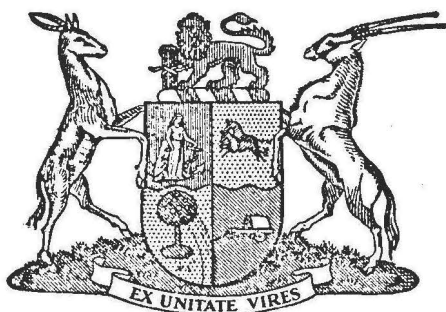


Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.

BUITENGEWONE



EXTRAORDINARY

Staatskoerant

VAN DIE REPUBLIEK VAN SUID AFRIKA

THE REPUBLIC OF SOUTH AFRICA

Government Gazette

Vol. IX.]

PRYS 5c

KAAPSTAD, 5 JULIE 1963.
CAPE TOWN, 5TH JULY, 1963.

PRICE 5c

[No. 550.

DEPARTMENT OF THE PRIME MINISTER.

No. 1022.]

[5th July, 1963.

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

	PAGE
No. 76 of 1963: Bantu Laws Amendment Act, 1963..	2

No. 76, 1963.]

ACT

To amend the Native Labour Regulation Act, 1911, the Natives Taxation and Development Act, 1925, the Native Trust and Land Act, 1936, the Natives (Urban Areas) Consolidation Act, 1945, the Prevention of Illegal Squatting Act, 1951, the Bantu Authorities Act, 1951, the Natives (Abolition of Passes and Co-ordination of Documents) Act, 1952, and the Urban Bantu Councils Act, 1961; to authorize the transfer of certain farms in the districts of Rustenburg and Brits; to authorize a partner to a customary union to claim damages from any person who unlawfully causes the death of the other partner to such union; and to provide for the construction of the word "native" in laws and documents.

(English text signed by the State President.)
(Assented to 28th June, 1963.)

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 28 in Act 15 of 1911.

1. The following section is hereby inserted after section *twenty-seven* of the Native Labour Regulation Act, 1911:

"Foreign natives outside urban and proclaimed areas.

28. (1) A native not born in the Union or in the territory of South-West Africa, shall not enter, be or remain in any part of any district outside an urban area as defined in the Natives (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945) or outside an area proclaimed under section *twenty-three* of the said Act, and no person shall employ or continue to employ any such native within any such part of any district without the written permission of the Secretary for Bantu Administration and Development or a person authorized thereto by him, who may impose such conditions as he may deem fit.

(2) Any native who enters, is or remains in any part of any district contrary to the provisions of sub-section (1) and any person who employs or continues to employ any native in any such part of a district contrary to such provisions, shall be guilty of an offence and liable on first conviction to a fine not exceeding fifty rand or in default of payment to imprisonment for a period not exceeding three months and on a second or subsequent conviction for a like offence in the same area within a period of two years, to a fine of not less than fifty rand or in default of payment to imprisonment for a period of not less than three months or to both such fine and such imprisonment or to such imprisonment without the option of a fine.

(3) In any proceedings in respect of a contravention of sub-section (2)—

- (a) any native who is at any time found on any premises in the part of the district concerned in circumstances giving rise to a reasonable suspicion that he is employed on such premises, shall be deemed to be in the employ of the owner, lessee or occupier of such premises in such part of that district, unless the contrary is proved;
- (b) it shall be presumed that the native concerned is a native who is under sub-section (1) prohibited from entering, being or remaining in the part of the district in question, unless the contrary is proved.

(4) The provisions of section *fourteen* of the Natives (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945), shall apply *mutatis mutandis* in respect of any person convicted under sub-section (2) of this section, any reference in the said section

fourteen to sub-sections (2) and (3) of section *twelve* of the said Act being for the purposes of such application construed as a reference to sub-section (2) of this section.

(5) The provisions of section *thirteen* of the Natives (Urban Areas) Consolidation Act, 1945, shall apply *mutatis mutandis* in respect of any native referred to in sub-section (1) of this section, any reference in the said section *thirteen* to section *twelve* of the said Act being for the purposes of such application construed as a reference to sub-section (1) of this section."

Amendment of section 2 of Act 41 of 1925, as amended by section 1 of Act 28 of 1926 and section 1 of Act 38 of 1958.

2. Section *two* of the Natives Taxation and Development Act, 1925, is hereby amended—

(a) by the addition to paragraph (b) of sub-section (1)*bis* of the following proviso:

"Provided that such additional amount shall not be payable in respect of any income received by or accrued to or in favour of such an adult during the period from the first day of July, 1962, until the twenty-eighth day of February, 1963"; and

(b) by the addition to sub-section (1)*ter* of the following proviso:

"Provided that such tax shall not be payable in respect of any income received by or accrued to or in favour of such an adult during the period from the first day of July, 1962, until the twenty-eighth day of February, 1963".

Amendment of section 2*ter* of Act 41 of 1925, as inserted by section 2 of Act 38 of 1958.

3. Section *two ter* of the Natives Taxation and Development Act, 1925, is hereby amended by the substitution in sub-section (1) for the words "on the thirtieth day of June of" of the word "in".

Amendment of section 19 of Act 41 of 1925, as amended by section 5 of Act 28 of 1926, section 10 of Act 37 of 1931, section 7 of Act 25 of 1939, section 19 of Act 46 of 1945, section 12 of Act 38 of 1958 and section 8 of Act 46 of 1962.

4. Section *nineteen* of the Natives Taxation and Development Act, 1925, is hereby amended by the substitution for the definition of "year of assessment" of the following definition:

"'year of assessment' in respect of any taxable income received or accrued before the first day of March, 1963, means a period commencing on the first day of July of any year and ending on the thirtieth day of June of the next succeeding year and in respect of any taxable income received or accrued on or after the first day of March, 1963, means a period commencing on the first day of March of any year and ending on the last day of February of the next succeeding year."

