

No. 42, 1964.]

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 amend the Native Labour Regulation Act, 1911; to repeal the Native Service Contract Act, 1932; to amend the Native Trust and Land Act, 1936, the Natives (Urban Areas) Consolidation Act, 1945, the Bantu Authorities Act, 1951, the Native Services Levy Act, 1952, the Natives (Abolition of Passes and Co-ordination of Documents) Act, 1952, the Natives (Prohibition of Interdicts) Act, 1956, the Native Transport Services Act, 1957, the Bantu Beer Act, 1962, and the Better Administration of Designated Areas Act, 1963; and to substitute the word "native" and derivatives thereof in all laws.

(Afrikaans text signed by the State President.)
(Assented to 15th May, 1964.)

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

1. Section *two* of the Native Labour Regulation Act, 1911 (hereinafter referred to as the principal Act), is hereby amended—

- Amendment of
section 2 of
Act 15 of 1911,
as amended by
section 33 of
Act 46 of 1937,
section 1 of
Act 56 of 1949,
section 1 of
Act 54 of 1952
and section 1 of
Act 36 of 1957.
- (a) by the insertion in sub-section (1) after the definition of "advance" of the following definition:
"aid centre" shall mean an aid centre referred to in section *twenty-eight ter*;"
- (b) by the substitution in the said sub-section for the definition of "attesting officer" of the following definition:
"attesting officer" shall mean a Bantu affairs commissioner or any officer designated, either generally or specially, by the Director to exercise the powers and perform the duties assigned to an attesting officer by this Act or the regulations;"
- (c) by the substitution in the said sub-section for the definition of "authorized officer" of the following definition:
"authorized officer" shall mean an authorized officer as defined in the Natives (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945);"
- (d) by the insertion in the said sub-section after the definition of "authorized officer" of the following definitions:
"Bantu" shall mean a native as defined in section *one* of the Population Registration Act, 1950 (Act No. 30 of 1950), and for the purposes of this Act or the regulations a person who in appearance obviously is a member of an aboriginal race or tribe of Africa, shall be presumed to be a Bantu unless it is proved that he is not in fact and is not generally accepted as such a member;
'Bantu affairs commissioner' shall include an additional or an assistant Bantu affairs commissioner and in respect of any district or area in respect of which no Bantu affairs commissioner has been appointed, shall mean a magistrate or an additional or an assistant magistrate having jurisdiction in such district or area;
'Bantu labourer' shall mean—
- (a) a Bantu recruited for employment on, or employed or working on, any mine or works; and
- (b) a Bantu recruited for employment or employed in any occupation or any area or under conditions which the Minister may by notice in the *Gazette* declare to be an occupation in which or an area in which or conditions under which a Bantu so

recruited for employment or employed shall be a Bantu labourer for the purposes of this Act provided at least three months' notice of his intention to publish such a notice has been given by the Minister by notice in the *Gazette*;

'chief Bantu affairs commissioner' shall include an assistant chief Bantu affairs commissioner;";

- (e) by the insertion in the said sub-section after the definition of "conductor" of the following definition:

"'dependant' shall mean a dependant as defined in the Native Trust and Land Act, 1936 (Act No. 18 of 1936);";

- (f) by the substitution in the said sub-section for the definition of "employer" of the following definitions:

"'employee', where it refers to a Bantu employee, shall mean any Bantu employed by or working for any employer and receiving or being entitled to receive any remuneration, and any other Bantu who in any manner assists in the carrying on or conducting of the business of an employer;

'employer', in relation to a Bantu, shall mean the person to whom such Bantu is or should be registered under this Act or the regulations and shall include any person who employs or provides work for such Bantu and remunerates or expressly or tacitly undertakes to remunerate him in money or in kind or both in money and in kind, or who permits such Bantu in any manner to assist him in the carrying on or conducting of his business; and 'employ', 'employed' and 'employment', in relation to a Bantu, shall have corresponding meanings;";

- (g) by the substitution in the said sub-section in the definition of "Minister" for the words "Native Affairs" of the words "Bantu Administration and Development";

- (h) by the deletion in the said sub-section of the definitions of "native", "native labourer", "native commissioner" and "non-prescribed area";

- (i) by the substitution in the said sub-section for the definition of "prescribed area" of the following definitions:

"'prescribed area' shall mean a prescribed area as defined in the Natives (Urban Areas) Consolidation Act, 1945;

'registered' shall mean registered as prescribed;";

- (j) by the insertion in the said sub-section after the definition of "runner" of the following definitions:

"'Secretary' shall mean the Secretary for Bantu Administration and Development and shall include any other officer in the public service acting under his authority;

'urban local authority' shall mean an urban local authority as defined in the Natives (Urban Areas) Consolidation Act, 1945;";

- (k) by the deletion in the said sub-section of the definition of "workseeker"; and

- (l) by the deletion of sub-section (2).

2. Section *two bis* of the principal Act is hereby amended by the deletion in paragraph (c) of the words "for Native Affairs".

Amendment of section 2bis of Act 15 of 1911, as inserted by section 2 of Act 54 of 1952.

3. Section *eleven* of the principal Act is hereby amended by the substitution for sub-section (2) of the following sub-section:

"(2) If the holder of any such licence be suspected of any misconduct connected with, or which may affect his calling or activities authorized by, his licence, the Bantu affairs commissioner of the area wherein such holder carries on his business may either *mero motu* or at the request of the Director, make a full enquiry into the matter. The day appointed for the enquiry and the nature of the misconduct alleged shall be notified to such

Amendment of section 11 of Act 15 of 1911, as amended by section 7 of Act 56 of 1949 and section 8 of Act 36 of 1957.

person within the prescribed time, and he shall be entitled to be heard, and to call witnesses on his behalf. For the purposes of the enquiry the Bantu affairs commissioner may exercise the same powers, with regard to the summoning of witnesses and taking of evidence, as are conferred upon him by law in criminal cases. After the hearing the Bantu affairs commissioner may suspend the licence and shall furnish the Director with a full report. Upon receipt of such report the Minister may direct cancellation, or suspension for a specified period, of the licence or its restoration. In directing that a licence be restored the Minister may impose such special conditions in respect thereof as he may think fit."

4. Section *fourteen* of the principal Act is hereby amended by the addition of the following sub-section:

"(3) Whenever any Bantu labourer is convicted of an offence under sub-section (1) and is not indebted to his employer for any money or for cash advanced to him, the court convicting him may in its discretion cancel the contract of employment with such Bantu labourer."

Amendment of section 14 of Act 15 of 1911, as amended by section 10 of Act 56 of 1949 and section 7 of Act 54 of 1952.

5. The following section is hereby substituted for section *fifteen* of the principal Act:

"With-holding of wages from Bantu employees.

15. (1) Any employer who, save with the written consent of the Director or of an officer of the public service authorized by the Director in writing to give such consent or when otherwise authorized thereto by any law or by order of a court of competent jurisdiction—

Substitution of section 15 of Act 15 of 1911, as substituted by section 9 of Act 54 of 1952 and amended by section 11 of Act 36 of 1957.

(a) pays the whole or any part of the wages due to any Bantu employed by him to any person other than such Bantu;

(b) withholds the wages of any Bantu employed by him or any portion thereof without reasonable and probable cause for believing that such wages or portion thereof were not due; or

(c) makes any deduction from the wages of any Bantu employed by him,

shall be guilty of an offence.

(2) Any person who employs any Bantu and who, save with the written consent of the Director or of an officer referred to in sub-section (1), withholds the wages of such Bantu or any portion thereof when it becomes due, on the ground that the Bantu has agreed that the payment of such wages or portion thereof shall be deferred, shall be guilty of an offence.

(3) The Director or officer may give his consent in terms of sub-section (1) or (2) subject to such conditions as he may deem desirable, and any person who fails to comply with any such condition, shall be guilty of an offence.

(4) In any criminal proceedings under this section the court may, in addition to any penalty which it may impose, give judgment against the employer for the amount of wages wrongfully disposed of, withheld or deducted and for the costs of the proceedings, and the judgment shall be of the same force and effect and shall be executable in the same manner, as if it had been given in a civil action, and the court may in addition in its discretion cancel the contract of employment with the Bantu concerned if such Bantu is not indebted to such employer for any money or for cash advanced to him."

6. Section *eighteen* of the principal Act is hereby amended by the deletion of the words "for Native Affairs."

Amendment of section 18 of Act 15 of 1911, as substituted by section 11 of Act 54 of 1952.

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

18bis. Every Bantu affairs commissioner may perform or, if directed by the Secretary to do so, shall perform, in the area for which he holds office, all such duties as are imposed upon inspectors of Bantu labourers by section *eighteen* or the regulations, and every such Bantu affairs commissioner may exercise in such area all such powers as are conferred upon inspectors of Bantu labourers by sub-section (1) of section *nineteen*."

Substitution of section 18bis of Act 15 of 1911, as inserted by section 12 of Act 54 of 1952 and amended by section 13 of Act 36 of 1957.

8. The following sections are hereby inserted in the principal Act after section *twenty-one* under the superscription "Labour Bureaux";

Insertion of sections 21bis and 21ter in Act 15 of 1911.

21bis. (1) There is hereby established in respect of every prescribed area, a local labour bureau to be managed, subject to the provisions of section *twenty-two* of the Natives (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945), by an officer to be known as the municipal labour officer.

"Establishment of labour bureaux.

(2) There is hereby established a district labour bureau—

- (a) in the office of every Bantu affairs commissioner, for the area of jurisdiction of such Bantu affairs commissioner;
- (b) in the office of every magistrate, detached additional or assistant magistrate or special justice of the peace, for the area of jurisdiction of such magistrate, detached additional or assistant magistrate or special justice of the peace, as the case may be;
- (c) where the Minister so determines by notice in the *Gazette*, in the office of a Bantu affairs commissioner, magistrate, detached additional or assistant magistrate or special justice of the peace, for any area referred to in such notice:

Provided that the Minister may at the request of an urban local authority by notice in the *Gazette* confer on the local labour bureau concerned the powers and functions of a district labour bureau to the exclusion of any district labour bureau in any area referred to in such notice, whether or not such area falls within the jurisdiction of such urban local authority.

(3) Subject to the provisions of sub-section (2), a district labour bureau established—

- (a) in the office of a Bantu affairs commissioner shall, where the Minister has not determined otherwise by notice in the *Gazette*, have jurisdiction to the exclusion of any other district labour bureau established in its area of jurisdiction;
- (b) in the office of a magistrate shall, where the Minister has not determined otherwise by notice in the *Gazette*, have jurisdiction to the exclusion of any other district labour bureau established in the office of a detached additional or assistant magistrate or special justice of the peace in its area of jurisdiction;
- (c) in the office of a Bantu affairs commissioner, magistrate, detached additional or assistant magistrate or special justice of the peace under any notice by the Minister in the *Gazette* in terms of paragraph (c) of sub-section (2), shall have jurisdiction to the exclusion of any other district labour bureau established in the area referred to in such notice.

(4) A district labour bureau shall, subject to the directions of the Bantu affairs commissioner, be managed by an officer to be known as the district labour officer.

(5) A district labour officer shall not, save as is otherwise provided by this Act or the regulations, have any jurisdiction in respect of any of the powers

or functions legally exercisable by a municipal labour officer in respect of the prescribed area for which his local labour bureau has been established.

(6) There is hereby established in respect of the area of every chief Bantu affairs commissioner, a regional labour bureau to be managed by an officer to be known as the regional labour commissioner.

(7) There is hereby established a central labour bureau in the office of the Director.

(8) Whenever any notice is published in the *Gazette* under sub-section (3) of section *nine bis* of the Natives (Urban Areas) Consolidation Act, 1945, declaring that an urban area as defined in that Act shall no longer be deemed to be a prescribed area, the local labour bureau in such urban area shall cease to exist, and the powers and functions previously exercised or performed by the local labour bureau in such area shall be exercised or performed by the district labour bureau having jurisdiction, and any fees or fines payable to such district labour bureau shall be credited to the Consolidated Revenue Fund.

(9) The Minister may at any time after consultation with the urban local authority concerned, by notice in the *Gazette* disestablish a local labour bureau for any prescribed area, whereupon such bureau shall cease to exist and the powers and functions previously exercised or performed by the local labour bureau in such area shall be exercised or performed by the district labour bureau having jurisdiction, and any fees or fines payable to such district labour bureau shall be credited to the Consolidated Revenue Fund, and any records kept by such local labour bureau shall be transferred to such district labour bureau.

(10) Any notice published in the *Gazette* under the proviso to sub-section (2) or under sub-section (9) may at any time, after consultation with the urban local authority concerned, by like notice be amended or revoked.

(11) Every officer who manages a labour bureau shall be deemed to be a peace officer for the purposes of the Criminal Procedure Act, 1955 (Act No. 56 of 1955).

Powers and functions of labour bureaux.

21*ter.* (1) Every officer who manages a labour bureau, shall perform such functions and exercise such powers as may be prescribed.

(2) Every regional labour commissioner shall, in addition to any other powers which may be prescribed, have the power at all reasonable times to inspect any labour bureau in his area and any premises within his area upon which there are Bantu.

(3) It shall be part of the duties of a regional labour commissioner to confer with the Bantu affairs commissioners, magistrates, detached additional or assistant magistrates, special justices of the peace and urban local authorities in his area and to enquire into any matter affecting the employment of Bantu and the efficient functioning of the labour bureaux.

(4) A regional labour commissioner shall have access at all reasonable times to the records, books and accounts of a labour bureau in his area.

(5) Every district or municipal labour officer shall—

(a) control and conduct his bureau in terms of this Act and the regulations and any lawful instructions which he may from time to time receive from the regional labour commissioner or the Director;

(b) maintain such records and registers and furnish such returns and information as may be required from time to time by the Director;

- (c) co-operate with other labour officers, employers and recognized bodies to ensure the efficient functioning of his bureau.

(6) A district or municipal labour officer, as the case may be, having jurisdiction in an area situate outside a scheduled native area or a released area as defined in the Native Trust and Land Act, 1936 (Act No. 18 of 1936), may, in addition to any other powers or functions which may be prescribed—

- (a) grant or refuse the permission required under paragraph (d) of sub-section (1) of section *ten* of the Natives (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945), to be in a prescribed area, having due regard, in the case of a Bantu who is required to be dealt with by a labour bureau as provided for in any regulations made under paragraph (o) of sub-section (1) of section *twenty-three* of this Act, to such regulations;
- (b) refuse to sanction the employment or the continued employment of any Bantu in the area of the labour bureau concerned and by notice in writing to the employer concerned, cancel or cause to be cancelled any contract of employment entered into with such Bantu, if he is satisfied—
- (i) that the contract of employment with such Bantu is not *bona fide*; or
 - (ii) that such Bantu is not permitted under any law to be in the area of the labour bureau concerned; or
 - (iii) that such Bantu has not been released from the obligation of rendering service under an earlier contract of employment or labour tenant contract; or
 - (iv) that such Bantu is not permitted by this Act or any other law to take up employment; or
 - (v) that such Bantu refuses to submit himself to medical examination by a medical officer or, having been medically examined, was not passed as healthy and vaccinated as prescribed or is found to be suffering from venereal disease or from tuberculosis or from any other ailment or disease which in the opinion of the medical officer is dangerous to public health; or
 - (vi) that such employment or continued employment impairs or is likely to impair the safety of the State or of the public or of a section thereof or threatens or is likely to threaten the maintenance of public order, provided the Secretary concurs in such refusal or cancellation; or
 - (vii) that an order of removal has been made under any law, against such Bantu;
- (c) permit a Bantu to work as a casual labourer or to carry on any work on his own account in any remunerative activity or as an independent contractor under the conditions prescribed, and may require any Bantu so working as a casual labourer to take employment by the day under such conditions as may be prescribed.

(7) Any Bantu who is refused permission by a municipal labour officer to take up or be in employment in a prescribed area or whose contract of employment has been cancelled by such officer, may be referred to an aid centre, if such an aid centre is available, or to the district labour officer in

whose area the local labour bureau concerned is situate, and the officer in charge of such aid centre or such district labour officer may offer such Bantu suitable work either in his area or in any other area or may, with due regard to the family ties or other obligations or commitments of such Bantu, require such Bantu and his dependants to leave such prescribed area within a period determined by him.

(8) The powers or functions referred to in sub-section (6) or any other powers or functions which may be exercised or performed by a municipal or district labour officer, may be exercised or performed in respect of any Bantu falling within any of the categories referred to in sub-section (1) of section *ten* of the Natives (Urban Areas) Consolidation Act, 1945: Provided that a Bantu falling within any of the said categories who is required under sub-section (7) of this section to leave a prescribed area and who fails to comply with such order, shall no longer be deemed to be permitted under sub-section (1) of section *ten* of the Natives (Urban Areas) Consolidation Act, 1945, to remain in the prescribed area.

(9) If a Bantu in a prescribed area falls within either of the categories referred to in paragraphs (a) and (b) of sub-section (1) of section *ten* of the Natives (Urban Areas) Consolidation Act, 1945, and thereby qualifies to be in such prescribed area, is ordered under sub-section (7) of this section to leave such prescribed area, such order shall not become operative unless it is confirmed by the chief Bantu affairs commissioner.

(10) Notwithstanding anything to the contrary in this section contained—

- (a) a regional labour commissioner may require that a decision or order by a municipal or district labour officer be submitted to the chief Bantu affairs commissioner within a period prescribed for review and may, pending the decision of such chief Bantu affairs commissioner, direct that the operation of such decision or order be suspended, in which event such operation shall be deemed to be so suspended;
- (b) a municipal or district labour officer shall not have any jurisdiction under this section in respect of a prescribed class of Bantu: Provided that the onus of proof that he falls within such class, shall be upon the Bantu concerned;
- (c) the Minister may by notice in the *Gazette* determine in respect of any or all prescribed areas that any or all of the powers and functions of a municipal labour officer in respect of any class of employers or Bantu defined in such notice, shall be exercised or performed by the district labour officer in whose area the local bureau concerned is situate.”.

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

- (a) by the substitution for paragraph (d)*bis* of sub-section (1) of the following paragraph:

“(d)*bis* the areas in respect of which no labour agents’ licences or no employers’ recruiting licences may be issued or in which no recruiting may take place under the authority of such licences or the areas or classes of employment in which no Bantu recruited under the authority of such licences may be employed;”;

Amendment of section 23 of Act 15 of 1911, as amended by section 13 of Act 56 of 1949, section 16 of Act 54 of 1952 and section 17 of Act 36 of 1957.

