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STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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CAPE TOWN, 18TH SEPTEMBER. 1970.

DEPARTEMENT VAN DIE EERSTE MINISTER.

DEPARTMENT OF THE PRIME MINISTER.

No. 1549. 18 September 1970.

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

No. 49 van 1970: Derde Wysigingswet op Bantowetgewing, 1970.

No. 1549. 18th September, 1970.

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

No. 49 of 1970: Third Bantu Laws Amendment Act, 1970.

THIRD BANTU LAWS AMENDMENT ACT, 1970.

Act No. 49, 1970

ACT

To amend section 4 of the Bantu Trust and Land Act, 1936, so as to regulate further the functions of the Bantu Affairs Commission and its members in relation to the affairs of the South African Bantu Trust; to amend the Promotion of Bantu Self-government Act, 1959, so as to regulate further the appointment of representatives of Bantu in urban areas and to define further their powers, functions and duties; to amend the Bantu Affairs Act, 1959, so as to alter the constitution of the Bantu Affairs Commission; to extend the power to make regulations in regard to the affairs of the said commission; to apply the provisions of the last-mentioned Act in connection with the said commission in respect of South-West Africa; and to substitute the words "State President" for the word "Governor-General"; to amend the Urban Bantu Councils Act, 1961, so as to alter the constitution of urban Bantu councils; to amend the Transkei Constitution Act, 1963, so as to empower the Legislative Assembly in the Transkei to make laws in relation to customary unions; and to provide for matters incidental thereto.

(Afrikaans text signed by the State President.)
(Assented to 11th September, 1970.)

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

1. Section 4 of the Bantu Trust and Land Act, 1936, is hereby amended by the substitution for subsections (3) and (4) of the following subsections:

Amendment of section 4 of Act 18 of 1936, as amended by section 5 of Act 79 of 1957.

"(3) The affairs of the Trust shall be administered by the State President as Trustee with power, subject to the provisions of this Act, to delegate any of his powers and functions as Trustee to the Minister.

(4) The Minister may, in his discretion, delegate any power or function of administrative routine delegated to him in terms of subsection (3), to the Secretary for Bantu Administration and Development or any other officer of the Department of Bantu Administration and Development."

2. The following section is hereby substituted for section 4 of the Promotion of Bantu Self-government Act, 1959:

Substitution of section 4 of Act 46 of 1959, as substituted by section 6 of Act 56 of 1968.

"Representatives of Bantu in urban areas. 4. (1) The government of any territory which is a self-governing territory within the Republic in terms of any law, or a territorial authority, or a regional authority to which the powers, functions and duties of a territorial authority as set out in paragraphs (a),

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(d) and (e) of section 7 (1) of the principal Act have been assigned, or any territorial board may in consultation with the Minister and with the approval of the State President nominate—

- (a) a Bantu person to represent that government, authority or board in the areas of urban local authorities, as defined in section 1 of the Bantu (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945), with that portion of the Bantu community in the said areas, which belongs to the national unit concerned; and
- (b) such number of Bantu persons as may be deemed necessary to assist the person referred to in paragraph (a) in the performance of his functions and duties.

(2) Any nominee who has been approved by the State President shall be recognized, in the case of a person referred to in paragraph (a) of subsection (1), as the representative of the government or the regional or territorial authority or territorial board concerned in the areas of urban local authorities referred to in that paragraph and, in the case of a person referred to in subsection (1) (b), as the assistant of such representative.

(3) The State President may withdraw the recognition of any such representative or any such assistant of any such representative at the request, of or after consultation by the Minister with, the government, authority or board by whom he was nominated.”.

3. The following section is hereby substituted for section 5 of the Promotion of Bantu Self-government Act, 1959:

“Powers, functions and duties of representatives.

5. (1) A representative of a government or a regional or territorial authority or territorial board who has been recognized in accordance with section 4 (2)—

Substitution of section 5 of Act 46 of 1959, as amended by section 7 of Act 56 of 1968.

- (a) shall advise the government, authority or board concerned in regard to matters affecting the general interests of the national unit concerned in the areas of urban local authorities referred to in section 4 (1) (a);
- (b) shall, whenever it is deemed expedient, in consultation with the government, authority or board by which he has been nominated, and in the manner determined by and subject to the approval of the Minister, constitute one or more boards to assist him in the performance of his functions and duties; and
- (c) shall act as the representative of that government, authority or board with the national unit concerned and shall on its behalf serve the interests of that unit within the areas of such urban local authorities.

(2) Any such representative and any assistant of such representative recognized in accordance with section 4 (2) shall for the purposes of sections 12 and 20 of the Bantu Administration Act, 1927 (Act No. 38 of 1927), be deemed to be a headman duly appointed as such under section 2 (8) of that Act in

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respect of such area as the Minister may determine in each case.”.

