

No. 102, 1967.]

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.

## ACT

To repeal the Public Bodies' Private Bill Act, 1885, of the Cape of Good Hope, and the Private Bill Procedure Act, 1912; to amend Proclamation No. 80 of 1890, of the Cape of Good Hope, so as to delete the reference therein to the Public Bodies' Private Bill Act, 1885; to amend the Commissions Act, 1947, so as to extend the powers of the State President to make regulations; to amend the Rents Act, 1950, so as to make it possible to define with greater particularity the jurisdiction of rent boards; to amend the Suppression of Communism Act, 1950, so as to extend the period of operation of certain provisions thereof; to amend the provisions of the Criminal Procedure Act, 1955, with reference to the expiration of the period for which certain persons may be detained, the powers of a judicial officer in regard to the disposal of proceedings in which the accused was convicted by another judicial officer, the matters which may be proved by way of affidavit, the power of peace officers in regard to the steps which may be taken by them after the arrest of a person, the power of the Minister of Justice to declare that certain persons shall be deemed to be peace officers, and the joint trial of offenders; to amend the provisions of the Interpretation Act, 1957, with reference to the manner in which laws and notices are to be published; to amend the provisions of the Supreme Court Act, 1959, with reference to the fees payable to witnesses in civil proceedings, and the area of jurisdiction of the Witwatersrand Local Division of the Supreme Court of South Africa; to amend the provisions of the Children's Act, 1960, with reference to the definition of "child"; to amend the provisions of section 6 of the Finance Act, 1960, with reference to the administration of the provisions of the said section; to amend the provisions of the Conventional Penalties Act, 1962, in regard to the application thereof to certain hire-purchase agreements; to amend the provisions of the Administration of Estates Act, 1965, in regard to the transfer of immovable property by an executor; to amend the National Welfare Act, 1965, and the Reciprocal Enforcement of Civil Judgments Act, 1966, so as to clarify certain provisions thereof; and to make further provision for the supply and acquisition of liquor to and by natives in the territory of South-West Africa.

*(Afrikaans text signed by the Acting State President.)  
(Assented to 19th June, 1967.)*

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

Repeal of Act 35 of 1885 (Cape) and Act 20 of 1912.

1. The Public Bodies' Private Bill Act, 1885, of the Cape of Good Hope, and the Private Bill Procedure Act, 1912, are hereby repealed.

Amendment of Proclamation 80 of 1890 (Cape).

2. Proclamation No. 80 of 1890, of the Cape of Good Hope, is hereby amended by the deletion in Schedule A of the words "Act No. 35 of 1885. Public Bodies' Private Bill Act, 1885."

Amendment of section 1 of Act 8 of 1947, as amended by section 13 of Act 80 of 1964.

3. Section 1 of the Commissions Act, 1947, is hereby amended—

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

"(b) make regulations with reference to such commission—

- (i) conferring additional powers on the commission;
  - (ii) providing for the manner of holding or the procedure to be followed at the investigation or for the preservation of secrecy;
  - (iii) which he may deem necessary or expedient to prevent the commission or a member of the commission from being insulted, disparaged or belittled or to prevent the proceedings or findings of the commission from being prejudiced, influenced or anticipated;
  - (iv) providing generally for all matters which he considers it necessary or expedient to prescribe for the purposes of the investigation." ; and
- (b) by the substitution for subsection (2) of the following subsections:

(2) Any regulation made under paragraph (b) of subsection (1) may provide for penalties for any contravention thereof or failure to comply therewith, by way of—

- (a) in the case of a regulation referred to in subparagraph (i), (ii) or (iv) of the said paragraph, a fine not exceeding two hundred rand or imprisonment for a period not exceeding six months;
- (b) in the case of a regulation referred to in subparagraph (iii) of the said paragraph, a fine not exceeding one thousand rand or imprisonment for a period not exceeding one year.

(3) Notwithstanding anything to the contrary in any other law contained, a magistrate's court shall have jurisdiction to impose any penalty prescribed by any such regulation."

Amendment of section 4 of Act 43 of 1950, as amended by section 2 of Act 47 of 1964 and section 2 of Act 54 of 1966.

