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ACT

To amend the Natives (Urban Areas) Act, 1923, the Natives Taxation and Development Act, 1925, the Native Administration Act, 1927, the Native Service Contract Act, 1932, and the Private Locations Act, 1909 (Cape of Good Hope); to control the sale or supply of certain grain to, and the purchase, acquisition and possession thereof by, natives in areas near urban areas, and to make provision for the designation of certain local government bodies as urban local authorities for the purposes of certain provisions of Act No. 21 of 1923.

(Signed by the Officer Administering the Government in Afrikaans.)

(Assented to 30th May, 1944.)

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Definitions.

1. In this Act the expression "principal Act" means the Natives (Urban Areas) Act, 1923 (Act No. 21 of 1923), as amended from time to time, and any expression to which a meaning has been assigned in the principal Act shall, when used in this Act, bear the same meaning, unless the context indicates otherwise.

Insertion of new section 4^{quater} in Act 21 of 1923.

2. The following new section is hereby inserted in the principal Act after section four *ter* :

"Restrictions on transactions for acquisition of land in certain areas by persons other than natives" 4^{quater}. (1) Save as is specially provided by this Act, no person other than a native or an association, corporate or unincorporate, in which natives have a controlling interest, shall, except with the approval of the Minister, given after consultation with the urban local authority concerned, enter into any agreement or transaction for the acquisition from a native or from any association, corporate or unincorporate, in which natives have a controlling interest, of any land or of any right to, or interest in or servitude over any land, which is situated in an area approved by the Minister for the residence of natives in terms of paragraph (h) of sub-section (2) of section five, or in an area within the jurisdiction of the local authority which the Minister has, after consultation with the local authority, declared by notice in the *Gazette* to be an area predominantly occupied by natives.

(2) (a) The provisions of sub-section (1) shall not apply in respect of a mortgage bond over land the terms and conditions of which conform substantially to and are not more onerous to the mortgagor than those of a specimen mortgage bond which the Minister is hereby required to publish in the *Gazette* for the purposes of this section as soon as practicable after the coming into operation of this section.

(b) The Minister may in like manner from time to time modify the terms and conditions of such specimen bond but without affecting the terms and conditions of any existing mortgage bond.

(3) Any person who is a party to any attempt at acquisition, or to any agreement or transaction, which is in contravention of this section, shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds.

(4) In the application to this section of the provisions of section twenty-six, every reference to the commencement of this Act shall be deemed to be a reference to the commencement of the Native Laws Amendment Act, 1944."

Amendment of section 5ter of Act 21 of 1923.

3. Section *five ter* of the principal Act is hereby amended by the substitution in sub-section (1) for the words "has been required under section *twelve* to exercise", of the words "exercises under section *twelve*."

Amendment of section 6 of Act 21 of 1923, as amended by section 4 of Act 25 of 1930 and section 11 of Act 46 of 1937.

4. Section *six* of the principal Act is hereby amended—

(a) by the addition of the following words at the end of sub-section (4): "but shall not apply to land situated within any area in respect of which a local government body has been designated as an urban local authority by proclamation under sub-section (1) of section *nineteen* of the Native Laws Amendment Act, 1944.";

(b) by the addition thereto of the following new sub-section:

"(6) In any criminal proceedings under sub-section (1) against an owner, lessee or occupier of land referred to in that sub-section for unlawfully allowing a native to reside upon or to occupy a dwelling on that land, it shall be presumed until the contrary is proved, that such native was not, during the period covered by the charge, in the *bona fide* employ of the accused."

Amendment of section 8 of Act 21 of 1923, as amended by section 14 of Act 46 of 1937, and section 14 of Act 43 of 1941.