- (b) by the substitution for paragraph (e)*bis* of the said sub-section of the following paragraph:

- “(e)*bis* the conditions and circumstances under which the Director or an officer of the public service authorized thereto by him in writing, may consent to deductions being made by employers of Bantu from the wages of such Bantu;”;
- (c) by the substitution for paragraph (g) of the said sub-section of the following paragraph:
- “(g) the treatment and disposal or return to their homes or to a scheduled native area or released area as defined in the Native Trust and Land Act, 1936 (Act No. 18 of 1936), of Bantu (including their dependants) whose contracts of employment have been legally cancelled or have otherwise terminated or who have been ordered to such area by a competent authority or Bantu (including their dependants) declared medically unfit for employment and the placing in employment and the detention of such Bantu in such areas;”;
- (d) by the substitution for paragraph (h) of the said sub-section of the following paragraph:
- “(h) the accommodation of Bantu under contract of employment, the conveyance of Bantu to their places of employment and the control of Bantu during their sojourn in prescribed areas or in areas which are not prescribed areas or in aid centres;”;
- (e) by the substitution for paragraph (j) of the said sub-section of the following paragraph:
- “(j) the proper housing (in accordance with building plans approved by the Director), feeding and treatment of Bantu labourers, the housing of the families of such labourers by employers who provide married quarters, the care of the sick and injured, the entry upon and inspection of premises in which Bantu labourers reside and sanitary precautions in places other than the underground workings of a mine;”;
- (f) by the substitution for paragraph (j)*bis* of the said sub-section of the following paragraph:
- “(j)*bis* the control of the siting and establishment (in accordance with site or building plans approved by the Director) of compounds, married quarters or other accommodation, hospitals, cemeteries, or other facilities for Bantu or for the welfare of Bantu, the manner and form in which application shall be made for the establishment thereof, the particulars to be furnished upon every such application and the conditions and circumstances under which any such application may be granted or refused by the Director and the demolition of any building or structure not erected in accordance with such approved plans or which is so dilapidated, defectively constructed or dirty that in the opinion of the Director, it is injurious or dangerous to health or is liable to favour the spread of infectious disease;”;
- (g) by the substitution for paragraph (l) of the said sub-section of the following paragraph:
- “(l) the disposal or distribution of the assets of deceased Bantu employees or of unclaimed moneys due or personal effects belonging to Bantu whose whereabouts are unknown;”;
- (h) by the substitution for paragraph (o) of the said sub-section of the following paragraph:

"(o) the management and control of labour bureaux; the powers, duties and functions of officers appointed for the management or control of any such bureau; the forms to be used by labour bureaux; the voluntary or compulsory registration with a labour bureau of Bantu; the classes of Bantu to be dealt with by any such bureau; the classes of employers to whom Bantu may be made available by any such bureau for employment and the manner in which and the conditions under which such Bantu shall be placed in employment; the fees to be paid for any service rendered by any labour bureau; the registration with a labour bureau of all regular employers of Bantu, and the notification to such bureau by any such employer of vacancies in his service for Bantu; the seeking or taking up of employment by Bantu; the movement of Bantu from areas which are not prescribed areas to prescribed areas or from one prescribed area to another; the making of orders on such Bantu to leave any such area; the period and the manner in which particulars relative to contracts of employment and labour tenants' contracts and the other particulars referred to in section *eight* of the Natives (Abolition of Passes and Co-ordination of Documents) Act, 1952 (Act No. 67 of 1952), the date of termination of such contracts and the date of desertion from employment under such contracts shall be advised; the conditions under which a Bantu may be permitted to work on his own account in any remunerative activity or as an independent contractor; the maintenance of records, including records of Bantu desiring to take up employment and of persons requiring the services of Bantu; the recording of data and the rendition of statistical returns by labour bureaux; the manner or form in which a municipal or district labour officer shall exercise the powers referred to in section *twenty-one ter*; the recording of particulars relevant to labour bureau matters and the making of entries in any reference book or document of identification referred to in the Natives (Abolition of Passes and Co-ordination of Documents) Act, 1952, or in a passport, permit, document of identity or other travel document referred to in the Admission of Persons to the Union Regulation Act, 1913 (Act No. 22 of 1913); the documents to be produced by a female Bantu wishing to take up employment; the procedure to be followed when and the circumstances under which a Bantu (whether recruited or otherwise) may be introduced into the area of a local or district labour bureau from another area, which may include a condition requiring the labour agent recruiting such Bantu or the person desiring such introduction, to give security to the satisfaction of the municipal or district labour officer, as the case may be, that, at the termination of the contract of employment entered into with or to be entered into with such Bantu, such Bantu will be returned to his home or last place of residence; the rendition by employers of Bantu or by owners, lessees or occupiers of land, when so required by a labour bureau, of returns or statistics of or information relative to Bantu in employment or resident on such land; the conditions under which and the procedure whereby a Bantu who is not permitted to be or to reside or to be employed in any area, may be removed from or be ordered to leave such area; and generally any matter connected

with the proper maintenance and control and proper functioning of labour bureaux: Provided that a Bantu shall not be refused permission under any regulation made under this paragraph, to re-enter an area after an absence therefrom of not more than twelve months, for the purpose of taking up employment, if a vacancy exists, with the employer by whom such Bantu was last employed in such area before leaving such area or, if such vacancy has ceased to exist, and if the Bantu affairs commissioner has no objections, with any other employer in such area;”;

(i) by the insertion in the said sub-section after paragraph (r) of the following paragraphs:

“(s) the establishment of aid centres; the classes of Bantu to be dealt with at such aid centres; the powers, duties and functions of officers appointed for the management or control of any such aid centre; the manner and circumstances in which a Bantu may be admitted to an aid centre; and the control, housing, feeding, medical examination, treatment and disposal of Bantu housed in such aid centres;

(t) the establishment of youth centres for the reception of Bantu over the age of fifteen years and under the age of twenty-one years ordered or directed thereto by a competent authority; the classes of Bantu to be admitted to such centres; the voluntary residence or compulsory detention of Bantu at such centres; and the control, housing, feeding, medical examination, training, treatment and placing in employment of Bantu admitted to such centres;

(u) the manner in which and period within which appeals to the chief Bantu affairs commissioner under this Act or the regulations shall be noted and prosecuted or a decision of a municipal or district labour officer shall be submitted for review by a chief Bantu affairs commissioner;

(v) the establishment, management and control of remittance agencies, savings schemes, or other schemes conducted by employers or recruiting organizations or labour agents on behalf of Bantu employed or recruited by them;

(w) the exemption of Bantu or of different classes of Bantu or of employers or of different classes of employers from the provisions of any regulation made under this sub-section;

(x) any matter required or permitted by this Act to be prescribed by regulation;” and

(j) by the substitution for sub-section (2) of the following sub-section:

“(2) Different regulations may be made in respect of different areas and in respect of different classes of Bantu or employers or in respect of different classes of employment.”.

10. Section *twenty-four bis* of the principal Act is hereby repealed.

Repeal of section 24bis of Act 15 of 1911, as inserted by section 14 of Act 56 of 1949.

11. Section *twenty-six* of the principal Act is hereby repealed.

Repeal of section 26 of Act 15 of 1911, as amended by section 17 of Act 54 of 1952.

12. The following sections are hereby inserted in the principal Act after section *twenty-eight*:

“Determination of age.

28bis. Whenever under this Act or the regulations any dispute arises as to whether or not a Bantu has attained a certain age, the matter shall be referred to a district surgeon whose decision thereon shall be final.

Insertion of sections 28bis, 28ter, 28quat and 28quin in Act 15 of 1911.

Admission of Bantu to aid centres.

- 28ter. (1) (a) Any Bantu who is arrested or convicted on a charge of having contravened or of having failed to comply with such of the provisions of this Act or of the Natives (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945), or of the Natives (Abolition of Passes and Co-ordination of Documents) Act, 1952 (Act No. 67 of 1952), or of the regulations made thereunder, as the Minister may specify in a notice in the *Gazette*, may, notwithstanding the provisions of this Act or any other law, be admitted to an aid centre established by or for a labour bureau and approved by the Director and be dealt with in the manner prescribed.
- (b) An aid centre shall be managed by an officer in the employ of the State or in the case of an aid centre established for a local labour bureau, in the employ of the urban local authority concerned and approved in writing by the Secretary.
- (2) The provisions of section *twenty-seven* of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), shall apply *mutatis mutandis* in respect of any Bantu admitted under sub-section (1) to an aid centre, any reference in the said section to a 'police station' being construed as including a reference to an aid centre.
- (3) (a) The Bantu affairs commissioner of the area in which an aid centre is situate, may hold a court in such aid centre and shall, notwithstanding the provisions of any other law, have jurisdiction in respect of any offence referred to in sub-section (1), including an offence committed outside his area of jurisdiction.
- (b) An aid centre shall be deemed to be a place designated under sub-section (3) of section *nine* of the Native Administration Act, 1927 (Act No. 38 of 1927), for the periodical sitting of the court of a Bantu affairs commissioner having jurisdiction in the area in which such aid centre is situate.
- (4) A Bantu affairs commissioner or an officer approved under paragraph (b) of sub-section (1) to manage an aid centre may, notwithstanding the provisions of this Act or any other law, in addition to any other powers prescribed or referred to in this section, in respect of any Bantu admitted to such aid centre or detained in a prison or a police cell or lock-up on account of an offence referred to in paragraph (a) of sub-section (1), whether or not he has been convicted for such offence—
- (a) make representations that no criminal action be preferred against such Bantu in respect of any offence referred to in paragraph (a) of sub-section (1);
- (b) after due inquiry and with due regard to the family ties or other obligations or commitments of such Bantu, make such order as may appear to him to be just in regard to the placing in employment of such Bantu or the issue to him of the requisite documents or the granting to him of the requisite permission or in regard to the repatriation of such Bantu and his dependants to his home or last place of residence, or to a settlement, rehabilitation scheme or any other place indicated by such Bantu affairs commissioner or officer;
- (c) exercise all such powers as are conferred on a court under sub-section (1) of section *three hundred and fifty-two* of the Criminal Procedure Act, 1955, and shall be deemed to be a peace officer for purposes of that Act.
- (5) An aid centre shall, for the purposes of sub-section (4) of section *five* of the Natives (Abolition of Passes and Co-ordination of Documents) Act, 1952, be deemed to be a reception depot.

(6) Nothing in this section contained shall be construed as—

(a) authorizing the detention of a Bantu in an aid centre;

(b) preventing any Bantu who is unemployed or who is in an area unlawfully from being admitted to an aid centre at his own request.

Appeals to and reviews by chief Bantu affairs commissioner.

28quat. (1) Any person who is aggrieved by any decision or order of a municipal or district labour officer, may within a period and in the manner prescribed appeal to the chief Bantu affairs commissioner against such decision or order or require that such decision or order be reviewed by the chief Bantu affairs commissioner.

(2) (a) The chief Bantu affairs commissioner may by order confirm, vary or rescind any decision or order appealed against or which he is required to review, either under sub-section (1) of this section or under paragraph (a) of sub-section (10) of section *twenty-one ter*, or may make such other order as appears to him to be equitable, and any such order by the chief Bantu affairs commissioner shall thereupon be deemed to be the order of the municipal or district labour officer concerned.

(b) The decision of the chief Bantu affairs commissioner on any such appeal or review shall be final.

(3) The Bantu affairs commissioner having jurisdiction in the area concerned may, in the event of an appeal being lodged by a Bantu against any order to leave an area, in his discretion grant permission to the Bantu concerned to remain in the area concerned pending the decision of the chief Bantu affairs commissioner on such appeal or review.

(4) The noting of an appeal to or a request for review by a chief Bantu affairs commissioner under sub-section (1) shall not, save as is provided in sub-section (3), suspend the operation of any decision or order appealed against or taken on review.

Certain fees to be paid in prescribed areas.

28quin. (1) Any person (including the State, with which is included the Railway Administration or any provincial administration) who enters into a contract of employment required to be notified under section *eight* of the Natives (Abolition of Passes and Co-ordination of Documents) Act, 1952 (Act No. 67 of 1952), with a Bantu male for employment in a prescribed area or requires such Bantu in the course of his employment to serve in more than one prescribed area, shall pay to the local labour bureau, or where there is no such bureau, to the district labour bureau, within whose area of jurisdiction such Bantu is primarily employed in the course of any month or where there is a dispute in this regard between two or more labour bureaux, to the bureau determined by the Secretary, in addition to any other moneys which may be payable, a monthly fee prescribed and which may differ for different areas or for different classes of employment, not exceeding twenty cent, in respect of every Bantu so employed: Provided that no fee shall be payable in respect of more than one prescribed area by the same employer in respect of the same Bantu for the same month: Provided further that where any fee is payable by an employer in respect of a class of Bantu referred to in a notice published under paragraph (c) of sub-section (10) of section *twenty-one ter* of

this Act, such fee shall be payable to the district labour bureau as a credit to the Consolidated Revenue Fund.

(2) Any Bantu male permitted to work in a prescribed area as a casual labourer or to carry on any work on his own account in any remunerative activity or as an independent contractor, shall pay to the labour bureau which granted such permission, a monthly fee of twenty cent.

(3) The Minister may by notice in the *Gazette*, exempt any class of employers from the payment of the monthly fee referred to in sub-section (1) in respect of all or any specified class of Bantu employed by that class of employers.

(4) Any person who contravenes or fails to comply with the provisions of sub-section (1) or (2) shall be guilty of an offence and the court convicting him may, in addition to any other punishment which it may impose, order the payment of any fees still payable under this section, in default whereof it may issue a warrant for the recovery thereof."

13. The principal Act is hereby amended by the substitution for the words "Governor-General", "Union" and "Union Government" wherever those words occur therein of the words "State President", "Republic" and "Government of the Republic" respectively.

Substitution in Act 15 of 1911 for "Governor-General", "Union" and "Union Government" of "State President", "Republic" and "Government of the Republic" respectively.

14. The Native Service Contract Act, 1932, is hereby repealed.

Repeal of Act 24 of 1932, as amended by Act 18 of 1936, Act 36 of 1944 and Act 67 of 1954.

15. Section *two* of the Native Trust and Land Act, 1936 (Act No. 18 of 1936) (hereinafter referred to as the Trust Act), is hereby amended by the addition of the following sub-section:

Amendment of section 2 of Act 18 of 1936, as amended by section 1 of Act 17 of 1939, section 28 of Act 56 of 1949 and section 1 of Act 73 of 1956.

"(4) Notwithstanding the provisions of sub-section (1), any area may by resolution of both Houses of Parliament be declared a released area for the purposes of this Act, and any area so declared shall be added to the First Schedule to this Act by way of a proclamation in the *Gazette* by the State President."

16. Section *thirteen* of the Trust Act is hereby amended—
(a) by the addition to sub-section (3) of the following paragraph:

Amendment of section 13 of Act 18 of 1936, as amended by section 7 of Act 17 of 1939, section 2 of Act 18 of 1954, section 5 of Act 73 of 1956 and section 3 of Act 41 of 1958.

"(f) Any legal proceedings arising out of an expropriation under this section, shall be commenced within one year after the date on which the dominium in such land passed to the Trust or the State, as the case may be.";

(b) by the substitution in sub-section (4) for the words "Irrigation and Conservation of Waters Act, 1912 (Act No. 8 of 1912)," of the words "Water Act, 1956 (Act No. 54 of 1956)," ; and

(c) by the substitution in sub-section (6) for the words "Government of the Union" of the words "Government of the Republic".

17. Section *eighteen* of the Trust Act is hereby amended—

Amendment of section 18 of Act 18 of 1936, as amended by section 8 of Act 17 of 1939.

(a) by the substitution in sub-section (7) for the words "Deeds Registries Act, 1918 (Act No. 13 of 1918)," of the words "Deeds Registries Act, 1937 (Act No. 47 of 1937)," ; and

(b) by the substitution in sub-section (8) for the words "Chapter VII of the Irrigation and Conservation of Waters Act, 1912" of the words "the Water Act, 1956 (Act No. 54 of 1956)".

18. The following section is hereby substituted for section *twenty-five* of the Trust Act:

Substitution of section 25 of Act 18 of 1936, as amended by section 38 of Act 46 of 1937 and section 4 of Act 18 of 1954.

"Application of Chapter IV. 25. (1) The provisions of this Chapter with the exception of section *thirty-five*, shall not apply in respect of—

- (a) any land within a scheduled native area;
- (b) any land within a prescribed area;
- (c) any land of which the South African Native Trust referred to in section *four* is the registered owner;
- (d) any other land which the Minister by notice in the *Gazette* excludes from the operation of this Chapter.

(2) The Minister may at any time withdraw any notice referred to in paragraph (d) of sub-section (1)."

19. The following section is hereby substituted for section *twenty-six* of the Trust Act:

Substitution of section 26 of Act 18 of 1936, as amended by section 5 of Act 18 of 1954 and section 4 of Act 41 of 1958.

"Land subject to this Chapter may not be occupied by Bantu except in certain circumstances.

26. (1) Except with the written approval of the Secretary (which approval may at any time be withdrawn) and subject to such conditions as he may deem fit and save where otherwise permitted by this Act or the regulations—

(a) no owner of land in respect of which the provisions of this Chapter apply, shall allow Bantu to congregate upon or to reside upon such land; and

(b) no Bantu shall congregate upon or reside upon or occupy any dwelling on such land.

(2) The prohibition contained in sub-section (1) shall not apply in the case of a Bantu who is—

(a) the registered owner of such land or a person entitled to have such land registered in his name in terms of the Deeds Registries Act, 1937 (Act No. 47 of 1937), or a lawful usufructuary of such land, or in the case of land held in trust for a Bantu tribe or community, a member of such tribe or community;

(b) registered and employed full-time as a *bona fide* Bantu employee of the owner of such land;

(c) registered as a labour tenant in respect of such land;

(d) registered as a squatter in respect of such land;

(e) the wife (including any woman who lives with him as his wife) or other *bona fide* dependant of any Bantu referred to in paragraph (a), (b), (c) or (d), provided such latter Bantu is employed exclusively in farming operations by the owner of such land;

(f) permitted by or under the provisions of section *thirty-four* to be upon such land; or

(g) a *bona fide* visitor to a lawful resident on such land and has obtained approval from the owner of such land to be on such land.

(3) Any person who contravenes any provision of this section and any person who permits such a contravention, shall be guilty of an offence.

(4) In any criminal proceedings under sub-section (3) against an owner of land for unlawfully allowing Bantu to congregate upon or to reside upon land—

(a) it shall be presumed, unless the contrary is proved, that such Bantu were not, during the period covered by the charge, permitted by or under the provisions of sub-section (1) or (2) to congregate upon or to reside upon such land;

(b) it shall be no defence for such owner to allege or aver that such Bantu are on such land without his approval unless he proves to the satisfaction of the court that he has instituted and is actively pursuing an action for the ejectment of such Bantu from the land.

(5) Whenever the Secretary has given his approval under sub-section (1) and until such approval is withdrawn, the provisions of the Group Areas Act, 1957 (Act No. 77 of 1957), in so far as they may be relevant, shall not apply save in so far as rights in conflict with the said Act may arise.”.

