



REPUBLIC OF SOUTH AFRICA

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**GOVERNMENT GAZETTE**

**STAATSKOERANT**

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DEPARTMENT OF THE PRIME MINISTER.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 1103.

30th June, 1969.

No. 1103.

30 Junie 1969.

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. 101 of 1969: General Law Amendment Act, 1969.

No. 101 van 1969: Algemene Regswysigingswet, 1969.

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GENERAL LAW AMENDMENT ACT, 1969.

# ACT

To amend the Afrikaans text of the Medical, Dental and Pharmacy Act, 1928; the Magistrates' Courts Act, 1944; the Rents Act, 1950; the Boxing and Wrestling Control Act, 1954; the Criminal Procedure Act, 1955; the Official Secrets Act, 1956; the Prisons Act, 1959; the Children's Act, 1960; the Republic of South Africa Constitution Act, 1961; the Extradition Act, 1962; the Rural Coloured Areas Act, 1963; the Coloured Persons Representative Council Act, 1964; the Hotels Act, 1965; to apply the provisions of the Indecent or Obscene Photographic Matter Act, 1967, to the territory of South-West Africa; to amend the Land Bank Amendment Act, 1969; to provide for the cancellation of certain title deed restrictions, and for privilege arising out of the interests of the State or public security; and to provide for incidental matters.

(English text signed by the State President.)  
(Assented to 20th June, 1969.)

**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 42 of Act 13 of 1928, as amended by section 6 of Act 2 of 1935, section 11 of Act 34 of 1962 and section 9 of Act 44 of 1969.

1. Section 42 of the Medical, Dental and Pharmacy Act, 1928, is hereby amended by the addition at the end of subsection (6), in the Afrikaans text, of the words "daarop herstel".

Amendment of section 25 of Act 32 of 1944, as amended by section 19 of Act 50 of 1956 and section 2 of Act 93 of 1963.

2. Section 25 of the Magistrates' Courts Act, 1944, is hereby amended by the substitution for subsection (5) of the following subsection:

"(5) No new rule or any alteration or rescission of a rule shall take effect unless it has been confirmed by the Minister and published in the *Gazette* at least one month before the day upon which it is expressed to take effect."

Amendment of section 23 of Act 43 of 1950, as amended by section 4 of Act 53 of 1951.

3. Section 23 of the Rents Act, 1950, is hereby amended—

- (a) by the deletion of the word "or" at the end of subparagraph (i) of paragraph (a) of subsection (2);
- (b) by the addition of the word "or" at the end of subparagraph (ii) of the said paragraph; and
- (c) by the insertion of the following subparagraph after the said subparagraph (ii):

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“(iii) in respect of the subletting of any dwelling which is in the personal occupation of the lessee and is temporarily sublet by such lessee for a period of not more than six months in any period of twelve months and which is intended to be, and is in fact, re-occupied by such lessee after the expiration of the period for which such dwelling was so sublet, if in terms of the lease which has expired the lessee was entitled to sublet the dwelling with or without the consent of the lessor and such subletting takes place with the written consent of the lessor (which consent shall not be unreasonably withheld).”.

Substitution of section 11 of Act 39 of 1954.

4. (1) The following section is hereby substituted for section 11 of the Boxing and Wrestling Control Act, 1954:

“Annual report and financial statement.

11. The board shall not later than ninety days after the thirty-first day of December of each year, submit to the Minister a report concerning its activities during the period of twelve months preceding that date, together with a copy of an audited statement of its income and expenditure during that period and a balance sheet showing its financial position as at that date.”.

(2) The board as defined in section 1 of the Boxing and Wrestling Control Act, 1954, shall submit to the Minister together with the first report in terms of section 11 of the said Act, submitted after the commencement of subsection (1) of this section, a report concerning its activities during any period not covered by any report which has before such commencement been submitted in terms of section 11 aforesaid, together with a copy of an audited statement of its income and expenditure during such period and a balance sheet showing its financial position as at the end of such period.