4. Section 4 of the Rents Act, 1950, is hereby amended—

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

"(b) The Minister may similarly by notice in the *Gazette* from time to time withdraw any notice by which a rent board has been dissolved only in so far as its jurisdiction over business premises is concerned, either absolutely or only in respect of a specified portion of the area for which such rent board had been constituted or only in respect of any specified business premises or class of business premises, and thereupon the jurisdiction of such rent board shall revive and the provisions of this Act shall apply in respect of business premises situate within the area for which it is constituted or within the portion of that area specified in such notice or in respect of the business premises or class of business premises so specified, as the case may be." ; and

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

(c) The Minister may similarly by notice in the *Gazette* withdraw any notice issued in terms of paragraph (b), and thereupon the provisions of paragraph (a) and the said paragraph (b) shall *mutatis mutandis* apply."

Amendment of section 33 of Act 43 of 1950, as amended by section 6 of Act 53 of 1951, section 7 of Act 47 of 1964, section 13 of Act 98 of 1965 and section 9 of Act 54 of 1966.

5. Section 33 of the Rents Act, 1950, is hereby amended by the insertion after subsection (1B) of the following subsection:

"(1C) The provisions of subsection (1A) shall apply in respect of business premises, irrespective of whether or not a rent board exists in respect of any business premises in the area in which any business premises concerned are situated."

Amendment of section 10 of Act 44 of 1950, as amended by section 7 of Act 15 of 1954, section 8 of Act 76 of 1962, section 4 of Act 37 of 1963, section 14 of Act 80 of 1964, section 3 of Act 97 of 1965 and section 1 of Act 8 of 1966.

6. Section 10 of the Suppression of Communism Act, 1950, is hereby amended by the substitution for paragraph (a) *ter* of subsection (1) of the following paragraph:

“(a) *ter* Subject to the provisions of paragraph (a) *quat*, the provisions of paragraph (a) *bis* shall lapse on the 30th June, 1968.”.

Amendment of section 27 of Act 56 of 1955, as amended by section 1 of Act 96 of 1965.

7. Section 27 of the Criminal Procedure Act, 1955 (hereinafter referred to as the principal Act), is hereby amended by the substitution for the second proviso to subsection (1) of the following proviso:

“Provided further that if the said period of forty-eight hours expires on a Saturday, Sunday or public holiday, it shall be deemed to expire at four o'clock in the afternoon on the next day, not being a Saturday, Sunday or public holiday.”.

Amendment of section 186 of Act 56 of 1955.

8. Section 186 of the principal Act is hereby amended by the substitution for subsection (4) of the following subsection:

“(4) If sentence is not passed upon an accused forthwith upon his conviction in an inferior court or if, by reason of any decision or order of a superior court on appeal, review or otherwise, it is necessary to add to or vary any sentence passed in an inferior court, or to pass sentence afresh in such court, any judicial officer of that court may, in the absence of the judicial officer who convicted the accused or passed the sentence, as the case may be, and after consideration of the evidence recorded and in the presence of the accused, pass sentence on the accused or take such other steps as the judicial officer who is absent, could lawfully have taken in the criminal proceedings concerned if he had not been absent.”.

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

9. Section 239 of the principal Act is hereby amended by the insertion after subsection (4) *quat* of the following subsection:

“(4) *quin* In any criminal proceedings in which the receipt, custody, packing, delivery or despatch of any finger or palm print, article of clothing, specimen, limb, organ or any object of whatever nature is relevant to the issue, a document purporting to be an affidavit made by a person who in that affidavit alleges that he is or was in the service of the State or is or was in the service of, or is or was attached to, the South African Institute for Medical Research or any university or institution referred to in subsection (4), and that in the performance of his official duties he received from, or delivered or despatched to, a person, institute, department or institution mentioned in the affidavit, a finger or palm print, article of clothing, specimen, limb, organ or other object described in the affidavit or packed or marked in a manner so described, or that during the period mentioned in the affidavit he had the custody, in the manner so mentioned, of a finger or palm print, article of clothing, specimen, limb, organ or other object described in the affidavit or packed or marked in the manner so described, as the case may be, shall on its mere production in those proceedings by any person, but subject to the provisions of subsection (6), be *prima facie* proof of the facts so alleged.”.

Amendment of section 289 of Act 56 of 1955, as amended by section 28 of Act 50 of 1956 and section 20 of Act 16 of 1959.