20. The following section is hereby inserted in the Trust Act after section *twenty-six*: Insertion of section 26bis in Act 18 of 1936.

“Removal of Bantu who unlawfully occupy land.

26bis. (1) The court convicting any person of an offence in terms of sub-section (3) of section *twenty-six* may—

- (a) apart from any penalty imposed, make an order for the ejection of the Bantu so convicted or in respect of whose residence upon land any other person was so convicted, from the land to which the conviction relates; and
- (b) issue such orders, give such instructions and confer such authority as may be reasonably necessary—
 - (i) to give effect to the said order of ejection;
 - (ii) to effect the removal of such Bantu and of all his dependants who are living with him, to such other place, whether within or without the jurisdiction of the said court but situate outside a prescribed area, as it may specify; and
 - (iii) to ensure the demolition and removal from the said land of all buildings or structures which may have been erected thereon by the said Bantu or on his behalf.

(2) A Bantu or a dependant of a Bantu who has been convicted of an offence in terms of sub-section (3) of section *twenty-six* or who has been ejected by order under sub-section (1) of this section may, where no order has been made for the removal of such Bantu or for the removal of any dependants under sub-section (1), be removed, together with his dependants, under a warrant issued by a Bantu affairs commissioner and addressed to a member of the South African Police, to his home or his last place of residence or to a rural village, settlement, rehabilitation scheme, institution or other place situate outside a prescribed area, indicated by the Secretary, either generally or specially.

(3) Pending the removal under sub-section (1) or the issue of a warrant under sub-section (2), the Bantu concerned may, whether or not he is serving a sentence of imprisonment in respect of a contravention of section *twenty-six*, be detained in a prison or a police cell or lock-up or any other place which the court convicting him or the Bantu affairs commissioner considering the issue of a warrant under sub-section (2), considers suitable, or be released on bail as if he were a person whose trial on a criminal charge before an inferior court is adjourned or postponed.

(4) Any person convicted of an offence in terms of sub-section (3) of section *twenty-six* may be required by order of the court which convicted him made at the time of his conviction or at any time thereafter, or by order of a Bantu affairs commissioner, to pay the costs of removal of such Bantu and his dependants to the place to which the Bantu concerned is to be removed, together with any costs incurred in the detention of such Bantu under sub-section (3).

(5) A Bantu affairs commissioner may, in issuing any warrant under sub-section (2), order that the cost of removal of the Bantu concerned and his dependants, together with any costs incurred in the detention of such Bantu under sub-section (3), be met from money found in his possession or

otherwise belonging to him or accruing to him from any source.

(6) A warrant may be issued under sub-section (2) or an order made under sub-section (4) or (5), notwithstanding the fact that a penalty has been imposed under this Act or any other law in respect of the offence in question upon the person against whom the warrant is issued or the order is made.

(7) If any Bantu has been removed to any place in terms of sub-section (1) or (2) and the Bantu affairs commissioner within whose area that place is situated is satisfied, either on information placed before him or on personal investigation, that there is no suitable accommodation for such Bantu at the said place, or that he can be more suitably accommodated elsewhere, or that he has no proper employment within a reasonable distance from such place, such Bantu affairs commissioner may take all such steps as appear to him to be reasonably necessary for the removal of such Bantu to a suitable place, whether within or without the said Bantu affairs commissioner's area, specified by him, and for such purpose such Bantu affairs commissioner shall have all the powers conferred on a court under sub-section (1)."

21. Section *twenty-seven* of the Trust Act is hereby amended by the substitution for sub-section (2) of the following sub-section:

Amendment of section 27 of Act 18 of 1936, as amended by section 6 of Act 18 of 1954.

"(2) A Bantu shall not be registered under this Chapter as a labour tenant in respect of any land on which no labour tenants were resident at the date upon which the provisions of this Chapter became applicable to that land or in respect of land on which, at the time application is made for such registration, no labour tenants lawfully reside."

22. The following section is hereby inserted in the Trust Act after section *twenty-seven*:

Insertion of section 27bis in Act 18 of 1936.

"Abolition of labour tenants' system.

27bis. (1) Whenever the Minister considers it in the public interest to do so, he may by notice in the *Gazette* declare that as from a date fixed in such notice—

(a) no further labour tenants' contracts shall be entered into and no further labour tenants shall be registered in respect of land in the area referred to in such notice; or

(b) no labour tenants shall be employed on land in the area referred to in such notice.

(2) Any person who after the date fixed in a notice referred to in sub-section (1), enters into a labour tenant contract in respect of land or employs a labour tenant on land in an area referred to in such notice, shall, if such contract or employment is prohibited by such notice, be guilty of an offence, and any such contract shall be void."

23. Section *twenty-eight* of the Trust Act is hereby amended—

Amendment of section 28 of Act 18 of 1936, as amended by section 7 of Act 18 of 1954 and section 8 of Act 73 of 1956.

(a) by the substitution for sub-section (1) of the following sub-section:

"(1) The Minister may from time to time whenever he deems it expedient to do so, in the manner prescribed and for such period as he may determine, appoint for any area outside the Province of the Cape of Good Hope in which labour tenants reside, a board, to be called the labour tenants control board, consisting of the Secretary or an officer designated by the Minister, who shall be chairman, and at least three registered owners of land resident in such area actually carrying on farming operations. In the Province of the Cape of Good Hope every divisional council in respect of the area within its jurisdiction, shall perform the functions of such board under this Act."; and

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

“(1)*bis* If for any area no labour tenants control board has been established under sub-section (1) and no divisional council exists, the Bantu affairs commissioner shall, in respect of so much of that area as is within the area of his jurisdiction, perform the functions of such board under this Act.”.

24. The following section is hereby inserted in the Trust Act after section *twenty-eight*:

Insertion of section 28*bis* in Act 18 of 1936.

“Bantu labour control boards.

28*bis*. (1) Whenever the Minister considers it in the public interest to do so, he may by notice in the *Gazette* declare that as from a date specified in such notice, a Bantu labour control board shall be established for the area referred to therein, and such board shall have jurisdiction in respect of all Bantu employed in *bona fide* farming operations or in *bona fide* domestic service in such area.

(2) A Bantu labour control board shall be constituted in the same manner as a labour tenants control board and its members shall be appointed in the same manner as members of a labour tenants control board.

(3) When a Bantu labour control board is established for an area, the labour tenants control board which has jurisdiction in such area shall cease to function, and the members of such labour tenants control board shall be deemed to be members of the Bantu labour control board and shall hold office for the unexpired term of their appointment.

(4) Any reference in this Act or the regulations to a labour tenants control board shall be deemed to include a reference to a Bantu labour control board.”.

25. The following section is hereby substituted for section *twenty-nine* of the Trust Act:

Substitution of section 29 of Act 18 of 1936, as amended by section 8 of Act 18 of 1954 and section 9 of Act 73 of 1956.

“Duties and functions of the labour tenants and Bantu labour control boards.

29. (1) If a labour tenants or Bantu labour control board has reason to believe, having regard to the number of full-time and part-time Bantu employees and the Bantu labour potential on any land in its area, that the number of labour tenants or, in the case of a Bantu labour control board, that the number of Bantu employees, on such land is unduly large or that for any other reason an investigation into the number of labour tenants or Bantu employees, as the case may be, on such land is necessary, or if it is requested in writing by an owner of land in such area or by a labour liaison officer appointed under section *thirty-eight quat* to carry out an investigation into the number of labour tenants or Bantu employees, as the case may be, on any land in such area, it shall by notice in writing call upon the owner of that land to appear before the board on a date and at a place specified in such notice to show cause why the number of labour tenants or Bantu employees, as the case may be, registered in respect of such land shall not be reduced on the ground that there are more labour tenants or Bantu employees, as the case may be, registered in respect of such land than are actually and *bona fide* required by him for domestic services or in or about farming operations carried on by him on such land or on any other land held by him elsewhere than in a prescribed area.

(2) Upon the day and at the place specified in the notice aforesaid or on any day to which the board may postpone the hearing, any owner upon whom such notice has been served, shall appear before the board and show cause as aforesaid or submit to the order of the board: Provided that if such owner does not so appear, the board may make any investigation, hold any enquiry or make any determination or order under this section in his absence.

(3) (a) The board shall after enquiry determine the number of labour tenants or Bantu employees, as the case may be, required by such owner for the purposes mentioned in sub-section (1), and, if there are more labour tenants or Bantu employees, as the case may be, resident on the land in question than the number so determined by the board, the board may order that the number so resident be reduced and may determine a period of time, not exceeding twelve months after the date of such order, within which such reduction shall take place, and thereupon such owner shall take such steps as may be lawful and necessary to effect the removal within such period of so many of the labour tenants or employees resident on his land as exceed the number so determined by the board, and if he fails to take such steps within such period he shall be guilty of an offence.

(b) A labour tenants or Bantu labour control board may make any investigation, hold any enquiry or make any determination or order under this section in respect of any land notwithstanding the fact that it may previously have made an investigation, held an enquiry or made any determination or order in respect of the same land.

(4) If any owner owns land in the area of jurisdiction of more than one labour tenants or Bantu labour control board, the board for the area in which such owner normally resides shall have jurisdiction to make the determination under sub-section (3) in respect of all the land of such owner or in respect of any particular land.

(5) A labour tenants or Bantu labour control board making any investigation under this section may in its discretion consult any other labour tenants or Bantu labour control board in whose area of jurisdiction labour tenants or Bantu employees, as the case may be, reside on land of the owner whose position is under investigation, for a recommendation as to the determination to be made under sub-section (3) in respect of any particular land in such other area.

(6) Whenever any contract exists in terms of which any labour tenant or Bantu employee or any member of the family of any labour tenant or Bantu employee is obliged to serve any owner in respect of whose land the board has made any such determination, for any period extending beyond the period within which the board has determined that such reduction shall take place, the board may declare that that contract shall terminate upon a date fixed by the board, and thereupon, that contract shall terminate not later than upon the date so fixed.

(7) No owner in respect of whose land any determination has been made as aforesaid and is in force shall at any time allow a greater number of labour tenants or Bantu employees, as the case may be, to reside on such land than the number determined by the board under sub-section (3): Provided that the board may from time to time and on the application of such owner, after enquiry, rescind or vary its order for good cause shown.

(8) A copy of any order made by the board under this section shall be transmitted by the chairman of the board to the Bantu affairs commissioner of the area in which the land in respect of which the order is made is situate, and such Bantu affairs commissioner shall note the terms of such order in a register to be kept by him for the purpose in the manner prescribed and which may be inspected by any person free of charge during office hours.

(9) (a) The person appointed as chairman of a labour tenants or Bantu labour control board

shall not have a right to vote at a meeting of that board except in the event of an equality of votes, in which case he shall have a casting vote.

- (b) A quorum shall consist of the person appointed as chairman and two of the other members, and any resolution passed by a majority of the members present at any meeting of the board, shall be regarded as a decision of the board.

(10) Any person who is aggrieved by any determination or order made by the board may in the manner and within the period prescribed, appeal against that determination or order to the Minister, whose decision on any such appeal shall be final.

(11) Any person who contravenes the provisions of sub-section (7), shall be guilty of an offence.

(12) Notwithstanding anything to the contrary in this section contained, a Bantu labour control board shall have no jurisdiction to determine the number of Bantu employees to be employed in any class of employment which the Minister may for this purpose define by notice in the *Gazette*."

26. Section *thirty* of the Trust Act is hereby repealed.

Repeal of section 30 of Act 18 of 1936, as amended by section 9 of Act 18 of 1954.

27. Section *thirty-three* of the Trust Act is hereby amended—

- (a) by the substitution for sub-sections (1), (2), *2bis* and (3) of the following sub-sections:

Amendment of section 33 of Act 18 of 1936, as amended by section 11 of Act 18 of 1954.

"(1) Every Bantu affairs commissioner shall keep in the manner prescribed a register of the squatters resident in his area and shall allow any person to inspect such register free of charge during office hours.

(2) On the date of registration and yearly thereafter, there shall be paid by the owner to the Bantu affairs commissioner in respect of each squatter a licence fee at the following rate per annum—

- (a) for the first year, one pound;
 (b) for the second year, two pounds;
 (c) for the third year, four pounds;
 (d) for the fourth year, six pounds;
 (e) for the fifth year, eight pounds;
 (f) for the sixth year, ten pounds;
 (g) for the seventh year, twelve pounds;
 (h) for the eighth year, fourteen pounds;
 (i) for the ninth or any subsequent year, sixteen pounds.

(2)*bis* Every owner on whose land is resident any Bantu registered as a squatter under this Chapter, shall obtain from the Bantu affairs commissioner concerned a licence in the form prescribed for such squatter and shall thereafter, subject to the proviso to sub-section (3), from year to year while any such Bantu remains so resident, obtain from the Bantu affairs commissioner concerned a renewal of such licence.

(3) A licence shall be issued by the Bantu affairs commissioner to such owner and shall expire on the thirtieth day of June of each year but may be renewed from year to year against payment of the appropriate licence fee: Provided that no licence shall be renewed after the expiration of fifteen years from the application of the provisions of this Chapter to the land on which the squatter, to whom such licence refers, resides or, in the case of a squatter registered in pursuance of any consent given by the Minister under section *thirty-two*, after the expiration of the period for which that squatter was, in terms of such consent, authorized to reside as a squatter on the land in question."

- (b) by the deletion of sub-section (4); and

- (c) by the substitution in sub-section (5) for the word "district" wherever it occurs of the word "area" and for the word "Minister" of the word "Secretary".

28. Section *thirty-four* of the Trust Act is hereby amended—

Amendment of
section 34 of
Act 18 of 1936.

(a) by the insertion after sub-section (1) of the following sub-section:

“(1)*bis* Subject to the approval of the Bantu affairs commissioner, any person may grant written permission to a Bantu to reside on land—

(i) which is lawfully let by him to such Bantu; or

(ii) upon which he may, in terms of section *twenty-six*, allow such Bantu to reside,

and no registration, licence or other fee shall be payable in respect of the residence of any such Bantu upon that land.”; and

(b) by the addition of the following sub-sections:

“(3) (a) A Bantu affairs commissioner may, subject to such conditions as he may deem fit, grant a written permit to any Bantu authorizing him to reside either indefinitely or for a specified period upon any alluvial digging (as defined in section *one hundred and sixteen* of the Precious Stones Act, 1927 (Act No. 44 of 1927)), and may at any time withdraw any such permit so granted.

(b) A Bantu contravening or failing to comply with a condition of a permit granted to him in terms of paragraph (a), shall be guilty of an offence.

(c) The provisions of this sub-section shall not derogate from any provision of the said Act or of the regulations made thereunder.

(4) Whenever any approval has been given under this section, and until such approval is withdrawn, the provisions of the Group Areas Act, 1957 (Act No. 77 of 1957), in so far as they may be relevant, shall not apply save in so far as rights in conflict with the said Act may arise.”

29. The following section is hereby substituted for section *thirty-five* of the Trust Act:

Substitution of
section 35 of
Act 18 of 1936.

“Returns
to be
made by
owner.

35. (1) As often as he may from time to time deem it necessary, the Bantu affairs commissioner or the chairman of a labour tenants or Bantu labour control board, or in the case of the Province of the Cape of Good Hope, the chairman of a divisional council, may, and upon instructions from the Minister shall, require any owner or any person in the service of or acting for such owner (hereinafter referred to as the agent) to transmit to him within a period specified and in a form prescribed, a return or statement showing—

(a) the number and names of all Bantu residing on such owner's land; and

(b) particulars of the licence or permission under which and the terms and conditions upon which each such Bantu so resides.

(2) If any owner or agent fails to furnish the information required under sub-section (1) or furnishes information which is, in the opinion of the Bantu affairs commissioner or chairman of the labour tenants or Bantu labour control board or chairman of the divisional council, as the case may be, insufficient or unsatisfactory, he may direct such owner or agent by a notice in writing under his hand, delivered or tendered to such owner or agent, to appear before such Bantu affairs commissioner or chairman at a place and on a date and hour stated in such notice, which shall be not less than fourteen days after delivery or tender of such notice, and to furnish such Bantu affairs commissioner or chairman with all the information within the knowledge of such owner or agent concerning any Bantu residing on or using such land and any matter relating to such residence or use.

(3) After having questioned such owner or agent, the Bantu affairs commissioner or chairman con-

cerned may deliver to him a notice in writing under his hand to appear before him again at a place and upon a date and hour stated in such notice and to submit to him further information or any such book or document as he may specify in such notice.

(4) When such owner or agent appears before the Bantu affairs commissioner or chairman concerned in compliance with a notice issued under sub-section (2) or (3), the Bantu affairs commissioner or chairman may administer an oath or affirmation to him and may question him in regard to any Bantu residing on or using land owned or occupied by him or by his principal or on any matter relating to such residence or use, and in doing so, the Bantu affairs commissioner or chairman may consult any member of the South African Police or any officer in the public service.

(5) Any owner or agent who—

(a) fails to submit the return or statement referred to in sub-section (1) within the period specified or knowingly submits it with incomplete or incorrect particulars or makes therein any false statement;

(b) fails to comply with any notice delivered or tendered to him in terms of sub-section (2) or (3);

(c) when appearing before the Bantu affairs commissioner or chairman concerned, fails to answer fully to the best of his knowledge and belief any questions put to him by the Bantu affairs commissioner or chairman in terms of sub-section (4), or knowingly makes any false statement concerning any Bantu residing on or using land owned by him or by his principal or concerning any matter relating to such residence or use, shall be guilty of an offence.”.

30. Section *thirty-seven* of the Trust Act is hereby amended— Amendment of section 37 of Act 18 of 1936.

(a) by the substitution in sub-section (1) for the words “Native Affairs”, where they occur for the first time, of the words “Bantu Administration and Development”; by the substitution in the said sub-section for the words “for Native Affairs” of the words “ or, in respect of land owned by the Railway Administration, any officer of that Administration authorized thereto in writing by the General Manager of the South African Railways and Harbours”; and by the insertion in the said sub-section after the word “Trust” where it occurs for the second time, of the words “or of the Railway Administration,”; and

(b) by the substitution in sub-sections (2), (3) and (4) for the words “police force” wherever they occur of the words “South African Police”.

31. The following sections are hereby inserted in the Trust Act after section *thirty-eight*: Insertion of sections 38bis, 38ter, 38quat and 38quin in Act 18 of 1936.

“Miscellaneous provisions relating to labour tenant contracts.

38bis. (1) No labour tenant contract shall be entered into for a period in excess of three years and any such contract which purports to have been entered into for a period in excess of three years shall be deemed to have been entered into for a period of three years.

