Homelandos
Vend'g
General. 1975-1978
Expel Whites. Vendas are told

Staff Reporter.

SIBASA — The leader of the opposition in the Venda Legislative Assembly, Mr. Baldwin Mudau, said yesterday that Whites should not be allowed to stay permanently in the homeland.

Mr. Mudau was speaking during discussion on the establishment of the capital town of the Venda homeland.

Mr. Mudau, a sociologist and leader of the Venda Independence People's Party and Soweto sociologist, said the residence of the Venda cabinet ministers should be switched from the mosquito-infested valley of the homeland to the hillsides, where the White officials stayed.

"Every time I see the nice houses of the Whites, there my heart bleeds. Let us stop this White permanence in the Black homelands."

Earlier the Minister of the Interior, Mr. T. Nekshupue, introducing the motion on the establishment of the homeland capital, said Whites would be allowed to be only visitors in the town.
ARMY BUILDS ROADS

A road in the Venda Black homeland in the Northern Transvaal is being built by the South African Army as a result of a request by the government of Venda. The road is being built by members of 15 Field Squadron as a part of its annual Active Citizen Force (ACF) training.

The road, which is being built over an existing road, runs through the Thengwe area. Maintenance of the existing roads is a problem to the Black homeland, and the building of the road will remove some pressure from the Venda Department of Works.

The importance of the new road is that it serves a large community and joins up with the main road to Sibasa, the homeland capital. It will also make Sibasa more accessible to the inhabitants of the Thengwe area.

At an official ceremony in Venda, the Chief Minister of Venda, Chief Patrick Mphuphu, welcomed the Army. The ceremony consisted of a military parade followed by an address of welcome by Chief Mphuphu, and a reply by Colonel G. J. Viviers, acting Officer Commanding Northern Transvaal Command. It is hoped that the road will be finished by the end of the year.

South African Digest, September 5, 1975
R380 000 hotel at Sibasa

The Chief Minister of Venda, Chief P. K. Maphethu, today announced that a R380 000 hotel would be built at Tsho-ya-Ndetu, the new capital of the Venda Government at Sibasa.

The hotel would conform to two-star grading standards, he said—Sapa.
R380 000 HOTEL FOR VENDA

The Chief Minister of the Black homeland of Venda, Chief P. R. Mphephu, announced that a R380 000 hotel would be built at Thohoyandou, the new capital of the Venda government at Siibasa. The hotel would conform to two-star grading standards.

Building operations would start soon, and the complex would initially provide for 35 beds, as well as conference facilities, private dining rooms and ladies' bars.

The Venda government has taken steps to facilitate the establishment of the hotel, and is confident that the provision of high-class accommodation will contribute to the development of tourism in the homeland.

The Venda Government recently decided to award the work to the proposed Venda Development Corporation. Until such time as this corporation is established, the Bantu Investment Corporation will build and manage the new hotel.
VERKLARING DEUR SY EDELE M.C. BOTHA, L.V., MINISTER VAN BANTOE-
ADMINISTRASIE EN -ONTWIKKELING EN VAN BANTOE-ONDERWIS.

Met verwysing na die Proklamasies wat vandag in die Staatskoe-
rant verskyn het waarby ontwikkelingskorporasies vir die self-
regerende tuislande van, onderskeidelik, die Suid-Sotho-,
Toonga- en Venda-volkeenhede met ingang van 1 December 1975
ingestel is, het die Minister van Bantoe-administrasie en
-ontwikkeling verklaar dat die korporasies na oorlegpleging
met die betrokke tuislandregerings ingesteel is en dat verdere
beslag daardeur gegee word aan gronder betrokkenheid en self-
beskikking aan die kant van tuislandregerings. Die Minister
het te kenne gee dat die direksies van alledie korporasies
sal bestaan uit vyn Blankes wat regstreeks deur die Minister
aangestel sal word en vyn Bantoe persone wat deur die betrokke
tuislandregering genomeer en deur die Minister aangestel sal
word. Die name van die direkteure sal eersdaags bekend gemaak
word.

Die formaliteite van die instelling van naby aantel volksekor-
porasies is tans in die finale stadium van afronding en na ver-
wagting sal die instelling van afsonderlike korporasies vir elke
selfregerende tuisland vroeg volgende jaar afgehandel kan word.

UITGEBEIK DEUR DIE DEPARTEMENT VAN INLIGTING OF VERSOEK VAN DIE
MINISTERIE VAN BANTOE-ADMINISTRASIE EN -ONTWIKKELING EN VAN BAN-
TOE-ONDERWIS.

PRETORIA. 28 NOVEMBER 1975.
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<table>
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<tr>
<td><strong>The MINISTER OF BANTU ADMINISTRATION AND DEVELOPMENT:</strong></td>
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<td>(1) Please refer to the explanation given in reply to Question No. 458.</td>
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<td>(a) 650 000 hectares.</td>
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<td>(2) (a) In the light of the explanation given and referred to above, the information cannot be readily furnished at this stage.</td>
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<td>(b) 2.</td>
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<td>(3) (a) and (b) Due to the fact that Certificates of Citizenship have not yet been issued in terms of the Act to all Venda-speaking people the numbers requested can unfortunately not be furnished.</td>
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<td>(4) (a) and (b) As this question is also connected with citizens and the concept of economic activity which is being interpreted in different ways the particulars cannot be furnished.</td>
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<td>(5) (a) and (ii) In view of the fact that Certificates of Citizenship have not yet been issued to all Venda-speaking people authentic information cannot be furnished.</td>
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<td>(b) Falls away.</td>
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**Venda Homeland**

460 Mrs. H. SUZMAN asked the Minister of Bantu Administration and Development:

1. (a) What is the total area of the Venda Homeland and (b) of how many separate areas does it consist?

2. (a) what will be the final area of the Homeland and (b) of how many areas will it consist?

3. (a) what is the total number of Venda citizens and (b) how many of them are permanently resident in the Homeland?

4. how many of the economically active citizens are working (a) in and (b) outside the Homeland?

5. (a) what were the total earnings of the workers (i) in and (ii) outside the Homeland in the latest year for which statistics are available and (b) in respect of what year are these statistics given?
Homelands plan for industry

CAPE TOWN—Final details are being negotiated for the first stage of a bold plan to make South Africa's homelands, "the workshop of industry in Europe."

The scheme involves the air-freighting of industrial components from Europe to South Africa, assembling them at centres in the homelands, then air-freighting them back to Europe — and all at a price cheaper than the task could be done in Europe.

The first stage of the plan — involving components from a French electronics firm being assembled at Sibasa in the Venda homeland — has reached the final negotiations, the industrial promoter behind the project, Dr. J. H. Lange, told Sapa yesterday.

Dr. Lange, who outlined the project to delegates at the executive council meeting of the Federated Chamber of Industries here yesterday, said later that a series of similar projects was envisaged for the Venda industrial park which it was hoped would create 1,000 jobs.

The electronics project, along with others, should create about 120 jobs.
HOMELAND INDUSTRY

The Sibasa shuttle

It's not often a single business venture brings smiles from exporters, Homeland leaders, big city businessmen and civil servants. That elusive dream will come true if ex-UCOFFS Economics Professor Jan Lange pulls off his ambitious scheme for an industrial park at Sibasa in Venda.

The park — first of its kind in SA — will comprise various light industrial plants, a training centre and central service unit. The latter will provide common technical, purchasing and administrative facilities, thus giving industries the advantages of economies of scale and converting to variable costs what would otherwise be fixed costs.

Lange reckons the park could mean 1000 new jobs for Venda. Cost of setting up the scheme is about R2.5m of which R1m has already been promised by the SA Bantu Trust. Lange claims he is on the point of tying up the remaining amount in the form of equity investment in his company, Venda Industrial Park.

He is especially keen to attract firms already operating in other areas which could send semi-manufactured materials to Sibasa for further processing. Biggest benefits would be for industries requiring large inputs of cheap, semi-skilled labour and plagued by the strictures of the Environment Planning Act.

Railways has agreed to provide daily three mechanical horses and seven semi-trailers to carry goods to and from the Reef at 11.75c/kg (only fractionally above the 11.5c/kg Lange reckons could be offered by private hauliers if they were allowed to serve the route).

He claims to have lined up about 10 manufacturers — mainly in the light engineering field — willing to use the industrial park as part of their production lines. Work to be done at Sibasa would include stamping, drilling, metal-forming and assembling.

More ambitious are plans to airfreight goods in from abroad, process them at Sibasa and re-export them for further manufacture in the country of origin.

Lange told the FCI last week that negotiations with a Paris electronics components firm are well-advanced. The wage differential between Paris and Sibasa is about 40:1. Even allowing for airfreight, EEC import duties, packaging, lost production time and local transport charges, the French company stands to save a lot of money.

No buildings have yet gone up on site at Sibasa. But Lange says plans have already been drawn up and construction will start as soon as the contracts with local firms have been sealed. He hopes the Jo'burg-Sibasa shuttle will be in full swing by the middle of next year.
Venda bid to gain autonomy

Staff Reporter

LOUIS TRICHARDT — The Venda Government hopes that it will soon be able to discuss the matter of independence for the homeland with the Prime Minister, Mr Vorster.

The Chief Minister of Venda, Chief Patrick Mphethu, said in Louis Trichardt last night that his Cabinet was considering the steps necessary to prepare Venda for independence.

Asked when this might be, Chief Mphethu said: "Perhaps next year."

He declined to give details of any proposals and requests Venda would make to the South African Government.

He did say, however, that Venda urgently needed the services of professional men such as doctors, teachers, engineers, accountants and agriculturists to develop its potential.

CAPITAL NEEDED

Venda covers more than 600 000 ha in the north-eastern Transvaal and has a total population of about 400 000, 70 percent living in the homeland.

Earlier in the day, speaking at Sibasa when he was presented with a newly published Venda economic review, Chief Mphethu spoke of the promised benefit to Venda of the probability that Sascor would find coking coal in the territory.

Among the benefits would be jobs for about 3,500 people.

"It has been estimated that R100 m will be necessary to start the mine and it is to be hoped that, even in these tight econom-

TAX-HAVEN HINT

The economic review was presented to the Chief Minister by Dr J J S Weidemann, director of the Bureau for Economic Research re Bantu Development.

Dr Weidemann noted that the income of Venda had increased from R632 m in 1971 to R44 m in six years, and said that the homeland was fast approaching financial self-sufficiency.

He recommended that Venda should investigate thoroughly becoming a tax-haven country providing favourable conditions for industrial and commercial entrepreneurs.
Survey on Venda people released

By PATRICK LAURENCE

NEARLY seven out of every 10 economically active Venda men work in white South Africa, but nearly seven out of every 10 Venda live in the Venda homeland.

These facts emerge from a survey of the homeland conducted by the Bureau for Economic Research into Bank Development, released yesterday.

The survey says the 1970 census put the total Venda population in South Africa at nearly 380,000, of whom more than 67% live in the Venda homeland in the Northern Transvaal.

But, the survey adds, the census underestimated the Venda. It says that although non-enforcement of the registration of births and deaths was the key reason, the strong tribal tradition of the Venda made enforcement difficult.

Venda occupies a strategically important area along the South African-Rhodesian border. This importance was recognised when a strip along the border was excised and turned into a buffer or "no-man's land" zone.

As in many homelands, women in Venda heavily outnumber men. Only 35% of people living in Venda are males. But the male-female disparity is more evident in the economically active age groups.

This ratio is nearly even up to the age of 19, but alters rapidly thereafter. Between the ages of 20 and 24, women outnumber men by more than two to one.

Between the ages of 25 and 39, the ratio is nearly six to one.

After 40 the ratio starts to even out as migrant male workers begin to return to the homeland. But men never "catch-up" with women.

The Venda are regarded as the most traditional of South African black groups.

This traditionalism is reflected in the relatively high proportion — 30% — belonging to the tradition-oriented black congregations churches, and the high proportion who did not specify their religion in the 1970 census.
SOUTHERN AFRICA LABOUR AND

For example, 68% of Vendas actually live there — the highest figure of all the Bantustans.

But Benbo's optimism seems a trifle misplaced. Its own figures show that Venda is still little more than an economic backwater — despite the fact that the area is starting independence negotiations with government.

An increase from R10 to R14 a month may be a substantial improvement in per capita income. But it's still not enough to live on.

While GNI has increased impressively, 78% is earned in the common area by migrants — which says more about wage rises in the cities than about Venda's viability.

The land may be fertile, but it's also greatly overcrowded. Venda has no urban areas yet (a capital is being planned) — yet population density is 53 per km². The figure for the common area is 18 per km².

Venda's GDP is only marginally bigger than its government budget. A Benbo man tells the FM this is because much of the budget — a transfer from Pretoria — is spent on "imports" from "white SA".

No wonder Benbo remarks that Venda's economy is "still largely dependent on government stimulus."

Venda is further from the "white" industrial areas than most Bantustans, the nearest "industrial" area being Louis Trichardt. As a result only 3 700 of the area's 297 100 inhabitants commute to "white" areas.

Like other Bantustans, Venda is chiefly a labour pool for the common area. Migrant workers numbered 58 000 in 1975.

There is virtually no manufacturing industry in Venda. As a result, only 14% of the population is economically active. Most working men leave, and each male living in the area supports an average of 3.67 children — one of the highest figures for any Bantustan.

This, says Benbo, "makes it impossible for the individual to obtain certain essential services and amenities as well as to save" and thus places a heavy burden on government.

SOUTHERN AFRICA LABOUR AND

VENDA ECONOMY

"Venda is rapidly developing a healthy economy," says the Bureau for Economic Research on Bantu Development.

Dear (Benbo) in its survey of the area issued this week. But is it?

Between 1971 and 1974, Venda GDP increased from R7.1m to R11.5m; per capita income from R10 to R14 a month; and gross national income from R38.8m to R61.2m.

A copy of "The land is viable and mining potential, says Benbo. Job creation programmes are having some success — 56.5% of Venda's inhabitants who were unemployed in 1975 found jobs in the homeland area or in adjoining "white areas".

Certainly, Venda does have some advantages which other Bantustans lack.

Yours sincerely,

FRANCIS WILSON

TELEPHONE 09-855 (Ext. 855)
PROKLAMASIES
van die Staatspresident van die Republiek van Suid-Afrika

No. R. 173, 1977


Gegee onder my Hand en die Seel van die Republiek van Suid-Afrika te Durban, op hede die Acht-en-eeftigste dag van Julie Eenduisend Negehonderd Sewe-en-seventigste.

N. DIEDERICHES, Staatspresident.
Op las van die Staatspresident-in-raad:
M. C. BOTHA.

BYLAE
Vervang artikel 61 deur die volgende artikel:

"Gevulle waarvoor nie voorsiening gemaak is nie.

61. In iedere geval waarvoor nie in hierdie proklamase of die Grondwetproklamase voorsiening gemaak is nie, moet die bepalings van die toepaslike wette en regulasies en die gebruik met betrekking tot die regte van verkiesing van lede van die Parlement van die Republiek van Suid-Afrika gevolg word vir sower dit toegepas kon word of op aangepas kan word by die regte van verkiesing van lede van die Wetgewende Vergadering: Met dien verstande dat, onklare andersluidende bepalings in hierdie proklamase of enige ander wet, by die verhoor van 'n verkiesingspetisie waarin die beswaar geopper word dat 'n lid of lede van enige kiesafdeling in Venda onbeboulik verkies of onbeboulik verkies verklaar is, op grond van gebrek aan bevoegdheid, onbevoegdheid, korruptie of onwettige bedryvigheid, onreëlsmatigheid of op welke ander grond ook, en wat ingevolge Hoofstuk VI van die Wet tot Konsolidasie van die Kieswette, 1946 (Wet 46 van 1946), voorgeloop is, die onus by die petisieerende maatryt om tot bevrediging van die hof sodanige gebrek aan bevoegdheid, onbevoegdheid, korruptie of onwettige bedryvigheid, onreëlsmatigheid of ander grond in sodanige petisie aangevoer, te bewys, en indien akkuse bewys, om met 'n onwetenskynlikheid te toon dat sodanige gebrek aan bevoegdheid, onbevoegdheid, korruptie of onwettige bedryvigheid, onreëlsmatigheid of ander rede wat in sodanige petisie aangevoer word, die uitslag van die verkiesing in die bepaalde kiesafdeling kon beïnvloed het.".

PROCLAMATIONS
by the State President of the Republic of South Africa

No. R. 173, 1977

By virtue of the powers vested in me by section 2 (3) of the Bantu Homelands Constitution Act, 1971 (Act 21 of 1971), I hereby amend the Venda Election Proclamation, 1973 (Proclamation R. 13 of 1973), in accordance with the accompanying Schedule.

Given under my Hand and the Seal of the Republic of South Africa at Durban this Twenty-eighth day of July, One thousand Nine hundred and Seventy-seven.

N. DIEDERICHES, State President.
By Order of the State President-in-Council:
M. C. BOTHA.

SCHEDULE
Substitute for section 61 the following section:

"Cases for which no provision is made.

61. In every case not provided for in the Proclamation or in the Constitution Proclamation, resort shall be had to the applicable laws, regulations and practices which have reference to the conduct of elections of members to the Parliament of the Republic of South Africa, which shall be followed in so far as they can be applied or adapted to the conduct of elections of members of the Legislative Assembly. Provided that notwithstanding anything to the contrary in this Proclamation or any other law contained, at the trial of an election petition complaining of an undue return or an undue election of a member or members for any electoral division in Venda by reason of want of qualification, disqualification, corrupt or illegal practice, irregularity, or by reason of any other cause whatever, and presented in terms of Chapter VI of the Electoral Consolidation Act, 1946 (Act 46 of 1946), the onus shall be on the petitioners to prove to the satisfaction of the court such want of qualification, disqualification, corrupt or illegal practice, irregularity or other reason advanced in such petition, and if so proven, to show, on a preponderance of probability, that such want of qualification, disqualification, corrupt or illegal practice, irregularity or other reason advanced in such petition, could have affected the result of the election in the particular electoral division."."
Talks on Venda

The implications of independence were discussed by the Minister of Bantu Administration and Development, Mr M. C. Botha and the Chief Minister of Venda, Chief P. R. Mpephu and members of his cabinet yesterday.

A joint statement issued after the meeting said other matters that received attention were: extra land for the homeland and the possible establishment of a nucleus for a Defence Force for Venda.

The discussions were also attended by: Dr Perdie Hartzenberg, Deputy Minister of Bantu Development, Dr Andre Treurnicht, Deputy-Minister of Bantu Administration and of Bantu Education, Dr J. C. Oosthuysen, Commissioner-General for the Venda national unit, the Secretary of Bantu Administration and Development, Mr J. P. van Onselen and senior officials of the department.

Workers who, upon presenting themselves at the Association's to work in Southern Rhodesia'. In addition, the W.N.L.A. Agricultural Native Labour Limited (originally entered into an National Farmers' Union in 1943), whereby W.N.L.A. would Rhodesia farms those workers recruited for the mines but 'unfit', remained undisturbed. This agreement continued until 1965 when the A.N.L.L. folded up and ceased opsonistic competition' between the two bureaux worked of W.N.L.A., the higher wages stipulated on the latter's the all important determinant of the distribution of labour them. Only Nyasaland government limitations on permissible levels enabled the R.N.L.S.C. to secure a growing s as its permit maximum was periodically re-negotiated northern Bechuanaland a similar pattern of W.N.L.A. superi the supply of R.N.L.S.C. recruits from this country being uth of latitude 22° S. the N.R.C. operated for the Chamber

Establishment of the Federation in 1953, whereby Nyasaland became more firmly under the political power of Southern Rhodesian employers, W.N.L.A. continued to dominate the Nyasaland foreign contract labour market. However, Southern Rhodesia continued to place most of its reliance on the 'free-flow' system though the R.N.L.S.C. did build up annual recruitment to a relatively high level. The peak was reached in 1956 with a total recruitment of 16 234 workers. After 1958, with the onset of economic recession in the Federation, the growth of a substantial labour surplus in Southern Rhodesia and the adoption of a new foreign labour policy by the Southern Rhodesian government, the R.N.L.S.C. contract system faced steadily increasing supply constraints. Its annual throughput began systematically to be run down. This occurred as W.N.L.A. hegemony in Nyasaland became more easily asserted and as farm wages fell seriously in real terms in Rhodesia after 1963. By 1960 the Chamber of Mines (S.A.) had recruited 83 000 'Tropicals' (20.9 per cent of all their African mineworkers in South Africa). By 1973, as may be seen in the table below, the figure for Malawian workers alone had reached 106 638 or 27.7 per cent of the total complement.

Table 1 ...
ISCOR confident on coking coal

1977

The corporation does not believe it will have to use briquette technology, which, through a blend coking process, enables steel producers to use non-cooking coal previously considered unsuitable for steel.

iscor still has the problem, however, of finding the cash to fund the exploitation of these deposits.

With the Venda deposit estimated to be about 100 million tons, which iscor envisages can be mined at a rate of a million tons a year, the corporation has turned to the mining industry for help. About R800 million is needed to develop a mine.

Several mining companies are carrying out investigations and have yet to decide whether they are prepared to participate in a mining project with iscor in the Venda homeland. iscor is confident that they will.

At Grootezicht in the Ellisras area, iscor is keen on developing a mine on its own. But at this stage it has still to find the cash. The sale of the rail link between Sishen and Saldanha Bay to the railways was to have offered a solution, but this is no longer the case.

It will be several years before iscor will be able to make use of either of the two mining prospects. The shortage of coking coal remains a problem for the corporation which will probably have to continue importing part of its needs for blending with South African lowash coal.

According to a spokesman, iscor, while still confident it will not now have to resort to briquette technology to meet its coking requirements, is still keeping pace with developments in this field and believes it has as comprehensive a knowledge of the technology as any in the world.

In this area, there is a shortage of hard coal throughout the world. The Nippon Steel Corporation in Tokyo has developed its briquette technology to the commercial stage and is marketing the process. Its first order is to the Pohang Iron & Steel Company in Korea.

The order is for a briquette manufacturing plant with a daily capacity of 1 768 tons. The plant is scheduled to be completed by November, 1978. Nippon Steel's process diverts 30% of fine coal for coke ovens from a conveyor to the briquette production facility, where binding material is mixed.

(For the full title and publication referred to above, consult the box below.)
Johannesburg

Thousands of pupils in the homelands of Venda, Gazankulu, and Bophuthatswana went on the rampage yesterday, causing damage estimated at more than R3 000.

Maj-Gen Kriel, chief of the riot police, said 284 pupils have been arrested after several buildings and cars were damaged.

Among the buildings damaged was the Venda homeland Parliament, where windows were shattered, and the home of a white school teacher in Gazankulu at Mahia, was set alight. Damage was estimated at more than R3 000.

Pupils are also said to have stoned and set alight the home of a Mr. Van Rooyen, who works for the Department of Works in Venda. Damage is estimated at R1 000.

The house of a black constable, Mr. J. Tembikhangi, in Venda, was also set alight.
JOHANNESBURG — Following unrest in the Venda homeland more than 12,000 pupils from 35 post primary schools have been sent home indefinitely.

Unrest in Venda was said to have started on Tuesday when about 1,000 pupils gathered at a local stadium carrying placards and later started stone-throwing cars and buildings causing damage estimated at thousands of rand.

The deputy commissioner of police in charge of riot control, Maj-Gen Kriel, said 35 youths were arrested after the disturbances in which two people are believed to have died.

It was quiet in the homeland yesterday.—SAPA.
All schools close in Venda

JOHANNESBURG — All post-primary schools in the Venda homeland have been closed down after Tuesday's rampage by schoolchildren who caused thousands of rands' damage to buildings, according to a spokesman for the Venda government.

About 33 schools and more than 15,000 pupils are affected by the order, which came from the Venda government. No indication was given as to when the schools would be reopened or whether pupils would be able to write examinations.

The Deputy Commissioner of Police in charge of riot control, Major-General Dawid Kriel, said 35 youths had been arrested after the disturbances in which two people are believed to have died.

He said incidents yesterday included the arrest of 73 schoolchildren near or pupils of a high school in a Grahamstown township, who paraded with "offensive placards.

There was "some agitation" against Black education in Fort Beaufort but no violence. Police were on the alert. — (Sapa.)
PROCLAMATION
by the State President of the Republic of South Africa

No. R. 276, 1977

REGULATIONS FOR THE ADMINISTRATION OF VENDA

Under and by virtue of the powers vested in me by section 25 of the Bantu Administration Act, 1927 (Act 38 of 1927), I make the regulations contained in the Schedule hereto and declare that, notwithstanding anything to the contrary contained in any other law, these regulations shall have the force of law in Venda.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Seventeenth day of October, One thousand Nine hundred and Seventy-seven.

N. DIEDERICHES, State President.

By Order of the State President-in-Council:

M. C. BOTHA.

(File R206/5)

SCHEDULE

REGULATIONS FOR THE ADMINISTRATION OF VENDA

Definitions

1. In these regulations, unless the context otherwise indicates—

"Cabinet" means the Cabinet of Venda;
"chief" means a chief or acting chief recognised in terms of section 33 of the Venda Tribal and Regional Councils Act, 1975 (Act 10 of 1975);
"Government" means the Government of Venda;
"headman" means a headman or acting headman appointed in terms of section 33 of the Venda Tribal and Regional Councils Act, 1975 (Act 10 of 1975);
"meeting" means a meeting, gathering, assembly or procession at which more than five persons are present at any one time;
"Minister" means the Minister of Justice of Venda;
"person" means a Bantu as defined in section 35 of the Bantu Administration Act, 1927 (Act 38 of 1927);
"police" means the police;
"proclamation" means a proclamation as referred to in section 34 of the Bantu Administration Act, 1927 (Act 38 of 1927);
"registration" means the registration of a person as a Bantu in terms of the Bantu Administration Act, 1927 (Act 38 of 1927);
"Venda" means the area mentioned in section 25 of the Bantu Administration Act, 1927 (Act 38 of 1927).

5777-1
Application of regulations

2. Wherever anything contained in any other law is inconsistent with these regulations, the provisions of these regulations shall for as long as they are in force, prevail over the provisions of any such other law.

Meetings, gatherings and assemblies

3. (1) Subject to the provisions of these regulations any meeting shall be unlawful, unless—

(a) the holding thereof has been authorised in writing by the Magistrate of the district in which it is held;
(b) it is held at the time and place and in accordance with such other conditions as such Magistrate may specify, as he is hereby authorised to do.

(2) A Magistrate, a commissioned or non-commissioned officer of the Police, may order the persons present at any unlawful meeting to disperse and forthwith to depart from the place of such meeting and he may give such further order as he may deem necessary to prevent a further unlawful meeting by such persons.

(3) Any person who fails or neglects to obey an order given in terms of subregulation (2) shall be guilty of an offence.

(4) If an order given in terms of subregulation (2) is not obeyed forthwith, the person giving such order may, notwithstanding the provisions of subregulation (3), take such steps or authorise the taking of such steps as in his opinion are necessary to effect execution of the order.

(5) The provisions of subregulation (1) shall not apply to any meeting—

(a) held for the purpose of a bona fide church service or a funeral;
(b) held in connection with the regulation of the domestic affairs of any household;
(c) of the members of a statutory body of persons, held exclusively for the purpose of transacting any business of that body;
(d) held for the purpose of instruction imparted under any law;
(e) being a bona fide sports gathering, concert or entertainment;
(f) of the Legislative Assembly, any tribal council referred to in section 5 of the Venda Tribal and Regional Councils Act, 1975 (Act 10 of 1975), or regional council established in terms of section 12 of the said Venda Tribal and Regional Councils Act, 1975;
(g) held for official, administrative or judicial purposes;

Provided that a Magistrate, a commissioned or non-commissioned officer of the Police may at any time prohibit the holding of any specific meeting of a category referred to in paragraphs (a) to and including (e) whereupon such meeting shall be deemed to be unlawful for the purposes of these regulations.

6) A Magistrate may, without prior notice to any person concerned, by writing under his hand prohibit any person from holding, presiding at, addressing at, being present at any meeting authorised in terms of subregulation (1) or referred to in paragraphs (a) to and including (g) of subregulation (5).

Venda' die gebied beëind in artikel 2 van die Venda- grondwetproklamasi, 1973 (Proklamasi R. 12 van 1973); vergadering in vergadering, byeenkomst en samekom of optog waarby meer as vyf persone op enige besondere tydspan aanwezig is.

Toepassing van regulpies

2. Maar ook al enigiets in enige ander Wet vervalt, strydig is met hierdie regulpies, geld die bepalings van hierdie regulpies, vir solank hulke van krags is, bo die bepalings van enige sodanige ander wet.

Vergaderings, byeenkomste en samekomste

3. (1) Behoudens die bepalings van hierdie regulpies is enige vergadering onwettig, tenys—

(a) die hout daarvan skriflik deur die Magistraat van die distrik waarin dit gehou word, gemagtig is;
(b) dit gehou word op 'n tyd en plek en ooreenkomsig met volgende voorwaardes as wat geneemde Magistraat mag voorskrif, soos hy hierby gemagtig word om dit te doen.

(2) 'n Magistraat, 'n officer of onderofficier van die Polisie kan die persone wat op 'n onwettig vergadering aanwezig is, beveel om uiteen te gaan en om onverwyld te vertrek van die plek van sodanige vergadering en hy kan sodanige verdere bevel gee as wat hy nodig of om 'n verdere onwettig vergadering deur sodanige persone te voorkom.

(3) 'n Persoon wat versuim of nalaat om 'n bevel kragtens subregulasion (2) gegee, te gehoorbaar, begaan 'n misdrif.

(4) Indien 'n bevel kragtens subregulasion (2) gegee, nie onverwyld gehoorbaar word nie, kan die persoon wat dit bevel gee, nieenaandragende bepalings van subregulasion (3), enige stappe doen of die doen van enige stappe magtig wat na sy oordeel nodig is om uitvoering van die bevel te bewerkstellig.

(5) Die bepalings van subregulasion (1) is nie van toepassing nie op 'n vergadering—

(a) gehou vir die doel van 'n bona fide kerkdienis of begrafnis;
(b) gehou in verband met die reëling van die huishoudelijke sake van 'n huishouding;
(c) van die lede van 'n by wet ingestelde liggaam van persone wat uitsluitlik vir die verrigting van besigheid van daardie liggaam gehou word;
(d) gehou vir die doel van onderwys wat ingevolge 'n wet gegee word;
(e) synde 'n bona fide sportbyeenkomst, konsert of vermaaklikheid;
(f) van die Wetgewende Vergadering, enige stamraad bedoel in artikel 3 van die Venda-wet op Stams- en Streekraad, 1975 (Wet 10 van 1975), of streekraad ingestel kragtens artikel 12 van geneemde Venda-wet op Stams- en Streekraad, 1975;
(g) gehou vir amptelike administratiewe of geregeldlike doeleindes; Met dien verstande dat 'n magistraat, 'n officer of onderofficier van die Polisie te enige tyd die hou van enige bepaalde vergadering van 'n kategorie in paragraaf (a) tot en met (g) genoem, kan verhoog, waarna sodanige vergadering onwettig geag word vir doeleindes van hierdie regulpies.

(6) 'n Magistraat kan, sonder voorafgaande kennis- gewag aan enige betrokke persoon, skriflik onder sy handtekening enige persoon belet om 'n vergadering ingevolge subregulasion (1) gemagtig of in paragraaf (a) tot en met (g) van subregulasion (5) genoem, te hou, daarop voor te sit, uit toe te spreek of daarop aanwezig te wees.
(7) Any person who holds, presides at, addresses or is present at any unlawful meeting or who convenes such meeting, or who permits an unlawful meeting to be held in his house, but or kraal or on any premises or land under his control, or who fails or neglects to comply with any condition imposed in terms of subregulation (1) (b), or who, having been prohibited in terms of subregulation (6), holds, presides at, addresses or is present at any meeting referred to in the said subregulation, shall be guilty of an offence.

(8) In any proceedings under this regulation involving the question whether a meeting was or was not unlawful, it shall be presumed, unless the contrary is proved, that such meeting was unlawful.

Subversive or intimidating statements or actions

4. Any person who—

(a) makes any statement, verbally or in writing, or performs any act which is intended or is likely to have the effect of subverting or interfering with the authority of the Government, or any officer thereof designating an officer designated to assist the Government in the performance of the provisions of the Bantu Homelands Constitution Act, 1971 (Act 21 of 1971) in the employment of the Government, or of any chief or headman;

(b) makes any statement, verbally or in writing, or performs any act which consists of or contains any threat that any person in Venda will be subjected to any boycott, or will suffer any violence, loss, disadvantage or inconvenience to his person or property or to the person or in the property of any member of his family or household;

(c) organises or takes part in any organised boycott of any meeting convened by an officer of the Government or by any chief or headman;

(d) organises any boycott, or takes part in any organised boycott, with the object of causing loss, disadvantage or inconvenience to anyone or anybody;

(e) treats the chief or headman to whose authority he is subject with disrespect, contempt or ridicule, or fails or neglects to show that respect and obedience and to render such services to such chief or headman as should be shown or rendered in accordance with Bantu law and custom;

(f) by threatening a scholar, enrolled at a school in Venda, or a member of his family or household with violence, loss, disadvantage or inconvenience, whether to his or such member’s person or property, or by any other means influences such scholar to refrain from attending classes at such school or sitting for any examination or by intimidating such scholar in any manner whatsoever causing such scholar to refrain from attending such classes or sitting for such examination, shall be guilty of an offence.

Prohibition orders

5. (1) The Minister, by authority of the Cabinet, may, without prior notice to the person concerned, issue an order against such person, prohibiting him from entering into, being in or remaining in any part of Venda as may be specified in such order for such period as the Minister may determine.

(2) Any person who neglects or refuses to comply with any order made in terms of subregulation (1), shall be guilty of an offence.

5. (1) Die Minister kan, met die goedkeuring van die Kabinet en sonder voorafgaande kennisgeving aan die betrokke persoon, ’n bevel uitroek teen sodanige persoon wat hom verby het om enige deel van Venda se oewer te verby het om klasse by sodanige skool by te woon of enige eksamen af te leë, of deur sodanige skolar op welke wyse ookal te intimideer om hom daarvan te weerhoud om klasse by te woon of enige eksamen af te leë, begin na misbruik.

(2) ’n Persoon wat nalaat of weier om aan enige bevel gemaak ingevolge subreguliasie (1), te woldoende, begin na misbruik.

Ondernemende of intimiderende verklaarings of optrede

4. ’n Persoon wat—

(a) ’n verklaring, mondelings of skriflik, doen of enige handeling verraai waarvan die bedoeling is of die waarskynlike uitwerking sal wees die ondermying van of inmenging met die persone van die Regering of ’n amptenaar [insluitende ’n amptenaar ingevolge die wet- of deelwet van die Grondwet van die Bantoueilelande, 1971 (WetCAPE_21_1971), toegewys om die Regering behulp te wees, in diens van die Regering of van ’n kaptein of hoofman];

(b) ’n verklaaring, mondeling of skriflik, doet of enige handeling verraai, wat bestaan uit ’n dreigement of ’n dreigement bevat, dat ’n persoon in Venda aan ’n boikot onderwerp sal word of dat geweld, verlies, benadeling of ongerief hom aangedoen sal word, of deur een van enige lid van sy familie of huishouding; of
c) ’n boikot/organisator of deelnemer aan ’n georganiseerde boikot van ’n vergadering belde deur ’n amptenaar van die Regering of deur ’n kaptein of hoofman;

d) ’n organisator van deelnemer aan ’n georganiseerde boikot met die doel om wedes, nadeel of ongerief aan enige of enige gemaak te doen;

(e) ’n kaptein of hoofman aan wie se besigheid onderworpe is, met oneer, binne teen bespotting bejaan of nalaat van versuim om daardie gebied en geiloop om te betoon aan en sodanige dienste te verraai vir sodanige kaptein of hoofman as wat ooreenkomstig Bantueile en gewoon gebruik te doen van verraai moet word;

(f) ’n ingeskree skolar van ’n skool in Venda of van sy familie van huishouding dreig met geweld, verlies, benadeling of ongerief, of een of elke sodanige lid se persoon of eiendom, of op enige ander wyse sodanige skolar beïnvloed om hom daarvan te weerhoud om klasse by sodanige skool by te woon of enige eksamen af te leë, of deur sodanige skolar op welke wyse ookal te intimideer om hom daarvan te weerhoud om klasse by te woon of enige eksamen af te leë, begin na misbruik.
 Execution of orders

6. The Police are hereby authorised to render assistance, including the application of the necessary force, to any Magistrate in respect of the exercise of any power conferred upon him by these regulations.

Indemnity

7. No civil action whatsoever in respect of any cause of action arising out of or in connection with the operation of these regulations shall be capable of being instituted against the Government, the Cabinet or any Minister of Venda, any officer contemplated in paragraph (a) of regulation 4 or any person acting under the authority or by direction of a magistrate or the Police.

Arrest and detention

8. (1) Notwithstanding anything to the contrary in any other law contained no person in Venda may--

(a) hamper or deter any person from the lawful maintenance of law and order;

(b) promote by intimidation, the achievement of any unlawful object;

(c) cause, encourage, or further insurrection against, or forcible resistance to, the Government;

(d) by violence or forcible means, further or encourage the achievement of any political aim by any person, including the bringing about of any social or economic change;

(e) in accordance with the direction or under the guidance of or in co-operation with or with the assistance of any foreign government or any foreign or international body or institution, further or encourage the achievement of any political aim by any person, including the bringing about of any social or economic change;

(f) without good cause, embarrass the Government, the Cabinet or any officer contemplated in paragraph (a) of regulation 4 in relation to the administration of the affairs of the Government.

(2) The Minister may, with the approval of the Cabinet, order in writing any commissioned officer of the Police to arrest and detain, or cause to be arrested and detained, any person who has or whom the Minister, on good grounds, suspects of having, contravened any of the provisions of subregulation (1), or who conspires with or incites, or advises any person to contravene any of the provisions of subregulation (1).

(3) Any person detained in terms of subregulation (2) may be lodged in any police cell, police lock-up or prison for a maximum period of 90 days or until such time as his release is ordered by the Minister, whichever is the sooner.

(4) No person shall, except with the consent of the Minister, have access to any person detained in terms of subregulation (2). Provided that not less than once each week such person shall be visited by the Magistrate, Additional Magistrate or Assistant Magistrate of the district in which he is detained.

(5) No court shall have jurisdiction to order the release from custody of any person detained in terms of subregulation (2).

Prohibition of interdicts

9. No interdict or other legal process shall be issued for the stay of any order issued, decision made or direction given under these regulations, nor shall any such order, decision or direction be suspended by reason of any appeal against a conviction under these regulations.

Uitoering van bevele

6. Die Polisie word hierby gemagtig om hulp te verleen, insluitend die toepassing van die nodige geweld, aan 'n Magistraat in verband met die uitvoering van enige mag by hierdie regulasies aan hom opgedra.

Vrywaring

7. Gee niemand geding hoe maar teen oپ��b van 'n oep aan geding wat ontstaan uit of in verband met die werking van hierdie regulasies kan teen die Regering, Kabinet of 'n Minister van Venda, 'n amptenaar in paragraaf (a) in regulasie 4 sedert, en 'n persoon wat op direkte krante of die gesag of laggewing van 'n magistraat, of die Polisie ingestel word nie.

Arres en aansiening

8. (1) Ondanks andersluidende wetsbepalings mag geen persoon in Venda--

(a) enige persoon afkriek van die wegte handhawing van wet en orde nie;

(b) die verwesenliking van enige enempte oogmerk deur vreesaanpragting bevorder nie;

(c) 'n opstand of geweldadige verset teen die Regering veroorsaak, aanmoedig of bevorder nie;

(d) deur geweld of geweldadige wyse de verwesenliking deur enige persoon van enige politieke oogmerk, insluitende die teweebring van enige maatskapplike of ekonomiese verandering, aanmoedig of bevorder nie;

(e) ooreenkomsloos die voorskrifte of onder leiding van of in samewerking met of met die hulp van enige buitelandse regering of entiteite of internasionale liggaam of instelling die verwesenliking van enige politieke oogmerk deur enige persoon insluitende die teweebring van enige maatskapplike of ekonomiese verandering, bevorder of aanmoedig nie;

(f) sonder grondige redes die Regering, die Kabinet of enige amptenaar in paragraaf (a) van regulasie 4 bedreig in die verleenheid stel met betrekking tot die administrasie van die sake van die Regering nie.

(2) Die Minister kan met die goedkeuring van die Kabinet, enige offisier van die Polisie skriftlik beveel om 'n persoon wat enige van die bepalings van subregulasi (1) oortrede teen te oor of met die persoon saamgewerkt het of 'n persoon aangemeld het om enige van die bepalings van subregulasi (1) oortrede of wat die Minister om grondige redes vermoedald opgetrede het, te arresteer en aan te hou of te laat arresteer en aan te hou.

(3) 'n Kragtens subregulasi (2) aangehouden mag in enige polisiedienste, polisieoorloof of van enige minderjarige persoon wat kragtens subregulasi (2) aangehou is, te bevree nie.

(4) Enige persoon sal, behalwe die toestemming van die Minister, toegang hê tot 'n kragtens subregulasi (2) aangehouden nie: Met dien verstande dat sodanige persoon 'n minimaal tien minste konkere per week besoek, word deur die Magistraat, Addisionele Magistraat of Assistent Magistraat van die distrik waarin hy aangehou word.

(5) Geen persoon sal, behalwe die toestemming van die Minister, toegang hê tot 'n kragtens subregulasi (2) aangehou is, te bevree nie.

Verbod op interdicts

9. Geen interdict of ander geregtelike prosesstukke word uitgeoefenaar vir die opkorting van 'n bevel uitgereik, besluit geneem of laggewing uitgereik ingewolke hierdie regulasies, en sodanige bevel, besluit of laggewing word ook nie opgeskrif as gevolg van 'n appèl teen 'n skuldigbevinding ingewolke hierdie regulasies nie.
Penalties

10. (1) Any person convicted of any offence under these regulations shall be liable on conviction to a fine not exceeding R1,000 or in default of payment, to imprisonment for a period not exceeding three years, or to such imprisonment without the option of a fine, or to both such fine and imprisonment.

(2) A Magistrate's Court shall have jurisdiction to impose the penalties prescribed by this regulation.

AGROPLANTAE

This publication is a continuation of the South African Journal of Agricultural Science Vol. 1 to 11, 1958-1968 and deals with Agronomy, Ecology, Agrostology, Genetics, Agricultural Botany, Landscape Management, Herbicides, Plant Physiology, Plant Production and Technology, Pomology, Horticulture, Pasture Science and Viticulture. Four parts of the journal are published annually.

Contributions of scientific merit on agricultural research are invited for publication in this journal. Directions for the preparation of such contributions are obtainable from the Director, Agricultural Information, Private Bag X144, Pretoria, to whom all communications in connection with the journal should be addressed.

The journal is obtainable from the above-mentioned address at 50 cents per copy or R2 per annum, post free (foreign 60 cents per copy or R2,40 per annum).

THE FLOWERING PLANTS OF AFRICA

This publication is issued as an illustrated serial, much on the same lines as Curtis's Botanical Magazine, and for imitating which no apology need be tendered.

The desire and object of the promoters of the publication will be achieved if it stimulates further interest in the study and cultivation of our indigenous plants.

The illustrations are prepared mainly by the artists at the Botanical Research Institute, and the Editor is pleased to receive living plants of general interest or of economic values for illustration.

Each part contains 10 plates and costs R1,50 per part. Two, three or four parts may be published annually, depending on the availability of illustrations. A volume is divided into four parts. From Volume 27, the price per volume is: Cloth binding, R10; m/saco binding, R14.

Obtainable from the Director, Division of Agricultural Information, Private Bag X144, Pretoria.

Buy National Savings Certificates

Koop Nasionale Spaarsertifikate
Clamp in Venda

PRETORIA — Regulations prohibiting the holding of meetings unless authorised by a magistrate and dealing with subversive or intimidating statements and actions are proclaimed for the Venda homeland in a special Government Gazette yesterday.

Similar regulations were proclaimed for the Ciskei on September 30.

In both cases they were proclaimed at the request of the homeland governments, a spokesman of the Department of Bantu Administration and Development told Sapa.

The regulations, among other matters, provide for detention of up to 90 days for persons suspected of insurrection or forcible resistance to the Venda Government.
Councillor also
a Venda diviner

Mercury Reporter

JOHANNESBURG — City Councillor Mrs. Rae Graham and Venda diviner Mashudu are one and the same person, who combines in a serene, same and completely unschizophrenic personality the most amazing disparate beliefs.

Being a trained diviner (mungoma) of the Venda tribe, with whom she lived for 10 years, would seem, to preclude her from some of the fundamental Western beliefs and values.

But she is "a good Christian and church worker," a trained nurse who believes in scientific Western medicine and, in spite of being steeped in Venda custom and lore, an urbane councillor campaigning for the preservation of the environment.

She talks breezily of "referring" patients to African MDS when "throwing the bones" does not provide a cure. And the MDS do the same in return.

Address

More than a few eyebrows were raised in the medical profession recently when she addressed a Witwatersrand University medical student seminar on the role of the witch-doctor in African health care.

"We don't always have success with our patients — but then neither do the MDS. We mungomas are not really witch-doctors. The witch-doctors about whom most people read are the sangomas. They deal with evil.

"They go into trances, throw fits and so on with the help of frenzied drumming. They predict the future and they don't use bones.

"Mungomas are much more gentle. I am a diviner. Like a psychologist.

"With the help of the bones I try to analyse my patients, to divest myself of my personality and tune into theirs."

"Mashudu" insists, that there is nothing repulsive about witchcraft or about the long initiation ceremonies she has gone through and still has to go through...

"If there were any repulsive rites, I wouldn't have done it," she said. I will not step out of my culture.

She had to slaughter a cow at her initiation.

that as if into the mungoma craft, but she says it was quick and painless.

Her entry into the craft came only after years of intimate knowledge of the Venda customs, rites, music and dances.

The "great privilege" accorded her is reflected in the Venda name given her — Mashudu. It means "the lucky one."

UNION
Y OF CAPE TOWN
SCH 7700

77
AMENDMENT OF THE REGULATIONS FOR THE ADMINISTRATION OF VENDA (PROCLAMATION R. 276 OF 1977)

Under and by virtue of the powers vested in me by section 25 of the Bantu Administration Act, 1927 (Act 38 of 1927), I hereby amend the Schedule to Proclamation R. 276 of 1977 by the substitution of the following subregulation for subregulation (4) of regulation 8:

"(4) No one shall, except with the consent of the Minister, have access to any person detained in terms of subregulation (2) for a period exceeding three days, unless the person to whom access is desired shall have been notified by the Magistrate or Additional Magistrate to whom he is detained, in writing, of the intention to visit the said person.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria, this Second day of November, One thousand Nine hundred and Seventy-seven.

D. DE KLERK
State President

M. C. BOTHA
State President-in-Council

No. R. 313, 1977

WYSIGING VAN DIE REGULASIES VIR DIE ADMINISTRASIE VAN VENDA (PROKLAMASIE R. 276 VAN 1977):

Kragtens die bevoegdheid my verleen by artikel 25 van die Bantu-administrasiewet, 1927 (Wet 38 van 1927), wysig ek hierby die Bylae tot Proklamasiie R. 276 van 1977 deur die vervanging van subregulasie (4) van regulasie 8 deur die volgende subregulasie:

―(4) Niemand sal, behalwe met die toestemming van die Minister, toegang tot 'n krante van subregulasie (2) toegestaan word nie. Met die uitsluiting van die toestemming van die Magistraat of 'n Aanvullende Magistraat of Asstasent Magistraat by die distrikt waarin hy aangehoo word.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die Tweede dag van November Hendecent Negehonderd Sewen-sewentig.

M. C. BOTHA
Staatspresident-in-rade

Op in van die Staatspresident-in-rade:
AMENDMENT OF THE REGULATIONS FOR THE ADMINISTRATION OF VENDA (PROCLAMATION R. 276 OF 1977)

Under and by virtue of the powers vested in me by section 25 of the Bantu Administration Act, 1927 (Act 38 of 1927), I hereby amend the Schedule to Proclamation R. 276 of 1977 by the substitution of the following subregulation for subregulation (1) of regulation 5:

"(1) The Minister, on the authority of the Cabinet, may—

(a) without prior notice to the person concerned, issue an order against such person, prohibiting him from entering into, being in or remaining in any part of Venda as may be specified in such order for such period as the Minister may determine;

(b) in any manner which he deems fit, order that no person or anyone of a particular category of persons who inhabits or finds himself in any particular area shall, between 19h00 and 06h00 leave the limits of the stand, lot or site on which he resides or finds himself, except under a permit issued under the hand of the Magistrate of the district concerned."

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Twenty-third day of November, One thousand Nine hundred and Seventy-seven.

N. DIEDERICH, State President.

By Order of the State President-in-Council:

M. C. BOTHA.

(b) on enige wyse wat hy goed dink, beveel dat geen persoon of iemand van 'n bepaalde kategorie persone wat in 'n bepaalde gebied woon of hom daarin bevind, tussen 19h00 en 06h00 die grense van die erf, perseel of terrein waarop hy woon of so 'n erf, perseel of terrein waarop hy bevind, mag verlaten nie behalwe kragtens 'n permit uitgereik onder die handtekening van die Magistraat van die betrokke distrik."

Gegee onder my Hand en die Seel van die Republiek van Suid-Afrika te Pretoria, op hede die Drie-en-twintigste dag van November Eenduisend Negehonderd Sewe-en-sewenig.

N. DIEDERICH, Staatspresident.

Op las van die Staatspresident-in-rade:

M. C. BOTHA.
Venda makes its move towards independence

SIBASA — A third South African homeland yesterday took another step towards independence.

The Chief Minister of Venda, Chief Patrick Mphephu, said he hoped to hold talks with the Prime Minister, Mr Vorster, after being given a mandate by his party to opt for independence.

He said he would raise the independence question during the current session of the Venda Legislative Assembly in which his Venda National Party holds 48 of the 60 seats.

Until now, strongly opposed to independence, the opposition Venda Independence Party which holds 13 of the 18 elected seats in the Assembly is now taking a neutral stand on the issue.

The VIP leader, Mr Aldwin Mudau, said yesterday: "We are uncommitted. We will leave it to the people to decide in the elections in July."

The VIP's new attitude has also provoked the resignation of the party secretary, Mr Esomba Nethomondola, who said yesterday: "I decided to quit homeland politics because I did not want to carry the stigma of selling out my people."

Opening the Assembly earlier, the Deputy Minister of Education and Training, Dr Treurnicht, said the per capita income of Venda amounted to R171 and compared "very favourably" with other developing countries and surpass that of 26 other African states.

Since 1971 Venda's per capita income had sustained an increase of 12 per cent. — DDO-SAPA.

3. What sort of work (if any) would you rather do — either on a farm or somewhere else?

4. What jobs would you like your children to do?

Why?

5. If worker has not been to school: Why didn't you go to school?

If worker began but did not complete schooling: Why didn't you finish your schooling?

Problems

1. What would you most like to see changed in your working conditions? (wage, payment in kind, hours, holidays)

In your living conditions? (housing, recreational facilities)
INTRODUCTION

The origins of fish culture were probably thousands of years ago. Today China remains the largest country in which fish culture is as much a part of the daily life as the paddy fields.

The culture of Tilapia, a 2500 BC Egyptian species, is mentioned in the Bible for what was almost a bas-relief found on a potsherd from a pond.

Aquaculture in its many forms has spread across the world and is assuming an ever-increasing importance. Sea fisheries production has already passed its peak and will slowly decline because of the destruction of natural food chains by exploitation and pollution. The world's food production has been unable to keep pace with the population increase, especially in developing nations. There is therefore a need to increase food production by all possible means, firstly by stimulating existing means of production, and secondly by introducing new sources of food. Fish Farming, although still in its infancy in most Third World countries, has an important part to play as an integrated element of the rural economy.

FAO figures show that protein from foods of animal origin is dangerously lacking in the everyday diet of much of the population of Africa. This can cause ill-health, poor growth and susceptibility to disease. Fish culture is one of the best ways of increasing the supply of protein. Fish meat contains as much as 60% high quality protein on a dry water basis, and Fish converts raw food into protein at a far more rapid rate than most land based animals.

It is interesting to consider some of the factors that enable fish to grow so rapidly. The fact that they are cold blooded means that they do not have to use up energy in maintaining body heat. This energy can be used for growth. Fish live in a medium more or less the same density as their bodies, and therefore do not require a heavy bone structure to support themselves against the force of gravity. The ratio of flesh to
CONDUCT OF ELECTIONS OF ELECTED MEMBERS OF THE Venda LEGISLATIVE ASSEMBLY.—AMENDMENT OF PROCLAMATION R. 13 OF 1973

By virtue of the powers vested in me by section 2 (3) of the Bantu Homelands Constitution Act, 1971 (Act 21 of 1971), I hereby amend the Venda Election Proclamation, 1973 (Proclamation R. 13 of 1973), in accordance with the accompanying Schedule.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Third day of April, One thousand Nine hundred and Seventy-eight.

N. DIEDERICHS, State President.

By Order of the State President-in-Council:

C. P. MULDER.

**SCHEDULE**

1. Substitute for the expression "R50" in section 11 (1) the expression "R100".

2. Substitute the following section for section 22:

   "22. (1) A candidate may use an emblem on a ballot paper in order to denote the political party which he represents.

   (2) The electoral officer shall on application by a candidate effect an emblem referred to in subsection (1) on the ballot paper opposite the name of the candidate concerned: Provided that a candidate who wishes to use such emblem shall, within seven days after the sitting of a nomination court, inform the electoral officer in writing of the emblem and if no such notice is given his name shall appear on the ballot paper without any emblem opposite thereto.

   (3) Every ballot paper to be used for voters who wish to vote shall be in the form, contained in Annexure E hereto."

3. Substitute the following for the form of the back of the ballot paper in Annexure E:

   ![Ballot Paper Example](image_url)

No. R. 82, 1978


By virtue of the powers vested in me by section 7 of the Venda Constitution Proclamation, 1973 (Proclamation R. 12 of 1973) and section 8 of the Venda Election Proclamation, 1973 (Proclamation R. 13 of 1973)—

I hereby dissolve the Venda Legislative Assembly with effect from Wednesday, the fifth day of July 1978;

No. R. 82, 1978

VENDA.—ONTBINDING VAN DIE WETG EWENDE VERGADERING, BEPALING VAN DATUM VIR DIE AANWYSING VAN LEDE VAN DIE WETG EWENDE VERGADERING, DATUM VAN 'N ALGEMENE VERKIESING, TYDPERK EN URE VAN STEMMING EN DATUM EN PLEK VAN NOMINASIE-HOWE


(a) ontbind ek hierby die Venda-Wetgewende Vergadering met ingang van Woensdag, die vyfde dag van Julie 1978;

<table>
<thead>
<tr>
<th>Opmerking</th>
<th>Volle naam, adres en beroep van kandidaat</th>
<th>Embleem van kandidaat, indien enige</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Stem vir siegs</th>
<th>kandidaat/kandidaat</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>
(b) I hereby determine—

(i) that the designation of members of the Venda Legislative Assembly by the regional councils mentioned in section 3 (1) (c) of the said Venda Constitution Proclamation, 1973, shall take place on or before the 20th day of July 1978;

(ii) that a general election for the election of members of the Venda Legislative Assembly shall be held on Wednesday, the fifth day of July 1978, and on Thursday, the sixth day of July 1978;

(iii) that Wednesday, the third day of May 1978, shall be the day on which nomination courts shall sit to receive nomination for candidates for election as members of the Venda Legislative Assembly for each of the electoral divisions mentioned in the first column of Schedule A hereto;

(iv) that the nomination court for each of the said electoral divisions shall sit at the place indicated in the second column of Schedule A opposite the electoral division concerned;

(v) that the number of members to be elected in each electoral division shall be the number stated opposite each electoral division of Schedule A; and

(vi) that if a poll is required to be held in accordance with the provisions of section 10 (c) of Proclamation R. 13 of 1973, the hours at which poll shall commence and close on each polling day shall be as set out in Schedule B hereto.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Third day of April, One thousand Nine hundred and Seventy-eight.

N. DIEDERICH, State President.

By Order of the State President-in-Council:

C. P. MULDER.

---

**SCHEDULE A**

<table>
<thead>
<tr>
<th>Electoral Division</th>
<th>Place where nomination court will be held</th>
<th>Number of members to be elected</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Sibasa</td>
<td>Magistrate's Office, Sibasa</td>
<td>12</td>
</tr>
<tr>
<td>2. Dramani</td>
<td>Magistrate's Office, Dramani</td>
<td>11</td>
</tr>
<tr>
<td>3. Vuwani</td>
<td>Magistrate's Office, Vuwani</td>
<td>11</td>
</tr>
<tr>
<td>4. Mutale</td>
<td>Magistrate's Office, Mutale</td>
<td>8</td>
</tr>
</tbody>
</table>

---

**SCHEDULE B**

<table>
<thead>
<tr>
<th>Polling stations</th>
<th>Period during which poll shall take place</th>
<th>Hours at which poll shall commence and close on each polling day</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Within the four polling districts of Venda</td>
<td>5 and 6 July 1978</td>
<td>07h00-21h00</td>
</tr>
<tr>
<td>(b) Outside an area referred to in (a) above at polling stations at the seats of returning officers</td>
<td>5 July 1978</td>
<td>08h00-16h30</td>
</tr>
<tr>
<td>(c) Outside an area referred to in (a) above at polling stations other than those referred to in (b) above</td>
<td>5 July 1978</td>
<td>07h00-21h00</td>
</tr>
</tbody>
</table>

---

**BYLAE A**

<table>
<thead>
<tr>
<th>Kiesafdeling</th>
<th>Plek waar nominasihoof sitting sal hou</th>
<th>Aantal lede verkieis word</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Sibasa</td>
<td>Magistras kantoor, Sibasa</td>
<td>12</td>
</tr>
<tr>
<td>2. Dramani</td>
<td>Magistras kantoor, Dramani</td>
<td>11</td>
</tr>
<tr>
<td>3. Vuwani</td>
<td>Magistras kantoor, Vuwani</td>
<td>11</td>
</tr>
<tr>
<td>4. Mutale</td>
<td>Magistras kantoor, Mutale</td>
<td>8</td>
</tr>
</tbody>
</table>

---

**BYP B**

<table>
<thead>
<tr>
<th>Stemburo's</th>
<th>Tydensstemming</th>
<th>Ura waarop stemmings op die stemdag begin en eindig</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Binne die vier stemdistrikte van Venda</td>
<td>5 en 6 July 1978</td>
<td>07h00-21h00</td>
</tr>
<tr>
<td>(b) Buite 'n gebied in (a) hierbo genoem by die setels van diebeamtees</td>
<td>5 July 1978</td>
<td>08h00-16h00</td>
</tr>
<tr>
<td>(c) Buite 'n gebied in (a) hierbo genoem by stemburo's, uitgesonderd die in (b) hierbo genoem</td>
<td>5 July 1978</td>
<td>07h00-21h00</td>
</tr>
</tbody>
</table>

Under and by virtue of the powers vested in me by section 2 (3) of the Bantu Homelands Constitution Act, 1971 (Act 21 of 1971), I hereby amend the Venda Constitution Proclamation, 1973 (Proclamation R. 12 of 1973), in accordance with the accompanying Schedule.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Third day of April, One thousand Nine hundred and Seventy-eight.