10. Section 289 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) Any peace officer may take or cause to be taken the finger prints, palm prints and foot prints of any person arrested upon any charge and may make or cause to be made available such person for identification in such condition, position or apparel as such peace officer may determine,

and the medical officer of any prison or any district surgeon or (except in the case of a woman), any peace officer may take or cause to be taken such steps, including (except in the case of a peace officer), any blood test, as he may deem necessary in order to ascertain whether the body of any such person bears any mark, characteristic or distinguishing feature or shows any condition or appearance.”

Amendment of section 309bis of Act 56 of 1955, as inserted by section 23 of Act 16 of 1959 and amended by section 32 of Act 92 of 1963.

11. Section 309bis of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) The Minister may by notice in the *Gazette* declare that for the purposes of subsections (1) and (2) any person in the service of the State or of the National Parks Board of Trustees established under section 5 of the National Parks Act, 1962 (Act No. 42 of 1962), or of an institution or body contemplated in section 84 (1) (f) of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961), who falls within any category defined in such notice shall, in an area so defined, be deemed to be a peace officer in relation to any offence specified in such notice, and may at any time by like notice withdraw or vary any such notice.”

Substitution of section 328 of Act 56 of 1955, as amended by section 57 of Act 68 of 1957.

12. The following section is hereby substituted for section 328 of the principal Act:

“Joint trial of offenders charged with different offences.

328. Whenever it is alleged in an indictment, summons or charge that two or more persons have committed separate offences at the same time and place or at the same place and about the same time and the public prosecutor informs the court that any evidence which is in his opinion admissible at the trial of one of those persons is in his opinion also admissible at the trial of the other person or persons, such persons may be tried jointly for those offences on that indictment, summons or charge.”

Insertion of section 16A in Act 33 of 1957.

13. The following section is hereby inserted in the Interpretation Act, 1957, after section 16:

“Promulgation and commencement of laws and publication of certain notices when publication of the *Gazette* impracticable.

16A. (1) If the State President is satisfied that the publication of the *Gazette* cannot be effected or is likely to be seriously delayed as a result of circumstances beyond the control of the Government Printer, he may by proclamation published in the manner directed by him, make such rules as he may deem fit for the publication, during any period specified in the proclamation, of laws or notices required or authorized by law to be published in the *Gazette*.

(2) Any law or notice published in accordance with any rules so made, shall be deemed to have been published in the *Gazette*, and any law so published shall be deemed to have come into operation on the day on which it was first so published as a law, unless some other day is fixed by or under that law for the commencement thereof.

(3) The State President may at any time vary or withdraw any proclamation referred to in subsection (1) by like proclamation.

(4) Any law or notice published in accordance with any rule made under subsection (1) shall, if it is then still in force, be published in the *Gazette* for general information as soon as publication of the *Gazette* can be effected.

(5) The provisions of subsection (4) shall not affect the validity of anything done under any rules made under subsection (1).”

Substitution of section 42 of Act 59 of 1959.

14. (1) The following section is hereby substituted for section 42 of the Supreme Court Act, 1959:

“Witness fees.

42. (1) The Minister may in consultation with the Minister of Finance from time to time by notice in the *Gazette* prescribe a tariff of allowances which shall be paid to a witness in civil proceedings or to

any person who is to accompany any such witness on account of the youth or infirmity due to old age or any other infirmity of such witness.

(2) Such notice may differentiate between persons according to the distances which they have to travel to attend the court to which they are summoned or subpoenaed, or according to their professions, callings or occupations, or between different classes of persons, and may empower such officers in the service of the State as may be specified therein, to order payment of allowances in accordance with a higher tariff than the tariff so prescribed, in cases where payment of allowances in accordance with the lastmentioned tariff may cause undue hardship.

(3) Notwithstanding anything to the contrary in any law contained, the court may order that no allowances or only a portion of the allowances prescribed shall be paid to any witness."

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

Amendment of First Schedule to Act 59 of 1959.

15. The First Schedule to the Supreme Court Act, 1959, is hereby amended by the substitution in the third column thereof for the words opposite the words "Witwatersrand Local Division of the Supreme Court of South Africa" of the following words:

*"In civil matters:* the magisterial districts of Alberton, Benoni, Boksburg, Brakpan, Delmas, Germiston, Johannesburg, Kempton Park, Krugersdorp, Nigel, Randfontein, Roodepoort and Springs.

