

No. 46, 1962.]

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 Natives Taxation and Development Act, 1925, the Native Administration Act, 1927, the Native Trust and Land Act, 1936, the Bantu Authorities Act, 1951, the South-West Africa Native Affairs Administration Act, 1954, and the Bantu Investment Corporation Act, 1959, and to provide for a change of the names or official titles of certain institutions and the holders of certain offices.

(English text signed by the State President.)
(Assented to 7th May, 1962.)

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

1. The following section is hereby inserted in the Natives Taxation and Development Act, 1925 (hereinafter referred to as the principal Act), after section five:

Insertion of section 5bis in Act 41 of 1925.

“Deductions from emoluments due to Bantu employee. 5bis. Notwithstanding anything to the contrary contained in any other law but subject to such conditions as may be prescribed, any person may at the request of a Bantu in his employ retain, for the payment of any tax or rate to which such Bantu is liable under this Act, such amount of the emoluments due to such Bantu in respect of such employment as may be requested by him.”.

2. Section nine of the principal Act is hereby amended by the substitution in sub-section (2) for the words “the magistrate of the district” of the words “the native commissioner of the area”, and for the word “district”, where it occurs for the second time, of the word “area”.

Amendment of section 9 of Act 41 of 1925, as substituted by section 5 of Act 37 of 1931, and amended by section 2 of Act 25 of 1939, section 20 of Act 36 of 1944 and section 7 of Act 38 of 1958.

3. Section eleven of the principal Act is hereby amended—
(a) by the substitution for paragraphs (a), (b), (c) and (f) of sub-section (1) of the following paragraphs:

Amendment of section 11 of Act 41 of 1925, as amended by section 4 of Act 28 of 1926, section 7 of Act 37 of 1931, section 21 of Act 36 of 1944 and section 18 of Act 56 of 1949.

- “(a) the Transkeian Territorial Authority established by Proclamation No. 180 of 1956;
- (b) the District Council of Glen Grey;
- (c) any council deemed to have been established under the Native Affairs Act, 1959 (Act No. 55 of 1959);
- (d) any Bantu authority established under the Bantu Authorities Act, 1951 (Act No. 68 of 1951), and approved by the Minister; and
- (e) any Bantu authority, council or board established under any other law and approved by the Minister;”;

(b) by the deletion of sub-section (3).

4. Section twelve of the principal Act is hereby amended by the substitution in paragraph (b) for the words “the councils or boards” of the words “any authority, council or board”.

Amendment of section 12 of Act 41 of 1925, as amended by section 14 of Act 49 of 1935, section 11 of Act 50 of 1937, section 20 of Act 27 of 1940, section 16 of Act 41 of 1942, section 16 of Act 37 of 1943 and section 5 of Act 29 of 1945.

5. Section fifteen of the principal Act is hereby amended—

- (a) by the insertion in sub-section (2) after the word “section” of the words “and every amount collected in respect of a fine imposed for a failure to pay any such rate”; and

Amendment of section 15 of Act 41 of 1925, as amended by section 9 of Act 37 of 1931.

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

“(3) The Secretary for Bantu Administration and Development may authorize any Bantu authority established under the provisions of the Bantu Authorities Act, 1951 (Act No. 68 of 1951), or of Proclamation No. 180 of 1956, or any other Bantu authority or council or board established under any other law, or any chief, headman or other person to collect any rate levied under this section.”.

6. Section *sixteen* of the principal Act is hereby amended—

Amendment of section 16 of Act 41 of 1925, as amended by section 6 of Act 25 of 1939, and section 9 of Act 38 of 1958.

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

“(a)*bis* the form of receipts and certificates to be issued in connection with any tax or rate provided for in this Act, and the manner in which such receipts or certificates shall be dealt with;”;

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

“(b) the powers, duties and functions of any authority, council, board or person referred to in sub-section (3) of section *fifteen* or in section *seventeen ter.*, and the furnishing of security or the provision of fidelity bonds, in connection with the collection of any tax or rate imposed or levied under this Act;”;

(c) by the insertion in paragraph (h) of the said sub-section after the words “payments to” of the word “authorities;”;

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

“(j) the retention of moneys in terms of section *five bis*, the accounting for and payment of moneys so retained to a receiver, and the recovery from any person of moneys so retained by him;”;

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

“(2) Different regulations may be made in respect of male and female Bantu, and in respect of different areas, different classes of taxpayers, or different authorities, councils, boards or persons referred to in this Act.”.

7. The following section is hereby inserted in the principal Act after section *seventeen bis*:

Insertion of section 17*ter* in Act 41 of 1925.

“Remuneration for assistance in the collection of tax.

