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GOVERNMENT GAZETTE

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[No. 4486

DEPARTMENT OF THE PRIME MINISTER

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 2055. 6 November 1974.

No. 2055. 6 November 1974.

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

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

No. 70 of 1974: Bantu Laws Amendment Act, 1974.

No. 70 van 1974: Wysigingswet op Bantowetgewing, 1974.

BANTU LAWS AMENDMENT ACT, 1974.

Act No. 70, 1974

ACT

To amend the Bantu Administration Act, 1927, so as to make provision for authorizing certain officers to perform certain functions of the Minister; to authorize the Minister instead of the State President to perform certain functions; and to extend the meaning of the word "Bantu"; to amend the Bantu Trust and Land Act, 1936, so as to provide for the withdrawal of the reservation and setting apart of land for occupation by Bantu; to amend the Finance Act, 1943, so as to exempt certain legislative assemblies from the payment of certain duties, fees or taxes; to amend the Bantu (Urban Areas) Consolidation Act, 1945, so as to extend the meaning of the word "Minister"; to amend the Promotion of Bantu Self-government Act, 1959, so as to further regulate the nomination of persons to represent certain bodies in certain areas and the constitution of boards in connection therewith; to amend the Bantu Beer Act, 1962, so as to further regulate the sale and supply of Bantu beer and Bantu beer powder; to amend the Transkei Constitution Act, 1963, so as to further regulate certain matters concerning the Transkeian High Court; to extend the power to place persons at the disposal of the Transkeian Government; and to extend the powers of the Transkeian Legislative Assembly; to amend the Bantu Labour Act, 1964, so as to empower the Minister instead of the State President to make regulations; to amend the Promotion of the Economic Development of Bantu Homelands Act, 1968, so as to provide for the indemnification of certain persons against losses they may suffer in certain circumstances in the Bantu homelands; to amend the Development of Self-government for Native Nations in South-West Africa Act, 1968, so as to extend the power to designate persons to assist an executive council; to amend the Bantu Homelands Citizenship Act, 1970, so as to further regulate citizenship of territorial authority areas; to amend the Bantu Homelands Constitution Act, 1971, so as to extend the power to designate persons to assist an executive council; and to extend the powers of legislative assemblies; to amend the Bantu Affairs Administration Act, 1971, so as to extend the meaning of the word "Minister"; and to provide for matters connected therewith.

*(English text signed by the State President.)
(Assented to 29 October 1974.)*

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

1. Section 2 of the Bantu Administration Act, 1927, is hereby amended—
 - (a) by the substitution for subsection (2) of the following subsection:

“(2) Subject to the provisions of the law governing

Amendment of section 2 of Act 38 of 1927, as substituted by section 2 of Act 21 of 1943,

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the public service and of subsection (3), the Minister, or the Secretary for Bantu Administration and Development or the Chief Bantu Affairs Commissioner concerned, if authorized thereto by the Minister, may appoint for any area in which a large number of Bantu reside a Bantu Affairs Commissioner and so many additional Bantu Affairs Commissioners and assistant Bantu Affairs Commissioners as he may deem necessary, who shall perform such duties as may be prescribed by any law or assigned to them by the Minister.”; and

and amended by section 19 of Act 56 of 1949, section 19 of Act 54 of 1952, section 1 of Act 79 of 1957, section 6 of Act 46 of 1959, section 9 of Act 46 of 1962 and section 1 of Act 23 of 1972.

- (b) by the substitution in subsection (3) for the words preceding paragraph (a) of the following words:

“No person shall be appointed under subsection (1) or (2) unless he is, at the time of his appointment, a member of the public service, in terms of section 3 of the Public Service Act, 1957, (Act No. 54 of 1957), and unless—”.

2. (1) Section 10 of the Bantu Administration Act, 1927, is hereby amended—

- (a) by the substitution for subsection (2) of the following subsection:

“(2) (a) Every such court shall be a court of law over which a Bantu Affairs Commissioner shall preside.

Amendment of section 10 of Act 38 of 1927, as amended by section 5 of Act 9 of 1929, section 3 of Act 21 of 1943, section 21 of Act 56 of 1949 and section 3 of Act 79 of 1957.

