

EXTRAORDINARY



BUITENGEWONE

REPUBLIC OF SOUTH AFRICA
GOVERNMENT GAZETTE

STAATSKOERANT
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[No. 2038.

KAAPSTAD, 10 APRIL 1968.

DEPARTMENT OF THE PRIME MINISTER.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 570.] [10th April, 1968.

No. 570.] [10 April 1968.

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

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

	PAGE
No. 32 of 1968: University of the Witwatersrand, Johannesburg, (Private) Act, 1968 ..	3
No. 33 of 1968: Cape of Good Hope Savings Bank Society Act, 1968	9
No. 34 of 1968: Waterval River (Lydenburg) Act, 1968	41
No. 35 of 1968: War Graves Amendment Act, 1968..	45
No. 36 of 1968: Transkei Constitution Amendment Act, 1968	49
No. 38 of 1968: Railway Construction Act, 1968 ..	53

	BLADSY
No. 32 van 1968: Private Wysigingswet op die Universiteit van die Witwatersrand, Johannesburg, 1968	4
No. 33 van 1968: Wet op die Spaarbankgenootskap Kaap die Goeie Hoop, 1968 ..	10
No. 34 van 1968: Wet op die Watervalrivier (Lydenburg), 1968	42
No. 35 van 1968: Wysigingswet op Oorlogsgrafte, 1968	46
No. 36 van 1968: Wysigingswet op die Transkeise Grondwet, 1968	50
No. 38 van 1968: Spoorwegaanlegwet, 1968	54

CONTENTS.**Department of the Prime Minister.****GOVERNMENT NOTICE.**

No.		PAGE
570	Act No. 32 of 1968: University of the Witwatersrand, Johannesburg, (Private) Act, 1968 ..	3
570	Act No. 33 of 1968: Cape of Good Hope Savings Bank Society Act, 1968	9
570	Act No. 34 of 1968: Waterval River (Lydenburg) Act, 1968	41
570	Act No. 35 of 1968: War Graves Amendment Act, 1968	45
570	Act No. 36 of 1968: Transkei Constitution Amendment Act, 1968	49
570	Act No. 38 of 1968: Railway Construction Act, 1968	53

INHOUD.**Departement van die Eerste Minister.****GOEWERMENSKENNISGEWING.**

No.		BLADSY
570	Wet No. 32 van 1968: Private Wysigingswet op die Universiteit van die Witwatersrand, Johannesburg, 1968	4
570	Wet No. 33 van 1968: Wet op die Spaarbankgenootskap Kaap die Goeie Hoop, 1968 ..	10
570	Wet No. 34 van 1968: Wet op die Watervalrivier (Lydenburg), 1968	42
570	Wet No. 35 van 1968: Wysigingswet op Oorlogsgrafte, 1968	46
570	Wet No. 36 van 1968: Wysigingswet op die Transkeise Grondwet, 1968	50
570	Wet No. 38 van 1968: Spoorwegaanlegwet, 1968	54

No. 32, 1968.]

PRIVATE ACT

**To amend the University of the Witwatersrand, Johannesburg,
(Private) Act, 1959.**

(English text signed by the Acting State President.)
(Assented to 27th March, 1968.)

WHEREAS the University of the Witwatersrand, Johannesburg, was incorporated by Act No. 15 of 1921, which Act was amended by Act No. 16 of 1936, Act No. 25 of 1941, Act No. 2 of 1952, and Act No. 61 of 1955, and amended and consolidated by Act No. 15 of 1959 (hereinafter referred to as the principal Act): Preamble.

AND WHEREAS for the better administration and conduct of the University it is expedient to amend the principal Act so as to—

- (a) substitute the expression "State President" for the expression "Governor-General" wherever the latter occurs in the principal Act;
- (b) substitute the word "Rektor" for the word "Prinsipaal" wherever the latter occurs in the Afrikaans text of the principal Act;
- (c) amend the definition of "professor" so as to include honorary professors in that category of academic staff;
- (d) abolish the office of Vice-Principal;
- (e) provide that there shall be a Vice-Chancellor who shall *ex officio* also be the Principal (instead of a Principal who is *ex officio* also the Vice-Chancellor);
- (f) prescribe that the statutes shall make provision for any period of absence of the Vice-Chancellor or of his inability for any other reason to perform the duties of his office, and for any vacancy in the office of Vice-Chancellor;
- (g) provide for the office of Deputy Vice-Chancellor and to provide that the Council shall appoint one such officer and may appoint not more than three such officers;
- (h) provide that the Deputy Vice-Chancellor or each of the Deputy Vice-Chancellors, as the case may be, shall be a member of the Council and of the Senate and of the Convocation of the University;
- (i) provide that the Council may determine the title, status, powers, privileges, functions and duties of such persons as it considers necessary to appoint for the efficient conduct of the University;
- (j) provide that an honorary professor shall not be *ex officio* a member of the Senate;
- (k) provide that the University librarian shall be a member of the Senate;
- (l) provide that every member of the academic staff who, not being a professor, is the head or the acting head of a department, shall be a member of the Senate; and

No. 32, 1968.]

PRIVATE WET

Om die Private Wet op die Universiteit van die Witwatersrand,
Johannesburg, 1959, te wysig.

(Engelse teks deur die Waarnemende Staatspresident geteken.)
(Goedgekeur op 27 Maart 1968.)

Aanhef.

NADEMAAL die Universiteit van die Witwatersrand, Johannesburg, as regspersoon erken is deur Wet No. 15 van 1921, wat gewysig is deur Wet No. 16 van 1936, Wet No. 25 van 1941, Wet No. 2 van 1952 en Wet No. 61 van 1955 en gewysig en gekonsolideer is deur Wet No. 15 van 1959 (hieronder die Hoofwet genoem):

EN NADEMAAL dit vir die beter administrasie en bestuur van die Universiteit dienstig is om die Hoofwet te wysig met die doel—

- (a) om die uitdrukking „Goewerneur-generaal” oral waar dit in die Hoofwet voorkom deur die uitdrukking „Staatspresident” te vervang;
- (b) om die woord „Prinsipaal” oral waar dit in die Afrikaanse teks van die Hoofwet voorkom, deur die woord „Rektor” te vervang;
- (c) om die omskrywing van „professor” te wysig sodat dit ereprofessore in daardie kategorie van akademiese personeel insluit;
- (d) om die amp van Vise-prinsipaal af te skaf;
- (e) om te bepaal dat daar ’n Vise-kanselier moet wees wat ampshalwe ook die Rektor is (in plaas van ’n Rektor wat ampshalwe ook die Vise-kanselier is);
- (f) om voor te skryf dat daar in die statute voorsiening gemaak moet word vir enige tydperk waarin die Vise-kanselier afwesig is of om enige ander rede nie in staat is om die pligte van sy amp na te kom nie, en vir enige vakature in die amp van Vise-kanselier;
- (g) om voorsiening te maak vir die amp van Adjunk-vise-kanselier en om te bepaal dat die Raad een so ’n amptenaar moet aanstel en dat hy hoogstens drie sodanige amptenare kan aanstel;
- (h) om te bepaal dat die Adjunk-vise-kanselier of elk van die Adjunk-vise-kanseliers, na gelang van die geval, lid is van die Raad en van die Senaat en van die Konvokasie van die Universiteit;
- (i) om te bepaal dat die Raad die ampstitel, status, bevoegdhede, voorregte, funksies en pligte kan vasstel van die persone wat hy nodig ag om aan te stel vir die doeltreffende bestuur van die Universiteit;
- (j) om te bepaal dat ’n ereprofessor nie ampshalwe lid van die Senaat is nie;
- (k) om te bepaal dat die Universiteitsbibliotekaris lid van die Senaat is;
- (l) om te bepaal dat elke lid van die akademiese personeel wat die hoof of die waarnemende hoof van ’n departement is, ofskoon hy nie ’n professor is nie, ’n lid van die Senaat is; en

- (m) to provide for the enlargement of the category of persons who may be accepted as candidates for the degree of master or doctor, or for a post-graduate diploma, in any faculty:

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

1. Section 1 of the principal Act is hereby amended by the substitution for the definition of "professor" of the following definition: Amendment of section 1 of Act 15 of 1959.

"(viii) 'professor' means a person who is a professor on the permanent or temporary, full-time or part-time, salaried or honorary staff of the University, but shall not include an associate or emeritus professor; (x)".

2. Section 3 of the principal Act is hereby amended by the substitution for paragraphs (b) and (c) of subsection (1) of the following paragraphs: Amendment of section 3 of Act 15 of 1959.

"(b) an officer who shall be styled the Vice-Chancellor and who shall *ex officio* be the Principal of the University;

(c) an officer who shall be styled the Deputy Vice-Chancellor, or not more than three officers, as the Council may from time to time determine, each of whom shall be styled Deputy Vice-Chancellor;"

3. The following section is hereby substituted for section 5 of the principal Act: Substitution of section 5 of Act 15 of 1959.

"Vice-Chancellor of the University and period of office. 5. The powers, privileges, functions and duties, and the period of office of the Vice-Chancellor shall be as prescribed by the statutes."

4. The following section is hereby substituted for section 6 of the principal Act: Substitution of section 6 of Act 15 of 1959.

"Appointment of Vice-Chancellor of the University and absence or inability to perform his duties. 6. (1) The Vice-Chancellor shall be appointed by the Council in the manner prescribed by the statutes. (2) The provisions for any period of absence of the Vice-Chancellor or of his inability for any other reason to perform the duties of his office, and for any vacancy in the office of Vice-Chancellor, shall be as prescribed by the statutes."

5. The following section is hereby substituted for section 7 of the principal Act: Substitution of section 7 of Act 15 of 1959.

"Deputy Vice-Chancellor of the University and his powers, functions, etc. 7. (1) A Deputy Vice-Chancellor shall be appointed in such manner as the Council shall determine. (2) The powers, privileges, functions and duties, and the period of office of a Deputy Vice-Chancellor shall be as prescribed by the Council."

6. Section 9 of the principal Act is hereby amended— Amendment of section 9 of Act 15 of 1959.

(a) by the substitution for paragraphs (a) and (b) of subsection (1) of the following paragraphs:

"(a) the Vice-Chancellor;

(b) the Deputy Vice-Chancellor or the Deputy Vice-Chancellors, as the case may be;" and

(b) by the substitution for paragraph (a) of subsection (7) of the following paragraph:

"(a) subject to the provisions of this Act, appoint all such persons as it considers necessary for the efficient conduct of the University and determine the title, status, powers, privileges, functions and

- (m) om voorsiening te maak vir die uitbreiding van die kategorie persone wat aanvaar mag word as kandidate vir die graad magister of doktor, of vir 'n na-graadse diploma, in enige fakulteit:

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

Wysiging van artikel 1 van Wet 15 van 1959.

1. Artikel 1 van die Hoofwet word hierby gewysig deur die omskrywing van „professor” deur die volgende omskrywing te vervang:

- „(x) „professor” iemand wat 'n professor in die vaste of tydelike, voltydse of deeltydse, gesalarieerde of erepersoneel van die Universiteit is maar sluit dit nie 'n mede- of emeritusprofessor in nie; (viii)”.

Wysiging van artikel 3 van Wet 15 van 1959.

2. Artikel 3 van die Hoofwet word hierby gewysig deur paragrafe (b) en (c) van subartikel (1) deur die volgende paragrafe te vervang:

- „(b) 'n amptenaar wat die Vise-kanselier genoem word en wat ampshalwe die Rektor van die Universiteit is;
- (c) 'n amptenaar wat die Adjunk-vise-kanselier genoem word, of hoogstens drie amptenare wat elk Adjunk-vise-kanselier genoem word, na gelang die Raad van tyd tot tyd bepaal;”.

Vervanging van artikel 5 van Wet 15 van 1959.

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

- „Vise-kanselier van die Universiteit en amps-termyn.
5. Die bevoegdhede, voorregte, funksies en pligte, en die ampstermyn van die Vise-kanselier is soos deur die statute voorgeskryf.”.

Vervanging van artikel 6 van Wet 15 van 1959.

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

- „Aanstelling van Vise-kanselier van die Universiteit en afwesigheid of onvermoë om sy ampspligte uit te voer.
6. (1) Die Vise-kanselier word deur die Raad aangestel op die wyse wat die statute voorskryf.
- (2) Die bepalings ten opsigte van 'n tydperk waarin die Vise-kanselier afwesig is of om enige ander rede nie in staat is om die pligte van sy amp uit te voer nie, en van 'n vakature in die amp van Vise-kanselier, is soos deur die statute voorgeskryf.”.

Vervanging van artikel 7 van Wet 15 van 1959.

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

- „Adjunk-vise-kanselier van die Universiteit en sy bevoegdhede, funksies, ens.
7. (1) 'n Adjunk-vise-kanselier word aangestel op die wyse wat die Raad bepaal.
- (2) Die bevoegdhede, voorregte, funksies en pligte en die ampstermyn van elke Adjunk-vise-kanselier is soos deur die Raad voorgeskryf.”.

Wysiging van artikel 9 van Wet 15 van 1959.

6. Artikel 9 van die Hoofwet word hierby gewysig—

- (a) deur paragrafe (a) en (b) van subartikel (1) deur die volgende paragrafe te vervang:

- „(a) die Vise-kanselier;
- (b) die Adjunk-vise-kanselier of die Adjunk-vise-kanseliers, na gelang van die geval;”;

- (b) deur paragraaf (a) van subartikel (7) deur die volgende paragraaf te vervang:

- „(a) onderworpe aan die bepalings van hierdie Wet, al die persone aanstel wat hy vir die doeltreffende bestuur van die Universiteit nodig ag en die ampstitel, status, bevoegdhede, voorregte, funksies

duties of any person so appointed and such persons shall be subject to such disciplinary provisions as the statutes may prescribe;”.

7. Section 10 of the principal Act is hereby amended—

Amendment of
section 10 of Act
15 of 1959.

(a) by the substitution for paragraphs (a) and (b) of subsection (1) of the following paragraphs:

“(a) the Vice-Chancellor who shall *ex officio* be the chairman;

(b) the Deputy Vice-Chancellor, or the Deputy Vice-Chancellors, as the case may be;”;

(b) by the substitution for paragraph (d) of subsection (1) of the following paragraph:

“(d) the professors (other than honorary professors), the University librarian, and every member of the academic staff who, not being a professor, holds office as the head or acting head of a department;”.

8. Section 12 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph: Amendment of section 12 of Act 15 of 1959.

“(a) the Vice-Chancellor, the Deputy Vice-Chancellor, or the Deputy Vice-Chancellors, as the case may be, the Registrar and such members of the academic staff as may be specified by the statutes;”.

9. Section 17 of the principal Act is hereby amended by the substitution for paragraph (b) of the following paragraph: Amendment of section 17 of Act 15 of 1959.

“(b) accept as a candidate for the degree of master or doctor in any faculty or as a candidate for a post-graduate diploma in any faculty a person who has passed at a university or at an institution deemed by the Senate to be of university standing or at an institution specially recognized by the Senate for this purpose such examinations as are, in the opinion of the Senate, equivalent to the examinations prescribed for the degree in the University which is a prerequisite to candidature for the degree or post-graduate diploma sought by such person.”.

10. The principal Act is hereby amended by the substitution for the expression “Governor-General”, wherever it occurs, of the expression “State President”.

Substitution of the
expression “State
President” for the
expression
“Governor-
General”
wherever it
occurs in Act 15 of
1959.

11. This Act shall be called the University of the Witwatersrand, Johannesburg, (Private) Amendment Act, 1968. Short title.

en pligte bepaal van enige persoon wat aldus aangestel word en dié persone is onderworpe aan die tugbepalings wat die statute voorskryf;”.

Wysiging van artikel 10 van Wet 15 van 1959.

7. Artikel 10 van die Hoofwet word hierby gewysig—

(a) deur paragrawe (a) en (b) van subartikel (1) deur die volgende paragrawe te vervang:

„(a) die Vise-kanselier, wat ampshalwe die voorsitter is; (b) die Adjunk-vise-kanselier, of die Adjunk-vise-kanseliers, na gelang van die geval;” en

(b) deur paragraaf (d) van subartikel (1) deur die volgende paragraaf te vervang:

„(d) die professore (uitgesonderd ere-professore), die Universiteitsbibliotekaris, en elke lid van die akademiese personeel wat die amp beklee van hoof of waarnemende hoof van ’n departement ofskoon hy nie ’n professor is nie;”.

Wysiging van artikel 12 van Wet 15 van 1959.

8. Artikel 12 van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

„(a) die Vise-kanselier, die Adjunk-vise-kanselier, of die Adjunk-vise-kanseliers, na gelang van die geval, die Registrateur en dié lede van die akademiese personeel wat deur die statute gespesifiseer word;”.

Wysiging van artikel 17 van Wet 15 van 1959.

9. Artikel 17 van die Hoofwet word hierby gewysig deur paragraaf (b) deur die volgende paragraaf te vervang:

„(b) iemand wat aan ’n universiteit of ’n instelling wat deur die Senaat as van universiteitstandaard geag word of aan ’n instelling wat deur die Senaat spesiaal vir dié doel erken word, in eksamens geslaag het wat, volgens die oordeel van die Senaat, gelykwaardig is met die eksamens wat aan die Universiteit voorgeskryf is vir die graad wat ’n noodsaaklike vereiste is van kandidaatskap vir die magisters- of doktorsgraad of na-graadse diploma wat so iemand wil behaal, as kandidaat vir die graad magister of doktor in ’n fakulteit of as kandidaat vir ’n na-graadse diploma in ’n fakulteit aanneem.”.

Vervanging van die uitdrukking „Goewerneur-generaal” oral waar dit in Wet 15 van 1959 voorkom deur die uitdrukking „Staatspresident”.

10. Die Hoofwet word hierby gewysig deur die uitdrukking „Goewerneur-generaal” oral waar dit voorkom deur die uitdrukking „Staatspresident” te vervang.

Kort titel.

11. Hierdie Wet heet die Private Wysigingswet op die Universiteit van die Witwatersrand, Johannesburg, 1968.

No. 33, 1968.]

ACT

To consolidate and amend the laws relating to the Cape of Good Hope Savings Bank Society.

*(Afrikaans text signed by the Acting State President.)
(Assented to 27th March, 1968.)*

WHEREAS, at a public meeting of certain persons, in- Preamb e.
habitants of the former Colony of the Cape of Good Hope, duly holden at the Commercial Hall in Cape Town on the twenty-second day of November, in the year of Our Lord 1830, it was considered and agreed upon that it would be expedient and necessary that a new Bank for Savings should be forthwith established in the said Colony, for the purpose of receiving deposits from benevolent and charitable societies, tradesmen, mechanics, labourers, servants, children and others, as nearly according to the principles upon which similar institutions had been established in Great Britain, as the circumstances of the said Colony would permit:

AND WHEREAS at the said meeting certain persons were elected to form a Society for the establishment and management of a Bank in Cape Town, for the purposes aforesaid, according to a plan agreed on at the said meeting:

AND WHEREAS the said persons made application to His Excellency the Governor, Sir George Lowry Cole, that an Ordinance be passed to sanction and confirm the plan agreed upon at the said meeting, and to provide for carrying the same into effect and it was deemed expedient that the same should be done:

AND WHEREAS an Ordinance No. 86 of 1831 was thereafter enacted whereunder it was made lawful from and after the passing of the said Ordinance for the persons so elected and for any other persons who should from time to time in manner therein provided be elected, to be the president, vice-president, directors and members of the said Society, to be and form, and the said persons were thereby constituted and declared to be, a Society for the establishment and management of a Bank in Cape Town for the purposes aforesaid, which said Society was called "The Cape of Good Hope Savings Bank Society":

AND WHEREAS it was enacted under the said Ordinance that the persons who at the meeting aforesaid were elected to be the vice-presidents and trustees of the said Society, and whose names are inserted in Schedule 1 hereunto annexed should be respectively the first vice-presidents and directors thereof, and that the persons who at the Meeting aforesaid were elected to be the members of the said Society, and whose names are inserted in Schedule 2 hereunto annexed should be the members of the said Society:

AND WHEREAS the said Ordinance was subsequently amended by Ordinance No. 10 of 1848 and further amended by Act No. 24 of 1894 (Cape), Act No. 3 of 1924 and Act No. 11 of 1938:

No. 33, 1968.]

