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EXTRAORDINARY **BUITENGEWONE**

THE REPUBLIC OF SOUTH AFRICA

Government Gazette

Staatskoerant

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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DEPARTMENT OF THE PRIME MINISTER.

No. 817.] [29th May, 1964.

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

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DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 817.] [29 Mei 1964.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wette wat hierby ter algemene inligting gepubliseer word:—

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No. 44, 1964.]

WET

Tot wysiging van die Wet op Mate en Gewigte, 1958.

(*Afrikaanse teks deur die Staatspresident geteken.*)
(*Goedgekeur op* 21 *Mei* 1964.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:

Wysiging van artikel 1 van Wet 13 van 1958, soos gewysig deur artikel 1 van Wet 26 van 1960.

1. Artikel *een* van die Wet op Mate en Gewigte, 1958 (hieronder die Hoofwet genoem), word hierby gewysig—

(*a*) deur voor die omskrywing van „handel" die volgende omskrywing in te voeg:
„,geregistreerde werktuigkundige' iemand wat ingevolge sub-artikel (1) van artikel *ses-en-dertig bis* as 'n werktuigkundige geregistreer is, en, met betrekking tot 'n weeg- of meetinstrument, iemand wat aldus ten opsigte van daardie instrument of die klas of fabrikaat waartoe daardie instrument behoort of alle weeg- of meetinstrumente geregistreer is;";

(*b*) deur na die omskrywing van „juis" die volgende omskrywing in te voeg:
„,kontrakinstrument' 'n weeg- of meetinstrument wat iemand wat 'n geregistreerde werktuigkundige ten opsigte van daardie instrument is, uit hoofde van 'n sertifikaat uitgereik kragtens sub-artikel (1), (2) of (3) van artikel *ses-en-dertig ter* kan herstel sonder om aan die bepalings van sub-artikel (1) van artikel *ses-en-dertig* te voldoen;";

(*c*) deur na die omskrywing van „regulasie" die volgende omskrywings in te voeg:
„,standaardgewig' 'n gewig van 'n maateenheid in die Tweede Bylae uiteengesit;
,standaardmaat' 'n maat van 'n maateenheid in die Tweede Bylae uiteengesit;"; en

(*d*) deur in die omskrywing van „superintendent" die woord „ykwese" deur die woorde „mate en gewigte" te vervang.

Wysiging van artikel 2 van Wet 13 van 1958.

2. Artikel *twee* van die Hoofwet word hierby gewysig deur die woord „ykwese" deur die woorde „mate en gewigte" te vervang.

Wysiging van artikel 3 van Wet 13 van 1958, soos gewysig deur artikel 2 van Wet 26 van 1960.

3. Artikel *drie* van die Hoofwet word hierby gewysig deur sub-artikel (1) deur die volgende sub-artikel te vervang:

„(1) Die Minister stel 'n Ykraad aan om van applikante vir die betrekking van ykbeamptes eksamens af te neem of te laat afneem, en om die superintendent by die verrigting van sy werksaamhede ingevolge artikels *agtien*, *negentien* en *een-en-twintig* en in verband met die ander aangeleenthede wat die Minister van tyd tot tyd na die raad verwys, by te staan en van advies te dien.".

Vervanging van artikel 9 van Wet 13 van 1958.

4. Artikel *nege* van die Hoofwet word hierby deur die volgende artikel vervang:

„Grondmetingseenhede.

9. (1) Die grondmetingseenhede vir die bepaling van gewig, lengte, inhoud (of volume), oppervlakte en kubieke inhoud is dié in die Eerste Bylae uiteengesit en omskryf.

(2) Die Staatspresident kan by proklamasie in die *Staatskoerant* die Eerste Bylae wysig deur nuwe grondmetingseenhede by te voeg wat op die aldus uiteengesette en omskrewe eenhede gegrond is.".

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No. 44, 1964.]

ACT

To amend the Weights and Measures Act, 1958.

(*Afrikaans text signed by the State President.*)
(*Assented to 21st May*, 1964.)

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 1 of Act 13 of 1958, as amended by section 1 of Act 26 of 1960.

1. Section *one* of the Weights and Measures Act, 1958 (hereinafter referred to as the principal Act), is hereby amended—

(*a*) by the insertion after the definition of "board" of the following definition:
"'contract instrument' means a weighing or measuring instrument which any person who is a registered mechanic in respect of that instrument may by virtue of a certificate issued under sub-section (1), (2) or (3) of section *thirty-six ter* repair without complying with the provisions of sub-section (1) of section *thirty-six*;";

(*b*) by the insertion after the definition of "Minister" of the following definition:
"'registered mechanic' means any person who is in terms of sub-section (1) of section *thirty-six bis* registered as a mechanic and, in relation to any weighing or measuring instrument, any person who is so registered in respect of that instrument or the class or make to which that instrument belongs or all weighing or measuring instruments;";

(*c*) by the insertion after the definition of "stamp" of the following definitions:
"'standard measure' means any measure of a denomination set out in the Second Schedule;
'standard weight' means any weight of a denomination set out in the Second Schedule;"; and

(*d*) by the substitution in the definition of "superintendent" for the word "assize" of the words "weights and measures".

Amendment of section 2 of Act 13 of 1958.

2. Section *two* of the principal Act is hereby amended by the substitution for the word "assize" of the words "weights and measures".

Amendment of section 3 of Act 13 of 1958, as amended by section 2 of Act 26 of 1960.

3. Section *three* of the principal Act is hereby amended by the substitution for sub-section (1) of the following sub-section:

"(1) The Minister shall appoint an Assize Board to examine or cause to be examined applicants for the post of assizer, and to assist and advise the superintendent in the performance of his functions under sections *eighteen*, *nineteen* and *twenty-one* and in connection with such other matters as the Minister may from time to time refer to the board.".

Substitution of section 9 of Act 13 of 1958.

4. The following section is hereby substituted for section *nine* of the principal Act:

"Basic units of measurement.

9. (1) The basic units of measurement of weight, length, capacity (or volume), area and cubic content shall be those set out and defined in the First Schedule.

(2) The State President may by proclamation in the *Gazette* amend the First Schedule by adding new basic units of measurement based on the units so set out and defined.".

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Herroeping van artikel 10 van Wet 13 van 1958.

5. Artikel *tien* van die Hoofwet word hierby herroep.

Wysiging van artikel 11 van Wet 13 van 1958.

6. Artikel *elf* van die Hoofwet word hierby gewysig—

(*a*) deur in sub-artikel (1) die woorde „die standaardmate of -gewigte van die maateenhede in die Tweede Bylae uiteengesit" deur die woorde „standaardmate of -gewigte" te vervang; en

(*b*) deur in sub-artikel (2) die woorde „genoemde maateenhede" deur die woorde „die maateenhede in daardie Bylae uiteengesit" te vervang.

Vervanging van artikel 12 van Wet 13 van 1958.

7. Artikel *twaalf* van die Hoofwet word hierby deur die volgende artikel vervang:

„Nasionale standaardkilogram.

12. (1) Die silinder van platinum-iridium (in hierdie Wet die nasionale standaardkilogram genoem) wat as prototipe-kilogram No. 56 bekend staan en deur die Wetenskaplike en Nywerheidnavorsingsraad vermeld in artikel *twee* van die Wet op die Wetenskaplike Navorsingsraad, 1962 (Wet No. 32 van 1962), bewaar word, is in die Republiek die standaard van die kilogram.

(2) Die waarde van die nasionale standaardkilogram met betrekking tot die internasionale prototipe-kilogram vermeld in Item 1 van die Eerste Bylae is die waarde van tyd tot tyd deur die Minister by kennisgewing in die *Staatskoerant* daaraan toegewys.".

Vervanging van artikel 13 van Wet 13 van 1958.

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

„Departementele standaarde.

13. (1) Die superintendent hou in sy bewaring die standaardgewigte en standaardmate van lengte en inhoud (of volume) (in hierdie Wet departementele standaarde genoem) wat vir die verifikasie van die afdelingstandaarde nodig is.

(2) Die waarde van 'n departementele standaard van die kilogram moet so noukeurig moontlik ooreenkom met die waarde van die nasionale standaardkilogram en enige ander departementele standaard van gewig moet aan die nasionale standaardkilogram ontleen word en moet so noukeurig moontlik die waarde voorstel wat deur die maateenheid daarvan aangedui word.

(3) 'n Departementele standaard van die meter, jaart, liter of gelling moet so noukeurig moontlik die betrokke grondmetingseenheid soos in die Eerste Bylae omskryf, voorstel en enige ander departementele standaard van lengte of inhoud (of volume) moet so noukeurig moontlik die waarde voorstel wat deur die maateenheid daarvan aangedui word.

(4) 'n Departementele standaard word deur die Wetenskaplike en Nywerheidnavorsingsraad geverifieer en gesertifiseer as in ooreenstemming, wat noukeurigheid betref, met die bepalings van sub-artikel (2) of (3), na gelang van die geval, en word met tussenposes van hoogstens tien jaar deur gemelde Raad herverifieer en dienooreenkomstig gesertifiseer.

(5) Die gemelde Wetenskaplike en Nywerheidnavorsingsraad verifieer of herverifieer en sertifiseer op versoek van die Minister die departementele standaarde ooreenkomstig die bepalings van sub-artikel (4) en lewer die verdere hulp in verband met die uitvoer van die bepalings van hierdie Hoofstuk wat die Minister te eniger tyd van hom verlang.".

Vervanging van artikel 14 van Wet 13 van 1958

9. Artikel *veertien* van die Hoofwet word hierby deur die volgende artikel vervang:

„Afdelingstandaarde.

14. (1) Die superintendent hou in sy bewaring die standaardgewigte en standaardmate van lengte en inhoud (of volume) (in hierdie Wet afdelingstandaarde genoem) wat vir die verifikasie van die streekstandaarde nodig is.

(2) Die waarde van 'n afdelingstandaard van enige maateenheid moet so noukeurig moontlik ooreenkom met die waarde van die departementele standaard van dieselfde maateenheid en word deur die superintendent geverifieer en dienooreenkomstig gesertifiseer.

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Repeal of section 10 of Act 13 of 1958.

5. Section *ten* of the principal Act is hereby repealed.

Amendment of section 11 of Act 13 of 1958.

6. Section *eleven* of the principal Act is hereby amended—

(*a*) by the deletion in sub-section (1) of all the words after the word "measures" where it occurs for the second time; and

(*b*) by the substitution in sub-section (2) for the words "said denominations" of the words "denominations set out in that Schedule".

Substitution of section 12 of Act 13 of 1958.

7. The following section is hereby substituted for section *twelve* of the principal Act:

"National standard kilogram.

12. (1) The cylinder of platinum iridium (in this Act referred to as the national standard kilogram) known as prototype kilogram no. 56 and deposited with the Council for Scientific and Industrial Research referred to in section *two* of the Scientific Research Council Act, 1962 (Act No. 32 of 1962), shall be the standard of the kilogram in the Republic.

(2) The value of the national standard kilogram in relation to the international prototype kilogram referred to in Item 1 of the First Schedule shall be the value assigned to it from time to time by the Minister by notice in the *Gazette*.".

Substitution of section 13 of Act 13 of 1958.

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

"Departmental standards.

13. (1) The superintendent shall keep in his custody such standard weights and standard measures of length and capacity (or volume) (in this Act referred to as departmental standards) as may be required for the purpose of verifying the divisional standards.

(2) The value of a departmental standard of the kilogram shall as accurately as possible agree with the value of the national standard kilogram and any other departmental standard of weight shall be derived from the national standard kilogram and shall as accurately as possible represent the value signified by its denomination.

(3) A departmental standard of the metre, yard, litre or gallon shall as accurately as possible represent the relevant basic unit of measurement as defined in the First Schedule, and any other departmental standard of length or capacity (or volume) shall as accurately as possible represent the value signified by its denomination.

(4) A departmental standard shall be verified and certified as conforming in regard to accuracy to the provisions of sub-section (2) or (3), as the case may be, by the Council for Scientific and Industrial Research, and shall be reverified and certified accordingly by the said Council at intervals not exceeding ten years.

(5) The said Council for Scientific and Industrial Research shall at the request of the Minister verify or reverify and certify the departmental standards in accordance with the provisions of sub-section (4), and shall render such further assistance in connection with the carrying out of the provisions of this Chapter as the Minister may at any time request of it.".

Substitution of section 14 of Act 13 of 1958.

9. The following section is hereby substituted for section *fourteen* of the principal Act:

"Divisional standards.

14. (1) The superintendent shall keep in his custody such standard weights and standard measures of length and capacity (or volume) (in this Act referred to as divisional standards) as may be required for the purpose of verifying the regional standards.

(2) The value of a divisional standard of any denomination shall as accurately as possible agree with the value of the departmental standard of the same denomination and shall be verified and certified accordingly by the superintendent.

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(3) 'n Afdelingstandaard word met tussenposes van hoogstens vyf jaar deur die superintendent met die departementele standaarde geverifieer en dienooreenkomstig gesertifiseer.".

Vervanging van artikel 15 van Wet 13 van 1958.

10. Artikel *vyftien* van die Hoofwet word hierby deur die volgende artikel vervang:

„Streekstandaarde.

15. (1) Die superintendent laat die standaardgewigte en standaardmate van lengte en inhoud (of volume) (in hierdie Wet streekstandaarde genoem) wat hy vir die doeleindes van hierdie Wet nodig ag, by elke streekkantoor van mate en gewigte in die bewaring van die ykbeampte in beheer van bedoelde kantoor hou.

(2) Die waarde van 'n streekstandaard van enige maateenheid moet binne die by regulasie voorgeskrewe onnoukeurigheidsperke ooreenkom met die waarde van die afdelingstandaard van dieselfde maateenheid en word deur die superintendent geverifieer en dienooreenkomstig gesertifiseer.

(3) 'n Streekstandaard word met tussenposes van hoogstens twee jaar deur die superintendent met die afdelingstandaarde geverifieer en dienooreenkomstig gesertifiseer.

(4) By die toepassing van hierdie artikel beteken die uitdrukking „streekkantoor van mate en gewigte" so 'n kantoor wat vir die uitvoering van hierdie Wet in 'n gebied wat die superintendent as 'n streek bepaal, ingestel is.".

Vervanging van artikel 16 van Wet 13 van 1958.

11. Artikel *sestien* van die Hoofwet word hierby deur die volgende artikel vervang:

„Werkstandaarde.

16. (1) Die superintendent verskaf vir gebruik deur 'n ykbeampte die standaardgewigte en standaardmate van lengte en inhoud (of volume) (in hierdie Wet werkstandaarde genoem) wat na die oordeel van die superintendent sodanige ykbeampte nodig het vir die uitvoering van sy pligte en werksaamhede ingevolge hierdie Wet.

(2) Die waarde van 'n werkstandaard van enige maateenheid moet binne die by regulasie voorgeskrewe onnoukeurigheidsperke ooreenkom met die waarde van 'n streekstandaard van dieselfde maateenheid en word met streekstandaarde geverifieer en dienooreenkomstig gesertifiseer deur die ykbeampte in wie se bewaring die streekstandaarde waarmee dit aldus geverifieer word, ingevolge sub-artikel (1) van artikel *vyftien* gehou word.

(3) 'n Werkstandaard vir die toets van gewigte wat in die handel gebruik word, moet, met tussenposes van hoogstens ses maande, en enige ander werkstandaard moet, met tussenposes van hoogstens 'n jaar, met streekstandaarde herverifieer en dienooreenkomstig gesertifiseer word deur die ykbeampte in wie se bewaring die streekstandaarde waarmee dit aldus herverifieer word, ingevolge sub-artikel (1) van artikel *vyftien* gehou word.".

Vervanging van artikel 17 van Wet 13 van 1958.

12. Artikel *sewentien* van die Hoofwet word hierby deur die volgende artikel vervang:

„Instrumente met standaarde gebruik, moet getoets word.

17. Elke instrument wat deur die superintendent of 'n ykbeampte met 'n departementele, afdeling-, streek- of werkstandaard gebruik word en waarvan die noukeurigheid van 'n toets of verifikasie in verband waarmee so 'n standaard gebruik word, kan afhang, moet met die by regulasie voorgeskrewe tussenposes ondersoek en getoets word en elke ondersoek of toets daarvan moet deur die superintendent of daardie ykbeampte, na gelang van die geval, aangeteken word.".

Vervanging van artikel 18 van Wet 13 van 1958.

13. Artikel *agtien* van die Hoofwet word hierby deur die volgende artikel vervang:

„Weeg- of meetinstrumente, mate en gewigte in die handel gebruik, moet geyk word tensy vrygestel.

18. (1) Elke weeg- of meetinstrument, maat en gewig wat in die handel gebruik word vir die bepaling van lengte, oppervlakte, inhoud, volume, gewig of hoeveelheid of vir die bepaling van getal deur te weeg of te meet, moet tensy dit by regulasie of kragtens sub-artikel (2) vrygestel is, ooreenkomstig die bepalings van hierdie Wet geyk word.

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(3) A divisional standard shall be reverified with the departmental standards and certified accordingly by the superintendent at intervals not exceeding five years.".

Substitution of section 15 of Act 13 of 1958.

10. The following section is hereby substituted for section *fifteen* of the principal Act:

"Regional standards.

15. (1) The superintendent shall cause to be kept at every regional weights and measures office, in the custody of the assizer in charge of such office, such standard weights and standard measures of length and capacity (or volume) (in this Act referred to as regional standards) as he may deem necessary for the purposes of this Act.

(2) The value of a regional standard of any denomination shall within the limits of error prescribed by regulation agree with the value of the divisional standard of the same denomination and shall be verified and certified accordingly by the superintendent.

(3) A regional standard shall be reverified with the divisional standards and certified accordingly by the superintendent at intervals not exceeding two years.

(4) For the purposes of this section the expression "regional weights and measures office" means any such office established for purposes of the administration of this Act in any area which the superintendent determines to be a region.".

Substitution of section 16 of Act 13 of 1958.

11. The following section is hereby substituted for section *sixteen* of the principal Act:

"Working standards.

16. (1) The superintendent shall provide for use by any assizer such standard weights and standard measures of length and capacity (or volume) (in this Act referred to as working standards) as may in the opinion of the superintendent be required by such assizer for the purpose of carrying out his duties and functions under this Act.

(2) The value of a working standard of any denomination shall within the limits of error prescribed by regulation agree with the value of any regional standard of the same denomination and shall be verified with regional standards and certified accordingly by the assizer in whose custody the regional standards with which it is so verified are kept in terms of sub-section (1) of section *fifteen*.

(3) A working standard for the testing of weights used in trade shall, at intervals not exceeding six months, and any other working standard shall, at intervals not exceeding one year, be reverified with regional standards and certified accordingly by the assizer in whose custody the regional standards with which it is so reverified are kept in terms of sub-section (1) of section *fifteen*.".

Substitution of section 17 of Act 13 of 1958.

12. The following section is hereby substituted for section *seventeen* of the principal Act:

"Instruments used with standards to be tested.

17. Every instrument which is used by the superintendent or any assizer with a departmental, divisional, regional or working standard and on which may depend the accuracy of any testing or verification in connection with which any such standard is used, shall be examined and tested at such intervals as may be prescribed by regulation and a record of every examination or testing thereof shall be kept by the superintendent or such assizer, as the case may be.".

Substitution of section 18 of Act 13 of 1958.

13. The following section is hereby substituted for section *eighteen* of the principal Act:

"Weighing or measuring instruments, weights and measures used in trade to be assized unless exempted.

18. (1) Every weighing or measuring instrument, weight and measure used in trade for the determination of length, area, capacity, volume, weight or quantity or for the determination of number by weighing or measuring shall, unless it is exempted by regulation or under sub-section (2), be assized in accordance with the provisions of this Act.

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(2) Indien die superintendent oortuig is dat dit onprakties of onnodig is om 'n weeg- of meetinstrument, maat of gewig of 'n klas of fabrikaat van weeg- of meetinstrument, maat of gewig te yk weens die wyse of beginsel waarop dit vervaardig is of die wyse waarop of doel waarvoor dit gebruik word of enige ander besondere omstandigheid met betrekking daartoe of tot die gebruik daarvan, kan hy ten opsigte van sodanige weeg- of meetinstrument, maat of gewig of sodanige klas of fabrikaat van weeg- of meetinstrument, maat of gewig 'n sertifikaat uitreik wat dit van die bepalings van sub-artikel (1) vrystel onderworpe aan die voorwaardes, beperkings of vereistes wat by regulasie voorgeskryf is of wat hy in enige besondere geval goedvind om op te lê.

(3) Die bepalings van hierdie Wet met betrekking tot die yking van 'n weeg- of meetinstrument, maat of gewig of die gebruik of besit van 'n weeg- of meetinstrument, maat of gewig wat nie geyk is nie, is, behoudens enige toepaslike voorwaarde, beperking of vereiste by regulasie voorgeskryf of kragtens sub-artikel (2) opgelê, nie van toepassing nie ten aansien van 'n weeg- of meetinstrument, maat of gewig wat by regulasie of kragtens die gemelde sub-artikel van die bepalings van sub-artikel (1) vrygestel is of wat behoort tot 'n klas of fabrikaat wat aldus vrygestel is.

