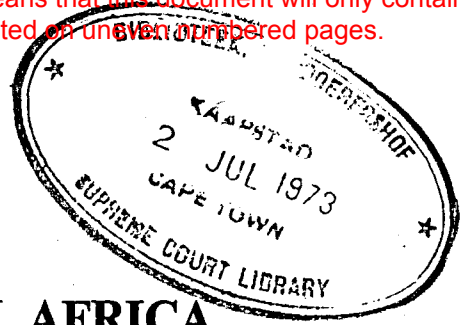


Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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CAPE TOWN, 27TH JUNE, 1973.

[No. 3947.

KAAPSTAD, 27 JUNIE 1973.

DEPARTMENT OF THE PRIME MINISTER.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 1114. 27th June, 1973.

No. 1114. 27 Junie 1973.

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

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

No. 62 of 1973: General Law Amendment Act, 1973.

No. 62 van 1973: Algemene Regswysigingswet, 1973.

Act No. 62, 1973

GENERAL LAW AMENDMENT ACT, 1973.

ACT

To amend the Public Health Act, 1919; the Liquor Act, 1928; the Attorneys, Notaries and Conveyancers Admission Act, 1934; the Insolvency Act, 1936; the Deeds Registries Act, 1937; the Mines and Works Act, 1956; the Interpretation Act, 1957; the Prisons Act, 1959; the Supreme Court Act, 1959; the Judges' Remuneration and Pensions Act, 1959; the Republic of South Africa Constitution Act, 1961; the Bantu Beer Act, 1962; the Aviation Act, 1962; the Publications and Entertainments Act, 1963; the Liquor Amendment Act, 1963; the Coloured Persons Representative Council Act, 1964; the Indians Education Act, 1965; the Agricultural Credit Act, 1966; the Atomic Energy Act, 1967; the South-West Africa Constitution Act, 1968; the University of the Western Cape Act, 1969; the Prescription Act, 1969; the Bantu Affairs Administration Act, 1971; the National Roads Act, 1971; the Sectional Titles Act, 1971; and the Sishen-Saldanha Bay Railway Construction Act, 1973; to repeal the Registration of Property in Deceased Estates Ordinance, 1957, and the Registration of Property in Deceased Estates Amendment Ordinance, 1961, both of South West Africa; to amend the Mines, Works and Minerals Ordinance, 1968, of South West Africa; and Proclamation No. 333 of 1949; and to provide for incidental matters.

(English text signed by the State President.)
(Assented to 19th June, 1973.)

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

Amendment of section 50 of Act 36 of 1919, as amended by section 3 of Act 29 of 1933, section 6 of Act 57 of 1935, section 1 of Act 14 of 1938, section 15 of Act 37 of 1943, section 8 of Act 51 of 1946, section 8 of Act 44 of 1952, section 1 of Act 60 of 1956, section 2 of Act 79 of 1963, section 4 of Act 38 of 1965 and section 5 of Act 80 of 1971.

1. (1) Section 50 of the Public Health Act, 1919, is hereby amended by the substitution for paragraph (d) of subsection (1) of the following paragraph:

“(d) apart from expenditure which may be refunded as aforesaid, refund seven-eighths of the approved net cost actually and necessarily incurred by a local authority in the treatment and care of persons suffering or suspected to be suffering from tuberculosis in a communicable form: Provided that if, after consultation with the administrator, the Minister is satisfied that any local authority is unable, owing to lack of resources, to bear the whole or any portion of the remaining one-eighth of the said net cost, he may refund to such local authority the whole or such portion thereof as he may determine;”.

(2) Subsection (1) shall be deemed to have come into operation on 1 April 1973.

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Amendment of section 66 of Act 36 of 1919, as amended by section 3 of Act 29 of 1933, section 7 of Act 57 of 1935, section 9 of Act 51 of 1946, section 19 of Act 36 of 1950, section 9 of Act 44 of 1952 and section 6 of Act 80 of 1971.

2. (1) Section 66 of the Public Health Act, 1919, is hereby amended by the substitution in paragraph (d) for the words preceding the proviso of the following words:

“(d) refund to any local authority, or to two or more local authorities acting jointly, seven-eighths of the net cost of any approved scheme for providing treatment (including maintenance and accommodation where necessary) for persons who are suffering from venereal disease:”.

(2) Subsection (1) shall be deemed to have come into operation on 1 April 1973.

Amendment of section 64 of Act 30 of 1928, as amended by section 44 of Act 88 of 1963 and section 15 of Act 23 of 1969.

3. Section 64 of the Liquor Act, 1928, is hereby amended—

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

“(b) If a licensing board renews for the first time any licence granted under Proclamation No. 333 of 1949 in respect of premises situated in an area in which this Act has since such grant been made applicable, the board may at the same time, if such licence previously authorized the sale of liquor for consumption both on and off the premises, also authorize the sale of liquor under such licence for consumption off the licensed premises.”; and

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

“(2) In any case in which the board has granted or grants any authority referred to in subsection (1), it may, subject to the provisions of section 53 (3), (4) and (5) of the Liquor Amendment Act, 1963 (Act No. 88 of 1963), from year to year continue to grant such authority.”.

Amendment of section 175 of Act 30 of 1928, as amended by section 36 of Act 41 of 1934, section 2 of Act 14 of 1951, section 7 of Act 5 of 1952, section 45 of Act 61 of 1956, section 20 of Act 63 of 1962, section 113 of Act 88 of 1963 and section 55 of Act 23 of 1969.

4. (1) Section 175 of the Liquor Act, 1928, is hereby amended by the deletion of paragraph (c) of the definition of “Transkeian territories” in subsection (1).