- (b) Such a court shall ordinarily hold its sittings at a place within the area of its jurisdiction (as defined under subsection (3)) where the office of a Bantu Affairs Commissioner has been established, but it may also hold sittings at any other place which the Minister, or the Secretary for Bantu Administration and Development or any other officer of the Department of Bantu Administration and Development, if authorized thereto by the Minister, may have indicated for the purpose in the said area.”;

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

“(3) The Minister, or the Secretary for Bantu Administration and Development or any other officer of the Department of Bantu Administration and Development, if authorized thereto by the Minister, shall define the area or areas in which any such court shall have jurisdiction, and he may include in any such area the area or any part of the area in which any other court of Bantu Affairs Commissioner also has jurisdiction, and he may from time to time extend or reduce or alter the area of jurisdiction of any such court and he may abolish its jurisdiction over any area: Provided that a court of Bantu Affairs Commissioner shall not have jurisdiction in any case unless—

- (a) the defendant or respondent in that case resides or carries on business or is employed in the area of jurisdiction of that court; or
- (b) the cause of action in that case arose in that area; or
- (c) the parties to the proceedings in that case have agreed in writing to the court’s jurisdiction.”; and
- (c) by the substitution for subsection (4) of the following subsection:

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- “(4) (a) The Minister may make regulations prescribing in respect of courts of Bantu Affairs Commissioners—
- (a) the manner and form of procedure to be observed;
 - (b) the times of holding courts;
 - (c) the keeping of records;
 - (d) the mode of compelling the attendance of witnesses and assessors, and the allowances to be paid to them;
 - (e) the costs, fees or charges of any matter in connection with any proceedings in such courts, including costs between party and party and between attorney and client;
 - (f) the execution of process;
 - (g) the appearance of representatives on behalf of parties; and
 - (h) such other matters as the Minister may deem necessary for the proper carrying out of the purposes of this section.
- (b) Different regulations may be made for different classes of cases or for different areas.”.

(2) Any regulation made under section 10 (4) of the Bantu Administration Act, 1927 (Act No. 38 of 1927), prior to the amendment thereof by subsection (1) of this section, shall be deemed to have been made by the Minister of Bantu Administration and Development under the said section 10 (4) as so amended.

3. Section 29 of the Bantu Administration Act, 1927, is hereby amended by the substitution for subsection (3) of the following subsection:

Amendment of section 29 of Act 38 of 1927, as amended by section 4 of Act 79 of 1957.

- “(3) The Minister may order that, during a period specified in the order, a person convicted under subsection (1)—
- (a) if he is not a Bantu, and if the offence was committed in any area included in the Schedule to the Bantu Land Act, 1913 (Act No. 27 of 1913), or any amendment thereof, shall not enter or be in any such area; or
 - (b) if he is a Bantu, and if the offence was committed outside any such area, shall not enter or be in any place outside any such area.”.

4. Section 35 of the Bantu Administration Act, 1927, is hereby amended by the substitution for the definition of “Bantu” of the following definition:

Amendment of section 35 of Act 38 of 1927, as amended by section 9 of Act 9 of 1929, section 3 of Act 9 of 1939, section 10 of Act 21 of 1943, section 17 of Act 67 of 1952 and section 4 of Act 42 of 1956.

- “‘Bantu’ shall include any person who is a member of any aboriginal race or tribe of Africa: Provided that any person residing under the same conditions as a Bantu in a scheduled Bantu area or a released area, as defined or described in or under the Bantu Trust and Land Act, 1936 (Act No. 18 of 1936), or on any land of which the South African Bantu Trust is the registered owner, shall be regarded as a Bantu for the purposes of this Act: Provided further that a juristic person in which no person other than a Bantu has an interest, a body of persons consisting of Bantu only, and a representative of the estate of a deceased Bantu shall be regarded as a Bantu for the purposes of section 10;”.