(4) Die superintendent kan 'n sertifikaat uitgereik kragtens sub-artikel (2) te eniger tyd intrek: Met dien verstande dat iemand wat 'n weeg- of meetinstrument, maat of gewig waarop, of wat behoort aan die klas of fabrikaat waarop, die sertifikaat betrekking het, vrygestel is van straf vir die gebruik of besit daarvan tussen die tyd van die intrekking van die sertifikaat en die eerste geleentheid waarop hy dit redelikerwyse kon laat yk.

(5) Ten opsigte van 'n aangeleentheid waaroor die superintendent ingevolge hierdie artikel 'n beslissing moet vel, tree hy op na oorlegpleging met die raad.

(6) Iemand wat 'n in sub-artikel (2) vermelde voorwaarde, beperking of vereiste oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig.".

Vervanging van artikel 22 van Wet 13 van 1958.

14. Artikel *twee-en-twintig* van die Hoofwet word hierby deur die volgende artikel vervang:

„Die superintendent kan vereis dat sekere weeg- of meetinstrumente, mate en gewigte by 'n bepaalde plek getoon word vir yking of heryking.

22. (1) Die superintendent kan by kennisgewing in die *Staatskoerant* elke persoon wat 'n weeg- of meetinstrument, maat of gewig wat nie ingevolge sub-artikel (2) van die toepassing van so 'n kennisgewing uitgesluit is nie, in die handel gebruik in 'n distrik in die kennisgewing vermeld of in die regsgebied van 'n aldus vermelde plaaslike bestuur, of vir gebruik in die handel in bedoelde distrik of gebied in sy besit het, aansê—

(*a*) behoudens die bepalings van paragrawe (*b*) en (*c*), om dit op 'n aldus vermelde plek op die aldus vermelde tyd (wat nie vroeër is nie as veertien dae na die datum waarop die kennisgewing in die *Staatskoerant* gepubliseer word), te toon vir ondersoek en yking of heryking; of

(*b*) indien dit op 'n plek gehou word wat meer as tien myl van 'n in paragraaf (*a*) bedoelde plek af geleë is, om 'n in die kennisgewing aangewese ykbeampte skriftelik in kennis te stel, binne veertien dae na gemelde datum, van die plek waar dit aldus gehou word, of om dit aldus te toon; of

(*c*) indien, in die geval van 'n weeg- of meetinstrument, dit 'n groter weeg- of meetvermoë het as 'n by regulasie voorgeskrewe en in die kennisgewing vermelde vermoë, of op so 'n wyse vas is of van so 'n delikate konstruksie is dat dit nie gerieflik vervoer kan word nie, om die aldus aangewese ykbeampte aldus in kennis te stel van die plek waar dit gehou word.

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(2) If the superintendent is satisfied that it is impracticable or unnecessary to assize any weighing or measuring instrument, weight or measure or any class or make of weighing or measuring instrument, weight or measure because of its mode or principle of construction or the manner in or purpose for which it is used or any other special circumstance relating to it or its use, he may issue a certificate in respect of such weighing or measuring instrument, weight or measure or such class or make of weighing or measuring instrument, weight or measure, exempting it from the provisions of sub-section (1) subject to such conditions, limitations or requirements as may be prescribed by regulation or as he may in any particular case deem fit to impose.

(3) The provisions of this Act relating to the assizing of any weighing or measuring instrument, weight or measure or the use or possession of any weighing or measuring instrument, weight or measure which has not been assized shall, subject to any applicable condition, limitation or requirement prescribed by regulation or imposed under sub-section (2), not apply with reference to any weighing or measuring instrument, weight or measure exempted from the provisions of sub-section (1) by regulation or under the said sub-section (2) or belonging to a class or make so exempted.

(4) The superintendent may at any time cancel any certificate issued under sub-section (2): Provided that any person who uses or has in his possession any weighing or measuring instrument, weight or measure to which, or belonging to the class or make to which the certificate relates, shall be exempt from any penalty for using or possessing it between the time of the cancellation of the certificate and the earliest opportunity when he could reasonably cause it to be assized.

(5) In any matter calling for his decision under this section the superintendent shall act after consultation with the board.

(6) Any person who contravenes or fails to comply with any condition, limitation or requirement referred to in sub-section (2) shall be guilty of an offence.".

Substitution of section 22 of Act 13 of 1958.

14. The following section is hereby substituted for section *twenty-two* of the principal Act:

"The Superintendent may call for the production at a specified place of certain weighing or measuring instruments, weights and measures for assizing or re-assizing.

22. (1) The superintendent may by notice in the *Gazette* call upon every person who uses in trade in any district specified in the notice, or in the area of jurisdiction of any local authority so specified, or has in his possession for use in trade in such district or area, any weighing or measuring instrument, weight or measure not excluded in terms of sub-section (2) from the operation of any such notice—

(*a*) subject to the provisions of paragraphs (*b*) and (*c*), to produce it at any place so specified at the time so specified (not being earlier than fourteen days after the date on which the notice is published in the *Gazette*), for the purpose of being examined and assized or re-assized; or

(*b*) if it is kept at a place situated more than ten miles from any place referred to in paragraph (*a*), to notify in writing, within fourteen days after the said date, an assizer designated in the notice of the place where it is kept, or so to produce it; or

(*c*) if, in the case of a weighing or measuring instrument, it has a weighing or measuring capacity greater than a capacity prescribed by regulation and specified in the notice, or is fixed in such a manner or is of such delicate construction that it cannot be moved conveniently, so to notify the assizer so designated of the place where it is kept.

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(2) 'n Kennisgewing kragtens sub-artikel (1) gepubliseer, is nie ten opsigte van 'n weeg- of meetinstrument, maat of gewig waarop daar 'n ykstempel vir die jaar verskyn waarin weeg- of meetinstrumente, mate en gewigte ingevolge die betrokke kennisgewing vir ondersoek en yking of heryking getoon moet word, of ten opsigte van 'n kontrakinstrument van toepassing nie.

(3) Die superintendent kan na goeddunke die stappe doen wat hy dienstig ag om 'n kennisgewing kragtens sub-artikel (1) gepubliseer, onder die aandag te bring van persone wat daardeur geraak word.

(4) Iemand wat versuim om te voldoen aan 'n kennisgewing kragtens sub-artikel (1) in die *Staatskoerant* gepubliseer, is aan 'n misdryf skuldig.".

Invoeging van artikel 22*bis* in Wet 13 van 1958.

15. Die volgende artikel word hierby na artikel *twee-en-twintig* van die Hoofwet ingevoeg.

„'n Ykbeampte kan enigiemand aansê om sy weeg- of meetinstrumente, mate en gewigte vir yking of heryking te toon.

22*bis*. (1) 'n Ykbeampte kan te eniger tyd iemand wat 'n weeg- of meetinstrument, maat of gewig in die handel gebruik op enige plek of vir gebruik in die handel op sodanige plek in sy besit het, aansê—

(*a*) om 'n bepaalde weeg- of meetinstrument, maat of gewig aldus gebruik deur, of vir sodanige gebruik in die besit van, bedoelde persoon, aan hom by sodanige plek te toon of op 'n ander wyse beskikbaar te stel vir ondersoek en yking of heryking; of

(*b*) om alle weeg- of meetinstrumente, mate en gewigte aldus gebruik deur, of vir sodanige gebruik in die besit van, bedoelde persoon, aldus aan hom te toon of beskikbaar te stel.

(2) Iemand wat versuim om aan 'n kragtens sub-artikel (1) gestelde eis te voldoen, is aan 'n misdryf skuldig.".

Wysiging van artikel 23 van Wet 13 van 1958.

16. Artikel *drie-en-twintig* van die Hoofwet word hierby gewysig—

(*a*) deur in sub-artikel (1) na die woord „bepaal" die woorde „of wanneer daar voldoen is aan 'n eis deur hom kragtens sub-artikel (1) van artikel *twee-en-twintig bis* gestel" in te voeg en in daardie sub-artikel die woorde „word om geyk of heryk te word, en" deur die woorde „of, in die geval van so 'n eis, op 'n ander wyse aan hom beskikbaar gestel word om geyk of heryk te word en, behoudens die bepalings van sub-artikels (1)*bis* en (1)*ter*," te vervang;

(*b*) deur na gemelde sub-artikel die volgende sub-artikels in te voeg:

„(1)*bis* 'n Geykte inhoudsmaat uit helder glas vervaardig en 'n geykte lengtemaat vervaardig uit materiaal vir die doeleindes van hierdie sub-artikel by regulasie voorgeskryf, hoef nie heryk te word nie tensy die ykbeampte redelike gronde het om te glo dat dit wesentlik verander is sedert dit geyk was, of tensy die oorspronklike ykstempel uitgewis is of onleesbaar geword het.

(1)*ter* 'n Weeg- of meetinstrument, maat of gewig wat ter voldoening aan 'n kragtens paragraaf (*b*) van sub-artikel (1) van artikel *twee-en-twintig bis* gestelde eis na die ykbeampte gebring of op 'n ander wyse aan hom beskikbaar gestel word en waarop 'n duidelike ykstempel vir die lopende jaar verskyn, hoef nie met werkstandaarde geverifieer of vergelyk of deur middel daarvan getoets te word of heryk te word nie tensy die ykbeampte redelike gronde het om te glo dat dit nie juis is nie of nie aan die vereistes van hierdie Wet voldoen nie: Met dien verstande dat geen gelde kragtens artikel *vier-en-twintig* gevra word nie ten opsigte van die verifikasie, vergelyking, toets of heryking van so 'n weeg- of meetinstrument, maat of gewig wat na bevinding van die ykbeampte juis is en aan die vereistes van hierdie Wet voldoen."; en

(*c*) deur in sub-artikel (2) die woorde „die instrumente, mate of gewigte aldus na hom gebring het" deur die woorde „weeg- of meetinstrumente, mate of gewigte wat hy geyk, heryk of afgekeur het, aldus na hom gebring of op 'n ander wyse aan hom beskikbaar gestel het," te vervang.

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(2) A notice published under sub-section (1) shall not apply in respect of any weighing or measuring instrument, weight or measure which bears a stamp of assize for the year in which weighing or measuring instruments, weights and measures are in terms of the notice concerned to be produced for examination and assizing or re-assizing, or in respect of any contract instrument.

(3) The superintendent may in his discretion take such steps as he may deem expedient to bring any notice published under sub-section (1) to the attention of persons affected by it.

(4) Any person who fails to comply with a notice published in the *Gazette* under sub-section (1) shall be guilty of an offence.".

Insertion of section 22*bis* in Act 13 of 1958.

15. The following section is hereby inserted after section *twenty-two* of the principal Act:

"An assizer may call upon any person to produce his weighing or measuring instruments, weights and measures for assizing or re-assizing.

22*bis*. (1) An assizer may at any time call upon any person who uses in trade at any place or has in his possession for use in trade at such place, any weighing or measuring instrument, weight or measure—

(*a*) to produce or otherwise make available to him at such place, for the purpose of examination and assizing or re-assizing by him, any particular weighing or measuring instrument, weight or measure so used by, or in the possession for such use of, such person; or

(*b*) so to produce or make available to him all weighing or measuring instruments, weights and measures so used by, or in the possession for such use of, such person.

(2) Any person who fails to comply with a demand made under sub-section (1) shall be guilty of an offence.".

Amendment of section 23 of Act 13 of 1958.

16. Section *twenty-three* of the principal Act is hereby amended—

(*a*) by the insertion in sub-section (1) before the word "examine" of the words "or when a demand made by him under sub-section (1) of section *twenty-two bis* has been complied with" and by the substitution in that sub-section for the words "to him to be assized or re-assized and" of the words "or, in the case of such a demand, otherwise made available to him to be assized or re-assized and, subject to the provisions of sub-sections (1)*bis* and (1)*ter*,";

(*b*) by the insertion after the said sub-section of the following sub-sections:

"(1)*bis* Any assized measure of capacity made of clear glass and any assized measure of length made of material prescribed by regulation for the purposes of this sub-section need not be re-assized unless the assizer has reasonable grounds for believing that it has been altered materially since it was assized, or unless the original stamp of assize has been defaced or has become illegible.

(1)*ter* Any weighing or measuring instrument, weight or measure brought or otherwise made available to the assizer in compliance with a demand under paragraph (*b*) of sub-section (1) of section *twenty-two bis* and bearing a clear stamp of assize for the current year need not be verified or compared with or tested by means of working standards or re-assized unless the assizer has reasonable grounds for believing that it is not correct or does not comply with the requirements of this Act: Provided that no fees shall be charged under section *twenty-four* in respect of the verification, comparison, testing or re-assizing of any such weighing or measuring instrument, weight or measure which is found by the assizer to be correct and to comply with the requirements of this Act."; and

(*c*) by the substitution in sub-section (2) for the words "to him any such instrument, weight or measure" of the words "or otherwise made available to him any weighing or measuring instrument, weight or measure which he has assized, re-assized or rejected,".

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Wysiging van artikel 29 van Wet 13 van 1958.

17. Artikel *nege-en-twintig* van die Hoofwet word hierby gewysig—

(*a*) deur in paragraaf (*a*) na die woord „tyd" die woorde „of op enige plek", na die woord „tydstip" waar dit ook al voorkom die woorde „of plek" en na die woord „gebruik" waar dit vir die derde keer voorkom die woorde „of vir gebruik in die handel op enige plek" en waar dit vir die sesde keer voorkom die woorde „of vir gebruik in die handel op sodanige plek" in te voeg; en

(*b*) deur in paragraaf (*b*) die woorde „waarop die betrokke kennisgewing betrekking het" deur die woorde „of gebied waarop die betrokke kennisgewing betrekking het of, na gelang van die geval, in die besit van die beskuldigde was vir gebruik in die handel in daardie distrik of gebied" te vervang.

Wysiging van artikel 30 van Wet 13 van 1958.

18. Artikel *dertig* van die Hoofwet word hierby gewysig deur in paragraaf (*a*) van sub-artikel (4) die woorde „net so opvallend soos genoemde mate of gewigte" deur die woorde „op die by regulasie voorgeskrewe wyse" te vervang.

Wysiging van artikel 31 van Wet 13 van 1958, soos gewysig deur artikel 9 van Wet 26 van 1960.

19. Artikel *een-en-dertig* van die Hoofwet word hierby gewysig deur sub-artikel (1) deur die volgende sub-artikel te vervang:

„(1) (*a*) Iemand wat op watter wyse ook al, hetsy direk of indirek, 'n valse, onjuiste of onware verklaring of mededeling doen met betrekking tot die getal, hoeveelheid, maat, dikte of gewig van goedere of artikels, in verband met die koop, verkoop, weeg of meet daarvan, of by die berekening van onkoste vir dienste gelewer op die grondslag van maat of gewig, is aan 'n misdryf skuldig: Met dien verstande dat indien daar 'n verskil is tussen die werklike en 'n voorgegewe getal, hoeveelheid, maat, dikte of gewig van die goedere of artikels waarop 'n aldus gedane verklaring of mededeling betrekking het en bedoelde verskil ingevolge hierdie Wet toelaatbaar is, sodanige verklaring of mededeling nie slegs weens die bestaan van bedoelde verskil as vals, onjuis of onwaar beskou word nie.

(*b*) Iemand wat enigiets by maat, gewig of getal verkoop of laat verkoop in 'n kleiner hoeveelheid as wat van die verkoper verlang word of deur hom voorgegee word, is aan 'n misdryf skuldig tensy die tekort ingevolge hierdie Wet toelaatbaar is.".

Wysiging van artikel 33 van Wet 13 van 1958.

20. Artikel *drie-en-dertig* van die Hoofwet word hierby gewysig:

(*a*) deur in sub-paragraaf (ii) van paragraaf (*a*) van sub-artikel (1) die woorde „van 'n maateenheid deur hierdie Wet gemagtig" te skrap; en

(*b*) deur in sub-artikel (2) na die woord „is" waar dit vir die eerste keer voorkom die woorde „en, in die geval van so 'n instrument, nie ingevolge sub-artikel (6) van artikel *ses-en-dertig ter* geag word geyk te wees nie" in te voeg.

Wysiging van artikel 34 van Wet 13 van 1958.

21. Artikel *vier-en-dertig* van die Hoofwet word hierby gewysig—

(*a*) deur in sub-artikel (1) na die woord „superintendent" die woorde „of 'n deur hom gemagtigde ykbeampte" in te voeg; en

(*b*) deur die volgende sub-artikel by te voeg:

„(3) Iemand wat 'n waarborg ingevolge sub-artikel (1) verstrek ten opsigte van 'n weeg- of meetinstrument, maat of gewig wat nie juis is en ingevolge hierdie Wet geyk kan word nie, is aan 'n misdryf skuldig.".

Wysiging van artikel 35 van Wet 13 van 1958, soos gewysig deur artikel 10 van Wet 26 van 1960.

22. Artikel *vyf-en-dertig* van die Hoofwet word hierby gewysig deur in paragraaf (*c*) na die woord „ykbeampte" die woorde „of van 'n geregistreerde werktuigkundige wat ingevolge die regulasies optree" in te voeg.

Vervanging van artikel 36 van Wet 13 van 1958, soos gewysig deur artikel 11 van Wet 26 van 1960.

23. Artikel *ses-en-dertig* van die Hoofwet word hierby deur die volgende artikel vervang:

„Herstel van weeg- of meetinstrumente, mate en gewigte.

36. (1) Behoudens die bepalings van artikel *ses-en-dertig ter*—

(*a*) mag niemand weeg- of meetinstrumente, mate of gewigte herstel tensy hy eers die ykstempel daarop, met inbegrip van so 'n stempel wat kragtens artikel *twintig* gerojeer is, permanent uitgewis het nie;

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17. Section *twenty-nine* of the principal Act is hereby amended—

Amendment of section 29 of Act 13 of 1958.

(*a*) by the insertion in paragraph (*a*) after the word "time" wherever it occurs of the words "or place" and after the word "use" where it occurs for the third time of the words "or for use in trade at any place" and where it occurs for the fourth time of the words "or for use in trade at such place"; and

(*b*) by the substitution in paragraph (*b*) for the words "to which the notice in question relates" of the words "or area to which the notice in question relates or, as the case may be, to have been in the possession of the accused for use in trade in that district or area".

18. Section *thirty* of the principal Act is hereby amended by the substitution in paragraph (*a*) of sub-section (4) for the words "as conspicuously as such weight or measure" of the words "in the manner prescribed by regulation.".

Amendment of section 30 of Act 13 of 1958.

19. Section *thirty-one* of the principal Act is hereby amended by the substitution for sub-section (1) of the following sub-section:

Amendment of section 31 of Act 13 of 1958, as amended by section 9 of Act 26 of 1960.

"(1) (*a*) Any person who by any means whatsoever, whether direct or indirect, makes any false, incorrect or untrue declaration or statement as to number, quantity, measure, gauge, or weight of any goods or articles in connection with their purchase, sale, weighing or measurement, or in the computation of any charges for services rendered on the basis of weight or measure, shall be guilty of an offence: Provided that if there is any difference between the actual and any represented number, quantity, measure, gauge or weight of the goods or articles to which any declaration or statement so made relates and such difference is permissible in terms of this Act, such declaration or statement shall not be regarded as false, incorrect or untrue merely because of the existence of such difference.

(*b*) Any person who sells or causes to be sold anything by weight, measure or number short of the quantity demanded of or represented by the seller, shall be guilty of an offence unless the shortage is permissible in terms of this Act.".

20. Section *thirty-three* of the principal Act is hereby amended—

Amendment of section 33 of Act 13 of 1958.

(*a*) by the deletion in sub-paragraph (ii) of paragraph (*a*) of sub-section (1) of the words "of a denomination authorized by this Act"; and

(*b*) by the insertion in sub-section (2) after the word "assizer" of the words "and, in the case of such instrument, is not in terms of sub-section (6) of section *thirty-six ter* deemed to be assized".

21. Section *thirty-four* of the principal Act is hereby amended—

Amendment of section 34 of Act 13 of 1958.

(*a*) by the insertion in sub-section (1) after the word "superintendent" of the words "or an assizer authorized by him"; and

(*b*) by the addition of the following sub-section:

"(3) Any person who furnishes a guarantee under sub-section (1) in respect of a weighing or measuring instrument, weight or measure which is not correct and assizable under this Act, shall be guilty of an offence.".

22. Section *thirty-five* of the principal Act is hereby amended by the insertion in paragraph (*c*) after the word "assizer" of the words "or of a registered mechanic acting in terms of the regulations".

Amendment of section 35 of Act 13 of 1958, as amended by section 10 of Act 26 of 1960.

23. The following section is hereby substituted for section *thirty-six* of the principal Act:

Substitution of section 36 of Act 13 of 1958, as amended by section 11 of Act 26 of 1960.

"Repair of weighing or measuring instruments, weights and measures.

36. (1) Subject to the provisions of section *thirty-six ter*—

(*a*) no person shall repair any weighing or measuring instrument, weight or measure, unless he has first permanently obliterated the stamp of assize thereon including any such stamp defaced under section *twenty*;

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(*b*) moet iemand wat weeg- of meetinstrumente, mate of gewigte wat in die handel gebruik word, herstel het, tensy dit onmiddellik daarna geyk word, die superintendent of 'n deur hom gemagtigde ykbeampte onverwyld van die herstel in kennis stel en aan hom 'n skriftelike waarborg verstrek dat die instrumente, mate of gewigte juis en ingevolge hierdie Wet ykbaar is, en indien die superintendent of sodanige ykbeampte, na gelang van die geval, oortuig is van die toereikendheid van die waarborg en die vaardigheid van die hersteller, reik hy sonder versuim skriftelike magtiging uit vir die gebruik van die instrumente, mate of gewigte totdat reëlings getref kan word vir die yk daarvan.