5. Section *eight* of the principal Act is hereby amended—

(a) by the addition at the end of paragraph (c) of sub-section (1) of the following proviso: "Provided that all revenue referred to in this paragraph (c) shall be credited to a sub-account of the native revenue account to be called the kaffir beer account.";

(b) by the insertion at the commencement of sub-section (2) of the words: "Subject to the provisions of sub-section (2)*bis*.";

(c) by the insertion, after sub-section (2), of the following new sub-section:

"(2)*bis*. The kaffir beer account shall be chargeable only with—

(i) expenditure incurred by the urban local authority in connection with the manufacture, sale and supply of kaffir beer;

(ii) any service, expenditure or grant which may be certified in writing by the Minister as being calculated to improve the social or recreational amenities available for the native residents within the area of the urban local authority, or otherwise to promote the social welfare of such residents;

(d) by the addition, at the end of sub-section (4), of the following proviso:

"Provided that before such estimates are passed by the urban local authority, they shall be referred by it to its native advisory board or boards for consideration and report, and any relevant report submitted by such board or boards shall be duly considered by the urban local authority."

(e) by the addition, in sub-section (9), after the words "native revenue account" of the words "if it is required to open and keep such an account under sub-section (1)"; by the deletion in paragraph (a) of that sub-section, of the words and figure "sub-section (2) of section.", and by the addition to that sub-section of the following new paragraphs:

"(c) sections *one hundred and twenty-two, one hundred and twenty-four, one hundred and twenty-nine and one hundred and thirty-four* of the Liquor Act, 1928, (Act No. 30 of 1928) as amended, if the contravention in question occurred within an urban area, and was, in the case of section *one hundred and twenty-two*, committed by a native;

(d) regulations 19 and 21 of the Transkeian Territories Liquor Law, 1933 (Proclamation No. 53 of 1933) as amended, if the contravention in question occurred within an urban area and was committed by a native".

Amendment of section 10 of Act 21 of 1923, as amended by section 6 of Act 25 of 1930 and section 16 of Act 46 of 1937.

6. Section *ten* of the principal Act is hereby amended by the deletion of sub-section (2) and the insertion of the following new sub-sections :

“(2) (a) A native advisory board shall consider and report upon—

- (i) any regulations which the urban local authority proposes to make or adopt under sub-section (3) of section *twenty-three* ;
- (ii) any matter referred to it by the Minister or by the urban local authority ;
- (iii) any matter specially affecting the interests of natives in the urban area, upon which the board may consider it useful or desirable to report,

and shall forthwith transmit its report to the local authority or to the Minister through the local authority, as the circumstances may require.

- (b) A native advisory board may also recommend to the urban local authority the making or adoption of any regulations which it considers necessary or desirable in the interests of the natives in the urban area.

(3) Where an urban local authority is required by or under sub-section (1) to establish one or more native advisory boards, no regulation made or adopted by that urban local authority under sub-section (3) of section *twenty-three* shall be approved by the Administrator or by the Minister unless it has been referred for consideration to such native advisory board or boards and unless a report made in connection therewith by any such board within a reasonable period after the regulation was so referred to it, has been duly considered by the local authority.

(4) Copies of any such report shall be transmitted by the local authority to the Administrator and to the Minister when the regulations are submitted to them for approval.”.

Amendment of section 12 of Act 21 of 1923, as amended by section 7 of Act 25 of 1930 and section 18 of Act 46 of 1937.

7. Section *twelve* of the principal Act is hereby amended by the deletion in sub-section (1) of the words “falling within its jurisdiction”:

Amendment of section 17 of Act 21 of 1923, as amended by section 8 of Act 25 of 1930 and section 22 of Act 46 of 1937.

8. Section *seventeen* of the principal Act is hereby amended by the addition at the end of sub-section (2)*ter*, of the words “and shall, after he has paid any fine or served any period of imprisonment to which he may have been sentenced, be dealt with under a warrant to be issued in terms of paragraph (a) of that sub-section by a judicial officer of the court which convicted him.”

Substitution of new section for section 18 of Act 21 of 1923 as amended by section 9 of Act 25 of 1930 and section 23 of Act 46 of 1937.

