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EPARTEMENT VAN DIE EERSTE MINISTER.

968.] [1964.

erby word bekend gemaak dat die Staatspresident sy keuring geheg het aan die onderstaande Wette wat y ter algemene inligting gepubliseer word:—

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DEPARTMENT OF THE PRIME MINISTER.

No. 968.] [1964.

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. 70, 1964.]

WET

Tot wysiging van die Elektrisiteitswet, 1958.

(*Afrikaanse teks deur die Staatspresident geteken.*)
(*Goedgekeur op* 18 *Junie* 1964.)

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

Wysiging van artikel 45 van Wet 40 van 1958.

1. (1) Artikel *vyf-en-veertig* van die Elektrisiteitswet, 1958 (hieronder die Hoofwet genoem), word hierby gewysig—

(*a*) deur aan die end van sub-artikel (2) die woorde „en geen beslissing word by so 'n appèl deur die Minister gegee nie, behalwe na oorweging van 'n verslag deur die raad" by te voeg; en

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

„(3) (*a*) Vir die doeleindes van sub-artikel (2) verwys die Minister elke sodanige appèl na die raad om in verband met die saak in geskil aan hom verslag te doen.

(*b*) Die Minister kan, wanneer hy 'n appèl aldus na die raad verwys, enige aangeleentheid aandui waaraan hy verlang dat die raad spesiale aandag moet gee.

(4) Die raad doen nie in verband met so'n appèl aan die Minister verslag nie, tensy daar aan die appellant 'n geleentheid gebied is om binne 'n tydperk deur die raad bepaal, maar minstens dertig dae nadat die appellant skriftelik deur die raad daartoe aangesê is, mondelinge of skriftelike vertoë in verband met die appèl aan die raad voor te lê.".

(2) Enige appèl ingevolge artikel *vyf-en-veertig* van die Hoofwet by die Minister ingedien voor die inwerkingtreding van hierdie Wet, waaroor die Minister nie voor bedoelde inwerkingtreding 'n beslissing gegee het nie, word ooreenkomstig die bepalings van bedoelde artikel soos gewysig deur sub-artikel (1) van hierdie artikel afgehandel.

Wysiging van Eerste Bylae by Wet 40 van 1958.

2. Die Eerste Bylae by die Hoofwet word hierby gewysig deur in item (*b*) van sub-paragraaf (1) van paragraaf 13 na die woord „effekte" die woorde „van die Randwaterraad en effekte" in te voeg.

Kort titel.

3. Hierdie Wet heet die Verdere Wysigingswet op Elektrisiteit, 1964.

No. 70, 1964.]

ACT

To amend the Electricity Act, 1958.

(*English text signed by the State President.*)
(*Assented to* 18*th June*, 1964.)

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 45 of Act 40 of 1958.

1. Section *forty-five* of the Electricity Act, 1958 (hereinafter referred to as the principal Act), is hereby amended—

(*a*) by the addition at the end of sub-section (2) of the words "and no decision shall be given on any such appeal by the Minister, except after consideration of a report by the board"; and

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

"(3) (*a*) For the purposes of sub-section (2), the Minister shall refer every such appeal to the board for a report to him in connection with the matter in dispute.

(*b*) The Minister may when he so refers an appeal to the board, indicate any matter to which he desires that special attention be given by the board.

(4) The board shall not report to the Minister in connection with any such appeal, unless the appellant has been afforded an opportunity to submit to the board, within a period determined by the board, not being less than thirty days after being required to do so in writing by the board, any oral or written representations in connection with the appeal.".

(2) Any appeal lodged with the Minister under section *forty-five* of the principal Act prior to the commencement of this Act, in regard to which the Minister has not given a decision before such commencement, shall be disposed of in accordance with the provisions of the said section as amended by sub-section (1) of this section.

Amendment of First Schedule to Act 40 of 1958.

2. The First Schedule to the principal Act is hereby amended by the insertion in item (*b*) of sub-paragraph (1) of paragraph 13 after the word "stocks" of the words "of the Rand Water Board and stocks".

Short title.

3. This Act shall be called the Electricity Further Amendment Act, 1964.

No. 71, 1964.]

WET

Tot wysiging van die Wet op die Wetenskaplike Navorsingsraad, 1962.

(*Engelse teks deur die Staatspresident geteken.*)
(*Goedgekeur op* 18 *Junie* 1964.)

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

Wysiging van artikel 3 van Wet 32 van 1962.

1. Artikel *drie* van die Wet op die Wetenskaplike Navorsingsraad, 1962 (hieronder die Hoofwet genoem), word hierby gewysig deur die woorde „met goedkeuring van die Minister mag bevorder" deur die woorde „mag bevorder op gebiede wat die Minister in die besonder of in breë trekke bepaal" te vervang.

Wysiging van artikel 4 van Wet 32 van 1962.

2. Artikel *vier* van die Hoofwet word hierby gewysig—

(*a*) deur in paragraaf (*a*) van sub-artikel (1), na die woord „Republiek", die woorde „en die produksievermoë van sy bevolking" in te voeg;

(*b*) deur paragraaf (*b*) van genoemde sub-artikel deur die volgende paragraaf te vervang:

„(*b*) om te soek na nuwe kennis deur navorsing, ondersoeke en toetse op die wyse wat hy raadsaam ag, hoofsaaklik met die doel om tegniese prosesse, metodes en dienste en industriële produkte te verbeter, en om prosesse en metodes te ontwikkel wat die uitbreiding van bestaande of die totstandkoming van nuwe industrieë of die beter gebruikmaking van grondstowwe en afvalprodukte kan bevorder;";

(*c*) deur paragraaf (*f*) van genoemde sub-artikel deur die volgende paragraaf te vervang:

„(*f*) om vir die Republiek primêre wetenskaplike standaarde van fisiese hoeveelhede in stand te hou, en om voorsiening te maak vir hul vergelyking van tyd tot tyd met internasionale standaarde;";

(*d*) deur paragraaf (*h*) van genoemde sub-artikel deur die volgende paragraaf te vervang:

„(*h*) om in die algemeen wetenskaplike navorsing aan te moedig en te bevorder en geldelik daartoe by te dra;";

(*e*) deur sub-artikel (2) deur die volgende sub-artikel te vervang:

„(2) Indien die Minister die raad in die algemeen of in 'n besondere geval daartoe gemagtig het, kan die raad ter bereiking van sy oogmerke—

(*a*) aan universiteite, museums, tegniese kolleges en wetenskaplike inrigtings toekennings doen ten bate van wetenskaplike en industriële navorsing deur hul personeel, of vir die totstandbrenging van fasiliteite vir sodanige navorsing;

(*b*) met Staatsdepartemente, universiteite, tegniese kolleges, wetenskaplike inrigtings en ander persone saamwerk vir die bevordering van wetenskaplike en industriële navorsing;

(*c*) met onderwysowerhede en wetenskaplike of tegniese verenigings in die Republiek of organisasies of liggame in die Republiek wat onderskeidelik werkgewers en werknemers verteenwoordig, saamwerk ter bevordering van—

(i) die onderwys van die wetenskap in skole, tegniese kolleges en universiteite;

(ii) die opleiding van navorsers in wetenskap en van tegniese deskundiges; en

(iii) die opleiding van vakmanne en geskoolde ambagsmanne;

(*d*) studiebeurse en -lenings toeken of beskikbaar stel aan persone wat hulle as wetenskaplikes, tegniese deskundiges, vakmanne of geskoolde ambagsmanne wil bekwaam;

(*e*) met persone en verenigings wat wetenskaplike of industriële navorsing in ander lande onderneem, saamwerk."; en

No. 71, 1964.]

ACT

To amend the Scientific Research Council Act, 1962.

(*English text signed by the State President.*)
(*Assented to* 18*th June*, 1964.)

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 3 of Act 32 of 1962.

1. Section *three* of the Scientific Research Council Act, 1962 (hereinafter referred to as the principal Act), is hereby amended by the substitution for the words "and with the approval of the Minister promote" of the words "promote in spheres determined by the Minister either specially or in broad outline".

Amendment of section 4 of Act 32 of 1962.

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

(*a*) by the addition at the end of paragraph (*a*) of sub-section (1) of the words "and the productive capacity of its population";

(*b*) by the substitution for paragraph (*b*) of the said sub-section of the following paragraph:

"(*b*) to seek new knowledge through research, investigations and tests in such manner as it may deem advisable, mainly with the object of improving technical processes, methods and services and industrial products, and of developing processes and methods which may promote the expansion of existing or the establishment of new industries or the better utilization of raw materials and waste products;";

(*c*) by the substitution for paragraph (*f*) of the said sub-section of the following paragraph:

"(*f*) to maintain primary scientific standards of physical quantities for the Republic, and to provide for their comparison with international standards from time to time;";

(*d*) by the substitution for paragraph (*h*) of the said sub-section of the following paragraph:

"(*h*) to encourage and promote scientific research generally, and to contribute thereto financially;";

(*e*) by the substitution for sub-section (2) of the following sub-section:

"(2) If authorized thereto by the Minister either generally or specially, the council may for the achievement of its objects—

(*a*) make grants to universities, museums, technical colleges and scientific institutions in aid of scientific and industrial research by their staff or for the establishment of facilities for such research;

(*b*) co-operate with State Departments, universities, technical colleges, scientific institutions and other persons for the promotion of scientific and industrial research;

(*c*) co-operate with educational authorities and scientific or technical societies in the Republic or organizations or bodies in the Republic representing employers and employees, respectively, for the promotion of—

(i) the teaching of science in schools, technical colleges and universities;

(ii) the training of research workers in science and of technical experts; and

(iii) the training of craftsmen and skilled artisans;

(*d*) grant or make available bursaries and educational loans to persons desiring to train as scientists, technical experts, craftsmen or skilled artisans;

(*e*) co-operate with persons and associations undertaking scientific or industrial research in other countries."; and

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

„(3) Die raad kan—

(*a*) ter bereiking van sy oogmerke—

(i) met goedkeuring van die Minister onroerende goed aankoop of op ander wyse verkry, of besit, vervreem, huur of verhuur, en laboratoria of ander fasiliteite tot stand bring; en

(ii) roerende goed aankoop of op ander wyse verkry, of besit of vervreem, en sodanige goed asook enige dienste huur of verhuur; en

(*b*) al die dinge doen wat bevorderlik is vir die bereiking van genoemde oogmerke of wat bereken is om regstreeks of onregstreeks die waarde van die raad se eiendom of regte te verhoog of dit winsgewend te maak.".

Wysiging van artikel 11 van Wet 32 van 1962.

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

(*a*) deur in sub-artikel (1) na die woord „bepalings" die woorde „van sub-artikel (4) van hierdie artikel en" in te voeg; en

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

„(4) Die bepalings van hierdie artikel is nie van toepassing nie ten opsigte van 'n ontdekking, uitvinding of verbetering vermeld in sub-artikel (1) wat, volgens die oordeel van die Minister, deur die betrokke persoon gedoen is anders as in die loop van sy werk as amptenaar of werknemer van die raad of in die loop van die navorsing ten opsigte waarvan hy 'n beurs van die raad ontvang, en geen verband met sodanige werk of navorsing hou nie.".

Vervanging van artikel 15 van Wet 32 van 1962.

4. Artikel *vyftien* van die Hoofwet word hierby deur die volgende artikel vervang:

„Finansiering van raad.

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

(*a*) geld wat die Parlement bewillig ten einde die raad in staat te stel om sy werksaamhede uit te voer;

(*b*) inkomste verkry uit hoofde van die bepalings van sub-artikels (4) en (5);

(*c*) gelde of tantième bedoel in sub-artikel (1) van artikel *elf* wat aan die raad betaal word;

(*d*) bedrae wat hy kragtens artikel *twaalf* van die Wet op die Ontwikkeling van Uitvindings, 1962 (Wet No. 31 van 1962), ontvang;

(*e*) skenkings of bydraes wat die raad van iemand ontvang of die Wetgewende Vergadering van Suidwes-Afrika ten bate van die raad bewillig.

(2) (*a*) Behoudens die bepalings van sub-artikel (5), moet die raad sy fondse aanwend om uitgawes in verband met die uitvoering van sy werksaamhede te bestry, en vir die aankoop van aandele wat aan hom toegeken word ingevolge artikel *tien* van die Wet op die Ontwikkeling van Uitvindings, 1962.

(*b*) Die raad moet geld beoog in paragraaf (*a*) van sub-artikel (1) aanwend ooreenkomstig die betrokke staat van sy geraamde inkomste en uitgawes, vermeld in sub-artikel (3), soos deur die Minister goedgekeur: Met dien verstande dat, behoudens die bepalings van paragraaf (*a*), die raad enige bedrag of gedeelte van 'n bedrag wat vir 'n besondere doel in verband met 'n bepaalde aangeleentheid aldus aangewend moet word, vir enige ander doel in verband met daardie aangeleentheid kan aanwend: Met dien verstande voorts dat die raad enige saldo van sodanige geld wat aan die end van die betrokke boekjaar van die raad oorbly, vir enige uitgawes in verband met die uitvoering van sy werksaamhede kan aanwend.

(*c*) Die raad moet skenkings of bydraes beoog in paragraaf (*e*) van sub-artikel (1) aanwend ooreenkomstig die voorwaardes (indien daar is) wat die betrokke skenker of bydraer voorgeskryf het.

(3) Die raad moet in elke boekjaar, en wel op 'n tydstip deur die Minister bepaal, 'n staat van sy geraamde inkomste en uitgawes gedurende die daaropvolgende boekjaar aan die Minister voorlê vir sy goedkeuring na oorlegpleging met die Minister van Finansies.

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

"(3) The council may—

(*a*) for achieving its objects—

(i) with the approval of the Minister purchase or otherwise acquire, or hold, alienate, hire or let immovable property, and establish laboratories or other facilities; and

(ii) purchase or otherwise acquire, or hold or alienate movable property, and hire or let such property as well as any services; and

(*b*) do all such things as are conducive to the achievement of the said objects or calculated directly or indirectly to enhance the value of or render profitable the property or rights of the council.".

Amendment of section 11 of Act 32 of 1962

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

(*a*) by the insertion in sub-section (1) after the word "provisions" of the words "of sub-section (4) of this section and"; and

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

"(4) The provisions of this section shall not apply in respect of a discovery, invention or improvement referred to in sub-section (1) which, in the opinion of the Minister, was made by the person in question otherwise than in the course of his employment as an officer or employee of the council or in the course of the research in respect of which he receives a bursary from the council, and is not connected with such employment or research.".

Substitution of section 15 of Act 32 of 1962.

4. The following section is hereby substituted for section *fifteen* of the principal Act:

"Financing of council.

15. (1) The funds of the council shall consist of—

(*a*) moneys appropriated by Parliament to enable the council to perform its functions;

(*b*) revenue obtained by virtue of the provisions of sub-sections (4) and (5);

(*c*) fees or royalties referred to in sub-section (1) of section *eleven* which are paid to the council;

(*d*) any amounts received by it under section *twelve* of the Inventions Development Act, 1962 (Act No. 31 of 1962);

(*e*) donations or contributions which the council may receive from any person or which the Legislative Assembly of South-West Africa may appropriate in aid of the council.

(2) (*a*) Subject to the provisions of sub-section (5), the council shall utilize its funds for defraying expenses in connection with the performance of its functions and for the purchase of shares allotted to it in terms of section *ten* of the Inventions Development Act, 1962.

(*b*) The council shall utilize any moneys contemplated in paragraph (*a*) of sub-section (1) in accordance with the statement in question of its estimated income and expenditure referred to in sub-section (3) as approved by the Minister: Provided that, subject to the provisions of paragraph (*a*), the council may utilize any amount or portion of any amount required to be so utilized for a particular purpose in connection with a specified matter, for any other purpose in connection with that matter: Provided further that the council may utilize any balance of such moneys remaining at the end of the council's financial year in question, for any expenses in connection with the performance of its functions.

(*c*) The council shall utilize any donations or contributions contemplated in paragraph (*e*) of sub-section (1) in accordance with the conditions (if any) imposed by the donor or contributor in question.

(3) The council shall in each financial year at a time determined by the Minister, submit a statement of its estimated income and expenditure during the following financial year to the Minister for his approval after consultation with the Minister of Finance.

(4) Die raad kan, behoudens die bepalings van enige regulasie kragtens artikel *sestien* uitgevaardig, ten opsigte van dienste wat hy kragtens hierdie Wet gelewer het, die gelde vorder of die ander geldelike reëlings tref wat hy goedvind.

(5) Die raad kan enige onbestede gedeelte van sy geld belê by die Staatskuldkommissarisse of op die ander wyse wat die Minister in oorleg met die Minister van Finansies bepaal.

(6) Die raad kan die reserwefondse instel wat hy nodig of wenslik ag, en daarin die bedrae stort wat die Minister goedkeur.".

Wysiging van artikel 19 van Wet 32 van 1962.

5. Artikel *negentien* van die Hoofwet word hierby gewysig deur na die woord „Wet" die woorde „en enige wysiging daarvan" in te voeg.

Kort titel.

6. Hierdie Wet heet die Wysigingswet op die Wetenskaplike Navorsingsraad, 1964.

(4) Subject to the provisions of any regulation made under section *sixteen*, the council may, in respect of any services rendered by it under this Act, charge such fees or make such other financial arrangements as it may deem fit.

(5) The council may invest any unexpended portion of its moneys with the Public Debt Commissioners or in such other manner as may be determined by the Minister in consultation with the Minister of Finance.

(6) The council may establish such reserve funds as it may deem necessary or expedient and pay therein such amounts as the Minister may approve.".

Amendment of section 19 of Act 32 of 1962.

5. Section *nineteen* of the principal Act is hereby amended by the insertion after the word "Act" of the words "and any amendment thereof".

Short title.

6. This Act shall be called the Scientific Research Council Amendment Act, 1964.

No. 72, 1964.]

WET

Tot wysiging van die Wet op Standaarde, 1962.

(*Afrikaanse teks deur die Staatspresident geteken.*)
(*Goedgekeur op* 18 *Junie* 1964.)

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

Wysiging van artikel 3 van Wet 33 van 1962.

1. Artikel *drie* van die Wet op Standaarde, 1962 (hieronder die Hoofwet genoem), word hierby gewysig deur die volgende paragraaf by te voeg:

„(*k*) om ontwerp-bouregulasies (hieronder standaardbouregulasies genoem) vir die voordeel van plaaslike besture op te stel, te wysig of te vervang.".

Wysiging van artikel 10 van Wet 33 van 1962.

2. Artikel *tien* van die Hoofwet word hierby gewysig deur sub-artikel (2) deur die volgende sub-artikel te vervang:

„(2) Die raad kan—

(*a*) ter bereiking van die oogmerke van die buro—

(i) met goedkeuring van die Minister onroerende goed aankoop of op ander wyse verkry, of besit, vervreem, huur of verhuur, en laboratoria of ander fasiliteite tot stand bring; en

(ii) roerende goed aankoop of op ander wyse verkry, of besit of vervreem, en sodanige goed asook enige dienste huur of verhuur; en

(*b*) al die dinge doen wat bevorderlik is vir die bereiking van genoemde oogmerke, of wat bereken is om regstreeks of onregstreeks die waarde van die raad se eiendom of regte te verhoog of dit winsgewend te maak.".

Vervanging van artikel 13 van Wet 33 van 1962.

3. Artikel *dertien* van die Hoofwet word hierby deur die volgende artikel vervang:

„Finansiering van buro.

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

(*a*) geld wat die Parlement bewillig ten einde die raad in staat te stel om sy werksaamhede uit te voer;

(*b*) inkomste verkry uit hoofde van die bepalings van sub-artikels (4) en (5);

(*c*) skenkings of bydraes wat die raad van iemand ontvang of die Wetgewende Vergadering van Suidwes-Afrika ten bate van die raad bewillig.

(2) (*a*) Behoudens die bepalings van sub-artikel (5), moet die raad sy fondse aanwend om uitgawes in verband met die uitvoering van sy werksaamhede te bestry.

(*b*) Die raad moet geld beoog in paragraaf (*a*) van sub-artikel (1) aanwend ooreenkomstig die betrokke staat van sy geraamde inkomste en uitgawes, vermeld in sub-artikel (3), soos deur die Minister goedgekeur: Met dien verstande dat, behoudens die bepalings van paragraaf (*a*), die raad enige bedrag of gedeelte van 'n bedrag wat vir 'n besondere doel in verband met 'n bepaalde aangeleentheid aldus aangewend moet word, vir enige ander doel in verband met daardie aangeleentheid kan aanwend: Met dien verstande voorts dat die raad enige saldo van sodanige geld wat aan die end van die betrokke boekjaar van die raad oorbly, vir enige uitgawes in verband met die uitvoering van sy werksaamhede kan aanwend.

(*c*) Die raad moet skenkings of bydraes beoog in paragraaf (*c*) van sub-artikel (1) aanwend ooreenkomstig die voorwaardes (indien daar is) wat die betrokke skenker of bydraer voorgeskryf het.

No. 72, 1964.]

ACT

To amend the Standards Act, 1962.

(Afrikaans text signed by the State President.)
(Assented to 18th June, 1964.)

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 3 of Act 33 of 1962.

1. Section *three* of the Standards Act, 1962 (hereinafter referred to as the principal Act), is hereby amended by the addition of the following paragraph:

"(*k*) to frame, amend or substitute draft building regulations (hereinafter referred to as standard building regulations) for the benefit of local authorities.".

Amendment of section 10 of Act 33 of 1962.

2. Section *ten* of the principal Act is hereby amended by the substitution for sub-section (2) of the following sub-section:

"(2) The council may—

(*a*) for achieving the objects of the bureau—

(i) with the approval of the Minister purchase or otherwise acquire, or hold, alienate, hire or let immovable property, and establish laboratories or other facilities; and

(ii) purchase or otherwise acquire, or hold or alienate movable property, and hire or let such property as well as any services; and

(*b*) do all such things as are conducive to the achievement of the said objects or calculated directly or indirectly to enhance the value of or render profitable the property or rights of the council.".

Substitution of section 13 of Act 33 of 1962.

3. The following section is hereby substituted for section *thirteen* of the principal Act:

"Financing of bureau.

13. (1) The funds of the council shall consist of—

(*a*) moneys appropriated by Parliament to enable the council to perform its functions;

(*b*) revenue obtained by virtue of the provisions of sub-sections (4) and (5);

(*c*) donations or contributions which the council may receive from any person or which the Legislative Assembly of South-West Africa may appropriate in aid of the council.

(2) (*a*) Subject to the provisions of sub-section (5), the council shall utilize its funds for defraying expenses in connection with the performance of its functions.

(*b*) The council shall utilize any moneys contemplated in paragraph (*a*) of sub-section (1) in accordance with the statement in question of its estimated income and expenditure referred to in sub-section (3) as approved by the Minister: Provided that, subject to the provisions of paragraph (*a*), the council may utilize any amount or portion of any amount required to be so utilized for a particular purpose in connection with a specified matter, for any other purpose in connection with that matter: Provided further that the council may utilize any balance of such moneys remaining at the end of the council's financial year in question, for any expenses in connection with the performance of its functions.

(*c*) The council shall utilize any donations or contributions contemplated in paragraph (*c*) of sub-section (1) in accordance with the conditions (if any) imposed by the donor or contributor in question.

(3) Die raad moet in elke boekjaar, en wel op 'n tydstip deur die Minister bepaal, 'n staat van sy geraamde inkomste en uitgawes gedurende die daaropvolgende boekjaar aan die Minister voorlê vir sy goedkeuring na oorlegpleging met die Minister van Finansies.

(4) Die raad kan, behoudens die bepalings van enige regulasie kragtens artikel *sewe-en-twintig* uitgevaardig, ten opsigte van dienste wat hy kragtens hierdie Wet gelewer het, die gelde vorder of die ander geldelike reëlings tref wat hy goedvind.

(5) Die raad kan enige onbestede gedeelte van sy geld belê by die Staatskuldkommissarisse of op die ander wyse wat die Minister in oorleg met die Minister van Finansies bepaal.

(6) Die raad kan die reserwefondse instel wat hy nodig of wenslik ag, en daarin die bedrae stort wat die Minister goedkeur.".

Invoeging van artikel 14*bis* in Wet 33 van 1962.

4. Die volgende artikel word hierby in die Hoofwet na artikel *veertien* ingevoeg:

„Afkondiging van standaardbouregulasies deur raad, en aanname daarvan deur plaaslike besture.

14*bis*. (1) Die raad kan met goedkeuring van die Minister standaardbouregulasies wat hy ingevolge hierdie Wet opgestel het, by kennisgewing in die *Staatskoerant* bekend maak, en indien hy sodanige standaardregulasies wysig of vervang, die wysiging of vervanging daarvan insgelyks bekend maak.

(2) 'n Plaaslike instelling of liggaam beoog in paragraaf (*f*) van sub-artikel (1) van artikel *vier-en-tagtig* van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961), en enige soortgelyke instelling of liggaam in die Gebied, kan ooreenkomstig die bepalings van enige wette betreffende die uitvaardiging van verordeninge of regulasies wat op hom van toepassing is, sodanige standaardbouregulasies of enige wysiging daarvan in die geheel of ten dele en met of sonder wysiging as sy verordeninge of regulasies aanneem vir sover hulle deur hom as sodanig uitgevaardig sou kon geword het.

(3) Indien standaardbouregulasies of enige wysigings van standaardbouregulasies ingevolge subartikel (2) aangeneem is, is dit nie nodig om die voorgenome verordeninge of regulasies in die geheel af te kondig nie, maar kan die nodige afkondiging van die inhoud daarvan geskied deur publikasie van 'n kennisgewing in die *Offisiële Koerant* van die betrokke provinsie of van die Gebied, na gelang van die geval, waarin vermeld word die datum en nommer van die kennisgewing waarby bekendmaking van die betrokke standaardbouregulasies of wysigings in die *Staatskoerant* geskied het, en waarin—

(*a*) indien die betrokke standaardregulasies of wysigings slegs ten dele aldus aangeneem is, vermeld word watter gedeelte daarvan aldus aangeneem is;

(*b*) indien enige sodanige standaardregulasies of wysigings aldus met wysigings aangeneem is, die volledige teks vervat word van enige aldus gewysigde standaardregulasie of wysiging of, indien dit in onderafdelings verdeel is, van die betrokke gewysigde onderafdeling.".

Wysiging van artikel 29 van Wet 33 van 1962.

5. Artikel *nege-en-twintig* van die Hoofwet word hierby gewysig deur na die woord „Wet" die woorde „en enige wysiging daarvan" in te voeg.

Wysiging van lang titel van Wet 33 van 1962.

6. Die lang titel van die Hoofwet word hierby gewysig deur na die woord „maak", waar dit die tweede maal voorkom, die volgende woorde in te voeg: „vir die bevordering van eenvormigheid in die bouregulasies of -verordeninge van plaaslike besture en".

Kort titel.

7. Hierdie Wet heet die Wysigingswet op Standaarde, 1964.

(3) The council shall in each financial year at a time determined by the Minister, submit a statement of its estimated income and expenditure during the following financial year to the Minister for his approval after consultation with the Minister of Finance.

(4) Subject to the provisions of any regulation made under section *twenty-seven*, the council may, in respect of any services rendered by it under this Act, charge such fees or make such other financial arrangements as it may deem fit.

(5) The council may invest any unexpended portion of its moneys with the Public Debt Commissioners or in such other manner as may be determined by the Minister in consultation with the Minister of Finance.

(6) The council may establish such reserve funds as it may deem necessary or expedient and pay therein such amounts as the Minister may approve.".

Insertion of section 14*bis* in Act 33 of 1962.

4. The following section is hereby inserted in the principal Act after section *fourteen*:

"Publication of standard building regulations by council, and adoption thereof by local authorities.

14*bis*. (1) The council may with the approval of the Minister and by notice in the *Gazette* publish any standard building regulations framed by it in terms of this Act, and if it amends or substitutes any such standard regulations, likewise publish the amendment or substitution thereof.

(2) Any local institution or body contemplated in paragraph (*f*) of sub-section (1) of section *eighty-four* of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961), and any similar institution or body in the Territory may, in accordance with the provisions of any laws relating to the making of by-laws or regulations applicable to it, adopt such standard building regulations or any amendment thereof wholly or partly and with or without any amendment, as its by-laws or regulations, in so far as they could have been made by it as such.

(3) If any standard building regulations or any amendments of standard building regulations have been adopted in terms of sub-section (2), it shall not be necessary to promulgate the proposed by-laws or regulations in full, but the necessary promulgation of the contents thereof may be effected by publication of a notice in the *Official Gazette* of the province in question or of the Territory, as the case may be, stating the date and number of the notice by which publication of the standard building regulations or amendments in question was effected in the *Gazette*, and—

(*a*) if the standard regulations or amendments in question were so adopted partly only, stating which part thereof was so adopted;

(*b*) if any such standard regulations or amendments were so adopted with amendments, containing the full text of any standard regulation or amendment so amended or, if it is divided into sub-divisions, of the amended sub-division in question.".

Amendment of section 29 of Act 33 of 1962.

5. Section *twenty-nine* of the principal Act is hereby amended by the insertion after the word "Act" of the words "and any amendment thereof".

Amendment of Long Title of Act 33 of 1962.

6. The long title of the principal Act is hereby amended by the insertion after the word "provide" of the words "for the promotion of uniformity in the building regulations or by-laws of local authorities and".

Short title.

7. This Act shall be called the Standards Amendment Act, 1964.

No. 73, 1964.]

WET

Om voorsiening te maak vir die reëling en beheer van prospektering na en myn vir en handel in edelgesteentes en vir aangeleenthede wat daarmee in verband staan.

(*Engelse teks deur die Staatspresident geteken.*)
(*Goedgekeur op* 18 *Junie* 1964.)

RANGSKIKKING VAN ARTIKELS.

			Artikel.
INLEIDING		.. ..	1–3
HOOFSTUK	I.	Prospektering	4–10
HOOFSTUK	II.	Ontdekking van edelgesteentes, uitreiking van ontdekker- en eienaarsertifikate, en aangeleenthede wat daarmee in verband staan	11–19
HOOFSTUK	III.	Prospekteer- en delfooreenkomste, en mynhure ten opsigte van die see en sekere Staatsgrond ..	20–21
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HOOFSTUK	V.	Delwersertifikate en woon- en werkpermitte	27–34
HOOFSTUK	VI.	Ontginning van edelgesteentes op kleims en alluviale delwerye, en aangeleenthede wat daarmee in verband staan	35–53
HOOFSTUK	VII.	Oppervlakte- en waterregte op alluviale delwerye	54–62
HOOFSTUK	VIII.	Edelgesteentemyne	63–83
HOOFSTUK	IX.	Transaksies in verband met en handel in ruwe of ongeslypte diamante	84–110
HOOFSTUK	X.	Algemene en diverse bepalings ..	111–127

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

INLEIDING.

Woordbepaling.

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

(i) „alluviale delwery" 'n gebied wat by proklamasie in die *Staatskoerant* tot 'n alluviale delwery vir edelgesteentes verklaar is; (iv)

(ii) „bankier" 'n handelsbank of aksepbank soos omskryf in artikel *een* van die Bankwet, 1942 (Wet No. 38 van 1942); (v)

(iii) „Bantoe" iemand wat 'n naturel is binne die bedoeling van die Bevolkingsregistrasiewet, 1950 (Wet No. 30 van 1950); (vi)

(iv) „blanke" iemand wat 'n blanke is binne die bedoeling van die Bevolkingsregistrasiewet, 1950 (Wet No. 30 van 1950); (xlvii)

(v) „boekjaar", met betrekking tot die ontginning van 'n myn, die tydperk waaroor die jaarlikse rekenings van die betrokke myneienaar strek; (i)

(vi) „delf" werksaamhede voortsit met die doel om edelgesteentes te win uit die aarde, rots of grond waarin dit voorkom, en ook uitgrawingswerk, hetsy deur ondergrondse ontginning of deur dagbou of andersins, en enige boordery en ander werksaamhede wat vir die win van edelgesteentes nodig is of daarmee in verband staan; (xiv)

(vii) „delwersertifikaat" 'n sertifikaat kragtens artikel *sewe-en-twintig* uitgereik; (xv)

(viii) „edelgesteentes" diamante, robyne, saffiere en enige ander stowwe wat die Staatspresident by proklamasie in die *Staatskoerant* tot edelgesteentes vir die doeleindes van hierdie Wet verklaar; (xxxi)

No. 73, 1964.]

ACT

To provide for the regulation and control of prospecting and mining for and dealing in precious stones and for matters incidental thereto.

(*English text signed by the State President.*)
(*Assented to* 18*th June*, 1964.)

ARRANGEMENT OF SECTIONS.

			Section.
PRELIMINARY		.. ..	1–3
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CHAPTER	II.	Discovery of precious stones, issuing of discoverers' and owners' certificates, and matters incidental thereto	11–19
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BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

PRELIMINARY.

Interpretation of terms.

1. In this Act, unless the context otherwise indicates—

(i) "accounting year", in relation to the working of a mine, means the period covered by the annual accounts of the mineholder concerned; (v)

(ii) "accredited agent", in relation to a producer, means the agent of such producer approved in writing as such agent by the chief of the diamond branch or a member of the South African Police force designated by him; (xii)

(iii) "alienated State land" means land which is not owned by the State or is held by a lessee and in the title deed or lease of which there is a reservation to the State of the right to precious stones; (xliv)

(iv) "alluvial digging" means any area which has by proclamation in the *Gazette* been declared to be an alluvial digging for precious stones; (i)

(v) "banker" means a commercial bank or merchant bank as defined in section *one* of the Banking Act, 1942 (Act No. 38 of 1942); (ii)

(vi) "Bantu" means a person who is a native within the meaning of the Population Registration Act, 1950 (Act No. 30 of 1950); (iii)

(vii) "board" means the Mining Leases Board established under section *one* of the Transvaal Mining Leases and Mineral Law Amendment Act, 1918 (Act No. 30 of 1918); (xxxvii)

(viii) "capital expenditure", in relation to a mine, means amounts expended on—

(*a*) equipment and shaft-sinking, including amounts expended on sumps, pump chambers, stations, ore bins and excavations accessory to a shaft; and

(ix) „eienaar", met betrekking tot grond, die persoon in wie se naam die grond in die gepaste aktekantoor geregistreer is; (xxviii)

(x) „eienaarskleims" kleims wat iemand uitgekies het of geregtig is om uit te kies kragtens 'n eienaarsertifikaat (xxx);

(xi) „eienaarsertifikaat" 'n sertifikaat kragtens artikel *sewentien* uitgereik; (xxix)

(xii) „geakkrediteerde agent", met betrekking tot 'n produsent, die agent van dié produsent wat skriftelik as so 'n agent goedgekeur is deur die hoof van die diamantafdeling of 'n lid van die Suid-Afrikaanse Polisiemag deur hom aangewys; (ii)

(xiii) „gelisensieerde handelaar" die houer van 'n gangbare diamanthandelaarslisensie kragtens artikel *ses-en-tagtig* uitgereik; (xxii)

(xiv) „hierdie Wet" ook die regulasies; (xlvi)

(xv) „hoof van die diamantafdeling" die lid van die Suid-Afrikaanse Polisie as sodanig deur die Kommissaris van die Suid-Afrikaanse Polisie aangewys; (ix)

(xvi) „houer van die reg op edelgesteentes", met betrekking tot grond, die eienaar van daardie grond of, indien die reg op edelgesteentes ten opsigte van die grond van die eiendomsreg van die grond geskei is, die persoon wat in die gepaste aktekantoor as die houer van die reg op edelgesteentes ten opsigte van die grond geregistreer is; (xx)

(xvii) „huurder", met betrekking tot grond, iemand aan wie daardie grond kragtens 'n wetsbepaling op nedersetting toegeken is en wat die reg om bedoelde grond te koop, uitgeoefen het of geag word dit uit te geoefen het; (xxi)

(xviii) „inkomste", met betrekking tot 'n boekjaar, gelde ontvang uit alle bronne verbonde aan mynbou, maar nie ook gelde wat 'n myneienaar toeval ten opsigte van bates wat nie met mynbou in verband staan nie en wat uit sy aandeel in vasgestelde winste verkry is; (xlii)

(xix) „kapitaaluitgawes", met betrekking tot 'n myn, bedrae bestee aan—

(*a*) toerusting en die grawe van skagte, met inbegrip van bedrae bestee aan mynputte, pompkamers, stasies, ertsbakke en uitgrawings verbonde aan 'n skag; en

(*b*) die ontwikkeling van die myn, algemene bestuur en beheer (met inbegrip van enige rente en ander vorderings in verband met lenings wat vir myndoeleindes aangewend word) voor die aanvang van produksie of gedurende 'n tydperk waarin daar nie geproduseer word nie,

nadat alle kortings, terugontvangste uit of terugverkrygings of inkomste van daardie bedrae in rekening gebring is; (viii)

(xx) „kleim" 'n stuk grond, hoogstens vyf-en-veertig voet in die vierkant, wat kragtens hierdie Wet as 'n kleim afgepen of toegeken is en ten opsigte waarvan daar 'n wettige reg bestaan om vir edelgesteentes te delf; (x)

(xxi) „kleimhouer" iemand wat 'n kleim of 'n gedeelte van 'n kleim hou ten opsigte waarvan hy in besit is van 'n kleimlisensie, en ook 'n houer van ontdekkers- of eienaarskleims; (xi)

(xxii) „kleimlisensie" 'n lisensie kragtens Hoofstuk VI van hierdie Wet uitgereik; (xii)

(xxiii) „kleurling" iemand wat 'n gekleurde is binne die bedoeling van die Bevolkingsregistrasiewet, 1950 (Wet No. 30 van 1950); (xiii)

(xxiv) „Minister" die Minister van Mynwese; (xxvii)

(xxv) „myn", wanneer as 'n werkwoord gebruik, delf, en wanneer as 'n selfstandige naamwoord gebruik, 'n stuk grond wat edelgesteentes bevat en waarvan die formasie deurlopend is en wat in 'n pyp of soortgelyke geologiese formasie bevat is, tesame met enige oorloop of uitbreiding wat regstreeks daarmee verbind is, maar nie ook so 'n stuk grond wat nie kragtens hierdie Wet tot 'n myn geproklameer is en ten opsigte waarvan die Staatspresident skriftelik onder sy hand bepaal het dat die edelgesteentes wat daarin voorkom vir die doeleindes van hierdie Wet geag moet word in alluviale grond voor te kom nie; (xxiii)

(xxvi) „myndistrik" 'n myndistrik in artikel *honderd-en-elf* bedoel; (xxvi)

(xxvii) „myneienaar" iemand wat 'n myn kragtens hierdie Wet ontgin; (xxiv)

(*b*) development of the mine, general administration and management (including any interest and other charges on loans utilized for mining purposes) prior to the commencement of production or during any period of non-production,

after taking into account any rebates, recoupments, returns or revenue from such amounts; (xix)

(ix) "chief of the diamond branch" means the member of the South African Police designated as such by the Commissioner of the South African Police; (xv)

(x) "claim" means an area of land not exceeding forty-five feet square which has been pegged or allotted as a claim under this Act, and in respect of which there exists a lawful right to dig for precious stones; (xx)

(xi) "claimholder" means a person holding a claim or a portion of a claim in respect of which he is in possession of a claim licence, and includes a holder of discoverer's or owner's claims; (xxi)

(xii) "claim licence" means a licence issued under Chapter VI of this Act; (xxii)

(xiii) "coloured person" means a person who is a coloured person within the meaning of the Population Registration Act, 1950 (Act No. 30 of 1950); (xxiii)

(xiv) "dig" means carry on any operations with the object of winning precious stones from the soil, rock or ground in which they occur, and includes any excavation work, whether by underground or open working or otherwise, and any boring and other operations necessary for or incidental to such winning; (vi)

(xv) "digger's certificate" means a certificate issued under section *twenty-seven*; (vii)

(xvi) "discoverer" means a person who holds a discoverer's certificate; (xxix)

(xvii) "discoverer's certificate" means a certificate issued under section *thirteen*; (xxx)

(xviii) "expenditure", in relation to a mine, means, in respect of any accounting year, expenditure (including expenditure by way of interest and other charges on loans utilized for mining purposes) on the production and disposal of precious stones, on general administration and management and on development of that mine and the maintenance of equipment required for the purpose, after taking into account any rebates, recoupments or returns from such expenditure, and includes, in respect of the accounting year during which the production of precious stones is commenced, the amount of capital expenditure incurred up to the close of that accounting year, and, in respect of any succeeding accounting year, the amount of capital expenditure incurred during that accounting year; (xlii)

(xix) "foot" means a Cape foot; (xlv)

(xx) "holder of the right to precious stones", in relation to land, means the owner of that land or, if the right to precious stones in respect of the land is severed from the ownership of the land, the person registered in the appropriate deeds office as the holder of the right to precious stones in respect of the land; (xvi)

(xxi) "lessee", in relation to land, means a person to whom that land has been allotted under any law relating to land settlement and who has or is deemed to have exercised the right to purchase that land; (xvii)

(xxii) "licensed dealer" means the holder of a current diamond dealer's licence issued in terms of section *eighty-six*; (xiii)

(xxiii) "mine", when used as a verb, means dig, and, when used as a substantive, means an area of ground bearing precious stones which is continuous in its formation and is contained within a pipe or similar geological formation, together with any directly connected overflow or extension of the same, but does not include any such area which has not been proclaimed a mine under this Act and in respect of which the State President has by writing under his hand determined that the precious stones occurring therein shall for the purposes of this Act be deemed to occur in alluvial; (xxv)

(xxiv) "mineholder" means a person working a mine under this Act; (xxvii)

(xxviii) „mynkommissaris" 'n mynkommissaris aangestel kragtens sub-artikel (3) van artikel *honderd-en-elf*, en ook iemand kragtens daardie sub-artikel aangewys om die ampspligte van 'n mynkommissaris ingevolge hierdie Wet uit te voer; (xxv)

(xxix) „ontdekker" die houer van 'n ontdekkersertifikaat; (xvi)

(xxx) „ontdekkersertifikaat" 'n sertifikaat kragtens artikel *dertien* uitgereik; (xvii)

(xxxi) „private grond" grond ten opsigte waarvan die Staat nie die houer van die reg op edelgesteentes is nie; (xxxii)

(xxxii) „produsent", met betrekking tot edelgesteentes, iemand wat edelgesteentes win uit die see of grond waar hy wettiglik geregtig is om vir edelgesteentes te prospekteer of te myn; (xxxiii)

(xxxiii) „prospekteer" ook alle werk (behalwe werk wat met oppervlaktewaarnemings in verband staan) wat volgens die mynkommissaris se oordeel, maar behoudens die bepalings van enige regulasies kragtens paragraaf (*g*) van sub-artikel (1) van artikel *honderd vyf-en-twintig* uitgevaardig, nodig is vir of in verband staan met die soek na edelgesteentes of vereis word ten einde vas te stel of edelgesteentes in genoegsame hoeveelhede voorkom om die toestaan van 'n ontdekkersertifikaat te regverdig; (xxxiv)

(xxxiv) „prospekteerder" die houer van 'n prospekteerhuur of prospekteerpermit; (xxxvii)

(xxxv) „prospekteerhuur" 'n huur kragtens artikel *vier* toegeken; (xxxv)

(xxxvi) „prospekteerpermit" 'n permit kragtens artikel *vyf* of *ses* uitgereik; (xxxvi)

(xxxvii) „raad" die Mynverhuringsraad by artikel *een* van die „Transvaal Mijnverhuring en Minerale Wet Wijzigings Wet, 1918" (Wet No. 30 van 1918), ingestel; (vii)

(xxxviii) „regulasie" 'n regulasie wat ingevolge hierdie Wet uitgevaardig of van krag is; (xxxix)

(xxxix) „ruwe of ongeslypte diamant" ook 'n fyngemaakte diamant, diamantpoeier, brokstuk of gedeeltelik bewerkte diamant soos omskryf in artikel *een* van die Wet op die Slyp van Diamante, 1955 (Wet No. 33 van 1955), verpoeierde diamante en enige ruwe of ongeslypte sintetiese diamant; (xliii)

(xl) „see" dieselfde as wat dit in artikel *een* van die Strandwet, 1935 (Wet No. 21 van 1935), beteken, en ook die vastelandsplat bedoel in artikel *sewe* van die Wet op Territoriale Waters, 1963 (Wet No. 87 van 1963); (xliv)

(xli) „Staatsgrond" grond wat nie deur 'n huurder gehou word nie en waarvan die eiendomsreg by die Staat berus en ten opsigte waarvan die Staat ook die houer van die reg op edelgesteentes is; (xlv)

(xlii) „uitgawes", met betrekking tot 'n myn, en ten opsigte van enige boekjaar, uitgawes (met inbegrip van uitgawes by wyse van rente en ander vorderings in verband met lenings wat vir myndoeleindes aangewend word) aan die produksie en van die hand sit van edelgesteentes, aan algemene bestuur en beheer en aan die ontwikkeling van daardie myn en die instandhouding van toerusting wat vir die doel benodig is, nadat alle kortings op terugontvangstes uit of terugverkrygings van sodanige uitgawes in rekening gebring is, en ook, ten opsigte van die boekjaar waarin die produksie van edelgesteentes 'n aanvang neem, die bedrag aan kapitaaluitgawes aangegaan tot aan die einde van daardie boekjaar, en, ten opsigte van enige daaropvolgende boekjaar, die bedrag aan kapitaaluitgawes gedurende daardie boekjaar aangegaan; (xviii)

(xliii) „vasgestelde wins", met betrekking tot 'n myneienaar en ten opsigte van enige boekjaar, die bedrag waarmee die inkomste van die myneienaar sy uitgawes te bowe gaan; (xxxviii)

(xliv) „vervreemde Staatsgrond" grond waarvan die Staat nie die eienaar is nie of wat gehou word deur 'n huurder en in die titelbewys of huur waarvan 'n voorbehoud aan die Staat van die reg op edelgesteentes voorkom; (iii)

(xlv) „voet" 'n Kaapse voet; (xix)

(xlvi) „voorbehoud aan die Staat van die reg op edelgesteentes" volkome en onbeswaarde voorbehoud aan die Staat van die reg op edelgesteentes, hetsy uitdruklik of stilswyend, maar nie ook die voorbehoud van 'n onverdeelde aandeel daarin nie; (xl)

(xxv) "mining commissioner" means a mining commissioner appointed under sub-section (3) of section *one hundred and eleven*, and includes any person designated under that sub-section to perform the functions of a mining commissioner under this Act; (xxviii)

(xxvi) "mining district" means a mining district referred to in section *one hundred and eleven*; (xxvi)

(xxvii) "Minister" means the Minister of Mines; (xxiv)

(xxviii) "owner", in relation to land, means the person in whose name the land is registered in the appropriate deeds office; (ix)

(xxix) "owner's certificate" means a certificate issued under section *seventeen*; (xi)

(xxx) "owner's claims" means claims which any person has selected or is entitled to select by virtue of an owner's certificate; (x)

(xxxi) "precious stones" means diamonds, rubies, sapphires, and any other substances which the State President may by proclamation in the *Gazette* declare to be precious stones for the purposes of this Act; (viii)

(xxxii) "private land" means land in respect of which the State is not the holder of the right to precious stones; (xxxi)

(xxxiii) "producer", in relation to precious stones, means a person who wins precious stones from the sea or land where he is lawfully entitled to prospect or mine for precious stones; (xxxii)

(xxxiv) "prospecting" includes all work (other than work connected with surface observations) which in the opinion of the mining commissioner, but subject to the provisions of any regulations made under paragraph (*g*) of sub-section (1) of section *one hundred and twenty-five*, is necessary for or incidental to the search for precious stones or required for the purpose of ascertaining whether precious stones exist in sufficient quantities to warrant the grant of a discoverer's certificate; (xxxiii)

(xxxv) "prospecting lease" means a lease granted under section *four*; (xxxv)

(xxxvi) "prospecting permit" means a permit issued under section *five* or *six*; (xxxvi)

(xxxvii) "prospector" means a person who holds a prospecting lease or prospecting permit; (xxxiv)

(xxxviii) "realized profit", in relation to a mineholder, means, in respect of any accounting year, the excess of revenue over expenditure incurred by the mineholder; (xliii)

(xxxix) "regulation" means a regulation made or in force under this Act; (xxxviii)

(xl) "reservation to the State of the right to precious stones" means complete and unencumbered reservation to the State of the right to precious stones, whether express or implied, but does not include the reservation of an undivided share thereof; (xlvi)

(xli) "residential and work permit" means a permit issued under section *thirty*, and includes a certificate of character issued under section *sixty* of the Precious Stones Act, 1927 (Act No. 44 of 1927), and held at the commencement of this Act; (xlvii)

(xlii) "revenue", in relation to any accounting year, means moneys received from all sources connected with mining, but does not include moneys accruing to a mineholder in respect of assets unconnected with mining created out of his share of realized profits; (xviii)

(xliii) "rough or uncut diamond" includes any crushed diamond, diamond dust, fragment or partly manufactured diamond as defined in section *one* of the Diamond Cutting Act, 1955 (Act No. 33 of 1955), diamond powder and any rough or uncut synthetic diamond; (xxxix)

(xliv) "sea" has the meaning assigned thereto in section *one* of the Sea-shore Act, 1935 (Act No. 21 of 1935), and includes the continental shelf referred to in section *seven* of the Territorial Waters Act, 1963 (Act No. 87 of 1963); (xl)

(xlv) "State land" means land not held by a lessee, the ownership of which is vested in the State and in respect of which the State is also the holder of the right to precious stones; (xli)

(xlvii) „woon- en werkpermit" 'n permit kragtens artikel *dertig* uitgereik, en ook 'n sertifikaat van sedelike gedrag uitgereik kragtens artikel *sestig* van die Wet op Edelgesteentes, 1927 (Wet No. 44 van 1927), wat by die inwerkingtreding van hierdie Wet besit word. (xli)

Reg om vir edelgesteentes te myn, berus by Staat.

2. Behoudens die bepalings van hierdie Wet, berus die reg om vir edelgesteentes te myn en daaroor te beskik by die Staat.

Toepassing van Wet.

3. (1) Die bepalings van Hoofstukke I tot en met VIII en X is nie—

(*a*) behalwe wat betref artikels *vier-en-dertig*, *honderd-en-agtien*, *honderd-en-negentien* en *honderd drie-en-twintig*, van toepassing met betrekking tot private grond in die provinsie die Kaap die Goeie Hoop ten opsigte waarvan 'n sertifikaat uitgereik kragtens sub-artikel (1) van artikel *twee* van die Wet op Edelgesteentes, 1927 (Wet No. 44 van 1927), by die inwerkingtreding van hierdie Wet gehou word nie; of

(*b*) behalwe wat betref artikels *ses-en-sestig*, *sewe-en-sestig*, *vier-en-sewentig* en *honderd drie-en-twintig*, en Deel III van Hoofstuk VIII, van toepassing met betrekking tot 'n myn bedoel in Deel VIII van die „Mining of Precious Stones Ordinance, 1904" (Ordonnansie No. 4 van 1904), van die Oranje-Vrystaat, wat op die sestiende dag van November 1927 bestaan het, of met betrekking tot enige ander myn, waar ook al geleë, wat ingevolge 'n by daardie Wet herroepe wetsbepaling ontdek is en op daardie datum bestaan het nie,

en al die wetsbepalings wat onmiddellik voor bedoelde datum met betrekking tot so 'n myn van krag was, bly, ondanks die herroeping van daardie wette deur die Wet op Edelgesteentes, 1927, van toepassing met betrekking tot so 'n myn vir sover daardie bepalings nie met Deel III van Hoofstuk VIII van hierdie Wet onbestaanbaar is nie.

(2) By die toepassing van hierdie artikel beteken „myn" nie ook 'n myn wat, by die inwerkingtreding van hierdie Wet, ingevolge 'n deur die Wet op Edelgesteentes, 1927, herroepe wetsbepaling 'n verlate myn is of geag word te wees nie, en so 'n myn word geag met ingang van bedoelde inwerkingtreding op te gehou het om as 'n verlate myn en as 'n myn te bestaan.

HOOFSTUK I.

PROSPEKTERING.

Prospekteerhure ten opsigte van Staatsgrond.

4. (1) Die Minister kan—

(*a*) by kennisgewing in die *Staatskoerant* en in een of meer nuusblaaie in omloop in die gebied waarin Staatsgrond of 'n gedeelte van Staatsgrond geleë is ten opsigte waarvan die alleenreg om na edelgesteentes te prospekteer nie aan iemand toegeval het nie, tenders vir 'n prospekteerhuur ten opsigte van edelgesteentes oor daardie grond of daardie gedeelte van bedoelde grond aanvra, en 'n prospekteerhuur toeken aan enigiemand wat 'n tender ingedien het en wat die Minister oortuig dat die skema waarvolgens hy voornemens is om te prospekteer, bevredigend is, en òf dat sy geldmiddelde voldoende is om na behore ingevolge so 'n huur te prospekteer òf dat die reëlings waardeur hy voornemens is om kapitaal vir dié doel te verkry, bevredigend is; of

(*b*) sonder om sodanige tenders aan te vra, 'n prospekteerhuur ten opsigte van edelgesteentes oor sodanige grond of gedeelte daarvan toeken aan iemand wat daarom aansoek doen en hom aldus oortuig.

(2) So 'n huur is onderworpe aan die bedinge en voorwaardes wat die Minister goedvind, en—

(*a*) moet voorsiening maak vir—

(i) die skaal en wyse waarop prospekteerwerksaamhede verrig moet word;

(ii) die verstrekking deur die houer van die huur aan die Minister op die tye in die huurooreenkoms vermeld, van volledige opgawes waarin die aard van die prospekteerwerksaamhede wat verrig is, beskrywe word, en wat die verdere inligting bevat wat die Minister verlang;

(xlvi) "this Act" includes the regulations; (xiv)

(xlvii) "white person" means a person who is a white person within the meaning of the Population Registration Act, 1950 (Act No. 30 of 1950). (iv)

Right of mining for precious stones vested in State.

2. Subject to the provisions of this Act, the right of mining for and disposing of precious stones is vested in the State.

Application of Act.

3. (1) The provisions of Chapters I to VIII, inclusive, and X shall not—

(*a*) except as regards sections *thirty-four*, *one hundred and eighteen*, *one hundred and nineteen* and *one hundred and twenty-three*, apply in relation to private land in the province of the Cape of Good Hope in respect of which a certificate issued under sub-section (1) of section *two* of the Precious Stones Act, 1927 (Act No. 44 of 1927), is held at the commencement of this Act; or

(*b*) except as regards sections *sixty-six*, *sixty-seven*, *seventy-four* and *one hundred and twenty-three* and Part III of Chapter VIII, apply in relation to any mine referred to in Part VIII of the Mining of Precious Stones Ordinance, 1904 (Ordinance No. 4 of 1904), of the Orange Free State, which was in existence on the sixteenth day of November, 1927, or in relation to any other mine, wherever situated, discovered under any law repealed by the said Act and in existence on that date,

and all the provisions of the laws which immediately before the said date were in force in relation to any such mine shall, notwithstanding the repeal of those laws by the Precious Stones Act, 1927, continue to apply in relation to such mine in so far as they are not inconsistent with Part III of Chapter VIII of this Act.

(2) For the purpose of this section "mine" does not include a mine which at the commencement of this Act is an abandoned mine or deemed to be an abandoned mine in terms of any law repealed by the Precious Stones Act, 1927, and any such mine shall be deemed to have ceased to exist as an abandoned mine and as a mine with effect from the said commencement.

CHAPTER I.

PROSPECTING.

Prospecting leases in respect of State land.

4. (1) The Minister may—

(*a*) by notice in the *Gazette* and in one or more newspapers circulating in the area in which any State land or portion of State land in respect of which the exclusive right of prospecting for precious stones has not accrued to any person is situated, call for tenders for a prospecting lease in respect of precious stones over that land or that portion of such land, and grant a prospecting lease to any person who has submitted a tender and who satisfies the Minister that the scheme according to which he proposes to prospect is satisfactory and either that his financial resources are adequate for proper prospecting under such a lease or that the arrangements by which he proposes to obtain capital for the said purpose are satisfactory; or

(*b*) without calling for such tenders grant a prospecting lease in respect of precious stones over any such land or portion thereof to any person applying therefor who so satisfies him.

(2) Any such lease shall be subject to such terms and conditions as the Minister may deem fit, and—

(*a*) shall provide for—

(i) the scale on which and the manner in which prospecting operations shall be carried on;

(ii) the furnishing by the holder of the lease to the Minister at such times as may be specified in the lease of full statements describing the nature of the prospecting operations carried out and containing such other information as the Minister may require;

(iii) die hou deur die houer van die huur van die aantekenings betreffende die prospekteerwerksaamhede wat die Minister verlang;

(iv) die nagaan van bedoelde aantekenings en die ondersoek van die huurterrein deur iemand wat die Minister daartoe gemagtig het;

(v) die betaling deur die houer van die huur aan enigiemand wat reg het op die gebruik van die oppervlakte van die grond en wat as gevolg van die uitoefening deur die houer van die huur van sy regte ingevolge die huur of 'n doen of late wat daarmee in verband staan, skade ly aan die oppervlakte of aan gewasse of verbeterings op die grond, van vergoeding vir daardie skade; en

(vi) die betaling aan die Staat deur die houer van die huur, van 'n huurgeld wat die Minister na oorleg met die raad bepaal;

(*b*) kan onder meer voorsiening maak vir betaling aan die Staat deur die houer van die huur, van die aandeel in die opbrings van edelgesteentes deur hom in die loop van prospekteerwerksaamhede op die betrokke grond gevind, wat die Minister na oorlegpleging met die raad bepaal.

(3) Die regte en verpligtinge ingevolge so 'n huur mag nie deur die houer van die huur gesedeer of oorgedra word nie.

(4) So 'n huur bly van krag vir die tydperk wat in die huurkontrak voorgeskryf word of totdat die huur ooreenkomstig die bedinge en voorwaardes daarvan beëindig word.

(5) (*a*) Die Minister kan ten opsigte van grond of 'n gedeelte van grond van die aard in paragraaf (*a*) van sub-artikel (1) bedoel, 'n komitee aanstel wat as 'n adviserende diamantontwikkelingskomitee bekend staan en uit 'n voorsitter en minstens twee en hoogstens ses ander lede bestaan.

(*b*) 'n Lid van so 'n komitee wat nie in die voltydse diens van die Staat is nie, word aangestel vir die tydperk en teen die besoldiging en op die voorwaardes wat die Minister in iedere geval in oorleg met die Minister van Finansies bepaal.

(*c*) Iemand wat 'n lid van die Senaat of die Volksraad of 'n provinsiale raad is, mag nie lid van so 'n komitee wees nie, en iemand wat regstreeks of onregstreeks belang het in 'n maatskappy of vennootskap wat kragtens hierdie artikel 'n tender ingedien het of om 'n prospekteerhuur aansoek gedoen het, mag nie 'n lid wees van so 'n komitee aangestel ten opsigte van die grond waarop die tender of aansoek betrekking het nie.

(*d*) Die oogmerk van so 'n komitee is die bevordering van prospektering na edelgesteentes op die grond ten opsigte waarvan hy aangestel word, en ten einde sy doel te bereik, is dit die funksie van so 'n komitee om hulp te verleen by die oprigting van maatskappye om na edelgesteentes op sodanige grond te prospekteer en om by die Minister aanbevelings te doen met betrekking tot die toekenning kragtens hierdie artikel van prospekteerhure oor sodanige grond of bepaalde gedeeltes daarvan aan enige maatskappy of aan twee of meer maatskappye.

(*e*) Die Minister kan, met inagneming van die wetsbepalings op die Staatsdiens, die beamptes van sy departement wat nodig is om so 'n komitee in staat te stel om sy werksaamhede uit te voer, tydelik aan die komitee afstaan.

(*f*) So 'n komitee voer geen van die werksaamhede uit wat kragtens sub-paragraaf (vi) van paragraaf (*a*) van sub-artikel (2) of kragtens paragraaf (*b*) van daardie sub-artikel aan die raad toevertrou is nie.

(*g*) Die Minister kan so 'n komitee afskaf indien hy oortuig is dat die oogmerke waarvoor die komitee aangestel is, verwesenlik is, of hy van oordeel is dat ander goeie redes daarvoor bestaan.

Prospekteer op vervreemde Staatsgrond.

5. (1) Behoudens die bepalings van hierdie Wet, het die eienaar of huurder van vervreemde Staatsgrond wat nie die onderwerp van 'n in artikel *twintig* bedoelde ooreenkoms is nie, die alleenreg om na edelgesteentes op daardie grond te prospekteer, en kan hy daardie reg òf self uitoefen òf aan slegs 'n enkele persoon deur hom benoem, skriftelik magtiging verleen om op daardie grond te prospekteer, maar nòg bedoelde eienaar of huurder nòg sy benoemde prospekteer op sodanige grond tensy hy in besit is van 'n prospekteerpermit ingevolge hierdie artikel deur die mynkommissaris uitgereik.

(iii) the keeping by the holder of the lease of such records relating to the prospecting operations as the Minister may require;

(iv) the examination of such records and the inspection of the lease area by any person authorized thereto by the Minister;

(v) the payment by the holder of the lease to any person entitled to use the surface of the land, who suffers any surface damage or any damage to crops or improvements on the land caused by the exercise by the holder of the lease of his rights under the lease or by any act or omission incidental thereto, of compensation for such damage; and

(vi) the payment by the holder of the lease to the State of a rent to be fixed by the Minister after consultation with the board;

(*b*) may provide *inter alia* for the payment by the holder of the lease to the State of such share of the proceeds of any precious stones found by him in the course of prospecting operations on the land in question, as the Minister may after consultation with the board determine.

(3) The rights and obligations under any such lease shall not be ceded or transferred by the holder of the lease.

(4) Any such lease shall continue for such period as may be prescribed in the lease or until the lease is determined in accordance with the terms and conditions thereof.

(5) (*a*) The Minister may in respect of any land or portion of land of the nature referred to in paragraph (*a*) of sub-section (1), appoint a committee to be known as a diamond development advisory committee, consisting of a chairman and not less than two and not more than six other members.

(*b*) A member of any such committee who is not in the full-time employment of the State shall be appointed for such period and at such remuneration and on such conditions as the Minister may in each case determine in consultation with the Minister of Finance.

(*c*) No person who is a member of the Senate or the House of Assembly or a provincial council shall be a member of any such committee, and no person who has any direct or indirect interest in any company or partnership which has submitted a tender or has applied for a prospecting lease under this section, shall be a member of any such committee appointed in respect of the land to which such tender or application relates.

(*d*) The object of any such committee shall be to promote prospecting for precious stones on the land in respect of which it is appointed, and for the purpose of achieving its object it shall be the function of any such committee to assist in establishing companies for the purpose of carrying on prospecting operations for precious stones on such land and to make recommendations to the Minister in regard to the granting of prospecting leases under this section over such land or specific portions thereof to any company or to two or more companies.

(*e*) Subject to the laws governing the public service, the Minister may second to any such committee such officers in his department as may be necessary to enable the committee to carry out its functions.

(*f*) No such committee shall exercise any of the functions entrusted to the board under sub-paragraph (vi) of paragraph (*a*) of sub-section (2) or under paragraph (*b*) of the said sub-section.

(*g*) The Minister may abolish any such committee if he is satisfied that the objects for which the committee was appointed have been achieved or if in his opinion there are other good reasons for doing so.

Prospecting on alienated State land.

5. (1) Subject to the provisions of this Act, the owner or lessee of alienated State land which is not the subject of an agreement such as is mentioned in section *twenty*, shall have the exclusive right of prospecting for precious stones on that land, and may either himself exercise that right or in writing authorize any one person nominated by him to prospect on such land, but neither such owner or lessee nor his nominee shall prospect on any such land unless he is in possession of a prospecting permit issued by the mining commissioner in terms of this section.

(2) So 'n permit moet in die by regulasie voorgeskrewe vorm wees, en word, behoudens die bepalings van hierdie artikel, en by oorlegging van die titelbewys of huurkontrak ten opsigte van die betrokke grond en betaling van 'n bedrag bereken teen vyf-en-twintig sent per maand van die tydperk waarvoor die permit verlang word, deur die mynkommissaris uitgereik vir 'n tydperk van hoogstens twaalf maande aan enigiemand wat daarop geregtig is.

(3) So 'n permit word nie aan die benoemde van die eienaar of huurder van grond uitgereik nie, tensy—

(*a*) in die geval van 'n aansoek deur 'n ander persoon as 'n natuurlike persoon, die Minister toestemming tot die uitreiking van die permit verleen het; of

(*b*) in die geval van 'n aansoek deur 'n natuurlike persoon, die aansoeker die houer van 'n gangbare delwersertifikaat is.

(4) Die eienaar of huurder van grond ten opsigte waarvan 'n prospekteerpermit kragtens hierdie artikel uitgereik is, of 'n regsopvolger van bedoelde eienaar of huurder, het geen aanspraak teen die Staat op vergoeding vir enige verlies of skade wat hy te eniger tyd ly as gevolg van enige werksaamhede wat in verband met die prospekteer na of myn vir of die ontginning van edelgesteentes op en onder die grond onderneem word of van enige handeling wat met sodanige prospektering, myn of ontginning in verband staan nie, of weens die herneming of proklamering van die grond of 'n gedeelte daarvan vir mynboudoeleindes nie, en so 'n eienaar of huurder is ook nie geregtig om by herneming of proklamering van die grond vir prospekteer- of mynboudoeleindes, die grond of deel van die grond ingevolge 'n wetsbepaling op die beskikking oor grond vir nedersettingsdoeleindes terug te gee nie.

(5) Die houer van so 'n prospekteerpermit wat nie ingevolge sub-artikel (6) verval het nie, behalwe 'n benoemde van die betrokke eienaar of huurder wie se benoeming verstryk het, kan van tyd tot tyd op aansoek by die mynkommissaris en by betaling van die toepaslike bedrag bereken teen die in sub-artikel (2) voorgeskrewe skaal, 'n hernuwing van die permit vir 'n tydperk van hoogstens twaalf maande op 'n keer verkry.

(6) So 'n prospekteerpermit verval—

(*a*) in die geval van 'n permit uitgereik ten opsigte van grond wat deur 'n huurder gehou word, by intrekking of beëindiging van die huur om 'n ander rede as die uitreiking aan hom van 'n grondbrief of transportakte ten opsigte van die grond;

(*b*) in die geval van so 'n permit wat uitgereik is aan iemand wat 'n delwersertifikaat moet besit, indien daardie sertifikaat ingetrek word of toegelaat word om te verval;

(*c*) indien die permit nie binne een maand na die einde van 'n tydperk waarvoor dit uitgereik is, hernieu word nie; of

(*d*) in die geval van 'n permit wat uitgereik is ingevolge die Minister se toestemming kragtens paragraaf (*a*) van sub-artikel (3), indien daardie toestemming ingetrek word.

Prospekteer op private grond.

6. (1) Behoudens die bepalings van hierdie Wet, kan die houer van die reg op edelgesteentes ten opsigte van private grond wat nie die onderwerp van 'n in artikel *twintig* bedoelde ooreenkoms is nie—

(*a*) na edelgesteentes op daardie grond prospekteer; of

(*b*) aan 'n enkele persoon skriftelike toestemming verleen om aldus op daardie grond te prospekteer, en wel onderworpe aan die bedinge en voorwaardes in bedoelde toestemming vermeld.

(2) Sodanige prospektering word nie deur so 'n houer of persoon onderneem nie tensy hy in besit is van 'n prospekteerpermit deur die mynkommissaris ingevolge hierdie artikel uitgereik.

(3) So 'n permit moet in die by regulasie voorgeskrewe vorm wees en word by betaling van 'n bedrag bereken teen vyf-en-twintig sent per maand van die tydperk waarvoor die permit verlang word, deur die mynkommissaris vir 'n tydperk van hoogstens twaalf maande uitgereik aan 'n aansoeker wat aan die mynkommissaris—

(*a*) bewys tot sy bevrediging oorlê dat die aansoeker of die persoon wat toestemming om te prospekteer aan hom verleen het, na gelang van die geval, die houer van die reg op edelgesteentes is ten opsigte van die grond waarop dit die voorneme is om te prospekteer; en

(2) Any such permit shall be in the form prescribed by regulation and shall, subject to the provisions of this section, and upon production of the title deed or lease in respect of the land in question and payment of a fee at the rate of twenty-five cents per month of the period in respect of which the permit is required, be issued by the mining commissioner for a period not exceeding twelve months to any person entitled thereto.

(3) No such permit shall be issued to the nominee of the owner or lessee of any land, unless—

(*a*) in the case of an application by a person other than a natural person, the Minister has consented to the issue of the permit; or

(*b*) in the case of an application by a natural person, the applicant is the holder of a current digger's certificate.

(4) The owner or lessee of any land in respect of which a prospecting permit has been issued under this section, or any successor in title to any such owner or lessee, shall have no claim for compensation against the Government for any loss or damage which he may at any time sustain in consequence of any operations undertaken in connection with prospecting or mining for or the exploitation of precious stones on and under the land or of any act incidental to such prospecting, mining or exploitation, or by reason of the resumption or proclamation of the land or any part thereof for mining purposes, nor shall such owner or lessee be entitled to surrender under any law relating to the disposal of land for settlement purposes the whole or any portion of the land on the resumption or proclamation of the land for prospecting or mining purposes.

(5) The holder of any such prospecting permit which has not lapsed in terms of sub-section (6), not being a nominee of the owner or lessee concerned whose nomination has lapsed, may from time to time upon application to the mining commissioner and payment of the appropriate fee at the rate prescribed in sub-section (2), obtain a renewal of the permit for a period not exceeding twelve months at a time.

(6) Any such prospecting permit shall lapse—

(*a*) in the case of a permit issued in respect of land held by a lessee, upon cancellation or termination of the lease for any reason other than the issue to him of a deed of grant or deed of transfer in respect of the land;

(*b*) in the case of any such permit issued to a person who is required to hold a digger's certificate, if such certificate is cancelled or is allowed to lapse;

(*c*) if the permit is not renewed within one month after the end of any period for which it has been issued; or

(*d*) in the case of a permit issued pursuant to the Minister's consent in terms of paragraph (*a*) of sub-section (3), if such consent is withdrawn.

Prospecting on private land.

6. (1) Subject to the provisions of this Act, the holder of the right to precious stones in respect of private land which is not the subject of an agreement such as is mentioned in section *twenty*, may—

(*a*) prospect for precious stones on that land; or

(*b*) grant written permission to any one person so to prospect on that land on such terms and conditions as may be specified in such permission.

(2) No such prospecting shall be undertaken by any such holder or person unless he is in possession of a prospecting permit issued by the mining commissioner in terms of this section.

(3) Any such permit shall be in the form prescribed by regulation and shall, upon payment of a fee calculated at the rate of twenty-five cents per month of the period for which the permit is required, be issued by the mining commissioner for a period not exceeding twelve months to any applicant who produces to the mining commissioner—

(*a*) proof to his satisfaction that the applicant or the person who has granted him permission to prospect, as the case may be, is the holder of the right to precious stones in respect of the land on which it is proposed to prospect; and

(*b*) indien die aansoeker nie die houer van die reg op edelgesteentes ten opsigte van die betrokke grond is nie, die skriftelike toestemming van bedoelde houer oorlê om vir edelgesteentes op die grond te prospekteer vir 'n tydperk wat in die toestemming vermeld moet word:

Met dien verstande dat in die geval van 'n aansoek om 'n permit gedoen deur iemand aan wie toestemming om op die betrokke grond te prospekteer ingevolge paragraaf (*b*) van sub-artikel (1) verleen is, die bepalings van sub-artikel (3) van artikel *vyf mutatis mutandis* van toepassing is.

(4) Die houer van so 'n prospekteerpermit wat nie ingevolge sub-artikel (5) verval het nie, behalwe iemand aan wie toestemming ingevolge paragraaf (*b*) van sub-artikel (1) verleen is om op die betrokke grond te prospekteer, en wie se toestemming verstryk het, kan van tyd tot tyd op aansoek by die mynkommissaris en by betaling van die toepaslike bedrag bereken teen die in sub-artikel (3) voorgeskrewe skaal, 'n hernuwing van die permit vir 'n tydperk van hoogstens twaalf maande op 'n keer verkry.

(5) So 'n prospekteerpermit verval—

(*a*) in die geval van 'n permit wat uitgereik is aan iemand wat 'n delwersertifikaat moet besit, indien daardie sertifikaat ingetrek word of toegelaat word om te verval;

(*b*) indien die permit nie binne een maand na die einde van enige tydperk waarvoor dit uitgereik is, hernieu word nie; of

(*c*) in die geval van 'n permit wat uitgereik is ingevolge die Minister se toestemming kragtens paragraaf (*a*) van sub-artikel (3) van artikel *vyf*, soos by sub-artikel (3) van hierdie artikel toegepas, indien daardie toestemming ingetrek word.

Verbod op of beperking van prospektering op sekere grond.

7. (1) 'n Prospekteerhuur of prospekteerpermit word nie geag die houer daarvan te magtig om te prospekteer nie—

(*a*) in, op of onder grond wat 'n alluviale delwery, myn of mynterrein uitmaak wat as sodanig geproklameer is kragtens 'n wetsbepaling op die myn vir edelgesteentes, of grond waaroor 'n reg om vir edelgesteentes te delf of te myn deur iemand anders gehou word;

(*b*) in of op—

(i) 'n wettiglik gestigte lokasie vir kleurlinge of Bantoes;

(ii) grond wat bestaan uit of deel uitmaak van 'n uitspanning, openbare pad, spoorweg of begraafplaas;

(iii) grond wat kragtens hierdie Wet of 'n ander wetsbepaling vir Staats- of openbare doeleindes uitgehou is of gebruik word;

(iv) grond waaroor kragtens hierdie Wet of uit hoofde van ander wetsbepalings op minerale 'n reg op die gebruik van die oppervlakte of water deur iemand anders gehou word, of ingevolge 'n deur die Wet op Edelgesteentes, 1927 (Wet No. 44 van 1927), herroepe wetsbepaling by iemand anders berus,

behalwe met die Minister se skriftelike toestemming en met inagneming van die beperkings en voorwaardes wat, onderworpe aan die bepalings van die Wet op Myne en Bedrywe, 1956 (Wet No. 27 van 1956), en die regulasies daarkragtens uitgevaardig, deur hom opgelê word;

(*c*) in, op of onder grond waarop prospektering kragtens sub-artikel (1) van artikel *nege* deur die Staatspresident verbied is;

(*d*) in of op grond (behalwe grond ten opsigte waarvan die bepalings van paragraaf (*b*) van toepassing is) wat as 'n tuin, vrugteboord, wingerd, kwekery of plantasie gebruik word of andersins onder verbouing is, of onder of binne 'n horisontale afstand van driehonderd voet van 'n fontein, put, boorgat, opgaardam, dam, waterloop, waterwerk of dipbak, behalwe met toestemming van die eienaar daarvan of van die Minister;

(*e*) in, op of onder grond waaroor 'n reg om vir edelmetale of onedele minerale te delf of te myn, wat kragtens 'n wetsbepaling op prospektering na en myn vir edelmetale of onedele minerale verleen is, deur iemand anders gehou word, behalwe met skriftelike toestemming van so iemand of, indien sodanige toestemming weerhou word, met skriftelike toestemming na goeddunke verleen deur die Minister na oorweging van skriftelike vertoë deur so iemand;

(*b*) if the applicant is not the holder of the right to precious stones in respect of the land in question, the written permission of such holder to prospect for precious stones on the land for a period to be stated in the permission:

Provided that in the case of an application for a permit made by a person who has been granted permission to prospect on the land in question in terms of paragraph (*b*) of sub-section (1), the provisions of sub-section (3) of section *five* shall *mutatis mutandis* apply.

(4) The holder of any such prospecting permit which has not lapsed in terms of sub-section (5), not being a person who has been granted permission to prospect on the land in question in terms of paragraph (*b*) of sub-section (1) and whose permission has lapsed, may from time to time upon application to the mining commissioner and payment of the appropriate fee at the rate prescribed in sub-section (3), obtain a renewal of the permit for a period not exceeding twelve months at a time.

(5) Any such prospecting permit shall lapse—

(*a*) in the case of any permit issued to a person who is required to hold a digger's certificate, if such certificate is cancelled or is allowed to lapse;

(*b*) if the permit is not renewed within one month after the end of any period for which it has been issued; or

(*c*) in the case of any permit issued pursuant to the Minister's consent in terms of paragraph (*a*) of sub-section (3) of section *five*, as applied by sub-section (3) of this section, if such consent is withdrawn.

Prohibition or limitation of prospecting on certain land.

7. (1) A prospecting lease or prospecting permit shall not be deemed to authorize the holder thereof to prospect—

(*a*) in, on or under land comprising an alluvial digging, mine or mining area proclaimed as such under any law relating to mining for precious stones or land over which a right to dig or mine for precious stones is held by any other person;

(*b*) in or on—

(i) any lawfully established location for coloured persons or Bantu;

(ii) any land comprising or forming part of an outspan, public road, railway or cemetery;

(iii) any land used or reserved under this Act or any other law for any Government or public purpose;

(iv) any land over which a right to the use of the surface or water is held by any other person under this Act or by virtue of the provisions of any other law relating to minerals or has become vested in any other person in pursuance of any law repealed by the Precious Stones Act, 1927 (Act No. 44 of 1927),

except with the Minister's consent in writing and with due regard to such restrictions and conditions as he may, subject to the provisions of the Mines and Works Act, 1956 (Act No. 27 of 1956), and the regulations thereunder impose;

(*c*) in, on or under any land on which prospecting has been prohibited by the State President in terms of sub-section (1) of section *nine*;

(*d*) in or on any land (not being land in respect of which the provisions of paragraph (*b*) apply) used as a garden, orchard, vineyard, nursery or plantation or which is otherwise under cultivation, or under or within a horizontal distance of three hundred feet of any spring, well, borehole, reservoir, dam, watercourse, waterworks or dipping-tank, without the consent of the owner thereof or of the Minister;

(*e*) in, on or under any land over which a right to dig or mine for precious metals or base minerals granted under any law relating to prospecting and mining for precious metals or base minerals is held by any other person, except with the written consent of that other person or, if such consent is withheld, the written permission of the Minister granted in his discretion after considering any representations in writing by such other person;

(*f*) in, op of onder enige grond ten opsigte waarvan die reg op edelgesteentes deur of in trust vir 'n Bantoe of 'n Bantoestam of 'n Bantoegemeenskap of versameling van Bantoes gehou word, behalwe met skriftelike toestemming van die Minister van Bantoe-administrasie en -ontwikkeling en met inagneming van die voorwaardes wat hy oplê;

(*g*) in, op of onder private grond ten opsigte waarvan die reg op edelgesteentes deur 'n plaaslike bestuur gehou word of vervreemde Staatsgrond waarvan 'n plaaslike bestuur die eienaar is, behalwe met skriftelike toestemming van die Administrateur van die betrokke provinsie en met inagneming van die voorwaardes wat hy oplê;

(*h*) in 'n openbare stroom indien die mynkommissaris bedoelde houer skriftelik verwittig het dat sodanige prospektering volgens die mynkommissaris se oordeel die vloei van die water in daardie stroom sal versteur of op die gebruik van die water inbreuk sal maak of die water sal besoedel;

(*i*) onder 'n openbare pad, spoorlyn of 'n struktuur of binne so 'n horisontale afstand daarvan as wat in die Wet op Myne en Bedrywe, 1956 (Wet No. 27 van 1956), en die daarkragtens uitgevaardigde regulasies voorgeskryf word, behalwe met die toestemming van die inspekteur van myne.

(2) Toestemming word nie in 'n geval waar die bepalings van paragraaf (*d*) van sub-artikel (1) van toepassing is deur die Minister verleen nie, behalwe na oorweging van skriftelike vertoë deur die betrokke eienaar voorgelê, en so 'n toestemming is onderworpe aan die betaling deur die prospekteerder aan bedoelde eienaar van vergoeding vir verlies of skade wat deur die prospekteerwerksaamhede veroorsaak word of daaraan te wyte is en die ander voorwaardes wat die Minister bepaal.

Verlening deur eienaar, by wyse van notariële akte, van reg om te prospekteer en om sekere ander regte te verkry.

8. (1) Die verlening deur 'n eienaar van vervreemde Staatsgrond aan sy in artikel *vyf* bedoelde benoemde, van die alleenreg om na edelgesteentes op sy grond te prospekteer, of van daardie reg tesame met die reg om oordrag te neem van 'n eienaarsertifikaat waarop daardie eienaar ten gevolge van die ontdekking van edelgesteentes in die loop van sodanige prospektering geregtig word, is, indien dit beliggaam is in 'n notariële akte wat ingevolge sub-artikel (2) van hierdie artikel geregistreer is, bindend op die regsopvolgers van bedoelde eienaar.

(2) Die Registrateur van Mynbriewe moet op aansoek en by betaling van die gelde volgens wet ten opsigte daarvan voorgeskryf, so 'n notariële akte of 'n sessie daarvan registreer.

(3) 'n Aansoeker om die registrasie van 'n notariële akte in sub-artikel (1) bedoel, of 'n sessie daarvan, moet aan die Registrateur van Mynbriewe—

(*a*) 'n ondertekende oorspronklike eksemplaar voorlê van die notariële akte of sessie daarvan, na gelang van die geval, tesame met drie verdere oorspronklike eksemplare of afskrifte van die akte of sessie, deur 'n notaris as juis gesertifiseer; en

(*b*) in die geval van 'n notariële akte, die titelbewys van die betrokke grond voorlê.

(4) Wanneer die Registrateur van Mynbriewe so 'n notariële akte geregistreer het, stuur hy 'n afskrif van die notariële akte tesame met die titelbewys van die betrokke grond aan die registrateur van aktes vir die gebied waarin die grond geleë is, wat die notariële akte teen die titelbewys van die betrokke grond en in die gepaste registers moet aanteken.

Algemene bepalings betreffende prospektering.

9. (1) Die Staatspresident kan by proklamasie in die *Staatskoerant*, prospektering op grond verbied of beperk vanaf 'n datum in daardie proklamasie vermeld.

(2) Die mynkommissaris kan, behoudens die bepalings van enige regulasies kragtens paragraaf (*g*) van sub-artikel (1) van artikel *honderd vyf-en-twintig* uitgevaardig, te eniger tyd by skriftelike kennisgewing bestel aan die houer van 'n prospekteerpermit wat werksaamhede verrig wat prospekteerwerksaamhede heet te wees, verklaar dat daardie werksaamhede op delwery neerkom en die voortsetting van bedoelde werksaamhede verbied.

(3) 'n Verbod op of beperking van prospektering kragtens sub-artikel (1) of (2), doen nie afbreuk aan die reg van 'n prospekteerder om 'n ontdekkersertifikaat te verkry ten opsigte van prospektering wettiglik deur hom verrig voordat bedoelde verbod of beperking opgelê is nie.

(*f*) in, on or under any land in respect of which the right to precious stones is held by or in trust for a Bantu or a Bantu tribe or a community or aggregation of Bantu, except with the written consent of the Minister of Bantu Administration and Development and with due regard to such conditions as he may impose;

(*g*) in, on or under any private land in respect of which the right to precious stones is held by a local authority or any alienated State land of which a local authority is the owner, except with the written consent of the Administrator of the province in question and with due regard to such conditions as he may impose;

(*h*) in any public stream if the mining commissioner has in writing informed such holder that such prospecting will in the opinion of the mining commissioner, disturb the flow, or interfere with the use of or pollute the water in that stream;

(*i*) under any public road, railway or any structure, or within such horizontal distance therefrom as may be prescribed in the Mines and Works Act, 1956 (Act No. 27 of 1956), and the regulations made thereunder, except with the permission of the inspector of mines.

(2) No consent shall be given by the Minister in any case where the provisions of paragraph (*d*) of sub-section (1) apply, except after considering any written representations which may be submitted by the owner concerned, and any such consent shall be subject to the payment by the prospector to such owner of compensation for any loss or damage caused by or due to the prospecting operations, and such other conditions as the Minister may determine.

Grant by owner, by notarial deed, of right to prospect and to acquire certain other rights.

8. (1) The grant by any owner of alienated State land to his nominee referred to in section *five*, of the exclusive right of prospecting for precious stones on his land, or of such right together with the right to take transfer of any owner's certificate to which such owner may become entitled in consequence of the discovery of precious stones in the course of such prospecting, shall, if embodied in a notarial deed which is registered in terms of sub-section (2) of this section, be binding upon the successors in title of such owner.

(2) The Registrar of Mining Titles shall on application and upon payment of such fees as may be prescribed by law in respect thereof, register any such notarial deed or any cession thereof.

(3) An applicant for the registration of any notarial deed referred to in sub-section (1) or any cession thereof, shall submit to the Registrar of Mining Titles—

(*a*) a signed original of the notarial deed or cession thereof, as the case may be, together with three further originals or copies of the deed or cession certified as true by a notary public; and

(*b*) in the case of a notarial deed, the title deed of the land in question.

(4) Whenever the Registrar of Mining Titles has registered any such notarial deed, he shall forward a copy of the notarial deed together with the title deed of the land in question, to the registrar of deeds for the area in which the land is situated, who shall note the notarial deed against the title deed of the land in question and in the appropriate registers.

General provisions in regard to prospecting.

9. (1) The State President may by proclamation in the *Gazette* prohibit or restrict prospecting on any land as from a date to be specified in such proclamation.

(2) The mining commissioner may, subject to the provisions of any regulations which may be made under paragraph (*g*) of sub-section (1) of section *one hundred and twenty-five*, at any time by notice in writing served upon the holder of a prospecting permit carrying on any operations purporting to be prospecting operations, declare that such operations amount to digging and prohibit the continuance of such operations.

(3) The prohibition or restriction of prospecting under sub-section (1) or (2) shall not derogate from the right of a prospector to obtain a discoverer's certificate in respect of any prospecting lawfully carried on by him before such prohibition or restriction was imposed.

(4) Die houer van 'n prospekteerpermit mag nie sonder skriftelike toestemming van die mynkommissaris meer as dertig persone in verband met prospekteerwerksaamhede op die grond ten opsigte waarvan daardie permit gehou word, in diens hê nie, en so 'n toestemming word nie verleen nie tensy die mynkommissaris met inagneming van die omstandighede van die bepaalde geval, oortuig is dat dertig persone onvoldoende is om prospekteerwerksaamhede bevredigend te verrig.

(5) 'n Houer van 'n prospekteerpermit is, tensy by regulasie anders bepaal word, geregtig op die opbrengs van edelgesteentes deur hom gevind in die loop van *bona fide*-prospekteerwerksaamhede wat hy op gesag van daardie permit verrig.

(6) (*a*) Die Staatspresident kan van tyd tot tyd op aanbeveling van die raad regulasies uitvaardig waarby die aandeel in die opbrengs van edelgesteentes deur houers van prospekteerpermitte in die loop van prospekteerwerksaamhede gevind, wat die Staat toekom, en die tye wanneer en die wyse waarop bedoelde aandeel betaal moet word, voorgeskryf word.

(*b*) Bedoelde regulasies kan verskillende aandele vir verskillende gebiede voorskryf en kan voorsiening maak vir sodanige beheermaatreëls en veilige bewaring van en beskikking oor edelgesteentes as wat volgens die Staatspresident se oordeel nodig is om die betaling van bedoelde aandeel te verseker.

(7) Behalwe vir sover by regulasie anders bepaal word, geskied alle prospektering ingevolge magtiging by prospekteerpermit of prospekteerhuur verleen, onder die beheer en regstreekse toesig van die houer van daardie permit of huur of 'n deur hom skriftelik aangestelde persoon wat die houer van 'n gangbare delwersertifikaat is.

Misdrywe ingevolge hierdie Hoofstuk en strawwe daarvoor.

10. (1) Iemand wat—

(*a*) prospekteer behalwe ingevolge en ooreenkomstig 'n gangbare prospekteerhuur, prospekteerpermit of ander magtiging kragtens hierdie Wet verleen;

(*b*) prospekteer op grond waar prospektering nie toegelaat is nie of deur of kragtens hierdie Wet uitdruklik verbied is of in 'n plek waar hy nie geregtig is om te prospekteer nie;

(*c*) versuim om prospekteerwerksaamhede wat kragtens sub-artikel (2) van artikel *nege* verbied is, te staak;

(*d*) die bepalings van sub-artikel (4) van artikel *nege* oortree; of

(*e*) sonder skriftelike toestemming van die mynkommissaris of 'n lid van die Suid-Afrikaanse Polisie met die rang van sersant of 'n hoër rang, Staatsgrond betree waarop hy nie geregtig is om te prospekteer of wat hy nie geregtig is om te betree nie,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand, en die hof wat iemand aan so 'n misdryf skuldig bevind, kan enige edelgesteentes deur hom gedurende sodanige prospektering of op die betrokke Staatsgrond gevind, verbeurd verklaar.

(2) Iemand wat prospekteerwerk verrig of 'n houer van 'n prospekteerpermit of prospekteerhuur wat iemand toelaat om prospekteerwerk te verrig in stryd met sub-artikel (7) van artikel *nege*, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe in sub-artikel (1) van hierdie artikel uiteengesit.

HOOFSTUK II.

ONTDEKKING VAN EDELGESTEENTES, UITREIKING VAN ONTDEKKER- EN EIENAARSERTIFIKATE, EN AANGELEENTHEDE WAT DAARMEE IN VERBAND STAAN.

Prospekteerder verplig om ontdekking van edelgesteentes aan te meld.

11. (1) 'n Prospekteerder wat edelgesteentes ontdek het, moet onverwyld skriftelik van sy ontdekking aan die mynkommissaris kennis gee en moet daarna binne sewe dae na die laaste dag van elke maand, of met sodanige korter tussenpose as wat die mynkommissaris skriftelik gelas, 'n verklaring in die by regulasie voorgeskrewe vorm aan die mynkommissaris stuur waarin die gewig en geskatte waarde van die edelgesteentes wat gevind is, die grootte van die grond wat bewerk is, die getal persone wat gedurende daardie maand of gedurende so 'n tussenpose in sy diens was en die ander inligting wat aldus voorgeskryf is, uiteengesit word.

(4) The holder of a prospecting permit shall not without the written permission of the mining commissioner employ more than thirty persons in connection with prospecting operations on the land in respect of which such permit is held, and no such permission shall be granted unless the mining commissioner is satisfied that, having regard to the circumstances in the particular case, thirty persons are insufficient to carry out prospecting operations satisfactorily.

(5) Any holder of a prospecting permit shall, unless it is otherwise provided by regulation, be entitled to the proceeds of any precious stones found by him in the course of *bona fide* prospecting operations under the authority or such permit.

(6) (*a*) The State President may from time to time on the recommendation of the board make regulations prescribing the share of the proceeds of any precious stones found in the course of prospecting operations by holders of prospecting permits to which the State shall be entitled and the time and manner of payment of any such share.

(*b*) Such regulations may prescribe different shares for different areas and may provide for such measures of control, safe custody and disposal of precious stones as may in the opinion of the State President be necessary to ensure the payment of any such share.

(7) Except as may be otherwise provided by regulation, all prospecting under the authority of a prospecting permit or prospecting lease shall be carried on under the control and direct charge of the holder of such permit or lease or some person appointed by him in writing who is the holder of a current digger's certificate.

Offences under this Chapter and penalties therefor.

10. (1) Any person who—

(*a*) prospects except under and in accordance with a current prospecting lease, prospecting permit or other authority granted under this Act;

(*b*) prospects on any land on which prospecting is not authorized or is expressly prohibited by or under this Act or in any place in which he is not entitled to prospect;

(*c*) fails to discontinue any operations which have been prohibited under sub-section (2) of section *nine*;

(*d*) contravenes the provisions of sub-section (4) of section *nine*; or

(*e*) without the permission in writing of the mining commissioner or of a member of the South African Police holding a rank of or above the rank of sergeant enters upon State land upon which he is not entitled to prospect or to enter,

shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand, and the court convicting any person of any such offence may declare any precious stones found by him during such prospecting or on such State land to be confiscated.

(2) Any person who carries on prospecting or any holder of a prospecting permit or prospecting lease who permits any person to carry on prospecting in contravention of sub-section (7) of section *nine*, shall be guilty of an offence and liable on conviction to the penalties set forth in sub-section (1) of this section.

CHAPTER II.

