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BUITENGEWONE



EXTRAORDINARY

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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DEPARTEMENT VAN DIE EERSTE MINISTER.

DEPARTMENT OF THE PRIME MINISTER.

No. 1160.] [3 Julie 1968.

No. 1160.] [3rd July, 1968.

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

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

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No. 63, 1968.]

WET

Tot wysiging van die bepalings van die Krygstuigproduksiewet, 1964, met betrekking tot die Krygstuigproduksieraad en sy personeel.

(Afrikaanse teks deur die Staatspresident geteken.)

(Goedgekeur op 14 Junie 1968.)

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

1. Artikel 1 van die Krygstuigproduksiewet, 1964 (hieronder die Hoofwet genoem), word hierby gewysig—

Wysiging van artikel 1 van Wet 87 van 1964.

(a) deur die omskrywing van „kapitaalfonds” te skrap;

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

„(v) „raad” die by artikel 2 ingestelde Krygstuigraad;

(i)”;

(c) deur in die Engelse teks voor die omskrywing van „board” die volgende omskrywing in te voeg:

„armaments” means any vessels, vehicles, aircraft, bombs, ammunition or weapons or any material, raw material, components or articles of whatever nature capable of being used in the manufacture thereof or for defence purposes or other purposes determined by the Minister in consultation with the Minister of Economic Affairs;”;

(d) deur in die Engelse teks die omskrywing van „munitions” te skrap.

2. Artikel 2 van die Hoofwet word hierby gewysig deur die volgende subartikels by te voeg, terwyl die bestaande artikel subartikel (1) word:

Wysiging van artikel 2 van Wet 87 van 1964.

„(2) Vanaf die inwerkingtreding van die Wysigingswet op Krygstuig, 1968, heet die by subartikel (1) ingestelde raad die Krygstuigraad.

(3) ’n Verwysing in enige ander wet of in ’n dokument na die Krygstuigproduksieraad word as ’n verwysing na die Krygstuigraad uitgelê.”.

3. Artikel 3 van die Hoofwet word hierby gewysig—

Wysiging van artikel 3 van Wet 87 van 1964.

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

„(1) Die raad bestaan uit minstens sewe en hoogstens nege deur die Minister aangestelde lede waarvan een as voorsitter en ’n ander as vise-voorsitter deur die Minister aangewys word.”;

(b) deur die volgende subartikel na subartikel (2) in te voeg:

„(2A) Geen besluit van die raad of handeling op gesag van die raad verrig, is ongeldig nie bloot vanweë ’n vakature in die raad of omdat ’n persoon wat nie geregtig was om as ’n raadslid sitting te neem nie, as ’n raadslid sitting geneem het toe die besluit geneem of

No. 63, 1968.]

ACT

To amend the provisions of the Munitions Production Act, 1964, relating to the Munitions Production Board and its staff.

(Afrikaans text signed by the State President.)

(Assented to 14th June, 1968.)

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

Amendment of
section 1 of Act
87 of 1964.

1. Section 1 of the Munitions Production Act, 1964 (hereinafter referred to as the principal Act), is hereby amended—

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

“armaments” means any vessels, vehicles, aircraft, bombs, ammunition or weapons or any material, raw material, components or articles of whatever nature capable of being used in the manufacture thereof or for defence force purposes or other purposes determined by the Minister in consultation with the Minister of Economic Affairs;”;

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

“(i) ‘board’ means the Armaments Board established by section 2; (v)”;

(c) by the deletion of the definition of “capital fund”;

(d) by the deletion of the definition of “munitions”.

Amendment of
section 2 of Act
87 of 1964.

2. Section 2 of the principal Act is hereby amended by the addition of the following subsections, the existing section becoming subsection (1):

“(2) As from the commencement of the Armaments Amendment Act, 1968, the board established by subsection (1) shall be known as the Armaments Board.

(3) Any reference in any other law or in any document to the Munitions Production Board shall be construed as a reference to the Armaments Board.”.

Amendment of
section 3 of Act
87 of 1964.

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

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

“(1) The board shall consist of not fewer than seven and not more than nine members to be appointed by the Minister, of whom one shall be designated by the Minister as chairman and another as vice-chairman.”;

(b) by the insertion after subsection (2) of the following subsection:

“(2A) No decision taken by the board or act performed under the authority of the board, shall be invalid merely by reason of a vacancy on the board or of the fact that any person not entitled to sit as a member of the board sat as a member at the time the decision was taken or the act was authorized, if the

die handeling gemagtig is, indien die besluit geneem of die handeling gemagtig is deur die vereiste meerderheid van die lede van die raad wat toe aanwesig was en geregtig was om as lede sitting te neem.”.

4. Artikel 4 van die Hoofwet word hierby gewysig deur sub-artikels (1), (2) en (3) deur die volgende subartikels te vervang: Wysiging van artikel 4 van Wet 87 van 1964.

„(1) Behoudens die bepalings van subartikel (2), is die raad bevoeg—

- (a) om beheer uit te oefen oor die vervaardiging, verkryging of verskaffing van krygstuig deur krygstuig te vervaardig of verkry, in stand te hou, te toets, inspekteer of huur, van die hand te sit, uit te leen of te verhuur of deur kontrakte aan te gaan vir die vervaardiging, instandhouding, toets of inspeksie van krygstuig in die Republiek of elders: Met dien verstande dat geen kontrak vir die vervaardiging of verkryging van krygstuig aangegaan word tensy 'n kragtens artikel 8 aangestelde komitee bedoelde kontrak oorweeg en aanbevelings daaroor gedoen het nie;
- (b) om roerende goed (met inbegrip van patentregte en regte kragtens 'n patent) deur die raad vir die verrigting van sy werksaamhede benodig of verkry, in die Republiek of elders te verkry, in stand te hou, te huur, van die hand te sit, uit te leen of te verhuur;
- (c) om onroerende goed deur die raad vir die verrigting van sy werksaamhede benodig of verkry, te verkry, in stand te hou, te huur, van die hand te sit, tot beskikking van 'n persoon te stel of te verhuur;
- (d) om geboue of bouwerke deur die raad vir die verrigting van sy werksaamhede benodig, op te rig of in stand te hou of om kontrakte vir die oprigting of instandhouding daarvan aan te gaan;
- (e) om fasiliteite te verkry of daar te stel ten einde die oogmerke van hierdie Wet te bereik;
- (f) om ondersoeke of navorsing in verband met die vervaardiging, instandhouding, toets, inspeksie of ontwikkeling van krygstuig in die Republiek of elders te onderneem of te laat onderneem;
- (g) om die ontwikkeling, vervaardiging of verskaffing van krygstuig te bevorder deur saam te werk met of hulp te verleen of dienste te verskaf aan of gebruik te maak van die dienste van die een of ander persoon, liggaam, inrigting of 'n Staatsdepartement, of deur dié ander stappe te doen wat die raad nodig ag;
- (h) om dié reëlins te tref, wat die raad nodig ag vir die opstapeling van strategiese grondstowwe, materiaal en onderdele vir die vervaardiging van krygstuig;
- (i) om met 'n opvoedkundige, wetenskaplike of ander liggaam of instelling saam te werk in verband met die verskaffing van onderrig aan of opleiding van persone vir professionele of tegniese diens of as geskoolde ambagsmanne by die vervaardiging, instandhouding of ontwikkeling van krygstuig, en om op die voorwaardes wat die raad goedvind, geldelike of ander hulp aan bedoelde persone te verleen ten einde hulle in staat te stel om bedoelde onderrig te ontvang of bedoelde opleiding te ondergaan;
- (j) om die Minister van advies te dien oor die een of ander aangeleentheid in verband met krygstuig wat hy na die raad verwys of waaromtrent die raad dit nodig ag om die Minister te adviseer;
- (k) wanneer hy, nadat hy 'n kontrak met 'n persoon aangegaan het, oortuig is dat nakoming van die kontrak 'n onvermygbare verlies vir bedoelde persoon sou mee-

decision was taken or the act was authorized by the required majority of members of the board present at the time, who were entitled to sit as members.”.

Amendment of
section 4 of Act
87 of 1964.

4. Section 4 of the principal Act is hereby amended by the substitution for subsections (1), (2) and (3) of the following subsections:

“(1) Subject to the provisions of subsection (2), the board shall have power—

- (a) to exercise control over the manufacture, acquisition or supply of armaments by manufacturing, acquiring, maintaining, testing, inspecting, leasing, disposing of, lending or letting armaments or by entering into contracts for the manufacture, maintenance, testing or inspection of armaments in the Republic or elsewhere: Provided that no contract for the manufacture or acquisition of armaments shall be entered into unless a committee appointed under section 8 has considered and made recommendations in regard to such contract;
- (b) to acquire, maintain, lease, dispose of, lend or let movable property (including patent rights and any rights under any patent) in the Republic or elsewhere, required or acquired by the board for the performance of its functions;
- (c) to acquire, maintain, lease, dispose of, place at the disposal of any person or let immovable property required or acquired by the board for the performance of its functions;
- (d) to erect or maintain or enter into contracts for the erection of or maintenance of any buildings or structures required by the board for the performance of its functions;
- (e) to obtain or establish facilities in order to achieve the objects of this Act;
- (f) to undertake or cause to be undertaken in the Republic or elsewhere any investigation or research in connection with the manufacture, maintenance, testing, inspection or development of armaments;
- (g) to promote the development, manufacture or supply of armaments by collaborating with or assisting or rendering services to or using the services of any person, body or institution or any department of State, or by taking such other steps as the board may consider necessary;
- (h) to make such arrangements as the board may consider necessary for the stock-piling of strategic raw materials, materials and components for the manufacture of armaments;
- (i) to collaborate with any educational, scientific or other body or institution in connection with the provision of instruction for or the training of persons for professional or technical service or as skilled artisans in the manufacture, maintenance or development of armaments, and to provide on such conditions as it may deem fit financial or other assistance to such persons in order to enable them to receive such instruction or undergo such training;
- (j) to advise the Minister in regard to any matter relating to armaments which he may refer to the board or as to which the board may consider it to be necessary to advise the Minister;
- (k) whenever, after it has entered into a contract with any person, it is satisfied that fulfilment of the contract would cause an unavoidable loss to such person, to vary

bring, om bedoelde kontrak tot nadeel van die raad te wysig met goedkeuring van die Minister of ooreenkomstig algemene voorskrifte deur die Minister aan die raad;

(l) wanneer die raad oortuig is dat die nakoming van 'n kontrak met die raad deur 'n persoon vir daardie persoon 'n onvermybare verlies meegebring het, om bedoelde persoon vir bedoelde verlies te vergoed met goedkeuring van die Minister;

(m) om alles te doen en alle werksaamhede te verrig wat die raad nodig ag vir of wat in verband staan met die verrigting van die raad se werksaamhede.

(2) Die raad mag nie—

(a) ander krygstuig as artikels vir gebruik by die vervaardiging daarvan bestem, sonder goedkeuring van die Minister in oorleg met die Minister van Ekonomiese Sake verleen, vervaardig of in stand hou nie;

(b) ander krygstuig as krygstuig wat verkry is vir administratiewe doeleindes, of vir gebruik deur die raad of 'n persoon wat uit hoofde van 'n kontrak met die raad krygstuig vervaardig of in stand hou, of wat deur die raad vir gebruik by die vervaardiging van krygstuig vervaardig is, behalwe aan die Staat, sonder goedkeuring van die Minister van die hand sit, uitleen of verhuur nie;

(c) onroerende goed sonder goedkeuring van die Minister in oorleg met die Minister van Finansies verleen, van die hand sit nie.

(3) Tensy die Minister anders gelas, word geen vergoeding gevra nie vir dienste deur die raad aan die Staat gelewer of goed deur die raad aan die Staat van die hand gesit.”.

5. Artikel 7 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

Wysiging van artikel 7 van Wet 87 van 1964.

„(2) Die kworum vir 'n vergadering van die raad is vyf lede, van wie een die voorsitter of die vise-voorsitter moet wees.”.

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

Vervanging van artikel 8 van Wet 87 van 1964.

„Komitees van die raad.

8. (1) Die raad kan komitees aanstel om hom by die verrigting van sy werksaamhede en pligte by te staan en dié persone, met inbegrip van lede of beamptes van die raad, wat hy goedgevind as lede van so 'n komitee aanstel.

(2) Aan die ander lede van 'n komitee as beamptes van die raad word ten opsigte van hul dienste dié besoldiging of toelaes uit die fondse van die raad betaal, wat deur die Minister in oorleg met die Minister van Finansies bepaal word.”.

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

Vervanging van artikel 9 van Wet 87 van 1964.

„Delegering van bevoegdheede.

9. Die raad kan, met goedkeuring van die Minister, 'n bevoegdheid by hierdie Wet aan die raad verleen, aan 'n komitee, lid of beampte van die raad delegeer, maar word nie daardeur 'n aldus gedelegeerde bevoegdheid ontnem nie en kan 'n beslissing van so 'n komitee, lid of beampte wysig of intrek.”.

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

Vervanging van artikel 10 van Wet 87 van 1964.

„Finansies van die raad.

10. (1) Die fondse van die raad bestaan uit—
(a) gelde deur die Parlement bewillig ten einde die raad in staat te stel om sy werksaamhede te verrig;

(b) gelde uit enige ander bron ontvang.

(2) Die raad moet, behoudens die bepalings van subartikels (3) en (5), sy fondse aanwend vir die bestryding van onkoste in verband met die verrigting van sy werksaamhede.

such contract to the detriment of the board with the approval of the Minister or in accordance with general directions of the Minister to the board;

- (l) whenever the board is satisfied that the fulfilment by any person of any contract with the board caused an unavoidable loss to such person, to compensate such person for such loss with the approval of the Minister;
- (m) to do all such things and to perform all such functions as the board may consider necessary for or as may be incidental to the performance of its functions.

(2) The board shall not—

- (a) manufacture or maintain armaments other than articles intended for use in the manufacture thereof without the approval of the Minister granted in consultation with the Minister of Economic Affairs;
- (b) dispose of, lend or let armaments other than armaments acquired for administrative purposes or for use by the board or any person manufacturing or maintaining armaments by virtue of a contract with the board or manufactured by the board for use in the manufacture of armaments, except to the State, without the approval of the Minister;
- (c) dispose of immovable property without the approval of the Minister granted in consultation with the Minister of Finance.

(3) Unless the Minister otherwise directs, no charge shall be made for any services rendered or property disposed of to the State by the board.”

Amendment of section 7 of Act 87 of 1964.

5. Section 7 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) The quorum for a meeting of the board shall be five members, one of whom shall be the chairman or the vice-chairman.”

Substitution of section 8 of Act 87 of 1964.

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

“Committees of the board.

8. (1) The board may establish committees to assist it in the performance of its functions and duties and appoint such persons, including members or officers of the board, as members of any such committee as the board may deem fit.

(2) The members of a committee other than officers of the board shall be paid out of the funds of the board such remuneration or allowances in respect of their services as may be determined by the Minister in consultation with the Minister of Finance.”

Substitution of section 9 of Act 87 of 1964.

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

“Delegation of powers.

9. The board may, with the approval of the Minister, delegate to any committee, member or officer of the board any power conferred on the board by this Act, but shall not thereby be divested of any power which it may so have delegated and may amend or withdraw any decision by any such committee, member or officer.”

Substitution of section 10 of Act 87 of 1964.

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

“Finances of the board.

10. (1) The funds of the board shall consist of—
(a) moneys appropriated by Parliament to enable the board to perform its functions;

(b) moneys received from any other source.

(2) The board shall, subject to the provisions of subsections (3) and (5), utilize its funds for defraying expenses in connection with the performance of its functions.

(3) Die raad kan skenkings of bydraes van enige persoon ontvang en moet gelde aldus verkry aanwend vir dié doel en ooreenkomstig dié voorwaardes wat die skenkers of bydraers bepaal.

(4) Die raad moet al die gelde deur hom ontvang in 'n rekening stort wat hy by 'n deur die Minister goedgekeurde bank geopen het.

(5) Die raad moet gelde wat nie vir onmiddellike gebruik of as 'n redelike bedryfsaldo nodig is nie, belê by die Staatskuldkommissarisse of op 'n ander wyse wat die Minister in oorleg met die Minister van Finansies bepaal.

(6) Die raad kan enige saldo van sy gelde wat aan die end van die betrokke boekjaar van die raad oorbly, vir enige uitgawes in verband met die verrigting van sy werksaamhede aanwend."

9. Artikel 13 van die Hoofwet word hierby gewysig deur paragrawe (a) en (b) van subartikel (1) deur die volgende paragrawe te vervang:
 Wysiging van artikel 13 van Wet 87 van 1964.

„(a) persone deur die raad aangestel op die voorwaardes en teen die besoldiging wat die raad in oorleg met die Minister bepaal;

(b) die beamptes en werknemers in sub-artikel (3) bedoel, wat, behoudens die bepalinge van subartikels (5) en (6), op bedoelde voorwaardes en teen bedoelde besoldiging in diens is; en".

10. Artikel 14 van die Hoofwet word hierby gewysig deur die volgende subartikel by te voeg:
 Wysiging van artikel 14 van Wet 87 van 1964, soos gewysig deur artikel 16 van Wet 91 van 1967.

„(7) By die toepassing van artikel 6 (9) van die Regeringsdienspensioenwet, 1965 (Wet No. 62 van 1965), ten opsigte van 'n in subartikel (5) van hierdie artikel bedoelde persoon, word die aanbeveling van die raad in plaas van die aanbeveling van die Staatsdienskommissie vereis."

11. Artikels 5, 6 en 13 van die Hoofwet word hierby gewysig deur die woord „munitions" oral waar dit in die Engelse teks van daardie artikels voorkom, deur die woord „armaments" te vervang.
 Wysiging van artikels 5, 6 en 13 van Wet 87 van 1964.

12. Artikel 16 van die Hoofwet word hierby deur die volgende artikel vervang:
 Vervanging van artikel 16 van Wet 87 van 1964.

„Kort titel. 16. Hierdie Wet heet die Krygstuigwet, 1964."

13. Die lang titel van die Hoofwet word hierby deur die volgende lang titel vervang:
 Vervanging van lang titel van Wet 87 van 1964.

„Om voorsiening te maak vir beheer oor die vervaardiging, verkryging, ontwikkeling en verskaffing van krygstuig en om te dien einde 'n Krygstuigraad in te stel en sy werksaamhede te bepaal, en om vir ander bykomstige aangeleenthede voorsiening te maak."

14. Hierdie Wet heet die Wysigingswet op Krygstuig, 1968. Kort titel.

(3) The board may receive donations or contributions from any person and shall use any moneys so acquired for such purposes and in accordance with such conditions as the donors or contributors may specify.

(4) The board shall deposit all moneys received by it in any account it may have opened with any bank approved by the Minister.

(5) The board shall invest any moneys not required for immediate use or as a reasonable operating balance, with the Public Debt Commissioners or in such other manner as may be determined by the Minister in consultation with the Minister of Finance.

(6) The board may utilize any balance of its moneys remaining at the end of the board's financial year in question for any expenses in connection with the performance of its functions."

Amendment of section 13 of Act 87 of 1964.

9. Section 13 of the principal Act is hereby amended by the substitution for paragraphs (a) and (b) of subsection (1) of the following paragraphs:

"(a) persons appointed by the board on such conditions and at such remuneration as the board may in consultation with the Minister determine;

(b) the officers and employees referred to in subsection (3) employed, subject to the provisions of subsections (5) and (6), on the said conditions and at the said remuneration; and".

Amendment of section 14 of Act 87 of 1964, as amended by section 16 of Act 91 of 1967.

10. Section 14 of the principal Act is hereby amended by the addition of the following subsection:

"(7) For the purposes of the application of section 6 (9) of the Government Service Pensions Act, 1965 (Act No. 62 of 1965), in respect of any person referred to in subsection (5) of this section, the recommendation of the board shall be required instead of the recommendation of the Public Service Commission."

Amendment of sections 5, 6 and 13 of Act 87 of 1964.

11. Sections 5, 6 and 13 of the principal Act are hereby amended by the substitution for the word "munitions" wherever it occurs in those sections of the word "armaments".

Substitution of section 16 of Act 87 of 1964.

12. The following section is hereby substituted for section 16 of the principal Act:

"Short title. 16. This Act shall be called the Armaments Act, 1964."

Substitution of long title of Act 87 of 1964.

13. The following long title is hereby substituted for the long title of the principal Act:

"To provide for the control of the manufacture, acquisition, development and supply of armaments and to that end to establish an Armaments Board and to define its functions, and to provide for other incidental matters."

Short title.

14. This Act shall be called the Armaments Amendment Act, 1968.

WET

Tot samevatting en wysiging van die wette wat voorsiening maak vir die instelling en administrasie van „The Transvaal Society of Accountants” en „The Natal Society of Accountants”; om die name van genoemde Genootskappe te wysig; en om vir bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 17 Junie 1968.)

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

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

- (i) „Genootskap” ’n in artikel 2 bedoelde Genootskap; (iii)
- (ii) „hierdie Wet” ook die verordeninge; (iv)
- (iii) „raad” die in artikel 5 bedoelde raad van ’n Genootskap; (ii)
- (iv) „verordeninge” die verordeninge van die betrokke Genootskap wat kragtens hierdie Wet van krag is. (i)

2. Die Genootskap wat bekend staan as „The Transvaal Society of Accountants” en wat by artikel 3 van die „Accountants Ordinance, 1904” (Ordonnansie No. III (Privaat)), van die Transvaal, met regs persoonlikheid beklee is, en die Genootskap wat bekend staan as „The Natal Society of Accountants” en wat by artikel 3 van die „Accountants Act, 1909” (Wet No. 35 van 1909), van Natal, met regs persoonlikheid beklee is, bly, ondanks die herroeping van daardie Ordonnansie en daardie Wet deur hierdie Wet, voortbestaan en bly regspersone met ewigdurende regsopvolging onderskeidelik onder die naam van „Die Transvaalse Genootskap van Geoktrooieerde Rekenmeesters” en „Die Natalse Genootskap van Geoktrooieerde Rekenmeesters”, en bevoeg om in hul eie name as eiser en verweerder in regte op te tree, en om al die handelinge te verrig wat nodig is vir of in verband staan met die bereiking van hul doelstellings en die uitoefening van hul bevoegdhede of die verrigting van hul werksaamhede en pligte kragtens hierdie Wet of ’n ander wet.

3. (1) 'n Genootskap bestaan uit persone wat ingevolge die Lidmaatskap verordeninge tot lidmaatskap van die Genootskap toegelaat is. van 'n

(2) Alle persone wat onmiddellik voor die inwerkingtreding van hierdie Wet lede was van 'n Genootskap, word geag ingevolge die verordeninge tot lidmaatskap van daardie Genootskap toegelaat te gewees het.

4. Die doelstellings van 'n Genootskap is—

- (a) om alle aangeleenthede wat die professionele belange van lede van die Genootskap raak, te oorweeg en te behandel; Doelstellings van 'n Genootskap.
- (b) om regstreeks of onregstreeks lede van die Genootskap van tydige en die jongste inligting te voorsien oor ont-

No. 66, 1968.]

ACT

To consolidate and amend the laws providing for the establishment and administration of The Transvaal Society of Accountants and The Natal Society of Accountants; to change the names of the said Societies; and to provide for matters incidental thereto.

(English text signed by the State President.)

(Assented to 17th June, 1968.)

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

Definitions.

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

- (i) "by-laws" means the by-laws of the Society concerned, in force under this Act; (iv)
- (ii) "council" means the council of a Society referred to in section 5; (iii)
- (iii) "Society" means a Society referred to in section 2; (i)
- (iv) "this Act" includes the by-laws. (ii)

Continued existence of The Transvaal Society of Accountants and The Natal Society of Accountants under altered names.

2. The Society known as "The Transvaal Society of Accountants" and which was incorporated by section 3 of the Accountants Ordinance, 1904 (Ordinance No. III (Private)), of the Transvaal, and the Society known as "The Natal Society of Accountants" and which was incorporated by section 3 of the Accountants Act, 1909 (Act No. 35 of 1909), of Natal, shall, notwithstanding the repeal of that Ordinance and that Act by this Act, continue in existence and shall continue to be bodies corporate with perpetual succession under the name of "The Transvaal Society of Chartered Accountants" and "The Natal Society of Chartered Accountants", respectively, capable of suing and being sued in their own names, and of performing all such acts as are necessary for or incidental to the achievement of their objects and the exercise of their powers or the performance of their functions and duties under this Act or any other law.

Membership of a Society.

3. (1) A Society shall consist of persons admitted to membership of the Society in accordance with the by-laws.

(2) All persons who were members of a Society immediately prior to the commencement of this Act shall be deemed to have been admitted to membership in accordance with the by-laws.

Objects of a Society.

4. The objects of a Society are—

- (a) to consider and deal with all matters affecting the professional interests of members of the Society;
- (b) directly or indirectly to provide members of the Society with timeous and up to date information on develop-

wikkelinge in professionele denkwyses en metodes sowel binne as buite die Republiek en om beknopte opsommings van professionele geskrifte wat lede van die Genootskap raak of waarskynlik sal raak, te verskaf;

- (c) om regstreeks of onregstreeks voorsiening te maak vir navorsing in rekeningkunde, ouditkunde en aanverwante aangeleenthede;
- (d) om die voortgesette onderrig van lede van die Genootskap te bevorder, om die studie van rekenmeesterskap deur klerke onder leerkontrak by lede van 'n Genootskap, en deur andere, te bevorder, om vir dié doel inligting en opleiding in rekeningkundige aangeleenthede deur middel van lesings, klasse, besprekings, boeke, briefwisseling, eksamens en op ander wyses te bevorder, om donasies te maak, en om sertifikate uit te reik en studiebeurse, stipendia en toekennings toe te staan op die bedinge en voorwaardes wat die raad van die Genootskap van tyd tot tyd voorskryf;
- (e) om biblioteke en leeskamers wat deur lede van die Genootskap en studente gebruik kan word, te stig of te ondersteun of in stand te hou;
- (f) om regstreeks of onregstreeks ten behoewe van lede van die Genootskap 'n openbare skakelorganisasie te ontwikkel;
- (g) om verenigings, fondse en trusts wat bedoel is om tot voordeel van lede van die Genootskap of hulle afhanklikes of werknemers te strek, te stig of te ondersteun of te administreer of behulpsaam te wees met die stigting of ondersteuning of administrasie daarvan;
- (h) om die belange van lede van die Genootskap te bevorder deur deelname aan die sake van en verteenwoordiging in die Nasionale Raad van Geoktrooieerde Rekenmeesters (S.A.) of 'n ander liggaam van rekenmeesters, en in die algemeen om hulp te verleen by die bevordering van die belange van die rekenmeestersberoep in die Republiek en in ander gebiede in Suider-Afrika;
- (i) om saam te werk met, hulp te verleen aan, verteenwoordigers te nomineer in en, indien dit aldus verlang word, om as agent op te tree van die Openbare Rekenmeesters- en Ouditeursraad ingestel ingevolge die Wet op Openbare Rekenmeesters en Ouditeurs, 1951 (Wet No. 51 van 1951);
- (j) om aan te dring op 'n hoë standaard van professionele gedrag van die kant van lede van die Genootskap en om die integriteit en status van die beroep te beskerm en te handhaaf, om stappe te doen wat noodsaaklik geag word om oneerbare gedrag en praktyke deur lede te beëindig of te voorkom, om vir dié doel ondersoek in te stel na die optrede van lede en om dissiplinêre stappe teen lede te doen, insluitende hulle uitsetting;
- (k) om voorsiening te maak vir die minlike skikking of bylegging van professionele geskille, insluitende geskille tussen lede van die publiek wat regstreeks of onregstreeks verband hou met die rekenmeestersberoep; en
- (l) om in die algemeen alles te doen, te onderneem en oor alle aangeleenthede advies te verleen wat dienstig en in die belang van lede van die Genootskap en die algemene publiek is, in verband met rekeningkunde, finansiële en aanverwante aangeleenthede en om alle ander dinge te doen wat verband hou met of wat bevorderlik is vir die bereiking van bogemelde doelstellings.

5. (1) Die sake van 'n Genootskap word bestuur deur 'n raad verkies ooreenkomstig die verordeninge en wat bestaan uit dié getal lede wat in die verordeninge voorgeskryf word. Raad van 'n Genootskap en funksies van die raad.

(2) Alle persone wat onmiddellik voor die inwerkingtreding van hierdie Wet lede van die raad van 'n Genootskap was, word geag ooreenkomstig die verordeninge verkies te gewees het.

6. (1) By die bestuur van die sake van 'n Genootskap is 'n raad bevoeg om al die magte van die Genootskap uit te oefen Bevoegdhede van 'n raad.

ments in professional thought and methods both inside and outside the Republic and to supply precis of professional writings which do or are likely to concern members of the Society;

- (c) directly or indirectly to provide for research in accounting, auditing and kindred matters;
- (d) to encourage the continuing education of members of the Society, to encourage the study of accountancy by clerks articulated to members of the Society, and by others, for that purpose to promote information and education on accountancy matters by lectures, classes, discussions, books, correspondence, examinations and otherwise, to make donations, and to issue certificates, and to grant bursaries, scholarships and awards upon such terms and conditions as may from time to time be prescribed by the council of the Society;
- (e) to establish or support or maintain libraries and reading rooms which may be used by members of the Society and students;
- (f) directly or indirectly to develop on behalf of members of the Society a public relations organization;
- (g) to establish or support or administer, or to aid in the establishing or supporting or administration of, associations, funds and trusts calculated to benefit members of the Society or their dependants or employees;
- (h) to further the interests of members of the Society through participation in the affairs of and representation on the National Council of Chartered Accountants (S.A.) or any other body of accountants and generally to assist in the promotion of the interests of the profession of accountancy throughout the Republic and in other territories in Southern Africa;
- (i) to co-operate with and assist, to nominate representatives to and, if so required, to act as the agent of the Public Accountants' and Auditors' Board constituted in terms of the Public Accountants' and Auditors' Act, 1951 (Act No. 51 of 1951);
- (j) to insist upon a high standard of professional behaviour on the part of members of the Society and to preserve and maintain the integrity and status of the profession, to take any steps which may be thought necessary to stop or prevent dishonourable conduct and practices by members, for this purpose to hold enquiries into the conduct of members and to take disciplinary action against members, including their expulsion;
- (k) to provide for the amicable settlement or adjustment of professional disputes, including disputes between members of the public which relate directly or indirectly to the profession of accountancy; and
- (l) generally, to do and undertake and advise on all matters which may be expedient and in the interests of members of the Society and the general public in relation to accounting, financial and kindred matters and to do all such other things as may be incidental or conducive to the attainment of the above objects.

