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connection with the said land prior to the date of transfer to the said Trustees : And provided further that if the said land or any portion thereof be no longer required by the said Board for school purposes, the Governor may, with the authority of Parliament, direct that the said land or any portion thereof, together with any buildings thereon, shall be used for public or charitable purposes in such manner as may seem fit, anything in Act No. 28 of 1906, notwithstanding.

Time Limit.

2. The said School Board shall within five years of the promulgation of this Act apply such land to school purposes, failing which the land shall revert back to the Municipality for the purpose of sub-section (b) of section one of Act No. 28 of 1906.

How land may be disposed of.

3. Notwithstanding anything contained in the "Disused Cemeteries Appropriation Act, 1906," the land mentioned in Schedules A, B, C, D, E, H, I, of the said Act, and appropriated by the original owners in terms of the provisions of the said Act, may be disposed of, either as a whole or in portions by private treaty by the said owners, for purposes similar to those mentioned in sub-section (a) of section one of the said Act, subject to the consent of the Governor in writing being had and obtained and subject to the consent of Parliament ; provided that the proceeds of such sale shall be used and applied to religious, charitable, or educational purposes in Cape Town ; and provided further that the provisions of section three of Act No. 28 of 1906, shall apply to all land so disposed of.

Short Title.

4. This Act may be cited as "The Disused Cemeteries Appropriation Act Amendment Act, 1909."

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[December 7, 1909.]

ACT

To Provide for the better management and control of certain Mission Stations and certain Lands reserved for the occupation of certain Tribes or Communities, and for the granting of titles to the Inhabitants of such Stations and Reserves.

[Assented to 3rd December, 1909.]

Preamble.

BE it enacted by the Governor of the Colony of the Cape of Good Hope with the advice and consent of the Legislative Council and the House of Assembly thereof as follows :

INTRODUCTORY.

Short Title.

1. This Act may be cited as the "Mission Stations and Communal Reserves Act, 1909."

Definitions.

2. For the purposes of this Act except where the context otherwise indicates.

- "Mission station" shall mean any land held by a missionary society or religious body as a grant in trust for the natives or coloured persons in occupation of such land ;
- "Communal reserve" shall mean any Crown land in the Division of Namaqualand reserved or set apart otherwise than by formal grant for the occupation of native or other communities ;
- "Prescribed" shall mean prescribed by this Act or by any regulation promulgated under and by virtue of the powers and authorities conferred by the provisions of this Act ;
- "Society" shall mean any Missionary Society or religious body holding any land as a grant in trust for the natives or coloured persons in occupation of such land ;
- "Registered occupier" shall mean any person whose name is included in a register of occupiers of land within a mission station or communal reserve framed in the manner prescribed ;
- "Board of Management" shall mean the body established under this Act for the administration and control of the local secular affairs of any mission station or portion thereof or of any communal reserve.

PART I.—MISSION STATIONS.

3. The Governor may by proclamation apply the provisions of this Act to any mission station, the limits of which shall be in such proclamation described: provided that no such proclamation shall be issued unless and until the previous consent in writing of the trustees of the mission station has been furnished and the people affected thereby have been consulted in the manner prescribed.

Application of Act.

4. Upon promulgation of any proclamation as aforesaid it shall be lawful for the Governor, after inquiry by the Resident Magistrate, or a Commissioner duly appointed for the purpose, in the manner prescribed

Procedure upon application of Act.

- (1) To fix and determine the area or areas of land in occupation by the Society for church, school, residential and other purposes, to cause a survey to be made of such land, and thereafter to grant to the Society title thereto: subject to a reservation of precious stones and minerals in favour of the Crown, and subject to the condition that no part of such land so granted shall be mortgaged, sold, or alienated without the previous consent of the Governor and in any case only in accordance with such conditions as the Governor may approve, including conditions as to the disposal of the proceeds of such mortgage, sale, or alienation.
- (2) To fix and determine what rights, if any, as to grazing on the commonage and as to the use of fuel and water shall be held by the Society in respect of such land ;

- (3) To fix and determine in respect of such grant an amount (not exceeding the amount of the rate paid to the Divisional Council) which shall be annually payable by the Society to the Board of Management as and for a local rate for the general purposes of the mission station ;
- (4) To cancel and annul the existing title in respect of the mission station described in such proclamation ;
- (5) To cause the remaining area of the mission station to be demarcated and reserved for the use and occupation of the registered occupiers ;
- (6) To determine who are the persons entitled, at the date of the promulgation of such proclamation, to be occupiers of land within such portion of the mission station as has been demarcated and reserved in terms of sub-section (5) of this section ; to direct that a register of such persons and of the number and extent of the separate lots or holdings respectively occupied by them be framed, and, upon completion of such register, that proceedings be taken for the election of the members of a Board of Management, as prescribed ; and
- (7) To determine what extent of land shall be regarded as a separate lot or holding for the purposes of this section.

Board of Management: Membership.

5. (1) The Board of Management shall consist of nine persons of whom six shall be elected by and from amongst the registered occupiers, and three shall be appointed by the Governor, one of whom shall be recommended by the Society, together with the Resident Magistrate of the District, or such other officer or person as the Governor may from time to time nominate and appoint for the purpose, who shall be an additional member of the Board and shall, when present, preside as Chairman at its meetings. The Chairman of any meeting of the Board shall have a deliberative as well as a casting vote.

(2) The provisions of sections five, seven, eight, nine, ten and eighteen of the "Villages Management Act, 1881," shall, so far as applicable and consistent with the terms of this Act, apply, in respect of the members of the Board of Management elected by the registered occupiers, to the manner of election of such members, their qualifications and disqualifications for membership, their tenure of office, and the filling of their seats when vacant.

(3) The tenure of office of any member of the Board of Management appointed by the Governor shall be for a period of twelve months: Provided that such member may be re-nominated at the expiration of his term of office. Provided further that any such member shall be disqualified from membership and his seat shall become vacant and be filled by the Governor upon the

occurrence of any event which, had such member been elected by the registered occupiers, would, under the provisions of this section, have disqualified him from membership and rendered his seat vacant.

6. (1) The Board of Management shall exercise its rights, powers and duties over the entire area of the mission station, exclusive of such portion or portions as may, in terms of sub-section (1) of section four of this Act, have been set apart for, or granted to, the Society. Provided that it shall be lawful for the Governor, after consultation with the Society and Board of Management, to direct that any land thus excluded which is locally separated from the main portion of the land set apart for, or granted to, the Society, shall come within the jurisdiction of the Board, and thereupon such locally separated land shall become subject to taxation by the Board, and the Society shall be entitled to nominate, in respect thereof, some person who shall be deemed, for the purposes of this Act, to be the occupier thereof, and entitled to registration as such.

(2) Every such Board shall have and exercise the rights, powers and duties exercisable by a Board of Management under sections fifteen, nineteen, twenty, twenty-two, twenty-three and twenty-four of the "Villages Management Act, 1881," and of a local authority established under the provisions of sections thirteen and fourteen of the "Public Health Amendment Act, 1897," and such other powers and duties as may be conferred and imposed upon it by this Act, or any regulations promulgated under or by virtue of section sixteen hereof:

(3) In each year the Board of Management shall levy a rate of not less than ten shillings to be paid by each registered occupier in respect of each separate lot or holding occupied by him and by all such adult male residents upon the mission station as may not be relieved from the obligation to make such payment by regulation framed by the Board of Management and approved by the Governor. The proceeds of such rates and all other revenues of the Board of Management shall, subject to such restrictions as may be imposed by the Governor by regulation promulgated under the provisions of section sixteen of this Act, be appropriated by the Board of Management solely to defray the cost of the exercise and performance of its rights, powers and duties: Provided that with the concurrence of the Resident Magistrate the Board may by special resolution grant a reduction, not exceeding one half, in the rate in respect of any lot or holding, if the Board shall consider that the unimproved value of such lot or holding is less than the average value of all the lots or holdings.

7. Upon it being shown to the satisfaction of the Governor that any Board of Management has failed to properly carry out any duty devolving upon it under the provisions of this Act or any regulation promulgated hereunder, it shall be lawful for

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Powers and Duties of Board.

Individual Tenure.

No. 29-1909. the Governor, after giving three weeks' notice thereof in the *Gazette* and any paper circulating in the district, to appoint some person to carry out the said duty, and such person shall thereupon become vested with all the powers of the Board in that behalf. The cost of carrying out such duty shall be borne by the funds of the Board, and, if there be no such funds or they be insufficient, then it shall be lawful for the Governor to levy for the purpose a special rate not exceeding ten shillings to be paid by all such persons as would be liable to the payment of an annual rate levied under the provisions of section six of this Act. Any such special rate shall be payable and recoverable as in same manner as the said annual rate.

8. (1) As soon as any Board of Management shall adopt a resolution in favour of the survey, for the purpose of individual tenure, of the land reserved as provided in sub-section (5) of the fourth section of this Act for the use and occupation of the registered occupiers, it shall be lawful for the Governor to direct that a public meeting of registered occupiers be called for the purpose of considering the terms of such resolution after public notification of the date and purpose of such meeting for a period of not less than six weeks in such manner as may be prescribed; and if the resolution shall have been approved by a majority of the registered occupiers present at such a meeting the Governor may

- (a) Cause such land to be divided and surveyed.
- (b) Allot to the occupiers of such land at the date of such division and survey such portions thereof as they may, in the opinion of the Governor, be respectively entitled to occupy at the time, and, in case of doubt or dispute, determine any question as to right of occupation or the area of land to be allotted;
- (c) Cause to be demarcated and set apart sites for public buildings, and such areas as may be available for burial, market, recreation, or any other public purpose;
- (d) Reserve, subject to the provisions of this Act, the remaining extent of such land for the use of the community as commonage;
- (e) Grant to the registered occupiers, free of quitrent, but subject to the provisions of this Act and to all such reservations as are usual in quitrent grants of Crown land, such portions of the land as may have been respectively allotted to them;
- (f) Direct that the cost of subdivision and survey shall, in the first instance, be borne out of public funds; and prescribe the manner in which such costs shall be allocated amongst the grantees, and the times and manner in which the said costs shall be paid.

(2) Upon failure of any grantee, within six months of the date when same shall become due and payable, to pay the share of

Procedure upon failure of Board to perform any duty.

costs allocated against him or any instalment thereof, notice of such failure and of the intention of the Governor to cancel the title deed in consequence thereof shall be posted by the Resident Magistrate of the District at the Court House and either at the Office of the Board of Management or at some other place within the mission station; and after such notice shall have remained so posted for six months it shall be lawful for the Governor, if the amount due together with an additional charge of two shillings and sixpence has not at such date been paid, to cancel the title deed and sell the land to some approved person upon such terms and at such price as he may think fit. Provided that the proceeds of any such sale, after deduction therefrom of the total sum due from the previous grantee together with the aforesaid charge of two shillings and sixpence, shall be paid over to such previous grantee.

9. (1) No land allotted under the provisions of sub-section (6) of section four of this Act or allotted or granted under the provisions of section eight hereof shall be alienated, transferred, ceded, leased, mortgaged or rendered liable to execution for debt without the previous consent of the Governor; nor shall any such land be capable of sub-division or of being held in joint occupation or ownership.

Restraint upon alienation and prohibition of sub-division or joint ownership or occupation.

(2) (a) Whenever, by the terms of any will or other testamentary document, or as a consequence of succession upon intestacy to any deceased person, or by the dissolution of any community of property subsisting between spouses, any land allotted under the provisions of sub-section (6) of section four of this Act or allotted or granted under the provisions of section eight hereof, would ordinarily come into the occupation or ownership of more than one person or require to be sub-divided for the purpose of separate benefit, the Resident Magistrate of the District, after consultation with the Board of Management, shall determine the respective values of the shares of the persons beneficially interested in such land, and shall appoint from among such persons one person into whose occupation or ownership alone such land shall come. Provided, that no such appointment shall be made unless and until adequate arrangements to the satisfaction of the beneficiaries not so appointed, or their lawful representatives and of the Resident Magistrate shall have been made by the person proposed to be appointed for the payment to such beneficiaries of the value determined as hereinbefore provided of their respective benefits.

(b) Upon failure from any cause of the person so appointed to carry into effect the arrangements made for the satisfaction of the shares of such beneficiaries, notice of such failure and of the intention of the Governor in consequence to cancel the right of occupation or ownership, as the case may be, previously granted to such person in terms of sub-section two (a) of this section shall be posted by the Resident Magistrate at the Court

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House and either at the Office of the Board of Management or at some other place within the mission station; and after such notice shall have remained posted for thirty days it shall be lawful for the Governor, unless the said arrangements shall by that time have been carried into effect, to cancel the said right and to appoint from among the beneficiaries some other person who may be willing and able to make adequate arrangements to the satisfaction of the other beneficiaries or their lawful representatives and of the Resident Magistrate for the payment of the value of the shares of such beneficiaries.

(c) In the selection of any person for appointment under this section the Resident Magistrate shall be governed by the wishes of the majority in value of the beneficiaries where such majority exists. Provided that it shall be competent for the Resident Magistrate to represent to the Minister any cause why the wishes of the majority in value of the beneficiaries should not be complied with, or cannot conveniently be ascertained, and for any beneficiary to appeal to the Minister against any decision of the Resident Magistrate under this section, and the decision of the Minister upon any such representation or appeal shall be final.

(d) Upon the failure of the Resident Magistrate to make any appointment in terms of this section by reason of the inability of any one of the beneficiaries to make adequate arrangements to the satisfaction of the other beneficiaries or their lawful representatives and of the Resident Magistrate for the payment to such other beneficiaries of the value of their shares, it shall be lawful for the Governor to order that the right of occupation or of ownership in the land, as the case may be, shall be sold to some approved person upon such terms and conditions and at such price as he may think fit, and that the proceeds of such sale, after deduction of any costs incurred, be divided amongst all the beneficiaries proportionately to the extent of their interest in the land.

Mode of Transfer.

10. (1) Whenever the approval of the Governor shall have been obtained to the alienation of land allotted under the provisions of sub-section (6) of section four of this Act or allotted or granted under the provisions of section eight hereof the transferor or his lawful agent shall complete a form of transfer substantially in the manner set forth in the schedule to this Act, and which shall, in the case of land granted under the provisions of section eight of this Act, be endorsed upon the title deed of such land, and leave it, together with the sum of two shillings and sixpence for a stamp of that value to be affixed to the said form of transfer, with the Resident Magistrate of the District.

(2) The Resident Magistrate, upon being satisfied that the requirements under this Act for the validity of such alienation have been complied with, shall, in the case of land allotted under the provisions of sub-section (6) of section four of this Act, register such transfer in such manner as may be prescribed, and,

in the case of land granted under the provisions of section eight of this Act, shall transmit the title deed with the form of transfer endorsed thereon to the proper Registrar of Deeds for the purpose of the due registration of such transfer.

(3) No transfer duty, fee of office, stamp duty or charge other than as in this section provided shall be paid in respect of any such transfer.

(4) The provisions of the Titles Registration and Derelict Lands Act, 1881, shall be applicable in respect of any land allotted or granted under the provisions of section eight of this Act; provided that no person shall be entitled to any order under the said Act unless the consent of the Governor shall previously have been procured, and that any transfer pursuant to any such order shall be effected, as nearly as may be, in accordance with the provisions of this section.

11. Notwithstanding anything to the contrary contained in the Divisional Councils Act, 1889, or any other law, all property within the area of jurisdiction of a Board of Management shall be deemed to be one undivided property for the purposes of this Act or law; the Board of Management shall be liable for the payment of any rates assessed by the Divisional Council on such property and shall pay such rates out of its funds; and the names of the members of the Board of Management shall, upon their election or appointment and after notification thereof in writing to the Divisional Council by the Chairman of the Board of Management, be included on the list of registered voters for Divisional Council purposes. Provided that no rate assessed by the Divisional Council under the provisions of Part III. of the Divisional Councils Act, 1889, shall, in respect of any such property, exceed in any one year a sum which would be produced by the payment of two shillings by each of the duly registered occupiers for the time being and where the provisions of section eight of the said Act have been proclaimed then in respect of every separate lot or holding within the area of jurisdiction of the Board of Management.

12. (1) It shall be lawful for the Governor at any time to cause to be sold, in such manner and upon such terms as he may think fit after consultation with the Board of Management, any portion of the commonage of any mission station which may not be required for the purposes of the community; provided that no such sale shall take place unless and until

(a) A resolution of the Board shall have been adopted in favour thereof;

(b) Such resolution shall have been approved of by a majority of the registered occupiers present at a public meeting to be called for the purpose, after public notification in such manner as may be prescribed for a period of not less than six weeks of the terms of the resolution and of the date fixed for such meeting.

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Divisional Council rates.

Sale of portion of Commonage not required.

(2) The Governor may by proclamation exclude the land so sold from the limits of the area of jurisdiction of the Board of Management and from the scope of operation of this Act.

(3) The proceeds of any such sale shall be paid to the Board of Management and shall, under such restrictions as the Governor may appoint, and subject to the approval of the Governor, be devoted exclusively to the erection or equipment of school buildings, or to irrigation works or other public purposes.

No liquor licence to be granted within Board area.

13. Notwithstanding anything to the contrary contained in Act No. 28 of 1883 or any other law it shall not be lawful to grant any liquor licence within the area of jurisdiction of any Board of Management.

Tenure of land to be communal for purposes of Act 14, 1887.

14. All land allotted under the provisions of sub-section (6) of section four of this Act or allotted or granted under the provisions of section eight hereof shall, for the purposes of section seventeen of Act No. 14 of 1887 or any amendment thereof, be deemed to be held on communal tenure.

Application of 9th section of Vagrancy Act, 1879.

15. The provisions of the ninth section of the Vagrancy Act, 1879 shall apply to every area under the jurisdiction of a Board of Management and shall be operative in respect of any registered occupier whose rights as such shall have ceased and determined but who, the same notwithstanding, shall, without lawful authority, have entered into or continued in occupation of land; and for the purpose of the said section any person continuing in occupation of land his right to occupy which shall have ceased and determined shall be deemed to have originally entered upon such land without lawful authority.

Regulations.

16. It shall be lawful for the Governor in respect of any mission station to make, alter and revoke regulations for all or any of the following purposes:—

- (1) For the manner in which the people of any mission station shall be consulted and inquiry shall be held for the purpose of the due carrying out of sections three and four of this Act and for the framing and keeping of a register of persons entitled to occupy land in any mission station and of the separate lots or holdings held by such persons, and for the registration and hearing of claims for inclusion in, or any objections to, such register, and for the removal therefrom of the name of any deceased person or of any person who by transfer of property, or for any other cause shall have ceased to possess the prescribed qualification for exercising the rights of a registered occupier;
- (2) For the lease of sites for trading purposes within the area of jurisdiction of any Board of Management and the regulation of the rentals chargeable in respect of such sites;
- (3) For vesting in, or imposing upon, any Board of Management any powers and duties in addition to the powers and duties vested or imposed by this Act;

- (4) For the appropriation of rates or other revenues and for the authorization of any expenditure to be incurred to the Board of Management ;
- (5) For prescribing the manner in which the accounts of a Board of Management shall be kept and the times when and manner in which such accounts shall be audited and balance sheets published ;
- (6) For prescribing when and how often the meetings of the Board of Management shall be held, and the procedure at such meetings ;
- (7) For the assessment and recovery of any rates and the collection of any fees or dues chargeable by any Board of Management ; and for the exclusion of any registered occupier who shall not have paid any lawful rate, fee, or due, from the right to vote in any election of a member of the Board until such rate, fee, or due, be first paid ;
- (8) For the admission and registration of new residents within any area under the jurisdiction of a Board of Management wherein survey for the purpose of individual tenure has not taken place, and for the allocation or allotment to such new residents of building sites and garden or arable lands ;
- (9) For prescribing the manner in which the regulations of any Board shall be promulgated ;
- (10) For the prohibition of beer-drinks and for the prohibition, regulation or restriction of the making or brewing of Kafir beer and for the suppression of heathenish practices ; and
- (11) Generally for the purposes of carrying out the provisions of this Act.
17. It shall be lawful for the Board of Management by regulation with the consent of the Governor to prescribe the number of cattle or live stock which registered occupiers shall be allowed to put to graze on the commonage thereof without charge, to limit the number which registered occupiers shall be allowed to put to graze on the commonage on payment of a charge, to prescribe the charge which shall be made for all cattle or live stock put to graze in excess of the number entitled to free grazing, and to hire any land or lands for grazing purposes for the joint use of persons having commonage rights.
18. Any regulations promulgated under this Act may impose a penalty for any breach or contravention thereof not exceeding a fine of five pounds sterling or in default of payment imprisonment with or without hard labour for a period not exceeding thirty days. Any such breach or contravention may be prosecuted in any competent Court, and any Special Justice of the Peace within whose area of jurisdiction any such breach or contravention has occurred shall have jurisdiction to try the offender and to impose the penalties prescribed.

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Regulation of grazing on Commonage.

Contravention of regulations.

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Procedure on non-payment of rates, etc.

19. In case any rate fee or due prescribed shall remain unpaid for a period of six months from the date when it shall have become payable it shall be lawful for the Resident Magistrate, upon application by the Board of Management, to issue a warrant requiring the Messenger of the Court or any officer of the Board to levy and raise the amount due, together with such costs as may be prescribed, by sale of the movable property of the person making default. Should the proceeds of such sale not be sufficient to meet the amount due together with the costs incurred, or should the person in default not be in possession of any movable property, notice of the intention of the Governor to cancel the right of occupation or of ownership as the case may be of the defaulter shall be posted by the Resident 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 six months it shall be lawful for the Governor if the amount due together with an additional charge of two shillings and six pence shall not at that date have been paid, to cancel the right of occupation or of ownership, as the case may be, of the defaulter and sell such right to some approved person upon such terms and at such price as he may think fit. Provided that the proceeds of any such sale after the deduction therefrom of the amount due, together with the aforesaid charge of two shillings and six pence, shall be paid over to the defaulter.

PART II.—COMMUNAL RESERVES.

Application of Part II. of Act.

Application of provisions of Part I to Communal Reserves.

Procedure subsequent to first election of Board of Management.

20. The Governor may by proclamation apply the provisions of Part II. of this Act to any communal reserve after the people affected thereby have been consulted in the manner prescribed.
21. All and several the provisions of Part I of this Act save and except sections three and eight hereof shall apply *mutatis mutandis* to any communal reserve : provided that at any time after issue of any proclamation as aforesaid it shall be lawful for the Governor, in addition to the powers conferred by section four of this Act.
- (a) To cause a survey to be made of the boundaries of such communal reserve, and
- (b) To direct that the cost of such survey shall, in the first instance, be borne out of public funds subject to repayment by the Board of Management.
22. (1) For the purpose of any election of the Board of Management of a communal reserve subsequent to the first election it shall be lawful for the Governor after consultation with the Board :—
- (a) To direct that the area of the communal reserve be divided into such number of wards not exceeding six as he shall deem expedient ;
- (b) To determine the boundaries of such wards and the manner in which the register of occupiers of each such

ward and of the lots or holdings occupied by them shall be compiled and kept;

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(c) To prescribe the number of members of the Board which shall be accorded to each ward;

and thereafter at any election the registered occupiers of each ward shall elect separately the number of members allotted to it.

(2) No person shall be capable of election for any ward unless resident within such ward, and no person shall be capable of representing more than one ward.

(3) Whenever the number of elected members of any Board of Management within this section shall exceed six it shall be lawful for the Governor for every such member in excess of six to appoint one member in addition to those appointed or to be appointed under the provisions of section five of this Act.

23. It shall be lawful for the Governor to appoint a Superintendent who shall in the absence of the Resident Magistrate preside over the Board of Management and shall exercise such powers and perform such duties as may be prescribed.

Appoint-
ment of Su-
perintendent
—powers and
duties.

24. It shall be lawful for the Governor, as soon as a resolution in favour of the exercise of the powers conferred by this section shall be adopted by the Board of Management, to direct that a public meeting of registered occupiers shall be called in like manner as provided by section eight of this Act to consider such resolution, and, if the resolution shall have been approved by a majority of the registered occupiers present,

Outer or re-
serve com-
monages.

(1) To direct that an outer or reserve commonage be defined and demarcated after a sufficient area has been allowed and set apart for the common lands or commonage surrounding the portion or portions used for residential purposes, and that the claims of all registered occupiers lawfully having or exercising rights within the limits of such outer commonage shall be inquired into and determined in the manner prescribed;

(2) With the previous concurrence of both Houses of Parliament to grant any registered occupier as aforesaid, in satisfaction of his claim, title to such portion of the outer or reserve commonage as may be allotted, which title shall be free of quit-rent but subject to all reservations usual in quit-rent grants of Crown land, and to dispose by sale at public auction of any remaining portion or portions of such outer commonage: provided that the proceeds of any such sale shall be devoted to such public purpose within the communal reserve as the Governor may approve, and that the land so granted or disposed of may by proclamation be excluded from the limits of the communal reserve;

(3) To direct that the cost of survey of such outer or reserve commonage shall, in the first instance, be borne out of public funds, subject to repayment by the Board of Management, or grantee, or purchaser as aforesaid.

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Lease of
commonage
for mining
purposes.

25. It shall be lawful for the Governor to lease any portion or portions of the commonage land of any communal reserve for mining purposes subject to, and in accordance with, the mineral laws of the Colony relative to Crown Lands, and to assess a reasonable annual rental to be paid by the lessee to the Board of Management in respect of any such lease in addition to any other charge payable under the said law.

Individual
Tenure.

26. It shall be lawful for the Governor by proclamation, if a resolution in favour of the survey for the purpose of individual tenure of the area of any communal reserve shall have been adopted by the Board of Management thereof, and if such resolution shall have been approved by a majority of the registered occupiers present at a meeting called in like manner as is provided in section eight of this Act, to apply the provisions of the said section to such communal reserve or so much of the said provisions as may be applicable and with such modifications as may be necessary: provided, that no such proclamation shall be promulgated unless and until a copy thereof shall have been laid upon the Table of both Houses of Parliament one month previously, and that notice shall be given in the *Gazette* of the intention to issue such proclamation, at least one month before the laying of a copy thereof upon the Table of both Houses of Parliament as aforesaid.

PART III.—GENERAL.

Application
of provisions
of Part I to
Mission Sta-
tions on pri-
vate property

27. Subject to the previous consent in writing of the owner of any private property on which any mission station not coming within the provisions of this Act shall have been established, it shall be lawful for the Governor by proclamation to apply the provisions of Part I of this Act, *mutatis mutandis* and in so far as they are applicable: Provided that any such proclamation as aforesaid shall only be issued after consultation with the occupiers of such mission station as to the terms of consent and any reservations imposed by the owner in the manner prescribed: and provided further that the terms of such consent and any reservations as aforesaid are embodied in the said proclamation.

Exclusion
of Mission
Station from
Municipality
or Village
Management
area and ap-
plication
thereof pro-
visions of
Part I.

28. (1) It shall be lawful for the Governor by proclamation to exclude from the limits of any Municipality or area under the "Villages Management Act, 1881," any private or communal property on which any mission station not coming within the provisions of this Act or missionary institution shall have been established or any private property which at any time previous to the date of promulgation of this Act was comprised within the limits of any such mission station or missionary institution, upon such terms as to the apportionment of property and the division of rights and liabilities as may have been agreed upon between the Council of such Municipality or the Board of such area on the one hand and the owner of the said property on the other, or, in the event of failure of the parties to arrive at an

agreement upon such terms as to the apportionment of property and the division of rights and liabilities as may be determined upon by a majority of a Commission of three members appointed by the Governor for the purpose: provided that the Council of such Municipality or Board and the owner as aforesaid shall each have the option of nominating one of such members and that the third member shall be appointed by the Governor to preside over such Commission.

(2) Such proclamation shall specify the terms as to the apportionment of property and the division of rights and liabilities so agreed upon or determined and it shall be lawful for the Governor to apply all or any of the provisions of Part I of this Act, *mutatis mutandis* and in so far as they may be applicable, to any area severed under the provisions of this section from any Municipality or area under the Villages Management Act, 1881, and to make regulations governing the manner in which effect shall be given to such apportionment of property and division of rights and liabilities.

29. (1) Whenever any area under the Villages Management Act, 1881, not being a mission station within the meaning of this Act is of the character of a settlement of natives or coloured persons, commonly called a mission location or mission station, congregated about or in the neighbourhood of any missionary institution, it shall be lawful for the Board of Management thereof at any general meeting to adopt a resolution in favour of the substitution in respect of such area of the provisions of Part I of this Act in place of the provisions of the Villages Management Act, 1881, and thereupon it shall be lawful for the Governor, by proclamation, to declare that upon and after a date to be specified therein, the provisions of the said Act shall cease to apply to such area, and that all and several the provisions of Part I of this Act shall, *mutatis mutandis*, and in so far as applicable, apply thereto.

