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[No. 1567.]

DEPARTMENT OF THE PRIME MINISTER.

No. 1623.]

[19th October, 1966.]

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. 1623.]

[19 Oktober 1966.]

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

BLADSY

No. 39 van 1966: Wet op Burgerlike Beskerming,
1966 2

No. 40 van 1966: Verdere Wysigingswet op die Suid-
Afrikaanse Munt en Munte.

No. 39, 1966.]

WET

Om voorsiening te maak vir die instelling van 'n Direktooraat van Burgerlike Beskerming in die Staatsdiens met bevoegdheid om met betrekking tot tyd van nood sekere maatreëls ter beveiliging van die Republiek en sy inwoners te tref; om vir bykomstige aangeleenthede voorsiening te maak; om artikels 1 (1) (a), 2 (1) (b), 82*bis*, 87 (1) (a), (e) en (s), 87 (3), 120, 121 (a), 122 (1) (a), 123, 136 (1) en 144*bis* (1) van die Verdedigingswet, 1957, te wysig, om artikel 82 van daardie Wet te herroep en om artikel 6 (2) van die Wysigingswet op Verdediging, 1961, te wysig ten einde burgerlike beskermingsdienste in bedoelde Direktooraat van Burgerlike Beskerming te vestig; en om artikel 18 van die Algemene Regswysigingswet, 1963, te herroep ten einde die beskerming van sekere plekke en gebiede aan bedoelde Direktooraat van Burgerlike Beskerming op te dra.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 6 Oktober 1966.)

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

Woordom-
skrywing.

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

- (i) „afdeling” die Direktooraat van Burgerlike Beskerming by artikel 2 ingestel; (iii)
- (ii) „direkteur” die Direkteur van Burgerlike Beskerming kragtens artikel 2 aangestel; (i)
- (iii) „hierdie Wet” ook die regulasies; (ix)
- (iv) „Minister” die Minister van Justisie; (iv)
- (v) „noodtoestand” die toestand wat bestaan tydens—
 - (a) 'n noodtoestand in artikel 2 van die Wet op Openbare Veiligheid, 1953 (Wet No. 3 van 1953), bedoel;
 - (b) „oorlogstyd” soos omskryf in artikel 1 (1) van die Verdedigingswet, 1957 (Wet No. 44 van 1957); of
 - (c) enige binnelandse onluste of enige ramp, hetsy plaaslik of nasionaal van aard, wat deur die Minister by kennisgewing in die *Staatskoerant* tot 'n noodtoestand vir die doeleindes van hierdie Wet verklaar is; (viii)
- (vi) „ramp” ook 'n natuurramp, die toestroming van uitgewekenes na die Republiek en enige vorm van sabotasie soos omskryf in artikel 21 van die Algemene Regswysigingswet, 1962 (Wet No. 76 van 1962); (ii)
- (vii) „regulasie” 'n regulasie kragtens hierdie Wet uitgevaardig; (vi)
- (viii) „Republiek” ook die gebied Suidwes-Afrika; (vii)
- (ix) „voorgeskryf” of „voorgeskrewe” by regulasie voorgeskryf. (v)

Instelling van
Direktooraat van
Burgerlike
Beskerming.

2. (1) Daar word hierby in Pretoria in die Staatsdiens 'n afdeling met die naam „Direktooraat van Burgerlike Beskerming” ingestel.

(2) Die afdeling staan onder beheer van die Minister wat, behoudens die wetsbepalings op die Staatsdiens—

- (a) 'n beamppte soos omskryf in artikel 1 van die Staatsdienswet, 1957 (Wet No. 54 van 1957), as direkteur van die afdeling kan aanstel;
- (b) die persone kan aanstel wat hy nodig ag om aan die oogmerke en doelstellings van hierdie Wet uitvoering te gee;
- (c) 'n beamppte verbonde aan 'n staatsdepartement (met inbegrip van die administrasie van die gebied Suidwes-

No. 39, 1966.]

ACT

To provide for the establishment of a Directorate of Civil Defence in the Public Service with power to take, with reference to time of emergency, certain measures for the protection of the Republic and its inhabitants; to provide for incidental matters; to amend sections 1 (1) (a), 2 (1) (b), 82*bis*, 87 (1) (a), (e) and (s), 87 (3), 121 (a), 122 (1) (a), 123, 136 (1) and 144*bis* (1) of the Defence Act, 1957, to repeal section 82 of that Act and to amend section 6 (2) of the Defence Amendment Act, 1961, in order to vest civilian protective services in the said Directorate of Civil Defence; and to repeal section 18 of the General Law Amendment Act, 1963, in order to entrust the said Directorate of Civil Defence with the protection of certain places and areas.

(English text signed by the State President.)

(Assented to 6th October, 1966.)

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

1. In this Act, unless the context otherwise indicates—
- Definitions.
- (i) "director" means the Director of Civil Defence appointed under section 2; (ii)
 - (ii) "disaster" includes an act of God, the influx of refugees into the Republic and any form of sabotage as defined in section 21 of the General Law Amendment Act, 1962 (Act No. 76 of 1962); (vi)
 - (iii) "division" means the Directorate of Civil Defence established by section 2; (i)
 - (iv) "Minister" means the Minister of Justice; (iv)
 - (v) "prescribed" means prescribed by regulation; (ix)
 - (vi) "regulation" means a regulation made under this Act; (vii)
 - (vii) "Republic" includes the territory of South-West Africa; (viii)
 - (viii) "state of emergency" means the state which exists during—
 - (a) a state of emergency referred to in section 2 of the Public Safety Act, 1953 (Act No. 3 of 1953);
 - (b) "time of war" as defined in section 1 (1) of the Defence Act, 1957 (Act No. 44 of 1957); or
 - (c) any internal riots or any disaster, whether local or national in character, which have or has been declared by the Minister by notice in the *Gazette* to be a state of emergency for the purposes of this Act; (v)
 - (ix) "this Act" includes the regulations. (iii)

2. (1) There is hereby established in Pretoria in the Public Service a division to be known as the Directorate of Civil Defence.

Establishment of
Directorate of
Civil Defence.

(2) The division shall be under the control of the Minister who may, subject to the laws governing the Public Service—

- (a) appoint as director of the division any officer as defined in section 1 of the Public Service Act, 1957 (Act No. 54 of 1957);
- (b) appoint so many persons as he may consider necessary to give effect to the objects and purposes of this Act;
- (c) designate any officer attached to any department of State including the administration of the territory of South-West Africa and a provincial administration to perform such functions in connection with any

(3) Iemand kragtens subartikel (2) (b) aangestel wat nie 'n in artikel 3 (1) van die Staatsdienswet, 1957, bedoelde persoon is nie, word aangestel op die bedinge en voorwaardes wat die Minister in oorleg met die Minister van Finansies bepaal.

(4) Die Minister kan die takke van die afdeling wat nodig is vir die behoorlike uitvoering van die oogmerke en doelstellings van hierdie Wet van tyd tot tyd instel op die plekke wat hy goedvind.

Oogmerk en
doelstelling van
afdeling en
stappe ter
bereiking daarvan.

3. (1) Die oogmerk en doelstelling van die afdeling is om maatreëls, behalwe maatreëls wat getref word kragtens die Wet op Openbare Veiligheid, 1953 (Wet No. 3 van 1953), die Verdedigingswet, 1957 (Wet No. 44 van 1957), of die Polisiewet, 1958 (Wet No. 7 van 1958), te tref ten einde—

(a) aan die Republiek en sy inwoners met betrekking tot 'n noodtoestand die grootste moontlike mate van beskerming en bystand te verleen; en

(b) burgerlike ontwrigting tydens 'n noodtoestand op die effektiëste wyse te bekamp,

en te dien einde is die Minister, behoudens die bepalings van subartikel (2), bevoeg om die stappe te doen wat hy nodig ag met betrekking tot—

(i) brandbestryding;

(ii) reddings- en ontruimingswerk;

(iii) skuilings teen lugaanvalle en radioaktiewe neerslag;

(iv) mediese behandeling en versorging van beseerde en siek persone, en gesondheidsdienste;

(v) die verskaffing van noodhuisvesting, voedsel en kleding;

(vi) die heraanpassing van gemeenskappe en individue;

(vii) die instandhouding van noodsaaklike dienste en die beskerming van noodsaaklike bedrywe, plekke en gebiede;

(viii) vervoer, kommunikasies en waarskuwings;

(ix) die voortsetting van bestaande sentrale, provinsiale en plaaslike bestuur;

(x) enige ander aangeleentheid wat die Staatspresident by proklamasie in die *Staatskoerant* aanwys,

en kan hy, sonder benadeling van voornoemde algemene bevoegdhede—

(aa) enigiemand gelas om aan hom die inligting te verstrek wat hy bepaal betreffende werknemers, geboue, persele, toerusting, omset, voertuie, vliegtuie, vaartuie, voedsel, diere, voer, brandstof, olie, materiaal, artikels of enigiets in bedoelde persoon se besit of onder sy beheer;

(bb) enigiemand wat die eienaar is van of wat toesig of beheer het oor enige grond, gebou, tent, vervoermiddel, beddegoed, hospitaaluitrusting, medikament, voedsel, olie, brandstof, materiaal of ander artikel wat nodig is vir doeleindes van 'n in subparagrafe (i) tot (x) bedoelde aangeleentheid, gelas om die gebruik van bedoelde grond of gebou af te staan of om enige van bedoelde artikels te lewer of beskikbaar te stel aan 'n in die lasgewing genoemde persoon teen die vergoeding wat die Minister bepaal: Met dien verstande dat bedoelde lasgewing slegs gedurende 'n noodtoestand uitgereik kan word: Met dien verstande voorts dat 'n geskil met betrekking tot die bedrag van bedoelde vergoeding verwys sal word na 'n liggaam deur die Minister aangewys of na 'n komitee kragtens artikel 8 (1) deur hom aangestel, die beslissing van welke liggaam of komitee afdoende sal wees;

(cc) indien hy dit in die openbare belang nodig ag, die bestuur van 'n bedryf wat na sy oordeel 'n noodsaaklike bedryf is, of van 'n organisasie wat na sy oordeel 'n noodsaaklike diens lewer, gelas om met betrekking tot daardie bedryf of daardie diens die stappe te doen wat hy met betrekking tot 'n in subparagrafe (i) tot (x) bedoelde aangeleentheid, of die voortsetting van die bedryf of die diens self, mag gelas of voorskryf.

(2) Indien enige van die in subparagrafe (i) tot (x) of (bb) van subartikel (1) bedoelde aangeleenthede of enige aspek van so 'n aangeleentheid, hetsy voor of na die inwerkingtreding van

(3) Any person appointed in terms of subsection (2) (b) who is not a person within the meaning of section 3 (1) of the Public Service Act, 1957, shall be appointed on the terms and conditions which the Minister may in consultation with the Minister of Finance determine.

(4) The Minister may from time to time, at the places which he may deem fit, establish the branches of the division that are necessary for the proper achievement of the objects and purposes of this Act.

3. (1) The object and purpose of the division is to take measures other than measures taken under the Public Safety Act, 1953 (Act No. 3 of 1953), the Defence Act, 1957 (Act No. 44 of 1957), or the Police Act, 1958 (Act No. 7 of 1958), for the purpose of—

Object and purpose of division and steps for the achievement thereof.

(a) providing the Republic and its inhabitants with regard to a state of emergency with the greatest possible measure of protection and assistance; and

(b) combating in the most effective manner civilian disruption during a state of emergency,

and to this end the Minister shall, subject to the provisions of subsection (2), have power to take the steps which he deems necessary with regard to—

(i) fire-fighting;

(ii) rescue and evacuation work;

(iii) shelters against air-raids and radio-active fall-out;

(iv) medical treatment and care of injured and sick persons, and health services;

(v) the provision of emergency housing, food and clothing;

(vi) the readjustment of communities and individuals;

(vii) the maintenance of essential services and the protection of essential industries, places and areas;

(viii) transport, communications and warnings;

(ix) the continuation of existing central, provincial and local government;

(x) any other matter which the State President may designate by proclamation in the *Gazette*,

and he may, without prejudice to the aforesaid general powers—

(aa) direct any person to furnish him with such information as he may specify with regard to employees, buildings, premises, equipment, turnover, vehicles, aircraft, vessels, food, animals, fodder, fuel, oil, material, articles or anything in such person's possession or under his control;

(bb) direct any person who is the owner of or who has custody of or control over any land, building, tent, conveyance, bedding, hospital equipment, medicament, food, oil, fuel, material or other article which is required for the purposes of any matter referred to in subparagraphs (i) to (x), to surrender the use of the said land or building or to deliver or make available any of the said articles to any person referred to in the direction, at the compensation determined by the Minister: Provided that the said direction may be issued only during a state of emergency: Provided further that any dispute as to the amount of such compensation shall be referred to a body designated by the Minister or to a committee appointed by him in terms of section 8 (1), the decision of such body or committee to be final;

(cc) if he considers it necessary in the public interest, direct the management of any industry which in his opinion is an essential industry, or of any organization which in his opinion renders an essential service, to take with regard to that industry or that service the steps which he may, with reference to any matter referred to in subparagraphs (i) to (x), or the continuation of the industry or the service itself, direct or prescribe.

(2) If any of the matters referred to in subparagraphs (i) to (x) or (bb) of subsection (1) have, or any aspect of any such matter has, whether before or after the commencement of this

Vrywaring
teen verlies
of skade.

4. (1) Die Staat of die Minister of 'n persoon in diens van die Staat is nie aanspreeklik vir verlies of skade as gevolg van liggaamlike besering, lewensverlies of verlies van of skade aan eiendom, wat veroorsaak word deur of ontstaan uit of in verband met—

(a) 'n lasgewing; of

(b) optrede deur die Minister ingevolge artikel 7 met betrekking tot 'n lasgewing,

wat kragtens artikel 3 (1) uitgereik is nie.

(2) Die bepalings van subartikel (1) is *mutatis mutandis* van toepassing met betrekking tot 'n persoon wat optree ingevolge 'n lasgewing kragtens artikel 3 (1) (cc).

(3) Die bepalings van subartikels (1) en (2) geld nie met betrekking tot verlies of skade wat nalatiglik veroorsaak is nie.

Delegering
van bevoegdhede.