**Council of a
Society and
functions of
the council.**

5. (1) The affairs of a Society shall be managed by a council elected in accordance with the by-laws and consisting of such number of members as may be prescribed in the by-laws.

(2) All persons who were members of the council of a Society immediately prior to the commencement of this Act, shall be deemed to have been elected in accordance with the by-laws.

**Powers of a
council.**

6. (1) In managing the affairs of a Society a council shall be entitled to exercise all the powers of the Society except such

behalwe die bevoegdheede wat uitdruklik deur die bepalings van hierdie Wet voorbehou is vir die Genootskap in algemene vergadering.

(2) Sonder om in enige opsig die omvang van die bevoegdheede soos in die algemeen in subartikel (1) beskryf, te beperk, het die raad van 'n Genootskap die bevoegdheid—

- (a) om amptenare en dienare van die Genootskap aan te stel en te ontslaan en om die pligte, salaris en besoldiging van sodanige amptenare en dienare te bepaal;
- (b) om 'n aansoek om toelating tot lidmaatskap van die Genootskap toe te staan of te weier sonder opgawe van redes vir sy besluit;
- (c) om namens die Genootskap eiendom van watter aard ook al te koop of andersins te verkry, te huur, te verhuur, te verruil, te verbeter, te verhipotekeer, te verpand, te vervreem of andersins daarmee te handel;
- (d) om die Genootskap se fondse te belê soos die raad van tyd tot tyd na goeddunke bepaal;
- (e) om geld op te neem of te leen of die betaling van gelde of die nakoming van 'n verpligting te verseker op die wyse en op die bedinge en voorwaardes wat die raad goedvind, en in die besonder deur die verlyding van verbande of notariële verbande en die uitreiking van obligasies of skuldbriewe ten laste van al die eiendom van die Genootskap of enige deel daarvan;
- (f) om skenkings, toekennings en ander gelde van enige persoon, regspersoon, maatskappy of andersins, te ontvang en te aanvaar.

7. (1) Onderworpe aan die bepalings van hierdie Wet, wend 'n Genootskap sy fondse en inkomste aan ter bevordering van die doelstellings van die Genootskap. Fondse van 'n Genootskap.

(2) 'n Genootskap betaal nie dividende aan sy lede nie.

(3) Indien 'n Genootskap ontbind word, het 'n persoon wat opgehou het om 'n lid van die Genootskap te wees of sy eksekuteurs, administrateurs, erfgename of regsverkrygendes onder geen omstandighede op grond van daardie vorige lidmaatskap alleen 'n aanspraak op, of 'n eis teen of in verband met die bates van die Genootskap nie.

(4) Indien 'n genootskap ontbind word, word met sy fondse gehandel ooreenkomstig die bepalings van die verordeninge.

8. (1) Daar word een keer per jaar 'n algemene vergadering van 'n Genootskap gehou. Algemene jaarvergadering.

(2) Elke lid van 'n Genootskap wat nie met die betaling van enige gelde of subskripsie wat deur hom aan die Genootskap betaalbaar is, agterstallig is nie, is geregtig om teenwoordig te wees en om te stem op 'n algemene vergadering.

(3) Die kworum vir so 'n algemene vergadering word in die verordeninge voorgeskryf.

(4) 'n Aangeleentheid wat op so 'n algemene vergadering beslis moet word, word beslis deur 'n meerderheid van die lede wat op die vergadering stem.

(5) Die raad van 'n Genootskap stel jaarliks rekeninge van die Genootskap op en lê bedoelde rekeninge, behoorlik geouditeer, vir bespreking en goedkeuring aan die algemene vergadering voor.

(6) Ander aangeleenthede wat op die algemene vergadering behandel word, word voorgeskryf in die verordeninge, maar dit is wettig vir 'n lid van 'n Genootskap om by so 'n vergadering, met inagneming van die prosedure voorgeskryf in die verordeninge, enige mosie wat nie met die oogmerke en bepalings van hierdie Wet in stryd is nie, voor te stel.

9. (1) Kennis van 'n vergadering van 'n Genootskap word soos voorgeskryf in die verordeninge gestuur aan elke lid van die Genootskap na sy geregistreerde adres soos ooreenkomstig die verordeninge aangeteken. Kennisgewing van vergaderings.

(2) Die nie-ontvangs deur 'n lid van 'n in subartikel (1) bedoelde kennisgewing, maak nie die verrigtinge op 'n vergadering ten opsigte waarvan sodanige kennisgewing gepos is, ongeldig nie.

10. (1) 'n Ouditeur of ouditeure word deur 'n Genootskap aangestel op die wyse en voorwaardes voorgeskryf in die verordeninge. Aanstelling van ouditeur of ouditeure.

powers as are expressly reserved by the provisions of this Act to the Society in general meeting.

(2) Without in any way limiting the scope of its powers as generally described in subsection (1), the council of a Society shall have power—

- (a) to appoint and remove any officers and servants of the Society, and to determine the duties, salary and remuneration of such officers and servants;
- (b) to grant or refuse any application for admission to membership of the Society without giving any reason for its decision;
- (c) on behalf of the Society to purchase or otherwise acquire, hire, let, exchange, improve, mortgage, pledge, alienate or otherwise deal with property of whatever description;
- (d) to invest the Society's funds as the council may from time to time in its discretion determine;
- (e) to raise or borrow or secure the payment of money or the performance of any obligation in such manner and upon such terms and conditions as the council may deem fit, and in particular by the execution of mortgage or notarial bonds, the issue of debentures or debenture stock charged upon all or any part of the property of the Society;
- (f) to receive and accept donations, grants and other moneys from any person, body corporate, company or otherwise.

Funds of a Society.

7. (1) A Society shall, subject to the provisions of this Act, apply its funds and income in promoting the objects of the Society.

(2) A Society shall not pay any dividends to its members.

(3) Should a Society be wound up, a person who has ceased to be a member of the Society or the executors, administrators, heirs or assigns of such person, shall in no circumstances have any claim to, against or in respect of the assets of the Society by reason only of such previous membership.

(4) Should a Society be wound up, its funds shall be dealt with in accordance with the provisions of the by-laws.

Annual general meeting.

8. (1) There shall be held once in each year a general meeting of a Society.

(2) Every member of a Society who is not in arrear with the payment of any fees or subscription payable by him to the Society, shall be entitled to be present and to vote at a general meeting.

(3) The quorum for such general meeting shall be prescribed by the by-laws.

(4) Any question to be decided at such general meeting shall be decided by a majority of the members voting thereat.

(5) The council of a Society shall annually prepare accounts of the Society and shall submit such accounts, duly audited, for discussion and approval at the general meeting.

(6) Any other business to be transacted at the general meeting shall be as prescribed in the by-laws but it shall be lawful for any member of a Society, subject to the procedure prescribed in the by-laws, at such meeting to move any motion which is not inconsistent with the purposes and provisions of this Act.

Notice of meetings.

9. (1) Notice of any meeting of a Society shall be posted as prescribed in the by-laws to each member of the Society at his registered address as recorded in terms of the by-laws.

(2) The non-receipt of a notice referred to in subsection (1) by any member shall not invalidate the proceedings at a meeting in respect of which such notice was posted.

Appointment of auditor or auditors.

10. (1) An auditor or auditors shall be appointed by a Society in the manner and subject to the conditions prescribed in the by-laws.

(2) Iemand wat onmiddellik voor die inwerkingtreding van hierdie Wet die ouditeur van 'n Genootskap was, word met ingang van die datum waarop hy aangestel was, geag ingevolge hierdie Wet as die ouditeur van daardie Genootskap aangestel te gewees het.

11. Met die goedkeuring van minstens drie-kwart van pres- Samesmelting.
terende lede persoonlik teenwoordig op 'n vergadering behoorlik en spesiaal byeengeroep vir dié doel en wat ooreenkomstig die toepaslike verordeninge stem, kan 'n Genootskap saamsmelt of saamwerk of verenig met ander rekenmeestersliggame om 'n nasionale genootskap van rekenmeesters in die Republiek van Suid-Afrika te vorm, en vir dié doel kan hy die een of ander van of al sy bates en verpligtinge aan bedoelde nasionale genootskap oormak.

12. (1) 'n Genootskap kan, met die goedkeuring van die Verordeninge.
Minister van Finansies, by kennisgewing in die *Staatskoerant* verordeninge maak aangaande—

- (a) die voorwaardes en metodes vir toelating tot lidmaatskap van die Genootskap en vir die bepaling van die omstandighede waaronder en die prosedure waarvolgens lidmaatskap van die Genootskap beëindig word;
- (b) die gelde vir toelating tot lidmaatskap en die subskripsies betaalbaar deur lede aan die Genootskap en die tye vir die betaling van sodanige gelde en subskripsies;
- (c) die tyd, die wyse en die plek vir die byeenroep en hou van jaarlikse, gewone en spesiale algemene vergaderings en die kworum daarvoor, en die wyse waarop gestem word (insluitende stemming deur volmag of deur die pos of andersins) en die reëling van die verrigtinge op sodanige vergaderings en die reëls vir die verdaging daarvan;
- (d) die getal lede van die raad van die Genootskap, hul periodieke aftrede of afsetting, die wyse waarop lede van die Genootskap benoem en verkies word tot die raad, die wyse waarop toevallige vakatures in die raad gevul word, die wyse waarop presidente en vise-presidente van die Genootskap gekies of aangestel word, en die wyse waarop vergaderings van die raad bestuur word en die kworum daarvoor;
- (e) die diens onder leerkontrak van klerke van lede van die Genootskap en die verbeuring van so 'n leerkontrak weens wangedrag of 'n ander goeie rede;
- (f) die eksamens waarin aansoekers om lidmaatskap moet slaag, die onderwerpe waarin en die wyse waarop sodanige eksamens afgeneem word, die persone wat mag inskryf en die gelde betaalbaar deur hulle, die voorwaardes waarop die eksaminatore hul amp bekleed en hul besoldiging en die tye en plekke vir die afneem van sodanige eksamens;
- (g) wangedrag of onprofessionele gedrag deur lede, die bepaling van wangedrag of onprofessionele gedrag, die wyse waarop sodanige gedrag ondersoek word en hoe daar teen sodanige gedrag opgetree word en die strawwe (met inbegrip van boetes, opskorting van lidmaatskap of uitsetting uit die Genootskap) wat opgelê mag word;
- (h) alle aangeleenthede wat ingevolge hierdie Wet voorgeskryf moet of kan word;
- (i) die prosedure met betrekking tot, en die beskikking oor sy fondse by, ontbinding; en
- (j) in die algemeen, enige ander aangeleentheid wat die Genootskap nodig of dienstig ag om voor te skryf vir die beter uitvoering van hierdie Wet en die bevordering van die doelstellings van die Genootskap.

(2) Geen wysiging word aan die verordeninge van 'n Genootskap aangebring nie behalwe met die goedkeuring van minstens twee-derdes van die lede van die Genootskap wat geregtig is om te stem en stem ooreenkomstig die bepalings van die verordeninge op 'n spesiale algemene vergadering wat vir dié doel byeengeroep is.

13. (1) Behoudens die bepalings van subartikels (2) en (3), Herroeping van
word die „Accountants Ordinance, 1904” (Ordonnansie No. III wette en
(Privaat)), van die Transvaal, die „Accountants Act, 1909” voorbehoude.

(2) Any person who immediately prior to the commencement of this Act was the auditor of a Society, shall as from the date on which he had been appointed be deemed to have been appointed in terms of this Act as the auditor of that Society.

Amalgamation.

11. With the approval of at least three-quarters of members in good standing personally present at a meeting duly and specially convened for such purpose, and voting in accordance with the relevant by-laws, a Society may amalgamate or co-operate or join with other bodies of accountants to form a national society of accountants in the Republic of South Africa and for this purpose may make over part or all of its assets and liabilities to such national society.

By-laws.

12. (1) A Society may, with the approval of the Minister of Finance, by notice in the *Gazette* make by-laws as to—

- (a) the conditions for and mode of admission to membership of the Society and for prescribing the circumstances under which and the procedure in accordance with which membership of the Society shall cease;
- (b) the fees for admission to membership and the subscriptions payable by members to the Society and the times for payment of such fees and subscriptions;
- (c) the time, mode and place of summoning and holding annual, ordinary and special general meetings and the quorum therefor, and the mode of voting (including voting by proxy or by post or otherwise) and the conduct of proceedings at such meetings and the rules for the adjournment thereof;
- (d) the number of members of the council of the Society, their periodical retirement or removal, the mode of nomination and election of members of the Society to the council, the mode of filling casual vacancies thereon, the mode of election or appointment of presidents and vice-presidents of the Society and the manner of conducting meetings of the council and the quorum therefor;
- (e) the service under articles of clerks of members of the Society and the forfeiture of such articles for misconduct or other sufficient cause;
- (f) the examinations to be passed by applicants for membership, the subjects for and the manner of holding any such examinations, the persons who may enter and the fees to be paid by such persons, the conditions on which the examiners shall hold office and their remuneration, and the times and places for the holding of such examinations;
- (g) the misconduct or unprofessional conduct by members, the determining of misconduct or unprofessional conduct, the mode of enquiry into and the method of dealing with such conduct and the punishments (including fines, suspension from membership or expulsion from the Society) which may be imposed;
- (h) all matters which are by this Act required or permitted to be prescribed;
- (i) the procedure relating to, and the disposition of its funds on, winding up; and
- (j) generally, any other matter which the Society considers it necessary or expedient to prescribe for the better execution of this Act and the furtherance of the objects of the Society.

(2) No amendment shall be made to the by-laws of a Society save with the approval of at least two-thirds of the members of the Society entitled to vote and voting in accordance with the provisions of the by-laws at a special general meeting convened for the purpose.

Repeal of laws and savings.

13. (1) Subject to the provisions of subsections (2) and (3), the Accountants Ordinance, 1904 (Ordinance No. III (Private)), of the Transvaal, the Accountants Act, 1909 (Act No. 35 of

(Wet No. 35 van 1909), van Natal, artikels 31 en 32 van die Wet op Openbare Rekenmeesters en Ouditeurs, 1951 (Wet No. 51 van 1951), en artikels 15 en 16 van die Wysigingswet op Openbare Rekenmeesters en Ouditeurs, 1956 (Wet No. 47 van 1956), hierby herroep.

(2) 'n Verordening, kennisgewing, verbod, bevel, opdrag, goedkeuring, sertifikaat, aanstelling, ooreenkoms of huurkontrak uitgereik, opgelê, gegee, gemaak of aangegaan en enige reg toegestaan, verkry of verleen en enigiets gedoen ingevolge 'n wetsbepaling deur subartikel (1) herroep, word, behoudens andersluidende bepalings van hierdie Wet, geag ingevolge die ooreenstemmende bepaling van hierdie Wet uitgereik, opgelê, gegee, gemaak, aangegaan, toegestaan, verkry, verleen of gedoen te gewees het, en enigiets wat gedoen is of geag word gedoen te gewees het deur 'n Genootskap of deur 'n liggaam of persoon op gesag van so 'n Genootskap ingevolge 'n wetsbepaling deur subartikel (1) herroep, en wat ingevolge 'n bepaling van hierdie Wet deur 'n Genootskap, of 'n liggaam of persoon op gesag van so 'n Genootskap gedoen kan word, word geag ingevolge laasgenoemde bepaling deur 'n Genootskap of sodanige liggaam of persoon op gesag van so 'n Genootskap, na gelang van die geval, gedoen te gewees het, en enigiets anders wat gedoen is ingevolge 'n wetsbepaling aldus herroep en wat ingevolge 'n bepaling van hierdie Wet gedoen kan word, word geag ingevolge die laasbedoelde bepaling gedoen te gewees het.

(3) 'n Verwysing in 'n wetsbepaling of 'n ander dokument na „Die Transvaalse Genootskap van Rekenmeesters” word uitgelê as 'n verwysing na „Die Transvaalse Genootskap van Geoktrooieerde Rekenmeesters” en so 'n verwysing na „Die Natalse Genootskap van Rekenmeesters” word uitgelê as 'n verwysing na „Die Natalse Genootskap van Geoktrooieerde Rekenmeesters”.

(4) Die betrokke registrateur van aktes moet op aansoek deur 'n Genootskap, kosteloos die endossemente aanbring op enige akte, verbandakte of dokument in sy aktekantoor ingedien of geregistreer en die inskrywings in sy registers aanbring wat nodig is ten einde aan die bepalings van artikel 2 en subartikel (3) van hierdie artikel gevolg te gee.

14. Hierdie Wet heet die Wet op die Transvaalse en Natalse Genootskappe van Geoktrooieerde Rekenmeesters, 1968, en Kort titel en inwerkingtreeding.
tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

1909), of Natal, sections 31 and 32 of the Public Accountants' and Auditors' Act, 1951 (Act No. 51 of 1951), and sections 15 and 16 of the Public Accountants' and Auditors' Amendment Act, 1956 (Act No. 47 of 1956), are hereby repealed.

(2) Any by-law, notice, prohibition, order, direction, approval, certificate, appointment, agreement or lease issued, imposed, given, made, entered into, and any right granted, acquired or conferred and anything done under any provision of any law repealed by subsection (1), shall, save as otherwise provided in this Act, be deemed to have been issued, imposed, given, made, entered into, granted, acquired, conferred or done under the corresponding provision of this Act, and anything done or deemed to have been done by a Society or any body or person on the authority of such a Society, in terms of any provision of a law repealed by subsection (1), which may be done by a Society or any body or person on the authority of such a Society, in terms of any provision of this Act, shall be deemed to have been done in terms of such lastmentioned provision by a Society or such body or person on the authority of such a Society, as the case may be, and any other thing done in terms of a law so repealed and which may be done in terms of any provision of this Act, shall be deemed to have been done in terms of such lastmentioned provision.

(3) Any reference in any law or any other document to "The Transvaal Society of Accountants", shall be construed as a reference to "The Transvaal Society of Chartered Accountants" and any such reference to "The Natal Society of Accountants", shall be construed as a reference to "The Natal Society of Chartered Accountants".

(4) The registrar of deeds concerned shall, on application by a Society, free of charge make such endorsements on any deed, bond or document filed or registered in his deeds registry and such entries in his registers as may be necessary to give effect to the provisions of section 2 and subsection (3) of this section.

Short title
and
commencement.

14. This Act shall be called the Transvaal and Natal Societies of Chartered Accountants Act, 1968, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

No. 68, 1968.]

WET

Om voorsiening te maak vir die bevordering van ekonomiese samewerking tussen die Republiek en ander lande, om vir dié doel 'n fonds in te stel, en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)

(Goedgekeur op 17 Junie 1968.)

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

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

„fonds” die Leningsfonds ter Bevordering van Ekonomiese Samewerking wat by artikel 2 ingestel word;

„Minister” die Minister van Buitelandse Sake.

2. Hierby word 'n fonds met die naam die Leningsfonds ter Bevordering van Ekonomiese Samewerking ingestel, en dié fonds word gekrediteer met— Instelling van Leningsfonds ter Bevordering van Ekonomiese Samewerking.

(a) geld wat deur die Parlement vir die fonds bewillig is;

(b) geld ontvang by wyse van terugbetaling van 'n lening wat uit die fonds uitbetaal is;

(c) rente ontvang op 'n lening wat uit die fonds uitbetaal is, met inbegrip van rente verkry uit 'n belegging van geld wat in die krediet van die fonds staan;

(d) geld wat die fonds uit enige ander bron toeval.

3. (1) Die geld in die fonds word aangewend vir die bevordering van ekonomiese samewerking tussen die Republiek en ander lande deur die toestaan van lenings of die verlening van ander geldelike bystand ten opsigte van ontwikkelingsprojekte in sodanige lande. Doel van die fonds en aanwending van geld in die fonds.

(2) Geen lening of ander geldelike bystand beoog in subartikel (1) word sonder die voorafgaande goedkeuring van die Minister toegestaan of verleen nie, en sodanige lening of ander geldelike bystand kan slegs toegestaan of verleen word op die voorwaardes wat die Minister in elke geval in oorleg met die Minister van Finansies bepaal.

4. Die fonds staan, onderworpe aan die opdragte van die Minister, onder die beheer van die Sekretaris van Buitelandse Sake, wat behoorlik boek en rekening moet laat hou van alle stortings in en uitbetalings uit die fonds, en jaarliks 'n staat van inkomste en uitgawe en 'n balansstaat, in beide gevalle soos op 31 Maart, moet opstel vir ondersoek en ouditering deur die Kontroleur en Ouditeur-generaal. Beheer oor fonds en ouditering van rekeninge.

5. (1) Enige geld in die fonds wat nie vir onmiddellike gebruik benodig is nie, word by die Openbare Skuldkommis-sarisse belê en kan getrek word wanneer dit benodig is. Onbestede saldo's in die fonds.

No. 68, 1968.]

ACT

To provide for the promotion of economic co-operation between the Republic and other countries, for that purpose to establish a fund, and to provide for matters incidental thereto.

(English text signed by the State President.)

(Assented to 17th June, 1968.)

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

Definitions.

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

“fund” means the Economic Co-operation Promotion Loan Fund established by section 2;

“Minister” means the Minister of Foreign Affairs.

Establishment of Economic Co-operation Promotion Loan Fund.

2. There is hereby established a fund to be known as the Economic Co-operation Promotion Loan Fund, which shall be credited with—

- (a) moneys appropriated by Parliament for the fund;
- (b) moneys received by way of repayment of any loan made from the fund;
- (c) interest received on any loan made from the fund, including interest derived from any investment of moneys standing to the credit of the fund;
- (d) moneys accruing to the fund from any other source.

Purpose of the fund and utilization of moneys in the fund.

3. (1) The moneys in the fund shall be utilized for the promotion of economic co-operation between the Republic and other countries by the granting of loans or the rendering of other financial assistance in respect of development projects in such countries.

(2) No loan or other financial assistance contemplated in subsection (1) shall be granted or rendered without the prior approval of the Minister, and any such loan or other financial assistance may only be granted or rendered subject to such terms and conditions in each case as may be determined by the Minister in consultation with the Minister of Finance.

Control of fund and auditing of accounts.

4. The Fund shall, subject to the directions of the Minister, be under the control of the Secretary for Foreign Affairs, who shall cause proper records and accounts to be kept of all payments into and out of the fund and shall prepare annually a statement of income and expenditure and a balance sheet, both as at the thirty-first day of March, for examination and auditing by the Controller and Auditor-General.

Unexpended balances in the fund.

5. (1) Any moneys in the fund which are not required for immediate use shall be invested with the Public Debt Commissioners and may be withdrawn when required.

(2) Enige onbestede saldo in die fonds aan die einde van 'n boekjaar word as 'n kredit in die fonds na die daaropvolgende boekjaar oorgedra.

6. Hierdie Wet heet die Wet op die Leningsfonds ter Kort titel. Bevordering van Ekonomiese Samewerking, 1968.

(2) Any unexpended balance in the fund at the close of any financial year shall be carried forward as a credit in the fund to the next succeeding financial year.

Short title.

6. This Act shall be called the Economic Co-operation Promotion Loan Fund Act, 1968.

No. 69, 1968.]

WET

Tot wysiging van die Konsolidasie- en Wysigingswet op Finansiële Verhoudings, 1945, ten einde aan provinsiale rade die bevoegdheid op te dra om ordonnansies te maak in verband met sake wat onder die klasse onderwerpe handelsbesighede en beroepe ressorteer en om inkomste te verkry uit en wetgewing aan te neem ten opsigte van die lisensiëring van sekere handelsbesighede en beroepe, om die betekenis van die woord „Minister”, waar dit die eerste maal voorkom in paragraaf (c) van artikel 17 van bedoelde Wet, op te klaar, om die uitvoerende komitee van die Provinsie Transvaal te magtig om by Katima Mulilo sekere skole te stig, in stand te hou en te beheer en om voorsiening te maak vir die oordrag van sekere werksaamhede van die Minister van Finansies en die Tesourie na die Minister van Volkswelsyn en Pensioene en die Departement van Volkswelsyn en Pensioene, onderskeidelik; en om vir ander bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
 (Goedgekeur op 17 Junie 1968.)

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

1. Artikel 14 van die Konsolidasie- en Wysigingswet op Finansiële Verhoudings, 1945 (hieronder die Hoofwet genoem), word hierby deur die volgende artikel vervang:

„Wetgewende bevoegdheid van provinsiale rade in verband met handelsbesighede en beroepe. 14. (1) Behoudens die bepalings van subartikel (2), kan 'n provinsiale raad ordonnansies maak in verband met sake wat onder die volgende klasse onderwerpe ressorteer, naamlik, handelsbesighede en beroepe. (2) Die bepalings van subartikel (1) is nie van toepassing nie op die handelsbesigheid of beroep van 'n advokaat, prokureur, rekenmeester, ouditeur, argitek, aktebesorger, tandarts, mediese praktisyn, verpleegster, notaris, veearts, of persoon deur wie 'n lisensie of 'n magtiging of 'n vrystelling van verkryging van 'n lisensie kragtens die bepalings van die Drankwet, 1928 (Wet No. 30 van 1928), benodig is of op enige ander handelsbesigheid of beroep deur die Minister van Ekonomiese Sake by kennisgewing in die *Staatskoerant* aangewys.”.

Vervanging van artikel 14 van Wet 38 van 1945, soos gewysig deur artikel 1 van Wet 31 van 1950 en artikel 1 van Wet 74 van 1957.

2. Artikel 15 van die Hoofwet word hierby herroep.

Herroeping van artikel 15 van Wet 38 van 1945, soos gewysig deur artikel 2 van Wet 45 van 1954, artikel 1 van Wet 70 van 1956 en artikel 2 van Wet 74 van 1957.

3. Artikel 17 van die Hoofwet word hierby gewysig—
 (a) deur paragraaf (c) deur die volgende paragraaf te vervang:

Wysiging van artikel 17 van Wet 38 van 1945,

No. 69, 1968.]

ACT

To amend the Financial Relations Consolidation and Amendment Act, 1945, so as to entrust to provincial councils the power to make ordinances in relation to matters coming within the classes of subjects trades and occupations and to raise revenue from and legislate in respect of the licensing of certain trades and occupations, to clarify the meaning of the word "Minister" where it occurs for the first time in paragraph (c) of section 17 of the said Act, to empower the executive committee of the Transvaal Province to establish, maintain and control certain schools at Katima Mulilo and to provide for the transfer of certain functions from the Minister of Finance and the Treasury to the Minister of Social Welfare and Pensions and the Department of Social Welfare and Pensions, respectively; and to provide for other incidental matters.

(Afrikaans text signed by the State President.)

(Assented to 17th June, 1968.)

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

Substitution of section 14 of Act 38 of 1945, as amended by section 1 of Act 31 of 1950 and section 1 of Act 74 of 1957.

1. The following section is hereby substituted for section 14 of the Financial Relations Consolidation and Amendment Act, 1945 (hereinafter referred to as the principal Act):

"Legislative powers of provincial councils in relation to trades and occupations.

14. (1) Subject to the provisions of subsection (2), a provincial council may make ordinances in relation to matters coming within the following classes of subjects, namely, trades and occupations.

(2) The provisions of subsection (1) shall not apply to the trade or occupation of any advocate, attorney, accountant, auditor, architect, conveyancer, dentist, medical practitioner, nurse, notary, veterinary surgeon or person by whom a licence or an authority or an exemption from obtaining a licence under the provisions of the Liquor Act, 1928 (Act No. 30 of 1928), is required or to any other trade or occupation specified by the Minister of Economic Affairs by notice in the *Gazette*."

Repeal of section 15 of Act 38 of 1945, as amended by section 2 of Act 45 of 1954, section 1 of Act 70 of 1956 and section 2 of Act 74 of 1957.

2. Section 15 of the principal Act is hereby repealed.

Amendment of section 17 of Act 38 of

3. Section 17 of the principal Act is hereby amended—

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

„(c) onderwys gegee in die kuns-, (met inbegrip van ballet- en musiek-), landbou-, myn-, aptekers- en skeepvaartopleidingskole wat die Minister van Nasionale Opvoeding in oorleg met die Minister van Finansies, tot skole vir hoër onderwys verklaar;” en

soos vervang deur artikel 44 van Wet 41 van 1967.

(b) deur in paragraaf (g) die woorde „Onderwys, Kuns en Wetenskap” deur die woorde „Nasionale Opvoeding” te vervang.

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

Wysiging van artikel 18bis van Wet 38 van 1945, soos ingevoeg deur artikel 2 van Wet 31 van 1950.

