

EXTRAORDINARY



BUITENGEWONE

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

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[No. 2106.

KAAPSTAD, 21 JUNIE, 1968.

DEPARTMENT OF THE PRIME MINISTER.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 1119.]

[21st June, 1968.

No. 1119.]

[21 Junie 1968.

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

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

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No. 70, 1968.]

ACT

To repeal the Registration of Firms Act, 1906, of Natal, and the Beef Export Bounties Act, 1923; to amend the Liquor Act, 1928; the Attorneys, Notaries and Conveyancers Admission Amendment Act, 1965; the Attorneys, Notaries and Conveyancers Admission Act, 1934; the Protection of Names, Uniforms and Badges Act, 1935; the Bantu Trust and Land Act, 1936; the Matrimonial Causes Jurisdiction Act, 1939; the Land Bank Act, 1944; the South African Reserve Bank Act, 1944; the Magistrates' Courts Act, 1944; the Soil Conservation Act, 1946; the South African Tourist Corporation Act, 1947; the Rents Act, 1950; the Suppression of Communism Act, 1950; the Criminal Procedure Act, 1955; the Animal Diseases and Parasites Act, 1956, and the General Law Amendment Act, 1956; to repeal the Special Justices of the Peace Act, 1957; to amend the Public Service Act, 1957; the Prisons Act, 1959, and the Extradition Act, 1962; to repeal section 34 of the General Law Further Amendment Act, 1962; to amend the Reciprocal Enforcement of Maintenance Orders Act, 1963; the Gambling Act, 1965; the Hotels Act, 1965; the Agricultural Credit Act, 1966, and the Removal of Restrictions Act, 1967; and to validate Proclamation No. R.123 of 1967.

(English text signed by the State President.)

(Assented to 19th June, 1968.)

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

1. So much of the Registration of Firms Act, 1906, of Natal as is unrepealed, is hereby repealed. Repeal of Act 35 of 1906 (Natal).
2. The Beef Export Bounties Act, 1923, is hereby repealed. Repeal of Act 12 of 1923.
3. The following section is hereby substituted for section 45bis of the Liquor Act, 1928 (hereinafter referred to as the principal Act):

“Certain licences not to be transferred without authority of Minister or person acting under his directions.	45bis. (1) No licence for the sale of liquor (other than a foreign liquor licence or a wine farmer's licence) granted or renewed under this Act in respect of premises situated in an area other than a prohibited area as defined in section 53 shall be transferred to any person unless the chairman of a licensing board or a licensing board, as the case may be, recommends the application for such transfer to the Minister and the Minister or any person acting under his directions, authorizes such chairman or board to approve of such transfer: Provided that no such authority shall be required— (a) in the case of a transfer of a licence from an employee of a company, society, partnership or	Substitution of section 45bis of Act 30 of 1928, as inserted by section 5 of Act 85 of 1964.
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No. 70, 1968.]

WET

Om die „Registration of Firms Act, 1906”, van Natal, en die „Beestevlees Uitvoerpremie Wet, 1923”, te herroep; tot wysiging van die Drankwet, 1928; die Wysigingswet op die Toelating van Prokureurs, Notarisse en Transportbesorgers, 1965; die Toelating van Prokureurs, Notarisse en Transportbesorgers Wet, 1934; die Beskerning van Name, Uniforms en Wapens Wet, 1935; die Bantoetrust en -grond Wet, 1936; die Wet op Regsbevoegdheid in Matrimoniale Regsake, 1939; die Landbankwet, 1944; die Wet op die Suid-Afrikaanse Reserwebank, 1944; die Wet op Landdroshowe, 1944; die Grondbewaringswet, 1946; die Wet op die Suid-Afrikaanse Toeristekorporasie, 1947; die Wet op Huurgelde, 1950; die Wet op die Onderdrukking van Kommunisme, 1950; die Strafproseswet, 1955; die Wet op Dieresiektes en -parasiete, 1956, en die Algemene Regswysigingswet, 1956; om die Wet op Spesiale Vrederegters, 1957, te herroep; tot wysiging van die Staatsdienswet, 1957; die Wet op Gevangenis, 1959, en die Wet op Uitlewering, 1962; om artikel 34 van die Verdere Algemene Regswysigingswet, 1962, te herroep; tot wysiging van die Wet op Wederkerige Afdwinging van Onderhoudsbevele, 1963; die Wet op Dobbeldary, 1965; die Wet op Hotelle, 1965; die Wet op Landboukrediet, 1966, en die Wet op Opheffing van Beperkings, 1967; en om Proklamasie No. R.123 van 1967 geldig te verklaar.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 19 Junie 1968.)

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

Herroeping van
Wet 35 van 1906
(Natal).

1. Soveel van die „Registration of Firms Act, 1906”, van Natal as wat nie herroep is nie, word hierby herroep.

Herroeping van
Wet 12 van 1923.

2. Die „Beestevlees Uitvoerpremie Wet, 1923”, word hierby herroep.

Vervanging
van artikel
45bis van Wet
30 van 1928, soos
ingevoeg deur
artikel 5 van
Wet 85 van 1964.

3. Artikel 45bis van die Drankwet, 1928 (hieronder die Hoofwet genoem), word hierby deur die volgende artikel vervang:

„Sekere
lisensies
word nie
sonder
magtiging
van Minister
of persoon
wat op sy
gesag
handel,
oorgedra
nie.

45bis. (1) Geen lisensie vir die verkoop van drank (behalwe 'n buitelandse dranklisensie of 'n wynboer-lisensie) ingevolge hierdie Wet verleen of vernuwe in verband met 'n gebou in 'n ander streek as 'n in artikel 53 omskrewe verbode streek geleë, mag aan iemand oorgedra word nie tensy die voorsitter van 'n lisensieraad, of 'n lisensieraad, na gelang van die geval, die aanvraag om die oordrag by die Minister aanbeveel en die Minister of iemand wat op sy gesag handel, daardie voorsitter of raad magtig om die oordrag toe te staan: Met dien verstande dat so 'n magtiging nie nodig is nie—
(a) in die geval van 'n oordrag van 'n lisensie van 'n dienaar van 'n maatskappy, vereniging,

other association of persons to another employee of the same company, society, partnership or other association of persons; or

- (b) in the case of a transfer of a licence to any person other than such employee, if the chairman of the licensing board or the licensing board, as the case may be, is satisfied that such person and, if he is the agent or nominee of any other person or of a private company or partnership, that other person or private company or partnership and every shareholder or partner of such private company or partnership, as the case may be, have no financial interest in the liquor trade in the Republic, other than a financial interest in the business or undertaking in respect of which the licence in question has been issued.

(2) The Minister or any person acting under his directions, shall not withhold any authority under subsection (1) unless he is of opinion, after he has afforded the applicant an opportunity to make representations to him within such period as he may determine, that the transfer of the licence might give rise to or aggravate a monopolistic condition detrimental to the public interest in the liquor trade or any branch thereof.

(3) The decision of the Minister or any person acting under his directions on any application referred to in subsection (1) shall be final."

4. Section 75 of the principal Act is hereby amended by the substitution for the second proviso to paragraph (f) of subsection (2) of the following proviso:

Amendment of section 75 of Act 30 of 1928, as substituted by section 58 of Act 88 of 1963 and amended by section 10 of Act 85 of 1964.

"Provided further that if a condition has been imposed under subsection (1) (b) (i) of section 78 in respect of the supply of liquor to any particular class of persons under a bar licence or a wine and malt liquor licence or an hotel liquor licence in respect of premises situated in an area declared under the Group Areas Act, 1966 (Act No. 36 of 1966), an area for the occupation by members of the white group, liquor shall be sold and delivered by the holder of such licence to the particular class of persons concerned only during such hours (being not earlier than ten o'clock in the morning or later than half-past eleven o'clock at night) as the Minister may, on the recommendation of the National Liquor Board made after enquiry in terms of section 118ter, direct or, if the Minister does not so direct, as may be determined by the authority granting or renewing the licence;"

5. The following section is hereby inserted in the principal Act after section 100sex:

Insertion of section 101 in Act 30 of 1928.

"Prohibition of sale or supply of liquor to certain persons by the holders of on-consumption licences granted or renewed in respect of premises situated in certain areas.

101. (1) If after having obtained a report and recommendation of the National Liquor Board made after an enquiry under section 118ter, the Minister is of the opinion—

- (a) that the sale or supply of liquor to coloured or Asiatic persons for consumption on premises situated in an area declared under the Group Areas Act, 1966 (Act No. 36 of 1966), to be an area for occupation by members of the white group, gives rise to undesirable conditions in such area; or

- (b) that sufficient provision exists for the sale or supply of liquor to coloured or Asiatic persons in an area declared under the Group Areas Act, 1966, to be an area for occupation by members of the coloured group, the Malay group, the Indian group or the Chinese group, he may—

vennootskap of ander assosiasie van persone aan 'n ander dienaar van dieselfde maatskappy, vereniging, vennootskap of ander assosiasie van persone; of

- (b) in die geval van die oordrag van 'n lisensie aan 'n ander persoon as so 'n dienaar, indien die voorsitter van die lisensieraad of die lisensieraad, na gelang van die geval, oortuig is dat sodanige persoon en, indien hy die agent of benoemde van enige ander persoon of van 'n privaat maatskappy of vennootskap is, daardie ander persoon of privaat maatskappy of vennootskap en iedere aandeelhouer of vennoot van sodanige privaat maatskappy of vennootskap, na gelang van die geval, geen ander geldelike belang in die drankhandel in die Republiek as 'n geldelike belang in die besigheid of onderneming ten opsigte waarvan die betrokke lisensie uitgereik is, het nie.

(2) Die Minister of iemand wat op sy gesag handel weerhou nie 'n magtiging ingevolge subartikel (1) nie tensy hy van oordeel is, nadat hy die applikant geleentheid gegee het om verhoër te word binne die tydperk wat hy bepaal, dat die oordrag van die lisensie 'n vir die openbare belang skadelike monopolistiese toestand in die drankhandel of 'n vertakking daarvan sou kon laat ontstaan of vererger.

(3) Die besluit van die Minister of 'n persoon wat op sy gesag handel, oor 'n in subartikel (1) bedoelde aanvraag is afdoende."

Wysiging van artikel 75 van Wet 30 van 1928, soos vervang deur artikel 58 van Wet 88 van 1963 en gewysig deur artikel 10 van Wet 85 van 1964.

4. Artikel 75 van die Hoofwet word hierby gewysig deur die tweede voorbehoudsbepaling by paragraaf (f) van subartikel (2) deur die volgende voorbehoudsbepaling te vervang:

„Met dien verstande voorts dat indien 'n voorwaarde kragtens subartikel (1) (b) (i) van artikel 78 opgelê is ten opsigte van die verstrekking van drank aan 'n bepaalde klas persone kragtens 'n kantienlisensie of 'n wyn- en bierlisensie of 'n hoteldranklisensie ten opsigte van 'n gebou geleë in 'n gebied wat kragtens die Wet op Groepsgebiede, 1966 (Wet No. 36 van 1966), 'n gebied vir okkupasie deur lede van die blanke groep verklaar is, drank deur die houer van bedoelde lisensie aan die betrokke bepaalde klas persone verkoop en afgelewer word slegs gedurende die tyd (wat nie vroeër as tienuur in die môre of later as half-twaalfuur in die aand is nie) wat die Minister, op aanbeveling van die Nasionale Drankraad gedoen na ondersoek ingevolge artikel 118ter, gelas of, indien die Minister nie aldus gelas nie, wat vasgestel word deur die gesag wat die lisensie verleen of vernuwe;”.

Invoeging van artikel 101 in Wet 30 van 1928.

5. Die volgende artikel word hierby in die Hoofwet na artikel 100~~sex~~ ingevoeg:

„Verbod op die verkoop of verstrekking van drank aan sekere persone deur die houe van binne-verbruik-lisensies verleen of vernuwe ten opsigte van geboue in sekere gebiede geleë.

101. (1) Indien die Minister nadat hy 'n verslag en aanbeveling van die Nasionale Drankraad, gedoen na ondersoek ingevolge artikel 118ter, verkry het, van oordeel is—

- (a) dat die verkoop of verstrekking van drank aan kleurlinge of Asië vir gebruik in 'n gebou wat geleë is in 'n gebied wat kragtens die Wet op Groepsgebiede, 1966 (Wet No. 36 van 1966), as 'n gebied vir okkupasie deur lede van die blanke groep verklaar is, aanleiding tot ongewenste toestande in bedoelde gebied gee; of
- (b) dat voldoende voorsiening bestaan vir die verkoop of verstrekking van drank aan kleurlinge of Asië in 'n gebied wat kragtens die Wet op Groepsgebiede, 1966, verklaar is as 'n gebied vir okkupasie deur lede van die gekleurde groep, die Maleiergroep, die Indiërgroep of die Chinese groep,

kan hy—

- (i) in a case referred to in paragraph (a), by notice under his hand delivered or tendered to the holder of the licence granted or renewed in respect of the premises concerned, prohibit such holder, as from a date specified in the notice, from selling or supplying liquor to coloured or Asiatic persons for consumption on such premises; or
 - (ii) in a case referred to in paragraph (b), by notice in the *Gazette*, prohibit, as from a date specified in the notice, all holders of on-consumption licences granted or renewed in respect of premises situated in an area declared under the Group Areas Act, 1966, to be an area for occupation by members of the white group as well as within the district within which the area referred to in the said paragraph is situated, from selling or supplying liquor to coloured or Asiatic persons for consumption on those premises.
- (2) The decision of the Minister to prohibit the sale or supply of liquor under subsection (1) shall be final."

