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[No. 1079.]

DEPARTMENT OF THE PRIME MINISTER.

No. 494.] [7th April, 1965.

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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DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 494.] [7 April 1965.

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

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No. 29, 1965.]

ACT

To apply a sum of money not exceeding seven hundred and forty-four million four hundred and forty thousand rand from the Railway and Harbour Fund for the services of the railways and harbours for the year ending the thirty-first day of March, 1966.

(Afrikaans text signed by the State President.)
(Assented to 30th March, 1965.)

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

Railway and
Harbour Fund
to be charged
with R744,440,000.

1. The Railway and Harbour Fund is hereby charged with such sums of money as may be required for the services of the railways and harbours of the Republic for the year ending the thirty-first day of March, 1966, not exceeding in the whole for revenue services the sum of five hundred and ninety-eight million seven hundred and seventy-three thousand rand and for capital and betterment services the sum of one hundred and forty-five million six hundred and sixty-seven thousand rand.

How moneys
to be applied.

2. The moneys appropriated by this Act for revenue services shall be applied to the purposes set forth in the First Schedule to this Act and more particularly specified in the Estimates of Expenditure [R.P. 5—1965] as approved by Parliament, and for capital and betterment services to the purposes set forth in the Second Schedule to this Act and more particularly specified in the Estimates of Expenditure [R.P. 6—1965] as approved by Parliament, but no portion of the sum of ten million rand contributed from the Betterment Fund specified in the Third Schedule shall be utilized for other purposes than those falling under heads numbered 2 (a) and 3 to 9 inclusive in the said Second Schedule.

Minister may
authorize
variations.

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

Lines under
construction.

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

Increase or
decrease in
expenditure
on certain
authorized lines.

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

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

Sources from
which moneys
appropriated
will be provided.

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

Short title.

7. This Act shall be called the Railways and Harbours Appropriation Act, 1965.

No. 29, 1965.]

WET

Tot aanwending van 'n som van hoogstens sewehonderd vier-en-veertigmiljoen vierhonderd en veertigduisend rand uit die Spoorweg- en Hawefonds vir die dienste van die spoorweë en hawens vir die jaar wat op die een-en-dertigste dag van Maart 1966 eindig.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 30 Maart 1965.)

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

1. Die Spoorweg- en Hawefonds word hierby belas met sodanige somme geld as wat nodig is vir die dienste van die spoorweë en hawens van die Republiek gedurende die jaar wat op die een-en-dertigste dag van Maart 1966 eindig, maar gesamentlik ten bedrae van hoogstens vyfhonderd agt-en-negentigmiljoen sewehonderd drie-en-sewentigduisend rand vir inkomstedienste en eenhonderd vyf-en-veertigmiljoen ses-honderd sewe-en-sestigduisend rand vir kapitaal- en verbete-ringsdienste.

Spoorweg- en
Hawefonds
belas met
R744,440,000.

2. Die gelde deur hierdie Wet beskikbaar gestel vir inkomste-dienste moet aangewend word vir die doeleindes vermeld in die Eerste Bylae by hierdie Wet en nader omskrywe in die Begroting van Uitgawe [R.P. 5—1965] soos deur die Parlement goed-gekeur, en vir kapitaal- en verbeteringsdienste vir die doeleindes vermeld in die Tweede Bylae by hierdie Wet en nader omskrywe in die Begroting van Uitgawe [R.P. 6—1965] soos deur die Parlement goedgekeur, maar geen deel van die som van tien-miljoen rand getrek uit die verbeteringsfonds in die Derde Bylae vermeld, mag vir ander doeleindes as dié wat onder die hoofde genummer 2 (a) en 3 tot en met 9 van bedoelde Tweede Bylae val, bestee word nie.

Hoe die gelde
bestee moet
word.

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

Minister kan
afwykings
magtig.

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

Lyn in aanbou.

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

Vermeerdering of
vermindering van
uitgawes op
sekere
goedgekeurde
spoorlyne.

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

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

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

Bronne waaruit
beskikbaargestelde
gelde verskaf
sal word.

7. Hierdie Wet heet die Spoorweg- en Hawebegrotingswet, Kort titel. 1965.

First Schedule.

REVENUE SERVICES.

Head No.	Head.	Column 1.	Column 2.
	RAILWAYS.	R	R
	<i>Transportation Services—</i>		
1	General Charges	12,584,000	—
2	Maintenance of Permanent Way and Works	54,893,000	—
3	Maintenance of Rolling Stock	67,070,000	—
4	Running Expenses	102,504,000	—
5	Traffic Expenses	94,503,000	—
6	Superannuation	16,720,000	—
7	Cartage Services	5,959,000	—
8	Depreciation	46,375,968	—
	<i>Subsidiary Services—</i>		
9	Catering and Bedding Services	5,967,000	—
10	Publicity and Advertising	218,000	—
11	Grain Elevators	478,000	—
12	Road Transport Service	15,523,000	—
13	Tourist Service	1,948,000	—
13A	Pre-cooling Services	2,985,000	—
	<i>Net Revenue Account—</i>		
14	Interest on Capital	—	72,670,032
15	Interest on Superannuation and other Funds	—	19,331,000
17	Miscellaneous Expenditure	—	9,762,000
	HARBOURS.		
	<i>Transportation Services—</i>		
18	Maintenance of Assets	5,280,000	—
19	Operating Expenses	6,200,000	—
20	General Charges	727,000	—
21	Superannuation	512,000	—
22	Depreciation	1,819,179	—
	<i>Subsidiary Service—</i>		
23	Lighthouses, Beacons, Bells and Signal Stations	577,000	—
	<i>Net Revenue Account—</i>		
24	Interest on Capital	—	4,282,221
25	Miscellaneous Expenditure	—	4,000
	AIRWAYS.		
	<i>Transportation Services—</i>		
28	Working and Maintenance	35,230,000	—
	<i>Net Revenue Account—</i>		
29	Interest on Capital	—	1,657,000
30	Miscellaneous Expenditure	—	334,000
	PIPE-LINE.		
	<i>Transportation Services—</i>		
31	Working and Maintenance	567,700	—
	<i>Net Revenue Account—</i>		
32	Interest on Capital	—	370,000
33	Miscellaneous Expenditure	—	300
	NET REVENUE APPROPRIATION ACCOUNT.		
34	Deficiency in Pension and Superannuation Funds	—	1,221,600
35	Level Crossings Elimination Fund	—	500,000
36	Contribution to Betterment Fund	—	10,000,000
	Total	R598,773,000	

Eerste Bylae.

INKOMSTEDIENSTE.

Hoof no.	Hoof.	Kolom 1.	Kolom 2.
	SPOORWEË.	R	R
	<i>Vervoerdienste—</i>		
1	Algemene koste	12,584,000	—
2	Onderhoud van spoorbaan en werke	54,893,000	—
3	Onderhoud van rollende materiaal	67,070,000	—
4	Treinloopkoste	102,504,000	—
5	Verkeerskoste	94,503,000	—
6	Superannuasie	16,720,000	—
7	Besteldiens	5,959,000	—
8	Waardevermindering	46,375,968	—
	<i>Hulpdienste—</i>		
9	Verversings- en beddediens ..	5,967,000	—
10	Publisiteit en reklame	218,000	—
11	Graansuiers	478,000	—
12	Padvervoerdien	15,523,000	—
13	Toeristediens	1,948,000	—
13A	Voorverkoeldienste	2,985,000	—
	<i>Netto inkomsterekening—</i>		
14	Rente op kapitaal	—	72,670,032
15	Rente op superannuasie- en ander fondse	—	19,331,000
17	Diverse uitgawe	—	9,762,000
	HAWENS.		
	<i>Vervoerdienste—</i>		
18	Onderhoud van bate	5,280,000	—
19	Bedryfskoste	6,200,000	—
20	Algemene koste	727,000	—
21	Superannuasie	512,000	—
22	Waardevermindering	1,819,179	—
	<i>Hulpdiens—</i>		
23	Vuurtorings, bakens, klokke en seinstasies	577,000	—
	<i>Netto inkomsterekening—</i>		
24	Rente op kapitaal	—	4,282,221
25	Diverse uitgawe	—	4,000
	LUGDIENS.		
	<i>Vervoerdienste—</i>		
28	Eksplorasie en onderhoud ..	35,230,000	—
	<i>Netto inkomsterekening—</i>		
29	Rente op kapitaal	—	1,657,000
30	Diverse uitgawe	—	334,000
	PYPLEIDING.		
	<i>Vervoerdienste—</i>		
31	Eksplorasie en onderhoud ..	567,700	—
	<i>Netto inkomsterekening—</i>		
32	Rente op kapitaal	—	370,000
33	Diverse uitgawe	—	300
	AANWENDINGSMREKENING VAN NETTO INKOMSTE.		
34	Tekort in pensioen- en superannuasie- fondse	—	1,221,600
35	Fonds ter uitskakeling van spoor- oorgange	—	500,000
36	Bydrae tot verbeteringsfonds ..	—	10,000,000
	Totaal	R598,773,000	

Second Schedule.

CAPITAL AND BETTERMENT SERVICES.

Head No.	Head.	Column 1.	Column 2.	Column 3.
		R	R	R
1	Construction of Railways	—	5,308,166	—
2	New Works on Open Lines:			
	(a) Loan Funds, Betterment Fund, Capital Credits and Recoveries	67,956,498	—	—
	(b) Level Crossings Elimination Fund ..	—	2,734,700	—
3	Rolling Stock	43,492,958	—	—
4	Road Transport Service	1,998,157	—	—
5	Harbours	—	5,815,446	—
6	Airways	—	4,682,075	—
7	Pipe-line	—	9,382,000	—
8	Working Capital ..	3,647,000	—	—
9	Unforeseen Works ..	—	—	650,000
	Total		R145,667,000	

SUMMARY.

		R
Revenue Services (First Schedule)	..	598,773,000
Capital and Betterment Services (Second Schedule) ..	..	145,667,000
		<u>R744,440,000</u>

Third Schedule.

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

	R
1. Loan Funds	119,800,000
2. Betterment Fund	10,000,000
3. Level Crossings Elimination Fund	2,734,700
4. Capital Credits	4,932,300
5. Contributions from Revenue Funds towards reduction of Interest-bearing Capital	5,000,000
6. Recoveries from Municipalities and other sources as contributions towards the cost of various works ..	3,200,000
	<u>R145,667,000</u>

Fourth Schedule.

Column 1.	Column 2.	Column 3.	Column 4.	Column 5.
	R	R	R	R
Allanridge-Ancona ..	—	960,000	—	966,075
Alliance-Daveyton ..	720,096	—	717,735.11	—
Crown-West Street ..	2,634,116	—	2,192,537.08	—
New Canada-Phomolong ..	965,000	—	942,412.76	—
Vereeniging: New line from main line approximately one mile south of station to new marshalling yard	736,300	—	616,512.73	—

Tweede Bylae.
KAPITAAL- EN VERBETERINGSDIENSTE.

Hoof no.	Hoof.	Kolom 1.	Kolom 2.	Kolom 3.
		R	R	R
1	Aanleg van spoorweë ..	—	5,308,166	—
2	Nuwe werke aan oop- gestelde lyne:			
	(a) Leningsfondse, ver- beteringsfonds, kapi- taalkrediete en in- vorderings	67,956,498	—	—
	(b) Fonds ter uit- skakeling van spoor- oorgange	—	2,734,700	—
3	Rollende materiaal ..	43,492,958	—	—
4	Padvervoerdiens ..	1,998,157	—	—
5	Hawens	—	5,815,446	—
6	Lugdiens	—	4,682,075	—
7	Pypleiding	—	9,382,000	—
8	Bedryfskapitaal ..	3,647,000	—	—
9	Onvoorsiene werke ..	—	—	650,000
	Totaal		R145,667,000	

SAMEVATTING.

Inkomstedienste (Eerste Bylae)	..	R 598,773,000
Kapitaal- en verbeteringsdienste (Tweede Bylae)	..	145,667,000
		<u>R744,440,000</u>

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

	R
1. Leningsfondse	119,800,000
2. Verbeteringsfonds	10,000,000
3. Fonds ter uitkakeling van spooroorgange	2,734,700
4. Kapitaalkrediete	4,932,300
5. Bydrae uit Inkomstefondse tot vermindering van rente- draende kapitaal	5,000,000
6. Invorderings van Munisipaliteite en ander bronne as bydraes tot die koste van verskillende werke ..	3,200,000
	<u>R145,667,000</u>

Vierde Bylae.

Kolom 1.	Kolom 2.	Kolom 3.	Kolom 4.	Kolom 5.
	R	R	R	R
Allanridge-Ancona ..	—	960,000	—	966,075
Alliance-Daveyton ..	720,096	—	717,735.11	—
Crown-Wesstraat ..	2,634,116	—	2,192,537.08	—
New Canada- Phomolong ..	965,000	—	942,412.76	—
Vereeniging: Nuwe spoorlyn wat onge- veer een myl besuide die stasie uit die hooflyn uitdraai na die nuwe opstel- terrein	736,300	—	616,512.73	—

No. 30, 1965.]

ACT

To amend the Hire-Purchase Act, 1942.

(English text signed by the State President.)
(Assented to 30th March, 1965.)

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 36 of 1942.

1. Section *one* of the Hire-Purchase Act, 1942 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the substitution in sub-section (1) for the definition of “instalment sale agreement” of the following definition:

“‘instalment sale agreement’ means any agreement of purchase and sale whereby ownership in the goods sold passes upon delivery, and the purchase price is to be paid in instalments, two or more of which are payable after delivery, and under which the buyer is prohibited from alienating or encumbering the goods sold until the purchase price has been paid in full, or the full purchase price becomes payable if the buyer alienates or encumbers the goods sold, or the seller would be entitled to the return of the goods if the buyer should fail to comply with any one or more provisions thereof, and includes any other agreement which has or agreements which together have the same import, whatever form such agreement or agreements may take;” and

(b) by the addition of the following definitions at the end of the said sub-section (1):

“‘Minister’ means the Minister of Economic Affairs;
‘appraiser’ means a person by whom, in terms of the provisions of item 2 of Part II of the Second Schedule to the Licences Act, 1962 (Act No. 44 of 1962), a licence is required on the ground of holding the appointment and carrying on business as a sworn appraiser, or who, in terms of the said item, is exempted from such requirement;
‘prescribed’ means prescribed in terms of this Act.”.

Substitution of
section 2 of
Act 36 of 1942,
as amended by
section 1 of
Act 46 of 1954.

2. The following section is hereby substituted for section *two* of the principal Act:

“Applica-
tion of Act.

2. (1) The provisions of this Act shall—

(a) subject to the provisions of paragraph (b) of this sub-section and of any notice in terms of section *two bis*, apply to agreements relating to movables under which the purchase price does not exceed four thousand rand; and

(b) not apply to any agreement under which the State is the seller.

(2) The amendment effected by paragraph (a) of section *one* of the Hire-Purchase Amendment Act, 1965, shall not apply in respect of any agreement entered into before the commencement of the said Act.”.

No. 30, 1965.]

WET

Tot wysiging van die Wet op Huurkoop, 1942.

(Eugelse teks deur die Staatspresident geteken.)
(Goedgekeur op 30 Maart 1965.)

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

1. Artikel *een* van die Wet op Huurkoop, 1942 (hieronder die Hoofwet genoem), word hierby gewysig—

Wysiging van artikel 1 van Wet 36 van 1942.

(a) deur in sub-artikel (1) die omskrywing van „kontrak van verkoop op afbetaling” deur die volgende omskrywing te vervang:

„kontrak van verkoop op afbetaling” ’n kontrak van koop en verkoop waarby die eiendomsreg op die verkoopte goed by lewering oorgaan, en die koopprys in paalemente betaal moet word, twee of meer waarvan na lewering betaalbaar is, en waarkragtens die koper belet word om die verkoopte goed te vervreem of te beswaar voordat die koopprys ten volle betaal is, of die volle koopprys betaalbaar word indien die koper die verkoopte goed vervreem of beswaar, of die verkoper op teruggawe van die verkoopte goed geregtig sou wees, indien die koper sou versuim om aan een of meer van die bepalings daarvan te voldoen, en ook enige ander kontrak wat, of kontrakte wat tesame, dieselfde strekking het, watter vorm daardie kontrak of kontrakte ook al aanneem;” en

(b) deur die volgende omskrywings aan die end van genoemde sub-artikel (1) by te voeg:

„Minister” die Minister van Ekonomiese Sake;
„waardeerder” iemand van wie ingevolge die bepalings van item 2 van Deel II van die Tweede Bylae by die Wet op Lisensies, 1962 (Wet No. 44 van 1962), ’n lisensie vereis word op grond daarvan dat hy ’n aanstelling as beëdigde waardeerder het en as sodanig sake doen, of wat, ingevolge genoemde item, van sodanige vereiste vrygestel is; „voorgeskrewe” ingevolge hierdie Wet voorgeskrewe.”.

2. Artikel *twee* van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 2 van Wet 36 van 1942, soos gewysig deur artikel 1 van Wet 46 van 1954.

„Toepassing van Wet.

2. (1) Die bepalings van hierdie Wet—

(a) is, behoudens die bepalings van paragraaf (b) van hierdie sub-artikel en van enige kennisgewing ingevolge artikel *twee bis*, van toepassing op kontrakte met betrekking tot roerende goed waarkragtens die koopprys nie meer as vierduisend rand bedra nie; en

(b) is nie van toepassing nie op ’n kontrak waarkragtens die Staat die verkoper is.

(2) Die wysiging aangebring deur paragraaf (a) van artikel *een* van die Wysigingswet op Huurkoop, 1965, is nie van toepassing nie ten opsigte van ’n kontrak aangegaan vóór die inwerkingtreding van genoemde Wet.”.

Insertion of
section 2bis in
Act 36 of 1942.

3. The following section is hereby inserted in the principal Act after section two:

"Powers of
Minister in
regard to
terms of
agreements
and appli-
cation of
Act.

2bis. (1) The Minister may by notice in the Gazette—

- (a) prescribe the portion of the cash price of any movables which shall be paid as contemplated in paragraph (a) of sub-section (1) of section seven;
- (b) prescribe the maximum period within which the purchase price under an agreement shall be payable;
- (c) prescribe that any of or all the provisions of this Act shall also apply to agreements, entered into after the relevant date fixed in terms of sub-section (3), relating to movables specified in such notice and of which the purchase price exceeds four thousand rand or exceeds that amount but does not exceed an amount so specified;
- (d) exempt from any of or all the provisions of this Act all agreements, or any kind of agreements specified in such notice, relating to movables belonging to a class or group of movables so specified;
- (e) exempt from any of or all the provisions of this Act any agreements under which the seller is the Bantu Investment Corporation of South Africa Limited referred to in section two of the Bantu Investment Corporation Act, 1959 (Act No. 34 of 1959), or the Coloured Development Corporation, Limited, referred to in section two of the Coloured Development Corporation Act, 1962 (Act No. 4 of 1962).

(2) In exercising the powers conferred on him by sub-section (1) the Minister may make different provisions in respect of different classes of agreements and different classes or groups of movables, and in respect of each of the corporations referred to in paragraph (e) of the said sub-section (1).

(3) A notice issued under sub-section (1) shall come into operation on the date fixed in such notice and which, if such notice has the effect of—

- (a) increasing the portion of the cash price referred to in paragraph (a) of the said sub-section (1);
- (b) fixing or reducing any period referred to in paragraph (b) of the said sub-section (1);
- (c) making any of or all the provisions of this Act applicable to any agreements referred to in paragraph (c) of the said sub-section (1),

shall not be earlier than one month from the date of the publication of the notice."

Amendment of
section 3 of
Act 36 of 1942.

4. Section three of the principal Act is hereby amended by the substitution in sub-section (2) for the words "twenty-five pounds" of the words "fifty rand".

Amendment of
section 4 of
Act 36 of 1942.

5. Section four of the principal Act is hereby amended by the substitution in sub-section (3) for the words "twenty-five pounds" of the words "fifty rand".

Amendment of
section 5 of
Act 36 of 1942.

6. Section five of the principal Act is hereby amended—

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

"(b) a statement of the amounts which are included in the purchase price as defined in section one, each such amount being separately specified opposite the matter in respect of which it is payable;"

- (b) by the insertion after the said paragraph (b) of the following paragraphs:

"(b)bis a statement of the amount payable by the buyer in pursuance of the provisions of paragraph (a) of sub-section (1) of section seven;

3. Die volgende artikel word hierby in die Hoofwet na Invoeging van artikel *twee* ingevoeg: artikel 2*bis* in Wet 36 van 1942.

„Bevoegdheid van Minister met betrekking tot voorwaardes in kontrakte en toepassing van Wet.

2*bis*. (1) Die Minister kan by kennisgewing in die *Staatskoerant*—

- (a) dié gedeelte van die kontantprys van enige roerende goed voorskryf wat betaal moet word soos in paragraaf (a) van sub-artikel (1) van artikel *sewe* beoog word;
- (b) die maksimum tydperk voorskryf waarin die koopprys kragtens 'n kontrak betaalbaar moet wees;
- (c) voorskryf dat enige van of al die bepalings van hierdie Wet ook van toepassing is op kontrakte wat aangegaan word ná die toepaslike datum vasgestel ingevolge sub-artikel (3), en wat betrekking het op roerende goed vermeld in daardie kennisgewing en waarvan die koopprys meer as vierduisend rand is, of meer as dié bedrag is maar nie meer as 'n aldus vermelde bedrag is nie;
- (d) alle kontrakte, of enige soort kontrakte vermeld in daardie kennisgewing, met betrekking tot roerende goed wat behoort tot 'n klas of groep roerende goed aldus vermeld, van enige van of al die bepalings van hierdie Wet vrystel;
- (e) kontrakte waarkragtens die Bantoe-beleggingskorporasie van Suid-Afrika, Beperk, vermeld in artikel *twee* van die Wet op die Bantoe-beleggingskorporasie, 1959 (Wet No. 34 van 1959), of die Kleurling-ontwikkelingskorporasie, Beperk, vermeld in artikel *twee* van die Wet op die Kleurling-ontwikkelingskorporasie, 1962 (Wet No. 4 van 1962), die verkoper is, van enige van of al die bepalings van hierdie Wet vrystel.

