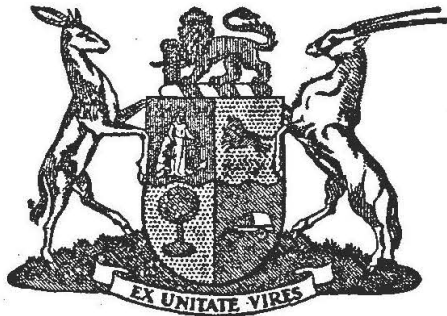


Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.

EXTRAORDINARY



BUITENGEWONE

THE REPUBLIC OF SOUTH AFRICA

Government Gazette

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CAPE TOWN, 4TH NOVEMBER 1966.
KAAPSTAD, 4 NOVEMBER 1966.

[No. 1585.]

DEPARTMENT OF THE PRIME MINISTER.

No. 1771.]

[4th November, 1966.]

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

PAGE

No. 62 of 1966: General Law Amendment Act, 1966 11

ACT

To amend the provisions of the Liquor Act, 1928, relating to exemption from the obligation to hold a licence and the provision of reasonable requirements of the public; the provisions of the Suppression of Communism Act, 1950, relating to presumptions and forfeiture and the application and interpretation of those provisions; the provisions of the Criminal Procedure Act, 1955, relating to process for securing the attendance of witnesses and evidence; the provisions of the Prisons Act, 1959, relating to penalties, the reception and detention of prisoners from foreign territories, review of sentences, the procurement of necessaries and acts performed under laws repealed; the provisions of the Children's Act, 1960, relating to definitions and medical treatment of children; the provisions of the Payment of Members of Parliament Act, 1961, relating to the salary of the Deputy President and Chairman of Committees of the Senate; the provisions of the Coloured Development Corporation Act, 1962, relating to alternate directors; the provisions of the General Law Amendment Act, 1962, relating to sabotage; the provisions of the Liquor Amendment Act, 1963, relating to classification of accommodation establishments; and the provisions of the Parliamentary Service and Administrators' Pensions Act, 1965, relating to special pensions; and to provide for the detention of terrorists and other persons.

*(Afrikaans text signed by the State President.)
(Assented to 27th October, 1966.)*

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

1. Section 6 (1) (d) of the Liquor Act, 1928 (hereinafter referred to as the Liquor Act), is hereby amended by the substitution for all the words preceding the proviso of the following words:

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| <p>“any person selling liquor in any hotel established and maintained by any department of State, including the Railways and Harbours Administration and any Provincial Administration, under the authority of the Minister and subject to such conditions or restrictions as he may impose.”.</p> | <p>Amendment of section 6 of Act 30 of 1928, as amended by section 3 of Act 41 of 1934, section 1 of Act 39 of 1937, section 2 of Act 72 of 1961, section 1 of Act 89 of 1962, section 2 of Act 88 of 1963, section 1 of Act 85 of 1964 and section 1 of Act 98 of 1965.</p> |
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2. Section 114bis of the Liquor Act is hereby amended—

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| <p>(a) by the substitution for subsection (1) of the following subsection:</p> <p>“(1) The holder of a temporary, bottle, theatre or sports ground, restaurant, hotel or wine and malt liquor licence or a bar, grocers' wine or meal time wine and malt licence shall at all times satisfy the reasonable requirements of the public in regard to the supply of wine, brandy and malt liquor.”.</p> <p>(b) by the substitution for paragraph (c) of subsection (2) of the following paragraph:</p> <p>“(c) if any malt liquor is sold or kept for sale on the licensed premises, malt liquor, for which there is a reasonable demand by the public, of at least</p> | <p>Amendment of section 114bis of Act 30 of 1928, as inserted by section 35 of Act 61 of 1956 and amended by section 6 of Act 58 of 1957, section 6 of Act 89 of 1962 and section 87 of Act 88 of 1963.</p> |
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seven different brewers of malt liquor in the Republic (including the territory of South-West Africa) each one of whom shall in relation to every one of the others and to the holder of the licence, be an independent brewer.”.

