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PRIME MINISTER'S DEPARTMENT.

The following Government Notice is published for general information.

H. D. J. BODENSTEIN,  
 Secretary to the Prime Minister.

Prime Minister's Office,  
 Cape Town.

No. 611. March, 1929.  
 It is notified that His Excellency the Governor-General has been pleased to assent to the following Acts, which are hereby published for general information :

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DEPARTEMENT VAN DIE EERSTE MINISTER.

Die volgende Goewermentskennisgewing word vir algemene informasie gepubliseer.

H. D. J. BODENSTEIN,  
 Sekretaris van die Eerste Minister.

Kantoor van die Eerste Minister,  
 Kaapstad.

No. 611. Maart 1929.  
 Hiermee word bekend gemaak dat dit Sy Eksellensie die Goewerneur-generaal behaag het om sy goedkeuring te heg aan die volgende Wette wat hiermee vir algemene informasie gepubliseer word.

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No. 9, 1929.]

## ACT

## To Amend the Native Administration Act, 1927.

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows :—

- Interpretation. 1. In this Act the expression "principal Act" means the Native Administration Act, 1927 (Act No. 38 of 1927).
- Amendment of section one of Act No. 38 of 1927. 2. Section one of the principal Act is hereby amended by—  
 (a) the insertion after the word "such" of the words "rights, immunities";  
 (b) the deletion of the words "at the commencement of this Act" and the substitution therefor of the words "or may be from time to time".
- Amendment of section two of Act No. 38 of 1927. 3. Section two of the principal Act is hereby amended by the insertion—  
 (a) in sub-section (2) after the word "many" of the words "additional native commissioners and";  
 (b) in sub-section (5) after the word "commissioner" where it occurs for the first time of the words "additional native commissioner"; and  
 (c) of the following new sub-section (8), the existing sub-section (8) becoming sub-section (9):  
 (8) The Minister may appoint any person to act temporarily as a chief or headman in the place of or in addition to the ordinary incumbent of the post.
- Amendment of section five of Act No. 38 of 1927. 4. Section five of the principal Act is hereby amended by the insertion in paragraph (b) of sub-section (1) after the word "place" where it occurs for the second time of the words "or to any province or district".
- Amendment of section ten of Act No. 38 of 1927. 5. Section ten of the principal Act is hereby amended by—  
 (a) the insertion in paragraph (e) of sub-section (1) after the words "decree of" of the word "nullity"; and by the deletion from that paragraph of the words "contracted according to civil or christian rites"; and  
 (b) the insertion of the following sub-section :—  
 (5) Whenever anything attached in execution of a judgment of a court of native commissioner is claimed as his property by a person who is not a native, such claim shall be adjudicated upon by the magistrate's court within whose area of jurisdiction such attachment was effected in the same manner as if such judgment were a judgment of such magistrate's court.
- Amendment of sections twelve and twenty of Act No. 38 of 1927. 6. (1) Sections twelve and twenty of the principal Act are hereby amended by the insertion of the words "or headman" after the word "chief" wherever it appears in those sections.  
 (2) Section twelve of the principal Act is hereby further amended by the insertion after the words "question of" in sub-section (1) thereof of the word "nullity" and by the deletion from that sub-section of all words after the word "marriage".
- Amendment of section twenty-three of Act No. 38 of 1927. 7. Section twenty-three of the principal Act is hereby amended by—  
 (a) the deletion from sub-section (3) of the last sentence thereof;  
 (b) the deletion from sub-section (5) of the words "unless all the parties concerned are natives" and the substitution therefor of the words "if any of the parties concerned is not a native";

No. 9, 1929.]

## WET

Tot Wysiging van die Naturelleadministrasiewet,  
1927.

**DIT WORD BEPAAL** deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

1. In hierdie Wet beteken die uitdrukking „Hoofwet” die Naturelleadministrasiewet 1927 (Wet No. 38 van 1927). Woordbepaling.
2. Artikel *een* van die Hoofwet word hiermee gewysig deur— Wysiging van artikel *een* van Wet No. 38 van 1927.
  - (a) invoeging na die woord „sodanige” van die woorde „regte, vrydomme”;
  - (b) die woorde „by die inwerkingtreding van hierdie Wet” te skrap en na die woord „berus” die woorde „of van tyd tot tyd mag berus” in te voeg.
3. Artikel *twee* van die Hoofwet word hiermee gewysig deur die invoeging— Wysiging van artikel *twee* van Wet No. 38 van 1927.
  - (a) in sub-artikel (2) na die woord „soveel” van die woorde „addisionele naturellekommissaris en”;
  - (b) in sub-artikel (5) na die woord „naturellekommissaris” waar dit ten eerste maal voorkom van die woorde „addisionele naturellekommissaris”; en
  - (c) van volgende nuwe sub-artikel (8), terwyl die tans bestaande sub-artikel (8) sub-artikel (9) word:
    - (8) Die Minister kan enige persoon aanstel om tydelik te ageer as kaptein of hoofman in die plek van of benewens die gewone bekleder van die betrekking.
4. Artikel *vyf* van die Hoofwet word hiermee gewysig deur die invoeging in paragraaf (b) van sub-artikel (1) na die woord „plek” waar dit ten tweede maal voorkom van die woorde „of na enige provinsie of distrik”. Wysiging van artikel *vyf* van Wet No. 38 van 1927.
5. Artikel *tien* van die Hoofwet word hiermee gewysig deur— Wysiging van artikel *tien* van Wet No. 38 van 1927.
  - (a) invoeging in paragraaf (e) van sub-artikel (1) na die woorde „vonnis van” van die woord „nietigheid”; en deur die woorde „aangegaan volgens siviele of kristelike seremonieel” uit daardie paragraaf te skrap; en
  - (b) invoeging van die volgende sub-artikel:—
    - (5) Wanneer ’n persoon wat geen naturel is aanspraak maak op die eiendom van goed waarop beslag gelê is in die tenuitvoerlegging van ’n vonnis van die hof van ’n naturellekommissaris moet daardie aanspraak beslis word deur die magistraatshof van die regsgebied waarin die beslaglegging geskied is op dieselfde wyse asof daardie vonnis ’n vonnis van daardie magistraatshof gewees het.
6. (1) Artikels *twaalf* en *twintig* van die Hoofwet word hiermee gewysig deur invoeging van die woorde „of hoofman” na die woord „kaptein” op elke plek waar laasgenoemde woord voorkom. Wysiging van artikels *twaalf* en *twintig* van Wet No. 38 van 1927.
  - (2) Artikel *twaalf* van die Hoofwet word hiermee verder gewysig deur invoeging van die woord „nietigheid” na die woorde „kwessie van” in sub-artikel (1) daarvan en deur alle woorde na die woord „huwelik” in daardie sub-artikel te skrap.
7. Artikel *drie-en-twintig* van die Hoofwet word hiermee gewysig deur— Wysiging van artikel *drie-en-twintig* van Wet No. 38 van 1927.
  - (a) die slotsin in sub-artikel (3) te skrap;
  - (b) in sub-artikel (5) die woorde „tensy alle partye in daardie geding naturelle is” te skrap en te vervang deur die woorde „indien enige van die partye in daardie geding nie ’n naturel is nie”;

- (c) the deletion from sub-section (6) of the words " or the executor testamentary " and the substitution therefor of the words " if no executor has been appointed by a Master of the Supreme Court " ;
- (d) the insertion in sub-section (7) after the word " Master " where it occurs for the second time of the words " or any executor appointed by the Master ", and the deletion from that sub-section of the words " the intestate estate of any deceased native " and the substitution therefor of the following—
  - (a) the estate of any native who has died leaving no valid will ; or
  - (b) any portion of the estate of a deceased native which falls under sub-section (1) or (2) ; and
- (e) the deletion of sub-section (9) and the substitution therefor of the following sub-section—
  - (9) Whenever a native has died leaving a valid will which disposes of any portion of his estate, native law and custom shall not apply to the administration or distribution of so much of his estate as does not fall under sub-section (1) or (2) and such administration and distribution shall in all respects be in accordance with the Administration of Estates Act, 1913 (Act No. 24 of 1913).

Amendment of section *thirty-one* of Act No. 38 of 1927.

8. Section *thirty-one* of the principal Act is hereby amended by the addition of the following sub-section :—

- (5) The Governor-General may make regulations prescribing the forms of application for letters of exemption, the particulars to be submitted therewith, the method of registration of such letters, the fees which may be imposed, the form and issue of documents certifying the fact of exemption, the requirements as to the production of such documents and the penalties for wilfully false statements made in connection with any application for exemption.

Amendment of section *thirty-five* of Act No. 38 of 1927.

9. Section *thirty-five* of the principal Act is hereby amended—

- (a) by the deletion of the definition of " customary union ", and the substitution of the following definition—
  - “ ‘ customary union ’ means the association of a man and a woman in a conjugal relationship according to native law and custom, where neither the man nor the woman is party to a subsisting marriage.”
- (b) by the insertion after the definition of " location " of the following definition of " marriage "—
  - “ marriage ” means the union of one man with one woman in accordance with any law for the time being in force in any Province governing marriages, but does not include any union contracted under native law and custom or any union recognized as a marriage in native law under the provisions of section *one hundred and forty-seven* of the Code of Native Law contained in the Schedule to Law 19 of 1891 (Natal) or any amendment thereof or any other law.
- (c) by the insertion of the words " an additional and " after the word " includes " in the definition of native commissioner.

Provision for establishment of native divorce courts.

10. (1) Notwithstanding anything in any other law contained, the Governor-General may by proclamation in the *Gazette* establish native divorce courts which shall be empowered and have jurisdiction to hear and determine suits of nullity, divorce and separation between natives domiciled within their respective areas of jurisdiction in respect of marriages and to decide any question arising out of any such marriage which is not cognisable by a native commissioner's court established under section *ten* of the principal Act.

(2) The area of jurisdiction of any court established under sub-section (1) shall coincide with that of a native appeal court established under section *thirteen* of the principal Act,

- (c) in sub-artikel (6) die woorde „of die testamentêre eksekuteur” te skrap en te vervang deur die woorde „indien geen eksekuteur deur 'n Meester van die Hooggeregshof aangestel is nie” te vervang;
- (d) die invoeging in sub-artikel (7) van die woorde „of enige eksekuteur wat deur die Meester aangestel is” na die woord „Meester” waar laasgenoemde woord vir die tweede keer voorkom, en deur die woorde „die intestate boedel van 'n oorlede naturel” te skrap en te vervang deur die volgende—
  - (a) die boedel van 'n naturel wat oorlede is sonder om 'n geldige testament na te laat; of
  - (b) enige gedeelte van die boedel van 'n oorlede naturel wat val onder sub-artikel (1) of (2); en
- (e) sub-artikel (9) te skrap en te vervang deur die volgende sub-artikel—
  - (9) Waar 'n naturel sterf en 'n geldige testament nalaat wat enige gedeelte van sy boedel vermaak is naturellereg en -gebruik nie van toepassing op die bereddering en verdeling van soveel van sy boedel as wat nie onder sub-artikel (1) of (2) val nie, en daardie bereddering en verdeling geskied in elk opsig ooreenkomstig die Boedelwet, 1913 (Wet No. 24 van 1913).

8. Artikel *een-en-dertig* van die Hoofwet word hiermee gewysig deur die toevoeging van die volgende sub-artikel:—

Wysiging van artikel *een-en-dertig* van Wet No. 38 van 1927.

- (5) Die Goewerneur-generaal kan regulasies maak voorskrywende die aansoekvorms om vrystellingsbriewe, die besonderhede wat daarmee voorgelê moet word, die inskrywingstelsel van sodanige briewe, die hefbare fooie, die vorm en uitreiking van dokumente wat die vrystellingsfeit sertifiseer, die vereistes omtrent die vertoning van daardie dokumente en die strawwe vir bewus valse verklarings gemaak in verband met enige aansoek om vrystelling.

9. Artikel *vyf-en-dertig* van die Hoofwet word hiermee gewysig—

Wysiging van artikel *vyf-en-dertig* van Wet No. 38 van 1927.

- (a) deur die bepaling van „gebruiklike verbinding” te skrap en te vervang deur die volgende bepaling—
 

„gebruiklike verbinding” beteken die samelewe van 'n man en 'n vrou in 'n egtelike verhouding ooreenkomstig naturellereg en -gebruik, waar nog die man nog die vrou 'n party is by 'n bestaande huwelik”;
- (b) deur na die bepaling van „lokasie” die volgende bepaling van „huwelik” in te voeg—
 

„huwelik” beteken die verbinding van een man met een vrou kragtens enige wet op huwelike asdan in enige Provinsie van krag, maar sluit geen verbinding in nie wat kragtens naturellereg en -gebruik aangegaan is of enige verbinding wat erken word as 'n huwelik kragtens naturellereg ingevolge die bepalings van artikel *honderd-sewen-en-veertig* van die Wetboek van Naturelereg bevat in die Bylae tot Wet No. 19 van 1891 (Natal) of enige wysiging daarvan of enig ander regsbeplating.
- (c) deur invoeging van die woorde „'n addisionele en” na die woord „naturellekommissaris” in die bepaling van laasgenoemde woord.

10. (1) Nieteenstaande andersluidende bepalings van ander wette kan die Goewerneur-generaal deur Proklamasie in die *Staatskoerant* naturelle-egskeidingshowe instel wat bevoeg is en regsmag het om regsgedinge te verhoor handelende oor nietigheid, egskedding en skeiding tussen naturelle gedomisileer binne hul onderskeidelike regsgebiede ten opsigte van huwelike en om enige vraag te beslis spruitende uit sodanige huwelike, wat nie in die jurisdieksie val van 'n naturelle-kommissarishof ingestel kragtens artikel *tien* van die Hoofwet.

Voorsiening vir instelling van naturelle-egskeidingshowe.

(2) Die regsgebied van enige hof kragtens sub-artikel (1) ingestel val saam met die van 'n naturelle-appelhof ingestel kragtens artikel *dertien* van die Hoofwet.

(3) Every such court shall be a court of law and shall consist of the person for the time being acting as president of the native appeal court exercising jurisdiction in the same area. The president may in his discretion summon to his assistance two persons holding the office of magistrate to sit and act with him as assessors in an advisory capacity on questions of fact.

(4) The provisions of sub-sections (5) and (6) of section *thirteen* and sub-section (1) of section *sixteen* of the principal Act in relation to native appeal courts shall *mutatis mutandis* apply in respect of native divorce courts established under this section.

(5) An appeal from the judgment of a native divorce court shall lie to the provincial or local division of the Supreme Court having jurisdiction.

(6) Such appeal shall be noted and prosecuted as if it were an appeal from a judgment of a magistrate's court in a civil matter, and all rules applicable to such last mentioned appeal whether in respect of the hearing thereof or of the confirmation or setting aside of the proceedings appealed against, or otherwise, shall *mutatis mutandis* apply to an appeal under this section.

(7) Nothing in this section shall be construed as in any manner divesting the Supreme Court of jurisdiction in respect of any matter specified in sub-section (1).

Short title.

**11.** This Act may be cited as the Native Administration Act, 1927, Amendment Act, 1929.

(3) Elke sodanige hof is 'n geregshof en bestaan uit die persoon wat asdan as voorsitter van die natuurlike-appèlhof in daardie regsgebied ageer. Die voorsitter kan na sy goed-dunke twee persone tot sy hulp oproep wat die amp beklee van magistraat om met hom te sit en met hom as assessors in 'n adviserende hoedanigheid te ageer op vrae van daadsake.

(4) Die bepalings van sub-artiekels (5) en (6) van artikel *dertien* en sub-artikel (1) van artikel *sestien* van die Hoofwet met betrekking tot natuurlike-appèlhowe is *mutatis mutandis* van toepassing op die natuurlike-egskeidingshowe kragtens hierdie artikel ingestel.

(5) Van die vonnis van 'n natuurlike-egskeidingshof kan geappeleer word na die prowinsiale of plaaslike afdeling van die hooggeregshof wat jurisdiëksie het.

(6) 'n Sodanige appèl moet aangeteken en vervolgd word asof dit 'n appèl van 'n vonnis van 'n magistraatshof in 'n siviele aksie was en al die reëls op laasgenoemde appèl van toepassing, wat betref sy verhoor of wat betref die bekragtiging of vernietiging van die verrigtings waarteen geappeleer word, of andersins, is *mutatis mutandis* van toepassing op 'n appèl ingevolge hierdie artikel.

(7) Hierdie artikel word nie geag nie enige afbreuk te doen aan die regsmag van die hooggeregshof ten opsigte van enige saak genoem in sub-artikel (1).

11. Hierdie Wet kan aangehaal word as die Naturelle- Kort tittel. administrasiewet, 1927, Wysigingswet, 1929.

No. 10, 1929.]

## ACT

**To provide for the constitution of a Local Board of Management for the Van Wyk's Vlei Settlement, District of Carnarvon, the amendment of Act No. 29 of 1908 of the Cape of Good Hope, and certain incidental matters.**

**BE IT ENACTED** by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Constitution of  
Van Wyk's Vlei  
Settlement board.

1. (1) Notwithstanding anything contained in the Van Wyk's Vlei Settlement Act, 1908 (Act No. 29 of 1908), of the Cape of Good Hope or the regulations framed thereunder or in the conditions of any Crown grant or other document of title or any lease issued in respect of the lands within the Van Wyk's Vlei Settlement (hereinafter called the settlement) known respectively as sowing lots, garden lots and building lots, the Minister of Lands may, by notice in the *Gazette*, authorize the constitution of a local board (hereinafter called the board) for the management of the area of the settlement as defined in the Schedule to this Act.

(2) Such board shall consist of seven members, one of whom shall be the magistrate of the district of Carnarvon who shall be the chairman of the board. Three members shall be elected by the registered owners of sowing lots and three members by the registered owners of garden and building lots within the settlement in manner prescribed by regulation under section *eight*, and every such member shall hold office for the period of one year.

(3) If the owners at any time fail, neglect or refuse to elect a board or to elect a sufficient number of members to form such board, the Minister of Lands may by notice in the *Gazette* appoint from among the owners a sufficient number of persons to constitute such board.

(4) Three members of the board shall form a quorum. The chairman shall have a deliberative vote and in the event of an equality of votes shall in addition have a casting vote. The decision of the majority of the board present at any meeting thereof shall be the decision of the board and shall be final and conclusive.

(5) The board shall be named the Van Wyk's Vlei Settlement Board and shall be a body corporate capable of suing and being sued, and, subject to the provisions of this Act and as far as may be necessary for the better performance of its functions and duties thereunder, of doing such things as bodies corporate may by law do.

Termination of  
Government.  
obligations and  
vesting of certain  
Crown lands in  
board.

2. On constitution of the board in terms of section *one*—

- (a) any obligation or responsibility of the Government for the maintenance and repair of the irrigation works serving the settlement and the distribution of water therefrom which prior to the commencement of this Act vested in the Government shall cease and determine; and
- (b) any unalienated Crown lands (not being Crown land reserved or occupied for any Government purpose) within the area of the settlement as defined in the Schedule to this Act shall vest in the board subject to the provisions of section *six*.

Functions of  
board.

3. (1) It shall be the function and duty of the board to control and maintain the irrigation works constructed for the service of the settlement, to regulate the distribution of water therefrom and to control and manage the settlement.

(2) The board shall within the settlement have and exercise—

- (a) all such functions, powers, rights, duties and obligations as are conferred on an irrigation board by the Irrigation and Conservation of Waters Act, 1912 (Act No. 8 of 1912) or any amendment thereof;

No. 10 1929.]

**WET**

**Om voorsiening te maak vir die instelling van 'n Plaaslike Bestuursraad vir die Nedersetting Vanwyksvlei, Distrik Carnarvon, vir die wysiging van Wet No. 29 van 1908 van die Kaap die Goeie Hoop en vir sekere daarmee inverbandstaande sake.**

**DIT WORD BEPAAL** deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

1. (1) Nieteenstaande die bepalings van die Vanwyksvlei-Nedersettingswet, 1908 (Wet No. 29 van 1908) van die Kaap die Goeie Hoop of van die regulasies kragtens daardie wet opgetrek of van die voorwaardes van enige kroongrondbrief of ander tittelbewys of enige huurkontrak uitgereik ten opsigte van die lande binne die Nedersetting Vanwyksvlei (hieronder die nedersetting genoem) respektiewelik genoem saaipersele, tuinpersele en boupersele, mag die Minister van Lande, by kennisgewing in die *Staatskoerant*, magtiging verleen tot instelling van 'n plaaslike raad (hieronder die raad genoem) vir die bestuur van die gebied van die nedersetting soas omskrywe in die bylae tot hierdie Wet.

Instelling van raad van Nedersetting Vanwyksvlei.

(2) Daardie raad bestaan uit sewe lede, waarvan een die magistraat van die distrik Carnarvon is, wat die voorsitter van die raad is. Drie lede word deur die geregistreerde eienaars van saaipersele en drie lede deur die geregistreerde eienaars van tuin- en boupersele in die nedersetting gekies volgens voorskrif van regulasies uitgevaardig kragtens artikel *ag*, en elke sodanige lid beklee sy amp vir die tydperk van een jaar.

(3) As die eienaars te eniger tyd in gebreke bly, versuim of weier om 'n raad te kies of om 'n voldoende aantal lede te kies om so 'n raad te vorm, mag die Minister van Lande, by kennisgewing in die *Staatskoerant* uit die eienaars 'n voldoende aantal persone benoem om so 'n raad te vorm.

(4) Drie lede van die raad vorm 'n kworum. Die voorsitter het 'n beraadslagende stem en in die geval van 'n staking van stemme het hy buitendien nog 'n beslissende stem. Die besluit van die meerderheid van die raad teenwoordig op enige vergadering daarvan is die besluit van die raad en is finaal en bindend.

(5) Die raad word genoem die Vanwyksvlei-Nedersettingsraad en is 'n regs persoon, in staat om as eiser en as verweerder in regte op te tree en om, met inagneming van die bepalings van hierdie Wet en vir so ver as nodig mag wees vir die betere uitvoering van sy funksies en pligte ingevolge daarvan, alle handelinge te verrig wat regs persone regtens mag verrig.

2. By instelling van die raad kragtens artikel *een*—

Verval van sekere verpligtings van Goewerment en eiendomsreg van raad oor sekere Kroongrond.

(a) verval en eindig enige verpligting of verantwoordelijkheid van die Goewerment vir die onderhoud en herstelling van die besproeiingswerke wat die nedersetting bedien en vir die uitdeling van die water daarvan wat voor die inwerkingtreding van hierdie Wet by die Goewerment berus het; en

(b) behoort, behoudens die bepalings van artikel *ses*, enige onvervreemde kroongrond (behalwe Kroongrond vir enige Regeringsdoeleinde gereserveer of geokkupeer) binne die gebied van nedersetting soas bepaal in die Bylae tot hierdie Wet aan die raad.

3. (1) Die raad is bevoeg en verplig om die besproeiingswerke, aangelê tot diens van die nedersetting, te beheer en in stand te hou, om die verdeling van die water daaruit te reël en om die nedersetting te beheer en te bestuur.

Funksies van raad.

(2) Binne die nedersetting het en oefen die raad uit—

(a) al die funksies, bevoegdhede, regte, pligte en verpligtings wat aan 'n besproeiingsraad verleen is deur die Besproeiings en Waterbewarings Wet, 1912 (Wet No. 8 van 1912) of enige wysiging daarvan;

(b) subject to the approval of the Minister of Lands, all such powers as may be exercised by a committee of management constituted under the Settlements (Committee of Management) Act, 1925 (Act No. 21 of 1925); and

(c) the power to buy, hold, sell and lease land :

Provided that such functions and powers and such duties and obligations shall be exercised and carried out subject to such rights as the registered owners of sowing lots, garden lots and building lots may have under their title deeds, and that no purchase or sale of land shall take place save under the authority previously obtained of the Governor-General.

(3) Any servitude or other right reserved to the Government in the title deed of any land within the settlement and exercisable in connection with any irrigation works constructed or to be constructed on, at, or for the purpose of, the settlement shall be deemed to be held by and shall be exercisable by the board.

Sale of sowing lots. 4. Notwithstanding anything contained in this Act or in any other law no further sowing lots within the settlement shall be sold after the commencement of this Act.

Division of settlement area. 5. (1) The Minister may, on the recommendation of the board, by notice in the *Gazette* define as commonage for the exclusive use of the owners of garden and building lots, subject to rules made under the authority of paragraph (b) of sub-section (2) of section *three*, portion of the area defined in the Schedule to this Act : Provided that the area so defined shall not exceed one-eighth of the total area of land described in the said Schedule.

(2) The area of the settlement remaining after the deduction of the area defined in terms of sub-section (1) and any land occupied by any of the irrigation works and the garden, building and sowing lots shall be set aside for the exclusive use of the owners of sowing lots.

(3) The board may, subject to the approval of not less than three-fourths of the registered owners of sowing lots and the approval of the Governor-General, sub-divide the remainder of the area of the settlement set aside in terms of sub-section (2) into portions equal in number to the sowing lots in the settlement and pass transfer of such portions to the registered owners of sowing lots.

Grant of Crown land to board. 6. (1) Notwithstanding anything contained in any law, the Governor-General may issue a Crown grant to the board of the unalienated Crown lands, or any portion thereof, within the area of the settlement as defined in the Schedule to this Act and which have become vested in the board in terms of section *two*.

(2) Such grant shall be made subject to such conditions as are usually inserted in grants of Crown land within the Province of the Cape of Good Hope, and such other conditions as the Governor-General may deem expedient.

Amendment of Act No. 29 of 1908, Cape of Good Hope. 7. The Van Wyk's Vlei Settlement Act, 1908 (Act No. 29 of 1908) of the Cape of Good Hope is hereby amended—

(a) by the deletion in section *one* of the words " and all land in the said settlement remaining undisposed of at the date of this Act may be disposed of by the Governor in accordance with the regulations set out in Schedule " C " hereto, and subject thereto, and any additional regulations from time to time made thereunder " ; and

(b) by the repeal of sections *two* and *three*.

Regulations. 8. The Minister of Lands may by notice in the *Gazette* make regulations, not inconsistent with this Act, for all or any of the following purposes—

(a) the manner in which elections for membership of the board shall be carried out ;

(b) the procedure of the Board ;

- (b) met goedkeuring van die Minister van Lande, al die bevoegdhede wat uitgeoefen mag word deur 'n komitee van beheer ingestel kragtens die Nedersettings (Komitee van Beheer) Wet, 1925 (Wet No. 21 van 1925); en
- (c) die bevoegdheid om grond te koop, te besit, te verkoop en te verhuur.

Sodanige funksies en bevoegdhede en sodanige pligte en verpligtings moet egter uitgeoefen en verrig word met inagneming van die regte wat die geregistreerde eienaars van saaipersele, tuinpersele en boupersele kragtens hulle tietelbewyse mag hê, en geen grond mag gekoop of verkoop word sonder voorafgaande magtiging van die Goewerneur-generaal.

(3) Enige serwituut of ander reg voorbehou aan die Regering in die tietelbewys van enige grond binne die nedersetting en uitoefenbaar in verband met besproeiingswerke wat aangelê is of aangelê mag word in, by, of vir die doeleindes van, die nedersetting, word geag aan die raad te behoer en kan deur hom uitgeoefen word.

4. Nieteenstaande die bepalings van hierdie of van enige ander Wet word geen meer saaipersele binne die nedersetting na die inwerkingtreding van hierdie Wet verkoop nie. Saaipersele mag nie meer verkoop word nie

5. (1) Handelende op advies van die raad mag die Minister by kennisgewing in die *Staatskoerant* behoudens reëls o regulasies gemaak kragtens paragraaf (b) van sub-artikel (2) van artikel drie gedeelte van die gebied bepaal in die Bylae tot hierdie Wet as gemeenskaplike grond bepaal vir die uitsluitlike gebruik van die eienaars van tuin- en boupersele: Met die verstande dat die aldus bepaalde gebied nie meer as een agste is van die hele gebied van die grond in bedoelde Bylae bepaal. Verdeling van gebied van nedersetting.

(2) Die resterende gedeelte van die nedersettingsgebied na aftrek van die kragtens sub-artikel (1) bepaalde gedeelte en enige grond opgeneem deur enige van die besproeiingswerke en die tuin-, bou- en saaipersele word ter syde gesit vir die uitsluitlike gebruik van die eienaars van saaipersele.

(3) Met die goedkeuring van minstens drie-vierdes van die geregistreerde eienaars van saaipersele en met die goedkeuring van die Goewerneur-generaal kan die raad die resterende gedeelte van die nedersettingsgebied, ter syde gesit kragtens sub-artikel (2), onderverdeel in soveel gedeeltes as wat daar saaipersele in die nedersetting is en bedoelde gedeeltes op die eienaars van die saaipersele transporteer.

6. (1) Nieteenstaande enige regsbeplanning, mag die Goewerneur-generaal aan die raad 'n Kroongrondbrief toeken van die onvervreemde kroongronde of enige gedeelte daarvan in die gebied van die nedersetting, soas omskrywe in die Bylae tot hierdie Wet, wat alreeds aan die raad ingevolge artikel twee behoort. Oordrag van Kroongrond aan raad.

(2) Die toekenning is onderworpe aan die voorwaardes wat gewoonlik gestel word in grondbriewe van Kroongrond in die Provinsie die Kaap die Goeie Hoop en aan sulke ander voorwaardes as wat die Goewerneur-generaal dienstig oordeel.

7. Die Vanwyksvlei-Nedersettingswet, 1908 (Wet No. 29 van 1908) van die Kaap die Goeie Hoop word hiermee gewysig— Wysiging van Wet No. 29 van 1908, Kaap die Goeie Hoop.

- (a) deur skrapping, in artikel een, van die woorde „and all land in the said settlement remaining undisposed of at the date of this Act may be disposed of by the Governor in accordance with the regulations set out in Schedule “C” hereto, and subject thereto, and any additional regulations from time to time made thereunder”; en

(b) deur herroeping van artikels twee en drie.

8. Die Minister van Lande mag by kennisgewing in die *Staatskoerant* regulasies vasstel, wat nie in stryd met hierdie Wet mag wees nie, vir alle of enige van die volgende doeleindes— Regulasies.

- (a) die manier waarop verkiesings van lede van die raad moet plaasvind;
- (b) die prosedure van die raad;

- (c) the filling of vacancies on the board arising through death, resignation or other cause ; and
- (d) the procedure governing the making of rules by the board under the powers conferred by the Settlements (Committee of Management) Act, 1925 (Act No. 21 of 1925).

Short title.

9. This Act may be cited as the Van Wyk's Vlei Settlement (Local Board of Management) Act, 1929.

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**Schedule.**

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**AREA OF THE VAN WYK'S VLEI SETTLEMENT, DISTRICT OF CARNARVON.**

The farms Jackhalskolk, Verkeerde Vlakte, Gans Vley, Quagga Kolk, Van Wyk's Vley, Kromvley, Kalkdam and portions of the farms Hottentot's Dam and Vaalkop, presently vested in the Crown, in extent respectively 7,195 morgen, 154 square roods and 3,325 morgen, 368 square roods.

- (c) die opvulling van vakatures wat in die Raad weens afsterwe, bedanking of ander oorsake ontstaan; en
- (d) die prosedure waarvolgens reëls moet gemaak word deur die raad kragtens die bevoegdhede verleen deur die Nederzettingen (Komitee van Beheer) Wet 1925 (Wet No. 21 van 1925).

9. Hierdie Wet mag aangehaal word as die Vanwyksvlei Kort tiitel. Nedersettings (Plaaslike Bestuursraad) Wet, 1929.

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**Bylae.**

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GEBIED VAN DIE VANWYKSVLEI-NEDERSETTING, DISTRIK CARNARVON.

Die plase Jackhalskolk, Verkeerde Vlakte, Gansvley, Quaggakolk, Vanwyksvley, Kromvley, Kalkdam en gedeeltes van die plase Hottentotsdam en Vaalkop, wat nou aan die Kroon behoer, respektiewelik groot 7,195 morges 154 vierkante roedes en 3,325 morges 368 vierkante roedes.

No. 11, 1929.]

**PRIVATE ACT**

**To confirm a certain agreement relating to certain land, and to vest that land, free of certain conditions and trusts, in the Mayor and Councillors of the Borough of Estcourt.**

**Preamble.**

WHEREAS under an original Deed of Grant dated the 26th day of March, 1895, there was granted  
 “ unto THOMAS RANDALL BENNETT, HENRY DANIEL WINTER and RICHARD MICHAEL KNIGHTON CHADWICK, in their capacity as Trustees for the Estcourt Public Recreation Ground, and to their Successors in their said capacity who may be appointed by His Excellency the Governor of the Colony, in trust for the inhabitants of the Village of Estcourt, as a site for a Public Recreation Ground, a certain piece of land situated in the township of Estcourt, County of Weenen, Colony of Natal, known as “ Murray Park,” containing Six Acres, Three Roods and Twenty Perches, bounded on the North East by Victoria Street, South East by the Library and Post Office Erven, South West by Main Road and North West by Harding Street, as will more fully appear on reference to the Diagram framed by the Surveyor and hereunto annexed.  
 To hold the same unto the said THOMAS RANDALL BENNETT, HENRY DANIEL WINTER and RICHARD MICHAEL KNIGHTON CHADWICK in their said capacity and to their successors in their said capacity, appointed in the manner aforesaid, upon condition that the said piece of land shall be used for the purposes of a Public Recreation Ground and for no other purpose whatsoever.”

AND WHEREAS the said Trustees acting under the authority of an Order of the Supreme Court of Natal, dated the 29th day of March, 1899, did on the 23rd day of June, 1899, execute in favour of the Weenen Agricultural Society, now known as the Estcourt Farmers' Association, a Lease of the said land for twenty-five years from the 1st day of June, 1899, at a rental and for the purposes therein fully set out ;

AND WHEREAS it was a term of the said Lease that the Lessees should erect certain buildings and make improvements on the said land, and that the said Trustees should, in case they required to resume possession of the said land at the expiration of the said Lease, purchase from the Lessees at a price to be fixed by valuation all immovable buildings and improvements erected and made by the Lessees thereon ;

AND WHEREAS the Lessees erected certain buildings and made improvements on the said land, and the Lease has expired, and there is a considerable liability due by the said Trustees to the Lessees in respect of such buildings and improvements ;

AND WHEREAS the existing Trustees have no funds from which to discharge the said liability and the Lessees are still in possession of the said land, and in consequence the inhabitants of Estcourt are deprived of the full use and enjoyment of the said land for the purpose for which it was granted ;

AND WHEREAS a draft agreement between the Mayor and Councillors of the Borough of Estcourt on the one hand, and the Lessees on the other, was drawn up whereby it was provided that the said land should be vested in the Mayor and Councillors for the benefit of the inhabitants of Estcourt, freed of the trusts and conditions of the original Grant, subject to payment out of public funds by the Mayor and Councillors of compensation to the Lessees for the said buildings and improvements ;

No. 11, 1929.]

## PRIVATE WET

**Tot bekragtiging van sekere ooreenkoms in verband met seker grond en tot vestiging van daardie grond vry van sekere voorwaardes en truste in die burgemeester en raadslede van die stad Estcourt.**

**N**ADEMAAL kragtens 'n oorspronklike grondbrief gedateer die ses-en-twintigste dag van Maart 1895 toegeken is aan Thomas Randall Bennett, Henry Daniel Winter en Richard Michael Knighton Chadwick, Aanhef.

“In their capacity as Trustees for the Estcourt Public Recreation Ground, and to their Successors in their said capacity who may be appointed by His Excellency the Governor of the Colony, in trust for the inhabitants of the Village of Estcourt, as a site for a Public Recreation Ground, a certain piece of land situated in the township of Estcourt, County of Weenen, Colony of Natal, known as “Murray Park”, containing Six Acres, Three Roods and Twenty Perches, bounded on the North East by Victoria Street, South East by the Library and Post Office Erven, South West by Main Road and North West by Harding Street, as will more fully appear on reference to the Diagram framed by the Surveyor and hereunto annexed. To hold the same unto the said THOMAS RANDALL BENNETT, HENRY DANIEL WINTER and RICHARD MICHAEL KNIGHTON CHADWICK in their said capacity, and to their successors in their said capacity, appointed in the manner aforesaid, upon condition that the said piece of land shall be used for the purposes of a Public Recreation Ground and for no other purpose whatsoever”:

EN NADEMAAL die genoemde trustees, handelende op gesag van 'n bevel van die Hooggeregshof van Natal, gedateer die negen-en-twintigste dag van Maart 1899, op die drie-en-twintigste dag van Junie 1899 'n huurkontrak van die genoemde grond aangegaan het ten gunste van die Weenen Landbouvereniging, nou bekend as die Estcourt Boerevereniging, vir vyf-en-twintig jaar vanaf die eerste dag van Junie 1899, teen 'n huur en vir die doeleindes volledig daarin uiteengesit:

EN NADEMAAL dit 'n bepaling was van die genoemde huurkontrak dat die huurders op die genoemde grond sekere geboue moes oprig en verbeterings aanbring, en dat die genoemde trustees, in geval hulle by verstryking van genoemde huurkontrak, nodig had om die genoemde grond weer in besit te neem, alle onroerende geboue en verbeterings daarop deur die huurders opgerig en aangebring van die huurders moes koop teen 'n prys deur skatting vasgestel te word:

EN NADEMAAL die huurders op die genoemde grond sekere geboue opgerig en verbeterings aangebring het, en die huurkontrak verstryk is en daar 'n aansienlike skuld deur die genoemde trustees aan die huurders ten opsigte van sodanige geboue en verbeterings betaalbaar is:

EN NADEMAAL die bestaande trustees geen fondse het om die genoemde skuld te betaal nie en die huurders nog in besit is van die genoemde grond, en dientengevolge aan die inwoners van Estcourt die volle gebruik en genot van die genoemde grond vir die doel, waarvoor dit toegeken is, ontnem word:

EN NADEMAAL 'n konsep-ooreenkoms tussen die burgemeester en raadslede van die stad Estcourt aan die een kant en die huurders aan die ander kant opgestel is, waarby bepaal is dat die genoemde grond sal gevestig word in die burgemeester en raadslede ten nutte van die inwoners van Estcourt, vry van die truste en voorwaardes van die oorspronklike grondbrief, behoudens betaling uit openbare fondse deur die burgemeester en raadslede van vergoeding aan die huurders vir die genoemde geboue en verbeterings:

AND WHEREAS the said draft agreement was published for general information in the *Natal Witness* on the 21st July, 1928 ;

AND WHEREAS at a public meeting of the inhabitants of the Borough of Estcourt, duly called and held on the 26th day of July, 1928, for the purpose of considering the said draft agreement, the following resolution was duly passed, viz. :—

- “ (a) That the terms of the draft agreement published in the *Natal Witness* under date the 21st July, 1928 (and marked “ B ”) are approved and accepted ;
- (b) that the Trustees of the Murray Park Trust be respectfully requested to accept and sign such agreement on behalf of the inhabitants of Estcourt ;
- (c) that the Town Council of Estcourt be similarly requested to accept and give effect to the proposals contained in such draft agreement ;
- (d) that the Mayor be authorized to represent it to Parliament as the wish of the people of Estcourt that the proposals contained in such draft agreement be passed into law.”

AND WHEREAS at a duly convened meeting of the said Borough Council held on the 31st day of July, 1928, the following resolutions were duly passed, viz. :—

- “ (a) That the resolution publicly adopted on due notice at the meeting of the inhabitants held on the 26th July, 1928, be received ;
- (b) that in accordance with paragraph (b) thereof the Mayor (as an *ex-officio* Trustee of Murray Park) be respectfully requested to approve the proposals contemplated, and in such capacity give his utmost support thereto ;
- (c) that in accordance with paragraph (c) thereof Council now authorise all requisite steps to be taken to that end ;
- (d) that the Mayor stand vested with power all and singular to do, or cause to be done, to give, sign and direct all that shall be requisite and proper for the promotion of such Private Bill in the name of this Council ; and
- (e) that the Town Treasurer be directed and empowered to act in consonance with Clause (3) of the draft agreement.”

AND WHEREAS on the 5th day of September, 1928, the Mayor in pursuance of the said resolutions of the Council on the one hand and the Trustees of the Estcourt Farmers' Association on the other, duly authorised thereto, signed the said draft agreement, but one of the Trustees appointed under the original Deed of Grant refuses to approve of the proposed dealing with the said land ;

AND WHEREAS it is expedient, in order that the inhabitants of Estcourt may enjoy the full benefit and use of the said land, that the agreement signed as aforesaid should be confirmed and carried out, that the said land should be vested in the said Mayor and Councillors, freed of the trusts and conditions of the said Deed of Grant, and be subject only to such restrictions as may be imposed by Law on municipal property ; that such vesting should take place without payment of stamp or transfer duty, or other office fees, and that the Registrar of Deeds at Pietermaritzburg should, without charging stamp or transfer duty, or other office fees, make such endorsements and amendments on the original Deed of Grant, and such entries in his records as may be necessary, and that the original Deed of Grant so endorsed and amended may serve as the title deed of the said land ;

EN NADEMAAL die genoemde konsep-ooreenkoms op die een-en-twintigste Julie 1928 vir algemene informasie in die *Natal Witness* gepubliseer is :

EN NADEMAAL op 'n openbare vergadering van die inwoners van die stad Estcourt wat op die ses-en-twintigste dag van Julie 1928 behoorlik byeengeroep en gehou is ten einde die genoemde konsep-ooreenkoms te oorweeg die volgende besluit behoorlik aangeneem is, n.l. :—

- „ (a) Dat die bepalinge van die konsep-ooreenkoms op die een-en-twintigste Julie 1928, in die *Natal Witness* gepubliseer (en gemerk “ B ”) goedgekeur en aangeneem word ;
- (b) dat die trustees van die Murray Park Trust eerbiediglik versoek word om sodanige ooreenkoms ten behoeve van die inwoners van Estcourt aan te neem en te teken ;
- (c) dat die stadsraad van Estcourt eweneens versoek word om die voorstelle vervat in sodanige konsep-ooreenkoms aan te neem en daaraan gevolg te gee ;
- (d) dat die burgemeester gemagtig word om die Parlement in kennis te stel dat dit die begeerte van die bevolking van Estcourt is dat die in sodanige konsep-ooreenkoms vervatte voorstelle krag van wet verkry.”

EN NADEMAAL op 'n behoorlik belegde vergadering van die genoemde stadsraad, wat op die een-en-dertigste dag van Julie 1928 gehou is, die volgende besluite behoorlik aangeneem is, n.l. :

- „ (a) Dat die besluit, wat na behoorlike kennisgewing openbaar aangeneem is op die vergadering van die inwoners op die ses-en-twintigste Julie 1928 gehou, ontvang word ;
- (b) dat ooreenkomstig paragraaf (b) daarvan die burgemeester (as 'n *ex-officio* trustee van Murray Park) eerbiediglik versoek word om die beoogde voorstelle goed te keur en in sodanige hoedanigheid sy volle ondersteuning daaraan te gee ;
- (c) dat ooreenkomstig paragraaf (c) daarvan die Raad tans magtiging verleen om alle daartoe nodige stappe te doen ;
- (d) dat die burgemeester met die mag sowel almal as elk in besonder beklee word om alles te doen of te laat doen, te verskaf, te teken en te gelas wat nodig en gevoeglik sal wees vir die bevordering van sodanige Private Wetontwerp namens hierdie Raad ; en
- (e) dat die stadstesourier gelas en gemagtig word om in ooreenstemming met klousule 3 van die konsep-ooreenkoms te handel.”

EN NADEMAAL op die vyfde dag van September 1928 die burgemeester ingevolge die genoemde besluite van die stadsraad aan die een kant en die trustees van die Estcourt Boerevereniging aan die ander kant, behoorlik daartoe gemagtig, die genoemde konsep-ooreenkoms geteken het, dog een van die trustees, wat kragtens die oorspronklike grondbrief aangestel is, weier om die voorgestelde beskikking oor die genoemde grond goed te keur :

EN NADEMAAL dit raadsaam is, opdat die inwoners van Estcourt die volle nut en gebruik van die genoemde grond kan geniet, dat die ooreenkoms geteken soos voormeld bekragtig en uitgevoer word, en dat die genoemde grond gevestig word in die genoemde burgemeester en raadslede, vry van die truste en voorwaardes van die genoemde grondbrief, en onderworpe word slegs aan sodanige beperkings as by wet op munisipale eiendom opgeleg mag word ; dat sodanige vestiging plaasvind sonder betaling van seël- of hereregte, of ander kantoorfooie, en dat die Registrateur van Aktes te Pietermaritzburg sonder heffing van seël- of hereregte, of ander kantoorfooie op die oorspronklike grondbrief sodanige endossemente en wysigings en in sy registers sodanige aantekeninge maak as mag nodig wees, en dat die oorspronklike grondbrief aldus geëndosseerd en gewysig mag dien as die tittelbewys van genoemde grond :

NOW, THEREFORE, BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Certain land vested in Mayor and Councillors of the Borough of Estcourt.

1. The land described in the original Deed of Grant referred to in the preamble of this Act shall be vested in the Mayor and Councillors for the time being, of the Borough of Estcourt, County Weenen, Natal Province, without payment of stamp or transfer duty, or other office fees, and freed of all the conditions and trusts contained in the said original deed of grant, and shall be subject to the following condition only, viz. :—

“ The said land shall be held for the benefit and use of the inhabitants of Estcourt, subject only to such restrictions as may be imposed by Law on municipal property.”

Confirmation of Agreement and provision for discharging existing liabilities by Mayor and Councillors.

2. (1) The agreement, a copy of which is set forth in the schedule to this Act, is hereby confirmed.