(2) Die Minister kan by die uitoefening van die bevoegdheid wat by sub-artikel (1) aan hom verleen is, verskillende bepalings uitvaardig ten opsigte van verskillende klasse kontrakte en verskillende klasse of groepe roerende goed, en ten opsigte van elkeen van die korporasies vermeld in paragraaf (e) van genoemde sub-artikel (1).

(3) 'n Kennisgewing wat kragtens sub-artikel (1) uitgereik is, tree in werking op die datum wat in dié kennisgewing vasgestel word en wat, indien sodanige kennisgewing die uitwerking het dat—

- (a) die gedeelte van die kontantprys vermeld in paragraaf (a) van genoemde sub-artikel (1) verhoog word;
- (b) 'n tydperk vermeld in paragraaf (b) van genoemde sub-artikel (1) vasgestel of verkort word;
- (c) enige van of al die bepalings van hierdie Wet van toepassing verklaar word op enige ooreenkomste vermeld in paragraaf (c) van genoemde sub-artikel (1),

nie vroeër mag wees nie as 'n maand vanaf die datum van afkondiging van die kennisgewing.”.

4. Artikel *drie* van die Hoofwet word hierby gewysig deur Wysiging van artikel 3 van Wet 36 van 1942.
in sub-artikel (2) die woorde „vyf-en-twintig pond” deur die woorde „vyftig rand” te vervang.

5. Artikel *vier* van die Hoofwet word hierby gewysig deur Wysiging van artikel 4 van Wet 36 van 1942.
in sub-artikel (3) die woorde „vyf-en-twintig pond” deur die woorde „vyftig rand” te vervang.

6. Artikel *vyf* van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (b) van sub-artikel (1) deur die volgende paragraaf te vervang: Wysiging van artikel 5 van Wet 36 van 1942.

„(b) die bedrae vermeld wat inbegrepe is by die koopprys soos in artikel *een* omskryf, met iedere sodanige bedrag afsonderlik aangegee teenoor die aangeleentheid ten opsigte waarvan dit betaalbaar is;”;

- (b) deur na genoemde paragraaf (b) die volgende paragrafe in te voeg:

„(b)*bis* die bedrag vermeld wat uit hoofde van die bepalings van paragraaf (a) van sub-artikel (1) van artikel *sewe* deur die koper betaalbaar is;

- (b) *ter* a statement of the amount of each of the instalments by which the balance of the purchase price, after deduction of the amount paid by the buyer, is to be paid;
- (b) *quat* a statement of the date, or the mode of determining the date, upon which each such instalment is payable;";
- (c) by the substitution for sub-section (2) of the following sub-section:
 - "(2) (a) If a person as seller is a party to an agreement which does not substantially comply with the provisions of sub-section (1), he 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 six months.
 - (b) If in any proceedings under paragraph (a) it is proved that the agreement in question did not comply with the provisions of sub-section (1), such agreement shall be deemed not to have complied substantially therewith, until it is proved that failure to comply therewith did not prejudice the buyer or any other person."; and
- (d) by the substitution for sub-section (3) of the following sub-section:
 - "(3) If after delivery to the buyer of the goods sold under an agreement the seller and the buyer agree that those goods or any portion thereof be replaced by any other goods, the goods required in terms of paragraph (c) of sub-section (1) to be described in the agreement, shall, as from the date on which the goods are replaced, be the goods to which the agreement as from that date relates."

Amendment of section 6 of Act 36 of 1942.

7. Section six of the principal Act is hereby amended by the addition of the following sub-section:

"(3) Paragraph (f) of sub-section (1) shall not be construed as if the seller and the buyer are prohibited from agreeing that the goods sold or any portion thereof be replaced by any other goods which are substantially of the same value and nature as the goods to be so replaced, provided the other terms of the agreement are not altered as a result thereof."

Substitution of section 7 of Act 36 of 1942, as substituted by section 2 of Act 46 of 1954 and amended by section 1 of Act 14 of 1957 and section 1 of Act 50 of 1959.

8. The following section is hereby substituted for section seven of the principal Act:

"Agreements invalid under certain circumstances.

7. (1) No agreement in respect of the sale of a movable shall be of any force or effect—

- (a) until at least the appropriate prescribed portion of the cash price of such movable or, if no such portion has been prescribed, at least one-tenth of such price has been paid; and
- (b) unless the period within which the full purchase price is payable, does not exceed the appropriate prescribed period (if any).

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

- (a) substantial compliance with any condition contemplated therein, shall be deemed to be compliance with such condition;
- (b) payment of the appropriate portion of the cash price may be effected wholly or partly in goods;
- (c) no payment by means of a cheque shall, except to the extent to which the amount of such cheque has been paid to the seller or his order or his account with a bank or that of his order has been credited with such amount, be regarded as payment; and
- (d) no payment shall, to the extent to which it is made out of moneys borrowed directly or indirectly from or through the seller or any person whose business or part of whose business it is by arrangement with the seller to advance money for payments under agreements with the seller, and no payment in goods shall, to the extent to which the amount thereof exceeds a reasonable price for the goods, be regarded as payment.

(3) An agreement which was valid when it was entered into and which is thereafter so altered that it becomes of no force and effect by virtue of the provisions of sub-section (1), shall for all purposes be deemed to have been invalid *ab initio*."

- (b)ter die bedrag vermeld van elkeen van die paaie-
mente waarmee die balans van die koopprys,
ná aftrekking van die bedrag wat betaal is deur
die koper, betaal moet word;
- (b)quat die vervaldatum van elke paaie-
ment, of die
wyse waarop dié datum bepaal word, vermeld;";
- (c) deur sub-artikel (2) deur die volgende sub-artikel te
vervang:
„(2) (a) Indien iemand as verkoper 'n party is by
'n kontrak wat nie in hoofsaak aan die bepalings
van sub-artikel (1) voldoen nie, is hy aan 'n
misdryf skuldig en by skuldigbevinding strafbaar
met 'n boete van hoogstens tweehonderd rand
of met gevangenisstraf vir 'n tydperk van hoog-
stens ses maande.
- (b) Indien in 'n geding kragtens paragraaf (a) bewys
word dat die betrokke kontrak nie aan die
bepalings van sub-artikel (1) voldoen het nie,
word dié kontrak geag nie in hoofsaak daaraan
te voldoen het nie, totdat bewys word dat versuim
om daaraan te voldoen nie die koper of iemand
anders benadeel het nie.”; en
- (d) deur sub-artikel (3) deur die volgende sub-artikel te
vervang:
„(3) Indien ná lewering aan die koper van die goed
wat kragtens 'n kontrak verkoop is, die verkoper
en die koper ooreenkom dat daardie goed of 'n deel
daarvan deur ander goed vervang word, is, vanaf die
datum waarop die goed vervang word, die goed wat
ingevolge paragraaf (c) van sub-artikel (1) in die
kontrak beskryf moet word, die goed waarop die
kontrak vanaf daardie datum betrekking het.”.

7. Artikel ses van die Hoofwet word hierby gewysig deur die
volgende sub-artikel by te voeg:

Wysiging van
artikel 6 van
Wet 36 van 1942.

„(3) Paragraaf (f) van sub-artikel (1) word nie so uitgelê nie
dat dit die verkoper en koper belet om ooreen te kom dat die
verkoopte goed of 'n deel daarvan vervang word deur ander
goed wat, in hoofsaak, dieselfde waarde het en van die-
selfde soort is as die goed wat aldus vervang moet word,
mits die ander voorwaardes van die kontrak nie as gevolg
daarvan verander word nie.”.

8. Artikel sewe van die Hoofwet word hierby deur die volgende
artikel vervang:

Vervanging van
artikel 7 van
Wet 36 van 1942,
soos vervang
deur artikel 2 van
Wet 46 van 1954
en gewysig deur
artikel 1 van
Wet 14 van
1957 en artikel
1 van Wet 50
van 1959.

„Kontrakte
ongeldig
onder sekere
omstandig-
hede.

7. (1) Geen kontrak ten opsigte van die verkoop
van 'n roerende saak is geldig nie—

(a) voordat minstens die toepaslike voorgeskrewe
gedeelte van die kontantprys van dié saak of,
indien so 'n gedeelte nie voorgeskryf is nie,
minstens een-tiende van dié prys betaal is; en

(b) tensy die tydperk waarin die volle koopprys
betaalbaar is, nie die toepaslike voorgeskrewe
tydperk (indien daar een is) oorskry nie.

(2) By die toepassing van sub-artikel (1)—

(a) word wesenlike voldoening aan 'n voorwaarde
wat daarin beoog word, geag voldoening aan
dié voorwaarde te wees;

(b) kan betaling van die toepaslike gedeelte van die
kontantprys geheel en al of ten dele met
goedere geskied;

(c) word geen betaling per tjek as betaling beskou
nie, behalwe in die mate waarin die bedrag van
sodanige tjek aan die verkoper of sy order uit-
betaal of sy rekening by 'n bank, of dié van sy
order, met die bedrag gekrediteer is; en

(d) word geen betaling, in die mate waarin dit ge-
skied uit geld wat regstreeks of onregstreeks
geleen is van of deur bemiddeling van die ver-
koper of iemand wat 'n onderneming daarvan
maak of van wie se onderneming dit 'n deel is
om, volgens reëling met die verkoper, geld voor
te skiet vir betalings kragtens kontrakte met die
verkoper, en geen betaling met goedere, in die
mate waarin die bedrag daarvan meer is as 'n
redelike prys vir die goedere, as betaling beskou
nie.

(3) 'n Kontrak wat geldig was toe dit gesluit is en
wat daarna so verander word dat dit uit hoofde van
die bepalings van sub-artikel (1) ongeldig word,
word vir alle doeleindes geag van die begin af
ongeldig te gewees het.”.

Substitution of
section 9 of
Act 36 of 1942.

9. The following section is hereby substituted for section *nine* of the principal Act:

"Obligation of seller and buyer to furnish certain information to each other.

9. (1) If the buyer makes a written request therefor to the seller and tenders to the seller ten cents for expenses, the seller shall, within seven days after the request is received, hand over to the buyer or send to him by post to the address mentioned by the buyer in the request—

(a) a statement showing—

- (i) the amount paid under the agreement by or on behalf of the buyer;
- (ii) the amount due under the agreement and unpaid, the date upon which each unpaid instalment became due, and the amount of each such instalment; and
- (iii) the amount which is to become payable under the agreement, the date or mode of determining the date upon which each future instalment is to become payable, and the amount of each such instalment; and

(b) a copy of the agreement.

(2) While the agreement is in force the seller shall, not later than the last day of a period of two months after the agreement is entered into, and thereafter not later than the last day of each succeeding period of two months, hand over or send by post to the buyer a statement showing the total amount paid under the agreement and the amount which is still to become payable thereunder.

(3) (a) If at any time during the existence of an agreement the buyer or any other person who has or had possession of the goods sold under such agreement is requested thereto in writing by or on behalf of the seller or verbally by a deputy-sheriff or a messenger of the court, he shall, in accordance with the provisions of paragraph (b), notify the person making the request—

- (i) of his residential and business address;
- (ii) of the premises where the goods are ordinarily kept and of the name and address of the landlord (if any) of such premises; and
- (iii) if the goods are no longer in his possession, of the name and address of the person in whose possession they are or to whom they were handed over, or of the place where they are.

(b) Notification in terms of paragraph (a) shall be effected—

- (i) in the case of a request by or on behalf of the seller, by registered letter sent to the person who made the request or, if such person assents thereto, by verbal information given to him, within seven days of receipt of such request; or
- (ii) in the case of a request made by a deputy-sheriff or a messenger of the court, by verbal information given to him forthwith.

(c) If at any time during the existence of an agreement—

- (i) the buyer changes his residential or business address;
- (ii) the goods sold, or any part thereof, are or is removed from the place where such goods are ordinarily kept; or
- (iii) the buyer loses or parts with possession of the goods,

the buyer shall within fourteen days notify the seller in writing, in the event contemplated in sub-paragraph (i), of the new address, and in the event contemplated in sub-paragraph (ii), of the premises to which the goods or part thereof have or has been removed, and of the name and address of the landlord (if any) of such premises, and in the event contemplated in sub-paragraph (iii), of the name and address of the person in whose possession the goods are or to whom they were handed over, or of the place where they are.

(4) Any person who fails to comply with the provisions of sub-section (1), (2) or (3), shall be

9. Artikel *nege* van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van
artikel 9 van
Wet 36 van
1942.

„Verplig-
ting van
verkoper en
koper om
aan mekaar
sekere in-
ligting te
verstrek.

9. (1) Indien die koper die verkoper skriftelik daarom versoek en aan die verkoper tien sent vir koste aanbied, moet die verkoper binne sewe dae na ontvangs van die versoek, aan die koper oorhandig of oor die pos stuur na die adres deur die koper in die versoek vermeld—

(a) 'n staat waarin aangegee word—

- (i) die bedrag deur of ten behoeve van die koper ingevolge die kontrak betaal;
- (ii) die bedrag wat ingevolge die kontrak op-eisbaar en onbetaal is, die datum waarop elke onbetaalde paalement verval het, en die bedrag van elke sodanige paalement; en
- (iii) die bedrag wat ingevolge die kontrak betaalbaar sal word, die vervaldatum van elke toekomstige paalement of die manier om daardie datum vas te stel, en die bedrag van elke sodanige paalement; en

(b) 'n afskrif van die kontrak.

(2) Terwyl die kontrak van krag is, moet die verkoper, nie later nie as die laaste dag van 'n tydperk van twee maande nadat die kontrak gesluit is, en daarna nie later nie as die laaste dag van elke daaropvolgende tydperk van twee maande, aan die koper 'n staat oorhandig of oor die pos stuur waarin die totaal bedrag vermeld word wat ingevolge die kontrak betaal is, asook die bedrag wat nog daarkragtens betaalbaar sal word.

(3) (a) Indien te eniger tyd gedurende die bestaan van 'n kontrak die koper of iemand anders wat in besit is of was van die goed wat kragtens dié kontrak verkoop is, skriftelik deur of namens die verkoper, of mondeling deur 'n adjunk-balju of geregsbode, daartoe versoek word, moet hy, ooreenkomstig die bepalings van paragraaf (b), die persoon wat die versoek rig, in kennis stel—

- (i) van sy woon- en sake-adres;
- (ii) van die perseel waar die goed gewoonlik gehou word, en van die naam en adres van die verhuurder (indien daar een is) van sodanige perseel; en
- (iii) indien die goed nie meer in sy besit is nie, van die naam en adres van die persoon in wie se besit dit is of aan wie dit oorhandig is, of van die plek waar dit is.

(b) Kennisgewing ingevolge paragraaf (a) moet geskied—

- (i) in die geval van 'n versoek deur of namens die verkoper, per aangetekende brief gestuur aan die persoon wat die versoek gerig het of, indien dié persoon daarmee instem, deur mondelinge inligting aan hom te verstrek, binne sewe dae vanaf die ontvangs van sodanige versoek; of
- (ii) in die geval van 'n versoek gerig deur 'n adjunk-balju of geregsbode, deur onverwyld mondelinge inligting aan hom te verstrek.

(c) Indien te eniger tyd gedurende die bestaan van 'n kontrak—

- (i) die koper sy woon- of sake-adres verander;
- (ii) die verkoopte goed of enige deel daarvan verwyder word van die plek waar sodanige goed gewoonlik gehou word; of
- (iii) die koper besit van die goed verloor of afstand van sodanige besit doen,

moet die koper binne veertien dae die verkoper skriftelik in kennis stel, in die geval beoog in sub-paragraaf (i), van die nuwe adres, en in die geval beoog in sub-paragraaf (ii), van die perseel waarheen die goed of deel daarvan verwyder is, en van die naam en adres van die verhuurder (indien daar een is) van dié perseel, en in die geval beoog in sub-paragraaf (iii), van die naam en adres van die persoon in wie se besit die goed is of aan wie dit oorhandig is, of van die plek waar dit is.

(4) Iemand wat versuim om die bepalings van sub-artikel (1), (2) of (3) na te kom, is skuldig aan

guilty of an offence and liable on conviction, to a fine not exceeding one hundred rand or to imprisonment for a period not exceeding six months.”.

Amendment of section 11 of Act 36 of 1942.

10. Section *eleven* of the principal Act is hereby amended by the substitution in sub-section (1) for the words “fifty pounds” of the words “one hundred rand”.

Amendment of section 12 of Act 36 of 1942.

11. Section *twelve* of the principal Act is hereby amended by the substitution for paragraph (b) of the following paragraph:

“(b) any provision in the agreement for the payment of any amount as damages, or for any forfeiture or penalty, or for the acceleration of the payment of any instalment, unless he has by letter handed over to the buyer or sent by registered post to him at his last known residential or business address, made demand to the buyer to carry out the obligation in question within a period stated in such demand, not being less than ten days, and the buyer has failed to comply with such demand.”.

Amendment of section 13 of Act 36 of 1942.

12. Section *thirteen* of the principal Act is hereby amended by the substitution in sub-section (2) for the words “fifty pounds” of the words “one hundred rand”.

Amendment of section 14 of Act 36 of 1942.

13. Section *fourteen* of the principal Act is hereby amended by the substitution in paragraph (b) for the word “five” of the words “seven and a half”.

Insertion of section 15bis in Act 36 of 1942.

14. The following section is hereby inserted in the principal Act after section *fifteen*:

“Rights of parties to agreement if portion of goods are returned by arrangement.

15bis. If the seller agrees to the return to him by the buyer of a portion of the goods sold, and the value thereof at the time of such return—

(a) is less than the amount of the purchase price then still owing under the agreement, the difference shall be payable by the buyer within the unexpired portion of the period within which the purchase price is payable by him or within such other period as may be agreed upon; or

(b) is more than the amount referred to in paragraph (a), the difference shall be refunded by the seller to the buyer.”.

Amendment of section 16 of Act 36 of 1942.

15. Section *sixteen* of the principal Act is hereby amended—

(a) by the substitution in sub-section (1) for the words “a sworn” of the word “an”;

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

“(2) If the parties concerned cannot agree as to the person to be nominated, any of them may, after the expiration of ten days after having sent to the other at his last known place of business or residence by registered post a notice of his intention to do so, apply to the court for the appointment of an appraiser for the said purpose, and if the application is made to a magistrate’s court and no action relating to or arising out of the agreement is pending before a superior court, such magistrate’s court shall, notwithstanding anything to the contrary in any law, but subject to the provisions of section *nineteen*, have jurisdiction to make such an appointment.”;

(c) by the insertion after the said sub-section (2) of the following sub-sections:

“(2)bis If any application is made in terms of sub-section (2) by any of the parties concerned, the other may intervene in the proceedings to oppose or apply for the appointment of a particular appraiser.

(2)ter If by virtue of the provisions of sub-section (2) more than one appointment is made for the same purpose, only the first appointment so made shall be valid for the purposes of this Act.”;

'n misdryf en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande."

10. Artikel *elf* van die Hoofwet word hierby gewysig deur Wysiging van artikel 11 van Wet 36 van 1942.
in sub-artikel (1) die woorde „vyftig pond” deur die woorde „honderd rand” te vervang.

11. Artikel *twaalf* van die Hoofwet word hierby gewysig Wysiging van artikel 12 van Wet 36 van 1942.
deur paragraaf (b) deur die volgende paragraaf te vervang:

„(b) 'n voorsiening in die kontrak vir betaling van 'n bedrag as skadevergoeding, of vir 'n verbeuring of straf, of vir die vervroegde betaling van 'n paaiement, af te dwing nie, tensy hy per brief aan die koper oorhandig of per aangetekende pos aan hom gestuur na die adres wat, sover bekend, sy jongste woon- of sake-adres is, van die koper geëis het dat hy die betrokke verpligting moet nakom binne 'n in die eis vermelde tydperk wat nie minder as tien dae is nie, en die koper versuim het om aan die eis te voldoen."

12. Artikel *dertien* van die Hoofwet word hierby gewysig Wysiging van artikel 13 van Wet 36 van 1942.
deur in sub-artikel (2) die woorde „vyftig pond” deur die woorde „honderd rand” te vervang.

13. Artikel *veertien* van die Hoofwet word hierby gewysig Wysiging van artikel 14 van Wet 36 van 1942.
deur in paragraaf (b) die woord „vyf” deur die uitdrukking „sewe en 'n half” te vervang.

14. Die volgende artikel word hierby in die Hoofwet na Invoeging van artikel 15bis in Wet 36 van 1942.
artikel *vyftien* ingevoeg:

„Regte van partye by kontrak indien deel van goed volgens reëling teruggegee word.

15bis. Indien die verkoper instem dat 'n deel van die verkoopte goed deur die koper aan hom teruggegee word en die waarde daarvan ten tyde van sodanige teruggawe—

(a) minder is as die bedrag van die koopprys wat dan nog kragtens die kontrak verskuldig is, is die verskil deur die koper betaalbaar binne die onverstreke gedeelte van die tydperk waarin die koopprys deur hom betaalbaar is, of binne die ander tydperk waaroor ooreengekom word; of

(b) meer is as die bedrag in paragraaf (a) bedoel, moet die verskil deur die verkoper aan die koper terugbetaal word."