9. The following section is hereby substituted for section *eighteen* of the principal Act :

“Restrictions in respect of employment of natives residing elsewhere than in certain approved places. 18. (1) No person shall, except with the approval of the Minister, employ more than fifty natives resident in any urban area who are not exempted under paragraph (a), (b), (c), (d), (e), (g) or (j) of sub-section (2) of section *five* from the operation of any proclamation under sub-section (1) of that section and who are residing elsewhere in that area than—

- (a) in a location, native village or native hostel provided by the urban local authority ;
- (b) in accommodation provided under paragraph (e) of sub-section (1) of section *one* ;
- (c) in accommodation licensed under sub-section (4) of section *five* ; or
- (d) in any other accommodation approved by the urban local authority.

(2) Any person who contravenes the provisions of sub-section (1) shall be guilty of an offence and liable on conviction to a fine not exceeding fifty

pounds and to a further fine not exceeding five pounds for every day on which the offence continues."

Amendment of section 20 of Act 21 of 1923 as substituted by section 25 of Act 46 of 1937.

10. Section *twenty* of the principal Act is hereby amended—

- (a) by the deletion in sub-section (1) of the words "which may or may not include the issue of permits", and by the substitution for the proviso thereto of the following proviso:

"Provided that the Minister may after consultation with the urban local authority, and after consideration of any report submitted to the local authority by its native advisory board or boards, declare by notice in the *Gazette* that as from a date to be specified therein, the brewing, use and possession of kaffir beer by householders in accordance with the provisions of this sub-section and of sub-section (1)*bis*, in an urban area in respect of which a notice has been issued under section *twenty-one* or *twenty-one bis*, shall be lawful."

- (b) by the insertion, after sub-section (1), of the following new sub-section:

"(1)*bis*. (a) Subject to the approval of the Minister, any urban local authority within whose area the brewing, use or possession of kaffir beer for domestic consumption in a location or native village is lawful in terms of sub-section (1), or within whose area no location or native village has been established, may, by resolution passed as provided in sub-section (1) of section *twenty-one*, authorize an officer in its employ to issue in approved cases, and subject to any prescribed conditions, written permits to native householders residing within its area but not in a location or native village, to brew, use or possess for domestic consumption such limited quantities of kaffir beer as may be prescribed.

- (b) A permit so issued may at any time be withdrawn by the issuing officer, subject to an appeal to the native commissioner, or where there is no native commissioner, to the magistrate: Provided that where such permits have been issued in an urban area in which the brewing, use or possession of kaffir beer in a location or native village is lawful in terms of sub-section (1), all such permits shall lapse upon the coming into operation of a notice under sub-section (2) of this section or under section *twenty-one* or *twenty-one bis*."

- (c) by the substitution, in sub-section (2), for the words "such location or native village" of the words "the urban area concerned";

- (d) by the substitution, in sub-section (3), for the words "location or native village in terms of sub-section (1) of this section" of the words "urban area in terms of sub-section (1) or (1)*bis*"; by the substitution for the words "said sub-section" of the words "said sub-sections", and by the substitution for the words "such location or native village" of the words "such urban area".

Amendment of section 21 of Act 21 of 1923, as amended by section 11 of Act 25 of 1930 and section 26 of Act 46 of 1937.

11. Section *twenty-one* of the principal Act is hereby amended—

- (a) by the substitution in sub-section (3), for the words "and supplied in no other premises than an eating-house established and controlled by the urban local authority and only for consumption on the premises", of the words "supplied and consumed in no other premises than an eating-house established and controlled by the urban local authority and approved as to its design, dimensions and situation by the Minister";

- (b) by the substitution, in sub-section (6), for the words "native revenue account" of the words "kaffir beer account".

Amendment of section 21bis of Act 21 of 1923.

12. Section *twenty-one bis* of the principal Act is hereby amended—

- (a) by the deletion in paragraph (a) of sub-section (1) of the words "in any location or native village";
- (b) by the substitution, in paragraph (a) of sub-section (6), for the words "the location or native village" of the words "a location or native village within the urban area."

