

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.



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 20c Prys
Overseas 30c Oorsee
POST FREE—POSVRY

Vol. 113]

CAPE TOWN, 20 NOVEMBER 1974

[No. 4510

KAAPSTAD, 20 NOVEMBER 1974

DEPARTMENT OF THE PRIME MINISTER

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 2170. 20 November 1974.

No. 2170. 20 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. 94 of 1974: Second General Law Amendment Act, 1974.

No. 94 van 1974: Tweede Algemene Regswysigingswet, 1974.

ACT

To prohibit the causing, encouragement or fomenting of feelings of hostility between different population groups; to prohibit, in certain circumstances, the furnishing of information as to businesses carried on in or outside the Republic; to further regulate the execution of sentences of death passed by certain courts; to provide that the repealed provisions of certain laws shall remain of force and effect in respect of certain schools of industries and reform schools; to validate certain provisions of the Coloured Farmers Assistance Law, 1973 (Law 1 of 1973), of the Coloured Persons Representative Council of the Republic of South Africa; and to regulate the defrayal of expenses incurred in connection with certain buildings and equipment at Onderstepoort; to amend the following Acts, namely the Liquor Act, 1928, so as to further regulate the supply and sale of liquor and the presence of women and certain other persons in restricted portions of licensed premises; the Attorneys, Notaries and Conveyancers Admission Act, 1934, so as to extend the matters for which work may not be canvassed; the Industrial Development Act, 1940, so as to empower the Minister of Economic Affairs to indemnify the Industrial Development Corporation of South Africa, Limited, and a subsidiary thereof against certain losses; the Magistrates' Courts Act, 1944, so as to provide that magistrates may simultaneously do duty in more than one district; to provide for the holding of a court of a district for the hearing of civil matters by a magistrate of a regional division; to further provide for the service of process in criminal cases; to increase the civil jurisdiction and jurisdiction relating to fines of magistrates' courts; and to increase the punitive jurisdiction of magistrates' courts in certain criminal cases; the Defence Act, 1957, so as to further regulate the exemption of certain clubs, messes, institutions and funds from certain licence moneys, taxes, duties and fees; the Post Office Act, 1958, so as to abolish certain limitations on the conclusion of ocean mail contracts; the Supreme Court Act, 1959, so as to further regulate the settlement of conflicting decisions in civil proceedings by the appellate division of the Supreme Court of South Africa; the Coloured Development Corporation Act, 1962, so as to extend the meaning of the expression "Coloured company"; the Foreign Courts Evidence Act, 1962, so as to prohibit the granting, in certain circumstances, of orders with reference to information as to businesses carried on in or outside the Republic; the Coloured Persons Education Act, 1963, so as to extend the power to make regulations in connection with the control of certain moneys; the Coloured Persons Representative Council Act, 1964, so as to provide for the dissolution of the Coloured Persons Representative Council of the Republic of South Africa by the State President; the Community Development Act, 1966, so as to extend the period during which no appre-

SECOND GENERAL LAW AMENDMENT ACT, 1974.

Act No. 94, 1974

ciation contribution is payable; the South African Indian Council Act, 1968, so as to prohibit the chairman of the South African Indian Council from being a member of the executive committee thereof; the Arms and Ammunition Act, 1969, so as to make further provision for the surrender of arms and ammunition held contrary to that Act; the Sectional Titles Act, 1971, so as to define the meaning of the expression "Administrator"; and the Compulsory Motor Vehicle Insurance Act, 1972, so as to grant a court certain powers relative to claims which have become prescribed; to repeal certain laws relative to employers and employees; and to provide for matters connected therewith.

(English text signed by the State President.)
(Assented to 11 November 1974.)

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

1. Any person who utters words or performs any other act with intent to cause, encourage or foment feelings of hostility between different population groups of the Republic, shall be guilty of an offence and liable on conviction to a fine not exceeding two thousand rand or to imprisonment for a period not exceeding two years, or to both such fine and such imprisonment. Prohibition of causing, encouragement or fomenting of feelings of hostility between different population groups.

2. (1) Notwithstanding anything to the contrary contained in any law or legal rule, and except with the permission of the Minister of Economic Affairs, no person shall in compliance with any order, direction or letters of request issued or emanating from outside the Republic, furnish any information as to any business, whether carried on in or outside the Republic. Prohibition of furnishing of information as to business carried on in or outside the Republic, in compliance with order, direction or letters of request issued or emanating from outside the Republic.
 - (2) The permission contemplated in subsection (1) may—
 - (a) be granted either by notice in the *Gazette* or by written authority addressed to a particular person;
 - (b) be granted subject to such conditions as the said Minister may deem fit;
 - (c) relate only to specified goods or businesses or classes of goods or businesses or to orders, directions or letters of request issued in a specified country;
 - (d) if it is granted by notice in the *Gazette*, relate only to specified persons or classes of persons.
 - (3) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and on conviction liable to a fine not exceeding two thousand rand or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

3. The power conferred on the Minister of Justice by section 332 (3) of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), shall include the power to direct that a sentence of death passed by a High Court established in terms of section 50 of the Transkei Constitution Act, 1963 (Act No. 48 of 1963), or section 171 of the Development of Self-government for Native Nations in South-West Africa Act, 1968 (Act No. 54 of 1968), or section 34 of the Bantu Homelands Constitution Act, 1971 (Act No. 21 of 1971), shall be carried out at a designated place appointed in accordance with law for the carrying out of sentences of death, which is situate outside the area of jurisdiction of such Court but within the area of jurisdiction of a provincial division of the Supreme Court of South Africa. Carrying out of death sentences passed by certain courts.

SECOND GENERAL LAW AMENDMENT ACT, 1974.

Act No. 94, 1974

4. Notwithstanding the repeal of section 41 of the Children's Act, 1960 (Act No. 33 of 1960), the provisions of that section and of any regulations made under section 92 (1) (l) of that Act and in force at such repeal, shall be deemed to have continued to apply in respect of schools of industries and reform schools, as defined in section 1 of the Coloured Persons Education Act, 1963 (Act No. 47 of 1963), and shall continue so to apply until regulations as to the control of moneys collected for or received by such schools of industries and reform schools, and made under section 34 (1) (g) of the latter Act, come into operation.