15. Artikel *sestien* van die Hoofwet word hierby gewysig— Wysiging van artikel 16 van Wet 36 van 1942.
(a) deur in sub-artikel (1) die woorde „beëdigde taksateur” deur die woord „waardeerder” te vervang;
(b) deur sub-artikel (2) deur die volgende sub-artikel te vervang:

„(2) Indien die betrokke partye, wat die persoon betref wat aldus benoem moet word, nie tot 'n ooreenkoms kan geraak nie, kan enigeen van hul, ná verstryking van tien dae nadat aan die ander na die plek wat, sover bekend, sy jongste sake- of woonplek is, per aangetekende pos 'n kennisgewing gestuur is van sy voorneme om dit te doen, by die hof aansoek doen om die aanstelling van 'n waardeerder vir genoemde doel, en as die aansoek by 'n landdroshof gedoen word en geen aksie wat in verband staan met of ontstaan uit die kontrak in 'n hooggeregshof hangende is nie, het daardie landdroshof, ondanks andersluidende bepalings in 'n ander wet vervat, maar behoudens die bepalings van artikel *negentien*, jurisdiksie om so 'n aanstelling te doen."

(c) deur na genoemde sub-artikel (2) die volgende sub-artikels in te voeg:

„(2)bis Indien 'n aansoek ingevolge sub-artikel (2) deur een van die betrokke partye gedoen word, kan die ander tot die geding toetree om die aanstelling van 'n bepaalde waardeerder te bestry of om aansoek om die aanstelling van 'n bepaalde waardeerder te doen.

(2)ter Indien uit hoofde van die bepalings van sub-artikel (2) meer as een aanstelling vir dieselfde doel gedoen word, is slegs die eerste aanstelling wat aldus gedoen word, geldig by die toepassing van hierdie Wet."

- (d) by the substitution in sub-section (3) for the words "a sworn" of the word "an";
- (e) by the deletion in sub-section (4) of the word "sworn"; and
- (f) by the addition of the following sub-section:

"(5) Any provision in any agreement whereby the parties thereto undertake to be bound by the determination, by a person mentioned in such agreement, of the value of the goods sold thereunder, shall be null and void."

Amendment of section 17 of Act 36 of 1942.

16. Section *seventeen* of the principal Act is hereby amended by the substitution for paragraph (e) of sub-section (1) of the following paragraph:

"(e) if it is not satisfied as to the value of the goods, make an order requiring the goods to be sold, within a period stated in the order, by public auction by an auctioneer nominated by the court, or if the parties so agree, by private treaty."

Insertion of sections 17bis and 17ter in Act 36 of 1942.

17. The following sections are hereby inserted in the principal Act after section *seventeen*:

"Rights of parties after making of order by court in terms of section 17.

17bis. (1) If in any action referred to in sub-section (1) of section *seventeen* the court has made any order referred to in that sub-section, the seller and the buyer may agree in writing that such order shall not be given effect to but that their agreement shall in all respects remain of force and effect as if such order had not been made.

(2) If any such order has been made and the buyer at a time when there does not exist such an agreement as is contemplated in sub-section (1) between himself and the seller, pays any amount as an instalment under the agreement to the seller, the seller shall, within thirty days after the receipt by him of such amount, refund it to the buyer.

(3) No such order in respect of which the seller and the buyer have so agreed, shall be a bar to any other action referred to in sub-section (1) of section *seventeen* in respect of the agreement to which such order relates, or affect the power of a court to make in any such action any order referred to in the said sub-section.

(4) Any person who contravenes the provisions of sub-section (2) shall be guilty of an offence and liable on conviction to a fine not exceeding fifty rand or to imprisonment for a period not exceeding three months.

Automatic interdict against removal or use of goods.

17ter. (1) When a summons is issued by a seller in any proceedings in connection with or arising out of an agreement, he may include in such summons a notice whereby every person is prohibited from using the goods in question or removing them from the place where they are when the summons is served, or allowing them to be used or removed from such place, by a person other than the plaintiff or a deputy-sheriff or a messenger of the court.

(2) Such notice shall operate as an interdict restraining any person having knowledge thereof from using or removing any such goods or allowing them to be used or removed.

(3) Any person affected by such notice may apply to the court to have it set aside.

(4) Any person who wilfully disobeys or fails to comply with any such notice shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred rand or to imprisonment for a period not exceeding three months."

Substitution of section 19 of Act 36 of 1942.

18. The following section is hereby substituted for section *nineteen* of the principal Act:

"Jurisdiction.

19. No court other than the court within whose area of jurisdiction the place is situate where the buyer is, at the time of the institution of the proceedings in question, ordinarily resident or employed or ordinarily carries on any business, profession, trade or calling, shall, except with the consent of the buyer given specifically in writing with reference to the pro-

- (d) deur in sub-artikel (3) die woorde „beëdigde taksateur” deur die woord „waardeerder” te vervang;
- (e) deur in sub-artikel (4) die woorde „beëdigde taksateur” deur die woord „waardeerder” te vervang; en
- (f) deur die volgende sub-artikel by te voeg:
 „(5) ’n Bepaling in ’n kontrak waardeur die partye daarby onderneem om gebonde te wees aan die vasstelling, deur iemand vermeld in dié kontrak, van die waarde van die goed wat daarkragtens verkoop word, is nietig.”.

16. Artikel *sewentien* van die Hoofwet word hierby gewysig deur paragraaf (e) van sub-artikel (1) deur die volgende paragraaf te vervang: Wysiging van artikel 17 van Wet 36 van 1942.

„(e) indien hy nie oortuig is aangaande die waarde van die goed nie, ’n bevel gee wat voorskryf dat die goed, binne ’n tydperk in die bevel vermeld, deur ’n afslaer deur die hof benoem, by openbare veiling, of as die partye daartoe ooreenkom, uit die hand, verkoop word.”.

17. Die volgende artikels word hierby in die Hoofwet na artikel *sewentien* ingevoeg: Invoeging van artikels 17bis en 17ter in Wet 36 van 1942.

„Regte van partye na uitreiking van bevel deur hof ingevolge artikel 17.

17bis. (1) Indien in ’n aksie bedoel in sub-artikel (1) van artikel *sewentien* die hof ’n bevel bedoel in dié sub-artikel uitgereik het, kan die verkoper en die koper skriftelik ooreenkom dat daar nie gevolg aan dié bevel gegee sal word nie maar dat hul kontrak in alle opsigte van krag sal bly asof dié bevel nie uitgereik was nie.

(2) Indien so ’n bevel uitgereik is en op ’n tydstip toe daar nie so ’n ooreenkoms as wat in sub-artikel (1) beoog word, tussen die koper en die verkoper bestaan nie, die koper enige bedrag as ’n paalement kragtens die kontrak aan die verkoper betaal, moet die verkoper binne dertig dae nadat hy dié bedrag ontvang het, dit aan die koper terugbetaal.

(3) Geen sodanige bevel ten opsigte waarvan die verkoper en die koper aldus ooreengekom het, is ’n beletsel teen ’n ander aksie bedoel in sub-artikel (1) van artikel *sewentien* ten opsigte van die kontrak waarop so ’n bevel betrekking het, of raak die bevoegdheid van ’n hof om in so ’n aksie enige bevel bedoel in genoemde sub-artikel uit te reik nie.

(4) Iemand wat die bepalings van sub-artikel (2) oortree, is aan ’n misdryf skuldig en by skuldigbevinding strafbaar met ’n boete van hoogstens vyftig rand of met gevangenisstraf vir ’n tydperk van hoogstens drie maande.

Outomatiese interdik teen verwydering of gebruik van goed.

17ter. (1) Wanneer ’n dagvaarding deur ’n verkoper uitgereik word in ’n geding wat in verband staan met of voortspruit uit ’n kontrak, kan hy in dié dagvaarding ’n kennisgewing opneem waarby iedereen verbied word om die betrokke goed te gebruik of te verwyder van die plek waar dit is wanneer die dagvaarding bestel word, of om toe te laat dat dit gebruik of van dié plek verwyder word deur iemand anders as die eiser of ’n adjunk-balju of geregsbode.

(2) So ’n kennisgewing het die uitwerking van ’n interdik wat iemand wat kennis daarvan het, belet om dié goed te gebruik of te verwyder of toe te laat dat dit gebruik of verwyder word.

(3) Iemand wat deur so ’n kennisgewing geraak word, kan by die hof aansoek doen dat dit tersyde gestel word.

(4) Iemand wat opsetlik so ’n kennisgewing verontagsaam of versuim om daaraan te voldoen, is aan ’n misdryf skuldig en by skuldigbevinding strafbaar met ’n boete van hoogstens honderd rand of met gevangenisstraf vir ’n tydperk van hoogstens drie maande.”.

18. Artikel *negentien* van die Hoofwet word hierby deur die volgende artikel vervang: Vervanging van artikel 19 van Wet 36 van 1942.

„Jurisdiksie. 19. Geen ander hof nie as die hof binne wie se regsgebied die plek geleë is waar die koper ten tyde van die instelling van die betrokke geding gewoonlik woon of in diens is of besigheid dryf of ’n professie, bedryf of beroep uitoefen, het, behalwe met die skriftelike toestemming van die koper bepaaldelik met verwysing na die geding in daardie hof verleen, juris-

ceedings in such court, have jurisdiction in any civil matter relating to or arising out of any agreement: Provided that the foregoing provisions of this section shall not apply if there is no place in the Republic where the buyer is so resident or employed, or does so carry on any business, profession, trade or calling, or if no such place is known to the plaintiff.”.

Short title and commencement.

19. This Act shall be called the Hire-Purchase Amendment Act, 1965, and shall come into operation three months after promulgation thereof in the *Gazette*.

diksie in enige siviele aangeleentheid wat in verband staan met of ontstaan uit 'n kontrak: Met dien verstande dat die voorgaande bepalings van hierdie artikel nie van toepassing is nie as daar geen plek in die Republiek is waar die koper aldus woon of in diens is of aldus besigheid dryf of 'n professie, bedryf of beroep uitoefen, of as die eiser nie van enige so 'n plek weet nie."

19. Hierdie Wet heet die Wysigingswet op Huurkoop, 1965, Kort titel en in-
en tree in werking drie maande na afkondiging daarvan in die werkingtreding.
Staatskoerant.

No. 32, 1965.]

ACT

To amend the Cape Town Foreshore Act, 1950.

(English text signed by the State President.)
(Assented to 1st April, 1965.)

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

Insertion of
section 19bis in
Act 26 of 1950.

1. (1) The following section is hereby inserted in the Cape Town Foreshore Act, 1950, after section *nineteen*:

“Delegation of the Minister’s powers. **19bis.** The Minister may delegate any of the powers conferred on him by section *ten* of this Act to any officer referred to in sub-section (1) of section *eight* seconded to the service of the board.”.

(2) Sub-section (1) shall be deemed to have come into operation on the first day of August, 1950.

Short title.

2. This Act shall be called the Cape Town Foreshore Amendment Act, 1965.

No. 32, 1965.]

WET

Tot wysiging van die Wet op die Strandgebied, Kaapstad, 1950.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 1 April 1965.)*

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

1. (1) Die volgende artikel word hierby in die Wet op die Strandgebied, Kaapstad, 1950, na artikel *negentien* ingevoeg: Invoeging van artikel 19bis in Wet 26 van 1950.

„Delegering van die Minister se bevoegdhede. **19bis.** Die Minister kan aan 'n in sub-artikel (1) van artikel *agt* bedoelde amptenaar wat na die diens van die raad oorgeplaas is of word, enige van die by artikel *tien* van hierdie Wet aan hom verleende bevoegdhede deleger.”.

(2) Sub-artikel (1) word geag op die eerste dag van Augustus 1950 in werking te getree het.

2. Hierdie Wet heet die Wysigingswet op die Strandgebied, Kort titel. Kaapstad, 1965.

No. 33, 1965.]

ACT

To amend the Suid-Afrikaanse Akademie vir Wetenskap en Kuns Act, 1959.

*(Afrikaans text signed by the State President.)
(Assented to 1st April, 1965.)*

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

Substitution of
section 4 of
Act 54 of 1959.

1. The following section is hereby substituted for section *four* of the Suid-Afrikaanse Akademie vir Wetenskap en Kuns Act, 1959 (hereinafter referred to as the principal Act):

“Objects of the Academy. 4. The objects of the Academy shall be the maintenance and promotion of the Afrikaans language, literature and culture and of the Dutch language and literature, and the promotion of South African history, art, science and technics.”.

Amendment of
section 5 of
Act 54 of 1959.

2. Section *five* of the principal Act is hereby amended by the substitution in sub-section (3) for the word “Governor-General” of the words “State President”.

Amendment of
section 6 of
Act 54 of 1959.

3. Section *six* of the principal Act is hereby amended by the substitution for the word “Union” of the word “Republic”.

Short title.

4. This Act shall be called the Suid-Afrikaanse Akademie vir Wetenskap en Kuns Amendment Act, 1965.

No. 33, 1965.]

WET

Tot wysiging van die Wet op die Suid-Afrikaanse Akademie vir Wetenskap en Kuns, 1959.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 1 April 1965.)*

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

1. Artikel vier van die Wet op die Suid-Afrikaanse Akademie vir Wetenskap en Kuns, 1959 (hieronder die Hoofwet genoem), word hierby deur die volgende artikel vervang:

„Oogmerke van die Akademie. **4.** Die oogmerke van die Akademie is: die handhawing en bevordering van die Afrikaanse taal, letterkunde en kultuur en van die Hollandse taal en letterkunde, en die bevordering van die Suid-Afrikaanse geskiedenis, die kuns, die wetenskap en die tegniek.”.

Vervanging van artikel 4 van Wet 54 van 1959.

2. Artikel vyf van die Hoofwet word hierby gewysig deur in sub-artikel (3) die woord „Goewerneur-Generaal” deur die woord „Staatspresident” te vervang.

Wysiging van artikel 5 van Wet 54 van 1959.

3. Artikel ses van die Hoofwet word hierby gewysig deur die woord „Unie” deur die woord „Republiek” te vervang.

Wysiging van artikel 6 van Wet 54 van 1959.

4. Hierdie Wet heet die Wysigingswet op die Suid-Afrikaanse Akademie vir Wetenskap en Kuns, 1965.

Kort titel.

No. 34, 1965.]

ACT

To amend the Dairy Industry Act, 1961.

(English text signed by the State President.)
(Assented to 1st April, 1965.)

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 30 of 1961.

1. Section *one* of the Dairy Industry Act, 1961 (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the substitution for the definition of “cheese” of the following definition:
“‘cheese’ means the product obtained by the draining of coagulated milk, cream, skim milk or a mixture of two or more of the said products, but does not include soft cheese normally consumed in a fresh state;”;
- (b) by the insertion after the definition of “cheese factory” of the following definition:
“‘cheese spread’ means the product obtained by melting and emulsifying into a homogeneous plastic mass quantities of one or more varieties of cheese with or without the addition of spices, herbs, food products, emulsifying agents, flavouring substances or a permitted preservative;”;
- (c) by the substitution for the definition of “creamery” of the following definition:
“‘creamery’ means any premises used for the manufacture of butter, but does not include such premises if the owner thereof, other than a co-operative society or company registered under the Co-operative Societies Act, 1939 (Act No. 29 of 1939), a company registered under any law providing for the registration of companies, or a partnership or other association of two or more persons, uses cream derived solely from his own cows for such manufacture;”;
- (d) by the substitution for the definition of “dairy produce” of the following definition:
“‘dairy produce’ means milk, sterilised milk, condensed milk, milk powder, skim milk, skim milk powder, casein, cream, butterfat, buttermilk powder, butter, cheese, process cheese, cheese spread, and includes margarine and all substitutes for butter made from vegetable or animal fats, or from a combination of vegetable and animal fats;”;
- (e) by the substitution for the definition of “margarine” of the following definition:
“‘margarine’ means any substance in imitation or form of butter, whether described as margarine or by any other name or designation, whereof the consistency is substantially similar to that of butter and which has been manufactured mainly from any one or more vegetable or animal fats or oils, but does not include any single fat sold as such fat;”;
- (f) by the deletion of the definitions of “process butter” and “process butter factory”;
- (g) by the substitution for the definition of “process cheese” of the following definition:
“‘process cheese’ means the same as cheese spread;”
and

No. 34, 1965.]

WET

Tot wysiging van die Wet op die Suiwelnywerheid, 1961.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 1 April 1965.)

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

1. Artikel een van die Wet op die Suiwelnywerheid, 1961 (hieronder die Hoofwet genoem), word hierby gewysig—

Wysiging van
artikel 1 van
Wet 30 van 1961.

 - (a) deur die omskrywing van „botterfabriek” deur die volgende omskrywing te vervang:
„„botterfabriek” enige perseel wat vir die vervaardiging van botter gebruik word, maar sluit nie so ’n perseel in indien die eienaar daarvan, uitgesonderd ’n koöperatiewe vereniging of -maatskappy geregistreer kragtens die Wet op Koöperatiewe Verenigings, 1939 (Wet No. 29 van 1939), ’n maatskappy geregistreer kragtens ’n wet wat vir die registrasie van maatskappye voorsiening maak, of ’n vennootskap of ander vereniging van twee of meer persone, room vir sodanige vervaardiging gebruik wat uitsluitlik van sy eie koeie verkry is nie;”;
 - (b) deur die omskrywing van „kaas” deur die volgende omskrywing te vervang:
„„kaas” die produk verkry deur die dreinerings van gestolde melk, room, afgeroomde melk of ’n mengsel van twee of meer van genoemde produkte, maar sluit nie sagte kaas in wat normaalweg in ’n vars toestand verbruik word nie;”;
 - (c) deur die omskrywing van „margarien” deur die volgende omskrywing te vervang:
„„margarien” enige stof wat ’n namaaksel of in die vorm van botter is, hetsy as margarien of onder ’n ander naam of benaming beskrywe, en waarvan die tekstuur wesenlik ooreenstem met dié van botter, en wat in hoofsaak vervaardig is van een of meer plantaardige vette of olies of dierevette of -olies, maar nie ook ’n enkele vetsoort wat as so ’n vetsoort verkoop word nie;”;
 - (d) deur die omskrywings van „prosesbotter” en „prosesbotterfabriek” te skrap;
 - (e) deur die omskrywing van „proseskaas” deur die volgende omskrywing te vervang:
„„proseskaas” dieselfde as smeerkaas;”;
 - (f) deur die omskrywing van „proseskaasfabriek” deur die volgende omskrywing te vervang:
„„proseskaasfabriek” enige perseel wat vir die vervaardiging van proseskaas of smeerkaas gebruik word;”;
 - (g) deur na die omskrywing van „skema” die volgende omskrywing in te voeg:
„„smeerkaas” die produk verkry deur die opsmelt en emulsifiseer tot ’n homogene plastiese massa hoeveelhede van een of meer soorte kaas met of sonder die toevoeging van speserye, kruie, voedingstowwe, emulsifiseermiddels, geurstowwe of ’n goedgekeurde preserveermiddel;”;

(h) by the substitution for the definition of "process cheese factory" of the following definition:

"process cheese factory" means any premises used for the manufacture of process cheese or cheese spread;".

Substitution of section 3 of Act 30 of 1961.

2. The following section is hereby substituted for section *three* of the principal Act:

"Use of certain premises prohibited unless registered.

3. No person shall use any premises—

(a) as a cheese factory, condensed milk factory, creamery, cream depot, milk depot, milk powder factory, margarine factory, process cheese factory or skim milk powder factory; or

(b) as from a date to be fixed by the State President by proclamation in the *Gazette*, as a casein factory or a sterilized milk plant,

unless such premises are registered with the department in the manner prescribed."

Amendment of section 6 of Act 30 of 1961.

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

(a) by the substitution for sub-sections (2), (3) and (4) of the following sub-sections:

"(2) No premises shall be registered as a condensed milk factory, cream depot, creamery, cheese factory, milk powder factory, milk depot, process cheese factory or skim milk powder factory, and no certificate of registration which relates to any such premises shall be renewed, unless the owner of such premises is registered with the board in terms of the scheme either as a producer of the dairy produce manufactured or to be manufactured on such premises or as a person dealing in the course of trade in relation to the dairy produce which is processed or is to be processed on such premises or from which such first-mentioned dairy produce is manufactured or is to be manufactured.

(3) No premises shall be registered as a cheese factory and no certificate of registration which relates to any such premises shall be renewed, unless there is at least one person employed full-time in such factory who is the holder of a certificate of proficiency in cheesemaking referred to in sub-section (2) of section *eighteen*: Provided that the Minister may grant exemption from this requirement in the case of a factory in which no cheddar cheese, no gouda cheese and no other cheese, which in his opinion closely resembles cheddar cheese or gouda cheese, is manufactured.

(4) After the thirtieth day of June, 1966, no premises shall be registered as a creamery and no certificate of registration which relates to any such premises shall be renewed unless there is at least one person employed full-time in such factory who is the holder of a certificate of proficiency in buttermaking referred to in sub-section (2) of section *eighteen*."; and

(b) by the deletion of sub-section (5).

Amendment of section 10 of Act 30 of 1961.

4. Section *ten* of the principal Act is hereby amended by the substitution for sub-section (3) of the following sub-section:

"(3) If the Minister has so appointed any person a certificate stating that he has been so appointed shall be furnished to such person."

Amendment of section 11 of Act 30 of 1961.

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

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

"(c) examine or grade any dairy produce thereon or therein in whatever receptacle or package it may be contained, and, without payment, take so much thereof or of any article or substance used or reasonably suspected of being used in connection with dairy produce as he may reasonably require as a sample for the purpose of testing,

- (h) deur die omskrywing van „suiwelprodukte” deur die volgende omskrywing te vervang:
 „suiwelprodukte” melk, gesteriliseerde melk, gekondenseerde melk, melkpoeier, afgeroomde melk, afgeroomde melkpoeier, kasein, room, bottervet, karringmelkpoeier, botter, kaas, proseskaas, smeerkaas en ook margarien en alle battersurrogate wat van plantaardige vette of dierevette of van ’n kombinasie van plantaardige vette en dierevette vervaardig is;”.

2. Artikel drie van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 3 van Wet 30 van 1961.

„Gebruik van sekere persele verbied tensy geregistreer.”