(2) The Mayor and Councillors shall, from the sum of £10,000 appropriated for the purpose of public buildings under Ordinance No. 15 of 1925 (Natal), discharge the liability referred to in Clause 2 of the said agreement.

Registrar of Deeds to make necessary entries.

3. The Registrar of Deeds at Pietermaritzburg shall, on production of the original Deed of Grant by the Mayor, or other duly authorized agent, make thereon all such endorsements and amendments, and in his records all such entries, as may be necessary to give effect to the purpose of this Act; and the said deed of grant so endorsed and amended shall, for all purposes, be deemed to be and serve as the Title Deed to the said land.

Short title.

4. This Act may be cited as the Murray Park (Private) Act, 1929.

### Schedule.

#### MEMORANDUM OF AGREEMENT.

Whereas under a lease of the property known as Murray Park made by the Trustees of that property to and in favour of the Weenen Agricultural Society dated the 23rd day of June 1899 it was agreed that the Society should erect certain buildings and improvements on the demised land and that they the said Trustees should at the expiration of the lease purchase such buildings and improvements :

And whereas the said lease has expired and certain buildings have been erected on the said land by the lessees but there are no funds in the trust available for the purchase of same :

And whereas the Mayor and Councillors of the Borough of Estcourt have been applied to to take over the said property and to assume liability for and in respect of the value of the building known as the Agricultural Hall erected thereon by the Society and the said Mayor and Councillors are willing so to do if such land can be transferred to them freed and discharged of and from the special trusts imposed upon it by the Deed of Grant thereof :

And whereas the Trustees now reduced to two persons are not agreed on such proposed dealing with the property and one of them refuses to join in the same :

And whereas by reason of the premises it is necessary if such arrangement is to be carried out that Parliamentary sanction to the same should be obtained :

NOW THEREFORE IT IS AGREED BETWEEN THE SAID SOCIETY WHICH IS NOW KNOWN AS THE ESTCOURT FARMERS ASSOCIATION AND THE SAID MAYOR AND COUNCILLORS AS FOLLOWS :

1. That a private Act of Parliament shall forthwith be promoted by the said Mayor and Councillors acting for all parties interested other than the objecting Trustee providing for the transfer of the property known as Murray Park from the existing Trustees to them the said Mayor and Councillors freed and discharged of and from the special trusts and conditions imposed upon it by the Deed of Grant thereof and providing that such property shall be held and administered by the said Mayor and Councillors subject only to the restrictions and disabilities ordinarily imposed by Municipal Law on public lands and none other provided that the costs of obtaining such statutory enactment shall not fall on the Town Council.

2. That on the registration of such transfer the said Mayor and Councillors shall stand charged with the liability for payment of the Compensation now due by the Trustees to the said Society for and in respect of the stone building known as the Agricultural Hall on the

**W**ORD DIT DERHALWE BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg :—

1. Die grond beskrewc in die oorspronklike grondbrief gemeld in die aanhef van hierdie Wet word gevestig in die fungerende burgemeester en raadslede van die stad Estcourt, distrik Weenen, Natal Provinsie, sonder betaling van seël- of hereregte, of ander kantoorfooie, en vry van alle voorwaardes en truste vervat in die genoemde oorspronklike grondbrief, en is onderworpe slegs aan die volgende voorwaarde, n.l. :

Sekere grond gevestig in die burgemeester en raadslede van die stad Estcourt.

„Die genoemde grond word gehou ten nutte en ten gebruik van die inwoners van Estcourt, onderworpe slegs aan sodanige beperkings as wat by wet op munisipale eiendom opgeleg mag word.”

2. (1) Die ooreenkoms, 'n vertaling waarvan in die Bylae van hierdie Wet uiteengesit is, word hiermee bekragtig.

Bekragtiging van ooreenkoms en voorsiening vir betaling van bestaande skulde deur burgemeester en raadslede.

(2) Die burgemeester en raadslede betaal die in klousule 2 van die genoemde ooreenkoms gemelde skuld uit die bedrag van tienduiseud pond, wat kragtens Prowinsiale Ordonnansie No. 15 van 1925 (Natal) vir openbare geboue beskikbaar gestel is.

3. Die Registrateur van Aktes te Pietermaritzburg moet by oorhandiging van die oorspronklike grondbrief deur die burgemeester of ander behoorlik gemagtigde persoon alle sodanige endossemente en wysigings daarop, en aantekeninge in sy registers maak as wat nodig mag wees om gevolg te gee aan die doel van hierdie Wet, en die genoemde grondbrief aldus geëndosseerd en gewysig word beskou en dien vir alle doeleindes as die tittelbewys van die genoemde grond.

Registrateur van Aktes die nodige aantekeninge te maak.

4. Hierdie Wet mag aangehaal word as die Murray Park (Private) Wet, 1929.

Kort tittel.

## Bylae.

### AKTE VAN OOREENKOMS.

Nademaal kragtens 'n huurkontrak van die eiendom bekend as Murray Park aangegaan deur die Trustees van daardie eiendom met en ten gunste van die Weenen Landbouvereniging gedagteken die drie-en-twintigste dag van Junie 1899 ooreengekom is dat die Vereniging op die oorgedrae grond sekere geboue en verbeterings sou oprig en dat die genoemde Trustees sodanige geboue en verbeterings by verstryking van die huurkontrak sou koop :

En nademaal die denoemde huurkontrak verstryk is en sekere geboue deur die huurders op die genoemde grond opgerig is dog daar geen fondse in die trust beskikbaar is vir die aankoop daarvan :

En nademaal die burgemeester en raadslede van die stad Estcourt aangesoek is om die genoemde eiendom oor te neem en aanspreeklikheid te aanvaar vir en ten opsigte van die waarde van die gebou bekend as die Landbousaal daarop deur die Vereniging opgerig en die genoemde burgemeester en raadslede bereid is dit te doen indien die grond aan hulle oorgedra kan word vry en onthef van die besondere truste daarop gelê deur die grondbrief daarvan :

En nademaal die Trustees, die nou tot twee persone verminder is, nie ooreenstem oor die voorgestelde beskikking oor die eiendom nie en een van hulle weier om dit goed te keur :

En nademaal dit weens die voorafgaande nodig is vir die uitvoering van hierdie skikking dat Parlementêre magtiging daarvoor verkry word :

WORD DIT DERHALWE OOREENGEKOM TUSSEN DIE GENOEMDE VERENIGING WAT NOU BEKEND STAAN AS DIE ESTCOURT BOERE-VERENIGING EN DIE GENOEMDE BURGEMEESTER EN RAADSLEDE AS VOLG :—

1. Dat 'n Private Parlements-wet dadelik bevorder word deur die genoemde burgemeester en raadslede handelende vir alle belanghebbende partye, behalwe die objekterende Trustee, voorsiening makende vir die oordrag van die eiendom bekend as Murray Park van die bestaande Trustees aan die genoemde burgemeester en raadslede vry en onthef van die besondere truste en voorwaardes daarop gelê deur die grondbrief daarvan en bepalende dat sodanige eiendom deur die genoemde burgemeester en raadslede gehou en beheer sal word onderworpe slegs aan die beperkings en beletsels gewoonlik opgelê deur munisipale wet op openbare gronde en geen ander nie met die verstande dat die koste van die verkryging van sodanige wetgewing nie op die stadsraad sal val nie.

2. Dat na die registrasie van sodanige oordrag die genoemde burgemeester en raadslede belas is met die verpligting om die vergoeding te betaal wat nou verskuldig is deur die Trustees aan die genoemde Vereniging vir en ten opsigte van die steengebou bekend as die

said land which they shall discharge at a price to be ascertained and determined by two competent Valuers one of whom shall be appointed by the Mayor and Councillors and the other by the Society and in the event of a disagreement between the Valuers as to the sum to be paid by an Umpire to be appointed by such Valuers and the decision of such Umpire shall be final and binding upon the parties provided that before any payment is made by the Council the said Building shall be freed from all encumbrances and hypothecations.

3. That the cost of the said Act shall be disbursed in the first place by the said Mayor and Councillors but shall be a charge against the said Society and may be deducted by the said Mayor and Councillors from the Compensation to be payable by them under Clause Two hereof.

4. That in case the said Union Parliament shall fail or refuse to pass the said Act this Agreement shall become null and void save that the cost of promoting the said Act shall fall upon and be payable by the said Society to the said Mayor and Councillors.

Dated at Estcourt Natal this the 5th day of September, 1928.

For the Weenen Agricultural  
Society now known as the  
Estcourt Farmers Association.

WILLIAM ELLIOT  
RUPERT KEMP  
ALLAN H. WINTER  
Trustees

*Witness*

W. H. PITCHER  
L. R. WIDDICOMBE

Given under the Corporate  
Seal for and on behalf of the  
Mayor and Councillors of the  
Borough of Estcourt, this  
5th day of September, 1928.

B. J. BREWITT.  
Mayor

*Witness*

W. H. PITCHER  
L. R. WIDDICOMBE

Landbousaal op die genoemde grond waaraan hulle moet voldoen teen 'n prys vasgestel en bepaal te word deur twee bevoegde skatters een van wie aangestel word deur die burgemeester en raadslede en die ander deur die Vereniging en by gebreke van ooreenstemming tussen die skatters oor die te betale bedrag deur 'n skeidsregter die aangestel sal word deur die skatters en die beslissing van sodanige skeidsregter is afdoende en bindend vir die partye met die verstande dat voordat enige betaling deur die stadsraad geskied die genoemde gebou onthef word van alle laste en verbande.

3. Dat die koste van die genoemde Wet in die eerste plaas deur die genoemde burgemeester en raadslede uitbetaal word dog 'n las sal wees teen die genoemde Vereniging en deur die genoemde burgemeester en raadslede van die vergoeding deur hulle ingevolge klousule 2 hiervan betaalbaar afgetrek kan word.

4. Dat in geval die genoemde Unie-parlement versuim of weier om die genoemde Wet aan te neem hierdie Ooreenkoms nietig word behalwe dat die koste van bevordering van die genoemde Wet val op en betaalbaar is deur die genoemde Vereniging aan die genoemde burgemeester en raadslede.

Gedagteken te Estcourt, Natal hierdie vyfde dag van September, 1928.

Vir die Weenen Landbouvereniging  
nou bekend as die Estcourt Boere-  
vereniging

WILLIAM ELLIOT  
RUPERT KEMP  
ALLAN H. WINTER  
Trustees.

Getuies:

W. H. PITCHER  
L. R. WIDDICOMBE

Gedaan onder die Korporasieseeël vir  
en ten behoewe van die burge-  
meester en raadslede van die stad  
Estcourt hierdie vyfde dag van  
September 1928.

B. J. BREWITT  
Burgemeester.

Getuies:

W. H. PITCHER  
L. R. WIDDICOMBE.

No. 12, 1929.]

# ACT

## To supplement and amend the Mission Stations and Communal Reserves Act, 1909 (Cape of Good Hope).

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows :—

Transfer of land granted under Act No. 29 of 1909 on death of owner.

1. (1) When the owner of land granted under the provisions of section *eight* of the Mission Stations and Communal Reserves Act, 1909 (Act No. 29 of 1909 of the Cape of Good Hope, hereinafter referred to as the principal Act), has died and the magistrate of the district wherein such land is situate is satisfied that a single individual has inherited such land, such magistrate shall, if furnished with the title deed to such land, and with the consent of the Governor-General in terms of sub-section (1) of section *nine* of the said Act, complete a form of transfer to be endorsed on the title which shall correspond substantially with the form set forth in the Schedule to this Act and forward such form and title deed for registration to the Registrar of Deeds within whose area of jurisdiction the said land is situate.

(2) No transfer duty, fee of office, stamp duty or charge shall be paid in respect of any such transfer.

Amendment of section *nine* of Act No. 29 of 1909.

2. Section *nine* of the principal Act is hereby amended by the insertion of the following words at the end of sub-section (1) :—

Provided that where a lot or holding under paragraph (7) of section *four* or an allotment granted under paragraph (e) of sub-section (1) of section *eight* consists of two or more separate pieces of land, any such piece may with the approval of the Governor-General be separately alienated, transferred, ceded, leased, mortgaged or rendered liable to execution for debt.

Amendment of section *nineteen* of Act No. 29 of 1909.

3. Section *nineteen* of the principal Act is hereby amended by the addition at the end thereof of the following words :—

Provided further that if any person in default is not a registered occupier or owner, notice of the intention of the Governor-General to cancel the right of such defaulter to reside within any area under the jurisdiction of the board of management shall be posted by the magistrate at the court house and at the office of the board of management or some other place upon the mission station, and after such notice shall have remained posted for three months it shall be lawful for the Governor-General, if the amount due together with an additional charge of two shillings and sixpence shall not at that date have been paid, to cancel the right of residence of the defaulter, who shall, if he thereafter remains within or enters the area under the jurisdiction of the board of management, be deemed to be an idle and disorderly person within the meaning of section *two* of the Vagrancy Act, 1879, (Act No. 23 of 1879), and liable to be dealt with as such in terms of that section.

4. This Act may be cited as the Cape Mission Stations and Communal Reserves (Amendment) Act, 1929.

### Schedule.

Short title.

FORM FOR TRANSFER OF LAND UNDER SECTION *one* OF THE CAPE MISSION STATIONS AND COMMUNAL RESERVES AMENDMENT ACT, 1929.

Whereas I have satisfied myself that.....  
 the owner of the land to which this title deed refers, to wit.....  
 ..... (a)  
 has died, and that..... is entitled  
 to be registered as the owner of the said land in the place of the said  
 .....

I do hereby transfer all the right, title and interest in the said land to.....

MAGISTRATE OF THE DISTRICT OF .....

(a) Insert particulars of land and title deed.

No. 12 1929.]

# WET

## Tot aanvulling en wysiging van die Wet op Sendingstasies en Meentreserwes, 1909, (Kaap die Goeie Hoop.)

**D**IT WORD BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

1. (1) Wanneer die eienaar van grond, toegeken kragtens die bepaling van artikel *ag* van die Wet op Sendingstasies en Meentreserwes 1909 (Wet No. 29 van 1909 van die Kaap die Goeie Hoop, hieronder die Hoofwet genoem) oorlede is en die magistraat van die distrik waarin daardie grond geleë is, is oortuig dat 'n enkele individu daardie grond geërf het, dan moet daardie magistraat, as die tittelbewys van daardie grond aan hom ingehandig word, met toestemming van die Goewerneur-generaal volgens sub-artikel (1) van artikel *nege* van bedoelde Wet, 'n transportsvorm opstel wat aangeteken moet word op die tittelbewys en wat in hooftrekke ooreenkom met die vorm wat in die Bylae tot hierdie Wet aangegee is en daardie vorm en tittelbewys vir registrasie instuur aan die Registrateur van Aktes in wie se gebied daardie grond geleë is.

Transport van grond toegeken kragtens Wet No. 29 van 1909, wanneer eienaar sterf.

(2) Ten opsigte van daardie transport is geen hereregte, kantoorfooi, seëlreg of leges verskuldig nie.

2. Artikel *nege* van die Hoofwet word hiermee gewysig deur die invoeging van die volgende woorde aan die end van sub-artikel (1):—

Wysiging van artikel *nege* van Wet No. 29 van 1909.

„Provided that where a lot or holding under paragraph (7) of section *four* or an allotment granted under paragraph (e) of sub-section (1) of section *eight* consists of two or more separate pieces of land any such piece may with the approval of the Governor-General be separately alienated, transferred, ceded, leased, mortgaged or rendered liable to execution for debt.”

3. Artikel *negentien* van die Hoofwet word hiermee gewysig deur aan die end daarvan die volgende woorde by te voeg:—

Wysiging van artikel *negentien* van Wet No. 29 van 1909.

„Provided further that if any person in default is not a registered occupier or owner, notice of the intention of the Governor-General to cancel the right of such defaulter to reside within any area under the jurisdiction of the board of management shall be posted by the magistrate at the court house and at the office of the board of management or some other place upon the mission station, and after such notice shall have remained posted for three months it shall be lawful for the Governor-General, if the amount due together with an additional charge of two shillings and sixpence shall not at that date have been paid, to cancel the right of residence of the defaulter, who shall, if he thereafter remains within or enters the area under the jurisdiction of the board of management, be deemed to be an idle and disorderly person within the meaning of section *two* of the Vagrancy Act, 1879, (Act No. 23 of 1879), and liable to be dealt with as such in terms of that section.”

4. Hierdie Wet mag aangehaal word as die Wysigingswet op Kaapse Sendingstasies en Meentreserwes, 1929.

Kort tittel.

### Bylae.

TRANSPORTSVORM VIR DIE TRANSPORT VAN GROND KRAGTENS ARTIEKEL *een* VAN DIE WYSIGINGSWET OP KAAPSE SENDINGSTASIES EN MEENTRESERWES, 1929.

Nademaal ek my oortuig het dat.....  
 die eienaar van dié grond waartoe hierdie tittelbewys behoort, te wete..... (a)  
 oorlede is en dat.....  
 geregtig is om as eienaar van bedoelde grond geregistreer te word in die plek van bedoelde.....  
 transporteer ek hiermee alle regte tot die voorsegde grond aan.....

.....  
 Magistraat van die distrik.

(a) Vul in besonderhede van grond en tittelbewys.

No. 13, 1929.]

## ACT

**To consolidate and amend the laws for regulating the labelling and preventing the importation or sale of food and drugs which are unwholesome or adulterated or incorrectly or falsely described and for regulating the labelling and preventing the importation or sale of disinfectants which are incorrectly or falsely described.**

**BE IT ENACTED** by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows :—

## INTRODUCTORY.

Division of  
Act into  
Chapters.

1. This Act is divided into Chapters relating to the following matters respectively :—

Chapter I.—Administration and enforcement (sections *one to three*).

Chapter II.—Adulteration or false description of articles, sub-divided into parts as follows :—

Part A.—General (sections *four to ten*).

Part B.—Imported articles (sections *eleven and twelve*)

Part C.—Special articles (sections *thirteen to eighteen*).

Part D.—Disinfectants (section *nineteen*).

Chapter III.—Purchase or taking and analysis or examination of samples (sections *twenty to twenty-three*).

Chapter IV.—Legal proceedings and penalties (sections *twenty-four to thirty-five*).

Chapter V.—General and Supplementary (sections *thirty-six to forty-six*).

## CHAPTER I.

## ADMINISTRATION AND ENFORCEMENT.

Adminis-  
tration and  
enforcement.

2. (1) The Minister of Public Health shall be responsible for the administration of this Act and, subject to the provisions thereof, the secretary for public health shall be charged, under the control of the Minister, with its general execution and enforcement. The secretary for public health may in writing, either generally or in any particular case or class of case, authorize an assistant health officer of the Department of Public Health to exercise any power or carry out any duty under this Act on his behalf.

(2) It shall be the duty of every local authority to afford assistance to and co-operate with the secretary for public health in the exercise of his functions under sub-section (1), or any officer charged with duties under this Act.

(3) The Minister may, at the request of a local authority, by notice in the *Gazette*, authorize such local authority to carry out and enforce within the area of its jurisdiction and through its duly authorized officers, the whole or such part of this Act as may be specified in such notice, subject to such conditions as may be stated therein. The Minister may restrict such authority to any articles or class of articles which he may specify in the notice and may also specify in the notice the yearly number of samples submitted by the local authority the examination or analysis of which may be carried out free of charge in a Government laboratory.

(4) The Minister may at his discretion, after giving three months' notice of his intention so to do to the local authority concerned, withdraw or modify, by notice in the *Gazette*, any authority given by him under sub-section (3).

No. 13 1929.]

# WET

**Tot samevatting en wysiging van die wette tot reëling van die opskrifte op en voorkoming van die invoer of verkoop van voedingsmiddels en medisyne wat ongesond of vervals is of wat onjuis of vals beskrywe is en tot reëling van die opskrifte op en voorkoming van die invoer of verkoop van ontsmettingsmiddels wat onjuis of vals beskrywe is.**

**DIT WORD BEPAAL** deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

## INLEIDENDE BEPALINGS.

1. Hierdie Wet word ingedeel in Hoofstukke wat respektieflik op die volgende onderwerpe betrekking het:—
- Indeling van  
Wet in  
Hoofstukke.
- Hoofstuk I.—Uitvoering en handhawing (artiekels *een tot drie*).
- Hoofstuk II.—Vervalsing of valse beskrywing van artikels, onderverdeel in dele, as volg:—
- Deel A.—Algemene bepalings (artiekels *vier tot tien*).  
Deel B.—Ingevoerde artikels (artiekels *elf en twaalf*).  
Deel C.—Besondere artikels (artiekels *dertien tot agtien*).  
Deel D.—Ontsmettingsmiddels (artikel *negentien*).
- Hoofstuk III.—Die koop of neem en analiese of ondersoek van monsters (artiekels *twintig tot drie-en-twintig*).
- Hoofstuk IV.—Geregtelike stappe en strafbepalings (artiekels *vier-en-twintig tot vyf-en-dertig*).
- Hoofstuk V.—Algemene en aanvullende bepalings (artiekels *ses-en-dertig tot ses-en-veertig*).

## HOOFSTUK I.

### UITVOERING EN HANDHAWING.

2. (1) Die Minister van Volksgesondheid is vir die uitvoering van hierdie Wet verantwoordelik en behoudens die bepalings daarvan word die Sekretaris van Volksgesondheid, onder beheer van die Minister, met die algemene uitvoering en handhawing daarvan belas. Die Sekretaris van Volksgesondheid kan by geskifte of in die algemeen of in 'n besondere geval of in gevalle van 'n sekere soort 'n assistent-gesondheidsbeampte van die Departement van Volksgesondheid magtig om namens hom ingevolge hierdie Wet enige bevoegdheid uit te oefen of pligte na te kom.
- Uitvoering  
en  
handhawing.
- (2) Elke plaaslike bestuur is verplig om bystand te verleen aan en saam te werk met die Sekretaris van Volksgesondheid by die uitoefening van sy bevoegdhede ingevolge sub-artikel (1), of enige beampte wat ingevolge hierdie Wet met pligte belas is.
- (3) Die Minister kan op versoek van 'n plaaslike bestuur, by kennisgewing in die *Staatskoerant*, daardie plaaslike bestuur magtig om in die gebied onder sy beheer en deur middel van sy behoorlike gemagtigde beamptes die gehele of sodanige gedeelte van hierdie Wet, as in sodanige kennisgewing uiteengesit mog word, uit te voer en te handhaaf, behoudens sulke voorwaardes as wat daarin vermeld mog word. Die Minister kan sodanige magtiging tot artikels of klas van artikels beperk as wat hy in die kennisgewing mog vermeld en kan ook in die kennisgewing spesifiseer die jaarlikse getal monsters deur die plaaslike bestuur ingedien waarvan die ondersoek of analiese kosteloos deur 'n Goewerments-laboratorium kan uitgevoer word.
- (4) Die Minister kan volgens goedvinde drie maande nadat hy aan die betrokke plaaslike bestuur van sy voorneme kennis gee het, 'n magtiging wat hy kragtens sub-artikel (3) verleen het, by kennisgewing in die *Staatskoerant* terugtrek of wysig.

Appoint-  
ment of  
officers.

3. (1) The Minister shall appoint such analysts and pathologists as he may deem necessary for the proper enforcement of this Act. Every such appointment shall be notified in the *Gazette*.

(2) No person shall be eligible for appointment as analyst under this Act unless he is qualified by technical training and has competent knowledge, skill and experience for the proper discharge of the duties of the office, and possesses a recognized degree or diploma in chemistry: Provided that the last-mentioned requirement shall not apply to any analyst of food and drugs appointed under any law repealed by this Act and in the whole-time employment of the Government at the commencement of this Act.

(3) No person shall be eligible for appointment as pathologist under this Act unless he is qualified by technical training and possesses competent knowledge, skill and experience for the proper discharge of the duties of the office.

(4) The Minister shall appoint such inspectors as he may deem necessary for the proper enforcement of this Act.

(5) The powers of an inspector under this Act may be exercised—

(a) in respect of an imported article, by an officer of the Department of Customs and Excise generally or specially authorized thereto by the commissioner of customs and excise; and

(b) in respect of any article, by any member of the police of or above the rank of sergeant and any other member of the police specially authorized thereto by the secretary for public health or his duly authorized deputy or by a commissioned officer of police; and

(c) in respect of any authority conferred on a local authority under sub-section (3) of section *two*, by a health inspector or other officer duly authorized thereto by the local authority.

(6) An inspector may at all reasonable times enter and inspect any premises on which there is, or on which he has reason to believe that there is, any article of food or any drug or disinfectant intended or kept for sale, and he may, in like circumstances, inspect any vehicle and its contents.

(7) Every inspector appointed under sub-section (4) and every officer authorized under the provisions of paragraph (c) of sub-section (5) when employed on any duty under this Act shall carry, and, on demand by any person affected by the exercise by him of any function under this Act, exhibit his letter of appointment signed by the secretary for public health or his duly authorized deputy, or his letter of authorization signed by the mayor or chairman or deputy-mayor or deputy-chairman of the local authority (as the case may be).

## CHAPTER II.

### PART A.—ADULTERATION OR FALSE DESCRIPTION OF ARTICLES.

#### *General.*

Adultera-  
tion or false  
description  
of foods or  
drugs.

4. (1) For the purposes and subject to the provisions of this Act an article of food or a drug is adulterated or falsely described—

(a) if it contains, or is mixed or diluted with, any substance not present when such article is in a pure or normal state and in a sound condition; or

(b) if any substance or ingredient has been extracted or removed or omitted therefrom, thereby diminishing or altering its food value or nutritive or curative or other properties as compared with such article in a pure or normal state and in a sound condition; or

(c) if a standard has been prescribed for it and it is not in accordance with such standard; or

(d) if it contains any ingredient or substance the use or addition of which is prohibited or not permitted; or

3. (1) Die Minister benoem sulke analiseurs en patologe as wat hy vir die behoorlike handhawing van hierdie Wet nodig mog ag. Elke sodanige benoeming word in die *Staatskoerant* bekend gemaak. Benoeiming  
van  
amptenare.

(2) Niemand kom vir benoeming as analiseur ooreenkomstig hierdie Wet in aanmerking nie tensy hy na tegniese opleiding gekwalifiseer is en voldoende kennis, bekwaamheid en onder-vinding besit om die pligte van sy amp behoorlik uit te voer en 'n erkende graad of diploma in gemie besit: Met die ver-stande dat laasgenoemde vereiste nie van toepassing is nie op 'n analiseur van voedingsmiddels en medisyne benoem ingevolge 'n by hierdie Wet herroepe wet, wat met die in-werkingtreding van hierdie Wet in voltydse diens van die Regering is.

(3) Niemand kom in aanmerking vir benoeming as 'n pato- loog ooreenkomstig hierdie Wet tensy hy na tegniese opleiding gekwalifiseer is en voldoende kennis, bekwaamheid en onder- vinding besit om die pligte van sy amp behoorlik uit te voer.

(4) Die Minister benoem sulke inspekteurs as wat hy vir die behoorlike handhawing van hierdie Wet nodig mog ag.

(5) Die bevoegdhede van 'n inspekteur ingevolge hierdie Wet kan uitgeoefen word—

(a) ten opsigte van 'n ingevoerde artikel, deur 'n beampte van die Departement van Doeane en Aksyns in die algemeen of spesiaal deur die Kommissaris van Doeane en Aksyns daartoe gemagtig; en

(b) ten opsigte van enige artikel, deur 'n lid van die polisie van of bo die rang van sersjant en enige ander lid van die polisie spesiaal daartoe gemagtig deur die Sekretaris van Volksgesondheid of sy be- hoorlik gemagtigde plaasvervanger of deur 'n polie- sieoffisier; en

(c) ten opsigte van enige bevoegdheid, kragtens sub- artikel (3) van artikel twee aan 'n plaaslike bestuur verleen deur 'n gesondheidsinspekteur of ander beampte wat deur die plaaslike bestuur behoorlik daartoe gemagtig is.

(6) 'n Inspekteur kan op alle redelike tye enige perseel betree en besigtig waarop 'n voedingsmiddel of medisyne of 'n ontsmettingsmiddel is, of deur hom om gegronde redes vermoed word te wees, wat bestem is of aangehou word om verkoop te word, en hy kan onder dergelike omstandighede enige voertuig en die inhoud daarvan besigtig.

(7) Elke kragtens sub-artikel (4) benoemde inspekteur en elke beampte wat volgens paragraaf (c) van sub-artikel (5) gemagtig is, moet, wanneer hy werksaamhede kragtens hierdie Wet verrig, sy benoemingsbrief, geteken deur die Sekretaris van Volksgesondheid of sy behoorlik gemagtigde plaasvervanger, of sy magtigingsbrief, geteken deur die burge- meester of voorsitter of onder-burgemeester of onder-voor- sitter van die plaaslike bestuur (na gelang van omstandig- hede), by hom dra en dit vertoon op verlange van iemand wat gemoei is met sy verrigting van werksaamhede kragtens hierdie Wet.

## HOOFTUK II.

### DEEL A.—VERVALSING OF VALSE BESKRYWING VAN ARTIEKELS.

#### *Algemene Bepalings.*

4. (1) Vir die oogmerke van hierdie Wet en behoudens die bepalings daarvan is 'n voedingsmiddel of medisyne vervals of vals beskrywe— Vervalsing  
of valse  
beskrywing  
van voe-  
dingsmiddels  
en medi-  
syne.

(a) indien dit 'n stof, wat daarin nie voorkom nie as dit in 'n suiwere of normale en gawe toestand is, bevat of met so 'n stof gemeng of verdun is; of

(b) indien 'n stof of bestanddeel daaraan onttrek of daaruit verwyder of weggelaat is, met die gevolg dat die voedingswaarde of die voedings-, genees- of ander hoedanighede daarvan verminder of verander is vergeleke met so 'n artikel in sy suiwere of normale en gawe toestand; of

(c) indien daarvoor 'n standaard voorgeskrywe is en dit nie met daardie standaard ooreenkom nie; of

(d) indien dit 'n stof of bestanddeel bevat waarvan die gebruik of toevoeging verbode is of nie toegelaat word nie; of

- (e) if it contains in greater proportion than is permitted any ingredient or substance to which any restrictive provision of this Act applies ; or
- (f) if it is coloured, stained, powdered, polished, coated, steamed or treated so that its damaged condition or inferior quality is concealed or attempted to be concealed ; or
- (g) if any prohibited process or method of manufacture, preparation, preserving or packing has been applied to it or to any of its ingredients ; or
- (h) if it is an imitation of and is sold under the name of another article, or by a name so closely resembling that of another article as to be likely to deceive ; or
- (i) if it bears any description which is false or misleading as regards its nature or substance or quality or its composition or its nutritive or curative or other property, or its origin or age or mode of or place of production, preparation or manufacture ; or
- (j) if it is sold in substitution for another article and the purchaser is not informed prior to delivery of the proposed substitution.

(2) In a prosecution or other proceeding under this Act for selling an article to which paragraph (a) of sub-section (1) applies, such article shall not be deemed to be adulterated or falsely described if the article or package containing it bears a prescribed label showing that the article is a mixture and stating the names of the ingredients, and, when so prescribed, the approximate proportions of the ingredients.

(3) Subject to the provisions of this Act an article of food or a drug shall not be deemed to be adulterated or falsely described solely by reason—

- (a) of its containing a substance or ingredient not unwholesome, the presence or addition of which is necessary for the production, preparation or manufacture of the article or drug as an article of commerce, in a fit state for carriage, consumption or use, and is not intended to deceive the purchaser by increasing its weight, measure or volume or concealing its quality ; or
- (b) of its containing extraneous matter, in quantity not exceeding that permitted by regulation, unavoidably mixed with the food or drug in the process of collection, preparation or manufacture ; or
- (c) of the removal of a substance or ingredient, if such removal is necessary for the production, preparation or manufacture of the food or drug as an article of commerce in a fit state for carriage, consumption or use.

Standards of composition and purity.

5. (1) In the case of an article of food or a mixture or compounded article for which a standard of composition, strength, potency, purity or quality has been prescribed by this Act or any regulation thereunder or by any other law, the standard shall be that so prescribed, and in the case of a drug the standard shall be that laid down in the edition of the British Pharmacopoeia or any official addendum thereto which the Minister may from time to time notify in the *Gazette* as being in force under this Act, and in the case of a drug not mentioned in such Pharmacopoeia or addendum the standard, if any, shall be that prescribed by regulation.

(2) Any purchaser of an article of food or a drug or a mixture or a compounded article for which a standard has been prescribed shall, in the absence of proof to the contrary, be deemed to have demanded the standard quality thereof so prescribed.

(3) Any purchaser of an article of food or a drug or a mixture or a compounded article for which no standard has been prescribed shall, in the absence of proof to the contrary, be deemed to have demanded the ordinary commercial standard thereof.

- (e) indien dit in 'n hoëre verhouding dan wat toegelaat word 'n stof of selfstandigheid bevat waarop 'n beperkende bepaling van hierdie Wet van toepassing is; of
- (f) indien dit gekleur, getint, bepoeier, gepolys, bestryk, gestoom of so behandel is dat sy beskadigde toestand of minderwaardige kwaliteit verberg word of probeer word om dit te verberg; of
- (g) indien 'n verbode proses of manier van vervaardiging, voorbereiding, verduursaming, of verpakking daarop, of op 'n bestanddeel daarvan aangewend is; of
- (h) indien dit 'n namaaksel is van 'n ander artikel en onder die naam van 'n ander artikel verkoop word, of onder 'n naam wat soveel gelyk op die naam van 'n ander artikel dat dit misleidend sou kon wees; of
- (i) indien dit voorsien is van 'n beskrywing wat vals of misleidend is met betrekking tot sy geaardheid of selfstandigheid of kwaliteit of samestelling of sy voedings- of geneeswaarde of ander eienskappe, of sy oorsprong of ouderdom of die wyse of plek van sy voortbrenging, bereiding of vervaardiging; of
- (j) indien dit verkoop word om 'n ander artikel te vervang en die koper nie voor aflewering van die voorgestelde vervanging in kennis gestel is nie.

(2) By 'n vervolging of ander regstappe kragtens hierdie Wet op grond van die verkoop van 'n artikel waarop paragraaf (a) van sub-artikel (1) van toepassing is, word bedoelde artikel nie geag vervals of vals beskrywe te wees nie indien die artikel of die pakket wat die artikel bevat voorsien is van 'n voorgeskrywe opskrif, wat aantoon dat die artikel 'n mengsel is en die name van die bestanddele aangee, asook, waar dit voorgeskrywe is, die verhouding naasteby waarin die bestanddele aanwesig is.

(3) Met inagneming van die bepalings van hierdie Wet word 'n voedingsmiddel of medisyne nie geag vervals of vals beskrywe te wees nie enkel deurdat—

- (a) dit 'n stof of bestanddeel bevat wat nie ongesond is nie en waarvan die aanwesigheid of toevoeging nodig is vir die voortbrenging, bereiding of vervaardiging van die voedingsmiddel of medisyne as 'n handelsartikel in 'n geskikte toestand om vervoer, verbruik of gebruik te word en nie bedoel is nie om die koper te bedrieg deur die gewig, maat of inhoud daarvan te vergroot of deur die kwaliteit daarvan te verberg; of
- (b) dit vreemde selfstandighede bevat wat in hoeveelheid die by regulasie voorgeskrywe perke nie tebowegaan nie en wat in die proses van versameling, bereiding of vervaardiging onvermydelik vermeng word met die voedingsmiddel of medisyne; of
- (c) 'n stof of bestanddeel daaruit verwyder is, indien die verwydering nodig is vir die voortbrenging, bereiding of vervaardiging van die voedingsmiddel of medisyne as 'n handelsartikel in geskikte toestand om vervoer, verbruik of gebruik te word.

5. (1) Die standaard in die geval van 'n voedingsmiddel of van 'n mengsel of 'n samegestelde mengsel, is die by hierdie Wet of 'n regulasie daaronder of deur enige ander wet voorgeskrywe standaard van samestelling, sterkte, uitwerkingskrag, suiwerheid of kwaliteit, en in die geval van medisyne, die wat vasgestel is in die uitgawe van die British Pharmacopoeia of 'n amptelike byvoegsel daartoe, wat die Minister van tyd tot tyd by kennisgewing in die *Staatskoerant* verklaar ingevolge hierdie Wet van krag te wees; en in die geval van medisyne wat in bedoelde pharmacopoeia of byvoegsel nie genoem word nie, die by regulasie voorgeskrywe standaard.

(2) 'n Koper van 'n voedingsmiddel of van medisyne of van 'n mengsel of samegestelde artikel waarvoor 'n standaard voorgeskrywe is word, by ontstentenis van bewys van die teenoorgestelde, geag die aldus voorgeskrywe kwaliteitstandaard te verlang het.

(3) 'n Koper van 'n voedingsmiddel of van medisyne of van 'n mengsel of samegestelde artikel waarvoor geen standaard voorgeskrywe is nie, word, by ontstentenis van bewys van die teenoorgestelde, geag die gewone handelstandaard daarvan te verlang het.

**Standaard  
van same-  
stelling en  
suiwerheid.**

Sale of adulterated or falsely described food or drugs prohibited.

6. (1) No person shall sell any food or drug which is adulterated or falsely described or which is not of the nature and substance and quality and up to the standard of that demanded by the purchaser.

(2) No person shall in any manner whatever publish any description of any food or drug which is false or misleading.

Prohibition of injurious abstractions, admixtures and processes.

7. No person shall—

(a) abstract from any article of food any part of it, or add to, mix, colour or otherwise treat any article of food with any substance, or apply to any article of food any bleaching or other process or treatment, so as injuriously to affect its nature or substance or quality or nutritive or other properties ; or

(b) add to, mix, colour or otherwise treat with any substance or apply any process to any drug so as injuriously to affect its nature or substance or quality or curative or other properties,

with intent that the same shall be sold without disclosing to the purchaser the fact that such abstraction, addition, admixture, colouration, process or treatment has been carried out, and no person shall sell any article of food or drug so altered without making full disclosure of such alteration to the purchaser prior to delivery, or shall offer or expose for sale any article of food or drug so altered unless a conspicuous label stating that it has been so altered is affixed to it.

Prohibition of use of preservatives and colouring matters unless permitted by regulation.

8. (1) Save as may be permitted by regulation, no person shall add to any food any preservative or colouring matter, or any flavouring or thickening substance, or shall import, manufacture or sell any food containing any such matter or substance.

(2) No person shall import, manufacture or sell any food advertised as or described on the label as specially suitable for the use of invalids or infants which contains any preservative other than sugar or common salt.

Mixtures and compounded food and drugs.

9. (1) No person shall—

(a) mix, for purposes of sale, any substance with any food or drug with intent to deceive the purchaser by increasing its weight, measure or volume or concealing its quality ; or

(b) sell any mixed or compounded food or drug the ingredients of which are not pure or which are in a deteriorated or unsound condition, or which is not of the nature and substance and quality demanded by the purchaser, or, if a standard has been prescribed therefor, which is not in accordance with such standard ; or

(c) sell any mixed or compounded food or drug without fully informing the purchaser prior to delivery of the fact and nature of the mixture, or deliver any such mixed or compounded article to the purchaser otherwise than in a package bearing a conspicuous label stating that it is a mixture and the names of the ingredients, and, when so prescribed, the proportion of the ingredients ; or

(d) sell, label or describe any food as a blend or as blended unless it consists solely of different kinds, qualities or grades of the food named. If any substance other than that named is included in the food it shall be sold, labelled and described as mixed or as a mixture.

(2) The provisions of paragraph (c) of sub-section (1) shall not apply to—

(a) a mixture of drugs dispensed by a medical practitioner or supplied on the prescription of a medical practitioner or dentist or a veterinarian holding a current certificate issued to him by the Minister under

6. (1) Dit is verbode om 'n voedingsmiddel of medisyne te verkoop wat vervals of vals beskrywe is, of wat nie van die aard, selfstandigheid en kwaliteit is nie wat, of wat van 'n laer kwaliteit is dan die koper verlang.

Verbod op verkoop van vervalste of vals-beskrywe voedingsmiddels en medisyne.

(2) Dit is verbode om op enige manier hoegenaamd 'n valse of misleidende beskrywing van 'n voedingsmiddel of medisyne te publiseer.

7. Dit is verbode om—

(a) 'n bestanddeel aan 'n voedingsmiddel te onttrek of 'n stof by 'n voedingsmiddel te voeg of 'n voedingsmiddel daarmee te vermeng, te kleur of andersins te behandel, of om op 'n voedingsmiddel 'n bleik- of ander proses of behandeling aan te wend sodat die aard, stof, kwaliteit, voedingskrag of ander eienskappe daarvan nadelig beïnvloed word; of

Verbod op skadelike onttrekking, byvoeging en prosesse.

(b) medisyne met 'n stof te vermeng, te kleur of andersins te behandel of 'n selfstandigheid daarby te voeg of om enige proses daarop aan te wend sodat die aard, stof, kwaliteit, geneeskrag of ander eienskappe daarvan nadelig beïnvloed word;

met die doel dat dit verkoop word sonder dat die feit dat sodanige onttrekking, byvoeging, vermenging, kleuring, proses of behandeling plaasgevind het aan die koper geopenbaar word en dit is verbode om so 'n veranderde voedingsmiddel of medisyne te verkoop sonder om voor aflewering die koper ten volle bekend te maak met die verandering, of om so 'n veranderde voedingsmiddel of medisyne te koop aan te bied of dit te koop uit te stal tensy dit voorsien is van 'n duidelik sigbare opskrif, waaruit blyk dat dit aldus verander is.

8. (1) Behalwe soos by regulasie veroorloof mag word mag niemand by 'n voedingsmiddel enige bederfwerende middel of kleurstof, of enige smaakgewende of verdikkende stof voeg nie, of 'n voedingsmiddel wat so 'n stof of middel bevat invoer, vervaardig of verkoop nie.

Verbod op gebruik van bederfwerende middels en kleurstowwe tensy by regulasie toegelaat.

(2) Niemand mag 'n voedingsmiddel wat as besonder geskik vir gebruik deur siekes of suiglinge geadverteer of as sulks in die opskrif beskryf word en wat 'n bederfwerende middel behalwe suiker of gewone sout bevat, invoer, vervaardig of verkoop nie.

9. (1) Dit is verbode—

(a) om met die oogmerk om dit te verkoop, 'n stof met 'n voedingsmiddel of medisyne te vermeng met die doel om die koper te bedrieg deur die gewig, maat of inhoud daarvan te vergroot of deur die kwaliteit daarvan te verberg; of

Mengsels en samegestelde voedingsmiddels en medisyne.

(b) om 'n gemengde of samegestelde voedingsmiddel of medisyne te verkoop waarvan die bestanddele onsuiver of bederf is of nie in 'n gawe toestand is nie, of nie van die deur die koper verlangde aard, selfstandigheid en kwaliteit is nie, of, indien daarvoor 'n standaard voorgeskrywe is, wat nie ooreenkomstig daardie standaard is nie; of

(c) om 'n gemengde of samegestelde voedingsmiddel of medisyne te verkoop sonder om voor aflewering die koper ten volle in te lig dat dit 'n mengsel, en van watter aard die mengsel is, of so 'n gemengde of samegestelde artikel aan die koper aflewer behalwe in 'n pakket wat voorsien is van 'n duidelik sigbare opskrif waaruit duidelik blyk dat die artikel 'n mengsel is, die name van die bestanddele en, waar so voorgeskrywe, in watter verhouding die bestanddele aanwesig is; of

(d) om 'n voedingsmiddel te verkoop of te beskrywe as 'n versnyssel of as versny, of met 'n opskrif te voorsien wat dit aldus beskrywe, tensy dit alleenlik uit verskillende soorte, kwaliteite of grade van die genoemde voedingsmiddel bestaan. Indien die voedingsmiddel 'n ander dan die genoemde selfstandigheid bevat, moet dit verkoop en beskrywe word as 'n mengsel of as vermeng en moet van 'n opskrif in die voege voorsien wees.

(2) Die bepalinge van paragraaf (c) van sub-artikel (1) is nie van toepassing nie op—

(a) 'n mengsel van medisyne wat deur 'n geneesheer opgemaak word of wat verstrekk word volgens die voorskrif van 'n geneesheer, tandarts of 'n veearts in besit van 'n geldige sertifikaat wat die

section *eighty-nine* of the Medical, Dental and Pharmacy Act, No. 13 of 1928 ;

- (b) a mixture of drugs sold or compounded by a chemist and druggist and bearing his name and address ;
- (c) a drug or food which is a proprietary article or is the subject of a patent in force in the Union and is sold in the condition required in the specification of the patent ; and
- (d) such other articles or classes of articles as may be exempted by regulation.

(3) Where so prescribed by regulation, any article of food which is mixed or blended or compounded shall be sold under a name the whole or first part of which shall be the name of the ingredient which forms the greater proportion of the article in bulk.

Responsi-  
bility of  
importer,  
manufacturer  
or packer.

10. (1) Where any food or drug is sold in a sealed original package and is not in accordance with the provisions of this Act, the person who appears from the label thereof to have manufactured or imported such article or to have enclosed it in such package shall, unless he proves the contrary, be deemed to have so manufactured or imported or enclosed such article, and shall be guilty of an offence unless he proves that the alleged contravention was due to deterioration or some other change in the article since it left his possession and which was beyond his control.

(2) Nothing in this section contained shall relieve a person selling any article referred to in sub-section (1) of any liability incurred by him under this Act or otherwise in respect of such sale.

#### PART B.—IMPORTED ARTICLES.

Inspection,  
sampling and  
detention of  
consign-  
ments.