Amendment of section 22 of Act 21 of 1923 as substituted by section 12 of Act 25 of 1930.

13. Section *twenty-two* of the principal Act is hereby amended—

- (a) by the substitution for paragraph (a) of the following paragraph:
- "(a) may let sites within the location or native village for trading or business purposes under conditions which shall be prescribed by regulation under paragraph (g) of sub-section (3) of section *twenty-three*, and, if so directed by the Minister, after consultation with the administrator, and after due enquiry at which the urban local authority shall be entitled to be heard, shall on such conditions as the Minister may prescribe, let sites for those purposes."
- (b) by the insertion, in proviso (ii) thereto, after the words "eating house keeper" of the words "or to establish and conduct markets".

Amendment of section 23 of Act 21 of 1923, as amended by section 13 of Act 25 of 1930 and section 28 of Act 46 of 1937.

14. Section *twenty-three* of the principal Act is hereby amended—

- (a) by the substitution, for paragraph (d)ter of sub-section (2), of the following paragraph:
- "(d)ter the conditions under which kaffir beer may be brewed, manufactured, used or possessed, and the quantities of kaffir beer which may be brewed, manufactured, used or possessed in any location or native village or urban area in which the domestic brewing of kaffir beer is lawful under the provisions of section *twenty*. In the case of a location or native village, such conditions may include the issue of permits, and provision for prohibiting, for a period not exceeding sixty days at a time, the brewing, manufacture, use or possession of kaffir beer for domestic consumption by a native convicted of selling or supplying intoxicating liquor or kaffir beer to any person or of being in unlawful possession of such liquor or kaffir beer";
- (b) by the insertion in sub-section (3) after the word "make" where it occurs in the first sentence, of the words "or adopt";
- (c) by the insertion in paragraph (j) of sub-section (3) after the words "sprouted grain" wherever they occur, of the words "or crushed or ground sprouted grain" and by the substitution, in the proviso to that paragraph, for the words "location or native village" in both places where they occur, of the words "urban area";
- (d) by the insertion after paragraph (t) of sub-section (3) of the following paragraph:
- "(u) the management, control and good government of any area within the jurisdiction of the urban local authority approved by the Minister for the residence of natives in terms of paragraph (h) of sub-section (2) of section *five*, and the conditions which may or shall be inserted in the title-deeds or leases of lots or premises situate therein: Provided that no regulation under this paragraph shall render subject to any such conditions any lease entered into before the commencement of such regulation, or the title to any particular piece of land of which the first alienation took place prior to such commencement."

Amendment of
section 24 of Act
21 of 1923.

15. Section *twenty-four* of the principal Act is hereby amended by the designation of the existing section as sub-section (1) and the addition of the following sub-section :

"(2) Notwithstanding anything contained in this Act, any revenue derived from and any expenditure incurred in connection with any undertaking in which two or more local authorities co-operate in terms of sub-section (1), may be apportioned amongst the local authorities concerned in such amounts as may be determined by the Minister after consultation with those local authorities."

Amendment of
section 26 of Act
21 of 1923 as
amended by
section 30 of Act
46 of 1937.

16. Section *twenty-six* of the principal Act is hereby amended by the substitution for paragraph (g) of the following paragraph :

"(g) applying to any accommodation for natives upon any mine or works within the meaning of those terms as defined in section *two* of the Mines and Works Act, 1911 (Act No. 12 of 1911) as amended, or to any other place for accommodating natives which the Minister may exclude from its operation."

Amendment of
section 29 of Act
21 of 1923, as
amended by
section 17 of Act
25 of 1930 and
section 31 of Act
46 of 1937.

17. Section *twenty-nine* of the principal Act is hereby amended by the insertion, after the definition of "coloured person", of the following new definition :

"interest" in relation to land, includes, in addition to other interests in land, any right under a lease or a mortgage of, or a servitude or a charge over, land.