(2) It shall be lawful for the Governor by proclamation to declare that on and after a date to be specified therein the provisions of section sixteen, sub-section (10), of this Act shall be applicable to any area which is not under the Villages Management Act, 1881, and is not a mission station within the meaning of Part I. of this Act but is of the character of a settlement of natives or coloured persons commonly called a mission location or mission station, congregated about or in the neighbourhood of any missionary institution, and in such proclamation to prescribe the limits within which the provisions aforesaid shall be in force; and thereupon the provisions of section eighteen of this Act shall apply to any contravention of any regulation issued in terms of this section in respect of any such area.

No. 29-1909.

Application of Part I to certain other Mission Stations or Locations.

No. 30-1909.
Schedule.

SCHEDULE.
FORM OF TRANSFER.

I, the within named.....in consideration of £.....paid to me by.....the receipt of which sum I do hereby acknowledge, hereby transfer to him all right, title and interest in and to the land held by me under this title; the approval of the Governor having first been obtained.

In witness whereof, I have hereunto subscribed my name at.....this.....day of.....190.....

(Signature or Mark).

Before me,

.....
Resident Magistrate or
Assistant Resident Magistrate.

NOTE.—When transfer is to be effected by a Registrar of Deeds or by an Executor, Trustee or other legal representative, or when the land to be transferred is not held under title deed, the above form should be varied so as to meet the altered circumstances.

No. 30-1909.]

[December 7, 1909.

ACT

To provide for the redemption of quitrents payable on all Trading Station Grants in Native Locations or Reserves in Cape Colony and its Dependencies, and for the fixing of uniform rates of Quitrent and Trading Licence Fees.

[Assented to 3rd December, 1909.]

Preamble.

BE it enacted by the Governor of the Cape of Good Hope with the advice and consent of the Legislative Council and House of Assembly thereof, as follows:—

Redemption of quitrents on Trading Station Grants.

1. Notwithstanding anything to the contrary contained in any Law the provisions of section two of the "Crown Lands Disposal Act and Leasing Acts Amendments Act, 1895," in regard to the redemption of quitrent shall apply *mutatis mutandis* to the quitrents payable on all Trading Station Grants in Cape Colony and its Dependencies, whether such grant was made before or after the passing of this Act.

Fixing rate of quitrent on all Trading Stations at four shillings per morgen.

2. Notwithstanding anything to the contrary contained in any Law the annual quitrent payable in respect of every Trading Station in Cape Colony and its Dependencies to which title has been or shall be issued shall be fixed at four shillings per morgen, subject to a minimum rate of £1 (one pound) sterling per annum, —this arrangement to take effect from the first day of January, 1910.

3. Notwithstanding anything to the contrary contained in the Law relating to Stamps and Licences or any other law, on and after the first day of January, 1910, there shall be paid in respect of every Trading Station whether granted as such under Title or held by Certificate of Occupation issued in terms of the next succeeding section a sum of £12 per annum for a Trading Licence: Provided that if the licence be issued on and after the first day of July in any year the sum of £6 only shall be charged.

No. 30-1909.
Trading Licence Fee to be £12 per annum.

4. It shall be lawful for the Governor after consultation with the District Council (if any) by a Certificate of Occupation to grant to any approved applicant permission to occupy a site for a Trading Station upon Crown Land being portion of a communally occupied Native Location or Reserve, or other land occupied entirely by Natives, subject to the provisions of the second and third sections of this Act and to the general conditions set forth in the Schedule hereunto annexed and such special conditions as to the Governor may seem expedient: provided, however, that the said general conditions may from time to time be supplemented or amended by Resolution of both Houses of Parliament; and provided further that a Certificate as aforesaid may be issued in respect of any land occupied or to be occupied for the purposes of any *bona fide* trading or other craft for which a licence is not required by law, subject only to the payment of a lease rent equivalent to the rate of quitrent fixed in section two of this Act.

Governor may grant permission to occupy Trading Stations.

5. This Act may be cited as "The Trading Stations Act, 1909."

Short Title.

SCHEDULE.

Schedule.

Conditions of Certificate of Occupation.

1. That the permission to occupy shall convey no ownership in the land; provided that in the event of a general survey of the location or area, and the issue of individual title, the claim of such occupier to a grant of the land shall be recognized subject to the sanction of Parliament, and to such conditions as may be approved by it.

2. That the occupier shall not have the right to lease or sublet the land or to sell or transfer the permission to occupy without the sanction of the Governor being first had and obtained.

3. That the occupier shall in no case be entitled to any compensation from the Government for any improvements made on the land, except as is hereinafter provided.

4. That the occupier shall be bound to enclose the land, failing which he shall not be entitled to claim fees or compensation for trespass of stock thereon.

5. That the occupier shall take out the licence (if any), required by law for the purpose of carrying on his trade or craft.

Act No. 11
of 1929.

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 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 Esteourt Natal this the 5th day of September, 1928.

For the Weenen Agricultural Society now known as the Esteourt 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 Esteourt, this 5th day of September, 1928.

B. J. BREWITT
Mayor.

Witness

W. H. PITCHER
L. R. WIDDICOMBE.

Act No. 12
of 1929.

[Date of commencement—3rd April, 1929.*]

ACT

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

(Assented to 23rd March, 1929.)
(Signed by the Governor-General in English.)

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

* This Act was first published in *Gazette Extraordinary*, No. 1772 of the 3rd April, 1929.

Act No. 12 of 1929.

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.

Short title.

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

Schedule.

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.

Act No. 12
of 1949.

ACT

To amend the Mission Stations and Communal Reserves Act, 1909, of the Cape of Good Hope, and to provide for that Act to apply throughout the Union.

(*Afrikaans Text signed by the Governor-General.*)
(*Assented to 5th April, 1949.*)

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:—

1. (1) Section two of the Mission Stations and Communal Reserves Act, 1909, of the Cape of Good Hope (hereinafter referred to as the principal Act), is hereby amended—

(a) by the deletion in the definition of "Mission station" of the words "natives or";

(b) by the substitution for the definition of "Communal reserve" of the following definition:

" 'Communal reserve' shall mean any land, not being a mission station or a coloured persons settlement in terms of the Coloured Persons Settlement Act, 1946 (Act No. 7 of 1946), reserved or set apart for the occupation of coloured persons";

(c) by the deletion in the definition of "Society" of the words "natives or";

(d) by the substitution for the definition of "Registered occupier" of the following definition:

" 'Registered occupier' in relation to any mission station or communal reserve, shall mean any person whose name is included in a register framed in respect of that mission station or communal reserve in terms of paragraph (6) of section four, or to whom a lot or holding within that mission station or communal reserve has been allocated or allotted in pursuance of regulations made under paragraph (8) of section sixteen"; and

(e) by the insertion after the definition of "Registered occupier" of the following definitions:

" 'Coloured person' shall mean any person who is not a white person, a native, or Turk or a member of a race or tribe whose national or ethnical home is Asia, and shall include a member of the race or class commonly called Cape Malays or of the race or class commonly called Griquas;

' Lot ' or ' holding ' shall mean land allotted to a registered occupier for any of the purposes mentioned in paragraph (7) of section four;

' Minister ', in relation to any mission station or communal reserve, shall mean the Minister to whom the Governor-General has assigned the adminis-

Amendment of
section 2 of
Act 29 of
1909 (Cape).

Act No. 12
of 1949.

tration of that mission station or communal reserve;

Native' shall have the meaning assigned to that term by section one of the Native Trust and Land Act, 1936 (Act No. 18 of 1936);

Officer', in relation to any mission station or communal reserve, shall mean any person appointed under sub-section (1) of section five to be an additional member of the Board of Management of that mission station or communal reserve and to preside at its meetings".

(2) The provisions of sub-section (1) shall not affect the right to reside in a mission station or communal reserve, as defined in the principal Act, in the case of any person who at the commencement of this Act was lawfully resident in that mission station or communal reserve, or any descendant of any such person who, but for the said provisions, would have been entitled to reside therein.

2. Section four of the principal Act is hereby amended—

- (a) by the insertion in that part of the section which precedes paragraph (1) after the word "purpose" of the words "or an officer";
- (b) by the insertion in paragraph (3) after the word "exceeding" of the words "in an area under the jurisdiction of a Divisional Council"; and
- (c) by the substitution for paragraph (7) of the following paragraph:

"(7) to divide the area demarcated and reserved for allocation to registered occupiers into areas available for such allocation as lots or holdings for building purposes, lots or holdings for gardens under irrigation, lots or holdings for gardens not under irrigation, and dry land lots or holdings respectively, and to determine the extent of lots or holdings of each kind or of any particular lot or holding".

3. Section five of the principal Act is hereby amended by the deletion in sub-section (1) of the words "officer or", and the insertion in that sub-section after the words "from time to time" of the words "subject to the laws governing the public service".

4. Section six of the principal Act is hereby amended—

- (a) by the substitution in sub-section (3) for the words "all such adult male residents upon the mission station as may not be relieved from the obligation to make such payment by regulation framed by the Board of Management and approved by the Governor" of the words "every adult male resident upon the mission station who is not a registered occupier"; and
- (b) by the addition at the end thereof of the following sub-section:

"(4) The magistrate of the district in which any mission station is situated, may, on the recommendation of the Board of Management concerned, exempt from the obligation to pay any rate levied under sub-section (3)—

Amendment of section 4 of Act 29 of 1909 (Cape).

Amendment of section 5 of Act 29 of 1909 (Cape).

Amendment of section 6 of Act 29 of 1909 (Cape).

Act No. 12
of 1949.

- (a) any registered occupier on the ground of permanent physical disability, advanced age or widowhood; or
- (b) any adult male resident, other than a registered occupier, on the ground of permanent physical disability".

Amendment of section 7 of Act 29 of 1909 (Cape).

5. Section seven of the principal Act is hereby amended by the addition of the following sub-section, the existing section becoming sub-section (1):

"(2) The provisions of sub-section (4) of section six shall *mutatis mutandis* apply in respect of any special rate imposed in terms of sub-section (1) of this section".

Amendment of section 8 of Act 29 of 1909 (Cape).

6. Section eight of the principal Act is hereby amended by the insertion in sub-section (2) after the word "District" of the words "or by an officer".

Amendment of section 9 of Act 29 of 1909 (Cape), as amended by section 2 of Act 12 of 1929.

7. Section nine of the principal Act is hereby amended by the insertion in sub-section (1) after the word "ownership" of the words "except with such consent".

Amendment of section 16 of Act 29 of 1909 (Cape).

8. Section sixteen of the principal Act is hereby amended by the substitution in paragraph (8) for the words "building sites and garden or arable lands" of the words "lots or holdings".

Insertion of new section in Act 29 of 1909 (Cape).

9. The following section is hereby inserted in the principal Act after section sixteen:

"Advance 16bis. The Minister may, in consultation with the Minister of Finance, out of funds appropriated by Parliament for the purpose, and on such conditions as he may deem fit, advance money to the Board of Management established in respect of any mission station for the purpose of enabling that board to undertake such works for the development or improvement of that mission station as the Minister may approve".

10. Section twenty of the principal Act is hereby amended by the substitution for the words "the provisions" of the words "any provision".

11. Section twenty-one of the principal Act is hereby amended by the substitution for the words "sections three and" of the word "section".

12. Section twenty-three of the principal Act is hereby amended by the insertion after the word "appoint" of the words "subject to the laws governing the public service".

13. The principal Act is hereby further amended—

- (a) by the substitution in sections four to ten, inclusive sub-sections (1) and (3) of section twelve, and sections sixteen, seventeen, nineteen and twenty-one to twenty-five, inclusive, for the word "Governor" wherever it occurs of the word "Minister"; and

Amendment of section 20 of Act 29 of 1909 (Cape).

Amendment of section 21 of Act 29 of 1909 (Cape).

Amendment of section 23 of Act 29 of 1909 (Cape).

Amendment of sections 4 to 10, 12, 16, 17, 19 and 21 to 25 of Act 29 of 1909 (Cape).

UNION OF SOUTH AFRICA.

ACT

TO

**Amend the Mission Stations and Communal Reserves Act, 1909,
of the Cape of Good Hope.**

UNIE VAN SUID-AFRIKA.

WET

OM

**Die „Mission Stations and Communal Reserves Act, 1909”, van
die Kaap die Goeie Hoop, te wysig.**

No. 35, 1955.

ACT

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

(English text signed by the Governor-General.)
(Assented to 8th June, 1955.)

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

1. Section *two* of the Mission Stations and Communal Reserves Act, 1909, of the Cape of Good Hope (hereinafter referred to as the principal Act), is hereby amended—

(a) by the substitution for the definition of "Officer" of the following definition:

"Officer", in relation to any mission station or communal reserve, shall mean any person appointed—

(a) under sub-section (1) of section *four bis* to be an additional member of the Advisory Board; or

(b) under sub-section (1) of section *five* to be an additional member of the Board of Management,

of that mission station or communal reserve and to preside at its meetings;"; and

(b) by the insertion after the definition of "Officer" of the following definition:

"Advisory Board" shall mean the body established under this Act to advise the Minister on and to assist him in, the administration of any mission station or communal reserve;".

2. Section *four* of the principal Act is hereby amended by the insertion in paragraph (6) after the words "such register" of the words "to appoint an Advisory Board or to direct".

3. The following sections are hereby inserted in the principal Act after section *four*:

4bis. (1) An Advisory Board shall consist of—
(a) five ordinary members appointed by the Minister; and

(b) one additional member, who shall be the Magistrate of the District or such other person as the Minister may from time to time, subject to the laws governing the public service, nominate and appoint for the purpose and who shall, when present, preside as Chairman at its meetings.

(2) The ordinary members of an Advisory Board shall hold office for such period as the Minister may determine at the time of their appointment: Provided that the period of office of such a member may be terminated at any time if in the opinion of the Minister there are good reasons for doing so.

(3) It shall be the duty of an Advisory Board to make recommendations to the Minister on all matters submitted to it for consideration and generally to advise the Minister on and to assist him in, the proper administration of the mission station.

4ter. (1) The Minister shall, in respect of any mission station for which an Advisory Board has been constituted, possess all the rights and powers and perform all the duties which are conferred or imposed upon a Board of Management by this Act: Provided that the Minister shall not be obliged to prepare a voters' list for any mission station in terms of sub-section (2)*bis* of section *five* unless and until steps are taken in terms of sub-section (3) of

Amendment of section 2 of Act 29 of 1909 (Cape), as amended by section 1 of Act 12 of 1949.

Amendment of section 4 of Act 29 of 1909 (Cape), as amended by sections 2 and 13 of Act 12 of 1949.

Insertion of sections 4bis and 4ter in Act 29 of 1909 (Cape).

Powers of Minister in respect of a mission station for which an Advisory Board has been constituted.

WET

Om die „Mission Stations and Communal Reserves Act, 1909”, van die Kaap die Goeie Hoop, te wysig.

(Engelse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 8 Junie 1955.)

DIT WORD BEPAAL deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

1. Artikel *twee* van die „Mission Stations and Communal Reserves Act, 1909”, van die Kaap die Goeie Hoop (hieronder die Hoofwet genoem), word hiermee gewysig—

(a) deur die omskrywing van „Officer” deur die volgende omskrywing te vervang:

„Officer”, in relation to any mission station or communal reserve, shall mean any person appointed—

(a) under sub-section (1) of section *four bis* to be an additional member of the Advisory Board; or

(b) under sub-section (1) of section *five* to be an additional member of the Board of Management,

of that mission station or communal reserve and to preside at its meetings;"; en

(b) deur na die omskrywing van „Officer” die volgende omskrywing in te voeg:

„Advisory Board” shall mean the body established under this Act to advise the Minister on and to assist him in, the administration of any mission station or communal reserve;".

2. Artikel *vier* van die Hoofwet word hiermee gewysig deur in paragraaf (6) na die woorde „such register” die woorde „to appoint an Advisory Board or to direct” in te voeg.

3. Die volgende artikels word hiermee na artikel *vier* in die Hoofwet ingevoeg:

4bis. (1) An Advisory Board shall consist of—
(a) five ordinary members appointed by the Minister; and

(b) one additional member, who shall be the Magistrate of the District or such other person as the Minister may from time to time, subject to the laws governing the public service, nominate and appoint for the purpose and who shall, when present, preside as Chairman at its meetings.

(2) The ordinary members of an Advisory Board shall hold office for such period as the Minister may determine at the time of their appointment: Provided that the period of office of such a member may be terminated at any time if in the opinion of the Minister there are good reasons for doing so.

(3) It shall be the duty of an Advisory Board to make recommendations to the Minister on all matters submitted to it for consideration and generally to advise the Minister on and to assist him in, the proper administration of the mission station.

4ter. (1) The Minister shall, in respect of any mission station for which an Advisory Board has been constituted, possess all the rights and powers and perform all the duties which are conferred or imposed upon a Board of Management by this Act: Provided that the Minister shall not be obliged to prepare a voters' list for any mission station in terms of sub-section (2)*bis* of section *five* unless and until steps are taken in terms of sub-section (3) of

Wysiging van artikel 2 van Wet 29 van 1909 (Kaap), soos gewysig deur artikel 1 van Wet 12 van 1949.

Wysiging van artikel 4 van Wet 29 van 1909 (Kaap), soos gewysig deur artikels 2 en 13 van Wet 12 van 1949.

Invoeging van artikels 4bis en 4ter in Wet 29 van 1909 (Kaap).

Powers of Minister in respect of a mission station for which an Advisory Board has been constituted.

this section for the constitution of a Board of Management for such mission station.

(2) The Minister may delegate any of his rights, powers or duties under sub-section (1) to any officer in the public service.

(3) If at any time the Minister is of opinion that it is desirable that the administration and control of a mission station for which an Advisory Board has been constituted, should be taken over by a Board of Management, he may take or cause to be taken all such steps as may be necessary for the constitution of such a Board of Management in terms of this Act.

(4) When a Board of Management has been constituted in terms of sub-section (3) for any mission station—

- (a) the Advisory Board concerned and the Minister's rights, powers and duties under sub-section (1) in respect of such mission station shall cease to exist;
- (b) anything done by the Minister in the exercise of his rights or powers or the performance of his duties under sub-section (1), in respect of such mission station, shall be deemed to have been done by such Board of Management; and
- (c) any rights acquired or liabilities incurred by the Minister in respect of such mission station in the exercise of his rights or powers or the performance of his duties under sub-section (1) shall vest in such Board of Management."

4. Section five of the principal Act is hereby amended—

(a) by the substitution in sub-section (1) for the words "by and from amongst the registered occupiers" of the words "as provided in sub-section (1)*bis*";

(b) by the insertion after sub-section (1) of the following sub-section:

"(1)*bis* At the first election of members of a Board of Management (other than a Board which replaces an Advisory Board) the members to be elected shall be elected by and from amongst the Coloured registered occupiers and at any other election the members to be elected shall be elected by and from amongst the persons enrolled as voters as prescribed."

(c) by the substitution for sub-section (2) of the following sub-sections:

"(2) If the persons entitled to vote at an election fail to elect any member whom they are entitled to elect or to fill any vacancy which has occurred on the Board of Management and which they are entitled to fill, the Minister may appoint such member or fill such vacancy from amongst the persons qualified to be elected as members of such Board.

(2)*bis* The Board of Management shall as soon as may be after the first day of May in each year prepare in the manner prescribed a list of Coloured registered occupiers who are entitled to vote at elections of such Board."; and

(d) by the substitution in sub-section (3) for the words "shall be for a period of twelve months" of the words "in terms of sub-section (1) shall be for such period (which shall be not less than twelve months) as the Minister may determine at the time of his appointment" and by the substitution in the said sub-section for the words "would, under the provisions of this section" of the words "or enrolled voters, as the case may be, would".

5. Section six of the principal Act is hereby amended by the substitution for sub-section (2) of the following sub-sections:

"(2) Every Board of Management shall under its name be a body corporate, capable of suing and being sued in its corporate name and of performing, subject to the provisions of this Act, all such acts as are necessary for or incidental to the exercise of its rights and powers and the performance of its duties.

(2)*bis* A Board of Management shall have power—

- (a) to make, maintain and keep in repair roads (other than proclaimed roads), streets, paths, side walks, culverts and bridges within the limits of the area under its jurisdiction and to provide for the lighting of streets and roads;

Amendment of section 5 of Act 29 of 1909 (Cape), as amended by sections 3 and 13 of Act 12 of 1949.

Amendment of section 6 of Act 29 of 1909 (Cape), as amended by sections 4 and 13 of Act 12 of 1949.

this section for the constitution of a Board of Management for such mission station.

(2) The Minister may delegate any of his rights, powers or duties under sub-section (1) to any officer in the public service.

(3) If at any time the Minister is of opinion that it is desirable that the administration and control of a mission station for which an Advisory Board has been constituted, should be taken over by a Board of Management, he may take or cause to be taken all such steps as may be necessary for the constitution of such a Board of Management in terms of this Act.

(4) When a Board of Management has been constituted in terms of sub-section (3) for any mission station—

- (a) the Advisory Board concerned and the Minister's rights, powers and duties under sub-section (1) in respect of such mission station shall cease to exist;
- (b) anything done by the Minister in the exercise of his rights or powers or the performance of his duties under sub-section (1), in respect of such mission station, shall be deemed to have been done by such Board of Management; and
- (c) any rights acquired or liabilities incurred by the Minister in respect of such mission station in the exercise of his rights or powers or the performance of his duties under sub-section (1) shall vest in such Board of Management."

4. Artikel vyf van die Hoofwet word hiermee gewysig—

(a) deur in sub-artikel (1) die woorde „by and from amongst the registered occupiers” deur die woorde „as provided in sub-section (1)*bis*” te vervang;

(b) deur na sub-artikel (1) die volgende sub-artikel in te voeg:

„(1)*bis* At the first election of members of a Board of Management (other than a Board which replaces an Advisory Board) the members to be elected shall be elected by and from amongst the Coloured registered occupiers and at any other election the members to be elected shall be elected by and from amongst the persons enrolled as voters as prescribed.”;

(c) deur sub-artikel (2) deur die volgende sub-artikels te vervang:

“(2) If the persons entitled to vote at an election fail to elect any member whom they are entitled to elect or to fill any vacancy which has occurred on the Board of Management and which they are entitled to fill, the Minister may appoint such member or fill such vacancy from amongst the persons qualified to be elected as members of such Board.

(2)*bis* The Board of Management shall as soon as may be after the first day of May in each year prepare in the manner prescribed a list of Coloured registered occupiers who are entitled to vote at elections of such Board.”; en

(d) deur in sub-artikel (3) die woorde „shall be for a period of twelve months” deur die woorde „in terms of sub-section (1) shall be for such period (which shall be not less than twelve months) as the Minister may determine at the time of his appointment” te vervang en deur in genoemde sub-artikel die woorde „would, under the provisions of this section” deur die woorde „or enrolled voters, as the case may be, would” te vervang.

5. Artikel ses van die Hoofwet word hiermee gewysig deur sub-artikel (2) deur die volgende sub-artikels te vervang:

„(2) Every Board of Management shall under its name be a body corporate, capable of suing and being sued in its corporate name and of performing, subject to the provisions of this Act, all such acts as are necessary for or incidental to the exercise of its rights and powers and the performance of its duties.

(2)*bis* A Board of Management shall have power—

- (a) to make, maintain and keep in repair roads (other than proclaimed roads), streets, paths, side walks, culverts and bridges within the limits of the area under its jurisdiction and to provide for the lighting of streets and roads;

Wysiging van artikel 5 van Wet 29 van 1909 (Kaap), soos gewysig deur artikels 3 en 13 van Wet 12 van 1949.

Wysiging van artikel 6 van Wet 29 van 1909 (Kaap), soos gewysig deur artikels 4 en 13 van Wet 12 van 1949.

- (b) to provide and maintain for domestic or other purposes, or for both domestic and other purposes, a sufficient supply of water for the inhabitants of the area under its jurisdiction, and to acquire land and water or other rights for that purpose, and to establish, provide, carry out and maintain all necessary waterworks within or outside the area under its jurisdiction for providing and maintaining and from time to time, as may be necessary, augmenting and improving such supply, and for the said purposes to purchase or take over from any person any existing waterworks and to take over and exercise all or any rights, powers, duties or liabilities, legally exercised or possessed by such person in connection with such waterworks, and to do all things necessary for inquiring into and investigating any proposed source of water supply or any scheme for the supply of water;
- (c) to undertake, carry out or maintain or contract for the undertaking, carrying out or maintenance of a system for the collection, removal and disposal of night-soil, slopwater or household or other refuse within the area under its jurisdiction;
- (d) to provide and maintain public wash-houses, wash-places and bleaching and drying greens and grounds;
- (e) to provide and maintain public sanitary conveniences;
- (f) to provide and maintain public slaughterhouses either within or outside the area under its jurisdiction;
- (g) to provide and maintain places to be used for the gutting, curing and packing of fish;
- (h) to provide and maintain dipping tanks;
- (i) to appoint on such conditions and at such remuneration as it may determine, such servants as it may consider necessary for the effective exercise of its rights and powers and performance of its duties; and
- (j) subject to the approval of the Minister, to undertake or carry out any work or undertaking not otherwise provided for.
- (2)ter (a) A Board of Management may subject to the approval of the Minister, make regulations in the manner prescribed—
- (i) for the prevention and suppression of all nuisances and for the preservation of the public health;
- (ii) for compelling owners and occupiers of premises to keep such premises free from offensive or unwholesome matter or things;
- (iii) for preventing the disposal of night-soil, slopwater and decaying and offensive matter in such a manner as to be a danger or injurious to health;
- (iv) for the protection from pollution of any water used by the public for drinking purposes, or over which the Board of Management has control;
- (v) for defining and preventing overcrowding and the unhealthy use of dwellings and buildings;
- (vi) for preventing the occupation or requiring the demolition of such dwellings or buildings as are unhealthy, insanitary or dangerous to life;
- (vii) for requiring sanitary conveniences to dwellings, cafés and shops and public buildings and for prescribing and regulating the nature, construction and mode of use of such conveniences, and for prohibiting the occupation of dwellings or use of public buildings not provided as prescribed;
- (viii) for regulating, restricting or preventing the public washing of clothes and other articles in any river, water course or other place, and for establishing or appointing public washing-places and for regulating the use, and prescribing fees for the use thereof, and for preventing the pollution of any river or water course;
- (ix) for regulating and restricting the killing of animals, the establishment, locality and supervision of slaughterhouses and the disposal of the waste products of slaughtering, and the inspection of slaughterhouses and animals therein and the fixing of fees to be paid for such inspection, and for prohibiting, restricting or regulating the slaughtering of any diseased animal;
- (x) for regulating the sale and preparation, manufacture, keeping, storing, depositing, conveying, handling and exposure for sale, of food, and for preventing the sale or preparation, manufacture,

- (b) to provide and maintain for domestic or other purposes, or for both domestic and other purposes, a sufficient supply of water for the inhabitants of the area under its jurisdiction, and to acquire land and water or other rights for that purpose, and to establish, provide, carry out and maintain all necessary waterworks within or outside the area under its jurisdiction for providing and maintaining and from time to time, as may be necessary, augmenting and improving such supply, and for the said purposes to purchase or take over from any person any existing waterworks and to take over and exercise all or any rights, powers, duties or liabilities, legally exercised or possessed by such person in connection with such waterworks, and to do all things necessary for inquiring into and investigating any proposed source of water supply or any scheme for the supply of water;
- (c) to undertake, carry out or maintain or contract for the undertaking, carrying out or maintenance of a system for the collection, removal and disposal of night-soil, slopwater or household or other refuse within the area under its jurisdiction;
- (d) to provide and maintain public wash-houses, wash-places and bleaching and drying greens and grounds;
- (e) to provide and maintain public sanitary conveniences;
- (f) to provide and maintain public slaughterhouses either within or outside the area under its jurisdiction;
- (g) to provide and maintain places to be used for the gutting, curing and packing of fish;
- (h) to provide and maintain dipping tanks;
- (i) to appoint on such conditions and at such remuneration as it may determine, such servants as it may consider necessary for the effective exercise of its rights and powers and performance of its duties; and
- (j) subject to the approval of the Minister, to undertake or carry out any work or undertaking not otherwise provided for.
- (2)ter (a) A Board of Management may subject to the approval of the Minister, make regulations in the manner prescribed—
- (i) for the prevention and suppression of all nuisances and for the preservation of the public health;
- (ii) for compelling owners and occupiers of premises to keep such premises free from offensive or unwholesome matter or things;
- (iii) for preventing the disposal of night-soil, slopwater and decaying and offensive matter in such a manner as to be a danger or injurious to health;
- (iv) for the protection from pollution of any water used by the public for drinking purposes, or over which the Board of Management has control;
- (v) for defining and preventing overcrowding and the unhealthy use of dwellings and buildings;
- (vi) for preventing the occupation or requiring the demolition of such dwellings or buildings as are unhealthy, insanitary or dangerous to life;
- (vii) for requiring sanitary conveniences to dwellings, cafés and shops and public buildings and for prescribing and regulating the nature, construction and mode of use of such conveniences, and for prohibiting the occupation of dwellings or use of public buildings not provided as prescribed;
- (viii) for regulating, restricting or preventing the public washing of clothes and other articles in any river, water course or other place, and for establishing or appointing public washing-places and for regulating the use, and prescribing fees for the use thereof, and for preventing the pollution of any river or water course;
- (ix) for regulating and restricting the killing of animals, the establishment, locality and supervision of slaughterhouses and the disposal of the waste products of slaughtering, and the inspection of slaughterhouses and animals therein and the fixing of fees to be paid for such inspection, and for prohibiting, restricting or regulating the slaughtering of any diseased animal;
- (x) for regulating the sale and preparation, manufacture, keeping, storing, depositing, conveying, handling and exposure for sale, of food, and for preventing the sale or preparation, manufacture,

