

EXTRAORDINARY



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REPUBLIC OF SOUTH AFRICA
GOVERNMENT GAZETTE

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KAAPSTAD, 24 APRIL 1968.

DEPARTMENT OF THE PRIME MINISTER.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 661.] [24th April, 1968.

No. 661.] [24 April 1968.

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

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No. 46 of 1968: Promotion of the Economic Development of Bantu Homelands Act, 1968	25
No. 47 of 1968: Livestock and Produce Sales Amendment Act, 1968	45

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

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INHOUD.

Departement van die Eerste Minister.

GOEWERMENTSKENNISGEWING.

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No. 42, 1968.]

ACT

To amend the provisions of the Mines and Works Act, 1956, as to definitions; official supervision of mines, works and machinery; the establishment of a mine safety committee; the determination of working hours, minimum wages and paid and sick leave; the restriction upon employment of juveniles and females; and the power to make regulations; and to provide for incidental matters.

(English text signed by the State President.)

(Assented to 16th April, 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 Mines and Works Act, 1956 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the substitution for the definition of "Assistant Government Mining Engineer" of the following definition:

"'Assistant Government Mining Engineer' means a person appointed or deemed to have been appointed as such under section 3 of the Mining Rights Act, 1967 (Act No. 20 of 1967);"

Amendment of section 1 of Act 27 of 1956, as amended by section 1 of Act 51 of 1959, section 1 of Act 46 of 1964 and section 1 of Act 91 of 1965.

(b) by the substitution for the definition of "boiler" of the following definition:

"'boiler' means—

(a) any apparatus adapted to convert continuously any liquid into steam, vapour or gas at a pressure higher than that due to the atmosphere and where the heat is derived from a source other than steam or the ambient temperature of the atmosphere, and shall include any super-heater or economizer which is an integral part thereof; and

(b) any economizer or separately-fired super-heater neither of which is an integral part of such apparatus,

and includes every fitting and appurtenance pertaining to any such apparatus, economizer or super-heater: Provided that where any apparatus consists of a combination of two or more parts each of which is capable of adaptation for use as a separate boiler by the closing of one or more stop valves or stop cocks, each of the said parts shall be deemed to be a boiler: Provided further that—

(i) a steam generator fitted with a standpipe or riser which is vented directly to the atmosphere and the vent of which is of such dimensions as to prevent the development of any pressure exceeding five pounds per square inch within the vessel and provided that no valve or other obstruction is inserted in the standpipe or riser to prevent the vessel from freely venting to the atmosphere, or

WET

Tot wysiging van die bepalings van die Wet op Myne en Bedrywe, 1956, betreffende woordbepalings; amptelike toesig oor myne, bedrywe en masjinerie; die instelling van 'n mynveiligheidskomitee; die bepaling van werkure, minimum lone en betaalde verlof en siekteverlof; die beperking op indiensneming van jeugdiges en vrouspersone; en die bevoegdheid om regulasies uit te vaardig; en om voorsiening te maak vir bykomstige aangeleenthede.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 16 April 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 27 van 1956, soos gewysig deur artikel 1 van Wet 51 van 1959, artikel 1 van Wet 46 van 1964 en artikel 1 van Wet 91 van 1965.

1. Artikel 1 van die Wet op Myne en Bedrywe, 1956 (hieronder die Hoofwet genoem), word hierby gewysig—

- (a) deur die omskrywing van „Adjunk-staatsmyningenieur” deur die volgende omskrywing te vervang:
„Adjunk-staatsmyningenieur” iemand wat kragtens artikel 3 van die Wet op Mynregte, 1967 (Wet No. 20 van 1967), as sodanig aangestel is of geag word kragtens daardie Wet as sodanig aangestel te wees;”;
- (b) deur die omskrywing van „Assistent-staatsmyningenieur” deur die volgende omskrywing te vervang:
„Assistent-staatsmyningenieur” iemand wat kragtens artikel 3 van die Wet op Mynregte, 1967 (Wet No. 20 van 1967), as sodanig aangestel is of geag word kragtens daardie Wet as sodanig aangestel te wees;”;
- (c) deur die omskrywing van „inspekteur” deur die volgende omskrywing te vervang:
„inspekteur” ook ’n hoofinspekteur, senior inspekteur en adjunk-inspekteur;”;
- (d) deur die omskrywing van „inspekteur van masjinerie” deur die volgende omskrywing te vervang:
„inspekteur van masjinerie” iemand wat kragtens artikel 3 van die Wet op Mynregte, 1967 (Wet No. 20 van 1967), as sodanig aangestel is of geag word kragtens daardie Wet as sodanig aangestel te wees;”;
- (e) deur die omskrywing van „inspekteur van myne” deur die volgende omskrywing te vervang:
„inspekteur van myne” iemand wat kragtens artikel 3 van die Wet op Mynregte, 1967 (Wet No. 20 van 1967), as sodanig aangestel is of geag word kragtens daardie Wet as sodanig aangestel te wees;”;
- (f) deur die omskrywing van „Staatsmyningenieur” deur die volgende omskrywing te vervang:
„Staatsmyningenieur” die persoon wat kragtens artikel 3 van die Wet op Mynregte, 1967 (Wet No. 20 van 1967), as sodanig aangestel is of geag word kragtens daardie Wet as sodanig aangestel te wees;”;
en

- (ii) any apparatus in which the product of the manufacturer's intended maximum working pressure in pounds per square inch and the volume in cubic feet does not exceed the figure fifty,
shall not be deemed to be a boiler;"
- (c) by the substitution for the definition of "Deputy Government Mining Engineer" of the following definition:
"Deputy Government Mining Engineer' means a person appointed or deemed to have been appointed as such under section 3 of the Mining Rights Act, 1967 (Act No. 20 of 1967);"
- (d) by the substitution for the definition of "Government Mining Engineer" of the following definition:
"Government Mining Engineer' means the person appointed or deemed to have been appointed as such under section 3 of the Mining Rights Act, 1967 (Act No. 20 of 1967);"
- (e) by the substitution for the definition of "inspector" of the following definition:
"inspector' includes a chief inspector, senior inspector and deputy inspector;"
- (f) by the substitution for the definition of "inspector of machinery" of the following definition:
"inspector of machinery' means a person appointed or deemed to have been appointed as such under section 3 of the Mining Rights Act, 1967 (Act No. 20 of 1967);" and
- (g) by the substitution for the definition of "inspector of mines" of the following definition:
"inspector of mines' means a person appointed or deemed to have been appointed as such under section 3 of the Mining Rights Act, 1967 (Act No. 20 of 1967)."

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

"Official supervision of mines, works and machinery.

2. The Government Mining Engineer and, subject to his directions, the Deputy Government Mining Engineers, Assistant Government Mining Engineers, inspectors of mines, inspectors of machinery and other officers appointed or deemed to have been appointed for the purpose under section 3 of the Mining Rights Act, 1967 (Act No. 20 of 1967), shall exercise supervision over all mines, works and machinery."

Substitution of section 2 of Act 27 of 1956, as substituted by section 2 of Act 46 of 1964.

3. Section 2bis of the principal Act is hereby amended by the substitution for paragraphs (b) and (c) of subsection (3) of the following paragraphs:

- "(b) a Deputy Government Mining Engineer who has specialized knowledge of mining;
- (c) a Deputy Government Mining Engineer who has specialized knowledge of machinery;"

Amendment of section 2bis of Act 27 of 1956, as inserted by section 3 of Act 46 of 1964.

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

"Determination of working hours, minimum wages and paid and sick leave.

10. (1) (a) The Minister may, after considering any representations submitted to him in terms of subsection (2), by notice in the *Gazette* determine the number of hours which persons may work or be permitted to work in and at mines or works, and in making such determination the Minister may—

- (i) determine different hours of work for mines and works or for different mines or works or for different classes of mines or works or for different areas or for different

Substitution of section 10 of Act 27 of 1956, as amended by section 9 of Act 46 of 1964.

(g) deur die omskrywing van „stoomketel” deur die volgende omskrywing te vervang:

„stoomketel”—

(a) 'n apparaat geskik gemaak om ononderbroke enige vloeistof te verander in stoom, damp of gas teen 'n hoër druk as dié aan die atmosfeer toe te skrywe en waar die hitte verkry word uit 'n ander bron as stoom of die omringende temperatuur van die atmosfeer, en ook enige oorverhitter of hitteverhaler wat 'n integrerende deel daarvan uitmaak; en

(b) 'n hitteverhaler of apart-gestookte oorverhitter wat nie 'n integrerende deel van so 'n apparaat uitmaak nie,

en ook alle by- en toebehore wat by so 'n apparaat, hitteverhaler of oorverhitter hoort: Met dien verstande dat waar enige apparaat uit 'n samestelling van twee of meer dele bestaan waarvan elkeen vir gebruik as 'n aparte stoomketel geskik gemaak kan word deur die afsluiting van een of meer afsluitkleppe of -krane, elkeen van die bedoelde dele as 'n stoomketel beskou word: Met dien verstande voorts dat—

(i) 'n stoomontwikkelaar toegerus met 'n staan- of stygpyp wat regstreeks in die atmosfeer ontlug en waarvan die afmetings van die ontlugter sodanig is dat die ontwikkeling van 'n drukking hoër as vyf pond per vierkante duim binne die houer voorkom word, en mits geen klep of ander versperring in die staan- of stygpyp geplaas word wat verhoed dat die houer vrylik in die atmosfeer ontlug nie, of

(ii) 'n apparaat waarvan die produk van die vervaardiger se bedoelde maksimum werkdruk in ponde per vierkante duim en die volume in kubieke voet nie die syfer vyftig oorskry nie,

nie as 'n stoomketel beskou word nie.”.

Vervanging van artikel 2 van Wet 27 van 1956, soos vervang deur artikel 2 van Wet 46 van 1964.

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

„Amptelike toesig oor myne, bedrywe en masjinerie.

2. Die Staatsmyningenieur en, aan sy opdragte onderworpe, die Adjunk-staatsmyningenieurs, Assistent-staatsmyningenieurs, inspekteurs van myne, inspekteurs van masjinerie en ander beambptes wat vir die doel kragtens artikel 3 van die Wet op Mynregte, 1967 (Wet No. 20 van 1967), aangestel is of geag word kragtens daardie Wet aangestel te wees, hou oor alle myne, bedrywe en masjinerie toesig.”.

Wysiging van artikel 2bis van Wet 27 van 1956, soos ingevoeg deur artikel 3 van Wet 46 van 1964.

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

„(b) 'n Adjunk-staatsmyningenieur met gespesialiseerde kennis van mynbou;

(c) 'n Adjunk-staatsmyningenieur met gespesialiseerde kennis van masjinerie;”.

Vervanging van artikel 10 van Wet 27 van 1956, soos gewysig deur artikel 9 van Wet 46 van 1964.

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

„Bepaling van werksure, minimum lone en betaalde verlof en siekteverlof.

10. (1) (a) Die Minister kan, na oorweging van enige versoë wat ingevolge subartikel (2) aan hom voorgelê is, by kennisgewing in die *Staatskoerant* die getal ure bepaal wat persone in en by myne of bedrywe mag werk of toegelaat mag word om te werk, en wanneer die Minister so 'n bepaling maak, kan hy—

(i) verskillende werksure bepaal vir myne en bedrywe of vir verskillende myne of bedrywe of vir verskillende soorte myne of bedrywe of vir verskillende gebiede of vir

working places in or at mines or works or for different classes of employees or for employees of different ages or for employees in different occupations;

- (ii) determine different hours of work that may be worked by employees in and at mines and works in different circumstances;
- (iii) determine the minimum rates of remuneration in relation to ordinary rates of remuneration to be paid to employees in and at mines or works in respect of overtime or work on any of the days referred to in section 9 (1); and
- (iv) determine the minimum number of days of paid leave and sick leave to which employees in and at mines or works shall be entitled and the conditions and circumstances under which such leave shall be granted:

Provided that no determination shall be made in terms of subparagraph (iii) or (iv) in respect of mines or works if the Minister, after consultation with the Minister of Labour, is of the opinion that minimum wages and other conditions of employment in respect of such mines or works are usually regulated by means of an agreement between the employers and one or more trade unions.

- (b) In a notice under subsection (1) (a) the Minister may also determine the circumstances and conditions under which exemption may be granted from any determination made under that subsection and by whom such exemption may be granted.

(2) Before making any determination in terms of subsection (1) the Minister shall cause to be published in the *Gazette* a notice containing particulars of such proposed determination and calling upon any interested person who has any objection thereto, to submit representations to him thereanent in writing within thirty days from the date of publication of such notice.

(3) The Minister may prescribe penalties for any contravention of a determination made in terms of subsection (1) or any failure to comply therewith or with any condition, not exceeding the penalties mentioned in section 17, and may prescribe penalties in respect of each day on which a contravention or non-compliance continues for a continuing contravention or non-compliance, and increased penalties for a second or subsequent contravention or non-compliance, subject to the limitations mentioned in section 17.”.

5. Section 11 of the principal Act is hereby amended by the deletion of subsections (2) and (3).

Amendment of section 11 of Act 27 of 1956, as amended by section 10 of Act 46 of 1964.

6. Section 12 of the principal Act is hereby amended—

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

“(f) the transfer and transport of explosives from magazines of mines to workings of mines or from magazines of works to works, the use of explosives on the surface of mines in connection with mining operations, and the storage, distribution, transport and use of explosives in the workings of mines or in works;”;

Amendment of section 12 of Act 27 of 1956, as amended by section 11 of Act 46 of 1964 and section 3 of Act 91 of 1965.

verskillende werkplekke in of by myne of bedrywe of vir verskillende klasse werknemers of vir werknemers van verskillende ouderdomme of vir werknemers van verskillende beroepe;

- (ii) verskillende werkure bepaal wat werknemers in en by myne of bedrywe onder verskillende omstandighede mag werk;
- (iii) die minimum skale van besoldiging in verhouding tot gewone skale van besoldiging bepaal wat aan werknemers in en by myne of bedrywe ten opsigte van oortyd of werk op enige van die dae genoem in artikel 9 (1) betaal moet word; en
- (iv) die minimum getal dae van betaalde verlof en siekteverlof bepaal waarop werknemers in en by myne of bedrywe geregtig is en die voorwaardes en omstandighede waaronder sodanige verlof toegestaan word:

Met dien verstande dat geen bepaling ingevolge subparagraaf (iii) of (iv) ten opsigte van myne of bedrywe gemaak word nie indien die Minister, na oorlegpleging met die Minister van Arbeid, van oordeel is dat minimum lone en ander diensvoorwaardes ten opsigte van sodanige myne of bedrywe gewoonlik deur middel van 'n ooreenkoms tussen die werkgevers en een of meer vakverenigings gereël word.

- (b) In 'n kennisgewing ingevolge subartikel (1) (a) kan die Minister ook bepaal onder watter omstandighede en voorwaardes vrystelling van 'n ingevolge daardie subartikel gemaakte bepaling verleen kan word, en wie sodanige vrystelling kan verleen.