N. DIEDERICHS, State President.
By Order of the State President-in-Council:
C. P. MULDER.

SCHEDULE

1. In section 1—
   (a) delete the definition of “chief-in-council”; and
   (b) insert the following definitions after the definition of “Legislative Assembly”:

   “‘regional council’ means a regional council established in terms of section 12 of the Venda Tribal and Regional Councils Act, 1975 (Act 10 of 1975);

   ‘tribal council’ means a tribal council referred to in section 3 of the Venda Tribal and Regional Councils Act, 1975 (Act 10 of 1975).”

2. In section 3—
   (a) substitute the following subsection for subsection (1):

   “(1) The Legislative Assembly shall be known as the Venda Legislative Assembly and shall consist of 84 members, namely:

   (a) The 25 chiefs of the 25 tribes in Venda in respect of which tribal councils have been established;

No. R. 80, 1978
WYSIGING VAN DIE VENDA-GRONDWETPROKLAMASIE, 1973 (PROKLAMASIE R. 12 VAN 1973)


Gegee onder my Hand en die Seel van die Republiek van Suid-Afrika te Kaapstad, op hede die Derde dag van April Eenduisend Negehonderd Agt-en-sewentig.

N. DIEDERICHS, Staatspresident.
Op las van die Staatspresident-in-rade:
C. P. MULDER.

BYLAE

1. In artikel 1—
   (a) voeg die volgende omskrywing in na die omskrywing van “Kommissaris-generaal”:
   “‘stamraad’ ’n stamraad bedoel in artikel 3 van die Venda-wet op Stam- en Streekstraad, 1975 (Wet 10 van 1975),”; en
   (b) vervang die omskrywing van “kaptein-in-rade” deur die volgende omskrywing:
   “‘streekraad’ ’n streekraad ingestel ingevolge artikel 12 van die Venda-wet op Stam- en Streekstraad, 1975 (Wet 10 van 1975).”

2. In artikel 3—
   (a) vervang subartikel (1) deur die volgende subartikel:

   “(1) Die Wetgewende Vergadering staan bekend as die Venda- Wetgewende Vergadering en bestaan uit 84 lede, naamlik:

   (a) Die 25 kappeins van die 25 stamme in Venda ten optigte waarvan stamraade ingestel is;
STAATSKOERANT, 7 APRIL 1978
No. 3967

(b) two headmen of the Gwamagwa Tribal Council;
(c) fifteen members who shall be designated by the regional councils in the manner provided in subsection (2) within 14 days of the election of the members referred to in paragraph (d); and
(d) forty-two members elected in the manner provided in subsection (3)."

(b) substitute the following subsection for subsection (2):
"(2) A regional council in Venda shall meet at a place determined by the magistrate of the area in which the region of such council is situated, under the chairmanship of the chairman of the regional council in the region concerned and shall designate from among the members of the tribal councils within the region concerned, the following number of persons as members of the Legislative Assembly, namely:
(a) Five members for the District of Sibasa;
(b) five members for the District of Vuwani;
(c) three members for the District of Dzanani; and
(d) two members for the District of Mutale:
Provided that not more than one member shall be so designated from any tribal council."

(c) substitute the following subsection for subsection (3):
"(3) The citizens entitled to vote in any electoral division shall elect—
(a) twelve members in respect of the Sibasa Electoral Division;
(b) eleven members in respect of the Vuwani Electoral Division;
(c) eleven members in respect of the Dzanani Electoral Division; and
(d) eight members in respect of the Mutale Electoral Division."

(d) substitute the following subsection for subsection (4) (b):
"(b) For the purposes of this subsection "deputy" shall mean a deputy appointed in terms of section 33 (3) (a) of the Venda Tribal and Regional Councils Act, 1975 (Act 10 of 1975)."

3. Substitute for the figure "12" where it appears in section 6 (1) (iv) the figure "6".

4. Substitute the following subsection for subsection (2) of section 9:
"(2) Should the seat of an elected member of the Legislative Assembly become vacant in terms of section 8, the vacancy shall, unless the term of the Legislative Assembly will have expired before such vacancy can be filled, be filled within three months in the manner provided in section 3 (3), and the laws referred to in section 5 (3) shall apply mutatis mutandis in regard to any election for filling such vacancy and any nominations for such election."

5. Substitute the following paragraph for paragraph (b) of section 30:
"(b) the regional and tribal councils within Venda and the names and periods of office of members thereof."

(b) twee hoofmanne van die Gwamagwa-stamraad;
(c) vyftien lede wat binne 14 dae na die verkiesing van lede in paragraaf (d) bedoel deur die streekraad aangewys word op die wyse in subartikel (2) bepaal; en
(d) twee-en-veertig lede verkies op die wyse bepaal
in subartikel (3)."

(b) vervang subartikel (2) deur die volgende subartikel:
"(2) 'n Streekraad in Venda vergader op 'n plek bepaal deur die magistraat van die gebied waarin die streek van sodanige raad geleë is, onder voorsitterskap van die voorsitter van die streekraad in die betrokke streek en wys uit die lede van die stamraad in die betrokke streek, die volgende getalle persone as lede van die Wetgewende Vergadering, aan, naamlik:
(a) Vyf lede vir die distrik Sibasa;
(b) vyf lede vir die distrik Vuwani;
(c) drie lede vir die distrik Dzanani; en
(d) twee lede vir die distrik Mutale:
Met dien verstande dat hoogstens een lid uit die lede van 'n stamraad aldaar aangewys word."

(c) vervang subartikel (3) deur die volgende subartikel:
"(3) Die burgers wat geregtig is om in elke kiesafdeling te stem, verkies—
(a) twaalf lede ten opsigte van die kiesafdeling Sibasa;
(b) elf lede ten opsigte van die kiesafdeling Vuwani;
(c) elf lede ten opsigte van die kiesafdeling Dzanani; en
(d) agt lede ten opsigte van die kiesafdeling Mutale."

(d) vervang subartikel (4) (b) deur die volgende subartikel:
"(b) Vir die toepassing van hierdie subartikel beteken "gevolmagte" in gevolmagte aangestel kragt in artikel 55 (3) (a) van die Venda-wet op Stam- en Streekraad, 1975 (Wet 10 van 1975)."

3. Vervang die syfer "12" waar dit in artikel 6 (1) (iv) voorkom deur die syfer "6".

4. Vervang subartikel (2) van artikel 9 deur die volgende subartikel:
"(2) Indien die setel van 'n verkose lid van die Wetgewende Vergadering ingevolge artikel 8 vakant raak, moet die vakature binne drie maande aangevul word, teny die amptermyn van die Wetgewende Vergadering ten einde sal gelaat word deur die voorsitter van sodanige vakature aangevul te word, op die wyse bepaal in artikel 3 (3) en die wette in artikel 5 (3) bedoel, is mutatis mutandis van toepassing in verband met enige verkiesing vir die aangulling van sodanige vakature en enige nominasies vir sodanige verkiesing."

5. Vervang paragraaf (b) van artikel 30 deur die volgende paragraaf:
"(b) die streek- en stamraad binne Venda en die naam en amptermyn van die lede daarvan."
More uhuru, as Transkei links are cut

By PATRICK LAURENCE

Deputy Political Editor

As THE final severing of diplomatic ties between South Africa and Transkei approached deadline yesterday, talks were held in Cape Town to set the Venda homeland on the road to independence.

All South African diplomats have to be out of Transkei and all Transkei diplomats out of South Africa after the weekend, following Transkei's decision to break off diplomatic ties.

When Transkei became independent in October 1976, it still had outstanding land claims and its decision to cut formal ties came after the transfer of Transkei - claimed East Griqualand from Cape to Natal.

After an hour-long meeting yesterday with the Venda Chief Minister, Chief Patrick Mphahlele, the Prime Minister, Mr Vorster, announced yesterday it was agreed in principle that Venda would become independent in the second half of 1979. Venda, like Transkei, has land demands which it hopes will be realised through negotiation after independence.

Chief Mphahlele said yesterday: "We are still busy negotiating for more land and for the consolidation of the territory into one unit. We feel there is no problem about taking independence first and then later negotiating for more land."

Venda consists of two pieces of territory separated by a strip held by the Shangaan homeland of Gazankulu. There are about 460,000 Vendas, of whom about two-thirds live in Venda.

Venda is situated in the Northern Transvaal. It would have shared a border with Rhodesia but for a Defence Force decision to set up a no-man's land buffer.

Mr Vorster described the Venda decision to formally request independence yesterday as "an exceptionally historical day."

Mr Vorster added: "What was significant was that the request was not only for independence for the territory but also included independence for the Venda people wherever they might be working and living at the moment."

It is clear the concept of granting independence to people as well as to a territory is closely linked with the citizenship policy which entails depriving all people from the homelands of South African citizenship and giving them the citizenship of the newly-independent homeland.

The distribution of land between "white" and "black" and the citizenship policy have been the two most controversial issues in relations between South Africa and the two already-independent homelands of Transkei and Bophuthatswana.
Clash of symbols in homeland poll

Political Staff

SYMBOLS will be used to signify political parties' ballot papers for the first time in a homeland election when Venda goes to the polls in July for its independence poll.

Both the ruling Venda National Party (VNP) and its opposition Venda Independence Party (VIP) agreed to the use of symbols although the opposition leader, Mr Baldwin Mudau, objected strenuously.

The VNP, led by Chief Patrick Mopho, has chosen clasped hands to symbolise its message of unity. The VIP has opted for a raised hand with the "V for Victory" sign.

In a letter to the Department of Plural Relations, Mr Mudau objected to the use of symbols as "retrogressive" and alleged they would be used to "manipulate the democratic process" by the Mopho Government.

The same letter accused the Venda Government of issuing instructions to chiefs and headmen to order their followers to vote for the VNP or risk dismissal.

Mr Mudau later repeated his allegations in a letter to the Venda Secretary of the Interior, Mr J Geyser, demanding guarantees that the independence election would be "free and fair".

Among Mr Mudau's demands was one that the Venda emergency regulations, promulgated last October, be suspended for both the election campaign and the election days of July 5 and 6.

The emergency regulations provide for:

- Detention without trial of persons who contravene sections of the regulations, including embarrassing the Government "without good cause".

- Punishment of persons who make statements likely to have the effect of subverting the authority of government officials, including chiefs and headmen.

In reply to Mr Mudau's letter, Mr Geyser refused to withdraw the regulations but assured him that, under Venda electoral rules, the "electorate receives full protection and should have no fear from any source."

Mr Mudau was satisfied with this assurance and his party is putting up candidates in all 42 elected seats (another 42 are filled by designated chiefs and headmen).

Mr Mudau said yesterday: "We are going into the election in full faith that it will be free and fair and that we will be able to compete favourably."

The Venda election will be unusual in two aspects: not only will it be the first election in which symbols are used on ballot papers but it will be the first independence election in which both parties are in favour of independence.

The VIP has recently switched its policy from anti-independence to pro-independence.
Venda to go it alone next year

CAPE TOWN — The Prime Minister, Mr. Vorster, announced here yesterday the Venda homeland in the northeastern Transvaal would be the third homeland to gain independence.

After an hour-long meeting with the Chief Minister on Venda's request for independence, it had been decided, in principle, that independence would be granted during the second half of next year.

Mr. Vorster was accompanied by the Minister of Plural Relations and Development, Dr. Conrie Mulder, and his three deputy ministers: Dr. Andreas Treurnicht, Dr. Ferdie Hartzenberg and Dr. Willie van Zyl, the Commissioner-General of Venda, Dr. J. C. Otto, and departmental heads.

Historic.

Chief Mqhephu was accompanied by his Minister of Health, Mr. T. Nhlembugwe, Minister of Works, Mr. F. N. Ravenel, and Minister of Education, Mr. E. R. B. Nesengani.

After the meeting, Mr. Vorster said that Chief Mqhephu had formally requested that independence be granted to the homeland during the second half of 1979.

"It is an exceptionally historical day and it was a great honour for me to be able to grant his request on behalf of the Government.

"I do not doubt in the slightest that it was the correct decision on the part of the Venda Government and I do not doubt in the slightest that this decision will give great satisfaction to the Venda people and that it will be a great advantage to them.

Significant.

"What was significant was that the request was not only for independence for the territory but also included independence for the Venda people wherever they might be working and living at the moment."

In an interview, Chief Mqhephu said there were still outstanding land claims to be settled and negotiations were underway for the transfer of "several thousand hectares."

The present small size of the homeland (618 000 hectares) was not a hindrance.

There was no problem about taking independence first and later negotiating for more land, he said.

About 30 percent of the total population of 600 000 live outside the homeland.

(Sapa.)
PROCLAMATION
by the State President of the Republic of South Africa

No. R. 170, 1978

CONDUCT OF ELECTIONS OF ELECTED MEMBERS OF THE VENDA LEGISLATIVE ASSEMBLY.
—AMENDMENT OF PROCLAMATION R. 13 OF 1973

By virtue of the powers vested in me by section 2 (3) of the Bantu Homelands Constitution Act, 1971 (Act 21 of 1971), I hereby amend the Venda Election Proclamation, 1973 (Proclamation R. 13 of 1973), in accordance with the accompanying Schedule.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Thirteenth day of June, One thousand Nine hundred and Seventy-eight.

N. DIEDERICHS, State President.

By Order of the State President-in-Council:

C. P. MULDER.

SCHEDULE

Substitute the following subsection for subsection (2) of section 24:

“(2) Such polling officer shall thereupon, with due regard to the maintenance of secrecy and in the presence of two witnesses and a person of the voter’s own choice who shall accompany him, read to such voter the names of the candidates for the particular electoral division and at the same time inform him of the emblem (if any), referred to in section 22, appearing opposite the name of any such candidate on the ballot paper, and affix a cross in the space provided on the ballot paper opposite the name (or names) of the candidate (or candidates) or emblem selected by word of mouth or indicated, as the case may be, by such voter and shall thereafter fold the ballot paper and put it into the ballot box.”

No. R. 170, 1978

HOU VAN VERKIESINGS VAN DIE VERKOSLE DELE VAN DIE VENDA- WETG EWENDE- VERGADERING.—WYSIGING VAN PROKLAMASIE R. 13 VAN 1973


Gegoe onder my Hand en die Seel van die Republiek van Suid-Afrika te Kwaapstad, op hede die Dertiende dag van Junie Eenduisend Negehonderd Agt-en-seventig.

N. DIEDERICHS, Staatspresident.

Op las van die Staatspresident-in-rade:

C. P. MULDER.

BYLAE

Vervang subartikel (2) van artikel 24 deur die volgende subartikel:

“(2) Sedanige stemopnemer moet daarop met behoorlike inaam van die handhawing van geheimhouding en in die teenwoordigheid van twee getuies en ‘n persoon van die kieser se die keuse wat hom moet vergeel, aan sedanige kieser die naam van die kandidate met die bepaalde kiesafdeling voorlees en hom terselfdertyd in kennis stel van die embleem (as daar is) in artikel 22 bedoel wat teenoor die naam van enige sedanige kandidate op die stembrief verskyn, en hul kies in die ruimte op die stembrief aanbring teenoor die naam (of namen) van die kandidate (of kandidate) of embleem wat mondeling deur sedanige kieser gekies of aangedui is, na gelykgaan van die geval, en jou daarna die stembrief en plaas dit in die stembus.”
DEPARTMENT OF PLURAL RELATIONS AND DEVELOPMENT

No. 1394 30 June 1978

DEFINITION AND SETTING APART OF A TOWNSHIP KNOWN AS THOHLOYANDOU, VENDA

I, Wilhelm Laubscher Vosloo, Deputy Minister of Plural Relations and Development, do hereby, on behalf of the Minister of Plural Relations and Development under the powers vested in him by regulations 4 (1) (a) of Chapter I of the Regulations for the Administration and Control of Townships in Bantu Areas, published under Proclamation R. 293 of 1963, declare and set apart, under the name of Thohloyandou, the areas of land described in the Schedule hereto as a township for the occupation, residence and other reasonable requirements of Bantu.

W. L. VOSLOO, Deputy Minister of Plural Relations and Development.

(File T60/4/1616/7)

SCHEDULE

The following areas of land, situated on the farm Mpupuli 278 M.T., District of Sibasa, Venda, as shown on the undermentioned plans approved by the Secretary for Plural Relations and Development and filed in his office, copies of which are available in the office of the Township Superintendent:

(a) Unit C, in extent 21,765.9 hectares—General Plan BA286/1977; and
(b) Unit P, in extent 68,512.4 hectares—General Plan BA282/1977.

DEPARTMENT VAN PLURALE BETREKKINGEN EN ONTWIKKELING

No. 1394 30 Junie 1978

BEPALING EN AFSONDERING VAN 'N DORP BEKEND AS THOHLOYANDOU, VENDA

Ek, Wilhelm Laubscher Vosloo, Adjunk-minister van Plurale Betrekkingen en Ontwikkeling, bepaal en sonder hierby af, namens die Minister van Plurale Betrekkingen en Ontwikkeling figantie die bevoegdheid hou verleen deur regulasie 4 (1) (a) van Hoofstuk I van die Regulasies tydens die Administrasie en Bestuur van Dorpe in Bantoegebiede, afgekondig deur Proklamasiie R. 293 van 1962, onder die naam Thohloyandou, dié grondgebiede beskryf in dié Bylae hiervan as 'n dorp vir die okkupasie, bewoning en ander redelike behoeftes van Bantoes.

W. L. VOSLOO, Adjunk-minister van Plurale Betrekkingen en Ontwikkeling.

(Let. T60/4/1616/7)

BYLAE

Die volgende grondgebiede, geleë op die plaas Mpupuli 278 M.T., distrik Sibasa, Venda, as aangenaam op ondergenoemde plante wat deur die Sekretaris van Plurale Betrekkingen en Ontwikkeling goedgekeur is en in sy kantoor bewaar word en waarvan akskryf beskikbaar is in die kantoor van die Dorpsuperintendent:

(a) Eenhed C, groot 21,762.9 hektaar—Algemene Plan BA286/1977; en
(b) Eenhed P, groot 68,512.3 hektaar—Algemene Plan BA282/1977.
Venda candidates in race for seats

Political Reporter

A total of 58 candidates are to contest 42 seats in the Venda general elections this week — the last elections expected to be held before the homeland becomes independent next year.

Chief Patrick Mphaphu’s ruling Venda National Party and Mr. Balgeman Mudau’s Venda Independence Party are contesting all 42 seats in the election. There are also three independent candidates.

Polling in areas outside the homeland takes place today. Polling booths will be open in the homeland today and tomorrow.

In the past, Venda’s 42-seat legislative assembly has had 42 nominated and 18 elected members. The VNP has held all the nominated seats, while the VIP won 13 of the elected seats in the last election. The number of elected members has now been increased to 42. Both parties are in favour of independence.

Venda, South Africa’s northernmost homeland, is due to become independent in the second half of next year. Preparations are already under way for the event.
Venda go to the ballot box today

By PATRICK LAURENCE
Deputy Political Editor

VENDA voters go to the polls today in an independence election which differs markedly from similar elections in Transkei and Bophuthatswana.

Where the pro-independence parties in Transkei and Bophuthatswana were opposed by anti-independence parties, the ruling Venda National Party (VNP) faces a different situation.

The opposition Venda Independence Party (VIP) — campaigning under the slogan “Tshedza” (light to dispel darkness) — has shifted from a position of strong opposition to independence to one of benevolent neutrality. The VIP manifesto declares; “Independence is negotiable.”

The second difference is that the voters will be able to identify and select parties of their choice by symbols, an innovation which will simplify matters for the illiterate among the 68,000 registered voters.

All previous homeland elections in which identifiable political parties have participated, have favoured the ruling party.

To quote three recent examples: the ruling parties in Transkei and Bophuthatswana won more than 60% of the contested seats while the ruling Inkatha movement won a clean sweep in KwaZulu.

Whether the VIP of Mr. Baldwin Mabuza can reverse the trend will be one of the interesting features of today’s election.

The VIP won 13 of the 16 popularly contested seats in 1978.

The number of popularly elected seats has been increased to 42 for the independence election. The same number of seats are filled by designated chiefs and headmen.

The VNP of Chief Patrick Mphaphuli — which has ruled through majority support from the designated tribal leaders — has strengthened its position since the 1978 election, although it still has minority support from popularly elected members when the legislative assembly dissolved.
Ruling Venda party faces defeat

BY STEVE KAME and PATRICK LAURENCE

The opposition Venda Independence Party (VIP) has taken a commanding lead in the Venda general election, it was authoritatively learnt yesterday.

A VIP victory would be against the pattern of recent homeland election results, where the ruling parties have decisively defeated the opposition. In the two most recent homeland elections, in Kwazulu and Ciskei, the ruling parties had a clean sweep.

According to informed sources, the VIP seemed set to win all of the 42 popularly elected seats. The prediction is based on polling in Venda.

Results from polling stations in "white" areas have still to come in, but they are likely to favor the VIP above the ruling Venda National Party (VNP) of Chief Patrick Maphat

The VIP outlook is more modern than the VNP's - its slogan 'Tshobha means enlightenment - and it has greater appeal to Venda living in the major urban centres. About a third of the Venda live in "white" South Africa.

Should the VIP capture seats in the electoral divisions of Shoba (13), Yuvani (15) and Motselane (11), as expected, the final result will depend on the allegiance of the 42 designated chiefs and headmen.

With an expected 11 popularly elected seats to its credit, the VIP will need to win the support of only 12 chiefs and headmen to have a majority.

In the last Venda general election, the VIP captured 13 of the then 19 popularly elected seats - but failed to win over sufficient chiefs and headmen to become the governing party.

A feature of the VIP campaign has been its systematic wooing of the chiefs through its prominent protection of the institution of chieftainship.

The VIP leader, Mr. Bald- win Maphat, is in Venda at present and is known to be canvassing support from chiefs and headmen.

In the last election he was unable to gain access to them, because they had been taken on a trip to the Malawi palace to serve by Chief Mhlanzakazi.

Mr. Maphat has alleged that Chief Mhlanzakazi has plans to take over the office of his associate and headmen to become the governing party.

A feature of the VIP campaign has been its systematic wooing of the chiefs through its prominent protection of the institution of chieftainship.
Opposition may win Venda poll

JOHANNESBURG — The opposition Venda Independence Party has taken a commanding lead in the Venda general election, it was learnt yesterday.

A VIP victory would be against the pattern of recent homeland elections where the ruling parties have decisively defeated the opposition.

In the two recent homeland elections in KwaZulu and Ciskei, the ruling parties won a clean sweep.

According to informed sources the VIP seemed set to win 31 of the 42 popularly elected seats. With an expected 31 popularly elected seats, the VIP needs 12 of the 42 chiefs and headmen to have a majority.

Results from polling stations in white areas still have to come in but they are likely to favour the VIP above the ruling Venda National Party of Chief Patrick Mphaphu.

A feature of the VIP campaign has been its systematic wooing of the chiefs with its promised protection of the institution of chieftainship.

The VIP used to oppose independence but changed its stance to neutrality for the two-day election a fortnight ago. — DDC.

Do you discuss these problems with workers on this or on other farms?

Have you ever thought of joining together to get something changed?

To occasional and contract workers only

Will you try to come back to this farm?

Why/Why not?
SIBASA — The Opposition Venda Independence Party (VIP) has scored a major victory by winning 31 of the 42 elected seats in Venda’s pre-independence General Election.

However, the final result will depend on what support the VIP can canvass among the remaining four nominated members of the 42-seat Assembly.

When the Legislative Assembly was dissolved earlier this year, the ruling Venda National Party (VNP) of the Chief Minister, Chief Patrick Mphephu, had the support of 41 of the 42 Chiefs and appointed members of the Assembly.

Should the VIP succeed in gaining the support of only 13 of the 42 nominated members, the party could upset Venda’s independence scheduled for the middle of next year.

The VIP leader, Mr. Baldwin Mudau, is against independence for the homeland.

Mr. Mudau has been canvassing support among the Chiefs and headmen for some time now and is presently in the homeland.

The Venda Secretary for the Interior and Electoral Officer, Mr. M. J. Geyser, said the average percentage poll was 52 percent. That meant about 55,000 more people voted than in the 1973 election.

The Minister of Works, Mr. F. N. Ravele, had among the 11 successful VNP candidates in the Dzannani constituency, where more than 280,000 votes were cast against 98,000 by the Opposition VIP candidates.

Mr. Mudau’s party polled 70 percent of the total number of votes, while Chief Mphephu’s ruling party scored only 30 percent. Three independent candidates who stood in the Sibasa constituency each lost their R100 deposits.

The Minister of Education and Culture, Mr. E. R. B. Nenzangi, was among 11 VNP candidates who lost to VIP members in the Vuwani constituency.

However, he was immediately nominated to the Legislative Assembly by the Vuwani Regional Authority.

If Chief Mphephu managed to retain the support of 41 of the 42 Chiefs, headmen and appointed members he should be able to remain in power.

But this will depend on what happens during the special session in the homeland on August 29 and 30, when the new members are sworn in and a Chief Minister and Speaker are elected. — (Sapa.)

14. Werkers se verlig werk

Plaas, dorp, Tydperk, Soort werk, Weeklikse loon, distrik!

1.
2.
3.
4.
5.

Rade waarom werkers elke werk verlaat het:

1.
2.
3.
4.
5.
Venda poll winners may not rule

Although the opposition Venda Independence Party (VIP) won the homeland elections last week it is still not certain whether they will take over the Government.

The VIP still needs the support of at least 12 chiefs or headmen to run the homeland, and VIP leader, Mr Baldwin Mudau, has expressed concern that this support could be blocked by homeland leader, Chief Patrick Mphethu.

Such support would bring the party's strength in the Legislative Assembly to 43 seats and leave the ruling Venda National Party with 61 seats.

But the VIP will be hard put to find this support because the Venda National Party, headed by Chief Mphethu, has a free hand in the selection of the 15 people to be nominated to the Legislative Assembly.

In addition to the 15 nominated members, there are 27 chiefs and headmen who are members of the Legislative Assembly by virtue of their standing as chiefs and headmen.

In the recent election the VIP won all of the 42 elected seats and the VIP only 11.

In 1978, when the party won two-thirds of the then 18 elected seats it was robbed of outright victory by the chiefs and nominated members who sided with Chief Mphethu.

Radio Venda signalled the sorry position in which the VIP finds itself when it announced, soon after the election results were published, that the results did not mean the VIP would take over the Government.

Everything, said the radio, depended on what the chiefs, headmen and nominated members would do.

The Venda Legislative Assembly is made up of 42 elected members and 42 chiefs and headmen, including the nominated members.

But it means the election has assured Venda of a strong opposition.
VENDA is a fine example of the implementation of Nationalist policy.
In 1973, Chief Minister Patrick Mphephu, who was being groomed by the Government to take independence, needed the support of Venda chiefs to stay in power. About 40 chiefs were taken — all expenses paid — to Manyeleli game reserve where they were allegedly urged to support him. Isolated for four days, they returned to the Legislative Assembly five minutes before voting took place.

Chief Mphephu was duly re-elected Chief Minister.

But he was soon forced to call on the Government to close the Legislative Assembly because more and more chiefs were defecting to Mr Baldwin Mudau's opposition party. Protecting himself further, he invoked Government-approved powers to appoint and dismiss chiefs.

It appears, however, that the Government was not prepared to take too many chances. Officials from Pretoria started visiting Mr Mudau to woo him. He was apparently non-committal about independence, but his election propaganda favoured it.

After winning 31 of the 42 elected seats in last week's election, Mr Mudau now needs the support of 12 of the 42 nominated chiefs to unseat Chief Mphephu.

If Pretoria believes Mr Mudau will take independence, it will undoubtedly use its influence to secure the support of the chiefs for him. Alternatively, it will back Chief Mphephu — despite his overwhelming defeat.

That's how South Africa is being carved up.
Venda court case

JOHANNESBURG — The leader of the opposition Venda Independence People's Party, Mr. Baldwin Muda, says his party is to institute court proceedings against the ruling Venda National Party for alleged "corruption" during the recent elections in the homeland.

The VIPP won 31 of the 42 seats in the election.

In an interview yesterday, Mr. Muda said he had proof there was "corruption," particularly at Dzanani, a stronghold of the Chief Minister, Chief Patrick Mphopu.

Referring to whether his party would be able to form the next government of the homeland, he said that would depend on the outcome of the proceedings he had instituted.

According to the Venda constitution, a ruling party has to have the support of at least four chiefs. — SAPA.
22 held in Venda swoop on opposition

Political Staff

AT LEAST 22 prominent Venda citizens, including nine opposition members of the Venda Legislative Assembly, were detained at the weekend, it was learnt yesterday.

Rand Daily Mail informants in Sibasa, capital of Venda, included members of the legislative assembly. The leader of the opposition Venda Independence Party (VIP), Mr Bukwin Mudau, received similar information from party sympathizers.

Mr Mudau yesterday strongly condemned the detentions, warning that the VIP would boycott the opening of the legislative assembly next month unless the detainees were released immediately.

Mr Mudau's VIP last month won a majority of the popularly elected seats — 31 of the 42 — in the second Venda general election.

The Venda Chief Minister, Chief Patrick Mphephu, has opened independence negotiations with the Prime Minister, Mr Vorster.

Although he had the backing of most of the 42 designated chiefs and headmen in the legislative assembly when it dissolved, he cannot be certain of re-election as chief minister when the assembly reconvenes on September 12.

Attempts yesterday to trace Chief Mphephu and his Minister of Justice, Chief J Ramuda, for comment failed.

Their secretaries refused to comment.

The Minister of Plural Relations, Dr Connie Mulder, said last night: "I can't comment at all. I know nothing about the background or reasons for these arrests. But I will investigate when I get back to my office."

Dr Mulder was in Durban en route to the Ciskei, where he will open the Ciskei Legislative Assembly.

The Commissioner General to Venda, Dr J C Otto, declined to comment on the detentions. He said they were a matter for the Venda Government to deal with.

An official conceded unofficially, however, that about 20 people had been detained.

Last October, on the day of the crackdown against black consciousness organizations, emergency powers were extended to the Venda authorities. They included the power to detain people for 90 days.

The nine detained legislative assembly members are: Mr G M Ligege, Mr O A Makmurha, Mr J A Budeli, Mr D Nevhulandzi, Mr S M Mahwasane, Mr H T Ndawamato, Mr M C Nelwamondo, Mr P Ngwana and Mr E M Ramabulana.

Also detained were two magistrates — Mr C Boo — and Mr H Nemavhola — and an assistant magistrate Mr E Lukoto.

The other detainees are Mr E Nevhulandzi, Mr M Maphiswane, Mr B Nevhonho, Mr M Sigwabweshi, Mr P Martha, Mr G Nevondo, Mr F Nemutandane, Mr J Ramawa, Mr H Ndawambo.
Johannesburg — At least 22 prominent Venda citizens, including nine opposition members of the Venda Legislative Assembly, were detained at the weekend, it was learnt yesterday.

Informants in Sibasa, capital of Venda, said detainees included members of the Legislative Assembly. The leader of the opposition Venda Independence Party (VIP), Mr. Baldwin Mudau, received similar information from party sympathizers.

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The Venda Chief Minister, Chief Patrick Mphaphu, has opened independence negotiations with the Prime Minister, Mr. Vorster.

Though he had the backing of most of the 42 designated chiefs and headmen in the legislative assembly when it dissolved, he cannot be certain of re-election as chief minister when the Assembly reconvenes on September 12. He is expected to make a statement on the arrest today.

Persistent attempts yesterday to trace Chief Mphaphu and his Minister of Justice, Chief J. Ramabuda, for comment, failed yesterday.
charges
in Venda

37 may

..., face 25

face 15
Venda detainees now number 37

BY STEVE KGAME
Political Staff

ANOTHER 16 people have been detained in Venda, bringing to 37 the number of people jailed under emergency powers since the weekend.

At least 10 opposition MPs are among the detainees.

Venda's pro-independence Chief Minister, Chief Patrick Mphephu, said yesterday the arrests had been made because the government was convinced that the maintenance of law and order was in jeopardy.

Criminal proceedings against the detainees would follow investigations by South African police operating in the territory, he said.

Mr Baldwin Mudau, leader of the opposition Venda Independence Party, claimed that Chief Mphephu was attempting to intimidate chiefs and MPs because he feared losing next month's election for the position of chief minister.

Mr Mudau, a Johannesburg-based sociologist, is beyond reach of the emergency powers which apply only to people living in Venda.

His party holds 31 of the 42 popularly elected seats in the Venda Legislative Assembly: At least one third of its elected MPs are now in jail.

Chief Mphephu's statement did not give any breakdown of the 37 detainees, but the Rand Daily Mail established that an opposition member of the Assembly, Mr J T Kgabo (Vuwani constituency) was being held.
in literature, and in learning that rivaled, and perhaps surpassed, the classical ages of Greece and Rome they worshiped. Giovanni Boccaccio hailed the revival of poetry and Coluccio Salutati the restoration of literature; Filippo Villani, like the other two a well-known Florentine Humanist, congratulated the painters of his native city on rescuing their art from extinction. It became a commonplace of educated opinion that the world was awakening to a new age of light after nearly a thousand years of barbarous darkness. What Wordsworth said about the French Revolution, the Humanists said about their very different revolution in Italy three and four centuries before him: "Bliss was it in that dawn to be alive, but to be young was very heaven."

The Humanists' pronouncements, with their single-minded exuberance, capture a great moment in the history of Europe. Since the end of the Roman Empire in the West there had been several revivals of the classics, notably at the court of Charlemagne early in the ninth century and in urban centers in the twelfth century. Beginning around 1100, literature, the arts, and philosophy had prospered impressively. But these so-called "renaissances" did not step beyond the circle of traditional culture and styles of thought. The Renaissance that had its inception around the 1330s in Italy was different in kind: it evolved a way of looking at the world and at man in which we may recognize our own.

While it was important and instructive, the confidence of the Humanists tells only part of the story. And the conventional picture of the Renaissance—glittering courts, prosperous cities, sensual paintings, expansiveness everywhere—who fails to capture the complexity of the age. The peasants and the urban poor, the bulk of Italy's population, lived on in misery; their unvarying routine was broken only by war and famine, and their superstitions survived as though nothing had happened among the educated. Even the educated sometimes saw the novelty around them with deep uneasiness. While the Humanists joyfully rediscovered ancient manuscripts, enjoyed the world of nature and man's inner life, gave voice to such secular passions as the desire for fame and glory, and experimented with a new individualism, there were many who feared this innovation as a threat to traditional ways of thinking, standards of value, and ideals of conduct. The Renaissance was an age of heroism and crimes, of extravagant hopes and equally extravagant despair; the new individualism proved a source of pleasure and of anxiety. "True tragedy," Burckhardt noted, "which then found no place on the stage, stepped mightily through palaces, streets, and public squares." As Burckhardt also noted, it was in this mixture of freedom and fear, as much as in anything else, that the Renaissance was the mother of our modern age.

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Five more held in Venda swoop

Johannesburg — Another five Venda citizens, including an Opposition member of the Venda Legislative Assembly, were detained at the weekend, according to informed sources.

The weekend detentions bring the number of people detained in the past 10 days to 82 and the number of Opposition members of the Legislative Assembly to 11 — or more than a quarter of the number of popularly elected members.

The Opposition member detained at the weekend was Mr. S. N. Sinyewa, one of the successful Venda Independence Party candidates in last month’s general election.

The Venda Secretary for Justice confirmed yesterday that there had been further detentions but declined to give any details. The Minister of Plural Relations, Dr. Connie Mulder, refused to comment.
Five more held in Venda: Mulder still mum

BY PATRICK LAURENCE

and STEVE KGAME

ANOTHER five Venda citizens — including an opposition member of the Venda Legislative Assembly — were detained at the weekend, according to Rand Daily Mail sources.

The detentions bring the total number of people detained in the past 10 days to 42 and the number of opposition members of the Venda Legislative Assembly to 11 — or more than a quarter of the total number of popularly elected members of the assembly.

The opposition Assembly member detained at the weekend was Mr S N Sinyegwe, one of the successful Venda Independence Party (VIP) candidates in the Mutale constituency in last month’s general election.

The Venda Secretary for Justice, Mr J P van der Merwe, confirmed yesterday that there had been further detentions but declined to give details.

The Minister of Plural Relations, Dr Connie Mulder, yesterday refused to comment on the Venda detentions. As a result he was slammed by a Progressive Federal Party spokesman, Mrs Helen Suzman, for evading his responsibility as the Minister in charge of black affairs.

Dr Mulder declined last week to comment on detentions as he was on the way to the Ciskei and was unaware of them. However, he undertook to investigate the situation when he returned to his office.

He again refused to comment yesterday and gave no reason for his decision.

Mrs Suzman, yesterday described Dr Mulder’s refusal as “a scandalous opt-out” as Venda was still part of South Africa and included among the responsibilities of his portfolio.

She said: “The Minister cannot escape his responsibility. Venda is still part of South Africa. What little credibility a separate development might still have will be destroyed incrementally. The people are thwarted for the second time.”

In the 1973 election, the opposition VIP of Mr Baid in Venda captured more than two-thirds of the elected seats but was kept out of office by an alliance among the Chief Minister, Chief Patrick Mphephu, and designated chiefs and headmen.

In last month’s election, Mr Mudau’s party captured three-quarters of popularly elected seats, 31 out of 42, only to see 11 winners jailed without trial.

Attempts by the “Mail” to obtain an official list of the names of those detained have been blocked at every turn.

Apart from a general statement justifying the detentions as necessary for the maintenance of law and order, the Venda Government has refused to comment.

The detentions were carried out by the South African Police on the orders of the Venda Minister of Justice, according to a Venda Government spokesman.
Johannesburg — Another five Venda citizens, including an opposition member of the Venda Legislative Assembly, were detained at the weekend.

The detentions bring the total number of people detained in the past 10 days to 49 and the number of opposition members of the Venda Legislative Assembly to 11 — or more than a quarter of the total number of popularly elected members of the assembly.

The opposition assembly member detained at the weekend was Mr. S. N. Sinyegwe, one of the successful Venda Independence Party candidates in last month’s general election.

The Venda Secretary for Justice, Mr. Van der Merwe, confirmed yesterday that there had been further detentions, but declined to give any details.

The Minister of Plural Relations, Dr. Connie Mulder, refused to comment on the detentions.

Progressive Federal Party spokesman Mrs. Helen Surman said the Minister could not escape his responsibility. "Venda was still part of South Africa." "What little credibility separate development might still have will be destroyed as the will of the people is thwarted for the second time," she said.

— DDC.
Death before birth in Vendaland

The continuing detentions in the Venda homeland are a blot on that territory and on South Africa.

By the latest count, 47 people are being held, including 11 opposition members of the Legislative Assembly. Many of the victims are senior officials of the Venda Independence Party, which won 31 of the 42 seats in the election last month, and some of them have been closely concerned with a probe into alleged irregularities in the election.

The VIP is by far the leading political party in the homeland but since 1973, when it won two-thirds of the elected seats, it has been kept out of office by an alliance between the Chief Minister, Chief Patrick Mphupho, and the designated chiefs and headmen.

Only after a firm assurance from the authorities that last month's elections would be free and fair did the VIP leader, Mr Baldwin Mudau, agree to take part. Now his party, which represents the majority of the Venda people, is being decimated by detentions without trial under powers granted by the Government last October.

The Minister of Plural Relations, Dr Conrie Mulder, has refused to comment, but there is no way he can escape responsibility for these deplorable events. Venda is still part of South Africa, and Dr Mulder is the Minister with authority over it.

How can there be thoughts of a stable, independent Venda when it is being governed by a minority group apparently bent on retaining power by locking up its opponents in the name of law and order? And what of South Africa's security in such a situation, in which the Government must inevitably be seen as condoning the actions of its proteges?

Venda's position on the Rhodesian border will make it a natural haven for terrorist infiltrators in time to come. Will the local people be inclined to oppose them when a so-called democracy produces such injustice?

These are very real dangers, and any Government alive to them would act to put matters right.
Independence for bantustans at all costs, even though it means the imprisonment of the public representatives of a political party that has just won a sweeping election victory — this is the grim message spelled out by the continuing detentions in Venda.

At least 47 people — including 11 members of the legislative assembly representing the majority party, the VIP (Vendaland Independence Party) — have been arrested during the last 10 days in that troubled bantustan.

This tiny homeland, on the north-eastern borders of the Transvaal has a de jure population of less than 500 000 of whom about 70% actually live within its borders.

A month ago the VIP of Baldwin Mudau convincingly beat the pro-apartheid and pro-independence VNP (Vendaland National Party) of Chief Minister Patrick Mphephu, when it won 31 of the 42 elected seats. There were indications that it would gain sufficient support (it needed only 12) among the 42 headmen and nominated members who also sit in the legislative assembly to run the country.

The election result was a shattering blow to the SA government. It had already started negotiations on independence with Mphephu, and confidently predicted that this would be granted by not later than 1980. Mudau has ostensibly not committed his party on the independence issue, but merely stated that it was something to be negotiated. Before the election Mudau received visits from BOSS representatives who wanted him to clarify his position on independence, clearly reflecting the SA government’s alarm about the possibility of Mphephu losing the election.

Strangely, the responsible SA Minister, Dr Connie Mulder (Plural Relations), will not talk to the press on the matter. Mudau tells the FM that if his party members are not released before September 12, when the Chief Minister has to be elected, then the VIP will withdraw completely from homeland politics.

Says Mudau: “The events have proved to be a farce and most undemocratic. It means that political decisions are taken in Pretoria and not in Venda. The arrests are designed to intimidate those chiefs who had already promised to vote for the VIP. Our members arrested were those involved in canvassing the chiefs.”

Some of the others arrested were black magistrates who took affidavits from voters about alleged election malpractices being investigated by the VIP.

In the statement explaining the detentions, Chief Minister Mphephu said that the homeland government was convinced that “the maintenance of law and order was in jeopardy. Criminal actions would follow the arrests.”

In this sordid story the SA government comes out worst. Firstly for creating a system whereby the clear wishes of the majority of the people can be so easily thwarted, and secondly for not ordering the immediate release of the detainees. After all, Venda is still SA territory.
Trouble in Venda

Four more people were detained in the Venda bantustan, bringing the total number of opposition supporters detained to 47. The detentions are likely to cripple the credibility of Venda's expected decision to become the third bantustan to accept independence.
A very strange road to VENDA’S LEADER OF OPPOSITION CAN’T EVEN GO HOME — FOR FEAR OF BEING ARRESTED

By JOHN MATISONN, Political Correspondent

In the last elections five years ago the opposition VVIP won 13 out of 18 elected seats. With a number of VIP-supporting chiefs Chief Maphela’s costing seemed assured.

Four days before the election of the chief minister all the chiefs were invited on a trip to the Mapengeletsi game reserve. There were claims that gifts were promised. A newspaper reported that 38 morning suits costing R11 each were bought by the Venda Government for the parliamentary opposition chief. The branch of the town, offices confirmed that the suits had been ordered. All those who went on the tour arrived by bus at the Legislative Assembly five minutes before the opening. Chief Maphela was elected by a 42-18 majority.

Then, on November 30, it was reported that an Information official was investigating bribery and corruption rumors concerning the elections. The official claimed he had been unable to find any evidence which supported the allegations — and in particular an allegation that the Venda Government had promised suits to any member of the legislature who would vote for Chief Maphela.

Chief Maphela then denied that suits had been offered or promised to members of the Assembly. Later he said several “parliamentary” suits had been ordered for members of his party.

The Leader of the Opposition, Mr. Mafale, sent a telegram to all the opposition members offering to replace the suits. They were not broadcast, but he was charged with criminal libel by Chief Maphela. The Attorney-General withdrew his charge.

Mr. McPhethi, Secretary for Information, traced that any of his officials had investigated the allegations, but Dr. Rhodin retracted his denial to the newspaper, according to an official, after learning that a conversation between the reporter and one of his staff, who had been warned, had been overheard.

Venda denied they had said what they were alleged to say, though their reporter had signed written statements from them.

The two witnesses confirmed, stating that an order for suits had been received late and denied.

Now, it is election time again, five years on. And it is against the background of five years past that the arrest of the opposition must be seen.

Once again there has been a clear and unequivocal victory for the opposition party. But power is still outside their grasp. It is against the background of five years past that the arrest of the opposition must be seen.

If you were a Venda, who would you choose?
Homeland gripped by fear

By Harry Mashabela

Venda, the tiny homeland east of Louis Trichardt in the northern Transvaal, today stands out as a territory gripped by fear.

Inhabitants look suspiciously at strangers arriving at their homes — the modern establishment at Sibasa put up by the Venda Development Corporation of the Louis Trichardt Punta Milla national road.

They think newcomers are members of the Security Police.

It is a fear engendered by continuing detentions without trial of political opponents of Chief Patrick Mphaphu's Venda National Party — the party defeated at the polls during the recent pre-independence general elections.

The detentions started during the weekend of last month when police swooped on the opposition Venda Independence People's Party (VIP), winners of the elections, and jailed 22 men including nine members of the Venda Legislative Assembly and six public servants. Two magistrates, a school inspector and three school principals were the public servants.

Many people, some of them leading businessmen, have since been detained.

Mr Baldwin Mudau, the VIP leader — he lives in Johannesburg — has placed the number of people detained without trial at about 50 since the middle of last month.

Events in Venda at a time when the territory is supposed to be planning for the official opening on September 12 of the Legislative Assembly, and the election of a Chief Minister as well as a new government, indicate the dice are loaded against the real aspirations of the people.

VIP won 31 of the 42 elected seats at stake in the general election and was short of only 12 men to take over the government.

Its task was to gain sufficient support from 42 chiefs and headmen in the 8-member Legislative Assembly.

But now the detentions have complicated the party's problems.

Chief Mphaphu, the present Chief Minister, whose Venda National Party lost the elections, is now certain of overwhelming support from the nominated chiefs and headmen in the 8-member Legislative Assembly.

For chiefs and headmen who may have entertained ideas of supporting the VIP, they have been frightened off.

3. What sort of work (if any) would you rather do - either on a farm or somewhere else?

4. What jobs would you like your children to do?

   Why?

5. If worker has not been to school: Why didn't you go to school?

If worker began but did not complete schooling: Why didn't you finish your schooling?

Problems

1. What would you most like to see changed in your working conditions? (wage, payment in kind, hours, holidays)

In your living conditions? (housing, recreational facilities)
SA Minister named in Venda vote petition

THE Venda Legislative Assembly is going ahead with electing a Chief Minister in Shaba this week — despite the opposition Venda Independence Party filing a petition with the Supreme Court asking that elections in one electoral district of Venda be set aside.

The Registrar of the Supreme Court said the petition was filed on August 30. It was brought by Baldwin Muda, leader of the VIP and 11 unsuccessful VIP candidates in July's general election.

Independent are the Ministers of Plural Relations, Dr. Connie Mulder; Chief Minister, Patrick Mphaphu; and the 11 successful candidates. At least 60 opposition supporters, including 11 newly-elected, and assembly members, have been arrested in Venda.

Mr. Mubu said the action was aimed at preventing support being organised among chiefs and headmen. Mubu needs support from only 12 chiefs and community members of the 200. This support in itself is important, he said, in preventing the government from overthrowing Chief Mphaphu's Government.

Mubu also said that three months before the April general election, he wrote to Dr. Connie Mulder. Among other things, he asked that government workers in the Department of Plural Relations be transferred to Venda to remove political interference. Mubu also said that if the development of the people were properly recognised, the VIP would be able to curb the present unrest.

"It is this political dimension which gives the VIP a strategic role. A vast number of Venda live across the Limpopo River, and stability in the homeland would mean they would be less prone to infiltrate."

Given the prospects of a new political structure in Zimbabwe and the possible attempts to launch a terrorist campaign against the Republic, such stability appears strategically important to South Africa.

Mr. Mubu said the VIP was not fundamentally opposed to a negotiated independence for the homeland. As leader of Venda's negotiating, he would ask that foreign affairs, defence and financial development remain in the hands of South Africa and that Vendas remain South African citizens.

-- Jean Lefevre, Central Business District.

-- S. J. M. M. On Swakopmund.

-- 7. 0. P. on the Residential Component in the Area of Cape Town.

-- S. P. N. M. in the Namibian Copper District.

-- 7. 0. P. in the Fishing Industry in Lilongwe, Malawi.

-- 7. 0. P. in the Winds and Sea Temperature on the Catching by Seine-Net Fishermen.

-- 7. 0. P. in the Environment of the Cape of Good Hope.

-- E. L. N. in the Fishing Vegetation.

-- 7. 0. P. in the Crops Differ from Actual Distances Within an Area.


-- S. J. M. in Landscape 1900 - 1977.
Boycott plan may stop Venda election

Political Staff

The opposition Venda Independence Party (VIP) resolved at a special weekend meeting in Soweto to boycott the Venda Legislative Assembly session which opens today in the Venda capital, Sibasa, tomorrow.

The decision, taken in protest at the detention of 12 VIP members of the Legislative Assembly by the Venda authorities in the past month, will mean the VIP members who were not detained will also be absent from the session.

The absence of all 31 VIP members may prevent the Legislative Assembly from obtaining the quorum it needs to start the session, which is scheduled to begin with the election of a Chief Minister and Cabinet.

The Venda constitution says more than half of the members must be present for a quorum.

There are 84 members of the Legislative Assembly, made up of 43 elected members and 42 designated chiefs and headmen. A quorum requires 43 members.

If 12 designated chiefs and headmen stay away in sympathy with the VIP protest, the Chief Minister, Chief Patrick Mpephu, may not be able to go ahead with his apparent intention of holding the election for his office.

The VIP has canvassed some chiefs and headmen and received 14 sympathetic responses. Its leader, Mr Baldwin Mudau, said at the weekend.

In another weekend development, Chief Mpephu cancelled a visit to the capital at the last minute. He was due to have led a 52 strong Venda party.

Chief Mpephu's opponents alleged the visit's real purpose was to allow him to "school" Legislative Assembly members on who to elect as Chief Minister.

Ciskei sources said Chief Mpephu telephoned his Ciskei host advising them that "unforeseen circumstances" had forced him to cancel the trip. Chief Mpephu was not available for comment.

Meanwhile, the VIP has filed a petition with the Supreme Court, contesting the election results in the electoral district of Dzanani. Chief Mpephu's Venda National Party (VNP) scored its only success in Dzanani in the July general election.

The VIP, which won the three remaining electoral districts, named the Minister of Plural Relations, Dr Connie Mulder, as its candidate. Dr Mulder has declined to comment so far on the Venda detentions, although he has been challenged by Mr Mudau to state where he stands on the Venda actions.

Policy Suggestions for Those in Authority
for reasons would have been greatly attracted to the Ndebele and tried to assimilate direct large blocks of subject people. " (10)"

"Hoffman notes that Mosese there were numerous villages of Boers, all civil under Wililaz, but in their traditional way. In Matabeleland this occurred on a much larger scale. Though many Xhosa were incorporated in the age regime, there were many living in their traditional style in their own villages, right in the heart of the country. (11)"

People in tribal areas had to acknowledge Wililaz's authority by sending him produce and herding his cattle but they still retained freedom not possible in centralized states. But Wililaz was forced to visit the king's council for the final decision on the annexation of his land. (3)"

Johannesburg. The Department of the Interior has failed to stop the Venda boycott. (3) Mr Baldwin told the House of Commons that the detention of 42 of the opposition leaders for the Venda Legislative Council is illegal, and the detention of the leaders is also illegal. (3)"

The opposite side of the Legislative Assembly of the Venda people were called to elect Mr. Baldwin. He said that the opposition leaders would not be permitted to enter the assembly for the next session of the Assembly. (3)"

(3) THE GREAT TREK IN SOUTH AFRICA

(1) Boyd, F. C. H.

Bid to stop Venda party's boycott fails

By STEVE KGAMIL
Political Staff

THE Department of Plural Relations has failed in a last-minute attempt to stop an opposition boycott of the Venda Legislative Assembly meeting following mass arrests in the homeland.

Mr Mabulino Mabulino, leader of the opposition Venda Independence Party (VIP), who had been hit by the detention of 12 of his assembly members yesterday, had laid down a provision to boycott the assembly's session if the government failed to withdraw the opposition's participation in it.

He said the party would now carry out its threat to boycott tomorrow's assembly meeting of the Legislative Assembly called to elect a Chief Minister.

The present independence Chief Minister, Chief Patrick Maphehu, ordered the detention of the 12 opposition assembly members and another 35 opposition supporters under emergency powers.

Mr Mabulino said yesterday he was called to Pretoria late last week and told he would meet the Minister of Plural Relations, Dr Connie Mulder, but he said, on his arrival he was met by the Secretary for Plural Relations, Mr I P van Onselen, and he head of the department's political section, Mr J L Safera.

He told them he would not attend the Legislative Assembly meeting tomorrow because he feared arrest.

He then laid down five conditions when asked by Mr van Onselen and Mr Safera whether he would be prepared to attend the session. They were:

- Unconditional release of all party members.
- Suspension of the election of Chief Minister so that the opposition VIP could lobby support.
- Public assurance by Dr Mulder that he would not be arrested.
- An amendment to the Venda constitution opening the office of Chief Minister to commoners instead of chiefs only.
- An assurance that Venda would be allowed to decide its own future without interference from Pretoria.

Mr Mabulino said he also told Mr van Onselen and Mr Safera that he was proceeding with a court action to unseat Chief Minister Maphehu's victory in his Dzini constituency in the Venda elections earlier this year.

"Mr Van Onselen assured me he was going to convey all that I said to him to the Minister and that he would phone me yesterday to give me Dr Mulder's reply," Mr Mabulino said.

Mr C P S Hoit, a departmental liaison officer, phoned yesterday to say his conditions could not be met.

Mr Van Onselen was not available for comment yesterday. Dr Mulder's office said the Minister "has no comment to make on the whole Venda situation".

The absence of all VIP members may prevent the Venda Legislative Assembly from obtaining the quorum it needs to start the session.

If 12 designated chiefs and housemen stay away in sympathy with the VIP protest, Chief Maphehu may not be able to go ahead with the election.

The VIP claims it has 14 sympathizers among chiefs and headmen.
Verdict power struggle shattered as the police move in

Boycotted Venda election delayed

By STEVE KGAME
Political Staff

SIBASA. — Virtually the entire Venda opposition yesterday boycotted the Legislative Assembly session in protest against mass arrests in the homeland.

Only two of the 31 Venda Independence Party (VIP) members of the assembly were present when the session, called to elect a Chief Minister, was officially opened by the Commissioner-General, Dr J C Otto.

The opposition party members present were Chief M M Mashau and Mr E D Mulanda, both from the Vusani constituency.

The boycott was followed by an announcement that the election of Chief Minister would be postponed until today.

The present Chief Minister, Chief Patrick Mphaphu, said the postponement had been made because of "legal implications", but he refused to explain what these were.

The boycott was launched by the opposition VIP leader, Mr Baldwin Mudau, after Chief Minister Mphaphu had ordered the arrest under emergency powers of 13 VIP assembly members and another 36 VIP supporters.

Mr Mudau, who claimed the arrests were made to intimidate opposition supporters in the campaign for the election of a Chief Minister, officially opened the campaign proceedings aimed at upsetting Chief Mphaphu’s victory in his Branani constituency in the Venda general election earlier this year.

Attitudes Towards 'Coloured' Workers

Summary and Conclusions on Employment Situation

Rural Situation - Outline

General Information

Land Availability

Factors Influencing Size of Land Cultivated

Factors Influencing Proportion of Land Cultivated

Maize Harvest

Factors Influencing Maize Yield

Cattle

Sheep

Factors Influencing the Number of Cattle and Sheep Owned

Goats, Pigs and Chickens

Relationship between Livestock and Landholding

Subsistence Income

Recruitment and Job Finding of Migrant Labourers

Factors Influencing Recruitment and Job Finding

Periodic Returns to Rural Areas

Homeland Economic Situation and Wages

Remittances to Homelands

Summary of Rural Situation

Policy Suggestions for Those in Authority
Venda to get more land

SIBASA - The possibility of further Marxist influence in SWA and Rhodesia remained a real danger, said here yesterday.

In performing their duties and created the possibility of supplying its basic requirements. Everything possible had to be done to increase production of all types of food so that all basic food requirements for local consumption could be met and additional products were available for industrial processing and exports.

Chief Patrick Mpephu was unanimously re-elected Chief Minister of Venda in the Legislative Assembly here yesterday.

Earlier, the only member of the opposition Venda Independence People's Party present, Mr. Elias Mabute, crossed the floor and joined the ruling Venda National Party.

Table 12 and 13 below indicate that 75% of the workers at LEVEL 3 said that they would help 'Coloured' workers, and 63% say that they think 'Coloured' workers would help them. However these percentages drop considerably as the level of communication decreases. Thus the potential level of mutual cooperation appears to be reflected in the actual level of communication. This finding does not necessarily imply a causality between communication and cooperation nor, if it does exist, can a direction be assigned by us to the
Venda crackdown against students

JOHANNESBURG - The latest feeding, which Mr. Bacon, the Police Commissioner, yesterday, since the arraignment of the first of the twelve arrested students last week, has been going on. The police have arrested a total of twelve students, including the leader of the student movement, Mr. Banana. The police have also seized a large number of weapons and ammunition from the students' residence. The police have also confirmed that the students were planning to stage a large protest rally in the city center today.

The students have been charged with sedition, treason, and other crimes. The trial is set to begin next week. The students' lawyers have argued that the charges are politically motivated and that the students are being discriminated against. The students have also accused the police of using excessive force during their arrest.

The Venda government has condemned the students' actions and has vowed to crack down on any form of political activism. The government has also announced that it will be increasing its police presence in the area to prevent any further disturbances.

The students have vowed to continue their protest and have called on other students to join them in their fight against the government. The students have also called for international intervention to help them and have accused the Venda government of being dictatorial and oppressive.

The Venda government has tasked the police with ensuring law and order in the area. The police have been given full powers to deal with any disturbances.

The students have also called for the international community to support their cause and to pressurize the Venda government to grant them the right to freedom of speech and assembly.

The Venda government has been widely criticized for its treatment of the students and has been accused of being oppressive and dictatorial.

The students have also called for the Venda government to resign and for a new government to be formed that is more responsive to the needs of the people.