- keeping, storing, depositing, conveying or exposure for sale of food that is unsound, unwholesome or diseased and for restricting the use, and regulating and prescribing the cleanliness, lighting, ventilation, water supply, drainage and sanitary conveniences of any premises wherein is sold or prepared, manufactured, stored, kept, deposited or exposed for sale any food, and preventing the use for such purposes of any such premises as are unfit therefor;
- (xi) for regulating, restricting or preventing the carrying on of offensive, unhealthy or dangerous trades, and for safeguarding the public health as affected thereby and the health and safety of those engaged therein;
- (xii) for the destruction and prevention of the breeding of any animals or insects known to harbour or convey the infection of, or cause any disease dangerous to man;
- (xiii) for regulating the supply, distribution and use of water under the control or management of the Board of Management (with power to differentiate in regard to water used for different purposes), including—
- (aa) the quantity of water to be supplied to any lot or holding;
- (bb) the manner in which, the persons by whom, and the places where connections may be made;
- (cc) the charges to be paid for the supply of water and the Board's services in connection therewith;
- (dd) generally for the protection from injury or injurious use of any waterworks, watermains, leadings and fittings of the Board, whether within or outside the area under its jurisdiction; or
- (ee) the cutting off of water on account of failure to pay any charges made under this paragraph or on account of the contravention of any regulation relating to waste, misuse or contamination of water;
- (xiv) for compelling owners or occupiers of premises which in the opinion of the Board of Management are not provided with a sufficient supply of good water for drinking, domestic or sanitary purposes to take such supply from any pipe or main belonging to the Board that is within a reasonable distance of such premises;
- (xv) for regulating, prohibiting or providing for the closing of cesspits, and for regulating the collection, removal and disposal of night-soil and other offensive or unhealthy matter, including slopwater and domestic refuse, and for regulating the time and manner of removal thereof;
- (xvi) for prescribing the charges to be paid by the owner or occupier of any premises for the collection, removal and disposal of night-soil, slopwater or refuse;
- (xvii) for regulating the use and fixing charges to be made for the use of any public slaughter-place or washing-place established or maintained by the Board of Management;
- (xviii) for regulating and controlling the erection of new and the alteration of existing buildings, for preventing the erection of insanitary, unhealthy and unsuitably situated buildings and for securing stability, the observance of sanitary precautions, the provision of a sufficiency of air space about buildings, the proper lighting and ventilation of buildings and the prevention of fire;
- (xix) for prohibiting the execution, and providing for the alteration, removal or demolition by the owner or by the Board of Management at the cost of the owner, of work in respect of which plans and specifications have not been approved by the Board in accordance with its regulations or which does not comply with the plans and specifications approved by the Board;
- (xx) providing for the securing, repair, alteration, removal or demolition by the owner or by the

- keeping, storing, depositing, conveying or exposure for sale of food that is unsound, unwholesome or diseased and for restricting the use, and regulating and prescribing the cleanliness, lighting, ventilation, water supply, drainage and sanitary conveniences of any premises wherein is sold or prepared, manufactured, stored, kept, deposited or exposed for sale any food, and preventing the use for such purposes of any such premises as are unfit therefor;
- (xi) for regulating, restricting or preventing the carrying on of offensive, unhealthy or dangerous trades, and for safeguarding the public health as affected thereby and the health and safety of those engaged therein;
- (xii) for the destruction and prevention of the breeding of any animals or insects known to harbour or convey the infection of, or cause any disease dangerous to man;
- (xiii) for regulating the supply, distribution and use of water under the control or management of the Board of Management (with power to differentiate in regard to water used for different purposes), including—
- (aa) the quantity of water to be supplied to any lot or holding;
- (bb) the manner in which, the persons by whom, and the places where connections may be made;
- (cc) the charges to be paid for the supply of water and the Board's services in connection therewith;
- (dd) generally for the protection from injury or injurious use of any waterworks, watermains, leadings and fittings of the Board, whether within or outside the area under its jurisdiction; or
- (ee) the cutting off of water on account of failure to pay any charges made under this paragraph or on account of the contravention of any regulation relating to waste, misuse or contamination of water;
- (xiv) for compelling owners or occupiers of premises which in the opinion of the Board of Management are not provided with a sufficient supply of good water for drinking, domestic or sanitary purposes to take such supply from any pipe or main belonging to the Board that is within a reasonable distance of such premises;
- (xv) for regulating, prohibiting or providing for the closing of cesspits, and for regulating the collection, removal and disposal of night-soil and other offensive or unhealthy matter, including slopwater and domestic refuse, and for regulating the time and manner of removal thereof;
- (xvi) for prescribing the charges to be paid by the owner or occupier of any premises for the collection, removal and disposal of night-soil, slopwater or refuse;
- (xvii) for regulating the use and fixing charges to be made for the use of any public slaughter-place or washing-place established or maintained by the Board of Management;
- (xviii) for regulating and controlling the erection of new and the alteration of existing buildings, for preventing the erection of insanitary, unhealthy and unsuitably situated buildings and for securing stability, the observance of sanitary precautions, the provision of a sufficiency of air space about buildings, the proper lighting and ventilation of buildings and the prevention of fire;
- (xix) for prohibiting the execution, and providing for the alteration, removal or demolition by the owner or by the Board of Management at the cost of the owner, of work in respect of which plans and specifications have not been approved by the Board in accordance with its regulations or which does not comply with the plans and specifications approved by the Board;
- (xx) providing for the securing, repair, alteration, removal or demolition by the owner or by the

- Board of Management at the cost of the owner, of buildings or structures which are, or are showing signs of becoming, dangerous or which have fallen into a ruinous or dilapidated condition, and for prohibiting the occupation or use of such buildings or structures until they have been secured, repaired or altered to the satisfaction of the Board;
- (xxi) for prohibiting the erection of buildings considered by the Board of Management to be objectionable by reason of the nature of the building itself or the use to which it is to be put or the locality where it is to be erected;
 - (xxii) for regulating the keeping of horses, asses, mules, cattle, goats, sheep or swine, and for prohibiting the use of any stable, cowshed, pen or sty which in the opinion of the Board of Management is unfit, undesirable or objectionable by reason of its locality, construction or manner of use;
 - (xxiii) for regulating fish markets and appointing and regulating places to be used for the landing, gutting, curing and packing of fish, for regulating the disposal of refuse from such markets or places and for prescribing the fees payable for the use of such markets and places;
 - (xxiv) for preventing the obstruction of any road, street or other public place;
 - (xxv) for preventing vehicles from being kept in any such road, street or other public place for an unreasonable time;
 - (xxvi) for preventing any inconvenience to the public from animals being allowed to wander about within the limits of the area under the jurisdiction of the Board of Management;
 - (xxvii) for preventing the dangerous and mischievous use of explosives or inflammable materials;
 - (xxviii) for preventing the making of any unnecessary noises in any street or other public place;
 - (xxix) for regulating, controlling, restricting or prohibiting the keeping of vicious or dangerous animals, including the power to provide for the seizure and destruction of such animals;
 - (xxx) providing for the prevention and extinguishing of fires;
 - (xxxi) for preventing damage to any property to which the inhabitants of the area under the jurisdiction of the Board of Management have a common right and providing for the recovery of compensation for such damage;
 - (xxxii) providing for the granting of licences or permits for the making of bricks, or the digging or getting of clay or gravel, or the quarrying of stone, or the cutting of firewood, brushwood, or grass upon the commonage, and for the payment of reasonable fees or dues for such licences or permits;
 - (xxxiii) providing for the management, protection and control of the commonage and the preservation of all vegetation thereon;
 - (xxxiv) for conferring special privileges of keeping and depasturing livestock on the commonage on butchers, dairymen and traders and prescribing the fees payable therefor;
 - (xxxv) for the granting of temporary grazing rights to travellers or carriers or other persons visiting or passing through the mission station and prescribing the fees payable therefor;
 - (xxxvi) providing for the impounding of all animals trespassing on the commonage;
 - (xxxvii) providing for the planting and preserving of trees and shrubs and preventing injury thereto;
 - (xxxviii) for preventing or restricting bill-posting and advertising and for preventing the disfiguring by advertising and bill-posting of walls, fences, buildings, lands, rocks, trees or other natural features;
 - (xxxix) for preventing any person or vehicle from conveying any article, burden or load so as to obstruct or incommode pedestrians or vehicles in or on any street, sidewalk or foot pavement and for preventing the riding or leading of any animal, and the wheeling of wheelbarrows, cycles or

- Board of Management at the cost of the owner, of buildings or structures which are, or are showing signs of becoming, dangerous or which have fallen into a ruinous or dilapidated condition, and for prohibiting the occupation or use of such buildings or structures until they have been secured, repaired or altered to the satisfaction of the Board;
- (xxi) for prohibiting the erection of buildings considered by the Board of Management to be objectionable by reason of the nature of the building itself or the use to which it is to be put or the locality where it is to be erected;
 - (xxii) for regulating the keeping of horses, asses, mules, cattle, goats, sheep or swine, and for prohibiting the use of any stable, cowshed, pen or sty which in the opinion of the Board of Management is unfit, undesirable or objectionable by reason of its locality, construction or manner of use;
 - (xxiii) for regulating fish markets and appointing and regulating places to be used for the landing, gutting, curing and packing of fish, for regulating the disposal of refuse from such markets or places and for prescribing the fees payable for the use of such markets and places;
 - (xxiv) for preventing the obstruction of any road, street or other public place;
 - (xxv) for preventing vehicles from being kept in any such road, street or other public place for an unreasonable time;
 - (xxvi) for preventing any inconvenience to the public from animals being allowed to wander about within the limits of the area under the jurisdiction of the Board of Management;
 - (xxvii) for preventing the dangerous and mischievous use of explosives or inflammable materials;
 - (xxviii) for preventing the making of any unnecessary noises in any street or other public place;
 - (xxix) for regulating, controlling, restricting or prohibiting the keeping of vicious or dangerous animals, including the power to provide for the seizure and destruction of such animals;
 - (xxx) providing for the prevention and extinguishing of fires;
 - (xxxi) for preventing damage to any property to which the inhabitants of the area under the jurisdiction of the Board of Management have a common right and providing for the recovery of compensation for such damage;
 - (xxxii) providing for the granting of licences or permits for the making of bricks, or the digging or getting of clay or gravel, or the quarrying of stone, or the cutting of firewood, brushwood, or grass upon the commonage, and for the payment of reasonable fees or dues for such licences or permits;
 - (xxxiii) providing for the management, protection and control of the commonage and the preservation of all vegetation thereon;
 - (xxxiv) for conferring special privileges of keeping and depasturing livestock on the commonage on butchers, dairymen and traders and prescribing the fees payable therefor;
 - (xxxv) for the granting of temporary grazing rights to travellers or carriers or other persons visiting or passing through the mission station and prescribing the fees payable therefor;
 - (xxxvi) providing for the impounding of all animals trespassing on the commonage;
 - (xxxvii) providing for the planting and preserving of trees and shrubs and preventing injury thereto;
 - (xxxviii) for preventing or restricting bill-posting and advertising and for preventing the disfiguring by advertising and bill-posting of walls, fences, buildings, lands, rocks, trees or other natural features;
 - (xxxix) for preventing any person or vehicle from conveying any article, burden or load so as to obstruct or incommode pedestrians or vehicles in or on any street, sidewalk or foot pavement and for preventing the riding or leading of any animal, and the wheeling of wheelbarrows, cycles or

vehicles, other than perambulators or bath chairs, on any sidewalk or foot pavement, except for the purpose of crossing the same to or from any house or building, and for prohibiting the throwing of fruit peelings or other matter likely to be dangerous to pedestrians on to any street, road, footpath, sidewalk, foot pavement or thoroughfare which the public have the right to use;

- (xl) for regulating traffic, processions, performances, singing, dancing and gatherings in streets and other public places, and for the maintenance of order in streets and other public places, and for regulating the temporary closing for the purposes of repairs or festivities or on account of cases of serious illness, of any streets or other public places, or portions thereof;
 - (xli) for regulating the use of dipping tanks provided or maintained by the Board of Management and for prescribing the fees payable for the use thereof;
 - (xlii) in regard to any matter in relation to which the Minister has, in terms of paragraph (3) of section *sixteen*, conferred the power or imposed the duty on such Board of Management to make regulations;
 - (xliii) generally for the maintenance and furtherance of peace, order and good rule and government and for the protection, welfare, convenience, comfort and safety of the inhabitants, and for fixing charges for any service rendered by the Board of Management in connection therewith.
- (b) The Minister may make and publish in the *Gazette* standard regulations on any or all of the matters in regard to which a Board of Management may make regulations.
- (c) Subject to compliance with any provisions which may be prescribed, standard regulations or, where they are divided into parts, any part thereof may be adopted without variation by a Board of Management as regulations for the area under its jurisdiction: Provided that for the purpose of identifying standard regulations and in promulgating as regulations of the area, standard regulations adopted by the Board thereof, it shall be sufficient to refer to the number and date of the notice under which such standard regulations were published.
- (d) If any Board of Management fails to make, or if made, to alter or revoke such regulations under paragraph (a) or section *seventeen* as in the opinion of the Minister are, or in such manner as, in his opinion, may be necessary or expedient, the Minister may give notice to the Board of such default and direct it to make, alter or revoke such regulations.
- (e) If such Board fails to comply with such direction within three months after receipt thereof, the Minister may by notice in the *Gazette* make, alter or revoke such regulations as aforesaid as he may consider necessary.
- (f) Any regulations made, altered or revoked by the Minister under paragraph (e) shall be deemed to have been made, altered or revoked by the Board concerned."

Amendment of section 11 of Act 29 of 1909 (Cape).

6. Section *eleven* of the principal Act is hereby amended by the substitution in the proviso thereto for the word "two" of the word "four".

Insertion of section 13bis in Act 29 of 1909 (Cape).

7. The following section is hereby inserted in the principal Act after section *thirteen*:

"Pro-specting or mining on mission stations.

13bis. (1) Notwithstanding anything contained in any other law in regard to prospecting or mining for precious stones or precious or base minerals, no person shall carry on any prospecting or mining operations on any mission station except with the consent of the Minister and on such terms and conditions and subject to such restrictions as he may, after consultation with the Minister of Mines, determine.

(2) Any person who contravenes the provisions of sub-section (1) shall be guilty of an offence and

vehicles, other than perambulators or bath chairs, on any sidewalk or foot pavement, except for the purpose of crossing the same to or from any house or building, and for prohibiting the throwing of fruit peelings or other matter likely to be dangerous to pedestrians on to any street, road, footpath, sidewalk, foot pavement or thoroughfare which the public have the right to use;

- (xl) for regulating traffic, processions, performances, singing, dancing and gatherings in streets and other public places, and for the maintenance of order in streets and other public places, and for regulating the temporary closing for the purposes of repairs or festivities or on account of cases of serious illness, of any streets or other public places, or portions thereof;
 - (xli) for regulating the use of dipping tanks provided or maintained by the Board of Management and for prescribing the fees payable for the use thereof;
 - (xlii) in regard to any matter in relation to which the Minister has, in terms of paragraph (3) of section *sixteen*, conferred the power or imposed the duty on such Board of Management to make regulations;
 - (xliii) generally for the maintenance and furtherance of peace, order and good rule and government and for the protection, welfare, convenience, comfort and safety of the inhabitants, and for fixing charges for any service rendered by the Board of Management in connection therewith.
- (b) The Minister may make and publish in the *Gazette* standard regulations on any or all of the matters in regard to which a Board of Management may make regulations.
- (c) Subject to compliance with any provisions which may be prescribed, standard regulations or, where they are divided into parts, any part thereof may be adopted without variation by a Board of Management as regulations for the area under its jurisdiction: Provided that for the purpose of identifying standard regulations and in promulgating as regulations of the area, standard regulations adopted by the Board thereof, it shall be sufficient to refer to the number and date of the notice under which such standard regulations were published.
- (d) If any Board of Management fails to make, or if made, to alter or revoke such regulations under paragraph (a) or section *seventeen* as in the opinion of the Minister are, or in such manner as, in his opinion, may be necessary or expedient, the Minister may give notice to the Board of such default and direct it to make, alter or revoke such regulations.
- (e) If such Board fails to comply with such direction within three months after receipt thereof, the Minister may by notice in the *Gazette* make, alter or revoke such regulations as aforesaid as he may consider necessary.
- (f) Any regulations made, altered or revoked by the Minister under paragraph (e) shall be deemed to have been made, altered or revoked by the Board concerned."

6. Artikel *elf* van die Hoofwet word hiermee gewysig deur in die voorbehoudsbepaling daarby die woord „two” deur die woord „four” te vervang.

Wysiging van artikel 11 van Wet 29 van 1909 (Kaap).

7. Die volgende artikel word hiermee na artikel *dertien* van die Hoofwet ingevoeg:

„Pro-specting or mining on mission stations.

13bis. (1) Notwithstanding anything contained in any other law in regard to prospecting or mining for precious stones or precious or base minerals, no person shall carry on any prospecting or mining operations on any mission station except with the consent of the Minister and on such terms and conditions and subject to such restrictions as he may, after consultation with the Minister of Mines, determine.

(2) Any person who contravenes the provisions of sub-section (1) shall be guilty of an offence and

Invoeging van artikel 13bis in Wet 29 van 1909 (Kaap).

liable on conviction to a fine not exceeding one hundred pounds or to imprisonment for a period not exceeding six months.

(3) The provisions of this section shall not, in respect of persons who were lawfully carrying on mining or prospecting operations on any mission station on the twentieth day of May, 1955, come into operation before the twentieth day of May, 1956."

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

- (a) by the insertion after paragraph (1) of the following paragraph:
 "(1)*bis* For prescribing—
 (a) the qualifications and disqualifications of voters;
 (b) the manner of compilation of voters' lists;
 (c) the method in which and the times at which members of the Board of Management shall be elected;
 (d) the circumstances in which elected members of the Board of Management and members appointed by the Minister in terms of sub-section (2) of section *five* shall vacate their seats;
 (e) the tenure of office of elected members of the Board of Management and members appointed by the Minister in terms of sub-section (2) of section *five* and the method in which vacancies shall be filled;"
- (b) by the insertion in paragraph (6) after the word "Management" of the words "or the Advisory Board, as the case may be";
- (c) by the insertion after paragraph (9) of the following paragraph:
 "(9)*bis* For prescribing the procedure to be followed in connection with the adoption by the Board of Management of any standard regulations;"
- (d) by the deletion at the end of paragraph (10) of the word "and"; and
- (e) by the insertion after paragraph (10) of the following paragraph:
 "(10)*bis* For the prohibition, control or regulation of gatherings or assemblies of persons on the mission station; and".

9. Section *seventeen* of the principal Act is hereby amended by the insertion after the word "commonage" where it occurs for the first time of the words "of the mission station or any part" and by the insertion after the word "commonage" where it occurs for the second time of the words "or any part thereof".

10. (1) Anything purporting to have been done by the Governor-General, any Minister or the Administrator of the province of the Cape of Good Hope by virtue of the provisions of sub-section (2) of section *five* or of sub-section (2) of section *six* of the principal Act before the date of commencement of this Act, shall be deemed to have been validly done.

(2) Any regulations purporting to have been made under the principal Act and in existence at the date of commencement of this Act shall be deemed to have been made under the principal Act as amended by this Act.

(3) Any Board of Management of a mission station or communal reserve purporting to have been constituted under the principal Act and in existence at the date of commencement of this Act shall be deemed to have been constituted in terms of the principal Act as amended by this Act.

11. Notwithstanding anything contained in this Act, the provisions of the principal Act shall continue to apply in respect of the mission stations of Shiloh in the district of Queenstown and Goschen in the district of Cathcart as if this Act had not been passed.

12. This Act shall be called the Coloured Mission Stations and Reserves Amendment Act, 1955, and shall come into operation on a date to be fixed by the Governor-General by proclamation in the *Gazette*.

Amendment of section 16 of Act 29 of 1909 (Cape), as amended by sections 8 and 13 of Act 12 of 1949.

Amendment of section 17 of Act 29 of 1909 (Cape), as amended by section 13 of Act 12 of 1949.

Validation of certain matters.

Amendments not to affect certain mission stations.

Short title.

liable on conviction to a fine not exceeding one hundred pounds or to imprisonment for a period not exceeding six months.

(3) The provisions of this section shall not, in respect of persons who were lawfully carrying on mining or prospecting operations on any mission station on the twentieth day of May, 1955, come into operation before the twentieth day of May, 1956."

8. Artikel *sestien* van die Hoofwet word hiermee gewysig—

- (a) deur na paragraaf (1) die volgende paragraaf in te voeg:
 "(1)*bis* For prescribing—
 (a) the qualifications and disqualifications of voters;
 (b) the manner of compilation of voters' lists;
 (c) the method in which and the times at which members of the Board of Management shall be elected;
 (d) the circumstances in which elected members of the Board of Management and members appointed by the Minister in terms of sub-section (2) of section *five* shall vacate their seats;
 (e) the tenure of office of elected members of the Board of Management and members appointed by the Minister in terms of sub-section (2) of section *five* and the method in which vacancies shall be filled;"
- (b) deur in paragraaf (6) na die woord "Management" die woorde "or the Advisory Board, as the case may be" in te voeg;
- (c) deur na paragraaf (9) die volgende paragraaf in te voeg:
 "(9)*bis* For prescribing the procedure to be followed in connection with the adoption by the Board of Management of any standard regulations;"
- (d) deur aan die end van paragraaf (10) die woord "and" te skrap; en
- (e) deur na paragraaf (10) die volgende paragraaf in te voeg:
 "(10)*bis* For the prohibition, control or regulation of gatherings or assemblies of persons on the mission station; and".

9. Artikel *sewentien* van die Hoofwet word hiermee gewysig deur na die woord "commonage" waar dit die eerste keer voorkom die woorde "of the mission station or any part" in te voeg en deur na die woord "commonage" waar dit die tweede keer voorkom die woorde "or any part thereof" in te voeg.

10. (1) Enigiets wat voor die inwerkingtreding van hierdie Wet deur die Goewerneur-generaal, 'n Minister of die Administrateur van die provinsie Kaap die Goeie Hoop uit hoofde van die bepalings van sub-artikel (2) van artikel *vyf* of van sub-artikel (2) van artikel *ses* van die Hoofwet heet gedoen te gewees het, word geag wettiglik gedoen te gewees het.

(2) Enige regulasies wat kragtens die Hoofwet heet gemaak te gewees het en wat op die datum van inwerkingtreding van hierdie Wet bestaan, word geag kragtens die Hoofwet, soos gewysig deur hierdie Wet, gemaak te gewees het.

(3) Enige Raad van Beheer van 'n sendingstasie of gemeenskapsreserwe wat kragtens die Hoofwet heet saamgestel te gewees het en wat op die datum van inwerkingtreding van hierdie Wet bestaan, word geag ingevolge die Hoofwet, soos gewysig deur hierdie Wet, saamgestel te gewees het.

11. Ondanks enigiets in hierdie Wet vervat, bly die bepalings van die Hoofwet ten opsigte van die sendingstasies Shiloh in die distrik Queenstown en Goschen in die distrik Cathcart van toepassing asof hierdie Wet nie aangeneem was nie.

12. Hierdie Wet heet die Wysigingswet op Sendingstasies en Reserwes vir Kleurlinge, 1955, en tree in werking op 'n datum wat die Goewerneur-generaal by proklamasie in die *Staatskoerant* bepaal.

Wysiging van artikel 16 van Wet 29 van 1909 (Kaap), soos gewysig deur artikels 8 en 13 van Wet 12 van 1949.

Wysiging van artikel 17 van Wet 29 van 1909 (Kaap), soos gewysig deur artikel 13 van Wet 12 van 1949.

Bekragtiging van sekere aangeleenthede.

Wysigings raak nie sekere sendingstasies nie.

Kort titel.

UNION OF SOUTH AFRICA.

ACT

TO

**Amend the Mission Stations and Communal Reserves Act, 1909, of
the Cape of Good Hope.**

UNIE VAN SUID-AFRIKA.

WET

OM

**Die „Mission Stations and Communal Reserves Act, 1909”, van
die Kaap die Goeie Hoop, te wysig.**

No. 32, 1959.

ACT

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

(Afrikaans text signed by the Governor-General.)
(Assented to 4th May, 1959.)

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

1. Section *two* of the Mission Stations and Communal Reserves Act, 1909, of the Cape of Good Hope (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the insertion in the definition of "Mission Station" after the words "any land" of the words "or any two or more pieces of land (whether contiguous or not)," and by the addition at the end of the said definition of the words "or pieces of land"; and
- (b) by the insertion in the definition of "Communal reserve" after the word "land" of the words "or any two or more pieces of land (whether contiguous or not)."

2. (1) Section *six* of the principal Act is hereby amended—

- (a) by the substitution in sub-section (3) for the words "ten shillings" of the words "two pounds"; and
- (b) by the insertion in the said sub-section after the word "Act" of the words "and subject to the terms of any notice issued under section *six bis*,".

(2) The amendment effected by paragraph (a) of sub-section (1) shall first take effect in respect of the rate levied for the year 1960.

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

6bis. (1) The Minister may, after consultation with the Board of Management concerned—

- (a) by notice in the *Gazette* declare any area to which the provisions of this Act are applicable or any area which forms part of any such area to be a betterment area;
- (b) out of moneys appropriated by Parliament for the purpose, carry out and maintain any works which he may deem expedient for the development and improvement of a betterment area.

(2) The Minister in consultation with the Minister of Finance may, in any notice issued in terms of sub-section (1)—

- (a) fix the proportion of the cost incurred in connection with any works carried out in terms of that sub-section which the Board of Management shall repay to the State;
- (b) fix the percentage of the revenue derived from the rate levied in terms of sub-section (3) of section *six* which shall from time to time be payable to the Minister by the Board of Management in redemption of the amount payable by it in respect of the cost referred to in paragraph (a), and determine the manner in which and the times at which any such percentage shall be paid: Provided that such percentage shall not exceed ten per cent unless the Board of Management has agreed thereto.

(3) The Minister in consultation with the Minister of Finance may, after consultation with the Board of Management, at any time by notice in the *Gazette* amend or repeal any notice issued in terms of this section.

(4) All revenue derived from works carried out in terms of this section shall be utilized for defraying the cost of maintenance and repair of such works or for such other public purposes or services as the Minister may determine."

Amendment of section 2 of Act 29 of 1909 (Cape), as amended by section 1 of Act 12 of 1949 and section 1 of Act 35 of 1955.

Amendment of section 6 of Act 29 of 1909 (Cape), as amended by sections 4 and 13 of Act 12 of 1949 and section 5 of Act 35 of 1955.

Insertion of section 6bis in Act 29 of 1909 (Cape).

"Establishment of betterment areas.

WET

Om die „Mission Stations and Communal Reserves Act, 1909", van die Kaap die Goeie Hoop, te wysig.

(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 4 Mei 1959.)

DIT WORD BEPAAL deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, soos volg:—

1. Artikel *twee* van die „Mission Stations and Communal Reserves Act, 1909", van die Kaap die Goeie Hoop (hieronder die Hoofwet genoem), word hierby gewysig—

- (a) deur in die omskrywing van „Mission Station" na die woorde „any land" die woorde „or any two or more pieces of land (whether contiguous or not)," in te voeg, en deur aan die end van bedoelde omskrywing die woorde „or pieces of land" by te voeg; en
- (b) deur in die omskrywing van „Communal reserve" na die woord „land" die woorde „or any two or more pieces of land (whether contiguous or not)," in te voeg.

