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GOVERNMENT GAZETTE

STAATSKOERANT

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DEPARTMENT OF THE PRIME MINISTER

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 770.

10th May, 1972.

No. 770.

10 Mei 1972.

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

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

No. 30 of 1972: Second Bantu Laws Amendment Act, 1972.

No. 30 van 1972: Tweede Wysigingswet op Bantowetgewing, 1972.

Wet No. 30, 1972

TWEEDE WYSIGINGSWET OP BANTOEWETGEWING, 1972.

WET

Tot wysiging van artikel 11 van die Wet op die Hervestiging van Bantoes, 1954, ten einde voorsiening te maak vir die ouditering van die boeke en rekenings en balansstaat van die voorsorgfonds van die Raad vir die Hervestiging van Bantoes; tot wysiging van artikels 5, 11, 13 en 16 van die Wet op Bantoebier, 1962, om voorsiening te maak vir die verkoop en verskaffing van Bantoebier en Bantoebierpoeier deur algemene handelaars buite stadsgebiede, die beperking op die verkryging van Bantoebier deur drankwinkels van 'n ander plaaslike bestuur as die plaaslike bestuur binne wie se regsgebied die betrokke drankwinkel geleë is, en die wettige besit van Bantoebier deur persone op plase; en tot wysiging van die Wet op Bantoe-arbeid, 1964, deur artikel 25 wat voorsiening maak vir die instelling van hulpentrums, te vervang; en om vir bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 4 Mei 1972.)

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

Vervanging van
artikel 11 van
Wet 19 van 1954.

1. Artikel 11 van die Wet op die Hervestiging van Bantoes, 1954, word hierby deur die volgende artikel vervang:
„Ouditering 11. Die boeke en rekenings en balansstaat van die raad en sy voorsorgfonds, geregistreer by die Registrateur van Pensioenfondse by Sertifikaat van Voorlopige Registrasie No. 6039 van 29 Februarie 1968 of 'n sertifikaat wat daarna uitgereik is, word jaarliks deur die Kontroleur en Ouditeur-generaal geouditeer.”

Wysiging van
artikel 5 van
Wet 63 van 1962.

2. Artikel 5 van die Wet op Bantoebier, 1962, word hierby gewysig—

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

„(1A) 'n Algemene handelaar buite 'n stadsgebied wat kragtens hierdie artikel skriftelik daartoe deur die Minister gemagtig is, kan, met behoorlike inagneming van die bepalings van hierdie artikel, verpakte Bantoebier en Bantoebierpoeier verkoop en verskaf, mits sodanige verpakte Bantoebier van 'n plaaslike bestuur, die Bantoebeleggingskorporasie of die Xhosa-ontwikkelingskorporasie verkry word.”;

(b) deur subartikels (2) en (3) deur die volgende subartikels te vervang:

„(2) 'n Plaaslike bestuur wat ingevolge subartikel (1) Bantoebier kan maak, verkoop en verskaf, maak, verkoop en verskaf, en 'n algemene handelaar wat ingevolge subartikel (1A) Bantoebier kan verkoop en verskaf, verkoop en verskaf, Bantoebier alleen op 'n terrein of in 'n perseel deur die Minister goedgekeur.

ACT

To amend section 11 of the Bantu Resettlement Act, 1954, in order to provide for the auditing of the books and statements of account and balance sheet of the provident fund of the Bantu Resettlement Board; to amend sections 5, 11, 13 and 16 of the Bantu Beer Act, 1962, to provide for the sale and supply of Bantu beer and Bantu beer powder by general dealers outside urban areas, the restriction on bottle stores from obtaining Bantu beer from a local authority other than the local authority within whose area of jurisdiction the relative bottle store is situate, and the lawful possession of Bantu beer by persons on farms; and to amend the Bantu Labour Act, 1964, by the substitution of section 25 which provides for the establishment of aid centres; and to provide for incidental matters.

(English text signed by the State President.)

(Assented to 4th May, 1972.)

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

1. The following section is hereby substituted for section 11 of the Bantu Resettlement Act, 1954:

Substitution of section 11 of Act 19 of 1954.

"Auditing of accounts.

11. The books and statements of account and balance sheet of the board and its provident fund, registered with the Registrar of Pension Funds by Certificate of Preliminary Registration No. 6039 dated 29th February, 1968, or any certificate issued thereafter, shall be audited annually by the Controller and Auditor-General."

2. Section 5 of the Bantu Beer Act, 1962, is hereby amended—
(a) by the insertion after subsection (1) of the following subsection:

Amendment of section 5 of Act 63 of 1962.