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

„(b) die uitvoerende komitee van die Provinsie Transvaal om, uit fondse wat die Transvaalse Provinsiale Raad vir die doel beskikbaar gestel het—

(i) hulptoelaes te maak tot enige privaatskool wat in Lourenço Marques in die gebied Mozambique vir blanke kinders gestig is en in stand gehou word en wat na sy oordeel geskikte onderwys vir kinders van Suid-Afrikaanse burgers verskaf;

(ii) by Lourenço Marques in bedoelde gebied die skole te stig, in stand te hou en te beheer wat hy nodig ag vir die onderwys van kinders van Suid-Afrikaanse burgers wat blywend of tydelik in bedoelde gebied woonagtig is of van ouers wat hulle gewone verblyf in die Republiek het;

(iii) by Katima Mulilo in die gebied bekend as die Oostelike Caprivi Zipfel en omskryf in die Proklamasie op die Administrasie van die Oostelike Caprivi Zipfel, 1939 (Proklamasie No. 147 van 1939 van die Republiek), die skole te stig, in stand te hou en te beheer wat hy nodig ag vir die onderwys van kinders van Suid-Afrikaanse burgers wat blywend of tydelik in bedoelde gebied woonagtig is of van ouers wat hulle gewone verblyf in die Republiek het.”; en

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

„(2) ’n Ingevolge subartikel (1) (a) of (b) (ii) of (iii) gestigte skool word vir alle doeleindes geag ’n skool te wees wat binne die provinsie die uitvoerende komitee waarvan dit gestig het, gestig is: Met dien verstande dat ’n uitvoerende komitee ’n skool wat hy aldus gestig het van dié wetsbepalings op onderwys wat in sy provinsie van krag is wat hy goedvind, kan uitsluit: Met dien verstande voorts dat die uitvoerende komitee van die Provinsie Transvaal voorwaardes vir toelating tot en gelde betaalbaar vir bywoning van ’n skool wat ingevolge subartikel (1) (b) (ii) of (iii) gestig is, kan voorskryf.”.

5. Artikel 20 van die Hoofwet word hierby gewysig—

Wysiging van artikel 20 van Wet 38 van 1945.

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

„(b) word geen ordonnansie waarvan die uitwerking is dat die verpligting van ’n provinsie ten opsigte van enige pensioenskema vergroot word, sonder die toestemming van die Minister van Volkswelsyn en Pensioene ingedien nie tensy ’n aktuariële rapport vooraf verkry en vir ’n tydperk van minstens ses maande op die Tafel van die betrokke provinsiale raad gelê het;” en

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

„(d) word elke konsep-ordonnansie wat betrekking het op enige pensioenskema wat deur ’n provinsiale

1945, as substituted by section 44 of Act 41 of 1967.

“(c) education provided by such schools of art (including ballet and music), agriculture, mining, pharmacy and nautical training as the Minister of National Education may, in consultation with the Minister of Finance, declare to be schools of higher education;” and

(b) by the substitution in paragraph (g) for the words “Education, Arts and Science” of the words “National Education”.

Amendment of section 18*bis* of Act 38 of 1945, as inserted by section 2 of Act 31 of 1950.

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

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

“(b) the executive committee of the Transvaal Province, out of moneys appropriated by the Transvaal Provincial Council for the purpose—

(i) to make grants-in-aid to any private school established and maintained for European children in Lourenço Marques in the territory of Mozambique which in its opinion provides suitable education for children of South African citizens;

(ii) to establish, maintain and control at Lourenço Marques in the said territory such schools as it may deem necessary for the education of children of South African citizens permanently or temporarily resident in that territory, or of parents ordinarily resident in the Republic;

(iii) to establish, maintain and control at Katima Mulilo in the area known as the Eastern Caprivi Zipfel and described in the Eastern Caprivi Zipfel Administration Proclamation, 1939 (Proclamation No. 147 of 1939 of the Republic), such schools as it may deem necessary for the education of children of South African citizens permanently or temporarily resident in that area or of parents ordinarily resident in the Republic.”; and

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

“(2) Any school established under subsection (1) (a) or (b) (ii) or (iii) shall for all purposes be deemed to be a school established within the province the executive committee of which established it: Provided that an executive committee may exclude any school so established by it from such provisions of the laws relating to education in force in its province as it may deem fit: Provided further that the executive committee of the Transvaal Province may prescribe conditions of admission to and fees payable for attendance at any school established under subsection (1) (b) (ii) or (iii).”.

Amendment of section 20 of Act 38 of 1945.

5. Section 20 of the principal Act is hereby amended—

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

“(b) no ordinance the effect whereof is to increase the liability of a province in respect of any pension scheme shall be introduced without the consent of the Minister of Social Welfare and Pensions, unless an actuarial report has previously been obtained and has laid upon the Table of the provincial council concerned for a period of at least six months;” and

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

“(d) every draft ordinance relating to any pension scheme administered or to be administered by a

administrasie geadministreer word of geadmini-
streer moet word, minstens twee maande voor
sy indiening aan die Departement van Volkswelsyn
en Pensioene voorgelê.”.

6. Die Eerste Bylae by die Hoofwet word hierby gewysig deur
na paragraaf 6 die volgende paragraaf in te voeg:

„6A. Die lisensiëring van handelsbesighede en beroepe
in verband waarmee 'n provinsiale raad by artikel 14 ge-
magtig word om ordonnansies te maak.”.

Wysiging van
Eerste Bylae
by Wet 38 van
1945, soos
gewysig deur
artikel 1 van
Wet 22 van
1946, artikel
2 van Wet 70
van 1956 en
artikel 26 van
Wet 6 van
1963.

7. Die Tweede Bylae by die Hoofwet word hierby gewysig
deur paragraaf 21 te skrap.

Wysiging van
Tweede Bylae
by Wet 38 van
1945, soos
gewysig deur
artikel 2 van
Wet 22 van
1946, artikels
1, 2 en 3 van
Wet 8 van 1949,
artikel 3 van
Wet 31 van 1950,
artikel 4 van
Wet 45 van 1954,
artikel 3 van
Wet 70 van 1956,
artikel 5 van
Wet 25 van 1959,
artikel 2 van
Wet 28 van 1959,
artikel 2 van
Wet 3 van 1965
en artikel 2 van
Wet 45 van 1967.

8. 'n Provinsiale raad kan by ordonnansie die bepalings van
die Wet op Lisensies, 1962, vir sover sodanige bepalings op sy
provinsie van toepassing is en betrekking het op handelsbesig-
hede en beroepe in verband waarmee hy by artikel 14 van die
Hoofwet, soos deur artikel 1 van hierdie Wet vervang, gemagtig
word om ordonnansies te maak, herroep of van tyd tot tyd
wysig.

Herroeping of
wysiging van
Wet 44 van 1962
deur
provinsiale rade.

9. Hierdie Wet heet die Verdere Wysigingswet op Finansiële Kort titel.
Verhoudings, 1968.

provincial administration shall at least two months before its introduction be submitted to the Department of Social Welfare and Pensions.”.

Amendment of First Schedule to Act 38 of 1945, as amended by section 1 of Act 22 of 1946, section 2 of Act 70 of 1956 and section 26 of Act 6 of 1963.

6. The First Schedule to the principal Act is hereby amended by the insertion after paragraph 6 of the following paragraph:

“6A. Licensing of trades and occupations in relation to which a provincial council is by section 14 empowered to make ordinances.”.

Amendment of Second Schedule to Act 38 of 1945, as amended by section 2 of Act 22 of 1946, sections 1, 2 and 3 of Act 8 of 1949, section 3 of Act 31 of 1950, section 4 of Act 45 of 1954, section 3 of Act 70 of 1956, section 5 of Act 25 of 1959, section 2 of Act 28 of 1959, section 2 of Act 3 of 1965 and section 2 of Act 45 of 1967.

7. The Second Schedule to the principal Act is hereby amended by the deletion of paragraph 21.

Repeal or amendment of Act 44 of 1962 by provincial councils.

8. A provincial council may by ordinance repeal or from time to time amend the provisions of the Licences Act, 1962, in so far as such provisions apply to its province and relate to trades and occupations in relation to which it is by section 14 of the principal Act, as substituted by section 1 of this Act, empowered to make ordinances.

Short title.

9. This Act shall be called the Financial Relations Further Amendment Act, 1968.

No. 71, 1968.]

WET

Om voorsiening te maak vir sekere verbodsbepalings en beperkings ten opsigte van die besit, vervaardiging, verkoop of verskaffing van sekere voorwerpe; om voorsiening te maak vir die oplegging van voorgeskrewe strawwe waar gevaarlike wapens of vuurwapens by die pleeg van misdrywe waarby geweld betrokke is, gebruik is; om artikels 10 en 10bis van die Algemene Regswysigingswet, 1949, te herroep; en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 20 Junie 1968.)

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

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

- (i) „gevaarlike wapen” enige voorwerp, behalwe ’n vuurwapen, wat waarskynlik ernstige liggaamlike letsel sal veroorsaak indien dit gebruik sou word om ’n aanranding te pleeg; (i)
- (ii) „Minister” die Minister van Justisie; (iii)
- (iii) „vuurwapen” ’n wapen soos in artikel 36 van die Wapens- en Ammunisiewet, 1937 (Wet No. 28 van 1937), omskryf. (ii)

2. (1) Iemand wat in besit is van ’n gevaarlike wapen, of van ’n voorwerp wat so na ’n vuurwapen lyk dat, onder omstandighede soos dié waaronder so iemand in besit daarvan is, dit waarskynlik vir ’n werklike vuurwapen aangesien sou word, is aan ’n misdryf skuldig, tensy hy kan bewys dat hy te gener tyd die bedoeling gehad het om sodanige wapen of voorwerp vir ’n onregmatige doel te gebruik nie, en is by skuldigbevinding strafbaar met ’n boete van hoogstens tweehonderd rand of met gevangenisstraf vir ’n tydperk van hoogstens twaalf maande of met sowel sodanige boete as sodanige gevangenisstraf.

Verbod op die besit van gevaarlike wapens en sekere ander voorwerpe.

(2) Die Minister kan van tyd tot tyd by kennisgewing in die *Staatskoerant* en onderworpe aan die vrystellings wat in sodanige kennisgewing vermeld word of waarvoor daarin voorsiening gemaak word, enige persoon of enige persoon wat tot ’n klas persone behoort wat in sodanige kennisgewing vermeld word, verbied om te eniger tyd of gedurende ’n aldus vermelde tydperk en of in die algemeen of by of in ’n aldus vermelde plek of gebied in besit te wees van ’n voorwerp wat tot ’n klas of soort voorwerp behoort wat na die Minister se oordeel ’n gevaarlike wapen is en wat in sodanige kennisgewing vermeld word.

(3) Iemand wat in besit is van ’n voorwerp in stryd met die bepalinge van ’n kragtens subartikel (2) uitgevaardigde kennisgewing, is aan ’n misdryf skuldig en by skuldigbevinding strafbaar met die in subartikel (1) voorgeskrewe strawwe.

(4) Die Minister kan ’n kragtens subartikel (2) uitgevaardigde kennisgewing te eniger tyd by kennisgewing in die *Staatskoerant* wysig of intrek.

3. (1) Die Minister kan van tyd tot tyd by kennisgewing in die *Staatskoerant* die vervaardiging, verkoop of verskaffing van ’n voorwerp wat tot ’n klas of soort voorwerp behoort wat na sy oordeel ’n gevaarlike wapen is en wat in sodanige kennisgewing vermeld word, verbied.

Verbod op die vervaardiging, verkoop of verskaffing van gevaarlike wapens.

No. 71, 1968.]

ACT

To provide for certain prohibitions and restrictions in respect of the possession, manufacture, sale or supply of certain objects; to provide for the imposition of prescribed sentences where dangerous weapons or firearms have been used in the commission of offences involving violence; to repeal sections 10 and 10bis of the General Law Amendment Act, 1949; and to provide for incidental matters.

*(Afrikaans text signed by the State President.)
(Assented to 20th June, 1968.)*

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

Definitions.

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

- (i) "dangerous weapon" means any object, other than a firearm, which is likely to cause serious bodily injury if it were used to commit an assault; (i)
- (ii) "firearm" means an arm as defined in section 36 of the Arms and Ammunition Act, 1937 (Act No. 28 of 1937); (iii)
- (iii) "Minister" means the Minister of Justice. (ii)

Prohibition of the possession of dangerous weapons and certain other objects.

2. (1) Any person who is in possession of any dangerous weapon, or of any object which so resembles a firearm that, under circumstances such as those under which such person is in possession thereof, it is likely to be mistaken for a real firearm, shall be guilty of an offence, unless he is able to prove that he at no time had any intention of using such weapon or object for any unlawful purpose, and shall on conviction be liable to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding twelve months or to both such fine and such imprisonment.

(2) The Minister may from time to time by notice in the *Gazette* and subject to such exemptions as may be specified in such notice or as may be provided for therein, prohibit any person or any person belonging to any class of persons specified in such notice, from being in possession at any time or during any period so specified and either generally or at or in any place or area so specified of any object belonging to a class or kind of object which, in the opinion of the Minister, is a dangerous weapon and which is specified in such notice.

(3) Any person who is in possession of any object in contravention of the provisions of any notice issued in terms of subsection (2), shall be guilty of an offence and liable on conviction to the penalties prescribed in subsection (1).

(4) The Minister may at any time by notice in the *Gazette* amend or repeal any notice issued in terms of subsection (2).

Prohibition of the manufacture, sale or supply of dangerous weapons.

3. (1) The Minister may from time to time by notice in the *Gazette* prohibit the manufacture, sale or supply of any object belonging to a class or kind of object which, in his opinion, is a dangerous weapon, and which is specified in such notice.

(2) Die Minister kan by kennisgewing in die *Staatskoerant* en onderworpe aan die voorwaardes wat hy bepaal, 'n in die kennisgewing vermelde persoon of klas persone of 'n ander persoon of klas persone as 'n aldus vermelde persoon of klas persone, of in die algemeen of onder die omstandighede wat aldus vermeld word en of vir 'n onbepaalde tydperk of vir die tydperk wat aldus vermeld word, van die toepassing van enige van of al die bepalings van 'n kragtens subartikel (1) uitgevaardigde kennisgewing vrystel.

(3) Iemand wat 'n voorwerp in stryd met die bepalings van 'n kragtens subartikel (1) uitgevaardigde kennisgewing vervaardig, verkoop of verskaf, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens driehonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens agtien maande of met sowel sodanige boete as sodanige gevangenisstraf.

(4) By die toepassing van subartikels (1) en (3) beteken „verkoop” ook vir verkoop aanbied, vir verkoop hou of in 'n plek hou waar goedere verkoop, vir verkoop aangebied of vir verkoop gehou word.

(5) Die Minister kan 'n kragtens hierdie artikel uitgevaardigde kennisgewing te eniger tyd by kennisgewing in die *Staatskoerant* wysig of intrek.

4. (1) Wanneer iemand bo die ouderdom van agtien jaar skuldig bevind word aan 'n misdryf waarby geweld teenoor 'n ander persoon betrokke is en bewys is dat hy sodanige ander persoon deur gebruikmaking van 'n gevaarlike wapen of 'n vuurwapen gedood of beseer het, word hy, behalwe wanneer die doodstraf of die by artikel 334ter of 334quat van die Strafproseswet, 1955 (Wet No. 56 van 1955), voorgeskrewe straf opgelê word of hy ingevolge artikel 335 van daardie Wet 'n gewoontemisdadiger verklaar word, ondanks andersluidende wetsbepalings, gevangenisstraf vir 'n tydperk van minstens twee jaar en, indien hy voor 'n landdroshof aldus skuldig bevind word, hoogstens agt jaar, opgelê, en kan hy, benewens enige sodanige straf, lyfstraf van hoogstens tien houes opgelê word: Met dien verstande dat indien die hof oortuig is dat daar omstandighede is wat die oplegging van 'n ligter straf as die by hierdie artikel voorgeskrewe straf regverdig, hy daardie omstandighede in die notule van die verrigtinge aanteken en dan die persoon wat aldus skuldig bevind word, gevangenisstraf vir 'n tydperk wat minder as twee jaar is, kan oplê.

(2) Ondanks andersluidende wetsbepalings, word daar met geen persoon ten opsigte van wie die oplegging van gevangenisstraf ingevolge subartikel (1) verpligtend is, kragtens artikel 342, 345 of 352 van die Strafproseswet, 1955, gehandel nie.

(3) (a) Die bepalings van subartikels (1) en (2) is slegs van toepassing ten opsigte van 'n in subartikel (1) bedoelde misdryf wat gepleeg word in 'n gebied waarop die Minister sodanige bepalings by kennisgewing in die *Staatskoerant* van toepassing verklaar het.

(b) Die Minister kan 'n kragtens paragraaf (a) uitgevaardigde kennisgewing te eniger tyd by kennisgewing in die *Staatskoerant* wysig of intrek.

5. Ondanks andersluidende wetsbepalings, maar behoudens die bepalings van artikel 4 (1), is 'n landdroshof regsbevoeg om enige by hierdie Wet voorgeskrewe straf op te lê.

6. Artikels 10 en 10bis van die Algemene Regswysigingswet, 1949, word hierby herroep.

Strawwe wanneer gevaarlike wapens of vuurwapens gebruik word by die pleeg van misdrywe waarby geweld betrokke is.

Regsbevoegdheid van landdroshowe.

Herroeping van artikel 10 van Wet 54 van 1949, soos gewysig deur artikel 22 van Wet 32 van 1952 en artikel 28 van Wet 62 van 1955 en van artikel 10bis van Wet 54 van 1949, soos ingevoeg deur artikel 29 van Wet 62 van 1955.

7. Hierdie Wet heet die Wet op Gevaarlike Wapens, 1968.

Kort titel.

(2) The Minister may by notice in the *Gazette* and subject to such conditions as he may determine, exempt any person or class of persons specified in such notice, or any person or class of persons other than any person or class of persons so specified, either generally or under such circumstances as may be so specified and either indefinitely or for such period as may be so specified, from the operation of any or all of the provisions of any notice issued in terms of subsection (1).

(3) Any person who manufactures, sells or supplies any object in contravention of the provisions of any notice issued in terms of subsection (1), shall be guilty of an offence and liable on conviction to a fine not exceeding three hundred rand or to imprisonment for a period not exceeding eighteen months or to both such fine and such imprisonment.

(4) For the purposes of subsections (1) and (3), "sell" includes to offer for sale, to keep for sale or to keep in a place where goods are sold, offered or kept for sale.

(5) The Minister may at any time by notice in the *Gazette* amend or repeal any notice issued in terms of this section.

Penalties when dangerous weapons or firearms are used in the commission of offences involving violence.

4. (1) Whenever any person above the age of eighteen years is convicted of an offence involving violence to any other person and it has been proved that he killed or injured such other person by using a dangerous weapon or a firearm, he shall, except when the death sentence or the punishment prescribed by section 334*ter* or 334*quat* of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), is imposed or he is in terms of section 335 of that Act declared an habitual criminal, notwithstanding anything to the contrary in any law contained, be sentenced to imprisonment for a period of not less than two years and, if he is so convicted by a magistrate's court, not exceeding eight years, and may in addition to any such punishment, be sentenced to a whipping not exceeding ten strokes: Provided that if the court is of the opinion that there are circumstances which justify the imposition of a lighter sentence than the punishment prescribed by this section, it shall enter those circumstances on the record of the proceedings and may thereupon impose on the person so convicted a sentence of imprisonment for a period which is less than two years.

(2) Notwithstanding anything to the contrary in any law contained, no person in respect of whom the imposition of a sentence of imprisonment is compulsory in terms of subsection (1), shall be dealt with under section 342, 345 or 352 of the Criminal Procedure Act, 1955.

(3) (a) The provisions of subsections (1) and (2) shall apply only in respect of an offence referred to in subsection (1) which is committed in an area to which the Minister has, by notice in the *Gazette*, declared such provisions to be applicable.

(b) The Minister may at any time by notice in the *Gazette* amend or repeal any notice issued in terms of paragraph (a).

Jurisdiction of magistrates' courts.

5. Notwithstanding anything to the contrary in any law contained, but subject to the provisions of section 4(1), a magistrate's court shall have jurisdiction to impose any sentence provided for by this Act.

Repeal of section 10 of Act 54 of 1949, as amended by section 22 of Act 32 of 1952 and section 28 of Act 62 of 1955 and of section 10*bis* of Act 54 of 1949, as inserted by section 29 of Act 62 of 1955.

6. Sections 10 and 10*bis* of the General Law Amendment Act, 1949, are hereby repealed.

Short title.

7. This Act shall be called the Dangerous Weapons Act, 1968.

WET

Tot samevatting en wysiging van die wetsbepalings betreffende die besit, demarkering, beskerming, bestuur en benutting van bosse, die bestryding en voorkoming van brande, en die reëling en beheer van handel met en die verwydering, uitvoer of invoer van bosprodukte; en om vir ander bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 20 Junie 1968.)

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

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

- (i) „boom” ook enige plantsoort, met inbegrip van enige saailing, jong boompie, oorplantseel of stomploot van enige ouderdom; (xvii)
- (ii) „bosbeampte” die bekleër van ’n kragtens artikel 3 (2) aangewese pos; (v)
- (iii) „bosproduk”—
 - (a) enigiets wat deur bome voortgebring word of wat in ’n bos gekweek word of groei, en ook bome, timmerhout, hout, brandhout, pale, latte, kraalhout, takke, skale, spaanders, saagsels, houtskool, plante, gras, riete, dekgras, biesies, turf, klimplante, blare, mos, afval, humus, blomme, varings, vrugte, saad, wortels, bolle, kruie, bas, rubbermelk, gom, hars, sap en vlugtige olies; en
 - (b) wild, voëls, velle, horings, ivoor, vis, heuning, was, bye, skulpe, grond, klippe, sand en enige ander voorwerp wat natuurlikerwys in ’n bos aangetref word of daaruit verkry word; (vi)
- (iv) „brandstrook” ’n strook grond, met of sonder bome daarop, waarvan ontvlambare materiaal verwyder is ten einde veld- of bosbrande of die verspreiding daarvan te voorkom; (iii)
- (v) „departement” die Departement van Bosbou; (ii)
- (vi) „gedemarkeerde bos” enige stuk Staatsgrond wat ooreenkomstig die bepalinge van artikel 8 tot ’n gedemarkeerde bos verklaar is; (i)
- (vii) „hierdie Wet” ook die regulasies; (xv)
- (viii) „Minister” die Minister van Bosbou; (viii)
- (ix) „ongedemarkeerde bos”—
 - (a) Staatsgrond (wat nie gedemarkeerde bos is nie) wat vir die doeleindes van hierdie Wet verkry of, met die instemming van die Minister van Landbou, voorbehou is; en
 - (b) alle bome op—
 - (i) Staatsgrond (wat nie gedemarkeerde bos is nie); of
 - (ii) ander grond, indien die reg op daardie bome aan die Staat voorbehou is; (xviii)

ACT

To consolidate and amend the laws relating to the tenure, demarcation, protection, management and utilization of forests, the combating and prevention of fires, and the regulation and control of trading in and the removal, exportation or importation of forest produce; and to provide for other incidental matters.

(English text signed by the State President.)

(Assented to 20th June, 1968.)

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

Definitions.

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

- (i) "demarcated forest" means any area of State land which has, in accordance with the provisions of section 8, been declared to be a demarcated forest; (vi)
- (ii) "department" means the Department of Forestry; (v)
- (iii) "fire-belt" means a strip of land, whether under trees or not, which has been cleared of inflammable matter to prevent veld or forest fires or the spread thereof; (iv)
- (iv) "fodder tree" means a tree of which the leaves, bark, fruit or seed can be used as a stock feed and which has been declared by the Minister by notice in the *Gazette* to be a fodder tree; (xviii)
- (v) "forest officer" means the incumbent of a post designated under section 3 (2); (ii)
- (vi) "forest produce" means—
 - (a) anything which is produced by trees or is grown or grows in a forest, and includes trees, timber, wood, firewood, poles, laths, kraalwood, branchwood, slabs, chips, sawdust, charcoal, plants, grass, reeds, thatch, rushes, peat, creepers, leaves, moss, litter, humus, flowers, ferns, fruit, seeds, roots, bulbs, spices, bark, rubber latex, gum, oleoresin, sap and essential oils; and
 - (b) game, birds, skins, horns, ivory, fish, honey, wax, bees, shells, earth, stones, sand and any other things naturally found in or obtained from a forest; (iii)
- (vii) "local authority" means any institution or body contemplated in section 84 (1) (f) of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961); (x)
- (viii) "Minister" means the Minister of Forestry; (viii)
- (ix) "plantation" means any area of land utilized or set aside for the establishment of trees; (xi)
- (x) "police officer" means a member of any police force established by law in the Republic; (xii)

- (x) „plaaslike bestuur” ’n instelling of liggaam in artikel 84 (1) (f) van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961), bedoel; (vii)
- (xi) „plantasie” ’n stuk grond wat gebruik word of afgesonder is vir die vestiging van bome; (ix)
- (xii) „polisiebeampte” ’n lid van enige by wet ingestelde polisiemag in die Republiek; (x)
- (xiii) „private bos” ’n bos of plantasie geleë op grond wat nie aan die Staat behoort nie, maar sluit nie ’n bos of plantasie in nie wat geleë is op grond ten opsigte waarvan die Staat kragtens grondbrief of ander akte die reg tot die bome daarop behou; (xi)
- (xiv) „regulasie” ’n regulasie wat kragtens hierdie Wet gemaak is of wat geag word daarkragtens gemaak te gewees het; (xii)
- (xv) „Sekretaris” die Sekretaris van Bosbou; (xiii)
- (xvi) „Staatsbos” ’n gedemarkeerde of ongedemarkeerde bos en ook ’n Staatsplantasie, ’n Staatsaagmeul, ’n Staatshoutverduursamingsinrigting en ’n gebied wat deur die departement beheer en bestuur word vir die doel van bewaring van watervoorrade of die voorkoming van sandbeweging of gronderosie of die beskerming van inheemse bosse; (xiv)
- (xvii) „timmerhout” alle hout bevat in bome, hetsy staande, omgeval of afgekap, en alle hout hetsy in die Republiek geproduseer of ingevoer, en hetsy gesaag, gekloof, gekap of geskaaf of op ’n ander wyse bewerk of verwerk; (xvi)
- (xviii) „voerboom” ’n boom waarvan die blare, bas, vrugte of saad as veevoer gebruik kan word en wat deur die Minister by kennisgewing in die *Staatskoerant* tot ’n voerboom verklaar is. (iv)

2. (1) Behalwe soos in hierdie Wet anders bepaal word, is die Toepassing van bepaling daarvan nie van toepassing nie op grond in ’n streek waarna verwys word in artikel 25 (1) van die Bantoe-administrasie Wet, 1927 (Wet No. 38 van 1927), of grond waarna verwys word in artikel 21 (1) van die Bantoe-trust en -grond Wet, 1936 (Wet No. 18 van 1936), wat nie ’n gedemarkeerde bos is nie.

(2) (a) Op skriftelike versoek van die eienaar van ’n private bos kan die Minister, indien hy oortuig is dat die openbare belang nie daardeur benadeel sal word nie, enige bepaling van hierdie Wet wat slegs op Staatsbosse betrekking het en wat hy nodig ag vir beter bewaring van bedoelde bos en vir beter beskerming van die bome en ander bosprodukte daarin, by kennisgewing in die *Staatskoerant* op daardie private bos van toepassing maak.

(b) So ’n kennisgewing moet die betrokke gebied duidelik omskryf en kan by dergelike kennisgewing ingetrek of (met die toestemming van die eienaar) gewysig word.

(3) Onderworpe aan die skriftelike goedkeuring van die Sekretaris, besit ’n persoon wat spesiaal deur ’n private bosienaar of ’n plaaslike bestuur as bosbeampte aangestel is, ten opsigte van ’n private bos onder die beheer van sodanige eienaar of bestuur, na gelang van die geval, al die bevoegdhede wat deur hierdie Wet aan bosbeamptes van die departement verleen word.

3. (1) Die Minister kan van tyd tot tyd aan die Sekretaris of aan ’n ander senior beampte van die departement enige van of al die bevoegdhede wat hierdie Wet aan hom verleen, behalwe die bevoegdheid om regulasies uit te vaardig, delegeer. Delegering van bevoegdhede en ander administratiewe bepalinge.

(2) Die Sekretaris kan van tyd tot tyd die poste in die departement aanwys waarvan die bekleërs bosbeamptes is.

(3) Die Sekretaris kan van tyd tot tyd ’n beampte van die departement magtig om enige van die bevoegdhede, werksaamhede of pligte wat deur hierdie Wet aan die Sekretaris verleen of toegewys word, of hom opgelê word, namens hom uit te oefen, te verrig of uit te voer.

- (xi) "private forest" means a forest or plantation situated on land not owned by the State, but does not include a forest or plantation on land in respect of which the State by deed of grant or other document retains the right to the trees thereon; (xiii)
- (xii) "regulation" means any regulation made or deemed to have been made under this Act; (xiv)
- (xiii) "Secretary" means the Secretary for Forestry; (xv)
- (xiv) "State forest" means any demarcated or undemarcated forest and includes a State plantation, a State sawmill, a State timber preservation plant and any area controlled and managed by the department for the purpose of the conservation of water supplies or the prevention of sand drift or soil erosion or the protection of indigenous forests; (xvi)
- (xv) "this Act" includes the regulations; (vii)
- (xvi) "timber" means all wood contained in trees, whether standing, fallen or felled, and all wood, whether produced in or imported into the Republic, and whether sawn, split, hewn or planed or otherwise fashioned or processed; (xvii)
- (xvii) "tree" includes any plant species including any seedling, sapling, transplant or coppice shoot of any age; (i)
- (xviii) "undemarcated forest" means—
 - (a) any State land (not being demarcated forest) acquired, or with the concurrence of the Minister of Agriculture reserved, for the purposes of this Act; and
 - (b) all trees on—
 - (i) State land (not being demarcated forest); or
 - (ii) any other land, if the right to such trees has been reserved to the State. (ix)

Application of Act.

2. (1) Save as is otherwise provided in this Act, the provisions thereof shall not apply to any land in any area referred to in section 25 (1) of the Bantu Administration Act, 1927 (Act No. 38 of 1927), or any land referred to in section 21 (1) of the Bantu Trust and Land Act, 1936 (Act No. 18 of 1936), which is not a demarcated forest.

(2) (a) Upon the written request of the owner of any private forest, the Minister may, if he is satisfied that the public interest will not be prejudiced thereby, by notice in the *Gazette* apply to that private forest any provisions of this Act which relate to State forests only and which he may deem necessary for the better preservation of the said forest and for the better protection of the trees and other forest produce therein.