2. (1) Artikel *ses* van die Hoofwet word hierby gewysig—

- (a) deur in sub-artikel (3) die woorde „ten shillings" deur die woorde „two pounds" te vervang; en
- (b) deur in bedoelde sub-artikel na die woord „Act" die woorde „and subject to the terms of any notice issued under section *six bis*," in te voeg.

(2) Die wysiging deur paragraaf (a) van sub-artikel (1) aangebring, tree vir die eerste maal in werking ten opsigte van die belasting wat vir die jaar 1960 gehef word.

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

„Establishment of betterment areas.

6bis. (1) The Minister may, after consultation with the Board of Management concerned—

- (a) by notice in the *Gazette* declare any area to which the provisions of this Act are applicable or any area which forms part of any such area to be a betterment area;
- (b) out of moneys appropriated by Parliament for the purpose, carry out and maintain any works which he may deem expedient for the development and improvement of a betterment area.

(2) The Minister in consultation with the Minister of Finance may, in any notice issued in terms of sub-section (1)—

- (a) fix the proportion of the cost incurred in connection with any works carried out in terms of that sub-section which the Board of Management shall repay to the State;
- (b) fix the percentage of the revenue derived from the rate levied in terms of sub-section (3) of section *six* which shall from time to time be payable to the Minister by the Board of Management in redemption of the amount payable by it in respect of the cost referred to in paragraph (a), and determine the manner in which and the times at which any such percentage shall be paid: Provided that such percentage shall not exceed ten per cent unless the Board of Management has agreed thereto.

(3) The Minister in consultation with the Minister of Finance may, after consultation with the Board of Management, at any time by notice in the *Gazette* amend or repeal any notice issued in terms of this section.

(4) All revenue derived from works carried out in terms of this section shall be utilized for defraying the cost of maintenance and repair of such works or for such other public purposes or services as the Minister may determine."

Wysiging van artikel 2 van Wet 29 van 1909 (Kaap), soos gewysig deur artikel 1 van Wet 12 van 1949 en artikel 1 van Wet 35 van 1955.

Wysiging van artikel 6 van Wet 29 van 1909 (Kaap), soos gewysig deur artikels 4 en 13 van Wet 12 van 1949 en artikel 5 van Wet 35 van 1955.

Invoeging van artikel 6bis in Wet 29 van 1909 (Kaap).

Amendment of section 18 of Act 29 of 1909 (Cape).

4. Section *eighteen* of the principal Act is hereby amended by the substitution for the word "five" of the word "twenty-five".

Insertion of section 27bis in Act 29 of 1909 (Cape).

5. The following section is hereby inserted in the principal Act after section *twenty-seven*:

"State-owned land may be vested in Minister in trust for certain persons.

27bis. (1) The Governor-General may, subject to the provisions of sub-section (2), by proclamation in the *Gazette* declare that any State-owned land described therein shall as from a date fixed in such proclamation, and subject to such conditions as may be specified therein, vest in the Minister in trust for the inhabitants of any mission station or communal reserve mentioned in the proclamation to which the provisions of this Act apply.

(2) If any person or persons has or have any interest in any such State-owned land, such proclamation shall not be issued unless—

(a) in the case where only one person has such an interest, he has consented thereto; or

(b) in the case where two or more persons have such an interest, the majority of the adult persons who, to the knowledge of the Minister, have such an interest have consented thereto.

(3) The provisions of this Act shall, subject to the conditions specified in the proclamation, apply in respect of any such State-owned land described in the proclamation as if it were included in the mission station or communal reserve for the inhabitants of which it is held in trust by the Minister.

(4) The Registrar of Deeds concerned shall make on the appropriate documents and in his registers and, upon its production, on the title deed of any land, such endorsements and such entries as may be necessary to give effect to the provisions of this section and any proclamation issued in terms of sub-section (1).

(5) No fees or other charges shall be payable in connection with any such endorsements or entries."

Amendments not to affect certain mission stations.

6. Notwithstanding anything contained in this Act, the provisions of the principal Act shall continue to apply in respect of the mission stations of Shiloh in the district of Queenstown and Goschen in the district of Cathcart as if this Act had not been passed.

Short title.

7. This Act shall be called the Coloured Mission Stations and Reserves Amendment Act, 1959.

4. Artikel *agtien* van die Hoofwet word hierby gewysig deur die woord „five” deur die woord „twenty-five” te vervang.

Wysiging van artikel 18 van Wet 29 van 1909 (Kaap).

5. Die volgende artikel word hierby na artikel *sewe-en-twintig* in die Hoofwet ingevoeg:

„State-owned land may be vested in Minister in trust for certain persons.

27bis. (1) The Governor-General may, subject to the provisions of sub-section (2), by proclamation in the *Gazette* declare that any State-owned land described therein shall as from a date fixed in such proclamation, and subject to such conditions as may be specified therein, vest in the Minister in trust for the inhabitants of any mission station or communal reserve mentioned in the proclamation to which the provisions of this Act apply.

(2) If any person or persons has or have any interest in any such State-owned land, such proclamation shall not be issued unless—

(a) in the case where only one person has such an interest, he has consented thereto; or

(b) in the case where two or more persons have such an interest, the majority of the adult persons who, to the knowledge of the Minister, have such an interest have consented thereto.

(3) The provisions of this Act shall, subject to the conditions specified in the proclamation, apply in respect of any such State-owned land described in the proclamation as if it were included in the mission station or communal reserve for the inhabitants of which it is held in trust by the Minister.

(4) The Registrar of Deeds concerned shall make on the appropriate documents and in his registers and, upon its production, on the title deed of any land, such endorsements and such entries as may be necessary to give effect to the provisions of this section and any proclamation issued in terms of sub-section (1).

(5) No fees or other charges shall be payable in connection with any such endorsements or entries."

Invoeging van artikel 27bis in Wet 29 van 1909 (Kaap).

6. Ondanks enigiets in hierdie Wet vervat, bly die bepalings van die Hoofwet ten opsigte van die sendingstasies Shiloh in die distrik Queenstown en Goschen in die distrik Cathcart van toepassing asof hierdie Wet nie aangeneem was nie.

Wysigings raak nie sekere sendingstasies nie.

7. Hierdie Wet heet die Wysigingswet op Sendingstasies en Kort titel. Reserwes vir Kleurlinge, 1959.



UNION OF SOUTH AFRICA
UNIE VAN SUID-AFRIKA

EXTRAORDINARY BUITENGEWONE
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PRETORIA, 18 NOVEMBER 1960.

PRYS 6d.

[No. 6573.]

GOVERNMENT NOTICE.

DEPARTMENT OF COLOURED AFFAIRS.

No. R. 1866.]

[18 November 1960.]

PROMULGATION OF REGULATIONS IN SUBSTITUTION OF EXISTING REGULATIONS FRAMED IN TERMS OF THE PROVISIONS OF THE MISSION STATIONS AND COMMUNAL RESERVES ACT, No. 29 OF 1909 (CAPE), AS AMENDED.

The Minister of the Interior has been pleased to make in terms of the provisions of section *sixteen* of the Mission Stations and Communal Reserves Act, 1909 [Act No. 29 of 1909 (Cape)], as amended, the subjoined regulations of which Part II shall apply in respect of each area to which the Act has been applied, with the exception of the mission stations of Shiloh in the District of Queenstown and Goschen in the District of Cathcart, and in addition to repeal the existing regulations promulgated under—

- (1) Government Notice No. 331 of 2nd March, 1956; and
- (2) Government Notice No. 1634 of 25th October, 1957, as amended by Government Notice No. 1924 of 19th December, 1958, and No. 819 of 29th May, 1959.

PART I.

REGULATIONS FOR THE CONSULTATION OF THE PERSONS AFFECTED BY THE APPLICATION OF THE ACT AND FOR MATTERS INCIDENTAL THERETO.

1. Upon information received from the Secretary for Coloured Affairs that it is proposed to apply the provisions of Act No. 29 of 1909 (Cape), as amended, to any Coloured mission station or communal reserve (hereinafter called area), the magistrate of the district within which such area is situate, shall issue a notice summoning a meeting of all persons who would be affected by applying the Act to such area, and who, in terms of section *three* of the Act, are to be consulted. The magistrate shall, at least three weeks before such meeting, publish the notice summoning the meeting in the *Government Gazette* and cause copies thereof to be posted at one or more convenient places within such area.

2. At the meeting the magistrate shall—
- (a) explain the objects of the Act;
 - (b) indicate the action proposed in respect of the community; and
 - (c) invite all persons affected to make through him any representations they may desire to submit for the consideration of the Minister.

3. (1) After the meeting has been consulted, the magistrate shall, unless for sound reasons he decides to the contrary, proceed to constitute a temporary consultative committee of Coloured persons to advise and assist him in the preliminary arrangements to facilitate the application of the Act.

GOEWERMENSKENNISGEWING.

DEPARTEMENT VAN KLEURLINGSAKE.

No. R. 1866.]

[18 November 1960.]

UITVAARDIGING VAN REGULASIES TER VERVANGING VAN BESTAANDE REGULASIES OPGESTEL KRAGTENS DIE „MISSION STATIONS AND COMMUNAL RESERVE ACT”, No. 29 VAN 1909 (KAAP), SOOS GEWYSIG.

Dit het die Minister van Binnelandse Sake behaag om, kragtens artikel *sestien* van die „Mission Stations and Communal Reserves Act, 1909” [Wet No. 29 van 1909 (Kaap)], soos gewysig, die regulasies wat hieronder verskyn, te maak waarvan deel II geld ten opsigte van elkeen van die gebiede waar genoemde Wet toegepas is, met uitsondering van die sendingstasies Shiloh in die distrik Queenstown en Goschen in die distrik Cathcart, en om verder die bestaande regulasies soos uitgevaardig by—

- (1) Goewermentskennisgewing No. 331 van 2 Maart 1956; en
- (2) Goewermentskennisgewing No. 1634 van 25 Oktober 1957, soos gewysig by Goewermentskennisgewing No. 1924 van 19 Desember 1958 en No. 819 van 29 Mei 1959.

te herroep.

DEEL I.

REGULASIES VIR DIE RAADPLEGING VAN PERSONE WAT DEUR DIE TOEPASSING VAN DIE WET GERAAK WORD EN VIR AANGELEENTHEDE WAT DAARMEE IN VERBAND STAAN.

1. Nadat hy in kennis gestel is deur die Sekretaris van Kleurlingsake dat dit die voorneme is om Wet No. 29 van 1909 (Kaap), soos gewysig, op enige sendingstasie of gemeenskaplike reservaat vir Kleurlinge (hieronder gebied genoem) toe te pas, moet die landdros van die distrik waarin sodanige gebied geleë is, 'n vergadering belê van alle persone wat deur die toepassing van die Wet op sodanige gebied geraak word en wat ingevolge artikel *drie* van die Wet geraadpleeg moet word. Die landdros moet, minstens drie weke voor so 'n vergadering, die kennisgewing wat die vergadering byeenroep in die *Staatskoerant* publiseer en afskrifte daarvan op een of meer geskikte plekke binne sodanige gebied laat opplak.

2. Die landdros moet op die vergadering—
- (a) die strekking van die Wet verduidelik;
 - (b) die stappe aandui wat ten opsigte van die gemeenskap beoog word; en
 - (c) alle persone wat daardeur geraak word vra om deur bemiddeling van hom verhoër te rig wat hulle wil laat voorlê vir oorweging deur die Minister.

3. (1) Na raadpleging van die vergadering moet die landdros, tensy hy om goeie redes anders besluit, voortgaan met die samestelling van 'n tydelike raadplegende komitee van Kleurlinge om hom te adviseer en by te staan met voorlopige reëlins om die toepassing van die Wet te vergemaklik.

(2) The temporary consultative committee shall be constituted as follows:—

- (a) Two persons elected by and from amongst the meeting, two representatives appointed by the society and one person appointed by the Magistrate;
- (b) in an area where no society exists, the meeting shall elect five persons;
- (c) in the event of either the meeting or the society or both failing to elect or appoint representatives as provided, the magistrate may himself, without further reference to such meeting or society appoint the number of representatives by which such meeting or society or both have so failed to elect or appoint or he may without the assistance of a committee proceed with the inquiry as prescribed in section four of the Act.

(3) All representations by or on behalf of the community shall be transmitted by the magistrate, together with his recommendations after consultation with the committee, for the consideration of the Minister.

4. The magistrate shall obtain the particulars applicable to such area as follows:—

(1) From the resident missionary of the society or his legal representative, in writing—

- (a) a description of the area or areas of land customarily reserved for the exclusive use of the society;
- (b) a description of all rights, servitudes or privileges in respect of the commonage, more particularly in regard to grazing and the use of fuel and water, which have been exercised or possessed by the society or which the society claims or desires should be reserved for its benefit;
- (c) a list of persons recognized by the society as being occupiers of land within such area, and of claimants to such right, together with a description of the position and extent of the land concerned, the fees or rent paid therefor and the accompanying commonage rights, and in the case of claimants a statement of reasons for the rejection of their claims;
- (d) if more than one area of land has been reserved for the exclusive use of the society, and such areas are not contiguous, a statement of how, in the opinion of the society, such land or its boundaries could in the interest of both the society and the community, be exchanged or altered for the efficient management of their affairs;
- (e) an account of the history and financial management of the area, more particularly indicating to what extent the community has become indebted to the society for financial or other assistance, contributions or gifts and what sources of income are likely to be at the disposal of the board of management, their probable annual yield, the maximum amount of the contribution or rate which this society may be fairly called upon to pay annually and the extent of land which it would be equitable to allot by way of exchange or alteration in terms of paragraph (d).

(2) Where no society exists, from a person or persons who are acquainted with the circumstances—

- (a) names of the occupiers of the area, a description of the position and extent of land occupied by them, the fees or rent paid therefor and the accompanying commonage rights;
- (b) the history and financial management of the area, the sources of income which are likely to be at the disposal of the board of management and the probable annual yield thereof.

(2) Die tydelike raadplegende komitee word as volg saamgestel:—

- (a) Die vergadering kies twee persone uit sy midde, die genootskap stel twee verteenwoordigers aan en een persoon word deur die landdros aangestel.
- (b) In 'n gebied waar geen genootskap bestaan nie, kies die vergadering vyf persone.
- (c) Ingeval die vergadering of die genootskap of albei nalaat om verteenwoordigers te kies of aan te stel soos bepaal, kan die landdros self sonder verdere verwysing na die vergadering of genootskap die getal verteenwoordigers aanstel wat die vergadering of genootskap of albei aldus versuim het om te kies of aan te stel, of kan hy sonder die hulp van 'n komitee voortgaan met die ondersoek soos voorgeskryf by artikel vier van die Wet.

(3) Alle vertoë deur of namens die gemeenskap moet deur die landdros, tesame met sy aanbevelings na oorlegging met die komitee, vir oorweging aan die Minister deurgestuur word.

4. Die landdros moet as volg die besonderhede inwin wat op sodanige gebied van toepassing is:—

- (1) Van die inwonende sendeling van die genootskap of sy wettige verteenwoordiger op skrif—
 - (a) 'n beskrywing van die stuk of stukke grond wat volgens gebruik vir die uitsluitlike gebruik van die genootskap opsy gesit is;
 - (b) 'n beskrywing van alle regte, servitute of voorregte wat die genootskap ten opsigte van die meent, in die besonder in verband met weiding en die gebruik van brandhout en water, geniet of besit of waarop die genootskap aanspraak maak of verlang dat dit vir sy voordeel voorbehou word.
 - (c) 'n lys van persone wat deur die genootskap erken word as okkupeerders van grond binne die gebied, en van aanspraakmakers op sodanige reg, tesame met 'n beskrywing van die ligging en grootte van die betrokke grond, die gelde of huurgelde wat daarvoor betaal word en die meentregte wat daarmee gepaard gaan, en in die geval van aanspraakmakers redes vir verwerping van hul aansprake;
 - (d) indien meer as een stuk grond vir die uitsluitlike gebruik van die genootskap uitgehou is en indien dit nie aangrensend is nie, moet vermeld word hoe dit of die greuse daarvan, na die mening van die genootskap, in belang van beide genootskap en die gemeenskap vir doeltreffende bestuur van hul sake, vervang of verander kan word;
 - (e) 'n verslag van die geskiedenis en geldelike bestuur van die gebied, in die besonder in watter mate die gemeenskap teenoor die genootskap verplig geraak het vir finansiële of ander hulp, bydraes, of geskenke en watter moontlike bronne van inkomste tot beskikking van die bestuursraad sal wees, die moontlike jaarlikse opbrengs daarvan, die maksimum bedrag wat redelikerwys as jaarlikse bydrae of belasting van die genootskap verlang kan word en die grootte van die grond wat ingevolge paragraaf (d) billikerwys by wyse van vervanging of verandering toegeken behoort te word.

(2) Waar daar nie 'n genootskap is nie, van 'n persoon of persone wat met die toestande bekend is—

- (a) name van die okkupeerders van die gebied, 'n beskrywing van die ligging en die grootte van die grond wat deur hulle geokkupeer word, die gelde of huurgelde wat daarvoor betaal word en die meentregte wat daarmee gepaard gaan.
- (b) die geskiedenis en geldelike bestuur van die gebied, die moontlike bronne van inkomste wat tot beskikking van die bestuursraad sal wees en die moontlike jaarlikse opbrengs daarvan.

5. On receipt of these particulars and in consultation with the temporary consultative committee, the magistrate shall prepare a preliminary list of occupiers and their allotments, and, if necessary, a supplementary schedule of allotments, as well as a draft scheme for the settlement and regulation of the matters referred to in section four of the Act.

6. As soon as may be after the promulgation of the proclamation in terms of section three of the Act, the magistrate shall convene a second meeting in the manner provided in regulation 1, in order that any person affected by the application of the Act may submit to him representations, claims or objections to the preliminary list of occupiers and their allotments or to the draft scheme. Having provisionally determined any such representations, claims or objections he shall prepare a final list of occupiers with their allotments and a scheme for the regulation of the matters referred to in section four of the Act for submission to the Minister: Provided that during the three weeks preceding the meeting, copies of the preliminary list and the draft scheme shall lie at the office of the magistrate and at one or more convenient places within each area for general inspection, and notification thereof shall be given in the notice summoning the meeting.

7. The powers and duties conferred upon a magistrate in terms of these regulations shall apply *mutatis mutandis* to any officer appointed for the purpose in terms of section four of the Act.

PART II.

GENERAL REGULATIONS.

INTERPRETATION OF TERMS.

1. For the purpose of these regulations, unless inconsistent with the context—

- (i) "allotment" shall mean—
 - (a) building allotment; or
 - (b) dry garden allotment (not the same as that on which the home is erected); or
 - (c) irrigable garden allotment (under irrigation); or
 - (d) dry land allotment; (v)
- (ii) "Board" shall mean the Board of Management; (vi)
- (iii) "certificate of occupation" shall mean a letter used by Boards under the Act to show that approval has been given to a person to reside in an area under the control of the Board and which contains a description of the allotment granted to him; (x)
- (iv) "chairman" shall mean the person (whether an officer or the magistrate) appointed under section four bis (1) (b) or section five (1) of the Act to fulfil such duties as are prescribed for such chairman under the Act and the regulations framed thereunder; (xi)
- (v) "commonage" shall mean the portion of land under section six (1) of the Act under the control of the Board, not yet allotted to registered occupiers by certificate of occupation; (iii)
- (vi) "Department" shall mean the Department of Coloured Affairs; (i)
- (vii) "Minister" shall mean the Minister of the Interior; (iv)
- (viii) "regulations" shall mean the regulations promulgated in terms of the Act; (vii)
- (ix) "Secretary" shall mean the Secretary for Coloured Affairs; (viii)
- (x) "The Act" shall mean the Mission Stations and Communal Reserves Act, 1909 [Act No. 29 of 1909 (Cape)], as amended; (ii)
- (xi) "written consent" shall mean a letter in which the Board indicates that permission has been given for a person to reside in the area under the control of the Board for a given period in a capacity other than a registered occupier; (ix)
- (xii) any word or expression defined in the Act shall have the same meaning as in the Act (xii).

5. By ontvangs van hierdie besonderhede en in oorleg met die tydelike raadplegende komitee, moet die landdros 'n voorlopige lys van okkupeerders en hul toekennings en, indien nodig, 'n aanvullende lys van aanspraakmakers opstel, asook 'n konsepskema vir die afhandeling en reëling van die aangeleenthede genoem in artikel vier van die Wet.

6. So gou moontlik na uitvaardiging van die proklamasie ingevolge artikel drie van die Wet moet die landdros, 'n tweede vergadering belê op die wyse voorgeskryf in regulasie 1 sodat enige persoon, wat deur die toepassing van die Wet geraak word, vertoë, aansprake of besware ten opsigte van die voorlopige lys van okkupeerders met persele aan hulle toegewys of die konsepskema aan hom kan voorlê. Nadat hy voorlopig daarvoor beslis het, moet hy 'n finale lys van okkupeerders met persele aan hul toegewys en 'n skema vir reëling van die aangeleenthede vermeld in artikel vier van die Wet opstel vir voorlegging aan die Minister: Met dien verstande dat afskrifte van die voorlopige lys van okkupeerders en die konsepskema by die landdroskantoor en of een of meer gerieflike plekke binne die gebied vir algemene kennisname en ondersoek ter insae moet lê gedurende die drie weke wat die vergadering voorafgaan, en dit in die kennisgewing wat die vergadering byeenroep vermeld moet word.

7. Die magte en pligte wat ingevolge hierdie regulasies aan 'n landdros verleen word, is *mutatis mutandis* van toepassing op enige amptenaar wat ingevolge artikel vier van die Wet vir hierdie doel aangestel is.

DEEL II.

ALGEMENE REGULASIES.

WOORDBEPALING.

1. Vir die toepassing van hierdie regulasies beteken, tensy uit die verband anders blyk—

- (i) „Departement”, die Departement van Kleurlingsake; (vi)
- (ii) „die Wet”, die „Mission Stations and Communal Reserves Act, 1909” [Wet No. 29 van 1909 (Kaap)], soos gewysig; (x)
- (iii) „meent”, die deel van die grond kragtens artikel ses (1) van die Wet onder beheer van die raad wat nog nie aan geregistreerde okkupeerders per toekenningsbrief uitgegee is nie; (v)
- (iv) „Minister”, die Minister van Binnelandse Sake; (vii)
- (v) „perseel”—
 - (a) bouperseel; of
 - (b) droë tuinperseel (nie dieselfde as dié waarop die huis opgerig is nie); of
 - (c) watertuinperseel (onder besproeiing); of
 - (d) droëlandperseel; (i)
- (vi) „raad”, die bestuursraad; (ii)
- (vii) „regulasies”, die regulasies uitgevaardig kragtens die bepaling van die Wet; (viii)
- (viii) „Sekretaris”, die Sekretaris van Kleurlingsake; (ix)
- (ix) „skriftelike toestemming”, 'n brief waarin die raad aandui dat iemand toegelaat word om vir 'n gegewe tydperk in die gebied onder beheer van die raad te woon in 'n ander hoedanigheid as dié van geregistreerde okkupeerder; (xi)
- (x) „toekenningsbrief”, 'n brief wat gebruik word deur rade ingevolge die Wet om aan te dui dat goedkeuring ten opsigte van iemand verleen is om in 'n gebied onder beheer van die raad te woon en waarin die perseel beskrywe word wat aan hom toegeken is; (iii)
- (xi) „voorsitter”, die persoon (of dit nou al 'n amptenaar is of die landdros) wat benoem is kragtens artikel vier bis (1) (b) of artikel vyf (1) van die Wet om die pligte te vervul wat vir so 'n voorsitter by die Wet en sy regulasies voorgeskrywe word; (iv)
- (xii) enige woord of uitdrukking waaraan 'n betekenis in die Wet toegeskryf word, dieselfde as in die Wet. (xii)

QUALIFICATIONS OF VOTERS.

2. (1) Every Coloured registered occupier shall be entitled to be enrolled on the voters' list prepared annually by the Board of Management for its area in terms of section five (2) *bis* of the Act, provided—

(a) he has been a registered occupier of or over the age of twenty-one years of such area on the first day of April in the year in which the voters' list is being prepared;

(b) his rates due and payable to the Board of Management have been paid on or before the thirtieth day of April in that year.

(2) No person whose name does not appear in the voters' list shall be entitled to vote or exercise any right conferred on a voter by these regulations.

(3) Every registered voter shall at each election have one vote in respect of each vacancy for which a member has to be elected.

COMPILATION OF VOTERS' LIST.

3. (1) The voters' list shall contain in alphabetical order of surnames the names in full of persons entitled to be enrolled as voters of the Board of Management.

(2) The Board of Management shall notify not later than the fifteenth day of May in each year by notice posted at its office and such other place within its area as it may deem convenient—

(a) that a copy of such list, which shall be open for inspection, is open for inspection during the office hours of the Board for a period of fourteen days; and

(b) that on a specified day, not more than ten days after the expiry of the fourteen days referred to in paragraph (a), and at an hour and place to be specified in the notice, claims to be included in the list or objections to entries on the list will be heard and determined.

(3) On the day and at the place fixed for hearing and determining claims or objections, the chairman of the Board of Management or where no such person had been appointed, a person appointed for the purpose by the Board of Management (hereinafter in this regulation referred to as the chairman) and two members of the Board shall in open session hear all such claims and objections and determine thereon.

(4) The chairman shall where necessary alter the list by inserting or deleting any name or rectifying any error.

(5) The revised list certified by the chairman shall be final and remain in force and shall not be added to or altered until a new list has been prepared in terms of these regulations.

ELECTIONS.

4. (1) The ordinary elections of Boards of Management shall be held on a day during the second half of July in each year.

(2) (a) A person appointed by the Secretary and hereinafter referred to as the presiding officer, shall in consultation with the Board of Management, fix the day for the election and not less than fourteen days before the day so fixed he shall cause a notice to be posted at the office of the Board and such other place within the area of the Board as he may deem convenient announcing the date, time and place of the election and the names of the retiring members.

(b) The presiding officer shall not be or become a candidate at the election at which he is presiding.

(c) In the event of the presiding officer not being present, or being disqualified due to his nomination as candidate, any registered voter present may be elected by a majority of voters present at such meeting to act as presiding officer and such presiding officer shall have all the powers which the presiding officer would have had in terms of these regulations.

BEVOEGDHEDE VAN KIESERS.

2. (1) Iedere geregistreerde Kleurlingokkupeerder is geregtig om sy naam te laat plaas op die kieserslys wat die bestuursraad jaarliks ingevolge artikel vyf (2) *bis* van die Wet vir sy gebied opstel, mits—

(a) hy op die eerste dag van April van die jaar waarin die kieserslys opgestel word, 'n geregistreerde okkupeerder van of bo die ouderdom van een-en-twintig jaar van daardie gebied is; en

(b) sy belasting verskuldig en betaalbaar aan die bestuursraad voor of op die dertigste dag van April van daardie jaar betaal is.

(2) Geen persoon wie se naam nie op die kieserslys verskyn is geregtig om te stem of om enige reg uit te oefen wat by hierdie regulasies aan 'n kieser verleen word nie.

(3) Iedere geregistreerde kieser het by elke verkiesingsvergadering een stem ten opsigte van elke vakature waarvoor 'n lid verkies moet word.

OPSTEL VAN KIESERSLYS.

3. (1) Die kieserslys moet in alfabetiese volgorde van familienaam die name voluit vermeld van persone wat geregtig is om as kiesers van die bestuursraad geregistreer te word.

(2) Die bestuursraad moet nie later as die vyftiende dag van Mei in elke jaar by wyse van 'n kennisgewing wat by sy kantoor en op sodanige ander plek binne sy gebied as wat hy gerieflik ag, opgeplak word, bekendmaak—

(a) dat 'n eksemplaar van sodanige lys, wat vir insae moet lê, vir 'n tydperk van veertien dae gedurende die kantoorure van die bestuursraad op sy kantoor ter insae lê; en

(b) dat op 'n bepaalde dag, nie meer as 10 dae na die verstryking van die veertien dae waarna in paragraaf (a) verwys word, en op 'n uur en plek wat in die kennisgewing vermeld moet word, aansprake om op die lys geplaas te word of besware teen inskrywings op die lys aangehoor en beslis sal word.

(3) Op die dag en plek wat vir die aanhoor en beslissing van aansprake of besware bepaal is, moet die voorsitter van die bestuursraad of waar daar nie so 'n persoon aangestel is nie, 'n persoon vir die doel aangewys deur die bestuursraad (hierna in hierdie regulasie genoem die voorsitter) en twee lede van die bestuursraad in openbare sitting alle sodanige aansprake en besware aanhoor en daarvoor beslis.

