

EXTRAORDINARY



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THE REPUBLIC OF SOUTH AFRICA

# Government Gazette

# Staatskoerant

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DEPARTMENT OF THE PRIME MINISTER.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 677.]

[12th May, 1965.

No. 677.]

[12 Mei 1965.

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

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

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No. 49, 1965.]

# ACT

## To amend the Housing Act, 1957.

(Afrikaans text signed by the State President.)  
(Assented to 5th May, 1965.)

**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 10 of 1957, as amended by section 1 of Act 24 of 1958, section 16 of Act 64 of 1960, section 1 of Act 5 of 1962 and section 1 of Act 53 of 1964.

1. Section *one* of the Housing Act, 1957 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the substitution for the definition of “local authority” of the following definition:

“‘local authority’ means any such body as is contemplated by paragraph (*f*) of sub-section (1) of section *eighty-four* of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961), and includes—

(a) any board of management as defined in section *one* of the Rural Coloured Areas Act, 1963 (Act No. 24 of 1963);

(b) in relation to any area which, after the commencement of the Bantu Resettlement Act, 1954 (Act No. 19 of 1954), has become or becomes a specified area within the meaning of the definition of ‘specified area’ in section *one* of that Act, and which has been approved by the Minister after consultation with the Minister of Bantu Administration and Development, the Bantu Resettlement Board established under section *two* of the said Act; and

(c) any management board established under sub-section (1) of section *forty bis* of the Bantu (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945);” and

(b) by the addition of the following sub-section, the existing section becoming sub-section (1):

“(2) Notwithstanding anything to the contrary in this Act contained—

(a) any provision of this Act in terms of which the Commission is required to consult with the Administrator in connection with a loan to a local authority, shall, with reference to a loan to a board of management referred to in paragraph (*a*) of the definition of ‘local authority’ in sub-section (1), be construed as a provision that the Commission is required to consult with the Secretary for Coloured Affairs; and

(b) no provision of this Act in terms of which the Housing Board is required to consult with the Administrator in connection with a loan to a local authority, shall apply with reference to a loan to the Bantu Resettlement Board referred to in paragraph (*b*) of the definition of ‘local authority’ in sub-section (1) or any management board referred to in paragraph (*c*) of the said definition.”.

Amendment of section 5 of Act 10 of 1957, as amended by section 2 of Act 5 of 1962.

2. (1) Section *five* of the principal Act is hereby amended by the substitution for paragraph (*a*) of sub-section (6) of the following paragraph:

“(a) a revenue reserve account to which he may transfer all surplus revenue of the fund derived from rent and

# WET

## Tot wysiging van die Behuisingswet, 1957.

(Afrikaanse teks deur die Staatspresident geteken.)  
(Goedgekeur op 5 Mei 1965.)

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

1. Artikel *een* van die Behuisingswet, 1957 (hieronder die Hoofwet genoem), word hierby gewysig—
- (a) deur die omskrywing van „plaaslike bestuur” deur die volgende omskrywing te vervang:
- „plaaslike bestuur” enige sodanige liggaam as wat deur paragraaf (f) van sub-artikel (1) van artikel vier-en-tagtig van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961), beoog word, en ook—
- (a) enige bestuursraad soos in artikel *een* van die Wet op Landelike Kleurlinggebiede, 1963 (Wet No. 24 van 1963), omskryf;
- (b) ten opsigte van enige gebied wat binne die bedoeling van die omskrywing van ‚verklarede gebied’ in artikel *een* van die Wet op die Hervestiging van Bantoes, 1954 (Wet No. 19 van 1954), na die inwerkingtreding van daardie Wet ’n verklarede gebied geword het of word, en wat deur die Minister na oorlegpleging met die Minister van Bantoe-administrasie en -ontwikkeling goedgekeur is, die Raad vir die Hervestiging van Bantoes ingestel kragtens artikel *twee* van daardie Wet; en
- (c) enige kragtens sub-artikel (1) van artikel *veertig bis* van die Bantoes (Stadsgebiede) Konsolidasiewet, 1945 (Wet No. 25 van 1945), ingestelde bestuursraad;” en
- (b) deur die volgende sub-artikel by te voeg, terwyl die bestaande artikel sub-artikel (1) word:
- „(2) Ondanks andersluidende bepalings van hierdie Wet—
- (a) word enige bepaling van hierdie Wet ingevolge waarvan die Kommissie met die Administrateur oorleg moet pleeg in verband met ’n lening aan ’n plaaslike bestuur, met betrekking tot ’n lening aan ’n in paragraaf (a) van die omskrywing van ‚plaaslike bestuur’ in sub-artikel (1) bedoelde bestuursraad, uitgelê as ’n bepaling dat die Kommissie met die Sekretaris van Kleurlingsake oorleg moet pleeg; en
- (b) geld geen bepaling van hierdie Wet ingevolge waarvan die Behuisingsraad met die Administrateur oorleg moet pleeg in verband met ’n lening aan ’n plaaslike bestuur, met betrekking tot ’n lening aan die in paragraaf (b) van die omskrywing van ‚plaaslike bestuur’ in sub-artikel (1) bedoelde Raad vir die Hervestiging van Bantoes of aan enige in paragraaf (c) van genoemde omskrywing bedoelde bestuursraad nie.”.
2. (1) Artikel *vyf* van die Hoofwet word hierby gewysig deur paragraaf (a) van sub-artikel (6) deur die volgende paragraaf te vervang:
- „(a) ’n inkomstereserwerekening waarna hy alle surplusinkomste van die fonds wat verkry word uit huurgelde

Wysiging van artikel 1 van Wet 10 van 1957, soos gewysig deur artikel 1 van Wet 24 van 1958, artikel 16 van Wet 64 van 1960, artikel 1 van Wet 5 van 1962 en artikel 1 van Wet 53 van 1964.

Wysiging van artikel 5 van Wet 10 van 1957, soos gewysig deur artikel 2 van Wet 5 van 1962.

interest, including any interest derived from the utilization of repayments in respect of advances for assisted housing schemes accruing to the fund, and which account may be charged, with the approval of the Treasury, with all revenue losses and such expenses as are not otherwise provided for by Parliament, including such amounts as may be necessary to supplement the approved annual redemption instalments in respect of any advance for an assisted housing scheme in order that such advance may be redeemed on the expiration of the period determined for the repayment of that advance: Provided that any amount by which income derived from the utilization of repayments in respect of advances for assisted housing schemes and transferred to the revenue reserve account exceeds the amount required to supplement such redemption instalments shall be utilized to reduce any amount which is or may become payable to the fund in terms of sub-section (5);”.

(2) Sub-section (1) shall come into operation on the first day of April, 1965.

Amendment of section 6 of Act 10 of 1957, as amended by section 1 of Act 72 of 1959, section 3 of Act 5 of 1962 and section 2 of Act 53 of 1964.

3. Section *six* of the principal Act is hereby amended by the substitution for sub-section (7) of the following sub-section:

“(7) A member of the Commission (other than a person who is in the full-time employment of the State as a member of the public service within the meaning of the expression ‘the public service’ in the Public Service Act, 1957 (Act No. 54 of 1957)), shall, subject to such conditions as the Minister may, in consultation with the Minister of Finance determine, receive in respect of his services as a member of the Commission such remuneration and allowances as may be so determined.”.

Amendment of section 13 of Act 10 of 1957, as amended by section 6 of Act 5 of 1962.

4. Section *thirteen* of the principal Act is hereby amended by the substitution for sub-section (1)*bis* of the following sub-section:

“(1)*bis* The instalments in respect of any sinking-fund established before the first day of April, 1965, by a local authority with the approval of the Commission for the repayment of an advance for an assisted housing scheme, shall be invested by the Secretary with the Public Debt Commissioners.”.

Substitution of section 44 of Act 10 of 1957, as amended by section 2 of Act 24 of 1958.

5. The following section is hereby substituted for section *forty-four* of the principal Act:

“Commis-  
sion exempt  
from  
certain by-  
laws, etc. 44. (1) The Commission shall be exempt from the provisions of any by-law or regulation of a local authority and the conditions of establishment of a township prescribed by any Administrator or townships board relating to—

- (a) the lodging or approval of sub-divisional diagrams of land and of plans of proposed dwellings;
- (b) the type of dwelling to be constructed or the value thereof or the materials to be used in the construction thereof;
- (c) the siting of a dwelling or any portion thereof on the site on which it is to be constructed;
- (d) the number of dwellings which may be constructed on any one piece of land;
- (e) the further sub-division of land situated in an approved township and the payment of any endowment in respect of any such further sub-division;
- (f) the permission of the local authority or owner of an approved township to commence building operations;
- (g) any restriction in terms of which the transfer of land or any particular land in a township or any part of a township is subject to the condition that prescribed requirements must first be complied with in respect of—
  - (i) the construction of streets;
  - (ii) the provision of water, electricity or gas;
  - (iii) the removal of rubbish; or
  - (iv) the disposal of sewage or night soil.



en rente, met inbegrip van enige rente verkry uit die aanwending van terugbetalings ten opsigte van voorskotte vir hulpbehuisingskemas wat die fonds toeval, kan oordra en welke rekening met die goedkeuring van die Tesourie met alle inkomsteverliese en al sulke uitgawes waarvoor nie ander voorsiening deur die Parlement gemaak is nie, gedebiteer kan word, met inbegrip van die bedrae wat nodig is om die goedgekeurde jaarlikse delgingspaaielemente ten opsigte van enige voorskot vir 'n hulpbehuisingskema aan te vul sodat sodanige voorskot by die verstryking van die tydperk wat vir terugbetaling van daardie voorskot bepaal is, gedelg kan word: Met dien verstande dat enige bedrag waarby inkomste verkry uit die aanwending van terugbetalings ten opsigte van voorskotte vir hulpbehuisingskemas en oorgedra na die inkomstereserwerekening die bedrag oorskry wat nodig is om sodanige delgingspaaielemente aan te vul, aangewend moet word ter vermindering van enige bedrag wat ingevolge sub-artikel (5) aan die fonds betaalbaar is of word;”.

(2) Sub-artikel (1) tree op die eerste dag van April 1965 in werking.

3. Artikel *ses* van die Hoofwet word hierby gewysig deur sub-artikel (7) deur die volgende sub-artikel te vervang:

„(7) 'n Lid van die Kommissie (uitgesonderd iemand wat in voltydse diens van die Staat is as 'n lid van die staatsdiens binne die bedoeling van die uitdrukking „die staatsdiens” in die Staatsdienswet, 1957 (Wet No. 54 van 1957)), ontvang, onderworpe aan die voorwaardes wat die Minister in oorleg met die Minister van Finansies bepaal, ten opsigte van sy dienste as 'n lid van die Kommissie die besoldiging en toelaes wat aldus bepaal word.”.

Wysiging van artikel 6 van Wet 10 van 1957, soos gewysig deur artikel 1 van Wet 72 van 1959 artikel 3 van Wet 5 van 1962 en artikel 2 van Wet 53 van 1964.

4. Artikel *dertien* van die Hoofwet word hierby gewysig deur sub-artikel (1)*bis* deur die volgende sub-artikel te vervang:

„(1)*bis* Die paaielemente ten opsigte van enige delgingsfonds wat voor die eerste dag van April 1965, deur 'n plaaslike bestuur vir die delging van 'n voorskot vir 'n hulpbehuisingskema met die goedkeuring van die Kommissie ingestel is, moet deur die Sekretaris by die Staatskuldkommissarisse belê word.”.

Wysiging van artikel 13 van Wet 10 van 1957, soos gewysig deur artikel 6 van Wet 5 van 1962.

5. Artikel *vier-en-veertig* van die Hoofwet word hierby deur die volgende artikel vervang:

„Kommissie onthef van sekere verordeninge, ens.

44. (1) Die Kommissie is onthef van die bepalings van enige verordening of regulasie van 'n plaaslike bestuur en die stigtingsvoorwaardes van 'n dorp voorgeskryf deur 'n Administrateur, dorperaad of dorpekommissie, betreffende—

- (a) die indiening of goedkeuring van kaarte van onderverdelings van grond en van planne van voorgestelde wonings;
- (b) die tipe woning wat gebou moet word of die waarde daarvan of die materiale wat by die bou daarvan gebruik moet word;
- (c) die plasing van 'n woning of enige gedeelte daarvan op die terrein waarop dit gebou staan te word;
- (d) die getal wonings wat op 'n enkele stuk grond gebou mag word;
- (e) die verdere onderverdeling van grond in 'n goedgekeurde dorp geleë en die betaling van enige skenking ten opsigte van enige sodanige verdere onderverdeling;
- (f) die toestemming van die plaaslike bestuur of eienaar van 'n goedgekeurde dorp om met bouwerkzaamhede te begin;
- (g) enige beperking ingevolge waarvan die oordrag van grond of bepaalde grond in 'n dorpsgebied of deel van 'n dorpsgebied onderworpe is aan die voorwaarde dat daar eers voldoen moet word aan voorgeskrewe vereistes ten opsigte van—
  - (i) die aanlê van strate;
  - (ii) die voorsiening van water, elektrisiteit of gas;
  - (iii) die verwydering van vullis; of
  - (iv) die beskikking oor riool- of nagvuil.