Amendment of First Schedule to Act 18 of 1936, as amended by section 11 of Act 73 of 1956 and section 12 of Act 46 of 1962.

5. The First Schedule to the Native Trust and Land Act, 1936, is hereby amended—

(a) by the addition to Part II of the areas defined in the First Schedule to this Act; and

(b) by the addition to Part III of the areas defined in the Second Schedule to this Act.

Amendment of section 9 of Act 25 of 1945, as amended by section 4 of Act 16 of 1955 and section 29 of Act 36 of 1957.

6. Section *nine* of the Natives (Urban Areas) Consolidation Act, 1945 (hereinafter referred to as the Urban Areas Act), is hereby amended—

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

"(1) Any native not exempted under sub-section (2) who resides or is housed within an urban area but outside a location, native village or native hostel, may be required in the manner prescribed in sub-section (3)—

(a) to take up residence in a location, native village or native hostel (which need not necessarily be situated in such urban area) in which accommodation is available for him; or

(b) if there is no location, native village or native hostel in which such native can conveniently be accommodated, having regard to his place of employment, to remove from such urban area

- and take up residence in a scheduled native area or released area as defined in the Native Trust and Land Act, 1936 (Act No. 18 of 1936); or
- (c) if there is a location, native village or native hostel in which such native can be accommodated but it is considered desirable, having regard to the availability and nearness of such scheduled native area or released area to his place of employment, to accommodate such native in such scheduled native area or released area, to remove from such urban area and take up residence in such scheduled native area or released area.”;
- (b) by the deletion of sub-section (1)*bis*;
- (c) by the substitution in sub-section (2) for the words “The following natives shall be exempt from the operation of any proclamation issued under sub-section (1) but any native” of the words “A native falling within one of the following classes who is not prohibited in terms of the provisions of the Group Areas Act, 1957 (Act No. 77 of 1957), or any other law from residing on land or premises in the urban area in which he is ordinarily resident or employed, shall be exempt from the operation of sub-section (1) but”;
- (d) by the deletion in paragraph (a) of the said sub-section of the words “at the date specified in such proclamation”;
- (e) by the substitution for paragraph (e) of the said sub-section of the following paragraph:
- “(e) not more than one native employed full-time as a *bona fide* domestic servant by a private householder and occupying accommodation approved by the urban local authority which is provided by his employer on the premises on which he is so employed: Provided that this exemption shall not apply when, having due regard to the availability of accommodation for such native in a location, native village or native hostel or in a scheduled native area or released area as defined in the Native Trust and Land Act, 1936, the Minister at the request of the urban local authority or at his own initiative by notice in the *Gazette* declares that such exemption shall not apply in the urban area or any portion thereof, referred to in such notice;”;
- (f) by the addition at the end of paragraph (f) of the said sub-section of the words “and any native lawfully housed in married quarters provided by an employer of native labourers under any regulations made in terms of paragraph (j) of sub-section (2) of section *twenty-three* of the Native Labour Regulation Act, 1911 (Act No. 15 of 1911)”;
- (g) by the substitution for paragraph (j) of the said sub-section of the following paragraphs:
- “(j) any other native who has been exempted, subject to such conditions as he may deem fit, by the Minister after consultation with the urban local authority, unless such exemption is cancelled by the Minister after like consultation and after an enquiry by the Bantu affairs commissioner of the area within which the said native resides, at which enquiry the said native shall be entitled to be heard;
- (k) any native residing in an area declared by the Minister under sub-section (1) of section *eight* as an area predominantly occupied by natives;
- (l) any native accommodated on premises licensed under sub-section (4).”;
- (h) by the substitution in sub-section (3) for the words “outside a location, native village or native hostel in an area proclaimed under sub-section (1)” of the words “in an urban area but outside a location, native village or native hostel” and for the words “by an officer appointed by the urban local authority or by the Minister for the purpose” of the words “in the case of a native resident in an urban area and re-

quired to take up residence in a location, native village or native hostel, by an officer referred to in sub-section (1) of section *twenty-two* or by an officer appointed by the urban local authority or the Minister for the purpose and in the case of any other native, by an officer appointed by the Minister" and the deletion in the said sub-section of the words "the whole or any portion whereof has been proclaimed under sub-section (1)";

- (i) by the substitution in paragraph (a) of sub-section (3)*bis* for the words "proclaimed under sub-section (1)" of the words "in an urban area but outside a location, native village or native hostel or area referred to in paragraph (h) of sub-section (2) or declared by the Minister under sub-section (1) of section *eight* as an area predominantly occupied by natives" and the addition at the end of the said paragraph of the words "and the Minister or such officer may attach such conditions to such consent as he may deem necessary";
- (j) by the insertion after paragraph (b) of sub-section (3)*bis* of the following paragraph:
 "(b)*bis* The Minister may at any time withdraw any consent granted by him under paragraph (a) or (b) and an urban local authority may at any time withdraw any such consent granted by it, whether or not the period for which it has been granted has expired, and the provisions of the proviso to sub-section (4) shall apply to any such consent, any reference in the said proviso to licence being construed as a reference to consent under this paragraph.";
- (k) by the insertion after paragraph (f) of sub-section (3)*bis* of the following paragraph:
 "(g) The consent required under this sub-section shall be in addition to and not in substitution for any licence required under sub-section (4).";
- (l) by the substitution in sub-section (4) for the words "area proclaimed under sub-section (1), may on payment of such fees as may be prescribed by it and approved by the Minister" of the words "urban area or an officer designated thereto for such purpose by such urban local authority may on payment of such fees (which may vary in respect of various classes of natives to be accommodated or areas or places where such natives are to be accommodated) as may be prescribed", the deletion in the said sub-section of the word "proclaimed" where it occurs for the second time and the insertion in the said sub-section after the word "made" of the words "or deemed to have been made";
- (m) by the substitution in sub-section (5) for the words "area proclaimed under sub-section (1)" of the words "urban area", the insertion in the said sub-section after the word "accommodated" where it occurs for the second time of the words "and any native accommodated on such premises who accommodates any other native on such premises or permits him to be so accommodated without the permission of the owner, lessee, occupier or person in charge or control of such premises", and the deletion in the said sub-section of all the words following the word "offence";
- (n) by the insertion after sub-section (5) of the following sub-section:
 "(5)*bis* In any proceedings in respect of a contravention of sub-section (5)—
 (a) a native who is at any time found in any building or on any premises in circumstances giving rise to a reasonable suspicion that he resides or is accommodated in that building or on such premises, shall be deemed to reside or to be accommodated there, unless the contrary is proved;
 (b) a native who resides or is accommodated in any building or on any premises shall be deemed to be so residing or accommodated with the permission of the owner, lessee, occupier or person in charge or control of such building or premises,