3. Section 12 of the Suppression of Communism Act, 1950, is hereby amended by the insertion after subsection (1)*bis* of the following subsection:

Amendment of section 12 of Act 44 of 1950, as amended by section 8 of Act 50 of 1951, section 9 of Act 15 of 1954, section 11 of Act 76 of 1962, section 6 of Act 37 of 1963 and section 6 of Act 97 of 1965.

“(1)*ter* If in any prosecution for an offence under section 11 (*b*)*ter* in which it is alleged that the accused has, at any time and place outside the Republic specified in the charge, undergone, or attempted, consented or taken any steps to undergo any training so specified, it is proved that the accused had left the Republic in contravention of any provision of the Departure from the Union Regulation Act, 1955 (Act No. 34 of 1955), prior to such time, he shall be presumed until the contrary is proved beyond a reasonable doubt, to have undergone or attempted, consented or taken such steps to undergo such training at the said time and place.”.

4. Section 13 of the Suppression of Communism Act, 1950, is hereby amended by the substitution for subsection (2) of the following subsection:

Amendment of section 13 of Act 44 of 1950.

“(2) Section 360 (4) and (5) of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), shall *mutatis mutandis* apply in respect of such forfeiture.”.

5. (1) The following section is hereby substituted for section 18 of the Suppression of Communism Act, 1950:

Substitution of section 18 of Act 44 of 1950.

“Applica-
tion of Act
to South-
West Africa.

18. This Act and any amendment thereof which may be made from time to time shall apply also in the territory of South-West Africa, including the Eastern Caprivi Zipfel referred to in section 3 of the South-West Africa Affairs Amendment Act, 1951 (Act No. 55 of 1951), and in relation to all persons in that portion of the said territory known as the ‘Rehoboth Gebiet’ and defined in the First Schedule to Proclamation No. 28 of 1923 of the said territory.”.

(2) Subsection (1) shall be deemed to have come into operation on the date of the commencement of the Suppression of Communism Act, 1950 (Act No. 44 of 1950).

(3) Notwithstanding anything to the contrary in any law or the common law contained, the penal provisions of the Suppression of Communism Act, 1950 (Act No. 44 of 1950), as amended from time to time, shall apply also in respect of all acts (including acts of omission) committed in the territory referred to in section 18 of that Act before the commencement of this Act, to the same extent as they would have applied if those acts had been committed in the Republic.

6. The following section is hereby inserted in the Suppression of Communism Act, 1950, after section 18:

Insertion of section 18A in Act 44 of 1950.

“Interpre-
tation.

18A. (1) For the purposes of section 18, any reference in this Act to a provision of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), shall be construed as a reference to the corresponding provision of the Criminal Procedure Ordinance, 1963 (Ordinance No. 34 of 1963), of the territory of South-West Africa.

(2) For the purposes of section 11 (*b*)*ter* training which could be of use in furthering the achievement of any of the objects of communism, shall include training which could be of use in the commission of the offence of sabotage referred to in section 21 (1) of the General Law Amendment Act, 1962 (Act No. 76 of 1962).”.

7. Section 206 of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), is hereby amended by the addition to subsection (1) of the following paragraph, the existing subsection becoming paragraph (*a*):

Amendment of section 206 of Act 56 of 1955.

“(b) If any policeman has reasonable grounds for believing that the attendance of any person is or will be necessary to give evidence or to produce any books, papers or documents in any criminal proceedings in an inferior court and hands to such person a written notice in the prescribed form calling upon him to attend such criminal proceedings at the time and place specified in the notice, to give evidence or to produce any books, papers or documents, so specified, such person shall, for the purposes of this Act, be deemed to have been duly subpoenaed so to attend such criminal proceedings.”.

8. The following section is hereby substituted for section 254 of the Criminal Procedure Act, 1955:

Substitution of section 254 of Act 56 of 1955, as substituted by section 29 of Act 80 of 1964.

“Accomplices and certain other persons giving evidence for prosecution freed from prosecution.

254. (1) Whenever the prosecutor at any trial or preparatory examination informs the court that any person produced by him as a witness on behalf of the prosecution has, in his opinion, been an accomplice, either as principal or accessory, in the commission of the offence alleged in the charge, or the subject of the preparatory examination, or that such person will in the opinion of the prosecutor be required to answer questions the reply to which would tend to incriminate him in respect of an offence mentioned by the prosecutor, such person shall, notwithstanding anything to the contrary in this Act contained, be compelled to be sworn or to make affirmation as a witness and to answer any question the reply to which would tend to incriminate him in respect of any such offence as aforesaid.