Control by urban
local authority of
sale or supply of
sprouted grain in
peri-urban area.

18. (1) Notwithstanding anything in any other law contained, the Minister may, upon the request of an urban local authority, declare by notice in the *Gazette* that as from a date to be specified therein no person shall either himself or through a servant or agent, sell or supply sprouted grain or crushed or ground sprouted grain to any native within five miles of the boundary of the area of that urban local authority, unless such sale or supply is authorized under a permit issued by the urban local authority: Provided that no such notice shall apply within any area in respect of which any other urban local authority (including a local government body designated by the Governor-General as an urban local authority in terms of sub-section (1) of section *nineteen*) has jurisdiction, or within any area which is a scheduled native area in terms of the Native Trust and Land Act, 1936 (Act No. 18 of 1936).

(2) A permit mentioned in sub-section (1)—

(a) may be issued or refused at the discretion of the urban local authority;

(b) shall be subject to such conditions as to the keeping and inspection of records concerning the receipt, manufacture and disposal of stocks (including the furnishing by any person who purchases or acquires such sprouted grain or crushed or ground sprouted grain of his name and address), and as to such other incidental matters as the local authority may deem necessary;

(c) may at any time be withdrawn by the urban local authority.

(3) An appeal shall lie to the Minister against the refusal or withdrawal of a permit by the urban local authority, and the Minister may make such order in regard thereto as he may deem fit.

(4) No native residing on private land within an area in which a notice issued under sub-section (1) is in operation, shall within that area purchase or otherwise acquire or be in possession of sprouted grain or crushed or ground sprouted grain, except with the written permission of the owner or occupier of that land, which written permission he shall exhibit to every person from whom he so purchases or acquires any such grain.

(5) Any person who contravenes the provisions of a notice issued under sub-section (1) and any native who contravenes the provisions of sub-section (4) shall be guilty of an offence and liable on conviction to the penalties specified in section *twenty-five* of the principal Act.

Designation of
certain local
government bodies
as urban local
authorities for
purpose of apply-
ing certain provi-
sions of Act 21 of
1923.

19. (1) Whenever the Governor-General deems it expedient he may, after reference to the Administrator and to the body concerned, by proclamation in the *Gazette* designate any body, established under any law for purposes of local government (but not being an urban local authority within the meaning of section *twenty-nine* of the principal Act, or a local authority established by regulation under section *thirty* of the Native

Administration Act, 1927) as an urban local authority for the purpose of the application, within one or more areas under its jurisdiction specified in the proclamation, of such provisions of the principal Act and any amendments thereof as may also be so specified, and thereupon, in respect of the provisions and the area or areas so specified, such body shall, subject to the provisions of sub-section (2), be invested and charged with all the powers, duties and functions of an urban local authority under the principal Act.

(2) Whenever any regulation under sub-section (3) of section *twenty-three* of the principal Act is to be made in respect of any area specified in a proclamation issued under sub-section (1), such regulation shall, notwithstanding anything contained in the principal Act, be made and promulgated in the manner prescribed for the making and promulgation of regulations by the law governing the local government body in question: Provided that no regulation made by such a body under the said sub-section (3) shall have effect until it has been approved by the Minister.

Amendment of section 9 of Act 41 of 1925 as amended by section 3 of Act 28 of 1926 and section 2 of Act 25 of 1939.