unless it is proved that such owner, lessee, occupier or person did not know and had no reason to suspect that such native was residing or was accommodated in that building or on such premises and could not by the exercise of reasonable care have prevented him from residing or being accommodated there; and

- (c) a native who without the permission of the owner, lessee, occupier or person in charge or control of the premises resides or is accommodated in the same apartment as that occupied by any other native who is accommodated on such premises under this Act, shall be deemed to be so residing or to be so accommodated with the permission of such other native, unless the contrary is proved.”;
- (o) by the substitution in paragraph (a) and in paragraph (d) of sub-section (6) for the words “area proclaimed under sub-section (1)”, wherever they occur, of the words “urban area”; and
- (p) by the insertion in paragraph (b) of sub-section (9) after the word “person” of the words “other than a native”, and the addition at the end of the said paragraph of the following proviso:
 “Provided that such officer or any other authorized officer may summarily eject or cause to be ejected from such location, native village or native hostel, any person whose presence therein is considered by him to be undesirable.”.

Substitution of section 13 of Act 25 of 1945, as substituted by section 31 of Act 54 of 1952 and amended by section 33 of Act 36 of 1957.

7. The following section is hereby substituted for section *thirteen* of the Urban Areas Act:

“Certain provisions not to apply to natives employed in certain industries or classes of employment.

13. (1) The provisions of sections *ten*, *ten bis*, *eleven* and *twelve* shall not apply to or in respect of any native—

- (a) recruited and under written contract for employment and employed or, having been so recruited and having entered into such a contract, is proceeding to employment in a gold, coal or uranium mine or mining industry or in any industry or class of employment to which the Minister may, by notice in the *Gazette*, after consultation with the urban local authority concerned, apply the provisions of this section, but the said provisions shall be of full force and effect immediately upon termination of any contract of employment in any such mine or industry or class of employment;
- (b) in possession of a passport, permit, document of identity or travel document referred to in the Admission of Persons to the Union Regulation Act, 1913 (Act No. 22 of 1913), and issued to him and bearing an endorsement made by a passport control officer or any other officer authorized thereto by the Minister, authorizing the presence of such native in the area concerned for the period and the purpose indicated thereon.

(2) The onus of proof that a native has been recruited and has entered into a contract of employment and is employed or proceeding to employment in a gold, coal or uranium mine or mining industry or in any industry or class of employment referred to in any notice published under sub-section (1), shall be on such native.”.

Amendment of section 21 of Act 25 of 1945, as amended by section 37 of Act 36 of 1957.

8. Section *twenty-one* of the Urban Areas Act is hereby amended—

- (a) by the substitution in sub-paragraph (i) of paragraph (a) of sub-section (2) for the words “or adopt under sub-section (3) or (4) of section *thirty-eight*” of the words “under sub-section (3) or (4) of section *thirty-eight* (other than a regulation referred to in paragraph (s) of sub-section (3) of the said section)”;
- (b) by the deletion in sub-section (3) of the words “or adopted”, the insertion in the said sub-section after the word “*thirty-eight*” of the words “(other than a regulation referred to in paragraph (s) of sub-section (3) of that section)” and the addition at the end of the said sub-section of the following proviso: “Provided that where the Minister is satisfied that the

establishment or constitution of such a board is not practicable or where any such regulation has been referred to such board or boards or meeting and no such report is made within such period communicated, such regulation may be approved by the Minister or by the Administrator”.

Amendment of section 38 of Act 25 of 1945, as amended by section 6 of Act 45 of 1947, section 10 of Act 16 of 1955, section 47 of Act 36 of 1957 and section 20 of Act 63 of 1962.

9. Section *thirty-eight* of the Urban Areas Act is hereby amended—

- (a) by the deletion in sub-section (3) of the words “or adopt”;
- (b) by the substitution for sub-section (8) of the following sub-section:

“(8) (a) Notwithstanding anything to the contrary in this section contained, the Minister may make regulations as to all or any of the matters referred to in sub-section (3) (other than paragraph (o) thereof) and sub-section (4) and publish such regulations in the *Gazette* for the guidance of urban local authorities.

- (b) When the Minister considers it advisable to do so, he may, after reference to the urban local authority concerned and to the Administrator, by notice in the *Gazette* declare that any or all of the regulations referred to in paragraph (a) and any subsequent amendments thereof shall apply in the area specified in such notice and thereupon such regulations shall apply in such area to the exclusion of any other regulations relating to the same matters and applicable in such area.

