

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.



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

As 'n Nuisblad by die Poskantoor Geregistreer

Registered at the Post Office as a Newspaper

Prys 10c Price
Oorsee 15c Overseas
POSVRY—POST FREE

ISBN 0 621 00241 0

VOL. 85.]

KAAPSTAD, 5 JULIE 1972.

[No. 3610.

CAPE TOWN, 5TH JULY, 1972.

DEPARTEMENT VAN DIE EERSTE MINISTER.

DEPARTMENT OF THE PRIME MINISTER.

No. 1188.

5 Julie 1972.

No. 1188.

5th July, 1972.

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

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

No. 102 van 1972: Algemene Regswysigingswet, 1972.

No. 102 of 1972: General Law Amendment Act, 1972.

GENERAL LAW AMENDMENT ACT, 1972.

Act No. 102, 1972

ACT

To amend the Liquor Act, 1928; the Attorneys, Notaries and Conveyancers Admission Act, 1934; the Magistrates' Courts Act, 1944; the Criminal Procedure Act, 1955; the Official Secrets Act, 1956; the Water Act, 1956; the Stock Theft Act, 1959; the Judges' Remuneration and Pensions Act, 1959; the Republic of South Africa Constitution Act, 1961; the Animals Protection Act, 1962; the Transkei Constitution Act, 1963; the Dangerous Weapons Act, 1968; the Legal Aid Act, 1969; the General Law Amendment Act, 1969; the General Law Amendment Act, 1971; the Contributions in respect of Bantu Labour Act, 1972; and the Stock Theft Law Amendment Ordinance, 1935, of the territory of South-West Africa; to apply certain provisions of the Republic of South Africa Constitution Act, 1961, to the territory of South-West Africa, including the Eastern Caprivi Zipfel; to repeal the Retreats and Rehabilitation Centres Act, 1963, in so far as it is necessary for the administration thereof by the Minister of Coloured Affairs; to approve certain expenditure of the South African Road Safety Council; to relieve the Controller and Auditor-General of a certain duty; to cancel certain conditions of title applying in respect of certain immovable property in certain circumstances; to prohibit the use of the name, portrait or effigy of the State President for certain purposes or in certain publications; to validate certain payments and the disposal of certain amounts purporting to have been made under resolution of the Executive Committee of the territory of South-West Africa and to repeal certain laws of that territory; and to provide for incidental matters.

*(Afrikaans text signed by the State President.)
(Assented to 16th June, 1972.)*

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

1. Section 6 of the Liquor Act, 1928, is hereby amended by the insertion after paragraph (d) *quat* of subsection (1) of the following paragraph:

“(d) *quin* any person who, under the authority of the Minister and subject to such conditions or restrictions as he may impose, sells liquor in a restaurant which is on premises controlled and maintained by the Department of Public Works, for consumption in such restaurant;”.

Amendment of section 6 of Act 30 of 1928, as amended by section 3 of Act 41 of 1934, section 1 of Act 39 of 1937, section 2 of Act 72 of 1961, section 1 of Act 89 of 1962, section 2 of Act 88 of 1963, section 1 of Act 85 of 1964, section 1 of Act 98 of 1965, section 1 of Act 62 of 1966, section 2 of Act 23 of 1969, section 1 of Act 17 of 1970 and section 10 of Act 80 of 1971.

GENERAL LAW AMENDMENT ACT, 1972.

Act No. 102, 1972

2. Section 76 of the Liquor Act, 1928, is hereby amended by the substitution for paragraph (a) of subsection (2) of the following paragraph:

“(a) The quantity of liquor to be sold or delivered by the holder of a wholesale liquor licence to any one customer other than a licensee or holder of an authority under section 100*bis* or 100*sex* or a person selling liquor under an authority referred to in section 6 (1) (a), (b), (c), (cA), (d)*bis*, (d)*ter*, (d)*quat* or (d)*quin* at any one time shall not be less than two gallons (of which not less than one gallon shall be of the same kind, description and brand of liquor other than malt liquor), or to any one licensee or holder of an authority under section 100*bis* or 100*sex* or a person selling liquor under an authority referred to in section 6 (1) (a), (b), (c), (cA), (d)*bis*, (d)*ter*, (d)*quat* or (d)*quin* at any one time, shall not be less than one quart, in a receptacle or receptacles properly and securely corked or stoppered: Provided that if the quantity of liquor so sold or delivered to any one customer includes not less than one gallon of table wine which is the product solely of the alcoholic fermentation of the juice of fresh grapes and containing no more than 14 per cent of alcohol by volume, such table wine need not be of the same description or brand.”

