

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



STAATSKOERANT

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DEPARTEMENT VAN DIE EERSTE MINISTER

DEPARTMENT OF THE PRIME MINISTER

No. 582.

21 Maart 1979.

No. 582.

21 March 1979.

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

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

■. 16 van 1979: Wysigingswet op Wetgewing op Plurale Betrekkinge en Ontwikkeling, 1979.

No. 16 of 1979: Laws on Plural Relations and Development Amendment Act, 1979.

Act No. 16, 1979

LAWS ON PLURAL RELATIONS AND DEVELOPMENT
AMENDMENT ACT, 1979.

GENERAL EXPLANATORY NOTE:

- [** Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Black Land Act, 1913, so as to transfer certain powers from the State President to the Minister of Plural Relations and Development; to amend the Development Trust and Land Act, 1936, so as to change, in respect of the Orange Free State and the Cape of Good Hope, the maximum extent of land that may be held by the Trust at any time; to transfer certain powers from the State President to the Minister; and to extend the meaning of the word "Minister"; to amend the Blacks (Urban Areas) Consolidation Act, 1945, so as to further define the requirements for certain exemptions; and to delete references to the Black services levy fund and to prescribe the manner in which the balance of moneys in that fund shall be applied; to repeal the Black Services Levy Act, 1952; to amend the Promotion of Black Self-government Act, 1959, so as to substitute the South-Ndebele national unit for the Tswana national unit; to amend the Black States Constitution Act, 1971, so as to empower legislative assemblies to amend or repeal certain laws of the State President; and to provide that sales tax shall be an additional source of the revenue fund of an area for which a legislative assembly has been established; to amend the Contributions in respect of Black Labour Act, 1972, so as to delete the prescribed limitations on contributions and to vest the Minister with the power to prescribe matters in connection with the appropriation of part of contributions; and to provide for incidental matters.

(English text signed by the State President.)
(Assented to 13 March 1979.)

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 1 of Act 27 of 1913, as amended by section 50 of Act 18 of 1936 and section 38 of Act 41 of 1950.

1. Section 1 of the Black Land Act, 1913, is hereby amended—
 - (a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

“(1) From and after the commencement of this Act, land outside the scheduled Black areas shall be subject to the following provisions, that is to say:—
Except with the approval of the **[Governor-General]** **10**
Minister of Plural Relations and Development—”;

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

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“(2) From and after the commencement of this Act, no person other than a Black shall purchase, hire or in any other manner whatever acquire any land in a scheduled Black area or enter into any agreement or transaction for the purchase, hire or other acquisition, direct or indirect, of any such land or of any right thereto or interest therein or servitude thereover, except with the approval of the **[Governor-General] Minister of Plural Relations and Development.**”

Amendment of section 10 of Act 18 of 1936, as amended by section 5 of Act 17 of 1939, section 11 of Act 46 of 1962, section 2 of Act 19 of 1970, section 3 of Act 7 of 1973, section 6 of Act 4 of 1976 and section 1 of Act 110 of 1976.

2. Section 10 of the Development Trust and Land Act, 1936, is hereby amended by the substitution for paragraphs (c) and (d) of subsection (1) of the following paragraphs:

- “(c) shall not in the Province of the Orange Free State exceed **[80 000] 109 000** morgen; and
(d) shall not in the Province of the Cape of Good Hope exceed **[1 616 000] 1 587 000** morgen.”

Amendment of section 11 of Act 18 of 1936, as amended by section 35 of Act 46 of 1937.

3. Section 11 of the Development Trust and Land Act, 1936, is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) Notwithstanding anything in this section or in any other law no company or other corporate body in which a Black has or Blacks have a controlling interest and no association, syndicate, partnership, aggregation or number of persons which includes more than six Blacks other than a recognized tribe, shall acquire land or hold land which at the commencement of this Act was not held by any such company, body, association, syndicate, partnership, aggregation or number of persons save with the written permission of the **[State President] Minister** and subject to such conditions and upon compliance with such procedure as he may prescribe. Any agreement or transaction entered into in contravention of this subsection shall be null and void.”

Amendment of section 12 of Act 18 of 1936, as amended by section 6 of Act 17 of 1939 and section 3 of Act 73 of 1956.

4. Section 12 of the Development Trust and Land Act, 1936, is hereby amended—

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

“(1) Except with the approval of the **[State President] Minister—**”; and

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

“(2) In approving of any transaction under subsection (1) the **[State President] Minister** may impose such conditions as to matters incidental to the occupation of land as he may deem fit.”

Amendment of section 49 of Act 18 of 1936, as amended by section 14 of Act 18 of 1954, section 10 of Act 73 of 1956, section 7 of Act 79 of 1957, section 36 of Act 42 of 1964 and section 6 of Act 70 of 1974.

5. Section 49 of the Development Trust and Land Act, 1936, is hereby amended by the substitution for the definition of “Minister” of the following definition:

“Minister” means the Minister of Plural Relations and Development or any other Minister of State acting in his stead, and includes any officer of the Department of Plural Relations and Development acting under his authority.”

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Amendment of section 10 of Act 25 of 1945, as substituted by section 27 of Act 54 of 1952 and amended by section 5 of Act 16 of 1955, section 30 of Act 36 of 1957, section 47 of Act 42 of 1964, section 3 of Act 119 of 1977 and section 3 of Act 97 of 1978.

