deemed to have come into operation on the seventh day of July, 1950. Date of commencement of certain amendments of

(2) Anything done under the Population Registration Act, 1950, at any time prior to the commencement of this Act, shall be deemed to have been done under that Act as amended by the amendment of the said section *one* referred to in sub-section (1).

**46.** (1) The provisions of section *three hundred and eighty* of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), shall not apply in respect of any statement made by any person detained under section *seventeen* of the General Law Amendment Act, 1963 (Act No. 37 of 1963), while so detained. Provisions of section 380 of Act 56 of 1955 not to apply in respect of certain statements.

(2) Sub-section (1) shall be deemed to have come into operation on the date of commencement of section *seventeen* of the General Law Amendment Act, 1963.

**47.** This Act shall be called the General Law Amendment Act, 1964. Short title.