(2) Niemand mag weeg- of meetinstrumente, mate of gewigte in die handel gebruik wat herstel is nie tensy dit daarna geyk is of 'n skriftelike magtiging ingevolge paragraaf (*b*) van sub-artikel (1) ten opsigte daarvan uitgereik is of, in die geval van 'n kontrakinstrument, dit ingevolge sub-artikel (6) van artikel *ses-en-dertig ter* geag word geyk te wees.".

Invoeging van artikels 36*bis* en 36*ter* in Wet 13 van 1958.

24. Die volgende artikels word hierby na artikel *ses-en-dertig* van die Hoofwet ingevoeg:

„Registrasie van weeg- of meetinstrument-werktuigkundiges.

36*bis*. (1) Die superintendent hou 'n register vir die aantekening van die naam, en die besonderhede wat hy nodig ag, van elke persoon wat by hom aansoek doen om as 'n werktuigkundige geregistreer te word ten opsigte van 'n bepaalde meet- of weeginstrument of 'n weeg- of meetinstrument van 'n bepaalde klas of fabrikaat of alle weeg- of meetinstrumente en wat die superintendent oortuig dat hy oor die vaardigheid beskik om dié bepaalde instrument of so 'n instrument van dié bepaalde klas of fabrikaat of enige sodanige instrument hoegenaamd, na gelang van die geval, op so 'n wyse in stand te hou en herstelwerk daaraan te doen dat dit in 'n juiste en ykbare toestand gehou of gebring word.

(2) Die superintendent reik op aansoek van 'n geregistreerde werktuigkundige aan hom 'n sertifikaat uit wat die bepaalde weeg- of meetinstrument of die bepaalde klas of fabrikaat van weeg- of meetinstrument ten opsigte waarvan hy soos in sub-artikel (1) bepaal geregistreer is, aantoon of wat aantoon dat hy aldus ten opsigte van alle weeg- of meetinstrumente geregistreer is, na gelang van die geval.

(3) Die naam van 'n geregistreerde werktuigkundige kan van die register verwyder word en 'n sertifikaat kragtens sub-artikel (2) aan hom uitgereik, kan ingetrek word deur die superintendent indien die superintendent nie meer oortuig is van die vaardigheid van sodanige werktuigkundige soos in sub-artikel (1) bepaal nie of indien sodanige werktuigkundige 'n bepaling van hierdie Wet oortree het of versuim het om daaraan te voldoen.

Herstel van kontrakinstrumente deur geregistreerde werktuigkundiges.

36*ter*. (1) (*a*) Indien die superintendent oortuig is dat 'n weeg- of meetinstrument wat deur enige persoon in die handel gebruik word, in stand gehou en alle herstelwerk daaraan gedoen word deur 'n geregistreerde werktuigkundige in die diens van sodanige persoon, kan hy, op aansoek van sodanige persoon, aan hom 'n sertifikaat uitreik wat, behoudens die bepalings van die regulasies, sodanige persoon en so 'n werktuigkundige in sy diens onthef van nakoming van die bepalings van sub-artikel (1) van artikel *ses-en-dertig* ten opsigte van herstelwerk deur so 'n werktuigkundige aan sodanige instrument gedoen.

(*b*) Iemand aan wie so 'n sertifikaat uitgereik is, stel 'n ykbeampte in die sertifikaat aangewys skriftelik in kennis van enige verandering in die omstandighede wat die uitreiking daarvan raak.

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(*b*) any person who has repaired any weighing or measuring instrument, weight or measure used in trade shall, unless it is immediately thereafter assized, forthwith notify the superintendent or an assizer authorized by him of such repair and furnish him with a written guarantee that such instrument, weight or measure is correct and assizable under this Act and the superintendent or such assizer, as the case may be, if satisfied as to the sufficiency of the guarantee and the competency of the repairer, shall, without delay, issue written authority for the use of such instrument, weight or measure until such time as arrangements can be made for the assizing thereof.

(2) No person shall use in trade any weighing or measuring instrument, weight or measure which has been repaired, unless it has thereafter been assized or a written authority has in terms of paragraph (*b*) of sub-section (1) been furnished in respect thereof or, in the case of a contract instrument, it is in terms of sub-section (6) of section *thirty-six ter* deemed to be assized.".

Insertion of sections 36*bis* and 36*ter* in Act 13 of 1958.

24. The following sections are hereby inserted after section *thirty-six* of the principal Act:

"Registration of weighing or measuring instrument mechanics.

36*bis*. (1) The superintendent shall keep a register for the purpose of recording the name and such particulars as he may deem necessary, of every person who applies to him to be registered as a mechanic in respect of a particular weighing or measuring instrument or any weighing or measuring instrument of a particular class or make or all weighing or measuring instruments and who satisfies the superintendent that he is competent to carry out the maintenance of and any repairs to that particular instrument or any such instrument of that particular class or make or any such instrument whatever, as the case may be, in such a manner as to maintain or render it correct and assizable.

(2) The superintendent shall on the application of any registered mechanic issue to him a certificate indicating the particular weighing or measuring instrument or the particular class or make of weighing or measuring instrument in respect of which he has been registered as provided in sub-section (1) or indicating that he has been so registered in respect of all weighing or measuring instruments, as the case may be.

(3) The name of any registered mechanic may be removed from the register and any certificate issued to him under sub-section (2) may be cancelled by the superintendent if the superintendent is no longer satisfied in regard to the competency of such mechanic as provided in sub-section (1) or if such mechanic has contravened or failed to comply with any provision of this Act.

Repair of contract instruments by registered mechanics.

36*ter*. (1) (*a*) If the superintendent is satisfied that the maintenance of and all repairs to any weighing or measuring instrument used in trade by any person are carried out by a registered mechanic employed by such person, he may, on the application of such person, issue to him a certificate exempting, subject to the provisions of the regulations, such person and such mechanic in his employ from compliance with the provisions of sub-section (1) of section *thirty-six* in respect of any repairs to such instrument by such mechanic.

(*b*) A person to whom such a certificate has been issued shall notify in writing an assizer designated in the certificate, of any change in the circumstances affecting its issue.

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(2) (*a*) Indien die superintendent oortuig is dat elke weeg- of meetinstrument wat deur enige persoon (in hierdie artikel 'n kontrakteur genoem) in stand gehou en herstel word ingevolge skriftelike ooreenkomste tussen hom en persone wat sulke instrumente in die handel gebruik, in stand gehou en alle herstelwerk daaraan gedoen word deur 'n geregistreerde werktuigkundige synde sodanige kontrakteur of sy werknemer, kan hy, op aansoek van sodanige kontrakteur, aan hom 'n sertifikaat uitreik wat, behoudens die bepalings van die regulasies, sodanige kontrakteur en so 'n werktuigkundige in sy diens onthef van nakoming van die bepalings van sub-artikel (1) van artikel *ses-en-dertig* ten opsigte van herstelwerk aan enige weeg- of meetinstrument deur sodanige kontrakteur ingevolge enige sodanige skriftelike ooreenkoms in stand gehou en herstel.

(*b*) 'n Kontrakteur aan wie so 'n sertifikaat uitgereik is, stel 'n ykbeampte in die sertifikaat aangewys skriftelik in kennis van elke skriftelike ooreenkoms ingevolge waarvan hy 'n weeg- of meetinstrument wat deur iemand anders in die handel gebruik word, in stand hou en herstel en van enige verandering in die omstandighede wat die uitreiking van die sertifikaat raak.

(3) (*a*) Indien die superintendent oortuig is dat elke weeg- of meetinstrument wat deur of namens die eienaar daarvan in stand gehou en herstel word en deur iemand anders as sodanige eienaar in die handel gebruik word, in stand gehou en alle herstelwerk daaraan gedoen word deur 'n geregistreerde werktuigkundige synde sodanige eienaar of sy werknemer of agent, kan hy, op aansoek van sodanige eienaar, aan hom 'n sertifikaat uitreik wat, behoudens die bepalings van die regulasies, sodanige eienaar en so 'n werktuigkundige wat in sy diens is of as sy agent optree, onthef van nakoming van die bepalings van sub-artikel (1) van artikel *ses-en-dertig* ten opsigte van herstelwerk aan so 'n weeg- of meetinstrument.

(*b*) 'n Eienaar aan wie so 'n sertifikaat uitgereik is, stel 'n ykbeampte in die sertifikaat aangewys skriftelik in kennis van die plek waar so 'n weeg- of meetinstrument gehou word en van enige verandering in die omstandighede wat die uitreiking van die sertifikaat raak.

(4) 'n Sertifikaat kragtens sub-artikel (1), (2) of (3) uitgereik, kan te eniger tyd deur die superintendent ingetrek word indien hy nie meer oortuig is soos in die betrokke sub-artikel bepaal nie of indien die persoon aan wie dit uitgereik is of iemand wat in die loop van sy diens of binne die bestek van sy bevoegdheid as werknemer of agent van daardie persoon optree, 'n bepaling van hierdie Wet oortree.

(5) 'n Geregistreerde werktuigkundige wat 'n weeg- of meetinstrument herstel het wat hy uit hoofde van 'n sertifikaat uitgereik kragtens sub-artikel (1), (2) of (3) kan herstel sonder om aan die bepalings van sub-artikel (1) van artikel *ses-en-dertig* te voldoen, oortuig homself dat die instrument juis en ykbaar is en reik, indien aldus oortuig, aan die persoon wat die instrument in die handel gebruik 'n deur hom ondertekende sertifikaat uit dat die instrument op die datum in die sertifikaat vermeld, deur hom herstel is en juis en ykbaar is.

(6) 'n Weeg- of meetinstrument ten opsigte waarvan 'n sertifikaat kragtens sub-artikel (5) uitgereik is, word, solank dit in die handel gebruik word deur die persoon aan wie die sertifikaat uitgereik is en totdat dit daarna weer herstel word of deur 'n ykbeampte geyk of afgewys word, by die toepassing van hierdie Wet geag geyk te wees.

(7) Waar 'n geregistreerde werktuigkundige uit hoofde van 'n sertifikaat uitgereik kragtens sub-artikel (1), (2) of (3) 'n weeg- of meetinstrument kan herstel sonder om aan die bepalings van sub-artikel (1) van artikel *ses-en-dertig* te voldoen, mag niemand behalwe bedoelde geregistreerde werktuigkundige

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(2) (*a*) If the superintendent is satisfied that the maintenance of and all repairs to every weighing or measuring instrument maintained and repaired by any person (in this section referred to as a contractor) in terms of written agreements between himself and any persons who use such instruments in trade, are carried out by a registered mechanic being such contractor or his employee, he may on the application of such contractor, issue to him a certificate exempting, subject to the provisions of the regulations, such contractor and any such mechanic in his employ from compliance with the provisions of sub-section (1) of section *thirty-six* in respect of any repairs to any weighing or measuring instrument maintained and repaired by such contractor in terms of any such written agreement.

(*b*) A contractor to whom such a certificate has been issued shall notify in writing an assizer designated in the certificate, of every written agreement in terms of which he maintains and repairs any weighing or measuring instrument used in trade by any other person and of any change in the circumstances affecting the issue of the certificate.

(3) (*a*) If the superintendent is satisfied that the maintenance of and all repairs to every weighing or measuring instrument maintained and repaired by or on behalf of the owner thereof and used in trade by any person other than such owner, are carried out by a registered mechanic being such owner or his employee or agent, he may on the application of such owner issue to him a certificate exempting, subject to the provisions of the regulations, such owner and any registered mechanic in his employ or acting as his agent, from compliance with the provisions of sub-section (1) of section *thirty-six* in respect of any repairs to any such weighing or measuring instrument.

(*b*) An owner to whom such a certificate has been issued shall notify in writing an assizer designated in the certificate, of the place where any such weighing or measuring instrument is kept and of any change in the circumstances affecting the issue of the certificate.

(4) A certificate issued under sub-section (1), (2) or (3) may at any time be cancelled by the superintendent if he is no longer satisfied as provided in the relevant sub-section or if the person to whom it was issued or any person acting in the course of his employment or within the scope of his authority as the employee or agent of that person, contravenes any provision of this Act.

(5) A registered mechanic who has repaired any weighing or measuring instrument which he may by virtue of a certificate issued under sub-section (1), (2) or (3) repair without complying with the provisions of sub-section (1) of section *thirty-six*, shall satisfy himself that such instrument is correct and assizable and, if so satisfied, shall issue to the person who uses such instrument in trade a certificate signed by him that such instrument has on the date mentioned in the certificate been repaired by him and is correct and assizable.

(6) A weighing or measuring instrument in respect of which a certificate has been issued under sub-section (5) shall, while it is used in trade by the person to whom the certificate has been issued and until it is thereafter again repaired or is assized or rejected by an assizer, for the purposes of this Act be deemed to be assized.

(7) Where any registered mechanic may by virtue of a certificate issued under sub-section (1), (2) or (3) repair any weighing or measuring instrument without complying with the provisions of sub-section (1) of section *thirty-six*, no person other than such registered mechanic shall maintain or

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daardie instrument in stand hou of herstel of 'n handeling verrig wat deel uitmaak van die werk betrokke by die instandhouding of herstel daarvan nie.

(8) Iemand wat kragtens sub-artikel (5) 'n sertifikaat uitreik ten opsigte van 'n kontrakinstrument wat nie juis en ykbaar is nie, is aan 'n misdryf skuldig.".

Wysiging van artikel 41 van Wet 13 van 1958, soos gewysig deur artikel 12 van Wet 26 van 1960.

25. Artikel *een-en-veertig* van die Hoofwet word hierby gewysig deur paragraaf (*c*) van sub-artikel (4) deur die volgende paragraaf te vervang:

„(*c*) Die bepalings van paragraaf (*b*) is nie van toepassing nie—

(i) ten opsigte van die verkoop van bier, wyn of ander sterk drank in hoeveelhede van 'n kwart, 'n pint, 'n halfpint of 'n sesde, 'n twaalfde of 'n vier-en-twintigste van 'n gelling in houers wat sodanige hoeveelhede bevat;

(ii) ten opsigte van 'n houer wat slegs gebruik word as 'n vat vir die hou van vloeistof in massa vir verkoop in hoeveelhede wat op 'n ander wyse as in of deur middel van sodanige houer gemeet word.".

Wysiging van artikel 43 van Wet 13 van 1958, soos gewysig deur artikel 13 van Wet 26 van 1960.

26. Artikel *drie-en-veertig* van die Hoofwet word hierby gewysig—

(*a*) deur paragrawe (*b*) en (*c*) van sub-artikel (1) deur die volgende paragrawe te vervang:

„(*b*) aan die koper enige goedere wat hy volgens gewig en anders as in klaargemaakte pakkies of houers verkoop het, lewer nie, tensy die netto gewig van sodanige goedere op die by regulasie voorgeskrewe wyse aangetoon word op sodanige goedere of op 'n faktuur, afleweringsbrief of ander geskrif wat saam met sodanige goedere gelewer word; of

(*c*) goedere in klaargemaakte pakkies of houers volgens gewig verkoop nie, tensy die netto gewig van die goedere duidelik en leesbaar aan die buitekant van die pakkie of houer op die by regulasie voorgeskrewe wyse gemerk is, en, behoudens ingevolge hierdie Wet toelaatbare onnoukeurigheidsperke, met die gewig aldus gemerk, ooreenstem."; en

(*b*) deur sub-artikels (3) en (4) deur die volgende sub-artikels te vervang:

„(3) Paragraaf (*c*) van sub-artikel (1) is nie van toepassing op 'n artikel wat uitdruklik by regulasie vrygestel word van een van of al die bepalings van daardie paragraaf nie en gemelde paragraaf en paragraaf (*b*) van daardie sub-artikel is nie van toepassing op goedere wat op die tydstip van verkoop in die teenwoordigheid van die koper of sy agent uit massa geneem en geweeg word en volgens die netto gewig by die weeg bepaal, verkoop word nie.

(4) Niemand mag 'n artikel wat op die in paragraaf (*a*) van sub-artikel (2) omskrewe wyse vrygestel word, volgens gewig verkoop nie, tensy dit opvallend op die pakkie of houer waarin dit verkoop word, op die by regulasie voorgeskrewe wyse gemerk word met 'n verklaring waarin die netto gewig van die inhoud ten tyde van die verpakking aangegee word.".

Wysiging van artikel 45 van Wet 13 van 1958.

27. Artikel *vyf-en-veertig* van die Hoofwet word hierby gewysig deur in paragraaf (*b*) van sub-artikel (2) die woorde „in die Unie gangbare" deur die woorde „volgens standaardmate of -gewigte berekende" te vervang.

Wysiging van artikel 46 van Wet 13 van 1958.

28. Artikel *ses-en-veertig* van die Hoofwet word hierby gewysig deur die woord „Unie-mate" deur die woorde „mate van die Republiek" te vervang.

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repair such instrument or perform any act forming part of the work involved in maintaining or repairing it.

(8) Any person who issues a certificate under sub-section (5) in respect of a contract instrument which is not correct and assizable, shall be guilty of an offence.".

Amendment of section 41 of Act 13 of 1958, as amended by section 12 of Act 26 of 1960.

25. Section *forty-one* of the principal Act is hereby amended by the substitution for paragraph (*c*) of sub-section (4) of the following paragraph:

"(*c*) The provisions of paragraph (*b*) shall not apply—

(i) in respect of the sale of beer, wine or other intoxicating liquor in quantities of one quart, one pint, one half-pint or one-sixth, one-twelfth or one twenty-fourth of a gallon in containers holding such quantities;

(ii) in respect of any container used only as a vessel for the keeping of fluid in bulk for sale in quantities measured otherwise than in or by means of such container.".

Amendment of section 43 of Act 13 of 1958, as amended by section 13 of Act 26 of 1960.

26. Section *forty-three* of the principal Act is hereby amended—

(*a*) by the substitution for paragraphs (*b*) and (*c*) of sub-section (1) of the following paragraphs:

"(*b*) deliver to the purchaser any goods sold by him by weight and otherwise than in made-up packages or containers, unless the net weight of such goods is in the manner prescribed by regulation indicated on such goods or on any invoice, delivery note or other writing delivered with such goods; or

(*c*) sell by weight any goods in made-up packages or containers, unless the net weight of such goods is clearly and legibly marked on the outside of the package or container in the manner prescribed by regulation and is, subject to any limits of error permissible in terms of this Act, in accordance with the weight so marked."; and

(*b*) by the substitution for sub-sections (3) and (4) of the following sub-sections:

"(3) Paragraph (*c*) of sub-section (1) shall not apply to any article which is specially exempted by regulation from any or all of the provisions of that paragraph, and the said paragraph and paragraph (*b*) of that sub-section shall not apply to goods taken from bulk and weighed at the time of the sale in the presence of the purchaser or his agent and sold by the net weight determined by such weighing.

(4) No person shall sell by weight any article exempted in the manner described in paragraph (*a*) of sub-section (2), unless it is conspicuously marked on the package or container in which it is sold, in the manner prescribed by regulation with a statement giving the net weight of the contents at the time of packing.".

Amendment of section 45 of Act 13 of 1958.

27. Section *forty-five* of the principal Act is hereby amended by the substitution in paragraph (*b*) of sub-section (2) for the words "Union equivalent" of the words "equivalents in standard weights or measures".

Amendment of section 46 of Act 13 of 1958.

28. Section *forty-six* of the principal Act is hereby amended by the substitution for the words "Union measure" of the words "a measure of the Republic".

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Wysiging van artikel 47 van Wet 13 van 1958, soos gewysig deur artikel 15 van Wet 26 van 1960.