(b) Any such notice shall clearly specify the area affected and may by like notice be withdrawn or (with the consent of the owner) amended.

(3) Subject to the written approval of the Secretary a person specially appointed by any private forest owner or any local authority as forest officer shall, in respect of any private forest under the control of such owner or authority, as the case may be, have all the powers conferred on forest officers of the department by this Act.

Delegation of powers and other administrative provisions.

3. (1) The Minister may from time to time delegate all or any of the powers conferred upon him by this Act, save the power to make regulations, to the Secretary or to any other senior officer of the department.

(2) The Secretary may from time to time designate the posts in the department the incumbents of which shall be forest officers.

(3) The Secretary may from time to time authorize any officer of the department to exercise, carry out or perform on his behalf any of the powers, functions or duties conferred upon, assigned to or imposed upon him by this Act.

4. Indien grond of 'n reg of belang in of oor grond na die oordeel van die Minister van Landbou benodig is vir die daarstelling van, of vir 'n ander doel in verband met, 'n Staatsbos, of om die departement in staat te stel om sy bevoegdhede, werksaamhede of pligte in verband met 'n Staatsbos uit te oefen, te verrig of uit te voer, kan hy daardie grond of reg of belang onteien en in verband met sodanige onteiening geld die bepalings van die Onteieningswet, 1965 (Wet No. 55 van 1965).

Onteiening van grond vir bosbou- en ander doeleindes.

5. (1) Wanneer die Minister, ten opsigte van grond wat nie 'n Staatsbos is nie, dit in die openbare belang raadsaam ag dat 'n boom of soort boom of 'n bos of 'n gedeelte daarvan beskerm moet word, kan hy by kennisgewing in die *Staatskoerant* daardie boom of daardie soort boom of daardie bos of gedeelte daarvan beskerm verklaar.

Beskerming van bosse of bome teen kap, ens.

(2) Na die publikasie van sodanige kennisgewing mag niemand, behoudens die bepalings van artikels 13 en 14, daardie beskermde boom of 'n boom wat aan daardie beskermde boomsoort behoort of 'n boom in daardie bos of gedeelte daarvan wat beskerm verklaar is, kap, beskadig of vernietig nie, behalwe met die skriftelike toestemming van die Minister en op die voorwaardes wat hy bepaal.

(3) 'n Kennisgewing kragtens subartikel (1) kan by dergelike kennisgewing ingetrek of gewysig word.

6. (1) Die eienaar van grond of 'n bos ten opsigte waarvan die Minister die bevoegdhede uitgeoefen het wat kragtens artikel 5 (1) aan hom verleen is, het die reg om—

Vergoeding vir verlies weens kennisgewing kragtens artikel 5.

(a) skadevergoeding te verhaal vir vermoënskade wat gelyk word as gevolg van 'n weiering om toestemming tot kap te verleen of as gevolg van die ople van beswarende beperkings deur die Minister kragtens artikel 5 (2): Met dien verstande dat geen sodanige skadevergoeding verhaal kan word nie ten opsigte van 'n weiering of beperking wat betrekking het op 'n lewende inheemse voerboom; of

(b) te eis dat die hoewe waarop sodanige bos geleë is, ooreenkomstig die bepalings van artikel 4 onteien word: Met dien verstande dat geen hoewe uit hoofde van so 'n eis onteien mag word nie tensy die in artikel 2 van die Wet op Grondbesit, 1966 (Wet No. 32 van 1966), bedoelde Raad op Grondbesit van oordeel is dat die werking van artikel 5 (2) 'n wesentlike belemmering van die eienaar se voordelige okkupering van sy hoewe tot gevolg sal hê, of tot gevolg sal hê dat 'n aansienlike gedeelte daarvan nie-beskikbaar gemaak word vir die doel waarvoor daardie gedeelte ten tyde van die publikasie van die toepaslike kennisgewing in gebruik was.

(2) Die bedrag van skadevergoeding kragtens subartikel (1) (a) verhaalbaar, word, by ontstentenis van ooreenkoms, deur die hof vasgestel en die bepalings van artikels 7, 9 en 10 van die Onteieningswet, 1965, geld *mutatis mutandis* by die vasstelling van sodanige bedrag.

(3) By die toepassing van hierdie artikel beteken „hoeve”—

(a) 'n stuk grond deur 'n persoon kragtens afsonderlike toekenning, transportakte of titelsertifikaat gehou; of

(b) 'n stuk grond wat kragtens 'n huurkontrak, lisensie of toekenning van die Staat gehou word, met 'n opsie om die stuk grond te koop, mits die dokument wat die huurkontrak, lisensie of toekenning bevat, in 'n aktekantoor of ander registrasiekantoor of 'n landmeter-generaal se kantoor geregistreer is.

7. (1) (a) Die Minister kan by kennisgewing in die *Staatskoerant* 'n Staatsbos of 'n omskrewre gedeelte daarvan afsonder as 'n natuurreservaat vir die bewaring van bosse, natuurskoon en bosprodukte of as 'n beskermingsbos vir die bewaring van watervoorrade of die voorkoming van sandbeweging of gronderosie en die beheer en bestuur van 'n Staatsbos of 'n gedeelte daarvan wat aldus afgesonder is, berus by die departement.

Natuurreservate en beskermingsbosse.

Expropriation
of land for
forestry and
other purposes.

4. If in the opinion of the Minister of Agriculture any land or any right or interest in or over land is required for the establishment of, or for any other purpose in connection with, a State forest or to enable the department to exercise, perform or carry out its powers, duties or functions in connection with any State forest he may expropriate such land or right or interest and the provisions of the Expropriation Act, 1965 (Act No. 55 of 1965), shall apply in connection with such expropriation.

Protection of
forests or
trees from
cutting, etc.

5. (1) Whenever the Minister in respect of any land, not being a State forest, deems it expedient in the public interest that any tree or species of trees or the whole or any part of a forest shall be protected, he may by notice in the *Gazette* declare such tree or such species of trees or such forest or part thereof protected.

(2) After the publication of such notice no person shall, subject to the provisions of sections 13 and 14, cut, injure or destroy such protected tree or any tree belonging to such protected species of trees or any tree in such forest or part thereof which has been declared protected, except with the written consent of the Minister and subject to such conditions as he may determine.

(3) Any notice under subsection (1) may by like notice be withdrawn or amended.

Compensation for
loss due to
notice under
section 5.

6. (1) The owner of any land or forest in respect of which the Minister has exercised the powers conferred upon him under section 5 (1) shall be entitled—

(a) to recover damages for patrimonial loss resulting from a refusal to consent to cutting or from the imposition of onerous restrictions by the Minister under section 5 (2): Provided that no such damages shall be recoverable in respect of any refusal or restriction which relates to any living indigenous fodder tree; or

(b) to demand that the holding on which such forest is situated shall be expropriated in accordance with the provisions of section 4: Provided that no holding shall be expropriated in pursuance of any such demand unless the Land Tenure Board referred to in section 2 of the Land Tenure Act, 1966 (Act No. 32 of 1966), is of the opinion that the operation of section 5 (2) will result in a substantial interference with such owner's beneficial occupation of his holding or the rendering of a substantial portion thereof unavailable for the purpose for which such portion was being used at the time of the publication of the relative notice.

(2) The amount of damages recoverable under subsection (1) (a) shall, in the absence of agreement, be determined by the court and the provisions of sections 7, 9 and 10 of the Expropriation Act, 1965, shall *mutatis mutandis* apply in the determination of such amount.

(3) For the purposes of this section "holding" means—

(a) any area of land held by any person under separate grant, deed of transfer or certificate of title; or

(b) any area of land held under lease, licence or allotment, from the State, with an option to purchase such area, provided the instrument of such lease, licence or allotment is registered in a deeds office or other registration office or surveyor-general's office.

Nature reserves
and protection
forests.

7. (1) (a) The Minister may by notice in the *Gazette* set aside any State forest or any defined portion thereof as a nature reserve for the preservation of forests, natural scenery and forest produce, or as a protection forest for the conservation of water supplies or the prevention of sand drift or soil erosion, and the control and management of any State forest or portion thereof so set aside shall vest in the department.

(b) So 'n kennisgewing moet die gebied wat afgesonder is duidelik omskryf en kan by dergelike kennisgewing ingetrek of gewysig word.

(2) Behoudens die bepalings van artikels 13 en 14, mag niemand op grond wat kragtens subartikel (1) afgesonder is, enige bosprodukte kap, versteur, beskadig, neem, versamel, vernietig of verwyder nie: Met dien verstande dat niks hierin vervat die Sekretaris verhinder nie om op bedoelde grond die maatreëls te tref wat hy nodig ag vir die beskerming daarvan teen brand, sandbeweging of gronderosie, of vir die bewaring van water, bosprodukte of veld, of vir die uitroeiing van skadelike onkruid en plaë, of vir die beheer van diere die teenwoordigheid waarvan na die Minister se oordeel 'n oorlas uitmaak of nadelig is of kan word vir die oogmerke waarvoor die natuurreservaat of beskermingsbos afgesonder is.

8. (1) (a) Indien die Minister, na oorweging van 'n skriftelike verslag wat deur die Sekretaris voorgelê is, van oordeel is dat dit nodig is vir die beter bereiking van die doelstellings en oogmerke van hierdie Wet dat grond wat ongedemarkeerde bos is, omskep moet word in gedemarkeerde bos, moet hy—

Prosedure vir demarkeering of onttrekking aan demarkeering van Staatsbosgrond.

(i) 'n kennisgewing van sy voorneme om die betrokke grond tot 'n gedemarkeerde bos te verklaar, drie maal met tussenpose van minstens een week in die *Staatskoerant* en in minstens een Afrikaanse en een Engelse nuusblad in omloop in die distrik waarin die grond geleë is, laat publiseer;

(ii) 'n afskrif van sodanige kennisgewing per aangezekende pos laat stuur aan die liggaam wat deur hom erken word as verteenwoordigend van die georganiseerde landbou in sodanige distrik; en

(iii) 'n afskrif van sodanige verslag tesame met 'n landmetersdiagram of 'n kaart of sketsplan wat die grense van die grond wat gedemarkeer staan te word, duidelik aandui, by die kantoor van die landdros van die distrik waarin die grond geleë is laat indien en dit, sonder dat enige gelde daarvoor gehef word, vir enige lid van die publiek ter insae beskikbaar laat hou tot na verstryking van die tydperk waarin ingevolge paragraaf (b) beswaar gemaak kan word.

(b) Binne 'n tydperk van een maand vanaf die datum van die laaste publikasie van sodanige kennisgewing in die *Staatskoerant* kan enige persoon wat teen die demarkeering van die betrokke grond beswaar wil maak, 'n beswaar met vermelding van die redes waarom hy teen die voorgestelde demarkeering beswaar maak, skriftelik by die Minister indien.

(c) Die Minister kan sodanige beswaar na goeëddunke handhaaf of verwerp.

(d) Indien na verstryking van genoemde tydperk van een maand geen sodanige beswaar ingedien is nie, of indien 'n beswaar wat wel ingedien is, deur die Minister verwerp word, kan hy by kennisgewing in die *Staatskoerant* die grond of 'n omskrewe gedeelte daarvan tot 'n gedemarkeerde bos verklaar.

(2) Geen grond wat tot gedemarkeerde bos verklaar is of enige deel daarvan mag aan demarkeering onttrek word nie, behalwe met die goedkeuring, by besluit, van die Senaat en die Volksraad.

(3) Wanneer die Senaat en die Volksraad by besluit volgens subartikel (2) die onttrekking aan demarkeering van grond wat tot gedemarkeerde bos verklaar is, of enige deel daarvan, goedgekeur het, moet bedoelde grond by kennisgewing in die *Staatskoerant* aan demarkeering onttrek word.

9. (1) Ondanks andersluidende wetsbepalings, kan geen serwituut of ander reg van watter aard ook al ten opsigte van enige gedeelte van 'n Staatsbos deur verjaring verkry word nie, en word geen sodanige serwituut of ander reg, behalwe met die goedkeuring by besluit van die Senaat en die Volksraad, verleen of vervreem nie: Met dien verstande dat niks in hierdie subartikel vervat, vertolk word nie as—

Serwitute oor Staatsbosse en regulasies betreffende serwitute.

(b) Any such notice shall clearly specify the area set aside and may by like notice be withdrawn or amended.

(2) Subject to the provisions of sections 13 and 14, no person shall cut, disturb, injure, take, collect, destroy or remove any forest produce on any land set aside under subsection (1): Provided that nothing herein contained shall prevent the Secretary from taking on such land any measures which he may deem necessary for the protection thereof against fire, sand drift or soil erosion, or for the conservation of water, forest produce or veld, or for the eradication of noxious weeds and pests, or for the control of any animals whose presence may in the Minister's opinion constitute a nuisance or is or may become detrimental to the objects for which such nature reserve or protection forest has been set aside.

Procedure for demarcation or withdrawal from demarcation of State forest land.

8. (1) (a) If, after consideration of a written report submitted by the Secretary, the Minister is of the opinion that it is necessary for the better achievement of the purposes and objects of this Act that any land which is an undemarcated forest be converted to demarcated forest he shall—

(i) cause a notice of his intention to declare the land in question a demarcated forest to be published three times at intervals of not less than one week in the *Gazette* and in at least one Afrikaans and one English newspaper circulating in the district in which the land is situated;

(ii) cause a copy of such notice to be sent by registered post to the body recognized by him as representing organized agriculture in such district; and

(iii) cause a copy of such report together with a surveyor's diagram or a map or sketch plan showing clearly the boundaries of the land to be demarcated to be deposited at the office of the magistrate of the district in which the land is situated and to be kept available for inspection free of charge by any member of the public until after expiration of the period within which objections may in terms of paragraph (b) be lodged.

(b) Within a period of one month from the date of the last publication of such notice in the *Gazette* any person desiring to object to the demarcation of the land in question, may lodge with the Minister an objection in writing setting out the grounds on which he objects to the proposed demarcation.

(c) The Minister may in his discretion uphold or reject any such objection.

(d) If, after the expiry of the said period of one month, no such objection has been lodged or, if having been lodged, it is rejected by the Minister, he may by notice in the *Gazette* declare the land or any defined portion thereof to be demarcated forest.

(2) No land which has been declared to be a demarcated forest, or any portion thereof, shall be withdrawn from demarcation except with the approval, by resolution, of the Senate and the House of Assembly.

(3) Whenever the Senate and the House of Assembly have by resolution in terms of subsection (2) approved of the withdrawal from demarcation of any land which has been declared to be a demarcated forest, or any portion thereof, such land shall be withdrawn from demarcation by notice in the *Gazette*.

Servitudes over State forests and regulations regarding servitudes.

9. (1) Notwithstanding anything to the contrary in any law contained, no servitude or other right of whatever nature in respect of any portion of a State forest shall be capable of being acquired by prescription and no such servitude or other right shall, except with the approval, by resolution of the Senate and the House of Assembly, be granted or alienated: Provided that nothing in this subsection contained shall be construed as—

- (a) 'n verbod op die verlening, ooreenkomstig die regulasies, van enige reg (hetsy van 'n permanente of tydelike aard) ten opsigte van 'n gedeelte van 'n Staatsbos aan 'n Staatsdepartement, die Suid-Afrikaanse Spoorwag- en Hawe-administrasie, die Poskantooradministrasie, Provinsiale Administrasies of 'n plaaslike bestuur vir openbare doeleindes;
- (b) 'n verbod op die verkoop van of beskikking oor bosprodukte ooreenkomstig die regulasies, of die verlening, ooreenkomstig die regulasies, van tydelike handels-, weidings-, bewerkings-, opdamnings- of waterleidingsregte of tydelike regte van okkupasie van meul-, fabriek-, winkel-, woon-, kampeer- of ander terreine, of van tydelike regte vir die oorbring van krag, gas, vloeistowwe of ander goed of van tydelike regte vir die daargestelling en instandhouding van fasiliteite vir die deursending van kommunikasies, hetsy oor land of per radio of op ander wyse, op Staatsbosse;
- (c) 'n beperking op die bevoegdhede van die Staatspresident of 'n Staatsminister of Staatsbeampte ten opsigte van die uitreiking, onderworpe aan die regulasies betreffende prospektering in Staatsbosse, van permitte, lisensies of huurkontrakte kragtens die wetsbepalings van krag met betrekking tot prospektering vir en myn van edele en onedele metale en minerale en edelgesteentes, of ten opsigte van die beskikking oor Staatsbosse wat sulke metale, minerale of gesteentes bevat, ooreenkomstig die wetsbepalings wat die beskikking oor sodanige grond reël, maar geen bosprodukte mag deur die houer van die prospekterpermit, lisensie of huurkontrak gekap, beskadig, geneem of verwyder word nie, behalwe kragtens 'n lisensie of permit wat van die Sekretaris verkry is.

(2) Indien daar by die inwerkingtreding van hierdie Wet 'n serwituut of reg op bosprodukte of reg van weiding, verbouing, verblyf of kampering, of op die gebruik van water of 'n ander reg ten opsigte van 'n Staatsbos of 'n gedeelte daarvan bestaan wat ook by die inwerkingtreding van die Boswet, 1941 (Wet No. 13 van 1941), bestaan het, kan die Minister met betrekking tot daardie bos of gedeelte daarvan, maar behoudens enige sodanige bestaande reg, regulasies uitvaardig—

- (a) wat die soorte bosprodukte en die hoeveelhede daarvan wat gekap of geneem of verwyder kan word, en die seisoen waarin of tyd wanneer dit gekap, geneem of verwyder kan word, spesifiseer;
- (b) wat beweiding van vee of die kap of neem van bosprodukte in of die verwydering van bosprodukte uit 'n gespesifiseerde gebied, vir bepaalde tydperke verbied, met die doel om die bos te verjong, of om die bosprodukte of weiding daarop te bewaar, of om gronderosie of sandbeweging te voorkom, of om grond of waisand te herwin;
- (c) wat die besondere plekke waarop regte van beweiding of van kap of neem of verwydering van bosprodukte in besondere jare of tydperke uitgeoefen kan word, voorskryf, met die doel om die bos te verjong, of om jong bome wat daarop groei, te bewaar, of om die opbrengs van bosprodukte te reël;
- (d) wat die kap, neem of verwydering van bosprodukte tot huishoudelike of boerderybenodigdhede beperk en die verkoop daarvan verbied;
- (e) wat die gebiede waarin en die tydperke waarin die reg van verblyf of kampering uitgeoefen kan word, vasstel;
- (f) wat die houer van 'n serwituut of reg van enige aard, verplig om van die Sekretaris 'n permit te verkry wat die aard van daardie serwituut of reg omskryf en die plekke waar en die wyse waarop dit uitgeoefen kan word, uiteensit;

- (a) prohibiting the granting in accordance with the regulations of any right (whether of a permanent or temporary nature) in respect of any portion of a State forest to any department of State, the South African Railways and Harbours Administration, the Post Office Administration, Provincial Administrations or local authority for public purposes;
- (b) prohibiting the sale or disposal of forest produce in accordance with the regulations or the grant in accordance with the regulations of temporary rights of trading, grazing, cultivation, abutment, aqueduct, occupation of mill, factory, shop, residential, camping or other sites, or of temporary rights for the conveyance of power, gas, liquids or other goods or of temporary rights for the establishment and maintenance of facilities for the transmission of communications, whether by land or by radio or other means, on State forests;
- (c) limiting the powers of the State President or any Minister of State or public officer, in respect of the issue, subject to the regulations governing prospecting in State forests, of permits, licences or leases under the laws in force relating to prospecting and mining for precious and base metals and minerals and precious stones, or in respect of the disposal of State forest containing such metals, minerals or stones, in accordance with the laws regulating the disposal of such land, but no forest produce shall be cut, injured, taken or removed by the holder of the prospecting permit, licence or lease, except under a licence or permit obtained from the Secretary.

(2) If at the commencement of this Act any servitude or right to forest produce, or right of grazing, cultivation, residence or camping, or to the use of water, or any other right exists in respect of any State forest or any portion thereof and which also existed at the commencement of the Forest Act, 1941 (Act No. 13 of 1941), the Minister may, subject to any such existing right, make regulations in relation to that forest or portion thereof—

- (a) specifying the kinds of forest produce and the quantities thereof which may be cut or taken or removed, and the season or time for cutting, taking or removal;
- (b) prohibiting, for specified periods, grazing of stock or the cutting or taking of forest produce in or the removal of forest produce from any specified area, for the purpose of regenerating the forest or of preserving thereon the forest produce or pasturage, or for the prevention of soil erosion or sand drift, or for the reclamation of the soil or of drift sands;
- (c) prescribing the particular areas over which rights of grazing or of cutting or taking or removing of forest produce may be exercised in particular years or periods, for the purpose of regenerating the forest, or of preserving young trees growing thereon, or of regulating the yield of forest produce;
- (d) limiting the cutting, taking or removal of forest produce to domestic or farm requirements, and prohibiting the sale thereof;
- (e) defining the areas on which, and the periods during which, the right of residence or camping may be exercised;
- (f) requiring the holder of a servitude or right of any nature to obtain from the Secretary a permit defining the nature of such servitude or right and specifying where and in what manner it may be exercised;

- (g) wat vir oortreding van of versuim om te voldoen aan enige sodanige regulasie, strawwe voorskryf wat nie die strawwe in artikel 24 vermeld, oorskryf nie;
- (h) wat in die algemeen die wyse voorskryf waarop 'n reg of serwituut uitgeoefen kan word.

(3) Die Minister moet 'n register laat hou van alle serwitute of regte ten opsigte van Staatsbosse, wat in elke geval die aard van die serwituut of reg, die wyse waarop dit tot stand gekom het en die naam van die houer daarvan of, in die geval van 'n saaklike serwituut, die heersende eiendom, spesifiseer.

- (4) (a) Ondanks andersluidende wetsbepalings, kan die Minister te eniger tyd wanneer omstandighede dit na sy oordeel regverdig, 'n pad in 'n Staatsbos (behalwe 'n pad aangelê of in stand gehou deur 'n persoon of gesag wat regtens bevoeg is om paaie aan te lê of in stand te hou) sluit of toegang tot enige sodanige pad gedurende die tyd wat hy nodig ag, verbied.
- (b) Wanneer die Minister 'n bevoegdheid uitgeoefen het wat by paragraaf (a) aan hom verleen word, moet kennis daarvan gegee word op die wyse wat hy nodig ag.
- (c) Iemand wat 'n pad wat kragtens paragraaf (a) gesluit is, gebruik of wat 'n pad gebruik op 'n tydstip wanneer toegang daartoe kragtens daardie paragraaf verbied is, is aan 'n misdryf skuldig en 'n bosbeampte kan so iemand summier uit die betrokke Staatsbos uitsit en kan vir daardie doel die dwang gebruik wat nodig is.

10. (1) Die Minister kan, behoudens die bepalinge van sub-artikel (4), by kennisgewing in die *Staatskoerant* die invoer in die Republiek of die uitvoer daaruit of die verwydering van een plek na 'n ander binne die Republiek of die koop, verkoop of vandiehandsetting van enige bosprodukte (behalwe die vrugte van vrugtebome) belet behalwe op die voorwaardes wat in die kennisgewing voorgeskryf word.

Uitvoer, invoer, verwydering, verkoop, vervaardiging en gradering van bosprodukte en die gebruik van handelsname ten opsigte daarvan.

(2) So 'n kennisgewing kan—

- (a) die afmetings en die metodes van drooggemaak van enige sodanige bosprodukte en die grade, standarde van gehalte en die wyse van gradering, verpakking of merk van enige sodanige bosprodukte voorskryf, onderworpe waaraan sodanige bosprodukte vir handelsdoeleindes gesaag, vervaardig of verwerk of gekoop of verkoop of in die Republiek ingevoer of daaruit uitgevoer kan word;
- (b) die gebruik vir handelsdoeleindes of die verkoop, vandiehandsetting of verwydering van een plek na 'n ander binne die Republiek, of die invoer in of uitvoer uit die Republiek van enige sodanige bosprodukte wat nie van die voorgeskrewe afmetings is nie of nie volgens die voorgeskrewe metode drooggemaak is nie of wat nie van die voorgeskrewe graad of standaard van gehalte is nie of wat nie op die voorgeskrewe wyse gegradeer, verpak of gemerk is nie, verbied;
- (c) die handelsnaam of -beskrywing voorskryf of omskryf waarby enige sodanige bosprodukte of enige produkte daaruit verkry, bekend sal wees of beskryf sal word en waaronder dit in die Republiek ingevoer of daaruit uitgevoer of daarin verkoop of andersins van die hand gesit moet word, en die gebruik van 'n ander handelsnaam of -beskrywing ten opsigte daarvan belet;
- (d) voorsiening maak vir die inspeksie van bedoelde bosprodukte deur enige persoon (met inbegrip van die bekleër van 'n pos) wat vir die doel deur die Minister aangewys is;
- (e) die plek, tyd en wyse van inspeksie van enige sodanige bosprodukte wat vir uitvoer uit die Republiek of vir verwydering van een plek na 'n ander binne die Republiek bestem is of wat in die Republiek ingevoer is, voorskryf, asook die persone aan wie kennis van die voorneme om sodanige bosprodukte uit te voer, te verwyder of in te voer, gegee moet word, die gelde wat ten opsigte van die inspeksie van sodanige bosprodukte

- (g) prescribing penalties for a contravention of or failure to comply with any such regulation, not exceeding the penalties specified in section 24;
- (h) prescribing generally the manner in which any right or servitude may be exercised.

(3) The Minister shall cause a register to be kept of all servitudes or rights in respect of State forests, specifying in each case the nature of the servitude or right, the manner in which it came into existence and the name of the holder thereof, or in the case of a praedial servitude, the dominant tenement.

(4) (a) Notwithstanding anything to the contrary in any law contained, the Minister may, at any time when circumstances in his opinion warrant it, close any road (other than a road established or maintained by any person who or authority which by law has the power to establish or maintain roads) in any State forest or prohibit access to any such road during such times as he may deem necessary.

(b) Whenever the Minister has exercised any power conferred upon him by paragraph (a) notice thereof shall be given in such manner as he may deem necessary.

(c) Any person who uses any road closed under paragraph (a) or uses any road at any time when access thereto is prohibited under that paragraph, shall be guilty of an offence, and any forest officer may summarily eject such person from the State forest in question, and may for that purpose use such force as may be necessary.

Export, import, removal, sale, manufacture and grading of forest produce and the use of trade names in respect thereof.

10. (1) The Minister may, subject to the provisions of sub-section (4), by notice in the *Gazette*, prohibit the importation into or the export from the Republic or the removal from any place to another within the Republic or the purchase, sale or disposal of any forest produce (other than the fruit of fruit trees), except on such conditions as may be prescribed in the notice.

(2) Any such notice may—

- (a) prescribe the dimensions and the methods of seasoning of any such forest produce and the grades, standards of quality and the manner of grading, packing or marking of any such forest produce, subject to which such forest produce may be sawn, manufactured or processed for trade purposes or purchased or sold or imported into or exported from the Republic;
- (b) prohibit the use for trade purposes, or the sale, disposal or removal from any place to another in the Republic, or the importation into or export from the Republic of any such forest produce which is not of the prescribed dimensions or has not been seasoned in the prescribed manner or which is not of the prescribed grade or standard of quality or has not been graded, packed or marked in the prescribed manner;
- (c) prescribe or define the trade name or description whereby any such forest produce or any product derived therefrom shall be known or described and under which it shall be imported into, or exported from, or sold or otherwise disposed of in, the Republic, and prohibit the use of any other trade name or description in respect thereof;
- (d) provide for the inspection of any such forest produce by any person (including the incumbent of any post) designated by the Minister for the purpose;
- (e) prescribe the place, time and manner of inspection of any such forest produce intended for export from, or for removal from any place to another within, the Republic or imported into the Republic, and the persons to whom notice of intention to export, remove or import such forest produce shall be given,

betaal moet word, die tye wanneer daardie gelde betaal moet word en die persone aan wie sodanige betaling moet geskied;

(f) die wyse voorskryf waarop monsters van bosprodukte wat vir invoer in of uitvoer uit die Republiek bestem is, vir ondersoek, ontleding of toetsing geneem moet word en die omstandighede waaronder en die wyse waarop sodanige bosprodukte gegradeer, gemerk, hergradeer of hermerk kan word;

(g) in die algemeen voorsiening maak vir verbetering van die gehalte en die metodes van vervaardiging en bemarking van enige sodanige bosprodukte.

(3) Die voorwaardes voorgeskryf of gespesifiseer in enige sodanige kennisgewing kan voorwaardes insluit ten effekte dat die grade, standaard van gehalte en verpakking of merk van enige sodanige bosprodukte moet wees soos voorgeskryf deur die Suid-Afrikaanse Buro vir Standaarde by artikel 4 van die Wet op Standaarde, 1962 (Wet No. 33 van 1962), ingestel, en dat elke stuk van sodanige bosprodukte op so 'n wyse gemerk moet wees om aan te dui dat dit voldoen aan die toepaslike spesifikasies van genoemde Buro.

(4) Voor die publikasie van 'n kennisgewing kragtens subartikel (1) moet die Minister in die *Staatskoerant* 'n ontwerp van sodanige kennisgewing publiseer tesame met 'n kennisgewing waarby 'n beroep gedoen word op alle belanghebbende persone wat enige besware het om hulle, binne dertig dae vanaf die datum van publikasie van die ontwerp-kennisgewing, skriftelik by die Sekretaris in te dien: Met dien verstande dat, indien die Minister daarna op 'n verandering van die soos voormeld gepubliseerde ontwerp-kennisgewing besluit, as gevolg van besware ten opsigte daarvan voorgelê, dit nie nodig is om sodanige verandering te publiseer voordat die kennisgewing uiteindelik ooreenkomstig hierdie artikel gepubliseer word nie.