DISCOVERY OF PRECIOUS STONES, ISSUING OF DISCOVERERS' AND OWNERS' CERTIFICATES, AND MATTERS INCIDENTAL THERETO.

Duty of prospector to report discovery of precious stones.

11. (1) A prospector who has discovered precious stones shall forthwith give written notice of his discovery to the mining commissioner, and shall thereafter transmit to the mining commissioner, within seven days after the last day of every month, or at such shorter intervals as the mining commissioner may in writing direct, a declaration in the form prescribed by regulation, setting forth the weight and estimated value of the precious stones found, the extent of the ground worked, the number of persons employed by him during that month or during any such interval and such other information as may be so prescribed.

(2) 'n Afskrif van so 'n verklaring tesame met die edelgesteentes daarin vermeld, moet ook vir ondersoek aan die hoof van die diamantafdeling of iemand deur hom aangewys, voorgelê word.

(3) 'n Prospekteerder wat nalaat om aan 'n bepaling van hierdie artikel te voldoen of in 'n verklaring ingevolge sub-artikel (1) 'n bewering maak wat in 'n wesenlike opsig vals is, met die wete dat dit vals is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd rand.

(4) Indien 'n prospekteerder aan so 'n misdryf skuldig bevind word, kan die Minister enige regte wat die prospekteerder kragtens hierdie Wet toegeval het ten opsigte van die ontdekking van edelgesteentes op die betrokke grond of enige regte wat aan hom toegeken is ten gevolge van so 'n valse verklaring, verbeurd verklaar.

Mynkommissaris kan beveel dat sekere werk uitgevoer word.

12. (1) Indien die mynkommissaris dit te eniger tyd nodig ag om te bepaal of die materiaal wat deur 'n prospekteerder uitgegrawe is, edelgesteentes in voldoende hoeveelhede bevat om die proklamering van die betrokke grond tot 'n alluviale delwery te regverdig, kan hy met goedkeuring van die Minister die prospekteerder beveel om met die toerusting wat tot sy beskikking is of wat deur die mynkommissaris voorsien word, die was- of ander werksaamhede uit te voer wat die mynkommissaris nodig ag.

(2) Sodanige werk moet tot bevrediging van die mynkommissaris en onder sy toesig of dié van iemand deur hom aangewys, uitgevoer word, en die koste daaraan verbonde word bestry uit gelde wat die Parlement vir die doel bewillig het.

(3) 'n Prospekteerder wat weier of versuim om aan so 'n bevel te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand.

Regte en pligte van ontdekker.

13. (1) Wanneer die mynkommissaris oortuig is dat 'n prospekteerder by enige plek edelgesteentes ontdek het wat op natuurlike wyse in daardie plek voorkom, en dat daar redelike gronde bestaan om te vermoed dat sodanige edelgesteentes by daardie plek in lonende hoeveelhede aanwesig is, reik hy aan die prospekteerder 'n sertifikaat in die by regulasie voorgeskrewe vorm uit wat hom die reg gee—

(*a*) in die geval van edelgesteentes in alluviale grond, om op die betrokke grond—

(i) indien die grond Staatsgrond of vervreemde Staatsgrond is, vyftig kleims uit te kies; of

(ii) indien die grond private grond is, tweehonderd kleims uit te kies;

(*b*) in die geval van edelgesteentes in 'n myn op Staatsgrond, op 'n twee-vyfde onverdeelde aandeel in daardie myn;

(*c*) in die geval van edelgesteentes in 'n myn op vervreemde Staatsgrond of private grond, op 'n aandeel gelyk aan een-vyfde van die aandeel in daardie myn waarop die eienaar of huurder van die grond of die houer van die reg op edelgesteentes ten opsigte daarvan ingevolge artikel *sewentien* geregtig is:

Met dien verstande dat so 'n sertifikaat nie uitgereik word ten opsigte van vervreemde Staatsgrond wat deur 'n huurder gehou word tensy 'n grondbrief of transportakte ten opsigte van die grond uitgereik is nie.

(2) By die toepassing van sub-artikel (1) beteken „grond", met betrekking tot private grond, enige stuk grond ten opsigte waarvan die reg op edelgesteentes afsonderlik in die gepaste aktekantoor geregistreer is, of enige stuk grond wat in so 'n aktekantoor geregistreer is sonder afsonderlike registrasie van die reg op edelgesteentes.

(3) Enige kleims waarop die houer van die ontdekkersertifikaat kragtens paragraaf (*a*) van sub-artikel (1) geregtig is, moet binne die deur die mynkommissaris skriftelik vasgestelde tydperk, wat nie minder as dertig dae mag wees nie, oor die uitgrawings waar die ontdekking gedoen is, afgepen word in een blok waarvan die lengte nie twee keer die breedte daarvan oorskry nie, en bedoelde houer moet binne die tydperk aldus vasgestel of die verdere tydperk wat die mynkommissaris toelaat, aan die mynkommissaris 'n sketskaart van bedoelde kleims verstrek wat die mynkommissaris aanneemlik vind.

(4) By die uitreiking van 'n sertifikaat kragtens hierdie artikel aan 'n prospekteerder wat edelgesteentes in alluviale grond ontdek het, of, in die geval van 'n ontdekking van edelgesteentes op vervreemde Staatsgrond deur 'n huurder gehou en ten opsigte waarvan 'n grondbrief of transportakte nog nie uitgereik is nie, by ontvangs deur die betrokke prospekteerder van 'n skriftelike kennisgewing van die mynkommissaris waarby hy gelas dat

(2) A copy of any such declaration together with the precious stones referred to therein shall also be produced for inspection to the chief of the diamond branch or a person designated by him.

(3) Any prospector who fails to comply with any provision of this section or in any declaration under sub-section (1) makes a statement which is false in any material particular, knowing the same to be false, shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred rand.

(4) If a prospector is convicted of such an offence the Minister may declare forfeited any rights which may have accrued to the prospector under this Act in respect of the discovery of precious stones on the land in question or any rights that may have been granted to him in consequence of any such false declaration.

Mining commissioner may order certain operations to be carried out.

12. (1) If at any time the mining commissioner deems it necessary to determine whether the material excavated by any prospector contains precious stones in sufficient quantities to justify proclamation as an alluvial digging of the land in question, he may with the approval of the Minister order the prospector to carry out with the plant at his disposal or provided by the mining commissioner such washing or other operations as the mining commissioner may consider necessary.

(2) Such operations shall be carried out to the satisfaction of the mining commissioner and under his supervision or under the supervision of a person designated by him, and the cost thereof shall be defrayed out of moneys appropriated by Parliament for the purpose.

(3) Any prospector who refuses or fails to comply with any such order shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand.

Rights and duties of discoverer.

13. (1) When the mining commissioner is satisfied that a prospector has at any place discovered precious stones occurring naturally in that place and that there are reasonable grounds for believing that such precious stones exist at the said place in payable quantities, he shall issue to the prospector a certificate in the form prescribed by regulation entitling him—

(*a*) in the case of precious stones in alluvial, to select on the land in question—

(i) if the land is State land or alienated State land, fifty claims; or

(ii) if the land is private land, two hundred claims;

(*b*) in the case of precious stones in a mine on State land, to a two-fifths undivided share in such mine;

(*c*) in the case of precious stones in a mine on alienated State land or private land, to a share equal to one-fifth of the share in such mine to which the owner or lessee of the land or the holder of the right to precious stones in respect thereof is entitled under section *seventeen*:

Provided that no such certificate shall be issued in respect of alienated State land held by a lessee unless a deed of grant or deed of transfer has been issued in respect of such land.

(2) For the purposes of sub-section (1), "land", in relation to private land, means any area of land in respect of which the right to precious stones is registered separately in the appropriate deeds registry, or any piece of land registered in such deeds registry without separate registration of the right to precious stones.

(3) Any claims to which the holder of the discoverer's certificate is entitled under paragraph (*a*) of sub-section (1) shall, within such period (not being less than thirty days) as may be specified by the mining commissioner in writing, be pegged over the workings where the discovery was made in one block, the length of which shall not exceed twice the breadth thereof, and such holder shall, within the period so specified or such further period as the mining commissioner may allow, furnish the mining commissioner with a sketch plan acceptable to the mining commissioner, of such claims.

(4) On the issue of a certificate under this section to a prospector who has discovered precious stones in alluvial, or, in the case of a discovery of precious stones on alienated State land held by a lessee in respect of which a deed of grant or deed of transfer has not yet been issued, upon the receipt of a notice in writing from the mining commissioner by the pros-

prospekteerwerksaamhede gestaak moet word, moet alle prospektering op die grond ten opsigte waarvan die betrokke prospekteerhuur of prospekteerpermit gehou word of op die gedeelte van die grond wat die mynkommissaris uitwys, gestaak word: Met dien verstande dat die Minister op aansoek deur die prospekteerder verdere prospekteerwerksaamhede op bedoelde grond kan toelaat onderworpe aan die voorwaardes en beperkings wat die Minister bepaal.

(5) 'n Houer van 'n ontdekkersertifikaat ingevolge hierdie artikel ten opsigte van 'n ontdekking van edelgesteentes in alluviale grond, wat aan die bepalings van sub-artikel (3) voldoen het, is, by ontvangs van skriftelike goedkeuring deur die mynkommissaris van die sketskaart in daardie sub-artikel bedoel, geregtig om vir edelgesteentes te delf op die kleims waarop daardie sertifikaat betrekking het.

(6) Indien kleims wat ooreenkomstig paragraaf (*a*) van sub-artikel (1) toegeken is, nie binne die tydperk soos voormeld deur die mynkommissaris vasgestel, of binne die verdere tydperk deur hom toegelaat, uitgekies en in een blok afgepen word of 'n sketskaart daarvan nie binne bedoelde tydperk of verdere tydperk aan hom verstrek word nie, verbeur die houer van die betrokke ontdekkersertifikaat sy reg om bedoelde kleims uit te kies en verval alle regte deur daardie sertifikaat verleen.

(7) Iemand wat in stryd met die bepalings van sub-artikel (4) op grond prospekteer, of aldus prospekteer anders as ooreenkomstig die voorwaardes en met inagneming van die beperkings onderworpe waaraan prospektering ingevolge daardie sub-artikel toegelaat is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand.

(8) Indien 'n geskil in verband met 'n in sub-artikel (1) bedoelde aangeleentheid ontstaan, is die Minister se beslissing daaromtrent afdoende.

Bepalings in verband met ontdekkerskleims.

14. (1) Geen lisensiegeld is ten opsigte van ontdekkerskleims betaalbaar solank hulle tot bevrediging van die mynkommissaris ontgin en in die naam van die persoon wat geregtig was om daardie kleims uit te kies, gehou word nie.

(2) Ontdekkerskleims—

(*a*) wat nie ontgin word nie en ten opsigte waarvan die houer versuim het om te voldoen aan 'n kennisgewing deur die mynkommissaris aan hom bestel waarby hy aangesê word om delfwerksaamhede tot bevrediging van die mynkommissaris te begin of te hervat binne die tydperk (nie minder as een maand nie) in bedoelde kennisgewing vermeld; of

(*b*) wat aan iemand anders oorgedra word,

is onderhewig aan al die bepalings van hierdie Wet wat in verband met gewone kleims op 'n alluviale delwery geld, en by die vasstelling van die lisensiegelde ten opsigte van daardie kleims betaalbaar, word die getal kleims in die gebied wat die kleims behels, bepaal op die grondslag dat elke tweeduisend vyf-en-twintig vierkante voet of gedeelte daarvan binne die gebied wat die kleims behels, geag word een kleim uit te maak, ongeag die datum waarop die kleims toegeken is.

(3) Indien daar nie aan 'n kennisgewing kragtens sub-artikel (2) voldoen word nie, en indien die eerste betaling van lisensiegelde ten opsigte van die betrokke kleims nie binne drie maande vanaf die datum van bedoelde kennisgewing geskied nie, verval die kleims, en kan hulle, indien op geproklameerde grond, daarna deur die mynkommissaris by kennisgewing op 'n opvallende plek by sy kantoor opgeplak, vir afpenning oop verklaar word.

Straf vir doen van valse verklaring van ontdekking van edelgesteentes.

15. Iemand wat 'n verklaring van ontdekking van edelgesteentes ingevolge artikel *elf* doen, wel wetende dat die edelgesteentes wat volgens die verklaring gevind is, deur homself of deur iemand anders geplaas of neergesit is in of op die plek of in die grond of rots wat uitgegrawe is uit of verwyder is van die plek waar die verklaarder geprospekteer het, of wat 'n verklaring van ontdekking van edelgesteentes doen wel wetende dat hulle nie op natuurlike wyse in of op die plek of in die grond of rots waar hulle volgens die verklaring gevind of ontdek is, voorgekom het nie, of wat so 'n verklaring doen wel wetende dat die betrokke edelgesteentes nie gevind of ontdek is op of naby die plek waar hulle volgens die verklaring gevind of ontdek is nie, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe volgens wet vir meineed voorgeskryf, en alle regte deur hom verkry ten gevolge van so 'n verklaring van ontdekking verval.

pector concerned directing the cessation of prospecting operations, all prospecting on the land in respect of which the prospecting lease or prospecting permit in question is held, or on such portion of the land as the mining commissioner may indicate, shall cease: Provided that the Minister may on application by the prospector permit further prospecting operations on such land on such conditions and subject to such restrictions as the Minister may determine.

(5) Any holder of a discoverer's certificate under this section in respect of a discovery of precious stones in alluvial who has complied with the provisions of sub-section (3) shall, upon receipt of the written approval of the mining commissioner of the sketch plan mentioned in that sub-section, be entitled to dig for precious stones on the claims to which such certificate relates.

(6) If any claims awarded in accordance with paragraph (*a*) of sub-section (1) are not selected and pegged in one block or a sketch plan thereof is not submitted to the mining commissioner within the period specified by him as aforesaid, or within such further period as he may allow, the holder of the relevant discoverer's certificate shall forfeit his right to select such claims and all rights under such certificate shall lapse.

(7) Any person who carries on prospecting on land in contravention of the provisions of sub-section (4), or otherwise than in accordance with the conditions and with due regard to the restrictions subject to which such prospecting has been permitted in terms of that sub-section, shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand.

(8) If any dispute arises in regard to any matter mentioned in sub-section (1) the decision of the Minister in regard thereto shall be final.

Provisions in regard to discoverer's claims.

14. (1) No licence moneys shall be payable in respect of discoverer's claims so long as they are worked to the satisfaction of the mining commissioner and are held in the name of the person who was entitled to select such claims.

(2) Any discoverer's claims—

(*a*) which are not being worked and in respect of which the holder has failed to comply with a notice served upon him by the mining commissioner calling upon him to commence or resume digging operations to the satisfaction of the mining commissioner within the period (not being less than one month) specified in such notice; or

(*b*) which are transferred to any other person,

shall be subject to all the provisions of this Act applicable in regard to ordinary claims on an alluvial digging, and for the purpose of determining the licence fees payable in respect of such claims, the number of claims in the area comprising the claims shall be determined on the basis that every two thousand and twenty-five square feet or portion thereof in the area comprising the claims shall be deemed to constitute one claim, irrespective of the date on which the claims were awarded.

(3) If any notice under sub-section (2) is not complied with, and if the initial payment of licence moneys in respect of the claims in question is not made within three months of the date of such notice, the claims shall lapse, and may, if upon proclaimed land, thereafter be declared open to pegging by the mining commissioner by notice posted up in a conspicuous place at his office.

Penalty for making false declaration of discovery of precious stones.

15. Any person who makes any declaration of discovery of precious stones under section *eleven* well knowing that the precious stones declared to have been found were by himself or by some other person placed or deposited in or on the place or in the soil or rock dug out or removed from the place in which the declarant was prospecting, or who makes a declaration of discovery of precious stones well knowing that they did not naturally exist in or on the place or in the soil or rock where they were declared to have been found or discovered, or who makes any such declaration well knowing that the said precious stones were not found or discovered on or near the place where they were declared to have been found or discovered, shall be guilty of an offence and liable on conviction to the penalties prescribed by law for the crime of perjury, and all rights acquired by him in consequence of any such declaration of discovery shall lapse.

Plaas van edelgesteentes op plekke waar dit nie natuurlik voorkom nie.

16. (1) Enigiemand wat edelgesteentes met opset plaas of neersit of medepligtig is in verband met die opsetlike plaas of neersit van edelgesteentes in enige plek met die bedoeling om enigiemand oor te haal of te beweeg om 'n verklaring van ontdekking van edelgesteentes te doen of die indruk te wek dat edelgesteentes in lonende hoeveelhede voorkom in enige plek waar edelgesteentes gevind is of na bewering gevind is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe volgens wet vir bedrog voorgeskryf, en alle regte deur hom verkry ten opsigte van daardie plek, verval.

(2) Wanneer daar by 'n aanklag ten opsigte van 'n misdryf ingevolge sub-artikel (1) bewys word dat die beskuldigde edelgesteentes geplaas of neergesit het of medepligtig was aan die plaas of neersit van edelgesteentes in enige plek waar die ontdekking daarvan iemand waarskynlik sal beweeg om 'n verklaring te doen dat hy hulle gevind het of daartoe sal bydrae om iemand te mislei, word die beskuldigde geag daardie edelgesteentes in bedoelde plek te geplaas of neer te gesit het met die opset in daardie sub-artikel bedoel, tensy die teendeel bewys word.

Regte van eienaar of huurder van vervreemde Staatsgrond of houer van reg op edelgesteentes ten opsigte van private grond by ontdekking.

17. (1) Wanneer edelgesteentes op vervreemde Staatsgrond of private grond ontdek is, en die mynkommissaris oortuig is soos in sub-artikel (1) van artikel *dertien* bepaal, is die eienaar of huurder van daardie vervreemde Staatsgrond of die houer van die reg op edelgesteentes ten opsigte van daardie private grond geregtig om van die mynkommissaris 'n sertifikaat in die by regulasie voorgeskrewe vorm te ontvang, ten effekte dat hy—

(*a*) in die geval van edelgesteentes wat in alluviale grond ontdek is, behoudens die regte van die ontdekker soos in artikel *dertien* bepaal, geregtig is om op die betrokke grond—

(i) indien die grond vervreemde Staatsgrond is, vyftig kleims uit te kies;

(ii) indien die grond private grond is, vierhonderd kleims uit te kies;

(*b*) in die geval van edelgesteentes wat in 'n myn ontdek is, geregtig is op 'n aandeel in daardie myn wat, tesame met die aandeel waarop die ontdekker ingevolge artikel *dertien* geregtig is, gelyk is—

(i) in die geval van vervreemde Staatsgrond, aan 'n twee-vyfde onverdeelde aandeel; of

(ii) in die geval van private grond, aan 'n onverdeelde halwe aandeel,

in bedoelde myn of gedeelte daarvan wat op die betrokke grond geleë is:

Met dien verstande dat indien die betrokke grond vervreemde Staatsgrond is wat deur 'n huurder gehou word, so 'n sertifikaat nie uitgereik word tensy 'n grondbrief of transportakte ten opsigte van die grond uitgereik is nie.

(2) Indien 'n myn deur die grenslyn of -lyne van grond in twee of meer gedeeltes verdeel word, en verskillende persone sertifikate kragtens paragraaf (*b*) van sub-artikel (1) ten opsigte van daardie gedeeltes verkry het of geregtig is om dit te verkry, is elk van bedoelde persone geregtig op 'n onverdeelde belang in die in daardie paragraaf voorgeskrewe aandeel in die myn wat in dieselfde verhouding tot daardie aandeel staan as die verhouding waarin die grootte van die grond waaroor hy bedoelde sertifikaat verkry het of geregtig is om dit te verkry, tot die grootte van die grond binne die opgemete grense van die myn staan.

(3) Enige kleims waarop die houer van 'n eienaarsertifikaat kragtens paragraaf (*a*) van sub-artikel (1) geregtig is, moet binne die deur die mynkommissaris skriftelik vasgestelde tydperk wat nie minder as dertig dae mag wees nie, afgepen word in hoogstens vier blokke, waarvan die lengte van elk nie twee keer die breedte daarvan oorskry nie, en bedoelde houer moet binne die tydperk aldus vasgestel of binne die verdere tydperk wat die mynkommissaris toelaat, aan die mynkommissaris 'n sketskaart van daardie kleims verstrek wat die mynkommissaris aanneemlik vind.

(4) Die bepalings van sub-artikels (5) en (6) van artikel *dertien* is *mutatis mutandis* van toepassing in verband met eienaarskleims wat iemand ingevolge 'n sertifikaat kragtens hierdie artikel uitgereik, geregtig is om uit te kies.

(5) (*a*) Geen lisensiegelde is ten opsigte van eienaarskleims wat kragtens hierdie artikel afgepen is, betaalbaar solank hulle gehou word in die naam van die persoon wat geregtig was om daardie kleims uit te kies nie.

(*b*) Indien sodanige kleims aan iemand anders oorgedra word, behalwe onder die omstandighede in sub-artikel (5) van artikel *nege-en-dertig* beskryf, geld die bepalings van hierdie Wet met betrekking tot lisensiegelde en alle ander voorwaardes van toepassing in verband met gewone kleims op 'n alluviale delwery.

Placing of precious stones in places where not naturally found.

16. (1) Any person who wilfully places or deposits or is accessory to the wilful placing or depositing of any precious stones in any place, with intent to persuade or induce any person to make a declaration of discovery of precious stones or to create the impression that precious stones occur in payable quantities in any place where precious stones have been or may be declared to have been found, shall be guilty of an offence and liable on conviction to the penalties prescribed by law for the crime of fraud, and all rights which may have been acquired by him in respect of such place shall lapse.

(2) Whenever in any charge in respect of an offence under sub-section (1) the accused is proved to have placed or deposited or to have been accessory to the placing or depositing of precious stones in any place where the finding thereof would be likely to lead any person to make a declaration of the finding of the same or would tend to mislead any person, the accused shall, unless the contrary is proved, be deemed to have placed or deposited such precious stones in such place with the intent mentioned in that sub-section.

Rights of owner or lessee of alienated State land or holder of right to precious stones in respect of private land on discovery.

17. (1) Whenever precious stones have been discovered on alienated State land or private land, and the mining commissioner is satisfied as provided in sub-section (1) of section *thirteen*, the owner or lessee of such alienated State land or the holder of the right to precious stones in respect of such private land shall be entitled to receive from the mining commissioner a certificate in the form prescribed by regulation, that he is entitled—

(*a*) in the case of precious stones discovered in alluvial, to select on the land in question, subject to the rights of the discoverer as in section *thirteen* provided—

(i) if the land is alienated State land, fifty claims;

(ii) if the land is private land, four hundred claims;

(*b*) in the case of precious stones discovered in a mine, to a share in such mine which, together with the share to which the discoverer is entitled in terms of section *thirteen*, is equal—

(i) in the case of alienated State land, to a two-fifths undivided share; or

(ii) in the case of private land, to an undivided one-half share,

in such mine or portion thereof situated on the land in question:

Provided that if the land in question is alienated State land held by a lessee, no such certificate shall be issued unless a deed of grant or deed of transfer has been issued in respect of such land.

(2) If a mine is divided into two or more portions by the boundary line or lines of land and different persons have obtained or are entitled to certificates under paragraph (*b*) of sub-section (1) in respect of such portions, each such person shall be entitled to such an undivided interest in the share in the mine prescribed in that paragraph as bears to that share the same proportion as the extent of the land over which he has obtained or is entitled to obtain such certificate bears to the extent of the land within the surveyed boundaries of the mine.

(3) Any claims to which the holder of an owner's certificate is entitled under paragraph (*a*) of sub-section (1) shall, within such period (not being less than thirty days) as may be specified by the mining commissioner in writing, be pegged in not more than four blocks the length of each of which shall not exceed twice the breadth thereof, and such holder shall, within the period so specified or within such further period as the mining commissioner may allow, furnish the mining commissioner with a sketch plan acceptable to the mining commissioner, of such claims.

(4) The provisions of sub-sections (5) and (6) of section *thirteen* shall *mutatis mutandis* apply in connection with owners' claims which any person is entitled to select under a certificate issued under this section.

(5) (*a*) No licence fees shall be payable in respect of owners' claims pegged under this section so long as they are held in the name of the person who was entitled to select such claims.

(*b*) If any such claims are transferred to any other person, except under the circumstances described in sub-section (5) of section *thirty-nine*, the provisions of this Act relating to licence moneys and all other conditions applicable in regard to ordinary claims on an alluvial digging shall apply.

(6) By die toepassing van hierdie artikel, het „grond", met betrekking tot private grond, die betekenis by sub-artikel (2) van artikel *dertien* daaraan toegeskryf.

Registrasie van ontdekker- en eienaarsertifikate ten opsigte van edelgesteentes in 'n myn, en oordrag of verhipotekering van regte kragtens sekere sertifikate.

18. (1) Elke ontdekker- of eienaarsertifikaat ten opsigte van edelgesteentes in 'n myn moet deur die Registrateur van Mynbriewe geregistreer word: Met dien verstande dat so 'n sertifikaat nie aldus geregistreer word voordat besonderhede van die kaart wat die betrokke myn omskryf deur die mynkommissaris op die sertifikaat geëndosseer is nie.

(2) Die houer se regte en verpligtings ingevolge so 'n sertifikaat kan met die Minister se goedkeuring aan enigiemand gesedeer of oorgedra of verhipotekeer word, maar sodanige goedkeuring is nie ten opsigte van 'n oordrag ingevolge 'n notariële akte bedoel in artikel *agt* nodig nie.

(3) Geen seëlregte of hereregte ingevolge 'n wetsbepaling op seëlregte of hereregte is ten opsigte van so 'n sessie of oordrag betaalbaar nie, indien die betrokke myn nie as 'n myn ingevolge hierdie Wet geproklameer is nie.

(4) So 'n oordrag of verband word deur die Registrateur van Mynbriewe geregistreer.

Onderverdeling van grond.

19. (1) Indien die Minister oortuig is dat vervreemde Staatsgrond of private grond te eniger tyd sedert die dertigste dag van Junie 1926 onderverdeel is met die doel om die aantal ontdekkers- en eienaarskleims te vermeerder, of dat enige onderverdeling van sodanige grond wat na daardie datum plaasgevind het, die uitwerking gehad het om die getal sodanige kleims te vermeerder, kan hy, ondanks die registrasie van daardie onderverdeling in die gepaste aktekantoor en ondanks andersluidende bepalings van hierdie Wet, gelas dat bedoelde onderverdeling nie by die bepaling van die getal ontdekkers- of eienaarskleims wat op daardie grond uitgekies kan word in aanmerking geneem word nie, en dat die totale getal sodanige kleims nie die getal wat uitgekies sou kon geword het indien die grond nie aldus onderverdeel was nie, mag oorskry nie.

(2) Die Minister se beslissing wat betref die getal sodanige kleims en die toewysing daarvan, is afdoende en is nie aan appèl na of hersiening deur 'n geregshof onderhewig nie.

(3) Waar 'n onderverdeling van grond soos in hierdie artikel bedoel, plaasgevind het, en ontdekkers- en eienaarskleims ten opsigte van enige onderverdeling van daardie grond voor die inwerkingtreding van hierdie Wet ingevolge 'n wetsbepaling verkry is, word geen ontdekkers- of eienaarskleims ten opsigte van enige ander onderverdeling van bedoelde grond toegeken nie, en kan die Staatspresident so 'n onderverdeling of 'n gedeelte daarvan ingevolge Hoostuk IV proklameer asof die onderverdeling nie plaasgevind het nie.

HOOFSTUK III.

PROSPEKTEER- EN DELFOOREENKOMSTE, EN MYNHURE TEN OPSIGTE VAN DIE SEE EN SEKERE STAATSGROND.

Prospekteer- en delfooreenkomste.

20. (1) Die Minister kan, behoudens die bepalings van hierdie artikel, met 'n in sub-artikel (2) bedoelde persoon 'n ooreenkoms aangaan vir die prospektering van vervreemde Staatsgrond of private grond of 'n deel daarvan, of van sodanige grond of 'n gedeelte daarvan tesame met daaraangrensende Staatsgrond wat die Minister bepaal, en die win van edelgesteentes wat in alluviale grond op daardie grond aanwesig is.

(2) Die persone met wie so 'n ooreenkoms aangegaan kan word, is—

(*a*) die eienaar van sodanige vervreemde Staatsgrond;

(*b*) die houer van die reg op edelgesteentes ten opsigte van sodanige private grond; of

(*c*) iemand anders wat tot bevrediging van die Minister bewys òf—

(i) dat hy van die eienaar van bedoelde vervreemde Staatsgrond of die houer van die reg op edelgesteentes ten opsigte van bedoelde private grond, die alleenreg verkry het om op die betrokke grond te prospekteer, tesame met die reg om enige regte te verkry waarop daardie eienaar of houer, by ontstentenis van hierdie artikel, kragtens paragraaf (*a*) van sub-artikel (1) van artikel *sewentien* by die ontdekking van edelgesteentes in alluviale grond op die grond aanspraak sou kon maak; òf

(ii) dat bedoelde eienaar of houer aan hom toestemming verleen het om so 'n ooreenkoms met die Minister aan te gaan.

(6) For the purposes of this section, "land", in relation to private land, has the meaning assigned thereto in sub-section (2) of section *thirteen*.

Registration of discoverers' and owners' certificates in respect of precious stones in a mine, and transfer or mortage of rights under certain certificates.

18. (1) Every discoverer's or owner's certificate in respect of precious stones in a mine shall be registered by the Registrar of Mining Titles: Provided that no such certificate shall be so registered until particulars of the diagram defining the mine in question have been endorsed by the mining commissioner on the certificate.

(2) The holder's rights and obligations under any such certificate may with the approval of the Minister be ceded or transferred or mortgaged to any person, but no such approval shall be required in respect of any transfer in terms of any notarial deed referred to in section *eight*.

(3) No stamp duty or transfer duty under any law relating to stamp duty or transfer duty shall be payable in respect of any such cession or transfer if the mine in question has not been proclaimed as such under this Act.

(4) Any such transfer or mortgage shall be registered by the Registrar of Mining Titles.

Sub-division of land.

19. (1) If the Minister is satisfied that any alienated State land or private land has at any time since the thirtieth day of June, 1926, been sub-divided with the object of increasing the number of discoverers' claims and owners' claims, or that any sub-division of any such land effected after that date has had the effect of increasing the number of such claims, he may, notwithstanding the registration of such sub-division in the appropriate deeds registry, and notwithstanding anything to the contrary in this Act contained, direct that such sub-division shall not be taken into account in determining the number of discoverers' or owners' claims which may be selected on such land, and that the total number of any such claims shall not exceed the number which could have been selected if the land had not been so sub-divided.

(2) The decision of the Minister as to the number of such claims and the allocation thereof shall be final and shall not be subject to appeal to or review by any court of law.

(3) Where any sub-division of land such as is contemplated in this section has been effected and discoverers' and owners' claims in respect of any sub-division of such land have been acquired under any law prior to the commencement of this Act, no discoverers' or owners' claims shall be granted in respect of any other sub-division of that land, and the State President may proclaim such sub-division or any portion thereof under Chapter IV as if the sub-division had not been effected.

CHAPTER III.

PROSPECTING AND DIGGING AGREEMENTS, AND MINING LEASES IN RESPECT OF THE SEA AND CERTAIN STATE LAND.

Prospecting and digging agreements.

20. (1) The Minister may, subject to the provisions of this section, enter into an agreement with any person mentioned in sub-section (2) for the prospecting of alienated State land or private land or any portion thereof or any such land or portion thereof together with such State land which is contiguous thereto as the Minister may determine, and the winning of any precious stones which may be found on such land in alluvial.

(2) The persons with whom any such agreement may be entered into shall be—

(*a*) the owner of such alienated State land;

(*b*) the holder of the right to precious stones in respect of such private land; or

(*c*) any other person who proves to the satisfaction of the Minister either—

(i) that he has acquired from the owner of such alienated State land or the holder of the right to precious stones in respect of such private land the exclusive right of prospecting on the land in question, together with the right to acquire any rights to which such owner or holder would but for this section become entitled under paragraph (*a*) of sub-section (1) of section *seventeen* on the discovery of precious stones in alluvial on the land; or

(ii) that any such owner or holder has given him permission to enter into such agreement with the Minister.

(3) So 'n ooreenkoms is onderworpe aan die bedinge en voorwaardes wat die Minister goedvind, en—

(*a*) moet voorsiening maak vir betaling deur die persoon met wie dit aangegaan word—

(i) aan die Staat, van die tantième, winsaandeel of ander vergoeding waarop daardie persoon en die Minister ooreenkom;

(ii) aan die eienaar van private grond, as hy nie die houer van die reg op edelgesteentes ten opsigte daarvan is nie, en aan enigiemand wat reg het op die gebruik van die oppervlakte van die grond of van Staatsgrond, en wat as gevolg van die uitoefening deur die persoon met wie die ooreenkoms aangegaan word van sy regte ingevolge die ooreenkoms of 'n doen of late wat daarmee in verband staan, skade aan die oppervlakte of verlies of skade aan gewasse of verbeterings op die grond ly, van vergoeding vir daardie skade of verlies;

(*b*) kan onder meer voorsiening maak vir betaling deur die persoon met wie dit aangegaan is aan die Minister, ten bate van die eienaar van die betrokke grond of van iemand wat reg het op die gebruik van die oppervlakte van die grond, van die oppervlakhuur deur die Minister bepaal na oorweging van skriftelike vertoë deur daardie eienaar of die persoon wat bedoelde reg het.

(4) Indien so 'n ooreenkoms ten opsigte van vervreemde Staatsgrond aangegaan word, het die eienaar van bedoelde grond of sy regsopvolgers ondanks andersluidende wetsbepalings geen vorderingsreg teen die Staat vir enige verlies of skade in sub-artikel (4) van artikel *vyf* bedoel nie.

(5) Die Minister oefen 'n bevoegdheid aan hom by sub-paragraaf (i) van paragraaf (*a*) of paragraaf (*b*) van sub-artikel (3) verleen, nie uit nie, behalwe na oorlegpleging met die raad.

(6) So 'n ooreenkoms kan met instemming van die partye daarby en (in die geval van 'n ooreenkoms aangegaan met iemand in paragraaf (*c*) van sub-artikel (2) bedoel) van 'n eienaar van vervreemde Staatsgrond of houer van die reg op edelgesteentes ten opsigte van private grond wie se regte geraak word, van tyd tot tyd gewysig word: Met dien verstande dat geen wysiging met betrekking tot 'n aangeleentheid in sub-paragraaf (i) van paragraaf (*a*) of paragraaf (*b*) van sub-artikel (3) genoem, enige regskrag of uitwerking het nie tensy dit na oorlegpleging met die raad geskied.

(7) Geen regte ingevolge paragraaf (*a*) van sub-artikel (1) van artikel *dertien* of paragraaf (*a*) van sub-artikel (1) van artikel *sewentien* val aan enigiemand toe in verband met die ontdekking van edelgesteentes in alluviale grond gedurende prospekteerwerksaamhede wat ingevolge so 'n ooreenkoms verrig is nie.

(8) Iemand met wie so 'n ooreenkoms aangegaan is, kan, behoudens die bepalings van hierdie artikel, volgens voorskrif van dié ooreenkoms prospekteer of delf.

(9) (*a*) So 'n ooreenkoms kan bepaal dat die grond wat die onderwerp van die ooreenkoms is, of enige gedeelte van daardie grond, op die Minister se aanbeveling tot 'n alluviale delwery ingevolge hierdie Wet geproklameer kan word, en by so 'n proklamering verval die ooreenkoms vanaf die datum van publikasie van die proklamasie.

(*b*) Niemand is terwyl sodanige grond of gedeelte aldus geproklameer bly, op enige in sub-artikel (7) bedoelde regte ten opsigte daarvan geregtig nie.

(10) (*a*) Elke houer van 'n kleim op 'n alluviale delwery wat geproklameer is op vervreemde Staatsgrond of private grond waaroor so 'n ooreenkoms onmiddellik voor sodanige proklamasie gehou was, moet aan die eienaar van die grond waarop daardie kleim geleë is tien persent betaal van die bruto bedrag verkry ten opsigte van die verkoop van alle edelgesteentes in die loop van delfwerksaamhede op die kleim gewin, en betaling daarvan moet binne sewe dae vanaf die datum van elke verkoping geskied.

(*b*) Iemand wat die bepalings van hierdie sub-artikel oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand of gevangenisstraf vir 'n tydperk van hoogstens ses maande, of met daardie boete sowel as daardie gevangenisstraf, en sy delwersertifikaat kan gekanselleer word deur die hof wat hom skuldig bevind of (indien nie deur bedoelde hof gekanselleer nie) deur die mynkommissaris.

(3) Any such agreement shall be subject to such terms and conditions as the Minister may deem fit, and—

(*a*) shall provide for the payment by the person with whom it is entered into—

(i) to the State, of such royalty, share of profits or other consideration as may be agreed upon between such person and the Minister;

(ii) to the owner of private land, if he is not the holder of the right to precious stones in respect thereof, and to any person entitled to use the surface of such land or of any State land, who suffers any surface damage or any loss of or damage to crops or improvements on the land caused by the exercise by the person with whom the agreement is entered into of his rights under the agreement or by any act or omission incidental thereto, of compensation for such damage or loss;

(*b*) may provide *inter alia* for the payment by the person with whom it is entered into to the Minister, for the benefit of the owner of the land in question or of any person entitled to use the surface of such land, of such surface rent as the Minister may determine after considering any representations in writing by such owner or person so entitled.

(4) If any such agreement is entered into in respect of alienated State land, the owner of such land or his successors in title shall notwithstanding anything in any law contained, have no claim for compensation against the Government for any loss or damage contemplated in sub-section (4) of section *five*.

(5) The Minister shall not exercise any power conferred upon him by sub-paragraph (i) of paragraph (*a*), or paragraph (*b*) of sub-section (3) except after consultation with the board.

(6) Any such agreement may with the concurrence of the parties thereto and (in the case of an agreement entered into with any person mentioned in paragraph (*c*) of sub-section (2)) of any owner of alienated State land or holder of the right to precious stones in respect of private land whose rights are affected, be amended from time to time: Provided that no amendment in relation to any matter referred to in sub-paragraph (i) of paragraph (*a*) or paragraph (*b*) of sub-section (3) shall be of any force or effect unless it is made after consultation with the board.

(7) No rights under paragraph (*a*) of sub-section (1) of section *thirteen* or paragraph (*a*) of sub-section (1) of section *seventeen* shall accrue to any person in connection with the discovery of precious stones in alluvial in the course of prospecting operations carried out in terms of any such agreement.

(8) Any person with whom any such agreement has been entered into may, subject to the provisions of this section, carry on any prospecting or digging operations as provided in such agreement.

(9) (*a*) Any such agreement may provide that the land which is the subject of the agreement, or any portion of such land, may on the recommendation of the Minister be proclaimed an alluvial digging under this Act, and in the event of such proclamation the agreement shall terminate as from the date of publication of the proclamation.

(*b*) No person shall be entitled to any such rights as are mentioned in sub-section (7) in respect of such land or portion while it remains so proclaimed.

(10) (*a*) Every holder of a claim on an alluvial digging proclaimed on alienated State land or private land over which any such agreement was held immediately prior to such proclamation shall pay to the owner of the land on which such claim is situate ten per cent of the gross amount realized in respect of the sale of all precious stones recovered in the course of digging operations on the claim, such payment to be made within seven days of the date of each sale.

(*b*) Any person who contravenes the provisions of this sub-section shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand or imprisonment for a period not exceeding six months, or to both such fine and such imprisonment, and his digger's certificate may be cancelled by the court convicting him or (if not cancelled by such court) by the mining commissioner.

(11) Indien edelgesteentes in 'n myn ontdek word in die loop van prospekteer- of delfwerksaamhede wat uit hoofde van so 'n ooreenkoms voortgesit word, is die bepalings van hierdie Wet *mutatis mutandis* van toepassing asof daardie ontdekking geskied het in die loop van prospekteerwerksaamhede ingevolge Hoofstuk I van hierdie Wet verrig.

(12) 'n Ooreenkoms wat kragtens hierdie artikel aangegaan is, word nie by die toepassing van paragraaf (*b*) van artikel *vyftien* van die Inkomstebelastingwet, 1962 (Wet No. 58 van 1962), 'n mynhuurkontrak geag nie.

(13) (*a*) So 'n ooreenkoms is onderworpe aan die oorlegging aan die mynkommissaris van die titelbewys van die vervreemde Staatsgrond of private grond ten opsigte waarvan die ooreenkoms aangegaan word.

(*b*) Die mynkommissaris moet die registrateur van aktes vir die gebied waarin die grond geleë is van so 'n ooreenkoms in kennis stel, en moet daardie titelbewys oorlê aan bedoelde registrateur, wat daarop en op elke afskrif daarvan of ander ter sake dienende dokument wat in sy registrasiekantoor van aktes bewaar word, moet endosseer dat die grond die onderwerp van die ooreenkoms is en die nodige inskrywings in sy registers in verband daarmee moet doen.

(14) Die bepalings van hierdie artikel is *mutatis mutandis* van toepassing in verband met grond ten opsigte waarvan die reg op edelgesteentes deur die Staat en enige persoon in onverdeelde aandele gehou word, asof daardie grond private grond is ten opsigte waarvan die reg op edelgesteentes deur bedoelde persoon gehou word.

Mynhure oor gedeeltes van die see en sekere Staatsgrond.

21. (1) Wanneer edelgesteentes ontdek word in enige deel van die see of in alluviale grond op Staatsgrond wat geleë is in 'n gebied waarin delwery deur individuele delwers volgens die Minister se oordeel nie doenlik is nie, kan die Minister, indien hy oortuig is dat dié edelgesteentes in lonende hoeveelhede voorkom in die plek waar die ontdekking gedoen is, en behoudens die regte van die ontdekker, 'n mynhuur met die houer van die betrokke prospekteerhuur of iemand anders aangaan vir die win van edelgesteentes uit die betrokke deel van die see of die betrokke grond of enige gedeelte daarvan.

(2) Die bepalings van sub-artikels (3), (5), (6), (8), (11) en (13) van artikel *twintig* is *mutatis mutandis* van toepassing in verband met so 'n mynhuur.

HOOFSTUK IV.

PROKLAMERING VAN ALLUVIALE DELWERYE, EN VOORBEHOUDE TEN GUNSTE VAN EIENAARS OF HUURDERS VAN GROND.

Toets van beweerde ontdekkings.

22. (1) Die Minister kan te eniger tyd nadat 'n ontdekking van edelgesteentes gedoen is, die stappe doen wat hy goedvind ten einde deur middel van 'n toets of andersins die grootte van die gebied vas te stel waar bedoelde edelgesteentes voorkom en te bepaal of bedoelde edelgesteentes in lonende hoeveelhede in daardie gebied aanwesig is, en kan die prospekteerder wat die ontdekking gedoen het, aansê om sy toerusting vir dié doel tot die Minister se beskikking te stel en die inligting wat die Minister verlang met betrekking tot die ontdekking te verstrek.

(2) Die koste verbonde aan 'n ondersoek deur die Minister kragtens hierdie artikel word bestry uit gelde wat die Parlement vir die doel bewillig het.

(3) 'n Prospekteerder wat versuim om aan enige van die Minister se vereistes kragtens hierdie artikel te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand.

Proklamering van alluviale delwery.

23. (1) Wanneer die Staatspresident oortuig is dat daar redelike gronde bestaan om aan te neem dat edelgesteentes in alluviale grond in lonende hoeveelhede op Staatsgrond of vervreemde Staatsgrond of op private grond bedoel in sub-artikel (2) van artikel *dertien* aanwesig is, kan hy na goeddunke bedoelde grond of enige gedeelte daarvan wat na sy oordeel sal blyk edelgesteentes te bevat of vir die doeleindes verbonde aan die win van dié edelgesteentes nodig sal wees, laat afbaken, en kan hy daarna by proklamasie in die *Staatskoerant* die aldus afgebakende gebied tot 'n alluviale delwery proklameer: Met dien verstande dat geen grond aldus geproklameer word nie solank enige ondekkersertifikaat of eienaarsertifikaat waarop iemand kragtens hierdie Wet ten opsigte van die grond geregtig is, nog nie uitgereik is nie.

(11) In the event of the discovery of precious stones in a mine in the course of prospecting or digging operations carried on in pursuance of any such agreement, the provisions of this Act shall *mutatis mutandis* apply as if such discovery had been made in the course of prospecting operations carried out under Chapter I of this Act.

(12) An agreement entered into under this section shall not be deemed to be a mining lease for the purposes of paragraph (*b*) of section *fifteen* of the Income Tax Act, 1962 (Act No. 58 of 1962).

(13) (*a*) Any such agreement shall be subject to the production to the mining commissioner of the title deed of the alienated State land or private land in respect of which the agreement is entered into.

(*b*) The mining commissioner shall inform the registrar of deeds for the area in which the land is situated of any such agreement and shall produce such title deed to that registrar who shall endorse thereon and on any copy thereof or other relevant document filed in his deeds registry the fact that the land is the subject of the agreement and shall make the necessary entries in his registers in connection therewith.

(14) The provisions of this section shall *mutatis mutandis* apply in connection with land in respect of which the right to precious stones is held by the State and any person in undivided shares as if such land were private land in respect of which the right to precious stones is held by such person.

Mining leases over portions of the sea and certain State land.

21. (1) Whenever precious stones are discovered in any part of the sea or in alluvial on State land situated in an area in which in the opinion of the Minister digging by individual diggers is not feasible, the Minister may, if he is satisfied that such precious stones occur in payable quantities in the place where the discovery was made, and subject to the rights of the discoverer, enter into a mining lease with the holder of the prospecting lease in question or any other person for the winning of precious stones from the part of the sea or the land in question or any portion thereof.

(2) The provisions of sub-sections (3), (5), (6), (8), (11) and (13) of section *twenty* shall *mutatis mutandis* apply in connection with any such mining lease.

CHAPTER IV.

PROCLAMATION OF ALLUVIAL DIGGINGS AND RESERVATIONS IN FAVOUR OF OWNERS OR LESSEES OF LAND.

Testing of alleged discoveries.

22. (1) The Minister may, at any time after a discovery of precious stones has been made, take such steps as he may deem fit for the purpose of testing or otherwise ascertaining the extent of the area in which such precious stones occur and whether such precious stones exist in that area in payable quantities, and may call upon the prospector who made the discovery to place his plant at the disposal of the Minister for this purpose and to furnish such information relating to the discovery as the Minister may require.

(2) The cost of an investigation by the Minister under this section shall be defrayed out of moneys appropriated by Parliament for the purpose.

(3) Any prospector who fails to comply with any requirements of the Minister under this section shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand.

Proclamation of alluvial digging.

23. (1) Whenever the State President is satisfied that there are reasonable grounds for believing that precious stones in alluvial exist in payable quantities on any State land or alienated State land or on any such private land as is referred to in sub-section (2) of section *thirteen*, he may in his discretion cause such land or any portion thereof which in his opinion will be found to contain precious stones or will be needed for purposes incidental to the winning of such precious stones, to be beaconed off, and may thereafter by proclamation in the *Gazette* proclaim the area so beaconed off an alluvial digging: Provided that no land shall be so proclaimed so long as any discoverer's certificate or owner's certificate to which any person may be entitled under this Act in respect of the land has not been issued.

(2) Geen sodanige private grond waarop die houer van die reg op edelgesteentes nie geprospekteer het of prospektering toegelaat het nie, of ten opsigte waarvan hy nie andersins toegestem het dat dit soos voormeld geproklameer word nie, word ingevolge hierdie artikel geproklameer nie.

(3) Indien grond wat kragtens hierdie artikel tot 'n alluviale delwery geproklameer is vir die afpenning van kleims oop verklaar word, moet die datum en uur waarop dit vir sodanige afpenning oop is in die proklamasie vermeld word.

(4) Die mynkommissaris laat 'n sketskaart opstel van enige stuk grond wat kragtens hierdie artikel geproklameer staan te word, en bedoelde sketskaart moet in sy kantoor en in die Mynbriewekantoor bewaar word en vir insae deur die publiek beskikbaar wees.

Voorbehoude aan die eienaar van grond.

24. (1) Voordat grond kragtens artikel *drie-en-twintig* tot 'n alluviale delwery geproklameer word, word daar vir die vrye en ongestoorde gebruik van die eienaar van die betrokke grond uitgehou—

(*a*) enige woning op die grond en sy omliggende werf;

(*b*) alle geboue wat voordelig gebruik kan word, begraafplase, voerkuile, dorsterreine, dipbakke, opgaardamme, watertrôe en krale wat buite enige sodanige woning en sy omliggende werf geleë is;

(*c*) alle gedeeltes van die grond wat onmiddellik voor die datum van die in sub-artikel (2) van hierdie artikel bedoelde kennisgewing onder *bona fide*-verbouing was; en

(*d*) alle fonteine, putte, boorgate en damme op die grond.

(2) Die mynkommissaris moet aan bedoelde eienaar skriftelik kennis gee van die voorneme om die grond aldus te proklameer, en by ontvangs van bedoelde kennisgewing moet die eienaar onverwyld aan die mynkommissaris 'n sketskaart voorlê waarop alle gedeeltes van die grond duidelik aangetoon word ten opsigte waarvan hy verlang dat dit kragtens sub-artikel (1) van hierdie artikel uitgehou word.

(3) Die mynkommissaris moet, onderworpe aan 'n reg van appèl na die Minister, wie se beslissing afdoende is, bepaal watter gedeeltes van die grond aldus uitgehou moet word, hetsy 'n sketskaart aldus voorgelê is al dan nie, en daardie gedeeltes moet voordat die betrokke proklamasie uitgereik word, deur die eienaar afgebaken word.

Deproklamering van alluviale delwery.

25. (1) Die Staatspresident kan by proklamasie in die *Staatskoerant* enige alluviale delwery, of 'n gedeelte daarvan, deproklameer indien dit vir die Minister blyk dat edelgesteentes nie in lonende hoeveelhede daarop gevind word nie of indien daar volgens die Minister se oordeel ander gronde bestaan waarom dit raadsaam of wenslik is om dié delwery of gedeelte daarvan te deproklameer.

(2) Die Staatspresident kan in 'n proklamasie waarby grond as 'n alluviale delwery gedeproklameer word, die voorsiening maak wat vir hom wenslik blyk—

(*a*) vir die beskerming van enige openbare geboue of plekke van aanbidding wat wettiglik op die grond opgerig is; en

(*b*) vir die ander redelike doeleindes wat vir hom nodig blyk om voorsiening te maak vir omstandighede wat uit die deproklamering van die grond ontstaan.

(3) By die deproklamering van 'n alluviale delwery, word kleims wat ten tyde van die deproklamering daarop bestaan, nie deur die deproklamering geraak nie: Met dien verstande dat wanneer sodanige kleims ooreenkomstig die bepalings van hierdie Wet verval, die grond waaruit die kleims bestaan, geag word gedeproklameer te wees.

Proklamering van grond moet in aktekantoor aangetoon word.

26. Wanneer grond ingevolge artikel *drie-en-twintig* geproklameer of ingevolge artikel *vyf-en-twintig* gedeproklameer word, moet die mynkommissaris daarvan kennis gee aan die betrokke registrateur van aktes wat—

(*a*) die inskrywings op die betrokke titelbewyse en in die toepaslike registers moet maak wat nodig is om duidelik aan te toon dat die grond geproklameer of gedeproklameer is, na gelang van die geval; en

(*b*) in die geval van die deproklamering van grond, kennis moet neem van enige voorsiening ooreenkomstig sub-artikel (2) van artikel *vyf-en-twintig* gemaak.

(2) No such private land on which the holder of the right to precious stones has not prospected or allowed prospecting to take place or to the proclamation of which, as aforesaid, he has not otherwise consented, shall be proclaimed under this section.

(3) If land proclaimed an alluvial digging under this section is declared open to the pegging of claims, the date and hour at which it shall be open to such pegging shall be stated in the proclamation.

(4) The mining commissioner shall cause a sketch plan to be prepared of any area of land to be proclaimed under this section and such plan shall be filed in his office and in the Mining Titles Office and shall be open to inspection by the public.

Reservations to owner of land.

24. (1) Before any land is proclaimed an alluvial digging under section *twenty-three* there shall be reserved for the free and undisturbed use of the owner of the land in question—

(*a*) any homestead on the land and its curtilage;

(*b*) all buildings capable of beneficial use, cemeteries, silos, threshing sites, dipping-tanks, reservoirs, watering troughs and kraals situated outside any such homestead and its curtilage;

(*c*) all portions of the land which were under *bona fide* cultivation immediately prior to the date of the notice referred to in sub-section (2) of this section; and

(*d*) all springs, wells, boreholes and dams on the land.

(2) The mining commissioner shall give notice in writing to such owner of the intention so to proclaim the land, and upon receipt of such notice the owner shall forthwith submit to the mining commissioner a sketch plan showing clearly all portions of the land which he desires to have reserved in terms of sub-section (1) of this section.

(3) The mining commissioner shall, subject to a right of appeal to the Minister whose decision shall be final, determine which portions of the land shall be so reserved, whether or not any sketch plan has been so submitted, and such portions shall prior to the issue of the relevant proclamation be beaconed off by the owner.

Deproclamation of alluvial digging.

25. (1) The State President may by proclamation in the *Gazette* deproclaim any alluvial digging, or any part thereof, if it appears to the Minister that precious stones are not being found thereon in payable quantities or if there are other grounds which in the opinion of the Minister render it expedient or desirable that such digging or part thereof be deproclaimed.

(2) In any proclamation whereby land is deproclaimed as an alluvial digging the State President may make such provision as may appear to him to be desirable—

(*a*) for the protection of any public buildings or places of worship lawfully erected on the land; and

(*b*) for such other reasonable purposes as may appear to him to be necessary to meet the circumstances arising from the deproclamation of the land.

(3) On the deproclamation of an alluvial digging, claims existing thereon at the time of deproclamation shall not be affected by such deproclamations Provided that when such claims lapse in accordance with the provisions of this Act the land comprising the claims shall be deemed to be deproclaimed.

Proclamation of land to be reflected in deeds registry.

26. Whenever any land is proclaimed under section *twenty-three* or is deproclaimed under section *twenty-five* the mining commissioner shall notify the registrar of deeds concerned who shall—

(*a*) make such entries on the title deeds in question and in the appropriate registers as may be necessary adequately to reflect that the land is proclaimed or has been deproclaimed, as the case may be; and

(*b*) in the case of deproclamation of land, take cognizance of any provisions made in accordance with sub-section (2) of section *twenty-five*.

HOOFSTUK V.

DELWERSERTIFIKATE EN WOON- EN WERKPERMITTE.

Uitreiking en hernuwing van delwersertifikate.

27. (1) 'n Natuurlike persoon wat 'n delwersertifikaat wil bekom ten einde hom in staat te stel om na edelgesteentes te prospekteer of op 'n alluviale delwery of kleims te delf, kan daarom aansoek doen by die mynkommissaris van die gebied waarin hy wil prospekteer of delf.

(2) Die mynkommissaris moet by ontvangs van 'n aansoek om 'n delwersertifikaat, 'n kennisgewing van die aansoek wat die naam en 'n beskrywing van die aanseker bevat op 'n ooglopende plek by die mynkommissaris se kantoor laat aanplak en moet dit vir 'n tydperk van minstens sewe dae aldus aangeplak hou.

(3) Voordat 'n aansoek om 'n delwersertifikaat toegestaan word, moet die mynkommissaris—

(*a*) die hoof van die diamantafdeling raadpleeg;

(*b*) homself oortuig dat die aansoeker van goeie karakter is en 'n geskikte persoon is om so 'n sertifikaat te hou en geregistreer is of geregtig is om geregistreer te word as 'n kieser by 'n verkiesing van lede van die Volksraad; en

(*c*) behalwe waar die sertifikaat uitgereik staan te word met die uitsluitlike doel om die houer daarvan in staat te stel om na edelgesteentes te prospekteer, die Minister se toestemming tot die uitreiking van die sertifikaat verkry.

(4) 'n Delwersertifikaat wat uitgereik is met die uitsluitlike doel om die houer daarvan in staat te stel om na edelgesteentes te prospekteer, verleen nie aan daardie houer die reg om 'n kleimlisensie te verkry of om kleims by oordrag te bekom of om op 'n alluviale delwery behalwe op ontdekkerskleims wat deur bedoelde houer gehou word ingevolge 'n sertifikaat wat kragtens artikel *dertien* aan hom as ontdekker uitgereik is, te delf of te werk nie, of om op 'n alluviale delwery te woon nie, behalwe met die doel om sy ontdekkerskleims te ontgin.

(5) 'n Delwersertifikaat moet in die toepaslike by regulasie voorgeskrewe vorm wees, moet vir 'n tydperk van twaalf maande uitgereik word en is geldig slegs in die provinsie waar dit uitgereik is, en die bedrag vir die uitreiking van so 'n sertifikaat betaalbaar, is vyftig sent wat deur middel van 'n inkomsteseël betaal moet word.

(6) Die houer van 'n delwersertifikaat kan jaarliks op aansoek by 'n mynkommissaris in die provinsie waarin die sertifikaat uitgereik is, en by betaling van die bedrag in sub-artikel (5) vermeld, 'n hernuwing van daardie sertifikaat verkry: Met dien verstande dat so 'n hernuwing nie toegestaan word nie tensy aansoek daarom gedoen en bedoelde bedrag betaal word, nie later as dertig dae na die verstrykingsdatum van die sertifikaat nie.

(7) Iemand wat in 'n aansoek om 'n delwersertifikaat 'n valse verklaring doen, met die wete dat dit vals is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die straf we by wet vir meineed voorgeskryf, en iemand wat die bepalings van hierdie artikel op enige ander wyse oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand.

(8) Die houer van die reg op edelgesteentes ten opsigte van private grond of die eienaar van vervreemde Staatsgrond hoef nie 'n delwersertifikaat te hê terwyl hy sy eienaars- of ontdekkerskleims op die grond ontgin nie.

Weiering of intrekking van delwersertifikate.

28. (1) 'n Delwersertifikaat kan deur die mynkommissaris geweier of ingetrek word indien hy oortuig is dat die aansoeker om of houer van so 'n sertifikaat—

(*a*) onwettig in diamante handel dryf of gedryf het;

(*b*) 'n wet op die besit of van die hand sit van diamante oortree het;

(*c*) onwettige drankhandel dryf of gedryf het;

(*d*) met ongewenste of verdagte persone omgaan;

(*e*) sonder die magtiging van die mynkommissaris 'n Bantoelokasie of -kampong op 'n alluviale delwery besoek het;

(*f*) weens 'n misdaad skuldig bevind en tot 'n tydperk van gevangenisstraf sonder die keuse van 'n boete of tot 'n boete van honderd rand of meer gevonnis is;

(*g*) nie in staat is om self die registers te hou wat hy ingevolge Hoofstuk IX van hierdie Wet moet hou nie; of

CHAPTER V.

DIGGERS' CERTIFICATES AND RESIDENTIAL AND WORK PERMITS.

Issue and renewal of diggers' certificates.

27. (1) Any natural person who desires to obtain a digger's certificate to enable him to prospect for precious stones or to dig on an alluvial digging or claims may apply therefor to the mining commissioner for the area in which he desires to prospect or dig.

(2) The mining commissioner shall upon receipt of an application for a digger's certificate, cause a notice of the application, setting forth the name and description of the applicant to be posted up in a conspicuous place at the mining commissioner's office and shall keep it so posted up for a period of not less than seven days.

(3) Before granting an application for a digger's certificate the mining commissioner shall—

(*a*) consult the chief of the diamond branch;

(*b*) satisfy himself that the applicant is of good character, is a fit and proper person to hold such certificate and is enrolled or entitled to be enrolled as a voter at an election of members of the House of Assembly; and

(*c*) except where the certificate is to be issued solely for the purpose of enabling the holder thereof to prospect for precious stones, obtain the consent of the Minister to the issue of the certificate.

(4) A digger's certificate issued solely for the purpose of enabling the holder thereof to prospect for precious stones, shall not entitle such holder to obtain a claim licence or to acquire any claims by transfer or to dig or work on an alluvial digging except on discoverers' claims held by such holder under a certificate issued to him as discoverer in terms of section *thirteen* or to reside on an alluvial digging except for the purpose of working his discoverer's claims.

(5) A digger's certificate shall be in the appropriate form prescribed by regulation, shall be issued for a period of twelve months and shall be valid only in the province of issue, and the fee for the issue of such certificate shall be fifty cents payable by means of a revenue stamp.

(6) The holder of a digger's certificate may annually obtain a renewal of the certificate upon application to any mining commissioner in the province in which the certificate was issued and payment of the fee mentioned in sub-section (5): Provided that such renewal shall not be granted unless application therefor is made and the said fee is paid not later than thirty days after the date of expiry of the certificate.

(7) Any person who in an application for a digger's certificate makes a false statement knowing the same to be false shall be guilty of an offence and liable on conviction to the penalties prescribed by law for the crime of perjury, and any person who in any other manner contravenes the provisions of this section shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand.

(8) The holder of the right to precious stones in respect of private land or the owner of alienated State land while working his owner's or discoverer's claims on the land shall not be required to hold a digger's certificate.

Refusal or cancellation of diggers' certificates.

28. (1) A digger's certificate may be refused or cancelled by a mining commissioner if he is satisfied that the applicant for or holder of such certificate—

(*a*) is or has been engaged in illicit trade in diamonds;

(*b*) has contravened any law relating to the possession or disposal of diamonds;

(*c*) is or has been engaged in illicit liquor trade;

(*d*) associates with undesirable or suspected persons;

(*e*) has visited a Bantu location or compound on any alluvial digging without the authority of the mining commissioner;

(*f*) has been convicted of any criminal offence and sentenced to any term of imprisonment without the option of a fine or to a fine of or exceeding one hundred rand;

(*g*) is unable personally to keep the registers which he is required to keep under Chapter IX of this Act; or

(*h*) enigiets gedoen of nagelaat het tot nadeel van die goeie orde en sedelikheid in die diamantontginningsnywerheid,

of om 'n ander rede wat volgens die mynkommissaris se oordeel die aansoeker om of die houer van 'n delwersertifikaat ongeskik maak om die beroep van 'n prospekteerder na of delwer vir edelgesteentes te beoefen.

(2) Wanneer 'n aansoek om 'n delwersertifikaat deur die mynkommissaris onder die in sub-artikel (1) vermelde omstandighede geweier word, of wanneer 'n delwersertifikaat deur die mynkommissaris ingetrek word, moet hy die aansoeker om of houer van die sertifikaat skriftelik van daardie weiering of intrekking in kennis stel en 'n afskrif van bedoelde kennisgewing deurstuur aan die hoof van die diamantafdeling en aan elke mynkommissaris in wie se ampsgebied alluviale delwerye geleë is.

(3) In die geval van die intrekking van 'n delwersertifikaat moet die kennisgewing ingevolge sub-artikel (2) die datum vermeld (wat nie minder as een maand na die bestelling van die kennisgewing moet wees nie) waarop bedoelde intrekking van krag word.

(4) Behalwe met goedkeuring van die Minister, word 'n delwersertifikaat vir prospekteerdoeleindes nie deur die mynkommissaris uitgereik aan iemand aan wie 'n delwersertifikaat in die in sub-artikel (1) vermelde omstandighede geweier is of wie se delwersertifikaat ingetrek is nie.

Appèl teen weiering of intrekking van delwersertifikaat, en aangeleenthede wat daarmee in verband staan.

29. (1) 'n Aansoeker om of houer van 'n delwersertifikaat op wie 'n kennisgewing ingevolge sub-artikel (2) van artikel *agt-en-twintig* bestel is, en wat ontevrede is met die mynkommissaris se besluit om sy aansoek om 'n delwersertifikaat te weier of om sy delwersertifikaat in te trek, kan binne een-en-twintig dae vanaf die datum van ontvangs van bedoelde kennisgewing appèl aanteken by die Minister, wat daardie besluit na goeddunke kan bekragtig, ter syde stel of wysig en wie se beslissing afdoende is.

(2) Indien in die geval van die intrekking van 'n delwersertifikaat die houer van daardie sertifikaat nie aldus appèl aanteken nie, of 'n aldus aangetekende appèl van die hand gewys word, word sy naam op die datum waarop die intrekking van sy delwersertifikaat van krag word of by die beslissing van die appèl, watter ook al die laaste is, uit die register van houers van delwersertifikate verwyder, en verval *ipso facto* enige prospekteerpermit of kleimlisensie deur hom gehou en word dit nie hernieu nie, en, indien hy die houer van 'n ontdekkersertifikaat is, is hy nie geregtig om die kleims wat kragtens daardie sertifikaat gehou word, te ontgin nie: Met dien verstande dat bedoelde houer, behoudens die bepalings van artikel *nege-en-dertig*, te eniger tyd voor die datum waarop die intrekking van die delwersertifikaat van krag word of, ingeval appèl aangeteken is, nie later nie as sewe dae na die beslissing waarby die appèl van die hand gewys word, sy regte in enige kleim ingevolge 'n kleimlisensie deur hom gehou, kan verkoop of van die hand sit.

Beperkings betreffende persone wat op alluviale delwerye mag werk of woon, en uitreiking van woon- en werkpermitte.

30. (1) Niemand wat nie in besit van 'n delwersertifikaat of woon- en werkpermit is, mag op 'n alluviale delwery of kleim werk of woon nie: Met dien verstande dat die bepalings van hierdie sub-artikel nie van toepassing is nie—

(*a*) ten opsigte van die eggenote (met inbegrip, in die geval van 'n Bantoe, van 'n vrouspersoon wat permanent as sy eggenote saam met hom woon) of 'n afhanklike nie bo die ouderdom van agtien jaar nie, van die houer van 'n delwersertifikaat of woon- en werkpermit wat by hom inwoon; of

(*b*) op enige persoon, of enige van sy afhanklikes wat by hom inwoon, ten opsigte van grond waarvan so 'n persoon die eienaar of huurder is.

(2) 'n Woon- en werkpermit kan op aansoek uitgereik word, in die geval van 'n blanke of 'n kleurling, deur die mynkommissaris, of, in die geval van 'n Bantoe, deur die Bantoesakekommissaris, wat regsbevoegdheid het in die gebied waarin die alluviale delwery of kleim geleë is waarop die aansoeker voornemens is om te werk of te woon.

(3) Voordat 'n woon- en werkpermit uitgereik word, moet die mynkommissaris of die Bantoesakekommissaris, na gelang van die geval, homself daarvan oortuig dat die aansoeker om so 'n permit van goeie karakter is en dat dit sy opregte voorneme is om te werk of dat dit vir hom nodig is om op die betrokke alluviale delwery of kleim te woon, en, indien die aansoeker 'n blanke of 'n kleurling is, moet die mynkommissaris die hoof van die diamantafdeling raadpleeg.

(4) Iemand wat die bepalings van hierdie artikel oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand.

(*h*) has done or omitted anything to the prejudice of good order and morality in the diamond digging industry,

or for any other reason which in the opinion of the mining commissioner unfits the applicant for or the holder of a digger's certificate to carry on the occupation of prospecting or digging for precious stones.

(2) Whenever an application for a digger's certificate is refused by the mining commissioner in the circumstances mentioned in sub-section (1), or whenever a digger's certificate is cancelled by the mining commissioner, he shall in writing give notice to the applicant for or the holder of such certificate of such refusal or cancellation and shall transmit a copy of such notice to the chief of the diamond branch and to every mining commissioner in whose area of jurisdiction alluvial diggings are situated.

(3) In the case of the cancellation of a digger's certificate the notice under sub-section (2) shall specify the date (which shall be not less than one month after the service of the notice) on which such cancellation shall take effect.

(4) No digger's certificate for prospecting purposes shall, except with the approval of the Minister, be issued by the mining commissioner to any person who has been refused a digger's certificate in the circumstances mentioned in sub-section (1) or whose digger's certificate has been cancelled.

Appeal against refusal or cancellation of digger's certificate, and matters incidental thereto.

29. (1) An applicant for or holder of a digger's certificate on whom a notice under sub-section (2) of section *twenty-eight* has been served, and who is dissatisfied with the decision of the mining commissioner to refuse his application for a digger's certificate or to cancel his digger's certificate, may within twenty-one days of the date of receipt of such notice note an appeal to the Minister who may in his discretion confirm, reverse or vary such decision and whose decision shall be final.

(2) If in the case of the cancellation of a digger's certificate the holder of such certificate does not so note an appeal or any appeal so noted is dismissed, his name shall on the date on which the cancellation of his digger's certificate takes effect or upon the decision on appeal being given, whichever is the later, be removed from the register of holders of diggers' certificates and any prospecting permit or claim licence held by him shall *ipso facto* lapse and shall not be renewed, and, if he is the holder of a discoverer's certificate, he shall not be entitled to work the claims held under the said discoverer's certificate: Provided that at any time prior to the date on which the cancellation of the digger's certificate takes effect or, in the event of an appeal having been noted, not later than seven days after the date of the decision dismissing the appeal, such holder may, subject to the provisions of section *thirty-nine*, sell or dispose of his rights in any claim held by him under a claim licence.

Restrictions as to persons who may work or reside on alluvial diggings, and issue of residential and work permits.

30. (1) No person who is not in possession of a digger's certificate or residential and work permit shall work or reside on any alluvial digging or claim: Provided that the provisions of this sub-section shall not apply—

(*a*) in respect of the wife (including in the case of a Bantu any woman permanently residing with him as his wife) or any dependant not over the age of eighteen years of the holder of a digger's certificate or residential and work permit who resides with him; or

(*b*) to any person or any of his dependants residing with him in respect of land of which such person is the owner or lessee.

(2) A residential and work permit may upon application be issued, in the case of a white person or a coloured person, by the mining commissioner, or, in the case of a Bantu, by the Bantu affairs commissioner, having jurisdiction in the area in which the alluvial digging or claim on which the applicant proposes to work or reside is situated.

(3) Before issuing a residential and work permit the mining commissioner or the Bantu affairs commissioner, as the case may be, shall satisfy himself that the applicant for such permit is of good character and that he genuinely intends to work or that it is necessary for him to reside on the alluvial digging or claim in question, and, if the applicant is a white person or a coloured person, the mining commissioner shall consult the chief of the diamond branch.

(4) Any person who contravenes the provisions of this section shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand.

(5) Ondanks die bepalings van sub-artikel (1), kan die mynkommissaris, na oorlegpleging met die hoof van die diamantafdeling, skriftelike toestemming aan enigiemand verleen om op 'n alluviale delwery of kleim te werk of te woon vir 'n tydperk van hoogstens drie maande in die toestemming vermeld, en kan hy die toestemming te eniger tyd na goeddunke intrek.

Intrekking van woon- en werkpermitte.

31. (1) 'n Woon- en werkpermit kan na skriftelike kennisgewing van minstens een maand ingetrek word, in die geval van 'n blanke of 'n kleurling, deur die mynkommissaris of, in die geval van 'n Bantoe, deur die Bantoesakekommissaris—

(*a*) indien hy redelike gronde het om te glo dat die houer van bedoelde permit 'n ongewenste persoon is en nie 'n geskikte persoon is om op 'n alluviale delwery te werk of te woon nie; of

(*b*) indien hy oortuig is dat die permit slegs gehou word om die houer daarvan in staat te stel om op 'n alluviale delwery of kleim te woon en dat sy teenwoordigheid op daardie delwery of kleim ongewens is of dat hy nie meer op 'n alluviale delwery of kleims woon of werk nie.

(2) Wanneer 'n woon- en werkpermit onder die in paragraaf (*a*) van sub-artikel (1) bedoelde omstandighede ingetrek word, stel die mynkommissaris of die betrokke Bantoesakekommissaris die hoof van die diamantafdeling en elke mynkommissaris in wie se ampsgebied alluviale delwerye geleë is van daardie intrekking in kennis.

Appèl teen weiering of intrekking van 'n woon- en werkpermit.

32. Iemand wie se aansoek om 'n woon- en werkpermit geweier word, of wie se woon- en werkpermit onder die in paragraaf (*a*) van sub-artikel (1) van artikel *een-en-dertig* vermelde omstandighede ingetrek word, het die reg om appèl aan te teken by die Minister, wat die besluit van die mynkommissaris of Bantoesakekommissaris, na gelang van die geval, om sodanige permit te weier of in te trek, na goeddunke kan bekragtig, ter syde stel of wysig, en die Minister se beslissing is afdoende.

Sekere persone nie in verband met prospekteer- en delfwerk in diens geneem te word nie.

33. (1) Niemand wie se delwersertifikaat onder die in sub-artikel (1) van artikel *agt-en-twintig* vermelde omstandighede geweier of ingetrek is of wie se woon- en werkpermit onder die in paragraaf (*a*) van sub-artikel (1) van artikel *een-en-dertig* vermelde omstandighede ingetrek is, mag deur 'n houer van 'n prospekteerpermit, prospekteerhuur, kleimlisensie of ontdekker- of eienaarsertifikaat in diens geneem word om op die grond waar prospektering deur bedoelde houer verrig word of op sy kleims te werk nie.

(2) 'n Prospekteerder of kleimhouer wat so iemand in diens hou met die wete dat hy aan 'n onbevoegdheid ingevolge hierdie artikel onderhewig is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand.

Sekere persone verbied om op alluviale delwerye en sekere ander grond te werk of dit te besoek.

34. (1) Niemand wat in die Republiek of in 'n gebied wat aan die Republiek grens, aan 'n misdryf ingevolge 'n wet op die voorkoming van onwettige handel in of onwettige besit van edelgesteentes skuldig bevind is of wie se delwersertifikaat of diamanthandelaarslisensie ingetrek is of wie se woon- en werkpermit onder die in paragraaf (*a*) van sub-artikel (1) van artikel *een-en-dertig* vermelde omstandighede ingetrek is, mag te eniger tyd binne 'n tydperk van vyftien jaar na die datum van bedoelde skuldigbevinding of intrekking op 'n alluviale delwery of grond waarop na of vir edelgesteentes geprospekteer of gedelf word of in 'n myn werk of dit besoek nie, behalwe met skriftelike toestemming van die mynkommissaris wat slegs na oorlegpleging met die hoof van die diamantafdeling verleen word: Met dien verstande dat die bepalings van hierdie artikel nie so uitgelê word dat dit die regte van die eienaar of huurder van grond om op sy grond te woon of om daarop enige ander werk as prospekteer- of delfwerksaamhede te verrig, op enige wyse raak nie.

(2) Iemand wat 'n bepaling van hierdie artikel oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens twintig rand ten opsigte van elke dag waarop die oortreding voortduur.

(5) Notwithstanding the provisions of sub-section (1), the mining commissioner may, after consultation with the chief of the diamond branch, grant written permission to any person to work or reside on an alluvial digging or claim for such period, not exceeding three months, as may be stated in the permission, and may at any time in his discretion withdraw the permission.

Cancellation of residential and work permits.

31. (1) A residential and work permit may after written notice of not less than one month be cancelled, in the case of a white person or a coloured person, by the mining commissioner or, in the case of a Bantu, by the Bantu affairs commissioner—

(*a*) if he has reasonable grounds for believing that the holder of such permit is an undesirable person and not a fit and proper person to work or reside on an alluvial digging; or

(*b*) if he is satisfied that the permit is held merely to enable the holder thereof to reside on an alluvial digging or claim and that his presence on such digging or claim is undesirable or that he is no longer residing or working on an alluvial digging or claims.

(2) When a residential and work permit is cancelled in the circumstances mentioned in paragraph (*a*) of sub-section (1), the mining commissioner or the Bantu affairs commissioner concerned shall notify the chief of the diamond branch and every mining commissioner in whose area of jurisdiction alluvial diggings are situated of such cancellation.

Appeal against refusal or cancellation of a residential and work permit.

32. Any person whose application for a residential and work permit is refused, or whose residential and work permit is cancelled in the circumstances mentioned in paragraph (*a*) of sub-section (1) of section *thirty-one*, shall have a right of appeal to the Minister who may in his discretion confirm, reverse or vary the decision of the mining commissioner or Bantu affairs commissioner, as the case may be, to refuse or cancel such permit and the decision of the Minister shall be final.

Certain persons not to be employed on prospecting work and digging.

33. (1) No person whose digger's certificate has been refused or cancelled in the circumstances mentioned in sub-section (1) of section *twenty-eight* or whose residential and work permit has been cancelled in the circumstances mentioned in paragraph (*a*) of sub-section (1) of section *thirty-one* shall be employed by any holder of a prospecting permit, prospecting lease, claim licence or discoverer's or owner's certificate to work on the land where prospecting is being carried on by or on the claims of such holder.

(2) Any prospector or claimholder who employs such person with knowledge that he is subject to any disability under this section shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand.

Certain persons prohibited from residing or working on or visiting alluvial diggings and certain other land.

34. (1) No person who has been convicted in the Republic or in any territory adjacent to the Republic of an offence against any law for the prevention of illicit dealing in or illicit possession of precious stones or whose digger's certificate or diamond dealer's licence has been cancelled or whose residential and work permit has been cancelled in the circumstances mentioned in paragraph (*a*) of sub-section (1) of section *thirty-one*, shall at any time within a period of fifteen years after the date of such conviction or cancellation work upon or visit any alluvial digging or any land on which prospecting or digging for precious stones is taking place or any mine, except with the written permission of the mining commissioner which shall be granted only after consultation with the chief of the diamond branch: Provided that nothing in this section contained shall be construed as affecting in any way the rights of the owner or lessee of any land to reside on his land or to perform thereon any work not being prospecting or digging operations.

(2) Any person who contravenes any provision of this section shall be guilty of an offence and liable on conviction to a fine not exceeding twenty rand in respect of every day during which the contravention continues.

HOOFSTUK VI.

ONTGINNING VAN EDELGESTEENTES OP KLEIMS EN ALLUVIALE DELWERYE, EN AANGELEENTHEDE WAT DAARMEE IN VERBAND STAAN.

Uitreiking van kleimlisensies en aangeleenthede wat daarmee in verband staan.

35. (1) Behoudens die bepalings van hierdie artikel, kan elke houer van 'n gangbare delwersertifikaat (uitgesonderd 'n delwersertifikaat wat slegs prospektering dek) by betaling van lisensiegelde teen vyftig sent per kleim, van die mynkommissaris 'n kleimlisensie in die by regulasie voorgeskrewe vorm verkry wat vir een maand geldig is en wat aan die houer gedurende die geldigheid van dié lisensie die reg verleen om op die by regulasie voorgeskrewe wyse op enige gedeelte van die alluviale delwery op die lisensie vermeld wat vir afpenning oop is die getal kleims gemagtig deur die lisensie af te pen.

(2) Tensy anders bepaal in die proklamasie of kennisgewing waarby grond op 'n alluviale delwery vir afpenning oop verklaar word, is niemand tot na die verstryking van sewe dae vanaf die datum van wanneer af daardie grond vir afpenning oop verklaar word, geregtig om meer as een kleim op die grond af te pen nie.

(3) Niemand is geregtig om binne twee jaar vanaf die datum van wanneer af 'n alluviale delwery of gedeelte daarvan vir afpenning oop verklaar word, 'n kleimlisensie ten opsigte van daardie delwery of gedeelte te verkry nie, tensy hy bewys tot bevrediging van die mynkommissaris lewer—

(*a*) dat hy gedurende die twaalf maande onmiddellik voor bedoelde datum vir 'n totale tydperk van minstens drie maande persoonlik *bona fide*-delfwerksaamhede vir edelgesteentes in alluviale grond verrig het in die provinsie waarin daardie alluviale delwery of gedeelte daarvan geleë is; of

(*b*) dat hy van delwery of daarmee in verband staande werksaamhede afhanklik is vir 'n bestaan, maar dat hy om geldelike of ander redes wat die mynkommissaris aanneemlik vind, nie vir so 'n tydperk van drie maande *bona fide*-delfwerksaamhede kon verrig nie.

(4) Behoudens die bepalings van artikels *drie-en-veertig* en *vier-en-veertig*, mag niemand te eniger tyd op 'n enkele alluviale delwery meer as ses kleims hou wat hy ingevolge sub-artikel (1) van hierdie artikel afgepen het nie.

Plekke waar en tye wanneer afpenning nie toegelaat word nie.

36. (1) Niemand mag 'n kleim afpen nie—

(*a*) tussen sononder en sonop of op 'n Sondag of op 'n openbare feesdag in die Tweede Bylae by die Wet op Openbare Feesdae, 1952 (Wet No. 5 van 1952), vermeld;

(*b*) tensy die houer van die betrokke kleimlisensie of sy agent met daardie lisensie aanwesig is op die grond waarop die kleim afgepen word;

(*c*) op grond of in 'n plek—

(i) in sub-paragraaf (i), (ii) of (iv) van paragraaf (*b*) van sub-artikel (1) van artikel *sewe* vermeld;

(ii) wat aan die afpenning van kleims onttrek is;

(iii) waar afpenning of delf verbied is of wat nie vir afpenning oop is nie; of

(iv) wat kragtens artikel *vier-en-twintig* vir die gebruik van die eienaar of huurder van die grond uitgehou is.

(2) Iemand wat 'n bepaling van hierdie artikel oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig rand en sy afpenning is ongeldig.

Vorm van kleims en instandhouding van penne en slote.

37. (1) 'n Kleim moet sover moontlik in reghoekige vorm afgepen word, en die grond wat as 'n kleim afgepen word, moet deur middel van penne en slote afgebaken word soos by regulasie voorgeskryf.

(2) Elke kleimhouer moet sy penne en slote in goeie toestand hou, en alle gegewens wat volgens voorskrif van regulasies op die penne geskryf moet word, moet in leesbare toestand gehou word, en, indien enige van die penne of slote ontbreek of gebrekkig geword het, moet die kleimhouer die gebrek aansuiwer binne drie dae nadat die mynkommissaris of die kleiminspekteur hom by skriftelike kennisgewing aangesê het om dit te doen.

(3) (*a*) Indien 'n kleimhouer volgens die mynkommissaris se oordeel versuim het om ten opsigte van enige kleim deur hom gehou aan 'n bepaling van hierdie artikel te voldoen, kan die mynkommissaris daardie kleim by kennisgewing aangeplak op 'n ooglopende plek by sy kantoor verval verklaar, en daarop kan die kleim, indien geleë op grond wat as 'n alluviale delwery geproklameer is, deur enigiemand afgepen word.

CHAPTER VI.

EXPLOITATION OF PRECIOUS STONES ON CLAIMS AND ALLUVIAL DIGGINGS, AND MATTERS INCIDENTAL THERETO.

Issuing of claim licences and matters incidental thereto.

35. (1) Subject to the provisions of this section, every holder of a current digger's certificate (not being a digger's certificate available for prospecting purposes only) may on payment of licence moneys at the rate of fifty cents per claim obtain from the mining commissioner a claim licence, in the form prescribed by regulation, current for one month, entitling the holder during the currency of such licence to peg in the manner prescribed by regulation upon any portion of the alluvial digging stated on the licence which is open to pegging, the number of claims authorized by the licence.

(2) Unless otherwise provided in the proclamation or notice whereby any land on an alluvial digging is declared open to pegging, no person shall until the expiry of seven days from the date from which such land is declared open to pegging be entitled to peg more than one claim on the land.

(3) No person shall within two years from the date from which any alluvial digging or portion thereof is declared open to pegging be entitled to obtain a claim licence in respect of such digging or portion unless he produces proof to the satisfaction of the mining commissioner—

(*a*) that he has carried on *bona fide* digging operations in person for precious stones in alluvial within the province in which such alluvial digging or portion thereof is situated for an aggregate period of not less than three months during the twelve months immediately preceding the said date; or

(*b*) that he is dependent on digging or incidental operations for a living, but that for financial or other reasons acceptable to the mining commissioner he was unable to carry on *bona fide* digging operations for such a period of three months.

(4) Subject to the provisions of sections *forty-three* and *forty-four*, no person shall at any time on any one alluvial digging hold more than six claims pegged by him in terms of sub-section (1) of this section.

Places where and times when pegging is not permitted.

36. (1) No person shall peg a claim—

(*a*) between sunset and sunrise or on a Sunday or on any public holiday mentioned in the Second Schedule to the Public Holidays Act, 1952 (Act No. 5 of 1952);

(*b*) unless the holder of the relevant claim licence or his agent is present with such licence on the land on which the claim is pegged;

(*c*) on any land or in any place—

(i) mentioned in sub-paragraph (i), (ii) or (iv) of paragraph (*b*) of sub-section (1) of section *seven*;

(ii) which has been reserved from pegging of claims;

(iii) where pegging or digging is prohibited or which is not open to pegging; or

(iv) which has been reserved under section *twenty-four* for the use of the owner or lessee of the land.

(2) Any person who contravenes any provision of this section shall be guilty of an offence and liable on conviction to a fine not exceeding fifty rand and his pegging shall be invalid.

Shape of claims and maintenance of pegs and trenches.

37. (1) A claim shall as far as possible be pegged in a rectangular shape, and the area pegged as a claim shall be demarcated by pegs and trenches as prescribed by regulation.

(2) Every claimholder shall maintain his pegs and trenching in good order, and all data required by regulation to be written on the pegs shall be maintained in legible condition, and, if any of the pegs or trenches are missing or out of repair, the claimholder shall remedy the defect within three days after being required to do so by notice in writing given to him by the mining commissioner or the claim inspector.

(3) (*a*) If in the opinion of the mining commissioner a claimholder has failed to comply with any provision of this section in respect of any claim held by him, the mining commissioner may by notice posted up in a conspicuous place at his office declare that claim to have lapsed, and thereupon the claim shall, if it is on land proclaimed as an alluvial digging, be open to pegging by any person.

(*b*) Waar die skrif op kleimpenne volgens die oordeel van die mynkommissaris of die kleiminspekteur onleesbaar of met opset misleidend of onduidelik is, kan die betrokke beampte, nadat hy die navraag gedoen het wat hy nodig ag in verband met die naam, verblyfplek en ander besonderhede omtrent die vermeende houer van die kleim, die penne op daardie kleim verwyder, en daarop kan die kleim, indien geleë op grond wat soos voormeld geproklameer is, deur enige houer van die nodige kleimlisensie afgepen word.

Hernuwing van kleimlisensies.

38. (1) Die houer van 'n kleimlisensie kan van tyd tot tyd, by betaling aan die mynkommissaris van lisensiegelde teen die by sub-artikel (2) voorgeskrewe tarief, en behoudens die bepalings van sub-artikel (3), 'n hernuwing van daardie lisensie vir 'n tydperk van een maand verkry: Met dien verstande dat die mynkommissaris na goeddunke 'n hernuwing van die lisensie vir 'n langer tydperk kan toestaan, maar nie langer as twaalf maande nie, indien die houer van die lisensie op 'n diepte van meer as vyftig voet delf op enige kleim ingevolge die lisensie gehou, en aan die mynkommissaris 'n juiste sketskaart voorgelê het van die kleims wat ingevolge die lisensie gehou word.

(2) Die lisensiegelde betaalbaar ten opsigte van die hernuwing van 'n kleimlisensie word teen vyftig sent per kleim per maand bereken.

(3) Indien die lisensiegelde ten opsigte van 'n kleim toegelaat word om sewe dae agterstallig te raak, verval daardie kleim en kan dit daarop, indien geleë op grond wat as 'n alluviale delwery geproklameer is, ooreenkomstig die bepalings van hierdie Wet afgepen word: Met dien verstande dat waar 'n kleimhouer te sterwe kom of sy boedel gesekwestreer word of (in die geval van 'n kleimhouer wat 'n maatskappy is) dié maatskappy onder geregtelike bestuur of in likwidasie geplaas is, die kleim nie verval nie indien die eksekuteur, kurator, geregtelike bestuurder of likwidateur, na gelang van die geval, die kleimlisensie binne dertig dae vanaf die datum van sy aanstelling hernieu en daarna aanhou om daardie lisensie volgens voorskrif van hierdie artikel te laat hernieu: Met dien verstande voorts dat die kleimlisensie hernieu moet word in die naam van die eksekuteur, kurator, geregtelike bestuurder of likwidateur, na gelang van die geval, wat nie verplig is om 'n delwersertifikaat te verkry solank daar nie op die kleim gewerk word nie.

Oordrag van kleims.

39. (1) Behoudens die bepalings van sub-artikel (4), kan enige kleim (met inbegrip van 'n ontdekkerskleim of 'n eienaarskleim) deur die houer daarvan aan 'n houer van 'n delwersertifikaat (uitgesonderd 'n delwersertifikaat wat slegs prospektering dek) of, met die Minister se toestemming, aan 'n maatskappy, regspersoon of vereniging van persone oorgedra word, en so 'n oordrag moet by die kantoor van die mynkommissaris geregistreer word by betaling van 'n bedrag van vyftig sent ten opsigte van elke kleim oorgedra.

(2) 'n Oordrag ingevolge hierdie artikel is nie ingevolge enige wetsbepaling op seëlregte of hereregte aan die betaling van seëlregte of hereregte onderhewig nie.

(3) (*a*) By oordrag van 'n kleim ingevolge hierdie artikel moet die mynkommissaris die betrokke kleimlisensie, ontdekkersertifikaat of eienaarsertifikaat op gepaste wyse endosseer en aan die oordragnemer 'n oordragsertifikaat in die by regulasie voorgeskrewe vorm uitreik, en moet die oordragnemer van die mynkommissaris 'n kleimlisensie ten opsigte van die oorgedraagde kleim verkry: Met dien verstande dat indien bedoelde kleim gehou word ingevolge 'n beskermingsertifikaat wat kragtens artikel *drie-en-veertig* uitgereik is, die mynkommissaris 'n gepaste endossement ten opsigte van die oordrag op die sertifikaat moet aanbring, maar die oordragnemer nie verplig is om 'n kleimlisensie ten opsigte van die kleim te verkry solank die sertifikaat van krag is nie.

(*b*) Die bepalings van hierdie Wet met betrekking tot die uitreiking en hernuwing van kleimlisensies is *mutatis mutandis* van toepassing in verband met 'n kleimlisensie kragtens paragraaf (*a*) verkry: Met dien verstande dat indien die betrokke oordragnemer 'n maatskappy, regspersoon of vereniging van persone is, dit nie 'n vereiste is dat 'n delwersertifikaat ten behoewe van die oordragnemer gehou moet word nie.

(4) Die houer van 'n kleim geleë op 'n alluviale delwery (uitgesonderd 'n kleim ingevolge 'n eienaarsertifikaat gehou)

(*b*) Where in the opinion of the mining commissioner or the claim inspector the writing on any claim pegs is illegible or intentionally misleading or obscure, the officer concerned may, after making such enquiry as he may consider necessary in regard to the name, whereabouts and other particulars of the supposed holder of the claim, remove the pegs on such claim, and thereupon the claim shall, if situated on land proclaimed as aforesaid, be open to pegging by any holder of the necessary claim licence.

Renewal of claim licences.

38. (1) The holder of a claim licence may from time to time, on payment to the mining commissioner of licence moneys at the rate prescribed by sub-section (2), and subject to the provisions of sub-section (3), obtain a renewal of such licence for a period of one month: Provided that the mining commissioner may in his discretion grant a renewal of the licence for a longer period, but not exceeding a period of twelve months, if the holder of the licence is carrying on digging operations at a depth exceeding fifty feet on any claim held under the licence and has submitted to the mining commissioner an accurate sketch plan of the claims held under the licence.

(2) The licence moneys payable in respect of the renewal of a claim licence shall be calculated at the rate of fifty cents per claim per month.

(3) If the licence moneys in respect of any claim are allowed to become seven days in arrear, the claim shall lapse and shall thereupon, if it is on land proclaimed as an alluvial digging, be open to pegging in accordance with the provisions of this Act: Provided that where a claimholder dies or his estate is placed under sequestration or (in the case of a claimholder which is a company) such company has been placed under judicial management or in liquidation, the claim shall not lapse if the executor, trustee, judicial manager or liquidator, as the case may be, renews the claim licence within thirty days of the date of his appointment and continues thereafter to have such licence renewed as provided in this section: Provided further that the claim licence shall be renewed in the name of the executor, trustee, judicial manager or liquidator, as the case may be, who shall, so long as the claim is not worked, not be required to obtain a digger's certificate.

Transfer of claims.