WET

Tot samevatting en wysiging van die wetsbepalings betreffende die Spaarbankgenootskap Kaap die Goeie Hoop.

*(Afrikaanse teks deur die Waarnemende Staatspresident geteken.)
(Goedgekeur op 27 Maart 1968.)*

Aanhef.

NADEMAAL op 'n openbare vergadering van sekere persone, inwoners van die voormalige Kolonie van die Kaap die Goeie Hoop, op die twee-en-twintigste dag van November in die jaar van ons Here 1830 in die Commercial-saal in Kaapstad behoorlik gehou, daar beskou en ooreengekom is dat dit raadsaam en nodig is dat 'n nuwe spaarbank in gemelde Kolonie onverwyld ingestel moes word met die doel om so ver in ooreenstemming met die beginsels waarvolgens soortgelyke instellings in Groot-Brittanje ingestel is, as wat die omstandighede van gemelde Kolonie sou toelaat, deposito's van ondersteunings- en liefdadigheidsgenootskappe, ambagslui, handwerksliede, arbeiders, diensbodes, kinders en andere te ontvang:

EN NADEMAAL sekere persone op gemelde vergadering gekies is om 'n genootskap te stig vir die instelling en bestuur van 'n bank in Kaapstad met die voormelde doeleindes ooreenkomstig 'n plan waaroor op gemelde vergadering ooreengekom is:

EN NADEMAAL gemelde persone by Sy Eksellensie die Goewerneur Sir George Lowry Cole daarom aansoek gedoen het dat 'n Ordonnansie aangeneem moes word ten einde die plan waaroor op gemelde vergadering ooreengekom is goed te keur en te bevestig en vir die uitvoering daarvan voorsiening te maak en dit raadsaam geag is dat dit gedoen moet word:

EN NADEMAAL 'n Ordonnansie No. 86 van 1831, daarna verorden is waarin bepaal is dat die persone aldus gekies en alle ander persone wat van tyd tot tyd op die daarin bepaalde wyse gekies word vanaf die aanname van gemelde Ordonnansie geoorloof is om die president, vise-president, direkteure en lede van gemelde genootskap te wees, om 'n genootskap vir die instelling en bestuur van 'n bank in Kaapstad met die voormelde doeleindes te wees en te vorm, en gemelde persone daarkragtens as so 'n genootskap saamgestel en verklaar is en gemelde genootskap genoem is „The Cape of Good Hope Savings Bank Society”:

EN NADEMAAL in gemelde Ordonnansie bepaal is dat die persone wat op voormelde vergadering as vise-presidente en trustees van gemelde genootskap gekies is en wie se name in Bylae 1 hierby opgeneem is, onderskeidelik die eerste vise-presidente en direkteure daarvan moes wees en dat die persone wat op voormelde vergadering as die lede van gemelde genootskap gekies is en wie se name in Bylae 2 hierby opgeneem is die lede van gemelde genootskap moes wees:

EN NADEMAAL gemelde Ordonnansie later deur Ordonnansie No. 10 van 1848 gewysig is en deur Wet No. 24 van 1894 (Kaap), Wet No. 3 van 1924 en Wet No. 11 van 1938 verder gewysig is:

AND WHEREAS owing to the length of time which had elapsed since the incorporation of the Society, and the many changes which had occurred in the methods and means of carrying on the business of a Savings Bank, and the practical inconvenience which the Society had experienced in the past through the powers of the Society being contained in a number of Ordinances and Acts of Parliament and the requirements of the Banks Act, it became expedient that the laws regulating the constitution, powers and affairs of the Society should with certain amendments be embodied in one consolidating Act:

AND WHEREAS the laws relating to the constitution, powers and affairs of the Society were with certain amendments embodied in one consolidating Act by Act No. 4 of 1949, which Act has been amended by Act No. 15 of 1965 in certain respects:

AND WHEREAS the Society has suffered prejudice and practical inconvenience because the scope of its powers and business has been unduly and unnecessarily restricted:

AND WHEREAS it is expedient that the Society should be empowered to extend the scope of its powers and business activities in order to enable it to compete on a more equal and equitable basis with other banking institutions and to conduct its business more efficiently and in accordance with modern banking methods and requirements and the provisions of the Banks Act, 1965:

AND WHEREAS it is desirable that the designations President and Vice-President respectively of the Society should be changed to Chairman and Vice-Chairman respectively of the Society:

AND WHEREAS it is expedient that the Society should be authorized to exercise its powers and conduct its business under the name of The Cape of Good Hope Savings Bank:

AND WHEREAS it is expedient that the laws relating to the constitution, powers and affairs of the Society should, with certain amendments, once more be embodied in one consolidating measure:

BE IT THEREFORE 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) "Articles" means the Articles set forth in Schedule 3; (xii)
 - (ii) "Banks Act" means the Banks Act, 1965 (Act No. 23 of 1965), and includes any amendment thereto or any Act or law substituted therefor generally or in a particular respect and made before or after the commencement of this Act; (ii)
 - (iii) "Board" means the Board of Directors of the Society; (iii)
 - (iv) "borrower" means any person who owes money to the Society upon an advance or a loan received from it; (vi)
 - (v) "general meeting" means the annual general meeting of members referred to in Article 2 of the Articles or a general meeting convened in terms of Articles 3 to 8 inclusive; (i)
 - (vi) "member" means a member of the Society; (vii)
 - (vii) "notice" means written notice forwarded to the registered address of a member, depositor or borrower, or failing any such registered address, to the last known address, given to the Society by such member, depositor or borrower, and in the absence of any address, includes publication of a notice in the *Gazette* or in a newspaper; (v)

EN NADEMAAL, aangesien so 'n lang tyd verstryk het sedert die Genootskap met regspersoonlikheid bekleed is en daar soveel veranderings in die metodes en sakebedryf van 'n spaarbank plaasgevind het en weens die praktiese ongerief wat die Genootskap in die verlede ondervind het vanweë die feit dat die bevoegdheid van die Genootskap bepaal word deur 'n aantal Ordonnansies en Parlements wette en die vereistes van die Bankwet, dit raadsaam geword het dat die wette wat die konstitusie, bevoegdheid en sake van die Genootskap reël, met sekere wysigings in een konsoliderende Wet beliggaam moes word:

EN NADEMAAL die wetsbepalings betreffende die konstitusie, bevoegdheid en sake van die Genootskap met sekere wysigings beliggaam is in een konsoliderende Wet by Wet No. 4 van 1949, en daardie Wet in sekere opsigte gewysig is deur Wet No. 15 van 1965:

EN NADEMAAL die Genootskap benadeel is en praktiese ongerief gelyk het omdat die bestek van sy bevoegdheid en sake oormatig en onnodig beperk is:

EN NADEMAAL dit raadsaam is dat die Genootskap gemagtig moet word om die bestek van sy bevoegdheid en sakebedrywigheid uit te brei om hom in staat te stel om op 'n gelyker en billiker grondslag met ander bankinstellings mee te ding, en om sy sake doeltreffender en meer in ooreenstemming met die metodes en vereistes van die moderne bankwese en die bepalinge van die Bankwet, 1965, te doen:

EN NADEMAAL dit wenslik is dat die benamings onderskeidelik President en Vice-president van die Genootskap verander behoort te word na onderskeidelik Voorsitter en Vice-voorsitter van die Genootskap:

EN NADEMAAL dit raadsaam is dat die Genootskap gemagtig moet word om sy bevoegdheid uit te oefen en sy sake te doen onder die naam Die Spaarbank Kaap die Goeie Hoop:

EN NADEMAAL dit raadsaam is dat die wetsbepalings betreffende die konstitusie, bevoegdheid en sake van die Genootskap, met sekere wysigings, weereens in een konsoliderende maatregel beliggaam word:

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

Omskrywings.

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

- (i) „algemene vergadering” die algemene jaarvergadering van lede in Artikel 2 van die Statute bedoel of 'n algemene vergadering ooreenkomstig artikels 3 tot en met 8 van die Statute belê; (v)
- (ii) „Bankwet” die Bankwet, 1965 (Wet No. 23 van 1965), en ook enige wysiging daarvan of enige Wet of wetsbepaling wat in die algemeen of in 'n bepaalde opsig in die plek daarvan gestel is en voor of na die inwerking-treding van hierdie Wet aangeneem is; (ii)
- (iii) „Direksie” die Raad van Direkteure van die Genootskap; (iii)
- (iv) „geregistreer” in die gepaste register van die Genootskap aangeteken; (ix)
- (v) „kennisgewing” skriftelike kennisgewing versend aan die geregistreerde adres van 'n lid, deposant of lener, of by ontstentenis van 'n geregistreerde adres, aan die jongste adres wat die lid, deposant of lener aan die Genootskap verstrek het, en by ontstentenis van 'n adres hoegenaamd ook die publikasie van 'n kennisgewing in die *Staatskoerant* of in 'n nuusblad; (vii)

- (viii) "person" includes a trust account, a joint account, a club and a partnership; (viii)
- (ix) "registered" means recorded in the appropriate register of the Society; (iv)
- (x) "Registrar" means the Registrar of Banks appointed in terms of the Banks Act; (ix)
- (xi) "Society" means "The Cape of Good Hope Savings Bank Society" as constituted under this Act and as existing immediately prior to the commencement of this Act; (x)
- (xii) "special resolution" means a resolution which has been passed by not less than three quarters of the members present in person at a general meeting of which not less than fourteen days notice, specifying the intention to propose the resolution as a special resolution, has been duly given. (xi)

2. The Cape of Good Hope Savings Bank Society Act, 1949 (Act No. 4 of 1949), and the Cape of Good Hope Savings Bank Society Amendment Act, 1965 (Act No. 15 of 1965), are hereby repealed with effect from the date of registration of this Act by the Registrar under the Banks Act. Repeal of laws.

3. (1) The Society as originally established and constituted under the Ordinances and Acts mentioned in the Preamble hereto shall, notwithstanding the repeal of the said Ordinances and Acts, continue in existence under the name of The Cape of Good Hope Savings Bank Society, and shall be a body corporate, with perpetual succession and the right to a common seal, with power to change the said common seal from time to time. Incorporation and continued existence of Society: Society to conduct its business under the name of The Cape of Good Hope Savings Bank.

(2) The Society shall conduct its business and exercise the powers conferred upon it by this Act under the name of The Cape of Good Hope Savings Bank.

(3) The Society shall under the name referred to in subsection (2) be capable in law of suing and being sued, and of acquiring, holding and alienating movable and immovable property, and of doing and performing such other acts and things as bodies corporate may lawfully do and perform, subject to the provisions of this Act and the Banks Act.

(4) Any reference to The Cape of Good Hope Savings Bank Society in any fund, contract, deed, bond, instrument, certificate, debenture, security, receipt, voucher, record, deposit or other book, document or writing of whatsoever nature established, issued, executed or made prior to the date of commencement of this Act, shall for all purposes be construed as a reference to The Cape of Good Hope Savings Bank.

4. (1) Subject to the provisions of section 3—

- (a) all movable and immovable property of whatsoever kind and nature including all interests and rights in and to movable and immovable property and all mortgage bonds, debts, securities, and obligations and the benefit of all existing contracts which immediately prior to the date of commencement of this Act belonged to or were held by or vested in the Society, shall at the commencement of this Act continue to vest in and belong to and be receivable, recoverable and enforceable by the Society as constituted by this Act without the necessity of any transfer, conveyance or other continuing or connecting title or separate investiture other than this Act, and nothing in this Act shall be deemed to alter or affect the continued corporate existence or the rights or liabilities of the Society; Vesting in Society of existing property, rights and liabilities.

- (vi) „lener” iemand wat aan die Genootskap geld skuld op 'n voorskot of 'n lening van die Genootskap ontvang; (iv)
- (vii) „lid” 'n lid van die Genootskap; (vi)
- (viii) „persoon” of „iemand” ook 'n trustrekening, 'n gesamentlike rekening, 'n klub en 'n vennootskap; (viii)
- (ix) „Registrateur” die Registrateur van Banke kragtens die Bankwet aangestel; (x)
- (x) „Genootskap” die „Spaarbankgenootskap Kaap die Goeie Hoop” soos kragtens hierdie Wet saamgestel en soos dit onmiddellik voor die inwerkingtreding van hierdie Wet bestaan het; (xi)
- (xi) „spesiale besluit” 'n besluit aangeneem deur minstens drie kwart van die lede wat self teenwoordig is op 'n algemene vergadering waarvan minstens veertien dae vooruit behoorlik kennis gegee is met vermelding van die voorneme om die besluit as 'n spesiale besluit voor te stel; (xii)
- (xii) „Statute” die Statute in Bylae 3 uiteengesit. (i)

Herroeping van Wette.

2. Die Wet op die Spaarbankgenootskap Kaap die Goeie Hoop, 1949 (Wet No. 4 van 1949), en die Wysigingswet op die Spaarbankgenootskap Kaap die Goeie Hoop, 1965 (Wet No. 15 van 1965), word hierby herroep met ingang van die datum van registrasie van hierdie Wet deur die Registrateur ingevolge die Bankwet.

Verlening van regspersoonlikheid aan en voortgesette bestaan van Genootskap: Genootskap sy sake te doen onder die naam Die Spaarbank Kaap Die Goeie Hoop.

3. (1) Die Genootskap soos oorspronklik ingestel en saamgestel ingevolge die Ordonnansies en Wette in die Aanhef vermeld, bly, ondanks die herroeping van gemelde Ordonnansies en Wette, voortbestaan onder die naam van die Spaarbankgenootskap Kaap die Goeie Hoop, en is 'n regspersoon met ewigdurende regsopvolging en die reg op 'n gemeenskaplike seël met bevoegdheid om gemelde gemeenskaplike seël van tyd tot tyd te verander.

(2) Die Genootskap doen sy sake en oefen die bevoegdhede wat hierdie Wet aan hom verleen uit onder die naam Die Spaarbank Kaap die Goeie Hoop.

(3) Die Genootskap kan, onder die naam in subartikel (2) vermeld, as eiser en as verweerder in regte optree en kan sowel los- as vasgoed verkry, besit en vervreem, en alle ander handelinge verrig en dinge doen wat regspersone regtens kan verrig en doen, met inagneming van die bepalings van hierdie Wet en die Bankwet.

(4) 'n Verwysing na Die Spaarbankgenootskap Kaap die Goeie Hoop in enige fonds, kontrak, akte, verband, stuk, sertifikaat, obligasie, sekuriteit, kwitansie, bewys, oorkonde, deposito of ander boek, dokument of geskrif van watter aard ook al wat ingestel, uitgereik, verly of gemaak is voor die datum van inwerkingtreding van hierdie Wet, word vir alle doeleindes uitgelê as 'n verwysing na Die Spaarbank Kaap die Goeie Hoop.

Huidige eiendom, regte en laste gaan op Genootskap oor.

4. (1) Behoudens die bepalings van artikel 3—

- (a) bly alle los- en vasgoed van watter aard ook al met inbegrip van alle belange by en regte op los- en vasgoed en alle verbande, skulde, sekuriteite en verpligtings en die voordeel van alle bestaande kontrakte wat onmiddellik voor die datum van inwerkingtreding van hierdie Wet aan die Genootskap behoort het of in sy besit was of by hom berus het by die inwerkingtreding van hierdie Wet berus by en in die besit van en is dit ontvangbaar, verhaalbaar, en afdwingbaar deur die Genootskap soos kragtens hierdie Wet ingestel sonder dat 'n oordrag, transport of ander voortsettende of verbindende eiendomsreg of afsonderlike regsverlening behalwe hierdie Wet nodig is, en word daar nie geag dat hierdie Wet die voortbestaan as regspersoon of die regte of verpligtinge van die Genootskap enigins verander of raak nie;

- (b) all causes and rights of action, suits, references, arbitrations or other proceedings which existed and were in any manner enforceable by or against the Society immediately prior to the commencement of this Act shall be and remain as good, valid and effectual by or for or against the Society as they would or might have been by or for or against the Society if this Act had not been passed;
- (c) all persons who immediately prior to the commencement of this Act were depositors or creditors of the Society shall be and remain depositors or creditors as the case may be of the Society as constituted by this Act, and shall be subject to the provisions thereof; and
- (d) all debts, liabilities and obligations of whatsoever kind incurred or undertaken by the Society or by the directors or officers thereof or by any other person in the name and on behalf of the Society and valid and subsisting against the Society immediately prior to the commencement of this Act shall be and are hereby declared to be valid and subsisting against the Society as if the said debts, liabilities and obligations had been incurred or undertaken by the Society under this Act, and any person entitled to any right, claim, demand or relief against the Society immediately prior to the commencement of this Act shall continue to be so entitled.

(2) Subject to the provisions of this Act, any appointment or regulation made or action taken or thing done or deemed to have been made, taken or done under or by virtue of any provision of any law repealed by section 2 of this Act, including all resolutions, regulations and byelaws approved or made by the Society or the Board shall be deemed to have been approved, made, taken, or done under or by virtue of the corresponding provision of this Act, and shall be as valid as if this Act had not been passed.

5. (1) The objects of the Society shall be as follows:

Objects and Powers.

- (a) to carry on, continue, extend and develop as the Board may deem expedient the business of a banking institution as defined in section 1 of the Banks Act, at Cape Town and at such other places as the Board may from time to time determine;
- (b) to acquire in any manner and take over in whole or in part the business, goodwill, assets and liabilities of any other banking institution, company or society having objects similar to those of the Society;
- (c)
 - (i) to amalgamate with any other banking institution, company or society having objects similar to those of the Society;
 - (ii) to enter into any agreement for the sharing of profits, consolidation of interests, co-operation or otherwise with any person doing business or about to do business or taking part in business which the Society is empowered to do;
 - (iii) to acquire, purchase, sell, own or trade in any shares, debentures or obligations or any interest in the capital, income or profit of any other banking institution, company or person having objects wholly or partly similar to those of the Society;
- (d) to make, sign, accept, endorse, negotiate, discount and execute promissory notes, bills of exchange and other negotiable instruments and to deal in any manner in hire purchase agreements, contracts of sale with suspensive conditions, leases with options to purchase,

- (b) is en bly alle skuldoorsake en regte op regs-vordering, regsgedinge, verwysings, arbitrasies of ander geregtelike stappe wat voor die inwerkingtreding van hierdie Wet bestaan het en wat op enige wyse onmiddellik voor sodanige inwerkingtreding deur of teen die Genootskap afdwingbaar was net so gegrond, geldig en bindend deur of vir of teen die Genootskap as wat hulle deur of vir of teen die Genootskap sou of mag gewees het indien hierdie Wet nie aangeneem was nie;
 - (c) is en bly alle persone wat onmiddellik voor die inwerkingtreding van hierdie Wet deposante of krediteure van die Genootskap was, deposante of krediteure, na gelang van die geval, van die Genootskap soos kragtens hierdie Wet ingestel en is hulle aan die bepalings daarvan onderhewig;
 - (d) is en bly alle skulde, laste en verpligtings van watter aard ook al wat deur die Genootskap of deur sy direkteure of amptenare of deur 'n ander persoon namens en ten behoeve van die Genootskap aangegaan of onderneem is en wat onmiddellik voor die inwerkingtreding van hierdie Wet geldig was en teen die Genootskap bestaan het, geldig en bestaan teen die Genootskap en word dit hierby as sodanig verklaar asof gemelde skulde, laste en verpligtings deur die Genootskap kragtens hierdie Wet aangegaan of onderneem was en behou iemand wat onmiddellik voor die inwerkingtreding van hierdie Wet op 'n reg, eis, voordeeling of verligting teen die Genootskap aanspraak gehad het, daardie aanspraak.
- (2) Behoudens die bepalings van hierdie Wet word enige aanstelling wat gemaak is of regulasie wat uitgevaardig is of handeling wat verrig is of ding wat gedoen is, of wat geag is gemaak, uitgevaardig, verrig of gedoen te gewees het kragtens of uit hoofde van 'n bepaling van 'n Wet by artikel 2 van hierdie Wet herroep, met inbegrip van alle besluite, regulasies en verordenings deur die Genootskap of die Direksie goedgekeur of uitgevaardig, geag goedgekeur, uitgevaardig, gemaak, verrig of gedoen te wees kragtens of uit hoofde van die ooreenstemmende bepaling van hierdie Wet en is dit net so geldig asof hierdie Wet nie aangeneem was nie.