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5. Section 2 of the Bantu Trust and Land Act, 1936, is hereby amended by the insertion after subsection (3) of the following subsection:

- Amendment of section 2 of Act 18 of 1936, as substituted by section 2 of Act 7 of 1973.
- “(3A) (a) The State President may from time to time, whenever he considers it in the public interest to do so, by proclamation in the *Gazette*, withdraw from reservation or setting apart for the occupation of Bantu any land defined in the proclamation which vested in the Trust in terms of section 6 (1) (a), and if such land is a released area, it shall be deemed to have ceased in terms of subsection (2) to be such an area.
- (b) Land in the province concerned likewise defined of at least an equivalent pastoral or agricultural value, being State-owned land or land referred to in section 10 (2) (b), (c) or (d), shall by such proclamation be reserved for the occupation of Bantu.
- (c) Land so withdrawn shall become State-owned land, and the State-owned land so reserved shall be transferred by the State President to the Trust by deed of grant.
- (d) Land so reserved shall not be taken into account in computing for the purposes of subsection 10 (1) the extent of land held by the Trust.”

6. Section 49 of the Bantu Trust and Land Act, 1936, is hereby amended by the substitution for paragraph (2) of the definition of “Bantu” of the following paragraph:

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, section 7 of Act 79 of 1957 and section 36 of Act 42 of 1964.

“(2) for the purposes of the entry into or residence on land situate in a scheduled Bantu area or in a released area, a Bantu as defined in section 1 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”.

7. (1) The following section is hereby substituted for section 4 of the Finance Act, 1943:

Substitution of section 4 of Act 37 of 1943, as substituted by section 3 of Act 27 of 1970.

“Exemption of Bantu governments, assemblies, councils and authorities from the payment of duties, fees and other taxes.

4. (1) No duty, fee or other tax imposed by or under any law (other than any law relating to customs or excise or to levies on agricultural products) shall be payable by the government of any territory which is a self-governing territory within the Republic in terms of any law, a legislative council or authority established or recognized under the Development of Self-government for Native Nations in South-West Africa Act, 1968 (Act No. 54 of 1968), any local council established or deemed to have been established under the Bantu Affairs Act, 1959 (Act No. 55 of 1959), any Bantu authority established under the Bantu Authorities Act, 1951 (Act No. 68 of 1951), any legislative assembly established under the Bantu Homelands Constitution Act, 1971 (Act No. 21 of 1971), or a regional authority established or deemed to have been established by or under any law of the Legislative Assembly of the Transkei: Provided that any government, assembly, council or authority referred to in this section may, at the end of its financial year, pay to any local authority an amount not exceeding that which would, but for the provisions of this section, have become payable to the local authority during that financial year.

(2) This section and any amendment thereof shall apply also in the territory of South-West Africa, including the Eastern Caprivi Zipfel.”

(2) Subsection (1) shall be deemed to have come into operation on 31 March 1971.

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8. Section 1 of the Bantu (Urban Areas) Consolidation Act, 1945, is hereby amended by the substitution for the definition of "Minister" of the following definition:
- "'Minister' means the Minister of Bantu Administration and Development and includes any officer of the Department of Bantu Administration and Development acting under his authority;"
- 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, section 20 of Act 63 of 1962 and section 39 of Act 42 of 1964.
9. Section 4 of the Promotion of Bantu Self-government Act, 1959, is hereby amended by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:
- "(1) The government of any territory which is a self-governing territory within the Republic in terms of any law or in respect of which a legislative assembly has otherwise been established 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), (d) and (e) of section 7 (1) of the principal Act have been assigned, or any territorial board may in consultation with the Minister nominate—"
- Amendment of section 4 of Act 46 of 1959, as substituted by section 2 of Act 49 of 1970.
10. Section 5 of the Promotion of Bantu Self-government Act, 1959, is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:
- "(b) shall, whenever it is deemed expedient, in the manner and subject to the conditions determined, in consultation with the Minister, by the government, authority or board by which he has been nominated, constitute one or more boards to assist him in the performance of his functions and duties; and"
- Amendment of section 5 of Act 46 of 1959, as substituted by section 3 of Act 49 of 1970.
11. Section 5 of the Bantu Beer Act, 1962, is hereby amended by the substitution for subsection (1A) of the following subsection:
- "(1A) Any general dealer outside an urban area, as well as a general dealer within a prescribed area (as defined in section 1 of the Bantu (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945)) outside the area of jurisdiction of a municipal council, borough council, town council, village council, town board, village management board, local board, health board or health committee, who has been authorized by the Minister in writing under this section to do so, may, with due regard to the provisions of this section, sell and supply packaged Bantu beer and Bantu beer powder, provided such packaged Bantu beer is acquired from a local authority, the Bantu Investment Corporation or the Xhosa Development Corporation."
- Amendment of section 5 of Act 63 of 1962, as amended by section 2 of Act 30 of 1972.
12. Section 50 of the Transkei Constitution Act, 1963, is hereby amended—
- (a) by the substitution for subsection (2A) of the following subsection:
- "(2A) The State President may by regulation provide that any law which does not apply to the High Court or its area of jurisdiction, shall apply, with such amendments and adaptations as he may consider necessary, to the said Court or its area of jurisdiction."; and
- (b) by the insertion after subsection (2B) of the following subsections:
- Amendment of section 50 of Act 48 of 1963, as amended by section 2 of Act 36 of 1968 and section 8 of Act 7 of 1973.