3. Niemand mag ’n perseel gebruik nie—

- (a) as ’n kaasfabriek, gekondenseerdmelkfabriek, botterfabriek, roomdepot, melkdepot, melkpoeierfabriek, margarienfabriek, proseskaasfabriek of afgeroomdemelkpoeierfabriek; of
 (b) vanaf ’n datum deur die Staatspresident by proklamasie in die *Staatskoerant* vasgestel te word, as ’n kaseinfabriek, of ’n gesteriliseerde melkinrigting,
 tensy daardie perseel op die voorgeskrewe wyse by die departement geregistreer is.”.

3. Artikel ses van die Hoofwet word hierby gewysig—

Wysiging van artikel 6 van Wet 30 van 1961.

(a) deur sub-artikels (2), (3) en (4) deur die volgende sub-artikels te vervang:

„(2) Geen perseel mag as gekondenseerdmelkfabriek, roomdepot, botterfabriek, kaasfabriek, melkpoeierfabriek, melkdepot, proseskaasfabriek of afgeroomdemelkpoeierfabriek geregistreer word nie en geen registrasiesertifikaat wat op enige sodanige perseel betrekking het, mag hernuwe word nie, tensy die eienaar van sodanige perseel ingevolge die skema by die raad geregistreer is of as ’n produsent van die suiwelprodukte wat op sodanige perseel vervaardig word of vervaardig gaan word of as ’n persoon wat in die loop van handel drywe sake doen met betrekking tot die suiwelprodukte wat op sodanige perseel verwerk word of verwerk gaan word of waaruit sodanige eersgenoemde suiwelprodukte vervaardig word of vervaardig gaan word.

(3) Geen perseel mag as ’n kaasfabriek geregistreer word nie en geen registrasiesertifikaat wat op so ’n perseel betrekking het, mag hernuwe word nie, tensy daar minstens een persoon in daardie fabriek voltyds werksaam is, wat die houer is van ’n in sub-artikel (2) van artikel agtien bedoelde sertifikaat van bekwaamheid in kaاسبereiding: Met dien verstande dat die Minister vrystelling van hierdie vereiste kan verleen in die geval van ’n kaasfabriek waarin geen cheddar-kaas, geen goudakaas en geen ander kaas, wat volgens sy oordeel ’n noue ooreenkoms met cheddar- of goudakaas toon, vervaardig word nie.

(4) Na die dertigste dag van Junie 1966 mag geen perseel as ’n botterfabriek geregistreer word nie en mag geen registrasiesertifikaat wat op so ’n perseel betrekking het, hernuwe word nie, tensy daar minstens een persoon in daardie fabriek voltyds werksaam is, wat die houer is van ’n in sub-artikel (2) van artikel agtien bedoelde sertifikaat van bekwaamheid in botterbereiding.”; en

(b) deur sub-artikel (5) te skrap.

4. Artikel tien van die Hoofwet word hierby gewysig deur sub-artikel (3) deur die volgende sub-artikel te vervang:

Wysiging van artikel 10 van Wet 30 van 1961.

„(3) Indien die Minister ’n persoon aldus aangestel het, moet ’n sertifikaat, waarin vermeld word dat hy aldus aangestel is, aan bedoelde persoon verskaf word.”.

5. Artikel elf van die Hoofwet word hierby gewysig—

Wysiging van artikel 11 van Wet 30 van 1961.

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

„(c) enige suiwelprodukte daarop of daarin, in watter houer of verpakking dit ook al mag bevat wees, ondersoek of gradeer, en, sonder betaling, soveel daarvan of van enige artikel of stof wat in verband met suiwelprodukte gebruik word of volgens redelike vermoede gebruik word, neem as wat hy redelikerwys nodig mag hê as ’n monster vir die

grading or analysing or having such dairy produce, article or substance tested, graded or analysed, and may in his discretion notify any person who has an interest in such examination of the result thereof;"; and

- (b) by the substitution for sub-section (6) of the following sub-section:

"(6) Any cancellation, branding or prohibition referred to in paragraph (g) of sub-section (2), shall be subject to an appeal by or on behalf of the owner of such dairy produce in the manner prescribed, and the decision of the person or persons deciding the appeal shall be final and conclusive."

Amendment of section 15 of Act 30 of 1961.

6. Section *fifteen* of the principal Act is hereby amended by the substitution for paragraph (g) of sub-section (1) of the following paragraph:

"(g) manufacture margarine on the same premises as those on which butter is manufactured."

Amendment of section 16 of Act 30 of 1961.

7. Section *sixteen* of the principal Act is hereby amended by the substitution for paragraph (f) of sub-section (1) of the following paragraph:

"(f) sell any dairy produce, other than margarine, process cheese and cheese spread, which contains a preservative;".

Substitution of section 18 of Act 30 of 1961.

8. The following section is hereby substituted for section *eighteen* of the principal Act:

"Certificates of proficiency in the testing and grading of milk or cream and in butter-making and cheese-making. 18. (1) No person shall be employed in the testing of milk, or in the testing of cream for its butterfat content, or in the grading of milk or cream, unless he is the holder of a certificate of proficiency in the testing or grading of milk or cream, as the case may be, issued in the prescribed manner by the Secretary of the department or a senior officer of the department authorized by him.

(2) Such Secretary or officer shall issue a certificate of proficiency in buttermaking or cheesemaking to any person who, in the manner prescribed, satisfies a panel of two persons, consisting of either an inspector and a person qualified by technical training and appointed by the said Secretary or officer for this purpose, or of two inspectors, or of two persons so appointed, jointly that he has a sufficient theoretical and practical knowledge of buttermaking or cheesemaking, as the case may be.

(3) The department shall keep a list of all holders of certificates issued under this section."

Amendment of section 19 of Act 30 of 1961.

9. Section *nineteen* of the principal Act is hereby amended—

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

"(1) The Minister may cancel any certificate of proficiency issued under section *eighteen* if, after due enquiry, he is satisfied that the holder thereof—

- (a) has, during the immediately preceding period of two years, not been engaged in the grading or testing of milk or cream or in buttermaking or cheesemaking, as the case may be; or

- (b) is incompetent or negligent or unreliable in carrying out the grading or testing of milk or cream or in buttermaking or cheesemaking, as the case may be, or is otherwise not a fit person to hold the certificate concerned."; and

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

"(2) If a person holding a certificate of proficiency in milk or cream testing or grading is convicted of an offence of contravening sub-paragraph (v) or (vi) of paragraph (a) of section *twenty-three*, the Secretary of the department shall forthwith cause such certificate to be cancelled and his name to be deleted from the list of certificate holders referred to in sub-section (3) of section *eighteen*."

doel om sodanige suiwelprodukte, artikel of stof te toets of te laat toets, te gradeer of te laat gradeer, of te ontleed of te laat ontleed, en kan hy, na goeë dunke, enigiemand wat belang by so 'n ondersoek het in kennis stel van die uitslag daarvan;"; en

- (b) deur sub-artikel (6) deur die volgende sub-artikel te vervang:

„(6) Teen enige kansellering, merk of verbod in paragraaf (g) van sub-artikel (2) bedoel, kan op die voorgeskrewe wyse deur of namens die eienaar van sodanige suiwelprodukte geappelleer word, en die beslissing van die persoon of persone wat oor die appel beslis is finaal en afdoende.”.

6. Artikel *vyftien* van die Hoofwet word hierby gewysig deur paragraaf (g) van sub-artikel (1) deur die volgende paragraaf te vervang:

Wysiging van artikel 15 van Wet 30 van 1961.

„(g) margarien op dieselfde perseel as dié waarop botter vervaardig word, vervaardig nie.”.

7. Artikel *sestien* van die Hoofwet word hierby gewysig deur paragraaf (f) van sub-artikel (1) deur die volgende paragraaf te vervang:

Wysiging van artikel 16 van Wet 30 van 1961.

„(f) enige suiwelprodukte behalwe margarien, proseskaas en smeerkaas, wat 'n bederfwerende middel bevat, verkoop nie;”.

8. Artikel *agtien* van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 18 van Wet 30 van 1961.

„Sertifikate van bekwaamheid in die toets en gradeer van melk of room en in botter- en kaasbereiding. 18. (1) Niemand mag vir die toets van melk, of vir die toets van room vir sy bottervetinhoud, of vir die gradering van melk of room gebruik word nie tensy hy die houer is van 'n sertifikaat van bekwaamheid in die toets of gradeer van melk of room na gelang van die geval, wat uitgereik is op die voorgeskrewe wyse deur die Sekretaris van die departement of 'n senior beampte van die departement deur hom gemagtig.

(2) Sodanige Sekretaris of beampte reik 'n sertifikaat van bekwaamheid in botterbereiding of kaasbereiding uit aan enige persoon wat op die voorgeskrewe wyse 'n paneel van twee persone, bestaande uit of 'n inspekteur en 'n persoon wat deur tegniese opleiding bevoeg is en deur bedoelde Sekretaris of beampte vir hierdie doel aangestel is, of uit twee inspekteurs, of uit twee aldus aangestelde persone, gesamentlik tevrede stel dat hy 'n voldoende teoretiese en praktiese kennis van botterbereiding of kaasbereiding, na gelang van die geval, het.

(3) Die departement hou 'n lys van alle houters van sertifikate wat kragtens hierdie artikel uitgereik is.”.

9. Artikel *negentien* van die Hoofwet word hierby gewysig— (a) deur sub-artikel (1) deur die volgende sub-artikel te vervang:

Wysiging van artikel 19 van Wet 30 van 1961.

„(1) Die Minister kan enige sertifikaat van bekwaamheid kragtens artikel *agtien* uitgereik, intrek, indien hy na behoorlike ondersoek oortuig is dat die houer daarvan—

- (a) gedurende die onmiddellik vooraangaande tydperk van twee jaar nie met die gradeer of toets van melk of room of met botterbereiding of kaasbereiding, na gelang van die geval, besig was nie; of

- (b) onbekwaam of nalatig of onbetroubaar is in die uitvoering van die gradering of toets van melk of room of in botterbereiding of kaasbereiding, na gelang van die geval, of andersins nie 'n geskikte persoon is om die betrokke sertifikaat te besit nie.”; en

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

„(2) Indien 'n persoon wat die houer van 'n sertifikaat van bekwaamheid is in die toets of gradeer van melk of room, skuldig bevind word aan 'n misdryf weens 'n oortreding van sub-paragraaf (v) of (vi) van paragraaf (a) van artikel *drie-en-twintig*, laat die Sekretaris van die departement onverwyld bedoelde sertifikaat intrek en sy naam van die in sub-artikel (3) van artikel *agtien* bedoelde lys van houters van sertifikate, skrap.”.

Amendment of
section 23 of Act
30 of 1961.

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

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

“(vi) being the holder of a certificate of proficiency in milk or cream grading, classifies milk or cream in a grade other than that in which the milk or cream, as the case may be, should have been classified under this Act, or”; and

(b) by the substitution for paragraph (l) of the following paragraph:

“(l) incites, instigates, commands or procures any holder of a certificate of proficiency in milk or cream testing or in milk or cream grading to make, state or enter in the test book an incorrect test result or to classify milk or cream in a grade other than that in which the milk or cream should have been classified under this Act; or”.

Amendment of
section 29 of
Act 30 of 1961.

11. Section *twenty-nine* of the principal Act is hereby amended—

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

“(n) the examination of candidates for certificates of proficiency in grading and testing of dairy produce and in buttermaking and cheesemaking;”; and

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

“(v) the time and manner in which an appeal under sub-section (6) of section *eleven* shall be lodged and prosecuted, the deposit to be lodged in connection with any such appeal, the circumstances under which such deposit or any part thereof may be refunded, the designation by any specified officer in the department or a person nominated by him of the person or persons by whom such an appeal shall be decided, and any other matter relating to such an appeal;”.

Amendment of
section 34 of
Act 30 of 1961.

12. Section *thirty-four* of the principal Act is hereby amended by the substitution in the Afrikaans text for the expression “Suiwelnywerheidswet, 1957” of the expression “Wet op die Suiwelnywerheid, 1957”.

Substitution of
certain ex-
pressions in
Act 30 of 1961.

13. The principal Act is hereby amended by the substitution for the word “Union” wherever it occurs of the word “Republic” and for the word “Governor-General” wherever it occurs of the words “State President”.

Short title.

14. This Act shall be called the Dairy Industry Amendment Act, 1965.

10. Artikel *drie-en-twintig* van die Hoofwet word hierby gewysig— Wysiging van artikel 23 van Wet 30 van 1961.

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

„(vi) synde die houer van 'n sertifikaat van bekwaamheid in die gradeer van melk of room, melk of room in 'n ander graad klassifiseer as dié waarin die melk of room, na gelang van die geval, kragtens hierdie Wet geklassifiseer moes gewees het, of”; en

(b) deur paragraaf (l) deur die volgende paragraaf te vervang:

„(l) enige houer van 'n sertifikaat van bekwaamheid in die toets van melk of room of in die gradeer van melk of room uitlok, aanstig, beveel of verkry om 'n onjuiste toetsuitslag in die toetsboek te maak, op te gee of in te skryf of om melk of room in 'n ander graad te klassifiseer as dié waarin die melk of room kragtens hierdie Wet geklassifiseer moes gewees het; of”.

11. Artikel *nege-en-twintig* van die Hoofwet word hierby gewysig— Wysiging van artikel 29 van Wet 30 van 1961.

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

„(n) die afneem van eksamens van kandidate vir sertifikate van bekwaamheid in die gradering en toets van suiwelprodukte en in botterbereiding en kaasbereiding;”; en

(b) deur paragraaf (v) van gemelde sub-artikel deur die volgende paragraaf te vervang:

„(v) die tydperk waarin en wyse waarop 'n appèl kragtens sub-artikel (6) van artikel *elf* aangeteken en voortgesit moet word, die deposito wat in verband met so 'n appèl gestort moet word, die omstandighede waaronder bedoelde deposito of 'n deel daarvan terugbetaal kan word, die aanwysing deur 'n vermelde beampte van die departement, of iemand deur hom benoem, van die persoon of persone deur wie sodanige appèl beslis moet word, en enige ander aangeleentheid wat op so 'n appèl betrekking het;”.

12. Artikel *vier-en-dertig* van die Hoofwet word hierby gewysig deur die uitdrukking „Suiwelnywerheidswet, 1957”, deur die uitdrukking „Wet op die Suiwelnywerheid, 1957,” te vervang. Wysiging van artikel 34 van Wet 30 van 1961.

13. Die Hoofwet word hierby gewysig deur die woord „Unie” oral waar dit voorkom deur die woord „Republiek” en die woord „Goewerneur-generaal” oral waar dit voorkom deur die woord „Staatspresident” te vervang. Vervanging van sekere uitdrukkings in Wet 30 van 1961.

14. Hierdie Wet heet die Wysigingswet op die Suiwelnywerheid, 1965. Kort titel.

No. 35, 1965.]

ACT

To amend the Census Act, 1957, and to provide for matters incidental thereto.

(Afrikaans text signed by the State President.)
(Assented to 1st April, 1965.)

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 76 of 1957.

1. Section one of the Census Act, 1957 (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the deletion of the definition of "Assistant Director";
- (b) by the insertion after the definition of "census officer" of the following definition:

"'Deputy Director' means a Deputy Director of Statistics appointed under this Act;"; and

- (c) by the substitution for the definition of "Director" of the following definition:

"'Director' means the Director of Statistics appointed under this Act and, where powers or duties have been delegated under this Act by the Director to any Deputy Director, includes that Deputy Director;".

Substitution of
section 3 of
Act 76 of 1957.

2. The following section is hereby substituted for section three of the principal Act:

"Appointment of officers to take census.

3. (1) The State President may from time to time appoint a Director of Statistics, who shall direct and superintend the taking, in accordance with this Act, of any census.

(2) The State President may from time to time appoint so many Deputy Directors of Statistics as he may determine, and every such Deputy Director shall, subject to the direction of the Director, carry out such powers and perform such duties as are by this Act conferred or imposed upon census officers.

(3) The Director may, subject to the approval of the Minister, delegate any power conferred or duty imposed upon him by this Act, to a Deputy Director or to any public officer.

(4) The Director shall from time to time appoint such supervisors, clerks and other officers as may be necessary to carry out the provisions of this Act.

(5) Any person appointed under this section may be removed or suspended from his office, or his appointment may be revoked.

(6) During the illness, absence or temporary incapacity of the Director or any Deputy Director, any person may be appointed to act as Director or Deputy Director, as the case may be."

Amendment of
section 5 of
Act 76 of 1957.

3. Section five of the principal Act is hereby amended by the substitution in sub-section (2) for the words "an Assistant" of the words "a Deputy".

No. 35, 1965.]

WET

Tot wysiging van die Sensuswet, 1957, en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 1 April 1965.)

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

1. Artikel een van die Sensuswet, 1957 (hieronder die Hoofwet genoem), word hierby gewysig—

Wysiging van artikel 1 van Wet 76 van 1957.

- (a) deur die omskrywing van „Assistent-direkteur” te skrap;
- (b) deur voor die omskrywing van „Direkteur” die volgende omskrywing in te voeg:
„Adjunk-direkteur” ’n Adjunk-direkteur van Statistiek kragtens hierdie Wet aangestel;”;
- (c) deur die omskrywing van „Direkteur” deur die volgende omskrywing te vervang:
„Direkteur” die Direkteur van Statistiek kragtens hierdie Wet aangestel en, indien bevoegdheid of pligte kragtens hierdie Wet deur die Direkteur aan ’n Adjunk-direkteur oorgedra is, ook daardie Adjunk-direkteur;”.

2. Artikel drie van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 3 van Wet 76 van 1957.

„Aanstelling van beamptes om sensus te hou.

3. (1) Die Staatspresident kan van tyd tot tyd ’n Direkteur van Statistiek aanstel wat die hou van ’n sensus ooreenkomstig hierdie Wet reël en toesig daarvoor hou.

(2) Die Staatspresident kan van tyd tot tyd soveel Adjunk-direkteure van Statistiek aanstel as wat hy bepaal, en iedere sodanige Adjunk-direkteur moet, onderworpe aan die opdrag van die Direkteur, die bevoegdheid uitoefen en die pligte uitvoer wat deur hierdie Wet aan sensusbeamptes verleen of opgelê word.

(3) Onderworpe aan die goedkeuring van die Minister kan die Direkteur ’n bevoegdheid of plig wat deur hierdie Wet aan hom verleen of opgelê word, aan ’n Adjunk-direkteur of ’n openbare beampte oordra.

(4) Die Direkteur moet van tyd tot tyd die kontroleurs, klerke en ander beamptes aanstel wat nodig is om die bepalings van hierdie Wet uit te voer.

(5) Iemand wat kragtens hierdie Wet aangestel is, kan ontslaan of in sy amp geskors word, of sy aanstelling kan ingetrek word.

(6) Tydens die siekte, afwesigheid of tydelike onbekwaamheid van die Direkteur of ’n Adjunk-direkteur kan iemand aangestel word om as Direkteur of Adjunk-direkteur, na gelang van die geval, waar te neem.”.

3. Artikel vyf van die Hoofwet word hierby gewysig deur in sub-artikel (2) die woord „Assistent-direkteur” deur die woord „Adjunk-direkteur” te vervang.

Wysiging van artikel 5 van Wet 76 van 1957.

Amendment of
section 7 of
Act 76 of 1957.

4. Section *seven* of the principal Act is hereby amended by the substitution for sub-section (2) of the following sub-section:
“(2) The regulations may provide penalties for a contravention thereof or failure to comply therewith, not exceeding a fine of fifty rand or, in default of payment, imprisonment for a period of three months.”.

Amendment of
section 12 of
Act 76 of 1957.

5. Section *twelve* of the principal Act is hereby amended by the substitution for the words “fifty pounds” of the words “one hundred rand”.

Substitution of
section 15 of
Act 76 of 1957.

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

“Penalties
where not
otherwise
provided.

15. Any person who contravenes or fails to comply with any provision of this Act, for the contravention whereof or failure to comply where-with no penalty is specially provided, shall be liable on conviction to a fine not exceeding fifty rand or, in default of payment, to imprisonment for a period not exceeding three months.”.

Substitution of
section 16 of
Act 76 of 1957.

7. The following section is hereby substituted for section *sixteen* of the principal Act:

“Letters and
communica-
tions to and
from
Director,
supervisors
or enumera-
tors
transmitted
free of
charge.

16. All letters, parcels, packets and telegraphic messages relating to a census shall, if marked with the words ‘Census’ and ‘Official’, and when transmitted to or by the Director or any supervisor or enumerator, be free of postage, telegraphic or other charges, until such day as the Minister may, by notice in the *Gazette*, fix.”.

Substitution in
Act 76 of 1957
for the words
“Governor-
General” and
“Union” of the
words “State
President” and
“Republic”,
respectively.

8. Subject to the preceding provisions of this Act, the principal Act is hereby amended by the substitution for the word “Governor-General”, wherever it occurs, of the words “State President” and for the word “Union”, wherever it occurs, of the word “Republic”.

References to
Director of
Census to be
construed as
references to
Director of
Statistics.

9. (1) Any reference in any law to—

(a) the Director of Census, shall be construed as a reference to the Director of Statistics; and

(b) an Assistant Director of Census, shall be construed as a reference to a Deputy Director of Statistics.

(2) Anything done by or on behalf of the Director of Census or any Assistant Director of Census in the administration of any law shall be deemed to have been done by or on behalf of the Director of Statistics or a Deputy Director of Statistics.

(3) The person who held office as Director of Census immediately prior to the commencement of this section shall be deemed to have been appointed as Director of Statistics.

Short title and
commencement.

10. This Act shall be called the Census Amendment Act, 1965, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

4. Artikel *sewe* van die Hoofwet word hierby gewysig deur sub-artikel (2) deur die volgende sub-artikel te vervang:
 „(2) Die regulasies kan strawwe van 'n boete van hoogstens vyftig rand of, by wanbetaling, gevangenisstraf vir 'n tydperk van hoogstens drie maande voorskryf vir 'n oortreding daarvan of versuim om dit na te kom.”.