- (c) Any regulations applied in an area under paragraph (b) shall be deemed to have been made by the urban local authority under the corresponding provisions of sub-section (3) or (4).”;

- (c) by the deletion of sub-section (9).

Substitution of section 40 of Act 25 of 1945.

10. The following section is hereby substituted for section *forty* of the Urban Areas Act:

“Co-operation by local authorities for purposes of Bantu administration.

40. (1) Subject to the approval of the Minister, after reference to the Administrator, any urban local authority may co-operate with any other urban local authority or local government body or with the Department of Bantu Administration and Development or an officer thereof, in carrying out or complying with all or any of the provisions of this Act or of the Native Labour Regulation Act, 1911 (Act No. 15 of 1911), or of the regulations made under either of the said Acts or in defining, setting apart and laying out or administering any location, native village or native hostel serving the needs of two or more such co-operating bodies.

(2) Notwithstanding anything contained in any law, any revenue derived from and any expenditure incurred in connection with any undertaking in which two or more urban local authorities or local government bodies or the said Department or officer thereof co-operate in terms of sub-section (1), may be apportioned amongst the parties concerned in such amounts as may be determined by the Minister after consultation with the said urban local authorities or local government bodies, and if the said Department or officer thereof is one of the co-operating parties, with the Minister of Finance.

- (3) (a) When the Minister approves under sub-section (1) of the defining, setting apart and laying out or administering of any location, native village or native hostel serving the needs of two or more urban local authorities, he may do so on such terms and conditions as he may deem fit and in particular that one of such urban local authorities may exclusively exercise in relation to any such location, native village or native hostel or the inhabitants thereof, such powers (including the making of regulations

under sub-section (3) of section *thirty-eight* of this Act) and perform such duties as are contained in this Act or in any law governing such urban local authority, as he may specify in granting such approval.

- (b) The Minister may impose the terms and conditions referred to in paragraph (a) notwithstanding the fact that the location, native village or native hostel concerned is situated wholly or partly on land otherwise outside the area of jurisdiction of the urban local authority which is to exercise the powers and to perform the duties referred to in the said paragraph and whether or not such land is owned jointly or in undivided shares by more than one such urban local authority.

(4) Any urban local authority which under any agreement to co-operate approved under sub-section (1) assumes responsibility under paragraph (a) of sub-section (3) for the administration and control of a location, native village or native hostel which is not situated within its area of jurisdiction, shall in respect of that location, native village or native hostel or any works, plant or service connected with the development or administration thereof, be vested with all the powers it would have had if such location, native village, native hostel, works, service or plant had been situated within its area of jurisdiction.

(5) Any approval under sub-section (1) and the terms and conditions of such approval or a summary thereof shall be made known by notice in the *Gazette* and such approval and terms and conditions shall become operative on such publication.”.

Amendment of section 41 of Act 25 of 1945.

11. Section *forty-one* of the Urban Areas Act is hereby amended—

(a) by the insertion in sub-section (1) after the word “*nineteen*” of the words “or the Native Labour Regulation Act, 1911 (Act No. 15 of 1911), or the regulations made thereunder”;

(b) by the insertion in the said sub-section after the words “this Act” where they occur for the second and third times of the words “or the said Native Labour Regulation Act, 1911, or the regulations made thereunder”; and

(c) by the addition of the following sub-section:
“(3) (a) The Minister may at any time, notwithstanding the provisions of sub-section (1), by notice in writing to an urban local authority, require such urban local authority to submit to him within a period stated in such notice, a report on any aspect of or on any occurrence relating to the administration by such urban local authority or by any committee or officer thereof, of this Act or of the Native Labour Regulation Act, 1911, or of the regulations made under such Acts, and may in addition require such urban local authority to submit to him within a period stated in such or any subsequent notice, copies of any resolutions taken or which may thereafter be taken by such local authority or committee on any matter relating to such administration as may be stated in such notice.

(b) When an urban local authority or a committee thereof is required by notice under paragraph (a) to submit copies of resolutions to the Minister, no resolution of a class stated in any such notice shall, unless the Minister otherwise directs, be implemented or be further implemented or be acted upon by such urban local authority or by any committee or any officer thereof, until such resolution has been approved by the Minister.”.

Amendment of section 1 of Act 52 of 1951.

12. Section *one* of the Prevention of Illegal Squatting Act, 1951, is hereby amended by the deletion of the word "shall", the substitution in paragraph (a) for the word "enter" of the words "shall enter" and the substitution in paragraph (b) for the word "enter" of the words "other than a native who is not otherwise prohibited under any law from doing so, shall enter".

Amendment of section 8 of Act 68 of 1951.

13. Section *eight* of the Bantu Authorities Act, 1951, is hereby amended by the addition of the following sub-section:
 "(3) The books and accounts of a regional or territorial authority shall be audited by the Controller and Auditor-General."

Amendment of section 17 of Act 68 of 1951.

14. Section *seventeen* of the Bantu Authorities Act, 1951, is hereby amended by the substitution in paragraph (a) of sub-section (1) for the words "and the keeping and audit of the accounts of tribal, regional and territorial authorities" of the words "the keeping of the accounts of tribal, regional and territorial authorities and the audit of the books and accounts of tribal authorities".

Amendment of section 3 of Act 67 of 1952, as amended by section 12 of Act 79 of 1957.