5. Behoudens die bepalings van artikel 3 (2), kan die Minister skriftelik aan die direkteur enige van die bevoegdhede wat ingevolge artikel 2 (2) (b) aan hom verleen is, en aan die direkteur of 'n beampte in artikel 2 (2) (c) beoog, enige van die bevoegdhede wat ingevolge artikel 3 (1) aan hom verleen is, deleger, en kan die direkteur, indien stappe wat ingevolge artikel 3 (1) gedoen is of gedoen staan te word die indeling van die Republiek in streke of gebiede insluit, enige van die bevoegdhede wat aldus aan hom gedelegeer is, behalwe die bevoegdheid ingevolge artikel 2 (2) (b), skriftelik aan 'n persoon wat ingevolge hierdie Wet met betrekking tot enige sodanige streek of gebied aangestel is, deleger.

Bystand in
verband met
toepassing
van Wet.

6. Die Minister kan, in oorleg met die Minister van Finansies, aan 'n persoon wat op versoek of lasgewing van die Minister, die direkteur of ander beampte van die afdeling, meedoen in verband met enigiets wat kragtens hierdie Wet gedoen word, of meedoen het in verband met enigiets wat kragtens hierdie Wet gedoen is, die geldelike bystand ten opsigte van sodanige meedoening verleen wat die Minister na oorleg met daardie persoon bepaal.

Bevoegdheid
van Minister
om by versuim
'n handeling
self te laat
verrig.

7. Indien 'n persoon wat ingevolge hierdie Wet gelas is om 'n handeling te verrig (met inbegrip van die lewering of beskikbaarstelling van enigiets), na skriftelike kennisgewing van die Minister weier of versuim om daardie handeling binne 'n in bedoelde kennisgewing vermelde tydperk te verrig, kan die Minister self daardie handeling laat verrig en die koste daarvan op die betrokke persoon verhaal.

Aanstelling van
komitees en
besoldiging
van lede.

8. (1) Die Minister kan die komitees aanstel wat hy goedvind om aan hom, die direkteur of 'n beampte van die afdeling verslag te doen of om hom, die direkteur of bedoelde beampte van advies te dien insake 'n aangeleentheid wat hy na enige sodanige komitee verwys.

(2) Aan 'n lid van 'n komitee wat nie 'n in artikel 3 (1) van die Staatsdienswet, 1957 (Wet No. 54 van 1957), bedoelde persoon is nie, word die vergoeding en toelaes betaal wat die Minister in oorleg met die Minister van Finansies bepaal.

(3) Behoudens voorskrifte van die Minister, bepaal 'n komitee sy eie prosedure.

Verpligte
opleiding
en diens.

9. (1) Behoudens die bepalings van subartikel (2), is elke persoon binne die Republiek, vanaf die datum waarop hy sewentien jaar oud word tot die datum waarop sy vyf-en-sestigste jaar verstryk, onder die verpligting om opleiding, soos voorgeskryf, in verband met 'n in artikel 3 (1) bedoelde aangeleentheid te ondergaan, en om diens in verband met enige sodanige aangeleentheid te lewer; en is die wyse waarop sodanige persoon tot bedoelde opleiding of diens opgeroep word, die voorwaardes van opleiding en diens en alle ander aangeleenthede wat daarop betrekking het, soos voorgeskryf: Met dien verstande dat die direkteur op die voorgeskrewe wyse 'n persoon van bedoelde opleiding en diens kan vrystel.

(2) Van die bepalings van subartikel (1) is vrygestel—

(a) 'n lid van die Senaat of die Volksraad of van die Wetgewende Vergadering vir Suidwes-Afrika of van 'n provinsiale raad of 'n Parlementsamptenaar soos omskryf in artikel 1 van die Wet op die Bevoegdhede en Voorregte van die Parlement, 1963 (Wet No. 91 van 1963)

4. (1) The State or the Minister or any person in the service of the State shall not be liable for any loss or damage as a result of bodily injury, loss of life or loss of or damage to property, which is caused by or arises out of or in connection with—

Indemnity
against
loss or damage.

(a) any direction; or

(b) any action by the Minister under section 7 with reference to any direction, issued under section 3 (1).

(2) The provisions of subsection (1) shall *mutatis mutandis* apply with reference to any person acting in terms of a direction issued under section 3 (1) (cc).

(3) The provisions of subsections (1) and (2) shall not apply with reference to loss or damage caused negligently.

5. Subject to the provisions of section 3 (2), the Minister may in writing delegate to the director any of the powers conferred upon him in terms of section 2 (2) (b), and to the director or an officer contemplated in section 2 (2) (c) any of the powers conferred upon him in terms of section 3 (1), and the director may, if steps taken or about to be taken in terms of section 3 (1) include the division of the Republic into regions or areas, in writing delegate any of the powers thus delegated to him, other than the power under section 2 (2) (b), to any person appointed under this Act in respect of any such region or area.

Delegation
of powers.

6. The Minister may in consultation with the Minister of Finance render to any person who at the request or direction of the Minister, the director or other officer of the division, takes part in connection with anything done under this Act, or has taken part in connection with anything done under this Act, the financial assistance with regard to such taking part as the Minister, after consultation with that person, may determine.

Assistance in
connection with
application
of Act.

7. If any person who has been directed under this Act to perform any act (including the delivery or making available of anything), refuses or fails, after written notice from the Minister, to perform that act within a period mentioned in the said notice, the Minister may himself have that act performed and recover the costs thereof from the person concerned.

Power of
Minister on
default to cause
act to be
performed
himself.

8. (1) The Minister may appoint such committees as he may deem fit, to report to him, the director or any officer of the division, or to advise him, the director or the said officer on any matter which he may refer to any such committee.

Appointment of
committees and
remuneration of
members.

(2) A member of a committee who is not a person within the meaning of section 3 (1) of the Public Service Act, 1957 (Act No. 54 of 1957), shall be paid the remuneration and allowances which the Minister may in consultation with the Minister of Finance determine.

(3) Subject to any directions by the Minister, a committee shall determine its own procedure.

9. (1) Subject to the provisions of subsection (2) every person within the Republic shall, as from the date on which he becomes seventeen years of age until the date on which his sixty-fifth year expires, be liable to undergo training, as prescribed, in connection with any matter referred to in section 3 (1), and to render service in connection with any such matter; and the manner in which such person shall be called up for the said training or service, the conditions of training and service and all other matters pertaining thereto, shall be as prescribed: Provided that the director may exempt in the prescribed manner any person from the said training and service.

Compulsory
training and
service.

(2) There shall be exempt from the provisions of subsection (1)—

(a) a member of the Senate or the House of Assembly or of the Legislative Assembly for South-West Africa or of a provincial council or an officer of Parliament as defined in section 1 of the Powers and Privileges of Parliament Act, 1963 (Act No. 91 of 1963);

(b) an administrator of a province and any member of an executive committee for a province including the

- (e) die hoofbestuurder, die adjunk-hoofbestuurders en die assistent-hoofbestuurders van die Spoorweg- en Hawe-administrasie;
- (f) 'n lid van die Suid-Afrikaanse Polisie of van die Spoorweg- en Hawepolisiesmag soos in artikel 57 (9) van die Konsolidasiewet op die Beheer en Bestuur van Spoorweë en Hawens, 1957 (Wet No. 70 van 1957), omskryf;
- (g) iemand beoog in die omskrywing van die „Gevangenisdiens” in artikel 1 van die Wet op Gevangenis, 1959 (Wet No. 8 van 1959), of beoog in daardie omskrywing soos van toepassing gemaak op die gebied Suidwes-Afrika ooreenkomstig artikel 96 van bedoelde Wet op Gevangenis, 1959;
- (h) iemand wat deur 'n distriksgeneesheer as geneeskundig ongeskik vir opleiding en diens gesertifiseer is;
- (i) 'n lid van die Suid-Afrikaanse Weermag, die Reserwe van Offisiere, die Staandemagreserwe of die Burgermagreserwe soos onderskeidelik in artikels 5, 46, 47 en 48 van die Verdigingswet, 1957, omskryf, behalwe 'n lid wat ingevolge artikel 74*bis* van bedoelde Verdedigingswet van opleiding en diens vrygestel is, en ook iemand wat in die voltijdse diens van die Departement van Verdediging by enige deel van die Suid-Afrikaanse Weermag is;
- (j) 'n lid van die in artikel 49 van die Verdedigingswet, 1957, bedoelde Nasionale Reserwe wat onder 'n ouderdomsgrens is wat vir die doeleindes van hierdie subparagraaf deur die Minister in oorleg met die Minister van Verdediging bepaal word: Met dien verstande dat die bepalings van hierdie subparagraaf nie geld nie met betrekking tot so 'n lid—
 - (i) wat aan loting ingevolge bedoelde Wet onderwerp is en nie kragtens daardie Wet verplig is of verplig kan word om opleiding te ondergaan of om diens te verrig nie; of
 - (ii) wat ingevolge artikel 74*bis* van bedoelde Wet van opleiding of diens vrygestel is.

Vrywillige
opleiding
en diens.

10. Enigiemand, behalwe iemand wat kragtens paragraaf (f), (g), (i) of (j) van artikel 9 (2) vrygestel is, kan vrywilliglik op die voorgeskrewe wyse inskryf om opleiding, soos voorgeskryf, in verband met 'n in artikel 3 (1) bedoelde aangeleentheid te ondergaan of om diens in verband met enige sodanige aangeleentheid te verrig; en so iemand is onderhewig aan die voorwaardes van opleiding en diens wat voorgeskryf is.

Pligte van
werkgewers van
persone wat
opleiding
ondergaan of
diens verrig.

11. (1) Indien iemand ingevolge hierdie Wet opgeroep word om opleiding te ondergaan of diens te verrig soos in artikel 9 (1) beoog, staan sy werkgewer aan hom die verlof toe wat nodig is om daardie opleiding te ondergaan of daardie diens te verrig.

(2) 'n Werkgewer wat—

- (a) nie aan die bepalings van subartikel (1) voldoen nie;
- (b) 'n werknemer uit sy diens ontslaan of sy salaris of loon verminder of sy posisie tot sy nadeel verander of hom op enige ander wyse benadeel omdat hy tot bedoelde opleiding of diens opgeroep is of opgeroep staan te word;

(c) op enige wyse poog om 'n werknemer te oorreed om bedoelde opleiding of diens te vermy of om dit nie te ondergaan of te verrig nie, na gelang van die geval, is aan 'n misdryf skuldig en strafbaar met die straf in artikel 17 bepaal.

(3) Die bepalings van hierdie artikel word nie so uitgelê dat 'n werkgewer verplig is om aan 'n in subartikel (1) bedoelde werknemer 'n salaris of loon te betaal ten opsigte van 'n tydperk waartydens bedoelde werknemer bedoelde opleiding ondergaan of bedoelde diens verrig nie.

Opleidings-
inrigtings.

12. (1) Die Staatspresident kan inrigtings instel of aanwys vir die opleiding van persone in verband met 'n aangeleentheid in artikel 3 (1) bedoel.

(2) Die voorwaardes met betrekking tot toelating tot bedoelde inrigtings, die aard en omvang van die onderrig en alle aangeleenthede met betrekking tot dissipline, toesig, beheer en

- (e) the general manager, the deputy general managers and the assistant general managers of the Railways and Harbours Administration;
- (f) a member of the South African Police or of the Railways and Harbours Police Force as defined in section 57 (9) of the Railways and Harbours Control and Management (Consolidation) Act, 1957 (Act No. 70 of 1957);
- (g) any person contemplated in the definition of "the Prisons Service" in section 1 of the Prisons Act, 1959 (Act No. 8 of 1959), or contemplated in that definition as applied to the territory of South-West Africa in terms of section 96 of the said Prisons Act, 1959.
- (h) any person who has been certified medically unfit for training and service by a district surgeon;
- (i) a member of the South African Defence Force, the Reserve of Officers, the Permanent Force Reserve or the Citizen Force Reserve as defined in sections 5, 46, 47 and 48, respectively, of the Defence Act, 1957 other than a member exempted from training and service in terms of section 74*bis* of the said Defence Act, and also any person who is in the full-time service of the Department of Defence in any section of the South African Defence Force;
- (j) a member of the National Reserve referred to in section 49 of the Defence Act, 1957, who is under an age limit determined for the purposes of this subparagraph by the Minister in consultation with the Minister of Defence: Provided that the provisions of this subparagraph shall not apply with reference to any such member—
 - (i) who has been subjected to the ballot in terms of the said Act and who is not liable or cannot be compelled under that Act to undergo training or to render service; or
 - (ii) who has been exempted from training or service in terms of section 74*bis* of the said Act.

10. Any person, other than a person who is exempted in terms of paragraph (f), (g), (i) or (j) of section 9 (2) may voluntarily enrol in the prescribed manner to undergo training, as prescribed, in connection with any matter referred to in section 3 (1) or to render service in connection with any such matter; and such person shall be subject to the conditions of training and service as are prescribed.

Voluntary training and service.

11. (1) If any person is called up under this Act to undergo training or to render service as contemplated in section 9 (1), his employer shall grant him the leave which is necessary to undergo that training or to render that service.

Duties of employers of persons undergoing training or rendering service.

(2) Any employer who—

- (a) does not comply with the provisions of subsection (1);
- (b) dismisses any employee from his service or reduces his salary or wage or changes his position to his disadvantage or penalizes him in any other way on account of his having been called up for the said training or service or his being about to be so called up;
- (c) in any manner attempts to persuade an employee to evade the said training or service or not to undergo or to render it, as the case may be,

shall be guilty of an offence and liable to the punishment prescribed by section 17.

(3) The provisions of this section shall not be construed so as to render an employer liable to pay to an employee referred to in subsection (1) any salary or wage in respect of any period during which the said employee undergoes the said training or renders the said service.

12. (1) The State President may establish or designate institutions for the training of persons in connection with any matter referred to in section 3 (1).

Training institutions.

(2) The conditions with reference to admission to the said institutions, the nature and extent of the training and all matters

(2) Die bepalings van subartikel (1) geld ook met betrekking tot 'n dier.

Aanhouding van ongemagtigde persone.

14. Enigiemand wat in diens is by 'n plek met betrekking tot die beskerming waarvan die Minister ingevolge hierdie Wet stappe gelas of voorgeskryf het, is bevoeg om iemand wat bedoelde plek sonder die deur die Minister voorgeskrewe magtiging binnegaan of probeer binnegaan, te arresteer en te visenteer en om beslag te lê op enigiets wat in bedoelde persoon se besit is.

Wet geld nie met betrekking tot sekere persone en eiendom nie.

15. Geen bepaling van hierdie Wet is van toepassing met betrekking tot enige persoon of die eiendom (met inbegrip van onroerende goed wat gehuur word) van enige persoon of van die regering van enige persoon wat kragtens die Wet op Diplomatieke Voorregte, 1951 (Wet No. 71 van 1951), op diplomatieke immuniteit geregtig is nie.