Amendment of section 76 of Act 30 of 1928, as amended by section 59 of Act 88 of 1963, section 11 of Act 85 of 1964, section 22 of Act 23 of 1969 and section 3 of Act 17 of 1970.

3. Section 79*ter* of the Liquor Act, 1928, is hereby amended by the substitution for the second proviso to subsection (2) of the following proviso:

“Provided further that the holder of a wholesale liquor licence shall not sell or deliver any liquor at or from such place to any person who is not the master of a ship or his agent or who does not hold a licence for the sale of liquor under this Act or an authority referred to in section 100*bis* or 100*sex* or who is not a person selling liquor under an authority referred to in section 6 (1) (a), (b), (c), (cA), (d)*bis*, (d)*ter*, (d)*quat* or (d)*quin*.”

Amendment of section 79*ter* of Act 30 of 1928, as inserted by section 5 of Act 35 of 1956 and amended by section 63 of Act 88 of 1963, section 12 of Act 85 of 1964, section 26 of Act 23 of 1969 and section 4 of Act 17 of 1970.

4. Section 161 of the Liquor Act, 1928, is hereby amended by the insertion after paragraph (h) of the following paragraph:

“(hA) permits any person—

- (i) to perform any offensive, indecent or obscene act; or
- (ii) who is not clothed or not properly clothed, to perform or to appear,

in any part of his licensed premises where entertainment of any kind is held or to which the public has access;”

Amendment of section 161 of Act 30 of 1928, as amended by section 9 of Act 89 of 1962 and section 48 of Act 23 of 1969.

5. Section 167 of the Liquor Act, 1928, is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:

“(b) if the contravention is of a provision of section 161 (c), (h), (hA), (i), (j) or (oA) or of a provision of section 162 or 163, to a fine not exceeding one hundred pounds;”

Amendment of section 167 of Act 30 of 1928, as amended by section 11 of Act 35 of 1956, section 11 of Act 89 of 1962, section 107 of Act 88 of 1963 and section 52 of Act 23 of 1969.

GENERAL LAW AMENDMENT ACT, 1972.

Act No. 102, 1972

6. Section 32 of the Attorneys, Notaries and Conveyancers Admission Act, 1934, is hereby amended by the substitution for subsections (2) and (3) of the following subsections:

“(2) No attorney, notary or conveyancer who shall have been struck off the rolls or suspended from practice shall while he is struck off or suspended continue to practise as an attorney, notary or conveyancer directly or indirectly by himself or in partnership or association with any other person, nor shall he, except with the written consent of the law society concerned, and, if he is a person who, in terms of section 5quat (1) (b) of the Suppression of Communism Act, 1950 (Act No. 44 of 1950), has been struck off the rolls, also with the written consent of the Minister of Justice, be employed in any capacity connected with the profession of an attorney, notary or conveyancer.

(3) No attorney, notary or conveyancer shall, except with the written consent of the law society concerned, and, in the case of a person who, in terms of section 5quat (1) (b) of the Suppression of Communism Act, 1950, has been struck off the rolls, also with the written consent of the Minister of Justice, employ in any capacity whatsoever any person who shall have been struck off the rolls or suspended from practice while such person is struck off or suspended.”

Amendment of section 32 of Act 23 of 1934, as amended by section 3 of Act 19 of 1941, section 5 of Act 81 of 1962, section 16 of Act 63 of 1964, section 17 of Act 70 of 1968 and section 12 of Act 93 of 1970.

7. (1) Section 2 of the Magistrates' Courts Act, 1944, is hereby amended by the addition of the following subsection, the existing section becoming subsection (1):

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

(a) the Minister of Justice, after consultation with the Minister of Bantu Administration and Development, may under subsection (1)—

(i) include as part of an existing district administered under the control of the Minister of Justice, an area which prior to its being so included forms part of a district administered under the control of the Minister of Bantu Administration and Development;

(ii) create a district which consists of or includes an area which prior to the creation of such district forms part of a district administered under the control of the Minister of Bantu Administration and Development;

(iii) include as part of an existing regional division administered under the control of the Minister of Justice, a district or subdistrict administered under the control of the Minister of Bantu Administration and Development;

(iv) create a regional division which includes a district or subdistrict administered under the control of the Minister of Bantu Administration and Development;

(b) the Minister of Bantu Administration and Development, after consultation with the Minister of Justice, may under subsection (1)—

(i) include as part of an existing district administered under the control of the Minister of Bantu Administration and Development, an area which prior to its being so included forms part of a district administered under the control of the Minister of Justice;

(ii) create a district which consists of or includes an area which prior to the creation of such district

Amendment of section 2 of Act 32 of 1944, as substituted by section 2 of Act 53 of 1970.