(2) The reference in paragraph (e) of the said definition to the district of Mount Currie shall as from the commencement of this section be construed as a reference to that district as extended in terms of Government Notice No. 1149 of 30 June 1972.

(3) Any licence (other than a police canteen licence or regimental canteen licence), letter of exemption, permit, authority, order, consent, declaration or prohibition granted, renewed, made, given, issued or imposed under any provision of Proclamation No. 333 of 1949 to or in respect of any person resident or premises situated in the district of Hermes or in that portion of the district of Mount Currie included therein in terms of Government Notice No. 1149 of 30 June 1972, and in force immediately before the commencement of this section, shall, subject to such restrictions, directions or conditions as may apply thereto, be deemed to have been granted, renewed, made, given, issued or imposed under the corresponding provision of the Liquor Act, 1928.

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Amendment of section 34 of Act 23 of 1934, as amended by section 1 of Act 16 of 1938, section 3 of Act 22 of 1949 and section 15 of Act 93 of 1970.

5. Section 34 of the Attorneys, Notaries and Conveyancers Admission Act, 1934, is hereby amended by the substitution for subsection (4) of the following subsection:

“(4) Any person who, on or before 1 July 1971—

- (a) passed the examination in law known as the Attorneys Admission Examination, conducted and controlled by the Joint Committee referred to in section 16*duodec* (4) of the Universities Act, 1955 (Act No. 61 of 1955), the Board for the Recognition of Examinations in Law established by section 16 of the said Act, or a university in the Republic, or an examination in law conducted by such a university and certified by the said Joint Committee or Board to be equivalent or superior to the firstmentioned examination; or
- (b) was registered with a university in the Republic for an examination referred to in paragraph (a) and who passes such examination within a period of five years after the said date or within such longer period as the Board may approve in any particular case,

may, notwithstanding the provisions of section 10 (a) of this Act, be admitted as an attorney provided he complies with all the other requirements of this Act.”.

Amendment of section 99 of Act 24 of 1936, as substituted by section 5 of Act 6 of 1972 and amended by section 30 of Act 90 of 1972.

6. Section 99 of the Insolvency Act, 1936, is hereby amended by the insertion in subsection (1) after paragraph (c) of the following paragraph:

“(cA) the amount of any customs, excise or sales duty or interest, fine or penalty which in terms of the Customs and Excise Act, 1964 (Act No. 91 of 1964), was, immediately prior to the sequestration of the estate, due by the insolvent;”.

Amendment of section 2 of Act 47 of 1937, as amended by section 1 of Act 43 of 1957, section 1 of Act 43 of 1962, section 1 of Act 87 of 1965, section 2 of Act 61 of 1969 and section 2 of Act 3 of 1972.

7. Section 2 of the Deeds Registries Act, 1937, is hereby amended—

- (a) by the substitution in subsection (1) for the words preceding paragraph (a), of the following words:
“(1) Subject to the laws governing the public service, there shall be appointed by the Minister—”;
- (b) by the insertion of the following subsections after subsection (1):

“(1A) Whenever the chief registrar of deeds or any registrar, deputy registrar or assistant registrar of deeds or of Rand townships is because of absence or for any other reason unable to carry out the functions of his office, or whenever such office becomes vacant, the Minister may authorize any officer in the public service to act in the place of such chief registrar, registrar, deputy registrar or assistant registrar during his absence or incapacity, or to act in the vacant office until the vacancy is filled, as the case may be.

(1B) The Minister may authorize any officer in the public service to act temporarily, and either generally or in a particular matter, as assistant registrar of deeds or of Rand townships, as the case may be, in respect of any deeds registry in addition to any assistant registrar or acting assistant registrar of such registry.

(1C) The Minister may delegate any power conferred on him by this section, to the Secretary or a Deputy Secretary of Justice.”; and

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- (c) by the substitution for the proviso to subsection (2) of the following proviso:
 "Provided that this subsection shall not apply with reference to—
- (a) the appointment as registrar of deeds of any person who held office as registrar of deeds in terms of the said proclamation or as an assistant registrar of deeds at the commencement of the said Deeds Registries Amendment Act, 1957; or
 - (b) the appointment as registrar or deputy registrar of Rand townships of any person who held office as assistant registrar of Rand townships at the commencement of the said section 2; or
 - (c) the authorization of any officer under subsection (1A) or (1B) to act as contemplated in the relevant subsection."

Amendment of section 9 of Act 47 of 1937, as amended by section 3 of Act 3 of 1972.

8. (1) Section 9 of the Deeds Registries Act, 1937, is hereby amended by the substitution for subsection (4) of the following subsection:

"(4) A member appointed by an incorporated law society shall hold office for a period of three years."

(2) A member of the board referred to in the said section 9 who was appointed as such member in the manner referred to in the said subsection (4) before the commencement of this section, shall hold office by virtue of that appointment for the period of one year for which he would have held it if subsection (1) of this section had not been passed.

Amendment of section 32 of Act 47 of 1937, as amended by section 14 of Act 43 of 1957, section 14 of Act 43 of 1962, section 12 of Act 87 of 1965 and section 4 of Act 61 of 1969.

9. Section 32 of the Deeds Registries Act, 1937, is hereby amended—

- (a) by the insertion after subsection (5) of the following subsection:

"(5A) Whenever any right of servitude or right to minerals over land has been expropriated and formal cession of such right of servitude or right to minerals to the cessionary has not been effected, the registrar shall, on written application by the cessionary and the owner of the land or right to minerals, cancel any note of the expropriation in his registers or endorsement on the title deed of the land or the title under which the right to minerals is held, and thereupon the expropriated right of servitude or right to minerals shall vest in such owner."; and

- (b) by the substitution for subsection (6) of the following subsection:

"(6) The provisions of subsections (5) and (5A) shall not affect the provisions of section 11 of the Railways Expropriation Act, 1955 (Act No. 37 of 1955)."