Amendment of section 81 of Act 56 of 1955.

5. Section 81 of the Criminal Procedure Act, 1955 (hereinafter referred to as the principal Act), is hereby amended by the substitution for the words “nine pence” of the words “twenty cents”.

Amendment of section 157 of Act 56 of 1955, as amended by section 10 of Act 34 of 1969.

6. Section 157 of the principal Act is hereby amended—

(a) by the addition to subsection (2) of the following proviso:

“Provided that with the consent of the accused, or of each of the accused if there are more than one, or of his legal representative, such documentary evidence, evidence or statement need not be so read.”; and

(b) by the addition to subsection (4) of the following proviso:

“Provided that with the consent of the prosecutor such documentary evidence need not be so read.”.

Amendment of section 239 of Act 56 of 1955, as amended by section 21 of Act 92 of 1963, section 8 of Act 96 of 1965 and section 9 of Act 102 of 1967.

7. Section 239 of the principal Act is hereby amended—

(a) by the deletion of the proviso to subsection (4); and

(b) by the substitution for subsection (5) of the following subsection:

“(5) In any criminal proceedings in which it is relevant to prove that the details set out in any consignment note executed for the purpose of the transport of any goods by the Railway Administration are correct, such details may, subject to the provisions

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of subsection (6), be proved *prima facie* by the production of a document purporting to be an affidavit made by the person who executed such consignment note, in which it is stated that the details set out in such consignment note are correct in relation to the goods described in such consignment note and delivered for transport in connection therewith."

Substitution of section 303 of Act 56 of 1955, as amended by section 27 of Act 34 of 1969.

8. The following section is hereby substituted for section 303 of the principal Act:

"Mode of proof of previous conviction. 303. (1) The prosecutor may, after the accused has pleaded guilty or has been found guilty, and before sentence is pronounced, tender evidence of such previous convictions as he may allege in respect of the accused, and thereupon the court shall ask the accused whether he is the person so alleged to have been previously convicted and shall determine the truth as to the alleged previous convictions which the accused has not admitted.

(2) If any previous conviction is lawfully proved against the accused or if he has admitted such previous conviction, the court shall take it into consideration in awarding sentence for the offence to which he has pleaded, or of which he has been found guilty."

Repeal of sections 69, 301 and 302 of Act 56 of 1955.

9. Sections 69, 301 and 302 of the principal Act are hereby repealed.

Amendment of section 3 of Act 16 of 1956, as amended by section 2 of Act 65 of 1965.

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

"(2) (a) Any person 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 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, 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.

(b) For the purposes of paragraph (a)—

(i) "police matter" means any matter relating to the preservation of the internal security of the Republic or the maintenance of law and order by the South African Police;

(ii) "security matter" means any matter relating to the security of the Republic and includes any matter dealt with by or relating to the Bureau for State Security referred to in section 1 of the Public Service Act, 1957 (Act No. 54 of 1957), or relating to the relationship subsisting between any person and the said Bureau."

Insertion of section 7A in Act 16 of 1956.

11. The following section is hereby inserted in the Official Secrets Act, 1956, after section 7:

"Proof that certain information is likely to be directly 7A. If in any prosecution against any person for an offence under section 2 (b) or (c), it is proved that he is a foreign agent or that he is or has been or is reasonably suspected of being or having been directly

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or indirectly useful to an enemy. or indirectly employed by any foreign or international body or institution or that he has entered or is within the Republic in contravention of any law and that he has made, obtained, collected, recorded, published or communicated to any person any sketch, plan, model, article, note or other document or information, it shall, unless the contrary is proved, be presumed that such sketch, plan, model, article, note or other document or information is likely to be directly or indirectly useful to an enemy."

Amendment of section 8 of Act 16 of 1956.