(2) If a person referred to in subsection (1) fully answers to the satisfaction of the court all such lawful questions as may be put to him, he shall, subject to the provisions of subsection (3), be discharged from all liability to prosecution for the offence concerned and the court shall cause such discharge to be entered on the record of the proceedings.

(3) Such discharge shall be of no force and effect and the entry thereof on the record of the proceedings shall be deleted if, when called as a witness at the trial of any person upon a charge of having committed the offence concerned or an offence disclosed by the preparatory examination, or at a reopening of the preparatory examination the person concerned refuses to be sworn or to make affirmation as a witness or refuses or fails to answer fully to the satisfaction of the court all such lawful questions as may be put to him.”.

9. The following section is hereby substituted for section 255 of the Criminal Procedure Act, 1955:

Substitution of section 255 of Act 56 of 1955.

“Evidence of accomplices and certain other persons cannot be used against them.

255. No evidence given by a person referred to in section 254 (1) on behalf of the prosecution in any criminal proceedings in respect of any offence shall, if the said person is thereafter prosecuted for an offence referred to in that section, be admissible in evidence against him at his trial: Provided that if such person is subsequently prosecuted for perjury arising from the giving of such evidence, nothing contained in this section shall prevent the admission against him in evidence at his trial for the said perjury of the evidence so given.”.

10. Section 12 (10) of the Prisons Act, 1959 (hereinafter referred to as the Prisons Act), is hereby amended by the substitution for the words “fifty pounds” of the words “one hundred rand”.

Amendment of section 12 of Act 8 of 1959, as amended by section 4 of Act 75 of 1965.

11. Section 30 of the Prisons Act is hereby amended by the substitution for subsection (1) of the following subsection:

Amendment of section 30 of Act 8 of 1959.

“(1) The Minister may enter into an agreement with the government of any territory in Africa on terms and conditions set out in the agreement, for the reception in the Republic and detention in any prison therein of any person sentenced in a competent court of such territory according

to the law in force therein to imprisonment with or without compulsory labour.”.

12. Section 56 of the Prisons Act is hereby amended by the addition of the following subsection: Amendment of section 56 of Act 8 of 1959.

“(5) The record of the trial of any case in which a sentence has been imposed in terms of section 54 and which has not been dealt with under subsections (1) and (2) of this section, shall, if he so requests, be transmitted to the Commissioner who may, upon consideration thereof, confirm, set aside, alter or reduce the sentence or correct the proceedings as justice may require.”.

13. Section 82 of the Prisons Act is hereby amended by the substitution for the provisos of the following provisos: Amendment of section 82 of Act 8 of 1959.

“Provided that—

- (aa) all letters written and received as well as all literature must be read and censored by a member of the Prisons Service designated by the Commissioner, excluding documents handed over by a prisoner to his legal adviser if such member is satisfied that such documents are intended solely for the defence of the prisoner;
- (bb) no article of food or drink which, in the opinion of a member of the Prisons Service designated by the Commissioner, is not clean, wholesome, sound and free from disease, infection or contamination, shall be accepted and no food or drink shall be accepted for delivery to any prisoner unless it is in such a container or so wrapped that it is reasonably protected from contamination during handling within a prison; and
- (cc) a member of the Prisons Service designated by the Commissioner may, in his discretion and with due regard to the nutritional needs of the prisoner for whom food or drink is delivered, limit the quantity of such food or drink that may be supplied in any one day to such prisoner.”.

14. Section 95 of the Prisons Act is hereby amended with effect from the first day of September, 1959, by the addition of the following proviso: Amendment of section 95 of Act 8 of 1959.

“(d) anything done under any provision of any such law shall be deemed to have been done under the corresponding provision of this Act.”.

15. Section 1 of the Children’s Act, 1960, is hereby amended by the substitution for the definition of “training institution” of the following definition: Amendment of section 1 of Act 33 of 1960, as amended by section 1 of Act 50 of 1965.