29. Artikel *sewe-en-veertig* van die Hoofwet word hierby gewysig—

(*a*) deur na paragraaf (*a*) van sub-artikel (1) die volgende paragraaf in te voeg:

„(*a*)*bis* wat enige klas of fabrikaat van weeg- of meetinstrument, maat of gewig, of enige sodanige instrument, maat of gewig wat vir 'n bepaalde doel of op 'n bepaalde wyse in die handel gebruik word, van die bepalings van sub-artikel (1) van artikel *agtien* vrystel, en wat die voorwaardes, beperkings en vereistes voorskryf in verband met die gebruik in die handel van so 'n instrument, maat of gewig aldus vrygestel ingevolge sodanige regulasies of kragtens sub-artikel (2) van artikel *agtien* deur die superintendent;";

(*b*) deur in paragraaf (*g*) van daardie sub-artikel die woord „onnoukeurigheidsperke", waar dit vir die eerste keer voorkom, deur die woorde „perke van onnoukeurigheid of gevoeligheid" te vervang;

(*c*) deur paragraaf (*h*) van gemelde sub-artikel deur die volgende paragraaf te vervang:

„(*h*) wat die verkoop of invoer vir verkoop volgens standaardmate of -gewigte, of indien ingevolge hierdie Wet toelaatbaar, volgens ander mate of gewigte, van een of ander ware wat in groot mate deur die publiek gebruik word, reël en beheer, en wat vereis dat bedoelde ware slegs in of deur middel van geykte of herykte mate, of volgens maat, gewig of getal en ooreenkomstig 'n voorgeskrewe skaal van hoeveelhede verkoop word;";

(*d*) deur na paragraaf (*k*) van gemelde sub-artikel die volgende paragrawe in te voeg:

„(*k*)*bis* wat die wyse voorskryf waarop die vaardigheid getoets kan word van iemand wat aansoek doen om kragtens artikel *ses-en-dertig bis* as 'n werktuigkundige geregistreer te word, en wat voorsiening maak vir skriftelike of ander toetse ten opsigte waarvan dit van so iemand vereis kan word dat hy daarin moet slaag voordat hy aldus geregistreer word en vir gelde ten opsigte van sodanige toetse deur so iemand betaalbaar;

(*k*)*ter* wat die pligte voorskryf van iemand wat 'n kontrakinstrument in die handel gebruik of aan wie 'n sertifikaat kragtens sub-artikel (1), (2) of (3) van artikel *ses-en-dertig ter* uitgereik is, of van 'n geregistreerde werktuigkundige wat so 'n instrument herstel of herstel het, met inbegrip van die plig om aan die superintendent of 'n ykbeampte kennis te gee van voorgenome of voltooide herstelwerk aan so 'n instrument en, in die geval van so 'n werktuigkundige, die plig om, voordat hy 'n sertifikaat kragtens sub-artikel (5) van daardie artikel ten opsigte van so 'n instrument uitreik, 'n ykstempel daarop wat ingevolge artikel *twintig* gerojeer is, uit te wis;";

(*e*) deur in paragraaf (*q*) van gemelde sub-artikel die woorde „Unie-, departementele, plaaslike" deur die woorde „departementele, afdeling-, streek-" te vervang; en

(*f*) deur na paragraaf (*t*) van gemelde sub-artikel die volgende paragraaf in te voeg:

„(*u*) met betrekking tot enige ander aangeleentheid wat ingevolge hierdie Wet voorgeskryf moet of kan word,".

Vervanging van artikel 48 van Wet 13 van 1958, soos gewysig deur artikel 16 van Wet 26 van 1960.

30. Artikel *agt-en-veertig* van die Hoofwet word hierby deur die volgende artikel vervang:

„Misdrywe en strawwe.

48. Iemand wat 'n bepaling van hierdie Wet oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig, en is, waar geen uitdruklike straf bepaal word nie, by 'n eerste skuldigbevinding strafbaar met 'n boete van hoogstens 'n duisend rand of, by wanbetaling van sodanige boete, gevangenisstraf vir 'n tydperk van hoogstens ses maande, en by 'n tweede of daaropvolgende skuldigbevinding met daardie boete of, by wanbetaling daarvan, sodanige gevangenisstraf of met sodanige gevangenisstraf sonder die keuse van 'n boete.".

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29. Section *forty-seven* of the principal Act is hereby amended—

Amendment of section 47 of Act 13 of 1958, as amended by section 15 of Act 26 of 1960.

(*a*) by the insertion after paragraph (*a*) of sub-section (1) of the following paragraph:

"(*a*)*bis* exempting from the provisions of sub-section (1) of section *eighteen* any class or make of weighing or measuring instrument, weight or measure, or any such instrument, weight or measure used in trade for a particular purpose or in a particular manner, and prescribing the conditions, limitations and requirements in connection with the use in trade of any such instrument, weight or measure so exempted in terms of such regulations or by the superintendent under sub-section (2) of section *eighteen*;";

(*b*) by the insertion in paragraph (*g*) of that sub-section after the word "error" where it occurs for the first time of the words "or sensitiveness";

(*c*) by the substitution for paragraph (*h*) of the said sub-section of the following paragraph:

"(*h*) regulating and controlling the sale or importation for sale by standard weight or measure or where permissible by this Act, by other weight or measure, of any commodity largely used by the public, and requiring that any such commodity shall be sold in or by means of assized or re-assized measures or by weight, measure or number only and according to a prescribed scale of quantities;";

(*d*) by the insertion after paragraph (*k*) of the said sub-section of the following paragraphs:

"(*k*)*bis* prescribing the manner in which the competency of any person applying to be registered as a mechanic under section *thirty-six bis* may be tested and providing for written or other tests which any such person may be required to pass before being so registered and for fees payable by such person in respect of such tests;

(*k*)*ter* prescribing the duties of any person who uses in trade any contract instrument or to whom a certificate has been issued under sub-section (1), (2) or (3) of section *thirty-six ter*, or of any registered mechanic who repairs or has repaired any such instrument, including the duty to give notice to the superintendent or any assizer of any intended or completed repairs to any such instrument and, in the case of any such mechanic, the duty to obliterate, before issuing any certificate under sub-section (5) of that section in respect of any such instrument, any stamp of assize thereon which has been defaced under section *twenty*;";

(*e*) by the substitution in paragraph (*q*) of the said sub-section for the words "Union, departmental, local" of the words "departmental, divisional, regional"; and

(*f*) by the insertion after paragraph (*t*) of the said sub-section of the following paragraph:

"(*u*) with regard to any other matter which in terms of this Act is required or permitted to be prescribed,".

30. The following section is hereby substituted for section *forty-eight* of the principal Act:

Substitution of section 48 of Act 13 of 1958, as amended by section 16 of Act 26 of 1960.

"Offences and penalties.

48. Any person who contravenes, or fails to comply with, any provision of this Act shall be guilty of an offence and shall, where no penalty is specially provided, be liable on a first conviction, to a fine not exceeding one thousand rand or, in default of payment of such fine, imprisonment for a period not exceeding six months, and on a second or subsequent conviction to such fine or, in default of payment thereof, such imprisonment or to such imprisonment without the option of a fine.".

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Vervanging van die Eerste Bylae by Wet 13 van 1958.

31. Die Eerste Bylae by die Hoofwet word hierby deur die Bylae by hierdie Wet vervang.

Wysiging van die Tweede Bylae by Wet 13 van 1958.

32. Die Tweede Bylae by die Hoofwet word hierby gewysig deur in Tabel II die opskrif „(*a*) Unie-vloeistofmate" deur die opskrif „(*a*) Vloeistofmate" te vervang.

Vervanging van die woorde „Goewerneur-generaal" en „Unie" in Wet 13 van 1958 deur die woorde „Staatspresident" en „Republiek".

33. Behoudens die voorafgaande bepalings van hierdie Wet word die Hoofwet hierby gewysig deur die woord „Goewerneur-generaal" oral waar dit voorkom deur die woord „Staatspresident" en die woord „Unie" oral waar dit voorkom deur die woord „Republiek" te vervang.

Kort titel en inwerkingtreding.

34. Hierdie Wet heet die Wysigingswet op Mate en Gewigte, 1964, en tree in werking op 'n datum deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

Bylae.

(EERSTE BYLAE BY WET 13 VAN 1958.)

GRONDMETINGSEENHEDE.

1. Bepaling van Gewig.
   (*a*) Die kilogram, voorgestel deur die massa van die voorwerp wat deur die Algemene Internasionale Konferensie van Mate en Gewigte as die internasionale prototipe van die kilogram erken is en wat by die Internasionale Buro vir Mate en Gewigte bewaar word.
   (*b*) Die pond, synde 0·45359237 kilogram.
2. Bepaling van lengte.
   (*a*) Die meter, synde die lengte gelyk aan 1,650,763·73 golflengtes in 'n vakuum van die straling wat met die oorgang tussen die vlakke $2p_{10}$ en $5d_5$ van die kripton-86-atoom ooreenstem.
   (*b*) Die jaart, synde 0·9144 meter.
3. Bepaling van inhoud (of volume).
   (*a*) Die liter, synde die volume in beslag geneem deur een kilogram gedistilleerde water by maksimum-digtheid en onder standaard-lugdruk.
   (*b*) Die gelling, synde die volume in beslag geneem deur tien pond gewig gedistilleerde water van die digtheid 0·998859 gram per milliliter in lug van die digtheid 0·001217 gram per milliliter geweeg teen gewigte van die digtheid 8·136 gram per milliliter.
4. Bepaling van oppervlakte.
   (*a*) Die vierkante meter, synde 'n oppervlak gelyk aan dié van 'n vierkant met sye van een meter elk.
   (*b*) Die vierkante jaart, synde 'n oppervlak gelyk aan dié van 'n vierkant met sye van een jaart elk.
5. Bepaling van kubieke inhoud.
   (*a*) Die kubieke meter, synde die volume in beslag geneem deur 'n kubus met sykante van een meter elk.
   (*b*) Die kubieke jaart, synde die volume in beslag geneem deur 'n kubus met sykante van een jaart elk.

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31. The Schedule to this Act is hereby substituted for the First Schedule to the principal Act. Substitution of the First Schedule to Act 13 of 1958.

32. The Second Schedule to the principal Act is hereby amended by the substitution in Table II for the superscription "(*a*) Union liquid measures" of the superscription "(*a*) Liquid measures". Amendment of the Second Schedule to Act 13 of 1958.

33. Subject to the preceding provisions of this Act, the principal Act is hereby amended by the substitution for the word "Governor-General" wherever it occurs of the words "State President" and for the word "Union" wherever it occurs of the word "Republic". Substitution in Act 13 of 1958 for the words "Governor-General" and "Union" of the words "State President" and "Republic".

34. This Act shall be called the Weights and Measures Amendment Act, 1964, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*. Short title and commencement.

Schedule.

(FIRST SCHEDULE TO ACT 13 OF 1958.)

BASIC UNITS OF MEASUREMENT.

1. Measurement of weight.
   (*a*) The kilogram, represented by the mass of the piece recognized by the General International Conference of Weights and Measures as the international prototype of the kilogram and deposited at the International Bureau of Weights and Measures.
   (*b*) The pound, being 0·45359237 kilogram.
2. Measurement of length.
   (*a*) The metre, being the length equal to 1,650,763·73 wavelengths in vacuum of the radiation corresponding to the transition between the levels $2p_{10}$ and $5d_5$ of the krypton-86 atom.
   (*b*) The yard, being 0·9144 metre.
3. Measurement of capacity (or volume).
   (*a*) The litre, being the volume occupied by one kilogram of distilled water at its maximum density and under standard atmospheric pressure.
   (*b*) The gallon, being the volume occupied by ten pounds weight of distilled water of density 0·998859 gram per millilitre, weighed in air of density 0·001217 gram per millilitre, against weights of density 8·136 grams per millilitre.
4. Measurement of area.
   (*a*) The square metre, being a superficial area equal to that of a square each side of which measures one metre.
   (*b*) The square yard, being a superficial area equal to that of a square each side of which measures one yard.
5. Measurement of cubic content.
   (*a*) The cubic metre, being the volume occupied by a cube each edge of which measures one metre.
   (*b*) The cubic yard, being the volume occupied by a cube each edge of which measures one yard.

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No. 45, 1964.]

WET

Tot wysiging van die Wet op die Ontwikkeling van Uitvindings, 1962.

(*Engelse teks deur die Staatspresident geteken.*)
(*Goedgekeur op* 21 *Mei* 1964.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 12 van Wet 31 van 1962.

1. Artikel *twaalf* van die Wet op die Ontwikkeling van Uitvindings, 1962 (hieronder die Hoofwet genoem), word hierby gewysig deur in sub-artikel (3) al die woorde na die woord „word" deur die woorde „deur die navorsingsraad vir navorsing aangewend" te vervang.

Wysiging van artikel 16 van Wet 31 van 1962.

2. Artikel *sestien* van die Hoofwet word hierby gewysig—

(*a*) deur in sub-artikel (1) die uitdrukking „sub-artikels (2) en (3)" deur die uitdrukking „sub-artikel (2)" te vervang;

(*b*) deur sub-artikel (3) te skrap.

Kort titel en datum van inwerkingtreding.

3. Hierdie Wet heet die Wysigingswet op die Ontwikkeling van Uitvindings, 1964, en word geag op die nege-en-twintigste dag van Maart 1962 in werking te getree het.

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No. 45, 1964.]

ACT

To amend the Inventions Development Act, 1962.

(*English text signed by the State President.*)
(*Assented to* 21*st May*, 1964.)

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 12 of Act 31 of 1962.

1. Section *twelve* of the Inventions Development Act, 1962 (hereinafter referred to as the principal Act), is hereby amended by the substitution in sub-section (3) for all the words after the words "paid shall" of the words "be used by the research council for research purposes".

Amendment of section 16 of Act 31 of 1962.

2. Section *sixteen* of the principal Act is hereby amended—

(*a*) by the substitution in sub-section (1) for the expression "sub-sections (2) and (3)" of the expression "sub-section (2)";

(*b*) by the deletion of sub-section (3).

Short title and date of commencement.

3. This Act shall be called the Inventions Development Amendment Act, 1964, and shall be deemed to have come into operation on the twenty-ninth day of March, 1962.

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No. 46, 1964.]

WET

Tot wysiging van die Wet op Myne en Bedrywe, 1956, en die Wet op Ontplofbare Stowwe, 1956.

(*Afrikaanse teks deur die Staatspresident geteken.*)
(*Goedgekeur op* 21 *Mei* 1964.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 1 van Wet 27 van 1956, soos gewysig deur artikel 1 van Wet 51 van 1959.

1. Artikel *een* van die Wet op Myne en Bedrywe, 1956 (hieronder die Hoofwet genoem), word hierby gewysig—

(*a*) deur voor die woordbepaling van „bedryf" die volgende woordbepaling in te voeg:
„,Adjunk-staatsmyningenieur' 'n kragtens artikel *ses* van die ,Precious and Base Metals Act, 1908' (Wet No. 35 van 1908 van Transvaal), aangestelde Adjunk-staatsmyningenieur;";

(*b*) deur na die woordbepaling van „Adjunk-staatsmyningenieur" die volgende woordbepaling in te voeg:
„,Assistent-staatsmyningenieur' 'n kragtens artikel *ses* van die ,Precious and Base Metals Act, 1908' (Wet No. 35 van 1908 van Transvaal), aangestelde Assistent-staatsmyningenieur;";

(*c*) deur in die woordbepaling van „bedryf" paragrawe (*g*), (*h*), (*j*) en (*k*) te skrap;

(*d*) deur die woordbepaling van „inspekteur van ontplofbare stowwe" te skrap;

(*e*) deur in die woordbepaling van „myn" na die woord „word" waar dit die tweede maal voorkom die woorde „en 'n steengroef," in te voeg; en

(*f*) deur na die woordbepaling van „myn" die volgende woordbepaling in te voeg:
„,mynveiligheidskomitee' die kragtens artikel *twee bis* ingestelde mynveiligheidskomitee;".

Vervanging van artikel 2 van Wet 27 van 1956.

2. Artikel *twee* van die Hoofwet word hierby deur die volgende artikel vervang:

„Amptelike toesig oor myne, bedrywe en masjinerie.

2. Die Staatsmyningenieur en, aan sy opdragte onderworpe, die Adjunk-staatsmyningenieurs, Assistent-staatsmyningenieurs, inspekteurs van myne, inspekteurs van masjinerie en ander kragtens artikel *ses* van die ,Precious and Base Metals Act, 1908' (Wet No. 35 van 1908 van Transvaal), deur die Staatspresident aangestelde beamptes, hou oor alle myne, bedrywe en masjinerie toesig.".

Invoeging van artikel 2*bis* in Wet 27 van 1956.

3. Die volgende artikel word hierby na artikel *twee* in die Hoofwet ingevoeg:

„Instelling van mynveiligheidskomitee.

2*bis*. (1) Daar moet 'n mynveiligheidskomitee ingestel word, wie se werksaamhede is:

(*a*) om die Staatsmyningenieur van advies te dien oor die toesig wat ingevolge artikel *twee* oor myne uitgeoefen moet word of oor enigiets of 'n gebruik wat die veiligheid of gesondheid van persone wat by myne werksaam is, raak of waarskynlik sal raak; en

(*b*) om die ander werksaamhede te verrig waarvoor in hierdie Wet voorsiening gemaak word.

(2) Die mynveiligheidskomitee bestaan uit hoogstens tien lede.

(3) Die Minister stel as lede aan—

(*a*) die Staatsmyningenieur wat *ex officio* voorsitter is;

(*b*) 'n Adjunk-staatsmyningenieur;

(*c*) die hoofinspekteur van masjinerie;

(*d*) drie persone benoem deur 'n organisasie of organisasies wat, volgens die oordeel van die Minister, verteenwoordigend is van die myneienaars;

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No. 46, 1964.]

ACT

To amend the Mines and Works Act, 1956, and the Explosives Act, 1956.

(*Afrikaans text signed by the State President.*)
(*Assented to 21st May*, 1964.)

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 1 of Act 27 of 1956, as amended by section 1 of Act 51 of 1959.

1. Section *one* of the Mines and Works Act, 1956 (hereinafter referred to as the principal Act), is hereby amended—

(*a*) by the insertion before the definition of "boiler" of the following definition:

"'Assistant Government Mining Engineer' means an Assistant Government Mining Engineer appointed under section *six* of the Precious and Base Metals Act, 1908 (Act No. 35 of 1908 of the Transvaal);";

(*b*) by the insertion after the definition of "boiler" of the following definitions:

"'Deputy Government Mining Engineer' means a Deputy Government Mining Engineer appointed under section *six* of the Precious and Base Metals Act, 1908 (Act No. 35 of 1908 of the Transvaal);";

(*c*) by the deletion of the definition of "inspector of explosives";

(*d*) by the amendment of the definition of "mine" by the insertion after the word "worked" where it occurs for the second time of the words "and any quarry,";

(*e*) by the insertion after the definition of "mineral" of the following definition:

"'mine safety committee' means the mine safety committee established under section *two bis*;"; and

(*f*) by the deletion in the definition of "works" of paragraphs (*g*), (*h*), (*j*) and (*k*).

Substitution of section 2 of Act 27 of 1956.

2. The following section is herby substituted for section *two* of the principal Act:

"Official supervision of mines, works and machinery.

2. The Government Mining Engineer and, subject to his directions, the Deputy Government Mining Engineers, Assistant Government Mining Engineers, inspectors of mines, inspectors of machinery and other officers appointed by the State President under section *six* of the Precious and Base Metals Act, 1908 (Act No. 35 of 1908 of the Transvaal), shall exercise supervision over all mines, works and machinery.".

Insertion of section 2*bis* in Act 27 of 1956.

3. The following section is hereby inserted in the principal Act after section *two*:

"Establishment of mine safety committee.

2*bis*. (1) There shall be established a mine safety committee, whose functions shall be:

(*a*) to advise the Government Mining Engineer on the supervision to be exercised over mines in terms of section *two* or on any thing or practice which affects or is likely to affect the safety or health of persons employed at mines; and

(*b*) to perform such other functions as may be provided for in this Act.

(2) The mine safety committee shall consist of not more than ten members.

(3) The Minister shall appoint as members—

(*a*) the Government Mining Engineer, who shall *ex officio* be chairman;

(*b*) a Deputy Government Mining Engineer;

(*c*) the chief inspector of machinery;

(*d*) three persons nominated by an organization or organizations which, in the opinion of the Minister, is or are representative of the owners of mines;

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(*e*) drie persone benoem deur 'n organisasie of organisasies wat, volgens die oordeel van die Minister, verteenwoordigend is van daagliks-betaalde werknemers wat by myne werksaam is; en

(*f*) een persoon benoem deur 'n organisasie of organisasies wat, volgens die oordeel van die Minister, verteenwoordigend is van die beamptes wat by myne werksaam is.

(4) Die Minister kan na goeddunke weier om iemand wat ingevolge paragraaf (*d*), (*e*) of (*f*) van sub-artikel (3) benoem is, aan te stel indien hy rede het om te glo dat daardie persoon nie 'n geskikte persoon is om 'n lid te wees nie.

(5) (*a*) Vir elke lid moet daar een of meer plaasvervangers wees en 'n plaasvervanger of plaasvervangers van 'n lid wat kragtens paragraaf (*d*), (*e*) of (*f*) van sub-artikel (3) aangestel word, word op dieselfde wyse as so 'n lid aangestel en die bepalings van sub-artikel (4) is met betrekking tot die aanstelling van so 'n plaasvervanger van toepassing.

(*b*) Wanneer 'n lid nie op 'n vergadering van die mynveiligheidskomitee aanwesig kan wees nie, kan 'n plaasvervanger wat vir daardie lid aangestel is, daardie vergadering in sy plek bywoon en aan die verrigtinge deelneem.

(6) Die Adjunk-staatsmyningenieur wat kragtens paragraaf (*b*) van sub-artikel (3) as lid aangestel is, tree as voorsitter op wanneer die Staatsmyningenieur om enige rede afwesig is.

(7) 'n Lid wat nie in die voltydse diens van die Staat is nie en 'n plaasvervanger van so 'n lid word aangestel op die diensvoorwaardes en vir die tydperk nie drie jaar te bowe gaande nie, wat die Minister in oorleg met die Minister van Finansies bepaal: Met dien verstande dat 'n lid of plaasvervanger wie se ampstermyn verstryk het, weer aangestel kan word.

(8) 'n Lid wat nie in die voltydse diens van die Staat is nie, ontruim sy amp indien hy sonder die voorsitter se toestemming van vier agtereenvolgende vergaderings afwesig is of indien hy insolvent of kranksinnig raak of aan 'n misdryf skuldig bevind word en tot gevangenisstraf sonder die keuse van 'n boete gevonnis word.