11. (1) Any food or drug or disinfectant imported into or consigned to any place within the Union may, at the port where it was landed or during conveyance to or at any time after arrival at its destination, be inspected and examined by any inspector, who may take samples thereof for examination or analysis.

(2) Any such article, together with any similar articles in the same consignment may, at the discretion of the commissioner of customs and excise acting with the concurrence of the secretary for public health, be—

(a) detained in the custody of the Department of Customs and Excise until any necessary examination or analysis has been completed : Provided that such examination or analysis shall be carried out with all convenient speed ; or

(b) allowed to be removed and forwarded from the port where it was landed subject to the furnishing of a guarantee to the satisfaction of the commissioner of customs and excise, by the owner, importer or consignee to the effect that he will not sell or part with or in any way alienate or grant any right in or over any portion of such consignment until he has been officially notified that the article has been passed as being in accordance with this Act, or, should the article prove not to be in accordance with this Act, that he will with all reasonable despatch return the complete consignment to the port of entry or the port of shipment as the Minister may direct or otherwise deal with it as the Minister may direct.

(3) Before any sample is taken under this section the owner, importer or consignee or his agent shall be notified by the Department of Customs and Excise of the intended time and place of taking the sample and the purpose for which it is to be taken and be afforded an opportunity of being present thereat. The provisions of sub-sections (2) to (8) inclusive of section *twenty-one* shall be carried out in respect of the taking, forwarding and disposal of such samples.

(4) If such examination or analysis shows that the article is adulterated or falsely described, or is a prohibited article, or, in the case of a food or drug, is unwholesome for human consumption or use, or is otherwise not in accordance with any

Minister kragtens artikel *negjen-en-tagtig* van die Wet op Geneeshere, Tandartse en Aptekers, No. 13 van 1928, aan hom uitgereik het :

- (b) 'n mengsel van medisyne wat deur 'n apteker verkoop word of samegestel is en waarop sy naam en adres voorkom—
- (c) medisyne of 'n voedingsmiddel wat 'n private artikel is of wat in die Unie beskerm is deur 'n patent en wat verkoop word in 'n toestand ooreenkomstig die spesifikasies van die patent; en
- (d) ander artikels of klasse van artikels wat by regulasie vrygestel mog word.

(3) Waar dit by regulasie voorgeskryf is moet 'n voedingsmiddel wat gemeng, versny of samegestel is, verkoop word onder 'n naam waarvan die hele of eerste deel die naam moet wees van die bestanddeel wat die grootste proporsie in hoeveelheid van die voedingsmiddel uitmaak.

10. (1) Indien 'n voedingsmiddel of medisyne in 'n oorspronklike verseelde pakket verkoop word en nie ooreenkomstig die bepaling van hierdie Wet is nie, dan word die persoon, wat blykens die opskrif van daardie pakket die artikel vervaardig, ingevoer of verpak het, geag (tensy hy die teenoorgestelde bewys) die artikel aldus te vervaardig, in te gevoer of te verpak het en is hy skuldig aan 'n misdryf, tensy hy bewys dat die beweerde oortreding te wyte is aan bederf of 'n ander verandering in die artikel sedert dit sy besit verlaat het en waaroor hy geen beheer had nie.

Aanspreeklikheid van vervaardiger, invoerder of verpakker.

(2) Die bepaling van hierdie artikel onthef geen persoon wat 'n artikel in sub-artikel (1) bedoel verkoop, van enige aanspreeklikheid wat hy ingevolge hierdie Wet of andersins ten opsigte van sodanige verkoop beloop het.

#### DEEL B.—INGEVOERDE ARTIEKELS.

11. (1) Alle voedingsmiddels, medisyne of ontsmettingsmiddels wat in die Unie ingevoer of na 'n plek in die Unie versend word kan in die hawe waar dit geland is of onder vervoer naar of te eniger tyd na aankoms by die bestemming geïnspekteer en ondersoek word, deur 'n inspekteur wat monsters daarvan vir ondersoek of analiese kan neem.

Inspeksie; monsters; aanhouding van 'n versending.

(2) So 'n artikel, asook alle dergelike artikels in dieselfde besending, kan, na goeddunk van die Kommissaris van Doeane en Aksyns met instemming van die Sekretaris van Volksgeondheid—

- (a) aangehou word deur die Departement van Doeane en Aksyns totdat al die nodige ondersoek of analiese afgehandel is: Met die verstande dat bedoelde analiese of ondersoek so spoedig moontlik verrig word; of
- (b) van die hawe waar dit geland is verwyder en deurgestuur word, mits die eienaar, invoerder of geadresseerde 'n deur die Kommissaris van Doeane en Aksyns goedgekeurde waarborg stel dat hy geen gedeelte van die besending, of 'n reg daarop, sal verkoop, afstaan of vervreem nie alvorens hy amptelik kennis ontvang het dat die artikel gepasseer is as ooreenkomstig hierdie Wet, of indien blyk dat die artikel nie ooreenkomstig hierdie Wet is nie, dat hy met alle redelike spoed die hele besending na die invoerpoort of die hawe van verskeping, na gelang die Minister nog gelas, sal terugstuur of anders daarvoor sal beskik soos die Minister nog gelas.

(3) Voordat ingevolge hierdie artikel 'n monster geneem word moet die eienaar, invoerder of geadresseerde of sy agent deur die Departement van Doeane en Aksyns in kennis gestel word van die plek waar, die tyd wanneer en die doel waarvoor dit beoog word om 'n monster te neem en moet hy in die geleentheid gestel word om daarby teenwoordig te wees. Die bepaling van sub-artikels (2) tot en met (8) van artikel *een-en-twintig* moet nagekom word ten aansien van die neem en deurstuur van, en beskikking oor, daardie monsters.

(4) Indien dit uit so 'n ondersoek of analiese blyk dat die artikel vervals of vals beskrywe is, of 'n verbode artikel is, of in die geval van 'n voedingsmiddel of medisyne dat dit ongesond is vir menslike gebruik of verbruik of dat dit andersins nie met die bepaling van hierdie Wet

provision of this Act, the article and any articles of the same kind included in the same consignment, by written order signed by the secretary for public health may be—

- (a) declared to be forfeited and ordered to be destroyed ; or
- (b) required to be returned to the port of entry or the port of shipment ; or
- (c) allowed to be imported after being re-labelled to the satisfaction of the secretary for public health ; or
- (d) otherwise dealt with as the Minister may direct.

Act may be applied to articles consigned to places beyond the Union.

12. The Governor-General may, by proclamation in the *Gazette* and at the request of the Government or Administration of any state or territory not included in the Union, apply all or any of the provisions of this Act to any article of food or any drug or disinfectant landed at or imported through any port or place in the Union and consigned or intended for transmission to such state or territory.

#### PART C.—SPECIAL ARTICLES.

Sale of flour and meal.

13. (1) The terms "flour" or "meal" shall not without qualification be applied to any substance other than flour or meal made from wheat ; where flour or meal made from any other cereal or other vegetable product is referred to, the name of such cereal or vegetable product shall be used before the word "flour" or "meal" as the case may be. Flour or meal made from or containing a mixture of cereals or vegetable products shall be known and referred to as "mixed flour" or "mixed meal" as the case may be.

(2) No person shall sell as flour or meal any article containing, except as may be permitted by regulation, any substance not derived from wheat.

(3) The Minister may make regulations—

- (a) authorizing the addition to flour or meal of any substance or mixture of substances for the purpose of making it self-raising, or suitable for any other special purpose ;
- (b) prohibiting or restricting the addition to flour or meal of any specified substance or mixture of substances ;
- (c) prescribing the conditions and name under which flour or meal containing any such substance or mixture may be sold.

Sale of bread.

14. (1) The term "bread" shall not without qualification be applied to any substance other than bread made from wheat ; where bread made from any other cereal or other vegetable product is referred to the name of such cereal or vegetable product shall be used before the word "bread". Bread made from a mixture of cereals or vegetable products shall be known and referred to as "mixed bread".

(2) No person shall—

- (a) sell as bread any article containing, except as may be necessary for the purpose of manufacture or as may be permitted by regulation, any substance not derived from wheat ;
- (b) sell as a variety of or as a substitute for bread an article made from any cereal or vegetable product other than wheat, without informing the purchaser prior to delivery of the cereal or vegetable product from which it is made ;
- (c) sell as bread any article made from a mixture of cereals, or a mixture of any cereal or cereals with any other vegetable product, without informing the purchaser prior to delivery that it is "mixed bread", and the nature and approximate proportions of the ingredients or of the mixed flour from which the bread was made, or sell as bread any article made from any mixture as aforesaid unless every loaf, roll or other portion thereof is marked or branded in such manner as may be prescribed.

Sale of coffee.

15. (1) No person shall import or sell coffee beans, whether raw or roasted, which have been coloured, stained, powdered,

ooreenstem nie, dan kan die Sekretaris van Volksgesondheid by skriftelike order deur hom onderteken gelas dat bedoelde artikel, asook alle artikels van dieselfde soort uit dieselfde besending—

- (a) verbeurd en vernietig word ; of
- (b) na die invoerpoort of na die inskepingshawe teruggestuur word ; of
- (c) ingevoer kan word, mits dit met nuwe, deur die Sekretaris van Volksgesondheid goedgekeurde opskrifte voorsien word ; of
- (d) anders mee gehandel word soas die Minister mog gelas.

12. Op versoek van die regering of administrasie van 'n staat of gebied, wat nie 'n deel van die Unie is nie, kan die Goewerneur-generaal by proklamasie in die *Staatskoerant* enigeeen van of al die bepalinge van hierdie Wet toepas op 'n voedingsmiddel, medisyne of 'n ontsmettingsmiddel wat aangekom het by, of ingevoer is deur 'n hawe of plek in die Unie en wat geadresseer is aan, of bedoel is vir deursending na bedoelde staat of gebied.

Wet kan toegepas word op artikels wat in plekke buite die Unie versend word.

#### DEEL C.—BESONDERE ARTIEKELS.

13. Die uitdrukking “meelblom” of “meel” word sonder kwalifikasie nie toegepas nie op iets anders as meelblom of meel wat van koring gemaak is ; indien meelblom of meel van 'n ander graansoort of plantaardige produk bedoel word moet die woord “meelblom” of “meel”, na die geval mog wees, voorafgegaan word deur die naam van bedoelde graansoort of plantaardige produk. Meelblom of meel wat gemaak is van, of bestaan uit, 'n mengsel van graansoorte of plantaardige produkte word “gemengde meelblom” of “gemengde meel” genoem, na die geval mog wees.

Verkoop van meelblom en meel.

(2) Dit is verbode om 'n artikel wat, behalwe soas die regulasies mog toelaat, 'n selfstandigheid bevat wat nie van koring afkomstig is nie, as meelblom of meel te verkoop.

(3) Die Minister kan regulasies invoer—

- (a) wat toelaat dat 'n selfstandigheid of mengsel van selfstandighede by meelblom of meel gevoeg word om dit selfrysend of vir enige ander besondere doel geskik te maak ;
- (b) wat die byvoeging van sekere gespesifiseerde selfstandighede of mengsels van selfstandighede by meelblom of meel verbied of beperk ;
- (c) wat die voorwaardes en naam bepaal waaronder meelblom of meel wat so 'n selfstandigheid of mengsel bevat, verkoop mag word.

14. (1) Die uitdrukking “brood” word sonder kwalifikasie nie toegepas nie op iets anders as brood wat van koring gemaak is ; indien brood, wat van 'n ander graansoort of plantaardige produk gemaak is, bedoel word dan moet die woord “brood” voorafgegaan word deur die naam van bedoelde graansoort of plantaardige produk. Brood wat gemaak is van 'n mengsel van graansoorte of plantaardige produkte word “gemengde brood” genoem.

Verkoop van brood.

(2) Dit is verbode—

- (a) om 'n artikel wat, tensy dit vir die vervaardiging daarvan nodig is of die regulasies dit toelaat, 'n selfstandigheid bevat wat nie van koring afkomstig is nie, as brood te verkoop ;
- (b) om 'n artikel wat van 'n ander graansoort of plantaardige produk as koring gemaak is as 'n soort brood of 'n substituuat vir brood te verkoop sonder om voor aflewering die koper in kennis te stel van watter graansoort of plantaardige produk dit gemaak is ;
- (c) om 'n artikel wat van gemengde graansoorte of van 'n mengsel van graan of graansoorte met 'n ander plantaardige produk gemaak is as brood te verkoop sonder om die koper, voor aflewering in kennis te stel dat dit gemengde brood is, asook wat die aard en ongeveer die verhouding is van die bestanddele of van die gemengde meel waarvan die brood gemaak is, of om 'n artikel wat van so 'n mengsel gemaak is as brood te verkoop tensy elke brood, broodjie of ander gedeelte daarvan gemerk of gekenmerk is op so 'n manier as wat voorgeskrywe mog word.

15. (1) Niemand mag koffiebone, rou of gebrand, wat gekleur, getint, bepoeier, gepolys, bestryk of gestoom is, of

Verkoop van koffie.

polished, coated or steamed, or to which has been added any substance of any kind whatsoever.

(2) No person shall import or sell under the name of "mixed coffee" or "coffee mixture" or any similar name any mixture containing less than three-quarters of its weight of coffee.

Sale of honey.

16. No person shall sell as honey, or as a form or variety or blend of honey, any substance which is not solely the product of the honey bee.

Sale of milk cream and butter.

17. (1) No person shall sell for human consumption milk drawn from any animal within the fourteen days preceding and the six days following parturition, or until such further time after parturition as the milk when boiled does not coagulate.

(2) No person shall sell as milk or cream any reconstituted milk or reconstituted cream or other fluid prepared from condensed milk, dried milk or other material, or milk or cream which is not entirely the product of the cow, nor shall any person sell the milk of any animal other than the cow without informing the purchaser prior to delivery that it is the milk of such animal.

(3) No person shall sell as milk, milk to which any substance has been added or from which any part of any of its constituents has been removed, or which contains less than three parts per centum of milk-fat or less than the percentage of milk-solids-not-fat prescribed by regulation, unless it is sold for manufacturing purposes on the basis of its milk-fat content or its total milk-solids content.

(4) No person shall sell as cream, cream containing less than twenty parts per centum of milk-fat, unless it is sold for manufacturing purposes on the basis of its milk-fat content.

(5) Every person who uses a vehicle or can or other receptacle for the sale, conveyance or delivery of milk or cream in any street or public place shall have his name and address conspicuously marked thereon.

(6) Except as may be permitted by regulation no person shall convey water, separated or skimmed milk, or any other fluid capable of being used for diluting milk in any vehicle in which milk is conveyed for sale or in any can or other receptacle used in the sale of milk.

(7) No person shall consign or convey milk for sale in a can or other receptacle of more than three gallons capacity if the can or receptacle is not sealed, locked or otherwise secured so as effectively to prevent the contents being tampered with during transit: Provided that this requirement shall not apply to milk conveyed by a dairy farmer or his servant in a receptacle and on a vehicle owned by him to any cream depôt, condensed milk factory, creamery, or cheese factory registered under the Dairy Industry Act, No. 16 of 1918, or any amendment thereof.

(8) No person shall import or sell butter containing less than eighty parts per centum of milk-fat.

Labelling of certain articles.

18. Except as may be otherwise provided by regulation every can or other receptacle or package, and every bulk stock, from which or in which is sold skimmed or separated milk, butter-milk, re-constituted milk, re-constituted cream, margarine, skim-milk cheese, margarine cheese, "filled" cheese, or any other article to which the Minister may by notice in the *Gazette* extend the provisions of this section, shall have a label in block letters not less than one inch high so placed as to be clearly visible to the purchaser at the time of sale, stating the nature of the contents and bearing the words "skimmed milk," "separated milk," "butter-milk," "reconstituted milk," "reconstituted cream," "margarine," "skim-milk cheese," "margarine cheese," or "filled cheese," as the case may be, or, in the case of any article to which the Minister has extended the provisions of this section, such words as may be prescribed.

PART D.—DISINFECTANTS.

Disinfectants.

19. (1) No person shall import or sell any disinfectant which is falsely described or which does not bear a label stating—

(a) the name and address of the manufacturer and, when sold, the name and address of the seller;

waarby 'n selfstandigheid van watter aard ook, gevoeg is, invoer of verkoop.

(2) Niemand mag onder die naam "gemengde koffie" of "koffie-mengsel" of 'n soortgelyke naam 'n mengsel invoer of verkoop wat minder as driekwart van sy gewig koffie bevat.

16. Niemand mag as heuning of as 'n vorm of soort of mengsel van heuning 'n selfstandigheid verkoop, wat nie die produk van die heuningby alleen is nie.

Verkoop van heuning.

17. (1) Dit is verbode om vir verbruik deur mense melk te verkoop wat van 'n dier verkry is binne veertien dae voor en ses dae na baring, of tot sodanige verdere tyd na baring wanneer die melk as dit gekook word, nie dik word nie.

Verkoop van melk, room en botter.

(2) Dit is verbode om as melk of room 'n samegestelde melk of samegestelde room of ander vloeistof wat berei is uit gekondenseerde melk, gedroogde melk of uit 'n ander selfstandigheid, of om melk of room wat nie geheelenal van 'n koei afkomstig is nie te verkoop; of melk van enige dier ander dan 'n koei te verkoop sonder om, voor aflewering die koper in kennis te stel dat dit melk van so 'n dier is.

(3) Niemand mag as melk verkoop nie, melk waarby enige stof toegevoeg is of waarvan enige deel van enige bestanddele daarvan verwyder is of wat minder as drie persent melkvet bevat of minder as die persentasie nie-vet-melkstowwe deur regulasie bepaal, tensy dit vir vervaardigingsdoeleindes verkoop word, op basis van sy melkvetinhoud of sy totale melkstowweinhoud.

(4) Niemand mag as room room verkoop wat minder as twintig persent melkvet bevat nie, tensy dit vir vervaardigingsdoeleindes op basis van sy melkvetinhoud verkoop word.

(5) Elkeen wat in 'n straat of openbare plek 'n rytuig, kan of ander vat gebruik vir die verkoop, vervoer of aflewer van room of melk moet sy naam en adres op 'n in die ooglopende plek op bedoelde rytuig, kan of vat laat merk.

(6) Behalwe soos by regulasie veroorloof mog word is dit verbode om water, afgeroomde of afgeskeide melk of 'n ander vloeistof waarmee melk sou kon verdun word op 'n rytuig te vervoer wat gebruik word om melk vir verkoop te vervoer, of in 'n kan of ander vat wat vir die verkoop van melk gebruik word.

(7) Niemand mag vir verkoop melk versend of vervoer in 'n kan of ander vat wat in staat is meer as drie gallon te bevat, tensy bedoelde kan of vat verseël, gesluit of andersins vasgemaak is sodat niemand die inhoud kan aanroer gedurende die vervoer daarvan: Met die verstande dat hierdie vereiste nie van toepassing is nie op melk wat deur 'n melkboer of sy bediende in vate en op sy eie voertuig vervoer word na enige roomdepot, gekondenseerde melkfabriek, botter- of kaasfabriek geregistreer ingevolge die Zuivelnywerheid Wet, No. 16 van 1918, of enige wysiging daarvan.

(8) Niemand mag botter invoer of verkoop wat minder as tagtig persent melkvet bevat nie.

18. Behalwe soos by regulasie anders bepaal mog word moet elke kan of ander vat of pakket en groot-voorraad waaruit of waarin afgeroomde of karringmelk, samegestelde melk, samegestelde room, margarine, kaas gemaak van afgeroomde melk, margarine-kaas, gevulde kaas of enige ander artikel waarop die Minister by kennisgewing in die *Staatskoerant* die bepalings van hierdie artikel mog toepas, verkoop word, in vet letters ten minste een duim lank van 'n opschrift voorsien wees in so 'n posisie dat dit vir die koper tydens die koop duidelik sigbaar is, waaruit die aard van die inhoud blyk en wat die woorde "afgeroomde melk," "karringmelk," "samegestelde melk," "samegestelde room," "margarine," "kaas gemaak van afgeroomde melk," "margarine-kaas" of "gepulde kaas" voer, na die geval mog wees, of, in die geval van 'n artikel waarop die Minister die bepalings van hierdie artikel toegepas het, die woorde wat voorgeskryf mog word.

Seker artikels moet van opskrifte voorsien wees.

#### DEEL D.—ONTSMETTINGSMIDDELS.

19. (1) Niemand mag 'n ontsmettingsmiddel invoer of verkoop wat valslik beskryf is of wat nie van 'n opschrift voorsien is met—

Ontsmettingsmiddels.

(a) die naam en adres van die vervaardiger en wanneer verkoop, die naam en adres van die verkoper;

- (b) full directions for use, including the proportion strength or dilution in which it is effective; and
  - (c) the names of its active ingredients and the percentage or proportion of each or, in the case of a liquid germicide, its germicidal power or efficacy expressed in numerical terms as compared with a standard, and as ascertained by a method, prescribed by regulation.
- (2) No person shall publish in any manner whatever any false or misleading description of any disinfectant.
- (3) For the purposes of this Act a disinfectant is falsely described—
- (a) if it bears any description which is false or misleading as regards its composition or origin, or mode of, or place of production, preparation or manufacture, or its disinfecting or germicidal or antiseptic or preservative or deodorant or other property; or
  - (b) if it is not effective when used in the manner, and in the proportion, strength or dilution, given in the directions on the label;
  - (c) if it is an imitation of and is sold under the name of another disinfectant, or by a name so closely resembling that of another disinfectant as to be likely to deceive; or
  - (d) if it is in package form and the contents of the package as originally put up have been removed in whole or in part and replaced by other substances.
- (4) The secretary for public health may cause samples of any disinfectant to be purchased or taken by an inspector for analysis or examination in order to compare the results of such analysis or examination with any description or advertisement referring to it. In purchasing or taking such samples the provisions of this Act relating to the purchase or taking, forwarding and disposal of samples of food or drugs for analysis or examination shall apply, *mutatis mutandis*.
- (5) Where any disinfectant is sold in a sealed original package and is not in accordance with the provisions of this Act, the person who appears from the label thereof to have manufactured or imported such disinfectant or to have enclosed it in such package shall, unless he proves the contrary, be deemed to have so manufactured or imported or enclosed such disinfectant, and shall be guilty of an offence unless he proves that the alleged contravention was due to deterioration or some other change in the disinfectant since it left his possession and which was beyond his control.
- (6) Nothing contained in sub-section (5) shall relieve a person selling a disinfectant as therein referred to of any liability incurred by him under this Act or otherwise in respect of such sale.

### CHAPTER III.

#### PURCHASE OR TAKING AND ANALYSIS OR EXAMINATION OF SAMPLES.

Purchasing  
or taking of  
samples.

20. (1) On tendering to any person selling or manufacturing for sale any food or drug, or to his manager or agent or any servant or other person at the time being in charge of such article, an amount of money not less than the current market price thereof, an inspector may, either personally or by an assistant or deputy, purchase samples of any such article. If there is no person present and in charge of the article when the inspector intends to take the sample, he may himself take the sample, in which case he shall as soon as reasonably possible notify the owner, or the manager, agent or servant of the owner, of his having done so and the purpose thereof.

(2) The inspector may require any such person to show and permit the inspection of any package in which there is any food or drug, and may require the said person to take and supply him with samples from any particular package or bulk

- (b) volledige voorskrifte vir gebruik, asook aantoonende die verhouding, sterkte of verdunning, om dit doeltreffend te maak; en
- (c) die name van die aktiewe bestanddele en die persentasie of verhouding van elk, of in die geval van 'n kiemdodende vloeistof sy kiemdodende krag of sterktegraad in syfers uitgedruk in vergelyking by 'n standaard en soos vasgestel deur 'n metode, by regulasie voorgeskryf.
- (2) Dit is verbode om op enige manier hoe ook al 'n valse of misleidende beskrywing van 'n ontsmettingsmiddel te publiseer.
- (3) Vir die oogmerke van hierdie Wet is 'n ontsmettingsmiddel vals beskrywe—
- (a) indien dit voorsien is van 'n beskrywing wat vals of misleitend is ten opsigte van die samestelling of oorsprong daarvan of aangaande die plek waar of manier waarop dit voortgebring, berei of vervaardig is, of aangaande die ontsmettende, kiemdodende, antiseptiese, bederfwerende, reukwegnemende of 'n ander eienskap daarvan; of
- (b) indien dit nie doeltreffend is as dit gebruik word op die manier, en in die verhouding, sterkte of verdunning in die voorskrifte in die opskrif gegee;
- (c) indien dit 'n namaaksel is en verkoop word onder die naam van 'n ander ontsmettingsmiddel of onder 'n naam wat soveel op die van die ander ontsmettingsmiddel gelyk as misleitend te kan wees; of
- (d) indien dit in die vorm van 'n pakket is en die inhoud van die oorspronklik opgestelde pakket geheel of ten dele verwyder en deur ander selfstandighede vervang is.
- (4) Die Sekretaris van Volksgesondheid kan monsters van enige ontsmettingsmiddel deur 'n inspekteur, vir analiese of ondersoek, laat koop of neem om die resultaat van bedoelde analiese of ondersoek te vergelyk met 'n beskrywing of advertensie wat daarna verwys. Die koop of neem van genoemde monsters geskied *mutatis mutandis* ooreenkomstig die bepalings van hierdie Wet ten opsigte van die koop of neem, en versending van en beskikking oor, monsters van voedingsmiddels of medisyne vir analiese of ondersoek.
- (5) Indien 'n ontsmettingsmiddel in 'n oorspronklike verseelde pakket verkoop word en nie ooreenkomstig die bepalings van hierdie Wet is nie, dan word die persoon wat blykens die opskrif daarop, daardie ontsmettingsmiddel vervaardig of ingevoer of in daardie pakket verpak het, geag (tensy hy die teenoorgestelde bewys) daardie ontsmettingsmiddel aldus te vervaardig, in te gevoer of te verpak het en is hy aan 'n misdryf skuldig, tensy hy bewys dat die beweerde oortreding te wyte is aan bederf of 'n ander verandering in die ontsmettingsmiddel sedert dit sy besit verlaat het en waaroor hy geen beheer had nie.
- (6) Die bepalings van sub-artikel (5) onthef geen persoon wat 'n ontsmettingsmiddel soos daarin bedoel verkoop, van enige aanspreeklikheid wat hy ingevolge hierdie Wet of andersins ten opsigte van sodanige verkoop behoort te behou.

### HOOFSTUK III.

#### KOOP OF NEEM EN ANALIESE OF ONDERSOEK VAN MONSTERS.

20. (1) 'n Inspekteur kan of persoonlik of deur middel van 'n assistent of ondergeskikte, van enigeen wat 'n voedingsmiddel of medisyne verkoop of vir verkoop vervaardig, monsters van genoemde artikels koop deur 'n geldbedrag wat nie kleiner is nie as die lopende markwaarde daarvan aan so 'n persoon aan te bied of aan sy bestuurder of agent of aan 'n dienaar of ander persoon onder wie se toesig so 'n artikel dan is. As daar geen persoon teenwoordig is en toesig oor die artikel het wanneer die inspekteur voornemens is om die monster te neem, kan hy die monster self neem, in watter geval hy sodra dit redelikerwys moontlik is die eienaar of die bestuurder, agent of bediende van die eienaar in kennis stel dat hy dit gedoen het en van die doel daarvan.

Koop of  
neem van  
monsters.

(2) Die inspekteur kan verlang dat so 'n persoon enige pakket waarin 'n voedingsmiddel of medisyne voorhande is aantoon en die inspeksie daarvan toelaat, en kan verlang dat so 'n persoon monsters neem van 'n besonder pakket of groot voorraad en dit aan hom verstrek: Met die verstande dat

stock : Provided that where any food or drug is kept for retail sale in a sealed package no person shall be required to sell less than one complete package.

Procedure in  
procuring  
and  
forwarding  
samples.

**21. (1)** Every inspector procuring any sample of any food or drug, as provided in section *twenty*, with the intention of submitting it for analysis or examination, shall, on the same being handed over to him, notify such intention to any person then present, being the owner or his manager, agent or servant or other person at the time being in charge of the article.

(2) The inspector shall then and there offer to divide the sample into three approximately equal parts and if the offer is accepted shall forthwith do so, and shall label or mark and seal or fasten up each part in such manner as its nature will permit and shall then and there tender one of such parts to the owner, manager, agent, servant or person aforesaid and shall transmit the second part to an analyst or pathologist. The inspector shall himself retain the third part until any prosecution instituted in connection therewith has been concluded.

If the offer of division is not accepted, or if there is at the time no person present and in charge of the article, the inspector shall label or mark and seal or fasten up the undivided sample and shall transmit it to an analyst or pathologist.

(3) Where the article is in package form and the offer of division is accepted but the contents of one package are not sufficient for analysis or examination if divided as aforesaid, additional packages, the property of the same person, similarly labelled and purporting to contain a similar article, shall be procured, and the contents of two or more such packages shall then and there be mixed together by the inspector and the mixture divided and dealt with as provided in sub-section (2).

(4) Where an article in package form is of a perishable nature, or where for any reason the opening of the package would interfere with the analysis or examination thereof unless such analysis or examination were effected at the time of opening or immediately thereafter, the offer of division need not be made and the opening of the package may be carried out by the analyst or pathologist to whom it is sent.

(5) Where any article so sampled or any package containing the same bears a label, a specimen of such label, or a true copy thereof certified by the inspector, shall be included in the sealed package containing the article forwarded to the analyst or pathologist.

(6) Where a sample of milk or cream is procured under this Act by an inspector he may, for the purpose of preventing decomposition pending analysis, add to the sample or to the part thereof intended for transmission to the analyst or pathologist, a preservative of such kind and in such quantity as may be prescribed by regulation and, if the offer of division of the sample is accepted, shall offer to the owner, manager, agent, servant or person aforesaid to add an equal quantity of the same preservative to the part intended to be returned to him and, if the offer is accepted, shall proceed accordingly, and shall also add an equal quantity of the same preservative to the part retained by himself.

Such preservative shall be taken from a sealed packet bearing the certificate of an analyst as to the composition of the preservative contained therein, which packet shall be opened in the presence of the owner or his manager, agent or servant or the person in charge of the article sampled. Whenever such preservative is found by an analyst or pathologist to have been added to any sample received from an inspector under this Act, he shall state in his certificate whether such preservative is one authorized by regulation to be added by an inspector taking samples under this Act, but need not state the amount of such preservative found.

(7) Any sample labelled and sealed or fastened up as hereinbefore provided may be transmitted to an analyst or patho-

indien 'n voedingsmiddel of medisyne vir verkoop in kleinhandel aangehou word in 'n verseelde pakket, dit van niemand verlang kan word om minder dan 'n hele pakket te verkoop nie.

21. (1) Wanneer 'n inspekteur ooreenkomstig die bepalinge van artikel *twintig* 'n monster van 'n voedingsmiddel of medisyne verkry met die oogmerk om dit te laat analiseer of ondersoek moet hy as dit aan hom gelewer word, die persoon wat dan teenwoordig is, hetsy die eienaar of sy bestuurder, agent of dienaar of iemand anders onder wie se toesig die artikel dan is, van sy voorneme in kennis stel.

Handelwyse  
by  
verkryging  
en ver-  
sending van  
monsters.

(2) Die inspekteur moet dan en daar aanbied om die monster in drie ongeveer gelyke gedeeltes te verdeel; word die aanbod aangeneem doen hy sulks dadelik en voorsien elke gedeelte van 'n opskrif of merk en verseël elke gedeelte of maak dit toe op so 'n manier as wat sy geaardheid toelaat en bied die een gedeelte dan en daar aan die eienaar, bestuurder, agent, dienaar of iemand anders soos bowergemeld aan en stuur die tweede gedeelte op na 'n analiseur of patoloog. Die inspekteur behou die derde gedeelte self totdat enige vervolging in verband daarmee ingestel beëindig is.

Indien die aanbod om te verdeel nie aangeneem word nie of as daar dan geen persoon teenwoordig is en toesig oor die artikel het nie, voorsien die inspekteur die onverdeelde monster met 'n opskrif of merk en verseël dit of maak dit toe en stuur dit op aan 'n analiseur of patoloog.

(3) Indien die artikel in die vorm van 'n pakket is en die aanbod om te verdeel aangeneem word maar die inhoud van een pakket vir die oogmerk van analiese of ondersoek nie genoeg is nie as dit soos voormeld verdeel word dan word verdere pakkette wat die eiendom van dieselfde persoon is, wat van dieselfde opskrif voorsien is en voorgee om dieselfde artikel te bevat verkry; die inspekteur vermeng dan en daar die inhoud van twee of meer sulke pakkette, verdeel dit en handel daarmee soos in sub-artikel (2) uiteengesit.

(4) Indien 'n artikel in die vorm van 'n pakket bederfbaar is of indien om een of ander rede die oopmaak van die pakket die analiese of ondersoek daarvan sou verhinder tensy dit met die oopmaak of dadelik daarna sou geskied, dan behoef die aanbod om te verdeel nie gemaak te word nie en die analiseur of patoloog aan wie dit gestuur word kan die pakket oopmaak.

(5) Indien 'n artikel waarvan aldus 'n monster geneem is of die pakket wat dit bevat 'n opskrif het, moet 'n eksemplaar van die opskrif of 'n ware deur die inspekteur as juis gesertifiseerde afskrif daarvan ingesluit word in die verseelde pakket wat die artikel bevat, wat aan die analiseur of patoloog gestuur word.

(6) Indien 'n inspekteur kragtens hierdie Wet 'n monster van melk of room verkry kan hy, om hangende die analiese ontbinding te voorkom, 'n bederfwerende middel voeg by die monster of die deel daarvan wat dit sy doel is na die analiseur of patoloog te stuur; die bederfwerende middel moet wat aard en hoeveelheid betref ooreenstem met wat die regulasies mog voorskryf; en indien die aanbod om te verdeel aangeneem word moet die inspekteur die voormelde eienaar, bestuurder, agent, dienaar of persoon aanbied om 'n gelyke hoeveelheid van dieselfde bederfwerende middel te voeg by die gedeelte wat bestem is om aan hom teruggegee te word en word die aanbod om te verdeel aangeneem dan voeg die inspekteur dit by en hy voeg ook 'n gelyke hoeveelheid van dieselfde bederfwerende middel by die gedeelte deur homself behou by.

Bedoelde bederfwerende middel moet geneem word uit 'n verseelde pakket waarop 'n sertifikaat van 'n analiseur staan aangaande die samestelling van die bederfwerende middel wat dit bevat en die pakket moet oopgemaak word in die teenwoordigheid van die eienaar of sy bestuurder, agent of dienaar, of van die persoon onder wie se toesig die artikel, waarvan 'n monster geneem word, is. Wanneer 'n analiseur of patoloog bevind dat 'n bederfwerende middel gevoeg is by 'n monster, ingevolge hierdie Wet deur 'n inspekteur opgestuur, dan moet hy in sy sertifikaat meld of die bederfwerende middel een is waarvan die byvoeging by monsters deur 'n inspekteur wat ingevolge hierdie Wet monsters neem, by regulasie gemagtig is, maar hy behoef nie die hoeveelheid van die bederfwerende middel wat hy bevind aanwesig te wees, te meld nie.

(7) 'n Monster wat van 'n opskrif voorsien en verseël of toegemaak is ooreenkomstig die voorafgaande bepalinge kan

logist in any convenient way and shall be deemed to have been received direct from the hand of the inspector if received by the analyst or pathologist with the seal originally placed thereon intact.

(8) An analyst or pathologist who finds on analysis or examination that a sample of food (not being an article declared by regulation to be a perishable article), or a sample of a drug or disinfectant, is adulterated or falsely described or not in accordance with any provision of this Act, and if the original sample was not divided by the inspector, shall seal or fasten up the unused portion, if any, of the sample and, subject to the provisions of sub-section (1) of section *thirty-one* retain it until any prosecution instituted in connection therewith has been concluded.

Inspection,  
seizure and  
disposal of  
adulterated  
articles.

22. (1) If the secretary for public health has reason to believe that any person is in possession of, or that there is in any premises or at any place or upon any vehicle for purposes of sale or for manufacturing for sale, any article of food or any drug or disinfectant which is not in accordance with this Act, or that any other contravention of this Act is taking place on any premises or at any place or upon any vehicle, he may in writing authorize and instruct an inspector to enter upon, inspect and search such premises, place or vehicle and to open and examine any receptacle or package found therein, and to require the production of and to inspect any store records or other books, documents or accounts dealing with any article of food or any drug or disinfectant or any process applied thereto, for the purpose of ascertaining whether any article of food or any drug is unwholesome for human consumption or use, or is adulterated or falsely described, or is a prohibited article, or is otherwise not in accordance with this Act, or whether any disinfectant is falsely described or is otherwise not in accordance with this Act, or whether any process not in accordance with this Act is being carried on or is being applied to or is being omitted in the preparation or manufacture of any article of food or any drug, and he may further empower the inspector to—

- (a) make copies of or extracts from any such records, books, documents or accounts ;
- (b) take for analysis or examination samples of any food or drug or disinfectant and, in the case of milk or cream at his discretion add thereto at the time of removal a preservative prescribed. Such samples, together with a specimen or true copy certified by the inspector of any label attached to or accompanying the article, shall be labelled or marked and sealed or fastened up and transmitted without undue delay to an analyst or pathologist ;
- (c) weigh, count, measure or mark any article of food or any drug or disinfectant or any receptacle or package containing the same, and fasten, secure or seal up the same or any door or opening affording access thereto ;
- (d) seize or remove any article of food or any drug or disinfectant which appears to be adulterated or falsely described, or to be prohibited, or to be otherwise not in accordance with this Act, and any package or receptacle containing the same, and to detain the same for a reasonable time for the purpose of examination or analysis, and pending the completion of any proceedings instituted under this section.

(2) If as a result of such inspection and analysis or examination any article of food or any drug is found to be unwholesome for human consumption or use or to be adulterated or falsely described or to be a prohibited article or otherwise not in accordance with this Act, or if any disinfectant is found to be falsely described or otherwise not in accordance with this Act, the inspector may make an application to the magistrate, who may grant an order calling upon the owner of the article or the person in whose custody it was found to appear and

op een of ander gerieflike manier aan 'n analiseur of patoloog opgestuur word en indien, wanneer die analiseur of patoloog dit ontvang, die oorspronklike seël daarop onbeskadig is, word geag dat bedoelde analiseur of patoloog dit direk uit die hand van die inspekteur ontvang het.

(8) 'n Analiseur of patoloog wat deur analiese of ondersoek bevind dat 'n monster van 'n voedingsmiddel (wat nie is 'n artikel by regulasie tot 'n aan bederf onderhewige artikel verklaar) of 'n monster van medisyne of van 'n ontsmettingsmiddel vervals of vals beskrywe is of nie ooreenkomstig 'n bepaling van hierdie Wet is nie, en as die oorspronklike monster nie deur die inspekteur verdeel was nie, moet die ongebruikte deel van die monster, as daar is, verseël of toemaak en dit met inagneming van die bepalings van sub-artikel (1) van artikel *een-en-dertig* behou totdat enige vervolging in verband daarmee ingestel, beëindig is.

22. (1) Indien die Sekretaris van Volksgesondheid rede het om te glo dat iemand in besit is van, of dat daar op enige perseel of plek of op 'n voertuig 'n voedingsmiddel of medisyne of ontsmettingsmiddel is wat nie in ooreenstemming is nie met die bepalings van hierdie Wet en wat bedoel is vir verkoop of vervaardiging vir verkoop, of dat 'n ander oortreding van hierdie Wet op enige perseel, plek of voertuig plaasvind, kan hy 'n inspekteur skriftelik magtig en gelas om so 'n perseel, plek of voertuig te inspekteer, te deursoek en om enige pakket of houer wat daarin gevind word oop te maak en om die vertoning te verlang van die winkelstaat of ander boeke, dokumente, of rekenings wat op 'n voedingsmiddel of medisyne of ontsmettingsmiddel of op 'n proses wat daarop aangewend word betrekking het, met die doel om vas te stel of 'n voedingsmiddel of medisyne ongesond is vir menslike verbruik of gebruik of dit vervals of vals beskrywe is, of dit 'n verbode artikel is of dit andersins nie ooreenkomstig is met die bepalings van hierdie Wet of 'n ontsmettingsmiddel vals beskrywe is of andersins nie ooreenkomstig hierdie Wet is nie dan wel of 'n by hierdie Wet verbode proses aangewend word op, of uitgevoer word ten opsigte van 'n voedingsmiddel of medisyne of in die bereiding of vervaardiging daarvan uitgelaat word; en verder kan hy 'n inspekteur magtig om—

Inspeksie,  
inbeslag-  
neming  
van en  
beskikking  
oor vervalste  
artikels.

- (a) van voornoemde state, boeke, dokumente of rekenings afskrifte of uittreksels te maak;
- (b) vir analiese of ondersoek monsters van 'n voedingsmiddel of medisyne of ontsmettingsmiddel te neem en in die geval van melk of room na sy goeëddunke met die neem daarvan 'n voorgeskrywe bederfwerende middel daarby te voeg. Bedoelde monsters asook 'n eksemplaar of 'n ware, deur die inspekteur gesertifiseerde, afskrif van enige opskrif wat op die artikel staan of daarby gaan, word met 'n opskrif voorsien of gemerk en verseël of toegemaak en sonder onnodige versuim aan 'n analiseur of patoloog opgestuur;
- (c) 'n voedingsmiddel of medisyne of ontsmettingsmiddel of houer of pakket wat dit bevat te weeg, te tel, te meet of te merk en dit, of enige deur of ingang, wat daartoe toegang verskaf, te sluit, te verseker of te verseël;
- (d) enige voedingsmiddel of medisyne of ontsmettingsmiddel wat blyk vervals of vals beskrywe te wees, of verbode te wees of andersins nie in ooreenstemming met hierdie Wet te wees nie, en 'n pakket of houer waarin dit is, in beslag te neem of te verwyder en dit vir 'n redelike tyd vir die oogmerke van analiese of ondersoek, asook hangende die afhandeling van enige regtelike stappe wat ingevolge hierdie artikel geneem mog word, aan te hou.

(2) Indien as gevolg van so 'n inspeksie en analiese of ondersoek bevind word dat 'n voedingsmiddel of medisyne ongesond is vir menslike verbruik of gebruik of vervals is of vals beskrywe is of 'n verbode artikel is of andersins nie in ooreenstemming met hierdie Wet is nie, of as dit bevind word dat 'n ontsmettingsmiddel vals beskryf is of andersins nie in ooreenstemming met hierdie Wet is nie dan kan die inspekteur by die magistraat aansoek doen; daarop kan die magistraat 'n order verleen waarin die eienaar van die artikel of die persoon onder wie se toesig dit gevind is gelas word om te verskyn en om

to show cause why it should not be forfeited and destroyed or otherwise dealt with as the Minister may direct.

(3) Upon the said owner or person so appearing, or if after being ordered he fails to appear, the court if satisfied after enquiry—

- (a) that in the case of an article of food the article was intended for sale as food and is unwholesome for human consumption; or
- (b) that in the case of a drug the article is injurious or dangerous for human consumption or use, or if sold to a purchaser and used by him in accordance with any label or directions accompanying it might injuriously affect him; or
- (c) that the article is a prohibited article,

may order that such article, and every article of the same kind, together with any packages or vessels containing the same, belonging to the respondent or on his premises or in his vehicle or in his possession or custody, be forfeited and destroyed or otherwise dealt with as the Minister may direct.

(4) If the court is satisfied that any article of food, or any drug, though not unwholesome for human consumption or use, is adulterated or falsely described and was intended for sale or sold in its then state, or that any disinfectant was falsely described or was otherwise not in accordance with this Act and was intended for sale or sold in its then state, the court may make such order in respect thereof as it may deem necessary for the due enforcement of the provisions of this Act.

(5) No order issued under this section shall be deemed to relieve any person from any criminal liability incurred under this Act in respect of any article which is the subject of the order.

Methods of analysis and examination and forms of certificates.

23. (1) In reporting on the results of analyses or examinations under this Act, every analyst and pathologist shall—

- (a) use the prescribed form of certificate; and
- (b) have regard to the provisions of this Act and the prescribed standard of composition, strength, potency, purity or quality of the article, or, if no standard has been prescribed, then to the ordinary commercial standard of the article.

(2) Where any method is prescribed for the analysis or examination of any article of food or any disinfectant, or where any method or test is prescribed by the British Pharmacopœia or any official addendum thereto at the time being in force in the Union for determining the composition, strength, potency, purity or quality of any drug, every analyst or pathologist, whether for the prosecution or for the defence in any proceedings under this Act, shall in his analysis or examination follow the method or carry out the test so prescribed, and shall state in his certificate that he has done so.

#### CHAPTER IV.

##### LEGAL PROCEEDINGS AND PENALTIES.

Who may institute proceedings.

24. (1) A local authority duly authorized thereto by the Minister, as provided in sub-section (3) of section two may, by any of its officers or by any person generally or specially authorized in writing by the mayor or chairman or by the deputy mayor or deputy chairman thereof, prosecute for any contravention of, or default in complying with, any provision of this Act or any regulation thereunder if the contravention or default is alleged to have been committed within its area.

(2) Where an officer or person authorized by a local authority has prosecuted any person under sub-section (1) and the accused has been found guilty of the charge, all fines recovered from the accused shall be paid to the local authority.

(3) Nothing in this section contained shall be deemed to affect the right of prosecution vested in the Minister of Justice.

Time limit for institution of proceedings.

25. Where a sample of any food or drug or disinfectant is purchased or taken under this Act no prosecution in respect thereof shall be instituted after the lapse of sixty days, or,

redes aan te toon waarom dit nie verbeurd verklaar en vernietig sou word nie of waarom daarvoor nie andersins, soas die Minister mog gelas, sou beskik word nie.