6. The following section is hereby inserted in the principal Act after section 118*bis*:

Insertion of
section 118*ter*
in Act 30 of 1928.

"Enquiries
by the
National
Liquor
Board.

118*ter*. (1) The National Liquor Board (hereafter in this section referred to as the board) shall conduct an enquiry into any matter referred to it for enquiry by the Minister.

(2) The chairman of the board or, in his absence, any member of the board appointed by the Minister to preside at an enquiry under this section may, for the purposes of the enquiry, summon, in the manner in which a person may be subpoenaed to appear before a magistrate's court in a criminal trial, any person to give evidence at the enquiry or to produce thereat any book, document or thing which may, in the opinion of the chairman of the board or of such member be relevant to the subject matter of the enquiry.

(3) The board may call and examine any person present at the enquiry, whether or not such person has been summoned under subsection (2) to attend the enquiry, and may inspect and retain for such period as it may deem fit any book, document or thing the production of which was required under the said subsection or produced to it at such enquiry.

(4) (a) The board may direct any person to give his evidence at the enquiry on oath or affirmation.

(b) The chairman of the board or the member of the board presiding at the enquiry, as the case may be, may administer an oath to, or accept an affirmation from, any person appearing before the board to give evidence or to produce any book, document or thing.

(5) In connection with the giving of evidence or the production of any book, document or thing at such enquiry, the law relating to privilege as applicable to a witness giving evidence or summoned to produce a book, document or thing in criminal proceedings in a magistrate's court shall apply.

(6) The board may, in its discretion, order that no person whose presence is not necessary shall be present at the enquiry.

(7) Any person attending an enquiry in pursuance of a subpoena referred to in subsection (2) shall be entitled to an allowance as if he were attending criminal proceedings as a witness for the State.

(8) Any person who—

- (i) in 'n in paragraaf (a) bedoelde geval, by wyse van 'n deur hom ondertekende kennisgewing oorhandig of aangebied aan die houer van die lisensie wat ten opsigte van die betrokke gebou verleen of vernuwe is, bedoelde houer verbied om, vanaf 'n in die kennisgewing bepaalde datum, drank aan kleurlinge of Asiate vir gebruik in bedoelde gebou te verkoop of te verstrek; of
 - (ii) in 'n in paragraaf (b) bedoelde geval, by kennisgewing in die *Staatskoerant* alle houters van binneverbruiklisensies wat verleen of vernuwe is ten opsigte van geboue wat geleë is in 'n gebied wat kragtens die Wet op Groepsgebiede, 1966, as 'n gebied vir okkupasie deur lede van die blanke groep verklaar is, sowel as binne die distrik waarin die in genoemde paragraaf bedoelde gebied geleë is, verbied om, vanaf 'n in die kennisgewing bepaalde datum, drank aan kleurlinge of Asiate vir gebruik in daardie geboue te verkoop of te verstrek.
- (2) Die beslissing van die Minister om die verkoop of verstrekking van drank kragtens subartikel (1) te verbied is afdoende."

Invoeging van
artikel 118ter in
Wet 30 van 1928.

6. Die volgende artikel word hierby in die Hoofwet na artikel 118bis ingevoeg:

„Onder-
soeke deur
die
Nasionale
Drankraad.

118ter. (1) Die Nasionale Drankraad (hieronder in hierdie artikel die raad genoem) moet ondersoek instel na enige aangeleentheid wat deur die Minister na hom vir ondersoek verwys word.

(2) Die voorsitter van die raad of, in sy afwesigheid, 'n lid van die raad wat deur die Minister aangestel is om by 'n ondersoek ingevolge hierdie artikel voor te sit, kan, met die oog op die ondersoek, enige persoon op die wyse waarop 'n persoon as getuie gedagvaar kan word om by 'n strafverhoor voor 'n magistratuurshof te verskyn, dagvaar om by die ondersoek getuienis af te lê of 'n boek, stuk of saak oor te lê wat, na die voorsitter van die raad of bedoelde lid se oordeel, op die onderwerp van die ondersoek betrekking het.

(3) Die raad kan 'n by die ondersoek aanwesige persoon oproep en ondervra, hetsy bedoelde persoon kragtens subartikel (2) gedagvaar is om by die ondersoek aanwesig te wees al dan nie, en kan enige boek, stuk of saak waarvan die oorlegging kragtens genoemde subartikel vereis is of wat by bedoelde ondersoek aan die raad oorgelê is, inspekteer en vir dié tydperk hou wat die raad goedvind.

(4) (a) Die raad kan iemand gelas om by die ondersoek sy getuienis onder eed of ná bevestiging af te lê.

(b) Die voorsitter van die raad of die lid van die raad wat by die ondersoek voorsit, na gelang van die geval, kan aan 'n persoon wat voor die raad verskyn om getuienis af te lê of om 'n boek, stuk of saak oor te lê, 'n eed oplê of van hom 'n bevestiging aanneem.

(5) In verband met die aflê van getuienis of die oorlegging van 'n boek, stuk of saak by so 'n ondersoek, is die reg op privilegie van toepassing wat van toepassing is op 'n getuie wat in 'n strafsak in 'n magistratuurshof getuienis aflê of gedagvaar is om 'n boek, stuk of saak in so 'n strafsak oor te lê.

(6) Die raad kan na goeddunke gelas dat geen persoon wie se aanwesigheid nie nodig is nie, by die ondersoek aanwesig mag wees nie.

(7) 'n Persoon wat by 'n ondersoek aanwesig is uit hoofde van 'n in subartikel (2) bedoelde dagvaarding, is op 'n toelae geregtig asof hy by 'n strafsak as getuie vir die Staat aanwesig is.

(8) 'n Persoon wat—

- (a) having been summoned under subsection (2) to give evidence at an enquiry, fails to attend at the time and place specified in the subpoena, or fails to remain in attendance until the conclusion of the enquiry or until he is excused by the chairman or member of the board presiding at the enquiry from further attendance, or fails to produce any book, document or thing in his possession or custody or under his control, which he has been summoned to produce; or
- (b) having been called under subsection (3) and directed by the chairman or member of the board presiding at the enquiry to do so, refuses to be sworn or to make an affirmation as a witness, or, having been so called and sworn or made affirmation, refuses to testify, or refuses or fails to answer fully and satisfactorily any question lawfully put to him,

shall, unless he proves that he has a just excuse for his failure or refusal, be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

(9) Any person who, after having been sworn or having made affirmation, gives false evidence before the board at an enquiry on any matter, knowing such evidence to be false or not knowing or believing it to be true, shall be guilty of an offence and liable on conviction to the penalties prescribed by law for perjury.

(10) Any person who wilfully interrupts the proceedings at an enquiry under this section or who wilfully hinders or obstructs the board or any member of the board in the performance of its or his functions at such enquiry shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

(11) Any holder of a licence granted or renewed under this Act who has a substantial interest in any matter referred to the board for enquiry under this section shall be entitled to appear at such enquiry and to be represented thereat by counsel or an attorney.

(12) The provisions of subsections (6), (8) and (9) of section 118*bis* shall *mutatis mutandis* apply to an enquiry held by the board under this section.

(13) Subject to the provisions of this section, any enquiry under the said section shall be conducted in such manner and subject to such rules as the board may deem fit.

(14) The board shall, as soon as possible after the conclusion of an enquiry, make such report and recommendation to the Minister as it may deem fit."

7. The following section is hereby inserted in the principal Act after section 131:

Insertion of section 132 in Act 30 of 1928.

"Permit for conveyance of liquor.

132. (1) The Minister may by notice under his hand delivered or tendered to any holder of an off-consumption licence or to a licensee who has in terms of section 64 or 71*bis* been granted authority to sell liquor for consumption off the licensed premises, prohibit such holder or licensee for any period specified in that notice, from conveying or causing to be conveyed at any one time any liquor in quantities exceeding two gallons, unless

- (a) nadat hy kragtens subartikel (2) gedagvaar is om getuienis by 'n ondersoek af te lê, in gebreke bly om aanwesig te wees op die in die dagvaarding bepaalde tyd en plek, of in gebreke bly om aanwesig te bly tot by afloop van die ondersoek of totdat die voorsitter of lid van die raad wat by die ondersoek voorsit, hom verlof gegee het om nie langer aanwesig te wees nie, of in gebreke bly om 'n boek, stuk of saak in sy besit of bewaring of onder sy beheer oor te lê wat hy volgens 'n dagvaarding moet oorlê; of
- (b) nadat hy kragtens subartikel (3) opgeroep is en deur die voorsitter of lid van die raad wat by die ondersoek voorsit, aangesê is om dit te doen, weier om as getuie die eed of 'n plegtige verklaring af te lê, of nadat hy aldus opgeroep is en na eedaflegging of die aflê van 'n plegtige verklaring, weier om getuienis af te lê of weier of in gebreke bly om 'n vraag wettiglik aan hom gestel, ten volle en op bevredigende wyse te beantwoord,

is, tensy hy bewys dat hy 'n voldoende verskoning vir sy versuim of weiering het, aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met sowel daardie boete as daardie gevangenisstraf.

(9) 'n Persoon wat, nadat hy die eed of 'n plegtige verklaring afgelê het, valse getuienis voor die raad by 'n ondersoek na enige aangeleentheid aflê, met die wete dat die getuienis vals is of sonder dat hy weet of glo dat dit waar is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die by wet voorgeskrewe strawwe vir meened.

(10) 'n Persoon wat die verrigtinge by 'n ondersoek kragtens hierdie artikel opsetlik verstoor of die raad of 'n lid van die raad by die verrigting van sy werksaamhede by so 'n ondersoek opsetlik hinder of dwarsboom, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met sowel daardie boete as daardie gevangenisstraf.

(11) 'n Houer van 'n lisensie kragtens hierdie Wet verleen of vernuwe wat 'n wesenlike belang het by enige aangeleentheid wat na die raad vir ondersoek kragtens hierdie artikel verwys is, is geregtig om by bedoelde ondersoek te verskyn en om deur 'n advokaat of prokureur verteenwoordig te word.

(12) Die bepalings van subartikels (6), (8) en (9) van artikel 118*bis* is *mutatis mutandis* van toepassing op 'n ondersoek ingevolge hierdie artikel deur die raad gehou.

(13) Behoudens die bepalings van hierdie artikel, word 'n ondersoek ingevolge bedoelde artikel gehou op die wyse en behoudens die reëls wat die raad goedvind.

(14) Die raad moet so spoedig moontlik na die afloop van 'n ondersoek die verslag en aanbeveling aan die Minister doen wat die raad goedvind."

Invoeging van
artikel 132 in
Wet 30 van 1928.

7. Die volgende artikel word hierby in die Hoofwet na artikel 131 ingevoeg:

„Permit
vir die
vervoer van
drank.

132. (1) Die Minister kan by wyse van 'n deur hom ondertekende kennisgewing oorhandig of aangebied aan enige houer van 'n buiteverbruik-lisensie of aan enige lisensiehouer aan wie ingevolge artikel 64 of 71*bis* magtiging verleen is om drank vir verbruik buite die gelisensieerde gebou te verkoop, bedoelde houer of lisensiehouer verbied om vir die in die kennisgewing bepaalde tydperk enige drank in hoeveelhede van meer as twee gellings

he is in possession of a permit in the prescribed form issued by a member of the police force holding a rank designated by the Commissioner of Police and authorizing him to convey such liquor or to cause such liquor to be conveyed.

(2) A member of the police force holding a rank designated under subsection (1) may, subject to an appeal to the Commissioner of Police, whose decision shall be final, in his discretion, refuse to issue any such permit.

(3) No notice delivered or tendered to any holder of an off-consumption licence or to a licensee under subsection (1) shall apply to the conveyance of any liquor from the licensed premises of such holder or licensee to the licensed premises of any other licensee or to or from authorized places of storage determined in terms of section 79ter.”.

8. The following section is hereby substituted for section 134 of the principal Act:

“Prohibition of delivery and introduction of liquor in or into certain areas.

134. (1) No holder of any off-consumption licence, no licence holder authorized under section 64 or 71bis to sell liquor for consumption off the licensed premises, and no holder of an authority under section 100sex authorized to sell liquor for consumption off the premises described in the authority shall by himself, his servant or agent deliver or cause to be delivered any liquor to any person within—

(a) a Bantu residential area defined, set apart and laid out or deemed to have been defined, set apart and laid out under section 2 of the Bantu (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945); or

(b) a township established by the Minister of Bantu Administration and Development under the provisions of any law relating to the settlement of Bantu,

who is not the holder of an authority granted or renewed under section 100bis.

(2) Subject to the provisions of subsection (1), no person other than the holder of an authority under section 100bis, shall by himself, his servant or agent at any one time introduce liquor in quantities exceeding two gallons into a Bantu residential area or township referred to in subsection (1), unless he is in possession of a permit in the prescribed form issued by a member of the police force holding a rank designated by the Commissioner of Police and authorizing him to do so.

Substitution of section 134 of Act 30 of 1928, as amended by section 13 of Act 72 of 1961 and section 20 of Act 63 of 196

9. Section 162 of the principal Act is hereby amended by the insertion after paragraph (b)bis of subsection (1) of the following paragraph:

“(b)ter conveys or causes to be conveyed any liquor in quantities exceeding two gallons in contravention of a notice delivered or tendered to him under section 132 (1);”.

Amendment of section 162 of Act 30 of 1928, as amended by section 15 of Act 72 of 1961 and section 102 of Act 88 of 1963.

10. Section 163 of the principal Act is hereby amended by the addition of the following paragraph:

“(d) sells or supplies liquor to a coloured or Asiatic person in contravention of a notice issued under section 101.”.