(9) (*a*) Die Minister kan, na oorlegpleging met die Staatsmyningenieur en teen die besoldiging wat hy in oorleg met die Minister van Finansies bepaal, persone met gespesialiseerde kennis aanstel om die mynveiligheidskomitee of die Staatsmyningenieur of 'n ander in hierdie Wet genoemde beampte van advies te dien oor enige aangeleentheid waarmee die mynveiligheidskomitee of die Staatsmyningenieur of sodanige ander beampte kragtens hierdie Wet moet handel.

(*b*) 'n Kragtens paragraaf (*a*) aangestelde persoon kan, wanneer hy skriftelik deur die Staatsmyningenieur daartoe gemagtig is, te eniger redelike tyd 'n myn of bedryf betree en daardie myn of bedryf of enige deel daarvan of enige masjinerie aldaar inspekteer of ondersoek mits die betreding, inspeksie of ondersoek ter uitvoering van sy pligte nodig is en mits voorts hy nie die werking van die myn of die voortsetting van die bedryf hinder of belemmer nie.".

Vervanging van artikel 3 van Wet 27 van 1956.

4. Artikel *drie* van die Hoofwet word hierby deur die volgende artikel vervang:

„Algemene bevoegdhede van inspekteurs en beamptes.

3. (1) 'n Inspekteur van myne of masjinerie en 'n ander in artikel *twee* bedoelde beampte, kan te eniger tyd van die dag of nag 'n myn of bedryf waaroor hy ingevolge die opdragte van die Staatsmyningenieur toesig hou, betree en so 'n myn of bedryf of enige deel daarvan of enige masjinerie aldaar of enige boek, aantekening, dokument, plan of tekening wat ingevolge hierdie Wet gehou word inspekteer of ondersoek, mits hy nie die werking van die myn of die voortsetting van die bedryf hinder of belemmer nie.

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(*e*) three persons nominated by an organization or organizations which, in the opinion of the Minister, is or are representative of daily paid workers employed at mines; and

(*f*) one person nominated by an organization or organizations which, in the opinion of the Minister, is or are representative of the officials employed at mines.

(4) The Minister may in his discretion refuse to appoint any person nominated under paragraph (*d*), (*e*) or (*f*) of sub-section (3) if he has reason to believe that such person is not a suitable person to be a member.

(5) (*a*) For each member there shall be one or more alternates, and an alternate or alternates to a member appointed under paragraph (*d*), (*e*) or (*f*) of sub-section (3) shall be appointed in the same manner as such member and the provisions of sub-section (4) shall apply with reference to the appointment of any such alternate.

(*b*) Whenever a member is unable to be present at any meeting of the mine safety committee an alternate appointed for that member may attend that meeting and take part in its proceedings in his stead.

(6) The Deputy Government Mining Engineer appointed as member under paragraph (*b*) of sub-section (3) shall act as chairman whenever the Government Mining Engineer is for any reason absent.

(7) A member who is not in the full-time employment of the State and an alternate to such member shall be appointed on such conditions of service and for such period, not exceeding three years, as the Minister in consultation with the Minister of Finance may determine: Provided that a member or alternate whose period of office has terminated, shall be eligible for re-appointment.

(8) A member who is not in the full-time employment of the State shall vacate his office if he absents himself from four consecutive meetings without the chairman's leave or if he becomes insolvent or of unsound mind or is convicted of an offence and sentenced to imprisonment without the option of a fine.

(9) (*a*) The Minister may, after consultation with the Government Mining Engineer and at such remuneration as he may determine in consultation with the Minister of Finance, appoint persons with specialized knowledge to advise the mine safety committee or the Government Mining Engineer or any other officer mentioned in this Act, on any matter with which the mine safety committee or the Government Mining Engineer or such other officer is required to deal under this Act.

(*b*) Any person appointed under paragraph (*a*) may, when authorized thereto in writing by the Government Mining Engineer, at any reasonable hour enter any mine or works and inspect or examine such mine or works or any part thereof or any machinery thereat, provided such entry, inspection or examination is necessary for the carrying out of his duties and provided further that he does not impede or obstruct the working of the mine or the carrying on of the works.".

Substitution of section 3 of Act 27 of 1956.

4. The following section is hereby substituted for section *three* of the principal Act:

"General powers of inspectors and officers.

3. (1) Any inspector of mines or machinery and any other officer referred to in section *two* may at any hour of the day or night enter any mine or works over which he exercises supervision in terms of the directions of the Government Mining Engineer and inspect or examine such mine or works or part thereof or any machinery thereat or any book, record, document, plan or drawing kept in terms of this Act, provided he does not impede or obstruct the working of the mine or the carrying on of the works.

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(2) (*a*) Wanneer so 'n inspekteur by 'n myn of bedryf bevind dat enigiets of 'n gebruik wat op enige wyse daarmee in verband staan, of die afwesigheid van enigiets of 'n gebruik, daarop bereken is om iemand liggaamlike letsel te veroorsaak of nadelig vir sy gesondheid te wees, of om skade aan eiendom te veroorsaak, en daar geen bepaling in 'n wet of in 'n kragtens artikel *dertien* uitgevaardigde spesiale reël is wat so iets of so 'n gebruik vereis of so iets of so 'n gebruik verbied nie, moet hy skriftelik aan die bestuurder van die myn of bedryf kennis gee met vermelding van die besondere iets of gebruik wat na hy vereis gedoen of nagelaat moet word, of nagekom of gestaak moet word, en kan hy daarmee in verband staande opdragte gee wat hy wenslik ag, en so 'n kennisgewing kan 'n bevel bevat wat werksaamhede by 'n myn of bedryf of deel van 'n myn of bedryf opskort.

(*b*) 'n Afskrif van so 'n kennisgewing moet onmiddellik deur die inspekteur aan die Staatsmyningenieur gestuur word tesame met 'n verslag oor die omstandighede en die redes vir die kennisgewing.

(3) Teen 'n kragtens sub-artikel (2) gegewe kennisgewing of opdrag kan op die by regulasie voorgeskrewe wyse geappelleer word na 'n spesiale kommissie wat vir daardie doel op die by regulasie voorgeskrewe wyse saamgestel word.

(4) Behoorlike kennisgewing van appèl skort die werking van 'n kragtens sub-artikel (2) gegewe kennisgewing op, tensy die Staatsmyningenieur, of 'n ander deur hom daartoe gemagtigde beampte, van oordeel is dat enige versuim om aan die kennisgewing gevolg te gee onmiddellik gevaarlik sou wees en gelas dat onverwyld aan die kennisgewing gevolg gegee word.".

Wysiging van artikel 4 van Wet 27 van 1956.

5. Artikel *vier* van die Hoofwet word hierby gewysig deur in sub-artikel (1) die woorde „myne, masjinerie of ontplofbare stowwe" deur die woorde „myne of masjinerie" te vervang.

Vervanging van artikel 5 van Wet 27 van 1956.

6. Artikel *vyf* van die Hoofwet word hierby deur die volgende artikel vervang:

„Ondersoeke na ongelukke en ander aangeleenthede.

5. (1) Wanneer 'n ongeluk waardeur die dood of ernstige liggaamlike leed aan iemand veroorsaak word, by 'n myn of bedryf plaasvind, moet ondersoek na die oorsaak van die ongeluk ingestel word deur 'n inspekteur van myne of masjinerie, en wanneer enige ander ongeluk by 'n myn of bedryf plaasvind kan so 'n ondersoek deur so 'n inspekteur ingestel word.

(2) Wanneer 'n inspekteur van myne of masjinerie rede het om te vermoed dat 'n bepaling van hierdie Wet of 'n kragtens artikel *dertien* uitgevaardigde spesiale reël oortree is, kan hy ondersoek na so 'n vermoedelike oortreding instel.

(3) Wanneer dit om enige rede, volgens die oordeel van die Staatsmyningenieur, dienstig is dat ondersoek na 'n voorval by 'n myn of bedryf of na veiligheids- of gesondheidstoestande by 'n myn of bedryf, ingestel word, kan hy 'n inspekteur van myne of masjinerie of 'n regeringsbeampte magtig om ondersoek na daardie voorval of toestande in te stel.

(4) Wanneer 'n werkersorganisasie by 'n myn of bedryf of die hoof van 'n Staatsdepartement of die mynveiligheidskomitee 'n skriftelike versoek rig, met vermelding van redes, dat ondersoek ingestel word na 'n voorval of toestand by daardie myn of bedryf wat die veiligheid of gesondheid van persone raak of waarskynlik sal raak, moet die Staatsmyningenieur daardie voorval of toestand laat ondersoek en, as hy dit dienstig ag, kan hy 'n inspekteur van myne of masjinerie of 'n ander regeringsbeampte magtig om ondersoek na daardie voorval of toestand in te stel.

(5) Die Staatsmyningenieur kan voor die aanvang of op enige stadium van 'n ondersoek kragtens sub-artikel (1), (2), (3), (4) of (7), soveel en sodanige ander inspekteurs of ander regeringsbeamptes as wat hy dienstig ag aanstel om by die instel van die ondersoek behulpsaam te wees en kan 'n inspekteur van myne of masjinerie of 'n ander regeringsbeampte aanstel om by die ondersoek voor te sit.

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(2) (*a*) When any such inspector finds at any mine or works that any thing or practice in any way connected therewith, or the absence of any thing or practice, is calculated to cause bodily injury to, or be injurious to the health of, any person, or to cause damage to any property, and no provision exists in any law or in any special rule made under section *thirteen* requiring any such thing or practice or prohibiting any such thing or practice, he shall give notice in writing to the manager of the mine or works stating the particular thing or practice which he requires to be done, or not to be done, or observed or discontinued, and may give such instructions relative thereto as he may deem expedient, and such notice may include an order suspending operations at a mine or works or part of a mine or works.

(*b*) A copy of any such notice shall be forwarded to the Government Mining Engineer immediately by the inspector together with a report on the circumstances and reasons for the notice.

(3) An appeal, in the manner prescribed by regulation, shall lie to a special commission constituted for that purpose in the manner prescribed by regulation, against any notice or instruction given under sub-section (2).

(4) Due notice of appeal shall suspend the operation of any notice given under sub-section (2), unless the Government Mining Engineer, or any other officer deputed thereto by him, is of the opinion that any delay in giving effect to such notice would be immediately dangerous and directs that effect be given to such notice forthwith.".

Amendment of section 4 of Act 27 of 1956.

5. Section *four* of the principal Act is hereby amended by the substitution in sub-section (1) for the words "mines, machinery or explosives" of the words "mines or machinery".

Substitution of section 5 of Act 27 of 1956.

6. The following section is hereby substituted for section *five* of the principal Act:

"Inquiries into accidents and other matters.

5. (1) Where any accident causing death or grievous bodily harm to any person occurs at a mine or works, an inquiry into the cause of the accident shall be held by an inspector of mines or machinery, and where any other accident occurs at a mine or works, such an inquiry may be held by such an inspector.

(2) Where an inspector of mines or machinery has reason to suspect that any provision of this Act or any special rule made under section *thirteen* has been contravened, he may hold an inquiry as to any such suspected contravention.

(3) Where in the opinion of the Government Mining Engineer it is for any reason expedient that an inquiry be held into any occurrence at any mine or works or into safety or health conditions at any mine or works, he may depute any inspector of mines or machinery or any Government officer to hold an inquiry into such occurrence or conditions.

(4) Where any organization of workers at any mine or works or the head of a State department or the mine safety committee submits a request, in writing, setting out the reasons, for an inquiry to be held into any occurrence or condition at such mine or works affecting or likely to affect the safety or health of persons, the Government Mining Engineer shall cause such occurrence or condition to be investigated and, if he deems it expedient, he may depute any inspector of mines or machinery or any other Government officer to hold an inquiry into such occurrence or condition.

(5) The Government Mining Engineer may, either before the commencement or at any stage of an inquiry under sub-section (1), (2), (3), (4) or (7), appoint so many and such other inspectors or other Government officers as he may deem expedient to assist in the holding of the inquiry and may appoint any inspector of mines or machinery or any other Government officer to preside at the inquiry.

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(6) Die inspekteur of ander beampte wat kragtens hierdie artikel ondersoek instel of wat by so 'n ondersoek voorsit moet, indien nodig met die hulp van 'n tolk, die getuienis wat aldaar afgelê word skriftelik of op 'n meganiese wyse aanteken of laat aanteken, en moet 'n afskrif daarvan, tesame met sy verslag daaroor, aan die Staatsmyningenieur stuur, tensy laasgenoemde anders gelas, en moet in die geval van 'n ongeluk waardeur die dood veroorsaak is, 'n afskrif daarvan ook aan die Prokureur-generaal van die provinsie waarin die betrokke myn of bedryf geleë is, stuur.

(7) Na oorweging van bedoelde getuienis en verslag kan die Staatsmyningenieur na goeddunke 'n ander inspekteur van myne of masjinerie of regeringsbeampte magtig om verder ondersoek in te stel.

(8) (*a*) Die bepalings van hierdie artikel maak geen inbreuk op 'n wet waardeur geregtelike doodsondersoeke of ander ondersoeke na dood weens ander oorsake as natuurlike oorsake, vereis en gereël word nie, en in elke geval van dood wat deur 'n ongeluk veroorsaak word, word daar, benewens die ondersoek deur hierdie artikel vereis, ook so 'n geregtelike doodsondersoek of ander ondersoek soos deur so 'n wet vereis, ingestel, maar die ondersoek wat kragtens sub-artikel (1) ingestel moet word, kan gesamentlik met 'n geregtelike doodsondersoek deur 'n landdros ingestel ingevolge die Wet op Geregtelike Doodsondersoeke, 1959 (Wet No. 58 van 1959), ingestel word.

(*b*) By so 'n gesamentlike ondersoek en geregtelike doodsondersoek moet die landdros voorsit, en die bepalings van die Wet op Geregtelike Doodsondersoeke, 1959, is daarop van toepassing, maar bedoelde inspekteur en landdros moet elkeen die verslag wat onderskeidelik deur sub-artikel (6) en deur daardie Wet van hulle vereis word, uitbring.".

Wysiging van artikel 6 van Wet 27 van 1956.

7. Artikel *ses* van die Hoofwet word hierby gewysig—

(*a*) deur sub-artikel (1) deur die volgende artikel te vervang:

„(1) Die beampte wat 'n verhoor of ondersoek ingevolge onderskeidelik artikel *vier* of *vyf* staan waar te neem of waarneem of wat by so 'n ondersoek staan voor te sit of voorsit, kan, vir die doel van so 'n verhoor of ondersoek, enige getuie op die by regulasie voorgeskrewe wyse dagvaar, of iemand wat aanwesig is, versoek om getuienis af te lê of om 'n dokument of saak wat hy nodig ag vir die behoorlike afhandeling van die verhoor of ondersoek, voor te lê."; en

(*b*) deur in paragraaf (*a*) van sub-artikel (4) na die woord „waarneem" die woorde „of daarby voorsit" in te voeg.

Vervanging van Artikel 7 van Wet 27 van 1956.

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

„Belemmering van beamptes of versuim om hulp aan hulle te verleen.

7. Iemand wat—

(*a*) 'n in artikel *twee* bedoelde beampte, of 'n in sub-artikel (9) van artikel *twee bis* bedoelde persoon, of 'n in artikel *vyf* bedoelde regeringsbeampte by die vervulling van sy plig belemmer of hinder; of

(*b*) weier of nalaat om so 'n beampte of persoon van die middele te voorsien en die hulp te verleen wat nodig is om ingevolge hierdie Wet toegang te verkry, 'n inspeksie te hou, 'n ondersoek in te stel of 'n ondersoek waar te neem, of indien deur so 'n beampte of persoon vereis, so 'n inspeksie of ondersoek by te woon,

is aan 'n misdryf skuldig.".

Wysiging van artikel 10 van Wet 27 van 1956.

9. Artikel *tien* van die Hoofwet word hierby gewysig deur die volgende sub-artikel by te voeg:

„(5) Niemand mag gedurende enige ononderbroke tydperk van vier-en-twintig uur twee of meer skofte ondergronds in 'n myn werk of iemand anders aldus laat werk of toelaat om aldus te werk nie, behalwe tydelik—

(*a*) op werk genoodsaak deur 'n ongeluk of ander noodgeval, of

(*b*) in ander noodsaaklike gevalle toegelaat deur die Staatsmyningenieur.".

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(6) The inspector or other officer who holds any inquiry under this section or who presides at any such inquiry shall, if necessary with the assistance of an interpreter, take or cause to be taken down in writing or by mechanical means the evidence given thereat, and shall transmit a copy thereof with his report thereon, to the Government Mining Engineer, unless otherwise directed by him, and in the case of an accident causing death, shall also transmit a copy thereof to the Attorney-General of the province in which the mine or works in question is situate.

(7) Upon consideration of such evidence and report, the Government Mining Engineer may in his discretion depute another inspector of mines or machinery or Government officer to hold a further inquiry.

(8) (*a*) Nothing contained in this section shall affect any law requiring and regulating inquests or other inquiries in case of death from other than natural causes, and in every case of death caused by an accident, there shall be held, in addition to an inquiry rendered necessary by this section, such inquest or other inquiry as shall be provided for by any such law, but the inquiry to be held under sub-section (1) may be held jointly with an inquest held by a magistrate under the Inquests Act, 1959 (Act No. 58 of 1959).

(*b*) The magistrate shall preside at, and the provisions of the Inquests Act, 1959 shall apply to, any such joint inquiry and inquest but the inspector and the magistrate shall each make a report as required of them by sub-section (6) and that Act, respectively.".

Amendment of section 6 of Act 27 of 1956.

7. Section *six* of the principal Act is hereby amended—

(*a*) by the substitution for sub-section (1) of the following sub-section:

"(1) The officer who is to hold, or holds, a trial or inquiry in terms of section *four* or *five*, respectively, or who is to preside, or presides, at such inquiry may, for the purpose of such trial or inquiry, summon any witness in the manner prescribed by regulation, or require any person present, to give evidence or to produce any document or thing which he may deem requisite for properly conducting the trial or inquiry."; and

(*b*) by the insertion in paragraph (*a*) of sub-section (4) after the word "holding" of the words "or presiding at".

Substitution of section 7 of Act 27 of 1956.

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

"Obstruction of or failure to assist officials.

7. Any person who—

(*a*) obstructs or hinders any officer referred to in section *two*, or any person referred to in sub-section (9) of section *two bis*, or any Government officer referred to in section *five*, in the discharge of his duty; or

(*b*) refuses or neglects to furnish any such officer or person with the means and assistance necessary for making any entry, inspection, examination or inquiry under this Act, or to attend, when required to do so by any such officer or person, any such inspection or examination,

shall be guilty of an offence.".

Amendment of section 10 of Act 27 of 1956.

9. Section *ten* of the principal Act is hereby amended by the addition of the following sub-section:

"(5) No person shall work, or cause or permit any other person to work, two or more shifts underground in any mine during any continuous period of twenty-four hours, except temporarily—

(*a*) on work necessitated by accident or other emergency, or

(*b*) in other cases of necessity permitted by the Government Mining Engineer.".

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Wysiging van artikel 11 van Wet 27 van 1956.

10. Artikel *elf* van die Hoofwet word hierby gewysig deur die volgende sub-artikel by te voeg:

„(4) (*a*) Behoudens die bepalings van paragraaf (*c*) van hierdie sub-artikel, mag geen vrouspersoon in die nag werk, en mag niemand 'n vrouspersoon in die nag laat werk of toelaat dat sy in die nag werk, by 'n myn of bedryf in verband met die werking van bedoelde myn of bedryf nie.

(*b*) By die toepassing van hierdie sub-artikel beteken ,nag' die tydperk vanaf 'n halfuur na sonsondergang tot 'n halfuur voor sonsopgang.

(*c*) Die bepalings van paragraaf (*a*) van hierdie sub-artikel is nie van toepassing nie op—

(i) vrouspersone wat verantwoordelike posisies van 'n bestuurders- of tegniese aard beklee; en

(ii) vrouspersone wat in mediese, gesondheids-, welsyns- of sosiale dienste werksaam is.".

Wysiging van artikel 12 van Wet 27 van 1956.

11. Artikel *twaalf* van die Hoofwet word hierby gewysig—

(*a*) deur paragraaf (*b*) van sub-artikel (1) deur die volgende paragraaf te vervang:

„(*b*) die verbod of beperking met betrekking tot die maak of gebruik van paaie of spoorweë of die oprigting of gebruik van geboue of ander bouwerke of voorwerpe oor of in die omgewing van delfplekke van myne;";

(*b*) deur paragraaf (*f*) van genoemde sub-artikel deur die volgende paragraaf te vervang:

„(*f*) die oorplasing en vervoer van ontplofbare stowwe van magasyne van myne na delfplekke van myne, die gebruik van ontplofbare stowwe op die oppervlakte van myne in verband met mynwerksaamhede, en die opberging, verspreiding, vervoer en gebruik van ontplofbare stowwe in delfplekke van myne, uitgesonderd steengroewe deur persone vir of namens plaaslike besture of Staatsdepartemente bewerk;";

(*c*) deur in paragraaf (*m*) van genoemde sub-artikel die woorde „myne, masjinerie of ontplofbare stowwe," deur die woorde „myne of masjinerie" te vervang; en

(*d*) deur by sub-artikel (4) die volgende voorbehoudsbepaling te voeg:

„Met dien verstande dat enige regulasie met betrekking tot die ongemagtigde verkryging of besit van ontplofbare stowwe vir 'n oortreding daarvan 'n boete van hoogstens vyfhondred rand of gevangenisstraf vir 'n tydperk van hoogstens twaalf maande, of sowel sodanige boete as sodanige gevangenisstraf kan voorskryf.".