Application of repealed section 41 of Act 33 of 1960 and certain regulations to certain schools of industries and reform schools.

5. (1) Notwithstanding the provisions of section 25 (1) of the Coloured Persons Representative Council Act, 1964 (Act No. 49 of 1964), any provision of the Coloured Farmers Assistance Law, 1973 (Law 1 of 1973), of the Coloured Persons Representative Council of the Republic of South Africa which is not valid for the sole reason that it is repugnant to any Act of Parliament, shall have the force of law with effect from the commencement of this section, until an Act of Parliament otherwise provides.

Validity of certain enactments.

(2) This section shall come into operation on a date to be determined by the State President by proclamation in the *Gazette*.

6. Notwithstanding the provisions of section 5 of the University Education (Agricultural and Veterinary Science Affairs) Act, 1973 (Act No. 5 of 1973), the cost of—

Defrayal of expenses incurred in connection with certain buildings and equipment for training facilities at Onderstepoort.

(a) the construction of a building intended to provide additional training facilities at the Faculty of Veterinary Science, Onderstepoort, and on the construction of which a department of State decided before the date of commencement of the said section but—

- (i) which was not yet under construction on that date; or
- (ii) in respect of which no tender was accepted prior to that date; and

(b) such equipment as is exclusively intended for use in connection with the training facilities referred to in paragraph (a) and as the Minister of National Education may determine in consultation with the Minister of Finance,

shall be defrayed out of moneys appropriated by Parliament for that purpose.

7. Section 6 of the Liquor Act, 1928, is hereby amended—

Amendment of section 6 of Act 30 of 1928, as amended by section 3 of Act 41 of 1934, section 1 of Act 39 of 1937, section 2 of Act 72 of 1961, section 1 of Act 89 of 1962, section 2 of Act 88 of 1963, section 1 of Act 85 of 1964, section 1 of Act 98 of 1965, section 1 of Act 62 of 1966, section 2 of Act 23 of 1969, section 1 of Act 17 of 1970, section 10 of Act 80 of 1971 and section 1 of Act 102 of 1972.

(a) by the substitution in paragraph (d) of subsection (1) for all the words preceding the proviso of the following words:

“any person selling liquor in any hotel established and maintained by any department of State, including the Railways and Harbours Administration, any Provincial Administration and any body established by or under the provisions of an ordinance passed by a provincial council for the control, management, development or maintenance of a public resort, national park, game reserve or nature reserve, under the authority of the Minister and subject to such conditions or restrictions as he may impose.”;

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

“(dA) any person who on behalf of a Provincial Administration or any body referred to in paragraph (d), sells any liquor in or at any public resort, national park, game reserve or nature reserve under authority granted by the Minister

SECOND GENERAL LAW AMENDMENT ACT, 1974.

Act No. 94, 1974

to such Administration or body and subject to such conditions or restrictions as the Minister may impose;"; and

- (c) by the insertion after paragraph (d) *quin* of the said subsection (1) of the following paragraph:

“(d) *sex* any person who, under the authority of the Minister and subject to such conditions or restrictions as he may impose, sells liquor in a restaurant which is on premises controlled and maintained by the South African Broadcasting Corporation established by the Broadcasting Act, 1936 (Act No. 22 of 1936), for consumption in such restaurant;”.

8. Section 6A of the Liquor Act, 1928, is hereby amended—

Amendment of section 6A of Act 30 of 1928, as inserted by section 3 of Act 23 of 1969.

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

“(ii) The provisions of subparagraph (i) shall not apply to the sale, delivery or disposal of wine—

(aa) by a co-operative society as defined in section 1 of the Wine and Spirit Control Act, 1970 (Act No. 47 of 1970), to any of its members under an authority granted under subsection (4);

(bb) to a *bona fide* visitor to any premises referred to in subsection (4) (a) if it is a sale, delivery or disposal of a quantity of not less than one pint and such wine is contained in one or more bottles or other receptacles of a capacity of not less than one pint, securely corked or stoppered.”; and

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

“(bA) Notwithstanding the provisions of paragraph (a), wine or other fermented beverage may be consumed by a *bona fide* visitor to any premises referred to in the said paragraph, in such room or other place on such premises as the Minister may approve, provided such wine or other fermented beverage is supplied to such visitor in reasonable quantities and free of charge and for the exclusive purpose of tasting and subject to such conditions and restrictions as the Minister may deem fit to impose.”.

9. Section 8 of the Liquor Act, 1928, is hereby amended by the addition to paragraph (b) of subsection (1) of the following subparagraph:

Amendment of section 8 of Act 30 of 1928, as amended by section 3 of Act 88 of 1963.

“(x) wine house licences.”.

10. The following section is hereby substituted for section 55bis of the Liquor Act, 1928:

Substitution of section 55bis of Act 30 of 1928, as inserted by section 38 of Act 88 of 1963.

“Conversion of certain wholesale liquor licences. 55A. (1) Subject to the provisions of section 47 (1) and (2), any person who, or any company, society, partnership or other association of persons which was the holder of a wholesale liquor licence on 1 June 1974 may, if that licence is renewed in his

SECOND GENERAL LAW AMENDMENT ACT, 1974.

Act No. 94, 1974.

or its name at the annual meeting for 1974, within a period of four months thereafter apply to the Minister for the conversion of the licence concerned into a bottle liquor licence.

(2) The Minister may upon the recommendation of the National Liquor Board and notwithstanding the provisions of sections 54 and 63, in his discretion, authorize the conversion of such wholesale liquor licence into a bottle liquor licence, subject to such conditions and restrictions as he may deem fit to impose: Provided that no authority under this section shall be granted in respect of a business conducted under a wholesale liquor licence on the same premises as or together with a business conducted on 1 June 1974 under an hotel liquor licence or a wine and malt liquor licence to which a right of off-sale is attached or a bottle liquor licence.