GENERAL LAW AMENDMENT ACT, 1972.

Act No. 102, 1972

forms part of a district administered under the control of the Minister of Justice;

- (iii) include as part of an existing regional division administered under the control of the Minister of Bantu Administration and Development, a district or subdistrict administered under the control of the Minister of Justice;
- (iv) create a regional division which includes a district or subdistrict administered under the control of the Minister of Justice.”

(2) Subsection (1) shall be deemed to have come into operation on the second day of July, 1945.

8. (1) Section 9 of the Magistrates' Courts Act, 1944, is hereby amended by the insertion after subsection (1) of the following subsection:

Amendment of section 9 of Act 32 of 1944, as substituted by section 2 of Act 8 of 1967.

“(1A) (a) If the Minister of Justice and the Minister of Bantu Administration and Development deem it expedient, and subject to the provisions mentioned in subsection (1)—

- (i) the Minister of Justice may appoint a magistrate for a regional division, district or subdistrict which prior to the date upon which the appointment takes effect is administered under the control of the Minister of Bantu Administration and Development or which on that date is created by the last-mentioned Minister;
 - (ii) the Minister of Bantu Administration and Development may appoint a magistrate for a regional division, district or subdistrict which prior to the date upon which the appointment takes effect is administered under the control of the Minister of Justice or which on that date is created by the last-mentioned Minister.
- (b) As from the date upon which the appointment of a magistrate for a regional division, district or subdistrict under paragraph (a) takes effect—
- (i) that regional division, district or subdistrict shall for the purposes of this Act be deemed to be administered under the control of the Minister who made the appointment;
 - (ii) anything done in relation to that regional division, district or subdistrict prior to or on that date under a power conferred on the Minister by this Act, shall, for the purposes of this Act, be deemed to have been done by the Minister who made the appointment.”

(2) Subsection (1) shall be deemed to have come into operation on the second day of July, 1945.

9. (1) Section 341 of the Criminal Procedure Act, 1955, is hereby amended by the addition of the following subsection:—

Amendment of section 341 of Act 56 of 1955, as substituted by section 62 of Act 41 of 1971.

“(6) In applying the provisions of this section with reference to a Coloured person as defined in the Coloured Persons Rehabilitation Centres Law, 1971, of the Coloured Persons Representative Council of the Republic of South Africa (Law No. 1 of 1971), any reference—

- (a) to a provision of the Abuse of Dependence-producing Substances and Rehabilitation Centres Act, 1971, shall, except in the case of subsection (1) (b), be construed as a reference to a corresponding provision of the said Coloured Persons Rehabilitation Centres Law, 1971;
- (b) to a ‘social welfare officer’ and a ‘magistrate’ shall be construed as a reference to a ‘social worker’ and a ‘magistrate’, respectively, as defined in the said Coloured Persons Rehabilitation Centres Law, 1971;

GENERAL LAW AMENDMENT ACT, 1972.

Act No. 102, 1972

- (c) to a 'rehabilitation centre' and a 'registered rehabilitation centre' shall be construed as a reference to a 'rehabilitation centre' and a 'registered rehabilitation centre', respectively, established or registered, as the case may be, under the said Coloured Persons Rehabilitation Centres Law, 1971."

(2) The provisions of subsection (1) shall come into operation on a date determined by the State President by proclamation in the *Gazette*.

10. Section 3 of the Official Secrets Act, 1956, is hereby amended by the substitution for subsection (2) (a) of the following subsection:

Amendment of section 3 of Act 16 of 1956, as amended by section 2 of Act 65 of 1965 and section 10 of Act 101 of 1969.

- "(2) (a) Any person—
- (i) who has in his possession or under his control any sketch, plan, model, article, note, document or information which relates to munitions of war or any military, police or security matter; and
 - (ii) who publishes it or directly or indirectly communicates it to any person in any manner or for any purpose prejudicial to the safety or interests of the Republic; and
 - (iii) who, at the time of such publication or such communication knew or should reasonably have known that such sketch, plan, model, article, note, document or information related to munitions of war or a military, police or security matter, shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand five hundred rand or to imprisonment for a period not exceeding seven years or to both such fine and such imprisonment."

11. Section 157 of the Water Act, 1956, is hereby amended by the insertion of the following subsection:

Section 157 of the Water Act, 1956, is hereby amended by the insertion of the following subsection (1):

Amendment of section 157 of Act 54 of 1956, as amended by section 16 of Act 101 of 1969.

