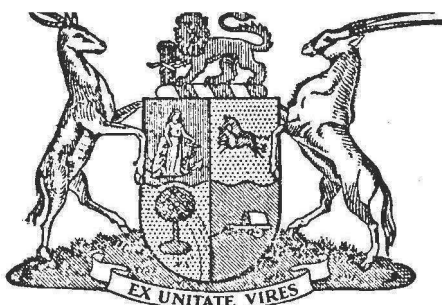


Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.

BUITENGEWONE



EXTRAORDINARY

Staatskoerant

VAN DIE REPUBLIEK VAN SUID AFRIKA

THE REPUBLIC OF SOUTH AFRICA

Government Gazette

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**KAAPSTAD, 12 JULIE 1963.
CAPE TOWN, 12TH JULY, 1963.**

PRICE 5c

[No. 555.]

DEPARTMENT OF THE PRIME MINISTER.

No. 1045.]

[12th July, 1963.]

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

PAGE

**No. 93 of 1963: General Law Further Amendment
Act. 1963 100**

No. 93, 1963.]

ACT

To amend the Administration of Estates Act, 1913, the Magistrates' Courts Act, 1944, the Stock Exchanges Control Act, 1947, the South African Tourist Corporation Act, 1947, the Criminal Procedure Act, 1955, the Housing Act, 1957, the National Parks Act, 1962, the Extradition Act, 1962, the General Law Further Amendment Act, 1962, and Proclamation No. 119 of 1960, to repeal Proclamation No. 31 of 1963, to empower the Legislative Assembly of the territory of South-West Africa to repeal the Publication of Banns Amendment Act, 1945, and to regulate certain matters resulting from a change of name in the case of certain institutions as a result of the constituting of the Republic of South Africa.

(Afrikaans text signed by the State President.)

(Assented to 4th July, 1963.)

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 100 of Act 24 of 1913.

1. (1) Section *one hundred* of the Administration of Estates Act, 1913, is hereby amended by the substitution for sub-section (1) of the following sub-section:

“(1) If an executor, tutor or curator fails—

(a) to lodge any account with the Master as and when required by this Act, or, when lodging any account with the Master in terms of this Act, to lodge therewith the necessary vouchers in support thereof;

(b) to perform any other duty imposed upon him by or under this Act; or

(c) to comply with any reasonable demand of the Master for information or proof required by him in connection with the administration or distribution of any estate or property,

the Master or, in any case contemplated in paragraph (a) or (b), any person having an interest in the estate or property in question, may, after giving the executor, tutor or curator in question not less than one month's notice, apply to the Court for an order directing such executor, tutor or curator to lodge such account or vouchers or to perform such duty or to comply with such demand.”.

(2) Sub-section (1) shall be deemed to have come into operation on the date of coming into operation of the Administration of Estates Act, 1913.

Amendment of section 25 of Act 32 of 1944, as amended by section 19 of Act 50 of 1956.

2. Section *twenty-five* of the Magistrates' Courts Act, 1944, is hereby amended by the insertion after sub-paragraph (i) of paragraph (a) of sub-section (3) of the following sub-paragraph:

“(i)*bis* the compulsory examination by one or more duly registered medical practitioners of any party to proceedings in which damages or compensation in respect of alleged bodily injury is claimed and whose state of health is relevant to the determination of such damages or compensation, and the manner, time, place and responsibility for the cost of the examination, and the making available to the opposing party of any documentary report on the examination;”.

Insertion of section 25*bis* in Act 7 of 1947.

3. The following section is hereby inserted in the Stock Exchanges Control Act, 1947, after section *twenty-five*:

“Evidence. 25*bis*. Any record purporting to have been made or kept in the ordinary course of the carrying on of the business of a stock exchange, or the business of a stockbroker, dealer in stocks or shares or carrier against shares as such, or a copy of or an extract from any such record certified to be correct by an officer in the service of the State, shall on its mere production by the public prosecutor

in any criminal proceedings under this Act or any other law or the common law against the person who carries or carried on the business in question or any other person, be admissible in evidence and be *prima facie* proof of the facts contained in such record, copy or extract.”.

Amendment of section 1 of Act 54 of 1947.

4. Section *one* of the South African Tourist Corporation Act, 1947 (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the substitution for the definition of “Minister” of the following definition:
“Minister” means the Minister of Tourism;”;
- (b) by the substitution in the definition of “public service” for all the words after the word “section” of the words “three of the Public Service Act, 1957 (Act No. 54 of 1957)”; and
- (c) by the substitution for the definition of “Union” of the following definition:
“Republic” includes the territory of South-West Africa.”.