15. (1) Section *three* of the Natives (Abolition of Passes and Co-ordination of Documents) Act, 1952 (hereinafter referred to as the reference book Act), is hereby amended—

- (a) by the substitution in sub-section (1) for the expression "(2) and (4)" of the expression "(1)*bis*, (2) and (4)";
- (b) by the substitution in sub-paragraph (i) of paragraph (b) of the said sub-section for the words "the territory of South-West Africa, Basutoland, Swaziland or Bechuanaland" of the words "or the territory of South-West Africa";
- (c) by the substitution in sub-paragraph (ii) of paragraph (b) of the said sub-section for the words "the territory of South-West Africa, Basutoland, Swaziland or Bechuanaland" of the words "or the territory of South-West Africa"; and
- (d) by the insertion after sub-section (1) of the following sub-section:

"(1)*bis* Notwithstanding the provisions of sub-section (1), the identity document referred to in sub-paragraph (ii) of paragraph (b) of the said sub-section shall not be required of nor shall such document be issued to a native—

- (a) who is in possession of a passport, permit, document of identity or other travel document referred to in the Admission of Persons to the Union Regulation Act, 1913 (Act No. 22 of 1913);
- (b) who was not born in the Union or the territory of South-West Africa, and who enters the Union or the said territory after the thirtieth day of June, 1963;
- (c) after the thirty-first day of December, 1965, if such native was not born in the Union or the territory of South-West Africa."

(2) Any reference book issued prior to the commencement of this section under sub-paragraph (i) of paragraph (b) of sub-section (1) of section *three* of the reference book Act to a native not born in the Union or the territory of South-West Africa shall be deemed to be an identity document issued under sub-paragraph (ii) of the said paragraph.

Amendment of section 5 of Act 67 of 1952, as substituted by section 13 of Act 79 of 1957.

16. Section *five* of the reference book Act is hereby amended—

- (a) by the insertion in sub-section (1) after the word "shall" of the words "subject to the provisions of sub-section (1)*bis* of section *three*";
- (b) by the substitution for sub-section (2) of the following sub-section:

"(2) If at any time an authorized officer finds that a native is not in possession of a reference book as required by this Act or is not in possession of a passport, permit, document of identity or other travel document referred to in the Admission of Persons to the Union Regulation Act, 1913 (Act No. 22 of 1913), as the case may be, or if such authorized officer has reasonable grounds for believing that such reference book, passport, permit, document of identity or other travel document in the possession of such native was in fact not issued to such native, he may bring such native or cause him to be brought before a Bantu affairs commissioner or an officer referred to in sub-section (1) in order that a reference book may be issued to such native or in order that such enquiry

may be made regarding the identification of such native as such Bantu affairs commissioner or officer may consider necessary.”; and

- (c) by the substitution in sub-section (3) for the words “sub-sections (1) and (2)” of the words “sub-sections (1), (1)*bis* and (2)”.

Amendment of section 6 of Act 67 of 1952, as amended by section 14 of Act 79 of 1957.

17. Section *six* of the reference book Act is hereby amended by the substitution in sub-section (3) for the words “other than an identity document, has been issued to a native not born in the Union, the territory of South-West Africa, Basutoland, Swaziland or Bechuanaland” of the words “has been issued to a native not born in the Union or the territory of South-West Africa and that such native is or is required to be in possession of a passport, permit, document of identity or other travel document referred to in the Admission of Persons to the Union Regulation Act, 1913 (Act No. 22 of 1913),”.

Amendment of section 8 of Act 67 of 1952, as amended by section 16 of Act 79 of 1957.

18. Section *eight* of the reference book Act is hereby amended by the addition of the following sub-section:

“(7) For the purposes of this section, any reference therein to a reference book shall be deemed to include a reference to a passport, permit, document of identity or other travel document referred to in the Admission of Persons to the Union Regulation Act, 1913 (Act No. 22 of 1913).”.

Amendment of section 8*ter* of Act 67 of 1952, as inserted by section 17 of Act 79 of 1957.

19. Section *eight ter* of the reference book Act is hereby amended by the insertion after sub-section (2) of the following sub-section:

“(3) For the purposes of this section, any reference therein to a reference book shall be deemed to include a reference to a passport, permit, document of identity or other travel document referred to in the Admission of Persons to the Union Regulation Act, 1913 (Act No. 22 of 1913).”.

Repeal of section 9 of Act 67 of 1952, as amended by section 18 of Act 79 of 1957.

20. Section *nine* of the reference book Act is hereby repealed.

Substitution of section 11 of Act 67 of 1952, as substituted by section 20 of Act 79 of 1957.

21. The following section is hereby substituted for section *eleven* of the reference book Act:

“Establishment of Native Affairs Central Reference Bureau.

11. The Minister shall establish a Native Affairs Central Reference Bureau under the control of an officer of the Department of Bantu Administration and Development to be known as the Director, in which all finger-prints taken under this Act or any other law and received therein shall be classified and all such particulars as the Minister may from time to time determine which are contained in reference books, passports, permits, documents of identity or other travel documents referred to in sub-section (1)*bis* of section *three* or in documents of identification referred to in section *ten* shall be recorded or otherwise dealt with in such manner as may be prescribed.”.

Amendment of section 12 of Act 67 of 1952, as amended by section 21 of Act 79 of 1957.

22. Section *twelve* of the reference book Act is hereby amended—

- (a) by the substitution in paragraph (e) of sub-section (1) for the words “the territory of South-West Africa, Basutoland, Swaziland or Bechuanaland” of the words “or the territory of South-West Africa, or to natives in possession of passports, permits, documents of identity or other travel documents referred to in the Admission of Persons to the Union Regulation Act, 1913 (Act No. 22 of 1913)”;
- (b) by the insertion in paragraph (f) of the said sub-section after the word “books” of the words “or on passports, permits, documents of identity or other travel documents referred to in the Admission of Persons to the Union Regulation Act, 1913”; and
- (c) by the insertion in paragraph (j) of the said sub-section after the word “books” of the words “or of passports, permits, documents of identity or other travel documents referred to in the Admission of Persons to the Union Regulation Act, 1913”.

Amendment of section 13 of Act 67 of 1952, as amended by section 22 of Act 79 of 1957.