(5) Iemand wat 'n ingevolge subartikel (1) gepubliseerde kennisgewing of 'n voorwaarde daarin uiteengesit, oortree of versuim om daaraan te voldoen of 'n persoon deur die Minister aangewys hinder of belemmer by die uitoefening van sy bevoegdhede uit hoofde van 'n magtiging ingevolge subartikel (2) (d) aan hom verleen, is aan 'n misdryf skuldig.

11. Die Minister kan, ten opsigte van 'n Staatsbos, by kennisgewing in die *Staatskoerant*, 'n bosprodukt spesiaal beskerm verklaar, en totdat daardie kennisgewing ingetrek word, mag niemand, behoudens die bepalings van artikels 13 en 14, enige sodanige bosprodukt afkap, verwyder of beskadig nie, behalwe op gesag van 'n lisensie of permit deur die Sekretaris uitgereik en vir die doel in sodanige lisensie of permit vermeld.

Beskerming van bosprodukte.

12. (1) Wanneer die Minister dit nodig ag dat buitengewone of spesiale maatreëls getref word om 'n Staatsbos of private bos teen brandgevaar te beskerm, kan hy by kennisgewing in die *Staatskoerant* bepaal dat in 'n gespesifiseerde gebied buite sodanige Staatsbos of private bos of binne 'n gespesifiseerde afstand van die grense van sodanige Staatsbos of private bos niemand 'n vuur in die ope lug mag maak of laat maak nie of, as so 'n vuur wel gemaak is, mag toelaat dat sodanige vuur voortbrand nie of brandstof daarby mag voeg nie of weer mag aansteek nie, anders as ooreenkomstig die voorwaardes in sodanige kennisgewing vermeld.

Minister kan buitengewone voorsorgmaatreëls laat tref.

(2) Iemand wat 'n ingevolge subartikel (1) gepubliseerde kennisgewing of 'n voorwaarde daarin vermeld, oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig.

13. (1) (a) Ondanks andersluidende bepalings in hierdie Wet, maar behoudens die bepalings van hierdie artikel, kan 'n eienaar of okkupeerder of persoon in beheer van grond 'n brandstrook op die gemeenskaplike grens tussen sodanige grond en enige aanliggende grond of langs 'n lyn aan weerskante of aan die een of die ander kant daarvan skoonmaak of laat skoonmaak.

Skoonmaak van brandstroke op gemeenskaplike grense van eiendom.

(b) Die persoon wat voornemens is om so 'n brandstrook skoon te maak of te laat skoonmaak, moet in die vorm en op die wyse by regulasie voorgeskryf, aan die

the fees to be paid in respect of the inspection of such forest produce, the times of payment of such fees and the persons to whom such payment shall be made;

(f) prescribe the method of taking samples for examination, analysis or testing of any forest produce intended for import into or export from the Republic, and the circumstances under which and the manner in which such forest produce may be graded, marked, regraded or re-marked;

(g) provide generally for improvement in the quality and the methods of manufacture and marketing of any such forest produce.

(3) The conditions prescribed or specified in any such notice may include any conditions to the effect that the grades, standards of quality and packing or marking of any such forest produce shall be as prescribed by the South African Bureau of Standards established by section 4 of the Standards Act, 1962 (Act No. 33 of 1962), and that each piece of such forest produce shall be marked in such a manner as to indicate conformity with the relevant specification of the said Bureau.

(4) Before the publication of a notice under subsection (1) the Minister shall publish in the *Gazette* a draft of such notice together with a notice calling upon all interested persons who have any objections to lodge them in writing with the Secretary within a period of thirty days of the date of publication thereof: Provided that, if the Minister thereafter determines on any alteration in the draft notice published as aforesaid, as a result of any objections submitted in respect thereof, it shall not be necessary to publish such alterations before finally publishing the notice in terms of this section.

(5) Any person who contravenes or fails to comply with any notice published in terms of subsection (1) or any condition specified therein, or hinders or obstructs any person designated by the Minister in the exercise of his powers in pursuance of any authority conferred upon him in terms of subsection (2) (d) shall be guilty of an offence.

Reservation
of forest
produce.

11. The Minister may, in respect of any State forest, by notice in the *Gazette* declare any forest produce to be specially reserved and, until such notice is withdrawn, no person shall, subject to the provisions of sections 13 and 14 fell, remove or injure any such forest produce, except upon the authority of a licence or permit issued by the Secretary and for the purpose mentioned in such licence or permit.

Minister may
cause extraordinary
precautions to
be taken.

12. (1) Whenever the Minister deems it necessary that extraordinary or special measures be taken to protect any State forest or private forest against fire hazard, he may by notice in the *Gazette* provide that in any specified area outside such State forest or private forest or within any specified distance from the boundaries of such State forest or private forest no person shall make or cause to be made any fire in the open air or, if such a fire has been made, allow such fire to continue to burn or add fuel thereto or rekindle it, otherwise than in accordance with such conditions as may be specified in such notice.

(2) Any person who contravenes or fails to comply with any notice published in terms of subsection (1) or any condition specified therein shall be guilty of an offence.

Clearing of
fire-belts on
common
boundaries of
properties.

13. (1) (a) Notwithstanding anything to the contrary in this Act contained, but subject to the provisions of this section, any owner or occupier or person in charge of any land, may clear or cause to be cleared a fire-belt on the boundary common to such land and any land adjacent thereto or on any line on each or on one or other side thereof.

(b) The person proposing to clear such a fire-belt or to cause it to be cleared, shall, in the form and manner prescribed by regulation, give to the owner or person

eienaar of persoon in beheer van die aanliggende grond minstens veertien dae kennis van sy voorneme gee.

- (c) Die party aan wie sodanige kennis gegee is, moet by die skoonmaak van enige sodanige brandstrook hulp verleen, maar kan redelike uitstel eis om hom in staat te stel om 'n ruimte skoon te maak of om arbeiders en toerusting byeen te bring ten einde enige brand- en ander werksaamhede wat redelikerwys nodig is in verband met die skoonmaak meer doeltreffend te kan uitvoer en beheer.

- (d) Die wyse waarop en die tyd wanneer sodanige brandstrook skoongemaak moet word, die tipe brandstrook, die lengte, wydte en ligging daarvan en die aard van die hulp wat deur elke party verleen moet word en die gedeelte van die onkoste wat deur elke party gedra moet word, is onderworpe aan onderlinge reëling tussen die betrokke partye of word, by gebrek aan ooreenkoms, op aansoek van die een of die ander party summier beslis deur 'n landdros wat regsbevoeg is in die distrik waarin bedoelde aanliggende grond geleë is, en wat die bevel aangaande die betaling van die onkoste van die skoonmaak van die brandstrook en aangaande die koste van die aansoek kan maak wat hy billik ag.

- (e) (i) Op die vasgestelde dag en daarna totdat die skoonmaak van die brandstrook afgehandel is, moet elkeen van die betrokke partye of persoonlik of deur 'n behoorlik gemagtigde verteenwoordiger aanwesig wees tesame met die getal werksmense en die toerusting waarop ooreengekom is, en alle werksaamhede word deur die twee partye of hulle verteenwoordigers gesamentlik bestuur en beheer.

- (ii) As weersomstandighede op die vasgestelde dag ongunstig is, kan 'n ander dag ooreenkomstig paragraaf (d) vasgestel word.

- (f) (i) Ingeval die een of die ander van bedoelde partye in gebreke bly om met die getal werksmense en die toerusting op te daag of om die hulp te verleen, soos deur die partye onderling ooreengekom of deur die hof beslis, of soos in die in paragraaf (b) bedoelde kennisgewing van voorneme aangedui, na gelang van die geval, kan die party wat wel opdaag of wat op die eerste geskikte dag daarna opdaag, onverwyld en van dag tot dag self en deur sy dienaars die brandstrook soos in bedoelde kennisgewing aangedui of soos ooreengekom of deur die hof beslis, skoonmaak of laat skoonmaak, en hy is geregtig om van die party wat in gebreke gebly het die onkoste of ander verligting wat die hof beslis, te eis en te verhaal.

- (ii) Niemand is aanspreeklik nie ten opsigte van verlies of skade wat ontstaan as gevolg van die wettige uitoefening deur hom van 'n bevoegdheid wat deur subparagraaf (i) verleen word.

(2) Ondanks andersluidende bepalings in hierdie Wet, maar behoudens die bepalings van hierdie artikel, kan 'n eienaar of okkupeerder of persoon in beheer van grond, nadat hy op die by regulasie voorgeskrewe vorm en wyse minstens veertien dae kennis gegee het aan die eienaar of die persoon in beheer van grond aanliggend aan eersgenoemde grond, op die in die kennisgewing gemelde dag of binne 'n redelike tydperk daarna, aan sy eie kant van die gemeenskaplike grens van die betrokke eiendom 'n brandstrook skoonmaak ter beskerming van sy grond of die grond wat hy okkupeer of die grond onder sy beheer teen brand: Met dien verstande dat die persoon op wie bedoelde kennisgewing gedien word, te eniger tyd voor die verstryking van die tydperk in daardie kennisgewing vermeld, die persoon wat die kennis gee skriftelik kan aansê om die in subartikel (1) voorgeskrewe prosedure te volg, en in so 'n geval is die bepalings van daardie subartikel *mutatis mutandis* van toepassing en word sodanige kennisgewing geag 'n kennisgewing kragtens paragraaf (b) daarvan te wees.

in charge of the adjacent land at least fourteen days' notice of his intention.

(c) The party to whom such notice is given shall assist in the clearing of any such fire-belt, but may claim a reasonable extension of time to enable him to cut or to clear any space or to bring up labourers and equipment the more effectually to execute and control any burning or other operations which may be reasonably necessary in connection with such clearing.

(d) The manner and time of clearing such fire-belt, the type, length, width and position thereof, and the nature of the assistance to be rendered by each party and the share of the cost to be borne by each party, shall be subject to mutual agreement between the parties concerned or, failing such agreement, shall on the application of either party be decided summarily by a magistrate having jurisdiction in the district in which the said adjacent land is situated, who may make such order as to the payment of the cost of clearing such fire-belt and as to costs of the application as he may deem just.

(e) (i) On the appointed day and thereafter until the clearing of the fire-belt has been completed, the parties concerned shall each in person or through a duly authorized representative attend with the number of workmen and the equipment as agreed upon, and all operations shall be under the joint direction and control of both parties or their representatives.

(ii) Should weather conditions on the appointed day prove unfavourable, another day may be fixed as provided in paragraph (d).

(f) (i) In the event of one or other of the said parties failing to attend with such number of workmen and such equipment or to render such assistance as may have been mutually agreed upon by the parties or decided by the court, or as is specified in the notice of intention referred to in paragraph (b), as the case may be, the party who does so attend or who attends on the first succeeding suitable day, may forthwith and from day to day by himself and his servants clear or cause to be cleared the fire-belt specified in the said notice or agreed upon or ordered by the court, and he shall be entitled to claim and recover from the defaulting party such expenses or other relief as the court may decide.

(ii) No liability shall attach to any person in respect of any loss or damage arising out of the lawful exercise by him of any power conferred by subparagraph (i).

(2) Notwithstanding anything to the contrary in this Act contained, but subject to the provisions of this section, any owner or occupier or person in charge of any land may, for the protection from fire of his land or of the land occupied by him or in his charge, after having given, in the form and manner prescribed by regulation, not less than fourteen days' notice to the owner or the person in charge of any land adjacent to such first-mentioned land, on the day stated in that notice or within a reasonable time thereafter, clear a fire-belt on his own side of the common boundary between the properties concerned: Provided that the person on whom such notice is served may, at any time before the expiration of the period mentioned in that notice, in writing require the person giving such notice to follow the procedure prescribed in subsection (1), and in that event the provisions of that subsection shall *mutatis mutandis* apply and such notice shall be deemed to be a notice given under paragraph (b) thereof.

(3) Iemand wat versuim om kennis te gee soos deur hierdie artikel vereis, is aan 'n misdryf skuldig.

(4) (a) Behoudens die bepalings van paragraaf (b), word niks in hierdie artikel vertolk nie as sou dit die Sekretaris of die eienaar van 'n private bos verbied om 'n ooreenkoms met 'n plaaslike bestuur of die ander persoon of gesag wat spesiaal deur die Minister goedgekeur word, aan te gaan ingevolge waarvan die Sekretaris of sodanige eienaar of sodanige plaaslike bestuur of sodanige ander gesag of persoon onderneem om 'n brandstrook skoon te maak en in stand te hou—

(i) aan een kant of albei kante van 'n pad wat aangelê is of in stand gehou word deur 'n persoon of gesag wat regtens die bevoegdheid het om paaie aan te lê of te onderhou en wat geleë is in of op die grens van 'n Staatsbos of private bos;

(ii) op 'n Staatsbos of private bos of grond aanliggend daaraan.

(b) Sodanige ooreenkoms moet voorsiening maak vir die tipe brandstrook en die lengte, wydte en ligging daarvan, die wyse waarop dit skoongemaak en in stand gehou moet word en die vergoeding (indien daar is) wat betaalbaar is vir die skoonmaak en instandhouding daarvan.

(5) (a) Wanneer die Minister oortuig is dat die skoonmaak in die een of ander gebied van 'n brandstrook deur te brand gedurende die een of ander tydperk in 'n jaar tot 'n brandgevaar sou lei, kan hy by kennisgewing in die *Staatskoerant* bepaal dat niemand 'n in hierdie artikel bedoelde brandstrook mag skoonmaak nie deur te brand gedurende enige sodanige tydperk in sodanige kennisgewing vermeld in enige sodanige gebied aldus vermeld.

(b) Iemand wat 'n ingevolge paragraaf (a) gepubliseerde kennisgewing oortree, is aan 'n misdryf skuldig.

(c) Die Minister kan 'n kragtens paragraaf (a) uitgevaardigde kennisgewing te eniger tyd by kennisgewing in die *Staatskoerant* wysig of intrek.

(6) Die bepalings van subartikels (1) en (2) is nie van toepassing nie ten opsigte van 'n brandstrook wat deur 'n eienaar of okkupeerder of persoon in beheer van grond skoongemaak gaan word geheel en al aan sy eie kant van die gemeenskaplike grens tussen sodanige grond en enige ander grond en op 'n ander wyse as deur te brand en niks in hierdie Wet vervat, word vertolk as sou dit die skoonmaak van so 'n brandstrook verbied nie.

14. (1) Ondanks andersluidende wetsbepalings, kan 'n brandbestrydingskomitee wat kragtens artikel 15 van die Grondbewaringswet, 1946 (Wet No. 45 van 1946), ten opsigte van 'n brandbestrydingsgebied ingestel is, of iemand wat namens of in opdrag van sodanige komitee optree, enige grond binne 'n gebied met betrekking waartoe 'n brandbestrydingsplan deur sodanige komitee opgestel van toepassing gemaak is ooreenkomstig die bepalings van artikel 15*bis* van genoemde Wet betree en daar enige brandstrook waarvoor in sodanige plan voorsiening gemaak is, skoonmaak of laat skoonmaak.

Schoonmaak van brandstroke deur brandbestrydingskomitees.

(2) Niemand is aanspreeklik ten opsigte van verlies of skade wat ontstaan as gevolg van die wettige uitoefening deur die betrokke brandbestrydingskomitee of enigiemand wat namens of in opdrag van sodanige komitee optree van 'n bevoegdheid wat deur subartikel (1) verleen word.

15. (1) Wanneer daar goeie rede bestaan om te glo dat 'n brand in die ope lug 'n gevaar vir lewe of eiendom kan word, kan enigiemand wat te goeder trou handel of alleen of tesame met persone onder sy beheer, enige grond betree met die doel om daardie brand te blus of om die verspreiding daarvan te voorkom.

Prosedure in verband met die blus van brand.

(2) Indien sodanige brand binne vyf myl van die grens van 'n Staatsbos is, het 'n bosbeampte behoudens die bedinge van 'n ooreenkoms aangegaan ingevolge artikel 16, die reg om volle beheer te neem.

(3) Any person who fails to give notice as required by this section shall be guilty of an offence.

(4) (a) Subject to the provisions of paragraph (b), nothing in this section contained shall be construed as precluding the Secretary or the owner of a private forest from entering into an agreement with any local authority, or such other authority or person as may be specially approved by the Minister, in terms of which the Secretary or such owner or such local authority or such other authority or person undertakes to clear and maintain a fire-belt—

(i) on one side or both sides of a road established or maintained by any person who or authority which by law has the power to establish or maintain roads and situated in or on the boundary of a State forest or private forest;

(ii) on any State forest or private forest or land adjacent thereto.

(b) Such agreement shall provide for the type, length, width and position of the fire-belt, the manner in which it shall be cleared and maintained and the remuneration payable (if any) for the clearing and maintenance thereof.

(5) (a) Whenever the Minister is of the opinion that the clearing in any area of a fire-belt by burning during any period in any year would give rise to a fire hazard he may by notice in the *Gazette* provide that no person shall clear any fire-belt referred to in this section by burning during any such period specified in such notice in any such area so specified.

(b) Any person who contravenes any notice published in terms of paragraph (a) shall be guilty of an offence.

(c) The Minister may at any time by notice in the *Gazette* amend or repeal any notice issued in terms of paragraph (a).

(6) The provisions of subsections (1) and (2) shall not apply in respect of any fire-belt which is to be cleared by any owner or occupier or person in charge of any land wholly on his own side of the common boundary between such land and any other land and in a manner other than by burning, and nothing in this Act contained shall be construed as prohibiting the clearing of any such fire-belt.

Clearing of
fire-belts by
fire protection
committees.

14. (1) Notwithstanding anything to the contrary in any law contained, any fire protection committee established under section 15 of the Soil Conservation Act, 1946 (Act No. 45 of 1946), in respect of any fire protection area, or person acting on behalf of or on the instructions of such committee, may enter upon any land within any area with reference to which a fire protection scheme prepared by such committee has been applied in accordance with the provisions of section 15bis of the said Act and there clear or cause to be cleared any fire-belt for which provision has been made in such scheme.

(2) No liability shall attach to any person in respect of any loss or damage arising out of the lawful exercise by the fire protection committee concerned or any person acting on behalf or on the instructions of such committee of any power conferred by subsection (1).

Procedure in
regard to
extinguishing
fire.

15. (1) Whenever there is good reason to believe that any fire in the open air may become dangerous to life or property, any person acting in good faith may either alone or with persons under his control enter upon any land for the purpose of extinguishing that fire or preventing the spreading thereof.

(2) If such fire is within five miles of the boundary of a State forest, any forest officer shall, subject to the terms of any agreement entered into in terms of section 16, have the right to take full control.

(3) Iemand wat ooreenkomstig subartikel (1) handel—

- (a) het, behoudens die bepalings van subartikel (2), beheer oor persone onder sy bevel en oor persone wat hul dienste vrywillig tot sy beskikking stel;
- (b) kan die maatreëls tref wat onder die omstandighede redelik en nodig is vir die beskerming van lewe en eiendom of vir die blus of voorkoming van verspreiding van die brand, en kan vir daardie doel bome, gras, gewasse of ander plantegroei in redelike mate laat vernietig deur die kap, brand, ploeg daarvan of andersins;
- (c) kan iemand aanwesig by sodanige brand of iemand op eiendom waarheen sodanige brand sou kon versprei of iemand wat 'n belang in sodanige eiendom het, aansê om te help of om enigiets te doen of om enige diens te verrig wat redelikerwys noodsaaklik of raadzaam geag kan word om die brand te beheer of te blus of die verspreiding daarvan te voorkom;
- (d) kan iemand wie se lewe in gevaar is of kan kom of wie se aanwesigheid by of in die nabyheid van die brand enige optrede in verband met die brand kan belemmer, beveel om weg te gaan of om 'n voertuig of ander voorwerp onder sy beheer te verwyder.

(4) Iemand wat versuim om aan 'n vereiste of bevel kragtens subartikel (3) te voldoen, is aan 'n misdryf skuldig.

(5) Nòg die departement nòg enige persoon is aanspreeklik ten opsigte van verlies of skade wat ontstaan as gevolg van die wettige uitoefening deur 'n bosbeampte of sodanige persoon van 'n bevoegdheid wat deur hierdie artikel verleen word, en niemand is geregtig op enige vergoeding of beloning hoegenaamd ten opsigte van 'n handeling of diens deur hom verrig ter voldoening aan 'n vereiste of bevel kragtens subartikel 3: Met dien verstande dat die Sekretaris aan iemand wat in verband met die beskerming van 'n Staatsbos teen brand aldus verlies of skade gely het of so 'n handeling of diens verrig het, die vergoeding of beloning kan betaal wat die Minister, in oorleg met die Minister van Finansies, bepaal.

(6) Geen aksie kan ingestel word vir oortreding of vir skade wat te goeder trou veroorsaak word deur iemand in bevel van werksaamhede wat wettiglik kragtens hierdie artikel onderneem word, of deur iemand wat by daardie werksaamhede hulp verleen nie, maar die persoon in bevel van sodanige werksaamhede moet by die eerste gerieflike geleentheid die omstandighede en die stappe gedoen by die naaste polisiebeampte of vrederegter of by die landdros van die betrokke distrik aanmeld.

16. Die Sekretaris kan, in oorleg met die Tesourie, 'n ooreenkoms met 'n plaaslike bestuur of ander persoon aangaan waarby voorsiening gemaak word vir wedersydse bystand in geval van brand wat voorkom op grond wat behoort aan of onder beheer is van sodanige plaaslike bestuur of persoon of 'n Staatsbos of wat dit bedreig of in gevaar bring en vir die gelde (indien daar is) wat betaal moet word vir 'n diens wat ingevolge die ooreenkoms gelewer word.

Ooreenkomste
vir wedersydse
bystand.

17. (1) (a) Wanneer 'n bos- of polisiebeampte op redelike grond vermoed dat 'n bosprodukt aanwesig in of afkomstig uit of onderweg van 'n Staatsbos of private bos, wederregtelik verwyder is of gaan word, kan hy daardie bosprodukt in beslag neem en aanhou totdat ondersoek ingestel is.

Onwettige
besit van
bosprodukte.

(b) Geen eis vir skadevergoeding kan op grond van sodanige beslaglegging of aanhouding ingestel word nie.

(2) (a) 'n Bos- of polisiebeampte kan iemand wat hy in besit vind van bosprodukte wat hy op redelike gronde vermoed onwettiglik uit 'n Staatsbos of private bos verkry is, sonder lasbrief in hegtenis neem.

(b) Indien so iemand nie die hof kan oortuig dat hy 'n wettige reg gehad het om in besit van sodanige bosprodukte te wees nie, is hy aan 'n misdryf skuldig.

(3) Any person acting in terms of subsection (1)—

- (a) shall, subject to the provisions of subsection (2), have the control of persons under his command and of persons who voluntarily place their services at his disposal;
- (b) may take such measures as in the circumstances are reasonable and necessary for the protection of life and property or for extinguishing or preventing the spreading of the fire, and may for such purpose cause reasonable destruction of any trees, grass, crops or other vegetation by cutting, burning, ploughing or otherwise;
- (c) may call upon any person present at such fire or upon any person on any property to which such fire is liable to spread or upon any person who has any interest in any such property to assist or to do any act or perform any service which may reasonably be considered necessary or expedient to control or extinguish or prevent the spreading of the fire;
- (d) may order any person, whose life may be or may become endangered or whose presence at or in the vicinity of the fire may interfere with any operation in connection with the fire, to remove himself or any vehicle or other thing under his control.

(4) Any person who fails to comply with any requirement or order under subsection (3) shall be guilty of an offence.

(5) No liability shall attach to the department or any person in respect of any loss or damage arising out of the lawful exercise by a forest officer or such person of any power conferred by this section, and no person shall be entitled to any compensation or reward whatsoever in respect of any act performed or service rendered by him in pursuance of any requirement or order under subsection (3): Provided that the Secretary may pay to any person who has so suffered loss or damage or who has performed any such act or rendered any such service in connection with the protection from fire of a State forest, such compensation or reward as the Minister, in consultation with the Minister of Finance, may determine.

(6) No action shall lie for trespass or for damage caused in good faith by any person in charge of any operations lawfully undertaken under this section, or by any person assisting in such operations, but the person in charge of such operations shall at the first convenient opportunity report the circumstances and the action taken to the nearest police officer or justice of the peace or to the magistrate of the district concerned,

Agreements for reciprocal assistance.

16. The Secretary may, in consultation with the Treasury, enter into an agreement with any local authority or other person whereby provision is made for reciprocal assistance in the event of any fire occurring on, threatening or endangering any land belonging to or in charge of such local authority or person or any State forest and for the charges (if any) to be paid for any service rendered in terms of the agreement.

Wrongful possession of forest produce.

17. (1) (a) Whenever a forest or police officer on reasonable grounds suspects that any forest produce found in or obtained from or in transit from a State forest or private forest, is about to be or has been wrongfully removed, he may seize and detain such forest produce pending inquiry.

(b) No action for damages shall lie in respect of such seizure or detention.

(2) (a) A forest or police officer may without warrant arrest any person found by him in possession of forest produce which he on reasonable grounds suspects to have been obtained unlawfully from any State forest or private forest.

(b) If such person is unable to satisfy the court that he had a lawful right to be in possession of such forest produce, he shall be guilty of an offence.

18. (1) 'n Landdros, vrederegt, bosbeampte of polisie-beampte kan te alle redelike tye van iemand die oorlegging vorder van 'n lisensie, permit of ander magtiging wat hy kragtens hierdie Wet moet hê, en iemand wat weier of versuim om sodanige lisensie, permit of ander magtiging oor te lê wanneer dit aldus gevorder word, is aan 'n misdryf skuldig.

Besondere bevoegdhede van verskillende beamptes.

(2) 'n Bosbeampte het ten opsigte van 'n oortreding, poging tot oortreding of verdagte oortreding ingevolge hierdie Wet, al die bevoegdhede waarmee polisiebeamptes regtens bekleed is.

(3) 'n Bosbeampte kan, benewens die bevoegdhede by subartikel (2) aan hom verleen, en 'n polisiebeampte kan—

(a) sonder lasbrief iemand in hegtenis neem wat redelikerwys vermoed word betrokke te gewees het by 'n in artikel 21 (1) vermelde misdryf;

(b) sonder lasbrief iemand in hegtenis neem wat redelikerwys vermoed word betrokke te gewees het by 'n misdryf ingevolge hierdie Wet, indien sodanige beampte rede het om te vermoed dat so iemand nie op 'n dagvaarding sal verskyn nie;

(c) beslag lê op bosprodukte ten opsigte waarvan sodanige beampte rede het om te vermoed dat 'n misdryf ingevolge hierdie Wet gepleeg is;

(d) beslag lê op 'n wapen, voertuig, werktuig, dier of ander voorwerp wat sodanige beampte redelikerwys vermoed by die pleeg van 'n misdryf ingevolge hierdie Wet gebruik is.

(4) 'n Beslaglegging kragtens subartikel (3) moet onverwyld aangemeld word by 'n landdros wat ten aansien van die verdere aanhouding van of beskikking oor die inbeslaggenome eiendom die bevel kan uitvaardig wat hy, volgens die voorgelegde feite, billik of raadsaam ag.

19. Wanneer enige persoon sonder behoorlike magtiging op grond in 'n Staatsbos kampeer, plak, woon of bouwerk oprig, of sodanige grond skoonmaak of bewerk, kan die landdroshof wat regsbevoeg is in die distrik waarin sodanige bos geleë is, op versoek van 'n bosbeampte, sodanige persoon dagvaar om voor die hof te verskyn om redes aan te voer waarom hy nie gelas behoort te word om die bos te verlaat of om die bouwerk te verwyder nie, en as hy in gebreke bly om te verskyn of, nadat hy verskyn het, in gebreke bly om te bewys dat hy behoorlike magtiging vir voornoemde handeling besit, kan die hof gelas dat sodanige persoon, binne 'n tydperk deur die hof bepaal, die bos moet verlaat en nie daarheen terugkeer nie en enige bouwerk deur hom in die bos opgerig en enige gewasse wat aan hom behoort, daaruit moet verwyder, en die hof kan tegelykertyd die betrokke bosbeampte of 'n beampte deur die hof aangewys, magtig om sodanige bouwerk of gewasse te verwyder, te vernietig of andersins daaroor te beskik, tensy binne die aldus bepaalde tydperk deur bedoelde persoon aan die bevel voldoen word.

Besondere bevoegdhede van siviele aard van landdroste in geval van plakkers, kampering en verbouing in Staatsbosse.

20. (1) (a) Wanneer die hof by die verhoor van 'n aanklag ingevolge hierdie Wet of 'n ander wetsbepaling, bevind dat bosprodukte inderdaad wederregtelik van 'n Staatsbos of private bos verwyder is, het hy, benewens enige ander bevoegdhede wat hy kragtens enige ander wetsbepaling kan uitoefen, die bevoegdheid om te gelas dat die persoon in besit daarvan dit aan die eienaar moet terugbesorg of dat skadevergoeding ten opsigte daarvan, van 'n bedrag deur die hof bepaal, deur die beskuldigde aan die eienaar betaal moet word.

Hof kan terug-gawe gelas van bosprodukte wat onwettiglik verwyder is.

(b) So 'n bevel kan ten uitvoer gelê word op dieselfde wyse as 'n vonnis van daardie hof in 'n siviele geding.

(2) Die bepaling van subartikel (1) betreffende skadevergoeding is van toepassing ten opsigte van wederregtelike kap of beskadiging van bosprodukte, of skade wat opsetlik of deur nalatigheid aan bosprodukte of ander eiendom in 'n bos deur brand of op enige ander wyse veroorsaak word.

Special powers
of various
officers.

18. (1) Any magistrate, justice of the peace, forest officer or police officer may at all reasonable times demand from any person the production of any licence, permit or other authority which he is under this Act required to have, and any person who refuses or fails to produce such licence, permit or other authority on such demand shall be guilty of an offence.

(2) Any forest officer shall, in respect of any offence, attempted offence or suspected offence under this Act, have all the powers vested by law in police officers.