- "(1A) The Minister may, at the discretion of the Minister, grant a further irrigation loan to whom an irrigation loan has been granted, if the total amount of such further irrigation loans granted to the applicant exceeds one thousand five hundred rand or to both such fine and such imprisonment."
- (a) revise the total estimate of water works in respect of granted and, if the total the original total estimate on the recommendation further irrigation loan revised estimate exceeds granted to the applicant estimate exceeds one such further irrigation the provisions of complied with;
 - (b) recommend to the Minister within which such further irrigation loans granted to the applicant exceeds one thousand five hundred rand or to both such fine and such imprisonment."

12. The following section of the Water Act, 1956, after section 163A, is hereby amended:

"Extension of powers to grant irrigation loans and subsidies in respect of certain water-works.

163A
subject to the provisions of section 163A, the Minister may, at the discretion of the Minister, grant a further irrigation loan to whom an irrigation loan has been granted, if the total amount of such further irrigation loans granted to the applicant exceeds one thousand five hundred rand or to both such fine and such imprisonment."

GENERAL LAW AMENDMENT ACT, 1972.

Act No. 102, 1972.

13. (1) The following section is hereby substituted for section 15 of the Stock Theft Act, 1959:

Substitution of section 15 of Act 57 of 1959, as amended by section 39 of Act 80 of 1964.

“Compensation for damage to or loss of stock or produce. 15. Whenever any court convicts any person of an offence referred to in section 11 (1) (a), (b), (c) or (d), which has caused damage to or loss of stock or produce, the court shall direct the attention of the owner thereof, if present in court, to the provisions of section 357 of the Criminal Procedure Act, 1955 (Act No. 56 of 1955).”

(2) For the purposes of section 334*ter* or 334*quat* of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), no punishment imposed under section 15 of the Stock Theft Act, 1959 (Act No. 57 of 1959), shall be taken into account.

(3) Subsections (1) and (2) shall come into operation on the first day of August, 1972.

14. Section 3 of the Judges' Remuneration and Pensions Act, 1959, is hereby amended by the substitution for subsections (2) and (3) of the following subsections:

Amendment of section 3 of Act 73 of 1959, as substituted by section 1 of Act 20 of 1964 and amended by section 2 of Act 48 of 1968 and section 22 of Act 80 of 1971.

“(2) Such pension shall be paid monthly at the rate of twenty per cent per annum of the annual salary attaching at the time of such person's retirement or removal from office, as the case may be, to the office then held by him in a permanent capacity and, in respect of every full year (if any) by which his period of continuous service referred to in subsection (1) exceeds five years, a further four per cent per annum of that salary: Provided that the annual amount of such pension shall not exceed an amount equal to eighty per cent of the said salary.

(3) The annual amount of the pension paid in terms of subsection (2), as in force immediately prior to the date of commencement of section 14 of the General Law Amendment Act, 1972, to a person who retired or was removed from office on or after the first day of April, 1964, but before the first day of January, 1971, shall with effect from the first day of April, 1971, be increased by twenty per cent.”

15. The following section is hereby substituted for section 6 of the Judges' Remuneration and Pensions Act, 1959:

Substitution of section 6 of Act 73 of 1959, as substituted by section 3 of Act 16 of 1970.

“Contributions by persons who became judges on or after the fixed date or became judges at or after the commencement of this Act. 6. Any person who—
(a) became a judge on or after the fixed date; or
(b) became or becomes a judge at or after the commencement of this Act, shall, subject to the provisions of section 12, as from the commencement of section 15 of the General Law Amendment Act, 1972, pay contributions to revenue at the rate of twenty-seven rand per month as long as he remains a judge.”

16. Section 7 of the Judges' Remuneration and Pensions Act, 1959, is hereby amended by the substitution for subsection (1) of the following subsection:

Amendment of section 7 of Act 73 of 1959, as amended by section 3 of Act 20 of 1964, section 2 of Act 76 of 1965 and section 4 of Act 16 of 1970.

“(1) Any judge who held the office of judge immediately prior to the fixed date and in terms of any law repealed by this Act elected in writing on or before the thirty-first day of December, 1956, to contribute, shall, subject to the provisions of section 12, as from the commencement of section 16 of the General Law Amendment Act, 1972,

GENERAL LAW AMENDMENT ACT, 1972.

Act No. 102, 1972

pay contributions to revenue at the rate of twenty-seven rand per month as long as he remains a judge.”.

17. Section 10 of the Judges' Remuneration and Pensions Act, 1959, is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:

Amendment of section 10 of Act 73 of 1959, as substituted by section 3 of Act 76 of 1965, and amended by section 5 of Act 16 of 1970.

