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REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

Price 10c Prys
Overseas 15c Oorsee
POST FREE—POSVRY

Vol. 64.]

CAPE TOWN, 9TH OCTOBER, 1970.

[No. 2888.

KAAPSTAD, 9 OKTOBER 1970.

DEPARTMENT OF THE PRIME MINISTER.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 1739. 9th October, 1970.

No. 1739. 9 Oktober 1970.

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. 92 of 1970: General Law Further Amendment Act, 1970.

No. 92 van 1970: Verdere Algemene Regswysigingswet, 1970.

GENERAL LAW FURTHER AMENDMENT ACT, 1970.

Act No. 92, 1970

ACT

To amend the Liquor Act, 1928; the Land Bank Act, 1944; the South African Reserve Bank Act, 1944; the Criminal Procedure Act, 1955; the Public Service Act, 1957; the Police Act, 1958; the Prisons Act, 1959; the Supreme Court Act, 1959; the Judges' Remuneration and Pensions Act, 1959; the Children's Act, 1960; the Coloured Development Corporation Act, 1962; the Coloured Persons Education Act, 1963; and the Criminal Procedure Ordinance, 1963, of the territory of South-West Africa; to prohibit the holding or organizing of certain processions without the permission of a magistrate; and to provide for incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 2nd October, 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 100quin of the Liquor Act, 1928, is hereby amended by the addition of the following subsection:

“(4) For the purposes of this section and notwithstanding the provisions of section 11 of the Bantu Beer Act, 1962 (Act No. 63 of 1962), ‘liquor’ includes Bantu beer as defined in section 1 of that Act.”.

Amendment of section 100quin of Act 30 of 1928, as substituted by section 5 of Act 98 of 1965.
2. Section 4 of the Land Bank Act, 1944 (Act No. 13 of 1944), is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The operations of the bank shall be controlled by a board consisting of a chairman (who shall be the managing director appointed under section 4bis (1) or a general manager appointed under section 13 (1) who serves as acting managing director) and not less than six or more than ten other members to be appointed by the State President.”.

Amendment of section 4 of Act 13 of 1944, as amended by section 2 of Act 42 of 1951, section 1 of Act 46 of 1965 and section 7 of Act 31 of 1969.
3. Section 3 of the South African Reserve Bank Act, 1944, is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The bank shall be managed by a board of twelve directors, consisting of a Governor, three Deputy-Governors (of whom one shall be designated by the State President as Senior Deputy-Governor) and two other directors appointed by the State President, and six directors elected by the stockholders.”.

Amendment of section 3 of Act 29 of 1944, as amended by section 1 of Act 24 of 1960, section 2 of Act 5 of 1961 and section 2 of Act 87 of 1969.
4. Section 226 of the Criminal Procedure Act, 1955, is hereby amended by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

“(1) The wife or husband of an accused is competent and compellable to give evidence for the prosecution without the consent of the accused, where the accused is

Amendment of section 226 of Act 56 of 1955, as amended by section 19 of Act 16 of 1959

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prosecuted for any offence against the person of either of them or any of the children of either of them, or for any offence under Chapter III of the Children's Act, 1960 (Act No. 33 of 1960), committed in respect of any of the children of either of them or for any contravention of the provisions of section 11 (1) of the Maintenance Act, 1963 (Act No. 23 of 1963), or of those provisions as applied by any other law or for any of the following offences:" and section 17 of Act 92 of 1963.

5. Section 4 of the Public Service Act, 1957, is hereby amended by the substitution for paragraph (a) of subsection (2) of the following paragraph: Amendment of section 4 of Act 54 of 1957, as amended by section 2 of Act 63 of 1967, section 1 of Act 17 of 1968 and section 45 of Act 70 of 1968.

"(a) The Commission shall consist of not less than three and not more than five members who shall be appointed by the State President, and in making any such appointment the State President shall have due regard to, *inter alia*, the knowledge of or experience in the public service of the persons to be appointed."

6. Section 5 of the Public Service Act, 1957, is hereby amended— Amendment of section 5 of Act 54 of 1957, as amended by section 3 of Act 71 of 1963, section 3 of Act 47 of 1965, section 3 of Act 63 of 1967 and section 33 of Act 67 of 1968.

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

"(1) Subject to the provisions of subsection (2), a recommendation or direction made or given by not less than two members of the Commission, if the Commission consists of three members or if only three of the members are then still in office, or by not less than three members if the Commission consists of four or five members, or if only four of the members are then still in office, shall be deemed for the purposes of this Act or any other law to be a recommendation or direction made or given by the Commission."; and

(b) by the substitution for subsection (2) of the following subsection:

"(2) Subject to the provisions of subsection (3), any power conferred upon or function entrusted to the Commission by this Act or any other law (except the power of delegation conferred hereby), may be exercised or carried out under a general or special delegation from the Commission and subject to such conditions as it may determine—

(a) by any member or members of the Commission; or

(b) by any officer."

7. Section 29 of the Police Act, 1958, is hereby amended by the substitution for subsection (3) of the following subsection: Amendment of section 29 of Act 7 of 1958.

"(3) For the purposes of this section 'canteen' includes any Mess or South African Police institution or any premises temporarily or permanently used for providing recreation, refreshment or articles of necessity mainly for members or pensioners of the South African Police or for civilians employed by the Police Department or for the families of such members, pensioners or civilian employees or for civilians employed in any work in or in connection with any such Mess, institution or premises."