(4) Die voorsitter moet die lys waar nodig wysig deur invoeging of skraping van name of herstelling van enige fout.

(5) Die hersiene lys, gesertifiseer deur die voorsitter, is finaal en bly van krag, en niks mag daaraan toegevoeg of verander word totdat 'n nuwe lys ingevolge hierdie regulasies opgestel word nie.

VERKIESINGS.

4. (1) Die gewone verkiesing van bestuursrade word gehou op 'n dag gedurende die laaste helfte van Julie in elke jaar.

(2) (a) 'n Persoon deur die Sekretaris benoem en hieronder die voorsittende beampte genoem, moet in ooreenstemming met die bestuursraad die dag van die verkiesing bepaal, en nie minder as veertien dae voor die bepaalde dag moet hy 'n kennisgewing van die verkiesing met vermelding van die datum, tyd en plek en die name van die aftredende lede laat opplak by die kantoor van die bestuursraad en sodanige ander plek binne die gebied van die bestuursraad wat hy mag goedvind.

(b) Die voorsittende beampte mag nie 'n kandidaat wees of word by die verkiesing waarop hy as voorsittende beampte optree nie.

(c) Ingeval die voorsittende beampte nie teenwoordig is nie of weens benoeming tot kandidaat gediskwalifiseer is, kan enige aanwesige geregistreerde kieser deur 'n meerderheid van die teenwoordige kiesers op sodanige vergadering gekies word om as voorsittende beampte op te tree, en sodanige voorsittende kieser het dieselfde bevoegdheid as wat die voorsittende beampte ingevolge hierdie regulasies sou hê.

(3) (a) On the specified day and at the specified time and place the presiding officer shall be present and hold the meeting.

(b) No person save a registered voter or such other person officially admitted by the presiding officer, shall attend the meeting or take any part in the proceedings.

(c) Any person not being a registered voter or a person admitted by the presiding officer, or any registered voter or any other person causing disturbance may be called upon by the presiding officer to leave the meeting and the immediate vicinity of the building in which the meeting is being held, and any person so requested shall comply with such request.

(d) After having opened the meeting the presiding officer shall read the notice convening the meeting and upon the withdrawal from the meeting of all persons who are not permitted to be present in accordance with sub-regulation (3) (b), the presiding officer shall invite proposals for filling the vacancies.

(e) Every proposal shall be introduced by at least one voter present and seconded by another voter present. The person so proposed and seconded shall be deemed to be duly nominated after having personally signified his acceptance of nomination at the meeting. Should the number of persons duly nominated be no more than the number of the members to be elected, the presiding officer shall then and there declare the persons so nominated to be duly elected.

(f) Should the number of persons duly nominated be more than the number of members to be elected, the presiding officer shall then and there proceed to take a poll by showing of hands or in such manner as he may think fit: provided that five or more voters present may demand a poll by secret ballot;

(g) The presiding officer shall declare so many of the candidates for whom the largest number of votes have been polled as are equal to the number of members to be elected, to be duly elected: Provided that, should the number of votes recorded for two or more candidates be equal and should such equality effect the result of the election, the presiding officer shall by lot determine which has been duly elected.

(4) Should it appear at a meeting for the election of members, that any of the circumstances referred to in regulation 6 is applicable to any person elected by such meeting, on account of which he is required to vacate his seat, the presiding officer shall then and there declare the existence of such a circumstance and request the meeting to proceed by electing another person to fill the vacancy so caused.

(5) The provisions of this regulation save sub-regulation (1) shall *mutatis mutandis* apply to the election of members held in terms of sub-section (1) *bis* of section five of the Act.

EXTRAORDINARY ELECTION.

5. (1) When a member of the Board vacates his seat in terms of regulation 6 (other than at an election meeting) an extraordinary vacancy in the office of member shall occur. Such vacancy shall be declared by the chairman or the secretary of the Board within seven days of his becoming aware of the occurrence thereof, by posting a notice at the office of the Board and any other convenient place within the area of the Board and by transmitting a copy thereof to the Secretary. Upon receipt of such notice the Secretary shall cause the appointment of a person to act as presiding officer at an election for the filling of the vacancy.

(2) The provisions of regulation 4, save sub-regulation (1) thereof, shall *mutatis mutandis* apply to the filling of such extraordinary vacancy.

(3) No extraordinary election shall be held in respect of an extraordinary vacancy declared after the first day of March. Such extraordinary vacancy shall be filled in July of that year simultaneously with the ordinary vacancies.

(3) (a) Op die bepaalde dag, tyd en plek moet die voorsittende beampte teenwoordig wees en die vergadering hou.

(b) Niemand behalwe 'n geregistreerde kieser of iemand anders wat die voorsittende beampte amptshalwe toelaat, mag die vergadering bywoon en daaraan deelneem nie.

(c) Iemand wat nie 'n geregistreerde kieser is of deur die voorsittende beampte tot die vergadering toegelaat is nie, of enige geregistreerde kieser of enige ander persoon wat steurnis verwek, kan deur die voorsittende beampte versoek word om die vergadering en die onmiddellike omgewing van die gebou waarin die vergadering gehou word, te verlaat, en iedereen wat so 'n versoek ontvang, is verplig om daaraan te voldoen.

(d) Nadat die voorsittende beampte die vergadering geopen het, lees hy die kennisgewing waardeur die vergadering belê is, en nadat alle persone wat nie ingevolge sub-regulasie (3) (b) toegelaat word om teenwoordig te wees nie, hulle van die vergadering onttrek het, vra die voorsittende beampte voorstelle vir die vulling van die vakatures.

(e) Elke voorstel moet deur minstens een teenwoordige kieser gedoen en deur 'n ander teenwoordige kieser gesekondeer word. Die aldus voorgestelde en gesekondeerde persoon word as behoorlik benoem beskou nadat hy persoonlik op die vergadering te kenne gegee het dat hy die benoeming aanneem. Indien die getal behoorlik benoemde persone nie meer is as die getal lede wat verkies moet word nie, verklaar die voorsittende beampte op staande voet dat sodanige benoemde persone behoorlik verkies is.

(f) Indien die getal behoorlik benoemde persone meer is as die getal lede wat verkies moet word, moet die voorsittende beampte op staande voet laat stem deur die opsteek van hande of op 'n ander wyse wat hy goeie dink; met dien verstande dat vyf of meer aanwesige kiesers 'n geheime stemming mag eis.

(g) Die voorsittende beampte moet soveel van die kandidate wat die meeste stemme verkry het as wat gelyk staan aan die getal lede wat verkies moet word, as behoorlik verkose verklaar; met dien verstande dat indien op twee of meer kandidate ewe veel stemme uitgebring is en die uitslag van die verkiesing daardeur getref word, die voorsittende beampte deur die lot moet laat beslis wie verkies is.

(4) Indien tydens 'n verkiesingsvergadering enige van die omstandighede genoem in regulasie 6 op enige persoon wat deur sodanige vergadering verkies is, van toepassing is as gevolg waarvan hy sy setel moet ontruim, moet die voorsittende beampte op staande voet die toestand aan die vergadering bekend maak en die vergadering versoek om voort te gaan met die vulling van die vakature wat so ontstaan het deur die verkiesing van 'n ander persoon.

(5) Die bepalinge van hierdie regulasie, met uitsondering van subregulasie (1), is *mutatis mutandis* van toepassing op 'n verkiesingsvergadering wat ingevolge sub-artikel (1) *bis* van artikel vyf van die Wet plaasvind.

BUITENGEWONE VERKIESING.

5. (1) Wanneer 'n raadslid sy setel ingevolge regulasie 6 ontruim (anders as tydens 'n verkiesingsvergadering) ontstaan 'n buitengewone vakature in die amp van raadslid. Sodanige vakature moet binne sewe dae nadat hy van die ontstaan daarvan bewus geword het deur die voorsitter of sekretaris van die bestuursraad bekendgemaak word per kennisgewing wat hy by die kantoor van die bestuursraad en enige ander geskikte plek binne die gebied van die bestuursraad opplak en deur 'n afskrif daarvan aan die Sekretaris te stuur. Op ontvangs van sodanige kennisgewing moet die Sekretaris stappe doen vir die aanstelling van 'n persoon om as voorsittende beampte op te tree by 'n verkiesing ter vulling van die vakature.

(2) Die bepalinge van regulasie 4, behalwe subregulasie (1) daarvan, is *mutatis mutandis* van toepassing vir die vulling van sodanige buitengewone vakature.

(3) Geen buitengewone verkiesing word gehou ten opsigte van 'n buitengewone vakature wat na die eerste dag van Maart bekendgemaak word nie. Sodanige buitengewone vakature moet in Julie van daardie jaar gevul word tesame met die gewone vakatures.

CIRCUMSTANCES UNDER WHICH MEMBERS OF A BOARD SHALL VACATE THEIR SEATS.

6. (1) A member of the Board shall vacate his seat if—
- he presents his resignation in writing to the chairman of the Board;
 - he has been absent without leave of the chairman of the Board from three consecutive monthly meetings of the Board;
 - a final order sequestrating his estate as insolvent is made, he assigns his estate or he is an unrehabilitated insolvent;
 - he is declared to be of unsound mind or mentally disordered or defective or is lawfully detained as mentally disordered or defective under the Mental Disorders Act, 1916;
 - he has been convicted of any offence and is sentenced to imprisonment, without the option of a fine, for more than six months unless he has obtained a free pardon;
 - he has been convicted of contravening any regulation prescribing the procedure of a meeting of the Board of Management or any regulation conferring duties on a member;
 - he has failed to pay on or before the 30th April, any rates which have been due and payable to the Board;
 - he in the opinion of the Minister, refuses to subject himself to the provisions of the Act or any regulation promulgated under the Act or to comply therewith;
 - he holds an office of profit under the Crown, unless he satisfies the presiding officer by submitting written proof signed on behalf of the head of the department, administration or body, in, under or on which such office is being held, that there is no provision in law debarring him on account of his holding such office from being a member of the Board or that he has been granted permission to serve as a member of the Board;
 - he holds an office of profit under the Board of Management;
 - he by himself, or through his spouse, partner or business associate has a direct or indirect pecuniary interest in, or is directly or indirectly concerned in or participates in the profits or benefits of, any contract with or work being done or to be done for the Board: Provided that the foregoing provisions of this paragraph shall not apply in respect of—
 - any contract entered into or work undertaken by a company incorporated or registered as such under any law, merely by reason of the fact that such person or his spouse, partner or business associate is a director, shareholder, stockholder, employee or agent of such company, unless such company is a private company, or such person either by himself owns, or together with his spouse or minor children or both controls, more than one half of the shares or stock of such company;
 - the purchase of anything sold by the Board by public competition;
 - the purchase by the Board of anything at any auction sale; or
 - the supply of goods or services commonly supplied or rendered by the Board to the public at a charge fixed by law or resolution of the Board.

(2) The Secretary may on application by a Board of Management exempt a member from the provisions of paragraph (j) or (k) of sub-regulation (1) if he is satisfied that such exemption is desirable in the public interest.

OMSTANDIGHEDE WAARONDER RAADSLEDE HULLE SETELS ONTRUIM.

6. (1) 'n Raadslid ontruim sy setel wanneer—
- hy skriftelik sy bedanking by die voorsitter van die bestuursraad indien;
 - hy sonder verlof van die voorsitter van die bestuursraad by drie agtereenvolgende maandelikse vergaderings van die bestuursraad afwesig is;
 - 'n finale bevel uitgevaardig is waarby sy boedel as insolvent gesekwestreer is, hy sy boedel oorgee of as hy 'n nie-gerehabiliteerde insolvent is;
 - hy tot kranksinnig of geestelik gekrenk of gebrekkig verklaar is of kragtens die Wet op Geestesgebreken, 1916, wettig as geestelik gekrenk of gebrekkig aangehou word;
 - hy vir enige oortreding skuldig bevind en veroordeel is tot gevangenisstraf sonder die keuse van 'n boete vir meer as ses maande, tensy volle gracie aan hom verleen is;
 - hy skuldig bevind is aan 'n oortreding van enige regulasie wat die prosedure van 'n vergadering van die bestuursraad voorskryf of van enige regulasie wat pligte op 'n lid lê;
 - hy in gebreke gebly het om belasting wat aan die bestuursraad verskuldig is voor of op 30 April te betaal.
 - hy na die oordeel van die Minister weier om hom aan die bepalings van die Wet en enige regulasie kragtens die Wet uitgevaardig te onderwerp of uitvoering daaraan te gee;
 - hy 'n winsbetrekking onder die Kroon beklee, tensy hy die voorsittende beambte oortuig deur voorlegging van skriftelike bewys geteken namens die hoof van die departement, administrasie of liggaam waarin, waarop of waaronder sodanige betrekking beklee word, dat daar geen wetlike bepaling is waarby hy belet of verhinder word om raadslid te wees op grond daarvan dat hy sodanige amp beklee nie, of dat vergunning verleen is dat hy as raadslid mag dien;
 - hy 'n winsbetrekking onder die bestuursraad beklee;
 - hy self, of deur sy gade, vennoot of sakegenoot 'n regstreekse of onregstreekse geldelike belang het by of regstreeks of onregstreeks betrokke is by of deel in winste of voordele van enige kontrak met of werk wat gedoen word of gedoen moet word vir die bestuursraad; met dien verstande dat die voorgaande bepalings van hierdie paragraaf nie van toepassing is ten opsigte van—
 - enige kontrak wat aangegaan word of werk wat uitgevoer word deur 'n maatskappy wat ingevolge enige Wet as sodanig geïnkorporeer of geregistreer is nie, bloot omrede van die feit dat sodanige persoon of sy gade, vennoot of sakegenoot 'n direkteur, aandeelhouer, effekthouer, werknemer of agent van sodanige maatskappy is nie, tensy sodanige maatskappy 'n private maatskappy is, of sodanige persoon of alleen in besit is van, of tesame met sy gade of minderjarige kinders of albei beheer het oor meer as die helfte van die aandele of effekte van so 'n maatskappy;
 - die aankoop van enigiets wat deur die bestuursraad per openbare konkurrensie verkoop word nie;
 - die aankoop deur die bestuursraad van enigiets op 'n vendusie nie; of
 - die lewering van goedere of dienste wat gewoonlik deur die bestuursraad aan die publiek verskaf of gelewer word teen 'n bedrag wat by wet of besluit van die bestuursraad vastgestel is nie.

(2) Die Sekretaris kan op aansoek van 'n bestuursraad 'n raadslid vrystel van die bepalings van paragraaf (j) of (k) van subregulasie (1) as hy daarvan oortuig is dat die toestaan van so 'n vrystelling in die openbare belang wenslik is.

TENURE OF OFFICE OF MEMBERS OF A BOARD OF MANAGEMENT.

7. (1) In the case of an existing Board of Management where the annual election of members is being held for the first time in terms of these regulations, the two members who have had the longest term of office without re-election and who would have retired at the annual election had these regulations not come into operation, shall go out of office.
- (2) In the event of a Board of Management being constituted for the first time in terms of sub-section (3) of section four ter or sub-section (1) bis of section five of the Act, in which case six members are to be elected at the same time, two of such members shall go out of office at each subsequent annual election, in the order of the number of votes obtained by each at his first election, commencing with the lowest number and proceeding upwards. Thereafter members shall go out of office by rotation as provided for in sub-regulation (3). Should there be any doubt as to which members ought to go out of office by reason of an equal number of votes having been given to more than two members at their election in case such members shall have been elected without a poll, the two members to go out of office shall be determined by lot.
- (3) At the annual election in each year subsequent to the election referred to in sub-regulation (1), and by rotation, the two members shall go out of office who had the longest time in office without re-election.
- (4) Subject to the provisions of regulation 6 the term of office of members elected in terms of—
- sub-regulations (1) and (3) shall be for a period of three years; and
 - sub-regulation (1) of regulation 5 shall be for the unexpired period of office of the member in whose place he has been elected.
- (5) The term of office of a member appointed by the Minister in terms of sub-section (2) of section five of the Act shall be for such period as would have been the case had such member been elected in accordance with these regulations.

CONSTITUTION OF BOARDS OF MANAGEMENT AND PROCEDURE OF MEETINGS, ALLOWANCES AND OTHER MATTERS.

8. Should the chairman be not available at any meeting, the Board of Management shall elect its own chairman for that meeting.
9. Should any member of the Board of Management be absent, five members of the Board with or without the chairman shall form a quorum.
10. The Board of Management shall meet once a month during the first half of the month on a day fixed by the Board at its meeting during the first month of the year (and the next day if necessary, unless circumstances justify another date). Should the Board for good cause wish to change the date of its monthly meetings, it shall first adopt an unanimous resolution in regard to the matter, whereupon obtain the consent of the Department, and then post a notice for 40 days at the office of the Board whereupon the Board may hold a meeting on the altered date.
11. In addition to the monthly meeting, the chairman may at any time for good and sufficient cause convene a special meeting giving previous notice of seven days: provided that the chairman may at any time convene a meeting for the purpose of taking action in terms of regulations 39 and 40, and the chairman together with two members of the Board shall form a quorum at such meeting.
12. A member of the Board shall address the chair standing unless he shall have obtained the chairman's consent to remain seated.
13. No member of the Board shall, in his capacity as member, attend a meeting of the Board or a committee of the Board or partake in proceedings thereof during the discussion of any matter in which he by himself or through his spouse, partner or business associate has a direct or indirect pecuniary interest.

AMPSTYD VAN RAADSLEDE.

7. (1) In die geval van 'n bestaande bestuursraad waar die jaarlikse verkiesing van raadslede vir die eerste maal ingevolge hierdie regulasies gehou word, tree die twee lede af wat die langste dienstyd sonder herverkiesing het en wat by die jaarlikse verkiesing sou afgetree het as hierdie regulasie nie in werking getree het nie.
- (2) Waar 'n bestuursraad vir die eerste maal ingevolge subartikel (3) van artikel vier ter of subartikel (1) bis van artikel vyf van die Wet saamgestel word, in watter geval ses raadslede gelyktydig verkies moet word, tree by elke daaropvolgende jaarlikse verkiesing twee van hierdie raadslede af in die volgorde van die getal stemme wat elkeen by sy eerste verkiesing gekry het, beginnende by die laagste getal en opgaande. Daarna tree lede om die beurt af soos bepaal in subregulasie (3). As daar twyfel bestaan oor watter lede moet aftree omdat op meer as twee 'n gelyke aantal stemme by hulle verkiesing uitgebring is of omdat die lede sonder stemming verkies is, word deur die lot beslis watter twee lede moet aftree.
- (3) By die jaarlikse verkiesing in elke jaar na die verkiesing vermeld in subregulasie (1) en in gereelde beurtorde, tree die twee lede af wat die langste dienstyd sonder herverkiesing het.
- (4) Behoudens die bepalings van regulasie 6 is die dienstyd van lede verkies ingevolge—
- subregulasie (1) en (3) vir 'n tydperk van drie jaar; en
 - subregulasie (1) van regulasie 5 vir die onverstreke dienstyd van die lid in wie se plek hy verkies is.
- (5) Die dienstyd van 'n lid wat ingevolge subartikel (2) van artikel vyf van die Wet deur die Minister aangestel is, is vir die tydperk wat dit sou gewees het as so 'n lid ooreenkomstig hierdie regulasies verkies was.

SAMESTELLING VAN BESTUURSRAD EN PROSEDURE VAN VERGADERINGS, TOELAES EN ANDER AANGELEENTHEDE.

8. As die voorsitter by enige vergadering nie beskikbaar is nie, kies die bestuursraad sy eie voorsitter vir die vergadering.
9. Vyf lede van die bestuursraad, met of sonder die voorsitter, vorm 'n kworum, indien daar lede van die bestuursraad afwesig is.
10. Die bestuursraad vergader een keer per maand gedurende die eerste helfte van die maand en wel op 'n dag (en die volgende dag indien nodig, tensy omstandighede 'n ander datum regverdig) wat deur die bestuursraad tydens sy sitting gedurende die eerste maand van die jaar bepaal word. Wanneer die bestuursraad die datum van sy maandelikse vergaderings gedurende die jaar om 'n grondige rede wil verlei, moet hy eers 'n eenstemmige besluit oor die saak neem, daarna die toestemming van die Departement oor die saak verkry en dan 'n kennisgewing vir 40 dae by die bestuursraads-kantoor opplak, waarna die bestuursraad 'n vergadering op die veranderde datum kan hou.
11. Die voorsitter kan behalwe die maandelikse vergadering enige tyd met voorafgaande kennisgewing van sewe dae 'n spesiale vergadering om grondige en genoegsame rede belê; met dien verstande dat die voorsitter vir die doel om stappe te doen ingevolge regulasies 39 en 40, te eniger tyd 'n vergadering kan belê, en die voorsitter tesame met twee lede van die bestuursraad vorm 'n kworum vir so 'n vergadering.
12. 'n Lid van die bestuursraad moet die voorsitter staande aanspreek, tensy hy verlof van die voorsitter het om dit sittende te doen.
13. 'n Lid van die bestuursraad mag nie in sy hoedanigheid van raadslid 'n vergadering van die bestuursraad of 'n komitee daarvan bywoon of aan die verrigtinge daarvan deelneem gedurende die bespreking van 'n saak waarby hy self of deur sy gade, vennoot of sakegenoot regstreeks of onregstreeks enige geldelike belang het nie.

14. No member of a Board of Management shall directly or indirectly exact or accept or agree to accept or attempt to obtain for himself or for any other person any gift, reward or other consideration whatsoever (other than allowances to which he is entitled in terms of any regulation) or on account of his services as a member of the Board or his doing or refraining from doing or having done or refrained from doing anything in his capacity as a member of the Board.

15. The proceedings and resolutions of the Board of Management shall be entered in a proper minute book which shall be kept for that purpose.

16. The cash book, showing the balance on hand, shall be submitted at each meeting, and every member, as well as the secretary, shall have the right to inspect such cash book as well as the minute book should he so desire.

17. Any registered occupier or any other person who has obtained permission from the chairman, may attend a meeting of the Board, but may not take any part in the proceedings. Should insufficient room be available or should the Board of Management wish to hold a discussion *in camera* or should there be disorderly behaviour on the part of any registered occupier or any other person in the council chamber or in the immediate vicinity thereof, the chairman shall have the right to call upon any registered occupier or other person to leave the council chamber and/or the immediate vicinity of the council chamber.

Any registered occupier or any other person thus called upon by the chairman shall leave the council chamber and/or the immediate vicinity of the council chamber.

18. A resolution adopted by the Board of Management shall be reversed only on the motion of a member of the Board of Management and provided two-thirds of the members vote for the reversal of such resolution.

19. A copy of the minutes of each meeting of a Board of Management, certified as correct, shall be forwarded to the Department within 21 days of such meeting.

20. Should any member of the Board of Management be absent from his home in the performance of his duty as member of the Board, he may be reimbursed as follows for necessary expenses incurred by him:—

(a) For each mile after the first three miles covered on the forward or return journey, a sum not exceeding sixpence per mile; provided that not more than £2 shall be paid to any member in terms of this paragraph in respect of a single attendance at any meeting or conference.

(b) A further sum not exceeding 7s. 6d. per day, or 3s. 9d. per half day. For the purpose of this paragraph any period of twenty-four hours shall be regarded as a day, and any period of less than twenty-four hours but more than six hours shall be regarded as half a day; provided that should any member be able to prove to the satisfaction of the Board of Management that the necessary expenses incurred by him in the performance of his duty as member exceed the sum to which he is entitled in terms of paragraphs (a) and (b), such member may, upon the approval of the Secretary, be reimbursed the full sum of the necessary expenses incurred by him.

21. A Board of Management may appoint standing committees from its members who may meet at any time to discuss matters entrusted to them. Such committees shall submit their proposals at the monthly meeting of the Board of Management, and such proposals shall not become operative before they shall have been adopted by resolution of the Board of Management. No member of such committee shall be entitled to subsistence and travelling allowance in respect of any meeting of such committee.

14. 'n Raadslid mag nie 'n geskenk, beloning of ander teenprestasies wat ook al (uitgesonderd die toelae waarop hy ingevolge 'n regulasie geregtig is) regstreeks of onregstreeks eis of aanneem of toestem om dit aan te neem of probeer om dit vir homself of vir iemand anders, of ten opsigte van sy dienste as raadslid of omdat hy iets doen of nalaat of iets gedoen of nagelaat het in sy hoedanigheid van raadslid te verkry nie.

15. Die verrigtinge en besluite van die bestuursraad word opgeteken in 'n behoorlike notuleboek wat vir die doel gehou word.

16. Die kasboek aantonende die balans voorhande, word met elke vergadering voorgelê, en elke lid sowel as die Sekretaris het reg van insae daarin sowel as in die notuleboek wanneer hy dit verlang.

17. 'n Geregistreerde okkupeerder of 'n ander persoon wat verlof van die voorsitter verkry het, kan 'n vergadering van die bestuursraad bywoon, maar mag nie aan die verrigtings deelneem nie. As daar te min ruimte beskikbaar is of as die bestuursraad 'n saak *in camera* wil bespreek of as 'n geregistreerde okkupeerder of ander persoon hom in die raadsaal of in die onmiddellike omgewing daarvan wanordelik gedra, het die voorsitter die reg om sodanige geregistreerde okkupeerder of ander persoon te versoek om die raadsaal en/of die onmiddellike omgewing van die raadsaal te verlaat.

'n Geregistreerde okkupeerder of enige ander persoon aldus deur die voorsitter versoek, is verplig om die raadsaal en/of die onmiddellike omgewing van die raadsaal te verlaat.

18. 'n Besluit wat deur die bestuursraad geneem is, mag alleen op voorstel van 'n lid van die bestuursraad herroep word mits tweederdes van die lede stem vir die herroeping van die besluit.

19. 'n Afskrif van die notule van elke vergadering van 'n bestuursraad moet binne 21 dae na so 'n vergadering aan die Departement gestuur word, gesertifiseer dat die afskrif juis is.

20. Wanneer 'n lid van die bestuursraad van sy huis afwesig is in die uitoefening van sy pligte as lid, kan die volgende vergoeding vir noodsaaklike onkoste aan hom betaal word:—

(a) Vir elke myl na die eerste drie myl wat afgelê word op die heenreis of die terugreis, hoogstens ses pennies per myl; met dien verstande dat hoogstens £2 aan 'n lid ingevolge hierdie paragraaf betaal word in geval van 'n enkele bywoning van 'n vergadering of konferensie.

(b) 'n Verdere bedrag van hoogstens 7s. 6d. per dag, of 3s. 9d. per halfdag. Vir die toepassing van hierdie paragraaf word enige tydperk van vier-en-twintig uur as 'n dag beskou en enige tydperk van minder as vier-en-twintig uur maar meer as ses uur as 'n halfdag; met dien verstande dat, as 'n lid tot tevredenheid van die bestuursraad bewys dat die noodsaaklike onkoste deur hom aangegaan in die uitoefening van sy pligte as lid, meer is as die bedrag waartoe hy ingevolge paragrafe (a) en (b) geregtig is, die volle bedrag van die noodsaaklike onkoste deur hom aangegaan, met goedkeuring van die Sekretaris aan so 'n lid vergoed kan word.

21. 'n Bestuursraad mag staande komitees uit sy midde benoem, wat op enige tyd mag vergader om sake wat aan hulle opgedra is, te bespreek. Sulke komitees moet hulle voorstelle by die maandelikse bestuursraadsvergadering voorlê, en eers wanneer sulke voorstelle deur 'n bestuursraadsbesluit aangeneem is, sal hulle geldig wees. Geen lid van so 'n komitee is geregtig op reis- en verblyfstoelae ten opsigte van so 'n komitee-vergadering nie.

22. The meetings of an Advisory Board, with the chairman and two members forming a quorum, shall be held as often as the chairman may deem it necessary; provided that at least one meeting shall be held every quarter, and the provisions of regulations 12, 15, 16, 17, 19 and 20 shall, *mutatis mutandis*, and in so far as applicable, apply in respect of the Advisory Board, its meetings and its members.

RIGHTS, POWERS AND DUTIES OF BOARDS OF MANAGEMENT IN TERMS OF THE ACT.

23. The Board of Management may require any registered occupier within its area to eradicate such noxious weeds on the allotment or allotments of such registered occupier, or along the portion of the lead furrow belonging to such registered occupier, as have been declared noxious weeds by resolution of the Board of Management.

24. The Board of Management may, with the consent of the Secretary and subject to such conditions as he may deem fit—

- hire land for farming purposes which may be occupied and used by the registered occupiers residing within its area;
- erect or hire buildings as may be required by the Board for the exercise of its duties; and
- let land and buildings.