*In criminal matters:* the magisterial districts of Alberton, Boksburg, Germiston, Johannesburg, Kempton Park, Krugersdorp, Randfontein and Roodepoort."

Amendment of section 1 of Act 33 of 1960, as amended by section 1 of Act 50 of 1965 and section 15 of Act 62 of 1966.

16. Section 1 of the Children's Act, 1960, is hereby amended by the substitution for paragraph (b) of the definition of "child" of the following paragraph:

"(b) of section 60 and Chapter VII,".

Amendment of section 6 of Act 64 of 1960, as amended by section 17 of Act 76 of 1964.

17. Section 6 of the Finance Act, 1960, is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:

"(b) The board shall consist of not less than three and not more than four members who shall be appointed by the Minister of Public Works (in this section referred to as the Minister) from persons who are required to be in Cape Town in connection with a session of Parliament, and who shall hold office during his pleasure on such terms and conditions as he may determine."

Substitution of section 5 of Act 15 of 1962.

18. (1) The following section is hereby substituted for section 5 of the Conventional Penalties Act, 1962:

*"Applica-* 5. If any provision of the Hire-Purchase Act, 1942, or of the Hire-Purchase Ordinance, 1942, of the territory of South-West Africa is, in terms of the said Act or Ordinance or any notice issued under the said Act or Ordinance, applicable to any agreement, the provisions of this Act shall not apply to such agreement in so far as they are in conflict with the provision in question."  
tion of Act to agree-  
ments to  
which Act  
36 of 1942  
or Ordinance 7 of 1942 of South-West Africa applies.

(2) Subsection (1) shall apply also in the territory of South-West Africa.

Substitution of section 42 of Act 66 of 1965.

19. The following section is hereby substituted for section 42 of the Administration of Estates Act, 1965:

*"Documents* 42. (1) Except as is otherwise provided in subsection (2), an executor who desires to have any immovable property registered in the name of an heir or other person legally entitled to such property or to have any endorsement made under section 39 or 40 shall, in addition to any other deed or document  
to be lodged by executor with registration officer.

which he may be by law required to lodge with the registration officer; lodge with the said officer a certificate by the Master that the proposed transfer or endorsement, as the case may be, is in accordance with the liquidation and distribution account.

(2) An executor who desires to effect transfer of any immovable property in pursuance of a sale shall lodge with the registration officer, in addition to any such other deed or document, a certificate by the Master that no objection to such transfer exists."

Amendment of section 30 of Act 79 of 1965.

20. (1) Section 30 of the National Welfare Act, 1965, is hereby amended by the substitution for subsection (5) of the following subsection, subsection (6) becoming subsection (5):

(4) Any person who, having received notice under subsection (3), without lawful excuse fails to produce any book or document referred to in that subsection which he is able to produce, shall be guilty of an offence: Provided that in connection with the production of any such book or document the law relating to privilege, as applicable to a witness subpoenaed to produce any book or document before a court of law, shall apply."

(2) The provisions of subsection (1) shall be deemed to have come into operation on the first day of July, 1966.

Amendment of section 6 of Act 9 of 1966.

21. Section 6 of the Reciprocal Enforcement of Civil Judgments Act, 1966, is hereby amended by the substitution in paragraph (a), in the Afrikaans text, for the word „maande" of the word „jaar".

Supply and acquisition of liquor to and by natives in South-West Africa.

22. (1) The provisions of this section and any amendment thereof and any regulation made thereunder shall apply in the territory of South-West Africa, including that portion of the said territory known as the Eastern Caprivi Zipfel and referred to in section 3 of the South-West Africa Affairs Amendment Act, 1951 (Act No. 55 of 1951).

(2) Notwithstanding anything to the contrary contained in any other law, but subject to the provisions of this section and any regulation made thereunder, a native may purchase, obtain, possess and deal in liquor, and liquor may be sold, delivered, given or supplied in any other manner to a native.