Oogmerke en
Bevoegdhede.

5. (1) Die oogmerke van die Genootskap is soos volg:
- (a) om die bedryf van 'n bankinstelling, soos omskryf in artikel 1 van die Bankwet uit te oefen, voort te sit, uit te brei en te ontwikkel, na gelang die Direksie dit raadzaam ag, te Kaapstad en op die ander plekke wat die Direksie van tyd tot tyd bepaal;
 - (b) om die bedryf, klandisiewaarde, bates en laste van 'n ander bankinstelling, maatskappy of genootskap met dieselfde oogmerke as die van die Genootskap, op enige wyse te verkry en in sy geheel of gedeeltelik oor te neem;
 - (c)
 - (i) om saam te smelt met enige ander bankinstelling, maatskappy of genootskap met dieselfde oogmerke as die van die Genootskap;
 - (ii) om enige ooreenkoms aan te gaan vir deelname in die winste, vereniging van belange, samewerking of andersins met enige persoon wat sake doen of op die punt staan om sake te doen, of wat deelneem aan sake wat die Genootskap gemagtig is om te doen;
 - (iii) om aandele, obligasies of verpligtings of enige belang in die kapitaal, inkomste of wins van enige ander bankinstelling, maatskappy of persoon, met oogmerke wat geheel of gedeeltelik met die van die Genootskap ooreenstem, te verkry, aan te koop, te verkoop, te besit of daarin handel te dryf;
 - (d) om promesses, wissels en ander verhandelbare stukke te maak, verly, aksepteer, onderteken, endosseer, verhandel en verdiskonteer, en om op enige wyse in huurkoopkontrakte, verkoopkontrakte met opskortende voorwaardes, huurkontrakte met die opsie om te koop,

agreements providing for suspended payments and similar agreements and to acquire rights under such agreements, to discount same and to lend and advance money against security thereof on such terms and conditions as the Board may determine;

- (e) (i) to acquire land or leases of land and to erect buildings thereon primarily required for the administration of the Society's affairs, and from time to time to alienate such land or terminate or cede such leases and acquire or hire other or further land for like purposes, and to let such portion of the buildings in which the business of the Society is carried on as may not be required for the purposes of the Society;
- (ii) subject to the approval of the Registrar in writing to purchase or otherwise acquire immovable property other than that referred to in subparagraph (i) whether for the purpose of erecting dwellings or other buildings thereon or otherwise and to sell, let or otherwise dispose of such immovable property, dwellings or other buildings on such terms and conditions as the Board may determine;
- (iii) to act as agents for the purchase and sale of any movable or immovable property, shares, stock, debentures or securities of any company registered in the Republic or elsewhere or in connection with any financial, commercial or other transaction, and to hold, sell or deal in any manner with such shares, stock, debentures or securities for its own account;
- (f) to buy in, dispose of or administer immovable property or other assets mortgaged or pledged to the Society;
- (g) subject to the provisions of the Banks Act and to such terms and conditions as the Board may in its discretion determine, to receive deposits from any person including a married woman or person under legal disability, and to reject or refuse to receive such deposits;
- (h) to lend out and invest the funds of the Society in the manner hereinafter provided;
- (i) to invest or re-invest from time to time such funds as are the property or are under the management or control of the Society in any or all of the following institutions, equities or securities—
 - (i) first mortgage of immovable property in the Republic: Provided that the Society may invest in a mortgage other than a first mortgage upon any such immovable property if the Society is registered in the Deeds Registry as the holder of all existing mortgage bonds on any such property: Provided further that the Society may hold as collateral security for the amount due on any mortgage bond any personal suretyship or pledge of any other asset not being immovable property;
 - (ii) deposits with or stock or securities of or loans to any local institution contemplated by section 84 (f) of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961), within the Republic or the territory of South-West Africa;
 - (iii) deposits with or stock or securities of or loans to the National Finance Corporation of South Africa, established by the National Finance Corporation Act, 1949 (Act No. 33 of 1949);
 - (iv) deposits with a permanent building society registered under the Building Societies Act, 1965 (Act No. 24 of 1965);

- ooreenkomste wat voorsiening maak vir opgeskorte betalings en soortgelyke ooreenkomste sake te doen, en om regte kragtens sodanige ooreenkomste te verkry, om dit te verdiskonteer, en om geld teen die sekerheid daarvan uit te leen en voor te skiet op die bedinge en voorwaardes wat die Direksie bepaal;
- (e) (i) om grond of huurkontrakte ten opsigte van grond te verkry en om geboue wat in die eerste plek vir die bestuur van die Genootskap se sake nodig is daarop op te rig, en van tyd tot tyd sodanige grond te vervreem of sodanige huurkontrakte te beëindig of oor te dra en om ander of nog grond vir dergelyke doeleindes te verkry of te huur, en dié gedeelte van die geboue waarin die sake van die Genootskap gedoen word wat nie vir die doeleindes van die Genootskap nodig is nie, te verhuur;
- (ii) om behoudens die skriftelike goedkeuring van die Registrateur ander vasgoed as dié in subparagraaf (i) bedoel, aan te koop of andersins te verkry hetsy met die doel om wonings of ander geboue daarop op te rig of andersins, en om sodanige vasgoed, wonings of ander geboue te verkoop, verhuur of andersins daarvoor te beskik op die bedinge en voorwaardes wat die Direksie bepaal;
- (iii) om as agente op te tree vir die koop en verkoop van losgoed of vasgoed, aandele, effekte, obligasies of sekuriteite van enige maatskappy in die Republiek of elders geregistreer of in verband met enige finansiële, handels- of ander transaksie, en om sodanige aandele, effekte, obligasies of sekuriteite vir sy eie rekening te hou, verkoop of op enige wyse daarmee te handel;
- (f) om vasgoed of ander bates wat aan die Genootskap verhipotekeer of verpand is in te koop, van die hand te sit of te administreer;
- (g) behoudens die bepalinge van die Bankwet en die bedinge en voorwaardes wat die Direksie na goeddunke bepaal, om deposito's van enige persoon, met inbegrip van 'n getroude vrou of 'n persoon wat handelingsonbevoeg is, te ontvang, asook om sodanige deposito's van die hand te wys of te weier om dit te ontvang;
- (h) om die fondse van die Genootskap op die wyse hieronder bepaal, uit te leen en te belê;
- (i) om van tyd tot tyd die gelde wat die eiendom van die Genootskap is of wat onder sy bestuur of beheer staan in engeen van of al die volgende instellings, effekte of sekuriteite te belê of herbelê—
- (i) eerste verband op onroerende eiendom in die Republiek: Met dien verstande dat die Genootskap in 'n ander verband as eerste verband op sodanige onroerende eiendom kan belê indien die Genootskap in die kantoor van die Registrateur van Aktes as die houer van alle bestaande verbande op daardie onroerende eiendom geregistreer is: Met dien verstande voorts dat die Genootskap 'n persoonlike borgtog of pand van 'n ander bate as onroerende eiendom as bykomende sekuriteit vir die bedrag op 'n verband verskuldig, kan hou;
- (ii) deposito's by of effekte of sekuriteite van of lenings aan 'n plaaslike instelling bedoel in artikel 84 (f) van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961), binne die Republiek of die gebied Suidwes-Afrika;
- (iii) deposito's by of effekte of sekuriteite van of lenings aan die Nasionale Finansiële korporasie van Suid-Afrika ingestel by die Wet op die Nasionale Finansiële korporasie, 1949 (Wet No. 33 van 1949);
- (iv) deposito's by 'n permanente bouvereniging wat kragtens die Bouverenigingswet, 1965 (Wet No. 24 van 1965), geregistreer is;

- (v) debentures, stock or securities of the Rand Water Board, or the Electricity Supply Commission, or any other body established by or under any law and supported wholly or partly by public funds;
- (vi) deposits with or loans to any banking institution as defined in section 1 of the Banks Act;
- (vii) deposits or credit balances with the Reserve Bank;
- (viii) debentures, bills or stock issued by the Land and Agricultural Bank of South Africa;
- (ix) deposits with or bills, bonds or securities issued or guaranteed by the Government of the Republic; or
- (x) such other investments as the Registrar may, by notice in the *Gazette*, approve as liquid assets or prescribed investments in terms of section 1 of the Banks Act;
- (j) subject to the provisions of section 12, to lend money to members and other persons against the security of their deposits with the Society and any other collateral security required and approved by the Board;
- (k) subject to the approval of the Registrar in writing, to borrow or raise any sum or sums of money from time to time for any of the purposes of the Society, upon pledge of its assets or otherwise;
- (l)
 - (i) to promote and support schemes for providing pensions and allowances and guarantee, benefit and other funds for or in connection with the employees and former employees of the Society and their widows and dependants;
 - (ii) to donate moneys from the Society's nett profits to charitable, benevolent, educational, scholastic or other public bodies;
- (m)
 - (i) to act on a commission basis as agent of an insurance company or society in effecting insurance in respect of immovable property mortgaged or to be mortgaged to the Society and designed to secure any debt to the Society, or any other insurance and to collect on behalf of any such company or society the premiums in respect of any insurance so effected and of any insurance policy pledged to the Society;
 - (ii) generally to act as agents or trustees or insurance brokers and to appoint agents to act generally or for a particular purpose in its stead;
- (n) to appoint and employ conveyancers, surveyors, lawyers and other professional men for the purpose of drafting plans, bills, petitions, bonds, deeds of transfer and other deeds, documents and instruments, and surveying, giving notice and performing all such other acts as the Board may deem necessary or expedient in the interests of the Society, but which the Society is not empowered to perform as part of its authorized business;
- (o) to act as managers, secretaries, transfer secretaries, underwriters, financial and economic advisers or advisers in any other capacity;
- (p) subject to the provisions of section 20, to distribute to depositors of the Society from time to time, out of the nett profits of the Society, such sum or sums of money as the Board may deem fit;
- (q) generally, to do all such things as may be conducive or incidental to the attainment of any or all of the Society's aforesaid objects.

(2) Subject to the provisions of the Banks Act, this Act and any other applicable law, the Society shall have full and unrestricted power to do everything that may be necessary to enable it to achieve all or any of its aforesaid objects: Provided

- (v) obligasies, effekte of sekuriteite van die Rand-watteraad of die Elektrisiteitsvoorsieningskommissie, of 'n ander liggaam by of kragtens enige wet ingestel en wat geheel en al of gedeeltelik deur openbare fondse ondersteun word;
 - (vi) deposito's by of lenings aan 'n bankinstelling soos omskryf in artikel 1 van die Bankwet;
 - (vii) deposito's of kreditsaldo's by die Reserwebank;
 - (viii) obligasies, wissels of effekte deur die Land- en Landboubank van Suid-Afrika uitgereik;
 - (ix) deposito's by of wissels, verbande of sekuriteite uitgereik of gegarandeer deur die Regering van die Republiek; of
 - (x) die ander beleggings wat die Registrateur by kennisgewing in die *Staatskoerant* as likwiede bates of voorgeskrewe beleggings kragtens artikel 1 van die Bankwet goedkeur;
 - (j) om, behoudens die bepalings van artikel 12, geld te leen aan lede en ander persone teen die sekuriteit van hul deposito's by die Genootskap en enige ander bykomende sekuriteit wat die Direksie vereis en goedkeur;
 - (k) om, behoudens die skriftelike goedkeuring van die Registrateur van tyd tot tyd 'n bedrag of bedrae geld vir enige van die doeleindes van die Genootskap teen verpanding van sy bates of andersins te leen of op te neem;
 - (l)
 - (i) om skemas vir die voorsiening van pensioene en toelaes en garansie-, bystands- en ander fondse vir of in verband met die werknemers en voormalige werknemers van die Genootskap en hulle weduwees en afhanklikes te bevorder en ondersteun;
 - (ii) om gelde uit die netto winste van die Genootskap aan liefdadigheids-, onderstands-, opvoedkundige, akademiese of ander openbare liggame te skenk;
 - (m)
 - (i) om as verteenwoordiger van 'n versekeringsmaatskappy of -vereniging op 'n kommissiegrondslag op te tree om versekering te bewerkstellig ten opsigte van onroerende eiendom wat aan die Genootskap verhipotekeer is of staan te word, en wat beoog om 'n skuld aan die Genootskap te versekureer, of om enige ander versekering te bewerkstellig, en om namens so 'n maatskappy of vereniging die premies in te vorder ten opsigte van 'n versekering aldus bewerkstellig en van 'n versekeringspolis aan die Genootskap verpand;
 - (ii) in die algemeen, om as agente of trustees of assuransiemakelaars op te tree en om agente aan te stel om in die algemeen of vir 'n bepaalde doel in sy plek op te tree;
 - (n) om transportbesorgers, landmeters, regsgeleerdes en ander beroepslui aan te stel en in diens te neem vir die opstel van planne, wetsontwerpe, versoekskrifte, verbandaktes, oordrag- en ander aktes, dokumente en stukke, asook om opmetings te doen, kennis te gee en alle ander handeling te verrig wat die Direksie nodig of raadsaam ag in die belang van die Genootskap, maar wat die Genootskap nie gemagtig is om as deel van sy gemagtigde sake te verrig nie;
 - (o) om op te tree as bestuurders, sekretarisse, oordrag-sekretarisse, onderskrywers, finansiële en ekonomiese adviseurs, of as adviseurs in enige ander hoedanigheid;
 - (p) om, behoudens die bepalings van artikel 20, van tyd tot tyd uit die netto winste van die Genootskap die bedrag of bedrae geld wat die Direksie goedvind, onder deposante van die Genootskap te verdeel;
 - (q) om in die algemeen al die dinge te doen wat bevorderlik is vir of in verband staan met die bereiking van enige van of al die voormelde oogmerke van die Genootskap.
- (2) Behoudens die bepalings van die Bankwet, hierdie Wet en enige ander toepaslike wet, het die Genootskap volle en onbeperkte bevoegdheid om alles te doen wat nodig is om hom in staat te stel om enige van of al sy voormelde oogmerke te bereik:

that nothing contained in this section shall be construed as authorizing the Society to acquire the controlling interest in a company without the prior approval in writing of the Registrar.

6. The Society shall consist of the directors and members whose qualifications shall be as provided in the Articles. Constitution of Society.

7. The directors of the Society in office immediately prior to the commencement of this Act shall continue in office as directors until they retire in rotation as provided in the Articles, unless they shall sooner die, resign, or become disqualified. Directors to continue in office.

8. All members who were members immediately prior to the commencement of this Act shall, subject to the provisions of this Act, continue to be members. Members to continue as members.

9. All officers and employees of the Society who were in office or in the employ of the Society immediately prior to the commencement of this Act shall continue to hold and enjoy their respective offices and employment as officers and employees of the Society and shall be subject to the like conditions, obligations and penalties and to the like powers of removal and to the like rules, restrictions and regulations in all respects as if they had been appointed under this Act and had been and were at all times officers and employees of the Society. Officers and employees to continue in office.

10. The auditors of the Society who were in office immediately prior to the commencement of this Act shall continue in office as auditors of the Society until the first annual general meeting of the Society to be held thereafter unless they shall sooner die, resign, become disqualified or be removed from office. Auditors to continue in office.

11. The business of the Society shall be conducted and managed by a Board of not less than five and not more than nine directors, who shall, subject to the provisions of this Act, be empowered to do all such things as it shall consider necessary for the achievement of the objects and the promotion of the welfare of the Society and for the efficient transaction of its business. Board of directors.

12. The Society shall not lend money to any of its directors or to the spouse of any director or to any company or syndicate of which a director of the Society is a director or to any partnership of which a director of the Society is a partner. Directors shall not borrow from Society.

13. The directors shall be remunerated for their services as directors by payment out of the funds of the Society of a sum of sixteen thousand five hundred rand per annum or such greater sum as the members in general meeting shall from time to time determine, which sum shall be divided among the directors in such proportions as the Board may determine. Remuneration of directors.

14. (1) (a) When a director of the Society is required to perform special or extra services he may be paid such remuneration as the Board may determine in respect of such services, from the funds of the Society. Director or member may act for the Society for remuneration.

(b) Such remuneration shall be in addition to and not in lieu of the remuneration referred to in section 13.

(2) (a) Any member (not being a director) may be employed by or act for the Society and may be paid such remuneration as the Board may determine in respect of such employment or service.

(b) Such remuneration shall be in addition to and not in lieu of the fee or allowance referred to in section 17(2).

Met dien verstande dat die bepalings van hierdie artikel nie so uitgelê word dat dit die Genootskap magtig om die beherende belang in 'n maatskappy te verkry sonder die vooraf verkreeë skriftelike goedkeuring van die Registrateur nie.

Samestelling van Genootskap.

6. Die Genootskap bestaan uit die direkteure en lede wie se kwalifikasies is soos in die Statute voorgeskrif word.

Direkteure bly aan.

7. Die Direkteure van die Genootskap wat onmiddellik voor die inwerkingtreding van hierdie Wet dié amp bekleë het, bly direkteure van die Genootskap totdat hulle om die beurt aftree soos bepaal in die Statute tensy hulle eerder sterf, bedank of onbevoeg raak.

Lede bly aan.

8. Alle lede wat onmiddellik voor die inwerkingtreding van hierdie Wet lede was, bly lede behoudens die bepalings van hierdie Wet.

Amptenare en werknemers bly aan.

9. Alle amptenare en werknemers van die Genootskap wat onmiddellik voor die inwerkingtreding van hierdie Wet hul ampte bekleë het of in diens van die Genootskap was, bly in hulle onderskeie ampte en diens as amptenare en werknemers van die Genootskap aan en is onderhewig aan dieselfde voorwaardes, verpligtings en strawwe en aan dieselfde ontslagbevoegdhede en aan dieselfde reëls, beperkings en regulasies in alle opsigte asof hulle kragtens hierdie Wet aangestel was en te alle tye amptenare en werknemers van die Genootskap was.

Ouditeurs bly aan.

10. Die ouditeurs van die Genootskap wat onmiddellik voor die inwerkingtreding van hierdie Wet die ouditeurs van die Genootskap was, bly die ouditeurs van die Genootskap tot die eerste algemene jaarvergadering van die Genootskap wat daarna gehou word tensy hulle eerder sterf, bedank, onbevoeg raak of ontslaan word.

Raad van direkteure.

11. Die werksaamhede van die Genootskap word verrig en bestuur deur 'n Direksie van minstens vyf en hoogstens nege direkteure wat behoudens die bepalings van hierdie Wet gemagtig word om alles te doen wat hy nodig ag ter bereiking van die oogmerke en ter bevordering van die welsyn van die Genootskap en die doeltreffende verrigting van sy werksaamhede.

Direkteure mag nie van Genootskap leen nie.

12. Die Genootskap leen nie geld aan een van sy direkteure of aan die eggenote van 'n direkteur of aan 'n maatskappy of sindikaat waarvan 'n direkteur van die Genootskap 'n direkteur is of aan 'n vennootskap waarvan 'n direkteur van die Genootskap 'n vennoot is nie.

Vergoeding van direkteure.

13. Die direkteure word vir hulle diens as direkteure vergoed deur die betaling uit die fondse van die Genootskap van 'n bedrag van sestienduiseend vyfhonderd rand per jaar of die groter bedrag wat van tyd tot tyd deur die lede op 'n algemene vergadering vasgestel word en dié bedrag word onder die direkteure verdeel in die verhouding wat die Direksie bepaal.