(3) The receiver of revenue shall, upon production to him of a certificate signed by the Minister or any person acting under his directions and setting forth the particulars required to be contained in the licence in terms of section 10 (2) and upon payment of the sum specified in any relevant proclamation referred to in section 12 (4), in addition to the fees payable in terms of the Third Schedule to this Act on the issue of a new bottle liquor licence, issue a bottle liquor licence to such a holder or, in the case of a company, society, partnership or other association of persons, to a person in the employ of such company, society, partnership or other association of persons, and shall thereupon cancel the wholesale liquor licence concerned.”.

11. Section 64*bis* of the Liquor Act, 1928, is hereby amended by the substitution for subsection (1) of the following subsection:

Amendment of section 64*bis* of Act 30 of 1928, as inserted by section 45 of Act 88 of 1963.

“(1) All the provisions of this Act relating to sales under a bottle liquor licence, including the hours and days of sale and the quantity of liquor which may be sold, and all the obligations and disabilities of and penalties upon the holders of bottle liquor licences, shall apply in respect of sales of liquor for consumption off the licensed premises authorized under section 64, 64*ter* or 71*bis* and in respect of the licensee of such premises, and the Minister or the licensing board, as the case may be, may, in respect of such sales and such licensee, exercise all such powers as he or it may exercise in respect of a bottle liquor licence.”.

12. The following section is hereby inserted in the Liquor Act, 1928, after section 64*bis*:

Insertion of section 64*ter* in Act 30 of 1928.

“Off-sale privilege in respect of wine house licence.

64*ter*. (1) The Minister may, upon a recommendation made by the National Liquor Board, authorize the holder of a wine house licence to sell, subject to such conditions or restrictions as the Minister may deem fit to impose, such wine as may be sold by him in terms of section 86A, under that licence in a place upon the licensed premises set apart for such purposes, for consumption off the licensed premises.

SECOND GENERAL LAW AMENDMENT ACT, 1974.

Act No. 94, 1974

- (2) Any authority granted under subsection (1)—
- (a) shall be endorsed by the chairman of the licensing board concerned on the licence held by the person in question;
- (b) may at any time be revoked by the Minister whose decision to do so shall be final.

(3) An authority granted under subsection (1) shall be of no force and effect unless there has been paid to the receiver of revenue concerned in respect thereof an amount equal to one half of the amount payable in respect of a renewal of the licence concerned: Provided that whenever any such authority is granted after 31 January in any year, the amount so payable in respect thereof shall be reduced by one-twelfth in respect of each completed calendar month which has passed from the preceding 31 December to the date upon which such authority has been endorsed under subsection (2) (a) on the licence concerned.”.

13. The following section is hereby inserted in the Liquor Act, 1928, after section 70*bis*: Insertion of section 70*ter* in Act 30 of 1928.

“Premises in respect of which wine house licence may be granted. 70*ter*. No wine house licence shall be granted or renewed unless the Minister or the licensing board concerned, as the case may be, is satisfied that the applicant keeps or proposes to keep upon the premises in respect of which the application is made, a *bona fide* wine house at which ordinary meals will regularly be provided for guests, and that the premises afford reasonable accommodation for persons taking meals in such wine house.”.

14. Section 75 of the Liquor Act, 1928, is hereby amended by the insertion after paragraph (f) of subsection (2) of the following paragraph: Amendment of section 75 of Act 30 of 1928, as substituted by section 58 of Act 88 of 1963 and amended by section 10 of Act 85 of 1964, section 4 of Act 70 of 1968, section 21 of Act 23 of 1969 and section 2 of Act 17 of 1970.

“(fA) the holder of a wine house licence may, notwithstanding anything in any other law contained, sell liquor on all days, including closed days, but only during such hours as may be determined by the authority granting or renewing the licence, which hours shall not be earlier than ten o'clock in the morning or later than half-past eleven o'clock at night: Provided that no liquor shall be sold on any Sunday, Christmas Day, Good Friday, Ascension Day or the Day of the Covenant except between twelve o'clock midday and half-past two o'clock in the afternoon and between six o'clock and nine o'clock in the evening, and then only to a person *bona fide* taking or about to take, on the licensed premises, an ordinary meal which has been purchased thereat, and for consumption with or immediately before or after such meal;”.

15. Section 76 of the Liquor Act, 1928, is hereby amended by the substitution for paragraph (a) of subsection (2) of the following paragraph: Amendment of section 76 of Act 30 of 1928, as amended by section 59 of Act 88 of 1963, section 11 of Act 85 of 1964, section 22 of Act 23 of 1969, section 3 of

“(a) The quantity of liquor to be sold or delivered by the holder of a wholesale liquor licence to any one customer, other than a licensee or holder of an authority under section 100*bis* or 100*sex* or a person selling liquor under an authority referred to in section 6 (1) (a),

SECOND GENERAL LAW AMENDMENT ACT, 1974.

Act No. 94, 1974

(b), (c), (cA), (d)bis, (d)ter, (d)quat, (d)quin or (d)sex, at any one time shall not be less than two gallons (of which not less than one gallon shall be of the same kind, description and brand of liquor other than malt liquor), or to any one licensee or holder of an authority under section 100bis or 100sex or a person selling liquor under an authority referred to in section 6 (1) (a), (b), (c), (cA), (dA), (d)bis, (d)ter, (d)quat, (d)quin or (d)sex at any one time shall not be less than one quart, in a receptacle or receptacles properly and securely corked or stoppered: Provided that if the quantity of liquor so sold or delivered to any one customer includes not less than one gallon of table wine which is the product solely of the alcoholic fermentation of the juice of fresh grapes and containing no more than 14 per cent of alcohol by volume, such table wine need not be of the same description or brand.”

Act 17 of 1970 and section 2 of Act 102 of 1972.