4. Section 2 of the Bantu Affairs Act, 1959, is hereby amended by the substitution for subsection (2) of the following subsection:

Amendment of section 2 of Act 55 of 1959, as amended by section 5 of Act 63 of 1966.

“(2) The commission shall consist of not less than three nor more than six members, of whom one shall be designated by the State President to be, at the pleasure of the State President, the chairman during such member's period of office.”.

5. Section 15 of the Bantu Affairs Act, 1959, is hereby amended by the substitution for paragraph (a) of the following paragraph:

Amendment of section 15 of Act 55 of 1959.

“(a) prescribing the procedure at meetings of the commission and the conduct of its business; providing for the appointment or designation of persons to assist the commission in an advisory capacity in the performance of its functions and duties, and for the appointment of committees of the commission, whereof persons other than members of the commission may be members; prescribing the qualifications of its members, their remuneration and the period for which they shall hold office; providing for the appointment or designation of a deputy chairman and alternative members; and prescribing the powers, functions and duties of a deputy chairman, and the allowances payable for services rendered, and the amounts which may be reimbursed for travelling and subsistence expenses incurred in the course of such services, by persons appointed or designated to assist the commission in an advisory capacity and persons, other than members of the commission, who have been appointed or designated as members of committees of the commission; and generally for giving effect to the purposes of sections 2, 3 and 4; and”.

6. The following section is hereby inserted in the Bantu Affairs Act, 1959, after section 16:

Insertion of section 16A in Act 55 of 1959.

“Applica- 16A. Sections 2, 3 and 4 and any regulation made tion in under section 15 (1) (a) shall apply also in respect of South- the territory of South-West Africa, including the West Africa. Eastern Caprivi Zipfel.”.

7. The Bantu Affairs Act, 1959, is hereby amended by the substitution for the word “Governor-General”, wherever it occurs, of the words “State President”.

Substitution in Act 55 of 1959 of “State President” for “Governor-General”.

8. Section 3 of the Urban Bantu Councils Act, 1961, is hereby amended—

Amendment of section 3 of Act 79 of 1961, as amended by section 27 of Act 76 of 1963.

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

“(1) An urban Bantu council shall consist of so many elected Bantu, in all not being less than six, as the urban local authority may determine.”;

(b) by the substitution for paragraph (b) of subsection (3) of the following paragraph:

“(b) The members of an urban Bantu council shall—

(i) in the case of an urban Bantu Council established for Bantu belonging to a particular national unit, be elected by Bantu belonging to that national unit and resident in the area in respect of which that council has been established and having the prescribed qualifications; and

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- (ii) in the case of any other urban Bantu council, be elected by Bantu resident in the area for which that council has been established and having the prescribed qualifications.”; and
 (c) by the substitution for subsection (4) of the following subsection:

“(4) A Bantu not born in the Republic or the territory of South-West Africa is not qualified to be elected as a member of an urban Bantu council, and such a Bantu is also not qualified to vote at any election of such members.”.

9. Section 5 of the Urban Bantu Councils Act, 1961, is hereby amended by the substitution for paragraph (a) of the following paragraph: Amendment of section 5 of Act 79 of 1961

“(a) The Minister may confer on a Bantu designated by an urban Bantu council who is a member of such council, in respect of the area for or in respect of which such council was established, the same power and jurisdiction as in terms of sections 12 and 20 of the Bantu Administration Act, 1927 (Act No. 38 of 1927), may be conferred on a Bantu chief or headman.”.

10. Section 10 of the Urban Bantu Councils Act, 1961, is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph: Amendment of section 10 of Act 79 of 1961, as amended by section 29 of Act 76 of 1963.

“(a) the mode of election of members of urban Bantu councils and the filling of vacancies on such councils, the qualifications of voters for the purposes of electing such members and the qualifications of candidates for such elections;”.

11. The amendments effected to sections 3, 5 and 10 of the Urban Bantu Councils Act, 1961, by respectively sections 8, 9 and 10 of this Act, shall not affect the membership of any serving selected member of an urban Bantu council referred to in section 2 of the first-mentioned Act. Effect of amendments by this Act to Act 79 of 1961 on existing urban Bantu councils.

12. Part B of the First Schedule to the Transkei Constitution Act, 1963, is hereby amended by the substitution for item 15 of the following item: Amendment of First Schedule to Act 48 of 1963, as amended by section 4 of Act 36 of 1968 and section 9 of Act 27 of 1970.

“15. Births, deaths, marriages and customary unions in respect of citizens of the Transkei in the districts mentioned in section 2 of this Act, but not within any area in the district of Matatiele or Port St. Johns which is not a Bantu area.”.

13. This Act shall be called the Third Bantu Laws Amendment Act, 1970. Short title.