25. A Board of Management may, with the consent of the Secretary, set apart such piece of ground for the erection of a school, church, Board of Management store, welfare centre, clinic, government office or superintendent's residence, as is required for the purpose.

26. The Board may, with the consent of the Minister, purchase land for farming purposes for occupation by and use of registered occupiers residing within its area of jurisdiction. Such land shall be registered in the name of the Minister in his capacity as representative of the Union Government, and the Minister shall hold such land in trust for the proper Board of Management in its capacity as representative of the community concerned, and such land shall be under the control of such Board of Management which shall follow the provisions of the Act and regulations for this purpose.

27. A Board of Management may, with the consent of the Minister, mortgage fixed property purchased by the Board of Management.

28. A Board of Management may, with the consent of the Secretary contribute out of its revenue towards a public purpose or public health purpose within its area.

29. A Board of Management may, by resolution and with the consent of the Secretary, from time to time contribute out of its funds towards educational purposes within its area.

30. A Board of Management may, with the consent of the Secretary, erect school buildings out of its funds should the Provincial Administration not be obliged by law or not be prepared to do so.

31. Subject to the approval of the Secretary, the Board of Management may, upon adopting a resolution to the effect, from time to time contribute out of its funds towards charitable purposes.

32. Subject to the provision that the Board of Management has the necessary funds at its disposal and upon the approval of the Secretary having been obtained for such undertaking, and for such period as he may please, the Board of Management may, out of its funds, order supplies of seed, fertilizers, implements and/or parts of implements and building materials, and sell such supplies to registered occupiers at such profit as to cover only all expenses incurred in respect thereof: Provided that the Board of Management shall not keep supplies for each of the five items, seed, fertilizers, implements and/or parts of implements and building materials to the value of more than £100 (one hundred pounds) at a given date.

33. A Board of Management may in its discretion, and against repayment in such instalments as may be decided upon, advance sums not exceeding £30 per registered occupier to registered occupiers for purchasing farm equipment, seed, fertilizers, building material and livestock.

22. Die vergaderings van 'n adviserende raad, met die voorsitter en twee lede as kworum, word gehou so dikwels as wat die voorsitter dit mag nodig ag; met dien verstande dat minstens een vergadering elke kwartaal gehou word, en regulasies 12, 15, 16, 17, 19 en 20 geld *mutatis mutandis* en vir sover toepaslik ten opsigte van die adviserende raad, sy vergaderings en sy lede.

REGTE, BEVOEGDHEID EN PLIGTE VAN BESTUURSRADEN Kragtens die Wet.

23. Die bestuursraad kan eis dat enige geregistreerde okkupeerder binne sy regsgebied alle onkruid op die perseel of persele van die geregistreerde okkupeerder of langs die deel van die leivoor behorende aan die geregistreerde okkupeerder uitroei vir sover die onkruid by bestuursraadsbesluit as skadelike onkruid verklaar is.

24. Die bestuursraad het die bevoegdheid om met goedkeuring van die Sekretaris en op die voorwaardes wat hy dienstig mag ag—

- grond vir boerdery te huur wat deur die geregistreerde okkupeerders wat binne sy gebied woon, geokkupeer en gebruik mag word;
- geboue op te rig of te huur wat by die uitoefening van die bestuursraad se pligte nodig is; en
- grond en geboue te verhuur.

25. 'n Bestuursraad kan met die toestemming van die Sekretaris 'n stuk grond wat vir die doel nodig is afsonder vir die oprigting van 'n skool, kerk, bestuursraads-magasin, welsynsentrum, kliniek, goewermentskantoor of superintendentshuis.

26. Die bestuursraad kan met goedkeuring van die Minister grond aankoop vir boerdery, wat deur geregistreerde okkupeerders wat binne sy regsgebied woon, geokkupeer en gebruik kan word. Hierdie grond moet geregistreer word op naam van die Minister in sy hoedanigheid van verteenwoordiger van die Regering van die Unie, en die Minister moet die grond in trust hou vir die betrokke bestuursraad as verteenwoordiger van die betrokke gemeenskap, en die grond is onder beheer van die bestuursraad, wat vir hierdie doel die bepalinge van die Wet en die regulasies moet nakom.

27. 'n Bestuursraad kan met die toestemming van die Minister 'n verband opneem op vaste eiendom wat die bestuursraad aangekoop het.

28. 'n Bestuursraad kan met die toestemming van die Sekretaris uit sy inkomste bydrae tot die koste van 'n openbare saak of 'n openbare gesondheidsaak binne sy gebied.

29. 'n Bestuursraad kan by besluit en met die toestemming van die Sekretaris van tyd tot tyd bedrae uit sy fondse bestee ten behoeve van die onderwys in sy gebied.

30. 'n Bestuursraad kan uit sy fondse met die toestemming van die Sekretaris skoolgeboue oprig as die provinsiale owerheid by wet nie verplig is of nie bereid is om dit te doen nie.

31. Behoudens die goedkeuring van die Sekretaris kan die bestuursraad by besluit van tyd tot tyd bedrae uit sy fondse bestee vir liefdadigheid.

32. Behoudens die voorwaarde dat die bestuursraad die nodige fondse ter beskikking het en nadat die Sekretaris se goedkeuring vir so 'n onderneming verkry is en vir solank dit hom behaag, kan 'n bestuursraad uit sy fondse voorrade saad, misstowwe, werktuie en/of onderdele van werktuie en boumateriaal bestel en sulke voorrade aan geregistreerde okkupeerders verkoop met slegs genoeg wins om alle koste daaraan verbonde te dek; met dien verstande dat die bestuursraad nie meer as £100 (eenhonderd pond) se voorrade van elkeen van die vyf items saad, misstowwe, werktuie en/of onderdele van werktuie en boumateriaal op 'n gegewe datum mag aanhou nie.

33. 'n Bestuursraad kan na goeddunke en teen terugbetaling in die paaiemente waartoe hy besluit, aan geregistreerde okkupeerders bedrae van hoogstens £30 per geregistreerde okkupeerder voorskiet vir die aankoop van plaasuitrusting, saad, misstowwe, boumateriaal en lewendes hawe.

34. Subject to the approval of the Secretary and to such conditions as he may deem fit, the Board of Management may against repayment in such instalments as may be decided upon by it, advance sums not exceeding one hundred pounds (£100) per registered occupier to registered occupiers for the purpose of defraying the cost of erecting houses within the area of the Board.

35. (1) A Board of Management may with the consent of the Secretary, undertake any work involving a cost of £50 or over.

(2) A Board of Management may, with the consent of the Secretary, borrow money to perform the works referred to in sub-regulation (1) and for any other purpose approved by the Secretary.

TRADING.

36. A Board of Management may, with the consent of the Secretary, lease for trading purposes sites in its area of management for periods of not more than five years at such rentals as the Board of Management may approve; Provided that—

- (1) (a) the lessee shall not sublet or transfer rights granted to him without the sanction of the Board of Management;
- (b) the lessee shall not be entitled to any compensation for improvements effected by him on the land; but the lessee may remove everything erected by him on the land during his stay within one month after the termination of his lease without damage to the land, unless he and the Board of Management shall have agreed otherwise;
- (c) the lease may be terminated by the Board of Management with the consent of the Secretary if the purposes for which the lease was granted are no longer carried out;
- (d) the proceeds of such lease shall be placed to the general revenue fund of the Board of Management;
- (e) the form of agreement contained in Schedule A shall be submitted to the Department in quadruplicate with the necessary stamps affixed thereto;
- (2) persons or companies to whom prospecting licences have been granted or who are carrying out mining operations in areas under the jurisdiction of the Board of Management may trade at the same time, but shall then comply with all the provisions to which an ordinary trader is subject under these regulations;
- (3) should registered occupiers desire to carry on a trading business on premises registered in their names in the register of registered occupiers, such registered occupiers shall make application to the Board of Management, who shall forward their applications, together with the Board's recommendations, to the licensing board; provided that the Board of Management may determine that no trading shall be carried on except on premises set apart for that purpose by the Board and leased in terms of this regulation.

ADMISSION OF PERSONS AND THEIR RIGHTS.

37. The following persons with their spouses and unmarried children shall be entitled to reside in the area under control of the Board of Management—

- (a) a person approved of as a registered occupier in accordance with these regulations by the Secretary in consultation with the Board of Management;
- (b) a person entering into a trading agreement in terms of regulation 36;
- (c) a person, other than a registered occupier, admitted in terms of the provisions of any proclamation under section *twenty-seven* of the Act;
- (d) a person in Government employ residing there for the execution of his duties; and
- (e) any other person having obtained written consent from the Board of Management to reside there.

34. Behoudens die goedkeuring van die Sekretaris en op die voorwaardes wat hy dienstig mag ag, kan die bestuursraad aan geregistreerde okkupeerders bedrae van hoogstens eenhonderd pond (£100) per geregistreerde okkupeerder voorskiet ter bestryding van die oprigtingskoste van woonhuise binne die raad se gebied, en sodanige bedrae moet terugbetaal word in die paaiemente wat die raad mag bepaal.

35. (1) 'n Bestuursraad kan met die toestemming van die Sekretaris enige werk onderneem waarvan die koste £50 of meer sal beloop.

(2) 'n Bestuursraad kan met die toestemming van die Sekretaris geld leen om die werke, genoem in subregulasie (1), te verrig, asook vir enige ander doel deur die Sekretaris goedgekeur.

HANDEL.

36. 'n Bestuursraad kan met die toestemming van die Sekretaris terreine verhuur vir handelsdoeleindes in sy bestuursgebied vir tydperke nie vyf jaar te bowe gaande nie teen die huurgeld wat die bestuursraad mag goedkeur, met dien verstande dat—

- (1) (a) die huurder die verkreeë regte nie mag onderverhuur of oordra sonder die toestemming van die bestuursraad nie;
- (b) die huurder nie geregtig is op vergoeding vir verbeteringe wat deur hom op die grond aangebring is nie, maar die huurder mag alles wat hy opgerig het tydens sy verblyf op die grond sonder beskadiging van die grond verwyder binne een maand na die beëindiging van sy huurooreenkoms, tensy hy en die bestuursraad anders ooreengekom het;
- (c) die huurooreenkoms met die toestemming van die Sekretaris deur die bestuursraad opgesê mag word as die doel waarvoor die ooreenkoms aangegaan is, nie meer nagekom word nie;
- (d) die opbrengs van die huur gestort word in die algemene inkomstefonds van die bestuursraad;
- (e) die ooreenkomsvorm wat in Bylae A vervat is, in viervoud ingestuur word na die Departement met die nodige seëls daarop;
- (2) persone of maatskappe wat lisensies verkry het om te prospekter of met mynery besig is in gebiede onder die jurisdiksie van die bestuursraad, terselfdertyd mag handel drywe, maar dan verplig is om te voldoen aan al die bepalings waaraan 'n gewone handelaar kragtens hierdie regulasies moet voldoen;
- (3) as geregistreerde okkupeerders handel wil drywe op persele wat in hulle name geregistreer is in die register van geregistreerde okkupeerders, sodanige geregistreerde okkupeerders daarom aansoek moet doen by die bestuursraad, wat hulle aansoeke met die raad se aanbevelings na die lisensieraad moet stuur; met dien verstande dat die bestuursraad kan bepaal dat geen handel gedryf mag word nie behalwe op persele vir dié doel deur die bestuursraad afgesonder en verhuur ingevolge hierdie regulasie.

TOELATING VAN PERSONE EN HULLE REGTE.

37. Die volgende persone met hulle eggenotes en ongetroude kinders is geregtig om op die gebied onder beheer van die bestuursraad te woon:—

- (a) 'n Persoon wat volgens hierdie regulasies deur die Sekretaris in ooreenkoms met die bestuursraad as geregistreerde okkupeerder goedgekeur is;
- (b) 'n persoon wat 'n handelsooreenkoms ingevolge regulasie 36 aangegaan het;
- (c) 'n persoon, behalwe 'n geregistreerde okkupeerder, wat kragtens die bepalings van 'n proklamasie ingevolge artikel *sewe-en-twintig* van die Wet toegelaat is;
- (d) 'n persoon in goewermentsdiens wat vir die uitoefening van sy pligte daar woon; en
- (e) enige ander persoon wat die skriftelike toestemming van die bestuursraad verkry het om daar te woon.

38. No person permitted to reside on land under the control of the Board of Management, shall, with or without his household, take up his abode with any other person and his household or shall allow any other person with or without his household, to reside with him on the same premises unless the one or the other shall have obtained prior written consent from the Board of Management, which consent the Board may issue subject to such conditions as the Board may approve of.

39. Any person, other than a person entitled to such residence or admitted in accordance with regulation 37 and section *thirteen* bis of the Act, found within the area under the control of the Board of Management, shall upon the written request of the Board of Management remove himself from the area within such period as the Board of Management may determine.

40. Should the Board of Management, after granting the consent referred to in regulation 37 (e) for good and sufficient reason decide to cancel such consent on account of undermining of the Board's authority, misbehaviour, theft, or other offence committed by such person who had been allowed to reside within the area of the Board, such person shall upon receiving written notice from the Board, remove himself from the area within twenty-four hours after receiving such notice.

41. No person residing within the area of the Board of Management, shall accommodate, retain in his employ, take into employ, prevent from leaving or instigate not to leave the area under the control of the Board of Management, any such person to whom the Board has issued a notice, in terms of regulation 39 or 40, requiring his removal from the area.

42. Every person whose name at the commencement of these regulations appeared in the records of the Board of Management as a registered occupier, and to whom no certificate of occupation had been issued by the Board in terms of any regulation repealed by these regulations, and every person who was residing within the area and to whom no written consent had previously been issued by the Board, shall not later than 12 months from the commencement of these regulations apply in writing to the Board for a certificate of occupation or a written consent to reside in such area, as the case may be.

43. The Board of Management shall submit every application for a certificate of occupation received in terms of regulation 42, together with its comments, within one month, for consideration to the Secretary, and in the case of an application for written consent to reside in its area, in terms of the above-mentioned regulation, it shall issue to such person, free of charge, a written consent, contained in Schedule C, unless the Board for good reasons considers that the person applying therefor should not be allowed to reside within its area.

44. The Board of Management shall issue a certificate of occupation, free of charge, in accordance with regulation 52, to each person whose application has been approved by the Secretary, and further comply with the provisions of regulations 52 and 53.

45. The Board of Management shall notify in writing each person whose application for a certificate of occupation or for the Board's written consent to reside within its area, has been refused.

46. Notwithstanding any contrary provision in these regulations, any person desiring to reside in the area under the control of the Board of Management as a registered occupier or with the Board's written consent or any person desiring to obtain additional rights or to take over the rights of a registered occupier, shall apply in writing to the Board of Management and the Board of Management is hereby authorised, in the case of an application for its written consent, to reside within its area, to grant such application for any period the Board may approve or refuse it at its next meeting.

47. Any application for admission as a registered occupier, or for the obtaining of additional rights or for taking over the rights of a registered occupier, shall be made known by the Board of Management by posting a notice at its office for a period of 14 days.

38. Niemand wat toegelaat is om op grond onder beheer van die bestuursraad te woon, mag met of sonder sy huisgesin by 'n ander persoon en sy huisgesin aldaar inwoon nie of toelaat dat 'n ander persoon met of sonder sy huisgesin by hom op dieselfde perseel inwoon nie, tensy die een of die ander vooraf skriftelike toestemming van die bestuursraad verkry het wat die bestuursraad mag uitreik op die voorwaardes wat die bestuursraad mag goeddink.

39. Enige persoon wat hom op die gebied onder beheer van die bestuursraad bevind en nie ingevolge regulasie 37 en artikel *dertien bis* van die Wet geregtig is om daar te woon of toegelaat is nie, moet op die skriftelike versoek van die bestuursraad binne die tydperk wat die bestuursraad mag goeddink, die gebied verlaat.

40. Indien 'n bestuursraad, nadat toestemming ingevolge regulasie 37 (e) verleen is om goeie en genoegsame rede besluit om so 'n reeds verleende toestemming in te trek weens ondermyning van die gesag van die bestuursraad, swak gedrag, diefstal of ander misdryf gepleeg deur so 'n persoon aan wie toestemming verleen is om binne die bestuursraad se gebied te woon, moet so 'n persoon, na ontvangs van skriftelike kennisgewing van die bestuursraad, binne 24 uur vanaf die ontvangs van so 'n kennisgewing die gebied verlaat.

41. Niemand wat binne die gebied van die bestuursraad woon, mag 'n persoon, aan wie die bestuursraad ingevolge regulasie 39 of 40 kennis gegee het om die gebied te verlaat, huisves, in diens hou, in diens neem, verhinder om die gebied van die raad te verlaat of aanhits om nie die gebied te verlaat nie.

42. Iedereen wie se naam by die inwerkingtreding van hierdie regulasies as 'n geregistreerde okkupeerder in die rekords van die bestuursraad voorkom en aan wie nie 'n toekenningsbrief deur die bestuursraad kragtens 'n deur hierdie regulasies herroepe regulasie uitgereik is nie en iedereen wat reeds daar gewoon het en wat nog nie 'n skriftelike toestemming van die bestuursraad voorheen verkry het nie, moet nie later as 12 maande na die inwerkingtreding van hierdie regulasies 'n skriftelike aansoek by die bestuursraad doen om dié 'n toekenningsbrief of 'n skriftelike toestemming om daar te woon, na gelang van sy geval.

43. Die bestuursraad moet elke aansoek om 'n toekenningsbrief wat hy ingevolge regulasie 42 ontvang, tesame met sy opmerkings binne een maand vir oorweging aan die Sekretaris voorlê, en in die geval van 'n aansoek om skriftelike toestemming om in die raad se gebied te woon ingevolge bogenoemde regulasie, moet die raad aan so iemand 'n skriftelike toestemming soos vervat in Bylae C, kosteloos uitreik, tensy die raad om goeie redes meen dat die aansoeker nie toegelaat behoort te word om binne sy gebied te woon nie.

44. Die bestuursraad moet aan elke persoon wie se aansoek om 'n toekenningsbrief deur die Sekretaris goedgekeur is, 'n toekenningsbrief ooreenkomsregte regulasie 52 kosteloos uitreik en verder die bepalings van regulasies 52 en 53 nakom.

45. Die bestuursraad moet elke persoon wie se aansoek om 'n toekenningsbrief of om die skriftelike toestemming van die bestuursraad om in sy gebied te woon, geweier is, skriftelik daarvan in kennis stel.

46. Ondanks andersluidende bepalings in hierdie regulasies moet enige persoon wat in die gebied van die bestuursraad wil woon as 'n geregistreerde okkupeerder of met die skriftelike toestemming van die bestuursraad, of enige persoon wat bykomende regte verlang of wat die regte van 'n geregistreerde okkupeerder wil oorneem, skriftelik daarom by die bestuursraad aansoek doen, en die bestuursraad is gemagtig om op sy volgende vergadering in die geval van 'n aansoek om sy skriftelike toestemming om binne sy gebied te woon, sodanige aansoek goed te keur vir enige tydperk wat die raad goeddink of om dit te weier.

47. Enige aansoek om as geregistreerde okkupeerder toegelaat te word, of om bykomende regte te verkry of om die regte van 'n geregistreerde okkupeerder oor te neem, moet by wyse van 'n kennisgewing wat die bestuursraad by sy kantoor opplak, vir 'n tydperk van 14 dae bekendgemaak word.

48. The applications referred to in regulation 47 shall be dealt with as soon as may be and after the expiry of the period of 14 days, such applications together with any objections received and the Board's comment on both the applications and objections, shall be submitted for consideration to the Secretary, and no transfer of rights shall be effected unless the rates of the parties concerned have been paid.

49. Should the Secretary approve an application submitted to him in terms of regulation 48, the Board of Management shall issue a certificate of occupation to the applicant. Should the Secretary refuse such an application, the Board shall notify the applicant accordingly.

50. Should the Board of Management approve an application for a written consent to reside within its area, the Board shall issue a written consent to the applicant. Should the Board refuse an application, it shall inform the applicant of same.

51. Any person referred to in paragraphs (b), (c), (d) and (e) of regulation 37, and any unmarried son (after reaching the age of 21 years) of any person referred to in regulation 37, residing within the area of the Board of Management and who is not a registered occupier, shall register himself with the Board on or before the 31st January in each year and the Board shall issue a certificate of registration to such person as proof of registration.

52. A certificate of occupation, in the form contained in Schedule B, shall be prepared by the Board of Management in triplicate for each separate allotment and on approval of the application therefor by the Secretary the original shall be issued to the registered occupier.

53. The duplicate and triplicate of the certificate of occupation shall be arranged in alphabetical order of surnames and bound by the Secretary and the Board of Management, respectively, into a register which shall be known as the register of registered occupiers.

54. No person shall be approved of as a registered occupier unless—

- (a) he has reached the age of 18 years; and
- (b) a building allotment with or without one or more of the following rights defined in regulation 55, has been allotted to him—

- (i) a dry garden allotment;
- (ii) an irrigable garden allotment; and
- (iii) a dry land allotment:

Provided that the Secretary on the recommendation of the Board and subject to such conditions as he may deem fit, may approve of a person as a registered occupier without a building allotment being allotted to such person.

55. For the purpose of the Act each of the following allotments, the size and situation of which shall be determined by the Secretary in consultation with the Board of Management, shall be regarded as a separate allotment, except in the case of abutment of two or more, when it shall be regarded as one allotment unless otherwise determined by the Secretary:—

- (a) Allotments on which buildings may be erected, called building allotments;
- (b) allotments consisting of dry gardens, called dry garden allotments;
- (c) allotments consisting of gardens under irrigation, called irrigable garden allotments;
- (d) allotments consisting of dry lands not under irrigation, called dry land allotments.

56. As from the date of commencement of these regulations no new allotment shall be allotted or assigned to a registered occupier by the Board of Management unless such allotment is situate within an area demarcated for that particular purpose in terms of paragraph (7) of section four of the Act.

57. The Board of Management or a person authorised by the Board shall indicate to a person approved of as a registered occupier, his right or rights, defined in the certificate of occupation, and the registered occupier shall erect such beacons as will distinguish his right or rights from those of other persons.

48. Die aansoekke vermeld in regulasie 47, moet so spoedig moontlik behandel word, en na verstryking van die tydperk van 14 dae moet sodanige aansoekke tesame met alle besware wat ontvang is en die bestuursraad se opmerkings oor sowel die aansoekke as die besware aan die Sekretaris vir oorweging voorgelê word, en geen oordrag van regte mag geskied tensy die belastings van die betrokke partye betaal is nie.

49. Indien die Sekretaris 'n aansoek wat ingevolge regulasie 48 aan hom voorgelê is, goedkeur, reik die bestuursraad 'n toekenningsbrief aan die applikant uit. Indien die Sekretaris so 'n aansoek weier, stel die bestuursraad die applikant daarvan in kennis.

50. Indien die bestuursraad 'n aansoek om 'n skriftelike toestemming om in sy gebied te woon, goedkeur, reik die bestuursraad 'n skriftelike toestemming aan die applikant uit. Indien die raad sodanige aansoek weier, stel hy die applikant daarvan in kennis.

51. 'n Persoon gemeld in paragrawe (b), (c), (d) en (e) van regulasie 37 en 'n mondigte ongetroude seun van enige persoon genoem in regulasie 37 wat in die gebied van die bestuursraad woon en wat nie 'n geregistreerde okkupeerder is nie, moet hom voor of op 31 Januarie van elke jaar by die bestuursraad laat registreer, en die bestuursraad moet aan die persoon by registrasie 'n sertifikaat as bewys daarvan uitreik.

52. 'n Toekenningsbrief in die vorm soos in Bylae B, moet in drievoud vir elke aparte perseel deur die bestuursraad opgestel word, en na goedkeuring van 'n aansoek daarom deur die Sekretaris moet die oorspronklike aan die geregistreerde okkupeerder uitgereik word.

53. Die duplikaat en die tripliakaat van die toekenningsbrief moet deur die Sekretaris en die bestuursraad onderskeidelik in alfabetiese volgorde van familienaam in 'n register ingebind word wat as die register van geregistreerde okkupeerders bekend sal wees.

54. Niemand mag as 'n geregistreerde okkupeerder goedgekeur word nie, tensy—

- (a) hy die ouderdom van 18 jaar bereik het; en
- (b) 'n bouperseel met of sonder een of meer van die volgende regte soos omskryf in regulasie 55 aan hom toegeken is—

- (i) 'n droë tuin;
- (ii) 'n watertuinperseel; en
- (iii) 'n droëlandperseel:

Met dien verstande dat die Sekretaris op aanbeveling van die raad en op voorwaardes wat hy dienstig ag, 'n persoon as geregistreerde okkupeerder kan goedkeur sonder dat 'n bouperseel aan daardie persoon toegeken is.

55. Vir die toepassing van die Wet word elkeen van die volgende persele, waarvan die grootte en ligging deur die Sekretaris in oorleg met die bestuursraad vasgestel word, as 'n aparte perseel beskou, tensy twee of meer aanliggend is, in watter geval dit as een perseel beskou word, tensy die Sekretaris anders beslis:—

- (a) Persele waarop geboue opgerig mag word, genoem boupersele;
- (b) persele wat bestaan uit tuine sonder besproeiing, genoem droë tuine;
- (c) persele wat bestaan uit tuine onder besproeiing, genoem watertuinpersele; en
- (d) persele wat bestaan uit landerye nie onder besproeiing nie, genoem droëlandpersele.

56. Vanaf die datum van inwerkingtreding van hierdie regulasies mag geen nuwe perseel aan enige geregistreerde okkupeerder deur die bestuursraad toegeken of aangewys word nie, tensy sodanige perseel geleë is binne 'n gebied wat ingevolge paragraaf (7) van artikel vier van die Wet vir die besondere doel afgebaken is.

57. Die bestuursraad of iemand gemagtig deur die bestuursraad moet aan 'n persoon wat as geregistreerde okkupeerder goedgekeur is, sy reg of regte, soos omskrywe in die toekenningsbrief, aanwys, en die geregistreerde okkupeerder moet die bakens aanbring wat sy reg of regte van dié van ander persone sal onderskei.

58. Should a common landmark or beacon be necessary between two adjoining allotments, the two registered occupiers concerned shall be jointly and severally responsible for the erection and maintenance of such common beacons or landmarks.

59. No person shall, without the written consent of the Board of Management, shift or remove a beacon or suffer to be shifted or removed.

60. The Board of Management is hereby authorised to allow any registered occupier to enclose the allotments allotted to him in the manner determined by the Board and each registered occupier shall comply with such order.

61. Subject to such compensation to the registered occupier as the Secretary may approve, the Board of Management may, after consultation with the registered occupier, in the interest of the community or another adjacent registered occupier, construct a road or a lead or a drainage canal across any allotment allotted to a registered occupier.

62. The Board of Management shall through its members, employees or advisers have access to or over any allotment allotted to a registered occupier, by the shortest and most practicable route reasonable in the circumstances, for the purpose of doing anything authorised or required to be done by the Board of Management under the Act or regulation or to investigate or enforce compliance with any provision of the Act or regulations: Provided that any registered occupier suffering damage as a result of the exercise of such right of access shall except where the Board is authorised to execute on such allotment any work and recover the cost thereof from the registered occupier concerned, have the right to claim compensation for such amount as may be mutually agreed upon or approved by the Secretary.

63. Any person who threatens, resists, hinders or obstructs, or uses foul, abusive or insulting language towards a member, employee or adviser of the Board of Management in the exercise of his powers or execution of his duties shall be guilty of an offence.

64. Any registered occupier who intends to be absent from the mission station or reserve for a period exceeding three consecutive months shall notify the Board of Management, stating the period of his intended absence, the reason for his absence, and the name of the person who will be left in charge of his allotment.

65. It shall be lawful for the Board of Management to require with the consent of the Secretary any unallotted portion of the commonage not required by the community or any registered occupier or registered occupiers on such conditions as the Board of Management may, by resolution entered in the minutes, determine from time to time.

66. The Board of Management may allot a special outspan to the public, irrespective of such outspans to which a farm may be subject in terms of title deeds. Travellers and visitors shall be entitled to outspan free of charge for twenty-four hours on such outspans, and, after expiry of twenty-four hours, travellers and visitors may apply to the Secretary of the Board of Management for a longer stay against payment of 3d. per animal per day.

FINANCE AND RATES.

67. Every Board of Management shall open a banking account with the nearest commercial bank.

68. For all revenues received by the Board of Management receipt shall be issued and entered into the cash book.

69. All revenues received by the Board of Management shall from time to time be paid into the banking account as soon as may be after receipt thereof.