Wysiging van artikel 7 van Wet 76 van 1957.

5. Artikel *twaalf* van die Hoofwet word hierby gewysig deur die woorde „vyftig pond” deur die woorde „honderd rand” te vervang.

Wysiging van artikel 12 van Wet 76 van 1957.

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

Vervanging van artikel 15 van Wet 76 van 1957.

„Strawwe waar nie anders bepaal nie. 15. Iemand wat 'n bepaling van hierdie Wet oortree of versuim om dit na te kom, is, indien daar nie 'n straf in die besonder vir dié oortreding of versuim voorgeskryf is nie, by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig rand of, by wanbetaling, met gevangenisstraf vir 'n tydperk van hoogstens drie maande.”.

7. Artikel *sestien* van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 16 van Wet 76 van 1957.

„Briewe en mededelings aan en van Direkteur, kontroleurs of opnemers word kosteloos versend. 16. Tot op 'n dag wat die Minister by kennisgewing in die *Staatskoerant* bepaal, is alle briewe, pakkies, pakkette en telegrafiese boodskappe betreffende 'n sensus, indien hulle met die woorde „Sensus” en „Amptelik” gemerk is en wanneer hulle aan of deur die Direkteur, 'n kontroleur of opnemer versend word, nie aan pos-, telegraaf- of ander gelde onderhewig nie.”.

8. Behoudens die voorgaande bepalings van hierdie Wet, word die Hoofwet hierby gewysig deur die woord „Goewerneur-generaal”, oral waar dit voorkom, deur die woord „Staatspresident” te vervang en die woord „Unie”, oral waar dit voorkom, deur die woord „Republiek” te vervang.

Vervanging in Wet 76 van 1957 van die woorde „Goewerneur-generaal” en „Unie” deur, onderskeidelik, die woorde „Staatspresident” en „Republiek”.

9. (1) Enige verwysing in 'n wet na—

(a) die Direkteur van Sensus, word as 'n verwysing na die Direkteur van Statistiek uitgelê; en

(b) 'n Assistent-direkteur van Sensus, word as 'n verwysing na 'n Adjunk-direkteur van Statistiek uitgelê.

Verwysings na Direkteur van Sensus word uitgelê as verwysings na Direkteur van Statistiek.

(2) Enigiets deur of namens die Direkteur van Sensus of 'n Assistent-direkteur van Sensus by die uitvoering van enige wet gedoen, word geag deur of namens die Direkteur van Statistiek of 'n Adjunk-direkteur van Statistiek gedoen te gewees het.

(3) Die persoon wat onmiddellik voor die inwerkingtreding van hierdie artikel die amp van Direkteur van Sensus beklee het, word geag as Direkteur van Statistiek aangestel te gewees het.

10. Hierdie Wet heet die Sensuswysigingswet, 1965, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

Kort titel en inwerkingtreding.

No. 36, 1965.]

ACT

To amend the Statistics Act, 1957.

(English text signed by the State President.)
(Assented to 1st April, 1965.)

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
73 of 1957.

1. Section *one* of the Statistics Act, 1957 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the insertion before the definition of “Minister” of the following definition:

“‘local authority’ means any such body as is contemplated by paragraph (f) of sub-section (1) of section *eighty-four* of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961);”;

(b) by the substitution for the definition of “Minister” of the following definition:

“Minister” means the Minister of Planning;”;

(c) by the substitution for the definition of “prescribed” of the following definition:

“‘prescribed’ means prescribed by or under the authority of this Act;”;

(d) by the insertion after the definition of “prescribed” of the following definition:

“‘regulation’ means a regulation made and in force under this Act;”.

Amendment of
section 2 of Act
73 of 1957.

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

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

“(1) Subject to the provisions of this Act and to the directions of the Minister, statistics may be collected at such times and in respect of such periods as may be prescribed, in relation to any aspect of all or any of the following matters, namely—

(a) population; housing; vital occurrences; morbidity; temporary or permanent migration to, from or within the Republic;

(b) primary production, including farming, forestry, fishing and mining operations, which shall also include agriculture, the raising and breeding of animals, whether domesticated or wild, hunting and trapping, the gathering of animal products and of unprepared forest and sea products; breeding of fish; quarrying; the exploitation of deposits of soil, sand, clay and gravel;

(c) secondary production, including manufacture, assembly and repair; the generation and distribution of electricity and the production and distribution of gas; the supply of water;

No. 36, 1965.]

WET

Tot wysiging van die Wet op Statistieke, 1957.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 1 April 1965.)

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

1. Artikel *een* van die Wet op Statistieke, 1957 (hieronder die Hoofwet genoem), word hierby gewysig— Wysiging van artikel 1 van Wet 73 van 1957.
 - (a) deur die omskrywing van „Minister” deur die volgende omskrywing te vervang:
„Minister” die Minister van Beplanning;
 - (b) deur na die omskrywing van „Minister” die volgende omskrywing in te voeg:
„plaaslike bestuur’ enige sodanige liggaam as wat deur 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;”;
 - (c) deur voor die omskrywing van „statistieke” die volgende omskrywing in te voeg:
„regulasie’ n regulasie kragtens hierdie Wet uitgevaardig en van krag;” en
 - (d) deur die omskrywing van „voorgeskrif” of „voorgeskrewe” deur die volgende omskrywing te vervang:
„voorgeskrif’ of „voorgeskrewe’ by of kragtens hierdie Wet voorgeskrif.”.
2. Artikel *twee* van die Hoofwet word hierby gewysig— Wysiging van artikel 2 van Wet 73 van 1957.
 - (a) deur sub-artikel (1) deur die volgende sub-artikel te vervang:
„(1) Behoudens die bepalings van hierdie Wet en die voorskrifte van die Minister, kan statistieke, op die tye en ten opsigte van die tydperke wat voorgeskrif word, versamel word betreffende enige aspek van enigeen van of al die volgende aangeleenthede, naamlik—
 - (a) bevolking; behuising; lewensgebeure; morbiditeit; tydelike of permanente verhuising na, uit of binne die Republiek;
 - (b) primêre produksie, met inbegrip van boerdery, bosbou, visvangs en mynwerksaamhede, wat ook insluit landbou, die grootmaak en teel van diere, hetsy mak of wild, jag en vang, die versameling van dierlike produkte en van onbewerkte bos- en seeprodukte; teel van visse; steengroefwerk; die ontginning van neerslae van grond, sand, klei en gruis;
 - (c) sekondêre produksie, met inbegrip van vervaardiging, monteer- en herstelwerk; die opwek en verspreiding van elektrisiteit en die produksie en verspreiding van gas; watervoorsiening; werking

- the operation of abattoirs; the publishing of newspapers, periodicals, books and other printed matter;
- (d) construction and related activities, including civil engineering works and repairs; demolition of buildings and structures and the clearing and levelling of land; soil erosion and water conservation works and bore-hole sinking;
 - (e) internal trade, including the distribution of goods; external trade;
 - (f) the provision of services, of whatever nature, to consumers in the trade, the State and private sectors of the economy, including banking, finance and insurance; land, sea and air transport; travel and tourism; communication; storage; catering service; accommodation; health and health institutions; education, training and instruction; personal and professional services; recreation and amusement; laundry and cleaning service; sanitary service;
 - (g) activities of associations promoting business, professional or national interests;
 - (h) prices of goods and services; hiring of accommodation, including rents and charges for accommodation;
 - (i) national accounts; capital formation; savings and investment; balance of payments and flow of funds;
 - (j) ownership, development, occupation, use and transfer of land and other immovable property; mortgages;
 - (k) labour relations, including trade unions, employers' organizations, industrial councils and industrial disputes;
 - (l) employment; unemployment; remuneration; service hours and conditions;
 - (m) the public administrative, financial, industrial and commercial activities (not elsewhere specified) of the Government (including the provincial administrations and the Railway Administration) and local authorities, and the activities of institutions established by them or by or in pursuance of any law;
 - (n) injuries; accidents;
 - (o) social matters and activities, of whatever nature, including religious and welfare organizations, aid societies, sports clubs and cultural societies; crime, administration of justice and enforcement of law;
 - (p) family and household surveys, including surveys of family and household budgets; and
 - (q) any other matter prescribed by the Minister by notice in the *Gazette*." and
- (b) by the insertion after sub-section (1) of the following sub-section:
- "(1)*bis* The statistics which may be collected under sub-section (1) may include financial statistics in relation to any of the matters mentioned therein."

Amendment of section 3 of Act 73 of 1957, as amended by section 3 of Act 30 of 1960.

3. (1) Section *three* of the principal Act is hereby amended by the substitution for sub-section (1) of the following sub-section:

"(1) There shall be established a statistics council consisting of the Director of Statistics, who shall be chairman, and a Deputy Director of Statistics, designated by the Director, who shall be vice-chairman, and not less than six and not more than ten other persons who shall be appointed by the State President and shall hold office during his pleasure."

(2) The statistical council established under section *three* of the principal Act prior to its amendment by sub-section (1), shall for all purposes be deemed to be and at all times to have been the statistics council referred to in the said section as amended by the said sub-section, and any reference in any law or elsewhere to the statistical council shall be construed accordingly.

- van slagplase; publikasie van nuusblaaie, tydskrifte, boeke en ander drukwerk;
- (d) konstruksie en verwante bedrywighede, met inbegrip van siviele ingenieurswerke en herstelwerk; slooping van geboue en strukture en skoon- en gelykmaak van grond; gronderosie- en waterbewaringswerke en sink van boorgate;
 - (e) binnelandse handel, met inbegrip van goedere-distribusie; buitelandse handel;
 - (f) die verskaffing van dienste, van watter aard ook al, aan verbruikers in die handel, die Staat en private sektors van die ekonomie, met inbegrip van bankwese, finansiering en versekeringswese; land-, see- en lugvervoer; reis en toerisme; kommunikasie; opberging; verversingsdiens; akkommodasie; gesondheid en gesondheidsinrigtings; onderwys, opleiding en onderrig; persoonlike en professionele dienste; ontspanning en vermaaklikheid; was- en skoonmaakdiens; sanitêre diens;
 - (g) bedrywighede van verenigings wat besigheids-, professionele of nasionale belange bevorder;
 - (h) pryse van goedere en dienste; huur van huisvesting, met inbegrip van huurgelde en vorderings vir huisvesting;
 - (i) nasionale rekeninge; kapitaalvorming; besparing en belegging; betalingsbalans en vloei van fondse;
 - (j) besit, ontwikkeling, bewoning, gebruik en oordrag van grond en ander onroerende goed; verbande;
 - (k) arbeidsverhoudinge, met inbegrip van vakbonde, werkgewersverenigings, nywerheidsrade en nywerheidsgeskille;
 - (l) werkgeleentheid; werkloosheid; besoldiging; diensure en diensvoorwaardes;
 - (m) die openbare administratiewe, finansiële, nywerheids- en handelsbedrywighede (nie elders vermeld nie) van die Regering (met inbegrip van die provinsiale administrasies en die Spoorweg-administrasie) en plaaslike besture, en die bedrywighede van instellings wat deur hulle of by of uit hoofde van enige wet tot stand gebring is;
 - (n) beserings; ongelukke;
 - (o) maatskaplike aangeleenthede en bedrywighede, van watter aard ook al, met inbegrip van godsdienstige en welsynsorganisasies, hulpverenigings, sportklubs en kultuurverenigings; misdaad, regspeling en toepassing van die wet;
 - (p) opnames van gesinne en huishoudings, met inbegrip van gesins- en huishoudelike begrotings; en
 - (q) enige ander aangeleentheid deur die Minister by kennisgewing in die *Staatskoerant* voorgeskryf; en
- (b) deur na sub-artikel (1) die volgende sub-artikel in te voeg:
- „(1)*bis* Die statistieke wat kragtens sub-artikel (1) versamel mag word, kan finansiële statistieke met betrekking tot enige van die daarin vermelde aangeleenthede insluit.”.

3. (1) Artikel *drie* van die Hoofwet word hierby gewysig deur sub-artikel (1) deur die volgende sub-artikel te vervang:

„(1) 'n Raad op statistiek word ingestel wat bestaan uit die Direkteur van Statistiek, wat die voorsitter is, 'n Adjunk-direkteur van Statistiek deur die Direkteur aangewys, wat die vise-voorsitter is, en minstens ses en hoogstens tien ander persone wat deur die Staatspresident aangestel word en wat hulle amp beklee vir solank dit hom behaag.”.

Wysiging van artikel 3 van Wet 73 van 1957, soos gewysig deur artikel 3 van Wet 30 van 1960.

(2) Die statistiese raad ingestel kragtens artikel *drie* van die Hoofwet, voor die wysiging daarvan deur sub-artikel (1), word vir alle doeleindes geag die raad op statistiek, waarna in genoemde artikel soos deur bedoelde sub-artikel gewysig, verwys word, te wees en dit te alle tye te gewees het, en enige verwysing in enige wet of elders na die statistiese raad word dienooreenkomstig uitgelê.

Insertion of
section 4bis in
Act 73 of 1957.

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

“Arrangements with the administration of the territory of South-West Africa and the governments of certain other territories. 4bis. The Minister may enter into arrangements with the Administrator of the territory of South-West Africa or the government of any other neighbouring territory as to any matter necessary or convenient for the purpose of carrying out effectually this Act.”.

Substitution of
section 5 of Act
73 of 1957.

5. The following section is hereby substituted for section *five* of the principal Act:

“Duty of prescribed person to furnish particulars or information. 5. For the purpose of enabling the statistics to be collected, every prescribed person shall to the best of his knowledge, when required by the prescribed officer to do so, furnish, in the form (if any) prescribed by such officer, the particulars or information required by the relevant regulations relating to the matter in respect of which such particulars are or such information is so required.”.

Amendment of
section 7 of Act
73 of 1957.

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

“(2) Any person who hinders, obstructs or delays any officer mentioned in sub-section (1) in the execution of any power conferred by this section, shall be guilty of an offence and liable on conviction to a fine not exceeding fifty rand.”.

Amendment of
section 9 of Act
73 of 1957.

7. Section *nine* of the principal Act is hereby amended—

(a) by the substitution for paragraph (c) of the following paragraph:

“(c) divulges, without the prior written consent of the person by whom or at whose instance any form or return has been filled in or any information has been furnished in pursuance of this Act, any of the contents of such form or return or any such information, except as allowed by this Act,”; and

(b) by the substitution for the words “fifty pounds” of the words “one hundred rand”.

Substitution of
section 10 of Act
73 of 1957.

8. The following section is hereby substituted for section *ten* of the principal Act:

“Punishment for making false statements or failure to answer questions. 10. Any person who makes in any form or document filled in or supplied in pursuance of this Act or in answer to any question put to him under authority of this Act, any statement which is false in any material particular, knowing the same to be false, or who without reasonable and sufficient cause fails, neglects, or refuses to answer any question put to him under authority of this Act, shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred rand or to imprisonment for a period not exceeding three months.”.

Amendment of
section 12 of Act
73 of 1957.

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

(a) by the substitution in sub-section (1) for the word “Governor-General” of the words “State President”;

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

“(b) prescribing the manner in which, the times and places at which, and the persons by whom and to whom, such particulars and information shall be furnished.”; and

(c) by the substitution in sub-section (3) for the words “twenty-five pounds” and “one pound” of the words “fifty rand” and “two rand”, respectively.

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

Invoeging van artikel 4bis in Wet 73 van 1957.

„Ooreen- 4bis. Die Minister kan met die Administrateur komste met van die gebied Suidwes-Afrika of die regering van die admi- enige ander aangrensende gebied ooreenkomse strasie van die aangaan met betrekking tot enige aangeleentheid gebied Suid- wat nodig of gerieflik is vir die doeltreffende uit- wes-Afrika en die voering van hierdie Wet.”. regerings van sekere ander gebiede.

5. Artikel vyf van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 5 van Wet 73 van 1957.

„Plig van 5. Ten einde die versameling van statistieke voorge- moontlik te maak, moet elke voorgeskrewe persoon, skrewe wanneer dit deur die voorgeskrewe amptenaar van persoon om hom verlang word, na sy beste wete die besonderhede besonderhede of inligting wat vereis word deur die relevante of inligting te verstrek. regulasies betreffende die aangeleentheid ten opsigte waarvan sodanige besonderhede of inligting aldus verlang word, verstrek, in die vorm (indien enige) deur sodanige amptenaar voorgeskrif.”.

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

Wysiging van artikel 7 van Wet 73 van 1957.

„(2) Iemand wat 'n in sub-artikel (1) vermelde amptenaar by die uitoefening van enige bevoegdheid deur hierdie artikel verleen, hinder, belemmer of vertraag, is aan 'n misdryf skuldig en by veroordeling strafbaar met 'n boete van hoogstens vyftig rand.”.

7. Artikel nege van die Hoofwet word hierby gewysig— (a) deur paragraaf (c) deur die volgende paragraaf te vervang:

Wysiging van artikel 9 van Wet 73 van 1957.

„(c) behalwe waar dit deur hierdie Wet toegelaat word, sonder die vooraf verkreeë skriftelike toestemming van die persoon deur wie of in opdrag van wie enige vorm of opgawe ingevul is of enige inligting verstrek is uit hoofde van hierdie Wet, enige deel van die inhoud van sodanige vorm of opgawe of enige sodanige inligting, openbaar maak,”; en

(b) deur die woorde „vyftig pond” deur die woorde „honderd rand” te vervang.

8. Artikel tien van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 10 van Wet 73 van 1957.

„Straf vir 10. Iemand wat in enige vorm of dokument wat maak van ooreenkomstig hierdie Wet ingevul of verstrek word valse ver- of in antwoord op enige vraag wat kragtens hierdie klarings of Wet aan hom gestel word, 'n verklaring maak wat versuim om in enige wesenlike opsig vals is, wetende dat dit vrae te be- vals is, of wat sonder redelike en voldoende gronde antwoord. versuim, nalaat of weier om enige vraag wat kragtens hierdie Wet aan hom gestel is, te beantwoord, is aan 'n misdryf skuldig en by veroordeling strafbaar met 'n boete van hoogstens honderd rand of gevangenisstraf vir 'n tydperk van hoogstens drie maande.”.

9. Artikel twaalf van die Hoofwet word hierby gewysig— (a) deur in sub-artikel (1) die woord „Goewerneur- generaal” deur die woord „Staatspresident” te vervang;

Wysiging van artikel 12 van Wet 73 van 1957.

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

„(b) wat die wyse waarop, die tye waarop en die plekke waar, en die persone deur wie en aan wie, sodanige besonderhede en inligting verstrek moet word, voorskryf.”; en

(c) deur in sub-artikel (3) die woorde „vyf-en-twintig pond” en „een pond” deur, onderskeidelik, die woorde „vyftig rand” en „twee rand” te vervang.

Substitution of
section 14 of Act
73 of 1957.

10. The following section is hereby substituted for section *fourteen* of the principal Act:

"Letters, etc., 14. All letters, parcels and packets and all as to statistics to be telegraphic messages relating to the statistics transmitted shall, if marked with the words 'Statistics' and free through 'Official' and when transmitted to or by a prescribed officer, be free of postal, telegraphic or other post. charges made by the Department of Posts and Telegraphs."

Short title and
commencement.

11. This Act shall be called the Statistics Amendment Act, 1965, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

10. Artikel *veertien* van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 14 van Wet 73 van 1957.

„Briewe, ens., betreffende statistieke word kosteloos per pos vervoer.

14. Alle briewe, pakkies en pakkette en alle telegrafiese berigte met betrekking tot die statistieke word, indien hulle gemerk is met die woorde „Statistieke” en „Amptelik” en versend word aan of deur ’n voorgeskrewe amptenaar, onthef van pos-, telegrafiese of ander koste wat deur die Departement van Pos- en Telegraafwese opgelê word.”.

11. Hierdie Wet heet die Wysigingswet op Statistieke, 1965, Kort titel en en tree in werking op ’n datum wat die Staatspresident by inwerkingtreding. proklamsie in die *Staatskoerant* bepaal.

No. 37, 1965.]

ACT

To amend the Unemployment Insurance Act, 1946.

(Afrikaans text signed by the State President.)
(Assented to 1st April, 1965.)

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 53 of 1946, as amended by section 2 of Act 41 of 1949, section 2 of Act 48 of 1952 and section 1 of Act 9 of 1957.

1. Section *one* of the Unemployment Insurance Act, 1946 (hereinafter referred to as the principal Act) is hereby amended—

- (a) by the substitution in the definition of "Commission" for the expression "*two* of the Public Service Act, 1923 (Act No. 27 of 1923), as amended" of the expression "*four* of the Public Service Act, 1957 (Act No. 54 of 1957)";
- (b) by the substitution in the definition of "public service" for the expression "*one* of the Public Service Act, 1923 (Act No. 27 of 1923), as amended" of the expression "*three* of the Public Service Act, 1957 (Act No. 54 of 1957)";
- (c) by the insertion after the definition of "rural area" of the following definition:
" 'seasonal business' means any business declared to be a seasonal business in terms of sub-section (1) of section *two ter*;"
- (d) by the substitution for the definition of "seasonal worker" of the following definition:
" 'seasonal worker' means, subject to the provisions of sub-sections (2) and (3) of section *two ter*, a person receiving earnings in a seasonal business, who is not a member of the administrative, clerical, technical, office, sales or maintenance staff in that business;"

Amendment of section 2 of Act 53 of 1946, as amended by section 3 of Act 41 of 1949, section 3 of Act 48 of 1952, section 1 of Act 10 of 1954, section 2 of Act 9 of 1957 and section 2 of Act 76 of 1959.