23. Section *thirteen* of the reference book Act is hereby amended by the deletion of the words "who has attained the age of sixteen years" and the addition at the end of the said section of the words "or a passport, permit, document of identity or other travel document referred to in the Admission of Persons to the Union Regulation Act, 1913 (Act No. 22 of 1913), and issued to such native."

Substitution of section 14*bis* of Act 67 of 1952, as inserted by section 23 of Act 79 of 1957.

24. The following section is hereby substituted for section *fourteen bis* of the reference book Act:

"Proof of certain facts by affidavit.

14*bis*. Whenever in any criminal proceedings under this Act the question arises whether a reference book or a particular reference book bearing a particular name was issued to an accused person, any officer having charge of the finger-print records in the bureau, may, on having been furnished with the finger-prints of such accused person and such reference book (if any), in a document purporting to be an affidavit made by such officer, state that he has ascertained that the finger-prints so furnished to him in respect of such accused person are or are not identical with those, according to the records of the bureau, of the person to whom that reference book purports to have been issued or of any person to whom, according to the records of the bureau, such or any reference book was issued, and such document shall on its mere production in those proceedings by any person, but subject *mutatis mutandis* to the provisions of sub-section (6) of section *two hundred and thirty-nine* of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), be *prima facie* proof of the fact that a reference book was or was not issued to the accused person according to the contents of such statement."

Amendment of section 15 of Act 67 of 1952, as substituted by section 24 of Act 79 of 1957.

25. Section *fifteen* of the reference book Act is hereby amended—

- (a) by the substitution in paragraph (f) of sub-section (1) for the words "*eight ter* or *nine*" of the words "*or eight ter*"; and
- (b) by the addition of the following sub-section:

"(4) For the purposes of this section any reference therein to a reference book shall be deemed to include a reference to a passport, permit, document of identity or other travel document referred to in the Admission of Persons to the Union Regulation Act, 1913 (Act No. 22 of 1913)."

Amendment of section 2 of Act 79 of 1961.

26. Section *two* of the Urban Bantu Councils Act, 1961, is hereby amended—

- (a) by the insertion in paragraph (a) of sub-section (3) after the word "request" of the words "unless the Minister otherwise directs"; and
- (b) by the addition of the following sub-section:

"(5) Whenever the Minister deems it in the public interest to do so, he may, after consultation with the urban local authority concerned, by notice in writing to such urban local authority declare that with effect from a date specified in such notice, the urban Bantu council referred to in such notice shall cease to exist and thereupon the members of such council shall cease to hold office as from the date so specified and thereupon a new urban Bantu council or new urban Bantu councils may be established in the manner provided for in this Act."

Amendment of section 3 of Act 79 of 1961.

27. Section *three* of the Urban Bantu Councils Act, 1961, is hereby amended—

- (a) by the insertion in paragraph (a) of sub-section (3) after the word "question" of the words "and who have the prescribed qualifications"; and
- (b) by the addition of the following sub-section:

"(4) A Bantu not born in the Republic or the territory of South-West Africa is not qualified to be elected or selected as a member of an urban Bantu council and such a Bantu is also not qualified to vote at any election of such members."

Amendment of section 4 of Act 79 of 1961.

28. Section *four* of the Urban Bantu Councils Act, 1961, is hereby amended—

- (a) by the insertion in paragraph (a) of sub-section (2)

before the word "exercise" of the words "on behalf of and subject to the directions of the urban local authority concerned"; and

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

"(4) Nothing in sub-section (2) contained shall be construed as derogating from the powers, functions and duties of an urban local authority in respect of any matter assigned to an urban Bantu council and any such assignment may, after consultation with the Administrator in question and with the concurrence of the Minister, be withdrawn by the urban local authority."

Amendment of section 10 of Act 79 of 1961.

29. Section *ten* of the Urban Bantu Councils Act, 1961, is hereby amended by the addition at the end of paragraph (a) of sub-section (1) of the words "and the qualifications of candidates for such elections".

Authority for the transfer of certain farms in the districts of Rustenburg and Brits.

30. (1) Notwithstanding the provisions of any law, the Registrar of Deeds, Pretoria, is hereby authorized, on proof of payment of the transfer duties, stamp duties and registration fees which may be payable and without production of any title deeds which may be unobtainable, to execute deeds of transfer in favour of the undermentioned persons in respect of the properties hereinafter mentioned:

(a) To MATTHYS JOHANNES HERMANN (now deceased) in respect of—

(i) certain portion of the farm Bulhoek No. 75 JQ (formerly No. 406), district of Rustenburg, in extent 1176 morgen 486 square roods, as held by deeds of transfer Nos. 2893/13, 6619/24, 11574/24, 5144/30, 6417/40, 6418/40, 8380/40, 9974/40, 31586/45, 31587/45;

(ii) the farm Vaalkop No. 76 JQ (formerly No. 730), district of Rustenburg, in extent 1564 morgen 371 square roods, as held by deeds of transfer Nos. 12140/22, 5540/24, 6618/24, 6619/24, 6417/40, 6418/40, 8380/40, 9974/40, 31586/45, 31587/45,

which properties were disposed of to the said MATTHYS JOHANNES HERMANN on the third day of May, 1948, for a consideration of seven thousand six hundred and forty-five rand (R7,645) for the property described in sub-paragraph (i) and ten thousand one hundred and sixty-seven rand (R10,167) for the property described in sub-paragraph (ii);

(b) To the following Bantu in the shares indicated opposite their respective names:

MARTINUS MOLOTSANE	251/2742
ERNST HUMA	251/2742
ABEDNEGO HUMA	251/2742
JOSEF MOLOTSANE	144/2742
CHRISTOF MOLOTSANE	45/2742
MARTHINUS MOLOTSANE	45/2742
NOAH MOKGETI	45/5484
WILLEMINA MOLOTSANE, Spinster	45/5484
PRISCILLA MOLOTSANE, Spinster	45/5484
SOFIA MOLOTSANE, Spinster ..	45/5484
PRISCILLA MOLOTSANE, Widow..	197/2742
HETSERON MOLOTSANE	251/2742
AUGUST MOLOTSANE	251/2742
FRANZINA HUMA, born LESHU, Widow	251/21936
ZACHARIA HUMA	251/21936
JOB TLADI	251/21936
ISMAEL HUMA	251/21936
HERMINA HUMA, Spinster ..	251/21936
PETRUS HUMA	251/21936
WILLEM HUMA	251/21936
SALTIEL HUMA	251/21936
ROSINA MOLOTSANE born RASH- OANYANE, Widow	251/2742
MARTINUS KHUNOU	125/2742
CHRISTOPH KHUNOU	125/5484
SOLOMON KHUNOU	125/5484
TITUS MATHULOE	107/2742
JOHANNA MOLOTSANE Spinster	107/10968

ROSINA MOLOTSANE, Spinster ..	107/10968
BETUEL MOLOTSANE	107/10968
MARTHINUS MOLOTSANE ..	107/10968

in respect of—

- (i) Certain portion A of the farm Welgevonden No. 202 JQ (formerly No. 267 Rustenburg formerly No. 26), district of Brits, in extent 2174 morgen 500 square roods, as held by deed of transfer No. 2747/1919, which property was disposed of to the said Bantu on the third day of May, 1948 for a consideration of fourteen thousand one hundred and twenty-nine rand (R14,129);
- (ii) Certain portion 11 (a Portion of Portion) of the farm Waaikraal No. 396 JQ (formerly No. 206), district of Rustenburg, in extent 566.5950 morgen, as held by deed of transfer No. 3731/1937, which property was disposed of to the said Bantu on the tenth day of June, 1957, for a consideration of three thousand six hundred and eighty-two rand (R3,682).

(2) For the purpose of executing the deeds of transfer and payment of the transfer duties, stamp duties and registration fees in respect of the properties referred to in sub-section (1), the Secretary for Bantu Administration and Development is hereby authorized to sign any document or declaration which may be required in connection therewith.

Right of a partner to a customary union to claim damages from person unlawfully causing death of other partner.

31. (1) A partner to a customary union as defined in section *thirty-five* of the Native Administration Act, 1927 (Act No. 38 of 1927), shall, subject to the provisions of this section, be entitled to claim damages for loss of support from any person who unlawfully causes the death of the other partner to such union or is legally liable in respect thereof, provided such partner or such other partner is not at the time of such death a party to a subsisting marriage.

(2) No such claim for damages shall be enforceable by any person who claims to be a partner to a customary union with such deceased partner, unless—

(a) such person produces a certificate issued by a Bantu affairs commissioner stating the name of the partner, or in the case of a union with more than one woman, the names of the partners, with whom the deceased partner had entered into a customary union which was still in existence at the time of death of the deceased partner; and

(b) such person's name appears on such certificate.

(3) Where it appears from the certificate referred to in sub-section (2) that the deceased partner was survived by more than one partner to a customary union, all such surviving partners who desire to claim damages for loss of support, shall be joined as plaintiffs in one action.

(4) (a) Where any action is instituted under this section against any person by a partner to a customary union and it appears from the certificate referred to in sub-section (2) that the deceased partner was survived by a partner to a customary union who has not been joined as a plaintiff, such person may serve a notice on such partner who has not been joined as a plaintiff to intervene in the action as a co-plaintiff within a period of not less than fourteen days nor more than one month specified in such notice, and thereupon the action shall be stayed for the period so specified.

(b) If any partner to a customary union upon whom a notice has been served in terms of paragraph (a), fails to intervene in the action within the period specified in such notice or within such extended period as the court on good cause shown may allow, such partner shall be deemed to have abandoned her claim.

(5) If a deceased partner to a customary union is survived by more than one partner to such a union, the aggregate of the amounts of the damages to be awarded to such partners in terms of this section shall under no circumstances exceed the amount which would have been awarded had the deceased partner been survived by only one partner to a customary union.

(6) A partner to a customary union whose name has been omitted from a certificate issued by a Bantu affairs commissioner in terms of sub-section (2) shall not by reason of such omission have any claim against the Government of the Republic or the Bantu affairs commissioner if such omission was made *bona fide*.

(7) Nothing in this section contained shall be construed as affecting in any manner the procedure prescribed in any other law to be followed in the institution of a claim for damages for loss of support.

References in laws and documents to a native to be construed as references to a Bantu.

32. (1) Any reference in any law or document to a native shall be construed as a reference to a Bantu and any word or expression in any law or document connected with a native shall be construed accordingly.

(2) Unless a contrary intention appears from the terms of any particular law or document, the word "Bantu", for the purposes of the application of sub-section (1), means the same as the word "native" as defined in section *one* of the Population Registration Act, 1950 (Act No. 30 of 1950).

Short title and commencement.

33. This Act shall be called the Bantu Laws Amendment Act, 1963, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*: Provided that different dates may be fixed for different sections.

First Schedule.

Area No. 50.

DISTRICT OF CAMPERDOWN.

The farm "Rietvallei" No. 851.