Direkteur of lid kan vir die Genootskap optree teen vergoeding.

14. (1) (a) Wanneer daar van 'n direkteur van die Genootskap vereis word om spesiale of buitengewone dienste te verrig, kan daar aan hom ten opsigte van daardie dienste die vergoeding wat die Direksie vasstel uit die fondse van die Genootskap betaal word.
- (b) Sodanige vergoeding is benewens die vergoeding in artikel 13 bedoel, en nie in plaas daarvan nie.
- (2) (a) 'n Lid wat nie 'n direkteur is nie kan deur die Genootskap in diens geneem word of kan namens die Genootskap optree, en daar kan aan so 'n lid ten opsigte van sodanige indiensneming of optrede die vergoeding wat die Direksie vasstel, betaal word.
- (b) Sodanige vergoeding is benewens die honorarium of toelae in artikel 17 (2) bedoel, en nie in plaas daarvan nie.

15. If the membership of the Society at any time falls below one hundred, and the members at the first general meeting held thereafter fail after notification to elect additional members so as to bring the membership up to not less than one hundred, the Board shall elect sufficient members to bring the membership up to that number.

Number of
members.

16. The members of the Society may at any general meeting—

Powers of
members at
general meeting.

- (a) give to the Board all such directions relative to the transaction of the business of the Society as the said meeting may deem fit, and as are not inconsistent with the provisions of this Act or the Articles;
- (b) confirm, repeal, alter or amend any of the Articles or make such new Articles as they may deem expedient;
- (c) elect as members such fit and proper adult male persons ordinarily resident in Cape Town or within fifty miles from the head office of the Society as they may deem fit, and who shall signify in writing their acceptance of the said office;
- (d) elect fit, proper and qualified adult male persons to fill any vacancies which may have occurred on the Board.

17. (1) Two members of the Society shall attend at the office or place of business thereof in rotation, in such manner and at such times for the purpose of rendering such services as the Board may determine.

Members to
perform duties.

(2) Such members shall be paid, in respect of such services, the fee or allowance provided for in the Articles.

18. (1) The Reserves of the Society, representing the amount standing to the credit of the General Reserve, the Government and other Stock Reserve, the Special Reserve, and the Special Provisions reflected in the books of the Society immediately prior to the commencement of this Act, shall remain vested in the Society and may at the discretion of the Board be applied to meet any contingency or for any other purpose to which the profits of the Society may properly be applied.

Finance.

(2) The Board may in its discretion from time to time increase the said Reserves or Special Provisions or establish similar or any other Reserves or Special Provisions out of the profits accruing to the Society from time to time, or merge or re-designate such Reserves or Special Provisions for the purposes referred to in subsection (1).

19. (1) Whenever the Board makes a donation from the profits of the Society as contemplated in section 5 (1) (I) (ii), the amount of such donation shall be disclosed in the annual report to members.

Grants for
charitable or other
purposes.

(2) The total amount of such donations shall not in any one year exceed an amount equal to ten per cent of the nett profits of the Society for the immediately preceding year: Provided that the members may at the annual general meeting authorize the payment of a greater amount.

20. In the exercise of its powers under section 5 (1) (p), the Board may from time to time, set aside out of the nett profits of the Society in any year, such sum as it may deem expedient for the purpose of making a distribution by way of bonus interest to depositors of the Society in such manner as the Board may in its discretion determine.

Distribution to
depositors.

21. (1) If a depositor has at any time failed to operate on his account for a period of twenty-one years, and fails to reply within three months to a notice calling upon him to accept payment of the amount due to him, the Board may pay into

Payment into
Guardian's
Fund of certain
deposits in
certain
circumstances.

Ledetal.

15. Indien die ledetal van die Genootskap te eniger tyd minder as eenhonderd word en die lede op die eerste algemene vergadering wat daarna gehou word, na kennisgewing versuim om bykomende lede te kies ten einde die ledetal op minstens eenhonderd te staan te bring, kies die Direksie genoeg lede om die ledetal op daardie getal te staan te bring.

Bevoegdhede van lede op algemene vergadering.

16. Die lede van die Genootskap kan op 'n algemene vergadering—

- (a) alle voorskrifte betreffende die verrigting van die werksaamhede van die Genootskap aan die Direksie gee wat gemelde vergadering goedvind en wat nie in stryd met die bepalings van hierdie Wet of die Statute is nie;
- (b) enige van die Statute bekragtig, herroep, verander of wysig of die nuwe artikels wat hulle raadsaam ag, aanneem;
- (c) sodanige bevoegde en geskikte volwasse manlike persone, wat hulle gewone verblyfplek in Kaapstad of binne vyftig myl van die hoofkantoor van die Genootskap het, as wat hulle goedvind, as lede kies en wat skriftelik te kenne moet gee dat hulle lidmaatskap aanvaar;
- (d) geskikte en bevoegde volwasse manlike persone kies om vakatures wat in die Direksie ontstaan het, te vul.

Lede moet pligte verrig.

17. (1) Twee lede van die Genootskap moet om die beurt hul opwagting by die kantoor of sakeplek van die Genootskap maak op die wyse en tye en met die doel om die dienste te verrig wat die Direksie bepaal.

(2) Aan sodanige lede word ten opsigte van sodanige dienste, die honorarium of toelae betaal waarvoor daar in die Statute voorsiening gemaak word.

Finansies.

18. (1) Die Reserwes van die Genootskap, wat bestaan uit die bedrae in die kredit van die Algemene Reserwe, die Reserwe van Staats- en ander effekte, die Spesiale Reserwe en die Spesiale Voorsienings, wat onmiddellik voor die inwerkingtreding van hierdie Wet in die boeke van die Genootskap aangegee is, bly berus by die Genootskap en kan na goeddunke van die Direksie aangewend word om gebeurlikhede te bestry of vir enige ander doel waarvoor dit geoorloof is om die winste van die Genootskap aan te wend.

(2) Die Direksie kan gemelde Reserwes of Spesiale Voorsienings van tyd tot tyd na goeddunke vergroot of soortgelyke of enige ander Reserwes of Spesiale Voorsienings instel uit die winste wat van tyd tot tyd aan die Genootskap toeval, of sodanige Reserwes of Spesiale Voorsienings saamvoeg of hernoem vir die doeleindes in subartikel (1) vermeld.

Toekennings vir liefdadigheids- of ander doeleindes.

19. (1) Wanneer die Direksie uit die winste van die Genootskap 'n skenking doen soos in artikel 5 (1) (i) (ii) beoog, moet die bedrag van so 'n skenking in die jaarverslag aan lede geopenbaar word.

(2) Die totaalbedrag van sodanige skenkings mag nie in 'n enkele jaar 'n bedrag gelyk aan tien persent van die netto winste van die Genootskap vir die onmiddellik voorafgaande jaar oorskry nie: Met dien verstande dat die lede die betaling van 'n groter bedrag op die algemene jaarvergadering kan magtig.

Uitdeling onder deposante.

20. Die Direksie kan, by die uitoefening van sy bevoegdhede ingevolge artikel 5 (1) (p), van tyd tot tyd uit die netto winste van die Genootskap in enige jaar die bedrag afsonder wat hy raadsaam ag om 'n uitdeling by wyse van bonusrente onder deposante van die Genootskap te doen op die wyse wat die Direksie na goeddunke bepaal.

Storting van sekere bedrae in Voogdyfonds onder sekere omstandighede.

21. (1) Indien 'n deposant te eniger tyd vir 'n tydperk van een-en-twintig jaar versuim het om op sy rekening te opereer en versuim om binne drie maande te antwoord op 'n kennisgewing dat hy betaling van die bedrag aan hom verskuldig moet ontvang, kan die Direksie die bedrag in die kredit van die

the Guardian's Fund as constituted under the Administration of Estates Act, 1965 (Act No. 66 of 1965), the amount standing to the credit of such depositor on the date when the account was last operated on, together with such interest as may be due from that date: Provided that the amount of such interest shall not exceed the amount standing to the credit of such depositor at such date.

(2) The Society shall, after such payment into the Guardian's Fund, be absolved from any further liability in respect of such depositor's account.

22. Subject to the provisions of the Banks Act and to such terms and conditions as the Board in its discretion may determine, the Society shall repay to any depositor or his lawful representative any deposit or part thereof together with interest at such rates as the Society may from time to time allow, and the receipt of any such depositor or his lawful representative shall be a sufficient discharge to the Society to the extent of such repayment, notwithstanding any legal disability of such depositor or his lawful representative. Repayment of deposits.

23. (1) Subject to the provisions of the Pension Funds Act, 1956 (Act No. 24 of 1956), the Amalgamated Pension Fund of the Cape of Good Hope Savings Bank Society, established under section 22 (1) of the Cape of Good Hope Savings Bank Society Act, 1949 (and hereinafter in this section referred to as "the Fund") shall, notwithstanding the repeal of that Act by this Act, continue in existence in all respects as if established under this Act. Pension Fund.

(2) The trustees of the Fund shall be the members of the Board and the general manager or secretary for the time being of the Society.

(3) The trustees shall have the same powers of investment and administration in respect of the Fund as they have in respect of the general funds of the Society, including the power to administer, purchase and dispose of immovable property and other assets mortgaged or charged as security for its investments.

(4) Subject to the provisions of the Pension Funds Act, 1956, the trustees shall have power in consultation with the members of the Fund, to alter, amend or add to, or rescind and substitute new rules and regulations for the existing rules and regulations for the administration of the Fund.

(5) The Fund shall not form part of the assets nor be liable for the debts and liabilities of the Society, and may be augmented from time to time by the Board out of the profits of the Society.

(6) The capital and income of the Fund shall be employed for the payment of any pension, annuity, retiring allowance or other benefit to any officer or employee or former officer or employee of the Society or the widow or dependant of such officer or employee or former officer or employee, in consideration of service, old age, need or other sufficient cause: Provided that the balance of any income not required for the payment of any such pension, annuity, retiring allowance or other benefit shall be added to the capital amount of the Fund.

24. (1) As from the date of commencement of this Act, the Articles set forth in Schedule 3 shall be the Articles of the Society. Articles of the Society.

(2) The Society may at any time by special resolution add to, or alter, or revoke any of, the Articles, and any alteration or addition so made shall, subject to the provisions of the Banks Act, be as valid as if originally contained in the Articles, and be subject in like manner to alteration, addition or revocation by special resolution from time to time.

deposant op die datum toe daar laas op die rekening geopereer is saam met rente wat vanaf daardie datum verskuldig is in die Voogdyfonds soos ingestel ingevolge die Boedelwet 1965 (Wet No. 66 van 1965), stort: Met dien verstande dat die bedrag van dié rente nie die bedrag in die kredit van die deposant op daardie datum mag oorskry nie.

(2) Die Genootskap is, na sodanige storting in die Voogdyfonds, onthef van verdere aanspreeklikheid ten opsigte van sodanige deposant se rekening.

Terugbetaling van deposito's.

22. Behoudens die bepalings van die Bankwet en die bedinge en voorwaardes wat die Direksie na goeë dunde bepaal, betaal die Genootskap aan 'n deposant of sy wettige verteenwoordiger 'n deposito of enige gedeelte daarvan terug met rente teen die koerse wat die Genootskap van tyd tot tyd magtig, en die kwitansie van so 'n deposant of sy wettige verteenwoordiger is 'n voldoende kwyting van die Genootskap tot die bedrag van sodanige terugbetaling ondanks enige handelingsonbevoegdheid van bedoelde deposant of sy wettige verteenwoordiger.

Pensioenfondse.

23. (1) Behoudens die bepalings van die Wet op Pensioenfondse, 1956 (Wet No. 24 van 1956), bly die Geamalgameerde Pensioenfondse van die Spaarbankgenootskap Kaap die Goeie Hoop, ingestel kragtens artikel 22 (1) van die Wet op die Spaarbankgenootskap Kaap die Goeie Hoop, 1949 (en hierna in hierdie artikel „die Fonds” genoem) ondanks die herroeping van daardie Wet deur hierdie Wet voortbestaan in alle opsigte asof dit kragtens hierdie Wet ingestel is.

(2) Die trustees van die Fonds is die dienende lede van die Direksie en die dienende hoofbestuurder of sekretaris van die Genootskap.

(3) Die trustees beskik oor dieselfde bevoegdhede om die gelde van die Fonds te belê en te administreer as dié waaroor hulle beskik ten opsigte van die algemene bates van die Genootskap, met inbegrip van die bevoegdheid om onroerende eiendom en ander bates wat as sekuriteit vir sy beleggings met verband beswaar of verbind is, te administreer, te koop en daarvoor te beskik.

(4) Behoudens die bepalings van die Wet op Pensioenfondse, 1956, beskik die trustees oor die bevoegdheid om, in oorleg met die lede van die Fonds, die bestaande reëls en regulasies ingestel vir die bestuur van die Fonds te verander, te wysig, of daartoe by te voeg of dit in te trek en dit deur nuwe reëls en regulasies te vervang.

(5) Die Fonds maak nie deel uit van die bates van die Genootskap nie, en is ook nie aanspreeklik vir die skulde en laste van die Genootskap nie en kan van tyd tot tyd deur die Direksie uit die winste van die Genootskap aangevul word.

(6) Die kapitaal en inkomste van die Fonds word aangewend vir die betaling van 'n pensioen, jaargeld, aftreetoelae of ander voordeel aan 'n amptenaar of werknemer of voormalige amptenaar of werknemer van die Genootskap of die weduwee of afhanklike van so 'n amptenaar of werknemer of voormalige amptenaar of werknemer op grond van diens, hoë ouderdom, behoefte of 'n ander voldoende rede: Met dien verstande dat die saldo van inkomste wat nie vir die betaling van bedoelde pensioen, jaargeld, aftreetoelae of ander voordeel nodig is nie by die kapitaalbedrag van die Fonds gevoeg word.

Statute van die Genootskap.

24. (1) Vanaf die datum van inwerkingtreding van hierdie Wet is die Statute in Bylae 3 opgeneem, die Statute van die Genootskap.

(2) Die Genootskap kan te eniger tyd by spesiale besluit die Statute aanvul, verander of intrek en so 'n verandering of aanvulling is behoudens die bepalings van die Bankwet net so geldig asof dit oorspronklik deel van die Statute uitgemaak het en kan op dieselfde wyse van tyd tot tyd by spesiale besluit verander, aangevul of ingetrek word.

25. As from the date of commencement of this Act any reference to the president or vice-president respectively of the Society shall be construed as a reference to the chairman or vice-chairman respectively of the Society.

References to President and Vice-President to be construed as references to Chairman and Vice-Chairman respectively.

26. In the event of the liquidation or winding up of the Society, the surplus assets of the Society remaining after payment of all amounts due to depositors with interest thereon, all liabilities due by the Society and all costs of liquidation, shall be distributed to such religious, charitable, benevolent, educational, scholastic and other bodies as the members at or before the time of dissolution or in default thereof, the Minister of Finance may determine.

Dissolution of the Society.

27. (1) In the event of the Banks Act being amended in such manner that any provision of this Act shall be in conflict with or repugnant to the said Banks Act as so amended, it shall not be necessary to amend this Act so as to conform with the provisions of the Banks Act as so amended, but the said Banks Act as so amended shall in all respects be deemed to have superseded any provision of this Act so in conflict with or repugnant to the provisions of the Banks Act as so amended from time to time.

Effect of amendments to Banks Act on this Act.

(2) Any power conferred upon a banking institution by any amendment of the said Banks Act or any other law, after the commencement of this Act, shall be deemed to have been conferred, in so far as it may be applicable, upon the Society.

28. This Act shall be called the Cape of Good Hope Savings Bank Society Act, 1968, and shall come into operation upon the date referred to in section 2.

Short title and commencement.

Schedule 1.

Vice-Presidents: The Hon. Sir John Truter, The Hon. Lt.-Col. John Bell, The Hon. J. W. Stoll, Anthony Oliphant, J. Smuts.

Trustees: W. W. Bird, C. Burton, J. B. Ebdon, W. Hawkins, J. A. Joubert, D. Kuys, H. G. Muntingh, J. Nisbet, C. Pillans, Major Rogers.

Schedule 2.

Members: C. Ludwig, Advocate Cloete, Advocate Brand, Advocate de Wet, Advocate Hofmeyr, G. H. Maasdorp, J. F. Dreyer, F. Collison, C. M'Kenzie, G. J. Vos, G. Thompson, A. Thomson, H. Murphy, W. Hayward, A. de Smidt, J. H. Tredgold, H. Buckton, R. Hoets, H. E. Rutherford, D. F. Lehman, Jr., W. Hawkins, W. Hunt, T. Ansdell, J. Deane, G. Reitz, H. Hencke, T. Elliott, F. Russouw, Snr., T. Sutherland, H. Ross, A. J. van Breda, W. Liesching, R. J. van der Riet, J. C. Gie, E. Norton, J. Bance, A. Chiappini, A. Jardine, L. Twentyman, P. Surreurier, J. Simpson, J. D. Gregory, G. Grieg, F. S. Watermeyer, G. W. Prince, R. J. Jones, A. Robertson, P. H. Poleman, J. Synne, F. Stegmann, T. Tennant, R. A. Zederberg, B. Phillips, J. Clark, R. W. Eaton, W. Gadney, W. Bridekirk, W. Heideman, E. Christian, W. Dickson, J. Lawton, W. Billingsley, M. de Kock, L. Herman, F. Hertzog, P. Roux, W. Hayward, R. Waters, J. Saunders, P. M. Brink, J. G. Muller, H. Hewitt, J. Marshall.

Schedule 3.

ARTICLES OF THE CAPE OF GOOD HOPE SAVINGS BANK SOCIETY.

PRELIMINARY.

1. (a) In these Articles unless the context or this Act indicates otherwise, expressions defined in the Companies Act, 1926, or the Banks Act in force at the date on which these Articles become binding upon the Society, shall have the meaning so defined:
- (b) The regulations contained in Table A in the First Schedule to the Companies Act, 1926, shall not apply to the Society.

Verwysings na
President en
Vise-president
uitgelê te word as
verwysings na
Voorsitter en
Vise-voorsitter
onderskeidelik.

Ontbinding van
Genootskap.

Uitwerking van
wysigings van
Bankwet op hierdie
Wet.

Kort titel en
inwerkingtreding.

25. Met ingang van die datum van inwerkingtreding van hierdie Wet word 'n verwysing na onderskeidelik die president of vise-president van die Genootskap, uitgelê as 'n verwysing na onderskeidelik die voorsitter of vise-voorsitter van die Genootskap.

26. Ingeval van die likwidasie of ontbinding van die Genootskap word die surplus-bates van die Genootskap wat oorbly na uitbetaling van alle bedrae aan deposante verskuldig met rente daarop, alle geldelike verpligtings van die Genootskap en al die likwidasiekoste, uitgedeel onder dié godsdienstige, liefdadigheids-, onderstands-, opvoedkundige, akademiese en ander liggame wat die lede tydens of voor die ontbinding of, by ontstentenis daarvan, die Minister van Finansies bepaal.

27. (1) Indien die Bankwet op so 'n wyse gewysig word dat 'n bepaling van hierdie Wet strydig of onbestaanbaar met gemelde Bankwet soos aldus gewysig is, is dit nie nodig om hierdie Wet te wysig ten einde dit in ooreenstemming te bring met gemelde Bankwet soos aldus gewysig nie, maar word geag dat gemelde Bankwet soos aldus gewysig in alle opsigte 'n bepaling van hierdie Wet wat aldus strydig of onbestaanbaar is met die Bankwet soos aldus van tyd tot tyd gewysig, vervang het.

(2) 'n Bevoegdheid wat na die inwerkingtreding van hierdie Wet, aan 'n bankinstelling verleen word deur 'n wysiging van gemelde Bankwet of 'n ander wetsbepaling word geag aan die Genootskap verleen te wees vir sover dit toepaslik is.

