



STAATSKOERANT

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EPARTEMENT VAN DIE EERSTE MINISTER

DEPARTMENT OF THE PRIME MINISTER

595. 27 Maart 1975.

No. 595.

27 March 1975.

hierby word bekend gemaak dat die Staatspresident oedkeuring geheg het aan die onderstaande Wet wat y ter algemene inligting gepubliseer word:—

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

9 van 1975: Wysigingswet op Bantoewetgewing, 1975.

No. 9 of 1975: Bantu Laws Amendment Act, 1975.

Act No. 9, 1975

BANTU LAWS AMENDMENT ACT, 1975.

ACT

To amend the Transkei Constitution Act, 1963, so as to further provide for the calculation of the amount payable by way of annual grant from the Consolidated Revenue Fund into the Transkeian Revenue Fund; to amend the Bantu Labour Act, 1964, so as to provide for the accrual of certain moneys, fines and estreated bail to a Bantu Affairs Administration Board managing a district labour bureau, and to amend the text of section 24 (1) with reference to the expression "State"; to amend the Development of Self-government for Native Nations in South-West Africa Act, 1968, so as to provide that voting at an election of members of a legislative council may take place also in the Republic, and to further regulate certain matters concerning a High Court established under that Act; to amend the Bantu Homelands Constitution Act, 1971, so as to further provide for the calculation of the amount payable by way of annual grant from the Consolidated Revenue Fund into the Revenue Fund of an area for which a legislative assembly has been established, and to further regulate certain matters concerning a High Court established under that Act; to amend the Bantu Affairs Administration Act, 1971, so as to empower any Bantu Affairs Administration Board to obtain money by means of a bank overdraft; and to provide for incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 19 March 1975.)

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

Amendment of section 52 of Act 48 of 1963, as amended by section 6 of Act 63 of 1966 and section 7 of Act 27 of 1970.

1. Section 52 of the Transkei Constitution Act, 1963, is hereby amended by the substitution for paragraph (c) of subsection (1) of the following paragraph:

“(c) an annual grant, payable from the Consolidated Revenue Fund, of an amount equal to the sum of—

- (i) the amount paid from the Consolidated Revenue Fund into the Transkeian Revenue Fund during the financial year ended 31 March 1974 by way of annual grant in respect of matters the administration of which was transferred to the Government of the Transkei in accordance with this Act;
- (ii) the amount paid into the Transkeian Revenue Fund in terms of paragraph (d) during the financial year ended 31 March 1974, less the amounts determined in respect of that financial year in terms of subparagraphs (iv) and (v) of this paragraph;

Act No. 9, 1975

BANTU LAWS AMENDMENT ACT, 1975.

- (iii) in respect of any matter the administration of which was or is transferred to the Government of the Transkei in accordance with this Act and in respect of which no amount is included in the amount referred to in subparagraph (i), an amount approved by the Minister of Finance of the Republic after consultation with the Controller and Auditor-General and corresponding to the expenditure by the Government of the Republic in connection with that matter during the financial year preceding the date of the transfer, less the income from existing sources of revenue, as determined by the Minister of Bantu Administration and Development in consultation with the Minister of Finance of the Republic, which accrued to the Consolidated Revenue Fund during the said financial year and which will in terms of paragraphs (a) and (b) accrue to the Transkeian Revenue Fund;
- (iv) an amount determined from time to time by the Minister of Bantu Administration and Development in consultation with the Minister of Finance of the Republic and corresponding to the amount, as calculated by the said Ministers, which, in terms of any Act of Parliament imposing any tax on income, profits or gains (whether such Act was or is passed before or after the commencement of this subparagraph), was levied, during the financial year preceding the date of the determination, by way of taxes on the income, profits or gains of companies (other than companies referred to in paragraph (a) (ii)) derived by such companies from industrial, commercial or other business undertakings carried on by them in the Transkei; and
- (v) an amount determined from time to time by the Minister of Bantu Administration and Development in consultation with the Minister of Finance of the Republic and corresponding to the amount, as calculated by the said Ministers, which accrued to the Consolidated Revenue Fund in terms of any Act of Parliament (whether such Act was or is passed before or after the commencement of this subparagraph), during the financial year preceding the date of the determination, by way of customs, excise and sales duties derived in the Transkei:

Provided that any or all of the amounts referred to in subparagraphs (i), (ii) and (iii) may be adjusted from time to time to the extent determined by the Minister of Bantu Administration and Development in consultation with the Minister of Finance of the Republic, with due regard to such economic and other factors as they may think fit, including any change in the costs of goods and services and any increase or decrease of an amount referred to in subparagraph (iv) or (v)."