Amendment of section 3 of Act 54 of 1947, as amended by section 1 of Act 36 of 1952 and section 1 of Act 40 of 1960.

5. Section *three* of the principal Act is hereby amended—

- (a) by the substitution in sub-section (1) for the word “six” of the word “seven”; and
- (b) by the substitution in sub-section (3) for the word “Two” of the word “Three”.

Amendment of section 10 of Act 54 of 1947.

6. Section *ten* of the principal Act is hereby amended by the substitution for the words “Union Government” of the word “State”.

Amendment of section 12 of Act 54 of 1947, as amended by section 2 of Act 24 of 1951 and section 3 of Act 40 of 1960.

7. Section *twelve* of the principal Act is hereby amended by the insertion in sub-section (1), after the word “Finance”, of the words “and the Minister of Transport”.

Substitution of section 13 of Act 54 of 1947.

8. The following section is hereby substituted for section *thirteen* of the principal Act:

“Auditing of 13. The books and accounts of the Corporation accounts by shall be audited by the Controller and Auditor-Controller and Auditor-General.”.

Substitution of words “Governor-General” and “Union” in Act 54 of 1947.

9. The principal Act is hereby amended by the substitution for the words “Governor-General” and “Union”, wherever they occur, of the words “State President” and “Republic”, respectively.

Amendment of section 42 of Act 56 of 1955.

10. Section *forty-two* of the Criminal Procedure Act, 1955, is hereby amended by the insertion in paragraph (b) of sub-section (1), after the word “offence”, of the words “or that it was used for the purpose of or in connection with such commission of any offence”.

Amendment of section 46 of Act 56 of 1955.

11. Section *forty-six* of the Criminal Procedure Act, 1955, is hereby amended by the insertion in sub-section (2) after the word “person” of the words “in charge or”.

Amendment of section 49 of Act 56 of 1955.

12. Section *forty-nine* of the Criminal Procedure Act, 1955, is hereby amended by the addition at the end of sub-section (1) of the words “or used otherwise for the purpose of or in connection with the alleged commission of the offence”.

Amendment of section 360 of Act 56 of 1955.

13. Section *three hundred and sixty* of the Criminal Procedure Act, 1955, is hereby amended by the insertion in sub-sections (3), (4) and (5) after the word “receptacle”, wherever it occurs, of the words “or other thing”.

Amendment of section 369 of Act 56 of 1955.

14. Section *three hundred and sixty-nine* of the Criminal Procedure Act, 1955, is hereby amended by the substitution for sub-section (5) of the following sub-section:

“(5) The powers conferred by this section upon the court of appeal in relation to the imposition of punishments, include the power to impose a punishment more severe

'n strafsak kragtens hierdie Wet of 'n ander wet of die gemene reg teen die persoon wat die betrokke saak dryf of gedryf het, of enige ander persoon as getuienis toelaatbaar en *prima facie*-bewys van die feite in sodanige aantekening, afskrif of uittreksel vervat."

4. Artikel *een* van die Wet op die Suid-Afrikaanse Toeristekorporasie, 1947 (hieronder die Hoofwet genoem), word hierby gewysig—
 - (a) deur die omskrywing van „Minister” deur die volgende omskrywing te vervang:
„Minister’ die Minister van Toerisme;”;
 - (b) deur in die omskrywing van „staatsdiens” al die woorde na die woord „artikel” te vervang deur die woorde „drie van die Staatsdienswet, 1957 (Wet No. 54 van 1957)”; en
 - (c) deur die omskrywing van „Unie” deur die volgende omskrywing te vervang:
„Republiek’ ook die gebied Suidwes-Afrika.”

Wysiging van artikel 1 van Wet 54 van 1947.

5. Artikel *drie* van die Hoofwet word hierby gewysig—
 - (a) deur in sub-artikel (1) die woord „ses” deur die woord „sewe” te vervang; en
 - (b) deur in sub-artikel (3) die woord „Twee” deur die woord „Drie” te vervang.

Wysiging van artikel 3 van Wet 54 van 1947, soos gewysig deur artikel 1 van Wet 36 van 1952 en artikel 1 van Wet 40 van 1960.

6. Artikel *tien* van die Hoofwet word hierby gewysig deur die woord „Unie-regering” deur die woord „Staat” te vervang.

Wysiging van artikel 10 van Wet 54 van 1947.

7. Artikel *twaalf* van die Hoofwet word hierby gewysig deur in sub-artikel (1) na die woord „Finansies” die woorde „en die Minister van Vervoer” in te voeg.