Amendment of section 163 of Act 30 of 1928, as amended by section 103 of Act 88 of 1963.

11. Section 164 of the principal Act is hereby amended by the insertion after paragraph (b) of the following paragraph:

“(c) in contravention of the provisions of section 134, delivers or causes to be delivered any liquor to any person within a Bantu residential area or township referred to in that section;”.

Amendment of section 164 of Act 30 of 1928, as amended by section 16 of Act 72 of 1961 and section 104 of Act 88 of 1963.

op 'n keer te vervoer of te laat vervoer, tensy hy in besit is van 'n permit in die voorgeskrewe vorm wat deur 'n lid van die polisiemag wat 'n deur die Kommissaris van Polisie aangewese rang beklee, uitgereik is en wat hom magtig om bedoelde drank te vervoer of te laat vervoer.

(2) 'n Lid van die polisiemag wat 'n kragtens subartikel (1) aangewese rang beklee, kan, onderworpe aan 'n appèl na die Kommissaris van Polisie, wie se beslissing afdoende is, na goeddunke die uitreiking van so 'n permit weier.

(3) Geen kennisgewing wat kragtens subartikel (1) aan 'n houer van 'n buiteverbruik-lisensie of aan 'n lisensiehouer oorhandig of aangebied is, is van toepassing op die vervoer van enige drank vanaf die gelisensieerde gebou van bedoelde houer of lisensiehouer na die gelisensieerde gebou van 'n ander lisensiehouer of na of vanaf gemagtigde opbergingsplekke bepaal ingevolge artikel 79*ter* nie."

Vervanging van artikel 134 van Wet 30 van 1928, soos gewysig deur artikel 13 van Wet 72 van 1961 en artikel 20 van Wet 63 van 1962.

8. Artikel 134 van die Hoofwet word hierby deur die volgende artikel vervang:

„Verbod op aflewering en invoering van drank in sekere gebiede.

134. (1) Geen houer van 'n buiteverbruik-lisensie, geen lisensiehouer wat ingevolge artikel 64 of 71*bis* gemagtig is om drank vir gebruik buite die gelisensieerde gebou te verkoop, en geen houer van 'n magtiging kragtens artikel 100*sex* wat gemagtig is om drank vir gebruik buite die in die magtiging omskrewe gebou te verkoop, mag self of deur sy bediende of verteenwoordiger enige drank aflewer of laat aflewer aan iemand binne—

(a) 'n Bantoe-woongebied bepaal, afgesonder en aangelê of geag bepaal, afgesonder en aangelê te wees ingevolge artikel 2 van die Bantoe (Stadsgebiede) Konsolidasiewet, 1945 (Wet No. 25 van 1945); of

(b) 'n dorp gestig deur die Minister van Bantoe-administrasie en -ontwikkeling kragtens die bepalings van enige wet met betrekking tot die vestiging van Bantoes,

wat nie die houer van 'n kragtens artikel 100*bis* verleende of vernude magtiging is nie.

(2) Behoudens die bepalings van subartikel (1), mag niemand anders as die houer van 'n magtiging kragtens artikel 100*bis*, self of deur sy bediende of verteenwoordiger drank in groter hoeveelhede as twee gelling op 'n keer in 'n in subartikel (1) bedoelde Bantoe-woongebied of dorp invoer nie, tensy hy in besit is van 'n permit in die voorgeskrewe vorm wat deur 'n lid van die polisiemag wat 'n deur die Kommissaris van Polisie aangewese rang beklee, uitgereik is en wat hom daartoe magtig.

Wysiging van artikel 162 van Wet 30 van 1928, soos gewysig deur artikel 15 van Wet 72 van 1961 en artikel 102 van Wet 88 van 1963.

9. Artikel 162 van die Hoofwet word hierby gewysig deur die volgende paragraaf na paragraaf (b)*bis* van subartikel (1) in te voeg:

„(b)*ter* in stryd met 'n kennisgewing wat kragtens artikel 132 (1) aan hom oorhandig of aangebied is, drank in hoeveelhede van meer as twee gelling vervoer of laat vervoer;”.

Wysiging van artikel 163 van Wet 30 van 1928, soos gewysig deur artikel 103 van Wet 88 van 1963.

10. Artikel 163 van die Hoofwet word hierby gewysig deur die volgende paragraaf by te voeg:

„(d) in stryd met 'n kragtens artikel 101 uitgereikte kennisgewing, drank aan 'n kleurling of Asiaat verkoop of verstrek.”.

Wysiging van artikel 164 van Wet 30 van 1928, soos gewysig deur artikel 16 van Wet 72 van 1961 en artikel 104 van Wet 88 van 1963.

11. Artikel 164 van die Hoofwet word hierby gewysig deur na paragraaf (b) die volgende paragraaf in te voeg:

„(c) in stryd met die bepalings van artikel 134, drank aan iemand binne 'n in daardie artikel bedoelde Bantoe-woongebied of dorp aflewer of laat aflewer;”.

12. Section 166 of the principal Act is hereby amended by the substitution for paragraph (p) of the following paragraph:

"(p) in contravention of the provisions of section 134, introduces any liquor into any Bantu residential area or township referred to in that section;"

Amendment of section 166 of Act 30 of 1928, as amended by section 33 of Act 41 of 1934, section 42 of Act 61 of 1956, section 10 of Act 58 of 1957, section 17 of Act 72 of 1961, section 20 of Act 63 of 1962, section 10 of Act 89 of 1962, section 106 of Act 88 of 1963, section 18 of Act 85 of 1964, section 36 of Act 70 of 1965 and section 10 of Act 98 of 1965.

13. Section 168 of the principal Act is hereby amended—

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

"(aA) if the contravention is of a provision of section 164 (c), to a fine not exceeding two hundred pounds or in default of payment to imprisonment for a period not exceeding six months;" and

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

"(b) if the contravention is of the provisions of section 100bis (8) or section 100sex (7) or of a provision of section 166 (d), (f), (i), (i)bis, (i)ter, (j), (k), (l), (o), (p) or (u), to a fine not exceeding two hundred pounds or in default of payment to imprisonment for a period not exceeding twelve months;"

Amendment of section 168 of Act 30 of 1928, as amended by section 34 of Act 41 of 1934, section 12 of Act 35 of 1956, section 43 of Act 61 of 1956, section 18 of Act 72 of 1961, section 20 of Act 63 of 1962, section 12 of Act 89 of 1962, and section 108 of Act 88 of 1963.

14. Section 17 of the Attorneys, Notaries and Conveyancers Admission Amendment Act, 1965, is hereby repealed with effect from the date of promulgation of the said Act.

Repeal of section 17 of Act 26 of 1965.

15. (1) Section 18 of the Attorneys, Notaries and Conveyancers Admission Act, 1934, is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) No attorney shall have or retain any clerk under articles unless such attorney is actually practising the profession of attorney either on his own account or as a partner in a firm of attorneys or as State Attorney or as one of the three most senior professional assistants in the office of the State Attorney at Pretoria or as professional assistant in charge of any branch of the said office or as senior professional assistant to such professional assistant in charge of such branch and has—

(i) if he is an attorney so practising on his own account or as a partner in a firm of attorneys, so practised continuously for a period of three years immediately prior to taking such clerk under articles;

(ii) if he is the State Attorney or any professional assistant as aforesaid, practised the profession of attorney in the office of the State Attorney or any branch thereof continuously for a period of three years immediately prior to taking such clerk under articles."

(2) Subsection (1) shall be deemed to have come into operation on the date of commencement of the Attorneys, Notaries and Conveyancers Admission Act, 1934.

Amendment of section 18 of Act 23 of 1934, as amended by section 1 of Act 22 of 1949, section 2 of Act 31 of 1957 and section 6 of Act 67 of 1967.

16. Section 27 of the Attorneys, Notaries and Conveyancers Admission Act, 1934, is hereby amended by the addition of the following subsection:

Amendment of section 27 of Act 23 of 1934,

Wysiging van artikel 166 van Wet 30 van 1928, soos gewysig deur artikel 33 van Wet 41 van 1934, artikel 42 van Wet 61 van 1956, artikel 10 van Wet 58 van 1957, artikel 17 van Wet 72 van 1961, artikel 20 van Wet 63 van 1962, artikel 10 van Wet 89 van 1962, artikel 106 van Wet 88 van 1963, artikel 18 van Wet 85 van 1964, artikel 36 van Wet 70 van 1965 en artikel 10 van Wet 98 van 1965.

12. Artikel 166 van die Hoofwet word hierby gewysig deur paragraaf (p) deur die volgende paragraaf te vervang:

„(p) in stryd met die bepalings van artikel 134, drank in 'n in daardie artikel bedoelde Bantoewoongebied of dorp invoer;”.

Wysiging van artikel 168 van Wet 30 van 1928, soos gewysig deur artikel 34 van Wet 41 van 1934, artikel 12 van Wet 35 van 1956, artikel 43 van Wet 61 van 1956, artikel 18 van Wet 72 van 1961, artikel 20 van Wet 63 van 1962, artikel 12 van Wet 89 van 1962 en artikel 108 van Wet 88 van 1963.

13. Artikel 168 van die Hoofwet word hierby gewysig—

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

„(aA) as dit 'n oortreding is van 'n bepaling van artikel 164 (c), met 'n boete van hoogstens tweehonderd pond of by wanbetaling met gevangenisstraf vir 'n tydperk van hoogstens ses maande;” en

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

„(b) as dit 'n oortreding is van die bepalings van artikel 100bis (8) of artikel 100sex (7) of van 'n bepaling in artikel 166 (d), (f), (i), (i)bis, (i)ter, (j), (k), (l), (o), (p) of (u), met 'n boete van hoogstens twee honderd pond of by wanbetaling met gevangenisstraf vir 'n tydperk van hoogstens twaalf maande.”.

Herroeping van artikel 17 van Wet 26 van 1965.

14. Artikel 17 van die Wysigingswet op die Toelating van Prokureurs, Notarisse en Transportbesorgers, 1965, word hierby herroep met ingang van die datum van afkondiging van genoemde Wet.

Wysiging van artikel 18 van Wet 23 van 1934, soos gewysig deur artikel 1 van Wet 22 van 1949, artikel 2 van Wet 31 van 1957 en artikel 6 van Wet 67 van 1967.

15. (1) Artikel 18 van die Toelating van Prokureurs, Notarisse en Transportbesorgers Wet, 1934, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Geen prokureur mag 'n klerk onder leerkontrak in diens hê of hou nie tensy so 'n prokureur werklik die professie van prokureur uitoefen, hetsy vir eie rekening of as vennoot in 'n prokureursfirma of as Staatsprokureur of as een van die drie mees senior professionele assistente in die kantoor van die Staatsprokureur te Pretoria of as professionele assistent wat oor 'n tak van genoemde kantoor toesig het of as senior professionele assistent van sodanige professionele assistent wat oor so 'n tak toesig het en—

(i) indien hy 'n prokureur is wat aldus vir eie rekening of as vennoot in 'n prokureursfirma praktiseer, vir 'n tydperk van drie jaar onmiddellik voordat sodanige klerk onder leerkontrak geneem word of is, onafgebroke aldus gepraktiseer het;

(ii) indien hy die Staatsprokureur of 'n professionele assistent soos voormeld is, in die kantoor van die Staatsprokureur of 'n tak daarvan vir 'n tydperk van drie jaar onmiddellik voordat sodanige klerk onder leerkontrak geneem word, onafgebroke die professie van prokureur uitgeoefen het.”.

(2) Subartikel (1) word geag op die datum van inwerking-treding van die Toelating van Prokureurs, Notarisse en Transportbesorgers Wet, 1934, in werking te getree het.

Wysiging van artikel 27 van Wet 23 van 1934,

16. Artikel 27 van die Toelating van Prokureurs, Notarisse en Transportbesorgers Wet, 1934, word hierby gewysig deur die volgende subartikel by te voeg:

"(3) No examination shall be conducted under subsection (1) in respect of any person unless he satisfies the examiners concerned that he has complied with the provisions of this Act in regard to service under articles or that he is serving under articles and has so served for a continuous period of not less than six months or that he is, under the provisions of this Act, exempt from service under articles."

as substituted by section 11 of Act 67 of 1967.

17. Section 32 of the Attorneys, Notaries and Conveyancers Admission Act, 1934, is hereby amended—

Amendment of section 32 of Act 23 of 1934, as amended by section 3 of Act 19 of 1941, section 5 of Act 81 of 1962 and section 16 of Act 63 of 1964.

(a) by the substitution for all the words preceding the proviso to subsection (5) of the following words:

"(5) Any person contravening any of the provisions of this section shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred rand for each offence;" and

(b) by the substitution for paragraph (e) of the said proviso of the following paragraph:

"(e) any attorney, notary or conveyancer makes known in such manner as may be approved by the law society of the province in which he practises that he does such work;"

18. Section 32*bis* of the Attorneys, Notaries and Conveyancers Admission Act, 1934, is hereby amended by the substitution in subsection (1) for the words "two hundred" of the words "five hundred" and for the word "three" of the word "six".

Amendment of section 32*bis* of Act 23 of 1934, as inserted by section 4 of Act 19 of 1941 and amended by section 6 of Act 81 of 1962.

19. Section 11*ter* of the Protection of Names, Uniforms and Badges Act, 1935, is hereby amended by the substitution for paragraph (a) of the following paragraph:

Amendment of section 11*ter* of Act 23 of 1935, as inserted by section 1 of Act 3 of 1967.