16. Section 79ter of the Liquor Act, 1928, is hereby amended by the substitution for the second proviso to subsection (2) of the following proviso:

Amendment of section 79ter of Act 30 of 1928, as inserted by section 5 of Act 35 of 1956 and amended by section 63 of Act 88 of 1963, section 12 of Act 85 of 1964, section 26 of Act 23 of 1969, section 4 of Act 17 of 1970 and section 3 of Act 102 of 1972.

“Provided further that the holder of a wholesale liquor licence shall not sell or deliver any liquor at or from such place to any person who is not the master of a ship or his agent or who does not hold a licence for the sale of liquor under this Act or an authority referred to in section 100bis or 100sex or who is not a person selling liquor under an authority referred to in section 6 (1) (a), (b), (c), (cA), (dA), (d)bis, (d)ter, (d)quat, (d)quin or (d)sex:”

17. The following section is hereby inserted in the Liquor Act, 1928, after section 86:

Insertion of section 86A in Act 30 of 1928.

“What liquor to be sold under wine house licence. **86A.** It shall be a condition of a wine house licence that no liquor other than wine as defined in section 6A and which is produced or manufactured by the holder of a written authority referred to in that section shall be sold thereunder.”

18. The following section is hereby inserted in the Liquor Act, 1928, after section 102:

Insertion of section 102A in Act 30 of 1928.

“Employment of women in specified restricted portions of certain licensed premises. **102A.** (1) The Minister may, after consideration of a written application made in the prescribed manner and upon the recommendation of the National Liquor Board, authorize the holder of a club liquor licence, a restaurant liquor licence, a theatre liquor licence, a bar licence or a wine and malt liquor licence to employ, subject to such conditions or restrictions as the Minister may deem fit to impose, in or in connection with the sale of liquor in any specified restricted portion of his premises referred to in section 103A, females of the age of eighteen years or more.

(2) Any authority granted under subsection (1) and any condition or restriction attached thereto by virtue of the provisions of the said subsection, shall be endorsed by the chairman of the licensing board concerned on the licence held by the person concerned.”

SECOND GENERAL LAW AMENDMENT ACT, 1974.

Act No. 94, 1974

19. The following section is hereby substituted for section 103A of the Liquor Act, 1928:

Substitution of section 103A of Act 30 of 1928, as inserted by section 36 of Act 23 of 1969.

“Presence of women and children in certain restricted portions of licensed premises of clubs, restaurants, theatres, bars, and wine and malt establishments.

103A. (1) The Minister may, after consideration of a written application made in the prescribed manner and upon the recommendation of the National Liquor Board, authorize the holder of a club liquor licence, a restaurant liquor licence, a theatre liquor licence, a bar licence or a wine and malt liquor licence, subject to such conditions or restrictions as he may deem fit to impose, to permit females of the age of eighteen years or more or such females as well as persons under the age of eighteen years to be in any specified restricted portion of the licensed premises.

(2) Any authority granted under subsection (1) and any condition or restriction attached thereto by virtue of the provisions of the said subsection (1), shall be endorsed by the chairman of the licensing board concerned on the licence held by the person concerned.”.

20. The following Schedule is hereby substituted for the Third Schedule to the Liquor Act, 1928:

Substitution of the Third Schedule to Act 30 of 1928, as substituted by section 114 of Act 88 of 1963 and amended by section 56 of Act 23 of 1969.

“Third Schedule

FEES TO BE PAID ON ISSUE OF LICENCES SUBJECT TO REDUCTIONS PROVIDED FOR IN SECTION 12

Description of liquor licence	Fee payable on issue of new licence			Fee payable on renewal of licence			Fee payable on issue of authority for transfer of licence to another person			Fee payable on issue of authority for removal of licence to other premises		
	£	s	d	£	s	d	£	s	d	£	s	d
Wholesale	500	0	0	250	0	0	125	0	0	125	0	0
Foreign	100	0	0	50	0	0	25	0	0	25	0	0
Brewer	500	0	0	250	0	0	125	0	0	125	0	0
Bottle	300	0	0	150	0	0	75	0	0	75	0	0
Grocer	25	0	0	12	10	0	7	10	0	7	10	0
Wine Farmer	1	0	0	0	10	0	0	10	0	0	10	0
Restaurant	50	0	0	25	0	0	12	10	0	12	10	0
Hotel	100	0	0	50	0	0	25	0	0	25	0	0
Bar	—	—	—	150	0	0	75	0	0	75	0	0
Club	100	0	0	50	0	0	25	0	0	25	0	0
Theatre or sports ground	100	0	0	50	0	0	25	0	0	25	0	0
Wine and malt	20	0	0	10	0	0	5	0	0	5	0	0
Wine House	20	0	0	10	0	0	5	0	0	5	0	0
Meal time	12	0	0	6	0	0	3	0	0	3	0	0
Temporary	5	0	0	per day in respect of each bar kept under the licence, but not exceeding £15 in respect of all bars kept under any temporary liquor licence.								
Late hours occasional	2	0	0	in respect of each hour or portion of an hour for which the licence is granted.								

- (a) Whenever in terms of section 64, 64ter or 71bis the holder of an on-consumption licence is granted authority to sell liquor for consumption off the licensed premises, the amount payable for a renewal of such licence shall be increased by one half.
- (b) In the case of a transfer of a licence from an employee of a company, society, partnership or other association of persons to another employee of that company,

SECOND GENERAL LAW AMENDMENT ACT, 1974.

Act No. 94, 1974

society, partnership or other association of persons, the amount payable for the transfer of that licence shall be reduced by eighty per cent.”.

21. Section 32 of the Attorneys, Notaries and Conveyancers Admission Act, 1934, is hereby amended—

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

“(1)*bis* No person shall orally or by means of any written or printed matter or in any other manner whatsoever, directly or indirectly, either for himself or for any other person, canvass, advertise or tout for, or make known his preparedness or that of such other person to undertake, any work, whether for or without remuneration, in connection with the drawing up of a will or other testamentary instrument, or the administration or liquidation or distribution of the estate of any deceased or insolvent person, lunatic, or person under other disability.”; and

- (b) by the substitution for subparagraph (i) of paragraph (a) of the proviso to subsection (5) of the following subparagraph:

“(i) has in its name or title words indicating that its objects or functions include work in connection with a matter mentioned in subsection (1)*bis*; or”.