The Venda government has so far refused to negotiate with the students and has vowed to continue its crackdown on any form of political activism.

The students have also called for a boycott of Venda products and goods in protest against the government.

The Venda government has warned the students that they will face severe consequences if they continue their protest and that they will be dealt with according to the law.

The students have vowed to continue their fight against the government and have called on other students to join them in their fight.

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Venda students arrested

JOHANNESBURG — The mass arrest of opposition Venda Independence Party members has switched from members of the Venda Legislative Assembly to students in the homeland.

Those arrested include five senior students from Lwenzi High School in the Xhwanagi constituency, where the opposition won all 11 seats in the general elections on June 1.

The Venda Government has refused to give details about the detention of party members. — DDC.
Costly homes for Venda MPs

Venda - Cabinet Ministers are ahead of other South African homeland leaders when it comes to expensive housing.

A large construction company is building three houses for Venda cabinet ministers at a cost of almost R88,000 each.

Houses for Bophuthatswana's cabinet ministers in Mmabatho which were built last year, cost between R50,000 and R60,000 each.

The President of Transkei, Mr Bobha Sigcau, had a more opulent home which cost R200,000. Venda opposition party leader, Mr Baldwin Mudau, said the money being spent on cabinet ministers' houses was a "total waste."

"Instead of putting money into developing necessary projects, they are wasting money," Mr Mudau said.
Venda to be independent next year

The Venda homeland is to become independent next year, Chief Minister Patrick Mphaphu said yesterday.

The Chief Minister said that although an exact date had not yet been fixed his homeland was ready for independence. "Next year we shall be out from the central Government in Pretoria," Chief Mphaphu said. "Venda is an agricultural country and we also have two large coal deposits which will help our country's economy," he said.

The Venda Development Corporation was developing several multi-million rand projects. Chief Mphaphu also said the VDC was looking into the possibility of building a casino at the international hotel near Shaba.

Chief Mphaphu said that terrorists infiltrating from the north presented a threat, but the South African Defence Force was guarding the corridor next to Rhodesia. A Venda national army was being trained in South Africa which would also serve to combat terrorists, he added.

Venda would be a multiracial country, Chief Mphaphu said. Whites would be able to take out citizenship, but as far as various South African racial laws such as the Immorality Act were concerned, there were no plans to drop them.

 Memorandum


To Professor A.H.R.E. Paap,

Dean, Faculty of Arts.

The sheet (Circular No. 19/78) attached to my circular re continuation and filling of vacant posts (dated 1st August) contains scribbles and omissions in the original.

This is most unfortunate and I do apologise for it.

Yours sincerely,

A.H.R.E. Paap.
Memorandum


Professor A.H.R.E. Paap,
Dean,
Faculty of Arts.

Dear Colleague,

The sheet (Circular No. 1978) attached circular re continuation and filling of posts (dated 1st August) contains several underlinings and scribbles effective in the original.

This is most unfortunate and I do apologize.

Yours sincerely,

A.H.R.E. Paap.
Venda arrests

Political Staff

ANOTHER Venda MP has been arrested, bringing to 56 the number of Opposition Members detained in the Northern Transvaal homeland since August 19.

The arrest earlier this week of Mr. H.Mwoamato, a Venda Independence Party Member of the Legislative Assembly, means that 13 MPs are now in detention.

But in another development yesterday, Radio Venda reported that all detainees would soon be released.

Detained MPs would also be sent invitations to attend a session of the Legislative Assembly, the radio said.

A Rand Daily Mail source in Venda also disclosed yesterday that at least three detainees have been treated at the Donald Frazer hospital in Sibasa, but details of their complaints were not available.

The three people treated at the hospital were Mr. J.A. Budell, VIP president, Mr. Wilson Moime, a prominent Venda businessman and Mr. W. Mutshikwe.
Disgraceful episode

WHAT could be more cynical than the announcement this week — coinciding with the arrest of a 13th opposition member of the legislative assembly — that most Venda detainees will be released soon?

More than 50 people have been held since the homeland's pre-independence election in July, in which the opposition Venda Independence Party won 31 of the 42 seats.

The detentions were made in the name of law and order, but their effect was to wipe out opposition to the re-election of Chief Minister Patrick Mphephu, who has ruled since 1973 — when he also lost the popular vote — with the aid of nominated chiefs and headmen. The VIP boycotted the assembly session, and Chief Mphephu was returned unanimously.

Now the Chief Minister, though clearly not the man who should be leading his people, is plunging on to pseudo independence, for his tiny territory, which is less than half the size of Israel, not remotely viable economically and particularly vulnerable to terrorist infiltration on the Rhodesian border.

It has been a disgraceful episode, reflecting no credit at all on the Venda government or its sponsors in Pretoria.
Venda: Mangope protested to PM

The detentions were apparently directed against leading members of the opposition Venda Independence Party (VIP).

The party, which won three-quarters of the popularly elected seats in the July general election, seemed set to unseat the Venda Chief Minister, Chief Patrick Mphapehu.

Its popular victory seemed certain to bring at least some of the 42 designated chiefs and headmen in the assembly to its side.

The Minister of Plural Relations, Dr Connie Mulder, has refused to comment, in spite of assertions by Mrs Helen Suzman of the Progressive Federal Party that the detentions would inevitably lose separate development "what little credibility it still enjoyed among blacks".

Both Transkei and Bophuthatswana held independence elections under emergency powers similar to those pertaining in Venda.

The ruling parties in both countries won resounding victories, all but annihilating their oppositions.

The Transkei election was characterised by the detention of leading members of the opposition Democratic Party before the election, but in Bophuthatswana no opposition politicians were detained before or after the poll.
Detained Venda promoted

SIBASA. — Three people detained during the recent security clampdown in the Venda homeland have been promoted to senior public service positions, according to two proclamations released in Sibasa.

Mr V.R. Figwuvhulimu and Mr V.M. Mamotho were each promoted to the rank of senior clerk and an assistant magistrate, Mr C.N. Bool, was promoted to magistrate.

Mr Figwuvhulimu, detained in August, was immediately restricted to his house in Ngovhela district after his release. Mr Mamotho was detained last year and released later.

Mr Bool is still in detention.

Four other Venda public servants were promoted to principal clerk and accountant posts. These positions were previously occupied by white officials. — Sapa.
Court told of chief's attacks on voters

Pretoria Bureau

Allegations that the Chief Minister of Venda, Chief P. M. Mphaphu, whipped voters waiting at the polls in the recent election in the homeland with a hosepipe, have been made in the Pretoria Supreme Court.

The situation of the Venda Independence Party, Mr Baldwin Madun and 11 others have petitioned the Court to have the election of 11 members of the governing party declared invalid on the grounds of alleged irregularities.

The 11 members whose election is being disputed all belong to the Venda National Party, of which Chief Mphaphu is the leader.

They were all elected in the Dzanani constituency in July.

The petition says the number of voters who voted for the VIP in three of the four electoral areas was about 26,600, as opposed to the 11,000 who voted for the VNP.

While voting was taking place, the applicants alleged Chief Mphaphu hit people who had come to vote with a hosepipe at one polling station. This was allegedly not stopped by the polling officer.

At another polling station white polling officers allegedly told the voters to vote for the VNP.

It is alleged a white man arrived at the same polling station with a truckload of voters. He allegedly told the polling officer they had come to vote for Chief Mphaphu.

At the request of the white man, people already standing in the queue stood aside and the white man's people were allowed to vote first.

The same thing allegedly happened at another polling station, where a white man allegedly brought two truckloads of voters to vote. He allegedly stood in the booth while the people he had brought voted.
Industrial Location: Lansdowne

The National P.D. Plan and the Black Migrant Worker Mobility

The Social and Economic Development of Labour in the Textile Industry

Solar Radiation Patterns - Part 1: Commuting Patterns from an Econometric Approach


Too Many Pigeons in Sun Valley.

Boothees. The Glimmerings of a Muslim Area.

Language Variation in Residential Areas of Cape Town

Labour Bureaux - A Study

Residential Patterns of the Coloured Population in Cape Town.

A Comparison between 2 Coloured Housing Schemes on the Cape Flats.

A Case Study of Pinelands as a Garden City/Residential Suburb.

Spatial Analysis of Burn Cases in Children in the Cape Peninsula.

Brasilia - Success or Failure? Developmental Prospects.

Economic Blight in Muizenberg.

A Study of Land Use Change in Salisbury's Central Business District.

The Impact of the Röüssing Uranium Mine on Swakopmund.

An Economic and Social Discussion about the Residential Component in the Mill Street/Orange Street Area of Cape Town.

An Evaluation of the O'Kiep Copper Company in the Namaqualand Copper District - A consideration of the effect on the area if the copper mines were to close down.

The Transport System of a Bottling Industry in Lilongwe, Malawi.

A Study into the Effects of Seasonal Winds and Sea Temperature on the Catching of Yellowtail at Fish Hoek Beach by Seine-Net Fishermen.

Factors Determining the Ecological Environment of the Cape of Good Hope Nature Reserve, with regard to the Alien Vegetation.

A Study in Coloured Shopping in Athlone and Claremont.

Models of Rural Land Reform - The Tanzanian Case.

The Way in which Perceived Distances Differ from Actual Distances Within an Urban Area.

Examination of the Importance of the Variable, "Length of Residence" on Local Imagery.

Transkei: An Illustration of its Potential.

Cape Town Electoral Districts.

Perceptions of the Cape Peninsula Landscape 1900 - 1977.
The Regional Native Labour Committees constituted the second tier and consisted of representatives from the local community in each region. The White Native Labour Officer for that area was responsible for overseeing the employment of employees, particularly trades; reporting on any labour disputes that arise; and any principal industrialised area was their task.

Ten of these committees were established for Johannesburg, Benoni, Vereeniging, Krugersdorp, Germiston and Klerksdorp, of two white and five African members in Pretoria, Durban, East London, Port Elizabeth and Cape Town. In each case, the chairman of a committee was a white official on the fixed establishment of the Labour Department remunerated according to his rank in the public service. African members of regional committees were paid an allowance of R3.25 per meeting plus travelling costs and they were also reimbursed for the actual loss of wages incurred in attending to their duties. An aspect of these regional committees which seems astounding is that prior to mid-1973 a single divisional labour inspector presided over no fewer than six of the seven committees in the Transvaal, Pretoria being the exception. His duties covered African workers in the magisterial districts of Johannesburg, Heidelberg, Benoni, Boksburg, Brakpan, Springs, Nigel, Delmas, Vereeniging, Krugersdorp, Roodepoort, Randfontein,


* Official terminology used to describe the indigenous population changed from 'Native' to 'Bantu' in the 'fifties.
Vendas free detained MP

Yesterday, more than 40 people were detained in the wake of the July general election, in which opposition candidates won three-quarters of the popularly elected seats.

The Venda Secretary of Justice, Mr J P van der Merwe, said that as far as he was aware, Mr Ligege was the only person released yesterday. A few detainees had been released a fortnight ago after they complained of feeling unwell. They did not include any Legislative Assembly members.

Mr Mudau said yesterday: “There is a lot of confusion. We do not know what is going on.”

As soon as all detained VIP assembly members were free, the party would hold a meeting to decide whether there was any point in continued participation in homeland politics, he said.

The party has already rejected an invitation to serve on the recess committee drawing up a constitution for Venda, which is due to become South Africa’s third independent homeland next year.
Venda prison death

SIBASA: — A 60-year-old man, who was arrested last Thursday by the Venda police for allegedly taking part in a ritual murder, was found dead in the Sibasa police cells at the weekend.

Mr Jameson Sigama, of Beaster, near Sibasa, was arrested after the murder of his daughter-in-law, Mrs Agnes Sigama.

Mr Sigama was due to appear in court on Monday. A postmortem would be held on Saturday, sources said. — Sapa.
Venda detainee released

SIBASA — A Venda Government detainee, Mr Sampson Mulaubzi, of Ngwabela, near Sibasa, has been released.

Mr Mulaubzi, 44, who was the personal secretary to the Venda Minister of Health, was detained with opposition party members and prominent Venda citizens without trial during the August security clampdown.

It was learned from a member of his party that he was released on Tuesday to attend and make arrangements for the funeral of his sister who died recently.

Conditions of his release were not clear.

The Venda Secretary for Justice, Mr J.P. van der Merwe, could not be reached for comment.
SIBASA — At least 16 people, including members of the opposition Venda Independence People’s Party (VIPPP) have been released from detention in Sibasa.

The VIPPP members are the party’s president, Mr J A Budeli, a businessman, Mr O N Makhuyane, Mr Mavhina Mahwasane, and Mr M G Culema.

The others are two senior magistrates at Mutila and here, Sibasa, Mr T N Ntshwene and Mr C N Booi, a principal at Mphulduphe Secondary School, Mr J M Nsembo, a school teacher, Mr C M Nsembo, two businessmen, Mr F Nkosi, and Mr P Nkosi, a secretary of the Tribal Authority, Mr A T Mokwana, a personal clerk to the Venda Minister of Health, Mr S K Mokwana, and Mr J B Maphose, and Mr J Nndungulo and Mr D Ntshwene.

There were among the more than 50 Opposition party members and supporters detained by the Venda Government in August, following allegations that they were conspiring to take over the government and the economy and were going to undertake concerted opposition of the Government and the Ministry of Finance and Planning, the economic and social work.

Overall control would be vested in the Ministry of Finance and Planning.

The establishment cost of an employment guarantee programme can be regarded as an extra. It should not cost above 10% of the total cost of the programme as an extra. The establishment cost of an employment guarantee programme would be met by the Venda Government, whichever is the practice.

The regular budget of local government, whether it is the practice, the regular budget of local government, should be funded through departmental budgets or require strict timetables. Demand should be raised through departmental budgets or require strict timetables. The regular budget of local government is the practice.
Detainees to go home soon

All detainees held under Venda's emergency detention law in August will be released by December 16, the homeland's Secretary of Justice, Mr. J. P. van der Merwe, said today.

More than 50 supporters of the opposition Venda Independence People's Party (VIP), including 13 elected members of the Legislative Assembly, were detained in August.

Mr. van der Merwe said the men were being released as their 90-day period in jail elapsed. Two were still held in Sibasa and another four in Dzansi.
Since 1966 employment opportunities have been constant – with some activity gains (until it to fall off appear to be responsible.

MADIMBO. — The relationship between the South African Defence Force and the people of Venda had a long history and was one of mutual respect and trust, the Chief of Army Staff Operations, Major General G. J. Boshoff, said yesterday.

Speaking at the opening of the homeland's new Madimbo Airfield, Gen Boshoff said the SADF had rendered a variety of services to Venda during the development of the country and its peoples over the past few years.

"The SADF renders these services not because we expect any reward in return, but merely to prove that we are the friend of the black states and to prove that we are concerned with the weal and woe of the black people in South Africa.

"We have an obligation towards South Africa and we are therefore well prepared and ready to defend all its peoples, irrespective of the language they speak.

"This airfield is one more step in rounding off the operational preparedness of South Africa. It is necessary for the speedy deployment and movement of men and material on the northern borders of the country.

"On behalf of the Chief of the Defence Force I extend our sincerest appreciation to the Venda Cabinet and the members of the Legislative Assembly for the permission granted to the SADF to construct this important airfield. The Venda nation will without a doubt reap the greatest benefit from its existence," Gen Boshoff said. — Sapa.
Venda political strife may end

EFFORTS are under way to convene a reconciliation meeting between the two main parties in Venda, the homeland's leader of the opposition, Mr Baldwin Muda, said yesterday.

Interviewed after a private meeting at his house, Mr Muda said his party, the Venda Independence People's Party, had agreed it should attend such a meeting.

The get-together is a result of a letter which Mr Muda wrote to the Minister of Defence and Development, Dr Piet Koornhof, drawing attention to the "uneasy atmosphere" in the homeland.

According to Mr Muda, Dr Koornhof had indicated his willingness to resolve the impasse between the ruling party, the Venda National Party of Chief Patrick Mphethu, and the opposition party.

Mr Muda said Dr Koornhof had written to him saying Chief Mphethu had promised to write and set a date for the envisaged meeting. It is understood the Minister would be present then.

Mr Muda said one of the issues to be discussed would be the recent election in the homeland. He hoped the only opposition member of the Venda Legislative Assembly, who is still in detention, Mr H Ndawamato, would be released before the meeting took place.

The court case instituted by the opposition against the ruling VNP for alleged irregularities during the election has been postponed until February next year pending the outcome of the meeting. - Sapa.
Homeland Venda General

From: 3-1-79

To: 26-8-79

31-12-79. (113)

[Signature]
AMID great pomp and ceremony, the Venda state will be born later this year. And like Transkei and Bophuthatswana, separate development's two other offsprings, it will not be recognised by the outside world.

Covering an area of about 650,000 ha over two blocks of land in the Northern Transvaal, the Venda homeland borders on the Kruger Park in the east and on a buffer zone short of the Rhodesian border to the north.

About 900,000 people are due to become Venda citizens when the homeland gains its South African style independence, possibly as early as September this year.

South African Government spokesmen point to its great potential for agriculture, mining and tourism. Critics say that while about two-thirds of the people classified as Vendas live in the homeland, more than 60 percent of its economically active men have had to seek work in the 'white' areas of South Africa.

They point to the highly undeveloped state of the homeland.

But there is a great deal of development taking place in the vicinity of the Venda capital, Siibea, as the homeland is ready for independence, with hundreds of thousands of rands being spent on residences for Cabinet Ministers and other senior officials.

A large stadium which will be the focal point of independence celebrations is being built at a cost of about R5.5 million.

At present Venda has a budget of about R27-million a year, of which only about R6-million is raised by Venda itself. The rest comes from South Africa.

Like people classified as Tswanas or Transkeians, Vendas will lose their South African citizenship when homeland becomes independent. This is a loss which might mean little to blacks living within the homeland, but it is keenly felt by many living in urban areas.

The resentment that the loss of citizenship is causing among urban Transkeians, Vendas is steered towards 'independence', concern is being expressed about the loss of South African citizenship by people classified as belonging to the homeland, writes political reporter TOM DUFF.

Islands, Tswanas and soon the Vendas should not be underestimated.

They see their future as being intrinsically linked with that of the urban areas and many of them resent being classified as citizens of some distant region. The citizenship provisions in the status of Venda Bill stipulate that all people of Venda origin, or who are associated with the Venda through language or custom, will become Venda citizens after independence.

Individuals have no choice between retaining their South African citizenship or opting for that of Venda.

The Progressive Federal Party and the New Republic Party have opposed the Bill at its first reading — the strongest form of parliamentary protest.

The Venda Government, led by its chief minister, Chief Patrick Mpephu, points out that the definition of citizenship contained in the draft constitution for an independent Venda was unanimously agreed on by the Venda Legislative Assembly.

Mr. Ray Swart, Opposition spokesman on co-operation and development says this would be much more impressive if it were not for the fact that when the Assembly met there was great pressure on members of the party opposed to the Venda Government, a number of whom were held in a security crackdown which followed the elections in the homeland.

In fact, the Opposition won about two-thirds of the seats contested in the election, but the many nominated chiefs and headmen who also sit in the Assembly have supported Chief Mpephu, giving him a comfortable majority.

It is promised that Vendas living in 'white' South Africa will not suffer any loss of rights after independence. Critics claim, however, that the children of these people who are born after independence will in fact have fewer rights.

They also point out that few countries in the world will recognise Venda passports. Although Vendas wanting to travel abroad will probably get South African passports, the amount of red tape that some Transkei and Bophuthatswana citizens have had to deal with in getting these does not make independence an attractive proposition.
Vendas ‘prefer independence to baasskap’

Political Staff

THE ASSEMBLY — The main Opposition parties yesterday rejected a Bill which seeks to grant independence to the Venda homeland, claiming that the only reason the Vendas had chosen independence was because the alternative was perpetual subjection to baasskap and apartheid.

Both parties took the unusual step of opposing the introduction of the Bill at its first reading and when the Status of Venda Bill was introduced at the second reading yesterday both parties sustained their attack on the measure.

Mr. Ray Swart (PF) (Krugersdorp) said the policy of creating independent black homelands would in no way satisfy the ultimate political aspirations of the blacks.

“We are not opposed to the setting up of the appropriate infrastructure for the better local administration of Vandaland or any other region in South Africa.

“But to do these things and to add a few trappings in an attempt to simulate a spurious independence, then excise a region from the responsibility and sovereignty of South Africa in the name of separate development, is something which we cannot be party to and which we reject categorically,” he said.

It was impractical to believe that 13 percent of the Republic’s land area, producing a mere 2 percent of the national income, could support more than 70 percent of the population, Mr. John Wiley (SAP, Simonstown) said.

But it would be illogical to oppose granting independence to Venda, which had requested greater freedom.

“Our view is, however, that the Government should rather have waited for the findings of the consolidation committee before granting independence. A federal link with Vandaland would have been preferable and negotiation was easier before independence than after it,” he said.

NO RETURN

Mr. D. N Malcomess (NRP East London North) said Venda people living in the South Africa were surrounded by discrimination against blacks.

The choice facing them was between total discrimination and “freedom” by independence.

They should be offered another alternative — that of staying with the Republic in a confederation of states.

There was no possibility that Venda could ever be anything but dependent on South Africa, Mr. Rupert Lorrimer (PF, Orange Grove) said during the debate.

“In 1976 Venda had only 13 km of railway line, 126 km of tarred roads and its only industry had been a single bakery,” he said.

“Is this a sound basis for an independent country?” Mr. Lorrimer asked.

The Deputy Minister of Co-operation and Development, Dr. F. Houteng, said that in 1975 the Venda homeland had a higher per capita income than 28 African states and was maintaining a growth rate higher than that of 45 other African states.

Mr. Horace van Rensburg (PF, Bryanston) warned that a day of reckoning would come when the white children of South Africa would have to pay for the citizenship and rights that blacks had lost.

The Bill contained the widest possible definition of Venda citizenship and the Venda, no matter how long they had been residing in so-called white South Africa, were simply going to be deprived of their even limited rights.

The Status of Venda Bill was read a second time after a division in which the Government defeated the Opposition by 98 votes to 16. The South African Party voted “with the Government.”
Government and the general lack of
wealth is not just a problem in South Africa,
but is a issue with the oligarchs who attend
the conference of ministers and
the cooperate, moobilize and
exert genuine and not unsual
pressure. We can't accept
excellency which is being used
by the next state. What is
the future of this government. The rise of this
and the expenditure of 90% of the worst off. Further it is
inconsistent with the aims of small villages.
Problems show how much more difficult a task it is then was first though.
Also what increased knowledge of the
shortage of labour and the
costly to import goods; a greater constraint on rural development
in the National Development PLAN 1976-81 aims that,
35. Keynes fundamental psychological law states, in effect, that:

(1) $C$ will always increase by some amount as $Y$.
(2) Consumption falls as income rises.
(3) People will save some part of any increase in $Y$.
(4) As consumption increases, so will income.
(5) All of the above.

36. Empirical evidence shows that the long-run consumption function is a straight line running through the origin. Therefore:

(1) MPC $\leq$ APC.
(2) MPC $\geq$ APC.
(3) MPC $=$ APC and both are constant.
(4) APC $=$ 1.
(5) APC is a declining as the income level rises.

37. Assuming a closed economy (no $G$, $T$, $X$ or $M$), if MPS increases so that it equals MPC:

(1) Investment equals half of the total income.
(2) The multiplier is 0,5.
(3) The multiplier is 2.
(4) There will be an inflationary gap.
(5) MPC + MPS will be $\geq$ 1.

38. When a family's income is low, and its current consumption spending is $\geq$ its current income:

(1) The MPC $\geq$ 1.
(2) The MPC $\leq$ 1.
(3) MPC must be equal to the ratio of total $C$ to total $Y$.
(4) MPC is increasing.
(5) None of the above statements are necessarily true.

39. A declining APC means that:

1. MPC must be declining.
2. The rich are saving a smaller percentage of incomes than the poor.
3. There can be no break-even point.
4. The APS must be rising.
5. The absolute amount consumed at each income level is falling.

40. The message of the "Paradox of Thrift" is that:

(1) Saving causes depressions.
(2) Individuals who try to save cannot succeed.
(3) Increased total saving may, ceteris paribus, quite possibly have a contractionary effect on the economy.
(4) Thrift is never a virtue.
(5) The poor are more likely to be thriftier than the rich.

41. The greater the leakages from the income stream, the:

(1) Greater will be
(2) More taxes the go
(3) Larger the MPC.
(4) Smaller the APC.
(5) Smaller the multiplier.

42. The consumption schedule:

(1) Raising the rate
(2) Expectations that
(3) Redistributing in the MPC's to the
(4) Subsidising the
(5) All of the above.

43. If all of any increase imports or taxed away:

(1) Infinity
(2) 1
(3) 0
(4) 0,5
(5) 0,5

44. If the NFW is 0,3 and 1 by 5m, the level of is

(1) About R17m.
(2) About R12m.
(3) About R8m.
(4) R7m.
(5) R5m.

45. One of the major reasons is that:

(1) It depends heavily
(2) Consumer demand.
(3) The interest rate.
(4) Investment expenditure is not possible.
(5) Investment expenditure is not possible.

46. If the present value of the expected returns on an investment project is greater than the current purchase price, we can conclude that:

(1) The investment outlay should not be made.
(2) The MEC is $\leq$ rate of interest.
(3) The MEC is $\geq$ rate of interest.
(4) The present value has been determined with the wrong interest rate.
(5) The current supply price of the asset will decrease in the future.
Venda freedom date soon

Political Staff

THE ASSEMBLY — Arrangements for Venda's independence were progressing well and an independence date for the homeland would be announced as soon as possible, the Minister of Plural Relations and Development, Dr P G J Koornhof, told the Assembly yesterday.

Speaking in the committee stage debate on the Additional Appropriation Bill, he said the Cabinet committee which was having talks with Venda representatives would meet in Cape Town soon.

The Minister gave details of various amounts running into millions of rand allocated for Venda's independence.

He said the amount allocated in the additional estimates was R5.9-million.

Projects for which provision had been made included government buildings, three ministerial residences, an independence stadium and the development of the territory's infrastructure for sewage, water, roads and power.

An amount of R250,000 was being allocated for Venda's independence celebrations.

Independence expenditure provided for in the Bantu Trust Account included amounts allocated for residences for the President and the Chief Justice.

Money had also been allocated for prison and post office and radio equipment.
New era opens for the Vendas

Own Correspondent

CAPE TOWN — Projects related to the coming independence of Venda are far advanced, the Minister of Plural Relations, Dr Koornhof, said today.

At the opening of the Venda Legislative Assembly on February 28, Dr Koornhof said the people of Venda were about to enter a new era.

"Projects relating to the coming independence of Venda are far advanced. Worth mentioning are the new office complex, the parliamentary building, the Supreme Court, the presidential residence, the complex of buildings for the national force which is to be established, a prison complex with living quarters for staff, a building for Radio Venda and three more Ministerial residences."

"It is envisaged that all these buildings will be completed in the first half of this year."

Plans for the new capital, Thohoy-ndubhi, were now being implemented. A modern teachers' training college and an agricultural school had been established, as well.

Projects which had been started included a shop and office complex costing about $20 million and a wholesale and hardware establishment being built at a cost of R200,000 Dr Koornhof said.

Current security problems and other factors have delayed the process of bringing the province back to normalcy. The country has to change its pace and move forward to develop the province into a modern economy. The money supply is low and there is a need for more investment in the province.

Financial markets

By the end of the year, the money supply in the province will have increased to a level of R100 million. This is expected to improve the economic activities in the province.
Walkout by Venda

The shaky truce between the ruling Venda National Party and the Opposition Venda Independence People's Party (VIP) was torn apart yesterday when VIP members walked out of the Legislative Assembly.

The VIP leader, Mr. Baldwin Madau, said his party would no longer attend the Pre-Independence Legislative Assembly after the Government voted yesterday to deprive them of their parliamentary allowances from last September.
Venda opposition quits politics

THOHOYANDOU — All 30 opposition Venda Independence People's Party MPs decided unanimously yesterday to withdraw from politics in the homeland, according to the party leader, Mr Baldwin Mdu. The decision was taken at a meeting after their mass walk-out from the Venda Legislative Assembly on Wednesday over a ruling that they were entitled to parliamentary allowances from the current session only — not from last year's September session which, it was alleged, they had boycotted.

In a statement after the meeting, Mr Mdu said as long as the Venda Government continued with its undemocratic way of handling things, we withdraw completely from Venda politics.

"We can no longer associate with the undemocratic, authoritarian and repressive Venda Government under the leadership of Chief Mphephu.

"We are disgusted because of the contemptuous manner in which the decision was taken not to pay us. There was no discussion at all.

"And yet last December we read them a letter giving full reasons for our failure to attend the September parliamentary session. The fact that most of us were in detention during that period was arrogantly dismissed."
DEPARTEMENT VAN PLURALE BETREKKINGE EN ONTWIKKELING

No. 579 23 Maart 1979

UITBREIDING VAN DIE DORP THOHOYANDOU, VENDA

 Ik, Wilhelm Laubscher Vosloo, Adjunk-minister van Plurale Betrekkinge en Ontwikkeling, handelende namens die Minister van Plurale Betrekkinge en Ontwikkeling krappeens die bevoegdheid hom verleen by reglasie 4 (1) (b) van Hoofstuk 1 van die Regulasies vir die Administrasie en Bestuur van Dorpe in Swart Gebiede, afgekondig by Proklamasie R. 293 van 1962, het hierby die dorp Tho hoyandou, bepaal en afgesonder by Goewermentskennisgewing 1394 van 1978, uit deur die toevoeging van die grondgebied bestreek in die Bylae hiervan.

W. L. VOSLOO, Adjunk-minister van Plurale Betrekkinge en Ontwikkeling.

(Lêer T60/4/1616/7)

BYLAE

'n Sekere stuk grond, groot 110 968,0 hektaar, geleë in Venda op die pleie Palmary Ville 254 MT en Chibase 213 MT, soos aangedui op Algemeen Plan PB 220/1978 wat deur die Sekretaris van Plurale Betrekkinge en Ontwikkeling goedgekeur is en in sy kantoor bewaar word en waarvan 'n afskrif beskikbaar is in die kantoor van die Dorpsuperintendent.

DEPARTMENT OF PLURAL RELATIONS AND DEVELOPMENT

No. 579 23 March 1979

EXTENSION OF THE THOHOYANDOU TOWNSHIP, VENDA

I, Wilhelm Laubscher Vosloo, Deputy Minister of Plural Relations and Development, acting on behalf of the Minister of Plural Relations and Development under and by virtue of the powers vested in him by regulation 4 (1) (b) of Chapter 1 of the Regulations for the Administration and Control of Townships in Black Areas, published under Proclamation R. 293 of 1962, hereby extend the Tho hoyandou Township, defined and set apart by Government Notice 1394 of 1978, by the addition of the area of land described in the Schedule hereto.

W. L. VOSLOO, Deputy Minister of Plural Relations and Development.

(File T60/4/1616/7)

SCHEDULE

A certain piece of land, in extent 110 968,0 hectares, situate in Venda on the farms Palmary Ville 254 MT and Chibase 213 MT, indicated on General Plan PB 220/1978 approved by the Secretary for Plural Relations and Development and filed in his office, a copy of which is available in the office of the Township Superintendent.

SG 6363
The great majority of the press considered the news of the victory of the opposition party in the elections to be a turning point in the political landscape. The establishment of a new government promised an end to the political turmoil that had 1947-long been the defining feature of the country's governance. The leadership of the opposition, known for their firm stance on constitutional reforms, had campaigned on a platform of change and progress. The victory was seen as a vindication of their policies and a signal to the international community of a new era of stability and prosperity for the nation.

The victory also had profound implications for the country's foreign policy. With a government that had a clear mandate for change, there were expectations of a more assertive approach on the international stage. The new government promised to address long-standing issues such as the repatriation of refugees and the resolution of territorial disputes, which had been left unresolved by previous administrations.

The victory was not without its challenges, however. The opposition had to navigate a complex political landscape, with various factions vying for influence. The government had to demonstrate its commitment to the rule of law and respect for human rights, as well as address the economic challenges that the country faced.

Despite these challenges, the victory of the opposition party was seen as a significant moment in the country's history, marking a shift towards a more democratic and accountable form of governance.
REGULASIEKOERANT No. 2774

As ‘n Namaad by die Postkantoor Geregistreer

Regulation Gazette No. 2774

Registered at the Post Office as a Newspaper

Vol. 165] PRETORIA, 30 MAART MARCH 1979 [No. 6379

STAATSKOERANT
VAN DIE REPUBLIEK VAN SUID-AFRIKA

GOVERNMENT GAZETTE

REPUBLIC OF SOUTH AFRICA

REGULASIEKOERANT No. 2774

As ‘n Namaad by die Postkantoor Geregistreer

Regulation Gazette No. 2774

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Vol. 165] PRETORIA, 30 MAART MARCH 1979 [No. 6379

STAAPEXAMINES
van die Staatspresident van die Republiek van Suid-Afrika

No. R. 53, 1979

WYSIGING VAN DIE VENDA-GRONDWETPROKLASMISIE, 1973 (PROKLAMASIE R. 12 VAN 1973)

Kragtens die bevoegdheid my verleen by artikel 2 (3) van die Grondwet van die Swart State, 1971 (Wet 21 van 1971), wysig ek hierby die Venda-grondwetproklamisie, 1973 (Proklamisie R. 12 van 1973), deur paragraaf (c) van artikel 8 deur die volgende paragraaf te vervang:

"(c) indien sodanige lid (mits hy nie ‘n kaperin is nie) versuin om vir ten minste vier dae van enige week van sittings van die Wiegewende Vergadering, deur die woont onder die voorafgekrye toestemming daarvan, tensy sodanige lid vir die verstreking van die daaropvolgende week, indien die Wiegewende Vergadering dan in sittings is, en binne sewe dae na die aanvang van die daaropvolgende sessie indien die Wiegewende Vergadering dan nie in sittings is nie, vertoe tot die Speaker van die Wiegewende Vergadering genoeg het waarin die redes vir sodanige afwezigheid so volledig moontlik uitgesit word vir oorweging deur die Wiegewende Vergadering of sodanige komitee daarvan as wat hy vir die doel aansien en sodanige afwezigheid deur die Wiegewende Vergadering verskoon is: Met dien verstande dat in afwezigheid van sodanige verskoning sodanige lid geag word nie lid te gewees of in nie gedurende die tydperk vanaf die laaste dag van die betrokke week waarin sodanige lid nie voornemde sittings bygewoon het nie ten die datum van sodanige verskoning."

Gegewe onder my hand en die Seel van die Republiek van Suid-Afrika te Kaapstad, op hede die 18-17ste dag van Februarie Fentuisend Negehonderd Nege-en-wentenig.

B. J. VORSTFR. Staatspresident.

P. G. J. KOORNHOF.

PROKLAMASIES
van die Staatspresident van die Republiek van Suid-Afrika

No. R. 53, 1979


Under and by virtue of the powers vested in me by section 2 (3) of the Black States Constitution Act, 1971 (Act 21 of 1971), I hereby amend the Venda Constitution Proclamation, 1973 (Proclamation R. 12 of 1973), by the substitution for paragraph (c) of section 8 of the following paragraph:

"(c) should such member (if he is not a chief) fail to attend the sittings for at least four days of any week of sittings of the Legislative Assembly without its prior leave unless such member has, before the expiration of the following week, if the Legislative Assembly is then in session and within seven days after the commencement of the next session if the Legislative Assembly is then not in session, has submitted representations to the Speaker of the Legislative Assembly in which the reasons for such absence are explained as fully as possible for consideration by the Legislative Assembly or such committee thereof as it may appoint for the purpose and such absence is-condoned by the Legislative Assembly. Provided that pending such condonation such member shall be deemed not to have been a member during the period from the last day of the week concerned in which such member did not attend the aforementioned sittings to the date of such condonation."

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Twenty-first day of February, One thousand Nine hundred and Seventy-nine.

B. J. VORSTFR. State President.

By Order of the State President-in-Council:

P. G. J. KOORNHOF.

1. By virtue of the powers vested in me—

(1) by section 34 of the Black States Constitution Act, 1971 (Act 21 of 1971), hereby—

(a) with effect from 1 July 1979, establish a High Court to be known as the High Court of Venda (hereinafter referred to as the High Court) for the area referred to in section 2 of the Venda Constitution Proclamation, 1973 (Proclamation R. 12 of 1973), as defined on the said date, to replace any provincial division of the Supreme Court of South Africa, any Appeal Court for Commissioners’ Courts and any Divorce Court which has jurisdiction in the said area; Provided that for the purposes of the provisions of this Proclamation in relation to the appointment of a Chief Justice for the High Court, the remuneration and allowances payable to him and the making of regulations in terms of subsection (2A) of the said section 34 regulating any matter mentioned in subsection (1)(g) of that section, the High Court shall be deemed to be established with effect from 1 June 1979; and

(b) make the regulations contained in the Schedule hereto for the High Court;

(2) by section 25 of the Black Administration Act, 1927 (Act 38 of 1927), read with section 11(2) of the Development Trust and Land Act, 1936 (Act 9245—A

1. Kragtens die bevoegdheid my verleen—

(1) by artikel 34 van die Grondwet van die Swart State, 1971 (Wet 21 van 1971)—

(a) stel ek hierby, met ingang van 1 Julie 1979, ’n Hoë Hof in wat bekend staan as die Hoë Hof van Venda (hieronder die Hoë Hof genoem) vir die gebied bedoel in artikel 2 van die Venda-grondwet-proklamasié, 1973 (Proklamasié R. 12 van 1973), soos op genoemde datum omskryf, ter vervanging van enige provinsiale afdeling van die Hooggeregshof van Suid-Afrika, enige Appellhof vir Kommissarishowe en enige Egskeidingshof, wat in gemelde gebied regsbevoegdheid besit: Met dien verstande dat hy die toepassing van die bepaling van hierdie Proklamasië met betrekking tot die aanstelling van ’n Hoofreger vir die Hoë Hof, die bepaling en toelaes aan hom betaalbaar en die uitvaardiging kragtens subartikel (2B) van genoemde artikel 34 van regulasies vir die regeling van die een of ander aangeleentheid vermeld in subartikel (1)(g) van daardie artikel, die Hoë Hof geag ingestel te wees met ingang van 1 Junie 1979; en

(b) vanadig ek hierby die regulasies in die Bylae van verw noted vir genoemde Hoë Hof;

(2) by artikel 25 van die Swart Administrasie Wet, 1927 (Wet 38 van 1927), geleë met artikel 21 (1) van die Ontwikkelingsrust en Grond Wet, 1936 (Artikel 9245—A

6449—A
18 of 1936), I hereby determine, in relation to the area for which the said High Court is established, the following:

(a) Any reference in any law to a Master, Deputy Master or Assistant Master of or for a provincial division of the Supreme Court of South Africa shall be construed as a reference to a Master, Deputy Master or Assistant Master, as the case may be, of or for the High Court;

(b) Any reference to the Minister in relation to the appointment of a Master, Deputy Master or Assistant Master for the High Court shall be construed as a reference to the Minister of Plural Relations and Development and he may, in his discretion, delegate any power, function or duty in connection with the High Court or its officials to the Secretary for Plural Relations and Development;

(c) The process of a division of the Supreme Court of South Africa, an Appeal Court for Commissioners' Courts and a Divorce Court shall be of force in the area of jurisdiction of the High Court and any judgment or order of such division or court shall have the force of law in the area of jurisdiction of the High Court and may be served and executed in the area of jurisdiction thereof as if it were a process, a judgment or an order of the High Court.

2. This Proclamation shall be called the High Court of Venda Proclamation, 1979.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Seventh day of May, One thousand Nine hundred and Seventy-nine.

B. J. VORSTER, State President.
By Order of the State President-in-Council:

P. G. J. KOORNHOF.

SCHEDULE
HIGH COURT OF VENDA
REGULATIONS
Definitions
1. In these regulations, unless the context otherwise indicates, any expression to which a meaning has been assigned in the Black States Constitution Act, 1971 (Act 21 of 1971) (hereinafter referred to as the Act), bears the meaning so assigned thereto, and—

"advocate" means any person whose name appears in the register referred to in section 8 of the Admission of Advocates Act, 1964 (Act 74 of 1964), and who has not been suspended or whose name has not been struck off the roll of advocates;

"Appellate Division" means the Appellate Division of the Supreme Court;

"area" means the area over which the Court has jurisdiction;

"attorney" means any person who is duly permitted to practise as an attorney in any part of the Republic and who has not been suspended or whose name has not been struck off the roll of attorneys;

"Chief Justice" means, except where it is a reference to the Chief Justice of the Republic, the Chief Justice of the Court appointed in terms of regulation 2 (1);
“civil summons” means any summons whereby civil proceedings are commenced, and includes any rule nisi, notice of motion or petition the object of which is to require the appearance before the Court of any person against whom relief is sought in such proceedings or of any person who is interested in resisting the grant of such relief;

“Court” means the High Court of Venda established in terms of the provisions of section 34 of the Act;

“court day” means any day other than a Saturday, a Sunday or a public holiday in Venda and only court days shall be included in the computation of any time expressed in days prescribed by the rules of court;

“defendant” includes any respondent or other party against whom relief is sought in civil proceedings;

“full court” means a court consisting of two or more judges;

“Government” means the Government of the Republic;

“indigenous law and custom” means the law and customs of the Black nations of the Republic;

“lower court” means any court (other than the Court or a division of the Supreme Court) or administrative tribunal which is required to keep records of its proceedings, and includes a magistrate or other officer holding a preparatory examination into an alleged offence;

“Minister” means the Minister of Plural Relations and Development;

“plaintiff” includes any applicant or other party who seeks relief in civil proceedings;

“Public Service” means the Public Service of the Republic;

“Public Service Commission” means the Public Service Commission referred to in the Public Service Act, 1957 (Act 54 of 1957);

“registrar” means a registrar or assistant registrar appointed in terms of the provisions of regulation 26;

“rules of court” means the regulations referred to in section 34 (2B) of the Act and “rules” or “court rules” shall bear a corresponding meaning;

“Secretary” means the Secretary for Plural Relations and Development;

“Supreme Court” means the Supreme Court of the Republic of South Africa.

Appointment, remuneration, tenure of office and pensions of judges

2. (1) The State President shall appoint, under his Hand and the Seal of the Republic, a Chief Justice and as many judges for the Court as he may from time to time determine.

(2) (a) The Chief Justice and all other judges of the Court shall be fit and proper persons and shall receive such remuneration and other benefits, allowances and privileges as are prescribed by or under the Judges’ Remuneration Act, 1978 (Act 91 of 1978), for judges of the Supreme Court, and which shall not be reduced during their continuance in office: Provided that the remuneration of the Chief Justice shall equal that of a judge president of a provincial division of the Supreme Court.

(b) An appointment under subregulation (1) may, in the case of a person holding office in an acting capacity by virtue of any appointment under subregulation (4), be made with retrospective effect from the commencement of the period during which he so held office or, where he has so held office for two or more periods which together constitute a single uninterrupted period, from the commencement of the first of such periods.

“hoofdag” enige dag wat nie ’n Saterdag, ’n Sondag of openbare vakansiedag in Venda is nie, en by die berekening van ’n tydperk van dae by die hofreëls voorgeskryf, word slegs hoofdae ingesluit;

“hofreëls” die regulasies bedoel in artikel 34 (2B) van die Wet, en het “reëls” of “reëls van die hof” ’n ooreenstemmende betekenis;

“Hoofregter”, behalwe waar daar verwys, word na die Hoofregter van die Republiek, die Hoofregter van die Hof aangestel kragtens regulasie 2 (1);

“Hoogeregshof” die Hoogeregshof van die Republiek van Suid-Afrika;

“inheemse reg en gebruik” die reg en gebruik van die Swart volke van die Republiek;

“laerhof” ’n hof (wat nie die Hof of ’n afdeling van die Hoogeregshof is nie) of ’n administratiewe tribunaal, wat notule van sy vertogings moet hou, en ook ’n magistraat of ander beampte wat ’n voorlopige onderzoek in verband met ’n beweerde misdryf hou;

“Minister” die Minister van Plurale Betrekkinge en Ontwikkeling;

“prokureur” ’n persoon behoorlik toegelaat om binne enige deel van die Republiek as prokureur te praktiseer en wat nie gekors of wie se naam nie van die rol van prokureurs geskrap is nie;

“Regering” die Regering van die Republiek;

“Sekretaris” die Sekretaris van Plurale Betrekkinge en Ontwikkeling;

“sviiele dagvaarding” ’n dagvaarding waarmee ’n sviiele geding begin word, en ook ’n bevel nisi, kennisgeving van mosie of petisie, wat ten dele het om die verskynning voor die Hof te vereis van iemand teen wie regshulp in so ’n geding verskoor word, of van iemand wat daarby belang het om die verlening van bedoele regshulp teen te staan;

“Staatsdiens” die Staatsdiens van die Republiek;

“Staatsdienskommissie” die Staatsdienskommissie bedoel in die Staatsdienswet, 1957 (Wet 54 van 1957);

“verweerder” ook ’n respondeen of ander party teen wie in ’n sviiele geding oor regshulp aansoek gedoen word;

“volle hof” ’n hof wat uit twee of meer regters bestaan.

Aanstelling, besoldiging, amptsdur en pensioene van regters

2. (1) Die Staatspresident stel onder sy Hand en die Seel van die Republiek ’n Hoofregter en soveel ander regters as wat by van tjd tot tjd bepaal, aan vir die Hof.

(2) (a) Die Hoofregter en alle ander regters van die Hof moet geskikte persone wees en ontvang die besoldiging en ander voordele, toelaes en voorregte wat by of kragtens die Wet op Besoldiging van Regters, 1978 (Wet 91 van 1978), vir regters van die Hoogeregshof voorgeskryf word en wat nie, solank hulle die ampt bekleen, vermynder mag word nie: Met dien verstande dat die besoldiging van die Hoofregter gelyk is aan die van ’n regter-president van ’n provinsiale afdeling van die Hoogeregshof.

(b) ’n Aanstelling kragtens subregulase (1) kan, in die geval van iemand wat dan uit hoofde van ’n aanstelling kragtens subregulase (4) in waarnemende hoe-danigheid dien, terugwerkend gemaak word vanaf die begin van die tydperk wat hy alus gediend het of, waar hy vir twee of meer tydperke wat tesame ’n enkele ononderbrokke tydperk uitmaak, aldus gedien het, vanaf die begin van die eerste van daardie tydperke.
(3) (a) Any person appointed under subregulation (1) or (4), including a judge who has been seconded in terms of the provisions of section 34 (2) (b) of the Act to serve as a judge of the Court, shall, before commencing to exercise the functions of his office, take an oath or make an affirmation, which shall be subscribed by him, in the form set out below, namely:

"I, ................................., do hereby swear/solemnly
(full name)
and sincerely affirm and declare that I will, in my capacity as a judge of the High Court of Venda, administer justice to all persons alike without fear, favour or prejudice and, as the circumstances of any particular case require, in accordance with the law and customs of the area over which the said Court exercises jurisdiction."

(b) Any such oath or affirmation shall be taken or made before the senior available judge of the Court who shall at the foot thereof endorse a statement to the effect that such oath or affirmation was taken or made before him, which statement shall mention the date on which such oath or affirmation was so taken or made, and append his signature thereto: Provided that such oath or affirmation, which is to be taken or made by the first or only judge appointed for the Court, shall be taken or made before the Chief Justice of the Republic or any other person designated for that purpose by the State President.

(4) Whenever it is for any reason expedient that a person be appointed to act as a judge in the place of any judge of the Court or in addition to the judges of the Court or in any vacancy in the Court, the State President may appoint some fit and proper person so to act for such period as the State President may determine.

(5) Any appointment made under this regulation shall be deemed to have been made also in respect of any period during which the person appointed is necessarily engaged in connection with the disposal of any proceedings in which he has taken part as a judge and which have not been disposed of at the termination of the period for which he was appointed or, having been disposed of before or after such termination, are re-opened.

(6) (a) A judge of the Court shall not be removed from office except by the State President on the grounds of misbehaviour or incapacity.

(b) Any judge of the Court who holds office in a permanent capacity—

(i) shall retire from office on attaining the age of 70 years;

(ii) may retire from office if he has attained the age of 65 years and has completed at least eight years' pensionable service; and

(iii) may at any time, with the approval of the State President, retire from office if he becomes afflicted with a permanent infirmity of mind or body which disables him for the proper discharge of his duties of office, or if any other reason exists which is deemed sufficient by the State President.

(c) Any judge of the Court shall, on retirement, be paid the pension prescribed for judges of the Supreme Court by or under the Judges' Pensions Act, 1978 (Act 90 of 1978).

(7) The provisions of subregulations (3) and (6) (a) shall apply also in respect of a person appointed under subregulation (4), and the provisions of subregulation (2) (a) relating to the remuneration of any judge referred to in that paragraph shall apply also in respect of a person so appointed.
(8) A judge of the Supreme Court seconded in terms of the provisions of section 34 (2) (b) of the Act to serve as Chief Justice shall be paid, apart from his salary as judge of the Supreme Court, an additional allowance in order that his salary, calculated together with the said allowance, shall equal that payable to a judge president of a provincial division of the Supreme Court.

Judge not to hold any other office of profit

3. (1) No judge of the Court shall, without the consent of the State President, accept, hold or perform any other office of profit or receive in respect of any service any fees, emoluments or other remuneration apart from his salary and any allowances which may be payable to him in his capacity as judge of the Court.

(2) Subject to the provisions of regulation 2 (8), no fees, emoluments or other remuneration, apart from his salary and any allowances which are payable to him in his capacity as judge of the Supreme Court, shall be paid to a judge of the Supreme Court seconded to act or serve as judge of the Court, merely by reason of the fact that such a judge acts or serves as a judge of the Court.

Constitution of the Court

4. (1) (a) Save as provided in these regulations or any other law, the Court shall, when sitting as a court of first instance for the hearing of any civil matter, be constituted before a single judge of the Court. Provided that the Chief Justice or, in his absence, the senior available judge of the Court, may at any time direct that any matter be heard by a full court consisting of as many judges as he may determine.

(b) A single judge may at any time discontinue the hearing of any matter which is being heard before him and refer it for hearing to the full court.

(2) The Court shall, subject to the provisions of subregulation (4) and except where it is in terms of any law required or permitted to be otherwise constituted, for the hearing of any appeal be constituted before not less than two judges: Provided that in the case of an appeal which could have been heard by an Appeal Court for Commissioners' Courts had these regulations not come into force, the Court shall be constituted before a single judge and two assessors who, in the opinion of the Court, have a good knowledge of indigenous law and custom.

(3) For the hearing of any criminal case as a court of first instance, the Court shall be constituted in the manner prescribed in the applicable law relating to procedure in criminal matters.

(4) During any period which may by rule of court be fixed as vacation or during any period for which only one judge has been appointed for the Court in terms of these regulations or is available, one judge thereof shall, notwithstanding anything contained in these regulations or any other law, be competent to exercise all the powers, jurisdiction and authority of the Court, including the hearing of appeals.

More than one court may sit at the same time

5. The Court may at any time sit in as many courts constituted in the manner provided for in these regulations as the available judges may allow.

(8) 'n Regter van die Hooggeregshof wat kragtens die bepaling van artikel 34 (2) (b) van die Wet afge- staan is om as Hoofregter te dien, word benewens sy salaris as regter van die Hooggeregshof, 'n bykomende toelaes betaal ten einde sy salaries, bereken temoe met genoemde toelaes, gelyk te maak aan die salaries betaalbaar aan 'n regter-president van 'n provinsiale afdeling van die Hooggeregshof.

Regter beklee geen ander winsbetrekking nie

3. (1) Geen regter van die Hof mag, sonder toestemming van die Staatspresident, 'n ander winsbetrekking aanvaar of beklek of daarin dien, of ten opsigte van enige diens enige gelde, emolumente of ander besoldiging benewens sy salaris en enige toelaes wat in sy hoedanigheid van regter van die Hof aan hom betaalbaar is, ontvang nie.

(2) Behoudens die bepaling van regulasie 2 (8) word geen gelde, emolumente of ander besoldiging, benewens sy salaris en enige toelaes wat in sy hoedanigheid van regter van die Hooggeregshof aan hom betaalbaar is, aan 'n regter van die Hooggeregshof wat afgestaan is om as regter van die Hof waar te neem of te dien, betaal nie blyt uit hoofde daarvan dat so 'n regter as regter van die Hof waarnemen of dien nie.

Samestelling van Hof

4. (1) (a) Behoudens die bepaling van hierdie regulasies of ander wetsbepalings word die Hof, wanneer hy as 'n hof van eerste insinie vir die verhoor van 'n civiele aangeleentheid sit, voor 'n enkele regter van die Hof saamgestel: Met dien verstande dat die Hoof- regter, of in sy afwezigheid die senior beskikbare regter van die Hof, te eniger tyd kan geloof dat 'n aangeleent- heid verhoor word deur 'n volle Hof wat bestaan uit soveel regters as wat hy bepaal.

(b) 'n Enkele regter kan te eniger tyd die verhoor van 'n aangeleentheid wat voor hom verhoor word, staak en dit vir verhoor na die volle hof verwys.

(2) Die Hof word, behoudens die bepaling van subregulatie (4) en behalwe waar hy ingevolge die een van ander wetsbepaling anders saamgestel moet of kan word, vir die verhoor van 'n appel voor minstens twee regters saamgestel: Met dien verstande dat in die geval van 'n appel wat deur 'n Appelhof vir Kommis- sarishowe verhoor sou kon word indien hierdie regulasies nie van krag geword het nie, die Hof voor 'n enkele regter en twee assesseurs wat, na die mening van die Hof, 'n goeie kennis van die inheemse reg en gebruik het, saamgestel word.

(3) Vir die verhoor van 'n strafsaak as 'n hof van eerste insinie word die Hof saamgestel op die wyse in die toepaslike wetsbepalings op procedure in straf- regtelike aangeleentheids voorgekry.

(4) Gedurende enige tydperk wat by hofreëls as 'n vakansietydsperk bepaal is, of gedurende enige tydperk waarvoor slegs een regter kragtens hierdie regulasies vir die Hof aangestel is of waartydens hy beskikbaar is, is een regter daarvan, onderanks eniges in hierdie regulasies of ander wetsbepalings verwys, bevoeg om al die bevoegdheid, jurisdiksiie en gesag van die Hof uit te oefen, insluitend die verhoor van appelle.

Meer as een hof kan terselfdertyd sit

5. Die Hof kan te eniger tyd in soveel hove, wat volgens voorskrif van hierdie regulasies saamgestel is, sittings hou as wat die beskikbare regters toelaat.
Persons over whom and matters in relation to which the Court has jurisdiction

6. (1) The Court shall have the same jurisdiction in the area as that which could have been exercised by a provincial division of the Supreme Court, an Appeal Court for Commissioners' Courts and a Divorce Court in terms of the common law, or other applicable laws had these regulations not come into force and shall, in addition to any powers or jurisdiction conferred on it by law, have the power—

(a) to hear and determine appeals from all lower courts within its area of jurisdiction;

(b) to review the proceedings of all such courts; and

(c) in its discretion, and at the instance of any interested person, to inquire into and determine any existing, future or contingent right or obligation, notwithstanding that such person cannot claim any relief consequent upon the determination.

(2) The Court shall also have jurisdiction over any person residing or being outside the area who is joined as a party to any cause in relation to which the Court has jurisdiction or who, in terms of a third party notice, becomes a party to such cause.

(3) The provisions of this regulation shall not be construed as in any way limiting the powers of the Transvaal Provincial Division of the Supreme Court, the North-Eastern Appeal Court for Commissioners' Courts and the North-Eastern Divorce Court, as existing at the time of the coming into operation of these regulations, or as depriving such courts of any jurisdiction they could legally exercise at the time of such coming into operation, in order to enable such courts to finalise any unfinished work, including legal matters already instituted at the time of such coming into operation.

Seat and circuit courts

7. (1) The seat of the Court shall be in Thohoyandou: Provided that the Chief Justice may, by notice in the Government Gazette and the Official Gazette of Venda, from time to time divide the area into one or more circuit districts and may, from time to time, by like notice alter the boundaries of any such district for purposes of specific circuits of the Court.

(2) In each circuit district referred to in subregulation (1) there shall be held at such times and places as may be determined by the Chief Justice a court presided over by a judge of the Court.

(3) Such court shall, for all purposes, be deemed to be the Court and shall not constitute a separate division of the Court and all records in connection with the proceedings of the Court on circuit and its judgments, decrees, orders, and sentences shall be those of the Court.

Nature of Court and seal

8. (1) The Court is a court of record and shall have for use as the occasion may require a seal of the design described in the Annexure to these regulations.

(2) The seal shall be kept in the custody of the registrar of the Court.

Proceedings to be carried on in open court

9. Save as is otherwise provided in any law, all proceedings in the Court shall be carried on in open court.

Persons oor wie en aangeleenthede met betrekking waartoe die Hof regtebevoeg is

6. (1) Die Hof besit dieselfde regsbevoegdheid in die gebied as wat 'n provinsiale afdeling van die Hooggeregshof, 'n Appellhof vir Kommissarishowe en 'n Eksiedingshof ingevoeg die gemene reg of ander toegepaste wette sou kon uitoefen indien hierdie regulasies nie van krag geword het nie en is, afgeëenis van enige bevoegdheid of jurisdictie regtens aan hom verleen, bevoeg—

(a) om appellee van alle laerhawe binne sy regsgebied te verhoor en daaroor te beslis;

(b) om die verringtige van alle sodanige hawe te hersien; en

(c) om na goeddunke, en op versoek van 'n belanghebbende persoon, enige bestaande, toekomstige of voorwaardelike reg of verpligting te ondersoek en te bepaal, al het so iemand nie regtens enige aanspraak op verligting uit hoofde van die bepaling nie.

(2) Die Hof besit ook regsbevoegdheid oor 'n perso- soon wat buiten die gebied woon of is en wat gevoeg word as 'n party by 'n geding met betrekking waartoe die Hof regsbevoegdheid besit of wat ingevoeg 'n departementswag byoor 'n party so 'n geding word.

(3) Die bepaling van hierdie regulasies word nie so uitgelê dat dit op enigerlei wyse die bevoegdheid van die Transvaalse Provinciale Afdeling van die Hooggeregshof en die Noordoostelike Appellhof en Kommissarishowe en die Noordoostelike Eksiedingshof, soos dit by die inwerkingtreding van hierdie regulasies bestaan, beperk, of sodanige hawe enige regsbevoegd- heid wat hulle wettiglik by bedoelde inwerkingtreding kon uitoefen, onteneem nie, ten einde bedoelde hawe in staat te stel om enige onafgehandelde werksaam- hede, insluitende regsbeleenthede wat reeds aan- hangig gemaak is by bedoelde inwerkingtreding, af te handel.