"(a) any regulation made thereunder and in force at the commencement of the said Protection of Names, Uniforms and Badges Amendment Act, 1967; and"

20. Section 13 of the Bantu Trust and Land Act, 1936, is hereby amended by the substitution for subsection (3) of the following subsection:

Amendment of section 13 of Act 18 of 1936, as amended by section 7 of Act 17 of 1939, section 2 of Act 18 of 1954, section 5 of Act 73 of 1956, section 3 of Act 41 of 1958, section 16 of Act 42 of 1964 and section 18 of Act 55 of 1965.

"(3) (a) The provisions of sections 3 to 14, inclusive, of the Expropriation Act, 1965 (Act No. 55 of 1965), shall *mutatis mutandis* apply in respect of the expropriation of land in terms of subsection (1) or (2) of this section: Provided that in the case of land held in trust for a Bantu tribe or community the individual members of which are not described in the title deed, notice to such tribe or community and to the individual members thereof shall be deemed to have been given in accordance with the provisions of subsection (1) of section 4 of the said Act if the members of such tribe or community present at a public meeting convened by the Bantu Affairs Commissioner for the purpose, be informed by the Bantu Affairs Commissioner of the proposed expropriation and the other particulars which a notice is in terms of the provisions of subsection (3) of the last-mentioned section required to contain: Provided further that if the whereabouts of any person to whom notice is to be given in accordance with the provisions of subsection (1) of the said section 4 is not readily ascertainable by the Minister of Agriculture, such notice shall be deemed to be given if the Bantu Affairs Commissioner causes a notice complying with the provisions of subsection (3) of the said section 4 to be posted up at his office and at the post office in which the inhabitants of

soos vervang
deur artikel
11 van Wet
67 van 1967.

„(3) Geen eksamen word kragtens subartikel (1) ten opsigte van iemand afgeneem nie tensy hy die betrokke eksaminatore oortuig dat hy aan die bepalings van hierdie Wet met betrekking tot diens onder leerkontrak voldoen het of dat hy onder leerkontrak dien en aldus vir 'n ononderbroke tydperk van minstens ses maande gedien het, of dat hy kragtens die bepalings van hierdie Wet van diens onder leerkontrak vrygestel is.”

Wysiging van
artikel 32
van Wet 23 van
1934, soos
gewysig deur
artikel 3 van
Wet 19 van
1941, artikel
5 van Wet 81
van 1962 en
artikel 16 van
Wet 63 van 1964.

17. Artikel 32 van die Toelating van Prokureurs, Notarisse en Transportbesorgers Wet, 1934, word hierby gewysig—

(a) deur al die woorde wat die voorbehoudsbepaling by subartikel (5) voorafgaan deur die volgende woorde te vervang:

„(5) Enige persoon wat die bepalings van hierdie artikel oortree, is skuldig aan 'n misdryf en by veroordeling strafbaar met 'n boete van hoogstens vyfhonderd rand vir elke misdryf.”; en

(b) deur paragraaf (e) van bedoelde voorbehoudsbepaling deur die volgende paragraaf te vervang:

„(e) 'n prokureur, notaris of transportbesorger op die wyse goedgekeur deur die wetsgenootskap van die provinsie waarin hy praktiseer, bekend maak dat hy sulke werk verrig.”

Wysiging van
artikel 32bis
van Wet 23
van 1934,
soos ingevoeg
deur artikel 4
van Wet 19
van 1941 en
gewysig deur
artikel 6 van
Wet 81 van 1962.

18. Artikel 32bis van die Toelating van Prokureurs, Notarisse en Transportbesorgers Wet, 1934, word hierby gewysig deur in subartikel (1) die woord „tweehonderd” deur die woord „vyfhonderd” en die woord „drie” deur die woord „ses” te vervang.

Wysiging van
artikel 11ter
van Wet 23 van
1935, soos
ingevoeg deur
artikel 1 van
Wet 3 van 1967.

19. Artikel 11ter van die Beskerming van Name, Uniforms en Wapens Wet, 1935, word hierby gewysig deur paragraaf (a) deur die volgende paragraaf te vervang:

„(a) enige regulasie daarkragtens uitgevaardig en van krag by die inwerkingtreding van genoemde Wysigingswet op die Beskerming van Name, Uniforms en Wapens, 1967; en”.

Wysiging van
artikel 13 van
Wet 18 van
1936, soos
gewysig deur
artikel 7 van Wet
17 van 1939,
artikel 2 van
Wet 18 van 1954,
artikel 5 van
Wet 73 van 1956,
artikel 3 van
Wet 41 van 1958,
artikel 16 van
Wet 42 van 1964
en artikel 18
van Wet 55
van 1965.

20. Artikel 13 van die Bantoetrust en -grond Wet, 1936, word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

„(3) (a) Die bepalings van artikels 3 tot en met 14 van die Onteieningswet, 1965 (Wet No. 55 van 1965), is *mutatis mutandis* van toepassing ten opsigte van onteiening van grond ingevolge subartikel (1) of (2) van hierdie artikel: Met dien verstande dat in die geval van grond wat besit word in trust vir 'n Bantoestam of -gemeenskap waarvan die individuele lede nie in die titelbewys beskrywe word nie, kennis aan sodanige stam of gemeenskap en die individuele lede daarvan ooreenkomstig die bepalings van subartikel (1) van artikel 4 van genoemde Wet geag word gegee te gewees het indien die lede van sodanige stam of gemeenskap wat teenwoordig is op 'n openbare vergadering vir dié doel deur die Bantoesakekommissaris byeengeroep, deur die Bantoesakekommissaris van die voorgenome onteiening en die ander besonderhede wat 'n kennisgewing ingevolge die bepalings van sub-artikel (3) van laasgenoemde artikel moet bevat, verwittig is: Met dien verstande voorts dat indien die Minister van Landbou nie die verblyfplek van enige persoon aan wie kennis ooreenkomstig die bepalings van subartikel (1) van genoemde artikel 4 gegee moet word, geredelik kan vasstel nie, sodanige kennis geag word gegee te wees aan dié persoon indien die Bantoesakekommissaris 'n kennisgewing wat aan die bepalings van subartikel (3) van genoemde artikel 4 voldoen, laat aanbring by sy kantoor en by die poskantoor

the area, wherein the land in question is situated, are served in the ordinary course of business, and, if the boundaries of such land are readily ascertainable on the spot, on any door of any building on such land, or, if there is no building on the land, at any conspicuous place thereon.

- (b) In any case contemplated in the first or the second proviso to paragraph (a) the written certificate of the Bantu Affairs Commissioner to the effect that the provisions of the relevant proviso have been complied with shall be conclusive proof of such notice to such tribe or community and the members thereof, or to such person, as the case may be, and the date of the meeting in question or the date on which the notice was posted up at the office of the Bantu Affairs Commissioner, as the case may be, shall for the purpose of the said Act be deemed to be the date of such notice."

21. Section 1 of the Matrimonial Causes Jurisdiction Act, 1939, is hereby amended—

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

"(1A) A provincial or local division of the Supreme Court of South Africa shall have jurisdiction to try an action for divorce or restitution of conjugal rights instituted by a wife against her husband who is not domiciled in the Republic, if immediately before her marriage the wife was a South African citizen or was domiciled in the Republic, and she was ordinarily resident in the Republic for the period of one year immediately preceding the date on which the proceedings are instituted."; and

- (b) by the addition of the following subsection:

"(3) Any issue in proceedings relating to an action referred to in subsection (1A) shall be determined in accordance with the law which would be applicable if both parties were domiciled in the Republic at the time of the proceedings."

Amendment of section 1 of Act 22 of 1939, as amended by section 6 of Act 37 of 1953.

22. (1) The following section is hereby substituted for section 7ter of the Matrimonial Causes Jurisdiction Act, 1939: "Application 7ter. This Act and any amendment thereof to South-West Africa, including the Eastern Caprivi Zipfel referred to in section 38 (5) of the South-West Africa Constitution Act, 1968 (Act No. 39 of 1968)."

Substitution of section 7ter of Act 22 of 1939, as inserted by section 1 of Act 17 of 1943.

(2) Subsection (1) shall be deemed to have come into operation on the eighteenth day of October, 1953.

23. The Matrimonial Causes Jurisdiction Act, 1939, is hereby amended by the substitution for the word "Union", wherever it occurs, of the word "Republic".

Substitution for the word "Union" of the word "Republic" in Act 22 of 1939.

24. Section 10 of the Land Bank Act, 1944, is hereby amended by the insertion after subsection (1) of the following subsection:

"(1)bis. In addition to the salary mentioned in subsection (1), such further remuneration may be paid to every member of the board, out of the funds of the bank, as the Minister may deem fit."

Amendment of section 10 of Act 13 of 1944, as amended by section 1 of Act 10 of 1952, section 3 of Act 47 of 1959, section 3 of Act 46 of 1965 and section 1 of Act 5 of 1968.

waarin in die gewone loop van sake die inwoners van die gebied bedien word waarin die betrokke grond geleë is, en, indien die grense van dié grond geredelik ter plaatse vasgestel kan word, op enige deur van enige gebou op dié grond of, as daar geen gebou op die grond is nie, op enige opvallende plek daarop.

- (b) In 'n geval beoog in die eerste of die tweede voorbehoudsbepaling by paragraaf (a) is die skriftelike sertifikaat van die Bantoesakekommissaris ten effekte dat die bepalings van die betrokke voorbehoudsbepaling nagekom is, afdoende bewys van bedoelde kennisgewing aan sodanige stam of gemeenskap en die lede daarvan, of aan sodanige persoon, na gelang van die geval, en word by die toepassing van genoemde Wet die datum van die betrokke vergadering of die datum waarop die kennisgewing by die Bantoesakekommissaris se kantoor aangebring is, na gelang van die geval, geag die datum van die kennisgewing te wees."

Wysiging van artikel 1 van Wet 22 van 1939, soos gewysig deur artikel 6 van Wet 37 van 1953.

21. Artikel 1 van die Wet op Regsbevoegdheid in Matrimonieële Regsake, 1939, word hierby gewysig—

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

„(1A) 'n Provinsiale of plaaslike afdeling van die Hooggeregshof van Suid-Afrika het regsbevoegdheid om 'n regsvordering vir egskeiding of herstel van huweliksregte te verhoor wat ingestel word deur 'n vrou teen haar eggenoot wat nie binne die Republiek gedomisilieer is nie, indien die vrou onmiddellik voor haar huwelik 'n Suid-Afrikaanse burger was of binne die Republiek gedomisilieer was, en sy gewoonlik binne die Republiek woonagtig was vir die tydperk van een jaar wat die datum waarop die geding ingestel word onmiddellik voorafgaan.”; en

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

„(3) Enige geskilpunt in verrigtinge wat op 'n in subartikel (1A) bedoelde regsvordering betrekking het, word beslis ooreenkomstig die reg wat van toepassing sou gewees het indien beide partye ten tyde van die verrigtinge binne die Republiek gedomisilieer was.”.

Vervanging van artikel 7ter van Wet 22 van 1939, soos ingevoeg deur artikel 1 van Wet 17 van 1943.

22. (1) Artikel 7ter van die Wet op Regsbevoegdheid in Matrimonieële Regsake, 1939, word hierby deur die volgende artikel vervang:

„Toepassing op Suidwes-Afrika, 7ter. Hierdie Wet en enige wysiging daarvan is ook van toepassing in die gebied Suidwes-Afrika, met inbegrip van die Oostelike Caprivi Zipfel vermeld in artikel 38 (5) van die Wet op die Konstitusie van Suidwes-Afrika, 1968 (Wet No. 39 van 1968).”.

- (2) Subartikel (1) word geag op 18 Oktober 1953 in werking te getree het.

Vervanging van die woord „Unie” deur die woord „Republiek” in Wet 22 van 1939.

23. Die Wet op Regsbevoegdheid in Matrimonieële Regsake, 1939, word hierby gewysig deur die woord „Unie”, oral waar dit voorkom, deur die woord „Republiek” te vervang.

Wysiging van artikel 10 van Wet 13 van 1944, soos gewysig deur artikel 1 van Wet 10 van 1952, artikel 3 van Wet 47 van 1959, artikel 3 van Wet 46 van 1965 en artikel 1 van Wet 5 van 1968.

24. Artikel 10 van die Landbankwet, 1944, word hierby gewysig deur na subartikel (1) die volgende subartikel in te voeg:

„(1)bis Benewens die in subartikel (1) bedoelde salaris, kan daar aan elke lid van die raad die verdere vergoeding uit die fondse van die bank betaal word wat die Minister goedvind.”.

25. The First Schedule to the South African Reserve Bank Act, 1944, is hereby amended by the deletion of the expression "of which £..... is held outside the Union."

Amendment of First Schedule to Act 29 of 1944, as substituted by section 6 of Act 45 of 1956.

26. Section 4 of the Magistrates' Courts Act, 1944, is hereby amended by the substitution for subsection (4) of the following subsection:

Amendment of section 4 of Act 32 of 1944, as amended by section 5 of Act 40 of 1952.

"(4) Any process issued out of any court may be served or executed by the messenger of the court appointed for the area within which such process is to be served or executed."

27. Section 7 of the Magistrates' Courts Act, 1944, is hereby amended by the addition to subsection (1) of the following proviso:

Amendment of section 7 of Act 32 of 1944, as substituted by section 1 of Act 8 of 1967.

"Provided that the said Secretary may order that the records of a court for any regional division shall be so preserved at such a place or places within that division as he may from time to time determine."

28. (1) Section 14 of the Magistrates' Courts Act, 1944, is hereby amended—

Amendment of section 14 of Act 32 of 1944, as amended by section 10 of Act 40 of 1952.