Amendment of section 32 of Act 23 of 1934, as amended by section 3 of Act 19 of 1941, section 5 of Act 81 of 1962, section 16 of Act 63 of 1964, section 17 of Act 70 of 1968, section 12 of Act 93 of 1970 and section 6 of Act 102 of 1972.

22. Section 5*bis* of the Industrial Development Act, 1940, is hereby amended—

- (a) by the deletion of the word “or” at the end of paragraph (a) of subsection (1); and

- (b) by the addition of the following paragraph to the said subsection (1):

“(c) indemnify the corporation or a wholly owned subsidiary (as contemplated in section 1 (5) of the Companies Act, 1973) of the corporation against any losses it may incur or may have incurred since 17 December 1970 in respect of housing for the staff of industrialists or factory buildings.”.

Amendment of section 5*bis* of Act 22 of 1940, as inserted by section 1 of Act 40 of 1951 and substituted by section 1 of Act 89 of 1965.

23. Section 1 of the Magistrates' Courts Act, 1944, is hereby amended by the substitution for the definition of “Minister” of the following definition:

“‘Minister’ in section 15 (2) and (4) and in section 113 means the Minister of Justice; in any other provision of this Act, ‘Minister’ in relation to any matter to be dealt with in a regional division, district or subdistrict administered under the control of the Minister of Justice, and in relation to the creation or abolition of any such regional division, district or subdistrict, means that Minister or any other Minister of State acting on his behalf, and in relation to any matter to be dealt with in a regional division, district or subdistrict administered under the control of the Minister of Bantu Administration and Development, and in relation to the creation or abolition of any such last-mentioned regional division, district or subdistrict, means the latter Minister or any other Minister of State acting on his behalf;”.

Amendment of section 1 of Act 32 of 1944, as substituted by section 1 of Act 53 of 1970.

SECOND GENERAL LAW AMENDMENT ACT, 1974.

Act No. 94, 1974

24. (1) Section 9 of the Magistrates' Courts Act, 1944, is hereby amended—

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

“(c) A magistrate of a regional division may also be the magistrate of a district and shall for the purposes of section 12 (5) be deemed to have been duly appointed as an additional magistrate for each district, except the district of which he is the magistrate, falling wholly or partly within the regional division of which he is a magistrate.”; and

(b) by the addition of the following paragraph to the said subsection (1):

“(d) A magistrate, an additional magistrate or an assistant magistrate of a district or subdistrict may at the same time also be a magistrate, an additional magistrate or an assistant magistrate of another district.”.

(2) Subsection (1) (b) shall be deemed to have come into operation on 1 May 1973.

25. Section 12 of the Magistrates' Courts Act, 1944, is hereby amended by the addition of the following subsection:

“(5) A magistrate of a regional division may, in his capacity as additional magistrate for a district in terms of section 9 (1) (c), hold a court of that district for the hearing of any civil matter within the jurisdiction of such court.”.

26. Section 15 of the Magistrates' Courts Act, 1944, is hereby amended by the addition of the following subsection:

“(4) An officer or employee in the service of the State of a class defined by the Minister by notice in the *Gazette*, shall be competent to serve any process of the court or any other document in a case in which a prosecution takes place for an offence in terms of a provision of any law specified by the Minister in such notice, as if he had been appointed as a deputy messenger of the court.”.

27. The following section is hereby substituted for section 29 of the Magistrates' Courts Act, 1944:

“Jurisdiction in respect of causes of action.

29. (1) Subject to the provisions of this Act, the court, in respect of causes of action, shall have jurisdiction in—

(a) actions in which is claimed the delivery or transfer of any property, movable or immovable, not exceeding one thousand five hundred rand in value;

(b) actions of ejection against the occupier of any premises or land within the district: Provided that, where the right of occupation of any such premises or land is in dispute between the parties, such right does not exceed one thousand five hundred rand in clear value to the occupier;

(c) actions for the determination of a right of way, notwithstanding the provisions of section 46;

(d) actions on or arising out of a liquid document or a mortgage bond, where the claim does not exceed three thousand rand;

(e) actions on or arising out of any agreement as defined in section 1 (1) of the Hire-Purchase Act, 1942 (Act No. 36 of 1942), where the

Amendment of section 9 of Act 32 of 1944, as substituted by section 2 of Act 8 of 1967 and amended by section 4 of Act 53 of 1970, section 8 of Act 102 of 1972 and section 11 of Act 29 of 1974.

Amendment of section 12 of Act 32 of 1944, as amended by section 9 of Act 40 of 1952.

Amendment of section 15 of Act 32 of 1944, as amended by section 11 of Act 40 of 1952, section 2 of Act 19 of 1963 and section 29 of Act 70 of 1968.

Substitution of section 29 of Act 32 of 1944, as amended by section 13 of Act 40 of 1952, section 39 of Act 68 of 1957, section 3 of Act 19 of 1963 and section 10 of Act 53 of 1970.

SECOND GENERAL LAW AMENDMENT ACT, 1974.

Act No. 94, 1974

claim or the value of the property in dispute does not exceed three thousand rand;

- (f) actions other than those already mentioned in this section, where the claim or the value of the matter in dispute does not exceed one thousand five hundred rand.

(2) In subsection (1) 'action' includes a claim in reconvention."

28. Section 46 of the Magistrates' Courts Act, 1944, is hereby amended by the substitution for paragraph (c) of subsection (2) of the following paragraph:

Amendment of section 46 of Act 32 of 1944, as amended by section 5 of Act 19 of 1963.