Setel of Rondgange

7. (1) Die setel van die Hof is in Thohoyandou. Met dien verstande dat die Hofregter van kennis- gewing in die Staatskoerant en die Amptelike Koerant van Venda van tyd tot tyd die gebied in een of meer rondgandistrikte kan inindel en van tyd tot tyd by dergelike kennisgewing die grense van sodanige distrikte kan verander vir doeleindes van bepaalde rond- gange van die Hof.

(2) Daar moet in elk van die rondgandistrikte bedoel in subregulering (1), op die tye en plekke wat die Hofregter bepaal, 'n hof voor 'n regter van die Hof gehou word.

(3) So 'n hof word vir alle doeleindes geag die Hof te wees, vorm nie 'n afsonderlike afdeling van die Hof nie, en alle stukke in verband met die verringtige van die Hof op rondgang en sy uitsprake, bevele, orders en vonnisse is dié van die Hof.

Aard van die Hof en seël

8. (1) Die Hof is 'n notulerende hof en moet 'n seël vir gebruik na vereiste van omstandighede hê, waarvan die ontwerp is soos in die Aanhangsel van hierdie regulasies bekyf.

(2) Die seël word in bewaring van die griffrer van die Hof gehou.

Verrigtinge vind in ope Hof plaats

9. Behoudens andersluidende wetsbepalings word alle verrigtinge in die Hof in ope Hof gevoer.
Manner of arriving at decisions

10. (1) Save as otherwise provided in these regulations or any other law, the judgment of the majority of the judges of the full court shall be the judgment of the Court and where the judgments of a majority of the judges of the Court are not in agreement, the hearing shall be adjourned and commenced de novo before a new court constituted in such manner as the Chief Justice or, in his absence, the senior available judge may determine.

(2) If at any stage during the hearing of any matter by a full court, any judge of such court dies or retires or otherwise becomes incapable of acting or is absent, the hearing shall, if the remaining judges constitute a majority of the judges before whom it was commenced, proceed before such remaining judges, and if such remaining judges do not constitute such a majority, or if only one judge remains, the hearing shall be commenced de novo, unless all the parties to the proceedings agree unconditionally in writing to accept the decision of the majority of such remaining judges or of such one remaining judge as the decision of the court.

(3) The provisions of subregulation (1) shall mutatis mutandis apply whenever in the circumstances set out in subregulation (2) a hearing proceeds before two or more judges.

Certified copies of court records admissible as evidence

11. Whenever a judgment, decree, order or other record of the Court is required to be proved or inspected or referred to in any manner, a copy of such judgment, decree, order or other record duly certified as such by the registrar under the seal of the Court shall be prima facie evidence thereof without proof of the authenticity of the registrar's signature.

Reference of particular matters for investigation by referee

12. (1) In any civil proceedings the Court may, with the consent of the parties, refer—

(a) any matter which requires extensive examination of documents or scientific, technical or local investigation which, in the opinion of the Court, cannot be conveniently conducted by it; or

(b) any matter which relates wholly or in part to accounts; or

(c) any other matter arising in such proceedings;

for inquiry and report to a referee to be appointed by the Court, and the Court may adopt the report of any such referee, either wholly or in part, and either with or without modifications, or may remit such report for further inquiry or for a further report or for consideration by such referee, or make such other order in regard thereto as may be necessary or desirable.

(2) Any such report or any part thereof which is adopted by the Court, whether with or without modifications, shall have effect as if it were a finding by the Court in the civil proceedings in question.

(3) Any such referee shall for the purpose of such inquiry have such powers and shall conduct the inquiry in such manner as may be prescribed by a special order of the Court or by the rules of court.

Wyse waarop tot beslissings geraak word

10. (1) Behoudens andersluidende bepalings van hierdie regulasies of ander wetsbepalings is die uit-

spreek van die meerderheid van die regsers van die volle hof die uitspraak van die Hof, en waar die uit-

spreek van 'n meerderheid van die regsers van die Hof nie met mekaar ooreenstem nie, word die verhoor

verdags en de novo begin voor 'n nuwe hof saam-

gestel op die wyse wat die Hoofregsers of, in sy afwes-

sigheid, die sonder beskikkende regsers bepaal.

(2) Indien in enige stadium gedurende die verhoor

van 'n aangeleentheid deur 'n volle hof, 'n regsers van

sodanige hof te sterwe kom of afstap of andersins

onbekwaam word om te op te tree of afwezig is, word die verhoor, indien die oorlooplike regsers 'n meer-

derheid uitmaak van die regsers vir wie dit begin

het, voor daardie oorlooplike regsers voortgesit, en

indien daardie oorlooplike regsers nie so 'n meerder-

heid uitmaak nie of indien slegs een regsers oorloop,

word die verhoor de novo begin, tenys al die partye

by die vorigtigte skrifstel en onvoorspelbaar ooreen-

kom om die beslissing van die meerderheid van

bedoelde oorlooplike regsers of van bedoelde enkele

oorlooplike regsers as die beslissing van die Hof te

aanvaar.

(3) Die bepalings van subregulase (1) is mutatis

mutandis van toepassing wanneer 'n verhoor onder die

omstandighede in subregulase (2) uiteengesit, voor twee of

meer regsers voortgesit word.

Gesertifiseerde afskrifte van hofstukke as getuëns toelaatbaar

11. Wanneer 'n uitspraak, bevel, order of ander

stukke van die Hof bewys of geïnspektueer moet word of
daarop op enige wyse daarna verwys moet word, is

'n afskrif van sodanige uitspraak, bevel, order of ander

stuk, wat behoorlik deur die griffer onder die seël van

die Hof as sodanig gesertifiseer is, prima facie

bewys daarvan sonder bewys van die egtheid van die

handtekening van die griffer.

Vervanging van bepaalde aangeleentheid vir

ondersoek deur skiedereg

12. (1) Die Hof kan, in 'n siviele geding, met die
toestemming van die partie—

(a) enige aangeleentheid wat 'n uitgebreide onder-

soek van dokumente, of 'n wetenskaplike, tegniese of

plaaslike onderzoek verg, wat na die oordeel van

die Hof nie geredelik deur die Hof ingestel kan word nie; of

(b) enige aangeleentheid wat geheel en al of

gedeeltelik op rekenings betrekking het; of

(c) enige ander aangeleentheid wat uit bedoelde

geding voortspruit;

vir ondersoek en verslag na 'n skiedereg, wat deur

die Hof aangewys moet word, verwys, en die Hof kan

die verslag van so 'n skiedereg in sy geheel of gedeel-
telik aanvaar, met of sonder wysigings, of kan sodanige

verslag vir verdere ondersoek of verslag of oor-

weging deur bedoelde skiedereg terugverwys, of 'n

bevel bevel ten opsigte daarvan uitvaardig wat nodig of

wenslik is.

(2) So 'n verslag of enige deel daarvan wat deur die

Hof aanvaar word, het gee met of sonder wysigings, het

die uitwerking van 'n bevinding van die Hof in die

betrokke siviele geding.

(3) So 'n skiedereg het, vir die doeleindes van

bedoelde ondersoek, die bevoegdheid en behartig die

ondersoek op die wyse wat by 'n siviele hofbevel

of by die hofreëls voorgedra is.
For the purpose of procuring the attendance of any witness (including any witness detained in custody under any law) and the production of any document or thing before a referee, an inquiry under this regulation shall be deemed to be a civil proceeding.

(5) (a) Any person who is summoned to appear and give evidence or produce any document or thing before a referee and who, without sufficient cause, fails to attend at the time and place specified or to remain in attendance until the conclusion of the inquiry or until he is excused by the referee from further attendance, or refuses to be sworn or to make affirmation as a witness, or having been sworn or having made affirmation fails to answer fully and satisfactorily any question put to him, or fails to produce any document or thing in his possession or custody or under his control which he was summoned to produce shall be guilty of an offence and liable on conviction to a fine not exceeding R50 or to imprisonment for a period not exceeding three months.

(b) Any person who, after having been sworn or having made affirmation, gives false evidence before a referee at an inquiry, knowing such evidence to be false or not knowing or believing it to be true, shall be guilty of an offence and liable on conviction to the penalties prescribed by law for perjury.

(6) Any referee shall be entitled to such remuneration as may be prescribed by the rules of court or, if no such remuneration has been so prescribed, as the Court may determine, and to any reasonable expenditure incurred by him for the purposes of the inquiry, and any such remuneration and expenditure shall be taxed by the taxing master of the Court and shall be costs in the cause.

Appeals to the Court

13. (1) Subject to the provisions of these regulations and any other law, the Court shall have the power to hear and determine appeals from lower courts in the area, and the provisions of any law relating to the powers of the Transvaal Provincial Division of the Supreme Court in connection with appeals from any such lower courts to the Supreme Court shall, subject to the provisions of these regulations and the rules of court, mutatis mutandis apply to any appeals to the Court.

(2) The provisions of this regulation shall not affect any other law relating to appeals against decisions of lower courts in civil matters and any reference to the Supreme Court or an Appeal Court for Commissioners’ Courts in relation to such appeals shall be construed as a reference to the Court.

(3) Appeals in criminal cases heard by the Court shall mutatis mutandis be subject to the provisions of the Criminal Procedure Act, 1977 (Act 51 of 1977), and any reference in that Act to the Supreme Court or a division thereof shall be deemed to be a reference to the Court.

Appeals to the Appellate Division

14. (1) In addition to any jurisdiction conferred upon it by any other law, the Appellate Division shall, subject to the provisions of these regulations and any other law, have jurisdiction to hear and determine any appeal against a decision of the Court and the provisions relating to appeals against a judgment or order
of a provincial division of the Supreme Court shall, subject to the provisions of these regulations, apply as if the Court were a provincial division of the Supreme Court.

(2) Save with the leave of the Court there shall be no appeal to the Appellate Division against an interlocutory order or against a judgment or order on application by way of motion or petition or summons for provisional judgment or in a trial where the defendant is in default, or in connection with costs only, which by law vests in the discretion of the Court or against a judgment or order given by the Court in an appeal to it or upon review by it: Provided that, where such leave has been refused, the Appellate Division may, on application being made to it, grant such leave, and may vary any order as to costs made by the Court in refusing leave.

Grounds for review of proceedings of lower courts

15. (1) The grounds upon which the proceedings of any lower court may be brought under review before the Court area—

(a) absence of jurisdiction on the part of the court;
(b) interest in the cause, bias, malice or corruption on the part of the presiding judicial officer;
(c) gross irregularity in the proceedings; and
(d) the admission of inadmissible or incompetent evidence or the rejection of admissible or competent evidence.

(2) Nothing in this regulation shall affect the provisions of any other law relating to the review of proceedings in lower courts and any reference in any law to the Supreme Court or an Appeal Court for Commissioners' Courts in relation to reviews shall be construed as a reference to the Court.

No process to be issued against judge except with consent of the Court

16. (1) Notwithstanding anything to the contrary in any law contained, no summons or subpoena against any judge of the Court or the Supreme Court shall in any civil action be issued out of any court in the area, except with the consent of the Court.

(2) Where the issuing of a summons or subpoena against a judge to appear in a civil action has been consented to, the date upon which such judge must attend court shall be determined in consultation with the Chief Justice or, in his absence, the next senior available judge of the Court.

Scope and execution of process

17. (1) The provisions of section 26 (1) of the Supreme Court Act, 1959 (Act 59 of 1959), shall apply to process of the Court.

(2) Any warrant or other process for the execution of a judgment given or order issued against any association of persons corporate or unincorporate, partnership or firm may be executed by attachment of the property or assets of such association, partnership or firm.

Time allowed to enter appearance

18. The time allowed for entering appearance with regard to a civil summons served shall be not less than—

(a) 21 court days if the summons is to be served in the area; and

of bevel van 'n provinsiale afdeling van die Hooggeregshof, onderworpe aan die bepaling van hierdie regulasies, van toepassing asof die Hof 'n provinsiale afdeling van die Hooggeregshof is.

(2) Behaalw met verlof van die Hof, is daar geen 3.2d nie die Appelfadeling nie teen 'n interlokotore bevel of teen 'n uitspraak of bevel op aanvraag by wysig van mosie of petisie of dagvaarding vir provisionele vonnis of in 'n verhooasaak waar die verweerder in versterk is, of slegs in verband met koste wat regtens by die diskresie van die Hof berus of teen 'n uitspraak of bevel by toestemming gegee, of teen 'n uitspraak of bevel wat deur die Hof in appel na hom of na hersiening deur hom gegee is. Met dien verstande dat waar sodanige verlof geweier is, die Appelfadeling, op aanvraag aan hom gereg, sodanige verlof kan verleen en enige betwik met betrekking tot koste, uitgaavderig deur die Hof by die wenning van verlof, kan wysig.

Grondre vir hersiening van verrytinge van laerhawe

15. (1) Die gronde waarop die verrytinge van 'n laerhawe voor die Hof in hersiening gebring kan word, is—

(a) gebrek aan regskracht van die Hof;
(b) belasting op die geding, vooroordeel, kwaadwil of korruptie of die voorstappe regskracht beempte;
(c) grove onregelmatigheid in verband met die verrytinge;
(d) die toelaatbaarheid of onbruikbaarheid van die verrytinge;

(2) Die bepaling van hierdie regulasie het geen uitwerking op ander wetsbepalinge met betrekking tot die hersiening van verrytinge van laerhawe nie en enige verwysing in enige wetsbepaling na die Hooggeregshof of 'n Appelfadeling van Kommissarisshowe met betrekking tot hersienings word uitgeloof as 'n verwysing na die Hof.

Prosesstukke word nie sonder toestemming van die Hof deur 'n regter uitgereik nie

16. (1) Ondanks andersluidende wetsbepalinge, word geen dagvaarding of getuisedagvaarding in 'n civiele geding teen 'n regter van die Hof of die Hooggeregshof uit enige hof in die gebied uitgereik nie, behalwe met die toestemming van die Hof.

(2) Waa toestemming tot die uitreiking van 'n dagvaarding of getuisedagvaarding teen 'n regter om in 'n civiele saak te versyn, verleen is, word die datum waarop sodanige regter die Hof moet bywoon, in ooreenstemming met die Hofregter, of, in sy afwesigheid, die eerste volgende seniornomake regter van die Hof, bepaal.

Strekking en tenuiutvoering van prosesstukke

17. (1) Die bepaling van artikel 26 (1) van die Wet op die Hooggeregshof, 1959 (Wet 59 van 1959), is van toepassing op prosesstukke van die Hof.

(2) 'n Lasbrief van ander prosesstuk vir die tenuiutvoering van 'n uitspraak gegee of bevel uitgevaardig teen 'n vereniging van persone met of sonder regtensbesigheid, vennootskap of firma kan deur beslaaglegging op die eiendom of bates van sodanige vereniging, vennootskap of firma teen uitvoer gelê word.

Tyd toegelaat om verskynning aan te teken

18. Die tydperk toegelaat om, in verband met 'n civiele dagvaarding wat bestel is, verskynning aan te teken, moet minstens—

(a) 21 hoedae wees indien die dagvaarding binne die gebied bestel moet word; en
(b) 28 court days in any other case.

Prohibition on arrest or attachment to found jurisdiction where defendant resides within the Republic

19. (1) No arrest of a person or attachment of property to found jurisdiction shall be ordered by the Court against a person who is resident in the Republic.

(2) No writ shall be issued out of the Court in or in connection with civil proceedings instituted or to be instituted for the arrest of a person residing within the area to secure his appearance as a defendant in those proceedings, by reason only that such person has departed or is about to depart to a place outside the area of jurisdiction of the Court but within the Republic.

Circumstances in which security for costs shall not be required

20. When a person residing within the Republic but outside the area is a plaintiff in civil proceedings in the Court, he shall not, by reason only of the fact that he resides outside the area, be required to give security for costs in those proceedings.

Manner of securing attendance of witnesses in civil proceedings and penalties for non-attendance

21. (1) A party to civil proceedings before the Court in which the attendance of witnesses is required may procure the attendance of any witness in the manner provided for in the rules of court.

(2) Whenever any person subpoenaed to attend any civil proceedings as a witness fails, without reasonable excuse, to obey the subpoena and it appears from the return of the competent officer or from evidence given under oath that the subpoena was served upon the person to whom it was directed and that his reasonable expenses, calculated in accordance with the tariff framed under regulation 34 (1) were paid or offered to him, or that he is evading service of the subpoena, or if any person who has attended in obedience to a subpoena fails to remain in attendance, the Court may issue a warrant directing that he be arrested and brought before the Court at a time and place stated in the warrant or as soon thereafter as possible.

(3) A person arrested under any such warrant may be detained thereunder before the Court or in any prison or lock-up or other place of detention or in the custody of the person who is in charge of him with a view to securing his attendance as a witness at the said proceedings: Provided that the Court may release him on a recognizance with or without sureties for his appearance to give evidence as required and for his appearance at the inquiry referred to in subregulation (4).

(4) The Court may summarily inquire into such person’s evasion of the service of the subpoena or failure to obey the subpoena or to remain in attendance and may, unless it is proved that such person has a reasonable excuse for such evasion or failure, sentence him to a fine not exceeding R50 or to imprisonment for a period not exceeding three months.

(5) Any sentence imposed by the Court under subregulation (4) shall be enforced and shall be subject to appeal as if it were a sentence imposed in a criminal case.

(b) 28 hoofdae wees en enige ander geval.

Verbod op arres of beslaglegging om juridiksie te vestig waar verweerder in Republiek woon

19. (1) Geen inhegtenisname van die persoon of beslaglegging op eindom om juridiksie te vestig, word teen iemand wat in die Republiek woon, deur die Hof beveel nie.

(2) Geen lasbrief word in of in verband met ’n siviele geding wat ingestel is of staan te word, uit die Hof uitgereik vir die inhegtenisname van iemand wat in die gebied woon, ten einde sy versoekn ing as ’n verweerder by daadlike versigtinge te verseker nie, bloot op grond daarvan dat so iemand na ’n plek buite die reggegebied van die Hof maar binne die Republiek vertrek het of op die punt staan om daarheen te trek.

Omstandighede waarin sekerheidstelling vir koste nie vereis word nie

20. Wanneer iemand wat in die Republiek, maar buite die gebied, woon, ’n eiser is in ’n siviele geding voor die Hof, word nie bloot uit hoofde daarvan dat daardie eiser buite die gebied woon, sekerheid vir koste in daardie geding van hom vereis nie.

Wyse om versoekn van getuies in siviele gedinge te verseker en straawwe vir versoek om te versoek

21. (1) ’n Party by ’n siviele geding voor die Hof in verband waarmee die aanwezigheid van getuies vereis word, kan die aanwezigheid van ’n getuie verkry op die wyse in die hofreëls bepaal.

(2) Wanneer iemand wat gedagvaar is om as ’n getuie by ’n siviele geding aanwezig te wees, sonder redelike versoeknig versoek om die dagvaarding te geboorsaam, en dit uit die reëls van die bevoegde beampte van uit getuienis onder eed afgelope, blyk dat die dagvaarding bestel is aan die persoon aan wie dit gereg is en dat sy redelike uitgawes, bereken ooreenkomstig die tarief krantens regulasie 34 (1) voor gekry, aan hom betaal of aangebied is, of dat hy bestelling van die dagvaarding ontwryk, of indien iemand wat ter voldoening aan ’n dagvaarding opgaan het, versuim om aanwezig te bly, kan die Hof ’n lasbrief uitreik waarby gelas word dat hy in hегегnis gecum en op ’n tyd en plek in die lasbrief vermeld of op so spoedig moontlik daarna voor die Hof gebring word.

(3) Iemand wat ingevolge so ’n lasbrief in hегегnis gecum word, kan daarkragtens aangewys word voor die Hof of in ’n gevangenis of opsluitplek of onder aanhoudingsplek of in die bewaring van die persoon wat hom in bewaring het, ten einde sy aanwezigheid as ’n getuie by die betrokke geding te verseker: Met dien verstande dat die Hof hom onder borgakte met of sonder borg vir sy versoek om getuienis af te le soos vereis en vir sy versoeknig die onderzoek bedoe in subregulasieland (4), kan vrylata.

(4) Die Hof kan summarie onderzoekinstrument na so iemand se ontwyking van bestelling van die dagvaarding of versoek om die dagvaarding te geboorsaam of om aanwezig te bly, en kan, tensy bewys word dat so iemand ’n redelike versoeknig vir die ontwyking van versoek het, hom vinnis tot in boete van hoogstens R50 of tot gevangenisstraf vir ’n tydperk van hoogstens drie maande.

(5) ’n Vonnis ingevolge subregulasieland (4) deur die Hof opgelê, word ten uitvoer geê en is onderworpe aan appé asof dit ’n vonnis is wat in ’n strafsaak opgelê is.
(6) If a person who has entered into any recognizance for his appearance to give evidence at such proceedings or for his appearance at an inquiry referred to in subregulation (4) fails so to appear, he may, apart from the forfeiture or his recognizance, be dealt with as if he had failed to obey a subpoena to attend such proceedings or appear at such inquiry.

Manner in which witness may be dealt with on refusal to give evidence or to produce documents

22. (1) Whenever any person who appears either in obedience to a subpoena or by virtue of a warrant issued under regulation 21 or is present and is orally required by the Court to give evidence in any civil proceedings refuses to be sworn or to make an affirmation or, having been sworn or having made an affirmation, refuses to answer such questions as are put to him, or refuses or fails to produce any document or thing which he is required to produce, without any just excuse for such refusal or failure, the Court may adjourn the proceedings for any period not exceeding eight days and may, in the mean time, by warrant commit the person so refusing or failing to prison unless he sooner consents to do what is required of him.

(2) If any person referred to in subregulation (1) again refuses at the resumed hearing of the proceedings to do what is so required of him, the Court may again adjourn the proceedings and commit him for a like period and do so again from time to time until such person consents to do what is required of him.

(3) Nothing in this regulation contained shall prevent the Court from giving judgment in any case or otherwise disposing of the proceedings on the ground of any other sufficient evidence taken.

(4) No person shall be bound to produce any document or thing not specified or otherwise sufficiently described in the subpoena unless he actually has it in Court.

(5) When a subpoena is issued to procure the attendance of a judicial officer to give evidence or to produce any book, paper or document in any civil proceedings, and it appears—

(a) that he is unable to give any evidence or to produce any book, paper or document which would be relevant to any issue in such proceedings; or

(b) that such book, paper or document could properly be produced by some other person; or

(c) that compelling him to attend would be an abuse of the process of the court;

the Court may, notwithstanding anything in this regulation contained, after reasonable notice by the registrar to the party who sued out the subpoena and after hearing that party in chambers if he appears, make an order cancelling such subpoena.

Examination by interrogatories of persons whose evidence is required in civil proceedings

23. (1) The Court may in connection with any civil proceedings pending before it order that the evidence of a person who resides or is, for the time being, outside the area of jurisdiction of the Court be taken by means of interrogatories by a commissioner appointed for that purpose.

(6) Indien iemand wat 'n borgakte aangegaan het om te verskyn ten einde in so 'n geding getuie af te lê, of om by die ondersoek bedoel in subregulasie (4), te verskyn, versuum om aldus te verskyn, kan daar, afgeëen van die verbeerderverklaring van sy borggeld, met hom gehandel word asof by versuim het om 'n dagvaarding om by bedoelde geding aanwesig te wees, te gehoorsaam om of om bedoelde ondersoek te verskyn.

Wyse waarop met getui gehandel kan word by wetering om getuienis af te lê of stukke oor te lê

22. (1) Wanneer iemand wat 'of ter voldoening aan 'n dagvaarding of ingevolge 'n lastbrief kragtens regulasie 21 uitgereik, verskyf van aanwesig is en deur die Hof mondeeling van hom verlang word om in 'n sivele geding getuie af te lê, weier om 'n eed of pleegte verklaring af te lê, of, nadat hy 'n eed of pleegte verklaring afgeë het, weier om die vreê te beantwoord wat aan hom gestel word, of weier om versuim om 'n stuk of saak oor te lê waarvan die ooreurging van hom verlang word, sonder dat daar grondige rede is dat die weering of versuim bestaan, kan die Hof die verringte vir 'n tydperk van hoogstens acht dae verdaag en die persoon wat aldus weier oor versuim, intus- sen by lastbrief gevangen sit, tenby hy eerder instem om te doen wat van hom verlang word.

(2) Indien 'n persoon bedoel in subregulasie (1) by die hervatting van die verhoor van die geding weer weier om te doen wat aldus van hom verlang word, kan die Hof weer eens die verringte verdaag en hom vir 'n dergelijke tydperk gevang word en dit van tyd tot tyd herhaal totdat bedoelde persoon instem om te doen wat van hom verlang word.

(3) Die bepalings van hierdie regulasie belet nie die Hof om in enige saak ondersoek te gee of die verring- tinge andersins af te handel op grond van ander voldoende getuienis wat afgeneem is nie.

(4) Niemand is verplig om in 'n stuk oor te lê wat nie in die dagvaarding vermeld of andersins genoegsaam beskryf is nie, tenby hy dit werklik in die Hof het.

(5) Wanneer 'n dagvaarding uitgereik word om die aanwezigheid van 'n regterlike beampte te verkyf om in 'n sivele geding getuie af te lê of 'n boek, stuk of document oor te lê, en dit blyk—

(a) dat hy nie in staat is om getuienis te lever oor 'n boek, stuk of dokument oor te lê wat by 'n geeskipunt in die geding ter sake sou wees nie; of

(b) dat sodanige boek, stuk of document gevolg-lik deur iemand anders oorgelê sou kon word; of

(c) dat om hom te verplig om aanwezig te wees op misbruik van geregelte proses sou neerkom;

can die Hof, ondanks enigiets in hierdie regulasie ver- vat, na rodelike kennisgewing deur die griffier aan die party wat die dagvaarding uitgereik het en nadat daardie party in kamers aangehoor is indien hy verskyn, by versuim uiteindelik waarby die dagvaarding gekanselleer word.

Onderweging op vraagpunte van persone van wie getuieenis in sivele gedinge verlang word

23. (1) Die Hof kan in verband met 'n sivele geding wat voor hom aanhangig is, beveel dat die getuieenis van iemand wat buite die regsgebied van die Hof weon of hom dan daarbuite bevind, by wyse van vraagpunte afgeneem word deur 'n kommissaris vir daardie doel aangestel.
(2) Whenever an order is made under subregulation
(1), the registrar shall certify that fact and transmit a
copy of his certificate to the commissioner of the
Court, together with any duly and lawfully framed
interrogatories on which questioning of the said person
is desired and the fees and the amount of the expenses
payable to the said person for his appearance as herein-
after provided.

(3) Upon receipt of the aforesaid certificate, interro-
gatories and fees, the commissioner shall summon the
said person to appear before him and, upon his
appearance, shall take his evidence as if he were a
witness in civil proceedings before the Court, and shall
put to him the aforesaid interrogatories and any other
questions calculated to obtain full and true answers
to the said interrogatories and shall take down or cause
to be taken down the evidence so obtained, and shall
transmit the same, certified as correct, to the registrar.

(4) The commissioner shall further transmit to the
registrar a certificate showing the amount paid to the
person concerned in respect of the expenses of his
appearance, and the cost of the issue and service of the
process for summoning such person before him.

(5) Any person summoned to appear as provided in
this regulation who, without reasonable excuse, fails
to appear at the time and place mentioned in the sum-
mons shall be guilty of an offence and liable on con-
viction by any competent court to a fine not exceeding
R50 or to imprisonment for a period not exceeding
two months.

(6) Any evidence on interrogatories taken and cer-
tified under the provisions of this regulation shall, sub-
ject to all lawful exceptions, be received as evidence in
the aforesaid civil proceedings.

Manner of drafting with commissions rogatoire, letters
of request, and documents for service originating from
foreign countries

24. (1) Whenever a commission rogatoire or letter of
request received from any state or territory or court
outside the Republic is transmitted to the registrar by
the Secretary, together with a translation in English or
Afrikaans if the original is in any other language, and
an intimation that the Minister considers it desirable
that effect should be given thereto without requiring
an application to be made to the Court by the agents
(if any) of the parties to the action or matter, the
registrar shall submit the same to a judge in chambers
in order to give effect to such commission rogatoire
or letter of request.

(2) Whenever a request for the service on a person
in the area of any civil process or citation received from
a state, territory or court outside the Republic is trans-
mitted to the registrar by the Secretary, together with
a translation in English or Afrikaans if the original is in
any other language, and an intimation that the Min-
ister considers it desirable that effect should be given
thereto, the registrar shall cause service of the said
process or citation to be effected in accordance with
the rules of court by the sheriff or a deputy sheriff or
any person specially appointed for that purpose by a judge of the Court.

(3) The registrar shall, after effect has been given
to any such commission rogatoire, letter of request,
process or citation, return all relevant documents, duly
verified in accordance with the rules of court, to the
Secretary for transmission.

(2) Wanneer 'n bevel kragtens subregulase (1) uit-
gevaarig word, moet die griffer daardie feit sertifi-
sceer en 'n afskrif van sy sertifikaat aan die kommis-
saris van die Hof stuur, tesame met behoorlik en
wettiglik opgestelde vraagpunte waaroor ondervraging
van die betrokke persoon verlang word, asook die
gedeelde en bedrag van die onkoste aan daardie persoon
betaalbaar ten opsigte van sy verskynsing soos hier-
onder bepaal.

(3) By ontvangs van beëindigde sertifikaat, vraagpunte
en gedeelde dagvaar die kommissaris die betrokke
persoon om voor hom te verskyn, en by sy verskynsing
neem die kommissaris sy getuienis af asof hy 'n getuie
in 'n siviële geding voor die Hof is en stel hy aan
hom voormelde vraagpunte asook ander vrag wat
daarop berok is om volledige en juiste antwoord op
bedoelde vraagpunte te verkry, en neem hy die
aldus verkrey getuienis af of laat hy dit afneem, en
hy moet dit as korrek sertifiseer en aan die griffer
stuur.

(4) Die kommissaris moet verder aan die griffer 'n
sertifikaat stuur wat die bedrag toon wat aan die
betrokke persoon ten opsigte van die onkoste verbonde
aan sy verskynsing betaal is, asook die koste van uit-
reiking en bestelling van die prosesstukke waarby daar-
die persoon gedagvaar is om voor hom te verskyn.

(5) Iemand wat gedagvaar word om volgens voor-
skrif van hierdie regulasie te verskyn, en wat sonder
redelike verskynsing versuim om op die tyd en plek in
die dagvaarding vermeld, te verskyn, is aan 'n misdref
skuldig en by skuldigebevinding deur enige bevoegde
hof strafbaar met 'n boete van hoogstens R50 of met
gewensmiskrif vir 'n tydperk van hoogstens drie
maande.

(6) Getuienis op vraagpunte ingevolge hierdie regu-
lasie afgeneem en gesertifiseer word, onderworpe aan
alle weetlike eksepsies, as getuienis in voormelde siviële
geding aangeneem.

Wyse waarop met rogatiese kommissies, versoekbrieu-
en stukke vir bestelling afkomstig uit vreemde lande
gehandel moet word

24. (1) Wanneer 'n rogatiese kommissie of versoek-
brieu wat van 'n staat of gebied van hof buite die
Republiek ontvang is, deur die Sekretaris aan die
griffer gestuur word, tesame met 'n vertaling in A-
frikaans of Engels, indien die oorspronklike in 'n
ander taal is, en 'n mededeling dat die Minister dit
wensliker is dat daaraan gevolg gegee word sonder om
tro oor te vereis dat 'n aansoek deur die agent (as daar is)
van die partye by die geding van saak by die Hof
gedoen word, lê die griffer bedoelde rogatiese kom-
missie of versoekbrief voor aan 'n regter in kamer
om daaraan gevolg te gee.

(2) Wanneer 'n versoek om die bestelling aan iemand
in die gebied van 'n siviële prosesstuk of sitasie wat
van 'n staat, gebied of hof buite die Republiek ont-
vang is, se deur die Sekretaris aan die griffer gestuur
word, tesame met 'n vertaling in Afrikaans of Engels,
indien die oorspronklike in 'n ander taal is, en 'n
mededeling dat die Minister dit wenslik is dat daaraan
gevolg gegee word, laat die griffer bedoelde prosesstuk
of sitasie ooreenkoms met die hofreëls bestel
deur die balie of adjunkt-balie of iemand wat 'n regter
van die Hof speciaal vir daadlike doel aangestel het.

(3) Die griffer moet, nadat aan so 'n rogatiese
kommissie, versoekbrief, prosesstuk of sitasie gevolg
gegee is, alle tersaaltlike stukke, wat behoorlik ooreen-
koms met die hofreëls geeferfeer is, aan die Sekretaris
vir versending deurstuur.
(4) Except where the Minister otherwise directs, no fees other than disbursements shall be recovered from any state, territory or court on whose behalf any service such as is referred to in this regulation has been effected.

Appointment and powers of attorney-general

25. (1) The State President shall, subject to the laws governing the Public Service, appoint, in respect of the area of jurisdiction of the Court, an attorney-general who shall have the power to prosecute in the name of the Republic, in any court in the area, any person charged with any offence in regard to which any court in the said area has jurisdiction, and he may perform all functions relating to the exercise of that power.

(2) The attorney-general shall exercise his authority and carry out his functions under these regulations or under any other law, subject to the control and directions of the Minister, who may reverse any decision arrived at by the attorney-general and may himself exercise such authority and carry out any such function.

(3) Whenever for any reason the attorney-general is absent or unable to carry out the functions of his office or whenever the office of the attorney-general becomes vacant, the Minister may appoint any fit and proper officer of the Public Service to act in the place of the attorney-general during his absence or incapacity, or to act in the vacant office until the vacancy is filled, as the case may be.

(4) The Minister may, subject to the laws governing the Public Service, appoint one or more deputy attorneys-general in respect of the area who may, subject to the control and directions of the attorney-general, do anything which may be lawfully done by the attorney-general.

Appointment and powers of other officers of the Court

26. (1) (a) The Minister may, subject to the laws governing the Public Service, appoint registrars, assistant registrars, sheriffs, additional sheriffs, deputy sheriffs and other officers for the Court whenever they may be required for the administration of justice or the exercise of the powers and authority of the Court: Provided that if the duties to be performed by any deputy sheriff are, in the opinion of the Public Service Commission, insufficient to keep at least one person fully occupied throughout the year, and no officer in the Public Service is, in the opinion of the said Commission, able to perform the duties of such deputy sheriff in addition to his other duties, or if, in the opinion of the Minister, the duties of such deputy sheriff can be performed satisfactorily and at less cost to the Government by a person who is not an officer in the Public Service, the Minister may appoint any person as such deputy sheriff at such remuneration and on such conditions as the Minister may determine.

(b) Whenever by reason of absence or incapacity a registrar, assistant registrar or sheriff is unable to carry out the functions of his office, or his office becomes vacant, the Minister may authorise any other competent officer in the Public Service to act in the place of the absent or incapacitated officer during such absence or incapacity or to act in the vacant office until the vacancy is filled: Provided that when any

(4) Behalwe waar die Minister anders gelas, word geen ander geld as uitgewes op ‘n staat, gebied of hof, ten behoeve waarvan bestelling geskied het soos in hierdie regulasie bedoel, verhaal nie.

Aanstelling en bevoegdhede van prokureur-generaal

25. (1) Behoudens die wetsbepalings op die Staatsdiens, stel die Staatspresident ten opsigte van die regieleiding van die Hof ‘n prokureur-generaal aan, wat die bevoegdheid besit om in die naam van die Republiek in enige hof in die gebied iemand te vervol of wat aangegaan word weens ‘n misdryf met betrekking waartoe ‘n hof in bedoelde gebied regieleiding bevoegdheid besit, en hy kan alle werkzaamhede verrig wat met die uitoefening van daardie bevoegdheid in verband staan.

(2) Die prokureur-generaal oefen sy gesag uit en verrig sy werkzaamhede ingevolge hierdie regulasies of enige ander wetsbepaling, onder voorbehoud van die beheer en voorskrifte van die Minister, wat ‘n besluiting waarmee toe die prokureur-generaal geraak het, kan onverwerp en self in die algemeen of met betrekking tot ‘n besondere aangeleenthed enige deel van daardie gesag kan uitoefen en enige sodanige werkzaamheid kan verrig.

(3) Wanneer die prokureur-generaal om die een of ander rede afwezig is of nie in staat is om sy amptewerkzaamhede te verrig nie of wanneer die amp van die prokureur-generaal vakant raak, kan die Minister ‘n gekiesde beantwoord tot die Staatsdiens aanstel om gedurende die afwezigheid of onvermogen van die prokureur-generaal in sy plek op te tree of om in die vakante amp waar te neem totdat die vakature gevolg word, na gelang van die geval.

(4) Die Minister kan, behoudens die wetsbepalings op die Staatsdiens, ten opsigte van die gebied een of meer adjunk-prokureur-generaal aanstel wat onderworpe aan die beheer en voorskrifte van die prokureur-generaal, enigiets kan doen wat die prokureur-generaal weetlik kan doen.

Aanstelling en bevoegdhede van ander beantwettes van die Hof

26. (1) (a) Die Minister kan, met ingagneming van die wetsbepalings op die Staatsdiens, vir die Hof griffiers, assistent-griffiers, balju’s, addisionele balju’s, adjunk-balju’s en ander beantwettes aanstel wanneer hulle vir die regspleging of die uitoefening van die bevoegdheid en gesag van die Hof nodig is: Met dien verstande dat, indien die pligte wat deur ‘n adjunk-balju verrig moet word, volgens die oordeel van die Staatsdienkieskomsie nie voldoende is om minstens een persoon die hele jaar deur ten volle besig te hou nie, en geen beantwoord in die Staatsdiens volgens die oordeel van bedoelde Komsie, is om die pligte van daardie adjunk-balju benewens sy ander pligte uit te voer nie, of indien, volgens die Minister se oordeel die pligte van bedoelde adjunk-balju op bevredigende wyse en teen laer koste vir die Regeering verrig kan word deur ‘n persoon wat nie ‘n beantwoord in die Staatsdiens is nie, die Minister enigsmans as so en adjunk-balju kan aanstel teen die besidiging en op die voorwaardes wat die Minister bepaal.

(b) Wanneer ‘n grifker, assistent-grifker of balju weens afwezigheid of onbekwaamheid nie sy amptpligte kan uitoer nie of sy amp vakant word, kan die Minister ‘n ander bevoegde beantwoord in die Staatsdiens magig om in die plek van die afwezige of onbekwaam beantwoord op te tree soos by adjunk-balju of onbekwaam is, of om in die vakante betrekking waar te neem totdat die vakature gevolg word: Met dien verstande dat wanneer so ‘n vakature vir ‘n ononderbrok
such vacancy has remained unfilled for a continuous period exceeding six months the matter shall be reported to the Public Service Commission.

(c) An additional sheriff may, subject to the directions of the sheriff, exercise all the powers and carry out and perform all the functions and duties of the sheriff.

(2) Any officer in the Public Service appointed under subregulation (1) may hold simultaneously more than one of the offices mentioned in that subregulation.

(3) A deputy sheriff who is not an officer in the Public Service may, with the approval of the Minister, appoint one or more assistants for whom he shall be responsible and any such assistant may, subject to the directions of the deputy sheriff, exercise any of the powers and carry out or perform any of the functions or duties of such deputy sheriff.

(4) Any person appointed as an assistant to a deputy sheriff who is an officer in the Public Service may, subject to the directions of such deputy sheriff, exercise any of the powers and carry out or perform any of the functions or duties of the deputy sheriff.

(5) A deputy sheriff who is not an officer in the Public Service shall, as soon as possible after his appointment, furnish security to the satisfaction of the sheriff for the due and faithful performance of his functions, and if he fails or neglects to furnish such security within a period fixed by the sheriff, his appointment shall lapse at the expiration of the said period.

(6) Whenever in any matter objection is made to the service or execution of process by the sheriff or a deputy sheriff by reason of the interest of such sheriff or deputy sheriff in such matter or of the relationship of such sheriff or deputy sheriff to a party to such matter or of any other good cause of challenge, or whenever by reason of illness or absence or for any other reason it is necessary to appoint any person to perform temporarily any of the duties of a deputy sheriff, the Minister may appoint an acting deputy sheriff.

(7) Any person who has already been appointed in the capacity of a deputy sheriff in terms of the Supreme Court Act, 1959 (Act 59 of 1959), shall, subject to the provisions of subregulation (5), be deemed to have been appointed in terms of the provisions of those regulations.

(8) The Minister may delegate to an officer in the Department of Plural Relations and Development any of the powers vested in him in terms of this regulation.

Suspension of deputy sheriff

27. (1) A deputy sheriff who is alleged to have been negligent or dilatory in the service or execution of process or willfully to have demanded payment of more than the prescribed fees or expenses or to have made a false return or in any other manner to have misconducted himself in connection with his duties may, pending investigation, be suspended from office and profit by the sheriff who may appoint a person to act in his place during the period of suspension.

(2) The sheriff shall forthwith report to the Secretary for the information of the Minister any action which he has taken under this regulation, and the Minister may, after investigation, set aside the suspension or may confirm it and may, if he deems fit, dismiss from his office the deputy sheriff who has been so suspended.

tydperk van meer as ses maande nie gevul is nie, die geval aan die Staatsdienstkommissie gerapporteer moet word.

(c) 'n Addisionele balju kan, onderworpe aan die opdragte van die balju, al die bevoegdhede van die balju uitoefen en al sy werkzaamhede en pligte uitvoer.

(2) 'n Beampte in die Staatsdiena wat kragtens subreguliasie (1) aangestel is, kan gelykydig meer as een van die ampte in daardie subreguliasie bedoel, beklei.

(3) 'n Adjunk-balju wat nie 'n beampte in die Staatsdiena is nie, kan, met goedkeuring van die Minister, een of meer assistente aanstel vir wye hy verantwoordelik is en so 'n assistent kan, onderworpe aan die opdragte van die adjunk-balju, enige van die bevoegdhede van daardie adjunk-balju uitoefen en enige van sy werkzaamhede of pligte uitvoer.

(4) Iemand wat aangestel is as assistent van 'n adjunk-balju wat 'n beampte in die Staatsdiena is, kan onderworpe aan die opdragte van daardie adjunk-balju, enige bevoegdhede van bedoelde adjunk-balju uitoefen en enige van sy werkzaamhede of pligte uitvoer.

(5) 'n Adjunk-balju wat nie 'n beampte in die Staatsdiena is nie, moet, so gou aslik na sy aanstelling, tot tevredenheid van die balju seker te maak dat hy volkome bekwaam is om sy werk in die balju se gevolg uit te voer en dat hy die balju se werk goed kan volbracht en al die pligte van sy bevordering in daardie balju kan bewaar.

(6) Wanneer in enige saak teen die bestelling of tenuiitvoerlegging van 'n proses deur die balju of 'n adjunk-balju beswaar gemaak word op grond daarvan dat bedoelde balju of adjunk-balju deur die balju seker het of aan 'n party deur daardie balju seker vervolging is of open 'n ander goeie wrakingsground, of wanneer dit wees of wanneer dit nodig is om belanghebbende te vertoon of te verwys na die Minister 'n tydelike enige pligte van 'n adjunk-balju te versoek, kan die Minister 'n waarneemende adjunk-balju aanstel.

(7) Enige persoon wat reeds ingevolge die Wet op die Hooggeregshof 1959 (Wet 59 van 1959), in die gebied as adjunk-balju aangestel is, word, behoudens die bepaling van subreguliasie (5), geag ingevolge die bepaling van die hierdie regulasies aangestel om te geweet te word.

(8) Die Minister kan aan 'n beampte in die Departement van Plurale Betrekkinge en Ontwikkeling enige bevoegdheid delegeer wat ingevolge hierdie regulasie by hom bera.

Skorsing van adjunk-balju

27. (1) 'n Adjunk-balju wat na bewering nalatig of traag in die bestelling of tenuiitvoerlegging van prosesstukke was of opsetlik betaling van meer as die voorskriflike gelde of onkoste gegee het of 'n valse relaas gemaak of hom andersins in verband met sy pligte aan wangedrag skuldig gemaak het, kan, in afwagting van homs oordeel, in sy ampte verwedde, enige pligte van sy bevordering daarvan ontheft word deur die balju, wat iemand kan aanstel om gedurende die tydperk van die skorsing in sy plek op te tree.

(2) Die balju moet onverwyld enige stappe wat hy ingevolge hierdie regulasie geden het aan die Sekretaris vir die uitligting van die Minister rapporteer, en die Minister kan na onderzoek die skorsing tersetyd of dit bekrachtig en kan enige pligte van die adjunk-balju wat aldus gekose is, uit sy ampte ontlaas.
Execution of process

28. (1) The sheriff or the deputy sheriff concerned or his assistant shall execute all sentences, decrees, judgments, writs, summonses, rules, orders, warrants, commands and processes of the Court or the Supreme Court directed to the sheriff and make return of the manner of execution thereof to the Court or the Supreme Court, as the case may be, and to the party at whose instance they were issued.

(2) The return of the sheriff or a deputy sheriff or his assistant of the steps taken upon any process of the Court shall be prima facie evidence of the matters therein stated.

(3) The sheriff shall receive and cause to be detained all persons arrested by order of the Court or committed to his custody by competent authority.

(4) A refusal by the sheriff or any deputy sheriff to do any act which he is by law empowered to do, shall be subject to review by the Court on application ex parte or on notice, as the circumstances may require.

Liability for acts of sheriff

29. (1) The Government shall be liable for any loss or damage resulting from any wrongful act performed by a sheriff or deputy sheriff who is an officer in the Public Service, or an assistant of such deputy sheriff, within the scope of his employment as such sheriff or deputy sheriff or assistant from any neglect of duty by such sheriff or deputy sheriff or assistant.

(2) The sheriff or a deputy sheriff or his assistant shall not be liable for damage arising from the rescue or escape of any person arrested by him or committed to his custody, unless such rescue or escape was effected through his negligence or connivance, but shall, in the event of the rescue or escape of any such person, use all lawful means for his pursuit, apprehension and safe custody.

(3) No proceedings shall be brought against the Minister or the sheriff or any deputy sheriff or his assistant for any act or omission in the execution of the duties of his office unless commenced within six months after the act was committed or the omission occurred.

Service of process on sheriffs or deputy sheriffs

30. (1) Whenever any process is required to be served on the sheriff, such process may be served by the other party by delivering a copy thereof to him at his office during ordinary office hours against his signature.

(2) Whenever any process is required to be served on a deputy sheriff, the said process may, if the deputy sheriff resides in the same district as the sheriff, be served by the sheriff and in every other case by the messenger of the magistrate's court: Provided that if the messenger is himself the deputy sheriff to be so served, the said process may be served by any person specially appointed by the sheriff for that purpose.

Property not liable to be seized in execution

31. The sheriff or a deputy sheriff or his assistant shall not seize in execution of any process—

(a) the necessary beds and bedding and wearing apparel of the person against whom execution is levied or any member of his family.

Tenutvoorlegging van prosesstukke

28. (1) Die balju of die betrokke adjunk-balju of sy assistent moet alle vonnisse, bevele, uitsprake, bevelskrifte, dagvaardings, reëls, orders, lasbriewe, lasgewings en prosesstukke van die Hof of die Hooggeregs- hof wat aan die balju gerig is, ten uitvoer lê en 'n reëls van die wyse waarop dit ten uitvoer geë is, verstrek aan die Hof of die Hooggeregs- hof, na gelang van die geval, en aan die party wat dit uitgeneem het.

(2) Die reëls van die balju of 'n adjunk-balju of sy assistent van die stappe wat in verband met 'n prosesstuk van die Hof gedoen is, is prima faciegetuienis van die aaneengelêheid daarvan verkeld.

(3) Die balju moet alle persone wat op las van die Hof in heetgens geneem of deur bevoegde gesag in sy bewaring gestel is, ontvang en laat aanhou.

(4) 'n Weiering deur die balju of 'n adjunk-balju om 'n handeling te verrig wat hy regts gemag om te verrig, is onderworpe aan hersiening deur die Hof by aansoek ex parte of na kennisgawes, al na die omstandighede vereis.

Aanspreeklikheid vir handelingen van balju

29. (1) Die Regering is aanspreeklik vir verlies of skade wat ontstaan uit 'n wedererregtelike handeling deur 'n balju of adjunk-balju wat 'n beapmete in die Staats- diens is, of 'n assistent van so 'n adjunk-balju, binne die bestek van sy diens as so 'n balju of adjunk-balju of assistent verrig, of uit pligversuim deur so 'n balju of adjunk-balju of assistent.

(2) Die balju of 'n adjunk-balju of sy assistent is nie vir skade wat ontstaan uit die bevryding of ontsnapping van iemand wat hy in heetgens geneem het of wat in sy bewaring gestel is nie, ten tysie van die bevryding of ontsnapping wees sy nalatigheid of onvoldoende toelating geskied het, maar moet in die geval van die bevryding of ontsnapping van so iemand alle wettige middels vir die agtervolging, inhegtenisname en veilige bewaring van so iemand aanwend.

(3) Geen geding word weens 'n handeling of versuim by die vervulling van sy aanspraklike teen die Minister of die balju of 'n adjunk-balju of sy assistent ingestel nie, tensy dit aanhangig gemaak word binne ses maande nadat die handeling of versuim plaasgevind het.

Bestelling van prosesstukke aan balju's of adjunk-balju's

30. (1) Wanneer 'n prosesstuk aan die balju bestel moet word, kan daardie prosesstuk deur die ander party bestel word deur 'n afskrif daarvan gedurende gewone kantoorure by sy kantoor teen sy handtekening aan hom te lever.

(2) Wanneer 'n prosesstuk aan 'n adjunk-balju bestel moet word, kan daar die prosesstuk, indien die adjunk- balju in dieselfde distrik as die balju woon, deur die balju en in enige ander geval deur die geregshede van die maatskapschaf bestel word: Met dies verstande dat, indien die geregshede self die adjunk-balju is aangewe, nie dit self nie, nie die prosesstuk kan word deur iemand wat die balju spesiaal vir dié doel aanstel.

Eiendom wat nie vir beslaglegging vatbaar is nie

31. Die balju of 'n adjunk-balju of sy assistent lê nie by die tenutvoorlegging van 'n prosesstuk beslag op—

(a) die nodige beddens, beddegoed en klere van die persoon teen wie beslaglegging geskied of 'n lid van sy gesin nie.
(b) the necessary furniture, other than beds, and household utensils in so far as they do not exceed in value the sum of R400;

(c) livestock, tools and agricultural implements of a farmer in so far as they do not exceed in value the sum of R400;

(d) any food and drink sufficient to meet the needs of such person and the members of his family for one month;

(e) tools and implements of trade in so far as they do not exceed in value the sum of R400;

(f) professional books, documents or instruments necessarily used by the debtor in his profession in so far as they do not exceed in value the sum of R400; or

(g) such arms and ammunition as the debtor is in terms of any law, regulation or disciplinary order required to have in his possession as part of his equipment:

Provided that the Court may, in exceptional circumstances and on such conditions as it may determine, increase the amount specified in paragraph (b), (c), (e) or (f) to not more than double the amount therein mentioned.

Offences relating to execution

32. Any person who—

(a) obstructs a sheriff or deputy sheriff or his assistant in the execution of his duty;

(b) being aware that goods are under arrest, interdict or attachment by the Court, makes away with or disposes of those goods in a manner not authorised by law, or knowingly permits those goods, if in his possession or under his control, to be made away with or disposed of in such a manner;

(c) being a judgment debtor and being required by a sheriff or deputy sheriff or his assistant to point out property to satisfy a warrant issued in execution of a judgment against such person—

(i) falsely declares to that sheriff or deputy sheriff or his assistant that he possesses no property or insufficient property to satisfy the warrant; or

(ii) although knowing of such property, neglects or refuses to point out such property or to deliver it to the sheriff or deputy sheriff or his assistant when requested to do so; or

(d) being a judgment debtor, refuses or neglects to comply with any requirement of a sheriff or deputy sheriff or his assistant in regard to the delivery of documents in his possession or under his control relating to the title of the immovable property under execution;

shall be guilty of an offence and liable on conviction to a fine not exceeding R200 or in default of payment to imprisonment for a period not exceeding six months or to such imprisonment without the option of a fine.

Transmission of summonses, writs and other process and of notice of issue thereof by telegraph

33. In any civil proceedings—

(a) any summons, writ, warrant, rule, order, notice, documents or other process of the Court or communication which by any law, rule of court or agreement of parties is required or directed to be served or executed upon any person, or left at the house or place of abode or business of any person, in order that such person may be affected thereby, may be

(b) die nodige meubels, behalve beddens, en huisgeriekskap vir sover die waarde daarvan die som van R400 nie te bowe gaan nie;

(c) lewendge hare, gereedskap en landbou-uitsraiging van 'n landboor vir sover die waarde daarvan die som van R400 nie te bowe gaan nie;

(d) voedsel en drank voldoende om in die behoeftes van bedoelde persoon en die lede van sy gesin vir een maand te voorsien nie;

(e) ambagsgeriekskap en -uitsraiging vir sover die waarde daarvan die som van R400 nie te bowe gaan nie;

(f) professionele boeke, dokumente of instrumente wat vir die skuldenaar in sy beroep noodsaaklik is, vir sover die waarde daarvan R400 nie te bowe gaan nie; of

(g) wapens en ammunisie wat die skuldenaar volgens die een of ander wet, regulasie of tugreglement as deel van sy uitsraiging in sy besit moet hê:

Mets die verstande dat die Hof in buitengewone gevalle en op die voorwaardes wat hy bepaal, die bedrag in paragraaf (b), (c), (e) of (f) vermeld, tot hoogstens dubbel daardie bedrag kan verhoog.

Oorredings met betrekking tot eksekusie

32. Iemand wat—

(a) 'n balju of adjunk-balju of sy assistent in die uitvoering van sy pligte dwarsboom;

(b) in die wette dat 'n beslissingsbevel of interdik in verband met goed deur die Hof verleen is, daardie goed wegmaak van of daaroor beskik op 'n wyse wat nie volgens wet gemagtig is nie, of wetens toe laat dat daardie goed, indien in sy besit of onder sy beheer, op 'n wyse wegmaak van of daaroor beskik word;

(c) in die geval van 'n vonniskuldenaar, op versoe van 'n balju of adjunk-balju of sy assistent om eiendom ter voldoening aan 'n lasbrief tot eksekusie van 'n vonnis teen so iemand uitgerek, aan te wys—

(i) valslik aan daardie balju of adjunk-balju of sy assistent verklaar dat hy geen eiendom of nie voldoende eiendom om aan die lasbrief te voldoen, besit nie; of

(ii) hoewel hy van sodanige eiendom weet, versuim of weier om daardie eiendom aan te wys of dit aan die balju of adjunk-balju of sy assistent te lever wanneer hy daartoe versoek word; of

(d) in die geval van 'n vonniskuldenaar, weier of versuim om te voldoen aan 'n vereiste van 'n balju of adjunk-balju of sy assistent in verband met die levering van dokumente in sy besit of onder sy beheer met betrekking tot die eiendomsreg op die oororjendig goed onder eksekusie;

is aan 'n misdryf skuldig en by skuldigbewindiging straflat met 'n boete van hoogstens R200 of by wansynteling tot gevangeenisstraf vir 'n tydperk van hoogstens ses maande of met sodanige gevangenisstraf sonder die keuse van 'n boete.

Oorreden van dagvaardings, beveelskrifte en ander prosesstukke en van kennisgewing van uitreiking daarvan per telegraaf

33. In 'n siviele geding—

(a) kan 'n dagvaarding, beveelskrif, lasbrief, bevel, order, kennisgewing, dokument of ander prosesstuk van die Hof of mededeeling wat volgens wet, hof- of oorlokaoms van partye aan iemand bestel of ten uitvoer gelyk of by die huis, woem- of besigheidsplek van iemand gelaat moet word, sodat so iemand 'nradier gereaks kan word, per telegraaf
transmitted by telegraph, and a telegraphic copy served or executed upon such person, or left at his house or place of abode or business, shall be of the same force and effect as if the original had been shown to or a copy thereof served or executed upon such person, or left as aforesaid, as the case may be; and

(b) a telegram from any judicial or police officer, registrar, assistant registrar, sheriff, deputy sheriff or clerk of the court stating that a warrant or writ has been issued for the apprehension or arrest of any person required to appear in or to answer any civil suit, action or proceeding shall be a sufficient authority to any officer authorised by law to execute any such warrant or writ for the arrest and detention of such person until a sufficient time, not exceeding 14 days, has elapsed to allow of the transmission of the warrant or writ to the place where such person has been arrested or detained, unless the discharge of such person be previously ordered by a judge of the Court: Provided that any such judge may upon good cause shown order the further detention of any such person for a period to be stated in such order, but not exceeding 28 days from the date of the arrest of such person.

Witness fees

34. (1) The tariff of allowances which shall be paid to a witness in civil proceedings or to any person who is to accompany any such witness on account of the youth or infirmity due to old age or any other infirmity of such witness shall, subject to the provisions of these regulations, be as prescribed from time to time for the Supreme Court in terms of section 42 of the Supreme Court Act, 1959 (Act 59 of 1959).

(2) Notwithstanding anything to the contrary in any law contained, the Court may order that no allowances or only a portion of the prescribed allowances shall be paid to any witness.

Rules of Court

35. The Chief Justice is, subject to the provisions of these regulations, authorised to make rules regulating the matters mentioned in section 34 (1) (g) of the Act.

Interpretation of laws

36. (1) Any reference to the Supreme Court or a division of that court or an Appeal Court for Commissioners' Courts contained in any law in force in the area shall, subject to the provisions of these regulations, be construed as a reference to the Court.

(2) Any reference to a judge president or judge of the Supreme Court contained in any law in force in the area in connection with any power, action, duty or function shall be construed as a reference to the Chief Justice or a judge of the Court, as the case may be.

(3) Any reference in any law to an attorney-general or deputy attorney-general of the area of jurisdiction of a division of the Supreme Court shall, in the area of jurisdiction of the Court, be construed as a reference to the attorney-general or a deputy attorney-general, as the case may be, of the area of jurisdiction of the Court.

Appearance in Court

37. An advocate of any division of the Supreme Court may appear in any action in the Court: Provided that an attorney may also, with the permission of the

versend word, en 'n telegrafiese afskrif wat aan so iemand bestel of teem hom ten uitvoer gelê of by sy huis of woon- of besigheidsplek gelaat word, het dieselfde krang en uitwerking asof die oorspronklike aan so iemand getoon of 'n afskrif daarvan aan hom bestel of teem hom ten uitvoer gelê of gelaat was soos voorheen vermeld, na gelang van die geval.