(2) Voordat die Minister 'n bepaling ingevolge subartikel (1) maak, laat hy 'n kennisgewing in die *Staatskoerant* publiseer waarin besonderhede van sodanige beoogde bepaling verstrekkend word en enige belanghebbende persoon wat beswaar daarteen het, versoek word om skriftelike verhoor daaromtrent binne dertig dae vanaf die datum van publikasie van die kennisgewing, aan hom voor te lê.

(3) Die Minister kan strawwe wat dié in artikel 17 vermeld nie te bowe gaan nie, voorskryf vir 'n oortreding van 'n bepaling ingevolge subartikel (1) gemaak of 'n versuim om daaraan of aan enige voorwaarde, te voldoen, en kan strawwe ten opsigte van elke dag waarop 'n oortreding of nie-nakoming voortduur vir 'n voortdurende oortreding of nie-nakoming, en verhoogde strawwe vir 'n tweede of daaropvolgende oortreding of nie-nakoming, voorskryf, behoudens die beperkings in artikel 17 vermeld."

Wysiging van artikel 11 van Wet 27 van 1956, soos gewysig deur artikel 10 van Wet 46 van 1964.

5. Artikel 11 van die Hoofwet word hierby gewysig deur subartikels (2) en (3) te skrap.

Wysiging van artikel 12 van Wet 27 van 1956, soos gewysig deur artikel 11 van Wet 46 van 1964 en artikel 3 van Wet 91 van 1965.

6. Artikel 12 van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (f) van subartikel (1) deur die volgende paragraaf te vervang:

„(f) die oorplasing en vervoer van ontplofbare stowwe van magasyn van myne na delfplekke van myne of van magasyn van bedrywe na bedrywe, die gebruik van ontplofbare stowwe op die oppervlakte van myne in verband met mynwerksaamhede, en die opberging, verspreiding, vervoer en gebruik van ontplofbare stowwe in delfplekke van myne of in bedrywe;"

(b) by the substitution for paragraph (g) of the said subsection of the following paragraph:

“(g) the safety, health and welfare of persons employed in or at mines or works and generally the safety and health of persons and the safety of property and public traffic;”; and

(c) by the substitution for paragraph (h) of the said subsection of the following paragraph:

“(h) the cessation or abandonment of mining operations, and matters incidental thereto, including the removal from the land on which such operations were conducted, of buildings, walls or other structures, foundations, and rubble resulting from the demolition of buildings or other structures on such land;”.

7. This Act shall be called the Mines and Works Amendment Act, 1968, and shall come into operation upon a date to be fixed by the State President by proclamation in the *Gazette*. **Short title.**

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

„(g) die veiligheid, gesondheid en welsyn van persone wat in of by myne of bedrywe werk en die veiligheid en gesondheid in die algemeen van persone en die veiligheid van eiendom en die openbare verkeer;”; en

(c) deur paragraaf (h) van genoemde subartikel deur die volgende paragraaf te vervang:

„(h) die staking of opgee van mynwerkzaamhede en aangeleenthede wat daarmee in verband staan, insluitende die verwydering van die grond waarop sodanige werkzaamhede verrig is, van geboue, mure of ander installasies, fondamente en puin as gevolg van die sloping van geboue of ander installasies op sodanige grond;”.

Kort titel.

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

No. 43, 1968.]

ACT

To amend the Expropriation Act, 1965, so as to provide for an offer of an amount as compensation where an amount has not previously been so offered; to authorize the payment, before the compensation payable has been determined, of an amount offered as compensation; to determine the court having jurisdiction in respect of the determination of compensation, according to the amount claimed as compensation; to fix the earliest date on which an amount is offered as compensation as the date of commencement of the period within which an owner may file an application for the determination of compensation with a court; to make interest on an outstanding amount of compensation payable at the rate applicable to State loans and advances on the date referred to in section 4 (3) and, in certain circumstances, as from a date subsequent to that date; and to provide that in determining compensation, account shall be taken of the cost of all works constructed by the State for the benefit of the person to be compensated; to repeal subsections (2), (3) and (4) of section 11 of that Act; and to provide for matters incidental thereto.

(Afrikaans text signed by the State President.)
(Assented to 16th April, 1968.)

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

1. The following section is hereby inserted after section 6 of the Expropriation Act, 1965 (hereinafter referred to as the principal Act):

“Offer of an amount as compensation where an amount has not previously been so offered, and payment out of amount offered.

6A. (1) If the owner fails to deliver, or to cause to be delivered, the statement contemplated in paragraph (a) (ii) of subsection (1) of section 6 or in that paragraph as applied by section 6 (3), to the Minister within the period allowed by or under the said subsection (1), the Minister may in writing offer an amount as compensation to the owner.

(2) If the owner delivers, or causes to be delivered, the statement so contemplated to the Minister within the said period or after the expiration thereof but before the Minister has offered an amount under subsection (1), the Minister shall in writing offer an amount as compensation to the owner.

(3) The provisions of subsections (1) and (4) of section 4 shall *mutatis mutandis* apply in respect of an offer contemplated in subsection (1) or (2) of this section.

(4) The Minister may, if he deems it expedient, and notwithstanding the fact that the amount of the compensation payable in terms of this Act for property which has been expropriated or for the use of property has not yet been determined, but subject to the provisions of subsection (6), pay any amount which has been offered to the owner concerned as such compensation, or any portion of such amount, to the owner, or the person referred to in section 11,

Insertion of section 6A in Act 55 of 1965.

WET

Tot wysiging van die Onteieningswet, 1965, om voorsiening te maak vir 'n aanbod van 'n bedrag as vergoeding waar 'n bedrag nie voorheen aldus aangebied is nie; om die uitbetaling, voordat die betaalbare vergoeding vasgestel is, van 'n bedrag wat as vergoeding aangebied is, te magtig; om die hof wat regsbevoegdheid met betrekking tot die vasstelling van vergoeding het, te bepaal volgens die bedrag as vergoeding geëis; om die vroegste datum waarop 'n bedrag as vergoeding aangebied word, te bepaal as die datum waarop die tydperk begin waarin 'n eienaar 'n aansoek om vasstelling van vergoeding by 'n hof kan indien; om rente op 'n uitstaande bedrag van vergoeding betaalbaar te maak teen die koers wat op die datum bedoel in artikel 4 (3) ten opsigte van Staatslenings en -voorskotte geld, en in sekere omstandighede betaalbaar te maak vanaf 'n datum na daardie datum; en om voorsiening te maak dat by die vasstelling van vergoeding, rekening gehou moet word met die koste van alle werke wat die Staat bou ten bate van die persoon wat vergoed moet word; om subartikels (2), (3) en (4) van artikel 11 van daardie Wet te herroep; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 16 April 1968.)

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

Invoeging van
artikel 6A in
Wet 55 van 1965.

1. Die volgende artikel word hierby na artikel 6 van die Onteieningswet, 1965 (hieronder die Hoofwet genoem), ingevoeg:

„Aanbod van 'n bedrag as vergoeding waar 'n bedrag nie voorheen aldus aangebied is nie, en uitbetaling van aangegebode bedrag.

6A. (1) Indien die eienaar versuim om die verklaring beoog in paragraaf (a) (ii) van subartikel (1) van artikel 6 of in daardie paragraaf soos deur artikel 6 (3) toegepas, aan die Minister te lewer of te laat lewer binne die tydperk deur of kragtens die gemelde subartikel toegelaat, kan die Minister skriftelik 'n bedrag as vergoeding aan die eienaar aanbied.

(2) Indien die eienaar die aldus beoogde verklaring aan die Minister lewer of laat lewer binne die gemelde tydperk of na verstryking daarvan maar voordat die Minister kragtens subartikel (1) 'n bedrag aangebied het, moet die Minister skriftelik 'n bedrag as vergoeding aan die eienaar aanbied.

(3) Die bepalinge van subartikels (1) en (4) van artikel 4 is *mutatis mutandis* van toepassing met betrekking tot 'n aanbod in subartikel (1) of (2) van hierdie artikel beoog.

(4) Die Minister kan, indien hy dit dienstig ag en al is die bedrag van die vergoeding, wat ingevolge hierdie Wet vir goed wat onteien is of vir die gebruik van goed betaal moet word, nog nie vasgestel nie, maar behoudens die bepalinge van subartikel (6), 'n bedrag wat as sodanige vergoeding aan die betrokke eienaar aangebied is of 'n gedeelte van sodanige bedrag, op of te eniger tyd na die in artikel 4 (3) bedoelde datum uitbetaal aan die eienaar of die in

or the Master referred to in section 12 (1), on or at any time after the date referred to in section 4 (3), under the same circumstances under which he should or could have so paid such compensation had it been determined on that date.

(5) Any moneys received by a Master in terms of subsection (4), shall be paid into the Guardian's Fund referred to in paragraph (b) of section 12 (2), and bear interest at the rate referred to in that paragraph until the compensation payable in terms of this Act for the property in question or the use thereof has been determined, whereafter such moneys shall, for the purpose of section 12 but subject to the provisions of subsection (6) of this section, be deemed to have been received by the Master in terms of subsection (1) of that section.

(6) The payment of the amount offered as compensation or of any portion of that amount under subsection (4) shall not preclude the determination by agreement or in terms of section 7 of a different amount as the amount of the compensation payable in terms of this Act but, if the amount so determined as such compensation is less than the amount paid, the owner to whom or on whose behalf, or, as the case may be, the Master to whom the last-mentioned amount was paid, shall refund the difference to the State together with, in the case of such owner, interest thereon at the rate referred to in section 8 (2) from the date on which that amount was so paid and, in the case of the Master, the interest accrued thereon in terms of subsection (5)."

2. Section 7 of the principal Act is hereby amended by the substitution for subsections (1) and (2) of the following sections: Amendment of
section 7 of
Act 55 of 1965.

"(1) In the absence of agreement the compensation to be paid by the State for property expropriated by the Minister, or for a right to use any property taken by the Minister, shall on the application of any party in question be determined by the magistrate's court of the district in which the property in question is or is situated, if the amount of compensation claimed, is less than three thousand rand, or by the provincial or local division of the Supreme Court of South Africa in whose area of jurisdiction the property in question is or is situated, if the amount so claimed is three thousand rand or more.

(2) If no such application is filed with the proper court by the owner in question within six months (or such longer period as the Minister may determine) from—

(a) if the amount offered as compensation is stated in the relevant notice referred to in section 4 (1), the date of notice;

(b) if the said amount is not so stated—

(i) the date on which an offer contemplated in subsection (1) or (2) of section 6A is delivered or posted to the owner concerned in terms of section 4 (1) as applied by section 6 (A) (3), or is published in the *Gazette* in terms of section 4 (4) as so applied; or

(ii) where any such offer is so delivered or posted and published, the date on which it is so published,

such owner shall be deemed to have accepted the compensation offered."

3. Section 8 of the principal Act is hereby amended—

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

Amendment of
section 8 of
Act 55 of 1965.

artikel 11 bedoelde persoon of inbetaal by die in artikel 12 (1) bedoelde Meester in dieselfde omstandighede waarin hy sodanige vergoeding, indien dit op daardie datum vasgestel was, aldus sou moes of kon uitbetaal of inbetaal het.

(5) Geld wat ingevolge subartikel (4) deur 'n Meester ontvang word, word in die in paragraaf (b) van artikel 12 (2) bedoelde Voogdyfonds gestort en dra rente teen die in daardie paragraaf bedoelde koers totdat die vergoeding wat ingevolge hierdie Wet vir die betrokke goed of die gebruik daarvan betaalbaar is, vasgestel is, waarna sodanige geld by die toepassing van artikel 12, maar behoudens die bepalinge van subartikel (6) van hierdie artikel, geag word ingevolge subartikel (1) van daardie artikel deur die Meester ontvang te gewees het.

(6) Die uitbetaling of inbetaling van die bedrag wat as vergoeding aangebied is of van 'n gedeelte van daardie bedrag kragtens subartikel (4), belet nie dat 'n ander bedrag by ooreenkoms of ingevolge artikel 7 as die bedrag van vergoeding wat ingevolge hierdie Wet betaalbaar is, vasgestel word nie maar, indien die bedrag wat aldus as sodanige vergoeding vasgestel word minder is as die uitbetaalde of inbetaalde bedrag, moet die eienaar aan of ten behoeve van wie laasgenoemde bedrag uitbetaal is of die Meester by wie daardie bedrag inbetaal is, na gelang van die geval, die verskil aan die Staat terugbetaal tesame met, in die geval van sodanige eienaar, rente daarop teen die in artikel 8 (2) bedoelde koers vanaf die datum waarop daardie bedrag aldus uitbetaal is en, in die geval van die Meester, die rente daarop opgeloop ingevolge subartikel (5)."

Wysiging van
artikel 7 van
Wet 55 van
1965.

2. Artikel 7 van die Hoofwet word hierby gewysig deur subartikels (1) en (2) deur die volgende subartikels te vervang:

„(1) By ontstentenis van ooreenkoms word die vergoeding wat die Staat moet betaal vir goed wat deur die Minister onteien is of vir 'n reg om goed te gebruik wat deur die Minister geneem is, op aansoek van enige betrokke party vasgestel deur die landdroshof van die distrik waarin die betrokke goed is of geleë is, indien die bedrag van die vergoeding wat geëis word, minder as drieduisend rand is, of deur die provinsiale of plaaslike afdeling van die Hooggeregshof van Suid-Afrika in die regsgebied waarvan die betrokke goed is of geleë is, indien die bedrag wat aldus geëis word, drieduisend rand of meer bedra.

(2) Indien so 'n aansoek nie binne ses maande (of die langer tydperk wat die Minister bepaal) vanaf—

(a) indien die bedrag wat as vergoeding aangebied is, vermeld word in die betrokke in artikel 4 (1) bedoelde kennisgewing, die datum van kennisgewing;

(b) indien die bedoelde bedrag nie aldus vermeld word nie—

(i) die datum waarop 'n in subartikel (1) of (2) van artikel 6A beoogde aanbod ingevolge artikel 4 (1), soos deur artikel 6A (3) toegepas, aan die betrokke eienaar oorhandig of gepos word of ingevolge artikel 4 (4), soos aldus toegepas, in die *Staatskoerant* gepubliseer word; of

(ii) waar so 'n aanbod ten opsigte van dieselfde goed aldus oorhandig of gepos en gepubliseer word, die datum waarop dit aldus gepubliseer word,

by die gepaste hof deur die betrokke eienaar ingedien word nie, word die eienaar geag die aangebode vergoeding te aanvaar het."

Wysiging van
artikel 8 van
Wet 55 van
1965.

3. Artikel 8 van die Hoofwet word hierby gewysig—

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

“(2) Interest at the rate which, on the date referred to in section 4 (3), is by virtue of a notice published in the *Gazette* under section 1 of the Financial Adjustments Act, 1917 (Act 42 of 1917), applicable in respect of State loans and advances, shall, with effect from—

(a) the date referred to in section 4 (3); or

(b) the date on which the owner delivers, or causes to be delivered to the Minister the statement contemplated in the relevant provision of paragraph (a) of section 6 (1) or of that paragraph as applied by section 6 (3); or

(c) in a case contemplated in section 12 (4), the date of the settlement of the dispute or the resolution of the doubt or on which the owner and the mortgagee notify the Minister in terms of section 11 as to the payment of the compensation money, whichever date is the latest, but subject to the provisions of subsection (3) of this section, be paid on any outstanding amount payable as compensation in terms of this Act: Provided that—

(i) in a case contemplated in paragraph (b), if the period of thirty days referred to in section 6 (1) (a) expires after the date referred to in section 4 (3), interest at the said rate shall also be payable in respect of that portion of the period from that date to the date on which the said period of thirty days expires, in respect of which no interest is payable under that paragraph;

(ii) as from the date on which the Minister makes an amount available to the owner or the person referred to in section 11 or pays an amount to a Master under section 6A(4), the amount in question shall for the purposes of this section be deemed not to be such an outstanding amount.”; and

(b) by the substitution for subparagraph (i) of subsection (4) (g) of the following subparagraph:

“(i) the cost of any works which the State may have constructed or undertaken to construct for the benefit of the person to be compensated;”.