Wysiging van artikel 12 van Wet 54 van 1947, soos gewysig deur artikel 2 van Wet 24 van 1951 en artikel 3 van Wet 40 van 1960.

8. Artikel *dertien* van die Hoofwet word hierby deur die volgende artikel vervang:

„Ouditering 13. Die boeke en rekenings van die Korporasie van rekenings deur die Kontroleur en Ouditeur-generaal word deur die Kontroleur en Ouditeur-generaal geouditeer.”

Vervanging van artikel 13 van Wet 54 van 1947.

9. Die Hoofwet word hierby gewysig deur die woorde „Goewerneur-generaal” en „Unie”, oral waar hulle voorkom, deur onderskeidelik die woorde „Staatspresident” en „Republiek” te vervang.

Vervanging in Wet 54 van 1947 van die woorde „Goewerneur-generaal” en „Unie”.

10. Artikel *twee-en-veertig* van die Strafproseswet, 1955, word hierby gewysig deur in paragraaf (b) van sub-artikel (1) na die woord „strek” die volgende woorde in te voeg: „of dat dit vir die doel van of in verband met sodanige pleging van ’n misdryf gebruik is”.

Wysiging van artikel 42 van Wet 56 van 1955.

11. Artikel *ses-en-veertig* van die Strafproseswet, 1955, word hierby gewysig deur in sub-artikel (2) na die woord „wat”, waar dit die eerste maal voorkom, die woorde „toesig hou oor grond of” in te voeg.

Wysiging van artikel 46 van Wet 56 van 1955.

12. Artikel *nege-en-veertig* van die Strafproseswet, 1955, word hierby gewysig deur aan die end van sub-artikel (1) die volgende woorde by te voeg: „of wat andersins vir die doel van of in verband met die beweerde pleging van die misdryf gebruik is”.

Wysiging van artikel 49 van Wet 56 van 1955.

13. Artikel *driehonderd-en-sestig* van die Strafproseswet, 1955, word hierby gewysig deur in sub-artikels (3), (4) en (5) na die woord „houer”, oral waar dit voorkom, die woorde „of ander voorwerp” in te voeg.

Wysiging van artikel 360 van Wet 56 van 1955.

14. Artikel *driehonderd nege-en-sestig* van die Strafproseswet, 1955, word hierby gewysig deur sub-artikel (5) deur die volgende sub-artikel te vervang:

„(5) Die bevoegdheids wat by hierdie artikel aan die appèlhof met betrekking tot die oplegging van strawwe verleen word, sluit die bevoegdheid in om ’n straf wat

Wysiging van artikel 369 van Wet 56 van 1955.

than that imposed by the court below or another punishment in lieu of or in addition to such punishment.”.

Amendment of Second Schedule to Act 56 of 1955.

15. Part I of the Second Schedule to the Criminal Procedure Act, 1955, is hereby amended by the substitution for the words “VEHICLES AND RECEPTACLES” of the word “THINGS”.

Substitution of section 30bis of Act 10 of 1957, as inserted by section 12 of Act 5 of 1962.

16. The following section is hereby substituted for section *thirty bis* of the Housing Act, 1957:

“Acquisition, use and disposal of immovable property by the Commission, and certain refunds in that respect to the fund.

30bis. (1) Notwithstanding anything to the contrary in any law contained, the Commission may, subject to the prior written approval of the Minister, given in consultation with the Minister of Finance—

(a) purchase, or acquire in any other manner, any affected property as defined in section *one* of the Group Areas Development Act, 1955 (Act No. 69 of 1955), or any other immovable property, whether or not situated in a group area as so defined, for use for purposes determined in this Act or, where necessary, otherwise to develop or dispose of it;

(b) at the request of the Minister of Community Development, purchase, expropriate, or acquire in any other manner, any such affected property or other immovable property or so purchase, expropriate or acquire it and construct a dwelling or carry out a scheme on it.

(2) The provisions of sections *thirty-three* to *thirty-seven*, inclusive, shall *mutatis mutandis* apply in respect of any expropriation under paragraph (b) of sub-section (1).

(3) Whenever the amount of the expenditure incurred by the Commission in giving effect to any request referred to in paragraph (b) of sub-section (1) exceeds the amount which the Commission would have incurred (having regard to the limits and standards in respect of the acquisition of land and the selling or letting of dwellings applied by the Commission in terms of this Act or in carrying out its functions under it at the time of the purchase, expropriation or other acquisition of the property concerned) if, in the absence of such request, it had acquired land under section *thirty* and constructed a dwelling or carried out a scheme on it in order to meet the housing requirements of the person or persons or category of persons in respect of whose accommodation such request has been made, the amount of the excess shall, subject to the approval of the Minister of Finance, be refunded to the fund out of the fund referred to in section *ten* of the said Group Areas Development Act, 1955.”.