Substitution of section 63 of Act 47 of 1937, as amended by section 26 of Act 43 of 1962.

10. The following section is hereby substituted for section 63 of the Deeds Registries Act, 1937:

"Restriction on registration of rights in immovable property. 63. (1) No deed, or condition in a deed, purporting to create or embodying any personal right, and no condition which does not restrict the exercise of any right of ownership in respect of immovable property, shall be capable of registration: Provided that a deed containing such a condition as aforesaid may be registered if, in the opinion of the registrar, such condition is complementary or otherwise

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ancillary to a registrable condition or right contained or conferred in such deed.

(2) The provisions of subsection (1) shall not apply with reference to any condition in a mortgage bond or lease or in a deed referred to in section 3 (1) (c), (i), (m), (p) or (q)."

Amendment of section 1 of Act 27 of 1956, as amended by section 1 of Act 51 of 1959, section 1 of Act 46 of 1964, section 1 of Act 91 of 1965, section 1 of Act 42 of 1968 and section 1 of Act 40 of 1971.

11. Section 1 of the Mines and Works Act, 1956, is hereby amended by the substitution for the second proviso to the definition of "boiler" of the following proviso:

"Provided further that—

- (i) a steam generator fitted with a standpipe or riser which is vented directly to the atmosphere and the vent of which is of such dimensions as to prevent the development of any pressure exceeding 35 kPa within the vessel and provided that no valve or other obstruction is inserted in the standpipe or riser to prevent the vessel from freely venting to the atmosphere; or
- (ii) any apparatus in which the product of the manufacturer's intended maximum working pressure in kilopascal and the volume in cubic metres does not exceed the figure 10,

shall not be deemed to be a boiler;"

Amendment of section 12 of Act 27 of 1956, as amended by section 11 of Act 46 of 1964, section 3 of Act 91 of 1965, section 6 of Act 42 of 1968 and section 5 of Act 40 of 1971.

12. Section 12 of the Mines and Works Act, 1956, is hereby amended by the insertion in subsection (1) after paragraph (g) of the following paragraphs:

"(gA) the prevention and combating of pollution of the air, land or sea which arises or may possibly arise in the course of the operations involved in prospecting or mining for any mineral or after such operations have ceased;

(gB) the making safe of undermined ground and of dangerous slimes dams, waste dumps, ash dumps, shafts, holes, trenches or excavations of whatever nature made in the course of prospecting or mining operations, the imposition of monetary and other obligations in connection with such safe-making on persons who are or were responsible for the undermining of such ground or the making of such slimes dams, waste dumps, ash dumps, shafts, holes, trenches or excavations or for the dangerous condition thereof, or who will benefit from such safe-making, and the assumption by the State of responsibility or co-responsibility for such safe-making in particular cases;"

Substitution of section 17 of Act 33 of 1957, as amended by section 5 of Act 45 of 1961.

13. The following section is hereby substituted for section 17 of the Interpretation Act, 1957:

"A list of certain proclamations and government notices to be laid before Parliament.

17. When the State President or a Minister is by any law authorized to make rules or regulations for any purpose in such law stated, notwithstanding the provisions of any law to the contrary, a list of the proclamations and government notices under which such rules or regulations were published in the *Gazette* during the period covered in the list, stating in each case the number, date and title of the proclamation or government notice and the number and date of the *Gazette* in which it was published, shall be laid upon the Table in the Senate and in the House of Assembly within fourteen days after the

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publication of the rules or regulations in the *Gazette*, if Parliament is then in session, or if Parliament is not then in session, within fourteen days after the commencement of its next ensuing session.”

Amendment of section 4 of Act 8 of 1959, as substituted by section 48 of Act 70 of 1968.

14. Section 4 of the Prisons Act, 1959, is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The State President may from time to time, by commission under his hand or bearing a replica of his signature, appoint a commissioned officer, to be styled the Commissioner of Prisons, and such other commissioned officers as he may deem necessary.”

Amendment of section 56 of Act 8 of 1959, as amended by section 12 of Act 62 of 1966 and section 15 of Act 101 of 1969.

15. Section 56 of the Prisons Act, 1959, is hereby amended by the substitution for subsection (5) of the following subsection:

“(5) The record of the trial of any case in which a sentence has been imposed in terms of section 54 and which has not been dealt with under subsections (1) and (2) of this section, shall, if the Commissioner so requests, be transmitted to him in the manner and within the period prescribed by regulation and, upon consideration thereof, he may, as in his opinion justice may require, confirm, set aside or alter the conviction and confirm or set aside, or reduce, increase or otherwise alter the sentence, or correct the proceedings.”

Substitution of section 77 of Act 8 of 1959.

16. The following section is hereby substituted for section 77 of the Prisons Act, 1959:

“Training, treatment and labour of prisoners. 77. Every prisoner sentenced to imprisonment and detained in a prison shall, subject to the provisions of this Act and subject also to any special order of the court, be employed, trained and treated in such manner as the Commissioner may determine, and such a prisoner shall at all times perform such labour, tasks and other duties as may be assigned to him, for the purposes of such employment, training or treatment or for any other purpose connected with such prison, by the member of the Prisons Service in charge of such prison or by any other member of the Prisons Service in whose charge he may be.”

Amendment of section 94 of Act 8 of 1959, as amended by section 37 of Act 80 of 1964, section 24 of Act 75 of 1965, section 17 of Act 101 of 1969 and section 8 of Act 92 of 1970.