4. Section 10 of the principal Act is hereby amended by the substitution for subsection (4) of the following subsection: Amendment of section 10 of Act 55 of 1965.

“(4) The liability for costs and taxation fees of a party to be compensated shall be a first charge against the money which, in terms of the order of court, and the interest which, in terms of section 8 (2), is to be paid to him, and that money and interest shall be applied as far as it may be required towards the payment of those costs and fees.”.

5. Section 11 of the principal Act is hereby amended by the deletion of subsections (2), (3) and (4). Amendment of section 11 of Act 55 of 1965.

6. Section 12 of the principal Act is hereby amended by the substitution for subsection (4) of the following subsection: Amendment of section 12 of Act 55 of 1965.

“(4) In the event of a dispute or doubt as to the person who is to receive any compensation payable in terms of this Act, or in the event of the issue of an interdict in respect of the payment of any such compensation, or if the owner and any mortgagee concerned have not notified the Minister in terms of section 11 in regard to the payment of such compensation, the Minister shall retain the amount of such compensation until the dispute has been settled or the doubt has been resolved or the owner and the mortgagee have so notified him.”.

7. This Act shall be called the Expropriation Amendment Short title. Act, 1968.

„(2) Rente teen die koers wat op die datum in artikel 4 (3) bedoel, ten opsigte van Staatslenings en -voorskotte geld uit hoofde van 'n kennisgewing kragtens artikel 1 van die „Finansiële Regelings Wet, 1917” (Wet 42 van 1917), in die *Staatskoerant* gepubliseer, moet met ingang van—

- (a) die datum bedoel in artikel 4 (3); of
 - (b) die datum waarop die eienaar die verklaring beoog in die toepaslike bepaling van paragraaf (a) van artikel 6 (1) of van daardie paragraaf soos toegepas deur artikel 6 (3) aan die Minister lewer of laat lewer; of
 - (c) in 'n geval beoog in artikel 12 (4), die datum van beslegting van die geskil of verdwyning van die twyfel of waarop die eienaar en die verbandhouer die Minister ingevolge artikel 11 aangaande die uitbetaling van die vergoedingsgeld in kennis stel, watter datum ook al die laatste is, maar behoudens die bepaling van subartikel (3) van hierdie artikel, betaal word op enige uitstaande bedrag wat ingevolge hierdie Wet as vergoeding betaalbaar is: Met dien verstande dat—
 - (i) in 'n geval beoog in paragraaf (b), indien die tydperk van dertig dae in artikel 6 (1) (a) bedoel na die in artikel 4 (3) bedoelde datum verstryk, rente teen die gemelde koers ook betaal moet word vir dié gedeelte van die tydperk vanaf daardie datum tot die datum waarop die gemelde tydperk van dertig dae verstryk, waarvoor geen rente ingevolge daardie paragraaf betaalbaar is nie;
 - (ii) vanaf die datum waarop die Minister 'n bedrag kragtens artikel 6A (4) ter beskikking van die eienaar of die in artikel 11 bedoelde persoon stel of by 'n Meester inbetaal, die betrokke bedrag by die toepassing van hierdie artikel geag word nie so 'n uitstaande bedrag te wees nie.”; en
- (b) deur subparagraaf (i) van subartikel (4) (g) deur die volgende subparagraaf te vervang:
- „(i) die koste van enige werke wat die Staat gebou het of onderneem het om te bou ten bate van die persoon wat vergoed moet word.”.

Wysiging van
artikel 10 van
Wet 55 van
1965.

4. Artikel 10 van die Hoofwet word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang:

„(4) Die aanspreeklikheid van 'n party wat vergoed moet word, vir koste en taksasiegelde is 'n preferente vordering teen die geld wat ingevolge die hofbevel en die rente wat ingevolge artikel 8 (2) aan hom betaal moet word, en daardie geld en rente word vir sover nodig ter vereffening van daardie koste en gelde aangewend.”.

Wysiging van
artikel 11 van
Wet 55 van 1965.

5. Artikel 11 van die Hoofwet word hierby gewysig deur subartikels (2), (3) en (4) te skrap.

Wysiging van
artikel 12 van
Wet 55 van
1965.

6. Artikel 12 van die Hoofwet word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang:

„(4) In die geval van geskil of twyfel oor wie enige vergoeding moet ontvang wat ingevolge hierdie Wet betaalbaar is, of in die geval van die uitreiking van 'n interdik ten opsigte van die uitbetaling van sodanige vergoeding, of indien die eienaar en 'n betrokke verbandhouer nie die Minister ingevolge artikel 11 aangaande die uitbetaling van sodanige vergoeding in kennis gestel het nie, hou die Minister die bedrag van sodanige vergoeding totdat die geskil besleg is of die twyfel verdwyn het of die eienaar en die verbandhouer hom aldus in kennis gestel het.”.

Kort titel.

7. Hierdie Wet heet die Wysigingswet op Onteiening, 1968.

No. 44, 1968.]

ACT

To repeal certain laws in force in the province of the Cape of Good Hope relating to quitrent tenure and the disposal of certain land, and to provide for matters incidental thereto.

*(English text signed by the State President.)
(Assented to 16th April, 1968.)*

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

1. Subject to the provisions of section 2 the laws of the Repeal of laws. province of the Cape of Good Hope specified in the Schedule are hereby repealed.

2. The repeal by section 1 of a law specified in the Schedule Savings. shall not affect any right which the State or any person has in respect of any land or any conditions subject to which any land is held.

3. This Act shall be called the Pre-Union Statute Law Short title. Revision Act, 1968.

Schedule.

1. Proclamation dated August 6, 1813, by Sir John Cradock, providing for perpetual quitrent.
2. The Wynberg Municipal Council Vacant Lands Act (Act No. 17 of 1896).
3. Griqua Claims and Kokstad Erven Disposal Act, 1899 (Act No. 17 of 1899).

No. 44, 1968.]

WET

Om sekere wette met betrekking tot ewigdurende erfpag en die beskikking oor sekere grond wat in die provinsie die Kaap die Goeie Hoop van krag is, te herroep, en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 16 April 1968.)

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

Herroeping van wette.

1. Die wette van die provinsie die Kaap die Goeie Hoop wat in die Bylae vermeld is, word, behoudens die bepalings van artikel 2, hierby herroep.

Voorbehoud.

2. Die herroeping deur artikel 1 van 'n wet wat in die Bylae vermeld is, raak nie 'n reg wat die Staat of iemand ten opsigte van enige grond besit of die voorwaardes waarop enige grond besit word nie.

Kort titel.

3. Hierdie Wet heet die Hersieningswet op Voor-Uniewette, 1968.

Bylae.

1. Proklamasie van 6 Augustus 1813, deur Sir John Cradock, wat voorsiening maak vir ewigdurende erfpag.

2. „The Wynberg Municipal Council Vacant Lands Act” (Wet No. 17 van 1896).

3. „Griqua Claims and Kokstad Erven Disposal Act, 1899” (Wet No. 17 van 1899).

No. 45, 1968.]

ACT

To amend the definitions of "Minister" and "movable property" in section 1 of the Agricultural Credit Act, 1966; to amend section 10 of the said Act so as to make provision for the rendering of assistance to certain owners of land in respect of soil conservation, the construction of water works, and the erection of dwellings for non-white farm labourers; and to amend section 35 of the said Act so as to make the restriction referred to in subsection (1) (b) thereof binding on all persons except on the holder of an existing mortgage bond or other charge; so as to make subsection (1) (e) thereof applicable also in respect of companies and other juristic persons; and so as to authorize the Minister to grant a conditional consent to the dealing with any property referred to in the said section.

(Afrikaans text signed by the State President.)

(Assented to 16th April, 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 Agricultural Credit Act, 1966 (hereinafter referred to as the principal Act), is hereby amended—

Amendment of
section 1 of
Act 28 of 1966.

(a) by the substitution for the definition of "Minister" of the following definition:

"'Minister' means the Minister of Agriculture;"; and

(b) by the substitution for the definition of "movable property" of the following definition:

"'movable property' includes crops or fruit, whether harvested or not, and in relation to movable property which is the property of the State by virtue of an agreement referred to in section 38, includes—

(a) movable property substituted for or supplementing such movable property by virtue of any condition or direction referred to in section 39;

(b) in the case of movable property consisting of livestock, the progeny thereof and any produce derived from such livestock or progeny;

(c) in the case of movable property consisting of crops or fruit, whether harvested or not, or anything used in the production of crops or fruit, all such crops or fruit, whether harvested or not, grown after the said agreement was concluded by the person who entered into such agreement;".

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

Substitution of
section 10 of
Act 28 of 1966.

WET

Tot wysiging van die omskrywings van „Minister” en „roerende goed” in artikel 1 van die Wet op Landboukrediet, 1966; tot wysiging van artikel 10 van daardie Wet ten einde voorsiening te maak vir die verlening van bystand aan sekere eienaars van grond ten opsigte van grondbewaring, die bou van waterwerke en die oprigting van wonings vir nie-blanke plaasarbeiders; en tot wysiging van artikel 35 van daardie Wet ten einde die beperking in subartikel (1) (b) daarvan bedoel, bindend te maak vir alle persone behalwe vir die houer van ’n bestaande verband of ander las; ten einde subartikel (1) (e) daarvan ook ten opsigte van maatskappye en ander regspersone van toepassing te maak; en ten einde die Minister te magtig om voorwaardelike toestemming tot handeling met in daardie artikel bedoelde goed te verleen.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 16 April 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 28 van
1966.

1. Artikel 1 van die Wet op Landboukrediet, 1966 (hieronder die Hoofwet genoem), word hierby gewysig—

(a) deur die omskrywing van „Minister” deur die volgende omskrywing te vervang:

„Minister” die Minister van Landbou;” en

(b) deur die omskrywing van „roerende goed” deur die volgende omskrywing te vervang:

„roerende goed” ook gewasse, gesaaides of vrugte, hetsy dit goes is al dan nie, en met betrekking tot roerende goed wat uit hoofde van ’n in artikel 38 bedoelde ooreenkoms die eiendom van die Staat is, ook—

(a) roerende goed wat bedoelde roerende goed uit hoofde van ’n in artikel 39 bedoelde voorwaarde of voorskrif vervang of aanvul;

(b) in die geval van roerende goed wat uit lewende hawe bestaan, die aandeel daarvan en enige produk wat uit sodanige lewende hawe of aandeel verkry word;

(c) in die geval van roerende goed wat bestaan uit gewasse, gesaaides of vrugte, hetsy dit goes is al dan nie, of enigiets wat by die kweek van gewasse, gesaaides of vrugte gebruik word, alle gewasse, gesaaides of vrugte, hetsy dit goes is al dan nie, wat nadat bedoelde ooreenkoms aangegaan is, deur die persoon wat dit aangegaan het, gekweek word;”.

Vervanging van
artikel 10 van
Wet 28 van 1966.

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

"Assistance rendered by board.

10. (1) Subject to the provisions of subsection (2), sections 13 and 15 and the directions of the Minister, the board may, on application by any white person who carries on or undertakes to carry on farming operations to the satisfaction of the board, render assistance to such person on such terms and conditions as the board may determine—

- (a) by way of a loan for any purpose tending to safeguard or stimulate the farming industry;
- (b) by selling or letting to such person immovable or movable property of the State not controlled by the Railway Administration, which in the opinion of the board is suitable for farming purposes;

(c) in connection with a compromise:

Provided that the assistance referred to in paragraph (a) may, on the application of any owner of land on which farming operations are carried on, be rendered to such owner (including a company or other juristic person), for—

- (i) the construction of soil conservation works or the application of soil conservation measures as contemplated in the Soil Conservation Act, 1946 (Act No. 45 of 1946);
- (ii) the construction of a water work as contemplated in the Water Act, 1956 (Act No. 54 of 1956);
- (iii) the erection of dwellings for non-white farm labourers.

(2) A loan under subsection (1) for the construction of soil conservation works or the application of soil conservation measures as contemplated in the Soil Conservation Act, 1946, shall be granted only on the recommendation of the Minister or his deputy, and any such loan for the construction of water works as contemplated in the Water Act, 1956, shall be granted only on the recommendation of the Minister of Water Affairs or his deputy.

(3) The board may refuse an application under subsection (1) without assigning any reasons.

(4) An application referred to in subsection (1) shall contain such particulars as the board may require."

3. The following section is hereby substituted for section 35 of the principal Act:

"Registration of special conditions or restrictions.

35. (1) When any mortgage bond is registered in terms of section 34, the Minister may authorize the registrar of deeds concerned in writing to endorse on the title deeds of the immovable property in question and, in the case of a restriction referred to in paragraph (b) of this subsection, any other immovable property of the mortgager, any one or more of the following conditions or restrictions, namely, that such property shall not without the consent of the Minister—

- (a) be subdivided;
- (b) be alienated separately;
- (c) be mortgaged or otherwise encumbered;
- (d) be attached or sold in execution, except at the instance of the holder of a mortgage bond on such property;
- (e) form part of the estate of the owner of such property, but shall, subject to the rights of the holder of a mortgage bond on such property, become the property of the State, if, while there is any amount in respect of assistance owing to the State by the said owner, his estate is sequestrated or is to be dealt with by an executor in terms of section 34 (5) of the Administration

Substitution of section 35 of Act 28 of 1966.

„Bystands-
verlening
deur raad.

10. (1) Behoudens die bepalings van subartikel (2), artikels 13 en 15 en die voorskrifte van die Minister, kan die raad op aansoek van enige persoon wat 'n blanke is en tot bevrediging van die raad boerdery beoefen of onderneem om dit te beoefen, aan daardie persoon op die bedinge en voorwaardes deur die raad bepaal, bystand verleen—

- (a) by wyse van 'n lening vir 'n doel wat tot die beskerming of bevordering van die boerdery-bedryf strek;
- (b) deur die verkoop of verhuur aan daardie persoon van onroerende of roerende goed van die Staat wat nie deur die Spoorwegadministrasie beheer word nie en wat na die oordeel van die raad vir boerderydoeleindes geskik is;

(c) in verband met 'n skikking:

Met dien verstande dat die in paragraaf (a) bedoelde bystand, op aansoek van enige eienaar van grond waarop boerdery beoefen word, aan daardie eienaar (met inbegrip van 'n maatskappy of ander regspersoon), verleen kan word vir—

- (i) die aanlê van grondbewaringswerke of die toepassing van grondbewaringsmaatreëls soos in die Grondbewaringswet, 1946 (Wet No. 45 van 1946), bedoel;
- (ii) die bou van 'n waterwerk soos in die Waterwet, 1956 (Wet No. 54 van 1956), bedoel;
- (iii) die oprigting van wonings vir nie-blanke plaasarbeiders.