(b) dien 'n telegram van 'n regterlike of politiebeampte, griffer, assistent-griffer, balju, adjunk-balju of klerk van die hof, waarin vermeld word dat 'n lasbrief of bevelskrif uitgereik is vir die aanhouding of inhegteningsneming van iemand wat in 'n sivele zaak of geding of by sivele verrygtigte moet verskyn of hom moet verweer, as voldoenende magtiging aan 'n beampte wat regtens bevoeg is om so 'n lasbrief of bevelskrif vir die inhegteningsneming en aanhouding ten uitvoer te le, totdat 'n voldoenende tydperk, maar hoogstens 14 dae, vir die versendende van die lasbrief of bevelskrif na die plek waar bedoelde persoon in hegenis geneem of aangehou is, verstrekt het, tensy 'n regter van die Hof eerder die vrylating van daardie persoon gelas: Met dien verstande dat, waar geen redes daarvoor bestaan, die regter kan beveel dat bedoelde persoon vir 'n verdere tydperk in die bevel vermeld, maar hoogstens 24 dae vanaf die datum van inhegteningsneming van daardie persoon, aangehou word.

Getuiegelse

34. (1) Die tarief van toelases wat betaal moet word aan 'n getuie in 'n sivele geding of aan iemand wat 'n getuie wees die een of 'n ouderdoms- of ander gebrek van daardie getuie moet begelei, is, behoudens die bepalings van hierdie regulasies, soos van tyd tot tyd voorgesken het, ten as van 'n regter van die Hooggeregshof kragtens die bepalings van artikel 42 van die Wet op die Hooggeregshof, 1959 (Wet 59 van 1959).

(2) Ondanks andersluidende bepalings van die een of ander wet, kan die Hof gelaat dat geen toelaes of slegs 'n deel van die voorgestelde toelase aan 'n getuie betaal word.

Hofreëls

35. Die Hoofregter is, behoudens die bepalings van hierdie regulasies, gemagig om reëls uit te vaardig vir die reëling van die aangeleenthede vermeld in artikel 34 (1) (g) van die Wet.

Uitleg van wetsbepalings

36. (1) 'n Verwyssing na die Hooggeregshof of 'n afdeling van daardie hof of 'n Appèlhof vir Kommissarishowe in enige wet wat in die gebied van krag is, word, behoudens die bepalings van hierdie regulasies, uitgelyk as 'n verwyssing na die Hof.

(2) 'n Verwyssing na 'n regter-president of 'n regter van die Hooggeregshof in enige wet wat in die gebied van krag is in verband met enige bevoegdheid, optrede, plig of werksoordem, word uitgelyk as 'n verwyssing na die Hoofregter of 'n regter van die Hof, na gelang van die geval.

(3) 'n Verwyssing in enige wet na 'n prokureur-gene- eller adjunk-prokureur-gene- of die reggebied van die Hof, uitgelyk as 'n verwyssing na die prokureur-gene- of adjunk-prokureur-gene- of die reggebied van die Hof, na gelang van die geval, van die reggebied van die Hof.

Verskyning in die Hof

37. 'n Advokaat van enige afdeling van die Hoog- gereghof kan in enige geding in die Hof verskyn: Met dien verstande dat 'n prokureur ook, met die verlof
Chief Justice, appear in the Court in any action in which the Chief Justice considers it to be in the interest of the administration of justice.

Power of the Court in relation to the application of indigenous law and customs

38. In all actions or proceedings before the Court in which both the plaintiff and the defendant are Blacks and in which questions of customs followed by Blacks are involved, the Court may, as far as possible, apply the indigenous law applicable to that custom, except in the case where such custom is contrary to the principles of public policy or natural justice: Provided that the Court shall not declare the custom of thakha, lobola or bogadi or other similar custom to be repugnant to such principles.

ANNEXURE

DESCRIPTION OF THE SEAL OF THE COURT

The Coat of Arms of the Republic enclosed within a circle and the whole encompassed by a wider circle within which appear the following words:

"VENDA-HOERHOF—HIGH COURT—KHOTHE KHULWANE"

and the whole encompassed by a wider circle within which appear the following words:

"REPUBLIC VAN SUID-AFRIKA—REPUBLIC OF SOUTH AFRICA—RIPHABULIKI YA AFURIKA TSHIPEMBE".

van die Hoofregter, in die Hof kan verskyn in 'n geding waarin die Hoofregter dit in die belang van die reegspleging beskou.

Bevoegdheid van die Hof met betrekking tot die toepassing van inheemse reg en gebruik

38. In alle gedinge of verrigtinge voor die Hof waarin die eiser sowel as die verweerder Swartes is en waarin kwessies van gebruikte wat Swartes navolging betrekke is, kan die Hof, sover doenlik, die toepaslike inheemse reg toepas wat in verband met daardie gebruik geld, behalwe in die geval waar daardie gebruik met beginsels van openbare beleid of natuurlike reg strydig is: Met dien verstande dat die Hof nie die gebruik van thakha, lobola of bogadi of dergelike gebruik met bedoelde beginsels in stryd verklaar nie.

AANHANGSEL

BESKRYWING VAN DIE SEEL VAN DIE HOF

Die Republiekwapen omgewe deur 'n sirkel en daaromheen binne 'n wyer sirkel die woorde:

"VENDA-HOERHOF—HIGH COURT—KHOTHE KHULWANE"

en daaromheen binne 'n wyer sirkel die woorde:

"REPUBLIC VAN SUID-AFRIKA—REPUBLIC OF SOUTH AFRICA—RIPHABULIKI YA AFURIKA TSHIPEMBE".
ELECTION OF A MEMBER OF THE VENDA LEGISLATIVE ASSEMBLY: ELECTORAL DIVISION OF VUWANI

Whereas the seat of an elected member of the Venda Legislative Assembly in respect of the Electoral Division of Vuwani has become vacant;

Now, therefore—

(i) under and by virtue of the powers vested in me by section 8 of the Venda Election Proclamation, 1973 (Proclamation R. 13 of 1973), I hereby—

(a) fix Monday, 18 June 1979, as the day on which a nomination court shall sit at the Magistrate’s Office, Vuwani, to receive nominations of candidates for election as a member of the Venda Legislative Assembly in respect of the Electoral Division of Vuwani; and

(b) state that one member is to be elected in the Electoral Division of Vuwani; and

(ii) if, in accordance with the provisions of section 10 (c) of the said Venda Election Proclamation, 1973, poll is to take place, I hereby, under and by virtue of the powers vested in me by section 8 of the said Venda Election Proclamation, 1973, fix in accordance with the accompanying Schedule—

(a) the period during which poll shall take place: and

(b) the hours at which poll shall commence and close on the polling day.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Twenty-first day of May, One thousand Nine hundred and Seventy-nine.

B. J. VORSTER, State President.

By Order of the State President-in-Council:

P. G. J. KOORNHOF.

SCHEDULE

<table>
<thead>
<tr>
<th>Polling stations</th>
<th>Period during which poll shall take place</th>
<th>Hours at which poll shall commence and close</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Within the four polling districts of Venda</td>
<td>21/8/79</td>
<td>07h00-21h00.</td>
</tr>
<tr>
<td>(b) Outside an area referred to in (a) above at polling stations at the seats of returning officers</td>
<td>21/8/79</td>
<td>08h00-16h30.</td>
</tr>
<tr>
<td>(c) Outside an area referred to in (a) above at polling stations other than those referred to in (b) above</td>
<td>21/8/79</td>
<td>07h00-21h00.</td>
</tr>
</tbody>
</table>

Magistraatskantoor, Vuwani, om nominasies te ontvang van kandidate vir verkiesing tot lid van die Venda- Wetgewende Vergadering ten opsigte van die kiesafdeling Vuwani; en

(b) vermeld dat een lid in die kiesafdeling Vuwani verkies moet word; en

(ii) indien 'n stemming ingevoegde bepaling van artikel 10 (c) van genoemde Venda-verkiesingsproklamisie, 1973, moet plaasvind, kragtens die bevoegdheid my verleen by artikel 8 van genoemde Venda-verkiesingsproklamisie, 1973, hierby—

(a) die tydperk wanneer stemming moet plaasvind; en

(b) die ure wanneer stemming op die stemdag moet begin en eindig;

oorenkomstig bygaande Byle bepaal.

Gegene onder my Hand en die Seel van die Republiek van Suid-Afrika te Kaapstad, op hede die Eén-en-twintigste dag van Mei Eenduisend Negenhonderd Negen-sonweitig.

B. J. VORSTER, Staatspresident.

Op las van die Staatspresident-in-rade:

P. G. J. KOORNHOF.

<table>
<thead>
<tr>
<th>BYLAE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stemburo’s</td>
</tr>
<tr>
<td>(a) Binne die vier stedelike gebiede van Venda</td>
</tr>
<tr>
<td>(b) Binne die gebiede van stemburo’s in (a) bovennoemde, by stemburo’s in (b) bovennoemde</td>
</tr>
<tr>
<td>(c) In die gebiede van stemburo’s in (b) bovennoemde</td>
</tr>
</tbody>
</table>

14th October. We marched towards Vryheid getting into the town on the 16th instant. The Greys left Vant’s Drift on the 27th September 500 strong and by the time we got into Vryheid, 101 of our horses had died and 103 horses were sent...
Independence for Venda: first step

THE ASSEMBLY — The first formal step towards independence for Venda was taken in Parliament yesterday.

Dr Koornhof, Minister of Co-operation and Development, gave notice that he will introduce the Status of Venda Bill, when Parliament resumes next week.

The Progressive Federal Party will probably oppose the Bill at the first reading, to register the strongest form of protest against the citizenship clause, which is expected to strip all blacks with Venda ethnic connections of their South African citizenship.

Dr Koornhof said yesterday he did not wish to discuss the Bill’s provisions before they became available.

However, it is likely the citizenship provisions in the Bill will be the same as those of its two predecessors: the Status of Transkei Act and the Status of Bophuthatswana Act, which deprived all Xhosas and Tswana of South African citizenship.

The measures caused an international wave of protest, and were strongly opposed by blacks. Dr Koornhof outside these areas.
Venda Bill published

Political Reporter.

CAPE TOWN — Legislation to deprive people classified as Venda of their South African citizenship has been published in Cape Town.

The status of Venda Bill, which had its first reading yesterday, makes important steps towards the independence of the Venda homeland.

Venda will be the third homeland to opt for independence.

The Opposition has strongly objected to the taking of South African citizenship from people without their consent.

Both the Progressive Federal Party and the New Republic Party opposed the Bill at the first reading — the strongest form of parliamentary opposition to a motion.
Opposition against Venda Bill

HOUSE OF ASSEMBLY.—The Progressive Federal and New Republic Parties yesterday opposed introduction of a bill proposing that independence be granted to the Venda homeland.

Opposition to the introduction of a bill is the strongest form of parliamentary opposition to a motion.

"We see this measure as part of the government's grand plan of piecemeal fragmentation of this country in an attempt to satisfy the aspirations of blacks," said Mr. Ray Swart (PPF Musgrave).

"We are totally opposed on principle to the fragmentation of South Africa as a solution to the issue of black-white relations. The PFP believed homelands should be developed because they were underdeveloped, Mr. Swart said.

If homelands desired genuine independence, it should be recognized subject to:

• A special referendum to show the majority wanted independence;

• Independence should be subject to the fact that homeland boundaries be determined to the mutual satisfaction of South Africa and the people concerned, and;

• No South African citizens should be deprived on account of independence of their South African citizenship without their consent.

Mr. Bill Sutton (NRP Moorivere) said the step towards independence for Venda was a "step towards futility," and would do nothing positive for future relationships between different ethnic groups.

An unfair choice had been put to the people of Venda. They had been asked to choose between "an inadequate and unacceptable status quo" in which they remained without rights in South Africa, or independence and limited rights, which would cut them off from South African citizenship and the wealth they had helped build.

The Minister of Co-operation and Development, Dr Piet Koornhof, said the government would not make any people stateless, it was endeavoring to give people their freedoms the only way in which they could.

"I beseech you to accept my word of honour we want to free people," said Dr Koornhof.

"Then come clean on the question of citizenship," interjected Mr Ray Swart (PPF Musgrave).

"We can talk about the question of citizenship during the second reading," said Dr Koornhof.

Venda had been the fatherland of the Venda people for more than a century.

"But it was part of South Africa," interjected Mr Swart.

"They want it as their fatherland so they can build it into a nation to take their place in the international community," said Dr Koornhof.

The government was achieving this without bloodshed and revolt.

Dr Van Zyl Slabbert (PPF Rondebosch) asked why the government persisted in their policy of creating independant homelands at a time when South Africa was on the threshold of great constitutional changes.

"Dr Koornhof has said we must think and talk with the blacks, not for them. This bill contradicts that philosophy.

Mr. John Wiley (SAP Simontown) said the merits of the bill could only be discussed at the second reading and he could not find sufficient reason for his party to oppose it at first reading. — Sapa.
Outright No to Venda Bill

THE ASSEMBLY — The Progressive Federal and New Republic Parties yesterday opposed introduction of a Bill proposing that independence be granted to the Venda homeland.

Opposition to the introduction of a Bill is the strongest form of parliamentary opposition to a motion.

"We see this measure as part of the government's grand plan of piecemeal fragmentation of this country in an attempt to satisfy the aspirations of blacks," said Mr. Ray Swart (PFP, Mossel Bay).

Mr Bill Sutton (NRP, Breit River) said the step toward independence for Venda was a "step toward futility", and would do nothing positive for future relationships between different ethnic groups.

Dr Koornhof, Minister of Co-operation and Development, said the government would not make any people stateless. It was encouraging to give people their freedom.

Dr Koornhof said the opposition was damaging the good relations between peoples of South Africa. It should let history decide whether the government was freeing people or taking away rights.

The Bill was read a first time with 104 votes to 22. The South African Party voted against the government.

Speaking in debate on the first reading of the Status of Venda Bill, Dr. Ivan Zyl Niëburt (PFP, Rondebosch) asked why the government persisted in its policy of creating independent homelands when South Africa was on the threshold of great constitutional changes.

He said three vital constitutional issues — citizenship, land allocation and urban blacks — were being investigated by the government.

The formation of the joint select committee on the new constitution should be seen against the background of the government's initial constitutional proposals.

"It realises that unilateral action is not going to work," he said.

SAPA

(News by C. Brad, Press Gallery, House of Assembly, Cape Town)
Koornhof challenged on timing of Venda Uhuru Bill

THE ASSEMBLY. — Dr F Van Zyl Slabbert (PFP Rondebosch) yesterday asked the Government why it persisted in creating independent homelands at a time when South Africa was on the threshold of great constitutional changes.

Speaking in debate on the first reading of the Status of Venda Bill, Dr Slabbert said three vital constitutional issues — citizenship, land allocation and urban blacks — were being investigated by the Government.

The formation of the joint Select Committee on the new constitution should be seen against the background of the initial constitutional proposals of the Government.

"I realize that unilateral action is not going to work," he said.

"Dr Koornhof has said we must think and talk with the blacks, not for them. This Bill contradicts that philosophy."

There were two questions to be asked to demonstrate this:

"Have the people involved in independence had adequate opportunity to demonstrate their desire for independence?"

He said the answer was no.

"Secondly, does any person involved in such citizenship involuntarily lose such citizenship?"

He said the answer was yes.

Both answers, together or separately, were enough reason for the PFP to oppose the first reading of the Bill, he said.

The next speaker, Mr John Wiley (SAP Simons Town) said the merits of the Bill could only be disclosed at the second reading and he could not find sufficient reason for his party to oppose it at first reading.

Mr Rupert Lorimer (PFP Orange Grove) said the independence given to homelands would eventually become a disaster for South Africa.

"He said the Opposition was trying to prevent the Government from fragmenting South Africa as this was a sure way of creating conflict between race groups.

If and when the Opposition talked about independence it had to contain some measure of viability.

This was not possible in Venda as no infrastructure existed.

It was necessary for all people in South Africa — white, coloured and black — to stand together to prevent the country from falling.

Time for the motion elapsed and the Bill was read a first time with 104 votes to 22.

The SAP voted with the Government. — Sapa.
3.4 Conditional forecasting

The assumption that all the explanatory variables are known without error may be unrealistic. Where the X's are not known with certainty, we expect that the stochastic nature of the predicted values of the X's will lead to forecasts of Y which are less reliable than in the fixed X case. It is quite difficult to derive analytical results for the error of forecast in a general setting where the X's are not known with certainty. Feldstein uses a special case, which is instructive. (F. Feldstein: The Error of Forecast in Econometric Models when the Forecast Period Exogenous Variables are Stochastic. Econometrica, Vol. 39, Jan 1971)

We have the model:

\[ Y_t = \beta X_t + \epsilon_t \]

where

\[ X_{tri} = X_{tri} + \epsilon_{tri} \]

\[ \epsilon_t \sim N(0, \sigma^2) \]

\[ \epsilon_t \sim N(0, \sigma^2) \]

\[ Y_t \sim N(0, \sigma^2) \]

3.5 Stremler argues that even short term forecasts are ex ante conditional forecasts because variables occurring in them with the datum of the recent or recent past have nevertheless to be guessed at. Because of the length of time needed in gathering and processing statistical data, even estimates of the present situation are in their logical structure most cases likely to be ex ante forecasts. (p 19) The most recent data is usually estimated or provisional, subject to revision even up to five years hence. (see D.J. Beach S.A. National Income Data – An Econometric Problem. South African J. of Econ. Vol. 43, 1967 who discusses the problems in estimation caused by data revision.) Forecasts can never be better than the data on which they are based. Furthermore, often if the forecast model is determined only by lagged endogenous variables, the time path of its own variables, predicted rather by period, all forecasting errors for past periods will accumulate in these decisive data and
Govt prepared for Venda citizenship wrangles

Political Staff

CAPE TOWN. — Similar citizenship provisions to those adopted when Transkei and Bophuthatswana became independent will come into effect when Venda gains its independence later this year.

But, in terms of the Status of Venda Bill, released to Parliament this week, a joint South African-Venda Board is to be established to decide on doubtful citizenship cases.

The Bill says that Venda citizens who are resident in South Africa will not "forfeit any existing rights, privileges or benefits by reason only of the other provisions of this Act."

Venda citizens, who will cease to be South African citizens, will be anyone

- Who was a Venda citizen before the commencement of the Act;
- Was born in or outside Venda;
- Whose parents are Venda citizens;
- Who has lawfully been resident in Venda for five years and who has been granted citizenship;
- Resident in South Africa who speaks a language used by any tribe in Venda;
- Who has indentified himself with any part of the Venda population or who is "culturally or otherwise associated" with the Venda people.

The proposed board will decide whether or not any person falls in any of the categories defined in the law.
Minister extols Venda's virtues

THE ASSEMBLY.—In 1975 the Venda homeland had a higher per capita income than 28 African states, and was maintaining a growth rate higher than that of 40 other African states, the Deputy Minister of Co-operation and Development, Dr. Perdie Hartebeest, said yesterday.

Introducing the second reading debate on the Status of Venda Bill, which will give the homeland independence, he said Venda was larger than many other states in America, Asia and Oceania.

Venda had a lower population density than 16 of these countries.

Whereas African states received an annual average of R17,00 a head in development aid, Venda received R20.25 a head.

He said the homeland... in contrast with other black states in South Africa... had an exceptionally high percentage (80%) of its legal population living within its borders.


Today we are dealing with an instrument (the Bill) which will enable Venda to advance as a fully independent state, Dr. Hartebeest said.

Its most important asset, he said, was the unprecedented discoveries of coal deposits to add to its agriculture-based national product, was its people.

During the period 1970 to 1977 the number of schools there had increased by 50.3% and pupils by 69%, while the pupil/teacher ratio had dropped by 39%.

Post-primary pupils had increased by 200% and university students by 300% over the same period.

"From these facts we cannot help but come to the conclusion that a promising future awaits this nation," Dr. Hartebeest said.

Saps...
'Venda Bill will hurt 500 000 citizens'

By HELEN ZILLE
Political Correspondent

HOUSE OF ASSEMBLY
The status of Venda Bill stripped 500 000 people of South African citizenship and would intensify the grave dissatisfaction amongst urban blacks forced to accept homeland citizenship, Mrs Helen Suzman, chief Opposition spokesman on black affairs, said yesterday.

On September 15 Venda will become the third independent homeland.

Leading the Opposition attack during the second reading of this Bill, Mrs Suzman (FFP Houghton) said people in urban areas had not been consulted on the matter, nor had a referendum been held inside the homeland on the independence issue.

Despite this, 500 000 people would be wiped off South Africa's population statistics by the stroke of the State President's pen.

The same fate had faced the 5 million people affected by the independence of Transkei and Bophuthatswana, many of whom were entirely urbanised and had never set foot in the territories to which they technically belonged.

Quoting Government statistics, Mrs Suzman said more than half the male population of Venda were not employed in the homeland during their most productive years.

There was no hope that an independent Venda would be recognised, as was the case with Transkei and Bophuthatswana.

The passports of these countries were not recognised by any country except South Africa.

This made travel outside the borders of these countries extremely difficult for their citizens.

"I should remind the Government that there is intense dissatisfaction among urban blacks who have been deprived of their South African citizenship," Mrs Suzman said.

She drew attention to the last election in Venda, in which the Opposition won 10 out of 42 seats.

Eleven elected Opposition members were subsequently detained and, following a boycott of the Legislative Assembly, a motion was then passed compelling members to attend the Assembly for a minimum of four days a week or lose their seats.

"Nice democratic setup, especially as members detained without trial are not in a position to attend meetings," Mrs Suzman added.

Sapa reports that the chief FFP spokesman on homelands, Mr Ray Swart (Musgrave) categorically rejected the Bill.

He said it would in no way satisfy the ultimate political aspirations of Venda.

The FFP was not opposed to the development of Venda, but any other underdeveloped area in South Africa, he said.

"We welcome it. But to do these things and to add a few trappings in an attempt to simulate a spurious independence, and then excise a region from the responsibility and sovereignty of South Africa in the name of separate development is something which we cannot be party to and which we reject categorically."

Mr Swart moved an amendment declining to pass the Bill because it:
- Provided for the further unnecessary and inadvisable fragmentation of the Republic.
- Eliminated the right of the Venda people to their equitable share in the natural and economic resources of the country.
- Would have deprived some South African citizens belonging to the Venda group of their South African citizenship without their consent.
- Was not based on full and proper consultation with all the people concerned and
- Failed to provide for effective participation of people of Venda origin living permanently outside the proposed state of Venda in the political institutions of the Republic.

The FFP believed the Bill was just another instalment of the Government's attempt to give effect to the ideology of separate development, to which it had committed itself and the country in an attempt to meet black political aspirations.

The FFP rejected this concept.

The leader of the SAP, Mr John Wiley, said it was impractical to believe that 13% of South Africa's land area, producing a mere two percent of the national product, could accommodate and support over 7% of the population.

He said it was impractical to believe that white South Africa would reach its full potential without the sustained support of blacks.

MRS HELEN SUZMAN led FFP attack.
Venda will need SA aid

HOUSE OF ASSEMBLY.—It would be unrealistic to assume that the achievement of political independence in Venda would automatically lead to financial independence for that country in the foreseeable future, the Minister of Finance, Senator Owen Horwood, said yesterday.

Introducing the second reading of the Financial Arrangements with Venda Bill, he said Venda was in a position similar to that of other developing countries.

The secondary and tertiary sectors of its economy, had not shown much development, while the contribution of agriculture, forestry, fishing and hunting towards the gross national product still represented more than 30 percent.

It was clear therefore that Venda would need financial assistance from South Africa after its independence.

Mr Harry Schwarz (FFP Yeoville) said that now that the concept of independence for Venda had been accepted by Parliament, it would be irresponsible if the official opposition to oppose the granting of aid to that homeland.

Supporting the second reading of the bill, Mr Schwarz said South Africa had an obligation to ensure that Venda became a viable entity.

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Therefore:

\( 56 \times 409 \times 29 \times 70\% = 690.9 \times 0.96 \times 409 \times 70\% \times 2.70 = 29,952 \)

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\( R 109,566 \)

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\( R 108,000 \)

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The replacement cost of material is irrelevant.

The original cost of material is irrelevant.

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MP
Venda will still be dependent, says Horwood

THE ASSEMBLY.—It would be unrealistic to assume that the achievement of political independence in Venda would automatically lead to financial independence for the territory in the foreseeable future, the Minister of Finance, Senator Owen Horwood, said yesterday.

Introducing the second reading of the Financial Arrangements with Venda Bill, he said Venda was in a position similar to that of developing countries. The secondary and tertiary sectors of its economy had not shown much development, while the contribution of agriculture, forestry, fishing and hunting towards the gross national product still represented more than 30%.

It was therefore clear that Venda would need financial assistance from South Africa after its independence.

Sen Horwood said it was intended to assist Venda in such a way as to enable it to incorporate the necessary financial stability into its public financing and allow the country to face the future with the necessary confidence.

He said, the arrangements which were proposed did not differ from those made when Transkei and Bophuthatswana attained independence.

Mr Harry Schwarz (PFP—Soweto) said that now the concept of Venda independence had been accepted by Parliament, it would be irresponsible of the official Opposition to oppose the granting of aid to the homeland.

Supporting the second reading, Mr Schwarz said South Africa had an obligation to ensure that Venda became a viable entity.

Financial aid to a developing country should be accompanied by guidance and expertise to ensure that there was no wastage, he said.

The Transkei, it was alleged, had for example purchased a number of trucks from Turkey, which were quite useless to that country.

There was a tremendous shortage of people on the management, manufacturing and professional level in Venda and attempts should be made to get a sufficient number of these people.

The Bill was taken through its remaining stages with the support of all parties. Sapa.
Apartheid’s newest farce

ON SEPTEMBER 13, remote, undeveloped Venda is due to become a sovereign state — the third in a line of farcical independences that began with Transkei in 1976.

Because, for one thing, Venda — like Transkei and Bophutha-Tswana — stands absolutely no chance of being recognised by the outside world as a legitimate free state.

And, while Transkei and Bophutha-Tswana may be economically unviable, Venda is downright impoverished. There is no financial infrastructure. The monthly per capita income is less than R22. More than 67% of male workers are forced to seek a livelihood outside the “homeland”. Though the area is fertile, the land is sadly underworked and 50% of the staple food has to be imported.

As a result, South African taxpayers will have to sponsor apartheid’s third child for as far as one can see into the future. South Africa has already contributed R30-million towards Venda’s budget this year. The trappings of “independence” will cost a whopping R19-million more.

So much for sovereignty.

The territory’s constitutional record is equally wretched. Chief

Patrick Mpephu rules through the support of 45 nominated members in the 87-seat legislative assembly — which would give him the edge of power even if he lost every elected seat.

In the last election, indeed, the Opposition won 31 of the 42 elected seats and its leaders claimed irregularities and intimidation in the other 11 constituencies. In the event, 11 elected Opposition members were detained. As Mrs Helen Suzman says: “A nice democratic setup.”

But worse even than that, than the sheer farce of Venda’s “going it alone”, or the balkanising effect on the rest of the country, is the fact that another half-million South Africans will be deprived of their birthright in the process.

Without proper consultation, the people of Venda will be transported into a void; be given the freedom, in the most cynical way, to starve in their own wilderness.

And those who choose to remain in South Africa, if they are able to will become foreigners with all the reduced rights that that involves.

And the Government wonders why so many blacks are bitter and disillusioned about separate development.
Vendas to keep rights

SIBASA - Vendas people living in the Republic of South Africa would not lose their rights and benefits after the territory had gained independence, the Chief Minister, Chief Patrick Mphuphu, said yesterday.

In a statement, Chief Mphuphu said there were strong bonds between Vendas in the Republic and those living in the homeland itself. As a result his Government regarded the citizenship of its people as a "precious possession."

"The high regard which the Venda people have for their citizenship is emphasised by the fact that the definition of citizenship contained in the draft constitution for an independent Venda homeland was unanimously agreed upon by the Legislative Assembly." Sapa.

If it is possible steps should be taken to put pressure on the holders of concessions who abuse them.

Elimination of unnecessary invasions of privacy

A project committee comprising both management and workers should be established to identify all dehumanising practices, such as mass nakedness at medical examinations, "open" toilet facilities, overcrowded rooms, and then prepare a set of guidelines that can lead to their elimination. Of course, new hostel designs have and are taking into account the need to make progress in this area.

A shift from authoritarian to social control

In regard to the whole area of rules and control, it appears essential to move towards making authority in the hostel legitimate in the mineworkers' eyes. In the work situation, a start has been made in this direction with the establishment of worker representation. In the hostel situation, however, there is much greater scope, because it encompasses the workers' private lives. In fact, it is our view that although the phasing out of ethnic housing will go a long way towards easing and perhaps eliminating conflict which takes an ethnic form, until the present authoritarian control of the hostel can be replaced by social control, it is unlikely that conflict as such will cease.

It is our recommendation, therefore, that a project be established to develop a new authority structure in the hostel based on social control. Probably the programme could be developed on a pilot project basis in a new hostel where patterns of control are not yet too deeply entrenched.
No. 1415
29 June 1979

TRANSFER OF MOTOR CARRIER
TRANSPORTATION TO VENDA

Under and by virtue of the powers vested in me by item 25A of Schedule 1 to the Black States Constitution Act, 1971 (Act 21 of 1971), I, Pieter Gerhardus Jacobus Koornhof, Minister of Plural Relations and Development, hereby determine that the provisions of the said item shall come into operation on 1 July 1979 for the Area of Venda as defined in section 2 of Proclamation R. 12 of 1973.

P. G. J. KOORNHOF, Minister of Plural Relations and Development.

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No. 1415
29 June 1979

OORDRAG VAN MOTORTRANSPORT
AAN VENDA

Kragtens die bevoegdheid my verleen by item 25A van Blyae 1 van die Grondwet van die Swart State, 1971 (Wet 21 van 1971), bepaal ek, Pieter Gerhardus Jacobus Koornhof, Minister van Plurale Betrekkinge en Ontwikkeling, hierby dat die bepaling van genoemde item op 1 Julie 1979 in werking tree vir die gebied van Venda soos omskryf in artikel 2 van Proklamasië R. 12 van 1973.

P. G. J. KOORNHOF, Minister van Plurale Betrekkinge en Ontwikkeling.
No. R. 131, 1979
AMENDMENT OF THE HIGH COURT OF TENDA PROCLAMATION, 1979 (PROCLAMATION R. 93 OF 1979)

By virtue of the powers vested in me by section 34 of the Black States Constitution Act, 1971 (Act 21 of 1971), I hereby amend section 1 of the High Court of Venda Proclamation, 1979 (Proclamation R. 93 of 1979), by the substitution in paragraph (a) of subsection (1) for the date 1 July 1979 of the date 1 August 1979.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town, this Eighteenth day of June. One thousand Nine hundred and Seventy-nine.

M. VILJOEN, Acting State President.
By Order of the Acting State President-in-Council:
J. C. HEUNIS.

10387—A

No. R. 131, 1979
WYSIGING VAN DIE PROKLAMASIE OP DIE HOERHOF VAN VENDA, 1979 (PROKLAMASIE R. 93 VAN 1979)

Kragtens die bevoegdheid my verleen van artikel 34 van die Grondwet van die Swart State, 1971 (Wet 21 van 1971), wysig ek hierby artikel 1 van die Proklamasi, op die Hoerhof van Venda, 1979 (Proklamasi R. 93 van 1979), deur in paragraaf (a) van subparagraaf (1) die datum 1 Julie 1979 deur die datum 1 Augustus 1979 te vervang.

Gegee onder my Hand en die Seel van die Republiek van Suid-Afrika te Kaapstad, op hede die Agtiende dag van Junie Eenduisend Negehonderd Nege-en-sewentig.

M. VILJOEN, Waarnemende Staatspresident.
Op las van die Waarnemende Staatspresident-in-rade:
J. C. HEUNIS.

6551—A
Venda's uhuru will cost YOU R30-m a year while the chief lives in luxury and his people struggle to survive.

Mphephu's banana republic

The only income these Venda women have is gained from selling fruit. Although the soil is very fertile most of the homeland's foodstuffs have to be imported.

The homeland's vital statistics

VENDA is an area of 6,000,000 hectares - two blocks of land lying in the Northern Transvaal bordering on the Kruger National Park in the east and the Rhodesian border in the north.

It also shares borders with the Gazanilele homeland.

About 600,000 people will become Venda citizens when the homeland gains independence. Five thirds live in Venda.

Individual income is R238 a year. It has a budget of R16.5 million of which only R6.5 million is raised by Venda itself. This means South Africa supports it by more than R10 million. (One more opposite page).
Showpieces

Move away from the showpieces of development and you find a slightly bemused, rural African living in a traditional hut or in a barracks-like township.

Ask what they think of independence and you get a blank look. For the Venda's are people who have grown accustomed to being ruled.

Chief Mphhephu’s style of government is to decide what is the best interests of the people and do it for them. Dissenters are mercilessly jailed.

It is hard to find anyone articulate. Even the opposition leader, Johannesburg sociologist Mr Baldwin Mudu, was warned not to speak to the SUNDAY TRIBUNE.

It is obvious Mr Mudu has been ‘got at’. In July his Venda Independence Party (VIP) secured a resounding victory in the homeland’s independence elections, taking 31 of the 42 elected seats.

Mr Mudu also launched a supreme court action contesting the results of the other 11 seats — all of which were in Chief Mphhephu’s traditional tribal lands.

Among the allegations made were that Chief Mphhephu whipped voters with a hosepipe to force them to vote for him.

Although Mr Mudu’s party had won the majority of the elected seats the homelands legislative assembly was heavily weighted towards the Chief Mphhephu.

Economy

“Venda’s long term hope lies in the rich coal deposits which have been discovered in the country. These deposits are viable for a corporation like Iscor and it is likely that they will maintain the lease to these deposits after independence.”

“That is all long term. In the medium-term we have decided to try to produce for Venda.

“It is ridiculous that a country this fertile cannot feed itself.”

Detained

The 17-seat assembly is made up of 13 elected members and 45 appointed members. The appointed members are loyal to Chief Mphhephu — giving him the edge even if he loses every elected seat.

To make sure that his majority was indisputable however, Chief Mphhephu detained 13 elected members.

One of the men who has to face that question is Mr Jan Viljoen, chief executive of the Venda Development Corporation.

“Venda’s long term hope lies in the rich coal deposits which have been discovered in the country. These deposits are viable for a corporation like Iscor and it is likely that they will maintain the lease to these deposits after independence.”

“That is all long term. In the medium-term we have decided to try to produce for Venda.

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“That is all long term. In the medium-term we have decided to try to produce for Venda.

“It is ridiculous that a country this fertile cannot feed itself.”

Economy

“We are building a maize mill costing over R1 million. We have a R600 000 processing plant which has already processed 1 300 tons of the mango crop. We are building an R850 000 brewery and are planning a R700 000 bakery.

“We cannot hope at this stage to create an export-based economy so we have established these plants in an attempt to curb the flow of consumer money out of Venda.

“Venda’s real potential, however, lies in agriculture. The area is so fertile that you can grow anything here.”

Chief Mphhephu has already accepted the South African Government’s citizenship requirements — meaning that from September the 500 000 Vendas will lose their South African rights — whether they live in Venda or not.

Instead of a pass they will have to carry a Venda travel document. They will live with the threat of being “repatriated” to Venda and will lose the stake they have in South Africa.

They will gain nothing. In fact the only Vendas who benefit will be Chief Mphhephu and his cabinet and top civil servants who will gain their mansions and their Mercedes cars — all paid for by you and I.
Venda's uhuru will cost YOU R30-m a year while the chief lives in luxury and his people struggle to survive.

Mephephu's banana republic

The only income these Venda women have is gained from selling fruit. Although the soil is very fertile most of the homeland's foodstuffs have to be imported.

The homeland's vital statistics

VENDA is an area of 650,000 hectares - large blocks of land being irrigated.
EXCISION OF CERTAIN LAND IN RELEASED AREA AND SUBSTITUTE THEREOF BY CERTAIN OTHER LAND IN DISTRICT OF SOUTPANSBERG, PROVINCE OF THE TRANSVAAL

Whereas I am satisfied that it is in the public interest that the land described in the accompanying Schedule A, in extent 670,911.2 hectares which is a part of the Released Area in the District of Southpansberg, Province of the Transvaal, should be excised from the Released Area:

And whereas land in the District of Southpansberg described in the accompanying Schedule B, in extent 367,711.8 hectares, being land referred to in section 10 (2) (e) of the Development Trust and Land Act, 1936 (Act 18 of 1936), has been acquired by the South African Development Trust in substitution for land of pastoral or agricultural value at least equivalent to the land described in the said Schedule A:

Now, therefore, under and by virtue of the powers vested in me by section 2 (2) of the said Act, I hereby declare that the land described in the said Schedule A is hereby excised from the Released Area and that the land referred to in the said Schedule B be set to the Released Area in substitution thereof.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Twelfth day of June. One thousand Nine hundred and Seventy-

M. VILJOEN, Acting State President.
By Order of the Acting State President-in-Council:

P. G. J. KOORNHOF.

SCHEDULE A

PROVINCE OF THE TRANSVAAL

District of Southpansberg

Description.—The area comprising the following properties:

Portion 4 (a portion of Portion 2) of the farm Barotta 17 LT. Portion 1 of the farm Vliegmap 381 LS. Portion 1 of the farm Vleifoetin 316 LS.

SCHEDULE B

PROVINCE OF THE TRANSVAAL

District of Southpansberg

Description.—The remainder of Portion 2 of the farm Barotta 17 LT.
Hierby word bekend gemaak dat die Staatspresident sy goedkeuring gegee het aan die onderstaande Wet wat hierby ter algemene inligting gepubliek word:


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

ACT

To provide for the payment of certain amounts to Venda in respect of the 1979-’80 financial year and after 31 March 1980; the transfer of certain property to Venda; the reduction of the loan debt of the Post Office and the Railways and Harbours Administration to the Treasury; and for matters connected therewith.

(Afrikaans text signed by the State President.)
(Ascented on 2 July 1979.)

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

1. (1) In respect of the 1979-’80 financial year there shall be paid from the State Revenue Fund to Venda, in such instalments as may be determined by the Minister of Finance, the following amounts, namely—

(a) the amounts—

(i) which in terms of section 6 (2) (c) of the Black States Constitution Act, 1971 (Act No. 21 of 1971), 10 would have been required to be paid into the Venda Revenue Fund in respect of the 1979-’80 financial year, if that Act had still applied in respect of Venda;

(ii) which in terms of any appropriation as contemplated in section 6 (2) (d) of the said Act are required to be paid into the said fund, and which have on the date of commencement of this Act not been so paid;

(b) such other amounts (as determined by the accounting officer concerned in consultation with the Treasury) as may have been provided for in a vote of expenditure from the State Revenue Fund for the 1979-’80 financial year with the object of spending it in or on behalf of Venda and have on the date of commencement of this Act not been so spent or will not be so spent;

(c) such amounts as may be appropriated for the purpose by Parliament in additional estimates of expenditure from the State Revenue Fund;

(d) such amounts as may be authorized by the Minister of Finance to be paid out of the State Revenue Fund to Venda.

(2) In respect of the 1979-’80 financial year there may be paid to Venda by the authorities concerned such amounts, as determined after consultation with the Treasury, as are provided for in respect of the said financial year in any estimate of expenditure from the Provincial Revenue Fund of the Transvaal Province or out of any other fund or account established by law with the object of spending it in or on behalf of Venda and as may on the
DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1535. 13 Julie 1979.  
Hierby word bekend gemaak dat die Staatspresident sy goedkeuring gegee het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:


DEPARTMENT OF THE PRIME MINISTER

No. 1535. 13 July 1979.  
It is hereby notified that the State President has assented to the following Act which is hereby published for general information:

ACT

To grant independence to Venda; and to provide for matters connected therewith.

(Afrikaans text signed by the State President.)
(Asentende to 2 July 1979.)

WHEREAS the Government of Venda is desirous that Venda should be an independent state;

AND WHEREAS the Government of the Republic of South Africa deems it expedient to grant independence to Venda:

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

1. (1) The territory known as Venda and consisting of the districts mentioned in Schedule A, is hereby declared to be a sovereign and independent state and shall cease to be part of the 10 Republic of South Africa.

(2) The Republic of South Africa shall cease to exercise any authority over the said territory.

2. (1) Subject to the provisions of subsection (2), any rule of law which was in force in Venda immediately prior to the 15 commencement of this Act, including the Black States Constitution Act, 1971 (Act No. 21 of 1971), shall continue in force as a rule of law of Venda until repealed or except in so far as it may be amended by the competent authority in Venda.

(2) Unless otherwise agreed between the Government of the Republic and the Government of Venda and subject to the provisions of section 5 (2), no authority or person in the Republic shall in terms of any law which by virtue of subsection (1) remains in force in Venda, exercise any power or authority or perform any function in or in respect of Venda.

3. (1) The Legislative Assembly of Venda, as constituted in terms of the Black States Constitution Act, 1971 (Act No. 21 of 1971), may, subject to the provisions of subsection (2), make laws (including a constitution) for Venda in the manner prescribed by the said Act, and may in any such law provide for the making of such laws by any authority other than the said Legislative Assembly.

(2) Submission of a bill to the State President, assent thereto by him and signing of a copy thereof by him shall not be necessary for the making of any law by the said Legislative Assembly by virtue of the provisions of subsection (1).

4. All treaties, conventions and agreements binding on the Republic immediately prior to the commencement of this Act and capable of being applied to Venda shall be binding on Venda, but
VENDA'S MINERALS

The Venda homeland will have in 1939-94 a large number of coal and iron ore deposits which will provide the basis for an important industrial development. The coal deposits are situated in the northeastern part of the territory, and are estimated to contain 75 million tons of coal, with an average grade of 14 per cent by weight. The iron ore deposits are situated in the southern part of the territory, and are estimated to contain 25 million tons of ore, with an average grade of 50 per cent by weight.

The coal deposits are of the anthracite type, and are situated in a region of the territory where the climate is mild and the rainfall is moderate. The iron ore deposits are of the hematite type, and are situated in a region of the territory where the climate is hot and the rainfall is heavy.

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25. Replikasie en pleit op die teeneis.
27. Verlenging van tyd, opheffing van belet en kondoniasie.
28. Wysiging van pleistukke en dokumente.
29. Sluiting van pleistukke.
30. Onredelike verrigtinge.
31. Toestemming tot vonnis en vonnis by verstek.
32. Summiere vonnis.
33. Gestelde saak en beslissing van ressponde.
34. Geregeltlike inbetaling.
35. Bloedlegging, insiening en voorlegging van stukke.
36. Inspeksies, ondersoek en deskundige getuienis.
37. Inkorting van verrigtinge.
38. Terrolleplasing van bestrede verhoorsake.
39. Verkryging van getuienis vir verhoor.
40. In forma pauperis.
41. Terugtrekking, sikking, staking, uitstel en abandonnemiet.
42. Wysiging en herroeping van bevele.
43. Huweliksangsleentheid.
44. Herstel van huweliksregte.
45. Uitwinning: Algemeen en roerende goed.
46. Uitwinning: Oorlopende goed.
47. Sekuriteit vir kos.
48. Hersiening van takasie.
49. Appell na die volle hof.
50. Stivele appelle na magistraatshowe.
51. Strafappelle na magistraatshowe.
52. Strafappelle na die appellafdeling.
53. Hersienings.
54. Strafverrigtinge.
55. Strafsoke: Rondgaande hof.
56. Strafsoke: Algemeen.
57. Geregeltlike ouderose na geestestoestand, aanstelling van kurators vir handelingsontoefendes en vrystelling van kuratele.
58. Tussenpleit.
59. Beëdigde vertalers.
60. Vertaling van dokumente.
61. Vertolking van getuienis.
62. Indiening, voorbereiding en insae van stukke.
63. Waarmerking van dokumente wat buite die Republiek verly is vir gebruik in die gebied.
64. Vronietiging van stukke.
65. Kommissarisse van die hof.
66. Verjaring.
67. Tarief van Hofgelde.
68. Tarief vir adjunk-balju's.
69. Advokaatsgeld in stivele sake.
70. Taksasie en tarief van gelde van prokureurs.
71. Terrolleplasing van sake gedurende laaste week van termyn op rondgang.
72. Toelating van advokate.

VORMS—EERSTE BYLAE
1. Ediktale dagvaarding: Verkorte vorm van prosesstuk.
2. Kennisgewing van mosie (aan griffrer).
2. (a) Kennisgewing van mosie (aan griffrer en respon-
dent).
4. Lasbrief tot arres spectus da fuga.
5. Borgakte by arres.
6. Oordrag van borgakte.
7. Kennisgewing aan derde party.
8. Kennisgewing aan beweerde vennoot.
10. Gekombineerde dagvaarding.
11. Bloedlegging—Vorm van beëdigde verklaring.

25. Replication and plea in reconvention.
26. Failure to deliver pleadings: Barrin.
27. Extension of time and removal of bar and condonation.
28. Amendments to pleadings and documents.
29. Close of pleadings.
30. Irregular proceedings.
31. Judgment on confession and by default.
32. Summary judgment.
33. Special cases and adjudication upon points of law.
34. Payment into court.
35. Discovery, inspection and production of documents.
36. Inspections, examinations and expert testimony.
37. Curtailment of proceedings.
37bis. Set-down of defended trial cases.
38. Procuring evidence for trial.
39. Trial.
40. In forma pauperis.
41. Withdrawal, settlement, discontinuance, postponement and abandonment.
42. Variation and rescission of orders.
43. Matrimonial matters.
44. Restitution of conjugal rights.
45. Execution: General and movables.
46. Execution: Immovables.
47. Security for costs.
49. Appeals to the full court.
50. Civil appeals from magistrates' courts.
51. Criminal appeals from magistrates' courts.
52. Criminal appeals to the appellate division.
53. Reviews.
54. Criminal proceedings.
55. Criminal proceedings: Circuit court.
56. Criminal proceedings: General.
57. De lunatico inquirendo, appointment of curators in respect of persons under disability and release from curatorship.
58. Interpleader.
59. Sworn translators.
60. Translation of documents.
61. Interpretation of evidence.
63. Authentication of documents executed outside the Republic for use within the area.
64. Destruction of documents.
65. Commissioners of the court.
66. Superannuation.
67. Tariff of court fees.
68. Tariff for deputy sheriffs.
69. Advocates' fees in civil matters.
70. Taxation and tariff of fees of attorneys.
71. Setting down of matters during last week of term on circuit.
72. Admission of advocates.

FORMS—FIRST SCHEDULE
1. Edictal citation: Short form of process.
2. Notice of motion (to registrar).
2. (a) Notice of motion (to registrar and respondent).
5. Arrest—Bail bond.
6. Assignment of bail bond.
7. Notice to third party.
8. Notice to alleged partner.
10. Combined summon.
11. Discovery—Form of affidavit.
GOEWERMENTSKennisGewiNG

DEPARTEMEnt van sameWerKing en OntWIKKeling

No. R. 1528 13 Julie 1979

Reëls waaraBy die vErrigtinGs van die HoëRhof van Venda Gereël word

Die reëls in die aanhangsel vervat (hierna die reëls genoem) waarby die verringings van die Hoërhof van Venda gereël word, word kragtens artikel 34 (2B) van die Grondwet van die Swart State, 1971 (Wet 21 van 1971), geleë met regulasie 35 van die Proklamasie op die Hoërhof van Venda, 1979 (Proklamasie R. 93 van 1979), hierby deur die Hoofregter van die Hoërhof van Venda uitgevaardig.

AANHANGSEL

INHOUDSOPGAWE

Reël

1. Woordomskrywing.
2. Sittings van die Hof en vakansies.
5. Ediktale sitasie.
6. Aanoeke.
7. Prokurasie.
8. Namplissement.
10. Voeging van partye en skuldoorsake.
11. Konsolidasie van aksies.
12. Toetrede van persone as eisers of verweerders.
15. Verandering van partye.
16. Verteenwoordiging van partye.
17. Dagvaarding.
18. Pleistukke in die algemene.
20. Deklarasie.
22. Pleit.
23. Eksepsies en aanoeke om deurhaling.
24. Tecneis.

12056—A
"party" of 'n uitdruklike verwysing na 'n eiser of ander gedingvoerder, ook sy prokureur met of sonder 'n advokaat, soos die samehang mag vereis;
"regering en staat" tensy dit uit die samehang anders bluk suit in die regering van die Republiek, die regering van Venda en die regering van enige selfregende gebied ingevolge die bepaling van die Grondwet van die Swart State in 1971 (Wet 21 van 1971), en die Administrasie van Suidwes-Afrika;
"regter" 'n regter wat ouders as in die opo hof sit;
"regulasié" 'n regulasie in die Bylae by Proklamasie R. 93 van 1979;
"Republiek" ook die gebied van Suidwes-Afrika.

Sittings van die hof en vakansies
2. (1) Die termyn van die hof vir die verhoor van sivisregtelike en strafregtelike aangeleentheid is—
   (a) 1 Februarie tot 15 Junie;
   (b) 1 Augustus tot 30 September; en
   (c) 1 Oktober tot 30 November.

(2) As die eerste dag van 'n termyn nie 'n hofdag is nie, begin die regter op die eersvolgende hofdag en, as die laaste dag nie 'n hofdag is nie, eindig die termyn op die voorafgaande hofdag.

(3) Die tydperke tussen genoemde termyn is vakansie en die gewone werkstyd van die hof word dan opgeskort, onderwys deur die wet (4), maar minstens een regter bly beskikbaar vir werkstydige en op die deur die Hoofregter bepaal.

(4) Te alle tye sit die regter op dié dag vir aftale-
lings van dié werkstydige wat die Hoofregter bepaal.

(5) As 'n voorsittende regter dit geelg ak, kan die hof, op enige plek of op ander tye sit as die wat voorges-
   kry is ingevolge hierdie reëls en die hof kan te eniger tyd gedurende 'n vakansie sit.

Kantoore van griffier
3. Behalwe op Saterdae, Sondae en openbare vakans-
siede, is die griffier se kantoor van 09h00 tot 13h00 oop: Met dien verstande dat 'n kennisgewing van voor-
   neme om te veredig na 13h00 ingediend kan word. In buitengewone omstandighede kan, en indien daartoe
   deur 'n regter gelaas, moet die griffier te eniger tyd pros-
   sessstukke uitreik en dokumente ontvang.

Betreiking
4. (1) (a) Prosesstukke van die hof, wat aan die balju geryk is, en enige dokumente waarby 'n aansoek
   begin word, word op een van die volgende maniere deur die balju betekende:
   (i) Deur 'n afskrif daarvan aan die betrokke per-
      soon persoonlik of voornamlik: Met dien verstande dat
       as hy minderjarig of andersins handelingsboevoeg is,
       betekening aan die voog, kurator of dergelijke belan-
       gewarenommer van die handelingsboevoegde persoon moet
       geskied;
   (ii) deur by die woon- of besigheidsplek van die betrokke persoon of van sy voog, kurator of ander
       belangewarenommer 'n afskrif daarvan by iemand te
       laat wat ten tye van die aflewing skynbaar in beheer
       van die perscel is en nie jonger as 16 jaar voorkom
       nie. As 'n gebou wat nie 'n hotel, losieshuis, hostel of
       soortgelyke woonplek is, deur meer as een persoon of
       gesin bewoon word, beteken "woon- of besigheid-
       splek" vir die doel van hierdie paragraaf, die gedeelte
       van die gebou wat deur die persoon aan wie betekening
       moet geskied, bewoon word;

   "registrar" shall include an assistant registrar;
   "regulation" shall mean a regulation in the Schedule
   to Proclamation R. 93 of 1979;
   "Republic" shall include the territory of South West
   Africa;
   "sheriff" shall include an additional sheriff, a deputy-
   sheriff, and an assistant to a deputy-sheriff;
   "State" and "Government" unless the context other-
   wise indicates, includes the government of the Repu-
   blic, the government of Venda and the government of
   any self-governing territory in terms of the provisions
   of the Black States Constitution Act, 1971 (Act 21 of
   1971), and the administration of South West Africa.

Sittings of the court and vacations
2. (1) The terms of the court for the hearing of
   civil and criminal matters shall be—
   (a) 1 February to 15 June;
   (b) 1 August to 30 September; and
   (c) 1 October to 30 November.

(2) If the first day of a term is not a court day,
   the term shall commence on the next succeeding
   court day and, if the last day is not a court day, the
   term shall end on the court day preceding.

(3) The periods between the said terms shall be
   vacation, during which, subject to the provisions of
   subrule (4), the ordinary business of the court shall
   be suspended, but at least one judge shall be available
   on such days to perform such duties as the Chief Justice
   shall direct.

(4) During and out of term such judges shall sit on
   such days for the discharge of such business as the
   Chief Justice may direct.

(5) If it appears convenient to the presiding judge,
   the court may sit at any place or at a time other than
   a time prescribed in terms of these rules, and may sit
   at any time during vacation.

Registrar's office hours
3. Except on Saturdays, Sundays, and public holi-
   days, the office of the registrar shall be open from
   09h00 to 13h00: Provided that a notice of intention
   to defend may be filed after 13h00. The registrar may
   in exceptional circumstances issue process and accept
   documents at any time, and shall do so when directed
   by a judge.

Service
4. (1) (a) Service of any process of the court directed
to and any document initiating application pro-
ceedings shall be effected by the sheriff in one or
other of the following manners:
   (i) By delivering a copy thereof to the said person
   personally: Provided that where such person is a minor
   or a person under legal disability, service shall
   be effected upon the guardian, tutor, curator or the like
   of such minor or person under disability;

   (ii) by leaving a copy thereof at the place of resi-
       dence or business of the said person, guardian, tutor,
       curator or the like with the person apparently
       in charge of the premises at the time of delivery, being
       a person apparently not less than 16 years of age. For
       the purposes of this paragraph when a building, other-
       than an hotel, boarding-house, hostel or similar resi-
       dential building, is occupied by more than one person
       or family, "residence" or "place of business" means
       that portion of the building occupied by the person
       upon whom service is to be effected;
12. Kennisgewing ingevolge reël 35 (5).
15. Blootlegging—Kennisgewing om dokumente in pleistuukke ensovoorts, voor te lê.
17. Kennisgewing ingevolge reël 43.
17A. Herstel van huweliksregte.
18. Lasbrief tot uitwinning.
19. Vorm van sekereheidstelling ingevolge reël 45 (5).
20. Lasbrief tot beslaglegging—Onroerende goed.
21. Verkoopvoorwaardes by uitwinning van onroerende goed.

**VORMS—TWEEDE BYLAE**

A. Lasbrief tot uitwinning—roerende goed, namptissement.
B. Lasbrief tot beslaglegging—namptissement—onroerende goed uitwinbaar verklaar.
C. Sekuriteitsakte na tenuitvoerlegging van namptissement wanneer die verwerder voornemens is om tot die prinsepaal saak oor te gaan.
D. Sertifikaat van eienaarskap en beswarings: Uitwinningsverkoping van onroerende goed.
E. Lasbrief tot uitsetting.
F. I. Lasbrief tot gevegsetting weens minagting van die hof.
G. Lasbrief tot beslaglegging om jurisdiksie te vestig.
H. Waarmerking van handtekening.
I. Sertifikaat van betekening van buitelandse prosessukses.

**Woordomskrywing**

1. In hierdie reëls en die vorms voorgskryf in die Eerste en Tweede Bylae hiervan, tensy uit die samehang anders blyk, het 'n uitdrukking waaraan 'n betekenis in die Regulasies van die Hoërhof van Venda soos afgekondig deur die Proklamasiie op die Hoërhof van Venda, 1979 (hierna genoem die regulasies) geheg is, daardie betekenis, en beteken—

"advokaat" ook 'n prokureur wat optree ingevolge verarloos verleen kragtens regulasie 37;
"aflewre" die betekening van afskrifte aan alle partye en die indiening van die oorspronkelike by die griffier;
"akse" 'n verrigting wat met 'n dagvaarding of met 'n lasbrief ingevolge reël 9 begin is;
"balu" ook 'n addisionele balu, 'n adjunk-balu en 'n assistent van 'n adjunk-balu;
"gelyksyn deur dagvaarding" 'n dagvaarding met 'n opgawe van feite daaraan geheg soos bedoel in sub-reël (2) van reël 17;
"griffier" ook 'n assistent-griffier;
"hof" waar dit nie 'n verwysing is na 'n ander hof nie die Hoërhof van Venda en met betrekking tot siviele aangeleenthede, 'n hof saamgestel ingevolge regulasie 4;
"hodag" soos omskryf in die regulasies en by die berekening van 'n tydperk van dae in 'n bevel van die hof bepaal, word slegs hodag en geslote;
"Meester" die Meester van die hof en sluit "weetsoor" in;
"Minister" tensy dit uit die samehang anders blyk, sluit in 'n Minister van Venda en van enige selfregerende gebied ingevolge die bepalings van die Grondwet van die Swart State, 1971 (Wet 21 van 1971);
"prokureur" 'n persoon behoorlik toegelaat om binne enige deel van die Republiek as prokureur te praktiseer en wat nie geskors of van die rol van prokureurs geskrap is nie;

12. Notice in terms of rule 35 (5).
13. Discovery—Notice to produce.
15. Discovery—Notice to produce documents in pleadings, etc.
17. Notice in terms of rule 43.
17A. Restitution of conjugal rights.
18. Writ of execution.
19. Form of security under rule 45 (5).
20. Writ of attachment—Immovable property.

**FORMS—SECOND SCHEDULE**

A. Writ of execution—movable property, namptissement.
B. Writ of attachment—namptissement—immovable property declared executabile.
C. De restituendo bond after levy of a namptissement, when the defendant intends to go into the principal case.
D. Certificate of ownership and encumbrances: Sale in execution of immovable property.
E. Writ of ejectment.
F. Writ of commitment for contempt of court.
G. Writ of attachment ad fundandum jurisdictionem.
H. Authentication of signature.
I. Certificate of service of foreign process.