(3) Any forest officer may, in addition to the powers conferred upon him by subsection (2), and any police officer may—

(a) arrest without warrant any person reasonably suspected of having been a party to any offence mentioned in section 21 (1);

(b) arrest without warrant any person reasonably suspected of having been a party to any offence under this Act if such officer has reason to believe that such person will fail to appear in answer to a summons;

(c) seize any forest produce in respect of which such officer has reason to believe that an offence under this Act has been committed;

(d) seize any weapon, vehicle, instrument, animal or other thing which such officer has reason to believe has been used in the commission of an offence under this Act.

(4) Any seizure under subsection (3) shall forthwith be reported to a magistrate who may make such order as to the further retention or disposal of the seized property as may, from the facts reported, appear to him to be just or expedient.

Special powers
of civil nature
of magistrates
in case of
squatting,
camping and
cultivating
on State forests.

19. Whenever any person without proper authority camps, squats or resides or builds any structure upon, or clears or cultivates, land in a State forest, the magistrate's court having jurisdiction in the district where such forest is situated may, upon the request of a forest officer, summon such person to appear before the court to show cause why he should not be ordered to leave such forest or remove such structure, and if he fails to appear or, having appeared, fails to prove that he has proper authority for the acts aforesaid, the court may direct that, within a period fixed by it, such person shall leave such forest and not return thereto, and shall remove therefrom any structure erected by him in such forest and any crops belonging to him, and the court may at the same time authorize the forest officer concerned or any officer designated by it, to remove, destroy or otherwise dispose of such structure or crops unless the order is complied with by such person within the period so fixed.

Court may
order return
of forest produce
unlawfully
removed.

20. (1) (a) Whenever upon the hearing of a charge under this Act or any other law, the court finds as a fact that forest produce has been unlawfully removed from a State forest or private forest, it shall, in addition to any other powers which it may exercise in terms of any other law, have power to order that such forest produce be returned to the owner by the person in possession thereof or that damages in respect thereof, to an amount fixed by the court, be paid by the accused to the owner.

(b) Any such order may be enforced in the same manner as judgments of such court in civil cases are enforced.

(2) The provisions of subsection (1) relating to damages shall apply in respect of any unlawful cutting of or injury to forest produce, or any damage wilfully or negligently caused to forest produce or other property in a forest by fire or by any other means.

21. (1) Iemand wat—

Misdrywe.

- (a) sonder magtiging in of op 'n Staatsbos of private bos—
 - (i) bosprodukte kap, beskadig, vernietig, versamel, neem of verwyder; of
 - (ii) 'n baken, grensmerk of heining beskadig, verander, verskuif, verwyder of hom daarmee bemoei; of
 - (iii) 'n vuur maak of help maak of gebruik, weer aansteek of brandstof daarby voeg; of
- (b) in 'n Staatsbos of private bos ontplofbare stowwe of petroleum of ander ontvlambare stof in sy besit het en nie kan bewys dat hy dit vir 'n regmatige doel nodig het nie; of
- (c) in die ope lug—
 - (i) 'n vuur wat hy met of sonder magtiging gemaak het of gehelp maak het of gebruik het of weer aangesteek het of waarby hy brandstof gevoeg het, onbewaak laat voordat die vuur deeglik geblus is; of
 - (ii) met of sonder magtiging of persoonlik of deur sy dienaar of agent 'n vuur maak of help maak of gebruik, weer aansteek of brandstof daarby voeg, wat as gevolg van sy nalatigheid versprei of skade of verlies veroorsaak,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens duisend rand of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar of met sowel sodanige boete as sodanige gevangenisstraf of, ingeval sodanige handeling of versuim van 'n opsetlike en verswarende aard is, met lyfstraf van hoogstens ses houes of met sowel sodanige boete as sodanige lyfstraf of met sowel sodanige gevangenisstraf sonder die keuse van 'n boete as sodanige lyfstraf.

(2) Iemand wat in of op 'n Staatsbos of private bos—

- (a) sonder magtiging grond skoonmaak, braak of bewerk;
- (b) sonder magtiging op enigerlei wyse wild, voëls of ander diere jag of doodmaak of probeer jag of doodmaak of vis vang of doodmaak of probeer vang of doodmaak of vergesel is van 'n hond of 'n geweer in sy besit het;
- (c) sonder magtiging 'n byekorff uithaal of probeer uithaal of 'n byeswerm steur of verwyder;
- (d) sonder magtiging 'n gedeelte betree waar toegang by kennisgewing verbode is of deur of oor 'n heining of hek klim;
- (e) 'n brandende vuurhoutjie of ander brandende materiaal of enige materiaal wat tot selfontbranding of selfontsteking in staat is, neergooi of laat val of rook waar rook by kennisgewing verbode is;
- (f) 'n voorwaarde of regulasie wat vermeld of waarna daar verwys word in 'n kragtens hierdie Wet uitgereikte lisensie, permit of ander magtiging oortree of versuim om daaraan te voldoen;
- (g) 'n hond laat rondloop of vee laat oortree;
- (h) opsetlik 'n kennisgewing of kennisgewingbord beskadig, verander, verskuif of hom op enige ander wyse daarmee bemoei,

is aan 'n misdryf skuldig.

(3) (a) Iemand wat—

- (i) sonder magtiging aan 'n bosprodukt 'n merk maak of heg wat deur die departement gebruik word om aan te dui dat sodanige bosprodukt die eiendom van die Staat is, of aan 'n bosprodukt in 'n Staatsbos 'n merk maak of heg om aan te dui dat sodanige bosprodukt wettiglik gekap of van sodanige bos verwyder kan word;
- (ii) sonder magtiging 'n merk wat op enige bosprodukt ingevolge hierdie Wet of 'n kennisgewing daarkragtens uitgereik, aangebring is of 'n lisensie, permit of ander magtiging wat ingevolge hierdie Wet uitgereik is, verander of uitwis;
- (iii) 'n bosbeampte, polisiebeampte of ander persoon by die uitoefening van sy bevoegdheid of die verrigting van sy werksaamhede of die uit-

Offences.

21. (1) Any person who—

(a) without authority, in or on any State forest or private forest—

- (i) cuts, injures, destroys, collects, takes or removes any forest produce; or
- (ii) injures, alters, shifts or removes or interferes with any beacon, boundary mark or fence; or
- (iii) lights or assists in lighting or uses, rekindles or adds fuel to any fire; or

(b) in a State or private forest is in possession of any explosives or petroleum or other inflammable substance and who is unable to prove that he requires it for a lawful purpose; or

(c) in the open air—

- (i) leaves unattended a fire which he, with or without authority, has lighted or assisted in lighting or used or rekindled or to which he has added fuel before such fire is thoroughly extinguished; or
- (ii) with or without authority, either personally or through his servant or agent, lights or assists in lighting or uses, rekindles or adds fuel to any fire which, through his negligence spreads or causes damage or injury,

shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand rand or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment or, where any such act or omission is of a wilful and aggravated nature, to a whipping not exceeding six strokes or to both such a fine and such a whipping or to both such imprisonment without the option of a fine and such a whipping.

(2) Any person who, in or on a State forest or private forest—

(a) without authority, clears, breaks up or cultivates land;

(b) without authority, in any manner hunts or destroys or attempts to hunt or destroy game, birds or other animals, or fishes for or destroys or attempts to fish for or destroy fish, or is accompanied by a dog or has in his possession any gun;

(c) without authority, robs or attempts to rob any beehive or disturbs or removes any swarm of bees;

(d) without authority enters any part where entry is by notice prohibited or climbs through or over any fence or gate;

(e) throws down or drops any burning match or other burning material or any material capable of spontaneous combustion or self-ignition or smokes where smoking is by notice prohibited;

(f) contravenes or fails to comply with any condition or regulation stated or referred to in any licence, permit or other authorization issued under this Act;

(g) allows any dog to stray or any stock to trespass;

(h) wilfully injures, alters, shifts or in any other way interferes with any notice or notice board,

shall be guilty of an offence.

(3) (a) Any person who—

(i) without authority makes upon or affixes to any forest produce a mark used by the department to indicate that such produce is the property of the State, or makes upon or affixes to any forest produce in a State forest a mark to indicate that such forest produce may be lawfully cut or removed from such forest;

(ii) without authority alters or defaces any mark placed upon any forest produce in terms of this Act or any notice issued thereunder or any licence, permit or other authorization issued under this Act;

(iii) obstructs or hinders any forest officer, police officer or other person in the exercise of his

voering van sy pligte kragtens hierdie Wet, hinder of belemmer; en

(b) 'n bosbeampte of ander werknemer van die departement wat—

(i) enige betaling, voordeel of beloning, van geldelike of ander aard, vra of ontvang of instem om dit te ontvang, hetsy vir homself of vir iemand anders, as beloning vir die verrigting van 'n handeling in stryd met sy plig of vir versuim om sy plig uit te voer;

(ii) 'n betaling, voordeel of beloning, van geldelike of ander aard, van enige persoon vra of ontvang of instem om dit te ontvang, as beloning vir die verrigting van sy ampspligte;

(iii) handel dryf in bosprodukte (behalwe bosprodukte verbou of geproduseer op sy eie eiendom) of as agent optree vir iemand wat in bosprodukte handel dryf,

is aan 'n misdryf skuldig.

(4) 'n Eienaar, okkupeerder of persoon in beheer van grond wat versuim om die stappe te doen wat onder die omstandighede redelik en nodig is om te verhoed dat 'n brand op sodanige grond na aanliggende grond versprei of skade berokken aan eiendom op sodanige aanliggende grond, is aan 'n misdryf skuldig.

22. (1) Wanneer by 'n vervolging ingevolge hierdie Wet daar Getuienis. in die aanklag beweerd word dat enige bosprodukte die eiendom van die Staat of van enige persoon is, word daar vermoed, totdat die teendeel bewys word, dat sodanige produkte die eiendom is van die Staat of van sodanige persoon, na gelang van die geval.

(2) Iemand wat aangekla word weens 'n handeling vir die verrigting waarvan by hierdie Wet 'n lisensie, permit of ander magtiging vereis word, word geag nie so 'n lisensie, permit of magtiging te besit nie, tensy hy dit aan die hof oorlê of ander bevredigende bewys lewer dat hy dit besit.

23. Ondanks andersluidende wetsbepalings word, wanneer Veronder- stelling van nalatigheid. in verrigtinge ingevolge hierdie Wet of die gemenerereg die vraag van nalatigheid in verband met veld- of bosbrande ontstaan, veronderstel dat daar nalatigheid was, tensy die teendeel bewys word.

24. Iemand wat skuldig is aan 'n misdryf ingevolge hierdie Wet is, waar geen straf uitdruklik vir daardie misdryf voorgeskryf is nie, by veroordeling strafbaar met 'n boete van hoogstens honderd rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met sowel sodanige boete as sodanige gevangenisstraf. Strawwe waar strawwe nie uitdruklik voorgeskryf is nie.

25. Die hof wat 'n boete weens 'n misdryf ingevolge hierdie Wet oplê, kan gelas dat 'n som gelyk aan hoogstens een-vierde van die verhaalde boete betaal word aan enige persoon wat nie 'n beampte in diens van die Staat is nie en wat die inligting verstrek het waarop die veroordeling weens daardie misdryf verkry is, of wat wesentlik daartoe bygedra het om die oortreder voor die gereg te bring. Toekenning van gedeelte van verhaalde boete aan aanbrenner.

26. Ondanks andersluidende wetsbepalings, word geen reg Regte van poskantoor, plaaslike besture, ens. om—

(a) bome of kreupelhout op grond te kap, te snoei of te verwyder; of

(b) 'n Staatsbos of private bos te betree.

vir die doeleindes van die Poswet 1958 (Wet No 44 van 1958), of van die aanlê en instandhouding van elektriese kragleidings, paaie of spoorweë, met inbegrip van die neem van klip, sand, grond of water, sonder voorafgaande raadpleging met die Sekretaris of die eienaar, na gelang van die geval, uitgeoefen nie: Met dien verstande dat waar so 'n reg bestaan en redelikerwys uitgeoefen kan word, die Sekretaris of die eienaar, na gelang van die geval, geskikte en voldoende gebiede vir die uitoefening van daardie reg aanwys: Met dien verstande voorts dat wanneer

powers or the performance of his functions or the carrying out of his duties under this Act; and

(b) any forest officer or other employee of the department who—

(i) solicits or receives or agrees to receive, whether for himself or otherwise, any payment, advantage or reward, pecuniary or otherwise, in consideration of his doing anything in conflict with his duty or of his refraining from doing his duty;

(ii) solicits or receives or agrees to receive, from any person any payment, advantage or reward, pecuniary or otherwise, in consideration of his doing his duty;

(iii) trades in forest produce (other than forest produce grown or produced on his private property) or acts as an agent for any person trading in forest produce,

shall be guilty of an offence.

(4) Any owner, occupier or person in charge of any land who fails to take such steps as in the circumstances are reasonable and necessary for preventing any fire on such land from spreading to any adjacent land or from causing damage to any property on such adjacent land shall be guilty of an offence.

Evidence.

22. (1) Whenever in any prosecution under this Act it is alleged in the charge that any forest produce is the property of the State or of any person, it shall be presumed, until the contrary is proved, that such produce is the property of the State or of such person, as the case may be.

(2) Any person charged with doing any act for which by this Act a licence, permit or other authority is required, shall be deemed to be without such licence, permit or authority unless he produces the same to the court or gives other satisfactory proof of possessing the same.

Negligence presumed.

23. Notwithstanding anything to the contrary in any law contained, whenever in any proceedings under this Act or at common law the question of negligence in respect of veld or forest fires arises, negligence shall be presumed unless the contrary is proved.

Penalties where not expressly provided.

24. Any person guilty of an offence under this Act shall, where no penalty is expressly provided for such offence, be liable on conviction to a fine not exceeding one hundred rand or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

Award of portion of fine recovered to informer.

25. The court by which any fine is imposed for an offence under this Act, may order that a sum not exceeding one-fourth of any fine recovered be paid to any person, not being an officer in the service of the State, upon whose information the conviction for such offence has been obtained or who has materially assisted in bringing the offender to justice.

Rights of post office, local authorities, etc.

26. Notwithstanding anything to the contrary in any law contained, no rights—

(a) of cutting, trimming or removing trees or underwood on any land; or

(b) of entry upon any State forest or private forest, for the purposes of the Post Office Act, 1958 (Act No. 44 of 1958), or the construction and maintenance of electrical power lines, roads and railways, including the taking of stone, sand, earth or water, shall be exercised without prior consultation with the Secretary or the owner, as the case may be: Provided that where any such right exists and can reasonably be exercised the Secretary or the owner, as the case may be, shall point out suitable and adequate areas for the exercise of that right: Provided further that where communication is interfered with or en-

verbinding deur bome of kreupelhout onderbreek of in gevaar gestel word, die betrokke gesag sonder raadpleging soos voormeld die stappe kan doen wat werklik nodig is om die onderbreking of gevaar te verwyder, maar in so 'n geval moet die betrokke gesag so spoedig doenlik die Sektrearis of eienaar, na gelang van die geval, in kennis stel van die stappe wat gedoen is.

27. Bestelling van 'n kennisgewing kragtens hierdie Wet kan bewerkstellig word— Bestelling van kennisgewings.

- (a) deur 'n afskrif daarvan aan die persoon aan wie dit bestel moet word, self te oorhandig; of
- (b) deur sodanige afskrif by die gewone of jongsbekende woon- of besigheidsplek van sodanige persoon te laat; of
- (c) deur sodanige afskrif per aangetekende pos na die gewone of jongsbekende woon- of besigheidsplek van sodanige persoon te stuur.

28. Tensy nalatigheid bewys word, kan geen geding ingestel word teen die Staat, die Minister, die Sekretaris, 'n bosbeampte of 'n ander beampte van die departement of 'n polisiebeampte weens besering van of verlies gely deur enige persoon as gevolg van enigiets wat te goeder trou kragtens hierdie Wet gedoen is nie. Beperking op gedinge teen Staat, Minister, ens., op grond van iets te goeder trou gedoen.

29. (1) Die Minister kan ten opsigte van 'n Staatsbos regulasies uitvaardig wat nie met hierdie Wet onbestaanbaar is nie, aangaande— Regulasies.

- (a) enige aangeleentheid wat ingevolge hierdie Wet by regulasie voorgeskryf moet of kan word;
- (b) die vestiging van plantasies, die verkoop of vandiehandsetting van bosprodukte en die kap, bewerking en verwydering daarvan;
- (c) die verlening van hurregte, die uitreiking van lisensies, permitte en ander magtigings ten opsigte van die verkoop of vandiehandsetting van bosprodukte en die prosedure in verband daarmee;
- (d) die wyse waarop beskik moet word oor bome, hout of ander bosprodukte wat verkoop is of waarop dit vervaardig of verwerk moet word en die wyse waarop produkte wat daarvan verkry word, bemark, verkoop of andersins oor beskik moet word;
- (e) die oprigting en bestuur deur die departement van saagmeule en ander installasies en toebehore daarby om bosprodukte te saag, te vervaardig of te verwerk, en die onderneming deur die departement van handel of besigheidsdryf in bosprodukte en enige ander daarmee in verband staande werk of werksaamhede;
- (f) die beweiding van diere en die wyse waarop weiveld gebruik moet word;
- (g) die skoonmaak, braak of bewerking van grond;
- (h) die gebruik van grond vir meul-, fabrieks- of handels-terreine of vir woon-, kampeer- of ontspannings-doeleindes;
- (i) jag of visvang, met inagneming van die wetsbepalings betreffende die beskerming van wild, voëls of vis;
- (j) die beheer of uitroei van diere wat na sy oordeel probleemdiere is en die uitroei van plante wat na sy oordeel skadelike plante is;
- (k) die uitreiking van lisensies, permitte of ander magtigings ten opsigte van regte in of oor die Staatsbos;
- (l) toegang daartoe, met inagneming van die regte van die reisende publiek; en
- (m) die voorwaardes waarop voertuie wat nie aan die Staat behoort nie op 'n pad daarin (behalwe 'n pad wat aangelê is of in stand gehou word deur 'n persoon of gesag wat regtens bevoeg is om paaie aan te lê of in stand te hou) in gebruik gestel kan word, die wyse waarop sodanige voertuie in gebruik gestel moet word en die reëls waaraan voldoen moet word deur persone wat sodanige voertuie bestuur, gebruik of in gebruik stel.

dangered by trees or underwood the authority concerned may take such steps as are actually necessary for the removal of the interference or danger without consultation as aforesaid but in such a case the authority concerned shall as soon as possible notify the Secretary or owner, as the case may be, of the steps which have been taken.

Service of notices.

27. Service of any notice under this Act may be effected—

- (a) by delivering a copy thereof personally to the person upon whom it is to be served; or
- (b) by leaving such copy at the usual or last known place of residence or business of such person; or
- (c) by sending such copy by registered post to the usual or last known place of residence or business of such person.

Restrictions upon actions against State, Minister, etc., for anything done in good faith.

28. Unless negligence is proved, no action shall lie against the State, the Minister, the Secretary, a forest officer or other officer of the department or a police officer for any injury to or loss sustained by any person in consequence of anything done in good faith under this Act.

Regulations.

29. (1) The Minister may make regulations, not inconsistent with this Act, in respect of any State forest, as to—

- (a) any matters which by this Act are required or permitted to be prescribed by regulation;
- (b) the establishment of plantations, the sale or disposal of forest produce and the felling, working and removing thereof;
- (c) the granting of leases, the issuing of licences, permits or other authorizations in respect of the sale or disposal of forest produce and the procedure in connection therewith;
- (d) the manner in which trees, wood or other forest produce sold shall be disposed of, manufactured or processed and the manner in which any products derived therefrom shall be marketed, sold or otherwise disposed of;
- (e) the establishment and management by the department of sawmills and other plants and appurtenances thereto for sawing, manufacturing or processing forest produce, and the carrying on by the department of trade or business in forest produce and any other work or function incidental thereto;
- (f) the grazing of animals and the manner in which pasturage shall be used;
- (g) the clearing, breaking up or cultivation of land;
- (h) the use of land for mill, factory or trading sites or for residential, camping or recreational purposes;
- (i) hunting or fishing, subject to the laws relating to the preservation of game, fish or birds;
- (j) the control or extermination of animals which in his opinion are problem animals and the eradication of weeds which in his opinion are noxious weeds;
- (k) the issuing of licences, permits or other authorizations in respect of rights in or over the State forest;
- (l) entry thereto, subject to the rights of the travelling public; and
- (m) the conditions subject to which vehicles not owned by the State may operate on any road therein (other than a road established or maintained by any person who or authority which by law has the power to establish or maintain roads), the manner in which such vehicles shall be operated and the rules which shall be complied with by persons driving, using or operating such vehicles.

(2) (a) Die Minister kan, in oorleg met die Minister van Beplanning, die regulasies uitvaardig wat hy nodig ag vir die maak en byhou van 'n omvattende lopende opname van vereistes ten opsigte van bosprodukte in die Republiek, van die potensiële produktiwiteit van plantasies en bosse daarin, van houtvoorrade en van die ander feite wat hy nodig ag vir die gesonde en gebalanseerde ontwikkeling van die bos- en houtbedryf in die Republiek.

(b) Sonder om afbreuk te doen aan die algemene aard van die bepalings van paragraaf (a) kan enige sodanige regulasie—

(i) voorsiening maak vir die registrasie van eienaars van plantasies of bosse of persone wat van voorneme is om plantasies aan te lê of uit te brei en van persone wat betrokke is by of wat van voorneme is om betrokke te word by die saag, vervaardiging of verwerking of verkoop van bosprodukte;

(ii) voorsiening maak vir die inspeksie van enige plantasie of bos of van die persele van persone wat betrokke is by die saag, vervaardiging of verwerking of verkoop van bosprodukte;

(iii) voorsiening maak vir die versameling van gegewens deur eienaars van plantasies of bosse en persone wat betrokke is by die saag, vervaardiging of verwerking of verkoop van bosprodukte, en die aantekeninge wat gehou moet word en die opgawes (behalwe opgawes met betrekking tot verwerkingstegnieke, koste, verkoopspryse of winste) wat verstrekk moet word aan die Sekretaris deur sodanige eienaars of persone en die datums en tye voor welke of waarop sodanige opgawes verstrekk moet word.

(3) 'n Regulasie kragtens hierdie artikel uitgevaardig, kan strawwe vir 'n oortreding daarvan of versuim om daaraan te voldoen, voorskryf, wat nie die strawwe in artikel 24 voorskryf, te bowe gaan nie.

(4) Verskillende regulasies kan uitgevaardig word kragtens hierdie artikel met betrekking tot verskillende dele van die Republiek, verskillende plantasies of bosse of verskillende klasse plantasies of bosse, verskillende eienaars van plantasies of bosse of verskillende klasse eienaars van plantasies of bosse en in die ander opsigte wat die Minister bepaal.

30. Die Minister kan, in oorleg met die Minister van Finansies—

Minister kan tariewe en gelde bepaal.

(a) ten opsigte van enige Staatsbos, tariewe bepaal, wat kan wissel volgens omstandighede, met betrekking tot—

(i) die vandiehandsetting van bosprodukte;

(ii) die gebruik en okkupasie van grond vir meul-, fabrieks- en handelsterreine of vir woon-, bewerkings-, weidings-, kamperings-, piekniek- of ander doeleindes;

(iii) die gebruik en okkupasie van geboue;

(b) die gelde bepaal wat heff moet word ten opsigte van enige diens deur beamptes of werknemers van die departement verrig;

(c) die omstandighede waaronder en die voorwaardes waarop sodanige gelde verander kan word of vrystelling van betaling daarvan verleen kan word deur 'n beampte van die departement vir die doel aangewys, bepaal.

31. (1) Die Staatspresident kan regulasies uitvaardig wat nie met hierdie Wet onbestaanbaar is nie ten opsigte van die toepassing en uitvoering daarvan in besondere omstandighede, en kan verskillende regulasies vir verskillende provinsies, distrikte of ander gebiede van die Republiek uitvaardig.

Administratiewe regulasies en regulasies betreffende die bestryding van siektes en plae.

(2) (a) The Minister may in consultation with the Minister of Planning make such regulations as he may consider necessary for the making and keeping of a comprehensive running survey of requirements in respect of forest produce in the Republic, of the potential productivity of plantations and forests therein, of timber supplies and of such other facts as he may consider necessary for the sound and balanced development of the forest and timber industry in the Republic.

(b) Without prejudice to the generality of the provisions of paragraph (a), any such regulation may—

- (i) provide for the registration of owners of plantations or forests or persons who intend to establish or expand plantations and of persons who are engaged in or who intend to become engaged in the sawing, manufacturing or processing or selling of any forest produce;
- (ii) provide for the inspection of any plantation or forest or of the premises of persons engaged in the sawing, manufacturing or processing or selling of any forest produce;
- (iii) provide for the collection of data by owners of plantations or forests and persons engaged in the sawing, manufacturing or processing or selling of any forest produce, and the records which shall be kept and the returns (other than returns relating to processing techniques, cost, selling prices or profits) which shall be rendered to the Secretary by such owners or persons and the dates and times before or on which such returns shall be rendered.

(3) Any regulation made under this section may prescribe penalties for any contravention thereof or failure to comply therewith, not exceeding the penalties prescribed in section 24.

(4) Different regulations may be made under this section with reference to different portions of the Republic, different plantations or forests or different classes of plantations or forests, different owners of plantations or forests or different classes of owners of plantations or forests and in such other respects as the Minister may determine.

Minister may determine tariffs and charges.

30. The Minister may, in consultation with the Minister of Finance—

(a) in respect of any State forest, determine tariffs, which may vary according to circumstances, in regard to—

- (i) the disposal of forest produce;
- (ii) the use and occupation of land for mill, factory or trading sites or for residential, cultivation, grazing, camping, picnicking or other purposes;
- (iii) the use and occupation of buildings;

(b) determine the charges to be levied in respect of any services rendered by officers or employees of the department;

(c) determine the circumstances under which and the conditions subject to which such charges may be varied or exemption from payment thereof may be granted by any officer of the department designated for the purpose.

Administrative regulations and regulations for the control of diseases and pests.

31. (1) The State President may make regulations, not inconsistent with this Act, in respect of the application and administration thereof in particular circumstances, and may make different regulations for different provinces, districts or other areas of the Republic.

(2) Die Staatspresident kan regulasies uitvaardig wat nie met hierdie Wet of 'n ander wet onbestaanbaar is nie, vir die bestryding van enige swam- of bakteriese siekte of insekte- of parasitiese plaag wat enige soort bosboom of timmerhout aanval op enige Staatsbos of private bos of ander grond of in enige skip, voertuig, vaartuig, vliegtuig, gebou, depot of plek waar timmerhout bewaar, opgestapel, drooggemaak of bewerk word, of vir die voorkoming van die invoer of verspreiding in die Republiek van enige sodanige siekte of plaag.

(3) 'n Regulasie kragtens hierdie artikel uitgevaardig kan strawwe vir 'n oortreding daarvan of versuim om daaraan te voldoen, voorskryf, wat nie die strawwe in artikel 24 voorskryf, te bowe gaan nie.

32. Die bepalings van artikels 10, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23 en 29 (2), (3) en (4) is ook van toepassing op grond in 'n streek waarna verwys word in artikel 25 (1) van die Bantoe-administrasie Wet, 1927 (Wet No. 38 van 1927), of grond waarna verwys word in artikel 21 (1) van die Bantoe-trust en -grond Wet, 1936 (Wet No. 18 van 1936), wat nie 'n gedemarkeerde bos is nie.

Toepassing van Wet op grond in enige gebied waarna verwys word in artikel 25 (1) van Wet 38 van 1927 of grond waarna verwys word in artikel 21 (1) van Wet 18 van 1936.

33. Niks in hierdie Wet vervat, word so vertolk as sou dit op enige wyse hoegenaamd 'n ooreenkoms in verband met die bestuur van Staatsbosse, of die vandiehandsetting of verkoop van bosprodukte, of die verlening van regte ten opsigte van weiding, bewerking, saagmeule, fabriek, handeldryf, kampering, bewoning of daarstelling van verbindings, hetsy oor land, per radio of andersins, wat tussen die Staat en enige persoon bestaan en wat by die inwerkingtreding van hierdie Wet van krag is, raak nie.

Voorbehoud van bestaande ooreenkomste.

34. (1) Behoudens die bepalings van subartikels (2) en (3), word die in die Bylae vermelde wette hierby herroep vir sover in die derde kolom daarvan aangedui word.

Herroeping van wette.

(2) 'n Kennisgewing uitgereik of wat geag word uitgereik te gewees het of 'n regulasie, proklamasie, lisensie, permit, toestemming, goedkeuring of ooreenkoms uitgevaardig, uitgereik, verleen, gegee of aangegaan of enige ander stappe gedoen of enigiets gedoen by of kragtens 'n bepaling van 'n wet deur subartikel (1) herroep, word geag by of kragtens die ooreenstemmende bepalings van hierdie Wet uitgereik, uitgevaardig, verleen, gegee, aangegaan of gedoen te gewees het.

(3) Enigiets wat deur enige gesag gedoen is kragtens 'n bepaling van 'n wet deur subartikel (1) herroep, word geag op die voorgeskrewe wyse gedoen te gewees het deur die gepaste gesag kragtens die ooreenstemmende bepaling van hierdie Wet.

35. Hierdie Wet heet die Boswet, 1968.

Kort titel.

Bylae

WETTE HERROEP.

No. en jaar	Titel.	In hoeverre herroep.
Wet No. 13 van 1941.	Boswet, 1941	Die geheel.
Wet No. 45 van 1946.	Grondbewaringswet, 1946 ..	Artikels 35, 36, 37 (1), 38 en 39.
Wet No. 10 van 1948.	Boswysigingswet, 1948 ..	Die geheel.
Wet No. 55 van 1965.	Onteieningswet, 1965 ..	Artikels 22 en 23.
Wet No. 70 van 1967.	Boswysigingswet, 1967 ..	Die geheel.