“‘training institution’ means any railway college, police college, school of mines, nurses’ hostel or similar establishment maintained for the training of employees, or any air force, army or naval gymnasium, or any special school established or approved in terms of the Special Education Act, 1948 (Act No. 9 of 1948), or any special school established or erected in terms of the Coloured Persons Education Act, 1963 (Act No. 47 of 1963), or the Indians Education Act, 1965 (Act No. 61 of 1965), or any State-aided school (as defined in the Coloured Persons Education Act, 1963, or the Indians Education Act, 1965), which is a special school (as so defined) or any vocational school established or erected in terms of the Vocational Education Act, 1955 (Act No. 70 of 1955), or the Coloured Persons Education Act, 1963, or the Indians Education Act, 1965.”.

16. Section 20 of the Children’s Act, 1960, is hereby amended by the substitution for subsection (6) of the following subsection: Amendment of section 20 of Act 33 of 1960.

“(6) If any medical officer mentioned in subsection (1) is of the opinion that it is necessary to perform an operation upon a person under the age of twenty-one years, or to submit him to any treatment which may not be applied without the consent of the parent or guardian of such person, and the parent or guardian refuses his consent to the operation or treatment, or cannot be found or is by reason of mental disorder unable to give such consent or is deceased, the said officer shall report the matter to the

Minister who may, if satisfied after due enquiry that the operation or treatment is necessary, consent thereto in lieu of the parents or guardian of the said person.”.

17. (1) Section 1 of the Payment of Members of Parliament Act, 1961 (Act No. 58 of 1961), is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph: Amendment of section 1 of Act 58 of 1961.

“(b) to the Deputy President and Chairman of Committees of the Senate, a salary of six thousand rand per annum;”.

(2) Subsection (1) shall be deemed to have come into operation on the first day of April, 1966.

18. Section 10 (1) of the Coloured Development Corporation Act, 1962, is hereby amended by the substitution for paragraph (a) of the following paragraph: Amendment of section 10 of Act 4 of 1962.

“(a) A director of the Corporation other than a director who is a person in the full-time employment of the State, shall not have the power to appoint any person to act as alternate director in his place during his absence or incapacity to act as director, whereas a director who is a person in the full-time employment of the State, shall have such power.”.

19. Section 21 of the General Law Amendment Act, 1962, is hereby amended by the addition of the following subsections: Amendment of section 21 of Act 76 of 1962.

“(6) Notwithstanding anything to the contrary in any law or the common law contained, any offence under this section shall, for the purposes of determining the jurisdiction of a court to try the offence, be deemed to have been committed at the place where it actually was committed and also at any place where the accused happens to be.

(7) (a) This section (except subsection (4) (a)) and any amendment thereof which may be made from time to time, shall apply also in the territory of South-West Africa, including the Eastern Caprivi Zipfel referred to in section 3 of the South-West Africa Affairs Amendment Act, 1951 (Act No. 55 of 1951), and in relation to all persons in that portion of the said territory known as the ‘Rehoboth Gebiet’ and defined in the First Schedule to Proclamation No. 28 of 1923 of the said territory.

(b) For the purposes of paragraph (a), any reference in this section to any provision of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), shall be construed as a reference to the corresponding provision of the Criminal Procedure Ordinance, 1963 (Ordinance No. 34 of 1963), of the said territory.

(8) In this section—
‘Republic’ includes the territory of South-West Africa;
‘State’ or ‘Government’ includes the Administration of the territory of South-West Africa.”.

20. Section 53 of the Liquor Amendment Act, 1963, is hereby amended by the substitution for subsection (3) of the following subsection: Amendment of section 53 of Act 88 of 1963.

“(3) If no certificate of classification has been issued on or before the thirty-first day of December, 1968, in respect of an accommodation establishment conducted under an hotel liquor licence granted before the coming into operation of subsection (1) of this section, and such licence is renewed for the year 1969, such renewal shall be deemed to have been granted in respect of a wine and malt liquor licence in respect of the premises concerned, and if a special right of off-sale under the hotel liquor licence has been authorized in terms of section 64, such right shall as from the first day of January, 1969, be deemed to be confined to the sale of such liquor only as may, in terms of section 86, be sold by the holder of a wine and malt liquor licence: Provided that the Minister may in any particular case upon written application and upon good and sufficient reasons shown, direct that for such period and subject to such conditions as he may deem fit, the provisions of this subsection shall not apply in respect of such hotel liquor licence or such right.”.