39. (1) Subject to the provisions of sub-section (4), any claim (including a discoverer's claim or an owner's claim) may be transferred by the holder thereof to a holder of a digger's certificate (not being a digger's certificate available for prospecting purposes only), or, with the Minister's consent, to a company, corporate body or association of persons, and such transfer shall be registered at the office of the mining commissioner on payment of a fee of fifty cents in respect of every claim transferred.

(2) A transfer under this section shall not be subject to payment of stamp duty or transfer duty under any law relating to stamp duty or transfer duty.

(3) (*a*) Upon transfer of a claim under this section the mining commissioner shall suitably endorse the relevant claim licence, discoverer's certificate or owner's certificate and issue to the transferee a certificate of transfer in the form prescribed by regulation, and the transferee shall obtain from the mining commissioner a claim licence in respect of the claim transferred: Provided that if such claim is held under a certificate of protection issued under section *forty-three*, the mining commissioner shall suitably endorse such certificate as to the transfer, but the transferee shall not be required to obtain a claim licence in respect of the claim while the certificate is in force.

(*b*) The provisions of this Act relating to the issue and renewal of claim licences shall *mutatis mutandis* apply in connection with any claim licence obtained under paragraph (*a*): Provided that if the transferee concerned is a company, corporate body or association of persons, a digger's certificate shall not be required to be held on behalf of the transferee.

(4) No holder of any claim situated on an alluvial digging (other than a claim held under an owner's certificate) shall

mag nie sonder die Minister se toestemming sy reg op die kleim verkoop of vervreem of die kleim oordra aan iemand wat nie bevoeg is om kleims op daardie alluviale delwery af te pen nie.

(5) (*a*) Indien die houer van 'n kleim wat kragtens 'n eienaarsertifikaat op enige grond gehou word, of van 'n onverdeelde aandeel in bedoelde kleim, as gevolg van die oordrag, hetsy in geheel of gedeeltelik, van die grond of die reg op edelgesteentes ten opsigte daarvan die kleim of bedoelde aandeel wil oordra—

(i) in die geval van 'n kleim op private grond, aan die houer van die reg of van 'n onverdeelde aandeel in die reg op edelgesteentes ten opsigte van die grond; of

(ii) in die geval van 'n kleim op vervreemde Staatsgrond, aan die eienaar of 'n mede-eienaar van die grond,

kan die mynkommissaris met die skriftelike toestemming van die houer van die kleim of die aandeel in die kleim, na gelang van die geval, en op aansoek deur die voornemende oordragnemer, op bedoelde sertifikaat endosseer dat die kleim of die aandeel in die kleim, na gelang van die geval, aan die aansoeker oorgedra is.

(*b*) 'n Kleim of aandeel in 'n kleim ingevolge hierdie sub-artikel oorgedra, word by die toepassing van hierdie Wet geag deur die oordragnemer uit hoofde van 'n eienaarsertifikaat gehou te word.

(*c*) Die bepalings van sub-artikels (1) en (3) is nie in verband met 'n oordrag ingevolge hierdie sub-artikel van toepassing nie.

Getal kleims wat by wyse van oordrag verkry kan word.

40. Behalwe met skriftelike toestemming van die Minister, en onderworpe aan die voorwaardes wat hy goedvind, is geen houer van 'n delwersertifikaat geregtig om ten opsigte van 'n bepaalde alluviale delwery meer as twaalf kleims by wyse van oordrag te verkry nie: Met dien verstande dat in die geval van kleims wat in 'n rivierbedding geleë is, die mynkommissaris aan so 'n houer skriftelike vergunning kan verleen om 'n groter getal sodanige kleims aldus te verkry: Met dien verstande voorts dat enigiemand al die kleims wat kragtens 'n ontdekker- of eienaarsertifikaat gehou word, by wyse van oordrag kan verkry.

Opgee van kleims

41. Die houer van 'n kleimlisensie kan te eniger tyd 'n kleim wat kragtens daardie lisensie gehou word, opgee deur die penne wat die kleim bepaal, te verwyder, en daarop is die kleim, indien op grond wat as 'n alluviale delwery geproklameer is, oop vir afpenning ooreenkomstig die bepalings van hierdie Wet.

Straf waar kleims nie ontgin word nie.

42. (1) Die mynkommissaris kan, behoudens die bepalings van sub-artikel (3), indien 'n kleimhouer nie sy kleims tot bevrediging van die mynkommissaris ontgin nie, 'n skriftelike kennisgewing aan bedoelde houer bestel waarby hy aangesê word om binne een maand vanaf die datum van daardie kennisgewing die stappe in verband met die ontginning van bedoelde kleims te doen wat die mynkommissaris nodig ag, en by versuim deur die kleimhouer om aan die kennisgewing te voldoen, word die lisensiegelde ten opsigte van die kleims betaalbaar, verdubbel vanaf die datum van verstryking van die kennisgewing en totdat daaraan voldoen is.

(2) Indien die kleimhouer in gebreke bly om die by sub-artikel (1) voorgeskrewe lisensiegelde te betaal, is die bepalings van sub-artikel (3) van artikel *agt-en-dertig* van toepassing.

(3) Die bepalings van hierdie artikel is nie op kleims wat kragtens 'n ontdekker- of eienaarsertifikaat gehou word, van toepassing nie.

Beskerming van kleimhouer in geval van oorstroomde kleims.

43. (1) Wanneer aansoek gedoen word om die hernuwing van 'n kleimlisensie ten opsigte van 'n kleim wat naby of op die bedding van 'n rivier, waterloop of pan geleë is, en die mynkommissaris oortuig is dat daardie kleim geheel en al of ten dele oorstroom is en weens die oorstroming vir 'n tydperk van meer as een maand nie ontgin sal kan word nie, kan hy, in plaas van bedoelde lisensie te hernieu, aan die houer van die kleim 'n beskermingsertifikaat in die by regulasie voorgeskrewe vorm uitreik.

(2) So 'n sertifikaat bly van krag solank die kleim nie ontgin kan word nie, maar nie langer as twaalf maande nie, en beskerm die kleimhouer, behoudens die bepalings van sub-artikel (3), in die besit van sy kleim en onthef hom van betaling van lisensiegelde ingevolge hierdie Wet ten opsigte van die kleim solank die sertifikaat van krag bly.

without the consent of the Minister sell or dispose of his right in or transfer the claim to any person who is not qualified to peg claims on that alluvial digging.

(5) (*a*) If in consequence of the transfer, whether in whole or in part, of any land or the right to precious stones in respect thereof, the holder of any claim held under an owner's certificate on that land or of an undivided share in such claim desires to transfer the claim or such share—

(i) in the case of a claim on private land, to the holder of the right or of an undivided share in the right to precious stones in respect of the land; or

(ii) in the case of a claim on alienated State land, to the owner or a joint owner of the land,

the mining commissioner may with the written consent of the holder of the claim or the share in the claim, as the case may be, and upon application by the proposed transferee, endorse such certificate to the effect that the claim or the share in the claim, as the case may be, has been transferred to the applicant.

(*b*) Any claim or share in a claim transferred under this sub-section shall for the purposes of this Act be deemed to be held by the transferee by virtue of an owner's certificate.

(*c*) The provisions of sub-sections (1) and (3) shall not apply in connection with a transfer under this sub-section.

Number of claims which may be acquired by transfer.

40. Except with the written consent of the Minister, and on such conditions as he may deem fit, no holder of a digger's certificate shall be entitled, in respect of any one alluvial digging, to acquire by transfer more than twelve claims: Provided that in the case of claims situated in a river bed the mining commissioner may grant to any such holder permission in writing so to acquire a greater number of such claims: Provided further that any person may by transfer acquire all the claims held under any discoverer's or owner's certificate.

Abandonment of claims.

41. The holder of a claim licence may at any time abandon any claim held under that licence by removing the pegs defining the claim, and thereupon the claim shall, if it is on land proclaimed as an alluvial digging, be open to pegging in accordance with the provisions of this Act.

Penalty for not working claims.

42. (1) Subject to the provisions of sub-section (3), the mining commissioner may, if a claimholder is not working his claims to the satisfaction of the mining commissioner, serve written notice upon such holder calling upon him to take such steps in connection with the working of those claims as the mining commissioner may consider necessary, within one month from the date of such notice, and on failure by the claimholder to comply with the notice the licence moneys payable on the claims shall be doubled from the date of expiry of the notice until the terms thereof have been complied with.

(2) If the claimholder fails to pay the licence moneys prescribed by sub-section (1), the provisions of sub-section (3) of section *thirty-eight* shall apply.

(3) Nothing in this section contained shall apply to claims held under any discoverer's or owner's certificate.

Protection of claimholder in case of submerged claims.

43. (1) Whenever application is made for the renewal of a claim licence in respect of any claim situated near to or on the bed of any river, watercourse or pan and the mining commissioner is satisfied that such claim is wholly or partly submerged and will by reason of the submersion be unworkable for a period exceeding one month, he may, instead of renewing such licence, issue to the holder of the claim a certificate of protection in the form prescribed by regulation.

(2) Such certificate shall remain in force for the period during which the claim continues to be unworkable, but not exceeding a period of twelve months, and shall, subject to the provisions of sub-section (3), protect the claimholder in the holding of his claim and relieve him from payment of licence moneys under this Act in respect of the claim while the certificate is in force.

(3) Die mynkommissaris moet, indien hy oortuig is dat 'n kleim ten opsigte waarvan 'n sertifikaat kragtens hierdie artikel gehou word, weer ontgin kan word, 'n skriftelike kennisgewing aan die houer van daardie sertifikaat bestel waarby hy aangesê word om binne veertien dae na die datum van die kennisgewing 'n kleimlisensie ten opsigte van bedoelde kleim te verkry, en indien bedoelde houer versuim om aan die kennisgewing te voldoen, verval die kleim en is dit daarop, indien geleë op grond wat as 'n alluviale delwery geproklameer is, oop vir afpenning.

(4) Die bepalings van artikel *vyf-en-dertig* word nie uitgelê in die sin dat iemand wat ingevolge 'n beskermingsertifikaat kragtens hierdie artikel uitgereik, kleims hou, daardeur belet word om 'n kleimlisensie te verkry om op 'n ander gedeelte van die betrokke alluviale delwery hoogstens ses kleims wat ontgin kan word, af te pen en te hou nie.

Kennisgewing van sink van skag dieper as vyftien voet, rapporteer van vondse benede vyftien voet, en afpenning van bykomende kleims.

44. (1) Behoudens die bepalings van sub-artikel (2), kan 'n kleimhouer, wat voornemens is om 'n skag op enige van sy kleims tot 'n diepte van meer as vyftien voet te grawe met die doel om edelgesteentes te soek, nadat hy die mynkommissaris skriftelik kennis gegee het van sy voorneme om die skag te grawe, deur middel van 'n middelpen 'n stuk grond wat vir afpenning oop is, uitmerk met 'n straal van hoogstens driehonderd voet wat die kleim of blok kleims insluit waarop die skag gegrawe sal word, en daarop het niemand anders, solank die kleimhouer aanhou om die skag tot bevrediging van die mynkommissaris te grawe, die reg om kleims op die aldus uitgemerkte grond af te pen nie.

(2) Indien die aldus uitgemerkte grond (uitgesonderd die kleim of kleims van die betrokke kleimhouer) nie vir 'n tydperk van meer as veertien dae voor die datum waarop die middelpen geplaas is, vir die afpenning van kleims beskikbaar was nie, of indien die mynkommissaris oortuig is dat die aanwesigheid van edelgesteentes op die genoemde grond op 'n diepte van meer as vyftien voet benede die oppervlakte reeds tevore bewys is, laat hy nie die uitmerk van die grond toe nie en stel hy die kleimhouer skriftelik in kennis om sy middelpen binne sewe dae na die datum waarop hy aldus in kennis gestel is, te verwyder.

(3) 'n Kleimhouer wat op enige van sy kleims op grond kragtens hierdie artikel deur hom uitgemerk, edelgesteentes vind op 'n diepte van meer as vyftien voet benede die oppervlakte, moet die mynkommissaris binne 'n tydperk van sewe dae na die eerste vonds skriftelik daarvan in kennis stel.

(4) Indien die mynkommissaris oortuig is dat 'n kleimhouer op enige van sy kleims op grond kragtens hierdie artikel deur hom uitgemerk edelgesteentes gevind het op 'n diepte van meer as vyftien voet benede die oppervlakte, en indien 'n kennisgewing ingevolge sub-artikel (2) nie ten opsigte van daardie grond bestel is nie, stel die mynkommissaris die kleimhouer skriftelik in kennis dat hy geregtig is om binne 'n tydperk van een maand vanaf die datum van die kennisgewing ingevolge hierdie sub-artikel, en by betaling van die lisensiegeld by hierdie Wet voorgeskryf, 'n kleimlisensie te verkry vir 'n bykomende tien kleims op bedoelde grond en om dié kleims daarop af te pen, en onmiddellik na so 'n afpenning of, indien die kleimhouer versuim om sy regte ingevolge hierdie sub-artikel uit te oefen, onmiddellik na die verstryking van genoemde tydperk, is die grond aldus uitgemerk, uitgesonderd die kleims daarop, oop vir afpenning.

(5) 'n Kleimhouer wat in gebreke bly om aan 'n bepaling van sub-artikel (2) of (3) te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand.

Die helfte van kleimlisensiegelde word aan eienaar van grond oorbetaal.

45. (1) Die helfte van die lisensiegelde deur die mynkommissaris ontvang vir die uitreiking of hernuwing van kleimlisensies ten opsigte van grond waarvan die eiendomsreg nie by die Staat berus nie, word deur die mynkommissaris aan die eienaar van die grond oorbetaal: Met dien verstande dat indien iemand anders as bedoelde eienaar ingevolge 'n akte wat in die gepaste aktekantoor geregistreer is, geregtig is om genoemde aandeel in die lisensiegelde te ontvang, bedoelde aandeel deur die mynkommissaris aan so iemand oorbetaal moet word.

(2) Wanneer grond wat as 'n alluviale delwery geproklameer is of waarop kleims gehou word, aan iemand oorgedra word en die oordrag tot gevolg het dat die reg om die halwe aandeel in die lisensiegelde ten opsigte van kleims op bedoelde grond te ontvang by die oordragnemer berus, moet die oordragnemer

(3) The mining commissioner shall, if he is satisfied that any claim in respect of which a certificate under this section is held has ceased to be unworkable, serve written notice upon the holder of such certificate calling upon him to obtain a claim licence in respect of such claim within fourteen days of the date of such notice, and if such holder fails to comply with the notice the claim shall lapse and shall thereupon, if it is on land proclaimed as an alluvial digging, be open to pegging.

(4) Nothing in section *thirty-five* contained shall be construed as preventing any person holding claims under a certificate of protection issued under this section from obtaining a claim licence to enable him to peg and hold not more than six claims which are workable on another portion of the alluvial digging in question.

Notice of sinking shaft more than fifteen feet, report of findings below fifteen feet, and pegging of additional claims.

44. (1) Subject to the provisions of sub-section (2), any claimholder who intends to sink a shaft on any of his claims to a depth of more than fifteen feet for the purpose of searching for precious stones, may, after giving written notice to the mining commissioner of his intention to sink the shaft, mark out, by means of a centre peg, an area of land which is open to pegging not exceeding three hundred feet in radius and including the claim or block of claims on which the shaft is to be sunk, and thereupon no other person shall, so long as the claimholder continues to sink the shaft to the satisfaction of the mining commissioner, have the right to peg claims on the area so marked out.

(2) If the area so marked out (excluding the claim or claims of the claimholder concerned) has not been available for the pegging of claims for a period of more than fourteen days prior to the date of erection of such centre peg, or if the mining commissioner is satisfied that the existence of precious stones on the said area at a depth of more than fifteen feet from the surface has previously been proved, he shall disallow the marking out of the area and shall in writing notify the claimholder to remove his centre peg within seven days of the date of such notification.

(3) Any claimholder who finds any precious stones on any of his claims on an area marked out by him under this section at a depth of more than fifteen feet from the surface, shall, within a period of seven days after the first finding, report the fact in writing to the mining commissioner.

(4) If the mining commissioner is satisfied that any claimholder has found precious stones on any of his claims on an area marked out by him under this section at a depth of more than fifteen feet from the surface, and if a notice under sub-section (2) has not been served in respect of such area, the mining commissioner shall in writing notify the claimholder that he is entitled, within a period of one month from the date of the notification under this sub-section, and on payment of the licence moneys prescribed by this Act, to obtain a claim licence for and to peg an additional ten claims on such area, and immediately after such pegging or, if the claimholder fails to exercise his right under this sub-section, immediately after the expiration of the said period, the area so marked out, excluding the claims thereon, shall be open to pegging.

(5) Any claimholder who fails to comply with any provision of sub-section (2) or (3) shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand.

One-half of claim licence moneys to be paid over to owner of land.

45. (1) One-half of the licence moneys received by the mining commissioner for the issue or renewal of claim licences in respect of land the ownership of which is not vested in the State shall be paid over by the mining commissioner to the owner of the land: Provided that if any person other than such owner is in terms of any deed registered in the appropriate deeds office entitled to receive the said share of the licence moneys, such share shall be paid over by the mining commissioner to that person.

(2) Whenever any land proclaimed as an alluvial digging or on which claims are held is transferred to any person and such transfer has the effect of vesting in the transferee the right to receive the one-half share of the licence moneys in respect of claims on such land, the transferee shall in writing notify

die mynkommissaris skriftelik van die oordrag in kennis stel, in gebreke waarvan die oordragnemer geen eis teen die Staat het ten opsigte van enige aandeel in lisensiegelde wat voor die datum van ontvangs van so 'n kennisgewing deur die mynkommissaris aan die oordraggewer oorbetaal is nie.

Paaie op alluviale delwerye word nie afgepen nie.

46. Alle geproklameerde en openbare paaie op 'n alluviale delwery, tesame met die grond binne dertig voet aan elke kant van so 'n pad, is uitgehou van die afpenning van kleims.

Kap van hout op alluviale delwerye.

47. Behalwe met toestemming van die eienaar van die betrokke grond, mag niemand op 'n alluviale delwery 'n boom of bos wat nie sy delfwerksaamhede belemmer, afkap of verwyder nie.

Beslissing van mynkommissaris in geskille.

48. (1) Indien 'n strydpunt of geskil ontstaan omtrent 'n reg van weg of enige ander aangeleentheid in verband met die ontginning van kleims of die grense of eiendomsreg van 'n kleim of die posisie van enige penne of bakens of die gebiede (as daar is) wat vir enige van die in artikel *ses-en-vyftig* vermelde doeleindes uitgehou is, word daardie strydpunt of geskil verwys na die kleiminspekteur wie se beslissing onderworpe is aan 'n reg van appèl na die mynkommissaris wat òf self die appèl beslis òf twee delwers ontbied om saam met hom 'n raad te vorm om die appèl aan te hoor en te beslis, en die beslissing van die mynkommissaris of so 'n raad, na gelang van die geval, is afdoende.

(2) Ten einde so 'n strydpunt of geskil te beslis, kan die kleiminspekteur of mynkommissaris getuies dagvaar en hulle ondervra nadat hy hulle die eed opgelê het en kan hy die oorlegging van dokumente vereis en enigiets doen wat hy nodig ag om tot 'n behoorlike beslissing te geraak.

(3) Iemand wat ingevolge hierdie artikel as 'n getuie gedagvaar is en wat sonder redelike verskoning versuim om op die tyd en plek ingevolge die dagvaarding vereis, te verskyn, of om 'n aldus vereiste dokument oor te lê, of weier om beëdig te word of 'n plegtige verklaring af te lê of om alle vrae wat wettiglik aan hom gestel word deur die mynkommissaris, of die kleiminspekteur of, met die mynkommissaris se instemming, deur 'n belanghebbende of 'n lid van so 'n raad, na sy beste wete en oortuiging te beantwoord, of versuim om 'n beslissing kragtens hierdie artikel uit te voer of na te kom, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig rand.

Verbod op werk in vennootskap, ens., met sekere persone.

49. (1) Behoudens die bepalings van sub-artikel (3), is 'n kleimhouer wat—

(*a*) 'n kleim ontgin in vennootskap met iemand wat nie die houer van 'n delwersertifikaat is nie;

(*b*) iemand wat nie die houer van so 'n sertifikaat is nie, toelaat om 'n kleim van bedoelde kleimhouer te ontgin en die opbrengs van dié kleim of die winste verkry uit die ontginning van die kleim of 'n gedeelte van sodanige opbrengs of winste te behou; of

(*c*) aan iemand (met inbegrip van 'n opsigter) wat op 'n kleim in diens is, 'n persentasie van die opbrengs van 'n kleim of die winste verkry uit die ontginning van 'n kleim in plaas van of as deel van sy loon of salaris betaal,

aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand, en sy delwersertifikaat kan gekanselleer word deur die hof wat hom skuldig bevind of, indien dit nie aldus gekanselleer word nie, deur die mynkommissaris: Met dien verstande dat hierdie sub-artikel nie uitgelê word in die sin dat die betaling van 'n bonus bo en behalwe lone as beloning vir edelgesteentes wat deur 'n werknemer ingelewer word, daardeur belet word nie.

(2) Behoudens die voorgaande bepalings van hierdie artikel, is iemand wat nie die houer van 'n delwersertifikaat is nie en wat 'n kleim in vennootskap met die houer van daardie kleim ontgin, of wat in stryd met die bepalings van hierdie artikel deel in die opbrengs van 'n kleim of die winste verkry uit die ontginning van 'n kleim, aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die in sub-artikel (1) vermelde straf, en bowendien kan die hof wat hom skuldig bevind enige woon- en werkpermit kanselleer wat deur hom gehou word, of, indien dit nie aldus gekanselleer word nie, kan die mynkommissaris of die Bantoesakekommissaris, na gelang eersgenoemde of laasgenoemde dit uitgereik het, dit kanselleer.

(3) Die mynkommissaris kan na oorlegpleging met die hoof van die diamantafdeling, en op die voorwaardes wat hy goed-

the mining commissioner of the transfer, failing which the transferee shall have no claim against the State in respect of any share of licence moneys paid to the transferor prior to the date of receipt by the mining commissioner of such notification.

Roads on alluvial diggings not open to pegging.

46. All proclaimed and public roads on an alluvial digging together with an area of thirty feet on either side of any such road are reserved from pegging of claims.

Cutting of timber on alluvial diggings.

47. No person shall upon an alluvial digging cut or remove any tree or bush standing thereon which is not impeding his digging operations, except with the permission of the owner of the land in question.

Decision of mining commissioner in disputes.

48. (1) If any question or dispute arises in regard to any right of way or any other matter connected with the working of claims or the boundaries or ownership of any claim or the position of any pegs or beacons or the areas (if any) reserved for any of the purposes mentioned in section *fifty-six*, such question or dispute shall be referred to the claim inspector whose decision shall be subject to a right of appeal to the mining commissioner who may either himself decide any such appeal or summon two diggers to form with him a board for the hearing and decision thereof, and the decision of the mining commissioner or such board, as the case may be, shall be final.

(2) For the purpose of deciding any such question or dispute the claim inspector or mining commissioner may summon witnesses and examine them on oath administered by him and may call for the production of documents and may do all things which he may deem necessary in order to arrive at a proper decision.

(3) Any person summoned as a witness under this section who fails without reasonable excuse to appear at the time and place required by the summons or to produce any document so required, or refuses to be sworn or to make a solemn affirmation or to answer to the best of his knowledge and belief all such questions as may lawfully be put to him by the mining commissioner, or claim inspector or, with the concurrence of the mining commissioner, by any interested person or any member of any such board, or fails to carry out or comply with any decision given under this section, shall be guilty of an offence and liable on conviction to a fine not exceeding fifty rand.

Prohibition of working in partnership, etc., with certain persons.

49. (1) Subject to the provisions of sub-section (3), any claimholder who—

(*a*) works a claim in partnership with any person who is not the holder of a digger's certificate;

(*b*) allows any person who is not the holder of such a certificate to work a claim of such claimholder and to retain the proceeds of such claim or the profits derived from the working of the claim or any part of such proceeds or profits; or

(*c*) pays out to any person employed on a claim (including any supervisor) a percentage of the proceeds of a claim or the profits derived from the working of a claim in lieu of or as part of his wages or salary,

shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand, and his digger's certificate may be cancelled by the court convicting him or, if it is not so cancelled, by the mining commissioner: Provided that nothing in this sub-section contained shall be construed as preventing the payment of a bonus in addition to wages as a reward for precious stones handed up by an employee.

(2) Subject to the foregoing provisions of this section, any person who is not the holder of a digger's certificate and who works a claim in partnership with the holder of that claim, or who in contravention of the provisions of this section participates in the proceeds of a claim or the profits derived from the working of a claim, shall be guilty of an offence and liable on conviction to the penalty mentioned in sub-section (1) and in addition any residential and work permit held by him may be cancelled by the court convicting him or, if it is not so cancelled, by the mining commissioner or the Bantu affairs commissioner, according to whether it was issued by the former or the latter.

(3) The mining commissioner may after consultation with the chief of the diamond branch, and on such conditions as

vind, skriftelike toestemming aan 'n houer van 'n kleim verleen om met enigiemand 'n vennootskap aan te gaan met die doel om op dié kleim te delf.

(4) By die toepassing van hierdie artikel sluit „delwersertifikaat" nie 'n delwersertifikaat in wat slegs prospektering dek nie.

Toesig oor delfwerksaamhede.

50. (1) Behalwe vir sover by regulasie anders bepaal, word alle werk op 'n kleim uitgevoer onder die beheer en regstreekse toesig van die betrokke kleimhouer of iemand deur hom aangestel wat die houer is van 'n ander gangbare delwersertifikaat as 'n delwersertifikaat wat slegs prospektering dek.

(2) Iemand wat in stryd met hierdie artikel werk en 'n kleimhouer wat iemand toelaat om in stryd met hierdie artikel te werk, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd rand.

Minister se bevoegdheid om in verband met alluviale delwerye op te tree.

51. (1) Die Minister kan in die geval van 'n alluviale delwery of gedeelte daarvan (uitgesonderd kleims wat daarop gehou word) ten opsigte waarvan die bepalings van artikel *drie-en-vyftig* nie toegepas is nie—

(*a*) by kennisgewing in die *Staatskoerant* daardie delwery of gedeelte oop verklaar vir die afpenning van kleims kragtens hierdie Hoofstuk;

(*b*) aan enigiemand 'n huur van die alleenreg om vir edelgesteentes op sodanige delwery of gedeelte te delf, toestaan soos by artikel *twee-en-vyftig* bepaal:

Met dien verstande dat die Minister nie kragtens hierdie subartikel met so 'n delwery of gedeelte handel alvorens die tydperk deur die mynkommissaris vasgestel of toegelaat vir die afpenning van ontdekkers- of eienaarskleims op die betrokke grond verstryk het nie.

(2) Die Minister kan by kennisgewing in die *Staatskoerant* 'n alluviale delwery of gedeelte daarvan aan die afpenning van kleims kragtens hierdie Hoofstuk onttrek.

Mynhure ten opsigte van alluviale delwerye.

52. (1) 'n Mynhuur kragtens artikel *een-en-vyftig* kan toegestaan word aan enigiemand wat die Minister oortuig dat die skema waarvolgens hy voornemens is om vir edelgesteentes te delf, bevredigend is, en òf dat sy geldmiddele voldoende is om na behore vir edelgesteentes te delf òf dat die reëlings waardeur hy voornemens is om kapitaal vir daardie doel te verkry, bevredigend is.

(2) So 'n huur is onderworpe aan die bedinge en voorwaardes wat die Minister goedvind, en moet onder meer voorsiening maak—

(*a*) vir die behoorlike ontginning van die huurterrein tot bevrediging van die Minister;

(*b*) vir die hou van al die boeke, planne en aantekenings wat volgens die Minister se oordeel nodig is, en vir die inspeksie of ondersoek van bedoelde boeke, planne en aantekenings en van die huurterrein deur die Minister of iemand deur hom daartoe gemagtig;

(*c*) vir die betaling deur die houer van die huurkontrak aan die Staat, benewens belasting, van 'n aandeel in die winste uit die ontginning van die huurterrein verkry, bereken volgens 'n skaal wat in elke geval deur die Minister na oorlegpleging met die raad bepaal word, of, in plaas van 'n aandeel in die winste, van die tantième of ander vergoeding wat die Minister na sodanige oorlegpleging bepaal; en

(*d*) vir die betaling deur die houer van die huur aan die mynkommissaris—

(i) in die geval van grond waarvan die eiendomsreg nie by die Staat berus nie, van 'n huurgeld gelyk aan die bedrag wat deur bedoelde houer betaalbaar sou wees indien die huurterrein deur hom kragtens kleimlisensie ooreenkomstig die bepalings van hierdie Hoofstuk gehou word; en

(ii) in die geval van grond waarvan die eiendomsreg by die Staat berus, van die huurgeld wat die Minister bepaal.

(3) Sodanige huurgeld is vooruitbetaalbaar vir tydperke van minstens een en hoogstens twaalf maande, en die helfte van bedoelde huurgeld ontvang ten opsigte van grond in subparagraaf (i) van paragraaf (*d*) van sub-artikel (2) bedoel, word deur die mynkommissaris oorbetaal op die wyse by sub-artikel (1) van artikel *vyf-en-veertig* bepaal asof die betrokke bedrag 'n aandeel in lisensiegelde is waarna in laasgenoemde sub-artikel verwys word.

he may deem fit, grant written permission to any holder of a claim to enter into a partnership with any person for the purpose of carrying on digging operations on such claim.

(4) For the purposes of this section "digger's certificate" does not include a digger's certificate available for prospecting purposes only.

Supervision of digging operations.

50. (1) Except as may be otherwise provided by regulation, all work on a claim shall be carried out under the control and direct charge of the claimholder concerned or some person appointed by him who is the holder of a current digger's certificate other than a digger's certificate available for prospecting purposes only.

(2) Any person who works and any claimholder who permits any person to work in contravention of this section shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred rand.

Minister's powers to deal with alluvial diggings.

51. (1) The Minister may in the case of any alluvial digging or portion thereof (excluding any claims held thereon) in respect of which the provisions of section *fifty-three* have not been applied—

(*a*) by notice in the *Gazette* declare such digging or portion open to the pegging of claims under this Chapter;

(*b*) grant to any person a lease of the exclusive right to dig for precious stones on such digging or portion as provided in section *fifty-two*:

Provided that the Minister shall not deal with any such digging or portion under this sub-section until the expiry of the period specified or allowed by the mining commissioner for the pegging of any discoverer's claims or owner's claims on the land in question.

(2) The Minister may by notice in the *Gazette* withdraw any alluvial digging or portion thereof from the pegging of claims under this Chapter.

Mining leases in respect of alluvial diggings.

52. (1) A mining lease under section *fifty-one* may be granted to any person who satisfies the Minister that the scheme according to which he proposes to dig for precious stones is satisfactory and either that his financial resources are adequate for proper digging for precious stones or that the arrangements by which he proposes to obtain capital for the purpose are satisfactory.

(2) Any such lease shall be subject to such terms and conditions as the Minister may deem fit, and shall *inter alia* provide—

(*a*) for the adequate working of the lease area to the satisfaction of the Minister;

(*b*) for the keeping of all such books, plans and records as may appear to the Minister to be necessary, and the inspection or examination by the Minister or any person authorized by him of such books, plans and records and of the area leased;

(*c*) for the payment by the holder of the lease to the State, in addition to taxation, of a share of the profits derived from the working of the lease area, which share shall be on a scale fixed in each case by the Minister after consultation with the board, or, in lieu of a share of the profits, of such royalty or other consideration as the Minister may after such consultation determine; and

(*d*) for the payment by the holder of the lease to the mining commissioner—

(i) in the case of land the ownership of which is not vested in the State, of rent equal to the amount which would have been payable by such holder if the lease area had been held by him under claim licence in accordance with the provisions of this Chapter; and

(ii) in the case of land the ownership of which is vested in the State, of such rent as may be determined by the Minister.

(3) Any such rent shall be payable in advance for periods of not less than one and not more than twelve months, and one-half of such rent received in respect of land mentioned in sub-paragraph (i) of paragraph (*d*) of sub-section (2) shall be disposed of by the mining commissioner in the manner provided by sub-section (1) of section *forty-five* as if the amount in question were a share of licence moneys referred to in the lastmentioned sub-section.

(4) Die bepalings van sub-artikel (2) van artikel *vyf-en-veertig* is van toepassing in verband met grond waaroor 'n in hierdie artikel bedoelde huur gehou word, en bedoelde grond is in alle opsigte onderworpe aan die bepalings, *mutatis mutandis*, van hierdie Wet wat op alluviale delwerye betrekking het.

(5) (*a*) Die regte en verpligtinge kragtens 'n huur in hierdie artikel vermeld, kan, met goedkeuring vooraf deur die Minister verleen, aan enigiemand oorgedra word.

(*b*) Geen seëlregte of hereregte ingevolge enige wetsbepaling op seëlregte of hereregte is ten opsigte van so 'n oordrag betaalbaar nie, maar by registrasie van die oordrag is die by sub-artikel (1) van artikel *nege-en-dertig* voorgeskrewe bedrag betaalbaar ten opsigte van elke tweeduisend vyf-en-twintig vierkante voet van die oppervlakte of gedeelte daarvan wat ingesluit is in die terrein waaroor bedoelde regte gehou word.

(6) Die houer van 'n huur in hierdie artikel vermeld, word vir die doeleindes van hierdie Wet geag 'n kleimhouer uit hoofde van 'n kleimlisensie te wees.

(7) By die toepassing van hierdie Wet word kleimlisensiegelde of huurgeld wat betaalbaar is ten opsigte van 'n huur toegestaan kragtens artikel *vier-en-sewentig* van die Wet op Edelgesteentes, 1927 (Wet No. 44 van 1927), geag huurgeld te wees wat ten opsigte van 'n in hierdie artikel vermelde huur betaalbaar is.

Alluviale Staatsdelwerye.

53. (1) Die Staatspresident kan enige alluviale delwery of gedeelte daarvan by proklamasie in die *Staatskoerant* tot 'n alluviale Staatsdelwery verklaar: Met dien verstande dat so 'n proklamasie nie uitgevaardig word nie voordat die tydperk deur die mynkommissaris vasgestel of toegelaat vir die afpenning van enige ontdekkerskleims of eienaarskleims op die betrokke grond verstryk het nie.

(2) Wanneer 'n alluviale delwery of gedeelte daarvan tot 'n alluviale Staatsdelwery verklaar is, betaal die Minister uit gelde wat die Parlement vir die doel bewillig het—

(*a*) aan die eienaar van die betrokke grond of iemand wat reg het op die gebruik van die oppervlakte van die grond, die oppervlaktehuurgeld wat deur die raad, na oorweging van enige skriftelike vertoë deur die betrokke eienaar of persoon, aanbeveel word; en

(*b*) aan die eienaar of iemand wat reg het op die gebruik van die oppervlakte van die grond en wat as gevolg van delfwerksaamhede of 'n doen of late wat daarmee in verband staan, skade of verlies ly aan die oppervlakte of aan gewasse of verbeterings op die grond, vergoeding vir daardie skade of verlies.

(3) Die Staatspresident kan—

(*a*) regulasies uitvaardig waarby 'n verbod of beperking gelê word op toegang tot of verblyf op of oorgang oor grond waarop 'n alluviale Staatsdelwery gedryf word, of enige gedeelte van sodanige grond, deur enige persoon of klas persone, of op die bring of hou op of verwydering vanaf sodanige grond of 'n gedeelte daarvan van goedere of enige soort goedere, diere of voëls, of die vertrek vanaf bedoelde grond of 'n gedeelte daarvan van enige persoon of klas van persone, met inbegrip van regulasies waarby voorsiening gemaak word vir die aanhouding en visentering van enige persoon of die ondersoek van enige goedere, diere of voëls voor vertrek of verwydering vanaf bedoelde grond of gedeelte daarvan;

(*b*) strawwe wat 'n boete van tweehonderd rand of gevangenisstraf vir 'n tydperk van ses maande nie te bowe gaan nie, vir oortreding van of versuim om te voldoen aan sodanige regulasies, voorskryf.

(4) (*a*) Die Minister kan die reëlings tref en die persone aanstel wat hy vir die doeltreffende bestuur en ontginning van 'n alluviale Staatsdelwery of ter versekering van die welsyn van persone wat in verband daarmee in diens is, nodig ag, en kan, behoudens die bepalings van paragraaf (*b*), die besoldiging en diensvoorwaardes van aldus aangestelde persone bepaal.

(*b*) Enige aanstelling kragtens paragraaf (*a*) van iemand wat 'n beampte of werknemer in die Staatsdiens is, is onderworpe aan die wette op die Staatsdiens, en so 'n beampte of werknemer aldus aangestel, bly in alle opsigte onderworpe aan bedoelde wette.

(*c*) Geen reëlings word, behalwe in oorleg met die Minister van Finansies, ingevolge paragraaf (*a*) ter versekering van die welsyn van persone wat in verband met 'n alluviale Staatsdelwery in diens is, getref nie.

(4) The provisions of sub-section (2) of section *forty-five* shall apply in connection with any land over which a lease referred to in this section is held, and such land shall be subject in all respects to the provisions *mutatis mutandis* of this Act relating to alluvial diggings.

(5) (*a*) With the prior approval of the Minister the rights and obligations under any lease referred to in this section may be transferred to any person.

(*b*) No stamp duty or transfer duty under any law relating to stamp duty or transfer duty shall be payable in respect of such transfer, but upon registration of the transfer the fee prescribed by sub-section (1) of section *thirty-nine* shall be payable in respect of every two thousand and twenty-five square feet of superficial area or portion thereof included in the area over which the said rights are held.

(6) The holder of a lease referred to in this section shall for the purposes of this Act be deemed to be a claimholder by virtue of a claim licence.

(7) For the purposes of this Act any licence moneys or rent payable in respect of any lease granted under section *seventy-four* of the Precious Stones Act, 1927 (Act No. 44 of 1927), shall be deemed to be rent payable in respect of a lease referred to in this section.

State alluvial diggings.

53. (1) The State President may by proclamation in the *Gazette* declare any alluvial digging or portion thereof to be a State alluvial digging: Provided that such proclamation shall not take place until the expiry of the period specified or allowed by the mining commissioner for the pegging of any discoverer's claims or owner's claims on the land in question.

(2) Whenever any alluvial digging or portion thereof has been declared a State alluvial digging, the Minister shall out of funds appropriated by Parliament for the purpose, pay—

(*a*) to the owner of the land in question or any person entitled to use the surface of such land, such surface rent as may be recommended by the board after considering any representations in writing by the owner or person concerned; and

(*b*) to the owner or any person entitled to use the surface of the land, who suffers any surface damage or any loss of or damage to crops or improvements on the land caused by the digging operations or any act or omission incidental thereto, compensation for such damage or loss.

(3) The State President may—

(*a*) make regulations prohibiting or restricting entry or sojourn upon or passage over any land on which a State alluvial digging is carried on, or any portion of such land, by any person or class of persons, or the bringing on to or keeping upon or removal from such land or any portion thereof of goods or any class of goods, animals or birds, or the departure from such land or any portion thereof of any person or class of persons, including regulations providing for the detention and search of any person or the examination of any goods, animals or birds prior to departure or removal from such land or portion thereof;

(*b*) prescribe penalties not exceeding a fine of two hundred rand or imprisonment for a period of six months for a contravention of or failure to comply with any such regulations.

(4) (*a*) The Minister may make such arrangements and appoint such persons as he may deem necessary for the effective management and working of any State alluvial digging or for ensuring the welfare of the persons employed in connection therewith, and may, subject to the provisions of paragraph (*b*), determine the remuneration and conditions of service of any person so appointed.

(*b*) Any appointment under paragraph (*a*), of a person who is an officer or employee in the public service shall be subject to the laws governing the public service, and any such officer or employee so appointed shall in all respects remain subject to the said laws.

(*c*) No arrangements shall be made under paragraph (*a*) for ensuring the welfare of persons employed in connection with any State alluvial digging, except in consultation with the Minister of Finance.

(6) Die Minister kan op die voorwaardes wat hy goedvind, van sy bevoegdhede uit hoofde van sub-artikel (4), aan enigiemand oordra.

(7) Die Staatspresident kan te eniger tyd by proklamasie in die *Staatskoerant* die instelling van 'n alluviale Staatsdelwery ophef.

HOOFSTUK VII.

OPPERVLAKTEREGTE EN WATERREGTE OP ALLUVIALE DELWERYE.

Voorbehoude wat betref regte van eienaars.

54. Behalwe vir sover uitdruklik anders daarin bepaal word, maak die bepalings van hierdie Wet geen inbreuk op die regte van die eienaar ten opsigte van die oppervlakte van grond wat as 'n alluviale delwery geproklameer is nie.

Kleimhouer en sy werknemers geregtig om sekere grond vir woondoeleindes te okkupeer.

55. (1) Elke houer van 'n kleim op 'n alluviale delwery is geregtig om terwyl hy sy kleim ontgin, sonder addisionele betaling 'n stuk grond binne 'n gebied wat deel van die delwery uitmaak en wat ingevolge artikel *ses-en-vyftig* vir woondoeleindes uitgesoek en uitgehou is, as woonplek vir homself en sy afhanklikes te gebruik en te okkupeer.

(2) Elke persoon wat in verband met delfwerksaamhede by so 'n houer in diens is, en die afhanklikes van so 'n persoon, is geregtig om sonder betaling in die woongebied, lokasie of kampong, na gelang van die geval, wat ingevolge gemelde artikel uitgesoek en uitgehou is, te woon.

Uitsoek en uithou van terreine deur mynkommissaris vir sekere doeleindes.

56. (1) Die mynkommissaris het die reg om sonder betaling terreine van die vereiste grootte op 'n alluviale delwery uit te soek en van afpenning uit te hou vir openbare geboue, skole, plekke vir godsdiensoefening, hospitale, polisiekasernes, Staatskantore, Bantoelokasies of -kampongs, landingstroke, woon-, handels-, ontspannings- of sanitêre doeleindes of begraafplase of vir watter ander doel ook al wat met die delwery in verband staan: Met dien verstande dat so 'n terrein nie so geleë mag wees dat dit die behoorlike en doeltreffende ontginning van kleims verhinder of op verboude landerye, geboue, krale of permanente verbeterings van die eienaar van die grond inbreuk maak nie: Met dien verstande voorts dat indien die betrokke alluviale delwery binne die regsgebied van 'n plaaslike bestuur geleë is, die mynkommissaris daardie plaaslike bestuur moet raadpleeg voordat hy so 'n terrein op dié delwery uitsoek.

(2) So 'n terrein moet ooreenkomstig die regulasies deur middel van bakens afgebaken word, en 'n kennisgewing dat die terrein kragtens hierdie artikel uitgehou is, moet op 'n ooglopende plek by die kantoor van die mynkommissaris aangeplak word.

(3) Indien 'n terrein wat ingevolge hierdie artikel uitgehou is, nie meer benodig word vir die doel waarvoor dit uitgehou is nie, moet die mynkommissaris die terrein by kennisgewing aangeplak op 'n ooglopende plek by sy kantoor vir afpenning van kleims ooreenkomstig die bepalings van artikel *vyf-en-dertig* oop verklaar vanaf 'n datum in dié kennisgewing vermeld.

(4) Indien 'n geskil aangaande die noodsaaklikheid, omvang, uitwerking of verandering van 'n uithouding ingevolge hierdie artikel ontstaan, is die Minister se beslissing afdoende.

Oppervlakteregte vir doeleindes wat met delwery in verband staan.

57. (1) 'n Kleimhouer is geregtig om op aansoek by die mynkommissaris en sonder betaling oor geskikte onafgepende grond op 'n alluviale delwery, wat vir die doel beskikbaar is, die oppervlakteregte te verkry wat volgens die mynkommissaris se oordeel nodig is vir die oprigting van masjinerie of vir uitskot of afvalklippe of vir enige ander doel wat met die ontginning van die kleim of kleims deur die aansoeker op daardie delwery gehou, in verband staan.

(2) Sodanige oppervlakteregte word verleen en gehou op die voorwaardes wat die regulasies voorskryf.

Aansoek om reg van weg deur kleimhouer.

58. (1) Die mynkommissaris kan na oorlegpleging met die eienaar van die betrokke grond, na goeddunke 'n reg van weg vir 'n pad, voetpad, waterloop, pypleiding, kragleiding, kabelweg, tremweg of ander vervoer op, oor of deur enige gedeelte van 'n alluviale delwery verleen, hetsy dit deur iemand anders as kleims gehou word al dan nie, en iemand wat 'n ander by die uitoefening van so 'n reg hinder of belemmer, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig rand.

(6) The Minister may, on such conditions as he may deem fit, assign to any person any of his powers under sub-section (4).

(7) The State President may at any time by proclamation in the *Gazette* disestablish any State alluvial digging.

CHAPTER VII.

SURFACE RIGHTS AND WATER RIGHTS ON ALLUVIAL DIGGINGS.

Savings as to rights of owners.

54. Save as is expressly otherwise provided therein, nothing in this Act shall affect the rights of the owner in respect of the surface of land proclaimed as an alluvial digging.

Claimholder and his employees entitled to occupy certain land for residential purposes.

55. (1) Every holder of a claim on an alluvial digging shall while working his claim be entitled to use and occupy without extra payment, for the purpose of a residence for himself and his dependants, a piece of land within an area forming part of the digging selected and reserved for residential purposes under section *fifty-six*.

(2) Every person employed by such holder in digging operations, and the dependants of any such person, shall be entitled to reside without payment in the residential area, location or compound, as the case may be, selected and reserved under the said section.

Selection and reservation of sites by mining commissioner for certain purposes.

56. (1) The mining commissioner shall have the right without payment to select and reserve from pegging on any alluvial digging, sites of such size as may be necessary for public buildings, schools, places of worship, hospitals, police barracks, Government offices, Bantu locations or compounds, landing strips, residential, trading, recreation or sanitary purposes or burial grounds or for any purpose whatever connected with the digging: Provided that no such site shall be so situated as to interfere with the proper and efficient working of any claims or with any cultivated lands, buildings, kraals or permanent improvements of the owner of the land: Provided further that if the alluvial digging in question is situated within the area of jurisdiction of a local authority, the mining commissioner shall before selecting any such site on such digging consult that local authority.

(2) Every such site shall be demarcated by beacons in accordance with the regulations, and notice of the reservation of the site under this section shall be posted up in a conspicuous place at the office of the mining commissioner.

(3) If any site reserved under this section is no longer required for the purpose for which it was reserved, the mining commissioner shall, by notice posted up in a conspicuous place at his office, declare such site open to pegging in accordance with the provisions of section *thirty-five* as from a date to be specified in such notice.

(4) If any dispute arises as to the necessity, extent, effect or alteration of any reservation made under this section, the decision of the Minister shall be final.

Surface rights for purposes incidental to digging.

57. (1) Any claimholder shall be entitled on application to the mining commissioner to obtain without payment such surface rights on an alluvial digging over any suitable unpegged land which may be available for the purpose, as may in the opinion of the mining commissioner be necessary for the erection of machinery, depositing of tailings or waste rock or for any other purpose connected with the working of the claim or claims held by the applicant on that digging.

(2) Such surface rights shall be granted and held on such conditions as may be prescribed by regulation.

Application for right of way by claimholder.

58. (1) The mining commissioner may after consultation with the owner of the land in question, in his discretion grant a right of way for a road, path, watercourse, pipe line, power line, ropeway, tramway or other haulage on, over or through any portion of an alluvial digging, whether held as claims by any other person or not, and any person who obstructs or interferes with any other person in the exercise of any such right shall be guilty of an offence and liable on conviction to a fine not exceeding fifty rand.

(2) Wanneer so 'n reg van weg volgens die mynkommissaris se oordeel op onbehoorlike wyse gebruik word of nie meer gebruik word vir die doel waarvoor dit verleen is nie, kan die mynkommissaris die verlening van daardie reg intrek.

Neem van water vir delfdoeleindes.

59. (1) Water benodig vir die doeleindes van 'n alluviale delwery kan slegs ooreenkomstig die bepalings van hierdie Wet en onderworpe aan die bepalings van die Waterwet, 1956 (Wet No. 54 van 1956), geneem word.

(2) Elke kleimhouer het toegang tot enige vlei of verlate kleims binne 'n alluviale delwery, wat nie geleë is op grond wat ingevolge artikel *vier-en-twintig* uitgehou is nie, om water uitsluitlik vir sy eie delf- of huishoudelike doeleindes te neem.

Verlening van tydelike waterregte deur mynkommissaris.

60. (1) Die mynkommissaris kan, onderworpe aan die bepalings van die Waterwet, 1956 (Wet No. 54 van 1956), 'n tydelike waterreg op 'n alluviale delwery verleen aan die eienaar van die betrokke grond, of iemand wat hy benoem, ten einde water aan kleimhouers en bewoners op daardie alluviale delwery of 'n ander sodanige delwery te verskaf.

(2) So 'n waterreg verleen aan die houer die reg om onderworpe aan die bedinge en voorwaardes wat die mynkommissaris bepaal 'n hoeveelheid water te neem wat hy bepaal en dit teen deur hom bepaalde tariewe aan kleimhouers, waterkarweiers of bewoners op 'n alluviale delwery te verskaf.

(3) Indien die mynkommissaris oortuig is dat die watervoorraad op 'n alluviale delwery ontoereikend of onbevredigend is of dat die houer van die tydelike waterreg ten opsigte van daardie delwery hoër tariewe vorder as wat die mynkommissaris vasgestel het, gee hy aan bedoelde houer minstens veertien dae en hoogstens een maand skriftelike kennis om die gebrek uit te skakel, en, indien die gebrek nie binne bedoelde tydperk uitgeskakel word nie, kan die mynkommissaris aan ander persone op die delwery tydelike waterregte verleen en die waterreg van die persoon aan wie die kennisgewing bestel is, intrek.

(4) Enige geskil in verband met 'n besluit van die mynkommissaris ingevolge hierdie artikel, is onderworpe aan appèl na die Minister, wie se beslissing afdoende is.

Minister kan boorgate laat sink of putte laat grawe.

61. Die Minister kan na oorlegpleging met die eienaar van grond waarop 'n alluviale delwery geleë is, en onderworpe aan die bepalings van die Waterwet, 1956 (Wet No. 54 van 1956), boorgate op daardie delwery laat sink of putte daar laat grawe en die nodige toestelle vir die verskaffing van water aan delwers daarop laat oprig, en kan die mynkommissaris magtig om aan enigiemand 'n waterreg ten opsigte van so 'n boorgat of put te verleen op die bedinge en voorwaardes wat die Minister bepaal, of om die boorgat of put onder sy beheer te hou en water aan kleimhouers, waterkarweiers en bewoners op die delwery te verskaf teen die tariewe wat die Minister bepaal.

Waterregte verval by deproklamering.

62. Ingeval 'n alluviale delwery gedeproklameer word, verval enige waterregte wat ingevolge hierdie Wet daarop verleen is.

HOOFSTUK VIII.

EDELGESTEENTEMYNE.

DEEL I.

Proklamering van Myne en Myngebiede.

Proklamering van myne.

63. Wanneer die Staatspresident oortuig is dat daar redelike gronde bestaan om aan te neem dat edelgesteentes in lonende hoeveelhede in 'n myn op enige grond voorkom, kan hy die deel van daardie grond waar daar na sy oordeel edelgesteentes gevind sal word, laat afbaken en opmeet, en daarna by proklamasie in die *Staatskoerant* die aldus opgemete gebied tot 'n myn of deel van 'n bestaande of tevore geproklameerde myn proklameer: Met dien verstande dat geen grond aldus geproklameer word nie indien die ontdekker- of eienaarsertifikaat waarop iemand ingevolge hierdie Wet ten opsigte van die grond geregtig is, nie uitgereik is nie.

Proklamering van mynterrein.

64. (1) Vir die doeleindes van ontginning van 'n myn wat ingevolge hierdie Wet geproklameer is, kan die Staatspresident 'n gebied wat na vermoede geen edelgesteentes bevat nie, laat afbaken en opmeet, en dié gebied by proklamasie in die *Staatskoerant* tot 'n mynterrein proklameer.

(2) Whenever in the opinion of the mining commissioner any such right of way is improperly used or has ceased to be used for the purpose for which it was granted, the mining commissioner may cancel the grant of that right.

Taking of water for digging purposes.

59. (1) Water required for the purposes of any alluvial digging shall only be taken in accordance with the provisions of this Act and subject to the provisions of the Water Act, 1956 (Act No. 54 of 1956).

(2) Every claimholder shall have access to any vlei or abandoned claims, not situated on land reserved under section *twenty-four*, within an alluvial digging for the purpose of taking water solely for his own digging operations or domestic purposes.

Granting of temporary water rights by mining commissioner.

60. (1) The mining commissioner may, subject to the provisions of the Water Act, 1956 (Act No. 54 of 1956), grant a temporary water right on any alluvial digging to the owner of the land in question or his nominee, for the purpose of supplying water to claimholders and residents on that alluvial digging or any other such digging.

(2) Such water right shall entitle the holder to take water up to such amount and subject to such terms and conditions as the mining commissioner may determine, and to supply water to claimholders, water carriers or residents on any alluvial digging at such rates as may be fixed by the mining commissioner.

(3) If the mining commissioner is satisfied that the water supply on any alluvial digging is inadequate or unsatisfactory or that the holder of the temporary water right in respect of that digging is charging a rate in excess of that fixed by the mining commissioner, he shall give not less than fourteen days and not more than one month's notice in writing to such holder to remedy any defect, and if such defect is not remedied within the said period the mining commissioner may grant temporary water rights to any other persons on the digging and may cancel the temporary water right of the person upon whom such notice has been served.

(4) Any dispute in regard to any decision by the mining commissioner under this section shall be subject to an appeal to the Minister whose decision shall be final.

Minister may cause boreholes or wells to be sunk.

61. The Minister may after consultation with the owner of land on which an alluvial digging is situated, and subject to the provisions of the Water Act, 1956 (Act No. 54 of 1956), cause boreholes or wells to be sunk on that digging and appliances necessary for the supply of water to diggers to be erected thereon, and may authorize the mining commissioner to grant a water right to any person in respect of any such borehole or well on terms and conditions to be determined by the Minister, or to maintain control of the borehole or well and to supply water to claim-holders, water carriers and residents on the digging at such rates as the Minister may determine.

Water rights lapse on deproclamation.

62. In the event of an alluvial digging being deproclaimed, any water rights thereon granted under this Act shall lapse.

CHAPTER VIII.

PRECIOUS STONES MINES.

PART I.

Proclamation of Mines and Mining Areas.

Proclamation of mines.

63. Whenever the State President is satisfied that there are reasonable grounds for believing that precious stones in a mine exist in payable quantities on any land, he may cause so much of that land as in his opinion will be found to contain precious stones to be beaconed off and surveyed, and may thereafter by proclamation in the *Gazette* proclaim the area so surveyed a mine or portion of an existing or previously proclaimed mine: Provided that no land shall be so proclaimed if the discoverer's or owner's certificate to which any person may be entitled under this Act in respect of the land has not been issued.

Proclamation of mining area.

64. (1) For the purpose of working any mine proclaimed under this Act, the State President may cause an area believed not to contain precious stones to be beaconed off and surveyed and by proclamation in the *Gazette* proclaim such area a mining area.

(2) So 'n gebied moet groot genoeg wees vir stortingsterreine, masjinerie en uitskotterreine, woon- en handelsterreine en alle ander aangeleenthede in verband met die behoorlike en doeltreffende ontginning van die myn, en kan gebruik en geokkupeer word onderworpe aan betaling soos by regulasie kragtens sub-artikel (3) voorgeskryf.

(3) Die Staatspresident kan van tyd tot tyd by proklamasie in die *Staatskoerant* 'n gebied by die aldus opgemete gebied insluit of daarvan uitsluit, volgens die vereistes van die myn, en kan regulasies uitvaardig vir die behoorlike aanleg van stortingsterreine, masjinerie en uitskotterreine, handelsterreine, woonterreine en ander gebiede wat in verband met bedoelde myn nodig is, vir die omheining van sodanige gebiede om die myn en werke behoorlik te beskerm en om toegang en kommunikasie deur ongeoorloofdes te verhoed, en vir die betaling van huur ten opsigte van die gebruik van so 'n gebied of deel van so 'n gebied.

(4) Geen grond waarvan die eiendomsreg nie by die Staat berus nie, kan sonder skriftelike toestemming van die eienaar daarvan tot 'n mynterrein ingevolge hierdie artikel verklaar word nie, behalwe vir die doeleindes van ontginning van 'n myn wat op die grond geproklameer is.

Opstel van opmetingsplan van myn of mynterrein.

65. (1) Voor die proklamering van 'n myn of mynterrein ingevolge hierdie artikel moet 'n kaart daarvan wat deur 'n landmeter opgestel en deur die betrokke Landmeter-generaal goedgekeur is, vir insae deur die publiek by die kantoor van die mynkommissaris beskikbaar gehou word.

(2) Die koste van afbakening en opmeting van so 'n myn of mynterrein word betaal—

(*a*) in die geval van private grond, deur die houer van die reg op edelgesteentes ten opsigte van die grond;

(*b*) in die geval van vervreemde Staatsgrond, deur die eienaar van die grond; en

(*c*) in die geval van Staatsgrond, uit gelde wat die Parlement vir die doel bewillig het.

Deproklamering van myn.

66. (1) Die Staatspresident kan by proklamasie in die *Staatskoerant* 'n kragtens hierdie Wet geproklameerde myn of mynterrein deproklameer, indien dit vir die Minister blyk dat edelgesteentes nie in lonende hoeveelhede in dié myn gevind word nie, of indien daar ander gronde is waarom dit na die Minister se oordeel raadsaam of wenslik is dat dié myn of mynterrein gedeproklameer moet word.

(2) 'n Proklamasie waarby 'n myn of mynterrein gedeproklameer word, kan bepalings bevat van die aard in sub-artikel (2) van artikel *vyf-en-twintig* beoog.

Proklamering of deproklamering van myn of mynterrein moet in aktekantoor aangeteken word.

67. Die bepalings van artikel *ses-en-twintig* is *mutatis mutandis* van toepassing in verband met die proklamering of deproklamering van 'n myn of mynterrein ingevolge hierdie Wet.

DEEL II

Ontginning van 'n Myn.

Ontginning van myn na proklamering.

68. (1) 'n Kragtens artikel *drie-en-sestig* geproklameerde myn kan, behoudens die bepalings van hierdie Hoofstuk, ontgin word—

(*a*) in die geval van 'n myn op Staatsgrond, deur die houer van die ontdekkersertifikaat; of

(*b*) in die geval van 'n myn op private grond of vervreemde Staatsgrond, deur die houer van die eienaarsertifikaat,

ten opsigte van die myn, indien die houer die keuse uitoefen om die myn te ontgin.

(2) Binne nege maande na publikasie van die proklamasie waarby die myn geproklameer word, moet die houer van die ontdekker- of eienaarsertifikaat, na gelang van die geval, die Minister skriftelik in kennis stel of hy voornemens is om die myn te ontgin al dan nie.

(3) Die houer van 'n ontdekker- of eienaarsertifikaat ten opsigte van die myn is geregtig om uit die winste verkry uit die die ontginning van die myn slegs die aandeel te ontvang wat met sy belang of aandeel in die myn ooreenstem.

Mynwerksaamhede moet tot bevrediging van Minister uitgevoer word.

69. (1) Die persoon wat ingevolge artikel *agt-en-sestig* geregtig is om 'n myn te ontgin, moet, indien hy die keuse uitoefen om die myn te ontgin, binne twaalf maande na die publikasie van die ter sake dienende proklamasie, die bedryfskapitaal voorsien wat volgens die Minister se oordeel vir die doeltreffende ontginning van die myn nodig sal wees.

(2) Such area shall be of sufficient extent for depositing floors, machinery and tipping sites, residential and trading sites and all other matters connected with the proper and efficient working of the mine, and may be used and occupied subject to such payment as may be prescribed by regulation under sub-section (3).

(3) The State President may from time to time by proclamation in the *Gazette* include any area in or exclude any area from the area so surveyed, as may be required for the purposes of the mine, and may make regulations for the proper laying out of depositing floors, machinery and tipping sites, trading sites, residential sites and other areas required in connection with the said mine, for fencing off such areas for the proper protection of the mine and works and to prevent access or communication by unauthorized persons, and for the payment of rent in respect of the use of any such area or portion thereof.

(4) No land the ownership of which is not vested in the State shall be proclaimed a mining area under this section without the written consent of the owner thereof except for the purpose of working a mine proclaimed on such land.

Framing of plan of survey of mine or mining area.

65. (1) Before the proclamation of any mine or mining area under this Act a diagram thereof framed by a land surveyor and approved by the Surveyor-General concerned shall be deposited for public inspection at the office of the mining commissioner.

(2) The cost of beaconing and surveying such mine or mining area shall be paid—

(*a*) in the case of private land, by the holder of the right to precious stones in respect of the land;

(*b*) in the case of alienated State land, by the owner of the land; and

(*c*) in the case of State land, out of moneys appropriated by Parliament for the purpose.

Deproclamation of mine.

66. (1) The State President may by proclamation in the *Gazette* deproclaim any mine or mining area proclaimed under this Act, if it appears to the Minister that precious stones are not being found in such mine in payable quantities, or if there are other grounds which in the Minister's opinion render it expedient or desirable that such mine or mining area be deproclaimed.

(2) Any proclamation whereby a mine or mining area is deproclaimed may contain provisions of the nature contemplated in sub-section (2) of section *twenty-five*.

Proclamation or deproclamation of mine or mining area to be recorded in deeds registry.

67. The provisions of section *twenty-six* shall *mutatis mutandis* apply in connection with the proclamation or deproclamation of a mine or mining area under this Act.

PART II.

Working of a Mine.

Working of mine after proclamation.

68. (1) Any mine proclaimed under section *sixty-three* may, subject to the provisions of this Chapter, be worked—

(*a*) in the case of a mine on State land, by the holder of the discoverer's certificate; or

(*b*) in the case of a mine on private land or alienated State land, by the holder of the owner's certificate,

in respect of the mine if such holder elects to work such mine.

(2) Within nine months after the publication of the proclamation whereby the mine is proclaimed, the holder of the discoverer's or owner's certificate, as the case may be, shall notify the Minister in writing whether or not he intends to work the mine.

(3) The holder of any discoverer's or owner's certificate in respect of the mine shall be entitled to receive out of the profits derived from the working of the mine only such share as corresponds to his interest or share in the mine.

Mining operations to be carried out to satisfaction of the Minister.

69. (1) The person entitled under section *sixty-eight* to work any mine shall, if he elects to work the mine, provide, within twelve months after the publication of the relevant proclamation, the working capital which in the opinion of the Minister will be necessary for the effective working of the mine.

(2) So 'n persoon moet binne vyftien maande na die publikasie van die proklamasie met die werksaamhede begin, tensy hy deur omstandighede buite sy beheer verhinder word of tensy die Minister om 'n ander rede tot uitstel instem, en moet mynbouwerksaamhede en werksaamhede wat nodig is om die edelgesteentes te win en van die hand te sit, voortsit op 'n skaal en op 'n wyse wat die Minister tevrede stel.

(3) Ingeval die in sub-artikel (1) bedoelde bedryfskapitaal of die opgehoopte winste wat vir die doel opsy gesit is, ontoereikend blyk om die myn doeltreffend te ontgin op 'n skaal wat die Minister goedkeur, moet die betrokke persoon die addisionele bedryfskapitaal voorsien wat die Minister vereis.

(4) So 'n persoon moet ook van tyd tot tyd, en so dikwels as wat die Minister dit verlang, die planne en program van ontwikkeling en ontginning waarvolgens gewerk gaan word, asook die program wat in verband met die was en die uithaal en van die hand sit van edelgesteentes gevolg gaan word, skriftelik aan die Minister meedeel, en moet die besonderhede en inligting in dié verband verstrek wat die Minister vereis.

(5) Die Minister kan in die geval van 'n geregistreerde maatskappy die stappe doen wat hy nodig ag om oorkapitalisering van dié maatskappy of die skepping van verkopersaandele te voorkom.

Staat se aandeel in winste van myn.

70. Indien iemand wat ingevolge artikel *agt-en-sestig* geregtig is om 'n myn te ontgin, die keuse uitoefen om daardie myn te ontgin, ontvang die Staat vanaf die datum van proklamering van die myn—

(*a*) in die geval van 'n myn op private grond, die helfte; en

(*b*) in die geval van 'n myn op Staatsgrond of vervreemde Staatsgrond, drie-vyfdes,

van die vasgestelde wins uit die ontginning van die myn verkry.

Verliese teen winste verreken en direkteursgelde deur Sekretaris van Binnelandse Inkomste goedgekeur te word.

71. (1) Indien 'n myn in enige boekjaar teen 'n verlies ontgin word, word die vasgestelde verlies in daardie jaar oorgedra en teen die vasgestelde wins in daaropvolgende jare verreken.

(2) Indien 'n myn deur 'n maatskappy ontgin word, is enige verdeling onder die direkteure van die maatskappy by wyse van direkteursgelde of andersins, onderworpe aan die goedkeuring van die Sekretaris van Binnelandse Inkomste.

Reg van persoon geregtig om myn te ontgin, kan deur Minister beëindig word.

72. (1) Indien die persoon wat ingevolge artikel *agt-en-sestig* geregtig is om 'n myn te ontgin—

(*a*) versuim om die Minister binne die in daardie artikel voorgeskrewe tydperk skriftelik in kennis te stel of hy voornemens is om die myn te ontgin al dan nie; of

(*b*) in gebreke bly om die nodige kapitaal vir die ontginning van die myn te verkry; of

(*c*) te eniger tyd ophou of versuim om die myn tot bevrediging van die Minister te ontgin of versuim om die opbrengs daarvan tot bevrediging van die Minister te gelde te maak; of

(*d*) versuim om aan 'n opdrag of vereiste van die Minister in verband met 'n aangeleentheid vermeld in artikel *nege-en-sestig* gevolg te gee; of

(*e*) versuim om enige deel van die winste wat betaalbaar is, volgens voorskrif van artikels *sewe-en-sewentig* en *agt-en-sewentig* te betaal,

kan enige reg wat dié persoon ingevolge hierdie Wet het om die myn of enige daarmee in verband staande puinhope of stortingsterreine te ontgin, deur die Minister beëindig word, tensy daardie persoon binne drie maande nadat hy, by skriftelike kennisgewing aan hom gerig, deur die Minister daartoe aangesê is, stappe doen om die versuim aan te suiwer, en, waar so 'n reg aldus beëindig is, kan die Minister na goeddunke by kennisgewing in die *Staatskoerant* tenders vir die ontginning van die myn en enige daarmee in verband staande puinhope en stortingsterreine aanvra en aan enige tenderaar 'n mynhuur ten opsigte van die myn en bedoelde puinhope of stortingsterreine verleen op die bedinge en voorwaardes wat die Minister na oorlegpleging met die raad bepaal: Met dien verstande dat enige deel van die winste volgens so 'n mynhuur betaalbaar, tussen die Staat en die houer van enige ontdekker- of eienaarsertifikaat ten opsigte van die betrokke myn verdeel moet word na verhouding van hul onderskeie aandele ingevolge artikels *dertien*, *sewentien* en *sewentig*: Met dien verstande voorts dat die Minister nie sy bevoegdhede ingevolge paragraaf (*c*) uitoefen waar die betrokke persoon volgens sy oordeel weens instroming of skaarste van water, ernstige ongeval, onvermydelike vertraging met voltooiing of herstel van bedryfsinrigting of skagte, skaarste van arbeid of geskille met werkliede verhinder is om die myn te ontgin nie.

(2) Such person shall commence operations within fifteen months after the publication of the proclamation unless prevented by circumstances beyond his control or unless the Minister consents to a postponement for any other reason, and shall carry on mining operations and operations necessary for the winning and disposal of the precious stones on a scale and in a manner satisfactory to the Minister.

(3) In the event of the working capital referred to in subsection (1) or accumulated profits reserved for the purpose proving inadequate for the effective working of the mine on a scale approved by the Minister, the person concerned shall provide such additional working capital as the Minister may require.

(4) Such person shall also from time to time and whenever required to do so by the Minister indicate in writing the policy and programme of development and exploitation, including the programme of washing and extraction and disposal of precious stones, to be followed, and shall furnish such details and information in that regard as the Minister may require.

(5) The Minister may in the case of a registered company take such steps as he may deem necessary to prevent overcapitalization of such company or the creation of vendor shares.

State's share of profits of mine.

70. If the person entitled under section *sixty-eight* to work any mine elects to work that mine, the State shall, as from the date of proclamation of the mine, receive—

(*a*) in the case of a mine on private land, one-half; and

(*b*) in the case of a mine on State land or alienated State land, three-fifths,

of the realized profit derived from the working of the mine.

Losses to be set off against profits, and directors' fees to be approved by Secretary for Inland Revenue.

71. (1) If in any accounting year a mine is worked at a loss, the realized loss in that year shall be carried forward and set off against the realized profit of succeeding accounting years.

(2) If a mine is worked by a company, any distribution amongst the directors of such company by way of directors' fees or otherwise shall be subject to the approval of the Secretary for Inland Revenue.

Right of person entitled to work mine may be determined by Minister.

72. (1) If the person entitled under section *sixty-eight* to work any mine—

(*a*) fails within the period prescribed by that section to notify the Minister in writing whether or not he intends to work the mine; or

(*b*) fails to find the necessary capital for the working of the mine; or

(*c*) discontinues or fails at any time to work the mine to the satisfaction of the Minister, or fails to realize the produce thereof to the satisfaction of the Minister; or

(*d*) fails to carry out any instruction or requirement of the Minister in regard to any matter mentioned in section *sixty-nine*; or

(*e*) fails to pay any share of profits payable as prescribed in sections *seventy-seven* and *seventy-eight*,

any right which such person may have to work the mine or any debris heaps or depositing floors connected therewith under this Act may be terminated by the Minister unless that person takes steps, within three months after being called upon to do so by the Minister by notice in writing addressed to him, to make good the default, and, where any such right has been so terminated, the Minister may in his discretion by notice in the *Gazette* call for tenders for the working of the mine and any debris heaps or depositing floors connected therewith and may grant a mining lease in respect of the mine and such debris heaps or depositing floors to any tenderer on such terms and conditions as the Minister may determine after consultation with the board: Provided that any share of the profits payable under such lease shall be divided between the State and the holder of any discoverer's or owner's certificate in respect of the mine in proportion to their respective shares under sections *thirteen*, *seventeen* and *seventy:* Provided further that the Minister shall not exercise his powers under paragraph (*c*) if in his opinion the person concerned has been prevented from working the mine owing to the influx or scarcity of water, serious accident, unavoidable delay in completion of or repairs to the plant or shafts, scarcity of labour or disputes with workmen.

(2) Die Minister kan ook ooreenkomstig sub-artikel (1) optree waar die persoon wat ingevolge artikel *agt-en-sestig* geregtig is om 'n myn te ontgin, weier om die myn te ontgin of kies om dit nie te doen nie.

Wanneer reg verval om myn te ontgin, mag bedryfsinrigting, ens., nie verwyder of vernietig word nie, en moet werke in myn ongeskonde gelaat word.

73. (1) Indien die reg om 'n myn te ontgin ooreenkomstig die bepalings van artikel *twee-en-sewentig* of die bedinge en voorwaardes van 'n mynhuur kragtens daardie artikel verleen, beëindig word, mag die persoon wat daardie reg besit het, geen bedryfsinrigting, masjinerie of toerusting van die myn verwyder of bedryfsinrigting, masjinerie of toerusting vernietig of materiaal wat gebruik word om die kante of mure van die myn of ondergrondse werke te stut, verwyder of vernietig nie, maar moet hy bedoelde bedryfsinrigting, masjinerie, toerusting en materiaal in goeie toestand en deeglik versien laat.

(2) Iemand wat daarna ingevolge artikel *twee-en-sewentig* 'n mynhuur ten opsigte van die myn verkry, is geregtig om die belang van die in sub-artikel (1) bedoelde persoon in gemelde bedryfsinrigting, masjinerie, toerusting en materiaal te koop of te huur teen 'n prys wat by ontstentenis van ooreenkoms by arbitrasie bepaal word.

(3) Indien die reg om 'n myn te ontgin, onder die omstandighede vermeld in sub-artikel (1) beëindig word, en die Minister nie binne 'n tydperk van twaalf maande vanaf die datum van die beëindiging die by artikel *twee-en-sewentig* aan hom verleende bevoegdheid om 'n mynhuur ten opsigte van die myn te verleen, uitoefen nie, kan die persoon wat die reg gehad het om die myn te ontgin, na verstryking van gemelde tydperk sy bedryfsinrigting, masjinerie of toerusting verkoop of verwyder, maar nie materiaal wat gebruik word of volgens die Staatsmyningenieur se oordeel nodig is om die kante of mure van die myn of die ondergrondse werke daarvan te stut nie.

Verhuur van Staat se belang in sekere geproklameerde myne.

74. Die Minister kan, indien hy dit na oorlegpleging met die raad raadsaam ag om dit te doen, die Staat se belang in 'n myn verhuur aan die persoon wat geregtig is om die myn te ontgin, en wel op die voorwaardes waarop met dié persoon ooreengekom word, en daarop geld die bepalings van hierdie Wet met betrekking tot die ontginning van 'n myn en die verdeling van winste ten opsigte van die betrokke myn, met inagneming van bedoelde voorwaardes.

DEEL III.

Administratiewe Bepalings van toepassing op Ontginning van Nuwe en Bestaande Myne.

Myneienaar moet nodige boeke, rekenings, planne en aantekenings hou.

75. (1) 'n Myneienaar moet—

(*a*) die boeke, rekenings, planne en aantekenings hou wat nodig is om 'n volledige uiteensetting van sy werksaamhede aan te toon en wat die Minister gelas, en bedoelde boeke, rekenings, planne en aantekenings op alle redelike tye vir insae deur die Minister of 'n deur hom daartoe gemagtigde persoon beskikbaar hou;

(*b*) op die tye of binne die tydperke wat die Minister of die Sekretaris van Binnelandse Inkomste by skriftelike kennisgewing gerig aan die myneienaar bepaal, aan die Minister of bedoelde Sekretaris die opgawes of verslae verstrek wat aldus bepaal word.

(2) 'n Myneienaar wat versuim om aan 'n lasgewing ingevolge paragraaf (*a*) of 'n kennisgewing ingevolge paragraaf (*b*) van sub-artikel (1) te voldoen, of weier om aan die Minister of 'n kragtens paragraaf (*a*) van sub-artikel (1) gemagtigde persoon toegang tot enige in daardie paragraaf bedoelde boeke, rekenings, planne of aantekenings te verleen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens duisend rand.

Minister kan beamptes aanstel om myn en werke te inspekteer.

76. Die Minister kan beamptes aanstel om van tyd tot tyd 'n myn of werke of 'n plek waar edelgesteentes uitgehaal, gesorteer of geklassifiseer word, en boeke (met inbegrip van notuleboeke), rekenings, planne, kontrakte, aantekenings en ander stukke wat in verband met 'n myn gehou word, te inspekteer en aan hom verslag te doen of die ontginning van die myn en die uithaal van en beskikking oor edelgesteentes na wense geskied.

Jaarlikse rekenings en betaling van Staat se aaneel in winste.

77. (1) Al die rekenings van 'n myn moet jaarliks opgemaak word tot 'n datum waaroor die Sekretaris van Binnelandse Inkomste en die myneienaar ooreenkom of wat by ontstentenis van ooreenkoms deur bedoelde Sekretaris bepaal word.

(2) The Minister may also take steps as provided in sub-section (1) where the person entitled under section *sixty-eight* to work a mine refuses or elects not to work the mine.

When right to work mine is determined plant, etc., may not be removed or destroyed, and mine workings to be left intact.

73. (1) If the right to work a mine is terminated in accordance with the provisions of section *seventy-two* or the terms and conditions of any mining lease granted under that section, the person who possessed that right shall not remove any plant, machinery or equipment from the mine, or destroy any plant, machinery or equipment, or remove or destroy any material used for supporting the sides or walls of the mine or underground workings, but shall leave the said plant, machinery, equipment and material in good condition and repair.

(2) Any person who subsequently acquires a mining lease in respect of the mine under section *seventy-two* shall be entitled to hire or purchase the interest in the said plant, machinery, equipment and material of the person mentioned in sub-section (1) at a valuation which shall, in the absence of agreement, be determined by arbitration.

(3) If the right to work a mine is determined in the circumstances mentioned in sub-section (1) and the Minister does not, within a period of twelve months from the date of the determination, exercise the powers to grant a mining lease in respect of such mine conferred upon him by section *seventy-two*, the person who possessed the right to work the mine may after the expiration of the said period sell or remove his plant, machinery or equipment but not any material used or in the opinion of the Government Mining Engineer necessary for supporting the sides or walls of the mine or the underground workings thereof.

Lease of State's interest in certain proclaimed mines.

74. The Minister may, if after consultation with the board he deems it expedient to do so, lease the State's interest in any mine to the person entitled to work the mine, on such conditions as may be agreed upon with such person, and the provisions of this Act with reference to the working of a mine and the division of profits shall thereupon apply in respect of the mine in question subject to the said conditions.

PART III.

Administrative Provisions Applicable to the Working of New and Existing Mines.

Mineholder to keep necessary books, accounts, plans and records.

75. (1) A mineholder shall—

(*a*) keep such books, accounts, plans and records as may be necessary for conveying a full record of his operations and as the Minister may direct, and at all reasonable times keep such books, accounts, plans and records open to the inspection of the Minister or any person authorized thereto by him;

(*b*) at such times or within such periods as may be specified by the Minister or the Secretary for Inland Revenue by notice in writing addressed to such mineholder, submit to the Minister or the said Secretary such returns or reports as may be so specified.

(2) Any mineholder who fails to comply with the requirements of any direction under paragraph (*a*) or notice under paragraph (*b*) of sub-section (1), or refuses to allow access to any books, accounts, plans or records referred to in paragraph (*a*) of sub-section (1) to the Minister or a person authorized in terms of that paragraph, shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand rand.

Minister may appoint officers to inspect mine and works.

76. The Minister may appoint officers to inspect from time to time any mine or works or any place where precious stones are extracted, sorted or classified, and any books (including minute books), accounts, plans, contracts, records and other documents kept in connection with any mine, and to report to him whether the working of the mine and the extraction and disposal of the precious stones are satisfactory.

Annual accounts, and payment of State's share of profits.

77. (1) All accounts of any mine shall be made up annually to such date as may be agreed upon between the Secretary for Inland Revenue and the mineholder or, failing such agreement, determined by the said Secretary.

(2) Die myneienaar moet jaarliks aan bedoelde Sekretaris 'n rekening verstrek in die vorm deur laasgenoemde vereis, wat deur die myneienaar onderteken is en waaruit blyk hoe die vasgestelde wins bepaal word en wat die ander besonderhede bevat wat vir die doeleindes van hierdie Wet nodig is.

(3) Bedoelde rekening moet verstrek word binne drie maande na die datum tot wanneer die jaarlikse rekenings van die myn opgemaak word of binne die verdere tydperk wat bedoelde Sekretaris toelaat.

(4) Die aandeel van die vasgestelde wins wat uit so 'n rekening blyk aan die Staat betaalbaar te wees, moet ten tyde van die verstrekking van die betrokke rekening aan bedoelde Sekretaris betaal word.

(5) Enige aandeel van winste aan die Staat betaalbaar wat nie binne die in sub-artikel (3) voorgeskrewe tydperk betaal word nie, verdien rente teen die koers van sewe persent per jaar bereken vanaf die einde van daardie tydperk.

(6) 'n Myneienaar wat versuim om die in sub-artikel (2) vermelde rekening binne die in daardie sub-artikel bepaalde tydperk te verstrek, is onderhewig aan 'n boete van tien rand vir elke dag wat hy in gebreke is, en so 'n boete kan saam met die aan die Staat verskuldigde aandeel van winste aangeslaan en verhaal word: Met dien verstande dat bedoelde Sekretaris die hele boete of 'n deel daarvan kan kwytskeld indien hy oortuig is dat die versuim onvermydelik was en dat daar voldoende rede vir kwytskelding bestaan.

(7) Wanneer 'n myneienaar winste verdeel, moet hy terselfdertyd die Staat se aandeel in daardie winste aan bedoelde Sekretaris betaal, en so 'n betaling word behandel as 'n deposito deur die myneienaar by die Staat gemaak in afwagting van die verstrekking van die jaarlikse rekening.

Ondersoek van rekening en aanslag van myneienaar se aanspreeklikheid deur Sekretaris van Binnelandse Inkomste.

78. (1) By ontvangs van die rekening in sub-artikel (2) van artikel *sewe-en-sewentig* bedoel, ondersoek die Sekretaris van Binnelandse Inkomste of 'n beampte onder sy beheer, gesag of toesig daardie rekening en slaan hy die myneienaar aan vir die bedrag waarvoor hy aanspreeklik is.

(2) Vir die doeleindes van so 'n ondersoek en aanslag het bedoelde Sekretaris of bedoelde beampte vrye toegang tot en die gebruik van alle boeke (met inbegrip van notuleboeke), rekenings, kontrakte, aantekenings en ander stukke wat op die ontginning van die myn en die beskikking oor edelgesteentes betrekking het, en moet die myneienaar aan hom al die inligting en besonderhede verstrek wat hy van tyd tot tyd nodig het ten einde sy ondersoek te doen en 'n aanslag te maak.

(3) (*a*) Na die aanslag stel bedoelde Sekretaris die myneienaar in kennis van enige verdere bedrag wat volgens die aanslag nog deur hom verskuldig is of betaal hy aan hom enige bedrag terug wat hy, na uit die aanslag blyk, te veel aan die Staat betaal het.

(*b*) So 'n verdere bedrag moet binne die tydperk (van minstens een maand) in die kennisgewing vermeld, aan bedoelde Sekretaris betaal word.

(4) Indien die bedrag van 'n aanslag in geskil is, is die wetsbepalings op inkomstebelasting vir sover hulle op die oorweging van besware en die verhoor van appèlle betrekking het, *mutatis mutandis* van toepassing.

(5) Bedoelde Sekretaris verstrek ten opsigte van elke myn 'n jaarlikse verslag aan die Minister wat so 'n verslag in die *Staatskoerant* kan publiseer.

Gemeenskaplike eiendomsreg van Staat en myneienaar.

79. (1) Enige bates wat die gemeenskaplike eiendom van die Staat en die myneienaar ten opsigte van 'n myn is, behoort aan die Staat en die myneienaar na verhouding van hul onderskeie aandele in die myn, en sodanige eiendom wat vasgoed is, word in bedoelde verhouding aan die Staat en die myneienaar getransporteer en deur hulle besit.

(2) Die bepalings van sub-artikel (1) raak op generlei wyse die volle en vrye gebruik van bedoelde bates in en vir die doeleindes van ontginning van die myn nie.

Grondslag van bydraes tot reserwefonds.

80. (1) Bydraes in enige jaar tot 'n fonds gestig in verband met 'n myn, geskied, onderworpe aan die instemming van die Minister vir sover dit die bedrag daarvan betref, op grondslag van die Staat en die myneienaar se onderskeie aandele in die myn.

(2) By onttrekking van 'n bedrag uit so 'n fonds vir ander doeleindes as die ontginning van die myn, deel die Staat en die myneienaar in so 'n bedrag volgens die verhouding waarin tot die fonds bygedra is.

(3) Elke sodanige fonds word gehou, belê en gebruik op die wyse wat die Minister goedkeur.

(2) The mineholder shall render annually to the said Secretary, in such form as may be required by the latter, an account signed by the mineholder showing how the realized profit is arrived at and such other particulars as may be necessary for the purposes of this Act.

(3) The said account shall be rendered within three months after the date up to which the annual accounts of the mine are made up or within such further period as the said Secretary may allow.

(4) The share of the realized profit shown in any such account to be due to the State shall be paid to the said Secretary at the same time as the account in question is rendered.

(5) Any share of profits payable to the State which is not paid within the period prescribed in sub-section (3) shall bear interest at the rate of seven per cent per annum reckoned from the termination of that period.

(6) Any mineholder who fails to render the account mentioned in sub-section (2) within the period prescribed in that sub-section, shall be liable to a penalty of ten rand for every day on which he is in default, and such penalty shall be assessable and recoverable with the share of profits due to the State: Provided that the said Secretary may, if satisfied that the delay was unavoidable and that there are sufficient reasons for remission, remit the whole penalty or any part thereof.

(7) Whenever any mineholder distributes profits he shall simultaneously pay to the Secretary the State's share of such profits, and such payment shall be treated as a deposit with the State made by the mineholder pending the rendering of the annual account.

Examination of account and assessment of mineholder's liability by Secretary for Inland Revenue.

78. (1) Upon receipt of the account mentioned in sub-section (2) of section *seventy-seven* the Secretary for Inland Revenue or any officer under his control, direction or supervision shall examine such account and assess the liability of the mineholder.

(2) For the purpose of such examination and assessment the said Secretary or such officer shall have full and free access to and the use of all books (including minute books), accounts, contracts, records and other documents relating to the working of the mine and to the disposal of the precious stones and shall be supplied by the mineholder with all information and particulars which he may from time to time require in order to enable him to make his examination and assessment.

(3) (*a*) After the assessment the said Secretary shall notify the mineholder of any further sum due by him on the assessment or refund any amount which may be shown by the assessment to have been overpaid to the State.

(*b*) Any such further sum shall be paid to the said Secretary within such period (not being less than one month) as may be specified in such notification.

(4) If the amount of any assessment is in dispute, the provisions of the law relating to income tax in so far as they relate to the consideration of objections and the hearing of appeals, shall *mutatis mutandis* apply.

(5) The said Secretary shall make an annual report in respect of every mine to the Minister who may publish such report in the *Gazette*.

Joint ownership of State and mineholder.

79. (1) Any assets held in joint ownership by the State and any mineholder in respect of any mine shall be the property of the State and the mineholder in proportion to their respective shares in the mine, and any such property which is immovable property shall be transferred to and vest in the State and the mineholder in such proportions.

(2) The provisions of sub-section (1) shall in no way affect the full and free use of such assets in and for the purposes of working the mine.

Basis of contribution to reserve fund.

80. (1) Contributions in any year to any fund established in connection with any mine shall, subject to the concurrence of the Minister as to the amount thereof, be on the basis of the respective shares of the State and the mineholder in the mine.

(2) On the withdrawal of any sum from any such fund for purposes other than the working of the mine, the State and the mineholder shall share in that sum in the proportion in which contributions were made to the fund.

(3) Every such fund shall be held, invested and used in manner approved by the Minister.

Geskille na arbitrasie verwys te word.

81. (1) Behalwe wat betref geskille wat in verband met die Staat se aandeel van winste ontstaan, word enige geskil wat tussen die myneienaar en die Staat ontstaan ten opsigte van die uitvoering van die bepalings van hierdie Hoofstuk of ten opsigte van 'n aangeleentheid wat hul onderskeie belange in die myn raak, vir finale beslissing na arbitrasie verwys.

(2) Vir die doeleindes van so 'n arbitrasie geld die wetsbepalings wat dan in die Republiek van krag is vir die beslegting van geskille by arbitrasie, of, as daar nie sodanige wetsbepalings in die Republiek as geheel van krag is nie, die wetsbepalings vir die beslegting van geskille by arbitrasie wat van krag is in die provinsie waarin die betrokke myn geleë is, of, as daar nie sodanige wetsbepalings in dié provinsie is nie, die wetsbepalings vir die beslegting van geskille by arbitrasie wat in die provinsie Transvaal van krag is, asof daar skriftelik ooreengekom is om enige sodanige geskil ooreenkomstig sodanige wetsbepalings wat aldus van krag is na arbitrasie te verwys.

DEEL IV.

Proklamering van Myn op Alluviale Delwery.

Ontdekking van myn op alluviale delwery deur kleimhouer aangegee te word.

82. Wanneer 'n kleimhouer ontdek dat 'n deel van 'n alluviale delwery 'n myn is of bevat, is die bepalings van artikel *elf* aangaande kennisgewing van die ontdekking en die indiening van die verklaring en die verstrekking van inligting en die straf op versuim om aan enige vereiste in dié verband te voldoen, *mutatis mutandis* van toepassing.

Posisie by ontdekking van myn op alluviale delwery.

83. (1) Indien 'n myn wat deur 'n kleimhouer op 'n alluviale delwery ontdek word, volgens die Minister se oordeel edelgesteentes in lonende hoeveelhede bevat, is die persoon wat die ontdekking gedoen het, en, in die geval van private grond of vervreemde Staatsgrond, die houer van die reg op edelgesteentes ten opsigte van daardie private grond of die eienaar van daardie vervreemde Staatsgrond, geregtig op die aandele in die myn waarop hulle geregtig sou gewees het indien die ontdekking in die loop van prospekteerwerksaamhede op gesag van 'n prospekteerpermit of prospekteerhuur geskied het, en reik die mynkommissaris aan die kleimhouer 'n ontdekkersertifikaat en aan die houer van bedoelde reg of aan bedoelde eienaar 'n eienaarsertifikaat uit asof die ontdekking in die loop van sodanige werksaamhede plaasgevind het.

(2) 'n Myn wat op 'n alluviale delwery ontdek word of ten opsigte waarvan blyk dat dit tot binne 'n alluviale delwery strek, kan ingevolge hierdie Hoofstuk deur die Staatspresident by proklamasie in die *Staatskoerant* tot 'n myn geproklameer word, en daarop is die bepalings van hierdie Wet met betrekking tot myne van toepassing asof bedoelde myn nie deel van 'n alluviale delwery is nie: Met dien verstande dat 'n redelike tyd, wat die mynkommissaris moet bepaal, toegelaat moet word om enige houer van 'n kleim binne die aldus tot 'n myn geproklameerde gebied in staat te stel om enige alluviale grond op sy kleim uit te werk.

(3) Indien 'n myn op 'n alluviale delwery geproklameer word, en 'n deel van dié delwery vir die doeleindes van 'n mynterrein benodig is, of indien 'n myn naby 'n alluviale delwery ontdek word in so 'n posisie dat 'n gedeelte van die alluviale delwery vir gemelde doel benodig is, kan daardie gedeelte behoudens die bepalings van sub-artikel (2) tot 'n mynterrein ingevolge hierdie Hoofstuk verklaar word, en daarop hou bedoelde gedeelte op om 'n alluviale delwery te wees.

HOOFSTUK IX.

TRANSAKSIES IN VERBAND MET EN HANDEL IN RUWE OF ONGESLYPTE DIAMANTE.

Verbod op onwettige transaksies in verband met en besit van ruwe of ongeslypte diamante.

84. (1) Behalwe vir sover hierdie Wet of die Wet op die Slyp van Diamante, 1955 (Wet No. 33 van 1955), anders bepaal, mag niemand—

(*a*) hetsy as prinsipaal of as agent, ruwe of ongeslypte diamante koop of in verband daarmee sake doen of dit by wyse van ruil, pand of andersins ontvang nie, tensy—

(i) hy behoorlik ingevolge hierdie Hoofstuk gelisensieer of gemagtig is om as koper of verkoper in verband met ruwe of ongeslypte diamante sake te doen;

Differences to be referred to arbitration.

81. (1) Except as to differences arising in respect of the State's share of profits, any difference which may arise between the mineholder and the State in respect of the carrying out of the provisions of this Chapter, or in respect of any matter affecting their respective interests in the mine, shall be referred for final decision to arbitration.

(2) For the purpose of any such arbitration the law for the time being in force in the Republic for the settlement of differences by arbitration, or, if there is no such law in force throughout the Republic, the provisions of the law for the settlement of differences by arbitration in force in the province in which the mine in question is situated, or, if there is no such law in that province, the provisions of the law for the settlement of differences by arbitration in force in the province of the Transvaal, shall apply as if there had been a written agreement to submit any such difference to arbitration in accordance with any such law so in force.

PART IV.

Proclamation of Mine at Alluvial Digging.

Discovery of mine on an alluvial digging to be notified by claimholder.

82. When any portion of an alluvial digging is discovered by a claimholder to be or to contain a mine, the provisions of section *eleven* as to the giving of notice of the discovery and the furnishing of the declaration and information and the penalizing of any failure to comply with any requirement in this respect shall *mutatis mutandis* apply.

Position on discovery of mine on alluvial digging.