6. Section 10 of the Blacks (Urban Areas) Consolidation Act, 1945, is hereby amended by the substitution for paragraph (c) of subsection (1) of the following paragraph:

“(c) such Black is the wife, **[or the unmarried daughter or]** the unmarried daughter, or the son under the age **[at which he would become liable for payment of general tax under the Black Taxation and Development Act, 1925 (Act No. 41 of 1925)]** of **eighteen years**, of any Black mentioned in paragraph (a) or (b) of this subsection and, after lawful entry into such prescribed area, ordinarily resides with that Black in such area; or”.

Amendment of section 19 of Act 25 of 1945, as amended by section 1 of Act 43 of 1945, section 34 of Act 54 of 1952, section 10 of Act 64 of 1952, section 8 of Act 16 of 1955, section 35 of Act 36 of 1957, section 11 of Act 53 of 1957, section 11 of Act 79 of 1961, section 20 of Act 63 of 1962, section 55 of Act 42 of 1964, section 8 of Act 19 of 1970, section 9 of Act 29 of 1972 and section 5 of Act 119 of 1977, and appropriation of certain moneys.

7. (1) Section 19 of the Blacks (Urban Areas) Consolidation Act, 1945, is hereby amended—

(a) by the deletion of subsections (1) (f) and (1)bis; 15

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

“(2) Subject to the provisions of **[subsections]** **subsection (3) [and (3)bis]** the Black revenue account shall be chargeable only with—”;

(c) by the deletion of subsections (3)bis and (3)ter; 20

(d) by the substitution for paragraph (a) of subsection (5) of the following paragraph:

“(a) The appropriation of moneys from the Black revenue account shall not take place otherwise than in accordance with estimates of expenditure which have been passed by the urban local authority under the law governing such urban local authority and approved in writing by the Minister or an officer designated thereto by him, subject to such conditions as he may deem fit. Provided that such estimates shall **[except in the case of the appropriation of moneys from the Black services levy fund]** be prepared by such urban local authority after consultation with the Black advisory board or boards (where such a board exists or such boards exist) or with a meeting of members of two or more such boards convened in terms of any regulation, or with an urban Black council established under section two of the Urban Black Councils Act, 1961 (Act No. 79 of 1961) (where such a council exists), or with the relevant community council or community councils established under the Community Councils Act, 1977 (Act No. 125 of 1977) (where such council exists or such councils exist), in the manner determined by such urban local authority or, if the Minister is satisfied that the manner so determined does not afford an opportunity for proper consultation, in the manner then determined by the Minister, and any relevant report submitted by such board or boards or meeting or council shall be duly considered by the urban local authority.”; and

(e) by the deletion of subsection (10) (e).

(2) Notwithstanding the repeal of the Black Services Levy Act, 1952 (Act No. 64 of 1952), and the provisions of subsection (1) of this section, moneys standing to the credit of the fund referred to in the repealed section 19 (1)bis of the Blacks (Urban Areas) Consolidation Act, 1945 (herein referred to as the Consolidation Act), after appropriation to amortize any accumulated debts in respect of any matter referred to in the repealed section 19 (3)bis of the Consolidation Act, shall be appropriated in accordance with the provisions of section 19 (2) of the Consolidation Act.

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Amendment of section 40bis of Act 25 of 1945, as inserted by section 69 of Act 42 of 1964 and amended by section 4 of Act 63 of 1966 and section 4 of Act 56 of 1968.

8. Section 40bis of the Blacks (Urban Areas) Consolidation Act, 1945, is hereby amended by the deletion in paragraph (a) of subsection (4) of the expression "the Black Services Levy Act, 1952 (Act No. 64 of 1952)".

Repeal of Act 64 of 1952.

9. The Black Services Levy Act, 1952, is hereby repealed. 5

Amendment of section 2 of Act 46 of 1959, as amended by section 9 of Act 12 of 1978.

10. Section 2 of the Promotion of Black Self-government Act, 1959, is hereby amended by the substitution for paragraph (e) of subsection (1) of the following paragraph:

"(e) **the Tswana unit** the South-Ndebele unit;"

Amendment of section 3 of Act 21 of 1971, as amended by section 7 of Act 71 of 1974.

11. Section 3 of the Black States Constitution Act, 1971, is 10 hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:

"(b) provide in any such law for the amendment or repeal of any law (other than an Act of Parliament **or a law made by the State President**) in so far as it relates to 15 any such matter;"

Amendment of section 2 of Act 29 of 1972, as amended by section 27 of Act 102 of 1972.

12. Section 2 of the Contributions in respect of Black Labour Act, 1972, is hereby amended—

(a) by the substitution for that part of subsection (2) which precedes paragraph (a) thereof, of the following: 20

"(2) Different dates or contributions may be determined under subsection (1) in respect of employers, on the one hand, and Blacks referred to in paragraph (b) of that subsection, on the other hand, or in respect of different categories of employers, Black employees or 25 such Blacks, or in respect of different parts of the defined area in question **but a contribution shall not exceed**;"

(b) by the deletion of paragraphs (a) and (b) of subsection (2); 30

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

"(2A) The Minister may from time to time by notice in the Gazette determine that a specified portion of a contribution shall be appropriated in such manner as he 35 may prescribe."; and

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

"(5) A notice under subsection (1) may at any time **but subject to the proviso to subsection (2) (a)** be 40 amended or withdrawn by the Minister by notice in the Gazette."

Amendment of section 5 of Act 29 of 1972, as amended by section 28 of Act 102 of 1972.

13. Section 5 of the Contributions in respect of Black Labour Act, 1972, is hereby amended by the deletion of paragraph (a) of subsection (1). 45

Short title.

14. This Act shall be called the Laws on Plural Relations and Development Amendment Act, 1979.