17. (1) Section 94 of the Prisons Act, 1959, is hereby amended by the insertion in subsection (1) after paragraph (b)bis of the following paragraph:

“(b)ter the establishment, management and control of a fund into which may be paid such moneys as are voluntarily contributed or collected for that purpose by members of the Prisons Service or other persons or as may accrue to such fund from any other source, and the purposes for which any moneys in such fund may be utilized or the manner in which such purposes may be determined;”

(2) Subsection (1) shall be deemed to have come into operation on 1 January 1966.

Amendment of section 3 of Act 59 of 1959, as amended by section 2 of Act 15 of 1969.

18. (1) Section 3 of the Supreme Court Act, 1959, is hereby amended by the substitution for subsection (4) of the following subsection:

“(4) Any court of the Durban and Coast or the Witwatersrand or the South-Eastern Cape local division shall be presided over by a judge of the provincial division

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which in terms of section 6 (2) has concurrent jurisdiction in the area of the local division concerned.”.

(2) Subsection (1) shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

Amendment of section 6 of Act 59 of 1959, as amended by section 3 of Act 15 of 1969.

19. (1) Section 6 of the Supreme Court Act, 1959, is hereby amended—

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

“(2) The provincial divisions of the Transvaal and Natal and the Eastern Cape division shall exercise concurrent jurisdiction in the areas of jurisdiction of the Witwatersrand, the Durban and Coast and the South-Eastern Cape local divisions respectively.”;

(b) by the substitution for subsection (3) of the following subsection:

“(3) A plaintiff residing in the area of jurisdiction of the Eastern Cape division may at all times institute an action in the court of the Cape of Good Hope provincial division against a defendant residing in that area, on any cause of action arising in that area, but no action shall be so instituted unless either the leave of the court of the Eastern Cape division or, if the South-Eastern Cape local division has jurisdiction, of the court of that local division has been obtained or the parties to the action have in writing agreed that it be instituted in the Cape of Good Hope provincial division.”; and

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

“(4) The State President may by proclamation in the *Gazette* amend the First Schedule by excluding from the area of jurisdiction of a division any area included therein or by including therein any additional area or by adjusting the description of any such area of jurisdiction to any change in the designation of an area forming part thereof.”.

(2) Subsection (1) (a) and (b) shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

Amendment of First Schedule to Act 59 of 1959, as substituted by section 11 of Act 15 of 1969 and amended by section 9 of Act 92 of 1970.

20. (1) The First Schedule to the Supreme Court Act, 1959, is hereby amended by the addition of the following descriptions in the appropriate columns for name of division, seat of court and area of jurisdiction respectively:

“South-Eastern Cape Local Division of the Supreme Court of South Africa	Port Elizabeth	The magisterial districts of Port Elizabeth, Kirkwood, Uitenhage, Hankey, Humansdorp and Steytlerville”.
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(2) Subsection (1) shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

Substitution of First Schedule to Act 73 of 1959, as substituted by section 10 of Act 92 of 1970.

21. (1) The following Schedule is hereby substituted for the First Schedule to the Judges’ Remuneration and Pensions Act, 1959:

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"First Schedule

<i>Designation of office</i>	<i>Salary per annum</i>
Chief Justice of South Africa	R19 000
Judge of Appeal	R18 000
Judge President	R17 000
Judge	R16 000".

(2) Subsection (1) shall be deemed to have come into operation on 1 April 1973.

Amendment of section 55 of Act 32 of 1961, as amended by section 20 of Act 101 of 1969 and section 20 of Act 102 of 1972.

22. (1) Section 55 of the Republic of South Africa Constitution Act, 1961, is hereby amended by the substitution for subparagraph (vi) of paragraph (d) of the following subparagraph:

"(vi) a member of any council, committee, board or similar body established by or under any law, who receives no payment in respect of his services on such council, committee, board or body in excess of an allowance at a rate not exceeding the amount determined by the Minister of Finance by notice in the *Gazette* from time to time for each day on which he renders such services, any reimbursement of travelling expenses incurred by him in the course of such services and an allowance in respect of entertaining by him in connection with such services."

(2) Subsection (1) shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

Amendment of section 16 of Act 63 of 1962, as amended by section 93 of Act 42 of 1964, section 19 of Act 98 of 1965 and section 5 of Act 30 of 1972.

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

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

Amendment of section 6bis of Act 74 of 1962, as inserted by section 4 of Act 12 of 1965 and amended by section 2 of Act 83 of 1969.

24. Section 6bis of the Aviation Act, 1962, is hereby amended by the substitution for subsection (5) of the following subsection:

"(5) (a) Where the premises referred to in subsection (3) are, or any portion of such premises is, situated within an area designated for the entry and departure of international air traffic at the aerodrome in question, the Minister, in the exercise of his powers under subsection (1) (a), or any person to whom permission to sell intoxicating liquor on those premises was granted in terms of subsection (1) (b) and who has been authorized thereto by the Minister, may, subject, in the case of such a person, to such conditions as the Minister may impose when granting the authority or as may be prescribed—

- (i) in such premises or in the portion thereof situated within such area, as the case may be, sell or supply intoxicating liquor to a Bantu as defined in the Population Registration Act, 1950 (Act No. 30 of 1950);
- (ii) notwithstanding the provisions of section 104 of the Liquor Act, 1928, permit any female of or above the age of eighteen years to be in any restricted portion of those premises situated within such area.

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- (b) A Bantu as so defined may obtain and possess, for the purpose for which it is sold or supplied to him, any intoxicating liquor sold or supplied to him by virtue of authority conferred by or under paragraph (a) (i)."

