

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 every other page as the second language is printed on the other pages.

*EXTRAORDINARY*



*BUITENGEWONE*

REPUBLIC OF SOUTH AFRICA  
**GOVERNMENT GAZETTE**

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CAPE TOWN, 12TH JUNE, 1968.

[No. 2093.

KAAPSTAD, 12 JUNIE 1968.

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DEPARTMENT OF THE PRIME MINISTER.

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No. 1035.]

[12th June, 1968.

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

PAGE

No. 52 of 1968: Coloured Persons Representative Council Amendment Act, 1968 3

No. 52, 1968.]

# ACT

To amend the Coloured Persons Representative Council Act, 1964, so as to provide for an increase in the number of the members of the Coloured Persons Representative Council; for the compulsory registration of voters; for additional matters in connection with an application for registration as a voter and voting by absent voters; for the alteration of certain official designations; for additional qualifications for members of the executive; for removal of the chairman of the said executive from office; for further regulation of staff matters; for extension of the legislative powers of the said Council; for the regulation of certain financial matters; and for matters incidental thereto.

(English text signed by the State President.)  
(Assented to 5th June, 1968.)

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

1. Section 1 of the Coloured Persons Representative Council Act, 1964 (hereinafter referred to as the principal Act), is hereby amended— Amendment of section 1 of Act 49 of 1964.

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

“(a) forty members elected in the manner hereinafter provided; and”;

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

“(b) twenty members nominated by the State President.”.

2. Section 2 of the principal Act is hereby amended by the substitution for paragraph (a) of the following paragraph: Amendment of section 2 of Act 49 of 1964.

“(a) twelve members in the case of the province of the Cape of Good Hope;”.

3. Section 3 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection: Amendment of section 3 of Act 49 of 1964.

“(1) As soon as possible after the commencement of this Act and thereafter at intervals of not more than six years a general registration of voters shall take place with effect from a date determined in each case by the State President by proclamation in the *Gazette*.”.

4. Section 4 of the principal Act is hereby amended— Amendment of section 4 of Act 49 of 1964.

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

“(1) Subject to the provisions of this Act and any other Act every Coloured person who is a South African citizen and is over the age of twenty-one years, and who is not subject to any of the disqualifications mentioned in section 5, shall have the right to be

registered as a voter on the Coloured voters' list and shall take the prescribed steps to have himself registered as such a voter."; and

(b) by the addition of the following subsection:

"(3) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding fifty rand or to imprisonment for a period not exceeding three months."

5. Section 6 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection: Amendment of section 6 of Act 49 of 1964.

"(1) Every Coloured person who is under the provisions of section 4 (1) required to take steps to have himself registered as a voter on the Coloured voters' list, shall post or deliver an application for registration in accordance with the provisions of subsection (2) to—

(a) an electoral officer appointed under section 7 (b) of the Electoral Act;

(b) a regional office of the Department of Coloured Affairs;

(c) an office of the South African Police; or

(d) a magistrate's office."

6. The following section is hereby substituted for section 7 of the principal Act: Substitution of section 7 of Act 49 of 1964.

"Circumstances under which application may be completed and signed by another person on behalf of an applicant.

7. (1) If application for registration as a voter is made by any person who is unable to read or write or who by reason of physical infirmity or physical disability is unable to sign an application for registration as a voter, the application may, subject to the provisions of subsection (2), be signed on his behalf by any other competent adult Coloured person.

(2) Any such application shall be completed and signed in the presence of the applicant and of a magistrate, an electoral officer, a justice of the peace or a commissioner of oaths, and shall have endorsed thereon—

(a) a statement by the person signing it on behalf of the applicant stating that the applicant is unable to read or write or setting forth the nature of the physical infirmity or disability in question, as the case may be, and stating that the applicant has authorized him to sign the application on his behalf; and

(b) a statement by the magistrate, electoral officer, justice of the peace or commissioner of oaths that the application was completed and signed on behalf of the applicant in the presence of the applicant and himself and that the contents thereof were explained to the applicant."