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“(2C) If a judge of the Supreme Court of South Africa who has been seconded in terms of subsection 2 (b) to serve as a judge of the High Court, retires or is removed from office while holding the office of Chief Justice of the said High Court in a permanent capacity, his salary shall, for the purposes of calculating his pension, be deemed to be that of a judge president of a provincial division of the said Supreme Court.

(2D) In any law which is in force in the area of jurisdiction of the High Court, save the Supreme Court Act, 1959 (Act No. 59 of 1959), and the Judges’ Remuneration and Pensions Act, 1959 (Act No. 73 of 1959), any reference to—

- (a) the Supreme Court of South Africa shall be construed as a reference to the High Court; and
- (b) the judge president or a judge of a provincial division of the Supreme Court of South Africa, shall be construed as a reference to the Chief Justice or a judge of the High Court, as the case may be.

(2E) The process of the High Court shall run throughout the Republic and may be served or executed within the jurisdiction of any division of the Supreme Court of South Africa or of any other high court in the Republic.”

13. (1) Section 63 of the Transkei Constitution Act, 1963, is hereby amended by the substitution for subsection (1) of the following subsection: Amendment of section 63 of Act 48 of 1963.

“(1) (a) The Government of the Republic may, subject to the provisions of paragraph (b), place at the disposal of the Government of the Transkei the services of such white officers or employees of the public service of the Republic and of such other persons in the employ of the State or of a person receiving financial assistance from the State as may be necessary for the proper control and administration of matters in respect of which the Legislative Assembly may make laws.

- (b) The services of persons in the employ of a person receiving financial assistance from the State shall only with the concurrence of such person, be so placed at the disposal of the Government of the Transkei.”

(2) Subsection (1) shall be deemed to have come into operation on 30 May 1963.

14. Part B of the First Schedule to the Transkei Constitution Act, 1963, is hereby amended by the substitution for item 9 of the following item: Amendment of First Schedule to Act 48 of 1963, as amended by section 4 of Act 36 of 1968, section 9 of Act 27 of 1970, section 12 of Act 49 of 1970, section 7 of Act 23 of 1972, section 22 of Act 102 of 1972, proclamation 259 of 1972, section 9 of Act 7 of 1973 and proclamation 84 of 1973.

“9. Land matters, land settlement, registration of deeds and surveys in the Transkei, but excluding trigonometrical surveys.”

15. (1) Section 28 of the Bantu Labour Act, 1964, is hereby amended by the substitution in subsection (1) for the words preceding paragraph (a) of the following words: Amendment of section 28 of Act 67 of 1964, as amended by section 15 of Act 19 of 1970.

“The Minister may make regulations, not inconsistent with this Act, as to all or any of the following matters, namely—”

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(2) Regulations made by the State President under section 28 of the Bantu Labour Act, 1964 (Act No. 67 of 1964), prior to the amendment thereof by subsection (1) of this section, shall be deemed to have been made by the Minister of Bantu Administration and Development under the said section as so amended.