(2) Notwithstanding anything contained in this section or in any other law, a labour tenant contract entered into for any period or at any place shall not be invalid merely by reason of the fact that it was not entered into in any particular manner or form, provided the reference book of the labour tenant concerned is endorsed in the manner prescribed to the effect that a labour tenant contract has been entered into with such labour tenant and the provisions of sub-section (4) of section *eight* of the Natives (Abolition of Passes and Coordination of Documents) Act, 1952 (Act No. 67 of 1952), have been complied with.

(3) If the parties to a labour tenant contract have not expressly stipulated the period for which it shall be in force, it shall be deemed to have been entered into for a period of one year.

(4) When a labour tenant contract does not define the particular period in any year during which the Bantu bound by that contract shall render service to his employer, but provides that such Bantu shall render such service whenever called upon to do so by his employer, the latter may, apart from any other grounds for terminating such contract, regard such contract as having been terminated (and it shall thereupon be deemed to have been terminated) if during a period exceeding three months he has been precluded from calling upon such Bantu to render such service in full, by reason of the absence of such Bantu from the employer's land without the latter's permission.

(5) If the control of any land which a Bantu is entitled to occupy or use by virtue of a labour tenant contract, passes from the employer to some other person, the latter shall assume all rights and liabilities as employer under such contract, which shall in all other respects continue as if no change in the parties thereto had taken place: Provided that—

- (a) the new employer may within three months after assuming such control; and
- (b) the labour tenant may, within three months after having ascertained that the control of such land has passed to another employer as aforesaid,

terminate such contract on three months notice to that effect.

(6) If on the termination of a labour tenant contract from whatever cause the labour tenant has any crop standing on the land which he was entitled to cultivate by virtue of such contract, he shall be entitled to tend such crop till it matures and thereafter to reap and remove it.

(7) Whenever two or more Bantu belonging to the same family or household are bound under any labour tenant contract or contracts (whether entered into by them or on their behalf collectively or separately) to render service to any one employer, a failure of any one such Bantu to fulfil any of his obligations under any such contract, which entitles such employer to terminate such contract as against that one Bantu, shall entitle such employer to terminate such contract or any such contract as against all such Bantu or any of them.

(8) If a Bantu who, by virtue of a labour tenant contract entered into with him or with a Bantu belonging to the same family or household as such first-mentioned Bantu, was entitled to occupy or use or reside upon any land and who, after the termination of such contract, and after having been ordered by the owner of such land or his agent to vacate such land, fails to comply with that order within a period of one month after the receipt of such order, he shall be guilty of an offence.

Prohibition on allowing the congregation of Bantu on certain land.

38ter. (1) If in the opinion of the Minister—

- (a) the congregation of Bantu on any land or the situation of the accommodation provided for Bantu on any land or the presence of Bantu in any area traversed by them for the purpose of congregating upon any land, is causing a nuisance to persons resident in the vicinity of such land or in such area, as the case may be; or
- (b) it is undesirable, having regard to the locality of any land, that Bantu should congregate thereon,

he may, subject to the provisions of sub-section (2) by notice in writing prohibit the owner of such land from allowing Bantu to congregate or reside thereon.

(2) Before the Minister issues any prohibition in terms of sub-section (1) he shall advise the owner of the land in question of his intention to issue such prohibition, and allow such owner a reasonable time, which shall be specified when so advising him, to make representations to him in regard to his proposed action.

(3) Any owner of land who allows Bantu to congregate or reside upon land in contravention of a prohibition issued in terms of sub-section (1), shall be guilty of an offence.

(4) No prohibition under sub-section (1) shall apply with reference to any meeting, assembly or gathering connected exclusively with any church or other religious service or church function.

Appoint-
ment and
powers of
labour
liaison
officers.

38quat. (1) (a) The Minister may, subject to the laws governing the public service, appoint any person as a labour liaison officer for the purposes of this Chapter.

(b) Any member of a labour tenants or Bantu labour control board shall so long as he holds office as such, be deemed to have been appointed a labour liaison officer for the purposes of this Chapter.

(2) A labour liaison officer shall exercise such powers and perform such duties as may be prescribed.

(3) Any person who—

(a) falsely holds himself out to be a labour liaison officer appointed under this section; or

(b) refuses or fails, without sufficient cause, to answer to the best of his knowledge and belief any question lawfully put to him by a labour liaison officer, or to comply with any lawful requirement of a labour liaison officer; or

(c) hinders or wilfully obstructs any labour liaison officer, interpreter or member of the South African Police in the exercise of his functions under this section or the regulations, shall be guilty of an offence.

(4) Every labour liaison officer shall be deemed to be a peace officer for the purposes of the Criminal Procedure Act, 1955 (Act No. 56 of 1955).

Abolition
of labour
farms.

38quin. (1) Whenever the Minister has reason to believe that any farm or any portion thereof is used exclusively or primarily for the accommodation or housing of Bantu and not for *bona fide* farming operations, he may by notice addressed to the owner of such farm, direct such owner to reduce within a period stated in such notice, the number of Bantu accommodated or housed on such farm to a number determined by the labour tenants or Bantu labour control board or direct that no further Bantu be accommodated or housed on such farm or any specified portion thereof.

(2) Notwithstanding the provisions of section *twenty-nine*, a labour tenants or Bantu labour control board may make any determination under sub-section (1)."

32. Section *forty* of the Trust Act is hereby amended—

(a) by the substitution in sub-section (1) for the word "servant" of the words "Bantu employee"; and

(b) by the deletion in sub-section (2) of the words "for Native Affairs".

Amendment of
section 40 of
Act 18 of 1936,
as amended by
section 5 of
Act 41 of 1958.

33. Section *forty-one* of the Trust Act is hereby amended by the addition of the following sub-section:

"(3) Whenever in any criminal proceedings under this Act, the question arises whether any land is subject to the provisions of Chapter IV of this Act by reason of the provisions of section *twenty-five*, it shall be presumed that such land is so subject, unless the contrary is proved."

Amendment of
section 41 of
Act 18 of 1936,
as amended by
section 6 of
Act 41 of 1958.

34. Section *forty-three* of the Trust Act is hereby amended by the deletion of all the words following the word "right" where it occurs for the fourth time. Amendment of section 43 of Act 18 of 1936.

35. Section *forty-eight* of the Trust Act is hereby amended— Amendment of section 48 of Act 18 of 1936, as amended by section 28 of Act 17 of 1938 and section 13 of Act 18 of 1954.

(a) by the insertion in sub-section (1) after paragraph (q) of the following paragraph:

"(q)*bis* the rendition by owners of land when so required by an officer in charge of a labour bureau established under any law, a chairman of a labour tenants or Bantu labour control board, a chairman of a divisional council or a Bantu affairs commissioner, of returns or statistics of or information relating to Bantu resident on such land;"

(b) by the substitution for paragraph (r) of the said sub-section of the following paragraph:

"(r) prescribing the particulars or information to be furnished with any application or to be inserted in any licence, permit, permission, certificate or register under this Act and the procedure as to the registration and licensing of labour tenants, squatters and Bantu employees;"

(c) by the substitution for paragraph (u) of the said sub-section (1) of the following paragraph:

"(u) prescribing the procedure to be followed in the appointment and the conduct of the proceedings of labour tenants and Bantu labour control boards, the powers, functions and duties of such boards, the principles to be followed or the matters (which may include the availability of non-Bantu labour) to be taken into consideration by such boards in approving of the registration of labour tenants or Bantu employees or in making any determination or order under this Act and the manner in and the period within which an aggrieved person may appeal to the Minister against any such determination or order;"

(d) by the substitution in paragraph (v) of the said sub-section for the words "calendar year" of the words "period of twelve months";

(e) by the insertion in the said sub-section after paragraph (w)*bis* of the following paragraphs:

"(w)*ter* prescribing the form to be used under section *thirty-five*, the manner in which such form is to be completed, the particulars to be furnished and the period within which such information is to be furnished;

(w)*quat* prescribing the form of any labour tenant contract, where such written contract is to be entered into, the particulars to be set forth therein, the manner in which such forms shall be made available to the public and the charges (if any) to be made therefor;

(w)*quin* prescribing the powers, duties and functions of labour liaison officers appointed under section *thirty-eight quat*;"

36. Section *forty-nine* of the Trust Act is hereby amended— 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 and section 7 of Act 79 of 1957.

(a) by the insertion after the definition of "acquisition" of the following definitions:
"Bantu" means—

(1) for the purposes of Chapter IV and the regulations relating to that Chapter, a native as defined in section *one* of the Population Registration Act, 1950 (Act No. 30 of 1950), and a person who in appearance obviously is a member of an aboriginal race or tribe of Africa shall for the purposes of the said Chapter and the said regulations be presumed to be a Bantu unless it is

proved that he is not in fact and is not generally accepted as such a member; and

- (2) for the purposes of the entry into, residence in or acquisition of any land or interest in land in a scheduled native area or in a released area, a native as defined in section *one* of the Population Registration Act, 1950, but does not include a Bantu not born in the Republic or in the territory of South-West Africa; and
- (3) for any other purposes of this Act—
- (a) a native as defined in section *one* of the Population Registration Act, 1950; and
- (b) any person whose father or mother is or was a Bantu in terms of sub-paragraph (a); and
- (c) any person whose father or mother is or was a Bantu in terms of sub-paragraph (b); and
- (d) any other person, one or more than one of whose ancestors is or was a Bantu who—
- (i) is desirous of being regarded as a Bantu for the purposes of this Act; or
- (ii) is by general acceptance and repute a Bantu; or
- (iii) follows in his ordinary or daily mode of life the habits of a Bantu; or
- (iv) uses one or other Bantu language as his customary and natural mode of expression; or
- (v) associates generally with Bantu under Bantu conditions; and
- (e) any member of an aboriginal tribe of Africa; and
- (f) a company or other corporate body or association in which a Bantu has or Bantu have a controlling interest;

but does not include

- (i) any person falling under sub-paragraph (b) or (c) and born of a marriage as defined in section *thirty-five* of the Native Administration Act, 1927 (Act No. 38 of 1927), contracted prior to the commencement of this Act; or
- (ii) any person falling under sub-paragraph (b) and born prior to the commencement of this Act who is by general acceptance and repute not a Bantu; or
- (iii) any person falling under sub-paragraph (c) who is by general acceptance and repute not a Bantu and whose parents are or were by general acceptance and repute not Bantu,

who desires to be regarded as a person other than a Bantu for the purposes of this Act: Provided that if any person asserts in the case of a person falling under sub-paragraph (ii) that the other parent (father or mother) of such person is or was also a Bantu, the onus shall be on the person so asserting: Provided further that in the case of a person falling under sub-paragraph (iii) the onus of proving that the parents of such person are or were by general acceptance and repute not Bantu shall not be on such person, but if the contrary is alleged, the onus of proving such allegation shall be upon the person who makes it;

'Bantu affairs commissioner' includes an additional or an assistant Bantu affairs commissioner and in respect of any district or area in respect of which no Bantu affairs commissioner has been appointed, means a magistrate or an additional or an assistant magistrate having jurisdiction in such district or area;

'Bantu employee' means a Bantu who is an employee as defined in the Native Labour Regulation Act, 1911 (Act No. 15 of 1911), and includes a Bantu who has to render services to an employer under a labour tenant contract or under any other contract of service, and also a domestic servant;"

- (b) by the substitution for the definition of "dependant" of the following definition:

"'dependant', in relation to a Bantu, includes—

- (a) the wife of or partner in a customary union with such Bantu;
 - (b) sons under the age of eighteen years and unmarried daughters of such Bantu living with and dependent on such Bantu;
 - (c) any other child of such Bantu living with him and who by reason of infirmity or other disability is dependent on such Bantu;
 - (d) any parent or grandparent of such Bantu who by reason of old age, infirmity or other disability is dependent on such Bantu;"
- (c) by the substitution for the definition of "labour tenant" of the following definition:

"'labour tenant' means, in relation to land or the owner thereof, a Bantu over the age of fifteen years (other than a Bantu rendering service under a contract of service or a Bantu woman who lives with a Bantu, whether or not she is his wife), born in the Republic or in the territory of South-West Africa, the services of whom are actually and *bona fide* required by the owner for domestic service or in or about farming operations or in any class of employment which the Minister may by notice in the *Gazette* prescribe, carried on by the owner on such land or on other land held by him and who is obliged to serve the owner elsewhere than in a prescribed area, but does not include any Bantu who in respect of his occupation of the land of the owner, gives any consideration other than the services aforesaid;"

- (d) by the substitution in the definition of "Minister" for the words "Native Affairs" of the words "Bantu Administration and Development";

- (e) by the deletion of the definitions of "native", "native commissioner", "native hostel" and "native village";

- (f) by the insertion after the definition of "person other than a native" of the following definitions:

"'prescribed' means prescribed by this Act or the regulations;

'prescribed area' means a prescribed area as defined in the Natives (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945);

'reference book' means a reference book as defined in the Natives (Abolition of Passes and Co-ordination of Documents) Act, 1952 (Act No. 67 of 1952), or any passport, permit, document of identity or other travel document referred to in the Admission of Persons to the Union Regulation Act, 1913 (Act No. 22 of 1913);

'registered' means registered as prescribed;"

- (g) by the insertion after the definition of "scheduled native area" of the following definition:

"'Secretary' means the Secretary for Bantu Administration and Development and includes any other officer in the public service acting under his authority;"

- (h) by the substitution for the definition of "servant" of the following definition:

"'servant' means the same as Bantu employee;" and

- (i) by the substitution for the definition of "squatter" of the following definition:

"'squatter' means, in relation to land or to the owner thereof, a Bantu (not exempted from the provisions of Chapter IV under section *thirty-four*) who is or appears to be of or over the age of eighteen years and is residing on such land, if such Bantu is neither a Bantu employee nor a labour tenant, but does not include a dependant of such Bantu or a Bantu woman who lives with a Bantu man, whether as his wife or partner in a customary union with him or otherwise."

37. The First Schedule to the Trust Act is hereby amended—
- (a) by the addition to Part I of the areas defined in the First Schedule to this Act;
 - (b) by the addition to Part II of the area defined in the Second Schedule to this Act; and
 - (c) by the addition to Part III of the area defined in the Third Schedule to this Act.

Amendment of First Schedule to Act 18 of 1936, as amended by section 11 of Act 73 of 1956, section 12 of Act 46 of 1962 and section 5 of Act 76 of 1963.

38. The Trust Act is hereby amended by the substitution for the words "Crown", "Crown land", "Governor-General" and "Union" wherever those words occur therein of the words "State", "State-owned land", "State President" and "Republic" respectively.

Substitution in Act 18 of 1936 for "Crown", "Crown land", "Governor-General" and "Union" of "State", "State-owned land", "State President" and "Republic" respectively.

39. Section one of the Natives (Urban Areas) Consolidation Act, 1945 (hereinafter referred to as the Urban Areas Act), is hereby amended—

- (a) by the substitution for the definition of "accommodate" of the following definition:
"accommodate", in relation to a prescribed area or a part thereof, or to any land or premises within a prescribed area, means to house or provide with lodging; and 'accommodation' has a corresponding meaning;"

Amendment of section 1 of Act 25 of 1945, as amended by section 1 of Act 16 of 1955, section 23 of Act 36 of 1957 and section 20 of Act 63 of 1962.

- (b) by the insertion after the definition of "acquire" of the following definition:

"aid centre" means an aid centre as defined in the Native Labour Regulation Act, 1911 (Act No. 15 of 1911);"

- (c) by the substitution for the definition of "authorized officer" of the following definition:

"authorized officer means—

- (a) a Bantu affairs commissioner;
 - (b) a magistrate, including an additional or an assistant magistrate;
 - (c) a justice of the peace;
 - (d) a member of the South African Police or of the South African Railways and Harbours Police;
 - (e) any person appointed by an urban local authority for the purpose of performing within or in regard to a Bantu residential area such functions as relate to the maintenance of the good order and peaceful administration of such area;
 - (f) any person appointed by an urban local authority who has power of inspection in connection with Bantu;
 - (g) an officer referred to in section *twenty-two*;
 - (h) an attesting officer as defined in section 20 of the Native Labour Regulation Act, 1911 (Act No. 15 of 1911);
 - (i) any authorized receiver of tax payable under the Native Taxation and Development Act, 1925 (Act No. 41 of 1925), or any person authorized under that Act to demand the production of any document;
 - (j) any inspector of Bantu labourers appointed under section *eighteen* of the Native Labour Regulation Act, 1911;
 - (k) any person authorized by the Minister to demand the production of such documents under the Native Labour Regulation Act, 1911, or any regulation thereunder, or under this Act or the regulations as may be specified in such authority; and
 - (l) any member of any class of persons specified by the Minister in a notice in the *Gazette*;"
- (d) by the insertion after the definition of "authorized officer" of the following definitions:
"Bantu" means a native as defined in section one of the Population Registration Act, 1950 (Act No. 30 of 1950), and a person who in appearance obviously is a member of an aboriginal race or

- tribe in Africa, shall for the purposes of this Act and the regulations be presumed to be a Bantu unless it is proved that he is not in fact and is not generally accepted as such a member;
- 'Bantu affairs commissioner' includes an additional or an assistant Bantu affairs commissioner and in respect of any district or area in respect of which no Bantu affairs commissioner has been appointed, means a magistrate or an additional or an assistant magistrate having jurisdiction in such district or area;
- 'Bantu hostel' means any area of land defined, set apart and laid out under paragraph (c) of sub-section (1) of section *two* and includes any building or group of buildings provided thereon;
- 'Bantu residential area' means any location, Bantu village or Bantu hostel;
- 'Bantu village' means any area of land defined and set apart under paragraph (b) of sub-section (1) of section *two*;
- 'chief Bantu affairs commissioner' includes an assistant chief Bantu affairs commissioner;"
- (e) by the insertion after the definition of "coloured person" of the following definition:
 "'dependant' means a dependant as defined in the Native Trust and Land Act, 1936;"
- (f) by the insertion after the definition of "interest" of the following definition:
 "'labour bureau', 'district labour bureau' or 'local labour bureau' means a labour bureau, district labour bureau or local labour bureau established under section *twenty-one bis* of the Native Labour Regulation Act, 1911;"
- (g) by the deletion of the definition of "magistrate";
- (h) by the substitution in the definition of "Minister" for the words "Native Affairs" of the words "Bantu Administration and Development";
- (i) by the deletion of the definitions of "native", "native commissioner", "native hostel" and "native village";
- (j) by the insertion after the definition of "prescribed" of the following definitions:
 "'prescribed area' means a prescribed area referred to in section *nine bis*;
- 'reference book' means a reference book as defined in the Natives (Abolition of Passes and Coordination of Documents) Act, 1952 (Act No. 67 of 1952), or any passport, permit, document of identity or other travel document referred to in the Admission of Persons to the Union Regulation Act, 1913 (Act No. 22 of 1913);
- 'registered' means registered as prescribed;"
- (k) by the substitution for the definition of "rural township" of the following definition:
 "'Secretary' means the Secretary for Bantu Administration and Development and includes any other officer in the public service acting under his authority;" and
- (l) by the addition at the end of the definition of "urban local authority" of the words "and in relation to a prescribed area or a portion thereof outside an urban area means the urban local authority or body indicated in a notice issued under sub-section (1) of section *nine bis* as the urban local authority having jurisdiction for the purpose of the administration of the Acts and the regulations referred to therein, in such area."
40. Section *two* of the Urban Areas Act is hereby amended—
- (a) by the substitution for paragraph (f) of sub-section (1) of the following paragraph:
 "(f) in accordance with such regulations as may from time to time be prescribed, require every Bantu not being a Bantu belonging to any class specified in paragraph (a), (b) or (d) of sub-section (2) of section *nine* who resides in but is not employed in the urban area, to remove therefrom."; and
- Amendment of section 2 of Act 25 of 1945, as amended by section 2 of Act 16 of 1955 and section 24 of Act 36 of 1957.