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

"(1) The Minister may appoint for every court a person or two or more persons as a messenger or messengers of such court subject, in the case of any such person who is not an officer of the public service, to such conditions, including the payment of remuneration and allowances, as the Minister may determine."

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

"(1A) A messenger appointed under subsection (1) or deemed to have been appointed thereunder, shall perform the duties and exercise the powers of a messenger only within the area of jurisdiction of the court for which he has been so appointed or is deemed to have been so appointed or, if the Minister or any person authorized thereto by him so directs, within the area determined by the Minister or such person, as the case may be."; and

(c) by the addition at the beginning of subsection (2) of the following paragraph, the existing subsection becoming paragraph (b):

"(a) Whenever the Minister has appointed an officer of the public service as a messenger of any court, he may appoint so many officers of the said service as deputy-messengers of that court as he may deem fit."

(2) Any appointment made under section 14 (1) of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), prior to its substitution by subsection (1) of this section, shall be deemed to have been made under the said section 14 (1) as so substituted.

29. Section 15 of the Magistrates' Courts Act, 1944, is hereby amended by the substitution for subsection (1) of the following subsection:

Amendment of section 15 of Act 32 of 1944, as amended by section 11 of Act 40 of 1952 and section 2 of Act 19 of 1963.

"(1) (a) Whenever process of the court in a civil case is to be served or executed within any area for which no messenger has been appointed, and whenever process of any court in a criminal case is to be served, a member of the police force shall be as qualified to serve or execute all such process and all other documents in such a case as if he had been duly appointed messenger.

(b) The fees payable in respect of or in connection with any such service to a messenger shall in any such case

Wysiging van Eerste Bylae by Wet 29 van 1944, soos vervang deur artikel 6 van Wet 45 van 1956.

Wysiging van artikel 4 van Wet 32 van 1944, soos gewysig deur artikel 5 van Wet 40 van 1952.

Wysiging van artikel 7 van Wet 32 van 1944, soos vervang deur artikel 1 van Wet 8 van 1967.

Wysiging van artikel 14 van Wet 32 van 1944, soos gewysig deur artikel 10 van Wet 40 van 1952.

Wysiging van artikel 15 van Wet 32 van 1944, soos gewysig deur artikel 11 van Wet 40 van 1952 en artikel 2 van Wet 19 van 1963.

25. Die Eerste Bylae by die Wet op die Suid-Afrikaanse Reserwebank, 1944, word hierby gewysig deur die uitdrukking „waarvan £..... buite die Unie gehou word” te skrap.

26. Artikel 4 van die Wet op Landdroshowe, 1944, word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang:

„(4) Prosesstukke uit 'n hof uitgereik kan gedien of ten uitvoer gelê word deur die geregsbode van die hof wat aangestel is vir die gebied waarin sodanige prosesstukke gedien of ten uitvoer gelê moet word.”

27. Artikel 7 van die Wet op Landdroshowe, 1944, word hierby gewysig deur die volgende voorbehoudsbepaling by subartikel (1) te voeg:

„Met dien verstande dat genoemde Sekretaris kan gelas dat die stukke van 'n hof vir 'n streek-afdeling aldus by die plek of plekke in daardie streek-afdeling wat hy van tyd tot tyd bepaal, bewaar word.”

28. (1) Artikel 14 van die Wet op Landdroshowe, 1944, word hierby gewysig—

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

„(1) Die Minister kan vir elke hof 'n persoon of twee of meer persone as geregsbode of geregsbodes van sodanige hof aanstel onderworpe, in die geval van so 'n persoon wat nie 'n amptenaar van die Staatsdiens is nie, aan die voorwaardes, met inbegrip van die betaling van besoldiging en toelaes, wat die Minister bepaal.”;

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

„(1A) 'n Geregsbode wat kragtens subartikel (1) aangestel is of geag word daarkragtens aangestel te gewees het, vervul die pligte van 'n geregsbode en oefen die bevoegdhede van 'n geregsbode uit slegs binne die regsgebied van die hof waarvoor hy aldus aangestel is of geag word aldus aangestel te gewees het of, indien die Minister of iemand deur hom daartoe gemagtig, aldus gelas, binne dié gebied wat die Minister of so iemand, na gelang van die geval, bepaal.”; en

(c) deur aan die begin van subartikel (2) die volgende paragraaf by te voeg, terwyl die bestaande subartikel paragraaf (b) word:

„(a) Wanneer die Minister 'n amptenaar van die Staatsdiens as 'n geregsbode van 'n hof aangestel het, kan hy soveel amptenare van bedoelde diens, as adjunk-geregsbodes van daardie hof aanstel, as wat hy goedvind.”

(2) 'n Aanstelling gedoen kragtens artikel 14 (1) van die Wet op Landdroshowe, 1944 (Wet No. 32 van 1944), vóór die vervanging daarvan deur subartikel (1) van hierdie artikel, word geag gedoen te gewees het kragtens genoemde artikel 14 (1) soos aldus vervang.

29. Artikel 15 van die Wet op Landdroshowe, 1944, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) (a) Wanneer prosesstukke van die hof in 'n siviele saak gedien of ten uitvoer gelê moet word binne 'n gebied waarvoor geen geregsbode aangestel is nie, en wanneer prosesstukke van enige hof in 'n strafsak gedien moet word, dan is 'n lid van die polisiemag ewe bevoeg om alle sodanige prosesstukke en alle ander stukke in so 'n saak te dien of ten uitvoer te lê asof hy behoorlik as geregsbode aangestel was.

(b) Die gelde wat ten opsigte van of in verband met so 'n diening aan 'n geregsbode betaalbaar is, word in so 'n

be chargeable but shall be paid into the Consolidated Revenue Fund.”.

30. Section 65 of the Magistrates' Courts Act, 1944, is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) The notice shall be served on the debtor by the messenger in any manner prescribed by the rules for the service of process generally.

Amendment of section 65 of Act 32 of 1944, as substituted by section 15 of Act 40 of 1952 and amended by section 1 of Act 14 of 1954, section 20 of Act 50 of 1956 and section 10 of Act 19 of 1963.

31. The following section is hereby substituted for section 93bis of the Magistrates' Courts Act, 1944:

“Transfer of proceedings to court of a regional division. 93bis. Notwithstanding anything to the contrary in any law contained, the judicial officer presiding at the trial of or who convicts any person being tried before a court which is not a court of a regional division shall, if it appears that the trial may more properly be conducted before the court of a regional division or that the imposition of a sentence in terms of section 334quat (2) or 335 (2) of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), would have been competent if such person had been so convicted by the court of a regional division, or when the public prosecutor so requests, as the case may be, stop the trial or, if such person has been convicted, set aside his finding in respect of such person and of any other person convicted after having been tried jointly with such firstmentioned person, and the proceedings shall thereupon be commenced afresh before the court of the regional division concerned.”.

Substitution of section 93bis of Act 32 of 1944, as inserted by section 23 of Act 40 of 1952.

32. Section 1 of the Soil Conservation Act, 1946, is hereby amended by the substitution for the definition of “urban area” of the following definition:

“‘urban area’ means the area of a local authority established for any particular township or city, and includes any area subdivided into erven or lots and public open spaces and streets bounded by such erven or lots or spaces, but does not include any commonage in any such area, or any other piece of land therein not less than ten morgen in extent.”.

Amendment of section 1 of Act 45 of 1946, as amended by section 1 of Act 6 of 1949, section 1 of Act 37 of 1960, section 1 of Act 31 of 1964 and section 1 of Act 15 of 1967.

33. The following section is hereby inserted in the South African Tourist Corporation Act, 1947, after section 9:

“Delegation of powers by the board. 9A. (1) The board may, with the approval of the Minister and subject to the conditions determined by the board, delegate in writing any of its functions, duties or powers under this Act or any regulation to one or more of its members or to one or more of its employees.

(2) The board shall not be divested of a function, duty or power delegated under subsection (1) to any person.”.

Insertion of section 9A in Act 54 of 1947.

34. Section 3 of the Rents Act, 1950, is hereby amended by the substitution for subparagraph (ii) of subsection (1) (b) of the following subparagraph:

“(ii) if any amount allowable in terms of paragraph (e), (h) or (j) of the said definition suffers an increase, such increase may be added to the rent;”.

Amendment of section 3 of Act 43 of 1950.

35. Section 33 of the Rents Act, 1950, is hereby amended by the addition to subsection (1A) of the following paragraph:

“(d) any rent charged on the relevant fixed date for any dwelling, garage, parking space or business premises

Amendment of section 33 of Act 43 of 1950, as amended by section 6

geval in rekening gebring, maar word in die Gekonsolideerde Inkomstefonds gestort.”.

Wysiging van artikel 65 van Wet 32 van 1944, soos vervang deur artikel 15 van Wet 40 van 1952 en gewysig deur artikel 1 van Wet 14 van 1954, artikel 20 van Wet 50 van 1956 en artikel 10 van Wet 19 van 1963.

30. Artikel 65 van die Wet op Landdroshowe, 1944, word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

„(3) Die kennisgewing word deur die geregsbode aan die skuldenaar op 'n wyse wat deur die reëls vir die bestelling van prosesstukke in die algemeen voorgeskryf word, bestel.”.

Vervanging van artikel 93bis van Wet 32 van 1944, soos ingevoeg deur artikel 23 van Wet 40 van 1952.

31. Artikel 93bis van die Wet op Landdroshowe, 1944, word hierby deur die volgende artikel vervang:

„Verplasing 93bis. Ondanks andersluidende wetsbepalings, van ver- moet die regterlike amptenaar wat by die verhoor rigtinge na van 'n persoon voorsit of 'n persoon skuldig bevind die hof van wat voor 'n hof wat nie die hof van 'n streek- 'n streek- afdeling is nie verhoor word, indien dit blyk dat afdeling. die verhoor meer paslik voor die hof van 'n streek- afdeling kan plaasvind, of dat die oplegging van 'n straf ingevolge artikel 334quat (2) of 335 (2) van die Strafproseswet, 1955 (Wet No. 56 van 1955), geoorloof sou gewees het indien sodanige persoon deur die hoof van 'n streek-afdeling aldus skuldig bevind was of wanneer die openbare aanklaer dit versoek, na gelang van die geval, die verhoor staak of, indien sodanige persoon skuldig bevind is, sy bevinding ten opsigte van sodanige persoon en van enige ander persoon wat, nadat hy tesame met sodanige eersgenoemde persoon verhoor was, skuldig bevind is, ter syde stel, en die verrigtinge begin daarop weer van nuuts af voor die hof van die betrokke streek-afdeling.”.

Wysiging van artikel 1 van Wet 45 van 1946, soos gewysig deur artikel 1 van Wet 6 van 1949, artikel 1 van Wet 37 van 1960, artikel 1 van Wet 31 van 1964 en artikel 1 van Wet 15 van 1967.

32. Artikel 1 van die Grondbewaringswet, 1946, word hierby gewysig deur die omskrywing van „stadsgebied” deur die volgende omskrywing te vervang:

„„stadsgebied” die gebied van 'n plaaslike bestuur wat vir 'n bepaalde dorp of stad ingestel is, en ook 'n gebied wat onderverdeel is in erwe of persele en publieke ope ruimtes en strate wat begrens word deur sodanige erwe of persele of ruimtes, maar nie ook meentgrond in enige sodanige gebied, of 'n ander stuk grond daarin wat minstens tien morge groot is nie.”.

Invoeging van artikel 9A in Wet 54 van 1947.

33. Die volgende artikel word hierby in die Wet op die Suid-Afrikaanse Toeristekorporasie, 1947, na artikel 9 ingevoeg:

„Delegasie 9A. (1) Die raad kan met die goedkeuring van die van Minister en onderworpe aan die voorwaardes wat bevoegdheids deur die raad. die raad bepaal, van sy werksaamhede, pligte of bevoegdheids kragtens hierdie Wet of 'n regulasie aan een of meer van sy lede of aan een of meer van sy werknemers skriftelik delegeer.

(2) Die raad is nie ontdoen van 'n werksaamheid, plig of bevoegdheid wat kragtens subartikel (1) aan iemand gedelegeer is nie.”.

Wysiging van artikel 3 van Wet 43 van 1950.

34. Artikel 3 van die Wet op Huurgelde, 1950, word hierby gewysig deur subparagraaf (ii) van subartikel (1) (b) deur die volgende subparagraaf te vervang:

„(ii) indien 'n bedrag toelaatbaar ooreenkomstig paragraaf (e), (h) of (j) van bedoelde omskrywing 'n vermeerdering ondergaan, kan sodanige vermeerdering by die huur gevoeg word;”.

Wysiging van artikel 33 van Wet 43 van 1950, soos gewysig deur artikel 6 van

35. Artikel 33 van die Wet op Huurgelde, 1950, word hierby gewysig deur by subartikel (1A) die volgende paragraaf te voeg:

„(d) word huur wat op die toepaslike vasgestelde datum gevra is, vir 'n woning, motorhuis, motorstaanplek of

in respect of which the provisions of this section have been so declared applicable, shall be deemed to be rent determined by the rent board therefor.”.

of Act 53 of 1951, section 7 of Act 47 of 1964, section 13 of Act 98 of 1965, section 9 of Act 54 of 1966 and section 5 of Act 102 of 1967.

36. Section 10 of the Suppression of Communism Act, 1950, is hereby amended by the substitution for paragraph (a)ter of subsection (1) of the following paragraph:

“(a)ter Subject to the provisions of paragraph (a)quat, the provisions of paragraph (a)bis shall lapse on the 30th June, 1969.”.