Wysiging van artikel 31 van Wet 26 van 1956, soos gewysig deur artikel 1 van Wet 79 van 1962.

12. Artikel *een-en-dertig* van die Wet op Ontplofbare Stowwe, 1956, word hierby gewysig deur paragraaf (*c*) deur die volgende paragraaf te vervang:

„(*c*) op die oorplasing, vervoer, gebruik, opberging en verspreiding van ontplofbare stowwe vir sover hierdie werksaamhede beheer word deur enige regulasie uitgevaardig kragtens paragraaf (*f*) van sub-artikel (1) van artikel *twaalf* van die Wet op Myne en Bedrywe, 1956 (Wet No. 27 van 1956);".

Kort titel.

13. Hierdie Wet heet die Wysigingswet op Myne en Bedrywe en Ontplofbare Stowwe, 1964.

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10. Section *eleven* of the principal Act is hereby amended by the addition of the following sub-section: Amendment of section 11 of Act 27 of 1956.

"(4) (*a*) Subject to the provisions of paragraph (*c*) of this sub-section, no female shall work at night, and no person shall cause or permit any female to work at night, at any mine or works, in connection with the operation of such mine or works.

(*b*) For the purpose of this sub-section 'night' means that period of time from half-an-hour after sunset to half-an-hour before sunrise.

(*c*) The provisions of paragraph (*a*) of this sub-section shall not apply to—

(i) females holding responsible positions of a managerial or technical character; and

(ii) females employed in medical, health, welfare or social services.".

11. Section *twelve* of the principal Act is hereby amended— Amendment of section 12 of Act 27 of 1956.

(*a*) by the substitution for paragraph (*b*) of sub-section (1) of the following paragraph:

"(*b*) the prohibition or restriction in relation to the making or use of roads or railways or the erecting or use of buildings or other structures or objects over or in the vicinity of workings of mines;";

(*b*) by the substitution for paragraph (*f*) of the said sub-section of the following paragraph:

"(*f*) the transfer and transport of explosives from magazines of mines to workings of mines, the use of explosives on the surface of mines in connection with mining operations, and the storage, distribution, transport and use of explosives in the workings of mines, excluding quarries worked by persons for and on behalf of local authorities or State departments;";

(*c*) by the substitution in paragraph (*m*) of the said sub-section for the words "mines, machinery or explosives," of the words "mines or machinery"; and

(*d*) by the addition to sub-section (4) of the following proviso:

"Provided that any regulation in respect of the unauthorized acquisition or possession of explosives may for any contravention thereof prescribe a fine not exceeding five hundred rand or imprisonment for a period not exceeding twelve months or both such fine and such imprisonment.".

12. Section *thirty-one* of the Explosives Act, 1956, is hereby amended by the substitution for paragraph (*c*) of the following paragraph: Amendment of section 31 of Act 26 of 1956, as amended by section 1 of Act 79 of 1962.

"(*c*) to the transfer, transport, use, storage and distribution of explosives in so far as these activities are governed by any regulation made under paragraph (*f*) of sub-section (1) of section *twelve* of the Mines and Works Act, 1956 (Act No. 27 of 1956;".

13. This Act shall be called the Mines and Works and Explosives Amendment Act, 1964. Short title.

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No. 47, 1964.]

WET

Tot wysiging van die Huurwet, 1950.

(*Engelse teks deur die Staatspresident geteken.*)
(*Goedgekeur op* 22 *Mei* 1964.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 1 van Wet 43 van 1950.

1. Artikel *een* van die Wet op Huurgelde, 1950 (hieronder die Hoofwet genoem), word hierby gewysig—

(*a*) deur in die woordbepaling van „besigheidsperseel" na die woord „woning" die woorde „motorhuis of motorstaanplek," in te voeg;

(*b*) deur in die woordbepaling van „gekontroleerde perseel" na die woord „woning" die woorde „of motorhuis of motorstaanplek" in te voeg;

(*c*) deur na die woordbepaling van „Minister" die volgende woordbepaling in te voeg:

„,motorhuis of motorstaanplek' 'n gebou of afgemerkte plek wat geleë is op grond hoofsaaklik vir woondoeleindes geokkupeer en wat gebruik word om aan 'n motorvoertuig skuiling te gee of om 'n motorvoertuig te parkeer;";

(*d*) deur in die woordbepaling van „Minister" die woord „Volkswelsyn" deur die woord „Behuising" te vervang;

(*e*) deur in paragrawe (*a*) en (*b*) van die woordbepaling van „redelike huur" die woord „hoogstens" te skrap;

(*f*) deur in paragraaf (*i*) van genoemde woordbepaling na die woord „enige" waar dit die eerste maal voorkom die woord „gelde," in te voeg; en deur in genoemde paragraaf die woorde „werkloosheidversekerings- en ongevallewette betaal; en" deur die woorde „wetsbepalings met betrekking tot die registrasie van Bantoewerknemers, werkloosheidversekering en ongevalle, die Wet op Heffings vir Naturelledienste, 1952, en die Wet op Vervoerdienste vir Naturelle, 1957, betaal;" te vervang; en

(*g*) deur by genoemde woordbepaling die volgende verdere voorbehoudsbepaling te voeg:

„Met dien verstande voorts dat waar 'n verhuurder in gebreke bly om enige woning, installasie of masjinerie in stand te hou of te herstel ten opsigte waarvan die huurraad ingevolge paragraaf (*g*) 'n bedrag kan toelaat, die huurraad kan besluit om nie kragtens daardie paragraaf 'n bedrag ten opsigte van die betrokke woning, installasie of masjinerie toe te laat nie totdat hy oortuig is dat daardie woning, installasie of masjinerie op bevredigende wyse in stand gehou of herstel is.".

Wysiging van artikel 4 van Wet 43 van 1950.

2. Artikel *vier* van die Hoofwet word hierby gewysig deur in paragraaf (*d*) van sub-artikel (4) die woord „Volkswelsyn" oral waar dit voorkom deur die woord „Behuising" te vervang.

Wysiging van artikel 7 van Wet 43 van 1950.

3. Artikel *sewe* van die Hoofwet word hierby gewysig deur aan die end van sub-artikel (1) die woorde „of per vooruitbetaalde aangetekende pos aan die betrokke persoon gerig by die plek waar die woning geleë is of by die adres wat hy aan die huurraad verstrek het: Met dien verstande dat indien bewys word dat so 'n aangetekende stuk nie aan die geaddresseerde afgelewer is nie, die dagvaarding nie geag word behoorlik gedien te gewees het nie." by te voeg.

Wysiging van artikel 13 van Wet 43 van 1950.

4. (1) Artikel *dertien* van die Hoofwet word hierby gewysig—

(*a*) deur in sub-artikel (1) die woorde „minstens drie en hoogstens vyf" deur die woord „drie" te vervang; en

(*b*) deur in sub-artikel (6) die woord „drie" deur die woord „twee" te vervang.

(2) Sub-artikel (1) tree in werking op die eerste dag van Julie, 1964.

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No. 47, 1964.]

ACT

To amend the Rents Act, 1950.

(*English text signed by the State President.*)
(*Assented to 22nd May*, 1964.)

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

1. Section *one* of the Rents Act, 1950 (hereinafter referred to as the principal Act), is hereby amended— Amendment section 1 of Act 43 of 1950.

(*a*) by the insertion in the definition of "business premises" after the word "dwelling" of the words "garage or parking space,";

(*b*) by the insertion in the definition of "controlled premises" after the word "dwelling" of the words "or garage or parking space";

(*c*) by the insertion after the definition of "dwelling" of the following definition:

"'garage or parking space' means a building or demarcated place situated upon land occupied principally for residential purposes and used to shelter or park a motor vehicle;";

(*d*) by the substitution in the definition of "Minister" for the words "Social Welfare" of the word "Housing";

(*e*) by the substitution in paragraphs (*a*) and (*b*) of the definition of "reasonable rent" for the words "not exceeding" of the word "of";

(*f*) by the insertion in paragraph (*i*) of the said definition after the word "any" where it occurs for the first time of the word "fees,"; and by the substitution in the said paragraph for the words "unemployment insurance and workmen's compensation; and" of the words "the registration of Bantu employees, unemployment insurance and workmen's compensation, the Native Services Levy Act, 1952, and the Native Transport Services Act, 1957;"; and

(*g*) by the addition to the said definition of the following further proviso:

"Provided further that where a lessor fails to maintain or repair any dwelling, plant or machinery in respect of which the rent board may allow an amount in terms of paragraph (*g*), the rent board may decide not to allow any amount under the said paragraph in respect of the dwelling, plant or machinery concerned until it is satisfied that such dwelling, plant or machinery has been satisfactorily maintained or repaired.".

2. Section *four* of the principal Act is hereby amended by the substitution in paragraph (*d*) of sub-section (4) for the words "Social Welfare" wherever they occur of the word "Housing". Amendment of section 4 of Act 43 of 1950

3. Section *seven* of the principal Act is hereby amended by the addition at the end of sub-section (1) of the words "or by prepaid registered post addressed to the person concerned at the place where the dwelling is situated or at the address furnished by him to the rent board: Provided that if it is proved that such registered document was not delivered to the addressee, the summons shall not be deemed to have been properly served.". Amendment of section 7 of Act 43 of 1950.

4. (1) Section *thirteen* of the principal Act is hereby amended— Amendment of section 13 of Act 43 of 1950.

(*a*) by the substitution in sub-section (1) for the words "not less than three and not more than five" of the word "three"; and

(*b*) by the substitution in sub-section (6) for the word "three" of the word "two".

(2) Sub-section (1) shall come into operation on the first day of July, 1964.

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Wysiging van artikel 25 van Wet 43 van 1950.

5. Artikel *vyf-en-twintig* van die Hoofwet word hierby gewysig—

(*a*) deur na sub-artikel (2) die volgende sub-artikels in te voeg:

„(2)*bis* Vanaf 'n datum negentig dae na die end van die maand waarin die Wysigingswet op Huurgelde, 1964, gepromulgeer is, mag niemand van 'n huurder van 'n gekontroleerde perseel, vir die gebruik van meubels, huislinne, monterings, uitrusting, masjinerie of installasie wat op die perseel is of wat ten tyde van die aanvang van die huur of later gedurende die termyn van die huur deur die verhuurder, of met sy toestemming deur iemand anders, op die perseel vir die gebruik van die huurder gebring word, vereis, of hom toelaat, om 'n hoër huur of vergoeding te betaal as dié wat die huurraad daarvoor òf gesamentlik met òf afsonderlik van die huur vir die gekontroleerde perseel vasgestel het nie op 'n skriftelike aansoek deur die verhuurder gedoen en deur die huurraad ontvang, ondersoek en afgehandel in alle opsigte asof daardie aansoek 'n aansoek ingevolge paragraaf (*b*) van sub-artikel (1) van artikel *vyf* was: Met dien verstande dat die bepalings van hierdie sub-artikel nie van toepassing is nie ten opsigte van 'n woning wat gewoonlik deur die eienaar of huurder daarvan geokkupeer word en wat deur sodanige eienaar verhuur word of deur sodanige huurder onderverhuur word vir 'n tydperk van hoogstens vier maande in enige tydperk van twaalf maande.

(2)*ter* Ondanks andersluidende bepalings van hierdie Wet, mag niemand vanaf 'n datum negentig dae na die end van die maand waarin die Wysigingswet op Huurgelde, 1964, gepromulgeer is, van 'n huurder van 'n motorhuis of staanplek wat 'n gekontroleerde perseel is vir die gebruik van daardie motorhuis of staanplek vereis, of hom toelaat, om 'n hoër huur of vergoeding te betaal as dié wat die huurraad daarvoor òf gesamentlik met òf afsonderlik van die huur vir 'n woning vasgestel het nie op 'n skriftelike aansoek deur die verhuurder gedoen en deur die huurraad ontvang, ondersoek en afgehandel in alle opsigte asof daardie aansoek 'n aansoek ingevolge paragraaf (*b*) van sub-artikel (1) van artikel *vyf* was.";

(*b*) deur die volgende paragraaf by sub-artikel (3) te voeg, terwyl die bestaande sub-artikel paragraaf (*a*) word:

„(*b*) Iemand wat die bepalings van sub-artikel (2)*bis* of sub-artikel (2)*ter* oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand."; en

(*c*) deur die volgende sub-artikel by te voeg:

„(4) Indien die verhuurder voor die in sub-artikel (2)*bis* of (2)*ter* bedoelde datum by die huurraad aansoek gedoen het om die vasstelling van 'n huur in die een of die ander van genoemde sub-artikels bedoel en die huurraad om enige rede daardie aansoek nie voor bedoelde datum kon afhandel nie, word die bepalings van hierdie artikel nie so uitgelê dat dit die verhuurder verbied om tot tyd en wyl die huurraad die huur vasgestel het, die huur wat volgens 'n bestaande ooreenkoms betaalbaar is, op die huurder te verhaal nie, maar 'n vasstelling van die huur in so 'n geval word daarna geag met ingang van bedoelde datum gemaak te gewees het.".

Wysiging van artikel 30 van Wet 43 van 1950.

6. Artikel *dertig* van die Hoofwet word hierby gewysig deur in sub-artikel (1) die woord „Goewerneur-generaal" deur die woord „Staatspresident" te vervang.

Wysiging van artikel 33 van Wet 43 van 1950, soos gewysig deur artikel 6 van Wet 53 van 1951.

7. Artikel *drie-en-dertig* van die Hoofwet word hierby gewysig—

(*a*) deur die volgende paragrawe by sub-artikel (1) te voeg:

„(*g*) op 'n woning ten opsigte waarvan die Minister, na oorweging van 'n aanbeveling van die huurraad, by kennisgewing in die *Staatskoerant* verklaar dat volgens sy oordeel die heersende huurgeld daarvoor deur die huurraad vasgestel so gunstig met huurgelde ten opsigte van soortgelyke ongekontroleerde wonings in dieselfde omgewing vergelyk, dat dit van kontrole onthef word;

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5. Section *twenty-five* of the principal Act is hereby amended— Amendment of section 25 of Act 43 of 1950.

(*a*) by the insertion after sub-section (2) of the following sub-sections:

"(2)*bis* As from a date ninety days after the end of the month in which the Rents Amendment Act, 1964, was promulgated, no person shall require or permit a lessee of any controlled premises to pay for the use of furniture, household linen, fittings, equipment, machinery or plant which is on the premises or which is brought onto the premises by the lessor or by another person with his consent, at the time of the commencement of the hiring or subsequently during the period of the hiring for the use of the lessee, any rent or compensation higher than that determined by the rent board therefor either together with or separately from the rent for the controlled premises upon a written application made by the lessor and received, investigated and determined by the rent board in all respects as if such application were an application under paragraph (*b*) of sub-section (1) of section *five*: Provided that the provisions of this sub-section shall not apply in respect of a dwelling which is ordinarily occupied by the owner or lessee thereof and which is let by such owner or sub-let by such lessee for a period of not more than four months in any period of twelve months.

(2)*ter* Notwithstanding anything to the contrary in this Act contained, no person shall as from a date ninety days after the end of the month in which the Rents Amendment Act, 1964, was promulgated, require or permit a lessee of a garage or parking space being controlled premises to pay for the use of that garage or parking space any rent or compensation higher than that determined by the rent board therefor either together with or separately from the rent for a dwelling, upon a written application made by the lessor and received, investigated and determined by the rent board in all respects as if such application were an application under paragraph (*b*) of sub-section (1) of section *five*.";

(*b*) by the addition to sub-section (3) of the following paragraph, the existing paragraph becoming paragraph (*a*):

"(*b*) Any person who contravenes the provisions of sub-section (2)*bis* or sub-section (2)*ter* shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand."; and

(*c*) by the addition of the following sub-section:

"(4) If the lessor has made application to the rent board before the date referred to in sub-section (2)*bis* or (2)*ter* for the determination of any rent referred to in either of the said sub-sections and the rent board has for any reason been unable to dispose of such application before the said date, the provisions of this section shall not be construed as prohibiting the lessor from recovering from the lessee the rent payable in terms of any existing agreement until such time as the rent board shall have determined the rent, but any determination of the rent in such a case shall thereafter be deemed to have been made with effect from the said date.".

6. Section *thirty* of the principal Act is hereby amended by the substitution in sub-section (1) for the word "Governor-General" of the words "State President". Amendment of section 30 of Act 43 of 1950.

7. Section *thirty-three* of the principal Act is hereby amended— Amendment of section 33 of Act 43 of 1950, as amended by section 6 of Act 53 of 1951.

(*a*) by the addition to sub-section (1) of the following paragraphs:

"(*g*) to any dwelling in respect of which the Minister, after consideration of a recommendation of the rent board, declares by notice in the *Gazette* that in his opinion the prevailing rental determined therefor by the rent board compares so favourably with rentals in respect of similar uncontrolled dwellings in the same vicinity that it is exempted from control;

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(*h*) op 'n woning waarvan die ouderdom na skatting of bewering minstens honderd jaar is en op die restourasie waarvan die eienaar bestee het 'n bedrag wat die koopprys oorskry wat vir sodanige woning deur daardie eienaar betaal is, of indien hy anders as uit hoofde van 'n koop- en verkoopkontrak die eienaar van sodanige eiendom geword het, 'n bedrag wat die markwaarde van sodanige eiendom ten tye van die oordrag daarvan aan gemelde eienaar oorskry."; en

(*b*) deur die volgende sub-artikels na genoemde sub-artikel in te voeg:

„(1)*bis* Nieteenstaande die bepalings van paragraaf (*f*) van sub-artikel (1) kan die Staatspresident van tyd tot tyd op aanbeveling van die Minister na oorweging van 'n verslag van die huurraad of, indien daar nie 'n huurraad vir die betrokke gebied ingestel is nie, na oorweging van 'n verslag van die Sekretaris van Behuising, by proklamasie in die *Staatskoerant* die bepalings van hierdie Wet vanaf 'n in die proklamasie bepaalde datum, wat vroeër of later as die datum van die proklamasie kan wees, van toepassing verklaar ten opsigte van enige spesifieke woning, of die wonings in 'n spesifieke gebou, of alle wonings of enige klas wonings in 'n gebied, in die proklamasie vermeld, wat na die twintigste dag van Oktober 1949 vir die eerste keer geokkupeer is of word: Met dien verstande dat 'n proklamasie waarby die bepalings van hierdie Wet van toepassing verklaar word ten opsigte van alle wonings of enige klas wonings in 'n gebied in die proklamasie vermeld, nie so uitgelê word dat dit 'n woning insluit wat nie op of voor die in die proklamasie bepaalde datum verhuur was nie, tensy die Staatspresident dit in bedoelde proklamasie of in 'n latere proklamasie uitdruklik bepaal.

(1)*ter* Behoudens die bepalings van artikel *drie* en van sub-artikel (2) van artikel *agt* mag geen verhuurder van 'n woning ten opsigte waarvan die bepalings van hierdie Wet by 'n ingevolge sub-artikel (1)*bis* uitgevaardigde proklamasie van toepassing verklaar is, vanaf die in die proklamasie bepaalde datum van 'n huurder vereis, of hom toelaat, om vir daardie woning 'n hoër huur te betaal as dié wat op daardie bepaalde datum ten opsigte van daardie woning gevra is nie, of in die geval van so 'n woning wat nie op daardie bepaalde datum verhuur was nie, meer dan die bedrag wat as huur ten opsigte van die jongste tydperk voor daardie bepaalde datum waartydens daardie woning verhuur was, gevra is nie, en daardie huur word geag deur die huurraad vasgestel te gewees het en mag nie sonder die toestemming van die Minister deur die huurraad verminder word nie en indien so 'n proklamasie die bepalings van hierdie Wet van toepassing verklaar ten opsigte van so 'n woning wat nie op of voor daardie bepaalde datum verhuur was nie, is die huur vir daardie woning die huur wat die huurraad kragtens hierdie Wet vir daardie woning vasstel: Met dien verstande dat die aldus vasgestelde huur nie minder mag wees nie as 'n huur wat aan die verhuurder 'n netto opbrings van agt persent per jaar op die werklike boukoste van die geboue soos gesertifiseer deur 'n openbare rekenmeester geregistreer kragtens die Wet op Openbare Rekenmeesters en Ouditeurs, 1951 (Wet No. 51 van 1951), ten opsigte van die items en op die wyse wat by kragtens hierdie Wet uitgevaardigde regulasies voorgeskryf word, en ses persent per jaar op die waarde van die grond sal gee.

(1)*quat* Vir die doeleindes van die opstel van 'n verslag soos in sub-artikel (1)*bis* bedoel, verskaf verhuurders van wonings wat na die twintigste dag van Oktober 1949 vir die eerste keer geokkupeer is of word, die inligting wat die voorsitter van die huurraad of die Sekretaris van Behuising nodig ag.".

Kort titel.