Vervanging van artikel 44 van Wet 10 van 1957, soos gewysig deur artikel 2 van Wet 24 van 1958.

(2) The Commission shall also, to the extent determined by the Minister by notice in the *Gazette* after consultation with the Administrator concerned, be exempt from any provision of the townplanning scheme of a local authority or of an Ordinance in terms of which the approval of a local authority is to be obtained for the sub-division of any land.”.

Amendment of section 63 of Act 10 of 1957.

6. Section *sixty-three* of the principal Act is hereby amended by the addition of the following sub-section, the existing section becoming sub-section (1):

“(2) The provisions of sub-section (1) shall not apply in the case of any land in respect of which an approved scheme is being or has been carried out until the scheme as a whole has been carried out.”.

Insertion of section 71bis in Act 10 of 1957.

7. The following section is hereby inserted in the principal Act after section *seventy-one*:

“Certain persons may be exempted from certain by-laws, etc. **71bis.** Any natural person to whom a housing loan, building loan or local authority housing loan for the construction of an approved dwelling has been granted, shall at the request of the Minister, after consideration by him of a report by the Commission, be exempted by the Administrator from the provisions of any by-law, regulation, town planning scheme or the conditions of establishment of a township prescribed by the Administrator, townships board or townships commission concerned relating to the type of dwelling to be constructed or the materials to be used in the construction thereof.”.

Short title.

8. This Act shall be called the Housing Amendment Act, 1965.

(2) Die Kommissie is ook, in die mate wat die Minister, na oorlegpleging met die betrokke Administrateur, by kennisgewing in die *Staatskoerant* bepaal, onthef van enige bepaling van 'n dorpsaanlegskema van 'n plaaslike bestuur of van 'n ordonnansie ingevolge waarvan die goedkeuring van 'n plaaslike bestuur verkry moet word vir die onderverdeling van enige grond."

6. Artikel *drie-en-sestig* van die Hoofwet word hierby gewysig deur die volgende sub-artikel by te voeg, terwyl die bestaande artikel sub-artikel (1) word: Wysiging van artikel 63 van Wet 10 van 1957.

„(2) Die bepalings van sub-artikel (1) geld nie in die geval van enige grond ten opsigte waarvan 'n goedgekeurde skema uitgevoer is of word, totdat die skema in sy geheel uitgevoer is nie."

7. Die volgende artikel word hierby na artikel *een-en-sewentig* in die Hoofwet ingevoeg: Invoeging van artikel 71bis in Wet 10 van 1957.

„Sekere persone kan onthef word van sekere verordeninge, ens.

**71bis.** Enige natuurlike persoon aan wie 'n behuisingslening, boulening of plaaslike bestuur-behuisingslening vir die bou van 'n goedgekeurde woning toegestaan is, moet op versoek van die Minister, na oorweging deur hom van 'n verslag van die Kommissie, deur die Administrateur onthef word van die bepalings van enige verordening, regulasie, dorpsbeplanningskema of die stigtingsvoorwaardes van 'n dorp voorgeskryf deur die betrokke Administrateur, dorperaad of dorpekommissie betreffende die tipe woning wat gebou moet word of die materiale wat by die bou daarvan gebruik moet word."

8. Hierdie Wet heet die Wysigingswet op Behuising, Kort titel. 1965.

No. 50, 1965.]

**ACT****To amend the Children's Act, 1960.***(English text signed by the State President.)  
(Assented to 5th May, 1965.)***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 33 of 1960.

1. Section *one* of the Children's Act, 1960 (hereinafter referred to as the principal Act), is hereby amended by the substitution for the definition of "training institution" of the following definition:

"'training institution' means any railway college, police college, school of mines, nurses' hostel or similar establishment maintained for the training of employees, or any air-force, army or naval gymnasium, or any special school established or approved in terms of the Special Education Act, 1948 (Act No. 9 of 1948), or any special school established or erected in terms of the Coloured Persons Education Act, 1963 (Act No. 47 of 1963), or any State-aided school (as defined in the last-mentioned Act) which is a special school (as so defined), or any vocational school established or erected in terms of the Vocational Education Act, 1955 (Act No. 70 of 1955), or the Coloured Persons Education Act, 1963."

Amendment of section 10 of Act 33 of 1960.

2. Section *ten* of the principal Act is hereby amended—

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

"(1) Save as provided in sub-section (3) any person who receives an infant and maintains him apart from his parents for a longer period than thirty days shall as soon as he has maintained that infant for a period of thirty days, without delay transmit a notice in writing in the prescribed form of the receipt of that infant to the commissioner of child welfare of the district in which is situate the place where that infant is being maintained and shall furnish the said commissioner with such information in connection with that infant as the commissioner may require.

(2) Save as provided in sub-section (3) any parent or person having the custody of an infant and who has delivered that infant to any person for the purpose of being maintained apart from his parents for a longer period than thirty days or for an unspecified period shall, within seven days after delivering that infant, transmit a notice in writing in the prescribed form of the delivery of that infant to the commissioner of child welfare of the district in which is situate the place where that infant is to be maintained."; and

(b) by the substitution for paragraph (a) of sub-section (4) of the following paragraph:

"(a) No person other than the managers of a place mentioned in paragraph (b) of sub-section (3), may receive any infant, who is an illegitimate child, and maintain him apart from his mother for a longer period than fourteen days, unless the consent in writing of the commissioner of the district in which the child was born or was residing immediately before he was received, has been obtained."



No. 50, 1965.]

**WET****Tot wysiging van die Kinderwet, 1960.***(Engelse teks deur die Staatspresident geteken.)  
(Goedgekeur op 5 Mei 1965.)*

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

1. Artikel *een* van die Kinderwet, 1960 (hieronder die Hoofwet genoem), word hierby gewysig deur die omskrywing van „opleidingsinrigting” deur die volgende omskrywing te vervang:
 

„„opleidingsinrigting” ’n spoorwegkollege, polisiekollege, mynskool, verpleegsterstehuis of dergelike instelling wat vir die opleiding van werknemers in stand gehou word, of ’n lugmag-, leër- of vlootgimnasium, of ’n spesiale skool opgerig of goedgekeur ingevolge die Wet op Buitengewone Onderwys, 1948 (Wet No. 9 van 1948), of ’n spesiale skool ingestel of opgerig ingevolge die Wet op Onderwys vir Kleurlinge, 1963 (Wet No. 47 van 1963), of ’n Staatsondersteunde skool (soos in laasgenoemde Wet omskryf) wat ’n spesiale skool (soos aldus omskryf) is, of ’n beroepsskool ingestel of opgerig ingevolge die Wet op Beroepsonderwys, 1955 (Wet No. 70 van 1955), of die Wet op Onderwys vir Kleurlinge, 1963;”.

Wysiging van artikel 1 van Wet 33 van 1960.
2. Artikel *tien* van die Hoofwet word hierby gewysig—
  - (a) deur sub-artikels (1) en (2) deur die volgende sub-artikels te vervang:
 

„(1) Behalwe vir sover sub-artikel (3) anders bepaal, moet iemand wat ’n jong kind ontvang en hom vir ’n langer tydperk as dertig dae weg van sy ouers af onderhou, sodra hy daardie jong kind vir ’n tydperk van dertig dae onderhou het, onverwyld skriftelik kennis gee in die voorgeskrewe vorm van die ontvangs van daardie jong kind aan die kommissaris van kindersorg van die distrik waarin die plek geleë is waar daardie jong kind onderhou word en moet hy aan bedoelde kommissaris die inligting in verband met daardie jong kind verstrek wat die kommissaris verlang.

(2) Behalwe vir sover sub-artikel (3) anders bepaal, moet ’n ouer of persoon wat die bewaring van ’n jong kind het en wat daardie jong kind aan iemand besorg het om vir ’n langer tydperk as dertig dae of vir ’n onbepaalde tydperk weg van sy ouers af onderhou te word, binne sewe dae nadat hy daardie jong kind besorg het, skriftelik kennis gee in die voorgeskrewe vorm van die besorging van daardie jong kind aan die kommissaris van kindersorg van die distrik waarin die plek geleë is waar daardie jong kind onderhou sal word.”; en
  - (b) deur paragraaf (a) van sub-artikel (4) deur die volgende paragraaf te vervang:
 

„(a) Niemand behalwe die bestuurders van ’n plek soos bedoel in paragraaf (b) van sub-artikel (3) mag ’n jong kind wat ’n buite-egtelike kind is, ontvang en hom vir ’n langer tydperk as veertien dae weg van sy moeder af onderhou, tensy die skriftelike toestemming van die kommissaris van die distrik waarin die kind gebore is of woonagtig was onmiddellik voordat hy ontvang is, verkry is nie.”.

Wysiging van artikel 10 van Wet 33 van 1960.

Amendment of section 26 of Act 33 of 1960.

3. Section *twenty-six* of the principal Act is hereby amended by the substitution for the proviso to sub-section (1) of the following proviso:

"Provided that if the child is in a public place accompanied by the person having the custody of the child, he shall not be so removed against the will of the person in whose custody he is, unless there is reason to believe that an offence aforesaid has been committed or is being committed by that person upon or in connection with the child."

Amendment of section 35 of Act 33 of 1960.

4. Section *thirty-five* of the principal Act is hereby amended by the addition to sub-section (2) of the following paragraphs, the existing sub-section becoming paragraph (a):

"(b) Any illegitimate child whose classification in terms of the Population Registration Act, 1950 (Act No. 30 of 1950), is the same as that of his mother shall be deemed to have the same religious and cultural background and nationality as his mother and only relatives of the mother of any such child shall be regarded as being related to such child.

(c) A child shall not be placed in the custody of any person whose classification in terms of the Population Registration Act, 1950, is not the same as that of the child except where such person is the parent or guardian of the child."

Insertion of section 46bis in Act 33 of 1960.

5. The following section is hereby inserted in the principal Act after section *forty-six*:

"Reports on certain children.

46bis. (1) (a) While any child is in any custody (other than the custody of his parent or guardian) in which he has lawfully been placed by any authority, the Secretary shall ensure that a report in connection with that child is furnished to the Minister by a probation officer on the expiration of the first two years of such custody and on the expiration of every succeeding year of such custody.

(b) The probation officer concerned shall in any such report deal fully with the desirability or otherwise of transferring the child concerned to the custody of his parent or guardian.

(2) Whenever the Minister so directs, the Secretary shall, before the expiration of the said period of two years, obtain for the Minister a report similar to the report mentioned in sub-section (1)."

Substitution of section 47 of Act 33 of 1960.

6. The following section is hereby substituted for section *forty-seven* of the principal Act:

"Leave of absence from an institution or custody.

47. (1) Leave of absence may be granted—  
(a) by the management of an institution to any pupil in that institution;

(b) by an approved agency to any child under the control of that agency;

(c) with the approval of any probation officer, by any person to any child lawfully placed in his custody by any authority other than an approved agency,

for such period and on such conditions as may be prescribed.

(2) The management, agency or person concerned may at any time cancel such leave and direct the pupil or child to return to the institution or custody from which he was granted leave."

Insertion of section 48bis in Act 33 of 1960.

7. The following section is hereby inserted in the principal Act after section *forty-eight*:

"Removal of pupil or child from institution, custody or control.

48bis. (1) The Minister may, if he considers it desirable, by order in writing direct that any pupil or child who is in any institution to which he has lawfully been sent or in any custody or under any control in or under which he has lawfully been placed, be taken to an observation centre and be kept therein for observation.

(2) (a) The commissioner of any district may, if he is of the opinion that it is desirable that any child referred to in sub-section (1) should

3. Artikel *ses-en-twintig* van die Hoofwet word hierby gewysig deur die voorbehoudsbepaling by sub-artikel (1) deur die volgende voorbehoudsbepaling te vervang: Wysiging van artikel 26 van Wet 33 van 1960.

„Met dien verstande dat as die kind in 'n openbare plek is in geselskap van die persoon in wie se bewering die kind is, dan mag hy nie teen die wil van die persoon in wie se bewaring hy is, aldus verwyder word nie, tensy daar rede bestaan om te vermoed dat so 'n misdryf soos voormeld teenoor of in verband met daardie kind deur bedoelde persoon gepleeg is of gepleeg word.”

4. Artikel *vyf-en-dertig* van die Hoofwet word hierby gewysig deur by sub-artikel (2) die volgende paragrawe te voeg, terwyl die bestaande sub-artikel paragraaf (a) word: Wysiging van artikel 35 van Wet 33 van 1960.