Sekere bepalings bind die Staat.

16. Die bepalings van subparagrafe (aa), (bb) en (cc) van artikel 3 (1) bind die Staat.

Misdrywe en strawwe.

17. Enigiemand wat—

- (a) iemand in die uitvoering van sy pligte of werksaamhede ingevolge hierdie Wet hinder, dwarsboom of teenstaan;
- (b) hom deur woorde, gedrag of handelwyse, valslik voordoen as 'n persoon wat kragtens hierdie Wet in diens geneem is;
- (c) sonder redelike oorsaak, ten opsigte waarvan die bewyslas op hom rus, versuim om te voldoen aan 'n lasgewing ingevolge subparagraaf (aa), (bb) of (cc) van artikel 3 (1) uitgereik;
- (d) 'n bepaling van hierdie Wet of van 'n lasgewing ingevolge hierdie Wet oortree of versuim om daaraan te voldoen,

is aan 'n misdryf skuldig en, behalwe waar uitdruklik anders bepaal, strafbaar met 'n boete van hoogstens tweehonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met sodanige gevangenisstraf sonder sodanige boete.

Regulasies.

18. (1) Die Minister kan regulasies wat nie met hierdie Wet onbestaanbaar is nie, uitvaardig met betrekking tot 'n aangeleentheid wat kragtens hierdie Wet voorgeskryf kan word, of met betrekking tot 'n aangeleentheid wat na sy oordeel nodig is vir die bereiking van enige oogmerk of doelstelling van hierdie Wet of vir die verwesenliking van enige stap ingevolge artikel 3 (1) gedoen of beoog, en bedoelde regulasies kan die strawwe voorskryf wat by die nie-nakoming daarvan geld: Met dien verstande dat so 'n straf nie die in artikel 17 bedoelde straf oorskry nie.

(2) 'n Kragtens subartikel (1) uitgevaardigde regulasie word binne veertien dae na die afkondiging daarvan in beide Huisse van die Parlement ter Tafel gelê indien die Parlement dan in gewone sessie is, of indien die Parlement nie dan in gewone sessie is nie, binne veertien dae na die aanvang van sy eersvolgende gewone sessie, en bly op genoemde Tafels vir minstens agt-en-twintig agtereenvolgende dae, en indien die Parlement geprorogeer word voordat die nodige agt-en-twintig dae verloop het, word sodanige regulasie weer soos voormeld binne veertien dae na die aanvang van sy eersvolgende gewone sessie ter Tafel gelê.

(3) (a) Indien so 'n regulasie nie deur beide Huisse van die Parlement by besluit wat gedurende dieselfde sessie geneem word (naamlik 'n sessie waarin so 'n regulasie ooreenkomstig subartikel (2) in beide Huisse van die Parlement ter Tafel gelê is) goedgekeur word nie, verval die regskrag van so 'n regulasie—

- (i) vanaf die datum van 'n besluit deur die een of die ander Huis van die Parlement wat dit afkeur, in die mate waarin dit aldus afgekeur word; of
- (ii) vanaf die datum waarop die Parlement geprorogeer word aan die end van 'n sessie waarin so 'n regulasie in beide Huisse van die Parlement vir minstens agt-en-twintig agtereenvolgende dae ter Tafel gelê het;

(2) The provisions of subsection (1) shall apply also with reference to any animal.

14. Any person who is employed at any place with regard to the protection of which the Minister has under this Act directed or prescribed any steps, shall be competent to arrest and to search any person entering or attempting to enter the said place without the authority prescribed by the Minister, and to seize anything which is in the possession of the said person.

Detention of unauthorized persons.

15. No provision of this Act shall apply with reference to any person or the property (including immovable property which is leased) of any person or of the government of any person who is in terms of the Diplomatic Privileges Act, 1951 (Act No. 71 of 1951), entitled to diplomatic immunity.

Act does not apply with reference to certain persons and property.

16. The provisions of subparagraphs (aa), (bb) and (cc) of section 3 (1) shall bind the State.

State bound by certain provisions.

17. Any person who—

Offences and punishments.

- (a) hinders, obstructs or resists any person in the execution of his duties or functions under this Act;
- (b) by words, conduct or actions, falsely represents himself as a person employed under this Act;
- (c) without reasonable cause, with regard to which the onus of proof shall be on him, fails to comply with a direction given under subparagraph (aa), (bb) or (cc) of section 3 (1);
- (d) contravenes or fails to comply with any provision of this Act or of any direction under this Act,

shall be guilty of an offence and, except where otherwise expressly provided, liable to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding six months, or to such imprisonment without such fine.

18. (1) The Minister may make regulations not inconsistent with this Act with regard to any matter which may be prescribed under this Act, or with regard to any matter which in his opinion is necessary for the realization of any object or purpose of this Act or for the achievement of any step taken or contemplated under section 3 (1), and the said regulations may prescribe the punishments which shall apply in respect of a failure to comply therewith: Provided that no such punishment shall exceed the punishment referred to in section 17.

Regulations.

(2) Any regulation made under subsection (1) shall be laid on the Tables of both Houses of Parliament within fourteen days after promulgation thereof if Parliament is then in ordinary session, or if Parliament is not then in ordinary session, within fourteen days after the commencement of its next ensuing ordinary session, and shall remain on the said Tables for at least twenty-eight consecutive days, and if Parliament is prorogued before the necessary twenty-eight days have elapsed, such regulation shall again be laid on the said Tables as aforesaid within fourteen days after the commencement of its next ensuing ordinary session.

(3) (a) If such regulation is not approved in both Houses of Parliament by resolution passed in the same session (being a session during which such regulation has been laid on the Tables of both Houses of Parliament in terms of subsection (2)) such regulation shall cease to be of force and effect—

- (i) as from the date of any resolution of either House of Parliament disapproving thereof to the extent of such disapproval; or
- (ii) as from the date on which Parliament is prorogued at the end of any session during which such regulation has been on the Tables of both Houses of Parliament for at least twenty-eight days,

Toepassing
van Wet op
Suidwes-Afrika.

19. Hierdie Wet en enige wysiging daarvan is ook van toepassing in die gebied Suidwes-Afrika, met inbegrip van die Oostelike Caprivi Zipfel vermeld in artikel 3 van die Wysigingswet op Aangeleenthede van Suidwes-Afrika, 1951 (Wet No. 55 van 1951).

Wysiging van artikel 1 van Wet 44 van 1957, soos gewysig deur artikel 1 van Wet 12 van 1961, artikel 1 van Wet 42 van 1961 en artikel 1 van Wet 77 van 1963; van artikel 2 van Wet 44 van 1957; van artikel 82*bis* van Wet 44 van 1957, soos ingevoeg deur artikel 6 van Wet 12 van 1961; van artikels 87 en 120 van Wet 44 van 1957; van artikels 121, 122 en 123 van Wet 44 van 1957, soos onderskeidelik deur artikels 23, 24 en 25 van Wet 77 van 1963 gewysig; van artikel 136 van Wet 44 van 1957; en van artikel 144*bis* van Wet 44 van 1957, soos ingevoeg deur artikel 26 van Wet 77 van 1963.

Herroeping
van artikel 82
van Wet 44
van 1957.

Wysiging van
artikel 6 van
Wet 12 van 1961.

Herroeping van
artikel 18
van Wet 37
van 1963.

Kort titel.

20. Die Verdedigingswet, 1957, word hierby gewysig—

- (a) deur in paragraaf (a) van die omskrywing van „voorgeskryf” in artikel 1 (1), artikel 2 (1) (b), artikel 82*bis*, paragrafe (a), (e) en (s) van artikel 87 (1) en artikel 87 (3) die woorde „hulp-, verpleeg- of burgerlike beskermingsdiens”, oral waar daardie woorde voorkom, deur die woorde „hulp- of verpleegdiens” te vervang;
- (b) deur in artikel 120 die woorde „hulp-, verpleeg- of burgerlike beskermingsdiens” deur die woorde „hulp- of verpleegdiens” te vervang;
- (c) deur in artikel 121 (a), artikel 122 (1) (a) en artikel 123 die woorde „hulpdiens, vrywillige verpleegdiens of burgerlike beskermingsdiens”, oral waar daardie woorde voorkom, deur die woorde „hulpdiens of vrywillige verpleegdiens” te vervang;
- (d) deur in artikel 136 (1) die woorde „hulp-, vrywillige verplegings- of burgerlike beskermingsdiens” deur die woorde „hulp- of vrywillige verpleegdiens” te vervang; en
- (e) deur in artikel 144*bis* (1) die woorde „hulpdiens, vrywillige verpleegdiens of burgerlike beskermingsdiens” deur die woorde „hulpdiens of vrywillige verpleegdiens” te vervang.

21. Artikel 82 van die Verdedigingswet, 1957, word hierby herroep.

22. Artikel 6 (2) van die Wysigingswet op Verdediging, 1961, word hierby gewysig deur die woorde „hulp-, verpleeg- of burgerlike beskermingsdiens” deur die woorde „hulp- of verpleegdiens” te vervang.

23. Artikel 18 van die Algemene Regswysigingswet, 1963, word hierby herroep.

24. Hierdie Wet heet die Wet op Burgerlike Beskerming, 1966.

19. This Act and any amendment thereof shall apply also in the territory of South-West Africa, including the Eastern Caprivi Zipfel referred to in section 3 of the South-West Africa Affairs Amendment Act, 1951 (Act No. 55 of 1951).

Application of Act to South-West Africa.

20. The Defence Act, 1957, is hereby amended—

Amendment of section 1 of Act 44 of 1957, as

- (a) by the substitution in paragraph (a) of the definition of "prescribed" in section 1 (1), section 2 (1) (b), section 82*bis*, paragraphs (a), (e) and (s) of section 87 (1) and section 87 (3), for the words "auxiliary, nursing or civilian protective service", wherever those words occur, of the words "auxiliary or nursing service";
- (b) by the substitution in section 120 for the words "auxiliary service, voluntary nursing service or civilian protective service" of the words "auxiliary service or voluntary nursing service";
- (c) by the substitution in section 121 (a), section 122 (1) (a) and section 123 for the words "auxiliary service, voluntary nursing service or civilian protective service", wherever those words occur, of the words "auxiliary service or voluntary nursing service";
- (d) by the substitution in section 136 (1) for the words "auxiliary service, voluntary nursing service or civilian protective service" of the words "auxiliary service or voluntary nursing service"; and
- (e) by the substitution in section 144*bis* (1) for the words "auxiliary service, voluntary nursing service or civilian protective service" of the words "auxiliary service or voluntary nursing service".

amended by section 1 of Act 12 of 1961, section 1 of Act 42 of 1961 and section 1 of Act 77 of 1963; of section 2 of Act 44 of 1957; of section 82*bis* of Act 44 of 1957, as inserted by section 6 of Act 12 of 1961; of sections 87 and 120 of Act 44 of 1957; of sections 121, 122 and 123 of Act 44 of 1957, as amended by sections 23, 24 and 25, respectively, of Act 77 of 1963; of section 136 of Act 44 of 1957; and of section 144*bis* of Act 44 of 1957, as inserted by section 26 of Act 77 of 1963.

21. Section 82 of the Defence Act, 1957, is hereby repealed.

Repeal of section 82 of Act 44 of 1957.

22. Section 6 (2) of the Defence Amendment Act, 1961, is hereby amended by the substitution for the words "auxiliary, nursing or civilian protective service" of the words "auxiliary or nursing service".

Amendment of section 6 of Act 12 of 1961.

23. Section 18 of the General Law Amendment Act, 1963, is hereby repealed.

Repeal of section 18 of Act 37 of 1963.

24. This Act shall be called the Civil Defence Act, 1966.

Short title.

No. 40, 1966.]

WET

Tot wysiging van die Wet op die Suid-Afrikaanse Munt en Munte, 1964, ten einde die waardes van die ingevolge die Munt Wet, 1922, vervaardigde en uitgegewe muntstukke in vergelyking met muntstukke ingevolge eersbedoelde Wet vervaardig en uitgereik, te bepaal, die naam „Trojaan” deur die naam „Krugerrand” te vervang, en munte van die denominasie van twee-en-’n-half sent af te skaf.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 12 Oktober 1966.)

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

Wysiging van
artikel 11 van
Wet 78 van 1964.

1. Artikel 11 van die Wet op die Suid-Afrikaanse Munt en Munte, 1964 (hieronder die Hoofwet genoem), word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Die onderskeie waardes van die ingevolge die Munt Wet, 1922 (Wet No. 31 van 1922), vervaardigde en uitgegewe muntstukke wat ingevolge artikel 16 in omloop bly, uitgedruk in die in artikel 9 bedoelde munteenhede van die Republiek, is soos in die tabel hieronder uiteengesit:

TABEL.

*Munte wat ingevolge die
Munt Wet, 1922 vervaar-
dig en uitgegee kon word.*

*Waardes uitgedruk in
die in artikel 9
bedoelde munteenhede.*

Pond	Twee rand
Halfpond	Een rand
Kroon	Vyftig sent
Halfkroon	Vyf-en-twintig sent
Twee sjielings	Twintig sent
Sjieling	Tien sent
Ses pennies	Vyf sent
Drie pennies	Twee-en-’n-half sent
Pennie	Tien-twaalfdes van ’n sent
Halfpennie	Vyf-twaalfdes van ’n sent
Kwartpennie	Vyf-vier-en-twintigstes van ’n sent.”

No. 40, 1966.]

ACT

To amend the South African Mint and Coinage Act, 1964, in order to determine the values, in comparison with coins made and issued under that Act, of coins made and issued in terms of the Coinage Act, 1922, to substitute the name "Krugerrand" for the name "Trojan", and to abolish coins of the denomination of two-and-a-half cents.

*(Afrikaans text signed by the State President.)
(Assented to 12th October, 1966.)*

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

1. Section 11 of the South African Mint and Coinage Act, 1964 (hereinafter referred to as the principal Act), is hereby amended by the substitution for subsection (2) of the following subsection: Amendment of
section 11 of Act
78 of 1964.

"(2) The respective values of the coins made and issued under the Coinage Act, 1922 (Act No. 31 of 1922), which remain in circulation in terms of section 16, expressed in the coinage units of the Republic referred to in section 9, shall be as set out in the table below:

TABLE.