16. The following section is hereby inserted in the Promotion of the Economic Development of Bantu Homelands Act, 1968, after section 7: Insertion of section 7A in Act 46 of 1968.

“Indemnification of certain businessmen.

7A. (1) The investment corporation, a development corporation or a corporation may, with the prior approval of the Minister, indemnify any person with whom such corporation entered into an agreement in terms of which such person undertakes to establish an industrial, commercial, financial, mining or other business undertaking in a Bantu homeland, against any loss which such person may incur in connection with such undertaking while such contract is of force and effect, and which, in the opinion of the Minister, is not insurable and in respect of which, in the opinion of the Minister, he has no effective right to damages.

(2) If a corporation mentioned in subsection (1) has indemnified any person against any loss in terms of that subsection and such person has incurred any loss as contemplated therein, the Minister may, in consultation with the Minister of Finance, take over the obligations of that corporation in terms of such indemnity.

(3) The amount of any loss contemplated in subsection (1) shall be determined either by the parties concerned after obtaining a valuation thereof by a valuator nominated by them or, in the absence of agreement as to a valuator or such amount, by a valuator appointed by the Minister of Economic Affairs.

(4) The costs connected with the determination of the amount of a loss in accordance with subsection (3) shall be borne in equal shares by the parties concerned.”.

17. (1) Section 6 of the Development of Self-government for Native Nations in South-West Africa Act, 1968, is hereby amended by the substitution for subsection (4) of the following subsection: Amendment of section 6 of Act 54 of 1968.

“(4) The Minister of Bantu Administration and Development may designate—

- (a) subject to the laws governing the public service, officers and employees of the public service; and
- (b) any other person in the employ of the State, and, with the concurrence of the Administration of the territory of South-West Africa or a person receiving financial assistance from the State, any person in the employ of such Administration or such a person so receiving assistance, as the case may be,

to assist an executive council or cabinet in the administration of the departments referred to in subsection (2).”.

(2) Subsection (1) shall be deemed to have come into operation on 19 June 1968.

18. Section 1 of the Bantu Homelands Citizenship Act, 1970, is hereby amended by the substitution for the definition of “self-governing Bantu territory in the Republic” of the following definition: Amendment of section 1 of Act 26 of 1970, as amended by section 39 of Act 21 of 1971.

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“‘self-governing Bantu territory in the Republic’ or ‘other self-governing Bantu territory in the Republic’ means the Transkei;”.

19. The following section is hereby substituted for section 3 of the Bantu Homelands Citizenship Act, 1970: Substitution of section 3 of Act 26 of 1970.

“Territorial authority area citizens. 3. (1) Subject to the provisions of section 2 (2), every Bantu person shall be a citizen of a particular territorial authority area—

- (a) if he was or is born in that area, either before or after the commencement of this Act, from parents of whom one or both were or are citizens of that territorial authority area at the time of his birth; or
- (b) if he has in terms of subsection (2) been granted citizenship of that area; or
- (c) if he is not a citizen of any other territorial authority area in terms of paragraph (a) or (b) and speaks any Bantu language used by the Bantu population in the first-mentioned area, including any dialect of any such language; or
- (d) if he is not a citizen of any other territorial authority area in terms of paragraph (a), (b) or (c) and is related to any member of the Bantu population of the first-mentioned area or has identified himself with any part of such population or is associated with any part of such population by virtue of his cultural or racial background.

(2) A citizen of any territorial authority area or self-governing Bantu territory in the Republic who has been lawfully domiciled for a period of at least five years in any other area or territory being a territorial authority area, irrespective of whether or not such period includes any period prior to the commencement of this section, may on application in the prescribed manner be granted citizenship of the last-mentioned territorial authority area by the territorial authority of the last-mentioned area.”.

20. (1) Section 5 of the Bantu Homelands Constitution Act, 1971, is hereby amended by the substitution for subsection (4) of the following subsection: Amendment of section 5 of Act 21 of 1971.