„(b) Enige buite-egtelike kind wie se klassifikasie ingevolge die Bevolkingsregistrasiewet, 1950 (Wet No. 30 van 1950), dieselfde as dié van sy moeder is, word geag dieselfde geloofs- en kultuurverband as sy moeder te hê en van dieselfde nasionaliteit as sy moeder te wees, en slegs familiebetrekkinge van die moeder van enige sodanige kind word geag aan die kind verwant te wees.

(c) 'n Kind word nie in die bewaring geplaas van enige persoon wie se klassifikasie ingevolge die Bevolkingsregistrasiewet, 1950, nie dieselfde as dié van die kind is nie behalwe waar sodanige persoon die ouer of voog van die kind is.”

5. Die volgende artikel word hierby na artikel *ses-en-veertig* in die Hoofwet ingevoeg: Invoeging van artikel 46bis in Wet 33 van 1960.

„Verslae oor sekere kinders.

46bis. (1) (a) Terwyl 'n kind in enige bewaring is waarin hy wettiglik deur die een of die ander gesag geplaas is (behalwe die bewaring van sy ouer of voog), moet die Sekretaris toesien dat 'n verslag in verband met daardie kind deur 'n proefbeampte aan die Minister verstrekkend word by die verstryking van die eerste twee jaar van sodanige bewaring en by die verstryking van elke daaropvolgende jaar van sodanige bewaring.

(b) Die betrokke proefbeampte moet in enige sodanige verslag volledig handel met die wenslikheid of andersins om die betrokke kind na die bewaring van sy ouer of voog oor te plaas.

(2) As die Minister dit gelas, moet die Sekretaris, voor die verstryking van genoemde tydperk van twee jaar, 'n verslag soortgelyk aan dié in sub-artikel (1) bedoel vir die Minister verkry.”

6. Artikel *sewe-en-veertig* van die Hoofwet word hierby deur die volgende artikel vervang: Vervanging van artikel 47 van Wet 33 van 1960.

„Afwesigheid met verlof uit 'n inrigting of bewaring.

47. (1) Verlof kan toegestaan word—

(a) deur die bestuur van 'n inrigting aan 'n leerling in daardie inrigting;

(b) deur 'n goedgekeurde vereniging aan 'n kind onder beheer van daardie vereniging;

(c) met die goedkeuring van 'n proefbeampte, deur 'n persoon aan enige kind wat wettiglik in sy bewaring geplaas is deur enige ander gesag as 'n goedgekeurde vereniging,

vir die tydperk en op die voorwaardes wat voorgeskreë is.

(2) Die betrokke bestuur, vereniging of persoon kan te eniger tyd die verlof intrek en die leerling of kind gelas om terug te keer na die inrigting of bewaring waaruit hom verlof toegestaan is.”

7. Die volgende artikel word hierby na artikel *agt-en-veertig* in die Hoofwet ingevoeg: Invoeging van artikel 48bis in Wet 33 van 1960.

„Verwydering van leerling of kind uit inrigting, bewaring of beheer.

48bis. (1) Die Minister kan, indien hy dit wenslik ag, by skriftelike bevel gelas dat 'n leerling of kind wat in 'n inrigting is waarna hy wettiglik gestuur is of in 'n bewaring of onder 'n beheer is waarin of waaronder hy wettiglik geplaas is, na 'n waarnemingsentrum geneem word en daarin vir waarneming gehou word.

(2) (a) Die kommissaris van 'n distrik kan, indien hy van mening is dat dit wenslik is dat 'n in sub-artikel (1) bedoelde kind sonder versuim

without delay be removed from the institution, custody or control mentioned therein, by order in writing direct that the child be taken to a place of safety and be kept therein pending any action by the Minister under sub-section (3).

- (b) When a commissioner has made an order under paragraph (a) he shall forthwith furnish the Minister with a full report in connection with the child concerned.

(3) The Minister shall within six months from the date on which a pupil or child has been taken to an observation centre in terms of an order made under sub-section (1) or a child has been taken to a place of safety in terms of an order made under sub-section (2)—

- (a) by order in writing direct that the pupil or child concerned be returned to the institution, custody or control in or under which he was when the order was made under sub-section (1) or (2), as the case may be; or
- (b) deal with the pupil or child concerned under section *forty-nine* or sub-section (1) of section *fifty* as if he had not been taken from the institution, custody or control referred to in paragraph (a)."

Amendment of  
section 54 of Act  
33 of 1960.

**8. Section *fifty-four* of the principal Act is hereby amended—**

- (a) by the substitution for sub-section (3) of the following sub-section:

"(3) (a) When any child or pupil is brought before a commissioner of child welfare under the provisions of sub-section (1) the commissioner may, after having interrogated the child or pupil as to the reasons why he absconded—

(i) order that he be returned to the institution or to the custody or to the place of safety from which he absconded; or

(ii) if the commissioner is of the opinion that there are good reasons why the child or pupil should not be returned to the institution or to the custody or to the place of safety from which he absconded, order that he be removed to a place of safety or place of detention and be kept therein pending any action by the Minister under sub-section (4).

- (b) The Commissioner shall in each case report to the Minister the result of his interrogation of the child or pupil and notify the Minister of any order made under sub-paragraph (i) or (ii) of paragraph (a)."; and

- (b) by the addition of the following sub-sections:

"(4) Where an order has been made under sub-paragraph (ii) of paragraph (a) of sub-section (3), the Minister may, after consideration of the commissioner's report and after such enquiry as he may deem necessary—

(a) deal with the child or pupil concerned under sub-section (1) of section *forty-eight bis* as if he were a child or pupil referred to therein;

(b) order that the child or pupil concerned be returned to the institution or to the custody or to the place of safety from which he absconded; or

(c) deal with the child or pupil concerned under section *forty-nine* or sub-section (1) of section *fifty* as if he were still in the institution or the custody or the place of safety from which he absconded.

(5) Any commissioner may order that any child or pupil be kept in a place of safety or a place of detention until effect can be given to any order made in respect of such child or pupil under sub-paragraph (i) of paragraph (a) of sub-section (3) or paragraph (b) of sub-section (4) or in pursuance of the provisions of paragraph (c) of sub-section (4)."



verwyder moet word uit die daarin vermelde inrigting, bewaring of beheer, by skriftelike bevel gelas dat die kind na 'n veiligheidsplek geneem word en daarin gehou word hangende enige optrede deur die Minister kragtens sub-artikel (3).

- (b) Wanneer 'n kommissaris 'n bevel kragtens paragraaf (a) uitgereik het, moet hy onverwyld 'n volledige verslag in verband met die betrokke kind aan die Minister verstrek.

(3) Die Minister moet binne ses maande vanaf die datum waarop 'n leerling of kind na 'n waarnemingsentrum geneem is ingevolge 'n bevel kragtens sub-artikel (1) uitgereik of 'n kind na 'n veiligheidsplek geneem is ingevolge 'n bevel kragtens sub-artikel (2) uitgereik—

- (a) by skriftelike bevel gelas dat die betrokke leerling of kind teruggeneem word na die inrigting, bewaring of beheer waarin of waaronder hy was toe die bevel kragtens sub-artikel (1) of (2), na gelang van die geval, uitgereik is; of

- (b) met die betrokke leerling of kind kragtens artikel *nege-en-veertig* of sub-artikel (1) van artikel *vyftig* handel asof hy nie uit die in paragraaf (a) bedoelde inrigting, bewaring of beheer verwyder was nie."

**8. Artikel vier-en-vyftig van die Hoofwet word hierby gewysig—**

Wysiging van artikel 54 van Wet 33 van 1960.

- (a) deur sub-artikel (3) deur die volgende sub-artikel te vervang:

„(3) (a) Wanneer 'n kind of leerling voor 'n kommissaris van kindersorg gebring word ingevolge die bepalings van sub-artikel (1), kan die kommissaris, nadat hy die kind of leerling ondervra het aangaande die redes waarom hy weggeloop het—

- (i) beveel dat hy teruggeneem word na die inrigting of in die bewaring of na die veiligheidsplek waaruit hy weggeloop het; of

- (ii) indien die kommissaris van mening is dat daar goeie redes bestaan waarom die kind of leerling nie na die inrigting of in die bewaring of na die veiligheidsplek waaruit hy weggeloop het, teruggeneem moet word nie, beveel dat hy verwyder word na 'n veiligheidsplek of plek van bewaring en daarin gehou word hangende enige optrede deur die Minister kragtens sub-artikel (4).

- (b) Die kommissaris moet in elke geval aan die Minister die uitslag van sy ondervraging van die kind of leerling meedeel en die Minister in kennis stel van enige bevel kragtens sub-paragraaf (i) of (ii) van paragraaf (a) uitgereik." ; en

- (b) deur die volgende sub-artikels by te voeg:

„(4) Waar 'n bevel kragtens sub-paragraaf (ii) van paragraaf (a) van sub-artikel (3) uitgereik is, kan die Minister, na oorweging van die kommissaris se meedeling en na die ondersoek wat hy nodig ag—

- (a) met die betrokke kind of leerling handel kragtens sub-artikel (1) van artikel *agt-en-veertig bis* asof hy 'n daarin bedoelde kind of leerling was;

- (b) beveel dat die betrokke kind of leerling teruggeneem word na die inrigting of in die bewaring of na die veiligheidsplek waaruit hy weggeloop het; of

- (c) met die betrokke kind of leerling kragtens artikel *nege-en-veertig* of sub-artikel (1) van artikel *vyftig* handel asof hy nog steeds in die inrigting of die bewaring of die veiligheidsplek waaruit hy weggeloop het, was.

(5) 'n Kommissaris kan beveel dat 'n kind of leerling in 'n veiligheidsplek of 'n plek van bewaring gehou word totdat daar gevolg gegee kan word aan enige bevel wat ten opsigte van sodanige kind of leerling uitgereik is kragtens sub-paragraaf (i) van paragraaf (a) van sub-artikel (3) of paragraaf (b) van sub-artikel (4) of uit hoofde van die bepalings van paragraaf (c) van sub-artikel (4)."

Amendment of  
section 70 of Act  
33 of 1960.

9. Section *seventy* of the principal Act is hereby amended—

(a) by the substitution for sub-section (2) of the following sub-sections:

“(2) No person under the age of twenty-five years shall adopt any child unless—

- (a) he or she is a widower or widow or an unmarried or divorced person and the child is a child born of him or her; or
- (b) he or she is married and the child is a child born of one of the spouses and is adopted by the spouses jointly and is at least fifteen years younger than the husband, if born of the wife, or at least ten years younger than the wife, if born of the husband.

(2)*bis* No person shall adopt a child of the age of sixteen years or more unless—

- (a) he or she is a widower or widow or an unmarried or divorced person and the child is a child born of him or her; or
- (b) he or she is married and the child is a child born of one of the spouses and is adopted by the spouses jointly and is at least fifteen years younger than the husband, if born of the wife, or at least ten years younger than the wife, if born of the husband; or
- (c) he or she is a widower or widow or an unmarried or divorced person and, if not of the same sex as the child, is at least twenty-five years older than the child, or, if of the same sex as the child, is at least eighteen years older than the child; or
- (d) he or she is married and the child, if not of the same sex as the husband, is at least twenty-five years younger than he is and at least eighteen years younger than the wife, or, if of the same sex as the husband, is at least eighteen years younger than he is and at least twenty-five years younger than the wife.”; and

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

“(3) No person shall adopt a child who is under the age of sixteen years and less than twenty-five years younger than the said person, unless—

- (a) the child is of the same sex as that person; or
- (b) that person is a widower or widow or an unmarried or divorced person and is a natural parent of the child; or
- (c) that person is married and adopts the child jointly with his or her spouse.”.

Amendment of  
section 71 of Act  
33 of 1960.

10. Section *seventy-one* of the principal Act is hereby amended by the substitution for paragraph (f) of sub-section (2) of the following paragraph:

“(f) in the case of a child born of any person who is a South African citizen, that the applicant or one of the applicants is a South African citizen resident in the Republic: Provided that the provisions of this paragraph shall not apply—

- (i) where the applicant or one of the applicants is a South African citizen or a relative of the child and is resident outside the Republic; or
- (ii) where the applicant is not a South African citizen or both applicants are not South African citizens but the applicant has or the applicants have the necessary residential qualifications for the grant to him or them under the South African Citizenship Act, 1949 (Act No. 44 of 1949), of a certificate or certificates of naturalization as a South African citizen or South African citizens and has or have made application for such a certificate or certificates,

and the Minister has approved of the adoption.”.

Insertion of  
section 82*bis* in  
Act 33 of 1960.