28. Hierdie Wet heet die Wet op die Spaarbankgenootskap Kaap die Goeie Hoop, 1968, en tree in werking op die datum in artikel 2 bedoel.

Bylae 1.

Vise-presidente: Sy Ed. Agb. Sir John Truter, Sy Ed. Agb. Lt.-kol. John Bell, Sy Ed. Agb. J. W. Stoll, Anthony Oliphant, J. Smuts.
Trustees: W. W. Bird, C. Burton, J. B. Ebdén, W. Hawkins, J. A. Joubert, D. Kuys, H. G. Muntingh, J. Nisbet, C. Pillans, Majoor Rogers.

Bylae 2.

Lede: C. Ludwig, Advokaat Cloete, Advokaat Brand, Advokaat de Wet, Advokaat Hofmeyr, G. H. Maasdorp, J. F. Dreyer, F. Collison, C. M'Kenzie, G. J. Vos, G. Thompson, A. Thomson, H. Murphy, W. Hayward, A. de Smidt, J. H. Tredgold, H. Buckton, R. Hoets, H. E. Rutherford, D. F. Lehman, Jr., W. Hawkins, W. Hunt, T. Ansdell, J. Deane, G. Reitz, H. Hencke, T. Elliott, F. Russouw, Sr., T. Sutherland, H. Ross, A. J. van Breda, W. Liesching, R. J. van der Riet, J. C. Gie, E. Norton, J. Bance, A. Chiappini, A. Jardine, L. Twentymann, P. Surreur, J. Simpson, J. D. Gregory, G. Grieg, F. S. Watermeyer, G. W. Prince, R. J. Jones, A. Robertson, P. H. Poleman, J. Synne, F. Stegmann, T. Tennant, R. A. Zederberg, B. Phillips, J. Clark, R. W. Eaton, W. Gadney, W. Bridekirk, W. Heideman, E. Christian, W. Dickson, J. Lawton, W. Billingsley, M. de Kock, L. Herman, F. Hertzog, P. Roux, W. Hayward, R. Waters, J. Saunders, P. M. Brink, J. G. Muller, H. Hewitt, J. Marshall.

Bylae 3.

STATUTE VAN DIE SPAARBANKGENOOTSAP KAAP DIE GOEIE HOOP.

INLEIDING.

1. (a) In hierdie Statute, tensy uit die samehang of hierdie Wet anders blyk, het uitdrukkings wat omskryf word in die Maatskappywet, 1926, of die Bankwet, van krag op die datum waarop hierdie Statute bindend word op die Genootskap, die betekenis wat aldus daaraan geheg is.
- (b) Die regulasies in Tabel A in die Eerste Bylae van die Maatskappywet, 1926, vervat, is nie op die Genootskap van toepassing nie.

GENERAL MEETINGS.

2. The annual general meeting of the Society shall be held at Cape Town in the month of April in each year, at a convenient time and place appointed for that purpose by the Board of which not less than six weeks' prior notice shall be given by the Board by advertisement in such local English and Afrikaans language newspapers as the Board shall from time to time determine.

3. (1) The Board may call a general meeting of the Society whenever it shall think fit.

(2) (a) Not less than 14 days' notice of all general meetings, including an annual general meeting, shall be given to members in the manner hereinafter set forth.

(b) The said notice shall specify the place, the day and the hour of the meeting, and in the case of an annual general meeting, shall include—

(i) the names of the directors and auditors retiring at the meeting, and the names of those whose offices are vacant already and are to be filled at the meeting;

(ii) the names of the persons in respect of whom nominations as directors and as auditors and as members have been duly received; and in the case of special business, the general nature of such special business.

(c) Where the purpose of the meeting is to elect a director to fill an interim vacancy on the Board, six weeks' notice calling for nominations shall also be given in the manner provided in Article 2.

(3) With the consent of the majority of members entitled to receive notice of a particular meeting, that meeting may be convened by shorter notice and in such manner as the Board may think fit.

(4) Accidental omission to give notice of a meeting to, or non-receipt of notice of a meeting by, any member shall not invalidate the proceedings at that meeting.

(5) The Board shall, on the requisition in writing of 20 members, forthwith proceed to convene a general meeting in the manner provided in Article 3 (2).

(6) The requisition shall state the objects of the meeting and shall be signed by the requisitionists and delivered at the head office of the Society to the general manager or secretary, and may consist of several documents in like form, each signed by one or more requisitionists.

(7) If the Board does not within twenty-one days from the date of the deposit of the requisition proceed duly to convene a meeting, the requisitionists may themselves convene a meeting: Provided that any meeting so convened by the requisitionists shall be held not later than three months after the said date.

(8) Any meeting convened under subarticle (7) by the requisitionists shall be convened in the same manner as nearly as possible as that in which meetings are to be convened by the Board.

(9) The requisitionists shall be reimbursed by the Society for any reasonable expense incurred by them by reason of the failure of the Board duly to convene a meeting, and any sum so reimbursed shall be retained by the Society out of any sum due or to become due from the Society by way of remuneration in respect of their services to such of the directors as were in default.

PROCEEDINGS AT GENERAL MEETINGS.

4. (a) The business of the annual general meeting shall be to receive and consider the profit and loss account and the balance sheet presented by the Board, and the reports of the Board and auditors, to elect directors and auditors in the place of those retiring, to elect members, to fix the remuneration of the auditors in respect of the audit for the preceding financial year and to transact any other business which under these Articles ought to be transacted at such meeting.

(b) (i) All business transacted at an annual general meeting, with the exception of the consideration of the profit and loss account and the balance sheet, the ordinary reports of the directors and auditors, the election of directors in the place of those retiring by rotation, the election of members and auditors, and the fixing of the remuneration of the auditors, shall be deemed special and be the subject of a special resolution.

(ii) Subject to the provisions of subparagraph (i) all business transacted at any general meeting shall likewise be deemed special and be the subject of a special resolution.

5. (a) No business shall be transacted at any general meeting unless a quorum of members is present.

(b) Save as hereinafter otherwise provided, 25 members present in person shall constitute a quorum: Provided that a quorum shall not be required during the conduct of a poll.

6. (1) If within half an hour from the time appointed for a meeting a quorum is not present, the meeting, if convened upon the requisition of members, shall be dissolved; in any other case it shall stand adjourned to the same day in the next week, at the same time and place, or if that day be

ALGEMENE VERGADERINGS.

2. Die algemene jaarvergadering van die Genootskap word in die maand April elke jaar in Kaapstad gehou op 'n gerieflike tyd en plek vir dié doel deur die Direksie vasgestel, waarvan die Direksie minstens ses weke vooraf kennis moet gee deur bekendmaking in dié plaaslike Afrikaanstalige en Engelstalige nuusblaaie wat die Direksie van tyd tot tyd bepaal.

3. (1) Die Direksie kan 'n algemene vergadering van die Genootskap belê wanneer hy dit goedvind.

(2) (a) Minstens 14 dae kennis van alle algemene vergaderings, met inbegrip van die algemene jaarvergadering, moet aan lede op die hieronder vermelde wyse gegee word.

(b) Gemelde kennisgewing moet die plek, die dag en die uur van die vergadering vermeld, en moet in die geval van die algemene jaarvergadering ook melding maak van—

(i) die name van die direkteure en ouditeurs wat by die vergadering uittree, en die name van dié wie se ampte reeds vakant is en wat by die vergadering gevul moet word;

(ii) die name van die persone ten opsigte van wie nominasies as direkteure en as ouditeurs en as lede behoorlik ontvang is; en in die geval van spesiale sake, die algemene aard van daardie spesiale sake.

(c) Waar dit die doel van die vergadering is om 'n direkteur te kies om 'n tussentydse vakature in die Direksie te vul, moet daar ook ses weke kennisgewing geskied, waarby nominasies gevra word, op die wyse in Statuut 2 bepaal.

(3) 'n Bepaalde vergadering kan met die toestemming van die meerderheid van die lede wat geregtig is om kennis daarvan te ontvang, met korter kennisgewing en op die wyse wat die Direksie goeddink, belê word.

(4) Die verrigtings op 'n vergadering is nie ongeldig omdat daar per abuis versuim is om kennis van daardie vergadering aan 'n lid te gee of omdat 'n lid nie sodanige kennis ontvang het nie.

(5) Die Direksie moet op skriftelike aanvraag van 20 lede onmiddellik 'n algemene vergadering belê op die wyse in Statuut 3 (2) bepaal.

(6) Die aanvraag moet die oogmerke van die vergadering vermeld, deur die aanvraers onderteken word en by die hoofbestuurder of sekretaris by die hoofkantoor van die Genootskap ingelewer word, en dit kan uit verskeie dokumente in dieselfde vorm bestaan, elkeen deur een of meer aanvraers onderteken.

(7) Indien die Direksie nie binne een-en-twintig dae na die inlewering van die aanvraag 'n vergadering behoorlik belê nie, kan die aanvraers self 'n vergadering belê: Met dien verstande dat enige vergadering wat aldus belê word deur die aanvraers nie later as drie maande na genoemde datum gehou mag word nie.

(8) 'n Vergadering wat kragtens substatuut (7) deur die aanvraers belê word, moet so ver moontlik op dieselfde manier belê word as dié waarop vergaderings deur die Direksie belê moet word.

(9) Die Genootskap moet enige redelike onkoste deur die aanvraers opgeloop weens die versuim van die Direksie om 'n vergadering behoorlik te belê, aan die aanvraers vergoed, en die Genootskap moet enige bedrag wat aldus vergoed is, agterhou uit enige bedrag wat die Genootskap aan dié direkteure wat aan versuim skuldig was by wyse van vergoeding ten opsigte van hulle diens verskuldig is of sal word.

VERRIGTINGS OP ALGEMENE VERGADERINGS.

4. (a) Die werk van die algemene jaarvergadering is om die wins-en-verliesrekening en die balansstaat deur die Direksie voorgelê en die verslae van die Direksie en ouditeurs te ontvang en te oorweeg, om direkteure en ouditeurs te kies in die plek van dié wat aftree, om lede te kies, om die vergoeding van die ouditeurs ten opsigte van die audit vir die voorafgaande boekjaar vas te stel en om enige ander werksaamhede te verrig wat ingevolge hierdie Statute op sodanige vergadering verrig behoort te word.

(b) (i) Alle werksaamhede wat op 'n algemene jaarvergadering verrig word, met uitsondering van die oorweging van die wins-en-verliesrekening en die balansstaat, die gewone verslae van die direkteure en ouditeurs, die verkiesing van direkteure in die plek van dié wat om die beurt aftree, die verkiesing van lede en ouditeurs en die vasstelling van die beloning van die ouditeurs, word geag spesiale werksaamhede te wees, en is die onderwerp van 'n spesiale besluit.

(ii) Behoudens die bepalinge van subparagraaf (i) word alle werksaamhede wat op 'n algemene vergadering verrig word insgelyks geag spesiale werksaamhede te wees, en is dit die onderwerp van 'n spesiale besluit.

5. (a) Geen werksaamhede word op 'n algemene vergadering verrig tensy 'n kworum van lede teenwoordig is nie.

(b) Behoudens andersluidende bepalinge hierna, maak 25 lede wat self teenwoordig is 'n kworum uit: Met dien verstande dat 'n kworum nie vereis word onderwyl 'n stemming gehou word nie.

6. (1) Indien 'n kworum nie binne 'n halfuur na die tyd vir die vergadering vasgestel, teenwoordig is nie, word die vergadering ontbind indien dit op aanvraag van lede belê is; in enige ander geval word dit verdaag tot dieselfde dag in die volgende week om dieselfde tyd en op dieselfde plek, of indien dié dag 'n openbare vakansiedag is, tot die

a public holiday, to the day next succeeding that day other than a public holiday, and if at such adjourned meeting a quorum is not present within half an hour from the time appointed for the meeting, the members present thereat shall constitute a quorum.

(2) When a meeting has been adjourned as aforesaid, the general manager or secretary of the Society shall, upon a date not later than two days after the adjournment, or as soon thereafter as is practicable publish in one or more newspapers circulating in Cape Town a notice setting forth—

- (a) the time and place to which the meeting was adjourned; and
- (b) that the meeting was adjourned because of the lack of a quorum; and
- (c) that if at the adjourned meeting a quorum is not present within half an hour of the appointed time, the members present shall constitute a quorum.

7. (1) The Chairman of the Board shall preside at all general meetings.

(2) In the absence of the chairman the vice-chairman shall preside.

(3) In the absence of both the chairman and vice-chairman one of the directors or members present shall be elected by the members present at the meeting to preside there at.

8. (1) The chairman may, with the consent of any meeting of members at which a quorum is present (and shall, if so directed by the meeting) adjourn the meeting from time to time and from place to place, but no business other than the business not completed at the meeting which has been adjourned shall be transacted at any meeting held pursuant to such adjournment.

(2) When a meeting has been adjourned as aforesaid, the general manager or secretary of the Society shall, upon a date not later than two days after the adjournment, publish in such newspaper as the Board may determine, a notice setting forth—

- (a) the time and place to which the meeting was adjourned; and
- (b) the matter before the meeting at the time when it was adjourned; and
- (c) the reason for the adjournment.

9. At any general meeting, save when a poll is taken, a declaration by the chairman presiding thereat, that a resolution has been carried or defeated on a show of hands, and an entry to that effect in the minutes of proceedings of the Society, shall be sufficient evidence of the fact, without proof of the number or proportion of the votes recorded in favour of or against such resolution.

10. If at any general meeting, more directors have been nominated for election than there are vacancies to be filled, the voting shall be by ballot and if upon any other question a poll is demanded by not less than three of the members present, the voting shall be by ballot.

11. (1) If a poll is demanded it shall be taken in such manner, at such place and either immediately or at such other time within fourteen days as the chairman directs.

(2) Scrutineers shall be elected to declare the result of the poll and their decision, which shall be announced by the chairman of the meeting, shall be deemed to be the resolution of the meeting at which the poll was demanded.

12. (1) In the event of an equality of votes, whether on a show of hands or on a poll, the chairman of the meeting at which a show of hands takes place or at which the poll is taken shall be entitled to a second or casting vote.

(2) Upon a show of hands or a poll every member shall have one vote.

13. (1) A poll demanded on the election of a chairman or on a question of adjournment, shall be taken forthwith.

(2) A poll demanded on any other question shall be taken at such time as the chairman of the meeting directs.

(3) The demand for a poll shall not prevent the continuation of a meeting for the transaction of any business other than the question upon which the poll has been demanded.

(4) The demand for a poll may be withdrawn at any time before a poll is taken pursuant to the demand; provided such withdrawal is requested by not less than three of the members who called for the poll.

14. The Board shall cause minutes to be kept in books provided for the purpose recording the proceedings at all meetings of the Board and of all other meetings of whatsoever nature held in connection with the business of the Society.

DIRECTORS.

15. (1) At the annual general meeting in every year, three of the directors shall retire from office.

eerste daaropvolgende dag wat nie 'n openbare vakansiedag is nie, en indien 'n kworum nie op sodanige verdaagde vergadering binne 'n halfuur na die tyd vir die vergadering vasgestel, teenwoordig is nie, maak die lede wat dan teenwoordig is 'n kworum uit.

(2) Wanneer 'n vergadering soos voormeld verdaag is, moet die hoofbestuurder of sekretaris van die Genootskap nie later nie as twee dae na die verdaging of so gou doenlik daarna 'n kennisgewing in een of meer van die nuusblaaie in Kaapstad in omloop publiseer wat—

- (a) vermeld tot watter tyd en na watter plek die vergadering verdaag is; en
- (b) verklaar dat die vergadering verdaag is omdat daar nie 'n kworum teenwoordig was nie; en
- (c) verklaar dat indien daar op die verdaagde vergadering binne 'n halfuur na die vasgestelde tyd nie 'n kworum teenwoordig is nie, die lede wat dan teenwoordig is 'n kworum sal uitmaak.

7. (1) Die voorsitter van die Direksie sit voor op alle algemene vergaderings.

(2) In die afwesigheid van die voorsitter sit die vise-voorsitter voor.

(3) In die afwesigheid van sowel die voorsitter as die vise-voorsitter word een van die direkteure of lede wat op die vergadering teenwoordig is gekies deur die lede wat op die vergadering teenwoordig is om by daardie vergadering as voorsitter op te tree.

8. (1) Die voorsitter kan met die toestemming van enige vergadering van lede waarop 'n kworum teenwoordig is (en moet, indien die vergadering dit gelas) die vergadering van tyd tot tyd en van plek tot plek verdaag, maar geen werksaamhede, behalwe die werksaamhede wat nie afgehandel is op die vergadering waarop die verdaging plaasgevind het word op 'n vergadering wat ooreenkomstig die verdaging gehou word, verrig nie.

(2) Wanneer 'n vergadering soos voormeld verdaag is, moet die hoofbestuurder of sekretaris van die Genootskap op 'n dag nie later nie as twee dae na die verdaging, 'n kennisgewing in 'n nuusblad wat die Direksie bepaal, publiseer wat vermeld—

- (a) tot watter tyd en na watter plek die vergadering verdaag is; en
- (b) watter saak onder oorweging was toe die vergadering verdaag is; en
- (c) waarom die vergadering verdaag is.

9. Op 'n algemene vergadering, behalwe wanneer 'n stemming gehou word, is 'n verklaring deur die persoon wat daarop voorsit dat 'n besluit geneem of verwerp is deur die opsteek van hande en 'n aantekening daarvan in die notuleboek van die Genootskap voldoende bewys van dié feit, sonder bewys van die getal of persentasie stemme wat ten gunste van of teen sodanige besluit uitgebring is.

10. Indien daar op 'n algemene vergadering meer direkteure as die getal vakatures wat gevul moet word, vir verkiesing genomineer word, moet 'n geheime stemming gehou word, en indien 'n stemming oor 'n ander vraag deur minstens drie van die lede wat teenwoordig is, geëis word, word 'n geheime stemming gehou.

11. (1) Indien 'n geheime stemming geëis word, word dit gehou op die manier, op die plek en of onmiddellik of op 'n ander tyd binne veertien dae wat die voorsitter gelas.

(2) Stemopnemers moet gekies word om te verklaar wat die uitslag van die stemming is en hulle beslissing, wat deur die voorsitter van die vergadering aangekondig moet word, word beskou as die besluit van die vergadering waarby die geheime stemming geëis is.

12. (1) In geval van 'n staking van stemme, hetsy by die opsteek van hande of 'n geheime stemming, het die voorsitter van die vergadering waarop hande opgesteek word of 'n geheime stemming gehou word 'n tweede of beslissende stem.

(2) By die opsteek van hande of 'n geheime stemming het elke lid een stem.

13. (1) As 'n geheime stemming oor die verkiesing van 'n voorsitter of oor 'n kwessie van verdaging geëis word, word dit onmiddellik gehou.

(2) 'n Geheime stemming wat met betrekking tot enige ander saak geëis word, word gehou op die tyd wat die voorsitter van die vergadering gelas.

(3) Die eis om 'n geheime stemming verhinder nie dat 'n vergadering voortgaan om ander werksaamhede as die kwessie waaroor 'n geheime stemming geëis is, te verrig nie.

(4) Die eis om 'n geheime stemming kan teruggetrek word te eniger tyd voordat die geheime stemming gehou word ooreenkomstig die eis, mits sodanige terugtrekking versoek word deur minstens drie van die lede wat die geheime stemming geëis het.

14. Die Direksie laat notule hou, in boeke wat vir dié doel voorsien word, van die verrigtings op alle vergaderings van die Direksie en van alle vergaderings van watter aard ook al wat in verband met die sake van die Genootskap gehou word.

DIREKTEURE.

15. (1) By die algemene jaarvergadering elke jaar tree drie van die direkteure af.

(2) The directors to retire in every year shall be those who have been longest in office since their last election, whether such election took place prior or subsequent to the date of commencement of these Articles.

(3) For the purposes of this Article, the provisions of Article 22 (2) shall *mutatis mutandis* apply to any director who is elected to fill an interim vacancy.