17*ter*. The Minister may out of moneys appropriated by Parliament for the purpose, pay to any authority established under the provisions of the Bantu Authorities Act, 1951 (Act No. 68 of 1951), or of Proclamation No. 180 of 1956, or to any Bantu authority, council or board established under any other law, such remuneration for services rendered in connection with the collection of any tax imposed under this Act as may be determined by him in consultation with the Minister of Finance.”

8. Section *nineteen* of the principal Act is hereby amended—

Amendment of section 19 of Act 41 of 1925, as amended by section 5 of Act 28 of 1926, section 10 of Act 37 of 1931, section 7 of Act 25 of 1939, section 19 of Act 46 of 1945 and section 12 of Act 38 of 1958.

(a) by the insertion after the definition of “assessing officer” of the following definition:

“ ‘Bantu’ has the same meaning as ‘native’ ”; and

(b) by the insertion after the definition of “receiver” of the following definition:

“ ‘Secretary for Bantu Administration and Development’ includes any Deputy Secretary and any Under Secretary of the Department of Bantu Administration and Development;”.

9. (1) Section *two* of the Native Administration Act, 1927, is hereby amended—
- (a) by the substitution in sub-section (5) for the words "Native Affairs or the Under Secretary for Native Affairs" of the words "Bantu Administration and Development or a Deputy Secretary or an Under Secretary of the Department of Bantu Administration and Development";
- (b) by the substitution in sub-section (6) for the words "Native Affairs or the Under Secretary for Native Affairs" of the words "Bantu Administration and Development" and for the words "Native Affairs", where they occur for the third time, of the words "Bantu Administration and Development";
- (c) by the insertion in the said sub-section (6) after the word "post", where it occurs for the first time, of the words "or when the post is vacant or for an area in respect of which there is ordinarily no such post,"; and
- (d) by the insertion in sub-section (8)—
- (i) after the word "post" of the words "or when the post is vacant or there is ordinarily no such post in respect of the tribe, location or natives in question,"; and
- (ii) after the words "any headman" of the words "or acting chief or acting headman".
- (2) Anything purporting to have been done under section *two* of the Native Administration Act, 1927, prior to its amendment by sub-section (1) of this section and which can lawfully be done under the said section *two* as so amended, shall be deemed to have been lawfully done.

Amendment of section 2 of Act 38 of 1927, as substituted by section 2 of Act 21 of 1943 and amended by section 19 of Act 56 of 1949, section 19 of Act 54 of 1952, section 1 of Act 79 of 1957 and section 6 of Act 46 of 1959.

10. The following section is hereby inserted in the Native Administration Act, 1927, after section *twenty-two*:

Insertion of section 22bis in Act 38 of 1927.

"Regulations in regard to registration of customary unions.

22bis. (1) The State President may make regulations—

- (a) providing for the registration of customary unions and of the annulment or dissolution of customary unions;
- (b) prescribing the requirements to be complied with and the information to be furnished before any customary union or the annulment or dissolution thereof may be registered;
- (c) prescribing the person who may cause a customary union or the annulment or dissolution thereof to be registered;
- (d) prescribing when and the manner in which a customary union or the annulment or dissolution thereof may be registered;
- (e) providing for the appointment of official witnesses to officiate at ceremonies in connection with the contracting, annulment or dissolution of customary unions;
- (f) prescribing the powers, functions and duties of any Bantu Authority established under the Bantu Authorities Act, 1951 (Act No. 68 of 1951), or Proclamation No. 180 of 1956, and of any chief or his deputy, any headman or official witness in connection with the contracting, annulment or dissolution of any customary union;
- (g) providing for the issue of a certificate of the registration of a customary union or of the annulment or dissolution thereof, and prescribing the form of any such certificate, the fees to be paid therefor and the probative value thereof;
- (h) generally as to any matter which he considers necessary or expedient to provide for or prescribe to bring about an effective system of registration of customary unions, the generality of the powers conferred by this paragraph not being limited by the provisions of the preceding paragraphs.

- (2) Different regulations may under sub-section (1) be made in respect of different areas or different customs."

11. Section *ten* of the Native Trust and Land Act, 1936, is hereby amended by the insertion after sub-section (2) of the following sub-section:

Amendment of section 10 of Act 18 of 1936, as amended by section 5 of Act 17 of 1939.

“(2)*bis* The provisions of paragraph (g) of sub-section (1) of section *eight* of the principal Act shall not apply in respect of the acquisition of land by the Trust in terms of sub-section (1) of this section.”.

12. Part I of the First Schedule to the Native Trust and Land Act, 1936, is hereby amended by the substitution for the description of Area No. 34, district of East London, of the description set out in the Schedule to this Act.

Amendment of First Schedule to Act 18 of 1936.

13. Section *nine* of the Bantu Authorities Act, 1951, is hereby amended by the addition at the end of paragraph (c) of sub-section (1) of the words “and every amount collected in respect of a fine imposed for a failure to pay any such levy”.