11. The following section is hereby inserted in the principal Act after section *eighty-two*:

“Application of provisions of Chapter VII in connection with Bantu. *82bis*. In the application of the provisions of this Chapter in respect of a person who is a Bantu as defined in section *thirty-five* of the Bantu Administration Act, 1927 (Act No. 38 of 1927), any customary union as so defined shall be deemed to be a marriage between the parties concerned, and any

**9. Artikel sewentig van die Hoofwet word hierby gewysig— Wysiging van artikel 70 van Wet 33 van 1960.**

(a) deur sub-artikel (2) deur die volgende sub-artikels te vervang:

„(2) Niemand onder die leeftyd van vyf-en-twintig jaar mag 'n kind aanneem nie tensy—

- (a) hy of sy 'n wewenaar of weduwee of 'n ongetroude of geskeie persoon is en die kind 'n kind is wat uit hom of haar gebore is; of
- (b) hy of sy getroud is en die kind 'n kind is wat uit een van die gades gebore is en wat deur die gades gesamentlik aangeneem word en wat minstens vyftien jaar jonger as die man is, indien uit die vrou gebore, of minstens tien jaar jonger as die vrou is, indien uit die man gebore.

(2)*bis* Niemand mag 'n kind van die leeftyd van ses-tien jaar of daarbo aanneem nie tensy—

- (a) hy of sy 'n wewenaar of weduwee of 'n ongetroude of geskeie persoon is en die kind 'n kind is wat uit hom of haar gebore is; of
- (b) hy of sy getroud is en die kind 'n kind is wat uit een van die gades gebore is en wat deur die gades gesamentlik aangeneem word en wat minstens vyftien jaar jonger as die man is, indien uit die vrou gebore, of minstens tien jaar jonger as die vrou is, indien uit die man gebore; of
- (c) hy of sy 'n wewenaar of weduwee of 'n ongetroude of geskeie persoon is en, indien nie van dieselfde geslag as die kind nie, minstens vyf-en-twintig jaar ouer as die kind is, of, indien van dieselfde geslag as die kind, minstens agtien jaar ouer as die kind is; of
- (d) hy of sy getroud is en die kind, indien nie van dieselfde geslag as die man nie, minstens vyf-en-twintig jaar jonger as hy en minstens agtien jaar jonger as die vrou is, of, indien van dieselfde geslag as die man, minstens agtien jaar jonger as hy en minstens vyf-en-twintig jaar jonger as die vrou is.”; en

(b) deur sub-artikel (3) deur die volgende sub-artikel te vervang:

„(3) Niemand mag 'n kind wat onder die leeftyd van ses-tien jaar is en minder as vyf-en-twintig jaar jonger as hy of sy is, aanneem nie, tensy—

- (a) die kind van dieselfde geslag as bedoelde persoon is; of
- (b) daardie persoon 'n wewenaar of weduwee of 'n ongetroude of geskeie persoon is en 'n natuurlike ouer van die kind is; of
- (c) daardie persoon getroud is en die kind gesamentlik met sy of haar gade aanneem.”.

**10. Artikel een-en-sewentig van die Hoofwet word hierby gewysig deur paragraaf (f) van sub-artikel (2) deur die volgende paragraaf te vervang: Wysiging van artikel 71 van Wet 33 van 1960.**

„(f) in die geval van 'n kind wat uit iemand gebore is wat 'n Suid-Afrikaanse burger is dat die applikant of een van die applikante 'n Suid-Afrikaanse burger is wat in die Republiek woonagtig is: Met dien verstande dat die bepalings van hierdie paragraaf nie geld nie—

- (i) waar die applikant of een van die applikante 'n Suid-Afrikaanse burger of 'n bloedverwant van die kind is en buite die Republiek woonagtig is; of
- (ii) waar die applikant nie 'n Suid-Afrikaanse burger is nie of albei die applikante nie Suid-Afrikaanse burgers is nie, maar die applikant of die applikante die nodige verblyfkwalifikasies besit vir die toekenning aan hom of hulle kragtens die Wet op Suid-Afrikaanse Burgerskap, 1949 (Wet No. 44 van 1949), van 'n sertifikaat of sertifikate van naturalisasie as 'n Suid-Afrikaanse burger of Suid-Afrikaanse burgers en aansoek gedoen het om so 'n sertifikaat of sulke sertifikate, en die Minister die aanneming goedgekeur het.”.

**11. Die volgende artikel word hierby na artikel twee-en-tagtig in die Hoofwet ingevoeg:**

„Toepassing van bepalinge van Hoofstuk VII in verband met Bantoes. **82bis.** By die toepassing van die bepalings van hierdie Hoofstuk ten opsigte van iemand wat 'n Bantoe is, soos omskryf in artikel vyf-en-dertig van die Bantoe-administrasie Wet, 1927 (Wet No. 38 van 1927), word 'n gebruiklike verbinding, soos aldus omskryf, geag 'n huwelik tussen die betrokke

Invoeging van artikel 82bis in Wet 33 van 1960.

reference to a husband, wife, widower, widow, divorced person, married person or spouse shall be construed accordingly.”.

Amendment of section 85 of Act 33 of 1960.

12. Section *eighty-five* of the principal Act is hereby amended by the insertion after sub-section (3) of the following sub-section:

- “(3)*bis* (a) If, after the Minister has made a determination in terms of paragraph (a) of sub-section (3), further information is submitted to him which satisfies him that the determination made was not correct, he may make a fresh determination of the age of the person concerned in terms of the said paragraph as if the first determination had not been made.
- (b) Such fresh determination of the age shall not affect the validity of anything done before such determination and which could lawfully have been done if the estimated age or the age first determined had been the true age.”.

Amendment of section 91 of Act 33 of 1960.

13. Section *ninety-one* of the principal Act is hereby amended by the addition of the following sub-section, the existing section becoming sub-section (1):

“(2) The Minister may, with the consent of any other Minister, delegate to any senior officer of any department of State administered by such other Minister, any power which he may delegate in terms of sub-section (1).”.

Amendment of section 92 of Act 33 of 1960, as amended by section 34 of Act 92 of 1962.

14. Section *ninety-two* of the principal Act is hereby amended by the substitution for paragraph (o) of sub-section (1) of the following paragraph:

“(o) as to any other matter which in terms of any provision of this Act, is required to be or may be prescribed or which the Minister may deem necessary or expedient to prescribe in order that the purposes of this Act may be achieved.”.

Short title.

15. This Act shall be called the Children’s Amendment Act, 1965.



partye te wees, en enige verwysing na 'n man, vrou, wewenaar, weduwee, geskeie persoon, getroude persoon of gade word dienooreenkomstig uitgelê.”.

12. Artikel *vyf-en-tagtig* van die Hoofwet word hierby gewysig deur na sub-artikel (3) die volgende sub-artikel in te voeg: Wysiging van artikel 85 van Wet 33 van 1960.

- „(3)*bis* (a) Indien daar, nadat die Minister ingevolge paragraaf (a) van sub-artikel (3) 'n bepaling gemaak het, verdere inligting aan hom voorgelê word wat hom oortuig dat die bepaling wat gemaak is nie juis was nie, kan hy die ouderdom van die betrokke persoon opnuut ingevolge genoemde paragraaf bepaal asof die eerste bepaling nie gemaak was nie.
- (b) Sodanige nuwe bepaling van die ouderdom raak nie die geldigheid van enigiets wat voor sodanige bepaling gedoen is en wat wettiglik gedoen sou kon gewees het indien die geskatte ouderdom of die ouderdom wat eers bepaal is die ware ouderdom was nie.”.

13. Artikel *een-en-negentig* van die Hoofwet word hierby gewysig deur die volgende sub-artikel by te voeg, terwyl die bestaande artikel sub-artikel (1) word: Wysiging van artikel 91 van Wet 33 van 1960.

- „(2) Die Minister kan, met instemming van enige ander Minister, aan 'n senior amptenaar van enige Staatsdepartement wat deur sodanige ander Minister geadministreer word, enige bevoegdheid delegeer wat hy ingevolge sub-artikel (1) kan delegeer.”.

14. Artikel *twee-en-negentig* van die Hoofwet word hierby gewysig deur paragraaf (o) van sub-artikel (1) deur die volgende paragraaf te vervang: Wysiging van artikel 92 van Wet 33 van 1960, soos gewysig deur artikel 34 van Wet 92 van 1962.

- „(o) aangaande enige ander saak wat ingevolge enige bepaling van hierdie Wet voorgeskryf moet of kan word of wat die Minister nodig of dienstig ag om voor te skryf ten einde die oogmerke van hierdie Wet te verwesenlik.”.

15. Hierdie Wet heet die Wysigingswet op Kinders, 1965. Kort titel.

No. 51, 1965.]

# ACT

**To prohibit lotteries, sports pools and games of chance and to provide for other incidental matters.**

*(Afrikaans text signed by the State President.)  
(Assented to 5th May, 1965.)*

**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) "game of chance" includes any game which the Minister may from time to time by notice in the *Gazette* declare to be a game of chance; (ii)
- (ii) "lottery" means any lottery in the generally accepted meaning of the word, and more particularly every scheme, arrangement, system, plan or device by which any prize is or may be gained, won, drawn, thrown or competed for by lot, dice or any other method of chance, either with or without reference to the happening of any uncertain event other than the result of the application or use of such lot, dice or other method of chance and also includes any scheme, arrangement, system, plan or device, which the Minister may from time to time by notice in the *Gazette* declare to be a lottery; (iv)
- (iii) "Minister" means the Minister of Justice; (v)
- (iv) "place" means any place, whether or not it is a public place, and includes any premises, building, dwelling, flat, room, office, shop, structure, vessel, aircraft or vehicle and any part of a place; (vi)
- (v) "prize" means any movable or immovable property; (vii)
- (vi) "Republic" includes the territory of South-West Africa; (viii)
- (vii) "sporting event" means any football, cricket, hockey, tennis or base-ball match, any boxing, wrestling, shooting or swimming contest, any foot, cycle, motor, boat, dog or horse race, and any other sporting or athletic contest, competition, tournament or game usually attended by the public; (ix)
- (viii) "sports pool" means any scheme under which—
  - (a) any person is invited or undertakes to forecast the result of any sporting event or series or combination of sporting events (whether or not in conjunction with any event other than a sporting event or series or combination of events other than sporting events) in competition with other participants; and
  - (b) a prize is to be awarded to the competitor who forecast the said result correctly or whose forecast is more nearly correct than the forecasts of other competitors, or a number of prizes are to be awarded on the basis aforesaid,
 and for the purposes of this definition the forecast of a result includes not only the forecast of the person or team that is to be victorious or otherwise, but also any forecast relating to the system of scoring employed in the sporting event concerned, or to any person responsible for the score; (x)

No. 51, 1965.]

## WET

**Om loterye, sportpoele en geluksele te verbied en om voorsiening te maak vir ander aangeleenthede wat daarmee in verband staan.**

(Afrikaanse teks deur die Staatspresident geteken.)  
(Goedgekeur op 5 Mei 1965.)

**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- beteken— omskrywing.**

- (i) „bydrae” die betaling of lewering van enige geld, artikel, saak of voorwerp (met inbegrip van enige kaartjie, koepon of inskrywingsvorm wat gratis aan die lesers van ’n nuusblad of ander tydskrif verskaf heet te wees) vir en by wyse van teenprestasie vir die reg om mee te ding; (ix)
- (ii) „geluksele” ook enige spel wat die Minister van tyd tot tyd by kennisgewing in die *Staatskoerant* ’n geluksele verklaar; (i)
- (iii) „kaartjie” ’n kenteken, teken, bewys, koepon, volmag of lys of enige ander middel of uitvindsel van watter aard ook al wat heet of bestem is om aan ’n persoon die reg te verleen of sy reg te erken om om ’n prys mee te ding of dit te ontvang; (x)
- (iv) „lotery” ’n lotery in die algemeen aanvaarde betekenis van die woord en meer bepaald elke skema, reëling, stelsel, plan of uitvindsel waarby ’n prys verwerf, gewen, getrek of om ’n prys gedobbel of meegeeding word of kan word deur middel van loting, dobbelstene of enige ander metode waarby geluk betrokke is, hetsy met of sonder inagneming van die plaasvind van ’n ander onsekere gebeurtenis as die uitslag van die toepassing of gebruik van bedoelde loting, dobbelstene of ander metode waarby geluk betrokke is, en beteken ook enige skema, reëling, stelsel, plan of uitvindsel wat die Minister van tyd tot tyd by kennisgewing in die *Staatskoerant* ’n lotery verklaar; (ii)
- (v) „Minister” die Minister van Justisie; (iii)
- (vi) „plek” ’n plek, hetsy dit ’n openbare plek is al dan nie, en ook enige perseel, gebou, woning, woonstel, kamer, kantoor, winkel, bouwerk, vaartuig, vliegtuig of voertuig, en ook enige gedeelte van ’n plek; (iv)
- (vii) „prys” enige roerende of onroerende goed; (v)
- (viii) „Republiek” ook die gebied Suidwes-Afrika; (vi)
- (ix) „sportgebeure” ’n voetbal-, krieket-, hokkie-, tennis-, bofbal-, boks-, stoei-, skiet- of swemwedstryd, ’n voet-, fiets-, motor-, boot-, honde- of perdewedren, en enige ander sport- of atletiekwedstryd, -mededinging, -toernooi of -spel wat gewoonlik deur die publiek bygevoon word; (vii)
- (x) „sportpoele” ’n skema waarby—
  - (a) ’n persoon gevra word of onderneem om die uitslag van sportgebeure of ’n reeks of kombinasie van sportgebeure (hetsy tesame met ander gebeure as sportgebeure of ’n reeks of kombinasie van ander gebeure as sportgebeure al dan nie) in mededinging met ander deelnemers, te voorspel; en
  - (b) ’n prys toegeken staan te word aan die mededinger wat die uitslag juis voorspel of wie se voorspelling

- (ix) "subscription" means the payment or delivery of any money, article, matter or thing (including any ticket, coupon or entrance form purporting to be supplied free of charge to the readers of any newspaper or other periodical publication) for and in consideration of the right to compete; (i)
- (x) "ticket" means any symbol, sign, token, coupon, warrant or list or any other means or device of whatsoever nature purporting or intended to confer upon or to recognize in any person the right to compete for or receive a prize. (iii)

Prohibition of participation in a lottery or sports pool and presumptions relating thereto.