(3) Indien bedoelde eienaar of persoon verskyn, of indien hy gelas is en in gebreke bly om te verskyn, kan die hof na ondersoek, as dit oortuig is—

- (a) in die geval van 'n voedingsmiddel dat dit vir verkoop as voedsel bedoel was en vir menslike verbruik ongesond is; of
- (b) in die geval van medisyne, dat dit skadelik of vir menslike verbruik of gebruik gevaarlik is, of dat, indien dit aan 'n koper verkoop word en hy dit ooreenkomstig 'n opskrif of voorskrif wat daarby gaan gebruik, dit 'n skadelike uitwerking op hom sou hê; of
- (c) dat die artikel verbode is,

gelas dat die artikel en alle artikels van dieselfde soort saam met alle pakkette of vate waarin dit is, wat aan die respondent behoort of op sy perseel, op sy voertuig, in sy besit of onder sy toesig is verbeurd verklaar en vernietig word, of dat andersins daarvoor beskik word soos die Minister mog gelas.

(4) Indien die hof oortuig is dat 'n voedingsmiddel of medisyne, alhoewel dit nie vir menslike verbruik of gebruik ongesond is nie, tog vervals is of vals beskrywe is en dat dit in die toestand waarin dit toe verkeer het verkoop is of vir verkoop bedoel was, of dat 'n ontsmettingsmiddel vals beskrywe is of andersins nie in ooreenstemming met hierdie Wet is nie en in die toestand waarin dit toe verkeer het verkoop is of vir verkoop bedoel was dan kan die hof ten opsigte daarvan so 'n order uitreik as dit nodig mag ag vir die behoorlike handhawing van die bepalinge van hierdie Wet.

(5) 'n Ingevolge hierdie artikel uitgereikte order onthef niemand van strafregtelike aanspreeklikheid ingevolge hierdie Wet nie ten opsigte van 'n artikel waarvoor die order hande.

23. (1) In sy verslag aangaande die resultaat van 'n analiese of ondersoek ingevolge hierdie Wet moet elke analiseur en patoloog—

- (a) die voorgeskrywe sertifikaatvorm gebruik; en
- (b) die bepalinge van hierdie Wet in ag neem asook die voorgeskrywe standaard van samestelling, sterkte, uitwerkingskrag, suiwerheid of kwaliteit van die artikel, of, waar geen standaard voorgeskrywe is nie, dan die gewone handelstandaard van die artikel.

(2) Waar 'n metode van analiese of ondersoek van 'n voedingsmiddel of 'n ontsmettingsmiddel voorgeskrywe is of waar 'n metode of toets in die *British Pharmacopoeia* of 'n amptelike byvoegsel daartoe, wat dan in die Unie geldig is, voorgeskrywe is om die samestelling, sterkte, uitwerkingskrag, suiwerheid of kwaliteit van medisyne vas te stel, moet elke analiseur of patoloog in geregtelike stappe wat ingevolge hierdie Wet geneem is, hetsy vir die vervolging of die verdediging, in sy analiese of ondersoek die aldus voorgeskrywe metode volg of toets uitvoer en moet in sy sertifikaat meld dat hy aldus gehandel het.

Metodes van analiese en ondersoek; vorm van sertifikate.

#### HOOFSTUK IV.

##### GEREGTELIKE STAPPE EN STRAFBEPALINGS.

24. (1) 'n Plaaslike bestuur behoorlik deur die Minister soos bepaal in sub-artikel (3) van artikel twee daartoe gemagtig kan deur middel van een van sy beampptes of deur iemand wat skriftelik in die algemeen of spesiaal daartoe gemagtig is deur sy burgemeester of voorsitter of onderburgemeester of onder-voorsitter, 'n vervolging instel weens enige oortreding of nie-nakoming van 'n bepaling van hierdie Wet of van die regulasies indien beweer word dat bedoelde oortreding, of nie-nakoming in sy gebied plaasgevind het.

(2) Wanneer 'n beampte of iemand deur 'n plaaslike bestuur gemagtig 'n persoon vervolg het kragtens sub-artikel (1) en die beskuldigde skuldig bevind is aan die aanklag, dan moet alle van die beskuldigde ingevorderde boetes aan die plaaslike bestuur betaal word.

(3) Die bepalinge van hierdie artikel doen geen afbreuk aan die vervolgingsreg van die Minister van Justisie nie.

25. Geen vervolging ten opsigte van 'n monster van 'n voedingsmiddel, medisyne of 'n ontsmettingsmiddel wat ingevolge hierdie Wet gekoop of geneem word kan ingestel

Wie geregtelike stappe mag instel.

Beperking van tyd waarin vervolging ingestel moet word.

in the case of articles declared by regulation to be perishable articles, after the lapse of twenty-one days, from the date of purchasing or taking the sample, but this provision shall not apply to proceedings against the giver of any warranty.

Defect in form not to invalidate.

26. No defect in the form of any notice, order, certificate or report made under this Act shall render unlawful any administrative action or be a ground for exception to any legal proceedings which may be taken in the matter to which such notice, order, certificate or report relates: Provided that the requirements or meaning thereof are substantially and intelligibly set forth.

Legal proceedings.

27. (1) In any proceedings under this Act—

- (a) the period between the service of a summons or order and the hearing of the relative case shall not be less than ten days;
- (b) there shall be served with the summons a copy of any analyst's or pathologist's certificate that may have been obtained on behalf of the prosecution;
- (c) copies or extracts from records, books, documents or accounts referred to in paragraph (a) of sub-section (1) of section *twenty-two*, certified as true and correct by an inspector authorized as in that section provided, shall be deemed to be true and correct copies or extracts unless the accused proves the contrary and shall be admissible in evidence in proof of the entries to which they relate;
- (d) the onus of proving that any food or drug or disinfectant has not been sold or was not intended, kept, exposed, transmitted or offered for sale or, in the case of a food or a drug was not intended for human consumption or use, or alternatively in the case of a drug, that it was not intended for the treatment of animals, shall be on the person charged;
- (e) the purchase and sale or the taking of a sample of any food or drug for the purpose of analysis or examination under this Act shall be deemed to have been a purchase and sale of such food or drug for human consumption or use, or alternatively in the case of a drug, for the treatment of animals, unless the seller proves that the bulk from which the sample was taken was not kept or offered or exposed or intended for sale for any such purpose;
- (f) every person shall be deemed to sell an article of food or a drug who sells any food or drug of which such article or drug is an ingredient.

(2) In any prosecution under this Act a certificate purporting to have been signed by an analyst or pathologist shall upon production by the prosecutor, but subject to the provisions of sub-sections (3) and (4), be *prima facie* evidence of any fact stated therein.

(3) When in such prosecution the prosecutor adduces such certificate in evidence the accused may demand that the prosecutor call as a witness the person who signed such certificate and such person shall thereupon be so called if the prosecutor is able to compel him to attend as a witness: Provided that the accused, when making such demand, has tendered to the prosecutor a sum of money sufficient to defray the expenses incidental to the calling and attendance of such witness and has made such demand in writing within three days after having been served with a copy of such certificate in terms of paragraph (b) of sub-section (1).

(4) The accused in any such case, in lieu of requiring the attendance of such analyst or pathologist, shall be entitled to put to him interrogatories in writing, approved by the court. The court shall take all such steps as may be necessary for the transmission of the interrogatories and the return thereof together with the answers thereto, and such answers shall be admissible in evidence in the proceedings.

word na verloop van sestig dae, of in die geval van artikels wat by regulasie verklaar is aan bederf onderhewig te wees, na verloop van een-en-twintig dae vanaf die datum waarop die monster gekoop of geneem is ; maar hierdie bepaling is nie van toepassing nie op iemand wat 'n waarborg verstrekket het.

26. 'n Vormgebrek in 'n kennisgewing, order, sertifikaat of verslag wat ingevolge hierdie Wet gemaak word, maak die administratiewe handeling, waarop die kennisgewing, order, sertifikaat of verslag betrekking het, nie ongeldig nie en is geen grond vir 'n eksepsie nie teen enige geregtelike stappe wat geneem mog word, mits die vereistes of betekenis daarvan wesenlik en verstaanbaar uiteengesit is.

Vormgebrek  
maak  
dokument  
nie  
ongeldig nie

27. (1) In geregtelike stappe ingevolge hierdie Wet—
- (a) is die tydperk vanaf die diening van die dagvaring of order tot verhoor van die saak waarop dit betrekking het ten minste tien dae ;
- (b) word met die dagvaring 'n afskrif van enige sertifikaat van 'n analiseur of patoloog wat deur die vervolging verkry mog wees, gedien ;
- (c) word die in paragraaf (a) van sub-artikel (1) van artikel twee-en-twintig vermelde afskrifte van, of uittreksels uit state, boeke, dokumente of rekenings, wat deur 'n daartoe gemagtigde inspekteur as waar en juis gesertifiseer is ooreenkomstig die bepalings van daardie artikel, geag ware en juiste afskrifte of uittreksels te wees, tensy die beskuldigde die teenoorgestelde bewys en is toelaatbaar as bewys van die aantekeninge waarop hulle betrekking het ;
- (d) rus die bewyslas, dat 'n voedingsmiddel, medisyne of 'n ontsmettingsmiddel nie verkoop is nie, of nie vir verkoop aangehou, uitgestal, deurgestuur, aangebied of bedoel was nie of in die geval van 'n voedingsmiddel of medisyne dat dit nie bedoel was nie vir menslike verbruik of gebruik of anders in die geval van medisyne, dat dit nie vir behandeling van diere bedoel was nie, op die beskuldigde ;
- (e) word die koop en verkoop of neem van 'n monster van 'n voedingsmiddel of medisyne vir analiese of ondersoek ingevolge hierdie Wet geag 'n koop en verkoop daarvan te wees vir menslike verbruik of gebruik, of anders in die geval van medisyne, vir die behandeling van diere tensy die verkoper bewys dat die voorraad waarvan 'n monster geneem is nie vir verkoop vir sodanige doel aangehou, aangebied, uitgestal of bedoel was nie ;
- (f) word iemand geag 'n voedingsmiddel of medisyne te verkoop indien hy 'n voedingsmiddel of medisyne verkoop waarvan sodanige middel of medisyne 'n bestanddeel is.

Geregtelike  
stappe.

(2) By 'n vervolging kragtens hierdie Wet is 'n sertifikaat wat voorgee geteken te wees deur 'n analiseur of patoloog, op vertoning deur die vervolger, dog met inagneming van die bepalings van sub-artikels (3) en (4), *prima facie* bewys van enige daarin vermelde feit.

(3) Wanneer die vervolger by so 'n vervolging bedoelde sertifikaat as bewysstuk aanvoer, kan die beskuldigde eis dat die vervolger die persoon wat die sertifikaat geteken het, as getuie oproep en daarop moet bedoelde persoon aldus opgeroep word as die vervolger in staat is om hom tot verskyning as getuie te dwing, mits die beskuldigde wanneer hy daardie eis stel, aan die vervolger 'n voldoende som geld aangebied het tot dekking van die koste in verband met die oproeping en verskyning van bedoelde getuie en mits hy daardie eis skriftelik gestel het binne drie dae nadat 'n afskrif van bedoelde sertifikaat op hom gedien is volgens paragraaf (b) van sub-artikel (1).

(4) In plaas van die verskyning van die analiseur of patoloog te eis, is die beskuldigde in so 'n saak geregtig om aan hom skriftelike, deur die hof goedgekeurde vraagpunte te stel. Die hof moet die nodige stappe neem om die vraagpunte te laat opstuur en met die antwoorde daarop te laat terugstuur, en die antwoorde is in die geding as bewysstuk ontvanklik.

**Warranties.**

28. (1) Any person prosecuted under this Act for the sale of any food or drug or disinfectant which is adulterated or falsely described or is otherwise not in accordance with the provisions of this Act shall, subject to the conditions of this section, be entitled to be discharged from such prosecution if he proves—

- (a) that he received a warranty from the person from whom he purchased such article or from his agent to the effect that the article was free from any adulteration, correctly described, and in all respects in accordance with the provisions of this Act; and
- (b) that he had no reason to believe at the time of the procuring of the sample that the article was adulterated or falsely described or otherwise not in accordance with the provisions of this Act; and
- (c) that he sold the article in the same state as when he purchased it.

(2) For the purposes of this Act the following provisions shall apply to warranties:—

- (a) A label other than a label containing a general warranty upon any article or package or a broker's note, customs declaration, invoice, consignment note, bill of lading or any similar document, stating the composition or contents of the article or package shall not be deemed to be a warranty;
- (b) the person giving the warranty must be resident in the Union, or if a company, must have a registered office in the Union;
- (c) the warranty must state the name and address of the person giving it and the name under which he trades.

(3) A warranty may be general or special—

- (a) A general warranty shall apply to the kind or class of articles named therein, and a copy of the same shall be furnished to and filed by the secretary for public health. A serial number shall be allotted by the secretary for public health to each such warranty and each package of such articles shall be clearly labelled: "Guaranteed under the Food, Drugs and Disinfectants Act, 1929, Union of South Africa, Serial No. ...." Such warranty shall not apply to any article or package unless such number and words appear thereon.
- (b) A special warranty shall be in the form of a certificate signed by the person from whom the article was purchased or his agent, shall apply to the sale of specific articles and shall include particulars identifying the articles to which it refers and the weight, measure or number of the same, or shall refer to and have annexed thereto a bill of sale, invoice, bill of lading or other document giving such information. No such warranty shall be available as a defence unless the accused has within seven days after the service of the summons delivered or transmitted by registered post to the prosecutor a copy of such warranty and of any annexure thereto and with a written notice stating that he intends to rely on the same as a defence and specifying the name and address and the place of business of the person who gave the warranty, and has also delivered or transmitted by registered post a like notice of his intention to such person.

(4) Apart from any penalty for the sale of any food or drug or disinfectant in contravention of this Act, any person who gives any warranty which is false or misleading in any particular shall be guilty of an offence, but if he proves that before he gave the warranty he took due care and all reasonable means to ascertain that the statement or description contained therein was true, the court shall take such fact into account in assessing the penalty.

28. (1) Iemand wat ingevolge hierdie Wet vervolgd word weens die verkoop van 'n voedingsmiddel, medisyne of 'n ontsmettingsmiddel wat vervals is of vals beskrywe is of andersins nie in ooreenstemming met hierdie Wet is nie, is, met inagneming van die voorwaardes in hierdie artikel vervat, geregtig om van die vervolging ontslaan te word indien hy bewys—

Waarborg.

- (a) dat die persoon van wie hy die bedoelde artikel gekoop het of sy agent aan hom 'n waarborg verstrekket dat die artikel onvervals was, juis beskrywe was en in alle opsigte in ooreenstemming was met die bepalinge van hierdie Wet; en
- (b) dat hy, toe die monster verkry is, geen rede gehad het om te glo nie dat die artikel vervals, vals beskrywe of andersins in stryd was met die bepalinge van hierdie Wet; en
- (c) dat hy die artikel verkoop het in dieselfde staat waarin hy dit gekoop het.

(2) Vir die oogmerke van hierdie Wet is die volgende bepalinge van toepassing ten opsigte van waarborge—

- (a) 'n opskrif behalwe 'n opskrif wat 'n algemene waarborg bevat op 'n artikel of pakket, of 'n makelaars-sluitnota, doeaneverklaring, faktuur, vragbrief, konnossement of 'n dergelike dokument, waarin die samestelling van die artikel of inhoud van die pakket vermeld word, word nie geag 'n waarborg te wees nie;
- (b) die persoon wat waarborg moet in die Unie woonagtig wees, of indien dit 'n maatskappy is, moet dit in die Unie 'n geregistreerde kantoor hê;
- (c) die waarborg moet die naam, adres en firma vermeld van die persoon wat die waarborg gee.

(3) 'n Waarborg kan algemeen of spesiaal wees—

- (a) 'n Algemene waarborg is van toepassing op die daarin vermelde soort of klas van artikels en 'n afskrif daarvan moet verstrekket word aan en bewaar word deur die Sekretaris van Volksgesondheid. Die Sekretaris van Volksgesondheid voorsien elke sodanige waarborg van 'n volgnummer en elke pakket van so 'n artikel word duidelik gemerk as volg: "Gewaarborg ingevolge die Wet op Voedingsmiddels, Medisyne en Ontsmettingsmiddels, 1929, van die Unie van Suid-Afrika, Volgnummer . . . . . ." So 'n waarborg het op 'n artikel of pakket betrekking slegs indien genoemde volgnummer en woorde daarop verskyn.
- (b) 'n Spesiale waarborg is in die vorm van 'n sertifikaat onderteken deur die persoon van wie die artikel gekoop is of deur sy agent het betrekking op die verkoop van bepaalde artikels en bevat besonderhede waaraan die artikels waarop dit betrekking het, herken kan word asook hulle gewig, maat en aantal of verwys na 'n daaraan gehegte koopbrief, faktuur, konnossement of ander dokument wat sodanige inligtings bevat. Die beskuldigde kan so 'n waarborg nie as verdediging aanwend nie tensy hy binne sewe dae na diening van die dagvaring aan die vervolger 'n afskrif van die waarborg en van enige byvoegsel daartoe afgelewer of per geregistreerde pos toegestuur het met 'n skriftelike kennisgewing dat hy voornemens is om hom op daardie verdediging te verlaat en waarin ook die naam en besigheids-adres van die persoon wat gewaarborg het vermeld is en tensy hy ook aan laasgenoemde persoon 'n dergelike kennisgewing van sy voorneme afgelewer, of per geregistreerde pos toegestuur het.

(4) Afgesien van enige straf vir die verkoop van 'n voedingsmiddel of medisyne of ontsmettingsmiddel in stryd met hierdie Wet is iemand wat 'n in enige opsig valse of misleidende waarborg stel skuldig aan 'n misdryf: Met die verstande dat indien hy bewys dat hy, voordat hy die waarborg gestel het, behoorlike sorg en alle redelike middels aangewend het om vas te stel dat die daarin vervatte verklaring of beskrywing waar was, die hof dit by die strafoplegging in oorweging neem.

(5) Proceedings under sub-section (4) against any person giving a warranty may be taken either before a court having jurisdiction in the place where the food or drug or disinfectant was sold or sampled, or before a court having jurisdiction in the place where the warranty was given.

Defences.

29. In any legal proceedings under this Act it shall not be a defence to prove—

- (a) that any article of food or any drug, although adulterated or falsely described, is not unwholesome for human consumption or use ; or
- (b) that the purchaser of the article was not prejudiced ; or
- (c) that in respect of any charge in connection with any food, drug or disinfectant the accused did not act knowingly or wilfully, but if he also proves that he took due care and all reasonable means to ascertain that the article was in accordance with the provisions of this Act the court shall take such fact into consideration in assessing the penalty.

Responsibility of principal or master for unlawful act of manager, agent or servant.

30. (1) Whenever the manager, agent or servant of any person (hereinafter referred to as the principal or master) does or omits to do anything which it would be an offence under this Act for such principal or master to do or omit to do, such principal or master shall be deemed himself to have done or omitted to do such thing and be liable on conviction to the penalties therefor unless he proves to the satisfaction of the court that—

- (a) in doing or omitting to do such thing such manager, agent or servant was acting without his connivance or permission ; and
- (b) all reasonable steps were taken by him to prevent any act or omission of the kind in question ; and
- (c) it was not under any condition or in any circumstances within the scope of the authority or the course of the employment of the manager, agent or servant to do or omit to do acts, whether lawful or unlawful, of the character of that of the act or omission charged :

Provided that the fact that such principal or master issued instructions forbidding any act or omission of the kind in question, shall not, of itself, be accepted as sufficient proof that he took all reasonable steps to prevent the act or omission.

(2) The liability imposed upon any principal or master in terms of sub-section (1) shall not be deemed to relieve any manager, agent or servant from any liability which he may have incurred in respect of any offence committed by him and in respect of such offence both he and the principal or master may be convicted and sentenced.

(3) Where a person prosecuted in respect of the sale of any article is the manager, agent or servant of a person who purchased such article under a warranty in accordance with section *twenty-eight* of this Act, he shall be entitled, after the facts of the warranty have been established to the satisfaction of the court, to benefit under the said section in the same manner and to the same extent as his principal or master would have done, on proving that he had no reason to believe that the article was not in accordance with the provisions of this Act or was sold in a state different from that in which it was purchased by his principal or master or was other than that demanded by the purchaser.

Additional analyses.

31. (1) In any prosecution in respect of any food, drug or disinfectant the court may, on the application of either the prosecutor or the accused or of its own motion, direct that an additional analysis or examination be made by an analyst or pathologist nominated by the court, who, if no person appointed as such under section *three* is reasonably available, may be some other analyst or pathologist, of the unused portion, if any, of the sample retained by the analyst or pathologist or, where the original sample was divided into parts, of the divided part retained by the inspector.

(2) No request by the accused for an additional analysis or examination shall be entertained unless it is accompanied by a deposit of three pounds.

(5) Geregtelike stappe ingevolge sub-artikel (4) teen iemand wat 'n waarborg gestel het kan ingestel word of in die bevoegde hof van die plek waar die voedingsmiddel, medisyne of ontsmettingsmiddel verkoop is of waar 'n monster daarvan geneem is of in die bevoegde hof van die plek waar die waarborg gestel is.

29. In enige geregtelike stappe ingevolge hierdie Wet is dit nie 'n geldige verweer nie om te bewys dat— **Verweer.**

- (a) 'n voedingsmiddel of medisyne, alhoewel vervals of vals beskrywe, nie vir menslike gebruik of verbruik ongesond is nie; of
- (b) dat die koper van die artikel nie benadeel is nie; of
- (c) ten opsigte van 'n klag in verband met 'n voedingsmiddel, medisyne of 'n ontsmettingsmiddel, die beskuldigde in onwetenheid en sonder opset gehandel het; maar indien hy bewys dat hy behoorlike sorg en alle redelike middels aangewend het om vas te stel dat die artikel in ooreenstemming met die bepalings van hierdie Wet was, neem die Hof dit by die strafoplegging in aanmerking.

30. (1) Wanneer die bestuurder, agent, of dienaar van iemand (hieronder die prinsipaal of meester genoem) 'n daad of versuim begaan wat 'n misdryf ingevolge hierdie Wet sou wees as die prinsipaal of meester dit sou begaan het, dan word veronderstel dat die prinsipaal of meester self die daad of versuim begaan het, en is hy by veroordeling strafbaar met die daarop gestelde strawwe, tensy hy die hof met bewyse oortuig dat—

**Aanspreeklikheid van prinsipaal of meester vir onwettige daad van bestuurder, agent of dienaar.**

- (a) hy daardie daad of versuim van die bestuurder, agent, of dienaar nie deur die vingers gesien of toegestaan het nie; en
- (b) hy alle redelike maatreëls getref het om so 'n daad of versuim te voorkom; en
- (c) 'n daad of versuim hetsy wettig of onwettig van die ten laste gelegde soort onder geen voorwaardes of omstandighede binne die bevoegdheid of in die diensloop van die bestuurder, agent, of dienaar geval het nie:

Met die verstande dat die feit dat die prinsipaal of meester 'n daad of versuim van die betrokke soort verbied het, egter op sigself nog nie tot voldoende bewys strek dat hy alle redelike maatreëls getref het om die daad of versuim te voorkom.

(2) Die aanspreeklikheid aan 'n prinsipaal of meester deur sub-artikel (1) opgelê, onthef nie 'n bestuurder, agent of dienaar van aanspreeklikheid vir enige misdryf wat hy mog begaan het nie; en weens so 'n misdryf kan sowel hy as die prinsipaal of meester veroordeel en gestraf word.

(3) Wanneer die beskuldigde in verband met die verkoop van 'n artikel die bestuurder, agent of dienaar is van iemand wat die artikel met waarborg ooreenkomstig artikel *ag-entwintig* van hierdie Wet gekoop het, is hy, nadat die hof oortuig is aangaande die feite van die waarborg, geregtig om die voordeel van gemelde artikel te trek op dieselfde manier en in dieselfde mate as sy prinsipaal of meester indien hy bewys dat hy geen rede had om te glo dat die artikel nie in ooreenstemming met die bepalings van hierdie Wet was nie of dat dit in 'n ander staat verkoop was dan die waarin sy prinsipaal of meester dit gekoop het of dat dit anders was dan wat die koper verlang het.

31. (1) By 'n vervolging ten opsigte van 'n voedingsmiddel, medisyne of 'n ontsmettingsmiddel kan die hof op versoek van of die vervolger of die beskuldigde of uit eie beweging gelas dat 'n verdere analiese of ondersoek deur 'n analiseur of patoloog deur die hof benoem, wat as niemand as sulks ingevolge artikel *drie* aangestel redelikerwys beskikbaar is nie, 'n ander analiseur of patoloog kan wees, gedaan word van die ongebruikte gedeelte as daar is van die monster wat die analiseur of patoloog behou het, of, waar die oorspronklike monster verdeel is in gedeeltes, van die verdeelde gedeelte deur die inspekteur behou.

**Verdere Analiese.**

(2) 'n Versoek van die beskuldigde dat 'n verdere analiese of ondersoek plaasvind word nie toegestaan nie tensy hy terselfdertyd die som van drie pond deponeer.

(3) If the accused is acquitted such deposit shall be returned to him, but if he is convicted the court may order that the whole or part of such deposit shall be forfeited in payment for the additional analysis or examination, in addition to any fine or penalty which may be inflicted.

Offences  
general.

32. (1) A person shall be guilty of an offence if he—

- (a) in any manner intimidates or obstructs an inspector in the exercise of his powers or in the discharge of his duties under this Act; or
- (b) refuses to exhibit to any inspector or to permit the inspection by any inspector of any food, drug or disinfectant or any package containing the same, or refuses to sell or supply or to permit the taking of any sample demanded in accordance with this Act, after being notified of the authority of the inspector and informed of the purpose of the inspection or sampling; or
- (c) retakes any article sold or seized under this Act, or resists the seizure or removal of the same; or
- (d) not being a person authorized so to do, removes, erases, alters, breaks or opens any mark, seal or fastening placed by an inspector upon any food, drug, disinfectant or package, or upon any door or opening affording access thereto; or
- (e) knowingly and falsely makes use of in connection with, or applies to, any article of food or any drug or disinfectant any warranty, invoice or other document.

(2) Any person who contravenes or makes default in complying with any provision of this Act where such contravention or default is not elsewhere in this Act declared an offence shall be guilty of an offence.

Penalty for  
offences.

33. (1) Any person convicted of an offence under this Act shall be liable for a first offence to a fine not exceeding fifty pounds, and for a second offence to a fine not exceeding one hundred pounds, and for any subsequent offence to a fine not exceeding two hundred pounds.

(2) Where a person is convicted of an offence under this Act and it is proved that the offence was knowingly or wilfully committed, such person shall be liable, instead of or in addition to a fine, to imprisonment with or without hard labour for a period not exceeding six months.

Publication  
of names of  
offenders.

34. (1) Where any person or any of his managers, agents or servants has been convicted of an offence against this Act, and such person or any of his managers, agents or servants is within the three years following such conviction again convicted of any offence under this Act, the court may order the publication in the *Gazette* at the cost of such person of a notice of such subsequent conviction, including the name of such person, the address of his place of business, the name under which he trades, the offence with which he was charged, the decision of the court, the penalty imposed and any forfeiture incurred.

(2) No such notice shall be published in the *Gazette* whilst the conviction is under appeal or review.

(3) Such notice may be republished in any newspaper circulating in the Union and no action in respect thereof shall lie against any person whatsoever.

Forfeiture of  
articles.

35. (1) In the case of any conviction under this Act any food or drug or disinfectant to which the conviction relates may, by order of the court, become and be forfeited to the Crown. Such order may apply to the whole of the article and to all articles of the same kind and to all packages containing any article of the same kind belonging to the accused or which are on his premises or in his possession.

(2) All articles forfeited under this Act shall be destroyed or otherwise dealt with as the Minister shall direct.

(3) Indien die beskuldigde vrygespreek word, word die deposito aan hom terugbetaal, maar indien hy veroordeel word kan die hof benewens enige boete of straf wat opgelê mog word gelas dat die deposito geheel of gedeeltelik verbeurd verklaar word om die onkoste van die verdere analiese of ondersoek te dek.

32. (1) 'n Persoon is aan 'n misdryf skuldig as hy— Oortredings  
algemeen.
- (a) 'n inspekteur in die uitvoering van sy bevoegdhede of die vervulling van sy pligte kragtens hierdie Wet, op een of ander manier vrees aanjaag of belemmer; of
- (b) weier om aan 'n inspekteur 'n voedingsmiddel, medisyne of 'n ontsmettingsmiddel of 'n pakket wat dit bevat te vertoon of om die inspeksie daarvan deur 'n inspekteur toe te laat, of weier om 'n ooreenkomstig hierdie Wet gevorderde monster te verkoop of te verstrek, of weier om dit te laat neem, nadat hy kennis het van die inspekteur se bevoegdheid en van die doel van die inspeksie of monsterneming; of
- (c) 'n artikel wat ooreenkomstig hierdie Wet verkoop is of in beslag geneem is terugneem of hom teen die inbeslagneming of verwydering daarvan verset; of
- (d) tensy hy daartoe gemagtig is, 'n merk, seël of bevestiging wat deur die inspekteur gesit is op 'n voedingsmiddel, medisyne, ontsmettingsmiddel of pakket of op 'n deur of ingang wat toegang daartoe verleen, verwyder, uitwis, verander, breek of oopmaak; of
- (e) met wete en valslik van 'n waarborg, faktuur of ander dokument gebruik maak in verband met of dit toepas op 'n voedingsmiddel, medisyne of ontsmettingsmiddel.

(2) Iemand wat 'n bepaling van hierdie Wet oortree of versuim om daaraan te voldoen, waar sodanige oortreding of versuim nie elders in hierdie Wet tot 'n misdryf verklaar word nie, is aan 'n misdryf skuldig.

33. (1) Iemand wat weens oortreding van hierdie Wet veroordeel word, word vir 'n eerste oortreding gestraf met 'n boete van hoogstens vyftig pond; vir 'n tweede oortreding met 'n boete van hoogstens honderd pond en vir 'n daaropvolgende oortreding met 'n boete van hoogstens tweehonderd pond. Straf op  
oortreding.

(2) Wanneer iemand weens 'n oortreding van hierdie Wet veroordeel word en dit bewys word dat die oortreding wetend en opsetlik begaan is, kan so iemand boonop of in plaas van bedoelde boete gestraf word met gevangenisstraf met of sonder harde arbeid vir 'n tydperk van hoogstens ses maande.

34. (1) Wanneer 'n persoon of een van sy bestuurders, agente of dienaars veroordeel is weens 'n oortreding van hierdie Wet en bedoelde persoon of een van sy bestuurders, agente of dienaars binne drie jaar na bedoelde veroordeling weer weens 'n oortreding van hierdie Wet veroordeel word, kan die hof die publiekmaking gelas van so 'n volgende veroordeling, asook van die naam, besigheidsadres, en firma van bedoelde persoon, die oortreding waarvan hy beskuldig was, die beslissing van die hof en die straf wat hom opgelê of die verbeurdverklaring wat beveel is, by kennisgewing in die *Staatskoerant* op koste van bowegehoemde persoon. Publiek-  
making van  
name van  
veroor-  
deeldes.

(2) Sodanige kennisgewing word nie in die *Staatskoerant* publiek gemaak nie terwyl die veroordeling onder appèl of hersiening is.

(3) Sodanige kennisgewing kan in enige nuusblad wat in die Unie in omloop is oorgeneem word en 'n aksie kan teen niemand hoegenaamd ingestel word nie ten opsigte van so 'n opname.

35. (1) 'n Voedingsmiddel, medisyne of 'n ontsmettingsmiddel ten opsigte waarvan 'n veroordeling ingevolge hierdie Wet plaasvind kan deur die hof verbeurd verklaar word ten behoeve van die Kroon. So 'n verbeurdverklaring kan van toepassing wees op die hele artikel, op alle artikels van dieselfde soort en op alle pakette wat artikels van dieselfde soort bevat wat aan die beskuldigde behoort of wat op die perseel of in besit van die beskuldigde is. Verbeurd-  
verklaring  
van  
artikels.

(2) Alle artikels wat kragtens hierdie Wet verbeurdverklaar word moet vernietig word of andersins oor beskik word soas die Minister gelas.

## CHAPTER V.

## GENERAL AND SUPPLEMENTARY.

- Minister may extend Act to other articles.      **36.** The Minister may from time to time by notice in the *Gazette* declare that any provision of this Act specified in such notice shall, as from a date fixed in such notice, apply in respect of any of the following articles specified in such notice, that is to say, any ointment, cream, powder or similar substance for application to or use for the human skin or hair, soap, tobacco, cigars, cigarettes, snuff, chewing gum and any other substance.
- Distinctive, fancy, or trade names of articles.      **37.** (1) Any person who under any other name, whether distinctive, fancy, trade, proprietary or registered, sells any food, drug or disinfectant which has a well-known or recognised name, shall be under the same liabilities as if he had sold it under its well-known or recognized name.  
(2) No person shall apply to any food, drug or disinfectant any distinctive, fancy, trade, proprietary or registered name which is a false or misleading description within the meaning of sub-section (1) of section *four* in the case of a food or drug or of sub-section (3) of section *nineteen* in the case of a disinfectant.
- Use of geographical names.      **38.** Any food, drug or disinfectant shall be deemed to be falsely described if the package in which it is sold or supplied, or any label attached thereto, bears any false statement as to the place where the article was produced or manufactured: Provided that the use of such names shall not be deemed to be a false description where, by reason of long usage, a geographical name has come to be a generic term used to indicate a particular type or variety or brand of the article.
- Reports and certificates to be confidential.      **39.** (1) Apart from disclosure in connection with legal proceedings, reports or certificates of analysts or pathologists or inspectors made or given under this Act shall be treated as confidential, and shall not be disclosed without the written authority of the secretary for public health or, where the sample therein referred to has been submitted by a local authority, the written authority of the mayor or chairman or of the deputy mayor or deputy chairman of that authority.  
(2) No person shall use any such report or certificate for any business, trade or advertising purpose.
- Secrecy to be maintained; penalties for non-compliance.      **40.** (1) Every person employed in carrying out the provisions of this Act shall preserve secrecy regarding all matters that may come to his knowledge in connection therewith, and shall not communicate any such matter to any other person except in the performance of his duties under this Act or by order of a competent court.  
(2) Any person shall be guilty of an offence who, without lawful excuse, fails to preserve such secrecy, or who communicates any such matter to any other person otherwise than is provided in sub-section (1).
- Jurisdiction of magistrate's court.      **41.** Save as is expressly provided in this Act, a magistrate's court shall have jurisdiction to try all offences under this Act committed within the area of jurisdiction of the court, and to impose the penalties prescribed by this Act.
- Regulations.      **42.** (1) The Minister may make regulations not inconsistent with this Act—  
(a) prescribing the nature and composition of articles of food and drugs and prescribing standards for—  
(i) the composition, strength, potency, purity, quality or other property of any food or drug or of any ingredient or component part thereof;

## HOOFSTUK V.

## ALGEMENE EN AANVULLENDE BEPALINGS.

36. Die Minister kan van tyd tot tyd by kennisgewing in die *Staatskoerant* verklaar dat enige bepaling van hierdie Wet, in daardie kennisgewing opgenoem, vanaf 'n in daardie kennisgewing vasgestelde dag van toepassing sal wees met betrekking tot enigeen van die volgende artikels wat in daardie kennisgewing opgenoem word, te wete enige salf of smeergoed of poeier of dergelike stof om op menslike huid of hare te sit of daarvan te gebruik, seep, tabak, sigare, sigarette, snuif, kou-gom en enige ander stof.
37. (1) Iemand wat onder enige ander naam of dit 'n onderskeidende, mode-, handels-, private of geregistreerde naam is, 'n voedingsmiddel, medisyne of ontsmettingsmiddel verkoop wat 'n welbekende of erkende naam het, beloop dieselfde aanspreeklikheid asof hy dit onder sy welbekende of erkende naam verkoop het.
- (2) Niemand mag op 'n voedingsmiddel, medisyne of ontsmettingsmiddel 'n onderskeidende, mode-, handels-, private of geregistreerde naam toepas wat 'n vals of misleidende beskrywing is volgens die betekenis van sub-artikel (1) van artikel vier in die geval van 'n voedingsmiddel of medisyne of van sub-artikel (3) van artikel *negentien* in die geval van 'n ontsmettingsmiddel.
38. Indien die pakket waarin 'n voedingsmiddel, medisyne of ontsmettingsmiddel verkoop of verstrekk word, of 'n opskrif wat daaraan geheg is 'n valse mededeling bevat aangaande die plek waar die artikel voortgebring of vervaardig is, word so 'n artikel geag vals beskrywe te wees: Met die verstande dat die gebruik van sulke name nie 'n valse beskrywing beskou word nie wanneer deur lang gebruik 'n geografiese naam die betekenis van 'n soortnaam aangeneem het om 'n besondere tiepe, verskeidenheid of merk van die artikel aan te dui.
39. (1) Met uitsondering van onthulling in verband met geregtelike stappe word die ingevolge hierdie Wet gedane of gegewe verslae of sertifikate van analiseurs of patologe of inspekteurs as vertroulik behandel en word nie onthul nie dan op skriftelike magtiging van die Sekretaris van Volks-gesondheid of, indien die monster waarop dit betrekking het deur 'n plaaslike bestuur opgestuur was, die skriftelike magtiging van die burgemeester of voorsitter of van die onder-burgemeester of onder-voorsitter van bedoelde bestuur.
- (2) Dit is verbode om so 'n verslag of sertifikaat vir die doeleindes van besigheid, handel of advertensie aan te wend.
40. (1) Elkeen wie se plig dit is om die bepalings van hierdie Wet uit te voer moet alle sake wat hy in verband daarmee te wete kom, geheim hou en moet dit, behalwe in die uitvoering van sy pligte kragtens hierdie Wet of op las van 'n regsbevoegde hof aan niemand meedeel nie.
- (2) Enigeen wat sonder wettige verontskuldiging in gebreke bly om sodanige geheimhouding te bewaar of wat 'n sodanige saak aan iemand anders meedeel anders dan in sub-artikel (1) bepaal, is skuldig aan 'n misdryf.
41. Behalwe soos uitdruklik in hierdie Wet bepaal is magistraatshof regsbevoeg om alle oortredings van hierdie Wet begaan in die regsgebied van die hof te bereg en hierin ver-vatte strawwe op te lê.
42. (1) Die Minister kan regulasies nie in stryd met hierdie Wet instel wat—
- (a) die aard en samestelling van voedingsmiddels en medisyne neerlê en standaard voorskryf vir—
- (i) die samestelling, sterkte, uitwerkingskrag, suiwerheid, kwaliteit of ander hoedanigheid van 'n voedingsmiddel of medisyne of van 'n bestand-deel of samestellende gedeelte daarvan;

Minister kan  
Wet op ander  
artikels toe-  
pas.

Onderskei-  
dende,  
modename,  
en handels-  
benamings  
van  
artikels.

Gebruik van  
plekname.

Verslae en  
sertifikate is  
vertroulik.

Geheim-  
houding:  
straf-  
bepalings vir  
onthulling.

Magistraats-  
hof  
regsbevoeg.

Regulasies.

- (ii) the nature or proportion of any foreign matter which may be present in any food or drug as a result of unavoidable or necessary admixture therewith during collection, preparation or manufacture ;
- (iii) the composition of mixtures or compounded articles of food or of drugs ;
- (b) prohibiting the use of any substance in the manufacture or preparation of food, or the addition of any such substance to food, or the sale of food containing any such substance ;
- (c) prescribing the substances which may be added to or used in the production, manufacture or preparation of food as preservatives or colouring matters or as flavouring or thickening substances, the maximum proportions which may be so added or used and the articles or classes of articles of food to or in which they may be added or used ;
- (d) prescribing the substances and the quantities thereof which when added to or present in any food or drug shall be deemed to render such food or drug unwholesome or injurious or dangerous for human consumption or use ;
- (e) regulating, restricting or prohibiting in the making, keeping, preparing, packing or supply of any article of food the use of appliances containing any substance which is deemed liable to render any food unwholesome for human consumption, and restricting or prohibiting the importation, manufacture, keeping or sale of any such appliance ;
- (f) regulating, restricting or prohibiting the advertisement, importation, manufacture, keeping, sale or use of any article, device or apparatus which the Minister is satisfied is used or is intended or is likely to be used for purposes of adulteration or contrary to any provision or object of this Act ;
- (g) prescribing and regulating the methods, processes and appliances to be used in the manufacturing, preparing, preserving or packing of any article of food and prohibiting the employment of any specified method, process or appliance which is deemed liable to render such article unwholesome for human consumption ;
- (h) prescribing the method of analysing or examining any article submitted under this Act, the forms of certificate to be used by analysts and pathologists and the nature and arrangement of the particulars to be specified therein ;
- (i) prescribing the mode of labelling articles of food, or drugs or packages containing the same, or bulk stock from which food or drugs are taken for retail sale, and the matter to be contained or not to be contained in such labels ;
- (j) exempting any article or class of article of food or any drug from any provision of this Act relating to labelling, and prescribing the conditions of such exemption ;
- (k) as to the labelling of disinfectants, and prescribing the methods which shall be employed in determining the germicidal powers or the efficacy of liquid germicides for the purposes of this Act, and the form in which the results of any such determination shall be stated in any certificate by a pathologist ;

- (ii) die aard van of verhouding waarin 'n vreemde selfstandigheid wat in 'n voedingsmiddel of medisyne, as 'n gevolg van onvermydelike of noodsaaklike vermenging daarmee gedurende die versameling, toebereiding of vervaardiging daarvan, aanwesig mog wees ;
- (iii) die samestelling van mengsels of van samegestelde voedingsmiddels of medisyne ;
- (b) die gebruik van enige selfstandigheid in die vervaardiging of bereiding van 'n voedingsmiddel, die byvoeging daarvan by 'n voedingsmiddel, of die verkoop van voedingsmiddels wat so 'n selfstandigheid bevat, verbied ;
- (c) die selfstandighede voorskryf wat in die produksie, vervaardiging of bereiding van voedingsmiddels gebruik kan word of by voedingsmiddels gevoeg kan word as lederfwerende middels of kleurstowwe, of as smaakgewende of verdikkende selfstandighede die hoogste verhouding waarin hulle gebruik of toegevoeg mag word en die voedingsmiddels of soorte van voedingsmiddels waarvoor hulle gebruik of waarby hulle gevoeg kan word ;
- (d) die name en hoeveelhede van selfstandighede voorskryf wat, indien dit in 'n voedingsmiddel of medisyne aanwesig is, geag word die voedingsmiddel of medisyne vir menslike verbruik of gebruik ongesond, skadelik of gevaarlik te maak ;
- (e) by die vervaardiging, aanhou, bereiding, verpakking of lewering van 'n voedingsmiddel, die gebruik van toestelle wat 'n selfstandigheid bevat wat geag word 'n voedingsmiddel vir menslike verbruik ongesond te maak reël, beperk of verbied en die invoer, vervaardiging, aanhou of verkoop van so 'n toestel, beperk of verbied ;
- (f) die adverteer, invoer, vervaardiging, aanhou, verkoop of gebruik van 'n artikel, toestel of apparaat reël, beperk of verbied, waarvan die Minister oortuig is dat dit vir vervalsing, of in stryd met die oogmerke of bepalings van hierdie Wet, verbruik word of kan word, of vir sulke gebruik bedoel is ;
- (g) by die vervaardiging, bereiding, verduursaming of verpakking van 'n voedingsmiddel die aanwending van metodes, prosesse en toestelle voorskryf en reël en die gebruik van 'n bepaalde metode, proses of toestel wat geag word so 'n middel vir menslike verbruik ongesond te maak, verbied ;
- (h) die metode van analiese of ondersoek van 'n artikel, wat ingevolge hierdie Wet opgestuur is, bepaal asook die vorm van sertifikate wat analiseurs en patologe moet gebruik en die aard en rangskikking van die besonderhede wat daarin moet voorkom ;
- (i) die wyse voorskryf waarop voedingsmiddels of medisyne of pakkette wat dit bevat, of die groot-voorraad waarvan voedingsmiddels of medisyne vir verkoop in die kleinhandel ontnem word, van opskrifte voorsien moet wees ; asook wat sulke opskrifte moet bevat en wat hulle nie moet bevat nie ;
- (j) 'n voedingsmiddel of medisyne of 'n klas van voedingsmiddels of medisyne vrystel van die bepalings van hierdie Wet aangaande opskrifte en die voorwaardes van sodanige vrystelling voorskryf ;
- (k) oor voorsiening van ontsmettingsmiddels met opskrifte handel en die metodes wat aangewend moet word om vir die oogmerke van hierdie Wet die kiemdodende sterkte of die sterktegraad van kiemdodende vloeistowwe vas te stel, asook die vorm waarin die resultate van so 'n vasstelling in 'n sertifikaat van 'n patoloog aangegee moet word ;

- (l) prescribing the form of any warranty or similar document and of any register used or required to be used under this Act, and the particulars to be specified therein, and as to the registration of warranties under this Act and the fees which shall be payable in respect thereof ;
- (m) prescribing the articles of food which shall be deemed for the purposes of this Act to be perishable articles ;
- (n) prescribing the preservatives to be used by inspectors, for preventing decomposition or other change in samples purchased or taken under this Act ;
- (o) prescribing the duties of analysts, pathologists and inspectors under this Act ; and

generally for the efficient carrying out of the objects and purposes of this Act.

(2) Any regulation made under this Act may provide exemptions therefrom and may impose duties in connection therewith on manufacturers, importers, proprietors, packers or vendors of or dealers in food or drugs or disinfectants.