"(c) in which is sought specific performance without an alternative of payment of damages, except in—

- (i) the rendering of an account in respect of which the claim does not exceed one thousand five hundred rand;
- (ii) the delivery or transfer of property, movable or immovable, not exceeding one thousand five hundred rand in value; and
- (iii) the delivery or transfer of property, movable or immovable, exceeding one thousand five hundred rand in value where the consent of parties has been obtained in terms of section 45;"

29. Section 74 of the Magistrates' Courts Act, 1944, is hereby amended by the substitution for the last sentence of subsection (1) of the following sentence:

Amendment of section 74 of Act 32 of 1944, as amended by section 19 of Act 40 of 1952, section 2 of Act 14 of 1954, section 27 of Act 93 of 1962 and section 12 of Act 19 of 1963.

"The court shall have jurisdiction to make such an order notwithstanding that any or all of the creditors are outside the jurisdiction of the court or that the debts of the debtor exceed the sum of one thousand five hundred rand, provided the debts of the debtor do not exceed the sum of two thousand rand."

30. The following section is hereby substituted for section 92 of the Magistrates' Courts Act, 1944:

Substitution of section 92 of Act 32 of 1944, as substituted by section 1 of Act 16 of 1959 and amended by section 14 of Act 19 of 1963.

92. (1) Save as otherwise in this Act or in any other law specially provided, the court, whenever it may punish a person for an offence—

- (a) by imprisonment, may impose a sentence of imprisonment for a period not exceeding six months, where the court is not the court of a regional division, or not exceeding three years, where the court is the court of a regional division;
- (b) by fine, may impose a fine not exceeding five hundred rand, where the court is not the court of a regional division, or not exceeding one thousand five hundred rand, where the court is the court of a regional division;
- (c) by whipping, may impose a sentence of whipping with a cane only.
- (2) (a) The court shall have jurisdiction to impose any punishment prescribed in respect of an offence under an ordinance of a province or the territory which relates to vehicles and the regulation of traffic on public roads, notwithstanding that such punishment exceeds the jurisdiction referred to in subsection (1).
- (b) Where a person is convicted of culpable homicide arising out of the driving of a vehicle as defined in any applicable ordinance referred to

"Limits of jurisdiction in the matter of punishments.

SECOND GENERAL LAW AMENDMENT ACT, 1974.

Act No. 94, 1974

in paragraph (a), the court shall have jurisdiction to impose any punishment which the court may impose under that paragraph in respect of the offence of driving a vehicle recklessly on a public road.”.

31. Section 95 of the Magistrates' Courts Act, 1944, is hereby amended by the substitution for paragraph (a) of the following paragraph:

Amendment of section 95 of Act 32 of 1944, as amended by section 24 of Act 40 of 1952 and section 15 of Act 19 of 1963.

“(a) the maximum amount of fine shall be one thousand rand; the maximum period of imprisonment shall be one year;”.

32. The following section is hereby substituted for section 96 of the Magistrates' Courts Act, 1944:

Substitution of section 96 of Act 32 of 1944, as amended by section 25 of Act 40 of 1952, section 25 of Act 62 of 1955, section 4 of Act 16 of 1959, section 16 of Act 19 of 1963 and section 4 of Act 17 of 1969.

“What sentences subject to automatic review.

96. (1) All sentences in criminal cases (other than sentences imposed by courts of regional divisions) in which the punishment awarded is imprisonment (including detention in a reformatory, industrial school, inebriate reformatory, farm colony, work colony, refuge, rescue home or other similar institution) for a period exceeding three months or a fine exceeding two hundred and fifty rand or whipping (save in a case in which a person has been sentenced under section 345 of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), shall be subject in the ordinary course to review by the court of appeal or one of the judges thereof; without prejudice to the right of appeal against such sentence whether before or after confirmation of the sentence by the judge or court reviewing the same.

(2) For the purposes of this section each sentence on a separate count shall be regarded as a separate sentence, and the fact that the aggregate of sentences imposed on an accused person in respect of more than one count in the same charge sheet exceeds three months or two hundred and fifty rand, shall not render those sentences liable to automatic review.”.

33. Section 113 of the Magistrates' Courts Act, 1944, is hereby repealed.

Repeal of section 113 of Act 32 of 1944.

34. Section 149 of the Defence Act, 1957, is hereby amended—

Amendment of section 149 of Act 44 of 1957, as substituted by section 12 of Act 66 of 1972.

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

“(1) No licence moneys, tax, duty or fee (other than customs, excise or sales duty where leviable by law, but including any tax on or in respect of property, whether movable or immovable) under any law shall be payable by or in respect of any club, mess or trading institution established under section 148 in or in connection with any base, camp, station or ship for any portion of the South African Defence Force in the Republic, or in respect of any article on sale at such a club, mess or institution, or by or in connection with a fund or non-trading institution established in accordance with regulations made under section 87 (1) (dA).”;

SECOND GENERAL LAW AMENDMENT ACT, 1974.

Act No. 94, 1974

- (b) by the insertion after that subsection of the following subsection:

“(1A) For the purpose of subsection (1) any fund or non-trading institution which existed on 1 November 1958 and the aims or some of the aims of which are the acquisition and possession of property for the provision of recreational facilities within the Republic for the benefit of members and ex-members of the South African Defence Force or any service, corps or unit therein or any portion thereof and their dependants, shall be deemed to have been established in accordance with regulations made under section 87 (1) (dA), whether or not such regulations exist or existed at any relevant time.”; and

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

“(2) A certificate under the hand of the Minister or of a person authorized by the Minister, stating—

- (a) that a club, mess or trading institution specified therein has been established under section 148 in or in connection with any base, camp, station or ship for any portion of the South African Defence Force in the Republic; or
- (b) that a fund or non-trading institution specified therein has been established in accordance with regulations made under section 87 (1) (dA); or
- (c) that a fund or non-trading institution specified therein existed on 1 November 1958 and that its aims or some of its aims are the acquisition and possession of property for the provision of recreational facilities within the Republic for the benefit of members and ex-members of the South African Defence Force or any service, corps or unit therein or any portion thereof and their dependants,

shall on its production by any person in any proceedings in any court of law be conclusive proof of the correctness of the statements contained therein.”.