16. (1) The Society may at the general meeting at which a director retires in manner aforesaid, fill the vacated office by electing a member thereto.

(2) If at any meeting at which the election of directors ought to take place the vacancies are not filled, the meeting shall stand adjourned till the same day of the next succeeding week at the same time and place, or, if that day be a public holiday, to the day next succeeding that day which is not a public holiday, and if at such adjourned meeting the vacancies are not filled, the retiring directors, the vacancies in respect of whom have not been filled, shall be deemed to have been re-elected at such adjourned meeting.

17. (1) No member shall be eligible to be elected a director unless he has been nominated in writing, and the nomination has been signed by not less than two members and by himself, intimating his acceptance of the nomination.

(2) Such nomination shall be lodged at the Society's head office not less than twenty-one days prior to the date on which the election in question is appointed to take place.

18. The Board on receiving any such nomination shall give notice thereof to members as hereinafter provided, not less than fourteen days prior to the day on which the election in question is to take place.

19. The qualification of a director shall be that he shall be a member under the age of seventy-five (75) years, and any retiring director under the age of seventy-five (75) years shall be eligible for re-election: Provided that the age limit of seventy-five (75) years aforesaid, shall not apply to the directors in office on the 25th day of March, 1963, nor to their retirement by rotation and re-election, if they are otherwise eligible for re-election.

20. A director shall vacate his office—

- (a) if he is found to be lunatic or becomes of unsound mind;
- (b) if he becomes insolvent, or compounds or arranges with his creditors or becomes subject to, or takes the benefit of any Act for the time being in force for the relief of insolvent debtors;
- (c) if he has been absent from the Republic for more than six months without the consent of the Board in writing;
- (d) if he has been absent from four consecutive Board meetings without the consent of the Board in writing;
- (e) when for any reason he ceases to be a member;
- (f) if he is convicted (whether in the Republic or elsewhere) of theft, fraud, forgery or uttering a forged document, or perjury, and is sentenced therefor to serve a term of imprisonment without the option of a fine or to a fine exceeding twenty rand;
- (g) if he resigns his office by notice in writing to the Society;
- (h) upon the last day of the month in which he attains the age of seventy-five (75) years: Provided, however, that this subarticle shall not apply to a director holding office on the 25th day of March, 1963, or to the retirement by rotation and re-election of such a director.

21. The following persons shall be disqualified from being appointed a director of the Society:

- (a) a minor, or other person under legal disability;
- (b) save by order of a competent Court, an unrehabilitated insolvent;
- (c) any person referred to in Article 20 (e) and (f).

22. (1) The Society may by special resolution remove any director before the expiration of his period of office, and may notwithstanding the provisions of Article 17 by an ordinary resolution appoint another member in his stead.

(2) The member so appointed shall be subject to retirement at the same time as if he had become a director on the day on which the director in whose place he is appointed was last elected a director.

23. (1) At its first meeting after the annual general meeting, the Board shall elect one of its number to be chairman and one to be vice-chairman, who shall hold office until the next election in terms of this Article.

(2) If an interim vacancy occurs in either of these offices, the Board shall elect one of its number to fill the vacancy for the unexpired portion of the relevant period of office.

(3) The chairman, and in his absence the vice-chairman, shall preside at all Board meetings; in the absence of both the chairman and vice-chairman one of the directors present shall be elected to preside.

(2) Die direkteure wat elke jaar moet aftree, is dié wat die langste hul amp beklee het sedert hul laaste verkiesing, ongeag of sodanige verkiesing voor of na die datum van inwerkingtreding van hierdie Statute plaasgevind het.

(3) By die toepassing van hierdie Statuut, geld die bepalings van Statuut 22 (2) *mutatis mutandis* vir enige direkteur wat gekies word om 'n tussentydse vakature te vul.

16. (1) Die Genootskap kan by die algemene vergadering waarop 'n direkteur op voormelde wyse aftree, die ontruimde amp vul deur 'n lid vir dié amp te kies.

(2) Indien die vakatures nie gevul word op 'n vergadering waarop die verkiesing van direkteure behoort plaas te vind nie, word die vergadering verdaag tot dieselfde dag van die volgende week, om dieselfde tyd en op dieselfde plek, of, indien dié dag 'n openbare vakansiedag is, tot die eerste daaropvolgende dag wat nie 'n openbare vakansiedag is nie, en indien die vakatures nie op dié verdaagde vergadering gevul word nie, word die aftredende direkteure ten opsigte van wie die vakatures nie gevul is nie by dié verdaagde vergadering geag herkies te wees.

17. (1) Geen lid kan tot 'n direkteur verkies word nie tensy hy skriftelik genomineer is en die nominasiebrief onderteken is deur minstens twee lede en deur homself, waardeur hy te kenne gee dat hy die nominasie aanvaar.

(2) Die nominasiebrief moet minstens een-en-twintig dae voor die dag wat vir die betrokke verkiesing vasgestel is by die Genootskap se hoofkantoor ingelewer word.

18. Die Direksie gee na ontvangs van so 'n nominasie kennis daarvan aan lede soos hierna bepaal minstens veertien dae voor die dag waarop die betrokke verkiesing moet plaasvind.

19. Die kwalifikasie van 'n direkteur is dat hy 'n lid van die Genootskap onder die ouderdom van vyf-en-sewentig (75) jaar moet wees en 'n aftredende direkteur onder die ouderdom van vyf-en-sewentig (75) jaar, is herkiesbaar: Met dien verstande dat die ouderdomsgrens van vyf-en-sewentig (75) jaar voormeld nie van toepassing is op direkteure wat die amp op 25 Maart 1963 beklee het nie en ook nie op direkteure wat volgens rotasie aftree en herkies word nie, indien hulle andersins herkiesbaar is.

20. 'n Direkteur ontruim sy amp—

- (a) indien bevind word dat hy kranksinnig is of indien hy swaksinnig raak;
- (b) indien hy insolvent word, of met sy krediteure 'n akkoord tref of ooreenkoms aangaan, of onderhewig word aan of voordeel trek uit enige Wet wat tydelik van krag is vir die verlening van verligting aan insolvente skuldenaars;
- (c) indien hy sonder skriftelike toestemming van die Direksie langer as ses maande uit die Republiek afwesig was;
- (d) indien hy sonder die skriftelike toestemming van die Direksie van vier agtereenvolgende direksievergaderings afwesig was;
- (e) wanneer hy om enige rede ophou om 'n lid te wees;
- (f) indien hy (in die Republiek of elders) aan diefstal, bedrog, valsing of die uitgee van 'n vervalste dokument, of meened skuldig bevind en veroordeel word tot gevangenisstraf sonder die keuse van 'n boete of tot 'n boete van meer as twintig rand;
- (g) indien hy sy amp by skriftelike kennisgewing aan die Genootskap neerlê;
- (h) op die laaste dag van die maand waarin hy die ouderdom van vyf-en-sewentig (75) jaar bereik: Met dien verstande dat hierdie paragraaf nie van toepassing is op 'n direkteur wat die amp op 25 Maart 1963 beklee het nie en ook nie op die aftrede om die beurt en herkiesing van so 'n direkteur nie.

21. Die volgende persone is onbevoeg om as direkteure van die Genootskap aangestel te word:

- (a) 'n minderjarige of ander persoon wat regsonbevoeg is;
- (b) behalwe op las van 'n bevoegde Hof, 'n ongerehabiliteerde insolvente persoon;
- (c) iemand bedoel in Statuut 20 (e) en (f).

22. (1) Die Genootskap kan by spesiale besluit 'n direkteur voor die verstryking van sy ampstyd ontslaan en kan, ondanks die bepalings van Statuut 17, 'n ander lid by gewone besluit in sy plek aanstel.

(2) Die lid wat aldus aangestel word, moet op dieselfde tyd aftree asof hy 'n direkteur geword het op die dag waarop die direkteur in wie se plek hy aangestel is laas tot direkteur verkies was.

23. (1) Die Direksie kies by sy eerste vergadering na die algemene jaarvergadering een uit sy geledere om voorsitter en een om vise-voorsitter te wees, wat hul ampte beklee tot die volgende verkiesing ooreenkomstig hierdie Statuut.

(2) Indien 'n tussentydse vakature in enigeen van hierdie ampte ontstaan, kies die Direksie een uit sy geledere om die vakature te vul vir die onverstreke gedeelte van die betrokke ampstyd.

(3) Die voorsitter, en in sy afwesigheid die vise-voorsitter, sit voor op alle Direksievergaderings; indien sowel die voorsitter as die vise-voorsitter afwesig is, word een van die aanwesige direkteure gekies om voor te sit.

24. Five directors present at any meeting of directors shall constitute a quorum for the transaction of business.

25. (1) The Board shall meet weekly for the despatch of business and it may adjourn and otherwise regulate its meetings as it thinks fit.

(2) The chairman may at any time, and shall at the request of two directors, call a special meeting of directors, which shall be summoned by the general manager or secretary of the Society.

26. Questions arising at any meeting of the Board shall be decided by a majority of votes of the directors present, and in the event of an equality of votes the chairman, vice-chairman, or presiding director, as the case may be, shall have a second or casting vote.

27. The remaining directors may act notwithstanding any vacancy on the Board, but if, and so long as, their number is reduced below the prescribed quorum, the remaining directors may act in the interim and shall forthwith summon a general meeting for the purpose of electing directors to fill the vacancies.

28. Subject to the provisions of the Banks Act, the Board shall have the power to make all such bye-laws for the management of the Society, as it may from time to time deem fit, and to confirm, repeal or amend any existing or other bye-law or rule, provided such bye-law is not inconsistent with the provisions of this Act or these Articles.

29. The Board shall have the power at its discretion and when it is deemed necessary, to appoint one or more of its members for such period as it may think fit, to act individually or as a committee, in order to render special services for and on behalf of the Society for the purposes of the Society's business, and it may delegate any of its powers to such director or directors as it thinks fit.

30. (1) A committee of the Board may elect a chairman to preside at its meetings.

(2) If no such chairman is elected, or if at any meeting the chairman is not present within five minutes after the time appointed for holding the meeting in question, the directors present may choose one of their number to be chairman of the meeting.

31. (1) A committee of the Board may meet and adjourn as it thinks fit.

(2) Questions arising at any meeting of such a committee shall be determined by a majority of votes of the members present: Provided that when such a committee consists of two or more members, the chairman shall, in the event of an equality of votes, have a second or casting vote.

32. Everything done by any meeting of the Board or of a committee of the Board, or by any person acting as a director shall, notwithstanding that it be afterwards discovered that there was some defect in the appointment of any such director or persons acting as aforesaid, or that they or any of them were disqualified, be as valid as if every such person had been duly appointed and was qualified to be a director.

33. Whenever it shall be necessary for the Board to execute any deed, instrument or other writing, such deed, instrument or other writing shall be signed in the name of the Board in such manner and by such persons as the Board shall from time to time authorize thereto, and every deed, instrument or other writing signed in manner herein provided shall have the same force and effect in law, as if it had been signed by all the members of the Board.

34. (1) The Board may appoint local advisory committees, managers, agents and valuers and may determine their powers, duties, authorities and conditions of appointment and may remove, discharge or cancel the appointments of such persons and shall determine the remuneration of such persons.

(2) Any director of the Society shall be entitled to attend the meetings of such local advisory committees.

MEMBERS.

35. The qualification of a member shall be that he shall be ordinarily resident in Cape Town or within a radius of fifty miles from the head office of the Society.

36. (1) No person shall be eligible to be elected as a member unless he has been nominated in writing, and the nomination has been signed by not less than two members and he has himself in writing accepted the nomination.

(2) Such nomination shall be lodged at the Society's head office not less than twenty-one days prior to the date on which the next ensuing annual general meeting is to take place.

(3) The election of members shall be by show of hands: Provided that if a poll is demanded by not less than three members present at the meeting at which an election takes place, the voting shall be by ballot.

(4) Election shall be by majority vote of the members voting, and present in person at the meeting in question.

24. Vyf direkteure aanwesig by 'n vergadering van direkteure maak 'n kworum uit vir die verrigting van werksaamhede.

25. (1) Die Direksie vergader weekliks vir die afhandeling van sake en hy kan sy vergaderings na goeë dunke verdaag en andersins reël.

(2) Die voorsitter kan te eniger tyd, en moet op versoek van twee direkteure, 'n spesiale vergadering van direkteure belê, wat deur die hoofbestuurder of sekretaris van die genootskap byeengeroep moet word.

26. Vrae wat by 'n vergadering van die Direksie ontstaan, word by 'n meerderheid van stemme van die aanwesige direkteure beslis en in die geval van 'n staking van stemme het die voorsitter, vise-voorsitter of voorsittende direkteur, na gelang van die geval, 'n tweede of beslissende stem.

27. Die direkteure wat oorbly, kan ondanks 'n vakature in die Direksie optree, maar indien en terwyl hul getal minder is as die voorgeskrewe kworum, kan die direkteure wat oorbly in die tussentyd handel en moet hulle onmiddellik 'n algemene vergadering byeenoep vir die verkiesing van direkteure om die vakatures te vul.

28. Die Direksie kan, onderworpe aan die bepalings van die Bankwet, al die verordeninge vir die bestuur van die Genootskap maak wat die Direksie van tyd tot tyd goeë dink, en kan enige bestaande of ander verordening of reël bekragtig, herroep of wysig, mits sodanige verordening nie met die bepalings van hierdie Wet of die Statute strydig is nie.

29. Die Direksie kan na goeë dunke en wanneer dit nodig geag word een of meer van sy lede vir die tydperk wat hy goeë dink, aanstel om afsonderlik of as 'n komitee op te tree ten einde spesiale diens vir en ten behoeve van die Genootskap vir die doel van die Genootskap se werksaamhede te verrig, en hy kan enige van sy bevoegdhede aan dié direkteur of direkteure na goeë dunke opdra.

30. (1) 'n Komitee van die Direksie kan 'n voorsitter kies om by sy vergaderings voor te sit.

(2) Indien so 'n voorsitter nie gekies word nie of indien die voorsitter by enige vergadering nie binne vyf minute na die tyd vir die hou van die betrokke vergadering vasgestel, teenwoordig is nie, kan die aanwesige direkteure een uit hul geledere kies om as voorsitter van die vergadering op te tree.

31. (1) 'n Komitee van die Direksie kan na goeë dunke vergader en verdaag.

(2) Vrae wat by so 'n vergadering ontstaan, word by 'n meerderheid van die stemme van die aanwesige lede beslis: Met dien verstande dat wanneer so 'n komitee uit twee of meer lede bestaan, die voorsitter in geval van 'n staking van stemme, 'n tweede of beslissende stem het.

32. Alle handelinge van 'n vergadering van die Direksie of van 'n komitee van die Direksie of van iemand wat as 'n direkteur optree, is, ondanks die feit dat later ontdek word dat die aanstelling van so 'n direkteur of persone wat soos voormeld opgetree het, gebrekkig was, of dat hulle of enige van hulle onbevoeg was, ewe geldig asof elkeen van dié persone behoorlik aangestel was en bevoeg was om 'n direkteur te wees.

33. Wanneer die Direksie enige akte, dokument of ander geskrif moet verly, moet die akte, dokument of ander geskrif namens die Direksie onderteken word op die wyse en deur die persone wat die Direksie van tyd tot tyd daartoe magtig, en elke akte, dokument of ander geskrif wat onderteken is op die wyse hierin bepaal, het dieselfde regskrag as wat dit sou gehad het indien dit deur al die lede van die Direksie onderteken was.

34. (1) Die Direksie kan plaaslike adviserende komitees, bestuurders, agente en waardeerders aanstel, en kan hulle bevoegdhede, pligte, magte en voorwaardes van aanstelling vasstel, en kan sulke persone uit hul ampte verwyder of ontslaan of hulle aanstellings intrek, en stel die vergoeding van sulke persone vas.

(2) 'n Direkteur van die Genootskap is geregtig om die vergaderings van sodanige plaaslike adviserende komitees by te woon.

LEDE.

35. Die kwalifikasie van 'n lid is dat hy sy gewone verblyfplek in Kaapstad of binne 'n omtrek van vyftig myl vanaf die hoofkantoor van die Genootskap moet hê.

36. (1) Niemand kan tot lid verkies word nie tensy hy skriftelik genomineer is en die nominasiebrief deur minstens twee lede onderteken is en hy self skriftelik die nominasie aanvaar het.

(2) Sodanige nominasiebriefe moet minstens een-en-twintig dae voor die datum waarop die eersvolgende algemene jaarvergadering moet plaasvind by die Genootskap se hoofkantoor ingelewer word.

(3) Die verkiesing van lede geskied by wyse van die opsteek van hande: Met dien verstande dat indien minstens drie lede wat aanwesig is op die vergadering waarop 'n verkiesing plaasvind, 'n geheime stemming eis, 'n geheime stemming gehou word.

(4) Verkiesing van lede geskied deur die meerderheidstem van die lede wat stem en wat persoonlik op die betrokke vergadering aanwesig is.

37. The following persons shall be disqualified from being elected as a member or remaining a member of the Society:

- (a) a minor or other person under legal disability;
- (b) save by order of a competent Court, an unrehabilitated insolvent;
- (c) any person referred to in Article 20 (f);
- (d) any person not ordinarily resident within fifty miles from the head office of the Society: Provided that a member residing temporarily beyond a radius of fifty miles from the said head office may at the discretion of the Board be permitted to remain a member.

38. If any member fails on three consecutive occasions either to attend for the performance of his rota of duties, or to provide a substitute to act for him, such member shall, unless his absence or failure was caused by illness, or other cause deemed sufficient by the directors, cease to be a member from the date of a notice to that effect posted to his last-known address.

39. A member who attends at the office or other place of business of the Society for the purpose of rendering such services as shall be laid down by the Board in terms of section 17 of this Act shall be paid out of the funds of the Society a fee or allowance of R4.00 for each such attendance.

DEPOSITORS.

40. Each depositor shall be furnished with a deposit book or any other form of deposit receipt by the Society in such form as the Board shall determine.

41. (1) Unless the Board otherwise determines from time to time, depositors shall produce their deposit books or any other form of deposit receipts to the Society when any deposit is made and when any amount is withdrawn.

(2) A depositor shall hand in his deposit book or any other form of deposit receipt to the Society at least once in each year for audit purposes.

42. Whenever a deposit book or any other form of deposit receipt has been defaced, destroyed, mislaid or lost the Board may, upon such terms and conditions as it may from time to time deem fit, issue a duplicate deposit book or any other form of deposit receipt to the depositor concerned.

43. (1) Members, depositors and borrowers shall register with the Society within three months of the date of commencement of this Act, an address, and shall thereafter advise the Society of any change in that address, and all notices, cheques or other documents of any kind whatsoever posted to the member, depositor or borrower at such address shall be deemed to have been received by such member, depositor or borrower.

(2) No liability whatsoever shall attach to the Society by reason of the non-receipt or loss of any of the aforesaid notices, cheques or other documents, as the case may be, duly posted to such address.

INDEMNITY OF DIRECTORS, MEMBERS AND EMPLOYEES.

44. Every director, member, officer or employee of the Society shall be indemnified out of its funds against all costs, charges, expenses, losses and liabilities incurred by him in the conduct of the Society's business or in the discharge of his duties, and no director, member, officer or employee of the Society shall be liable for the acts or omissions of any other director, member, officer or employee by reason of his having joined in any receipt for money not received by him personally, or for any loss on account of defect of title to any property acquired by the Society, or on account of the insufficiency of any security in or upon which any moneys of the Society shall be invested, or for any loss incurred upon any ground whatever other than his own wilful act, default or omission.

ACCOUNTS.

45. The Board shall cause to be kept the records referred to in the Banks Act.

46. The books and accounts shall be kept at the head office of the Society or at such other place or places as the directors may determine and shall at all times be open to inspection by the directors.

47. At the annual general meeting, the Board shall submit to the members a balance sheet and profit and loss account for the preceding financial year, audited as hereinafter provided.