83. (1) If in the opinion of the Minister any mine discovered on an alluvial digging by a claimholder contains precious stones in payable quantities, the person by whom the discovery was made and, in the case of private land or alienated State land, the holder of the right to precious stones in respect of such private land or the owner of such alienated State land, shall be entitled to the shares in the mine to which they would have been entitled if the discovery had been made in the course of prospecting operations under authority of a prospecting permit or prospecting lease, and the mining commissioner shall issue to the claimholder a discoverer's certificate and to the holder of the said right or to such owner an owner's certificate as if the discovery had been made in the course of such operations.

(2) Any mine discovered on an alluvial digging or which is found to extend on to an alluvial digging may be proclaimed under this Chapter as a mine by the State President by proclamation in the *Gazette*, and thereupon the provisions of this Act relating to mines shall apply as if the said mine were not part of an alluvial digging: Provided that a reasonable time, to be determined by the mining commissioner, shall be allowed to enable any holder of a claim within the area so proclaimed a mine, to work out any alluvial deposits on his claim.

(3) If a mine is proclaimed on an alluvial digging and a portion of such digging is required for the purpose of a mining area, or if a mine is discovered close to an alluvial digging in such a position that a portion of the alluvial digging is required for the said purpose, such portion may, subject to the provisions of sub-section (2), be proclaimed a mining area under this Chapter and such portion shall thereupon cease to be an alluvial digging.

CHAPTER IX.

DEALING AND TRADING IN ROUGH OR UNCUT DIAMONDS.

Prohibition on unlawful dealings in and possession of rough or uncut diamonds.

84. (1) Save as is otherwise provided in this Act or in the Diamond Cutting Act, 1955 (Act No. 33 of 1955), no person shall—

(*a*) buy, deal in or receive by way of barter, pledge or otherwise, either as principal or agent, any rough or uncut diamonds, unless—

(i) he has been duly licensed or authorized in terms of this Chapter to deal in rough or uncut diamonds as buyer or seller;

(ii) hy 'n diamantslyperslisensie, diamantnavorsingslisensie of diamantgereedskapvervaardigerslisensie besit wat ingevolge die Wet op die Slyp van Diamante, 1955, uitgereik is, en die transaksie ooreenkomstig die bepalings van daardie Wet afhandel; of

(iii) hy 'n bankier in die Republiek is;

(*b*) hetsy as prinsipaal of as agent, 'n ruwe of ongeslypte diamant verkoop of dit vir verkoop of ruil of by wyse van pand of op ander wyse aanbied of uitstal of vir handelsdoeleindes van die hand sit of dit aflewer nie, tensy—

(i) hy iemand is wat ingevolge paragraaf (*a*) vrygestel is, en, indien hy die houer van 'n lisensie bedoel in sub-paragraaf (ii) van daardie paragraaf is, die transaksie ooreenkomstig die bepalings van die Wet op die Slyp van Diamante, 1955, afhandel;

(ii) hy 'n myneienaar is;

(iii) bedoelde ruwe of ongeslypte diamant deur hom gewin of verkry is uit grond waarop hy wettiglik na edelgesteentes prospekteer of delf op gesag van 'n gangbare permit, lisensie, huur, ooreenkoms of ander magtiging kragtens hierdie Wet verleen of aangegaan;

(iv) hy die behoorlik geakkrediteerde en geregistreerde agent van 'n ingevolge sub-paragraaf (ii) of (iii) van hierdie paragraaf vrygestelde persoon is;

(v) bedoelde ruwe of ongeslypte diamant, indien dit 'n sintetiese diamant is, deur hom vervaardig is; of

(vi) hy andersins ingevolge hierdie Hoofstuk gemagtig is om bedoelde ruwe of ongeslypte diamant te verkoop of op ander wyse van die hand te sit;

(*c*) 'n ruwe of ongeslypte diamant in sy besit hê nie, tensy—

(i) hy 'n ingevolge paragraaf (*a*) of (*b*) vrygestelde persoon is;

(ii) hy ingevolge hierdie Wet gemagtig is om in besit van bedoelde diamant te wees;

(iii) hy in besit van bedoelde diamant is by die uitvoering van 'n dienskontrak met so 'n vrygestelde persoon; of

(iv) hy op wettige wyse in besit van bedoelde diamant gekom het.

(2) Die bepalings van paragraaf (*b*) van sub-artikel (1) word nie uitgelê in die sin dat dit 'n in daardie paragraaf bedoelde persoon magtig om 'n ruwe of ongeslypte diamant te verkoop van die hand te sit of af te lewer nie, tensy hy die wettige eienaar van daardie diamant is of dit wettiglik in sy besit het.

(3) Iemand wat die bepalings van sub-artikel (1) oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tienduisend rand of gevangenisstraf vir 'n tydperk van hoogstens vyftien jaar of daardie boete sowel as daardie gevangenisstraf.

Verbod op aankoop van of verkoop aan ongemagtigde persone.

85. (1) Niemand wat ingevolge paragraaf (*a*) van sub-artikel (1) van artikel *vier-en-tagtig* vrygestel is, mag 'n ruwe of ongeslypte diamant koop of by wyse van ruil of pand of andersins ontvang van 'n persoon wat nie ingevolge paragraaf (*b*) van daardie sub-artikel gemagtig is om bedoelde diamant van die hand te sit nie, en niemand wat aldus gemagtig is, mag 'n ruwe of ongeslypte diamant verkoop of dit vir verkoop of ruil of by wyse van pand of op ander wyse aanbied of uitstal of van die hand sit of aflewer aan iemand wat nie ingevolge bedoelde paragraaf (*a*) of 'n ander bepaling van hierdie Hoofstuk gemagtig is om dié diamant te koop of te ontvang nie.

(2) Iemand wat die bepalings van sub-artikel (1) oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe in sub-artikel (3) van artikel *vier-en-tagtig* bepaal.

Uitreiking van diamanthandelaarslisensies.

86. (1) Behoudens die bepalings van hierdie artikel kan 'n diamanthandelaarslisensie in die by regulasie voorgeskrewe vorm, wat aan die houer die reg verleen om solank die lisensie geld as koper, verkoper, invoerder of uitvoerder van ruwe of ongeslypte diamante sake te doen, deur enigiemand wat een-en-twintig jaar oud of ouer is, verkry word van die ontvanger van inkomste vir die distrik waarin so iemand se besigheidsplek geleë is of sal wees.

(ii) he holds a diamond cutter's licence, diamond research licence or diamond tool-maker's licence issued under the Diamond Cutting Act, 1955, and concludes the transaction in accordance with the provisions of that Act; or

(iii) he is a banker in the Republic;

(*b*) sell or offer or expose for sale, barter, pledge or otherwise, or for the purpose of trade dispose of or deliver, either as principal or agent, any rough or uncut diamond, unless—

(i) he is a person exempted under paragraph (*a*), and, if he is the holder of a licence referred to in sub-paragraph (ii) of that paragraph, concludes the transaction in accordance with the provisions of the Diamond Cutting Act, 1955;

(ii) he is a mineholder;

(iii) such rough or uncut diamond has been won or recovered by him from land on which he is lawfully prospecting or digging for precious stones under the authority of a current permit, licence, lease, agreement or other authority granted or entered into under this Act;

(iv) he is the duly accredited and registered agent of any person exempted under sub-paragraph (ii) or (iii) of this paragraph;

(v) such rough or uncut diamond, being a synthetic diamond, has been manufactured by him; or

(vi) he is otherwise authorized under this Chapter to sell or otherwise dispose of such rough or uncut diamond;

(*c*) have in his possession any rough or uncut diamond unless—

(i) he is a person exempted under paragraph (*a*) or (*b*);

(ii) he is authorized under this Act to be in possession of such diamond;

(iii) he is in possession of such diamond in fulfilment of a contract of service with any such exempted person; or

(iv) he has come into possession of such diamond in a lawful manner.

(2) The provisions of paragraph (*b*) of sub-section (1) shall not be construed as authorizing the sale, disposal or delivery of any rough or uncut diamond by any person referred to in that paragraph unless he is the lawful owner of such diamond or is lawfully in possession thereof.

(3) Any person who contravenes the provisions of sub-section (1) shall be guilty of an offence and liable on conviction to a fine not exceeding ten thousand rand or imprisonment for a period not exceeding fifteen years or both such fine and such imprisonment.

Prohibition against purchase from or sale to unauthorized persons.

85. (1) No person exempted under paragraph (*a*) of sub-section (1) of section *eighty-four* shall buy or receive by way of barter, pledge or otherwise any rough or uncut diamond from any person not authorized under paragraph (*b*) of that sub-section to dispose of such diamond, and no person so authorized shall sell or offer or expose for sale, barter, pledge or otherwise or dispose of or deliver any rough or uncut diamond to any person not authorized under the said paragraph (*a*) or any other provision of this Chapter to buy or receive such diamond.

(2) Any person who contravenes the provisions of sub-section (1) shall be guilty of an offence and liable on conviction to the penalties prescribed in sub-section (3) of section *eighty-four*.

Issue of diamond dealers' licences.

86. (1) Subject to the provisions of this section, a diamond dealer's licence in the form prescribed by regulation, entitling the holder during the currency of the licence to deal in rough or uncut diamonds as buyer, seller, importer or exporter, may be obtained by any person of or over the age of twenty-one years from the receiver of revenue for the district in which any place of business of such person is or will be situated.

(2) Geen lisensie word ingevolge hierdie artikel uitgereik nie, tensy die aansoeker daarom na aansoek in die by regulasie voorgeskrewe vorm van die hoof van die diamantafdeling 'n dokument verkry het wat die betrokke ontvanger van inkomste magtig om die lisensie waarom aansoek gedoen word aan hom uit te reik, en waarin die besigheidsperseel beskryf word ten opsigte waarvan die lisensie uitgereik kan word, en so 'n dokument word nie uitgereik aan iemand wat nie 'n Suid-Afrikaanse burger is nie, behalwe met goedkeuring van die Minister.

(3) By ontvangs van so 'n aansoek moet die hoof van die diamantafdeling, indien die aansoeker se besigheidsplek in die provinsie Transvaal of die Kaap die Goeie Hoop geleë is of sal wees, na vereiste van omstandighede die „Transvaal Alluvial Licensed Diamond Dealers' Association" of die „Cape Province Diamond Dealers' Association" skriftelik versoek om oor die aansoek verslag te doen.

(4) (*a*) Die hoof van die diamantafdeling kan weier om 'n dokument in sub-artikel (2) bedoel, uit te reik, indien hy oortuig is—

(i) dat die aansoeker nie 'n geskikte persoon is om die aangevraagde lisensie te besit nie;

(ii) dat die aansoeker nie genoeg kennis van diamante het om hom in staat te stel om op bevredigende wyse as 'n diamanthandelaar sake te doen nie;

(iii) dat daar in die betrokke provinsie genoeg persone is wat sodanige sake doen; of

(iv) dat die uitreiking van die aangevraagde lisensie om 'n ander rede nie geregverdig is nie of ongewens is.

(*b*) Wanneer 'n aansoek ingevolge sub-artikel (2) deur die hoof van die diamantafdeling geweier word, moet hy die aansoeker skriftelik van sy besluit in kennis stel, en die aansoeker kan, indien hy nie met die besluit genoeë neem nie, binne dertig dae na ontvangs van so 'n kennisgewing appèl aanteken by die Minister, wat die appèl van die hand kan wys of die hoof van die diamantafdeling kan gelas om die aangevraagde lisensie aan die aansoeker uit te reik, en wie se beslissing afdoende is.

(5) (*a*) Voordat 'n diamanthandelaarslisensie aan iemand uitgereik word, moet daar by die betrokke ontvanger van inkomste ingedien word—

(i) die dokument ooreenkomstig die bepalings van sub-artikel (2) aan so iemand uitgereik; en

(ii) 'n borgakte in die by regulasie voorgeskrewe vorm deur so iemand en een of meer genoegsame borge aangegaan wat 'n bedrag van duisend rand dek en onderworpe is aan die voorwaardes in bedoelde vorm uiteengesit.

(*b*) Elke sodanige borgakte moet voor die hoof van die diamantafdeling of 'n landdros en vir die duur van die aangevraagde lisensie aangegaan word: Met dien verstande dat die borgakte volgens die bedinge daarin vervat afdwingbaar bly vir 'n verdere tydperk van twee jaar ten opsigte van 'n misdryf ingevolge hierdie Hoofstuk deur die lisensiehouer gepleeg gedurende die geldigheid van die lisensie waarop die borgakte betrekking het.

(6) (*a*) So 'n lisensie word uitgereik òf vir 'n jaar òf vir 'n tydperk van drie maande, en die uitreiking daarvan is onderworpe aan betaling aan die ontvanger van inkomste van 'n lisensiegeld van sestig rand indien dit vir 'n jaar uitgereik word of twintig rand indien dit vir 'n tydperk van drie maande uitgereik word.

(*b*) So 'n lisensie wat vir 'n jaar uitgereik word, verval op die een-en-dertigste dag van Desember van die jaar ten opsigte waarvan dit uitgereik word, en so 'n lisensie wat vir 'n tydperk van drie maande uitgereik word, verval op die eersvolgende een-en-dertigste dag van Maart, dertigste dag van Junie, dertigste dag van September of een-en-dertigste dag van Desember na uitreiking.

(7) 'n Lisensie ingevolge hierdie artikel is geldig slegs in die provinsie waarin dit uitgereik word.

Lisensie ingevolge sekere wetsbepalings uitgereik, geag ingevolge hierdie Hoofstuk uitgereik te wees.

87. Elke diamanthandelaarslisensie wat ingevolge 'n by hierdie Wet herroepe wetsbepaling uitgereik is en by die inwerkingtreding daarvan geld, word geag 'n kragtens die bepalings van hierdie Hoofstuk uitgereikte lisensie te wees.

(2) No licence shall be issued under this section unless the applicant therefor has, after application in the form prescribed by regulation, obtained from the chief of the diamond branch a document authorizing the receiver of revenue concerned to issue to him the licence applied for and describing the business premises in respect of which the licence may be issued, and no such document shall be issued to any person who is not a South African citizen except with the approval of the Minister.

(3) Upon receipt of any such application the chief of the diamond branch shall, if the applicant's place of business is or will be situated in the province of the Transvaal or the Cape of Good Hope, in writing request the Transvaal Alluvial Licensed Diamond Dealers' Association or the Cape Province Diamond Dealers' Association, as the circumstances may require, to furnish a report on the application.

(4) (*a*) The chief of the diamond branch may refuse to issue a document such as is mentioned in sub-section (2) if he is satisfied—

(i) that the applicant is not a fit and proper person to hold the licence applied for;

(ii) that the applicant's knowledge of diamonds is not sufficient to enable him to carry on the business of a diamond dealer in a satisfactory manner;

(iii) that there is a sufficient number of persons carrying on such business in the province in question; or

(iv) that for any other reason the issue to the applicant of the licence applied for is not warranted or is undesirable.

(*b*) Whenever any application under sub-section (2) is refused by the chief of the diamond branch he shall in writing notify the applicant of his decision and the applicant may, if he is dissatisfied with such decision, within thirty days of the date of receipt of such notification appeal to the Minister who may dismiss the appeal or direct the chief of the diamond branch to issue to the appellant the document applied for, and whose decision shall be final.

(5) (*a*) Before any diamond dealer's licence is issued to any person there shall be lodged with the receiver of revenue concerned—

(i) the document issued to such person in accordance with the provisions of sub-section (2); and

(ii) a recognizance in the form prescribed by regulation, entered into by such person and one or more sufficient sureties which recognizance shall be for an amount of one thousand rand and shall be subject to such conditions as may be set forth in such form.

(*b*) Every such recognizance shall be entered into before the chief of the diamond branch or a magistrate and for the duration of the licence applied for: Provided that the recognizance shall remain enforceable according to the terms thereof for a further period of two years in respect of any offence committed by the holder of the licence under this Chapter during the currency of the licence to which the recognizance relates.

(6) (*a*) Any such licence shall be issued either for a year or for a period of three months, and the issue thereof shall be subject to the payment to the receiver of revenue of a fee of sixty rand if it is issued for a year or twenty rand if it is issued for a period of three months.

(*b*) Any such licence issued for a year shall expire on the thirty-first day of December of the year in respect of which it is issued, and any such licence issued for a period of three months shall expire on the first ensuing thirty-first day of March, thirtieth day of June, thirtieth day of September or thirty-first day of December after issue.

(7) A licence under this section shall be valid only in the province in which it is issued.

Licences issued under certain laws deemed to be licences issued under this Chapter.

87. Every diamond dealer's licence issued under a law repealed by this Act and current at the commencement thereof shall be deemed to be a licence issued under the provisions of this Chapter.

Permit om ruwe of ongeslypte diamante te koop, te verkoop, af te lewer of te ontvang.

88. (1) Die hoof van die diamantafdeling of iemand wat hy aanwys, kan aan enigiemand 'n permit in die by regulasie voorgeskrewe vorm verleen wat die persoon aan wie dit verleen is, magtig—

(*a*) om enige ruwe of ongeslypte diamant vir ander doeleindes as handelsdoeleindes van die wettige besitter daarvan te koop of te ontvang; of

(*b*) om 'n ruwe of ongeslypte diamant in sy wettige besit te verkoop of af te lewer.

(2) Die hoof van die diamantafdeling of die aldus aangewese persoon kan voordat hy 'n permit ingevolge paragraaf (*b*) van sub-artikel (1) verleen, vereis dat 'n plegtige verklaring deur die aansoeker om die permit, by hom ingedien word waarin uiteengesit word hoe die ruwe en ongeslypte diamant in sy besit gekom het.

Permitte om puin wat gekoop of verkry is, te was, en diamante daaruit gehaal te verkoop of van die hand te sit.

89. (1) 'n Houer van 'n gangbare delwersertifikaat (behalwe 'n delwersertifikaat wat slegs prospektering dek) of van 'n woon- en werkpermit kan puin wat hy gekoop of wettiglik verkry het, was, behandel of sorteer ten einde ruwe of ongeslypte diamante daaruit te haal, mits hy die houer is van 'n waspermit in die by regulasie voorgeskrewe vorm wat ten opsigte van die betrokke landdrosdistrik aan hom uitgereik is deur die hoof van die diamantafdeling of iemand deur hom aangewys.

(2) 'n Permit ingevolge sub-artikel (1) kan na goeddunke verleen of geweier word deur die owerheid wat bevoeg is om dit uit te reik, en 'n permit wat verleen word, moet die tydperk (twaalf maande nie te bowe gaande nie) aandui waarvoor dit verleen word.

(3) Geen ruwe of ongeslypte diamant deur die houer van 'n waspermit uit puin gehaal, mag verkoop of van die hand gesit word nie, tensy bedoelde houer—

(*a*) 'n plegtige verklaring afgelê het en voorgelê het aan die hoof van die diamantafdeling of iemand deur hom aangewys, ten effekte dat dié diamant werklik deur hom gehaal is uit puin wat hy gekoop of wettiglik verkry het, en met vermelding van die prys of vergoeding, as daar is, vir die puin betaal en van die getal vragte daarvan wat gewas, behandel of gesorteer is; en

(*b*) 'n permit ingevolge paragraaf (*b*) van sub-artikel (1) van artikel *agt-en-tagtig* verkry het wat hom magtig om bedoelde diamant te verkoop of van die hand te sit.

(4) Iemand wat, tensy hy andersins ingevolge hierdie Wet daartoe gemagtig is—

(*a*) puin wat hy gekoop of verkry het, was, behandel of sorteer sonder dat hy in besit is van 'n geldige permit kragtens sub-artikel (1) aan hom verleen; of

(*b*) 'n ruwe of ongeslypte diamant wat uit aldus gekoopte of verkreë puin gehaal is, verkoop of op ander wyse van die hand sit sonder dat hy in besit is van die permit in paragraaf (*b*) van sub-artikel (3) bedoel,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens duisend rand.

Valse verklaring deur applikant om lisensie of permit.

90. (1) Iemand wat in verband met 'n aansoek om 'n lisensie of permit ingevolge hierdie Hoofstuk 'n verklaring doen of laat doen wat in 'n wesenlike opsig vals is, met die wete dat dit vals is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens duisend rand of met gevangenisstraf vir 'n tydperk van hoogstens twaalf maande of met sowel daardie boete as daardie gevangenisstraf.

(2) So 'n lisensie of permit uitgereik aan 'n persoon wat ingevolge die bepalings van sub-artikel (1) skuldig bevind is, is nietig.

Geen sake mag tussen sononder en sonop of op Sondae of sekere openbare feesdae gedoen word nie.

91. (1) Niemand mag, hetsy as prinsipaal of as agent, tussen sononder en sonop of op 'n Sondag of 'n openbare feesdag genoem in die Tweede Bylae by die Wet op Openbare Feesdae, 1952 (Wet No. 5 van 1952), 'n ruwe of ongeslypte diamant koop of in verband daarmee sake doen of dit by wyse van ruil of pand of andersins ontvang of dit verkoop of vir verkoop of ruil of by wyse van pand of andersins aanbied of uitstal of dit op enige wyse vir handelsdoeleindes van die hand sit of aflewer nie.

(2) Iemand wat die bepalings van sub-artikel (1) oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweeduisend rand of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar of met sowel daardie boete as daardie gevangenisstraf.

Permits to buy, sell, deliver or receive rough or uncut diamonds.

88. (1) The chief of the diamond branch or any person designated by him may grant to any person a permit in the form prescribed by regulation authorizing the grantee—

(*a*) to buy or receive, for purposes other than trading purposes, any rough or uncut diamond from the lawful possessor thereof; or

(*b*) to sell or deliver any rough or uncut diamond in his lawful possession.

(2) The chief of the diamond branch or the person so designated may before granting a permit under paragraph (*b*) of sub-section (1), require that a solemn declaration by the applicant for the permit be lodged with him setting forth how the rough or uncut diamond in question came into his possession.

Permits to wash debris bought or acquired and to sell or dispose of diamonds recovered therefrom.

89. (1) Any holder of a current digger's certificate (other than a digger's certificate available for prospecting purposes only) or of a residential and work permit may wash, treat or sort any debris bought or lawfully acquired by him, with a view to the recovery of rough or uncut diamonds therefrom, provided he is the holder of a washing permit, in the form prescribed by regulation, issued to him in respect of the magisterial district in question by the chief of the diamond branch or a person designated by him.

(2) The grant or refusal of any permit under sub-section (1) shall be in the discretion of the issuing authority, and any permit granted shall reflect the period (not being more than twelve months) for which it is granted.

(3) No rough or uncut diamond recovered from debris by the holder of a washing permit shall be sold or disposed of unless such holder has—

(*a*) made and submitted to the chief of the diamond branch or the person designated by him a solemn declaration to the effect that such diamond was actually recovered by him from debris bought or lawfully acquired by him and setting forth the price or consideration, if any, paid for the debris and the number of loads thereof washed, treated or sorted: and

(*b*) obtained a permit under paragraph (*b*) of sub-section (1) of section *eighty-eight* authorizing him to sell or dispose of such diamond.

(4) Any person who, unless otherwise authorized thereto under this Act—

(*a*) washes, treats or sorts any debris bought or acquired by him without being in possession of a valid permit granted to him under sub-section (1); or

(*b*) sells or otherwise disposes of any rough or uncut diamond recovered from debris so bought or acquired without being in possession of the permit mentioned in paragraph (*b*) of sub-section (3),

shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand rand.

False statement by applicant for licence or permit.

90. (1) Any person who in connection with any application for a licence or permit under this Chapter, makes or causes to be made a statement which is false in any material particular, knowing the same to be false, shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand rand or to imprisonment for a period not exceeding twelve months or to both such fine and such imprisonment.

(2) Any such licence or permit issued to a person convicted under the provisions of sub-section (1) shall be null and void.

No dealings allowed between sunset and sunrise, or on Sundays or certain public holidays.

91. (1) No person shall buy, deal in or receive by way of barter, pledge or otherwise, or sell or offer or expose for sale, barter, pledge or otherwise, or in any way for the purpose of trade dispose of or deliver, either as principal or agent, any rough or uncut diamond between sunset and sunrise or on any Sunday or any public holiday mentioned in the Second Schedule to the Public Holidays Act, 1952 (Act No. 5 of 1952).

(2) Any person who contravenes the provisions of sub-section (1) shall be guilty of an offence and liable on conviction to a fine not exceeding two thousand rand or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

Verbode belange.

92. (1) Geen gelisensieerde handelaar of eggenote van so 'n handelaar mag regstreeks of onregstreeks belang hê—

(*a*) in 'n kleim op 'n alluviale delwery nie, behalwe as lid van 'n vennootskap aangegaan kragtens sub-artikel (3) van artikel *nege-en-veertig*; of

(*b*) in 'n besigheid of onderneming wat ingevolge die bepalings van die Wet op die Slyp van Diamante, 1955 (Wet No. 33 van 1955), gelisensieer moet wees nie.

(2) Geen produsent mag regstreeks of onregstreeks belang in 'n besigheid of onderneming bedoel in paragraaf (*b*) van sub-artikel (1) hê nie.

(3) Iemand wat die bepalings van sub-artikel (1) of (2) oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tien rand vir elke dag wat die misdryf voortduur of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met sowel daardie boete as daardie gevangenisstraf.

Gelisensieerde handelaar moet besigheidsplek hê en transaksies is tot bedoelde plek beperk.

93. (1) Elke gelisensieerde handelaar moet 'n kantoor of besigheidsplek hê waarvan die ligging in sy lisensie beskryf of ooreenkomstig die bepalings van artikel *vier-en-negentig* daarop geëndosseer moet word.

(2) Voordat hy volgens voorskrif van sub-artikel (2) van artikel *ses-en-tagtig* aan 'n aansoeker om 'n diamanthandelaarslisensie 'n dokument uitreik, moet die hoof van die diamantafdeling homself oortuig dat die aansoeker se besigheidsperseel of voorgenome besigheidsperseel geskik is en dat die oprigting daarvan, en die ligging daarvan vir sover dit omgewing of plek betref, nie enige toesig en beheer wat die Suid-Afrikaanse Polisie moet uitoefen ten einde te verseker dat die bepalings van hierdie Hoofstuk nagekom word, sal bemoeilik nie.

(3) 'n Gelisensieerde handelaar moet op 'n ooglopende plek buite sy besigheidsperseel oor of langs die buitedeur daarvan sy volle naam of, waar twee of meer sodanige handelaars in vennootskap sake doen, die naam of titel van die vennootskap, aanplak, en na bedoelde naam of titel die woorde „Gelisensieerde Diamanthandelaar" of „Gelisensieerde Diamanthandelaars", na vereiste van omstandighede, en bedoelde naam of titel en bedoelde woorde moet in hoofletters minstens twee duim hoog gedruk en duidelik sigbaar en leesbaar wees.

(4) Behoudens die volgende bepalings van hierdie artikel en die bepalings van artikel *vyf-en-negentig*, mag geen gelisensieerde handelaar elders as in die perseel waarvan die ligging in sy diamanthandelaarslisensie beskryf word of 'n perseel waarvan die ligging ooreenkomstig die bepalings van artikel *vier-en-negentig* op daardie lisensie geëndosseer is, 'n ruwe of ongeslypte diamant koop of aanbied om dit te koop of dit verkoop of te koop aanbied of uitstal of in verband daarmee sake doen of dit by wyse van ruil, pand of andersins ontvang of dit besigtig of iemand versoek om dit te verkoop of op enige wyse van die hand te sit nie.

(5) Wanneer 'n in sub-artikel (4) bedoelde transaksie tussen twee houers van diamanthandelaarslisensies of tussen 'n bankier en die houer van so 'n lisensie aangegaan word, kan die transaksie ondanks andersluidende bepalings van sub-artikel (7) van artikel *ses-en-tagtig* òf in die perseel van die koper òf in die van die verkoper gesluit word.

(6) 'n Gelisensieerde handelaar kan 'n ander gelisensieerde handelaar by 'n in sub-artikel (4) bedoelde transaksie bystaan, mits die transaksie op die perseel van daardie ander handelaar aangegaan word.

(7) Geen gelisensieerde handelaar mag iemand wat in besit van ruwe of ongeslypte diamante is, uitlok, of poog om hom uit te lok, om daardie handelaar se perseel te betree met die doel om daardie diamante te besigtig of 'n transaksie ten opsigte daarvan aan te gaan nie.

(8) Geen gelisensieerde handelaar mag 'n houer van 'n diamantslyperslisensie bedoel in sub-artikel (1) van artikel *sestien* van die Wet op die Slyp van Diamante, 1955 (Wet No. 33 van 1955), of, behalwe met skriftelike toestemming van die hoof van die diamantafdeling, iemand anders wat nie die houer van 'n diamanthandelaarslisensie is nie, toelaat om bedoelde handelaar by te staan in verband met 'n transaksie wat hy ingevolge sy lisensie kan aangaan nie.

(9) Iemand wat 'n bepaling van hierdie artikel oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig en strafbaar, by 'n eerste skuldigbevinding, met 'n boete van hoogstens tweehonderd rand, en, by 'n tweede of latere skuldigbevinding, met 'n boete van hoogstens vyfhonderd rand.

Prohibited interests.

92. (1) No licensed dealer nor the wife of any such dealer shall hold any interest, direct or indirect—

(*a*) in any claim on an alluvial digging otherwise than as a member of a partnership entered into in terms of sub-section (3) of section *forty-nine*; or

(*b*) in any business or undertaking which is required to be licensed under the provisions of the Diamond Cutting Act, 1955 (Act No. 33 of 1955).

(2) No producer shall hold any interest, direct or indirect, in any business or undertaking referred to in paragraph (*b*) of sub-section (1).

(3) Any person who contravenes the provisions of sub-section (1) or (2) shall be guilty of an offence and liable on conviction to a fine not exceeding ten rand for every day on which the offence continues or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

Licensed dealer to have place of business and dealings to be confined to such place.

93. (1) Every licensed dealer shall have an office or place of business the situation whereof shall be described in his licence or endorsed thereon in accordance with the provisions of section *ninety-four*.

(2) Before issuing any document as provided in sub-section (2) of section *eighty-six* to any applicant for a diamond dealer's licence, the chief of the diamond branch shall satisfy himself that the applicant's business premises or proposed business premises are suitable and that their construction, and their situation as regards locality or place, will not render difficult any such supervision and control as are required to be exercised by the South African Police in order to ensure that the provisions of this Chapter are complied with.

(3) A licensed dealer shall affix in some conspicuous place on the outside of and over or by the side of the outer door of his business premises, his full name or, where two or more such dealers carry on business in partnership, the name or style of the partnership, and after any such name or style, the words "Licensed Diamond Dealer" or "Licensed Diamond Dealers", as the circumstances may require, such name or style and the said words to be printed in capital letters at least two inches in height and to be plainly visible and legible.

(4) Subject to the succeeding provisions of this section and the provisions of section *ninety-five*, no licensed dealer shall buy, offer to buy, sell, offer or expose for sale, deal in or receive by way of barter, pledge or otherwise or view or request any person to sell or in any way dispose of any rough or uncut diamond elsewhere than in the premises the situation whereof is described in his diamond dealer's licence or premises of which the situation has been endorsed on that licence in accordance with the provisions of section *ninety-four*.

(5) When any transaction as is contemplated by sub-section (4) is negotiated between two holders of diamond dealer's licences or between a banker and the holder of such a licence, such transaction may, notwithstanding anything in sub-section (7) of section *eighty-six* contained, be concluded in the premises of either the purchaser or the seller.

(6) Any licensed dealer may assist any other licensed dealer in any transaction mentioned in the said sub-section (4), provided such transaction is negotiated in the premises of such other dealer.

(7) No licensed dealer shall in any manner induce or attempt to induce any person in possession of rough or uncut diamonds to enter such dealer's premises for the purpose of viewing or entering into any transaction in respect of such diamonds.

(8) No licensed dealer shall allow any holder of a diamond cutter's licence referred to in sub-section (1) of section *sixteen* of the Diamond Cutting Act, 1955 (Act No. 33 of 1955), or, except with the consent in writing of the chief of the diamond branch, any other person who is not the holder of a diamond dealer's licence to assist such dealer in any transaction which he may conclude in terms of his licence.

(9) Any person who contravenes or fails to comply with any provision of this section shall be guilty of an offence and liable on a first conviction to a fine not exceeding two hundred rand, and on a second or subsequent conviction to a fine not exceeding five hundred rand.

Verskuiwing of uitbreiding van gelisensieerde handelaar se besigheidsplek.

94. Indien die verskuiwing van 'n gelisensieerde handelaar se besigheidsplek na 'n ander perseel as dié ten opsigte waarvan sy lisensie uitgereik is, tydens die geldigheid van die lisensie nodig of wenslik word, of indien so 'n handelaar in nog 'n perseel sake wil doen, kan die hoof van die diamantafdeling op aansoek deur dié handelaar aan hom gerig, en nadat hy homself volgens voorskrif van sub-artikel (2) van artikel *drie-en-negentig* oortuig het, die ontvanger van inkomste wat die lisensie uitgereik het, skriftelik magtig om die ligging van die nuwe of addisionele perseel daarop te endosseer.

Waar sekere persone diamante kan verkoop of van die hand sit.

95. (1) Geen produsent of geakkrediteerde agent van 'n produsent of houer van 'n permit ingevolge hierdie Hoofstuk waarby die verkoop of van die hand sit van ruwe of ongeslypte diamante gemagtig word, mag 'n ruwe of ongeslypte diamant elders as op die besigheidsperseel van iemand wat ingevolge hierdie Hoofstuk gemagtig is om ruwe of ongeslypte diamante te koop, verkoop of te koop aanbied of uitstal of by wyse van ruil, pand of andersins van die hand sit nie: Met dien verstande dat die hoof van die diamantafdeling op aansoek aan hom gerig, 'n produsent of sy geakkrediteerde agent skriftelik kan magtig om, onderworpe aan die voorwaardes in die magtiging vermeld, ruwe of ongeslypte diamante in die wettige besit van dié produsent of agent op 'n ander aldus vermelde perseel te koop aan te bied of uit te stal.

(2) Iemand wat die bepalings van sub-artikel (1) oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe in artikel *drie-en-negentig* uiteengesit.

Koop- en verkoopbriewe.

96. (1) Wanneer 'n gelisensieerde handelaar of bankier 'n ruwe of ongeslypte diamant koop, moet die partye by die transaksie onmiddellik by sluiting daarvan 'n koop-en-verkoopbrief in die by regulasie voorgeskrewe vorm in duplikaat voltooi.

(2) Sodanige koop-en-verkoopbriewe moet—

(*a*) deur die koper verskaf en deur hom in boekvorm gehou en in numeriese en chronologiese volgorde gebruik word;

(*b*) die datum van die transaksie en die name van die partye daarby aantoon;

(*c*) die totale gewig van die betrokke diamante en die volle daarvoor betaalde prys uiteensit;

(*d*) die gewig en waarde aandui ten opsigte van elke diamant—

(i) waarvan die gewig minstens tien karaat is; of

(ii) waarvan die waarde minstens tweehonderd rand is; en

(*e*) deur die partye by die transaksie as korrek gesertifiseer word.

(3) Die oorspronklike van elke koop-en-verkoopbrief wat ingevolge hierdie artikel voltooi word, moet deur die verkoper en die duplikaat-oorspronklike deur die koper gehou word vir 'n tydperk van minstens twee jaar na die datum van die transaksie.

(4) Iemand op wie die bepalings van hierdie artikel van toepassing is, moet die oorspronklikes of duplikaat-oorspronklikes, na gelang van die geval, van enige sodanige koop-en-verkoopbriewe oorlê en toon of lewer, en enige ruwe of ongeslypte diamant nog in sy besit vir besigtiging oorlê, wanneer dit deur 'n lid van die Suid-Afrikaanse Polisie met die rang van sersant of 'n hoër rang van hom vereis word.

(5) Die bepalings van hierdie artikel is nie van toepassing in verband met 'n transaksie ten opsigte waarvan 'n koop-en-verkoopbrief ingevolge artikel *drie-en-dertig* van die Wet op die Slyp van Diamante, 1955 (Wet No. 33 van 1955), voltooi moet word nie.

(6) Iemand wat die bepalings van hierdie artikel oortree of versuim om daaraan te voldoen, of wat 'n koop-en-verkoopbrief wat in 'n wesentlike opsig vals is, ingevolge hierdie artikel onderteken met die wete dat dit vals is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe in artikel *negentig* uiteengesit.

Persone wat in verband met ruwe of ongeslypte diamante sake doen, moet register van transaksies hou.

97. (1) Elke bankier, gelisensieerde handelaar, vervaardiger van sintetiese diamante of houer van 'n waspermit ingevolge hierdie Hoofstuk, en elke produsent of geakkrediteerde agent van 'n produsent, moet 'n ware en juiste register in Afrikaans of Engels in die by regulasie voorgeskrewe vorm hou of laat hou waarin aangeteken word—

(*a*) besonderhede van alle ruwe of ongeslypte diamante deur hom gewin of uitgehaal, vervaardig, gekoop, verkoop,

Removal or extension of licensed dealer's place of business.

94. If the removal of any licensed dealer's place of business to premises other than those in respect of which his licence was issued becomes necessary or desirable during the currency of the licence, or if such dealer desires to carry on business in any additional premises, the chief of the diamond branch may, upon application made to him by such dealer, and after he has satisfied himself as provided in sub-section (2) of section *ninety-three*, in writing authorize the receiver of revenue who issued the licence to endorse thereon the situation of the new or additional premises.

Where certain persons may sell or dispose of diamonds.

95 (1) No producer or accredited agent of a producer or holder or a permit under this Chapter authorizing the sale or disposal of rough or uncut diamonds, shall sell or offer or expose for sale or dispose of by way of barter, pledge or otherwise, any rough or uncut diamond elsewhere than in the business premises of a person who is in terms of this Chapter entitled to buy rough or uncut diamonds: Provided that the chief of the diamond branch may upon application made to him in writing authorize any producer or his accredited agent to offer or expose for sale at such other premises and subject to such conditions as are specified in the authorization, any rough or uncut diamonds in the lawful possession of such producer or agent.

(2) Any person who contravenes the provisions of sub-section (1) shall be guilty of an offence and liable on conviction to the penalties set forth in section *ninety-three*.

Notes of sale and purchase.

96. (1) Whenever any licensed dealer or banker buys or sells any rough or uncut diamond the parties to the transaction shall immediately upon the completion thereof complete, in duplicate, a note of sale and purchase in the form prescribed by regulation.

(2) Such notes of sale and purchase shall—

(*a*) be provided by the purchaser, be kept by him in book form and be used in numerical and chronological order;

(*b*) reflect the date of the transaction and the names of the parties thereto;

(*c*) set forth the total weight of the diamonds in question and the total price paid therefor;

(*d*) specify the weight and value in respect of every diamond—

(i) of which the weight is not under ten carats; or

(ii) of which the value is not under two hundred rand; and

(*e*) be certified as correct by the parties to the transaction.

(3) The original of every note of sale and purchase completed in terms of this section shall be retained by the seller and the duplicate original by the purchaser, for a period of at least two years after the date of the transaction.

(4) Any person to whom the provisions of this section apply shall produce and exhibit or deliver the originals or duplicate originals, as the case may be, of any such notes of sale and purchase and produce for inspection any rough or uncut diamond still in his possession when requested to do so by any member of the South African Police holding a rank of or above the rank of sergeant.

(5) The provisions of this section shall not apply in connection with any transaction in respect of which a note of sale and purchase under section *thirty-three* of the Diamond Cutting Act, 1955 (Act No. 33 of 1955), is required to be completed.

(6) Any person who contravenes or fails to comply with the provisions of this section or who signs any note of sale and purchase under this section which is false in any material particular, knowing it to be false, shall be guilty of an offence and liable on conviction to the penalties set forth in section *ninety*.

Persons dealing in rough or uncut diamonds to keep register of transactions.

97. (1) Every banker, licensed dealer, manufacturer of synthetic diamonds or holder of a washing permit under this Chapter and every producer or accredited agent of a producer shall keep or cause to be kept a true and correct register in Afrikaans or English in the form prescribed by regulation, in which shall be entered—

(*a*) details of all rough or uncut diamonds won or recovered, manufactured, purchased, sold, received,

ontvang, uitgevoer of ingevoer, en die datum van elke gebeurtenis, en in die geval van aankopings, verkopings, uitvoere of invoere, die naam van die verkoper, koper, ontvanger of versender;

(*b*) die gewig en waarde van elke ruwe of ongeslypte diamant—

(i) waarvan die gewig minstens tien karaat is; of

(ii) waarvan die waarde minstens tweehonderd rand is,

deur hom gewin of uitgehaal, gekoop, verkoop, ontvang, uitgevoer of ingevoer;

(*c*) die totale prys ontvang of betaal vir al die ruwe of ongeslypte diamante op 'n bepaalde tydstip aan 'n bepaalde persoon verkoop of van hom gekoop; en

(*d*) die ander besonderhede wat volgens bedoelde vorm vereis word:

Met dien verstande dat die hoof van die diamantafdeling na goeddunke enigiemand van voldoening aan paragraaf (*b*) kan vrystel ten opsigte van diamante van die klasse in die vrystelling vermeld.

(2) Elke sodanige aantekening moet met ink geskryf word—

(*a*) in die geval van 'n gelisensieerde handelaar of bankier, binne sewe dae; en

(*b*) in die geval van 'n ander persoon, binne vier-en-twintig uur,

nadat die gebeurtenis wat aangeteken word, plaasgevind het.

(3) Elke persoon wat ingevolge hierdie artikel so 'n register moet hou, moet—

(*a*) binne sewe dae na die einde van elke maand van die jaar aan die hoof van die diamantafdeling 'n juiste afskrif van alle inskrywings in die register vir die vorige maand stuur, tesame met 'n plegtige verklaring wat die juistheid daarvan bevestig;

(*b*) wanneer so 'n register vir oorlegging in 'n hof benodig is, dié register op skriftelike bevel van 'n lid van die Suid-Afrikaanse Polisie met die rang van sersant of 'n hoër rang oorlê en aflewer;

(*c*) die register tesame met enige ruwe of ongeslypte diamante in sy besit vir insae oorlê wanneer dit deur so 'n lid van die Suid-Afrikaanse Polisie vereis word;

(*d*) die register hou vir 'n tydperk van minstens twee jaar nadat enige gebeurtenis ooreenkomstig sub-artikel (1) daarin aangeteken, plaasgevind het.

(4) By die toepassing van hierdie artikel beteken „produsent", met betrekking tot ruwe of ongeslypte diamante gehaal uit grond ten opsigte waarvan 'n sertifikaat bedoel in sub-artikel (1) van artikel *drie* gehou word, die houer van die reg op edelgesteentes ten opsigte van die betrokke grond.

(5) Iemand wat 'n bepaling van hierdie artikel oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe in artikel *negentig* uiteengesit.

Diamante wat in landdrosdistrik ingebring of ingevoer word, moet geregistreer word.

98. (1) Iemand wat 'n ruwe of ongeslypte diamant in 'n landdrosdistrik inbring of invoer van 'n plek buite daardie distrik, moet, nie later nie as die eerste besigheidsdag wat volg op die datum waarop daardie diamant aldus ingebring of ingevoer word, daardie diamant registreer by die kantoor van die diamantafdeling van die Suid-Afrikaanse Polisie wat die betrokke distrik bedien, of, as daar nie so 'n kantoor vir die gebied is nie, by die ander kantoor van die Suid-Afrikaanse Polisie wat die hoof van die diamantafdeling aanwys.

(2) So 'n registrasie moet op die by regulasie voorgeskrewe vorm geskied, en so 'n vorm moet die besonderhede uiteensit wat bedoelde persoon moet verstrek.

(3) Die hoof van die diamantafdeling kan op die voorwaardes wat hy goedvind, enigiemand van die bepalings van sub-artikel (1) vrystel.

(4) Iemand wat versuim om aan die bepalings van hierdie artikel of 'n voorwaarde waarop hy kragtens sub-artikel (3) vrygestel is, te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe in artikel *vier-en-tagtig* uiteengesit.

Bevoegdhede van polisie om ruwe of ongeslypte diamante te soek.

99. 'n Lid van 'n behoorlik by wet ingestelde polisiemag wat met 'n ondersoek in verband met vermoedelik onwettige handel in ruwe of ongeslypte diamante belas is, kan—

exported or imported by him, and the date of each event, and, in the case of purchases, sales, exports or imports, the name of the seller, purchaser, consignee or consignor;

(*b*) the weight and value of every rough or uncut diamond—
(i) of which the weight is not under ten carats; or
(ii) of which the value is not under two hundred rand;
won or recovered, purchased, sold, received, exported or imported by him;

(*c*) the total price received or paid for all the rough or uncut diamonds sold to or purchased from any particular person at any one time; and

(*d*) such further particulars as shall be required according to such form:

Provided that the chief of the diamond branch may in his discretion exempt any person from compliance with paragraph (*b*) in respect of such classes of diamonds as may be specified in the exemption.

(2) Every such entry shall be in ink and shall be made—
(*a*) in the case of a licensed dealer or a banker, within seven days; and
(*b*) in the case of any other person, within twenty-four hours,
after the occurrence of the event recorded.

(3) Every person required by this section to keep such register shall—
(*a*) within seven days after the end of every month of the year forward to the chief of the diamond branch a true copy of all entries in the register for the previous month together with a solemn declaration testifying to the correctness thereof;
(*b*) whenever such register is required to be exhibited in any court, produce and deliver such register on the written order of any member of the South African Police holding a rank of or above the rank of sergeant;
(*c*) produce the register for inspection together with any rough or uncut diamonds in his possession when requested to do so by any such member of the South African Police;
(*d*) retain the register for a period of at least two years subsequent to the occurrence of any event therein recorded in terms of sub-section (1).

(4) For the purposes of this section "producer", in relation to rough or uncut diamonds recovered from land in respect of which a certificate mentioned in sub-section (1) of section *three* is held, means the holder of the right to precious stones in respect of the land in question.

(5) Any person who contravenes or fails to comply with any provision of this section shall be guilty of an offence and liable on conviction to the penalties set forth in section *ninety*.

Diamonds brought or imported into any magisterial district to be registered.

98. (1) Any person who brings or imports any rough or uncut diamond into any magisterial district from any place beyond such district shall, not later than the first business day following the date on which such diamond is so brought in or imported, register such diamond at the office of the diamond branch of the South African Police serving the area in question or, if there is no such office for the area, at such other office of the South African Police as may be designated by the chief of the diamond branch.

(2) Such registration shall be in the form prescribed by regulation and such form shall set forth the particulars which shall be furnished by such person.

(3) The chief of the diamond branch may on such conditions as he may deem fit exempt any person from the provisions of sub-section (1).

(4) Any person who fails to comply with the provisions of this section or any condition subject to which he has been exempted under sub-section (3), shall be guilty of an offence and liable on conviction to the penalties set forth in section *eighty-four*.

Powers of police to search for rough or uncut diamonds.

99. Any member of a police force duly established by law in charge of any investigation in connection with suspected unlawful traffic in rough or uncut diamonds may—

(*a*) te alle tye 'n plek of perseel betree, ondersoek en deursoek, en kan te eniger tyd 'n voertuig stop wat ruwe of ongeslypte diamante vervoer of vermoedelik vervoer en so 'n voertuig of 'n deel daarvan ondersoek en deursoek, en kan—

(i) enige pakket of houer wat in so 'n plek, perseel of voertuig gevind word, verseël, merk of op ander wyse toemaak;

(ii) 'n inventaris maak van alle ruwe of ongeslypte diamante wat in so 'n plek, perseel of voertuig gevind word, en sodanige diamante na goeddunke in bewaring neem;

(*b*) met geweld toegang verkry tot 'n plek, perseel, voertuig, pakket of houer wat gesluit is, of dit oopmaak, indien die sleutels daarvan nie op sy versoek oorhandig word nie;

(*c*) enigiemand wat, na hy rede het om te vermoed, ruwe of ongeslypte diamante op sy persoon versteek of in sy besit het, visenteer of laat visenteer: Met dien verstande dat 'n vrouspersoon nie deur iemand anders as 'n vrouspersoon gevisenteer mag word nie;

(*d*) aan boord gaan van en vrylik bly op 'n skip of trein, of aan boord gaan van 'n vliegtuig, waarop ruwe of ongeslypte diamante vervoer of na vermoede vervoer word en dit deursoek.

Bevoegdhede van Polisie met betrekking tot pakkette en pakkies diamante wat deur die pos versend word.

100. (1) Ondanks andersluidende wetsbepalings kan 'n lid van die Suid-Afrikaanse Polisie belas met 'n ondersoek in verband met vermoedelik onwettige handel in ruwe of ongeslypte diamante, enige pakket of pakkie wat deur die pos versend word of is, en ten opsigte waarvan hy goeie gronde het om te vermoed dat dit ruwe of ongeslypte diamante bevat, onderweg of andersins stop of laat stop.

(2) Waar so 'n pakket of pakkie aldus gestop is, moet die betrokke lid van die Suid-Afrikaanse Polisie die persoon deur wie daardie pakket of pakkie versend is, by skriftelike kennisgewing aan hom persoonlik bestel, aansê om òf persoonlik òf deur 'n behoorlik deur bedoelde persoon skriftelik gemagtigde agent te verskyn op 'n tyd en plek in die kennisgewing vermeld ten einde by die oopmaak en ondersoek van die pakket of pakkie aanwesig te wees, en daarop maak bedoelde lid van die Suid-Afrikaanse Polisie op die tyd en plek in die kennisgewing vermeld die pakket of pakkie oop en ondersoek hy dit ten einde die inhoud daarvan te bepaal.

Bevoegdheid van Polisie om diamanthandelaarslisensies in te trek.

101. (1) Die hoof van die diamantafdeling kan, indien hy na ondersoek oortuig is dat 'n gelisensieerde handelaar—

(*a*) in stryd met hierdie Wet of ander wetsbepalings by onwettige handel in ruwe of ongeslypte diamante of onbewerkte edele metale betrokke is of was of op redelike gronde vermoed word daarby betrokke te wees of te gewees het;

(*b*) weens 'n misdryf skuldig bevind is en tot 'n tydperk van gevangenisstraf sonder die keuse van 'n boete of tot 'n boete van honderd rand of meer gevonnis is;

(*c*) by onwettige handel in bedwelmende drank betrokke is of was;

(*d*) hom met ongewenste of verdagte persone ophou; of

(*e*) om 'n ander rede nie 'n geskikte persoon is om 'n diamanthandelaarslisensie te besit nie,

by skriftelike kennisgewing aan bedoelde handelaar gerig sy diamanthandelaarslisensie kanselleer vanaf 'n datum wat in die kennisgewing vermeld moet word en wat nie minder as een maand vanaf die datum van die kennisgewing moet wees nie.

(2) Iemand wie se lisensie ingevolge die bepalings van subartikel (1) gekanselleer is, kan appèl aanteken by die Minister, wat die appèl van die hand kan wys of kan handhaaf en wie se beslissing afdoende is.

Diamante by toeval gevind of opgetel, moet in sekere omstandighede aan Polisie oorhandig word.

102. (1) Iemand wat by toeval 'n ruwe of ongeslypte diamant op enige plek (wat nie 'n geproklameerde mynterrein is wat wettiglik deur hom of sy werkgewer gebruik word nie) of op enige grond (behalwe grond waarop hy of sy werkgewer wettiglik na of vir edelgesteentes prospekteer of myn) vind of optel, moet daardie diamant onverwyld na die persoon in bevel van die naaste stasie van die Suid-Afrikaanse Polisie neem en dit aan hom oorhandig.

(2) So gou doenlik na ontvangs van so 'n diamant moet die persoon aldus in bevel dit stuur aan die hoof van die diamantafdeling wat, indien hy omtrent die eiendomsreg in die diamant oortuig is, dit aan die eienaar daarvan moet oorhandig, of,

(*a*) at all times enter upon and examine and search any place or premises, and may at any time stop and search and examine any vehicle (or any part thereof) conveying or suspected to be conveying rough or uncut diamonds, and may—

(i) seal, mark or otherwise secure any package or container found in such place, premises or vehicle;

(ii) take an account of all rough or uncut diamonds found in such place, premises or vehicle, and, if he thinks fit, take such diamonds into custody;

(*b*) force access to or open any place, premises, vehicle, package or container which is locked if the keys thereof are not produced upon his demand;

(*c*) search or cause to be searched any person whom he has reason to believe has rough or uncut diamonds secreted about his person or in his possession: Provided that a female shall not be searched by any person other than a female;

(*d*) board, search and freely remain on any vessel or train, or board and search any aircraft on which rough or uncut diamonds are being or are suspected to be conveyed.

Powers of Police concerning parcels and packages containing diamonds transmitted by post.

100. (1) Notwithstanding anything in any other law contained, any member of the South African Police in charge of any investigation in connection with suspected unlawful traffic in rough or uncut diamonds, may stop or cause to be stopped either during transit or otherwise any parcel or package which is being or has been transmitted through the post and in respect of which he has good cause to believe that it contains rough or uncut diamonds.

(2) Where any such parcel or package has been so stopped the member of the South African Police concerned shall, by notice in writing served personally upon the person by whom such parcel or package was despatched, call upon such person to attend either personally or by an agent duly authorized by that person in writing, at the time and place specified in such notice for the purpose of being present at the opening and examination of the parcel or package, and thereupon at the time and place appointed in such notice such member of the South African Police shall open and examine the parcel or package for the purpose of determining its contents.

Powers of Police to cancel diamond dealers' licences.

101. (1) The chief of the diamond branch may, if after enquiry he is satisfied that any licensed dealer—

(*a*) is or has been or is on reasonable grounds suspected of being or of having been engaged in illicit trade in rough or uncut diamonds or unwrought precious metal in contravention of this Act or any other law;

(*b*) has been convicted of any offence and sentenced to any term of imprisonment without the option of a fine or to a fine of or exceeding one hundred rand;

(*c*) is or has been engaged in illicit trading in intoxicating liquor;

(*d*) associates with undesirable or suspected persons; or

(*e*) is for any other reason not a fit and proper person to hold a diamond dealer's licence,

by notice in writing addressed to such dealer cancel his diamond dealer's licence as from a date to be specified in the notice which shall not be less than one month from the date of the notice.

(2) Any person whose licence has been cancelled under the provisions of sub-section (1) may appeal to the Minister who may allow or dismiss the appeal and whose decision shall be final.

Diamonds found or picked up by chance to be delivered to Police in certain circumstances.

102. (1) Any person who by chance finds or picks up any rough or uncut diamond at any place (not being a proclaimed mining area lawfully used by him or his employer) or on any land (not being land on which he or his employer is lawfully prospecting or mining for precious stones), shall forthwith take and deliver such diamond to the person in charge of the nearest station of the South African Police.

(2) As soon as may be after the receipt of such diamond the person so in charge shall transmit it to the chief of the diamond branch who shall, if he is satisfied as to the ownership of the diamond, deliver it to the owner thereof, or, if he is not so

indien hy nie aldus oortuig is nie, 'n kennisgewing in die *Staatskoerant* moet laat publiseer waarby enige persoon wat die eienaar daarvan is of geregtig is om in besit daarvan te wees, opgeroep word om sy eiendomsreg of besitreg te bewys.

(3) Indien niemand binne 'n tydperk van een-en-twintig dae vanaf die datum van publikasie van bedoelde kennisgewing sodanige bewys tot bevrediging van die hoof van die diamantafdeling gelewer het nie, laat hy die betrokke diamant verkoop en die opbrengs daarvan in die Gekonsolideerde Inkomstefonds stort: Met dien verstande dat 'n bedrag bereken teen een-derde van die bedrag by die verkoping verkry, betaal moet word aan die persoon wat die diamant opgetel of gevind het.

(4) Iemand wat die bepalings van sub-artikel (1) oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe in artikel *negentig* uiteengesit.

Diamante op private delwerye uitgehaal.

103. (1) Wanneer die houer van die reg op edelgesteentes ten opsigte van grond ten opsigte waarvan 'n sertifikaat bedoel in sub-artikel (1) van artikel *drie* gehou word, of iemand deur hom benoem, ruwe of ongeslypte diamante in die loop van delfwerksaamhede op daardie grond gevind het, moet bedoelde houer of sy geakkrediteerde agent binne veertien dae vanaf die datum waarop die diamante gevind is, of binne die verdere tydperk wat die hoof van die diamantafdeling toelaat, by bedoelde hoof of iemand deur hom aangewys 'n plegtige verklaring in die by regulasie voorgeskrewe vorm indien aangaande die diamante wat gevind is.

(2) By ontvangs van die verklaring in sub-artikel (1) bedoel, reik die hoof van die diamantafdeling of die persoon deur hom aangewys aan bedoelde houer of sy geakkrediteerde agent 'n permit ingevolge paragraaf (*b*) van sub-artikel (1) van artikel *agt-en-tagtig* uit, wat hom magtig om die diamante ten opsigte waarvan die verklaring ingedien is, van die hand te sit.

(3) Iemand wat die bepalings van sub-artikel (1) oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe in artikel *negentig* uiteengesit.

Straf op kwaadwillige plaas van diamante in besit of op perseel van iemand anders.

104. Iemand wat kwaadwilliglik 'n ruwe of ongeslypte diamant in die besit of op die perseel van 'n ander persoon plaas, met die opset dat dié ander persoon ingevolge 'n bepaling van hierdie Hoofstuk aan 'n misdryf skuldig bevind moet word, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe in artikel *vier-en-tagtig* uiteengesit.

Medepligtiges en persone wat poog om bepalings van hierdie Hoofstuk te oortree.

105. 'n Medepligtige, hetsy die aanstigter of die begunstiger, by 'n misdryf in hierdie Hoofstuk vermeld, kan aangekla en mee gehandel word in alle opsigte asof hy die hoofdader was, en iemand wat poog om so 'n misdryf te pleeg, word geag werklik die misdryf te gepleeg het en is by skuldigbevinding strafbaar met die strawwe voorgeskryf vir die misdryf wat hy gepoog het om te pleeg.

Bewyslas by verrigtinge ingevolge hierdie Hoofstuk.

106. Wanneer by 'n geding teen iemand ingevolge hierdie Hoofstuk—

(*a*) dit nodig is om vas te stel of hy die houer van 'n lisensie, permit of magtiging is of was of andersins geregtig is of was om in besit van ruwe of ongeslypte diamante te wees of gemagtig is of was om dit te koop, te verkoop, daarin sake te doen of dit te ontvang of van die hand te sit; of

(*b*) so iemand aanvoer dat 'n voorwerp of stof wat die onderwerp van die geding is, nie 'n ruwe of ongeslypte diamant is nie,

rus die las om te bewys dat hy die houer van so 'n lisensie, permit of magtiging is of was of dat hy andersins soos voormeld gemagtig is of was of dat so 'n voorwerp of stof nie 'n ruwe of ongeslypte diamant is nie, na gelang van die geval, op bedoelde persoon.

Verbeuring van lisensie of permit by skuldigbevinding.

107. Die hof wat iemand weens 'n misdryf ingevolge hierdie Hoofstuk skuldig bevind, kan, indien so iemand ten tyde van sy skuldigbevinding die houer van 'n lisensie of permit ingevolge hierdie Hoofstuk is, bedoelde lisensie of permit opskort vir die tydperk wat die hof bepaal.

Beskikking oor diamante by skuldigbevinding en verbeuring van geld, ens., in sekere omstandighede.

108. (1) By skuldigbevinding van iemand ingevolge 'n bepaling van hierdie Hoofstuk, kan die hof wat hom skuldig bevind na goeddunke gelas dat enige ruwe of ongeslypte diamant ten opsigte waarvan so iemand aldus skuldig bevind is, aan die eienaar daarvan oorhandig word (indien die hof omtrent die eiendomsreg oortuig is) of, indien die hof nie aldus oortuig is nie, bedoelde diamant aan die Staat verbeurd verklaar.

satisfied, cause a notice to be published in the *Gazette* calling upon any person who may be the owner of the diamond or entitled to be in possession thereof to prove his ownership or right of possession.

(3) If within a period of twenty-one days of the date of publication of such notice no person has furnished such proof to the satisfaction of the chief of the diamond branch, he shall cause the diamond in question to be sold and the proceeds thereof to be paid into the Consolidated Revenue Fund: Provided that a sum calculated at one-third of the amount realized by the sale shall be paid to the person by whom the diamond was picked up or found.

(4) Any person who contravenes or fails to comply with the provisions of sub-section (1) shall be guilty of an offence and liable on conviction to the penalties set forth in section *ninety*.

Diamonds recovered on private diggings.

103. (1) Whenever the holder of the right to precious stones in respect of land in respect of which a certificate as is mentioned in sub-section (1) of section *three* is held, or his nominee, has recovered rough or uncut diamonds in the course of digging operations on such land, such holder or his accredited agent shall within fourteen days of the date of recovery of such diamonds, or within such longer period as the chief of the diamond branch may allow, submit a solemn declaration in the form prescribed by regulation as regards the diamonds recovered to the said chief or a person designated by him.

(2) Upon receipt of the declaration mentioned in sub-section (1) the chief of the diamond branch or the person designated by him shall issue to such holder or his accredited agent a permit under paragraph (*b*) of sub-section (1) of section *eighty-eight* authorizing him to dispose of the diamonds in respect of which the declaration has been submitted.

(3) Any person who contravenes or fails to comply with the provisions of sub-section (1) shall be guilty of an offence and liable on conviction to the penalties set forth in section *ninety*.

Penalties for maliciously placing diamonds in possession of or on premises of any other person.

104. Any person who maliciously places any rough or uncut diamond in the possession or on the premises of any other person, with intent that such other person shall be convicted of an offence under any provision of this Chapter, shall be guilty of an offence and liable on conviction to the penalties set forth in section *eighty-four*.

Accessories and persons attempting to contravene the provisions of this Chapter.

105. Any accessory, either before or after the fact, to any offence mentioned in this Chapter shall be liable to be charged and dealt with in all respects as if he were a principal offender, and any person who attempts to commit any such offence shall be deemed to have actually committed the offence and shall be liable on conviction to the penalties prescribed for the offence which he has attempted to commit.

Burden of proof in proceedings under this Chapter.

106. Whenever in any proceedings against any person under this Chapter—

(*a*) it is necessary to accertain whether he is or was the holder of any licence, permit or authority or otherwise entitled to be in possession of or authorized to buy, sell, deal in, receive or dispose of rough or uncut diamonds; or

(*b*) such person contends that any article or substance, the subject of the proceedings, is not a rough or uncut diamond,

the burden of proving that he is or was the holder of such licence, permit or authority or that he is or was otherwise entitled or authorized as aforesaid, or that such article or substance is not a rough or uncut diamond, as the case may be, shall lie upon such person.

Forfeiture of licence or permit in case of conviction.

107. The court convicting any person of any offence under this Chapter may, if such person is at the time of his conviction the holder of any licence or permit under this Chapter, suspend such licence or permit for such period as the court may determine.

Disposal of diamonds in case of conviction and forfeiture of moneys, etc., in certain circumstances.

108. (1) On the conviction of any person under any provision of this Chapter, the court convicting him may in its discretion order that any rough or uncut diamond in respect of which such person has been so convicted be delivered to the owner thereof (if the court is satisfied as to the ownership) or, if the court is not so satisfied, declare such diamond to be forfeited to the State.

(2) Wanneer 'n lid of verteenwoordiger van die Suid-Afrikaanse Polisie die besit van 'n ruwe of ongeslypte diamant aan iemand teen betaling of lewering deur so iemand aan bedoelde lid of verteenwoordiger van 'n bedrag in geld of ander teenprestasie, eiendom of sekuriteit oorgedra het, en so iemand daarna weens 'n misdryf ingevolge hierdie Wet in verband met die transaksie skuldig bevind word, is bedoelde geld of teenprestasie, eiendom of sekuriteit ondanks andersluidende wetsbepalings aan die Staat verbeur en word daaroor beskik soos die Sekretaris van die Tesourie gelas.

Beskikking oor geld in besit van raad genoem in artikel 38 van Wet 48 van 1882 (Kaap).

109. (1) Alle gelde in besit van die raad genoem in artikel *agt-en-dertig* van die „Diamond Trade Act, 1882" (Wet No. 48 van 1882), van die Kaap die Goeie Hoop, en deur dié raad ontvang ingevolge die bepalings van daardie Wet en die voorbehoudsbepaling by sub-artikel (1) van artikel *nege* van die Wet op Uitvoerbelasting op Diamante, 1957 (Wet No. 16 van 1957), word oor beskik soos die Sekretaris van die Tesourie gelas.

(2) Die Minister kan in oorleg met die Minister van Finansies die reëlings tref wat hy nodig en wenslik ag vir die beter voorkoming van diefstal van of onwettige transaksies in verband met of onwettige handel in of onwettige besit van ruwe of ongeslypte diamante.

Bepalings van hierdie Hoofstuk kan op ander edelgesteentes toegepas word.

110. Die Staatspresident kan by proklamasie in die *Staatskoerant* die bepalings van hierdie Hoofstuk met betrekking tot ander edelgesteentes toepas.

HOOFSTUK X.

ALGEMENE EN DIVERSE BEPALINGS.

Myndistrikte en mynkommissarisse en kleininspekteurs.

111. (1) Elke gebied wat onmiddellik voor die inwerkingtreding van hierdie Wet 'n myndistrik ingevolge die Wet op Edelgesteentes, 1927 (Wet No. 44 van 1927), uitgemaak het, is 'n myndistrik vir die doeleindes van hierdie Wet.

(2) Die Minister kan van tyd tot tyd by kennisgewing in die *Staatskoerant* twee of meer myndistrikte tot een myndistrik saamvoeg, of 'n deel van 'n myndistrik daarvan uitsluit en die uitgeslote deel in 'n nuwe myndistrik omskep, of die grense van 'n myndistrik verander en reël, onder meer deur 'n deel van die see daarby in te sluit of daarvan uit te sluit.

(3) Die Minister kan ten opsigte van 'n myndistrik 'n mynkommissaris aanstel of 'n beampte of werknemer in die Staatsdiens aanwys om die werksaamhede te verrig wat ingevolge hierdie Wet of ander wetsbepalings deur 'n mynkommissaris verrig moet word.

(4) Die Minister kan kleiminspekteurs aanstel om so 'n voormelde mynkommissaris of beampte by te staan.

(5) 'n Aanstelling kragtens sub-artikel (3) of (4) is onderworpe aan die wetsbepalings op die Staatsdiens.

Bevoegdhede en pligte van mynkommissaris.

112. Die toesig oor alle prospekteerdery en oor alluviale delwery word uitgeoefen deur die mynkommissaris en, onderworpe aan sy opdragte, deur persone wat die Minister aanstel, en by die uitoefening van sodanige toesig en enige bevoegdhede of pligte of van enige jurisdiksie of diskresie by hierdie Wet aan hom verleen of opgedra, handel die mynkommissaris ooreenkomstig die spesiale of algemene opdragte wat die Minister van tyd tot tyd aan hom gee.

Bevoegdheid om grond te betree.

113. (1) Die persoon wat die amp van Staatsmyningenieur of Direkteur van Geologiese Opname beklee, en 'n persoon wat die amp van mynkommissaris, kleiminspekteur of myninspekteur beklee, en enige beampte of werknemer in die Departement van Mynwese wat skriftelik deur 'n persoon wat so 'n amp beklee of deur die Minister gemagtig is, kan enige grond betree ten einde 'n bevoegdheid uit te oefen of plig te verrig wat deur hierdie Wet of ander wetsbepalings aan hom verleen of opgedra word of deur die Minister of 'n persoon wat so 'n amp beklee aan hom toegewys is.

(2) Iemand wat grond ingevolge hierdie artikel betree, is geregtig om die persone, voertuie, toestelle, instrumente en materiaal met hom mee te neem wat nodig is om sy bevoegdhede uit te oefen en sy pligte te verrig, en is geregtig om op die grond wat hy aldus betree water en droë hout te neem wat nodig is vir homself en diegene wat hom vergesel.

(3) Iemand wat sodanige betreding verhoed of 'n aldus gemagtigde persoon opsetlik by die uitoefening van sy bevoegdhede of die verrigting van sy werksaamhede ingevolge hierdie

(2) Whenever any member or agent of the South African Police has transferred possession of any rough or uncut diamond to any person upon payment or delivery by such person to such member or agent of an amount in money or other consideration, property or security, and such person is subsequently in connection with such transaction convicted of an offence under this Act, such money or consideration, property or security shall, notwithstanding anything in any law contained, be forfeited to the State and shall be disposed of as directed by the Secretary to the Treasury.

Disposal of moneys in possession of board mentioned in section 38 of Act 48 of 1882 (Cape).

109. (1) All moneys in possession of the board mentioned in section *thirty-eight* of the Diamond Trade Act, 1882 (Act No. 48 of 1882), of the Cape of Good Hope, and received by the said board pursuant to the provisions of that Act and the proviso to sub-section (1) of section *nine* of the Diamond Export Duty Act, 1957 (Act No. 16 of 1957), shall be disposed of as directed by the Secretary to the Treasury.

(2) The Minister may, in consultation with the Minister of Finance, make such arrangements as he deems necessary and desirable for the better prevention of the theft of or illicit dealing or trading in or unlawful possession of rough or uncut diamonds.

Provisions of this Chapter may be applied to other precious stones.

110. The State President may by proclamation in the *Gazette* apply the provisions of this Chapter in relation to any other precious stones.

CHAPTER X.

General and Miscellaneous.

Mining districts and mining commissioners and claim inspectors.

111. (1) Every area which immediately prior to the commencement of this Act constituted a mining district under the Precious Stones Act, 1927 (Act No. 44 of 1927), shall be a mining district for the purposes of this Act.

(2) The Minister may from time to time by notice in the *Gazette* combine any two or more mining districts into one mining district, or exclude any portion of a mining district from that district and constitute such severed portion a new mining district, or may alter and adjust the boundaries of any mining district, *inter alia* by the inclusion therein or the excision therefrom of any portion of the sea.

(3) The Minister may in respect of any mining district appoint a mining commissioner or designate any officer or employee in the public service to perform the functions which under this Act or any other law are required to be performed by a mining commissioner.

(4) The Minister may appoint claim inspectors to assist any mining commissioner or officer aforesaid.

(5) Any appointment under sub-section (3) or (4) shall be subject to the laws governing the public service.

Powers and duties of mining commissioner.

112. The supervision of all prospecting and of alluvial digging shall be exercised by the mining commissioner and subject to his directions by such persons as the Minister may appoint, and in carrying out such supervision and any powers or duties or in exercising any jurisdiction or discretion conferred or imposed upon him by this Act, the mining commissioner shall act in accordance with such specific or general instructions as may from time to time be given to him by the Minister.

Powers of entry on land.

113. (1) The person holding the office of Government Mining Engineer or Director of the Geological Survey and any person holding office as a mining commissioner, claim inspector or inspector of mines, and any officer or employee in the Department of Mines duly authorized in writing by a person so holding office or by the Minister, may enter upon any land for the purpose of carrying out any powers or duties conferred or imposed upon him by this Act or any other law or assigned to him by the Minister or a person so holding office.

(2) Any person entering on any land under this section shall be entitled to take with him thereon such persons, vehicles, appliances, instruments and materials as may be necessary for the purpose of carrying out his powers and duties, and shall be entitled to the use on the land so entered of such water and dead wood as may be necessary for himself and the persons with him.

(3) Any person who prevents any such entry or wilfully obstructs or hinders any person so authorized in the exercise of his powers or the performance of his duties under this Act

Wet of ander wetsbepalings hinder of belemmer, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig rand.

Bestelling van kennisgewings en ander stukke.

114. (1) 'n Kennisgewing, bevel of ander dokument wat ingevolge hierdie Wet aan iemand bestel moet word, word geag behoorlik bestel te wees indien dit aan so iemand persoonlik oorhandig is of per aangetekende pos na sy laaste bekende pos- of besigheidsadres of gewone woonplek gestuur is, of, waar bestelling op 'n voormelde wyse om enige rede nie doenlik is nie, indien dit in die *Staatskoerant* gepubliseer is.

(2) 'n Kennisgewing, bevel of dokument wat wettiglik opgestel heet te wees en wat te goeder trou ingevolge hierdie Wet uitgereik word, geld ooreenkomstig die bepalings daarvan, ondanks enige gebrek wat betref die vorm daarvan of afwesigheid van bevoegdheid van enige persoon om dit uit te reik of te waarmerk, mits die bevoegdheid daarna aan dié persoon verleen word.

Oorlegging van lisensies, ens., op versoek.

115. (1) Iemand wat volgens hierdie Wet in besit van 'n lisensie, vergunning, sertifikaat, permit of ander dokument moet wees, moet daardie lisensie, vergunning, sertifikaat, permit of ander dokument op versoek van die mynkommissaris of kleininspekteur of 'n lid van die Suid-Afrikaanse Polisie toon.

(2) Iemand wat versuim om aan 'n versoek bedoel in subartikel (1) te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig rand.

Reg van weg na grond waar geprospekteer of gedelf word.

116. 'n Eienaar of huurder van grond moet sodanige regte van weg op sy grond verleen na enige grond waar geprospekteer of gedelf word as wat die Minister vereis.

Besigheidsbedrywighede op alluviale delwery.

117. (1) Behoudens die bepalings van artikel *dertig* mag niemand op 'n alluviale delwery 'n ambag, besigheid of beroep van watter aard ook al, behalwe dié van gelisensieerde handelaar of delwer, beoefen nie, tensy hy in besit is van 'n woon- en werkpermit.

(2) Niemand mag 'n ambag of besigheid op 'n alluviale delwery beoefen nie, behalwe op 'n terrein wat ingevolge artikel *ses-en-vyftig* deur die mynkommissaris vir handelsdoeleindes uitgehou en afgebaken is.

(3) Indien die houer van 'n lisensie om op 'n alluviale delwery handel te dryf, weens 'n misdryf ingevolge 'n bepaling van hierdie Wet met betrekking tot handel in edelgesteentes of 'n wetsbepaling op handel in bedwelmende drank skuldig bevind word, of indien sy woon- en werkpermit ingetrek word, verval sy lisensie: Met dien verstande dat so 'n houer 'n gebou deur hom opgerig of voorrade binne een maand na die datum waarop sy lisensie verval het, kan verwyder of aan enige persoon kan verkoop of van die hand sit.

Beperking van produksie.

118. (1) Ondanks andersluidende bepalings van hierdie Wet of 'n ander wet, kan die Staatspresident van tyd tot tyd by proklamasie in die *Staatskoerant* die maksimum hoeveelheid edelgesteentes volgens waarde vasstel wat gedurende 'n in die proklamasie vermelde tydperk uit alluviale grond gehaal mag word of nadat dit uitgehaal is, van die hand gesit mag word deur enige afsonderlike produsent in die Republiek of in 'n bepaalde gebied.

(2) Verskillende maksimum hoeveelhede edelgesteentes volgens waarde kan ten opsigte van verskillende gebiede aldus vasgestel word.

(3) Die Staatspresident kan van tyd tot tyd by proklamasie in die *Staatskoerant* die minimum prys vasstel waarteen edelgesteentes of 'n klas edelgesteentes uit alluviale grond gehaal, verkoop mag word.

(4) (*a*) Iemand wat 'n vasstelling gemaak ingevolge subartikel (1) oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens twee maal die waarde van die edelgesteentes deur hom in stryd met die vasstelling uitgehaal of van die hand gesit of met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar of met sowel daardie boete as daardie gevangenisstraf.

(*b*) Iemand wat die bepalings van 'n proklamasie uitgevaardig kragtens sub-artikel (3) oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand.

(5) Die Staatspresident kan ondanks die bepalings van artikel *twintig* van die „Wet op de Kontrôle van Diamanten, 1925" (Wet No. 39 van 1925), by proklamasie in die *Staatskoerant* enige van of al die bepalings van daardie Wet toepas op alluviale diamante en—

or any other law, shall be guilty of an offence and liable on conviction to a fine not exceeding fifty rand.

Service of notices and other documents.

114. (1) Any notice, order or other document required by this Act to be served upon any person shall be deemed to have been duly served if it has been delivered to such person personally or sent by registered post to his last known postal or business address or ordinary residence or, where service in any manner aforesaid is for any reason impracticable, if it has been published in the *Gazette*.

(2) A notice, order or other document which, purporting to be lawfully made, is issued in good faith under this Act shall be valid according to the terms thereof, notwithstanding any want of form or lack of authority on the part of any person to issue or authenticate it, provided the authority be subsequently conferred upon such person.

Production of licences, etc., on demand.

115. (1) Every person who is required by this Act to hold any licence, permission, certificate, permit or other document shall produce such licence, permission, certificate, permit or other document at the request of the mining commissioner or claim inspector or any member of the South African Police.

(2) Any person who fails to comply with any request referred to in sub-section (1) shall be guilty of an offence and liable on conviction to a fine not exceeding fifty rand.

Right of way to land on which prospecting or digging is taking place.

116. Any owner or lessee of land shall grant such rights of way on his land to any land on which prospecting or digging is taking place as may be required by the Minister.

Business activities on alluvial digging.

117. (1) Subject to the provisions of section *thirty*, no person shall carry on any trade, business or calling whatsoever other than that of a licensed dealer or a digger on an alluvial digging unless he holds a residential and work permit.

(2) No person shall carry on any trade or business on any alluvial digging except upon a site reserved and beaconed off by the mining commissioner under section *fifty-six* for trading purposes.

(3) If the holder of a licence to trade on an alluvial digging is convicted of any offence against a provision of this Act relating to dealing in precious stones or a provision of a law which governs dealing in intoxicating liquor, or if his residential and work permit is cancelled, his licence shall lapse: Provided that such holder may remove or sell or dispose of any building erected by him or stock to any person within one month after the date on which his licence has lapsed.

Limitation of output.

118. (1) Notwithstanding anything contained in this Act or in any other law, the State President may from time to time determine by proclamation in the *Gazette* the maximum quantity in value of any precious stones which may during any period specified in such proclamation be recovered from alluvial or disposed of after being so recovered by any individual producer in the Republic or in any particular area.

(2) Different maximum quantities in value of precious stones may be so determined in respect of different areas.

(3) The State President may from time to time by proclamation in the *Gazette* fix the minimum price at which any precious stones or class of precious stones recovered from alluvial may be sold.

(4) (*a*) Any person who contravenes any determination made under sub-section (1) shall be guilty of an offence and liable on conviction to a fine not exceeding twice the value of the precious stones recovered or disposed of by him in contravention of the determination or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment.

(*b*) Any person who contravenes the provisions of any proclamation issued under sub-section (3) shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand.

(5) The State President may, notwithstanding the provisions of section *twenty* of the Diamond Control Act, 1925 (Act No. 39 of 1925), by proclamation in the *Gazette* apply all or any of the provisions of that Act to alluvial diamonds and—

(*a*) op alle produsente van sodanige diamante in die Republiek as geheel; of

(*b*) op alle produsente van sodanige diamante in 'n gebied in dié proklamasie omskryf,

en kan so 'n proklamasie te eniger tyd by dergelike proklamasie in die *Staatskoerant* wysig of intrek.

(6) Die Minister kan van tyd tot tyd konferensies van produsente van edelgesteentes, hetsy uit myne of uit alluviale delwerye, belê wat hy goedvind, ten einde die uitvoering van hierdie artikel te vergemaklik, en sodanige produsente aangaande die beheer van produksie, maksimum hoeveelhede en pryse te raadpleeg.

Beheer oor van die hand sit van diamante.

119. (1) Ondanks andersluidende bepalings van die „Wet op de Kontrôle van Diamanten, 1925" (Wet No. 39 van 1925), kan die Minister by kennisgewing in die *Staatskoerant* 'n datum vasstel waarna 'n in die kennisgewing vermelde produsent geen diamante mag verkoop of van die hand sit of uitvoer nie behalwe aan of deur bemiddeling van 'n persoon of liggaam van persone aldus vermeld: Met dien verstande dat geen kennisgewing kragtens hierdie artikel uitgereik mag word ten opsigte van die verkoop, van die hand sit of uitvoer van diamante ten opsigte waarvan 'n kennisgewing ingevolge artikel *sestien* van die „Wet op de Kontrôle van Diamanten, 1925", of ingevolge daardie artikel soos by sub-artikel (5) van artikel *honderd-en-agtien* van hierdie Wet toegepas, van krag is nie.

(2) 'n Produsent in 'n kennisgewing ingevolge sub-artikel (1) vermeld, wat na die datum in dié kennisgewing vermeld diamante andersins as ooreenkomstig dié kennisgewing verkoop of van die hand sit of uitvoer of poog om diamante aldus te verkoop, van die hand te sit of uit te voer, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens twee maal die waarde van sodanige diamante of met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar of met sowel sodanige boete as sodanige gevangenisstraf.

(3) Die hof wat iemand weens 'n misdryf ingevolge sub-artikel (2) skuldig bevind, kan enige diamant ten opsigte waarvan die misdryf gepleeg is en wat by die verhoor vertoon is, aan die Staat verbeurd verklaar.

(4) Die Minister kan te eniger tyd 'n kennisgewing kragtens hierdie artikel uitgereik, by dergelike kennisgewing in die *Staatskoerant* intrek.

(5) Wanneer 'n kennisgewing kragtens artikel *sestien* van die „Wet op de Kontrôle van Diamanten, 1925", of kragtens daardie artikel soos by sub-artikel (5) van artikel *honderd-en-agtien* van hierdie Wet toegepas, uitgereik word ten opsigte van die verkoop, van die hand sit of uitvoer van diamante ten opsigte waarvan 'n kennisgewing ingevolge sub-artikel (1) van hierdie artikel van krag is, verval bedoelde kennisgewing kragtens sub-artikel (1) van hierdie artikel uitgereik met ingang van die datum vermeld in die betrokke kennisgewing ingevolge voormelde artikel *sestien* of ingevolge daardie artikel soos aldus toegepas.

Bevoegdheid van Staatspresident om te onteien.

120. Die Staatspresident kan wanneer hy dit in die openbare belang of vir publieke doeleindes of in belang van die mynbou nodig ag om dit te doen, enige reg ingevolge hierdie Wet verleen in die geheel of ten dele onteien, onderworpe aan die betaling van vergoeding wat by ontstentenis van ooreenkoms by arbitrasie ooreenkomstig die bepalings van artikel *een-en-tagtig* bepaal word.

Wyse waarop pligte van Registrateur van Mynbriewe uitgevoer moet word.

121. Waar in hierdie Wet voorsiening gemaak word vir die registrasie van 'n akte, sertifikaat of dokument van watter aard ook al deur die Registrateur van Mynbriewe, of vir die verrigting van 'n handeling of uitvoering van 'n plig deur bedoelde Registrateur, geskied sodanige registrasie of word so 'n handeling verrig of plig uitgevoer op die wyse bepaal by en onderworpe aan nakoming van die vereistes van enige toepaslike wetsbepaling.

Delegering van Minister se bevoegdhede.

122. Die Minister kan aan die Sekretaris van Mynwese of 'n ander beampte van die Departement van Mynwese enige van die by artikel *vyf*, *ses*, *sewe-en-twintig*, *nege-en-dertig*, *veertig* of *honderd-en-dertien* van hierdie Wet aan hom verleende bevoegdhede delegeer.

Visentering van persone en artikels.

123. (1) Iemand wat vir eie rekening prospekteer-, delf- of mynbouwerksaamhede voortsit, of sy verteenwoordiger, het die reg om—

(*a*) enigiemand, hetsy in diens in verband met daardie bedrywighede al dan nie, op enige grond waar daardie bedrywighede voortgesit word, of binne 'n mynterrein

(*a*) to all producers of such diamonds throughout the Republic; or

(*b*) to all producers of such diamonds in any area defined in such proclamation,

and may at any time amend or withdraw any such proclamation by like proclamation in the *Gazette*.

(6) The Minister may from time to time convene such conferences of such producers of precious stones, whether from mines or from alluvial diggings, as he may deem fit in order to facilitate the carrying out of this section and to consult such producers concerning the control of output, maximum quantities and prices.

Control of disposal of diamonds.

119. (1) Notwithstanding anything contained in the Diamond Control Act, 1925 (Act No. 39 of 1925), the Minister may by notice in the *Gazette* determine a date after which any producer specified in such notice shall not sell or dispose of or export diamonds save to or through the agency of such person or body of persons as may be so specified: Provided that no notice shall be issued under this sub-section in respect of the sale, disposal or export of diamonds in regard to which any notice under section *sixteen* of the Diamond Control Act, 1925, or under that section as applied by sub-section (5) of section *one hundred and eighteen* of this Act is in force.

(2) Any producer specified in any notice under sub-section (1) who after the date specified in such notice sells or disposes of or exports diamonds otherwise than in accordance with such notice, or attempts so to sell, dispose of or export diamonds, shall be guilty of an offence and liable on conviction to a fine not exceeding twice the value of such diamonds or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment.

(3) The court convicting any person of any offence under sub-section (2) may declare any diamond in respect of which such offence was committed and which was produced at the trial to be forfeited to the State.

(4) The Minister may at any time amend or withdraw any notice issued under this section by like notice in the *Gazette*.

(5) Whenever any notice is issued under section *sixteen* of the Diamond Control Act, 1925, or under that section as applied by sub-section (5) of section *one hundred and eighteen* of this Act, in respect of the sale, disposal or export of diamonds in regard to which any notice under sub-section (1) of this section is in force, such notice issued under sub-section (1) of this section shall lapse with effect from the date specified in such notice under section *sixteen* aforesaid or under that section as so applied.

Power of State President to expropriate.

120. The State President may whenever he considers it necessary to do so in the public interest or for public purposes or in the interests of mining, expropriate wholly or in part any right granted under this Act subject to the payment of compensation to be determined in the absence of agreement by arbitration in accordance with the provisions of section *eighty-one*.

Manner in which duties to be performed by Registrar of Mining Titles.

121. Wherever in this Act provision is made for the registration of any deed, certificate or document of whatever nature by the Registrar of Mining Titles, or for the performance of any act or duty by the said Registrar, such registration, act or duty shall be performed in the manner provided by and subject to compliance with the requirements of any applicable law.

Delegation of Minister's powers.

122. The Minister may delegate to the Secretary for Mines or any other officer of the Department of Mines any of the powers conferred upon him by section *five*, *six*, *twenty-seven*, *thirty-nine*, *forty* or *one hundred and thirteen* of this Act.

Search of persons and things.

123. (1) Every person carrying out prospecting, digging or mining operations on his own behalf, or his representative, shall have the right to search or cause to be searched—

(*a*) any person, whether employed in connection with such operations or not, on any land upon which the operations are being conducted, or within any

of woongebied wat met daardie werksaamhede in verband staan of 'n gebied ten opsigte waarvan oppervlakteregte vir die doeleindes van daardie werksaamhede gehou word, of in enige gebou of kampong opgerig op dié grond of in dié gebied; en

(*b*) enige voertuig in die besit van so iemand of kledingstuk wat so iemand aan het of in sy besit het,

te visenteer of te laat visenteer.

(2) Visentering ingevolge sub-artikel (1) kan die aftakeling of uitmekaarhaal van so 'n voertuig of kledingstuk insluit, en so 'n visentering van 'n persoon word met stiptelike inagneming van die vereistes van welvoeglikheid en, in die geval van 'n vrouspersoon, slegs deur 'n vrouspersoon uitgevoer.

(3) Iemand wat die bepalings van hierdie artikel oortree of versuim om daaraan te voldoen of wat weier om soos voormeld gevisenteer te word of wat 'n gemagtigde persoon by 'n visentering ingevolge hierdie artikel belemmer, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand.

Diverse strawwe.

124. (1) Iemand wat vir edelgesteentes delf of myn behalwe kragtens en ooreenkomstig 'n gangbare lisensie, permit, huur of ander magtiging ingevolge hierdie Wet verleen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand, en die hof wat hom skuldig bevind, kan edelgesteentes onwettiglik deur hom gewin aan die Staat verbeurd verklaar.

(2) Iemand wat, hetsy hy in besit van 'n lisensie, permit, huur of ander magtiging is al dan nie, vir edelgesteentes delf of myn—

(*a*) op grond waar sodanige delwery of mynbouwerksaamhede nie ingevolge hierdie Wet gemagtig is nie of uitdruklik daardeur of daarkragtens verbied is;

(*b*) op 'n plek wat kragtens hierdie Wet deur die mynkommissaris uitgehou is; of

(*c*) op 'n plek waar hy nie geregtig is om te delf of te myn nie,

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

(3) Iemand wat—

(*a*) 'n groter stuk grond as wat hy ingevolge sy kleimlisensie, ontdekkersertifikaat of eienaarsertifikaat geregtig is om af te pen, afpen of laat afpen of ontgin of besit;

(*b*) 'n groter kleim as wat hierdie Wet voorskryf of 'n kleim ten opsigte waarvan hy nie in besit van 'n ontdekkersertifikaat, eienaarsertifikaat of gangbare kleimlisensie is nie, afpen of laat afpen of hou:

(*c*) grond afpen of laat afpen sonder die magtiging by hierdie Wet voorgeskryf,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand, en die hof wat iemand weens so 'n misdryf skuldig bevind, kan enige edelgesteentes deur hom gehaal uit grond wat hy onwettiglik afgepen of ontgin het, aan die Staat verbeurd verklaar.

(4) Iemand wat sonder wettige verskoning (waarvan die bewyslas op hom rus) 'n pen of baken ingevolge hierdie Wet opgerig, verander of verwyder of opsetlik beskadig of vernietig, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand, en die hof wat hom skuldig bevind, kan hom beveel om die pen of baken tot bevrediging van die mynkommissaris te laat terugplaas of herstel.

(5) Iemand wat wanneer daar deur of ingevolge hierdie Wet van hom vereis word om aan die mynkommissaris of 'n ander beampte kennis te gee of 'n feit bekend te maak, in gebreke bly om aan so 'n vereiste te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar, waar geen ander straf uitdruklik bepaal is nie, met 'n boete van hoogstens tweehonderd rand.

(6) Iemand wat ingevolge hierdie Wet geproklameerde grond okkupeer of daarop woon of handel dryf of dit op enige wyse gebruik sonder dat hy in besit van die vereiste vergunning of magtiging is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand, en die hof wat hom skuldig bevind, kan beveel dat hy van die grond afgesit word.

(7) Iemand wat onwettiglik water van enige plek op 'n alluviale delwery neem of gebruik, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd rand.

(8) Iemand wat na waarskuwing oortree op grond wat wettiglik deur iemand anders ingevolge hierdie Wet afgepen is of gehou word, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand.

mining or residential area connected with such operations or any area in respect of which any surface rights are held for the purposes of such operations, or in any building or compound erected upon such land or within any such area; and

(*b*) any vehicle in the possession of or any article worn by or in the possession of any such person.

(2) A search in terms of sub-section (1) may include the dismantling or taking apart of any such vehicle or article, and any such search of a person shall be carried out with strict regard to decency and, in the case of a female, be made by a female only.

(3) Any person who contravenes or fails to comply with the provisions of this section or who refuses to be searched as aforesaid or who obstructs any authorized person conducting a search under this section, shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand.

Miscellaneous penalties.

124. (1) Any person who digs or mines for precious stones except under and in accordance with a current licence, permit, lease or other authority granted under this Act shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand, and the court convicting him may declare any precious stones unlawfully won by him to be confiscated to the State.

(2) Any person, whether or not he is in possession of a licence, permit, lease or other authority, who digs or mines for precious stones—

(*a*) on any land on which such digging or mining is not authorized or is expressly prohibited by or under this Act;

(*b*) in any place reserved by the mining commissioner under this Act; or

(*c*) in any place in which he is not entitled to dig or mine,

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

(3) Any person who—

(*a*) pegs or causes to be pegged, works or holds an area greater than he is entitled to peg under his claim licence, discoverer's certificate or owner's certificate;

(*b*) pegs or causes to be pegged or holds a claim in excess of the size prescribed by this Act, or for which he does not hold a discoverer's certificate, owner's certificate or current claim licence;

(*c*) pegs or causes to be pegged any land without the authority prescribed by this Act,

shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand, and the court convicting any person of any such offence may declare any precious stones won by him from any land unlawfully pegged or worked to be confiscated to the State.

(4) Any person who without lawful excuse (the burden of proof whereof shall lie upon him) alters or moves or wilfully damages or destroys any peg or beacon erected under this Act shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand, and the court convicting him may order him to have the peg or beacon replaced or restored to the satisfaction of the mining commissioner.