Amendment of section 21 of Act 67 of 1964.

2. Section 21 of the Bantu Labour Act, 1964, is hereby amended—

(a) by the substitution for subsection (6) of the following subsection:

"(6) Upon the publication of any notice under section 9*bis* (3) of the Urban Areas Act declaring that

Act No. 9, 1975

BANTU LAWS AMENDMENT ACT, 1975.

an urban area as defined in that Act shall no longer be deemed to be a prescribed area, the local labour bureau in such urban area shall cease to exist, and the powers and functions previously exercised or performed by the local labour bureau in such area shall be exercised or performed by the district labour bureau having jurisdiction.”; and

- (b) by the substitution for subsection (7) of the following subsection:

“(7) The Minister may at any time after consultation with the urban local authority concerned, by notice in the *Gazette* declare a local labour bureau for any prescribed area to be abolished, and thereupon such bureau shall cease to exist and the powers and functions previously exercised or performed by the local labour bureau in such area shall be exercised or performed by the district labour bureau having jurisdiction, and any records kept by such local labour bureau shall be transferred to such district labour bureau.”.

Insertion of section 22B in Act 67 of 1964.

3. The following section is hereby inserted in the Bantu Labour Act, 1964, after section 22A:

“Moneys payable to district labour bureaux.

22B. (1) All moneys which in terms of this Act, or in terms of any regulation other than a regulation relating to a matter dealt with in Chapter IV of the Bantu Trust and Land Act, 1936 (Act No. 18 of 1936), are payable to a district labour bureau established for the administration area of a Bantu Affairs Administration Board and managed by a district labour officer in the service of that Board as contemplated in section 11 (6) of the Bantu Affairs Administration Act, 1971 (Act No. 45 of 1971), and such fines collected or bail estreated, in connection with offences under this Act or any such regulation, as the Minister may determine in consultation with the Minister of Finance, shall accrue to the Bantu Affairs Administration Board concerned.

(2) Any moneys, fines and estreated bail payable to a district labour bureau which was not established and is not managed as aforesaid, shall be paid into the Consolidated Revenue Fund.”.

Amendment of section 24 of Act 67 of 1964, as amended by section 14 of Act 19 of 1970.

4. Section 24 of the Bantu Labour Act, 1964, is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) Any person (including the State, with which is included the Railway Administration, the Department of Posts and Telecommunications and any provincial administration) who enters into a contract of employment which is required to be notified under section 8 of the Bantu (Abolition of Passes and Co-ordination of Documents) Act, 1952 (Act No. 67 of 1952), with a Bantu for employment in a prescribed area, or requires such a Bantu in the course of his employment to serve in more than one prescribed area, shall in respect of every Bantu so employed pay to the local labour bureau or, where there is no such bureau, to the district labour bureau within whose area of jurisdiction such Bantu is primarily employed in the course of any month or, where there is a dispute in this regard

Act No. 9, 1975

BANTU LAWS AMENDMENT ACT, 1975.

between two or more labour bureaux, to the bureau determined by the Secretary, in addition to any other moneys which may be payable, a monthly fee which shall be at such a rate, not exceeding twenty cents per month, as may be prescribed and which may differ for different areas or for different classes of employment: Provided that no such fee shall be payable by any particular employer in respect of more than one prescribed area in respect of the same Bantu for the same month: Provided further that where any fee is payable by an employer in respect of a class of Bantu referred to in a notice published under section 22 (1) (c) such fee shall be payable to the district labour bureau."

Amendment of section 4 of Act 54 of 1968.

5. Section 4 of the Development of Self-government for Native Nations in South-West Africa Act, 1968, is hereby amended by the substitution for paragraph (a) of subsection (2) of the following paragraph:

"(a) the election by way of voting at any place, whether in the territory referred to in section 1 or in the Republic, and the designation of the members of a legislative council, the filling of vacancies, and the qualifications of voters and of candidates for such elections;"

Amendment of section 17I of Act 54 of 1968, as inserted by section 6 of Act 20 of 1973.

6. Section 17I of the Development of Self-government for Native Nations in South-West Africa Act, 1968, is hereby amended—

(a) by the substitution for subsection (3) of the following subsection:

"(3) The State President may by regulation provide that any law which does not apply to a High Court or its area of jurisdiction, shall apply, with such amendments and adaptations as he may consider necessary, to such High Court or its area of jurisdiction."; and

(b) by the insertion after subsection (4) of the following subsections:

"(4A) 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 any High Court, retires or is removed from office while holding the office of Chief Justice of such 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.