12. Section 8 of the Official Secrets Act, 1956, is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) If in any prosecution under this Act upon a charge of making, obtaining, collecting, recording, publishing or communicating anything for a purpose prejudicial to the safety or interests of the Republic, it is proved that it was made, obtained, collected, recorded, published or communicated by any person other than a person acting under lawful authority, or by a foreign agent or by a person who is or has been or is reasonably suspected of being or having been directly or indirectly employed by any foreign or international body or institution or who has entered or is within the Republic in contravention of any law, it shall, unless the contrary is proved, be presumed that the purpose for which it was made, obtained, collected, recorded, published or communicated, is a purpose prejudicial to the safety or interests of the Republic."

Amendment of section 30 of Act 8 of 1959, as amended by section 2 of Act 75 of 1965 and section 11 of Act 62 of 1966.

13. Section 30 of the Prisons Act, 1959, is hereby amended by the deletion in subsection (5) of the words "referred to in section 3 of the South-West Africa Affairs Amendment Act of 1951 (Act No. 55 of 1951)".

Amendment of section 32 of Act 8 of 1959.

14. Section 32 of the Prisons Act, 1959, is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) Subject to the provisions of subsection (2) of this section, section 39 (a), section 48 (2) and section 73 (6), a sentence of imprisonment upon a conviction at common law or under any statute shall take effect from the day on which that sentence is passed, unless it is suspended under the provisions of any law or unless the offender is released on bail pending the decision of the division of the Supreme Court having jurisdiction on a question reserved, in which case the sentence shall take effect from the day on which he surrenders himself or is taken into custody to undergo his sentence."

Amendment of section 56 of Act 8 of 1959, as amended by section 12 of Act 62 of 1966.

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,

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set aside or alter the conviction and confirm, set aside, reduce or increase the sentence or correct the proceedings.”.

Amendment of section 73 of Act 8 of 1959.

16. Section 73 of the Prisons Act, 1959, is hereby amended by the addition of the following subsections:

- “(5) (a) Any convicted person who has been sentenced to imprisonment and is still liable to serve the sentence imposed, may on the authority of the Commissioner be removed from the prison wherein such person is detained to any place of detention established for convicted persons so sentenced in the territory of South-West Africa, including the Eastern Caprivi Zipfel.
- (b) Thereupon such person shall be detained in any such place of detention until the expiry of the said sentence or during such portion thereof as may be necessary, and while so detained shall be treated and be subject to the same laws and regulations in every respect as if he were undergoing the sentence of a competent court of the said territory.
- (6) (a) Any convicted person who has been sentenced to imprisonment and is still liable to serve the sentence imposed, and who is in terms of an order issued under section 11 of the Extradition Act, 1962 (Act No. 67 of 1962), to be surrendered to any person authorized by the foreign State concerned to receive him, shall be so surrendered to such person.
- (b) Such convicted person shall, after any sentence imposed upon him by such foreign State in respect of his conviction for the offence for which he was so surrendered has been executed, or if he is acquitted of such offence, and after he has been surrendered to the Republic in terms of an extradition agreement as defined in section 1 of the Extradition Act, 1962, for his conviction in respect of which the sentence of imprisonment contemplated in paragraph (a) of this subsection was imposed, or if he is within the Republic, serve the unexpired portion of the sentence referred to in paragraph (a) of this subsection as from the day on which he is again taken into custody in any prison of the Republic to undergo such unexpired portion of such sentence.”.

Amendment of section 94 of Act 8 of 1959, as amended by section 37 of Act 80 of 1964 and sections 2 and 24 of Act 75 of 1965.

17. Section 94 of the Prisons Act, 1959, is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:

- “(b) (i) the mode of appointment, the conditions of service, the retention of rank on retirement, the supply of uniforms, the prohibition of the disposal of any article of kit or equipment, the conduct, the medical examination and the medical, dental and hospital treatment of members of the Prisons Service including special warders, and the rates of remuneration or allowances, if any, payable to ministers of religion appointed under section 7;
- (ii) the occupation of official quarters by members of the Prisons Service and by—
- (aa) non-official members of a prison board;
- (bb) medical officers appointed under section 6 (2) or medical practitioners referred to in section 6 (3);

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(cc) ministers of religion or other persons appointed under section 7 (1);

(dd) special warders;”.