(5) Any person who when required by or under this Act to give any notice or disclose any fact to the mining commissioner or any other officer, makes default in complying with such requirement, shall be guilty of an offence and liable on conviction, where no other penalty is expressly provided, to a fine not exceeding two hundred rand.

(6) Any person who occupies or resides or trades upon or in any way uses land proclaimed under this Act without being in possession of the requisite permission or authority, shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand, and the court convicting him may order his ejectment from such land.

(7) Any person who unlawfully takes or uses any water from any place on an alluvial digging shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred rand.

(8) Any person who after being warned trespasses on any land lawfully pegged or held by any other person under this Act shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand.

(9) Iemand wat in stryd met 'n bepaling van hierdie Wet enige inrigting, masjinerie of toerusting van 'n myn of materiaal wat gebruik word of nodig is om die kante of mure of ondergrondse werke van 'n myn te stut, verwyder of vernietig, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweeduisend rand of gevangenisstraf vir 'n tydperk van hoogstens tien jaar.

(10) Iemand wat skuldig bevind word aan oortreding van of versuim om te voldoen aan 'n bepaling van hierdie Wet ten opsigte waarvan geen straf uitdruklik voorgeskryf is nie, is strafbaar met 'n boete van hoogstens honderd rand.

Regulasies.

125. (1) Die Staatspresident kan regulasies uitvaardig wat nie met hierdie Wet onbestaanbaar is nie, in verband met enige van of al die volgende aangeleenthede, te wete—

(*a*) die bevoegdhede, werksaamhede en pligte van 'n beampte of werknemer kragtens hierdie Wet aangestel;

(*b*) die vorm van enige aansoek wat ingevolge hierdie Wet gedoen kan word en van enige toestemming, dokument of magtiging van watter aard ook al wat met so 'n aansoek ingedien moet word, en die inligting of besonderhede wat die aansoek moet vergesel;

(*c*) die vorm van en voorwaardes verbonde aan en die uitreiking, vernuwing of kansellering van enige permit, lisensie, huur, sertifikaat of vergunning, of enige magtiging, reg of dokument van watter aard ook al wat ingevolge die bepalings van hierdie Wet uitgereik, verleen of hernieu kan word;

(*d*) die vorm van enige register of ander aantekening wat ingevolge of vir die doeleindes van hierdie Wet gehou moet word;

(*e*) die vorm van enige kennisgewing wat ingevolge hierdie Wet gegee of gepubliseer moet word;

(*f*) die vorm van enige sketsplan wat ingevolge hierdie Wet ingedien moet word;

(*g*) die werksaamhede wat by prospektering in teenstelling met delwery uitgevoer kan word;

(*h*) die afpen of afbakening van kleims, myne, mynterreine, grond wat by prospekteerhure of mynhure ingesluit is of moet word, alluviale delwerye, oppervlakteregte, waterregte en enige ander reg of reservering van watter aard ook al ten opsigte waarvan afbakening deur of vir die doeleindes van hierdie Wet vereis word, en in die algemeen wat betref die penne wat by so 'n afpenning of afbakening gebruik of bakens of slote wat by so 'n afpenning of afbakening opgerig of gemaak moet word en die besonderhede wat op penne en bakens opgeteken moet word;

(*i*) die wyse van afpenning van kleims wat onder water is;

(*j*) die beheer oor die afpenning van kleims op die datum waarop grond ingevolge 'n proklamasie of kennisgewing kragtens hierdie Wet vir afpenning beskikbaar word;

(*k*) die instelling en afskaffing en enige aangeleentheid in verband met die ontginning van alluviale Staatsdelwerye;

(*l*) die behoorlike ontginning, beheer en bestuur van alluviale delwerye, met inbegrip van sanitasie en die gelde wat in verband daarmee van delwers en andere gevorder moet word, die aanstelling van gesondheidsinspekteurs, en alle aangeleenthede wat vir die beveiliging van die openbare gesondheid nodig is, met inbegrip, waar nodig, van verbod op verblyf op delwerye behalwe in woongebiede wat vir die doel uitgehou is;

(*m*) die beheer oor en bou van breekwaters in 'n stroom, waterloop of rivier, en die behoorlike werking en gebruik van sodanige breekwaters, en die betaling van 'n *pro rata*-deel van die koste van die bou en instandhouding daarvan;

(*n*) die behoorlike verdeling en voorkoming van vermorsing, besoedeling, bevuiling of versteuring van water op alluviale delwerye of in 'n stroom wat 'n grens van 'n alluviale delwery uitmaak;

(*o*) die uitreiking van permitte vir en die beheer van weiding op alluviale delwerye op Staatsgrond, en die gelde wat daarvoor gevorder moet word;

(*p*) die voorkoming van of beskerming teen onwettige of oneerlike handel in edelgesteentes, en die visentering van persone en deursoeking van plekke en dinge;

(9) Any person who in contravention of any provision of this Act removes or destroys any plant, machinery or equipment of a mine or any material used or necessary for supporting the sides or walls of a mine or the underground workings, shall be guilty of an offence and liable on conviction to a fine not exceeding two thousand rand or to imprisonment for a period not exceeding ten years.

(10) Any person convicted of a contravention of or failure to comply with any provision of this Act, in respect of which no penalty is expressly provided, shall be liable to a fine not exceeding one hundred rand.

Regulations.

125. (1) The State President may make regulations, not inconsistent with this Act, in regard to all or any of the following matters, namely—

(*a*) the powers, functions and duties of any officer or employee appointed under this Act;

(*b*) the form of any application capable of being made under this Act and of any consent, document or authorization of whatever nature required to be submitted with such application, and the information or particulars which shall accompany the application;

(*c*) the form of, the conditions attaching to, and the issue, renewal or cancellation of any permit, licence, lease, certificate or permission or any authorization, right or document of whatever nature capable of being issued, granted or renewed under the provisions of this Act;

(*d*) the form of any register or other record required to be kept under or for the purposes of this Act;

(*e*) the form of any notice to be given or published under this Act;

(*f*) the form of any sketch plan required to be submitted under this Act;

(*g*) the operations which may be carried on in prospecting as distinguished from digging or mining;

(*h*) the pegging or demarcation of claims, mines, mining areas, land included or to be included in prospecting leases or mining leases, alluvial diggings, surface rights, water-rights and any other right or reservation of whatever nature in respect of which demarcation is required by or for the purposes of this Act, and generally in regard to the pegs to be used or beacons or trenches to be erected or constructed in any such pegging or demarcation and the particulars to be inscribed on pegs and beacons;

(*i*) the manner of pegging of claims on submerged land;

(*j*) the control of the pegging of claims on the date on which land becomes available for pegging in terms of any proclamation or notice under this Act;

(*k*) the establishment and disestablishment and any matter incidental to the working of State alluvial diggings;

(*l*) the proper working, control and administration of alluvial diggings, including sanitation and the fees to be charged to diggers and others in connection therewith, the appointment of sanitary inspectors, and all matters necessary for safeguarding the public health, including where necessary the prohibition of residence on diggings except in residential areas reserved for that purpose;

(*m*) the control and construction of breakwaters in any stream, watercourse or river, and the proper working and use of such breakwaters, and the payment of a *pro rata* share of the cost of construction and maintenance thereof;

(*n*) the proper distribution and prevention of waste, pollution, fouling or disturbing of any water on alluvial diggings or in any stream forming a boundary of an alluvial digging;

(*o*) the issue of permits for and the control of grazing on alluvial diggings on State land, and the fees to be charged therefor;

(*p*) the prevention of or safeguarding against illicit or dishonest trade in precious stones, and the searching of persons, places and things;

(*q*) die voorkoming van diensvoorwaardes op kleims en alluviale delwerye wat volgens die Staatspresident se oordeel onwettige of oneerlike handel in edelgesteentes sal bevorder, en die beheer van handel en verbod op of beheer van marskramery aldaar;

(*r*) die verbod op of beperking van toegang tot of verblyf op of oorgang oor alluviale delwerye deur enige persoon of kategorie van persone;

(*s*) die verbod op of verwydering van 'n oorlas in of naby 'n plek ten opsigte waarvan enige reg ingevolge hierdie Wet gehou word;

(*t*) die verbod op die myn van edelgesteentes deur enigiemand op kwistige wyse of op so 'n wyse dat die edelgesteentes in die grond agtergelaat word waaruit dit, indien dié grond afsonderlik bewerk word of saam met ander grond waar dié persoon werk, voordelig uitgehaal sou kon word;

(*u*) die beskikking oor edelgesteentes gehaal uit grond ten opsigte waarvan 'n prospekteer- en delfooreenkoms onmiddellik voor die proklamering van die grond tot 'n alluviale delwery bestaan het, en die betaling deur kleimhouers aan die eienaars van die grond van die persentasie van die bruto bedrag uit die verkoop van daardie edelgesteentes verkry waarop dié eienaars ingevolge hierdie Wet geregtig is;

(*v*) enige aangeleentheid ten opsigte waarvan hierdie Wet spesifiek bepaal dat dit by regulasie gereël of voorgeskryf kan word;

(*w*) in die algemeen, en sonder afbreuk deur die voorgaande paragrawe aan die algemeenheid van die bevoegdheid by hierdie paragraaf verleen, enige aangeleentheid wat hy nodig of raadsaam ag om voor te skryf ten einde die oogmerke van hierdie Wet te verwesenlik.

(2) Verskillende regulasies kan vir verskillende myndistrikte, alluviale delwerye of gebiede uitgevaardig word.

(3) 'n Regulasie kragtens hierdie artikel uitgevaardig, kan op oortreding daarvan of versuim om daaraan te voldoen, strawwe stel wat 'n boete van tweehonderd rand of gevangenisstraf vir 'n tydperk van ses maande nie te bowe gaan nie.

Herroeping van wette.

126. (1) Behoudens die bepalings van sub-artikel (2), word die wette in die Bylae genoem, en die voorbehoudsbepaling by sub-artikel (1) van artikel *nege* van die Wet op Uitvoerbelasting op Diamante, 1957 (Wet No. 16 van 1957), hierby herroep.

(2) 'n Proklamasie, kennisgewing, verbod, regulasie, bevel, opdrag, goedkeuring, sertifikaat, lisensie, huur of permit uitgereik, opgelê, uitgevaardig, gegee, aangegaan of verleen en enige reg verkry of verleen en enigiets anders gedoen ingevolge 'n by sub-artikel (1) herroepe wetsbepaling, word geag ingevolge die ooreenstemmende bepaling van hierdie Wet uitgereik, opgelê, uitgevaardig, gegee, aangegaan, verleen, verkry of gedoen te wees, maar die bepalings van hierdie sub-artikel word nie uitgelê in die sin dat dit enige regte voor die inwerkingtreding van hierdie Wet ingevolge so 'n wetsbepaling verkry of verleen, op enige wyse uitbrei of daaraan afdoen nie.

Kort titel en inwerkingtreding.

127. Hierdie Wet heet die Wet op Edelgesteentes, 1964, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

(*q*) the prevention of conditions of employment on claims and alluvial diggings which in the opinion of the State President are conducive to illicit or dishonest trade in precious stones, and the control of trading and the prohibition or control of hawking thereon;

(*r*) the prohibition or restriction of entry or sojourn upon or passage over alluvial diggings by any person or class of persons;

(*s*) the prevention or abatement of nuisances in or about any place in respect of which any right is held under this Act;

(*t*) the prevention of the mining of precious stones by any person in a wasteful manner or in such a manner that such precious stones are left unrecovered in ground from which it could, if such ground is worked separately or in conjunction with other ground worked by such person, be profitably recovered;

(*u*) the disposal of precious stones recovered from land in respect of which a prospecting and digging agreement existed immediately prior to the proclamation of the land as an alluvial digging, and the payment by claimholders to the owners of the land of the percentage of the gross amount realized in respect of the sale of such precious stones to which such owners are entitled under this Act;

(*v*) any matter in respect of which it is specially provided in this Act that they may be dealt with or prescribed by regulation;

(*w*) generally any matter which he considers it necessary or expedient to prescribe in order that the purposes of this Act may be achieved, the generality of the powers conferred by this paragraph not being limited by the provisions of the preceding paragraphs.

(2) Different regulations may be made for different mining districts, alluvial diggings or areas.

(3) Any regulation made under this section may prescribe penalties for any contravention thereof or failure to comply therewith, not exceeding a fine of two hundred rand or imprisonment for a period of six months.

Repeal of laws.

126. (1) Subject to the provisions of sub-section (2), the laws mentioned in the Schedule, and the proviso to sub-section (1) of section *nine* of the Diamond Export Duty Act, 1957 (Act No. 16 of 1957), are hereby repealed.

(2) Any proclamation, notice, prohibition, regulation, order, direction, approval, certificate, licence, lease or permit issued, imposed, made, given, entered into or granted and any right acquired or conferred and anything else done under any provision of any law repealed by sub-section (1), shall be deemed to have been issued, imposed, made, given, entered into, granted, acquired, conferred or done under the corresponding provision of this Act, but nothing in this sub-section shall be construed as in any way extending or derogating from any rights acquired or conferred prior to the commencement of this Act under any such law.

Short title and commencement.

127. This Act shall be called the Precious Stones Act, 1964, and shall come into operation upon a date to be fixed by the State President by proclamation in the *Gazette*.

Bylae.

WETTE HERROEP.

No. en Jaar van Wet.	Kort Titel of Onderwerp.
Kaap die Goeie Hoop.	
Wet No. 48 van 1882.	„Diamond Trade Act, 1882".
Wet No. 14 van 1885.	Diamanthandel.
Wet No. 34 van 1888.	„Diamond Trade Amendment Act, 1888".
Wet No. 31 van 1893.	„Alluvial Diamond Diggings Law Amendment Act, 1893".
Transvaal.	
Ordonnansie No. 63 van 1903.	„Diamond Trade Ordinance, 1903".
Oranje-Vrystaat.	
Hoofstuk CXIX van Wetboek.	Diamanthandel.
Republiek.	
Wet No. 44 van 1927.	Wet op Edelgesteentes, 1927.
Wet No. 1 van 1928.	Wet tot Reëling van die Diamanthandel (Natal), 1928.
Wet No. 38 van 1937.	Wysigingswet op Edelgesteentes, 1937.
Wet No. 40 van 1941.	Wysigingswet op Edelgesteentes, 1941.
Wet No. 28 van 1945.	Wysigingswet op Edelgesteentes, 1945.
Wet No. 21 van 1947.	Wysigingswet op Edelgesteentes, 1947.
Wet No. 19 van 1952.	Wysigingswet op Edelgesteentes, 1952.
Wet No. 5 van 1956.	Wysigingswet op Edelgesteentes, 1956.
Wet No. 12 van 1960.	Wysigingswet op Edelgesteentes, 1960.
Wet No. 42 van 1963.	Wysigingswet op Edelgesteentes, 1963.

Schedule.

LAWS REPEALED

No. and Year of Law.	Short Title or Subject Matter.
Cape of Good Hope.	
Act No. 48 of 1882.	Diamond Trade Act, 1882.
Act No. 14 of 1885.	Diamond Trade.
Act No. 34 of 1888.	Diamond Trade Amendment Act, 1888.
Act No. 31 of 1893.	Alluvial Diamond Diggings Law Amendment Act, 1893.
Transvaal.	
Ordinance No. 63 of 1903.	Diamond Trade Ordinance, 1903.
Orange Free State.	
Chapter CXIX of the Law Book.	Diamond Trade.
Republic.	
Act No. 44 of 1927.	Precious Stones Act, 1927.
Act No. 1 of 1928.	Diamond Trade Regulation (Natal) Act, 1928.
Act No. 38 of 1937.	Precious Stones Amendment Act, 1937.
Act No. 40 of 1941.	Precious Stones Amendment Act, 1941.
Act No. 28 of 1945.	Precious Stones Amendment Act, 1945.
Act No. 21 of 1947.	Precious Stones Amendment Act, 1947.
Act No. 19 of 1952.	Precious Stones Amendment Act, 1952.
Act No. 5 of 1956.	Precious Stones Amendment Act, 1956.
Act No. 12 of 1960.	Precious Stones Amendment Act, 1960.
Act No. 42 of 1963.	Precious Stones Amendment Act, 1963.

No. 74, 1964.]

WET

Om voorsiening te maak vir die toelating van persone om as advokate van die Hooggeregshof van Suid-Afrika te praktiseer en vir daarmee in verband staande aangeleenthede.

(*Afrikaanse teks deur die Staatspresident geteken.*)
(*Goedgekeur op* 18 *Junie* 1964.)

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

Woordomskrywings.

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

(i) „advokaat" 'n advokaat van die Hooggeregshof; (i)
(ii) „afdeling" 'n afdeling van die Hooggeregshof; (ii)
(iii) „die gebied" die gebied Suidwes-Afrika, met inbegrip van die gebied bekend as die Oostelike Caprivi Zipfel en vermeld in sub-artikel (3) van artikel *drie* van die Wysigingswet op Aangeleenthede van Suidwes-Afrika, 1951 (Wet No. 55 van 1951), en daardie deel van die gebied Suidwes-Afrika wat bekend staan as die „Rehoboth Gebiet" en wat in die Eerste Bylae by Proklamasie No. 28 van 1923 van die Administrateur van daardie gebied omskryf word; (ix)
(iv) „Hooggeregshof" die Hooggeregshof van Suid-Afrika soos saamgestel deur artikel *twee* van die Wet op die Hooggeregshof, 1959 (Wet No. 59 van 1959); (viii)
(v) „ingeskryf" op die rol van advokate ingeskryf; (iii)
(vi) „Minister" die Minister van Justisie; (iv)
(vii) „reëls" reëls wat ingevolge artikel *drie-en-veertig* van die Wet op die Hooggeregshof, 1959 (Wet No. 59 van 1959), uitgevaardig is of van krag bly; (vii)
(viii) „Republiek" ook die gebied; (v)
(ix) „rol van advokate" die in artikel *agt* bedoelde rol van advokate. (vi)

Persone word alleen kragtens hierdie Wet toegelaat om as advokate te praktiseer, en manier waarop aansoeke gedoen word.

2. (1) Na die inwerkingtreding van hierdie Wet word niemand toegelaat om as advokaat te praktiseer nie behalwe ooreenkomstig die bepalings van hierdie Wet.

(2) 'n Aansoek ingevolge die bepalings van hierdie Wet word op die in die reëls voorgeskrewe manier gedoen.

Toelating van persone om as advokate te praktiseer.

3. (1) Behoudens enige ander wetsbepalings, moet 'n afdeling 'n persoon toelaat om as advokaat te praktiseer en magtig om as advokaat ingeskryf te word wat by 'n aansoek deur hom gedoen die hof oortuig—

(*a*) dat hy bo die ouderdom van een-en-twintig jaar is en 'n geskikte en gepaste persoon is om aldus toegelaat en gemagtig te word;
(*b*) dat hy behoorlik gekwalifiseer is;
(*c*) dat hy 'n Suid-Afrikaanse burger is of dat hy wettiglik tot die Republiek toegelaat is vir permanente verblyf daarin en gewoonlik in die Republiek woonagtig is;
(*d*) in die geval van iemand wat te eniger tyd toegelaat is om as prokureur in enige hof in die Republiek of elders te praktiseer, dat sy naam op sy eie aansoek van die rol van prokureurs verwyder is en dat hy vir 'n ononderbroke tydperk van minstens ses maande onmiddellik voor die datum van sy aansoek om aldus toegelaat te word, op generlei wyse in die Republiek of elders geassosieer was met of verbonde was aan die praktyk van 'n prokureur, notaris of transportbesorger nie, of regstreeks of onregstreeks as 'n prokureur, notaris of transportbesorger opgetree het nie; en
(*e*) in die geval van iemand wat te eniger tyd, hetsy teen besoldiging al dan nie, 'n klerk of assistent was by iemand wat as prokureur, notaris of transportbesorger in die Republiek of elders praktiseer, dat hy vir 'n ononderbroke tydperk van minstens ses maande

No. 74, 1964.]

ACT

To provide for the admission of persons to practise as advocates of the Supreme Court of South Africa and for matters incidental thereto.

(*Afrikaans text signed by the State President.*)
(*Assented to 18th June*, 1964.)

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) "advocate" means an advocate of the Supreme Court; (i)

(ii) "division" means a division of the Supreme Court; (ii)

(iii) "enrolled" means enrolled on the roll of advocates; (v)

(iv) "Minister" means the Minister of Justice; (vi)

(v) "Republic" includes the territory; (viii)

(vi) "roll of advocates" means the roll of advocates referred to in section *eight*; (ix)

(vii) "rules" means rules made or remaining in force in terms of section *forty-three* of the Supreme Court Act, 1959 (Act No. 59 of 1959); (vii)

(viii) "Supreme Court" means the Supreme Court of South Africa as constituted by section *two* of the Supreme Court Act, 1959 (Act No. 59 of 1959); (iv)

(ix) "the territory" means the territory of South-West Africa, including the area known as the Eastern Caprivi Zipfel and referred to in sub-section (3) of section *three* of the South-West Africa Affairs Amendment Act, 1951 (Act No. 55 of 1951), and that portion of the territory of South-West Africa known as the "Rehoboth Gebiet" and defined in the First Schedule to Proclamation No. 28 of 1923 of the Administrator of that territory. (iii)

Persons to be admitted to practise as advocates only under this Act, and manner of making applications.

2. (1) After the commencement of this Act no person shall be admitted to practise as an advocate save in accordance with the provisions of this Act.

(2) Any application pursuant to the provisions of this Act shall be made in the manner prescribed in the rules.

Admission of persons to practise as advocates.

3. (1) Subject to the provisions of any other law, any division shall admit to practise and authorize to be enrolled as an advocate any person who upon application made by him satisfies the court—

(*a*) that he is over the age of twenty-one years and is a fit and proper person to be so admitted and authorized;

(*b*) that he is duly qualified;

(*c*) that he is a South African citizen or that he has been lawfully admitted to the Republic for permanent residence therein and is ordinarily resident in the Republic;

(*d*) in the case of any person who has at any time been admitted to practise as an attorney in any court in the Republic or elsewhere, that his name has been removed from the roll of attorneys on his own application and that for a continuous period of not less than six months immediately before the date of his application to be so admitted he has in no way been associated or connected with the practice of, or acted directly or indirectly as, an attorney, notary or conveyancer in the Republic or elsewhere; and

(*e*) in the case of a person who has at any time been a clerk or assistant, whether for remuneration or not, to any person practising as an attorney, notary or conveyancer in the Republic or elsewhere, that for a continuous period of not less than six months im-

onmiddellik voor die datum van sy aansoek om aldus toegelaat te word, op generlei wyse in die Republiek of elders geassosieer was met of verbonde was aan die praktyk van 'n prokureur, notaris of transportbesorger nie, of regstreeks of onregstreeks as 'n klerk of assistent van 'n prokureur, notaris of transportbesorger opgetree het nie.

(2) By die toepassing van paragraaf (*b*) van sub-artikel (1) word die volgende persone geag behoorlik gekwalifiseer te wees, naamlik:

(*a*) 'n Persoon wat—

(i) aan al die vereistes vir die graad *baccalaureus legum* van 'n universiteit in die Republiek voldoen het nadat hy 'n studiekursus vir daardie graad van minstens vyf jaar gevolg het wat minstens een kursus in die Afrikaanse taal, minstens een kursus in die Engelse taal en minstens een kursus in die Latynse taal ingesluit het; of

(ii) nadat hy aan al die vereistes vir 'n *baccalaureus*-graad van 'n universiteit in die Republiek in 'n ander fakulteit as die regsfakulteit voldoen het nadat hy 'n studiekursus vir daardie graad gevolg het wat minstens een kursus in die Afrikaanse taal, minstens een kursus in die Engelse taal en minstens een kursus in die Latynse taal ingesluit het, of nadat hy tot die status van so 'n graad deur so 'n univeriteit toegelaat is, aan al die vereistes vir die graad *baccalaureus legum* van so 'n universiteit voldoen het; of

(iii) tot die status van 'n in sub-paragraaf (i) of (ii) bedoelde *baccalaureus legum*-graad deur 'n universiteit in die Republiek toegelaat is;

(*b*) 'n persoon wat voor die inwerkingtreding van hierdie Wet geslaag het in 'n eksamen of voldoen het aan al die vereistes vir 'n graad wat ingevolge 'n wet wat deur artikel *dertien* herroep is, hom onmiddellik voor daardie inwerkingtreding geregtig sou gemaak het om as advokaat van 'n afdeling toegelaat te word by voldoening aan enige ander vereiste van bedoelde wet met betrekking tot ander aangeleenthede as daardie eksamen of graad;

(*c*) 'n persoon wat—

(i) by die inwerkingtreding van hierdie Wet as student by 'n in artikel *een* van die „Toelating van Advokaten Wet, 1921" (Wet No. 19 van 1921), bedoelde universiteit ingeskryf was en besig was met 'n studiekursus met die oog daarop om 'n in daardie artikel bedoelde sertifikaat, diploma of graad te verwerf; en

(ii) aan al die vereistes vir daardie sertifikaat, diploma of graad voldoen het en op of voor die een-en-dertigste dag van Desember 1974 die in artikel *twee* van daardie Wet bedoelde eksamen in die Romeins-Hollandse reg en die wettereg van die Republiek afgelê het of ingevolge daardie artikel nie verplig is om die eksamen in albei of een van voornoemde vakke af te lê nie;

(*d*) 'n persoon wat—

(i) by die inwerkingtreding van hierdie Wet as student by 'n universiteit of universiteitskollege in die Republiek vir die graad *baccalaureus legum* ingeskryf was; en

(ii) aan al die vereistes vir daardie graad voldoen het;

(*e*) 'n persoon wat—

(i) by die inwerkingtreding van hierdie Wet as student by 'n universiteit of universiteitskollege in die Republiek ingeskryf was vir 'n graad in enige fakulteit en besig was met 'n studiekursus vir daardie graad, waarvan die geslaagde voltooiing ooreenkomstig die regulasies van sodanige universiteit of universiteitskollege wat toe gegeld het, hom geregtig sou maak op vrystelling van 'n gedeelte van die eksamen vir die graad *baccalaureus legum*; en

mediately before the date of his application to be so admitted he has in no way been associated or connected with the practice of, or acted directly or indirectly as a clerk or assistant to an attorney, notary or conveyancer in the Republic or elsewhere.

(2) The following persons shall for the purposes of paragraph (*b*) of sub-section (1) be deemed to be duly qualified, namely:

(*a*) Any person who—

(i) has satisfied all the requirements for the degree of *baccalaureus legum* of any university in the Republic after pursuing a course of study for that degree of not less than five years which included not less than one course in the Afrikaans language, not less than one course in the English language and not less than one course in the Latin language; or

(ii) after he has satisfied all the requirements for the degree of bachelor of any university in the Republic in any faculty other than the faculty of law after pursuing a course of study for that degree which included not less than one course in the Afrikaans language, not less than one course in the English language and not less than one course in the Latin language or after he has been admitted to the status of any such degree by any such university, has satisfied all the requirements for the degree of *baccalaureus legum* of any such university; or

(iii) has been admitted by any university in the Republic to the status of the degree of *baccalaureus legum* referred to in sub-paragraph (i) or (ii);

(*b*) any person who before the commencement of this Act passed any examination or satisfied all the requirements for any degree which in terms of any law repealed by section *thirteen* would immediately before such commencement have entitled him to be admitted to practise as an advocate of any division on compliance with any other requirement of the said law with regard to matters other than such examination or degree;

(*c*) any person who—

(i) at the commencement of this Act was registered as a student at a university referred to in section *one* of the Admission of Advocates Act, 1921 (Act No. 19 of 1921), and was engaged in a course of study with a view to obtaining a certificate, diploma or degree referred to in the said section; and

(ii) has satisfied all the requirements for the said certificate, diploma or degree and has on or before the thirty-first day of December, 1974, passed the examination in Roman-Dutch law and the statute law of the Republic referred to in section *two* of the said Act or is in terms of the said section not required to pass the examination in both or either of the said subjects;

(*d*) any person who—

(i) at the commencement of this Act was registered as a student at any university or university college in the Republic for the degree of *baccalaureus legum*; and

(ii) has satisfied all the requirements for the said degree;

(*e*) any person who—

(i) at the commencement of this Act was registered as a student at any university or university college in the Republic for a degree in any faculty and was engaged in a course of study for such degree, the successful completion of which would in accordance with the regulations of such university or university college then in force, entitle him to be exempted from a portion of the examination for the degree of *baccalaureus legum*; and

(ii) aan al die vereistes vir daardie graad en bedoelde graad van *baccalaureus legum* voldoen het.

(3) Die bepalings van paragrawe (*d*) en (*e*) van sub-artikel (1) is nie van toepassing nie op—

(*a*) 'n in artikel *een* van die Natalse Advokate en Prokureurs Behoud van Regte Wet, 1939 (Wet No. 27 van 1939), bedoelde persoon wat by die Natalse Provinsiale Afdeling of die Plaaslike Afdeling Durban en Kus van die Hooggeregshof aansoek doen om toegelaat te word om as advokaat te praktiseer; of

(*b*) iemand wat in diens is in die kantoor van die Staatsprokureur, of in 'n tak daarvan, kragtens die Wet op die Staatsprokureur, 1957 (Wet No. 56 van 1957), ingestel, of in die kantoor van die Staatsprokureur kragtens die Staatsprokureursproklamasie, 1921 (Proklamasie No. 46 van 1921), van Suidwes-Afrika ingestel.

(4) Iemand wat ingevolge sub-artikel (1) toegelaat en gemagtig word om as advokaat te praktiseer en ingeskryf te word, word op die rol van advokate as advokaat ingeskryf.

Bestaande advokate.

4. (1) Iemand wie se naam by die inwerkingtreding van hierdie Wet op die rol van advokate van 'n afdeling verskyn, hetsy die toelating of inskrywing van so iemand as 'n advokaat aan voorwaardes onderworpe was of is al dan nie, word geag onvoorwaardelik ingevolge sub-artikel (1) van artikel *drie* toegelaat te gewees het om as advokaat te praktiseer en gemagtig te gewees het om as advokaat ingeskryf te word, behoudens die bepalings van enige hofbevel waarby so iemand in sy praktyk as advokaat geskors is.

(2) Elke persoon wat ingevolge sub-artikel (1) geag word om toegelaat en gemagtig te gewees het om as advokaat te praktiseer en ingeskryf te word, word op die rol van advokate as advokaat ingeskryf, en vir daardie doel moet die griffier van elke afdeling so gou doenlik na daardie inwerkingtreding die naam van elke persoon wie se naam op die rol van advokate van daardie afdeling verskyn en besonderhede van die hofbevel waarby elke sodanige persoon toegelaat is om as advokaat te praktiseer en van enige hofbevel, as daar is, waarby so 'n persoon in sy praktyk as advokaat geskors is, aan die Sekretaris van Justisie verskaf.

Toelating om in die Republiek te praktiseer van advokate wat elders praktiseer.

5. (1) Ondanks andersluidende bepalings van hierdie Wet maar behoudens enige ander wetsbepalings, kan 'n afdeling 'n persoon toelaat om as advokaat te praktiseer en magtig om as advokaat ingeskryf te word wat by 'n aansoek deur hom gedoen die hof oortuig—

(*a*) dat hy toegelaat is as advokaat van die Hooggeregshof of Hoëhof van 'n land of gebied buite die Republiek wat die Minister vir die doeleindes van hierdie artikel by kennisgewing in die *Staatskoerant* aangewys het (in hierdie Wet 'n aangewese land of gebied genoem);

(*b*) dat hy in die aangewese land of gebied waarin hy aldus toegelaat is, woonagtig is en as 'n advokaat praktiseer;

(*c*) dat hy 'n geskikte en gepaste persoon is om aldus toegelaat te word; en

(*d*) dat geen geregtelike stappe aanhangig is of beoog word om hom in sy praktyk te laat skors of om hom van die rol van advokate van daardie Hooggeregshof of Hoëhof te laat skrap nie.

(2) Iemand wat ingevolge sub-artikel (1) toegelaat en gemagtig word om as advokaat te praktiseer en ingeskryf te word, word op die rol van advokate as advokaat ingeskryf.

(3) 'n Kennisgewing wat kragtens sub-artikel (1) in die *Staatskoerant* gepubliseer is en waarby 'n land of gebied vir die doeleindes van hierdie artikel aangewys is, kan te eniger tyd deur die Minister by 'n latere kennisgewing in die *Staatskoerant* ingetrek word, en daarop hou 'n land of gebied wat in die eersbedoelde kennisgewing genoem word, op om 'n aangewese land of gebied te wees.

Advokate geregtig om oor die hele Republiek te praktiseer.

6. Iemand wat ingevolge 'n bepaling van hierdie Wet toegelaat is of geag word toegelaat te gewees het om as advokaat te praktiseer, is geregtig om oor die hele Republiek as advokaat te praktiseer, tensy daar beveel is dat sy naam van die rol van advokate geskrap word of tensy hy onderworpe is aan 'n bevel wat hom in sy praktyk as advokaat skors.

(ii) has satisfied all the requirements for the said degree and the said degree of *baccalaureus legum*.

(3) The provisions of paragraphs (*d*) and (*e*) of sub-section (1) shall not apply to—

(*a*) any person referred to in section *one* of the Natal Advocates and Attorneys Preservation of Rights Act, 1939 (Act No. 27 of 1939), who applies to the Natal Provincial Division or the Durban and Coast Local Division of the Supreme Court to be admitted to practice as an advocate; or

(*b*) any person employed in the office of the State Attorney, or in any branch thereof, established under the State Attorney Act, 1957 (Act No. 56 of 1957), or in the office of the State Attorney established under the State Attorney Proclamation, 1921 (Proclamation No. 46 of 1921), of South-West Africa.

(4) Any person who is admitted and authorized to practise and to be enrolled as an advocate in terms of sub-section (1), shall be enrolled as an advocate on the roll of advocates.

Existing advocates.

4. (1) Any person whose name appears on the roll of advocates of any division at the commencement of this Act, whether or not the admission or enrolment of any such person as an advocate has been or is subject to any conditions, shall be deemed to have been unconditionally admitted to practise and authorized to be enrolled as an advocate in terms of sub-section (1) of section *three*, subject to the terms of any order of court whereby any such person has been suspended from practice as an advocate.

(2) Every person who in terms of sub-section (1) is deemed to have been admitted and authorized to practise and to be enrolled as an advocate, shall be enrolled as an advocate on the roll of advocates, and for that purpose the registrar of every division shall as soon as possible after such commencement furnish the Secretary for Justice with the name of every person whose name appears on the roll of advocates of such division and with particulars of the order of court whereby every such person was admitted to practise as an advocate and of any order of court, if any, whereby any such person has been suspended from practice as an advocate.

Admission to practise in the Republic of advocates practising elsewhere.

5. (1) Notwithstanding anything to the contrary in this Act contained but subject to the provisions of any other law, any division may admit to practise and authorize to be enrolled as an advocate any person who upon application made by him satisfies the court—

(*a*) that he has been admitted as an advocate of the Supreme or High Court of any country or territory outside the Republic which the Minister has for the purposes of this section designated by notice in the *Gazette* (in this Act referred to as a designated country or territory);

(*b*) that he resides and practises as an advocate in the designated country or territory in which he has been so admitted;

(*c*) that he is a fit and proper person to be so admitted; and

(*d*) that no proceedings are pending or contemplated to have him suspended from practice or to have him struck off the roll of advocates of the said Supreme or High Court.

(2) Any person who is admitted and authorized to practise and to be enrolled as an advocate in terms of sub-section (1), shall be enrolled as an advocate on the roll of advocates.

(3) Any notice published in the *Gazette* under sub-section (1) whereby any country or territory has been designated for the purposes of this section, may at any time be withdrawn by the Minister by a subsequent notice in the *Gazette*, and thereupon any country or territory referred to in such first-mentioned notice shall cease to be a designated country or territory.

Advocates entitled to practise throughout the Republic.

6. Any person who has been or is deemed to have been admitted to practise as an advocate in terms of any provision of this Act, shall be entitled to practise as an advocate throughout the Republic unless his name has been ordered to be struck off the roll of advocates or unless he is subject to an order suspending him from practice as an advocate.

Skorsing van advokate in hul praktyk en die verwydering van hul name van die rol van advokate.

7. (1) Behoudens enige ander wetsbepalings, kan 'n hof van 'n afdeling, op aansoek, iemand in sy praktyk as advokaat skors of beveel dat die naam van iemand van die rol van advokate geskrap word—

(*a*) in die geval van iemand wat ingevolge sub-artikel (1) van artikel *drie* toegelaat is om as advokaat te praktiseer of geag word aldus toegelaat te gewees het—

(i) indien hy opgehou het om 'n Suid-Afrikaanse burger te wees; of

(ii) in die geval van 'n persoon wat nie 'n Suid-Afrikaanse burger is nie, indien hy in gebreke gebly het om binne 'n tydperk van ses jaar vanaf die datum waarop hy voor of na die inwerkingtreding van hierdie sub-paragraaf tot die Republiek vir permanente verblyf daarin toegelaat is, of binne die verdere tydperk wat die hof òf voor òf na die verstryking van daardie tydperk om 'n gegronde rede toelaat, 'n sertifikaat van naturalisasie ingevolge die Wet op Suid-Afrikaanse Burgerskap, 1949 (Wet No. 44 van 1949), te verkry; of

(*b*) in die geval van 'n in paragraaf (*c*) van sub-artikel (2) van artikel *drie* bedoelde persoon wat ingevolge sub-artikel (1) van genoemde artikel toegelaat is om as advokaat te praktiseer uit hoofde van 'n kwalifikasie buite die Republiek verkry, indien hy in gebreke gebly het om binne 'n tydperk van twee jaar nadat hy aldus toegelaat is, of binne die verdere tydperk wat die hof òf voor òf na die verstryking van daardie tydperk om 'n gegronde rede toelaat, te slaag in eksamens of toetse in die Afrikaanse en in die Engelse taal wat 'n universiteit in die Republiek gesertifiseer het as gelyk aan of hoër as die eksamens of toetse in genoemde tale wat voorgeskryf word vir die graad *baccalaureus legum* in sub-paragraaf (i) van paragraaf (*a*) van sub-artikel (2) van genoemde artikel of vir die *baccalaureus*-graad in sub-paragraaf (ii) van genoemde paragraaf bedoel; of

(*c*) in die geval van 'n persoon wat ingevolge artikel *vyf* toegelaat is om as advokaat te praktiseer, indien dit vir die hof blyk dat hy opgehou het om te woon of as advokaat te praktiseer in die aangewese land of gebied waarin hy gewoon en gepraktiseer het ten tyde van sy toelating om as advokaat van die Hooggeregshof te praktiseer of dat daardie land of gebied opgehou het om vir die doeleindes van genoemde artikel 'n aangewese land of gebied te wees; of

(*d*) indien die hof oortuig is dat hy nie 'n geskikte en gepaste persoon is om as advokaat te bly praktiseer nie; of

(*e*) op sy eie aansoek.

(2) Behoudens enige ander wetsbepalings, kan 'n aansoek kragtens paragraaf (*a*), (*b*), (*c*) of (*d*) van sub-artikel (1) om die skorsing van iemand in sy praktyk as advokaat of om die skrapping van iemand se naam van die rol van advokate, gedoen word deur die Algemene Raad van die Balie van Suid-Afrika, of deur die Balieraad of die Vereniging van Advokate van die afdeling wat die bevel vir sy toelating om as advokaat te praktiseer, gegee het of waar daardie persoon gewoonlik as advokaat praktiseer of gewoonlik woonagtig is, en, in die geval van 'n aansoek kragtens paragraaf (*c*) van sub-artikel (1) gedoen by 'n afdeling, behalwe die Suidwes-Afrika-afdeling van die Hooggeregshof van Suid-Afrika, ook deur die Staatsprokureur in die Wet op die Staatsprokureur, 1957 (Wet No. 56 van 1957), bedoel, of, in die geval van 'n aansoek kragtens genoemde paragraaf gedoen by die laasgenoemde afdeling, ook deur die Staatsprokureur in die Staatsprokureursproklamasie, 1921 (Proklamasie No. 46 van 1921), van Suidwes-Afrika bedoel.

(3) Iemand wat 'n kantoor op 'n plek het, word by die toepassing van sub-artikel (2) geag iemand te wees wat gewoonlik op daardie plek praktiseer.

(4) Iemand wat hetsy voor of na die inwerkingtreding van hierdie Wet kragtens hierdie Wet of 'n ander wet in sy praktyk as advokaat geskors is, is vir die duur van daardie skorsing, en iemand ten opsigte van wie kragtens hierdie Wet of 'n ander wet beveel is dat sy naam van die rol van advokate geskrap moet word, is terwyl sy naam van genoemde rol verwyder bly, nie geregtig om as advokaat te praktiseer nie.

(5) By ontvangs van die bevel van 'n hof van 'n afdeling waarby kragtens hierdie Wet of 'n ander wet beveel is dat die naam van iemand van die rol van advokate geskrap moet word, laat die Sekretaris van Justisie die naam van daardie persoon van genoemde rol verwyder.

Suspension of advocates from practice and the removal of their names from the roll of advocates.

7. (1) Subject to the provisions of any other law, a court of any division may, upon application, suspend any person from practice as an advocate or order that the name of any person be struck off the roll of advocates—

(*a*) in the case of a person who was admitted to practise as an advocate in terms of sub-section (1) of section *three* or is deemed to have been so admitted—

(i) if he has ceased to be a South African citizen; or

(ii) in the case of a person who is not a South African citizen, if he has failed to obtain a certificate of naturalization in terms of the South African Citizenship Act, 1949 (Act No. 44 of 1949), within a period of six years from the date upon which before or after the commencement of this sub-paragraph he was admitted to the Republic for permanent residence therein or within such further period as the court either before or after the expiration of the said period for good cause may allow; or

(*b*) in the case of a person referred to in paragraph (*c*) of sub-section (2) of section *three* who was admitted to practise as an advocate in terms of sub-section (1) of the said section by virtue of a qualification acquired outside the Republic, if he has failed to pass examinations or tests in the Afrikaans and in the English language certified by a university in the Republic to be equivalent or superior to the examinations or tests in the said languages prescribed for the degree of *baccalaureus legum* referred to in sub-paragraph (i) of paragraph (*a*) of sub-section (2) of the said section or for the degree of bachelor referred to in sub-paragraph (ii) of the said paragraph within a period of two years after he was so admitted or within such further period as the court either before or after the expiration of the said period for good cause may allow; or

(*c*) in the case of a person who was admitted to practise as an advocate in terms of section *five*, if it appears to the court that he has ceased to reside or to practise as an advocate in the designated country or territory in which he resided and practised at the time of his admission to practise as an advocate of the Supreme Court or that that country or territory has ceased to be a designated country or territory for the purposes of the said section; or

(*d*) if the court is satisfied that he is not a fit and proper person to continue to practise as an advocate; or

(*e*) on his own application.

(2) Subject to the provisions of any other law, an application under paragraph (*a*), (*b*), (*c*) or (*d*) of sub-section (1) for the suspension of any person from practice as an advocate or for the striking off of the name of any person from the roll of advocates may be made by the General Council of the Bar of South Africa or by the Bar Council or the Society of Advocates for the division which made the order for his admission to practise as an advocate or where such person usually practises as an advocate or is ordinarily resident, and, in the case of an application made to a division other than the South-West Africa Division of the Supreme Court of South Africa under paragraph (*c*) of sub-section (1), also by the State Attorney referred to in the State Attorney Act, 1957 (Act No. 56 of 1957), or, in the case of an application made to the last-mentioned division under the said paragraph, also by the State Attorney referred to in the State Attorney Proclamation, 1921 (Proclamation No. 46 of 1921), of South-West Africa.

(3) Any person having chambers in any place shall be deemed for the purposes of sub-section (2) to be a person usually practising in that place.

(4) Any person who has been suspended from practice as an advocate under this Act or any other law, whether before or after the commencement of this Act, shall for the duration of such suspension, and any person whose name has been ordered under this Act or any other law to be struck off the roll of advocates, shall, while his name remains removed from the said roll, not be entitled to practise as an advocate.

(5) Upon receipt of the order of a court of any division whereby the name of any person has been ordered under this Act or any other law to be struck off the roll of advocates, the Secretary for Justice shall cause the name of such person to be removed from the said roll.

Rol van advokate.

8. (1) Die Sekretaris van Justisie hou 'n register wat as die rol van advokate bekend staan, waarin hy laat aanteken—

(*a*) die name van alle persone wat ingevolge artikel *vier* geag word toegelaat en gemagtig te gewees het om as advokate te praktiseer en ingeskryf te word, en besonderhede van die hofbevele waarby hulle toegelaat is om as advokate te praktiseer;

(*b*) die naam van elke persoon wat ingevolge 'n bepaling van hierdie Wet toegelaat en gemagtig word om as advokaat te praktiseer en ingeskryf te word, en besonderhede van die hofbevel waarby hy aldus toegelaat en gemagtig is;

(*c*) besonderhede van 'n hofbevel waarby enige sodanige persoon in sy praktyk as advokaat geskors is, hetsy die bevel voor of na die inwerkingtreding van hierdie Wet gegee is, of waarby beveel is dat die naam van enige sodanige persoon van die rol van advokate geskrap word; en

(*d*) die ander besonderhede wat die Minister gelas.

(2) Die griffier van die afdeling wat 'n bevel gee waarby 'n persoon toegelaat en gemagtig word om as advokaat te praktiseer en ingeskryf te word of waarby kragtens hierdie Wet of 'n ander wet beveel word dat die naam van 'n persoon van die rol van advokate geskrap word of waarby 'n persoon kragtens hierdie Wet of 'n ander wet in sy praktyk as advokaat geskors word, moet onmiddellik nadat die bevel gegee is 'n gesertifiseerde afskrif daarvan aan die Sekretaris van Justisie stuur.

(3) 'n Dokument wat heet deur die Sekretaris van Justisie uitgereik te gewees het en waarby gesertifiseer word dat iemand toegelaat is om as advokaat te praktiseer, of dat iemand in sy praktyk as advokaat geskors is, of dat die naam van iemand van die rol van advokate verwyder is, is by blote voorlegging daarvan *prima facie*-bewys van die feite daarin vermeld.

Misdrywe.

9. (1) Geen persoon wat nie ingevolge 'n bepaling van hierdie Wet toegelaat is of geag word toegelaat te gewees het om as advokaat te praktiseer nie, of wie se naam van die rol van advokate verwyder is, of wat onderworpe is aan 'n bevel waarby hy in sy praktyk as advokaat geskors word, mag op enige wyse, regstreeks of onregstreeks, as advokaat praktiseer of hom voordoen of voorgee sodanig te wees of gebruik maak van 'n naam, titel, toevoeging of beskrywing wat stilswyend te kenne gee of die indruk wek dat hy 'n advokaat is of deur die wet as sodanig erken word nie.

(2) Geen persoon wat ingevolge 'n bepaling van hierdie Wet toegelaat is of geag word toegelaat te gewees het om as advokaat te praktiseer, mag enige gedeelte van sy professionele gelde, hetsy by wyse van vennootskap, kommissie of korting of op enige ander manier, oormaak aan of deel of verdeel met 'n persoon wat nie 'n persoon is wat as advokaat praktiseer nie.

(3) Iemand wat 'n bepaling van hierdie artikel oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens twaalf maande met of sonder die keuse van 'n boete, of met sowel sodanige boete as sodanige gevangenisstraf, en 'n advokaat wat die bepalings van sub-artikel (2) oortree, is, daarbenewens, skuldig aan onprofessionele gedrag en onderhewig aan skorsing in sy praktyk of aan skrapping van die rol van advokate.

Bevoegdheid van hof om in bepaalde verrigtinge prokureurs toe te laat om funksies van advokate uit te voer.

10. 'n Hof van enige afdeling kan, ondanks andersluidende bepalings van hierdie Wet of van 'n ander wet, 'n prokureur toelaat om in enige verrigtinge wat voor hom aanhangig is, die funksies van 'n advokaat uit te voer as geen advokaat beskikbaar of gewillig is om op te tree nie.

Reëls.

11. Enige bevoegdheid om kragtens die Wet op die Hooggeregshof, 1959 (Wet No. 59 van 1959), reëls uit te vaardig, word geag die bevoegdheid in te sluit om reëls uit te vaardig om aan die bepalings van hierdie Wet gevolg te gee.

Toepassing van Wet in Suidwes-Afrika.

12. Hierdie Wet en enige wysiging daarvan is ook in die gebied van toepassing.

Herroeping van wette en voorbehoude.

13. (1) Die wette vermeld in die Bylae by hierdie Wet word hierby herroep in die mate in die derde kolom van daardie Bylae uiteengesit: Met dien verstande dat ondanks die herroeping van die „Toelating van Advokaten Wet, 1921" (Wet No. 19 van

Roll of advocates.

8. (1) The Secretary for Justice shall keep a register, to be known as the roll of advocates, in which he shall cause to be recorded—

(*a*) the names of all persons deemed in terms of section *four* to have been admitted and authorized to practise and to be enrolled as advocates, and particulars of the orders of court whereby they were admitted to practise as advocates;

(*b*) the name of every person admitted and authorized to practise and to be enrolled as an advocate in terms of any provision of this Act, and particulars of the order of court whereby he has been so admitted and authorized;

(*c*) particulars of any order of court whereby any such person has been suspended from practice as an advocate, whether such order was made before or after the commencement of this Act, or whereby the name of any such person has been ordered to be struck off the roll of advocates; and

(*d*) such other particulars as the Minister may direct.

(2) The registrar of the division which makes an order admitting and authorizing any person to practise and to be enrolled as an advocate or ordering under this Act or any other law that the name of any person be struck off the roll of advocates or suspending under this Act or any other law any person from practice as an advocate, shall immediately after the making of such order forward a certified copy thereof to the Secretary for Justice.

(3) Any document purporting to have been issued by the Secretary for Justice whereby it is certified that any person has been admitted to practise as an advocate or that any person has been suspended from practice as an advocate or that the name of any person has been removed from the roll of advocates, shall on its mere production be *prima facie* proof of the facts stated therein.

Offences.

9. (1) No person who has not been or is not deemed to have been admitted to practise as an advocate in terms of any provision of this Act or whose name has been removed from the roll of advocates or who is subject to any order suspending him from practice as an advocate, shall in any manner, directly or indirectly, practise as an advocate or hold himself out as, or pretend to be, or make use of any name, title, addition or description implying or tending to induce the belief that he is, an advocate or is recognized by law as such.

(2) No person who has been or is deemed to have been admitted to practise as an advocate in terms of any provision of this Act, shall make over to or share or divide with any person other than a person practising as an advocate any portion of his professional fees, whether by way of partnership, commission, allowance or otherwise.

(3) Any person who contravenes any provision of this section shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding twelve months with or without the option of a fine, or to both such fine and such imprisonment, and any advocate who contravenes the provisions of sub-section (2) shall, in addition, be guilty of unprofessional conduct and be liable to be suspended from practice or to be struck off the roll of advocates.

Power of court to permit attorneys to discharge functions of advocates in particular proceedings.

10. Notwithstanding anything in this Act or in any other law contained, any court of any division may permit an attorney to discharge the functions of an advocate in any proceedings pending before it if there is no advocate available or willing to act.

Rules.

11. Any power to make rules under the Supreme Court Act, 1959 (Act No. 59 of 1959), shall be deemed to include the power to make rules for giving effect to the provisions of this Act.

Application of Act in South-West Africa.

12. This Act and any amendment thereof shall apply also in the territory.

Repeal of laws and savings.

13. (1) The laws specified in the Schedule to this Act are hereby repealed to the extent set out in the third column of that Schedule: Provided that notwithstanding the repeal of the Admission of Advocates Act, 1921 (Act No. 19 of 1921),

1921), die reëls wat kragtens artikel *twee* van genoemde Wet uitgevaardig en by die inwerkingtreding van hierdie Wet van krag is, van krag bly tot die een-en-dertigste dag van Desember 1974.

(2) Die bepalings van hierdie Wet raak nie die reg van 'n in artikel *een* van die Natalse Advokate en Prokureurs Behoud van Regte Wet, 1939 (Wet No. 27 van 1939), bedoelde persoon om in die Natalse Provinsiale Afdeling of die Plaaslike Afdeling Durban en Kus van die Hooggeregshof as advokaat te praktiseer nie.

Kort titel en inwerkingtreding.

14. Hierdie Wet heet die Wet op die Toelating van Advokate, 1964, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal: Met dien verstande dat verskillende datums ten opsigte van die verskeie bepalings van hierdie Wet aldus bepaal kan word.

Bylae.

WETTE HERROEP.

Provinsie of Republiek.	No. en jaar van Wet.	Titel of onderwerp.	In hoeverre herroep.
Kaap ..	1832.	„Charter of Justice, 1832" ..	Soveel as wat nie herroep is nie.
Kaap ..	Wet No. 12 van 1858.	„An Act for regulating the admission of Barristers, Attorneys, Notaries and Conveyancers".	Soveel as wat nie herroep is nie.
Kaap ..	Wet No. 30 van 1892.	„The Legal Practitioners Act, 1892".	Soveel as wat nie herroep is nie.
Natal ..	Wet No. 39 van 1896.	„The Supreme Court Act, 1896"..	Soveel as wat op toelating en die reg om te praktiseer voor die howe betrekking het.
Oranje-Vrystaat.	Ordonnansie No. 4 van 1902.	„Administration of Justice Ordinance, 1902".	Soveel as wat nie herroep is nie.
Oranje-Vrystaat.	Wet No. 39 van 1908.	„Admission of Advocates, Attorneys and Medical Practitioners Amendment Act, 1908".	Soveel as wat nie herroep is nie.
Oranje-Vrystaat.	Wet No. 14 van 1909.	„Advocates Admission Amendment Act, 1909".	Die geheel.
Transvaal ..	Proklamasie No. 14 van 1902.	„Administration of Justice Proclamation, 1902".	Soveel as wat op toelating en die reg om te praktiseer voor die howe betrekking het.
Suidwes-Afrika.	Proklamasie No. 21 van 1919.	„Administration of Justice Proclamation, 1919".	Soveel as wat op toelating en die reg van advokate om te praktiseer voor die howe betrekking het, behalwe sub-artikel (10) van artikel *elf*.
Republiek..	—	„Zuid-Afrika Wet, 1909". ..	Artikel *honderd-en-vyftien* behalwe soveel as wat op toelating en die reg van prokureurs om te praktiseer voor die howe betrekking het.
Republiek..	Wet No. 19 van 1921.	„Toelating van Advokaten Wet, 1921".	Die geheel.
Republiek..	Wet No. 39 van 1946.	Wysigingswet op Toelating van Advokate, 1946.	Die geheel.
Republiek..	Wet No. 10 van 1949.	Wysigingswet op Toelating van Advokate, 1949.	Die geheel.
Republiek..	Wet No. 62 van 1955.	Algemene Regswysigingswet, 1955.	Artikel *twee-en-dertig*.
Republiek..	Wet No. 18 van 1956.	Wysigingswet op Regspraktisyns, 1956.	Artikel *drie-en-twintig*.

the rules made under section *two* of the said Act and in force at the commencement of this Act, shall remain in force until the thirty-first day of December, 1974.

(2) Nothing in this Act contained shall affect the right to practise as an advocate in the Natal Provincial Division or the Durban and Coast Local Division of the Supreme Court of any person referred to in section *one* of the Natal Advocates and Attorneys Preservation of Rights Act, 1939 (Act No. 27 of 1939).

Short title and commencement.

14. This Act shall be called the Admission of Advocates Act, 1964, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*: Provided that different dates may be so fixed in respect of the several provisions of this Act.

Schedule.

LAWS REPEALED.

Province or Republic.	No. and year of Law.	Title or subject matter.	Extent of Repeal.
Cape ..	1832.	Charter of Justice, 1832	So much as is unrepealed.
Cape ..	Act No. 12 of 1858.	An Act for regulating the admission of Barristers, Attorneys, Notaries and Conveyancers.	So much as is unrepealed.
Cape ..	Act No. 30 of 1892.	The Legal Practitioners Act, 1892.	So much as is unrepealed.
Natal ..	Act No. 39 of 1896.	The Supreme Court Act, 1896 ..	So much as relates to admission and the right to practise before the courts.
Orange Free State.	Ordinance No. 4 of 1902.	Administration of Justice Ordinance, 1902.	So much as is unrepealed.
Orange Free State.	Act No. 39 of 1908.	Admission of Advocates, Attorneys and Medical Practitioners Amendment Act, 1908.	So much as is unrepealed.
Orange Free State.	Act No. 14 of 1909.	Advocates Admission Amendment Act, 1909.	The whole.
Transvaal ..	Proclamation No. 14 of 1902.	Administration of Justice Proclamation, 1902.	So much as relates to admission and the right to practise before the courts.
South-West Africa.	Proclamation No. 21 of 1919.	Administration of Justice Proclamation, 1919.	So much as relates to admission and the right of advocates to practise before the courts except sub-section (10) of section *eleven*.
Republic ..	—	The South Africa Act, 1909 ..	Section *one hundred and fifteen* except so much as relates to admission and the right of attorneys to practise before the courts.
Republic ..	Act No. 19 of 1921.	Admission of Advocates Act, 1921.	The whole.
Republic ..	Act No. 39 of 1946.	Admission of Advocates Amendment Act, 1946.	The whole.
Republic ..	Act No. 10 of 1949.	Admission of Advocates Amendment Act, 1949.	The whole.
Republic ..	Act No. 62 of 1955.	General Law Amendment Act, 1955.	Section *thirty-two*.
Republic ..	Act No. 18 of 1956.	Legal Practitioners' Amendment Act, 1956.	Section *twenty-three*.

No. 75, 1964.]

WET

Tot samevatting en wysiging van die wetsbepalings met betrekking tot die reëling van werkure en diensvoorwaardes in winkels en kantore en vir daarmee in verband staande aangeleenthede.

(*Engelse teks deur die Staatspresident geteken.*)
(*Goedgekeur op* 19 *Junie* 1964.)

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

Woordbepaling.

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

(i) „amptenaar" 'n persoon op die vaste diensstaat van die staatsdiens of 'n inspekteur; (xiv)

(ii) „assuransie-agent" 'n werknemer wat uitsluitlik of hoofsaaklik weg van sy werkgewer se bedryfsinrigting in diens is om versekeringsbesigheid te werf of premies ten opsigte van versekeringspolisse in te vorder; (vii)

(iii) „beloning" 'n betaling in kontant of in natura of sowel in kontant as in natura gedoen of verskuldig aan enige persoon, en wat op enige wyse hoegenaamd uit diens ontstaan, en het „beloon" 'n ooreenstemmende betekenis; (xxi)

(iv) „demonstrateur-verkoper" 'n werknemer wat uitsluitlik of hoofsaaklik weg van sy werkgewer se bedryfsinrigting wys hoe masjinerie, implemente, radio's, koelkaste, tikmasjiene, rekenmasjiene of ander toestelle werk, hetsy hy ook sodanige masjinerie, implemente, radio's, koelkaste, tikmasjiene, rekenmasjiene of ander toestelle verkoop al dan nie; (ii)

(v) „eiendomsverkoper" 'n werknemer wat homself uitsluitlik of hoofsaaklik weg van sy werkgewer se bedryfsinrigting besig hou met die aanbied vir verkoop van onroerende goed of besighede, of klante werf vir die koop daarvan; (xix)

(vi) „gewone werkure" die werkure in paragraaf (*a*), (*b*), (*c*) of (*d*) van sub-artikel (1) van artikel *drie* voorgeskryf of genoemde ure soos verleng uit hoofde van die bepalings van die voorbehoudsbepaling by bedoelde sub-artikel, na gelang die omstandighede vereis; (xv)

(vii) „handelsreisiger" 'n werknemer wat as reisende verteenwoordiger van 'n bedryfsinrigting en namens die bedryfsinrigting, uitsluitlik of hoofsaaklik bestellings vra, werf of opneem van fabrikante of gelisensieerde handelaars vir die verskaffing aan hulle van goedere wat vir gebruik in of in verband met hulle onderskeie besighede of vir weerverkoop bedoel is, hetsy hy ook bestellings van ander persone aanneem vir die lewering aan hulle van goedere vir hulle eie gebruik of verbruik of geld invorder al dan nie; (xxvii)

(viii) „handelsreisiger se bediende" 'n werknemer wat 'n handelsreisiger vergesel en hom help met die inpak, uitpak of uitstal van sy monsters, hetsy hy ook die motorvoertuig wat die handelsreisiger gebruik in die uitvoering van sy pligte bestuur al dan nie; (xxviii)

(ix) „hierdie Wet" ook enige regulasie; (xxv)

(x) „inspekteur" 'n inspekteur wat kragtens artikel *drie-en-twintig* aangestel is of wat geag word daarkragtens aangestel te gewees het; (vi)

(xi) „kantoor" 'n perseel waarin boekhou, tikwerk, skryfwerk of enige ander vorm van klerklike werk hoegenaamd, met inbegrip van die werk van 'n kassier of telefoon- of skakelbordbediener, gedoen word; (xiii)

(xii) „loon" die bedrag geld betaal of betaalbaar aan 'n werknemer ten opsigte van die maksimum gewone werkure: Met dien verstande dat as 'n werknemer gewoonlik minder dan die maksimum gewone werkure werk dit die bedrag beteken wat betaal word of betaalbaar is ten opsigte van die ure wat aldus gewoonlik deur hom gewerk word; (xxix)

No. 75, 1964.]

ACT

To consolidate and amend the law relating to the regulation of hours and conditions of work in shops and offices and for matters incidental thereto.

(*English text signed by the State President.*)
(*Assented to* 19*th 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. In this Act, unless the context otherwise indicates— Definitions.

(i) "casual employee" means an employee who is employed by the same employer on not more than three days in any week; (xiii)

(ii) "demonstrator-salesman" means an employee who is wholly or mainly engaged away from his employer's establishment in demonstrating machinery, implements, radios, refrigerators, typewriters, calculating machines or other appliances, whether or not he also sells such machinery, implements, radios, refrigerators, typewriters, calculating machines or other appliances; (iv)

(iii) "emergency work" means any work which, owing to fire, storm, epidemic, act of violence, theft or other unforeseen circumstance, is, in the public interest, required to be done without delay; (xvi)

(iv) "employee" means any person employed by, or working for any employer, in or in connection with a shop or an office, and receiving, or being entitled to receive, any remuneration and any other person whatsoever who in any manner assists an employer in the carrying on of any business in a shop, or the doing of any work performed in an office; and "employed" and "employment" have corresponding meanings; (xxviii)

(v) "employer" means any person carrying on business in a shop, or conducting an office, who employs or provides work for any person in or in connection with such shop or such office and remunerates or expressly or tacitly undertakes to remunerate him, or who permits any person whatsoever in any manner to assist him in the carrying on of his business in such shop or the doing of the work performed in such office; and "employ" and "employment" have corresponding meanings; (xxvii)

(vi) "inspector" means an inspector appointed or deemed to have been appointed under section *twenty-three*; (x)

(vii) "insurance agent" means an employee who is wholly or mainly engaged away from his employer's establishment in canvassing for insurance business or collecting premiums in respect of insurance policies; (ii)

(viii) "law" includes the common law; (xxx)

(ix) "licence of exemption" means a licence issued or deemed to have been issued under section *fourteen*; (xxiv)

(x) "local authority" means any institution or body contemplated in paragraph (*f*) of sub-section (1) of section *eighty-four* of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961); (xix)

(xi) "military training" means any training undergone in pursuance of the Defence Act, 1957 (Act No. 44 of 1957); (xiv)

(xiii) „los werknemer" 'n werknemer wat vir hoogstens drie dae in 'n week by dieselfde werkgewer in diens is; (i)

(xiv) „militêre opleiding" enige opleiding ondergaan uit hoofde van die Verdedigingswet, 1957 (Wet No. 44 van 1957); (xi)

(xv) „Minister" die Minister van Arbeid; (xii)

(xvi) „noodwerk" enige werk wat weens brand, storm, epidemie, gewelddaad, diefstal of ander onvoorsiene omstandigheid, in die openbare belang sonder versuim verrig moet word; (iii)

(xvii) „oortyd" daardie gedeelte van enige tydperk waartydens 'n werknemer vir sy werkgewer werk gedurende enige week of op enige dag, na gelang van die geval, wat die gewone werkure oorskry; (xvi)

(xviii) „perseel" enige grond en enige gebou of struktuur bo of onder die oppervlakte van enige grond en ook enige voertuig, vliegtuig of vaartuig; (xvii)

(xix) „plaaslike bestuur" 'n instelling of liggaam wat in paragraaf (*f*) van sub-artikel (1) van artikel *vier-en-tagtig* van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961), beoog word; (x)

(xx) „regulasie" 'n regulasie wat kragtens hierdie Wet uitgevaardig en van krag is; (xx)

(xxi) „vakvereniging" 'n vakvereniging wat kragtens die Wet op Nywerheidsversoening, 1956 (Wet No. 28 van 1956), geregistreer is of geag word geregistreer te wees; (xxvi)

(xxii) „versorger-bestellingnemer" 'n werknemer wat uitsluitlik of hoofsaaklik implemente, masjinerie, uitrusting of toestelle van sy werkgewer se klante olie, smeer, skoonmaak of stel hetsy, al dan nie, hy ook—

(*a*) bestellings neem vir die verskaffing van sodanige implemente, masjinerie, uitrusting of toestelle of bybehore of materiaal wat gebruik word in verband met die implemente, masjinerie, uitrusting of toestelle;

(*b*) sodanige implemente, masjinerie, uitrusting of toestelle op die klant se perseel heelmaak; of

(*c*) geld invorder; (xxii)

(xxiii) „voorgeskrewe" of „voorgeskryf" by of kragtens hierdie Wet voorgeskryf; (xviii)

(xxiv) „vrystellingsertifikaat" 'n sertifikaat wat kragtens artikel *veertien* uitgereik is of geag word daarkragtens uitgereik te gewees het; (ix)

(xxv) „wag" 'n werknemer wat enige eiendom bewaak; (xxx)

(xxvi) „week", met betrekking tot 'n werknemer, die tydperk van sewe dae waarin die werksweek van daardie werknemer gewoonlik val; (xxxi)

(xxvii) „werkgewer" iemand wat besigheid dryf in 'n winkel of wat 'n kantoor bestuur en wat enige persoon in diens het of aan hom werk verskaf in of in verband met die winkel of die kantoor en daardie persoon beloon of uitdruklik of stilswyend onderneem om hom te beloon of wat enige persoon hoegenaamd toelaat om hom op enige wyse by te staan by die dryf van sy besigheid in die winkel of by die verrigting van die werk wat in die kantoor gedoen word; en het „in diens" en „diens" ooreenstemmende betekenisse; (v)

(xxviii) „werknemer" iemand wat by 'n werkgewer in diens is of vir hom werk in of in verband met 'n winkel of 'n kantoor, en wat beloning ontvang of op beloning geregtig is en enigiemand anders wie ook al wat op enige wyse 'n werkgewer bystaan by die dryf van enige besigheid in 'n winkel of die verrigting van enige werk wat in 'n kantoor gedoen word; en het „in diens" en „diens" ooreenstemmende betekenisse; (iv)

(xii) "Minister" means the Minister of Labour; (xv)

(xiii) "office" means any premises in which bookkeeping, typing, writing or any other form of clerical work whatsoever, including the work of a cashier or a telephone attendant or switchboard operator, is performed; (xi)

(xiv) "officer" means a person on the fixed establishment of the public service or an inspector; (i)

(xv) "ordinary working hours" means the hours of work prescribed in paragraph (*a*), (*b*), (*c*) or (*d*) of sub-section (1) of section *three* or the said hours as extended by virtue of the provisions of the proviso to the said sub-section, as circumstances may require; (vi)

(xvi) "overtime" means that portion of any period during which an employee works for his employer during any one week or on any one day, as the case may be, which is in excess of the ordinary working hours; (xvii)

(xvii) "premises" means any land and any building or structure above or below the surface of any land and includes any vehicle, aircraft or vessel; (xviii)

(xviii) "prescribed" means prescribed by or under this Act; (xxiii)

(xix) "property salesman" means an employee who is wholly or mainly engaged away from his employer's establishment in offering for sale or canvassing for the sale of immovable property or businesses; (v)

(xx) "regulation" means a regulation made and in force under this Act; (xx)

(xxi) "remuneration" means any payment in money or in kind or both in money and in kind, made or owing to any person, which arises in any manner whatsoever out of employment; and "remunerate" has a corresponding meaning; (iii)

(xxii) "service supply salesman" means an employee who is wholly or mainly engaged in oiling, greasing, cleaning or adjusting implements, machinery, equipment or appliances of his employer's customers whether or not he also—

(*a*) takes orders for the supply of any such implements, machinery, equipment or appliances or accessories or material for use in connection with such implements, machinery, equipment or appliances;

(*b*) repairs such implements, machinery, equipment or appliances on the customer's premises; or

(*c*) collects money; (xxii)

(xxiii) "shop" means—

(*a*) any premises or any portion of any premises to which persons are invited for the purpose of purchasing, otherwise than by public auction, goods displayed for sale therein or thereon, or goods of the type so displayed for sale;

(*b*) any premises or portion thereof in which the goods referred to in paragraph (*a*) are stored, unpacked or packed, or from which such goods are delivered or despatched to persons referred to in the said paragraph purchasing such goods;

(*c*) any premises in which goods intended for sale are stocked and from which wholesale orders are executed for the supply of such goods to customers whether for resale or otherwise;

(*d*) any premises in which goods intended for sale are stocked and from which retail orders for the supply of such goods are executed;

(*e*) any premises used as a restaurant, refreshment or tea room or eating house;

(*f*) any premises used as a hairdresser's or barber's saloon;

(*g*) any premises used as a receiving depot for articles of clothing or other soft goods which are to be laundered, cleaned or dyed; and

(*h*) any premises in or upon which shoes, boots or articles of clothing are repaired, or which are used as a receiving depot for any such goods which are to be repaired; (xxxi)

(xxix) „werkskof", met betrekking tot enige werknemer, die tydperk op enige dag, bereken vanaf die tydstip waarop die werknemer die eerste maal begin werk totdat hy sy werk vir daardie dag staak, en by die toepassing van hierdie omskrywing beteken „dag" 'n tydperk van vier-en-twintig opeenvolgende ure bereken vanaf bedoelde begin van werk; (xxiv)

(xxx) „wet" of „wetsbepaling" ook die gemene reg; (viii)

(xxxi) „winkel"—

(*a*) enige perseel of enige gedeelte van 'n perseel waarheen persone uitgenooi word om goedere wat daarin of daarop vir verkoop vertoon word, of goedere van die tipe wat aldus vir verkoop vertoon word, andersins dan by openbare veiling te koop;

(*b*) enige perseel of gedeelte daarvan waarin die in paragraaf (*a*) bedoelde goedere gebêre, uitgepak of gepak word of waarvandaan sodanige goedere afgelewer of versend word aan in genoemde paragraaf bedoelde persone wat sodanige goedere koop;

(*c*) enige perseel waarin goedere wat vir verkoop bestem is in voorraad gehou word en waarvandaan groothandelbestellings vir die verskaffing aan klante van sodanige goedere, hetsy vir weerverkoop of andersins, uitgevoer word;

(*d*) enige perseel waarin goedere wat vir verkoop bestem is in voorraad gehou word en waarvandaan kleinhandelbestellings vir die verskaffing van sodanige goedere uitgevoer word;

(*e*) enige perseel wat as 'n restaurant, verversings- of teekamer of eetlokaal gebruik word;

(*f*) enige perseel wat as 'n haarkappers- of barbierswinkel gebruik word;

(*g*) enige perseel wat as 'n ontvangslokaal gebruik word vir kledingstukke of ander weefstowwe wat gewas, skoongemaak of gekleur moet word; en

(*h*) enige perseel waarin of waarop skoene, stewels of kledingstukke heelgemaak word of wat gebruik word as 'n ontvangslokaal vir enige sulke goedere wat heelgemaak moet word. (xxiii)

Toepassing van Wet.

2. (1) Hierdie Wet is nie van toepassing nie ten opsigte van 'n werknemer—

(*a*) wat 'n werknemer binne die betekenis van die Wet op Fabrieke, Masjinerie en Bouwerk, 1941 (Wet No. 22 van 1941), is;

(*b*) wat in of by 'n liefdadigheidsinrigting in diens is in werk waarvoor hy nie beloning ontvang nie en nie daarop geregtig is nie;

(*c*) wat in diens is in 'n perseel ten opsigte waarvan iemand 'n lisensie (behalwe 'n bottel-dranklisensie of 'n groothandeldranklisensie) ingevolge die Drankwet, 1928 (Wet No. 30 van 1928), moet hou;

(*d*) wat in 'n perseel wat as hotel of losieshuis gebruik word, in diens is: Met dien verstande dat hierdie paragraaf nie van toepassing is nie ten opsigte van 'n werknemer wat in 'n gedeelte van sodanige perseel wat as 'n restaurant of verversings- of teekamer gebruik word, in diens is;

(*e*) wat in of in verband met boerderybedrywighede in diens is;

(*f*) wat by die Staat in diens is;

(*g*) wat in werk in diens is wat in of in verband met enige universiteit, kollege, skool of ander opvoedkundige inrigting wat uitsluitlik of gedeeltelik uit openbare fondse in stand gehou word, verrig word;

(*h*) wat by die Raad op Atoomkrag, die Suid-Afrikaanse Reserwebank, die Suid-Afrikaanse Uitsaaikorporasie, die Suid-Afrikaanse Buro vir Standaarde, die Suid-Afrikaanse Wetenskaplike en Nywerheidnavorsingsraad of die Land- en Landboubank van Suid-Afrika in diens is;

(*i*) wat by enige raad wat 'n skema kragtens die Bemarkingswet, 1937 (Wet No. 26 van 1937), uitvoer, in diens is;

(xxiv) "spread-over", in relation to any employee, means the period in any day reckoned from the time when such employee first commences work until he ceases work for that day, and for the purposes of this definition "day" means a period of twenty-four consecutive hours reckoned from the time of the said commencement of work; (xxix)

(xxv) "this Act" includes any regulation; (ix)

(xxvi) "trade union" means a trade union registered or deemed to have been registered under the Industrial Conciliation Act, 1956 (Act No. 28 of 1956); (xxi)

(xxvii) "traveller" means any employee who, as a travelling representative of an establishment and on behalf of such establishment, is wholly or mainly engaged in inviting, canvassing or soliciting orders from manufacturers or licensed traders for the supply to them of goods intended for use in or in connection with their respective businesses or for resale whether or not he also takes orders from other persons for the supply to them of goods for their own use or consumption or collects money; (vii)

(xxviii) "traveller's assistant" means an employee who accompanies a traveller and assists him in packing, unpacking or displaying his samples whether or not he also drives the motor vehicle used by the traveller in the performance of his duties; (viii)

(xxix) "wage" means the amount of money paid or payable to an employee in respect of the maximum ordinary working hours: Provided that if an employee ordinarily works less than the maximum ordinary working hours it means the amount paid or payable in respect of the hours so ordinarily worked by him; (xii)

(xxx) "watchman" means an employee who is engaged in guarding any property; (xxv)

(xxxi) "week", in relation to any employee, means the period of seven days within which the working week of that employee ordinarily falls. (xxvi)

Application of Act.

2. (1) This Act shall not apply in respect of any employee—

(*a*) who is an employee within the meaning of the Factories, Machinery and Building Work Act, 1941 (Act No. 22 of 1941);

(*b*) employed in or by any charitable institution on work for which he does not and is not entitled to receive any remuneration;

(*c*) employed in premises in respect of which any person is required to hold a licence (other than a bottle liquor licence or a wholesale liquor licence) under the Liquor Act, 1928 (Act No. 30 of 1928);

(*d*) employed in any premises used as an hotel or boarding house: Provided that this paragraph shall not apply in respect of any employee employed in any portion of such premises which is used as a restaurant or refreshment or tea room;

(*e*) employed in or in connection with farming operations;

(*f*) employed by the State;

(*g*) employed on work in or in connection with any university, college, school or other educational institution which is maintained wholly or partly from public funds;

(*h*) employed by the Atomic Energy Board, the South African Reserve Bank, the South African Broadcasting Corporation, the South African Bureau of Standards, the South African Council for Scientific and Industrial Research or the Land and Agricultural Bank of South Africa;

(*i*) employed by any board administering a scheme under the Marketing Act, 1937 (Act No. 26 of 1937);

(*j*) wat by enige welsynsorganisasie wat ingevolge die Wet op Welsynsorganisasies, 1947 (Wet No. 40 van 1947), geregistreer is en wat deur die Staat gesubsidieer word, in diens is;

(*k*) wat by enige inrigting soos omskryf in artikel *een* van die Kinderwet, 1960 (Wet No. 33 van 1960), in diens is;

(*l*) wat by enige inrigting soos omskryf in artikel *tien* van die Wet op Staatsondersteunde Inrigtings, 1931 (Wet No. 23 van 1931), in diens is en wie se diensvoorwaardes voorgeskryf is by regulasies uitgevaardig kragtens daardie Wet;

(*m*) wat in diens is om mediese of gesondheidsdienste te verrig en wat werk daaraan verbonde in of in verband met 'n kantoor verrig;

(*n*) wie se gereelde jaarlikse skaal van beloning, uitgesonderd enige onderhouds- of vervoertoelaes, nie minder is nie as eenduisend negehonderd-en-twintig rand in gebied A, eenduisend agthonderd rand in gebied B of eenduisend seshonderd-en-tagtig rand in gebied C;

(*o*) wat homself uitsluitlik of hoofsaaklik besig hou met werk wat benede die skagbek van 'n myn, soos in artikel *een* van die Wet op Myne en Bedrywe, 1956 (Wet No. 27 van 1956), omskryf, verrig word;

(*p*) wat tydelik by, en slegs vir die duur van, 'n landbou-, tuinbou-, nywerheids- of soortgelyke tentoonstelling in diens is; of

(*q*) wat nie in of in verband met 'n winkel in diens is of werk verrig nie en wie se werk, vir sover dit werk is waarna in die omskrywing van kantoor verwys word, slegs bykomstig is by die werk waarin hy hoofsaaklik werksaam is.

(2) Die bepalings van artikels *drie*, *vier*, *vyf*, *agt*, *nege* en *ses-en-twintig* is nie van toepassing nie ten opsigte van 'n werknemer wie se werkure gereël word deur—

(*a*) 'n ooreenkoms, kennisgewing of toekenning kragtens die Wet op Nywerheidsversoening, 1956 (Wet No. 28 van 1956);

(*b*) 'n vasstelling kragtens die Loonwet, 1957 (Wet No. 5 van 1957);

(*c*) 'n order kragtens die Wet op Naturelle-arbeid (Beslegting van Geskille), 1953 (Wet No. 48 van 1953);

(*d*) 'n vasstelling kragtens die Wet op Naturellebouwerkers, 1951 (Wet No. 27 van 1951); of

(*e*) leervoorwaardes wat deur die Minister ingevolge die Wet op Vakleerlinge, 1944 (Wet No. 37 van 1944), voorgeskryf is.

(3) Die bepalings van artikels *drie*, *vier*, *vyf*, *ses*, *sewe*, *agt* en *nege* is nie van toepassing nie ten opsigte van 'n werknemer in diens in enige klas nywerheid, besigheid of onderneming in enige gebied, as minstens helfte van die werknemers in diens in sodanige klas nywerheid, besigheid of onderneming in sodanige gebied 'n skriftelike ooreenkoms met hulle werkgewers aangegaan het waarby die diensvoorwaardes van werknemers van die klas waaraan sodanige werknemer behoort, gereël word en die Minister, vir die doeleindes van hierdie sub-artikel, by kennisgewing in die *Staatskoerant* aangedui het dat hy oortuig is dat die bepalings van sodanige ooreenkoms in die geheel nie minder voordelig vir sodanige werknemers is as die bepalings van genoemde artikels nie.

(4) Die bepalings van artikel *ses* is nie van toepassing nie ten opsigte van 'n werknemer wat ingevolge enige in subartikel (2) bedoelde ooreenkoms, kennisgewing, toekenning, vasstelling, order of voorwaardes op jaarlikse verlof met volle besoldiging geregtig is.

(5) Die bepalings van artikel *sewe* is nie van toepassing nie ten opsigte van 'n werknemer wat ingevolge enige in subartikel (2) bedoelde ooreenkoms, kennisgewing, toekenning, vasstelling, order of voorwaardes op siekteverlof met volle besoldiging geregtig is.

(*j*) employed by any welfare organization registered in terms of the Welfare Organizations Act, 1947 (Act No. 40 of 1947), which is subsidized by the State;

(*k*) employed in any institution as defined in section *one* of the Children's Act, 1960 (Act No. 33 of 1960);

(*l*) employed by any institution as defined in section *ten* of the State-aided Institutions Act, 1931 (Act No. 23 of 1931), and whose conditions of service are prescribed by regulations made under that Act;

(*m*) employed in the rendering of medical or health services and who performs work incidental thereto in or in connection with an office;

(*n*) whose regular annual rate of remuneration, apart from any subsistence or transport allowances, is not less than one thousand nine hundred and twenty rand in area A, one thousand eight hundred rand in area B or one thousand six hundred and eighty rand in area C;

(*o*) who is wholly or mainly engaged in work which is performed below the collar of the shaft of a mine as defined in section *one* of the Mines and Works Act, 1956 (Act No. 27 of 1956);

(*p*) who is temporarily employed at, and only for the duration of, any agricultural, horticultural, industrial or similar show; or

(*q*) who is not employed or performing work in or in connection with a shop and whose work, in so far as it is work referred to in the definition of office, is merely incidental to the work in which he is mainly employed.

(2) The provisions of sections *three*, *four*, *five*, *eight*, *nine* and *twenty-six* shall not apply in respect of any employee whose hours of work are regulated by—

(*a*) an agreement, notice or award under the Industrial Conciliation Act, 1956 (Act No. 28 of 1956);

(*b*) a determination under the Wage Act, 1957 (Act No. 5 of 1957);

(*c*) an order under the Native Labour (Settlement of Disputes) Act, 1953 (Act No. 48 of 1953);

(*d*) a determination under the Native Building Workers Act, 1951 (Act No. 27 of 1951); or

(*e*) conditions of apprenticeship prescribed by the Minister in terms of the Apprenticeship Act, 1944 (Act No. 37 of 1944).

(3) The provisions of sections *three*, *four*, *five*, *six*, *seven*, *eight* and *nine*, shall not apply in respect of any employee employed in any class of industry, business or undertaking in any area, if not less than one half of the employees employed in such class of industry, business or undertaking in such area have entered into a written agreement with their employers regulating the conditions of employment of employees of the class to which such employee belongs and the Minister has, for the purposes of this sub-section, indicated by notice in the *Gazette* that he is satisfied that the provisions of such agreement are on the whole not less advantageous to such employees than the provisions of the said sections.

(4) The provisions of section *six* shall not apply in respect of any employee who is, in terms of any agreement, notice, award, determination, order or conditions referred to in sub-section (2), entitled to annual leave of absence on full pay.

(5) The provisions of section *seven* shall not apply in respect of any employee who is, in terms of any agreement, notice, award, determination, order or conditions referred to in sub-section (2) entitled to sick leave on full pay.

(6) Die gebiede wat onderskeidelik die in paragraaf (*n*) van sub-artikel (1) bedoelde gebiede A, B en C uitmaak, word by regulasie omskryf.

(7) Die Staatspresident kan van tyd tot tyd, by proklamasie in die *Staatskoerant*, paragraaf (*n*) van sub-artikel (1) wysig deur enige daarin vermelde bedrag te verhoog.

(8) By die toepassing van paragraaf (*n*) van sub-artikel (1) word—

(*a*) die jaarlikse beloning van 'n werknemer wat sy beloning weekliks ontvang, bereken deur die beloning wat hy aldus gewoonlik ontvang, met twee-en-vyftig te vermenigvuldig; en

(*b*) die jaarlikse beloning van 'n werknemer wat sy beloning maandeliks ontvang, bereken deur die beloning wat hy aldus gewoonlik ontvang, met twaalf te vermenigvuldig.

(9) Die Minister kan te eniger tyd, by kennisgewing in die *Staatskoerant*, enige kennisgewing wat ingevolge sub-artikel (3) deur hom uitgereik is, intrek.

Gewone werkure en oortyd.

3. (1) Behoudens andersluidende bepalings in hierdie Wet, mag geen werkgewer vereis of toelaat nie dat 'n werknemer—

(*a*) meer as ses-en-veertig uur in enige week werk;

(*b*) in die geval van 'n los werknemer, meer as agt en 'n half uur op enige dag werk;

(*c*) in die geval van 'n werknemer wat gewoonlik 'n vyfdagweek werk, meer as nege uur en vyftien minute op enige dag werk;

(*d*) in die geval van 'n ander werknemer as 'n in paragraaf (*b*) of (*c*) bedoelde werknemer, meer as agt uur op enige dag werk, tensy die ure op een dag in die week hoogstens vyf is, in watter geval die ure op die ander dae hoogstens agt en 'n half op enige sodanige dag mag wees;

(*e*) 'n werkskof van meer as twaalf uur werk: Met dien verstande dat as oortyd gewerk word, gemelde werkskof oorskry kan word in die mate waarin die gewone werkure plus die oortyd en enige etenspouse voorgeskryf by paragraaf (*f*) twaalf uur op enige dag oorskry;

(*f*) behalwe op 'n dag waarop die werkure van 'n werknemer hoogstens vyf en 'n half uur is, meer as vyf uur ononderbroke werk sonder 'n etenspouse van minstens een uur waartydens daar nie van sodanige werknemer vereis of hy nie toegelaat mag word om enige werk te verrig nie, en sodanige pouse word geag nie deel van die gewone werkure van die werknemer uit te maak nie: Met dien verstande dat—

(i) 'n motorvoertuigbestuurder wat gedurende sodanige pouse nie werk nie behalwe dat hy in bevel is of bly van die voertuig en sy vrag, indien enige, by die toepassing van hierdie paragraaf geag word gedurende sodanige pouse nie te werk nie;

(ii) 'n werktydperk wat deur pouses van minder as een uur onderbreek word, geag word ononderbroke te wees;

(*g*) wat 'n vrou is, op meer as vyf dae in enige week na eenuur nm. werk;

(*h*) wat 'n vrou onder die ouderdom van agtien jaar is, later werk as—

(i) agtuur nm., indien die werknemer in diens is in of in verband met 'n restaurant of verversings- of teekamer of eetlokaal of 'n kantoor waarin werk verrig word as deel van die besigheid wat in 'n restaurant of verversings- of teekamer of eetlokaal gedryf word; of

(ii) halfsewe nm., indien die werknemer in diens is in of in verband met 'n ander winkel of kantoor as 'n in sub-paragraaf (i) bedoelde winkel of kantoor:

(6) The areas which shall, respectively, constitute the areas A, B and C referred to in paragraph (*n*) of sub-section (1) shall be defined by regulation.

(7) The State President may from time to time, by proclamation in the *Gazette*, amend paragraph (*n*) of sub-section (1) by increasing any amount mentioned therein.

(8) For the purposes of paragraph (*n*) of sub-section (1)—

(*a*) the yearly remuneration of an employee who receives his remuneration weekly, shall be calculated by multiplying the remuneration so ordinarily received by him by fifty-two; and

(*b*) the yearly remuneration of an employee who receives his remuneration monthly, shall be calculated by multiplying the remuneration so ordinarily received by him by twelve.

(9) The Minister may at any time, by notice in the *Gazette*, withdraw any notice issued by him in terms of sub-section (3).

Ordinary hours of work and overtime.

3. (1) Save as otherwise provided in this Act, no employer shall require or permit an employee—

(*a*) to work for more than forty-six hours in any week;

(*b*) to work, in the case of a casual employee, for more than eight and a half hours on any day;

(*c*) to work, in the case of an employee who ordinarily works a five-day week, for more than nine hours and fifteen minutes on any day;

(*d*) to work, in the case of an employee other than an employee referred to in paragraph (*b*) or (*c*), for more than eight hours on any day, unless the hours on one day in the week do not exceed five in which case the hours on the other days shall not exceed eight and a half on any such day;

(*e*) to work for a spread-over of more than twelve hours: Provided that if overtime is worked the said spread-over may be exceeded to the extent by which the ordinary working hours plus the overtime and any meal interval prescribed by paragraph (*f*) exceed twelve hours on any day;

(*f*) to work, except on a day on which the hours of work of an employee do not exceed five and a half hours, for more than five hours continuously without a meal interval of not less than one hour during which interval such employee shall not be required or permitted to perform any work and such interval shall be deemed not to be part of the ordinary working hours of the employee: Provided that—

(i) a driver of a motor vehicle, who during such interval does no work other than being or remaining in charge of the vehicle and its load, if any, shall for the purpose of this paragraph be deemed not to be working during such interval; and

(ii) a period of work interrupted by intervals of less than one hour shall be deemed to be continuous;

(*g*) who is a female, to work after one o'clock p.m., on more than five days in any week;

(*h*) who is a female under the age of eighteen years, to work later than—

(i) eight o'clock p.m., if such employee is employed in or in connection with a restaurant or refreshment or tea room or eating house or an office in which work is performed as part of the business carried on in a restaurant or refreshment or tea room or eating house; or

(ii) half past six o'clock p.m., if such employee is employed in or in connection with any shop or office other than any shop or office referred to in sub-paragraph (i):

Met dien verstande dat waar 'n werknemer wat in of in verband met 'n winkel in diens is, verplig is om 'n klant te bedien na die voltooiing van die in paragraaf (*b*), (*c*) of (*d*) bedoelde werkure die gewone werkure met hoogstens vyftien minute op 'n dag en met hoogstens een uur in 'n week verleng kan word.

(2) Ondanks die bepalings van paragrawe (*a*), (*b*), (*c*) en (*d*) van sub-artikel (1), kan 'n werkgewer vereis of toelaat dat 'n werknemer oortyd werk vir nie langer nie as—

(*a*) in die geval van 'n werknemer wat uitsluitlik of hoofsaaklik goedere versend, aflewer of ontvang—

(i) ses uur in enige week;

(ii) drie uur op enige dag;

(*b*) in die geval van 'n ander werknemer dan 'n in paragraaf (*a*) bedoelde werknemer wat in diens is in of in verband met 'n winkel of 'n kantoor waarin werk verrig word as deel van die besigheid wat in 'n winkel gedryf word—

(i) dertig uur in enige jaar;

(ii) ses uur in enige week;

(iii) drie uur op enige dag; en

(*c*) in die geval van 'n ander werknemer dan 'n in paragraaf (*a*) of (*b*) bedoelde werknemer wat in diens is in of in verband met 'n kantoor—

(i) honderd uur in enige jaar;

(ii) ses uur in enige week;

(iii) drie uur op enige dag:

Met dien verstande dat—

(i) vir die doel van voorraadopname, die in sub-paragrawe (ii) en (iii) van paragraaf (*b*) voorgeskrewe beperkings ten opsigte van een week in enige jaar oorskry kan word, maar op so 'n wyse dat daar hoogstens agt uur oortyd gedurende sodanige week gewerk word, wat versprei moet wees oor hoogstens vier dae in sodanige week; en

(ii) gedurende die tydperk een tot en met vier-en-twintig Desember in enige jaar die in paragrawe (*a*) en (*b*) voorgeskrewe beperkings met 'n totaal van hoogstens vyftien uur oorskry kan word, maar op so 'n wyse dat die daaglikse beperkings wat voorgeskryf is nie oorskry word nie.

(3) (*a*) Die bepalings van hierdie artikel is nie van toepassing ten opsigte van 'n demonstrateur-verkoper, 'n versorger-bestellingnemer, 'n eiendomsverkoper, 'n wag, 'n handelsreisiger, 'n handelsreisiger se bediende of 'n assuransie-agent nie.

(*b*) Die bepalings van paragrawe (*e*), (*f*), (*g*) en (*h*) van sub-artikel (1) en die beperkings voorgeskryf by paragrawe (*a*), (*b*) en (*c*) van sub-artikel (2) is nie van toepassing ten opsigte van 'n werknemer terwyl hy noodwerk verrig nie of terwyl hy enige werk verrig in verband met die aankoms, vertrek, proviandering, laai of aflaai van skepe of vliegtuie of die laai of aflaai van trokke of voertuie van die Suid-Afrikaanse Spoorweg- en Hawe-administrasie of van voertuie gebruik deur 'n vervoerkontrakteur in die uitvoering van sy kontrak as sodanig met genoemde Administrasie.