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8. Section 94 of the Prisons Act, 1959, is hereby amended by the substitution for paragraph (b)bis of subsection (1) of the following paragraph:

“(b)bis the establishment, management and control of funds to provide for medical, dental and hospital treatment of members of the Prisons Service who retired or retire on pension, and their families and of the families of members of the Prisons Service who died or die, the class of members of the Prisons Service or other persons who shall be or may become members of any particular fund, the scale or aggregate amount of contributions (if any) to be made to a fund by any particular class of members thereof, the termination of membership of a fund, the rights, privileges and obligations of members of a fund, and generally all matters reasonably necessary for the regulation and operation of a fund;”.

Amendment of section 94 of Act 8 of 1959, as amended by section 37 of Act 80 of 1964, section 24 of Act 75 of 1965 and section 17 of Act 101 of 1969.

9. (1) The First Schedule to the Supreme Court Act, 1959, is hereby amended by the substitution in the third column for the words defining the area of jurisdiction of the Witwatersrand Local Division of the Supreme Court of South Africa of the following words:

Amendment of First Schedule to Act 59 of 1959, as substituted by section 11 of Act 15 of 1969.

“In civil matters: The magisterial districts of Alberton, Benoni, Boksburg, Brakpan, Delmas, Germiston, Johannesburg, Kempton Park, Krugersdorp, Nigel, Randfontein, Roodepoort, Springs and Westonaria.

In criminal matters: The magisterial districts of Alberton, Boksburg, Germiston, Johannesburg, Kempton Park, Krugersdorp, Randfontein, Roodepoort and Westonaria.”.

(2) The alteration in the area of jurisdiction of the said Witwatersrand Local Division effected by subsection (1) shall be deemed to have been effected on the first day of October, 1966.

10. (1) The following Schedule is hereby substituted for the First Schedule to the Judges' Remuneration and Pensions Act, 1959:

Substitution of First Schedule to Act 73 of 1959, as substituted by section 8 of Act 20 of 1964.

“FIRST SCHEDULE

Designation of office	Salary per annum
Chief Justice of South Africa	R17,000
Judge of Appeal	R16,000
Judge President	R15,000
Judge	R14,000.”.

(2) Subsection (1) shall come into operation on the first day of January, 1971.

11. (1) Section 89 of the Children's Act, 1960, is hereby amended by the substitution for subsection (2) of the following subsection:

Amendment of section 89 of Act 33 of 1960.

“(2) For the purposes of subsection (1) (c), ‘child’ includes any person of or above the age of eighteen years who satisfies such requirements or conditions as the Minister in consultation with the Minister of Finance may determine.”.

(2) Subsection (1) shall be deemed to have come into operation on the first day of January, 1970.

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12. The following section is hereby substituted for section 7 of the Coloured Development Corporation Act, 1962:

7. The Corporation may remunerate, house, discharge or suspend temporarily its officers and employees employed under section 4 (n) and indemnify them in respect of any harm, damage or loss suffered by them in the course of the performance of their duties, and provide or give pension and sick benefits and housing facilities or benefits for or to them."

Substitution of section 7 of Act 4 of 1962.

13. Section 31 of the Coloured Persons Education Act, 1963, is hereby amended—

Amendment of section 31 of Act 47 of 1963.

(a) by the substitution for subsection (4) of the following subsection:

"(4) (a) The Minister shall forward copies of the annual report referred to in subsection (3), including any minority report, to the member of the executive of the Coloured Persons Representative Council of the Republic of South Africa who has been designated in terms of section 17 (6) (b) of the Coloured Persons Representative Council Act, 1964 (Act No. 49 of 1964), to exercise and perform powers, functions and duties incidental to education.

(b) The said member of the executive of the Coloured Persons Representative Council of the Republic of South Africa shall lay copies of such report and minority report (if any) on the table in that Council within fourteen days after receipt thereof if the Council is in ordinary session or, if the Council is not in ordinary session, within fourteen days after the commencement of its next ensuing ordinary session."; and

(b) by the substitution for paragraph (a) of subsection (5) of the following paragraph:

"(a) The Education Council for Coloured Persons may with the approval of the Minister establish committees of the council to assist it in the performance of its functions."

14. Section 201 of the Criminal Procedure Ordinance, 1963, of the territory of South-West Africa, is hereby amended by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

Amendment of section 201 of Ordinance 34 of 1963 of South-West Africa.

"(1) The wife or husband of an accused is competent and compellable to give evidence for the prosecution without the consent of the accused where the accused is prosecuted for any offence against the person of either of them or any of the children of either of them, or for any offence under Chapter III of the Children's Ordinance, 1961 (Ordinance 31 of 1961), committed in respect of any of the children of either of them or for failure to comply with the terms of any order of court for the periodical payment of sums of money towards the maintenance of any person, or for any of the following offences:"

15. (1) Whenever the holding or organizing of any procession without the permission, approval or leave of an institution or a body referred to in section 84 (1) (f) of the Republic of South African Constitution Act, 1961 (Act No. 32 of 1961), is prohibited in terms of any provision of any law, it shall be deemed for the purposes of such provision that, notwithstanding the granting of such permission, approval or leave for holding or

Permission of magistrate required for processions, in addition to permission of certain institutions or bodies.

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organizing a procession, such permission, approval or leave has not been granted unless the magistrate of the district in which the procession is to be held or organized has also granted his permission, approval or leave for the holding or organizing of such procession.

(2) A magistrate shall refuse to grant his permission, approval or leave referred to in subsection (1), only if he has reason to believe that the holding or organizing of the procession may endanger the maintenance of law and order.

(3) The Minister of Justice may from time to time by notice in the *Gazette* suspend the operation of subsections (1) and (2) in areas specified in the notice, or in areas other than areas so specified, and may by like notice cancel or amend any such notice.

(4) Subsections (1), (2) and (3) shall come into operation on a date to be specified by the State President by proclamation in the *Gazette*.

16. This Act shall be called the General Law Further Amend- Short title.
ment Act, 1970.