Insertion of section 14bis in Act 42 of 1962.

17. (1) The following section is hereby inserted in the National Parks Act, 1962, after section *fourteen*:

“Board may arrange for provision of insurance cover for its members and certain other persons.

14bis. The board may arrange with any insurer for the provision of insurance cover for the chairman and other members of the board and for officers and employees, in respect of bodily injury, disablement or death resulting solely and directly from an accident occurring in the course of the performance of their duties.”.

(2) Sub-section (1) shall be deemed to have come into operation on the first day of January, 1955.

Amendment of section 2 of Act 67 of 1962.

18. Section *two* of the Extradition Act, 1962, is hereby amended by the insertion after sub-section (3) of the following sub-section:

“(3)*bis* Notwithstanding the provisions of paragraph (c) of sub-section (3) any such agreement may provide that any person surrendered to the foreign State in question may with the consent of the Minister and with a view to his surrender to another foreign State be detained in such first-mentioned State for an offence which was committed prior to his surrender to such State and to which the agreement relates.”.

Amendment of section 19 of Act 67 of 1962.

19. Section *nineteen* of the Extradition Act, 1962, is hereby amended by the addition of the following proviso:

“Provided that any such person may at the request of another foreign State and with a view to his surrender to such State, be detained in the Republic for an offence which was so committed and to which that agreement relates, provided such detention is not contrary to the laws of or the extradition agreement with the State which surrendered him to the Republic.”.

Amendment of section 22 of Act 67 of 1962.

20. Section *twenty-two* of the Extradition Act, 1962, is hereby amended by the insertion in sub-section (1) after the word “Act”, where it occurs for the first time, of the words “and any amendment thereof”.

Amendment of section 43 of Act 93 of 1962.

21. Section *forty-three* of the General Law Further Amendment Act, 1962, is hereby amended by the substitution for the words “with the approval of the Minister of Bantu Administration and Development, have power in any area which is or becomes” of the words “have power in any area within the magisterial district of Johannesburg and in any area within any magisterial district adjoining such first-mentioned district, whether or not any such area is”.

Amendment of Proclamation No. 119 of 1960, and repeal of Proclamation No. 31 of 1963.

22. (1) Proclamation No. 119 of 1960 is hereby amended by the deletion of the words “This Proclamation shall remain in force until the Sixth day of April, 1961.” and shall, in relation to any steps taken or purporting to have been taken under or by virtue of any provision of the Unlawful Organizations Act, 1960 (Act No. 34 of 1960), whether before or after the commencement of this section, including any criminal proceedings, whether instituted and whether disposed of before or after such commencement, be deemed to have been issued, as so amended, under section *one* of the said Act as amended by section *fourteen* of the General Law Amendment Act, 1963 (Act No. 37 of 1963).

(2) Proclamation No. 31 of 1963 is hereby repealed.

Provision for repeal of Act 13 of 1945 in so far as it is still in force.

23. The Legislative Assembly of the territory of South-West Africa is hereby empowered, and shall be deemed to have had at all times the power, to repeal by ordinance, subject to such savings as may be specified in such ordinance, the Publication of Banns Amendment Act, 1945, in so far as it still applies in the said territory.

Regulation of certain matters resulting from change of names of institutions as a result of the constituting of Republic of South Africa.

24. (1) If any institution or organization or body of persons, whether corporate or unincorporate, changes its name and the Minister of Justice is satisfied that such change of name took place solely as a result of the constituting of the Republic of South Africa, he may issue to such institution, organization or body a certificate to that effect stating the new name thereof.

(2) The officer in charge of any public office in the Republic in whose registers appears the name of any institution, organization or body to whom a certificate was issued in terms of sub-section (1), shall upon application by such institution, organization or body and upon production to him of such certificate and of any relevant deed, bond, certificate, letter of appointment, licence or other document, make such endorsements thereon and effect such alterations in his registers as may be necessary by reason of the changed name.

(3) No transfer duty, stamp duty, registration fee, licence duty or other charge or office fee shall be payable in respect of any endorsement or alteration made or effected in terms of sub-section (2).

(4) A change of name contemplated in sub-section (1) shall not affect any rights or obligations of the institution, organization or body in question.

Short title.

25. This Act shall be called the General Law Further Amendment Act, 1963.