2. (1) No person shall—

- (a) establish or commence a lottery or sports pool, or be a partner or shareholder or have any financial interest in any organization conducting a lottery or sports pool;
- (b) manage, conduct or in any way assist in managing or conducting a lottery or sports pool;
- (c) allow any place under his control or in his charge to be used in any way for the management or conduct of any lottery or sports pool or for any business purpose connected therewith;
- (d) sell or dispose of or have in his possession or purchase or have any interest in any ticket in a lottery or sports pool;
- (e) perform any act with the object of acquiring or assisting any other person to acquire from any source in the Republic or elsewhere any ticket in a lottery or sports pool or any interest in any such ticket.

(2) Any ticket which by any word, code, figure or any sign whatsoever indicates that such ticket is a ticket in a lottery or sports pool shall, until the contrary is proved, be presumed to be a ticket in a lottery or sports pool.

(3) Whenever in any prosecution for a contravention of paragraph (b) of sub-section (1) any person is proved to have been the occupier of any place in which a lottery or sports pool was managed or conducted at the time when such person occupied such place, it shall, until the contrary is proved, be presumed that such person assisted in managing or conducting such lottery or sports pool.

Prohibition of advertisements of lotteries or sports pools.

3. No publisher or proprietor of any newspaper or other periodical publication, and no other person having the control or management of any newspaper or other periodical publication, or of any printing press, shall print or publish, either in such newspaper or periodical publication, or in any printed document, any notice or advertisement of any lottery or sports pool to be conducted in the Republic or elsewhere.

Prohibition of distribution or delivery of notices of lotteries or sports pools.

4. No person shall distribute or cause to be distributed or deliver or cause to be delivered to any person any hand-bill or entrance form or other document conveying in print, writing or in any other way, notice of or information with regard to any lottery or sports pool.

Prohibition of activities in the Republic in relation to a lottery or sports pool conducted outside the Republic.

5. No person shall be exempt from liability under any provision of this Act in respect of any act or thing done or authorized or permitted by him to be done in the Republic in connection with any lottery or sports pool, merely by reason that the management, conduct or business of or concerning such lottery or sports pool is in whole or in part carried on at some place outside the Republic.

Prohibition in respect of the playing of games of chance and presumptions relating thereto.

6. (1) Subject to the provisions of sub-section (2), no person shall permit the playing of any game of chance for stakes at any place under his control or in his charge and no person shall play any such game at any place or visit any place with the object of playing any such game.

(2) In any prosecution for a contravention of sub-section (1), it shall be a defence that the place to which the charge relates—

(a) is not available for the use of persons other than subscribers or members or a group of members of a club or association of persons or for use by the public in general; or

(b) is not used except by personal friends of the person in control or in charge of such place and such person, if it is proved that such place is not habitually used for playing any game of chance for stakes.



nader aan juis is as die voorspellings van ander mededingers, of 'n aantal pryse op voormelde grondslag toegeken staan te word, en by die toepassing van hierdie omskrywing beteken die voorspelling van 'n uitslag ook nie slegs die voorspelling van die persoon of span wat gaan seëvier of nie, maar ook 'n voorspelling met betrekking tot die stelsel waarvolgens punte by die betrokke sportgebeure aangeteken word, of met betrekking tot die persoon wat vir die punte verantwoordelik is. (viii)

2. (1) Geen persoon mag—
- (a) 'n lotery of sportpoel instel of aan die gang sit nie, of 'n vennoot of aandeelhouer wees of 'n geldelike belang hê in 'n organisasie wat 'n lotery of 'n sportpoel hou nie;
- (b) 'n lotery of sportpoel bestuur, hou of op enige wyse hulp verleen by die bestuur of hou daarvan nie;
- (c) toelaat dat 'n plek onder sy beheer of toesig op enige wyse vir die bestuur of hou van 'n lotery of sportpoel of vir enige besigheidsdoel daaraan verbonde gebruik word nie;
- (d) 'n kaartjie in 'n lotery of sportpoel verkoop of van die hand sit of besit of koop of 'n belang daarby hê nie;
- (e) 'n handeling verrig met die oogmerk om 'n kaartjie in 'n lotery of sportpoel of 'n belang by so 'n kaartjie vanuit 'n bron in die Republiek of elders te verkry of om aan 'n ander persoon hulp te verleen om so 'n kaartjie of belang aldus te verkry nie.
- (2) 'n Kaartjie wat deur 'n woord, kode, syfer of enige teken wat ook al aandui dat daardie kaartjie 'n kaartjie in 'n lotery of sportpoel is, word totdat die teendeel bewys word, vermoed 'n kaartjie in 'n lotery of sportpoel te wees.
- (3) Wanneer by 'n vervolging weens oortreding van paragraaf (b) van sub-artikel (1), daar bewys word dat 'n persoon die okkuperder was van 'n plek waarin 'n lotery of sportpoel bestuur of gehou was op die tydstip toe bedoelde persoon bedoelde plek geokkuper het, word daar vermoed, totdat die teendeel bewys word, dat bedoelde persoon by die bestuur of hou van bedoelde lotery of sportpoel hulp verleen het.
3. Geen uitgewer of eienaar van 'n nuusblad of ander tydskrif, en geen ander persoon wat 'n nuusblad of ander tydskrif of 'n drukpers beheer of bestuur, mag of in bedoelde nuusblad of tydskrif, of in 'n gedrukte dokument, 'n kennisgewing of advertensie omtrent 'n lotery of sportpoel wat in die Republiek of elders gehou staan te word, druk of publiseer nie.
4. Geen persoon mag 'n biljet of inskrywingsvorm of ander dokument wat in druk, geskryf of op enige ander wyse 'n kennisgewing of inligting met betrekking tot 'n lotery of sportpoel bevat, versprei of laat versprei of aan 'n ander persoon aflewer of laat aflewer nie.
5. Geen persoon word van aanspreeklikheid ingevolge 'n bepaling van hierdie Wet ten opsigte van 'n handeling of daad deur hom in die Republiek in verband met 'n lotery of sportpoel verrig of gemagtig of toegelaat, onthef nie bloot omdat die bestuur, hou of besigheid van of met betrekking tot bedoelde lotery of sportpoel geheel en al of gedeeltelik op die een of ander plek buite die Republiek plaasvind.
6. (1) Behoudens die bepalings van sub-artikel (2), mag geen persoon die speel van 'n gelukspel waarop iets verwed word, toelaat by enige plek onder sy beheer of toesig nie, en mag geen persoon so 'n spel by enige plek speel of enige plek besoek met die oogmerk om so 'n spel te speel nie.
- (2) By 'n vervolging weens oortreding van sub-artikel (1), kan die verweer opgewerp word dat die plek waarop die klagstaat betrekking het—
- (a) nie beskikbaar is vir gebruik deur ander persone as intekenaars of lede of 'n groep lede van 'n klub of vereniging van persone of vir gebruik deur die groot publiek nie; of
- (b) nie gebruik word behalwe deur persoonlike vriende van die persoon onder wie se beheer of toesig bedoelde plek staan en bedoelde persoon nie,
- indien daar bewys word dat bedoelde plek nie gereeld vir die speel van geluksele waarop iets verwed word, gebruik word nie.

Verbod op deelname aan 'n lotery of sportpoel en vermoedens in verband daarmee.

Verbod op advertensies van loterye of sportpoele.

Verbod op verspreiding of aflewering van kennisgewings omtrent loterye of sportpoele.

Verbod op bedrywighede in die Republiek met betrekking tot 'n lotery of sportpoel wat buite die Republiek gehou word.

Verbod ten opsigte van die speel van geluksele en vermoedens in verband daarmee.

(3) When any cards, dice, balls, counters, tables or other instruments or requisites used or capable of being used for playing any game of chance are found at any place or on the person of any one found at any place, it shall be *prima facie* evidence in any prosecution for a contravention of sub-section (1) that the person in control or in charge of such place permitted the playing of such game for stakes at such place and that any person found at such place was playing such game for stakes at such place and was visiting such place with the object of playing such game for stakes.

(4) If any policeman authorized to enter any place is wilfully prevented from or obstructed or delayed in entering such place, the person in control or in charge of such place shall on being charged with permitting the playing of any game of chance for stakes, be presumed, until the contrary is proved, to have permitted the playing of such game of chance for stakes at such place.

(5) Upon proof at the trial of any person charged with contravention of sub-section (1), that any game of chance was played or intended to be played, it shall be presumed, until the contrary is proved, that such game was played or intended to be played for stakes.

(6) Any person supervising or directing or assisting at or acting as banker, dealer, croupier or in any like capacity at the playing of any game of chance at any place and any person acting as porter, doorkeeper or servant or holding any other office at any place where any game of chance is played, shall be deemed to be in control or in charge of such place.

(7) Any person found at any place where any game of chance is played, shall be deemed, until the contrary is proved, to be playing such game for stakes at such place and to be visiting such place with the object of playing such game for stakes.

Minister may prohibit keeping or use of pin-tables, etc.

7. (1) The Minister may by notice in the *Gazette* prohibit the keeping or use at any place or class or kind of place specified in the notice, or at any place or class or kind of place other than a place or class or kind of place so specified, of all pin-tables, whether or not intended for the playing of games of chance, or of all pin-tables other than pin-tables described in such notice, or of all pin-tables, machines, contrivances or instruments of any class or kind described in such notice which in his opinion are intended for the playing of games of chance, and of any pin-table, machine, contrivance or instrument resembling or having anything in common with any pin-table, machine, contrivance or instrument contemplated in such notice.

(2) For the purposes of section *six*—

- (a) the person in control or in charge of any place specified in any notice under sub-section (1) at which any pin-table, machine, contrivance or instrument contemplated in such notice is found, shall be presumed to have permitted the playing of games of chance for stakes at such place and any person found at any such place shall be presumed, until the contrary is proved, to have played a game of chance for stakes at such place and to have visited such place with the object of playing a game of chance for stakes;
- (b) any game played at any place specified in any notice aforesaid by means of any pin-table, machine, contrivance or instrument contemplated in such notice shall be presumed to be a game of chance.

Offences.

8. Any person who—

- (a) contravenes any provision of paragraph (a), (b) or (c) of sub-section (1) of section *two*;
- (b) contravenes any provision of paragraph (d) or (e) of sub-section (1) of section *two*;
- (c) contravenes any provision of section *three* or *four*;
- (d) permits the playing of any game of chance in contravention of sub-section (1) of section *six*;
- (e) plays any game of chance or visits any place with the object of playing any such game in contravention of sub-section (1) of section *six*,

shall be guilty of an offence and liable on conviction—

(3) Wanneer kaarte, dobbelstene, balle, speelmunt, tafels of ander instrumente of benodighede wat by die speel van 'n gelukspel gebruik word of kan word, by 'n plek of aan 'n persoon wat by 'n plek aangetref word, gevind word, is dit by 'n vervolging weens oortreding van sub-artikel (1), *prima facie* bewys dat die persoon onder wie se beheer of toesig bedoelde plek gestaan het, die speel van bedoelde spel waarop iets verwed was, by bedoelde plek toegelaat het en dat 'n persoon wat by bedoelde plek aangetref was, bedoelde spel waarop iets verwed was by bedoelde plek gespeel het en bedoelde plek besoek het met die oogmerk om bedoelde spel waarop iets verwed word, te speel.

(4) Indien 'n polisiebeampte wat daartoe gemagtig is om 'n plek te betree, opsetlik verhinder word om dit te betree of by sy betreding daarvan opsetlik gedwarsboom of verdraag word, word daar by 'n aanklag dat die speel van 'n gelukspel waarop iets verwed was, toegelaat was, vermoed, totdat die teendeel bewys word, dat die persoon onder wie se beheer of toesig bedoelde plek gestaan het, die speel van bedoelde gelukspel waarop iets verwed was, by bedoelde plek toegelaat het.