Amendment of section 22 of Act 74 of 1962, as amended by section 5 of Act 12 of 1965 and section 3 of Act 83 of 1969.

25. Section 22 of the Aviation Act, 1962, is hereby amended by the insertion in subsection (1), after subparagraph (vi)*bis* of paragraph (e), of the following subparagraph:

"(vi)*ter* the conditions subject to which any female may in terms of paragraph (a) (ii) of section 6*bis* (5) be permitted to be in any restricted portion of premises referred to in that paragraph;"

Insertion of section 8A in Act 26 of 1963.

26. The following section is hereby inserted in the Publications and Entertainments Act, 1963, after section 8:

"Review by board of certain statements or decisions in respect of certain publications or objects or goods. 8A. (1) The Minister may at any time direct the board to review—

(a) any statement made by the board before or after the commencement of this section under section 8 (1) (a) in respect of any publication or object; or

(b) any decision given by the board before or after the commencement of this section under section 113 (3) of the Customs and Excise Act, 1964 (Act No. 91 of 1964), in respect of goods,

and the board shall, in the case of any statement referred to in paragraph (a), decide whether or not the publication or object in question is undesirable and, in the case of a decision referred to in paragraph (b), decide whether or not the goods in question are indecent or obscene or objectionable.

(2) The board shall before reviewing a statement or decision referred to in subsection (1), request any person who has a direct financial interest in the publication or object or goods in question, to submit to the board in writing within a period determined in that request, any representations which he may wish to make.

(3) If the board after reviewing a statement or decision referred to in subsection (1), and after consideration of the representations referred to in subsection (2) (if any)—

(i) decides that the publication or object or goods in question are undesirable or indecent or obscene or objectionable, and if the board has previously stated or decided that the publication or object or goods in question are not undesirable or indecent or obscene or objectionable, the board shall withdraw its previous statement or decision and shall cause its decision, given under this paragraph, to be made known by notice in the *Gazette*;

(ii) decides that the publication or object or goods in question are not undesirable or indecent or obscene or objectionable, and if the board has previously stated or decided that the publication or object or goods in question are undesirable or indecent or obscene or objectionable, the board shall withdraw its previous statement or decision and shall cause to be withdrawn by like notice the notice whereby such previous statement or decision was made known in the *Gazette*.

(4) For the purposes of this Act any decision given by the board under subsection (3) in respect of—

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- (a) a publication or object, shall be deemed to be a statement made by the board under section 8 (1) (a) in respect of such publication or object;
 - (b) any goods, shall be deemed to be a decision given by the board under section 113 (3) of the Customs and Excise Act, 1964, in respect of such goods.
- (5) Notwithstanding the provisions of section 14 (4), a decision of the court under section 14 (2) or (3) shall for the purposes of subsection (1) of this section not be deemed to be a decision of the board.
- (6) The Minister shall not direct the board under subsection (1) to review any statement or decision—
- (a) unless the period referred to in section 14 (1) within which an appeal may be noted against that statement or decision, has elapsed;
 - (b) if an appeal noted under section 14 (1) against that statement or decision, is pending;
 - (c) if that statement or decision has already been reviewed by the board by virtue of a direction given under subsection (1).
- (7) For the purposes of this section 'goods' shall mean goods referred to in section 113 (3) of the Customs and Excise Act, 1964."

Insertion of section 9A in Act 26 of 1963.

27. The following section is hereby inserted in the Publications and Entertainments Act, 1963, after section 9:

"Review by board of certain decisions on cinematograph films. 9A. (1) The Minister may at any time direct the board to review any decision given by the board before or after the commencement of this section under section 9 in respect of any cinematograph film.

(2) The board shall before reviewing any decision referred to in subsection (1), request any person who has a direct financial interest in the cinematograph film in question to submit to the board in writing within a period determined by the board any representations he may wish to make.

(3) The board shall after having examined the cinematograph film in question and after consideration of the representations referred to in subsection (2) (if any), confirm, vary or set aside the decision in question.

(4) If the board—

- (a) in the case of a cinematograph film which has been previously approved under section 9—
 - (i) withdraws the approval of that cinematograph film; or
 - (ii) withdraws, varies or replaces any of the conditions of approval; or
- (b) in the case of a cinematograph film which has been previously rejected under section 9, approves that cinematograph film, either unconditionally or subject to any of the conditions contemplated in section 9 (4),

it shall without delay cause its decision to be made known by notice published in the *Gazette*.

(5) When a notice is published in the *Gazette* under subsection (4) whereby a decision referred to in paragraph (a) of that subsection is made known, the certificate of approval, referred to in section 9 (3), which was issued in respect of the cinematograph film in question, as well as any copy of such certificate issued under this Act, shall lapse.

(6) (a) If the Minister has given a direction under subsection (1), the board may in writing request any person who has in his possession the

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cinematograph film to which the direction relates, to submit such cinematograph film to the board within the period specified in such request.

(b) The board shall on completion of the review cause such cinematograph film to be returned to such person.

(7) (a) Any person who has a direct financial interest in any cinematograph film and who feels aggrieved by any decision which was given by the board under subsection (4) in respect of that cinematograph film may, within a period of thirty days from the date on which that decision was made known in the *Gazette*, and on payment of the prescribed fee, appeal to the Minister against that decision in the prescribed manner.

(b) The provisions of subsections (2) and (3) of section 11 shall apply in respect of an appeal contemplated in paragraph (a).

(8) The Minister shall not direct the board under subsection (1) to review any decision—

(i) unless the period referred to in section 11 (1) within which an appeal may be noted against that decision, has elapsed;

(ii) if an appeal noted under section 11 (1) against that decision, is pending;

(iii) if that decision has already been reviewed by the board by virtue of a direction given under subsection (1).