(2) 'n Lening kragtens subartikel (1) vir die aanlê van grondbewaringswerke of die toepassing van grondbewaringsmaatreëls soos in die Grondbewaringswet, 1946, bedoel, word slegs op aanbeveling van die Minister of sy gemagtigde toegestaan, en so 'n lening vir die bou van 'n waterwerk soos in die Waterwet, 1956, bedoel, word slegs op aanbeveling van die Minister van Waterwese of sy gemagtigde toegestaan.

(3) Die raad kan 'n aansoek ingevolge subartikel (1) van die hand wys sonder om redes te verstrek.

(4) 'n In subartikel (1) bedoelde aansoek moet die besonderhede bevat wat die raad vereis.”

Vervanging van
artikel 35 van
Wet 28 van 1966.

3. Artikel 35 van die Hoofwet word hierby deur die volgende artikel vervang:

„Registrasie
van spesiale
voor-
waardes of
beperkings.

35. (1) By registrasie van 'n verband ingevolge artikel 34, kan die Minister die betrokke registrateur van aktes skriftelik magtig om op die titelbewyse van die betrokke onroerende goed en, in die geval van 'n in paragraaf (b) van hierdie subartikel bedoelde beperking, enige ander onroerende goed van die verbandgewer, een of meer van die volgende voorwaardes of beperkings aan te teken, naamlik dat daardie goed nie sonder die toestemming van die Minister—

- (a) onderverdeel mag word nie;
- (b) afsonderlik van mekaar vervreem mag word nie;
- (c) met verband of andersins beswaar mag word nie;
- (d) vir beslaglegging vatbaar is of uitgewin mag word nie, behalwe op aandrang van 'n verbandhouer oor daardie goed;
- (e) deel van die boedel van die eienaar van daardie goed uitmaak nie, maar behoudens die regte van die houer van 'n verband oor daardie goed, die eiendom van die Staat word, indien, terwyl daar nog 'n bedrag ten opsigte van bystand deur bedoelde eienaar aan die Staat verskuldig is, sy boedel gesekwestreer word of daarmee deur 'n eksekuteur ingevolge artikel 34 (5) van

of Estates Act, 1965 (Act No. 66 of 1965), or is dealt with in terms of section 28 of this Act, or in the case where the said owner is a company or other juristic person, the company or other juristic person is placed in liquidation.

(2) The said registrar shall give effect to the said authorization in such manner as may to him appear to be most practicable and convenient, and thereupon any such condition or restriction shall be valid and effective against all persons except, in the case of a restriction referred to in subsection (1) (b), against any person (including the State) in whose favour a mortgage bond or other charge was registered against any immovable property prior to the endorsement of the said restriction on the title deeds of such property, but shall, with the exception of the restriction referred to in subsection (1) (a) or (b), lapse on registration of transfer of the property concerned in the name of another owner.

(3) The Minister may, notwithstanding anything to the contrary in any law contained, grant the consent referred to in subsection (1) subject to such conditions as he may deem fit.

(4) The Minister may authorize the said registrar in writing to cancel any condition or restriction referred to in subsection (1), and the registrar shall give effect to any such authorization.”.

4. This Act shall be called the Agricultural Credit Amend- Short title.
ment Act, 1968.

die Boedelwet, 1965 (Wet No. 66 van 1965), gehandel moet word, of daarmee ingevolge artikel 28 van hierdie Wet gehandel word, of, in die geval waar bedoelde eienaar 'n maatskappy of ander regspersoon is, die maatskappy of ander regspersoon in likwidasië geplaas word.

(2) Bedoelde registrateur moet aan daardie magtiging gevolg gee op die wyse wat hy as die mees uitvoerbare en die gerieflikste beskou, en daarna is enige sodanige voorwaarde of beperking teenoor alle persone geldig en van krag behalwe, in die geval van 'n in subartikel (1) (b) bedoelde beperking, teenoor iemand (met inbegrip van die Staat) ten gunste van wie 'n verband of ander las teen onroerende goed geregistreer was voordat bedoelde beperking op die titelbewys van daardie onroerende goed aangeteken is, maar vervel dit, met uitsondering van die in subartikel (1) (a) of (b) bedoelde beperking, by registrasie van transport van die betrokke goed op naam van 'n ander eienaar.

(3) Die Minister kan, ondanks andersluidende wetsbepalings, die in subartikel (1) bedoelde toestemming verleen onderworpe aan die voorwaardes wat hy goedgevind.

(4) Die Minister kan bedoelde registrateur skriftelik magtig om 'n in subartikel (1) bedoelde voorwaarde of beperking te roeër en die registrateur gee aan so 'n magtiging gevolg."

Kort titel.

4. Hierdie Wet heet die Wysigingswet op Landboukrediet, 1968.

No. 46, 1968.]

ACT

To provide for the continued existence of the Bantu Investment Corporation of South Africa, Limited, and the Xhosa Development Corporation, Limited, and for the establishment of further development corporations and other corporations so as to promote and carry out under the control of the Trustee of the South African Bantu Trust the economic development of the Bantu homelands and the Bantu population of such homelands by establishing, inaugurating, planning, financing, co-ordinating, promoting, carrying on and carrying out industrial, commercial, financial, mining and other business undertakings and projects; and for matters incidental thereto.

(English text signed by the State President.)

(Assented to 16th April, 1968.)

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

1. In this Act, unless the context otherwise indicates— Definitions.
- (i) "advisory board" means an advisory board referred to in section 10; (i)
 - (ii) "Bantu company" means a company in which all the shares are held by Bantu persons or by Bantu persons and one or more of the following, namely, the investment corporation, a development corporation or a corporation, and includes an association of persons of which only Bantu persons or Bantu persons and one or more of the following, namely, the investment corporation, a development corporation or a corporation, are members; (ii)
 - (iii) "Bantu homelands" means—
 - (a) land which according to the Bantu Trust and Land Act, 1936 (Act No. 18 of 1936), is a scheduled Bantu area or a released area;
 - (b) any land or area which has been or may be reserved and set apart as is contemplated in section 4 of the South-West Africa Bantu Affairs Administration Act, 1954 (Act No. 56 of 1954);
 - (c) land in the Eastern Caprivi Zipfel mentioned in section 3 of the South-West Africa Affairs Amendment Act, 1951 (Act No. 55 of 1951); (iv)
 - (iv) "Bantu person" means any person who is a member of any aboriginal race or tribe of Africa or who is generally accepted as such, and includes a Bantu company and any statutory body of which all members are Bantu persons; (iii)
 - (v) "board" means a board of directors referred to in section 9; (x)
 - (vi) "corporation" means a corporation established under section 5 (1) (b); (vii)

WET

Om voorsiening te maak vir die voortbestaan van die Bantoe-beleggingskorporasie van Suid-Afrika, Beperk, en die Xhosa-ontwikkelingskorporasie, Beperk, en vir die instelling van verdere ontwikkelingskorporasies en ander korporasies ten einde onder die beheer van die Trustee van die Suid-Afrikaanse Bantoe-trust, die ekonomiese ontwikkeling van die Bantoe-tuislande en die Bantoebevolking van sodanige tuislande te bevorder en uit te voer deur nywerheids-, handels-, finansiële, myn- en ander sake-ondernemings en projekte op te rig, te loods, te beplan, te finansier, te koördineer, te bevorder, voort te sit en uit te voer; en vir aangeleenthede wat daarmee in verband staan.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 16 April 1968.)*

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

Woordbepalings.

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

- (i) „adviserende raad” ’n adviserende raad bedoel in artikel 10; (i)
- (ii) „Bantoe-maatskappy” ’n maatskappy waarin al die aandele besit word deur Bantoe-persone of deur Bantoe-persone en een of meer van die volgende, te wete, die beleggingskorporasie, ’n ontwikkelingskorporasie of ’n korporasie, en ook ’n vereniging van persone waarvan slegs Bantoe-persone of Bantoe-persone en een of meer van die volgende, te wete, die beleggingskorporasie, ’n ontwikkelingskorporasie of ’n korporasie lede is; (ii)
- (iii) „Bantoe-persoon” iemand wat ’n lid is van ’n inboorlingstam of -ras van Afrika of wat gewoonlik daarvoor deurgaam en ook ’n Bantoe-maatskappy en ’n statutêre liggaam waarvan alle lede Bantoe-persone is; (iv)
- (iv) „Bantoe-tuislande”—
 - (a) grond wat volgens die Bantoe-trust en -grond Wet, 1936 (Wet No. 18 van 1936), ’n afgesonderde Bantoe-gebied of ’n oopgestelde gebied is;
 - (b) enige grond of oppervlakte wat gereserveer en afgesonderd is of word soos beoog word in artikel 4 van die Wet op die Administrasie van Bantoesake in Suidwes-Afrika, 1954 (Wet No. 56 van 1954);
 - (c) grond in die Oostelike Caprivi Zipfel vermeld in artikel 3 van die Wysigingswet op Aangeleenthede van Suidwes-Afrika, 1951 (Wet No. 55 van 1951); (iii)
- (v) „beleggingskorporasie” die in artikel 2 bedoelde Bantoe-beleggingskorporasie van Suid-Afrika, Beperk; (ix)
- (vi) „direkteur” ’n direkteur van die beleggingskorporasie, ’n ontwikkelingskorporasie of ’n korporasie; (viii)

- (vii) "development corporation" means a development corporation established under section 5 (1) (a) or deemed to have been so established; (ix)
- (viii) "director" means a director of the investment corporation, a development corporation or a corporation; (vi)
- (ix) "investment corporation" means the Bantu Investment Corporation of South Africa, Limited, referred to in section 2; (v)
- (x) "Minister" means the Minister of Bantu Administration and Development; (viii)
- (xi) "regulations" means the regulations made under section 26; (xi)
- (xii) "Trust" means the South African Bantu Trust established by section 4 of the Bantu Trust and Land Act, 1936 (Act No. 18 of 1936); (xii)
- (xiii) "Trustee" means the State President in his capacity as Trustee of the Trust. (xiii)

2. The body corporate called the Bantu Investment Corporation of South Africa, Limited, and constituted and registered in the registers of the Registrar of Companies under section 2 of the Bantu Investment Corporation Act, 1959 (Act No. 34 of 1959), shall, notwithstanding the repeal of that Act by this Act, continue to exist and to be so registered and shall continue to be a corporate body with perpetual succession capable of suing and being sued in its own name and of performing all such acts as are necessary for or incidental to the attainment of its objects and the exercise of its powers.

Continued existence of the Bantu Investment Corporation of South Africa, Limited.

3. The objects of the investment corporation shall be to plan, finance, co-ordinate, promote and carry out the development of the Bantu homelands and the Bantu population of such homelands in the fields of industry, commerce, finance, mining and other businesses.

Objects of the investment corporation.

4. (1) For the purpose of attaining its objects the investment corporation shall have power—

Powers of the investment corporation.

- (a) to establish, plan, finance, co-ordinate, promote and carry on industrial, commercial, financial, mining and other business undertakings or to acquire such undertakings from persons who are not Bantu persons and to sell or otherwise dispose of such undertakings to Bantu persons;
- (b) to assist in connection with the establishment or extension of such undertakings by Bantu persons in the Bantu homelands, or to effect the transfer to the Bantu homelands of such an existing undertaking situated outside such homelands and owned by a Bantu person;
- (c) to establish or assist in establishing Bantu companies for industrial, commercial, financial, mining or other business purposes in the Bantu homelands;
- (d) to inaugurate, plan, finance, co-ordinate, promote or carry out or to assist in the inauguration, planning, financing, co-ordination, promotion or carrying out of projects which are intended to benefit and develop the Bantu homelands and Bantu persons in such homelands economically or which relate to the exploitation, development or utilization of a natural resource, which, in addition to the ordinary meaning thereof, shall include labour, land, minerals, metals, precious stones, water, wood, agriculture, fishing and sea products, methods of transport and communication and methods for the development of power;
- (e) to control, carry out, guarantee, underwrite, finance or bring about the issue of any loan or of any shares, stock or debentures of a Bantu person, or to advance money for that purpose;
- (f) to provide capital or other means, and to furnish technical and other assistance and expert and specialized advice, information and guidance;

- (vii) „korporasie” ’n korporasie kragtens artikel 5 (1) (b) ingestel; (vi)
- (viii) „Minister” die Minister van Bantoe-administrasie en -ontwikkeling; (x)
- (ix) „ontwikkelingskorporasie” ’n ontwikkelingskorporasie ingestel kragtens artikel 5 (1) (a) of geag aldus ingestel te gewees het; (vii)
- (x) „raad” ’n raad van direkteure bedoel in artikel 9; (v)
- (xi) „regulasies” die regulasies kragtens artikel 26 uitgevaardig; (xi)
- (xii) „Trust” die Suid-Afrikaanse Bantoe-trust ingestel deur artikel 4 van die Bantoe-trust en -grond Wet, 1936 (Wet No. 18 van 1936); (xii)
- (xiii) „Trustee” die Staatspresident in sy hoedanigheid as Trustee van die Trust. (xiii)

Voortbestaan van die Bantoe-beleggingskorporasie van Suid-Afrika, Beperk.

2. Die liggaam, met regspersoonlikheid bekleed, wat bekend staan as die Bantoe-beleggingskorporasie van Suid-Afrika, Beperk, en wat kragtens artikel 2 van die Wet op die Bantoe-beleggingskorporasie, 1959 (Wet No. 34 van 1959), ingestel en in die registers van die Registrateur van Maatskappye geregistreer is, bly, ondanks die herroeping van daardie Wet deur hierdie Wet, voortbestaan en aldus geregistreer en bly ’n regspersoon met ewigdurende regsopvolging en bevoeg om in sy eie naam as eiser en verweerder in regte op te tree en om alle handeling te verrig wat nodig is vir of in verband staan met die bereiking van sy doelstellinge en die uitoefening van sy bevoegdhede.

Doelstellinge van die beleggingskorporasie.

3. Die doelstellinge van die beleggingskorporasie is om die ontwikkeling van die Bantoe-tuislande en die Bantoebevolking van sodanige tuislande op nywerheids-, handels-, finansiële, myn- en ander sakegebiede te beplan, te finansier, te koördineer, te bevorder en uit te voer.

Bevoegdhede van die beleggingskorporasie.