7. Section 8 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph: Amendment of section 8 of Act 49 of 1964.

"(a) twenty-eight electoral divisions in the case of the province of the Cape of Good Hope;"

8. Section 9 of the principal Act is hereby amended—

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

"(a) to an electoral division shall be construed as a reference to an electoral division under this Act, except in respect of the first general registration of voters in terms of section 3 of this Act;" and

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

"(gC) in the case of section 71<sup>quat</sup> by the substitution for subsection (1) of the following subsection:

Amendment of section 9 of Act 49 of 1964, as amended by section 6 of Act 29 of 1966.

(1) (a) Any presiding officer for votes of special voters shall at all times during—

- (i) his ordinary hours of duty;
- (ii) such other hours during such period as the chief electoral officer may after consultation, through the electoral officer concerned, with the authorized representatives of every political party, or the electoral officer concerned may after consultation with such representatives determine,

take the necessary steps to enable voters who are entitled thereto to vote forthwith as special voters.

- (b) When the chief electoral officer or an electoral officer has made a determination in terms of paragraph (a) (ii), he shall notify the presiding officer for votes of special voters concerned and the authorized representatives of every political party simultaneously thereof.”.

9. Section 14 (2) of the principal Act is hereby amended by the substitution for the words “Secretary for Coloured Affairs” of the words “Commissioner for Coloured Affairs”. Amendment of section 14 of Act 49 of 1964.

10. Section 16 (3) of the principal Act is hereby amended by the substitution for the words “executive committee”, wherever they occur, of the word “executive”. Amendment of section 16 of Act 49 of 1964.

11. The following section is hereby substituted for section 17 of the principal Act: Substitution of section 17 of Act 49 of 1964.

“Executive.

17. (1) (a) There shall be an executive of the Council consisting of five members of the Council of whom one shall be designated by the State President as chairman of the executive and four shall be elected by the Council.

(b) A member of the executive shall not also be the chairman of the Council.

(2) Subject to the provisions of this Act the members of the executive shall hold office until the constitution of a new executive after the expiration of their period of office as members of the Council: Provided that—

(a) the State President may at any time remove the chairman of the executive from office; and

(b) the Council may at any time by resolution of a majority consisting of two-thirds of all its members remove any elected member of the executive from office.

(3) Any vacancy in the executive shall be filled by the designation or election of another member of the Council in the same manner as in the case of the member whose seat has become vacant.

(4) Whenever the chairman of the executive is for any reason unable to perform the duties of his office, or the office of chairman is vacant, the Minister may designate another member of the Council to serve as acting chairman until the chairman is able to resume his office or the vacancy is filled.

(5) (a) Three members of the executive shall be a quorum and the decision of a majority of the members present at a meeting of the executive shall be a decision of the executive and shall be deemed to be a joint decision of all the members: Provided that in the event of an equality of votes the chairman shall have a casting vote in addition to his deliberative vote.

- (b) Any voting in the executive shall be confidential and a member who discloses any information in connection with any such voting may be removed from his office by the Minister, and shall not thereafter, until such time as a new Council comes into existence after a general election, be capable of being elected or designated a member of the executive.
- (c) Whenever there are so many vacancies in the executive that a quorum cannot be obtained, the chairman shall perform the duties of the executive until the vacancies are filled.
- (6) (a) The executive shall carry out the functions of the Council, except in so far as the making of laws is concerned, while the Council is not in session, and shall also deal with the following matters in so far as they affect Coloured persons, namely—
- (i) finance;
  - (ii) local government;
  - (iii) education;
  - (iv) community welfare and pensions;
  - (v) rural areas and settlements for Coloureds;
  - (vi) such other matters as the State President may from time to time determine by proclamation in the *Gazette*.
- (b) Except in the case of the chairman, to whom the management of finance is hereby assigned, the executive shall in respect of each of the remaining matters referred to in paragraph (a) designate one of its elected members to exercise and perform on its behalf and under its directions the powers, functions and duties incidental to the matter in question.
- (c) Notwithstanding anything to the contrary contained in any law, the Minister or an Administrator may by notice in the *Gazette* delegate any power conferred upon him by any law which relates to any matter referred to in paragraph (a), to the member of the executive designated to perform the functions incidental to that matter or to whom that matter has been assigned, and any such member shall exercise such powers in accordance with the directions of the executive: Provided that the Minister may so delegate any such power conferred upon him by any provision of the Public Service Act, 1957 (Act No. 54 of 1957), or the Coloured Persons Education Act, 1963 (Act No. 47 of 1963), only in respect of persons who are not whites and only to the chairman of the executive.
- (d) For the purposes of the exercise of any power delegated in terms of paragraph (c) to the chairman or any other member of the executive any reference in the Act in question referred to in paragraph (c) to the Secretary for Coloured Affairs or a head of a Department, and the Department of Coloured Affairs or a Department shall, in so far as it relates to that power, and subject to such exceptions and to such adaptations and modifications of the Act in question as the State President may deem necessary and make known by proclamation in the *Gazette*, be construed as a reference to the Commissioner for Coloured Affairs and the Administration of Coloured Affairs, respectively.
- (e) Any proclamation issued under paragraph (a) (vi) shall be laid upon the Table of the Senate and of the House of Assembly within fourteen days after promulgation thereof, if Parliament