Amendment of section 10 of Act 44 of 1950, as amended by section 7 of Act 15 of 1954, section 8 of Act 76 of 1962, section 4 of Act 37 of 1963, section 14 of Act 80 of 1964, section 3 of Act 97 of 1965, section 1 of Act 8 of 1966 and section 6 of Act 102 of 1967.

37. Section 5 of the Criminal Procedure Act, 1955, is hereby amended by the insertion of the following subsection after subsection (3):

“(3A) Whenever for any reason any attorney-general is absent or unable to carry out the functions of his office or whenever the office of an attorney-general becomes vacant, the State President may appoint any fit and proper officer of the public service to act in the place of such attorney-general during his absence or incapacity, or to act in the vacant office until the vacancy is filled, as the case may be.”.

Amendment of section 5 of Act 56 of 1955, as substituted by section 45 of Act 68 of 1957 and amended by section 1 of Act 92 of 1963.

38. Section 27 of the Criminal Procedure Act, 1955, is hereby amended by the substitution for the second proviso to subsection (1) of the following proviso:

“Provided further that if the said period of forty-eight hours expires on a Saturday, Sunday or public holiday or before four o'clock in the afternoon on the next day, not being a Saturday, Sunday or public holiday, it shall be deemed to expire at four o'clock in the afternoon on such next day.”.

Amendment of section 27 of Act 56 of 1955, as amended by section 1 of Act 96 of 1965 and section 7 of Act 102 of 1967.

39. Section 108bis of the Criminal Procedure Act, 1955, is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) Whenever any person has been arrested on a charge of having committed any offence referred to in Part IIbis of the Second Schedule, the attorney-general may, if he considers it necessary in the interest of the administration of justice or the safety of the public or the maintenance of public order, issue an order that such person shall not be released on bail or otherwise before sentence has been passed or he has been discharged.”.

Amendment of section 108bis of Act 56 of 1955, as inserted by section 4 of Act 39 of 1961 and amended by section 17 of Act 76 of 1962, section 9 of Act 37 of 1963, section 23 of Act 80 of 1964, section 6 of Act 96 of 1965 and section 9 of Act 9 of 1968.

40. Section 259 of the Criminal Procedure Act, 1955, is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) Whenever a public prosecutor causes an accused person to be summoned (otherwise than in terms of section 351 (8)), to appear in an inferior court upon a charge of having committed any offence and he has reasonable grounds for believing that the court which will try the said charge will, on convicting the accused, not impose a sentence of imprisonment or whipping or a fine exceeding twenty-five pounds, he may attach to such summons to be

Amendment of section 259 of Act 56 of 1955.

Wet 53 van 1951,
artikel 7 van
Wet 47 van 1964,
artikel 13 van
Wet 98 van 1965,
artikel 9 van
Wet 54 van 1966
en artikel 5 van
Wet 102 van 1967.

besigheidsperseel ten opsigte waarvan die bepalings van hierdie artikel aldus van toepassing verklaar is, geag huur te wees wat deur die huurraad daarvoor vasgestel is.”.

Wysiging van
artikel 10 van
Wet 44 van 1950,
soos gewysig deur
artikel 7 van
Wet 15 van 1954,
artikel 8 van
Wet 76 van 1962,
artikel 4 van
Wet 37 van 1963,
artikel 14 van
Wet 80 van 1964,
artikel 3 van
Wet 97 van 1965,
artikel 1 van
Wet 8 van 1966
en artikel 6 van
Wet 102 van 1967.

36. Artikel 10 van die Wet op die Onderdrukking van Kommunisme, 1950, word hierby gewysig deur paragraaf (a)ter van subartikel (1) deur die volgende paragraaf te vervang:

„(a)ter Behoudens die bepalings van paragraaf (a)quat, hou die bepalings van paragraaf (a)bis op 30 Junie 1969 op om van krag te wees.”.

Wysiging van
artikel 5 van
Wet 56 van 1955,
soos vervang deur
artikel 45 van
Wet 68 van 1957
en gewysig deur
artikel 1 van
Wet 92 van 1963.

37. Artikel 5 van die Strafproseswet, 1955, word hierby gewysig deur na subartikel (3) die volgende subartikel in te voeg:

„(3A) Wanneer ’n prokureur-generaal om die een of ander rede afwesig is of nie in staat is om sy ampswerk-saamhede te verrig nie of wanneer die amp van ’n prokureur-generaal vakant raak, kan die Staatspresident ’n geskikte beampte in die staatsdiens aanstel om gedurende die afwesigheid of onvermoë van die prokureur-generaal in sy plek op te tree of om in die vakante amp waar te neem totdat die vakature aangevul word, na gelang van die geval.”.

Wysiging van
artikel 27
van Wet 56 van
1955, soos
gewysig deur
artikel 1 van
Wet 96 van
1965 en artikel 7
van Wet 102
van 1967.

38. Artikel 27 van die Strafproseswet, 1955, word hierby gewysig deur die tweede voorbehoudsbepaling by subartikel (1) deur die volgende voorbehoudsbepaling te vervang:

„Met dien verstande voorts dat indien genoemde tydperk van agt-en-veertig uur op ’n Saterdag, Sondag of openbare vakansiedag of voor vieruur namiddag op die eersvolgende dag wat nie ’n Saterdag, Sondag of openbare vakansiedag is nie verstryk, dit geag word om vieruur namiddag op sodanige eersvolgende dag te verstryk.”.

Wysiging van
artikel 108bis van
Wet 56 van 1955,
soos ingevoeg
deur artikel 4 van
Wet 39 van 1961
en gewysig deur
artikel 17 van
Wet 76 van 1962,
artikel 9 van
Wet 37 van 1963,
artikel 23 van
Wet 80 van 1964,
artikel 6 van
Wet 96 van 1965
en artikel 9 van
Wet 9 van 1968.

39. Artikel 108bis van die Strafproseswet, 1955, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Wanneer iemand in hegtenis geneem is op ’n aanklag dat hy ’n in Deel IIbis van die Tweede Bylae bedoelde misdryf gepleeg het, kan die prokureur-generaal, indien hy dit in belang van die regspleging of die veiligheid van die publiek of die handhawing van die openbare orde nodig ag, ’n bevel uitreik dat so iemand nie voordat vonnis gevel of hy ontslaan word, op borgtog of andersins vrygelaat mag word nie.”.

Wysiging van
artikel 259 van
Wet 56 van 1955.

40. Artikel 259 van die Strafproseswet, 1955, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Wanneer ’n staatsaanklaer ’n beskuldigde anders as ingevolge artikel 351 (8) laat dagvaar om in ’n laerhof te verskyn op ’n aanklag dat hy ’n misdryf gepleeg het en hy redelike gronde het om te vermoed dat die hof wat bedoelde aanklag sal verhoor, nie by skuldigbevinding van die beskuldigde gevangenisstraf of lyfstraf of ’n boete van meer as vyf-en-twintig pond sal opleë nie, kan hy ’n deklarasievorm vir ondertekening deur die beskuldigde aan bedoelde dagvaarding heg om saam daarmee aan

served therewith upon the accused, a form of declaration for signature by the accused, wherein the latter admits having committed the offence, expresses his intention of pleading guilty to the charge and agrees to be convicted of the offence charged upon his plea of guilty without the calling of any evidence in support of the charge."

41. The following section is hereby inserted in the Criminal Procedure Act, 1955, after section 333*bis*:

Insertion of section 333*ter* in Act 56 of 1955.

"Ante-dating of sentences.

333*ter*. Whenever any sentence of imprisonment imposed on any person on conviction of an offence is set aside on appeal or review by a competent court and any other sentence of imprisonment is thereafter imposed on such person in respect of such offence, such other sentence may, if the court imposing it is satisfied that such person has served any part of such firstmentioned sentence of imprisonment, be antedated to a date specified by the court which is not earlier than the date on which such firstmentioned sentence was imposed, and thereupon such other sentence shall be deemed to have been imposed on the date so specified."

42. The following section is hereby substituted for section 5 of the Animal Diseases and Parasites Act, 1956:

Substitution of section 5 of Act 13 of 1956.

"Disposal of animals and infectious things which in the Minister's opinion were unlawfully introduced into the Republic.

5. (1) If there is found within the Republic—

(a) any animal or infectious thing which, in the opinion of the Minister, was introduced or came into the Republic in contravention of the provisions of this Act, or of a law repealed by this Act; or

(b) any animal which, in the opinion of the Minister was produced by, from or by means of an animal or infectious thing referred to in paragraph (a),

he may confiscate it or cause it to be destroyed or otherwise disposed of, as he may deem fit.

(2) If any officer, authorized person or police officer on reasonable grounds believes or suspects that—

(a) any animal or infectious thing was introduced or came into the Republic in contravention of the provisions of this Act or of a law repealed by this Act; or

(b) any animal was produced by, from or by means of an animal or infectious thing referred to in paragraph (a),

he may seize it and detain it pending the Minister's decision, under subsection (1), as to its disposal."

43. (1) The following section is hereby substituted for section 5 of the General Law Amendment Act, 1956:

Substitution of section 5 of Act 50 of 1956.

"Formalities in respect of donations.

5. No donation concluded after the commencement of this Act shall be invalid merely by reason of the fact that it is not registered or notarially executed: Provided that no executory contract of donation entered into after the commencement of this Act shall be valid unless the terms thereof are embodied in a written document signed by the donor or by a person acting on his written authority granted by him in the presence of two witnesses."

(2) Subsection (1) shall be deemed to have come into operation on the twenty-second day of June, 1956.

44. The Special Justices of the Peace Act, 1957, is hereby repealed.

Repeal of Act 19 of 1957.

die beskuldigde bestel te word waarin laasgenoemde erken dat hy die misdryf gepleeg het, sy voorneme te kenne gee om op die aanklag skuldig te pleit en toestem om aan die ten laste gelegde misdryf op sy pleit van skuldig, skuldig bevind te word sonder dat getuienis ter stawing van die aanklag aangevoer word."

Invoeging van
artikel 333ter in
Wet 56 van 1955.

41. Die volgende artikel word hierby in die Strafproseswet, 1955, na artikel 333bis ingevoeg:

„Ver-
vroeging
van die
datums
van
vonnisse.

333ter. Wanneer 'n vonnis van gevangenisstraf wat iemand by skuldigbevinding aan 'n misdryf opgelê is, by appèl of hersiening deur 'n bevoegde hof ter syde gestel word en bedoelde persoon daarna 'n ander vonnis van gevangenisstraf ten opsigte van sodanige misdryf opgelê word, kan die datum van bedoelde ander vonnis, indien die hof wat dit opgelê oortuig is dat bedoelde persoon 'n gedeelte van sodanige eersgenoemde vonnis van gevangenisstraf uitgedien het, vervroeg word tot 'n deur die hof bepaalde datum wat nie vroeër is nie as die datum waarop sodanige eersgenoemde vonnis opgelê is, en bedoelde ander vonnis word daarop geag op die aldus bepaalde datum opgelê te gewees het."

Vervanging van
artikel 5 van
Wet 13 van 1956.

42. Artikel 5 van die Wet op Dieresiektes en -parasiete, 1956, word hierby deur die volgende artikel vervang:

„Beskik-
king oor
diere en
besmetlike
dinge wat,
na die
mening van
die
Minister,
onwettig
in die
Republiek
ingebring is.

5. (1) Wanneer daar in die Republiek—

(a) 'n dier of besmetlike ding gevind word wat na die mening van die Minister in stryd met die bepalings van hierdie Wet, of van 'n wet wat deur hierdie Wet herroep is, die Republiek ingebring is of daarin gekom het; of

(b) 'n dier gevind word wat, na die mening van die Minister, deur, uit of deur middel van 'n in paragraaf (a) bedoelde dier of besmetlike ding voortgebring is,

kan hy, volgens hy goed ag, dit konfiskeer of van kant laat maak of andersins daarvoor laat beskik.

(2) Wanneer 'n beampte, 'n gemagtigde persoon of polisiebeampte op redelike gronde van mening is dat—

(a) 'n dier of besmetlike ding in stryd met die bepalings van hierdie Wet of van 'n wet deur hierdie Wet herroep, die Republiek ingebring is of daarin gekom het; of

(b) 'n dier voortgebring is deur, uit of deur middel van 'n in paragraaf (a) bedoelde dier of besmetlike ding,

kan hy beslag daarop lê en, hangende die beslissing van die Minister, ingevolge subartikel (1), wat betref die beskikking daarvoor, dit hou."

Vervanging van
artikel 5 van
Wet 50 van 1956.

43. (1) Artikel 5 van die Algemene Regswysigingswet, 1956, word hierby deur die volgende artikel vervang:

„Formali-
teite ten
opsigte van
skenkings.

5. Geen skenking wat na die inwerkingtreding van hierdie Wet aangegaan word, is bloot op grond van die feit dat dit nie geregistreer of notarieel verly is, ongeldig nie: Met dien verstande dat geen skenkingskontrak waaronder nog geprester moet word en wat na die inwerkingtreding van hierdie Wet aangegaan word, geldig is nie, tensy die bepalings daarvan beliggaam is in 'n skriftelike dokument wat onderteken is deur die skenker of iemand wat handel op sy skriftelike gesag wat deur hom in die teenwoordigheid van twee getuies verleen is."

(2) Subartikel (1) word geag op die twee-en-twintigste dag van Junie 1956 in werking te getree het.

Herroeping van
Wet 19 van 1957.