4. (1) Ten einde sy doelstellinge te bereik, het die beleggingskorporasie die bevoegdheid—

- (a) om nywerheids-, handels-, finansiële, myn- en ander sake-ondernemings op te rig, te beplan, te finansier, te koördineer, te bevorder en voort te sit of om sodanige ondernemings te verkry van persone wat nie Bantoe-persone is nie en sodanige ondernemings te verkoop of andersins te vervreem aan Bantoe-persone;
- (b) om hulp in verband met die oprigting of uitbreiding van sodanige ondernemings deur Bantoe-persone in die Bantoe-tuislande te verleen, of die oorpasing na die Bantoe-tuislande te bewerkstellig van so ’n bestaande onderneming wat buite genoemde tuislande geleë is en besit word deur ’n Bantoe-persoon;
- (c) om Bantoe-maatskappye vir nywerheids-, handels-, finansiële, myn- of ander sakedoeleindes in die Bantoe-tuislande te stig of te help stig;
- (d) om projekte wat ten doel het om die Bantoe-tuislande en Bantoe-persone in daardie tuislande ekonomies te bevoordeel en te ontwikkel, of wat in verband staan met die ontginning, ontwikkeling of benutting van ’n natuurlike hulpbron, wat, benewens die gewone betekenis daarvan, ook arbeid, grond, minerale, metale, edelgesteentes, water, hout, landbou, visvangs en see-produkte, vervoer- en kommunikasiemetodes en metodes vir die ontwikkeling van krag insluit, te loods, te beplan, te finansier, te koördineer, te bevorder of uit te voer, of met die loodsing, beplanning, finansiering, koördinering, bevordering of uitvoering behulpsaam te wees;
- (e) om die uitgifte van enige lening of van enige aandele, effekte of skuldbriewe van ’n Bantoe-persoon te beheer, uit te voer, te waarborg, te onderskryf, te finansier of te bewerkstellig of om geld vir dié doel voor te skiet;
- (f) om kapitaal of ander middele te voorsien en om tegniese en ander hulp en deskundige en gespesialiseerde advies, inligting en voorligting te verskaf;

- (g) to apply its funds or moneys to the establishment of a reserve fund, or to invest any funds or moneys not immediately required for its affairs with the Public Debt Commissioners or in any other manner approved by the Minister in consultation with the Minister of Finance;
- (h) for the performance of its activities to purchase, hire or otherwise acquire land or buildings, to erect buildings on its land, to sell, let or otherwise dispose of or mortgage such land or buildings;
- (i) to accept donations and to receive any moneys offered or due to it;
- (j) to act as broker;
- (k) to open banking accounts;
- (l) to pay all expenses in connection with its establishment and administration;
- (m) to plan, encourage, co-ordinate, undertake or finance the training of Bantu persons as employees, officers, managers or directors in the fields of industry, commerce, finance, mining and any other businesses;
- (n) to guarantee the contracts and obligations of any Bantu person or to become surety for their due fulfilment, and to enter into surety bonds or deeds of security;
- (o) to issue, negotiate, accept, endorse or discount debentures, bills of exchange and other negotiable instruments;
- (p) to purchase, hire, develop or hold or to subscribe to or otherwise acquire or take over movable property of any kind, including any shares, stocks, debentures and securities, of a Bantu person, or any interest in any business of or a mortgage over any property of a Bantu person, and to let, sell or otherwise alienate it or pledge it or deal otherwise therewith;
- (q) by legal process to cause any company, corporation or juristic person in which it has any share or interest, to be liquidated or placed under judicial management and may for that purpose itself be appointed as liquidator or judicial manager, and to petition a competent court to sequester the estate of any of its debtors;
- (r) to act, where necessary, to protect its investments, or otherwise as director, manager, trustee, curator, executor or administrator of any business, estate, trust, company, juristic person or Bantu person or to designate a person or persons to act for that purpose on its behalf;
- (s) to lend money with or without security to Bantu persons and in connection with the lending of money to take such security as it may deem fit, including special mortgage bonds over immovable property, notarial bonds over movable property, pledges of movable property, cessions of rights and in general any other form of cover or security;
- (t) to take deposits offered by any person for investment and to hold such deposits on such conditions as may be agreed upon, and to arrange and to decide upon the investment and application thereof;
- (u) to act as agent or representative in connection with any matter of whatsoever nature for or on behalf of a Bantu person in connection with all or any of its objects or itself to appoint agents or representatives in connection with any of its objects;
- (v) with the approval of the Trustee and subject to such conditions as may be determined by him, to transfer any kind of movable or immovable property held by the investment corporation or any interest in any such

- (g) om sy fondse of geld aan te wend vir die instelling van 'n reserwefonds of enige fondse of geld wat nie onmiddellik vir sy sake benodig word nie, te belê by die Openbare Skuldkommissaris of op enige ander wyse wat die Minister in oorleg met die Minister van Finansies goedkeur;
- (h) om vir die verrigting van sy werksaamhede grond of geboue te koop, te huur of andersins te verkry, geboue op sy grond op te rig, sodanige grond of geboue te verkoop, te verhuur of andersins te vervreem of dit met verband te beswaar;
- (i) om skenkings aan te neem en geld wat hom aangebied word of hom toekom, in ontvangs te neem;
- (j) om as makelaar op te tree;
- (k) om bankrekenings te open;
- (l) om al die uitgawes in verband met sy instelling en administrasie te betaal;
- (m) om die opleiding van Bantoeperone as werknemers, amptenare, bestuurders of direkteure op nywerheids-, handels-, finansiële, myn- en ander sakegebiede te beplan, aan te moedig, te koördineer, te onderneem of te finansier;
- (n) om die kontrakte en verpligtinge van enige Bantoeperoon te waarborg of vir hul behoorlike nakoming borg te staan, en borgaktes en aktes van sekerheidsstelling aan te gaan;
- (o) om skuldbriewe, wissels en ander verhandelbare stukke uit te reik, te verhandel, te aksepteer, te endosseer of te verdiskonteer;
- (p) om enige soort roerende goed, met inbegrip van aandele, effekte, skuldbriewe en geldwaardige stukke van 'n Bantoeperoon of 'n belang in 'n saak van of 'n verband oor goedere van 'n Bantoeperoon te koop, te huur, te ontwikkel of te besit of daarop in te skryf of dit andersins te verkry of oor te neem, en dit te verhuur, te verkoop of andersins te vervreem of te verpand of andersins daarmee te handel;
- (q) om enige maatskappy, korporasie of regspersoon waarin hy 'n aandeel of belang het, by regsproses te laat likwideer of onder geregtelike bestuur te laat plaas en kan vir dié doel self as likwidateur of geregtelike bestuurder aangestel word, en om 'n bevoegde hof te versoek om die boedel van enige van sy debiteure te sekwestreer;
- (r) om op te tree, waar nodig, om sy beleggings te beskerm of andersins as direkteur, bestuurder, trustee, kurator, eksekuteur of administrateur van enige saak, boedel, trust, maatskappy, regspersoon, of Bantoeperoon of om 'n persoon of persone aan te wys om vir sodanige doel namens hom op te tree;
- (s) om geld met of sonder sekuriteit aan Bantoeperone te leen en om met betrekking tot die uitleen van geld, sodanige sekuriteit te neem as wat hy goedvind, insluitende spesiale verbande oor onroerende goed, notariële verbande oor roerende goed, pande van roerende goed, sessies van regte en in die algemeen enige ander vorm van dekking of sekuriteit;
- (t) om deposito's wat deur enige persoon vir belegging aangebied word, te neem en sodanige deposito's te hou op die voorwaardes waarvoor ooreengekom word, en om die belegging en aanwending daarvan te reël en te bepaal;
- (u) om op te tree as agent of verteenwoordiger in verband met enige saak van watter aard ook al vir of ten behoewe van 'n Bantoeperoon in verband met al of enige van sy doelstellinge of om self agente of verteenwoordigers in verband met enige van sy doelstellinge aan te stel;
- (v) om met die goedkeuring van die Trustee en onderworpe aan die voorwaardes wat hy bepaal, enige soort roerende of onroerende eiendom wat die beleggingskorporasie besit of enige belang in enige sodanige

property to any development corporation or any corporation;

- (w) to employ, remunerate, house, discharge or suspend officers and employees required for its operations and to indemnify such officers and employees in respect of any harm, damage or loss suffered by them in the course of the execution of their duties;
- (x) to provide or give pension and sick benefits to any of its officers and employees;
- (y) to exercise any other power which the State President may consider necessary for the attainment of its objects and which the State President may confer upon it by proclamation in the *Gazette*;

and may, generally, do anything that is necessary for or conducive to the attainment of its objects and the exercise of its powers, whether or not it relates to any matter expressly mentioned in this section.

(2) The tasks and powers imposed or conferred upon the investment corporation by or under the Bantu Investment Corporation Act, 1959 (Act No. 34 of 1959), shall be deemed to be powers conferred upon the investment corporation by this Act.

5. (1) The State President may by proclamation in the *Gazette* from a date fixed by him in such proclamation—

Establishment, nature and registration of a development corporation and a corporation.

- (a) establish a development corporation in respect of those portions of the Bantu homelands occupied by a national unit, referred to in section 2 (1) of the Promotion of Bantu Self-government Act, 1959 (Act No. 46 of 1959);
- (b) establish a corporation in respect of—
 - (i) any industrial, commercial, financial, mining or other business undertaking in the Bantu homelands; or
 - (ii) any project referred to in section 4 (1) (d) in the Bantu homelands.

(2) The Minister shall—

- (i) before a development corporation is established, consult the investment corporation; and
- (ii) before a corporation is established, consult the investment corporation and, where the undertaking or project concerned is to be established or inaugurated in a portion of the Bantu homelands in respect of which a development corporation has been established, also that development corporation.

(3) A development corporation or a corporation so established shall be known under the name mentioned in the proclamation by which it is established and shall be a corporate body with limited liability and with perpetual succession and capable of suing and being sued in its own name and of performing all such acts as are necessary for or incidental to the attainment of its objects and the exercise of its powers.

(4) Upon the date so fixed, the Registrar of Companies shall enter the name of such development corporation or corporation, as the case may be, in his registers.

(5) (a) As from the commencement of this Act, the Xhosa Development Corporation, Limited, which was established and registered in the registers of the Registrar of Companies under section 2 of the Bantu Homelands Development Corporations Act, 1965 (Act No. 86 of 1965), shall be deemed to have been established and registered under this Act as a development corporation with the same name, in respect of those portions of the Bantu homelands occupied by the Xhosa national unit and shall have in respect of the said portions the objects entrusted by this Act to a development corporation.

eiendom aan 'n ontwikkelingskorporasie of 'n korporasie oor te dra;

- (w) om amptenare en werknemers benodig vir sy werksaamhede in diens te neem, te besoldig, te huisves, te ontslaan, of te skors en sodanige amptenare en werknemers skadeloos te stel ten opsigte van enige leed, skade of verlies deur hulle in die loop van die uitvoering van hulle dienspligte opgedoen;
- (x) om pensioen- en siektevoordele te voorsien of te gee aan enige van sy amptenare en werknemers;
- (y) om enige ander bevoegdheid wat volgens die oordeel van die Staatspresident noodsaaklik is vir die bereiking van sy doelstellinge en wat die Staatspresident by proklamasie in die *Staatskoerant* aan hom verleen, uit te oefen;

en kan, in die algemeen, enigiets doen wat nodig of bevorderlik is vir die bereiking van sy doelstellinge en die uitoefening van sy bevoegdhede, hetsy dit betrekking het op 'n aangeleentheid wat uitdruklik in hierdie artikel vermeld word al dan nie.

(2) Die take en bevoegdhede aan die beleggingskorporasie opgelê of verleen deur of kragtens die Wet op die Bantoebeleggingskorporasie, 1959 (Wet No. 34 van 1959), word geag bevoegdhede te wees wat deur hierdie Wet aan die beleggingskorporasie verleen is.

Instelling, aard en registrasie van 'n ontwikkelingskorporasie en 'n korporasie.

5. (1) Die Staatspresident kan by proklamasie in die *Staatskoerant* vanaf 'n datum deur hom in sodanige proklamasie bepaal—

- (a) 'n ontwikkelingskorporasie instel ten opsigte van daardie gedeeltes van die Bantoetuislande wat deur 'n volkseenheid, bedoel in artikel 2 (1) van die Wet op die Bevordering van Bantoe-selfbestuur, 1959 (Wet No. 46 van 1959), bewoon word;
- (b) 'n korporasie instel ten opsigte van—
 - (i) 'n nywerheids-, handels-, finansiële, myn-, of ander sake-onderneming in die Bantoetuislande; of
 - (ii) 'n projek in artikel 4 (1) (d) bedoel in die Bantoetuislande.

(2) Die Minister moet—

- (i) voordat 'n ontwikkelingskorporasie ingestel word, die beleggingskorporasie raadpleeg; en
- (ii) voordat 'n korporasie ingestel word, die beleggingskorporasie en, waar die betrokke onderneming of projek opgerig of geloods staan te word in 'n gedeelte van die Bantoetuislande ten opsigte waarvan 'n ontwikkelingskorporasie ingestel is, ook daardie ontwikkelingskorporasie, raadpleeg.

(3) 'n Ontwikkelingskorporasie of 'n korporasie aldus ingestel staan bekend onder die naam wat vermeld staan in die proklamasie waarby hy ingestel is en is 'n regspersoon met beperkte aanspreeklikheid en met ewigdurende regsopvolging en bevoeg om in sy eie naam as eiser en as verweerder in regte op te tree en om alle handeling te verrig wat nodig is vir of in verband staan met die bereiking van sy doelstellinge en die uitoefening van sy bevoegdhede.

(4) Op die datum aldus bepaal, teken die Registrateur van Maatskappye die naam van bedoelde ontwikkelingskorporasie of korporasie, na gelang van die geval, in sy registers aan.

(5) (a) Vanaf die inwerkingtreding van hierdie Wet word die Xhosa-ontwikkelingskorporasie, Beperk, wat kragtens artikel 2 van die Wet op die Ontwikkelingskorporasie vir Bantoetuislande, 1965 (Wet No. 86 van 1965), ingestel en in die registers van die Registrateur van Maatskappye geregistreer is, geag kragtens hierdie Wet as 'n ontwikkelingskorporasie met dieselfde naam ten opsigte van daardie gedeeltes van die Bantoetuislande wat deur die Xhosavolkseenheid bewoon word, ingestel en geregistreer te wees, en het hy ten opsigte van gemelde gedeeltes die doelstellinge wat deur hierdie Wet aan 'n ontwikkelingskorporasie opgedra word.

- (b) The tasks and powers imposed or conferred upon the Xhosa Development Corporation, Limited, by or under the Bantu Homelands Development Corporations Act, 1965, shall be deemed to be powers conferred upon it by this Act.

6. (1) The objects of a development corporation shall be to plan, finance, co-ordinate, promote and carry out the development of those portions of the Bantu homelands in respect of which it has been established, and the Bantu population thereof, in the fields of industry, commerce, finance, mining and other businesses.

Objects and powers of a development corporation.

(2) For the purpose of attaining its objects, a development corporation may exercise such of the powers referred to in section 4 (1) as the Trustee may determine from time to time.

7. (1) The objects of a corporation shall be—

- (a) if it is established under section 5 (1) (b) (i), to establish, plan, finance, co-ordinate, promote and carry on the undertaking concerned;
- (b) if it is established under section 5 (1) (b) (ii), to inaugurate, plan, finance, co-ordinate, promote and carry out the project concerned.

Objects and powers of a corporation.

(2) For the purpose of attaining its objects, a corporation may exercise such of the powers referred to in section 4 (1) as the Trustee may determine from time to time.

8. A development corporation or a corporation shall have power to assume and accept cession and transfer of all rights and obligations under any contract entered into by and between the Minister and third persons on its behalf prior to its establishment before or after this Act comes into operation and thereupon such rights and obligations shall be enforceable by and binding upon it as if it had been duly established at the time when the contract was made.