8. Hierdie Wet heet die Wysigingswet op Huurgelde, 1964.

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(*h*) to any dwelling of an estimated or reputed age of not less than one hundred years upon the restoration of which the owner has spent a sum of money exceeding the purchase price paid for such dwelling by such owner or, where he became owner of such property otherwise than by virtue of a contract of purchase and sale, exceeding the market value of such dwelling at the time of transfer thereof to such owner."; and

(*b*) by the insertion of the following sub-sections after the said sub-section:

"(1)*bis* Notwithstanding the provisions of paragraph (*f*) of sub-section (1) the State President may from time to time, on the recommendation of the Minister after consideration of a report by the rent board, or if no rent board has been constituted for the area concerned, after consideration of a report by the Secretary for Housing, by proclamation in the *Gazette* declare the provisions of this Act to be applicable, as from a date fixed in the proclamation, which date may be earlier or later than the date of such proclamation, in respect of any specific dwelling, or the dwellings in any specific building, or all dwellings or any class of dwellings in any area, specified in the proclamation, occupied for the first time after the twentieth day of October, 1949: Provided that any proclamation whereby the provisions of this Act are declared to be applicable in respect of all dwellings or any class of dwellings in any area specified in the proclamation, shall not be construed as including any dwelling which was not let on or before the date fixed in such proclamation, unless the State President has expressly so provided in that proclamation or in any subsequent proclamation.

(1)*ter* Subject to the provisions of section *three* and of sub-section (2) of section *eight*, no lessor of any dwelling in respect of which the provisions of this Act have been declared to be applicable by a proclamation issued in terms of sub-section (1)*bis* shall as from the date fixed in such proclamation require or permit a lessee to pay for such dwelling a rent higher than that charged in respect of such dwelling on the said fixed date, or in the case of any such dwelling which was not let on the said fixed date, in excess of the amount charged as rent in respect of the latest period before the said fixed date during which the said premises were let and such rent shall be deemed to be rent determined by the rent board and may not be reduced by the rent board without the consent of the Minister and if any such proclamation declares the provisions of this Act to be applicable in respect of any such dwelling which was not let on or before the said fixed date, the rent for such dwelling shall be the rent as determined by the rent board under this Act for such dwelling: Provided that the so determined rent shall not be less than a rent which would give the lessor a nett return of eight per cent per annum on the actual cost of erection of the buildings as certified by a public accountant registered under the Public Accountants' and Auditors' Act, 1951 (Act No. 51 of 1951), in respect of such items and in such manner as may be prescribed by regulation made under this Act, and six per cent per annum on the value of the land.

(1)*quat* For the purposes of the compilation of a report referred to in sub-section (1)*bis*, lessors of dwellings occupied for the first time after the twentieth day of October, 1949, shall furnish such information as the chairman of the rent board or the Secretary for Housing may consider necessary.".

8. This Act shall be called the Rents Amendment Act, 1964. **Short title.**

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No. 48, 1964.]

WET

Om voorsiening te maak vir die sekurering van die regte van houers van deelnemings in sekere verbande; vir die omskrywing van die regte van sodanige persone; en vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 22 Mei 1964.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Woordomskrywings.

1. Tensy uit die samehang anders blyk, beteken in hierdie Wet—

(i) „benoemde maatskappy" 'n benoemde maatskappy wat ingevolge paragraaf (*a*) van sub-artikel (3) van artikel *ses-en-dertig* van die Wet op Beheer van Effektetrustskemas, 1947 (Wet No. 18 van 1947), deur die registrateur goedgekeur is en wat—
  (*a*) as sy hoofdoelstelling het om op te tree as benoemde vir of verteenwoordiger van enige persoon of persone by die besit van enige goed in trust vir sodanige persoon of persone; en
  (*b*) deur sy akte van oprigting belet word om verpligtinge aan te gaan behalwe dié teenoor die persone namens wie hy goed besit tot die omvang van hulle onderskeie regte op en belange in daardie goed; en
  (*c*) 'n onherroeplike ooreenkoms met 'n ander maatskappy, firma of persoon aangegaan het ingevolge waarvan daardie ander maatskappy, firma of persoon onderneem het om al die onkostes van en in verband met sy oprigting, bedrywighede, bestuur en likwidasie te betaal; (ii)

(ii) „besonderhede", met betrekking tot 'n deelnemingsverband—
  (*a*) die naam van die registrasiekantoor waarin dit geregistreer is en die identifikasienommer en datum en rangorde van die verband;
  (*b*) die naam van die verbandgewer;
  (*c*) 'n beskrywing van die onroerende goed wat met die verband beswaar is en die nommer en datum van die titelbewys waarkragtens bedoelde goed besit word;
  (*d*) die waarde wat op die met die verband beswaarde goed geplaas is en die naam van die persoon wat die waardasie gemaak het en die datum van daardie waardasie;
  (*e*) besonderhede van enige kollaterale sekuriteit wat gehou word ten opsigte van die skuld wat deur die verband gesekureer word;
  (*f*) die totale bedrag wat deur die verband gesekureer word en die bedrae en identifikasienommers en datums van enige verbande wat voorkeur geniet;
  (*g*) die rentekoers wat ten opsigte van die bedrag ingevolge die verband verskuldig, betaalbaar is; en
  (*h*) die voorwaardes van terugbetaling van die hoofskuld deur die verband gesekureer en van betaling van rente; (vi)

(iii) „bestuurder" 'n maatskappy, firma of persoon waarmee of met wie 'n benoemde maatskappy 'n ooreenkoms soos in paragraaf (*c*) van die omskrywing van benoemde maatskappy bedoel, aangegaan het; (i)

(iv) „deelnemer" iemand wat 'n deelneming in 'n deelnemingsverband hou; (iii)

(v) „deelneming" 'n aandeel in, of al, die regte wat ingevolge 'n deelnemingsverband gesekureer is; (iv)

(vi) „deelnemingsverband" 'n verband oor onroerende goed wat as 'n deelnemingsverband beskryf en as sodanig op naam van 'n benoemde maatskappy geregistreer is en by 'n skema ingesluit is; (v)

(vii) „reëls van die skema" die deur die registrateur goedgekeurde reëls wat die werking van die betrokke skema beheers; (viii)

(viii) „registrateur" die Registrateur van Effektetrustmaatskappye kragtens artikel *twee* van die Wet op Beheer van Effekte-trustskemas, 1947, aangestel; (vii)

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No. 48, 1964.]

ACT

To make provision for securing the rights of holders of participations in certain mortgage bonds; for the definition of the rights of such persons; and for matters incidental thereto.

(Afrikaans text signed by the State President.)
(Assented to 22nd May, 1964.)

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

Definitions.

1. In this Act, unless the context indicates otherwise—

(i) "manager" means a company, firm or person with which or with whom a nominee company has entered into an agreement such as is referred to in paragraph *(c)* of the definition of nominee company; (iii)

(ii) "nominee company" means a nominee company which has been approved by the registrar in terms of paragraph *(a)* of sub-section (3) of section *thirty-six* of the Unit Trusts Control Act, 1947 (Act No. 18 of 1947), and which—

(a) has as its principal object to act as nominee for or representative of any person or persons in the holding of any property in trust for such person or persons; and

(b) is precluded by its memorandum of association from incurring any liabilities other than those to the persons on whose behalf it holds property to the extent of their respective rights to and interests in such property; and

(c) has entered into an irrevocable agreement with another company, firm or person in terms of which such other company, firm or person has undertaken to pay all the expenses of and incidental to its formation, operations, management and liquidation; (i)

(iii) "participant" means a person who holds a participation in a participation bond; (iv)

(iv) "participation" means a share of, or all, the rights secured under a participation bond; (v)

(v) "participation bond" means a mortgage bond over immovable property which is described as a participation bond and is registered as such in the name of a nominee company and is included in a scheme; (vi)

(vi) "particulars", in relation to a participation bond, means—

(a) the name of the deeds registry in which it is registered and the identification number and date and ranking of the bond;

(b) the name of the mortgagor;

(c) a description of the immovable property mortgaged under the bond and the number and date of the title deed under which such property is held;

(d) the value placed on the immovable property mortgaged and the name of the person who made the valuation and the date of such valuation;

(e) details of any collateral security held in respect of the debt secured by the bond;

(f) the total sum secured by the bond and the amounts and identification numbers and dates of any prior ranking bonds;

(g) the rate of interest payable in respect of the amount owing under the bond; and

(h) the terms of repayment of the principal debt secured by the bond and of payment of interest; (ii)

(vii) "registrar" means the Registrar of Unit Trust Companies appointed under section *two* of the Unit Trusts Control Act, 1947; (viii)

(viii) "rules of the scheme" means the rules approved by the registrar which govern the operation of the scheme concerned; (vii)

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(ix) „skema" 'n skema of reëling wat deelname in 'n bepaalde verband of in bepaalde verbande toelaat en wat ingevolge paragraaf (*a*) van sub-artikel (3) van artikel *ses-en-dertig* van die Wet op Beheer van Effekte-trustskemas, 1947, deur die registrateur van die bepalings van daardie Wet vrygestel is en waarvan die reëls deur die registrateur goedgekeur is. (ix)

Registrasie van verbande op naam van 'n benoemde maatskappy.

2. (1) Ondanks andersluidende wetsbepalings word 'n deelnemingsverband, duidelik as sodanig beskryf, as sodanig in 'n registrasiekantoor geregistreer op naam van 'n benoemde maatskappy as benoemde vir of verteenwoordiger van die deelnemers daarin.

(2) Dit is nie nodig om in 'n deelnemingsverband die name van die deelnemers daarin uiteen te sit nie.

(3) Deelnemers in 'n verband wat voor die inwerkingtreding van hierdie Wet geregistreer is en by 'n skema of reëling ingesluit is wat ingevolge paragraaf (*a*) van sub-artikel (3) van artikel *ses-en-dertig* van die Wet op Beheer van Effekte-trustskemas, 1947 (Wet No. 18 van 1947), van die bepalings van daardie Wet vrygestel is, word geag hul deelnemings onderworpe aan die bepalings van hierdie Wet te hou mits daardie verband ingevolge die bepalings van sub-artikel (4) van hierdie artikel geëndosseer is ten effekte dat dit 'n deelnemingsverband is en as sodanig geregistreer is op naam van 'n benoemde maatskappy.

(4) Die beampte aan die hoof van 'n registrasiekantoor waarin 'n in sub-artikel (3) bedoelde verband geregistreer is, moet, indien hy daartoe versoek word deur die bestuurder van die betrokke skema en by voorlegging aan hom van die verbandakte en van bewys van die registrateur se goedkeuring van die benoemde maatskappy wat by die werking van die skema betrokke is, sonder betaling van hereg, seëlreg, registrasiegelde of -koste, die endossemente daarop maak en die veranderings in sy registers aanbring wat nodig is om die oordrag van bedoelde verband en van alle regte daarkragtens aan daardie benoemde maatskappy as benoemde vir of verteenwoordiger van die deelnemers daarin en ook dat daardie verband 'n deelnemingsverband is, te boekstaaf.

Toekenning van deelnemings in verbande.

3. (1) 'n Bestuurder kan geld van enige persoon ingevolge 'n skriftelike ooreenkoms ontvang om namens hom belê te word op sekuriteit van 'n bepaalde deelnemingsverband of van enige deelnemingsverbande, hetsy daardie verband of daardie verbande alreeds geregistreer is al dan nie: Met dien verstande dat indien 'n deelneming nie binne sestig dae vanaf die datum van die ontvangs van daardie geld toegeken word nie, die geld terugbetaal moet word aan die persoon van wie dit ontvang is.

(2) 'n Bestuurder kan 'n deelneming in 'n deelnemingsverband aan enige persoon aanbied of self as 'n deelnemer 'n deelneming in 'n deelnemingsverband hou: Met dien verstande dat—

(*a*) waar 'n persoon geld aan 'n bestuurder ingevolge sub-artikel (1) betaal het, daardie bestuurder, sonder om eers so 'n aanbod te doen, die deelneming of deelnemings in so 'n verband aan daardie persoon kan toeken wat binne die perke van 'n skriftelike magtiging val wat daardie persoon aan daardie bestuurder verleen het; en

(*b*) die bestuurder daardie deelnemings nie mag aanbied, toeken of hou nie in bedrae waarvan die som meer is as die totale bedrag wat kragtens daardie verband gesekureer is, of, in 'n geval waar die verbandgewer 'n gedeelte van die kragtens die verband gesekureerde skuld terugbetaal het, meer is as die bedrag wat deur die verbandgewer kragtens die verband verskuldig is op die tydstip wanneer die deelneming toegeken word.

(3) 'n Aanbod ingevolge sub-artikel (2) moet vermeld—

(*a*) die besonderhede van die verband waarin die deelneming aangebied word;

(*b*) die grootte van die aangebode deelneming; en

(*c*) die reëls van die skema waarby die verband ingesluit is.

(4) Die grootte van 'n deelneming ingevolge sub-artikel (2) aangebied, toegeken of gehou, moet as 'n som geld uitgedruk word.

(5) Wanneer 'n aanbod wat ingevolge sub-artikel (2) gedoen word, aangeneem word deur die persoon aan wie dit gedoen word, moet die bestuurder aan daardie persoon 'n deelneming volgens daardie aanbod toeken.

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(ix) "scheme" means a scheme or arrangement permitting of participation in a specified mortgage bond or in specified mortgage bonds which has been exempted by the registrar in terms of paragraph (*a*) of sub-section (3) of section *thirty-six* of the Unit Trusts Control Act, 1947, from the provisions of that Act and the rules of which have been approved by the registrar. (ix)

Registration of mortgage bonds in the name of a nominee company.

2. (1) Notwithstanding anything to the contrary in any other law contained, a participation bond clearly described as such shall be registered as such in a deeds registry in the name of a nominee company as nominee for or representative of the participants therein.

(2) It shall not be necessary to set forth in any participation bond the names of the participants therein.

(3) Participants in any mortgage bond registered prior to the commencement of this Act and included in a scheme or arrangement exempted by the registrar in terms of paragraph (*a*) of sub-section (3) of section *thirty-six* of the Unit Trusts Control Act, 1947 (Act No. 18 of 1947), from the provisions of that Act, shall be deemed to hold their participations subject to the provisions of this Act provided that such mortgage bond has been endorsed to the effect that it is a participation bond and has been registered as such in the name of a nominee company in terms of the provisions of sub-section (4) of this section.

(4) The officer in charge of a deeds registry in which is registered any such mortgage bond as is referred to in sub-section (3) shall, if requested thereto by the manager of the scheme concerned and upon production to him of such bond and of evidence of the registrar's approval of any nominee company associated with the operation of the scheme, without payment of transfer duty, stamp duty, registration fees or charges, make such endorsements thereon and effect such alterations in his registers as may be necessary to record the transfer of such bond and of all rights thereunder to such nominee company as nominee for or representative of the participants therein and also that such bond is a participation bond.

Grant of participations in mortgage bonds.

3. (1) A manager may accept money from any person in terms of a written agreement to be invested on his behalf upon the security of a particular participation bond or of any participation bonds, whether such bond is or such bonds are already registered or not: Provided that if a participation is not granted within sixty days as from the date of acceptance of such money, the money shall be refunded to the person from whom it was accepted.

(2) A manager may offer to any person, or itself or himself hold as a participant, a participation in any participation bond: Provided that—

(*a*) where a person has paid money to a manager in terms of sub-section (1) such manager may, without first making such offer, grant to such person such participation or participations in any such bond as fall within the scope of any written authority given by such person to such manager; and

(*b*) the manager shall not offer, grant or hold such participations in sums the aggregate of which exceeds the total sum secured under such bond, or, in any case where the mortgagor has repaid part of the debt secured under the bond, exceeds the amount owing by the mortgagor under such bond at the time when the participation is granted.

(3) An offer in terms of sub-section (2) shall set forth—

(*a*) the particulars of the bond in which the participation is offered;

(*b*) the extent of the participation offered; and

(*c*) the rules of the scheme in which the bond is included.

(4) The extent of any participation offered, granted or held in terms of sub-section (2) shall be expressed as a sum of money.

(5) Upon the acceptance of an offer made in terms of sub-section (2) by the person to whom it is made, the manager shall grant to such person a participation in terms of such offer.

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Bekendmaking van toekenning van deelneming.

4. (1) Elke bestuurder moet op die tydstip wanneer hy aan 'n persoon 'n deelneming in 'n deelnemingsverband toeken, aan daardie persoon skriftelik bekend maak dat daardie deelneming aan hom toegeken is.

(2) 'n Bekendmaking ingevolge sub-artikel (1) moet vermeld—

(*a*) die besonderhede van die verband waarin die deelneming toegeken is;
(*b*) die grootte van die deelneming in daardie verband wat aan daardie persoon toegeken is; en
(*c*) die voorwaardes waarop die deelnemer sy regte kan oordra, sedeer of beswaar.

Register van verbande en deelnemings.

5. (1) Elke bestuurder moet by sy geregistreerde kantoor of sy besigheidsplek of die ander plek of plekke wat die registrateur goedkeur op die voorwaardes wat hy bepaal, 'n register hou wat aan 'n jaarlikse oudit onderworpe is en waarin aangeteken moet word—

(*a*) die besonderhede van elke deelnemingsverband;
(*b*) die bedrag van tyd tot tyd deur die verbandgewer kragtens daardie verband verskuldig;
(*c*) die name van die deelnemers in daardie verband en die grootte van hul deelnemings van tyd tot tyd asook alle bedrae aan deelnemers ten opsigte van hul deelnemings terugbetaal; en
(*d*) die reëls van die skema waarby daardie verband ingesluit is.

(2) Elke sodanige register moet in 'n deur die registrateur goedgekeurde vorm gehou word en kan deur enigiemand ingesien word, maar onderworpe aan die redelike beperking wat die bestuurder oplê sodat ten minste twee uur op elke werkdag bepaal word vir insae, en die bestuurder moet aan enigiemand op sy versoek 'n fotostatiese of dubbelgespasieerde getikte kopie van, of uittreksel uit, die register verskaf teen betaling van 'n geld van vyftig sent vir elke enkele bladsy of gedeelte daarvan waaruit die kopie of uittreksel bestaan, of moet aan hom voldoende fasiliteite verskaf om daardie kopieë of uittreksels te maak.

(3) Word die insae van bedoelde register, of 'n kopie daarvan of 'n uittreksel daaruit, of bedoelde fasiliteite geweier, is die bestuurder aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tien rand en met 'n verdere boete van hoogstens vier rand vir elke dag wat die weiering voortduur; en kan 'n hof (met inbegrip van die veroordelende hof) by bevel die onmiddellike insae van bedoelde register afdwing of gelas dat die verlangde kopieë of uittreksels verskaf word aan die persoon wat hulle verlang of dat aan hom voldoende fasiliteite verskaf word om daardie kopieë of uittreksels te maak.

Regte van deelnemer.

6. (1) Die skuld wat deur 'n deelnemingsverband gesekureer word, is tot die grootte van die deelneming aan 'n deelnemer toegeken, 'n skuld deur die verbandgewer aan daardie deelnemer verskuldig en nie aan die benoemde maatskappy nie, en die regte wat deur die registrasie van so 'n verband verleen word, word, ondanks die registrasie van die verband op naam van die benoemde maatskappy, geag deur die deelnemers gehou te wees.

(2) Elke houer van 'n deelneming wat deur 'n deelnemingsverband gesekureer is, is, tensy die reëls van die skema waarby die verband ingesluit is, anders bepaal, geregtig om sy regte kragtens daardie deelneming uit te oefen sodra dit aan hom toegeken is, op dieselfde manier asof die verband op sy naam as verbandnemer geregistreer was.

(3) Waar daar in die reëls van die skema waarby 'n deelnemingsverband ingesluit is, bepaal word dat die benoemde maatskappy geregtig is om enige geregtelike stappe ten opsigte van daardie verband in sy eie naam in te stel, is die benoemde maatskappy, ondanks die bepalings van sub-artikel (1), geregtig om in daardie geregtelike stappe enige bedrag wat volgens die verband deur die verbandgewer verskuldig is, te verhaal.

(4) Geld wat deur 'n benoemde maatskappy op die verbandgewer in enige in sub-artikel (3) bedoelde geregtelike stappe verhaal word, is die eiendom van die deelnemers na verhouding tot die grootte van hulle deelnemings, en die deelnemers is verplig om enige koste wat nie deur die benoemde maatskappy op die verbandgewer verhaal word nie, aan die benoemde maatskappy *pro rata* te vergoed.

(5) Die regte van 'n deelnemer in 'n bepaalde deelnemingsverband is beperk tot sy regte ten opsigte van daardie verband en enige kollaterale sekuriteit wat daarop betrekking het en strek nie tot ander goed of sekuriteite wat geregistreer is op naam van, of tot enige ander bates van, die benoemde maatskappy nie.

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Notification of grant of participation.

4. (1) Every manager shall at the time when it or he grants to any person a participation in any participation bond notify such person in writing that such participation has been granted to him.

(2) A notification in terms of sub-section (1) shall set forth—

(*a*) the particulars of the bond in which the participation has been granted;

(*b*) the extent of the participation in such bond granted to such person; and

(*c*) the conditions on which the participant may transfer, cede or encumber his rights.

Register of bonds and participations.