(9) Notwithstanding the provisions of section 11 (3), a decision of the Minister under section 11 (2) shall for the purposes of subsection (1) of this section, not be deemed to be a decision of the board.

(10) The provisions of section 9 (8) shall apply in respect of any condition imposed or varied by the board under subsection (4) of this section.

(11) Any person who fails to comply with a request under subsection (6), shall be guilty of an offence.”.

Insertion of section
12A in Act 26 of
1963.

28. The following section is hereby inserted in the Publications and Entertainments Act, 1963, after section 12:

“Review by
board of
certain
decisions on
public
entertain-
ments.

12A. (1) The Minister may at any time direct the board to review any decision given by the board before or after the commencement of this section under section 12 (1) and whereby the giving of any public entertainment or intended public entertainment referred to in section 12, or any part of such public entertainment, was prohibited or whereby any condition or conditions referred to in section 12 (1) (b) were imposed in respect of the giving of such public entertainment or any part thereof.

(2) If the Minister directs the board as contemplated in subsection (1), the board shall request the person who is in charge of the public entertainment in question or any person who has a direct financial interest in that public entertainment, to submit to the board in writing within a period determined in that request, any representations which he may wish to make.

(3) The board shall, after having considered the decision in question, and the representations (if any), submitted to it under subsection (2), confirm, vary or set aside the decision in question.

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(4) Notwithstanding the provisions of subsection (4) of section 14, a decision of the court under subsection (2) or (3) of that section shall for the purposes of subsection (1) of this section not be deemed to be a decision of the board.

(5) The Minister shall not direct the board under subsection (1) to review any decision—

- (a) unless the period referred to in section 14 (1) within which an appeal may be noted against that decision, has elapsed;
- (b) if an appeal noted under section 14 (1) against that decision, is pending;
- (c) if that decision has already been reviewed by the board by virtue of a direction given under subsection (1).

(6) For the purposes of section 12 any condition imposed or varied by the board under subsection (3) of this section, shall be deemed to be a condition imposed under section 12 (1) (b)."

Amendment of section 53 of Act 88 of 1963, as amended by section 20 of Act 62 of 1966 and section 57 of Act 23 of 1969.

29. Section 53 of the Liquor Amendment Act, 1963, is hereby amended by the addition of the following subsection:

"(5) If no certificate of classification has in terms of section 71*bis* of the principal Act been issued on or before the thirty-first day of December, 1978, in respect of an accommodation establishment situated in the district of Hermes or in the area included in the district of Mount Currie in terms of Government Notice No. 1149 of the thirtieth day of June, 1972, and conducted under an hotel liquor licence granted before the commencement of section 4 of the General Law Amendment Act, 1973, and such licence is renewed under the principal Act for the year 1979, such renewal shall be deemed to have been granted in respect of a wine and malt liquor licence in respect of the premises concerned, and if a special right of off-sale under such hotel liquor licence has been authorized in terms of section 64 of the latter Act, such right shall as from the first day of January, 1979, be deemed to be confined to the sale of such liquor only as may, in terms of section 86 of the latter Act, be sold by the holder of a wine and malt liquor licence: Provided that the Minister may in any particular case upon written application and upon good and sufficient reasons shown, direct that for such period and subject to such conditions as he may deem fit, the provisions of this subsection shall not apply in respect of such hotel liquor licence or such right."

Amendment of section 22 of Act 49 of 1964, as substituted by section 16 of Act 52 of 1968 and amended by section 24 of Act 101 of 1969, section 4 of Act 87 of 1970 and section 6 of Act 99 of 1972.

30. Section 22 of the Coloured Persons Representative Council Act, 1964, is hereby amended by the insertion after subsection (3) of the following subsection:

"(3A) (a) Any amount which the Council receives by way of a donation, contribution or bequest, or the realization of a donation, contribution or bequest, shall be deposited by the Council in an account or accounts with a bank referred to in subsection (3).

- (b) The Council may issue a sum which shall not at any time exceed the total sum of any amounts so received, to defray expenditure in respect of matters assigned to the Council for management: Provided that if in terms of any condition attached to any such donation, contribution or bequest, the moneys concerned are to be applied for any other purpose, the council shall by resolution appropriate such moneys for application for such other purpose.

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- (c) No unspent balance of the said amounts shall be paid over to the Department of Coloured Relations and Rehoboth Affairs.
- (d) The Council shall not without the prior approval of the Minister accept a donation, contribution or bequest for any purpose other than that for which moneys are appropriated in terms of subsection (1)."

Amendment of section 23 of Act 61 of 1965.

31. (1) Section 23 of the Indians Education Act, 1965, is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) The Minister may by notice in the *Gazette* declare that regular attendance at a State school or State-aided school shall, to such extent and under such circumstances as may be specified in such notice, be compulsory for every Indian belonging to a category or class so specified."

(2) Subsection (1) shall be deemed to have come into operation on 1 December 1972.

Amendment of section 45 of Act 28 of 1966, as substituted by section 60 of Act 70 of 1968.

32. Section 45 of the Agricultural Credit Act, 1966, is hereby amended by the substitution for the proviso of the following proviso:

"Provided that, if—

- (a) assistance is rendered to any person under section 11 (a) for the purchase of immovable property; or
- (b) assistance is rendered to any person for the purchase of immovable property in respect of which the date of acquisition by him, as determined in accordance with the definition of 'date of acquisition' in section 1 of the Transfer Duty Act, 1949 (Act No. 40 of 1949), is a date more than six months prior to the date of such person's application for assistance,

the purchase in question shall for the purpose of the levying and payment of transfer duty in terms of that Act, not be regarded as a transaction under this Act."