Power of development corporation or corporation in respect of contracts entered into on its behalf prior to its establishment.

9. (1) The affairs of the investment corporation, a development corporation and a corporation shall be managed and controlled in each case by a board of directors which may exercise all the powers of the body to which it has been appointed.

Boards of directors.

(2) The Trustee shall from time to time determine the number of directors of a board and he shall appoint them and designate one of the directors of a board as chairman of that board.

(3) The Trustee shall choose all directors appointed by him for their ability and experience in business or administration or their knowledge of the requirements of the Bantu population or of the Bantu homelands or their suitability otherwise for appointment as directors.

10. (1) The Trustee may appoint an advisory board consisting of Bantu persons—

Advisory boards.

- (a) to advise a board on any matter relating to the affairs of a development corporation or a corporation, referred to it by the board; and
- (b) to exercise, subject to such conditions as the Trustee may deem fit, such powers of the board as the Trustee after consultation with the board may from time to time determine.

(2) The Trustee shall from time to time determine the number of members of an advisory board and he shall appoint them and designate one of them as chairman of the advisory board.

(3) Any power exercised by an advisory board in terms of subsection (1) (b), shall for all purposes be deemed to have been exercised by the board concerned.

(4) (a) Before the Trustee appoints an advisory board to advise the board of a development corporation, the Minister shall consult—

- (i) if those portions of the Bantu homelands in respect of which the development corporation concerned has been established, are situated within an area which has been declared by an Act of Parliament to be a self-governing territory within the Republic, the government concerned;

- (b) Die take en bevoegdhede wat deur of kragtens die Wet op Ontwikkelingskorporasies vir Bantoetuislande, 1965, aan die Xhosa-ontwikkelingskorporasie, Beperk, opgelê of verleen is, word geag bevoegdhede te wees wat deur hierdie Wet aan hom verleen is.

Doelstellinge en bevoegdhede van 'n ontwikkelingskorporasie.

6. (1) Die doelstellinge van 'n ontwikkelingskorporasie is om die ontwikkeling van daardie gedeeltes van die Bantoetuislande ten opsigte waarvan hy ingestel is en die Bantoebevolking daarvan op nywerheids-, handels-, finansiële, myn- en ander sakegebiede te beplan, te finansier, te koördineer, te bevorder en uit te voer.

(2) Ten einde sy doelstellinge te bereik, kan 'n ontwikkelingskorporasie dié bevoegdhede in artikel 4 (1) bedoel wat die Trustee van tyd tot tyd bepaal, uitoefen.

Doelstellinge en bevoegdhede van 'n korporasie.

7. (1) Die doelstellinge van 'n korporasie is—

- (a) indien dit kragtens artikel 5 (1) (b) (i) ingestel word, om die betrokke onderneming in te stel, te beplan, te finansier, te koördineer, te bevorder en voort te sit;
- (b) indien dit kragtens artikel 5 (1) (b) (ii) ingestel word, om die betrokke projek te loods, te beplan, te finansier, te koördineer, te bevorder en uit te voer.

(2) Ten einde sy doelstellinge te bereik, kan 'n korporasie dié bevoegdhede in artikel 4 (1) bedoel wat die Trustee van tyd tot tyd bepaal, uitoefen.

Bevoegdheid van ontwikkelingskorporasie of korporasie ten opsigte van kontrakte namens hom aangegaan voor sy instelling.

8. 'n Ontwikkelingskorporasie of 'n korporasie is bevoeg om sessie en oordrag van alle regte en verpligtinge ingevolge enige kontrak aangegaan deur en tussen die Minister en derde partye namens hom voor sy instelling voor of na hierdie Wet van krag word, te aanvaar en aan te neem en sodanige regte en verpligtinge is daarna afdwingbaar deur en bindend vir hom asof hy op die datum waarop die kontrak aangegaan is, behoorlik ingestel was.

Rade van direkteure.

9. (1) Die sake van die beleggingskorporasie, 'n ontwikkelingskorporasie en 'n korporasie word bestuur en beheer in iedere geval deur 'n raad van direkteure wat al die bevoegdhede van die liggaam waartoe hy aangestel is, kan uitoefen.

(2) Die Trustee bepaal van tyd tot tyd die getal direkteure van 'n raad en hy stel hulle aan en wys een van die direkteure van 'n raad as voorsitter van daardie raad aan.

(3) Die Trustee kies alle direkteure wat hy aanstel, op grond van hulle bekwaamheid in en ondervinding van sake doen of administrasie of hulle vertrouwdheid met die behoeftes van die Bantoebevolking of van die Bantoetuislande of hul geskiktheid andersins vir aanstelling as direkteure.

Adviserende rade.

10. (1) Die Trustee kan 'n adviserende raad bestaande uit Bantoe persone aanstel—

- (a) om 'n raad te adviseer oor enige aangeleentheid met betrekking tot die sake van 'n ontwikkelingskorporasie of 'n korporasie deur die raad na hom verwys; en
- (b) om, onderworpe aan die voorwaardes wat die Trustee goed dink, dié bevoegdhede van die raad uit te oefen wat die Trustee, na oorlegpleging met die raad, van tyd tot tyd bepaal.

(2) Die Trustee bepaal van tyd tot tyd die getal lede van 'n adviserende raad en hy stel hulle aan en wys een van hulle as voorsitter van die adviserende raad aan.

(3) 'n Bevoegdheid deur 'n adviserende raad ingevolge subartikel (1) (b) uitgeoefen, word vir alle doeleindes geag deur die betrokke raad uitgeoefen te gewees het.

(4) (a) Voordat die Trustee 'n adviserende raad aanstel om die raad van 'n ontwikkelingskorporasie te adviseer, moet die Minister—

- (i) indien daardie gedeeltes van die Bantoetuislande ten opsigte waarvan die betrokke ontwikkelingskorporasie ingestel is, geleë is binne 'n gebied wat deur 'n Wet van die Parlement tot 'n self-regerende gebied binne die Republiek verklaar is, die betrokke regering;

- (ii) if such portions are situated within an area in respect of which a Bantu territorial authority has been established under section 2 of the Bantu Authorities Act, 1951 (Act No. 68 of 1951), the territorial authority concerned; or
 - (iii) if such portions are not situated within an area referred to in subparagraph (i) or (ii), any Bantu authority which he may deem fit,
- as to the persons suitable to be appointed as members of such advisory board.
- (b) Before the Trustee appoints an advisory board to advise the board of a corporation, the Minister shall consult—
- (i) if the portion of the Bantu homelands within which the undertaking or project concerned is carried on or carried out is situated within an area referred to in paragraph (a) (i), the government concerned;
 - (ii) if such portion is situated within an area referred to in paragraph (a) (ii), the territorial authority concerned; or
 - (iii) if such portion is not situated within an area referred to in paragraph (a) (i) or (ii), any Bantu authority which he may deem fit,
- as to the persons suitable to be appointed as members of such advisory board.

11. (1) If the Trustee is of the opinion that circumstances so require, he may appoint an alternate director or an alternate member of an advisory board to act in the place of a director or member during the absence of such director or member or his incapacity to act as director or member.

Alternate directors and alternate members of advisory boards.

(2) An alternate director or alternate member, when acting in the place of a director or member, shall in all respects have all the powers and discharge all the duties of that director or member.

(3) The alternate director or alternate member shall be remunerated out of the remuneration which is due to the director or member in whose place he is acting or which would have been due to such director or member if he had acted as director or member, and in the manner determined by the board or advisory board, as the case may be.

(4) The provisions of section 10 (4) shall apply *mutatis mutandis* to the appointment of an alternate member of an advisory board.

12. A member of the Senate or the House of Assembly or a Provincial Council or the Legislative Assembly of South-West Africa may not be appointed as a director or alternate director.

Appointment of certain persons as directors or alternate directors forbidden.

13. (1) The Trustee shall determine the period of office of the directors and members and also the period of office of the chairman of a board and an advisory board.

Tenure and conditions of office of directors and members of advisory boards.

(2) A director or member shall hold office on such conditions as to remuneration as the Trustee may determine and on such other conditions as may be prescribed by the regulations.

14. (1) Every meeting of an advisory board shall be attended by a director of the board concerned or by an officer or employee of the development corporation or corporation concerned.

Attendance of meetings of advisory boards by directors, officers or employees.

(2) A director, officer or employee attending a meeting of an advisory board in terms of subsection (1) may take part in the proceedings but shall not be entitled to vote.

15. No director or alternate director, and no member or alternate member of an advisory board shall be personally liable for any loss, or damage or accident which may occur in or in connection with the performance of his duties, unless the loss or damage was due to his wilful misconduct, dishonesty, gross negligence or failure to comply with any provision of, or direction or decision under, this Act or the regulations.

Liability of directors, alternate directors and members and alternate members of advisory boards for loss, damage or accident.

- (ii) indien sodanige gedeeltes geleë is binne 'n gebied ten opsigte waarvan 'n Bantoe-gebiedsowerheid kragtens artikel 2 van die Wet op Bantoe-owerhede, 1951 (Wet No. 68 van 1951), ingestel is, die betrokke gebiedsowerheid; of
 - (iii) indien sodanige gedeeltes nie binne 'n in subparagraaf (i) of (ii) bedoelde gebied geleë is nie, enige Bantoe-owerheid na goëddunke, raadpleeg aangaande die persone wat geskik is om as lede van so 'n adviserende raad aangestel te word.
- (b) Voordat die Trustee 'n adviserende raad aanstel om die raad van 'n korporasie te adviseer moet die Minister—
- (i) indien die gedeelte van die Bantoetuislande waarin die betrokke onderneming of projek voortgesit of uitgevoer word, binne 'n in paragraaf (a) (i) bedoelde gebied geleë is, die betrokke regering;
 - (ii) indien sodanige gedeelte binne 'n in paragraaf (a) (ii) bedoelde gebied geleë is, die betrokke gebiedsowerheid; of
 - (iii) indien sodanige gedeelte nie binne 'n in paragraaf (a) (i) of (ii) bedoelde gebied geleë is nie, enige Bantoe-owerheid na goëddunke, raadpleeg aangaande die persone wat geskik is om as lede van so 'n adviserende raad aangestel te word.

Plaasvervangende direkteure en plaasvervangende lede van adviserende rade.

11. (1) Indien die Trustee van oordeel is dat omstandighede dit vereis, kan hy 'n plaasvervangende direkteur of 'n plaasvervangende lid van 'n adviserende raad aanstel om gedurende die afwesigheid van 'n direkteur of lid of sy onvermoë om as direkteur of as lid op te tree, in sy plek op te tree.

(2) Wanneer 'n plaasvervangende direkteur of plaasvervangende lid in die plek van 'n direkteur of lid optree, het hy in alle opsigte al die bevoegdhede en verrig hy al die pligte van daardie direkteur of lid.

(3) Die plaasvervangende direkteur of plaasvervangende lid word besoldig uit die besoldiging wat die direkteur of lid in wies plek hy optree, toekom of sou toegekome het, indien hy as direkteur of lid opgetree het, en wel soos die raad of adviserende raad, na gelang van die geval, bepaal.

(4) Die bepalinge van artikel 10 (4) is *mutatis mutandis* van toepassing op die aanstelling van 'n plaasvervangende lid van 'n adviserende raad.

Verbod op aanstelling van sekere persone as direkteure of plaasvervangende direkteure.

12. 'n Lid van die Senaat of die Volksraad of 'n Provinsiale Raad of die Wetgewende Vergadering van Suidwes-Afrika kan nie as direkteur of plaasvervangende direkteur aangestel word nie.

Ampstermyn en -voorwaardes van direkteure en lede van adviserende rade.

13. (1) Die Trustee bepaal die ampstermyn van die direkteure en lede asook die ampstermyn van die voorsitter van 'n raad en 'n adviserende raad.

(2) 'n Direkteur of lid beklee sy amp op die voorwaardes betreffende besoldiging wat die Trustee bepaal en op die ander voorwaardes by die regulasies voorgeskrif.

Bywoning deur direkteure en amptenare en werknemers van vergaderings van adviserende rade.

14. (1) Elke vergadering van 'n adviserende raad moet bygewoon word deur 'n direkteur van die betrokke raad of deur 'n amptenaar of werknemer van die betrokke ontwikkelingskorporasie of korporasie.

(2) 'n Direkteur, amptenaar of werknemer wat 'n vergadering van 'n adviserende raad bywoon, kan aan die verrigtinge deelneem, maar is nie geregtig om te stem nie.

Aanspreeklikheid van direkteure, plaasvervangende direkteure en lede en plaasvervangende lede van adviserende rade vir verlies, skade of ongeluk.

15. Geen direkteur of plaasvervangende direkteur en geen lid of plaasvervangende lid van 'n adviserende raad is persoonlik aanspreeklik nie vir enige verlies of skade of ongeluk wat in of in verband met die verrigting van sy pligte voorkom, tensy die verlies of skade te wyte was aan sy opsetlike wangedrag, on-eerlikheid, growwe nalatigheid of versuim om aan die een of ander bepaling van, of voorskrif of beslissing ingevolge, hierdie Wet of die regulasies te voldoen.

16. (1) Subject to the provisions of this section— Shares and share capital.

- (a) the share capital of the investment corporation and the Xhosa Development Corporation, Limited, shall be the issued share capital of the body concerned at the date upon which this Act comes into operation;
- (b) the share capital of a development corporation and a corporation shall consist of a sum of money determined in each case by the Minister in consultation with the Minister of Finance.

(2) The share capital of the investment corporation, a development corporation or a corporation may, upon recommendation of the board concerned, be increased to such an extent as the Minister in consultation with the Minister of Finance may determine, and such capital and any increase thereof shall be divided into ordinary shares of one rand each.

(3) Only the Trust is capable of becoming a shareholder in the investment corporation, a development corporation and a corporation.

17. The liability of the Trust as holder of the shares in the investment corporation, or in a development corporation or in a corporation shall in each case be limited to the amount unpaid on the shares held by it. Liability of Trust as shareholder.

18. The expenditure incurred by or on behalf of a board, including the remuneration of directors and alternate directors and members and alternate members of an advisory board, shall be defrayed from the funds of the investment corporation or of the development corporation or corporation concerned as the case may be. Expenditure.

19. All income and property and all profits of the investment corporation, a development corporation and a corporation, from whatever source the same may be acquired, shall be applied exclusively to the promotion of the objects of the body concerned, and no dividend shall be paid to the shareholder: Provided that the Trustee may direct that the profits or any portion of the profits of a corporation shall be paid to the investment corporation or to a particular development corporation, which shall apply any amount so received to the attainment of its objects. Appropriation of profits.

20. (1) No licence money, duty, fee or other tax imposed by or under any law, shall up to and including the 31st December, 1968, be payable by the investment corporation, a development corporation or a corporation. Exemption from payment of licence money and taxation.

(2) No tax or charge on income imposed by or under any law shall be payable by the investment corporation, a development corporation or a corporation.

21. (1) A board shall cause proper books of account to be kept, and also all necessary books and records in relation thereto. Accounts and audit.