5. (1) Every manager shall keep at its registered office or its or his place of business or such other place or places as the registrar may approve on such conditions as he may determine, a register, which shall be subject to annual audit, and in which shall be recorded—

(*a*) the particulars of each participation bond;

(*b*) the amount owing from time to time by the mortgagor under such bond;

(*c*) the names of the participants in such bond and the extent of their participations from time to time as well as all amounts repaid to participants in respect of their participations; and

(*d*) the rules of the scheme in which such bond is included.

(2) Every such register shall be kept in a form approved by the registrar and shall be open to the inspection of any person but subject to such reasonable restriction as the manager may impose, so that at least two hours in each working day are appointed for inspection, and the manager shall furnish to any person at his request a photostatic or double-spaced typewritten copy of, or extract from, the register on payment of a fee of fifty cents for every single page or portion thereof of which the copy or extract consists, or shall afford him adequate facilities for making such copies or extracts.

(3) If inspection of the said register, or a copy thereof or an extract therefrom, or the said facilities be refused, the manager shall be guilty of an offence and liable, on conviction, to a fine not exceeding ten rand, and to a further fine not exceeding four rand for every day during which the refusal continues; and any court (including the court convicting) may by order compel immediate inspection of the said register or direct that the copies or extracts required be furnished to the person requiring them or that he be afforded adequate facilities for making such copies or extracts.

Rights of participant.

6. (1) The debt secured by a participation bond shall to the extent of the participation granted to any participant be a debt owing by the mortgagor to such participant and not to the nominee company, and the rights conferred by the registration of any such bond shall, notwithstanding the registration of the bond in the name of the nominee company, be deemed to be held by the participants.

(2) Every holder of a participation secured by a participation bond shall, unless it is otherwise provided in the rules of the scheme in which the bond is included, be entitled to enforce against the mortgagor his rights under such participation as soon as it has been granted to him in the same manner as if the bond were registered in his name as mortgagee.

(3) Where it is provided in the rules of the scheme in which a participation bond is included that the nominee company shall be entitled to bring any proceedings in respect of that bond in its own name, the nominee company shall, notwithstanding the provisions of sub-section (1), be entitled in such proceedings to recover any amount owing by the mortgagor in terms of the bond.

(4) Any money recovered by the nominee company from the mortgagor in any proceedings referred to in sub-section (3) shall be the property of the participants proportionately to the extent of their participations and the participants shall be obliged to refund to the nominee company *pro rata* any of the costs of such proceedings that may not be recovered by the nominee company from the mortgagor.

(5) The rights of a participant in a particular participation bond shall be limited to his rights in respect of such bond and any collateral security relating thereto and shall not extend to other property or securities registered in the name of or to any other assets of the nominee company.

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(6) 'n Deelnemer het die reg om sonder die toestemming van die verbandgewer sy regte in 'n deelnemingsverband oor te dra, te sedeer of te beswaar, mits hy vooraf die skriftelike toestemming van die bestuurder tot sodanige oordrag, sessie of beswaring verkry het.

Deelnemings verleen gelyke voorrang.

7. Alle deelnemings in 'n deelnemingsverband toegeken, wanneer hulle ook al toegeken is of word, staan met mekaar gelyk in rangorde vanaf die datum van registrasie van die verband.

Beperkings op regte van benoemde maatskappy

8. 'n Benoemde maatskappy mag nie sonder die skriftelike toestemming van die registrateur enige regte ingevolge 'n deelnemingsverband oordra, sedeer of op enige manier beswaar nie.

Reëls van die skema.

9. (1) Die bestuurder moet reëls opstel om die werking van die skema te beheers, watter reëls onderworpe is aan die goedkeuring van die registrateur.

(2) Die in sub-artikel (1) bedoelde reëls van die skema word geag enige voorwaardes in te sluit wat die registrateur kragtens paragraaf (*a*) van sub-artikel (3) van artikel *ses-en-dertig* van die Wet op Beheer van Effekte-trustskemas, 1947 (Wet No. 18 van 1947), in verband met die skema gestel het, en sluit in—

(*a*) enige vorm van ooreenkoms tussen die bestuurder en 'n deelnemer aangegaan te word of enige dokument waarin uiteengesit word die bedinge en voorwaardes waarop deelnemings deur die bestuurder van die skema aangebied, toegeken of bekend gemaak word;

(*b*) enige vorm van ooreenkoms ingevolge waarvan geld deur die bestuurder ontvang word vir belegging op sekuriteit van 'n deelnemingsverband; en

(*c*) enige ooreenkoms tussen die benoemde maatskappy en sy bestuurder aangegaan in verband met die skema.

(3) Die reëls van die skema kan bepaal dat die bestuurder deur die benoemde maatskappy enige van die regte van die deelnemers wat in daardie reëls vermeld word, namens die deelnemers kan uitoefen en daardie reëls kan, sonder om die algemeenheid van die voorgaande te raak, in die besonder bepaal dat die bestuurder sonder die toestemming van die deelnemers kan bewerkstellig dat die benoemde maatskappy namens die deelnemers in 'n bepaalde verband—

(*a*) toestemming moet verleen in enige geval waar die toestemming van 'n verbandnemer, 'n wettige houer van 'n verband of 'n houer van 'n verband ingevolge die Registrasie van Aktes Wet, 1937 (Wet No. 47 van 1937), of die Registrasie van Aktes Proklamasie, 1939 (Proklamasie No. 37 van 1939), van die gebied Suidwes-Afrika, vereis word;

(*b*) enige geregtelike stappe ten opsigte van 'n verband wat in die skema ingesluit is, in sy eie naam moet instel;

(*c*) aan die verbandgewer ingevolge daardie verband tydsverlengings moet toestaan vir die betaling van die verbandskuld of rente daarop;

(*d*) hervoorskotte aan die verbandgewer ingevolge so 'n verband moet toestaan en òf aan die oorspronklike deelnemers òf aan enige ander persone deelnemings in daardie verband moet aanbied of toeken wat altesaam nie die bedrag van daardie hervoorskotte te bowe gaan nie; en

(*e*) die rentekoers kragtens die verband betaalbaar of enige ander voorwaardes daarvan moet wysig.

(4) Die reëls van die skema kan bepaal dat die bestuurder nie verplig is om enige bedrae wat die verbandgewer ingevolge die verband ter vermindering van die hoofskuld betaal het onder die deelnemers na verhouding tot die grootte van hul deelnemings, te verdeel nie, maar aan een of meer van die deelnemers die geheel of 'n deel van sy of hulle deelnemings kan terugbetaal sonder om enige betaling of enige gelykwaardige betaling aan een of meer van die ander deelnemers te doen.

(5) Die reëls van die skema soos van toepassing op 'n bepaalde deelnemingsverband mag nie sonder die skriftelike toestemming van al die deelnemers daarin en die bestuurder verander word nie.

Oudit.

10. (1) Elke bestuurder moet jaarliks die registers en rekeningboeke van elke skema deur hom bestuur, met inbegrip van die registers en rekeningboeke deur die benoemde maatskappy gehou, laat ouditeer deur 'n ouditeur kragtens die Wet op Openbare Rekenmeesters en Ouditeurs, 1951 (Wet No. 51 van 1951), geregistreer.

(2) Geen direkteur of dienaar van 'n bestuurder en geen firma waarvan so 'n direkteur of dienaar 'n lid is, mag 'n in sub-artikel (1) bedoelde oudit uitvoer nie.

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(6) A participant shall have the right to transfer, cede or encumber his rights in a participation bond without the consent of the mortgagor, provided that he has obtained the prior written consent of the manager to such transfer, cession or encumbrance.

7. All participations granted in any participation bond, whenever granted, shall rank in preference concurrently with one another as from the date of registration of the bond. *Participations rank in preference concurrently.*

8. A nominee company shall not transfer, cede or in any way encumber any rights under a participation bond without the written consent of the registrar. *Restrictions on rights of nominee company.*

9. (1) The manager shall frame rules for governing the operation of the scheme, which rules shall be subject to the approval of the registrar. *Rules of the scheme.*

(2) The rules of the scheme referred to in sub-section (1) shall be deemed to include any conditions imposed by the registrar under paragraph (*a*) of sub-section (3) of section *thirty-six* of the Unit Trusts Control Act, 1947 (Act No. 18 of 1947), in relation to the scheme, and include—

(*a*) any form of agreement to be entered into between the manager and a participant or any document embodying the terms and conditions upon which participations are offered, granted or notified by the manager of the scheme;

(*b*) any form of agreement in terms of which money is accepted by the manager for investment upon the security of a participation bond; and

(*c*) any agreement entered into between the nominee company and its manager in relation to the scheme.

(3) The rules of the scheme may provide that the manager may exercise through the nominee company on behalf of the participants any of the rights of the participants which are specified in such rules and, without affecting the generality of the foregoing, such rules may provide in particular that the manager may without the consent of the participants procure that the nominee company on behalf of the participants in any particular bond shall—

(*a*) grant any consent in any case where the consent of a mortgagee, a legal holder of a bond or a holder of a bond is required in terms of the Deeds Registries Act, 1937 (Act No. 47 of 1937), or the Deeds Registry Proclamation, 1939 (Proclamation No. 37 of 1939), of the territory of South-West Africa;

(*b*) bring any legal proceedings in respect of any bond which is included in the scheme in its own name;

(*c*) grant to the mortgagor under such bond extensions of time in which to pay the mortgage debt or interest thereon;

(*d*) grant re-advances to the mortgagor under any such bond and offer or grant either to the original participants or to any other persons participations in such bond not exceeding in all the amount of such re-advances; and

(*e*) vary the rate of interest payable under the bond or any other conditions thereof.

(4) The rules of the scheme may provide that the manager shall not be obliged to distribute any payments made in reduction of the principal debt by the mortgagor under the bond among the participants proportionately to the extent of their participations, but may repay to any one or more of the participants the whole or a part of his or their participations without making any payment or any equivalent payment to any one or more of the other participants.

(5) The rules of the scheme as applicable to any particular participation bond may not be altered without the consent in writing of all the participants therein and the manager.

10. (1) Every manager shall annually cause the registers and books of account of every scheme managed by him, including such registers and books of account as may be kept by the nominee company, to be audited by an auditor registered under the Public Accountants' and Auditors' Act, 1951 (Act No. 51 of 1951). *Audit.*

(2) No director or servant of a manager and no firm of which any such director or servant is a member, shall carry out an audit referred to in sub-section (1).

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(3) 'n Ouditeur moet skriftelik aan die bestuurder verslag doen oor elke sodanige jaarlikse oudit en daardie verslag moet vermeld—

(a) of volgens sy inligting en die verduidelikings aan hom gegee die register behoorlik ingevolge hierdie Wet in stand gehou word;

(b) of hy homself nie kon oortuig nie—

(i) van die bestaan van 'n verband aangeteken in die register as 'n verband wat deelnemings sekureer;

(ii) dat die jongste waardasie van die met verband beswaarde onroerende goed die belange van die deelnemers genoegsaam skyn te dek; en

(c) enige ter sake dienende aangeleentheid wat tot sy kennis gekom het waaraan volgens sy oordeel die bestuurder aandag behoort te gee.

(4) 'n Kopie van elke ouditeursverslag—

(a) moet deur die bestuurder aan die registrateur verskaf word—

(i) in elke geval waar die bestuurder 'n maatskappy is, binne ses maande na die end van die boekjaar daarvan; en

(ii) in elke ander geval, binne ses maande na die jaarlikse afsluiting van die rekeningboeke; en

(b) moet in elke kantoor of plek waarin die bestuurder verplig is om die in sub-artikel (1) van artikel *vyf* bedoelde register te hou, beskikbaar wees vir insae deur enige persoon gedurende dieselfde tydperk waartydens daardie register ingevolge sub-artikel (2) van genoemde artikel deur enigiemand ingesien kan word.

(5) 'n Ouditeursverslag wat ingevolge sub-artikel (4) aan die registrateur verskaf word, moet in die kantoor van die registrateur beskikbaar wees vir insae deur enige persoon.

(6) Die ouditeur moet enige onreëlmatigheid of ongewenste praktyk in die bestuur van die sake van 'n skema wat tot sy kennis gekom het, skriftelik aan die bestuurder rapporteer, en as daardie onreëlmatigheid of ongewenste praktyk nie binne 'n tydperk van een maand vanaf die datum waarop dit aan die bestuurder gerapporteer is, reggemaak of gestaak word nie, moet daardie ouditeur dit skriftelik aan die registrateur rapporteer.

Inspeksiebevoegdhede.

11. (1) 'n Inspekteur wat kragtens artikel *twee* van die Wet op Inspeksie van Finansiële Instellings, 1962 (Wet No. 68 van 1962), aangestel is, kan te eniger tyd in opdrag van die Registrateur van Finansiële Instellings die sake van 'n skema en van 'n bestuurder en van 'n benoemde maatskappy met betrekking tot daardie skema inspekteer.

(2) Die bepalings van die Wet op Inspeksie van Finansiële Instellings, 1962, is van toepassing ten opsigte van 'n inspeksie ingevolge sub-artikel (1) uitgevoer.

Verskaffing van inligting aan die registrateur.

12. 'n Bestuurder moet binne 'n tydperk van dertig dae na ontvangs van 'n skriftelike versoek van die registrateur, of binne die verdere tydperk daarna wat die registrateur toelaat, die inligting aan die registrateur verskaf met betrekking tot 'n skema deur hom bestuur (tesame met 'n verslag daaroor deur die ouditeur, indien aldus versoek), wat die registrateur versoek.

Misdrywe.

13. 'n Persoon wat 'n bepaling van hierdie Wet of van die reëls van die skema oortree of versuim om te voldoen aan 'n bepaling van hierdie Wet of van die reëls van die skema waaraan dit sy plig is om te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar, indien geen straf spesiaal in hierdie Wet vir daardie oortreding of versuim voorgeskryf word nie, met 'n boete van hoogstens duisend rand of met gevangenisstraf vir 'n tydperk van hoogstens een jaar of met sowel sodanige boete as sodanige gevangenisstraf.

Wysiging van artikel 36 van Wet 18 van 1947, soos vervang deur artikel 35 van Wet 11 van 1962 en gewysig deur artikel 10 van Wet 65 van 1963.

14. Artikel *ses-en-dertig* van die Wet op Beheer van Effektetrustskemas, 1947, word hierby gewysig—

(a) deur in paragraaf (a) van sub-artikel (3) die woord „genomineerde" deur die woord „benoemde" te vervang; en deur die voorbehoudsbepaling by genoemde paragraaf te skrap; en

(b) deur sub-artikel (4) te skrap.

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(3) The auditor shall report in writing to the manager on every such annual audit and such report shall state—

(*a*) whether according to his information and the explanations given to him the register is properly maintained in terms of this Act;

(*b*) whether he has been unable to satisfy himself—

(i) of the existence of any bond recorded in the register as securing participations;

(ii) that the latest valuation of the immovable property mortgaged appears to cover adequately the interests of the participants; and

(*c*) any relevant matter which has come to his notice to which in his opinion the manager should give attention.

(4) A copy of every auditor's report—

(*a*) shall be furnished by the manager to the registrar—

(i) in every instance where the manager is a company, within six months after the end of its financial year; and

(ii) in every other instance, within six months of the annual closing of the books of account; and

(*b*) shall be available in every office or place in which the manager is required to keep the register referred to in sub-section (1) of section *five*, for inspection by any person during the same period during which such register is in terms of sub-section (2) of the said section open to the inspection of any person.

(5) An auditor's report furnished to the registrar in terms of sub-section (4) shall be available in the office of theregistrar for inspection by any person.

(6) The auditor shall report to the manager in writing any irregularity or undesirable practice in the conduct of the affairs of a scheme which has come to his notice, and if that irregularity or undesirable practice is not rectified or discontinued within a period of one month as from the date upon which it was reported to the manager, such auditor shall report it in writing to the registrar.

Powers of inspection.

11. (1) An inspector appointed under section *two* of the Inspection of Financial Institutions Act, 1962 (Act No. 68 of 1962), may at any time at the direction of the Registrar of Financial Institutions inspect the affairs of a scheme and of a manager and of a nominee company in relation to that scheme.

(2) The provisions of the Inspection of Financial Institutions Act, 1962, shall apply in respect of an inspection carried out in terms of sub-section (1).

Furnishing of information to the registrar.

12. A manager shall within a period of thirty days after receipt of a written request from the registrar, or within such further period thereafter as the registrar may allow, furnish to the registrar such information in relation to a scheme managed by him (together with a report thereon by the auditor, if so requested), as the registrar may request.

Offences.

13. Any person who contravenes any provision of this Act or of the rules of the scheme or fails to comply with any provision of this Act or of the rules of the scheme with which it is his duty to comply, shall be guilty of an offence and liable on conviction, if no penalty is specially prescribed in this Act for such contravention or default, to a fine not exceeding one thousand rand or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

Amendment of section 36 of Act 18 of 1947, as substituted by section 35 of Act 11 of 1962 and amended by section 10 of Act 65 of 1963.

14. Section *thirty-six* of the Unit Trusts Control Act, 1947, is hereby amended—

(*a*) by the substitution in the Afrikaans text of paragraph (*a*) of sub-section (3) for the word "genomineerde" of the word "benoemde"; and by the deletion of the proviso to the said paragraph; and

(*b*) by the deletion of sub-section (4).

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Toepassing van Wet 18 van 1947 in Suidwes-Afrika.

15. Die volgende artikel word hierby in die Wet op Beheer van Effekte-trustskemas, 1947, na artikel *twee-en-veertig* ingevoeg:

„Toepassing in Suidwes-Afrika.

42*bis*. (1) Hierdie Wet en enige wysiging daarvan is van toepassing ook in die gebied Suidwes-Afrika, met inbegrip van die gebied bekend as die Oostelike Caprivi Zipfel en genoem in subartikel (3) van artikel *drie* van die Wysigingswet op Aangeleenthede van Suidwes-Afrika, 1951 (Wet No. 55 van 1951), en ook met betrekking tot alle persone in die deel van die gebied Suidwes-Afrika wat bekend staan as die ,Rehoboth Gebiet' en wat in die Eerste Bylae by Proklamasie No. 28 van 1923 van daardie gebied omskryf word.

(2) Vir die doeleindes van bedoelde toepassing word 'n verwysing in hierdie Wet—

(*a*) na die Maatskappywet, 1926 (Wet No. 46 van 1926), of na 'n bepaling daarvan, uitgelê as 'n verwysing na die Maatskappyordonnansie, 1928 (Ordonnansie No. 19 van 1928), van die gebied Suidwes-Afrika, of na die ooreenstemmende bepaling daarvan; en

(*b*) na die Registrateur van Maatskappye uitgelê as 'n verwysing na die Registrateur van Maatskappye wat kragtens die Maatskappyordonnansie, 1928, van genoemde gebied aangestel is.".

Toepassing in Suidwes-Afrika.

16. Hierdie Wet en enige wysiging daarvan is van toepassing ook in die gebied Suidwes-Afrika, met inbegrip van die gebied bekend as die Oostelike Caprivi Zipfel en genoem in subartikel (3) van artikel *drie* van die Wysigingswet op Aangeleenthede van Suidwes-Afrika, 1951 (Wet No. 55 van 1951), en ook met betrekking tot alle persone in die deel van die gebied Suidwes-Afrika wat bekend staan as die „Rehoboth Gebiet" en wat in die Eerste Bylae by Proklamasie No. 28 van 1923 van daardie gebied omskryf word.

Kort titel.

17. Hierdie Wet heet die Wet op Deelnemingsverbande, 1964, en tree in werking op 'n datum wat deur die Staatspresident by proklamasie in die *Staatskoerant* vasgestel word.

GEDRUK VIR DIE STAATSDRUKKER, PRETORIA, DEUR KAAP EN TRANSVAAL DRUKKERS BEPERK, KAAPSTAD—C467.

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15. The following section is hereby inserted in the Unit Trusts Control Act, 1947, after section *forty-two*: Application of Act 18 of 1947 to South-West Africa.

"Application to South-West Africa. **42*bis*.** (1) This Act and any amendment thereof shall also apply in the territory of South-West Africa, including the area known as the Eastern Caprivi Zipfel and referred to in sub-section (3) of section *three* of the South-West Africa Affairs Amendment Act, 1951 (Act No. 55 of 1951), and also in relation to all persons in the portion of the territory of South-West Africa known as the 'Rehoboth Gebiet' and defined in the First Schedule to Proclamation No. 28 of 1923 of the said territory.

(2) For the purposes of the said application any reference in this Act—

(*a*) to the Companies Act, 1926 (Act No. 46 of 1926), or to any provision thereof, shall be construed as a reference to the Companies Ordinance, 1928 (Ordinance No. 19 of 1928), of the territory of South-West Africa, or to the corresponding provision thereof; and

(*b*) to the Registrar of Companies shall be construed as a reference to the Registrar of Companies appointed under the Companies Ordinance, 1928, of the said territory.".

16. This Act and any amendment thereof shall also apply in the territory of South-West Africa, including the area known as the Eastern Caprivi Zipfel and referred to in sub-section (3) of section *three* of the South-West Africa Affairs Amendment Act, 1951 (Act No. 55 of 1951), and also in relation to all persons in the portion of the territory of South-West Africa known as the "Rehoboth Gebiet" and defined in the First Schedule to Proclamation No. 28 of 1923 of the said territory. Application to South-West Africa.

17. This Act shall be called the Participation Bonds Act, 1964, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*. Short title.

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