70. Subject to the approval of the Secretary and on such conditions as he may deem expedient, the Board of Management may obtain an advance from its bank by way of overdraft on the current account, or from any other bank or person.

58. As 'n gemeenskaplike baken of teken nodig is tussen twee aanliggende persele, is die twee betrokke geregistreerde okkupeerders gesamentlik en afsonderlik verantwoordelik vir die oprigting en instandhouding van sodanige gemeenskaplike bakens of tekens.

59. Niemand mag sonder die skriftelike toestemming van die bestuursraad 'n baken verskuif of verwyder of toelaat dat dit verskuif of verwyder word nie.

60. Aan die bestuursraad word hierby die bevoegdheid verleen om enige geregistreerde okkupeerder te beveel om die perseel wat aan hom toegeken is, te omhein op die wyse wat die bestuursraad bepaal, en iedere geregistreerde okkupeerder is verplig om so 'n bevel uit te voer.

61. Behoudens die vergoeding aan die geregistreerde okkupeerder wat die Sekretaris mag goedkeur, kan die bestuursraad, in oorleg met die geregistreerde okkupeerder, in die belang van die gemeenskap of 'n ander aanwonende geregistreerde okkupeerder, oor enige perseel van enige geregistreerde okkupeerder 'n pad aanlê of 'n waterleivoer of dreineringskanaal aanbring.

62. Die bestuursraad het in die persoon van sy raadslede, werknemers of raadgevers toegang tot of oor enige perseel wat aan 'n geregistreerde okkupeerder toegeken is langs die kortste en doenlikste roete wat onder die omstandighede redelik is, ten einde enigiets te doen wat kragtens die Wet of enige regulasie deur die bestuursraad gemagtig of in opdrag van die bestuursraad gedoen moet word, of ten einde die nakoming van enige voorskrif van die Wet of regulasies te ondersoek of af te dwing; met dien verstande dat enige geregistreerde okkupeerder wat skade ly ten gevolge van die uitoefening van sodanige reg van toegang, uitgesonderd waar die bestuursraad gemagtig is om werk op sodanige perseel uit te voer en die koste daarvan op die betrokke geregistreerde okkupeerder te verhaal, die reg besit om as vergoeding 'n bedrag te eis waartoe onderling ooreengekom word of wat deur die Sekretaris goedgekeur word.

63. Enige persoon wat 'n raadslid, werknemer of raadgever van die bestuursraad by die uitoefening van sy bevoegdheid of die uitvoering van sy pligte, dreig, weerstaan, hinder of belemmer, of vuil, kwetsende of beledigende taal teenoor hom besig, pleeg 'n misdryf.

64. Enige geregistreerde okkupeerder wat meen om vir langer as drie maande aaneen van die sendingstasie of reservaat afwesig te wees, moet die bestuursraad daarvan in kennis stel met opgawe van hoe lank hy meen om afwesig te wees, om watter rede en wie sy perseel sal oppas.

65. Die bestuursraad kan met goedkeuring van die sekretaris enige onuitgegewe grond van die meent wat die gemeenskap nie nodig het nie, verhuur aan enige geregistreerde okkupeerder of geregistreerde okkupeerders op die voorwaardes wat die bestuursraad van tyd tot tyd by genotuleerde besluit mag bepaal.

66. Die bestuursraad kan 'n spesiale uitspanning aanwys waar die publiek kan uitspan, afgesien van die uitspannings waaraan die plaas volgens transportaktes onderhewig mag wees. Reisigers en besoekers is geregtig om op sulke spesiale uitspannings vier-en-twintig uur gratis uit te span, en na verloop van vier-en-twintig uur kan reisigers en besoekers by die sekretaris van die bestuursraad aansoek doen om langer te vertoef teen betaling van 3d. per dier per dag.

FINANSIES EN BELASTINGS.

67. Die bestuursraad moet 'n bankrekening by die naaste handelsbank open.

68. Alle inkomste deur die bestuursraad ontvang, moet erken word deur die uitreiking van 'n kwitansie en in 'n kasboek opgeteken word.

69. Alle inkomste deur die bestuursraad ontvang, moet van tyd tot tyd so spoedig moontlik na ontvangs in die bankrekening gestort word.

70. Behoudens die goedkeuring van die sekretaris en op die voorwaardes wat hy dienstig ag, kan die bestuursraad 'n voorskot van sy bank by wyse van oortrekking op die lopende rekening, of van enige ander bank of iemand anders verkry.

71. As soon as the credit balance in the current banking account of the Board of Management shall exceed its average monthly expenditure over the preceding financial year, and such credit be not required for disbursement within thirty days, the Board of Management shall open a savings account with the nearest post office or commercial bank and any such money shall be deposited into such account by cheque. No money shall be withdrawn from such savings account unless the Board has adopted a resolution to that effect.

72. All expenses exceeding the sum of 5s. shall be paid by cheque.

73. No payment whatsoever, including petty cash payments, shall be made by the Board of Management or a member of the Board of Management or the secretary of the Board of Management or the chairman, unless the person claiming the money submits a written claim properly signed and dated, stating the reason for the claim, and the claimant shall give a receipt of the amount received or endorse the claim to the effect that the amount has been received, in which case the claim shall be regarded as a receipt, which claim and receipt shall be kept and the amount with particulars of the transaction brought into account by the secretary of the Board.

74. Two members of the Board of Management appointed from time to time by the Board shall jointly sign the cheques and operate on the savings account on behalf of the Board. Should one of or both these persons be absent, the Board may appoint one or two other persons to sign the cheques or to operate on the savings account.

75. The secretary of the Board of Management shall balance the books before each monthly meeting.

76. The books and financial statements of the Board shall be inspected by the Board of Management each year in July and December.

77. Immediately following upon the inspection in December, the Board of Management shall cause the financial statements to be audited by a qualified auditor and shall cause a statement of revenue and expenditure and a balance sheet to be drawn up, a copy of which shall be forwarded to the Department before the end of March each year. The Board shall appoint and remunerate its own auditor for this purpose. The auditor who audits the financial statements shall certify the balance sheet to be correct statements of income and expenditure of the Board and the balance to be in agreement with the bank balance. He shall further indicate the number of registered occupiers or inhabitants in arrears with their rates and the amounts.

78. By resolution of the Board of Management a sum of exactly £5 may be handed to the secretary of the Board in the form of a cheque, signed as prescribed in regulation 74, for petty cash purposes, and expenditure herefrom shall be made in accordance with the procedure prescribed in regulation 73.

79. The Board of Management shall call for tenders for the performance of all work which will entail an expense of more than £20.

80. Subject to the provisions of regulation 81 the Board of Management may take its own decisions in respect of expenses not exceeding £50.

81. In each year before the 31st of August the Board of Management shall prepare and submit to the Secretary under suitable headings, estimates of all income and expenditure for the calendar year next ensuing. Upon the Secretary's approval of such estimates, the Board may cause the work to be performed and may pay the expenses in connection therewith. No expenditure in respect of any new service or work shall be added or any expenditure exceeding the amount approved under any heading or in respect of any single or separate service or work exceeding the amount of £50, shall be incurred without prior sanction of the Commissioner.

82. (1) The Board of Management shall levy the rates for the following year, payable in accordance with subsection (3) of section six of the Act, not later than at its monthly meeting held in August.

(2) Such rates shall be due and payable on the 2nd January of the next ensuing year and, unless the Board fixes an earlier date, the 30th April shall be the last day on which such rates may be paid.

71. Sodra die bestuursraad se kredittbalans op sy lopende bankrekening meer is as sy gemiddelde maandelikse uitgawe gedurende die voorafgaande boekjaar en dit nie vir uitbetaling binne dertig dae nodig is nie, moet die bestuursraad 'n spaarrekening by die naaste poskantoor of handelsbank open, en sodanige geld moet per tjek daarin gestort word. Geen geld word uit sodanige spaarrekening getrek tensy die bestuursraad so besluit nie.

72. Alle uitgawes van meer as 5s. moet per tjek geskied. 73. Geen betaling van enige aard, selfs kleinkasbetalings, mag gemaak word deur die bestuursraad of 'n lid van die bestuursraad of die sekretaris van die bestuursraad of die voorsitter nie, tensy die persoon wat die geld eis, sy eis skriftelik voorlê en behoorlik onderteken en dateer, met vermelding van die rede vir die eis; en die eiser moet 'n kwitansie gee vir die bedrag ontvang of op die eis teken dat die bedrag ontvang is, in watter geval die eis as kwitansie sal geld, en die sekretaris van die bestuursraad moet die eis en die kwitansie bewaar en die bedrag met besonderhede van die transaksie in rekening bring.

74. Twee lede van die bestuursraad wat van tyd tot tyd deur die bestuursraad aangewys word, moet die tjeks gesamentlik teken en namens die bestuursraad die spaarrekeningstransaksies behartig. As een of albei van hierdie persone afwesig is, kan die bestuursraad een of twee ander persone aanwys om die tjeks te teken en die spaarrekeningstransaksies te behartig.

75. Die sekretaris van die bestuursraad moet voor elke maandelikse vergadering balans opmaak.

76. Die bestuursraad moet in Julie en Desember van elke kalenderjaar die boeke en finansiële state van die bestuursraad inspekteer.

77. Onmiddellik na die inspeksie in Desember moet die bestuursraad sy finansiële state laat ouditeer deur 'n bevoegde ouditeur en 'n staat van inkomste en uitgawes en 'n balansstaat laat opstel, waarvan 'n afskrif na die departement gestuur moet word voor die einde van Maart elke jaar. Die bestuursraad benoem en besoldig vir dié doel sy eie ouditeur. Die ouditeur wat die finansiële stukke ouditeer, moet sertifiseer dat die balansstaat 'n juiste opgawe van die inkomste en uitgawe van die bestuursraad is en dat die balans klop met die bankbalans. Verder moet hy aantoon hoeveel geregistreerde okkuperders of inwoners met hulle belasting agterstallig is en wat die bedrae is.

78. Van tyd tot tyd kan by besluit van die bestuursraad 'n bedrag van presies £5 aan die sekretaris van die bestuursraad oorhandig word deur middel van 'n tjek geteken op die wyse soos voorgeskryf by regulasie 74 vir kleinkasdoeleindes, en uitgawes hieruit moet geskied ooreenkomstig die prosedure voorgeskrywe in regulasie 73.

79. Die bestuursraad moet alle werk wat hy wil laat verrig waarvan die koste meer as twintig pond sal bedra, deur die inroep van tenders vir die verrigting van die diens laat geskied.

80. Behoudens die bepalings van artikel 81 is 'n bestuursraad bevoeg om self oor uitgawes van hoogstens £50 te besluit.

81. Voor 31 Augustus in elke jaar moet die bestuursraad 'n beraming van alle verwagte inkomste en uitgawes vir die volgende kalenderjaar onder gepaste hoofde opstel en vir goedkeuring aan die sekretaris voorlê. Nadat die sekretaris die beraming goedgekeur het, kan die bestuursraad die dienste laat verrig en die uitgawes daaraan verbonde betaal. Geen uitgawe vir nuwe dienste of werke mag bygevoeg of enige uitgawe bo die bedrag onder enige hoof goedgekeur of ten opsigte van 'n enkele of afsonderlike diens of werk wat £50 te bowe gaan, mag sonder voorafgaande goedkeuring van die Kommissaris aangegaan word nie.

82. (1) Die bestuursraad moet die belasting vir die volgende jaar, wat ingevolge subartikel (3) van artikel ses van die Wet, betaalbaar is, nie later hef as by sy maandelikse vergadering wat in Augustus gehou word nie.

(2) Sodanige belasting is verskuldig en betaalbaar op 2 Januarie van die eersvolgende jaar en, tensy die bestuursraad 'n vroeër datum bepaal, is 30 April die laaste dag waarop dit betaal mag word.

(3) Each year, at least three months before the rates become due, the Board of Management shall post a notice showing the last day on which the rates may be paid.

83. Notwithstanding the provisions of regulation 82, a Board of Management levying rates under the Act and these regulations for the first time, may levy such rates at any meeting: Provided that such rates shall not be due and payable before the expiration of 30 days and a notice to that effect shall be posted at the office of the Board or other convenient place within the area of the Board.

84. Registered occupiers and others liable to pay rates may, with the consent of the Board of Management, pay such rates in instalments of at least 2s. 6d. provided the rates shall be paid in full during the year in respect of which it became payable.

85. After the expiration of six months from the date on which such rates became payable, but in any case not later than the first day of November of the year in respect of which such rates were payable, the Board of Management shall institute proceedings in accordance with section twelve of the Act for the recovery of such rates which have not been paid, unless the Secretary on request of the Board, approves the deferment for such a period as he may determine the institution of such proceedings generally or in particular cases: Provided further that no such proceedings shall be instituted against a person who is permitted by the Board to pay a rate in instalments and who is regularly paying such instalments.

86. Any rates which have been in arrears for at least three years and which are irrecoverable may, with the Secretary's approval be written off by the Board of Management.

87. The Board of Management shall keep its accounts in such a manner and such books and registers and render such reports as the Secretary may from time to time require.

88. (1) Any person who, without the approval in writing of the Secretary for Coloured Affairs—

- holds, presides at or addresses any meeting, gathering or assembly in the area to which the provisions of the Act apply at which more than five persons are present at any one time; or
- permits any such meeting, gathering or assembly to be held in his house or on other premises or land under his control,

shall be guilty of an offence.

(2) Sub-regulation (1) shall not apply to any meeting, gathering or assembly—

- held for the purpose of a funeral;
- held for the purpose of a bona fide religious service—
 - by the society; or
 - by a church to which a portion of the commonage has been sold in terms of section twelve of the Act; or
 - if approved by the Secretary for Coloured Affairs after consultation with the society and the church mentioned in paragraph (ii); or
 - if the Board of Management has passed a resolution in favour thereof and such resolution shall have been approved by not less than two-thirds of the total number of registered occupiers who qualify as voters in terms of these regulations, at a meeting called for the purpose by a notice issued by the Board of Management setting out the terms of the resolution and the date fixed for the meeting and posted at the office of the Board or any other convenient place within the area of the Board for a period of not less than six weeks;

(c) held in connection with the regulation of the domestic affairs of any household;

(d) of the members of a statutory body of persons, held exclusively for the purpose of transacting any business of that body;

(e) held for the purpose of instruction imparted under any law;

(3) Die bestuursraad moet jaarliks minstens drie maande voordat sodanige belasting betaalbaar is, 'n kennisgewing opplak waarin die laaste dag waarop die belasting betaal mag word, aangetoon word.

83. Ondanks die bepalings van artikel 82 kan 'n bestuursraad wat vir die eerste maal 'n belasting ingevolge die Wet en hierdie regulasies hef, sodanige belasting by enige vergadering hef; met dien verstande dat sodanige belasting nie verskuldig en betaalbaar is voor na verloop van dertig dae nie, en 'n kennisgewing te dien effekte moet by die kantoor van die bestuursraad of 'n ander gerieflike plek binne die gebied van die bestuursraad opgeplak word.

84. Gerogistreeerde okkuperders en ander belastingpligtiges kan met toestemming van die bestuursraad die belasting betaal in paaieimente van minstens 2s. 6d., mits volle betaling daarvan geskied binne die jaar waarvoor dit betaalbaar is.

85. Na verloop van ses maande na die dag waarop sodanige belasting betaalbaar geword het, maar in elk geval nie later nie as die eerste dag van November van die jaar ten opsigte waarvan die belasting betaalbaar is, moet die bestuursraad stappe ingevolge artikel negentien van die Wet doen om enige belasting wat nie betaal is nie, in te vorder, tensy die sekretaris op versoek van die bestuursraad goedkeur dat stappe in die algemeen of in bepaalde gevalle uitgestel word en wel vir 'n tydperk wat die Kommissaris bepaal; voorts met dien verstande dat geen stappe gedoen word teen iemand wat deur die bestuursraad toegelaat is om die belasting paaieimentsgewys te betaal en wat die paaieimente gereeld betaal nie.

86. Belasting wat vir 'n tydperk van minstens drie jaar agterstallig en oninbaar is, kan met goedkeuring van die sekretaris deur die bestuursraad afgeskryf word.

87. Die bestuursraad moet sy rekenings op die wyse en die boeke en registers hou en die verslae verstrek wat die Sekretaris van tyd tot tyd mag vereis.

88. (1) Iedereen wat sonder die skriftelike goedkeuring van die Sekretaris van Kleurlingsake—

- 'n vergadering, byeenkoms of samekoms waarby meer as vyf persone op enige besondere tydstip aanwesig is, in die gebied waarop die bepalings van die Wet van toepassing is, hou, daarop voorsit of dit toespreek; of
- toelaat dat so 'n vergadering, byeenkoms of samekoms in sy huis of op 'n ander perseel of grond onder sy beheer, gehou word,

pleeg 'n misdryf.

(2) Subregulasie (1) is nie van toepassing nie op 'n vergadering, byeenkoms of samekoms—

- gehou vir die doel van 'n begrafnis;
- gehou vir die doel van 'n bona fide-kerkdienst—
 - deur die Genootskap; of
 - deur 'n klerk waaraan 'n gedeelte van die meent ingevolge artikel twaalf van die Wet verkoop is; of
 - indien goedkeuring verleen is deur die Sekretaris van Kleurlingsake na oorlegpleging met die Genootskap en die kerk in paragraaf (ii) genoem; of
 - indien die bestuursraad 'n besluit ten gunste daarvan geneem het en sodanige besluit bekragtig is deur nie minder nie as twee-derdes van die totale aantal geregistreeerde okkuperders wat ingevolge hierdie regulasies as kiesers kwalifiseer, op 'n vergadering wat vir die doel deur die bestuursraad belê is by kennisgewing waarin die besluit uiteengesit en die datum van die vergadering vasgestel is en wat vir 'n tydperk van nie minder nie as ses weke by die kantoor van die bestuursraad of enige ander geskikte plek binne die gebied van die bestuursraad opgeplak is;

(c) gehou in verband met die reëling van die huishoudelike sake van 'n huishouding;

(d) van die lede van 'n statutêre liggaam van persone wat uitsluitlik vir die verrigting van sake van daardie liggaam gehou word;

(e) gehou vir die doel van onderrig wat ingevolge 'n wet gegee word;

- (f) being a bona fide sports gathering, concert or entertainment;
- (g) held in connection with a wedding;
- (h) held by any senator, member of parliament or member of a provincial council; or
- (i) held for official administrative purposes.

89. Any regulation or regulations framed by a Board of Management or any standard regulation or standard regulations the Board wishes to have promulgated to have the force of law in the area under the control of the Board, shall first be adopted by minuted resolution of such Board, and such regulation or regulations or standard regulation or standard regulations shall only have the force of law after the Minister shall have approved such resolution regarding the adoption thereof and from the day of the publication thereof in the *Government Gazette*.

90. Any person contravening a provision of regulation 4 (3) (c), 12, 13, 14, 17, 23, 36 (2) and (3), 38, 39, 40, 41, 42, 46, 51, 57, 58, 59, 60, 63, 64 or 88 or failing to fulfil an obligation thereunder shall be guilty of an offence and shall be liable on conviction in the case of—

- (a) regulation 4 (3) (c), 12, 17, 36 (2) and (3), 38, 42, 46, 51, 57, 58, 60 or 64 to a fine not exceeding ten pounds or in default of payment to imprisonment for a period not exceeding 15 days;
- (b) regulation 13, 14, 23, 39, 40, 41, 59 or 63 to a fine not exceeding fifteen pounds or in default of payment to imprisonment for a period not exceeding 20 days; and
- (c) regulation 88 to a fine not exceeding twenty-five pounds or in default of payment to imprisonment for a period not exceeding 30 days.

91. These regulations shall apply to all mission stations and communal reserves where the Act has been applied, with the exception of the mission stations Shiloh in the District of Queenstown and Goschen in the District of Cathcart.

SCHEDULE A.

TRADING AGREEMENT.

MEMORANDUM OF AN AGREEMENT ENTERED INTO BETWEEN THE BOARD OF..... REPRESENTED BY..... IN HIS CAPACITY AS CHAIRMAN OF THE SAID BOARD, HEREINAFTER CALLED THE LESSOR AND..... OF..... HEREINAFTER CALLED THE LESSEE.

Whereas the Lessee has applied for trading rights as..... at..... in the..... reserved area, which application has been approved by Board Resolution No..... at a meeting of the above Board on the.....

Now therefore these presents witness:—

- The agreement is entered into for a period of..... years as from..... to.....
- The Lessee shall have the following rights for the purpose of trading at.....:—
 - The use of the allotment, in extent..... situate.....
 - The use of the buildings on the said allotment, if any.
- In respect of the rights referred to in paragraph 2 above the Lessee shall each year pay the Board the sum of £..... (.....), which amount shall be payable in advance*..... in instalments of.....

(* Specify.—Every year, every six months or every three months.)

- (f) wat 'n bona fide-sportbyeenkoms, konsert of vermaaklikheid is;
- (g) gehou in verband met 'n bruilof;
- (h) wat deur 'n senator, volksraadslid of 'n lid van 'n provinsiale raad gehou word; of
- (i) gehou vir amptelike administratiewe doeleindes.

89. Enige regulasie of regulasies deur 'n bestuursraad opgestel of standaardregulasie of standaardregulasies wat 'n bestuursraad wil laat uitvaardig om krag van Wet te hê in die gebied onder beheer van die bestuursraad, moet eers by genotuleerde besluit van so 'n bestuursraad aangeneem word, en eers nadat die Minister so 'n genotuleerde besluit insake die aanname van so 'n regulasie of regulasies of standaardregulasie of standaardregulasies goedgekeur het en vanaf die dag dat so 'n regulasie of regulasies in die *Staatskoerant* geplaas is, het dit krag van wet.

90. Iedereen wat 'n bepaling van regulasie 4 (3) (c), 12, 13, 14, 17, 23, 36 (2) en (3), 38, 39, 40, 41, 42, 46, 51, 57, 58, 59, 60, 63, 64 of 88 oortree of versuim om 'n verpligting wat daarin opgelê word na te kom, pleeg 'n misdryf en is by skuldigbevinding strafbaar in die geval van—

- (a) regulasie 4 (3) (c), 12, 17, 36 (2) en (3), 38, 42, 46, 51, 57, 58, 60 of 64 met 'n boete van hoogstens tien pond of by wanbetaling met gevangenisstraf van hoogstens 15 dae;
- (b) regulasie 13, 14, 23, 39, 40, 41, 59 of 63 met 'n boete van hoogstens vyftien pond of by wanbetaling met gevangenisstraf van hoogstens 20 dae; en
- (c) regulasie 88 met 'n boete van hoogstens vyf-en-twintig pond of by wanbetaling met gevangenisstraf van hoogstens 30 dae.

91. Hierdie regulasies is van toepassing op alle sendingstasies en meentreservate waar die Wet toegepas is, met uitsondering van die sendingstasies Shiloh in die distrik Queenstown en Goschen in die distrik Cathcart.

BYLAE A.

HANDELSOOREENKOMS.

MEMORANDUM VAN 'N OOREENKOMS AANGEGAAN DEUR EN TUSSEN DIE BESTUURSRAAD VAN..... VERTEENWOORDIG DEUR..... IN SY HOEDANIGHEID VAN VOORSITTER VAN GENOEMDE BESTUURSRAAD, HIERONDER GENOEM DIE VERHUURDER, EN..... VAN..... HIERONDER GENOEM DIE HUURDER.

Aangesien die Huurder aansoek gedoen het om handelsregte as..... te..... in die..... gereserveerde gebied en die aansoek by Raadsbesluit No..... goedgekeur is op 'n vergadering van bogenoemde Bestuursraad op die.....

So is dit dat hierby as volg getuig word:—

- Die ooreenkoms word aangegaan vir 'n tydperk van..... jaar wat begin op..... en eindig op.....
- Die Huurder sal die volgende regte hê met die doel om handel te drywe te.....
 - Die gebruik van die perseel groot..... geleë.....
 - Die gebruik van die geboue op die genoemde perseel, as daar is.
- Vir die regte in paragraaf 2 hierbo genoem, moet die Huurder jaarliks die som van £..... (.....) aan die Bestuursraad betaal, en hierdie bedrag is *..... vooruit betaalbaar in paaiemente van.....

(* Spesifiseer.—Jaarliks, halfjaarliks of kwartaalliks.)

4. The Lessee shall not be entitled to compensation for any improvements effected by him on the land but he shall be entitled to remove any buildings or other structures erected by him within one month after the termination of this agreement, provided that such removal shall be effected without injury to the land. All buildings and structures not removed within such period shall become the property of the Lessor without payment of any compensation ("land" = "allotment" in paragraph 2, Schedule A).

5. The Lessor reserves the right of a commensurate increase in rental if, during the term of this agreement, it should become necessary, to restore, repair, alter or clean any building or structure belonging to the Lessor.

6. The Lessee shall not be entitled to sublet, cede or transfer his trading rights or any privileges acquired under this agreement to a third party, or to sell, transfer or in any way dispose of any buildings or structures erected by him without the written sanction of the Lessor and the Secretary for Coloured Affairs.

7. Except with the written consent of the Lessor, the Lessee shall not allow any person other than himself, his family and his bona fide employees and the families of his employees to reside on the premises granted to him for trading purposes or in any other buildings.

8. Prior to employing a manager or assistant manager in his trading business, the Lessee shall submit the name or names of such person or persons to the Lessor for his written consent. No person shall be so employed without such written consent, provided that, should any manager or assistant manager, after the Board has approved of his employment, prove to be a person of undesirable character in the opinion of the Lessor, the Lessee shall summarily dismiss him upon receiving written representations from the Board signed by its chairman. The same shall apply to any other employee of the Lessee.

9. The Lessee shall be entitled to free water for domestic purposes, but not to free firewood.

10. The Lessee shall, when trading with any inhabitant of the reserved area, make payment in full cash for any produce or other article purchased.

11. Should the Lessee or any person employed by him in his business at any time during the terms of this agreement be found guilty of illegal trading or selling any intoxicating liquor as defined in Act No. 30 of 1928, the Lessor shall be entitled forthwith to cancel the agreement.

12. All articles sold by the Lessee shall be of the correct weight and shall correspond to the description given thereto by the Lessee, and failure to comply with these conditions shall be regarded as a violation of this agreement.

13. *(1) The Lessee shall not—

- sell any poisonous medicines;
- stock, sell or supply to any person intoxicating patent medicines including Eau-de-Cologne and other lavender waters;
- sell any patent medicines to any person residing in the reserved area in quantities exceeding one-ounce bottles;
- sell any non-intoxicating patent medicines unless sold by himself or his manager or assistant manager personally.

*(2) The Lessee may stock and sell patent medicines but shall in no circumstances sell any such medicines to any person residing in the

* Delete that which is not applicable.

4. Die Huurder is nie geregtig op vergoeding vir verbeterings wat hy op die grond aangebring het nie, maar hy mag geboue of ander bouwerke wat hy opgerig het, verwyder binne een maand na verstryking van hierdie ooreenkoms, mits die sloping geskied sonder beskadiging van die grond. Alle geboue en bouwerke wat nie binne sodanige tydperk verwyder is nie, word die eiendom van die Verhuurder sonder betaling van enige vergoeding („grond" = „perseel", in para. 2 Bylae A).

5. Die Verhuurder behou hom die reg voor om, indien 'n gebou of bouwerk wat aan die Verhuurder behoort, gedurende die tydperk van hierdie ooreenkoms herstel, gerepareer, verander of skoongemaak moet word, die huur ooreenstemmend te verhoog.

6. Die Huurder is nie geregtig om sy handelsregte of voorregte verkry ingevolge hierdie ooreenkoms onder te verhuur, te sedgeer of oor te dra aan 'n derde of om geboue of bouwerk wat deur hom opgerig is, te verkoop, oor te dra of op enige wyse van die hand te sit sonder die geskrewe toestemming van die Verhuurder en die Sekretaris van Kleurlingsake nie.

7. Die Huurder mag niemand anders as homself, sy huisgesin en sy bona fide werknemers en die huisgesin van sy werknemers toelaat om te woon op die perseel aan hom toegestaan vir handeldryf of in ander geboue, behalwe met die geskrewe toestemming van die Verhuurder nie.

8. Alvorens die Huurder 'n bestuurder of 'n assistentbestuurder in sy handelsbesigheid in diens neem, moet hy die naam of name van die persoon of persone voorlê vir die skriftelike toestemming van die Verhuurder. Niemand mag aldus in diens geneem word sonder sodanige skriftelike toestemming nie; met dien verstande dat, indien 'n bestuurder of assistentbestuurder, nadat die bestuur goedkeuring vir sy indiensneming gegee het, blyk 'n persoon van ongewenste karakter te wees volgens die mening van die Verhuurder, dan moet die Huurder hom onmiddellik ontslaan, nadat skriftelik vertoë aan hom gerig is deur die bestuursraad onder handtekening van die voorsitter daarvan. Dieselfde is van toepassing op enige ander werknemer van die Huurder.