44. Die Wet op Spesiale Vrederegters, 1957, word hierby herroep.

45. Section 4 of the Public Service Act, 1957, is hereby amended by the substitution for paragraph (a) of subsection (12A) of the following paragraph:

Amendment of section 4 of Act 54 of 1957, as amended by section 2 of Act 63 of 1967 and section 1 of Act 17 of 1968.

- “(a) to retain a member of the Commission in his office beyond the age at which he shall, in accordance with subsection (12), vacate his office or retire, he may be so retained from time to time, for further periods which shall not exceed in the aggregate two years;”.

46. Section 1 of the Prisons Act, 1959, is hereby amended—

Amendment of section 1 of Act 8 of 1959, as amended by section 1 of Act 75 of 1965.

- (a) by the substitution for the definition of “Commissioner” of the following definition:

“‘Commissioner’ means the Commissioner of Prisons appointed under section 4 (1);”;

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

“‘Minister’ means the Minister of Prisons;”;

- (c) by the substitution for the definition of “commissioned officer” of the following definition:

“‘commissioned officer’ means a commissioned officer appointed as such under section 4 (1).”.

47. The following section is hereby substituted for section 3 of the Prisons Act, 1959:

Substitution of section 3 of Act 8 of 1959.

“Commissioner in charge of the Prisons Department. 3. The Commissioner shall, under the direction and control of the Minister, be in charge of the Prisons Department.”.

48. The following section is hereby substituted for section 4 of the Prisons Act, 1959:

Substitution of section 4 of Act 8 of 1959

“Appointment and discharge of commissioned officers. 4. (1) The State President may from time to time appoint by commission a commissioned officer, to be styled the Commissioner of Prisons, and such other commissioned officers as he may deem necessary.

(2) The State President may, subject to the provisions of this Act, discharge or retire any such commissioned officer or reduce him in rank.”.

49. Section 55 of the Prisons Act, 1959, is hereby amended—

Amendment of section 55 of Act 8 of 1959.

- (a) by the substitution for subsections (1) and (2) of the following subsections:

“(1) The Commissioner or any other commissioned officer acting under his authority may, in the manner prescribed by regulation, charge any commissioned officer with misconduct and request him to submit, within the period and in the manner so prescribed, a written admission or denial of the charge, and any written explanation which he may wish to offer in regard to the alleged misconduct.

(2) (a) After the expiration of the period aforesaid, the Minister or, if authorized thereto by the Minister either specially in a particular case or generally, the Commissioner may appoint a board of enquiry to investigate the charge in question.

- (b) A board of enquiry shall consist of one or more persons who—

(i) in the case of a board appointed by the Minister, shall be commissioned officers of rank equal to or higher than that of the officer charged, or magistrates;

(ii) in the case of a board appointed by the Commissioner, shall be such commissioned officers.”; and

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

“(6) (a) After having considered the evidence adduced at the enquiry and having afforded the officer charged, or his legal adviser, an opportunity

Wysiging van artikel 4 van Wet 54 van 1957, soos gewysig deur artikel 2 van Wet 63 van 1967 en artikel 1 van Wet 17 van 1968.

45. Artikel 4 van die Staatsdienswet, 1957, word hierby gewysig deur paragraaf (a) van subartikel (12A) deur die volgende paragraaf te vervang:

„(a) om 'n lid van die Kommissie in sy amp in diens te hou na die leeftyd waarop hy ooreenkomstig subartikel (12) sy amp moet neerlê of moet aftree, kan hy aldus van tyd tot tyd in diens gehou word vir verdere tydperke wat altesaam nie twee jaar te bowe mag gaan nie;”.

Wysiging van artikel 1 van Wet 8 van 1959, soos gewysig deur artikel 1 van Wet 75 van 1965.

46. Artikel 1 van die Wet op Gevangenis, 1959, word hierby gewysig—

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

„„Kommissaris” die Kommissaris van Gevangenis kragtens artikel 4 (1) aangestel;”;

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

„„Minister” die Minister van Gevangenis;”;

(c) deur die omskrywing van „offisier” deur die volgende omskrywing te vervang:

„„offisier” ’n offisier as sodanige aangestel kragtens artikel 4 (1);”.

Vervanging van artikel 3 van Wet 8 van 1959.

47. Artikel 3 van die Wet op Gevangenis, 1959, word hierby deur die volgende artikel vervang:

„3. Die Kommissaris staan, behoudens die voorskrifte en beheer van die Minister, aan die hoof van die Departement van Gevangenis.

Vervanging van artikel 4 van Wet 8 van 1959.

48. Artikel 4 van die Wet op Gevangenis, 1959, word hierby deur die volgende artikel vervang:

„4. (1) Die Staatspresident kan van tyd tot tyd by kommissie ’n offisier, wat as die Kommissaris van Gevangenis bekend staan, en die ander offisiere wat hy nodig ag, aanstel.

(2) Die Staatspresident kan, met inagneming van die bepalinge van hierdie Wet, so ’n offisier ontslaan of afdank of hom in rang verlaag.”.

Wysiging van artikel 55 van Wet 8 van 1959.

49. Artikel 55 van die Wet op Gevangenis, 1959, word hierby gewysig—

(a) deur subartikels (1) en (2) deur die volgende subartikels te vervang:

„(1) Die Kommissaris of ’n ander offisier wat op sy gesag handel, kan op die by regulasie voorgeskrewe wyse ’n offisier weens wangedrag aankla en hom versoek om binne die tydperk en op die wyse aldus voorgeskryf, ’n skriftelike erkenning of ontkenning van die aanklag, en ’n skriftelike verduideliking wat hy in verband met die beweerde wangedrag wil aanbied, voor te lê.

(2) (a) Na verstryking van voormelde tydperk, kan die Minister of, indien daartoe deur die Minister gemagtig, hetsy spesiaal in ’n besondere geval of algemeen, die Kommissaris ’n raad van ondersoek aanstel om die betrokke aanklag te ondersoek.

(b) ’n Raad van ondersoek bestaan uit een of meer persone wat—

(i) in die geval van ’n raad deur die Minister aangestel, offisiere met dieselfde of hoër rang as die aangeklaagde offisier, of landdroste is;

(ii) in die geval van ’n raad deur die Kommissaris aangestel, sodanige offisiere is.”; en

(b) deur subartikel (6) deur die volgende subartikel te vervang:

„(6) (a) Na oorweging van die getuienis by die ondersoek aangevoer en nadat die aangeklaagde offisier of sy regsvertegenwoordiger die geleentheid

of addressing the board of enquiry, the board shall find the said officer guilty or not guilty of the misconduct with which he has been charged and inform him of its finding: Provided that if the officer charged admits, pursuant to a request under subsection (1) or to the board, that he is guilty of the misconduct in question, he may be found guilty without any evidence having been adduced.

- (b) A commissioned officer found guilty of misconduct may, within such period and in such manner as may be prescribed by regulation, appeal to the Minister against the finding of the board of enquiry and make representations in writing to the Minister in regard to the imposition of punishment.
- (c) The board of enquiry shall, and the Commissioner may, make recommendations to the Minister in regard to any punishment which may be imposed upon a commissioned officer found guilty.
- (d) The Minister may, after considering the record of the proceedings before the board of enquiry, the recommendations of the board and of the Commissioner and the grounds of appeal of and any representations made by the officer charged—
 - (i) direct that no further action be taken in the matter; or
 - (ii) direct that the officer concerned be cautioned or reprimanded; or
 - (iii) impose a fine not exceeding one hundred rand, which may be recovered by way of stoppages from the salary or allowances of the officer concerned; or
 - (iv) direct that the matter be referred to the State President, who may thereupon take any steps provided for in section 4 (2)."

50. Section 68 of the Prisons Act, 1959, is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) The Commissioner may—

- (a) if the total period of imprisonment to be served by a prisoner under one or more sentences does not exceed four months; or
- (b) if the total period of imprisonment to be served by a prisoner under one or more sentences exceeds four months but does not exceed two years, with the approval of the Minister; or
- (c) on the authority of the State President or of the Minister granted, under any provision of any law, in respect of a prisoner serving any period of imprisonment,

and irrespective of whether the imprisonment was imposed with the option of a fine or without any such option, release such prisoner before the expiration of the period in question on parole for such period and under such supervision and on such conditions as shall be specified in the warrant of release: Provided that the Commissioner may, in a case contemplated in paragraph (a), at any time, and, in a case contemplated in paragraph (b) or (c), on the authority of the Minister, alter the provision in such warrant as to supervision and alter or cancel any such conditions."

Amendment of section 68 of Act 8 of 1959, as amended by section 20 of Act 75 of 1965.

51. Section 93 of the Prisons Act, 1959, is hereby amended—

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

"(1) The Minister may delegate any of the powers vested in him by this Act (except sections 6 (2), 16 (1), 19 (2) and 20) to the Commissioner."; and

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

Amendment of section 93 of Act 8 of 1959, as amended by section 23 of Act 75 of 1965.

gebied is om die raad van ondersoek toe te spreek, vind die raad bedoelde offisier skuldig of onskuldig aan die wangedrag hom ten laste gelê en verwittig hom van die bevinding van die raad: Met dien verstande dat indien die aangeklaagde offisier ingevolge 'n versoek kragtens subartikel (1) of teenoor die raad erken dat hy aan die betrokke wangedrag skuldig is, hy skuldig bevind kan word sonder dat getuienis aangevoer is.

- (b) 'n Offisier wat aan wangedrag skuldig bevind word, kan binne die tydperk en op die wyse by regulasie voorgeskryf, teen die bevinding van die raad van ondersoek na die Minister appelleer en skriftelike verhoër met betrekking tot strafoplegging tot die Minister rig.
- (c) Die raad van ondersoek moet, en die Kommissaris kan, by die Minister aanbevelings doen met betrekking tot die straf wat 'n offisier wat skuldig bevind is, opgelê kan word.
- (d) Die Minister kan, na oorweging van die relaas van die verrigtinge voor die raad van ondersoek, die aanbevelings van die raad en van die Kommissaris, en die appèlgronde van en verhoër gerig deur die aangeklaagde offisier—
 - (i) gelas dat geen verdere stappe in verband met die saak gedoen word nie; of
 - (ii) gelas dat die betrokke offisier gewaarsku of berispe word; of
 - (iii) 'n boete van hoogstens eenhonderd rand oplê, wat by wyse van aftrekkings van die salaris of toelaes van die betrokke offisier verhaal kan word; of
 - (iv) gelas dat die saak na die Staatspresident verwys word, wat daarop enige van die in artikel 4 (2) bepaalde stappe kan doen.”.

Wysiging van artikel 68 van Wet 8 van 1959, soos gewysig deur artikel 20 van Wet 75 van 1965.

50. Artikel 68 van die Wet op Gevangenis, 1959, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Die Kommissaris kan—

- (a) indien die totale tydperk van gevangenisstraf wat deur 'n gevangene ingevolge een of meer vonnisse uitgedien moet word nie meer as vier maande is nie; of
- (b) indien die totale tydperk van gevangenisstraf wat deur 'n gevangene ingevolge een of meer vonnisse uitgedien moet word meer as vier maande is, maar nie meer as twee jaar is nie, met die goedkeuring van die Minister; of
- (c) met die magtiging van die Staatspresident of van die Minister kragtens die een of ander wetsbepaling verleen ten opsigte van 'n gevangene wat enige tydperk van gevangenisstraf uitdien,

en ongeag of die gevangenisstraf met die keuse van 'n boete opgelê is of sonder so 'n keuse, sodanige gevangene voor die verstryking van die betrokke tydperk op parool vrylaat vir dié tydperk en onder dié toesig en op dié voorwaardes wat in die lasbrief vir vrylating vermeld word: Met dien verstande dat die Kommissaris, in 'n geval in paragraaf (a) beoog, te eniger tyd, en, in 'n geval in paragraaf (b) of (c) beoog, met die magtiging van die Minister, die voorsiening in so 'n lasbrief betreffende toesig kan verander en enige sodanige voorwaardes kan verander of kanselleer.”.

Wysiging van artikel 93 van Wet 8 van 1959, soos gewysig deur artikel 23 van Wet 75 van 1965.

51. Artikel 93 van die Wet op Gevangenis, 1959, word hierby gewysig—

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

„(1) Die Minister kan enige van die bevoegdhede by hierdie Wet (behalwe artikels 6 (2), 16 (1), 19 (2) en 20) aan hom verleen, aan die Kommissaris deleger.”; en

- (b) deur subartikel (3) deur die volgende subartikel te vervang:

“(3) The Commissioner may delegate any of the powers delegated to him under subsection (1) to any other commissioned officer of or above the rank of brigadier designated by him.”.

52. The following section is hereby substituted for section 96 of the Prisons Act, 1959: Substitution of section 96 of Act 8 of 1959.

“Applica-
tion of
Act to
South-
West
Africa.

96. The State President may, by proclamation in the *Gazette* and subject to such conditions, modifications, exceptions and additions as he may specify in such proclamation, apply the provisions of this Act and of any amendment thereof to the territory of South-West Africa including that portion of the said territory known as the ‘Rehoboth Gebiet’ and defined in the First Schedule to Proclamation No. 28 of 1923 of the said territory and also that portion of the said territory known as the ‘Eastern Caprivi Zipfel’ referred to in section 38 of the South-West Africa Constitution Act, 1968 (Act No. 39 of 1968), and he may in like manner amend or repeal any such proclamation.”.

53. (1) Section 2 of the Extradition Act, 1962, is hereby amended by the substitution for paragraph (c) of subsection (3) of the following paragraph: Amendment of section 2 of Act 67 of 1962, as amended by section 18 of Act 93 of 1963.