is in ordinary session or, if Parliament is not in ordinary session, within fourteen days after the commencement of its next ensuing ordinary session.

(7) Whenever an elected member of the executive is for any reason unable to perform his functions, the executive may designate any other elected member of the executive to perform the duties of such first-mentioned member until he is able to resume his functions.

(8) As from the date referred to in section 1 (1) and until the constitution of an executive, the Minister shall, through such persons as he may deem fit, perform the functions and duties assigned to the executive by this Act."

12. Section 18 of the principal Act is hereby amended by the substitution for the words "executive committee", wherever they occur, of the word "executive". Amendment of section 18 of Act 49 of 1964.

13. Section 19 of the principal Act is hereby amended by the substitution for the words "executive committee", wherever they occur, of the word "executive", and for the word "committee", where it occurs for the last time, of the word "executive". Amendment of section 19 of Act 49 of 1964.

14. Section 20 of the principal Act is hereby amended— Amendment of section 20 of Act 49 of 1964.

(a) by the substitution in subsection (3) for the words "executive committee" of the word "executive";

(b) by the substitution for subsection (4) of the following subsection:

"(4) The Minister and the Secretary for Coloured Relations or his deputy may attend any meeting of the Council or the executive and take part in the proceedings thereat, but shall not have the right to vote at any such meeting.";

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

"(6) In order to assist the Council in the performance of its functions the Minister may—

(a) subject to the laws governing the public service and in accordance with an establishment recommended by the Public Service Commission at the request of the Minister, make officers and employees available to the Council; and

(b) subject to the provisions of the Coloured Persons Education Act, 1963 (Act No. 47 of 1963), make persons, other than such officers and employees, available to the Council.";

(d) by the substitution for subsection (7) of the following subsection:

"(7) Any such officer, employee or person shall in all respects remain subject to the provisions of the relevant law referred to in subsection (6)."; and

(e) by the substitution for subsection (8) of the following subsection:

"(8) The salary and allowances payable to any such officer, employee or person who is not a white person and any contributions payable by the Government to any pension or provident fund in connection with any such officer, employee or person shall, so long as he serves with the Council, be paid by the Council out of the moneys paid over to the Council in terms or by virtue of the provisions of section 22 (1)."

15. Section 21 of the principal Act is hereby amended— Amendment of section 21 of Act 49 of 1964.

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

"(1) Subject to the provisions of this Act, the Council shall have the same power to make laws in respect of any subject falling within any matter referred to in section 17 (6) (a) as is vested in Parliament."; and

(b) by the deletion of subsection (3).

16. The following section is hereby substituted for section 22 of the principal Act:

"Financial matters.

22. (1) The moneys required for the exercise of the powers and the performance of the functions and duties of the Council shall be made available annually out of moneys appropriated by Parliament for the purpose or issued in terms of section 24 (1) of the Exchequer and Audit Act, 1956 (Act No. 23 of 1956): Provided that if on the date referred to in section 1 (1) of this Act Parliament has not yet appropriated any moneys for that purpose the Minister may, in consultation with the Minister of Finance, pay over to the Council such amounts as he may deem fit out of moneys appropriated by Parliament for expenditure under Votes under which expenditure for that purpose might have been incurred had the Council not been established, or out of moneys issued in terms of the said section 24 (1).