(5) By bewys by die verhoor van 'n weens oortreding van sub-artikel (1) aangeklaagde persoon dat 'n gelukspel gespeel was of sou word, word daar vermoed, totdat die teendeel bewys word, dat bedoelde spel gespeel was of sou word met iets daarop verwed.

(6) Daar word vermoed dat 'n persoon wat toesig hou oor die speel van 'n gelukspel by 'n plek of die spel daar lei, of hulp verleen of as bankier, deler, croupier of in 'n dergelike hoedanigheid by die speel van 'n gelukspel by 'n plek optree en 'n persoon wat by 'n plek waar 'n gelukspel gespeel word, as portier, deurwagter of diensbode optree of 'n ander amp beklee, 'n persoon is onder wie se beheer of toesig bedoelde plek staan.

(7) Daar word vermoed, totdat die teendeel bewys word, dat 'n persoon wat by 'n plek waar 'n gelukspel gespeel word, aangetref word, bedoelde spel waarop iets verwed word by bedoelde plek speel en bedoelde plek besoek met die oogmerk om bedoelde spel waarop iets verwed word, te speel.

7. (1) Die Minister kan by kennisgewing in die *Staatskoerant* die aanhou of gebruik verbied by enige in die kennisgewing bepaalde plek of klas of soort plek, of by enige ander plek of klas of soort plek as 'n aldus bepaalde plek of klas of soort plek, van alle spykertafels, hetsy vir die speel van geluksele bestem al dan nie, of van alle ander spykertafels as die in bedoelde kennisgewing omskrewen spykertafels, of van alle spykertafels, masjiene, toestelle of instrumente van 'n in bedoelde kennisgewing omskrewen klas of soort wat na sy oordeel vir die speel van geluksele bestem is, en van enige spykertafel, masjien, toestel of instrument wat 'n ooreenkoms toon of iets gemeen het met 'n in bedoelde kennisgewing beoogde spykertafel, masjien, toestel of instrument.

Minister kan die aanhou of gebruik van spykertafels ens., verbied.

(2) By die toepassing van artikel *ses*—

(a) word daar vermoed dat die persoon onder wie se beheer of toesig 'n in 'n kennisgewing kragtens sub-artikel (1) bepaalde plek staan, waar 'n in bedoelde kennisgewing beoogde spykertafel, masjien, toestel of instrument aangetref word, die speel van geluksele waarop iets verwed was, by bedoelde plek toegelaat het en word daar vermoed, totdat die teendeel bewys word, dat 'n persoon wat by so 'n plek aangetref word, 'n gelukspel waarop iets verwed was by bedoelde plek gespeel het en bedoelde plek besoek het met die oogmerk om 'n gelukspel waarop iets verwed word, te speel;

(b) word daar vermoed dat 'n spel by 'n in 'n voormelde kennisgewing bepaalde plek deur middel van 'n in bedoelde kennisgewing beoogde spykertafel, masjien, toestel of instrument gespeel, 'n gelukspel is.

8. 'n Persoon wat—

- (a) 'n bepaling van paragraaf (a), (b) of (c) van sub-artikel (1) van artikel *twee* oortree;
- (b) 'n bepaling van paragraaf (d) of (e) van sub-artikel (1) van artikel *twee* oortree;
- (c) 'n bepaling van artikel *drie* of *vier* oortree;
- (d) in stryd met sub-artikel (1) van artikel *ses* die speel van 'n geluksele toelaat;
- (e) in stryd met sub-artikel (1) van artikel *ses* 'n geluksele speel of 'n plek besoek met die oogmerk om bedoelde spel te speel,

Misdrywe.

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar—

- (i) in the case of an offence referred to in paragraph (a), (c) or (d), to a fine not exceeding one thousand rand or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment;
- (ii) in the case of an offence referred to in paragraph (b) or (e), to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

Jurisdiction as to punishments.

9. Notwithstanding anything to the contrary in any other law contained, a magistrate's court shall have jurisdiction to impose any penalty prescribed by this Act.

Savings.

10. Nothing in this Act contained—

- (a) shall be construed as restricting the powers conferred under paragraph 7 of the First Schedule or paragraph 12 of the Second Schedule to the Financial Relations Consolidation and Amendment Act, 1945 (Act No. 38 of 1945);
- (b) shall apply in relation to any lottery or sports pool in respect of which no subscription is to be made.

Repeal of laws.

11. The laws specified in the Schedule are hereby repealed to the extent set out in the third column thereof.

Application of Act to South-West Africa.

12. This Act (with the exception of section *thirteen*) shall apply also in the territory of South-West Africa (including the Eastern Caprivi Zipfel referred to in section *three* of the South-West Africa Affairs Amendment Act, 1951 (Act No. 55 of 1951)), and in relation to all persons in that portion of the said territory known as the "Rehoboth Gebiet" and defined in the First Schedule to Proclamation No. 28 of 1923 of the said territory.

Amendment of section 35 of Act 44 of 1958.

13. The following section is hereby substituted for section *thirty-five* of the Post Office Act, 1958:

"Articles addressed to persons conducting a lottery or sports pool or dealing in indecent or obscene matter.

35. When the Postmaster-General is satisfied on enquiry or by any advertisement, letter, circular or other documentary evidence that any person is conducting or assisting as agent or otherwise in conducting a lottery or sports pool, or is dealing in indecent or obscene matter, and is using the services of the department for the purpose, the Postmaster-General may detain or delay all postal articles addressed to such person (whether under his own or under a fictitious or assumed name) or his agent or representative, or to any address of any such person, agent or representative without the name of any person appearing thereon, and all such postal articles may be opened and returned to the senders thereof or otherwise disposed of as the Postmaster-General may deem fit."

Short title and date of commencement.

14. This Act shall be called the Gambling Act, 1965, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.



- (i) in die geval van 'n in paragraaf (a), (c) of (d) bedoelde misdryf, met 'n boete van hoogstens duisend rand of met gevangenisstraf vir 'n tydperk van hoogstens een jaar of met sowel daardie boete as daardie gevangenisstraf;
- (ii) in die geval van 'n in paragraaf (b) of (e) bedoelde misdryf, met 'n boete van hoogstens tweehonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met sowel daardie boete as daardie gevangenisstraf.

9. Ondanks andersluidende wetsbepalings, is 'n landdroshof **Regsbevoegdheid met betrekking tot strawwe.** bevoeg om enige by hierdie Wet voorgeskrewe straf op te lê.

10. Die bepalinge van hierdie Wet—

Voorbehoude.

- (a) word nie as 'n beperking op die kragtens paragraaf 7 van die Eerste Bylae of paragraaf 12 van die Tweede Bylae by die Wysigingswet op Finansiële Verhoudings, 1945 (Wet No. 38 van 1945), verleende bevoegdheede uitgelê nie;
- (b) is nie met betrekking tot 'n lotery of sportpoel ten opsigte waarvan geen bydrae gedoen staan te word nie, van toepassing nie.

11. Die in die Bylae vermelde wette word hierby herroep **Herroeping van Wette.** in die mate in die derde kolom daarvan uiteengesit.

12. Hierdie Wet (behalwe artikel *dertien*) is ook van toepassing in die gebied Suidwes-Afrika (met inbegrip van die Oostelike Caprivi Zipfel vermeld in artikel *drie* van die Wysigingswet op Aangeleenthede van Suidwes-Afrika, 1951 (Wet No. 55 van 1951)), en met betrekking tot alle persone in daardie gedeelte van bedoelde gebied bekend as die „Rehoboth Gebiet” en omskrywe in die Eerste Bylae by Proklamasie No. 28 van 1923 van bedoelde gebied. **Toepassing van Wet op Suidwes-Afrika.**

13. Artikel *vyf-en-dertig* van die Poswet, 1958, word hierby **Wysiging van artikel 35 van Wet no. 44 van 1958.** deur die volgende artikel vervang:

„Artikels geadresseer aan persone wat 'n lotery of 'n sportpoel bestuur of in onbetaamlike of aanstootlike stof handel.

35. Wanneer die Posmeester-generaal na ondersoek of deur 'n advertensie, brief, omsendbrief of ander dokumentêre getuienis oortuig is dat iemand 'n lotery of sportpoel bestuur of as agent of andersins by die bestuur daarvan hulp verleen of in onbetaamlike of aanstootlike stof handel, en die dienste van die departement vir die doel gebruik, kan die Posmeester-generaal alle posstukke gerig aan so 'n persoon (hetsy onder sy eie of 'n denkbeldige of aangename naam) of sy agent of verteenwoordiger of aan 'n adres van so 'n persoon, agent of verteenwoordiger sonder dat die naam van 'n persoon daarop verskyn, terughou of vertraag, en al sulke posstukke kan oopgemaak en aan die afsenders daarvan teruggestuur word of na goeddunke van die Posmeester-generaal op ander wyse oor beskik word.”.

14. Hierdie Wet heet die Wet op Dobbelary, 1965, en tree **Kort titel en datum van inwerkingtreding.** in werking op 'n deur die Staatspresident by proklamasie in die *Staatskoerant* bepaalde datum.

## Schedule.

No. and year.	Title or Subject Matter.	Extent of Repeal.
	CAPE.	
Act No. 28 of 1860.	Act for Legalizing Art Unions.	The whole.
Act No. 9 of 1889.	Lotteries Prohibition Act, 1889.	The whole.
Act No. 36 of 1902.	Betting Houses, Gaming Houses and Brothels Suppression Act, 1902.	Sections <i>one to four</i> , inclusive, and <i>six, nine, eleven and thirteen</i> and the Schedule.
	NATAL.	
Law No. 25 of 1878.	Law to provide for the Discouragement of Gambling.	The whole except sections <i>one, two and three</i> in so far as they relate to betting stands or betting booths.
Act No. 3 of 1902.	Act to amend the Law against Gambling.	The whole.
Act No. 31 of 1909.	Act to amend the Law relating to Gambling.	So much as is unrepealed.
	ORANGE FREE STATE.	
Chapter CXLIII of the Law Book.	"Wet Over Loterijen en Sweepstakes".	The whole.
Chapter CXLIV of the Law Book.	"Wet Over Dobbelarij".	The whole.
Ordinance No. 21 of 1902.	Police Offences Ordinance, 1902.	Sections <i>twelve to fourteen</i> , inclusive, and <i>seventeen and eighteen</i> .
	TRANSVAAL.	
Law No. 6 of 1889.	"Wet Tegen Hazardspelen".	The whole except section <i>seven (a)</i> .
Law No. 7 of 1890.	"Wet Tegen Het Houden van Loterijen".	So much as is unrepealed.
Law No. 1 of 1892.	Amendment of Law No. 6 of 1889.	The whole.
Act No. 38 of 1909.	Criminal Law Amendment Act, 1909.	Sub-section (3) of section <i>five</i> .
	SOUTH-WEST AFRICA.	
Ordinance No. 13 of 1937.	Lotteries Ordinance, 1937.	The whole.
Ordinance No. 20 of 1952.	Lotteries Amendment Ordinance, 1952.	The whole.
	REPUBLIC.	
Act No. 1 of 1927.	Natal Gambling Law Amendment Act, 1927.	The whole.
Act No. 26 of 1933.	Gambling Amendment Act, 1933.	The whole.
Act No. 5 of 1939.	Gambling Amendment Act, 1939.	The whole.
Act No. 38 of 1949.	Prohibition of Sports Pools Act, 1949.	The whole.
Act No. 62 of 1955.	General Law Amendment Act, 1955.	Section <i>thirty-eight</i> .
Act No. 74 of 1961.	Prohibition of Sports Pools Amendment Act, 1961.	The whole.

Bylae.