"(1A) Any general dealer outside an urban area, who has been authorized by the Minister in writing under this section to do so, may, with due regard to the provisions of this section, sell and supply packaged Bantu beer and Bantu beer powder, provided such packaged Bantu beer is acquired from a local authority, the Bantu Investment Corporation or the Xhosa Development Corporation."

(b) by the substitution for subsections (2) and (3) of the following subsections:

"(2) A local authority which may under subsection (1) manufacture, sell and supply Bantu beer, shall manufacture, sell and supply, and a general dealer who may under subsection (1A) sell and supply Bantu beer, shall sell and supply, such beer only on a site or in premises approved by the Minister.

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(3) 'n Plaaslike bestuur of algemene handelaar mag nie Bantoebier aan iemand onder die skynbare leeftyd van agtien jaar verkoop of verskaf nie.”; en

(c) deur die volgende subartikels by te voeg:

„(7) (a) 'n Heffing van 1 sent is betaalbaar ten opsigte van elke 500 gram Bantoebierpoeier deur 'n vervaardiger aan 'n algemene handelaar verskaf.

(b) Die heffing waarna in paragraaf (a) verwys word, moet deur die vervaardiger aan die Sekretaris van Bantoe-administrasie en -ontwikkeling betaal word vir storting in 'n rekening deur bedoelde Sekretaris bepaal en waarteen enige diens of uitgawe of toekenning wat deur die Minister as in belang van die Bantoes gesertifiseer word, in rekening gebring kan word.

(8) 'n Magtiging wat kragtens subartikel (1A) aan 'n algemene handelaar uitgereik is om Bantoebier en Bantoebierpoeier te verkoop en te verskaf, is van krag tot en met die een-en-dertigste dag van Desember van die jaar waarin dit van krag is.”

Vervanging van artikel 11 van Wet 63 van 1962, soos gewysig deur artikel 92 van Wet 42 van 1964.

3. Artikel 11 van die Wet op Bantoebier, 1962, word hierby deur die volgende artikel vervang:

11. Behoudens die bepalings van artikel 69 van die Drankwet, kan iemand wat kragtens bedoelde Wet gelisensieer of gemagtig is om drank te verkoop, ook Bantoebier wat verkry is van of deur bemiddeling van die plaaslike bestuur binne wie se reggebied die gelisensieerde perseel geleë is, verkoop en verskaf op of in die perseel waarop of waarin, en onderworpe aan dieselfde voorwaardes en beperkings as dié waaronder op of in daardie perseel, drank deur hom verkoop word.”.

Wysiging van artikel 13 van Wet 63 van 1962.

4. Artikel 13 van die Wet op Bantoebier, 1962, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Niemand mag sonder die voorafverkreë toestemming van die eienaar of wettige bewoner van 'n private terrein, perseel of plaas, op of in daardie terrein, perseel of plaas, in besit van Bantoe-bier wees nie, ongeag of sodanige terrein, perseel of plaas binne of buite 'n stadsgebied geleë is al dan nie: Met dien verstande dat by die toepassing van hierdie subartikel, iemand wat so 'n terrein, perseel op grond of plaas as 'n werknemer van die eienaar of wettige bewoner van daardie grond of plaas bewoon, nie geag word 'n wettige bewoner van daardie terrein, perseel of plaas te wees nie.”.

Wysiging van artikel 16 van Wet 63 van 1962, soos gewysig deur artikel 93 van Wet 42 van 1964, en artikel 19 van Wet 98 van 1965.

5. Artikel 16 van die Wet op Bantoebier, 1962, word hierby gewysig deur paragraaf (j) van subartikel (1) deur die volgende paragraaf te vervang:

„(j) in 'n stadsgebied aan iemand behalwe 'n persoon wat kragtens hierdie Wet toegelaat word om Bantoebier te verkoop of te verskaf of 'n plaaslike bestuur, enige poeier of ander stof verkoop of lewer wat, wanneer dit by water gevoeg word, hetsy met of sonder die byvoeging van suurdeeg, 'n vloeistof voortbring wat die voorkoms en smaak van Bantoebier het,”.

Vervanging van artikel 25 van Wet 67 van 1964

6. Artikel 25 van die Wet op Bantoe-arbeid, 1964, word hierby deur die volgende artikel vervang:

25. (1) (a) 'n Bantoe wat in hegtenis geneem of skuldig bevind word op 'n aanklag van oortreding van of versuim om te voldoen aan

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- (3) A local authority or general dealer shall not sell or supply Bantu beer to any person under the apparent age of eighteen years.”; and
- (c) by the addition of the following subsections:
- “(7) (a) A levy of 1 cent shall be payable in respect of each 500 grams of Bantu beer powder supplied by any manufacturer to a general dealer.
- (b) The levy referred to in paragraph (a) shall be paid by the manufacturer to the Secretary for Bantu Administration and Development for payment into an account to be designated by the said Secretary and against which may be charged any service or expenditure or grant which may be certified by the Minister as being in the interests of the Bantu.
- (8) An authority granted to a general dealer under subsection (1A) to sell and supply Bantu beer and Bantu beer powder shall be of force until and including the thirty-first day of December of the year in which it is available.”.