Amendment of section 7 of Act 90 of 1967, as amended by section 1 of Act 34 of 1970.

33. (1) Section 7 of the Atomic Energy Act, 1967, is hereby amended by the addition of the following subsection:

"(5) (a) Except with the written authority of the board, no person other than the board shall manufacture or otherwise produce uranium hexafluoride (UF₆).

- (b) Any authority under paragraph (a) may be granted subject to such conditions as the board may in its discretion impose."

(2) Subsection (1) shall be deemed to have come into operation on 1 January 1973.

Amendment of section 6 of Act 39 of 1968.

34. Section 6 of the South-West Africa Constitution Act, 1968, is hereby amended by the addition of the following subsection:

"(4) The provisions of this section shall not be construed as prohibiting the delegation, under any ordinance, of a power, authority or function vested in the Administrator-in-Executive-Committee in terms of that ordinance or any other ordinance, to a person other than the Administrator."

Amendment of section 12 of Act 39 of 1968, as amended by section 11 of Act 25 of 1969.

35. (1) Section 12 of the South-West Africa Constitution Act, 1968, is hereby amended by the substitution for the second proviso to paragraph (d) of subsection (2) of the following proviso:

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“Provided further that the following persons shall not be deemed to hold an office of profit under the Administration of the territory or the Government of the Republic for the purposes of this paragraph, namely, a member of any council, board, committee or similar body established by or under any law who receives no payment in respect of his services on such council, board, committee or body in excess of an allowance at a rate not exceeding the amount determined by notice in the *Gazette* under section 55 (d) (vi) of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961), for each day on which he renders such services, any reimbursement of travelling expenses incurred by him in the course of such services and an allowance in respect of entertaining by him in connection with such services;”.

(2) Subsection (1) shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

Amendment of section 1 of Act 50 of 1969.

36. (1) Section 1 of the University of the Western Cape Act, 1969, is hereby amended—

(a) by the deletion of the definition of “advisory council”; and

(b) by the deletion of the definition of “advisory senate”.

(2) Paragraph (a) of subsection (1) shall come into operation on 1 January 1974.

Amendment of section 3 of Act 50 of 1969.

37. Section 3 of the University of the Western Cape Act, 1969, is hereby amended—

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

“(1) The University shall be a body corporate capable in law of suing and being sued in its own name and, subject to the provisions of this Act, of purchasing or otherwise acquiring, holding, hiring, letting, selling, exchanging or otherwise alienating any property movable or immovable, of granting to any person any real right in or servitude on its property and of investing, lending and borrowing money.”; and

(b) by the insertion after subsection (2) of the following subsection:

“(2A) (a) The University shall not without the approval of the Minister borrow any money.

(b) The Minister, in consultation with the Minister of Finance, may guarantee the repayment of any loan granted by any person to the University, and the payment of the interest payable thereon.”.

Amendment of section 4 of Act 50 of 1969.

38. (1) Section 4 of the University of the Western Cape Act, 1969, is hereby amended—

(a) by the deletion of paragraph (d); and

(b) by the deletion of paragraph (f).

(2) Paragraph (a) of subsection (1) shall come into operation on 1 January 1974.

Repeal of section 9 of Act 50 of 1969.

39. (1) Section 9 of the University of the Western Cape Act, 1969, is hereby repealed.

(2) Subsection (1) shall come into operation on 1 January 1974.

Repeal of section 11 of Act 50 of 1969.

40. Section 11 of the University of the Western Cape Act, 1969, is hereby repealed.

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Substitution of section 16 of Act 68 of 1969.

41. (1) The following section is hereby substituted for section 16 of the Prescription Act, 1969:

“Application of this Chapter.

16. (1) Subject to the provisions of subsection (2) (b), the provisions of this chapter shall, save in so far as they are inconsistent with the provisions of any Act of Parliament which prescribes a specified period within which a claim is to be made or an action is to be instituted in respect of a debt or imposes conditions on the institution of an action for the recovery of a debt, apply to any debt arising after the commencement of this Act.

(2) The provisions of any law—

- (a) which immediately before the commencement of this Act applied to the prescription of a debt which arose before such commencement; or
- (b) which, if this Act had not come into operation, would have applied to the prescription of a debt which arose or arises out of an advance or loan of money made before 1 January 1974 by an insurer to any person in respect of an insurance policy issued by such insurer,

shall continue to apply to the prescription of the debt in question in all respects as if this Act had not come into operation.”.

(2) Subsection (1) shall be deemed to have come into operation on 1 December 1970.

Amendment of section 10 of Act 45 of 1971.

42. Section 10 of the Bantu Affairs Administration Act, 1971, is hereby amended—

- (a) by the substitution for paragraph (c) of subsection (4) of the following paragraph:

“(c) there shall, in respect of any person so deemed so to have elected, be paid to the pension fund so established, out of the said municipal pension fund, an amount equal to the interest of the person concerned in the assets of the said municipal pension fund as calculated by the actuary of the said municipal pension fund in consultation with the actuary of the pension fund so established, and approved by the Minister of Social Welfare and Pensions;”;

- (b) by the insertion after paragraph (c) of subsection (4) of the following paragraph:

“(cA) if the amount of the interest calculated and approved in terms of paragraph (c) is, according to the certificate of an actuary nominated by the Minister of Social Welfare and Pensions for the purposes of this paragraph, less than the amount which, in terms of the regulations in force under the said Act, is payable to the pension fund so established in respect of the pensionable service of such person referred to in paragraph (b), the deficit shall be paid to that pension fund out of the Consolidated Revenue Fund.”;