“(b) Any person who, on or after the date of commencement of the Judges' Remuneration and Pensions Amendment Act, 1970, elected or elects in terms of this Act to have any period counted as pensionable service shall contribute to revenue an amount calculated at the rate of twenty-seven rand for every month of such period.”.

18. The following section is hereby substituted for section 12 of the Judges' Remuneration and Pensions Act, 1959:

Substitution of section 12 of Act 73 of 1959, as substituted by section 6 of Act 16 of 1970.

“Maximum contributions payable.

12. As soon as contributions amounting in the aggregate to six thousand four hundred and eighty rand have, in terms of this Chapter, been obtained in respect of any person, such person shall not be required or permitted to make any further contributions.”.

19. (1) Section 13 of the Judges' Remuneration and Pensions Act, 1959, is hereby amended by the substitution for subsection (1) of the following subsection:

Amendment of section 13 of Act 73 of 1959, as amended by section 6 of Act 20 of 1964, section 5 of Act 76 of 1965 and section 7 of Act 16 of 1970, and commencement of sections 14 to 19, inclusive.

“(1) On the death of any person who contributed there shall be paid to his widow a pension of two thousand and twenty-five rand per annum together with two hundred and two rand and fifty cents per annum in respect of each completed year of the pensionable service of such person: Provided that the maximum pension to which such widow shall be entitled under this section shall not exceed four thousand and fifty rand per annum.”.

(2) Section 13 (1) of the Judges' Remuneration and Pensions Act, 1959, as in force immediately prior to the commencement of this section, shall, notwithstanding the provisions of subsection (1) of this section, continue to apply in respect of any person who at any time prior to the said commencement became entitled to a pension in terms of the said section 13 (1) and in respect of any person who becomes the widow of any person who ceased to be a judge prior to the said commencement but after the commencement of the Judges' Remuneration and Pensions Amendment Act, 1970.

(3) Sections 14, 15, 16, 17, 18 and this section shall be deemed to have come into operation on the first day of April, 1972.

20. (1) Section 55 of the Republic of South Africa Constitution Act, 1961, is hereby amended by the insertion, after paragraph (iv) of the proviso to paragraph (d), of the following paragraph:

Amendment of section 55 of Act 32 of 1961, as amended by section 20 of Act 101 of 1969.

“(ivA) any person appointed as appraiser under section 6 of the Administration of Estates Act, 1965 (Act No. 66 of 1965), or deemed to have been so appointed;”.

(2) The provisions of subsection (1) of this section shall be deemed to have come into operation on the thirty-first day of May, 1961, and section 53 (d) of the South Africa Act, 1909, at all times while it was in operation, shall be deemed to have contained provisions corresponding *mutatis mutandis* to the provisions inserted in section 55 (d) of the Republic of South Africa Constitution Act, 1961, by the said subsection (1).

GENERAL LAW AMENDMENT ACT, 1972.

Act No. 102, 1972

21. Section 2 of the Animals Protection Act, 1962, is hereby amended—

Amendment of section 2 of Act 71 of 1962.

- (a) by the insertion in subsection (1) at the end of paragraph (r) of the word "or";
- (b) by the insertion in that subsection after the said paragraph (r) of the following paragraph:
 - "(s) kills any animal in contravention of a prohibition in terms of a notice published in the *Gazette* under subsection (3) of this section,"; and
- (c) by the addition of the following subsection:
 - "(3) The Minister may by notice in the *Gazette* prohibit the killing of an animal specified in the notice with the intention of using the skin or meat or any other part of such animal for commercial purposes."

22. Part B of the First Schedule to the Transkei Constitution Act, 1963, is hereby amended by the substitution for Item 7 of the following item:

Amendment of First Schedule to Act 48 of 1963.

"7. The control, organization and administration of such personnel or such part of the Police Force stationed in any district mentioned in section 2 of this Act, but not within any area in the district of Matatiele or Port St. Johns which is not a Bantu area, as may have been transferred to the government of the Transkei by the Minister of Police of the Republic, and charged with the maintenance of law and order, the investigation of any offence or alleged offence, the enforcement of any law and the prevention of crime in any such district to the extent and subject to such conditions as may be determined by the said Minister."

23. (1) Section 4 of the Dangerous Weapons Act, 1968, is hereby amended by the substitution for subsection (1) of the following subsection:

Amendment of section 4 of Act 71 of 1968.