48. Every annual balance sheet shall be accompanied by a report of the directors as to the state of affairs of the Society as provided for in the Banks Act, and shall comply with the provisions of section 19

37. Die volgende persone is onbevoeg om tot lid verkies te word of om as lid aan te bly:

- (a) 'n minderjarige of ander persoon wat regsonbevoeg is;
- (b) behalwe op las van 'n bevoegde Hof, 'n ongerehabiliteerde insolvente persoon;
- (c) enigeen in Statuut 20 (f) bedoel;
- (d) enigeen wat nie sy gewone verblyfplek binne vyftig myl van die hoofkantoor van die Genootskap het nie: Met dien verstande dat 'n lid wat tydelik buite 'n omtrek van vyftig myl van die hoofkantoor van die Genootskap woon, na goeddunke van die Direksie toegelaat kan word om lid te bly.

38. Indien 'n lid by drie agtereenvolgende geleenthede in gebreke bly of om sy opwagting te maak ten einde sy pligte volgens beurt uit te voer of om 'n plaasvervanger te verskaf om namens hom op te tree, hou dié lid, tensy sy afwesigheid of versuim veroorsaak is deur siekte of 'n ander oorsaak wat die direkteure as voldoende beskou, op om lid te wees op die datum waarop kennis daarvan aan sy jongste bekende adres gepos word.

39. Aan 'n lid wat sy opwagting by die kantoor of ander sakeplek van die Genootskap maak met die doel om die dienste te verrig wat deur die Direksie ooreenkomstig artikel 17 van hierdie Wet voorgeskryf word, word 'n honorarium of toelae ten bedrae van R4.00 vir elke sodanige opwagting uit die fondse van die Genootskap betaal.

DEPOSANTE.

40. Die Genootskap voorsien elke deposant van 'n deposito-boekie of enige ander deposito-kwitansie in die vorm wat deur die Direksie bepaal word.

41. (1) Tensy die Direksie van tyd tot tyd anders bepaal, moet deposante hulle deposito-boekies of enige ander deposito-kwitansies aan die Genootskap vertoon wanneer 'n bedrag gedeponeer en wanneer 'n bedrag opgevoer word.

(2) Elke deposant moet sy deposito-boekie of enige ander deposito-kwitansie minstens een maal elke jaar by die Genootskap vir ouditdoel-eindes inlewer.

42. Wanneer 'n deposito-boekie of enige ander deposito-kwitansie onleesbaar raak, vernietig word of verlore raak, kan die Direksie 'n duplikaat-deposito-boekie of ander deposito-kwitansie aan die betrokke deposant uitreik op die bedinge en voorwaardes wat die Direksie van tyd tot tyd goeddink.

43. (1) Lede, deposante en geldleners moet binne drie maande na die datum van inwerkingtreding van hierdie Wet 'n adres by die Genootskap registreer, en moet die Genootskap daarna van enige verandering van dié adres in kennis stel, en alle kennisgewings, tjeks of ander dokumente van watter aard ook al wat aan die lid, deposant of geldlener aan daardie adres gepos is, word geag deur dié lid, deposant of geldlener ontvang te gewees het.

(2) Geen aanspreeklikheid hoegenaamd berus by die Genootskap op grond van die nie-ontvangs of verlies van enige van gemelde kennisgewings, tjeks of ander dokumente na gelang van die geval, wat behoorlik aan daardie adres gepos is nie.

SKADELOOSSTELLING VAN DIREKTEURE, LEDE EN WERKNEMERS.

44. Elke direkteur, lid, amptenaar of werknemer van die Genootskap word uit sy fondse skadeloos gestel ten aansien van alle koste, vorderings, uitgawes, verliese en verpligtings deur hom opgeloop in die verrigting van die Genootskap se werksaamhede of by die uitvoering van sy pligte en geen direkteur, lid, amptenaar of werknemer van die Genootskap is aanspreeklik vir die handeling of versuim van 'n ander direkteur, lid, amptenaar of werknemer omdat hy deel gehad het aan 'n ontvangsbewys vir geld wat hy nie persoonlik ontvang het nie, of vir enige verlies weens gebrekkige eiendomsreg op 'n eiendom deur die Genootskap verkry of weens die ontoereikendheid van enige sekuriteit waarin of waarop geld van die Genootskap belê mag word, of vir verlies gely op enige ander wyse hoegenaamd as deur sy eie opsetlike doen of late of versuim nie.

REKENINGS.

45. Die Direksie laat die oorkondes hou wat in die Bankwet vermeld word.

46. Die boeke en rekenings word in die hoofkantoor van die Genootskap gehou of op die ander plek of plekke wat die direkteure bepaal, en kan te alle tye deur die direkteure ingesien word.

47. Die Direksie lê by die algemene jaarvergadering 'n balansstaat en wins-en-verliesrekening vir die voorafgaande boekjaar, geouditeer soos hierna bepaal, aan die lede voor.

48. Elke jaarlikse balansstaat gaan vergesel van 'n verslag van die direkteure oor die toestand van die sake van die Genootskap soos deur die Bankwet bepaal, en moet aan die bepalings van artikel 19 van hierdie

of this Act, and the balance sheet shall be signed by two of the directors on behalf of the Board and countersigned by the general manager or secretary of the Society.

49. Subject to the provisions of the Banks Act a printed copy of such balance sheet, profit and loss account and report, shall be sent to each and every member together with the notice convening the annual general meeting in question.

AUDIT.

50. (1) The Society shall at each annual general meeting appoint auditors to hold office until the next annual general meeting.

(2) In the case of the nomination of an auditor other than a retiring auditor, the provisions of Articles 17 and 18 shall *mutatis mutandis* apply.

51. The provisions of the Banks Act and the Companies Act, 1926, shall *mutatis mutandis* regulate the appointment and duties of the auditors.

NOTICES.

52. Save as otherwise expressly provided, a notice by the Society to any member, depositor or borrower shall be in writing and shall be given by posting a prepaid letter containing such notice and addressed to such member, depositor or borrower at his registered address.

53. (1) Any notice, if given by post, shall be deemed to have been served at the time when the letter containing such notice was posted, and any notice given by advertisement shall be deemed to have been given on the day upon which the advertisement was published.

(2) Whenever it shall be necessary to prove that notice was duly given by posting it, evidence that the letter containing such notice was properly addressed and deposited in a post office shall be accepted as conclusive proof of the fact.

54. The signature on any notice given by the Society may be written or printed, or partly written and partly printed.

Wet voldoen, en die balansstaat moet deur twee direkteure namens die Raad van Direkteure onderteken en deur die hoofbestuurder of sekretaris van die Genootskap mede-onderteken word.

49. Behoudens die bepalinge van die Bankwet, word 'n gedrukte eksemplaar van sodanige balansstaat, wins-en-verliesrekening en verslag aan elke lid gestuur saam met die kennisgewing waarby die betrokke algemene jaarvergadering byeengeroep word.

ODUIT.

50. (1) Die Genootskap stel by elke algemene jaarvergadering ouditeurs aan wat hul amp tot die volgende algemene jaarvergadering beklee.

(2) Ingeval 'n ander ouditeur as 'n aftredende ouditeur genomineer word, is die bepalinge van Statute 17 en 18 *mutatis mutandis* van toepassing.

51. Die bepalinge van die Bankwet en die Maatskappywet, 1926, reël *mutatis mutandis* die aanstelling en pligte van die ouditeurs.

KENNISGEWINGS.

52. Behoudens andersluidende uitdruklike bepalinge geskied kennisgewing deur die Genootskap aan 'n lid, deposant of geldlener skriftelik en deur die pos by wyse van 'n voorafbetaalde brief wat daardie kennisgewing bevat en aan sodanige lid, deposant of geldlener by sy geregistreerde adres gerig is.

53. (1) 'n Kennisgewing wat per pos gestuur word, word geag bestel te gewees het op die tydstip toe die brief wat daardie kennisgewing bevat, ge-pos was en kennis wat by wyse van advertensie gegee word, word geag gegee te gewees het op die dag waarop die advertensie gepubliseer was.

(2) Wanneer dit ook al nodig is om te bewys dat kennis behoorlik gegee is deur dit te pos, word bewys dat die brief wat daardie kennisgewing bevat, behoorlik geadresseer en by 'n poskantoor ingelewer is, aanvaar as afdoende bewys van die feit.

54. Die naamtekening op enige kennisgewing deur die Genootskap uitgereik kan geskryf of gedruk word, of gedeeltelik geskryf en gedeeltelik gedruk word.

No. 34, 1968.]

ACT

To annul an order made by the water court for Water Court District No. 22 relating to the definition and recording of rights to the use of the water of the Waterval River, in the district of Lydenburg, Transvaal; to provide for the supply and distribution of water from the said river under sections 56 (3) and 62 (1) of the Water Act, 1956; and to provide for other incidental matters.

*(English text signed by the Acting State President.)
(Assented to 27th March, 1968.)*

WHEREAS the Waterval River irrigation district and board were established by Proclamation No. 287 of 1949:

AND WHEREAS there is at present in force an order made by the water court for the Water Court District No. 22 on the seventh day of October, 1918, in the matter of the application of T. H. Byrne relating to the definition and recording of rights to the use of the water of the Waterval River in the district of Lydenburg, Transvaal:

AND WHEREAS the existing supply of water which can be obtained from the said Waterval River without additional storage is insufficient to meet the requirements of riparian owners:

AND WHEREAS the Minister of Water Affairs has prepared a scheme for the construction of a major storage dam in the said Waterval River and is investigating the possibility and advisability of the construction of further storage dams on the river with a view to supplementing the water available for use by riparian owners and to placing existing development on a sound and economic basis:

AND WHEREAS it is necessary that the said order of court be annulled in order to enable the said Minister to control the abstraction, distribution or use of the water available in the said river and of the additional water which will become available as a result of the construction of the said storage dam:

AND WHEREAS it is expedient to provide for the basis on which permits are to be issued under section 62 (1) of the Water Act, 1956:

AND WHEREAS it is expedient to provide for the application of section 56 (3) of the said Act to water flowing or found in or derived from the said river:

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

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

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

Definitions.

No. 34, 1968.]

WET

Om 'n bevel deur die waterhof vir Waterhofdistrik No. 22 uitgevaardig met betrekking tot die bepaling en aantekening van regte op die gebruik van die water van die Watervalrivier, in die distrik Lydenburg, Transvaal, nietig te verklaar; om vir die voorsiening en lewering van water uit bedoelde rivier ingevolge artikels 56 (3) en 62 (1) van die Waterwet, 1956, voorsiening te maak; en om vir ander aangeleenthede wat daarmee in verband staan, voorsiening te maak.

*(Engelse teks deur die Waarnemende Staatspresident geteken.)
(Goedgekeur op 27 Maart 1968.)*

NADEMAAL die besproeiingsdistrik en -raad Watervalrivier by Proklamasie No. 287 van 1949 ingestel is:

EN NADEMAAL daar tans 'n bevel van krag is, uitgevaardig deur die waterhof vir Waterhofdistrik No. 22 op die sewende dag van Oktober 1918, insake die aansoek van T. H. Byrne met betrekking tot die bepaling en aantekening van regte op die gebruik van die water van die Watervalrivier in die distrik Lydenburg, Transvaal:

EN NADEMAAL die bestaande voorraad water wat uit bedoelde Watervalrivier sonder bykomende opgaring verkry kan word, onvoldoende is om aan die behoeftes van oewereienaars te voldoen:

EN NADEMAAL die Minister van Waterwese 'n skema ontwerp het vir die bou van 'n groot opgaardam in bedoelde Watervalrivier en tans die moontlikheid en raadsaamheid van die bou van verdere opgaardamme in die rivier ondersoek, met die oog daarop om die water beskikbaar vir gebruik deur oewereienaars aan te vul en om bestaande ontwikkeling op 'n gesonde ekonomiese grondslag te plaas:

EN NADEMAAL dit nodig is dat bedoelde hofbevel nietig verklaar word ten einde bedoelde Minister in staat te stel om die onttrekking, lewering of gebruik van die water in bedoelde rivier beskikbaar en van die addisionele water wat as gevolg van die bou van bedoelde opgaardam beskikbaar sal word, te beheer:

EN NADEMAAL dit raadsaam is om voorsiening te maak vir die grondslag waarop permitte ingevolge artikel 62 (1) van die Waterwet, 1956, uitgereik moet word:

EN NADEMAAL dit raadsaam is om voorsiening te maak vir die toepassing van artikel 56 (3) van bedoelde Wet op water wat in bedoelde rivier vloei of aangetref word of daaruit afkomstig is:

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

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

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

Woord-
omskrywing.

"irrigation district" means the Waterval River irrigation district established by Proclamation No. 287 of 1949;

"Water Act" means the Water Act, 1956 (Act No. 54 of 1956);

"Waterval River" means the Waterval River in the district of Lydenburg, Transvaal,

and any other expression to which a meaning has been assigned in the Water Act bears, when used in this Act, the same meaning.

2. The order made by the water court for the Water Court District No. 22 on the seventh day of October, 1918, in the matter of the application of T. H. Byrne relating to the definition and recording of rights to the use of the water of the Waterval River, shall cease to be of force and effect. Annulment of water court order.

3. (1) The owner of any piece of land appearing in the schedule of rateable areas for the irrigation district, shall be entitled to a permit to be issued by the Minister on such conditions as he may deem fit to impose, to enable such owner annually to abstract, impound or store from the Waterval River such quantity of water as the Minister may consider sufficient for the irrigation of each morgen of such piece of land scheduled in terms of section 88 (1) (b) (ii) of the Water Act at the date on which the irrigation district became part of a Government water control area. Permits under section 62 (1) of Water Act.

(2) Any permit issued under subsection (1) shall be deemed to have been issued under section 62 (1) (b) of the Water Act.

4. In the Government water control area in which the irrigation district falls, all water flowing or found in or derived from the Waterval River shall for the purposes of section 56 (3) of the Water Act be deemed to be water in a Government water work. Application of section 56 (3) of Water Act to water flowing or found in or derived from Waterval River.

5. This Act shall be called the Waterval River (Lydenburg) Act, 1968, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*, after the Minister has under the provisions of section 56 (1) of the Water Act constructed a storage dam in the Waterval River. Short title and date of commencement.

„besproeiingsdistrik” die besproeiingsdistrik Watervalrivier by Proklamasie No. 287 van 1949 ingestel;
 „Waterwet” die Waterwet, 1956 (Wet No. 54 van 1956);
 „Watervalrivier” die Watervalrivier in die distrik Lydenburg, Transvaal,

en het enige ander uitdrukking waaraan ’n betekenis in die Waterwet toegeskryf is, waar dit in hierdie Wet voorkom, dieselfde betekenis.

Nietigverklaring
 van waterhofbevel.

2. Die bevel uitgevaardig deur die waterhof vir Waterhofdistrik No. 22 op die sewende dag van Oktober 1918, insake die aansoek van T. H. Byrne met betrekking tot die bepaling en aantekening van regte op die gebruik van die water van die Watervalrivier, hou op om van krag te wees.

Permitte ingevolge
 artikel 62 (1) van
 Waterwet.

3. (1) Die eienaar van ’n stuk grond wat op die lys van belasbare oppervlaktes vir die besproeiingsdistrik voorkom, is geregtig op ’n permit deur die Minister uitgereik op die voorwaardes wat hy na goëddunke oplê, om bedoelde eienaar in staat te stel om jaarliks uit die Watervalrivier die hoeveelheid water uit te neem, op te dam of op te gaar, wat die Minister voldoende ag vir die besproeiing van elke morg van bedoelde stuk grond wat ingevolge artikel 88 (1) (b) (ii) van die Waterwet ingelys was op die datum waarop die besproeiingsdistrik deel van ’n Staatswaterbeheergebied geword het.

(2) ’n Permit ingevolge subartikel (1) uitgereik, word geag ingevolge artikel 62 (1) (b) van die Waterwet uitgereik te wees.

Toepassing van
 artikel 56 (3)
 van Waterwet op
 water wat in
 Watervalrivier
 vloei of aangetref
 word of daaruit
 afkomstig is.

4. In die Staatswaterbeheergebied waarin die besproeiingsdistrik geleë is, word al die water wat in die Watervalrivier vloei of aangetref word of daaruit afkomstig is, by die toepassing van artikel 56 (3) van die Waterwet geag water in ’n Staatswaterwerk te wees.

Kort titel en
 datum van
 inwerkingtreding.

5. Hierdie Wet heet die Wet op die Watervalrivier (Lydenburg), 1968, en tree in werking op ’n datum deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal nadat die Minister kragtens die bepalings van artikel 56 (1) van die Waterwet ’n opgaardam in die Watervalrivier gebou het.

No. 35, 1968.]

ACT

To amend the provisions of the War Graves Act, 1967, relating to definitions, the objects of the South African War Graves Board, the constitution of the said Board and the funds of the said Board; to provide for the establishment of a War Graves Trust Fund; to amend the long title of the War Graves Act, 1967; to repeal the Maintenance of War Graves Trust Fund Ordinance, 1905, of the Orange River Colony; and to provide for other incidental matters.

*(Afrikaans text signed by the Acting State President.)
(Assented to 27th March, 1968.)*

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 of the War Graves Act, 1967 (hereinafter referred to as the principal Act), is hereby amended—

Amendment of
section 1 of
Act 34 of 1967.

- (a) by the substitution in the definition of "Minister" for the words "Education, Arts and Science" of the words "National Education"; and
- (b) by the substitution in the definition of "Secretary" for the words "Education, Arts and Science" of the words "Cultural Affairs".

2. Section 3 of the principal Act is hereby amended by the substitution for paragraph (a) of the following paragraph:

Amendment of
section 3 of
Act 34 of 1967.

"(a) to repair, maintain and generally care for—

- (i) burial grounds and graves of persons who died in any area now included in the Republic in wars (other than the wars known as the First and Second World Wars) or rebellions which occurred therein;
- (ii) burial grounds and graves in the Republic of members of garrison troops;
- (iii) Voortrekker graves and burial grounds; and
- (iv) burial grounds and graves of exiles;".

3. Section 5 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

Amendment of
section 5 of
Act 34 of 1967.

"(2) The members of the board shall be appointed by the Minister and the name of every person appointed as a member of the board shall be notified in the *Gazette*."

4. The following section is hereby substituted for section 13 of the principal Act:

Substitution of
section 13 of
Act 34 of 1967.

"Funds of
board.

13. The funds of the board shall consist of such grants (including grants-in-aid by the State or the government of any other country), donations and

No. 35, 1968.]

WET

Tot wysiging van die bepalings van die Wet op Oorlogsgrafte, 1967, met betrekking tot woordskrywings, die oogmerke van die Suid-Afrikaanse Raad vir Oorlogsgrafte, die samestelling van bedoelde Raad en die fondse van bedoelde Raad; om voorsiening te maak vir die instelling van 'n Oorlogsgrafte-trustfonds; om die lang titel van die Wet op Oorlogsgrafte, 1967, te wysig; om die „Maintenance of War Graves Trust Fund Ordinance, 1905”, van die Oranje Rivier Kolonie, te herroep; en om vir ander bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Waarnemende Staatspresident geteken.)
(Goedgekeur op 27 Maart 1968.)

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 34 van 1967.

1. Artikel 1 van die Wet op Oorlogsgrafte, 1967 (hieronder die Hoofwet genoem), word hierby gewysig—

- (a) deur in die omskrywing van „Minister” die woorde „Onderwys, Kuns en Wetenskap” deur die woorde „Nasionale Opvoeding” te vervang; en
- (b) deur in die omskrywing van „Sekretaris” die woorde „Onderwys, Kuns en Wetenskap” deur die woord „Kultuursake” te vervang.

Wysiging van
artikel 3 van
Wet 34 van 1967.