Amendment of section 9 of Act 68 of 1951.

14. (1) Section *four* of the South-West Africa Native Affairs Administration Act, 1954, is hereby amended by the substitution for sub-section (5) of the following sub-section:

Amendment of section 4 of Act 56 of 1954.

“(5) There shall be paid annually, out of and as a charge on the Consolidated Revenue Fund, into the Fund to the credit of such account, referred to in sub-section (4), as the Minister may determine, an amount equal to the amount represented by the symbol *b* in section *six*, together with such further amount as Parliament may in any year appropriate for the purpose.”.

(2) The provisions of sub-section (1) shall come into operation on the 1st day of April, 1962.

15. Section *one* of the Bantu Investment Corporation Act, 1959, is hereby amended—

Amendment of section 1 of Act 34 of 1959.

(a) by the deletion of the word “and” at the end of paragraph (a) of the definition of “Bantu areas”; and

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

“(c) any urban area or any rural township, as defined in section *one* of the Natives (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945), which is surrounded by or adjoins land in an area referred to in paragraph (a), and which is declared by the Minister to be a Bantu area for the purposes of this Act;”.

16. (1) Any reference in any law or document to—

Change of name or official title of certain institutions and holders of offices.

(a) the Department of Native Affairs shall be construed as a reference to the Department of Bantu Administration and Development;

(b) the Minister of Native Affairs shall be construed as a reference to the Minister of Bantu Administration and Development;

(c) the Secretary for Native Affairs shall be construed as a reference to the Secretary for Bantu Administration and Development;

(d) the Native Affairs Commission shall be construed as a reference to the Bantu Affairs Commission;

(e) a chief native commissioner or an assistant chief native commissioner shall be construed as a reference to a Chief Bantu Affairs Commissioner or an Assistant Chief Bantu Affairs Commissioner, respectively;

(f) the director of native labour, the assistant director of native labour or an additional director of native labour, shall be construed as a reference to the Director of Bantu Labour, the Assistant Director of Bantu Labour or an Additional Director of Bantu Labour, respectively;

(g) the Director of the Native Affairs Central Reference Bureau shall be construed as a reference to the Director of the Bantu Reference Bureau;

(h) a native commissioner, an additional native commissioner or an assistant native commissioner shall be construed as a reference to a Bantu Affairs Commissioner, an Additional Bantu Affairs Commissioner or an Assistant Bantu Affairs Commissioner, respectively;

(i) the Native Affairs Central Reference Bureau shall be construed as a reference to the Bantu Reference Bureau;

- (j) a native appeal court shall be construed as a reference to a Bantu Appeal Court;
 - (k) a native divorce court shall be construed as a reference to a Bantu Divorce Court; and
 - (l) a court of a native commissioner shall be construed as a reference to a court of a Bantu Affairs Commissioner;
- and any word or expression in any law or document connected with an institution or the holder of an office referred to in any of the preceding paragraphs shall be construed accordingly.

(2) The provisions of paragraphs (a), (b) and (c) of sub-section (1) shall apply also in connection with any law in force in the territory of South-West Africa, including that portion thereof known as the Eastern Caprivi Zipfel, referred to in section three of the South-West Africa Affairs Amendment Act, 1951 (Act No. 55 of 1951).

17. This Act shall be called the Native Laws Amendment Short title. Act, 1962.

Schedule.

"Description.

The area falling within the following limits but excluding therefrom any land acquired by the State in its Railways and Harbours Administration:

From the north-eastern beacon of Mcotsho location in a south-eastern direction along the southern boundary of farm No. 324 and farm No. 325 to the north-western beacon of Lot No. A2; thence in a south-south-eastern direction to the south-western beacon of Lot No. D2; thence in an eastern direction along the northern boundary of farm No. 107, farm No. 106 and farm No. 103, to the north-eastern beacon of farm No. 103 as originally surveyed; thence in a south-south-western direction to the south-western beacon of Lot D of Umdanzani; thence in an eastern direction to the north-western beacon of farm No. 98; thence along the western boundary of the said farm No. 98 to the most northern beacon of Lot A of Umdanzani; thence in a south-western direction along the north-western boundary of the said Lot A of Umdanzani to the most south-eastern beacon of farm No. 103; thence along the southern boundary of farm No. 103, farm No. 106 and farm No. 107 to the south-western beacon of the said farm No. 107; thence in a southern direction to the most north-western beacon of farm No. 108; thence along the north-eastern boundary of farm No. 109 to the most northern beacon of the said farm No. 109 on the southern bank of the Klabaat river; thence along the northern boundary of farm No. 109 and farm No. 110 to a point at the junction of the Klabaat river and the Mcotsho river; thence along the middle of the said Mcotsho river to the most south-eastern beacon of Mcotsho location and thence along the eastern boundary of Mcotsho location to the point of commencement."