No. en jaar.	Titel of Onderwerp.	In hoeverre herroep.
	KAAP.	
Wet No. 28 van 1860.	„Act for Legalizing Art Unions”.	Die geheel.
Wet No. 9 van 1889.	„Lotteries Prohibition Act, 1889”.	Die geheel.
Wet No. 36 van 1902.	„Betting Houses, Gaming Houses and Brothels Suppression Act, 1902”.	Artikels <i>een</i> tot en met <i>vier</i> , en <i>ses</i> , <i>nege</i> , <i>elf</i> en <i>dertien</i> en die Bylae.
	NATAL.	
Wet No. 25 van 1878.	„Law to provide for the Discouragement of Gambling”.	Die geheel behalwe artikels <i>een</i> , <i>twee</i> en <i>drie</i> vir sover hulle op „betting stands” of „betting booths” betrekking het.
Wet No. 3 van 1902.	„Act to amend the Law against Gambling”.	Die geheel.
Wet No. 31 van 1909.	„Act to amend the Law relating to Gambling”.	Soveel as wat nie herroep is nie.
	ORANJE VRYSTAAT.	
Hoofstuk CXLIII van die Wetboek.	„Wet Over Loterijen en Sweepstakes”.	Die geheel.
Hoofstuk CXLIV van die Wetboek.	„Wet Over Dobbelarij”.	Die geheel.
Ordonnansie No. 21 van 1902.	„Police Offences Ordinance, 1902”.	Artikels <i>twaalf</i> tot en met <i>veertien</i> en <i>sewentien</i> en <i>agtien</i> .
	TRANSVAAL.	
Wet No. 6 van 1889.	„Wet Tegen Hazardspelen”.	Die geheel behalwe artikel <i>sewe</i> (a).
Wet No. 7 van 1890.	„Wet Tegen Het Houden van Loterijen”.	Soveel as wat nie herroep is nie.
Wet No. 1 van 1892.	Wysiging van Wet No. 6 van 1889.	Die geheel.
Wet No. 38 van 1909.	„Criminal Law Amendment Act, 1909”.	Sub-artikel (3) van artikel <i>vyf</i> .
	SUIDWES-AFRIKA.	
Ordonnansie No. 13 van 1937.	Loterye-Ordonnansie, 1937.	Die geheel.
Ordonnansie No. 20 van 1952.	Wysigingsordonnansie op Loterye, 1952.	Die geheel.
	REPUBLIEK.	
Wet No. 1 van 1927.	Wet tot Wysiging van die Natalse Dobbelarywet, 1927.	Die geheel.
Wet No. 26 van 1933.	Dobbelary-wysigingswet, 1933.	Die geheel.
Wet No. 5 van 1939.	Wysigingswet op Dobbelary, 1939.	Die geheel.
Wet No. 38 van 1949.	Wet op Verbod van Sportpoele, 1949.	Die geheel.
Wet No. 62 van 1955.	Algemene Regswysigingswet, 1955.	Artikel <i>agt-en-dertig</i> .
Wet No. 74 van 1961.	Wysigingswet op Verbod van Sportpoele, 1961.	Die geheel.

No. 52, 1965.]

# ACT

To amend the National Roads Act, 1935.

(English text signed by the State President.)  
(Assented to 6th May, 1965.)

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

Insertion of section 4ter in Act 42 of 1935.

1. (1) The following section is hereby inserted in the National Roads Act, 1935, after section *four bis*:

*4ter.* (1) If any land, other than land contemplated in sub-section (2) of section *four* or sub-section (1) of section *four bis*, is appropriated for the purposes of a declared road and no compensation is payable in respect of that land under the provisions of any law relating to public roads which is in force in the area in which the land is situate, the Administrator concerned shall, notwithstanding anything to the contrary in any law contained, at the request of the board pay to the owner of the land or any person having an interest in the land, such compensation as the board may in its discretion authorize.

(2) Any payment made by an Administrator in terms of the provisions of sub-section (1) shall be defrayed from the fund."

(2) Sub-section (1) shall be deemed to have come into operation on the first day of April, 1964.

Amendment of section 5 of Act 42 of 1935, as amended by section 6 of Act 35 of 1936, section 13 of Act 50 of 1937, section 5 of Act 22 of 1944, section 27 of Act 36 of 1950, section 3 of Act 51 of 1957, section 11 of Act 37 of 1958, section 10 of Act 41 of 1960 and section 6 of Act 76 of 1961.

2. (1) Section *five* of the National Roads Act, 1935, is hereby amended by the substitution for paragraph (a) of sub-section (1) of the following paragraph:

"(a) as a charge on the Consolidated Revenue Fund, an amount of six cents (6c) of any customs or excise duty on a gallon of petrol, kerosene, distillate fuel or residual fuel oil—

- (i) which exceeds the said amount; and
- (ii) which is paid into the said Revenue Fund and, except if it has been paid in the Republic on imported petrol, kerosene, distillate fuel or residual fuel oil removed after such payment to the territory of South-West Africa, is not paid over to the administration of the said territory; and
- (iii) in respect of which no rebate or refund is applicable; and"

(2) Sub-section (1) shall come into operation on the first day of April, 1965.

Short title.

3. This Act shall be called the National Roads Amendment Act, 1965.



# WET

## Tot wysiging van die Wet op Nasionale Paaie, 1935.

(Engelse teks deur die Staatspresident geteken.)  
(Goedgekeur op 6 Mei 1965.)

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

1. (1) Die volgende artikel word hierby in die Wet op Nasionale Paaie, 1935, na artikel vier bis ingevoeg:

„Vergoeding ten opsigte van sekere grond wat vir verklaarde paaie ontnem word.

4ter. (1) Indien enige grond, behalwe grond in sub-artikel (2) van artikel vier of sub-artikel (1) van artikel vier bis beoog, vir doeleindes van 'n verklaarde pad ontnem word en geen vergoeding ten opsigte van daardie grond betaalbaar is kragtens die bepalinge van enige wet betreffende publieke paaie wat geld in die gebied waarin die grond geleë is nie, moet die betrokke Administrateur, ondanks andersluidende wetsbepalinge, op versoek van die raad aan die eienaar van die grond of enige persoon wat 'n belang in die grond het, die vergoeding betaal wat die raad na sy goëddunke magtig.

(2) Enige betaling deur 'n Administrateur ingevolge die bepalinge van sub-artikel (1) gedoen, word uit die fonds bestry.”

(2) Sub-artikel (1) word geag op die eerste dag van April 1964 in werking te getree het.

2. (1) Artikel vyf van die Wet op Nasionale Paaie, 1935, word hierby gewysig deur paragraaf (a) van sub-artikel (1) deur die volgende paragraaf te vervang:

„(a) ten laste van die Gekonsolideerde Inkomstefonds, 'n bedrag van ses sent (6c) van enige doeane- of aksynsreg op 'n gelling petrol, kerosen, distillaatbrandstof of residubrandolie—

- (i) wat meer is as genoemde bedrag; en
- (ii) wat in genoemde Inkomstefonds gestort word en, behalwe as dit in die Republiek betaal is op ingevoerde petrol, kerosen, distillaatbrandstof of residubrandolie wat ná sodanige betaling verwyder is na die gebied Suidwes-Afrika, nie aan die administrasie van genoemde gebied oorbetaal word nie; en

(iii) ten opsigte waarvan geen korting of terugbetaling van toepassing is nie; en”.

(2) Sub-artikel (1) tree op die eerste dag van April 1965 in werking.

3. Hierdie Wet heet die Wysigingswet op Nasionale Paaie, Kort titel. 1965.

Invoeging van artikel 4ter in Wet 42 van 1935.

Wysiging van artikel 5 van Wet 42 van 1935, soos gewysig deur artikel 6 van Wet 35 van 1936, artikel 13 van Wet 50 van 1937, artikel 5 van Wet 22 van 1944, artikel 27 van Wet 36 van 1950, artikel 3 van Wet 51 van 1957, artikel 11 van Wet 37 van 1958, artikel 10 van Wet 41 van 1960 en artikel 6 van Wet 76 van 1961.

No. 53, 1965.]

# ACT

## To amend the South African Road Safety Council Act, 1960.

(Afrikaans text signed by the State President.)  
(Assented to 6th May, 1965.)

**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 1 of 1960.

**1.** Section *one* of the South African Road Safety Council Act, 1960 (hereinafter referred to as the principal Act), is hereby amended—

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

“‘Administrator’ means the Administrator of a province acting on the advice and with the consent of the executive committee thereof, and includes the Administrator of the territory of South-West Africa acting on the advice and with the consent of the executive committee thereof;”;

and  
(b) by the addition at the end thereof of the following definition:

“‘Republic’ includes any territory in respect of which Parliament is competent to legislate.”.

Amendment of section 3 of Act 1 of 1960.

**2.** Section *three* of the principal Act is hereby amended—

(a) by the substitution for paragraph (b) of sub-section (2) of the following paragraph:

“(b) after consultation with the Administrators, one person who shall *ipso facto* be deputy-chairman;”;

(b) by the substitution for paragraph (c) of the said sub-section of the following paragraph:

“(c) one representative of each provincial administration and the administration of the territory of South-West Africa, nominated by the Administrator concerned;”;

and  
(c) by the substitution for paragraph (b) of sub-section (3) of the following paragraph:

“(b) such additional representatives of the provincial administrations and the administration of the territory of South-West Africa as the Minister may from time to time determine after consultation with the Administrators;”.

Amendment of section 8 of Act 1 of 1960.

**3.** Section *eight* of the principal Act is hereby amended by the substitution for paragraph (c) of sub-section (1) of the following paragraph:

“(c) all the members of the council referred to in paragraph (c) of sub-section (2) of section *three*;”.

Substitution of section 13 of Act 1 of 1960.

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

**13.** The members of the council and their alternates, members of the action committee, and members of any subsidiary committee established under section *eleven*, and their alternates, may be paid such remuneration, allowances and travelling expenses as may be determined generally or in any particular case by the Minister in consultation with the Minister of Finance.”.

“Remuneration, allowances and expenses of members and alternate members of certain bodies.”

## WET

### Tot wysiging van die Wet op die Suid-Afrikaanse Padveiligheidsraad, 1960.

(Afrikaanse teks deur die Staatspresident geteken.)  
(Goedgekeur op 6 Mei 1965.)

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

1. Artikel *een* van die Wet op die Suid-Afrikaanse Padveiligheidsraad, 1960 (hieronder die Hoofwet genoem), word hierby gewysig— Wysiging van artikel 1 van Wet 1 van 1960.

- (a) deur die omskrywing van „Administrateur” deur die volgende omskrywing te vervang:  
„Administrateur” die Administrateur van ’n provinsie handelende op advies en met die toestemming van die uitvoerende komitee daarvan, en ook die Administrateur van die gebied Suidwes-Afrika handelende op advies en met die toestemming van die uitvoerende komitee daarvan;” en
- (b) deur na die omskrywing van „raad” die volgende omskrywing in te voeg:  
„Republiek’ ook ’n gebied ten opsigte waarvan die Parlement wetgewende bevoegdheid besit;”.

2. Artikel *drie* van die Hoofwet word hierby gewysig— Wysiging van artikel 3 van Wet 1 van 1960.

- (a) deur paragraaf (b) van sub-artikel (2) deur die volgende paragraaf te vervang:  
„(b) na oorlegpleging met die Administrateurs, een persoon, wat *ipso facto* adjunk-voorsitter is;”;
- (b) deur paragraaf (c) van genoemde sub-artikel deur die volgende paragraaf te vervang:  
„(c) een verteenwoordiger van elke provinsiale administrasie en die administrasie van die gebied Suidwes-Afrika deur die betrokke Administrateur benoem;” en
- (c) deur paragraaf (b) van sub-artikel (3) deur die volgende paragraaf te vervang:  
„(b) sodanige addisionele verteenwoordigers van die provinsiale administrasies en die administrasie van die gebied Suidwes-Afrika as wat die Minister van tyd tot tyd na oorlegpleging met die Administrateurs bepaal;”.

3. Artikel *agt* van die Hoofwet word hierby gewysig deur paragraaf (c) van sub-artikel (1) deur die volgende paragraaf te vervang: Wysiging van artikel 8 van Wet 1 van 1960.

- „(c) al die lede van die raad bedoel in paragraaf (c) van sub-artikel (2) van artikel *drie*;”.

4. Artikel *dertien* van die Hoofwet word hierby deur die volgende artikel vervang: Vervanging van artikel 13 van Wet 1 van 1960.

„Besoldiging, toelaes en koste van lede en plaasvervangende lede van sekere liggame. **13.** Aan die lede van die raad en hulle plaasvervangers, lede van die aksiekomitee, en lede van ’n hulpkomitee ingevolge artikel *elf* ingestel en hulle plaasvervangers, kan die besoldiging, toelaes en reiskoste betaal word deur die Minister in oorleg met die Minister van Finansies in die algemeen of in enige besondere geval bepaal word.”.

Amendment of  
section 16 of  
Act 1 of 1960.

5. (1) Section *sixteen* of the principal Act is hereby amended—

(a) by the substitution for paragraph (b) of sub-section (1) of the following paragraph:

“(b) all moneys appropriated by Parliament, a provincial council or the Legislative Assembly of the territory of South-West Africa for the council; and”;

(b) by the substitution for paragraph (a) of sub-section (3) of the following paragraph:

“(a) the remuneration, allowances and travelling expenses payable to members and alternate members of the council, members of the action committee, and members and alternate members of subsidiary committees established by the council, and, if the Minister, in consultation with the Minister of Finance, so determines in the case of any such member who is an officer as defined in section *one* of the Public Service Act, 1957 (Act No. 54 of 1957), and devotes the whole or a substantial portion of his time to his functions as such a member, the remuneration payable to him as such an officer, and any amount payable by the State in respect of him to any fund referred to in paragraph (d), or so much of such remuneration or amount as the Minister so determines;”;

(c) by the substitution for paragraph (d) of the said sub-section (3) of the following paragraph:

“(d) the contributions payable by the council to the Public Service Pension Fund and the Government Service Widows' Pension Fund referred to in sections *two* and *seventy-one*, respectively, of the Government Service Pensions Act, 1955 (Act No. 58 of 1955), in respect of any officer of the public service seconded to the service of the council as is contemplated in sub-section (4) of section *eighteen*, and any contributions payable by the council to any pension or provident fund or other benefit scheme in respect of any other person seconded to the service of the council as is contemplated in the said sub-section;”;

(d) by the insertion after paragraph (e) of the said sub-section (3) of the following paragraph:

“(e)*bis* any expenditure in connection with insurance incurred under the provisions of section *twenty-one bis*;” and

(e) by the substitution for sub-section (5) of the following sub-section:

“(5) The council shall open an account in the name of the fund with a bank approved by the Minister and shall deposit therein all moneys received by the council from any source, and 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, and any moneys in the fund not required for immediate use or as a reasonable working balance, shall be invested temporarily by the council with the Public Debt Commissioners or in such other manner as the Minister may, in consultation with the Minister of Finance, direct.”