3. The following section is hereby substituted for section 11 of the Bantu Beer Act, 1962:

“Licensed
liquor
dealers may
sell and
supply
Bantu beer.

11. Subject to the provisions of section 69 of the Liquor Act, any person licensed or authorized under the said Act to sell liquor, may also sell and supply Bantu beer acquired from or through the agency of the local authority within whose area of jurisdiction the licensed premises are situated, on or in the premises on or in which, and subject to the same conditions and restrictions as those under which on or in such premises, liquor is sold by him.”.

Substitution of
section 11 of
Act 63 of 1962,
as amended by
section 92 of
Act 42 of 1964.

4. Section 13 of the Bantu Beer Act, 1962, is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) No person may be in possession of Bantu beer on or in any private site, premises or farm without the consent of the owner or lawful occupier of such site, premises or farm first having been obtained, irrespective whether such site, premises or farm is situated in or outside an urban area: Provided that for the purposes of the application of this subsection, any person occupying any such site, premises on any land or farm as an employee of the owner or lawful occupier of such land or farm, shall not be deemed to be a lawful occupier of such site, premises or farm.”.

Amendment of
section 13 of
Act 63 of 1962.

5. Section 16 of the Bantu Beer Act, 1962, is hereby amended by the substitution for paragraph (j) of subsection (1) of the following paragraph:

“(j) within an urban area sells or delivers to any person other than a person permitted under this Act to sell or supply Bantu beer, or a local authority, any powder or other substance, which when added to water, whether with or without the addition of yeast, produces a liquid having the appearance and taste of Bantu beer,”.

Amendment of
section 16 of
Act 63 of 1962,
as amended by
section 93 of
Act 42 of 1964 and
section 19 of
Act 98 of 1965.

6. The following section is hereby substituted for section 25 of the Bantu Labour Act, 1964:

“Aid
centres.

25. (1) (a) Any Bantu who is arrested or convicted on a charge of having contravened or failed to comply with such of the provisions

Substitution of
section 25 of
Act 67 of 1964.

bepalings van hierdie Wet of van die Stadsgebiedewet of van die Bantoes (Afskaffing van Passe en Koördinerings van Dokumente) Wet, 1952 (Wet No. 67 van 1952), of van die regulasies daarkragtens uitgevaardig, kan, ondanks die bepaling van hierdie Wet of ander wetsbepalings, verwys word na 'n hulpsentrum waarvan die instelling deur die Sekretaris goedgekeur is: Met dien verstande dat indien sodanige hulpsentrum bestuur sal word deur 'n beampte in die diens van die Staat, die instelling daarvan goedgekeur word slegs met inagneming van die wetsbepalings op die Staatsdiens.

(b) 'n Hulpsentrum word bestuur deur 'n beampte in die diens van die Staat of deur 'n beampte in die diens van 'n stedelike plaaslike bestuur of plaaslike bestuur wat skriftelik deur die Sekretaris goedgekeur is.

(2) (a) Die Bantoesakekommissaris van die gebied waarin 'n hulpsentrum geleë is, kan in daardie hulpsentrum 'n hof hou en het, ondanks enige ander wetsbepalings, regsbevoegdheid ten opsigte van enige in subartikel (1) bedoelde misdryf, met inbegrip van 'n misdryf buite sy regsgebied gepleeg.

(b) 'n Hulpsentrum word geag 'n plek te wees wat kragtens artikel 9 (3) van die Bantoe-administrasie Wet, 1927 (Wet No. 38 van 1927), aangewys is vir die periodieke sitting van die hof van 'n Bantoesakekommissaris wat regsbevoegdheid besit in die gebied waarin bedoelde hulpsentrum geleë is.