<i>Coins which could be made and issued under the Coinage Act, 1922.</i>	<i>Values expressed in the coinage units referred to in section 9.</i>
Sovereign	Two rand.
Half-sovereign	One rand.
Crown	Fifty cents.
Half-crown	Twenty-five cents.
Florin	Twenty cents.
Shilling	Ten cents.
Sixpence	Five cents.
Threepence	Two-and-a-half cents.
Penny	Ten-twelfths of a cent.
Half-penny	Five-twelfths of a cent.
Farthing	Five-twenty-fourths of a cent."

„Eerste Bylae.

Denominasie van Munt.	Standaardgewig. Gramme.	Geringste Gangbare Gewig. Gramme.	Standaardfynheid.	Toegelate Remedie.	
				Gewig per Muntstuk. Gramme.	Fynheid per duisend dele.
<i>Goud:</i>					
Krugerrand ..	33·93107	33·71792	} Elf-twaalfdes fyn goud, een- twaalfde allooï; of per duisend dele, 916·6 fynheid.	·05505	2
(1 ons fyn goud)					
Vyf rand	19·97013	19·84468		·03240	2
Twee rand	7·98805	7·93787		·01296	2
Rand	3·99402	3·96083		·00972	2
<i>Silwer:</i>					
Rand	15·0	—	Agt-tiendes fyn silwer, twee- tiendes allooï; of per duisend dele, 800 fynheid.	·084	6
<i>Nikkel:</i>					
Vyftig sent	9·5	—	} Minimum van 98·00 dele per honderd nikkel.	·285	} Geen
Twintig sent	6·0	—		·18	
Tien sent	4·0	—		·12	
Vyf sent	2·5	—		·075	
<i>Brons:</i>					
Twee sent	4·0	—	} Gemengde metaal: koper, tin en sink.	·12	} Geen".
Sent	3·0	—		·09	
Halfsent	2·0	—		·06	

Kort tiel.

3. Hierdie Wet heet die Verdere Wysigingswet op die Suid-Afrikaanse Munt en Munte, 1966.

"First Schedule.

Denomination of coin.	Standard Weight. Grams.	Least Current Weight. Grams.	Standard Fineness.	Remedy Allowance.	
				Weight per piece. Grams.	Millesimal Fineness.
<i>Gold:</i>					
Krugerrand	33·93107	33·71792	Eleven-twelfths fine gold, one-twelfth alloy; or millesimal fineness 916·6.	·05505	2
(1 ounce fine gold)					
Five rand	19·97013	19·84468		·03240	2
Two rand	7·98805	7·93787		·01296	2
Rand	3·99402	3·96083		·00972	2
<i>Silver:</i>					
Rand	15·0	—	Eight-tenths fine silver, two-tenths alloy; or millesimal fineness 800.	·084	6
<i>Nickel:</i>					
Fifty cents	9·5	—	Minimum of 98·00 parts per hundred nickel.	·285	None
Twenty cents	6·0	—		·18	
Ten cents	4·0	—		·12	
Five cents	2·5	—		·075	
<i>Bronze:</i>					
Two cents	4·0	—	Mixed metal: copper, tin and zinc.	·12	None".
Cent	3·0	—		·09	
Half-cent	2·0	—		·06	

3. This Act shall be called the South African Mint and Short title.
Coinage Further Amendment Act, 1966.

No. 41, 1966.]

WET

Tot wysiging van die bepalings van die Versekeringswet, 1943, met betrekking tot woordomsrywings, opgawes van verbintenisse, waardasie van bates, bates wat ten opsigte van versekeringsbesigheid besit moet word, premies ontvang ten behoeve van geregistreerde versekeraars, besigheid met betrekking tot versekering deur versekeraars van Lloyds en die bevoegdheid om regulasies uit te vaardig, en tot wysiging van die Derde Bylae by genoemde Wet.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 12 Oktober 1966.)

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

Wysiging van artikel 1 van Wet 27 van 1943, soos gewysig deur artikel 2 van Wet 73 van 1951, artikel 39 van Wet 24 van 1956, artikel 50 van Wet 25 van 1956, artikel 1 van Wet 79 van 1959 en artikel 1 van Wet 10 van 1965.

1. Artikel 1 (1) van die Versekeringswet, 1943 (hieronder die Hoofwet genoem), word hierby gewysig—

- (a) deur na subparagraaf (i) van paragraaf (a) van die omskrywing van „goedgekeurde herversekerings” die volgende subparagraaf in te voeg:
„(iA) enige herversekering ooreenkomstig die bepalings van artikel 60 (1) aangegaan;”;
- (b) deur paragraaf (g) van die voorbehoudsbepaling by die omskrywing van „versekeringsbesigheid” deur die volgende paragraaf te vervang:
„(g) die werksaamhede van iemand wat in die Republiek regshandelings verrig met betrekking tot versekering deur versekeraars van Lloyds, maar behoudens die bepalings van artikel 60;”;
- (c) deur paragraaf (j) van bedoelde voorbehoudsbepaling deur die volgende paragraaf te vervang:
„(j) enige garansie waarby ’n verpligting soos beoog in die omskrywing van „garansiepolis” aanvaar word en gegee deur iemand wat nie ’n geregistreerde versekeraar is soos in hierdie artikel omskryf nie en nie uitsluitlik of hoofsaaklik die besigheid van verskaffing van sodanige garansies in die Republiek dryf nie;”.

Wysiging van artikel 13 van Wet 27 van 1943, soos vervang deur artikel 11 van Wet 73 van 1951 en gewysig deur artikel 10 van Wet 10 van 1965.

2. Artikel 13 (e) van die Hoofwet word hierby gewysig deur subparagraaf (iii) deur die volgende subparagraaf te vervang:

- „(iii) aan verpligte derdeparty-versekeringsbesigheid wat deur die versekeraar gedryf word, of wat deur die versekeraar in die Republiek gedryf word, enersyds, en ander besigheid wat deur hom gedryf word, andersyds,”.

Wysiging van artikel 15 van Wet 27 van 1943, soos vervang deur artikel 13 van Wet 73 van 1951 en gewysig deur artikel 10 van Wet 79 van 1959 en artikel 11 van Wet 10 van 1965.

3. Artikel 15 (d) van die Hoofwet word hierby gewysig deur subparagraaf (iii) deur die volgende subparagraaf te vervang:

- „(iii) ’n reserwe van ’n bedrag wat die registrateur toereikend ag, maar minstens vyf persent van voormelde volle bedrag, om die risiko van verlies weens nie-ontvangs van bedoelde premies deur die versekeraar te dek.”.

Wysiging van

4. Artikel 17 van die Hoofwet word hierby gewysig—

No. 41, 1966.]

ACT

To amend the provisions of the Insurance Act, 1943, relating to definitions, statements of liabilities, valuation of assets, assets to be held in respect of insurance liabilities, premiums received on behalf of registered insurers, business underwritten by underwriters at Lloyds and the power to make regulations, and to amend the Third Schedule to the said Act.

*(English text signed by the State President.)
(Assented to 12th October, 1966.)*

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

1. Section 1 (1) of the Insurance Act, 1943 (hereinafter referred to as the principal Act), is hereby amended—
 - (a) by the insertion after subparagraph (i) of paragraph (a) of the definition of “approved reinsurances” of the following subparagraph:
“(iA) any reinsurances effected in accordance with the provisions of section 60 (1);”;
 - (b) by the substitution for paragraph (g) of the proviso to the definition of “insurance business” of the following paragraph:
“(g) the activities of a person transacting business in the Republic underwritten by underwriters at Lloyds, but subject to the provisions of section 60;”;
 - (c) by the substitution for paragraph (j) of the said proviso of the following paragraph:
“(j) any guarantee, under which an obligation is assumed as contemplated in the definition of ‘guarantee policy’, given by a person who is not a registered insurer as defined in this section and does not solely or mainly carry on in the Republic the business of furnishing such guarantees;”.

Amendment of section 1 of Act 27 of 1943, as amended by section 2 of Act 73 of 1951, section 39 of Act 24 of 1956, section 50 of Act 25 of 1956, section 1 of Act 79 of 1959 and section 1 of Act 10 of 1965.
2. Section 13 (e) of the principal Act is hereby amended by the substitution for subparagraph (iii) of the Afrikaans text of the following subparagraph:
“(iii) aan verpligte derdeparty-versekeringsbesigheid wat deur die versekeraar gedryf word, of wat deur die versekeraar in die Republiek gedryf word, enersyds, en ander besigheid wat deur hom gedryf word, andersyds.”.

Amendment of section 13 of Act 27 of 1943, as substituted by section 11 of Act 73 of 1951 and amended by section 10 of Act 10 of 1965.
3. Section 15 (d) of the principal Act is hereby amended by the substitution for subparagraph (iii) of the following subparagraph:
“(iii) a reserve, in an amount deemed by the registrar to be adequate, but not less than five per cent of the full amount aforesaid, to cover the risk of loss arising from non-receipt by the insurer of any such premiums as aforesaid.”.

Amendment of section 15 of Act 27 of 1943, as substituted by section 13 of Act 73 of 1951 and amended by section 10 of Act 79 of 1959 and section 11 of Act 10 of 1965.
4. Section 17 of the principal Act is hereby amended—

Amendment of

minstens dertig persent van die bedrag van die in subartikel (1) (b) bedoelde netto verbintenisse en laasbedoelde bates moet wissels, skuldbriewe of effekte deur die Regering van die Republiek uitgereik, insluit met 'n gesamentlike waarde van minstens tien persent van die bedrag van bedoelde netto verbintenisse.”;

- (b) deur by subartikel (5) die volgende paragraaf by te voeg:
 „(c) Die bates van die in Deel I van die Derde Bylae vermelde soorte wat in paragrafe (a) en (b) bedoel word, moet wissels, skuldbriewe of effekte deur die Regering van die Republiek uitgereik, insluit met 'n gesamentlike waarde van minstens tien persent van die bedrag van die in subartikel (4) (b) bedoelde netto verbintenisse en bykomende bedrag.”.

Wysiging van artikel 18 van Wet 27 van 1943, soos vervang deur artikel 13 van Wet 10 van 1965.

5. Artikel 18 van die Hoofwet word hierby gewysig—

- (a) deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Die in subartikel (1) vermelde bates moet, behoudens die bepalings van subartikel (3), bates van die in Deel I van vermelde Derde Bylae bedoelde soorte insluit met 'n gesamentlike waarde gelyk aan minstens dertig persent van die netto verbintenisse in subartikel (1) bedoel en laasbedoelde bates moet wissels, skuldbriewe of effekte deur die Regering van die Republiek uitgereik, insluit met 'n gesamentlike waarde van minstens tien persent van die bedrag van bedoelde netto verbintenisse.”;

- (b) deur by subartikel (5) die volgende paragraaf by te voeg:

„(c) Die bates van die in Deel I van die Derde Bylae vermelde soorte wat in paragrafe (a) en (b) bedoel word, moet wissels, skuldbriewe of effekte deur die Regering van die Republiek uitgereik, insluit met 'n gesamentlike waarde van minstens tien persent van die bedrag van die in subartikel (4) bedoelde netto verbintenisse en bykomende bedrag.”.

Wysiging van artikel 18bis van Wet 27 van 1943, soos ingevoeg deur artikel 14 van Wet 10 van 1965.

6. Artikel 18bis van die Hoofwet word hierby gewysig—

- (a) deur in subartikel (1) al die woorde wat paragraaf (a) voorafgaan, deur die volgende woorde te vervang:

„Die bepalings van artikels 17 en 18 is *mutatis mutandis* van toepassing ten opsigte van die versekeringsbesigheid van 'n versekeraar wat onmiddellik voor die inwerkingtreding van die Wysigingswet op Versekering, 1966, geregistreer was om daardie besigheid in die Republiek te dryf, en vir dié doel word bedoelde artikels, behalwe soos in subartikels (1A), (1B) en (1C) bepaal, uitgelê asof die registrateur daarby gemagtig is—”;

- (b) deur na subartikel (1) die volgende subartikels in te voeg:

„(1A) 'n Versekeraar wat op die datum van inwerkingtreding van die Wysigingswet op Versekering, 1966, nie bates in die vorm van wissels, skuldbriewe of effekte deur die Regering van die Republiek uitgereik, besit met die ingevolge artikel 17 of 18 ten opsigte van die besigheid van bedoelde versekeraar voorgeskrewe gesamentlike waarde nie, moet, tot tyd en wyl hy bates in daardie vorm met die aldus voorgeskrewe waarde besit, en benewens sodanige bates wat hy op bedoelde datum besit het—

- (a) aan die end van sy boekjaar waarin bedoelde datum val, bates in daardie vorm besit met 'n gesamentlike waarde van minstens die in subartikel (1C) bedoelde persentasie van die bedrag gelyk aan die toename gedurende bedoelde jaar in die netto verbintenisse en bykomende bedrag waarop die aldus voorgeskrewe waarde gebaseer word;

- (b) aan die end van 'n daaropvolgende boekjaar, addisionele bates in bedoelde vorm besit met 'n gesamentlike waarde van minstens vyftien persent

thirty per cent of the amount of the net liabilities referred to in subsection (1) (b) and such last-mentioned assets shall include bills, bonds or securities issued by the Government of the Republic having an aggregate value not less than ten per cent of the amount of the said net liabilities.”;

- (b) by the addition to subsection (5) of the following paragraph:

“(c) The assets of the kinds mentioned in Part I of the Third Schedule and referred to in paragraphs (a) and (b), shall include bills, bonds or securities issued by the Government of the Republic having an aggregate value not less than ten per cent of the amount of the net liabilities and the additional amount referred to in subsection (4) (b).”.

5. Section 18 of the principal Act is hereby amended—

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

“(2) The assets referred to in subsection (1) shall, subject to the provisions of subsection (3), include assets of the kinds mentioned in Part I of the said Third Schedule having an aggregate value not less than thirty per cent of the amount of the net liabilities referred to in subsection (1) and such last-mentioned assets shall include bills, bonds or securities issued by the Government of the Republic having an aggregate value not less than ten per cent of the amount of the said net liabilities.”;

Amendment of section 18 of Act 27 of 1943, as substituted by section 13 of Act 10 of 1965.

- (b) by the addition to subsection (5) of the following paragraph:

“(c) The assets of the kinds mentioned in Part I of the Third Schedule and referred to in paragraphs (a) and (b), shall include bills, bonds or securities issued by the Government of the Republic having an aggregate value not less than ten per cent of the amount of the net liabilities and the additional amount referred to in subsection (4).”.