(3) The Minister of Bantu Administration and Development or any person acting under his directions may, subject to such conditions or restrictions whatsoever as he may deem fit to impose, grant written authority to any person or the nominee of—

- (a) any urban local authority as defined in section 1 of the Natives (Urban Areas) Proclamation, 1951 (Proclamation No. 56 of 1951 of the territory of South-West Africa);
- (b) any association of persons, whether natives or otherwise;
- (c) any statutory or other body or board, whether or not its members are natives,

to sell liquor or such kinds of liquor as the Minister or such person may determine, to any native of the age of eighteen years or more or any class of such natives specified in such authority, for consumption on or off such premises as may be described in such authority.

(4) As from a date fixed by the State President by proclamation in the *Gazette*, the holder of any licence issued under the laws relating to the sale of liquor and authorizing the sale of liquor by the bottle may, subject to the conditions of his licence and the provisions of this section and the regulations made thereunder, sell liquor to any native of the age of eighteen years or more for consumption off the premises in respect of which such licence has been issued.

(5) (a) The State President may by proclamation in the *Gazette* make regulations as to the granting of authority in terms of subsection (3), the purchase, obtaining, possession and consumption of and dealing in liquor by, and the sale, delivery, giving or supplying in any other manner of liquor to a native, and subject to the provisions of paragraph (c), the manufacture and brewing of substances usually brewed by natives, whether known as kaffir beer or by any other name.

(b) Without prejudice to the generality of the powers conferred by paragraph (a), such regulations may provide—

- (i) for, or empower any person to provide for, the prohibition, restriction or control of the sale, supply or delivery of liquor to natives by any particular holder of a licence referred to in subsection (4) or all such holders, either generally or in a particular area;
- (ii) for, or empower any person to provide for, the conditions subject to which any authority shall be granted in terms of subsection (3), and the period of validity, the renewal and the summary revocation of any such authority;
- (iii) for the fee payable in respect of any such authority, the appropriation of such fee, the disposal of any profits derived from the sale of liquor by virtue of any such authority, and the recovery in a court of law of such profits and costs from the holder of such authority;
- (iv) for penalties for a contravention thereof or failure to comply therewith, by way of a fine not exceeding four hundred rand or in default of payment imprisonment for a period not exceeding one year, or both such fine and such imprisonment;
- (v) differently for different areas, different classes or groups of natives, different holders or classes of holders of authority granted in terms of subsection (3), and different kinds of liquor or kaffir beer and other substances referred to in paragraph (a).

(c) Such regulations shall not authorize the manufacture or brewing of any substance referred to in paragraph (a) which contains more than five per cent by volume of alcohol.

(6) If—

- (a) any native consumes liquor on any premises when such liquor was sold to him for consumption off such premises, or consumes liquor in contravention of any regulation made under this section;
- (b) any person sells any liquor to any native under or by virtue of the provisions of this section and permits such native to consume such liquor on the premises on which it was so sold to him, while he was not entitled to sell liquor to such native for consumption on such premises,

he shall be guilty of an offence and liable on conviction to a fine not exceeding four hundred rand or in default of payment to imprisonment for a period not exceeding twelve months.

(7) In this section—

(a) "liquor" means—

- (i) any spirit (including methylated spirits), wine, ale, beer, porter, cider, perry, hoybeer, kaffir beer and weissbeer;
- (ii) any drink containing more than 2 per cent by volume of alcohol;
- (iii) any drink, substance or concoction which the State President may from time to time by proclamation in the *Gazette* declare to be liquor for the purpose of this section,

but does not include any drink which the State President may at any time by proclamation in the *Gazette* declare not to be liquor for the purpose of this section;

(b) "native" means any person who is a member of an aboriginal tribe or race of Africa, and includes any person who lawfully resides in a location, native hostel or native village as defined in section 1 of the Natives (Urban Areas) Proclamation, 1951 (Proclamation No. 56 of 1951 of the territory of South-West Africa), or on land referred to in section 4 of the South-West Africa Native Affairs Administration Act, 1954 (Act No. 56 of 1954), under the same conditions as a native, and any person who, although not a native by descent, is generally accepted as a native.

(8) Until such time as the Legislative Assembly of the territory of South-West Africa makes provision therefor, this section and any regulation made under this section shall *mutatis mutandis* apply in relation to the sale of liquor by the bottle to any person other than a native who is in terms of section 25 of the Liquor Licensing Proclamation, 1920 (Proclamation No. 6 of 1920 of the territory of South-West Africa), prohibited from receiving or possessing liquor.

Short title.

23. This Act shall be called the General Law Amendment Act, 1967.