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

- (a) by the substitution for the word "Union" wherever it occurs of the word "Republic";
- (b) by the substitution in paragraph (c) of sub-section (2) for the expression "Mines and Works Act, 1911 (Act No. 12 of 1911)" of the expression "Mines and Works Act, 1956 (Act No. 27 of 1956)";
- (c) by the substitution for paragraph (d) of sub-section (2) of the following paragraph:
"(d) persons whose rate of earnings calculated in the manner set out in section *forty-three* exceeds two thousand eight hundred and sixty rand a year and, in the case of Bantu, does not exceed five hundred and forty-six rand a year; or";
- (d) by the substitution in paragraph (n) of sub-section (2) for the expression "*six* of the Vocational Education and Special Schools Act, 1928 (Act No. 29 of 1928)" of the the expression "*twenty-three* of the Vocational Education Act, 1955 (Act No. 70 of 1955)";
- (e) by the substitution in sub-paragraph (i) of paragraph (o) of sub-section (2) for the expression "Railways and Harbours Service Act, 1925 (Act No. 23 of 1925)" of the expression "Railways and Harbours Service Act, 1960 (Act No. 22 of 1960)";
- (f) by the substitution for paragraph (r) of sub-section (2) of the following paragraph:
"(r) seasonal workers.";

No. 37, 1965.]

WET

Tot wysiging van die Werkloosheidversekeringswet, 1946.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 1 April 1965.)

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

1. Artikel een van die Werkloosheidversekeringswet, 1946 (hieronder die Hoofwet genoem), word hierby gewysig—
 - (a) deur in die omskrywing van „Kommissie” die uitdrukking „twee van die „Staatsdiens Wet, 1923” (Wet No. 27 van 1923), soos gewysig” deur die uitdrukking „vier van die Staatsdienswet, 1957 (Wet No. 54 van 1957)” te vervang;
 - (b) deur in die omskrywing van „staatsdiens” die uitdrukking „een van die „Staatsdiens Wet, 1923” (Wet No. 27 van 1923), soos gewysig” deur die uitdrukking „drie van die Staatsdienswet, 1957 (Wet No. 54 van 1957)” te vervang;
 - (c) deur na die omskrywing van „buite-stedelike gebied” die volgende omskrywing in te voeg:
„seisoensbesigheid” enige besigheid wat ingevolge sub-artikel (1) van artikel twee ter ’n seisoensbesigheid verklaar is;”;
 - (d) deur die omskrywing van „seisoenswerker” deur die volgende omskrywing te vervang:
„seisoenswerker”, behoudens die bepalings van sub-artikels (2) en (3) van artikel twee ter, ’n persoon wat verdienste in ’n seisoensbesigheid ontvang en nie ’n lid is van die administratiewe, klerklike, tegniese, kantoor-, verkoops- of instandhoudingspersoneel in daardie besigheid nie;”.
2. Artikel twee van die Hoofwet word hierby gewysig—
 - (a) deur die woord „Unie” waar dit ook al voorkom deur die woord „Republiek” te vervang;
 - (b) deur in paragraaf (c) van sub-artikel (2) die uitdrukking „Mijnen en Bedrijven Wet, 1911 (Wet No. 12 van 1911)” deur die uitdrukking „Wet op Myne en Bedrywe, 1956 (Wet No. 27 van 1956)” te vervang;
 - (c) deur paragraaf (d) van sub-artikel (2) deur die volgende paragraaf te vervang:
„(d) persone wie se verdienste, bereken op die wyse uiteengesit in artikel drie-en-veertig, tweeduisend agthonderd-en-sestig rand per jaar te bowe gaan, en, in die geval van Bantoës, nie vyfhonderd ses-en-veertig rand per jaar te bowe gaan nie; of”;
 - (d) deur in paragraaf (n) van sub-artikel (2) die uitdrukking „ses van die Wet op Beroepsonderwys en Speciale Skole, 1928 (Wet No. 29 van 1928)” deur die uitdrukking „drie-en-twintig van die Wet op Beroepsonderwys, 1955 (Wet No. 70 van 1955)” te vervang;
 - (e) deur in sub-paragraaf (i) van paragraaf (o) van sub-artikel (2) die uitdrukking „Spoorwegen en Havens Dienst Wet, 1925” (Wet No. 23 van 1925)” deur die uitdrukking „Wet op Spoorweg- en Hawediens, 1960 (Wet No. 22 van 1960)” te vervang;
 - (f) deur paragraaf (r) van sub-artikel (2) deur die volgende paragraaf te vervang:
„(r) seisoenswerkers.”;

Wysiging van artikel 1 van Wet 53 van 1946, soos gewysig deur artikel 2 van Wet 41 van 1949, artikel 2 van Wet 48 van 1952 en artikel 1 van Wet 9 van 1957.

Wysiging van artikel 2 van Wet 53 van 1946, soos gewysig deur artikel 3 van Wet 41 van 1949, artikel 3 van Wet 48 van 1952, artikel 1 van Wet 10 van 1954, artikel 2 van Wet 9 van 1957 en artikel 2 van Wet 76 van 1959.

- (g) by the substitution in paragraph (a) of sub-section (4) for the expression "South Africa Defence Act, 1912 (Act No. 13 of 1912)" of the expression "Defence Act, 1957 (Act No. 44 of 1957)".

Substitution of section 2bis of Act 53 of 1946, as inserted by section 3 of Act 9 of 1957 and amended by section 3 of Act 76 of 1959.

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

- "Definition of 'earnings'. 2bis. (1) In this Act, unless the context otherwise indicates, 'earnings' 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 includes any cost of living allowance, but does not include—
- (a) the value of the training which a person is entitled to receive under a contract of apprenticeship or learnership;
 - (b) any amount received by way of commission, or as a share in takings;
 - (c) any additional payment based on the quantity or output of work done, except any amount guaranteed by law or otherwise to be a minimum remuneration;
 - (d) any remuneration for overtime; or
 - (e) any special payment, special bonus or special allowance, unless the Minister, after consultation with the board, either generally or in respect of any contributor or class of contributor, determines otherwise.
- (2) The Minister may, after consultation with the board, withdraw or amend any determination made in terms of paragraph (e) of sub-section (1)."

Insertion of section 2ter in Act 53 of 1946.

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

- "Seasonal employment. 2ter. (1) (a) If in the opinion of the Minister work is available to a substantial number of persons employed in any business or any class or kind of business in any area, for not more than eight months in any one year, by reason of the seasonal variation in the supply of raw materials required by such business or class or kind of business, he may, after consultation with the board, by notice in the *Gazette* declare such business or class or kind of business to be a seasonal business.
- (b) The Minister may in like manner amend or withdraw any declaration made under paragraph (a).
- (2) Any person who has been a seasonal worker for a continuous period of eight months in the employment of the same person, ceases to be a seasonal worker if he remains in the employment of that person after the expiry of the said period.
- (3) If any contributor was employed by any person in any business on the day immediately prior to the date on which such business becomes a seasonal business, such contributor shall, while he remains in the employment of such person, not become a seasonal worker merely by reason of his employment in such business."

Amendment of section 13 of Act 53 of 1946.

5. Section *thirteen* of the principal Act is hereby amended by the substitution for paragraph (c) of the following paragraph—
- "(c) it shall determine what benefits, if any, shall be paid in terms of sub-section (3) or paragraph (b)bis of sub-section (10) of section *thirty-nine*;"

Amendment of section 17 of Act 53 of 1946.

6. Section *seventeen* of the principal Act is hereby amended by the deletion of paragraph (c).

Amendment of section 26 of Act 53 of 1946, as amended by section 5 of Act 9 of 1957.

7. Section *twenty-six* of the principal Act is hereby amended by the substitution for sub-section (3) of the following sub-section:

"(3) The Secretary may designate any officer or employee of the State to assist a claims officer, and any officer or employee so designated shall exercise such powers and perform such duties as may from time to time be assigned in writing to him by such claims officer."

- (g) deur in paragraaf (a) van sub-artikel (4) die uitdrukking „Zuid Afrika Verdedigingswet, 1912” (Wet No. 13 van 1912)” deur die uitdrukking „Verdedigingswet, 1957 (Wet No. 44 van 1957)” te vervang.

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

„Omskrywing van ‚verdienste’.

2bis. (1) In hierdie Wet, tensy uit die samehang anders blyk, beteken ‚verdienste’ enige betaling in kontant of in natura of sowel in kontant as in natura gedoen of verskuldig aan enige persoon, wat op enige wyse hoegenaamd uit diens ontstaan, en ook enige lewenskostetoelae, maar nie ook—

(a) die waarde van die opleiding waarop iemand ingevolge ’n vakleerlingskap- of leerlingskap-kontrak geregtig is nie;

(b) enige bedrag wat by wyse van kommissie of as ’n aandeel in ontvangste ontvang word nie;

(c) enige addisionele betaling bereken op die hoeveelheid of omvang van die werk wat gedoen is nie, uitgesonderd enige bedrag wat volgens die wet of andersins as minimum besoldiging gewaarborg word;

(d) enige besoldiging vir oortyd nie; of

(e) enige spesiale betaling, spesiale bonus of spesiale toelaag nie, tensy die Minister, na oorlegpleging met die raad, of oor die algemeen of ten opsigte van enige bydraer of klas bydraer, anders bepaal.

(2) Die Minister kan, na oorlegpleging met die raad, enige bepaling wat ingevolge paragraaf (e) van sub-artikel (1) gedoen is, intrek of wysig.”.

Vervanging van artikel 2bis van Wet 53 van 1946, soos ingevoeg deur artikel 3 van Wet 9 van 1957 en gewysig deur artikel 3 van Wet 76 van 1959.

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

„Seisoenswerk.

2ter. (1) (a) Indien na die oordeel van die Minister werk vir ’n aansienlike aantal persone in diens in enige besigheid of enige klas of soort besigheid in enige gebied, vir hoogstens agt maande in ’n enkele jaar beskikbaar is weens seisoenswisselings in die toevoer van die grondstowwe deur bedoelde besigheid of klas of soort besigheid benodig, kan hy, na oorlegpleging met die raad, by kennisgewing in die *Staatskoerant* bedoelde besigheid of klas of soort besigheid ’n seisoensbesigheid verklaar.

(b) Die Minister kan op dergelike wyse ’n ingevolge paragraaf (a) uitgevaardigde verklaring wysig of intrek.

(2) ’n Persoon wat vir ’n onafgebroke tydperk van agt maande ’n seisoenswerker in diens van dieselfde persoon was, hou op om ’n seisoenswerker te wees, indien hy na die verstryking van genoemde tydperk in die diens van daardie persoon aanbly.

(3) Indien ’n bydraer in diens van ’n persoon in enige besigheid was op die dag onmiddellik voor die datum waarop bedoelde besigheid ’n seisoensbesigheid word, word sodanige bydraer, terwyl hy in die diens van bedoelde persoon bly, nie ’n seisoenswerker bloot vanweë sy diens in sodanige besigheid nie.”.

Invoeging van artikel 2ter in Wet 53 van 1946.

5. Artikel *dertien* van die Hoofwet word hierby gewysig deur paragraaf (c) deur die volgende paragraaf te vervang:

„(c) hy moet bepaal welke voordele, indien enige, kragtens sub-artikel (3) of paragraaf (b)bis van sub-artikel (10) van artikel *nege-en-dertig* betaal moet word;”.

Wysiging van artikel 13 van Wet 53 van 1946.

6. Artikel *sewentien* van die Hoofwet word hierby gewysig deur paragraaf (c) te skrap.

Wysiging van artikel 17 van Wet 53 van 1946.

7. Artikel *ses-en-twintig* van die Hoofwet word hierby gewysig deur sub-artikel (3) deur die volgende sub-artikel te vervang:

„(3) Die Sekretaris kan enige amptenaar of werknemer van die Staat aanwys om ’n eisebeampte behulpsaam te wees, en enige amptenaar of werknemer aldus aangewys, oefen sodanige bevoegdhede uit en vervul sodanige pligte as wat van tyd tot tyd skriftelik aan hom deur bedoelde eisebeampte toegewys word.”.

Wysiging van artikel 26 van Wet 53 van 1946, soos gewysig deur artikel 5 van Wet 9 van 1957.

Amendment of section 32 of Act 53 of 1946, as amended by section 5 of Act 41 of 1949, section 7 of Act 48 of 1952, section 3 of Act 10 of 1954 and section 5 of Act 76 of 1959.

8. Section *thirty-two* of the principal Act is hereby amended by the addition of the following sub-section:

“(13) (a) No contributions or other payments due to the fund under this Act by an employer shall be recoverable after the expiration of seven years after such contributions or other payments became due to the fund.

(b) No contributions or other payments purporting to have been paid to the fund under this Act by an employer shall be recoverable after the expiration of seven years after such contributions or other payments were so paid.”.

Amendment of section 36 of Act 53 of 1946, as amended by section 8 of Act 41 of 1949 and section 4 of Act 10 of 1954.

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

(a) by the substitution in sub-section (1) for the words “ten shillings” of the words “one rand”;

(b) by the substitution for sub-section (4) of the following sub-section:

“(4) If an employer fails to transmit to the Secretary within the prescribed period any statement, information or particulars prescribed under section *thirty-three* or under any regulation relating to information or particulars to be furnished by an employer liable to contribute to the fund under this Act, the Secretary may determine the amount of the contributions payable by the employer, and the amount so determined shall, where no order has been made by a court in terms of sub-section (2), be deemed to be the amount of the contributions due to the fund by that employer for the purpose of determining a penalty imposable under this Act or of fixing the amount of a claim to be lodged against a deceased or insolvent estate or against a company in liquidation.”.

Amendment of section 39 of Act 53 of 1946, as amended by section 9 of Act 41 of 1949, section 1 of Act 57 of 1951, section 8 of Act 48 of 1952, Proclamation 155 of 1952, section 5 of Act 10 of 1954, section 6 of Act 9 of 1957, section 6 of Act 76 of 1959, section 3 of Act 13 of 1961 and section 2 of Act 60 of 1962.

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

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

“(3) Benefits shall not be paid to a contributor for more than twenty-six weeks in any period of fifty-two consecutive weeks: Provided that the board may on application in the prescribed form and manner, in its discretion, but subject to the provisions of paragraph (m) of sub-section (1) of section *forty*, authorize the payment of further benefits to any contributor or any class of contributor at either full or such reduced rates and for such period as it may deem fit.”;

(b) by the insertion after sub-section (5)*ter* of the following sub-section:

“(5)*quat* A person shall be deemed not to be a contributor for the purposes of section *thirty-two* and not to be in employment as a contributor for the purposes of sub-section (2)*bis* of this section, during any period in respect of which he is paid benefits or allowances under this Act.”;

(c) by the insertion after paragraph (b) of sub-section (10) of the following paragraph:

“(b)*bis* An allowance shall not be paid to a contributor for more than twenty-six weeks in any period of fifty-two consecutive weeks: Provided that the board may, on application in the prescribed form and manner, in its discretion, but subject to the provisions of the first proviso to paragraph (a), authorize the payment of a further allowance to any contributor or any class of contributor at either full or such reduced rates and for such period as it may deem fit.”;

(d) by the substitution for paragraph (b) of sub-section (11) of the following paragraph:

“(b) A contributor shall not be entitled to benefits in terms of paragraph (a) unless she has been in employment as a contributor for at least eighteen weeks during the fifty-two weeks immediately preceding the expected date of her confinement:

8. Artikel *twee-en-dertig* van die Hoofwet word hierby gewysig deur die volgende sub-artikel by te voeg:

- „(13) (a) Geen bydraes of ander betalings aan die fonds deur 'n werkgewer ingevolge hierdie Wet verskuldig, is na die verstryking van sewe jaar nadat sodanige bydraes of ander betalings aan die fonds verskuldig geword het, verhaalbaar nie.
- (b) Geen bydraes of ander betalings wat ingevolge hierdie Wet deur 'n werkgewer aan die fonds heet betaal te gewees het, is verhaalbaar na die verstryking van sewe jaar nadat bedoelde bydraes of ander betalings aldus betaal is nie.”.

Wysiging van artikel 32 van Wet 53 van 1946, soos gewysig deur artikel 5 van Wet 41 van 1949, artikel 7 van Wet 48 van 1952, artikel 3 van Wet 10 van 1954 en artikel 5 van Wet 76 van 1959.

9. Artikel *ses-en-dertig* van die Hoofwet word hierby gewysig—

- (a) deur in sub-artikel (1) die woorde „tien sjielings” deur die woorde „een rand” te vervang;
- (b) deur sub-artikel (4) deur die volgende sub-artikel te vervang:

„(4) Indien 'n werkgewer versuim om enige staat, inligting of besonderhede wat ingevolge artikel *drie-en-dertig* of ingevolge enige regulasie met betrekking tot inligting of besonderhede wat deur 'n kragtens hierdie Wet bydraeplichtige werkgewer verstrekt moet word, voorgeskryf is, by die Sekretaris binne die voorgeskrewe tydperk in te stuur, kan die Sekretaris die deur die werkgewer betaalbare bedrag van bydraes vasstel, en die bedrag aldus vasgestel, word, waar daar geen bevel deur 'n hof ingevolge sub-artikel (2) uitgevaardig is nie vir die doel van die vasstelling van 'n ingevolge hierdie Wet oplegbare pene of van die bepaling van die bedrag van 'n eis om teen 'n afgestorwe of insolvente boedel of teen 'n maatskappy in likwidasië ingedien te word, die bedrag van die deur daardie werkgewer aan die fonds verskuldigde bydraes geag te wees.”.

Wysiging van artikel 36 van Wet 53 van 1946, soos gewysig deur artikel 8 van Wet 41 van 1949 en artikel 4 van Wet 10 van 1954.

10. Artikel *nege-en-dertig* van die Hoofwet word hierby gewysig—

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

„(3) Voordele word nie aan 'n bydraer vir meer dan ses-en-twintig weke gedurende enige tydperk van twee-en-veertig agtereenvolgende weke betaal nie: Met dien verstande dat die raad, op aansoek in die voorgeskrewe vorm en op die voorgeskrewe wyse, na goeddunke, maar behoudens die bepalings van paragraaf (m) van sub-artikel (1) van artikel *veertig*, die betaling van verdere voordele aan enige bydraer of enige klas bydraer kan magtig teen of die volle of die verminderde skale en vir die tydperk wat hy goed ag.”;

Wysiging van artikel 39 van Wet 53 van 1946, soos gewysig deur artikel 9 van Wet 41 van 1949, artikel 1 van Wet 57 van 1951, artikel 8 van Wet 48 van 1952, Proklamasie 155 van 1952, artikel 5 van Wet 10 van 1954, artikel 6 van Wet 9 van 1957, artikel 6 van Wet 76 van 1959, artikel 3 van Wet 13 van 1961 en artikel 2 van Wet 60 van 1962.

- (b) deur na sub-artikel (5) *ter* die volgende sub-artikel in te voeg:

„(5) *quat* Gedurende enige tydperk ten opsigte waarvan 'n persoon voordele of toelae ingevolge hierdie Wet betaal word, word hy by die toepassing van artikel *twee-en-dertig* geag nie 'n bydraer te wees nie en by die toepassing van sub-artikel (2) *bis* van hierdie artikel geag nie as 'n bydraer in diens te wees nie.”;

- (c) deur die volgende paragraaf na paragraaf (b) van sub-artikel (10) in te voeg:

„(b) *bis* 'n Toelae word nie aan 'n bydraer vir meer dan ses-en-twintig weke gedurende enige tydperk van twee-en-veertig agtereenvolgende weke betaal nie: Met dien verstande dat die raad, op aansoek in die voorgeskrewe vorm en op die voorgeskrewe wyse, na goeddunke, maar behoudens die bepalings van die eerste voorbehoudsbepaling by paragraaf (a), die betaling van 'n verdere toelae aan enige bydraer of enige klas bydraer kan magtig teen of die volle of die verminderde skale en vir die tydperk wat hy goed ag.”;

- (d) deur paragraaf (b) van sub-artikel (11) deur die volgende paragraaf te vervang:

„(b) 'n Bydraer is nie op voordele ingevolge paragraaf (a) geregtig nie tensy sy gedurende die twee-en-veertig weke wat die verwagte datum van haar bevalling onmiddellik voorafgaan, vir minstens agtien weke as 'n bydraer werksaam was:

Provided that the board may, in its discretion, authorize the payment of such benefits to an applicant who has been employed as a contributor for less than eighteen weeks during the fifty-two weeks immediately preceding the expected date of her confinement if such applicant was employed on work connected with ionising radiation at any time during a period of thirty-nine weeks immediately preceding such expected date."

Amendment of section 40 of Act 53 of 1946, as amended by section 10 of Act 41 of 1949, section 10 of Act 48 of 1952, section 7 of Act 10 of 1954, section 8 of Act 9 of 1957, section 4 of Act 13 of 1961 and section 3 of Act 60 of 1962.

11. Section *forty* of the principal Act is hereby amended—
(a) by the substitution for paragraph (c) of sub-section (1) of the following paragraph:

"(c) for more than twenty-six weeks in any period of fifty-two consecutive weeks, except as provided by sub-section (3) or paragraph (b)*bis* of sub-section (10) of section *thirty-nine*;"

(b) by the substitution in paragraph (h) of sub-section (1) for the word "Union" of the word "Republic".

Amendment of section 50 of Act 53 of 1946.

12. Section *fifty* of the principal Act is hereby amended by the substitution for sub-section (1) of the following sub-section:

"(1) Every employer shall keep in respect of every contributor employed by him records of earnings paid, time worked and payment made for piecework and overtime and of any such other particulars as may be prescribed, and shall retain any such record for a period of seven years after the date on which it is made."

Amendment of section 55 of Act 53 of 1946, as amended by section 14 of Act 41 of 1949, section 14 of Act 48 of 1952 and section 11 of Act 9 of 1957.

13. Section *fifty-five* of the principal Act is hereby amended—
(a) by the insertion after paragraph (a) of sub-section (1) of the following paragraph:

"(a)*bis* wilfully makes any false entry on a contributor's record card; or";

(b) by the substitution in sub-section (1) for the words "one hundred pounds" of the words "two hundred rand".