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

“(1)*bis* The Minister shall by notice in the *Gazette* describe any area which has been defined and set apart under paragraph (a), (b) or (c) of sub-section (1), and the production of the *Gazette* containing such notice shall in any legal proceedings be deemed to be *prima facie* proof that the land referred to therein has been duly defined and set apart as a location, Bantu village or Bantu hostel, as the case may be.”.

41. Section *three* of the Urban Areas Act is hereby amended—

Amendment of section 3 of Act 25 of 1945, as amended by section 3 of Act 16 of 1955.

- (a) by the insertion in sub-section (1) after the word “Administrator” where it occurs for the first time of the words “and the Bantu Housing Board established under sub-section (1) of section *eight* of the Housing Act, 1957 (Act No. 10 of 1957)”; and

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

“(4) Whenever a location, Bantu village or Bantu hostel has been removed, curtailed or abolished under sub-section (3), the Minister shall publish a notice to that effect in the *Gazette*, and the production of the *Gazette* containing such notice shall in any legal proceedings be deemed to be *prima facie* proof that the land referred to therein is no longer an area defined and set apart as a location, Bantu village or Bantu hostel.”.

42. Section *four* of the Urban Areas Act is hereby amended—

Amendment of section 4 of Act 25 of 1945.

- (a) by the substitution in sub-section (1) for the words “section *three*” of the words “sub-section (1) or (3) of section *three*”; and

- (b) by the insertion in the said sub-section after the word “Administrator” where it occurs for the second time of the words “and the Bantu Housing Board established under sub-section (1) of section *eight* of the Housing Act, 1957 (Act No. 10 of 1957),”.

43. Section *six* of the Urban Areas Act is hereby amended by the substitution for sub-paragraph (iv) of paragraph (b) of sub-section (3) of the following sub-paragraph:

Amendment of section 6 of Act 25 of 1945, as amended by section 27 of Act 36 of 1957.

- “(iv) in any aid centre; or”

44. Section *seven* of the Urban Areas Act is hereby repealed.

Repeal of section 7 of Act 25 of 1945.

45. Section *nine* of the Urban Areas Act is hereby amended—

Amendment of section 9 of Act 25 of 1945, as amended by section 4 of Act 16 of 1955, section 29 of Act 36 of 1957 and section 6 of Act 76 of 1963.

- (a) by the insertion after sub-section (3)*bis* of the following sub-section:

“(3)*ter* (a) For the purposes of sub-section (1) “accommodation” means any land or premises provided with water, sanitary and other services approved, either generally or specially, by the Minister or an officer acting under his authority and made available for occupation; and “accommodate” has a corresponding meaning.

- (b) The approval by the Minister or such an officer of any estimates of expenditure providing for such services or the approval of any lay-out or subdivision of land providing for such services, shall be deemed to be approval for purposes of the said sub-section.”;

- (b) by the deletion at the end of paragraph (b) of sub-section (5)*bis* of the word “and”;

- (c) by the addition to the said sub-section of the following paragraph:

“(d) the onus of proof that a Bantu is exempted by or under sub-section (2) shall be on the accused.”;

and

- (d) by the addition of the following sub-section:

“(10) Any person convicted of an offence under paragraph (b) of sub-section (9) shall be liable on a first conviction to a fine not exceeding fifty rand or in default of payment to imprisonment for a period

not exceeding three months and on a second or subsequent conviction for a like offence in the same urban area within a period of two years, to a fine of not less than fifty rand or in default of payment to imprisonment for a period of not less than three months or to both such fine and such imprisonment or to such imprisonment without the option of a fine."

46. The following section is hereby inserted in the Urban Areas Act after section *nine*:

"Prescribed areas.

9bis. (1) The Minister may, after consultation with the urban local authority concerned, if any, or with any such body as is contemplated by paragraph (*f*) of sub-section (1) of section *eighty-four* of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961), having jurisdiction, by notice in the *Gazette* declare any area outside a scheduled native area or a released area as defined in the Native Trust and Land Act, 1936 (Act No. 18 of 1936), and defined in such notice, to be a prescribed area for purposes of this Act, the Native Labour Regulation Act, 1911 (Act No. 15 of 1911), and the regulations made thereunder or to form part of an existing prescribed area, and shall indicate in such notice the urban local authority, if any, or such other body which shall have jurisdiction for the purpose of the administration of the said Acts and regulations in such area: Provided that where no such urban local authority or other body is so indicated in respect of any prescribed area which is not an urban area, the said Acts and regulations shall be administered in such area by the Bantu affairs commissioner in all respects as if he were an urban local authority so indicated.

Insertion of section *9bis* in Act 25 of 1945.

(2) Every urban area, if not already included in a prescribed area, and every area proclaimed before the commencement of this section under sub-section (1) of section *twenty-three* shall be deemed to be a prescribed area and every proclamation under the said section shall be deemed to be a notice issued under sub-section (1) and the urban local authority or other body having jurisdiction in such area or required under such proclamation to exercise the powers referred to in the said section in the said area, shall be deemed to be the urban local authority indicated to administer the provisions of this Act and of the Native Labour Regulation Act, 1911, and of the regulations made thereunder, in the said area.

(3) The Minister may at any time after consultation with the urban local authority or other body concerned, by subsequent notice in the *Gazette* rescind, amend or vary any notice issued or deemed to have been issued under sub-section (1) or declare that any urban area specified in such notice shall no longer be deemed to be a prescribed area for the purposes of this Act."

47. Section *ten* of the Urban Areas Act is hereby amended—

(a) by the substitution for sub-section (1) of the following sub-section:

"(1) No Bantu shall remain for more than seventy-two hours in a prescribed area unless he produces proof in the manner prescribed that—

(a) he has, since birth, resided continuously in such area; or

(b) he has worked continuously in such area for one employer for a period of not less than ten years or has lawfully resided continuously in such area for a period of not less than fifteen years, and has thereafter continued to reside in such area and is not employed outside such area and has

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 and section 30 of Act 36 of 1957.

not during either period or thereafter been sentenced to a fine exceeding one hundred rand or to imprisonment for a period exceeding six months; or

- (c) such Bantu is the wife, unmarried daughter or son under the age at which he would become liable for payment of general tax under the Native Taxation and Development Act, 1925 (Act No. 41 of 1925), of any Bantu mentioned in paragraph (a) or (b) of this sub-section and after lawful entry into such prescribed area, ordinarily resides with that Bantu in such area; or
- (d) in the case of any other Bantu, permission so to remain has been granted by an officer appointed to manage a labour bureau in terms of the provisions of paragraph (a) of sub-section (6) of section *twenty-one ter* of the Native Labour Regulation Act, 1911 (Act No. 15 of 1911), due regard being had to the availability of accommodation in a Bantu residential area:

Provided that whenever any Bantu who is under this sub-section qualified to remain within any such area for a period in excess of seventy-two hours, becomes disqualified so to remain and cannot within that area or any other such area or outside such area but outside a scheduled native area or released area as defined in the Native Trust and Land Act, 1936 (Act No. 18 of 1936), obtain employment and accommodation for himself, his wife and children, if any, the Minister shall, if satisfied that such Bantu cannot so obtain employment and such accommodation, provide that Bantu with a residential site within any such scheduled native area or such released area.”;

- (b) by the deletion of sub-section (1)*bis*;
- (c) by the substitution for sub-section (2) of the following sub-section:
- “(2) Any Bantu who has in terms of paragraph (d) of sub-section (1) been permitted to remain in a prescribed area, shall be given a permit (which may be by means of an endorsement in a reference book or a document of identification referred to in the Natives (Abolition of Passes and Co-ordination of Documents) Act, 1952 (Act No. 67 of 1952), indicating the purpose for which and the period during which such Bantu may remain in that area, the person by whom and the class of work, if any, in which such Bantu may be employed and any other conditions which may have been imposed in granting such permission.”;
- (d) by the deletion in sub-section (3) of the words “or magistrate”;
- (e) by the substitution for sub-section (5) of the following sub-section:
- “(5) In any criminal proceedings against a Bantu in respect of a contravention of the provisions of this section, it shall be presumed until the contrary is proved that such Bantu remained in the area in question for a period longer than seventy-two hours and that such Bantu is not permitted under sub-section (1) to be in such area.”; and
- (f) by the deletion of sub-section (6).

48. The following section is hereby substituted for section *ten bis* of the Urban Areas Act:

“Employment of Bantu in prescribed areas.

10*bis*. (1) No person shall take any Bantu into his employment in a prescribed area or have such Bantu in his employment in such area unless permission to take up employment has been granted to such Bantu by the officer appointed to manage the labour bureau having jurisdiction in such area.

(2) Any person who contravenes any provision of sub-section (1), shall be guilty of an offence and liable on first conviction to a fine not exceeding fifty rand or in default of payment to imprisonment for a period not exceeding three months and on a second or subsequent conviction for a like offence

Substitution of section 10*bis* of Act 25 of 1945, as inserted by section 28 of Act 54 of 1952 and amended by section 31 of Act 36 of 1957.

in the same prescribed area within a period of two years, to a fine of not less than fifty rand or in default of payment to imprisonment for a period of not less than three months or to both such fine and such imprisonment or to such imprisonment without the option of a fine.

(3) In any criminal proceedings in respect of a contravention of sub-section (1) any Bantu who is at any time found on any premises in a prescribed area in circumstances giving rise to a reasonable suspicion that he is employed on such premises, shall be deemed to be in the employ of the owner, lessee, occupier, or other person in charge or control of such premises, unless the contrary is proved."

49. Section *eleven* of the Urban Areas Act is hereby amended—

- (a) by the substitution for sub-section (1) of the following sub-section:
- Amendment of section 11 of Act 25 of 1945, as substituted by section 29 of Act 54 of 1952 and amended by section 32 of Act 36 of 1957.
- "(1) No person shall introduce into a prescribed area a Bantu who in terms of section *ten* is prohibited from remaining in that area except under permission referred to in sub-section (2) of that section, or induce or assist such a Bantu to enter or remain in such area, with the intention of enabling such Bantu to be in such prescribed area contrary to the provisions of sub-section (1) of that section.";
- (b) by the substitution for paragraph (a) of sub-section (2) of the following paragraph:
- "(a) Any person who contravenes any provision of sub-section (1) shall be guilty of an offence, whether or not the Bantu so introduced has remained in such prescribed area for more than seventy-two hours contrary to the provisions of sub-section (1) of section *ten*, and liable on conviction to the penalties prescribed in sub-section (2) of section *ten bis*.";
- (c) by the insertion of the following paragraph after paragraph (b) of the said sub-section:
- "(c) In any criminal proceedings under this section the onus of proof that he had no intention of enabling a Bantu to be in a prescribed area contrary to the provisions of sub-section (1) of section *ten* shall be upon the accused."; and
- (d) by the substitution in sub-section (3) for the words "an area referred to in sub-section (1)" of the words "a prescribed area" and for the words "designated under sub-section (1) of section *ten* by the local authority" of the words "appointed to manage the labour bureau".

50. The following section is hereby substituted for section *twelve* of the Urban Areas Act:

"Foreign Bantu in prescribed areas.

12. (1) Notwithstanding the provisions of section *ten* but subject to the provisions of section *thirteen*, a Bantu not born in the Republic or in the territory of South-West Africa, shall not enter, be or remain in a prescribed area, and no person shall employ or continue to employ any such Bantu within such an area: Provided that—

Substitution of section 12 of Act 25 of 1945, as substituted by section 6 of Act 16 of 1955 and amended by section 8 of Act 79 of 1957.

- (a) the Secretary may in his discretion and with the concurrence of the urban local authority having jurisdiction and subject to such conditions as he may deem fit, give written permission to such a Bantu to enter, be or remain in any such area or to any person to employ such a Bantu in any such area: Provided that the Secretary may at any time withdraw such permission without assigning any reason therefor;
- (b) any permission granted to any person to employ any such Bantu shall be deemed to be permission to such Bantu to enter, be or remain in such prescribed area so long as he continues to be in the employ of such person.

(2) Any Bantu who enters, is or remains in a prescribed area contrary to the provisions of this section, shall be guilty of an offence and liable on conviction to the penalties prescribed in sub-section (2) of section *ten bis*.

(3) Any person who employs or continues to employ any Bantu in a prescribed area contrary to the provisions of this section, shall be guilty of an offence and liable on conviction to the penalties prescribed in sub-section (2) of section *ten bis*.

(4) In any proceedings in respect of a contravention of sub-section (2) or (3)—

(a) any Bantu who is at any time found on any premises in a prescribed area giving rise to a reasonable suspicion that he is employed on such premises, shall be deemed to be in the employ of the owner, lessee, occupier or other person in charge or control of such premises, unless the contrary is proved;

(b) it shall be presumed that the Bantu concerned is a Bantu who is under sub-section (1) prohibited from entering, being or remaining in the prescribed area in question, unless the contrary is proved."

51. The following section is hereby substituted for section *fourteen* of the Urban Areas Act:

"Removal of Bantu who unlawfully remain in prescribed areas.

14. (1) A Bantu who has been convicted under sub-section (4) of section *ten* or sub-section (2) of section *twelve* or has been introduced by any person into any prescribed area contrary to the provisions of sub-section (1) of section *eleven* or whose employer has been convicted under sub-section (3) of section *twelve* in respect of such Bantu may, subject to the provisions of sub-section (9) of section *twenty-one ter* of the Native Labour Regulation Act, 1911 (Act No. 15 of 1911), and with due regard to his family ties or other obligations or commitments, be removed, together with his dependants, under a warrant issued by the court convicting him or such person or employer or by any Bantu affairs commissioner and addressed to a member of the South African Police, to his home or his last place of residence or to a rural village, settlement, rehabilitation scheme, institution or other place indicated by the Secretary, either generally or specially, within a scheduled native area or a released area as defined in the Native Trust and Land Act, 1936 (Act No. 18 of 1936), or in the case of a Bantu referred to in section *twelve*, to the country or territory from which he entered the Republic or the nearest point in the Republic to the district of his origin.

(2) Pending the issue of a warrant under sub-section (1), a Bantu who has been convicted under sub-section (4) of section *ten* or sub-section (2) of section *twelve* may be detained in a prison or police cell or lock-up or any other place which the court convicting him or the Bantu affairs commissioner considering the issue of a warrant under sub-section (1), considers suitable, or be released on bail as if he were a person whose trial on a criminal charge before an inferior court is adjourned or postponed.

(3) A Bantu affairs commissioner may, in issuing any warrant under sub-section (1) in respect of a Bantu convicted under sub-section (2) of section *twelve*, order that the cost of removal of such Bantu, his dependants and his personal effects (including household furniture) be met from money found in his possession or otherwise belonging to him or accruing to him from any source and if such money is not sufficient for such removal, the balance of the cost of removal shall be at the public expense.

Substitution of section 14 of Act 25 of 1945, as substituted by section 32 of Act 54 of 1952, and amended by section 34 of Act 36 of 1957.

(4) Any person convicted—

- (a) under sub-section (2) of section *eleven* of having introduced or induced or assisted a Bantu to enter or remain in any area in contravention of the provisions of sub-section (1) of that section; or
- (b) under sub-section (3) of section *twelve* of having employed or continued to employ a Bantu in any area in contravention of the provisions of sub-section (1) of that section, whether or not such person introduced such Bantu into or induced or assisted such Bantu to enter that area;
- (c) under sub-section (2) of section *ten bis* on a second or subsequent occasion in the same prescribed area within a period of two years, of having employed a Bantu in a prescribed area when such Bantu is not permitted under sub-section (1) of section *ten* to take up employment or to be in that area, whether or not such person introduced such Bantu into or induced or assisted such Bantu to enter that area,

may be required by order of the court which convicted him, or by a Bantu affairs commissioner granting a warrant under sub-section (1), made at the time of his conviction or the granting of the warrant or at any time thereafter, to pay the costs of removal of the Bantu, his dependants and his personal effects (including household furniture) under a warrant issued in terms of sub-section (1) together with any costs incurred in the detention of such Bantu under sub-section (2).

(5) A warrant may be issued under sub-section (1) or an order made under sub-section (4) notwithstanding the fact that a penalty has been imposed under this Act or any other law in respect of the offence in question upon the person against whom the warrant is issued or the order is made, and such a warrant may be issued or such an order may be made at the same time as such penalty is imposed.

(6) Whenever the Government of the Republic (including the Railway Administration) or any provincial administration employs or has in its employ in a prescribed area any Bantu referred to in sub-section (1) of section *twelve*, it shall at the public expense return that Bantu and his dependants to the country or territory from which he entered the Republic.”

52. Section *fifteen* of the Urban Areas Act is hereby repealed. Repeal of section 15 of Act 25 of 1945, as amended by section 33 of Act 54 of 1952.

53. Section *sixteen* of the Urban Areas Act is hereby amended— Amendment of section 16 of Act 25 of 1945, as amended by section 7 of Act 16 of 1955.

- (a) by the substitution for paragraph (b) of sub-section (1) of the following paragraph:

“(b) borrow moneys on the security of the urban local authority’s rates or on the security of any Bantu residential area or under any law to provide facilities for the construction of dwellings and buildings for business, trading and professional purposes and to provide water, sanitation, lighting and road services for such dwellings and buildings, subject to repayment upon such terms and conditions as may be approved;”;

- (b) by the substitution for sub-section (5) of the following sub-section:

“(5) The powers conferred by this section, other than the powers referred to in paragraph (c) of sub-section (1), shall be exercised by an urban local authority in accordance with the relevant provisions of any law governing such authority;”;

(c) by the insertion in sub-section (6) after the word "declare" of the words "by notice in the *Gazette*"; and

(d) by the addition of the following sub-section:

"(7) When an urban local authority under the provisions of sub-section (1) acquires land outside the area under its jurisdiction but not within the area under the jurisdiction of another urban local authority, such land shall, upon and after such acquisition, fall in all respects under the jurisdiction of such first-mentioned urban local authority."