6. Section 18bis of the principal Act is hereby amended—

- (a) by the substitution in subsection (1) for all the words preceding paragraph (a) of the following words:

“The provisions of sections 17 and 18 shall *mutatis mutandis* apply in respect of the insurance business of any insurer who immediately before the commencement of the Insurance Amendment Act, 1966, was registered to carry on such business in the Republic, and for that purpose the said sections shall, except as provided in subsections (1A), (1B) and (1C), be construed as if the registrar were thereby empowered—”;

Amendment of section 18bis of Act 27 of 1943, as inserted by section 14 of Act 10 of 1965.

- (b) by the insertion after subsection (1) of the following subsections:

“(1A) Any insurer who at the date of commencement of the Insurance Amendment Act, 1966, does not hold assets in the form of bills, bonds or securities issued by the Government of the Republic having the aggregate value prescribed in terms of section 17 or 18 in respect of the business of such insurer, shall, until he holds assets in that form having the aggregate value so prescribed, and in addition to any such assets he may have held on such date, hold—

- (a) at the end of his financial year in which such date falls, assets in that form having an aggregate value not less than the percentage referred to in subsection (1C), of the amount equal to the increase during such year in the net liabilities and additional amount on which the value so prescribed is based;

- (b) at the end of any succeeding financial year, additional assets in the said form having an aggregate

(1B) Die registrateur kan met toestemming van die Minister, van tyd tot tyd die voormelde tydperk van vyf jaar verleng vir verdere tydperke wat gesamentlik nie vyf jaar te bowe gaan nie.

(1C) Die in paragraaf (a) bedoelde persentasie is, in die geval van 'n bepaalde versekeraar, die persentasie wat tot 15 persent in dieselfde verhouding staan as wat die onverstreke gedeelte van daardie versekeraar se toenmalige lopende boekjaar op die eerste dag van Oktober 1966 tot die volle tydperk van bedoelde jaar staan."

Wysiging van artikel 20*bis* van Wet 27 van 1943, soos ingevoeg deur artikel 17 van Wet 10 van 1965.

7. Artikel 20*bis* van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Behoudens die bepalings van subartikels (2) en (3), mag geen geregistreerde versekeraar 'n agent, makelaar of ander persoon wat nie 'n geregistreerde versekeraar is nie, magtig of toelaat om gelde wat ten opsigte van premies ten behoeve van die versekeraar ontvang is of ooreenkomstig subartikel (2) (a) (iii) geag word aldus ontvang te gewees het en wat betrekking het op korttermyn-versekeringsbesigheid of verpligte derdeparty-versekeringsbesigheid deur dié versekeraar in die Republiek gedryf, te behou of daarmee te handel nie.”;

(b) deur paragraaf (b) van subartikel (2) deur die volgende paragraaf te vervang:

„(b) So 'n agent, makelaar of persoon wat in die Gebied woonagtig is of 'n voorlopige belastingpligtige is soos omskryf in paragraaf 1 van die Vierde Bylae by die Inkomstebelastingwet, 1962 (Wet No. 58 van 1962), kan, voordat hy enige gelde ingevolge subparagraaf (i), (ii) of (iii) van paragraaf (a) oorbetaal, enige gelde deur die versekeraar aan hom verskuldig in rekening bring.”;

(c) deur in subartikel (3) (a) na die woorde „daardie versekeraar” die woord „skriftelik” in te voeg;

(d) deur paragraaf (b) van subartikel (3) deur die volgende paragraaf te vervang:

„(b) So 'n agent, makelaar of persoon wat voornemens is om ooreenkomstig subparagraaf (iii) van subartikel (2) (a) oor te betaal, moet vir enige bedrag wat ingevolge daardie subparagraaf deur hom aan versekeraars verskuldig mag word, sekerheid stel wat in die vorm moet wees van 'n bankwaarborg uitgereik deur die Land- en Landboubank van Suid-Afrika of 'n bankinstelling wat anders as voorlopig geregistreer is ingevolge die Bankwet, 1965 (Wet No. 23 van 1965).”;

(e) deur subartikel (4) deur die volgende subartikel te vervang:

„(4) Die in subartikel (2) (a) (ii) bedoelde trustrekening moet in die Republiek geopen en gehou word by 'n bankinstelling wat anders as voorlopig geregistreer is ingevolge die Bankwet, 1965, en moet 'n aanduiding bevat dat dit ingevolge hierdie subartikel gehou word.”;

(f) deur in die voorbehoudsbepaling by subartikel (5) die woord „deur” deur die woord „aan” te vervang.

Vervanging van artikel 60 van Wet 27 van 1943, soos gewysig deur artikel 29 van Wet 46 van 1944, artikel 5 van Wet 19 van 1945, artikel 39 van Wet 73 van 1951 en artikel 28 van Wet 10 van 1965.

8. Artikel 60 van die Hoofwet word hierby deur die volgende artikel vervang:

„Vereistes ten opsigte van besigheid met betrekking tot versekering deur versekeraars van Lloyds.

60. (1) Die volgende bepalings is van toepassing in verband met besigheid met betrekking tot versekering deur versekeraars van Lloyds en iemand wat in die Republiek 'n handeling verrig met betrekking tot die ontvangs van aansoeke om polisse of die uitreiking van polisse of die invordering van premies ten opsigte van sodanige besigheid en so iemand word by die toepassing van hierdie artikel geag versekeringsbesigheid in die Republiek te dryf, en enige in hierdie artikel gebesigde uitdrukking het derhalwe die betekenis daaraan verleen in artikel 1, ondanks die bepalings van paragraaf (x) van die

(1B) The registrar may, with the consent of the Minister, from time to time extend the period of five years aforesaid for further periods not exceeding in the aggregate a period of five years.

(1C) The percentage referred to in paragraph (a) shall, in the case of any particular insurer, be the percentage which bears the same ratio to 15 per cent. as the unexpired portion of such insurer's then current financial year on the first day of October, 1966, bears to the full period of that year."

7. Section 20bis of the principal Act is hereby amended—

Amendment of section 20bis of Act 27 of 1943, as inserted by section 17 of Act 10 of 1965.

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

"(1) No registered insurer shall, except as provided in subsections (2) and (3), authorize or permit an agent, broker or other person, not being a registered insurer, to retain or deal with any moneys in respect of premiums received or deemed to have been received in terms of subsection (2) (a) (iii) on behalf of such insurer and relating to short term insurance business or compulsory third party insurance business carried on by such insurer in the Republic.";

- (b) by the substitution for paragraph (b) of subsection (2) of the following paragraph:

"(b) Any such agent, broker or person who is resident in the Territory or is a provisional taxpayer as defined in paragraph 1 of the Fourth Schedule to the Income Tax Act, 1962 (Act No. 58 of 1962), may before remitting any moneys in terms of subparagraph (i), (ii) or (iii) of paragraph (a) set off any moneys owing to him by such insurer.";

- (c) by the insertion in the Afrikaans text of subsection (3) (a) after the words "daardie versekeraar" of the word "skriftelik";

- (d) by the substitution for paragraph (b) of subsection (3) of the following paragraph:

"(b) Any such agent, broker or person who intends to remit in terms of subparagraph (iii) of subsection (2) (a) shall furnish security for any amount which may become payable by him to insurers in terms of that subparagraph, and such security shall be in the form of a banker's guarantee issued by the Land and Agricultural Bank of South Africa or a banking institution registered otherwise than provisionally in terms of the Banks Act, 1965 (Act No. 23 of 1965).";

- (e) by the substitution for subsection (4) of the following subsection:

"(4) The trust account referred to in subsection (2) (a) (ii) shall be opened and kept in the Republic with a banking institution registered otherwise than provisionally in terms of the Banks Act, 1965, and shall bear an indication that it is being kept under this subsection.";

- (f) by the substitution in the Afrikaans text of the proviso to subsection (5) for the word "deur" of the word "aan".

8. The following section is hereby substituted for section 60 of the principal Act:—

Substitution of section 60 of Act 27 of 1943, as amended by section 29 of Act 46 of 1944, section 5 of Act 19 of 1945, section 39 of Act 73 of 1951 and section 28 of Act 10 of 1965.

"Requirements in respect of business underwritten by underwriters at Lloyds.

60. (1) The following provisions shall apply in connection with business underwritten by underwriters at Lloyds and any person who does any act in the Republic relating to the receiving of applications for policies or the issue of policies or the collection of premiums in respect of such business; and any such person shall, for the purposes of this section, be deemed to be carrying on insurance business in the Republic; and any expression used in this section shall accordingly bear the meaning assigned to it in section 1, notwithstanding the provisions of paragraph (g) in the definition of the

Komitee van Lloyds aan die bepalings van paragrawe (g) en (i) en versekeraars van Lloyds aan die bepalings van paragraaf (j) voldoen het.

- (b) 'n Persoon wat onmiddellik voor die inwerking-treding van die Wysigingswet op Versekering, 1966, sodanige versekeringsbesigheid soos voormeld gedryf het, en daarna voortgaan om sodanige besigheid te dryf, moet binne 'n tydperk van ses maande vanaf daardie inwerking-treding, of binne sodanige verdere tydperk wat die registrateur toelaat, en 'n persoon wat onmiddellik voor daardie inwerking-treding nie sodanige versekeringsbesigheid gedryf het nie, en voornemens is om sodanige versekeringsbesigheid te dryf, moet voordat hy sodanige versekeringsbesigheid begin te dryf, geld of goedgekeurde effekte of beide geld en goedgekeurde effekte ten bedrae van twintigduisend rand by die Tesourie deponeer, wat volgens regulasies beskikbaar gemaak word om te voldoen aan 'n vonnis wat in die Republiek uitgespreek is teen daardie persoon of teen 'n versekeraar van Lloyds, in verband met 'n polis wat gesluit is deur tussenkoms van die deponent. Die bepalings van die Eerste Bylae tot hierdie Wet is *mutatis mutandis* van toepassing op so 'n deposito.
- (c) Wanneer as 'n gevolg van stappe wat gedoen is teen bedoelde persoon of teen 'n versekeraar van Lloyds ten opsigte van 'n polis wat gesluit is deur tussenkoms van die deponent, die waarde van sy deposito benede twintigduisend rand gedaal het, mag die deponent geen handeling met betrekking tot die ontvangs van aansoeke om polisse of die uitreiking van polisse of die invordering van premies soos voormeld verrig nie totdat hy die tekort aangesuiwer het deur 'n verdere deposito van geld of goedgekeurde effekte of geld en goedgekeurde effekte.
- (d) Iedereen wat sodanige versekeringsbesigheid in die Republiek dryf, moet 'n kantoor in die Republiek hê, en hy moet 'n kennisgewing van die adres van sy kantoor en van enige verandering van daardie adres by die registrateur indien. Diening van prosesstukke in 'n regsding in enige hof in die Republiek teen daardie persoon, of teen 'n versekeraar van Lloyds, in verband met 'n polis wat gesluit is deur tussenkoms van bedoelde persoon, kan geskied deur hulle aan hom te oorhandig of op bedoelde kantoor te laat of, indien bedoelde persoon opgehou het om enige sodanige versekeringsbesigheid in die Republiek te dryf, deur dit aan die in paragraaf (g) bedoelde persoon te oorhandig of op die kantoor van daardie persoon te laat.
- (e) Iedereen wat die in paragraaf (b) bedoelde deposito gemaak het, en 'n sertifikaat van die Tesourie oorlê dat die Tesourie daardie deposito ontvang het en nog in besit het, kan teen betaling van 'n bedrag van honderd rand, van 'n ontvanger van inkomste 'n lisensie verkry om sodanige versekeringsbesigheid as voormeld te dryf en daardie lisensie is geldig vir die hele kalenderjaar waarin dit uitgereik is: Met dien verstande dat as die lisensie na dertig Junie in enige jaar uitgereik word, die persoon aan wie dit uitgereik word, 'n bedrag van vyftig rand daarvoor moet betaal.
- (f) 'n Persoon wat sodanige versekeringsbesigheid in die Republiek dryf, moet binne 'n tydperk van twee maande vanaf die einde van elke kalenderjaar of binne die verdere tydperk wat die regi-

mittee of Lloyds has complied with the provisions of paragraphs (g) and (i) and underwriters at Lloyds have complied with the provisions of paragraph (j).

- (b) Any person who immediately before the commencement of the Insurance Amendment Act, 1966, was carrying on such insurance business as aforesaid and thereafter continues to carry on such business, shall within a period of six months as from such commencement, or within such further period as the registrar may allow, and any person who immediately before such commencement was not carrying on such insurance business and intends to carry on such insurance business shall, before he commences to carry on such insurance business, deposit with the Treasury, money or approved securities or both money and approved securities to the value of twenty thousand rand which shall be made available, in accordance with regulations to satisfy any judgment given in the Republic against that person or against an underwriter at Lloyds, in connection with a policy which was effected through the agency of the depositor. The provisions of the First Schedule to this Act shall *mutatis mutandis* apply to such a deposit.
- (c) When as a result of any action taken against such person or against an underwriter at Lloyds in connection with a policy effected through the agency of the depositor, the value of his deposit has become less than twenty thousand rand, the depositor shall not do any act relating to the receiving of applications for policies or the issue of policies or the collection of premiums as aforesaid, until he has made good the deficiency by a further deposit of money or approved securities or money and approved securities.
- (d) Any person transacting such insurance business in the Republic shall have an office in the Republic and he shall lodge with the registrar a notice of the address of his office and of any change in the address of his office. Process in any legal proceedings in any court of law in the Republic against that person or against an underwriter at Lloyds in connection with a policy which was effected through the agency of the said person may be served by delivering it to him or by leaving it at the said office or, if such person has ceased to transact any such insurance business in the Republic, by delivering it to the person referred to in paragraph (g) or by leaving it at the office of that person.
- (e) Any person who has made the deposit mentioned in paragraph (b) and produces a certificate from the Treasury that it has received and still holds such a deposit, may obtain from a receiver of revenue, on payment of a sum of one hundred rand, a licence to carry on such insurance business as aforesaid, which shall be valid throughout the calendar year in which it was issued: Provided that if the licence is issued in any year after the thirtieth day of June, the person to whom it is issued shall pay a sum of fifty rand therefor.
- (f) Any person who carries on such insurance business in the Republic shall, within a period of two months as from the expiration of each calendar year or within such further period as