(2) The estimates of expenditure by the Council shall be prepared by the executive for submission to the Minister who shall, in consultation with the Minister of Finance, determine the amount for defraying that expenditure which shall be submitted to Parliament for appropriation, and the estimates of expenditure of the Council shall thereafter be submitted by the chairman of the executive to the Council for the appropriation, by resolution, of moneys for the services specified in the last-mentioned estimates.

(3) Any amount paid over to the Council in terms or by virtue of the provisions of subsection (1) shall be deposited by the Council in an account or accounts with a bank approved by the Minister, after consultation with the Minister of Finance, from which all expenditure incurred by the Council shall be paid, and any balance remaining of that amount at the end of each financial year shall be paid over to the Department of Coloured Relations for payment into the Consolidated Revenue Fund in terms of section 33 of the Exchequer and Audit Act, 1956.

(4) The Council shall not in any particular year incur any expenditure in excess of the aggregate of the moneys for that financial year referred to in subsection (1).

(5) The Council shall cause proper accounts of all its transactions to be kept, and such accounts shall be audited by the Controller and Auditor-General.

(6) A copy of any report transmitted by the Controller and Auditor-General to the Minister of Finance in connection with any audit carried out by him, shall be transmitted to the Minister of Coloured Affairs, who shall transmit such a copy to the chairman of the executive for submission to and consideration by the Council.

(7) (a) The provisions of the Exchequer and Audit Act, 1956, excluding Chapters III and IV, and the regulations made and the instructions issued in terms of section 61 thereof, shall, in so far as they relate to the administration and control of revenue and moneys received, kept in custody and paid in on behalf of the Consolidated Revenue Fund, continue to apply, *mutatis mutandis*, in respect of the administration and control of revenue and moneys so received, kept in custody and paid in by persons in the employ of the Council.

(b) The provisions of sections 12 (b), 15, 16, 17, 18, 34, 35 (1) and (3), 36 (1), 37, 38, 40 and 60 of the Exchequer and Audit Act, 1956, and the regulations made and the instructions issued in terms of sections 61 and 61bis thereof shall

Substitution of section 22 of Act 49 of 1964.

*mutatis mutandis* and in so far as they can be applied and are not inconsistent with this Act, apply in connection with the administration, control, disbursement and spending of the funds of the Council: Provided that in such application—

- (i) any reference in sections 16 and 18 of the said Act to the Minister of Finance shall be construed as a reference to the chairman of the executive; and
- (ii) any reference in sections 12 (b) (ii), 15, 17, 34, 35 (1), 36 (1) and 40 of the said Act, or in the regulations made and in the instructions issued in terms of section 61 of the said Act, to the Treasury shall be construed as a reference to the executive.

(8) The executive or the chairman of the executive may delegate any power conferred upon it or him by subsection (2) to a member of the executive or any person in its service.”

17. Sections 23, 24 and 25 of the principal Act are hereby amended by the substitution for the words “Secretary for Coloured Affairs”, wherever they occur, of the words “Secretary for Coloured Relations”. Amendment of sections 23, 24 and 25 of Act 49 of 1964.

18. Section 26 of the principal Act is hereby amended by the substitution for the words “executive committee”, wherever they occur, of the word “executive”. Amendment of section 26 of Act 49 of 1964.

19. Section 30 of the principal Act is hereby amended— Amendment of section 30 of Act 49 of 1964.

- (a) by the insertion after the definition of “Coloured voters’ list” of the following definition:  
 “‘Commissioner for Coloured Affairs’ means any person appointed as head of the Administration of Coloured Affairs;”; and
- (b) by the insertion after the definition of “Minister” of the following definition:  
 “‘Secretary for Coloured Relations’ means any person appointed as head of the Department of Coloured Relations.”

20. (1) This Act shall be called the Coloured Persons Representative Council Amendment Act, 1968, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*. Short title and commencement.

(2) Different dates may in terms of subsection (1) be fixed in respect of different provisions of this Act.