**Definitions**

1. In these rules and the forms prescribed in the First and Second Schedules to these rules, unless the context otherwise indicates, any expression to which a meaning has been assigned in the High Court of Venda Regulations promulgated under the High Court of Venda Proclamation, 1979 (hereinafter referred to as the regulations) bears the meaning so assigned thereto, and—

"action" shall mean a proceeding commenced by summons or by writ in terms of rule 9;
"advocate" includes an attorney acting in terms of permission granted under regulation 37;
"attorney" shall mean a person duly admitted to practice as an attorney in any part of the Republic and who has not been suspended or removed from the roll of attorneys;
"combined summons" shall mean a summons with a statement of claim annexed thereto in terms of sub-rule (2) of rule 17;
"court", where it is not a reference to another court shall mean the High Court of Venda and in relation to civil matters shall mean a court constituted in terms of regulation 4;
"court day" as defined in the regulations and only court days shall be included in the computation of any time expressed in days determined by order of the court;
"deliver" shall mean serve copies on all parties and file the original with the registrar;
"judge" shall mean a judge sitting otherwise than in open court;
"Master" shall mean the Master of the court;
"Minister" unless the context otherwise indicates, includes a Minister of Venda and of any self-governing territory in terms of the provisions of the Black States Constitution Act, 1971 (Act 21 of 1971);
(3) In 'n vreemde land word 'n prosesstuk of dokument beteken—

(a) deur iemand wat volgens 'n sertifikaat van—

(i) die hoof van 'n Suid-Afrikaanse diplomatieke of konsulêre missie, iemand in die administratiewe of vakkundige afdeling van die Staatsdiens wat 'n Suid-Afrikaanse diplomatieke of konsulêre missie diens doen van 'n Suid-Afrikaanse buitelandse diensbeampte graad VII;

(ii) 'n diplomatieke of konsulêre beampte van 'n vreemde land wat die betekening van prosesstukke of dokumente namens die Republiek aldaar behartig;

(iii) 'n diplomatieke of konsulêre beampte van so 'n land wat in die Republiek of Suidwes-Afrika diens doen; of

(iv) 'n beampte wat teken as of namens die hoof van die departement wat met die regspleging in daardie land handel,

in daardie land regtens gemagtig is om prosesstukke of dokumente te beteken; of

(b) deur iemand in subparagraaf (i) of (ii) van paragraaf (a) genoem, indien hy in so 'n land regtens gemagtig is om sodanige prosesstuk of dokument te beteken of indien die reg van so 'n land nie sodanige betekening verby nie en die wheervee van daardie land gestig word, en dan aan die staat van die landerigheid jegelykheid gee.

(4) In die Verenigde Koninkryk van Groot-Brittanje en Noord-Ierland, Transkei, Bophuthatswana, Rhodesië, Lesotho, Botswana of Swaziland kan 'n prosesstuk of dokument, ondanks die bepalinge van subreël (3), ook beteken word deur 'n prosedur, wat in die wese van oor die reg van daardie land gemagtig is om prosesstukke of dokumente te beteken.

(5) (a) 'n Prosesstuk of dokument wat in 'n vreemde land beteken moet word, gaan vergepel van 'n beëdigde vertaling dat van in 'n amptelike taal van daardie land of deel van daardie land waarin die prosesstuk of dokument beteken moet word, en van 'n gesertifiseerde afskrif van die prosesstuk of dokument sodanige vertaling.

(b) 'n Prosesstuk of dokument wat beteken moet word soos in subreël (3) bepaal, word aan die griffier afgelever met inkomstesels ten bedreie van R15 daaraan geheg: Met dien verstande dat inkomstesels nie verëel word waar betekening namens die Regering moet geskied nie; en

(c) die griffier stuur 'n prosesstuk of dokument wat ingevolge paragraaf (b) aan hom afgelever is, na roeijing van die inkomstesels aan die Sekretaris van Buitelandse Sake of na 'n bestemming deur die Sekretaris van Buitelandse Sake aandui, saam met die in paragraaf (a) bedoelde vertaling, vir betekening in die betrokke vreemde land. Die griffier moet homself verwerp dat die prosesstuk of dokument 'n voldoenende perk teraft vir tydige betekening.

(6) Betekening word op een van die volgende maniere bewys:

(a) Waar betekening deur die balju geskied het, deur sy relas van betekening;

(b) waar betekening nie deur 'n balju of ingevolge subreël (3) of (4) geskied het nie, deur 'n beëdigde verklaaring van die persoon wat beteken het, en waar betekening in amptelike hoedanigheid anvaar word deur 'n prokureur of 'n lid van sy personeel, of deur iemand namens die Regering (insluitende die Suid-Afrikaanse Spoorweë en Havens), die Administrasie

(3) Service of any process of the court or of any document in a foreign country shall be effected—

(a) by any person who is, according to a certificate of—

(i) the head of any South African diplomatic or consular mission, any person in the administrative or professional division of the Public Service at a South African diplomatic or consular mission or any South African foreign service officer grade VII;

(ii) any foreign diplomatic or consular officer attending to the service of process or documents on behalf of the Republic in such country;

(iii) any diplomatic or consular officer of such country serving in the Republic or in South Africa; or

(iv) any official signing as or on behalf of the head of the department dealing with the administration of justice in that country; authorised under the law of such country to serve such process or document; or

(b) by any person referred to in subparagraph (i) or (ii) of paragraph (a), if the law of such country permits him to serve such process or document or if there is no law in such country prohibiting such service and the authorities of that country have not interposed any objection thereto.

(4) Service of any process of the court or of any document in the United Kingdom of Great Britain and Northern Ireland, Transkei, Rhodesia, Bophuthatswana, Lesotho, Botswana or Swaziland may, notwithstanding the provisions of subrule (3), also be effected by an attorney, solicitor, notary public or other legal practitioner in the country concerned who is under the law of that country authorised to serve process of court or documents.

(5) (a) Any process of court or document to be served in a foreign country shall be accompanied by a sworn translation thereof into an official language of that country or part of that country in which the process or document is to be served, together with a certified copy of the process or document and such translation;

(b) any process of court or document to be served as provided in subrule (3), shall be delivered to the registrar together with revenue stamps at the value of R15 affixed thereto: Provided that no revenue stamps shall be required where service is to be effected on behalf of the Government; and

(c) any process of court or document delivered to the registrar in terms of paragraph (b) shall, after defacement of the revenue stamps affixed thereto, be transmitted by him together with the translation referred to in paragraph (a), to the Secretary for Foreign Affairs or to a destination indicated by the Secretary for Foreign Affairs, for service in the foreign country concerned. The registrar shall satisfy himself that the process of court or document allows a sufficient period for service to be effected in good time.

(6) Service shall be proved in one of the following manners:

(a) Where service has been effected by the sheriff, by the return of service of such sheriff;

(b) where service has not been effected by a sheriff, nor in terms of subrule (3) or (4), by an affidavit of the person who effectedservice, or in the case of service on an attorney or a member of his staff, the Government (including the South African Railways and
(iii) deur by die werkplek van die betrokke persoon of van sy voog, kurator of ander belanggewaarnameer, 'n afskry daarvan aan iemand af te lever wat nie jonger as 16 jaar voorkom nie en skaarsbaar in 'n gesagspoortie teenoor hom staan;

(iv) deur in die geval waar die betrokke persoon 'n domicilium citandi gekies het, 'n afskry daarvan by die domicilium citandi af te lever of te laat;

(v) deur in die geval van 'n maatskappy of ander regpersoon by die geregistreerde kantoor of vernaamste besigheidsplek binne die hof se regsgebied 'n afskry aan 'n verantwoordelike werknemer daarvan af te gee, of as daar nie so 'n werknemer is wat bereid is om die betekening te aanvaar nie, 'n afskry aan die hoofdeur van so 'n kantoor of besigheidsplek te heg, of deur 'n ander metode te volg wat regtens geoorloof is;

(vi) deur 'n afskry daarvan aan enige verteenwoordiger af te gee wat behoorlik skryftelik gemagtig is om betekening namens die betrokke persoon te aanvaar;

(vii) deur in die geval van 'n vennootskap, firma of vrywillige vereniging, by die besigheidsplek van sodanige vennootskap, firma of vrywillige vereniging op die wyse van (v) genoem te beteken, en indien die vennootskap, firma of vrywillige vereniging nie 'n besigheidsplek het nie, dan aan 'n vennoot, die eie-

naar, of die voorstoter of sekretaris van die bestuur of ander beherende liggaam daarvan na gelang van die geval, op een van die maniere in hierdie reël voor- skryf;

(viii) deur in die geval van 'n plaaslike bestuur te beteken aan die stads- of assistent-stads- of burgemeester, en in die geval van 'n statutêre liggaam aan die sekretaris van 'n dergelijke amptenaar, of aan 'n lid van die bestuur, of deur 'n ander metode te volg wat regtens geoorloof is; of

(ix) deur in 'n geval waar twee of meer persone gesamentlik as trusteers, likwidaatoren, eksekutese, admini-
istrateurs, kurators of voogde aangespreek word, op enige ander wyse as gesamentlike verteenwoordigers, aan elkeen van hulle te beteken op enige wyse in die reël uiteengesit:

Met dien verstande dat waar die persoon aan wie 'n dokument waarby 'n aansoek begin word, beteken moet word, reeds deur 'n prokureur in die saak verteen-
woordig is, die dokument aan sodanige prokureur deur die party wat die aansoek doen, beteken kan word.

(b) Betekening geskied so na as moomlik tussen 07h00 en 19h00.

(c) Op 'n Sondag kan geen geldige betekening van 'n siviele dagvaarding, bevel of kennisgewing geskied nie, en kan geen prosesregtelike stap, behalwe die uit-
reiking van tenuitvoerlegging van 'n lasbrief tot arrestasie, gedoen word nie tensy die hof of 'n regter dit gelaat het.

(d) Dit is die plig van die balju of ander persoon wat die prosessutkere of dokumente beteken, om die aard en inhoud daarvan aan die betrokke persoon te verduidelik en in sy relaas of besigheids verklaring of op die getekende kwaamse te meld dat by dit gedoen het.

(2) As dit nie moomlik is om op enige van die voor-
noemde maniere te beteken nie, kan die hof op aan-
soek van die persoon wat die betekening verlang, 'n wyse van betekening voorskrif. As die verbyf van die persoon aan wie betekening moet geskied, onbe-
kend is, maar dit is bekend of word vermoed dat de-
in die Republiek is, geld die bepalinge van subreël (2) van reël 5 mutatis mutandis.

(iii) by delivering a copy thereof at the place of employment of the said person, guardian, tutor, curator or the like to some person apparently not less than 16 years of age and apparently in authority over him;

(iv) if the person so to be served has chosen a domicilium citandi, by delivering or leaving a copy thereof at the domicilium so chosen;

(v) in the case of a corporation or company, by delivering a copy to a responsible employee thereof at its registered office or its principal place of busi-
ness within the court's jurisdiction, or if there be no such employee willing to accept service, by affixing a copy to the main door of such office or place of business, or in any manner provided by law;

(vi) by delivering a copy thereof to any agent who is duly authorised in writing to accept service on behalf of the person upon whom service is to be
effectuated;

(vii) where any partnership, firm or voluntary asso-
ciation is to be served, service shall be effected in the manner referred to in paragraph (ii) at the place of business of such partnership, firm or voluntary asso-
ciation and if such partnership, firm or voluntary asso-
ciation has no place of business, service shall be
effectuated on a partner, the proprietor or the chairman or secretary of the committee or other managing body of such association, as the case may be, in one of the manners set forth in this rule;

(viii) where a local authority or statutory body is to be served, service shall be effected by delivering a copy to the town clerk or assistant town clerk or mayor of such local authority or to the secretary or similar officer or member of the board or committee of such body, or in any manner provided by law; or

(ix) if two or more persons are sued in their joint capacity as trustees, liquidators, executors, administrators, curators or guardians, or in any other joint repre-
sentative capacity service shall be effectuated upon each of them in any manner set forth in this rule:

Provided that where the person to be served with any document initiating application proceedings is already represented by an attorney of record, such document may be served upon such attorney by the party initia-
ting such proceedings.

(b) Service shall be effectuated as near as possible between 07h00 and 19h00.

(c) No service of any civil summons, order or notice and no proceeding or act required in any civil action, except the issue of execution of a warrant of arrest, shall be validly effectuated on a Sunday unless the court or a judge otherwise directs.

(d) It shall be the duty of the sheriff or other per-
son serving the process or documents to explain the nature and contents thereof to the person upon whom service is being effectuated and to state in his return or affidavit or on the signed receipt that he has done so.

(2) If it is not possible to effect service in any manner aforesaid, the court may, upon the application of the person wishing to cause service to be effectuated, give directions in regard thereto. Where such directions are

in the light in regard to service upon a person known or
believed to be within the Republic, but whose where-
abouts therein cannot be ascertained, the provisions of subrule (2) of rule 5 shall, mutatis mutandis, apply.
(2) Verloof word deur die persoon wat die verlang aangevra by aansoek, wat 'n saaklike uiteensetting van die aard en omvang van die eis moet bevat, die gronde waarop dit berus en waarop die hof jurisdiksie het om die eis te bereg, en die wyse van betekening wat die hof gevra word om te magtig. As dit nie persoonlike betekening is nie, moet in die aansoek die laasbekende verblyfplek van die betrokke persoon vermeld word en die navrae wat gedoen is om sy huidige verblyfplek te bepaal. Die hoef kan na goeddunken die wyse van betekening voorskrif en die tyd bepaal waarbinne kennis van voorneme om te verdedig gegee moet word of enige ander stap gedoen moet word deur die persoon aan wie betekening moet geskied. Waar betekening deur publikasie beveel word, kan dit in 'n vorm so na voornimlik bewoor soos Vorm 1 in die Eerste Bylae wees, goedgekeur en onderteek deur die griffier.

(3) As die betrokke dokument nie een is waarby 'n geding ingestel word nie, kan verloof vir betekening daarvan buite die Republiek, deur die persoon wat dit verlang, aangevra word ingevolge subreël (2), of terwyl die saak voor die hof dien, in watter geval geen dokumente ter stawing van die aansoek ingediend hoef te word nie, en mondelinge inligting van die buite af voedende is, of inligting soos deur die hof vereis, en die hoof kan dan na goeddunken 'n beveel gee.

Aanoeke

6. (1) 'n Aanoeke geskied by kennisgewing van mosie wat die regshulp vermeld wat aangevra word, gesteun deur 'n beëdigde verklaring wat die feite bevat waarop die aansoek berus.

(2) Wanneer prestasie van iemand gesels word of waar dit nodig of wenslik is om iemand kennis van 'n aanoeke te gee, word die kennisgewing van mosie aan sowel die griffier as die betrokke persoon gereg, anders net aan die griffier.

(3) (a) Elke aanoeke wat aangehoor moet word, word voor middag van die tweede hoofdag voor die dag waarop dit aangehoor moet word, by die griffier ingediend en ter rolle geplaas. As dit by kennisgewing aan die griffier geskied, moet die kennisgewing die vorm van die beveel wat aangevra word, bevatt en die beëdigde verklaring waarop gesteun word noem, en die griffier moet daarin gevra om die saak vir beregting ter rolle te plaas, so na voornimlik soos Vorm 2 in die Eerste Bylae.

(b) Iemand wat 'n belang het wat geraak kan word deur die beslissing van 'n aanoeke ex parte, kan 'n kennisgewing aflewer van 'n aanoeke om verloof om te bestry, gesteun deur 'n beëdigde verklaring waarin hy die aard van sy belang en die gronde waarop hy verlang om aangehoor te word, uiteens, waarop die griffier die aanoeke ter rolle plaas vir beregting saam met eersgenoemde aanoeke.

(c) Die hof kan by die verhoor die aanoeke onder skedelik toestaan of afwy, of uitstel op sodanige voorwaardes betreffende die indiening van verdere beëdigde verklarings deur enige van die applicante of andersins as wat hy goed dink.

(4) (a) Elke aanoeke wat nie 'n ex parte-aanoeke is, geskied by kennisgewing van mosie so na moontlik bewoor soos Vorm 2 (a) van die Eerste Bylae, en juiste afkriefte van die kennisgewing en alle aanhangsels daartoe word aan elke party aan wie kennis daarvan gegee moet word, beteken.

(2) Any person desiring to obtain such leave shall make application to the court setting forth concisely the nature and extent of his claim, the grounds upon which it is based and upon which the court has jurisdiction to entertain the claim and also the manner of service which the court is asked to authorize. If such manner be other than personal service, the application shall further set forth the last-known whereabouts of the person to be served and the inquiries made to ascertain his present whereabouts. Upon such application the court may make such order as to the manner of service as it so seems meet and shall further order within which notice of intention to defend is to be given or any other step is to be taken by the person to be served. Where service by publication is ordered, it may be in a form as near as may be in accordance with Form 1 of the First Schedule, approved and signed by the registrar.

(3) Any person desiring to obtain leave to effect service outside the Republic of any document other than one whereby proceedings are instituted, may either make application for such leave in terms of sub-rule (2) or request such leave at any hearing at which the court is dealing with the matter, in which latter event no papers need be filed in support of such request, and the court may act upon such information as may be given from the bar or given in such other manner as it may require, and may make such order as to it seems meet.

Applications

6. (1) Every application shall be brought on notice of motion specifying the relief applied for supported by an affidavit as to the facts upon which the applicant relies for relief.

(2) When relief is claimed against any person, or where it is necessary or proper to give any person notice of such application, the notice of motion shall be addressed to both the registrar and such person, otherwise it shall be addressed to the registrar only.

(3) (a) Every application to be heard shall be filed with the registrar and set down, before noon on the court day but one preceding the day upon which it is to be heard. If brought upon notice to the registrar, such notice shall set forth the form of order sought, specify the affidavit filed in support thereof, request him to place the matter on the roll for hearing, and be as near as may be in accordance with Form 2 of the First Schedule.

(b) Any person having an interest which may be affected by a decision on an application being brought ex parte, may deliver notice of an application by him for leave to oppose, supported by an affidavit setting forth the nature of such interest and the ground upon which he desires to be heard, whereupon the registrar shall set such application down for hearing at the same time as the application first mentioned.

(c) At the hearing the court may grant or dismiss either of or both such applications as the case may require, or may adjourn the same upon such terms as to the filing of further affidavits by either applicant or otherwise as to it seems meet.

(4) (a) Every application other than one brought ex parte shall be brought on notice of motion as near as may be in accordance with Form 2 (a) of the First Schedule and true copies of the notice, and all annexures thereto, shall be served upon every party to whom notice thereof is to be given.
van 'n provinsie of deur 'n Minister, Administrateur, of 'n ander ambtman van die Regering of so 'n Administrasie, deur die voorlegging van 'n getekende kwintasie daarvoor.

(7) Betekening van 'n prosesstuk of dokument in 'n vreemde land word bewys—

(a) deur 'n sertifikaat van die persoon wat ingevolge paragraaf (a) van subreël (3) of subreël (4) beteken het, waarin hy homself identifiseer, vermeld dat hy deur die reg van daardie land gemagtig is om prosesstukke of dokumente te beteken en dat die prosesstuk of dokument beteken is ooreenkomsdig die reg van daardie land, en die wyse en die datum waarop sodanige betekening geskied het, uiteensety: Met dien verstande dat die sertifikaat van iemand in subreël (4) bedoel behoorlik gewaarmerk moet word; of

(b) deur 'n sertifikaat van die persoon wat ingevolge paragraaf (b) van subreël (3) beteken het, waarin hy vermeld dat die prosesstuk of dokument deur hom beteken is, die wyse en datum waarop sodanige betekening geskied het en bevestig dat hy in die betrokke land regtens gemagtig is om prosesstukke of dokumente te beteken of dat die reg van so 'n land nie sodanige betekening verbied nie en dat die owerhede van daardie land nie enige beswaar daarteen geopper het nie.

(8) In elke geding waarin die Staat, die Administrasie van 'n provinsie, die Administrasie van die gebied Suidwes-Afrika, die Suid-Afrikaanse Spoorsweer en Hawensadministrasie of 'n Minister, Adjudikator of Administrateur in sy amptelike hoedanigheid verweer of respondent is, kan die dagvaarding of kenningewening waarby die geding ingestel word, aan die Kantoor van die Staatsprokureur, Pretoria, of die tak van daardie kantoor wat gedeel is binne die gebied beteken word.

(9) Indien die hof nie oortuig is dat die betekening effektief was nie, kan hy na goeddunke verder stappe voorsryf.

(10) Wanneer iemand wat buite Venda gedomisilieer is, 'n prosesstuk wil laat beteken aan iemand in Venda rig hy 'n versoek daartoe aan die griffer, vermeld van twee afskrifte van sodanige prosesstuk. Die griffer besorg die twee afskrifte aan 'n persoon wat gemagtig is om betekening uit te voer en sodanige persoon beteken dit deur een afskrif te oorhandig aan die persoon aan wie beteken moet word. Die ander afskrif word deur die betekenaar aan die griffer terugbescorg tesame met die bewys in subreël (6) bedoel, en besonderhede van die koste van betekening. Sodanige besonderhede word aan die exactebeste van die hof voorgeleë vir sertifisering van die juistheid daarvan.

(11) Wanneer 'n versoek om betekening van 'n sivele prosesstuk of sitasie, nagekom is, besorg die griffer aan die Sekretaris—

(a) die versoek om betekening in subreël (10) bedoel;

(b) die bewys van betekening tesame met 'n sertifikaat soos in Vorm I van die Tweede Bylae bewoor, behoorlik geseel met die seel van die hof vir die gebruik buite die jurisdistie; en

(c) die besonderhede van die koste van betekening en die bevestigingsertifikaat, of 'n afskrif daarvan.

Edictale sitasie

5. (1) Buite die Republiek mag 'n prosesstuk of dokument waarby 'n geding ingestel word, alleen met verlof van die hof beteken word.

Harbours), die Administration of any province or on any Minister, Administrator, or any other officer of such Government or Administration, in his capacity as such, by the production of a signed receipt thereof.

(7) Service of any process of court or document in a foreign country shall be proved—

(a) by a certificate of the person effecting service in terms of paragraph (a) of subrule (3) or subrule (4) in which he identifies himself, states that he is authorised under the law of that country to serve process of court or documents therein and that the process of court or document in question has been served as required by the law of that country and sets forth the manner and the date of such service; Provided that the certificate of a person referred to in subrule (4) shall be duly authenticated; or

(b) by a certificate of the person effecting service in terms of paragraph (b) of subrule (3) in which he states that the process of court or document in question has been served by him, setting forth the manner and date of such service and affirming that the law of the country concerned permits him to serve process of court or documents or that there is no law in such country prohibiting such service and that the authorities of that country have not interposed any objection thereto.

(8) In every proceeding in which the State, the Administration of any province, the Administration of the Territory of South West Africa, the South African Railways and Harbours Administration or a Minister, Deputy Minister or Administrator in his official capacity is defendant or respondent, the summons or notice instituting such proceeding may be served at the Office of the State Attorney, Pretoria, or the branch of the said office which is situated in the area.

(9) If the court is not satisfied as to the effectiveness of the service, it may order such further steps to be taken as to it seems meet.

(10) Whenever a person who is domiciled outside Venda desires a process to be served on a person in Venda he shall address a request to the effect accompanied by two copies of such process, to the registrar. The registrar shall hand the two copies to a person who is authorised to serve process and such person shall serve it by delivering one copy to the person to be served. The other copy shall be returned to the registrar by the person by whom service has been effected together with proof referred to in subrule (6) and particulars of charges for the cost of effecting service. Such particulars shall be submitted to the taxing master of the court who shall certify the correctness thereof.

(11) The registrar concerned shall, after effect has been given to any request for service of civil process or citation, return to the Secretary—

(a) the request for service referred to in subrule (10);

(b) the proof of service together with a certificate in accordance with Form I of the Second Schedule duly sealed with the seal of the court for use out of the jurisdiction; and

(c) the particulars of charges for the cost of effecting service and the certificate, or copy thereof, certifying the correctness of such charges.

Edictal citation

5. (1) Save by leave of the court no process or document whereby proceedings are instituted shall be served outside the Republic.
(5) Die hof kan na aanhoring van 'n aansoek, heisy \textit{ex parte} of andersins, 'n beveel weier (behalwe betref-
ende koste, as daar is) maar die aanplank verloof gee om die aanplank op dienselle stukke, aangeval met sodanige verdere beëindigde verklarings as wat nodig mag wees, te hernuie.

(6) (a) 'n Party tot enige aansoek kan 'n teenaanplank doen of kan enige party daarby voog soos hy dit sou kon gedaan het as hy verwerp in 'n akse die en die ander party tot die aanplank partye tot so 'n akse was. Reel 10 geld dan \textit{mutatis mutandis}.

(b) Die tydperke ten opsigte van aanplank voorge-
skryf is \textit{mutatis mutandis} van toepassing op teenaan-
plakke: Met dien verstande dat die hof indien goeie gronde aanvover word, die beregting van die aanplank kan uitstel.

(7) Iemand teen wie 'n beveel \textit{ex parte} toegestaan is, kan die keerdatum vervroeg met 24 uur kennisgewing.

(8) 'n Afskrif van elke aanplank in verband met die boedel van 'n gestorwe of van iemand wat beweer word 'n verkwister te wees, of wat handelsonbevoegd is op geestelike of ander gronde, word, voor so 'n aan-
plak die griffter ingediend word, aan die Weesker vir oorweging en verslag voorgelê; en as iemand by die hof aanbeveel staan te word vir aanstelling as kurator van eiendom, word so 'n aanbeveling ook aan die Weesker vir verslag voorgelê: Met dien verstande dat die beplakings van hierdie subreël nie op enige aanplank ingevolge reël 57 van toepassing is nie, tensy die teen-
deel uit daardie reël blyk.

(9) Die beplakings van subreël (6) geld ook vir alle aanplakke om aanstelling van administrateurs en trustees ingevolge akte of kontrakte betreffende trustfonds of vir die administrasie van trusts wat by testamentêre besikking gekies is.

(10) Ondanks die voorgaande subreëls, kan interlo-
kutore aanplakke en aanplakke wat betrekking het op hangende gedinge, geskied by kennisgewing, gesteen word desgewen beëindigde verklarings, en ter rolle geplaas word vir 'n tyd deur die griffter toege wys of deur 'n regter vasgetel.

(11) (a) By dringende aanplakke kan die hof of 'n regter afslaan van die vorms en betekening wat die reëls voorreg en kan hy so 'n aangeleenthed afhandel waar en wanneer en soos hy goeddink, maar sover moont-
ljk in orcorenstemming met die reëls.

(b) In elke beëindigde verklaring wat ter ondersteun-
ing van 'n aanplank ingevolge paragraaf (a) van hier-
die subreël ingediend word, moet die aanplank uitdruk-
liek die omstandighede vermeld wat volgens hom die aangeleenthed dringend maak en die redes waarom hy beweer dat hy nie mettertyd weselyne verhaal by gewone beregting sal kry nie.

(12) By 'n aanplak, amptelike teen 'n Minister, Adjunk-minister, Administrateur, amptenaar of werk-
nemer van die Staat, teen die Staat, die Administrasie van 'n provinsie, die Administrasie van die gebied Suidwes-Afrika of die Suid-Afrikaanse Spoorweg- en Haweadministrasie, is die tydperk bepaal vir die keerdatum van 'n beveel \textit{nisi} minstens 21 dae na die betekening van die beveel \textit{nisi} tenby die hof spesiaal 'n korter tydperk genag het.

be tropeesna te appear and be examined and cross-
examined as a witness or it may refer the matter to trial with appropriate directions as to pleadings or definition of issues, or otherwise.

(5) The court, after hearing an application whether brought \textit{ex parte} or otherwise, may make no order thereon (save as to costs if any) but grant leave to the applicant to renew the application on the same papers supplemented by such further affidavits as the case may require.

(6) (a) Any party to any application proceedings may bring a counter-application or may join any party to the same extent as would be competent if the party wishing to bring such counter-application or join such party were a defendant in an action and the other parties to the application were parties to such action. In the latter event rule 10 shall apply \textit{mutatis mutandis}.

(b) The periods prescribed with regard to applications shall apply \textit{mutatis mutandis} to counter-applications: Provided that the court may on good cause shown postpone the hearing of the application.

(7) Any person against whom an order is granted \textit{ex parte} may anticipate the return day upon delivery of not less than 24 hours' notice.

(8) A copy of every application to court in connec-
tion with the estate of any person deceased, or alleged to be a prodigal, or under any legal disability, mental or otherwise, shall, before such application is filed with the registrar, be submitted to the Master for consideration and report; and if any person is to be suggested to the court for appointment as curator to property, such suggestion shall likewise be submitted to the Mas-
ter for report: Provided that the provisions of this subrule shall not apply to any application under rule 57 except where that rule otherwise provides.

(9) The provisions of subrule (8) shall further apply to all applications for the appointment of administra-
tors and trustees under deeds or contracts relating to trust funds or to the administration of trusts set up by testamentary disposition.

(10) Notwithstanding the foregoing subrules, inter-
locutory and other applications incidental to pending proceed-
ings may be brought on notice supported by such affidavits as the case may require and set down at a time assigned by the registrar or as directed by a judge.

(11) (a) In urgent applications the court or a judge may dispense with the forms and service provided for in these rules and may dispose of such matter at such time and place and in such manner and in accordance with such procedure (which shall as far as practic-
able be in terms of these rules) as to it seems meet.

(b) In every affidavit filed in support of any applica-
tion under paragraph (a) of this subrule the applicant shall set forth explicitly the circumstances which he avers render the matter urgent and the reasons why he claims that he could not be afforded substantial redress at a hearing in due course.

(12) In any application against any Minister, Deputy Minister, Administrator, officer or servant of the State, in his capacity as such, as the State, the administration of any province, the Administration of the Territory of South West Africa, or the South African Railways and Harbours Administration, the period for the return of a rule \textit{nisi} shall be not less than 21 days after the serv-
ce of the notice of motion, or the rule \textit{nisi}, as the case may be, unless the court shall have specially author-
ised a shorter period.
(b) In die kennisgewing noem die applicant 'n adres binne 10 kilometers van die kantoor van die griffter waar hy kennisgewing en betekening van al die dokumente in die geding sal aanvaar, en gee hy na gelang van die geval, minstens die tyd in regulasie 18 gemeld as die tyd waarbinne die respondent na betekening skriflik die applicant kennis moet gee of hy van voorneme is om die aansoek te bestry, en meld hy verder dat as kennis nie aldus gegaan word nie, die aansoek op 'n bepaalde dag, minstens 30 dae na betekening van die kennisgewing aan die respondent, vir bereitstig ter rolle geplaas sal word.

(e) As die respondent nie binne die in die kennisgewing vasgestelde tyd kennis gee van sy voorneme om te bestry nie, kan die applicant die saak vir bereitstig ter rolle plaas deur die griffter vir middag op die tweede hoofdag voor die dienende dag kennis van terrolpleging te gee.

(d) Iemand wat die toestaan van 'n bevel in die kennisgewing van mosie aangevaar, bestry—

(i) gee die applicant binne die tyd in die kennisgewing vermeld, skriflik kennis dat hy van voorneem is om die aansoek te bestry, met vermelding van 'n adres binne 10 kilometers van die kantoor van die griffter waar hy kennisgewing en betekening van alle dokumente sal aanvaar;

(ii) lever binne 21 dae na kennisgewing aan die applicant van sy voorneme om die aansoek te bestry en sy antwoordende beëindigde verklaring af, as hy een het, gesame met enige desbetreffende dokumente; en

(iii) as hy net 'n regrup punt wil opper, lever hy 'n kennisgewing te dien effekte of binne die tyd bepaal in die voorafgaande subparagraaf, waarin die regrup punt uiteengesit is.

(e) Die applicant kan binne 21 dae na betekening aan hom van die in subparagraaf (ii) van paragraaf (d) bedoelde beëindigde verklaring en dokumente 'n replise rende beëindigde verklaring aflever. Die Hof kan na goed dunke die indiening van verdere beëindigde verklarings toelaat.

(f) As geen antwoordende verklaring of kennisgewing van 'n regrup punt binne die in subparagraaf (ii) van paragraaf (d) voorgestelde tyd afgelever word nie, kan die applicant binne 10 dae na die verstreking daarvan by die griffter 'n verhoordatum aanvra. As so 'n verklaring wel afgelever word kan die applicant binne 10 dae na die griffter se beëindigde verklaring, of as hy nie een indien nie, binne 10 dae na die verstreking van die in paragraaf (e) genoemde tydperk 'n datum aanvra en so 'n kennisgewing afgelever word, kan die applicant so 'n datum binne 10 dae na aflevering van so 'n kennisgewing aanvra. As hy nie binne die betrokke tyd 'n datum aanvra nie, kan die respondent dit onmiddellik doen. Skriflike kennis van die toegewe datum word onverwyld deur die applicant of respondent, na gelang van die geval, aan die teemparty gegee.

(g) As 'n aansoek nie behoorlik op beëindigde verklaring beslis kan word nie, kan die hof die aansoek van die hand wys of na goed dunke 'n bevel gee om 'n regverdige en spoedige beslissing te verere. In die bysonder, maar sonder om die omvang van die voor gaande in te kort, kan hy beveel dat mondelinge getuie nie bekend word ten einde van 'n beëindigde verklaring te beslis en kan hy vir daardie doel 'n bepaalde drein bevestig om persoonlik te versyn of kan hy verlof gee dat hy in so'n geval nie.
(5) Op die dag in die dagvaarding genoem kan die verweerder persoonlik of by monde van 'n advokaat versyk om sy aanspreeklikheid te ontken of te erken, en hy kan lanstens voor middag van die tweede hoofdag voor die waarop hy opgeroep is om te verskyn, 'n beëdigde verklaring aflewre wat die gronde bevat waarop hy aanspreeklikheid betwys. In so'n geval word die eiser 'n redelike geheenheid gegaan om daarop te antwoord.

(6) As die verweerder by die verhoor sy aanspreeklikheid erken of as hy voorheen 'n erkenning van aanspreeklikheid by die griffier ingediend het wat deur hom onderteken is en geatesteer is deur 'n prokureur wat vir hom optree en nie vir die teenpartie nie, of anders by beëdigde verklaring bevestig is, kan die hof finale vonnis teen hom gee.

(7) Die hof kan mondelinge getuieis betreffende die egtheid van die verweerder of sy gevolmachtigde se handtekening op die dokument waarop die eis vir namptissement berus, of betreffende die volmag van die verweerder se gevolmachtigde, aanhoor.

(8) As die hof namptissement weier, kan hy die verweerder beveel om binne 'n bepaalde tyd 'n pleit in te dien en kan hy na goeddrukte 'n kostebepaal gee. Daarna geld hierdie reëls betreffende pleitstukke en die verdere afhandeling van versoeksoor mutatis mutandis.

(9) Op aanvraag moet die eiser sekerheid de restitutio tot bevrediging van die griffier aan die verweerder verskaf, teen betaling van die vonnisskuld.

(10) Iemand teen wie namptissement toegestaan is, kan alleen tot die prinsipale saak oorgaan as hy die vonnis- skuld en getakseerde koste betaal het of as die eiser versuim om op aanvraag behoorlik sekerheid ingevolge subrule (9) te stel.

(11) 'n Verweerder wat tot die prinsipale saak mag en wil oorgaan, moet binne twee maande nadat namptissement toegestaan is, 'n kennisgewing van sy voorname aflewre, in welke geval die dagvaarding gaag word 'n gekombineerde dagvaarding te wees, waarop hy binne ewe dae 'n pleit moet aflewre. By gebreke van sodanige kennisgewing of pleit word die namptissement ipso facto 'n finale vonnis en verval die sekerheid wat deur die eiser gestel is.

**Arrres suspectus de fuga**

9. (1) Geen siviele prosesstuk waarin iemand gearresteer of onder borgtog geplaas mag word ten einde hom te dwing om te verskyn voordat hy die land verlaat en op 'n eis te antwoord en die uitspraak van die hof daarop af te wak, word teen iemand uitgerek as die waarde in geskil nie minstens R400 beloop nie, sonder inname van koste.

(2) In alle gevallen waar iemand gearresteer of onder borgtog geplaas mag word, geskied dit by wissel van 'n lastbrief tot arres, gerig aan die balju of sy adjunk en aan die bevoelvoerder van die gevangenis, geteken soos in die geval van 'n dagvaarding, en so na moondlik bewoorde soos Vorm 4 in die Eerste Bylae.

(3) Die lastbrief tot arres moet, wanneer dit by die griffier vir ondertekening afgereken word, vergelyk gaan van 'n beëdigde verklaring van die eiser of sy gevolmachtigde.

(4) Die beëdigde verklaring moet 'n juisse beskrywing bevat van die persoon wat dit munk, met vermelding van sy woonplek en die bedrag aan die eiser verskuldig en waar die skuld ontstaan het, en in die geval van die onwettige terughouding van roerende goed, die waarde en 'n beskrywing daarvan: Met dié verstande dat as die eiser as eksekutur of administrateur van 'n bestowre boedel of as kurator van 'n insolvente boedel of in

(5) Upon the day named in the summons the defendant may appear personally or by an advocate to admit or deny his liability and may, not later than noon of the court day but one preceding the day upon which he is called upon to appear in court, deliver an affidavit setting forth the grounds upon which he disputes liability. In such event the plaintiff shall be afforded a reasonable opportunity of replying thereto.

(6) If at the hearing the defendant admits his liability or if he has previously filed with the registrar an admission of liability signed by himself and witnessed by an attorney acting for him and not acting for the opposite party, or, if not so witnessed, verified by affidavit, the court may give final judgment against him.

(7) The court may hear oral evidence as to the authenticity of the defendant's signature, or that of his agent, to the document upon which the claim for namptissement is founded or as to the authority of the defendant's agent.

(8) Should the court refuse namptissement it may order the defendant to file a plea within a stated time and may make such order as to the costs of the proceedings as to it may seem just. Thereafter the provisions of these rules as to pleading and the further conduct of trial actions shall mutatis mutandis apply.

(9) The plaintiff shall on demand furnish the defendant with security de restitutio to the satisfaction of the registrar, against payment of the amount due under the judgment.

(10) Any person against whom namptissement has been granted may enter into the principal case only if he shall have satisfied the amount of the judgment and taxed costs, or if the plaintiff on demand fails to furnish due security in terms of subrule (9).

(11) A defendant entitled and wishing to enter into the principal case shall, within two months of the grant of namptissement, deliver notice of his intention to do so, in which event the summons shall be deemed to be a combined summons and he shall deliver a plea within seven days thereafter. Failing such notice or such plea the namptissement shall ipso facto become a final judgment and the security given by the plaintiff shall lapse.

**Arrest suspectus de fuga**

9. (1) No civil process whereby any person may be arrested or held to bail to compel his appearance before leaving the country to answer any claim and to abide the judgment of the court thereon shall be sued out against any person where the cause of action is not of the value of R400 or upwards, exclusive of any costs.

(2) In all cases where any person may be arrested or held to bail, the process shall be by writ of arrest addressed to the sheriff or his deputy and to the officer commanding the gaol and signed as is required in the case of a summons and shall, as near as may be, be in accordance with Form 4 of the First Schedule.

(3) The writ of arrest when delivered to the registrar for signature shall be accompanied by an affidavit sworn by the plaintiff or his agent.

(4) The affidavit shall contain a true description of the person making the same, setting forth his place of residence, and a statement of the sum due to the plaintiff, and the cause of the claim and where incurred, or in the case of the unlawful detention of any movable property, the value and description thereof: Provided that if the plaintiff sues as executor or administrator of any deceased person, or as a trustee of an
(13) Rules 10, 11, 12, 13 and 34 shall mutatis mutandis apply to all applications.

(14) The court may on application order to be struck out from any affidavit any matter which is scandalous, vexatious or irrelevant, with an appropriate order as to costs, including costs as between attorney and client. The court shall not grant the application unless it is satisfied that the applicant will be prejudiced in his case if it be not granted.

Power of attorney

7. (1) Before summons is issued in any action at the instance of the plaintiff’s attorney, the attorney shall file with the registrar a power of attorney to sue. Such power of attorney shall state generally the nature of the particular action authorised to be instituted, the nature of the relief to be claimed therein and the names of the party to be sued.

(2) When notice of intention to defend is filed with the registrar by an attorney the latter shall pari passu file a power of attorney authorising him to defend.

(3) (a) The registrar shall not set down any civil appeal for hearing at the instance of an attorney unless such attorney files with the registrar a power of attorney authorising him to set the appeal down. Such power of attorney shall be filed together with the application for a date of hearing.

(b) Any attorney instructing an advocate to appear in a civil appeal on behalf of any other party other than a party who has caused the appeal to be set down shall, before the hearing thereof, file with the registrar a power of attorney authorising such attorney so to act.

(4) Every power of attorney filed by an attorney shall be signed by or on behalf of the party giving it, and shall otherwise be duly executed according to law. Provided that where a power of attorney is signed on behalf of the party giving it, proof of authority to sign on behalf of such party shall be produced to the registrar who shall note that fact on the said power.

(5) No power of attorney shall be required to be filed by the State Attorney, any deputy state attorney or any professional assistant to the State Attorney or a deputy state attorney or any attorney instructed, in writing, or by telegram by or on behalf of the State Attorney or a deputy state attorney in any matter in which the State Attorney or a deputy state attorney is acting in his capacity as such.

Namtissement

8. (1) Where by law any person may be summoned to answer a claim made for namtissement, proceedings shall be instituted by way of a summons as near as may be in accordance with Form 3 of the First Schedule, calling upon such person to pay the amount claimed or failing such payment to appear personally or by counsel upon a day named in such summons not being less than 21 days after the service upon him of such summons, to admit or deny his liability.

(2) Such summons shall be issued by the registrar and the provisions of subrules (3) and (4) of rule 17 shall mutatis mutandis apply.

(3) Copies of all documents upon which the claim is founded shall be annexed to the summons and served with it.

(4) The plaintiff shall set down the case for hearing before noon on the court day but one preceding the day upon which it is to be heard.
waar dagvaarding reeds uitgereik was, bly die lasbrief tot arres en die beëdigde verklaring van krag as 'n gekombineerde dagvaarding in die aksie.

(11) 'n Gearresteerde kan die datum van verskyning vervroeg en na kennisgewing aan die eiser en die griffier sy vrylating by die hof aanvra.

(12) 'n Balju of adjunk-balju wat van 'n gearresteerde 'n borgakte kragtens 'n lasbrief genoem het, dra dit so spoedig doenlik aan die eiser oor by wysie van die ondertekende endosment daarop so na moontlik bewoorde soos Vorm 6 in die Eerste Bylne.

(13) As die verweerder op die keerdatum of vervroegde keerdatum die eis erken, kan finale vonnis teen hom gegee word, waarop hy vrygelaat word.

(14) As die verweerder nie aan die eis voldoen of dit erken het nie en nie sekerheid soos voornemdel gestel het nie, kan die eiser op die keerdatum of vervroegde keerdatum aan die hof doen om bekragting van die arres, waarop die hof, tensy voldoende rede tot die teendeel aangevoer word, die arres bekragtig en beveel dat die verweerder na die gevangenis teruggebring word, en verdere voorskrifte gene wat hy vir die spoedigheid van die geding bevoordelik ag.

(15) Wanneer in so 'n geding vonnis teen die verweerder gegee is, is hy tot vrylating geregist.

Voeging van partye en skuldoorsake

10. (1) Enige getal persone, elk van wie 'n eis het, hetsy gesamentlik, gesamentlik en afsonderlik, afsonderlik of in die alternatief, kan as eisers in een aksie optree teen dieselfde verweerder of verweerders teen wie een of meer van sodanige persone wat as eiser wil optree, geregist sou wees, het om 'n afsonderlike aksie in te stel, mits die verderingsreg van diégene wat saam as eisers wil optree, afhang van die beslissing van wesenslik dieselfde regs- of feitevraag wat, as afsonderlike aksies ingestel sou word, in elke aksie sou ontstaan, en met dien verstande dat daar 'n toetreding kan wees met die voorwaarde dat dit alleen geld as die eis van enige ander eiser misluk.

(2) 'n Eiser kan verskillende skuldoorsake in dieselfde aksie aanvoo.

(3) Verskeie verweerders kan in een aksie gedagvaar word hetsy gesamentlik, gesamentlik en afsonderlik, afsonderlik of in die alternatief, wanneer die geskikte punt wat tussen hulle of enige van hulle en die eiser of enige van die eisers bestaan, afhang van die beslissing van wesenslik dieselfde regs- of feitevraag wat, as die verweerders gedagvaar sou word, in elke afsonderlike aksie sou ontstaan.

(4) In 'n aksie waarin skuldoorsake of partye ingevoeg hierdie reël saamgevoeg is, gee die hof aan die einde van die verhoor uitspraak ten gunste van die partye wat daartoe geregist is, of verleen hy absolvusie van die instansie en gee hy 'n kostebevleut wat hy billik staar. Met dien verstande dat sonder om die diskrisee van die hof in enige opsig te beperk—

(a) die hof kan beveel dat 'n eiser wat onsuksesvol was teenoor enige ander party, hetsy eiser of verweerder, aanspreeklik is vir die koste wat deur sy toetredie tot die aksie as eiser veroorsaak is;

had been no arrest, and save in those cases where summons has already been issued, the writ of arrest and affidavit shall stand as a combined summons in the action.

(11) Any person arrested shall be entitled to anticipate the day of appearance and to apply to the court for his release, upon giving notice to the plaintiff and to the registrar.

(12) If the sheriff or his deputy takes from the party arrested any bond or obligation by virtue of any writ, he shall, as soon as practicable, assign to the plaintiff such bond or obligation, by an endorsement thereon under his hand, as near as may be in accordance with Form 6 of the First Schedule.

(13) If on the return or anticipated return day the defendant admits the plaintiff's claim, final judgment may be given against him, whereupon he shall be released.

(14) If the defendant has not satisfied or admitted the plaintiff's claim and has not given security as aforesaid, the plaintiff may, on the return or anticipated return day, apply for confirmation of the arrest, whereupon the court, unless sufficient cause to the contrary is shown, shall confirm such arrest and order the return of the defendant to prison, and shall make such further order as to it seems meet for the speedy termination of the proceedings.

(15) If in any such proceedings judgment is given against the defendant, he shall be entitled to his release.

Joinder of parties and causes of action

10. (1) Any number of persons, each of whom has a claim, whether jointly, jointly and severally, separately or in the alternative, may join as plaintiffs in one action against the same defendant or defendants against whom any one or more of such persons proposing to join as plaintiffs would, if he brought a separate action, be entitled to bring such action, provided that the right to relief of the persons proposing to join as plaintiffs depends upon the determination of substantially the same question of law or fact which, if separate actions were instituted, would arise on each action, and provided that there may be a joinder conditionally upon the claim of any other plaintiff failing.

(2) A plaintiff may join several causes of action in the same action.

(3) Several defendants may be sued in one action either jointly, jointly and severally, separately or in the alternative whenever the question arising between them or any of them and the plaintiff or any of the plaintiffs depends upon the determination of substantially the same question of law or fact which, if such defendants were sued separately, would arise in each separate action.

(4) In any action in which any causes of action or parties have been joined in accordance with this rule, the court at the conclusion of the trial shall give such judgment in favour of such of the parties as shall be entitled to relief, or grant absolution from the instance, and shall make such order as to costs as shall to it seem to be just: Provided that without limiting the discretion of the court in any way—

(a) the court may order that any plaintiff who is unsuccessful shall be liable to any other party, whether plaintiff or defendant, for any costs occasioned by his joining in the action as plaintiff;
enige soortelike vertoonwoordigende hoedanigheid dagvaar dit voldoende is om in so 'n beëdigde verklaring te sê dat die verweerder die som verskudig is volgens die boeke of dokumente in besit van die deponent en dat die deponent opreg glo dat dit so is. Verder moet beweer word dat die eiser geen of onvoldoende sekeriteit vir sy eis het, met vermelding van die aard en omvang van die sekeriteit, as daar is, en dat minstens R400 heetelmal ongeseker is, en as die eis een vir skadevergoeding is; dat die eiser skade van R400 of meer gely het.

(5) In alle gevalle moet in die beëdigde verklaring beweer word dat die deponent oortuig is dat die verweerder op vertrek uit die Republiek staan of voorberei- dinge daarvoor tref, met volledige gronde vir sy oortuiging.

(6) Die lasbrief tot arres en die beëdigde verklaring word deur die griffer gelisieer en dit staan of die verweerder of sy prokureur vry om te alle redelike tye en kosteloos insae daarin te hê en afskrifte daarvan te maak.

(7) As 'n som geld of 'n besondere saak geëis word, moet dit in die lasbrief tot arres vermeld word. Die koste van die uitreiking van so 'n lasbrief word deur die griffer daarop geëindosseer en die baljou of sy adjunk gee, wanneer 'n arres daargestel is plaatsvind, aan die verweerder in afskrif daarvan tesame met afskrifte van die genoemde beëdigde verklaring en enige dokumente waarop die eis berus, welke afskrifte deur die eiser verskaf moet word: Met dien verstande dat waar 'n lasbrief tot arres telegrafies versend is, die oorspronklike lasbrief met die eerste pos gestuur word na die plek waar so iemand gearreesteer of aangehoor is, vergeël van 'n afskrif daarvan en van die beëdigde verklaring ingeval subreëls (4) en (5). By ontvangs van die lasbrief op die plek waar so iemand gearreesteer of aange- hou is, word die bedoelde afskrifte onverwyld aan hom beteken.

(8) As die verweerder of enigeen namens hom by arres aan die baljou of sy adjunk voldoende sekerheid stel by wees van 'n borgakte of onderneming van die verweerder en van 'n ander persoon wat in die Republiek woon en voldoende middel hier het, dat die verweerder sal verskyn soos in die lasbrief bepaal en die vonnis van die hof daarop sal afwyk, of as die verweerder aan die baljou of sy adjunk die bedrag betaal of die saak oorhandig wat in die lasbrief genoem word tesame met die koste daarop geëindosseer en 'n verdere bedrag van R4 vir koste van die tenuitvoerlegging van die lasbrief, ontlaan die baljou of sy adjunk hom. Die bedoelde borgakte of onderneming word bewoord so na maanoot soos Vorm 5 in die Eerste Bylae: Met dien verstande dat die persoonlike borgakte van die verweerder sonder meer voldoende is as daarby ook die geëiste bedrag of saak gedeponeer word saam met koste soos voorgelê, en die deposito as een van die voorwaardes in die borgakte genoem word.

(9) As die verweerder te eniger tyd na sy arres aan die eis in die lasbrief voldoen, en ook die koste daarop geëindosseer en de koste van tenuitvoerlegging betaal of as hy 'n borgakte ingevolge subreël (8) aangaan, is hy geregtig tot onmiddellijke vrylating.

(10) Waar 'n borgakte deur of namens die verweerder gegee is ingevolge subreël (8), gaan die eiser met die akte voort asof daar geen arres was nie en behalte insolvent estate, of in any similar representative capacity, it shall be sufficient in any such affidavit to aver that the said defendant is indebted as stated, as appears by the books or documents in the possession of the deponent and as the deponent verily believes. The affidavit shall further contain an allegation that the plaintiff has no or insufficient security for his demand, specifying the nature and extent of the security, if any, and that a sum or value of R400 or upwards remains wholly unsecured; and if the said claim is one for damages, that the said plaintiff has sustained damages to an amount of R400 or upwards.

(5) In all cases the affidavit shall contain an allega- tion that the deponent believes that the defendant is about to depart, or is making preparations to depart, from the Republic and shall state fully the grounds for such belief.

(6) The writ of arrest and affidavit shall be filed by the registrar, and the defendant or his attorney shall be at liberty at all reasonable times and without charge to peruse and copy them.

(7) Where any sum of money or a specific thing is claimed, it shall be set forth in the writ of arrest. The costs of issuing any such writ shall be endorsed thereon by the registrar, and the sheriff or his deputy shall, upon an arrest made by virtue thereof, give to the defendant a copy of the same, together with copies of the affidavit aforesaid and any documents upon which the claim is founded, which copies shall be furnished by the plaintiff: Provided that where a warrant of arrest has been telegraphically transmitted the original warrant shall be sent by the first post to the place where such person has been arrested or detained and shall be accompanied by a copy thereof and a copy of the affidavit in terms of subrules (4) and (5).

(8) After the arrival of the warrant at the place where such person has been arrested or detained, a copy of the original warrant and affidavit shall forthwith be served upon him.

(9) If on arrest the defendant or anyone on his behalf gives to the sheriff or his deputy adequate security by bond or obligation of the said defendant and of another person residing and having sufficient means within the Republic that the defendant will appear according to the exigency of the said writ, and will abide the judgment of the court thereon, or if the said defendant pays or delivers to the sheriff or his deputy the sum of money or thing mentioned in the said writ, together with the costs and charges endorsed thereon, and a further sum of R4 as costs for the execution of the writ, the sheriff or his deputy shall permit the defendant to go free of the said writ of arrest. The bond or obligation to be given to the sheriff or his deputy under this rule shall be as near as may be in accordance with Form 5 of the First Schedule: Provided that the personal bond of the defendant without a surety shall be sufficient for the purposes of this rule if accompanied by a deposit of the amount or thing claimed and costs as aforesaid, such deposit being referred to in the bond as one of the conditions thereof.

(10) If the defendant at any time after his arrest satisfies the claim contained in the writ, including the costs and charges endorsed thereon, and the costs of the execution of the writ or if he gives a bond or obligation in terms of subrule (8), he shall be entitled to immediate release.
(b) dat 'n vraag of geskilpunt in die aksie wesentlik dieselfde is as 'n vraag of geskilpunt wat ontstaan het of sal ontstaan tussen hom en die derde party, en beslis behoort te word nie alleen tussen partye tot dié aksie nie maar ook tussen hulle of een of meer van hulle en die derde party;

can hy 'n kennisgewing, hieronder 'n derdeparty-kennisgewing genoem, so na monolik bewoord soos Vorm 7 in die Eerste Bylae, uitreik en dit moet deur die balju beteken word.

(2) In die kennisgewing word die aard en gronde van die aanspraak van die party wat dit uitreik, die vraag of geskilpunt wat beslis moet word, en die regsverordering uiteengestel. Vir die uitteensetting van die aanspraak en van die vraag of geskilpunt, gelyk die reëls betreffende pleistukke en dagvaardings mutatis mutandis.

(3) (a) 'n Derdepartykennisgewing moet beteken word voor die sluiting van pleistukke in die aksie in verband waarmee dit uitgereik is.

(b) Na sluiting van pleistukke, mag sodanige kennisgewing slegs met verlof van die hof beteken word.

(c) Die derdepartykennisgewing moet vergese wees van 'n afskrif van alle pleistukke wat tot datum van betekenis van die kennisgewing in die aksie ingedien is.

(4) As die derde party die eis in die derdepartykennisgewing wil betwis, lever hy 'n kennisgewing van voornme om te verdedig af, soos op 'n dagvaarding. Onmiddellik na ontvang van so 'n kennisgewing gee die party wat die derdepartykennisgewing uitgereik het, dien ooreenkomstig kennis aan alle ander partye.

(5) Die derde party is, na betekening aan hom van 'n derdepartykennisgewing, 'n party tot die aksie en, as hy 'n kennisgewing van voornme om te verdedig aflever, word alle dokumente aan hom beteken en kennis aan hom gegee as 'n party.

(6) Die derde party kan pleit of eksjieer teen die derdepartykennisgewing asof hy 'n verweerder in die aksie is. Hy kan ook deur 'n pleit of ander behoorlike pleistuk in te dien die aanspreeklikheid van die party wat die kennisgewing uitgereik het, betwis op enige grond, selfs al het daardie party dit nie geoppor nie: Met dien verstande egter dat die derdeparty nie geregtig is om 'n teeneis teen iemand anders as die party wat die kennisgewing uitreik in te stel nie, behalwe vir soor vir hy dit ingevolge reel 24 sou mag doen.

(7) Die reëls betreffende die indiening van verdere pleistukke gelyk soos volg vir die derde partye:

(a) Vir soever die derdeparty se pleit betrekking op dié eis van die party wat die kennisgewing uitgereik het, word laasgenomme beskou as die eiser en die derde party as die verweerder;

(b) Vir soever die derde party se pleit op die eiser se eis betrekking, word die derde party as 'n verweerder beskou en die eiser dié pleistuk in soos deur die desbetreffende reëls bepaal.

(8) Waar 'n party tot 'n aksie teen enige ander party (hefsy hy 'n party geword het vanweë 'n teeneis of vanweë dat die derdepartykennisgewing of enige ander wyse) 'n aanspraak het soos in subreël (1) bedoel, kan hy 'n derdepartykennisgewing uitreik aan so 'n ander party beteken soos deur hierdie reël voorskryf. Behalwe dat geen verdere kennisgewing van (b) any question or issue in the action is substantially the same as a question or issue which has arisen or will arise between such party and the third party and should properly be determined not only as between any parties to the action but also as between such parties and the third party or between any of them;

such party may issue a notice, hereinafter referred to as a third party notice, as near as may be in accordance with Form 7 of the First Schedule, which notice shall be served by the sheriff.

(2) Such notice shall state the nature and grounds of the claim of the party issuing the same, the question or issue to be determined and any relief or remedy claimed. In so far as the statement of the claim and the question or issue are concerned, the rules with regard to pleadings and to summonses shall mutatis mutandis apply.

(3) (a) The third party notice shall be served before the close of pleadings in the action in connection with which it is issued.

(b) After the close of pleadings, such notice may only be served with the leave of the court.

(c) The third party notice shall be accompanied by a copy of all pleadings filed in the action up to the date of service of the notice.

(4) If the third party intends to contest the claim set out in the third party notice he shall deliver notice of intention to defend, as if to a summons. Immediately upon receipt of such notice, the party who issued the third party notice shall inform all other parties accordingly.

(5) The third party shall, after service upon him of a third party notice, be a party to the action and, if he delivers notice of intention to defend, shall be served with all documents and given notice of all matters as a party.

(6) The third party may plead or except to the third party notice as if he were a defendant to the action. He may also, by filing a plea or other proper pleading, contest the liability of the party issuing the notice on any ground notwithstanding that such ground has not been raised in the action by such latter party: Provided however that the third party shall not be entitled to claim in reconvention against any person other than the party issuing the notice save to the extent that he would be entitled to do so in terms of rule 24.

(7) The rules with regard to the filing of further pleadings shall apply to third parties as follows:

(a) In so far as the third party's plea relates to the claim of the party issuing the notice, the said party shall be regarded as the plaintiff and the third party as the defendant;

(b) In so far as the third party's plea relates to the plaintiff's claim, the third party shall be regarded as a defendant and the plaintiff shall file pleadings as provided by the said rules.

(8) Where a party to an action has against any other party (whether either such party became a party by virtue of any counter-claim by any person or by virtue of a third party notice or by any other means) a claim referred to in subrule (1), he may issue and serve on such other party a third party notice in accordance with the provisions of this rule. Save that no
(b) as uitspraak ten gunste van 'n verweerder gegee word of as aan 'n verweerder absoluut van die instansie verleen is, die hof kan beveel dat—

(i) die eiser so 'n verweerder se koste betaal; of

(ii) die onsuksesvolle verweerders die koste van die suksesvolle verweerder gesamentlik en afsonderlik betaal, betaling deur een die ander vry te stel, en dat as een van die onsuksesvolle verweerders meer as sy pro rata-deel van die koste van die suksesvolle verweerder betaal, hy geregelig sal wees om van die ander onsuksesvolle verweerders hul pro rata-deel van die oorbetaling te verhaal en die hof kan verder beveel dat as die suksesvolle verweerder nie al sy koste van die onsuksesvolle verweerders kan verhaal, hy die tekort van die eiser kan vorder;

(c) as uitspraak ten gunste van die eiser gegee word teen meer as een van die verweerders, die hof hulle kan beveel om die eiser se koste gesamentlik en afsonderlik te betaal, betaling deur die ander vry te stel, en dat indien een van die onsuksesvolle verweerders meer as sy pro rata-deel van die eiser se koste betaal, hy geregelig sal wees om van die ander onsuksesvolle verweerders hul pro rata-deel van sodanige oorbetaling te verhaal.