(*c*) Die by paragraaf (*b*) van sub-artikel (2) voorgeskrewe beperkings is nie van toepassing ten opsigte van 'n werknemer wat diere oppas, skoonmaak, voer, inspan of uitspan nie.

(4) Iemand wat enige bepaling van hierdie artikel oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig.

Betaling vir oortyd.

4. (1) 'n Werkgewer moet aan 'n werknemer wat oortyd werk 'n bedrag betaal, bereken teen 'n skaal van minstens—

(*a*) in die geval van 'n los werknemer, een en een derde maal sy loon per uur (wat bereken word deur sy daaglikse loon deur agt en 'n half te deel) ten opsigte van die hele tydperk aldus op enige dag gewerk;

Provided that where an employee employed in or in connection with a shop is required to attend to a customer after completion of the hours of work referred to in paragraph (*b*), (*c*) or (*d*) the ordinary working hours may be extended by not more than fifteen minutes on any day and by not more than one hour in any week.

(2) Notwithstanding the provisions of paragraphs (*a*), (*b*), (*c*) and (*d*) of sub-section (1), an employer may require or permit an employee to work overtime not exceeding—

(*a*) in the case of an employee wholly or mainly engaged in the despatch, delivery or receipt of goods—

(i) six hours in any week;

(ii) three hours on any day;

(*b*) in the case of an employee other than an employee referred to in paragraph (*a*) employed in or in connection with a shop or an office in which work is performed as part of the business carried on in a shop—

(i) thirty hours in any year;

(ii) six hours in any week;

(iii) three hours on any day; and

(*c*) in the case of an employee other than an employee referred to in paragraph (*a*) or (*b*) employed in or in connection with an office—

(i) one hundred hours in any year;

(ii) six hours in any week;

(iii) three hours on any day:

Provided that—

(i) for the purpose of stocktaking the limitations prescribed in sub-paragraphs (ii) and (iii) of paragraph (*b*) may, in respect of one week in any year, be exceeded but so that not more than eight hours overtime are worked during such week, distributed over not more than four days in such week; and

(ii) during the period first to twenty-fourth of December, inclusive, in any year the limitations prescribed in paragraphs (*a*) and (*b*) may be exceeded by not more than a total of fifteen hours, but so that the daily limitations prescribed are not exceeded.

(3) (*a*) The provisions of this section shall not apply in respect of a demonstrator-salesman, a service supply salesman, a property salesman, a watchman, a traveller, a traveller's assistant or an insurance agent.

(*b*) The provisions of paragraphs (*e*), (*f*), (*g*) and (*h*) of sub-section (1) and the limitations prescribed by paragraphs (*a*), (*b*) and (*c*) of sub-section (2) shall not apply in respect of an employee while he is engaged on emergency work, or while he is engaged on any work connected with the arrival, departure, provisioning, loading or unloading of ships or aircraft or the loading or unloading of trucks or vehicles of the South African Railways and Harbours Administration or of vehicles used by a cartage contractor in the fulfilment of his contract as such with the said Administration.

(*c*) The limitations prescribed by paragraph (*b*) of sub-section (2) shall not apply in respect of an employee engaged in tending, cleaning, feeding, harnessing or unharnessing animals.

(4) Any person who contravenes or fails to comply with any provision of this section shall be guilty of an offence.

Payment for overtime.

4. (1) An employer shall pay to an employee who works overtime an amount calculated at a rate not less than—

(*a*) in the case of a casual employee, one and one-third times his hourly wage (which shall be calculated by dividing his daily wage by eight and one-half) in respect of the total period so worked on any day;

(*b*) in die geval van enige ander werknemer, een en een derde maal sy loon per uur ten opsigte van die hele tydperk aldus op enige dae in enige week gewerk.

(2) By die toepassing van hierdie artikel beteken „loon" ook enige lewenskostetoelae wat ingevolge enige wet of andersins aan 'n werknemer betaal word of betaalbaar is.

(3) Iemand wat enige bepaling van hierdie artikel oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig.

Sondae en openbare feesdae.

5. (1) Behoudens andersluidende bepalings in hierdie Wet, mag geen werkgewer vereis of toelaat nie dat 'n werknemer op enige Sondag werk in of in verband met 'n winkel of 'n kantoor waarin werk verrig word as deel van die besigheid wat in 'n winkel gedryf word.

(2) Wanneer 'n werknemer op 'n Sondag werk, moet sy werkgewer—

(*a*) aan die werknemer—

(i) indien hy vir 'n tydperk van hoogstens vier uur aldus werk, 'n bedrag betaal wat nie minder is nie as die loon betaalbaar ten opsigte van die tydperk wat gewoonlik deur hom op 'n weekdag gewerk word; en

(ii) indien hy vir 'n langer tydperk as vier uur aldus werk, 'n bedrag betaal, bereken teen 'n skaal van minstens dubbel sy loonskaal, ten opsigte van die hele tydperk op die Sondag gewerk, of 'n bedrag wat nie minder is nie as dubbel die loon betaalbaar ten opsigte van die tydperk wat gewoonlik deur hom op 'n weekdag gewerk word, watter ook al die grootste is; of

(*b*) aan die werknemer 'n bedrag betaal, bereken teen 'n skaal van minstens een en een derde maal sy loonskaal ten opsigte van die hele tydperk op die Sondag gewerk en aan hom, binne veertien dae vanaf die Sondag, een dag verlof toestaan en ten opsigte daarvan 'n bedrag aan hom betaal wat nie minder is nie as sy daaglikse loon asof hy op daardie dag sy gewone ure vir daardie dag van die week gewerk het.

(3) (*a*) 'n Werknemer is geregtig op verlof op alle openbare feesdae en dit moet toegestaan word en daar moet aan hom deur sy werkgewer 'n bedrag betaal word wat nie minder is nie as sy daaglikse loon ten opsigte van elke sodanige feesdag asof hy op daardie dag sy gewone ure vir daardie dag van die week gewerk het, maar die werkgewer van sodanige werknemer kan, behoudens die bepalings van paragraaf (*b*), vereis of toelaat dat hy op sodanige feesdag werk.

(*b*) Wanneer van 'n werknemer vereis word dat hy op 'n openbare feesdag moet werk of hy toegelaat word om op 'n openbare feesdag te werk, moet sy werkgewer, benewens betaling aan die werknemer van die bedrag waarop hy geregtig sou gewees het as hy nie aldus gewerk het nie—

(i) aan die werknemer 'n bedrag betaal bereken teen 'n skaal van minstens sy loonskaal ten opsigte van die hele tydperk op sodanige feesdag gewerk, of 'n bedrag van minstens die loon betaalbaar ten opsigte van die tydperk wat hy gewoonlik op 'n weekdag werk, watter ook al die grootste is; of

(ii) aan die werknemer 'n bedrag betaal, bereken teen 'n skaal van minstens een derde van sy loonskaal ten opsigte van die hele tydperk op sodanige feesdag gewerk en aan hom, binne veertien dae vanaf die openbare feesdag, een dag verlof toestaan en ten opsigte daarvan 'n bedrag aan hom betaal wat nie minder is nie as sy daaglikse loon asof hy op daardie dag sy gewone ure vir daardie dag van die week gewerk het.

(4) Die bepalings van sub-artikels (1) en (2) is nie van toepassing nie ten opsigte van 'n werkgewer wat besigheid dryf in 'n winkel of in 'n kantoor waarin werk verrig word as deel van die besigheid wat in 'n winkel gedryf word, ten opsigte van enige Sondag waarop hy volgens wet bedoelde winkel mag open: Met dien verstande dat hy nie kan vereis of toelaat dat 'n werknemer van wie hy vereis het dat hy gedurende enige week op so 'n Sondag werk of wat hy toegelaat het om aldus te werk, op meer as ses dae gedurende daardie week werk nie.

(*b*) in the case of any other employee, one and one-third times his hourly wage in respect of the total period so worked on any days in any week.

(2) For the purposes of this section "wage" includes any cost of living allowance which is paid or payable to an employee in terms of any law or otherwise.

(3) Any person who contravenes or fails to comply with any provision of this section shall be guilty of an offence.

Sundays and public holidays.

5. (1) Save as is otherwise provided in this Act, no employer shall require or permit an employee to work on any Sunday in or in connection with a shop or an office in which work is performed as part of the business carried on in a shop.

(2) Whenever an employee works on a Sunday, his employer shall—

(*a*) pay to the employee—

(i) if he so works for a period not exceeding four hours, an amount of not less than the wage payable in respect of the period ordinarily worked by him on a week-day; and

(ii) if he so works for a period exceeding four hours, an amount calculated at a rate of not less than double his wage rate in respect of the total period worked on such Sunday, or an amount of not less than double the wage payable in respect of the period ordinarily worked by him on a week-day, whichever is the greater; or

(*b*) pay to the employee an amount calculated at a rate of not less than one and one-third times his wage rate in respect of the total period worked on such Sunday and grant to him within fourteen days of such Sunday one day's leave and pay to him in respect thereof an amount of not less than his daily wage as if he had on such day worked his ordinary hours for that day of the week.

(3) (*a*) An employee shall be entitled to and shall be granted leave on all public holidays and shall be paid by his employer an amount of not less than his daily wage in respect of each such holiday as if he had on such day worked his ordinary hours for that day of the week but such employee may, subject to the provisions of paragraph (*b*), be required or permitted by his employer to work on any such holiday.

(*b*) Whenever an employee is required or permitted to work on a public holiday his employer shall, in addition to paying to the employee the amount to which the employee would have been entitled had he not so worked—

(i) pay to the employee an amount calculated at a rate of not less than his wage rate in respect of the total period worked on such public holiday, or an amount of not less than the wage payable in respect of the period ordinarily worked by him on a week-day, whichever is the greater; or

(ii) pay to the employee an amount calculated at a rate of not less than one-third of his wage rate in respect of the total period worked on such public holiday and grant to him within fourteen days of such public holiday one day's leave and pay to him in respect thereof an amount of not less than his daily wage as if he had on such day worked his ordinary hours for that day of the week.

(4) The provisions of sub-sections (1) and (2) shall not apply in respect of any employer who carries on business in a shop or in an office in which work is performed as part of the business carried on in a shop, in respect of any Sunday upon which he is by law allowed to open such shop: Provided that he shall not require or permit any employee whom he has during any week required or permitted to work on such Sunday, to work on more than six days during that week.

(5) Die bepalings van hierdie artikel is nie van toepassing ten opsigte van 'n demonstrateur-verkoper, 'n versorger-bestellingnemer, 'n eiendomsverkoper, 'n wag, 'n handelsreisiger, 'n handelsreisiger se bediende of 'n assuransie-agent nie; die bepalings van sub-artikel (1) is nie van toepassing ten opsigte van 'n werknemer wat noodwerk doen nie; en die bepalings van sub-artikel (3) is nie van toepassing ten opsigte van 'n los werknemer nie.

(6) By die toepassing van hierdie artikel beteken „loon" ook enige lewenskostetoelae wat ingevolge enige wet of andersins aan 'n werknemer betaal word of betaalbaar is.

(7) Iemand wat enige bepaling van hierdie artikel oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig.

Jaarlikse verlof.

6. (1) (*a*) 'n Werkgewer moet aan elke werknemer, behalwe 'n los werknemer, wat hy in diens het, ten opsigte van elke tydperk van twaalf maande diens by hom, minstens veertien agtereenvolgende dae verlof met volle besoldiging ooreenkomstig die bepalings van paragrawe (*b*), (*c*) en (*d*) toestaan: Met dien verstande dat die tydperk van verlof verminder kan word met enige aantal dae waarop daar aan die werknemer, gedurende die toepaslike dienstydperk, op sy skriftelike versoek geleentheidsverlof met volle besoldiging toegestaan is.

(*b*) 'n Werkgewer moet sodanige verlof toestaan vanaf 'n datum wat hy bepaal, maar wat nie later is nie as vier maande na verstryking van genoemde tydperk van twaalf maande diens: Met dien verstande dat indien 'n werknemer voor die verstryking van genoemde tydperk van vier maande skriftelik daarmee ingestem het, sy werkgewer sodanige verlof aan hom kan toestaan vanaf 'n datum wat nie later is nie as twee maande na verstryking van genoemde tydperk van vier maande.

(*c*) 'n Werkgewer mag sodanige verlof nie so toestaan nie dat dit saamval met enige tydperk van siekteverlof toegestaan ingevolge artikel *sewe* of met 'n tydperk van kennisgewing van diensbeëindiging of, tensy die werknemer aldus versoek en die werkgewer skriftelik instem, met enige tydperk van militêre opleiding.

(*d*) Die werkgewer moet vir elke openbare feesdag wat binne die tydperk van sodanige verlof val, 'n werkdag by genoemde tydperk as 'n verdere verloftydperk met volle besoldiging byvoeg.

(2) Die werkgewer moet aan 'n werknemer aan wie verlof kragtens sub-artikel (1) toegestaan word, sy besoldiging ten opsigte van die verloftydperk nie later nie as die laaste werkdag van die werknemer voor die aanvang van genoemde tydperk, of, op die skriftelike versoek van 'n werknemer, nie later nie as die eerste betaaldag vir sodanige werknemer na verstryking van sy verloftydperk, betaal.

(3) By beëindiging van 'n werknemer se diens moet sy werkgewer aan hom—

(*a*) sy volle besoldiging betaal ten opsigte van enige verloftydperk wat aan hom toegeval het, maar nie voor die datum van beëindiging van die diens aan hom toegestaan is nie; en

(*b*) 'n bedrag gelyk aan een sesde van sy loon vir een week betaal ten opsigte van elke voltooide maand van diens by die werkgewer na die datum waarop hy laas ingevolge sub-artikel (1) op verlof geregtig geword het, of, in die geval van 'n werknemer wat vir minder as twaalf maande in diens was, na die aanvangsdatum van sy diens: Met dien verstande dat 'n werkgewer nie verplig is nie om sodanige bedrag ingevolge hierdie paragraaf te betaal aan 'n werknemer wat sy diens verlaat sonder dat hy die toepaslike kennis van beëindiging van diens in artikel *agt* bedoel, gegee en gedurende die tydperk van sodanige kennisgewing gewerk het, tensy hy, toe hy versuim het om sodanige kennis te gee of gedurende die tydperk te werk, binne sy wettige regte gehandel het:

Met dien verstande dat 'n werkgewer van enige bedrag wat ingevolge hierdie sub-artikel betaalbaar is enige bedrag kan aftrek wat aan die betrokke werknemer betaal is ten opsigte van enige dag waarop daar aan hom geleentheidsverlof op sy skriftelike versoek toegestaan is.

(5) The provisions of this section shall not apply in respect of a demonstrator-salesman, a service supply salesman, a property salesman, a watchman, a traveller, a traveller's assistant or an insurance agent; the provisions of sub-section (1) shall not apply in respect of an employee engaged on emergency work; and the provisions of sub-section (3) shall not apply in respect of a casual employee.

(6) For the purposes of this section "wage" includes any cost of living allowance which is paid or payable to an employee in terms of any law or otherwise.

(7) Any person who contravenes or fails to comply with any provision of this section shall be guilty of an offence.

Annual leave.

6. (1) (*a*) An employer shall grant, in accordance with the provisions of paragraphs (*b*), (*c*) and (*d*), to every employee, other than a casual employee, employed by him in respect of each period of twelve months' employment with him, leave of absence on full pay of not less than fourteen consecutive days: Provided that the period of leave may be reduced by any number of days on which the employee was, during the relevant period of employment, granted occasional leave on full pay at his written request.

(*b*) An employer shall grant such leave as from a date fixed by him but not later than four months after the termination of the said period of twelve months' employment: Provided that if an employee has agreed thereto in writing before the expiration of the said period of four months, his employer may grant such leave to him as from a date not later than two months after the expiration of the said period of four months.

(*c*) An employer shall not grant such leave to be concurrent with any period of sick leave granted in terms of section *seven* or with a period of notice of termination of employment, or, unless the employee so requests and the employer agrees in writing, with any period of military training.

(*d*) For every public holiday that falls within the period of such leave, the employer shall add a work day to the said period as a further period of leave of absence on full pay.

(2) The employer shall pay to an employee to whom leave is granted under sub-section (1) his pay in respect of the period of leave, not later than the last work day of the employee before the commencement of the said period or, at the written request of an employee, not later than the first pay day for such employee after expiration of his period of leave.

(3) Upon termination of an employee's employment his employer shall pay to him—

(*a*) his full pay in respect of any period of leave which has accrued to him but was not granted to him before the date of termination of the employment; and

(*b*) an amount equal to one-sixth of his wage for one week in respect of each completed month of employment with the employer after the date on which he last became entitled to leave in terms of sub-section (1) or, in the case of an employee who has been employed for less than twelve months, after the date of commencement of his employment: Provided that an employer shall not be obliged to pay, in terms of this paragraph, such amount to an employee who leaves his employment without having given, and worked during the period of, the appropriate notice of termination of employment referred to in section *eight*, unless in failing to give such notice or to work during such period he was acting within his legal rights:

Provided that an employer may deduct from any amount payable in terms of this sub-section any amount paid to the employee concerned in respect of any day on which he was granted occasional leave at his written request.

(4) Enige bedrag wat ingevolge sub-artikel (1) of (3) aan 'n werknemer betaal word, word bereken teen die skaal van die loon wat die werknemer ontvang het onmiddellik voor die datum waarop sy verlof 'n aanvang geneem het of sy diens geëindig het, na gelang van die geval.

(5) By die toepassing van hierdie artikel beteken „besoldiging" of „loon" ook enige lewenskostetoelae wat ingevolge enige wet of andersins aan 'n werknemer betaal word of betaalbaar is.

(6) Enige tydperk waartydens 'n werknemer—

(*a*) ingevolge sub-artikel (1) met verlof is; of

(*b*) ingevolge sub-artikel (1) van artikel *sewe* met siekteverlof is; of

(*c*) op las of versoek van die werkgewer van sy werk afwesig is; of

(*d*) militêre opleiding ondergaan,

wat altesaam in enige jaar hoogstens tien weke ten opsigte van die in paragrawe (*a*), (*b*) en (*c*) bedoelde tydperke plus tot vier maande van enige tydperk van in paragraaf (*d*) bedoelde militêre opleiding in daardie jaar ondergaan, beloop, word by die toepassing van sub-artikels (1) en (3) geag diens te wees.

(7) In hierdie artikel beteken „werkgewer" ook—

(*a*) in die geval van die dood van 'n werkgewer, die eksekuteur van sy boedel, of sy erfgenaam of legataris; en

(*b*) in die geval van die insolvensie van 'n werkgewer of die likwidasie van sy boedel, of die oordrag of verkoop van sy besigheid, die kurator of likwidateur of die nuwe eienaar van die besigheid,

indien sodanige eksekuteur, erfgenaam, legataris, kurator, likwidateur of nuwe eienaar daardie werknemer in sy diens aanhou.

(8) By die toepassing van hierdie artikel word diens geag 'n aanvang te neem vanaf—

(*a*) die datum waarop die werknemer by die werkgewer in diens getree het; of

(*b*) 'n datum een jaar voor die datum van inwerkingtreding van hierdie Wet; of

(*c*) die datum waarop 'n werknemer aan wie verlof met volle besoldiging ingevolge enige wet en binne die in paragraaf (*b*) bedoelde tydperk toegestaan was, op sodanige verlof ingevolge bedoelde wet geregtig geword het; of

(*d*) die datum waarop 'n werknemer vir wie geen in sub-artikel (2) van artikel *twee* bedoelde ooreenkoms, kennisgewing, toekenning, vasstelling, order of voorwaardes bindend is nie en aan wie ingevolge so 'n ooreenkoms, kennisgewing, toekenning, vasstelling, order of voorwaardes wat opgehou het om bindend te wees en binne die in paragraaf (*b*) bedoelde tydperk, verlof met volle besoldiging toegestaan was, op sodanige verlof ingevolge daardie ooreenkoms, kennisgewing, toekenning, vasstelling, order of voorwaardes geregtig geword het; of

(*e*) die datum waarop 'n werknemer aan wie na die datum van inwerkingtreding van hierdie Wet verlof met volle besoldiging toegestaan is ingevolge enige in sub-artikel (2) van artikel *twee* bedoelde ooreenkoms, kennisgewing, toekenning, vasstelling, order of voorwaardes wat opgehou het om ten opsigte van hom bindend te wees, laas op sodanige verlof ingevolge daardie ooreenkoms, kennisgewing, toekenning, vasstelling, order of voorwaardes geregtig geword het,

watter ook al die laatste datum is.

(9) Behoudens die bepalings van sub-artikel (3), mag geen werkgewer met 'n werknemer ooreenkom om enige bedrag, in plaas van verlof waarop hy ingevolge sub-artikel (1) geregtig is, aan hom te betaal, of dit aan hom betaal nie.

(10) Iemand wat enige bepaling van hierdie artikel oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig.

Siekteverlof.

7. (1) 'n Werkgewer moet aan enige werknemer, behalwe 'n los werknemer, wat hy in diens het en wat van sy werk afwesig is weens ongeskiktheid—

(4) Any amount paid to an employee in terms of sub-section (1) or (3) shall be calculated at the rate of the wage which the employee was receiving immediately prior to the date upon which the leave commenced or his employment terminated, as the case may be.

(5) For the purposes of this section "pay" or "wage" includes any cost of living allowance which is paid or payable to an employee in terms of any law or otherwise.

(6) Any period during which an employee—

(*a*) is on leave in terms of sub-section (1); or

(*b*) is on sick leave in terms of sub-section (1) of section *seven*; or

(*c*) is absent from work on the instructions or at the request of the employer; or

(*d*) is undergoing military training,

amounting in the aggregate in any year to not more than ten weeks in respect of the periods referred to in paragraphs (*a*), (*b*) and (*c*) plus up to four months of any period of military training referred to in paragraph (*d*) undergone in that year, shall, for the purposes of sub-sections (1) and (3), be deemed to be employment.

(7) In this section "employer" includes—

(*a*) in the case of the death of an employer, the executor of his estate, or his heir or legatee; and

(*b*) in the case of the insolvency of an employer or the liquidation of his estate, or the transfer or sale of his business, the trustee or liquidator or the new owner of the business,

if such executor, heir, legatee, trustee, liquidator or new owner continues to employ that employee.

(8) For the purposes of this section employment shall be deemed to commence from—

(*a*) the date on which the employee entered the employer's service; or

(*b*) a date one year prior to the date of commencement of this Act; or

(*c*) the date upon which an employee who had, in terms of any law and within the period referred to in paragraph (*b*), been granted leave of absence on full pay, became entitled to such leave in terms of such law; or

(*d*) the date upon which an employee upon whom no agreement, notice, award, determination, order or conditions referred to in sub-section (2) of section *two* are binding, who had, in terms of any such agreement, notice, award, determination, order or conditions which have ceased to be binding, and within the period referred to in paragraph (*b*), been granted leave of absence on full pay, became entitled to such leave in terms of such agreement, notice, award, determination, order or conditions; or

(*e*) the date upon which an employee, who has after the date of commencement of this Act been granted leave of absence on full pay in terms of any agreement, notice, award, determination, order or conditions referred to in sub-section (2) of section *two* which have ceased to be binding in respect of him, last became entitled to such leave in terms of such agreement, notice, award, determination, order or conditions,

whichever may be the later date.

(9) Subject to the provisions of sub-section (3), no employer shall agree with an employee to pay, or pay to him any amount in lieu of leave, to which he is entitled in terms of sub-section (1).

(10) Any person who contravenes or fails to comply with any provision of this section shall be guilty of an offence.

Sick leave.

7. (1) An employer shall grant to any employee, other than a casual employee, employed by him who is absent from work through incapacity—

(*a*) in die geval van 'n werknemer wat 'n vyfdagweek werk, minstens dertig werkdae; en

(*b*) in die geval van elke ander werknemer, minstens ses-en-dertig werkdae,

siekteverlof altesaam toestaan gedurende enige tydperk van ses-en-dertig agtereenvolgende maande diens by hom, en moet aan sodanige werknemer ten opsigte van die tydperk van afwesigheid ingevolge hierdie sub-artikel 'n bedrag betaal wat nie minder is nie as die loon wat hy sou ontvang het as hy gedurende sodanige tydperk gewerk het: Met dien verstande dat—

(i) 'n werknemer in die eerste twaalf agtereenvolgende maande diens nie geregtig is nie op siekteverlof met volle besoldiging teen 'n skaal van meer as, in die geval van 'n werknemer wat 'n vyfdagweek werk, een werkdag ten opsigte van elke voltooide tydperk van vyf weke diens en, in die geval van elke ander werknemer, een werkdag ten opsigte van elke voltooide maand diens;

(ii) voordat 'n werkgewer enige bedrag betaal wat 'n werknemer kragtens hierdie sub-artikel eis ten opsigte van enige afwesigheid uit sy werk gedurende 'n tydperk wat strek oor meer as twee opeenvolgende dae, kan hy vereis dat die werknemer 'n sertifikaat voorlê wat deur 'n mediese praktisyn onderteken is en wat die aard en duur van die werknemer se ongeskiktheid vermeld: Met dien verstande dat wanneer 'n werknemer gedurende enige tydperk van hoogstens agt weke by twee of meer geleenthede betaling ingevolge hierdie sub-artikel ontvang het sonder om so 'n sertifikaat voor te lê, sy werkgewer gedurende die tydperk van agt weke onmiddellik ná die jongste sodanige geleentheid kan vereis dat hy ten opsigte van enige afwesigheid uit sy werk so 'n sertifikaat voorlê;

(iii) hierdie sub-artikel nie van toepassing is nie ten opsigte van 'n werknemer op wie se skriftelike versoek 'n werkgewer bydraes maak, wat minstens gelyk is aan dié deur die werknemer gemaak, tot enige fonds of organisasie deur die werknemer aangewys, en dié fonds of organisasie aan die werknemer in geval van sy ongeskiktheid in die omstandighede in hierdie sub-artikel vermeld, die betaling aan hom waarborg van minstens altesaam 'n bedrag gelyk aan sy loon vir dertig of ses-en-dertig werkdae, na gelang van die geval, in elke tydperk van ses-en-dertig maande diens;

(iv) waar van 'n werkgewer by enige wet vereis word om gelde vir hospitaal- of mediese behandeling ten opsigte van 'n werknemer te betaal en hy sodanige gelde ten opsigte van enige ongeskiktheid betaal, die bedrag aldus betaal, verreken kan word teen die besoldiging verskuldig ingevolge hierdie sub-artikel ten opsigte van afwesigheid met siekteverlof weens sodanige ongeskiktheid;

(v) die bepalings van hierdie sub-artikel nie van toepassing is nie ten opsigte van enige tydperk van ongeskiktheid van 'n werknemer ten opsigte waarvan die werkgewer by enige ander wet verplig word om aan die werknemer 'n bedrag wat nie minder as sy loon is nie, te betaal.

(2) By die toepassing van hierdie artikel beteken—

(*a*) „besoldiging" of „loon" ook enige lewenskostetoelae wat ingevolge enige wet of andersins aan 'n werknemer betaal word of betaalbaar is;

(*b*) „diens" ook enige tydperk waartydens 'n werknemer—

(i) ingevolge sub-artikel (1) van artikel *ses* met verlof is; of

(ii) ingevolge sub-artikel (1) met siekteverlof is; of

(iii) op las of versoek van die werkgewer van sy werk afwesig is; of

(iv) militêre opleiding ondergaan,

(*a*) in the case of an employee who works a five-day week, not less than thirty work days; and

(*b*) in the case of every other employee, not less than thirty-six work days,

sick leave in the aggregate during any period of thirty-six consecutive months of employment with him and shall pay to such employee in respect of the period of absence in terms of this sub-section an amount of not less than the wage he would have received had he worked during such period: Provided that—

(i) in the first twelve consecutive months of employment an employee shall not be entitled to sick leave on full pay at a rate of more than, in the case of an employee who works a five-day week, one work day in respect of each completed period of five weeks of employment and, in the case of every other employee, one work day in respect of each completed month of employment;

(ii) an employer may, as a condition precedent to the payment by him of any amount claimed in terms of this sub-section by an employee in respect of any absence from work for a period covering more than two consecutive days, require the employee to produce a certificate signed by a medical practitioner stating the nature and duration of the employee's incapacity: Provided that when an employee has during any period of up to eight weeks received payment in terms of this sub-section on two or more occasions without producing such a certificate his employer may during the period of eight weeks immediately succeeding the last such occasion require him to produce such a certificate in respect of any absence from work;

(iii) this sub-section shall not apply in respect of an employee at whose written request an employer makes contributions, at least equal to those made by the employee, to any fund or organization nominated by the employee, which fund or organization guarantees to the employee in the event of his incapacity in the circumstances set out in this sub-section the payment to him of not less than in the aggregate the equivalent of his wage for thirty or thirty-six work days, as the case may be, in each period of thirty-six months of employment;

(iv) where an employer is by law required to pay fees for hospital or medical treatment in respect of an employee, and pays such fees, in respect of any incapacity, the amount so paid may be set off against the payment due in terms of this sub-section in respect of absence on sick leave because of such incapacity;

(v) the provisions of this sub-section shall not apply in respect of any period of incapacity of an employee in respect of which the employer is by any other law required to pay to the employee an amount of not less than his wage.

(2) For the purposes of this section—

(*a*) "pay" or "wage" includes any cost of living allowance which is paid or payable to an employee in terms of any law or otherwise;

(*b*) "employment" includes any period during which an employee—

(i) is on leave in terms of sub-section (1) of section six; or

(ii) is on sick leave in terms of sub-section (1); or

(iii) is absent from work on the instructions or at the request of his employer; or

(iv) is undergoing military training,

wat altesaam in enige jaar hoogstens tien weke ten opsigte van die in sub-paragrawe (i), (ii) en (iii) bedoelde tydperke plus tot vier maande van enige tydperk van in sub-paragraaf (iv) bedoelde militêre opleiding in daardie jaar ondergaan, beloop, en enige ononderbroke diens wat 'n werknemer onmiddellik voor die datum van inwerkingtreding van hierdie Wet by dieselfde werkgewer gehad het, word, by die toepassing van hierdie artikel, geag diens te wees, en enige siekteverlof met volle besoldiging wat aan so 'n werknemer gedurende sodanige tydperk toegestaan is, word, by die toepassing van hierdie artikel, geag kragtens hierdie Wet toegestaan te gewees het; en

(*c*) „ongeskiktheid" onvermoë om te werk weens enige siekte of besering behalwe siekte of besering wat deur 'n werknemer se eie wangedrag veroorsaak is: Met dien verstande dat enige sodanige onvermoë om te werk wat veroorsaak is deur 'n ongeluk waarvoor vergoeding kragtens die Ongevallewet, 1941 (Wet No. 30 van 1941), betaalbaar is, slegs as ongeskiktheid beskou word gedurende enige tydperk ten opsigte waarvan geen ongeskiktheidsbetaling ingevolge daardie Wet betaalbaar is nie.

(3) Iemand wat enige bepaling van hierdie artikel oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig.

Dienskontrak en ontbinding daarvan.

8. (1) 'n Werknemer, behalwe 'n los werknemer, word by die toepassing van hierdie artikel geag—

(*a*) 'n weeklikse werknemer te wees, as sy loon weekliks betaal word; en

(*b*) 'n maandelikse werknemer te wees, as sy loon anders as weekliks betaal word.

(2) Behoudens die bepalings van hierdie artikel, moet 'n werkgewer of sy werknemer, behalwe 'n los werknemer of sy werkgewer, wat die dienskontrak wil beëindig—

(*a*) gedurende die eerste vier weke diens, minstens een werkdag kennis gee; en

(*b*) na die eerste vier weke diens, in die geval van 'n weeklikse werknemer, een week kennis en, in die geval van 'n maandelikse werknemer, twee weke kennis gee,

van beëindiging van die kontrak en by sodanige beëindiging van die kontrak moet die werkgewer aan die werknemer minstens—

(i) in die geval van een werkdag kennis, die daaglikse loon betaal wat die werknemer ten tyde van sodanige beëindiging ontvang;

(ii) in die geval van 'n week kennis, die weeklikse loon betaal wat die werknemer ten tyde van sodanige beëindiging ontvang;

(iii) in die geval van twee weke kennis, dubbel die weeklikse loon betaal wat die werknemer ten tyde van sodanige beëindiging ontvang:

Met dien verstande dat 'n werkgewer of werknemer die dienskontrak te eniger tyd sonder kennisgewing kan beëindig deur in plaas van sodanige kennisgewing 'n bedrag wat nie minder is nie as die in paragraaf (i), (ii) of (iii) bedoelde toepaslike loon aan die werknemer te betaal of aan die werkgewer te betaal of te verbeur, na gelang van die geval.

(3) Die bepalings van sub-artikel (2) raak nie—

(*a*) die reg van 'n werkgewer of 'n werknemer om die kontrak sonder kennisgewing te beëindig om enige rede regtens as voldoende erken nie;

(*b*) enige skriftelike ooreenkoms tussen 'n werkgewer en sy werknemer wat voorsiening maak vir 'n tydperk van kennisgewing van gelyke duur aan albei kante en vir langer as dié wat in sub-artikel (2) voorgeskryf word nie; of

(*c*) die werking van enige verbeurings of boetes wat regtens van toepassing is ten opsigte van 'n werknemer wat sy diens verlaat nie.

amounting in the aggregate in any year to not more than ten weeks in respect of the periods referred to in sub-paragraphs (i), (ii) and (iii) plus up to four months of any period of military training referred to in sub-paragraph (iv) undergone in that year, and any continuous employment which an employee has had with the same employer immediately before the date of commencement of this Act shall for the purposes of this section be deemed to be employment, and any sick leave on full pay granted to such an employee during such period shall for the purposes of this section be deemed to have been granted under this Act; and

(*c*) "incapacity" means inability to work owing to any sickness or injury other than sickness or injury caused by an employee's own misconduct: Provided that any such inability to work caused by an accident for which compensation is payable under the Workmen's Compensation Act, 1941 (Act No. 30 of 1941), shall only be regarded as incapacity during any period in respect of which no disablement payment is payable in terms of that Act.

(3) Any person who contravenes or fails to comply with any provision of this section shall be guilty of an offence.

Contract of employment and termination thereof.

8. (1) An employee, other than a casual employee, shall, for the purposes of this section, be deemed to be—

(*a*) a weekly employee, if his wages are paid weekly; and

(*b*) a monthly employee, if his wages are paid otherwise than weekly.

(2) Subject to the provisions of this section, an employer or his employee, other than a casual employee or his employer, who desires to terminate the contract of employment, shall give—

(*a*) during the first four weeks of employment, not less than one work day's notice; and

(*b*) after the first four weeks of employment, in the case of a weekly employee, one week's notice, and, in the case of a monthly employee, two weeks' notice,

of termination of the contract and upon such termination of the contract the employer shall pay to the employee not less than—

(i) in the case of one work day's notice, the daily wage which the employee is receiving at the time of such termination;

(ii) in the case of a week's notice, the weekly wage which the employee is receiving at the time of such termination;

(iii) in the case of two weeks' notice, double the weekly wage which the employee is receiving at the time of such termination:

Provided that an employer or employee may at any time terminate the contract of employment without notice by paying to the employee or paying or forfeiting to the employer, as the case may be, in lieu of such notice an amount of not less than the appropriate wage referred to in paragraph (i), (ii) or (iii).

(3) The provisions of sub-section (2) shall not affect—

(*a*) the right of an employer or an employee to terminate the contract without notice for any cause recognized by law as sufficient;

(*b*) any written agreement between an employer and his employee which provides for a period of notice of equal duration on both sides and for longer than that prescribed in sub-section (2); or

(*c*) the operation of any forfeitures or penalties which by law may be applicable in respect of an employee who deserts.

(4) Waar 'n ooreenkoms soos dié in paragraaf (*b*) van sub-artikel (3) bedoel, bestaan, moet die in sub-artikel (2) bedoelde betaling of verbeuring ooreenstem met die tydperk van kennisgewing waaroor tussen die werkgewer en werknemer ooreengekom is.

(5) Die in sub-artikel (2) voorgeskrewe kennis moet—

(*a*) in die geval van 'n weeklikse werknemer, op of voor die gewone betaaldag van die betrokke winkel of kantoor gegee word en dit loop vanaf die dag na sodanige betaaldag; en

(*b*) in die geval van 'n maandelikse werknemer, op of voor die eerste of die vyftiende dag van 'n maand gegee word en dit loop vanaf sodanige eerste of vyftiende dag:

Met dien verstande dat—

(i) 'n tydperk van kennisgewing nie mag saamval met, en kennis nie gegee mag word gedurende 'n werknemer se afwesigheid met verlof toegestaan ingevolge artikel *ses* of enige tydperk van sy militêre opleiding nie;

(ii) kennis nie gedurende 'n werknemer se afwesigheid met siekteverlof toegestaan ingevolge artikel *sewe*, gegee mag word nie;

(iii) waar slegs een werkdag se kennisgewing nodig is, sodanige kennisgewing op enige werkdag kan geskied.

(6) 'n Werkgewer of sy werknemer, behalwe 'n ongeletterde werknemer, moet die in hierdie artikel bedoelde kennis skriftelik gee.

(7) By die toepassing van hierdie artikel beteken „loon" ook enige lewenskostetoelae wat ingevolge enige wet of andersins aan 'n werknemer betaal word of betaalbaar is.

(8) Iemand wat enige bepaling van hierdie artikel oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig.

Diens-sertifikaat.

9. (1) Behalwe waar 'n werknemer se dienskontrak op grond van diensverlating beëindig word of waar die werknemer 'n los werknemer is, moet die werkgewer by beëindiging van enige dienskontrak en op sy versoek die werknemer van 'n diens-sertifikaat voorsien wat wesenlik in die voorgeskrewe vorm is en wat die volle name van die werkgewer en die werknemer, die beroep van die werknemer, die aanvangsdatum en die datum van beëindiging van die kontrak en die loonskaal van die werknemer op die datum van sodanige beëindiging, vermeld.

(2) Iemand wat enige bepaling van hierdie artikel oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig.

Berekening van loon.

10. (1) By die toepassing van hierdie Wet word—

(*a*) die loon van 'n werknemer, behalwe 'n in sub-artikel (2) vermelde werknemer, vir een uur bereken op die grondslag van die getal ure wat hy gewoonlik in 'n week werk, maar nie meer nie as die gewone weeklikse werkure, en die loon wat hy gewoonlik in 'n week ontvang;

(*b*) die loon van 'n werknemer, behalwe 'n in sub-artikel (2) vermelde werknemer, vir 'n dag bereken—

(i) in die geval van 'n werknemer wat 'n vyfdagweek werk, deur die loon wat hy gewoonlik in 'n week ontvang deur vyf te deel, en, in die geval van 'n werknemer wat 'n sesdagweek werk, deur die loon wat hy gewoonlik in 'n week ontvang deur ses te deel; en

(ii) in die geval van 'n ander werknemer dan 'n in sub-paragraaf (i) bedoelde werknemer, deur sy loon vir een uur met die getal ure wat hy gewoonlik op so 'n dag werk, maar hoogstens die gewone daaglikse werkure, te vermenigvuldig;

(*c*) die weeklikse loon van 'n werknemer, behalwe 'n in sub-artikel (2) vermelde werknemer, wat sy loon maandeliks ontvang, bereken deur die loon wat hy aldus gewoonlik ontvang, deur vier en 'n derde te deel; en

(*d*) die maandelikse loon van 'n werknemer, behalwe 'n in sub-artikel (2) vermelde werknemer, wat sy loon weekliks ontvang, bereken deur die loon wat hy aldus gewoonlik ontvang, met vier en 'n derde te vermenigvuldig.

(2) By die toepassing van hierdie Wet word, wanneer 'n werknemer op 'n ander grondslag betaal word as ooreenkomstig die tyd werklik deur hom gewerk—

(*a*) sy weeklikse loon op enige datum geag te wees die gemiddelde weeklikse loon vir die voorafgaande dertien weke, of, indien 'n korter tydperk gewerk is, vir die getal voltooide weke aldus gewerk;

(4) Where there is in existence such an agreement as is referred to in paragraph (*b*) of sub-section (3), the payment or forfeiture referred to in sub-section (2) shall be commensurate with the period of notice agreed upon between the employer and the employee.

(5) The notice prescribed in sub-section (2) shall—

(*a*) in the case of a weekly employee, be given on or before the usual pay day of the shop or office concerned and shall run from the day after such pay day; and

(*b*) in the case of a monthly employee, be given on or before the first or the fifteenth day of a month and shall run from such first or fifteenth day:

Provided that—

(i) a period of notice shall not run concurrently with, and notice shall not be given during an employee's absence on leave granted in terms of section *six* or any period of his military training;

(ii) notice shall not be given during an employee's absence on sick leave granted in terms of section *seven*; and

(iii) where only one work day's notice is required to be given, such notice may be given on any work day.

(6) An employer or his employee, except an illiterate employee, shall give the notice referred to in this section in writing.

(7) For the purposes of this section "wage" includes any cost of living allowance which is paid or payable to an employee in terms of any law or otherwise.

(8) Any person who contravenes or fails to comply with any provision of this section shall be guilty of an offence.

Certificate of service.

9. (1) Except where a contract of employment of an employee is terminated on the ground of desertion or where the employee is a casual employee, the employer shall upon termination of any contract of employment and at his request furnish the employee with a certificate of service, substantially in the form prescribed, showing the full names of the employer and of the employee, the occupation of the employee, the date of commencement and the date of termination of the contract and the wage rate of the employee on the date of such termination.

(2) Any person who contravenes or fails to comply with any provision of this section shall be guilty of an offence.

Calculation of wages.

10. (1) For the purposes of this Act—

(*a*) the wage of an employee, other than an employee referred to in sub-section (2), for one hour shall be calculated on the basis of the number of hours ordinarily worked by him during a week, but not exceeding the weekly ordinary working hours, and the wage ordinarily received by him during a week;

(*b*) the wage of an employee, other than an employee referred to in sub-section (2), for a day shall be calculated—

(i) in the case of an employee who works a five-day week, by dividing the wage ordinarily received by him during a week, by five, and, in the case of an employee who works a six-day week, by dividing the wage ordinarily received by him during a week, by six; and

(ii) in the case of an employee other than an employee referred to in sub-paragraph (i), by multiplying his wage for one hour by the number of hours which he ordinarily works on such a day, but not exceeding the daily ordinary working hours;

(*c*) the weekly wage of an employee, other than an employee referred to in sub-section (2), who receives his wage monthly, shall be calculated by dividing the wage so ordinarily received by him, by four and one-third; and

(*d*) the monthly wage of an employee, other than an employee referred to in sub-section (2), who receives his wage weekly, shall be calculated by multiplying the wage so ordinarily received by him by four and one-third.

(2) For the purposes of this Act, whenever an employee is paid on a basis other than in accordance with the time actually worked by him—

(*a*) his weekly wage at any date shall be deemed to be the average weekly wage for the preceding thirteen weeks or, if a lesser period has been worked, for the number of completed weeks so worked;

(*b*) die loon van sodanige werknemer vir een uur bereken deur die weeklikse loon, soos ingevolge paragraaf (*a*) bereken, deur ses-en-veertig te deel; en

(*c*) die daaglikse loon van sodanige werknemer bereken—

(i) in die geval van 'n werknemer wat 'n vyfdagweek werk, deur die loon vir een uur, soos ingevolge paragraaf (*b*) bereken, met nege en 'n vyfde te vermenigvuldig en

(ii) in die geval van 'n werknemer wat 'n sesdagweek werk, deur die loon vir een uur, soos ingevolge paragraaf (*b*) bereken, met sewe en twee derdes te vermenigvuldig.

Verbod op diens.

11. (1) Geen werkgewer mag vereis of toelaat dat enige persoon onder die ouderdom van vyftien jaar as 'n werknemer in of in verband met 'n winkel of 'n kantoor werk nie.

(2) Iemand wat enige bepaling van hierdie artikel oortree, is aan 'n misdryf skuldig.

Verskaffing van sitplekke.

12. (1) Elke werkgewer moet op die plekke in sy winkel of kantoor wat 'n inspekteur van tyd tot tyd aanwys, of by ontstentenis van 'n aanwysing deur 'n inspekteur, op sulke plekke in sy winkel of kantoor waaroor die werkgewer beslis, so 'n aantal sitplekke verskaf vir vroue wat in die winkel of kantoor in diens is dat daar minstens een sitplek is vir drie of minder as drie vroue, minstens twee sitplekke is vir meer as drie maar nie meer nie as ses vroue, en so voort, en moet elke sodanige vrou toelaat om te alle redelike tye van enige sodanige sitplek gebruik te maak.

(2) Geen werkgewer mag vereis dat so 'n vrou so aanhoudend werk doen by die verrigting waarvan sy moet staan dat redelike tussenpose waartydens sy 'n in sub-artikel (1) bedoelde sitplek kan gebruik, haar nie toegelaat word nie.

(3) Iemand wat enige bepaling van hierdie artikel oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig.

Verbod op diens van vroue en bevallingstoelae.

13. (1) Geen vrou mag in of in verband met 'n winkel of 'n kantoor werk en geen werkgewer mag vereis of toelaat dat enige vrou in of in verband met sy winkel of kantoor werk gedurende die tydperk wat vier weke voor die verwagte datum van haar bevalling begin en agt weke na die datum van haar bevalling eindig nie: Met dien verstande dat as die kind doodgebore is, of voor verstryking van agt weke na geboorte sterf, die bepalings van hierdie sub-artikel ophou om van toepassing te wees vanaf 'n datum deur 'n inspekteur vasgestel.

(2) (*a*) Onderworpe aan die voorwaardes wat die Minister van tyd tot tyd by kennisgewing in die *Staatskoerant* voorskryf, kan daar, uit gelde deur die Parlement vir die doel bewillig, in 'n ronde som of in die paaiemente wat die Minister bepaal, aan 'n vrou wat, terwyl sy swanger is, ophou om in 'n winkel of kantoor te werk, 'n toelae betaal word wat, tesame met enige voordele aan haar ingevolge sub-artikel (11) van artikel *nege-en-dertig* van die Werkloosheidversekeringswet, 1946 (Wet No. 53 van 1946), ten opsigte van 'n week betaalbaar, gelyk is aan haar gewone weeklikse beloning, maar wat twee rand vyftig sent per week nie oorskry nie.

(*b*) Sodanige toelae kan vir 'n tydperk van hoogstens twaalf weke betaal word: Met dien verstande dat betaling kan geskied ten opsigte van 'n verdere tydperk van hoogstens vier weke as so 'n vrou haar werk in 'n winkel of kantoor as gevolg van omstandighede verbonde aan haar swangerskap meer as vier weke voor die verwagte datum van haar bevalling gestaak het.

(3) (*a*) Indien 'n werkgewer daarom versoek word deur 'n vrou wat vir hom werk of gewerk het en wat aansoek doen om die betaling, ingevolge sub-artikel (2), van 'n toelae aan haar moet hy die besonderhede in verband met dié aansoek waaroor hy beskik, en wat 'n inspekteur vereis, aan haar verstrek.

(*b*) Indien so 'n werkgewer deur 'n inspekteur skriftelik versoek word om dit te doen, moet hy sodanige besonderhede aan die inspekteur verstrek binne veertien dae vanaf die datum van die ontvangs van dié versoek.

(4) Iemand wat enige bepaling van hierdie artikel oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig.

Vrystellings.

14. (1) (*a*) Wanneer aansoek gedoen word om die vrystelling van enige persoon of klas persone van een of meer van of al die bepalings van artikel *drie*, *vier*, *vyf*, *ses*, *sewe*,

(*b*) the wage of such employee for one hour shall be calculated by dividing the weekly wage, as calculated in terms of paragraph (*a*), by forty-six; and

(*c*) the daily wage of such employee shall be calculated—

(i) in the case of an employee who works a five-day week, by multiplying the hourly wage, as calculated in terms of paragraph (*b*), by nine and one-fifth; and

(ii) in the case of an employee who works a six-day week, by multiplying the hourly wage, as calculated in terms of paragraph (*b*), by seven and two-thirds.

Prohibition of employment.

11. (1) No employer shall require or permit any person under the age of fifteen years to work as an employee in or in connection with a shop or an office.

(2) Any person who contravenes any provision of this section shall be guilty of an offence.

Provision of seats.

12. (1) Every employer shall provide at such places in his shop or office as an inspector may from time to time direct or in the absence of a direction from an inspector, at such places in his shop or office as the employer may decide, such number of seats for females employed in the shop or office, that there shall be not less than one seat for three or less than three females, not less than two seats for more than three but not more than six females, and so forth, and shall allow every such female to make use of any such seat at all reasonable times.

(2) No employer shall require any such female so continuously to do work in the performance of which she is required to remain standing, that reasonable intervals during which she may use any seat referred to in sub-section (1) are not allowed to her.

(3) Any person who contravenes or fails to comply with any provision of this section shall be guilty of an offence.

Prohibition of employment of females and confinement allowance.

13. (1) No female shall work in or in connection with a shop or an office and no employer shall require or permit any female to work in or in connection with his shop or office during the period commencing four weeks prior to the expected date of her confinement and ending eight weeks after the date of her confinement: Provided that if the child is still-born, or dies before the expiration of eight weeks after birth, the provisions of this sub-section shall cease to apply from a date fixed by an inspector.

(2) (*a*) Subject to such conditions as the Minister may from time to time prescribe by notice in the *Gazette*, there may be paid from moneys appropriated by Parliament for the purpose, in a lump sum or in such instalments as the Minister may determine, to any female who ceases to be employed in a shop or office while she is pregnant, an allowance which, together with any benefits payable to her in terms of sub-section (11) of section *thirty-nine* of the Unemployment Insurance Act, 1946 (Act No. 53 of 1946), in respect of any week, equals her ordinary weekly remuneration, but which does not exceed two rand fifty cents per week.

(*b*) Such allowance may be paid for a period not exceeding twelve weeks: Provided that payment may be made in respect of an additional period not exceeding four weeks if such female discontinued her work in a shop or an office as a result of circumstances connected with her pregnancy, more than four weeks prior to the expected date of her confinement.

(3) (*a*) If an employer is requested thereto by a female who works or worked for him and who makes application for the payment of an allowance to her in terms of sub-section (2), he shall furnish her with such particulars within his knowledge in connection with such application as an inspector may require.

(*b*) If requested thereto in writing by an inspector such employer shall furnish such particulars to the inspector within fourteen days from the date of the receipt of such request.

(4) Any person who contravenes or fails to comply with any provision of this section shall be guilty of an offence.

Exemptions.

14. (1) (*a*) Whenever application is made for, or whenever circumstances exist which, in the opinion of the Minister, justify the exemption of any person or class of persons from one or more or all of the provisions of

agt, nege, elf, twaalf, ses-en-twintig of *sewe-en-twintig* of van enige regulasie, of wanneer daar omstandighede bestaan wat, na die mening van die Minister, sodanige vrystelling regverdig, kan die Minister, as hy dit raadsaam ag om dit te doen, vrystelling verleen van een of meer van of al sodanige bepalings aan of ten opsigte van daardie persoon of klas persone vir die tydperk en onderworpe aan die bedinge en voorwaardes wat hy bepaal.

(*b*) Die tydperk waarvoor enige sodanige vrystelling verleen word, kan op 'n vroeër datum begin as dié waarop vrystelling verleen word, maar nie vroeër nie as die datum waarop aansoek gedoen is of bedoelde omstandighede onder die Minister se aandag gebring is, na gelang van die geval.

(2) Die Minister kan, na goeddunke, deur 'n deur hom ondertekende geskrif die bevoegdhede wat sub-artikel (1) aan hom verleen aan enige amptenaar delegeer, en hy kan te eniger tyd so 'n delegasie terugtrek.

(3) Die bedinge en voorwaardes van 'n vrystelling wat kragtens sub-artikel (1) verleen word, moet in 'n vrystellingsertifikaat, onderteken deur 'n amptenaar, ingelyf word en 'n afskrif daarvan moet aan die persoon of persone gestuur word wat die amptenaar nodig ag: Met dien verstande dat in plaas van so 'n sertifikaat die Minister die publikasie in die *Staatskoerant* kan magtig van 'n kennisgewing waarin die bedinge en voorwaardes van so 'n vrystelling ingelyf word, en in daardie geval moet die persoon of klas persone aan of ten opsigte van wie, die tydperk waarvoor en die datum met ingang waarvan die vrystelling verleen word, vermeld word in bedoelde kennisgewing, wat by die toepassing van hierdie Wet geag word 'n vrystellingsertifikaat te wees wat ingevolge hierdie sub-artikel uitgereik is.

(4) 'n Vrystelling wat kragtens hierdie artikel aan of ten opsigte van 'n persoon of klas persone verleen word, stel 'n werkgewer wat daardie persoon of 'n lid van daardie klas persone in diens het, vry van die toepaslike bepalings van hierdie Wet in die mate in die vrystellingsertifikaat vermeld, en die bedinge en voorwaardes ingelyf in die vrystellingsertifikaat is bindend vir die persoon of elke lid van die klas persone aan of ten opsigte van wie vrystelling verleen is, en indien daardie persoon of 'n lid van daardie klas 'n werknemer is, vir elke persoon wat hom in diens het.

(5) 'n Vrystelling verleen—

(*a*) deur die Minister of deur 'n amptenaar aan wie bevoegdhede kragtens sub-artikel (2) gedelegeer is, kan te eniger tyd deur die Minister teruggetrek of gewysig word; of

(*b*) deur 'n amptenaar aan wie bevoegdhede aldus gedelegeer is, kan te eniger tyd teruggetrek of gewysig word deur daardie amptenaar of deur enige ander amptenaar aan wie bevoegdhede aldus gedelegeer is.

(6) By die toepassing van hierdie artikel beteken „klas persone" ook die groep of afdeling of soort persone wat in die vrystellingsertifikaat vermeld of omskrywe word en by die maak van so 'n vermelding of omskrywing kan enige metode van differensiasie of diskriminasie op grond van ouderdom, geslag, ervaring, lengte van dienstyd of soort werk of soort of klas perseel of die gebied waarop of waarin werk verrig word, of enige ander metode wat raadsaam geag word, toegepas word.

(7) Enige vrystelling verleen ingevolge artikel *negentien* van die Wet op Winkels en Kantore, 1939 (Wet No. 41 van 1939), vir sover dit vrystelling verleen van bepalings soortgelyk aan dié ten opsigte waarvan vrystelling ingevolge sub-artikel (1) verleen kan word, en enige sertifikaat uitgereik of kennisgewing gepubliseer ten opsigte daarvan, word geag ingevolge hierdie artikel verleen, uitgereik of gepubliseer te gewees het: Met dien verstande dat enige sodanige vrystelling of sertifikaat verval en enige sodanige kennisgewing ophou om van krag te wees by die verstryking van 'n tydperk van drie maande vanaf die datum van inwerkingtreding van hierdie Wet.

(8) Iemand wat enige bepaling van 'n vrystellingsertifikaat oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig.

Voorskrifte deur 'n inspekteur.

15. (1) Indien enige eienaar van 'n winkel of kantoor, of enige werkgewer volgens oordeel van 'n inspekteur versuim het om aan die bepalings van 'n ingevolge sub-artikel (4) van artikel *een-en-dertig* bepaalde regulasie te voldoen, kan die inspekteur—

(*a*) by skriftelike kennisgewing waarin hy moet vermeld in watter opsig die eienaar of werkgewer volgens sy

section *three*, *four*, *five*, *six*, *seven*, *eight*, *nine*, *eleven*, *twelve*, *twenty-six* or *twenty-seven*, or of any regulation, the Minister may if he deems it expedient to do so, grant exemption from one or more or all of such provisions to or in respect of that person or class of persons, for such period and subject to such terms and conditions as he may determine.

(*b*) The period for which any such exemption is granted may commence on a date prior to that on which exemption is granted but not earlier than the date on which the application was made or the said circumstances were brought to the Minister's notice, as the case may be.

(2) The Minister may, in his discretion, by writing under his hand delegate the powers conferred upon him by sub-section (1) to any officer, and he may at any time withdraw any such delegation.

(3) The terms and conditions of an exemption granted under sub-section (1) shall be incorporated in a licence of exemption, signed by an officer and a copy thereof shall be transmitted to such person or persons as the officer considers necessary: Provided that in lieu of such licence, the Minister may authorize the publication in the *Gazette* of a notice incorporating the terms and conditions of such exemption, and in that event the person or class of persons to or in respect of whom, the period for and the date from which the exemption is granted, shall be specified in such notice, which for the purposes of this Act shall be deemed to be a licence of exemption issued in terms of this sub-section.

(4) Any exemption granted to or in respect of any person or class of persons under this section, shall exempt any employer who employs such person or a member of such class of persons from the relevant provisions of this Act to the extent specified in the licence of exemption, and the terms and conditions incorporated in the licence of exemption shall be binding upon the person or every member of the class of persons to or in respect of whom the exemption was granted, and, if that person or any member of that class is an employee, upon every person who employs him.

(5) Any exemption granted—

(*a*) by the Minister or by an officer to whom powers have been delegated under sub-section (2), may at any time be withdrawn or amended by the Minister; or

(*b*) by an officer to whom powers have been so delegated may at any time be withdrawn or amended by that officer or by any other officer to whom powers have been so delegated.

(6) For the purposes of this section "class of persons" includes such group or section or type of persons as may be specified or defined in the licence of exemption, and in the making of any such specification or definition any method of differentiation or discrimination based on age, sex, experience, length of employment or type of work or type or class of premises or the area on or in which work is performed, or any other method which is deemed to be advisable, may be applied.

(7) Any exemption granted in terms of section *nineteen* of the Shops and Offices Act, 1939 (Act No. 41 of 1939), in so far as it grants exemption from provisions similar to those in respect of which exemption may be granted in terms of sub-section (1), and any licence issued or notice published in terms of that section in respect thereof, shall be deemed to have been granted, issued or published in terms of this section: Provided that any such exemption or licence shall lapse and any such notice shall cease to have effect at the expiration of a period of three months from the date of commencement of this act.

(8) Any person who contravenes or fails to comply with any provision of a licence of exemption shall be guilty of an offence.

Requirements by an inspector.

15. (1) If, in the opinion of an inspector, any owner of a shop or office or any employer has failed to comply with the provisions of any regulation specified under sub-section (4) of section *thirty-one* such inspector may—

(*a*) by notice in writing setting forth in what respect the owner or employer has, in his opinion, failed to comply

oordeel versuim het om aan die bepalings van bedoelde regulasie te voldoen, aan die eienaar of werkgewer voorskryf om die maatreëls te tref en die bouveranderings aan te bring wat in die kennisgewing vermeld word; of

(*b*) by soortgelyke kennisgewing aan die eienaar of werkgewer voorskryf om aan hom 'n staat voor te lê waarin die maatreëls uiteengesit word wat die eienaar of werkgewer voornemens is om te tref, en indien bouveranderings volgens oordeel van die inspekteur nodig sal wees, ook tekenings op skaal, van oppervlakte en deursnee, wat die bouveranderings aantoon wat die eienaar of werkgewer voornemens is om aan te bring, ten einde aan genoemde bepalings te voldoen; en

(*c*) by verdere skriftelike kennisgewing aan bedoelde eienaar of werkgewer voorskryf om bedoelde voorgenome maatreëls te tref en bedoelde voorgenome bouveranderings aan te bring, sonder wysiging of met die wysiging wat die inspekteur bepaal,

binne 'n in die kennisgewing vermelde tydperk, wat minstens veertien dae moet wees.

(2) Die tydperk waarbinne aan die voorskrifte van 'n kennisgewing kragtens sub-artikel (1) voldoen moet word, kan op versoek van die betrokke eienaar of werkgewer, van tyd tot tyd deur die inspekteur verleng word.

(3) Iemand wat hom veronreg voel deur 'n voorskrif of beslissing van 'n inspekteur kragtens sub-artikel (1), kan binne veertien dae na die datum van sodanige voorskrif of beslissing op die voorgeskrewe wyse na die Minister appelleer.

(4) Die Minister moet die beslissing van die inspekteur bekragtig, of sodanige ander beslissing gee as wat die inspekteur, na sy mening, behoort te gegee het, en by die toepassing van hierdie Wet word die Minister se beslissing geag 'n beslissing van die inspekteur te wees, gegee op die datum waarop die Minister die beslissing gee.

(5) (*a*) Iemand wat hom veronreg voel deur 'n beslissing van die Minister oor 'n appèl kragtens hierdie artikel, kan binne dertig dae na die beslissing appèl aanteken by 'n provinsiale of plaaslike afdeling van die Hooggeregshof binne wie se regsgebied hy woonagtig is, nadat hy tot bevrediging van die griffier van daardie afdeling sekerheid gestel het vir enige koste wat deur die Minister in verband met die appèl aangegaan word, en moet die appèl binne ses weke vanaf die datum van die beslissing voortsit.

(*b*) Die afdeling van die Hooggeregshof waarna geappelleer word, bekragtig die beslissing wat die onderwerp van die appèl uitgemaak het of gee so 'n ander beslissing as wat die Minister na sy mening behoort te gegee het, en sy beslissing word by die toepassing van hierdie Wet geag die beslissing van die Minister te wees.

(6) In die geval van 'n appèl kragtens sub-artikel (3) of (5) neem die tydperk waarbinne die eienaar of werkgewer aan die bepalings van die kennisgewing moet voldoen 'n aanvang vanaf die datum waarop die Minister of die Hof, na gelang van die geval, sy beslissing gee.

(7) By die toepassing van hierdie artikel word geen ingevolge sub-artikel (4) van artikel *een-en-dertig* bepaalde regulasie op grond van onsekerheid as ongeldig beskou nie.

(8) Iemand wat versuim om aan enige bepaling van 'n kennisgewing kragtens hierdie artikel te voldoen, is aan 'n misdryf skuldig.

Inspekteur kan wetsbepaling, regulasie of verordening deur plaaslike bestuur uitgevoer, afdwing.

16. (1) Onderworpe aan die opdragte van die Minister, kan 'n inspekteur, indien hy kennis gegee het dat iemand 'n wetsbepaling, regulasie of verordening wat deur 'n plaaslike bestuur uitgevoer word en wat betrekking het op 'n in sub-artikel (1) van artikel *een-en-dertig* bedoelde aangeleentheid, of enige voorskrif kragtens sodanige wetsbepaling, regulasie of verordening gestel, oortree het of versuim het om daaraan te voldoen, aan 'n beampte van bedoelde plaaslike bestuur wie se plig dit is om die bepalings van daardie wetsbepaling, regulasie of verordening uit te voer, en geen stappe binne dertig dae na die kennisgewing deur die plaaslike bestuur gedoen is om voldoening aan genoemde bepalings of voorskrif deur bedoelde persoon te bewerkstellig nie, self sulke stappe doen, en het hy vir daardie doel al die bevoegdhede wat enige beampte van die plaaslike bestuur in verband met die uitvoer of afdwing van bedoelde wetsbepaling, regulasie, verordening of voorskrif besit.

with the provisions of such regulation, require such owner or employer to take the steps and make the structural alterations mentioned in such notice; or

(*b*) by similar notice require such owner or employer to submit to him a statement setting forth the steps which such owner or employer proposes to take, and if structural alterations will, in the opinion of the inspector, be necessary, also drawings to scale, in plan and section, showing the structural alterations which such owner or employer proposes to make, in order to comply with the said provisions; and

(*c*) by further notice in writing require such owner or employer to take the steps and make the structural alterations so proposed without modification or with such modification as the inspector may determine,

within a period specified in such notice, not being less than fourteen days.

(2) The period within which the requirements of any notice under sub-section (1) are to be complied with may, at the request of the owner or employer concerned, from time to time be extended by the inspector.

(3) Any person who feels aggrieved by any requirement or decision of an inspector under sub-section (1) may, within fourteen days after the date of such requirement or decision, appeal in the prescribed manner to the Minister.

(4) The Minister shall confirm the decision of the inspector or give such other decision as in his opinion the inspector ought to have given and, for the purposes of this Act, the Minister's decision shall be deemed to be the decision of the inspector, given on the date on which the Minister gives such decision.

(5) (*a*) Any person who feels aggrieved by any decision of the Minister on an appeal under this section may within thirty days after such decision note an appeal to any provincial or local division of the Supreme Court within whose area of jurisdiction he resides, on giving security to the satisfaction of the registrar of that division for any costs that may be incurred by the Minister in connection with the appeal, and shall prosecute such appeal within a period of six weeks from the date of such decision.

(*b*) The division of the Supreme Court to which the appeal is made shall confirm the decision which formed the subject of the appeal or give such other decision as in its opinion the Minister ought to have given, and its decision shall for the purposes of this Act be deemed to be the decision of the Minister.

(6) In the event of an appeal under sub-section (3) or (5), the period within which the owner or employer is to comply with the terms of such notice shall commence as from the date of the decision of the Minister or the Court, as the case may be.

(7) For the purposes of this section no regulation specified under sub-section (4) of section *thirty-one* shall be held to be invalid on the ground of uncertainty.

(8) Any person who fails to comply with any provision of a notice under this section shall be guilty of an offence.

Inspector may enforce law, regulation or by-law administered by local authority.

16. (1) Subject to the instructions of the Minister an inspector may, if he has given notice that any person has contravened or failed to comply with any law, regulation or by-law, administered by a local authority and relating to any matter referred to in sub-section (1) of section *thirty-one* or any requirement made under such law, regulation or by-law, to any official of such local authority whose duty it is to administer the provisions of such law, regulation or by-law, and no steps have within thirty days after such notice been taken by the local authority to secure compliance with the said provisions or requirements by such person, himself take such steps, and shall for that purpose have all the powers which any official of the local authority may have in connection with the administration or enforcement of such law, regulation, by-law or requirement.

(2) Die betrokke plaaslike bestuur is aanspreeklik om aan die Minister die koste aangegaan in verband met die stappe deur die inspekteur gedoen of in verband met enige vervolging wat daarop volg, te betaal.

Versuim om aan bepalings van Wet of vrystellingsertifikaat te voldoen.

17. (1) (*a*) Wanneer 'n werkgewer skuldig bevind word aan 'n oortreding van of versuim om te voldoen aan enige bepaling van sub-artikel (1) van artikel *vier*, sub-artikel (2) of (3) van artikel *vyf*, sub-artikel (1) of (3) van artikel *ses*, sub-artikel (1) van artikel *sewe* of sub-artikel (2) of sub-artikel (2) gelees met sub-artikel (4) van artikel *agt* of van enige vrystellingsertifikaat met betrekking tot enige betaling verskuldig aan 'n werknemer ingevolge daarvan, moet die hof wat hom skuldig bevind, ondersoek instel na en vasstel wat die verskil is tussen die bedrag wat hy betaal het en die bedrag wat hy sou betaal het as die oortreding of versuim waaraan hy skuldig bevind is nie plaasgevind het nie, en of die betrokke werknemer ingestem het of nie ingestem het nie om minder te ontvang as die beloning wat hy kragtens die bepalings van hierdie Wet of 'n vrystellingsertifikaat geregtig was om te ontvang, en, indien hy aldus ingestem het, of hy bewus was of nie bewus was nie van sy regte kragtens daardie bepalings, en, indien hy van daardie regte bewus was, die omstandighede waarin hy aldus ingestem het: Met dien verstande dat as die hof uit al die getuienis, hetsy dit voor skuldigbevinding afgelê is of daarna, nie in staat is om die verskil presies vas te stel nie, hy die verskil na die beste van sy vermoë moet beraam.

(*b*) As geen bedrag betaal is nie, word die bedrag wat betaal sou gewees het as die oortreding of versuim nie plaasgevind het nie, by die toepassing van hierdie sub-artikel geag die verskil te wees.

(*c*) Die verskil aldus vasgestel of die bedrag waarop dit aldus beraam is, word in hierdie artikel en in artikels *agtien* en *twintig* die onderbetaalde bedrag genoem.

(2) (*a*) Wanneer 'n werknemer skuldig bevind word aan 'n oortreding van of versuim om te voldoen aan enige bepaling van sub-artikel (2) of sub-artikel (2) gelees met sub-artikel (4) van artikel *agt* of van enige vrystellingsertifikaat met betrekking tot enige aangeleentheid bedoel in enige van genoemde sub-artikels, moet die hof wat hom skuldig bevind, ondersoek instel na en vasstel wat die verskil is tussen enige bedrag wat hy betaal of verbeur het en die bedrag wat hy ingevolge die toepaslike bepaling van hierdie Wet of van die vrystellingsertifikaat moes betaal of verbeur het: Met dien verstande dat as die hof uit al die getuienis, hetsy dit voor skuldigbevinding afgelê is of daarna, nie in staat is om die verskil presies vas te stel nie, hy die verskil na die beste van sy vermoë moet beraam.

(*b*) As geen bedrag betaal of verbeur is nie, word die bedrag wat die betrokke werknemer ingevolge die toepaslike bepaling van hierdie Wet of van die vrystellingsertifikaat moes betaal of verbeur het, by die toepassing van hierdie sub-artikel geag die verskil te wees.

(*c*) Die verskil aldus vasgestel, of die bedrag waarop dit aldus beraam is, word in artikels *agtien* en *twintig* die bedrag wat betaal moet word, genoem.

(3) Die hof moet, wanneer hy kragtens sub-artikel (1) optree, aan die werkgewer en aan die werknemer 'n geleentheid gee om getuienis voor te lê aangaande die onderbetaalde bedrag en die omstandighede waarin die onderbetaling plaasgevind het.

(4) Die verrigtinge van die hof kragtens sub-artikels (1), (2) en (3) moet plaasvind voordat die vonnis uitgespreek word en word geag deel van die verhoor uit te maak.

(5) As die misdryf bestaan het uit 'n in sub-artikel (1) bedoelde oortreding of versuim, en die onderbetaalde bedrag groter is as die maksimum bedrag van die geldboete voorgeskryf by artikel *twee-en-dertig*, word die maksimum bedrag van die geldboete waarmee die veroordeelde persoon volgens daardie artikel strafbaar is, verhoog tot 'n bedrag wat gelykstaan met die onderbetaalde bedrag.

(6) Dit is geen verweer teen 'n aanklag weens 'n oortreding of versuim in sub-artikel (1) of (2) bedoel om te bewys dat die handeling of versuim waarvan die beskuldigde aangekla word, aan gebrek aan middele te wyte was nie.

(7) (*a*) 'n Werkgewer wat deur die by regulasie bepaalde inspekteur skriftelik in kennis gestel word dat enige gelde soos deur bedoelde inspekteur vasgestel deur

(2) The local authority concerned shall be liable to pay to the Minister the expenses incurred in connection with the steps taken by the inspector or in connection with any prosecution following thereon.

Failure to observe provisions of Act or licence of exemption.

17. (1) (*a*) Whenever an employer is convicted of contravening or failing to comply with any provision of sub-section (1) of section *four*, sub-section (2) or (3) of section *five*, sub-section (1) or (3) of section *six*, sub-section (1) of section *seven* or sub-section (2) or sub-section (2) read with sub-section (4) of section *eight* or of any licence of exemption relating to any payment due to an employee in terms thereof, the court convicting him shall enquire into and determine the difference between the amount which he paid and the amount which he would have paid if the contravention or failure of which he has been convicted had not occurred and whether the employee concerned did or did not agree to accept less than the remuneration which under the provisions of this Act or a licence of exemption he was entitled to receive, and whether, if he did so agree, he did or did not know of his rights under those provisions, and if he did know of those rights, the circumstances under which he so agreed: Provided that if the court is unable on all the evidence, whether given before or after conviction, to determine the difference exactly, it shall, to the best of its ability, estimate the difference.

(*b*) If no amount has been paid the amount which would have been paid if the contravention or failure had not occurred, shall, for the purposes of this sub-section, be deemed to be the difference.

(*c*) The difference so determined or the amount at which it is so estimated is in this section and in sections *eighteen* and *twenty* referred to as the amount underpaid.

(2) (*a*) Whenever an employee is convicted of contravening or failing to comply with any provision of sub-section (2) or sub-section (2) read with sub-section (4) of section *eight* or of any licence of exemption relating to any matter referred to in any of the said sub-sections, the court convicting him shall enquire into and determine the differences between any amount which he paid or forfeited and the amount which he was required to pay or forfeit in terms of the relevant provision of this Act or of the licence of exemption: Provided that if the court is unable on all the evidence, whether given before or after conviction, to determine the difference exactly, it shall to the best of its ability estimate the difference.

(*b*) If no amount has been paid or forfeited, the amount which the employee concerned was required to pay or forfeit in terms of the relevant provision of this Act or of the licence of exemption shall for the purposes of this sub-section be deemed to be the difference.

(*c*) The difference so determined or the amount at which it is so estimated is in sections *eighteen* and *twenty* referred to as the amount to be paid.

(3) The court shall, when acting under sub-section (1) give to the employer and to the employee an opportunity of submitting evidence regarding the amount underpaid and the circumstances in which the underpayment took place.

(4) The proceedings of the court under the provisions of sub-sections (1), (2) and (3) shall take place before sentence is passed, and shall be deemed to form part of the trial.

(5) If the offence consisted of a contravention or failure referred to in sub-section (1), and the amount underpaid is greater than the maximum amount of the fine prescribed by section *thirty-two*, the maximum amount of the fine to which the person convicted shall be liable in terms of that section shall be increased to an amount equal to the amount underpaid.

(6) It shall not be a defence to any charge of a contravention or failure referred to in sub-section (1) or (2) to prove that the act or omission with which the accused is charged was due to lack of means.

(7) (*a*) Any employer who is notified in writing by the inspector defined by regulation that any moneys as determined by such inspector are payable to any

daardie werkgewer aan 'n persoon betaalbaar is ingevolge hierdie Wet of enige vrystellingsertifikaat wat kragtens hierdie Wet bindend is of was en wat erken dat die gelde aldus vasgestel aldus betaalbaar is, kan daardie gelde aan bedoelde inspekteur betaal vir betaling aan die persoon wat daarop geregtig is.

(*b*) Indien enige gelde aldus betaal aan die by regulasie bepaalde inspekteur na verloop van 'n tydperk van ses maande vanaf die datum van ontvangs daarvan nie aan die persoon wat daarop geregtig is, betaal is nie, moet die inspekteur onverwyld daardie gelde aan die Sekretaris van Arbeid deurstuur vir inbetaling in die Gekonsolideerde Inkomstefonds.

(*c*) Op aansoek van die Sekretaris van Arbeid gedoen te eniger tyd binne 'n tydperk van drie jaar vanaf die datum van inbetaling in die Gekonsolideerde Inkomstefonds kragtens paragraaf (*b*), moet die betrokke gelde terugbetaal word aan die Sekretaris van Arbeid vir betaling aan die persoon wat daarop geregtig is.

Bevel aan werkgewer of werknemer om onderbetaalde bedrag of bedrag wat betaal moet word aan aangewese amptenaar te betaal.

18. (1) Wanneer iemand skuldig bevind word aan 'n misdryf kragtens hierdie Wet en die misdryf bestaan uit 'n oortreding of versuim in sub-artikel (1) of (2) van artikel *sewentien* bedoel, moet die hof wat hom skuldig bevind, nadat die hof ingevolge daardie artikel die onderbetaalde bedrag of die bedrag wat betaal moet word, na gelang van die geval, vasgestel het, so iemand beveel om binne 'n tydperk deur die hof bepaal 'n bedrag wat gelykstaan met die aldus vasgestelde bedrag aan 'n deur die hof aangewese amptenaar (hieronder die aangewese amptenaar genoem) te betaal by wyse van paaiemente of andersins, soos deur die hof bepaal.

(2) Die hof kan te eniger tyd op aansoek van 'n amptenaar, of van 'n werknemer of werkgewer aan wie 'n bedrag ingevolge sub-artikel (1) of (2) van artikel *negentien* betaalbaar is, of van die veroordeelde persoon, indien goeie redes aangevoer word, die tydperk waarin so 'n bedrag aan die aangewese amptenaar betaal moet word, verkort of verleng, of die bedrae van die paaiemente verander, of beveel dat enige onbetaalde balans in een enkele bedrag betaal moet word.

(3) 'n Bevel wat kragtens die bepalings van hierdie artikel uitgevaardig word, het in alle opsigte die uitwerking van en kan uitgevoer word asof dit 'n siviele vonnis ten gunste van die Regering van die Republiek was.

Beskikking oor bedrae aan aangewese amptenaar Betaal.

19. (1) Wanneer 'n bevel kragtens artikel *agtien* ten opsigte van 'n in sub-artikel (1) van artikel *sewentien* bedoelde oortreding of versuim teen 'n werkgewer uitgevaardig word, moet die hof wat die bevel uitvaardig, gelas dat soveel van die bedrag wat ingevolge die bevel aan die aangewese amptenaar betaal word as wat die hof billik ag, met inagneming van die omstandighede waarin die oortreding of versuim plaasgevind het, betaal moet word aan die werknemer ten opsigte van wie die oortreding of versuim plaasgevind het: Met dien verstande dat—

(*a*) as die hof bevind dat die betrokke werknemer nie ingestem het om minder aan te neem as die beloning wat hy kragtens die bepalings van hierdie Wet of die betrokke vrystellingsertifikaat geregtig was om te ontvang nie, of, as hy aldus ingestem het, dat hy aldus ingestem het terwyl hy onbewus was van sy regte kragtens daardie bepalings, die hof moet gelas dat die hele bedrag aldus aan die aangewese amptenaar betaal, aan daardie werknemer betaal moet word;

(*b*) as die hof, met inagneming van die omstandighede waarin die oortreding of versuim plaasgevind het, dit billik ag om dit te doen, die hof, behalwe in die in paragraaf (*a*) bedoelde omstandighede, kan gelas dat geen gedeelte van die bedrag aldus aan die aangewese amptenaar betaal aan die betrokke werknemer betaal moet word nie;

(*c*) as die hof gelas dat 'n gedeelte van die bedrag aldus aan die aangewese amptenaar betaal, aan die betrokke werknemer betaal moet word, daardie gedeelte minstens een vierde daarvan moet wees.

(2) Wanneer 'n bevel kragtens artikel *agtien* ten opsigte van 'n in sub-artikel (2) van artikel *sewentien* bedoelde oortreding of versuim teen 'n werknemer uitgevaardig word, moet die hof wat die bevel uitvaardig, gelas dat soveel van die bedrag wat ingevolge die bevel aan die aangewese amptenaar betaal word as wat die hof billik ag, met inagneming van die omstandighede waarin die oortreding of versuim plaasgevind het, betaal moet word aan die werkgewer ten opsigte van wie die oortreding of versuim plaasgevind het.

person by such employer in terms of this Act or of any licence of exemption which is or was binding in terms of this Act and who admits that the moneys so determined are so payable, may pay such moneys to the said inspector for payment to the person entitled thereto.

(*b*) If any moneys so paid to the inspector defined by regulation have at the expiry of a period of six months as from the date of receipt thereof not been paid to the person entitled thereto, the inspector shall forthwith transmit such moneys to the Secretary for Labour for payment into the Consolidated Revenue Fund.

(*c*) On the application of the Secretary for Labour made at any time within a period of three years from the date of payment into the Consolidated Revenue Fund under paragraph (*b*), the moneys concerned shall be refunded to the Secretary for Labour for payment to the person entitled thereto.

Order upon employer or employee to pay specified officer amount underpaid or to be paid.

18. (1) Whenever any person is convicted of an offence under this Act and the offence consists of a contravention or failure referred to in sub-section (1) or (2) of section *seventeen*, the court convicting him shall, after it has, in terms of that section, determined the amount underpaid, or to be paid, as the case may be, order him to pay an amount equal to the amount so determined to an officer specified by the court (hereinafter referred to as the specified officer) within a period fixed by the court, in instalments or otherwise, as fixed by the court.

(2) The court may at any time upon the application of an officer or of any employee or employer to whom any amount is payable in terms of sub-section (1) or (2) of section *nineteen* or of the person convicted, if good cause is shown, reduce or extend the period within which any such amount must be paid to the specified officer or vary the amounts of the instalments or order that any balance outstanding be paid in one lump sum.

(3) An order made under the provisions of this section shall have all the effects of, and may be executed as if it were, a civil judgment in favour of the Government of the Republic.

Disposal of amounts paid to specified officer.

19. (1) Whenever an order is made under section *eighteen* against an employer in respect of a contravention or failure referred to in sub-section (1) of section *seventeen*, the court making the order shall direct that so much of the amount which in terms of the order is paid to the specified officer, as the court, having regard to the circumstances in which the contravention or failure occurred, deems equitable, shall be paid to the employee in respect of whom the contravention or failure occurred: Provided that—

(*a*) if the court finds that the employee concerned did not agree to accept less than the remuneration which under the provisions of this Act or the relative licence of exemption he was entitled to receive, or that, if he did so agree, he so agreed not knowing of his rights under those provisions, the court shall direct that the whole of the amount so paid to the specified officer shall be paid to that employee;

(*b*) if the court, having regard to the circumstances in which the contravention or failure occurred, deems it equitable to do so, it may, except in the circumstances referred to in paragraph (*a*), direct that no portion of the amount so paid to the specified officer shall be paid to the employee concerned;

(*c*) if the court directs that any portion of the amount so paid to the specified officer shall be paid to the employee concerned, that portion shall not be less than one-fourth thereof.

(2) Whenever an order is made under section *eighteen* against an employee in respect of a contravention or failure referred to in sub-section (2) of section *seventeen*, the court making the order shall direct that so much of the amount which in terms of the order is paid to the specified officer, as the court, having regard to the circumstances in which the contravention or failure occurred, deems equitable, shall be paid to the employer in respect of whom the contravention or failure occurred.

(3) Daardie gedeelte van die bedrag aldus aan die aangewese amptenaar betaal wat nie ingevolge sub-artikel (1) of (2) aan die betrokke werknemer of werkgewer betaalbaar is nie moet in die Gekonsolideerde Inkomstefonds inbetaal word.

(4) Die bepalings van paragrawe (*b*) en (*c*) van sub-artikel (7) van artikel *sewentien* is *mutatis mutandis* van toepassing ten opsigte van enige gelde aan 'n aangewese amptenaar betaal en wat ingevolge sub-artikel (1) of (2) van hierdie artikel aan 'n werknemer of werkgewer betaalbaar is.

Reg van werknemer of werkgewer om deur siviele stappe te verhaal: In hoeverre deur Wet geraak.

20. (1) Indien iemand skuldig bevind word aan 'n misdryf kragtens hierdie Wet en die misdryf bestaan uit 'n in sub-artikel (1) of (2) van artikel *sewentien* bedoelde oortreding of versuim, is die werknemer of werkgewer (na gelang van die geval) ten opsigte van wie die oortreding of versuim plaasgevind het, nie geregtig om deur siviele geregtelike stappe enige gedeelte van die onderbetaalde bedrag of die bedrag wat betaal moet word op sy werkgewer of werknemer te verhaal nie, maar is hy geregtig om ten opsigte van bedoelde bedrag slegs die gelde te ontvang wat na die hof ingevolge sub-artikel (1) of (2) van artikel *negentien* gelas aan hom betaal moet word uit die gelde aan die aangewese amptenaar betaal ingevolge 'n bevel kragtens artikel *agtien* uitgevaardig.

(2) Behoudens die bepalings van sub-artikel (3), maak die bepalings van artikel *sewentien*, *agtien* of *negentien* of van sub-artikel (1) van hierdie artikel geen inbreuk nie op enige reg wat 'n werknemer besit om deur siviele geregtelike stappe op sy werkgewer te verhaal—

(*a*) waar sy werkgewer, of die bestuurder, agent of werknemer van sy werkgewer, skuldig bevind is aan 'n misdryf bestaande uit 'n in sub-artikel (1) van artikel *sewentien* bedoelde oortreding of versuim wat ten opsigte van daardie werknemer plaasgevind het, enige bedrag wat bo die onderbetaalde bedrag kragtens 'n ooreenkoms tussen hom en sy werkgewer aan hom verskuldig is;

(*b*) waar nòg sy werkgewer nòg die bestuurder, agent of werknemer van sy werkgewer aldus skuldig bevind is, enige bedrag wat sy werkgewer kragtens die bepalings van hierdie Wet of van enige vrystellingsertifikaat wat ingevolge hierdie Wet vir sy werkgewer bindend is of was, of kragtens 'n ooreenkoms tussen hom en sy werkgewer, verplig is om aan hom te betaal.

(3) 'n Werknemer aan wie sy werkgewer nie die volle beloning wat hy behoort te betaal het ingevolge hierdie Wet of enige vrystellingsertifikaat wat ingevolge hierdie Wet vir hom bindend is of was, betaal het nie, is nie geregtig om deur siviele geregtelike stappe die aan hom onderbetaalde bedrag of 'n gedeelte van daardie bedrag op sy werkgewer te verhaal nie, tensy—

(*a*) die werknemer aan die hof 'n sertifikaat voorlê, onderteken deur die betrokke prokureur-generaal, waarin gemeld word dat hy weier om te vervolg ten opsigte van die oortreding of versuim waarop die werknemer voornemens is om sy eisoorsaak te baseer; of

(*b*) die werkgewer of die bestuurder, agent of werknemer van die werkgewer op 'n aanklag weens daardie oortreding of versuim vrygespreek is.

(4) Die bepalings van paragraaf (*a*) van sub-artikel (2) en van sub-artikel (3) is *mutatis mutandis* van toepassing ten opsigte van die reg van 'n werkgewer om deur siviele geregtelike stappe enige bedrag wat die werknemer ingevolge hierdie Wet of enige vrystellingsertifikaat wat ingevolge hierdie Wet vir hom bindend is of was, of ingevolge 'n ooreenkoms tussen hom en sy werkgewer, aan sy werkgewer behoort te betaal het in plaas van kennisgewing van diensbeëindiging, of enige gedeelte van daardie bedrag, op sy werknemer te verhaal.

Bepalings van Wet of vrystellingsertifikaat kan nie deur ooreenkoms verander word nie, nòg kan daarvan afstand gedoen word.

21. (1) (*a*) Geen ooreenkoms, uitdruklik of stilswyend, met inbegrip van 'n plakkerdienskontrak of dienskontrak ingevolge die Naturelledienskontrak-Wet, 1932 (Wet No. 24 van 1932), hetsy dit aangegaan is voordat of nadat hierdie Wet in werking getree het of 'n vrystellingsertifikaat uitgereik is, het die uitwerking dat dit die betaling aan 'n werknemer van minder beloning as dié wat deur hierdie Wet of deur daardie vrystellingsertifikaat voorgeskryf word, of die toepassing op 'n werknemer van enige behandeling of die toekenning aan hom van enige voordele wat vir hom minder gunstig is as die aldus voorgeskrewe behandeling of voordele, veroorloof nie, nog bewerkstellig dit 'n

(3) So much of the amount so paid to the specified officer as is not, in terms of sub-section (1) or (2), payable to the employee or employer concerned, shall be paid into the Consolidated Revenue Fund.

(4) The provisions of paragraphs (*b*) and (*c*) of sub-section (7) of section *seventeen* shall *mutatis mutandis* apply in respect of any moneys paid to a specified officer which in terms of sub-section (1) or (2) of this section are payable to any employee or employer.

Right of employee or employer to recover by civil proceedings: How far affected by Act.

20. (1) If any person is convicted of an offence under this Act and the offence consists of a contravention or failure referred to in sub-section (1) or (2) of section *seventeen*, the employee or employer (as the case may be) in respect of whom the contravention or failure occurred shall not be entitled by civil legal proceedings to recover from his employer or employee any portion of the amount underpaid or to be paid, but he shall be entitled to receive in respect of such amount only the moneys which the court in terms of sub-section (1) or (2) of section *nineteen* directs shall be paid to him out of the moneys paid to the specified officer in terms of an order made under section *eighteen*.

(2) Subject to the provisions of sub-section (3), nothing contained in section *seventeen*, *eighteen* or *nineteen* or in sub-section (1) of this section shall affect any right which any employee may have to recover by civil legal proceedings from his employer—

(*a*) where his employer, or the manager, agent or employee of his employer, has been convicted of an offence consisting of a contravention or failure referred to in sub-section (1) of section *seventeen*, which occurred in respect of that employee, any amount owing to him under any agreement between himself and his employer in excess of the amount underpaid;

(*b*) where neither his employer nor the manager, agent or employee of his employer has been so convicted, any amount which his employer is bound to pay to him under the provisions of this Act or of any licence of exemption which is or was binding upon his employer in terms of this Act or under any agreement between himself and his employer.

(3) An employee to whom his employer has not paid the full remuneration which he ought to have paid in terms of this Act or of any licence of exemption which is or was binding upon him in terms of this Act, shall not be entitled to recover from his employer by civil legal proceedings the amount he has been underpaid or any portion of that amount unless—

(*a*) the employee produces to the court a certificate signed by the attorney-general concerned, stating that he declines to prosecute in respect of the contravention or failure upon which the employee proposes to base his cause of action; or

(*b*) the employer or the manager, agent or employee of the employer has been acquitted on a charge in respect of that contravention or failure.

(4) The provisions of paragraph (*a*) of sub-section (2) and of sub-section (3) shall *mutatis mutandis* apply in respect of the right of an employer to recover from his employee by civil legal proceedings any amount which the employee ought to have paid to him in lieu of notice of termination of employment in terms of this Act or of any licence of exemption which is or was binding upon the employee in terms of this Act or in terms of any agreement between himself and the employee, or any portion of such amount.

Provisions of Act or licence of exemption may not be varied by agreement or waived.

21. (1) (*a*) No agreement, express or implied, including a labour tenant contract or service contract in terms of the Native Service Contract Act, 1932 (Act No. 24 of 1932), whether entered into before or after the commencement of this Act or the grant of any licence of exemption, shall operate to permit of the payment to any employee of remuneration less than that prescribed by this Act or by that licence of exemption, or the application to any employee of any treatment, or the grant to him of any benefits, less favourable to him than the treatment or benefits so prescribed, nor shall

afstand deur enige werknemer van die toepassing van enige bepaling van hierdie Wet of van enige vrystellingsertifikaat op hom.

(*b*) Iemand wat 'n ooreenkoms aangaan wat so 'n betaling, toepassing of toekenning heet te veroorloof of om so 'n afstand heet te bewerkstellig, is aan 'n misdryf skuldig, en so 'n ooreenkoms is nietig.

(2) 'n Werkgewer wat vereis of toelaat dat 'n werknemer enige beloning aan hom betaal of terugbetaal wat kragtens hierdie Wet of kragtens enige vrystellingsertifikaat, of ooreenkomstig 'n lasgewing wat kragtens sub-artikel (1) van artikel *negentien* gegee is, aan daardie werknemer betaalbaar of betaal is, of enige handeling verrig of toelaat dat enige handeling verrig word waarvan 'n regstreekse of onregstreekse gevolg is dat daardie werknemer die voordeel of 'n gedeelte van die voordeel van 'n aldus betaalbare of betaalde beloning ontneem word, is aan 'n misdryf skuldig.

(3) 'n Werkgewer wat vereis of toelaat dat 'n werknemer 'n kwitansie uitreik vir meer as wat hy werklik by wyse van beloning ontvang het of andersins voorgee dat hy dit ontvang het, is aan 'n misdryf skuldig.

Viktimisasie verbied.

22. (1) 'n Werkgewer wat 'n werknemer wat by hom in diens is, uit sy diens ontslaan, of die skaal van sy beloning verminder, of die bedinge of voorwaardes van sy diens verander na bedinge of voorwaardes wat vir hom minder gunstig is, of sy posisie in vergelyking met ander werknemers in sy diens tot sy nadeel verander as gevolg van die feit, of omrede hy vermoed of glo, hetsy die vermoede of geloof geregverdig of juis is al dan nie, dat—

(*a*) daardie werknemer aan die Minister of aan 'n amptenaar inligting verstrek het wat hy by of kragtens hierdie Wet verplig is om te verstrek of wat betrekking het op die bedinge of voorwaardes van sy diens of op dié van ander werknemers van sy werkgewer, of 'n wettige vereiste van 'n inspekteur nagekom het, of voor 'n geregshof getuienis afgelê het; of

(*b*) daardie werknemer geweier of nagelaat het om 'n handeling te verrig wat 'n werkgewer ingevolge sub-artikel (2) of (3) van artikel *een-en-twintig* nie mag vereis of toelaat dat 'n werknemer verrig nie; of

(*c*) daardie werknemer behoort of behoort het aan 'n vakvereniging of enige ander organisasie van werknemers waarvan die oogmerk is of was om die belange van werknemers teenoor hul werkgewers te beskerm of te bevorder, of buite gewone werkure, of, met die goedkeuring van die werkgewer, binne werkure deelneem of deelgeneem het aan die stigting of wettige bedrywighede van so 'n vereniging of organisasie,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens seshonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar of met sowel sodanige boete as sodanige gevangenisstraf.