(3) No regulation shall be made under this Act until at least three months after the publication in the *Gazette* of a notice containing a draft of the regulation and a statement of the Minister's intention to make it, and inviting criticisms of the draft: Provided however that the provisions of this sub-section shall not apply in respect of any article where the Minister considers that the delay entailed by such notice would be prejudicial to the public interests.

Scope and application of proclamations, regulations, etc.

43. (1) Any proclamation, regulation, notice or order made or issued under this Act may be expressed to apply throughout the Union or to any specified part thereof.

(2) Any proclamation, (excepting such proclamation as is referred to in section *forty-six*), regulation, notice or order issued under this Act may from time to time be amended or repealed by the authority which issued it.

Definitions.

44. In this Act, unless inconsistent with the context—

“advertisement” means any statement, design or device published in any newspaper or public print or any handbill, circular or other matter in writing distributed to members of the public through the post or otherwise, or brought to the notice of the public by poster, showcard, bioscope-film or other means ;

“analyst” means an analyst appointed as such under section *three* ;

“appliance” includes the whole or any part of any utensil, machinery, instrument, apparatus or article used in the making, keeping, preparing, packing or supply of any food or drug or disinfectant ;

“authorized” means authorized by this Act or authorized either generally or specially in writing by the Minister or by the secretary for public health or his authorized deputy, or, when referring to an officer of a local authority, means authorized by the mayor or chairman or by the deputy mayor or deputy chairman of such authority ;

“chemist and druggist” means a person registered as such under the Medical, Dental and Pharmacy Act, 1928 ;

“dentist” means a person registered as such under the Medical, Dental and Pharmacy Act, 1928 ;

“description” means any label or brand or mark or any advertisement or any verbal or written statement

- (l) voorskrywe die vorm van 'n waarborg of dergelike dokument en van 'n register wat volgens hierdie Wet gebruik word of gebruik moet word en die besonderhede wat daarin vermeld moet word; en aangaande registrasie van waarborge kragtens hierdie Wet en die foie in verband daarmee betaalbaar;
- (m) die voedingsmiddels voorskryf wat vir die oogmerke van hierdie Wet geag word artikels te wees wat aan bederf onderhewig is;
- (n) die bederfwerende middels voorskryf wat inspekteurs moet gebruik om die ingevolge hierdie Wet gekoopte of genome monsters teen ontbinding of verandering te bewaar;
- (o) die pligte van analiseurs, pataloge en inspekteurs ooreenkomstig hierdie Wet voorskryf; en
- in die algemeen vir die behoorlike uitvoering van die doeleindes en oogmerke van hierdie Wet.

(2) 'n Kragtens hierdie Wet ingestelde regulasie kan vrystellings daarvan verleen en kan in verband daarmee aan fabrikante, invoerders, eienaars, verpakkers of verkopers van of handelaars in voedingsmiddels, medisyne of ontsmettingsmiddels verpligtings oplê.

(3) Geen regulasie word kragtens hierdie Wet ingestel tot na minstens drie maande na publikasie in die *Staatskoerant* van 'n kennisgewing bevattende 'n ontwerp van die regulasie en 'n verklaring van die Minister se voorneme en kritiek op die ontwerp versoekende: Met die verstande egter dat die bepaling van hierdie sub-artikel nie van toepassing is ten opsigte van 'n artikel waar die Minister van oordeel is dat die vertraging deur so 'n kennisgewing veroorsaak tot nadeel van die openbare belang sal wees.

43. (1) 'n Proklamasie, regulasie, kennisgewing of order wat ingevolge hierdie Wet uitgevaardig of ingestel is kan lui dat dit oor die gehele Unie of in 'n genoemde gedeelte daarvan van toepassing is.

(2) 'n Proklamasie, behalwe sodanige proklamasie as wat in artikel *ses-en-veertig* bedoel word, regulasie, kennisgewing of order, wat ingevolge hierdie Wet uitgevaardig of ingestel is, kan van tyd tot tyd deur wie dit uitgevaardig of ingestel is, gewysig of herroep word.

Werkkring  
en toepassing  
van prokla-  
masies,  
regulasies,  
ens.

44. In hierdie Wet, tensy, die samehang 'n ander betekenis vereis, beteken—

“Advertensie,” 'n verklaring, tekening of devies wat in 'n nuusblad of in openbare drukwerk gepubliseer word, of 'n strooibiljet, sirkulêre of ander geskrif wat onder die publiek versprei word deur toesending deur die pos of andersins of wat aan die publiek deur middel van aanplakbiljette, reklame-plaat, bioskoop-film of andersins bekend gemaak word;

“analiseur,” 'n kragtens artikel *drie* as sulks benoemde analiseur;

“toestel,” die geheel of 'n gedeelte van 'n werktuig, masjienerie, instrument, apparaat of voorwerp wat by die vervaardiging, aanhou, bereiding, verpak of lewering van 'n voedingsmiddel of medisyne of ontsmettingsmiddel gebruik word;

“gemagtig,” gemagtig deur hierdie Wet of deur die Minister of die Sekretaris van Volksgesondheid of sy gemagtigde plaasvervanger by wyse van 'n skriftelike magtiging wat of algemeen of spesiaal kan wees; of, indien die betrekking het op 'n beampte van 'n plaaslike bestuur, dan beteken die uitdrukking gemagtig deur die burgemeester of voorsitter, of deur die onderburgemeester of onder-voorsitter van so 'n plaaslike bestuur;

“apteker,” 'n kragtens die Wet op Geneeshere, Tandartse en Aptekers, 1928, as sulks geregistreeerde persoon;

“tandarts,” 'n kragtens die Wet op Geneeshere, Tandartse en Aptekers, 1928, as sulks geregistreeerde persoon;

“beskrywing,” 'n opskrif, teken of merk of 'n advertensie of 'n mondelinge of skriftelike verklaring of 'n voor-

Woord-  
bepaling.

- or any representation or any pictorial or other descriptive matter referring to any food or drug or disinfectant or any ingredient thereof;
- “disinfectant” includes any germicide, antiseptic, preservative, deodorant, sanitary powder, sanitary fluid or any similar article;
- “drug” means any substance or mixture of substances used as a medicine for man or animals, whether internally or externally, and includes anaesthetics;
- “food” or “article of food” means any substance, (other than drugs or water but including ice) which is intended or ordinarily used for human consumption, or which enters into, or is used in the composition or preparation of, articles for human consumption;
- “importer” includes any person who, whether as owner, consignor or consignee, agent or broker, is in possession of or in any way entitled to the custody or control of any food or drug or disinfectant imported, either by land or sea, into the Union and “import” has a corresponding meaning;
- “inspector” means a person appointed as such under section *three* and includes any such person as is referred to in sub-section (5) of that section;
- “label,” when used as a verb, means brand, mark or otherwise designate or describe any article, and when used as a noun, means any brand or mark or any printed, pictorial or other descriptive matter appearing on or attached to or packed with and referring to any food or drug or disinfectant or the package containing the same;
- “local authority” means any municipal council, borough council, town council or village council, town board, village management board, local board, health board, health committee or divisional council, and also any other body constituted under any law and vested with powers for safeguarding the health of the inhabitants of the area of its jurisdiction;
- “medical practitioner” means a person registered as such under the Medical, Dental and Pharmacy Act, 1928;
- “Minister” means the Minister of Public Health or any other Minister of State acting in his stead;
- “package” includes anything in or by which goods are cased, covered, enclosed, contained or packed;
- “pathologist” means a pathologist appointed as such under this Act;
- “permitted” means permitted by this Act or any regulation thereunder;
- “prescribed” means prescribed by this Act or any regulation thereunder;
- “prohibited” means prohibited by this Act or any regulation thereunder;
- “prohibited article” means any article, the advertisement, importation, manufacture, keeping or sale of which is prohibited either absolutely or conditionally by this Act or any regulation thereunder;
- “proprietary article” means an article prepared, or purporting or professed to be prepared, by a secret process or formula the property or in the custody of the manufacturer;
- “regulation” means a regulation made under this Act;
- “retail trade” or “retail sale” means trading with or selling to the consumer;
- “sealed package” means an unbroken or unopened package which cannot be opened without damaging the container, seal, capsule, adhesive label or wrapping,

stelling of 'n beskrywende meedeling in druk of prent, wat betrekking het op 'n voedingsmiddel, medisyne of 'n ontsmettingsmiddel of op 'n bestanddeel daarvan;

“ontsmettingsmiddel,” tewens 'n kiemdodende, anti-septiese, bederfwerende of reukwegnemende middel of 'n reinigingspoeter, reinigingsvloeistof of 'n soortgelyke artikel;

“medisyne,” 'n selfstandigheid of 'n mengsel van selfstandighede wat vir mense of diere inwendig of uitwendig as medisyne gebruik word, en omvat verdowningsmiddels;

“voedingsmiddel,” 'n selfstandigheid (met die uitsondering van medisyne of water maar insluitende ys) wat bedoel is of gewoonlik aangewend word vir menslike verbruik, of wat gebruik word in die samestelling of bereiding, of wat 'n onderdeel uitmaak van artikels vir menslike verbruik.

“invoerder” tewens elkeen wat, hetsy as eenaar, versender, geadresseerde, agent of makelaar, in besit is van 'n voedingsmiddel, medisyne of 'n ontsmettingsmiddel wat in die Unie ingevoer is oorland of oorsee; of elkeen wat geregtig is op die beheer of toesig daarvan; en “invoer” het 'n ooreenkomstige betekenis;

“inspekteur,” 'n kragtens artikel drie as sulks benoemde persoon en sluit in enige sodanige persoon in sub-artikel (5) van daardie artikel vermeld;

“van 'n opskrif voorsien,” 'n artikel van 'n teken of merk voorsien of dit andersins aandui of beskrywe; en “opskrif” beteken 'n teken, merk of 'n beskrywing in druk of prent wat op 'n voedingsmiddel, medisyne of 'n ontsmettingsmiddel verskyn of daaraan geheg of daarmee ingepak is en wat daarop betrekking het of die pakket wat dit bevat;

“plaaslike bestuur,” tewens 'n stadsraad, dorpsraad, dorpsbestuur, dorpsbestuursraad, plaaslike bestuur, gesondheidsraad of afdelingsraad, en enige ander liggaam wat volgens Wet ingestel is en beklee is met bevoegdhe om toesig te hou oor die gesondheid van die inwoners van die streek onder sy jurisdiksie;

“geneesheer,” 'n kragtens die Wet op Geneeshere, Tandartse en Aptekers, 1928, as sulks geregistreerde persoon;

“Minister,” die Minister van Volksgesondheid of 'n ander staatsminister wat vir hom waarneem;

“pakket,” tewens alles waarin of waarmee goedere gekis, bedek, omsluit of gepak is, of wat goedere bevat;

“patoloog,” 'n ingevolge hierdie Wet as sulks aangestelde patoloog;

“veroorloof,” by hierdie Wet of by regulasie veroorloof.

“voorgeskrywe,” by hierdie Wet of by regulasie voorgeskrywe;

“verbode,” by hierdie Wet of by regulasie daaronder verbode.

“verbode artikel” 'n artikel wat dit of geheelenal of voorwaardelik by hierdie Wet of 'n regulasie daaronder verbode is om te adverteer, in te voer, te vervaardig, aan te hou of te verkoop;

“private artikel,” 'n artikel wat volgens 'n geheime proses of formule, die eiendom van of in bewaring van die vervaardiger, berei word of wat soos voorgegee of beweerd, aldus berei word.

“regulasie,” 'n kragtens hierdie Wet ingestelde regulasie;

“kleinhandel,” handel met of verkoop aan die verbruiker;

“verseelde pakket,” 'n pakket wat nie oopgebreek of oopgemaak is nie en wat nie oopgemaak kan word nie sonder om die behouer, die seël, kapsel, aange-

or which otherwise cannot be opened and closed again so as to be left intact ;

“sell” means sell by wholesale or retail, and in addition to its ordinary meaning includes, offer, advertise, keep, expose, transmit, consign, convey or deliver for sale, or authorize, direct or allow a sale, or prepare or possess for purposes of sale ; and further means barter or exchange or supply or disposal for any consideration direct or indirect. The words “seller,” “selling,” “sale,” and “sold” have a corresponding meaning ;

“this Act” includes proclamations issued and the regulations made thereunder.

Repeal of laws.

45. (1) The laws specified in the Schedule to this Act are hereby repealed to the extent set out in the fourth column of that Schedule : Provided that any proclamation or regulation made under any law repealed by this Act shall remain in force unless in conflict with this Act and be deemed to be made thereunder until repealed or superseded by proclamations or regulations made under this Act.

(2) Nothing in this Act contained shall be deemed to amend or alter or affect any provision of the Wine, Brandy, Whiskey and Spirits Act, No. 42 of 1906 (Cape of Good Hope), or the Wine, Spirits, Beer and Vinegar Act, No. 19 of 1908 (Cape of Good Hope), or the Wine, Spirits and Vinegar Act, No. 15 of 1913, or the Agricultural Produce Export Act, No. 35 of 1917, or the Fertilizers, Farm Foods, Seeds and Pest Remedies Act, No. 21 of 1917, or the Dairy Industry Act, No. 16 of 1918, or the Dairy Industry Act, 1918, Amendment Act, No. 14 of 1926, or any law amending any provision of any of the said Acts.

Short title and Commencement.

46. This Act may be cited as the Food, Drugs and Disinfectants Act, 1929, and shall come into operation on a date to be fixed by the Governor-General by proclamation in the *Gazette*.

**Schedule.**

LAWS REPEALED.

Province of Union.	No. and Year of Law.	Title or Subject of Law.	Extent of Repeal.
Cape of Good Hope.	Act No. 5 of 1890.	The Sale of Food and Drugs and Seeds Act, 1890.	So much as is unrepealed.
Natal.	Act No. 45 of 1901.	Adulteration of Food Act, 1901.	The whole.
Orange Free State.	Ordinance No. 32 of 1906.	Sale of Food and Drugs Ordinance, 1906.	The whole.
Transvaal.	Law 29 of 1896.	Sale of Adulterated and Tainted Foodstuffs, Liquors and Medicines.	The whole.
..	Law 6 of 1898.	Storage and Adulteration of Foodstuffs.	The whole.

kleefde etiket of omhulsel te beskadig, of wat andersins nie oopgemaak en weer ongeskonde toegemaak kan word nie;

“verkoop,” verkoop by die grote of kleine maat en omvat benewens die gewone betekenis poog om te verkoop of vir verkoop aanbied, adverteer, aanhou, uitstal, verstuur, vervoer of aflewer; of 'n verkoop magtig, gelas of toelaat, of vir verkoop berei of besit; en beteken verder ruiling, verstrekking of afstand vir enige vergoeding, hetsy direk of indirek. Die woord “verkoper” het 'n daarmee ooreenstemmende betekenis;

“hierdie Wet” tewens ook proklamasies en die regulasies wat kragtens hierdie Wet uitgevaardig is.

45. (1) Die in die Bylae tot hierdie Wet aangehaalde Wette word hierby herroep insover die vierde kolom van bedoelde Bylae aandui: Met die verstande dat 'n proklamasie of regulasie uitgevaardig of ingestel kragtens 'n by hierdie Wet herroepde wet van krag bly tensy dit in stryd is met hierdie Wet en word geag kragtens hierdie Wet uitgevaardig of ingestel te wees totdat dit herroep of vervang word deur proklamasies of regulasies ingevolge hierdie Wet uitgevaardig of ingestel.

Herroeping van Wette.

(2) Dit word nie in hierdie Wet bedoel om die bepalinge van onderstaande Wette, of enige wysiging daarvan te wysig of te verander of daarop enige uitwerking te hê nie, te wete die volgende wette: Wet op Wyn, Brandewyn, Whiskey en Geesryke Dranke, Wet No. 42 van 1906 (Kaap die Goeie Hoop); Wet op Wyn, Geesryke Dranke, Bier en Asyn, No. 19 van 1908 (Kaap die Goeie Hoop); Wijn, Spiritualiën en Azijn Wet No. 15 van 1913; die Landbouvoortbrengselen Uitvoer Wet No. 35 van 1917; die Meststoffen, Veevoedsel, Zaden en Plaagmiddelen Wet No. 21 van 1917; die Zuivelnijverheid Wet No. 16 van 1918; of die Zuivelnijverheidswet, 1918, Wijzigingswet, No. 14 van 1926.

46. Hierdie Wet mag aangehaal word as die Wet op Voedingsmiddels, Medisyne en Ontsmettingsmiddels, 1929, en tree in werking op 'n datum deur die Goewerneur-generaal by proklamasie in die Staatskoerant vasgestel te word.

Kort titel en inwerking-treding.

### Bylae.

#### HERROEPE WETTE.

Provinsie van die Unie.	No. en jaartal van Wet.	Titel of onderwerp.	In hoever herroep.
Kaap die Goeie Hoop.	Wet No. 5 van 1890.	Verkoop van voedingsmiddels, medisyne en saad.	Insover dit nie reeds herroep is nie.
Natal.	Wet No. 45 van 1901.	Vervalsing van voedingsmiddels.	Geheel.
Oranje Vrystaat.	Ordonnansie No. 32 van 1906.	Ordonnansie op die verkoop van Voedingsmiddels en Geneesmiddels 1906.	Geheel.
Transvaal.	Wet No. 29 van 1896.	Omtrent de Verkoop van Vervalschte en Bedorven Eet- en Drinkwaren en Geneesmiddelen.	Geheel.
„	Wet No. 6 van 1898.	Omtrent de Bewaring en vervalsching van Eetwaren.	Geheel.

No. 14, 1929.]

# ACT

## To amend the law relating to Customs.

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Amendment of section *fourteen* of Act No. 36 of 1925.

1. Section *fourteen* of the Customs Tariff and Excise Duties Amendment Act, 1925 (Act No. 36 of 1925), is amended by the addition of the following sub-section:—

(6) The customs duty payable upon goods subject to *ad valorem* duties imported into the Union ex customs warehouses or ex bonded warehouses within the district of Lourenco Marques shall be assessed on the value of the goods in the country whence exported to Lourenco Marques at the time of exportation.

Granting of most-favoured-nation treatment to the products of Mozambique.

2. The products of the soil or of the industries of Mozambique shall on importation into the Union, not be subject to other or higher duties or charges than those which are or may be levied on the like products of any other country: Provided that—

(a) products of Mozambique shall not be entitled to such minimum rates or rebates as are or may hereafter be granted in respect of products of Great Britain and Northern Ireland and the British Dominions, Colonies or Possessions when imported therefrom for consumption within the Union;

(b) products of Mozambique shall not be entitled to the privileges accorded to the products of Southern and Northern Rhodesia and of the territories of Basutoland, Swaziland and the Bechuanaland Protectorate, by virtue of the Customs Agreements now existing or agreements of a like nature hereafter concluded between the Governments of the Union and of the said countries or territories;

(c) the levying of dumping duties on goods imported into the Union from Mozambique shall not be deemed to be incompatible with the provisions of this section.

Short title.

3. This Act may be cited as the Customs (Amendment) Act, 1929.

No. 14, 1929.]

**WET****Om die regsbepalings te wysig in verband met Doeane.**

**DIT WORD BEPAAL** deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

1. Artikel *veertien* van die Doeanetarief en Aksijsrechten Wijzigingswet, 1925 (Wet No. 36 van 1925) word gewysig deur toevoeging van die volgende sub-artikel:—

Wysiging van artikel *veertien* van Wet No. 36 van 1925.

(6) Het doeanerecht betaalbaar op goederen onderhevig aan *ad valorem* rechte ingevoerd in de Unie vanuit doeanepakhuisen of entrepôts binnen het distrikt Lourenco Marques wordt aangeslagen op de waarde van de goederen in het land vanwaar de goederen naar Lourenco Marques uitgevoerd zijn ten tijde van de uitvoer.

2. Die produkte van die grond of van die nywerhede van Mosambiek is by invoer in die Unie nie onderhewig nie aan ander of hoër regte of heffings as die wat gehef word of gehef mag word op dergelike produkte van enige ander land: Met die verstande dat—

Toestaan van behandeling as meesbegunstigde nasie aan produkte van Mosambiek.

- (a) produkte van Mosambiek nie geregtig is nie op die mienimum invoerregte of kortings wat vergun word of hierna vergun mag word ten aansien van produkte van Groot-Brittanje en Noord-Ierland en van die Britse Vrygeweste, Kolonies of Besittings daarvandaan ingevoer vir verbruik in die Unie;
- (b) produkte van Mosambiek nie geregtig is nie op die voorregte wat verleen word aan die produkte van Suid- en Noord-Rhodesië en van Basoetoland, Swasieland en die Betsjoenaland Protektoraat, ingevolge die bestaande doeaneooreenkomste of soortgelyke ooreenkomste wat hierna aangegaan mag word tussen die Regerings van die Unie en die van genoemde lande en grondgebiede;
- (c) die heffing van dumpingregte op goedere ingevoer in die Unie van Mosambiek nie as onbestaanbaar met die bepalings van hierdie artikel geag word nie.

3. Hierdie Wet kan aangehaal word as die Doeane Wysigingswet, 1929. Kort tittel.

No. 15, 1929.]

## PRIVATE ACT

**To provide for a supply of water from the Hennops River for the Town Council of Pretoria, and to confer powers upon the said Council in relation thereto.**

Preamble.

**W**HEREAS the existing water supply of the Town Council of Pretoria (hereinafter called the Council) is insufficient to meet the present and future requirements of the Council, and it is expedient that provision be made for the acquisition by the Council of additional supplies of water to meet such requirements :

**AND WHEREAS** the Council has prepared a certain scheme for the construction of a dam within and across the channel of the Hennops River upon portion of the farm Rietvlei No. 221, district of Pretoria, for the impounding and storage therein of the water of the said Hennops River, and for the abstraction, purification and conveyance to the municipal area of Pretoria or elsewhere as the Council may decide of the water so impounded and stored, and for other purposes incidental thereto :

**AND WHEREAS** it is desirable to authorize the Council to carry out the said scheme and for that purpose to confer upon it various powers necessary for the same :

**AND WHEREAS** it is desirable in respect of the said scheme to make provision to determine the amount of any compensation payable to riparian owners upon the said Hennops River for any interference with their existing rights, and for such purpose to provide for the constitution of a Water Court:

**AND WHEREAS** it is desirable, also in respect of the said scheme, to confer upon the Council the power upon the farm Rietvlei No. 221, and the remaining extent measuring as such 2,650 morgen 224 square roods of the farm Grootfontein No. 220, both in the district of Pretoria, to obtain subterranean water by artificial means or by such means to increase the natural flow of any subterranean water, and to impound, store, and divert such water, and to authorize the Council to convey the same, together with any private water to which it is entitled upon the said farms into the municipal area under the Council's jurisdiction as a local authority under Ordinance No. 11 of 1926 (Transvaal) or elsewhere as the Council may decide :

**AND WHEREAS** it is desirable to confer upon the Council the sole and exclusive right, subject to certain limitation, to take, abstract, convey to its Municipal area or elsewhere as the Council may decide, use, sell or otherwise dispose of all waters impounded and stored by it in the said scheme and to make provision for protecting the lands, buildings and works of the Council in connection with such scheme and the water therein or thereon, and to impose penalties upon any person damaging or interfering with such lands, buildings or works, or polluting or unlawfully using or taking such water, and further to confer upon the Council the right to acquire either by agreement or compulsory purchase any land, right or servitudes necessary for the proper construction and maintenance of its said scheme and all works in connection therewith :

**AND WHEREAS** it is desirable to empower the Council to prosecute in respect of certain contraventions and to make provision as regards the application of fines :

**BE IT THEREFORE ENACTED** by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows :—

Definitions.

1. In this Act, unless the context otherwise requires—  
“ Council ” means the Town Council of Pretoria;

No. 15 1929.]

**PRIVATE WET**

**Tot verskaffing van 'n watervoorraad uit die Hennopsrivier vir die Stadsraad van Pretoria, en tot verlening van verbandhoudende bevoegdhede aan die genoemde Raad.**

**N**ADEMAAL die bestaande watervoorraad van die Stadsraad van Pretoria (hierna genoem die Raad) onvoldoende is om in die teenswoordige en toekomstige behoeftes van die Raad te voorsien en dit raadsaam is om voorsiening te maak vir die verkryging deur die Raad van verdere watervoorrade om in daardie behoeftes te voorsien : Aanhef.

EN NADEMAAL die Raad 'n sekere skema opgestel het vir die bou van 'n seker dam in en oor die bed van die Hennopsrivier op 'n deel van die plaas Rietvlei No. 221, Pretoria distrik, om daarin die water van die genoemde Hennopsrivier op te dam en te bewaar, en om die so opgedamde en bewaarde water te onttrek, te suiwer en na die munisipale gebied van Pretoria te voer of elders soos die Raad mog beslis, en vir ander verbandhoudende doeleindes :

EN NADEMAAL dit wenslik is om die Raad te magtig om die genoemde skema uit te voer, en om hom vir daardie doel verskillende daarvoor vereiste bevoegdhede te verleen :

EN NADEMAAL dit wenslik is om ten opsigte van die genoemde skema voorsiening te maak om die bedrag van enige skadeloosstelling vas te stel aan die oewereienaars langs die genoemde Hennopsrivier betaalbaar vir enige bemoeiing met hulle bestaande regte, en om vir daardie doel voorsiening te maak vir die instelling van 'n Waterhof :

EN NADEMAAL dit wenslik is, ook ten opsigte van die genoemde skema, om aan die Raad die bevoegdheid te verleen om op die plaas Rietvlei No. 221 en die resterende gedeelte groot 2,650 morge 224 vierkante roedes van die plaas Grootfontein No. 220, albei in Pretoria distrik, ondergrondswater deur kunsmatige middels te verkry of deur sodanige middels die natuurlike stroming van enige ondergrondswater te versterk, en om sodanige water op te dam, te bewaar en af te lei, en om die Raad te magtig om dit, tesame met enige private water waarop hy op die genoemde plase geregtig is, te voer na die munisipale gebied onder die Raad se jurisdiksie as 'n plaaslike bestuur ingevolge Ordonnansie No. 11 van 1926 (Transvaal) of elders soos die Raad mog beslis :

EN NADEMAAL dit wenslik is om aan die Raad die alleen- en uitsluitende reg te verleen om, binne sekere grense, alle water deur hom in die genoemde skema opgedam en bewaar, te neem, te onttrek, te voer na sy munisipale gebied of elders soos die Raad mag beslis, te gebruik, te verkoop of anders daaroor te beskik, en om voorsiening te maak vir beskerming van die gronde, geboue en werke van die Raad in verband met die skema en die water daarin en daarop, en om elkeen wat sodanige gronde, geboue of werke beskadig of hom daarmee bemoei of wat sodanige water verontreinig of wederregtelik gebruik of neem te beboet, en verder om aan die Raad die reg te verleen om hetsy deur ooreenkoms of deur dwangkoop enige grond, reg of serwitute te verkry nodig vir die behoorlike bou en onderhoud van sy genoemde skema en alle verbandhoudende werke :

EN NADEMAAL dit wenslik is om die Raad te magtig om regsvervolging in te stel ten opsigte van sekere misdrywe en om voorsiening te maak met betrekking tot die aanwending van boetes :

**W**ORD DIT DERHALWE BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg :—

1. In hierdie Wet, tensy die samehang anders vereis, Woord-  
bepaling.  
beteken—  
„Raad,” die Stadsraad van Pretoria ;

- “ dam ” means the dam referred to in section *two* ;
- “ Hartebeestpoort Irrigation Scheme ” means the irrigation scheme authorized and constructed under the provisions of Act No. 32 of 1914 ;
- “ Irrigation Act ” means the Irrigation and Conservation of Waters Act, 1912 (Act No. 8 of 1912) as amended from time to time ;
- “ Minister ” means the Minister to whom the Governor-General has assigned the administration of the Irrigation Act ;
- “ municipality ” means the area or district placed from time to time under the control and jurisdiction of the Council as a local authority under Ordinance No. 11 of 1926 (Transvaal) or any amendment thereof.

Power to construct and maintain storage works on Hennops River.

2. Notwithstanding anything to the contrary contained in the Irrigation Act and Act No. 32 of 1914, or in any other law, the Council is empowered to construct and maintain upon certain portions of the farm Rietvlei No. 221, district of Pretoria, a dam across the bed and valley of the Hennops River as described in the Schedule to this Act, and may subject to the provisions of section *three* of this Act from time to time and at all times impound and store behind such dam such quantity of water as can thereby be contained.

Rights and obligations of the Council respecting impounding, storing and abstracting water, keeping of gauges and records, and penalties for wrongful storage.

3. The rights and obligations of the Council in relation to the water impounded and stored by it in the dam shall notwithstanding anything to the contrary contained in the Irrigation Act and Act No. 32 of 1914 or in any other law, be as follows :—

- (a) The Council shall within such time after such impounding and storage and by such means and at such periods as the Minister may require, pass down the said Hennops River from the dam all the water from time to time therein impounded and stored, less evaporation losses, save and except the following quantities of water :—
  - (i) All water from time to time entering the dam not exceeding a rate of flow of 26·84 cusecs: Provided that in the event of direct abstraction by the Council of any part of the normal flow of the said Hennops River above the dam the said rate of flow of 26·84 cusecs shall be diminished by the rate of flow of such direct abstraction.
  - (ii) All further water from time to time impounded and stored during periods of overflow of the dam of the Hartebeestpoort Irrigation Scheme.
  - (iii) all other water which at the expiration of five years from the date of completion of the storage works specified in section *two* of this Act, or such lesser period as the Minister may decide, the Minister may, if satisfied that its impounding storage and diversion by the Council is not detrimental to the said Hartebeestpoort Irrigation Scheme, authorize the Council so to impound, store and divert.
- (b) The Council shall be entitled to abstract and divert as its own property all the quantities of water specified in sub-paragraphs (i), (ii) and (iii) of paragraph (a) of this section, and may take the same from the dam and convey it by means of tunnels, conduits or pipe lines into the municipality or elsewhere as it may decide.
- (c) The Council shall before commencing to take or use under the powers conferred by this Act any water from the dam construct at such points as may be prescribed by the Minister all suitable gauges or other apparatus as he shall direct for the purpose of measuring the flow of water into and below the dam, evaporation losses, abstractions from the dam and abstractions, if any, of the normal flow of the Hennops River

- „dam,” die dam bedoel in artikel twee;
- „Hartebeestpoort Besproeiingskema,” die besproeiingskema gemagtig en gebou kragtens die bepalings van Wet No. 32 van 1914;
- „Besproeiingswet,” die Besproeiings- en Waterbewarings Wet, 1912 (Wet No. 8 van 1912), soos van tyd tot tyd gewysig;
- „Minister,” die Minister aan wie die Goewerneur-generaal die uitvoering van die Besproeiingswet opgedra het;
- „munisipaliteit,” die gebied of distrik wat van tyd tot tyd onder die kontrole en jurisdiksie van die Raad as 'n plaaslike bestuur kragtens Ordonnansie No. 11 van 1926 (Transvaal) of enige wysiging daarvan geplaas word.

2. Nieteenstaande teenoorgestelde bepalings van die Besproeiingswet en Wet No. 32 van 1914 of van enige ander wet, word die Raad gemagtig om op sekere gedeeltes van die plaas Rietvlei No. 221, Pretoria distrik, 'n dam oor die bed en vallei van die Hennopsrivier soos omskryf in die Bylae van hierdie Wet te bou en te onderhou en mag met inagneming van die bepalings van artikel drie van hierdie Wet van tyd tot tyd en op alle tye agter daardie dam sodanige hoeveelheid water opdam en bewaar as dit kan bevat.

Bevoegdheid om bewaarwerke aan Hennopsrivier te bou en te onderhou.

3. Die regte en verpligtings van die Raad met betrekking tot die water deur hom in die dam opgedam en bewaar is, nieteenstaande teenoorgestelde bepalings van die Besproeiingswet en Wet No. 32 van 1914, of van enige ander wet soos volg:—

Regte en verpligtings van die Raad betreklik opdamming, bewaring en onttrekking van water, hou van metings en aantekening, en boetes vir onwettige bewaring.

- (a) Die Raad moet binne sulke tyd na die opdamming en bewaring en deur sulke middels en op sulke tye as die Minister mag verlang deur die genoemde Hennopsrivier uit die dam al die water laat afloop van tyd tot tyd daarin opgedam en bewaar min verliese weens verdamping, behalwe die volgende hoeveelhede water:—
  - (i) Al die water wat van tyd tot tyd die dam inkom en wat 'n stromingsyfer van 26·84 cusecs nie oortref nie: Met die verstande dat in die geval van regstreekse onttrekking deur die Raad van enige deel van die normale stroming van die genoemde Hennopsrivier bokant die dam die genoemde stromingsyfer van 26·84 cusecs moet verminder word met die stromingsyfer van sodanige regstreekse onttrekking.
  - (ii) Alle verdere water van tyd tot tyd opgedam en bewaar gedurende tydperke dat die dam van die Hartebeestpoort Besproeiingskema oorloop.
  - (iii) Alle ander water wat die Minister, na verloop van vyf jaar vanaf die datum van voltooiing van die bewaarwerke vermeld in artikel twee van hierdie Wet, of sulke korter tydperk as hy mog beslis, indien oortuig dat die opdamming, bewaring en afleiding daarvan deur die Raad die genoemde Hartebeestpoort Besproeiingskema nie benadeel nie, die Raad mag magtig om so op te dam, te bewaar en af te lei.
- (b) Die Raad is geregtig om alle in sub-paragraawe (i), (ii) en (iii) van paragraaf (a) van hierdie artikel gemelde hoeveelhede water as sy eie eiendom te onttrek en af te lei en mag dit uit die dam neem en dit deur middel van tunnels, buise of pypleidinge na die munisipaliteit of elders voer soos die Raad mog beslis.
- (c) Voordat die Raad begin om water uit die dam te neem of te gebruik kragtens die deur hierdie Wet verleende bevoegdhede, rig hy op sulke punte as deur die Minister voorgeskryf mog word al sulke geskikte meet- of ander toestelle op as hy gelas ten einde die waterstroming na en onderkant die dam, verdampingsverliese, onttrekkings uit die dam en onttrekkings, in geval daar is, uit die normale stroming van die

above the dam, and such other measurements as the Minister shall direct, and shall also keep daily records of such measurements. Such gauges and other apparatus and records shall be open to the inspection at all reasonable times of the Director of Irrigation or his duly authorized representative.

- (d) The Council shall, in the event of any wrongful storage by it in the dam of any water which it is not empowered by this Act so to store, be liable to pay to the Government of the Union a penalty calculated at the rate of two hundred pounds sterling per million cubic feet of water wrongfully stored. The said penalty shall be recoverable by the Minister by action in any competent court of law.

Power to construct, maintain and use works.

4. For all or any of the purposes authorized by sections *two* and *three* of this Act the Council may from time to time and on, through, under or over the lands shown on the plans of the said scheme deposited in connection with this Act under the Standing Orders of the House of Assembly construct, acquire, maintain, renew and use the works described in the Schedule to this Act, together with all other proper works connected with or auxiliary to the same, or necessary for their construction, acquisition, maintenance, renewal and use.

Power to deviate.

5. The Council may in the construction or maintenance of the works aforesaid deviate laterally from the lines or positions thereof as shown upon the said plans to any extent within the limits of deviation shown thereon and beyond the said limits by consent of the owner of the land on, under, through or over which such deviation is proposed to be made, and the Council may further in the construction or maintenance aforesaid deviate from the levels shown on the said plans to such extent as may be necessary.

Powers of expropriation.

6. (1) The Council may by agreement or failing agreement by compulsory purchase acquire, within the limits shown or described in the said plans as limits of deviation or boundaries of properties proposed to be acquired, any land, whether Crown property or private property, or any right or servitude in or over such land, including the right to take, use and carry away any stone, clay, gravel, sand or other material which it may deem necessary or expedient for the purpose of constructing, maintaining, using and renewing the works described in the Schedule to this Act, together with all other proper works connected with or auxiliary to the same or for the purpose of preventing pollution of or access to or interference with the water impounded or stored in the said storage works or for the purpose of exercising any other powers conferred by this Act:

Provided that—

- (a) no such stone, clay, gravel, sand or other material shall, save with the consent of the owner thereof be taken from any cultivated land or gardens or from any spot within a radius of 200 yards from any building upon any land; and
- (b) the powers under this section shall not apply to any land or rights of the South African Railways and Harbours Administration, but where it is necessary that the works of the Council shall pass under or over the railway lines of the said Administration, the provisions of section *seventy-two* of Act No. 22 of 1916 shall apply, whether the Council's said works cross such railway lines at a level crossing or at any other place.

(2) The Council may further by agreement or, failing agreement, by compulsory purchase acquire any land forming portion of the said farm Rietvlei No. 221, and portion of the said remaining extent of the farm Grootfontein No. 220, measuring as such 2,650 morgen 224 square roods, or the riparian rights to water of such land, or any right or servitude in or over such land which it may deem necessary or expedient

Hennopsrivier bokant die dam te meet, en sulke ander metings te doen as die Minister gelas en hou tewens daaglikse aantekenings van sulke metings. Sulke meet- en ander toestelle en aantekenings moet op alle redelike tye toeganklik wees vir inspeksie deur die Direkteur van Besproeiing of sy behoorlik gemagtigde verteenwoordiger.

- (d) In geval die Raad in die dam onwettiglik water bewaar wat hy nie deur hierdie Wet gemagtig is om so te bewaar nie, moet hy aan die Regering van die Unie 'n boete betaal bereken teen tweehonderd pond sterling per miljoen kubiek voet water wat onwettiglik bewaar is. Die genoemde boete kan deur die Minister by aksie in 'n bevoegde geregshof verhaal word.

4. Vir een of meer van die doeleindes gemagtig deur artikels twee en drie van hierdie Wet kan die Raad van tyd tot tyd en op, deur, onder of oor die gronde aangetoon op die planne van die genoemde skema, kragtens die Reglement van Orde van die Volksraad in verband met hierdie Wet gedeponeer, die in die Bylae van hierdie Wet beskrewe werke bou, verkry, onderhou, vernuwe en gebruik, benewens alle ander behoorlike werke in verband met of behulpsaam by of noodsaaklik vir hulle bou, verkryging, onderhoud, vernuwing en gebruik.

Bevoegdheid om werke te bou, onderhou en gebruik.

5. Die Raad kan by die bou of onderhoud van die voormelde werke sydelings van die lyne of posiesies daarvan soos aangetoon op die genoemde planne in enige mate afwyk binne die grense van afwyking daarop aangedui, en buite die genoemde grense met toestemming van die eienaar van die grond waarop, waaronder, waardeur of waaroor sulk 'n afwyking voorgestel word, en die Raad kan voorts by die bou of onderhoud voormeld van die op die genoemde planne aangetoonde waterhoogtes afwyk in sodanige mate as nodig mog wees.

Bevoegdheid om af te wyk.

6. (1) Die Raad kan deur ooreenkoms of by gebreke van ooreenkoms deur dwangkoop binne die grense aangedui of beskrewe in die genoemde planne as grense van afwyking of grensskeidings van eiendomme wat vir verkryging voorgestel word, enige grond verkry, hetsy Krooneiendom of private eiendom, of enige reg of serwituut in of oor sodanige grond, waaronder die reg om klip, klei, gruis, sand of ander materiaal te neem, gebruik en weg te voer wat hy nodig of dienstig mag ag vir die bou, onderhoud, gebruik en vernuwing van die werke in die Bylae van hierdie Wet beskryf, benewens alle ander behoorlike werke daaraan verbonde of daarby behulpsaam of om verontreiniging van of toegang tot of bemoeiing met die in die genoemde bewaarwerke bewaarde water te verhinder of om enige ander bevoegdhede deur hierdie Wet verleen uit te oefen:

Bevoegdheid van onteiening.

Met die verstande dat—

- (a) geen sodanige klip, klei, gruis, sand of ander materiaal, behalwe met toestemming van die eienaar daarvan, van beboude grond of tuine mag geneem word of van enige plek binne 'n omtrek van 200 jaarts van 'n gebou op enige grond; en
- (b) die bevoegdhede kragtens hierdie artikel nie van toepassing is op enige gronde of regte van die Suid-afrikaanse Spoorweë en Hawens Administrasie maar waar dit noodsaaklik is dat die werke van die Raad onder of oor die spoorlyne van die genoemde Administrasie gaan, is die bepaling van artikel twee-en-sewentig van Wet No. 22 van 1916 van toepassing, hetsy die genoemde werke van die Raad sulke spoorlyne by 'n gelykgrondse oorweg of op enige ander plek kruis.

(2) Die Raad kan verder deur ooreenkoms af by gebreke van ooreenkoms deur dwangkoop enige grond verkry wat deel uitmaak van die genoemde plaas Rietvlei No. 221 en deel van genoemde resterende gedeelte van die plaas Grootfontein No. 220 groot 2,650 morges 224 vierkante roedes of die oewerregte op water van sodanige grond, of enige reg of serwituut in of oor sodanige grond wat hy nodig of dienstig mog ag vir die

for the purpose of carrying into effect the said scheme and of the acquisition and impounding of supplies of water for such scheme and for preventing pollution of or access to or interference with such storage works or such water and generally for the purpose of exercising any other powers conferred by this Act.

(3) The right of compulsory purchase conferred upon the Council by sub-sections (1) and (2) of this section shall be exercised by it in conformity with and subject *mutatis mutandis* to the provisions of Ordinance No. 64 of 1903 (Transvaal) as amended by Ordinance No. 9 of 1912 (Transvaal).

Provision for Water Court and compensation to persons entitled thereto.

7. (1) The Council shall, within six months after the commencement of this Act, make application for the constitution by the Governor-General of an ordinary water court in terms of section *twenty-seven* of the Irrigation Act, to determine—

- (a) the claims to compensation of such persons as have been deprived by the grant to the Council of the rights and powers conferred by this Act of any water to the use whereof they were entitled immediately prior to the commencement of this Act, and who have not, by agreement, ceded to or abandoned in favour of the Council, such rights as they possessed, and whose land has not been acquired by the Council by agreement or compulsory purchase under the provisions of section *six* sub-sections (2) and (3) of this Act;
- (b) the extent of such deprivation;
- (c) the amount of compensation, if any, payable to each of such persons in respect of such deprivation suffered by him.

(2) Notwithstanding anything to the contrary contained in the Irrigation Act, or any regulations framed thereunder, all notices to be given to any person who may be affected by the matters to be determined by the said Water Court shall, unless the Water Court judge otherwise directs, be sufficiently given by a general notice published in the English and Dutch languages once a week, for four consecutive weeks in the *Gazette* and in one or more newspapers circulating in or near the areas affected by the matters to be determined aforesaid.

(3) The decision of the said Water Court as to the amount of compensation payable shall be subject to appeal to the Supreme Court of South Africa in manner provided in section *thirty-nine* of the Irrigation Act.

(4) The Council shall, before commencing to take or use, under the powers conferred by this Act, any water from the dam, pay to each of the said persons the amount of compensation awarded him by the judgment of the said Water Court or of the Supreme Court on appeal therefrom.

Powers to obtain subterranean water.

8. Notwithstanding anything to the contrary contained in Chapter III of the Irrigation Act the Council upon acquiring by agreement or by compulsory purchase the ownership of or the water rights appertaining to any portion of the farm Rietvlei No. 221, or the water rights appertaining to the remaining extent measuring as such 2,650 morgen 224 square roods, of the farm Grootfontein No. 220, both in the District of Pretoria, shall be entitled to obtain upon the land whereof it has acquired the ownership or water rights as aforesaid any subterranean water by artificial means or by such means to increase the natural flow of any existing subterranean water, and to divert such water either by direct abstraction or by impounding and storage in the dam and to convey the same by means of the tunnels, conduits or pipelines authorized by this Act into the municipality or elsewhere as the Council may decide:

Provided always that the means adopted by the Council in exercising the powers granted under this section shall be such as in the opinion of the Minister will not endanger the yield from any springs situate upon the said farms Rietvlei No. 221 and Grootfontein No. 220, both in the district of Pretoria.

uitvoering van die genoemde skema en vir die verkryging en opdamming van watervoorrade vir daardie skema en vir die verhinderings van verontreiniging van of toegang tot of bemoeiing met sodanige bewaarwerke of sodanige water en in die algemeen vir die uitoefening van enige ander bevoegdhede verleen deur hierdie Wet.

(3) Die reg van dwangkoop deur sub-artiekels (1) en (2) van hierdie artikel aan die Raad toegeken word deur hom uitgeoefen in ooreenkoms met, en met inagneming *mutatis mutandis* van die bepalings van Ordonnansie No. 64 van 1903 (Transvaal) soos gewysig deur Ordonnansie No. 9 van 1912 (Transvaal).

7. (1) Binne ses maande na die inwerkingtreding van hierdie Wet doen die Raad aansoek vir die instelling deur die Goewerneur-generaal van 'n gewone waterhof ooreenkomstig artikel *sewen-en-twintig* van die Besproeiingswet om vas te stel—

Voorsiening vir waterhof en skadeloosstelling aan daarop geregtigde persone.

(a) die eise vir skadeloosstelling van sodanige persone wat weens die toekenning aan die Raad van die regte en bevoegdhede verleen deur hierdie Wet, van enige water ontroof is op die gebruik waarvan hulle onmiddellik voor die inwerkingtreding van hierdie Wet geregtig was en wat nie sulke regte as wat hulle besit het, deur ooreenkoms afgestaan het aan, of opgegee het ten gunste van die Raad nie, en wie se grond nie deur die Raad deur ooreenkoms of dwangkoop kragtens die bepalings van sub-artiekels (2) en (3) van artikel *ses* van hierdie Wet verkry is nie ;

(b) die mate van sodanige ontrowing ; en

(c) die bedrag van die skadeloosstelling, as daar is, betaalbaar aan elk van sodanige persone ten opsigte van sodanige ontrowing wat hy ondergaan het.