(5) Waar daar 'n voeging van skuldoorsake of van partye was, kan die hof op aanmoed van enige party te enigen tyd beveel dat afsonderlike vernihting gehou word ten opsigtie van sommige of al die skuldoorsake of sommige of al die partye; en die hof kan op so 'n aanmoed na goeddunke 'n bevel gee.

Konsolidasie van aksies

11. Waar afsonderlike aksies ingestel is en die hof meen dat hulle geriefshalwe gekonsolideer behoort te word, kan hy op aanmoed van 'n party daartoe en na kennisgeving aan alle belanghebbende partye, konsolidasie beveel, waarna—

(a) die aksies as een voortgesit word;
(b) die bepaling van reël 10 mutatis mutandis geld vir die aldus gekonsolideerde aksie; en
(c) die hof na goeddunke 'n bevel kan gee betreffende die verdere prosedure, en een uitspraak kan gee waarin al die geskild in die genoemde aksies afgehandel word.

Toetrede van persone as eisers of verweerders

12. Iemand wat geregtig is om as eiser toe te tree of blootstaan aan voeging as verweerder in 'n aksie, kan na kennisgeving aan alle partye in enige stadium van die verrigtinge aanmoed doen om verlof om as 'n eiser of 'n verweerder toe te tree. Die hof kan op so 'n aanmoed na goeddunke 'n bevel gee, ook wat koste betref, en die verdere prosedure in die aksie voorskrif.

Derdepartyeprosedure

13. (1) As 'n party tot 'n aksie daarop aanspraak maak—

(a) dat hy teenoor iemand anders wat nie 'n party is nie (hierna 'n “derde party” genoem), ten opsigtie van enige betaling waartoe hy in die aksie veroordeel kan word, geregtig is op 'n bydrae of vrywaring deur die derde party; of

(b) if judgment is given in favour of any defendant or if any defendant is absolved from the instance, the court may order—

(i) the plaintiff to pay such defendant's costs; or
(ii) the unsuccessful defendants to pay the costs of the successful defendant jointly and severally, the one paying the other to be absolved, and that if one of the unsuccessful defendants pays more than his pro rata share of the costs of the successful defendant, he shall be entitled to recover from the other unsuccessful defendants their pro rata share of such excess, and the court may further order that, if the successful defendant is unable to recover the whole or any part of his costs from the unsuccessful defendants, he shall be entitled to recover from the plaintiff such part of his costs as he cannot recover from the unsuccessful defendants;

(c) if judgment is given in favour of the plaintiff against more than one of the defendants, the court may order those defendants against whom it gives judgment to pay the plaintiff’s costs jointly and severally, the one paying the other to be absolved, and that if one of the unsuccessful defendants pays more than his pro rata share of the costs of the plaintiff he shall be entitled to recover from the other unsuccessful defendants their pro rata share of such excess.

(5) Where there has been any joinder of causes of action or of parties, the court may on the application of any party at any time order that separate trials be held either in respect of some or all of the causes of action or some or all of the parties; and the court may on such application make such order as to it seems meet.

Consolidation of actions

11. Where separate actions have been instituted and it appears to the court convenient to do so, it may upon the application of any party thereto and after notice to all interested parties, make an order consolidating such actions, whereupon—

(a) the said actions shall proceed as one action;
(b) the provisions of rule 10 shall mutatis mutandis apply with regard to the action so consolidated; and
(c) the court may make any order which to it seems meet with regard to the further procedure, and may give such directions as to the further procedure in the action as to it may seem meet.

Intervention of persons as plaintiffs or defendants

12. Any person entitled to join as a plaintiff or liable to be joined as a defendant in any action may, on notice to all parties, at any stage of the proceedings apply for leave to intervene as a plaintiff or a defendant. The court may upon such application make such order, including any order as to costs, and give such directions as to the further procedure in the action as to it may seem meet.

Third party procedure

13. (1) Where a party in any action claims—

(a) as against any other person not a party to the action (in this rule called a “third party”) that such party is entitled, in respect of any relief claimed against him, to a contribution or indemnification from such third party; or
(h) Tenuitvoerlegging van 'n vonnis teen 'n vennootskap geskied eerstens teen die bates daarvan en nadat hulle ingewin is, teen die private bates van enigiemand wat bevind is 'n vennoot te wees, of wat bevind word onder estoppel te wees om sy status as sodanig te ont-
ken, asof uitgesprak teen hom gegoed is.

(6) Die voorgaande subreël geld mutatis mutandis vir 'n verweerder wat deur 'n firma of 'n vennootskap gedagvaar word.

(7) As 'n vennootskap gedagvaar word en dit blyk dat dit sedert die betrokke datum ontbind is, gaan die verrytinge nóg saam teen die persone wat deur die eiser beweer of deur die vennootskap vermeld word veronne te wees, asof hulle afsonderlik gedagvaar is.

(8) Die voorgaande subreël geld mutatis mutandis waar dit blyk dat 'n firma opgehou het om te bestaan.

(9) (a) 'n Eiser wat 'n vereniging dagvaar kan by enige siviele dagvaarding 'n kennisgewig insluit waar-
in 'n gesertificeerde afskryf van sy geldende konstitusie en 'n lys van die name en adresse van die amptdraers en hul onderskeie ampte op die betrokke datum aan-
gevra word.

(b) Aan so 'n kennisgewig moet binne 21 dae voldoen word.

(c) Paragraawe (a) en (b) geld mutatis mutandis vir 'n verweerder wat deur 'n vereniging gedagvaar word.

(10) Paragraawe (d) tot (h) van subreël (5) geld mutatis mutandis wanneer—

(a) 'n eiser beweer dat 'n lid, werkner of agent van die verwerpings vereniging regtens sy verwerpings skuld aanspreeklik is;

(b) 'n verweerder beweer dat 'n lid, werkner of agent van die diees vereniging regtens sy skuld terwyl diere vereniging toegeskaw mag word, aan-
spreeklik sal wees.

(11) Subreël (7) geld mutatis mutandis vir die voort-
setting van die verrytinge teen 'n lid, werkner of agent in paragraaf (a) van subreël (10) bedoel.

(12) Subreël (6) van reël 21 geld mutatis mutandis vir die omstandighede in paragraaf (a), (b) en (c) van subreël (5) en in subreël (6) en (9) hiervan, bedoel.

**Verandering van partye**

15. (1) Geen verrytinge word beëindig bloot van-
wee die dood, huwelik of ander statusverandering van 'n party daartoe nie, tenby die oorsaak van di-
errytinge daardeur uitgewe word.

(2) (a) Wanneer in omstandighede soos in subreël (1) bedoel, dit nodig word of gepas is om nog iemand as 'n party in te bring (hetsy bykoms in of in die plek van die party op wie die verrytinge betrek-
king het), kan enige party daartoe onverwyld by kennis-
gewi g aan so iemand, aan elke ander party en aan die griffier, so iemand as 'n party byvoeg of in die plek stel en behoudens enige bevek kragsens subreël (4) hiervan, gaan die verrytinge daarop voort te-
ni op die persoon aldus byvoeg of in die plek gestel, asof hy 'n aanvanklike party was, en alle stappe reggeldig gedaan vir die byvoeging of inde-
plekstelling by volle van krags: Met dien verstande dat na die aanvang van die verhoor van 'n bestreda saak so 'n kennisgewig alleen gegoed kan word met verlof van die hof op voorwaardes betreffende uitstel of iets anders wat hy goedgekend: en met dien verstande verder dat die kennisgewig wat beteken word aan iemand wat daardeur as 'n party gevog word, in aansoekeverrytinge vergeel moet gaan van afskrifte van alle kennisgewings, beëdigde verklarings en belangrike

(h) Execution in respect of a judgment against a partnership shall first be levied against the assets thereof, and, after such excusation, against the private assets of any person held to be, or held to be estopped from denying his status as a partner, as if judgement had been entered against him.

(6) The preceding subrule shall apply mutatis mutandis to a defendant sued by a firm or a partnership.

(7) If a partnership is sued and it appears that since the relevant date it has been dissolved, the proceedings shall nevertheless continue against the person alleged by the plaintiff or stated by the partnership to be partners, as if sued individually.

(8) The preceding subrule shall apply mutatis mutandis where it appears that a firm has been discontinued.

(9) (a) A plaintiff suing an association may include in any civil summons a notice calling for a certified copy of its current constitution and a list of the names and addresses of the office-bearers and their respective offices at the relevant date.

(b) Such notice shall be complied with within 21 days.

(c) Paragraphs (a) and (b) shall apply mutatis mutandis to a defendant sued by an association.

(10) Paragraphs (d) to (h) of subrule (5) shall apply mutatis mutandis when—

(a) a plaintiff alleges that any member, servant or agent of the defendant association is liable in law for its alleged debt;

(b) a defendant alleges that any member, servant or agent of the plaintiff association will be responsible in law for the payment of any costs which may be awarded against the association.

(11) Subrule (7) shall apply mutatis mutandis in regard to the continuance of the proceedings against any member, servant or agent referred to in paragraph (a) of subrule (10).

(12) Subrule (6) of rule 21 shall apply mutatis mutandis in the circumstances set out in paragraphs (a), (b) and (c) of subrule (5) and in subrules (6) and (9) hereof.

**Change of parties**

15. (1) No proceedings shall terminate solely by reason of the death, marriage or other change of status of any party thereto unless the cause of such proceedings is thereby extinguished.

(2) (a) Whenever by reason of an event referred to in subrule (1) it becomes necessary or proper to introduce a further person as party in such proceedings (whether in addition to or in substitution for the party to whom such proceedings relate) any party thereto may forthwith by notice to such further person, to every other party and to the registrar, add or substi-
tute such further person as a party thereto, and subject to any order made under subrule (4) hereof, such proceedings shall thereupon continue in respect of the person thus added or substituted as if he had been a party from the commencement thereof and all steps previously taken before such addition or substitution shall continue of full force and effect: Provided that save with the leave of the court granted on such terms (as to adjournment or otherwise) as to it may seem meet, no such notice shall be given after the commence-
ment of the hearing of any opposed matter; and provided further that the copy of the notice served on any person joined therby as a party to the pro-
cedings shall (unless such party is represented by an
voorneme om te verdedig nodig is nie, volg die betrokke party die eis van die derdeparty-
kennisgewing in engeval volgens subrubre (1) uitgerik was.

(9) ’n Party wat gevoeg is by wyse van ’n derdep-
partykennisgewing kan te eniger tyd by die hof aan-
zoek doen om afsonderlike beregting van al of enige
des gunstigste geskep deur die derdepartykennis-
gewing, en die hof kan daarop na goeddunken ’n bevel
gee, insluitende ’n bevel tot die afsonderlike beregting
van enige geskilpunt op voorwaarde dat sy bestellings
van enige ander geskilpunt in die aksie tussen di eiser
die verweerder of tussen enige ander party, op die
toekomstig verhoor deur die hof geskik in limine beslis.

Verrigtinge deur en teen vennootskappe, firms en
verenigings

14. (1) In hierdie reël beteken—
“betrokke datum” die datum waarop die skuld-
koorsaak ontstaan het;
“eiser” en “verweerder” ook applicant en respon-
dent;
“firma” ’n besigheid wat deur die alleeneienaar
darvan onder ’n ander naam as sy eie gedryf word;
“vereniging” enige vereniging van persone sonder
regpersoonlikheid nie sedert ’n vennootskap nie,
word “dagvaar” en “gedagvaar” gebruik met betrek-
king tot aksies sowel as aanwoonse.

(2) ’n Vennootskap, ’n firma of ’n vereniging kan
in sy naam dagvaar of gedagvaar word.

(3) ’n Eiser wat ’n vennootskap dagvaar, hoewel nie
de name van die vennote te verstrekk nie, en as hy
dit doen, skep ’n fout of weglating of foutiewe
insluiting nie ’n verweer vir die vennootskap nie.

(4) Die vorige subrubre geld mutatis mutandis ook
vir ’n eiser wat ’n firma dagvaar.

(5) (a) ’n Eiser wat ’n firma of ’n vennootskap
dagvaar, kan by enige siviele dagvaarding ’n kennisgewing
insluit waarin die volle naam en woonadres van die
einaar of van elke vennoot, na gelang van die geval,
soos op die betrokke datum aangevaar word.

(b) Die verweerder moet binne sewe dae ’n skriftelike
verklaring stel van die gegevoelige inligting afliever.

(c) Sesamater daarmee moet by aan die in paragraaf
(a) bedoelde persone ’n kennisgewing laat beteken so
na maatlike bewoordo, mutatis mutandis, soos Vorm
8 in die Eerste Bylsee en ’n beëdigde verklaring dat
hy dit gedoen het, afliever.

(d) ’n Eiser wat ’n firma of ’n vennootskap dagvaar
en in die dagvaarding of kennisgewing van mosie
beweer dat iemand op die betrokke datum deur die einaar
der ’n vennoot was, moet so iemand dienooreenkomstig
in kennis stel deur ’n kennisgewing so na maatlike
bewoordo, mutatis mutandis, soos Vorm 8 in die Eerste
Bylsee af te lewer.

(e) Iemand aan wie ’n kennisgewing ingevolge para-
graf (c) of (d) beteken is, word geag ’n party tot
hierdie verweerder of via die vorige te wees, met die regte en verpligings
van ’n verweerder.

(f) Enige party tot die vorige deur in die pleit-
stukke of beëdigde verklaring beweer dat so iemand
op die betrokke datum deur einaar of ’n vennoot was
of dat hy onder estoppel is om dit te ontken.

(g) As ’n party tot die vorige die bedoelde status
betwys, kan die hof die verhoor deur die beslis.

further notice of intention to defend shall be neces-
sary, the same procedure shall apply as between the
parties to such notice served and they shall be subject to the
same rights and duties as if such other party had been
served with a third party notice in terms of subrule
(1).

(9) Any party who has been joined as such by virtue of
a third party notice may at any time make appli-
cation to the court for the separation of the trial of
all or any of the issues arising by virtue of such third
party notice and the court may upon such application
make such order as to it seems meet, including an
order for the separate hearing and determination of
any issue on condition that its decision on any other
issue arising in the action either as between the plain-
tiff and the defendant or as between any other parties,
shall be binding upon the applicant.

Proceedings by and against partnerships, firms and
associations

14. (1) In this rule—
“association” means any unincorporated body of
persons, not being a partnership;
“firm” means a business carried on by the sole
proprietor thereof under a name other than his own;
“plaintiff” and “defendant” include applicant and
respondent;
“relevant date” means the date of accrual of the
cause of action;
and “sue” and “sued” are used in relation to actions
and applications.

(2) A partnership, a firm or an association may
sue or be sued in its name.

(3) A plaintiff suing a partnership need not allege
the names of the partners. If he does, any error of
omission or inclusion shall not affect a defence to the
partnership.

(4) The previous subrule shall apply mutatis
mutandis to a plaintiff suing a firm.

(5) (a) A plaintiff suing a firm or a partnership
may include in any civil summons a notice calling for
particulars as to the full name and residential address
of the proprietor or of each partner, as the case may
be, as at the relevant date.

(b) The defendant shall within seven days deliver
a written statement containing such information.

(c) Concurrently with the said statement the defend-
ant shall serve upon the persons referred to in para-
graph (a) a notice as near as may be, mutatis mu-
andis, in accordance with Form 8 of the First Schedule
and deliver proof of affidavit of such service.

(d) A plaintiff suing a firm or a partnership and
alleging in the summons or notice of motion that any
person was at the relevant date the proprietor or a
partner, shall notify such person accordingly by
delivering a notice as near as may be, mutatis mu-
andis, in accordance with Form 8 of the First Schedule.

(e) Any person served with a notice in terms of
paragraph (c) or (d) shall be deemed to be a party to
the proceedings, with the rights and duties of a
defendant.

(f) Any party to such proceedings may ever in the
pleadings or affidavits that such person was at the
relevant date the proprietor or a partner, or that he
is estopped from denying such status.

(g) If any party to such proceedings disputes such
status the court may at the hearing decide that issue
in limine.
Dagvaarding

17. (1) Iedereen wat 'n eis teen iemand anders instel, kan deur die kantoor van die griffter 'n dagvaarding of 'n gekombineerde dagvaarding uitreik, so na maandelikse bewoor soos Vorm 9 of Vorm 10 in die Eerste Bylaag, gereg aan die balju, waarin hy gesê word om die verweerder onder andere mee te deel dat as hy die eis betit en wil verdedig, by—

(a) binne die daarin genoemde tyd kennis moet gee van sy voorneme om te verdedig; en

(b) as die dagvaarding 'n gekombineerde dagvaarding is, binne 21 dae daarna 'n pleit (met of sonder teenes) in ekkiespie of 'n aanbod om deurhaling moet aflwer.

(2) Behalwe waar die eis vir skuld is of 'n gelikwi- deerde eis is, moet aan die dagvaarding 'n verklaring gegeen word wat die weselijke feite bevat waarop die eis ter stawing van sy eis steun en wat onder andere aan reëls 18 en 20 voldoen.

(3) Elke dagvaarding moet deur die eiser se prok- reur onderteken wees en 'n prokureur se adres bevat wat binne 10 km van die kantoor van die griffter af is, of, as geen prokureur optree nie, moet dit deur die eiser onderteken wees en ook 'n adres binne 10 kilometers van die kantoor van die griffter af bevat, waar hy betrekking van die daaropvolgende dokumente in die gedagte sal aanvaar, daarna word dit deur die griffter onderteken en uitgereik, met opdrag aan die balju om deur die griffter aan die hof relaas te gee.

(4) Elke dagvaarding moet vermeld—

(a) die naam (met waar moontlik die voornaam of voorletters) waaronder die verweerder aan die eiser bekend is, sy woon- of besigheidsplek en, waar bekend, sy beroep en, indien hy as verteenwoordiger gedagvaar word, sy desbetreffende hoedanigheid, asook sy geslag en, in die geval van 'n vrou, haar huwelikstaat;

(b) die volle naam, geslag en beroep en die woon- of besigheidsplek van die eiser en, waar hy as verteenwoordiger gedagvaar, sy desbetreffende hoedanigheid, en as die eiser 'n vrou is, ook haar huwelikstaat.

Pleitstukke in die algemeen

18. (1) 'n Gekombineerde dagvaarding en elke ander pleitstuk behulwe 'n dagvaarding word deur 'n advo- kaat en 'n prokureur onderteken of as 'n party persoonlik optree, deur homself.

(2) Die titel van die akse, wat die name van die party bevat, en die nommer daaraan deur die griffter toegeken, moet bo-aan elke pleitstuk verskyn: Met dien verstande dat waar die partye talryk is of die titel lank en 'n verkorting reëlik moontlik is, dit verkort moet word.

(3) Elke pleitstuk word in paragrafe (insluitende subparagrafe) verdeel wat agtereenvolgens genoem word en wat elk, sover moontlik, 'n afsonderlike bewe- ring bevat.

(4) Elke pleitstuk bevat 'n duidelike en bondige stelling van die weselijke feite waarop die eis, verweer of antwoord, na gelang van die geval, berus, in vol- doende besonderhede om die teenparty in staat te stel om daarop te antwoord.

(5) Wanneer 'n party in 'n pleitstuk 'n feitebewering in die vorige pleitstuk van die teenparty ontken, moet hy die weselijke punt beantwoord en nie ontwyk nie.

(6) 'n Party wat in sy pleitstuk op 'n kontrakt steun, moet meld of die kontrak skriftelik of mondeling was en wanneer, waar en deur wie dit gesluit is.

Summons

17. (1) Every person making a claim against any other person may, through the office of the registrar, sue out a summons or a combined summons as near as may be in accordance with Form 9 or Form 10 of the First Schedule addressed to the sheriff directing him to inform the defendant inter alia that, if he disputes the claim, and wishes to defend he shall—

(a) within the time stated therein, give notice of his intention to defend; and

(b) thereafter, if the summons is a combined summons, within 21 days after giving such notice, deliver, with or without a claim in reconvention, a plea, exception, or application to strike out.

(2) In every case where the claim is not for a debt or liquidated demand there shall be annexed to the summons a statement of the material facts relied upon by the plaintiff in support of his claim, which statement shall inter alia comply with rules 18 and 20.

(3) Every summons shall be signed by the attorney acting for the plaintiff and shall bear an attorney's address, within 10 kilometres of the office of the registrar, or, if no attorney is acting, it shall be signed by the plaintiff, who shall in addition append an address within 10 kilometres of the office of the registrar at which he will accept service of all subsequent documents in the suit, and shall thereafter be signed and issued by the registrar and made returnable by the sheriff to the court through the registrar.

(4) Every summons shall set forth—

(a) the name (including where possible the first name or initials) by which the defendant is known to the plaintiff, his residence or place of business and, where known, his occupation and, if he is sued in any representative capacity, such capacity. The summons shall also state the defendant's sex and, if a female her marital status;

(b) the full names, sex and occupation and the residence or place of business of the plaintiff, and where he sues in a representative capacity, such capacity. If the plaintiff is a female the summons shall state her marital status.

Rules relating to pleading generally

18. (1) A combined summons, and every other pleading except a summons, shall be signed by an advocate and an attorney, or if a party sues or defends personally, by such party.

(2) The title of the action describing the parties thereto and the number assigned thereto by the registrar shall appear at the head of each pleading: Provided that where the parties are numerous or the title lengthy and abbreviation is reasonably possible, it shall be so abbreviated.

(3) Every pleading shall be divided into paragraphs (including subparagraphs) which shall be consecutively numbered and shall, as nearly as possible, each contain a distinct averment.

(4) Every pleading shall contain a clear and concise statement of the material facts upon which the pleader relies for his claim, defence or answer to any pleading, as the case may be, with sufficient particularity to enable the opposite party to reply thereto.

(5) When in any pleading a party denies an allegation of fact in the previous pleading of the opposite party, he shall not do so evasively, but shall answer the point of substance.

(6) A party who in his pleading relies upon a contract shall state whether the contract is written or oral, and when, where and by whom it was concluded.
(b) Alle kennisgewings ingevolge die voorafgaande subreël behalwe 'n kennisgewing aan die griffier, word deur die balju beteken.

(3) Wanneer 'n party te sterwe kom of onbevoegd word om as party op te tree, kan sy ekskuteur, kurator, trustee of dergelike verteenwoordiger by kennisgewing aan alle ander partye en aan die griffier te kenne gee dat hy verlang om in sy teenunderwende hoedanigheid in die plek van so 'n party gestel te word, en tensy die hof anders gelas, word hy daarna vir alle doeleindes goedgeal in die plek gestel te woe.

(4) Die hof kan op aansoek van 'n party, by kennisgewing afgelewer binne 21 dae na betekening van die kennisgewing in subreël (2) of (3) bedoel, 'n aldus verkê'st byvoeging of indieplekstelling ter syde stel of wysig, of die aansoek afwy, of die byvoeging of indieplekstelling bevestig met of onderskryf voor griffier die afwerking van beëidelde verklarings of pleistukke, of oorgnagte uitsit of verdaging of koste of iets anders.

Verteenwoordiging van partye

16. (1) In alle gevalle waar 'n prokureur namens 'n party optree in 'n geding moet bedoelde prokureur 'n volmag indien en kennis van sy naam en adres aan alle ander partye gee.

(2) 'n Party wat in enige verrigtinge deur 'n prokureur verteenwoordig word, kan te enger tyd, behoudens die bepaling van reël 40, so 'n prokureur se magtiging om namens hom op te tree, opse en daarna persoonlik optree of 'n ander prokureur aanstel, waarna hy onverwyld aan die griffier en aan alle ander partye kennis moet gee van die opsegging en as hy 'n ander prokureur aan 'n partyt bet, van laasgenoemde se naam en adres. Die ander prokureur moet onverwyld by die griffier 'n prokuratie indien waarby hy magtig is om in die saak op te tree. As hy nie 'n ander prokureur aanstel nie, moet die party in die kennisgewing van opsegging ook 'n adres aangewend binne 10 kilometers van die kantoor van die griffier is, vir die betekening aan hom van alle dokumente in die verrigtinge.

(3) By ontvangs van 'n kennisgewing ingevolge subreël (1) of (2) word die adres van die prokureur of van die party, na gelang van die geval, die adres vir die betekening aan hom van alle dokumente in die verrigtinge, maar 'n betekening behoorlik uitgevoer op 'n ander plek vir die ontvangs van so 'n kennisgewing is ondanks die verandering van alle doeleindes geldig.

(4) 'n Prokureur wat in enige verrigtinge ophou om 'n party te verteenwoordig, moet onverwyld die griffier en alle partye skriftelik daarvan kennis gee. Die kennisgewing aan die griffier moet die datum vermeld wanneer, die partye aan wie en die wyse waarop kennisgewing aan alle partye gestuur was, en moet vergesel gaan van 'n afskrif van laasbedoelde kennisgewing. So 'n kennisgewing het dieselfde regsgewigte as een ingevolge subreël (2): Met dien verstande dat geen stukke meer aan so 'n party beteken hoe te word nie teenhy hy self binne drie dae alle ander partye van 'n nuwe adres vir betekening kennis gegee het, of tensy die hof anders beveel.

attorney who is already in possession thereof), be accompanied in application proceedings by copies of all notices, affidavits and material documents previously delivered, and in trial matters by copies of all pleadings and like documents already filed of record.

(2) All notices referred to in the foregoing subrule are no less than a notice to the registrar, shall be served by the sheriff.

(3) Whenever a party to any proceedings dies or ceases to be capable of acting as such, his executor, curator, trustee or similar legal representative, may by notice to all other parties and to the registrar intimate that he desires in his capacity as such thereby to be substituted for such party, and unless the court otherwise orders, he shall thereafter for all purposes be deemed to have been so substituted.

(4) The court may upon notice of application delivered by any party within 21 days of service of notice in terms of subrule (2) or (3) to vary any addition or substitution of a party thus effected or may dismiss such application or confirm such addition or substitution, on such terms, if any, as to the delivery of any affidavits or pleadings, or as to postponement or adjournment, or as to costs or otherwise, as to it may seem meet.

Representation of parties

16. (1) In any case in which an attorney acts on behalf of a party such attorney shall file a power of attorney and give notice of his name and address to all other parties to the proceedings.

(2) Any party represented by an attorney in any proceedings may at any time, subject to the provisions of rule 40, terminate such attorney's authority to act for him, and thereafter act in person or appoint another attorney to act for him therein, whereupon he shall forthwith give notice to the registrar and to all other parties of the termination of his former attorney's authority, and if he has appointed a further attorney so to act for him, of the latter's name and address. The further attorney so appointed shall forthwith file with the registrar a power of attorney authorising him so to act. If no further attorney is so acting, such person shall in the notice of the termination of his former attorney's authority, as aforesaid, also notify all other parties of an address within 10 kilometres of the office of the registrar for the service on him of all documents in such proceedings.

(3) Upon receipt of a notice in terms of subrule (1) or (2) the address of the attorney or of the party, as the case may be, shall become the address of such party for the service upon him of all documents in such proceedings, but any service duly effected elsewhere before receipt of such notice shall notwithstanding such change, for all purposes be valid.

(4) Where an attorney acting in any proceedings for a party ceases so to act, he shall forthwith notify the registrar and all parties in writing accordingly. The notification to the registrar shall specify the date when, the parties to whom and the manner in which notification was sent to all parties, and shall be accompanied by a copy of the last-mentioned notification. Such notification shall be of the same force and effect as a notice under subrule (2): Provided that, unless the party for whom such attorney was acting himself within three days notifies all other parties to the proceedings of a new address for service, it shall not, save in so far as the court otherwise orders, be necessary to serve any documents upon him.
(2) Die deklarasié moet die aard van die eis bevat, die regskenning wat die eiser geregterig sal wees om af te lei van die feite daarin vermeld, en 'n bede om die verlangde regshulp.

(3) Wanneer meerdere afsonderlike vorderinge elk op afsonderlike feite berus, moet die vorderinge en feite afsonderlik aangegee word.

**Verdere besonderhede**

21. (1) 'n Party wat 'n pleitstuk ontvang het kan, binne 21 dae na ontvangs daarvan of nádat hy 'n kennisgawe van voorneme om te verdedig afgelew het, na gelang van die geval, 'n kennisgawe afliever waarin hy alleen sodanige verdere besonderhede aanvra wat streng gesproke nodig mag wees om hom in staat te stel om daarop te pleit of om 'n bedrag tot skikking aan te bied.

(2) (a) Besonderhede aldaar aangevaar moet binne 21 dae na ontvangs van die versoek afgelewer word en maak saam met die versoek deel uit van die pleitstukke.

(b) Die versoek om verdere besonderhede en die antwoord daarop moet, behalwe waar die party die geding persoonlik voer, deur 'n advokaat en 'n prokureur onderteken.

(3) Die party wat die besonderhede ontvang, kry 21 dae tyd vanaf die ontvangs daarvan, om 'n verdere pleitstuk af te lewer.

(4) Na die sluiting van pleitstukke kan 'n party, laatstens 21 dae voor die verhoor, 'n versoek afliever waarby uitsluiting besonderhede wat streng gesproke nodig is om hom vir die verhoor te kan voorberei, aangevaar word, en daaraan moet binne 10 dae na ontvangs voldoen word.

(5) Die versoek om verdere besonderhede vir die verhoor en die antwoord daarop moet, behalwe waar die party die geding persoonlik voer, deur 'n prokureur onderteken word.

(6) As die party by wie besonderhede aangevaar is, versoek om dit betyds of in voldoende mate te lever, kan die party wat dit aangevaar het, by die hof aan- sooek doen om 'n bevel tot verskaffing daarvan, of om afwywing van die aksie of skrapping van die ver- weer, en die hof kan na goedkunde 'n bevel gee.

(7) Die hof moet na afloop van die verhoor *mero motu* becoordeel of die verdere besonderhede streng gesproke nodig was en alle koste van en voorvloeiende uit 'n onnodige versoek of antwoord, onverhaalbaar verklaar en hy kan enige van die partye beveel om die koste wat daardeur verspil is, te betaal, deser- kiesend op die basis van prokureur en klient.

**Pleit**

22. (1) 'n Verweerder wat 'n kennisgawe van voorneme om te verdedig afgelew het, moet in die geval van 'n gekombineerde dagvaarding binne 21 dae na aflievering van sy kennisgawe en in ander gevalle binne 21 dae na betekening aan hom van 'n deklarasié, of binne 21 dae na betekening aan hom van verdere besonderhede met betrekking tot sodanige deklarasié of gekombineerde dagvaarding, na gelang van die geval, 'n pleit afliever met of sonder teemeis, of 'n eksepsié met of sonder 'n aansoek om deurhaling.

(2) Die verweerder moet in sy pleit al die wesentlike feite wat in die gekombineerde dagvaarding of in die deklarasié beweer word, erken of ontken of met teen-werping erken, of meld welke van die genoemde feite nie erken word nie en in watter mate, en duidelik en bondig alle wesentlike feite aangee waarop hy steun.

(2) The declaration shall set forth the nature of the claim, the conclusions of law which the plaintiff shall be entitled to deduce from the facts stated therein, and a prayer for relief claimed.

(3) Where the plaintiff seeks relief in respect of several distinct claims founded upon separate and distinct facts, such claims and facts shall be separately and distinctly stated.

**Further particulars**

21. (1) A party may, before delivering any pleading in answer to a pleading delivered to him and for the purpose of enabling him to plead thereto or to tender an amount in settlement, deliver a notice within 21 days of receipt of such pleading or of the delivery of a notice of intention to defend, as the case may be, calling for only such further particulars as may be strictly necessary for either purpose aforesaid.

(2) (a) Particulars so required shall be delivered within 21 days of receipt of the request which, together with the reply thereto, shall form part of the pleadings.

(b) The request for further particulars and the reply thereto shall, save where the party is litigating in person, be signed by an advocate and an attorney.

(3) The party receiving the particulars shall have 21 days from receipt thereof within which to deliver a further pleading.

(4) After the close of pleadings any party may, not less than 21 days before trial, deliver a notice calling for only such further particulars as are strictly necessary to enable him to prepare for trial. Such request shall be complied with within 10 days of receipt thereof.

(5) The request for further particulars for trial and the reply thereto shall, save where the party is litigating in person, be signed by an attorney.

(6) If the party requested to furnish any particulars as aforesaid fails to deliver them timeously or sufficiently the party requesting the same may apply to court for an order for their delivery or for the dismissal of the action or the striking out of the defence, whereupon the court may make such order as to it seems meet.

(7) The court shall at the conclusion of the trial *mero motu* consider whether the further particulars were strictly necessary, and shall disallow all costs of and flowing from any unnecessary request or reply, or both, and may order either party to pay the costs thereby wasted, on an attorney and client basis or otherwise.

**Plea**

22. (1) Where the defendant has delivered notice of intention to defend, he shall within 21 days after the service upon him of a declaration or within 21 days after delivery of such notice in respect of a combined summons, or within 21 days after delivery of such notice in respect of further particulars to such declaration or combined summons, as the case may be, deliver a plea with or without a claim in reconvention, or an exception with or without application to strike out.

(2) The defendant shall in his plea either admit or deny or confess and state all the material fact alleged in the combined summons or declaration or state which of the said facts are not admitted and to what extent, and shall clearly and concisely state all material facts upon which he relies.
(7) Dit is nie nodig om in ’n pleistuk die omstandighede te meld waarvan ’n beweerde stilswyende bepaling afgelei kan word nie.

(8) Waar ’n party wat vir herstel van huwelikegrete, egskeiding of geregtelike skeding dagvaar, skuldig is aan overspel, moet hy die tyd en plek daarvan in sy dagvaarding meld en kondenasi daarvan aanvra.

(9) ’n Party tot ’n huweliksgerigte wat op afgeleide verlating stuur, moet besonderhede daarvan in sy pleistuk gee.

(10) ’n Eiser wat vir skadevergoeding dagvaar, moet die skade so uiteensit dat die verweerder redelik in staat is om die quantum daarvan te skat. Met dié verstande dat ’n eiser wat vergoeding vir persoonlike beserings eis, die aard en gevolge van die ongeskiktheid wat na bewering die skade veroorsaak, moet aangee en sover doenlik afsonderlike moet meld hoeveel, indien iets, geëis word vir—
   (a) mediese koste en hospitaal- en ander soortgelyke uitgawes;
   (b) pyn en lyding; en
   (c) ongeskiktheid ten opsigte van—
   (i) verdienste (met vermelding van die verdienste tot datum verloor en die beraamde toekomstige verlies);
   (ii) lewensgenietinge (met vermelding van besonderhede).

Kennisgewing van voorneme om te verdedig

19. (1) Die bepalings van regulasie 18 is van toepassing op die tyd wat ’n verweerder in elke siviele aksie kry om na betekening van ’n dagvaarding aan hom ’n kennisgewing van voorneme om te verdedig, hetsy persoonlik of deur sy prokureur, af te lewer: Met dié verstande dat die dae van 16 Desember af tot en met 15 Januarie nie ingerek is word deur die toegestane tyd om ’n kennisgewing van voorneme om te verdedig af te lewer nie.

(2) In aksies teen ’n Minister, Adjunk-minister, Administrateur, amptenaar of werkner van die Staat, in sy amptelike hoedanigheid, die Staat, die Administrasie van ’n provinsie, of die Suid-Afrikaanse Spoorweg- en Havens-administrasie, moet minstens een maand ’n kennisgewing na betekening van die dagvaarding toegestaan word vir aflevering van ’n kennisgewing van voorneme om te verdedig ten sy die hof ’n korter tydperk gemagtig het.

(3) ’n Verweerder se kennisgewing van voorneme om te verdedig moet ’n adres bevat, nie sy naas ’n posbus of poste restante nie, binne 10 kilometers van die kantoor van die griffier, vir die betekening aan hom aldaar van alle dokumente in so ’n aksie, en betekening daarvan by die adres aldus aangegee, is geldig en afdoende, behalwe waar ’n hofbevel of die hofpraktiek persoonlike betekening vereis.

(4) ’n Party word nie vanweë sy aflevering van ’n kennisgewing van voorneme om te verdedig geag afstand te gedoen het van enige reg om teen die regsbevoegdheid van die hof of teen enige onreëlmatigheid of tekortkoming in die verrigtinge beswaar te maak nie.

Deklarasie

20. (1) In alle aksies waarin die eis vir skuld is of ’n gelikwiedere eis is en die verweerder ’n kennisgewing van voorneme om te verdedig afgelever het, moet die eiser behalwe in die geval van ’n gekombineerde dagvaardig binne 21 dae na ontvangs daarvan ’n deklarasi aflever.

(7) It shall not be necessary in any pleading to state the circumstances from which an alleged implied term can be inferred.

(8) Where a party suing for restitution of conjugal rights, divorce or judicial separation has been guilty of adultery he shall state the time and place of such adultery in his summons and pray for condonation thereof.

(9) A party to matrimonial proceedings relying on constructive desertion, shall in his pleading set out the particulars thereof.

(10) A plaintiff suing for damages shall set them out in such manner as will enable the defendant reasonably to assess the quantum thereof: Provided that a plaintiff suing for damages for personal injury shall specify the nature and effects of the disability alleged to give rise to such damages, and shall as far as practicable state separately what amount, if any, is claimed for—
   (a) medical, hospital and other similar expenses;
   (b) pain and suffering; and
   (c) disability in respect of—
   (i) the earning of income (stating the earnings lost to date and the estimated future loss);
   (ii) the enjoyment of amenities of life (giving particulars).

Notice of intention to defend

19. (1) The provisions of regulation 18 shall apply to the time allowed a defendant in every civil action after service of summons on him, within which to deliver either personally or through his attorney a notice of intention to defend: Provided that the days between 16 December and 15 January, both inclusive, shall not be included in the time allowed to deliver a notice of intention to defend.

(2) In actions against any Minister, Deputy Minister, Administrator, officer or servant of the State, in his capacity as such, the State, the administration of any province, or the South African Railways and Harbours Administration, the time to be allowed for delivery of notice of intention to defend shall be not less than one month after service of summons, unless in any case the court has specially authorised a shorter period.

(3) When a defendant delivers notice of intention to defend, he shall therein appoint an address, not being a post office box or poste restante, within 10 kilometres of the office of the registrar for the service on him thereof of all documents in such action, and service thereof at the address so given shall be valid and effectual, except where by any order or practice of the court personal service is required.

(4) A party shall not by reason of his delivery of notice of intention to defend be deemed to have waived any right to object to the jurisdiction of the court or to any irregularity or impropriety in the proceedings.

Declaration

20. (1) In all actions in which the plaintiff’s claim is for a debt or liquidated demand and the defendant has delivered notice of intention to defend, the plaintiff shall, except in the case of a combined summons, within 21 days of his receipt thereof deliver a declaration.
die alternatief, kan hy met verlof van die hof by wyse van 'n teenies teen die eiser en so 'n ander persoon ageer soos die hof mag voorskrif.

(3) 'n Verweerder aan wie verlof verleen is om 'n teenies in te stel soos vermeld, moet hy by die titel van sy pleit 'n verdere titel voeg in die vorm asof dit 'n aksie is teen die partye teen wie hy 'n teenies instel, en alle verdere pleistukke in die aksie moet dié titel ook dra, onderworpe aan die voorbehoud by subreël (2) van reël 18.

(4) 'n Verweerder kan sy teenies onderworpe stel daaraan dat die hoofes of die verweer daarop misluk.

Repliek en pleit op die teenies

25. (1) Binne 21 dae na die betekening aan hom van 'n pleit of verdere besonderhede op die pleit en behoudens subreël (2) hiervan moet die eiser waar nodig 'n repliek op die pleit en 'n pleit op 'n teenies afliewer, welke pleit aan reël 22 moet voldoen.

(2) 'n Repliek of daaropvolgende pleitstuk wat 'n blote ingedigtering of blos ontkennening van bewerings in die vorige pleitstuk sou wees, is onnodig en ingediende word veronderstel en die pleistukke ingevolge paragraaf (b) van reël 29 al met gesluit beskou.

(3) Waar 'n repliek of daaropvolgende pleitstuk nodig is, kan 'n party daarin op die bewerings in die vorige pleitstuk in geding tree. Vir sover hy nie die bewerings in die pleit of ander pleitstuk speisifiek behandel nie, geld die ingedigtering as ontkennening van elke wesentlike feitebewering in die pleitstuk waarop in geding getree is.

(4) 'n Teeneser moet, behoudens die bepalingen mutatis mutandis van subreël (2) hiervan, binne 21 dae na afliewering van die teenpleit 'n teenerepliek afliewer.

(5) Verdere pleistukke kan, behoudens die bepalingen mutatis mutandis van subreël (2), deur die ondereske partye afgelewre word binne 21 dae na afliewering van die vorige pleitstuk deur die teenparty. Sulke pleistukke word met die gebruikelike name onderske.

Versuis om pleitstukke af te lewer: Belet

26. 'n Party wat versuis om 'n repliek of daaropvolgende pleitstuk binne die tyd in reël 25 vasgestel, af te lewer, is ipso facto onder belet. As 'n party versuis om enige ander pleitstuk binne die in hierdie reëls vasgestelde tyd van binne 'n behoortlik toegelaat verlenging daarvan af te lewer, kan enige ander party by kennisgewing aan hom beteken, vereis dat hy so 'n pleitstuk inlewer binne 10 dae na die dag waarop die kennisgewing afgelewre word. 'n Party wat versuis om die pleitstuk in die kennisgewing genoem af te lewer binne die tyd daarin bepaal of binne 'n ooreengekome verdere tyd, is in versteek daarmee en ipso facto onder belet. Met dien vertraging dat vir die doel van hierdie reëls die dae van 16 Desember af tot en met 15 Januarie nie ingerek word by die toegestane tyd vir die lewering van 'n pleitstuk nie.

Verlenging van tyd, ophef van belet en kondonasie

27. (1) Tensy die partye ooreengekom het, kan die hof op aansoek by kennisgewing en as goeie redes aangewys is, enige tydperk wat by hierdie reëls of by hofbevel voorgeskryf is in verband met enige verrigting hoengoedamer, verleng of verkort asook enige tydperk wat bepaal is by 'n bevel wat die termyn verleng of verkort waarbinne 'n handeling vorig of 'n stap gedoen word in verband met enige sodanige verrigting, en wel met sodanige bepalingen daarby as wat hy goed vind.

action by way of a claim in reconvention against the plaintiff and such other persons, in such manner and on such terms as the court may direct.

(3) A defendant who has been given leave to counterclaim as aforesaid, shall at the title of his plea a further title corresponding with what would be the title of any action instituted against the parties against whom he makes claim in reconvention, and all further pleadings in the action shall bear such title, subject to the proviso to subrule (2) of rule 18.

(4) A defendant may counterclaim conditionally upon the claim or defence in convention failing.

Replication and plea in reconvention

25. (1) Within 21 days of the service upon him of a plea or further particulars to the plea and subject to subrule (2) hereof, the plaintiff shall where necessary deliver a replication to the plea and a plea to any claim in reconvention, which plea shall comply with rule 22.

(2) No replication or subsequent pleading which would be a mere joinder of issue or bare denial of allegations in the previous pleading shall be necessary, and issue shall be deemed to be joined and pleadings closed in terms of paragraph (b) of rule 29.

(3) Where a replication or subsequent pleading is necessary, a party may therein join issue on the allegations in the previous pleading. To such extent as he has not dealt specifically with the allegations in the plea or such other pleading, such joinder of issue shall operate as a denial of every material allegation of fact in the pleading upon which issue is joined.

(4) A plaintiff in reconvention shall, subject to the provisions mutatis mutandis of subrule (2) hereof, within 21 days from the delivery of the plea in reconvention deliver a replication in reconvention.

(5) Further pleadings may, subject to the provisions mutatis mutandis of subrule (2) be delivered by the respective parties within 21 days of the previous pleading delivered by the opposite party. Such pleadings shall be designated by the names by which they are customarily known.

Failure to deliver pleadings: Barring

26. Any party who fails to deliver a replication or subsequent pleading within the time stated in rule 25 shall be ipso facto barred. If any party fails to deliver any other pleading within the time laid down in these rules or within any extended time allowed in terms thereof, any other party may by notice served upon him require him to deliver such pleading within 10 days after the day upon which the notice is delivered. Any party failing to deliver the pleading referred to in the notice within the time therein required or within such further period as may be agreed between the parties, shall be in default of filing such pleading, and ipso facto barred: Provided that for the purposes of this rule the days between 16 December and 15 January, both inclusive, shall not be counted in the time allowed for the delivery of any pleading.

Extension of time and removal of bar and condonation

27. (1) In the absence of agreement between the parties, the court may upon application on notice and on good cause shown, make an extension or abridging any time prescribed by these rules or by an order of court or fixed by an order extending or abridging any time for doing any act or taking any step in connection with any proceedings of any nature whatsoever upon such terms as to it seems meet.
(3) Elke feitebewering in die gekombineerde dagvaarding of deklarasié wat nie in die pleit uitdruklik beweer word ontken of nie erken te wees nie, word geag erken te wees. As 'n verduideliking of kwalifisering van 'n ontkenning nodig is, moet dit in die pleit vermeld word.

(4) 'n Verweerder wat 'n teeneis het wat, as dit slaag, die eiser se eis geheel of gedeeltelik sal uitwis, kan in sy pleit veroek dat uitspraak ten opsigte van die eis of soevere die daaraan as wat deur die teeneis uitgewis sal word, uitgestel word totdat uitspraak op die teeneis gegee is. Uitspraak op die geheel of die betrokke gedeelte van die eis word dan uitgestel ten einde die hof op aanbieding van 'n belanghebbende persoon anders beveel, maar die hof kan, as geen ander verweer geopper is nie, vonnis gee vir sovall van die eis as wat nie uitgewis sal word nie, asof die verweerder in verstek is met sy pleit ten opsigte daarvan, of hy kan op aanbieding van enige van die partye na goeduuk 'n bevel gee.

Eksepsies en aanoeekte om deurhaling

23. (1) Waar 'n pleitstuk vaag en verwarring is of beweering mis wat nodig is om die aksie of verweer te staaf, na gelang van die geval, kan die teenparty in die tyd wat vir die indiening van 'n daaropvolgende pleitstuk toegelaat word, 'n eksepsie daarteen afliewer en dit ingevolge paragraaf (f) van subreël (4) van reël 6 vir verhoor ter rolle plaas: Met dien verstande dat waar die eksepsie is dat 'n pleitstuk vaag en verwarring is, by binne die bedoelde tyd by kennisgewing sy teenparty die gelegenheid moet gee om die oorsaak van die beswaar binne 21 dae te verwys: Met dien verstande verder dat as die partye dan nog eksepsie wil opwerp, hy dit moet afliewer binne 21 dae van die dag af waarop hy antwoord op sy kennisgewing ontvang of waarop die antwoord ingegee moes gewees het.

(2) As 'n pleitstuk aansneek, kwalifieer en irrelevante beweer bevat, kan die teenparty binne die tydperk wat vir die indiening van 'n daaropvolgende pleitstuk toegelaat word, deurhaling aanvaan en sy aanzoek ingevolge paragraaf (f) van subreël (4) van reël 6 vir verhoor ter rolle plaas, maar die hof mag dit alleen toestaan as hy meen dat die aanplank anders in die voor van sy sak benadeel sal word.

(3) Wanneer teen 'n pleitstuk geëksipeer word, moet die gronde waarop die eksepsie benoem, duidelik en bondig aangegee word.

(4) Wanneer teen 'n pleitstuk geëksipeer of deurhaling aangegaar word, is 'n pleit, vreleke of ander pleitstuk nie nodig nie.

Teenies

24. (1) 'n Verweerder wat 'n teenie instel, moet die desbetreffende wesentlike feite ooreenkomsdig reëls 18 en 20 daarin uiteensit en dit tesame met sy pleit afliewer. Die teenies kan 'n afsonderlike dokument vorm of deel uitmaak van die dokument wat die pleit bevatt, maar dan onder die hoof "Teenies", en dit is nie nodig om die name of beskrywing van die partye tot die hoofies daarin te herhaal nie.

(2) As die verweerder geregig is om aksie in te stel teen 'n ander persoon sowel as die eiser, hetsy gesamentlik, gesamentlik en afsonderlik, afsonderlik of in

(3) Every allegation of fact in the combined summons or declaration which is not stated in the plea to be denied or to be not admitted, shall be deemed to be admitted. If any explanation or qualification of any denial is necessary, it shall be stated in the plea.

(4) If by reason of any claim in reconvocation, the defendant claims that on the giving of judgment on such claim, the plaintiff's claim will be extinguished either in whole or in part, the defendant may in his plea refer to the fact of such claim in reconvocation and request that judgment in respect of the claim or any portion thereof which would be extinguished by such claim in reconvocation, be postponed until judgment on the claim in reconvocation. Judgment on the claim shall, either in whole or in part, thereupon be so postponed unless the court, upon the application of any person interested, otherwise orders, but the court, if no other defence has been raised, may give judgment for such claim in reconvocation, be as if the defendant were in default of filing a plea in respect thereof, or may, on the application of either party, make such order as to it seems meet.

Exceptions and applications to strike out

23. (1) Where any pleading is vague and embarrassing or lacks averments which are necessary to sustain an action or defence, as the case may be, the opposing party may, within the period allowed for filing any subsequent pleading deliver an exception thereto and may set it down for hearing in terms of paragraph (f) of subrule (4) of rule 6: Provided that where a party intends to take an exception that a pleading is vague and embarrassing he shall within the period allowed as aforesaid by notice afford his opponent an opportunity of removing the cause of complaint within 21 days provided that the party excepting shall have 21 days from the date whereon a reply to such notice is received or from the date on which such reply is due within which to deliver his exception.

(2) Where any pleading contains averments which are scandalous, vexatious, or irrelevant, the opposite party may, within the period allowed for filing any subsequent pleading, apply for the striking out of the matter aforesaid and may set such application down for hearing in terms of paragraph (f) of subrule (4) of rule 6, but the court shall not grant the same unless it is satisfied that the applicant will be prejudiced in the conduct of his claim or defence if it be not granted.

(3) Wherever an exception is taken to any pleading, the grounds upon which the exception is founded shall be clearly and concisely stated.

(4) Wherever any exception is taken to any pleading or an application to strike out is made, no plea, repitition, or other pleading over shall be necessary.

Claim in reconvocation

24. (1) A defendant who counterclaims shall, together with his plea, deliver a claim in reconvocation setting out the material facts thereof in accordance with rules 18 and 20. The claim in reconvocation shall be set out either in a separate document or in a portion of the document containing the plea, but not described as "Claim in Reconvocation". It shall be unnecessary to repeat therein the names or descriptions of the parties to the proceedings in convention.

(2) If the defendant is entitled to take action against any other person and the plaintiff, whether jointly, jointly and severally, separately or in the alternative, he may with the leave of the court proceed in such
aanvra: Met dien verstande dat geen party wat 'n verdere stap in die geding gedoen het terwyl hy geweet het van die onrechtmatigheid, geregist is om so 'n aansoek te doen nie.

(2) 'n Aansoek ingevolge subreël (1) geskied by kennisbegwing aan alle partye, met 'n uiteenstelling van besonderhede van die beweerde onrechtmatigheid.

(3) As die hof by die verhoor van so 'n aansoek van mening is dat die stap onrechtmatig gedoen is, kan hy dit gedeeltelik of in die geheel ter syde stel, ten opsigte van al of sommige van die partye, en verlof gee om te wysig of na goeddunke 'n ander bevel gee.

(4) Totdat 'n party 'n hoofbevel wat teen hom gegee is, uitvoer het, mag hy geen verdere stap in die geding doen nie behalwe om verlenging aan te vra van die tyd waarin hy aan die bevel moet voldoen.

(5) As 'n party versuim om betyds aan 'n versoek of kennisbegwing kragtens hierdie reëls te voldoen, kan die party wat die versoek gereg of kennis gegee het, die party wat in versteek is, kennis gee dat hy van voorneem is om na verloop van 21 dae 'n bevel aan te vra dat aan die kennisbegwing of versoek voldoen moet word. By versoek van nacomming binne die 21 dae kan aansoek by die hof gedoen word en die hof kan daarop na goeddunke 'n bevel gee.

Toestemming tot vonnis en vonnis by versteek

31. (1) Behalwe in aksies om egenheid, herstel van huweliksregte, geregelte skedinge of niet-verklaring van 'n huwelik, kan 'n verweerder te eniger tyd geheel of gedeeltelik toestem tot vonnis. Die toestemming word deur die verweerder persoonlik onderteken en getashte deur 'n prokureur wat namens hom optree en nie ook vir die eiser nie, of dit word by beëdigde verklaring bevestig. Die toestemming word dan aan die eiser verskuif, waaronder skriftelik deur die griffier by 'n regter aansoek kan doen om vonnis in termie daarvan.

(2) a) Wanneer 'n verweerder in versteek is met sy kennisbegwing van voorneem om te verdedig of met sy pleit, kan die eiser die aksie ter rolle plaas soos in subreël (4) vir versteekvonnisse voorgeskryf en die hof kan, waar die eis vir skuld of andersins liwied is, vonnis gee sonder om getuieën aan te hoor, en in die geval van enige ander eis, na die aanhoor van getuieën, of die hof kan na goeddunke 'n ander bevel gee.

b) 'n Verweerder kan binne 21 dae nadat so 'n vonnis tot sy kennis gekom het, met kennisbegwing aan die eiser by die hof aansoek doen om tersydsetdoring daarvan en die hof kan as goeie redes aangevoer en mits die verweerder aan die eiser sekerheid gestel het vir die koste van die versteekvonnis en van so 'n aansoek, tot 'n maksimum van R50, die versteekvonnis ter syde stel sodanig bepaalings as wat hy goedgevind.

(3) Waar 'n eiser onder belet is om 'n deklarasié af te lewer, kan die verweerder die aksie ter rolle plaas soos in subreël (4) bepaal en aansoek doen om abso- lusie van die instansie of, nadat hy getuieën aangebied het, om vonnis, en die hof kan daarop na goeddunke 'n bevel gee.

(4) Die verrigtinge in subreëls (2) en (3) bedoel, word ter rolle geplaas voor middag twee dae voor die dag waarop die saak verhoor moet word, met minstens 10 dae kennisbegwing aan die party wat in versteek is: Met dien verstande dat aan 'n party wat geen kennis gegee het van voorneem moet om te verdedig nie, geen kennisbegwing van ter rolle plaas gegee hoef te word nie.

proceeding apply to court to set it aside: Provided that no party who has taken any further step in the cause with knowledge of the irregularity or impropiety shall be entitled to make such application.

(2) Application in terms of subrule (1) shall be on notice to all parties specifying particulars of the irregularity or impropiety alleged.

(3) If at the hearing of such application the court is of opinion that the proceeding or step is irregular or improper, it may set it aside in whole or in part, either as against all the parties or as against some of them, and grant leave to amend or make any such order as to it seems meet.

(4) Until a party has complied with any order of court made against him, he shall not take any further step in the cause, save to apply for an extension of time within which to comply with such order.

(5) Where a party fails to comply timeously with a request made or notice given pursuant to these rules, the party making the request or giving the notice may notify the defaulting party that he intends after the lapse of 21 days apply for an order that such notice or request be complied with, or that the claim or defence be struck out. Failing compliance within the 21 days, application may be made to court and the court may make such order thereon as to it seems meet.

Judgment on confession and by default

31. (1) Save in actions for divorce, restitution or conjugal rights, judicial separation or nullity of marriage, a defendant may at any time confess in whole or in part the claim contained in the summons. Such confession shall be signed by the defendant personally and his signature shall either be witnessed by an attorney acting for him, not being the attorney acting for the plaintiff, or be verified by affidavit, and furnished to the plaintiff, whereupon the plaintiff may apply in writing through the registrar to a judge for judgment according to such confession.

(2) (a) Whenever a defendant in default of delivery of notice of intention to defend of or of a plea, the plaintiff may set the action down as provided in subrule (4) for default judgment and the court may, where the claim is for a debt or liquidated demand, without hearing evidence, and in the case of any other claim, after hearing evidence, grant judgment against the defendant or make such order as to it seems meet.

(b) A defendant may within 21 days after he has knowledge of such judgment apply to court upon notice to the plaintiff to set aside such judgment and the court may upon good cause shown and upon the defendant furnishing to the plaintiff security for the payment of the costs of the default judgment and of such application to a maximum of R50 set aside the default judgment on such terms as to it seems meet.

(3) Where a plaintiff has been barred from delivering a declaration the defendant may set the action down as provided in subrule (4) and apply for absolution from the instance or, after adducing evidence, for judgment, and the court may make such order thereon as to it seems meet.

(4) The proceedings referred to in subrules (2) and (3) shall be set down for hearing before noon on the day but one preceding the day on which the matter is to be heard upon not less than 10 days notice to the party in default: Provided that no notice of set down need be given to any party in default of delivery of notice of intention to defend.
(2) So 'n verlenging kan gegee word hoewel die aan- soek eers na verslyting van die voorgeskrewre of vas- gestelde tyd geskied, en die hof kan na goeddunke 'n bevel gee betreffende die tenietdoening of veranderen van die gevolge wat op die verslyting van 'n aldus voorgeskrewre of vasgestelde tyd sou intree hetsy uit hoofde van 'n hobobevel of van hierdie reëls.

(3) Die hof kan as goeie redes aangevoer is, die nie- nakoming van hierdie reëls kondonneer.

**Wysiging van pleistukke en dokumente**

28. (1) 'n Party wat 'n pleistuk of dokument, nie synde 'n beëdigde verklaring nie, wat in verband met enige verrigtinge ingediend is, wil wyzig, kan aan alle ander partye kennis gee van sy voorneme om te wyzig.

(2) Die kennisgewing moet meld dat tensy beswaar skriflike binne 21 dae teen die voorgeskrewte wyziging gemaak word, die party wat kennis gee, die betrokke pleistuk of dokument dienoorloekomstig sal wyzig.

(3) As geen skriflike beswaar aldus gemaak word nie, word die party wat so 'n kennisgewing ontvang, geag tot die wyziging toe om te gestem het.

(4) As beswaar binne die genoemde tydperk gemaak word, moet die party wat met die wyziging wil voort- gaan, binne 21 dae na ontvangs van die beswaar by die hof by kennisgewing aansoek doen om verlof om te wyzig en die aangenehm vir verhoor ter rolle plas. Die hof kan daarop na goeddunke 'n bevel gee.