2. Artikel 3 van die Hoofwet word hierby gewysig deur paragraaf (a) deur die volgende paragraaf te vervang—

„(a) om—

- (i) begraafplase en grafte van persone wat gesterf het in 'n gebied wat nou deel van die Republiek uitmaak in oorloë (behalwe die oorloë bekend as die Eerste en die Tweede Wêreldoorlog) of opstande wat daarin plaasgevind het;
- (ii) begraafplase en grafte in die Republiek van lede van garnisoentroepe;
- (iii) Voortrekkergrafte en -begraafplase; en
- (iv) begraafplase en grafte van bannelinge, te herstel, in stand te hou en in die algemeen te versorg.”

Wysiging van
artikel 5 van
Wet 34 van 1967.

3. Artikel 5 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Die lede van die raad word deur die Minister aangestel en die naam van elke persoon as lid van die raad aangestel, moet in die *Staatskoerant* afgekondig word.”

Vervanging van
artikel 13 van
Wet 34 van 1967.

4. Artikel 13 van die Hoofwet word hierby deur die volgende artikel vervang:

„Fondse
van raad.

13. Die fondse van die raad bestaan uit die toelaes (met inbegrip van hulptoelaes van die Staat of die regering van 'n ander land), skenkings en bydraes

subscriptions as may from time to time be made to it or be payable to it and any moneys which become part of the funds of the board in terms of section 13A (6).”.

5. The following section is hereby inserted in the principal Act after section 13: Insertion of section 13A in Act 34 of 1967.

“Establishment of War Graves Trust Fund.

13A. (1) There is hereby established a trust fund to be known as the War Graves Trust Fund.

(2) The board shall act as trustee of the said fund.

(3) There shall be paid into the said fund—

(a) all moneys collected by the board for the said fund;

(b) all grants and donations made to the said fund; and

(c) the moneys transferred to the said fund in terms of subsection (4).

(4) All moneys in the fund established by the Maintenance of Graves Trust Fund Ordinance, 1905 (Ordinance No. 24 of 1905 of the Orange River Colony), at the commencement of the War Graves Amendment Act, 1968, shall at such commencement be transferred to the War Graves Trust Fund established by subsection (1).

(5) All moneys in the said War Graves Trust Fund shall be invested by the board in such manner as may be approved by the Minister acting in consultation with the Minister of Finance.

(6) Any income derived from the moneys invested in terms of subsection (5) shall become part of the funds of the board and may, subject to the provisions of subsection (7), be used by it for any of the objects for which it has been established.

(7) In each year not less than one thousand rand shall be devoted by the board to the maintenance, repair and general care of the burial grounds and graves of persons who died in the Anglo-Boer War in the Orange Free State or in any concentration camp established in the Cape Province for the reception of inhabitants of the late Republic of the Orange Free State.”.

6. The following long title is hereby substituted for the long title of the principal Act: Substitution of long title of Act 34 of 1967.

“To provide for the repair, maintenance and general care of certain burial grounds and graves, the establishment of gardens of remembrance in respect of certain persons and the erection of memorials for certain persons and to that end to establish a South African War Graves Board and to prescribe its functions and powers; to provide for the establishment of a War Graves Trust Fund; to provide for National Gardens of Remembrance; and to provide for other incidental matters.”.

7. The Maintenance of Graves Trust Fund Ordinance, 1905, of the Orange River Colony, is hereby repealed. Repeal of Ordinance 24 of 1905, of the Orange River Colony.

8. This Act shall be called the War Graves Amendment Act, 1968, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*. Short title and commencement.

wat van tyd tot tyd aan hom verleen of gemaak of betaalbaar word en enige gelde wat ingevolge artikel 13A (6) deel van die fondse van die raad word.”.

Invoeging van
artikel 13A in
Wet 34 van 1967.

5. Die volgende artikel word hierby na artikel 13 in die Hoofwet ingevoeg:

„Instelling
van Oor-
logsgrafte-
trustfonds.

13A. (1) Hierby word 'n fonds ingestel wat die Oorlogsgrafte-trustfonds heet.

(2) Die raad tree op as trustee van bedoelde fonds.

(3) In bedoelde fonds word gestort—

(a) alle gelde wat deur die raad vir bedoelde fonds ingesamel word;

(b) alle toelaes en skenkings wat aan bedoelde fonds verleen of gemaak word; en

(c) die gelde wat ingevolge subartikel (4) na bedoelde fonds oorgedra word.

(4) Alle gelde in die fonds ingestel by die „Maintenance of Graves Trust Fund Ordinance, 1905” (Ordonnansie No. 24 van 1905 van die Oranje Rivier Kolonie), by die inwerkingtreding van die Wysigingswet op Oorlogsgrafte, 1968, word by sodanige inwerkingtreding oorgedra na die by subartikel (1) ingestelde Oorlogsgrafte-trustfonds.

(5) Alle gelde in bedoelde Oorlogsgrafte-trustfonds word deur die raad belê op 'n wyse wat die Minister handelende in oorleg met die Minister van Finansies goedkeur.

(6) Inkomste verkry uit gelde ingevolge subartikel (5) belê, word deel van die fondse van die raad en kan, behoudens die bepalings van subartikel (7), deur hom aangewend word vir enige van die oogmerke waarvoor die raad ingestel is.

(7) In elke jaar moet die raad minstens duisend rand bestee aan die instandhouding, herstel en algemene versorging van die begraaftplase en grafte van persone wat gesterf het in die Oranje-Vrystaat in die Anglo-Boere-oorlog of in 'n konsentrasiekamp wat in die Kaapprovinsie opgerig is vir die ontvangs van inwoners van die voormalige republiek De Oranjevrijstaat.”.

Vervanging van
lang titel van
Wet 34 van 1967.

6. Die lang titel van die Hoofwet word hierby deur die volgende lang titel vervang:

„Om voorsiening te maak vir die herstel, instandhouding en algemene versorging van sekere begraaftplase en grafte, die totstandbring van gedenktuine ten opsigte van sekere persone en die oprigting van gedenktekens vir sekere persone en te dien einde 'n Suid-Afrikaanse Raad vir Oorlogsgrafte in te stel en om sy werksaamhede en bevoegdhede te bepaal; om vir die instelling van 'n Oorlogsgrafte-trustfonds voorsiening te maak; om vir Nasionale Gedenktuine voorsiening te maak; en om vir ander bykomstige aangeleenthede voorsiening te maak.”.

Herroeping van
Ordonnansie 24
van 1905, van die
Oranje Rivier
Kolonie.

7. Die „Maintenance of Graves Trust Fund Ordinance, 1905”, van die Oranje Rivier Kolonie, word hierby herroep.

Kort titel en
inwerkingtreding.

8. Hierdie Wet heet die Wysigingswet op Oorlogsgrafte, 1968, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

No. 36, 1968.]

ACT

To amend sections 48 and 50 of, and Items 4, 8 and 15 of Part B of the First Schedule to, the Transkei Constitution Act, 1963, so as to exclude those portions of the districts of Matatiele and Port St. Johns, which are not Bantu areas, from the powers of the Government and the Legislative Assembly of the Transkei in relation to inferior courts, and estates, wills, succession, births, deaths and marriages in respect of citizens of the Transkei, and from the jurisdiction of the High Court for the Transkei; to amend section 60 of the said Act so as to make the whole of the Group Areas Act, 1966, applicable in those portions of the districts of Matatiele and Port St. Johns which are not Bantu areas; to insert a new Item 22A in Part B of the First Schedule to the said Act whereby the Legislative Assembly is empowered to make laws in relation to paramount chiefs, chiefs, headmen and tribes; and to make provision for matters incidental thereto.

(English text signed by the Acting State President.)
(Assented to 28th March, 1968.)

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

1. (1) Section 48 of the Transkei Constitution Act, 1963 (hereinafter referred to as the principal Act), is hereby amended by the addition of the following subsection: Amendment of section 48 of Act 48 of 1963.

“(6) The provisions of subsections (2) to (5), inclusive, shall not apply in any area in the district of Matatiele or Port St. Johns which is not a Bantu area, and all such areas in each of the said districts, whether or not constituting a single area, shall for the purposes of the Magistrates’ Courts Act, 1944 (Act No. 32 of 1944), be deemed to be a district established in terms of section 2 of that Act, and shall for the purposes of the Bantu Administration Act, 1927 (Act No. 38 of 1927), be deemed to be an area defined under section 10 of the lastmentioned Act as an area in which a court of a Bantu Affairs Commissioner shall have jurisdiction: Provided that in the district of Matatiele or Port St. Johns the seat of a court referred to in subsection (2) may, until the Minister of Bantu Administration and Development determines otherwise, be situated in any area which is not a Bantu area.”.

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

2. Section 50 of the principal Act is hereby amended by the addition of the following subsection: Amendment of section 50 of Act 48 of 1963.

“(4) The High Court for the Transkei shall not have jurisdiction in or over any area in the district of Matatiele or Port St. Johns which is not a Bantu area.”.

No. 36, 1968.]

WET

Tot wysiging van artikels 48 en 50 van, en Items 4, 8 en 15 van Deel B van die Eerste Bylae by, die Transkeise Grondwet, 1963, om daardie gedeeltes van die distrikte Matatiele en Port St. Johns wat nie Bantoegebiede is nie, uit te sluit van die Regering en die Wetgewende Vergadering van die Transkei se bevoegdhede met betrekking tot laerhowe, en boedels, testamente, erfopvolging, geboortes, sterftes en huwelike ten opsigte van Transkeise burgers, en van die regsbevoegdheid van die Hoërhof van die Transkei; om artikel 60 van genoemde Wet te wysig ten einde die Wet op Groepsgebiede, 1966, in sy geheel van toepassing te maak in daardie gedeeltes van die distrikte Matatiele en Port St. Johns wat nie Bantoegebiede is nie; om 'n nuwe Item 22A in Deel B van die Eerste Bylae by genoemde Wet in te voeg waarby die Wetgewende Vergadering die bevoegdheid verleen word om wette te maak met betrekking tot hoofkapteins, kapteins, hoofmanne en stamme; en om vir aangeleenthede wat daarmee in verband staan, voorsiening te maak.

(Engelse teks deur die Waarnemende Staatspresident geteken.)
(Goedgekeur op 28 Maart 1968.)

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

Wysiging van
artikel 48 van
Wet 48 van 1963.

1. (1) Artikel 48 van die Transkeise Grondwet, 1963 (hieronder die Hoofwet genoem), word hierby gewysig deur die volgende subartikel by te voeg:

„(6) Die bepalings van subartikels (2) tot en met (5) is nie van toepassing nie in 'n gebied in die distrik Matatiele of Port St. Johns wat nie 'n Bantoegebied is nie, en al sodanige gebiede in elk van genoemde distrikte, ongeag of dit 'n enkele gebied uitmaak al dan nie, word vir die doeleindes van die Wet op Landdroshowe, 1944 (Wet No. 32 van 1944), geag 'n distrik te wees wat kragtens artikel 2 van daardie Wet ingestel is, en word vir die doeleindes van die Bantoe-administrasie Wet, 1927 (Wet No. 38 van 1927), geag 'n gebied te wees wat kragtens artikel 10 van laasgenoemde Wet bepaal is as 'n gebied waarin 'n Bantoe-sakekommissarishof regsmag het: Met dien verstande dat in die distrik Matatiele of Port St. Johns die setel van 'n hof bedoel in subartikel (2), in 'n gebied wat nie 'n Bantoegebied is nie, geleë kan wees totdat die Minister van Bantoe-administrasie en -ontwikkeling anders bepaal.”

(2) Subartikel (1) tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

Wysiging van
artikel 50 van
Wet 48 van 1963.

2. Artikel 50 van die Hoofwet word hierby gewysig deur die volgende subartikel by te voeg:

„(4) Die Hoërhof van die Transkei het nie regsbevoegdheid in of oor 'n gebied in die distrik Matatiele of Port St. Johns wat nie 'n Bantoegebied is nie.”

3. Section 60 of the principal Act is hereby amended by the addition of the following subsection: Amendment of section 60 of Act 48 of 1963.

“(5) The provisions of this section shall not apply in any area in the district of Matatiele or Port St. Johns which is not a Bantu area, and the Group Areas Act, 1966 (Act No. 36 of 1966), shall apply in any such area.”.

4. Part B of the First Schedule to the principal Act is hereby amended— Amendment of the First Schedule to Act 48 of 1963.

(a) by the substitution for Item 4 of the following Item:

“4. Subject to the provisions of sections 48 and 49 of this Act, the establishment, administration and control of inferior courts in any district mentioned in section 2 of this Act, but not within any area in the district of Matatiele or Port St. Johns which is not a Bantu area.”;

(b) by the substitution for Item 8 of the following Item:

“8. The administration of deceased estates, the execution of wills and matters relating to succession in respect of citizens of the Transkei resident in any of the districts mentioned in section 2 of this Act, but not within any area in the district of Matatiele or Port St. Johns which is not a Bantu area.”;

(c) by the substitution for Item 15 of the following Item:

“15. Births, deaths and marriages in respect of citizens of the Transkei in the districts mentioned in section 2 of this Act, but not within any area in the district of Matatiele or Port St. Johns which is not a Bantu area.”; and

(d) by the insertion after Item 22 of the following Item:

“22A. Subject to the provisions of section 45 of this Act, the division of existing Bantu tribes, the amalgamation of Bantu tribes, the constitution of new Bantu tribes, and the conditions of service, discipline, retirement, deposition, dismissal and pensioning of paramount chiefs, chiefs and headmen: Provided that no law of the Legislative Assembly shall authorize or grant authority for the deposition or dismissal of paramount chiefs or chiefs without the prior approval of the State President.”.

5. This Act shall be called the Transkei Constitution Amendment Act, 1968. Short title.

Wysiging van
artikel 60 van
Wet 48 van 1963.

3. Artikel 60 van die Hoofwet word hierby gewysig deur die volgende subartikel by te voeg:

„(5) Die bepalings van hierdie artikel is nie van toepassing nie in 'n gebied in die distrik Matatiele of Port St. Johns wat nie 'n Bantoegebied is nie, en die Wet op Groepsgebiede, 1966 (Wet No. 36 van 1966), is in so 'n gebied van toepassing.”.

Wysiging van
die Eerste Bylae
by Wet 48 van
1963.

4. Deel B van die Eerste Bylae by die Hoofwet word hierby gewysig—

(a) deur Item 4 deur die volgende Item te vervang:

„4. Behoudens die bepalings van artikels 48 en 49 van hierdie Wet, die instelling, administrasie en beheer van laerhowe in enige distrik genoem in artikel 2 van hierdie Wet, maar nie in 'n gebied in die distrik Matatiele of Port St. Johns wat nie 'n Bantoegebied is nie.”;

(b) deur Item 8 deur die volgende Item te vervang:

„8. Die administrasie van bestorwe boedels, die verlyding van testamente en sake rakende erfopvolging van burgers van die Transkei woonagtig in enige van die distrikte genoem in artikel 2 van hierdie Wet, maar nie in 'n gebied in die distrik Matatiele of Port St. Johns wat nie 'n Bantoegebied is nie.”;

(c) deur Item 15 deur die volgende Item te vervang:

„15. Geboortes, sterftes en huwelike ten opsigte van burgers van die Transkei in die distrikte genoem in artikel 2 van hierdie Wet, maar nie in 'n gebied in die distrik Matatiele of Port St. Johns wat nie 'n Bantoegebied is nie.”; en

(d) deur die volgende Item na Item 22 in te voeg:

„22A. Behoudens die bepalings van artikel 45 van hierdie Wet, die verdeling van bestaande Bantoe-stamme, die samesmelting van Bantoe-stamme, die stigting van nuwe Bantoe-stamme, en die diensvoorwaardes, tug, aftreding, afsetting, ontslag en pensioenering van hoofkapteins, kapteins en hoofmanne: Met dien verstande dat geen wet van die Wetgewende Vergadering die afsetting of ontslag van hoofkapteins of kapteins magtig of magtiging daarvoor verleen nie behalwe met die voorafverkreë goedkeuring van die Staatspresident.”.

Kort titel.

5. Hierdie Wet heet die Wysigingswet op die Transkeise Grondwet, 1968.

No. 38, 1968.]

ACT

To provide for the construction and equipment of a line of railway between Empangeni and Richard's Bay in the Province of Natal, and for matters incidental thereto.

*(English text signed by the Acting State President.)
(Assented to 29th March, 1968.)*

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

1. (1) The State President may, as soon after the commencement of this Act as to him may seem expedient, cause to be constructed and equipped, upon a gauge of three feet six inches, a line of railway of a length of approximately eleven miles between Empangeni and Richard's Bay in the Province of Natal, at a gross cost of approximately three million seven hundred and fifty thousand rand.

Construction and equipment of line of railway between Empangeni and Richard's Bay.

(2) The powers conferred by this section shall include the power to construct and equip all sidings, stations, buildings and other appurtenances necessary for or incidental to the proper working of the said line of railway.

(3) The expression "construct and equip" shall include "maintain" while the line is in course of construction and equipment.

2. The cost of construction and equipment of the line of railway authorized by section 1 shall be defrayed out of any loan raised by the State President under the authority of law and appropriated for that purpose by Parliament, or out of any other moneys so appropriated.

Cost of construction and equipment.

3. In respect of the construction and equipment of the said line of railway, the State President shall have the powers conferred by the Railway Expropriation Act, 1955 (Act No. 37 of 1955), but subject to the obligations imposed by that Act: Provided that the width of the land taken shall not exceed one hundred Cape feet for the construction of the line, together with such additional land as may be required for the slopes, cuttings, drainage, stations, approach roads and other works and matters which may be necessary for the purpose of the line.

Powers incidental to construction and equipment.

4. This Act shall be called the Railway Construction Act, 1968. Short title.

No. 38, 1968.]

WET

Om voorsiening te maak vir die aanleg en uitrusting van 'n spoorlyn tussen Empangeni en Richardsbaai in die Provinsie Natal, en vir aangeleenthede wat daarmee in verband staan.

*(Engelse teks deur die Waarnemende Staatspresident geteken.)
(Goedgekeur op 29 Maart 1968.)*

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

Aanleg en uitrusting van spoorlyn tussen Empangeni en Richardsbaai.

1. (1) Die Staatspresident kan, so spoedig na die inwerking-treding van hierdie Wet as wat hy raadsaam ag, 'n spoorlyn van 'n spoorwydte van drie voet ses duim en 'n lengte van ongeveer elf myl tussen Empangeni en Richardsbaai, in die Provinsie Natal, laat aanlê en uitrus teen 'n bruto koste van ongeveer driemiljoen sewehonderd-en-vyftigduisend rand.

(2) Die bevoegdheide deur hierdie artikel verleen, sluit die bevoegdheid in om alle sylyne, stasies, geboue en ander toe-behore wat vir die behoorlike eksploitasie van die gemelde spoorlyn nodig is of daarmee in verband staan, aan te lê en uit te rus.

(3) Die uitdrukking „aanlê en uitrus” omvat „in stand hou” onderwyl die lyn aangelê en uitgerus word.

Koste van aanleg en uitrusting.

2. Die koste van aanleg en uitrusting van die spoorlyn wat deur artikel 1 gemagtig word, word bestry uit 'n lening deur die Staatspresident kragtens wetlike magtiging aangegaan en vir daardie doel deur die Parlement bewillig, of uit ander aldus bewilligde gelde.

Bevoegdheide in verband met aanleg en uitrusting.

3. Ten opsigte van die aanleg en uitrusting van bedoelde spoorlyn het die Staatspresident die bevoegdheide verleen deur die Spoorwegonteieningswet, 1955 (Wet No. 37 van 1955), maar onderhewig aan die verpligtings deur bedoelde Wet opgelê: Met dien verstande dat die breedte van die grond wat geneem word, honderd Kaapse voet vir die aanbou van die lyn nie mag oorskry nie, met dié bykomende grond wat nodig is vir die hellings, deurgrawings, dreinerings, stasies, toegangspaaie en ander werke en aangeleenthede wat vir die doeleindes van die lyn nodig is.

Kort titel.

4. Hierdie Wet heet die Spoorwegaanlegwet, 1968.