- (g) Die Komitee van Lloyds stel 'n persoon in die Republiek aan wat gemagtig is om namens hom en versekeraars van Lloyds op te tree, en bedoelde persoon moet 'n kennisgewing van sy kantooradres en van enige verandering van daardie adres by die registrateur indien.
- (h) Prosesstukke in 'n regseding in enige hof in die Republiek teen 'n versekeraar van Lloyds in verband met enige versekeringsbesigheid soos voormeld, kan bestel word deur dit aan die in paragraaf (g) bedoelde persoon te oorhandig of op sy kantoor te laat.
- (i) Die Komitee van Lloyds handelende deur tussenkoms van die in paragraaf (g) bedoelde persoon, open op die wyse en voorwaardes wat die registrateur goedkeur 'n trustrekening waarvoor bedoelde persoon die beheer uitoefen, by 'n bankinstelling wat anders as voorlopig ingevolge die Bankwet, 1965 (Wet No. 23 van 1965), geregistreer is, waarin bedrae ooreenkomstig paragraaf (j) gestort word.
- (j) (i) Versekeraars van Lloyds handelende deur tussenkoms van die in paragraaf (g) bedoelde persoon, stort in bedoelde trustrekening 'n bedrag gelykstaande met sewentig persent van al die premies en addisionele premies min terugbetaalde premies, min betalings ingevolge paragraaf (f) en min al die kommissie wat betrekking het op polisse en endossemente ten opsigte van sodanige versekeringsbesigheid soos voormeld, ontvang deur tussenkoms van persone wat bedoelde besigheid dryf en aangeteken deur Lloyds se polisondertekeningskantoor na die dertigste dag van Junie 1966.
- (ii) Bedoelde bedrag word maandeliks op die eerste dag van elke maand gestort vanaf die eerste dag van die maand wat volg op die maand waarin die Wysigingswet op Versekering, 1966, in werking tree, en het betrekking op besigheid wat gedurende die voorlaaste maand aangeteken is: Met dien verstande dat die eerste bedrag wat deur 'n versekeraar ingevolge hierdie paragraaf gestort moet word, ook betrekking het op besigheid wat na die dertigste dag van Junie 1966 maar voor bedoelde voorlaaste maand aangeteken is.
- (k) Die bepaling van artikel 20*bis* is *mutatis mutandis* ten opsigte van 'n persoon wat sodanige versekeringsbesigheid soos voormeld in die Republiek dryf, van toepassing asof hy 'n agent van 'n geregistreerde versekeraar is en versekeraars van Lloyds geregistreerde versekeraars is.
- (l) Die geld gedeponeer in bedoelde trustrekening kan belê word in die soorte bates in die Derde Bylae vermeld, behalwe dié in items 1, 7 en 8 bedoel, mits—
 - (i) bedoelde bates die soorte bates in Deel I van die Derde Bylae vermeld, insluit wat tesame met 'n krediet saldo in die trustrekening 'n gesamentlike waarde het van minstens vyftig persent van die bedrag van bedoelde saldo en alle bates waarin bedoelde geld aldus belê is; en
 - (ii) bedoelde bates van die soorte in Deel I van die Derde Bylae vermeld, wissels, skuldbriewe of effekte deur die Regering van die Republiek uitgereik, insluit wat 'n gesamentlike waarde het van minstens twintig persent van die bedrag van bedoelde saldo en alle bates waarin bedoelde geld aldus

- (g) The Committee of Lloyds shall appoint in the Republic a person authorized to act on its behalf and on behalf of underwriters at Lloyds, and such person shall lodge with the registrar a notice of the address of his office and of any change in such address.
- (h) Process in any legal proceedings in any court of law in the Republic against an underwriter at Lloyds in connection with any such insurance business as aforesaid may be served by delivering it to the person referred to in paragraph (g) or by leaving it at the office of that person.
- (i) The Committee of Lloyds, acting through the person referred to in paragraph (g), shall, in such manner and on such conditions as the registrar may approve, open a trust account to be under the control of such person, with a banking institution, registered otherwise than provisionally in terms of the Banks Act, 1965 (Act No. 23 of 1965), in which deposits shall be made, in accordance with paragraph (j).
- (j) (i) Underwriters at Lloyds, acting through the person referred to in paragraph (g), shall deposit in the trust account aforesaid an amount equivalent to seventy per cent. of all premiums and additional premiums less return premiums, less payments in terms of paragraph (f) and less all commissions relating to policies and endorsements in respect of such insurance business as aforesaid, received through persons carrying on such business and taken down at Lloyds policy signing office subsequent to the thirtieth day of June, 1966.
(ii) Any such deposit shall be made monthly on the first day of each month, commencing on the first day of the month following the month during which the Insurance Amendment Act, 1966, comes into operation, and shall relate to business taken down in the preceding month but one: Provided that the first deposit to be made by any underwriter in terms of this paragraph shall relate also to business taken down subsequent to the thirtieth day of June, 1966, but prior to the said preceding month but one.
- (k) The provisions of section 20*bis* shall apply *mutatis mutandis* in respect of any person who carries on such insurance business as aforesaid in the Republic, as if he were an agent of a registered insurer and underwriters at Lloyds were registered insurers.
- (l) The moneys deposited in the trust account aforesaid may be invested in assets of the kinds mentioned in the Third Schedule, other than those referred to in items 1, 7 and 8, provided—
 - (i) such assets include assets of the kinds mentioned in Part I of the Third Schedule, which together with any credit balance in the trust account shall have an aggregate value not less than fifty per cent. of the amount of such balance and all assets in which such moneys have so been invested; and
 - (ii) the said assets of the kinds mentioned in Part I of the Third Schedule include bills, bonds or securities issued by the Government of the Republic having an aggregate value not less than twenty per cent. of the amount of the said balance and all assets

- (n) Behalwe by die toepassing van paragraaf (l) of (o) (i) en (ii), oorskry die bedrag geld wat uit voormelde trustrekening gedurende enige bepaalde maand van enige jaar getrek kan word, nie die bedrag geld nie wat ingevolge paragraaf (j) gedurende dieselfde maand van die jaar wat bedoelde jaar onmiddellik voorafgaan, gestort is, tesame met rente deur daardie bedrag gegee, min enige bedrag wat kragtens paragraaf (o) (ii) gedurende eersbedoelde maand beskikbaar gestel is.
- (o) (i) Die geld in voormelde trustrekening gehou of die bates waarin daardie geld belê is, enige geld wat aan versekeraars van Lloyds ten opsigte van besigheid met betrekking tot versekering deur hulle deur persone verskuldig is wat sodanige versekerings-besigheid soos voormeld dryf en, ondanks andersluidende bepalinge in hierdie artikel, die deposito's deur die Tesourie ingevolge paragraaf (b) gehou, tesame met enige rente of ander inkomste gegee, word ooreenkomstig die regulasies beskikbaar gestel, om die skulde oor die algemeen van versekeraars van Lloyds teenoor polishouers in die Republiek te vereffen wanneer die Minister dit nodig ag.
- (ii) Bedoelde geld of bates word aldus beskikbaar gestel om aan 'n vonnis te voldoen wat in die Republiek gevel is in verband met enige polis in die loop van sodanige versekeringsbesigheid soos voormeld deur bemiddeling van enige persoon gesluit wat bedoelde versekeringsbesigheid dryf of gedryf het, teen 'n versekeraar van Lloyds of teen bedoelde persoon in die mate waarin die bedrag deur daardie persoon ingevolge paragraaf (b) gedeponeer onvoldoende is om aan bedoelde vonnis te voldoen.
- (iii) Behoudens die bepalinge van subparagrafe (i) en (ii) kan bedoelde bates vervreem word slegs by wyse van 'n *bona fide*-verkoop deur die persoon in paragraaf (g) bedoel en bedoelde persoon stort in voormelde trustrekening die opbrengs van so 'n verkoop en enige geld verkry by wyse van betaling van enige vordering waaruit so 'n bate bestaan of deur enige saldo waaruit so 'n bate bestaan, uit enige rekening te trek.
- (p) Enige persoon wat sodanige versekeringsbesigheid soos voormeld dryf en die persoon in paragraaf (g) bedoel, moet die opgawes en ander inligting in verband met bedoelde besigheid of voormelde trustrekening of bates opstel en by die registrateur indien op die tye en wyse en in die vorm wat by regulasie voorgeskryf word.
- (q) Elke persoon deur wie se tussenkoms 'n polis met betrekking tot versekering deur 'n versekeraar van Lloyds gesluit word, moet sorg dra dat die polis duidelik vermeld—
- (i) die betaalmiddel waarin premies en eise betaalbaar is;
 - (ii) die persoon, en sy adres, aan wie premies betaalbaar is en deur wie vorderings betaalbaar is.
- Die bepalinge van artikel 63 is *mutatis mutandis* van toepassing ten opsigte van elke sodanige polis.
- (r) Wanneer 'n persoon wat 'n deposito ingevolge paragraaf (b) gemaak het, die registrateur oortuig het dat hy die verrigting in die Republiek

- (n) Except for the purposes of paragraph (l) or (o) (i) and (ii), the amount of money which may be withdrawn from the trust account aforesaid during any particular month of any year, shall not exceed the amount of money deposited in terms of paragraph (j) during the same month of the year immediately preceding such year together with any interest earned on such amount, less any amount made available in terms of paragraph (o) (ii) during such first-mentioned month.
- (o) (i) The moneys held in the trust account aforesaid or the assets in which such moneys have been invested, any moneys which may be owing to underwriters at Lloyds in respect of business underwritten by them, by persons carrying on such insurance business as aforesaid and, notwithstanding anything to the contrary contained in this section, the deposits held by the Treasury in terms of paragraph (b), together with any interest or other income earned, shall be made available in accordance with the regulations to satisfy, whenever the Minister deems it to be necessary, the liabilities generally of underwriters at Lloyds towards policyholders in the Republic.
- (ii) Such moneys or assets shall be so made available to satisfy any judgment given in the Republic in connection with any policy effected in the course of such insurance business as aforesaid through the agency of any person who is or was carrying on such business against an underwriter at Lloyds or against such person to the extent to which the amount deposited by such person in terms of paragraph (b) is insufficient to satisfy such judgment.
- (iii) Subject to the provisions of subparagraphs (i) and (ii) any such assets may be disposed of only by way of a *bona fide* sale through the person referred to in paragraph (g) and such person shall deposit in the trust account aforesaid the proceeds of any such sale and any moneys obtained by way of payment of any claim constituting any such asset or by withdrawing from any account any amount constituting any such asset.
- (p) Any person transacting such insurance business as aforesaid and the person referred to in paragraph (g) shall prepare and lodge with the registrar such statements and other information in connection with such business or the trust account or assets aforesaid, at such times and in such manner and form as may be prescribed by regulation.
- (q) Any person through whose agency a policy underwritten by an underwriter at Lloyds is effected, shall ensure that the policy states clearly—
- (i) the currency in which premiums and claims are payable;
- (ii) the person, and his address, to whom premiums are payable and by whom claims are payable.
- The provisions of section 63 shall apply *mutatis mutandis* in regard to every such policy.
- (r) When a person who has made a deposit under paragraph (b) has satisfied the registrar that he has ceased to transact in the Republic any such insurance business as aforesaid and has

- (s) Die deposito van sestigduisend rand deur die Komitee van Lloyds ingevolge die bepalings van hierdie artikel voor wysiging daarvan deur die Wysigingswet op Versekering, 1966, wat deur die Tesourie op die datum van inwerkingtreding van daardie Wet gehou word, word deur die Tesourie vrygestel en na voormelde trustrekening oorgedra, en word daarna verreken teen enige bedrae wat ingevolge paragraaf (j) gestort moet word.
- (t) Die bepalings van artikel 9 is *mutatis mutandis* van toepassing op 'n persoon wat sodanige versekeringsbesigheid soos voormeld dryf en op die persoon in paragraaf (g) bedoel ten opsigte van voormelde trustrekening en bates.
- (2) Behalwe met die skriftelike goedkeuring van die registrateur vooraf verkry, mag niemand deur 'n makelaar van Lloyds enige versekeringsbesigheid aangaan of hernieu tensy dit versekering is wat deur 'n versekeraar van Lloyds aangegaan word nie."

Vervanging van artikel 76 van Wet 27 van 1943.

9. (1) Artikel 76 van die Hoofwet word hierby deur die volgende artikel vervang:

„Regulasies. 76. Die Minister kan regulasies uitvaardig wat nie met hierdie Wet strydig is nie—

- (a) wat alle aangeleenthede wat volgens hierdie Wet by regulasie voorgeskryf moet of kan word, voorskryf;
- (b) wat al die bepalings of sommige van die bepalings van hierdie Wet wat op 'n bepaalde soort versekeringsbesigheid betrekking het, of sommige bepalings wat op een sodanige soort en sommige bepalings wat op 'n ander sodanige soort betrekking het, toepas op 'n bepaalde kategorie van gemengde besigheid;
- (c) oor die algemeen, in verband met alle aangeleenthede wat hy nodig of raadsaam ag om voor te skryf ten einde die oogmerke van hierdie Wet te bereik."

(2) Regulasies kragtens artikel 76 van die Hoofwet uitgevaardig voor die wysiging daarvan deur hierdie Wet, word geag ooreenkomstig daardie artikel soos by hierdie Wet gewysig uitgevaardig te wees.

Wysiging van Derde Bylae by Wet 27 van 1943, soos vervang deur artikel 46 van Wet 73 van 1951 en gewysig deur artikel 24 van Wet 79 van 1959 en artikel 36 van Wet 10 van 1965.

10. Die Derde Bylae van die Hoofwet word hierby gewysig—

- (a) deur paragraaf 3 deur die volgende paragraaf te vervang:
„3. Wissels, skuldbriewe of effekte deur die Regering van die Republiek of 'n provinsiale administrasie of die administrasie van die Gebied uitgereik of gewaarborg.";
- (b) deur paragraaf 9 deur die volgende paragraaf te vervang:
„9. 'n Vordering gedek deur 'n verband op onroerende goed in die Republiek, behalwe so 'n vordering gewaarborg soos in paragraaf 3, 4, 5 of 6 beoog.";
- (c) deur paragraaf 11 deur die volgende paragraaf te vervang:
„11. Stock of aandele van 'n maatskappy, bouvereniging of ander instelling wat in die Republiek met regspersoonlikheid bekleed is of onderaandele in 'n effektrustskema soos omskryf in die Wet op Beheer van Effektetrustskemas, 1947 (Wet No. 18 van 1947)."

Kort titel.

11. Hierdie Wet heet die Wysigingswet op Versekering, 1966.

(s) The deposit of sixty thousand rand by the Committee of Lloyds in terms of the provisions of this section prior to its amendment by the Insurance Amendment Act, 1966, held by the Treasury as at the commencement of that Act, shall be released by the Treasury and transferred to the trust account aforesaid, and shall thereupon be set off against any amounts to be deposited in terms of paragraph (j).