"(1) Whenever any person above the age of eighteen years is convicted of an offence involving violence to any other person and it has been proved that he killed or injured such other person by using a dangerous weapon or a firearm, he shall, except when the death sentence or the punishment prescribed by section 334ter or 334quat of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), is imposed or he is in terms of section 335 of that Act declared an habitual criminal, notwithstanding anything to the contrary in any law contained, be sentenced to imprisonment for a period of not less than two years and, if he is so convicted by a magistrate's court, not exceeding eight years, and may in addition to any such punishment, be sentenced to a whipping not exceeding ten strokes: Provided that if the court is of the opinion that there are circumstances which justify the imposition of a lighter sentence than the punishment prescribed by this section, it shall enter those circumstances on the record of the proceedings and may thereupon impose such lighter sentence on the person so convicted: Provided further that in the case of a magistrate's court and without derogation from its powers to impose a whipping, such lighter sentence shall not exceed a fine of four hundred rand or imprisonment for a period of two years."

(2) Subsection (1) shall come into operation on the first day of August, 1972.

GENERAL LAW AMENDMENT ACT, 1972.

Act No. 102, 1972

24. The following section is hereby inserted in the Legal Aid Act, 1969, after section 8:

Insertion of section 8A in Act 22 of 1969.

"Recovery of costs by board.

8A. (1) Whenever in any judicial proceedings in respect of which legal aid is rendered to a litigant by the board, costs become payable to such litigant in terms of a judgment of the court or a settlement or otherwise, it shall, subject to the powers of the board referred to in section 3 with regard to the fixing of conditions, be deemed that such litigant has ceded his rights to such costs to the board.

(2) If a litigant referred to in subsection (1) or his legal representative or the board has, at any time before payment of the costs deemed in terms of subsection (1) to be ceded to the board, whether before or after such costs become payable, given the person by whom the costs are to be paid at his last known address and the registrar or clerk of the court concerned notice in writing that legal aid is being or has been rendered, the board may proceed in its own name to have such costs taxed and to recover them, without being substituted on the record of the judicial proceedings concerned for the said litigant.

(3) The costs referred to in subsection (1) shall be calculated and the bill of costs concerned shall be taxed as if the litigant to whom legal aid was rendered, had obtained the services of the legal representative acting on his behalf in the proceedings concerned, without the aid of the board."

25. Section 29 of the General Law Amendment Act, 1969, is hereby amended by the substitution for subsections (1) and (2) of the following subsections:

Amendment of section 29 of Act 101 of 1969.

"(1) Notwithstanding anything to the contrary in any law or the common law contained, no person shall be compelled and no person shall be permitted or ordered to give evidence or to furnish any information in any proceedings in any court of law or before any body or institution established by or under any law or before any commission as contemplated by the Commissions Act, 1947, as to any fact, matter or thing or as to any communication made to or by such person, and no book or document shall be produced in any such proceedings, if an affidavit purporting to have been signed by the Minister responsible in respect of such fact, matter, thing, communication, book or document, or, in the case of a provincial administration or the territory of South-West Africa, the Administrator concerned, is produced to the court of law, body, institution or commission concerned, to the effect that the said Minister or Administrator, as the case may be, has personally considered the said fact, matter, thing, communication, book or document; that in his opinion, it affects the security of the State and that disclosure thereof will, in his opinion, prejudicially affect the security of the State.

(2) The provisions of subsection (1) shall not derogate from the provisions of any law or of the common law which do not compel or permit any person to give evidence or to furnish any information in any proceedings in any court of law or before any body or institution established by or under any law or before any commission as contem-

GENERAL LAW AMENDMENT ACT, 1972.

Act No. 102, 1972.

plated by the Commissions Act, 1947, as to any fact, matter or thing or as to any communication made to or by such person, or to produce any book or document, in connection with any matter other than that affecting the security of the State.”.

26. Section 28 of the General Law Amendment Act, 1971, is hereby amended by the substitution for subsection (1) of the following subsection: Amendment of section 28 of Act 80 of 1971.

“(1) No licence moneys, tax, duty or fee (other than customs, excise or sales duties leviable by law) shall be payable by any person under any law in respect of an approved shop of the Bureau for State Security or in respect of any article on sale at such a shop.”.

27. Section 2 of the Contributions in respect of Bantu Labour Act, 1972, is hereby amended with effect from the date of commencement of that Act— Amendment of section 2 of Act 29 of 1972.