(2) Die hof wat iemand skuldig bevind aan 'n misdryf kragtens sub-artikel (1) kan, benewens enige vonnis wat hy oplê—

(*a*) in die geval van 'n werknemer wie se ontslag of die vermindering van wie se skaal van beloning of die verandering van wie se posisie die onderwerp van die aanklag was, die werkgewer gelas om die werknemer in sy vorige posisie te herstel vir die tydperk en onderworpe aan die voorwaardes wat die hof bepaal; en

(*b*) in die geval van 'n werknemer wie se ontslag die onderwerp van die aanklag was, die werkgewer gelas om aan die werknemer as skadevergoeding die bedrag, wat nie meer mag wees nie as drie maande se beloning bereken teen die skaal van die beloning wat die werknemer tydens sy ontslag ontvang het, te betaal wat die hof bepaal.

(3) Enige sodanige bevel het die uitwerking van 'n siviele vonnis ten gunste van die betrokke werknemer.

Aanstelling van inspekteurs.

23. (1) Die Minister kan met inagneming van die wetsbepalings op die staatsdiens enige persoon as 'n inspekteur ingevolge hierdie Wet aanstel.

(2) Aan elke inspekteur word 'n sertifikaat verskaf wat onderteken is deur 'n amptenaar wat deur die Minister daartoe aangewys is, en waarin gemeld word dat hy as 'n inspekteur ingevolge hierdie Wet aangestel is.

(3) Elke persoon wat kragtens artikel *dertien* van die Wet op Winkels en Kantore, 1939 (Wet No. 41 van 1939), as 'n inspekteur aangestel is en by die inwerkingtreding van hierdie Wet sy

it effect any waiver by an employee of the application to him of any provision of this Act or of any licence of exemption.

(*b*) Any person who enters into any agreement purporting to permit of any such payment, application or grant or to effect any such waiver shall be guilty of an offence, and every such agreement shall be void.

(2) An employer who requires or permits any employee to pay or re-pay to him any remuneration payable or paid to that employee under this Act or under any licence of exemption, or pursuant to any direction given in terms of sub-section (1) of section *nineteen*, or does any act or permits any act to be done as a direct or indirect result of which that employee is deprived of the benefit or of any portion of the benefit of any remuneration so payable or paid, shall be guilty of an offence.

(3) An employer who requires or permits any employee to give a receipt for, or otherwise to represent that he has received, more than he actually received by way of remuneration, shall be guilty of an offence.

Victimization forbidden.

22. (1) Any employer who dismisses any employee employed by him or reduces the rate of his remuneration or alters the terms or conditions of his employment to terms or conditions less favourable to him or alters his position relatively to other employees employed by him to his disadvantage, by reason of the fact, or because he suspects or believes, whether or not the suspicion or belief is justified or correct, that—

(*a*) that employee has given information which by or under this Act he is required to give, or which relates to the terms or conditions of his employment, or those of other employees of his employer, to the Minister or to an officer, or has complied with any lawful requirement of an inspector or has given evidence before a court of law; or

(*b*) that employee has refused or omitted to do any act which an employer may not require or permit an employee to do in terms of sub-section (2) or (3) of section *twenty-one*; or

(*c*) that employee belongs or has belonged to any trade union or any other organization of employees the object of which is or was to protect or further the interests of employees in relation to their employers, or takes, or has taken part outside ordinary working hours, or, with the consent of the employer, within working hours, in the formation or lawful activities of any such union or organization,

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

(2) The court which convicts any person of an offence under sub-section (1) may, in addition to any sentence which it may impose—

(*a*) in the case of an employee whose dismissal or the reduction of the rate of whose remuneration or the alteration of whose position was the subject of the charge order the employer to reinstate the employee in his former position for such period and subject to such conditions as it may determine; and

(*b*) in the case of an employee whose dismissal was the subject of the charge, order the employer to pay to the employee as compensation such amount, not exceeding three months' remuneration calculated at the rate of the remuneration which he was receiving at the time of his dismissal, as it may determine.

(3) Any such order shall have the effect of a civil judgment in favour of the employee concerned.

Appointment of inspectors.

23. (1) The Minister may, subject to the laws governing the public service, appoint any person as an inspector under this Act.

(2) Every inspector shall be furnished with a certificate signed by an officer thereto designated by the Minister and stating that he has been appointed as an inspector under this Act.

(3) Every person appointed as an inspector under section *thirteen* of the Shops and Offices Act, 1939 (Act No. 41 of 1939), who holds office as such at the commencement of this

amp as sodanig beklee, word geag kragtens hierdie artikel as 'n inspekteur aangestel te gewees het en enige sertifikaat wat ingevolge genoemde artikel *dertien* aan enige sodanige persoon verskaf is, word geag ingevolge hierdie artikel verskaf te gewees het.

Bevoegdhede van inspekteurs.

24. (1) (*a*) 'n Inspekteur kan te eniger tyd, sonder voorafgaande kennisgewing, enige perseel hoegenaamd betree, en kan, terwyl hy op of in die perseel is of te eniger ander tyd, enige persoon wat op of in die perseel is of was, in die teenwoordigheid of afgesonderd van andere ondervra, en kan eis dat daardie persoon dadelik, of op 'n tyd en plek wat die inspekteur bepaal, alle boeke en stukke voorlê wat op of in die perseel of in besit of bewaring of onder beheer van enige werkgewer deur wie die perseel geokkupeer of gebruik word, of van enige werknemer van daardie werkgewer is of was, of kan te eniger tyd en te eniger plek van iemand wat 'n boek of stuk betreffende die besigheid van iemand wat 'n werkgewer is of was, in sy besit of bewaring of onder sy beheer het, dadelik of op 'n tyd en plek deur die inspekteur bepaal, die voorlegging van daardie boek of stuk eis, en kan al sodanige boeke en stukke ondersoek en uittreksels daaruit en afskrifte daarvan maak, en kan 'n uitleg vorder van enige inskrywings in sodanige boeke of stukke en kan beslag lê op enige sodanige boeke of stukke wat na sy oordeel moontlik bewys kan lewer van 'n misdryf ingevolge hierdie Wet.

(*b*) 'n Inspekteur kan 'n tolk of ander assistent of enige lid van die polisiemag met hom saamneem wanneer hy enige perseel betree.

(2) 'n Werkgewer in verband met wie se besigheid 'n perseel geokkupeer of gebruik word, en elke persoon by hom in diens, moet te alle tye die fasiliteite verskaf wat deur die inspekteur vereis word om die perseel te betree, of om die boeke en stukke op of in die perseel te besigtig of te ondersoek, of om enige navraag daaromtrent te doen.

(3) 'n Inspekteur kan eis dat 'n werknemer enige houer waarin geld wat by wyse van beloning aan hom betaal is of betaal moet word, gehou is of word, en enige staat wat aan hom aangaande die betaling deur sy werkgewer verstrek is of verstrek moet word, aan die inspekteur voorlê, en kan die inhoud van die houer ondersoek en die houer en staat behou.

(4) 'n Inspekteur kan eis dat 'n werknemer op 'n deur die inspekteur bepaalde tyd en plek voor hom verskyn, en kan daardie werknemer dan en daar ondervra.

(5) 'n Inspekteur kan eis dat 'n werkgewer alle betalings wat aan enigeen van sy werknemers verskuldig is, in die teenwoordigheid van 'n inspekteur doen.

(6) 'n Inspekteur wat 'n bevoegdheid uitoefen of 'n plig verrig wat by hierdie Wet aan hom verleen of opgelê word, moet, op versoek, die sertifikaat toon wat ingevolge artikel *drie-en-twintig* aan hom verskaf is of geag word aldus verskaf te gewees het.

(7) Iemand wat valslik voorgee dat hy 'n inspekteur is, is aan 'n misdryf skuldig.

(8) Iemand wat—

(*a*) weier of versuim om enige vraag wat 'n inspekteur by die uitoefening van sy werksaamhede aan hom gestel het, na sy beste vermoë te beantwoord; of

(*b*) weier of versuim om na sy beste vermoë te voldoen aan 'n vereiste wat 'n inspekteur by die uitoefening van sy werksaamhede gestel het; of

(*c*) 'n inspekteur by die uitoefening van sy werksaamhede hinder,

is aan 'n misdryf skuldig.

(9) By die toepassing van hierdie artikel word 'n tolk, terwyl hy optree kragtens die wettige bevele van die inspekteur wat hy vergesel, geag 'n inspekteur te wees en enige vraag gestel deur, antwoord gegee aan, vereiste gestel deur of hindering van 'n tolk terwyl hy aldus optree, word geag 'n vraag gestel deur, antwoord gegee aan, vereiste gestel deur of hindering van 'n inspekteur te wees.

Geheimhouding bewaar te word.

25. Enige amptenaar of enige in sub-artikel (1) van artikel *vier-en-twintig* bedoelde tolk of assistent wat, behalwe aan die Minister of aan 'n amptenaar of aan die Loonraad ingestel kragtens die Loonwet, 1957 (Wet No. 5 van 1957), of aan die Raad van Handel en Nywerheid of aan die Nywerheidshof ingestel kragtens die Wet op Nywerheidsversoening, 1956 (Wet No. 28 van 1956), of enige soortgelyke liggaam wat by die

Act, shall be deemed to have been appointed as an inspector under this section and any certificate furnished to any such person in terms of the said section *thirteen* shall be deemed to have been furnished in terms of this section.

Power of inspectors.

24. (1) (*a*) Any inspector may, without previous notice, at any time enter any premises whatsoever and may, while he is upon or in the premises or at any other time, question any person who is or has been upon or in the premises, in the presence of or apart from others, and may require from any such person the production there and then, or at a time and place fixed by the inspector, of all books and documents which are or have been upon or in the premises or in the possession or custody or under the control of any employer by whom the premises are occupied or used, or of any employee of that employer, or may at any time and at any place require from any person who has the possession or custody or control of any book or document relating to the business of any person who is or was an employer, the production there and then, or at a time and place fixed by the inspector, of that book or document, and may examine and make extracts from and copies of all such books and documents, and may require an explanation of any entries in any such books or documents, and may seize any such books or documents as in his opinion may afford evidence of any offence under this Act.

(*b*) An inspector may take with him into or on to any premises any interpreter or other assistant or any member of the police force.

(2) Any employer in connection with whose business any premises are occupied or used, and every person employed by him, shall at all times furnish such facilities as are required by the inspector for entering the premises or for inspecting or examining the books and documents upon or in the premises or for making any enquiry in relation thereto.

(3) Any inspector may require any employee to produce to him any container in which any money paid or to be paid to him by way of remuneration was or is contained, and any statement furnished or to be furnished to him by his employer concerning the payment, and may examine the contents of the container and retain the container and statement.

(4) Any inspector may require any employee to appear before him at any time and place fixed by the inspector and may then and there question that employee.

(5) Any inspector may require any employer to make all payments due to any of his employees in the presence of an inspector.

(6) Any inspector exercising any power or performing any duty conferred or imposed upon him by this Act, shall on demand, produce the certificate furnished or deemed to have been furnished to him in terms of section *twenty-three*.

(7) Any person who falsely holds himself out to be an inspector shall be guilty of an offence.

(8) Any person who—

(*a*) refuses or fails to answer to the best of his ability any question which an inspector in the exercise of his functions has put to him; or

(*b*) refuses or fails to comply to the best of his ability with any requirement made by an inspector in the exercise of his functions; or

(*c*) hinders an inspector in the exercise of his functions,

shall be guilty of an offence.

(9) For the purposes of this section an interpreter shall, while acting under the lawful directions of the inspector he accompanies, be deemed to be an inspector and any questions put through, reply made to, requirement made by or hindering of an interpreter while so acting, shall be deemed to be a question put by, reply made to, requirement made by or hindering of an inspector.

Secrecy to be observed.

25. Any officer or any interpreter or assistant referred to in sub-section (1) of section *twenty-four* who discloses, except to the Minister or to an officer or to the Wage Board established under the Wage Act, 1957 (Act No. 5 of 1957), or to the Board of Trade and Industries or to the Industrial Tribunal established under the Industrial Conciliation Act, 1956 (Act No. 28 of 1956), or any similar body which is concerned with the matter or to a

aangeleentheid betrokke is of aan 'n geregshof, of, behalwe vir die doeleindes van hierdie Wet of enige ander wetsbepaling, aan enige ander persoon enige inligting openbaar wat hy by die uitoefening van sy bevoegdhede of die verrigting van sy pligte kragtens hierdie Wet verkry het met betrekking tot die sake van enige persoon, firma of besigheid, is aan 'n misdryf skuldig.

Aantekeninge deur werkgewers gehou te word.

26. (1) Elke werkgewer moet te alle tye ten opsigte van alle persone by hom in diens aantekeninge in die voorgeskrewe vorm en op die voorgeskrewe wyse hou van die beloning wat betaal is, die tyd wat gewerk is en van die ander voorgeskrewe besonderhede: Met dien verstande dat 'n inspekteur skriftelik onder sy handtekening so 'n werkgewer kan magtig om aantekeninge in 'n ander vorm te hou mits die aantekeninge wat in daardie vorm gehou word na die mening van die inspekteur hom in staat sal stel om daaruit die vereiste besonderhede te wete te kom.

(2) Elke werknemer van wie dit ingevolge enige regulasie vereis word, moet in sodanige aantekeninge die inskrywings doen wat voorgeskryf word.

(3) Elke werkgewer moet alle aantekeninge ingevolge hierdie artikel gehou, vir 'n tydperk van drie jaar na die datum van die aantekeninge behou, en moet op versoek van 'n inspekteur te eniger tyd binne genoemde tydperk van drie jaar, enige sodanige aantekening ter insae toon.

(4) By die toepassing van sub-artikel (3), word enige aantekening wat ingevolge artikel *agt* van die Wet op Winkels en Kantore, 1939 (Wet No. 41 van 1939), gehou is, geag 'n aantekening te wees wat ingevolge hierdie artikel gehou is.

(5) Iemand wat hom veronreg voel deur 'n beslissing van 'n inspekteur kragtens sub-artikel (1), kan te eniger tyd binne sestig dae daarna, op die voorgeskrewe wyse na die Minister appelleer, en die Minister kan die beslissing van die inspekteur bekragtig of sodanige ander beslissing gee as wat die inspekteur na sy mening behoort te gegee het; en die beslissing van die Minister word by die toepassing van hierdie Wet geag die beslissing van die inspekteur te wees.

(6) Iemand wat versuim om aan 'n bepaling van hierdie artikel wat op hom van toepassing is, te voldoen, of wat in so 'n aantekening 'n valse inskrywing maak wetende dat dit vals is, is aan 'n misdryf skuldig.

(7) Die bepalings van sub-artikel (1), vir sover hulle betrekking het op die hou van aantekeninge van die tyd wat gewerk is, en die bepalings van sub-artikel (2) is nie van toepassing ten opsigte van 'n demonstrateur-verkoper, 'n versorger-bestellingnemer, 'n eiendomsverkoper, 'n wag, 'n handelsreisiger, 'n handelsreisiger se bediende of 'n assuransie-agent nie.

Werkgewer moet afskrif van Wet beskikbaar hou en kennisgewing opplak.

27. (1) Elke werkgewer moet—

(*a*) te alle tye 'n afskrif van hierdie Wet op sy perseel beskikbaar hou vir bestudering deur persone in sy diens; en

(*b*) op 'n opvallende plek op sy perseel wat hy bepaal en op die ander plekke op sy perseel wat 'n inspekteur van tyd tot tyd aanwys, 'n kennisgewing in die voorgeskrewe vorm, in leesbare letters, in albei amptelike tale van die Republiek opplak en opgeplak hou wat—

(i) die opsommings van of uittreksels uit die bepalings van hierdie Wet bevat wat voorgeskryf word, tesame met 'n mededeling dat 'n afskrif van hierdie Wet beskikbaar is op die perseel van sodanige werkgewer vir bestudering deur persone in sy diens;

(ii) die amptelike adres van die by regulasie bepaalde inspekteur bevat; en

(iii) 'n afskrif van enige gangbare kennisgewing wat ingevolge paragraaf (*a*) van sub-artikel (2) van artikel *dertien* gepubliseer is, bevat.

(2) Iemand wat enige bepaling van hierdie artikel oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig.

Handelinge of versuim van bestuurders, agente of werknemers.

28. (1) Wanneer 'n bestuurder, agent of werknemer van 'n werkgewer 'n handeling verrig of versuim om dit te verrig, en dit 'n misdryf ingevolge hierdie Wet sou wees indien die werkgewer dit verrig of versuim om dit te verrig, dan, tensy bewys word dat—

(*a*) by die verrigting van daardie handeling of versuim om dit te verrig, die bestuurder, agent of werknemer sonder die oogluikende toelating of toestemming van die werkgewer gehandel het; en

court of law, or, save for the purposes of this Act or any other law, to any other person, any information in regard to the affairs of any person, firm or business acquired in the exercise of his powers or the performance of his duties under this Act, shall be guilty of an offence.

Records to be kept by employers.

26. (1) Every employer shall at all times keep in the prescribed form and manner, in respect of all persons employed by him, records of the remuneration paid, of the time worked and of such other particulars as may be prescribed: Provided that an inspector may in writing signed by him authorize any such employer to keep records in some other form if the records kept in such form will in the opinion of the inspector enable him to ascertain therefrom the required particulars.

(2) Every employee who is required to do so in terms of any regulation shall make in such records such entries as may be prescribed.

(3) Every employer shall retain any record kept in terms of this section for a period of three years subsequent to the date of the record and shall on demand by an inspector made at any time during the said period of three years produce any such record for inspection.

(4) For the purposes of sub-section (3), any record kept in terms of section *eight* of the Shops and Offices Act, 1939 (Act No. 41 of 1939), shall be deemed to be a record kept in terms of this section.

(5) Any person who feels aggrieved by any decision of an inspector under sub-section (1) may, at any time within sixty days thereafter, appeal, in the manner prescribed, to the Minister who may confirm the inspector's decision or give such other decision as in his opinion the inspector ought to have given; and the decision of the Minister shall for the purposes of this Act be deemed to be the decision of the inspector.

(6) Any person who fails to comply with any provision of this section applicable to him or who makes any false entry in any such record knowing the same to be false, shall be guilty of an offence.

(7) The provisions of sub-section (1), in so far as they relate to the keeping of records of the time worked, and the provisions of sub-section (2) shall not apply in respect of a demonstrator-salesman, a service supply salesman, a property salesman, a watchman, a traveller, a traveller's assistant or an insurance agent.

Employer to keep available copy of Act and affix notice.

27. (1) Every employer shall—

(*a*) at all times keep a copy of this Act available on his premises for perusal by persons employed by him; and

(*b*) affix and keep affixed in some conspicuous place upon his premises to be determined by him, and in such other places upon his premises as an inspector may from time to time direct, a notice in the prescribed form, in legible characters, in both official languages of the Republic, containing—

(i) such summaries of or extracts from the provisions of this Act as may be prescribed, together with an intimation that a copy of this Act is available on the premises of such employer for perusal by persons employed by him;

(ii) the official address of the inspector defined by regulation; and

(iii) a copy of any current notice published in terms of paragraph (*a*) of sub-section (2) of section *thirteen*.

(2) Any person who contravenes or fails to comply with any provision of this section shall be guilty of an offence.

Acts or omissions by managers, agents or employees.

28. (1) Whenever any manager, agent or employee of any employer does or omits to do any act which it would be an offence under this Act for the employer to do or omit to do, then, unless it is proved that—

(*a*) in doing or omitting to do that act the manager, agent or employee was acting without the connivance or permission of the employer; and

(*b*) die werkgewer alle redelike stappe gedoen het om 'n handeling of versuim van die onderhawige soort te voorkom; en

(*c*) 'n handeling of versuim, hetsy wettig of onwettig, van die ten laste gelegde aard onder geen voorwaarde of in geen omstandigheid binne die bestek van die bevoegdheid of in die loop van die diens van die bestuurder, agent of werknemer geval het nie,

word vermoed dat die werkgewer self daardie handeling verrig het of versuim het om dit te verrig, en kan hy ten opsigte daarvan skuldig bevind en gevonnis word; en die feit dat die werkgewer bevele uitgereik het wat 'n handeling of versuim van die onderhawige aard verbied het, word op sigself nie aangeneem as voldoende bewys dat hy alle redelike stappe gedoen het om die handeling of versuim te voorkom nie.

(2) Wanneer 'n bestuurder, agent of werknemer van 'n werkgewer 'n handeling verrig of versuim om dit te verrig en dit 'n misdryf ingevolge hierdie Wet sou wees indien die werkgewer dit verrig of versuim om dit te verrig, kan hy ten opsigte daarvan skuldig bevind en gevonnis word asof hy die werkgewer was.

(3) Òf die werkgewer òf die bestuurder, agent of werknemer, òf albei van hulle kan aldus skuldig bevind en gevonnis word.

(4) Wanneer die bestuurder, agent of werknemer van 'n werkgewer skuldig bevind word aan 'n in sub-artikel (1) van artikel *sewentien* bedoelde misdryf, moet die hof kragtens artikel *agtien* teen die werkgewer 'n bevel uitvaardig, en die bepalings van hierdie Wet met betrekking tot sodanige bevele is *mutatis mutandis* van toepassing; maar so 'n bevel mag nie teen so 'n bestuurder, agent of werknemer uitgevaardig word nie.

Valse verklarings.

29. Iemand wat enige opgawe of verklaring, hetsy skriftelik of andersins, ingevolge 'n bepaling van hierdie Wet of vir die doeleindes van of in verband met enige aansoek, versoek, appèl of verrigtinge kragtens hierdie Wet, verstrek of maak, of laat verstrek of maak, wat na sy wete in 'n wesenlike besonderheid vals is, is aan 'n misdryf skuldig.

Bewyslewering.

30. (1) By ontstentenis van bevredigende bewys van ouderdom, word die ouderdom van 'n persoon, by enige verrigtinge ingevolge hierdie Wet, vermoed dié te wees wat deur 'n inspekteur verklaar word na sy mening die waarskynlike ouderdom van daardie persoon te wees; maar enige belanghebbende persoon wat ontevrede is met daardie verklaring van mening, kan, op eie koste, vereis dat die persoon wie se ouderdom ter sprake is, voor 'n distriksgeneesheer verskyn en deur hom ondersoek word, en 'n verklaring vervat in 'n sertifikaat deur die distriksgeneesheer wat daardie persoon ondersoek het, aangaande wat volgens sy mening die waarskynlike ouderdom van daardie persoon is, is afdoende bewys van die ouderdom van daardie persoon, dog slegs vir die doel van bedoelde verrigtinge.

(2) Wanneer by verrigtinge ingevolge hierdie Wet bewys word dat 'n persoon teenwoordig was op of in enige perseel waarop of waarin die besigheid van 'n winkel of 'n kantoor gedryf of bestuur was of in beheer was van enige voertuig wat in verband met sodanige winkel of sodanige kantoor gebruik word, hetsy daardie voertuig op daardie tydstip bestuur was al dan nie, word daardie persoon, tensy die teendeel bewys word, vermoed 'n werknemer te wees.

(3) Benewens enige tydperk waarin hy werklik aldus werksaam is, word 'n werknemer geag in die diens van 'n werkgewer werksaam te wees—

(*a*) gedurende enige tydperk waarin hy ooreenkomstig die vereistes van sy werkgewer aanwesig is op of in enige perseel waarop of waarin die besigheid van 'n winkel of 'n kantoor waarin hy in diens is, gedryf of bestuur word;

(*b*) gedurende enige ander tydperk waarin hy op of in so 'n perseel aanwesig is; en

(*c*) gedurende enige tydperk waarin hy in beheer is van 'n voertuig wat gebruik word in verband met sy werkgewer se winkel of kantoor, hetsy die voertuig bestuur word al dan nie:

Met dien verstande dat as bewys word gedurende watter gedeelte van 'n in paragraaf (*b*) of (*c*) bedoelde tydperk so 'n werknemer werklik in sy diens gewerk het, die vermoede wat by hierdie subartikel geskep word, nie ten opsigte van daardie werknemer met betrekking tot daardie tydperk van toepassing is nie.

(4) By enige verrigtinge ingevolge hierdie Wet, is 'n verklaring of inskrywing wat voorkom in enige boek of stuk wat deur 'n werkgewer, of deur sy bestuurder, agent of werknemer gehou word, of wat gevind word op of in 'n perseel wat deur daardie werkgewer geokkupeer word, of op of in 'n voertuig wat in die

(*b*) all reasonable steps were taken by the employer to prevent any act or omission of the kind in question; and

(*c*) it was not under any condition or in any circumstance within the scope of the authority or in the course of the employment of the manager, agent or employee to do or omit to do an act, whether lawful or unlawful, of the character of the act or omission charged,

the employer shall be presumed himself to have done or omitted to do that act and be liable to be convicted and sentenced in respect thereof; and the fact that the employer issued instructions forbidding any act or omission of the kind in question shall not, of itself, be sufficient proof that he took all reasonable steps to prevent the act or omission.

(2) Whenever any manager, agent or employee of any employer does or omits to do any act which it would be an offence under this Act for the employer to do or omit to do, he shall be liable to be convicted and sentenced in respect thereof as if he were the employer.

(3) Either the employer or the manager, agent or employee or both of them, may be so convicted and sentenced.

(4) Whenever the manager, agent or employee of an employer is convicted of an offence referred to in sub-section (1) of section *seventeen*, the court shall make an order against the employer under section *eighteen*, and the provisions of this Act relating to such orders shall *mutatis mutandis* be applicable; but no such order shall be made against any such manager, agent or employee.

False statements.

29. Any person who furnishes or makes or causes to be furnished or made any return or statement, written or otherwise, in terms of any provision of this Act or for the purposes of or in connection with any application, request, appeal or proceedings under this Act, which is to his knowledge false in any material particular, shall be guilty of an offence.

Evidence.

30. (1) In the absence of satisfactory proof of age, the age of any person shall, in any proceedings under this Act, be presumed to be that stated by an inspector to be in his opinion the probable age of that person; but any interested person who is dissatisfied with that statement of opinion may, at his own expense, require that the person whose age is in question appear before and be examined by a district surgeon, and a statement contained in a certificate by the district surgeon who examined that person as to what in his opinion is the probable age of that person shall, but only for the purpose of the said proceedings, be conclusive proof of the age of that person.

(2) Whenever in any proceedings under this Act it is proved that any person was present upon or in any premises on or in which the business of a shop or an office was being carried on or conducted, or was in charge of any vehicle used in connection with such shop or such office whether or not it was being driven at the time, that person shall, unless the contrary is proved, be presumed to be an employee.

(3) An employee shall be deemed to be working in the employment of an employer, in addition to any period during which he is actually so working—

(*a*) during any period during which in accordance with the requirements of his employer he is present upon or in any premises on or in which the business of a shop or an office in which he is employed is being carried on or conducted;

(*b*) during any other period during which he is present upon or in any such premises; and

(*c*) during any period during which he is in charge of any vehicle used in connection with his employer's shop or office, whether or not it is being driven:

Provided that if it is proved during what portion of any period referred to in paragraph (*b*) or (*c*) any such employee actually worked in his employment, the presumption established by this sub-section shall not apply in respect of that employee in relation to that period.

(4) In any proceedings under this Act, any statement or entry contained in any book or document kept by any employer, or by his manager, agent or employee, or found upon or in any premises occupied by, or upon or in any vehicle used in the busi-

besigheid van daardie werkgewer gebruik word, toelaatbaar by wyse van getuienis teen hom as 'n erkenning van die feite in daardie verklaring of inskrywing uiteengesit, tensy bewys word dat daardie verklaring of inskrywing nie deur daardie werkgewer, of deur 'n bestuurder, agent of werknemer van daardie werkgewer in die loop van sy werk as bestuurder of in die loop van sy agentskap of diens gemaak is nie.

(5) As 'n werkgewer versuim het om ten opsigte van die een of ander tydperk die aantekeninge te hou wat hy ingevolge artikel *ses-en-twintig* moet hou, of om sodanige aantekeninge vir die in sub-artikel (3) van daardie artikel vermelde tydperk te behou, of sodanige aantekeninge vervals of laat vervals het, dan word by verrigtinge ingevolge hierdie Wet vermoed dat 'n werknemer wat by hom in diens was gedurende die tydperk ten opsigte waarvan die versuim of vervalsing plaasgevind het, elke week dwarsdeur sy dienstyd wat binne die tydperk val ten opsigte waarvan die versuim of vervalsing plaasgevind het, in sy diens nie minder gewerk het nie as die gewone werkure wat ten opsigte van daardie werknemer ingevolge hierdie Wet voorgeskryf is: Met dien verstande dat as bewys word watter ure so 'n werknemer werklik gedurende enige besondere week in sy diens gewerk het, die vermoede wat by hierdie sub-artikel geskep word nie ten opsigte van daardie werknemer met betrekking tot daardie week van toepassing is nie.

(6) Wanneer by enige verrigtinge ingevolge hierdie Wet bewys word dat 'n onware verklaring of inskrywing voorkom in 'n aantekening wat deur iemand gehou is, word vermoed, totdat die teendeel bewys word, dat hy daardie aantekening opsetlik vervals het.

(7) Wanneer iemand ingevolge die bepalings van hierdie Wet aangekla word weens versuim om 'n persoon wat gedurende enige tydperk by hom in diens was, teen die skaal van beloning te betaal waarteen hy daardie persoon, ingevolge die bepalings van hierdie Wet of van enige vrystellingsertifikaat wat ingevolge hierdie Wet vir hom bindend is, ten opsigte van daardie tydperk moes betaal het, en bewys word dat daardie persoon gedurende enige tydperk wat deur die aanklag gedek word, by die beskuldigde in diens was, en dat die beskuldigde ingevolge hierdie Wet of daardie vrystellingsertifikaat ten opsigte van daardie tydperk 'n sekere bedrag aan daardie persoon as minimumskaal van beloning moes betaal het, word vermoed, totdat die teendeel bewys word, dat die beskuldigde nie daardie bedrag aan daardie persoon betaal het nie.

(8) Wanneer iemand ingevolge sub-artikel (1) van artikel *twee-en-twintig* daarvan aangekla word dat hy 'n persoon uit sy diens ontslaan het of die skaal van sy beloning verminder het, of die bedinge of voorwaardes van sy diens verander het na bedinge of voorwaardes wat vir hom minder gunstig is, of sy posisie in vergelyking met ander werknemers tot sy nadeel verander het, as gevolg van 'n in paragraaf (*a*), (*b*) of (*c*) van daardie sub-artikel bedoelde en in die aanklag vermelde feit, of as gevolg van sy vermoede aangaande of geloof in die bestaan van so 'n feit in die aanklag vermeld, en bewys word dat die beskuldigde daardie persoon ontslaan het, of die skaal van sy beloning verminder het, of die bedinge of voorwaardes van sy diens verander het na bedinge of voorwaardes wat vir hom minder gunstig is, of sy posisie in vergelyking met ander werknemers tot sy nadeel verander het, word vermoed, totdat die teendeel bewys word, dat die beskuldigde dit gedoen het as gevolg van die feit of vermoede of geloof, na gelang van die geval, in die aanklag vermeld.

(9) Wanneer 'n persoon ingevolge artikel *nege-en-twintig* daarvan aangekla word dat hy 'n opgawe of verklaring, wat na sy wete in 'n wesenlike besonderheid vals is, verstrek of gemaak het of laat verstrek of maak het en bewys word dat bedoelde opgawe of verklaring in 'n wesenlike besonderheid in die aanklag vermeld vals is, word vermoed, totdat die teendeel bewys word, dat die beskuldigde te alle toepaslike tye geweet het dat bedoelde opgawe of verklaring in die besonderheid in die aanklag vermeld vals was.

Regulasies.

31. (1) Die Staatspresident kan regulasies uitvaardig met betrekking tot—

(*a*) die higiëniese versorging, lugtoevoer en verligting in winkels en kantore, en die pligte van eienaars van winkels of kantore of van werkgewers in verband daarmee;

(*b*) die akkommodasie, fasiliteite en geriewe vir werknemers in of by winkels of kantore;

(*c*) die beskermende klere, oorpakke, uniforms, wasbare jasse, voorskote of pette wat deur werkgewers verskaf moet word aan werknemers wat bepaalde artikels in die

ness of that employer, shall be admissible in evidence against him as an admission of the facts set forth in that statement or entry, unless it is proved that that statement or entry was not made by that employer, or by any manager, agent or employee of that employer in the course of his work as manager or in the course of his agency or employment.

(5) If an employer has, in respect of any period, failed to keep the records which in terms of section *twenty-six* he is required to keep, or to retain such records for the period specified in sub-section (3) of that section, or has falsified such records or caused them to be falsified, then in any proceedings under this Act, an employee employed by him during the period in respect of which the failure or the falsification has occurred shall be presumed to have worked in his employment each week throughout the period of his employment falling within the period in respect of which the failure or the falsification occurred, not less than the ordinary hours of work prescribed in respect of that employee in terms of this Act: Provided that if it is proved what hours any such employee actually worked in his employment during any particular week, the presumption established by this sub-section shall not apply in respect of that employee in relation to that week.

(6) Whenever in any proceedings under this Act it is proved that any untrue statement or entry is contained in any record kept by any person, he shall be presumed, until the contrary is proved, wilfully to have falsified that record.

(7) Whenever any person is charged under the provisions of this Act with having failed to pay any person employed by him during any period at the rate of remuneration at which in respect of that period he was required to pay that person under the provisions of this Act or of any licence of exemption binding upon him in terms of this Act, and it is proved that that person was employed by the accused during any period covered by the charge and that under this Act or that licence of exemption the accused was required to pay to that person as minimum rate of remuneration a certain amount in respect of that period, the accused shall be presumed, until the contrary is proved, not to have paid that amount to that person.

(8) Whenever any person is charged under sub-section (1) of section *twenty-two* with having dismissed any person employed by him or reduced the rate of his remuneration, or altered the terms or conditions of his employment to terms or conditions less favourable to him, or altered his position relatively to other employees to his disadvantage, by reason of any fact referred to in paragraph (*a*), (*b*) or (*c*) of that sub-section and stated in the charge, or by reason of his suspicion of or belief in the existence of any such fact stated in the charge, and it is proved that the accused dismissed that person, or reduced the rate of his remuneration or altered the terms or conditions of his employment to terms or conditions less favourable to him, or altered his position relatively to other employees to his disadvantage, the accused shall be presumed, until the contrary is proved, to have done so by reason of the fact or suspicion or belief, as the case may be, stated in the charge.

(9) Whenever any person is charged under section *twenty-nine* with having furnished, made or caused to be furnished or made any return or statement which to his knowledge is false in any material particular and it is proved that such return or statement is false in the material particular stated in the charge, the accused shall be presumed, until the contrary is proved, at all relevant times to have known that such return or statement was false in the particular stated in the charge.

31. (1) The State President may make regulations as to— Regulations.

(*a*) the sanitation, ventilation and lighting in shops or offices, and the duties of owners of shops or offices or of employers in connection therewith;

(*b*) the accommodation, facilities and conveniences for employees in or at shops or offices;

(*c*) the protective clothing, overalls, uniforms, washing coats, aprons or caps to be provided by employers for employees who handle specified articles in the

loop van hulle werk hanteer of wat in bepaalde bedrywe of beroepe in diens is of van wie dit deur werkgewers vereis word dat hulle sodanige beskermende klere, oorpakke, uniforms, wasbare jasse, voorskote of pette moet dra;

(*d*) die noodhulp-toerusting wat in winkels of kantore deur werkgewers verskaf moet word;

(*e*) die maatreëls wat deur eienaars van geboue gebruik of bestem vir gebruik as winkels of kantore of deur werkgewers in verband met die struktuur van sodanige geboue of andersins getref moet word ten einde brande te voorkom of te blus, en die veiligheid van persone in sodanige geboue, in geval van brand, te verseker;

(*f*) die werktoestande van werknemers in winkels of kantore waar dit na die mening van die Minister nodig is om spesiale voorsiening te maak om die liggaamlike, sedelike of maatskaplike welsyn van die werknemers te beveilig;

(*g*) die skeiding van persone van verskillende geslagte, rasse of klasse in of by winkels of kantore, en die maak van afsonderlike voorsiening in of by winkels of kantore vir persone van verskillende geslagte, rasse of klasse, betreffende enige aangeleentheid;

(*h*) alle aangeleenthede wat ingevolge hierdie Wet moet of kan voorgeskryf word;

(*i*) in die algemeen, alle aangeleenthede wat hy nodig of raadsaam ag om voor te skryf ten einde die oogmerke van hierdie Wet te bereik.

(2) Enige regulasie kragtens sub-artikel (1) uitgevaardig, kan vir 'n oortreding daarvan of 'n versuim om daaraan te voldoen, strawwe voorskryf wat nie swaarder is nie as die strawwe in artikel *twee-en-dertig* voorgeskryf.

(3) Verskillende regulasies kan kragtens sub-artikel (1) uitgevaardig word ten opsigte van verskillende klasse winkels of kantore of van verskillende klasse werkgewers of werknemers, en by die uitvaardiging van sodanige regulasies kan die Staatspresident van die metode van diskriminasie of differensiasie wat hy raadsaam ag, gebruik maak.

(4) Die Staatspresident kan, in enige kennisgewing waarby regulasies ingevolge sub-artikel (1) afgekondig word, die regulasies bepaal ten opsigte waarvan die bepalings van artikel *vyftien* van toepassing is.

(5) 'n Persoon op wie 'n in sub-artikel (4) bedoelde regulasie van toepassing is en wat die bepalings daarvan oortree of wat versuim om daaraan te voldoen, is aan 'n misdryf skuldig, hetsy 'n inspekteur 'n voorskrif ingevolge artikel *vyftien* op sodanige persoon gedien het al dan nie.

Strafbepalings.

32. Iemand wat skuldig bevind word aan 'n misdryf ingevolge die bepalings van hierdie Wet waarvoor geen spesiale straf voorgeskryf word nie, is behoudens die bepalings van sub-artikel (5) van artikel *sewentien*, strafbaar met 'n boete van hoogstens tweehonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens een jaar, of met sowel sodanige boete as sodanige gevangenisstraf.

Regsbevoegdheid van landdroshowe.

33. Ondanks andersluidende wetsbepalings, besit 'n landdroshof regsbevoegdheid om enige straf op te lê wat hierdie Wet voorskryf of om enige bevel uit te vaardig waarvoor hierdie Wet voorsiening maak.

Artikel 351 van Wet 56 van 1955 nie van toepassing op sekere oortredings ingevolge hierdie Wet nie.

34. Die bepalings van artikel *driehonderd een-en-vyftig* van die Strafproseswet, 1955 (Wet No. 56 van 1955), is nie ten opsigte van 'n misdryf wat bestaan uit 'n in sub-artikel (1) of (2) van artikel *sewentien* bedoelde oortreding of versuim van toepassing nie.

Herroeping van wette.

35. Die Wet op Winkels en Kantore, 1939 (Wet No. 41 van 1939), artikel *veertien* van die Finansiewet, 1952 (Wet No. 50 van 1952), en artikel *tien* van die Finansiewet, 1954 (Wet No. 34 van 1954), word hierby herroep.

Kort titel en inwerkingtreding.

36. Hierdie Wet heet die Wet op Winkels en Kantore, 1964, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

course of their work, or who are employed in specified trades or occupations or who are required by employers to wear such protective clothing, overalls, uniforms, washing coats, aprons or caps;

(*d*) the first-aid equipment to be provided in shops or offices by employers;

(*e*) the steps to be taken by owners of buildings used or intended for use as shops or offices or by employers in connection with the structure of such buildings or otherwise, in order to prevent or extinguish fires, and to ensure the safety, in the event of fire, of persons in such buildings;

(*f*) the conditions of work of employees in shops or offices where in the opinion of the Minister special provision is necessary to safeguard the physical, moral or social welfare of such employees;

(*g*) the separation in or at shops or offices of persons of different sexes, races or classes, and the making of separate provision in or at shops or offices for persons of different sexes, races or classes in regard to any matter;

(*h*) all matters which by this Act are required or permitted to be prescribed;

(*i*) generally, all matters which he considers it necessary or expedient to prescribe in order that the purposes of this Act may be achieved.

(2) Any regulation made under sub-section (1) may prescribe penalties for any contravention thereof or failure to comply therewith not exceeding the penalties prescribed in section *thirty-two*.

(3) Different regulations may be made under sub-section (1) in respect of different classes of shops or offices or of different classes of employers or employees, and in making such regulations the State President may apply such method of discrimination or differentiation as he may deem advisable.

(4) The State President may, in any notice by which any regulations under sub-section (1) are published, specify the regulations in respect of which the provisions of section *fifteen* shall apply.

(5) Any person upon whom any regulation referred to in sub-section (4) is binding and who contravenes or fails to comply with the provisions of such regulation shall, whether or not an inspector has in terms of section *fifteen* served a requirement on such person, be guilty of an offence.

Penalties.

32. Any person who is convicted of any offence under the provisions of this Act for which no special penalty is prescribed, shall, subject to the provisions of sub-section (5) of section *seventeen*, be liable to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding one year, or to both such fine and such imprisonment.

Jurisdiction of magistrates' courts.

33. Notwithstanding anything to the contrary contained in any other law, a magistrate's court shall have jurisdiction to impose any penalty prescribed by, or make any order provided for in this Act.

Section 351 of Act 56 of 1955 not to apply to certain offences under this Act.

34. The provisions of section *three hundred and fifty-one* of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), shall not apply in respect of any offence which consists of a contravention or failure referred to in sub-section (1) or (2) of section *seventeen*.

Repeal of laws.

35. The Shops and Offices Act, 1939 (Act No. 41 of 1939), section *fourteen* of the Finance Act, 1952 (Act No. 50 of 1952), and section *ten* of the Finance Act, 1954 (Act No. 34 of 1954), are hereby repealed.

Short title and commencement.

36. This Act shall be called the Shops and Offices Act, 1964, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

No. 76, 1964.]

WET

Om voorsiening te maak vir die besteding van sekere surplus-staatsinkomste; vir die vaspen van rente op belastingdelgingsertifikate; vir die vermindering van kapitaal en kwytskelding van rente verskuldig deur die Raad vir Hervestiging van Naturelle en die Groepsgebiedeontwikkelingsraad; vir waarborge deur die Minister van Toerisme ten opsigte van lenings vir die oprigting of verandering van sekere hotels; vir waarborge deur die Minister van Ekonomiese Sake ten opsigte van sekere verliese, skade of uitgawes in verband met Suid-Afrikaanse handelsvaartuie; vir die oordrag van sekere Staatseiendom aan die Wetenskaplike en Nywerheidnavorsingsraad; vir die aanvulling van tekorte wat uit die oorplasing van pensioenregte van Kleurlingonderwysers voortspruit; vir die vrystelling van betaling van kantoorgelde ten opsigte van sekere fitosanitêre sertifikate; vir die afskaffing van sekere fondse; vir die besteding van surplus-inkomste van die Spoorweg- en Hawefonds; en tot wysiging van Wette Nos. 19 van 1926, 37 van 1943, 23 van 1956, 64 van 1960 en 16 van 1961.

(*Afrikaanse teks deur die Staatspresident geteken.*)
(*Goedgekeur op* 19 *Junie* 1964.)

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

DEEL I.

AANGELEENTHEDE WAT DIE GEKONSOLIDEERDE INKOMSTEFONDS RAAK.

Besteding van sekere surplus-staatsinkomste.

1. Uit die surplus in die Inkomsterekening op die een-en-dertigste dag van Maart 1964, soos deur die Kontroleur en Ouditeur-generaal gesertifiseer, word daar—

(*a*) na die Leningsrekening 'n bedrag van agtienmiljoen rand oorgedra;

(*b*) aan die Belastingreserwerekening 'n bedrag van twintigmiljoen rand oorbetaal; en

(*c*) aan die Rekening vir die Ontwikkeling van Strategiese Mineraalbronne 'n bedrag van vyftienmiljoen rand oorbetaal.

Vaspen van rente op belastingdelgingsertifikate.

2. Geen rente loop na die dertigste dag van Junie 1964 op op belastingdelgingsertifikate wat voor daardie datum kragtens artikel *ses* van die Finansiewet, 1941 (Wet No. 43 van 1941), uitgereik is nie.

Vermindering van kapitaal en kwytskelding van rente verskuldig deur die Raad vir Hervestiging van Naturelle.

3. (1) Die Raad vir Hervestiging van Naturelle ingestel by artikel *twee* van die Wet op Hervestiging van Naturelle, 1954 (Wet No. 19 van 1954), word hierby onthef—

(*a*) vanaf die eerste dag van April 1964, van alle aanspreeklikheid ten opsigte van—

(i) 'n bedrag van tweemiljoen honderd-en-dertigduisend driehonderd vyf-en-tagtig rand ses-en-sewentig sent, wat 'n gedeelte uitmaak van die bedrag van die lenings wat kragtens paragraaf (*a*) van sub-artikel (1) van artikel *tien* van daardie Wet aan hom toegestaan is en op daardie datum nog nie terugbetaal was nie;

(ii) 'n bedrag van agthonderd-en-vyftigduisend sewehonderd-en-veertig rand veertien sent, wat die rente uitmaak wat voor daardie datum op die bedrag van gemelde lenings opgeloop het; en

(*b*) vanaf daardie datum of, in die geval van enige bepaalde bedrag, die later datum wat die Minister van Finansies bepaal, van alle aanspreeklikheid ten opsigte van die gedeeltes (indien daar is) van die saldo van die bedrag van gemelde lenings wat die gemelde Raad nie in staat is om terug te betaal nie.

(2) Die bepalings van paragraaf (*b*) van sub-artikel (1) is nie ten opsigte van enige gedeelte van die gemelde saldo van toepassing nie tensy die Minister van Finansies oortuig is, nadat 'n verslag deur die gemelde Raad en 'n sertifikaat deur die Kontroleur en Ouditeur-generaal waarin die bedrag van sodanige gedeelte vermeld word, aan hom voorgelê is, dat die gemelde Raad nie in staat is om die betrokke bedrag terug te betaal nie.

No. 76, 1964.]

ACT

To provide for the disposal of certain surplus State revenues; for the pegging of interest on tax redemption certificates; for the reduction of capital and remission of interest owing by the Natives Resettlement Board and the Group Areas Development Board; for guarantees by the Minister of Tourism in respect of loans for the erection or alteration of certain hotels; for guarantees by the Minister of Economic Affairs in respect of certain losses, damage or expenses in connection with South African merchant vessels; for the transfer of certain State property to the Council for Scientific and Industrial Research; for the adjustment of deficits arising from the transfer of pension rights of Coloured teachers; for the exemption from payment of fees of office in respect of certain phytosanitary certificates; for the abolition of certain funds; for the disposal of surplus revenue of the Railway and Harbour Fund; and to amend Acts Nos. 19 of 1926, 37 of 1943, 23 of 1956, 64 of 1960 and 16 of 1961.

(*Afrikaans text signed by the State President.*)
(*Assented to* 19*th June*, 1964.)

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

PART I.

MATTERS AFFECTING THE CONSOLIDATED REVENUE FUND.

Disposal of certain surplus State revenues.

1. From the surplus in the Revenue Account as at the thirty-first day of March, 1964, as certified by the Controller and Auditor-General, there shall be—

(*a*) transferred to the credit of the Loan Account, an amount of eighteen million rand;

(*b*) paid to the credit of the Tax Reserve Account, an amount of twenty million rand; and

(*c*) paid to the credit of the Strategic Mineral Resources Development Account, an amount of fifteen million rand.

Pegging of interest on tax redemption certificates.

2. No interest shall after the thirtieth day of June, 1964, accrue on tax redemption certificates issued prior to that date in terms of section *six* of the Finance Act, 1941 (Act No. 43 of 1941).

Reduction of capital and remission of interest owing by the Natives Resettlement Board.

3. (1) The Natives Resettlement Board established by section *two* of the Natives Resettlement Act, 1954 (Act No. 19 of 1954), is hereby discharged—

(*a*) with effect from the first day of April, 1964, from all liability in respect of—

(i) an amount of two million one hundred and thirty thousand three hundred and eighty-five rand seventy-six cents, being portion of the amount of the loans granted to it under paragraph (*a*) of sub-section (1) of section *ten* of that Act and on that date not yet repaid;

(ii) an amount of eight hundred and fifty thousand seven hundred and forty rand fourteen cents, being the interest accrued prior to that date on the amount of the said loans; and

(*b*) with effect from that date or, in the case of any particular amount, such later date as the Minister of Finance may determine, from all liability in respect of such portions (if any) of the balance of the amount of the said loans as the said Board is unable to repay.

(2) The provisions of paragraph (*b*) of sub-section (1) shall not apply in respect of any portion of the said balance unless the Minister of Finance is satisfied, after the submission to him of a report by the said Board and a certificate by the Controller and Auditor-General stating the amount of such portion, that the said Board is unable to repay the amount in question.

Vermindering van kapitaal en kwytskelding van rente verskuldig deur die Groepsgebiede-ontwikkelingsraad.

4. Die Groepsgebiede-ontwikkelingsraad ingestel by artikel *twee* van die Wet op die Ontwikkeling van Groepsgebiede, 1955 (Wet No. 69 van 1955), word hierby met ingang van die eerste dag van April 1962 onthef van alle aanspreeklikheid ten opsigte van 'n bedrag van eenmiljoen seshonderd nege-en-veertigduisend agthonderd sewe-en-veertig rand nege-en-dertig sent, wat 'n gedeelte uitmaak van die bedrag van die lenings vermeld in paragraaf (*a*) van sub-artikel (1) van artikel *tien bis* van daardie Wet, en ten opsigte van 'n bedrag van honderd-drie-en-vyftigduisend seshonderd-en-vyftien rand drie-en-veertig sent wat die rente uitmaak wat voor daardie datum op eersgenoemde bedrag opgeloop het.

Waarborge deur die Minister van Toerisme ten opsigte van lenings vir die oprigting of verandering van sekere hotels.

5. Waar 'n hotel wat na die eerste dag van Januarie 1964 opgerig of verander is of word, ten aansien van die standaard van die akkommodasie en ander dienste en geriewe wat dit verskaf, aan die vereistes van die Minister van Toerisme voldoen of na oprigting of verandering daaraan sal voldoen, kan die gemelde Minister handelende in oorleg met die Minister van Finansies, indien hy dit in 'n bepaalde geval dienstig ag en op die bedinge en voorwaardes wat hy in oorleg met bedoelde Minister bepaal, die terugbetaling van die hoofsom van en die betaling van die rente op enige lening of deel van enige lening deur enigiemand aan enigiemand anders vir die doeleindes van die betrokke oprigting of verandering toegestaan, waarborg.

Waarborge deur die Minister van Ekonomiese Sake ten opsigte van sekere verliese, skade of uitgawes in verband met Suid-Afrikaanse handelsvaartuie.

6. (1) Waar die Minister van Ekonomiese Sake oortuig is dat die eienaar van 'n handelsvaartuig wat 'n Suid-Afrikaanse skip is soos in artikel *twee* van die Handelskeepvaartwet, 1951 (Wet No. 57 van 1951), omskryf, nie in staat is nie om ten opsigte van bedoelde handelsvaartuig versekeringsdekking te verkry teen die risiko van verlies, skade of uitgawe wat voortspruit uit—

(*a*) vyandige ontploffing van 'n oorlogswapen waarin atoom- of kernsplyting of -fusie of ander soortgelyke reaksie of radio-aktiewe vermoë of stof aangewend word; of

(*b*) oorlog (hetsy daar 'n oorlogsverklaring is al dan nie) tussen twee of meer van die volgende, naamlik, die Verenigde Koninkryk, die Verenigde State van Amerika, Frankryk, die Unie van Sosialistiese Sowjetrepublieke en die Volksrepubliek van Sjina,

kan hy, in oorleg met die Minister van Finansies en onderworpe aan die bedinge en voorwaardes en vir die tydperk wat hy in oorleg met bedoelde Minister bepaal, die betaling van skadevergoeding vir sodanige verlies, skade of uitgawe wat deur die eienaar in verband met bedoelde handelsvaartuig gely of aangegaan word, waarborg.

(2) Waar—

(*a*) 'n versekeringskontrak ten opsigte van 'n in sub-artikel (1) vermelde handelsvaartuig voorsiening maak vir die ontheffing van die versekeraar, in geval van—

(i) 'n in sub-artikel (1) vermelde vyandige ontploffing of oorlog; of

(ii) enige ander vyandelikhede of oorlog; of

(iii) politieke beslaglegging op of aanhouding van bedoelde vaartuig,

van enige verpligting ingevolge die kontrak ten opsigte van verlies, skade of uitgawe wat uit die betrokke gebeurlikheid voortspruit; en

(*b*) die Minister van Ekonomiese Sake oortuig is dat, indien die versekeraar aldus onthef sou word, die eienaar waarskynlik nie in staat sal wees om ten opsigte van bedoelde vaartuig versekeringsdekking teen die risiko van sodanige verlies, skade of uitgawe te verkry nie dan alleen teen 'n hoër premieskaal as die normale premieskaal wat van toepassing is in die geval van versekering teen die risiko van verlies, skade of uitgawe wat uit ander oorsake voortspruit,

kan die gemelde Minister, in oorleg met die Minister van Finansies en onderworpe aan die bedinge en voorwaardes en vir die tydperk wat hy in oorleg met bedoelde Minister bepaal, waarborg om, indien die eienaar in geval van sodanige vyandige ontploffing, oorlog, ander vyandelikhede, beslaglegging of aanhouding nie in staat was om sodanige versekeringsdekking te verkry nie dan alleen teen so 'n hoër premieskaal, die bedrag of enige gedeelte van die bedrag wat die verskil uitmaak tussen die premie deur die eienaar teen bedoelde hoër premieskaal betaal en 'n premie vir sodanige assuransiedekking bereken teen die gemelde normale premieskaal, aan die eienaar te betaal.

Reduction of capital and remission of interest owing by the Group Areas Development Board.

4. The Group Areas Development Board established by section *two* of the Group Areas Development Act, 1955 (Act No. 69 of 1955), is hereby discharged with effect from the first day of April, 1962, from all liability in respect of an amount of one million six hundred and forty-nine thousand eight hundred and forty-seven rand thirty-nine cents, being portion of the amount of the loans referred to in paragraph (*a*) of sub-section (1) of section *ten bis* of that Act, and in respect of an amount of one hundred and fifty-three thousand six hundred and fifteen rand forty-three cents, being the interest accrued on the first-mentioned amount prior to that date.

Guarantees by the Minister of Tourism in respect of loans for the erection or alteration of certain hotels.

5. Where any hotel which has been or is erected or altered after the first day of January, 1964, complies or will after erection or alteration comply in regard to the standard of the accommodation and other services and amenities provided by it, with the requirements of the Minister of Tourism, the said Minister, acting in consultation with the Minister of Finance, may, if in any particular case he deems it expedient, and subject to such terms and conditions as he may in consultation with that Minister determine, guarantee repayment of the capital of and payment of the interest on any loan or part of any loan granted by any person to any other person for the purposes of the erection or alteration in question.

Guarantees by the Minister of Economic Affairs in respect of certain losses, damage or expenses in connection with South African merchant vessels.

6. (1) Where the Minister of Economic Affairs is satisfied that the owner of a merchant vessel which is a South African ship as defined in section *two* of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), is unable to obtain insurance cover in respect of such vessel against the risk of loss, damage or expense arising from—

(*a*) any hostile detonation of a weapon of war employing atomic or nuclear fission or fusion or other like reaction or radio-active force or matter; or

(*b*) war (whether there is a declaration of war or not) between any two or more of the following, namely, the United Kingdom, the United States of America, France, the Union of Soviet Socialist Republics and the People's Republic of China,

he may, in consultation with the Minister of Finance and subject to such terms and conditions and for such period as he may in consultation with that Minister determine, guarantee the payment of compensation for any such loss, damage or expense suffered or incurred by the owner in connection with such vessel.

(2) Where—

(*a*) any insurance contract in respect of a merchant vessel referred to in sub-section (1) provides for the release of the insurer, in the event of—

(i) any such hostile detonation or war as is referred to in sub-section (1); or

(ii) any other hostilities or war; or

(iii) any political seizure or detention of the vessel in question,

from any obligation under the contract in respect of loss, damage or expense arising from the eventuality in question; and

(*b*) the Minister of Economic Affairs is satisfied that, if the insurer were so released, the owner would probably not be able to obtain insurance cover in respect of such vessel against the risk of such loss, damage or expense except at a higher premium rate than the normal premium rate applicable in the case of insurance against the risk of loss, damage or expense arising from other causes,

the said Minister may, in consultation with the Minister of Finance and subject to such terms and conditions and for such period as he may in consultation with that Minister determine, guarantee the payment to the owner, if the owner has in the event of any such hostile detonation, war, other hostilities, seizure or detention, been unable to obtain such insurance cover except at such a higher premium rate, of the amount or any part of the amount representing the difference between the premium paid by the owner at such higher premium rate and a premium for such insurance cover calculated at the said normal rate.

Oordrag van sekere Staatseiendom aan die Wetenskaplike en Nywerheidnavorsingsraad.

7. (1) Alle roerende en onroerende eiendom wat aan die Staat behoort en op die eerste dag van April 1964 uitsluitend in verband met die Republiek-sterrewag gebruik was, word hierby met ingang van daardie datum oorgedra aan die Wetenskaplike en Nywerheidnavorsingsraad vermeld in artikel *twee* van die Wet op die Wetenskaplike Navorsingsraad, 1962 (Wet No. 32 van 1962).

(2) Die beampte aan die hoof van 'n registrasiekantoor van aktes waarin onroerende eiendom geregistreer is wat by sub-artikel (1) oorgedra is, moet by voorlegging aan hom van die titelbewyse van bedoelde eiendom en 'n verklaring, deur die Minister van Onderwys, Kuns en Wetenskap onderteken, dat bedoelde eiendom aldus oorgedra is, die oordrag op gemelde titelbewyse endosseer en gepaste inskrywings van die oordrag in die stukke in sy kantoor doen.

(3) Geen hereg, seëlreg of ander gelde is in verband met die oordrag van onroerende eiendom ingevolge hierdie artikel betaalbaar nie.

Aanvulling van tekorte wat uit die oorplasing van pensioenregte van Kleurlingonderwysers voortspruit.

8. (1) Indien iemand vir wie die bepalings van sub-artikel (1) van artikel *dertien* van die Wet op Onderwys vir Kleurlinge, 1963 (Wet No. 47 van 1963), geld, ingevolge sub-artikel (2) van artikel *dertien* van die Regeringsdiens-pensioenwet, 1955 (Wet No. 58 van 1955), soos deur bedoelde sub-artikel (1) toegepas, kies om sy vorige pensioengewende diens as pensioengewende diens ingevolge laasgenoemde Wet te reken, word enige bedrag wat so iemand ooreenkomstig 'n bepaling wat die Tesourie ingevolge bedoelde sub-artikel (2) gemaak het, verplig is om te betaal, ten behoewe van hom betaal uit gelde deur die Parlement vir die doel bewillig.

(2) 'n Bedrag wat ingevolge sub-artikel (1) ten behoewe van iemand betaal is, word by die toepassing van die gemelde Regeringsdiens-pensioenwet, 1955, of enige ander pensioenwet wat op hom van toepassing word, geag deur so iemand self betaal te gewees het: Met dien verstande dat indien so iemand se lidmaatskap van die pensioen- of voorsorgfonds waartoe hy ingevolge die gemelde Regeringsdiens-pensioenwet, 1955, of sodanige ander wet bydra, om enige rede beëindig word, daar van die bedrag wat uit die betrokke fonds betaalbaar word, soveel van die bedrag wat ingevolge hierdie artikel geag word deur so iemand self betaal te gewees het, as wat die Tesourie bepaal, afgetrek en in die Gekonsolideerde Inkomstefonds gestort kan word.

(3) Die bepalings van hierdie artikel word geag op die eerste dag van Januarie 1964 in werking te getree het.

Vrystelling van betaling van kantoorgelde ten opsigte van sekere fitosanitêre sertifikate.

9. Geen gelde kragtens artikel *drie-en-dertig* van die Seëlwet, 1962 (Wet No. 59 van 1962), voorgeskryf, word ten opsigte van die uitreiking deur 'n beampte van die Departement van Landbou-tegniese Dienste van 'n fitosanitêre sertifikaat ten opsigte van 'n plant, deel van 'n plant, saad of ander plantproduk wat vir uitvoer uit die Republiek bestem is, gevorder nie.

Afskaffing van sekere fondse.

10. (1) Die Slawevergoedingsfonds en die Bybel- en Skoolkommissiefonds in artikel *drie* van die Finansiewet, 1938 (Wet No. 17 van 1938), vermeld, word hierby afgeskaf.

(2) Die gelde waarmee gemelde Fondse op die datum van inwerkingtreding van hierdie artikel gekrediteer is, word in die Gekonsolideerde Inkomstefonds inbetaal.

(3) Artikel *drie* van die gemelde Finansiewet, 1938, word hierby herroep.

Wysiging van artikel 3 van Wet 19 van 1926, soos gewysig deur artikel 6 van Wet 82 van 1963.

11. (1) Artikel *drie* van die Plaaslike Leningswet, 1926, word hierby gewysig deur die volgende sub-artikel by te voeg:

„(3) Nadat voorsiening gemaak is vir die rentelaste vermeld in sub-artikels (1) en (2), word enige saldo van die rente ontvang op die gelde van die plaaslike leningsfonds in die Gekonsolideerde Inkomstefonds inbetaal.".

(2) Sub-artikel (1) tree op die eerste dag van April 1965 in werking.

Vervanging van artikel 4 van Wet 19 van 1926.

12. (1) Artikel *vier* van die Plaaslike Leningswet, 1926, word hierby deur die volgende artikel vervang:

„Verliese vereffen te word uit bewilligde gelde.

4. (1) Enige verlies van hoofsom of rente wat ontstaan uit die transaksies van die plaaslike leningsfonds word bestry uit gelde wat spesifiek deur die Parlement vir daardie doel beskikbaar gestel word.

(2) Die reserwefonds wat ingevolge hierdie artikel voor die inwerkingtreding van artikel *twaalf* van die Finansiewet, 1964, ingestel is, word hierby afgeskaf,

Transfer of certain State property to the Council for Scientific and Industrial Research.

7. (1) All movable and immovable property vesting in the State, which on the first day of April, 1964, was used exclusively in connection with the Republic Observatory, is hereby transferred with effect from that date to the Council for Scientific and Industrial Research referred to in section *two* of the Scientific Research Council Act, 1962 (Act No. 32 of 1962).

(2) The officer in charge of any deeds registry in which immovable property transferred by sub-section (1) is registered shall, on production to him of the title deeds of such property and a declaration signed by the Minister of Education, Arts and Science that such property has been so transferred, endorse the transfer on the said title deeds and make suitable entries of the transfer in the records in his office.

(3) No transfer duty, stamp duty or other fee shall be payable in connection with the transfer of any immovable property in terms of this section.

Adjustment of deficits arising from the transfer of pension rights of Coloured teachers.

8. (1) If any person to whom the provisions of sub-section (1) of section *thirteen* of the Coloured Persons Education Act, 1963 (Act No. 47 of 1963), apply, elects in terms of sub-section (2) of section *thirteen* of the Government Service Pensions Act, 1955 (Act No. 58 of 1955), as applied by the said sub-section (1), to reckon his past pensionable service as pensionable service under the last-mentioned Act, any amount which such person is required to pay in accordance with a determination made by the Treasury in terms of the said sub-section (2), shall be paid on his behalf out of moneys appropriated by Parliament for the purpose.

(2) Any amount paid on behalf of any person in terms of sub-section (1) shall, for the purposes of the said Government Service Pensions Act, 1955, or any other pension law which becomes applicable to him, be regarded as having been paid by such person himself: Provided that if for any reason such person's membership of any pension or provident fund to which he contributes in terms of the said Government Service Pensions Act, 1955, or such other law, terminates, there may be deducted from any amount which becomes payable from the fund in question, and paid to the Consolidated Revenue Fund, so much of the amount which in terms of this sub-section is regarded as having been paid by such person himself, as the Treasury may determine.

(3) The provisions of this section shall be deemed to have come into operation on the first day of January, 1964.

Exemption from payment of fees of office in respect of certain phytosanitary certificates.

9. No fee prescribed under section *thirty-three* of the Stamp Duties Act, 1962 (Act No. 59 of 1962), shall be charged in respect of the issue by an officer of the Department of Agricultural Technical Services of a phytosanitary certificate in respect of any plant, part of a plant, seed or other plant product intended for export from the Republic.

Abolition of certain funds.

10. (1) The Slave Compensation Fund and the Bible and School Commission Fund referred to in section *three* of the Finance Act, 1938 (Act No. 17 of 1938), are hereby abolished.

(2) The moneys standing to the credit of the said Funds at the date of commencement of this section shall be paid into the Consolidated Revenue Fund.

(3) Section *three* of the said Finance Act, 1938, is hereby repealed.

Amendment of section 3 of Act 19 of 1926, as amended by section 6 of Act 82 of 1963.

11. (1) Section *three* of the Local Loans Act, 1926, is hereby amended by the addition of the following sub-section:

"(3) After providing for the interest charges specified in sub-sections (1) and (2) any balance of the interest received on the moneys of the local loans fund shall be paid into the Consolidated Revenue Fund.".

(2) Sub-section (1) shall come into operation on the first day of April, 1965.

Substitution of section 4 of Act 19 of 1926.

12. (1) The following section is hereby substituted for section *four* of the Local Loans Act, 1926:

"Losses to be made good from voted moneys.

4. (1) Any loss of principal or interest arising out of the transactions of the local loans fund shall be defrayed from moneys appropriated by Parliament specifically for that purpose.

(2) The reserve fund established under this section prior to the commencement of section *twelve* of the Finance Act, 1964, is hereby abolished,

en die batige saldo van gemelde fonds op die een-en-dertigste dag van Maart 1965 word binne 'n tydperk van ses maande vanaf daardie datum in die Gekonsolideerde Inkomstefonds inbetaal.".

(2) Sub-artikel (1) tree op die eerste dag van April 1965 in werking.

Wysiging van artikel 7 van Wet 19 van 1926, soos gewysig deur artikel 14 van Wet 59 van 1956.

13. (1) Artikel *sewe* van die Plaaslike Leningswet, 1926, word hierby gewysig deur in sub-artikel (1) die woorde „en van die reserwefonds" te skrap.

(2) Sub-artikel (1) tree op die eerste dag van April 1965 in werking.

Wysiging van artikel 3 van Wet 37 van 1943, soos gewysig deur artikel 30 van Wet 57 van 1946, artikel 30 van Wet 48 van 1947, artikel 9 van Wet 56 van 1951, artikel 13 van Wet 34 van 1954, artikel 20 van Wet 67 van 1955 en artikel 11 van Wet 83 van 1963.

14. (1) Artikel *drie* van die Finasiewet, 1943, word hierby gewysig deur by sub-artikel (3) die volgende paragraaf te voeg:

„(*m*) aan die Regering van die Republiek van Portugal in verband met onkoste aan konstruksiewerk by SAL-lughawe (Kaap-Verdiese Eilande).".

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

Wysiging van artikel 26 van Wet 23 van 1956.

15. Artikel *ses-en-twintig* van die Skatkis- en Ouditwet, 1956, word hierby gewysig deur in paragraaf (*a*) die woorde na die woord „saldo's" deur die woorde „hetsy binne of buite die Republiek, op die voorwaardes wat die Minister bepaal" te vervang.

Invoeging van artikel 61*bis* in Wet 23 van 1956.

16. Die volgende artikel word hierby na artikel *een-en-sestig* van die Skatkis- en Ouditwet, 1956, ingevoeg:

„Tenderraadregulasies.

61*bis*. (1) Die Minister kan regulasies uitvaardig wat voorsiening maak vir die instelling, samestelling, werksaamhede en bevoegdhede van 'n raad (wat die Staatstenderraad genoem moet word) belas met die verkryging van leweransies en dienste vir en ten behoewe van die Staat en die vervreemding van Staatsvoorrade, wat die prosedure reël wat bedoelde raad by die uitvoering van sy pligte moet nakom, wat bepaal dat leweransies en dienste nie vir of ten behoewe van die Staat verkry en Staatsvoorrade nie vervreem word nie dan alleen deur bemiddeling van bedoelde raad of op die ander wyse wat in sodanige regulasies voorgeskryf of daarvolgens bepaal word, en, in die algemeen, wat vir bykomstige aangeleenthede voorsiening maak.

(2) Ondanks andersluidende wetsbepalings kan regulasies ingevolge sub-artikel (1) uitgevaardig, benewens enige ander remedie daarin voorgeskryf, voorsiening maak vir die oplê deur bedoelde raad van 'n geldboete, bereken op die grondslag of grondslae wat daarin voorgeskryf word, op enige persoon aan wie bedoelde raad 'n kontrak toegeken het op grond van inligting deur sodanige persoon verstrek ten opsigte waarvan daar na die toekenning bewys word dat dit onjuiste inligting was, en die wyse voorskryf waarop so 'n geldboete verhaal kan word.".

Wysiging van artikel 6 van Wet 64 van 1960.

17. (1) Artikel *ses* van die Finansiewet, 1960, word hierby gewysig deur sub-artikel (7) deur die volgende sub-artikel te vervang:

„(7) (*a*) Die boekjaar van die raad eindig op die dertigste dag van Junie in elke jaar.

(*b*) Enige surplus wat aan die einde van enige boekjaar in die fondse van die raad bestaan, word deur die raad aangewend op die wyse wat die Minister in oorleg met die Minister van Finansies bepaal.".

(2) Sub-artikel (1) word geag op die eerste dag van Januarie 1964 in werking te getree het.

Invoeging van artikel 3*bis* in Wet 16 van 1961.

18. Die volgende artikel word hierby na artikel *drie* van die Algemene Leningswet, 1961, ingevoeg:

„Leen van gelde om binnelandse monetêre toestande te reël.

3*bis*. (1) Die Staatspresident kan, bo en behalwe enige somme geld wat hy ingevolge artikels *twee* en *drie* kan leen, die verdere bedrae leen wat die Minister, na oorlegpleging met die Suid-Afrikaanse Reserwebank, nodig ag vir die behoorlike reëling van binnelandse monetêre toestande.

and the credit balance of the said fund as at the thirty-first day of March, 1965, shall be paid into the Consolidated Revenue Fund within a period of six months after that date.".

(2) Sub-section (1) shall come into operation on the first day of April, 1965.

Amendment of section 7 of Act 19 of 1926, as amended by section 14 of Act 59 of 1956.

13. (1) Section *seven* of the Local Loans Act, 1926, is hereby amended by the deletion in sub-section (1) of the words "including the reserve fund".

(2) Sub-section (1) shall come into operation on the first day of April, 1965.

Amendment of section 3 of Act 37 of 1943, as amended by section 30 of Act 57 of 1946, section 30 of Act 48 of 1947, section 9 of Act 56 of 1951, section 13 of Act 34 of 1954, section 20 of Act 67 of 1955 and section 11 of Act 83 of 1963.

14. (1) Section *three* of the Finance Act, 1943, is hereby amended by the addition to sub-section (3) of the following paragraph:

"(*m*) to the Government of the Republic of Portugal in connection with expenditure on construction work at SAL airport (Cape Verde Islands).".

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

Amendment of section 26 of Act 23 of 1956.

15. Section *twenty-six* of the Exchequer and Audit Act, 1956, is hereby amended by the substitution in paragraph (*a*) for the words following the word "balances" of the words "whether within the Republic or outside, on such conditions as the Minister may determine".

Insertion of section 61*bis* in Act 23 of 1956.

16. The following section is hereby inserted in the Exchequer and Audit Act, 1956, after section *sixty-one*:

"Tender Board Regulations.

61*bis*. (1) The Minister may make regulations providing for the establishment, constitution, functions and powers of a board (to be known as the State Tender Board) charged with the procurement of supplies and services for and on behalf of the State and the disposal of State stores, governing the procedure to be observed by such board in the exercise of its duties, providing that supplies and services shall not be procured for or on behalf of the State and State stores shall not be disposed of except through such board or in such other manner as may be prescribed in or determined in accordance with such regulations, and generally providing for incidental matters.

(2) Notwithstanding anything to the contrary in any other law contained, any regulations made in terms of sub-section (1) may, in addition to any other remedies prescribed therein, provide for the imposition by such board of a monetary penalty, calculated on such basis or bases as may be prescribed therein, on any person to whom such board has awarded a contract on the strength of information furnished by such person which, subsequent to the award, is shown to have been incorrect information, and may prescribe the manner in which any such penalty may be recovered.".

Amendment of section 6 of Act 64 of 1960.

17. (1) Section *six* of the Finance Act, 1960, is hereby amended by the substitution for sub-section (7) of the following sub-section:

"(7) (*a*) The financial year of the board shall end on the thirtieth day of June in each year.

(*b*) Any surplus in the funds of the board at the end of any financial year shall be utilized by the board in such manner as the Minister in consultation with the Minister of Finance may determine.".

(2) Sub-section (1) shall be deemed to have come into operation on the first day of January, 1964.

Insertion of section 3*bis* in Act 16 of 1961.

18. The following section is hereby inserted after section *three* of the General Loans Act, 1961:

"Borrowing of moneys to regulate internal monetary conditions.

3*bis*. (1) The State President may, in addition to any sums which he may borrow under sections *two* and *three*, borrow such further amounts as the Minister, after consultation with the South African Reserve Bank, may deem to be necessary for the purpose of the proper regulation of internal monetary conditions.

(2) Die opbrengs van lenings ingevolge sub-artikel (1) aangegaan, word aan die gemelde Reserwebank oorgedra vir kredit van 'n rekening (in hierdie artikel die Stabilisasierekening genoem) wat deur die gemelde Reserwebank ten behoewe van die Tesourie ingestel en bestuur moet word.

(3) Die gemelde Reserwebank kan, met die goedkeuring van die Tesourie, die fondse in die Stabilisasierekening in enige land belê, en die rente op sodanige beleggings verdien, word in die Gekonsolideerde Inkomstefonds inbetaal op die tye wat die Tesourie bepaal.

(4) Enige uitgawe aangegaan, verlies gely of wins gemaak deur die gemelde Reserwebank in die bestuur van die Stabilisasierekening, is vir die rekening van die Gekonsolideerde Inkomstefonds: Met dien verstande dat enige sodanige verlies of uitgawe bestry word uit gelde wat vir die doel deur die Parlement beskikbaar gestel word: Met dien verstande voorts dat die Kontroleur en Ouditeur-generaal 'n sertifikaat van die ouditeurs van die gemelde Reserwebank, dat 'n rekeningstaat waarop die sertifikaat betrekking het 'n ware en volledige staat is van die transaksies, ontvangste en uitbetalings deur die gemelde Reserwebank kragtens die bepalings van hierdie artikel gedurende die tydperk deur die staat gedek, as juis kan aanneem.

(5) Gelde wat ooreenkomstig sub-artikel (2) oorgedra word, word geag inkomste te wees wat wettiglik vir 'n bepaalde doel beskikbaar gestel is soos in artikel *drie-en-twintig* van die Skatkis- en Ouditwet, 1956 (Wet No. 23 van 1956), bedoel, en artikels *vyf-en-twintig* tot en met *agt-en-twintig* van daardie Wet is *mutatis mutandis* ten opsigte van enige sodanige gelde van toepassing.

(6) Die Minister moet so gou moontlik na die een-en-dertigste dag van Maart in elke jaar 'n staat waarin die bedrae wat gedurende die jaar wat op daardie datum eindig kragtens sub-artikel (1) geleen is en die wyse waarop bedoelde bedrae kragtens sub-artikel (3) belê is, aangetoon word, in die Senaat en in die Volksraad ter Tafel lê.".

DEEL II.

AANGELEENTHEDE WAT DIE SPOORWEG- EN HAWEFONDS RAAK.

Besteding van surplus-inkomste van Spoorweg- en Hawefonds.

19. Die surplus-inkomste van die Spoorweg- en Hawefonds ten opsigte van die boekjaar wat op die een-en-dertigste dag van Maart 1964 geëindig het, soos deur die Kontroleur en Ouditeur-generaal gesertifiseer, word hierby soos volg beskikbaar gestel:—

(*a*) Sesmiljoen rand word na die Vernuwingsfonds (rollende materiaal) oorgedra.

(*b*) Tweemiljoen rand word aangewend ter vermindering van rentedraende kapitaal.

(*c*) Tweemiljoen rand word oorgedra na die Nuwe Spoorweg- en Hawesuperannuasiefonds vermeld in artikel *drie* van die Wet op die Spoorweg- en Hawesuperannuasiefonds, 1960 (Wet No. 39 van 1960).

(*d*) Die oorskot (as daar is) van die surplus-inkomste word oorgedra na die fonds wat ingevolge artikel *honderd-en-vier* van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961), ingestel is.

Kort titel.

20. Hierdie Wet heet die Finansiewet, 1964.

(2) The proceeds of any loans raised in terms of sub-section (1) shall be transferred to the said Reserve Bank for the credit of an account (in this section referred to as the Stabilization Account) to be set up and managed by the said Reserve Bank on behalf of the Treasury.

(3) The said Reserve Bank may, with the approval of the Treasury, invest the funds in the Stabilization Account in any country, and the interest earned on such investments shall be paid into the Consolidated Revenue Fund at such times as the Treasury may determine.

(4) Any expense incurred, loss suffered or profit earned by the said Reserve Bank in the management of the Stabilization Account shall be for the account of the Consolidated Revenue Fund: Provided that any such loss or expense shall be defrayed from moneys appropriated by Parliament for the purpose: Provided further that the Controller and Auditor-General may accept as correct a certificate by the auditors of the said Reserve Bank that any statement of account to which the certificate refers is a true and complete statement of all transactions, receipts and payments by the said Reserve Bank by virtue of the provisions of this section during the period covered by such statement.

(5) Moneys transferred in terms of sub-section (2) shall be deemed to be revenues which have been appropriated by law for a specific purpose within the meaning of section *twenty-three* of the Exchequer and Audit Act, 1956 (Act No. 23 of 1956), and sections *twenty-five* to *twenty-eight*, both inclusive, of that Act shall apply *mutatis mutandis* in respect of such moneys.

(6) The Minister shall as soon as possible after the thirty-first day of March in each year lay on the Table of the Senate and of the House of Assembly a statement showing the amounts borrowed under sub-section (1) during the year ending on that date and the manner in which the said amounts were invested under sub-section (3).".

PART II.

MATTERS AFFECTING THE RAILWAY AND HARBOUR FUND.

Disposal of surplus revenue of Railway and Harbour Fund.

19. The surplus revenue of the Railway and Harbour Fund in respect of the financial year ended on the thirty-first day of March, 1964, as certified by the Controller and Auditor-General, is hereby appropriated as follows:—

(*a*) Six million rand shall be credited to the Renewals Fund (rolling stock).

(*b*) Two million rand shall be applied towards the reduction of interest-bearing capital.

(*c*) Two million rand shall be credited to the New Railways and Harbours Superannuation Fund referred to in section *three* of the Railways and Harbours Superannuation Fund Act, 1960 (Act No. 39 of 1960).

(*d*) The balance (if any) of the surplus revenue shall be credited to the Fund established under section *one hundred and four* of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961).

Short title.

20. This Act shall be called the Finance Act, 1964.

No. 77, 1964.]

WET

Tot wysiging van die Wet op Hereregte, 1949, die Boedelbelastingwet, 1955, die Wet op Lisensies, 1962, en die Seëlwet, 1962, en om die uitwerking van sekere handelinge van die Kommissaris van Binnelandse Inkomste te verklaar.

(*Engelse teks deur die Staatspresident geteken.*)
(*Goedgekeur op* 19 *Junie* 1964.)

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

Wysiging van artikel 1 van Wet 40 van 1949, soos gewysig deur artikel 11 van Wet 80 van 1959.

1. Artikel *een* van die Wet op Hereregte, 1949, word hierby gewysig—

(*a*) deur die omskrywing van „Kommissaris" te skrap; en

(*b*) deur na die omskrywing van „registrasiekantoor" die volgende omskrywing in te voeg:

„„Sekretaris' die Sekretaris van Binnelandse Inkomste;".

Vervanging van artikel 2 van Wet 40 van 1949, soos gewysig deur artikel 1 van Wet 59 van 1951, artikel 1 van Wet 31 van 1953 en artikel 1 van Wet 32 van 1954.

2. Artikel *twee* van die Wet op Hereregte, 1949, word hierby met ingang van die sestiende dag van Maart 1964 deur die volgende artikel vervang:

„Oplegging van hereregte.

2. (1) Behoudens die bepalings van artikel *nege*, word daar ten bate van die Gekonsolideerde Inkomstefonds hereregte van vier persent op die waarde van enige eiendom gehef (watter waarde bepaal word ooreenkomstig die bepalings van artikels *vyf*, *ses*, *sewe* en *agt*) wat op of na die datum van die inwerkingtreding van hierdie Wet deur enige persoon by wyse van 'n transaksie of op enige ander wyse verkry word, of op die bedrag waarmee die waarde van enige eiendom verhoog word ten gevolge van die afstand, op of na bedoelde datum, van 'n belang in of beperking op die gebruik van of beskikking oor daardie eiendom: Met dien verstande dat op soveel van bedoelde waarde of bedoelde bedrag, al na die geval, as wat tienduisend rand nie te bowe gaan nie, die hereregte drie per sent is.

(2) Waar die datum van verkryging op of na die sestiende dag van Maart 1964 val, word daar van die bedrag aan hereregte volgens voorskrif van sub-artikel (1) bereken, 'n bedrag afgetrek wat gelyk is aan—

(*a*) twee-derdes van die bedrag van daardie hereregte indien die waarde of bedrag waarop daardie hereregte betaalbaar is, nie vyfduisend rand te bowe gaan nie; of

(*b*) die helfte van die bedrag van daardie hereregte indien bedoelde waarde of bedrag vyfduisend rand te bowe gaan, maar nie tienduisend rand te bowe gaan nie; of

(*c*) een-derde van die bedrag van daardie hereregte indien bedoelde waarde of bedrag tienduisend rand te bowe gaan, maar nie vyftienduisend rand te bowe gaan nie.".

Wysiging van artikel 9 van Wet 40 van 1949, soos gewysig deur artikel 3 van Wet 31 van 1953, artikel 12 van Wet 80 van 1959 en artikel 3 van Wet 70 van 1963.

3. (1) Artikel *nege* van die Wet op Hereregte, 1949, word hierby gewysig—

(*a*) deur in paragraaf (*a*) van sub-artikel (1) die woord „Unie-regering" deur die woord „Regering" te vervang;

(*b*) deur in sub-artikel (5) die woord „Unie-regering" deur die woord „Regering" te vervang; en

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

„(8) Geen hereregte is betaalbaar nie ten opsigte van die verkryging op of na die sestiende dag van Maart 1964 van eiendom deur 'n maatskappy (hieronder die filiaalmaatskappy genoem) wat in die Republiek geregistreer is en bestuur en beheer word,

No. 77, 1964.]

ACT

To amend the Transfer Duty Act, 1949, the Estate Duty Act, 1955, the Licences Act, 1962, and the Stamp Duties Act, 1962, and to declare the effect of certain acts of the Commissioner for Inland Revenue.

(*English text signed by the State President.*)
(*Assented to* 19*th June*, 1964.)

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 40 of 1949, as amended by section 11 of Act 80 of 1959.

1. Section *one* of the Transfer Duty Act, 1949, is hereby amended—

(*a*) by the deletion of the definition of "Commissioner"; and

(*b*) by the insertion after the definition of "registration officer" of the following definition:

"'Secretary' means the Secretary for Inland Revenue;".

Substitution of section 2 of Act 40 of 1949, as amended by section 1 of Act 59 of 1951, section 1 of Act 31 of 1953 and section 1 of Act 32 of 1954.

2. The following section is hereby substituted for section *two* of the Transfer Duty Act, 1949, with effect from the sixteenth day of March, 1964:

"Imposition of transfer duty.

2. (1) Subject to the provisions of section *nine*, there shall be levied for the benefit of the Consolidated Revenue Fund a transfer duty (hereinafter referred to as the duty) of four per centum on the value of any property (which value shall be determined in accordance with the provisions of sections *five*, *six*, *seven* and *eight*) acquired by any person on or after the date of commencement of this Act by way of a transaction or in any other manner, or on the amount by which the value of any property is enhanced by the renunciation, on or after the said date, of an interest in or restriction upon the use or disposal of that property: Provided that on so much of the said value or the said amount, as the case may be, as does not exceed ten thousand rand, the duty shall be three per centum.

(2) Where the date of acquisition falls on or after the sixteenth day of March, 1964, there shall be deducted from the amount of duty calculated as provided in sub-section (1)—

(*a*) if the value or amount on which such duty is payable does not exceed five thousand rand, a sum equal to two-thirds of the amount of such duty; or

(*b*) if the said value or amount exceeds five thousand rand but does not exceed ten thousand rand, a sum equal to one-half of the amount of such duty; or

(*c*) if the said value or amount exceeds ten thousand rand but does not exceed fifteen thousand rand, a sum equal to one-third of the amount of such duty.".

Amendment of section 9 of Act 40 of 1949, as amended by section 3 of Act 31 of 1953, section 12 of Act 80 of 1959 and section 3 of Act 70 of 1963.

3. (1) Section *nine* of the Transfer Duty Act, 1949, is hereby amended—

(*a*) by the deletion in paragraph (*a*) of sub-section (1) of the word "Union";

(*b*) by the deletion in sub-section (5) of the words "of the Union"; and

(*c*) by the addition of the following sub-section:

"(8) No duty shall be payable in respect of the acquisition on or after the sixteenth day of March, 1964, of property by any company (hereinafter referred to as the subsidiary company) which is registered, managed and controlled in the Republic from any

van 'n ander maatskappy (hieronder die moedermaatskappy genoem) wat buite die Republiek geregistreer is en bestuur en beheer word, indien daar tot bevrediging van die Sekretaris bewys word—

(*a*) dat ten tyde van bedoelde verkryging die moedermaatskappy al die uitgereikte aandele van die filiaalmaatskappy vir sy eie voordeel besit het; en

(*b*) dat die filiaalmaatskappy ingevolge 'n reëling met die moedermaatskappy al die bates, met inbegrip van bedoelde eiendom, wat met enige industriële of kommersiële of ander besigheidsonderneming van die moedermaatskappy in die Republiek in verband staan, van die moedermaatskappy verkry het.".

(2) Paragraaf (*c*) van sub-artikel (1) word geag op die sestiende dag van Maart 1964 in werking te getree het.

Wysiging van artikel 15 van Wet 40 van 1949.

4. Artikel *vyftien* van die Wet op Hereregte, 1949, word hierby gewysig deur in sub-artikel (3) die woorde „vyf-en twintig pond" deur die woorde „vyftig rand" te vervang.

Wysiging van artikel 17 van Wet 40 van 1949.

5. Artikel *sewentien* van die Wet op Hereregte, 1949, word hierby gewysig deur in sub-artikel (1) die woorde „honderd pond" deur die woorde „tweehonderd rand" te vervang.

Vervanging van „Kommissaris" deur „Sekretaris" in Wet 40 van 1949.

6. Die Wet op Hereregte, 1949, word hierby gewysig deur die woord „Kommissaris", waar dit ook al gebesig word om die hoof van die Departement van Binnelandse Inkomste aan te dui, deur die woord „Sekretaris" te vervang.

Wysiging van artikel 1 van Wet 45 van 1955, soos gewysig deur artikel 1 van Wet 59 van 1957 en artikel 1 van Wet 65 van 1960.

7. Artikel *een* van die Boedelbelastingwet, 1955, word hierby gewysig—

(*a*) deur in sub-artikel (1) na die omskrywing van „eksekuteur" die volgende omskrywing in te voeg:

„'familielid', met betrekking tot enige persoon, die eggenoot van daardie persoon of iemand wat binne die derde graad van bloedverwantskap aan hom of sy eggenoot verwant is, of 'n eggenoot van iemand wat aldus verwant is, en by die bepaling van die verwantskap tussen 'n kind in die omskrywing van 'kind' in hierdie sub-artikel bedoel en enige ander persoon, word so 'n kind geag in die eerste graad van bloedverwantskap aan sy aannemende ouer verwant te wees;";

(*b*) deur in genoemde sub-artikel na die omskrywing van „familielid" die volgende omskrywings in te voeg:

„'familiemaatskappy', met betrekking tot 'n oorlede persoon, 'n maatskappy (behalwe 'n maatskappy waarvan die aandele op 'n erkende effektebeurs gekwoteer word) wat op enige ter sake dienende tydstip regstreeks of onregstreeks, hetsy deur 'n meerderheid van die aandele daarvan of 'n ander belang daarin of op watter ander wyse ook al, deur die oorledene of deur die oorledene en een of meer van sy familielede beheer is of kon geword het;

'kind', met betrekking tot enige persoon, ook iemand deur hom aangeneem—

(*a*) ingevolge die bepalings van die 'Aanneming van Kinderen Wet, 1923' (Wet No. 25 van 1923), of die Kinderwet, 1937 (Wet No. 31 van 1937), of die Kinderwet, 1960 (Wet No. 33 van 1960); of

(*b*) ingevolge die reg van 'n ander land as die Republiek, mits die aangenome persoon ingevolge dié reg die status van 'n egte kind van die aannemende ouer geniet en die aanneming plaasgevind het op 'n tydstip toe die aannemende ouer gewoonlik in bedoelde land woonagtig was;";

(*c*) deur in genoemde sub-artikel die omskrywing van „Kommissaris" te skrap; en

(*d*) deur aan die end van genoemde sub-artikel die volgende omskrywing by te voeg:

„'Sekretaris' die Sekretaris van Binnelandse Inkomste.".

Wysiging van artikel 3 van Wet 45 van 1955, soos gewysig deur artikel 2 van Wet 65 van 1960.

8. Artikel *drie* van die Boedelbelastingwet, 1955, word hierby gewysig—

(*a*) deur in sub-paragraaf (iii) van paragraaf (*c*) van sub-artikel (3) die uitdrukking „*vier-en-vyftig quin* van die Inkomstebelastingwet, 1941 (Wet No. 31 van

other company (hereinafter referred to as the parent company) which is registered, managed and controlled outside the Republic if it is proved to the satisfaction of the Secretary—

(*a*) that at the time of such acquisition the parent company held for its own benefit all the issued shares of the subsidiary company; and

(*b*) that the subsidiary company has under an arrangement with the parent company acquired from the parent company all the assets, including the said property, relating to any industrial or commercial or other business undertaking of the parent company in the Republic.".

(2) Paragraph (*c*) of sub-section (1) shall be deemed to have come into operation on the sixteenth day of March, 1964.

Amendment of section 15 of Act 40 of 1949.

4. Section *fifteen* of the Transfer Duty Act, 1949, is hereby amended by the substitution in sub-section (3) for the words "twenty-five pounds" of the words "fifty rand".

Amendment of section 17 of Act 40 of 1949.

5. Section *seventeen* of the Transfer Duty Act, 1949, is hereby amended by the substitution in sub-section (1) for the words "one hundred pounds" of the words "two hundred rand".

Substitution of "Secretary" for "Commissioner" in Act 40 of 1949.

6. The Transfer Duty Act, 1949, is hereby amended by the substitution for the word "Commissioner," wherever it is used to denote the head of the Department of Inland Revenue, of the word "Secretary".

Amendment of section 1 of Act 45 of 1955, as amended by section 1 of Act 59 of 1957 and section 1 of Act 65 of 1960.