(2) The State President may make regulations, not inconsistent with this Act or any other law, for the purpose of combating any fungus or bacterial disease or insect or parasite pests affecting any kind of forest tree or timber on any State forest or any private forest or any other land or in any ship, vessel, vehicle, aircraft, building, depot or place for storage, stacking, seasoning or working of timber, or for preventing the introduction into or the spread within the Republic of any such disease or pest.

(3) Any regulation made under this section may prescribe penalties for any contravention thereof or failure to comply therewith, not exceeding the penalties prescribed in section 24.

Application of Act on land in any area referred to in section 25 (1) of Act 38 of 1927 or land referred to in section 21 (1) of Act 18 of 1936.

32. The provisions of sections 10, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23 and 29 (2), (3) and (4) shall apply also to any land in any area referred to in section 25 (1) of the Bantu Administration Act, 1927 (Act No. 38 of 1927), or any land referred to in section 21 (1) of the Bantu Trust and Land Act, 1936 (Act No. 18 of 1936), which is not a demarcated forest.

Saving of existing agreements.

33. Nothing in this Act contained shall be construed as affecting in any manner whatsoever any agreement in connection with the management of State forests, or the disposal or sale of forest produce, or the granting of rights in respect of grazing, cultivation, sawmills, factories, trading, camping, residence or establishment of communications, whether by land, radio or otherwise existing between the State and any person and in force at the commencement of this Act.

Repeal of laws.

34. (1) Subject to the provisions of subsections (2) and (3), the laws mentioned in the Schedule are hereby repealed to the extent indicated in the third column thereof.

(2) Any notice issued or deemed to have been issued or any regulation, proclamation, licence, permit, permission, approval or agreement made, issued, granted, given or entered into or any other action taken or anything done by or under any provision of a law repealed by subsection (1), shall be deemed to have been issued, made, granted, given, entered into, taken or done by or under the corresponding provision of this Act.

(3) Anything done by any authority under any provision of a law repealed by subsection (1), shall be deemed to have been done in the prescribed manner by the appropriate authority under the corresponding provision of this Act.

Short title.

35. This Act shall be called the Forest Act, 1968.

Schedule

LAWS REPEALED.

No. and year.	Title.	Extent of repeal.
Act No. 13 of 1941.	Forest Act, 1941. . . .	The whole.
Act No. 45 of 1946.	Soil Conservation Act, 1946. . .	Sections 35, 36, 37 (1), 38 and 39.
Act No. 10 of 1948.	Forest Amendment Act, 1948.	The whole.
Act No. 55 of 1965.	Expropriation Act, 1965. . . .	Sections 22 and 23.
Act No. 70 of 1967.	Forest Amendment Act, 1967.	The whole.

WET

Om voorsiening te maak vir die besteding van sekere surplusstaatsinkomste; vir die finansiering van sekere tekorte in die Bantoe-onderwysrekening; vir die wyse waarop sekere bepalings rakende die bevoegdhede van die Minister van Finansies toegepas moet word; vir die beskikking oor gelde en eiendom in die bewaring of onder beheer van die Bewaarder van Vyandseiendom; vir die geldigverklaring van die verhoging van die koers waarteen rente op sekere gelde in die Voogdyfonds betaal is; vir waarborge deur die Regering ten opsigte van sekere verliese wat die Suid-Afrikaanse Reserwebank mag ly; vir waarborge deur die Regering ten opsigte van sekere verpligtinge van die Suid-Afrikaanse Yster en Staal Industriële Korporasie; om artikel 3 van die Finansiewet, 1954, te wysig met betrekking tot die aflossing van sekere ingeskrewe fondse en die belegging van die opbrengs van sodanige aflossing; om artikel 3*bis* van die Algemene Leningswet, 1961, te wysig om voorsiening te maak vir die oordrag van sekere gelde uit die Stabilisasierekening na die Leningsrekening en vir die tertaaflegging van state wat betrekking het op sodanige gelde; om artikel 4 van laasgemelde Wet te wysig om voorsiening te maak vir die plasing op krediet van die Leningsrekening van gelde wat aldus oorgedra is; om artikel 1 van die Finansiewet, 1966, te wysig met betrekking tot lenings waarvan terugbetaling deur die Regering gewaarborg kan word; om voorsiening te maak vir die besteding van die surplus-inkomste van die Spoorwegen Hawefonds; vir die bekragtiging van die betaling van verhoogde salarisse en vir die magtiging van die betaling van sekere bedrae aan die Spoorwegkommissaris; en om vir aangeleenthede wat daarmee in verband staan, voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 20 Junie 1968.)

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

DEEL I.

AANGELEENTHEDE WAT DIE GEKONSOLIDEERDE INKOMSTEFONDS RAAK.

1. Uit die surplus in die Inkomsterekening op die een-en-dertigste dag van Maart 1968, soos deur die Kontroleur en ouditeur-generaal gesertifiseer, word daar—

Besteding van sekere surplusstaatsinkomste.

- (a) aan die Poskantoorfonds 'n bedrag van een-en-twintigmiljoen rand oorbetal;
- (b) aan die Rekening vir die Ontwikkeling van Strategiese Mineralebronne 'n bedrag van tienmiljoen rand oorbetal; en
- (c) aan die Leningsfonds ter Bevordering van Ekonomiese Samewerking 'n bedrag van vyfmiljoen rand oorbetal.

ACT

To provide for the disposal of certain surplus State revenues; for the financing of certain deficiencies in the Bantu Education Account; for the manner in which certain provisions relative to the powers of the Minister of Finance shall be applied; for the disposal of moneys and property in the custody or under the control of the Custodian of Enemy Property; for the validation of the increase of the rate at which interest on certain moneys in the Guardian's Fund has been paid; for guarantees by the Government in respect of certain losses which may be sustained by the South African Reserve Bank; for guarantees by the Government in respect of certain obligations of the South African Iron and Steel Industrial Corporation; to amend section 3 of the Finance Act, 1954, relative to the redemption of certain inscribed stock, and the investment of the proceeds of such redemption; to amend section 3*bis* of the General Loans Act, 1961, so as to provide for the transfer of certain moneys from the Stabilization Account to the Loan Account, and for the tabling of statements relative to such moneys; to amend section 4 of the last-mentioned Act so as to provide for the placing to the credit of the Loan Account of moneys so transferred; to amend section 1 of the Finance Act, 1966, relative to loans the repayment of which may be guaranteed by the Government; to provide for the disposal of the surplus revenue of the Railway and Harbour Fund; for the validation of the payment of increased salaries, and for the authorization of the payment of certain amounts to the Railway Commissioners; and to provide for matters incidental thereto.

(English text signed by the State President.)

(Assented to 20th June, 1968.)

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

PART I.

MATTERS AFFECTING THE CONSOLIDATED REVENUE FUND.

Disposal of
certain surplus
State revenues.

1. From the surplus in the Revenue Account as at the thirty-first day of March, 1968, as certified by the Controller and Auditor-General, there shall be—

- (a) paid to the credit of the Post Office Fund, an amount of twenty-one million rand;
- (b) paid to the credit of the Strategic Mineral Resources Development Account, an amount of ten million rand; and
- (c) paid to the credit of the Economic Co-operation Promotion Loan Fund, an amount of five million rand.

2. (1) As dit te eniger tyd in die loop van 'n maand blyk dat die gelde in die Bantoe-onderwysrekening bedoel in artikel 20 van die Skatkis- en Ouditwet, 1956 (Wet No. 23 van 1956), waarskynlik ontoereikend sal wees om die gemagtigde laste teen sodanige rekening te bestry, stel die Tesourie 'n staat op en verstrek dit aan die Kontroleur en Ouditeur-generaal, waarin die bedrag van die geraamde tekort aan die einde van daardie maand aangetoon word en waarin die wyse aangedui word waarop die tekort gefinansier moet word, en daarna kan die Tesourie enige ander gelde wat in die Skatkisrekening beskikbaar is, vir die finansiering van bedoelde tekort aanwend.

Finansiering van tekorte in die Bantoe-onderwysrekening.

(2) 'n Tekort wat op die laaste dag van 'n boekjaar in bedoelde Bantoe-onderwysrekening bestaan, word by wyse van 'n rentevrye verhaalbare voorskot uit die Leningsrekening op die een-en-dertigste dag van Maart van daardie jaar bestry.

(3) 'n Voorskot kragtens subartikel (2) word by die toepassing van artikel 2 van die Algemene Leningswet, 1961 (Wet No. 16 van 1961), geag leningsuitgawes te wees wat deur 'n Begrotingswet gemagtig is.

(4) Subartikels (1), (2) en (3) word geag op die eerste dag van Februarie 1968 in werking te getree het, en ten opsigte van 'n tekort in die Bantoe-onderwysrekening wat ontstaan het gedurende die boekjaar wat op die een-en-dertigste dag van Maart, 1968, geëindig het, word geag dat aan die bepalings van subartikel (1) voldoen is.

3. (1) Wanneer 'n bepaling van 'n wet vereis dat 'n Minister iets in of na oorleg met die Minister van Finansies moet doen, word geag, tensy een van die betrokke Ministers anders gelas, dat aan gemelde bepaling voldoen is indien oorlegpleging tussen die betrokke departementshoofde, binne die bedoeling van die Staatsdienswet, 1957 (Wet No. 54 van 1957), of hul verteenwoordigers plaasgevind het.

Toepassing van sekere bepalings rakende bevoegdhede van Minister van Finansies.

(2) Die Minister van Finansies kan, behalwe in 'n geval waarop subartikel (1) betrekking het, enige bevoegdheid of werksaamheid met betrekking tot die inkomste, uitgawes of eiendom van die Staat of 'n statutêre liggaam omskryf in artikel 1 van die Skatkis- en Ouditwet, 1956 (Wet No. 23 van 1956), wat by wet aan hom verleen of opgedra is, uitgesonderd 'n bevoegdheid om regulasies uit te vaardig, aan 'n beampte in die Departement van Finansies delegeer, maar word nie daardeur van 'n aldus gedelegeerde bevoegdheid of werksaamheid ontdoen nie en kan 'n besluit van so 'n beampte wysig of intrek.

4. (1) Alle gelde en alle eiendom wat deur die Bewaarder van Vyandseiendom kragtens die regulasies afgekondig by Proklamasie No. 201 van 1939, Proklamasie No. 247 van 1941 (Oorlogsmaatreël No. 60 van 1941) of Proklamasie No. 197 van 1946 (Oorlogsmaatreël No. 53 van 1946), verkry is, en enige ander gelde wat nog op die dertigste dag van Junie 1968 in sy bewaring of onder sy beheer is, word op daardie datum aan die Tesourie ten bate van die Gekonsolideerde Inkomstefonds oorbetal en oorgedra, en alle boeke, aantekeninge of dokumente wat deur bedoelde Bewaarder gehou word, word op daardie datum aan die Tesourie oorgedra.

Oordrag van sekere gelde en eiendom in die bewaring of onder beheer van Bewaarder van Vyandseiendom aan die Gekonsolideerde Inkomstefonds en verlening aan die Tesourie van sekere bevoegdhede ten opsigte van sodanige gelde en eiendom.

(2) Vanaf die in subartikel (1) vermelde datum, word bedoelde Bewaarder onthef van alle verpligtinge wat aan hom opgelê is in verband met die in daardie subartikel bedoelde gelde en eiendom.

(3) Vanaf bedoelde datum kan die Tesourie, indien hy dit billik ag, onderworpe aan die bedinge en voorwaardes wat hy bepaal, gelde of eiendom in subartikel (1) vermeld, terugbetaal of oordra aan of ten behoewe van die persoon wat die eienaar daarvan was onmiddellik voordat dit deur bedoelde Bewaarder verkry is, of aan of ten behoewe van die regsopvolger van sodanige persoon.

(4) Gelde wat kragtens subartikel (3) terugbetaal word, word uit gelde deur die Parlement bewillig, betaal.

(5) Die Staatspresident kan by proklamasie in die *Staatskoerant*, vanaf 'n datum deur hom in sodanige proklamasie vasgestel, die bevoegdhede aan die Tesourie by hierdie artikel verleen, herroep.

Financing of deficiencies in the Bantu Education Account.

2. (1) If at any time during the course of a month it appears that the moneys in the Bantu Education Account referred to in section 20 of the Exchequer and Audit Act, 1956 (Act No. 23 of 1956), are likely to be insufficient to defray the authorized charges upon such account, the Treasury shall prepare and submit to the Controller and Auditor-General a statement showing the amount of the estimated deficiency as at the end of that month and indicating the manner in which the deficiency is to be financed and thereupon the Treasury may utilize any other moneys available in the Exchequer Account for the purpose of financing such deficiency.

(2) Any deficiency existing in the said Bantu Education Account on the last day of any financial year shall be met by means of an interest-free recoverable advance from the Loan Account on the thirty-first day of March of that year.

(3) Any advance under subsection (2) shall for the purposes of section 2 of the General Loans Act, 1961 (Act No. 16 of 1961), be deemed to be loan expenditure sanctioned by an Appropriation Act.

(4) Subsections (1), (2) and (3) shall be deemed to have come into operation on the first day of February, 1968, and in respect of any deficiency in the Bantu Education Account which arose during the financial year ended on the thirty-first day of March, 1968, it shall be deemed that the provisions of subsection (1) have been complied with.

Application of certain provisions relative to powers of the Minister of Finance.

3. (1) When a provision in any law contained requires a Minister to do anything in or after consultation with the Minister of Finance, such provision shall, unless one of the Ministers in question directs otherwise, be deemed to have been complied with if consultation has taken place between the heads of departments concerned, within the meaning of the Public Service Act, 1957 (Act No. 54 of 1957), or their representatives.

(2) Except in a case to which subsection (1) applies, the Minister of Finance may delegate to an official in the Department of Finance any power or function conferred on or assigned to him by law in relation to the revenue, expenditure or property of the State or a statutory body, as defined in section 1 of the Exchequer and Audit Act, 1956 (Act No. 23 of 1956), with the exception of a power to make regulations, but shall not thereby be divested of a power or function so delegated and may amend or withdraw a decision of such official.

Transfer of certain moneys and property in custody or under control of Custodian of Enemy Property to Consolidated Revenue Fund, and conferment of certain powers on Treasury in relation to such moneys and property.

4. (1) All moneys and all property acquired by the Custodian of Enemy Property under the regulations published under Proclamation No. 201 of 1939, Proclamation No. 247 of 1941 (War Measure No. 60 of 1941), or Proclamation No. 197 of 1946 (War Measure No. 53 of 1946), and any other moneys still in his custody or under his control on the thirtieth day of June, 1968, shall on that date be paid over and transferred to the Treasury to the credit of the Consolidated Revenue Fund, and all books, records and documents kept by the said Custodian shall on the said date be transferred to the Treasury.

(2) As from the date mentioned in subsection (1), the said Custodian shall be relieved of all obligations imposed upon him in respect of moneys and property referred to in that subsection.

(3) As from the said date the Treasury may, if it deems it to be equitable, subject to such terms and conditions as it may determine, refund or transfer moneys or property referred to in subsection (1), to or on behalf of the person who was the owner of such property or money immediately before it was acquired by the said Custodian, or to or on behalf of the successor in title of such person.

(4) Money refunded under subsection (3) shall be paid out of moneys appropriated by Parliament.

(5) The State President may by proclamation in the *Gazette*, as from a date fixed by him in such proclamation, repeal the powers conferred upon the Treasury by this section.

5. Die betaling van rente teen 'n koers van vyf persent per jaar op sekere gelde in die Voogdyfonds vanaf die eerste dag van April 1967 tot die tweede dag van Oktober 1967, word, ondanks die bepalings van artikel 93 van die Boedelwet, 1913 (Wet No. 24 van 1913), nou herroep, hierby geldig verklaar en bevestig.

Geldigverklaring van betaling van rente op sekere gelde in die Voogdyfonds.

6. Die Minister van Finansies kan vergoeding van enige verlies waarborg wat die Suid-Afrikaanse Reserwebank mag ly ten opsigte van enige waarborg wat gemelde Reserwebank verstrek het vir die terugbetaling van die hoofsom van en die betaling van rente op en die betaling van koste aangegaan in verband met enige promesse wat deur die Suid-Afrikaanse Spoorweë- en Hawensadministrasie uitgereik is ten gunste van die International General Electric, Export Division, General Electric Company, New York: Met dien verstande dat die totale bedrag van alle bedoelde promesses waarvan terugbetaling aldus gewaarborg kan word, nie die som van tienmiljoen vyfhonderdduisend rand mag oorskry nie.

Waarborg deur die Regering vir die vergoeding van verliese as gevolg van 'n waarborg deur die Suid-Afrikaanse Reserwebank vir die betaling van sekere promesses uitgereik deur die Spoorwegadministrasie.

7. Die volgende artikel word hierby in die Yster- en Staalnywerheid Wet, 1928, na artikel 11 ingevoeg:

Invoeging van artikel 11A in Wet 11 van 1928.

„Waarborge deur die Regering vir die nakoming van sekere verpligtinge van die Korporasie. 11A. Benewens enige ander waarborge waarvoor in hierdie Wet voorsiening gemaak word, kan die Minister, met instemming van die Minister van Finansies, by wyse van een of meer waarborge, in sodanige vorm en op sodanige bedinge en voorwaardes as wat hy goeddink, die nakoming van enige verpligting van die Korporasie teenoor 'n persoon buite die Republiek, uitgesonderd enige verpligting aangegaan kragtens artikel 10, 10bis of 11, waarborg: Met dien verstande dat die totale waarde van verpligtinge wat aldus gewaarborg kan word, nie die som van twintigmiljoen rand mag oorskry nie.”

8. Artikel 3 van die Finansiewet, 1954, word hierby gewysig—

Wysiging van artikel 3 van Wet 34 van 1954, soos gewysig deur artikel 10 van Wet 76 van 1961.

(a) deur subartikel (3) deur die volgende subartikel te vervang:

„(3) Ondanks andersluidende bepalings in subartikel (1), word die in daardie subartikel bedoelde ingeskrewe fondse ter waarde van minstens twintigmiljoen rand jaarliks met ingang van die jaar negentien honderd een-en-sestig afgelos totdat sodanige fondse in die geheel afgelos is: Met dien verstande dat die fondse waaraan die ingeskrewe fondse uitgereik is in die jaarlikse aflossing sal deel in verhouding tot hul totale besit van sodanige fondse by afsluiting van besigheid op die dag wat die aflosdatum onmiddellik voorafgaan.”; en

(b) deur subartikel (4) te skrap.

9. Artikel 3bis van die Algemene Leningswet, 1961, word hierby gewysig—

Wysiging van artikel 3bis van Wet 16 van 1961, soos ingevoeg deur artikel 18 van Wet 76 van 1964 en gewysig deur artikel 5 van Wet 103 van 1967.

(a) deur die invoeging van die volgende subartikel na subartikel (3):

„(3A) Die Minister kan, na oorlegpleging met gemelde Reserwebank, gelde uit die Stabilisasierekening na die leningsrekening laat oordra wanneer hy dit nodig ag.”; en

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

„(6) Die Minister moet so gou moontlik na die een-en-dertigste dag van Maart in elke jaar 'n staat waarin die bedrae wat gedurende die jaar wat op daardie datum eindig kragtens subartikel (1) geleen is, die wyse waarop bedoelde bedrae kragtens subartikel (3) belê is en die bedrae wat ingevolge subartikel (3A) oorgedra is, aangetoon word, in die Senaat en in die Volksraad ter Tafel lê.”

Validation of the payment of interest on certain moneys in the Guardian's Fund.

5. The payment of interest at a rate of five per centum per annum on certain moneys in the Guardian's Fund from the first day of April, 1967, to the second day of October, 1967, is, notwithstanding the provisions of section 93 of the Administration of Estates Act, 1913 (Act No. 24 of 1913), now repealed, hereby validated and confirmed.

Guarantee by the Government for the reimbursement of losses consequent upon a guarantee by the South African Reserve Bank for the payment of certain promissory notes issued by the Railways Administration.

6. The Minister of Finance may guarantee reimbursement of any loss which may be sustained by the South African Reserve Bank in respect of any guarantee furnished by the said Reserve Bank for the repayment of the capital of and payment of the interest on and payment of any charges incurred in connection with any promissory note issued by the South African Railways and Harbours Administration in favour of International General Electric, Export Division, General Electric Company, New York: Provided that the total amount of all the said promissory notes whereof repayment may be so guaranteed shall not exceed the sum of ten million five hundred thousand rand.

Insertion of section 11A in Act 11 of 1928.

7. The following section is hereby inserted in the Iron and Steel Industry Act, 1928, after section 11:

"Guarantees by the Government for the fulfilment of certain obligations of the Corporation.

11A. In addition to any other guarantees provided for in this Act, the Minister may, with the concurrence of the Minister of Finance, by way of one or more guarantees, in such form and on such terms and conditions as he may deem fit, guarantee the fulfilment of any obligation of the Corporation to any person outside the Republic, excluding any obligation incurred under section 10, 10*bis* or 11: Provided that the total value of obligations which may be so guaranteed shall not exceed the sum of twenty million rand."

Amendment of section 3 of Act 34 of 1954, as amended by section 10 of Act 76 of 1961.

8. Section 3 of the Finance Act, 1954, is hereby amended—

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

"(3) Notwithstanding anything contained in subsection (1), inscribed stock referred to in that subsection to the value of not less than twenty million rand shall, until the whole of such stock shall have been redeemed, be redeemed annually commencing with the year nineteen hundred and sixty-one: Provided that the funds to which the inscribed stock has been issued shall share in the annual redemption in proportion to their total holdings of such stock as at the close of business on the day immediately preceding the date of redemption."; and

(b) by the deletion of subsection (4).

Amendment of section 3*bis* of Act 16 of 1961, as inserted by section 18 of Act 76 of 1964 and amended by section 5 of Act 103 of 1967.

9. Section 3*bis* of the General Loans Act, 1961, is hereby amended—

(a) by the insertion after subsection (3) of the following subsection:

"(3A) The Minister may, after consultation with the said Reserve Bank, cause to be transferred moneys from the Stabilization Account to the loan account when he deems it to be necessary."; and

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

"(6) The Minister shall as soon as possible after the thirty-first day of March in each year lay on the Table of the Senate and of the House of Assembly a statement showing the amounts borrowed under subsection (1) during the year ending on that date, the manner in which the said amounts were invested under subsection (3) and the amounts transferred in terms of subsection (3A)."

10. Artikel 4 van die Algemene Leningswet, 1961, word hierby gewysig deur die volgende paragraaf by te voeg:
 „(j) gelde oorgedra ingevolge artikel 3*bis* (3A).”.

Wysiging van artikel 4 van Wet 16 van 1961, soos gewysig deur artikel 16 van Wet 76 van 1961, artikel 9 van Wet 82 van 1965 en artikel 12 van Wet 58 van 1966.

11. Artikel 1 van die Finansiewet, 1966, word hierby gewysig deur subparagraaf (d) deur die volgende subparagraaf te vervang:
 „(d) die terugbetaling van die hoofsom van en die betaling van die rente op en die betaling van koste aangegaan in verband met 'n lening, waarborg wat deur 'n bankinstelling soos omskryf in die Bankwet, 1965 (Wet No. 23 van 1965), aan die maatskappy wat kragtens die Maatskappywet, 1926, as „S.A. Sugar Export Corporation (Proprietary) Limited” geregistreer is, toegestaan word: Met dien verstande dat die totale bedrag van alle aan bedoelde maatskappy toegestane lenings waarvan terugbetaling aldus gewaarborg kan word, nie die som van sestienmiljoen rand mag oorskry nie; en”.

Wysiging van artikel 1 van Wet 23 van 1966, soos vervang deur artikel 7 van Wet 103 van 1967.

DEEL II.

AANGELEENTHEDE WAT DIE SPOORWEG- EN HAWEFONDS RAAK.

12. Oor die surplus-inkomste van die Spoorweg- en Hawefonds ten opsigte van die boekjaar wat op die een-en-dertigste dag van Maart 1968 geëindig het, soos deur die Kontroleur en Ouditeur-generaal gesertifiseer, word daar soos volg beskik:

Besteding van surplus-inkomste van Spoorweg- en Hawefonds.

(a) Driemiljoen rand word aangewend ter vermindering van rentedraende kapitaal.

(b) Die oorskot van die surplus-inkomste word oorgedra na die fonds wat ingevolge artikel 104 van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961), ingestel is.

13. Die betaling aan die Spoorwegkommissaris, synde lede van die Spoorweg- en Haweraad in artikel 2 van die Spoorwegraadwet, 1962 (Wet No. 73 van 1962), bedoel, van salarisse teen die skaal van agtduisend sewehonderd rand per jaar vir die Senior Kommissaris en agtduisend driehonderd rand per jaar vir die ander Kommissaris met ingang van die eerste dag van April 1968, word hierby bekragtig en bevestig, en van 'n jaarlikse vakansiebonus van eenhonderd rand elk, met ingang van die huidige boekjaar, word hierby gemagtig.

Bekragtiging van betaling van verhoogde salarisse en magtiging van betaling van vakansiebonus aan Spoorwegkommissaris.

14. Hierdie Wet heet die Finansiewet, 1968.

Kort titel.

Amendment of section 4 of Act 16 of 1961, as amended by section 16 of Act 76 of 1961, section 9 of Act 82 of 1965 and section 12 of Act 58 of 1966.

10. Section 4 of the General Loans Act, 1961, is hereby amended by the addition of the following paragraph:

“(j) moneys transferred in terms of section 3bis (3A).”.

Amendment of section 1 of Act 23 of 1966, as substituted by section 7 of Act 103 of 1967.

11. Section 1 of the Finance Act, 1966, is hereby amended by the substitution for subparagraph (d) of the following subparagraph:

“(d) repayment of the capital of and payment of the interest on and payment of any charges incurred in connection with any loan granted by a banking institution as defined in the Banks Act, 1965 (Act No. 23 of 1965, to the company registered under the Companies Act, 1926, as ‘S.A. Sugar Export Corporation (Proprietary) Limited’: Provided that the total amount of all the loans granted to the said company whereof repayment may be so guaranteed shall not exceed the sum of sixteen million rand; and”.

PART II.

MATTERS AFFECTING THE RAILWAY AND HARBOUR FUND.

Disposal of surplus revenue of Railway and Harbour Fund.

12. The surplus revenue of the Railway and Harbour Fund in respect of the financial year ended on the thirty-first day of March, 1968, as certified by the Controller and Auditor-General, shall be disposed of as follows:

(a) Three million rand shall be applied towards the reduction of interest-bearing capital.

(b) The balance of the surplus revenue shall be credited to the fund established under section 104 of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961).

Validation of payment of increased salaries and authorization of payment of holiday bonus to Railway Commissioners.

13. The payment to the Railway Commissioners, being members of the Railways and Harbours Board referred to in section 2 of the Railway Board Act, 1962 (Act No. 73 of 1962), of salaries at the rate of eight thousand seven hundred rand per annum for the Senior Commissioner and eight thousand three hundred rand per annum for the other Commissioners with effect from the first day of April, 1968, is hereby validated and confirmed, and of an annual holiday bonus of one hundred rand each with effect from the current financial year is hereby authorized.

Short title.

14. This Act shall be called the Finance Act, 1968.

WET

Tot aanwending van 'n som van hoogstens tweeduisend eenhonderd twee-en-twintigmiljoen negehonderd drie-en-sestigduisend rand vir die diens van die Republiek vir die boekjaar wat op die een-en-dertigste dag van Maart 1969 eindig.

(Engelse teks deur die Staatspresident geteken.)

(Goedgekeur op 20 Junie 1968.)

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

1. Die Gekonsolideerde Inkomstefonds van die Republiek word hierby belas met die somme geld wat nodig is vir die diens van die Republiek vir die boekjaar wat op die een-en-dertigste dag van Maart 1969 eindig, maar gesamentlik hoogstens een-duisend vyfhonderd twee-en-twintigmiljoen agthonderd en agtienduisend rand op die Inkomsterekening, soos uiteengesit in kolom 1 van Bylae 1. Gekonsolideerde inkomstefonds belas met som van hoogstens R1,522,818,000 op Inkomsterekening.
2. Die Gekonsolideerde Inkomstefonds van die Republiek word verder belas met die somme geld wat nodig is vir die diens van die Republiek vir die boekjaar wat op die een-en-dertigste dag van Maart 1969 eindig, maar gesamentlik hoogstens twee-en-dertigmiljoen driehonderdduisend rand op die Bantoe-onderwysrekening, soos uiteengesit in kolom 1 van Bylae 2. Gekonsolideerde Inkomstefonds belas met som van hoogstens R32,300,000 op Bantoe-onderwysrekening.
3. Die Gekonsolideerde Inkomstefonds van die Republiek word verder belas met die somme geld wat nodig is vir die diens van die Republiek vir die boekjaar wat op die een-en-dertigste dag van Maart 1969 eindig, maar gesamentlik hoogstens vyfhonderd sewe-en-sestigmiljoen agthonderd vyf-en-veertigduisend rand op die Leningsrekening, soos uiteengesit in kolom 1 van Bylae 3. Gekonsolideerde Inkomstefonds belas met som van hoogstens R567,845,000 op Leningsrekening.
4. Die geld wat deur hierdie Wet beskikbaar gestel word, moet aangewend word vir die dienste in besonderhede in die Bylaes vermeld en meer omstandig uiteengesit in die Begroting van Uitgawes uit Inkomsterekening [R.P. 1 en 50—1968], die Begroting van Uitgawes uit Bantoe-onderwysrekening [R.P. 9—1968] en die Begroting van Uitgawes uit Leningsrekening [R.P. 8 en 50—1968], soos deur die Parlement goedgekeur, en vir geen ander doel nie: Met dien verstande dat, in die geval van die som van eenhonderd nege-en-vyftigmiljoen rand aan kapitaaluitgawe aan spoorweë en hawens, wat voorkom onder Leningsbegrotingspos „A” in Bylae 3, die magtiging by hierdie Wet verleen, geag word van toepassing te wees slegs op die oordrag van daardie som van die Gekonsolideerde Inkomstefonds na die Spoorweg- en Hawefonds, en die besteding van gemelde som plaas moet vind ooreenkomstig 'n beskikbaarstelling van die Parlement wat daarop betrekking het. Hoe die geld bestee moet word.
5. Met goedkeuring van die Minister van Finansies kan 'n besparing onder die een subhoof van 'n begrotingspos aange- Minister kan afwyking goedkeur.