(2) Paragraph (c) of sub-section (1) shall be deemed to have come into operation on the first day of January, 1965, and paragraphs (d) and (e) of the said sub-section shall be deemed to have come into operation on the first day of April, 1960.

Amendment of  
section 18 of  
Act 1 of 1960.

6. (1) Section *eighteen* of the principal Act is hereby amended—

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

“(1) Subject to the provisions of sub-section (2), the action committee may appoint for a probationary period or permanently such officers as it may deem necessary to assist the council to achieve its objects and to perform its functions and duties.”;

(b) by the insertion after sub-section (1) of the following sub-section:

“(1)*bis* The action committee may appoint temporarily or on such other basis as it may deem fit, either in a full-time or part-time capacity, employees—

(a) to serve in posts referred to in sub-section (2) which are vacant;



5. (1) Artikel *sestien* van die Hoofwet word hierby gewysig— Wysiging van artikel 16 van Wet 1 van 1960.
- (a) deur paragraaf (b) van sub-artikel (1) deur die volgende paragraaf te vervang:  
 „(b) alle gelde wat deur die Parlement, 'n provinsiale raad of die wetgewende vergadering van die gebied Suidwes-Afrika aan die raad beskikbaar gestel word; en”;
- (b) deur paragraaf (a) van sub-artikel (3) deur die volgende paragraaf te vervang:  
 „(a) die besoldiging, toelaes en reiskoste betaalbaar aan lede en plaasvervangende lede van die raad, lede van die aksiekomitee, en lede en plaasvervangende lede van hulpkomitees deur die raad ingestel, en, indien die Minister in oorleg met die Minister van Finansies aldus bepaal in die geval van enige sodanige lid wat 'n beampte is soos omskryf in artikel *een* van die Staatsdienswet, 1957 (Wet No. 54 van 1957), en al sy tyd of 'n aansienlike deel van sy tyd aan sy werksaamhede as so 'n lid bestee, die besoldiging wat aan hom as so 'n beampte, en enige bedrag wat deur die Staat ten opsigte van hom aan 'n fonds vermeld in paragraaf (d) betaalbaar is, of soveel van daardie besoldiging of bedrag as wat die Minister aldus bepaal;”;
- (c) deur paragraaf (d) van genoemde sub-artikel (3) deur die volgende paragraaf te vervang:  
 „(d) die bydraes betaalbaar deur die raad aan die Staatsdiens-pensioenfonds en die Regeringsdiens-weduweespensioenfonds in onderskeidelik artikels *twee* en *een-en-sewentig* van die Regeringsdiens-pensioenwet, 1955 (Wet No. 58 van 1955), bedoel, ten opsigte van 'n beampte van die Staatsdiens wat aan die diens van die raad afgestaan is soos in sub-artikel (4) van artikel *agtien* bedoel, en enige bydraes betaalbaar deur die raad aan enige pensioen- of voorsorgsfonds of ander onderstandskema ten opsigte van enige ander persoon wat aan die diens van die raad afgestaan is soos in genoemde sub-artikel bedoel;”;
- (d) deur na paragraaf (e) van genoemde sub-artikel (3) die volgende paragraaf in te voeg:  
 „(e)*bis* enige uitgawes in verband met versekering aangegaan kragtens die bepalings van artikel *een-en-twintig bis*;”;
- (e) deur sub-artikel (5) deur die volgende sub-artikel te vervang:  
 „(5) Die raad moet op naam van die fonds 'n rekening open by 'n bank wat deur die Minister goedgekeur word, en moet alle gelde wat deur die raad uit enige bron ontvang word, daarin stort, en enige onbestede saldo in die fonds by die afsluiting van 'n boekjaar word as 'n krediet in die fonds na die daaropvolgende boekjaar oorgedra, en enige gelde in die fonds wat nie vir onmiddellike gebruik of as 'n redelike bedryfsbalans nodig is nie, word deur die raad tydelik belê by die Openbare Skuldkommissaris of op so 'n ander wyse as wat die Minister, in oorleg met die Minister van Finansies, gelas.”
- (2) Paragraaf (c) van sub-artikel (1) word geag in werking te getree het op die eerste dag van Januarie 1965, en paragrawe (d) en (e) van genoemde sub-artikel word geag in werking te getree het op die eerste dag van April 1960.

6. (1) Artikel *agtien* van die Hoofwet word hierby gewysig— Wysiging van artikel 18 van Wet 1 van 1960.
- (a) deur sub-artikel (1) deur die volgende sub-artikel te vervang:  
 „(1) Behoudens die bepalings van sub-artikel (2), kan die aksiekomitee sodanige amptenare vir 'n proeftydperk of op 'n permanente grondslag aanstel as wat hy nodig ag om die raad te help om sy doelstellinge te bereik en om sy werksaamhede en pligte te verrig.”;
- (b) deur na sub-artikel (1) die volgende sub-artikel in te voeg:  
 „(1)*bis* Die aksiekomitee kan op 'n tydelike grondslag of die ander grondslag wat hy goedvind, en wel in 'n voltydse of deelydse hoedanigheid, werknemers aanstel—  
 (a) om diens te verrig in poste in sub-artikel (2) vermeld wat vakant is;

- (b) to act in posts so referred to, during the absence, for any reason, of the officers who have been appointed thereto;
  - (c) to perform work for which ordinarily no officers are appointed; or
  - (d) whenever it is necessary to increase temporarily the staff of the council.”;
- (c) by the substitution for sub-section (3) of the following sub-section:

“(3) Subject to the provisions of this Act every officer and every employee appointed in terms of this section shall be subject to such conditions of service as the Minister may on the recommendation of the council and in consultation with the Minister of Finance prescribe by regulation, and shall receive such salary, wages or remuneration and allowances as the action committee may in accordance with any such regulation determine in his case.”; and

- (d) by the substitution for sub-section (4) of the following sub-section:

“(4) The action committee may, with the approval of the Minister and subject to such conditions as he may determine, engage any person seconded to the service of the council in accordance with the provisions of sub-section (6) of section *thirteen* of the Public Service Act, 1957 (Act No. 54 of 1957), or in any other lawful manner.”.

(2) Paragraphs (a) and (b) of sub-section (1) shall be deemed to have come into operation on the first day of April, 1960, paragraph (c) of the said sub-section shall be deemed to have come into operation on, and any regulation referred to in the sub-section mentioned therein, may be made, and any other power thereby given, may be exercised with retrospective effect as from a date not earlier than the first day of August, 1964, and paragraph (d) of the said sub-section (1) shall be deemed to have come into operation on the first day of January, 1965.

Amendment of section 21 of Act 1 of 1960.

7. Section *twenty-one* of the principal Act is hereby amended—

- (a) by the insertion after sub-section (2) of the following sub-section:

“(2)*bis* The council may, subject to the approval of the Minister, granted in consultation with the Minister of Finance, and subject to such conditions as the Minister may determine when granting such approval, insure such of its officers and employees, as it may deem necessary, against disablement or death sustained or taking place in the execution of their duties, to supplement any indemnification in accordance with the provisions of the Workmen’s Compensation Act, 1941 (Act No. 30 of 1941), or any insurance referred to in sub-section (2).”;

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

“(3) Nothing contained in sub-sections (1), (2) and (2)*bis* shall prevent membership of the pension or provident funds or other benefit schemes from being extended, with the approval of the council, to employees of local road safety associations and local road safety committees.”.

Insertion of section 21*bis* in Act 1 of 1960.

8. (1) The following section is hereby inserted in the principal Act after section *twenty-one*:

“Insurance against patrimonial damage or loss and claims. 21*bis*. The council may arrange with an insurer for insurance against patrimonial damage or loss or against claims of any nature or certain classes of claims which may be instituted against the council by or in respect of persons generally or by or in respect of certain classes of persons or by or in respect of particular persons.”.

(2) Sub-section (1) shall be deemed to have come into operation on the first day of April, 1960.

Substitution of “Republic” for “Union” in Act 1 of 1960.

9. The principal Act is hereby amended by the substitution for the word “Union”, wherever it occurs, of the word “Republic”.

Short title.

10. This Act shall be called the South African Road Safety Council Amendment Act, 1965.

- (b) om waar te neem in poste aldus vermeld, tydens die afwesigheid, om enige rede, van die amptenare wat daarin aangestel is;
- (c) om werk te verrig waarvoor gewoonlik geen amptenare aangestel word nie; of
- (d) wanneer dit nodig is om die personeel van die raad tydelik te vergroot.”;
- (c) deur sub-artikel (3) deur die volgende sub-artikel te vervang:
- „(3) Behoudens die bepalings van hierdie Wet is elke amptenaar en elke werknemer ingevolge hierdie artikel aangestel onderworpe aan die diensvoorwaardes wat die Minister op aanbeveling van die raad en in oorleg met die Minister van Finansies by regulasie voorskryf, en ontvang hy die salaris, loon of vergoeding en toelaes wat die aksiekomitee met inagneming van enige sodanige regulasie in sy geval bepaal.”; en
- (d) deur sub-artikel (4) deur die volgende sub-artikel te vervang:
- „(4) Met goedkeuring van die Minister en onderworpe aan die voorwaardes wat hy bepaal, kan die aksiekomitee enige persoon in diens neem wat ooreenkomstig die bepalings van sub-artikel (6) van artikel dertien van die Staatsdienswet, 1957 (Wet No. 54 van 1957), of op enige ander wyse wettiglik aan die diens van die raad afgestaan word.”.

(2) Paragrafe (a) en (b) van sub-artikel (1) word geag in werking te getree het op die eerste dag van April 1960, paragraaf (c) van genoemde sub-artikel word geag in werking te getree het op, en 'n regulasie beoog in die sub-artikel daarin vermeld, kan uitgevaardig, en 'n ander bevoegdheid daarby verleen, kan uitgeoefen word met terugwerkende krag vanaf 'n datum nie vroeër nie as, die eerste dag van Augustus 1964, en paragraaf (d) van genoemde sub-artikel (1) word geag in werking te getree het op die eerste dag van Januarie 1965.

7. Artikel een-en-twintig van die Hoofwet word hierby gewysig— Wysiging van artikel 21 van Wet 1 van 1960.

- (a) deur na sub-artikel (2) die volgende sub-artikel in te voeg:

„(2)bis Die raad kan, onderworpe aan die goedkeuring van die Minister verleen in oorleg met die Minister van Finansies, en op die voorwaardes wat die Minister by verlening van sodanige goedkeuring bepaal, sodanige van sy amptenare en werknemers as wat die raad nodig ag, verseker teen arbeidsongeskiktheid of dood wat opgedoen word of plaasvind by die uitvoering van hul pligte, ter aanvulling van enige skadeloosstelling ooreenkomstig die bepalings van die Ongevalwet, 1941 (Wet No. 30 van 1941), of enige versekering bedoel in sub-artikel (2).”; en

- (b) deur sub-artikel (3) deur die volgende sub-artikel te vervang:

„(3) Die bepalings van sub-artikels (1), (2) en (2)bis verhinder nie dat lidmaatskap van die pensioen- of voorsorgfondse of ander onderstandskemas, met goedkeuring van die raad, na werknemers van plaaslike padveiligheidsverenigings en plaaslike padveiligheidskomitees uitgebrei word nie.”.

8. (1) Die volgende artikel word hierby in die Hoofwet na artikel een-en-twintig ingevoeg: Invoeging van artikel 21bis in Wet 1 van 1960.

„Versekering 21bis. Die raad kan met 'n versekeraar reël vir teen vermoenskade of -verlies en eise. versekering teen enige vermoenskade of -verlies of eise van enige aard of sekere klasse eise wat teen die raad ingestel word deur of ten opsigte van persone in die algemeen of deur of ten opsigte van sekere klasse persone of deur of ten opsigte van bepaalde persone.”.

(2) Sub-artikel (1) word geag in werking te getree het op die eerste dag van April 1960.

9. Die Hoofwet word hierby gewysig deur die woord „Unie”, oral waar dit voorkom, deur die woord „Republiek” te vervang. Vervanging in Wet 1 van 1960 van „Unie” deur „Republiek”.

10. Hierdie Wet heet die Wysigingswet op die Suid-Afrikaanse Kort titel. Padveiligheidsraad, 1965.