(t) The provisions of section 9 shall apply *mutatis mutandis* to any person carrying on such insurance business as aforesaid and to the person referred to in paragraph (g) in regard to the trust account and assets aforesaid.

(2) Except with the prior written approval of the registrar, no person shall effect or renew any insurance business through a broker at Lloyds which is not underwritten by an underwriter at Lloyds."

9. (1) The following section is hereby substituted for section 76 of the principal Act:

Substitution of section 76 of Act 27 of 1943.

"Regulations. 76. The Minister may make regulations not inconsistent with this Act—

(a) prescribing all matters which by this Act are required or permitted to be prescribed by regulation;

(b) extending to any particular kind of miscellaneous business all or any of the provisions of this Act which relate to any particular class of insurance business, or some provisions which relate to one such class and some provisions which relate to any other such class;

(c) generally, as to all matters which he considers it necessary or expedient to prescribe in order that the objects of this Act may be achieved."

(2) Any regulations made under section 76 of the principal Act prior to the amendment thereof by this Act, shall be deemed to have been made under that section as amended by this Act.

10. The Third Schedule to the principal Act is hereby amended—

Amendment of Third Schedule to Act 27 of 1943, as substituted by section 46 of Act 73 of 1951 and amended by section 24 of Act 79 of 1959 and section 36 of Act 10 of 1965.

(a) by the substitution for paragraph 3 of the following paragraph:

"3. Bills, bonds or securities issued or guaranteed by the Government of the Republic or a provincial administration or the administration of the Territory."

(b) by the substitution for paragraph 9 of the following paragraph:

"9. Any claim secured by a mortgage bond on immovable property in the Republic, except any such claim which is guaranteed as contemplated in paragraph 3, 4, 5 or 6."

(c) by the substitution for paragraph 11 of the following paragraph:

"11. Any stocks or shares in a company, building society or other institution incorporated in the Republic or units in a unit trust scheme as defined in the Unit Trusts Control Act, 1947 (Act No. 18 of 1947)."

11. This Act shall be called the Insurance Amendment Act, Short title. 1966.

No. 42, 1966.]

WET

Om voorsiening te maak vir pensioene en ander geldelike voordele vir sekere nie-blanke werknemers van die Regering en vir hulle afhanklikes en om vir daardie doel artikel 20 van die Skatkis- en Ouditwet, 1956, te wysig; en om vir ander bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
Goedgekeur op 12 Oktober 1966.)

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

Woordbepaling.

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

- (i) „aktuaris” ’n „Fellow” van die „Institute of Actuaries of England” of van die „Faculty of Actuaries in Scotland” of van die „Society of Actuaries of America”; (i)
- (ii) „Bantoe-onderwysrekening”, met betrekking tot ’n betaling wat uit daardie rekening gemaak moet word, gelde wat vir die doeleindes van sodanige betaling deur die Parlement uit die in artikel 20 van die Skatkis- en Ouditwet, 1956 (Wet No. 23 van 1956), bedoelde rekening bewillig word; (ii)
- (iii) „beampte” ’n beampte soos omskrywe in artikel 1 van die Staatsdienswet, 1957 (Wet No. 54 van 1957); (vii)
- (iv) „die fonds” die in artikel 2 (2) bedoelde pensioenfondse; (xii)
- (v) „die gebied” die Gebied Suidwes-Afrika; (xiii)
- (vi) „die Kommissie” die Staatsdienskommissie aangestel kragtens die Staatsdienswet, 1957; (xi)
- (vii) „Gekonsolideerde Inkomstefonds”, met betrekking tot ’n betaling wat uit daardie fonds gemaak moet word, gelde, met uitsondering van gelde in die omskrywing van „Bantoe-onderwysrekening” bedoel, wat vir die doeleindes van sodanige betaling deur die Parlement bewillig word; (iii)
- (viii) „hierdie Wet” ook ’n regulasie; (xiv)
- (ix) „inkomste” die Gekonsolideerde Inkomstefonds of—
 - (a) met betrekking tot nie-blanke werknemers wat in diens is by, of nie-blankes wat uitgetree het of ontslaan is uit die diens van ’n provinsiale administrasie, die provinsiale inkomstefonds van die betrokke provinsie; of
 - (b) met betrekking tot nie-blanke werknemers wat in diens is by, of nie-blankes wat uitgetree het of ontslaan is uit die diens van die administrasie van die gebied, die Inkomstefonds van die gebied kragtens artikel 36 van die „Zuidwest-Afrika Konstitutie Wet, 1925” (Wet No. 42 van 1925), gestig; of
 - (c) met betrekking tot nie-blanke werknemers wat in diens is by of in verband met ’n naturelleskool of Bantoeskool, soos omskrywe in artikel 1 van die Wet op Bantoe-onderwys, 1953 (Wet No. 47 van 1953), of nie-blankes wat uitgetree het of ontslaan is uit sodanige diens, die Bantoe-onderwysrekening; (ix)

No. 42, 1966.]

ACT

To provide for pensions and other financial benefits for certain non-White employees of the Government and for their dependants and for that purpose to amend section 20 of the Exchequer and Audit Act, 1956; and to provide for other incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 12th October, 1966.)

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

1. In this Act, unless the context otherwise indicates— Definitions.
- (i) "actuary" means a Fellow of the Institute of Actuaries of England or of the Faculty of Actuaries in Scotland or of the Society of Actuaries of America; (i)
 - (ii) "Bantu Education Account", in relation to any payment to be made out of that Account, means moneys appropriated by Parliament for the purpose of such payment out of the account referred to in section 20 of the Exchequer and Audit Act, 1956 (Act No. 23 of 1956); (ii)
 - (iii) "Consolidated Revenue Fund", in relation to any payment to be made out of that Fund, means moneys, other than moneys referred to in the definition of "Bantu Education Account", appropriated by Parliament for the purpose of such payment; (vii)
 - (iv) "Government" means the Government of the Republic and includes every provincial administration and the administration of the territory, but does not include the railway administration; (xii)
 - (v) "Minister" means the Minister of Social Welfare and Pensions; (x)
 - (vi) "non-White employee" means a non-White person in the employ of the Government and includes—
 - (a) a Bantu teacher whose salary is paid in full by the Department of Bantu Education and who is employed on a whole-time basis at a school which is subsidized in terms of section 6 of the Bantu Education Act, 1953 (Act No. 47 of 1953), or section 4 of the Bantu Special Education Act, 1964 (Act No. 24 of 1964), or to which a grant-in-aid is made in terms of section 8 of the said Bantu Education Act, 1953; and
 - (b) a member of any group, class or category of non-White persons who, for the purposes of this Act, are declared by the Minister, in consultation with the Minister of Finance, to be non-White employees of the Government,
 but does not include a non-White person—
 - (i) who is an officer; or
 - (ii) who is a member of a pension or provident fund under a pension law administered by a provincial administration or the administration of the territory or a department of education (whether in the Republic or in the territory) or under a pension law (other than this Act) administered by the Minister; (vi)

- 'n skool wat ingevolge artikel 6 van die Wet op Bantoe-onderwys, 1953 (Wet No. 47 van 1953), of artikel 4 van die Wet op Buitengewone Onderwys vir die Bantoe, 1964 (Wet No. 24 van 1964), gesubsidieer word of waaraan 'n hulptoekenning ingevolge artikel 8 van genoemde Wet op Bantoe-onderwys, 1953, gemaak word; en
- (b) 'n lid van enige groep, klas of kategorie nie-blankes wat vir die doeleindes van hierdie Wet deur die Minister in oorleg met die Minister van Finansies tot nie-blanke werknemers van die Regering verklaar word, maar nie ook 'n nie-blanke nie wat—
- (i) 'n beampte is; of
- (ii) kragtens 'n pensioenwet wat uitgevoer word deur 'n provinsiale administrasie of die administrasie van die gebied of 'n departement van onderwys (hetsy in die Republiek of in die gebied) of kragtens 'n pensioenwet (uitgesonderd hierdie Wet) wat deur die Minister uitgevoer word, lid is van 'n pensioen- of voorsorgfonds; (vi)
- (xii) „Regering” die Regering van die Republiek en ook elke provinsiale administrasie en die administrasie van die gebied, maar nie ook die spoorwegadministrasie nie; (iv)
- (xiii) „regulasie” 'n regulasie wat ingevolge hierdie Wet uitgevaardig en van krag is; (viii)
- (xiv) „Sekretaris” die Sekretaris van Volkswelsyn en Pensioene; (x)
- (xv) „Tesourie” die Minister van Finansies of 'n beampte in die Departement van Finansies wat onder sy gesag handel. (xv)

Regulasies.

2. (1) Ondanks andersluidende wetsbepalings kan die Minister van tyd tot tyd in oorleg met die Minister van Finansies en op aanbeveling van die Kommissie regulasies uitvaardig—

- (a) wat voorsiening maak vir 'n pensioenskema vir nie-blanke werknemers;
- (b) met betrekking tot enige aangeleentheid wat volgens hierdie Wet by regulasie voorgeskryf kan word, en oor die algemeen vir die beter bereiking van die oogmerke en doelstellings van hierdie Wet.

(2) So 'n skema moet voorsiening maak vir die instelling van 'n pensioenfonds.

(3) Sonder om afbreuk te doen aan die algemene aard van die bepalinge van subartikels (1) en (2) kan bedoelde regulasies—

- (a) die klasse of kategorieë nie-blanke werknemers voorskryf wat lede van die fonds moet wees of kan word en daartoe moet bydra;
- (b) die voorwaardes voorskryf waarop sodanige werknemers lede van die fonds kan word of bly en daartoe moet bydra;
- (c) die koers of skaal voorskryf (vasgestel op die grondslag van besoldiging ontvang of op die ander grondslag wat in die regulasies uiteengesit word) waarvolgens persone wat bydraers tot die fonds is of word, daartoe moet bydra en die tye wanneer die bydraes betaalbaar is, en voorsiening maak vir die aftrek van die bydraes van die besoldiging van die betrokke persoon;
- (d) die omstandighede waaronder en die grondslag en voorwaardes waarop toestemming aan lede van die fonds verleen kan word om by hulle pensioengewende diens enige tydperk voordat hulle sodanige lede geword het (hetsy bedoelde tydperk 'n tydperk van vorige diens uitgemaak of ingesluit het al dan nie) in te sluit en die gesag deur wie bedoelde toestemming verleen kan word, voorskryf;
- (e) die bydraes, rente en ander bedrae wat uit inkomste in die fonds of uit die fonds in inkomste gestort moet word en die omstandighede waaronder en die grondslag en die wyse waarop bedoelde bydraes, rente en bedrae aldus gestort moet word, voorskryf;
- (f) die voorwaardes waaronder en die wyse waarop...

- the provincial revenue fund of the province concerned; or
- (b) in respect of non-White employees serving under or non-White persons retired or discharged from service under the administration of the territory, the Territory Revenue Fund established under section 36 of the South-West Africa Constitution Act, 1925 (Act No. 42 of 1925); or
 - (c) in respect of non-White employees who are employed at or in connection with any native school or Bantu school, as defined in section 1 of the Bantu Education Act, 1953 (Act No. 47 of 1953), or non-White persons who have retired or been discharged from such employment, the Bantu Education Account; (ix)
 - (x) "Secretary" means the Secretary for Social Welfare and Pensions; (xiv)
 - (xi) "the Commission" means the Public Service Commission appointed under the Public Service Act, 1957; (vi)
 - (xii) "the fund" means the pension fund referred to in section 2 (2); (iv)
 - (xiii) "the territory" means the Territory of South-West Africa; (v)
 - (xiv) "this Act" includes any regulation; (viii)
 - (xv) "Treasury" means the Minister of Finance or any officer in the Department of Finance acting under his authority. (xv)

2. (1) Notwithstanding anything to the contrary contained in any other law, the Minister may, from time to time, in consultation with the Minister of Finance and on the recommendation of the Commission, make regulations—

- (a) providing for a pension scheme for non-White employees;
- (b) in regard to any matter which under this Act is permitted to be prescribed by regulation, and generally for the better achievement of the objects and purposes of this Act.

(2) Any such scheme shall make provision for the establishment of a pension fund.

(3) Without prejudice to the generality of the provisions of subsections (1) and (2), such regulations may—

- (a) prescribe the classes or categories of non-White employees who shall be or may become members of the fund and shall contribute thereto;
- (b) prescribe the conditions subject to which such employees may become or remain members of and shall contribute to the fund;
- (c) prescribe the rate or scale (determined on the basis of emoluments received or on such other basis as may be specified in the regulations) in accordance with which contributions shall be paid to the fund by persons who are or become contributors thereto, and the times at which such contributions shall be payable, and provide for the deduction of such contributions from the emoluments of the person concerned;
- (d) prescribe the circumstances in which, the basis on which and the conditions subject to which members of the fund may be permitted to include in their pensionable service any period prior to their becoming such members (whether or not such period consisted of or included any period of prior service) and the authority by whom such permission may be granted;
- (e) prescribe the contributions, interest and other amounts which shall be paid to the fund out of revenue or out of the fund to revenue, and the circumstances in which, the basis on which and the manner in which such contributions, interest and amounts shall be so paid;
- (f) prescribe the benefits (determined on the basis of