35. Section 5 of the Post Office Act, 1958, is hereby amended by the deletion of subsections (2), (3) and (4). Amendment of section 5 of Act 44 of 1958.

36. The following section is hereby inserted in the Supreme Court Act, 1959, after section 22: Insertion of section 23 in Act 59 of 1959.

“Settlement of conflicting decisions in civil cases. 23. Whenever a decision in civil proceedings on a question of law is given by a provincial or local division which is in conflict with a decision in civil proceedings on a question of law given by any other such division, the Minister may, after consultation with the South African Law Commission, submit such conflicting decisions to the appellate division and cause the matter to be argued before that division, in order that it may determine the said question of law for the future guidance of all courts.”.

37. Section 1 of the Coloured Development Corporation Act, 1962, is hereby amended by the substitution in subsection (1) for the definition of “Coloured company” of the following definition: Amendment of section 1 of Act 4 of 1962, as amended by section 1 of Act 12 of 1963.

“‘Coloured company’ means any company of the shares of which the majority is held by Coloureds or the Corporation or by Coloureds and the Corporation, and includes any association of persons of which the majority of the members are Coloureds or Coloureds and the Corporation;”.

SECOND GENERAL LAW AMENDMENT ACT, 1974.

Act No. 94, 1974

38. Section 2 of the Foreign Courts Evidence Act, 1962, is hereby amended by the substitution for subsection (2) of the following subsection: Amendment of section 2 of Act 80 of 1962.

“(2) Such an order shall not be granted if it appears to the court or judge that the evidence required is the furnishing of information in contravention of the provisions of section 2 of the Second General Law Amendment Act, 1974, or is in connection with criminal proceedings of a political character or that the witness is an accused person in the proceedings concerned.”.

39. Section 34 of the Coloured Persons Education Act, 1963, is hereby amended by the substitution for paragraph (g) of subsection (1) of the following paragraph: Amendment of section 34 of Act 47 of 1963, as amended by section 4 of Act 76 of 1967 and section 4 of Act 53 of 1973.

“(g) as to the control of moneys collected for or received by any State school, school of industries, reform school or State-aided school;”.

40. Section 1A of the Coloured Persons Representative Council Act, 1964, is hereby amended by the substitution for subsection (1) of the following subsection: Amendment of section 1A of Act 49 of 1964, as inserted by section 1 of Act 99 of 1972.

“(1) Every Council constituted under this Act shall continue for five years from the date of its first meeting, and no longer, but may at any time be dissolved by the State President by proclamation in the *Gazette*.”.

41. Section 12 of the Coloured Persons Representative Council Act, 1964, is hereby amended by the substitution for subsection (1) of the following subsection: Amendment of section 12 of Act 49 of 1964, as amended by section 3 of Act 99 of 1972.

“(1) A member of the Council shall, subject to the provisions of section 13, hold his seat from the date on which he is elected or nominated to the date on which the Council of which he is a member, is dissolved by effluxion of time or otherwise, and for that purpose an elected member shall be deemed to have been elected on the polling day fixed in respect of the electoral division concerned, whether or not a ballot has taken place.”.

42. Section 12A of the Coloured Persons Representative Council Act, 1964, is hereby amended by the substitution for the words preceding paragraph (a) of the following words: Amendment of section 12A of Act 49 of 1964, as inserted by section 4 of Act 99 of 1972.

“12A. Notwithstanding a dissolution of the Council by effluxion of time or otherwise—”.

43. Section 34 of the Community Development Act, 1966, is hereby amended— Amendment of section 34 of Act 3 of 1966, as amended by section 7 of Act 42 of 1967 and section 1 of Act 68 of 1971.

(a) by the substitution, in paragraph (a) of subsection (4), for the word “ninety-six” of the expression “one hundred and thirty-two” and for the expression “one hundred and eight”, wherever it appears, of the expression “one hundred and forty-four”; and

(b) by the substitution in subsections (6) and (7) for the word “ninety-six” of the expression “one hundred and thirty-two”.

44. Section 35 of the Community Development Act, 1966, is hereby amended by the substitution in subparagraph (i) of paragraph (a) of subsection (1) for the word “ninety-six” of the expression “one hundred and thirty-two” and for the expression “one hundred and eight”, wherever it appears, of the expression “one hundred and forty-four”. Amendment of section 35 of Act 3 of 1966, as amended by section 8 of Act 42 of 1967 and section 2 of Act 68 of 1971.

SECOND GENERAL LAW AMENDMENT ACT, 1974.

Act No. 94, 1974

45. Section 37 of the Community Development Act, 1966, is hereby amended—
- (a) by the substitution in paragraph (a) of subsection (1) for the word “ninety-six” of the expression “one hundred and thirty-two”; and
 - (b) by the substitution in subsection (2) for the word “ninety-six” of the expression “one hundred and thirty-two”.
46. Section 38 of the Community Development Act, 1966, is hereby amended by the substitution in paragraphs (a) and (b) of subsection (2) for the word “ninety-six” of the expression “one hundred and thirty-two” and for the expression “one hundred and eight”, wherever it appears, of the expression “one hundred and forty-four”.
47. Section 10 of the South African Indian Council Act, 1968, is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:
- “(b) The chairman of the Council shall not be competent to be a member of the executive committee.”.
48. The following section is hereby inserted in the Arms and Ammunition Act, 1969, after section 10:
- “Minister may determine periods for surrender of arms or ammunition held contrary to Act. 10A. The Minister may from time to time by notice in the *Gazette* provide that if any person who is in possession of any arm or ammunition contrary to the provisions of section 2 or 36, surrenders such arm or ammunition at any place or to any person and within a period mentioned in such notice, the provisions of section 4 (4), (5) and (7) shall *mutatis mutandis* apply to him and to such arm or ammunition.”.
49. Section 1 of the Sectional Titles Act, 1971, is hereby amended by the insertion of the following definition before the definition of “architect”:
- “‘Administrator’ means an Administrator acting on the advice and with the consent of the Executive Committee of which he is a member;”.
50. (1) Section 24 of the Compulsory Motor Vehicle Insurance Act, 1972, is hereby amended by the substitution for subsection (2) of the following subsection:
- “(2) (a) If a third party’s claim for compensation has become prescribed under subsection (1) of this section and a court having jurisdiction in respect of such claim is satisfied, upon application by the third party concerned—
- (i) where the claim became prescribed before compliance by the third party with the provisions of section 25 (1), that by reason of special circumstances he could not reasonably have been expected to comply with the said provisions before the date on which the claim became prescribed; or
 - (ii) where the claim became prescribed after compliance by him with the said provisions, that by reason of special circumstances he could not reasonably have been expected to serve any process, by which the running of prescription could have been interrupted, on the authorized insurer before that date; and
 - (iii) that the authorized insurer is not prepared to waive its right to invoke the prescription,