(2) The accounts of the investment corporation, a development corporation and a corporation shall be audited by a person who is a registered accountant and auditor, to be appointed by the Trustee.

22. (1) As soon as practicable after the end of every financial year, the board of the investment corporation, a development corporation or a corporation shall submit to the Trustee— Information to be furnished to the Trustee and to Parliament.

- (a) a balance sheet and a statement of income and expenditure which reflects a true and correct view of the state of the affairs of the investment corporation, the development corporation or the corporation, as the case may be, as at the end of the last preceding financial year;

- (b) a report signed by the auditor appointed under section 21 (2) stating that to the best of his knowledge and belief and on information supplied to him, the balance sheet and statement of income and expenditure reflects a true statement of the assets and liabilities of the investment corporation, the development corporation or the corporation, as the case may be, as of the end of the last preceding financial year, and of the

**Aandele en
aandelekapitaal.**

16. (1) Onderworpe aan die bepalings van hierdie artikel—
(a) bedra die aandelekapitaal van die beleggingskorporasie en die Xhosa-ontwikkelingskorporasie, Beperk, die uitgereikte aandelekapitaal van die betrokke liggaam op die datum waarop hierdie Wet in werking tree;

(b) bestaan die aandelekapitaal van 'n ontwikkelingskorporasie en 'n korporasie uit 'n bedrag geld wat die Minister in oorleg met die Minister van Finansies in ieder geval bepaal.

(2) Die aandelekapitaal van die beleggingskorporasie, 'n ontwikkelingskorporasie of 'n korporasie kan, op aanbeveling van die betrokke raad, in die mate vermeerder word wat die Minister in oorleg met die Minister van Finansies bepaal, en sodanige kapitaal en enige vermeerdering daarvan word in gewone aandele van een rand elk verdeel.

(3) Slegs die Trust kan 'n aandeelhouer in die beleggingskorporasie, 'n ontwikkelingskorporasie en 'n korporasie word.

**Aanspreeklikheid
van Trust as
aandeelhouer.**

17. Die aanspreeklikheid van die Trust as houer van die aandele in die beleggingskorporasie, of in 'n ontwikkelingskorporasie of in 'n korporasie word in iedere geval beperk tot die bedrag wat op die aandele deur hom gehou, verskuldig is.

Uitgawes.

18. Die uitgawes wat deur of namens 'n raad aangegaan word, insluitende die besoldiging van direkteure en plaasvervangende direkteure en lede en plaasvervangende lede van 'n adviserende raad, word uit die fondse van die beleggingskorporasie of van die betrokke ontwikkelingskorporasie of korporasie, na gelang van die geval, bestry.

**Aanwending van
winste.**

19. Alle inkomste en goed en alle winste van die beleggingskorporasie, 'n ontwikkelingskorporasie en 'n korporasie, uit watter bron dit ook al verkry word, moet uitsluitend ter bevordering van die doelstellinge van die betrokke liggaam aangewend word, en geen diwidend word aan die aandeelhouer betaal nie: Met dien verstande dat die Trustee kan gelas dat die winste van 'n korporasie of enige gedeelte daarvan betaal word aan die beleggingskorporasie of 'n bepaalde ontwikkelingskorporasie, wat enige bedrag aldus ontvang, moet aanwend vir die bereiking van sy doelstellinge.

**Vrystelling van
betaling van
lisensiegeld en
belasting.**

20. (1) Geen lisensiegeld, reg, geld of ander belasting wat deur of kragtens enige wet opgelê word, is tot en met 31 Desember 1968 deur die beleggingskorporasie, 'n ontwikkelingskorporasie of 'n korporasie betaalbaar nie.

(2) Geen belasting of heffing op inkomste deur of kragtens 'n wet opgelê, is deur die beleggingskorporasie, 'n ontwikkelingskorporasie of 'n korporasie betaalbaar nie.

**Rekenings en
ouditering.**

21. (1) 'n Raad moet toesien dat behoorlike rekeningboeke, asook alle nodige boeke en aantekeninge in verband daarmee, gehou word.

(2) Die rekenings van die beleggingskorporasie, 'n ontwikkelingskorporasie en 'n korporasie moet geouditeer word deur iemand wat 'n geregistreerde rekenmeester en ouditeur is, en wat deur die Trustee benoem word.

**Inligting aan die
Trustee en
die Parlement
verstrek te word.**

22. (1) So gou doenlik na die einde van elke boekjaar lê die raad van die beleggingskorporasie, 'n ontwikkelingskorporasie of 'n korporasie aan die Trustee voor—

(a) 'n balansstaat en 'n staat van inkomste en uitgawe wat die toestand van die sake van die beleggingskorporasie, die ontwikkelingskorporasie of die korporasie, na gelang van die geval, aan die einde van die jongste voorafgaande boekjaar getrou en korrek aantoon;

(b) 'n verslag deur die kragtens artikel 21 (2) aangestelde ouditeur onderteken waarin hy verklaar dat die balansstaat en staat van inkomste en uitgawe na sy beste wete en oortuiging en volgens inligting aan hom verstrek, 'n juiste opgawe aantoon van die bates en laste van die beleggingskorporasie, die ontwikkelingskorporasie of die korporasie, na gelang van die geval, aan die einde van die jongste voorafgaande boekjaar

income and expenditure for the period covered. In the event of the auditor being unable to make such a report, or to make it without qualification, he shall set out in such report either the facts or circumstances which prevent him from making such a report, or the qualification itself; and

- (c) a report of the board concerning the operations of the investment corporation, the development corporation or the corporation, as the case may be, during the past financial year.

(2) The Minister shall lay copies of the balance sheet, statement of income and expenditure and report referred to in subsection (1) on the Table of the Senate and of the House of Assembly within one month after the receipt thereof by him, if Parliament is in ordinary session, or, if Parliament is not in ordinary session, within one month after the commencement of its next ensuing ordinary session.

23. Save—

- (a) as is otherwise provided in this Act; or
- (b) as the Trustee otherwise approves if he considers it necessary for the attainment of the objects of or the exercise of any power by the body concerned,

Field of operations of the investment corporation, development corporation and corporation.

the operations of the investment corporation, a development corporation or a corporation shall be confined to Bantu persons and undertakings of Bantu persons in the Bantu homelands, including any urban area as defined in section 1 of the Bantu (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945), surrounded by or adjoining Bantu homelands but excluding any urban area as so defined which is not intended for occupation or ownership by Bantu persons.

24. (1) The investment corporation, a development corporation or corporation shall exercise its powers subject to the directions of the Trustee.

Exercise of powers by investment corporation, development corporation or corporation and submission of matters by boards to the Trustee.

(2) The Trustee may require the board of the investment corporation, a development corporation or corporation to submit to him for decision any matter relating to the powers of the investment corporation, the development corporation or corporation, as the case may be, or such a board may of its own motion submit any matter to the Trustee for decision.

(3) In regard to any matter submitted to the Trustee under subsection (2)—

- (a) the Trustee shall give his decision after consultation with the board concerned;
- (b) the Trustee may, either in general or in particular, impose such conditions as he may think fit,

and every such decision given or condition imposed, shall for all purposes be deemed to be a decision given or a condition imposed by the investment corporation or the development corporation or corporation concerned, and no such decision or condition may be withdrawn or amended by the board concerned except with the approval of the Trustee.

25. The Trustee may delegate all or any one or more of the powers conferred upon him by this Act, to the Minister.

Delegation of Trustee's powers.

26. (1) The Minister may make regulations as to—

Regulations.

- (a) the place where the head office of the investment corporation, a development corporation or a corporation shall be situated;
- (b) the date upon which the financial year of the investment corporation, a development corporation or a corporation shall end in every year;
- (c) the procedure relating to the submission of matters to the Trustee under section 24 (2);
- (d) the conditions of appointment and the powers and duties of a chairman, acting chairman, directors and members, and the quorum and procedure at meetings, of a board and an advisory board;

en van die inkomste en uitgawe vir die tydperk waaroor dit loop. Vir geval die ouditeur nie in staat is om so 'n verslag te doen nie, of om dit sonder voorbehoud te doen nie, moet hy in bedoelde verslag of die feite of omstandighede wat hom belet om so 'n verklaring te doen of die voorbehoud self uiteensit; en

- (c) 'n verslag van die raad oor die werksaamhede van die beleggingskorporasie, die ontwikkelingskorporasie of die korporasie, na gelang van die geval, gedurende die afgelope boekjaar.

(2) Die Minister lê afskrifte van die balansstaat, staat van inkomste en uitgawe en verslag vermeld in subartikel (1) in die Senaat en die Volksraad ter Tafel binne een maand nadat hy hulle ontvang het as die Parlement in gewone sessie is, of, as die Parlement nie in gewone sessie is nie, binne een maand na die aanvang van sy eersvolgende gewone sessie.

Terrein van werksaamhede van beleggingskorporasie, ontwikkelingskorporasie en korporasie.

23. Behalwe—

- (a) vir sover hierdie Wet anders bepaal; of
(b) vir sover die Trustee anders goedkeur indien hy dit noodsaaklik ag vir die bereiking van die doelstelling van of die uitoefening van 'n bevoegdheid deur die betrokke liggaam,

is die werksaamhede van die beleggingskorporasie, 'n ontwikkelingskorporasie en 'n korporasie beperk tot Bantoepersone en ondernemings van Bantoepersone in die Bantoetuislande, met inbegrip van 'n stadsgebied, soos omskryf in artikel 1 van die Bantoe (Stadsgebiede) Konsolidasiewet, 1945 (Wet No. 25 van 1945), wat omsluit word deur of grens aan Bantoetuislande, maar uitgesonderd 'n stadsgebied soos aldus omskryf wat nie vir okkupasie of besit deur Bantoepersone bedoel is nie.

Uitoefening van bevoegdhede deur beleggingskorporasie, ontwikkelingskorporasie en korporasie en voorlegging van aangeleenthede deur rade aan die Trustee.

24. (1) Die beleggingskorporasie, 'n ontwikkelingskorporasie of korporasie oefen sy bevoegdhede uit onderhewig aan die voorskrifte van die Trustee.

(2) Die Trustee kan vereis dat die raad van die beleggingskorporasie, 'n ontwikkelingskorporasie of korporasie enige aangeleentheid met betrekking tot die bevoegdhede van die beleggingskorporasie, die ontwikkelingskorporasie of korporasie, na gelang van die geval, aan hom moet voorlê vir beslissing, of so 'n raad kan enige aangeleentheid uit eie beweging aan die Trustee voorlê vir beslissing.

(3) Oor enige aangeleentheid wat ingevolge subartikel (2) aan die Trustee voorgelê word—

- (a) gee die Trustee sy beslissing na oorlegpleging met die betrokke raad;
(b) kan die Trustee die voorwaardes, hetsy in die algemeen of in die besonder, stel wat hy goed dink,

en elke sodanige beslissing gegee of voorwaarde gestel, word vir alle doeleindes geag 'n beslissing van of 'n voorwaarde gestel deur die beleggingskorporasie of die betrokke ontwikkelingskorporasie of korporasie te wees, en so 'n beslissing of voorwaarde kan nie deur die betrokke raad herroep of gewysig word nie behalwe met die goedkeuring van die Trustee.

Delegering van Trustee se bevoegdhede.

25. Die Trustee kan al die bevoegdhede wat hierdie Wet aan hom verleen of een of meer daarvan aan die Minister deleger.

Regulasies.

26. (1) Die Minister kan regulasies uitvaardig betreffende—

- (a) die plek waar die hoofkantoor van die beleggingskorporasie, 'n ontwikkelingskorporasie of 'n korporasie geleë moet wees;
(b) die datum waarop die boekjaar van die beleggingskorporasie, 'n ontwikkelingskorporasie of 'n korporasie in elke jaar eindig;
(c) die prosedure met betrekking tot die voorlegging van aangeleenthede aan die Trustee kragtens artikel 24 (2);
(d) die voorwaardes van aanstelling en die bevoegdhede en pligte van 'n voorsitter, waarnemende voorsitter, direkteure en lede, en die kworum en prosedure op vergaderings, van 'n raad en 'n adviserende raad;

- (e) the keeping of registers, records and books of account by a board and an advisory board;
 - (f) an official seal of a board and an advisory board and the use thereof;
 - (g) the preparation and submission of annual balance sheets, statements of income and expenditure and reports of a board and its auditor;
 - (h) the service of notices;
 - (i) such other matters as are necessary or useful to be prescribed for the attainment of the objects of this Act, the generality of this provision not being limited by the provisions of the preceding paragraphs.
- (2) Different regulations may be made for the investment corporation and the different development corporations, corporations, boards and advisory boards.

27. The investment corporation, a development corporation and a corporation shall not be liquidated except by or under the authority of an Act of Parliament.

Liquidation of investment corporation, development corporation and corporation.

28. (1) No person and no company shall carry on business or be registered under the Companies Act, 1926 (Act No. 46 of 1926), under a name which is the same as that of the investment corporation, a development corporation or a corporation or so nearly resembles it as to be calculated to deceive: Provided that the provisions of this section shall not prohibit any company from carrying on business or remaining registered under the name under which it was registered under the said Act at the establishment of the investment corporation, a development corporation or a corporation.

Use of name of investment corporation, development corporation or corporation.

(2) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred rand.

29. (1) No provision of the Bantu Land Act, 1913, the Bantu Trust and Land Act, 1936, the Banks Act, 1965, or, subject to the provisions of subsection (2), the Companies Act, 1926, shall apply to the investment corporation, a development corporation or a corporation.

Application of Act 27 of 1913, Act 18 of 1936, Act 46 of 1926 and Act 23 of 1965.

(2) The State President may by proclamation in the *Gazette* declare that any provision of the Companies Act, 1926, which is not inconsistent with the provisions of this Act, shall apply to the investment corporation, a development corporation or a corporation with such modifications as he may determine, and may withdraw or amend any such proclamation.

30. Section 9 of the Bantu Trust and Land Act, 1936, is hereby amended—

Amendment of section 9 of Act 18 of 1936, as amended by section 27 of Act 17 of 1938, section 4 of Act 17 of 1939, section 21 of Act 46 of 1945, section 30 of Act 56 of 1949 and section 2 of Act 41 of 1958.

(a) by the deletion at the end of paragraph (f) of the word "and";

(b) by the insertion after paragraph (f) of the following paragraph:

"(fA) to acquire shares for the Trust in a body which is established or is deemed to be established by or under the Promotion of the Economic Development of Bantu Homelands Act, 1968, and to defray expenses incurred by such body in connection with the exercise of powers conferred upon it by or under that Act; and"; and

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

"(g) generally to assist and develop the material, moral and social well-being of Bantu residing on land within the said areas or on land held by or from the Trust and to defray expenses which in the opinion of the Minister are conducive to the attainment of the objects for which the fund may

- (e) die hou van registers, aantekeninge en rekeningboeke deur 'n raad en 'n adviserende raad;
- (f) 'n amptelike seël van 'n raad en 'n adviserende raad en die gebruik daarvan;
- (g) die opmaak en voorlegging van jaarlikse balansstate, state van inkomste en uitgawe en verslae van 'n raad en sy ouditeur;
- (h) die bestelling van kennisgewings;
- (i) die ander aangeleenthede wat nodig of nuttig is om voorgeskryf te word vir die bereiking van die oogmerke van hierdie Wet, sonder dat die algemene aard van hierdie bepaling deur die bepalings van die voorafgaande paragrafe beperk word.