Description.—From the south-eastern beacon of sub 45 to the south-eastern beacon of sub 46; thence along the boundaries of the said sub 46, so as to exclude it from this area, to its north-western beacon on the south-eastern boundary of sub 33; thence along the boundaries of the following properties namely subs 33, 170 and 171, so as to include them in this area, to the south-eastern beacon of sub 133 of 28; thence along the eastern and northern boundaries of sub 133 of 28 and the south-eastern boundaries of subs 26 and 27, so as to exclude them from this area, to the western beacon of sub 117 of 28; thence along the boundaries of the said sub 117, so as to exclude it from this area, to the north-western beacon of sub 168 of 28; thence along the boundaries of subs 168 and 153 of 28, so as to exclude them from this area, to the northern beacon of sub 149 of 28; thence along the boundaries of subs 49, 35, 34 and 45, so as to include them in this area, to the first mentioned beacon.

Area No. 51.

DISTRICT OF CAMPERDOWN.

Description.—From the intersection of the north-western boundary of sub C of Hammarsdale No. 6981 with the middle of the Sterkspruit; thence down the middle of the Sterkspruit to its intersection with the eastern boundary of Lot 7 Sterkspruit No. 1605; thence along the boundaries of the following properties, so as to include them in this area: Lot 7 Sterkspruit No. 1605, Waterfrost No. 8120, ZZ No. 9816, A.G. No. 7688, ZA No. 10123, O No. 7528, T No. 8141, Y No. 10937, Feckenham No. 12166, U No. 7249, V No. 7302, W No. 7634, E No. 7633, D No. 11442, C No. 8026 and B No. 6617 to the northern beacon of the said B No. 6617; thence along the western boundaries of the farm Hammarsdale No. 6981 to the intersection first mentioned.

Area No. 52.

DISTRICT OF PINETOWN.

Description.—From the intersection of the south-eastern boundary of M of Kraanskloof No. 867 with the middle of the Umgeni River; thence down the middle of the Umgeni River to its intersection with the eastern boundary of XX of Clermont No. 838; thence along the boundaries of the following properties, so as to include them in this area: viz. XX of Clermont No. 838, Clermont A No. 12118, Christianenburg Township and Clermont A No. 12118, to the intersection of the south-eastern boundary of sub 5 of Kraanskloof Estate No. 13277, with the middle of the Aller River; thence along the boundaries of the following properties so as to exclude them from this area viz. sub 5 of Kraanskloof Estate No. 13277 and M of Kraanskloof No. 867 to the intersection first mentioned.

Area No. 53.

DISTRICTS OF KLIP RIVER AND DUNDEE.

Description.—From the southern beacon of Fitty Park No. 1364 along the boundaries of the following properties, so as to include them in this area: viz. Fitty Park No. 1364, Waayhoek No. 1153, D of ABCDKL of Opmerkzaamheid No. 1394 and ABC of Oliphantskop No. 1259 to the southern beacon of Portion F.G.M.E. of Opmerkzaamheid No. 1394; thence along the boundaries of the following properties so as to exclude them from this area: viz. Portion F.G.M.E. of Opmerkzaamheid No. 1394, Petronella No. 14026, Uitvlucht No. 1156, Spendikron No. 5294 and Uitvlucht No. 1156 to the eastern beacon of Uitvlucht No. 1156, common to it, Omdraai No. 4981, Klip Poort No. 1162, and Vaalkop No. 1164; thence along the boundaries of the following properties so as to include them in this area: viz. Vaalkop No. 1164, sub A of Klip Poort No. 1162, Uitval No. 1244, Vergelegen No. 1157, Somshoek No. 1151, Fairview No. 8290, Baviaan Trap No. 6000, Zondagrivierspoort No. 1361 and Fitty Park No. 1364 to the beacon first mentioned.

Area No. 54.

DISTRICT OF NQUTU.

Description.—From the north-western beacon of Lot 1 Nondweni No. 13709, common to it and Native Reserve No. 18; thence along the eastern and southern boundaries of Native Reserve No. 18 so as to exclude it from this area, to the north-western boundary of Lot 6 Nondweni No. 10878; thence along the boundaries of Lot 6 Nondweni No. 10878, Lot 2 Nondweni No. 12746 and Lot 1 Nondweni No. 13709, so as to exclude them from this area, to the beacon first mentioned.

Second Schedule

Area No. 39.

DISTRICT OF RUSTENBURG.

Description.—The farms Leeuwfontein No. 50 JQ, Nooitgedacht No. 49 JQ, Driefontein No. 48 JQ, Kafferskraal No. 43 JQ, Boekenhoutfontein No. 44 JQ, Buffelskloof No. 52 JQ, Vaalboschlaagte No. 55 JQ, Houwater No. 54 JQ, Buffelshoek of Buffelspan No. 53 JQ, Doornhoek No. 91 JQ, and Waagfontein No. 89 JQ.

Area No. 40.

DISTRICT OF BRITS.

Description.—Commencing at the south-western beacon of Portion 48 of the farm Elandsfontein No. 440 JQ; thence generally north-westwards and westwards along the boundaries of the following portions of the said farm Elandsfontein No. 440 JQ, so as to include them in this area: viz. the said Portion 48, portion a of Portion 5 of Portion B, Portion 41 (a portion of Portion 5 of Portion B), the remainder of Portion 5 of Portion B (in extent 305.4683 morgen), to its most northerly beacon; thence generally south-eastwards along the boundaries of the following portions of the said farm Elandsfontein No. 440 JQ, so as to include them in this area: viz. the said Remainder of Portion 5 of Portion B (in extent 305.4683 morgen), Portion 34, Portion 36 and Portion 35 to its most easterly beacon common to it and the most northerly beacon of Portion (DB 202 Fol. 29) of the farm Schietfontein No. 437 JQ; thence generally eastwards and westwards along the boundaries of the following portions of the said farm Schietfontein No. 437 JQ so as to include them in this area: viz. the said Portion (DB 202 Fol. 29) and Portion 30 to the first named beacon, the point of commencement.