“(4) The Minister may designate—

- (a) subject to the laws governing the public service, officers and employees of the public service; and
- (b) any other person in the employ of the State, and, with the concurrence of a person receiving financial assistance from the State, any person in the employ of such a person so receiving assistance,

to assist an executive council or cabinet in the administration of the departments referred to in subsection (2).”.

(2) Subsection (1) shall be deemed to have come into operation on 31 March 1971.

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21. The Bantu Homelands Constitution Act, 1971, is hereby amended by the substitution for the heading immediately before section 14 of the following heading:

Substitution of heading before section 14 of Act 21 of 1971.

“ADMINISTRATION OF JUSTICE AND PRISONS.

Administration of Justice.”

22. Section 14 of the Bantu Homelands Constitution Act, 1971, is hereby amended by the insertion after subsection (1) of the following subsection:

Amendment of section 14 of Act 21 of 1971.

“(1A) The power conferred on a Minister or on any officer of the Republic in terms of the provisions of the Magistrates’ Courts Act, 1944 (Act No. 32 of 1944), or the Bantu Administration Act, 1927 (Act No. 38 of 1927), to establish or disestablish a magistrate’s court or a Bantu Affairs Commissioner’s court or to appoint any judicial officer or other officer thereto in an area referred to in subsection (1) shall vest in the member of the executive council concerned, or, as the case may be, in the corresponding officer of such area: Provided that no such court shall be established or disestablished and no such judicial officer or other officer shall be appointed by such member or by any such officer in respect of persons who are not Bantu, without the approval of the Minister.”

23. The following heading and section are hereby inserted in the Bantu Homelands Constitution Act, 1971, after section 15:

Insertion of new heading and section 15A in Act 21 of 1971.

“Prisons.

Prisons.

15A.(1) A reference in any law to a prison established or deemed to have been established in terms of the Prisons Act, 1959 (Act No. 8 of 1959), (hereinafter referred to as a prison of the Republic) shall be construed as including a reference to a prison which has in terms of the said Act or a law of a legislative assembly been established by an authority of an area for which a legislative assembly has been established (hereinafter referred to as a prison of the area concerned).

(2) A convicted Bantu person who has been sentenced to imprisonment and is still liable to serve the sentence imposed or part thereof may—

(a) if he is detained in a prison of the Republic, be transferred on the authority of the Minister of Prisons of the Republic and with the concurrence of the Minister or Executive Councillor of an area for which a legislative council has been established, who is responsible for the administration of prisons, from that prison to a prison of the area concerned indicated by the last-mentioned Minister or Executive Councillor;

(b) if he is detained in a prison of an area for which a legislative council has been established, be transferred on the authority of the Minister or Executive Councillor of such area referred to in paragraph (a), and with the concurrence of the Minister of Prisons of the Republic, from that prison to a prison of the Republic indicated by the last-mentioned Minister,

and thereupon such person shall be detained in the prison to which he has been transferred and be dealt with in every respect as if, and shall be subject to the laws to which he would have been subject if,

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he had been received in the last-mentioned prison in terms of the said sentence.

(3) Without prejudice to the provisions of sections 18 and 21, the Prisons Act, 1959, shall also continue to apply in an area for which a legislative council has been established as if item 31C had not been inserted in Schedule 1 to this Act by section 24 (e) of the Bantu Laws Amendment Act, 1974.

(4) The Minister of Prisons of the Republic may by notice in the *Gazette* declare that a prison established or deemed to have been established by an authority in the Republic under the Prisons Act, 1959, in an area for which a legislative assembly has been established, shall, subject to such conditions as may be specified in such notice, be deemed to have been established by an authority of that area under the said Act or a law of the said legislative assembly relating to prisons, and thereupon such prison shall be deemed to have been so established.

(5) (a) The provisions of this section shall come into operation on a date fixed by the Minister.

(b) Different dates may in terms of paragraph (a) be fixed in respect of different areas."

24. Schedule 1 to the Bantu Homelands Constitution Act, 1971, is hereby amended—

Amendment of Schedule 1 to Act 21 of 1971, as amended by section 12 of Act 23 of 1972 and section 15 of Act 7 of 1973.