(2) Verskillende regulasies kan vir die beleggingskorporasie en verskillende ontwikkelingskorporasies, korporasies, rade en adviserende rade uitgevaardig word.

Likwidasië van beleggingskorporasie, ontwikkelingskorporasie en korporasie.

27. Die beleggingskorporasie, 'n ontwikkelingskorporasie en 'n korporasie word nie gelikwadeer nie behalwe by, of op gesag van, 'n Wet van die Parlement.

Gebruik van naam van beleggingskorporasie, ontwikkelingskorporasie of korporasie.

28. (1) Niemand en geen maatskappy mag sake doen of kragtens die Maatskappywet, 1926 (Wet No. 46 van 1926), geregistreer word nie onder 'n naam wat dieselfde is as dié van die beleggingskorporasie, 'n ontwikkelingskorporasie of 'n korporasie of soveel daarmee ooreenkom dat dit bereken is om te mislei: Met dien verstande dat hierdie artikel nie 'n maatskappy belet om sake te doen, of geregistreer te bly, onder die naam waaronder dit kragtens genoemde Wet by die instelling van die beleggingskorporasie, 'n ontwikkelingskorporasie of 'n korporasie geregistreer was nie.

(2) Iemand wat die bepalings van subartikel (1) oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd rand.

Toepassing van Wet 27 van 1913, Wet 18 van 1936, Wet 46 van 1926 en Wet 23 van 1965.

29. (1) Geen bepaling van die Bantoe Grond Wet, 1913, die Bantoe-trust en -grond Wet, 1936, die Bankwet, 1965, of, behoudens die bepalings van subartikel (2), die Maatskappywet, 1926, is op die beleggingskorporasie, 'n ontwikkelingskorporasie of 'n korporasie van toepassing nie.

(2) Die Staatspresident kan by proklamasie in die *Staatskoerant* verklaar dat enige bepaling van die Maatskappywet, 1926, wat nie met die bepalings van hierdie Wet strydig is nie, op die beleggingskorporasie, 'n ontwikkelingskorporasie of 'n korporasie van toepassing is met die veranderinge wat hy bepaal, en kan enige sodanige proklamasie intrek of wysig.

Wysiging van artikel 9 van Wet 18 van 1936, soos gewysig deur artikel 27 van Wet 17 van 1938, artikel 4 van Wet 17 van 1939, artikel 21 van Wet 46 van 1945, artikel 30 van Wet 56 van 1949 en artikel 2 van Wet 41 van 1958.

30. Artikel 9 van die Bantoe-trust en -grond Wet, 1936, word hierby gewysig—

- (a) deur die woord „en” aan die end van paragraaf (f) te skrap;
- (b) deur die volgende paragraaf na paragraaf (f) in te voeg: „(fA) om aandele vir die Trust te verkry in 'n liggaam wat ingestel is of wat geag word ingestel te wees deur of kragtens die Wet op die Bevordering van die Ekonomiese Ontwikkeling van Bantoetuislande, 1968, en om uitgawes te bestry wat deur sodanige liggaam opgeloop word in verband met die uitoefening van bevoegdhede aan hom deur of kragtens daardie Wet verleen; en”; en
- (c) deur paragraaf (g) deur die volgende paragraaf te vervang:

„(g) om oor die algemeen die materiële, morele en maatskaplike welsyn van Bantoes woonagtig op grond in die genoemde gebiede of op grond deur die Trust besit of die besit waarvan aan die Trust ontleen is, te ondersteun en te ontwikkel en om uitgawes wat na die mening van die Minister bevorderlik is vir die bereiking van die doeleindes waarvoor die fonds aangewend kan word, te bestry.

be utilized, the general nature of the powers conferred by this paragraph not being limited by the provisions of the preceding paragraphs.”.

31. (1) Subject to the provisions of subsection (2), the Bantu Repeal of laws.
Investment Corporation Act, 1959 (Act No. 34 of 1959), section 15 of the Bantu Laws Amendment Act, 1962 (Act No. 46 of 1962), the Bantu Homelands Development Corporations Act, 1965 (Act No. 86 of 1965), and section 7 of the Bantu Laws Amendment Act, 1966 (Act No. 63 of 1966), are hereby repealed.

(2) Anything done or purporting to have been done by the State President, the Minister, the investment corporation, the Xhosa Development Corporation, Limited, or a board or director of one of the said bodies under any provision of a law repealed by subsection (1) and which could lawfully have been done under a provision of this Act, shall be deemed to have been done under the provision concerned of this Act.

32. This Act and any amendment thereof shall also apply Application of Act
in the territory of South-West Africa, including that portion of to South-West
the said territory known as the Eastern Caprivi Zipfel and Africa.
mentioned in section 3 of the South-West Africa Affairs Amendment Act, 1951 (Act No. 55 of 1951).

33. This Act shall be called the Promotion of the Economic Short title.
Development of Bantu Homelands Act, 1968.

Die algemene aard van die bevoegdhede wat deur hierdie paragraaf verleen word, word nie deur die bepalings van die voorafgaande paragrawe beperk nie."

Herroeping van wette.¹

31. (1) Behoudens die bepalings van subartikel (2), word die Wet op die Bantoe-beleggingskorporasie, 1959 (Wet No. 34 van 1959), artikel 15 van die Wysigingswet op Bantoe wetgewing, 1962 (Wet No. 46 van 1962), die Wet op die Ontwikkelingskorporasies vir Bantoe tuislande, 1965 (Wet No. 86 van 1965), en artikel 7 van die Wysigingswet op Bantoe wetgewing, 1966 (Wet No. 63 van 1966), hierby herroep.

(2) Enigiets wat gedoen is of wat heet gedoen te wees deur die Staatspresident, die Minister, die beleggingskorporasie, die Xhosa-ontwikkelingskorporasie, Beperk, of 'n raad of direkteur van een van genoemde liggame kragtens 'n bepaling van 'n Wet by subartikel (1) herroep en wat wettiglik kragtens 'n bepaling van hierdie Wet gedoen sou kon word, word geag ingevolge die betrokke bepaling van hierdie Wet gedoen te wees.

Toepassing van Wet op Suidwes-Afrika.

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

Kort titel.

33. Hierdie Wet heet die Wet op die Bevordering van die Ekonomiese Ontwikkeling van Bantoe tuislande, 1968.

No. 47, 1968.]

ACT

To amend the Livestock and Produce Sales Act, 1956, in order to exclude from the provisions of the said Act the business transacted by an auctioneer, agent or factor in certain cases; and to provide for the designation of officers to determine the volume of the business of an auctioneer, agent or factor for purposes of giving security and for matters incidental thereto.

(Afrikaans text signed by the State President.)

(Assented to 16th April, 1968.)

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

1. The following section is hereby inserted in the Livestock and Produce Sales Act, 1956 (hereinafter referred to as the principal Act), after section 5:

Insertion of section 5A in Act 37 of 1956.

"Act not applicable to certain business transactions.

5A. (1) This Act shall not apply with reference to the business carried on by any person of selling on behalf of another, or receiving for such sale, slaughter animals, meat or by-products if the giving of security in respect of such business is in terms of the Livestock and Meat Control Scheme, published by Proclamation No. R.200 of 1964, required by the Livestock and Meat Industries Control Board, established by section 3 of the Livestock and Meat Industries Act, 1934 (Act No. 48 of 1934), and such security, in the opinion of the Secretary or an officer of his department designated by him, is sufficient.

(2) For the purposes of this section 'slaughter animals', 'meat' and 'by-products' shall have the meanings assigned thereto in the said scheme."

2. Section 6 of the principal Act is hereby amended by the addition of the following subsections:

Amendment of section 6 of Act 37 of 1956, as amended by section 2 of Act 4 of 1967.

"(3) The Secretary may designate any officer to determine the volume of the business transacted by any auctioneer, agent or factor as such during any year in order to establish the correctness of the amount for which such security has been or is to be given.

(4) The person designated under subsection (3) may at any reasonable time—

- (a) enter the place of business of an auctioneer, agent or factor;
- (b) examine any book or other document which relates to the business of an auctioneer, agent or factor and require from the auctioneer, agent or factor concerned, or the custodian of such book or document, an explanation of any entry therein;
- (c) question any person whom he reasonably believes to be in possession of information relating to any contravention or alleged contravention of any provision of this Act which relates to such security;

No. 47, 1968.]

WET

Tot wysiging van die Wet op die Verkoop van Lewende Hawe en Produkte, 1956, om die besigheid wat 'n afslaer, agent of faktoer dryf, in sekere gevalle van die bepalings van genoemde Wet uit te sluit; en om voorsiening te maak vir die aanwysing van beamptes om die omvang van 'n afslaer, agent of faktoer se besigheid te bepaal vir doeleindes van sekerheidstelling en vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 16 April 1968.)

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

Invoeging van
artikel 5A in
Wet 37 van 1956.

1. Die volgende artikel word hierby in die Wet op die Verkoop van Lewende Hawe en Produkte, 1956 (hieronder die Hoofwet genoem), na artikel 5 ingevoeg:

„Wet nie
van toe-
passing op
sekere
besigheids-
transaksies
nie.

5A. (1) Hierdie Wet is nie van toepassing nie met betrekking tot die besigheid wat iemand dryf deur ten behoeve van iemand anders slagvee, vleis of neweprodukte te verkoop, of vir sodanige verkoop te ontvang, indien die verstrekking van sekuriteit ingevolge die Vee- en Vleisreëlinskema, afgekondig by Proklamasie No. R.200 van 1964, deur die Raad van Beheer oor die Vee- en Vleisnywerhede, ingestel deur artikel 3 van die Wet op die Vee- en Vleisnywerhede, 1934 (Wet No. 48 van 1934), ten opsigte van sodanige besigheid vereis word en die Sekretaris of 'n deur hom aangewese beampte van sy departement van oordeel is dat sodanige sekuriteit voldoende is.

(2) By die toepassing van hierdie artikel het 'slagvee', 'vleis' en 'neweprodukte' die betekenis in genoemde skema daaraan toegeskryf.”.

Wysiging van
artikel 6 van
Wet 37 van 1956,
soos gewysig deur
artikel 2 van
Wet 4 van 1967.

2. Artikel 6 van die Hoofwet word hierby gewysig deur die volgende subartikels by te voeg:

„(3) Die Sekretaris kan 'n beampte aanwys om die omvang van die besigheid wat 'n afslaer, agent of faktoer as sodanig gedurende 'n jaar gedoen het, vas te stel ten einde te bepaal of die bedrag waarvoor bedoelde sekerheid gestel is, of gestel moet word, korrek is.

(4) Die persoon kragtens subartikel (3) aangewys, kan te eniger redelike tyd—

(a) die besigheidsplek van 'n afslaer, agent of faktoer betree;

(b) 'n boek of ander stuk wat betrekking het op die besigheid van 'n afslaer, agent of faktoer ondersoek, en van die betrokke afslaer, agent of faktoer, of die bewaarder van sodanige boek of stuk, 'n verduideliking van 'n inskrywing daarin eis;

(c) enigiemand ondervra wat, na hy redelikerwys vermoed, in besit is van inligting betreffende 'n oortreding of beweerde oortreding van 'n bepaling van hierdie Wet wat op bedoelde sekerheid betrekking het;

- (d) require the production of any account, invoice or other document issued by an auctioneer, agent or factor in the course of his business as such, and an explanation of any entry therein, from the owner or custodian thereof; and
- (e) make extracts from and copies of any book or document referred to in paragraph (b) or (d) and, for the purposes of any legal proceedings against any person, seize any such book or document.”.

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

“Penalties.

9. (1) Any person who—

- (a) contravenes or fails to comply with any provision of this Act or any provision of this Act read with any provision of any notice published in the *Gazette* under this Act;
- (b) falsely holds himself out to be an officer designated under section 6 (3);
- (c) refuses or fails without sufficient cause to answer fully and satisfactorily to the best of his knowledge and belief any lawful question put to him by an officer designated under section 6 (3) in the exercise of his powers, or gives an answer to any such question or makes any relevant statement to such officer which is false in any material particular, knowing such answer or such statement to be false;
- (d) refuses or fails without sufficient cause to comply with any lawful requirement of an officer designated under section 6 (3) in the exercise of his powers; or
- (e) hinders or obstructs any officer in the discharge of his powers or duties under this Act,

shall be guilty of an offence and liable on conviction to a fine not exceeding four hundred rand or to imprisonment for a period not exceeding twelve months or to both such fine and such imprisonment.

(2) If such person is a licensed auctioneer, agent or factor, his licence may on such conviction be cancelled by the court.”.

Substitution of section 9 of Act 37 of 1956, as amended by section 3 of Act 4 of 1967.

4. This Act shall be called the Livestock and Produce Sales Short title. Amendment Act, 1968.

- (d) die voorlegging van 'n rekening, faktuur of ander stuk wat deur 'n afslaer, agent of faktor in die loop van sy besigheid as sodanig uitgereik is, en 'n verduideliking van 'n inskrywing daarin, van die eienaar of bewaarder daarvan eis; en
- (e) uittreksels uit of afskrifte van 'n boek of stuk in paragraaf (b) of (d) bedoel, maak en, vir doeleindes van geregtelike stappe teen enige persoon, op sodanige boek of stuk beslag lê."

Vervanging van artikel 9 van Wet 37 van 1956, soos gewysig deur artikel 3 van Wet 4 van 1967.

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

„Strawwe.

9. (1) Iemand wat—

- (a) 'n bepaling van hierdie Wet of 'n bepaling van hierdie Wet gelees met 'n bepaling van 'n kragtens hierdie Wet in die *Staatskoerant* gepubliseerde kennisgewing oortree of versuim om daaraan te voldoen;
- (b) valslik voorgee dat hy 'n beampte is wat kragtens artikel 6 (3) aangewys is;
- (c) sonder voldoende oorsaak weier of versuim om volledig en bevredigend na sy beste kennis en oortuiging te antwoord op 'n wettige vraag aan hom gestel by die uitoefening van sy bevoegdhede deur 'n beampte aangewys kragtens artikel 6 (3), of wat aan so 'n beampte 'n antwoord op sodanige vraag verstrek of 'n relevante verklaring doen wat in 'n wesenlike opsig vals is wetende dat sodanige antwoord of sodanige verklaring vals is;
- (d) sonder voldoende oorsaak weier of versuim om te voldoen aan 'n wettige vereiste by die uitoefening van sy bevoegdhede gestel deur 'n beampte kragtens artikel 6 (3) aangewys; of
- (e) 'n beampte by die uitoefening van sy bevoegdhede of die vervulling van sy pligte ingevolge hierdie Wet hinder of belemmer, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vierhonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens twaalf maande of met sodanige boete sowel as sodanige gevangenisstraf.

(2) Indien so 'n persoon 'n gelisensieerde afslaer, agent of faktor is, kan sy lisensie by so 'n skuldigbevinding deur die hof ingetrek word."

Kort titel.

4. Hierdie Wet heet die Wysigingswet op die Verkoop van Lewende Hawe en Produkte, 1968.