54. Section *eighteen* of the Urban Areas Act is hereby amended by the insertion in sub-section (2) after the word "he" of the words "and his dependants and his personal effects". Amendment of section 18 of Act 25 of 1945.

55. Section *nineteen* of the Urban Areas Act is hereby amended— 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 and section 20 of Act 63 of 1962.

(a) by the substitution for sub-section (1) of the following sub-section:

"(1) From and after the commencement of this Act, every urban local authority which has, whether before or after such commencement, set apart any area of land for the occupation and residence of Bantu, or has under its administration and control any Bantu residential area, whether established under this Act or not, or which has at any time been granted the right under section *five* or *six* of the Bantu Beer Act, 1962 (Act No. 63 of 1962), to manufacture, sell and supply Bantu beer within its area or in whose area a local labour bureau has been established, shall open and keep an account to be called the Bantu revenue account into which shall be paid—

(a) all moneys lawfully paid to the urban local authority in respect of fines imposed by any judicial authority for a contravention by any person of any by-law or regulation governing any such area;

(b) any revenue derived by the urban local authority from the licensing of premises under sub-section (4) of section *nine* and fees payable to a local labour bureau established in the area of such urban local authority;

(c) any moneys derived by the urban local authority from the sale of Bantu beer under the Bantu Beer Act, 1962 (Act No. 63 of 1962), or from the sale of liquor under the Liquor Act, 1928 (Act No. 30 of 1928): Provided that all revenue referred to in this paragraph shall be credited, in the case of the sale of Bantu Beer, to a sub-account of the Bantu revenue account to be called the Bantu beer account and, in the case of the sale of liquor, to a sub-account of the Bantu revenue account to be called a liquor account;

(d) the rentals received for trading sites within locations or Bantu villages and the profits accruing from the conduct by the urban local authority of any business within a location or Bantu village;

(e) all rents, fees for services and other revenue of any kind whatsoever derived by the urban local authority from occupants or residents of any such area in respect of their occupation or residence therein; and

(f) all amounts paid by or to the urban local authority in terms of the Native Services Levy Act, 1952 (Act No. 64 of 1952), including—

(i) contributions by employers or by the urban local authority in terms of section *three* of that Act;

- (ii) any moneys paid as penalties under that Act;
 - (iii) any interest from investments of moneys in the Bantu services levy fund; and
 - (iv) any other sums to which the Bantu services levy fund may become entitled.”;
- (b) by the deletion at the end of paragraph (b) of sub-section (2) of the word “and”;
- (c) by the addition to the said sub-section of the following paragraph:
 “(d) any expenditure incurred in the exercise of the powers and performance of the functions of a local labour bureau established in the area of the urban local authority;”;
- (d) by the addition to sub-section (3) of the following paragraph:
 “(d) an amount calculated according to such formula based on the sale of Bantu beer during any particular financial year as the Minister may fix by notice in the *Gazette* and which shall be payable to the Consolidated Revenue Fund in the manner prescribed for the purposes mentioned in sub-section (2) of section *nineteen bis* of the Bantu Beer Act, 1962.”;
- (e) by the insertion after sub-section (3) *ter* of the following sub-section:
 “(3) *quat* The liquor account shall be chargeable only with—
- (a) any expenditure incurred by the urban local authority in connection with the sale of liquor to Bantu under the Liquor Act, 1928;
 - (b) all or such portion of the profits derived from the sale of liquor to Bantu under the Liquor Act, 1928, as shall in terms of sub-section (7) of section *one hundred bis* of the said Act be dealt with in the manner specified in any authority under which such liquor is sold;
 - (c) any service, expenditure or grant which may be certified in writing by the Minister as being in the interests of Bantu, irrespective of whether or not it relates to a matter in the area of the urban local authority.”;
- (f) by the substitution for sub-section (5) of the following sub-section:
 “(5) (a) The appropriation of moneys from the Bantu 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 Bantu services levy fund, be prepared by such urban local authority after consultation with the native 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 Bantu council established under section *two* of the Urban Bantu Councils Act, 1961 (Act No. 79 of 1961), (where such a council exists) 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.
- (b) Notwithstanding the provisions of paragraph (a), an urban local authority may in anticipation of approval of estimates of expenditure by or on behalf of the Minister, incur expenditure of a recurring nature on services and to the extent of the unexpended balances on works of a capital nature duly approved for the preceding financial year.”;

(g) by the substitution for paragraphs (a), (b) and (c) of sub-section (10) of the following paragraphs:

“(a) Sections *nine, ten, ten bis, eleven and twelve*;

(b) any regulation made or deemed to have been made under sub-section (1), (3) or (4) of section *thirty-eight*;

(c) any regulation made under paragraph (o) of sub-section (1) of section *twenty-three* of the Native Labour Regulation Act, 1911 (Act No. 15 of 1911), or relating to any of the powers or functions of a local labour bureau referred to in section *twenty-one ter* of the said Act and established in the area of an urban local authority, if the contravention in question occurred within the area of jurisdiction of such local labour bureau;”;

(h) by the deletion of sub-paragraph (iii) of paragraph (d) of the said sub-section; and

(i) by the insertion after paragraph (e) of the said sub-section of the following paragraph:

“(f) the Bantu Beer Act, 1962, or any regulation made thereunder, if the contravention in question occurred within an urban area and was committed by a Bantu.”.

56. (1) Section *twenty* of the Urban Areas Act is hereby amended—

(a) by the substitution in sub-section (1) for the words “1920 (Act No. 35 of 1920), or any regulation made under the Housing (Emergency Powers) Act, 1945 (Act No. 45 of 1945), after consultation with the National Housing and Planning Commission” of the words “1957 (Act No. 10 of 1957), after consultation with the Bantu Housing Board established under sub-section (1) of section *eight* of that Act,”;

(b) by the substitution in sub-section (1)*bis* for the words “1920 (Act No. 35 of 1920), or any regulation made under the Housing (Emergency Powers) Act, 1945 (Act No. 45 of 1945),” of the words “1957 (Act No. 10 of 1957),” and for the words “National Housing and Planning Commission” of the words “said Bantu Housing Board”;

(c) by the substitution in sub-section (3) for the words “such period” of the words “period prior to such notice”; and

(d) by the substitution in sub-section (5) for the words “magistrate of the district” of the words “Bantu affairs commissioner of the area” and by the insertion in the said sub-section after the word “made” of the words “or deemed to have been made”.

(2) Any determination made by the Minister under sub-section (1)*bis* of section *twenty* of the Urban Areas Act before the commencement of this section, shall be deemed to have been made by the Minister under the said sub-section as amended by this section.

57. Section *twenty-two* of the Urban Areas Act is hereby amended—

(a) by the substitution for sub-section (1) of the following sub-section:

“(1) (a) Every urban local authority shall appoint one or more officers or assign one or more of its officers for the management of the local labour bureau established within its area and for the management of any location, Bantu village or Bantu hostel within its area or for any portion of any such location, Bantu village or Bantu hostel and may, subject to the approval of the Minister, appoint one of the officers so appointed or assigned or any other officer for the management of its department of Bantu administration and may likewise appoint a deputy and an assistant to such officer.

Amendment of section 20 of Act 25 of 1945, as amended by section 19 of Act 45 of 1953 and section 36 of Act 36 of 1957.

Amendment of section 22 of Act 25 of 1945, as amended by section 38 of Act 36 of 1957.

- (b) No officer so appointed or assigned shall assume the duty of such management until he has been licensed as prescribed.
- (c) Pending the issue of a licence to an officer so appointed or assigned or during the temporary absence of a licensed officer, the Bantu affairs commissioner may grant a temporary authority to an officer for a period not exceeding twelve months to assume such management or to deputize or act for such an officer. Such a temporary authority may at any time on good cause shown be withdrawn by the Bantu affairs commissioner, after consultation with the urban local authority concerned.
- (d) The Minister may, at any time on good cause shown, after reference to the urban local authority concerned, withdraw any such licence whereupon the officer concerned shall cease to perform the duties to which he was so appointed or assigned.”;
- (b) by the deletion of sub-section (1)*bis*;
- (c) by the deletion in sub-section (1)*ter* of the words “or sub-section (1)*bis*” wherever they occur;
- (d) by the substitution for sub-sections (2) and (3) of the following sub-sections:
- “(2) Subject to the provisions of any law or regulation applicable to an urban local authority governing the retirement of its officers on grounds of ill-health or on reaching a prescribed age, any officer appointed or assigned in terms of sub-section (1), whether so appointed or assigned before or after the commencement of this Act, shall not without his consent be removed from his office, or have his salary or other emoluments reduced, unless the Minister has notified to the local authority his approval: Provided that any urban local authority may suspend any such officer from the duties of his office for incapacity, neglect or misconduct, pending the notification by the Minister of his approval of the removal from office of that officer, and in the event of such approval being notified the officer shall be deemed to have been removed from office from the date of his suspension.
- (3) (a) The Minister may appoint one or more officers who shall at all reasonable times have the power after consultation with the urban local authority concerned or with the officer appointed for the management of its department of Bantu administration, to inspect any location, Bantu village or Bantu hostel, whether established under this Act or not, and any premises within an urban area or within a prescribed area upon which Bantu are accommodated or suspected of being accommodated and to investigate any or all aspects of the administration by an urban local authority or by any officer thereof of the provisions of this Act or of the Native Labour Regulation Act, 1911 (Act No. 15 of 1911), or of the regulations made under such Acts, and shall for that purpose have access at all reasonable times to the books and records of such urban local authority or of such officer relating to such administration. It shall be the duty of such officers to confer with the urban local authority and in consultation with the urban local authority to enquire into any matter affecting the well-being and welfare of Bantu which may come to their notice. Every Bantu affairs commissioner shall be deemed to have been appointed under this sub-section as an officer for the area of his jurisdiction.
- (b) Notwithstanding the provisions of any other law, an officer appointed under paragraph (a) may after consultation with the urban local authority or with the officer appointed for the management of its department of Bantu administration, convene or address any meeting of the native advisory board or of the urban Bantu council.”;
- and

- (e) by the deletion in sub-section (6) of the words "for Native Affairs".

58. Section *twenty-three* of the Urban Areas Act is hereby repealed. Repeal of section 23 of Act 25 of 1945, as amended by section 1 of Act 42 of 1946, section 35 of Act 54 of 1952, section 17 of Act 67 of 1952 and section 39 of Act 36 of 1957.

59. Section *twenty-four* of the Urban Areas Act is hereby repealed. Repeal of section 24 of Act 25 of 1945.

60. Section *twenty-eight* of the Urban Areas Act is hereby amended— Amendment of section 28 of Act 25 of 1945.

- (a) by the substitution for the words "family" and "urban area" wherever they occur therein of the words "dependants" and "prescribed area" respectively;
- (b) by the insertion in sub-section (1) after the word "satisfied" of the words "from statistics maintained by the labour bureau";
- (c) by the substitution in sub-paragraph (iii) of paragraph (a) of sub-section (2) for the words "members of his family" of the words "of his dependants" and for the words "member of his family" of the word "dependant";
- (d) by the substitution in sub-section (4) for the words "magistrate or native commissioner" of the words "Bantu affairs commissioner"; and
- (e) by the substitution in sub-section (8) for the words "the mandated territory of South-West Africa, Basutoland, the Bechuanaland Protectorate or Swaziland" of the words "or the territory of South-West Africa".

61. The following section is hereby substituted for section *twenty-nine* of the Urban Areas Act: Substitution of section 29 of Act 25 of 1945, as substituted by section 36 of Act 54 of 1952 and amended by section 9 of Act 16 of 1955 and section 41 of Act 36 of 1957.

"Manner of dealing with idle or undesirable Bantu.

29. (1) Whenever any authorized officer has reason to believe that any Bantu within an area outside a scheduled native area or a released area as defined in the Native Trust and Land Act, 1936 (Act No. 18 of 1936), is an idle or undesirable person, he may, notwithstanding the provisions of any other law, without warrant arrest that Bantu or cause him to be arrested and take him or cause him to be taken before a Bantu affairs commissioner to be dealt with in accordance with the provisions of this section.

(2) For the purposes of sub-section (1) an "idle person" means a Bantu, other than a *bona fide* Bantu housewife—

- (a) over the age of fifteen years and under the age of sixty years, in the case of a female, and sixty-five years, in the case of a male, who, whether or not such Bantu is in receipt of adequate maintenance from his parent or guardian—

- (i) though capable of being employed, is normally unemployed and is not *bona fide* engaged in any business, trade, profession or other remunerative activity for which he is in terms of any law licensed or registered with the authority of a labour bureau: Provided that this subparagraph shall not apply in the case of a Bantu who is a pupil or student at an educational institution, or who having completed a course of study at one institution, is awaiting admission to another institution; or

- (ii) has on three consecutive occasions refused or failed without lawful cause to accept suitable employment offered to him by a labour bureau: Provided that no reason for the refusal or failure to take up employment shall be considered a lawful cause unless such reason is tendered to the labour bureau at the time the employment is offered or within three days thereafter; or
- (iii) has on more than two occasions during any period of six months, after having taken up employment offered to him by a labour bureau, failed due to his own misconduct, neglect, intemperance or laziness, to keep such employment for at least one month; or
- (iv) has on more than three occasions over any period of one year been discharged from employment due to his own misconduct;
- (b) who because of his own misconduct or default (which shall be taken to include the squandering of his means by betting, gambling or otherwise), fails to provide for his own support or for that of any dependant whom he is legally liable to maintain; or
- (c) who is addicted to drink or drugs, in consequence of which he is unable to provide for his own support or is unable or neglects to provide for the support of any dependant whom he is legally liable to maintain; or
- (d) who has been required under any law to depart from the area concerned within a period specified in terms of such law and not to return to such area within a period so specified and has failed to depart therefrom within the period so specified or has returned thereto before the expiration of the period so specified; or
- (e) who habitually begs for money or goods or induces others to beg for money or goods on his behalf.

(3) For the purposes of sub-section (1) an "undesirable person" means a Bantu who—

- (a) has been convicted more than once over any period of five years of an offence mentioned in the Third Schedule to the Criminal Procedure Act, 1955 (Act No. 56 of 1955), other than an offence against the laws for the prevention of the supply of intoxicating liquor to Bantu or coloured persons; or
- (b) has been convicted of selling or supplying intoxicating liquor, other than Bantu beer, or of being in unlawful possession of any such liquor or has been convicted more than once within a period of three years, of selling or supplying Bantu beer or of being in unlawful possession of Bantu Beer; or
- (c) has been convicted of any offence involving public violence in the area concerned; or
- (d) has been convicted of any offence under any law relating to the illicit possession, conveyance or supply of habit-forming drugs in the area concerned; or
- (e) has been convicted of any offence involving violence to an officer entrusted with the administration of Bantu affairs in the area concerned, while carrying out his duties as such and has been sentenced to imprisonment, either with or without the option of a fine, for a period in excess of fourteen days; or

- (f) has been convicted of any offence for being in possession of an unlicensed firearm in the area concerned; or
- (g) has been convicted of any offence relating to malicious injury to property belonging to the urban local authority concerned; or
- (h) has been convicted of any offence under section *ten, eleven, twelve* or *thirteen* of the Riotous Assemblies Act, 1956 (Act No. 17 of 1956); or
- (i) has been convicted of any offence in circumstances in which the provisions of section *two* of the Criminal Law Amendment Act, 1953 (Act No. 8 of 1953), apply; or
- (j) has been convicted of any offence under the Unlawful Organizations Act, 1960 (Act No. 34 of 1960); or
- (k) has been convicted of any offence under section *twenty-one* of the General Law Amendment Act, 1962 (Act No. 76 of 1962).

(4) A Bantu arrested under sub-section (1) shall within seventy-two hours after arrest be brought before a Bantu affairs commissioner.

(5) The Bantu affairs commissioner before whom a Bantu is brought under sub-section (4) shall enquire into the allegations made against such Bantu and require such Bantu to give a good and satisfactory account of himself and may for this purpose appoint an authorized officer or an officer of the public service to lead the evidence at such enquiry.

(6) (a) If a Bantu who has been required under sub-section (5) to give a good and satisfactory account of himself fails to do so, the Bantu affairs commissioner enquiring into the matter shall declare such Bantu to be an idle person or an undesirable person, according to the circumstances.

(b) Where there is any doubt as to whether a Bantu falls within the category defined in sub-paragraph (i) of paragraph (a) of sub-section (2), the burden of proof that he does not fall within such category shall be upon such Bantu.

(7) If a Bantu affairs commissioner declares any Bantu to be an idle or undesirable person, he may—

- (a) by warrant addressed to any member of the South African Police order that such Bantu be removed from the area concerned and sent to his home or to a place indicated by such Bantu affairs commissioner and that he be detained in custody pending his removal; or
- (b) order that such Bantu be sent to and be detained in a retreat, rehabilitation centre or certified retreat established or deemed to have been established under any law; or
- (c) order that such Bantu be sent to and be detained for a period not exceeding two years in a farm colony, refuge, rescue home or similar institution established or approved under the Prisons Act, 1959 (Act No. 8 of 1959), and perform thereat such labour as may be prescribed under that Act or the regulations made thereunder for the persons detained therein; or
- (d) order that such Bantu be sent to any rural village, settlement, rehabilitation scheme, institution or other place indicated by the Secretary, either generally or specially, within a scheduled native area or a released area as defined in the Native Trust and Land Act, 1936, and established or approved under any law, and be detained thereat for such period and perform thereat such labour as may be prescribed by or under that law; or

- (e) if such Bantu agrees to enter and enters into a contract of employment with such an employer and for such a period as that Bantu affairs commissioner may approve, permit such Bantu to enter into employment in accordance with the terms of that contract and, if he deems fit, order that such Bantu be detained in custody pending his removal to the place at which he will in terms of that contract be employed: Provided that where any such contract is terminated before the expiration of the period approved by the Bantu affairs commissioner, such Bantu shall again be liable to be dealt with as prescribed in this sub-section and may for this purpose, pending an order by the Bantu affairs commissioner, be detained in custody; or
- (f) if such Bantu at the date of commencement of the enquiry referred to in sub-section (4), is over the age of fifteen years but under the age of nineteen years, order that such Bantu be sent to his home or parents or to an institution established under any law and be detained in such institution for a period prescribed under that law: Provided that whenever no or insufficient evidence is available as to the age of such Bantu, the Bantu affairs commissioner enquiring into the matter may estimate the age of such Bantu by his appearance or from any information which is available, and the age so estimated shall for the purpose of this paragraph be deemed to be the true age of that Bantu and to have been attained on the date it was so estimated.

(8) An order made under paragraph (b) of sub-section (7) shall have the same effect as if it had been made under sub-section (6) of section *fifteen* of the Retreats and Rehabilitation Centres Act, 1963 (Act No. 86 of 1963).