Substitution of Schedule to Act 53 of 1946, as substituted by section 5 of Act 13 of 1961.

14. The Schedule to this Act is hereby substituted for the Schedule to the principal Act.

Short title and commencement.

15. (1) This Act shall be called the Unemployment Insurance Amendment Act, 1965, and shall, subject to the provisions of sub-section (2), come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

(2) Different dates may in terms of sub-section (1) be fixed in respect of the several provisions of this Act.

Schedule.

RATES OF CONTRIBUTIONS BY EMPLOYERS AND CONTRIBUTORS.

Group according to rate of contributor's annual earnings.	Contributions per week.	
	By the employer in respect of every contributor in his employ.	By every contributor.
I. Up to R234 per annum	One cent	One cent
II. Exceeding R234 but not exceeding R390 per annum ..	Two cents	Two cents
III. Exceeding R390 but not exceeding R546 per annum ..	Three cents	Three cents
IV. Exceeding R546 but not exceeding R702 per annum ..	Four cents	Four cents
V. Exceeding R702 but not exceeding R858 per annum ..	Five cents	Five cents
VI. Exceeding R858 but not exceeding R1,014 per annum ..	Six cents	Six cents
VII. Exceeding R1,014 but not exceeding R1,170 per annum	Seven cents	Seven cents
VIII. Exceeding R1,170 but not exceeding R1,326 per annum	Eight cents	Eight cents
IX. Exceeding R1,326 but not exceeding R1,482 per annum	Eight cents	Nine cents
X. Exceeding R1,482 but not exceeding R1,638 per annum	Eight cents	Ten cents
XI. Exceeding R1,638 but not exceeding R1,794 per annum	Eight cents	Eleven cents
XII. Exceeding R1,794 but not exceeding R2,860 per annum	Eight cents	Twelve cents

Met dien verstande dat die raad, na goeddunke, die betaling van bedoelde voordele kan magtig aan 'n applikant wat gedurende die twee-en-veertig weke wat die verwagte datum van haar bevalling onmiddellik voorafgaan, vir minder dan agtien weke as 'n bydraer in diens was, indien daardie applikant te eniger tyd gedurende 'n tydperk van nege-en-dertig weke wat sodanige verwagte datum onmiddellik voorafgaan, in diens was in werk wat met ioniserende bestraling in verband staan."

11. Artikel *veertig* van die Hoofwet word hierby gewysig—
 - (a) deur paragraaf (c) van sub-artikel (1) deur die volgende paragraaf te vervang:
„(c) vir meer dan ses-en-twintig weke gedurende enige tydperk van twee-en-veertig agtereenvolgende weke behalwe soos by sub-artikel (3) of paragraaf (b) *bis* van sub-artikel (10) van artikel *nege-en-dertig* bepaal;”;
 - (b) deur in paragraaf (h) van sub-artikel (1) die woord „Unie” deur die woord „Republiek” te vervang.

Wysiging van artikel 40 van Wet 53 van 1946, soos gewysig deur artikel 10 van Wet 41 van 1949, artikel 10 van Wet 48 van 1952, artikel 7 van Wet 10 van 1954, artikel 8 van Wet 9 van 1957, artikel 4 van Wet 13 van 1961 en artikel 3 van Wet 60 van 1962.
12. Artikel *vyftig* van die Hoofwet word hierby gewysig deur sub-artikel (1) deur die volgende sub-artikel te vervang:
„(1) Elke werkgewer moet ten opsigte van elke bydraer by hom in diens aantekening hou van betaalde verdienstes, gewerkte tyd en betaling vir stukwerk of oortyd en van al die ander besonderhede wat voorgeskryf mag word, en moet so 'n aantekening bewaar vir 'n tydperk van sewe jaar na die datum waarop dit gemaak word.”

Wysiging van artikel 50 van Wet 53 van 1946.
13. Artikel *vyf-en-vyftig* van die Hoofwet word hierby gewysig—
 - (a) deur na paragraaf (a) van sub-artikel (1) die volgende paragraaf in te voeg:
„(a) *bis* opsetlik enige valse inskrywing op 'n bydraer se verslagkaart maak; of”;
 - (b) deur in sub-artikel (1) die woorde „honderd pond” deur die woorde „tweehonderd rand” te vervang.

Wysiging van artikel 55 van Wet 53 van 1946, soos gewysig deur artikel 14 van Wet 41 van 1949, artikel 14 van Wet 48 van 1952 en artikel 11 van Wet 9 van 1957.
14. Die bylae by die Hoofwet word hierby deur die Bylae by hierdie Wet vervang.

Vervanging van Bylae by Wet 53 van 1946, soos vervang deur artikel 5 van Wet 13 van 1961.
15. (1) Hierdie Wet heet die Wysigingswet op Werkloosheidversekering, 1965, en tree, behoudens die bepalings van sub-artikel (2), in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.
(2) Verskillende datums kan ingevolge sub-artikel (1) ten opsigte van die afsonderlike bepalings van hierdie Wet bepaal word.

Kort titel en inwerkingtreding.

Bylae.

SKALE VAN BYDRAES DEUR WERKGEWERS EN BYDRAERS.

Groep volgens die skaal van bydraer se jaarlikse verdienste.	Bydraes per week.	
	Deur die werkgewer ten opsigte van elke bydraer in sy diens.	Deur elke bydraer.
I. Tot en met R234 per jaar	Een sent	Een sent
II. Meer as R234 maar nie meer as R390 per jaar nie ..	Twee sent	Twee sent
III. Meer as R390 maar nie meer as R546 per jaar nie ..	Drie sent	Drie sent
IV. Meer as R546 maar nie meer as R702 per jaar nie ..	Vier sent	Vier sent
V. Meer as R702 maar nie meer as R858 per jaar nie ..	Vyf sent	Vyf sent
VI. Meer as R858 maar nie meer as R1,014 per jaar nie ..	Ses sent	Ses sent
VII. Meer as R1,014 maar nie meer as R1,170 per jaar nie ..	Sewe sent	Sewe sent
VIII. Meer as R1,170 maar nie meer as R1,325 per jaar nie ..	Agt sent	Agt sent
IX. Meer as R1,325 maar nie meer as R1,482 per jaar nie ..	Agt sent	Nege sent
X. Meer as R1,482 maar nie meer as R1,638 per jaar nie ..	Agt sent	Tien sent
XI. Meer as R1,638 maar nie meer as R1,794 per jaar nie ..	Agt sent	Elf sent
XII. Meer as R1,794 maar nie meer as R2,860 per jaar nie ..	Agt sent	Twaalf sent

No. 38, 1965.]

ACT

To amend the Public Health Act, 1919, and the Public Health Amendment Act, 1935.

*(English text signed by the State President.)
(Assented to 1st April, 1965.)*

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 10 of Act 36 of 1919, as amended by section 4 of Act 57 of 1935.

1. Section *ten* of the Public Health Act, 1919 (hereinafter referred to as the principal Act), is hereby amended with effect from the commencement thereof by the substitution for sub-section (1) of the following sub-section:

“(1) Every local authority is hereby required and empowered to take in respect of its district all lawful, necessary and under its special circumstances reasonably practicable measures for preventing the occurrence or dealing with any outbreak or prevalence of any infectious, communicable or preventable disease, to promote and safeguard the public health and to exercise the powers and perform the duties in respect of public health conferred or imposed upon it by this Act or any other law.”.

Amendment of section 16 of Act 36 of 1919, as substituted by section 3 of Act 44 of 1952.

2. Section *sixteen* of the principal Act is hereby amended by the substitution for sub-section (3) of the following sub-section:

“(3) For the purposes of this section, the term ‘health officer’ means any medical officer of health, certificated sanitary inspector, certificated meat and food inspector (including a veterinary surgeon engaged in the control of milk supplies or employed as a meat inspector), or any analytical chemist or bacteriologist engaged in the examination of foods, public water supplies, sewage or trade wastes or sewage effluents.”.

Amendment of section 18 of Act 36 of 1919, as amended by section 3 of Act 15 of 1928 and section 2 of Act 71 of 1959.

3. Section *eighteen* of the principal Act is hereby amended by the substitution for sub-section (1) of the following sub-section:

“(1) The provisions of this Act, unless otherwise expressed, shall, in so far as they concern notifiable diseases, apply to small-pox (which term shall be deemed to include the form known as ‘amaas’ or kaffir-pox and any diseases resembling small-pox, except chicken-pox), scarlatina or scarlet fever, diphtheria or membranous croup, erysipelas, puerperal fever (including septicaemia, pyaemia, septic pelvic cellulitis or other serious septic condition occurring during the puerperal state), asiatic cholera, enteric or typhoid fever (including paratyphoid fever), epidemic cerebro-spinal meningitis or cerebro-spinal fever, acute poliomyelitis, leprosy, plague, anthrax, glanders, rabies, brucellosis, sleeping sickness or human trypanosomiasis and all forms of tuberculosis, except pulmonary or meningeal tuberculosis diagnosed otherwise than on the result of radiological or laboratory examination, but including tuberculosis evidenced by positive reaction to the tuberculin test in a child under the age of five years to whom B.C.G. vaccine has not been administered.”.

No. 38, 1965.]

WET

Tot wysiging van die „Volksgezondheidswet, 1919”, en die Wysigingswet op Volksgezondheid, 1935.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 1 April 1965.)

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

1. Artikel *tien* van die „Volksgezondheidswet, 1919” (hieronder die Hoofwet genoem), word hierby met ingang van die inwerkingtreding daarvan gewysig deur sub-artikel (1) deur die volgende sub-artikel te vervang:

Wysiging van artikel 10 van Wet 36 van 1919, soos gewysig deur artikel 4 van Wet 57 van 1935.

„(1) Elke plaatselike autoriteit word hierbij verplicht en gemachtigd om ten opzichte van haar distrikt alle wettige, nodige en met het oog op de speciale omstandigheden daarvan redelikerwijze uitvoerbare maatregelen te nemen om besmettelike, overdraagbare of verhoedbare ziekten te voorkomen of een verschenen of heersende ziekte van zodanige aard te bestrijden, de volksgezondheid te beveiligen en te bevorderen en de bevoegdheden uit te oefenen en de werkzaamheden te verrichten ten aanzien van de volksgezondheid haar bij deze of een andere wet toegekend of opgelegd.”.

2. Artikel *sestien* van die Hoofwet word hierby gewysig deur sub-artikel (3) deur die volgende sub-artikel te vervang:

Wysiging van artikel 16 van Wet 36 van 1919, soos vervang deur artikel 3 van Wet 44 van 1952.

„(3) Voor de doeleinden van dit artikel betekent de uitdrukking „gezondheidsbeambte” een geneeskundige ambtenaar van gezondheid, een gecertificeerde inspekteur van gezondheid, een gecertificeerde vlees- en voedsel-inspekteur (met inbegrip van een vecarts die werkzaam is met het beheer van melkvoorraden of die als vlees-inspekteur in dienst is), of een scheikundige of bakterioloog die werkzaam is met het onderzoek van voedsel, van openbare watervoorraad, of van riool- of fabriek-afval of riool-uitvloei.”.

3. Artikel *agtien* van die Hoofwet word hierby gewysig deur sub-artikel (1) deur die volgende sub-artikel te vervang:

Wysiging van artikel 18 van Wet 36 van 1919, soos gewysig deur artikel 3 van Wet 15 van 1928 en artikel 2 van Wet 71 van 1959.

„(1) Tenzij uitdrukkelijk anders bepaald is, zijn de bepalingen van deze Wet, voorzover zij ziekten betreffen waarvan aangifte verplichtend gesteld is, van toepassing op kinderpokken (pokken) (waaronder geacht wordt begrepen te zijn de vorm genaamd „amaas” of kafferpokken alsmede elke andere op pokken gelijkende ziekte behalve waterpokken), scarlatina of scharlakenkoorts, typhuskoorts, difteritis of vliezige kroep, roos (bel-roos), kraamvrouekoorts (kraamkoorts) (waaronder begrepen septikaemie (bloedvergiftiging), pyaemie (etterkoorts), septiese bekencellulitis of elke andere ernstige septiese toestand die tijdens het kraambd voorkomt), aziatische cholera, typhouse of ingewandskoorts (waaronder begrepen paratyphouse koorts), epidemische cerebrospinale meningitis of cerebrospinale koorts (ruggegraatkoorts), akute poliomyelitis, melaatsheid (lazarus), pest, miltvuur (miltziekte), kwade droes, hydrophobie (hondsdolheid), brucellose, slaapziekte of menselijke trypanosomiasis, alsmede alle vormen van tuberkulose (tering), behalve tuberkulose van de longen of ruggemerg op een andere wijze dan volgens de uitslag van radiologies of laboratoires onderzoek gediagnoseerd, maar met inbegrip van tuberkulose door positiewe reaktie op de tuberkuline-proef bewezen bij een kind beneden de vijf jaren aan wie geen B.C.G. entstof is toegediend.”.

Amendment of section 50 of Act 36 of 1919, as amended by section 3 of Act 29 of 1933, section 6 of Act 57 of 1935, section 1 of Act 14 of 1938, section 15 of Act 37 of 1943, section 8 of Act 51 of 1946, section 8 of Act 44 of 1952, section 1 of Act 60 of 1956 and section 2 of Act 79 of 1963.

4. (1) Section *fifty* of the principal Act is hereby amended by the substitution for paragraph (h) of sub-section (1) of the following paragraph:

“(h) supply free of charge to local authorities such materials for administration to persons with a view to preventing the outbreak or controlling the spread of any infectious disease, including materials or articles used for the purpose of determining immunity to any such disease or administering any materials so supplied, as he may consider necessary in the public interest.”.

(2) Any regulation published prior to the commencement of this Act, and purporting to have been made under sub-section (1) of section *fifty* of the principal Act, shall have effect as if it had been made under that sub-section as amended by sub-section (1) of this section.

Amendment of section 133 of Act 36 of 1919, as amended by section 18 of Act 15 of 1928, section 11 of Act 57 of 1935 and section 23 of Act 44 of 1952.

5. Section *one hundred and thirty-three* of the principal Act is hereby amended by the addition of the following sub-section:

“(5) The Minister may after consultation with the South African Medical and Dental Council make regulations—

- (a) prescribing the standards in respect of the equipment and other facilities which a medical practitioner shall provide at any place, other than a hospital or nursing home, at which he carries on or intends to carry on any surgical activities in respect of the performance of which special equipment or facilities are necessary;
- (b) providing for the inspection of such equipment and facilities; and
- (c) prescribing penalties for failure to comply with the standards so prescribed.”.

Insertion of section 14*bis* in Act 57 of 1935.

6. The following section is hereby inserted in the Public Health Amendment Act, 1935, after section *fourteen*:

“Refund of certain expenditure in respect of public health nursing services.

14*bis*. (1) Whenever the Minister is satisfied that a public health nursing service is necessary within the area of a local authority and that a contribution from public funds is justified to enable such a service to be provided or maintained in such area, he may out of moneys voted by Parliament for the purpose—

- (a) refund to any local authority which makes provision for such a service a proportion not exceeding seven-eighths of the expenditure incurred by such local authority in respect of the salary of any nurse (in this section referred to as a public health nurse) who holds the Diploma in Public Health Nursing issued by the Department of Education, Arts and Science or any other degree, diploma or certificate which in the opinion of the Chief Health Officer is equivalent thereto, provided such National Diploma or other degree, diploma or certificate has in terms of section *thirteen* of the Nursing Act, 1957 (Act No. 69 of 1957), been entered in the relevant register referred to in section *twelve* of that Act and such nurse devotes all her time to public health nursing in the employ of such local authority;
- (b) make grants-in-aid towards transport costs necessarily incurred in the maintenance of any particular service in any particular area within such limits as may from time to time be approved by the Minister, and which may vary in accordance with the class or race of public health nurse employed.

(2) The provisions of section *thirty-two* of the Public Health Amendment Act, 1952 (Act No. 44 of 1952), shall *mutatis mutandis* apply with reference to any refund under paragraph (a) of sub-section (1) of this section, and for that purpose the references in the said section *thirty-two* to the first day of April, 1952, shall be construed as references to the date of commencement of the Public Health Amendment Act, 1965.”.

4. (1) Artikel vyftig van die Hoofwet word hierby gewysig deur paragraaf (h) van sub-artikel (1) deur die volgende paragraaf te vervang:

„(h) kosteloos aan plaatselike autoriteite sulke stof verskaffen voor bediening aan persone ten einde de verspreiding van een besmettelike ziekte te voorkomen of de verspreiding daarvan te bestrijden, met inbegrip van stof of artikelen gebruikt ten einde immuniteit tegen zulk een ziekte vast te stellen of aldus verschaft stof toe te dienen, als hij in het openbaar belang nodig acht.”.

(2) Enige regulasie voor die inwerkingtreding van hierdie Wet afgekondig wat ingevolge sub-artikel (1) van artikel vyftig van die Hoofwet uitgevaardigd heet te wees, geld asof dit uitgevaardigd is ingevolge daardie sub-artikel, soos deur sub-artikel (1) van hierdie artikel gewysig.

Wysiging van artikel 50 van Wet 36 van 1919, soos gewysig deur artikel 3 van Wet 29 van 1933, artikel 6 van Wet 57 van 1935, artikel 1 van Wet 14 van 1938, artikel 15 van Wet 37 van 1943, artikel 8 van Wet 51 van 1946, artikel 8 van Wet 44 van 1952, artikel 1 van Wet 60 van 1956 en artikel 2 van Wet 79 van 1963.

5. Artikel honderd drie-en-dertig van die Hoofwet word hierby gewysig deur die volgende sub-artikel by te voeg:

„(5) De Minister kan, na overleg met de ‚Suid-Afrikaanse geneeskundige en Tandheekkundige Raad’, regulaties uitgevaardigen—

- (a) de standaarden voorschrijvende ten aanzien van de toerusting en andere benodigdheden door een geneesheer te worden verschaft op een andere plaats dan een hospitaal of verpleeginrichting, waar hij chirurgiese bedrijvigheden uitvoert of uitvoeren wil ten aanzien van de uitvoering waarvan speciale toerusting of faciliteiten vereist worden;
- (b) voorziening makende voor de inspektie van zodanige toerusting en faciliteiten; en
- (c) straffen voorschrijvende voor verzuim om aan de aldus voorgeschreven standaarden te voldoen.”.

Wysiging van artikel 133 van Wet 36 van 1919, soos gewysig deur artikel 18 van Wet 15 van 1928, artikel 11 van Wet 57 van 1935 en artikel 23 van Wet 44 van 1952.

6. Die volgende artikel word hierby na artikel veertien in die Volksgesondheids-Wysigingswet, 1935, ingevoeg:

„Terugbetaling van sekere uitgawes ten opsigte van gezondheidsverpleegdienste.

14bis. (1) Wanneer die Minister oortuig is dat ’n gezondheidsverpleegdiens binne die gebied van ’n plaaslike outoriteit nodig is, en dat ’n bydrae uit openbare fondse geregverdig is ten einde so ’n diens in dié gebied te kan verskaf en in stand hou, kan hy uit gelde vir dié doel deur die Parlement bewillig—

- (a) aan ’n plaaslike outoriteit wat vir so ’n diens voorsiening maak, hoogstens sewe-agtstes terugbetaal van die uitgawes deur daardie plaaslike outoriteit aangegaan ten opsigte van die salaris van ’n verpleegster (in hierdie artikel ’n gezondheidsverpleegster genoem) in besit van die Nasionale Diploma in Gezondheidsverpleging uitgereik deur die Departement van Onderwys, Kuns en Wetenskap, of ’n ander graad, diploma of sertifikaat wat na die Hoofgesondheidsbeampte se oordeel gelykwaardig daaraan is, mits bedoelde Nasionale Diploma of ander graad, diploma of sertifikaat ingevolge artikel dertien van die Wet op Verpleging, 1957 (Wet No. 69 van 1957), in die in artikel twaalf van daardie Wet bedoelde register ingeskryf is, en bedoelde verpleegster al haar tyd aan gezondheidsverpleging in die diens van bedoelde plaaslike outoriteit bestee;
- (b) hulpskenkings doen by wyse van bydraes tot die vervoerkoste noodsaaklikerwys in verband met die instandhouding van ’n bepaalde diens in ’n bepaalde gebied aangegaan, binne die perke van tyd tot tyd deur die Minister goedgekeur, wat wissel volgens die klas of ras van die gezondheidsverpleegster daarby in diens.

(2) Die bepalinge van artikel twee-en-dertig van die Wysigingswet op Volksgesondheid, 1952 (Wet No. 44 van 1952), is *mutatis mutandis* van toepassing met betrekking tot enige terugbetaling ingevolge paragraaf (a) van sub-artikel (1) van hierdie artikel, en vir dié doel word die verwysings in bedoelde artikel twee-en-dertig na die eerste dag van April 1952 as verwysings na die datum van inwerkingtreding van die Wysigingswet op Volksgesondheid, 1965, uitgelê.”.

Invoeging van artikel 14bis in Wet 57 van 1935.

Short title and
commencement.

7. (1) This Act shall be called the Public Health Amendment Act, 1965.

(2) Sections *two* and *six* shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

7. (1) Hierdie Wet heet die Wysigingswet op Volksgesond- Kort titel en
heid, 1965. inwerkingtreding.

(2) Artikels *twee* en *ses* tree in werking op 'n datum wat die
Staatspresident by proklamasie in die *Staatskoerant* bepaal.

No. 39, 1965.]

ACT

To amend the Atomic Energy Act, 1948, and the Nuclear Installations (Licensing and Security) Act, 1963.

(Afrikaans text signed by the State President.)
(Assented to 1st April, 1965.)

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 35 of 1948, as amended by section 1 of Act 18 of 1952, section 1 of Act 27 of 1958 and section 1 of Act 44 of 1961.