7. Section *one* of the Estate Duty Act, 1955, is hereby amended—

(*a*) by the insertion in sub-section (1) after the definition of "administration and distribution account" of the following definition:

"'child', in relation to any person, includes any person adopted by him—

(*a*) under the provisions of the Adoption of Children Act, 1923 (Act No. 25 of 1923), or the Children's Act, 1937 (Act No. 31 of 1937), or the Children's Act, 1960 (Act No. 33 of 1960); or

(*b*) under the law of any country other than the Republic, provided the adopted person is under such law accorded the status of a legitimate child of the adoptive parent and the adoption was made at a time when the adoptive parent was ordinarily resident in such country;";

(*b*) by the deletion in the said sub-section of the definition of "Commissioner";

(*c*) by the insertion in the said sub-section after the definition of "fair market value" of the following definition:

"'family company', in relation to a deceased person, means any company (other than a company whose shares are quoted on a recognized stock exchange) which at any relevant time was controlled or capable of being controlled directly or indirectly, whether through a majority of the shares thereof or any other interest therein or in any other manner whatsoever, by the deceased or by the deceased and one or more of his relatives;"; and

(*d*) by the insertion in the said sub-section after the definition of "Master" of the follwoing definitions:

"'relative', in relation to any person, means the spouse of such person or anybody related to him or his spouse within the third degree of consanguinity, or any spouse of anybody so related, and for the purpose of determining the relationship between any child referred to in the definition of 'child' in this sub-section and any other person, such child shall be deemed to be related to its adoptive parent in the first degree of consanguinity;

'Secretary' means the Secretary for Inland Revenue;".

Amendment of section 3 of Act 45 of 1955, as amended by section 2 of Act 65 of 1960.

8. Section *three* of the Estate Duty Act, 1955, is hereby amended—

(*a*) by the substitution in sub-paragraph (iii) of paragraph (*c*) of sub-section (3) for the expression "*fifty-four quin* of the Income Tax Act, 1941 (Act No. 31 of 1941)"

1941)" deur die uitdrukking „*sewe-en-vyftig* van die Inkomstebelastingwet, 1962 (Wet No. 58 van 1962)" te vervang;

(*b*) deur in sub-paragraaf (*bb*) van daardie paragraaf die uitdrukking „*vier-en-vyftig quat* van die Inkomstebelastingwet, 1941 (Wet No. 31 van 1941)" deur die uitdrukking „*ses-en-vyftig* van die Inkomstebelastingwet, 1962 (Wet No. 58 van 1962)" te vervang; en

(*c*) deur die volgende paragraaf by sub-artikel (4) te voeg:

„(*d*) word enige vergoeding, hetsy in kontant of andersins en ongeag of dit as 'n premie beskryf word al dan nie, deur die oorledene betaal of gegee ten opsigte van aandele aan hom deur 'n familiemaatskappy uitgereik, vir sover dit die nominale waarde van dié aandele te bowe gaan, geag eiendom te wees wat deur die oorledene aan sodanige maatskappy geskenk is.".

Wysiging van artikel 4 van Wet 45 van 1955, soos gewysig deur artikel 2 van Wet 59 van 1957, artikel 3 van Wet 65 van 1960 en artikel 9 van Wet 71 van 1961.

9. (1) Artikel *vier* van die Boedelbelastingwet, 1955, word hierby gewysig—

(*a*) deur paragrawe (*k*) en (*l*) deur die volgende paragrawe te vervang:

„(*k*) soveel van die totale bedrag wat kragtens paragraaf (*a*) van sub-artikel (3) van artikel *drie* eiendom van die oorledene geag word as wat seweduisend vyfhonderd pond nie te bowe gaan nie;

(*l*) soveel van die totale bedrag van die waarde of die opbrengs van enige plaaslik geregistreerde effekte uitgereik ingevolge paragraaf (*a*) van sub-artikel (1) van artikel *vyf* van die Algemene Leningswet, 1961 (Wet No. 16 van 1961), of enige gelykluidende bepaling van enige vorige Wet van die Parlement, en obligasies deur die Land- en Landboubank van Suid-Afrika uitgereik, as eiendom van die oorledene ingesluit, as wat nie die verskil tussen seweduisend vyfhonderd pond en die bedrag wat kragtens paragraaf (*k*) toegelaat is, te bowe gaan nie;"; en

(*b*) deur die volgende paragraaf by te voeg:

„(*p*) soveel van die waarde van eiendom wat ingevolge die bepalings van sub-artikel (3) van artikel *drie* geag word die eiendom van die oorledene te wees, as wat nie ingevolge enige van die ander bepalings van hierdie artikel as 'n korting toegelaat is nie en as wat volgens oortuiging van die Sekretaris in aanmerking geneem is ingevolge die bepalings van paragraaf (*f*)*bis* van sub-artikel (1) van artikel *vyf* by die vasstelling van die waarde van maatskappy-aandele as eiendom in die boedel ingesluit.".

(2) Die wysigings deur paragraaf (*a*) van sub-artikel (1) aangebring, is van toepassing ten opsigte van die boedel van enige persoon wat op of na die sestiende dag van Maart 1964 te sterwe kom of gekom het.

Wysiging van artikel 5 van Wet 45 van 1955, soos gewysig deur artikel 3 van Wet 59 van 1957, artikel 4 van Wet 65 van 1960 en artikel 10 van Wet 71 van 1961.

10. Artikel *vyf* van die Boedelbelastingwet, 1955, word hierby gewysig deur paragraaf (*e*) van sub-artikel (1) deur die volgende paragraaf te vervang:

„(*e*) in die geval van eiendom bedoel in paragraaf (*b*) of (*c*) van sub-artikel (3) van artikel *drie*, 'n bedrag wat op die in artikel *twee-en-sestig* van die Inkomstebelastingwet, 1962 (Wet No. 58 van 1962), voorgeskrewe wyse bepaal word: Met dien verstande dat die waarde van soveel van enige vergoeding as wat ingevolge paragraaf (*d*) van sub-artikel (4) van artikel *drie* geag word eiendom te wees wat deur die oorledene aan 'n familiemaatskappy geskenk is, geag word nie minder te wees nie as die bedrag wat ingevolge artikel *ses-en-tagtig quat* van die Maatskappywet, 1926 (Wet No. 46 van 1926), deur die betrokke familiemaatskappy op sy aandele-premierekening oorgedra moet word ten opsigte van die aandele deur hom aan die oorledene uitgereik;".

Wysiging van artikel 16 van Wet 45 van 1955, soos gewysig deur artikel 5 van Wet 65 van 1960.

11. Artikel *sestien* van die Boedelbelastingwet, 1955, word hierby gewysig deur in paragraaf (*b*) die uitdrukking „1941 (Wet No. 31 van 1941)" deur die uitdrukking „1962 (Wet No. 58 van 1962)" te vervang.

of the expression "*fifty-seven* of the Income Tax Act, 1962 (Act No. 58 of 1962)";

(*b*) by the substitution in sub-paragraph (*bb*) of that paragraph for the expression "*fifty-four quat* of the Income Tax Act, 1941 (Act No. 31 of 1941)" of the expression "*fifty-six* of the Income Tax Act, 1962 (Act No. 58 of 1962)"; and

(*c*) by the addition to sub-section (4) of the following paragraph:

"(*d*) any consideration, whether in cash or otherwise and whether or not described as a premium, paid or given by the deceased in respect of shares issued to him by any family company shall to the extent that it exceeds the nominal value of such shares, be deemed to be property donated by the deceased to such company.".

Amendment of section 4 of Act 45 of 1955, as amended by section 2 of Act 59 of 1957, section 3 of Act 65 of 1960 and section 9 of Act 71 of 1961.

9. (1) Section *four* of the Estate Duty Act, 1955, is hereby amended—

(*a*) by the substitution for paragraphs (*k*) and (*l*) of the following paragraphs:

"(*k*) so much of the aggregate amount which is deemed to be property of the deceased under paragraph (*a*) of sub-section (3) of section *three* as does not exceed the sum of seven thousand five hundred pounds;

(*l*) so much of the aggregate amount of the value or the proceeds of any local registered stock issued in terms of paragraph (*a*) of sub-section (1) of section *five* of the General Loans Act, 1961 (Act No. 16 of 1961), or any similar provision of any previous Act of Parliament, and any debentures issued by the Land and Agricultural Bank of South Africa, included as property of the deceased, as does not exceed the difference between the sum of seven thousand five hundred pounds and the amount allowed under paragraph (*k*);"; and

(*b*) by the addition of the following paragraph:

"(*p*) so much of the value of any property deemed to be property of the deceased by virtue of the provisions of sub-section (3) of section *three* as has not been deducted under any of the other provisions of this section and as the Secretary is satisfied has been taken into account under the provisions of paragraph (*f*)*bis* of sub-section (1) of section *five* in the determination of the value of any company shares included as property in the estate.".

(2) The amendments effected by paragraph (*a*) of sub-section (1) shall apply in respect of the estate of any person who dies or died on or after the sixteenth day of March, 1964.

Amendment of section 5 of Act 45 of 1955, as amended by section 3 of Act 59 of 1957, section 4 of Act 65 of 1960 and section 10 of Act 71 of 1961.

10. Section *five* of the Estate Duty Act, 1955, is hereby amended by the substitution for paragraph (*e*) of sub-section (1) of the following paragraph:

"(*e*) in the case of any property referred to in paragraph (*b*) or (*c*) of sub-section (3) of section *three*, an amount determined in the manner prescribed in section *sixty-two* of the Income Tax Act, 1962 (Act No. 58 of 1962): Provided that the value of so much of any consideration as in terms of paragraph (*d*) of sub-section (4) of section *three* is deemed to be property donated by the deceased to a family company, shall be deemed to be not less than the amount required in terms of section *eighty-six quat* of the Companies Act, 1926 (Act No. 46 of 1926), to be transferred by the family company concerned to its share premium account in respect of the shares issued by it to the deceased;";

Amendment of section 16 of Act 45 of 1955, as amended by section 5 of Act 65 of 1960.

11. Section *sixteen* of the Estate Duty Act, 1955, is hereby amended by the substitution in paragraph (*b*) for the expression "1941 (Act No. 31 of 1941)" of the expression "1962 (Act No. 58 of 1962)".

Wysiging van artikel 24 van Wet 45 van 1955, soos vervang deur artikel 15 van Wet 77 van 1962.

12. Artikel *vier-en-twintig* van die Boedelbelastingwet, 1955, word hierby gewysig—

(*a*) deur in sub-artikel (4) die uitdrukking „*nege-en-sewentig* van die Inkomstebelastingwet, 1941 (Wet No. 31 van 1941)" deur die uitdrukking „*drie-en-tagtig* van die Inkomstebelastingwet, 1962 (Wet No. 58 van 1962)" te vervang; en

(*b*) deur in sub-artikel (8) die uitdrukking „(14)*bis*, (15) en (16) van artikel *nege-en-sewentig*, en van artikels *nege-en-sewentig bis*, *nege-en-sewentig ter* en *een-en-tagtig* van die Inkomstebelastingwet, 1941" deur die uitdrukking „(15), (16) en (17) van artikel *drie-en-tagtig*, en van artikels *vier-en-tagtig*, *vyf-en-tagtig* en *ses-en-tagtig* van die Inkomstebelastingwet, 1962" te vervang.

Wysiging van artikel 26 van Wet 45 van 1955.

13. Artikel *ses-en-twintig* van die Boedelbelastingwet, 1955, word hierby gewysig deur in die Engelse teks van sub-artikel (2) die woorde „Union estate duties" deur die woorde „estate duties of the Republic" te vervang.

Wysiging van 1ste Bylae by Wet 45 van 1955, soos gewysig deur artikel 6 van Wet 59 van 1957 en artikel 12 van Wet 71 van 1961.

14. (1) Die Eerste Bylae by die Boedelbelastingwet, 1955, word hierby gewysig deur die eerste voorbehoudsbepaling deur die volgende voorbehoudsbepaling te vervang:

„Met dien verstande dat die belasting ooreenkomstig hierdie tabel bereken, onderworpe is aan 'n korting van 'n bedrag gelyk aan belasting aldus bereken op 'n belasbare bedrag gelyk aan die totaal van—

(i) 'n bedrag van tienduisend pond; en

(ii) 'n bedrag van sesduisend tweehonderd en vyftig pond ten opsigte van iedere kind van die oorledene wat hom oorleef; en

(iii) 'n bedrag van sesduisend tweehonderd en vyftig pond ten opsigte van iedere kind van die oorledene wat voor hom te sterwe gekom het en wat nakomelinge nagelaat het wat die oorledene oorleef of 'n eggenoot nagelaat het wat die oorledene oorleef en wat nie op of voor die datum van dood van die oorledene hertrou het nie; en

(iv) 'n bedrag van tienduisend pond in 'n geval waar die oorledene deur sy eggenoot oorleef word:".

(2) Die wysigings deur sub-artikel (1) aangebring, is van toepassing ten opsigte van die boedel van enige persoon wat op of na die sestiende dag van Maart 1964 te sterwe kom of gekom het.

Vervanging van sekere woorde in Wet 45 van 1955.

15. Die Boedelbelastingwet, 1955, word hierby gewysig—

(*a*) deur die woord „Kommissaris", waar dit ook al gebesig word om die hoof van die Departement van Binnelandse Inkomste aan te dui, deur die woord „Sekretaris" te vervang;

(*b*) deur die woord „Goewerneur-generaal" waar dit ook al voorkom deur die woord „Staatspresident" te vervang; en

(*c*) deur die uitdrukking „die Unie" waar dit ook al voorkom deur die uitdrukking „die Republiek" te vervang.

Wysiging van artikel 11 van Wet 44 van 1962.

16. Artikel *elf* van die Wet op Lisensies, 1962, word hierby gewysig deur die woord „Kommissaris" deur die woord „Sekretaris" te vervang.

Wysiging van artikel 14 van Wet 44 van 1962.

17. Artikel *veertien* van die Wet op Lisensies, 1962, word hierby gewysig deur die woord „Kommissaris" deur die woord „Sekretaris" te vervang.

Wysiging van Item 2 van 1ste Bylae by Wet 44 van 1962.

18. (1) Item 2 van die Eerste Bylae by die Wet op Lisensies, 1962, word hierby deur die volgende Item vervang:

„*Item* 2—*Bankier of Bankinstelling.*

Ten opsigte van elke tak . . . R40

(1) Hierdie lisensie word vereis van iedere persoon wat die aanneem van gelddeposito's van die algemene publiek as besigheid beoefen en van elke vereniging voor die inwerkingtreding van die Bankwysigingswet, 1964, geregistreer as 'n volksbank ingevolge die Bankwet, 1942 (Wet No. 38 van 1942).

(2) By die toepassing van hierdie Item word iemand wat vir deposito's van die algemene publiek adverteer of daarom vra, geag die aanneem van deposito's van die algemene publiek as besigheid te beoefen.

Vrystellings:

(1) Die Posspaarbank.

(2) Die Land- en Landboubank van Suid-Afrika.

Amendment of section 24 of Act 45 of 1955, as substituted by section 15 of Act 77 of 1962.

12. Section *twenty-four* of the Estate Duty Act, 1955, is hereby amended—

(*a*) by the substitution in sub-section (4) for the expression "*seventy-nine* of the Income Tax Act, 1941 (Act No. 31 of 1941)" of the expression "*eighty-three* of the Income Tax Act, 1962 (Act No. 58 of 1962)"; and

(*b*) by the substitution in sub-section (8) for the expression "(14)*bis*, (15) and (16) of section *seventy-nine*, and of sections *seventy-nine bis*, *seventy-nine ter* and *eighty-one* of the Income Tax Act, 1941" of the expression "(15), (16) and (17) of section *eighty-three*, and of sections *eighty-four*, *eighty-five* and *eighty-six* of the Income Tax Act, 1962".

Amendment of section 26 of Act 45 of 1955.

13. Section *twenty-six* of the Estate Duty Act, 1955, is hereby amended by the substitution in sub-section (2) for the words "Union estate duties" of the words "estate duties of the Republic".

Amendment of 1st Schedule to Act 45 of 1955, as amended by section 6 of Act 59 of 1957 and section 12 of Act 71 of 1961.

14. (1) The First Schedule to the Estate Duty Act, 1955, is hereby amended by the substitution for the first proviso of the following proviso:

"Provided that the duty calculated in accordance with this table shall be subject to a rebate of an amount equal to duty so calculated upon a dutiable amount equal to the aggregate of—

(i) an amount of ten thousand pounds; and

(ii) an amount of six thousand two hundred and fifty pounds in respect of every child of the deceased who survives him; and

(iii) an amount of six thousand two hundred and fifty pounds in respect of every child of the deceased who predeceased him and who left issue surviving the deceased or a spouse surviving the deceased who had not remarried on or before the date of death of the deceased; and

(iv) an amount of ten thousand pounds in any case in which the deceased is survived by his spouse:".

(2) The amendments effected by sub-section (1) shall apply in respect of the estate of any person who dies or died on or after the sixteenth day of March, 1964.

Substitution of certain words in Act 45 of 1955.

15. The Estate Duty Act, 1955, is hereby amended—

(*a*) by the substitution for the words "Commissioner" and "Commissioner's", wherever they are used to denote the head of the Department of Inland Revenue, of the words "Secretary" and "Secretary's" respectively;

(*b*) by the substitution for the word "Governor-General" wherever it occurs of the words "State President"; and

(*c*) by the substitution for the expression "the Union" wherever it occurs of the expression "the Republic".

Amendment of section 11 of Act 44 of 1962.

16. Section *eleven* of the Licences Act, 1962, is hereby amended by the substitution for the word "Commissioner" of the word "Secretary".

Amendment of section 14 of Act 44 of 1962.

17. Section *fourteen* of the Licences Act, 1962, is hereby amended by the substitution for the word "Commissioner" of the word "Secretary".

Substitution of Item 2 of 1st Schedule to Act 44 of 1962.

18. (1) The following Item is hereby substituted for Item 2 of the First Schedule to the Licences Act, 1962:

"*Item 2—Banker or Banking Institution.*

In respect of each branch . . . R40.

(1) This licence shall be required by every person who carries on the business of accepting deposits of money from the general public and by every association registered as a people's bank under the Banking Act, 1942 (Act No. 38 of 1942), before the commencement of the Banking Amendment Act, 1964.

(2) For the purposes of this Item any person who advertises or solicits for deposits from the general public shall be deemed to be carrying on the business of accepting deposits from the general public.

Exemptions:

(1) The Post Office Savings Bank.

(2) The Land and Agricultural Bank of South Africa.

(3) Enige liggaam bedoel in paragraaf (*f*) van sub-artikel (1) van artikel *vier-en-tagtig* van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961), en enige koöperatiewe Bantoe-kredietvereniging wat ingevolge 'n proklamasie uitgevaardig kragtens Wet 29 van 1897 van die Kaap die Goeie Hoop of kragtens die Bantoe-administrasie Wet, 1927 (Wet No. 38 van 1927), geregistreer is: Met dien verstande dat hierdie vrystelling nie ten opsigte van 'n spaardepartement of spaarbank of dergelike instelling opgerig deur of in verband met 'n plaaslike bestuur van toepassing is nie.

(4) Enige bouvereniging geregistreer ingevolge die Bouverenigingswet, 1934 (Wet No. 62 van 1934).

(5) Enige eksekuteurskamer of trustmaatskappy wat ingevolge die bepalings van Item 6 van die Tweede Bylae by hierdie Wet gelisensieer is.".

(2) Die wysiging deur sub-artikel (1) aangebring, word geag op die datum van inwerkingtreding van die Wet op Lisensies, 1962, in werking te getree het: Met dien verstande dat niemand vir die betaling van lisensiegelde ingevolge Item 2 van die Eerste Bylae by daardie Wet ten opsigte van 'n tydperk voor die eerste dag van Januarie 1963 aanspreeklik is nie indien hy by ontstentenis van bedoelde wysiging nie vir die betaling daarvan aanspreeklik sou gewees het nie, en dit op die datum van inwerkingtreding van hierdie Wet nog nie betaal is nie.

Wysiging van artikel 1 van Wet 59 van 1962.

19. (1) Artikel *een* van die Seëlwet, 1962, word hierby gewysig—

(*a*) deur die omskrywing van „Kommissaris" te skrap; en

(*b*) deur na die omskrywing van „seëlreg" die volgende omskrywing in te voeg:

„'Sekretaris' die Sekretaris van Binnelandse Inkomste;".

Wysiging van artikel 13 van Wet 59 van 1962.

20. Artikel *dertien* van die Seëlwet, 1962, word hierby gewysig deur in paragraaf (*b*) die woord „Tweede" deur die woord „Eerste" te vervang.

Wysiging van artikel 14 van Wet 59 van 1962.

21. Artikel *veertien* van die Seëlwet, 1962, word hierby gewysig met ingang van die agt-en-twintigste dag van Oktober 1963 deur na sub-artikel (1) die volgende sub-artikel in te voeg:

„(1)*bis* Waar 'n stuk waardeur handelseffekte ingevolge enige wetsbepaling van die Verenigde Koninkryk oorgedra kan word, in daardie land ooreenkomstig bedoelde wetsbepaling voltooi word, word dié stuk, indien genoegsame inligting vir die aanslag van seëlreg daarin aangetoon word, geag 'n in sub-artikel (1) bedoelde akte of verklaring te wees, en indien die handelseffekte oorgedra word deur middel van 'n ‚broker's transfer form' soos in ‚Schedule 2' by die ‚Stock Transfer Act, 1963,' van die Verenigde Koninkryk uiteengesit, word die verkoopsmakelaar se handtekening op dié vorm by die toepassing van hierdie artikel geag die handtekening van die oordraggewer te wees.".

Wysiging van Item 18 van 1ste Bylae by Wet 59 van 1962.

22. Item 18 van die Eerste Bylae by die Seëlwet, 1962, word hierby gewysig deur by die Vrystellings aan die end daarvan die volgende paragraaf by te voeg:

„(*d*) Die uitreiking of registrasie van oordrag van 'n verhandelbare sertifikaat ten opsigte van 'n deposito gestort by 'n handelsbank soos omskryf in artikel *een* van die Bankwet, 1942 (Wet No. 38 van 1942).".

Vervanging van „Kommissaris" deur „Sekretaris" in Wet 59 van 1962.

23. Die Seëlwet, 1962, word hierby gewysig deur die woord „Kommissaris", waar dit ook al gebesig word om die hoof van die Departement van Binnelandse Inkomste aan te dui, deur die woord „Sekretaris" te vervang.

Sekere handelinge van Kommissaris geag handelinge van Sekretaris van Binnelandse Inkomste te wees.

24. Enigiets deur of namens die Kommissaris van Binnelandse Inkomste by die uitvoering van enige wet gedoen, word geag deur of namens die Sekretaris van Binnelandse Inkomste gedoen te gewees het.

Kort titel.

25. Hierdie Wet heet die Wysigingswet op Inkomstewette, 1964.

(3) Any body contemplated in paragraph (*f*) of sub-section (1) of section *eighty-four* of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961), and any Bantu co-operative credit society registered under any proclamation issued under Act 29 of 1897 of the Cape of Good Hope, or under the Bantu Administration Act, 1927 (Act No. 38 of 1927): Provided that this exemption shall not apply in respect of any savings department or any savings bank or any similar institution established by or in connection with any local authority.

(4) Any building society registered under the Building Societies Act, 1934 (Act No. 62 of 1934).

(5) Any board of executors or trust company licensed under the provisions of Item 6 of the Second Schedule to this Act.".

(2) The amendment effected by sub-section (1) shall be deemed to have come into operation on the date of commencement of the Licences Act, 1962: Provided that no person shall be liable for the payment of licence duty under Item 2 of the First Schedule to that Act in respect of any period prior to the first day of January, 1963, for the payment of which he would, but for the said amendment, not have been liable and which remains unpaid at the date of commencement of this Act.

Amendment of section 1 of Act 59 of 1962.

19. Section *one* of the Stamp Duties Act, 1962, is hereby amended—

(*a*) by the deletion of the definition of "Commissioner"; and

(*b*) by the insertion after the definition of "regulation" of the following definition:

"'Secretary' means the Secretary for Inland Revenue;".

Amendment of section 13 of Act 59 of 1962.

20. Section *thirteen* of the Stamp Duties Act, 1962, is hereby amended by the substitution in paragraph (*b*) of the Afrikaans version for the word "Tweede" of the word "Eerste".

Amendment of section 14 of Act 59 of 1962.

21. Section *fourteen* of the Stamp Duties Act, 1962, is hereby amended with effect from the twenty-eighth day of October, 1963, by the insertion after sub-section (1) of the following sub-section:

"(1)*bis* Where any instrument whereby any marketable security is transferable in terms of any law of the United Kingdom, is completed in that country in accordance with such law, such instrument shall, if it discloses sufficient information for the assessment of duty, be deemed to be a deed or declaration referred to in sub-section (1), and if the marketable security is transferred by means of a broker's transfer form as set out in Schedule 2 to the Stock Transfer Act, 1963, of the United Kingdom, the selling broker's signature on such form shall for the purposes of this section be deemed to be the signature of the transferor.".

Amendment of Item 18 of 1st Schedule to Act 59 of 1962.

22. Item 18 of the First Schedule to the Stamp Duties Act, 1962, is hereby amended by the addition to the Exemptions at the end thereof of the following paragraph:

"(*d*) The issue or registration of transfer of any negotiable certificate in respect of any deposit made with any commercial bank as defined in section *one* of the Banking Act, 1942 (Act No. 38 of 1942).".

Substitution of "Secretary" for "Commissioner" in Act 59 of 1962.

23. The Stamp Duties Act, 1962, is hereby amended by the substitution for the word "Commissioner", wherever it is used to denote the head of the Department of Inland Revenue, of the word "Secretary".

Certain acts of Commissioner deemed to be acts of Secretary for Inland Revenue.

24. Anything done by or on behalf of the Commissioner for Inland Revenue in the administration of any law shall be deemed to have been done by or on behalf of the Secretary for Inland Revenue.

Short title.

25. This Act shall be called the Revenue Laws Amendment Act, 1964.

No. 78, 1964.]

WET

Om voorsiening te maak vir die voortsetting van die Suid-Afrikaanse Munt, vir gangbare munte, aanmunting en wettige betaalmiddels, en vir ander aangeleenthede wat daarmee in verband staan; en tot afskaffing van die Muntfonds.

(*Afrikaanse teks deur die Staatspresident geteken.*)
(*Goedgekeur op* 19 *Junie* 1964.)

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

Woordbepaling.

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

(i) „die munt" die Suid-Afrikaanse Munt ingestel deur artikel *twee* van die Wet op die Suid-Afrikaanse Munt, 1941 (Wet No. 16 van 1941); (vi)

(ii) „direkteur" die Direkteur van die Suid-Afrikaanse Munt; (i)

(iii) „hierdie Wet" ook die regulasies wat kragtens hierdie Wet uitgevaardig is of van krag bly; (v)

(iv) „Minister" die Minister van Finansies; (ii)

(v) „Tesourie" die Departement van Finansies; (viii)

(vi) „Republikeinse munte" enige munte wat ooreenkomstig 'n vorige wet of hierdie Wet uitgereik is en wat nie ingevolge 'n vorige wet of hierdie Wet ingetrek is nie; (iv)

(vii) „Transvaalse munte" enige munte wat deur die munt ingestel te Pretoria deur die Regering van die voormalige „Zuid-Afrikaansche Republiek" geslaan is ooreenkomstig die bepalings van Wet No. 14 van 1891 van daardie Republiek, en wat nie ingevolge daardie Wet of die „Munt Wet, 1922" (Wet No. 31 van 1922), of hierdie Wet ingetrek is nie; (vii)

(viii) „vorige wet" die „Munt Wet, 1922" (Wet No. 31 van 1922), of die Wet op Desimale Munt, 1959 (Wet No. 61 van 1959). (iii)

HOOFSTUK I.

DIE SUID-AFRIKAANSE MUNT EN DIE AFSKAFFING VAN DIE MUNTFONDS.

Voortsetting van die Suid-Afrikaanse Munt.

2. Die munt word onder die naam die Suid-Afrikaanse Munt voortgesit.

Direkteur van die Suid-Afrikaanse Munt.

3. Die munt word bestuur deur 'n beampte wat die Direkteur van die Suid-Afrikaanse Munt heet.

Aanstelling van personeel.

4. Die direkteur en die ander beamptes wat die Minister vir die behoorlike verrigting van die werk van die munt nodig ag, word deur die Minister aangestel met inagneming van die wetsbepalings wat die Staatsdiens reël.

Werk wat by die munt verrig word.

5. (1) Die direkteur onderneem die aanmunting van muntstukke wat bestem is om uitgereik te word vir gebruik in die Republiek, en waarvan die aanmunting deur 'n wetsbepaling gemagtig word, en, indien die Minister hom gelas om dit te doen, die aanmunting van muntstukke wat bestem is om uitgereik te word vir gebruik in 'n ander Staat, en verrig alle werk, oefen alle bevoegdhede en voer alle pligte uit wat die Minister hom gelas om te verrig, uit te oefen of uit te voer, hetsy die werk, bevoegdhede of pligte in verband staan met die aanmunting van muntstukke al dan nie.

(2) Behoudens die bepalings van artikel *twee-en-twintig*, word die koste van die in sub-artikel (1) vermelde dienste bestry uit gelde wat die Parlement vir die doel beskikbaar stel.

No. 78, 1964.]

ACT

To make provision for the continuation of the South African Mint, for currency, coinage and legal tender and for other incidental matters; and to abolish the Coinage Fund.

(*Afrikaans text signed by the State President.*)
(*Assented to* 19*th June*, 1964.)

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) "director" means the Director of the South African Mint; (ii)

(ii) "Minister" means the Minister of Finance; (iv)

(iii) "prior law" means the Coinage Act, 1922 (Act No. 31 of 1922) or the Decimal Coinage Act, 1959 (Act No. 61 of 1959); (viii)

(iv) "Republican coins" means any coins which have been issued in accordance with any prior law or this Act, and which have not been called in, in pursuance of any prior law or this Act; (vi)

(v) "this Act" includes the regulations made or remaining in force under this Act; (iii)

(vi) "the mint" means the South African Mint established by section *two* of the South African Mint Act, 1941 (Act No. 16 of 1941); (i)

(vii) "Transvaal coins" means any coins which were coined in the mint established at Pretoria by the Government of the late South African Republic in accordance with the provisions of Law No. 14 of 1891 of that Republic, and which have not been called in in pursuance of that law or of the Coinage Act, 1922 (Act No. 31 of 1922) or of this Act; (vii)

(viii) "Treasury" means the Department of Finance. (v)

CHAPTER I.

THE SOUTH AFRICAN MINT AND ABOLITION OF THE COINAGE FUND.

Continuation of the South African Mint.

2. The mint shall be continued under the name of the South African Mint.

Director of the South African Mint.

3. The mint shall be controlled by an officer called the Director of the South African Mint.

Appointment of staff.

4. The director and such other employees as the Minister deems necessary for the proper performance of the work of the mint shall be appointed by the Minister, subject to the laws governing the public service.

Work to be performed at the mint.

5. (1) The director shall undertake the coining of coins to be issued for use in the Republic, the coining of which is authorized by any law and, if directed to do so by the Minister, the coining of coins to be issued for use in any other State, and shall do all such work, exercise all such powers and perform all such duties as the Minister may require him to do, exercise or perform, whether or not such work, powers or duties are connected with the coining of coins.

(2) Save as provided in section *twenty-two*, the cost of the services referred to in sub-section (1) shall be defrayed from moneys appropriated by Parliament for the purpose.

Ontvange gelde in Gekonsolideerde Inkomstefonds gestort te word.

6. Met inagneming van die bepalings van artikel *sewe*, word alle gelde wat by die munt of tot betaling van by die munt bewese dienste ontvang word, in die Gekonsolideerde Inkomstefonds gestort.

Betaling aan ander Regerings van deel van wins op tekenmuntstukke vir daardie Regerings gemunt.

7. Die Minister kan regstreeks aan die Regering van 'n Staat so 'n deel van die wins verkry uit die aanmunting by die munt van tekenmuntstukke vandaar uitgereik vir gebruik in daardie Staat, betaal as wat tussen hom en daardie Regering ooreengekom word.

Afskaffing van Muntfonds.

8. (1) Die in artikel *agt* van die Wet op die Suid-Afrikaanse Munt, 1941 (Wet No. 16 van 1941), bedoelde Muntfonds word afgeskaf vanaf 'n datum deur die Minister bepaal.

(2) Ondanks die herroeping deur hierdie Wet van artikel *agt* van die Wet op die Suid-Afrikaanse Munt, 1941, word al die gelde wat in dié Muntfonds gestort en al die koste en tekorte wat daaruit bestry sou geword het as hierdie Wet nie aangeneem was nie, onderskeidelik in die fonds gestort en daaruit bestry totdat die fonds aldus afgeskaf word.

(3) Enige bedrag wat op krediet staan van die Muntfonds op die datum waarop genoemde fonds aldus afgeskaf word, word in die Gekonsolideerde Inkomstefonds gestort.

HOOFSTUK II.

GANGBARE MUNTE, AANMUNTING EN WETTIGE BETAALMIDDELS.

Munteenhede.

9. Die munteenhede van die Republiek is, behoudens die bepalings van artikel *sestien*, die rand (wat as R verkort word) en die sent (wat as c verkort word), die sent synde een-honderdste deel van die rand.

Standaardgewig en -fynheid van munte.

10. Die standaardgewig en die standaardfynheid van die munte van goud, silwer, nikkel en brons van die denominasies genoem in die Eerste Bylae by hierdie Wet is soos in daardie Bylae vermeld.

Die Minister kan munte van goud, silwer, nikkel en brons uitreik.

11. (1) Die Minister kan munte van goud, silwer, nikkel en brons van die denominasies in die Eerste Bylae by hierdie Wet uiteengesit, laat vervaardig en uitreik.

(2) Die munte wat kragtens sub-artikel (1) vervaardig en uitgereik kan word (behalwe die Trojaan), moet van die onderskeie waardes wees in vergelyking met die munte wat kragtens die „Munt Wet, 1922" (Wet No. 31 van 1922), uitgereik kon word, soos in die tabel hieronder uiteengesit:

TABEL.

Munte wat kragtens hierdie sub-artikel uitgereik kan word.	*Waardes in vergelyking met munte wat kragtens die „Munt Wet, 1922", uitgereik kon word.*
Goudmunte—	
Trojaan	—
Vyf rand	Twee-en-'n-half pond.
Twee rand	Pond.
Rand	Halfpond.
Silwermunte—	
Rand	Halfpond.
Twee-en-'n-half sent ..	Drie pennies.
Nikkelmunte—	
Vyftig sent	Kroon.
Twintig sent	Twee sjielings.
Tien sent	Sjieling.
Vyf sent	Ses pennies.
Twee-en-'n-halfsent ..	Drie pennies.
Bronsmunte—	
Twee sent	Vier-en-twintig-tiendes van 'n pennie.
Sent	Twaalf-tiendes van 'n pennie.
Halfsent	Twaalf-tiendes van 'n halfpennie.

(3) Alle munte van goud, silwer, nikkel en brons wat kragtens sub-artikel (1) vervaardig en uitgereik word, is van die gewig en fynheid wat in die Eerste Bylae by hierdie Wet vermeld word.

(4) By die vervaardiging van munte van goud, silwer, nikkel en brons word 'n remedie (of afwyking van die standaardgewig en die standaardfynheid in die Eerste Bylae by hierdie Wet vermeld), toegelaat van 'n hoeveelheid van hoogstens die hoeveelheid in daardie Bylae vermeld.

Moneys received to be paid into Consolidated Revenue Fund.

6. Subject to the provisions of section *seven*, all moneys received at the mint or in payment of services rendered at the mint shall be paid into the Consolidated Revenue Fund.

Payment to other Governments of share of profit on token coins coined for those Governments.

7. The Minister may pay direct to the Government of any State such portion of the profit derived from the coining at the mint of token coins issued therefrom for use in that State as may be agreed upon between him and that Government.

Abolition of Coinage Fund.

8. (1) The Coinage Fund referred to in section *eight* of the South African Mint Act, 1941 (Act No. 16 of 1941), shall be abolished as from a date fixed by the Minister.

(2) Notwithstanding the repeal by this Act of section *eight* of the South African Mint Act, 1941, all moneys that would have been paid into and all expenses and deficits that would have been defrayed from the Coinage Fund, if this Act had not been passed, shall, respectively, be paid into and defrayed from the fund until the fund is so abolished.

(3) Any amount standing to the credit of the Coinage Fund on the date upon which the said fund is so abolished, shall be paid into the Consolidated Revenue Fund.

CHAPTER II.

CURRENCY, COINAGE AND LEGAL TENDER.

Coinage units.

9. Subject to the provisions of section *sixteen*, the coinage units of the Republic shall be the rand (abbreviated as R) and the cent (abbreviated as c), the cent being one-hundredth part of the rand.

Standard weight and fineness of coins.

10. The standard weight and the standard fineness of the gold, silver, nickel and bronze coins of the denominations mentioned in the First Schedule to this Act are as specified in that Schedule.

The Minister may issue gold, silver, nickel and bronze coins.

11. (1) The Minister may cause to be made and issued gold, silver, nickel and bronze coins of the denominations set out in the First Schedule to this Act.

(2) The coins to be made and issued under sub-section (1) (excepting the Trojan) shall be of the respective values in comparison with the coins issuable under the Coinage Act, 1922 (Act No. 31 of 1922), as are set out in the table below:

TABLE.

Coins issuable under this sub-section.	*Values in comparison with coins issuable under the Coinage Act*, 1922.
Gold coins—	
Trojan	—
Five rand	Two-and-a-half pounds.
Two rand	Pound.
Rand	Half-pound.
Silver coins—	
Rand	Half-pound.
Two-and-a-half cents ..	Threepence.
Nickel coins—	
Fifty cents	Crown.
Twenty cents	Florin.
Ten cents	Shilling.
Five cents	Sixpence.
Two-and-a-half cents ..	Threepence.
Bronze coins—	
Two cents	Twenty-four-tenths of a penny.
Cent	Twelve-tenths of a penny.
Half-cent	Twelve-tenths of a halfpenny.

(3) All gold, silver, nickel and bronze coins made and issued under sub-section (1) shall be of the weight and fineness specified in the First Schedule to this Act.

(4) In the making of gold, silver, nickel and bronze coins, a remedy (or variation from the standard weight and the standard fineness specified in the First Schedule to this Act) shall be allowed of an amount not exceeding the amount specified in that Schedule.

Wettige betaalmiddel.

12. (1) 'n Aanbod van betaling van geld is 'n wettige aanbod indien gedoen in munte wat Republikeinse munte of Transvaalse munte van gangbare gewig is—

(*a*) in die geval van goudmunte, vir die betaling van enige bedrag;

(*b*) in die geval van silwermunte en nikkelmunte, vir die betaling van 'n bedrag van hoogstens vierhonderd sent, maar vir geen groter bedrag nie;

(*c*) in die geval van bronsmunte, vir die betaling van 'n bedrag van hoogstens tien sent, maar vir geen groter bedrag nie.

(2) 'n Republikeinse of Transvaalse munt word geag nie van gangbare gewig te wees nie indien dit deur slytasie of andersins so in gewig verminder het dat dit van minder gewig is as die gewig wat as die geringste gangbare gewig in die Eerste Bylae by hierdie Wet vermeld word of soos bepaal deur 'n proklamasie ingevolge hierdie Wet.

(3) Niks in hierdie Wet het die bedoeling om enige papiergeld wat kragtens die Wet op die Reserwebank, 1944 (Wet No. 29 van 1944), 'n wettige betaalmiddel is, te belet 'n wettige betaalmiddel te wees nie.

Verbod op ander dan offisiële munte.

13. (1) Geen stuk goud, silwer, nikkel, koper of brons of ander metaal of vermengde metaal, van welke waarde ook, word as 'n muntstuk of as 'n sinnebeeld van geld vervaardig of uitgereik nie, behalwe deur die munt of volgens bestelling van die Regering van die Republiek.

(2) Iemand wat in stryd met sub-artikel (1) handel, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyfhonderd rand.

Ooreenkomste, ens., in gangbare munt aangegaan te word.

14. Elke ooreenkoms, verkoop, betaling, wissel, promesse, dokument, en sekuriteit vir geld, en elke transaksie, onderhandeling, aangeleentheid en saak van watter aard ook met betrekking tot geld, of wat die betaling van geld of die aanspreeklikheid om geld te betaal, meebring, wat gemaak, verly, of aangegaan, gedoen of uitgevoer word in die Republiek, word gemaak, verly of aangegaan, gedoen of uitgevoer ooreenkomstig die munte wat gangbare munte en wettige betaalmiddels kragtens hierdie Wet is en op geen ander wyse nie, tensy dit gemaak, verly of aangegaan, gedoen of uitgevoer word ooreenkomstig die gangbare munt van 'n buitelandse Staat.

Verwysings na bedrae volgens munte kragtens die „Munt Wet, 1922", uitgereik, sluit verwysings in na bedrae volgens munte in hierdie Wet voorgeskryf.

15. 'n Verwysing in 'n wet, akte, instrument, sekuriteit vir geld of ander dokument of in 'n kontrak of ooreenkoms, hetsy in skrif al dan nie, en 'n verwysing op enige ander wyse hoegenaamd, na 'n bedrag bepaal op grondslag van die munte in die Bylae by die „Munt Wet, 1922" (Wet No. 31 van 1922), vermeld, word uitgelê ook as 'n verwysing na 'n gelyke bedrag bepaal op grondslag van die munte in sub-artikel (1) van artikel *elf* vermeld en ooreenkomstig die onderskeie waardes van laasbedoelde munte in vergelyking met die munte in daardie Bylae vermeld, soos in sub-artikel (2) van genoemde artikel uiteengesit, en so 'n verwysing na 'n bedrag bepaal op grondslag van die munte in bedoelde sub-artikels vermeld, word uitgelê ook as 'n verwysing na 'n gelyke bedrag bepaal op grondslag van die munte in daardie Bylae vermeld en ooreenkomstig bedoelde onderskeie waardes.

Munte kragtens 'n vorige wet uitgereik, bly n omloop.

16. Ondanks andersluidende bepalings van hierdie Wet, bly alle munte van goud, silwer en brons kragtens 'n vorige wet vervaardig en uitgereik, totdat hulle ooreenkomstig die bepalings van hierdie Wet ingetrek word, in omloop in alle opsigte asof hierdie Wet nie aangeneem was nie.

HOOFSTUK III.

MISDRYWE.

Verwydering van masjiene, gereedskap, muntstukke, ens., van muntperseel.

17. (1) Iemand wat sonder wettige magtiging of verontskuldiging—

(*a*) enige matrys, meesterstempel, stempel, kraagring, deurslaan- en uitsnywerktuig, model of gietvorm, of enige ander werktuig, masjien, enjin, instrument of ding wat gebruik of aangewend word by of in verband met die aanmunting van muntstukke of medaljes, of enige bruikbare deel van die verskeie voormelde onderwerpe;

(*b*) enige muntstuk, medalje of muntmetaal,

van die muntperseel verwyder, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vier-

Legal tender.

12. (1) A tender of payment of money, if made in coins which are Republican coins or Transvaal coins of current weight, shall be legal tender—

(*a*) in the case of gold coins, for the payment of any amount;

(*b*) in the case of silver coins and nickel coins, for the payment of an amount not exceeding four hundred cents, but for no greater amount;

(*c*) in the case of bronze coins, for the payment of an amount not exceeding ten cents, but for no greater amount.

(2) A Republican or Transvaal coin shall be deemed to be not of current weight if it has become diminished in weight by wear or otherwise so as to be of less weight than the weight specified as the least current weight in the First Schedule to this Act or as determined by any proclamation under this Act.

(3) Nothing in this Act shall be construed as preventing any paper currency which under the South African Reserve Bank Act, 1944 (Act No. 29 of 1944), is a legal tender, from being a legal tender.

Prohibition of other than official coins.

13. (1) No piece of gold, silver, nickel, copper or bronze or of any other metal or mixed metal, of any value whatever shall be made or issued as a coin or as a token of money, except by the mint or to the order of the Government of the Republic.

(2) Any person who acts in contravention of sub-section (1) shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred rand.

Contracts, etc., to be made in currency.

14. Every contract, sale, payment, bill, note, instrument, and security for money, and every transaction, dealing, matter, and thing whatever relating to money, or involving the payment of or the liability to pay any money, which is made, executed, or entered into, done or had, in the Republic, shall be made, executed, entered into, done and had according to the coins which are current and are a legal tender in pursuance of this Act, and not otherwise, unless the same be made, executed, entered into, done or had according to the currency of some foreign State.

References to amounts in terms of coinage issued under the Coinage Act, 1922, to include references to amounts in terms of coinage prescribed in this Act.

15. Any reference in any law, deed, instrument, security for money or other document or in any contract or agreement, whether in writing or not, and any reference in any other manner whatsoever, to an amount determined on the basis of the coins specified in the Schedule to the Coinage Act, 1922 (Act No. 31 of 1922), shall be construed as including a reference to an equivalent amount determined on the basis of the coins specified in sub-section (1) of section *eleven* and in accordance with the respective values of such lastmentioned coins in comparison with the coins specified in that Schedule as set out in sub-section (2) of the said section, and any such reference to an amount determined on the basis of the coins specified in the said sub-sections shall be construed as including a reference to an equivalent amount determined on the basis of the coins specified in the said Schedule and in accordance with the said respective values.

Coins issued under any prior law to remain in circulation.

16. Notwithstanding anything contained in this Act, all gold, silver and bronze coins made and issued under any prior law, shall, until they are called in in accordance with the provisions of this Act, remain in circulation in all respects as if this Act had not been passed.

CHAPTER III.

OFFENCES.

Removal of machines, instruments, coins, etc., from mint premises.

17. (1) Any person who removes from the premises of the mint, without lawful authority or excuse—

(*a*) any matrix, master punch, die, collar, piercing and cutting tool, pattern or mould, or any other tool, machine, engine, instrument or thing used or employed in or about the coining of coins or medals, or any useful part of the several matters aforesaid;

(*b*) any coin, medal or bullion,

shall be guilty of an offence and liable on conviction to a fine not exceeding four hundred rand, or to imprisonment

honderd rand of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar, of met sowel sodanige boete as sodanige gevangenisstraf.

(2) By die toepassing van hierdie artikel beteken „muntmetaal" goud, silwer, nikkel, goudallooi, silverallooi, nikkelallooi, of brons of ander aanmuntingsallooi in die vorm van blokke, stawe, stroke, plate, sissel, afknipsels, korrels, afgekeurde muntstukke of medaljes, ongestempelde muntstukke of medaljes, vylsels, veegsels, metaalskuim, skroot of draad.

Onwettige besit van ongestempelde of onvolmaakte munstukke of medaljes.

18. (1) Iemand wat in besit gevind word van 'n ongestempelde of onvolmaakte muntstuk of medalje van die grootte, vorm en metaalsamestelling van 'n muntstuk of medalje wat by die munt aangemunt word, en nie in staat is om 'n bevredigende verklaring van sodanige besit te gee nie, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vierhonderd rand, of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar, of met sowel sodanige boete as sodanige gevangenisstraf.

(2) By die toepassing van hierdie artikel word 'n muntstuk of medalje as onvolmaak beskou indien dit verkeerd vervaardig is, en derhalwe ongeskik sou wees om volgens die vervaardigingstandaarde wat by die munt toegepas word as 'n egte muntstuk of medalje uitgereik te word.

Bedrieglike gebruik van metaalbrokkies, ens., by muntoutomate.

19. Iemand wat op 'n bedrieglike wyse in 'n masjien wat handelsware of dienste verkoop of reisgelde of tolgelde invorder, enigiets insit of gebruik wat bedoel is om deur te gaan vir die muntstuk of die teken van waarde wat die masjien ontwerp is om te ontvang in ruil vir die handelsware, diens, reisgeld of tolgeld, na gelang van die geval, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die straf wat regtens vir die misdryf bedrog voorgeskryf word.

HOOFSTUK IV.

DIVERSE BEPALINGS.

Bevoegdhede van die Staatspresident.

20. (1) Die Staatspresident kan by proklamasie in die *Staatskoerant* al of enige van die volgende dinge doen:

(*a*) Die grootte van en die ontwerp vir 'n Republikeinse muntstuk vasstel;
(*b*) die remedie deur die Eerste Bylae toegelaat in die geval van 'n Republikeinse muntstuk verminder;
(*c*) die geringste gangbare gewig van 'n Transvaalse of Republikeinse muntstuk vasstel;
(*d*) Transvaalse muntstukke of Republikeinse muntstukke van enige datum of denominasie intrek;
(*e*) enige sodanige proklamasie tevore uitgevaardig, herroep of verander.

(2) Elke proklamasie kragtens hierdie artikel uitgevaardig, tree in werking op 'n datum daarin vermeld, en het regskrag asof die bepalings daarvan in hierdie Wet opgeneem is.

Regulasies.

21. (1) Die Staatspresident kan regulasies uitvaardig wat nie met hierdie Wet in stryd is nie—

(*a*) wat betref die bestuur van die munt se sake; en
(*b*) wat alle aangeleenthede en sake voorskryf wat nodig of dienstig is om voor te skryf ten einde die doeleindes van hierdie Wet uit te voer en om ten volle gevolg aan hierdie Wet te gee.

(2) Regulasies wat kragtens 'n by hierdie Wet herroepe wetsbepaling uitgevaardig en by die inwerkingtreding daarvan van krag is, bly, in soverre die bepalings daarvan nie met hierdie Wet strydig is nie, ten volle van krag en in werking totdat hulle kragtens hierdie artikel gewysig of herroep word.

Aanwending van sekere gelde om muntmetaal, ens., te koop.

22. Ondanks andersluidende bepalings in die „Openbare Schuld Kommissarissen Wet, 1911" (Wet No. 18 van 1911), word die Tesourie hierby gemagtig om deposito's (soos deur daardie Wet omskryf) aan te wend vir die aankoop van metale vir aanmunting.

Onttrekking aan omloop van surplusmunte.

23. Ondanks andersluidende bepalings van hierdie Wet, kan die Minister van tyd tot tyd die onttrekking aan omloop magtig van soveel munte as wat hy meer as die behoeftes ag, en met munte ingevolge enige sodanige magtiging onttrek, kan gehandel word asof hulle ingevolge die bepalings van artikel *twintig* van hierdie Wet ingetrek is.

for a period not exceeding two years, or to both such fine and such imprisonment.

(2) For the purposes of this section "bullion" means any gold, silver, nickel, gold alloys, silver alloys, nickel alloys, or bronze or other minting alloys in the form of ingots, bars, strips, sheets, scissel, cuttings, granules, rejected coins or medals, blanks, filings, sweepings, dross, scrap, or wire.

Unlawful possession of blank or defective coins or medals.

18. (1) Any person who is found in possession of any blank or defective coin or medal of the size, shape and metal composition of any coin or medal that is coined at the mint, and is unable to account satisfactorily for such possession, shall be guilty of an offence and liable on conviction to a fine not exceeding four hundred rand, or to imprisonment for a period not exceeding two years, or to both such fine and such imprisonment.

(2) For the purposes of this section a coin or medal shall be regarded as defective, if it has been wrongly manufactured, and would accordingly be unfit for issue as a proper coin or medal, in accordance with the standards of manufacture employed at the mint.

Fraudulent use of slugs, etc., in slot-machines.

19. Any person who fraudulently inserts or uses in a machine that vends merchandise or services or collects fares or tolls, anything that is intended to pass for the coin or the token of value that the machine is designed to receive in exchange for the merchandise, service, fare or toll, as the case may be, shall be guilty of an offence and liable on conviction to the penalty prescribed by law for the crime of fraud.

CHAPTER IV.

MISCELLANEOUS PROVISIONS.

Powers of State President.

20. (1) The State President may, by proclamation in the *Gazette*, do all or any of the following things:

(*a*) Determine the dimensions of and design for any Republican coin;

(*b*) diminish the amount of remedy allowed by the First Schedule in the case of any Republican coin;

(*c*) determine the least current weight of any Transvaal or Republican coin;

(*d*) call in Transvaal coins or Republican coins of any date or denomination;

(*e*) revoke or alter any such proclamation previously issued.

(2) Every proclamation issued under this section shall come into operation on a date therein specified and shall have effect as if its provisions were enacted in this Act.

Regulations.

21. (1) The State President may make regulations, not inconsistent with this Act—

(*a*) concerning the conduct of the business of the mint; and

(*b*) prescribing all matters and things which are necessary or convenient to be prescribed for carrying out the purposes of and for giving full effect to this Act.

(2) Any regulations made under any law repealed by this Act and in force at the commencement thereof, shall, in so far as the provisions thereof are not inconsistent with this Act, remain in full force and effect until amended or repealed under this section.

Use of certain moneys to purchase bullion, etc.

22. Anything to the contrary notwithstanding in the Public Debt Commissioners Act, 1911 (Act No. 18 of 1911), the Treasury is hereby empowered to use deposits (as in that Act defined) for the purchase of metals for coinage.

Withdrawal from circulation of surplus coins.

23. Notwithstanding anything to the contrary contained in this Act, the Minister may from time to time authorize the withdrawal from circulation of so many coins as he may deem to be in excess of requirements, and coins withdrawn in accordance with any such authority may be dealt with as if they had been called in in terms of section *twenty* of this Act.

Hierdie Wet is ook in Suidwes-Afrika van toepassing.

24. Hierdie Wet en enige wysiging daarvan is ook van toepassing in die gebied Suidwes-Afrika, met inbegrip van daardie deel van genoemde gebied wat bekend staan as die Oostelike Caprivi Zipfel en wat in sub-artikel (3) van artikel *drie* van die Wysigingswet op Aangeleenthede van Suidwes-Afrika, 1951 (Wet No. 55 van 1951), vermeld word, en ook met betrekking tot alle persone in dié deel van genoemde gebied wat bekend staan as die „Rehoboth Gebiet" en wat in die Eerste Bylae by Proklamasie No. 28 van 1923 van die Administrateur van daardie gebied omskryf word.

Herroeping van wette en voorbehoude.

25. (1) Onderworpe aan die bepalings van sub-artikels (2), (3) en (4), word die wette in die Tweede Bylae by hierdie Wet vermeld, hierby herroep in die mate in die derde kolom daarvan uiteengesit.

(2) 'n Proklamasie uitgevaardig en enigiets gedoen kragtens 'n bepaling van 'n wet wat deur hierdie Wet herroep word, word geag kragtens die ooreenstemmende bepaling van hierdie Wet uitgevaardig of gedoen te gewees het.

(3) Ondanks die herroeping van artikels *nege* tot en met *vyftien* van die Wet op die Suid-Afrikaanse Munt, 1941 (Wet No. 16 van 1941), hou enige bepaling daarvan wat by die inwerkingtreding van hierdie Wet op of met betrekking tot 'n persoon van toepassing was, aan om op of met betrekking tot daardie persoon van toepassing te wees in alle opsigte asof genoemde artikels nie herroep was nie.

(4) Ondanks die herroeping van artikel *een* van die Wet op Desimale Munt, 1959 (Wet No. 61 van 1959), kan die Minister, tot 'n datum deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal, voortgaan om munte van goud, silwer en brons van die denominasies in die eerste kolom van die tabel in paragraaf (*a*) van sub-artikel (2) van genoemde artikel uiteengesit, te laat vervaardig en uitreik in alle opsigte asof genoemde artikel nie herroep was nie: Met dien verstande dat so 'n munt nie vervaardig mag word nadat 'n munt van 'n ooreenstemmende denominasie kragtens hierdie Wet vervaardig en uitgereik is nie.

Kort titel en inwerkingtreding.

26. Hierdie Wet heet die Wet op die Suid-Afrikaanse Munt en Munte, 1964, en tree in werking op 'n datum deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

Eerste Bylae.

Denominasie van Munt.	Standaard-gewig. Gramme.	Geringste Gangbare Gewig. Gramme.	Standaardfynheid.	Toegelate Remedie.	
				Gewig per Muntstuk. Gramme.	Fynheid per duisend dele.
Goud:					
Trojaan	33·9305	33·7205	Elf-twaalfdes fyn goud, een-twaalfde allooi; of per duisend dele, 916·6 fynheid.	·06512	2
Vyf rand	19·97014	19·84468		·03240	2
Twee rand	7·98805	7·93787		·01296	2
Rand	3·99402	3·96083		·00972	2
Silwer:					
Rand	15·0	—	Agt-tiendes fyn silwer, tweetiendes allooi; of per duisend dele, 800 fynheid.	·084	6
Twee-en-'n-half sent	1·41379	—	Vyf-tiendes fyn silwer, vyftiendes allooi; of per duisend dele, 500 fynheid.	·0138	8
Nikkel:					
Vyftig sent	9·5	—	Minimum van 98·00 dele per honderd nikkel.	·19	Geen
Twintig sent	6·0	—		·11	
Tien sent	4·0	—		·07	
Vyf sent	2·5	—		·05	
Twee-en-'n-half sent	1·41379	—		·04	
Brons:					
Twee sent	4·0	—	Gemengde metaal: koper, tin en sink.	·08	Geen
Sent	3·0	—		·06	
Halfsent	2·0	—		·04	

24. This Act and any amendment thereof shall apply also in the territory of South-West Africa, including that portion of the said territory known as the Eastern Caprivi Zipfel and referred to in sub-section (3) of section *three* of the South-West Africa Affairs Amendment Act, 1951 (Act No. 55 of 1951), and in relation to all persons in that portion of the said territory known as the "Rehoboth Gebiet" and defined in the First Schedule to Proclamation No. 28 of 1923 of the Administrator of that territory. This Act also applies in South-West Africa.

25. (1) Subject to the provisions of sub-sections (2), (3) and (4), the laws specified in the Second Schedule to this Act are hereby repealed to the extent set out in the third column thereof. Repeal of laws and savings.

(2) Any proclamation issued and anything done under any provision of any law repealed by this Act shall be deemed to have been issued or done under the corresponding provision of this Act.

(3) Notwithstanding the repeal of sections *nine* to *fifteen*, inclusive, of the South African Mint Act, 1941 (Act No. 16 of 1941), any provision thereof which at the commencement of this Act applied to or in relation to any person, shall continue to apply to or in relation to that person in all respects as if the said sections had not been repealed.

(4) Notwithstanding the repeal of section *one* of the Decimal Coinage Act, 1959 (Act No. 61 of 1959), the Minister may, until a date fixed by the State President by proclamation in the *Gazette*, continue to cause to be made and issued gold, silver and bronze coins of the denominations set out in the first column of the table in paragraph (*a*) of sub-section (2) of the said section in all respects as if the said section had not been repealed: Provided that no such coin shall be made after a coin of a corresponding denomination has been made and issued under this Act.

26. This Act shall be called the South African Mint and Coinage Act, 1964, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*. Short title and commencement.

First Schedule.

Denomination of coin.	Standard Weight. Grams.	Least Current Weight. Grams.	Standard Fineness.	Remedy Allowance.	
				Weight per piece. Grams.	Millesimal Fineness.
Gold:					
Trojan	33·9305	33·7205	Eleven-twelfths fine gold, one-twelfth alloy; or millesimal fineness 916·6.	·06512	2
Five rand	19·97014	19·84468		·03240	2
Two rand	7·98805	7·93787		·01296	2
Rand	3·99402	3·96083		·00972	2
Silver:					
Rand	15·0	—	Eight-tenths fine silver, two-tenths alloy; or millesimal fineness 800.	·084	6
Two-and-a-half cents	1·41379	—	Five-tenths fine silver, five-tenths alloy; or millesimal fineness 500.	·0138	8
Nickel:					
Fifty cents	9·5	—	Minimum of 98·00 parts per hundred nickel.	·19	None
Twenty cents ..	6·0	—		·11	
Ten cents	4·0	—		·07	
Five cents	2·5	—		·05	
Two-and-a-half cents	1·41379	—		·04	
Bronze:					
Two cents	4·0	—	Mixed metal: copper, tin and zinc.	·08	None
Cent	3·0	—		·06	
half-cent	2·0	—		·04	

Tweede Bylae.

No. en jaar van wet.	Titel.	In hoeverre herroep.
Wet No. 31 van 1922	„Munt Wet, 1922"	Die geheel.
Wet No. 16 van 1941	Wet op die Suid-Afrikaanse Munt, 1941.	Die geheel.
Wet No. 37 van 1943	Finansiewet, 1943	Artikel *negentien.*
Wet No. 34 van 1946	Wysigingswet op die Suid-Afrikaanse Munt, 1946.	Die geheel.
Wet No. 57 van 1946	Finansiewet, 1946	Artikel *twee-en-twintig.*
Wet No. 4 van 1951	Munt-wysigingswet, 1951	Die geheel.
Wet No. 11 van 1952	Munt-wysigingswet, 1952	Die geheel.
Wet No. 61 van 1959	Wet op Desimale Munt, 1959 ..	Artikels *een* en *twee.*
Wet No. 76 van 1961	Finansiewet, 1961	Artikel *drie.*
Wet No. 77 van 1962	Finansiewet, 1962	Artikel *drie-en-twintig.*

Second Schedule.

No. and year of law.	Title.	Extent of repeal.
Act No. 31 of 1922..	Coinage Act, 1922	The whole.
Act No. 16 of 1941..	South African Mint Act, 1941 ..	The whole.
Act No. 37 of 1943..	Finance Act, 1943	Section *nineteen*.
Act No. 34 of 1946..	South African Mint Amendment Act, 1946.	The whole.
Act No. 57 of 1946..	Finance Act, 1946	Section *twenty-two*.
Act No. 4 of 1951 ..	Coinage Amendment Act, 1951 ..	The whole.
Act No. 11 of 1952..	Coinage Amendment Act, 1952 ..	The whole.
Act No. 61 of 1959..	Decimal Coinage Act, 1959 ..	Sections *one* and *two*.
Act No. 76 of 1961..	Finance Act, 1961	Section *three*.
Act No. 77 of 1962..	Finance Act, 1962	Section *twenty-three*.

No. 79, 1964.]

WET

Tot aanwending van 'n som van hoogstens eenduisend driehonderd vier-en-tagtigmiljoen vyfhonderd-en-twintigduisend rand vir die diens van die Republiek vir die boekjaar wat op die een-en-dertigste dag van Maart 1965 eindig.

(*Engelse teks deur die Staatspresident geteken.*)
(*Goedgekeur op* 19 *Junie* 1964.)

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

Gekonsolideerde Inkomstefonds belas met som van hoogstens R1,017,880,000 op Inkomste-rekening.

1. Die Gekonsolideerde Inkomstefonds van die Republiek word hierby belas met die somme geld wat nodig is vir die diens van die Republiek vir die boekjaar wat op die een-en-dertigste dag van Maart 1965 eindig, maar gesamentlik hoogstens eenduisend-en-sewentienmiljoen agthonderd-en-tagtigduisend rand op die Inkomsterekening, soos uiteengesit in kolom 1 van die Eerste Bylae.

Gekonsolideerde Inkomstefonds belas met som van hoogstens R21,170,000 op Bantoe-onderwys-rekening.

2. Die Gekonsolideerde Inkomstefonds van die Republiek word verder belas met die somme geld wat nodig is vir die diens van die Republiek vir die boekjaar wat op die een-en-dertigste dag van Maart 1965 eindig, maar gesamentlik hoogstens een-en-twintigmiljoen eenhonderd-en-sewentigduisend rand op die Bantoe-onderwysrekening, soos uiteengesit in kolom 1 van die Tweede Bylae.

Gekonsolideerde Inkomstefonds belas met som van hoogstens R345,470,000 op Leningsrekening.

3. Die Gekonsolideerde Inkomstefonds van die Republiek word verder belas met die somme geld wat nodig is vir die diens van die Republiek vir die boekjaar wat op die een-en-dertigste dag van Maart 1965 eindig, maar gesamentlik hoogstens driehonderd vyf-en-veertigmiljoen vierhonderd-en-sewentigduisend rand op die Leningsrekening, soos uiteengesit in kolom 1 van die Derde Bylae.

Hoe die geld bestee moet word.

4. Die geld wat deur hierdie Wet beskikbaar gestel word, moet aangewend word vir die dienste in besonderhede in die Bylaes vermeld en meer omstandig uiteengesit in die Begroting van Uitgawes uit Inkomsterekening [R.P. 1—1964 en R.P. 44—1964], die Begroting van Uitgawes uit Bantoe-onderwys-rekening [R.P. 9—1964] en die Begroting van Uitgawes uit Leningsrekening [R.P. 8—1964 en R.P. 44—1964], soos deur die Parlement goedgekeur, en vir geen ander doel nie: Met dien verstande dat, in die geval van die som van nege-en-tagtigmiljoen vyfhonderdduisend rand aan kapitaaluitgawe aan spoorweë en hawens, wat voorkom onder Leningsbegrotingspos „A" in die Derde Bylae, die magtiging by hierdie Wet verleen, geag word van toepassing te wees slegs op die oordrag van daardie som van die Gekonsolideerde Inkomstefonds na die Spoorweg- en Hawefonds, en die besteding van gemelde som moet plaasvind ooreenkomstig 'n beskikbaarstelling van die Parlement wat daarop betrekking het.

Die Minister kan afwyking goedkeur.

5. Met goedkeuring van die Minister van Finansies kan 'n besparing onder die een sub-hoof van 'n begrotingspos aangewend word tot dekking van uitgawes bo die gemagtigde bedrag onder 'n ander sub-hoof, of van uitgawes onder 'n nuwe sub-hoof van dieselfde begrotingspos: Met dien verstande dat die somme wat in kolom 2 van die Bylaes voorkom, nie oorskry mag word nie, en besparings daarop ewemin aangewend mag word vir enige ander doel as dié waarvoor die geld hierby toegestaan word soos in gemelde Bylaes aangedui.

Kort titel.

6. Hierdie Wet heet die Begrotingswet, 1964.

No. 79, 1964.]

ACT

To apply a sum not exceeding one thousand three hundred and eighty-four million five hundred and twenty thousand rand towards the service of the Republic, for the financial year ending on the thirty-first day of March, 1965.

(*English text signed by the State President.*)
(*Assented to 19th June*, 1964.)

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

Consolidated Revenue Fund charged with sum not exceeding R1,017,880,000 on Revenue Account.

1. The Consolidated Revenue Fund of the Republic is hereby charged with such sums of money as may be required for the service of the Republic for the financial year ending on the thirty-first day of March, 1965, not exceeding in the aggregate one thousand and seventeen million eight hundred and eighty thousand rand on the Revenue Account as shown in column 1 of the First Schedule.

Consolidated Revenue Fund charged with sum not exceeding R21,170,000 on Bantu Education Account.

2. The Consolidated Revenue Fund of the Republic is further charged with such sums of money as may be required for the service of the Republic for the financial year ending on the thirty-first day of March, 1965, not exceeding in the aggregate twenty-one million one hundred and seventy thousand rand on the Bantu Education Account as shown in column 1 of the Second Schedule.

Consolidated Revenue Fund charged with sum not exceeding R345,470,000 on Loan Account.

3. The Consolidated Revenue Fund of the Republic is further charged with such sums of money as may be required for the service of the Republic for the financial year ending on the thirty-first day of March, 1965, not exceeding in the aggregate three hundred and forty-five million four hundred and seventy thousand rand on the Loan Account as shown in column 1 of the Third Schedule.

How money to be applied.

4. The money appropriated by this Act shall be applied to the services detailed in the Schedules, and more particularly specified in the Estimates of Expenditure from Revenue Account [R.P. 1—1964 and R.P. 44—1964], the Estimates of Expenditure from Bantu Education Account [R.P. 9—1964] and the Estimates of Expenditure from Loan Account [R.P. 8—1964 and R.P. 44—1964], as approved by Parliament, and to no other purpose: Provided that in the case of the sum of eighty-nine million five hundred thousand rand for capital expenditure on railways and harbours, shown under Loan Vote "A" in the Third Schedule, the authority granted by this Act shall be deemed to apply only to the transfer of that sum from the Consolidated Revenue Fund to the Railway and Harbour Fund, and the expenditure of the said sum shall be in accordance with any appropriation made by Parliament in that behalf.

The Minister may approve variation.

5. With the approval of the Minister of Finance, a saving on any sub-head of a vote may be made available to meet excess expenditure on any other sub-head, or expenditure on a new sub-head of the same vote: Provided that the sums appearing in column 2 of the Schedules shall not be exceeded, nor shall savings thereon be available for any purpose other than that for which the money is hereby granted as indicated in the said Schedules.

Short title.

6. This Act shall be called the Appropriation Act, 1964.

Eerste Bylae.

(TEN LASTE VAN INKOMSTEREKENING.)

Begrotingspos.		Kolom 1.	Kolom 2.
No.	Titel.		
		R	R
1.	Staatspresident	84,000	
2.	Senaat	297,000	
	Met inbegrip van—		
	Uitgawe- en onthaaltoelae		1,000
	Amptelike onthaal		200
3.	Volksraad	812,000	
	Met inbegrip van—		
	Uitgawe- en onthaaltoelae		1,000
	Amptelike onthaal		200
4.	Eerste Minister	209,000	
	Met inbegrip van—		
	Amptelike onthaal		600
5.	Lande	1,760,000	
	Met inbegrip van—		
	Amptelike onthaal		200
	Hulptoelae aan Nasionale Parkeraad		100,000
6.	Aktekantore	840,000	
7.	Opmetings	2,215,000	
8.	Bosbou	1,480,000	
	Met inbegrip van—		
	Amptelike onthaal		200
	Hulptoelaes:		
	Wattelnavorsingsinstituut, Universiteit van Natal		20,000
	Universiteit van Stellenbosch —navorsing		70,000
	Suid-Afrikaanse Raad vir Houtbevordering		41,000
9.	Publieke Werke	23,949,000	
	Met inbegrip van—		
	Amptelike onthaal		200
	Finansiële hulp:		
	Munisipaliteit van Simonstad		91,000
	Raad van Beheer, Hugenotemonument		12,200
	Voortrekkermonument:		
	Subsidie aan Beheerraad		2,000
	Hulptoelae aan Beheerraad		17,900
10.	Tesourie	1,125,000	
	Met inbegrip van—		
	Amptelike onthaal		870
11.	Staatskuld	55,288,000	
12.	Provinsiale Administrasies	154,022,000	
13.	Suid-Afrika-Huis, Londen (Administratiewe Dienste)	770,000	
14.	Suid-Afrikaanse Munt	3,645,000	
	Met inbegrip van—		
	Amptelike onthaal		120
15.	Binnelandse Inkomste	4,830,000	
	Met inbegrip van—		
	Amptelike onthaal		200
16.	Doeane en Aksyns	7,095,000	
	Met inbegrip van—		
	Amptelike onthaal		200
17.	Oudit	1,077,000	
	Met inbegrip van—		
	Amptelike onthaal		200
18.	Vervoer	21,965,000	
	Met inbegrip van—		
	Amptelike onthaal		540
	Aankoop van motorvoertuie		4,521,000
	Lugnavigasiehulpuitrusting		329,500
	Bydrae tot Fonds ter Uitskakeling van Spooroorgange		500,000
	Hulptoelaes:		
	S.A. Padveiligheidsraad		250,000
	Scott Poolnavorsingsinstituut		600
19.	Volkswelsyn en Pensioene	88,969,000	
	Met inbegrip van—		
	Amptelike onthaal		200
	Kindersorg:		
	Spesiale hulptoelaes		33,000
	Reddingshuis, Bloemfontein		400
	Subsidies aan maatskaplike sentrums		30,000
	Hulptoelae aan Heilsleër		2,200
	Spesiale toekennings aan welsynorganisasies		750,000
20.	Binnelandse Sake	1,880,000	
	Met inbegrip van—		
	Amptelike onthaal		200
21.	Staatsdienskommissie	1,233,000	
	Met inbegrip van—		
	Amptelike onthaal		800
22.	Drukwerk en Skryfbehoeftes	5,000,000	
	Met inbegrip van—		
	Amptelike onthaal		100

First Schedule.

(CHARGEABLE TO REVENUE ACCOUNT.)

Vote. No.	Vote. Title.	Column 1.	Column 2.
		R	R
1.	State President	84,000	
2.	Senate	297,000	
	Including—		
	Expense and entertainment allowance		1,000
	Official entertainment		200
3.	House of Assembly	812,000	
	Including—		
	Expense and entertainment allowance		1,000
	Official entertainment		200
4.	Prime Minister	209,000	
	Including—		
	Official entertainment		600
5.	Lands	1,760,000	
	Including—		
	Official entertainment		200
	Grant-in-aid to National Parks Board		100,000
6.	Deeds Offices	840,000	
7.	Surveys	2,215,000	
8.	Forestry	1,480,000	
	Including—		
	Official entertainment		200
	Grants-in-aid:		
	Wattle Research Institute, University of Natal		20,000
	University of Stellenbosch—research		70,000
	South African Wood Promotion Council		41,000
9.	Public Works	23,949,000	
	Including—		
	Official entertainment		200
	Financial assistance:		
	Simonstown Municipality ..		91,000
	Board of Control, Huguenot Monument		12,200
	Voortrekker Monument:		
	Subsidy to Control Board ..		2,000
	Grant-in-aid to Control Board		17,900
10.	Treasury	1,125,000	
	Including—		
	Official entertainment		870
11.	Public Debt	55,288,000	
12.	Provincial Administrations	154,022,000	
13.	South Africa House, London (Administrative Services)	770,000	
14.	South African Mint	3,645,000	
	Including—		
	Official entertainment		120
15.	Inland Revenue	4,830,000	
	Including—		
	Official entertainment		200
16.	Customs and Excise	7,095,000	
	Including—		
	Official entertainment		200
17.	Audit	1,077,000	
	Including—		
	Official entertainment		200
18.	Transport	21,965,000	
	Including—		
	Official entertainment		540
	Purchase of motor vehicles ..		4,521,000
	Navigational aid equipment ..		329,500
	Contribution towards Level Crossing Elimination Fund		500,000
	Grants-in-aid:		
	S.A. Road Safety Council ..		250,000
	Scott Polar Research Institute ..		600
19.	Social Welfare and Pensions	88,969,000	
	Including—		
	Official entertainment		200
	Child Welfare:		
	Special grants-in-aid		33,000
	Rescue Home, Bloemfontein ..		400
	Subsidies to social centres ..		30,000
	Grant-in-aid to Salvation Army ..		2,200
	Special grants to Welfare Organisations		750,000
20.	Interior	1,880,000	
	Including—		
	Official entertainment		200
21.	Public Service Commission	1,233,000	
	Including—		
	Official entertainment		800
22.	Printing and Stationery	5,000,000	
	Including—		
	Official entertainment		100

Begrotingspos.		Kolom 1.	Kolom 2.
No.	Titel.		
		R	R
23.	Onderwys, Kuns en Wetenskap ..	31,736,000	
	Met inbegrip van—		
	Amptelike onthaal		300
	Aankoop van kunsskatte		250,000
	Hulptoelaes:		
	Skoolfondse		40
	Nasionale Raad vir Sosiale Navorsing		200,000
	Internasionale Afrika-instituut		800
	Uitsaaidiens vir skole		1,500
	Buitelandse studie		2,000
	Kommissie vir Natuurlike en Historiese Monumente ..		19,000
	Stigting Simon van der Stel ..		4,000
	Abbé Breuil-trust		1,000
	Afrika-instituut		69,000
	Hugenote-kollege, Wellington		10,000
	Raad vir Suid-Afrikaanse Oorlogsgrafte		70,000
	Suid-Afrikaanse Instituut, Amsterdam		3,200
	Staatsondersteunde en aanverwante inrigtings		710,910
	Bevordering van liggaamlike opvoeding, volwassene-opvoeding, kuns, ens.		524,090
24.	Nywerheid- en Verbeteringskole ..	2,100,000	
	Met inbegrip van—		
	Hulptoelaes aan skoolfondse:		
	Nywerheidskole		2,050
	Verbeteringskole		170
25.	Bantoe-administrasie en -ontwikkeling	22,748,000	
	Met inbegrip van—		
	Amptelike onthaal		300
	Geheime dienste		500
	Subsidies aan maatskaplike sentrums		2,200
	Hulptoelae aan die Suid-Afrikaanse Naturelletrustfonds		1,345,000
	Betaling aan die Transkeise Regering		2,000,000
26.	Landbou-tegniese Dienste: Administrasie en Nasionale Dienste	11,000,000	
	Met inbegrip van—		
	Amptelike onthaal		200
	Hulptoelaes aan landbouverenigings		8,000
	Subsidie aan die Nasionale Veldtrust		10,000
27.	Landbou-tegniese Dienste: Streekdienste en Onderwys	10,700,000	
	Met inbegrip van—		
	Hulptoelae aan Sentrale Landsdiensfonds		400
	Landboustudiebeurse en -hulpbeurse		5,000
28.	Waterwese	8,158,000	
	Met inbegrip van—		
	Amptelike onthaal		300
	Welsyns- en ontspanningstoekennings		10,000
	Hulptoelae aan S.A. Instituut van Siviele Ingenieurs		7,000
29.	Bantoe-onderwys: Ministerie en Spesiale skole	211,000	
30.	Indiërsake	3,604,000	
	Met inbegrip van—		
	Amptelike onthaal		200
	Skenkings aan gemeenskapsentrums, verenigings en inrigtings, en hulptoelaes aan opvoedkundige en sportorganisasies ..		10,000
	Kindersorg: Spesiale hulptoelaes ..		2,500
31.	Handel en Nywerheid	13,931,000	
	Met inbegrip van—		
	Amptelike onthaal		1,120
	Hulptoelae aan die Nasionale Ontwikkelings- en Bestuursgenootskap van S.A.		4,000
	Bydraes:		
	S.A. Wetenskaplike en Nywerheidnavorsingsraad		8,475,500
	S.A. Buro vir Standaarde ..		1,579,000
32.	Buro vir Statistiek	1,123,000	
	Met inbegrip van—		
	Amptelike onthaal		150
33.	Mynwese	10,719,000	
	Met inbegrip van—		
	Amptelike onthaal		700
	Diverse uitbetalings deur die Algemene Bestuurder, Alluviale Staatsdelwerye		300
	Hulptoelaes:		
	Sanatorium van die Kamer van Mynwese (Springkell) ..		10,000
	Ontspanningsklub — Alluviale Staatsdelwerye		1,800

Vote. No.	Title.	Column 1.	Column 2.
		R	R
23.	Education, Arts and Science	31,736,000	
	Including—		
	Official entertainment		300
	Purchase of works of art		250,000
	Grants-in-aid:		
	School funds		40
	National Council for Social Research		200,000
	International Africa Institute ..		800
	School broadcasting service ..		1,500
	Overseas study		2,000
	Natural and Historical Monuments Commission		19,000
	Simon van der Stel Foundation		4,000
	Abbé Breuil Trust		1,000
	Africa Institute		69,000
	Huguenot College, Wellington		10,000
	South African War Graves Board		70,000
	South African Institute, Amsterdam		3,200
	State-aided and kindred Institutions		710,910
	Advancement of Physical education, Adult education, Art, etc.		524,090
24.	Schools of Industries and Reform Schools	2,100,000	
	Including—		
	Grants-in-aid to school funds:		
	Schools of Industries		2,050
	Reform Schools..		170
25.	Bantu Administration and Development	22,748,000	
	Including—		
	Official entertainment		300
	Secret services		500
	Subsidies to social centres ..		2,200
	Grant-in-aid to the South African Native Trust Fund		1,345,000
	Payment to the Transkeian Government		2,000,000
26.	Agricultural Technical Services: Administration and National Services	11,000,000	
	Including—		
	Official entertainment		200
	Grants-in-aid to Agricultural Societies		8,000
	Subsidy to the National Veld Trust		10,000
27.	Agricultural Technical Services: Regional Services and Education ..	10,700,000	
	Including—		
	Grant-in-aid to Central Land Service Fund		400
	Agricultural scholarships and bursaries		5,000
28.	Water Affairs	8,158,000	
	Including—		
	Official entertainment		300
	Welfare and recreational grants ..		10,000
	Grant-in-aid to S.A. Institute of Civil Engineers		7,000
29.	Bantu Education: Ministry and Special Schools	211,000	
30.	Indian Affairs	3,604,000	
	Including—		
	Official entertainment		200
	Donations to community centres, societies and institutions and grants-in-aid to educational and sports organisations		10,000
	Child Welfare: Special grants-in-aid		2,500
31.	Commerce and Industries	13,931,000	
	Including—		
	Official entertainment		1,120
	Grant-in-aid to the National Development and Management Foundation of S.A.		4,000
	Contributions:		
	S.A. Council for Scientific and Industrial Research		8,475,500
	S.A. Bureau of Standards ..		1,579,000
32.	Bureau of Statistics	1,123,000	
	Including—		
	Official entertainment		150
33.	Mines	10,719,000	
	Including—		
	Official entertainment		700
	Miscellaneous disbursements by General Manager, State Alluvial Diggings		300
	Grants-in-aid:		
	Chamber of Mines (Springkell) Sanatorium		10,000
	Recreation Association — State Alluvial Diggings		1,800

Begrotingspos.		Kolom 1.	Kolom 2.
No.	Titel.		
		R	R
34.	Pos-, Telegraaf-, Telefoon- en Radiodienste	75,670,000	
	Met inbegrip van—		
	Aankoop van motorvoertuie		530,000
	Amptelike onthaal		400
	Departementele onthaal		400
	Hulptoelaes:		
	S.A. Instituut van Elektrotegniese Ingenieurs		50
	Posdienstesportvereniging		5,000
35.	Gesondheid	24,444,000	
	Met inbegrip van—		
	Amptelike onthaal		360
	Hulptoelae aan die Nasionale Raad vir Geestesgesondheid		35,000
	Lovedale-instituut		5,400
	Teringraad van die Kaapprovinsie		600
	Raad vir die bestryding van Veneriese Siektes (Kaapstad)		200
	Hulptoelaes kragtens artikel 135 van Wet No. 36 van 1919:		
	S.A. Instituut vir Mediese Navorsing		15,000
	Poliomiëlitis-navorsingstigting		20,000
	Universiteit van Pretoria—leprose-navorsing		3,000
	Lady Buxton Home, Kaapstad		9,000
	S.A. Nasionale Raad vir Moeder- en Gesinswelsyn		25,000
	Opleiding van gesondheidsinspekteurs		5,800
	S.A. Noodhulpliga, S.A. Rooikruisvereniging en St. John-ambulansbrigade		3,900
	S.A. Verpleegstersvereniging		1,200
	Tandheelkundige klinieke en vrywillige buite-pasiëntdienste		80,000
	Nasionale Kankervereniging van S.A.		200
	Transvaalse Vereniging vir die versorging van Nie-Blanke Blindes		800
	Finansiële hulp kragtens artikel 50 (1) (*f*) van Wet No. 36 van 1919: Kapitaaluitgawes		150,000
36.	Gesondheid: Hospitale en Inrigtings	12,310,000	
37.	Landbou-ekonomie en -bemarking: Administrasie	1,756,000	
	Met inbegrip van—		
	Amptelike onthaal		200
38.	Landbou-ekonomie en -bemarking: Algemeen	40,245,000	
39.	Kantoor tot Invordering van Staatsvoorskotte	440,000	
40.	Verdediging	230,000,000	
	Met inbegrip van—		
	Amptelike onthaal		200
	Militêre inligtingsdiens		234,000
	Hulptoelaes:		
	S.A.W.-ontspanningsfonds		5,000
	S.A. Rooikruisvereniging, St. John-ambulansbrigade en S.A. Noodhulpliga		9,000
	Internasionale Komitee van die Rooikruis		6,000
	S.A. Nasionale Skietvereniging		2,030
41.	Arbeid	6,680,000	
	Met inbegrip van—		
	Amptelike onthaal		740
42.	Immigrasie	4,330,000	
	Met inbegrip van—		
	Amptelike onthaal		200
	Hulptoelaes:		
	Maatskappy vir Europese Immigrasie		36,000
	1820 Memorial Settlers' Association of Southern Africa		36,000
	Southern Africa League		36,000
43.	Kleurlingsake	37,500,000	
	Met inbegrip van—		
	Amptelike onthaal		200
	Kindersorg:		
	Spesiale hulptoelaes		24,000
	Subsidies aan maatskaplike sentrums		11,750
	Hulptoelaes aan skoolfondse:		
	Nywerheidskole		620
	Verbeteringskole		768
	Hulptoelaes aan opvoedkundige en sportorganisasies		20,000
44.	Gemeenskapsbou	479,000	
	Met inbegrip van—		
	Amptelike onthaal		200

Vote. No.	Title.	Column 1.	Column 2.
		R	R
34.	Posts, Telegraphs, Telephones and Radio Services	75,670,000	
	Including—		
	Purchase of motor vehicles		530,000
	Official entertainment		400
	Departmental entertainment		400
	Grants-in-aid:		
	S.A. Institute of Electrical Engineers		50
	Postal Services Sports Association		5,000
35.	Health	24,444,000	
	Including—		
	Official entertainment		360
	Grant-in-aid to the National Council for Mental Health		35,000
	Lovedale Institute		5,400
	Cape Province Tuberculosis Council		600
	Council for combating Venereal Diseases (Cape Town)		200
	Grants-in-aid in terms of section 135 of Act No. 36 of 1919:		
	S.A. Institute for Medical Research		15,000
	Poliomyelitis Research Foundation		20,000
	University of Pretoria—leprosy research		3,000
	Lady Buxton Home, Cape Town		9,000
	S.A. National Council for Maternal and Family Welfare		25,000
	Training of sanitary inspectors		5,800
	S.A. Noodhulpliga, S.A. Red Cross Society and St. John Ambulance Brigade		3,900
	S.A. Nursing Association		1,200
	Dental clinics and voluntary out-patient services		80,000
	National Cancer Association of S.A.		200
	Transvaal Society for the Care of Non-White Blind		800
	Financial assistance in terms of section 50 (1) (*f*) of Act No. 36 of 1919: Capital expenditure		150,000
36.	Health: Hospitals and Institutions	12,310,000	
37.	Agricultural Economics and Marketing: Administration	1,756,000	
	Including—		
	Official entertainment		200
38.	Agricultural Economics and Marketing: General	40,245,000	
39.	State Advances Recoveries Office	440,000	
40.	Defence	230,000,000	
	Including—		
	Official entertainment		200
	Military intelligence service		234,000
	Grants-in-aid:		
	S.A.D.F. Recreation Fund		5,000
	S.A. Red Cross Society, St. John Ambulance Brigade and S.A. Noodhulpliga		9,000
	International Committee of the Red Cross		6,000
	S.A. National Bisley meeting		2,030
41.	Labour	6,680,000	
	Including—		
	Official entertainment		740
42.	Immigration	4,330,000	
	Including—		
	Official entertainment		200
	Grants-in-aid:		
	Maatskappy vir Europese Immigrasie		36,000
	1820 Memorial Settlers' Association of Southern Africa		36,000
	Southern Africa League		36,000
43.	Coloured Affairs	37,500,000	
	Including—		
	Official entertainment		200
	Child Welfare:		
	Special grants-in-aid		24,000
	Subsidies to social centres		11,750
	Grants-in-aid to school funds:		
	Schools of Industries		620
	Reform Schools		768
	Grants-in-aid to educational and sports organisations		20,000
44.	Community Development	479,000	
	Including—		
	Official entertainment		200

Begrotingspos. No.	Titel.	Kolom 1.	Kolom 2.
		R	R
45.	Behuising	5,456,000	
	Met inbegrip van—		
	Amptelike onthaal		400
46.	Justisie	10,905,000	
	Met inbegrip van—		
	Amptelike onthaal		650
47.	Gevangenisse	12,950,000	
	Met inbegrip van—		
	Amptelike onthaal		200
48.	Polisie	51,792,000	
	Met inbegrip van—		
	Aankoop van motorvoertuie ..		2,376,000
	Hulptoelae aan Ontspannings- en Weldadigheidsfonds		5,000
	Amptelike onthaal		200
	Geheime dienste		100,000
	Aankoop van materiaal		30,000
49.	Inligting	3,180,000	
	Met inbegrip van—		
	Geheime dienste		500
50.	Toerisme	1,028,000	
	Met inbegrip van—		
	Amptelike onthaal		200
	Hulptoelae aan die S.A. Toeristekorporasie		896,300
51.	Buitelandse Sake	4,140,000	
	Totaal .. R	1,017,880,000	

Tweede Bylae.

(TEN LASTE VAN BANTOE-ONDERWYSREKENING.)

Begrotingspos. No.	Titel.	Kolom 1.	Kolom 2.
		R	R
	Bantoe-onderwys	21,170,000	
	Met inbegrip van—		
	Amptelike onthaal		200

Derde Bylae.

(TEN LASTE VAN LENINGSREKENING.)

Begrotingspos. No.	Titel.	Kolom 1.	Kolom 2.
		R	R
A.	Diverse Lenings en Dienste	147,060,000	
	Met inbegrip van—		
	Oordrag van gelde na die Spoorweg- en Hawefonds		89,500,000
B.	Publieke Werke	22,300,000	
C.	Telegraaf-, Telefoon- en Radiodienste	27,700,000	
D.	Lande en Nedersettings	13,990,000	
E.	Waterwese	33,881,000	
F.	Bosbou	10,850,000	
G.	Landbou-tegniese Dienste	860,000	
H.	Kantoor tot Invordering van Staatsvoorskotte	4,000,000	
J.	Handel en Nywerheid	8,530,000	
K.	Behuising	26,500,000	
L.	Vervoer	455,000	
M.	Onderwys, Kuns en Wetenskap ..	3,310,000	
N.	Bantoe-administrasie en -ontwikkeling	33,600,000	
	Met inbegrip van—		
	Hulptoelae aan die Suid-Afrikaanse Naturelletrustfonds		32,000,000
O.	Landbou-ekonomie en -bemarking ..	500,000	
P.	Kleurlingsake	6,644,000	
Q.	Bantoe-onderwys	1,290,000	
R.	Mynwese	4,000,000	
	Totaal .. R	345,470,000	

SAMEVATTING.

Bedrag ten laste van Inkomsterekening	R1,017,880,000
Bedrag ten laste van Bantoe-onderwysrekening ..	21,170,000
Bedrag ten laste van Leningsrekening	345,470,000
Totaal	R1,384,520,000

GEDRUK VIR DIE STAATSDRUKKER, PRETORIA, DEUR KAAP EN TRANSVAAL DRUKKERS BEPERK, KAAPSTAD—C506.

Vote. No.	Title.	Column 1.	Column 2.
		R	R
45.	Housing	5,456,000	
	Including—		
	Official entertainment		400
46.	Justice	10,905,000	
	Including—		
	Official entertainment		650
47.	Prisons	12,950,000	
	Including—		
	Official entertainment		200
48.	Police	51,792,000	
	Including—		
	Purchase of motor vehicles ..		2,376,000
	Grant-in-aid to Recreation and Benevolent Fund		5,000
	Official entertainment		200
	Secret services		100,000
	Purchase of material		30,000
49.	Information	3,180,000	
	Including—		
	Secret services		500
50.	Tourism	1,028,000	
	Including—		
	Official entertainment		200
	Grant-in-aid to S.A. Tourist Corporation		896,300
51.	Foreign Affairs	4,140,000	
	Total .. .. R	1,017,880,000	

Second Schedule.

(CHARGEABLE TO BANTU EDUCATION ACCOUNT.)

Vote. No.	Title.	Column 1.	Column 2.
		R	R
	Bantu Education	21,170,000	
	Including—		
	Official entertainment		200

Third Schedule.

(CHARGEABLE TO LOAN ACCOUNT).

Vote. No.	Title.	Column 1.	Column 2.
		R	R
A.	Miscellaneous Loans and Services ..	147,060,000	
	Including—		
	Transfer of moneys to the Railway and Harbour Fund		89,500,000
B.	Public Works	22,300,000	
C.	Telegraph, Telephone and Radio Services	27,700,000	
D.	Lands and Settlements	13,990,000	
E.	Water Affairs	33,881,000	
F.	Forestry	10,850,000	
G.	Agricultural Technical Services ..	860,000	
H.	State Advances Recoveries Office ..	4,000,000	
J.	Commerce and Industries	8,530,000	
K.	Housing	26,500,000	
L.	Transport	455,000	
M.	Education, Arts and Science	3,310,000	
N.	Bantu Administration and Development	33,600,000	
	Including—		
	Grant-in-aid to the South African Native Trust Fund		32,000,000
O.	Agricultural Economics and Marketing	500,000	
P.	Coloured Affairs	6,644,000	
Q.	Bantu Education	1,290,000	
R.	Mines	4,000,000	
	Total .. .. R	345,470,000	

SUMMARY.

Amount chargeable to Revenue Account	R1,017,880,000
Amount chargeable to Bantu Education Account ..	21,170,000
Amount chargeable to Loan Account	345,470,000
Total	R1,384,520,000

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