

No. 9, 1939.]

ACT

To amend the Native Administration Act, 1927.

(Signed by the Governor-General in English.)
(Assented to 27th March, 1939.)

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Amendment of section 2 of Act 38 of 1927, as amended by section 3 of Act 9 of 1929.

1. Section *two* of the Native Administration Act, 1927, as amended (which Act, as amended, is hereinafter called the principal Act), is hereby amended—

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

“(2) Subject to the provisions of the law governing the public service and of sub-section (3), the Minister may appoint for any area in which large numbers of Natives reside a native commissioner and so many additional native commissioners and assistant native commissioners as he may deem necessary, who shall all be officers of the said service before their appointment. Such officers shall perform such duties as may be required by any law or assigned to them by the Minister”;

(b) by the insertion in sub-section (5) after the word “Minister” of the words “or if delegated thereto by the Minister, the Secretary for Native Affairs or the Under-Secretary for Native Affairs.”

Amendment of section 27 of Act 38 of 1927.

2. Section *twenty-seven* of the principal Act is hereby amended—

(a) by the deletion at the end of paragraph (d) of sub-section (1) of the word “and”; and

(b) by the insertion after the said paragraph (d) of the following new paragraph:

“(d) *bis* the prohibition, restriction or regulation of—

(i) the sale (within areas to be defined in the regulations) of goods to Natives employed on mines or works otherwise than on payment in cash of the full purchase price of the goods;

(ii) the lending of money by traders (including persons licensed under sub-section (2) of section *one hundred and twenty-seven* of the Liquor Act, 1928 (Act No. 30 of 1928), to sell kaffir beer) or the recovery of money lent by traders (including persons so licensed) to Natives so employed;

(iii) the presence of traders (including persons so licensed) or their representatives at places within areas to be defined in the regulations where Natives so employed receive their wages and while they are being paid their wages;

(iv) the giving of any assistance, whatsoever, whether direct or indirect, by owners or managers of or persons employed on mines or works to traders (including persons so licensed) in the collection of debts owing to them by Natives so employed; and

(v) generally, the giving of credit by traders to Natives so employed; and”.

Amendment of section 35 of Act 38 of 1927, as amended by section 9 of Act 9 of 1929.

3. Section *thirty-five* of the principal Act is hereby amended—

(a) by the insertion after the definition of the expression “marriage” of the following new definition:

“‘mine’ bears the meaning assigned to the expression by section *two* of the Native Labour Regulation Act, 1911 (Act No. 15 of 1911), as amended by section *thirty-three* of the Native Laws Amendment Act, 1937 (Act No. 46 of 1937)”;

- (b) by the substitution for the words "in an area proclaimed under section *six* (1) under the same conditions as a Native", occurring in the definition of the expression "Native", of the words "under the same conditions as a Native in a scheduled native area or a released area, as defined or described in or under the Native Trust and Land Act, 1936 (Act No. 18 of 1936), or on any land of which the South African Native Trust is the registered owner";
- (c) by the addition at the end of the section of the following new definition:
- “ ‘ works ’ bears the meaning assigned to the expression by section *two* of the Native Labour Regulation Act, 1911 (Act No. 15 of 1911), as amended by section *thirty-three* of the Native Laws Amendment Act, 1937 (Act No. 46 of 1937) ”.

Short title.

4. This Act shall be called the Native Administration (Amendment) Act, 1939.