(9) In addition to any order made in terms of sub-section (7), the Bantu affairs commissioner may further order that the Bantu concerned shall not at any time thereafter, or during the period specified in the order, enter or remain in any area indicated in the order, except with the written permission of the Secretary.

(10) Any Bantu affairs commissioner having jurisdiction in the area in question may suspend the execution of any warrant or order issued in terms of sub-section (7) for any period and on any conditions determined by him.

(11) Whenever an authorized officer has reason to believe that any condition of suspension of any warrant or order issued under this section is not being observed by a Bantu, he or any member of the South African Police may without warrant arrest that Bantu and take him or cause him to be taken before a Bantu affairs commissioner who may then order the execution of any such warrant or order or may, if satisfied that such Bantu has through circumstances beyond his control or for any other good and sufficient reason been unable to observe any condition of such suspension, further suspend such execution for any further period and on any conditions determined by him.

(12) If any Bantu enters or remains in any area in contravention of an order made under sub-section (9), he shall be guilty of an offence, and the court convicting him of such offence shall by warrant order that, after he has paid any fine or served any period of imprisonment to which he may be sentenced in respect of that offence, he be dealt with as provided in paragraph (a) or (b) of sub-section (7).

(13) Any dependant of a Bantu who is ordered to return to his home or to be removed to any rural village, settlement, rehabilitation scheme,

institution or any other place, may be removed, together with his personal effects (including household furniture), at the public expense to the said Bantu's home or to the place to which he has been ordered to be removed.

(14) A Bantu affairs commissioner enquiring into any matter under this section—

- (a) may authorize the finger-prints of any Bantu who, in terms of this section, is required to give a good and satisfactory account of himself, to be taken;
- (b) may from time to time adjourn the enquiry and may in such case order that the Bantu concerned be detained in a prison, police-cell or lock-up or other place which such Bantu affairs commissioner considers suitable, or release him on bail *mutatis mutandis* as if he were a person whose trial on a criminal charge before an inferior court is adjourned or postponed;
- (c) shall keep a record of the proceedings and may, in his discretion, summon to his assistance Bantu or an urban Bantu council established under sub-section (1) of section *two* of the Urban Bantu Councils Act, 1961 (Act No. 79 of 1961), to sit and act with him as assessors in an advisory capacity.

(15) The provisions of the law relating to appeals and to any form of review in criminal cases shall *mutatis mutandis* apply in respect of any order made under paragraph (b), (c), (d) or (f) of sub-section (7) as if such order were a sentence passed by a magistrate's court in a criminal case but the noting of an appeal or the submission for review shall not, save where the Bantu affairs commissioner so determines, suspend the operation of such order.

(16) (a) Nothing in this Act contained shall be construed as preventing an order being made or as invalidating or affecting in any manner whatever an order made under sub-section (7) in respect of a Bantu falling within any of the categories referred to in paragraph (a), (b) or (c) of sub-section (1) of section *ten*.

(b) When a Bantu falling within any of the categories referred to in paragraph (a), (b) or (c) of sub-section (1) of section *ten* is declared to be an idle or undesirable person, he shall forthwith forfeit any right which he may have acquired by virtue of the operation of any of the said paragraphs, to remain in a prescribed area."

62. Section *twenty-nine bis* of the Urban Areas Act is hereby amended—

- (a) by the substitution in sub-section (1) for the words "the area under its jurisdiction or in any proclaimed area in respect of which such urban local authority exercises any of the powers referred to in sub-section (1) of section *twenty-three* or in any area forming part of a proclaimed area and in respect of which such urban local authority exercises any of those powers" of the words "a prescribed area or any portion thereof";
- (b) by the deletion in sub-section (6) of the words "for Native Affairs";
- (c) by the substitution in paragraph (b) of sub-section (7) for the words "work colony established or deemed to have been established under the Work Colonies Act, 1949 (Act No. 25 of 1949)," of the words "rehabilitation centre established or deemed to have been established under the Retreats and Rehabilitation Centres Act, 1963 (Act No. 86 of 1963)."; and
- (d) by the substitution in sub-section (9) for the expression "(9)" of the expression "(14)".

Amendment of section *29bis* of Act 25 of 1945, as inserted by section 1 of Act 69 of 1956.

63. Section *thirty* of the Urban Areas Act is hereby repealed.

Repeal of section 30 of Act 25 of 1945.

64. Section *thirty-one* of the Urban Areas Act is hereby amended—

Amendment of section 31 of Act 25 of 1945, as amended by section 17 of Act 67 of 1952 and section 42 of Act 36 of 1957.

- (a) by the substitution for sub-section (1) of the following sub-section:

“(1) The State President may, by proclamation in the *Gazette* at the request of any urban local authority or the Minister, declare that no Bantu, male or female, shall be in any public place within the area controlled by such authority or any specified portion thereof during such hours of the night as are specified in such proclamation unless such Bantu be in possession of a written permit signed by his employer or by a person authorized by such employer to issue such a permit to such Bantu or by some person authorized by the urban local authority or the Minister to issue such permits or by any member of the South African Police or of the South African Railways and Harbours Police of or above the rank of sergeant or in charge of a police station. Every such permit shall bear the date of issue thereof and the date and hours for which it purports to be available and shall be produced for examination on demand made by any authorized officer.”;

- (b) by the substitution for paragraph (d) of sub-section (2) of the following paragraph:

“(d) was, when he signed or issued such permit, a member of the South African Police or of the South African Railways and Harbours Police of or above the rank of sergeant or in charge of a police station;”;

- (c) by the substitution for paragraph (b) of sub-section (4) of the following paragraph:

“(b) to any Bantu mentioned in paragraph (a) of sub-section (2) of section *nine* or to any female dependent upon him;”;

- (d) by the substitution for paragraph (c) of the said sub-section of the following paragraph:

“(c) to any Bantu to whom the Minister has granted exemption therefrom under sub-section (4)*bis*.”;

- (e) by the insertion of the following sub-section after the said sub-section:

“(4)*bis* The Minister may—

- (a) by notice in the *Gazette*, which he may at any time amend or withdraw, declare that every Bantu of a class specified in such notice shall for such period and subject to such conditions as he may specify in such notice, be exempted in respect of all urban areas, from the restrictions imposed by a notice issued under sub-section (1);
- (b) either generally in respect of all urban areas or specially in respect of one or more such urban areas or portions of such areas, grant exemption to any Bantu from the restrictions imposed by a notice issued under sub-section (1);
- (c) attach such conditions to any such exemption as he may deem fit;
- (d) grant any such exemption for an indefinite or any specified period; and
- (e) at any time withdraw any such exemption.”.

65. Section *thirty-seven* of the Urban Areas Act is hereby amended—

Amendment of section 37 of Act 25 of 1945.

- (a) by the insertion in paragraph (b) after the word “may” where it occurs for the first time of the words “by regulation”;

- (b) by the insertion in paragraph (c) after the word “may” of the words “by regulation”; and

- (c) by the insertion in paragraph (ii) of the proviso after the word "keeper" of the words "or to carry on the business of an hotel or of a bioscope".

66. The following section is hereby inserted in the Urban Areas Act after section *thirty-seven*:

Insertion of section 37bis in Act 25 of 1945.

"Hawking and peddling in prescribed areas.

37bis. (1) (a) Notwithstanding anything to the contrary in any law contained, no Bantu may, unless he has obtained the required permission, certificate, consent or other authority from an urban local authority under this section or any other law to do so, carry on in any prescribed area or in any part thereof outside a Bantu residential area, any trade or business as a hawker or pedlar or as a dealer or speculator in livestock or produce, or any street trade or business which the Minister may specify by notice in the *Gazette*, whether or not any licence is required under any law for the carrying on of any such trade or business.

(b) No urban local authority may grant any permission under this section or any certificate, consent or other authority under any other law, to any Bantu to carry on any trade or business referred to in paragraph (a) in a prescribed area or in any part thereof outside a Bantu residential area, unless the Minister, at the request of such urban local authority, has authorized such urban local authority to consider and grant applications by Bantu for such permissions, certificates, consents or other authorities to carry on any such trade or business in such prescribed area or in such part thereof.

(c) No licence may be issued to a Bantu under any law to carry on any trade or business referred to in paragraph (a) in any prescribed area or in any part thereof outside a Bantu residential area, save where the urban local authority has consented to the issue of such licence.

(d) The Minister may grant the authority referred to in paragraph (b) to an urban local authority subject to such conditions as he may determine, and he may at any time withdraw any such authority.

(e) Any permission, certificate, consent and other authority granted by an urban local authority and any licence issued by a licensing authority to a Bantu purporting to enable such Bantu to carry on any trade or business referred to in paragraph (a) in a prescribed area or in any part thereof outside a Bantu residential area, shall, if such urban local authority has not been authorized under paragraph (b) to grant such permission, certificate, consent or other authority or has not consented to the issue of such licence, be deemed to be of no force or effect.

(2) Any Bantu who contravenes the provisions of paragraph (a) of sub-section (1) shall be guilty of an offence."

67. Section *thirty-eight* of the Urban Areas Act is hereby amended—

Amendment of section 38 of Act 25 of 1945, as amended by section 6 of Act 45 of 1947, section 10 of Act 16 of 1955, section 47 of Act 36 of 1957, section 20 of Act 63 of 1962 and section 9 of Act 76 of 1963.

- (a) by the substitution for sub-section (1) of the following sub-section:

"(1) The State President may make regulations, not inconsistent with this Act, as to all or any of the following matters:

- (a) The medical supervision, examination and vaccination of Bantu in a prescribed area and the measures to be taken to prevent the introduction or spread of infectious or contagious diseases by them;

- (b) the proper carrying out of sub-sections (3) and (5) of section *twenty*;
- (c) the licensing of, or the granting of temporary authorities to, officers appointed or assigned under sub-section (1) of section *twenty-two* and the powers and duties of such officers;
- (d) the powers and duties of officers appointed under sub-section (3) of section *twenty-two*;
- (e) the powers and duties of the police or of authorized officers in respect of entry into and search with or without warrant of any premises on which it is reasonably suspected that a Bantu is residing or is being employed or accommodated in contravention of this Act or any regulation;
- (f) the conditions under which and the procedure whereby a Bantu who is not permitted to reside or to be employed in a prescribed area may be removed from such area under this Act;
- (g) the facilitating and giving effect to co-operative arrangements under section *forty*;
- (h) the summoning and payment of Bantu assessors under paragraph (c) of sub-section (14) of section *twenty-nine*;
- (i) the prohibition, restriction or regulation of advertising in a Bantu residential area by way of boards, bill posters, projections, neon lights or in any other form, whether on or in any public place or on or in any premises in any such area;
- (j) the service of notices and other documents under this Act or the regulations;
- (k) the manner of adducing proof under sub-section (1) of section *ten*;
- (l) any other matter to be prescribed by the State President under this Act.”;
- (b) by the deletion of sub-section (2);
- (c) by the deletion in paragraph (h) of sub-section (3) of the words “native servant’s registries” and the words “deposit and remittance agencies, savings banks, hospitals, dispensaries, maternity homes”;
- (d) by the substitution in paragraph (k) of the said sub-section for the words “and the charges to be made in respect of such grazing” of the words “(whether inside or outside a location or Bantu village), the charges to be made in respect of such grazing, and the impounding of such stock;”;
- (e) by the insertion in paragraph (o) of the said sub-section after the word “charges” where it occurs for the first time, of the words “(with due regard to the cost of providing any accommodation for educational purposes in the interests of the residents of a Bantu residential area)”;
- (f) by the substitution in paragraph (p) of the said sub-section for the words “a location, native village or native hostel of any resident” of the words “any premises in a Bantu residential area of any resident (and of any other persons residing on such premises by virtue of the authority of such resident to occupy such premises)”.

68. Section *thirty-nine* of the Urban Areas Act is hereby amended by the addition of the following sub-section:

“(3) For the purposes of the application of the provisions of this Act specified in a proclamation issued under sub-section (1) in any area or areas specified in such proclamation, the body designated in such proclamation as an urban local authority shall be deemed to be an urban local authority and any area so specified shall be deemed to be an urban area.”.

Amendment of section 39 of Act 25 of 1945, as amended by section 38 of Act 54 of 1952.

69. The following section is hereby inserted in the Urban Areas Act after section *forty*:

“Establishment of management boards. 40bis. (1) Whenever the Department of Bantu Administration and Development or an officer thereof co-operates or enters into an agreement to co-operate with an urban local authority or a local government body under sub-section (1) of section

Insertion of section 40bis in Act 25 of 1945.

forty for any of the purposes set out in the said sub-section in respect of any area, the State President may, with the concurrence of the said urban local authority or local government body, by proclamation in the *Gazette* establish in respect of the said area from a date specified in such proclamation, a management board—

- (i) which shall be a body corporate, capable of suing and being sued in its corporate name and of performing all such acts as are necessary for or incidental to the exercise of its powers and the performance of its functions and duties under this section; and
- (ii) which shall consist of so many members appointed by the Minister as he may consider expedient, of whom not less than three shall be appointed because of their acquaintance with the area of such board, and who shall hold office for such period and shall be subject to such terms and conditions and shall, in the case of members who are not in the full-time employment of the State, receive such remuneration and allowances, as the Minister, in consultation with the Minister of Finance, may determine.

(2) The name of every person appointed as a member of a management board and the name of the chairman of such a board, who shall be designated as such by the Minister, shall be made known by notice in the *Gazette*.

(3) The Minister may make regulations as to the holding of, conduct of and procedure at meetings of a management board.

(4) A management board shall, subject to the terms of the agreement referred to in section *forty*, be vested with—

- (a) all the rights, powers, functions, duties and obligations of an urban local authority under this Act, the Native Labour Regulation Act, 1911 (Act No. 15 of 1911), the Housing Act, 1957 (Act No. 10 of 1957), the Native Services Levy Act, 1952 (Act No. 64 of 1952), the Urban Bantu Councils Act, 1961 (Act No. 79 of 1961), and the Bantu Beer Act, 1962 (Act No. 63 of 1962), and of a Bantu affairs commissioner in respect of a designated area under the Better Administration of Designated Areas Act, 1963 (Act No. 51 of 1963); and
- (b) such rights, powers, functions, duties and obligations as are conferred on a local authority under the relevant Ordinance establishing local authorities as the Administrator may by proclamation in the *Official Gazette* confer on such board.

(5) For the purposes of the exercise of its powers under sub-section (4), a management board shall be deemed to be an urban local authority and its area shall be deemed to be an urban area.

(6) Notwithstanding anything to the contrary in sub-section (4), any regulation which may be made by a local authority under any of the laws referred to in the said sub-section, shall be made by the Minister and be published in the *Gazette*."

70. Section *forty-two* of the Urban Areas Act is hereby amended by the substitution in paragraph (g) for the words "*two* of the Mines and Works Act, 1911 (Act No. 12 of 1911)," of the words "*one* of the Mines and Works Act, 1956 (Act No. 27 of 1956)."

Amendment of section 42 of Act 25 of 1945, as amended by section 11 of Act 16 of 1955 and section 49 of Act 36 of 1957.

71. Section *forty-three* of the Urban Areas Act is hereby repealed.

Repeal of section 43 of Act 25 of 1945.

72. Section *forty-three bis* of the Urban Areas Act is hereby amended by the insertion after the word "fails" of the words "without reasonable cause."

Amendment of section 43bis of Act 25 of 1945, as inserted by section 50 of Act 36 of 1957.

73. The following sections are hereby inserted in the Urban Areas Act after section *forty-three bis*:

Insertion of sections 43ter, 43quat, 43quin, 43sex and 43sept in Act 25 of 1945.

"Interference with authorized officers.

43ter. Any person who—

- (a) assaults or resists or wilfully obstructs, hinders or interferes with an authorized officer in the exercise of his powers or the performance of his duties or functions; or
- (b) in order to compel any authorized officer to do or to abstain from doing any act in respect of the exercise of his powers or the performance of his duties or functions, or on account of such authorized officer having done or abstained from doing such an act, threatens or suggests the use of violence to, or restraint upon such authorized officer or any of his relatives or dependants, or threatens or suggests any injury to the property of such authorized officer or of any of his relatives or dependants, shall be guilty of an offence.

Possession of certificates or documents by persons other than the owners.

43quat. Any person who becomes possessed of any certificate or document issued under this Act or the regulations other than his own, shall forthwith hand or transmit such certificate or document to such officer as may be prescribed.

Miscellaneous offences in regard to documents issued under this Act.

43quin. (1) Any person who—

- (a) with intent to deceive makes use for any purpose whatsoever, of any permit, licence, certificate or other document, whether current or expired, referred to in this Act or the regulations, other than his own;
- (b) wilfully alters, defaces, destroys or mutilates any permit, licence, certificate or document referred to in this Act or the regulations, or unlawfully withholds such permit, licence, certificate or document from any person entitled to the possession thereof;
- (c) counterfeits or forges any permit, licence, certificate or other document or stamp referred to in this Act or the regulations;
- (d) without authority sells or otherwise disposes of any permit, licence, certificate, document or stamp referred to in paragraph (c);
- (e) with intent to deceive, issues or makes use of any false document which purports to have been issued under this Act or the regulations or to convey authority or permission to any person to be, enter or remain in any prescribed area;
- (f) in any way aids or abets any person in the commission of any of the offences described in paragraphs (a), (b), (c), (d) and (e),

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

(2) It shall be no defence to any charge under sub-section (1) that the person or body which purports to have issued any permit, licence, certificate or other document or to have conveyed any authority or permission referred to in the said sub-section, is not empowered under this Act or the regulations to issue such permit, licence, certificate or document or to convey such authority or permission.

Control of rubber stamps.

43sex. Any person who without lawful cause (the onus of proof whereof shall be on such person) and otherwise than in the ordinary course of his employment, has in his possession any rubber stamp or other similar instrument capable of making an endorsement substantially similar to that prescribed in this Act or the regulations or in the Natives (Abolition of Passes and Co-ordination of Documents) Act, 1952 (Act No. 67 of 1952), or the regulations made under that Act, in any reference book or on any document of identification shall be

guilty of an offence, and the court convicting any such person may, in addition to any other punishment, order the confiscation of such stamp or instrument.

Special provisions in regard to persons acting as consultants for Bantu.