(2) Nieteenstaande teenoorgestelde bepalings van die Besproeiingswet, of enige regulasies daaronder opgestel geskied, tensy die waterhofregter anders gelas, alle kennisgewings wat aan enige persoon wat deur die sake deur die genoemde waterhof vasgestel te word geraak mog word op voldoende wyse deur 'n algemene kennisgewing in die Engelse en Hollandse tale een keer in die week gepubliseer vir vier agtereenvolgende weke in die *Staatskoerant* en in een of meer nuusblaaië in omloop in of naby die kringe deur die voornoemde sake wat vasgestel moet word geraak.

(3) Die beslissing van die genoemde waterhof omtrent die bedrag van die betaalbare skadeloosstelling is onderhewig aan appèl na die Hooggeregshof van Suid-Afrika op die wyse bepaal deur artikel *negen-en-dertig* van die Besproeiingswet.

(4) Voordat die Raad begin om enige water kragtens die bevoegdhede deur hierdie Wet verleen te neem of te gebruik uit die dam, moet hy aan elk van die genoemde persone die bedrag betaal van die skadeloosstelling aan hom toegewys deur die uitspraak van die genoemde waterhof of van die Hooggeregshof na appèl.

8. Nieteenstaande teenoorgestelde bepalings van Hoofstuk III van die Besproeiingswet is die Raad geregtig om, by verkryging deur ooreenkoms of deur dwangkoop van die eiendom in, of die waterregte behorende tot enige deel van die plaas Rietvlei No. 221, of die waterregte behorende tot die resterende gedeelte, groot as sodanig 2,650 morges 224 vierkante roedes, van die plaas Grootfontein No. 220, albei in die Pretoria distrik, op die grond waarvan hy die eiendom of waterregte soos voormeld verkry het, enige ondergrondswater deur kunsmatige middels te verkry of deur sulke middels die natuurlike stroming van enige bestaande ondergrondswater te versterk, en om sulke water hetsy deur regstreekse ontrekking of deur opdamming en bewaring in die dam af te lei en dit deur middel van die deur hierdie Wet gemagtigde tonnels, buise of pypleidinge na die munisipaliteit of elders, soos die Raad mog beslis, te voer : Met die verstande altyd dat die middels deur die Raad aangewend by uitoefening van die kragtens hierdie artikel verleende bevoegdhede sodanig sal wees dat dit na die oordeel van die Minister nie die opbrings van enige bronne geleë op die genoemde plase Rietvlei No. 221 en Grootfontein No. 220 albei in die Pretoria distrik in gevaar sal bring nie.

Bevoegdhede om ondergrondswater te verkry.

Power to convey private water.

9. The Council shall be entitled to employ the dam and its said tunnels, conduits and pipe lines, or any portion thereof, for the storage and conveyance into the municipality or elsewhere as the Council may decide of any private water to which it may be entitled or may hereafter acquire upon the said farm Rietvlei No. 221 and the said remaining extent of the farm Grootfontein No. 220.

Council's rights to use and dispose of water.

10. Notwithstanding anything to the contrary contained in the Irrigation Act or in any other law, the Council shall be entitled to use the water acquired by it by means of the aforesaid water scheme for any purpose, either within or without the municipality, and may sell or otherwise dispose of the same for any purpose to inhabitants of the municipality or to any other persons whatsoever.

Borrowing powers and duties.

11. (1) Nothing in this Act contained shall be deemed to affect the provisions of Part I of Chapter 5 of Ordinance No. 11 of 1926 (Transvaal) in respect of the rights and obligations of the Council with regard to the borrowing of moneys necessary for the exercise of the powers conferred by this Act.

(2) The costs, charges and expenses incurred in respect of the passing of this Act and all preliminary expenses incurred by the Council in making surveys, plans and estimates or otherwise howsoever may be charged against the moneys borrowed by it in manner aforesaid.

Access and entry to works.

12. The Council by its proper officers and servants shall have the right of access with or without vehicles, draught animals, plant and tools to or entry upon any land over, under or on which its works as set out in the Schedule hereto are situate or pass for the purpose of constructing, maintaining, renewing and inspecting the same.

Penalty for damaging or interfering with works.

13. Any person who wilfully or negligently injures, damages, disturbs, obstructs or interrupts the works of the Council, as set out in the Schedule to this Act, or damages, injures, obstructs, hinders or prevents the forming, constructing, building, renewal or maintenance of the same shall be liable, on conviction, to a fine not exceeding one hundred pounds sterling or to imprisonment for any period not exceeding six months, or to both such fine and imprisonment.

Penalty for pollution of water.

14. Any person who knowingly or negligently places or deposits or who causes or permits to be placed or deposited in the works of the Council authorized by this Act or who knowingly or negligently causes or permits to be placed, deposited or to flow into or on any catchment area situate within a distance of five miles from the storage works authorized by this Act or in or near any watercourse, spruit, stream or river directly communicating with the said works or undertakings any solid or liquid sewage, trade refuse, house refuse or any other thing or substance which may cause or be reasonably expected to cause pollution of the water impounded and stored in the said works or who in or upon any lands used or held by the Council in connection with the said works, places or deposits or causes or permits to be placed or deposited anything, or commits or causes to be committed any act which may cause or be reasonably expected to cause such pollution, shall for every offence be liable, on conviction, to a fine not exceeding one hundred pounds or to imprisonment for any period not exceeding six months, or to both such fine and imprisonment: Provided that nothing in this section contained shall be held or taken to exempt any such person from any civil or other criminal liability in respect of any of the aforesaid acts to which he would have been subject if this Act had not been passed: Provided further that if the pollution or likelihood of pollution is due to the act of any person, such person may be restrained by order of the Transvaal Provincial Division of the Supreme Court of South Africa or any judge thereof, and if necessary ordered to remedy or remove the cause of such pollution.

9. Die Raad is geregtig om die dam en die voornoemde tonnels, buise en pypleidings of enige deel daarvan te gebruik vir die bewaring en vervoer na die munisipaliteit of elders soos die Raad mog beslis van enige private water waarop hy geregtig mog wees of wat hy hierna mog verkry op die genoemde plaas Rietvlei No. 221 en die genoemde resterende gedeelte van die plaas Grootfontein No. 220.

Bevoegdheid om private water te vervoer.

10. Nieteenstaande teenoorgestelde bepalings in die Besproeiingswet of enige ander wet is die Raad geregtig om die water deur hom deur middel van bogenoemde waterskema verkry vir enige doel binne of buite die munisipaliteit te gebruik en mag dit vir enige doel aan inwoners van die munisipaliteit of aan enige ander persone wie ook verkoop of van die hand doen.

Reg van Raad om water te gebruik en daarvoor te beskik.

11. (1) Niets in hierdie Wet vervat word geag die bepalings van Deel I van Hoofstuk 5 van Ordonnansie No. 11 van 1926 (Transvaal) te beïnvloed ten aansien van die regte en verpligtings van die Raad ten opsigte van die leen van geld wat nodig is vir die uitoefening van die bevoegdhede deur hierdie Wet verleen.

Lemingsbevoegdheid en pligte.

(2) Die koste en onkoste beloop in verband met die aanneming van hierdie Wet en al die voorlopige onkoste deur die Raad beloop in die maak van opmetings, planne en begrotings of op watter ander wyse ook mag in rekening gebring word teen die geld deur hom op bogenoemde wyse geleen.

12. Die wettige amptenare en bediendes van die Raad het, as sodanig, met of sonder voertuie, trekkiers, bedryfsinrigting en gereedskap, reg van toegang tot of betree van enige grond waaroor, waaronder of waarop sy werke soos in die Bylae hiervan uiteengesit geleë is of loop ten einde sodanige werke te bou, onderhou, vernuwe en inspekteer.

Toegang tot en betree van werke.

13. Ieder wat moedswillig of uit nalatigheid die werke van die Raad soos in die Bylae van hierdie Wet uiteengesit beskadig, verniel, stoor, versper of belemmer of die maak, aanleg, bou, vernuwing of onderhoud daarvan beskadig, verniel, stoor, versper of belemmer word na veroordeling gestraf met 'n boete van hoogstens honderd pond of met gevangenisstraf van hoogstens ses maande of met albei sodanige boete en gevangenisstraf.

Straf vir beskadiging van of bemoeiing met werke.

14. Ieder wat met voorkennis of uit nalatigheid in die werke van die Raad deur hierdie Wet gemagtig plaas of neerlê of wat laat plaas of neerlê of toelaat dat geplaas of neergelê word, of wat met voorkennis of uit nalatigheid in of op enige opvanggebied geleë binne vyf myl van die bewaarwerke deur hierdie Wet gemagtig of in of naby enige waterloop, spruit, stroom of rivier wat met genoemde werke of ondernemings in regstreekse verbinding is, laat plaas of neerlê of laat vloei, of toelaat dat geplaas of neergelê word of vloei, vaste of vloei-bare rioolvuil, nywerheidsafval, huisvuilnis of enige ander ding of stof wat verontreiniging van die water in genoemde werke opgevang en bewaar kan veroorsaak of redelikerwys verwag kan word om dit te doen of wat in of op enige grond deur die Raad in verband met genoemde werke gebruik of gehou iets plaas of neerlê of laat plaas of neerlê of toelaat dat dit geplaas of neergelê word, of enige daad begaan of laat begaan wat sodanige verontreiniging kan veroorsaak, of redelikerwys verwag kan word te veroorsaak word vir iedere oortreding na veroordeling gestraf met 'n boete van hoogstens honderd pond of gevangenisstraf van hoogstens ses maande of met albei sodanige boete en gevangenisstraf: Met die verstande dat die bepalings van hierdie artikel nie geag word so 'n persoon ten aansien van bogenoemde daad vry te stel nie van enige siviele of ander kriminele verantwoordelikheid wat op hom sou gerus het indien hierdie Wet nie aangeneem was nie: Met die verstande verder dat as die verontreiniging of kans op verontreiniging te wyte is aan die handeling van 'n persoon so 'n persoon onder verbod gestel kan word op order van die Transvaalse Prowinsiale Afdeling van die Hooggeregshof van Suid-Afrika of van enige regter daarvan en indien nodig gelas kan word om die oorsaak van sodanige verontreiniging te verwyder.

Straf vir verontreiniging van water.

Penalty for wrongfully taking or using water.

15. No person shall, without the written sanction of the Council, take or use any water which the Council is empowered to impound, store, divert, appropriate or supply under the powers conferred by this Act, and every person taking or using such water without such sanction shall be liable, on conviction, to a fine not exceeding one hundred pounds or to imprisonment for any period not exceeding six months, or to both such fine and imprisonment: Provided that nothing in this section contained shall be held or taken to exempt such person from any civil or other criminal liability for any of the aforesaid acts to which he would have been subject if this Act had not been passed.

Application of fines and power of prosecution.

16. (1) Any fine inflicted under the provisions of this Act shall be payable into and form portion of the revenue of the Council as set out in section *forty-seven* of Ordinance No. 11 of 1926 (Transvaal).

(2) The Council may by any person authorized thereto in writing under the hand of the mayor or town clerk prosecute summarily in the magistrate's court having jurisdiction for all contraventions of sections *thirteen*, *fourteen* and *fifteen* of this Act and the provisions of any law relating to prosecutions by a local authority in such court shall apply to all such prosecutions.

Short title.

17. This Act may be cited as the Pretoria Waterworks (Private) Act, 1929.

#### Schedule.

The principal works authorized by this Act shall be as follows:—

An impounding reservoir will be constructed by the erection of a dam in and across the valley of the Hennops River on and near the Western boundary of the farm Rietvlei No. 221 district of Pretoria the Northern end of which will abut on portion B named Retreat of the Northern portion of the said farm Rietvlei and the Southern end of which will abut on the remaining extent of portion A of the Southern portion measuring as such 915 morgen 310 square roods of the said farm Rietvlei.

The full supply level of the said reservoir will be 72 to 75 feet high above the general river bed and the wall of the said dam will be approximately twelve hundred feet long and will be provided with such sluiceways or gates as may be necessary. The reservoir will impound approximately five hundred and eleven million cubic feet of water and its length will be approximately 2·8 miles up the valley of the Hennops River. The said reservoir will extend into and partly submerge the following properties:—

Certain portion B named Retreat of the Northern portion of the aforesaid farm Rietvlei the remaining extent of portion A of the Southern portion measuring as such 915 morgen 310 square roods of the aforesaid farm Rietvlei and the remaining extent of the Northern portion measuring as such 2,671 morgen 45 square roods of the aforesaid farm Rietvlei.

The total area submerged will be approximately five hundred and five acres but the interference with the above-mentioned properties will not be limited to that area inasmuch as an area surrounding and abutting on the submerged area of the reservoir will require to be taken for the purposes of the undertaking substantially as shown by means of a dotted line upon the deposited plans.

Certain springs situate on the farms Grootfontein No. 220 and Rietvlei No. 221 both in the district of Pretoria as shown on the deposited plans will be enclosed with protective and covering works in concrete or other suitable material and the waters of such springs will be led and conveyed by means of pipe lines the routes of which will be substantially as shown upon the deposited plans down the valley of the Hennops River to and above the aforesaid impounding reservoir and join the main aqueduct from the purification works hereinafter mentioned below such purification works. The interference with the said farms Grootfontein and Rietvlei upon which the above-mentioned springs are situate will not be limited to the area covered by the protective and covering works with which they will be enclosed nor to the actual areas through which the above-mentioned pipe lines will be laid inasmuch as areas surrounding and abutting on the same will require to be taken for the purposes of the proper protection and development and use of such springs and pipe lines substantially as shown by means of a dotted line upon the deposited plans.

The water from the aforesaid impounding reservoir will be abstracted through an outlet pipe in the said dam and will be conducted by means of a pipe line to purification works to be constructed immediately downstream from the said dam upon portion B named Retreat of the Northern portion of the aforesaid farm Rietvlei No. 221 in the district of Pretoria and after passage through such purification works will be led into and conveyed by an aqueduct which will be joined by the hereinbefore-mentioned pipe lines from the hereinbefore-mentioned springs. The said aqueduct will consist of pipe lines through which the aforesaid water will gravitate and be led and conveyed to the municipal area of the Town Council of Pretoria along the following route namely:—

From the aforesaid purification works through the said portion B named Retreat of the Northern portion of the aforesaid farm Rietvlei

15. Sonder die skriftelike toestemming van die Raad mag niemand enige water neem of gebruik wat die Raad ingevolge die bevoegdheids deur hierdie Wet verleen gemagtig is op te dam, te bewaar, af te lei, toe te eien of te verskaf, en ieder persoon wat sodanige water sonder sodanige toestemming neem of gebruik word na veroordeling gestraf met 'n boete van hoogstens honderd pond of met gevangenisstraf van hoogstens ses maande of met albei sodanige boete en sodanige gevangenisstraf: Met die verstande dat die bepalings van hierdie artikel nie geag word so 'n persoon vry te stel nie van enige siviele of kriminele verantwoordelikheid vir enige van bogenoemde dade wat op hom sou gerus het indien hierdie Wet nie aangeneem was nie.

Straf vir wederregtelik neem of gebruik van water.

16. (1) Enige boete kragtens die bepalings van hierdie Wet opgelê word gestort in en maak deel uit van die inkomste van die Raad soos in artikel *sewen-en-veertig* van Ordonnansie No. 11 van 1926 (Transvaal) uiteengesit.

Aanwending van boetes en reg van vervolging.

(2) Die Raad kan deur middel van enige persoon, skriftelik daartoe gemagtig onder die handtekening van die burgemeester of die stadsdokter, in die desbevoegde magistratshof vir alle oortredings van artikels *dertien*, *veertien* en *vyftien* van hierdie Wet summierlik vervolg, en die bepalings van enige wet betreffende vervolgings deur 'n plaaslike bestuur in sodanige hof is op al sodanige vervolgings van toepassing.

17. Hierdie Wet kan aangehaal word as die Pretoria Waterwerke (Private) Wet, 1929. Kort tittel.

### Bylae.

Die vernaamste werke deur hierdie Wet gemagtig is as volg:

'n Opvangreservoir sal gebou word deur die opwerp van 'n dam in en oor die vallei van die Hennopsrivier op en naby die Westelike grens van die plaas Rietvlei No. 221 distrik Pretoria die Noordelike end waarvan op deel B genoem Retreat van die Noordelike deel van genoemde plaas Rietvlei sal grens en die Suidelike end waarvan op die restant van deel A van die Suidelike deel groot 915 morg 310 vierkante roedes van genoemde plaas Rietvlei sal grens.

Die grootste waterhoogte van genoemde reservoir sal van 72 tot 75 voet bo die algemene rivierbed wees en die wal van genoemde dam sal naasteby twaalfhonderd voet lank wees en sal voorsien wees van sluise of deure soos nodig mag wees. Die reservoir sal naasteby vyfhonderden-elf miljoen kubieke voet water opvang en sy lengte sal naasteby 2-8 myl stroomop in die vallei van die Hennopsrivier wees. Genoemde reservoir sal sig uitstrek tot en in die volgende eiendomme en sal hul'e gedeeltelik oorstroom:—

Seker deel B genoem Retreat van die Noordelike deel van voornoemde plaas Rietvlei die restant van deel A van die Suidelike deel groot 915 morg 310 vierkante roedes van voornoemde plaas Rietvlei en die restant van die Noordelike deel groot 2,671 morg 45 vierkante roedes van voornoemde plaas Rietvlei.

Die totale oorstroomde oppervlakte sal naasteby vyfhonderden-en-vyf akkers wees maar die bemoeiing met bogenoemde eiendomme sal nie tot daardie oppervlakte beperk wees aangesien 'n oppervlakte omringende en grensende aan die oorstroomde oppervlakte van die reservoir gemeem sal moet word vir die doeleindes van die onderneming hoofsaaklik soos aangetoon deur 'n stippellyn op die gedeponeerde planne.

Sekere fonteine geleë op die plase Grootfontein No. 220 en Rietvlei No. 221 albei in die Pretoria distrik soos op die gedeponeerde planne aangetoon sal ingesluit word deur beskermende en bedekkende werke in konkreet of ander geskikte materiaal en die water van sulke fonteine sal gelei en gevoer word deur middel van pypleidings die roetes waarvan hoofsaaklik so sal wees as op die gedeponeerde planne aangetoon die vallei van die Hennopsrivier af na en bokant die bogenoemde opvangreservoir en sal die hoofwaterleiding van die hierna genoemde reinigingswerke onderkant sodanige reinigingswerke ontmoet. Die bemoeiing met genoemde plase Grootfontein en Rietvlei waarop bogenoemde fonteine geleë is sal nie beperk wees tot die oppervlakte deur die beskermende en bedekkende werke beslaan waarmee hulle ingesluit sal wees nog tot die werklike oppervlakte waardeur bogenoemde pypleidings sal loop aangesien oppervlakte dieselwe omringende en daaraan grensende gemeem sal moet word vir die doeleindes van die behoorlike beskerming en ontwikkeling en gebruik van sulke fonteine en pypleidings hoofsaaklik deur 'n stippellyn op die gedeponeerde planne aangetoon.

Die water van bogenoemde opvangreservoir sal onttrek word deur middel van 'n uitlaatpyp in genoemde dam en sal deur middel van 'n pypleiding gevoer word na die reinigingswerke gebou te word onmiddellik onderkant genoemde dam op deel B genoem Retreat van die Noordelike deel van voornoemde plaas Rietvlei No. 221 in die Pretoria distrik en na deur sulke reinigingswerke te gaan sal gelei en gevoer word deur 'n waterleiding waarby sal aansluit die bogenoemde pypleidings van bogenoemde fonteine. Genoemde waterleiding sal bestaan uit pypleidings waardeur die bogenoemde water deur sy eie gewig sal afvloei en gelei en gevoer word na die munisipale gebied van die stadsraad van Pretoria langs die volgende roete naamlik:—

Van bogenoemde reinigingswerke deur genoemde deel B genoem Retreat van die Noordelike deel van voornoemde plaas Rietvlei

the remaining extent of portion B of the farm Doornkloof No. 449 district of Pretoria the remaining extent of portion of portion B called Irene of the said farm Doornkloof under the Pretoria-Johannesburg railway line South of Irene Station through the golf course situate on the said remaining extent of portion of portion B called Irene of the said farm Doornkloof through Station and Albert Roads and Reserve C in the township of Irene Westwards through the said remaining extent of portion of portion B called Irene of the said farm Doornkloof through portion A of the farm Drooge grond No. 484 district of Pretoria and the remaining extent of the Eastern portion of the farm Zwartkop No. 476 district of Pretoria again through the said portion A of the farm Drooge grond No. 484 into the Municipal Area of the Town Council of Pretoria across the Southern boundary of the farm Groenkloof No. 419 passing under the Pretoria-Johannesburg railway line on to and along the main Pretoria-Irene road and thence through the said Municipal area to be delivered at a point of terminus at the Muckleneuk High Level Reservoir all as shown on the deposited plans.

The necessary measuring weirs and recording gauges, instruments or other apparatus prescribed by the Minister required to measure and record the flow of water into and below the aforesaid impounding reservoir evaporation losses and abstractions from the dam and abstractions if any of the normal flow of the Hennops River above such dam will be erected and constructed where required.

No. 16, 1929.]

## ACT

### To repeal certain sections of the Imperial Merchant Shipping Act, 1894, and Imperial Merchant Shipping (Salvage) Act, 1916.

**BE IT ENACTED** by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa as follows:—

Repeal of certain sections of Imperial Merchant Shipping Acts.

1. Sections *five hundred and fifty-seven to five hundred and sixty-four* inclusive of the Imperial Merchant Shipping Act, 1894, and the whole of the Imperial Merchant Shipping (Salvage) Act, 1916, are hereby repealed in so far as they relate to ships registered in the Union and owned by the Union Government.

Date of commencement.

2. This Act shall come into operation on a date to be fixed by the Governor-General by proclamation in the *Gazette*.

Short title.

3. This Act may be cited as the Merchant Shipping Act, 1929.

die restant van deel B van die plaas Doornkloof No. 449 Pretoria distrik die restant van deel van deel B genoemd Irene van genoemde plaas Doornkloof onder die Pretoria-Johannesburg spoorweg Suid van Irene Stasie deur die golf-veld geleë op genoemde restant van deel van deel B genoemd Irene van genoemde plaas Doornkloof deur Station en Albert Roads en Reserwe C in die dorp Irene Weswaarts deur genoemde restant van deel van deel B genoemd Irene van genoemde plaas Doornkloof deur deel A van die plaas Drooge grond No. 484, Pretoria distrik en die restant van die Oostelike deel van die plaas Zwartkop No. 476 Pretoria distrik weer deur genoemde deel A van die plaas Drooge grond No. 484 binne die munisipale gebied van die Stadsraad van Pretoria oor die Suidelike grens van die plaas Groenkloof No. 419 gaande onder die Pretoria-Johannesburg spoorweg na en langs die hooft Pretoria-Irene weg en vandaar deur genoemde munisipale gebied om ontlast te word op 'n eindpunt by die Muckleneuk Hoë Reservoir alles soos op die gedepondeerde planne aangetoon.

Die nodige meetstuwe en aantekenende meettoestelle, instrumente of ander appaarate deur die Minister voorgeskryf as nodig om die stroming van die water in en benede bogenoemde opvangreservoir te meet en aan te teken asook verliese deur verdamping en onttrekkings uit die dam en onttrekkings, indien enige, van die normale stroming van die Hennopsrivier bokant sodanige dam sal waar nodig gebou en opgerig word.

No. 16, 1929.]

## WET

### Tot herroeping van sekere artikels van die Imperiale „Merchant Shipping Act, 1894” en die Imperiale „Merchant Shipping (Salvage) Act 1916”.

**DIT WORD BEPAAL** deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

1. Artikels *vyfhonderd-sewen-en-vyftig* tot en met *vyfhonderd-vier-en-sestig* van die Imperiale „Merchant Shipping Act 1894” en die hele Imperiale „Merchant Shipping (Salvage) Act 1916” word hiermee herroep vir sover hul betrekking het op skepe wat in die Unie geregistreer is en wat die eiendom van die Unie-regering is.

Herroeping van sekere artikels van Imperiale Koopvaardywette.

2. Hierdie Wet tree in werking op 'n deur die Goewerneur-generaal by proklamasie in die *Staatskoerant* vas te stelle dag.

Datum van inwerkingtreding.

3. Hierdie Wet kan aangehaal word as die Koopvaardywet 1929.

Kort titel.

No. 17, 1929.]

## ACT

**To amend the Defence Endowment Property and Account Act, 1922.**

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows :—

Amendment of  
section *three* of Act  
No. 33 of 1922.

1. Section *three* of the Defence Endowment Property and Account Act, 1922 (Act No. 33 of 1922), is hereby amended by the insertion—

(a) in sub-section (1) after the word " sale " of the word " donation " ; and

(b) at the end of the said section of the following sub-sections :—

(6) Notwithstanding anything contained in any law relating to the disposal of Crown land, the Governor-General may, subject to such reservations and conditions as he may deem fit, donate and transfer to the Commission for the preservation of natural and historical monuments of the Union established under section *one* of the Natural and Historical Monuments Act, 1923 (Act No. 6 of 1923)—

(a) the property specified in item No. 4 or 5 of the Schedule to this Act, or any portion of any such property ; and

(b) the property, or any portion of the property, described in any other item of the said Schedule which the Minister of Defence may certify under his hand to be an object of historical interest and to be property which is not required, and is not likely to be required, for the purpose of the Union Defence Forces.

(7) No transfer duty, stamp duty or any registration fees or charges shall be payable in respect of any donation or transfer under sub-section (6) and notwithstanding anything contained in any law any property transferred to the Commission in terms of sub-section (6) shall not so long as it remains vested in such Commission be liable to be rated for any purpose by any local government authority.

Short title

2. This Act may be cited as the Defence Endowment Property and Account (Amendment) Act, 1929.

No. 17, 1929.]

**WET****Tot wysiging van die Verdediging Begiftigings Eigendom en Rekeningwet, 1922.**

**DIT WORD BEPAAL** deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg :—

1. Artikel *drie* van die Verdediging Begiftigings Eigendom en Rekeningwet 1922 (Wet No. 33 van 1922) word hiermee gewysig deur invoeging—

Wysiging van artikel *drie* van Wet No. 33 van 1922.

(a) in sub-artikel (1) na die woord „verkoop” van die woord „schenking”; en

(b) na bedoelde sub-artikel van die navolgende sub-artikels :

(6) Niettegenstaande enige wet omtrent de beskikking over Kroongrond mag de Goeverneur-generaal, behoudens zodanige bepalingen en voorwaarden als hij goedvinden mag, aan de Kommissie voor het behoud van natuurlike en historiese monumenten van de Unie, ingesteld ingevolge artikel *een* van de Natuurlike en Historiese Monumenten Wet 1923 (Wet No. 6 van 1923) schenken en transporteren—

(a) het eigendom bepaald in item No. 4 of 5 van de Bijlage tot deze Wet, of enig gedeelte van bedoeld eigendom ; en

(b) het eigendom, of enig gedeelte ervan, bepaald in enig ander item van bedoelde Bijlage, dat de Minister van Verdediging onder zijn hand als een voorwerp van historiese waarde en als eigendom dat niet voor de doeleinden van de Unie Verdedigingsmachten benodigd is of waarschijnlijk benodigd zal worden certificeren mag.

(7) Geen heren- of zegelrechten, noch enige registratie-foeien of leges zijn ten opzichte van enige schenking of transport krachtens sub-artikel (6) hefbaar en niettegenstaande enige wettelijke bepalingen wordt geen eigendom dat overeenkomstig sub-artikel (6) aan de Kommissie getransporteerd wordt, zo lang als het in zodanige Kommissie gevestigd blijft, voor enig doel door een plaatselik bestuur belast.

2. Hierdie Wet kan aangehaal word as die Verdedigings Begiftigings-Eiendom en Rekenings-Wysigingswet, 1929. Kort tiitel.

No. 18, 1929.]

## PRIVATE ACT

### To amend the Rand Mines Power Supply Company Water Supply (Private) Act, 1919.

Preamble.

WHEREAS the Rand Mines Power Supply Company Limited (hereinafter referred to as "the Company") is a company duly registered with limited liability in the Transvaal Province and is the registered owner of portions of the farms Leeuwkuil No. 81 and Klipplaatdrift No. 83, situate in the district of Vereeniging (formerly Nos. 334 and 336, district Heidelberg), Transvaal, being land riparian to the Vaal River, and is the holder of a licence granted under the Power Act 1910 (Transvaal) and amended in terms of the Electricity Act, 1922, authorizing it, *inter alia*, to carry on an undertaking and to erect, maintain and use on the above mentioned land a generating station, known as the Vereeniging Generating Station, for the supply of power, in terms of the said licence :

AND WHEREAS by the Rand Mines Power Supply Company Water Supply (Private) Act 1919 (hereinafter referred to as "the principal Act"), the Company is authorized to abstract use and consume from the Vaal River within the storage area mentioned in section *four* of the Rand Water Board Supplementary Water Supply (Private) Act 1914 (hereinafter referred to as "the Board's Act"), such water as it shall from time to time require for the purpose of the generating station as described in the First Schedule to the principal Act but not for any extension thereof subject to the conditions imposed by the principal Act :

AND WHEREAS the demand for power to be supplied by the Company for industrial and other purposes and more particularly for the requirements of the gold mines of the Witwatersrand has since the commencement of the principal Act largely increased and it is necessary in order to enable the Company to meet such demand that its generating station as described in the said First Schedule should be extended but so that the quantity of electrical energy sent out in any one hour from the generating station as thus extended for transmission and distribution to consumers shall not exceed the amount prescribed by this Act :

AND WHEREAS it will be necessary for the Company for purposes incidental to the working of its extended generating station to abstract and consume water in excess of the quantities allowed under the principal Act and to be awarded accommodation in the storage area referred to in the Board's Act sufficient to provide for such additional quantities :

AND WHEREAS it is provided by the principal Act that the storage accommodation awarded to the Company and the water to be stored therein shall in accordance with the agreement contained in the Second Schedule to that Act be deducted from the proportionate shares which the Vereeniging Estates Limited and Lewis & Marks Limited and their successors in title as owners of farms mentioned in that agreement are entitled to in the water of the Vaal River and in the storage accommodation reserved in sub-section (2) of section *three* and section *four* of the Board's Act and it has been agreed between the said parties and the Company that the additional storage accommodation to be herein provided and the water to be stored therein shall be likewise so deducted :

AND WHEREAS it is desirable that the points at which the water required for the extended generating station shall be abstracted and returned shall be those shewn on the plans deposited in connection with the principal Act in accordance with the Standing Rules and Orders of the House of Assembly save that the point of return may be deviated within a distance to be prescribed by this Act down stream from the point of return as shewn on the said plans :

AND WHEREAS by reason of an agreement made between the Board and the Company which is set out in the Second Schedule to this Act the provisions of the principal Act

No. 18, 1929.]

## PRIVATE WET

**Om die Rand Mijnen Krachtverschaffings Maatschappij Waterverschaffings (Private) Wet, 1919, te wysig.**

Aanhf.

**N**ADEMAAL die Rand Myne Kragverskaffings Maatskappy, Beperk (hierna genoem „die Maatskappy”) ’n maatskappy is behoorlik geregistreer in die Provinsie Transvaal met beperkte verantwoordelikheid en die geregistreeerde eienaar is van dele van die plase Leeuwkuil No. 81 en Klipplaatdrift No. 83 geleë in die distrik Vereeniging (voorheen Nos. 334 en 336, distrik Heidelberg) Transvaal, synde oewergrond langs die Vaalrivier, en die houer is van ’n lisensie uitgereik onder die Krag Wet 1910 (Transvaal) en gewysig in terme van die Elektrisiteits Wet, 1922, hom magtigende om, onder meer, ’n onderneming te dryf en om op bogenoemde grond ’n krag-sentrale vir die verskaffing van krag, bekend as die Vereeniging Kragentrale, ooreenkomstig genoemde lisensie op te rig, te onderhou en te gebruik :

EN NADEMAAL ingevolge die Rand Mijnen Krachtverschaffings Maatschappij Waterverschaffings (Private) Wet, 1919, (hierna die Hoofwet genoem) die Maatskappy gemagtig is van die Vaalrivier binne die bewaargebied in artikel vier van die Rand Waterraad Verdere Waterverschaffings (Private) Wet, 1914 (hierna die Raad se Wet genoem) met inagneming van die voorwaardes deur die Hoofwet opgelê soveel water te onttrek, gebruik en verbruik as hy van tyd tot tyd mog nodig vind vir die doeleindes van die kragentrale soos beskryf in die Eerste Bylae van die Hoofwet maar nie vir enige uitbreiding daarvan nie :

EN NADEMAAL die vraag na krag deur die Maatskappy verskaf te word vir nywerheids- en ander doeleindes en veral vir die behoeftes van die goudmyne van die Witwatersrand sedert die inwerkingtreding van die Hoofwet grootliks toegeneem het, en om die Maatskappy in staat te stel om aan daardie vraag te voldoen dit nodig is dat sy kragentrale soos in genoemde Eerste Bylae beskryf uitgebrei word in slegs so’n mate dat die hoeveelheid elektriese enersjie in een enkel uur van die aldus uitgebreide kragentrale vir deursending na en distribusie onder verbruikers uitgelaat nie meer sal wees as die hoeveelheid deur hierdie Wet voorgeskryf :

EN NADEMAAL dit nodig sal wees dat die Maatskappy vir doeleindes in verband met die werksaamhede van sy uitgebreide kragentrale meer water onttrek en verbruik dan die hoeveel-hede onder die Hoofwet toegelaat en dat aan hom in die bewaar-gebied in die Raad se Wet genoem voldoende ruimte vir sodanige addisionele hoeveelhede toegeken word :

EN NADEMAAL dit in die Hoofwet bepaal word dat die bewaar-ruimte aan die Maatskappy toegeken, en die water daarin bewaar te word, volgens die ooreenkoms vervat in die Tweede Bylae van daardie Wet afgetrek sal word van die proporsionele aandele waarop die Vereeniging Estates Limited en Lewis & Marks Limited en hulle regsopvolgers as eienaars van die plase in daardie ooreenkoms genoem geregtig is op die water van die Vaalrivier en op die bewaarruimte uitgehou ingevolge sub-artikel (2) van artikel drie en artikel vier van die Raad se Wet en genoemde partye en die Maatskappy ooreengekom het dat die addisionele bewaarruimte hierin te word bepaal en die water daarin te word bewaar eweneens aldus sal afgetrek word :

EN NADEMAAL dit wenslik is dat die punte waar die water vir die uitgebreide kragentrale benodig, onttrek en teruggestort word dié sal wees wat aangetoon is op die planne in verband met die Hoofwet gedeponeer ooreenkomstig die Reglement van Orde van die Volksraad behalwe dat van die punt van terugstorting afgewyk kan word binne ’n afstand deur hierdie Wet vasgestel te word stroomaf van die punt van terugstorting op genoemde planne aangetoon :

EN NADEMAAL weens ’n ooreenkoms aangegaan tussen die Raad en die Maatskappy waarvan ’n vertaling in die Tweede Bylae tot hierdie Wet uiteengesit is die bepaling van die

regulating the temperature at which the water may be returned to the river by the Company will not be required after the expiration of a period of eighteen months from the date when the Company obtains the right to increase the output of its existing generating station at Vereeniging and obtains any additional accommodation and rights to water or after such date as the Board has installed and has ready for service such works as render unnecessary the protection afforded to the Board by such provisions whichever date is the earlier, and it is accordingly expedient to repeal sections *six* and *eight* of the principal Act and the Third Schedule to that Act:

AND WHEREAS it is desirable save as is otherwise herein provided that the abstraction, use and consumption of water by the Company should be and continue to be subject to the conditions and limitations imposed by the principal Act:

**BE IT ENACTED** by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa as follows:—

Company may abstract and use water for an extended generating station.

1. Notwithstanding anything contained in the Rand Mines Power Supply Company Water Supply (Private) Act 1919 (hereinafter referred to as the principal Act) the Company may for the purposes of operating its generating station as described in the First Schedule to the principal Act together with an addition thereto of further generating units but so that the quantity of electrical energy sent out in any one hour from the generating station as thus extended for transmission and distribution to consumers shall not exceed one hundred and thirty-six thousand kilowatt hours abstract use and consume from the Vaal River within the storage area such water as it shall from time to time require subject to the conditions imposed by the principal Act as amended by this Act.

Quantity of water authorized under Act No. 14 of 1919 may be increased.

2. (1) The quantity of water which under section *two* of the principal Act the Company is authorized to consume for purposes incidental to the working of its generating station and is not obliged to return to the river shall for the purposes incidental to the working of the extended generating station not exceed two hundred thousand gallons in any one period of twenty-four hours and shall not exceed forty million gallons in any one year.

(2) The quantity of water lost by evaporation in excess of natural evaporation due directly to the use of the water from the river by the Company for cooling and condensing purposes which for the purposes of the principal Act is deemed to amount to two hundred and seventy million gallons in each year shall for the purposes of this Act be deemed to be five hundred and sixty million gallons in each year.

(3) Save as herein amended the provisions of section *two* of the principal Act shall continue to be of full force and effect.

Additional storage accommodation and rights to water.

3. (1) The storage accommodation awarded to the Company under section *three* of the principal Act is hereby increased so that the Company shall be deemed to be the holder of a permit to store a quantity of surplus water not exceeding at any one time six hundred million gallons.

(2) The Company shall also be deemed to have been granted permission by a water court in terms of section *twenty* of the Irrigation and Conservation of Waters Act 1912 to impound the additional water in the channel of the Vaal River for industrial purposes.

(3) Section *three* of the principal Act shall accordingly have effect in all respects as if the quantity of six hundred million gallons were substituted for the quantity of three hundred million gallons therein mentioned.

Additional storage accommodation and rights to water to be deducted from proportionate share of Vereeniging Estates Ltd. and Lewis & Marks Limited.

4. The additional storage accommodation and water awarded to the Company under section *three* of this Act shall in accordance with the agreement set out in the First Schedule to this Act be deducted from the proportionate shares which the Vereeniging Estates Limited and Lewis & Marks Limited and their successors in title as owners of the farms mentioned in the said agreement are entitled to in the storage accommodation reserved in sub-section (2) of section *three* and section *four* of the Board's Act for the benefit of the owners of land riparian to the storage area and in the water which may be abstracted therefrom by the said owners of such land and

Hoofwet reërende die temperatuur waarop die water deur die Maatskappy in die rivier teruggestort mag word nie nodig sal wees na verstryking van 'n tydperk van agtien maande vanaf die datum waarop die Maatskappy die reg verkry om die stroomproduksie van sy bestaande kragentrale te Vereeniging te vermeerder en enige addisionele bewaar ruimte en regte op water verkry of na sodanige datum as waarop die Raad sulke werke geïnstalleer en gereed vir diens het dat die beskerming wat aan die Raad deur sodanige bepalings verskaf word onnodig gemaak word, watter van daardie datums die vroegste is, en dit derhalwe raadsaam is om artikels *ses* en *ag* van die Hoofwet en die Derde Bylae tot daardie Wet te herroep:

EN NADEMAAL dit wenslik is behalwe soos andersins hierin bepaal dat die onttrekking, gebruik en verbruik van water deur die Maatskappy onderworpe sal wees en bly aan die voorwaardes en beperkings deur die Hoofwet opgelê:

**WORD DIT BEPAAL** deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

1. Nieteenstaande die bepalings van die Rand Mijnen Krachtverschaffings Maatschappij Waterverschaffings (Private) Wet 1919 (hierna genoem die Hoofwet) mag die Maatskappy vir die gebruik van sy kragentrale soos in die Eerste Bylae van die Hoofwet beskryf met 'n toevoeging daaraan van addisionele kragontwikkelende eenhede in slegs so 'n mate dat die hoeveelheid elektriese enersjê in een enkel uur van die aldus uitgebreide kragentrale uitgelaat vir deursending na en distribusie onder verbruikers nie meer bedra as honderd-ses-en-dertig duisend kilowatt ure, van die Vaalrivier binne die bewaargebied soveel water onttrek, gebruik en verbruik as hy van tyd tot tyd nodig het met inagneming egter van die voorwaardes deur die Hoofwet soos deur hierdie Wet gewysig opgelê.

2. (1) Die hoeveelheid water wat die Maatskappy ingevolge artikel *twee* van die Hoofwet gemagtig is te verbruik vir doeleindes in verband met die gebruik van sy kragentrale en nie verplig is in die rivier terug te stort sal vir die doeleindes in verband met die gebruik van die uitgebreide kragentrale nie meer bedra as tweehonderd duisend gallons in een enkel tydvak van vier-en-twintig uur en nie meer as veertig miljoen gallons in een enkel jaar.

(2) Die hoeveelheid water wat verloor gaan deur verdamping, behalwe natuurlike verdamping, regstreeks te wyte aan die gebruik van die water uit die rivier deur die Maatskappy vir afkoeling en kondensasie wat vir die doeleindes van die Hoofwet geag word tweehonderd-en-sewentig miljoen gallons in ieder jaar te bedra word vir die doeleindes van hierdie Wet geag vyfhonderd-en-sestig miljoen gallons in ieder jaar te bedra.

(3) Behalwe soos hierin gewysig bly die bepalings van artikel *twee* van die Hoofwet van volle krag en effek.

3. (1) Die bewaar ruimte aan die Maatskappy toegeken kragtens artikel *drie* van die Hoofwet word hierby vermeerder sodat die Maatskappy geag word die houer te wees van 'n permit om 'n hoeveelheid surpluswater te bewaar nie op enige tyd te bogaande seshonderd miljoen gallons.

(2) Die Maatskappy word ook geag van 'n waterhof ooreenkomstig artikel *twintig* van die Besproeiings- en Waterbewaringswet 1912 vergunning te gekry het om vir industriële doeleindes die addisionele water in die bedding van die Vaalrivier op te vang.

(3) Artikel *drie* van die Hoofwet is dienooreenkomstig in alle opsigte van krag asof die daarin genoemde hoeveelheid van driehonderd miljoen gallons vervang is deur die hoeveelheid van seshonderd miljoen gallons.

4. Die addisionele bewaar ruimte en water aan die Maatskappy kragtens artikel *drie* van hierdie Wet toegeken word volgens die ooreenkoms waarvan 'n vertaling in die Eerste Bylae tot hierdie Wet uiteengesit is van die proporsionele aandele afgetrek waarop die Vereeniging Estates Limited en Lewis & Marks Limited en hulle regsopvolgers as eienaars van die plase in die ooreenkoms genoem geregtig is in die bewaar ruimte ingevolge sub-artikel (2) van artikel *drie* en artikel *vier* van die Raad se Wet vir die gebruik van die eienaars van oewergrond langs die bewaargebied uitgehou en in die water wat daarvan deur die genoemde eienaars van sodanige grond onttrek mag

Maatskappy mag water onttrek vir gebruik in 'n uitgebreide kragentrale

Hoeveelheid water deur Wet No. 14 van 1919 gemagtig mag vermeerder word.

Addisionele bewaar ruimte en regte op water.

Addisionele bewaar ruimte en regte op water afgetrek te word van proporsionele aandeel van Vereeniging Estates Ltd. en Lewis & Marks Ltd.

such deductions shall be in addition to those authorized under section *four* of the principal Act.

Point of  
return may  
be deviated.

5. The water to be abstracted and returned under the authority conferred by the principal Act as amended by this Act shall be so abstracted and returned at the points shown on the plans deposited in connection with the principal Act in accordance with the Standing Rules and Orders of the House of Assembly: Provided that the Company may return such water at any point within a distance not exceeding nine hundred feet down stream from the point of return shown on the said plans.

Repeal.

6. Sections *six* and *eight* of the principal Act and the Third Schedule to that Act are hereby repealed as from the expiration of a period of eighteen months from the date when the Company obtains the right to increase the output of its existing generating station at Vereeniging and obtains any additional accommodation and rights to water or as from such date as the Board has installed and has ready for service such works as render unnecessary the protection afforded to the Board by the provisions of sections *six* and *eight* of the principal Act and the Third Schedule to that Act, whichever date is the earlier.

Certain  
Agreement  
ratified.

7. The agreement between the Company and the Board set out in the Second Schedule to this Act is hereby ratified and confirmed.

Short title.

8. This Act may be cited as the Rand Mines Power Supply Company Additional Water Supply (Private) Act 1929 and shall be read as one with the principal Act.