“(c) unless provision is made by the law of the foreign State or by the agreement, that no person surrendered to such State shall, until he has been returned or had an opportunity of returning to the Republic, be detained or tried in the foreign State for any offence committed prior to his surrender other than the offence in respect of which extradition was sought or that no such person shall be so detained or tried without the consent of the Minister.”.

(2) Subsection (1) shall be deemed to have come into operation on the first day of May, 1968.

54. Section 19 of the Extradition Act, 1962, is hereby amended by the substitution for all the words preceding the proviso to the said section of the following words: Amendment of section 19 of Act 67 of 1962, as amended by section 19 of Act 93 of 1963.

“No person surrendered to the Republic by any foreign State in terms of an extradition agreement shall, until he has been returned or had an opportunity of returning to such foreign State, be detained or tried in the Republic for any offence committed prior to his surrender other than the offence in respect of which extradition was sought, unless such foreign State consents thereto.”.

55. Section 34 of the General Law Further Amendment Act, 1962, is hereby repealed. Repeal of section 34 of Act 93 of 1962.

56. Section 2 of the Reciprocal Enforcement of Maintenance Orders Act, 1963, is hereby amended by the substitution for subsection (1) of the following subsection: Amendment of section 2 of Act 80 of 1963.

“(1) This Act shall apply in respect of any country or territory designated by the State President by proclamation in the *Gazette*.”.

57. The Schedule to the Gambling Act, 1965, is hereby amended with effect from the date of commencement of that Act by the substitution in the first column thereof under the heading “South-West Africa” for the expression “Ordinance No. 20 of 1952” of the expression “Ordinance No. 19 of 1952”. Amendment of the Schedule to Act 51 of 1965.

„(3) Die Kommissaris kan enige van die bevoegdhede kragtens subartikel (1) aan hom gedelegeer, aan 'n ander offisier, met of bo die rang van brigadier, wat hy aanwys, delegeer.”.

Vervanging van artikel 96 van Wet 8 van 1959.

52. Artikel 96 van die Wet op Gevangenis, 1959, word hierby deur die volgende artikel vervang:

„Toepassing van wet op Suidwes-Afrika.

96. Die Staatspresident kan by proklamasie in die *Staatskoerant* en onderworpe aan die voorwaardes, wysigings, uitsonderings en byvoegings wat hy in die proklamasie vermeld, die bepalings van hierdie Wet en van enige wysigings daarvan op die gebied Suidwes-Afrika, met inbegrip van daardie gedeelte van genoemde gebied bekend as die „Rehoboth Gebiet” soos in die Eerste Bylae by Proklamasie No. 28 van 1923 van daardie gebied omskryf en ook daardie gedeelte van genoemde gebied bekend as die Oostelike Caprivi Zipfel waarna in artikel 38 van die Wet op die Konstitusie van Suidwes-Afrika, 1968 (Wet No. 39 van 1968), verwys word, van toepassing maak en hy kan op dergelike wyse so 'n proklamasie wysig of herroep.”.

Wysiging van artikel 2 van Wet 67 van 1962, soos gewysig deur artikel 18 van Wet 93 van 1963.

53. (1) Artikel 2 van die Wet op Uitlewering, 1962, word hierby gewysig deur paragraaf (c) van subartikel (3) deur die volgende paragraaf te vervang:

„(c) tensy deur die wette van die vreemde Staat of deur die ooreenkoms voorsiening gemaak word dat niemand wat aan daardie Staat uitgelewer word, tot tyd en wyl hy na die Republiek teruggestuur is of die geleentheid gehad het om daarheen terug te keer, in die vreemde Staat aangehou of verhoor mag word weens 'n misdryf voor sy uitlewering gepleeg, behalwe die misdryf ten opsigte waarvan uitlewering aangevra was nie of dat geen sodanige persoon sonder die toestemming van die Minister aldus aangehou of verhoor mag word nie.”.

(2) Subartikel (1) word geag op 1 Mei 1968 in werking te getree het.

Wysiging van artikel 19 van Wet 67 van 1962, soos gewysig deur artikel 19 van Wet 93 van 1963.

54. Artikel 19 van die Wet op Uitlewering, 1962, word hierby gewysig deur al die woorde wat die voorbehoudsbepaling by bedoelde artikel voorafgaan deur die volgende woorde te vervang:

„Niemand wat deur 'n vreemde Staat ooreenkomstig 'n uitleweringsooreenkoms aan die Republiek uitgelewer is, mag, tot tyd en wyl hy na die vreemde Staat teruggestuur is of 'n geleentheid gehad het om daarheen terug te keer, in die Republiek aangehou of verhoor word weens 'n misdryf voor sy uitlewering gepleeg, behalwe die misdryf ten opsigte waarvan uitlewering aangevra was nie, tensy die vreemde Staat daartoe instem.”.

Herroeping van artikel 34 van Wet 93 van 1962.

55. Artikel 34 van die Verdere Algemene Regswysigingswet, 1962, word hierby herroep.

Wysiging van artikel 2 van Wet 80 van 1963.

56. Artikel 2 van die Wet op Wederkerige Afdwinging van Onderhoudsbevele, 1963, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Hierdie Wet is van toepassing ten opsigte van enige land of gebied deur die Staatspresident by proklamasie in die *Staatskoerant* aangewys.”.

Wysiging van die Bylae by Wet 51 van 1965.

57. Die Bylae by die Wet op Dobbeldary, 1965, word hierby met ingang van die datum van inwerkingtreding van daardie Wet gewysig deur in die eerste kolom daarvan onder die hoof „Suidwes-Afrika” die uitdrukking „Ordonnansie No. 20 van 1952” deur die uitdrukking „Ordonnansie No. 19 van 1952” te vervang.

58. Section 1 of the Hotels Act, 1965, is hereby amended by the substitution for the definition of "accommodation establishment" of the following definition: Amendment of section 1 of Act 70 of 1965.

"'accommodation establishment' means any premises wherein or whereon the business of supplying lodging and one or more meals per day for reward is or is intended to be conducted;".

59. Section 33 of the Hotels Act, 1965, is hereby amended by the substitution for paragraph (a) of subsection (2) of the following paragraph: Amendment of section 33 of Act 70 of 1965.

"(a) As from a prescribed date, which shall not be before the thirty-first day of December, 1968, no person shall use or cause or allow to be used in respect of or in relation to any premises wherein or whereon the business of supplying lodging or other accommodation, whether with or without meals, is conducted or managed by him and which is not registered as an hotel under this Act, the designation or term 'hotel', 'motel', 'botel' or any other designation or term which the Minister may, on the recommendation of the board, specify by notice in the *Gazette*, in regard to its name or style or general description in any context or in any medium whatsoever."

60. The following section is hereby substituted for section 45 of the Agricultural Credit Act, 1966: Substitution of section 45 of Act 28 of 1966.

"Exemption from duties, taxes and fees. 45. Notwithstanding anything to the contrary in any other law contained, no duty, tax or fees shall be payable by the State or any person to whom assistance is rendered, in respect of anything done or any transaction (including the purchase of immovable property with money obtained by way of assistance) under this Act, or in respect of any document required in connection with anything so done or any such transaction: Provided that if assistance is rendered to any person for the purchase of immovable property in respect of which the date of acquisition by him, as determined in accordance with the definition of 'date of acquisition' in section 1 of the Transfer Duty Act, 1949 (Act No. 40 of 1949), is a date more than six months prior to the date of such person's application for assistance, such purchase shall for the purpose of the levying and payment of transfer duty in terms of that Act, not be regarded as a transaction under this Act."

61. Section 2 of the Removal of Restrictions Act, 1967, is hereby amended by the substitution for subsection (2) of the following subsection: Amendment of section 2 of Act 84 of 1967.

"(2) The provisions of subsection (1) shall not apply in respect of any condition of title affecting rights to minerals or any condition imposed under the provisions of section 5 (3) of the Townships Amendment Act, 1908 (Act No. 34 of 1908), of the Transvaal, or of section 16 (3) of the Orange Free State Metals Mining Act, 1936 (Act No. 13 of 1936), or of section 2 (2) of the Physical Planning and Utilization of Resources Act, 1967 (Act No. 88 of 1967), or in respect of any condition specifically prohibiting or restricting the sale or supply of intoxicating liquor or the sale, lease or occupation of any land to or by a non-white person, except in so far as such condition relates to the occupation of land which is used or is intended to be used for public purposes by the State or a local authority."

62. Proclamation No. R.123 of 1967 issued by the State President under section 5 (2) of the Population Registration Act, 1950 (Act No. 30 of 1950), and published in *Government* Validation of Proclamation No. R.123 of 1967.

Wysiging van
artikel 1 van
Wet 70 van 1965.

58. Artikel 1 van die Wet op Hotelle, 1965, word hierby gewysig deur die omskrywing van „huisvestingsinrigting” deur die volgende omskrywing te vervang:

„„huisvestingsinrigting” enige perseel waarin of waarop die besigheid om huisvesting en een of meer etes per dag teen vergoeding te verskaf, gedryf word of na voorneme gedryf gaan word;”.

Wysiging van
artikel 33 van
Wet 70 van 1965.

59. Artikel 33 van die Wet op Hotelle, 1965, word hierby gewysig deur paragraaf (a) van subartikel (2) deur die volgende paragraaf te vervang:

„(a) Vanaf ’n voorgeskrewe datum, wat nie vroeër is nie as die een-en-dertigste dag van Desember 1968, mag niemand ten opsigte van of in verband met enige perseel waarin of waarop die besigheid van voorsiening van huisvesting of ander akkommodasie met of sonder maaltye deur hom gedryf of bestuur word en wat nie ingevolge hierdie Wet as ’n hotel geregistreer is nie, die benaming of uitdrukking „hotel”, „motel”, „botel” of enige ander benaming of uitdrukking wat die Minister, op aanbeveling van die raad, by kennisgewing in die *Staatskoerant* aandui, gebruik of laat gebruik of toelaat dat dit gebruik word met betrekking tot sy naam of betiteling of algemene beskrywing in enige sinsverband of in enige medium hoegenaamd nie.”.

Vervanging van
artikel 45 van
Wet 28 van 1966.

60. Artikel 45 van die Wet op Landboukrediet, 1966, word hierby deur die volgende artikel vervang:

„Vrystel-
ling van
regte,
belastinge
en gelde.

45. Ondanks andersluidende wetsbepalings is geen reg, belasting of gelde deur die Staat of ’n persoon aan wie bystand verleen word, ten opsigte van ’n handeling of transaksie (met inbegrip van die aankoop van onroerende goed met geld by wyse van bystand verkry) kragtens hierdie Wet, of ten opsigte van ’n stuk wat in verband met so ’n handeling of transaksie vereis word, betaalbaar nie: Met dien verstande dat indien bystand aan iemand verleen word vir die aankoop van onroerende goed ten opsigte waarvan die datum van verkryging deur hom, soos vasgestel ooreenkomstig die omskrywing van „datum van verkryging” in artikel 1 van die Wet op Hereregte, 1949 (Wet No. 40 van 1949), ’n datum meer as ses maande voor die datum van sodanige persoon se aansoek om bystand is, daardie aankoop, vir die doeleindes van die heffing en betaling van hereregte ingevolge daardie Wet, nie as ’n transaksie kragtens hierdie Wet beskou word nie.”.

Wysiging van
artikel 2 van
Wet 84 van 1967.

61. Artikel 2 van die Wet op Opheffing van Beperkings, 1967, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Die bepalinge van subartikel (1) is nie van toepassing nie ten opsigte van ’n titelvoorwaarde wat die reg op minerale raak of ’n voorwaarde wat ingevolge die bepalinge van artikel 5 (3) van die „Townships Amendment Act, 1908” (Wet No. 34 van 1908), van Transvaal, of van artikel 16 (3) van die Oranje-Vrystaatse Metaalmyn Wet, 1936 (Wet No. 13 van 1936), of van artikel 2 (2) van die Wet op Fisiese Beplanning en Benutting van Hulpbronne, 1967 (Wet No. 88 van 1967), opgelê is, of ten opsigte van ’n voorwaarde wat die verkoop of verskaffing van bedwelmende drank of die verkoop, verhuur of okkupasie van grond aan of deur ’n nie-blanke spesifiek verbied of beperk behalwe vir sover so ’n voorwaarde betrekking het op die okkupasie van grond wat deur die Staat of ’n plaaslike owerheid vir openbare doeleindes gebruik word of bestem is vir gebruik vir sodanige doeleindes.”.

Geldigverklaring
van Proklamasie
No. R.123 van
1967.

62. Proklamasie No. R.123 van 1967 wat deur die Staatspresident kragtens artikel 5 (2) van die Bevolkingsregistrasiewet, 1950 (Wet No. 30 van 1950), uitgevaardig is en wat in die

Gazette Extraordinary No. 1753 of the twenty-sixth day of May, 1967, and all the provisions of the said Proclamation are hereby validated.

63. This Act shall be called the General Law Amendment Act, 1968, and sections 3 to 13 inclusive and sections 26, 28, 29 and 49 shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*, and different dates may be so fixed in respect of each of those sections or the different provisions thereof. Short title and commencement.

Buitengewone Staatskoerant No. 1753 van die ses-en-twintigste dag van Mei 1967 afgekondig is, en al die bepalings van genoemde Proklamasie word hierby geldig verklaar.

Kort titel en
inwerking-
treding.

63. Hierdie Wet heet die Algemene Regswysigingswet, 1968, en artikels 3 tot en met 13 en artikels 26, 28, 29 en 49 tree in werking op 'n datum deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal, en verskillende datums kan ten opsigte van elk van daardie artikels of verskillende bepalings daarvan aldus vasgestel word.