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- (c) by the substitution for subparagraph (i) of paragraph (d) of subsection (4), of the following subparagraph:
“(i) an amount equal to the interest calculated and approved in terms of paragraph (c); and”;
- (d) by the substitution for subsection (15) of the following subsection:
“(15) (a) Subject to the provisions of paragraph (b), each board shall appoint one person as Chief Director, who shall be the chief executive officer of that board.
(b) No person shall be appointed as Chief Director of a board or as his deputy or assistant, or to such other post or posts under a board as the Minister may at any time designate whether generally or with reference to a particular board, unless the Minister has approved the appointment in writing.”; and
- (e) by the addition of the following subsection:
“(17) Where there exists in any province a medical aid fund or medical aid scheme for employees and retired employees, and their dependants, of local authorities in that province, the Minister, after consultation with the Administrator of that province, may by notice in the *Gazette* designate such fund or scheme as a fund or scheme also for employees and retired employees, and their dependants, of any board specified in such notice whose administration area falls wholly or partly within that province, and thereupon any board so specified shall, for the purposes of such fund or scheme and any law in terms of which it has been established or has been approved for any purpose, and notwithstanding anything to the contrary in such law contained, be deemed to be and at all relevant times to have been a local authority as contemplated in such law.”.

Amendment of
section 2 of
Act 54 of 1971.

43. (1) Section 2 (1) of the National Roads Act, 1971, is hereby amended by the substitution in paragraph (a) for the words preceding subparagraph (i) of the following words:

“(a) as a charge on the Consolidated Revenue Fund, an amount of 1,754 cents of any customs or excise duty on a litre of petrol, kerosene, distillate fuel or residual fuel oil—”.

(2) Subsection (1) shall be deemed to have come into operation on 1 April 1973.

Amendment of
section 23 of
Act 66 of 1971.

44. Section 23 of the Sectional Titles Act, 1971, is hereby amended by the substitution in subsection (1) for the words preceding the proviso of the following words:

“(1) If the right to occupy any part of a building in perpetuity is vested in any person by reason of the fact that he holds a share or shares in a company, the company or, if the company is not the owner of the building, the owner of the building shall, on the application of that person, take the steps contemplated in this Act for the purpose of conveying ownership to that person in respect of the part in question, whereupon the provisions of this Act shall apply with reference to the building in question and the land on which it is situated:”.

Amendment of
section 3 of
Act 28 of 1973.

45. Section 3 of the Sishen-Saldanha Bay Railway Construction Act, 1973, is hereby amended by the substitution for paragraph (b) of subsection (2) of the following paragraph:

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“(b) subject to the provisions of the Water Act, 1956 (Act No. 54 of 1956), alter the course of any river, canal, stream or watercourse for the purpose of constructing and maintaining tunnels, bridges, passages or other works over or under them, and divert or alter either temporarily or permanently the course of any river, canal, stream or watercourse, or any street, road or way, or raise or sink the level thereof, in order the more conveniently to carry them over, under or along the line of railway;”.

Amendment of section 7 of Act 28 of 1973.

46. Section 7 of the Sishen-Saldanha Bay Railway Construction Act, 1973, is hereby amended by the addition to subsection (2) of the following paragraph, the existing subsection becoming paragraph (a):

“(b) The amount of compensation payable under paragraph (a) may be increased by an amount equal to ten percent of the amount of compensation so payable: Provided that such additional amount shall not exceed the amount of ten thousand rand.”.

Amendment of section 10 of Act 28 of 1973.

47. Section 10 of the Sishen-Saldanha Bay Railway Construction Act, 1973, is hereby amended by the substitution for paragraph (c) of subsection (1) of the following paragraph:

“(c) is less than the amount last claimed by the plaintiff but exceeds the amount last offered by the Corporation, the court shall in its discretion decide as to costs.”.

Repeal of Ordinances 9 of 1957 and 28 of 1961 of South West Africa.

48. The Registration of Property in Deceased Estates Ordinance, 1957, and the Registration of Property in Deceased Estates Amendment Ordinance, 1961, both of the territory of South West Africa, are hereby repealed.

Amendment of section 95 of Ordinance 20 of 1968 of South West Africa, as amended by sections 1 and 8 of Proclamation R89 of 1969.

49. Section 95 of the Mines, Works and Minerals Ordinance, 1968, of the territory of South West Africa, is hereby amended by the insertion in subsection (1) after paragraph (p) of the following paragraphs:

“(pA) the prevention and combating of pollution of the air, land or sea which arises or may possibly arise in the course of the operations involved in prospecting or mining for any mineral or after such operations have ceased;

(pB) the making safe of undermined ground and of dangerous slimes dams, waste dumps, ash dumps, shafts, holes, trenches or excavations of whatever nature made in the course of prospecting or mining operations, the imposition of monetary and other obligations in connection with such safe-making on persons who are or were responsible for the undermining of such ground or the making of such slimes dams, waste dumps, ash dumps, shafts, holes, trenches or excavations or for the dangerous condition thereof, or who will benefit from such safe-making, and the assumption by the State of responsibility or co-responsibility for such safe-making in particular cases;”.

Amendment of Proclamation No. 333 of 1949.

50. (1) Proclamation No 333 of 1949 is hereby amended by the deletion of paragraph 3 of Annexure A.

(2) The reference in paragraph 5 of the said Annexure to the district of Mount Currie shall as from the commencement of this section be construed as a reference to that district as extended in terms of Government Notice No. 1149 of 30 June 1972.

Short title.

51. This Act shall be called the General Law Amendment Act, 1973.