43sept. (1) No person, including an association of persons or a person operating any trust account, other than an attorney or an advocate practising as such, may demand, accept or receive any money or reward or permit payment to him of any money or reward in respect of any assistance or service rendered, or proposed, alleged or pretended to be rendered, to or on behalf of a Bantu by such person or association or by some other person in connection with—

- (a) the seeking of employment for or the placing in employment of a Bantu under any of the provisions of the Native Labour Regulation Act, 1911 (Act No. 15 of 1911), or the regulations made thereunder;
- (b) the obtaining or the granting of permission to a Bantu under any of the provisions of this Act or the regulations, to enter, be or remain in any area;
- (c) the application for, or the issue to a Bantu of, a reference book, or the making of an entry or endorsement in such a book under or purporting to be under the provisions of any law;
- (d) the detention, accommodation or removal of any Bantu under any of the provisions of this Act or the Native Labour Regulation Act, 1911 (Act No. 15 of 1911), or the Native Trust and Land Act, 1936 (Act No. 18 of 1936), or the regulations made thereunder;
- (e) any consultation or correspondence on a matter mentioned in paragraph (a), (b), (c) or (d), or in connection with his attendance at, or making of representations to, any office of a Bantu affairs commissioner or officer of an urban local authority, in regard to any such matter.

(2) (a) Any person who contravenes any provision of sub-section (1), shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding six months, and in addition a sum of money equal to the sum of money proved to have been paid to such person in contravention of the said sub-section shall be declared by the court convicting such person to be forfeited to the State.

(b) Any sum of money which has been declared to be forfeited to the State in terms of paragraph (a) may be recovered as if the order of forfeiture were a judgment in a civil case in favour of the State.

(c) The Minister may in his discretion authorize the payment of the whole or any portion of any sum of money recovered under paragraph (b) to the complainant or to any other person determined by the Minister.

(3) In any criminal proceedings for a contravention of sub-section (2)—

(a) any money proved to have been paid ostensibly as an insurance premium or partly towards such a premium or as a subscription entitling the payer to membership of any club or other organization or some other benefit, shall be deemed to have been paid in contravention of sub-section (1) if it is proved that the payee, club or organization or some other person renders, or proposes, alleges or pretends to render any such assistance or service as is referred to in sub-section (1);

(b) any person who is proved to have issued, handed over or delivered to any Bantu any document to the effect that—

- (i) such Bantu desires to enter, be or remain in any area, or desires to take up employment or to be registered in employment, or desires the issue of a reference book to him or the making of any entry or endorsement in his reference book;
- (ii) such Bantu requests that he be allowed to enter, be or remain in any area, or that he be given employment or that he be placed in employment, or that a reference book be issued to him or that any entry or endorsement be made in his reference book;
- (iii) such Bantu has been given permission to enter, be or remain in any area, or has been given, placed or registered in employment, or that a reference book has been issued to him or that an endorsement has been made in his reference book or that he has applied for or is awaiting the issue to him of a reference book; or
- (iv) such Bantu has consulted him in regard to any of the matters mentioned in subparagraphs (i), (ii) and (iii) or should report to him or to any other person,

shall be presumed to have received money or a reward from such Bantu in contravention of sub-section (1) unless the contrary is proved: Provided that this presumption shall not apply if the document was issued, handed over or delivered by an officer of the Government or of a local authority acting in the course of his duty or by a registered employer of such Bantu or a person about to have registered the contract of employment entered into by him with such Bantu, or by the duly authorized agent of such employer or prospective employer.”.

74. Section *forty-six bis* of the Urban Areas Act is hereby amended by the substitution for the word “proclaimed” wherever it occurs of the word “prescribed”.

Amendment of section 46*bis* of Act 25 of 1945, as inserted by section 51 of Act 36 of 1957.

75. The following long title is hereby substituted for the long title of the Urban Areas Act:

Substitution of long title of Act 25 of 1945, as amended by section 20 of Act 63 of 1962.

“To consolidate and amend the laws in force in the Republic which provide for improved conditions of residence for Bantu in urban areas and prescribed areas; for the better administration of Bantu affairs in such areas; for the regulation of the ingress of Bantu into and their residence in, such areas; for the procedure to deal with idle or undesirable Bantu in areas outside the scheduled native and released areas and with Bantu whose presence in prescribed areas is detrimental to the maintenance of peace and order; and for other incidental matters.”.

76. The Urban Areas Act is hereby amended by the substitution for the words “Governor-General”, “Union” and “Union Government” wherever those words occur therein of the words “State President”, “Republic” and “Government of the Republic” respectively.

Substitution in Act 25 of 1945 for “Governor-General”, “Union” and “Union Government” of “State President”, “Republic” and “Government of the Republic” respectively.

77. Section *one* of the Bantu Authorities Act, 1951, is hereby amended by the substitution for the definition of “tribal authority” of the following definition:

Amendment of section 1 of Act 68 of 1951, as amended by section 9 of Act 46 of 1959.

“(vii) ‘tribal authority’ means an existing form of Bantu tribal government established under sub-paragraph (i)

of paragraph (a) of sub-section (1) of section *two* and a community authority established under sub-paragraph (ii) of the said paragraph. (v)".

78. Section *two* of the Bantu Authorities Act, 1951, is hereby amended—

(a) by the substitution for paragraph (a) of sub-section (1) of the following paragraph:

“(a) with due regard to Bantu law and custom—
 (i) establish a Bantu tribal authority in respect of a Bantu tribe;
 (ii) establish a community authority in respect of a Bantu community or two or more Bantu tribes or communities jointly or one or more tribes and one or more such communities jointly;”;

(b) by the insertion in the proviso to sub-section (1) after the word “no” of the words “community, tribal;” and by the substitution in the said proviso for the word “natives” of the word “Bantu”; and

(c) by the substitution for sub-sections (2) and (3) of the following sub-sections:

“(2) A tribal authority shall be established in respect of the Bantu area assigned to the chief or headman of the Bantu tribe concerned, and a community authority shall be established in respect of the Bantu area or areas assigned to the Bantu community or Bantu tribes or communities concerned: Provided that where a community authority is established in respect of two or more Bantu tribes or communities or portions of Bantu tribes or communities jointly, it shall be established in respect of the Bantu area or areas assigned to such tribes or communities or such portions of tribes or communities.

(3) The establishment of a tribal, community, regional or territorial authority, and the Bantu area or areas in respect of which it has been established, and any modification of any such area or areas, shall be made known by notice in the *Gazette*.”.

Amendment of section 2 of Act 68 of 1951, as amended by section 10 of Act 46 of 1959.

79. Section *three* of the Bantu Authorities Act, 1951, is hereby amended—

(a) by the substitution for sub-section (1) of the following sub-section:

“(1) (a) A tribal authority referred to in subparagraph (i) of paragraph (a) of sub-section (1) of section *two*, shall consist of the chief or headman of the tribe concerned and so many councillors as may be determined by the State President.

(b) A community authority referred to in subparagraph (ii) of paragraph (a) of sub-section (1) of section *two*, and a regional or territorial authority, shall, subject to the provisions of sub-section (3) of this section, consist of a chairman, designated as such by the State President, and so many councillors or members as may be determined by the State President.”;

(b) by the insertion in sub-section (2) after the word “of” where it occurs for the first time of the words “recognition or”; and

(c) by the deletion of sub-sections (5) and (6).

Amendment of section 3 of Act 68 of 1951.

80. The Bantu Authorities Act, 1951, is hereby amended by the substitution for the words “Governor-General” and “Union” wherever they occur of the words “State President” and “Republic” respectively.

Substitution for “Governor-General” and “Union” of “State President” and “Republic” respectively in Act 68 of 1951.

81. Section *one* of the Native Services Levy Act, 1952, is hereby amended—

(a) by the substitution in sub-section (1) for the definition of “adult native” of the following definition:

“‘adult Bantu’ means a Bantu who has reached the age of eighteen years;”;

Amendment of section 1 of Act 64 of 1952.

- (b) by the insertion in the said sub-section after the definition of "adult Bantu" of the following definition: "‘Bantu’ means a native as defined in section one of the Population Registration Act, 1950 (Act No. 30 of 1950), and a person who in appearance obviously is a member of an aboriginal race or tribe of Africa, shall for the purposes of this Act be presumed to be a Bantu unless it is proved that he is not in fact and is not generally accepted as such a member;”;
- (c) by the substitution in the said sub-section in the definition of "employer" for the words "natives" and "Union Government" of the words "Bantu" and "Government of the Republic" respectively;
- (d) by the substitution in the said sub-section in the definition of "Minister" for the words "Native Affairs" of the words "Bantu Administration and Development;”;
- (e) by the deletion in the said sub-section of the definition of "native”.

82. (1) Section three of the Native Services Levy Act, 1952, is hereby amended—

- (a) by the insertion in sub-section (1) after the word "pay" where it occurs for the first time of the word "monthly";
- (b) by the substitution for paragraph (b) of sub-section (4) of the following paragraph:
 - (b) every—
 - (i) five days on which work is performed in the service of an employer by an adult male Bantu who regularly performs work in the service of such employer on not more than five days in each week; or
 - (ii) seven days on which work is performed in the service of an employer by an adult male Bantu who regularly performs work in the service of such employer on seven days in each week,
- (c) by the substitution in paragraph (c) of the said sub-section for the words "adult male natives are regularly employed by the employer concerned" of the words "work is performed by an adult male Bantu who regularly performs work in the service of the employer concerned);”;
- (d) by the substitution in sub-section (5) for the words "native commissioner" wherever they occur of the words "Bantu affairs commissioner”.

(2) Sub-section (1) and the regulations made under section nine of the Natives Services Levy Act, 1952, and promulgated under Government Notice No. 2596 dated 14th November, 1952, shall be deemed to have taken effect from the date of commencement of the said Act.

83. Section one of the Natives (Abolition of Passes and Coordination of Documents) Act, 1952 (hereinafter referred to as the reference book Act), is hereby amended—

- (a) by the deletion in the definition of "authorized officer" of the words "and any non-European policeman";
- (b) by the insertion after the definition of "authorized officer" of the following definitions:
 - “‘Bantu’ means a native as defined in section one of the Population Registration Act, 1950 (Act No. 30 of 1950), and a person who in appearance obviously is a member of an aboriginal race or tribe of Africa, shall for the purposes of this Act, be presumed to be a Bantu unless it is proved that he is not in fact and is not generally accepted as such a member;
 - ‘Bantu affairs commissioner’ includes an additional or an assistant Bantu affairs commissioner and in respect of any district or area for which no Bantu affairs commissioner has been appointed, means a magistrate or an additional or an assistant magistrate having jurisdiction in such district or area;”;
- (c) by the substitution in the definition of "Minister" for the words "Native Affairs" of the words "Bantu Administration and Development;”;
- (d) by the deletion of the definitions of "native" and "native commissioner”.

84. Section *three* of the reference book Act is hereby amended by the substitution in sub-section (4) for the words "Native Affairs" of the words "Bantu Administration and Development".
Amendment of section 3 of Act 67 of 1952, as amended by section 12 of Act 79 of 1957.
85. Section *eight* of the reference book Act is hereby amended—
 (a) by the substitution for sub-section (1) of the following sub-section:
 "(1) Any person who enters into a contract of service or employment with a Bantu or takes a Bantu into his service shall within a period prescribed (which may differ for different areas or for different classes of employment) after entering into such contract or after having taken such Bantu into his service, lodge in the manner prescribed with the labour bureau referred to in section *twenty-one bis* of the Native Labour Regulation Act, 1911 (Act No. 15 of 1911), and having jurisdiction in the area in which such Bantu is to be employed and record in the reference book issued to such Bantu, prescribed particulars relating to such contract or to such employment.";
 (b) by the substitution in sub-section (2) for the words "native commissioner within fourteen days" of the words "labour bureau within a period prescribed";
 (c) by the deletion in sub-section (3) of the words "toget or";
 (d) by the insertion in sub-section (4) after the word "furnish" where it occurs for the second time of the words "within a period prescribed"; and
 (e) by the deletion of sub-section (6).
 Amendment of section 8 of Act 67 of 1952, as amended by section 16 of Act 79 of 1957, and section 18 of Act 76 of 1963.
86. Section *twelve* of the reference book Act is hereby amended by the substitution for paragraph (b) of sub-section (1) of the following paragraph:
 "(b) the manner in which particulars relating to contracts of service or employment and the other particulars referred to in section *eight*, the date of termination of such contracts and the date of desertion from service under such contracts, shall be lodged with a labour bureau;".
 Amendment of section 12 of Act 67 of 1952, as amended by section 21 of Act 79 of 1957, and section 22 of Act 76 of 1963.
87. The reference book Act is hereby amended by the substitution for the words "Governor-General" and "Union" wherever they occur therein of the words "State President" and "Republic" respectively.
 Substitution for "Governor-General" and "Union" of "State President" and "Republic" respectively in Act 67 of 1952.
88. Section *one* of the Natives (Prohibition of Interdicts) Act, 1956, is hereby amended—
 (a) by the insertion before the definition of "native" of the following definition:
 "'Bantu' means a Bantu as defined in the law under which the order in question has been made, or where not so defined or where the order has been made under the common law, a native as defined in section *one* of the Population Registration Act, 1950 (Act No. 30 of 1950);"; and
 (b) by the deletion of the definition of "native".
 Amendment of section 1 of Act 64 of 1956.
89. Section *five* of the Natives (Prohibition of Interdicts) Act, 1956, is hereby amended by the substitution for the word "Governor-General" wherever it occurs of the words "State President".
 Amendment of section 5 of Act 64 of 1956.
90. Section *one* of the Native Transport Services Act, 1957, is hereby amended—
 (a) by the substitution for the definition of "adult native" of the following definition:
 "'adult Bantu' means a Bantu who has reached the age of eighteen years;";
 (b) by the insertion after the definition of "adult Bantu" of the following definition:
 "'Bantu' means a native as defined in section *one* of the Population Registration Act, 1950 (Act No. 30 of 1950);";
 (c) by the substitution in the definition of "employer" for the words "natives" and "Union Government" of the words "Bantu" and "Government of the Republic" respectively; and
 (d) by the deletion of the definition of "native".
 Amendment of section 1 of Act 53 of 1957.

91. (1) Section *three* of the Native Transport Services Act, 1957, is hereby amended—

Amendment of section 3 of Act 53 of 1957.

- (a) by the insertion in sub-section (1) after the word "pay" where it occurs for the first time of the word "monthly";
- (b) by the substitution for paragraph (b) of sub-section (4) of the following paragraph:
 - "(b) every—
 - (i) five days on which work is performed in the service of an employer by an adult male Bantu who regularly performs work in the service of such employer on not more than five days in each week; or
 - (ii) seven days on which work is performed in the service of an employer by an adult male Bantu who regularly performs work in the service of such employer on seven days in each week, shall be counted as six days;"
- (c) by the substitution in paragraph (c) of the said sub-section for the words "adult male natives are regularly employed by the employer concerned" of the words "work is performed by an adult male Bantu who regularly performs work in the service of the employer concerned)".

(2) Sub-section (1) and the regulations made under section *ten* of the Native Transport Services Act, 1957, and promulgated under Government Notice No. R1961 dated 20th December, 1963, shall be deemed to have taken effect from the date of commencement of the said Act.

92. Section *eleven* of the Bantu Beer Act, 1962, is hereby amended by the substitution for the word "licensed" of the words "licensed or authorized under the said Act".

Amendment of section 11 of Act 63 of 1962.

93. Section *sixteen* of the Bantu Beer Act, 1962, is hereby amended by the deletion of the word "or" at the end of paragraph (h); by the insertion of the word "or" at the end of paragraph (i); and by the addition of the following paragraph:

Amendment of section 16 of Act 63 of 1962.

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

94. Section *nineteen* of the Bantu Beer Act, 1962, is hereby amended by the addition of the following paragraph:

Amendment of section 19 of Act 63 of 1962.

- "(d) any local authority from selling or delivering, subject to such terms and conditions as the Minister may determine, any powder or other substance, which when added to water, whether with or without the addition of yeast, produces a liquid having the appearance and taste of Bantu beer."

95. The following section is hereby inserted in the Bantu Beer Act, 1962, after section *nineteen*:

Insertion of section 19bis in Act 63 of 1962.

"Establishment of Bantu beer research fund.

19bis. (1) The Minister shall establish a fund, to be known as the Bantu beer research fund (hereinafter referred to as the fund), which shall be controlled by the Secretary for Bantu Administration and Development and into which shall be paid—

- (a) an amount equal to the total amount paid during a financial year to the Consolidated Revenue Fund under paragraph (d) of sub-section (3) of section *nineteen* of the Natives (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945);
- (b) interest obtained on investments;
- (c) any money which may accrue to the fund from any other source.

(2) Money standing to the credit of the fund shall be utilized—

- (a) for the purpose of research into the composition, manufacture and marketing of Bantu beer; and
- (b) for the payment of the administration costs of the fund as determined from time to time by the Minister in consultation with the Minister of Finance.
- (3) Any moneys credited to the fund and not required for immediate use, shall be deemed to be 'deposits' for the purposes of the Public Debt Commissioners Act, 1911 (Act No. 18 of 1911)."

96. Section *one* of the Better Administration of Designated Areas Act, 1963, is hereby amended by the deletion of the definition of "Bantu". Amendment of section 1 of Act 51 of 1963.

97. Section *two* of the Better Administration of Designated Areas Act, 1963, is hereby amended— Amendment of section 2 of Act 51 of 1963.

- (a) by the substitution in paragraph (a) of sub-section (4) for the words "an area proclaimed under sub-section (1) of section *twenty-three* of the principal Act" of the words "a prescribed area"; and
- (b) by the deletion in sub-section (7) of all the words following the word "area" where it occurs for the second time.

98. Section *three* of the Better Administration of Designated Areas Act, 1963, is hereby amended by the substitution for paragraph (b) of sub-section (1) of the following paragraph: Amendment of section 3 of Act 51 of 1963.

- "(b) all moneys payable to the labour bureau concerned under section *twenty-eight quin* of the Native Labour Regulation Act, 1911 (Act No. 15 of 1911);".

99. Section *four* of the Better Administration of Designated Areas Act, 1963, is hereby amended by the deletion in sub-section (1) of the expression "or (2)". Amendment of section 4 of Act 51 of 1963.

100. (1) Subject to the provisions of this Act, there is hereby substituted for the words "native", "Native", "natives" and "Natives" wherever they occur in any law, the words "Bantu", "Bantu", "Bantu" and "Bantu" respectively. Substitution of "native" and derivatives thereof in all laws.

(2) Where any reference in any law to any expression referred to in section *sixteen* of the Native Laws Amendment Act, 1962 (Act No. 46 of 1962), must in terms of the said section be construed as a reference to another expression referred to in the said section, the last-mentioned expression wherever it occurs in any such law, is hereby substituted for the first-mentioned expression.

(3) Subject to the provisions of sub-section (2), there is hereby substituted for any compound word, or any expression, of which the word "native" or any derivative thereof forms a part, wherever such compound word or expression occurs in any law, the corresponding compound word, or the corresponding expression, of which the word "Bantu" or the corresponding derivative thereof forms a part.

101. This Act shall be called the Bantu Laws Amendment Act, 1964, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*: Provided that different dates may be so fixed for different sections. Short title and commencement.