### First Schedule.

AGREEMENT entered into between The Vereeniging Estates, Limited and Messrs. Lewis and Marks, Limited (hereinafter jointly called "the Owners"), of the one part, The Vereeniging Estates, Limited being duly represented herein by Louis Marks and William Mallinson, two of the Directors, in terms of a resolution taken at a meeting of that Company's Directors held on the 14th day of November, 1928, and Lewis and Marks, Limited being duly represented herein by Louis Marks and Joseph Mordechia Marks and Lewis First, two of the Directors and Secretary respectively, in terms of a resolution taken at a meeting of that Company's Directors held on the 14th day of November, 1928, and the Rand Mines Power Supply Company, Limited (hereinafter called "the Power Company"), of the other part, being duly represented herein by Bernard Price, O.B.E., and Charles Lumsdaine Bryden, in their capacity as two of the Directors of the Company, and Arthur Charles Beer, the duly authorised nominee of the Victoria Falls and Transvaal Power Company, Limited, Secretaries of the Company, in terms of a resolution passed by the Board of Directors on the 16th day of November, 1928:

Whereas by an Agreement, dated the 28th day of February, 1919 entered into between the parties hereto, the Owners consented that the Power Company should be granted the right to consume a quantity of surplus water of the Vaal River, not exceeding 300,000,000 (three hundred million) gallons per annum, and to impound and store surplus water within the additional storage accommodation of 288,000,000 (two hundred and eighty-eight million) cubic feet reserved by the provisions of the Rand Water Board Supplementary Water supply (Private) Act, 1914 (hereinafter referred to as "Act 18 of 1914") for the benefit of riparian owners abutting on the storage area referred to in Act 18 of 1914 to the extent of 300,000,000 (three hundred million) gallons at any one time, and that the proportionate share of the storage accommodation for which the Owners should be entitled to obtain a permit under Act 18 of 1914 should be reduced by that extent, and the water to which the Owners were entitled as riparian Owners should be reduced by the quantity of water consumed by the Power Company and lost by evaporation by an amount not exceeding 300,000,000 (three hundred million) gallons per annum, which Agreement is set out in the Second Schedule to the Rand Mines Power Supply Company Water Supply (Private) Act, 1919 (hereinafter referred to as "Act 14 of 1919")

And whereas by section *one* of Act 14 of 1919 permission was given to the Power Company, subject to the conditions imposed by the Act, to abstract, use and consume from the Vaal River within the said storage area, such water as it should, from time to time, require for the purpose of its then existing generating station, as described in the First Schedule to Act 14 of 1919, but not for any extension thereof, and by section *three* of Act 14 of 1919 the Power Company was awarded accommodation in the storage accommodation aforesaid for a quantity of surplus water not exceeding at any one time 300,000,000 (three hundred million) gallons:

And whereas the Owners are together the registered owners of the farms set out in the Schedule attached to the Agreement of 28th February,

word en sodanige aftrekkings is bo en behalwe dié by artikel vier van die Hoofwet gemagtig.

5. Die water onttrek en teruggestort te word kragtens magtiging deur die Hoofwet soos deur hierdie Wet gewysig verleen word aldus onttrek en teruggestort by die punte aangetoon op die planne wat gedeponeer is in verband met die Hoofwet ooreenkomstig die Reglement van Orde van die Volksraad: Met die verstande dat die Maatskappy sodanige water op enige punt mag terugstort binne 'n afstand van hoogstens negehoonderd voet stroomaf van die punt van terugstorting op genoemde planne aangetoon.

Van punt van terugstorting kan afgewyk word.

6. Artikels *ses* en *ag* van die Hoofwet en die Derde Bylae tot daardie Wet word hierby herroep vanaf die verstryking van 'n tydperk van agtien maande na die datum waarop die Maatskappy die reg verkry om die stroomproduksie van sy bestaande kragentrale te Vereeniging te vermeerder en enige addisionele bewaar ruimte en regte op water verkry of vanaf sodanige datum as waarop die Raad sulke werke geïnstalleer en gereed vir diens het dat die beskerming wat aan die Raad deur die bepalinge van artikels *ses* en *ag* van die Hoofwet en die Derde Bylae tot daardie Wet verskaf word onnodig gemaak word, watter van daardie datums die vroegste is.

Herroeping.

7. Die ooreenkoms tussen die Maatskappy en die Raad, 'n vertaling waarvan in die Tweede Bylae tot hierdie Wet uiteengesit is, word hiermee bekragtig en bevestig.

Sekere ooreenkoms bekragtig.

8. Hierdie Wet kan aangehaal word as die Rand Myne Kragverskaffings Maatskappy Verdere Waterverskaffings (Private) Wet, 1929 en word as deel beskou van die Hoofwet.

Kort tiel

### Eerste Bylae.

OOREENKOMS aangegaan tussen die Vereeniging Estates, Limited, en die here Lewis and Marks, Limited (hieronder gesamentlik genoem die Eienaars), aan die een sy, synde die Vereeniging Estates, Limited, hierin behoorlik deur Louis Marks en William Mallinson, twee van die direkteure, verteenwoordig volgens besluit geneem op 'n vergadering van daardie Maatskappy se direkteure op die 14de dag van November 1928 gehou, en synde Lewis and Marks, Limited, hierin behoorlik deur Louis Marks en Joseph Mordechia Marks en Lewis First, twee van die direkteure en die sekretaris respektieflik, verteenwoordig volgens besluit geneem op 'n vergadering van daardie Maatskappy se direkteure op die 14de dag van November 1928 gehou, en die Rand Myne Kragverskaffings Maatskappy, Beperk (hieronder die Kragmaatskappy genoem) aan die ander sy, synde hierin volgens besluit deur die Raad van Direkteure geneem op die 16de dag van November 1928 behoorlik verteenwoordig deur Bernard Price, O.B.E., en Charles Lumsdaine Bryden, in hul hoedanigheid as twee van die direkteure van die Maatskappy, en Arthur Charles Beer, die behoorlik gemagtigde benoemde van die Victoria Falls and Transvaal Power Company, Limited, sekretarisse van die Maatskappy:

Nademaal kragtens 'n ooreenkoms, gedateer die 28ste dag van Februarie 1919, deur die partye hiertoe aangegaan, die Eienaars toegestaan het dat aan die Kragmaatskappy die reg verleen word om 'n hoeveelheid surpluswater uit die Vaalrivier te verbruik van hoogstens 300,000,000 (driehonderd miljoen) gallons jaarliks en om binne die addisionele bewaar ruimte van 288,000,000 (tweehonderd-ag-en-tagtig miljoen) kubieke voet deur die bepalinge van die Rand Waterraad Verdere Waterverskaffings (Private) Wet, 1914, (hierna genoem Wet 18 van 1914) uitgehou ten nutte van oewereienaars langs die bewaar gebied in Wet 18 van 1914 genoem soveel as 300,000,000 (driehonderd miljoen) gallons surpluswater op dieselfde tyd op te dam en te bewaar, en dat die proporsionele aandeel van die bewaar ruimte waarvoor die Eienaars geregtig sou wees om kragtens Wet 18 van 1914 'n permit te kry in daardie mate verminder sou word, en dat die water waarop die Eienaars as oewereienaars geregtig was verminder sou word met die hoeveelheid water deur die Kragmaatskappy verbruik en deur verdamping verlore gegaan tot 'n bedrag van hoogstens 300,000,000 (driehonderd miljoen) gallons jaarliks, watter ooreenkoms in die Tweede Bylae van die Rand Mijnen Krachtverschaffings Maatskappij Water-verschaffings (Private) Wet, 1919, uiteengesit is (hieronder Wet 14 van 1919 genoem):

En nademaal kragtens artikel een van Wet 14 van 1919 aan die Kragmaatskappy verlof verleen is om, behoudens die voorwaardes deur die Wet opgelê, van die Vaalrivier binne genoemde bewaar gebied soveel water te onttrek, gebruik en verbruik as hy van tyd tot tyd mag nodig vind vir die doeleindes van sy destyds bestaande kragentrale soos in die Eerste Bylae van Wet 14 van 1919 beskryf, maar nie vir enige uitbreiding daarvan nie, en kragtens artikel drie van Wet 14 van 1919 aan die Kragmaatskappy ruimte in bogenoemde bewaar ruimte toegeken is vir 'n hoeveelheid van hoogstens 300,000,000 (driehonderd miljoen) gallons op dieselfde tyd:

En nademaal die Eienaars tesame die geregistreerde eienaars is van die plaas in die Lys aan die ooreenkoms van 28 Februarie 1919 geheg,

1919, except the farm "Klipfontein" No. 562, District Potchefstroom (now No. 29, District Vereeniging), which at the date of the passing of Act 14 of 1919 was registered in the name of Lewis and Marks, Limited, and as regards that farm Lewis and Marks, Limited are duly authorised by the owners thereof, the African and European Investment Company, Limited, to enter into this Agreement, it being further understood that the following alterations have taken place in regard to the farms in the name of The Vereeniging Estates, Limited since the passing of Act 14 of 1919, namely:—

- the farm "Klipfontein" No. 562, district Potchefstroom is now No. 29, district Vereeniging,
- the farm "Panfontein" No. 133, district Heidelberg is now No. 86, district Vereeniging, and 2 (two) morgen of the said farm has been transferred;
- the farm "Leeuwkuil" No. 334, district Heidelberg is now No. 81, district Vereeniging, and 1 (one) morgen 157 (one hundred and fifty-seven) square roods has been transferred away;
- the farm "Uitvlugt" No. 307, district Heidelberg is now No. 84, district Vereeniging;
- the farm "Vischgat" No. 318, district Heidelberg is now No. 88, district Vereeniging;
- the farm "Klipplaatdrift" No. 336, district Heidelberg is now No. 83, district Vereeniging, and portions totalling 159 (one hundred and fifty-nine) morgen 167 (one hundred and sixty seven) square roods have been transferred away in addition to 20 (twenty) morgen 214 (two hundred and fourteen) square roods which was transferred to the Power Company in 1915;
- and from the farm "Rietfontein" No. 152, district Heilbron 43 (forty-three) square roods has been transferred away:

And whereas to provide for a supply of water for extensions to the said generating station, whereby the maximum quantity of electrical energy sent out from the said station in any one hour for transmission and distribution to consumers will be increased to 136,000 (one hundred and thirty-six thousand) kilowatt-hours, the Power Company is promoting a Private Bill empowering it to abstract and consume water in excess of the quantity allowed under Act 14 of 1919 and to be awarded accommodation in the storage area sufficient to provide for such additional quantity:

And whereas the Power Company has applied to the Owners that they should consent to its being granted the said rights as against the proportionate share in the storage accommodation for which the Owners are entitled to obtain a permit under Act 18 of 1914 and that they should agree that the said proportionate share and the water to which the Owners are entitled as riparian owners shall be reduced by the quantity of water consumed by the Power Company and lost by evaporation:

Now therefore it is hereby agreed as follows:—

1. The Owners hereby consent for themselves and for the African and European Investment Company, Limited:—

(a) That the Power Company may, for the purposes of operating its generating station as described in the First Schedule to Act 14 of 1919, together with an addition thereto of further generating units, but so that the quantity of electrical energy sent out in any one hour from the generating station as thus extended for transmission and distribution to consumers shall not exceed 136,000 (one hundred and thirty-six thousand) kilowatt hours, abstract, use and consume from the Vaal River within the storage area such water as it shall, from time to time, require.

(b) That the quantity of water which the Power Company shall be authorised to consume for the purposes incidental to the working of its generating station and is not obliged to return to the river shall for the purposes incidental to the working of the extended generating station not exceed 200,000 (two hundred thousand) gallons in any one period of 24 (twenty-four) hours and shall not exceed 40,000,000 (forty million) gallons in any one year.

(c) That the quantity of water lost by evaporation in excess of natural evaporation due directly to the use of the water from the river by the Power Company for cooling and condensing purposes which for the purposes of Act 14 of 1919 is deemed to amount to 270,000,000 (two hundred and seventy million) gallons in each year shall be deemed to be 560,000,000 (five hundred and sixty million) gallons in each year.

(d) That the storage accommodation awarded to the Power Company under section *three* of Act 14 of 1919 be increased so that the Power Company shall be regarded as the holder of a permit to store a quantity of surplus water not exceeding at any one time 600,000,000 (six hundred million) gallons.

(e) That the additional storage accommodation to be awarded to the Power Company shall be deducted from the proportionate share which the Owners and their successors in title as owners of the farms mentioned in the agreement set out in the Second Schedule to Act 14 of 1919 are entitled to in the water of the Vaal River and in the storage accommodation reserved in sub-section (2) of section *three* and section *four* of Act 18 of 1914 for the benefit of owners of land riparian to the storage area, such deduction to be in addition to that authorised under section *four* of Act 14 of 1919.

met uitsondering van die plaas Klipfontein No. 562, distrik Potchefstroom (nou No. 29, distrik Vereeniging), wat op die datum van die passeer van Wet 14 van 1919 op naam van Lewis and Marks. Limited, geregistreer was, en ten opsigte van daardie plaas is Lewis and Marks Limited, deur die eienaars daarvan die African and European Investment Company, Limited, behoorlik gemagtig om hierdie ooreenkoms aan te gaan, dit verder verstaan synde dat die volgende veranderinge ten opsigte van die plase staande op naam van die Vereeniging Estates, Limited, sedert die passeer van Wet 14 van 1919 plaasgevind het, naamlik:—

- die plaas „Klipfontein” No. 562, distrik Potchefstroom, is nou No. 29, distrik Vereeniging;
- die plaas „Panfontein” No. 133, distrik Heidelberg, is nou No. 86, distrik Vereeniging en 2 (twee) morg van genoemde plaas is getranspoteer geword;
- die plaas „Leeuwkuil” No. 334, distrik Heidelberg, is nou No. 81, distrik Vereeniging en 1 (een) morg 157 (honderd-sewen-en-veertig) vierkant roede daarvan is getranspoteer geword;
- die plaas „Uitvlugt” No. 307, distrik Heidelberg is nou No. 84, distrik Vereeniging;
- die plaas „Vischgat” No. 318, distrik Heidelberg is nou No. 88, distrik Vereeniging;
- die plaas „Klipplaatdrift” No. 336, distrik Heidelberg, is nou No. 83, distrik Vereeniging, en dele tesame uitmakende 159 (honderd-neen-en-veertig) morg 167 (honderd-sewen-en-sestig) vierkant roede is getranspoteer bo en behalwe 20 (twintig) morg 214 (tweehonderd-en-veertien) vierkant roede wat aan die Kragmaatskappy in 1915 getranspoteer is;
- en van die plaas Rietfontein No. 152, distrik Heilbron, is 43 (drie-en-veertig) vierkant roede getranspoteer:

En nademaal om voorsiening te maak vir 'n voorraad water vir uitbreidings van genoemde kragentrale, waardeur die maksimum hoeveelheid elektriese enersjie in een enkel uur van genoemde sentrale uitgelaat vir deursending na en distribusie onder verbruikers tot 136,000 (honderd-ses-en-dertig duisend) kilowatt-ure vermeerder sal word, die Kragmaatskappy 'n private Wetsontwerp bevorder om hom te magtig om meer water te onttrek en te verbruik dan die hoeveelheid deur Wet No. 14 van 1919 toegelaat en om aan hom toegeken te kry ruimte in die bewaar ruimte voldoende vir sodanig addisionele hoeveelheid:

En nademaal die Kragmaatskappy by die Eienaars aansoek gedoen het dat hulle sal toestem dat genoemde regte aan hom toegestaan word teenoor die proporsionele aandeel in die bewaar ruimte waarvoor die Eienaars geregtig is 'n permit te kry kragtens Wet 18 van 1914 en dat hulle sal toestem dat genoemde proporsionele aandeel en die water waarop die Eienaars as oewereienaars geregtig is verminder sal word met die hoeveelheid water deur die Maatskappy verbruik en deur verdamping verlore gegaan:

Word dit derhalwe hierby ooreengekom as volg:—

I. Die Eienaars gee hierby namens hulself en die African and European Investment Company, Limited hul toestemming:—

- (a) Dat die Kragmaatskappy vir die gebruik van sy kragentrale soos in die Eerste Bylae van Wet 14 van 1919 beskryf tesame met 'n toevoeging daaraan van addisionele kragontwikkelende eenhede in slegs so 'n mate dat die hoeveelheid elektriese enersjie in een enkel uur van die aldus uitgebreide kragentrale vir deursending na en distribusie onder verbruikers uitgelaat nie meer bedra as 136,000 (honderd-ses-en-dertig duisend) kilowatt-ure, van die Vaalrivier binne die bewaargebied soveel water mag onttrek, gebruik en verbruik as hy van tyd tot tyd mog nodig vind.
- (b) Dat die hoeveelheid water wat die Kragmaatskappy gemagtig is te verbruik vir doeleindes in verband met die gebruik van sy kragentrale en nie verplig is in die rivier terug te stort, vir die doeleindes in verband met die gebruik van sy uitgebreide kragentrale nie meer sal bedra as 200,000 (tweehonderd duisend) gallons in een enkel tydvak van 24 (vier-en-twintig) uur en nie meer sal wees as 40,000,000 (veertig miljoen) gallons in een enkel jaar.
- (c) Dat die hoeveelheid water verloor deur verdamping behalwe natuurlike verdamping regstreeks te wyt aan die gebruik van die water van die rivier deur die Kragmaatskappy vir afkoelings en kondensasie doeleindes wat vir die doeleindes van Wet 14 van 1919 geag word 270,000,000 (tweehonderd-en-sewentig miljoen) gallons in ieder jaar te bedra geag sal word 560,000,000 (vyfhonderd-en-sestig miljoen) gallons in ieder jaar te bedra.
- (d) Dat die bewaar ruimte aan die Kragmaatskappy kragtens artikel drie van Wet 14 van 1919 toegeken vermeerder word sodat die Kragmaatskappy as die houër beskou word van 'n permit om 'n hoeveelheid surpluswater van hoogstens 600,000,000 (ses-honderd miljoen) gallons op dieselfde tyd te bewaar.
- (e) Dat die addisionele bewaar ruimte aan die Kragmaatskappy toegeken te word afgetrek sal word van die proporsionele aandeel waarop die Eienaars en hul regsopvolgers as eienaars van die plase vermeld in die ooreenkoms in die Tweede Bylae van Wet 14 van 1919 uiteengesit geregtig is in die water van die Vaalrivier en in die bewaar ruimte in sub-artikel (2) van artikel drie en artikel vier van Wet 18 van 1914 uitgehou ten nutte van oewereienaars langs die bewaargebied, synde sodanige aftrek bo en behalwe dié deur artikel vier van Wet 14 van 1919 gemagtig.

In witness whereof the parties hereto have hereunto set their hands at Johannesburg on the 14th and 16th days of November, 1928.

<p><i>As Witnesses :</i></p> <p>(1) V. DALY. (2) B. HUMPHREY.</p>	<p>For the Vereeniging Estates, Limited.</p> <p>L. MARKS, Wm. MALLINSON, } Directors.</p>
<p>(1) E. BERMAN. (2) M. A. SPEIRS.</p>	<p>Seal: For Lewis &amp; Marks, Limited, Lewis &amp; Marks Limited, Africa. L. MARKS, JOE M. MARKS, } Directors L. FIRST, Secretary.</p>
<p>(1) A. J. SLATER. (2) J. R. HAY.</p>	<p>For Rand Mines Power Supply Coy., Ltd. BERNARD PRICE, CHARLES L. BRYDEN. The Victoria Falls &amp; Transvaal Power Co., Ltd., Secretaries. per A. C. BEER.</p>

### Second Schedule.

MEMORANDUM OF AGREEMENT made between the Rand Water Board (hereinafter referred to as "the Board"), herein represented by Sydney Allelyne van Lingen, the Chairman of the Board, he being duly authorised thereto by virtue of a Resolution passed at a meeting of the Board held at Johannesburg on the 1st day of February, 1929, of the one part, and the Rand Mines Power Supply Company, Limited (hereinafter referred to as "the Company"), a Company incorporated with liability limited by shares under the Company laws of the Transvaal, it being represented herein by Bernard Price, O.B.E., and Charles Lumsdaine Bryden, two of its Directors, and Arthur Charles Beer, the duly authorised nominee of The Victoria Falls and Transvaal Power Company, Limited, Secretaries of the Company, they being duly authorised thereto by virtue of a Resolution passed by the Board of Directors on the 1st day of February, 1929, of the other part:

Whereas by the Rand Mines Power Supply Company Water Supply (Private) Act, 1919 (hereinafter referred to as "the Power Company's Act"), the Company is authorised to abstract, use and consume, from the Vaal River, within the storage area mentioned in section 4 of the Rand Water Board Supplementary Water Supply (Private) Act, 1914 (hereinafter referred to as "the Board's Act"), a certain quantity of water for the purpose of its existing generating station at Vereeniging, and was awarded accommodation in the storage accommodation referred to in sections 3 (2) and 4 of the Board's Act.

And whereas by section 3, sub-section (1) of the Board's Act, the Board was empowered to construct and maintain a barrage for the purpose of impounding and storing the quantity of water mentioned therein, and by sub-section (2) of the said section it was provided that the Board should so construct the barrage that there could be impounded and stored behind it for the benefit of the owners of land riparian to that portion of the Vaal River and its tributaries within the storage area of the Board's works who may be awarded permits to impound and store water under the provisions of section 4 of the Board's Act, a quantity of water equal to two hundred and eighty-eight million cubic feet.

And whereas by the said section 4 persons who are so awarded permits to impound and store water are, subject to the proviso to section 4, sub-section (3), bound to contribute *pro rata* towards the costs incurred by the Board in providing the additional storage accommodation referred to in sub-section (2) of section 3 of the Board's Act, and to contribute towards the costs incurred by the Board in maintaining the barrage, and in constructing and maintaining such gauging or other apparatus as may have been constructed by the Board under the Board's Act.

And whereas the Company proposes to increase the capacity of its said existing generating station, and is promoting a Private Bill empowering it to abstract, use and consume water in excess of the quantities allowed under the Power Company's Act and awarding it additional accommodation in the said storage accommodation, and for the amendment of that Act in certain respects.

And whereas the Board is prepared to consent to the amendment of the Power Company's Act, subject to the Company paying the *pro rata* contributions referred to in section 4 of the Board's Act, and an additional amount to enable the Board to construct and erect, free of cost to it, any additional works which the Board may, from time to time, think necessary for the protection of its interests on account of the increase of the output of the said generating station, and further subject to the terms and conditions hereinafter mentioned.

Now therefore the parties hereto contract and agree with each other as follows:

1. The Company shall, within one (1) month of its being awarded any additional accommodation and rights to water, pay to the Board such an amount towards the costs incurred by the Board in providing the additional storage accommodation referred to in sub-section (2) of section 3 of the Board's Act as the additional storage accommodation awarded to the Company bears to the total accommodation of the total quantity of two hundred and eighty-eight million (288,000,000) cubic feet referred to in sub-section (2) of section 3 of the Board's Act. The Company shall also within the period of one month aforesaid pay to the Board such proportion of the costs incurred by the Board in constructing such gauging or other apparatus as may have been con-

Ten blyke waarvan die partye hiertoe hul name hieronder geteken het op Johannesburg op die 14de en 16de dae van November 1928 :—

- As Getuies* :—
- |                  |                                       |
|------------------|---------------------------------------|
|                  | Vir die Vereeniging Estates, Limited. |
| (1) V. DALY.     | L. MARKS,                             |
| (2) B. HUMPHREY. | WM. MALLINSON, } Direkteure.          |
- Seël : Vir Lewis & Marks, Limited,
- |                   |                           |               |
|-------------------|---------------------------|---------------|
| (1) E. BERMAN.    | Lewis en Marks, L. MARKS, | } Direkteure. |
| (2) M. A. SPEIRS. | Limited, JOE M. MARKS,    |               |
|                   | Afrika. L. FIRST,         | Sekretaris.   |
- Vir Rand Myne Kragverskaffings Maatskappy, Beperk,  
BERNARD PRICE,  
CHARLES L. BRYDEN.
- The Victoria Falls & Transvaal Power Co.,  
Ltd., Sekretarisse,  
per A. C. BEER.

## Twede Bylae.

AKTE VAN OOREENKOMS aangegaan tussen die Rand Waterraad (hierna genoem „die Raad”), hierin verteenwoordigd deur Sydney Allelyne van Lingen, die Voorsitter van die Raad, synde hy daartoe behoorlik gemagtig deur 'n besluit geneem op 'n vergadering van die Raad op Johannesburg op 1 Februarie 1929 gehou, enersyds, en die Rand Myne Kragverskaffings Maatskappy, Beperk (hierna „die Maatskappy” genoem), 'n maatskappy ingelyf met verantwoordelikheid deur aandeel beperk onder die Wet van die Transvaal op maatskappye, hierin verteenwoordigd deur Bernard Price, O.B.E., en Charles Lumsdaine Bryden, twee van sy Direkteure, en Arthur Charles Beer, die behoorlik gemagtigde benoemde van die Victoria Falls and Transvaal Power Company Limited, sekretarisse van die maatskappy, synde hulle daartoe behoorlik gemagtig deur 'n besluit geneem deur die Raad van Direkteure op 1 Februarie 1929, andersyds :

Nademaal ingevolge die Rand Mijnen Krachtverschaffings Maatskappij Waterverschaffings (Private) Wet, 1919, (hierna „die Kragmaatskappy se Wet” genoem), die Maatskappy gemagtig is van die Vaalrivier binne die bewaargebied bedoel in artikel 4 van die Rand Waterraad Verdere Waterverschaffings (Private) Wet, 1914 (hierna die Raad se Wet genoem), 'n seker hoeveelheid water te onttrek, gebruik en verbruik vir sy bestaande kragentrale op Vereeniging en ruimte toegeken is in die bewaarruimte bedoel in sub-artikel (2) van artikel 3 en artikel 4 van die Raad se Wet.

En nademaal ingevolge sub-artikel (1) van artikel 3 van die Raad se Wet die Raad gemagtig is 'n studam te bou en onderhou om die hoeveelheid water daarin genoem op te dam en te bewaar en by sub-artikel (2) van genoemde artikel bepaal is dat die Raad die studam op so 'n manier moes bou dat daaragter 'n hoeveelheid water gelykstaande met tweehonderd-en-ag-en-tagtig miljoen kubieke voet opgedam en bewaar kan word ten voordele van die eenaars van oewergrond langs daardie gedeelte van die Vaalrivier en sy sytakke binne die bewaargebied van die Raad se werke aan wie permitten vir die opdam en bewaar van water ingevolge die bepaling van artikel 4 van die Raad se Wet verleen mog word.

En nademaal ingevolge voornoemde artikel 4 persone aan wie aldus permittie toegeken word om water op te dam en te bewaar verplig is, behoudens die voorbehoud by sub-artikel (3) van artikel 4, om *pro rata* by te dra tot die koste deur die Raad beloop om die addisionele bewaarruimte in sub-artikel (2) van artikel 3 van die Raad se Wet genoem te verskaf, en om by te dra tot die koste deur die Raad beloop om die studam te onderhou en om sodanige meet- of ander toestelle op te rig en te onderhou as die Raad ingevolge die Raad se Wet opgerig mog het.

En nademaal die Maatskappy voorstel om die kapasiteit van sy bestaande kragentrale te vermeerder en 'n private Wetsontwerp bevorder om hom te magtig om meer water te onttrek, gebruik en verbruik dan die Kragmaatskappy se Wet hom toelaat, en hom addisionele ruimte in die bewaarruimte toekennende, alsook vir die wysiging van daardie Wet in seker opsigte.

En nademaal die Raad bereid is toe te stem tot die wysiging van die Kragmaatskappy se Wet, mits dat die Maatskappy die *pro rata* bydrae in artikel 4 van die Raad se Wet bedoel betaal en 'n verdere som om die Raad in staat te stel, om vry van koste vir homself, enige addisionele werke te bou en op te rig wat die Raad van tyd tot tyd nodig mog oordeel vir die beskerming van sy belange weens die vermeerdering van die stroomproduksie van voornoemde kragentrale, en behoudens ook die terme en voorwaardes hierna genoem.

Derhalwe verbind die partye sig onderling en kom ooreen als volg :—

1. Binne een (1) maand nadat aan hom enige addisionele ruimte en regte op water toegeken is, betaal die Maatskappy aan die Raad so 'n bedrag van die koste deur die Raad beloop deur die addisionele bewaarruimte in sub-artikel (2) van artikel drie van die Raad se Wet bedoel te verskaf as gelyk staan met die verhouding van die addisionele aan die Maatskappy toegekende bewaarruimte tot die totale ruimte van die totale hoeveelheid van tweehonderd-en-tagtig miljoen (288,000,000) kubieke voet in sub-artikel (2) van artikel 3 van die Raad se Wet bedoel. Die Maatskappy betaal ook binne een maand soos voornoem aan die Raad so 'n deel van die koste deur die Raad beloop deur die oprigting van sodanige meet- of ander toestelle as deur hom opgerig mog gewees het onder die Raad se Wet, as gelyk staan met die verhouding

structed by it under the Board's Act as the total storage rights of the Company—both those now existing and those which may be awarded as aforesaid—bear to the total storage rights of the Board.

2. The Company shall also pay to the Board at the end of each year after the Company is so awarded any additional accommodation and rights to water as referred to in clause 1 hereof, such proportion of the costs incurred by the Board in maintaining the barrage, and in maintaining such gauging or other apparatus as may have been constructed by it under the Board's Act, as the total storage rights of the Company—both those now existing and those which may be awarded as aforesaid—bear to the total storage rights of the Board. The first payment under this clause shall be payable at the expiration of twelve (12) months from the date the Company is awarded any additional accommodation and rights to water as referred to in clause 1 hereof.

3. To enable the Board to construct and erect, free of cost to it, any additional works which the Board may, from time to time, deem necessary for the protection of its interests on account of the increase of the output of the said Generating Station, beyond the output which can be generated from the Station described in the First Schedule to the Power Company's Act (hereinafter referred to as "the additional works") and to provide for the maintenance and renewal of such works as hereinafter provided, the Company shall pay to the Board the sum of three thousand six hundred pounds (£3,600) per annum for a period of thirty (30) years, calculated from the date on which the Act amending the Power Company's Act becomes law. The first of such payments shall be made at the expiration of twelve months from the date last mentioned, and the remaining payments at the end of each succeeding period of twelve (12) months until the thirty (30) annual payments have been made.

4. (a) On the termination of the said period of thirty years, the Company shall pay the Board such further sum as, with the amount which the Board shall be deemed to have set aside from the said annual payments of £3,600 and to have accumulated at compound interest (such amount to be ascertained in the manner provided in the next succeeding sub-clause hereof) will meet the additional expenditure which the Board will incur in respect of maintenance and renewals after the expiry of the said period of thirty years solely on account of the Company having increased its output beyond the output which could be generated from the Station described in the First Schedule to the Power Company's Act. In the event of the Company and the Board failing to agree as to what additional expenditure will be incurred by the Board as aforesaid and/or as to whether or no any further sum is payable by the Company and/or as to the amount of such further sum if payable or as to the period for which and the manner in which any amount is payable, then such dispute or difference shall be determined by arbitration in accordance with the provisions of the Transvaal Arbitration Ordinance, 1904, as amended from time to time or in accordance with any Law passed in substitution therefor.

(b) For the purpose of showing what the parties hereto had in contemplation at the time this Agreement was entered into regarding additional works, the cost thereof, the allowance made for the cost of works which it would have been necessary for the Board to construct even if there had been no increase in the output of the Company's Station as aforesaid, the cost of additional maintenance and the method of arriving at the amount of the annual payments and the sums which during the said period of thirty years shall be set aside annually and accumulated at compound interest for the purpose of maintenance and renewals after the expiration of that period, the parties have signed, for the purpose of identification, a short description of such works with the costs thereof and tables showing how the amount of the annual payments and the sums to be set aside and accumulated as aforesaid were arrived at. In determining what further sum, if any, shall be payable by the Company in accordance with the provisions of sub-clause (a) hereof, the following provisions shall apply:—

- (i) The net additional capital expenditure from time to time during the said period of thirty years in excess of that which the Board would have incurred even if there had been no increase in the output as aforesaid shall be deemed not to be greater than that so contemplated.
- (ii) The cost of maintenance shall be as set out in the said documents.
- (iii) The sum which the Board shall be deemed to have set aside and accumulated for maintenance and renewals after the expiry of the said period of thirty years shall be arrived at on the basis set out in the said tables.

5. In the event of the Company's undertaking being abandoned or taken over by some authorised undertaker other than The Victoria Falls and Transvaal Power Company, Limited, before the Company shall have completed the payments due by it in terms of this Agreement, the Company shall, notwithstanding anything to the contrary hereinbefore contained, at the request of the Board, forthwith pay such sum as will, when invested in a security approved by the Board, provide for the due payment to it of such of the amounts referred to in Clauses 3 and 4 hereof as have not been paid, or, alternatively, if such other authorized undertaker agrees to carry out the terms and conditions of this Agreement, then the Board shall have the right of accepting such other authorized undertaker in place of the Company, subject to such safeguards as the Board may require. For the purpose of ascertaining what amount is payable by the Company under Clause 4 hereof, if any, the provisions of that clause shall, *mutatis mutandis*, apply, including the provisions of that Clause referring to arbitration.

6. Nothing herein contained shall impose any liability on the Board to construct any additional works as aforesaid, nor prevent the Board

van die totale bewaarregte van die Maatskappy—tans bestaande sowel as wat as voornoem toegewys mog word—tot die totale bewaarregte van die Raad.

2. Die Maatskappy betaal ook aan die Raad aan die end van elke jaar nadat aan die Maatskappy die in klousule 1 hiervan bedoelde addisionele ruimte en regte op water aldus toegeken is so 'n deel van die koste deur die Raad beloop deur die studam te onderhou en ook deur sodanige meet- of ander toestelle te onderhou as deur hom onder die Raad se Wet mog opgerig gewees het, as gelyk staan met die verhouding van die totale bewaarregte van die Maatskappy—tans bestaande sowel as wat soos voornoem toegewys mog word—tot die totale bewaarregte van die Raad. Die eerste betaling ingevolge hierdie klousule geskied aan die end van twaalf (12) maande vanaf die datum dat aan die Maatskappy die in klousule 1 hiervan bedoelde addisionele ruimte en waterregte toegeken word.

3. Om die Raad in staat te stel om kosteloos enige addisionele werke te bou en op te rig wat die Raad van tyd tot tyd nodig mog beskou vir die beskerming van sy belange weens die vermeerderde stroomproduksie van genoemde kragentrale bo die stroomproduksie wat ontwikkel kan word van die kragentrale in die Eerste Bylae tot die Kragmaatskappy se Wet beskryf (hierna „die addisionele werke” genoem), en om voorsiening te maak vir die onderhoud en hernuwing van sodanige werke as hierna bepaal, betaal die Maatskappy aan die Raad die som van drieduisend seshonderd pond (£3,600) jaarliks vir 'n tydperk van dertig (30) jaar, gereken vanaf die datum waarop die Wet, waarby die Kragmaatskappy se Wet gewysig word, wet word. Die eerste van die betalings geskied by afloop van twaalf maande na laasgenoemde datum, en die orige betalings aan die end van ieder volgende tydperk van twaalf (12) maande totdat die dertig (30) jaarlikse betalings gekied is.

4. (a) By afloop van voornoemde tydperk van dertig jaar betaal die Maatskappy aan die Raad sodanige verdere som as, met die bedrag wa die Raad geag word opsy te gesit het uit voornoemde jaarlikse betalings van £3,600 en te vermeerder het teen saamgestelde rente (sodanige bedrag vasgestel te word ooreenkomstig die eersvolgende subklousule hiervan) die addisionele uitgawe sal dek wat die Raad deur onderhoud en hernuwings na afloop van genoemde tydperk van dertig jare sal beloop alleen omdat die maatskappy sy stroomproduksie vermeerder het bo die stroomproduksie wat kon ontwikkel word van die kragentrale in die Eerste Bylae tot die Kragmaatskappy se Wet beskryf. Ingeval die Maatskappy en die Raad nie kan ooreenkom watter addisionele uitgawe deur die Raad as voornoem en/dan of 'n verdere som aldan nie betaalbaar is deur die Maatskappy en/of omtrent die bedrag van sodanige verdere som indien betaalbaar of omtrent die tydperk waarvoor en die wyse waarop enige bedrag betaalbaar is, dan word sodanige dispuut of verskil deur arbitrasie beslis ooreenkomstig die bepalings van die Transvaal Arbitrasie Ordonnansie, 1904, soos van tyd tot tyd gewysig of ooreenkomstig enige wet in plaas daarvan gepasseer.

(b) Om aan te toon wat die partye hiertoe beoog het, toe hierdie Ooreenkoms gesluit was, ten opsigte van addisionele werke, die koste daarvan, wat gereken word vir die koste van werke wat die Raad sou moes gebou het selfs al was daar geen vermeerdering in die stroomproduksie van die Maatskappy se kragentrale soos voornoem, die koste van addisionele onderhoud en die wyse waarop die bedrag van die jaarlikse betalings en die somme wat jaarliks gedurende genoemde tydperk van dertig jare opsy gesit moet word en teen saamgestelde rente moet oploop vir onderhoud en hernuwings na afloop van daardie tydperk vasgestel moet word, het die partye onderteken vir die doel van identifkasië, 'n korte beskrywing van sodanige werke met die koste daarvan en tabelle aantoonende hoe die bedrag van die jaarlikse betalings en die somme opsy gesit te word en wat moet oploop soos voornoem vasgestel is. By die vasstel van watter verdere som, so enige, deur die Maatskappy betaalbaar sal wees ooreenkomstig die bepalings van subklousule (a) hiervan, is die volgende bepalings van toepassing:—

- (i) Die netto addisionele kapitaaluitgawe van tyd tot tyd gedurende genoemde tydperk van dertig jaar bo wat die Raad sou beloop het selfs al was daar geen vermeerderde stroomproduksie soos voornoem sal beskou word as nie groter te wees dan aldus beoog.
- (ii) Die koste van onderhoud sal wees soos in voornoemde stukke uiteengesit.
- (iii) Die som wat die Raad geag word opsy gesit te het en opgehoop te het vir onderhoud en hernuwings na afloop van voornoemde tydperk van dertig jaar sal vasgestel word volgens die basis in voornoemde tabelle uiteengesit.

5. Ingeval die Maatskappy se onderneming opgegee word of deur 'n gemagtigde ondernemer ander dan die Victoria Falls and Transvaal Power Company, Limited, oorgeneem word voor die Maatskappy al die betalings deur hom ingevolge hierdie Ooreenkoms verskuldig gemaak het, moet die Maatskappy, niesteenstaande enigiets hierin vervat, op versoek van die Raad sonder verwyf sodanige som betaal as wat, wanneer met deur die Raad goedgekeurde sekuriteit belê, voldoende sal wees vir die behoorlike betaling aan hom van sodanige van die in klousules 3 en 4 hiervan bedoelde somme as wat nog nie betaal is nie, of, as 'n alternatief, as sodanige ander gemagtigde ondernemer toestem om die terme en voorwaardes van hierdie Ooreenkoms na te kom, dan sal die Raad die reg hê om sodanige ander gemagtigde ondernemer aan te neem in die plek van die Maatskappy behoudens sodanige veiligheidsmaatreëls as wat die Raad mog verlang. Ten einde vas te kan ste watter bedrag indien enige, deur die Maatskappy betaalbaar is, ingevolge klousule 4 hiervan, is die bepalings van daardie klousule *mutatis mutandis* van toepassing, met inbegrip van die bepalings van daardie klousule betreffende arbitrasie.

6. Niets hierin vervat lê enige verpligting op die Raad om enige addisionele werke as voornoem op te rig nog helet die Raad om gedurende

from withdrawing during the said period of thirty years from any amount which it may have in hand and have accumulated as aforesaid such sums as may be necessary to meet any expenditure in respect of renewals which the Board during the period of thirty years may incur solely on account of the Company having increased its output beyond the output which could be generated from the existing Station, excluding always the costs of renewals which the Board would have incurred even if there had been no increase in the output of the Company's Station.

In witness whereof this Agreement has been signed on behalf of the Board at Cape Town on the 4th day of February, 1929, and on behalf of the Company at Cape Town on the 4th day of February, 1929, in the presence of the undersigned witnesses respectively.

*As Witnesses :—*

- (1) J. H. STEVENSON.
- (2) B. H. FRIEL.

S. A. VAN LINGEN.

*As Witnesses :—*

- (1) J. COLIN MURRAY.
- (2) A. J. SLATER.

BERNARD PRICE.  
CHARLES L. BRYDEN.

The Victoria Falls & Transvaal  
Power Co., Ltd.,  
Secretaries  
per A. C. BEER.

- (1) J. R. A. HAY.
- (2) THOS. C. PATON.

voornoemde tydperk van dertig jaar van enige bedrag wat hy in hand mog hê en wat as voornoem opgeloopt het af te trek sodanige somme as nodig mog wees tot dekking van enige uitgawe ten aansien van hernuwings wat die Raad gedurende die tydperk van dertig jaar mog beloop enkel omdat die Maatskappy sy stroomproduksie vermeerder het bo die stroomproduksie wat deur die bestaande kragentrale ontwikkel kon word met uitsluiting altyd van die koste van hernuwings wat die Raad sou beloop het selfs al was daar geen vermeerdering van die stroomproduksie van die Maatskappy se kragentrale.

Ten bewyse waarvan hierdie Ooreenkoms ten behoeve van die Raad in Kaapstad op 4 Februarie 1929 en ten behoeve van die Maatskappy in Kaapstad op 4 Februarie 1929 in teenwoordigheid van die ondergetekende getuies respektieflik geteken is.

*As Getuies* :—

- (1) J. H. STEVENSON.
- (2) B. H. FRIEL.

S. A. VAN LINGEN.

*As Getuies* :—

- (1) J. COLIN MURRAY.
- (2) A. J. SLATER.

BERNARD PRICE.  
CHARLES L. BRYDEN.

The Victoria Falls & Transvaal  
Power Co., Ltd.  
Sekretarisse,  
per A. C. BEER.

- (1) J. R. A. HAY.
- (2) THOS. C. PATON.

No. 19, 1929.]

**ACT****To amend the Agricultural Holdings (Transvaal) Registration Act, 1919 (Act No. 22 of 1919).**

**BE IT ENACTED** by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa as follows :—

Repeal of section *six* of Act No. 22 of 1919, and substitution of new provision.

**1.** Section *six* of the Agricultural Holdings (Transvaal) Registration Act, 1919 (Act No. 22 of 1919), is hereby repealed and the following section substituted therefor :

**6.** (1) Where a certificate has been granted under section *one* in respect of any area of land, the owner of the land or any portion thereof may apply to the Minister for cancellation of the said certificate in respect of the whole area or of such portion thereof, as the case may be, and the Minister, on the recommendation of the Board, may cancel the certificate either unconditionally or subject to such conditions as he may deem expedient.

(2) On cancellation as aforesaid, the land or portion thereof in respect of which the certificate has been cancelled shall cease to be subject to this Act and to the conditions, if any, imposed under the provisions of sub-section (1) of section *two*, except in so far as the Minister's order for the cancellation of the certificate may stipulate that the title of the land shall remain subject to any or all of the said conditions.

(3) The Registrar of Deeds shall, on production of the Minister's order of cancellation and on production of the title deeds of the land affected thereby, make on the said title deeds and on the duplicates thereof filed in his registry such endorsements, and in his registers such entries, as may be necessary to complete the record.

(4) If any portion of the land in respect of which the certificate has been cancelled has been transferred to the Governor-General under section *three*, the Governor-General may, on the application of the person by whom it was so transferred, cause such land to be retransferred to the said person, subject to such conditions as he may deem it expedient to impose.

(5) In the event of an owner of any land in respect of which or of any portion of which the certificate granted by the Minister has been cancelled under sub-section (1), applying for permission to establish a township on such land or any such portion thereof (as the case may be) under any law in force in the Province of the Transvaal, the administrator of that Province may, in approving of the establishment of a township and notwithstanding anything contained in any law, cancel any of the special conditions imposed by the Minister on cancellation of the said certificate and any of the conditions imposed by the Minister under sub-section (1) of section *two*, which have remained operative against the title of the said land or portion thereof in terms of the Minister's order of cancellation under sub-section (1), and substitute therefor such other conditions as he may deem expedient.

(6) On production of a certificate signed by the administrator giving particulars of the conditions which have been cancelled by him and of the new conditions, if any, imposed in lieu thereof, the Registrar of Deeds shall make on the title deeds of the land affected by the said conditions, and on the duplicates thereof filed in his registry, such endorsements and in his registers such entries as may be necessary to complete the record.

Short title.

**2.** This Act may be cited as the Agricultural Holdings (Transvaal) Registration Act Amendment Act, 1929.

No. 19, 1929.]

**WET****Tot wysiging van die Landbouwhoeven (Transvaal) Registratiewet, 1919 (Wet No. 22 van 1919).**

**DIT WORD BEPAAL** deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

1. Artikel *ses* van die Landbouwhoeven (Transvaal) Registratiewet, 1919 (Wet No 22 van 1919) word hiermee herroep en deur die volgende artikel vervang:

Herroeping van artikel *ses* van Wet No. 22 van 1919 en vervanging deur nuwe artikel.

6. (1) Wanneer een certifikaat krachtens dit artikel verleend is ten aanzien van een streek grond, kan de eigenaar van de grond of van een gedeelte ervan bij de Minister aanzoek doen om kanselatie van bedoeld certifikaat ten aanzien van de gehele grond of van zodanig gedeelte ervan respektievelik, en kan de Minister op aanbeveling van de Raad het certifikaat óf onvoorwaardelik óf onderworpen aan zulke voorwaarden, als hij dienstig moge achten te verlangen, kanseleren.

(2) Bij zodanige kanselatie is de grond of gedeelte daarvan ten aanzien waarvan het certifikaat gekanseleerd is, niet langer onderworpen aan deze Wet, nog aan de krachtens de bepalingen van sub-artikel (1) van artikel *twee* gestelde voorwaarden indien er zulke zijn, behalve in zo ver als het bevel van de Minister tot kanselatie van het certifikaat bepalen moge dat het titelbewijs van de grond aan enige of al de voorzegde voorwaarden, onderworpen blijve.

(3) Bij voorlegging van de Ministers bevel tot kanselatie en van de titelbewijzen van de daarbij betrokken grond moet de Registrateur van Akten op de gezegde titelbewijzen en op de in zijn register bewaarde duplikaten daarvan alsook in zijn register zulke aantekeningen doen als wat nodig zijn mogen om de registratie te voltooien.