Amendment of section 63 of Act 33 of 1960.

18. Section 63 of the Children's Act, 1960, is hereby amended by the deletion of subsection (3).

Substitution of section 91 of Act 33 of 1960, as amended by section 13 of Act 50 of 1965.

19. The following section is hereby substituted for section 91 of the Children's Act, 1960:

“Delegation of powers. 91. (1) The Minister may delegate to the Secretary or to any other senior officer and, with the consent of any other Minister, to any senior officer of any department of State administered by such other Minister, all or any of the powers conferred upon him by this Act or the regulations made thereunder, save the power under section 92 to make regulations.

(2) The Secretary may, with the consent of the Minister, assign to any other senior officer and, with such consent and the consent of any other Minister, to any senior officer of any department of State administered by such other Minister, all or any of the functions entrusted to him by this Act or the regulations made thereunder.”.

Amendment of section 55 of Act 32 of 1961.

20. (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 eleven rand for each day on which he renders such services, together with the reimbursement of any 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) The provisions of subparagraph (vi) of paragraph (d) of section 55 of the Republic of South Africa Constitution Act, 1961, in relation to the receipt by a member of any council, committee, board or similar body established by or under any law, of an allowance in respect of entertaining by him in connection with his services on such council, committee, board or body, shall apply also in relation to such receipt of such allowance at any time prior to the commencement of this section.

Amendment of section 14 of Act 67 of 1962.

21. Section 14 of the Extradition Act, 1962, is hereby amended by the deletion of paragraph (d).

Amendment of section 42 of Act 24 of 1963.

22. Section 42 of the Rural Coloured Areas Act, 1963, is hereby amended, with effect from the commencement of that Act, by the addition of the following subsection:

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“(5) For the purposes of subsections (2) (a) and (4), the costs therein referred to mean either costs as determined in a particular case by the Minister in consultation with the Minister of Finance or, failing such a determination, costs as calculated on such basis as the Minister may from time to time determine in consultation with the Minister of Finance.”.

Amendment of section 5 of Act 49 of 1964.

23. Section 5 of the Coloured Persons Representative Council Act, 1964, is hereby amended—

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

“(iii) of any other offence in respect of which he has been sentenced to a period of imprisonment (other than detention until the rising of the court) without the option of a fine or ordered to be detained under the Retreats and Rehabilitation Centres Act, 1963 (Act No. 86 of 1963), and the said period has not expired, or the said order has not finally ceased to be operative; or

(iv) of an offence under the Suppression of Communism Act, 1950 (Act No. 44 of 1950), or the Terrorism Act, 1967 (Act No. 83 of 1967), in respect of which he has been sentenced to a period of imprisonment without the option of a fine; or”;

(b) by the addition of the word “or” at the end of paragraph (c) of the said subsection;

(c) by the addition of the following paragraph to the said subsection:

“(d) if he is, in pursuance of an order made under section 342 (1) (d) or (3) (b) or section 343 (3) of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), being detained in a reform school referred to in the said section 342, and the period of detention has not expired.”; and

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

“(b) a period of imprisonment means the full term of any sentence of imprisonment notwithstanding any remission of the whole or any portion of the sentence; and”.

Amendment of section 22 of Act 49 of 1964, as substituted by section 16 of Act 52 of 1968.

24. Section 22 of the Coloured Persons Representative Council Act, 1964, is hereby amended by the addition to subsection (7) of the following paragraph:

“(c) The Commissioner for Coloured Affairs shall be the accounting officer charged with the accounting of moneys appropriated by the Council by resolution for the services referred to in subsection (2), and to whom payments by virtue of any such resolution shall be made, and he shall as such perform, *mutatis mutandis*, the functions assigned to an accounting officer by or under the Exchequer and Audit Act, 1956 (Act No. 23 of 1956).”.