20. Section *nine* of the Natives Taxation and Development Act, 1925 (Act No. 41 of 1925), is hereby amended by the substitution for sub-section (3) of the following sub-section:

- “(3) (a) A court convicting a native of an offence under paragraph (a) of sub-section (1) shall, in addition to any sentence which it may impose in terms of that paragraph, order that native to pay forthwith or within such time and in such instalments as the court may specify, to the person; in the manner and at the time and place prescribed by regulation under section *sixteen*, the amount found by the court to be due by him as tax and as costs incurred in connection with the tax, and may sentence the native in default of payment of that amount to imprisonment with or without hard labour for a period not exceeding seven days for every ten shillings or fraction of ten shillings of the amount so found to be due.
- (b) If, either before or after the native has been committed to prison in default of payment of the full amount which he has been so ordered to pay, payment is made of any portion of that amount which, in so far as the payment represents tax, shall be not less than the minimum annual amount of the particular tax in respect of which the payment is tendered, the period of imprisonment to which he has been sentenced in default of such payment shall be reduced by a number of days bearing as nearly as possible the same proportion to the period of imprisonment to which he has been sentenced as the amount so paid bears to the total amount of tax and costs which the court has ordered him to pay.
- (c) No native shall be sentenced under this sub-section to a second term of imprisonment in respect of failure to pay the same debt.
- (d) In deciding whether or not the native shall be ordered to pay the amount found by the court to be due by him forthwith or within a specified time or in instalments, and in determining the time within which and the instalments in which he shall be ordered to pay that amount, the court may have regard to the fact that he has failed to make full use of an opportunity of paying the tax which may have been offered to him under section *nine bis*.”

Amendment of section 11 of Act 41 of 1925, as amended by section 4 of Act 28 of 1926 and section 7 of Act 37 of 1931.

21. Section *eleven* of the Natives Taxation and Development Act, 1925, is hereby amended by the substitution in paragraph (c) of sub-section (1), of the word “Minister” for the words “Governor-General”.

Amendment of section 7 of Act 38 of 1927 as amended by section 1 of Act 42 of 1942.

22. Section *seven* of the Native Administration Act, 1927, is hereby amended—

- (a) by the addition, at the end of sub-section (1), of the following proviso:
- Provided that in the case of the areas comprising the Fingo and Hottentot Village situate within the urban area of Grahamstown in the Province of

the Cape of Good Hope, this sub-section shall be construed as if the words "upon quitrent conditions" were omitted therefrom;

- (b) by the addition, at the end of sub-section (2), of the following proviso:

Provided that the conditions of any such substituted grant as may be issued in respect of land in the areas comprising the said Fingo and Hottentot Village shall be as set forth in the Second Schedule to this Act.

Substitution of new section for section 12 of Act 38 of 1927, as amended by section 6 of Act 9 of 1929 and section 6 of Act 21 of 1943.

23. The following section is hereby substituted for section twelve of the Native Administration Act, 1927:

"Settlement of civil disputes by native chiefs, headmen and chiefs' deputies.

12. (1) The Governor-General may—
(a) authorize any native chief or headman recognized or appointed under sub-section (7) or (8) of section two to hear and determine civil claims arising out of native law and custom brought before him by natives against natives resident within his area of jurisdiction;

(b) at the request of any chief upon whom jurisdiction has been conferred in terms of paragraph (a), authorize a deputy of such chief to hear and determine civil claims arising out of native law and custom brought before him by natives against natives resident within such chief's area of jurisdiction:

Provided that a native chief, headman or chief's deputy shall not under this section or any other law have power to determine any question of nullity, divorce or separation arising out of a marriage.

(2) The Governor-General may at any time revoke the authority granted to a chief, headman or chief's deputy under sub-section (1).

(3) A judgment given by such chief, headman or chief's deputy shall be executed in accordance with the procedure prescribed by regulation under sub-section (6).

(4) Any party to a suit in which a native chief, headman or chief's deputy has given judgment may appeal therefrom to any court of native commissioner which would have had jurisdiction had the proceedings in the first instance been instituted in a court of native commissioner, and if the appellant has noted his appeal in the manner and within the period prescribed by regulation under sub-section (6), the execution of the judgment shall be suspended until the appeal has been decided (if it was prosecuted at the time and in the manner so prescribed) or until the expiration of the last-mentioned period if the appeal was not prosecuted within that period, or until the appeal has been withdrawn or has lapsed: Provided that no assistant native commissioner shall hear an appeal under this sub-section unless no native commissioner (as distinct from an assistant native commissioner) has any judicial jurisdiction in the said area, and provided further that no such appeal shall lie in any case where the claim or the value of the matter in dispute is less than five pounds, unless the native commissioner of the court to which the appellant proposes to appeal, has certified after summary enquiry that the issue involves an important principle of law.