(4) Wanneer een gedeelte van de grond, ten aanzien waarvan het certifikaat gekanseleerd is, krachtens artikel *drie* op de Goeverneur-generaal getransporteerd is, kan de Goeverneur-generaal, op aanzoek van de persoon door wie het aldus getransporteerd werd, de voorzegde grond, onderworpen aan zulke voorwaarden als hij dienstig moge achten op te leggen, op de bedoelde persoon terug laten transportereren.

(5) Ingeval de eigenaar van grond, ten aanzien waarvan of van een gedeelte waarvan het door de Minister gegeven certifikaat krachtens sub-artikel (1) gekanseleerd is, aanzoek doet om verlof om op die grond of een zodanig gedeelte daarvan (onderscheidenlik) een dorp aan te leggen krachtens enige wet in de Provincie Transvaal van toepassing kan de administrateur van gemelde Provincie bij het goedkeuren van het aanleggen van een dorp en niettegenstaande andersluidende bepalingen enige van de biezondere voorwaarden door de Minister bij de kanselatie van gezegd certifikaat opgelegd kanseleren, alsook enige van de voorwaarden opgelegd door de Minister krachtens sub-artikel (1) van artikel *twee*, die krachtens de Ministers bevel tot kanselatie ingevolge sub-artikel (1) op de titelbewijzen van die grond of een gedeelte daarvan van toepassing gebleven zijn, en de administrateur kan dit door zulke voorwaarden als hij dienstig moge achten vervangen.

(6) Bij voorlegging van een door de administrateur getekende certifikaat, dat biezonderheden aangeeft van de door hem gekanseleerde voorwaarden en van de nieuwe voorwaarden door hem, in stede daarvan opgelegd, indien er zu ke zijn, moet de Registrateur van Akten op de titelbewijzen van de daarbij betrokken grond en op de in zijn register bewaarde duplikaten ervan alsook in zijn registers zulke aantekeningen doen als wat nodig zijn mogen om de registratie te voltooien.

2. Hierdie Wet kan aangehaal word as die Landbouhoeve (Transvaal) Registrasie Wet Wysigingswet 1929. Kort tiel.

No. 20, 1929.]

**ACT****To provide for the establishment of a Board to advise the Government on matters affecting ocean transport.**

**BE IT ENACTED** by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Establishment of Shipping Board.

1. (1) There shall be established as from a date to be fixed by the Governor-General by proclamation in the *Gazette* a Board to be known as the South African Shipping Board (hereinafter referred to as the Board).

(2) The Board shall consist of six members to be appointed by the Governor-General. Three of such members shall be nominated by the Governor-General, who shall not be members of the Public Service or of the Railways and Harbours Services, and of the remaining three one shall be nominated by the Association of Chambers of Commerce, one by the Federated Chamber of Industries and one by the South African Agricultural Union: Provided that no person who is in the employ of or holds any office or share or interest in any shipping company shall be nominated by any such body, and that in the event of any such body failing or refusing to make a nomination or nominating a disqualified person, the nomination of the member shall be made by the Governor-General.

(3) The Governor-General shall designate one of the members as chairman who shall have a deliberative vote, and in the event of an equality of votes, a casting vote.

(4) The Governor-General may appoint as additional members of the Board, but without voting powers, not more than three persons in the employ of the Government or the Railways and Harbours Administration.

(5) The chairman and other members of the Board shall be appointed for such periods and upon such conditions as the Governor-General may from time to time determine.

Function and duty of Board.

2. It shall be the function and duty of the Board, subject to the provisions of this Act and any regulations made thereunder, to investigate and report to the Minister upon any matters relating to ocean transport to, from, or between Union ports, including more particularly any question—

- (a) as to whether the rate of freight charged by any shipowner on any particular commodity exported from the Union is prejudicial to Union exporters as compared with their overseas competitors;
- (b) as to whether the rate of freight charged by any shipowner on any particular commodity imported is unreasonably high having regard to the rate of freight for that particular commodity operating on other ocean routes;
- (c) as to failure on the part of a shipowner to give reasonable notice of changes in freight classifications or rates;
- (d) as to the levying by any shipowner of differential freight or other charges as between one shipper and another in respect of the ocean conveyance of goods to, from, or between Union ports;
- (e) as to differential or unfair treatment by any shipowner of any shipper in respect of the allocation of space accommodation or any other matter.

Such reports shall at the request of the Board and with the approval of the Minister be laid upon the Table of both Houses of Parliament.

Regulations as to meetings and powers of Board.

3. The Governor-General may make regulations not inconsistent with this Act—

- (a) as to the manner in which the meetings of the Board shall be convened, when and where meetings shall be held, and the notice to be given convening such meetings;
- (b) as to the quorum necessary to constitute a meeting, the procedure at meetings, the manner in which minutes of meetings and other records shall be kept

No. 20, 1929.]

**WET****Om voorsiening te maak vir die stigting van 'n Raad om die Regering te adviseer oor sake betreffende seevervoer.**

**D**IT WORD BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

1. (1) Vanaf 'n deur die Goewerneur-generaal deur proklamasie in die *Staatskoerant* vas te stelle dag, word 'n Raad ingestel, genoem die Suid-Afrikaanse Skeepvaartraad (hieronder die Raad genoem).

Instelling van Skeepvaartraad.

(2) Die Raad bestaan uit ses lede, aangestel deur die Goewerneur-generaal. Drie van daardie lede, wat nie amptenare in die Staats- of Spoorweg- en Hawediens is nie, moet benoem word deur die Goewerneur-generaal en van die orige drie word een benoem deur die Vereniging van die Kamers van Koophandel, een deur die Verenigde Kamer van Nywerhede en een deur die Suid-Afrikaanse Landbou-unie: Met die verstande dat geen persoon wat in diens is van of 'n pos beklee in 'n skeepvaartmaatskappy of enige aandeel in of belang by 'n skeepvaartmaatskappy het deur sodanige liggaam benoem word nie, en dat in geval sodanige liggaam in gebreke bly of weier om iemand te benoem of 'n onbevoegde persoon benoem, die lid deur die Goewerneur-generaal benoem word.

(3) Die Goewerneur-generaal moet een van die lede as voorsitter aanwys wat 'n beraadslagende stem het en wat by staking van stemme, 'n beslissende stem het.

(4) Die Goewerneur-generaal kan nie meer as drie persone nie, in diens van die Regering of die Spoorweg- en Hawe-administrasie, aanstel as addisionele lede van die Raad, maar sonder stembevoegdheid.

(5) Die voorsitter en ander lede van die Raad word aangestel vir sodanige tydperke en onder sodanige voorwaardes as die Goewerneur-generaal van tyd tot tyd mog bepaal.

2. Onderworpe aan die bepalinge van hierdie Wet en die ingeolge daarvan gemaakte regulasies, is die funksie en plig van die Raad om ondersoek te doen na en aan die Minister verslag uit te bring oor alle sake betreffende seevervoer na, van of tussen Uniehawens, insluitende meer in besonder enige kwessie—

Funksie en plig van Raad.

- (a) of die vragprys gevorder deur 'n skeepseienaar vir 'n besondere artikel uitgevoer van die Unie nadelig is vir Un e-uitvoerders in vergelyking met hulle buitelandse mededingers;
- (b) of die vragprys gevorder deur 'n skeepseienaar vir 'n besondere ingevoerde artikel onbillikerwyse hoog is met die oog op die vragprys vir daardie besondere artikel van toepassing op ander seeroetes;
- (c) betreffende versuim van die skeepseienaar om redelike kennis te gee van veranderings in die klassifikasie van vragpryse of tariewe;
- (d) met betrekking tot die heffing deur enige skeepseienaar van differensiële vragpryse of ander koste tussen een verskeper en 'n ander ten opsigte van die seevervoer van goedere na, van of tussen Uniehawens;
- (e) wat betref differensiële of onbillike behandeling van 'n verskeper deur 'n skeepseienaar ten opsigte van die toekenning van ruimte of enige ander saak.

Sodanige verslae sal op versoek van die Raad en met goedkeuring van die Minister ter Tafel van albei Huise van die Parlement gelê word.

3. Die Goewerneur-generaal kan regulasies maak wat nie onbestaanbaar met hierdie Wet is nie—

Regulasies insake vergaderings en bevoegdheid van Raad.

- (a) met betrekking tot die wyse waarop vergaderings van die Raad belê moet word, waar en wanneer vergaderings gehou, en die kennis wat vir die belê van sodanige vergaderings gegee moet word;
- (b) met betrekking tot die vereiste kworum om 'n vergadering te vorm, die handelwyse op vergaderings, die wyse waarop notule van vergaderings en ander

- and the manner in which the results of the Board's deliberations shall be conveyed to the Minister ;
- (c) as to the powers which shall be vested in the Board to enable it to obtain such information and to perform such acts as may be necessary for the determination of any matter under consideration or for the due and proper fulfilment of the duties and functions assigned to it ;
  - (d) prescribing the information which shall be made or furnished by shipowners trading to, from or between Union Ports and the time when and the manner in which such information shall be furnished ;
  - (e) prescribing penalties which shall not exceed a fine of one hundred pounds for any contravention or failure to comply with any such regulation ;
  - (f) generally for the better carrying out of the objects and purposes of this Act.

Interpretation of terms.

4. In this Act—

- “ Minister ” means the Minister of Railways and Harbours or any Minister of State acting for him ;
- “ Union ” includes the Mandated Territory of South West Africa ;
- “ shipowner ” means any person owning or for the time being having any control over or in respect of any ship engaged in the ocean transport of goods or passengers to, from or between any ports of the Union, or having the control or disposal of space on any such ship.

Short title.

5. This Act may be cited as the Shipping Board Act, 1929

- aantekeninge gehou en die wyse waarop die uitslag van die Raad se besprekings aan die Minister voorgelê moet word ;
- (c) met betrekking tot die bevoegdhede wat aan die Raad verleen moet word om dit in staat te stel om sodanige inligting te verkry en sodanige stappe te doen as nodig mag wees vir die beslissing van enige saak onder oorweging of vir die behoorlike nakoming van die pligte en werksaamhede aan hom opgedra ;
- (d) om die inligting te bepaal wat opgestel of verstrekk moet word deur skeepseienaars wat handel dryf na, van of tussen Uniehawens en die tyd wanneer en die wyse waarop sodanige inligting verstrekk moet word ;
- (e) om boete te bepaal van ten hoogste honderd pond vir elke oortreding van of versuim om te voldoen aan enige sodanige regulasie ;
- (f) om in die algemeen beter uitvoering te gee aan die doeleindes van hierdie Wet.

4. In hierdie Wet—

Woordbepaling.

- „Minister” beteken die Minister van Spoorweë en Hawens of enige Staatsminister wat namens hom optree ;
- „Unie” sluit in die Mandaatgebied van Suidwes-Afrika ;
- „skeepseenaar” beteken enige persoon wat die eienaar is van of asdan beheer het oor of ten opsigte van enige skip wat gebruik word vir die seevervoer van goedere of passasiers na, van of tussen Uniehawens, of wat die beheer of beskikking het oor ruimte op elke sodanige skip.

b. Hierdie Wet kan aangehaal word as die Skeepvaartraad Kort tiete Wet, 1929.

No. 21, 1929.]

## ACT

**To provide for the discharge of certain Irrigation Boards from certain liabilities, for the alteration of their areas, for the adjustment of their finances, for the ratification of certain irrigation rates, and for matters incidental thereto.**

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

**Application of Act.** 1. The provisions of this Act shall apply, notwithstanding anything to the contrary contained in the Irrigation and Conservation of Waters Act, 1912 (Act No. 8 of 1912), as amended from time to time (hereinafter referred to as the principal Act).

**Definitions.** 2. In this Act—  
 "irrigation rates" means the rates referred to in sub-section (1) of section *ninety-one* of the principal Act;  
 "Minister" means the Minister administering the principal Act;  
 "schedule of irrigable areas" means a schedule prepared in terms of section *ninety* of the principal Act.

**Ratification of differential rating in McGregor Irrigation District.** 3. The division of the McGregor Irrigation District, situate in the division of Robertson, in the Province of the Cape of Good Hope, into areas for the purpose of differential rating, and the imposition of such differential rates, effected prior to the commencement of this Act by the McGregor Irrigation Board, shall be deemed to have been effected under special circumstances and with the consent of the Governor-General, in terms of sub-section (2) of section *ninety-one* of the principal Act.

**Provisions concerning Prins River Irrigation District.** 4. (1) The Minister may, during such period as he thinks fit, and without any previous notification, exercise all the functions of the irrigation board of the Prins River Irrigation District, in the division of Ladismith, in the Province of the Cape of Good Hope in lieu of such board: Provided that he shall not pay any compensation for any servitudes acquired by the said board within its district or for any damage caused by flood, prior to the exercise of any such functions by the Minister.

(2) After the Minister has, in the exercise of the said functions, imposed any irrigation rates which he may deem necessary for the purpose of paying the liabilities of the said board, the Governor-General may exclude the following farms from the said irrigation district, namely: Het Groote Vischgat, Zorgvliet, Plathuis, Wolvenfontein, Rietfontein, in extent 1,823 morgen, granted to J. C. Ellis and S. Kuhn, on the thirtieth day of June, 1839, and Ganskop: Provided that such exclusion shall not absolve the owners of the said farms from liability for payment of all irrigation rates imposed thereon prior to such exclusion, and that after such exclusion the Minister may adopt the First Schedule to this Act as the schedule of irrigable areas of the said irrigation district and thereafter the said schedule shall be deemed to have been prepared in terms of section *ninety* of the principal Act.

(3) If the Minister is unable to collect, in irrigation rates, an amount sufficient to pay all the liabilities of the said board, he may, if he deems it desirable, pay any balance of such liabilities from moneys voted by Parliament for that purpose.

**Provisions concerning Bellair Irrigation District.** 5. (1) The Minister may during such period as he thinks fit, and without any previous notification, exercise all the functions of the irrigation board of the Bellair Irrigation District, in the divisions of Swellendam and Ladismith, in the Province of the Cape of Good Hope, in lieu of such board.

(2) After the Minister has, in the exercise of the said functions, imposed any irrigation rates which he may deem necessary

No. 21, 1929.]

**WET**

**Om voorsiening te maak vir kwytskelding van sekere skulde van sekere Besproeiingsrade, vir verandering van hulle gebied, vir reëling van hulle geldsake, vir bekragtiging van sekere besproeiingsbelastings en vir ander aangeleenthede in verband daarmee.**

**DIT WORD BEPAAL** deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika as volg:—

1. Die bepalings van hierdie Wet is van toepassing, nie-teenstaande teenstrydige bepalings in die Besproeiing en Waterbewaring Wet, 1912 (Wet No. 8 van 1912), soos van tyd tot tyd gewysig (hieronder die Hoofwet genoem). Toepassing van Wet.
2. In hierdie Wet beteken— Woordbepaling.
  - „besproeiingsbelasting” die belasting vermeld in sub-artikel (1) van artikel *een-en-negentig* van die Hoofwet;
  - „Minister,” die Minister wat die Hoofwet uitvoer;
  - „lys van besproeibare gronde,” ’n lys opgestel volgens artikel *negentig* van die Hoofwet.
3. Die verdeling in kringe van die McGregor-besproeiingsdistrik, geleë in die afdeling Robertson van die Provinsie Kaap die Goeie Hoop, met die oog op onderskeid in belasting en die onderskeid in sodanige opgelegde belasting, wat die McGregor-besproeiingsraad voor die inwerkingtreding van hierdie Wet teweeggebring het, word beskou as teweeggebring onder besondere omstandighede en met toestemming van die Goewerneur-generaal volgens sub-artikel (2) van artikel *een-en-negentig* van die Hoofwet. Bekragtiging van onderskeid in belasting in McGregor-besproeiingsdistrik.
4. (1) Die Minister kan, vir so lank as wat hy dit wenslik ag en sonder voorafgaande kennisgewing, alle bevoegdhede uitoefen van die besproeiingsraad van die Prinsrivier-besproeiingsdistrik, in die afdeling Ladismith, in die Provinsie Kaap die Goeie Hoop, in stede van daardie raad: Met die verstande dat hy geen skadevergoeding mag betaal nie vir serwitute wat bedoelde raad in sy distrik verkry het of vir skade wat deur oorstroming veroorsaak is, voordat die Minister sodanige bevoegdhede uitgeoefen het. Bepaling omtrent die Prinsrivier-besproeiingsdistrik.
  - (2) Nadat die Minister in die uitoefening van bedoelde bevoegdhede besproeiingsbelastings opgelê het wat hy nodig mag ag ter afbetaling van die skulde van bedoelde raad, kan die Goewerneur-generaal die volgende plase van bedoelde besproeiingsdistrik uitsluit, te wete: Het Groote Vischgat, Zorgvliet, Plathuis, Wolfenfontein, Rietfontein, groot 1,823 morges, toegeken aan J. C. Ellis en S. Kuhn op die dertigste dag van Junie 1839 en Ganskop: Met die verstande dat daardie uitsluiting die eienaars van genoemde plase nie onthef nie van die verpligting tot betaling van alle besproeiingsbelastings wat voor bedoelde uitsluiting daaraan opgelê is, en dat die Minister na daardie uitsluiting die Eerste Bylae tot hierdie Wet kan vasstel as die lys van besproeibare gronde van bedoelde besproeiingsdistrik, waarna bedoelde lys geag word opgestel te wees volgens artikel *negentig* van die Hoofwet.
  - (3) As die Minister nie in staat is nie om ’n voldoende bedrag aan besproeiingsbelastings te in ter betaling van al die skulde van bedoelde raad, kan hy, as hy dit wenslik ag, enige oorskot van daardie skulde betaal uit gelde wat die Parlement daarvoor beskikbaar gestel het.
5. (1) Die Minister kan, vir so lank as wat hy dit wenslik ag en sonder voorafgaande kennisgewing, alle bevoegdhede uitoefen van die besproeiingsraad van die Bellair-besproeiingsdistrik, in die afdelings Swellendam en Ladismith, in die Provinsie Kaap die Goeie Hoop, in stede van daardie raad. Bepalings omtrent die Bellair-besproeiingsdistrik.
  - (2) Nadat die Minister in die uitoefening van bedoelde bevoegdhede besproeiingsbelastings opgelê het wat hy nodig

for the purpose of paying the liabilities of the said board, the Governor-General may exclude the farms Koegat, Muurvlakte, Middelplaats, Brakfontein, Hondewater, Roodevallei, Thyskraal, Krommekloof, Koedoeskop, and Plathuis from the said irrigation district: Provided that such exclusion shall not absolve any owner of any of the said farms from liability for payment of all irrigation rates levied thereon prior to such exclusion and that after such exclusion the Minister may adopt the Second Schedule to this Act as the schedule of irrigable areas of the said irrigation district and thereafter the said schedule shall be deemed to have been prepared in terms of section *ninety* of the principal Act.

(3) If such exclusion is not carried out and the said Board satisfies the Minister that it has provided adequate means for the transmission of water from the Bellair reservoir to any land on any of the said farms, he may approve of the inclusion of such land in the schedule of irrigable areas, and the schedule as so approved shall be the schedule of irrigable areas of the said irrigation district, and be deemed to have been prepared in terms of section *ninety* of the principal Act: Provided that the total scheduled area within the irrigation district shall in no circumstances exceed three hundred and fifty morgen.

(4) If the Minister is unable to collect in irrigation rates, an amount sufficient to pay all the liabilities of the said board, he may, if he deems it desirable, pay any balance of such liabilities from moneys voted by Parliament for that purpose.

(5) If the Minister approves, in terms of sub-section (3) of the inclusion of any land in the schedule of irrigable areas of the said district, an amount equal to thirty-three fortieths of the total debt due by the Board as capital and interest to the Minister of Finance shall be written off.

(6) The balance of the total debt due by the said Board to the Minister of Finance as reduced in terms of sub-section (5) shall be free of interest until such date as the Minister administering the principal Act may determine as the date of the termination of the drought which at present affects the said irrigation district.

Apportionment of  
Maraisburg Irriga-  
tion Board's debts.

6. (1) The Minister is hereby empowered to discharge an amount of £3,777 18s. 2d. representing £2,299 14s. 3d. capital and £1,578 3s. 11d. interest of the debt due by the irrigation board of the Maraisburg Irrigation District situate in the division of Maraisburg in the Province of the Cape of Good Hope, and thereafter the balance of the debt of the irrigation board remaining due to the Government in respect of irrigation loans shall be apportioned among all the owners of land included in the schedule of irrigable areas within the said district, in such a manner that each owner becomes liable for the amount shown opposite his name in the Third Schedule to this Act, and each such owner shall either pay in full his share of such debt as so apportioned or pass a mortgage bond therefor in favour of the Government, on all his immovable property within the irrigation district or on so much thereof as the Minister may require. Such bond shall bear interest at the rate of three and three-quarters per cent. per annum, and shall be redeemable by such equal half-yearly instalments as will liquidate the debt on the first day of July, 1957, the first instalment becoming due on the first day of January, 1929.

(2) No stamp duty or fee of office or any other charge shall be payable in respect of any bond passed in terms of sub-section (1). Any such bond shall rank preferent to any bond passed over the same property subsequent to the 15th day of December, 1928.

Provisions con-  
cerning Calitzdorp  
Irrigation District.

7. (1) Should the Irrigation Board of the Calitzdorp Irrigation District in the Magisterial District of Calitzdorp in the Province of the Cape of Good Hope make application for the reduction, to an area not exceeding three hundred and thirty morgen, of that portion of its schedule of irrigable areas which refers to the land which on the thirty-first day of December, 1928, was rated at the higher rate referred to in paragraph (b) of sub-section (1) of section *eight* of the Financial Adjustments Act, 1923 (Act No. 35 of 1923) hereinafter called

mag ag ter afbetaling van die skulde van bedoelde raad, kan die Goewerneur-generaal die volgende plase: Koegat, Muurvlakte, Middelplaats, Brakfontein, Hondewater, Roodevallei, Thyskraal, Krommekloof, Koedoeskop en Plathuis van bedoelde besproeiingsdistrik uitsluit: Met die verstande dat daardie uitsluiting enige eienaar van enige van genoemde plase nie onthef nie van die verpligting tot betaling van alle besproeiingsbelastings wat voor bedoelde uitsluiting daaraan opgelê is, en dat die Minister na daardie uitsluiting die Tweede Bylae tot hierdie Wet kan vasstel as die lys van besproeiibare gronde van bedoelde besproeiingsdistrik, waarna bedoelde lys geag word opgestel te wees volgens artikel *negentig* van die Hoofwet.

(3) As sodanige uitsluiting nie uitgevoer word nie en genoemde Raad die Minister oortuig dat hy voldoende middels verskaf het vir die versending van water van die Bellair-reservoir na enige grond op enige van genoemde plase, kan hy die insluiting van sodanige grond in die lys van besproeiibare gronde goedkeur, en die aldus goedgekeurde lys is die lys van besproeiibare gronde van genoemde besproeiingsdistrik, en word geag opgestel te wees ingevolge artikel *neëntig* van die Hoofwet: Met die verstande dat die totale ingelyste grond in die besproeiingsdistrik onder geen omstandighede driehonderd-en-vyftig morg te bo mag gaan nie.

(4) As die Minister nie in staat is nie om 'n voldoende bedrag aan besproeiingsbelastings te in ter betaling van al die skulde van bedoelde raad, kan hy, as hy dit wenslik ag, enige oorskot van daardie skulde betaal uit gelde wat die Parlement daarvoor beskikbaar gestel het.

(5) As die Minister ingevolge sub-artikel (3) die insluiting van enige grond in die lys van besproeiibare gronde van genoemde distrik goedkeur, word 'n bedrag gelykstaande aan drie-en-dertig veertigstes van die totale bedrag deur die Raad verskuldig as kapitaal en rente aan die Minister van Finansies afgeskrywe.

(6) Die balans van die totale bedrag deur genoemde Raad verskuldig aan die Minister van Finansies soos ooreenkomstig sub-artikel (5) verminder is vry van rente tot sodanige datum as die Minister belas met die administrasie van die Hoofwet mog vasstel as die datum van die beëindiging van die droogte wat op die oomblik genoemde besproeiingsdistrik affekteer.

6. (1) Die Minister word hiermee gemagtig om 'n bedrag van £3,777 18s. 2d., waarvan £2,299 14s. 3d. op die hoofsom en £1,578 3s. 11d. op rente val, te delg van die skuld van die besproeiingsraad van die Maraisburg-besproeiingsdistrik, geleë in die afdeling Maraisburg in die Provinsie Kaap die Goeie Hoop, en daarna word die oorskot van wat die besproeiingsraad aan die Regering skuldig bly uit hoofde van besproeiing slening omgeslaan oor alle eienaars van grond wat opgeneem is in die lys van besproeiibare grond in bedoelde distrik, en wel op so 'n wyse dat elke eienaar aans, reeklik word vir die bedrag aangegee teenoor sy naam in die Derde Bylae tot hierdie Wet en elke sodanige eienaar moet sy aandeel in daardie skuld soos aldus omgeslaan ten volle betaal of 'n verband ten bate van die Regering daarvoor passeer op al sy onroerende goed in die besproeiingsdistrik of soveel daarvan as wat die Minister mag verlang. Daardie verbande dra rente teen drie-en-drie-kwart persent per jaar en is aflosbaar in sodanige gelyke halfjaarlikse paaielemente dat die skuld op die eerste dag van Julie 1957 vereffen word, met die eerste dag van Januarie 1929 as die vervaldag van die eerste paaielement.

Omslag van Maraisburg-besproeiingsraads skulde.

(2) Geen seëlreg of kantoorfooi of ander koste is betaalbaar ten opsigte van enige verband ingevolge sub-artikel (1) gepasseer. Enige sodanige verband het voorrang bo enige verband op dieselfde eiendom na die 15de dag van Desember 1928 gepasseer.

7. (1) As die besproeiingsraad van die Calitzdorp-besproeiingsdistrik in die magistraatsdistrik van Calitzdorp in die Provinsie die Kaap die Goeie Hoop aansoek doen om vermindering tot hoogstens driehonderd-en-dertig morg, van daardie gedeelte van sy lys van besproeiibare gronde wat betrekking het op die grond wat op die een-en-dertigste dag van Desember 1928 belas was met die hoër belasting vermeld in paragraaf (b) van sub-artikel (1) van artikel *ag* van die Finansiële Regelingwet, 1923 (Wet No. 35 van 1923), hierna

Bepalings omtrent die Calitzdorp-besproeiingsdistrik.

the "new lands" the half yearly instalments which shall be payable by the Board in respect of the debt due by it to the Minister of Finance shall be computed as follows:

- (a) On the "new lands" forty shillings per morgen for one hundred and twenty instalments commencing as from the first day of January, 1930; and in addition—
- (b) On the remainder of the scheduled area twenty-five shillings per morgen for six instalments commencing as from the first day of July, 1930, and thereafter forty shillings per morgen for one hundred and fourteen instalments.

(2) Should the Irrigation Board of the said district have failed on or before the 1st day of August, 1929, to make the said application, or should it after the schedule has been amended as set out in sub-section (1) hereof fail within thirty days of the due date, to pay in full any half-yearly instalment computed in the manner set out in sub-section (1) the following provisions shall apply:

- (a) The Governor-General may by proclamation in the *Gazette* extend the said irrigation district to include such land riparian to the Gamka River as the Minister may recommend. The Minister may thereafter exclude from the schedule of irrigable areas within the said district all "new lands" and include within such schedule any irrigable land riparian to the Gamka River: Provided that the total area included in such schedule does not exceed seven hundred morgen. Such schedule, as altered in terms of this sub-section, shall be deemed to have been prepared in terms of section *ninety* of the principal Act.
- (b) The water conserved in the reservoir in the Nels River in the said irrigation district shall be distributed to all owners of land included in the schedule of irrigable areas within the said district as amended by the Minister, in terms of paragraph (a) in proportion to the extent of each such owner's irrigable area: Provided that in every period of twelve months commencing on the first day of July in each year, the owners of land rated at the lower rate referred to in paragraph (b) of sub-section (1) of section *eight* of the Financial Adjustments Act, 1923 (Act No. 35 of 1923), and known as the "old lands" shall collectively be entitled to an additional quantity (if available) of four hundred acre feet of water measured at the outlet valve of the said reservoir: Provided further that such last-mentioned owners shall not be entitled during any such period to any balance of such additional quantity of four hundred acre feet of water which they did not draw during any such period.
- (c) The Minister may in his discretion construct irrigation works necessary to convey water to any land which he has included in the schedule of irrigable areas in terms of paragraph (a) and such further works as he deems desirable for the drainage of land riparian to the Nels River within the said irrigation district. The cost of any such works shall be defrayed from moneys voted by Parliament for that purpose.
- (d) The half-yearly instalments which shall be payable by the Board in respect of the debt due to the Minister of Finance shall be computed at the following rates, namely six instalments, each representing twenty-five shillings per morgen on all land included in the schedule of irrigable areas as amended by the Minister in terms of paragraph (a) and thereafter a further one hundred and fourteen half-yearly instalments, each representing forty shillings per morgen on all such land, the first instalment becoming due on the first day of July 1930: Provided that if the provisions of sub-section (1) hereof have been fulfilled for a period the number of instalments may be reduced in accordance with the said period.

die „nuwe lande” genoem, word die halfjaarlikse paaieimente wat deur die Raad betaalbaar is ten opsigte van die bedrag deur hom aan die Minister van Finansies verskuldig as volg bereken :

- (a) Op die „nuwe lande” veertig sjielings per morg vir honderd-en-twintig paaieimente beginnende vanaf die eerste dag van Januarie 1930 ; en, daarenbo,
- (b) Op die orige gedeelte van die ingelyste gronde vyf-en-twintig sjielings per morg vir ses paaieimente beginnende vanaf die eerste dag van Julie 1930, en daarna veertig sjielings per morg vir honderd-en-veertien paaieimente.

(2) As die besproeiingsraad van genoemde distrik versuim het om op of voor die eerste dag van Augustus 1929 voormelde aansoek te doen, of as hy nadat die lys gewysig is soos in sub-artikel (1) hiervan uiteengesit versuim om binne dertig dae van die vervalddag ten volle enige halfjaarlikse paaieiment bereken volgens die wyse uiteengesit in sub-artikel (1) te betaal is die volgende bepalinge van toepassing :

- (a) Die Goewerneur-generaal kan by proklamasie in die *Staatskoerant* genoemde besproeiingsdistrik uitbrei om sodanige oewergrond aan die Gamkarivier in te sluit as wat die Minister mog aanbeveel. Die Minister kan daarna van die lys van besproeibare gronde in genoemde distrik alle „nuwe lande” uitsluit en in sodanige lys insluit enige besproeibare oewergrond aan die Gamkarivier : Met die verstande dat die hele oppervlakte in sodanige lys ingesluit nie meer as sewehonderd morg is nie. Sodanige lys, soos gewysig ingevolge hierdie sub-artikel, word geag ingevolge artikel *neëntig* van die Hoofwet opgestel te wees.
- (b) Die water bewaar in die reservoir in die Nelsrivier in genoemde besproeiingsdistrik word verdeel onder alle eienaars van grond ingesluit in die lys van besproeibare gronde in genoemde distrik soos gewysig deur die Minister ooreenkomstig paragraaf (a), na verhouding van die grootte van elke sodanige eenaar se besproeibare grond : Met die verstande dat in elke tydperk van twaalf maande beginnende op die eerste dag van Julie in elke jaar, is die eienaars van grond belas met die laer belasting vermeld in paragraaf (b) van sub-artikel (1) van artikel *ag* van die Finansiële Regelingswet, 1923 (Wet No. 35 van 1923), en wat die „ou lande” genoem word, gesamentlik geregtig op 'n verdere hoeveelheid (indien beskikbaar) van vierhonderd akker-voet water gemeet by die uitloop-klep van bedoelde reservoir : Met die verstande voorts dat sulke laasgenoemde eienaars nie geregtig is gedurende enige so 'n tydperk op enige oorskot van sodanige verdere hoeveelheid van vierhonderd akker-voet water wat hulle gedurende enige sodanige tydperk nie gebruik het nie.
- (c) Die Minister kan as hy dit goedvind besproeiingswerke aanlê wat nodig is om water te vervoer na enige grond wat hy volgens paragraaf (a) in die lys van besproeibare gronde ingesluit het en sodanige verdere werke wat hy wenslik ag vir die ontwatering van oewergrond aan die Nelsrivier in genoemde besproeiingsdistrik. Die koste van enige sodanige werke word bestry uit gelde wat die Parlement daarvoor beskikbaar gestel het.
- (d) Die halfjaarlikse paaieimente wat deur die raad betaalbaar is ten opsigte van die bedrag aan die Minister van Finansies verskuldig, word op die volgende skaal bereken, naamlik ses paaieimente, elk verteenwoordigende vyf-en-twintig sjielings per morg op alle grond ingesluit in die lys van besproeibare gronde soos deur die Minister ingevolge paragraaf (a) gewysig en daarna 'n verdere honderd-en-veertien halfjaarlikse paaieimente, elk verteenwoordigende veertig sjielings per morg op al sodanige grond, met die eerste dag van Julie 1930 as die vervalddag van die eerste paaieiment : Met die verstande dat as die bepalinge van sub-artikel (1) hiervan vir 'n tydperk nagekom is die getal paaieimente ooreenkomstig genoemde tydperk verminder kan word.

(3) The capital debt of the Irrigation Board of the said district shall be fixed at an amount which, with interest thereon at the rate of three and three-quarter per cent. per annum, will be redeemed by the payment of the instalments set out in sub-section (1) or in paragraph (d) of sub-section (2) as the case may be. No interest shall be payable on such debt in respect of any period prior to the thirty-first day of December, 1929.

(4) The Irrigation Board of the said district shall be discharged from all liability for any interest due prior to the first day of January, 1930, on any debt owing to the Government and for the difference between the whole of the capital debt of the Board to the Government and the capital debt fixed in terms of sub-section (3).

hort title.

8. This Act may be cited as the Irrigation Loans Adjustments Act, 1929.

**First Schedule.**

PRINS RIVER IRRIGATION DISTRICT.

*Schedule of Irrigable Areas.*

<i>Name of Owner.</i>	<i>Name of Farm.</i>	<i>Irrigable Area in Morgen.</i>
A. P. Breytenbach ..	Papenkuilsfontein ..	25
J. J. Breytenbach ..	" ..	20
H. J. Breytenbach ..	" ..	17
Max Daniller ..	" ..	20
A. S. du Toit ..	" ..	6
N. Kaplan ..	" ..	14
F. W. Johnston ..	Rietfontein ..	100
J. P. Nel ..	" ..	10
Jan Ellis, sen. ..	Mierenfontein ..	40
J. F. Ellis ..	" ..	15
B. Wahl and Mrs. van Zyl	Uitspan ..	60
Rose Lucerne Estates ..	Kruidfontein ..	40
L.S.R. Company ..	Doornboom ..	40
		407

**Second Schedule.**

BELLAIR IRRIGATION DISTRICT.

*Schedule of Irrigable Areas.*

<i>Name of Owner.</i>	<i>Name of Farms.</i>	<i>Irrigable Area in Morgen.</i>
Brak River Estate Co. ..	Hottentotsdam, Brak River, Zandfontein.	325
W. S. Cilliers ..	Brak River ..	25
D. J. Cilliers ..	" ..	
G. L. Cilliers ..	" ..	
A. F. Cilliers ..	" ..	
P. L. Bruwer ..	" ..	
		350

**Third Schedule.**

MARAISBURG IRRIGATION BOARD.

<i>Name of Registered Owner.</i>	<i>Scheduled Area. Morgen.</i>	<i>Amount of Debt Apportioned.</i>		
		<i>£</i>	<i>s.</i>	<i>d.</i>
Smit & De Villiers ..	119	233	2	0
Hattingh, I. ..	46	90	2	1
Oelofse, H. M. ..	396	775	13	8
Walker, A. ..	896	2,086	10	7
Botha, J. P. ..	119	233	2	0
Parker Bros. ..	737	2,068	19	1
Smit & Van Heerden ..	160	429	6	5
Oelofse, P. J. ..	174	340	16	7
Oelofse, Est. C. ..	173	338	17	5
E.P. Guardian Life & Insurance Co.	206	403	10	2

(3) Die hoofsom deur die besproeiingsraad van genoemde distrik verskuldig, word vasgestel op 'n bedrag wat met rente daarop teen drie-en-driekwart persent per jaar afgelos sal word deur betaling van die paaielemente uiteengesit in sub-artikel (1) of in paragraaf (d) van sub-artikel (2), na die geval mog wees. Geen rente is op sodanige skuld ten opsigte van enige tydperk voor die een-en-dertigste dag van Desember 1929 betaalbaar nie.

(4) Die besproeiingsraad van genoemde distrik word van alle aanspreeklikheid vir rente verskuldig voor die eerste dag van Januarie 1930 op enige bedrag aan die Regering verskuldig en vir die verskil tussen die hele hoofsom deur die raad aan die Regering verskuldig en die verskuldigde hoofsom vasgestel ooreenkomstig sub-artikel (3) vrygestel.

8. Hierdie Wet kan aangehaal word as die Wet tot Reëling Kort tiel. van Besproeiingslenings, 1929.

### Eerste Bylae.

#### PRINSRIVIER-BESPROEIINGSDISTRIK.

##### Lys van Besproeibare Gronde.

Naam van Eienaar	Naam van Plaas.	Besproeibare Grond in Morge.
A. P. Breytenbach ..	Papenuilfontein ..	25
J. J. Breytenbach ..	" ..	20
H. J. Breytenbach ..	" ..	17
Max Daniller ..	" ..	20
A. S. du Toit ..	" ..	6
N. Kaplan ..	" ..	14
F. W. Johnston ..	Rietfontein ..	100
J. P. Nel ..	" ..	10
Jan Ellis, sen. ..	Mierenfontein ..	40
J. F. Ellis ..	" ..	15
B. Wahl en Mev. van Zyl	Uitspan ..	60
Rose Lucerne Estates ..	Kruidfontein ..	40
L.S.R. Maatskappy ..	Doornboom ..	40
		407

### Twede Bylae.

#### BELLAIR-BESPROEIINGSDISTRIK.

##### Lys van Besproeibare Gronde.

Naam van Eienaar.	Naam van Plaas.	Besproeibare Grond in Morge.
Brak River Estate Maatskappy.	Hottentotsdam, Brakrivier, Zandfontein.	325
W. S. Cilliers ..	Brakrivier ..	25
D. J. Cilliers ..	" ..	
G. L. Cilliers ..	" ..	
A. F. Cilliers ..	" ..	
P. L. Bruwer ..	" ..	350

### Derde Bylae.

#### MARAISBURG-BESPROEIINGSRAAD.

Naam van Geregistreeerde Eienaar.	Grootte van Grond op Besproeibare Lys in Morge.	Bedrag van Skuldslag.
		£ s. d.
Smit en De Villiers ..	119	233 2 0
Hatting, I. ..	46	90 2 1
Oelofse, H. M. ..	396	775 13 8
Walker, A. ..	896	2,086 10 7
Botha, J. P. ..	119	233 2 0
Gebroeders Parker ..	737	2,068 19 1
Smit en Van Heerden ..	160	429 6 5
Oelofse, P. J. ..	174	340 16 7
Oelofse, Boedel C. ..	173	338 17 5
E.P. Guardian Lewens- en Maatskappy	206	403 10 2

No. 22, 1829.]

## PRIVATE ACT

### To amend the Incorporated Law Society Ordinance, 1903 (Orange Free State), and to apply it to conveyancers.

Preamble

WHEREAS The Law Society of the Orange River Colony was established by the Incorporated Law Society Ordinance, 1903 (Ordinance No. 9 of 1903 of the Orange Free State):

AND WHEREAS the Orange River Colony has in terms of section *six* of the South Africa Act, 1909, become the Province of the Orange Free State and it is in consequence expedient that the said Society should be known as "The Incorporated Law Society of the Orange Free State" or as "Die Ingelyfde Wetsgenootskap van die Oranje Vrystaat";

AND WHEREAS the said Ordinance makes no provision in respect of conveyancers and it is expedient to make such provision and to provide that all conveyancers practising within the said Province shall be members of the said Society and subject to its control and it is also expedient to define the rights and duties of such members and to apply certain provisions of the said Ordinance to such members and to provide that they shall be subject thereto:

BE IT THEREFORE ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly, of the Union of South Africa, as follows:—

Change of name.

1. Notwithstanding anything contained in sections *two* and *four* of the Incorporated Law Society Ordinance, 1903 (Ordinance No. 9 of 1903 of the Orange Free State), hereinafter referred to as the Ordinance, the Society incorporated thereby shall be known as "The Incorporated Law Society of the Orange Free State," or as "Die Ingelyfde Wetsgenootskap van die Oranje Vrystaat".

Orange Free State conveyancers to be members of Law Society.

2. Upon and after the date of the first annual meeting of the Incorporated Law Society of the Orange Free State (hereinafter referred to as the Society) held after the commencement of this Act every conveyancer practising in the Orange Free State shall be a member of the Society and as such shall have the same rights and be subject to the same obligations as a notary public who is a member of the Society.

Application of Ordinance No. 9 of 190

3. (1) In the Orange Free State notice of all applications made to court for the admission of any person to practise as a conveyancer, or for the suspension or striking off the roll of any conveyancer shall be given to the Council of the Society in the same manner as is prescribed in the case of attorneys and notaries by section *twenty-five* of the Ordinance.

(2) The said Council shall have the same powers and authorities in respect of conveyancers as it has under the Ordinance in respect of attorneys and notaries and for such purposes the provisions of the said Ordinance, and in particular of section *twenty-six* thereof, shall apply in respect of conveyancers in the same manner as they apply to attorneys or notaries.

(3) The powers granted to the said Council by section *twenty* of the Ordinance are hereby extended in such manner as to enable the Council duly to exercise the functions and authority granted by this Act.

Short title

4. This Act may be cited as the Incorporated Law Society of the Orange Free State Amendment (Private) Act, 1929.

No. 22, 1929.]

## PRIVATE WET

**Tot Wysiging van die Incorporated Law Society Ordinance, 1903 (Oranje Vrystaat), en om daardie Ordonnansie op transportbesorgers toe te pas.**

**N**ADEMAAL The Law Society of the Orange River Colony Aanhef.  
gestig is ingevolge die Incorporated Law Society Ordinance, 1903 (Ordonnansie No. 9 van 1903 van die Oranje Vrystaat):

EN NADEMAAL die Oranje Rivier Kolonie kragtens artikel *ses* van die Zuid-Afrika Wet, 1909, die Provinsie Oranje Vrystaat geword het, en dit gevolglik raadsaam is dat die gesegde Wetsgenootskap bekend sal wees as "The Incorporated Law Society of the Orange Free State," of as "Die Ingelyfde Wetsgenootskap van die Oranje Vrystaat":

EN NADEMAAL die gesegde Ordonnansie geen voorsiening maak in verband met transportbesorgers nie, en dit raadsaam is om sodanige voorsiening te maak en om te bepaal dat alle transportbesorgers wat binne die gesegde Provinsie praktiseer, lede moet wees van die gesegde Wetsgenootskap en onder die beheer daarvan sal staan, en dit ook raadsaam is om die regte en pligte van sodanige lede te omskryf, en sekere bepalings van gesegde Ordonnansie toe te pas op sodanige lede, en te bepaal dat hulle daaraan onderworpe sal wees:

**W**ORD DIT DERHALWE BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

1. Nietenstaande die bepalings van artikels *twee* en *vier* van die Incorporated Law Society Ordinance, 1903 (Ordonnansie No. 9 van 1903 van die Oranje Vrystaat), hieronder die Ordonnansie genoem, sal die daardeur ingelyfde Wetsgenootskap bekend wees as "The Incorporated Law Society of the Orange Free State" of as "Die Ingelyfde Wetsgenootskap van die Oranje Vrystaat." Verandering van naam.

2. Op en na die dag van die eerste jaarlikse vergadering van die Ingelyfde Wetsgenootskap van die Oranje Vrystaat (hieronder die Genootskap genoem), wat na die invoering van hierdie Wet gehou word, word elke transportbesorger, wat in die Oranje Vrystaat praktiseer, lid van die Genootskap en het as sodanig dieselfde regte en verpligtings as 'n notaris wat 'n lid van die Genootskap is. Oranje Vrystaatse transportbesorgers word lede van Wetsgenootskap.

3. (1) In die Oranje Vrystaat moet van alle applikasies by die hof om toelating van iemand om as 'n transportbesorger te praktiseer of om 'n transportbesorger te skors of van die rol te skrap, aan die Raad van die Genootskap kennis gegee word op dieselfde manier as wat artikel *vyf-en-twintig* van die Ordonnansie in die geval van prokureurs en notaris voorskryf. Toepassing van Ordonnansie No. 9 van 1903.

(2) Bedoelde Raad het dieselfde bevoegdhede en gesag ten opsigte van transportbesorgers as wat hy kragtens die Ordonnansie het ten opsigte van prokureurs en notaris en die bepalings van die gesegde Ordonnansie en vernaamlik van artikel *ses-en-twintig* daarvan, is vir die doel ten opsigte van transportbesorgers op dieselfde manier van toepassing as wat hulle op prokureurs en notaris van toepassing is.

(3) Die bevoegdhede aan bedoelde Raad deur artikel *twintig* van die Ordonnansie verleen word hiermee dusdanig uitgebrei dat die Raad na behore die werksaamhede en gesag deur hierdie Wet verleen, kan verrig en uitoefen.

4. Hierdie Wet mag aangehaal word as die Ingelyfde Wetsgenootskap van die Oranje Vrystaat Wysigings (Private) Wet, 1929. Kort tiel.