(3) 'n Bantoesakekommissaris of 'n beampte kragtens subartikel (1) (b) goedgekeur om 'n hulpsentrum te bestuur, kan, ondanks die bepaling van hierdie Wet of ander wetsbepalings, benewens enige ander voorgeskrewe of in hierdie artikel vermelde bevoegdhede, ten opsigte van 'n Bantoe wat na so 'n hulpsentrum verwys is of in 'n gevangenis of 'n polisiecel of -opsluitplek aangehou word weens 'n oortreding in subartikel (1) (a) bedoel, hetsy hy aan dié oortreding skuldig bevind is al dan nie—

(a) vertoë rig dat geen strafsak teen dié Bantoe ten opsigte van 'n in subartikel (1) (a) bedoelde oortreding ingestel word nie;

(b) na behoorlike ondersoek en met inagneming van die gesinsbande of ander verbintenisse of verpligtings van dié Bantoe, en behoudens die opdragte van die Sekretaris, as daar is, 'n bevel uitreik wat hom billik blyk aangaande die indiensplasing van dié Bantoe of die uitreiking aan hom van die nodige dokumente of die verlening aan hom van die nodige vergunning of aangaande die repatriasie van dié Bantoe en sy afhanklikes na sy verblyfplek of laaste woonplek of ander plek deur bedoelde Bantoesakekommissaris of beampte aangewys,

en word by die toepassing van die Strafproseswet, 1955, (Wet No. 56 van 1955), geag 'n vredesbeampte te wees.

(4) Ondanks die bepaling van artikel 27 van die Strafproseswet, 1955, kan 'n Bantoe wat ten opsigte van 'n in subartikel (1) bedoelde misdryf sonder 'n lasbrief gearresteer is, na 'n hulpsentrum verwys word in plaas van om dadelik na 'n polisieostasie geneem te word.

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of this Act or of the Urban Areas Act or of the Bantu (Abolition of Passes and Co-ordination of Documents) Act, 1952 (Act No. 67 of 1952), or of the regulations made thereunder, may, notwithstanding the provisions of this Act or any other law, be referred to an aid centre the establishment of which has been approved by the Secretary: Provided that if such aid centre is to be managed by an officer in the employ of the State, the establishment thereof shall be approved only subject to the laws governing the public service.

(b) An aid centre shall be managed by an officer in the employ of the State or by an officer in the employ of an urban local authority or local authority who has been approved in writing by the Secretary.

(2) (a) The Bantu Affairs Commissioner of the area in which an aid centre is situated may hold a court in such aid centre and shall, notwithstanding the provisions of any other law, have jurisdiction in respect of any offence referred to in subsection (1), including an offence committed outside his area of jurisdiction.

(b) An aid centre shall be deemed to be a place designated under section 9 (3) of the Bantu Administration Act, 1927 (Act No. 38 of 1927), for the periodical sitting of the court of a Bantu Affairs Commissioner having jurisdiction in the area in which such aid centre is situated.

(3) A Bantu Affairs Commissioner or an officer approved under subsection (1) (b) to manage an aid centre may, notwithstanding the provisions of this Act or any other law, in addition to any other powers prescribed or referred to in this section, in respect of any Bantu referred to such aid centre or detained in a prison or a police cell or lock-up on account of an offence referred to in subsection (1) (a), whether or not he has been convicted of such offence—

(a) make representations that no criminal proceedings be instituted against such Bantu in respect of any offence referred to in subsection (1) (a);

(b) after due inquiry and with due regard to the family ties or other obligations or commitments of such Bantu, and subject to the instructions of the Secretary, if any, make such order as may appear to him to be just in regard to the placing in employment of such Bantu or the issue to him of the requisite documents or the granting to him of the requisite permission or in regard to the repatriation of such Bantu and his dependants to his home or last place of residence or any other place indicated by such Bantu Affairs Commissioner or officer,

and shall be deemed to be a peace officer for the purposes of the Criminal Procedure Act, 1955 (Act No. 56 of 1955).

(4) Notwithstanding the provisions of section 27 of the Criminal Procedure Act, 1955, any Bantu who is arrested without warrant for an offence referred to in subsection (1) may be referred to an aid centre instead of immediately being taken to a police station.

Wet No. 30, 1972

TWEDE WYSIGINGSWET OP BANTOEWETGEWING, 1972.

(5) Die bepalings van hierdie artikel word nie so uitgelê dat dit—

- (a) magtiging vir die aanhouding van 'n Bantoe in 'n hulpsentrum verleen nie; of
- (b) belet dat 'n Bantoe wat werkloos is of wat wederregtelik in 'n gebied is, op sy eie versoek na 'n hulpsentrum verwys word nie.”.

Kort titel.

7. Hierdie Wet heet die Tweede Wysigingswet op Bantoe wetgewing, 1972.

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(5) Nothing in this section contained shall be construed as—

- (a) authorizing the detention of a Bantu in an aid centre; or
- (b) preventing any Bantu who is unemployed or who is in an area unlawfully from being referred to an aid centre at his own request.”

7. This Act shall be called the Second Bantu Laws Amend- Short title.
ment Act, 1972.