(a) by the substitution for item 5 of the following item:

"5. The control of business and trading undertakings, and the issue of licences for the carrying on thereof, excluding the issue of licences in connection with trading in arms and ammunition and explosives.";

(b) by the insertion after item 7 of the following item:

"7A. The provision of financial assistance to citizens of the area concerned carrying on or undertaking to carry on farming operations therein, and the exercising of control in respect of financial assistance provided.";

(c) by the substitution for item 25 of the following item:

"25. The regulation and control of road traffic, including the licensing and control of vehicles and the drivers of vehicles, but excluding, subject to the provisions of item 25A, all matters dealt with in the Motor Carrier Transportation Act, 1930 (Act No. 39 of 1930), or the Motor Vehicle Insurance Act, 1942 (Act No. 29 of 1942).";

(d) by the insertion after the said item 25 of the following item:

"25A. With effect from a date to be determined by the Minister by notice in the *Gazette* in respect of any particular area, motor carrier transportation: Provided that if the Motor Carrier Transportation Act, 1930 (Act No. 39 of 1930), continues to apply in the area concerned after a date so determined by the Minister, there shall be no appeal in terms of section 6 (2) of the said Act to the Board referred to therein: Provided further that after a date so determined by the Minister the said Motor Carrier Transportation Act, 1930, shall in all cases continue to apply in the area concerned in respect of any certificate or exemption granted thereunder prior to such date, but any certifi-

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cate or exemption so granted shall not continue to be valid after the 30th June immediately following upon such date.”; and

(e) by the insertion after item 31A of the following items:

“31B. The establishment, maintenance, management and control of health clinics in respect of Bantu and, with effect from a date to be determined by the Minister by notice in the *Gazette* in respect of any particular area, all other health matters (including hospitalization) in respect of Bantu.

31C. With effect from a date to be determined by the Minister by notice in the *Gazette* in respect of any particular area and subject to the provisions of section 15A of this Act, the establishment, disestablishment, administration and control of prisons for Bantu persons.

31D. Tourism, including the development of the tourist industry and the development and improvement of travel services to and within, and of accommodation for travellers within, the area.

31E. Legal aid, with effect from a date determined by the Minister by notice in the *Gazette* in respect of any particular area.

31F. Amusements or entertainment tax.

31G. The licensing, regulation and control of places of amusement and recreation, and the imposition of a duty upon the licensee in respect of the takings thereat or of a charge based upon the payment for admission thereto.

31H. Auction dues.

31I. The restriction, regulation and control of horse racing, the prohibition, restriction, regulation and control of other racing, the restriction, regulation and control of betting and wagering (whether as to circumstances, locality or premises), and the prohibition, regulation and control of dissemination of information as to betting.

31J. Licensing of totalisators and the imposition on the licensees of a duty in respect of the takings thereof, and licences, taxes and fees in connection with horses and other racing and betting and wagering, and the dissemination of information as to betting and wagering.

31K. The establishment, control and management of libraries and library services in respect of Bantu.

31L. The establishment, control and management of museums, art galleries, herbaria, botanic gardens and similar institutions, and zoological gardens, aquariums, oceanariums, snake parks and similar institutions where live animals are kept for exhibition.

31M. The establishment, control, management and regulation of cemeteries and crematoria, and the regulation of matters relating to the removal or disposal of dead bodies.

31N. Housing schemes for citizens.

31P. The reservation of places in the area concerned as places of public resort or of public recreation, or of historical or scientific interest, and the control and management of such places, whether so reserved before or after the commencement of this Act.”

BANTU LAWS AMENDMENT ACT, 1974.

Act No. 70, 1974

25. Section 1 of the Bantu Affairs Administration Act, 1971, is hereby amended by the substitution for the definition of "Minister" of the following definition: Amendment of section 1 of Act 45 of 1971.

"Minister" means the Minister of Bantu Administration and Development and includes any officer of the Department of Bantu Administration and Development acting under his authority."

26. This Act shall be called the Bantu Laws Amendment Act, 1974. Short title.