Amendment of section 14 of Act 70 of 1965.

25. Section 14 of the Hotels Act, 1965, is hereby amended—

(a) by the insertion after paragraph (f) of subsection (1) of the following paragraph:



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- “(g) conducts an accommodation establishment in respect of which written authority to sell liquor for consumption thereon is held under section 100*bis* or 100*sex* of the Liquor Act.”;
- (b) by the substitution in subsection (4) for all the words preceding paragraph (a) of the following words:  
“(4) The board shall, upon receipt of an application in terms of paragraph (b), (c), (d), (e), (f) or (g) of subsection (1), register the accommodation establishment in question as an hotel if in its opinion—”; and
- (c) by the substitution for paragraph (a) of subsection (4) of the following paragraph:  
“(a) in the case of an application in terms of the said paragraph (c), (e) or (g), the accommodation establishment complies with the requirements determined in terms of section 15 (2) for any grade of hotel in any group for which provision is made in terms of this Act and in which such establishment is capable of being included; or”.

Insertion of section 4A in Act 37 of 1967.

26. The following section is hereby inserted in the Indecent or Obscene Photographic Matter Act, 1967, after section 4:  
“Applica- 4A. This Act and any amendment thereof shall  
tion of Act to apply also in the territory of South-West Africa,  
South-West including the Eastern Caprivi Zipfel.”  
Africa.

Amendment of section 2 of Act 31 of 1969.

27. Section 2 of the Land Bank Amendment Act, 1969, is hereby amended—  
(a) by the substitution for subparagraph (ii) of paragraph (b) of subsection (6) of the following subparagraph:  
“(ii) to the ‘Bank’ or the ‘Board’ or the ‘manager’ shall be construed as a reference to the Secretary for Agricultural Credit and Land Tenure or an officer of or the incumbent of a post in the Department of Agricultural Credit and Land Tenure designated by the said Secretary.”; and  
(b) by the substitution for paragraph (c) of the said subsection of the following paragraph:  
“(c) All moneys received in the continued administration of any scheme in terms of paragraph (a), shall be paid into the Consolidated Revenue Fund to the credit of the South-West Africa Account.”.

Cancellation of certain title deed restrictions.

28. (1) Any provision in the title deed of any immovable property prohibiting or restricting the ownership, occupation or use of such property by any person who is a member of a particular race or class, is hereby cancelled, irrespective of whether such provision was imposed in terms of any law or otherwise.  
(2) The officer in charge of the deeds registry concerned shall on application by the owner of any immovable property concerned or his authorized agent, and on production of the relevant title deed, endorse the fact of such cancellation on such title deed.  
(3) No office fees, stamp duty or transfer duty shall be payable in respect of any such cancellation or endorsement.

Privilege arising out of the interests of the State or public security.

29. (1) Notwithstanding anything to the contrary in any law or the common law contained, no person shall be compellable 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, as to any fact, matter or thing or as to any communication made to or by such person, and no book or

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document shall be produced in any such proceedings, if a certificate purporting to have been signed by the Prime Minister or any person authorized thereto by him or purporting to have been signed by any other Minister is produced to the court of law, body or institution concerned, as the case may be, to the effect that the said fact, matter, thing, communication, book or document affects the interests of the State or public security and that the disclosure thereof will, in the opinion of the Prime Minister or the said person so authorized or other Minister, as the case may be, be prejudicial to the interests of the State or public security.

(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 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 interests of the State or public security.

(3) The provisions of this section and any amendment thereof shall apply also in the territory of South-West Africa, including the Eastern Caprivi Zipfel.

Short title.

30. This Act shall be called the General Law Amendment Act, 1969.