21. (1) Section 10 of the Parliamentary Service and Administrators’ Pensions Act, 1965 (Act No. 85 of 1965), is hereby amended by the substitution for paragraphs (c) and (d) of subsection (1) of the following paragraphs: Amendment of section 10 of Act 85 of 1965.

- “(c) Deputy President and Chairman of Committees of the Senate, Deputy Speaker and Chairman of Committees of the House of Assembly, Chief Government Whip in the House of Assembly, Chief Whip of the official Opposition in the House of Assembly or commissioner-general;
 - (d) Leader of the Opposition in the Senate, Chief Government Whip in the Senate, Chief Whip of the official Opposition in the Senate or Deputy Chairman of Committees of the House of Assembly; or”.
- (2) Subsection (1) shall be deemed to have come into operation on the first day of April, 1966.

22. (1) Any commissioned officer as defined in section 1 of the Police Act, 1958 (Act No. 7 of 1958), of or above the rank of Lieutenant-Colonel may, if he has reason to believe that any person who happens to be at any place, is a terrorist or has committed an offence under section 11 (*b*)*ter* of the Suppression of Communism Act, 1950 (Act No. 44 of 1950), or section 21 of the General Law Amendment Act, 1962 (Act No. 76 of 1962), at any place or intends to commit any such offence at any place, arrest or cause such person to be arrested without warrant and detain or cause such person to be detained for interrogation at such place and subject to such conditions as the Commissioner may from time to time determine, for a period not exceeding fourteen days and for such further periods as a judge of a provincial or local division of the Supreme Court of South Africa may, on an application in writing signed by the Commissioner, from time to time determine.

Detention of terrorists and certain other persons for interrogation.

(2) Any person in respect of whom an application has been made under subsection (1) may, pending the result of such application, be detained as if the application had been granted.

(3) An application under subsection (1) shall state—

- (a) that from information taken upon oath, there are reasonable grounds of suspicion against the detainee;
- (b) the reasons why further detention is considered necessary;
- (c) the conditions subject to which the detainee is being detained.

(4) A judge of a provincial or local division to whom an application is made under subsection (1)—

- (a) may consider the application, whether the detainee is being detained within the area of jurisdiction of that division or elsewhere;
- (b) may, if he considers it to be necessary, afford the detainee an opportunity of submitting to him reasons in writing why he should not be detained and shall, if the detainee submits such reasons, afford the Commissioner an opportunity of replying thereto in writing;
- (c) may require from the Commissioner such further information in writing as he may deem necessary;
- (d) shall in considering the application have regard only to the information furnished by the Commissioner, the reasons advanced by the detainee as to why he should not be detained and the reply of the Commissioner to such reasons;
- (e) may, in granting the application, amend the conditions of detention as he may deem fit;
- (f) may order the immediate release of the detainee, and the decision of the judge on the application and the conditions of detention shall be final.

(5) Subject to the provisions of subsection (4), the determination by the Commissioner of the conditions subject to which a detainee is to be detained, shall not be subject to review or appeal, and no court of law shall be competent to order the release of a detainee.

(6) The Commissioner may at any time order that a detainee be released from custody.

(7) No document relating to an application under subsection (1) shall be open for inspection by the detainee or any member of the public.

(8) For the purposes of this section—

“Commissioner” means the Commissioner of the South African Police;

“detainee” means a person detained under subsection (1);

“place” includes any place where the Acts referred to in subsection (1) apply by virtue of express provisions contained in those Acts;

“terrorist” includes any person who favours terroristic activities.

23. The provisions of section 12 (1)*ter* of the Suppression Application of Communism Act, 1950 (Act No. 44 of 1950), shall apply in respect of any offence committed at any time after the commencement of the Departure from the Union Regulation Act, 1955 (Act No. 34 of 1955), and section 18A (2) of the first-mentioned Act shall be deemed to have come into operation on the date of commencement of the General Law Amendment Act, 1963 (Act No. 37 of 1963).

24. This Act shall be called the General Law Amendment Act, 1966. Short title.