(5) The court of native commissioner may confirm, alter or set aside the judgment after hearing such evidence (which shall be duly recorded) as may be tendered by the parties to the dispute, or may be deemed desirable by the court.

(6) The Minister may make the regulations mentioned in sub-sections (3) and (4), and generally regulations prescribing the procedure which shall be followed in any action taken under this section."

Insertion of new
Schedule to Act
38 of 1927.

24. The following new Schedule is hereby inserted to follow the Schedule to the Native Administration Act, 1927 :

SECOND SCHEDULE.

(Conditions of substituted deeds of grant issued under section *seven* in respect of land in the areas comprising the Fingo and Hottentot Village situate within the urban area of Grahamstown in the Province of the Cape of Good Hope.)

1. That the land hereby granted shall not be alienated or transferred to any person unless the consent of the Governor-General shall have been first had and obtained.
2. That the present and future proprietors of the land hereby granted shall punctually pay to the Receiver of Revenue, Grahamstown, on the first day of January in each year, the sum of five shillings, to be applied to Educational purposes for the benefit of the Lot-holders in the Location.
3. That the land hereby granted shall be further subject to all such duties and regulations as are either already, or shall in future be, established with regard to such lands.

Amendment of
section 2 of Act 24
of 1932.

25. Section *two* of the Native Service Contract Act, 1932, is hereby amended by the deletion, in sub-section (1), of all the words after and including the words "Provided that", and by insertion, after sub-section (1), of the following sub-sections :

"(1)*bis*. The provisions of sub-section (1) shall not apply in connection with the employment of any native by the owner (or his agent) of the land whereon such native, or, in the case of a native who is or appears to be not more than eighteen years of age, his guardian, is domiciled.

(1)*ter*. Any such owner (or his agent) who has in terms of the foregoing provisions of this section employed any native who is or appears to be not more than eighteen years of age without the production by such native of a statement referred to in sub-section (1), shall, on the termination of such employment, if such native is then still in his charge, cause him to be returned to the custody of his guardian.

(1)*quater*. Nothing in this section shall prevent a native from proceeding to the nearest police station or magistrate's office to lay a complaint with regard to any matter in connection with his service contract."

Amendment of
section 2 of Act 32
of 1909 (Cape of
Good Hope).

26. Section *two* of the Private Locations Act, 1909, of the Cape of Good Hope, is hereby amended by the substitution, in the definition of the term "Servant", for the words "by him carried on upon such private property" of the words "carried on by him".

Amendment of
section 8 of Act 32
of 1909 (Cape of
Good Hope).

27. Section *eight* of the Private Locations Act, 1909, of the Cape of Good Hope, is hereby amended by the substitution, for paragraph (6), of the following paragraph :

"(6) For the compilation and keeping of a register—

- (a) by every location proprietor, and
- (b) in any area defined by the Minister of Native Affairs by notice in the *Gazette*, also by every other owner or occupier of land,

which shall set forth—

- (i) in the case of a location proprietor, the full name of every Native male adult resident in his private location, and in the case of any other owner or occupier, the full name of every Native male adult resident on his land, with an indication in either case, whether such Native male adult is an ordinary tenant, a labour tenant, a servant or a Native exempted under sub-section (2) of section *four* ;
- (ii) the number of huts occupied by such Native male adults and their families, and the numbers of their wives, children and dependants ;
- (iii) the numbers and marks and description of any animals owned by, or in the lawful possession of, such Native male adults ; "

Short title.

28. This Act shall be called the Native Laws Amendment Act, 1944.