(a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

“(1) The Minister may from time to time by notice in the *Gazette* define any area outside the Bantu homelands and in such notice or by further notice in the *Gazette* declare that, as from the date of the notice in question or a later date indicated in that notice, a monthly amount (in this Act referred to as a contribution) stated in the notice shall, subject to the provisions of subsection (4), be payable—”;

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

“(a) in the case of an employer, the amount of two rand and fifty cents for every month or part of a month in which the Bantu employee in respect of whom it is payable, is employed by such employer in that area or in the part of it in question, as the case may be: Provided that, if a contribution at any time equals or exceeds the amount of one rand and fifty cents, it shall not be increased by more than twenty per cent unless the Minister has given at least one year's notice of the proposed increase in the *Gazette*”; and

(c) by the substitution for subsection (4) of the following subsections:

“(4) (a) The aggregate amount payable by an employer by way of contributions for any particular month in respect of Bantu employees of the category to which those contributions relate, shall not exceed an amount calculated by multiplying the amount payable for one month in respect of one such Bantu employee, by the average daily number of such Bantu employees employed by that employer during that month in the defined area or part of a defined area in question.

GENERAL LAW AMENDMENT ACT, 1972.

Act No. 102, 1972

(b) For the purposes of paragraph (a) the average daily number of Bantu employees of any category employed in a defined area or in any part of a defined area by any employer during any particular month, shall be calculated by dividing the sum of the respective daily total numbers of Bantu employees of such category employed during that month in the defined area or part of a defined area in question by the employer concerned, by the number of days in that month: Provided that any fraction in the result of such calculation shall be taken as one.

(5) A notice under subsection (1) may at any time, but subject to the proviso to subsection (2) (a), be amended or withdrawn by the Minister by notice in the *Gazette*."

28. Section 5 of the Contributions in respect of Bantu Labour Act, 1972, is hereby amended with effect from the date of commencement of that Act by the addition of the following subsection, the existing section becoming subsection (1):

Amendment of section 5 of Act 29 of 1972.

"(2) Where the employment of a particular Bantu employee in a defined area during any month is taken into account for the purpose of calculating in terms of section 2 (4) the average daily number of Bantu employees so employed during that month, no contribution payable for that month on the basis of the said average daily number shall for the purpose of subsection (1) of this section be regarded as being payable in respect of the Bantu employee in question unless he was during that month employed primarily in a defined area by the employer concerned, or, where a dispute in that regard arises, unless the Secretary is of the opinion that he was so employed during that month."

29. (1) The following section is hereby substituted for section 11 of the Stock Theft Law Amendment Ordinance, 1935, of the territory of South-West Africa:

Substitution of section 11 of Ordinance 11 of 1935, of the territory of South-West Africa, as amended by section 7 of Proclamation 15 of 1935 and section 2 of Proclamation 4 of 1945 of the said territory.

"Compensation for damages to or loss of stock or produce. 11. Whenever any court convicts any person of an offence referred to in section 5 (a), (b), (c) or (d), which has caused damage to or loss of stock or produce, the court shall direct the attention of the owner thereof, if present in court, to the provisions of section 344 of the Criminal Procedure Ordinance, 1963 (Ordinance No. 34 of 1963)."

(2) For the purposes of section 318 or 319 of the Criminal Procedure Ordinance, 1963 (Ordinance No. 34 of 1963, of the territory of South-West Africa), no punishment imposed under section 11 of the Stock Theft Law Amendment Ordinance, 1935 (Ordinance No. 11 of 1935, of the said territory), shall be taken into account.

(3) Subsections (1) and (2) shall apply also in the Eastern Caprivi Zipfel.

(4) Subsections (1), (2) and (3) shall come into operation on the first day of August, 1972.

30. The provisions of section 13 of the Republic of South Africa Constitution Act, 1961, and of any amendment thereof, shall apply also with reference to the territory of South-West Africa, including the Eastern Caprivi Zipfel.

Application of section 13 of Act 32 of 1961 to South-West Africa.

GENERAL LAW AMENDMENT ACT, 1972.

Act No. 102, 1972

31. (1) The Retreats and Rehabilitation Centres Act, 1963, in so far as it is necessary for the administration thereof by the Minister of Coloured Affairs in terms of Proclamation No. 57 of 1964, is hereby repealed. Repeal of Act 86 of 1963.

(2) Any Coloured person as defined in Proclamation No. 57 of 1964 and who is at the commencement of this section, in pursuance of an order made under the Retreats and Rehabilitation Centres Act, 1963, an inmate of a rehabilitation centre as defined in the Coloured Persons Rehabilitation Centres Law, 1971, of the Coloured Persons Representative Council of the Republic of South Africa (Law No. 1 of 1971), shall be deemed to be detained at such centre in pursuance of an order made under the last-mentioned Law.