Amendment of section 37 of Act 3 of 1966, as amended by section 9 of Act 42 of 1967 and section 3 of Act 68 of 1971.

Amendment of section 38 of Act 3 of 1966, as amended by section 10 of Act 42 of 1967, section 8 of Act 74 of 1970 and section 4 of Act 68 of 1971.

Amendment of section 10 of Act 31 of 1968.

Insertion of section 10A in Act 75 of 1969.

Amendment of section 1 of Act 66 of 1971.

Amendment of section 24 of Act 56 of 1972.

SECOND GENERAL LAW AMENDMENT ACT, 1974.

Act No. 94, 1974

the court may grant leave to the third party to comply with the said provisions and serve process in any action for enforcement of the claim on the authorized insurer in accordance with the provisions of section 25 (2) before a date determined by the court, or, as the case may be, to serve such process on the authorized insurer before a date so determined.

- (b) The court shall not grant an application referred to in paragraph (a) unless—
- (i) the application is made within a period of ninety days after the date on which the claim became prescribed; and
 - (ii) the third party has given security to the satisfaction of the court for the costs of the authorized insurer in connection with the application.
- (c) A plea of prescription in terms of subsection (1) shall not be upheld in any action in which the relevant process was served on an authorized insurer by virtue of leave granted under this subsection.”.

(2) Any certificate furnished by the Minister under subsection (2) of the said section 24 before the commencement of this section shall remain of force and effect as if this section had not come into operation.

51. The laws mentioned in the Schedule are hereby repealed Repeal of laws. to the extent set out in the fourth column of that Schedule.

52. (1) This Act shall be called the Second General Law Short title and Amendment Act, 1974. commencement.

(2) Sections 24 (1) (a), 25, 27, 28 and 29 shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

Schedule

LAWS REPEALED

Province	Number and year of law	Title	Extent of Repeal
Cape of Good Hope	Act 15 of 1856	Masters and Servants Law Act, 1856	The whole
Cape of Good Hope	Act 18 of 1873	Masters and Servants Law Amendment Act, 1873	The whole
Cape of Good Hope	Act 28 of 1874	Masters and Servants Law Amalgamation Act, 1874	The whole
Cape of Good Hope	Act 7 of 1875	Master and Servants' Act, 1875	The whole
Cape of Good Hope	Act 30 of 1889	Master and Servants Act, 1889	The whole
Cape of Good Hope	Act 20 of 1892	Griqualand West Proclamation No. 14 of 1872 Partial Repeal Act, 1892	The whole
Natal	Ordinance 2 of 1850	Ordinance for regulating the relative rights and duties of Masters, Servants and Apprentices	The whole

SECOND GENERAL LAW AMENDMENT ACT, 1974.

Act No. 94, 1974

LAWS REPEALED

Province	Number and year of law	Title	Extent of Repeal
Natal	Ordinance 13 of 1852	Ordinance for amending the Ordinance No. 2, 1850	The whole
Natal	Law 18 of 1862	Law to declare the Law in respect to Ordinance No. 2, 1850	The whole
Natal	Law 23 of 1865	Law to facilitate the Determination of Complaints between Masters and Servants	The whole
Natal	Law 17 of 1882	To amend the Ordinance No. 2, 1850, entitled "Ordinance for regulating the relative rights and duties of Masters, Servants and Apprentices"	The whole
Natal	Law 12 of 1885	To amend and alter the Ordinance No. 2, 1850, entitled "Ordinance for regulating the relative rights and duties of Masters, Servants and Apprentices"	The whole
Natal	Law 3 of 1891	To amend Ordinance No. 2, 1850, entitled "Ordinance for regulating the relative rights and duties of Masters, Servants and Apprentices"	The whole
Natal	Act 40 of 1894	To regulate the relative rights of Masters and Native Servants, and to provide protection for such Servants	The whole
Natal	Act 13 of 1896	To amend Ordinance No. 2, 1850	The whole
Natal	Law 13 of 1898	To amend the law relative to Masters and Servants	The whole
Natal	Act 21 of 1907	Act to amend the Masters and Servants' Ordinance No. 2, 1850	The whole
Natal	Act 12 of 1908	Act to regulate the hospital fees payable by masters on account of their servants	The whole
Orange Free State	Ordinance 7 of 1904	The Masters and Servants Ordinance, 1904	The whole
Transvaal	Law 13 of 1880	"Wet voor Meesters en Dienboden, 1880"	The whole
Transvaal	Act 27 of 1909	Master and Servant Law Amendment Act 1909	The whole
	Act 26 of 1926	Masters and Servants Law (Transvaal and Natal) Amendment Act, 1926	The whole
	Act 23 of 1952	Cape Masters and Servants Act Amendment Act, 1952	The whole
	Act 67 of 1964	Bantu Labour Act, 1964	Section 13 (6) (b), (d) and (7); Section 14 (d); Section 15; Section 18 (1) (c), (2) and (3); Section 19 and Section 22 (6) (b) (iii)