(4B) In any law which is in force in the area of jurisdiction of any 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 such 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 such High Court, as the case may be.

(4C) The process of any such High Court shall run throughout the territory referred to in section 1 and 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 constituted under an Act of Parliament."

Act No. 9, 1975

BANTU LAWS AMENDMENT ACT, 1975.

Amendment of
section 6 of
Act 21 of 1971.

7. Section 6 of the Bantu Homelands Constitution Act, 1971, is hereby amended by the substitution for paragraph (c) of subsection (2) of the following paragraph:

“(c) an annual grant, payable from the Consolidated Revenue Fund, of an amount equal to the sum of—

- (i) the amount paid from the Consolidated Revenue Fund into the Revenue Fund during the financial year ended 31 March 1974 by way of annual grant in respect of matters the administration of which was transferred to the Government of the area concerned in accordance with this Act;
- (ii) the amount paid into the Revenue Fund in terms of paragraph (d) during the financial year ended 31 March 1974, less the amounts determined in respect of that financial year in terms of subparagraphs (iv) and (v) of this paragraph;
- (iii) in respect of any matter the administration of which was or is transferred to the Government of the area concerned in accordance with this Act and in respect of which no amount is included in the amount referred to in subparagraph (i), an amount approved by the Minister of Finance of the Republic after consultation with the Controller and Auditor-General and corresponding to the expenditure by the Government of the Republic in connection with that matter during the financial year preceding the date of the transfer, less the income from existing sources of revenue, as determined by the Minister in consultation with the Minister of Finance of the Republic, which accrued to the Consolidated Revenue Fund during the said financial year and which will in terms of paragraphs (a) and (b) accrue to the Revenue Fund;
- (iv) an amount determined from time to time by the Minister in consultation with the Minister of Finance of the Republic and corresponding to the amount, as calculated by the said Ministers, which, in terms of any Act of Parliament imposing any tax on income, profits or gains (whether such Act was or is passed before or after the commencement of this subparagraph), was levied, during the financial year preceding the date of the determination, by way of taxes on the income, profits or gains of companies (other than companies referred to in paragraph (a) (ii)) derived by such companies from industrial, commercial or other business undertakings carried on by them in the area concerned; and
- (v) an amount determined from time to time by the Minister in consultation with the Minister of Finance of the Republic and corresponding to the amount, as calculated by the said Ministers, which accrued to the Consolidated Revenue Fund in terms of any Act of Parliament (whether such Act was or is passed before or after the commencement of this subparagraph), during the financial year preceding the date of the determination, by way of customs, excise and sales duties derived in the area concerned:

Provided that any or all of the amounts referred to in subparagraphs (i), (ii) and (iii) may be adjusted from time to time to the extent determined by the Minister in consultation with the Minister of Finance of the

Act No. 9, 1975

BANTU LAWS AMENDMENT ACT, 1975.

Republic, with due regard to such economic and other factors as they may think fit, including any change in the costs of goods and services and any increase or decrease of any amount referred to in subparagraph (iv) or (v).”.

Amendment of section 34 of Act 21 of 1971, as amended by section 13 of Act 7 of 1973.

8. Section 34 of the Bantu Homelands Constitution Act, 1971, 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 a High Court or its area of jurisdiction, shall apply, with such amendments and adaptations as he may consider necessary, to such High Court or its area of jurisdiction.”; and

(b) by the insertion after subsection (2B) of the following subsections:

“(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 any such High Court, retires or is removed from office while holding the office of Chief Justice of such 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 any 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 such 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 such High Court, as the case may be.

(2E) The process of any such High Court shall run throughout the Republic and the territory of South West Africa 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 constituted under an Act of Parliament.”.

Amendment of section 13 of Act 45 of 1971.

9. Section 13 of the Bantu Affairs Administration Act, 1971, is hereby amended—

(a) by the insertion after paragraph (c) of subsection (1) of the following paragraph:

“(cA) of moneys obtained by it, with the approval of the Minister and subject to such conditions as he may determine, by means of a bank overdraft from a commercial bank as defined in section 1 of the Banks Act, 1965 (Act No. 23 of 1965);”;

(b) by the substitution for paragraph (d) of subsection (1) of the following paragraph:

“(d) of any loans (other than loans contemplated in paragraph (cA)) obtained by it with the approval of the Minister granted in consultation with the Minister of Finance;”.

Short title.

10. This Act shall be called the Bantu Laws Amendment Act, 1975.