1. Section *three* of the Atomic Energy Act, 1948 (hereinafter referred to as the principal Act), is hereby amended by the substitution for sub-section (2) of the following sub-section:

“(2) Any authority required under sub-section (1) may be granted subject to such conditions as the Minister or the board may determine.”.

Amendment of section 12 of Act 35 of 1948, as amended by section 3 of Act 11 of 1956 and section 2 of Act 27 of 1958.

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

- (a) by the substitution in paragraph (c) of sub-section (1) for the word “External” of the word “Foreign”;
- (b) by the substitution for sub-section (4) of the following sub-sections:

“(3) Any person may serve as an alternate in the stead of any member during his absence from any meeting of the board—

- (a) in the case of a member other than a member referred to in sub-paragraph (i), (iv) or (v) of paragraph (b) or in paragraph (c) of sub-section (1), if such person has been appointed by the Minister as an alternate to such member;

- (b) in the case of a member referred to in the said sub-paragraph (i)—

- (i) if such person has been appointed by the Minister as an alternate to such member; or

- (ii) if such person has been appointed by the Minister as an alternate to the other member referred to in that sub-paragraph and any alternate so appointed to the absent member is unable to attend any meeting of the board;

- (c) in the case of a member referred to in the said sub-paragraph (iv) or (v), if such person has, with the approval of the Minister, been nominated by such member as his alternate;

- (d) in the case of a member referred to in paragraph (c) of sub-section (1) if, such person has been nominated by such member as his alternate.

(4) Whenever both the chairman and the deputy chairman are absent from a meeting of the board, the Secretary for Mines shall preside at such meeting.”.

No. 39, 1965.]

WET

Tot wysiging van die Wet op Atoomkrag, 1948, en die Wet op Kerninstallasies (Lisensiëring en Sekerheidstelling), 1963.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 1 April 1965.)*

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

1. Artikel *drie* van die Wet op Atoomkrag, 1948 (hieronder die Hoofwet genoem), word hierby gewysig deur sub-artikel (2) deur die volgende sub-artikel te vervang:

„(2) 'n Ingevolge sub-artikel (1) vereiste magtiging kan op die deur die Minister of die raad bepaalde voorwaardes verleen word.”.

Wysiging van artikel 3 van Wet 35 van 1948, soos gewysig deur artikel 1 van Wet 18 van 1952, artikel 1 van Wet 27 van 1958 en artikel 1 van Wet 44 van 1961.
2. Artikel *twaalf* van die Hoofwet word hierby gewysig—
 - (a) deur in die Engelse teks van paragraaf (c) van sub-artikel (1) die woord „External” deur die woord „Foreign” te vervang;
 - (b) deur sub-artikel (4) deur die volgende sub-artikels te vervang:

„(3) Enige persoon kan as plaasvervanger van 'n lid gedurende sy afwesigheid van 'n vergadering van die raad in sy plek dien—

 - (a) in die geval van 'n ander lid as 'n in sub-paragraaf (i), (iv) of (v) van paragraaf (b) of in paragraaf (c) van sub-artikel (1) vermelde lid, indien bedoelde persoon deur die Minister as plaasvervanger van bedoelde lid aangestel is;
 - (b) in die geval van 'n in bedoelde sub-paragraaf (i) vermelde lid—
 - (i) indien bedoelde persoon deur die Minister as plaasvervanger van bedoelde lid aangestel is; of
 - (ii) indien bedoelde persoon deur die Minister as plaasvervanger van die ander in daardie sub-paragraaf vermelde lid aangestel is en 'n aldus aangestelde plaasvervanger van die afwesige lid 'n vergadering van die raad nie kan bywoon nie;
 - (c) in die geval van 'n in bedoelde sub-paragraaf (iv) of (v) vermelde lid, indien bedoelde persoon met die goedkeuring van die Minister deur bedoelde lid as sy plaasvervanger genomineer is;
 - (d) in die geval van 'n in paragraaf (c) van sub-artikel (1) vermelde lid, indien bedoelde persoon deur bedoelde lid as sy plaasvervanger genomineer is.

(4) Wanneer sowel die voorsitter as die adjunk-voorsitter van 'n vergadering van die raad afwesig is, tree die Sekretaris van Mynwese by die vergadering as voorsitter op.”.

Wysiging van artikel 12 van Wet 35 van 1948, soos gewysig deur artikel 3 van Wet 11 van 1956 en artikel 2 van Wet 27 van 1958.

Amendment of section 13 of Act 35 of 1948, as amended by section 2 of Act 44 of 1961.

3. Section *thirteen* of the principal Act is hereby amended by the substitution for paragraph (e) of the following paragraph: “(e) to undertake the production of atomic energy and radio-active isotopes;”.

Amendment of section 25 of Act 35 of 1948.

4. Section *twenty-five* of the principal Act is hereby amended by the substitution for sub-section (1) of the following sub-section:

“(1) Subject to the provisions of section *twenty-five bis*, the rights in all discoveries, inventions and improvements made by officers of the board, or by persons to whom grants in aid have been made by the board, in relation to any matter within the purview of the board in terms of this Act, shall vest in the board on behalf of the State and the board may make such discoveries, inventions and improvements available for use in the public interest subject to such conditions and the payment of such fees or royalties as the board may, in accordance with regulations made in terms of section *thirty-one*, determine.”.

Insertion of section 25*bis* in Act 35 of 1948.

5. The following section is hereby inserted after section *twenty-five* of the principal Act:

“Special investigations by arrangement with any person with a view to discoveries, inventions or improvements.

25*bis*. (1) The board may, by arrangement with any person, and at such place and subject to such conditions and the payment of such charges as may be agreed upon, carry out or cause to be carried out special investigations with the object of making discoveries, inventions or improvements in relation to any matter within the purview of the board in terms of this Act.

(2) The rights in any discovery, invention or improvement so made shall vest in either the board or any other person, according to the provisions of a written agreement entered into by the parties in question prior to the investigation.

(3) If the rights in any discovery, invention or improvement vest in the board in pursuance of an agreement contemplated in sub-section (2), the board may make such discovery, invention or improvement available for use in the public interest, and the board may apply for a patent in respect thereof, as if it were a discovery, invention or improvement referred to in sub-section (1) of section *twenty-five*.

(4) If the rights in any discovery, invention or improvement vest in any person other than the board in pursuance of an agreement contemplated in sub-section (2), the said discovery, invention or improvement shall be used or made available for use in the public interest subject to such conditions as may be provided by the agreement.”.

Amendment of section 28 of Act 35 of 1948.

6. Section *twenty-eight* of the principal Act is hereby amended—

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

“(1) (a) No person shall, without the consent in writing of the chairman or the deputy chairman of the board, communicate, transmit or make known to any person, whether in or outside the Union, or use any information in regard to reserves of ores containing any prescribed material or the annual output of such material or ores by any person or the price paid to any person in respect of such material or ores, or any investigation or research or any discovery or invention relating to the processing or use of any prescribed material or the production of atomic energy, or any such investigation or research financed wholly or partly by the board or the State and relating to prospecting or mining for or treatment of ores containing any prescribed material, or anything done by or on behalf of the board in the exercise

3. Artikel *dertien* van die Hoofwet word hierby gewysig deur paragraaf (e) deur die volgende paragraaf te vervang:

Wysiging van artikel 13 van Wet 35 van 1948, soos gewysig deur artikel 2 van Wet 44 van 1961.

„(e) om die voortbrenging van atoomkrag en radioaktiewe isotope te onderneem;”.

4. Artikel *vyf-en-twintig* van die Hoofwet word hierby gewysig deur sub-artikel (1) deur die volgende sub-artikel te vervang:

Wysiging van artikel 25 van Wet 35 van 1948.

„(1) Behoudens die bepalings van artikel *vyf-en-twintig bis*, berus die regte op alle ontdekkings, uitvindings en verbeterings gedoen deur beamptes van die raad, of deur persone aan wie hulptoelaes deur die raad toegestaan is, met betrekking tot enige aangeleentheid wat volgens hierdie Wet binne die raad se bestek val, by die raad ten bate van die Staat en kan die raad bedoelde ontdekkings, uitvindings en verbeterings vir gebruik in die openbare belang beskikbaar stel op die voorwaardes en teen betaling van die gelde of tantieme wat die raad ooreenkomstig ingevolge artikel *een-en-dertig* uitgevaardigde regulasies bepaal.”.

5. Die volgende artikel word hierby na artikel *vyf-en-twintig* van die Hoofwet ingevoeg:

Invoeging van artikel 25bis in Wet 35 van 1948.

„Spesiale ondersoeke by wyse van ooreenkoms met 'n persoon met die oog op ontdekkings, uitvindings of verbeterings.

25bis. (1) Die raad kan by wyse van ooreenkoms met 'n persoon en op die plek en op die voorwaardes en teen betaling van die koste waarop ooreengekom word, spesiale ondersoeke instel of laat instel met die doel om ontdekkings, uitvindings of verbeterings te doen met betrekking tot enige aangeleentheid wat volgens hierdie Wet binne die raad se bestek val.

(2) Die regte op 'n ontdekking, uitvinding of verbetering aldus gedoen, berus of by die raad of by 'n ander persoon, volgens die bepalings van 'n skriftelike ooreenkoms wat vóór die ondersoek deur die betrokke partye aangegaan is.

(3) Indien die regte op enige ontdekking, uitvinding of verbetering uit hoofde van 'n in sub-artikel (2) beoogde ooreenkoms by die raad berus, kan die raad bedoelde ontdekking, uitvinding of verbetering in die openbare belang vir gebruik beskikbaar stel, en kan die raad om 'n patent ten opsigte daarvan aansoek doen asof dit 'n in sub-artikel (1) van artikel *vyf-en-twintig* vermelde ontdekking, uitvinding of verbetering was.

(4) Indien die regte op enige ontdekking, uitvinding of verbetering by 'n ander persoon as die raad uit hoofde van 'n in sub-artikel (2) beoogde ooreenkoms berus, word bedoelde ontdekking, uitvinding of verbetering in die openbare belang gebruik of vir gebruik beskikbaar gestel op die voorwaardes wat by die ooreenkoms bepaal word.”.

6. Artikel *aght-en-twintig* van die Hoofwet word hierby gewysig—

Wysiging van artikel 28 van Wet 35 van 1948.

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

„(1) (a) Niemand mag sonder skriftelike toestemming van die voorsitter of die adjunk-voorsitter van die raad inligting met betrekking tot reserwevoorrade erts wat voorgeskrewe materiaal bevat of die jaarlikse opbrings van sodanige materiaal of erts deur enigiemand of die prys ten opsigte van sodanige materiaal aan iemand betaal, of enige ondersoek of navorsing, of enige ontdekking of uitvinding, wat op die verwerking of gebruik van voorgeskrewe materiaal of die voortbrenging van atoomkrag betrekking het, of enige sodanige ondersoek of navorsing wat gedeeltelik of geheel deur die raad of die Staat gefinansier word, en wat betrekking het op prospektering vir of die ontginning of behandeling van erts wat voorgeskrewe materiaal bevat, of enigiets deur of ten behoeve van die raad by die uitoefening van sy

of its powers, or any property, whether movable or immovable, in control or possession of the board.

- (b) No person shall receive any information, knowing or having reasonable grounds to believe, at the time when he receives it, that the information is communicated, transmitted or made known to him in contravention of the provisions of paragraph (a).
- (c) No person who has in his possession or under his control any information which under paragraph (a) he is prohibited from communicating, transmitting or making known to any person, shall fail to take reasonable steps to safeguard such information or so conduct himself as to endanger the secrecy thereof.”;
- (h) by the addition of the following sub-sections:
 - “(4) No trial or preparatory examination in respect of an offence under this section shall be instituted without the written authority of the attorney-general concerned.
 - (5) For the purposes of this section ‘information’ includes anything containing or affording information.”.

Amendment of section 29 of Act 35 of 1948, as amended by section 3 of Act 8 of 1950.

7. Section *twenty-nine* of the principal Act is hereby amended by the substitution for paragraph (a) of the following paragraph:

- (a) apply any provision of paragraph (a) or (c) or subparagraph (ii) or (iii) of paragraph (d) of sub-section (1) and of sub-section (3) of section *nineteen* to inventions, discoveries, investigations or research relating to prospecting or mining for or treatment of ores containing prescribed materials;”.

Amendment of section 31 of Act 35 of 1948, as amended by section 7 of Act 11 of 1956 and section 7 of Act 44 of 1961.

8. Section *thirty-one* of the principal Act is hereby amended by the substitution for paragraph (c) of sub-section (1) of the following paragraph:

- “(c) the conditions under which discoveries, inventions or improvements may be made available for use and the fees or royalties payable in respect of such use; and”.

Insertion of section 33*bis* in Act 35 of 1948.

9. The following section is hereby inserted in the principal Act after section *thirty-three*:

“Jurisdiction.

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

Substitution of section 34 of Act 35 of 1948.

10. (1) The following section is hereby substituted for section *thirty-four* of the principal Act:

“Application of Act to South-West Africa.

34. This Act and any amendment thereof which may be made from time to time shall apply also in the territory of South-West Africa (including the Eastern Caprivi Zipfel referred to in section *three* of the South-West Africa Affairs Amendment Act, 1951 (Act No. 55 of 1951)), 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 said territory and any reference in this Act to the Union shall be deemed to include a reference to the said territory.”.

(2) Sub-section (1) shall be deemed to have come into operation at the commencement of the principal Act.

Amendment of section 5 of Act 43 of 1963.

11. Section *five* of the Nuclear Installations (Licensing and Security) Act, 1963, is hereby amended—

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

“(2) Subject to the provisions of sub-section (3) no person other than the licensee in question shall be

bevoegdhede gedoen, of enige eiendom, hetsy roerend of onroerend, onder die beheer of in die besit van die raad, aan enigiemand binne of buite die Unie meedeel, versend of bekendmaak of daarvan gebruik maak nie.

(b) Niemand mag inligting ontvang nie, as hy weet of redelike gronde het om te glo wanneer hy dit ontvang, dat die inligting aan hom in stryd met die bepalings van paragraaf (a) meegedeel, versend of bekendgemaak word.

(c) Niemand wat inligting wat hy ingevolge paragraaf (a) verbied word om aan enigiemand mee te deel, te versend of bekend te maak, in sy besit of onder sy beheer het, mag in gebreke bly om redelike stappe te doen om daardie inligting te beveilig of hom so gedra dat geheimhouding daarvan in gevaar gestel word nie.”;

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

„(4) Geen verhoor of voorlopige ondersoek ten opsigte van ’n misdryf ingevolge hierdie artikel word sonder die skriftelike magtiging van die betrokke prokureur-generaal ingestel nie.

(5) By die toepassing van hierdie artikel beteken „inligting’ ook enigiets wat inligting bevat of verskaf.”.

7. Artikel *nege-en-twintig* van die Hoofwet word hierby gewysig deur paragraaf (a) deur die volgende paragraaf te vervang:

Wysiging van artikel 29 van Wet 35 van 1948, soos gewysig deur artikel 3 van Wet 8 van 1950.

„(a) enige bepaling van paragraaf (a) of (c) of sub-paragraaf (ii) of (iii) van paragraaf (d) van sub-artikel (1) en van sub-artikel (3) van artikel *negentien* toepas op enige uitvinding, ontdekking, navorsing of ondersoek met betrekking tot prospektering vir of die ontginning of behandeling van erts wat voorgeskrewe materiaal bevat;”.

8. Artikel *een-en-dertig* van die Hoofwet word hierby gewysig deur paragraaf (c) van sub-artikel (1) deur die volgende paragraaf te vervang:

Wysiging van artikel 31 van Wet 35 van 1948, soos gewysig deur artikel 7 van Wet 11 van 1956 en artikel 7 van Wet 44 van 1961.

„(c) die voorwaardes waarop ontdekkings, uitvindings of verbeterings vir gebruik beskikbaar gestel kan word en die gelde of tantieme ten opsigte van sodanige gebruik betaalbaar; en”.

9. Die volgende artikel word hierby na artikel *drie-en-dertig* van die Hoofwet ingevoeg:

Invoeging van artikel 33bis in Wet 35 van 1948.

„Regsbevoegdheid. 33bis. ’n Misdryf ingevolge hierdie Wet word, vir die doeleindes van die bepaling van die regsbevoegdheid van ’n hof om die misdryf te verhoor, geag gepleeg te gewees het by die plek waar dit in werklikheid gepleeg was en ook by enige plek waar die beskuldigde hom bevind.”.

10. (1) Artikel *vier-en-dertig* van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 34 van Wet 35 van 1948.

„Toepassing van Wet op Suidwes-Afrika. 34. Hierdie Wet en enige wysiging daarvan wat van tyd tot tyd aangebring mag word, is ook van toepassing in die gebied Suidwes-Afrika (met inbegrip van die Oostelike Caprivi Zipfel vermeld in artikel *drie* van die Wysigingswet op Aangeleenthede van Suidwes-Afrika, 1951 (Wet No. 55 van 1951)), en met betrekking tot alle persone in daardie gedeelte van bedoelde gebied bekend as die „Rehoboth Gebiet’ en omskrywe in die Eerste Bylae by Proklamasie No. 28 van 1923 van bedoelde gebied en enige verwysing in hierdie Wet na die Unie word geag ook ’n verwysing na bedoelde gebied te wees.”.

(2) Sub-artikel (1) word geag by die inwerkingtreding van die Hoofwet in werking te getree het.

11. Artikel *vyf* van die Wet op Kerninstallasies (Lisensiëring en Sekerheidstelling), 1963, word hierby gewysig—

Wysiging van artikel 5 van Wet 43 van 1963.

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

„(2) Behoudens die bepalings van sub-artikel (3) is niemand anders as die betrokke gelisensieerde aan-

liable for any nuclear damage caused as is contemplated in sub-section (1), and notwithstanding anything contained in the Apportionment of Damages Act, 1956 (Act No. 34 of 1956), or any other law, or any other legal rule, no fault of any person shall be a defence to any claim for compensation on account of such damage, or affect the amount of the compensation which the licensee is liable to pay by virtue of the provisions of sub-section (1).";
 (b) by the deletion of sub-section (4).

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

12. This Act shall apply also in the territory of South-West Africa.

Short title.

13. This Act shall be called the Atomic Energy and Nuclear Installations (Licensing and Security) Amendment Act, 1965.

spreklik nie vir enige kernskade wat veroorsaak is soos in sub-artikel (1) beoog, en ondanks die bepalinge van die Wet op Verdeling van Skadevergoeding, 1956 (Wet No. 34 van 1956), of enige ander wet, of enige ander regsreël, is geen skuld van iemand 'n verweer teen 'n eis om skadevergoeding op grond van sodanige skade nie en raak sodanige skuld nie die bedrag van die skadevergoeding wat die gelisensieerde uit hoofde van die bepalinge van sub-artikel (1) moet betaal nie.”;

(b) deur sub-artikel (4) te skrap.

12. Hierdie Wet is ook in die gebied Suidwes-Afrika van Toepassing van Wet op Suidwes-Afrika.
toepassing.

13. Hierdie Wet heet die Wysigingswet op Atoomkrag en Kort titel.
Kerninstallasies (Lisensiëring en Sekerheidstelling), 1965.

No. 40, 1965.]

ACT

To amend the University of Port Elizabeth Act, 1964.

(English text signed by the State President.)
(Assented to 1st April, 1965.)

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 10 of
Act 1 of 1964.

1. Section *ten* of the University of Port Elizabeth Act, 1964, is hereby amended by the substitution for sub-section (3) of the following sub-section:

“(3) A member of the senate, other than a member referred to in paragraph (a) or (c) of sub-section (1), shall hold office for a period of three years unless, before the expiry of such period, he submits his resignation in writing to the senate or vacates his office for any other reason prescribed by the statute.”.

Insertion of
section 23bis
in Act 1 of 1964.

2. The University of Port Elizabeth Act, 1964, is hereby amended by the insertion of the following section after section *twenty-three*:

“Minister may appoint member of council until convocation numbers one hundred. 23bis. (1) The Minister may from time to time, until the number of members of the convocation reaches one hundred, appoint one person as a member of the council, and appoint any other person as an alternate to such member.

(2) An appointment in terms of sub-section (1) shall *ipso facto* terminate when the number of members of the convocation reaches one hundred.”.

Short title.

3. This Act shall be called the University of Port Elizabeth Amendment Act, 1965.

No. 40, 1965.]

WET

Tot wysiging van die Wet op die Universiteit van Port Elizabeth, 1964.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 1 April 1965.)

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

1. Artikel *tien* van die Wet op die Universiteit van Port Elizabeth, 1964, word hierby gewysig deur sub-artikel (3) deur die volgende sub-artikel te vervang: Wysiging van artikel 10 van Wet 1 van 1964.

„(3) 'n Lid van die senaat, behalwe 'n in paragraaf (a) of (c) van sub-artikel (1) bedoelde lid, beklee sy amp vir 'n termyn van drie jaar, tensy hy vóór die verstryking van die termyn sy bedanking skriftelik by die senaat indien of sy amp ontruim om 'n ander rede by statuut voorgeskryf.”.

2. Die Wet op die Universiteit van Port Elizabeth, 1964, word hierby gewysig deur die volgende artikel na artikel *drie-en-twintig* in te voeg: Invoeging van artikel 23bis in Wet 1 van 1964.

„Minister kan lid van raad aanstel totdat konvokasie honderd tel. **23bis.** (1) Die Minister kan van tyd tot tyd, totdat die getal lede van die konvokasie honderd tel, een persoon as lid van die raad aanstel, en iemand anders as plaasvervanger vir sodanige lid aanstel. (2) 'n Aanstelling ingevolge sub-artikel (1) verval *ipso facto* wanneer die getal lede van die konvokasie honderd tel.”.

3. Hierdie Wet heet die Wysigingswet op die Universiteit van Port Elizabeth, 1965. Kort titel.