(3) Any proclamation, regulation, rule, order, appointment, authority, leave of absence or licence issued, made, prescribed, given or granted and any other action taken under the Retreats and Rehabilitation Centres Act, 1963, as repealed by subsection (1), shall be deemed to have been issued, made, prescribed, given, granted or taken under a corresponding provision of the said Coloured Persons Rehabilitation Centres Law, 1971.

(4) This section shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

32. The expenditure of the amount of R5 544,30 by which the actual expenditure of the South African Road Safety Council for the financial year ended 31 March, 1970, exceeded the estimate of expenditure approved by the Minister in terms of section 16 (4) of the South African Road Safety Council Act, 1960 (Act No. 1 of 1960), for that financial year, is hereby approved. Approval of expenditure of South African Road Safety Council.

33. The Controller and Auditor-General shall, with effect from 1st April, 1972, be relieved of the duty to audit the books and accounts of the National Institute for Crime Prevention and Rehabilitation of Offenders (formerly known as the Social Services Society of South Africa). Controller and Auditor-General relieved of certain duty.

34. (1) If the State owns immovable property which is subject to a condition of title to the effect that such property may or shall only be used for certain purposes and that the ownership of such property shall be transferred to the person from whom such property was acquired or to some other person when such property is no longer required or used for such purposes, and the Minister of Agriculture, by means of a notice, in both official languages, published simultaneously in the *Gazette* and a newspaper circulating in the area in which such property is situate, makes known that such property is no longer required for such purposes, such condition of title shall lapse after the expiry of a period of one year from the date on which such notice was published, unless the person from whom such property was acquired or such other person provides the Minister of Agriculture before the expiry of such period with all documents required for the transfer of the ownership of such property in accordance with such condition of title. Certain conditions of title applying in respect of immovable property owned by the State to lapse in certain circumstances.

(2) If any condition of title has lapsed under subsection (1), the officer in charge of the deeds registry concerned shall, upon the application of the Minister of Agriculture, or any officer in the public service authorized thereto by the Minister, and upon submission of the relevant title deed and such other documents as may be required by such first-mentioned officer, record the fact that such condition of title has lapsed under subsection (1) on such title deed.

(3) If the hospital trustees referred to in section 11 of the Hospital Ordinance, 1946 (Ordinance No. 18 of 1946), of the

GENERAL LAW AMENDMENT ACT, 1972.

Act No. 102, 1972

province of the Cape of Good Hope, or the educational trustees referred to in section 192 of the Education Ordinance, 1956 (Ordinance No. 20 of 1956), of that province, have acquired immovable property which is subject to a condition of title referred to in subsection (1), the provisions of subsections (1) and (2) shall *mutatis mutandis* apply in respect of such condition of title: Provided that for the purposes of such application a reference to the Minister of Agriculture shall be construed as a reference to such hospital trustees or educational trustees, as the case may be.

35. (1) Any person who in any manner whatever uses the name, portrait or effigy of the State President or any Acting State President—
- (a) for the purposes of or in connection with the election of any person to the House of Assembly, the Legislative Assembly of South-West Africa, a provincial council, any body referred to in section 84 (1) (f) of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961), or any other body established under any law; or
- (b) in any pamphlet or in any article in any publication if such pamphlet or article purports to propagate any principle or policy of any political party or to condemn or criticize any principle or policy of any other political party,
- shall be guilty of an offence and liable on conviction to a fine not exceeding two thousand rand or to imprisonment for a period not exceeding five years.

Prohibition of use of name, portrait or effigy of State President for certain purposes.

(2) The provisions of subsection (1) and of any amendment thereof shall apply also with reference to the territory of South-West Africa, including the Eastern Caprivi Zipfel.

36. (1) The payment of any amount purporting to have been made under the resolution of the Executive Committee of the territory of South-West Africa contained in Minute No. 819 of 3rd September, 1968, is hereby validated.
- (2) Any amount referred to in subsection (1) shall be paid by the Karakul Board, established by the Karakul Scheme published by Proclamation No. 172 of 1968, into any fund established by section 16 of that scheme and designated by the Minister of Agriculture.
- (3) The Karakul Industry Development Ordinance, 1939 (Ordinance No. 5 of 1939), the Karakul Industry Development Amendment Ordinance, 1952 (Ordinance No. 22 of 1952), section 2 of the Finance Ordinance, 1953 (Ordinance No. 21 of 1953), and the Karakul Industry Development Amendment Ordinance, 1954 (Ordinance No. 14 of 1954), of the territory of South-West Africa, are hereby repealed.

Validation of certain payments, disposal of certain amounts and repeal of certain laws of South-West Africa.

37. This Act shall be called the General Law Amendment Act, 1972. Short title.