- (g) die salarisse, lone of toelaes, hetsy in kontant of in natura, voorskryf ten opsigte waarvan bydraes in die fonds gestort moet word en waarop die voordele wat uit die fonds of uit inkomste of uit die fonds en uit inkomste betaalbaar is, gebaseer moet word;
 - (h) voorsiening maak vir—
 - (i) die belegging van bedrae wat tot die kredit van die fonds staan;
 - (ii) die periodieke waardering van die bates en laste van die fonds deur 'n aktuaris;
 - (i) voorsiening maak vir die berekening van die bedrae (as daar is) wat uit die fonds of uit inkomste betaalbaar is ingeval 'n bydraer tot die fonds onder verpligting kom om tot 'n ander pensioen- of voorsorgfonds by te dra of oorgeplaas word na of aangestel word in diens ten opsigte waarvan hy onder verpligting kom om tot 'n ander pensioen- of voorsorgfonds by te dra;
 - (j) die voorwaardes voorskryf waarop die bedrae ingevolge regulasies kragtens paragraaf (i) betaalbaar, betaal moet word, en voorsiening maak vir die berekening van die verhouding waarvolgens sodanige bedrae uit die fonds of uit inkomste betaal moet word;
 - (k) voorsiening maak vir die berekening van die bedrae wat in die fonds gestort moet word ingeval daar aan iemand—
 - (i) wat lid is van 'n ander pensioen- of voorsorgfonds; en
 - (ii) wat sonder onderbreking van sy diens onder verpligting kom om tot die fonds by te dra of wat oorgeplaas word na of aangestel word in diens ten opsigte waarvan hy onder verpligting kom om aldus by te dra,
 toestemming verleen word om, op die voorwaardes in die regulasies uiteengesit, sy pensioengewende diens voor die datum waarop hy aldus onder verpligting gekom het of die datum van bedoelde oorplasing of aanstelling, as pensioengewende diens vir die doeleindes van die fonds te reken;
 - (l) voorsiening maak vir die berekening van die verhouding waarvolgens die in paragraaf (k) bedoelde bedrae uit die ander fonds of uit inkomste of deur die betrokke persoon betaal moet word;
 - (m) die gesag voorskryf deur wie 'n berekening ingevolge regulasies kragtens paragraaf (i), (j), (k) of (l) gemaak moet of kan word;
 - (n) die voorwaardes voorskryf waarop bydraers tot die fonds moet of kan voortgaan om daartoe by te dra waar hulle afgestaan word aan diens ten opsigte waarvan hulle nie onder verpligting staan om aldus by te dra nie;
 - (o) voorsiening maak daarvoor dat bydraers tot die fonds lede van maar nie bydraers tot die fonds nie bly ingeval hulle oorgeplaas word na of aangestel word in diens ten opsigte waarvan hulle nie onder verpligting staan om tot die fonds by te dra nie, en die voordele voorskryf wat by die beëindiging van sodanige diens aan of ten opsigte van bedoelde lede betaalbaar is;
 - (p) voorsiening maak vir die uitoefening of waarneming deur die Sekretaris of die Tesourie van die bevoegdhede of funksies wat die Minister vir die bereiking van die oogmerke van hierdie Wet nodig ag;
 - (q) die leeftye waarop of waarna lede van die fonds of ander nie-blanke werknemers met pensioen afgedank kan of moet word of met pensioen kan of moet aftree, en die voorwaardes waarop hierdie persone aldus kan aftree, voorskryf: Met dien verstande dat geen leeftyd onder vyf-en-vyftig jaar aldus voorgeskryf mag word nie;
 - (r) voorsiening maak vir die bestuur en beheer van die fonds.
- (4) Verskillende regulasies kan ten opsigte van nie-blanke werknemers van verskillende rasse, klasse of kategorieë uitgevaardig word.
- (5) 'n Regulasie wat die koers of skaal waarvolgens bydraes tot die fonds gemaak moet word, nie verhoog nie of die bedrae

- (g) prescribe the salaries, wages or allowances, whether in cash or in kind, in respect of which contributions shall be paid to the fund and on which the benefits payable from the fund or from revenue or from the fund and from revenue shall be based;
 - (h) provide for—
 - (i) the investment of amounts standing to the credit of the fund;
 - (ii) the periodical valuation of the assets and liabilities of the fund by an actuary;
 - (i) provide for the determination of the amounts (if any) payable from the fund or from revenue in the event of a contributor to the fund becoming liable to contribute to any other pension or provident fund or being transferred or appointed to employment in respect of which he becomes liable to contribute to any other pension or provident fund;
 - (j) prescribe the conditions subject to which the amounts payable in terms of regulations under paragraph (i) shall be paid, and provide for the determination of the proportions in which such amounts shall be paid from the fund or from revenue;
 - (k) provide for the determination of the amounts to be paid to the fund in the event of any person—
 - (i) who is a member of any other pension or provident fund; and
 - (ii) who without a break in his service becomes liable to contribute to the fund or who is transferred or appointed to employment in respect of which he becomes liable so to contribute, being permitted, on such conditions as may be specified in the regulations, to reckon his pensionable service prior to the date on which he so became liable or the date of such transfer or appointment, as pensionable service for the purposes of the fund;
 - (l) provide for the determination of the proportions in which the amounts referred to in paragraph (k) shall be paid from the other fund or from revenue or by the person concerned;
 - (m) prescribe the authority by whom any determination in terms of regulations under paragraph (i), (j), (k) or (l) shall or may be made;
 - (n) prescribe the conditions subject to which contributors to the fund shall or may continue to contribute to the fund on their being seconded to employment in respect of which they are not liable so to contribute;
 - (o) provide for contributors to the fund remaining members of but not contributors to the fund in the event of their being transferred or appointed to employment in respect of which they are not liable to contribute to the fund, and prescribe the benefits payable to or in respect of such members on the termination of such employment;
 - (p) provide for the exercise or performance by the Secretary or the Treasury of such powers or functions as the Minister may deem necessary for the achievement of the objects of this Act;
 - (q) prescribe the ages at which or after which members of the fund or other non-White employees may or shall be retired on pension or may or shall retire on pension, and the conditions subject to which such persons may so retire: Provided that no age under fifty-five years shall be so prescribed;
 - (r) provide for the management and control of the fund.
- (4) Different regulations may be made in respect of non-White employees belonging to different races, classes or categories.
- (5) Any regulation which does not increase the rate or scale in accordance with which contributions shall be made to

Delegering van bevoegdheede.

3. Wanneer 'n regulasie aan die Sekretaris 'n bevoegdheid verleen of 'n funksie toevertrou, kan hy met die goedkeuring van die Minister—

- (a) daardie bevoegdheid aan 'n beampte van sy departement delegeer;
- (b) so 'n beampte magtig om daardie funksie waar te neem.

Wysiging van artikel 20 van Wet 23 van 1956, soos gewysig deur artikel 13 van Wet 81 van 1957, artikel 41 van Wet 45 van 1959, artikel 39 van Wet 64 van 1959 en artikel 14 van Wet 83 van 1963.

4. Artikel 20 van die Skatkis- en Ouditwet, 1956, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Die gelde wat aldus gekrediteer word, moet in die Skatkisrekening gehou word en moet, behoudens die bepalinge van die Wet op Bantoe-onderwys, 1953 (Wet No. 47 van 1953), die Wet op Oordrag van die Universiteitskollege Fort Hare, 1959 (Wet No. 64 van 1959), die Wet op Uitbreiding van Universiteitsopleiding, 1959 (Wet No. 45 van 1959) en die Wet op Pensioene vir nie-blanke Regeringswerknemers, 1966, en ooreenkomstig deur die Parlement goedgekeurde bewilligings, vir Bantoe-onderwys aangewend word.”.

Toepassing van Wet op Suidwes-Afrika.

5. Hierdie Wet en enige wysiging daarvan is, vir sover dit vir die doeltreffende toepassing daarvan nodig is, ook in die gebied van toepassing.

Kort titel.

6. Hierdie Wet heet die Wet op Pensioene vir Nie-blanke Regeringswerknemers, 1966.

3. Whenever any regulation confers a power on or entrusts Delegation of a function to the Secretary, he may, with the approval of the powers. Minister—

- (a) delegate that power to any officer in his department;
- (b) authorize any such officer to perform that function.

4. Section 20 of the Exchequer and Audit Act, 1956, is Amendment of hereby amended by the substitution for subsection (2) of the section 20 of Act 23 of 1956, as following subsection: amended by

“(2) The moneys so credited shall be kept in the section 13 of Act 81 of 1957, section Exchequer Account and shall, subject to the provisions of 41 of Act 45 of the Bantu Education Act, 1953 (Act No. 47 of 1953), the 1959, section 39 of University College of Fort Hare Transfer Act, 1959 Act 64 of 1959 (Act No. 64 of 1959), the Extension of University Education and section 14 of Act, 1959 (Act No. 45 of 1959) and the Government non-White Employees Pensions Act, 1966, and in accordance with estimates approved by Parliament, be utilized for Bantu education.”. Act 83 of 1963.

5. This Act and any amendment thereof shall, in so far as is Application of necessary for the effective application thereof, apply also in Act to South-West the territory. Africa.

6. This Act shall be called the Government non-White Short title. Employees Pensions Act, 1966.

No. 43, 1966.]

WET

Tot wysiging van die Wet op Nywerheidsversoening, 1956, om voorsiening te maak vir die verpligte aftrekking van die besoldiging van sekere werknemers van ledegelde aan sekere geregistreerde vakverenigings betaalbaar; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 12 Oktober 1966.)*

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

Wysiging van
artikel 78 van
Wet 28 van 1956

1. Artikel 78 van die Wet op Nywerheidsversoening, 1956, word hierby gewysig—

(a) deur na subartikel (1) die volgende subartikels in te voeg:

„(1A) (a) Die Minister kan, as hy, met inagneming van die manier waarop 'n geregistreerde vakvereniging funksioneer en van enige ander omstandighede wat hy as ter sake beskou, dit raadsaam ag om dit te doen, op aansoek in die voorgeskrewe vorm deur daardie vakvereniging, by kennisgewing in die *Staatskoerant* verklaar dat subartikel (1B) in 'n gebied of gedeelte van 'n gebied en ten opsigte van 'n onderneming, nywerheid, bedryf of beroep ten opsigte waarvan daardie vakvereniging geregistreer is, van toepassing is met betrekking tot die lede van daardie vakvereniging wat in daardie onderneming, nywerheid, bedryf of beroep in diens is.

(b) Geen kennisgewing word kragtens paragraaf (a) uitgereik nie tensy die Minister oortuig is dat nie minder nie as die helfte van die getal persone wat in die betrokke gebied of gedeelte van 'n gebied in die betrokke onderneming, nywerheid, bedryf of beroep in diens is en wat toegelaat kan word tot lidmaatskap van die betrokke vakvereniging, lede daarvan was op die datum waarop die in paragraaf (a) bedoelde aansoek ingedien is en versoeke soos in subartikel (1B) beoog, onderteken het: Met dien verstande dat indien die Minister, met inagneming van enige moeilikhede wat kan bestaan in 'n onderneming, nywerheid, bedryf of beroep met betrekking tot die insameling van ledegelde deur 'n geregistreerde vakvereniging waarvan die konstitusie sy lidmaatskap beperk tot blankes of tot Gekleurdes, dit dienstig ag om dit te doen, hy 'n kennisgewing kragtens paragraaf (a) kan uitreik met betrekking tot die lede van daardie vakvereniging ondanks die feit dat hy nie aldus oortuig is nie.

(c) Die Minister kan te eniger tyd op dieselfde wyse sodanige kennisgewing terugtrek.

(1B) (a) Die werkgever van 'n werknemer wat een van die lede van 'n geregistreerde vakvereniging is met betrekking tot wie hierdie subartikel ingevolge subartikel (1A) (a) van toepassing verklaar is.

No. 43, 1966.]

ACT

To amend the Industrial Conciliation Act, 1956, in order to provide for the compulsory deduction from the remuneration of certain employees of membership fees due to certain registered trade unions; and to provide for matters incidental thereto.

*(English text signed by the State President.)
(Assented to 12th October, 1966.)*

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

1. Section 78 of the Industrial Conciliation Act, 1956, is hereby amended—

*Amendment of
section 78 of
Act 28 of 1956.*

(a) by the insertion after subsection (1) of the following subsections:

“(1A) (a) The Minister may, if he, having regard to the manner in which any registered trade union is functioning and to any other circumstances which he may consider relevant, deems it expedient to do so, on application in the prescribed form by that trade union, by notice in the *Gazette* declare that subsection (1B) shall, in any area or portion of an area and in respect of any undertaking, industry, trade or occupation in respect of which that trade union is registered, apply with reference to the members of that trade union who are employed in that undertaking, industry, trade or occupation.

(b) No notice shall be issued under paragraph (a) unless the Minister is satisfied that not less than one half of the number of persons in the area or portion of an area in question employed in the relevant undertaking, industry, trade or occupation who are eligible for membership of the trade union concerned, were members thereof at the date on which the application referred to in paragraph (a) was lodged, and have signed requests such as are contemplated in subsection (1B): Provided that if the Minister, having regard to any difficulties that may exist in any undertaking, industry, trade or occupation with reference to the collection of membership fees by any registered trade union, the constitution of which limits its membership to White persons or to coloured persons, deems it expedient to do so, he may issue a notice in terms of paragraph (a) with reference to the members of such trade union notwithstanding that he is not so satisfied.

(c) The Minister may at any time in like manner withdraw such notice.

(1B) (a) The employer of an employee who is one of the members of a registered trade union with reference to whom this subsection has been declared in terms of subsection (1A) (a) to apply,

vorm en wyse aan daardie vakvereniging betaal: Met dien verstande dat die werkgewer 'n bedrag van hoogstens vyf persent van die bedrag wat aldus afgetrek word as invorderingsgeld kan behou.

- (b) Geen versoek ingevolge paragraaf (a) word teruggetrek of gewysig binne drie maande vanaf die datum waarop die eerste bedrag ten opsigte van die betrokke werknemer se ledegeld afgetrek is nie.
 - (c) Die aftrekking van bedrae ten opsigte van ledegeld begin in die geval van 'n bepaalde werknemer op die eerste betaaldag na die datum waarop die betrokke versoek by die werkgewer ingedien is wat nie minder as veertien dae na daardie datum is nie.
 - (d) By die toepassing van hierdie subartikel het 'ledegeld' die betekenis wat in artikel 1 (2) (b) daaraan verleen is."; en
- (b) deur subartikel (3) deur die volgende subartikel te vervang:
- „(3) 'n Werkgewer wat subartikel (1) oortree of versuim om aan subartikel (1B) te voldoen, is aan 'n misdryf skuldig.”.

Kort titel en
datum van
inwerkingtreding.

2. Hierdie Wet heet die Wysigingswet op Nywerheids-
versoening, 1966, en tree in werking op 'n datum wat deur die
Staatspresident by proklamasie in die *Staatskoerant* bepaal
word.

trade union: Provided that the employer may retain as a collection fee an amount not exceeding five per cent of the amount so deducted.

- (b) No request under paragraph (a) shall be withdrawn or varied within three months from the date upon which the first amount in respect of the membership fee of the employee concerned was deducted.
 - (c) The deduction of amounts in respect of membership fees shall in the case of any particular employee commence on the first pay day following the date on which the relevant request was lodged with the employer which is not less than fourteen days subsequent to that date.
 - (d) For the purposes of this subsection 'membership fee' has the meaning assigned thereto in section 1 (2) (b)."; and
- (b) by the substitution for subsection (3) of the following subsection:
- "(3) Any employer who contravenes subsection (1) or fails to comply with subsection (1B) shall be guilty of an offence."

2. This Act shall be called the Industrial Conciliation Short title and Amendment Act, 1966, and shall come into operation on a commencement date to be fixed by the State President by proclamation in the Gazette.

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