No. 88, 1968.]

ACT

To apply a sum not exceeding two thousand one hundred and twenty-two million nine hundred and sixty-three thousand rand towards the service of the Republic, for the financial year ending on the thirty-first day of March, 1969.

(English text signed by the State President.)

(Assented to 20th June, 1968.)

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

Consolidated Revenue Fund charged with sum not exceeding R1,522,818,000 on Revenue Account.

1. The Consolidated Revenue Fund of the Republic is hereby charged with such sums of money as may be required for the service of the Republic for the financial year ending on the thirty-first day of March, 1969, not exceeding in the aggregate one thousand five hundred and twenty-two million eight hundred and eighteen thousand rand on the Revenue Account as shown in column 1 of Schedule 1.

Consolidated Revenue Fund charged with sum not exceeding R32,300,000 on Bantu Education Account.

2. The Consolidated Revenue Fund of the Republic is further charged with such sums of money as may be required for the service of the Republic for the financial year ending on the thirty-first day of March, 1969, not exceeding in the aggregate thirty-two million three hundred thousand rand on the Bantu Education Account as shown in column 1 of Schedule 2.

Consolidated Revenue Fund charged with sum not exceeding R567,845,000 on Loan Account.

3. The Consolidated Revenue Fund of the Republic is further charged with such sums of money as may be required for the service of the Republic for the financial year ending on the thirty-first day of March, 1969, not exceeding in the aggregate five hundred and sixty-seven million eight hundred and forty-five thousand rand on the Loan Account as shown in column 1 of Schedule 3.

How money to be applied.

4. The money appropriated by this Act shall be applied to the services detailed in the Schedules, and more particularly specified in the Estimate of Expenditure from Revenue Account [R.P. 1 and 50—1968], the Estimate of Expenditure from Bantu Education Account [R.P. 9—1968] and the Estimate of Expenditure from Loan Account [R.P. 8 and 50—1968], as approved by Parliament, and to no other purpose: Provided that in the case of the sum of one hundred and fifty-nine million rand for capital expenditure on railways and harbours, shown under Loan Vote "A" in Schedule 3, the authority granted by this Act shall be deemed to apply only to the transfer of that sum from the Consolidated Revenue Fund to the Railway and Harbour Fund, and the expenditure of the said sum shall be in accordance with any appropriation made by Parliament in that behalf.

Minister may approve variation.

5. With the approval of the Minister of Finance, a saving on any sub-head of a vote may be made available to meet excess

wend word tot dekking van uitgawes bo die gemagtigde bedrag onder 'n ander subhoof, of van uitgawes onder 'n nuwe subhoof van dieselfde begrotingspos: Met dien verstande dat die somme wat in kolom 2 van die Bylaes voorkom, nie oorskry mag word nie, en besparings daarop ewemin aangewend mag word vir enige ander doel as dié waarvoor die geld hierby toegestaan word soos in gemelde Bylaes aangedui.

6. Hierdie Wet heet die Begrotingswet, 1968.

Kort titel.

Bylae 1.

(TEN LASTE VAN INKOMSTEREKENING.)

No.	Begrotingspos. Titel.	Kolom 1.	Kolom 2.
		R	R
1.	Staatspresident	114,000	
2.	Senaat	410,000	
	Met inbegrip van—		
	Uitgawe- en onthaaltoelae ..		2,000
	Amptelike onthaal		200
3.	Volksraad	1,310,000	
	Met inbegrip van—		
	Uitgawe- en onthaaltoelae ..		2,000
	Amptelike onthaal		200
	Hulptoelae aan die Parlementêre Vereniging van die Republiek van Suid-Afrika		25,000
4.	Eerste Minister	165,000	
	Met inbegrip van—		
	Amptelike onthaal		800
5.	Polisie	72,130,000	
	Met inbegrip van—		
	Aankoop van motorvoertuie ..		3,524,000
	Hulptoelae aan Ontspannings- en Weldadigheidsfonds		10,000
	Amptelike onthaal		200
	Geheime dienste		1,012,000
	Aankoop van materiaal		30,000
6.	Vervoer	34,175,000	
	Met inbegrip van—		
	Amptelike onthaal		200
	Aankoop van motorvoertuie ..		4,001,000
	Lugnavigasihulpuitrusting ..		1,152,100
	Bydrae tot Fonds ter Uitskakeling van Spoorroorgange		1,000,000
	Hulptoelae:		
	S.A. Padveiligheidsraad ..		250,000
	Scott Poolnavorsingsinstituut ..		800
7.	Kultuursake	3,722,000	
	Met inbegrip van—		
	Amptelike onthaal		200
	Hulptoelae:		
	Buitelandse studie		1,500
	Kommissie vir Natuurlike en Historiese Monumente		19,400
	Stigting Simon van der Stel ..		12,000
	Abbé Breuil-trust		1,000
	Afrika-instituut		87,110
	Raad vir Suid-Afrikaanse Oor- logsgrafte		92,700
	Suid-Afrikaanse Instituut, Am- sterdam		3,200
	Staatsondersteunde en aanver- wante Inrigtings		1,032,300
	Bevordering van jeugwerk, vol- wassene-opvoeding, kuns, ens.		879,800
8.	Hoër Onderwys	38,226,000	
	Met inbegrip van—		
	Amptelike onthaal		200
	Hulptoelae:		
	Skoolfondse		1,990
	Nasionale Raad vir Sosiale Na- vorsing		325,000
	Buitelandse studie		1,500

expenditure on any other sub-head, or expenditure on a new sub-head of the same vote: Provided that the sums appearing in column 2 of the Schedules shall not be exceeded, nor shall savings thereon be available for any purpose other than that for which the money is hereby granted as indicated in the said Schedules.

Short title.

6. This Act shall be called the Appropriation Act, 1968.

Schedule 1.

(CHARGEABLE TO REVENUE ACCOUNT.)

No.	Vote. Title.	Column 1.	Column 2.
		R	R
1.	State President	114,000	
2.	Senate	410,000	
	Including—		
	Expense and entertainment allow- ance		2,000
	Official entertainment		200
3.	House of Assembly	1,310,000	
	Including—		
	Expense and entertainment allow- ance		2,000
	Official entertainment		200
	Grant-in-aid to the Parliamentary Association of the Republic of South Africa		25,000
4.	Prime Minister	165,000	
	Including—		
	Official entertainment		800
5.	Police	72,130,000	
	Including—		
	Purchase of motor vehicles		3,524,000
	Grant-in-aid to Recreation and Benevolent Fund		10,000
	Official entertainment		200
	Secret services		1,012,000
	Purchase of material		30,000
6.	Transport	34,175,000	
	Including—		
	Official entertainment		200
	Purchase of motor vehicles		4,001,000
	Navigational aid equipment		1,152,100
	Contribution to Level Crossing Elimination Fund		1,000,000
	Grants-in-aid:		
	S.A. Road Safety Council		250,000
	Scott Polar Research Institute		800
7.	Cultural Affairs	3,722,000	
	Including—		
	Official entertainment		200
	Grants-in-aid:		
	Overseas study		1,500
	Natural and Historical Monu- ments Commission		19,400
	Simon van der Stel Foundation		12,000
	Abbé Breuil Trust		1,000
	Africa Institute		87,110
	South African War Graves Board		92,700
	South African Institute, Amster- dam		3,200
	State-aided and kindred Insti- tutions		1,032,300
	Advancement of youth services, adult education, art, etc.		879,800
8.	Higher Education	38,226,000	
	Including—		
	Official entertainment		200
	Grants-in-aid:		
	School funds		1,990
	National Council for Social Re- search		325,000
	Overseas study		1,500

No.	Begrotingspos.	Kolom 1.	Kolom 2.
	Titel.		
		R	R
9.	Inligting	4,159,000	
	Met inbegrip van—		
	Amptelike onthaal		200
10.	Binnelandse Sake	2,350,000	
	Met inbegrip van—		
	Amptelike onthaal		200
11.	Staatsdienskommissie	3,617,000	
	Met inbegrip van—		
	Amptelike onthaal		800
12.	Staatsdrukkery	5,920,000	
	Met inbegrip van—		
	Amptelike onthaal		100
13.	Gemeenskapbou	10,150,000	
	Met inbegrip van—		
	Amptelike onthaal		400
14.	Openbare Werke	35,991,000	
	Met inbegrip van—		
	Amptelike onthaal		200
	Finansiële hulp:		
	Munisipaliteit van Simonstad ..		112,000
	Raad van Beheer, Hugenote- monument		6,000
	Voortrekkermonument:		
	Hulptoelae aan Beheerraad ..		18,800
15.	Volkswelsyn en Pensioene	125,433,000	
	Met inbegrip van—		
	Amptelike onthaal		200
	Kindersorg: Spesiale hulptoelae		50,000
	Subsidies aan maatskaplike sen- trums		16,000
	Hulptoelae aan Heilsleër		2,200
	Spesiale toekennings aan Welsyn- organisasies		100,000
16.	Tesourie	1,490,000	
	Met inbegrip van—		
	Amptelike onthaal		600
17.	Staatskuld	124,455,000	
18.	Provinsiale Administrasies	234,798,000	
19.	Suid-Afrikaanse Munt	550,000	
	Met inbegrip van—		
	Amptelike onthaal		120
20.	Binnelandse Inkomste	6,380,000	
	Met inbegrip van—		
	Amptelike onthaal		200
21.	Doeane en Aksyns	10,030,000	
	Met inbegrip van—		
	Amptelike onthaal		200
22.	Oudit	1,422,000	
	Met inbegrip van—		
	Amptelike onthaal		200
23.	Gesondheid	32,180,000	
	Met inbegrip van—		
	Amptelike onthaal		200
	Hulptoelae aan die Nasionale Raad vir Geestesgesondheid ..		45,000
	Finansiële hulp aan MacVicar- hospitaal vir Tuberkulose, Love- dale		5,400
	Hulptoelae aan die Tuberkulose- raad van die Kaapprovinsie ..		600
	Hulptoelae kragtens artikel 135 van Wet No. 36 van 1919:		
	S.A. Instituut vir Mediese Navorsing		21,000
	Poliomiëlitis-navorsingstigting		31,000
	Universiteit van Pretoria:		
	Leprose-navorsing		3,000
	Universiteit van die Witwaters- rand: Mediese navorsing ..		6,500
	Moederkunde-opleidingsentra:		
	Blankes:		
	Lady Buxton Home, Kaap- stad		9,000
	Moedersbond-hospitaal, Pretoria		12,000
	Kleurlinge:		
	Athlone, Kaapstad		8,600
	Suid-Afrikaanse Nasionale Raad vir Moeder- en Gesinswelsyn		60,000
	Opleiding van gesondheidsin- spekteurs:		
	Blankes		15,000

No.	Vote. Title.	Column 1.	Column 2.
		R	R
9.	Information	4,159,000	
	Including—		
	Official entertainment		200
10.	Interior	2,350,000	
	Including—		
	Official entertainment		200
11.	Public Service Commission	3,617,000	
	Including—		
	Official entertainment		800
12.	Government Printing Works	5,920,000	
	Including—		
	Official entertainment		100
13.	Community Development	10,150,000	
	Including—		
	Official entertainment		400
14.	Public Works	35,991,000	
	Including—		
	Official entertainment		200
	Financial assistance:		
	Simonstown Municipality		112,000
	Board of Control, Huguenot Monument		6,000
	Voortrekker Monument:		
	Grant-in-aid to Control Board		18,800
15.	Social Welfare and Pensions	125,433,000	
	Including—		
	Official entertainment		200
	Child Welfare: Special grants-in-aid		50,000
	Subsidies to social centres		16,000
	Grant-in-aid to Salvation Army		2,200
	Special grants to Welfare Organizations		100,000
16.	Treasury	1,490,000	
	Including—		
	Official entertainment		600
17.	Public Debt	124,455,000	
18.	Provincial Administrations	234,798,000	
19.	South African Mint	550,000	
	Including—		
	Official entertainment		120
20.	Inland Revenue	6,380,000	
	Including—		
	Official entertainment		200
21.	Customs and Excise	10,030,000	
	Including—		
	Official entertainment		200
22.	Audit	1,422,000	
	Including—		
	Official entertainment		200
23.	Health	32,180,000	
	Including—		
	Official entertainment		200
	Grant-in-aid to the National Council for Mental Health		45,000
	Financial assistance to MacVicar Hospital for Tuberculosis, Lovedale		5,400
	Grant-in-aid to Cape Province Tuberculosis Council		600
	Grants-in-aid in terms of section 135 of Act No. 36 of 1919:		
	South African Institute for Medical Research		21,000
	Poliomyelitis Research Foundation		31,000
	University of Pretoria: Leprosy research		3,000
	University of the Witwatersrand: Medical research		6,500
	Mothercraft Training Centres:		
	Whites:		
	Lady Buxton Home, Cape Town		9,000
	Moedersbond Hospital, Pretoria		12,000
	Coloureds:		
	Athlone, Cape Town		8,600
	South African National Council for Maternal and Family Welfare		60,000
	Training of sanitary inspectors:		
	Whites		15,000

No.	Begrotingspos. Titel.	Kolom 1.	Kolom 2.
		R	R
	Nie-Blankes ..		15,000
	S.A. Noodhulp Liga, Suid-Afrikaanse Rooikruisvereniging en St. John Ambulansbrigade		3,900
	Suid-Afrikaanse Verpleegstersvereniging: Opleiding van gesondheidsbesoeksters:		
	Blankes ..		10,400
	Nie-Blankes ..		6,800
	Opleiding van Bantoe-gesondheidsassistenten ..		5,000
	Tandheelkundige klinieke en vrywillige buite-pasiëntdienste		80,000
	Nasionale Kankervereniging van S.A. ..		200
	Transvaalse Vereniging vir die versorging van nie-Blanke Blindes ..		800
	Finansiële hulp kragtens artikel 50 (1) (f) van Wet No. 36 van 1919: Kapitaaluitgawes:		
	Sendinghospitale ..		10,000
	S.A.N.T.V.-sentra ..		50,000
24.	Gesondheid: Hospitale en Inrigtings ..	17,375,000	
25.	Landbou-ekonomie en -bemarking: Administrasie ..	2,440,000	
	Met inbegrip van—		
	Amptelike onthaal ..		200
26.	Landbou-ekonomie en -bemarking: Algemeen ..	78,975,000	
27.	Landboukrediet en Grondbesit ..	2,380,000	
	Met inbegrip van—		
	Amptelike onthaal ..		200
	Hulptoelae aan Nasionale Parke-raad ..		120,000
28.	Aktekantore ..	1,147,000	
29.	Opmetings ..	2,815,000	
30.	Landbou-tegniese Dienste: Administrasie en Nasionale Dienste ..	14,100,000	
	Met inbegrip van—		
	Amptelike onthaal ..		200
	Hulptoelae aan Landbouverenigings ..		12,600
	Subsidie aan die Nasionale Veld-trust ..		10,000
	Hulptoelae aan Nasionale Botaniese Tuine ..		130,700
31.	Landbou-tegniese Dienste: Streekdienste en Onderwys ..	15,730,000	
	Met inbegrip van—		
	Hulptoelae aan Sentrale Landdiensfonds ..		400
	Landboustudiebeurse en -hulpbeurse ..		5,000
32.	Waterwese ..	12,000,000	
	Met inbegrip van—		
	Amptelike onthaal ..		200
	Welsyns- en ontspanningstoekenings ..		15,000
33.	Immigrasie ..	5,860,000	
	Met inbegrip van—		
	Amptelike onthaal ..		200
	Hulptoelae:		
	Maatskappy vir Europese Immigrasie ..		56,000
	1820 Memorial Settlers' Association of Southern Africa ..		56,000
	Southern Africa League ..		36,000
34.	Indiërsake ..	19,572,000	
	Met inbegrip van—		
	Amptelike onthaal ..		200
	Skenkings aan gemeenskapsentrums, verenigings en inrigtings, en hulptoelae aan opvoedkundige en sportorganisasies ..		1,000
	Kindersorg: Spesiale hulptoelae		3,500
	Hulptoelae aan skoolfondse ..		100
35.	Verdediging ..	252,900,000	
	Met inbegrip van—		
	Amptelike onthaal ..		200
	Militêre inligtingsdiens ..		830,000
	Hulptoelae:		
	S.A.W.-ontspanningsfonds ..		6,000

No.	Vote.	Column 1.	Column 2.
	Title.	R	R
	Non-Whites		15,000
	Suid-Afrikaanse Noodhulpiga, South African Red Cross Society and St. John Ambu- lance Brigade		3,900
	South African Nursing Asso- ciation: Training of health visitors:		
	Whites		10,400
	Non-Whites		6,800
	Training of Bantu health assis- tants		5,000
	Dental clinics and voluntary out- patient services		80,000
	National Cancer Association of South Africa		200
	Transvaal Society for the care of non-White Blind		800
	Financial assistance in terms of section 50 (1) (f) of Act No. 36 of 1919: Capital expenditure:		
	Mission Hospitals		10,000
	S.A.N.T.A. Centres		50,000
24.	Health: Hospitals and Institutions ..	17,375,000	
25.	Agricultural Economics and Marketing: Administration	2,440,000	
	Including—		
	Official entertainment		200
26.	Agricultural Economics and Marketing: General	78,975,000	
27.	Agricultural Credit and Land Tenure Including—	2,380,000	
	Official entertainment		200
	Grant-in-aid to National Parks Board		120,000
28.	Deeds Offices	1,147,000	
29.	Surveys	2,815,000	
30.	Agricultural Technical Services: Ad- ministration and National Services Including—	14,100,000	
	Official entertainment		200
	Grants-in-aid to Agricultural Societies		12,600
	Subsidy to the National Veld Trust		10,000
	Grant-in-aid to National Botanical Gardens		130,700
31.	Agricultural Technical Services: Regional Services and Education Including—	15,730,000	
	Grant-in-aid to Central Land Ser- vice Fund		400
	Agricultural scholarships and bur- saries		5,000
32.	Water Affairs	12,000,000	
	Including—		
	Official entertainment		200
	Welfare and recreational grants ..		15,000
33.	Immigration	5,860,000	
	Including—		
	Official entertainment		200
	Grants-in-aid:		
	Maatskappy vir Europese Im- migrasie		56,000
	1820 Memorial Settlers' Associa- tion of Southern Africa ..		56,000
	Southern Africa League		36,000
34.	Indian Affairs	19,572,000	
	Including—		
	Official entertainment		200
	Donations to community centres, societies and institutions and grants-in-aid to educational and sports organizations		1,000
	Child Welfare: Special grants-in- aid		3,500
	Grants-in-aid to school funds ..		100
35.	Defence	252,900,000	
	Including—		
	Official entertainment		200
	Military intelligence service ..		830,000
	Grants-in-aid:		
	S.A.D.F. recreation fund		6,000

No.	Begrotingspos.	Kolom 1.	Kolom 2.
	Titel.	R	R
	S.A. Rooikruisvereniging, St. John-ambulansbrigade en S.A. Noodhulpiga		9,000
	Internasionale Komitee van die Rooikruis		8,000
	S.A. Nasionale Skietvereniging		2,030
36.	Burgerlike Beskerming	1,100,000	
	Met inbegrip van— Amptelike onthaal		200
37.	Bosbou	2,207,000	
	Met inbegrip van— Amptelike onthaal		200
	Hulptoelae: Wattelnavorsingsinstituut, Uni- versiteit van Natal		44,300
	Universiteit van Stellenbosch —navorsing		109,000
38.	Toerisme	1,710,000	
	Met inbegrip van— Amptelike onthaal		200
	Hulptoelae aan die S.A. Toeriste- korporasie		1,310,000
39.	Sport en Ontspanning	335,000	
	Met inbegrip van— Amptelike onthaal		200
	Hulptoelae: Sport- en Ontspanningsliggame		165,900
40.	Buitelandse Sake	6,985,000	
	Met inbegrip van— Bydrae aan Buitelandse Sake Spe- siale Rekening		500,000
41.	Handel	6,750,000	
	Met inbegrip van— Amptelike onthaal		200
	Hulptoelae aan die Nasionale Ont- wikkelings- en Bestuursgenoot- skap van S.A.		4,000
42.	Nywerheidswese	10,320,000	
	Met inbegrip van— Amptelike onthaal		400
	Bydrae aan die S.A. Buro vir Standaarde		4,380,000
43.	Arbeid	8,520,000	
	Met inbegrip van— Amptelike onthal		640
44.	Kleurlingsake	55,100,000	
	Met inbegrip van— Amptelike onthaal		200
	Kindersorg: Spesiale hulptoelae		65,000
	Subsidies aan maatskaplike sen- trums		15,200
	Hulptoelae aan skoolfondse: Nywerheidskole		600
	Verbeteringskole		800
	Hulptoelae: Transhaven Strandskool, Dur- ban		4,800
	Opvoedkundige en sportorgani- sasies		45,000
	Joan-groep: Oprigting van kul- tuursentrum		40,000
45.	Bantoe-administrasie en -ontwikkeling	37,696,000	
	Met inbegrip van— Amptelike onthaal		200
	Geheime dienste		500
	Subsidies aan maatskaplike sen- trums		1,000
	Hulptoelae aan die Suid-Afrikaan- se Bantoe-trustfonds		6,145,000
	Betaling aan die Transkeise Regering		2,800,000
46.	Bantoe-onderwys: Buitengewone On- derwys	342,000	
47.	Justisie	14,500,000	
	Met inbegrip van— Amptelike onthaal		400
48.	Gevangenis	21,435,000	
	Met inbegrip van— Amptelike onthaal		200
49.	Mynwese	30,500,000	
	Met inbegrip van— Amptelike onthaal		200

No.	Vote. Title.	Column 1.	Column 2.
		R	R
	S.A. Red Cross Society, St. John Ambulance Brigade and S.A. Noodhulpliga		9,000
	International Committee of the Red Cross		8,000
	S.A. National Bisley Meeting		2,030
36.	Civil Defence	1,100,000	
	Including—		
	Official entertainment		200
37.	Forestry	2,207,000	
	Including—		
	Official entertainment		200
	Grants-in-aid:		
	Wattle Research Institute, University of Natal		44,300
	University of Stellenbosch—research		109,000
38.	Tourism	1,710,000	
	Including—		
	Official entertainment		200
	Grant-in-aid to the South African Tourist Corporation		1,310,000
39.	Sport and Recreation	335,000	
	Including—		
	Official entertainment		200
	Grants-in-aid:		
	Sporting and Recreational Bodies		165,900
40.	Foreign Affairs	6,985,000	
	Including—		
	Contribution to Foreign Affairs Special Account		500,000
41.	Commerce	6,750,000	
	Including—		
	Official entertainment		200
	Grant-in-aid to the National Development and Management Foundation of S.A.		4,000
42.	Industries	10,320,000	
	Including—		
	Official entertainment		400
	Contribution to the S.A. Bureau of Standards		4,380,000
43.	Labour	8,520,000	
	Including—		
	Official entertainment		640
44.	Coloured Affairs	55,100,000	
	Including—		
	Official entertainment		200
	Child Welfare: Special grants-in-aid		65,000
	Subsidies to social centres		15,200
	Grants-in-aid to school funds:		
	Schools of Industries		600
	Reform Schools		800
	Grants-in-aid:		
	Transhaven Seaside School, Durban		4,800
	Educational and sports organizations		45,000
	Eoan Group: Erection of cultural centre		40,000
45.	Bantu Administration and Development	37,696,000	
	Including—		
	Official entertainment		200
	Secret services		500
	Subsidies to social centres		1,000
	Grant-in-aid to the South African Bantu Trust Fund		6,145,000
	Payment to the Transkeian Government		2,800,000
46.	Bantu Education: Special Education	342,000	
47.	Justice	14,500,000	
	Including—		
	Official entertainment		400
48.	Prisons	21,435,000	
	Including—		
	Official entertainment		200
49.	Mines	30,500,000	
	Including—		
	Official entertainment		200

Begrotingspos.		Kolom 1.	Kolom 2.
No.	Titel.		
		R	R
	Diverse uitbetalings deur die Algemene Bestuurder, Alluviale Staatsdelwerye		300
	Hulptoelae:		
	Sanatorium van die Kamer van Mynwese (Springkell) ..		10,000
	Ontspanningsklub — Alluviale Staatsdelwerye		2,300
50.	Beplanning	11,920,000	
	Met inbegrip van—		
	Amptelike onthaal		300
	Bydrae tot die S.A. Wetenskaplike en Nywerheidsnavorsingsraad ..		10,917,000
51.	Statistiek	1,515,000	
	Met inbegrip van—		
	Amptelike onthaal		150
52.	Pos-, Telegraaf-, Telefoon- en Radiodienste	119,318,000	
	Met inbegrip van—		
	Aankoop van motorvoertuie ..		900,200
	Amptelike onthaal		440
	Hulptoelae:		
	Suid-Afrikaanse Instituut vir Elektrotegniese Ingenieurs ..		50
	Poskantoor sportvereniging ..		5,000
53.	Aanvulling van Salarisse, Lone, Toelae en Verblyf- en Vervoerkoste ..	11,594,000	
54.	Betalings aan Poskantoorfonds ..	6,500,000	
	Totaal	R 1,522,818,000	

Bylae 2.

(TEN LASTE VAN BANTOE-ONDERWYSREKENING.)

Begrotingspos.		Kolom 1.	Kolom 2.
No.	Titel.		
		R	R
	Bantoe-onderwys	32,300,000	
	Met inbegrip van—		
	Amptelike onthaal		200

Vote.		Column 1.	Column 2.
No.	Title.		
	Miscellaneous disbursements by the General Manager, State Alluvial Diggings	R	R
	Grants-in-aid:		
	Chamber of Mines (Springkell) Sanatorium		300
	Recreation Association—State Alluvial Diggings		10,000
50.	Planning	11,920,000	2,300
	Including—		
	Official entertainment		300
	Contribution to the S.A. Council for Scientific and Industrial Research		10,917,000
51.	Statistics	1,515,000	
	Including—		
	Official entertainment		150
52.	Posts, Telegraphs, Telephones and Radio Services	119,318,000	
	Including—		
	Purchase of motor vehicles		900,200
	Official entertainment		440
	Grants-in-aid:		
	South African Institute of Electrical Engineers		50
	Post Office Sports Association		5,000
53.	Augmentation of Salaries, Wages, Allowances and Subsistence and Transport	11,594,000	
54.	Payments to Post Office Fund	6,500,000	
	Tota	R 1,522,818,000	

Schedule 2.

CHARGEABLE TO BANTU EDUCATION ACCOUNT.)

Vote.		Column 1.	Column 2.
No.	Title.		
	Bantu Education	R 32,300,000	R
	Including—		
	Official entertainment		200

Bylae 3.

(TEN LASTE VAN LENINGSREKENING.)

Begrotingspos.		Kolom	Kolom
No.	Titel.	1.	2.
		R	R
A.	Diverse Lenings en Dienste Met inbegrip van— Oordrag van gelde na die Spoor- weg- en Hawefonds	246,386,000	159,000,000
B.	Openbare Werke	35,100,000	
C.	Telegraaf-, Telefoon- en Radiodienste	38,450,000	
D.	Landboukrediet en Grondbesit	34,550,000	
E.	Waterwese	64,429,000	
F.	Bosbou	12,345,000	
G.	Mynwese	746,000	
H.	Beplanning	950,000	
J.	Nywerheidswese	4,750,000	
K.	Gemeenskapsbou	74,680,000	
L.	Vervoer	159,000	
M.	Hoër Onderwys	3,620,000	
N.	Bantoe-administrasie en -ontwikkeling Met inbegrip van— Hulptoelae aan die Suid-Afrikaan- se Bantoe-trustfonds	48,280,000	47,779,000
O.	Landbou-ekonomie en -bemarking	400,000	
P.	Kleurlingsake	1,400,000	
Q.	Bantoe-onderwys	1,600,000	
	Totaal .. R	567,845,000	

OPSOMMING.

Bedrag ten laste van Inkomsterekening	R1,522,818,000
Bedrag ten laste van Bantoe-onderwysrekening	32,300,000
Bedrag ten laste van Leningsrekening	567,845,000
Totaal	<u>R2,122,963,000</u>

Schedule 3.

(CHARGEABLE TO LOAN ACCOUNT.)

No.	Vote. Title.	Column 1.	Column 2.
		R	R
A.	Miscellaneous Loans and Services ..	246,386,000	
	Including—		
	Transfer of moneys to the Railway and Harbour Fund		159,000,000
B.	Public Works	35,100,000	
C.	Telegraphs, Telephones and Radio Services	38,450,000	
D.	Agricultural Credit and Land Tenure	34,550,000	
E.	Water Affairs	64,429,000	
F.	Forestry	12,345,000	
G.	Mines	746,000	
H.	Planning	950,000	
J.	Industries	4,750,000	
K.	Community Development	74,680,000	
L.	Transport	159,000	
M.	Higher Education	3,620,000	
N.	Bantu Administration and Develop- ment	48,280,000	
	Including—		
	Grant-in-aid to the South African Bantu Trust Fund		47,779,000
O.	Agricultural Economics and Marketing	400,000	
P.	Coloured Affairs	1,400,000	
Q.	Bantu Education	1,600,000	
	Total	R 567,845,000	

SUMMARY.

Amount chargeable to Revenue Account	R1,522,818,000
Amount chargeable to Bantu Education Account	32,300,000
Amount chargeable to Loan Account	567,845,000
Total	<u>R2,122,963,000</u>