9. Die Huurder is geregtig op vry water vir huishoudelike doeleindes maar nie op vry vuurmaakhout nie.

10. Die Huurder moet, wanneer hy handel drywe met enige inwoner van die gereserveerde gebied, ten volle kontant betaal vir alle gekoopte produkte of ander ware.

11. Indien die Huurder of enige persoon deur hom in diens geneem in sy besigheid, te eniger tyd gedurende die termyn van hierdie ooreenkoms skuldig bevind word aan onwettig handeldrywe of die verkoop van sterk drank soos in Wet No. 30 van 1928 omskrywe, kan die ooreenkoms onmiddellik opgesê word deur die Verhuurder.

12. Alle artikels wat deur die Huurder verkoop word, moet die korrekte gewig hê en in ooreenstemming wees met die beskrywing daarvan gegee deur die Huurder, en indien hy nie aan hierdie voorwaardes voldoen nie, word dit beskou as 'n verbreking van hierdie ooreenkoms.

13. *(1) Die Huurder mag nie—

- giftige medisyne verkoop nie;
- bedwelvende patentmedisyne, insluitende Eau-de-Cologne en ander Lavendelwaters aanhou of aan enige persoon verkoop of verskaf nie;
- patentmedisyne in groter hoeveelhede as eenonsbottels aan enige inwoner van die gereserveerde gebied verkoop nie;
- nie-bedwelvende patentmedisyne verkoop nie, tensy hyself of sy bestuurder of assistentbestuurder dit persoonlik doen.

*(2) Die Huurder mag patentmedisyne aanhou en verkoop, maar mag sodanige medisyne onder geen omstandighede in groter hoeveelhede as eenonsbottels aan enige inwoner van die

* Haal deur wat nie van toepassing is nie.

reserved area in quantities exceeding one-ounce bottles, and shall keep a register of the following patent medicines:—

- Buchu Essence, Coleman's Wincarnis, Kraam Druppels, Witte Dulsies, Kramp Druppels, Pick-me-up, Pain Killer, Coco Wine, Hoffman's Druppels, Maag Bitters, Pynstillende Druppels, Orsmond's S.H. Remedy, Dulsies or Sweet Spirits of Nitre, Red Lavender or Roode Lavental, Gember Essence or Jamaica Essence, Versterk Druppels, Wood's Great Peppermint Cure,

and such register shall show—

- (a) quantity and date of importation;
- (b) quantity sold;
- (c) date of sale and to whom sold.

This register shall at all times be open to inspection by the magistrate, the chairman of the Board or any policeman.

- 14. The Lessee undertakes not to interfere with or take any direct or indirect interest in the administration of the reserved area, as well as to comply with the requirements of the Board as regards his relations with the inhabitants of the reserve, except in so far as business matters are concerned.
- 15. Should any term or conditions contained in this agreement be violated, the Lessor, with the consent of the Secretary for Coloured Affairs, shall be entitled to cancel this agreement.
- 16. This agreement shall not become operative or binding before the Secretary for Coloured Affairs has given his consent thereto.

Signed at this day of 19....., in the presence of the undermentioned witnesses.

.....
Lessor.

.....
Lessee,

Witness 1.
Witness 2.

SCHEDULE B.

No.....
(No. of letter of approval of Coloured Affairs Head Office.)

CERTIFICATE OF OCCUPATION.

Mr./Mrs./Miss.....

Dear Sir/Madam,
You are hereby informed that the Secretary for Coloured Affairs in consultation with the Board of Management has approved of you as a registered occupier of the reserved area.....* mission station/communal reserve.

Your rights shall be as follows:—

- 1. Building allotment No.....
- * 2. Dry garden allotment No.....
- * 3. Irrigable garden allotment No.....
- * 4. Dry lands allotment No.....
- 5. Free grazing as from time to time prescribed by regulation.

* Delete that which is not applicable.

gereserveerde gebied verkoop nie en is verplig om 'n register van die volgende patent-medisyns aan te hou:—

- Buchu Essens, Coleman's Wincarnis, Kraam Druppels, Witte Dulsies, Kramp Druppels, Pick-me-up, Pain Killer, Coco Wine, Hoffman's Druppels, Maagbitters, Pynstillende Druppels, Orsmond's S.H. Remedy, Dulsies of Sweet Spirits of Nitre, Red Lavender of Roode Lavendel, Gember Essens of Jamaica Essens, Versterk Druppels, Wood's Great Peppermint Cure,

en in die register moet die volgende aangetoon word:—

- (a) Hoeveelheid en datum van invoer;
- (b) hoeveelheid verkoop;
- (c) datum van verkoop en aan wie verkoop.

Hierdie register moet te alle tye oop wees vir ondersoek deur die landdros, die voorsitter van die bestuursraad of enige polisiebeampte.

- 14. Die Huurder onderneem dat hy hom op geen wyse direk of indirek sal bemoei met of interesseer in die administrasie van die gereserveerde gebied nie en dat hy sal voldoen aan die vereistes van die bestuursraad insake sy verhouding met die bewoners van die gereserveerde gebied, behalwe vir sover dit besigheidsaangeleenthede betref.
- 15. Hierdie ooreenkoms kan met toestemming van die Sekretaris van Kleurlingsake deur die Verhuurder opgesê word as een van die bepalinge van voorwaardes vervat in hierdie ooreenkoms verbreek word.
- 16. Hierdie ooreenkoms is nie van krag of bindend voordat die Sekretaris van Kleurlingsake sy toestemming daaraan geheg het nie.

Geteken te..... op hede die..... dag van..... 19..... in teenwoordigheid van ondergenoemde getuies.

.....
Verhuurder.

.....
Huurder.

Getuie 1.....
Getuie 2.....

BYLAE B.

No.....
(Nommer van goedkeurings-brief van Kleurlingsakehoofkantoor.)

TOEKENNINGSBRIEF.

Mnr./mev./mej.....

Geagte mnr./mev./mej.,
Hiermee word u in kennis gestel dat die Sekretaris van Kleurlingsake in oorleg met die bestuursraad u goedgekeur het as geregistreerde okkuperder van die gereserveerde gebied.....* sendingstasie/meentreservaat.

U regte is as volg:—

- 1. Bouregperseel No.....
- * 2. Droë Tuinperseel No.....
- * 3. Watertuinperseel No.....
- * 4. Droëlandperseel No.....
- 5. Gratis weiding soos van tyd tot tyd by regulasie bepaal.

* Haal deur wat nie van toepassing is nie.

Your duties shall be as follows:—

- 1. Prompt payment of your rates.
- 2. Payment of grazing-fees in respect of cattle in excess of your quota, if any.
- 3. Subjection to the provisions of the Act and of the various regulations, as amended from time to time, which apply in respect of the reserved area.

A copy of the regulations is obtainable at the office of the Board.

.....
Chairman of Board of Management.

.....
Secretary of Board of Management.

.....
Board's Stamp.

SCHEDULE C.

WRITTEN CONSENT TO RESIDE.

Issued to.....
..... terms of resolution No....., dated..... of the Board of Management of the reserved area..... reserve/mission station to reside in the area of the Board of Management, subject to the provisions of Act No. 29 of 1909, as amended, and regulations promulgated thereunder, till.....

.....
Secretary, Board of Management.

.....
Date.....

.....
Board's Stamp.

* Delete that which is not applicable.

U pligte is as volg:—

- 1. Die stiptelike betaling van u belastinge.
- 2. Die betaling van weigeld ten opsigte van vee bo u kwota.
- 3. Onderwerping aan die bepalinge van die Wet en van die onderskeie regulasies, soos van tyd tot tyd gewysig, wat op die gereserveerde gebied van toepassing is.

'n Eksemplaar van die regulasies is verkrygbaar by die kantoor van die Raad.

.....
Voorsitter van Bestuursraad.

.....
Sekretaris van Bestuursraad.

.....
Stempel van Bestuursraad.

BYLAE C.

SKRIFTELIKE TOESTEMMING OM TE WOON.

Uitgereik aan..... van..... kragtens Besluit No..... van..... van die bestuursraad van die gereserveerde gebied.....*reservaat/sendingstasie om in die gebied van die bestuursraad te woon, onderworpe aan die bepalinge van Wet No. 29 van 1909, soos gewysig, en regulasies daarkragtens uitgevaardig, tot.....

.....
Sekretaris van Bestuursraad.

.....
Datum.....

.....
Stempel van Bestuursraad.

* Haal deur wat nie van toepassing is nie.

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Hierdie publikasie, wat die eerste van sy soort is wat verkrygbaar is, bevat meer as 400 bladsye van statistiese tabelle en ses grafieke.

Die volgende onderwerpe word gedek:-

Lewensgebeurtenisse	Pryse	Vervoer
Bevolking	Landbou	Kommunikasie
Volkstrek	Vissery	Openbare Finansies
Gesondheid	Mynwese	Geld- en Bankwese
Onderwys en Biblioteke	Nywerheid	Volksinkome
Misdade en Oortredings	Binnelandse Handel	Bruto Kapitaalvorming
Arbeid, Salarisse en Lone	Buitelandse Handel	Betalingsbalans

Eksemplare van die
STAATSDRUKKER, PRETORIA OF KAAPSTAD teen E1-1-0 verkrygbaar.

APPENDIX K

Owing to the fact that many of the settlers are uneducated labourers who although they have been brought up with the tilling of the soil and the raising and shepherding of live stocks, do not always understand the cause and effect of their failures or success, they cannot make much headway without good, strict and full-time supervision.

It should be mentioned here that there are large numbers of coloured people who are capable of producing sufficient food to keep themselves and their dependents decently, if sufficient land were available to settle them.

RECOMMENDATIONS.

We recommend that, in view of the growing importance of the settlements in the life of the coloured people as centres of economic, social and moral rehabilitation:—

- (1) That the system of control by means of "rade" be replaced by one having the nature of a benevolent but strict supervision, with "rade" acting in an advisory capacity, and directed toward the general social and economic improvement of the people. This proposal can be realized by the appointment of superintendents specially qualified for the work.
- (2) That provision be made for agricultural education in all schools on settlements, and at some of the high and secondary schools in the areas. Agricultural science be included in the curriculum for boys and that each settlement has an agricultural experimental station to teach the settlers the best methods of using the soil.
- (3) That the staff serving with the superintendents should be coloured persons serving under the Department of Lands.
- (4) That a system of individual tenure of portions of the land be introduced, with the right of nominating an approved coloured successor but without the right of alienation except to approved coloured persons. The portions for individual tenure should be selected according to their suitability for agriculture, as opposed to pastoral stockfarming.
- (5) That a co-operative store be instituted on each settlement as soon as possible under which credit can be strictly limited, cash prices be made as low and attractive as possible, and by which profits accrue to the benefit of the people on the settlements.
- (6) That houses be built for the settlers so that they can begin their rehabilitation with fair prospects.
- (7) That medical facilities be instituted by means of first appointing a qualified nurse or nurses for each settlement, such nurses to be attached to a clinic, which can be extended to a hospital when the need arises and that child and social welfare societies be also instituted.
- (8) That the schools on the settlements be State schools under education committees as provided under the Cape Provincial Ordinance of 1945.
- (9) That post offices be erected on the settlements and staffed with qualified coloured men and/or women.
- (10) That constructional works such as bridges, fencing and roads etc. be undertaken to improve the settlements.
- (11) That a levy be devised by which the settlers can contribute to sanitation and lighting services, etc.

S. DAMON.

A. J. FERREIRA.

APPENDIX 7.

MEMORANDUM LAID BEFORE THE INTER-DEPARTMENTAL COMMITTEE OF ENQUIRY ON COLOURED MISSION STATIONS AND RESERVES (WITH SOME ADDITIONS BY WAY OF EXPLANATION.)

As the opportunity of an interview is offered me, in my capacity as member of the C.A.C., by the above-mentioned Committee, do I beg to submit the following memorandum.

It was found impossible owing to petrol restrictions etc., to visit the other reserves. Because of those restrictions and also because conditions on the other reserves, viz. Leliefontein Komaggas, Concordia and Richtersveld are more or less the same as at Steinkopf, the contents of this memorandum are based on conditions prevailing on the last-named reserve.

The arrangement as appears in the Committee's terms of reference is followed, viz. (a), (b), (c), (d), etc:—

(a) *The Administration and Control on the Reserves.*

On the four reserves: Leliefontein, Komaggas, Concordia and Steinkopf, the Mission Station Act (29 of 1909) is in force. The Richtersveld does not fall under this act directly, but has an advisory board. These territories were formerly ruled by the Aboriginal Captains: Abraham Vigiland, Kitto Witbooi and Paul Links. Later, they came under the jurisdiction of Rade, under the Chairmanship of missionaries of the Wesleyan and Rhenish mission societies, respectively. During that time, the people were economically better off, (as weather conditions were more favourable and their land was extensive, and they consequently possessed large numbers of live-stock).

RECOMMENDATIONS.

As a rule, the Boards are concerned about the unenviable economic conditions in which the majority of the inhabitants of the reserves find themselves, but how to help them out of it is their problem. These poor economic conditions are in my opinion caused by: (i) ignorance; (ii) droughts; (iii) low wages.

Out of ignorance are born: thriftlessness, the hiring out of grazing, overcropping and the destruction of plant life, and the breeding of inferior kinds of live-stock, of which the donkey is a typical example. Droughts and low wages naturally aggravate conditions. It is recommended, in view of the above-mentioned facts:—

(i) that the required qualifications of a candidate as well as the duties of board members be stated more clearly in Act No. 29 of 1909;

(ii) that board members be at least lectured on administrative and other relative matters; if it is impossible for them to undertake a course of training in same;

(iii) that it be made possible for board members to visit progressive Coloured settlements with a view of acquiring new ideas and new methods;

(iv) that the number of donkeys be limited and more closely controlled, so that farming with more profitable kinds of live-stock may be encouraged;

(v) that both "trekking" and the hiring out of grazing be stopped and the "trekkers" encouraged and helped to improve and control the grazing on their own farms so that it may become unnecessary for them to trek about in search of pasturage;

(vi) that the pasturage on the reserves be improved and more closely controlled immediately;

(vii) that each board appoint an executive committee to execute its resolutions;

(viii) that one or more departmental experts be appointed on each reserve, in order to help the boards with both administrative as well as outside work; these officials should be strict yet sympathetic.

b. Constitutions, Powers, etc. of Boards Act No. 29 of 1909.

RECOMMENDATIONS.

The constitution of the boards seem to be satisfactory in principle. It is however felt that the qualifications of candidates as well as powers and duties of boards should be more clearly defined in the Act.

It might be of service if both, the causes and the method of disqualification of board members be defined. Taking into consideration their illiteracy one must admit that many a board member often compels admiration and respect and with the fulfilment of the recommendations under (a) above these boards ought to function successfully.

c. Terms and Conditions under which Persons may become Registered Occupiers of Land.

(i) Male descendants of old families who apply for registration after maturity, may become registered occupiers.

(ii) The son of a burgher's daughter, born out of her marriage with an alien, may on application after maturity become a registered occupier.

(iii) Even registered bywoners, at times became registered occupiers, after lengthy period of probation.

(iv) Occasionally, the sons of faithful servants of burghers or registered occupiers, became registered occupiers, in the past.

It is required of a registered occupier—

(i) that he should pay his tax faithfully;

(ii) that he should occupy and cultivate his farm;

(iii) that he should send his children to school, if he has any children.

He enjoys the following privileges:—

(i) He receives a farm to cultivate from the Board.

(ii) He may graze free of charge on the commonage.

(iii) He is entitled to vote at the election of board members.

RECOMMENDATIONS.

The question arises, whether the time is not yet ripe—

(i) when qualifications should be laid down for the acquisition of burgher rights, e.g. the possession of a certain number of live-stock, or other property.

(ii) when part of the communal grazing should be hired out to registered occupiers for a small fee rather, instead of letting same to strangers to the detriment of the reserves.

(d) Terms and Conditions under which Other Persons may be Permitted to Reside on the Reserves.

(i) Employees of registered occupiers may reside on the reserves, under the protection of their employers and free of any tax.

(ii) On application and on payment of an annual bywoners fee, bywoners are permitted to reside on the Reserves.

(iii) European prospectors are permitted to reside on the reserves on application and after the payment of an annual fee.

(iv) On the payment of rent on buildings and trading rights, as well as their employees are permitted on application to reside on the trading site, free of charge.

RECOMMENDATIONS.

It should be made compulsory for every male person, to cause himself to be registered, on maturity, under either (c) or (d) above, and to pay relevant tax or fee.

(e) Terms and Conditions under which Persons may Acquire Trading Rights.

(i) The buildings required and trading rights are let to traders by the boards.

(ii) Contracts are drawn up and signed by the parties concerned.

RECOMMENDATIONS.

In view of the fact that all the produce and the income of the communities go to the traders and, that the shops are, as it were, financed by them in that way, it is recommended—

(i) that the practicability of a system according to which the communities concerned could participate in the profits, be scrutinised;

(ii) that the Rent be raised.

(f) The Desirability of Amending or Repealing, Act No. 29 of 1909.

RECOMMENDATIONS.

(i) The general inclination is that the Act should not be repealed, but it is felt that amendments, although not of a serious nature, should be made where necessary e.g. In section 5 (i) the word society, in instances where a local Church Council has already acquired the trusteeship or is still going to attain same. Could it not be made possible for burghers to receive individual aid from the Government? Could the Act not further be amended that boards of management may be empowered to support church councils financially, on behalf of education? Could provision not be made for suitable housing schemes on the reserves?

(ii) It is further recommended that the Act be defined more clearly, for instance:

Section 5 (3).—What default would disqualify a board member

Section 6 (3).—Is a burgher expected to pay tax on his plot or on his person?

Section 7.—Is the person mentioned in this section appointed merely to fulfil a neglected duty and then to depart, or is he appointed to replace the board concerned, for good?

Section 16 (8).—Do the words, "new residents" imply persons coming from outside the reserves or no?

(The Acts of 1881 and 1889 are unfortunately not in our possession and consequently, they are unknown to us.)

(g) The Bill Prepared by the Department of Native Affairs in 1935, Amending Act No. 29 of 1909.

Unfortunately the above-mentioned act is unknown to us.

(h) The General Social Welfare and Health Conditions on The Reserves.

(i) Owing to the fact that there are as a rule, practically no buildings, excepting a few small public buildings on the reserves, the words Housing and Sanitation convey very little.

(ii) Too many unnecessary roads run through the reserves. These roads and "trek-paths" destroy plant life and encourage soil erosion. Fencing, although required, badly, is still unknown and therefore the reserves are too open and easily accessible, from outside.

(iii) Only one district surgeon and his assistant are responsible for the medical work. As the work exacts too much of them, it cannot be done justice to, and much remains to be done.

(iv) The reserves are served by a number of mission schools under the management of the Wesleyan and Dutch Reformed Church Missionary Societies. Although the good work done by the churches is mentioned with thankfulness and appreciation, it must be admitted that the requirements go beyond their resources. Consequently the classrooms are both unsuitable and inadequate. We may not omit to mention with appreciation the share of the burden which the state shouldered especially of late.

RECOMMENDATIONS.

Housing schemes which are suitable for the Reserves, and with the necessary conveniences should receive the immediate attention of the authorities concerned.

(The "matjieshuis or rondhuis" consists of one small room in which the family sleeps, eats, bathes and in which patients are treated and nursed. Although it has served its purpose in the past, I suppose its days have gone-by.)

Surplus roads should be closed and prohibited by the Board of Control. Each of the six Board members having control over a ward and the burghers of such ward should be held responsible for the reparation and up-keep of the roads in their ward. In deserving cases, the Boards may perhaps subsidise them, as some roads are in a very bad state. If trekpaths across the reserves are indeed indispensable, they should be fenced in, in order to immunise both, trekkers and Board members, against the temptation of hiring or letting grazing, at the expense of the inhabitants. This hiring out of grazing, causes much damage and dissatisfaction. It is further recommended that pasturage and stud-arms be fenced in. (The reserves are too open, consequently time and energy which could otherwise be spent more profitably are wasted on excessively caring for live-stock and wheat-fields etc.)

Excepting for one or two small maternity clinics, there are no clinics, nurses nor doctors on the reserves. It is therefore recommended that clinics, with doctors and nurses be provided. Provision should also be made for schools to participate in the so very necessary medical inspections and treatment of scholars.

The Education Ordinance on Compulsory Education for Coloured Schools is applauded, together with the prayer that it may soon make its appearance (with the necessary changes) even in Namaqualand. The possibility of erecting the following should be explored:—

(i) Suitable and adequate schools.

- (ii) Hostel for primary schools.
- (iii) School clinics.
- (iv) Trade, domestic science and agricultural schools.
- (v) Halls for meetings and bioscopes.
- (vi) Playgrounds and courts.
- (vii) Libraries.

(i) Any other matters designed to improve the economic and social conditions of the persons residing in the reserves.

Unfortunately boundary disputes appear to be a general problem on the reserves, and it is also of paramount importance with the inhabitants concerned. The problem causes grave anxiety, retards initiative and absorbs energy and time. It also disturbs the friendly relations that exist between the inhabitants of the reserves on the one hand and the Europeans on the other.

RECOMMENDATIONS.

Therefore it is begged with due respect and yet urgently that these boundary disputes, as well as other relevant cases like the question of title deeds etc., be settled for good, in a satisfactory way. Individual help for Burghers by the Department, could certainly be considered after those problems have been solved satisfactorily, and the minds of the people set at ease. The question: "Why cannot we be aided individually so that we can make improvements on our own farms?" is often heard from Burghers. The Boards of management should in the first instance, be dependant for their finances on their registered occupiers, but if the burghers are not assisted economically they cannot fulfil their duties properly. Their sources of income have in the majority of cases been exhausted already, and a scheme of assistance on an individual basis should be considered, so that these people could be helped to help themselves and by so doing, to regain their self-respect. Then they ought to be able to progress so as to pay higher taxes more easily, in later years. The finances might also be successfully supplemented if plantations, Leather-works and where practicable, irrigation schemes be undertaken. Co-operative societies should be encouraged and assisted amongst the inhabitants, in order to prevent the outward-flow of money; partially at least. Burghers should be encouraged by the Boards to farm in a more profitable way, by using their pasturage more judiciously and improving their stock, by breeding stock which can procure good market prices. With the strict yet sympathetic guidance, supervision and assistance by our respected Government, I feel convinced that the economic conditions of the reserves will improve, as well as the financial positions of the Boards.

At present the Boards are financed by means of:—

- (i) Burgher rates.
- (ii) Bywoner fees.
- (iii) Trading rights and the rent on buildings
- (iv) Grazing fees.
- (v) Communal services are of recent years partially financed by the Department.

The Richtersveld.—The Richtersveld falls in with regard to grazing fees only, and thus neither levy rates nor let buildings. It does not even share in the assistance which the other reserves receive from the Department. It is here recommended that provision be made for a couple of bore-holes and pumps with reservoirs for them.

The attention of the Committee is further courteously drawn to a matter which concerns the Steinkopf reserve only, namely, the unsatisfactory way in which their repeated applications for a suitable document acknowledging their ownership.

rights, has been turned down. These applications date from early in the nineteenth century, according to the late Mr. S. Melvill's report of 1890, and it is difficult to understand why such a document could not be issued on the original and larger part of the reserve, whereas even for the 60,000 morgen granted on behalf of the Pella people (who were entrusted as a minority group) under the custody of the missionary as chairman of the Steinkopf Raad, a Ticket of Occupation was issued on the 9th December 1874 already. In spite of the fact that the Steinkopf people were deemed trustworthy and efficient enough to handle the interests of a weaker group, and although the late Mr. S. Melvill, acknowledge on p. 10, par. 41 of his report:—

"The inhabitants of Steinkopf and Concordia are, for natives of their race, fairly well off," Mr. C. B. Elliott (ass. Commissioner of Crownlands) refuses in his letter dated 23rd April 1877 (p. 23 of the same report) because of "Thriftless habits" to issue, at least a Ticket of Occupation, in respect of the original part of Steinkopf. Thriftless habits are met with everywhere and no one would disown that, that vice is found at Steinkopf also. But, Tickets of Occupation were issued as follows:—Komaggas 9th November 1843, Srofkraal 4th Feb. 1852, Lillfontein 24th May 1854, Steinkopf on behalf of Pella people (60,000 morgen) 9th December 1874 and Pella 9th June 1881.

According to the late Mr. Melvill, the Document for Komaggas is the only irrevocable one. If one remembers that when the missionary societies and later, also the Government came on the scene the ancestors of these people were already occupying the land undisturbed, one fails to understand why the Authorities were so reluctant to acknowledge their ownership rights by means of a suitable document even though such was petitioned for since 1848. These are loyal and law-abiding and would never become rebellious against the Government even if they received such a document. On the contrary, they would gain more confidence and make speedy progress.

In a letter dated 14 Sept. 1842, the Governor stated, inter alia, that the Government had no intention of interfering with the rights of the inhabitants. The reluctance of granting a suitable document is being regarded as an interference with their rights. They do not wish to blame the Government however, but pray that their rights be protected by means of a suitable document, which would convey their ownership rights sufficiently.

This memorandum has been drawn up to the best of the knowledge of the compiler, trusting that same may meet with the favourable consideration of the authorities concerned.

G. CLOETE.

APPENDIX 8.

REPORT OF MEETING WHICH THE EXECUTIVE COMMITTEE OF THE COLOURED ADVISORY COUNCIL HAD WITH OFFICIALS FROM THE DEPARTMENT OF LANDS, ON WEDNESDAY THE 31ST OCTOBER, 1945.

Those Present:

Mr. Golding, Mr. van der Ross, Mr. F. Hendricks and Mr. Davids, representing the Coloured Advisory Council, and Mr. Steytler, Secretary for Lands; Mr. Voight and Mr. V. Penzhorn, Senior officials from the Department of Lands.

1. *Coloured Persons' Settlement Bill.*—It was pointed out by the Secretary for Lands that the policy of the Department of Lands was (i) To grant land to Coloured persons under the same

conditions as Europeans, (ii) that officials and traders in Coloured Settlements must eventually be Coloured persons.

In view of the fact that the old law does not enable Coloured persons to obtain title deeds, it was proposed to give effect to such conditions in the new law.

2. The Secretary for Lands further explained that loans from the Land Bank would be available to Coloured persons on the same basis as that for Europeans, and that it was anxious to encourage settlers to establish co-operative stores.

3. *Schools.*—In reply to a question, it was stated that schools would be erected on Coloured settlements, on a similar basis to schools built on European settlements.

4. The Coloured Advisory Council suggested the following:—

(a) The name of the settlement should be decided upon in consultation with the Coloured Advisory Council.

(b) Coloured men would be appointed superintendents and agricultural demonstrators on the settlements provided they had the necessary qualifications.

(c) That educated Coloured people should be appointed to boards of control in the settlements, and

(d) that the regulations to be promulgated under the Act concerning the government of the settlements should be drawn up in consultation with the Council.

5. The Secretary for Lands was sympathetically disposed towards the suggestions, and agreed to give effect to them. In addition, the Secretary for Lands invited members of the Council to accompany him on a tour of investigation to settlements in Gordonia, for the purpose of giving the Council an idea of what has already been done. He assured the Council that there were no snags in the Bill, and that the Minister of Lands was anxious to help the Coloured community.

6. Mr. Golding thanked the Secretary for Lands and asked him to convey to the Honourable the Minister of Lands the Council's greetings.

F. P. JOSHUA,

Secretary, Coloured Advisory Council.

APPENDIX 9.

REPORT OF AN INTERVIEW WHICH MEMBERS OF THE COLOURED ADVISORY COUNCIL HAD WITH THE INTER-DEPARTMENTAL COMMITTEE APPOINTED TO INVESTIGATE CONDITIONS AT ASKRAAL, IN MARKS' BUILDINGS ON TUESDAY THE 20TH NOVEMBER, 1945, AT 3 P.M.

Those Present:

Representing the C.A.C.: Mr. G. J. Golding, Mr. F. Hendricks and the Secretary to the Council.

The Inter-departmental Committee: Mr. Scheepers, Chairman; Mr. Kempff (Department of Social Welfare); Mr. Voigt (Department of Lands), Dr. Smidt (Department of Public Health), Mr. Truter (Provincial Administration) and Mr. de Jager.

1. The Chairman of the Committee asked the members of the Council what they considered to be the major problems at Askraal. Mr. Golding outlined the position as far as he understood the matter, in which he referred to the overcrowding,