(5) Wanneer die hof 'n wyziging beveel het of geen beswaar binne die subreël (2) voorgeskrewre tyd aangeteken is nie, moet die party wat wyzig, die wyziging aswy zig binne die tyd in die hobobevel vas- stel, of binne 10 dae na verslyting van die in subreël (2) voorgeskrewre tyd, na gelang van die geval.

(6) Wanneer 'n wyziging van 'n pleistuk ingeval van hierdie reëls afgelew is, kan die ander party daarop pleit of 'n pleistuk wat reeds deur hom ingediend is, gevolglik wyzig binne 21 dae na die ontvangs van die gewysigde pleistuk.

(7) 'n Party wat kennis van wyziging gee, is, tensy die hof anders gelaas, aanspreeklik vir die koste wat daardeur vir 'n ander party veroorsaak is.

(8) Die hof kan tydens die verhoor in enige stadium voor uitspraak verlof tot wyziging van 'n pleistuk of dokument gee met sodanige bepalings betreffende koste van ander aangeleenthed as wat hy govynd.

(9) So 'n wyziging moet op 'n afsonderlike bladsy verskyn, wat op 'n gepaste plek deur die betrokke pleistuk of dokument gevoeg word.

**Sluiting van pleistukke**

29. Pleistukke word as gesluit beskou—

(a) as enigeen van die partye in geding getreft of die sonder om nuwe bewerings te maak en sonder om 'n verdere pleistuk by te voeg;

(b) as die laaste dag vir die indiening van 'n repli- kasie of daaropvolgende pleistuk verslykt of sonder dat dit ingediens is;

(c) as die partye skriflik ooreenkom dat die pleistu-kke gesluit is en so 'n ooreenkomst deur die griffer ingediens is; of

(d) as die partye nie oor die sluiting van die pleit- stkake kan ooreenkom nie en die hof op aansoek van 'n party hulle gesluit verklaar.

**Onreëmatige verrigtinge**

30. (1) 'n Party tot 'n geding waarin 'n stap op onreëmatige wyse gedoen is deur 'n ander party, kan binne 21 dae daarna by die hof tersydestelling daarvan

(2) Any such extension may be ordered although the application therefor is not made until after the expiry of the time prescribed or fixed, and the court ordering any such extension may make such order as to it seems meet as to the recalling, varying or cancelling of the results of the expiry of any time so prescribed or fixed, whether such results flow from the terms of any order or from these rules.

(3) The court may on good cause shown, condone any non-compliance with these rules.

**Amendments to pleadings and documents**

28. (1) Any party desiring to amend any pleading or document other than an affidavit, filed in connection with any proceeding, may give notice to all other parties to the proceeding of his intention so to amend.

(2) Such notice shall state that unless objection in writing is made within 21 days to the proposed amendment, the party giving the notice will amend the pleading or document in question accordingly.

(3) If no objection in writing be so made, the party receiving such notice shall be deemed to have agreed to the amendment.

(4) If any objection be made within the said period, the party wishing to pursue the amendment, shall within 21 days of the receipt of such objection apply to court on notice for leave to amend and set the matter down for hearing. The court may make such order thereon as to it seems meet.

(5) Whenever the court has ordered an amendment or not objection has been made within the time prescribed in subrule (2), the party amending shall deliver the amendment to the pleading or document within the time specified in the court's order or within 10 days of the expiry of the time prescribed in subrule (2) as the case may be.

(6) When an amendment to a pleading has been delivered in terms of this rule, the other party shall be entitled to plead thereto or amend concurrently any pleading already filed by him within 21 days of the receipt of the amended pleading.

(7) A party giving notice of amendment shall, unless the court otherwise orders, be liable to pay the costs thereby occasioned to any other party.

(8) The court may during the hearing at any stage before judgment, grant leave to amend any pleading or document on such terms as to costs or otherwise as to it seems meet.

(9) Where any amendment is made it shall be made on a separate page to be added in an appropriate place to the pleading or the document amended.

**Close of pleadings**

29. Pleadings shall be considered closed—

(a) if either party has joined issue without alleging any new matter, and without adding any further pleading;

(b) if the last day allowed for filing a replication or subsequent pleading has elapsed and it has not been filed;

(c) if the parties agree in writing that the pleadings are closed and such agreement is filed with the registrar; or

(d) if the parties are unable to agree as to the close of pleadings, and the court upon the application of a party declares them closed.

**Irregular proceedings**

30. (1) Any party to any cause in which an irregular or improper step or proceeding has been taken by any party, may within 21 days of the taking of such step or
(7) As die verweerder sekerheid stel of die hof oortuig soos in subreël (3) bedoel, gee die hof verlof om te verdedig en die aksie gaan voort asof geen aanwiskom op summier vonnis gedoen is nie.

(8) (a) Verlof om te verdedig kan onvoorwaardelik wees of onderworpe aan voorwaardes betreffende sekerheid, tyd vir aflewering van pleitstukke of iets ander, soos die hof mag goedgevind.

(b) Waar hierdie reëls die aflewering van 'n deklarasië vereis en die hof, wanneer hy ingevolge hierdie reël verloof gee om te verdedig, nie 'n bevel gee vir die aflewering van so 'n deklarasië binne 'n aangegegewe tyd nie, word so 'n deklarasië afgelewé binne 21 dae na die datum waarop verlof om te verdedig gegee is.

(9) Die hof kan by die aanhooër van so 'n aanwiskom na goedhuknê 'n kostebewel gee: Met dien verstande dat as—

(a) die eiser aanwiskom gedoen het hoewel die saak nie deur subreël (1) gedek word nie, of die eiser, na die hof se mening, geweet het dat die verweerder op 'n betoog steun wat hom tot verlof om te verdedig gereg met, dié hof kan beveel dat die eiser opgeskrik word totdat die eiser die verweerder se koste betaal het, en dat die koste tussen prokureur en klient getaksere word; en

(b) die hof by die verhoor van 'n aksie waarin summier van onmisbaar gewes is, vonnis vir die eiser weeslik soos aangevra, en meen dat summier vonnis toegestaan sou geweest het as die verweerder nie 'n verwerp geoperty het wat onredelik was nie, hy kan beveel dat die eiser se koste van die aksie tussen prokureur en klient getaksere word.

Gestelde saak en beslissing van regspunte

33. (1) Die partye tot 'n geskil kan na die instelling van 'n geding ooreenkoms op 'n scriptelike uiteenstelling van feite in die vorm van 'n gestelde saak vir beslissing deur die hof.

(2) (a) Die uiteenstelling bevat die ooreengekome feite, die regsvrae in geskil en die partye se stellings daaromtrent in genoemde paragrafe, en word nommers of onderskeie partye deur 'n advokaat en 'n prokureur onderwerp of, waar 'n party persoonlik dagvaar of gedagvaar word, deur so 'n party self. Afskrifte van dokumente wat nodig is by die beslissings moet aangehonge word.

(b) 'n Gestelde saak word vir aanhoring ter rolle geplaas soos 'n verhoor of bestrede aanwiskom, wat ook al die geneefsklike is.

(c) As 'n minderjarige of 'n swaksinnige 'n party tot so 'n geding is, kan die hof, voordat hy die regsvrae beslis, bewys vereis dat die uiteenstelling van feite vir sover dit die minderjarige of swaksinnige raak, juis is.

(3) By die aanhoring kan die hof en die partye let op die hele inhoud van die stukke en die hof kan afleidings van feite of reg daaruit maak asof dit by 'n verhoor bewys is.

(4) As die hof mero motu of op aanwiskom van 'n party meen dat daar in 'n hangende aksie 'n regs- of feitenvraag is wat geneefsklik beslis kan word voordat getuigen getuig word of afsonderlik van enige ander vraag, kan hy afhandeling van so 'n vraag na goedhuknê voorskyf en beveel dat alle verdere verryginge tot dan opgeskrik word.

(7) If the defendant finds security or satisfies the court as provided in subrule (3), the court shall give leave to defend, and the action shall proceed as if no application for summary judgment had been made.

(8) (a) Leave to defend may be given unconditionally or subject to such terms as to security, time for delivery of pleadings, or otherwise, as the court deems fit.

(b) Where delivery of a declaration is required by these rules, when giving leave to defend in terms of this rule, has not made an order for the delivery of such declaration within a specified time, such declaration shall be delivered within 21 days of the date leave to defend has been given.

(9) The Court may at the hearing of such application make such order as to costs as it may seem just: Provided that if—

(a) the plaintiff makes an application under this rule, where the case is not within the terms of subrule (1) or where the plaintiff, in the opinion of the court, knew that the defendant relied on a contention which would entitle him to leave to defend, the court may order that the action be stayed until the plaintiff has paid the defendant's costs; and may further order that such costs be taxed as between attorney and client; and

(b) in any case in which summary judgment was refused and in which the court after trial gives judgment for the plaintiff substantially as prayed, and the court finds that summary judgment should have been granted had the defendant not raised a defence which in its opinion was unreasonable, the court may order the plaintiff's costs of the action to be taxed as between attorney and client.

Special cases and adjudications upon points of law

33. (1) The parties to any dispute may, after institution or proceedings, agree upon a written statement of facts in the form of a special case for the adjudication of the court.

(2) (a) Such statement shall set forth the facts agreed upon, the questions of law in dispute between the parties and their contentions thereon. Such statement shall be divided into consecutively numbered paragraphs and there shall be annexed thereto copies of documents necessary to enable the court to determine upon such questions. It shall be signed by an advocate and an attorney on behalf of each party or, where a party sues or defends personally, by such party.

(b) Such special case shall be set down for hearing in the manner provided for trials, or opposed applications, whichever may be more convenient.

(c) If a minor or person of unsound mind is a party to such proceedings the court may, before determining the questions of law in dispute, require proof that the statements in such special case so far as concerns the minor or person of unsound mind are true.

(3) At the hearing thereof the court and the parties may refer to the whole of the contents of such documents and the court may draw any inference of fact or of law from the facts and documents as if proved at a trial.

(4) If it appears to the court mero motu or on the application of any party that there is, in any pending action, a question of law or fact which it would be convenient to decide either before any evidence is led or separately from any other question, the court may make an order directing the trial of such question in such manner as it may deem fit, and may order that all further proceedings be stayed until such question has been disposed of.
Summiere vonnis

32. (1) Waar die verweerder kennisgewing van voor-
nemene om te verdedig afgelewet het, kan die eiser by
die hof aansoek doen om summiere vonnis op elk van
die eise in die dagvaarding wat net—
(a) op 'n likwiede dokument berus;
b) om 'n gelikwiede geldsom is;
(c) vir die lewing van bepaalde roerende goed is;
of
d) vir uitsetting is;
tesame met 'n eis om rente en koste.

(2) Die eiser moet binne 21 dae na die afliewer-
ding van die kennisgewing van voorneome om te verdedig,
'n kennisgewing van aansoek om summiere vonnis afliewer
tesame met 'n beëdigde verklaaring deur homself of deur
iemand anders wat onder eed die feite kan bevestig
waarop die skuldvoorsaak en die gewiste bedrag (as daar
is) berus, en waarin hy sê dat daar na sy mening
geen bona fide-verweer teen die aksie is nie en dat die
kennisgewing van voorneome om te verdedig afgelewet
is bloot met die doel om te vertraag. As die eis op
'n likwiede dokument berus, moet 'n afskrif daarvan
aanheeg word, en die kennisgewing moet vermeld dat
die aansoek vir verhoor ter rolle geplaas sal word op
'n bepaalde dag enstans sewe dae na afliewer daar-
van.

(3) By die aanhoor van 'n aansoek om summiere
vonnis kan die verweerder—
(a) aan die eiser sekerheids stel tot bevrediging van
die griffrir vir enige vonnis insluitende koste wat
gegene kan word; of
(b) die hof oortuig deur middel van 'n beëdigde
verklaring (wat ingelewer moet word voor middag
twee dae voor die hofdag waarop die aansoek aange-
geoor staan te word) of, met verlof van die hof,
deur middel van mondelinge getuigsir van homself
of van 'n ander persoon wat dit onder eed kan beves-
tig, dat hy 'n bona fide-verweer teen die aksie het.
Die beëdigde verklaaring of die getuigsir moet die
aard en grootte van die verweer en die wesentlike
feite waarop dit berus, volledig aange.

(4) Die eiser kan geen ander getuigsir aanvoer nie
as die beëdigde verklaaring in subreël (2) bedoel, en
iemand wat mondeling of by wyse van beëdigde ver-
klaring getuigsir af, kan nie deur enigens van die par-
tye gekruip nie; Met dien verstande dat die hof
aan iemand wat mondeling getuigsir af na goedben
evra ter opheldering kan stel.

(5) As die verweerder nie sekerheid stel of die hof oor-
tuig soos in paragraaf (b) van subreël (3) bepaal nie,
die hof summiere vonnis vir die eiser gee.

(6) As dit by die aanhoor van 'n aansoek kragtens
eriede reël blyk—
(a) dat 'n verweerder geregtig is om te verdedig
en 'n ander verweerder nie aldus geregtig is nie; of
(b) dat die verweerder geregtig is om te verdedig
ène opsigte van 'n deel van die eis, moet die hof—
(i) aan 'n verweerder wat aldus geregtig is, verlof
gee om te verdedig en vonnis gee teen die verweer-
der wat nie aldus geregtig is nie; of
(ii) aan die verweerder verlof gee om te verdedig
ène opsigte van 'n deel van die eis en vonnis teen
hoom gee teen opsigte van die res van die eis, tensy
die balans reeds aan die eiser betaal is of geregtelik
inbetaal is ingevolge reël 34; of
(iii) beide bevele gee wat in subparagraewe (i) en
(ii) genoem word.

Summary judgment

32. (1) Where the defendant has delivered notice of
intention to defend, the plaintiff may apply to court for
summary judgment on each of such claims in the
summons as is only—
(a) on a liquid document;
b) for a liquidated amount in money;
c) for delivery of specified movable property; or
d) for ejectment;

together with any claim for interest and costs.

(2) The plaintiff shall within 21 days after the date
of delivery of notice of intention to defend, deliver
notice of such application, accompanied by an affidavit
made by himself or by any other person who can
swear positively to the facts verifying the cause of action
and the amount, if any, claimed and stating that in his
opinion there is no bona fide defence to the action and
that notice of intention to defend has been delivered
solely for the purpose of delay. If the claim is founded
on a liquid document, a copy of the document shall
be annexed to such affidavit. Such notice of application
shall state that the application will be set down for
hearing on a stated day not being less than seven days
from the date of the delivery thereof.

(3) Upon the hearing of an application for summary
judgment the defendant may—

(a) give security to the plaintiff to the satisfaction
of the registrar for any judgment including costs
which may be given; or

(b) satisfy the court by affidavit (which shall be
delivered before noon on the court day but one
preceding the day on which the application is to be
heard) or with the leave of the court by oral evidence
of himself or of any other person who can swear
positively to the fact that he has a bona fide defence
to the action; such affidavit or evidence shall disclose
fully the nature and grounds of the defence and the
material facts relied upon therefor.

(4) No evidence may be adduced by the plaintiff
otherwise than by the affidavit referred to in subrule
(2), nor may either party cross-examine any person who
gives evidence viva voce or on affidavit: Provided that
the court may put to any person who gives oral evidence
such questions as it considers may elucidate the matter.

(5) If the defendant does not find security or satisfy
the court as provided in paragraph (b) of subrule (3),
the Court may enter summary judgment for the plaintiff.

(6) If on the hearing of an application made under
this rule it appears—

(a) that any defendant is entitled to defend and
any other defendant is not so entitled; or

(b) that the defendant is entitled to defend as to
part of the claim, the court shall—
(i) give leave to defend to a defendant so entitled
thereto and give judgment against the defendant not
so entitled; or
(ii) give leave to defend to the defendant as to
part of the claim and enter judgment against him
as to the balance of the claim, unless he shall have
paid such balance to the plaintiff or into court in
terms of rule 34; or

(iii) make both orders mentioned in subparagraphs
(i) and (ii).
(6) Notice of any payment, tender or offer in terms of this rule shall be given to all parties to the action and shall state—

(a) whether the same is unconditional or without prejudice as an offer of settlement;
(b) whether it is accompanied by a tender to pay the plaintiff's costs in whole or in part; and
(c) whether the amount paid is offered in settlement or both claim and costs or of the claim only.

(7) A plaintiff may within 21 days of the receipt of the notice referred to in subrule (6) or thereafter with the consent of the defendant or a judge accept any payment, tender to perform an act, or written offer in settlement of his claim and shall notify all other parties to the action accordingly, and the registrar, upon being satisfied that the requirements of this subrule have been complied with, shall pay out to the plaintiff's attorney (or to the plaintiff where he sues in person) the power of attorney referred to in subrule (3).

(8) If a tender or payment in terms of subrule (2), (3), (4) or (5) is not stated to be in satisfaction of a plaintiff's claim and costs, the plaintiff may, on notice to the defendant, apply for judgment for costs.

(9) (a) No payment into court, tender or offer, made without prejudice in terms of this rule, by way of an offer of settlement, shall be disclosed at any time to the court before judgment has been given. No reference to the fact of such a payment, tender or offer shall appear on any file in the office of the registrar containing the papers in the said case.

(b) The fact of a payment, tender or offer referred to in paragraph (a) may be brought to the notice of the court after judgment has been given as being relevant to the question of costs. If the court has given judgment on the question of costs in ignorance of any such payment, tender or offer and such is brought to the notice of the court within two days, the question of costs shall be considered afresh in the light thereof: Provided that nothing in this subrule contained shall affect the court's discretion as to an award of costs.

(c) Any party to an action who shall, contrary to this rule, by himself, his advocate or his attorney, mention or disclose to the court such payment, tender or offer shall, even if successful in the action, be liable to have costs given against him.

(10) (a) An insurance company, which is a registered company, as defined in section 1 of the Compulsory Motor Vehicle Insurance Act, 1972 (Act 56 of 1972), may, instead of paying into court any sum of money referred to in this rule, lodge with the registrar, in a form which is acceptable to the registrar, a guarantee for the payment of such sum to the plaintiff.

(b) The lodging of a guarantee referred to in paragraph (a) shall not derogate from the provisions of the foregoing subrules of this rule, and such provisions, except the provisions relating to payment by the registrar of any amount paid into court, shall apply as if the sum guaranteed had been paid into court.

(c) Payment to the plaintiff's attorney (or to the plaintiff where he sues in person) by an insurance company referred to in paragraph (a) of the amount guaranteed shall be made within 14 days of the receipt of the plaintiff's notice of acceptance of the amount guaranteed, and failing such payment the plaintiff may apply for judgment for such amount together with the costs of the application.
(5) Wanneer hy so 'n vraag aldus beslis, kan die hof dienoooreenkomstig vonnis gee en bepaal hoe enige oor- blywende geskikpunte bereg moet word ten einde die geding finaal af te handel.

(6) As die geskilpunt 'n regspraak is en die partye oor die feite saamstem, kan die feite erken en by die verhoor aangeteken word en die hof kan uitspraak doen sonder om getuïeis aan te hoor.

**Geregtelike inbetaal**

34. (1) (a) In 'n aksie om betaling van geld kan die verowerer te eniger tyd onvoorwaardelik die bedrag of 'n deel daarvan geregtelik inbetaal en die griffier moet dit op versoek van die eiser aan sy prokureur oorbetaal, of aan die eiser self as hy persoonlik dag- vaar. By so 'n inbetaal moet die verowerer meld of hy aanspreklikheid vir al die eiser se koste of 'n deel daarvan erken of ontkon.

(b) As die verowerer aanspreklikheid vir koste aldaar geheel of gedeeltelik erken, maar versuim om die koste, soos getakeer, ten volle binne sewe dae na aanvraag te betaal, kan die eiser skriftelik deur die griffier by 'n regter oor vonnis daarvoor aanbevel doen.

(c) As die verowerer aanspreklikheid vir 'n deel van die eiser se koste aldaar ontkon, moet hy in die kennisgewing wat die geregtelike inbetaal vergeloof, die gronde van sy ontkennings meld en die aksie kan dan vir verhoor op die vraag van koste alleen ter rolle geplaas word.

(2) In 'n aksie waarin geld geëis word, hetsy alleen of tesame met ander regshulp, kan die verowerer te eniger tyd sonder benadeling 'n bedrag geregtelik inbetaal by wyse van 'n aanbod tot skikking van die eis.

(3) Waar die eiser die uitvoering van 'n handeling deur die verowerer eis, kan die verowerer te eniger tyd hetsy onvoorwaardelik of sonder benadeling aan- bied om die handeling uit te voer. Tensy die handeling deur die verowerer persoonlik uitgevoer moet word, moet hy, tesame en gelyktydig met die aanbod, aan die griffier 'n onherroeplike volmag vir die uitvoering van die handeling gee.

(4) 'n Party tot 'n aksie wat blootstaan aan 'n bevel dat hy moet bydra tot 'n som waartoe 'n ander party in die aksie veroordeel kan word, of dat hy saam met die bedoelde ander party aanspreklik daarvoor is, kan hetsy onvoorwaardelik of sonder benadeling by wyse van 'n skikkingsoorvoorstel—

(a) 'n skriftelike aanbod aan die bedoelde ander party doen om hetsy 'n bepaalde som of in 'n bepaalde verhouding by te dra tot die bedrag wat die eiser in die aksie kan verhala; of

(b) 'n som geregtelik inbetaal ten opsigte van die gedeelde van die bedrag wat die eiser kan verhala, waarvoor hy aanspreklik gehou kan word.

(5) Een van verskeie verwoerders wat hetsy gesa- mentlik, gesamentlik en asonderlik, asonderlik of in die alternatief gedagaar is, kan of onvoorwaardelik of sonder benadeling by wyse van 'n skikkingsoorvoorstel 'n bedrag ten opsigte van die eiser se eis geregtelik inbetaal of ingevolge hierdie reëls aanbeel om enige handeling te verry daarvan die uitvoering deur die eiser geëis word.

(5) When giving its decision upon any question in terms of this rule the court may give such judgment as may upon such decision be appropriate and may give any direction with regard to the hearing of any other issues in the proceeding which may be necessary for the final disposal thereof.

(6) If the question in dispute is one of law and the parties are agreed upon the facts, the facts may be admitted and recorded at the trial and the court may give judgment without hearing any evidence.

**Payment into court**

34. (1) (a) In any action for payment of a sum of money the defendant may at any time pay unconditionally into court the sum so claimed or any part thereof, and the registrar shall, upon the application of the plaintiff, pay such sum to the plaintiff's attorney (or to the plaintiff where he sues in person). In making such payment the defendant shall state whether he acknowledges or disavows liability for the payment of the plaintiff's costs in whole or in part.

(b) If the defendant acknowledges liability for pay- ment of the costs in whole or in part but fails to pay in full such costs, as taxed, within seven days after demand, the plaintiff may apply in writing through the registrar to a judge for judgment for the same.

(c) If the defendant disavows liability for any portion of the plaintiff's costs, he shall state in the notice accompanying the payment into court, the grounds upon which he so disavows, and the action may be set down for hearing on the question of costs only.

(2) In any action in which a sum of money is claimed either alone or with any other relief, the defendant may, at any time without prejudice, pay an amount into court by way of an offer of settlement of the plaintiff's claim.

(3) Where the plaintiff claims the performance of some act by the defendant, the defendant may at any time tender either unconditionally or without prejudice to perform such act. Unless such act must be per- formed by the defendant personally, pari passu with such tender there shall be filed with the registrar an irrevocable power of attorney to perform such act on behalf of the person making the tender.

(4) Any party to an action who stands to be held liable to any other party to contribute towards or to be held liable with such party for the payment of any amount which may be recovered by any other party, may either unconditionally or without prejudice by way of an offer of settlement—

(a) make a written offer to that other party to contribute either a specific sum or in a specific proportion towards the amount to which the plaintiff may be held entitled in the action; or

(b) pay into court a sum in respect of the share of the amount to which the plaintiff may be held to be entitled and for which share he may be adjudged liable.

(5) One of several defendants, whether sued jointly, jointly and severally, separately or in the alternative, may either unconditionally or without prejudice by way of an offer of settlement pay into court a sum of money in respect of the plaintiff's claim or tender in terms of these rules to do any act or acts the performance of which is claimed by the plaintiff.
(6) 'n Party kan te eniger tyd by kennisgewing so na moontlik bewoord soos Vorm 13 in die Eerste Bylae, van 'n party wat ingevolge subreëls (2) en (3) blootgelê het, insnie van dié stukke. Die kennis-
gewig moet van dié party aangeneig dat dit geïg is, vereis dat hy binne 21 dae by kennisgewig so na moontlik bewoord soos Vorm 14 in die Eerste Bylae, 'n tyd, binne 10 dae na aflievering van laasgenoemde kennis-
gewig, bepaal waarop die stukke ingesien kan word ten kantore van sy prokureur of, as hy nie deur 'n prokureur verteenwoordig word nie, op 'n geskikte plek in dié kennisgewig genoem, of, in die geval van bankboeke of ander rekeningboeke of boeke in voort-
durende gebruik vir dié doel van enige besigheid of onderneming, by hul gewone plek van bewaring. Die party wat laasgenoemde kennisgewig ontvang, is geregtig om op die bestemde tyd en nog 10 dae daarna in gewone besigheidsure, of op een of meer van bedoeiende dae, die stukke in te sien en afskrifte daarvan te maak. 'n Party wat versuim om 'n stuk aldus ter inaai voor te lé, mag dit nie by die verhoor gebruik nie tenys die hof by aanvoering van geele rede dit toelaat.

(7) As 'n party versuim om aldus bleot te lé of na kennisgewig kragtens subreël (6) versuim om aldus 'n tyd vir insnie te bepaal of insnie aldus toe te laat soos deur daardie subreël vereis, kan die party wat bloot-
legging of insnie verlang, by die hof 'n bevel aanvra dié hierdie regel nagekom moet word en dat by gebreke daarvan die eis afgewys of die verweer geskrap word.

(8) 'n Party tot 'n aksie kan na die slutting van pleitstukke van 'n ander party by kennisgewig skrif-
telik besonderhede verg van dié party tot 'n dokument wat daardie party by die verhoor wil gebruik. Die party wat so 'n kennisgewig ontvang, moet minstens 21 dae voor die verhoordatum 'n kennis-
gewig afliever met—

(a) besonderhede van die datsums van en partyte tot die stuk en die algemene aard daarvan as dit in sy besit is; of

(b) as dit nie in sy besit is nie, sodanige beson-
derhede as wat hy mag hé ter identifisasië daarvan, en die naam en adres van die persoon in wie sy besit dit is.

Die verskaffing van besonderhede van stukke wat in die party se besit is, kan geskied deur te verwys na 'n blootleggingsverklaring as die besonderhede aldaar voldoende is.

(9) 'n Party wat stukke by 'n verhoor wil bewys, kan van enige ander party by kennisgewig verlang dat hy binne 21 dae na ontvangs daarvan erken dat daardie stukke behoorlik verly is en eg is. As die party aan wie die kennisgewig gerig is, nie binne die genoemde tyd die bedoelde erkenning doen nie, is die party wat die kennis gegee het, teenoor hom geregtig om die bedoelde stukke by die verhoor in te dien sonder bewys, behalwe bewys (as dit betwys) dat dit die stukke is wat in die kennisgewig bedoel was en dat kennis behoorlik gegee is. As die party aan wie die kennisgewig gerig is, antwoord dat die stukke nie erken word nie, moet hulle deur die party wat kennis gegee het, bewys word voordat hy hulle by die ver-
hoor mag gebruik, maar die party wat hulle nie wou erken nie, kan beveel word om die koste van die bewys daarvan te betaal.

(6) Any party may at any time by notice as near as
may be in accordance with Form 13 of the First Schedu-
le, require any party who has made discovery to make available for inspection any documents disclosed
in terms of subrules (2) and (3). Such notice shall
require the party to whom notice is given to deliver to
him within 21 days a notice as near as may be in
accordance with Form 14 of the First Schedule, stating
a time, within 10 days from the delivery of such latter
notice, when such documents may be inspected at the
office of his attorney or, if not represented by an
attorney, at some convenient place mentioned in the
notice, or in the case of bankers' books or other books
of account or books in constant use for the purposes
of any trade, business or undertaking, at their usual
place of custody. The party receiving such last-named
notice shall be entitled at the time therein stated, and
for a period of 10 days thereafter, during normal
business hours or on any one or more of such days,
to inspect such documents and to take copies thereof.
A party's failure to produce any such document for
inspection shall preclude him for using such document
at the trial save where the court on good cause shown
allows otherwise.

(7) If any party fails to give discovery as aforesaid
or, having been served with a notice under subrule
(6), omits to give notice of a time for inspection as
aforesaid or fails to give inspection as required by
that subrule, the party desiring discovery or inspection
may apply to a court, which may order compliance
with this rule and, failing such compliance, may dismiss
the claim or strike out the defence.

(8) Any party to an action may after the close of
pleadings give notice to any other party to specify
in writing particulars of dates and parties of to
any document intended to be used at the trial of the
action on behalf of the party to whom notice is given.
The party receiving such notice shall not less than 21
days before the date of trial give a notice—

(a) specifying the dates and parties of or to and
the general nature of any such document which
is in his possession; or

(b) specifying such particulars as he may have to
identify any such documents not in his possession,
at the same time furnishing the name and address of
the person in whose possession such document is.

In making any such specification the party so
specifying may give the particulars of such documents
as may be in his possession by reference to any dis-
covery affidavit in so far as such particulars in the
discovery affidavit are sufficient.

(9) Any party proposing to prove documents at a
trial may give notice to any other party requiring him
within 21 days of the receipt of such notice to admit
that those documents were properly executed and are
what they purported to be. If the party receiving the
said notice does not within the said period so admit,
then as against such party the party giving the notice
shall be entitled to produce the documents specified
at the trial without proof other than proof (if it is
disputed) that the documents are the documents refer-
ed to in the notice and that the notice was duly given.
If the party receiving the notice states that the docu-
ments are not admitted as aforesaid, such documents
shall be proved by the party giving the notice before
he is entitled to use them at the trial, but the party
not admitting them may be ordered to pay the costs
of their proof.
Blootlegging, insiening en voorlegging van stukke

35. (1) 'n Party tot 'n akkie kan by skriflike kennisgewing vereis dat 'n ander party binne 21 dae alle stukke wat betrekking het op 'n geskilpunt in die geding (hetsy dit ontstaan tussen die twee bedoelde partye al dan nie) en wat in die beset of onder die beheer van die ander party is of ooit was, onder eed blootlê. So 'n kennisgewing mag nie, behalwe met verlof van 'n regter, voor die sluiting van pleitstukke afgelewre word nie.

(2) Die party van wie blootlegging gevolg word, moet binne 21 dae of binne die tyd in 'n beveel van 'n regter vangestel, die bedoelde stukke blootlê by beëindigde verklaaring, so na moontlik bewoord soos Vorm 11 in die Eerste Bylae, en die volgende afoenderlik aangee—

(a) stukke in besit van homself of sy verteenwoordiger, behalwe dié in paragraaf (b) genoem;

(b) stukke wat hy regmatig kan weier om bloot te lê;

(c) stukke wat hy of sy verteenwoordiger in besit gehad het, maar op die datum van die beëindigde verklaaring nie meer het nie.

Dit is voldoende om stukke te beskryf as 'n pak dokumente van 'n gespesifieerde aard wat deur die deponent geparafeer en agtereenvolgens genommer is. Verklarings van getuie wat genoem is vir die doel van die geding, mededelinge tussen prokureur en klient, en tussen prokureur en advokaat, pleitstukke en beëindigde verklaarings en kennisgewing in die akkie moet nie aangegee word nie.

(3) As 'n party meen dat ander stukke (of afskriepe daarvan) wat ter sake mag wees in die geding, in die beset van 'n party daartoe is, kan hy van so 'n party by kennisgewing eis dat hy hulle ter insae voorloë soos bedoel deur subreël (6), of dat hy binne 14 dae onder eed verklaar dat hulle nie in sy besit is nie, in welke geval hy, as hy weet, moet sê waar hulle is.

(4) 'n Stuk wat nie blootgelê is nie, mag nie, tenso die hof dit toelaat op sulke voorwaarde as wat hy goëdvin, vir enige doel by die veeoor gebrui ek word deur die party wat dit moes blootgelê het nie, maar ander partye mag dit wel gebruik.

(5) (a) Woord in bevoegde versekeraar soos omskrif in die Wet op Verpligte Motorvoertuigversekerings, 1972 (Wet 56 van 1972), 'n party tot 'n akkie is uit hoofde van die bepalings van bedoelde Wet, kan enige party daartoe blootlegging op die wyse in paragraaf (d) van hierdie subreël voorgeskryf, verkry teen die dienaar of bestuurder (soos in bedoelde Wet omskrif) van die voertuig deur die bedoelde versekeraar verassureer.

(b) Paragraaf (a) geld mutatis mutandis vir die bestuurder van 'n voertuig wat beset word deur 'n persoon, graat, regering of liggaam soos bedoel in sub-artikel (1) van artikel drie van die bedoelde Wet.

(c) Waar die eiser as 'n sessionaris dagvaar, het die verweerder mutatis mutandis diezelfde regte kragtens hierdie reël teen die sedent.

(d) Die party wat blootlegging ingevolge paragraaf (a), (b) of (c) verg, doen dit by kennisgewing so na moontlik bewoord soos Vorm 12 in die Eerste Bylae.

Discovery, inspection and production of documents

35. (1) Any party to any action may require any other party thereto, by notice in writing, to make discovery on oath within 21 days of all documents relating to any matter in question in such action (whether such matter is one arising between the party requiring discovery and the party required to make discovery or not) which are or have at any time been in the possession or control of such other party. Such notice shall not, save with the leave of a judge, be given before the close of pleadings.

(2) The party required to make discovery shall within 21 days or within the time stated in any order of a judge, make discovery of such documents on affidavit as near as may be in accordance with Form 11 of the First Schedule specifying separately—

(a) such documents in his possession or that of his agent other than the documents mentioned in paragraph (b);

(b) such documents in respect of which he has a valid objection to produce;

(c) such documents which he or his agent had but has not in his possession at the date of the affidavit.

A document shall be deemed to be sufficiently specified if it is described as being one of a bundle of documents of a specified nature, which have been initialled and consecutively numbered by the deponent. Statements of witnesses taken for purposes of the proceedings, communications between attorney and client, attorney and advocate, pleadings, affidavits and notices in the action shall be omitted from the schedules.

(3) If any party believes that there are, in addition to documents disclosed as aforesaid, documents (including copies thereof) which may be relevant to any matter in question in the possession of any party thereto, the former may give notice to the latter requiring him to make the same available for inspection in accordance with subrule (6), or to state on oath within 14 days that such documents are not in his possession, in which event he shall, if known to him, state their whereabouts.

(4) A document not disclosed as aforesaid may not, save with the leave of the court granted on such terms as to it may seem meet, be used for any purpose at the trial by the party who was obliged but failed to disclose it, provided that any other party may use such document.

(5) (a) Where an authorised insurer as defined in the Compulsory Motor Vehicle Insurance Act, 1972 (Act 56 of 1972), is a party to any action by virtue of the provisions of the said Act, any party thereto may obtain discovery in the manner provided in paragraph (d) of this subrule against the owner or driver (as defined in the said Act) of the vehicle insured by the said insurer.

(b) The provisions of paragraph (a) shall apply mutatis mutandis to the driver of a vehicle owned by a person, state, government or body of persons referred to in subsection (1) of section three of the said Act.

(c) Where the plaintiff sues as a cessionary, the defendant shall mutatis mutandis have the same rights under this rule against the cedent.

(d) The party requiring discovery in terms of paragraph (a), (b) or (c) shall do so by notice as near as may be in accordance with Form 12 of the First Schedule.
(c) enige bedrag wat al dus deur 'n party betaal word, koste in die geding is tensy die hof anders gelas.

(3) Die persoon wat so 'n kennisgewing ontvang moet, binne 10 dae na betekening van die kennisgewing die ander Party skriflik op hoogte stel van die aard en gronde van enige beswaar wat hy mag hê, betrefende—

(a) die aard van die voorgestelde ondersoek;
(b) die persoon of persone deur wie dit waarneem sal word;
(c) die plek, datum of tyd daarvan; en
(d) die bedrag vir die uitgawes hom aangebied; en

en hy moet ook—

(i) as sy beswaar teen die plek, datum of tyd van die ondersoek is, 'n alternatiewe datum, tyd of plek voorstel; en
(ii) as sy beswaar teen die aangebode bedrag vir die uitgawes is, besonderhede gee van die boor bedrag wat hy nodig het.

As hy nie binne die genoemde tyd van 10 dae so 'n beswaar aflew nie, word dit geag dat hy tot die onderzoek toegetem het soms voorgestel deur die persoon wat kennis gee het. As beswaar gemaak word en die persoon wat kennis gee het, dit geheel of gedeeltelik ongegrond ag, kan hy na kennisgewing by 'n regter aanmoedig om te bepaal of die onderzoek nog moet plaasvind en so op watter terme.

(4) 'n Party tot so 'n akkie kan te eniger tyd by skriflike kennisgewing van die persoon wat skadevergoeding vordering vorder, oor dat hy vir sy over by daartoe in staat is, binne 21 dae mediese verslae, hospitaaloor-kondes, X-straal-foto's of ander dergelike dokumentêre inligting wat van belang is by die vaststelling van skadevergoeding, beskikbaar stel.

(5) As dit uit 'n mediese ondersoek wat, hetsy inge-volge 'n ooreenkoms tussen die partye of 'n kennisgewing kragtens hierdie reël of 'n regtelike bevel uit-geoer is, blyk dat 'n verdere mediese ondersoek deur 'n ander persoon nodig of wenslik is ten einde volle-dige inligting te bekom vir die vaststelling van skadevergoeding, kan 'n party in tweede en finale mediese ondersoek eis soos in hierdie reël voorskryf.

(6) As dit blyk of die toestand van enige voorwerp hoegenaamd, hetsy roerend of onroerend ter sake kan wees by die beslissing van 'n geskilpunt in 'n akkie, kan enige party in enige stadium minstens 21 dae voor die verhoor, kennis gee aan die party wat op die toe-stand van die voorwerp steun of wat dit in sy besit of onder sy beheer het, dat hy dit beskikbaar moet stel vir ondersoek ingevolge hierdie subreoel, en hy kan in die kennisgewing verlang dat die voorwerp of 'n billike eksemplaar daarvan vir hoogstens 10 dae vanaf ontvangs van die kennisgewing vir ondersoek beskik-
baar bly.

(7) Die party wat versoek word om 'n voorwerp vir onderzoek beskikbaar te stel, kan eis dat die party wat dit aanvaar, die aard van die beoogde ondersoek aangee en hy is nie verplig om die voorwerp daaraan te onderwerp nie as dit hom weslik sal benadeel vanweë die uitwerking daarvan op die voorwerp. As daar 'n geskil ontaan of die voorwerp vir onderzoek beskikbaar gestel moet word, kan enige van die partye dit vir beslissing na 'n regter verwys by kennisgewing waarin vermeld word dat die ondersoek aangevra is

(c) any amounts paid by a party as aforesaid shall be costs in the cause unless the court otherwise directs.

(3) The person receiving such notice shall within 10 days of the service thereof notify the person delivering it in writing of the nature and grounds of any objection which he may have in relation to—

(a) the nature of the proposed examination;
(b) the person or persons by whom the examination is to be conducted;
(c) the place, date or time of the examination; or
(d) the amount of the expenses tendered to him; and shall further—

(i) in the case of his objection being to the place, date or time of the examination, furnish an alternative date, time and place as the case may be; and
(ii) in the case of the objection being to the amount of the expenses tendered, furnish particulars of such increased amount as may be required.

Should the person receiving the notice not deliver such objection within the said period of 10 days, he shall be deemed to have agreed to the examination upon the terms set forth by the person giving the notice. Should the person giving the notice regard the objection raised by the person receiving it as invalid in whole or in part he may on notice make application to a judge to determine the conditions upon which the examination, if any, is to be conducted.

(4) Any party to such an action may at any time by notice in writing require any person claiming such damages to make available in so far as he is able to do so to such party within 21 days any medical reports, hospital records, X-ray photographs, or other documentary information of a like nature relevant to the assessment of such damages.

(5) If it appears from any medical examination carried out either by agreement between the parties or pursuant to any notice given in terms of this rule, or by order of a judge, that any further medical examination by any other person is necessary or desirable for the purpose of giving full information on matters relevant to the assessment of such damages, any party may require a second and final medical examination in accordance with the provisions of this rule.

(6) If it appears that the state or condition of any thing of any nature whatsoever movable or immovable may be relevant with regard to the decision of any matter at issue in any action, any party thereto may at any stage thereof not later than 21 days before the hearing, give notice requiring the party relying upon the existence of such state or condition of such thing or having such thing in his possession or under his control to make it available for inspection or examination in terms of this subrule, and may in such notice require him to submit that such thing or a fair sample thereof remains available for inspection or examination for a period of not more than 10 days from the date of the receipt of the notice.

(7) The party called upon so to submit such thing for examination may require the party requesting it to specify the nature of the examination to which it is to be submitted, and shall not be bound to submit such thing thereto if this will materially prejudice such party by reason of the effect thereof upon such thing. In the event of any dispute whether the thing should be submitted for examination, such dispute shall be referred to a judge on notice delivered by either party stating that the examination is required and that
(10) 'n Party kan aan enige ander party wat 'n stuk blootgestel het, kennis gee om by die verhoor die oorspronklike daarvan, as dit nie bevoorrug is nie, voor te leë as dit in so 'n party se besit is. Minstens 10 dae kennis moet voor die verhoor gegee word, maar dit kan met verlof van die hof ook tydens die verhoor gesit. Die kennisgewende party kan eis dat dit in die hof voorgedra word en kan dit van die balie at ingee as 'n bewysstuk, wat dan as getuensiel toegelaat is asof dit in getuenis aangebied is deur die party in wie se besit dit was.

(11) Die hof kan in die loop van enige geding na goeddunkle beveel dat 'n party onder eed stukke wat onder sy beheer is en betrekking het op 'n geskikpunt in die geding, voorloper van die hof kan na goeddunkle daarmee handel.

(12) 'n Party tot 'n geding kan te eniger tyd voor die verhoor 'n kennisgewing so na openlik bewoorde vorm Vorm 15 in die Eerste Bylde aan 'n ander party aflever in wie se pleitstukke of besigheidlike verdedings na 'n stuk verwys word, om dit ter insae voor te leë en hom toe te laat om 'n afskrif daarvan te maak. 'n Party wat versuim om aan so 'n kennisgewing te voldoen, mag so 'n stuk nie in die geding gebruik nie teny die hof dit toelaat, met dien verstande dat 'n ander party dit wel kan gebruik.

(13) Die bepaling in hierdie reël wat blootlegging betrek, geld mutatis mutandis, en vir soever die hof mag voorskrif, ook vir aansekte.

Inspekteles, ondersoekte en deskundige getuenis

36. (1) Behoudens die bepaling van hierdie reël het 'n party tot 'n geding waarin vergoeding of skadeloosstelling ten opsigte van beweerde liggaamlike beserings geëis word, die reg om van die eisende party, as sy gesondheidsstaat en ter sake is by die vasstelling van die bedrag, te vereis dat hy hom aan 'n mediese onderzoek onderwerp.

(2) Die party wat die mediese onderzoek wil laat doen, moet 'n kennisgewing aflever wat die aard van die beoogde onderzoek meld, asook die persoon of personeer die alloseer, en die plek waar en die datum (wat minstens 21 dae na die kennisgewing moet wees) en tyd waarop uitvoering daarvan verlang word. Die kennisgewing moet ook meld dat die ander party se die mediese adviseur teenwoordig mag hê en moet vergesel gaan van 'n remise ter dekking van die redelike uitgawes wat die ander party vir bywoning van die onderzoek sal hê, teen die tarief wat sou geld as die party 'n getuie in 'n siviele saak voor die hof was, met dien verstande egter dat—

(a) as die ander party nie kan beweeg nie, die bedrag die koste van motorvervoer moet insluit en waar nodig ook die redelike koste van 'n begeleier; en

(b) as die ander party sy salaris, loon of ander besoldiging tydens sy afweesheid uit sy werk sal inboet, hy benewens bedoelde uitgawes ook geregtig is tot hoogstens R10 per dag ten opsigte van die inkomste wat hy werklik inboet;

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(10) Any party may give to any other party who has made discovery of a document notice to produce at the hearing the original of such document, not being a privileged document, in such party's possession. Such notice shall be given not less than 10 days before the hearing but may, if the court so allows, be given during the course of the hearing. If any such notice is so given, the party giving the same may require the party to whom notice is given to produce the said document in court and shall be entitled, without calling any witness, to hand in the said document, which shall be receivable in evidence to the same extent as if it had been produced in evidence by the party to whom notice is given.

(11) The court may, during the course of any action or proceeding, order the production by any party thereto under oath of such documents in his power or control relating to any matter in question in such action or proceeding as the court may think meet, and the court may deal with such documents, when produced, as it thinks meet.

(12) Any party to an action or proceeding may at any time before the hearing thereof give notice to the other party that he relies on any pleadings or affidavits or reference is made to any document to produce such document for his inspection and to permit him to take a copy thereof. Any party failing to comply with such notice shall not, save with the leave of the court, use such document in such action or proceeding provided that any other party may use such document.

(13) The provisions of this rule relating to discovery shall mutatis mutandis apply, in so far as the court may direct, to applications.

Inspections, examinations and expert testimony

36. (1) Subject to the provisions of this rule any party to proceedings in which damages or compensation in respect of alleged bodily injury is claimed shall have the right to require any party claiming such damages or compensation, whose state of health is relevant for the determination thereof to submit to medical examination.

(2) Any party requiring another party to submit to such examination shall deliver a notice specifying the nature of the examination required, the person or persons by whom, the place where and the date (being not less than 21 days from the date of such notice) and time when it is desired that such examination shall take place, and requiring such other party to submit himself for examination then and there. Such notice shall state that such other party may have his own medical adviser present at such examination, and shall be accompanied by a remittance in respect of the reasonable expense to be incurred by such other party in attending such examination. Such expense shall be tendered on the scale as if such person were a witness in a civil suit before the court, provided, however—

(a) that if such other party is immobile, the amount to be paid to him shall include the cost of his travelling by motor vehicle and, where required, the reasonable cost of a person attending upon him; and

(b) where such other party will actually lose his salary, wage or other remuneration during the period of his absence from work, he shall in addition to his expenses on the basis of a witness in a civil case be entitled to receive an amount not exceeding R10 per day in respect of the salary, wage or other remuneration which he will actually lose;
(b) Die samespreking in paragraaf (a) bedoel, kan te eniger tyd na die sluiting van positstukke maar voor die aanvang van die verhoor gebou word.

(c) Na afloop van die samesprekings moet die prokureurs 'n minuut opstel van die sake waaroor hulle ooreengekoms het en dit onderteken.

(2) Voor of op die laaste dag voor die verhoor moet die partye aan die griffier rapporteer of so 'n samesprekingsbeoordelingsverslag gebou is, en so ja, die in paragraaf (c) van sub-1 bedoelde ondertekenende minuut inloerer vir voorligging aan die verhoorregter.

(3) Voordat daar met die verhoor voortgegaan word, kan die regter die advokate van die partye in sy kamers inroep en ten einde ooreenkoms te probeer verkry oor dinge waardoor die verhoor waarskynlik ingeskort kan word.

(4) Wanneer hy uitspraak gee, kan die hof 'n party bevel om 'n deel van die koste te betaal as sy prokureur geweier of nageklaa het om 'n samesprekingsingevelde van sub-e (1) by te woon.

**Terrolleplasing van bestrede verhoorsake**

37bis. (1) Wanneer die pleitstukke in 'n bestrede verhoorsak gesluit is, kan die eiser, of, indien hy na- laat om dit binne ses weke na die sluiting van pleitstukke te doen, die verweerder, skriftelik 'n verhoordatum by die griffier aanvaar. Die griffier plans die saak ter rolle vir die datum deur hom bepaal en gee skriftelik daarvan kennis aan die partye.

(2) Wanneer 'n party die kenigswiging van die griffier ontvang het, gee hy onverwyld, en in elk geval nie later as sewe dae na ontvangs van sodanige kenigswiging, skriftelik kennis aan alle ander partye dat die saak ter rolle geplaas is vir die datum deur die griffier bepaal.

**Verkrywing van getuievisie vir verhoor**

38. (1) 'n Party wat die bywoning van iemand wil verkry om getuievisie by die verhoor te lever, kan van regsweë, ondanks enige voorafgaande verspande van watter aard ookal, by die kantoor van die griffier een of meer getuiegaarings vir dié doel useen, so na momentlik bewoor soos Vorm 16 in die Eerste Bylae, wat elk die name van hoogstens vier persone bevat. Die hof is of sy adjunk beteken hulle soos voor- geskryf in reël 4.

As 'n getuié 'n akte, stuk, geskryf of voorwerp in sy besit of onder sy beheer het wat die party wat sy bywoning vereis, as bewys wens voor te lê, moet dit in die getuiegaaringsvermeld word en moet by aangesig word om dit die verhoor beskikbaar te hê.

(2) Die getuies word by die verhoor viva voce onder- vra, maar 'n hof kan te eniger tyd die daar voldoende rede voor bestaan, beheer dat dié getuies of 'n deel daarvan by wiese van beëindiging van leges word of dat die beëindiging van leges by die verhoor voorgekom word, na sodoane voorbe- houde as wat die hof gooi: Met dien verstande dat as die hof meen dat 'n ander party deed het om 'n getuié te wil kruisvra, en die getuié gebring kan word, 'n beëindiging van leges nie toegelaat word nie.

(3) 'n Hof kan op aanvraag by kennisgewing, geriefs- halwe of waar dit nodig skyn te wees ten einde reg te laat geskied, beheer dat die getuievisie van 'n getuié voor of tydens die verhoor vir 'n kommissaris van

(4) The conference referred to in paragraph (a) may be held at any time after the close of pleadings but before the commencement of the trial.

(5) At the conclusion of such conference the attorneys shall draw up and sign a minute of the matters upon which they are agreed.

(2) On or before the last day before the trial the parties shall report to the registrar whether such conference has been duly held and, if so, shall hand in the signed minute referred to in paragraph (c) of sub-rule (1) for submission to the trial judge.

(3) Before the trial proceeds the judge may call in to his chambers the advocates for the parties with a view to securing agreement on any matters likely to curtail the duration of the trial.

(4) When giving judgment in the action the court may make an order for the payment by a party of portion of the costs when the attorney for such party has refused or failed to attend a conference in terms of sub-rule (1).

**Set-down of defended trial cases**

37bis. (1) Whenever the pleadings in a defended trial case have been closed, the plaintiff, or if he fails to do so within six weeks after the close of pleadings, the defendant may request the registrar in writing for a date of trial. The registrar shall set down the case for the date fixed by him and give written notice thereof to the parties.

(2) Whenever a party has received the notice from the registrar, he shall forthwith, and in any event not later than seven days after receipt of such notice, give written notice to all other parties that the case has been set down for the date fixed by the registrar.

**Procuring evidence for trial**

38. (1) Any party, desiring the attendance of any person to give evidence at a trial, may as of right, without any prior proceeding whatsoever, sue out from the office of the registrar one or more subpoenas for that purpose, each of which subpoenas shall contain the names of not more than four persons, and service thereof upon any person therein named shall be effected by the sheriff or his deputy in the manner prescribed by rule 4, and the process for subpoenaing such witnesses shall be, as nearly as may be, in accordance with Form 16 in the First Schedule.

If any witness has in his possession or control any deed, instrument, writing or thing which the party requiring his attendance desires to be produced in evidence, the subpoena shall specify such document or thing and require him to produce it to the court at the trial.

(2) The witnesses at the trial of any action shall be examined viva voce, but a court may at any time, for sufficient reason, order that all or any of the evidence to be adduced at any trial be given on affidavit or that the affidavit of any witness be read at the hearing, on such terms and conditions as to it may seem meet: Provided that where it appears to the court that any other party reasonably requires the attendance of a witness for cross-examination, and such witness can be produced, the evidence of such witness shall not be given on affidavit.

(3) A court may, on application on notice in any matter where it appears convenient or necessary for the purposes of justice, make an order for taking the evidence of a witness before or during the trial before
en dat daar ingevolge hierdie subroël beswaar aange-
teken word. Die regter kan na goednuke 'n bevel
gee.

(8) 'n Party wat 'n ondersoek ingevoegde subroëls (1) 
en (6) bewerkstellig, moet—

(a) die persoon wat die ondersoek doen, 'n volle-
dige verslag van sy bevindinge en gevolgtrekkings
oor tersaaktlike aangeleenthede laat skryf;

(b) op versoek van 'n ander party 'n volledige 
afskrif daarvan verskaf; en

(c) die koste van die ondersoek dra: Met dien 
verstande dat sodanige uitgawe deel uitmaak van dié 
party se koste.

(9) Niemand mag, behalwe met verlof van die hof 
of die toestemming van alle partye tot die geding,
die oem roep om as deskundige te getuiig oor aange-
leenthede waaroor deskundige getuenis toelaatbaar is 
nie, teny by—

(a) minstens 21 dae voor die verhoor 'n kennis-
gewening dat hy dit wil doen, afgelewre het; en

(b) minstens 10 dae voor die verhoor 'n opsom-
ming van so 'n deskundige se menings en sy redes 
daarvoor, afgelewre het.

(10) (a) Niemand mag, behalwe met verlof van die 
hof of die toestemming van al die partye, 'n plan, 
tekening, model of foto as getuenis aanbed nie teny 
hy minstens 21 dae voor die verhoor 'n kennis-
gewening afgelewre het dat hy dit wil doen, dat hy dit ter insep 
aanbed en dat hy verlang dat die party wat die kennis-
gewening ontvang, die bewysstuk binne 10 dae erken.

(b) As die party wat die kennisgewening ontvang, 
versuim om binne die genoemde tyd so 'n erkenning te 
doen, word die plan, tekening, model of foto by biote 
voorlegging en sonder verdere bewys daarvan, in getue-
nis aanvaar. As so 'n party weier om te erken, kan 
die plan, tekening, model of foto by die verhoor bewys 
word en die party wat geweer het, kan beveel word 
om die koste van die bewys te betaal.

**Inkorting van verrigtinge**

37. (1) (a) 'n Party wat 'n aksie vir verhoor ter 
rolle wil plaas of 'n verhoordatum daarvoor wil ver-
kry, moet so spoedig deelneem na die sluiting van pielt-
stukke, die ander partye skriflike vra om 'n same-
sprekking by te woon op 'n wadersys geskikte tyd met 
die doel om ooreen te kom oor maniere van inkorting 
van die verhoor, en meer bepaal oor soveel moontlik 
van die volgende aangeleenthede:

(i) Erkenning van feite en van dokumente;
(ii) die hou van 'n inspeksie of ondersoek;
(iii) oplegging van stukke;
(iv) uitwisseling tussen partye van die verslae van 
deskundiges;
(v) verkaffing van verdere besonderhede wat rede-
lik nodig is vir verhoordoeleinde;
(vi) die planne, tekeninge, foto's, modelle en der-
gelike wat by die verhoor gebruik staan te word;
(vii) konsolidasie van verbore;
(viii) die quantum van skadevergoeding;
(ix) voorbereiding en inlewering by die verhoor van 
afskrifte van korrespondensie en ander stukke in die 
vorm van 'n gepagineerde bundel met eksemplare vir 
die regbank en alle partye.

objection is taken in terms of this subrule. In con-
sidering any such dispute the judge may make such 
order as to him seems meet.

(8) Any party causing an examination to be made 
in terms of subrules (1) and (6) shall—

(a) cause the person making the examination to 
give a full report in writing of the results of his 
examining and the opinions that he formed as a 
result thereof on any relevant matter;

(b) after receipt of such report and upon request 
return any other party with a complete copy 
thereof; and

(c) bear the expense of the carrying out of any 
such examination: Provided that such expense shall 
form part of such party's costs.

(9) No person shall, save with the leave of the court 
or the consent of all parties to the suit, be entitled to 
call as a witness any person to give evidence as an 
expert upon any matter upon which the evidence of 
expert witnesses may be received unless he shall—

(a) not less than 21 days before the hearing have 
delivered notice of his intention so to do; and

(b) not less than 10 days before the trial, have 
delivered a summary of such expert's opinions and 
his reasons thereof.

(10) (a) No person shall, save with the leave of the 
court or the consent of all the parties, be entitled to 
tender in evidence any plan, diagram, model or photo-
graph unless he shall not less than 21 days before the 
hearing have delivered a notice stating his intention to 
do so, offering inspection thereof and requiring the 
party receiving notice to admit the same within 10 
days of his receipt of the notice.

(b) If the party receiving the notice falls within the 
said period so to admit, the said plan, diagram, model 
or photograph shall be received in evidence upon its 
mere production and without further proof thereof.

If such party states that he does not admit them, the 
said plan, diagram, model or photograph may be 
proved at the hearing and the party receiving the 
notice may be ordered to pay the cost of their proof.

**Curtailment of proceedings**

37. (1) (a) A party desirous of setting an action 
down for trial or of obtaining a date for the hearing 
thereof shall as soon as possible after the close of 
pleadings in writing request the other parties to attend 
a conference at a mutually convenient time with the 
object of reaching agreement as to possible ways of 
curtailing the duration of such trial and in particular 
as to all or any of the following matters:

(i) The possibility of obtaining admissions of fact 
and of documents;
(ii) the holding of any inspection or examination;
(iii) the making of any discovery of documents;
(iv) the exchange between parties of the reports of 
experts;
(v) the giving of any further particulars reasonably 
required for the purposes of trial;
(vi) the plans, diagrams, photographs, models, and 
the like, to be used at the trial;
(vii) the consolidation of trials;
(viii) the quantum of damages;
(ix) the preparation and handing in at the trial of 
copies of correspondence and other documents in the 
form of a paginated bundle with copies for the bench and 
all parties.
(6) By die sluiting van die eiser se saak kan die verweerder absoulue of die instansie aanvra, in welke geval die verweerder of en advokaat namens hom die hof kan toespreek en die eiser of sy advokaat namens hom kan antwoord. Die verweerder of sy advokaat kan dan antwoord op enigiets wat daaruit voortspruit.

(7) As absoulue nie gevra word of dit geweier word en die verweerder nie sy saak gesluit het nie, kan die verweerder of en advokaat namens hom kortlik die feite wat hy wil bewys, uiteenluit en dan voortgaan met die bewys daarvan.

(8) Waar 'n party verteenwoordig is, word elke getuijie onderskrif, gekruisig of heronderskrif, na gelang van die geval, deur slegs een advokaat van so 'n party, hoewel nie noodwendig dieselfde nie.

(9) As die bewyslaas op die verweerder rus, het hy of sy advokaat dieselfde regte wat aan die eiser of sy advokaat ingevolge subrub (5) toekom.

(10) Nadat die sake aan beide kante gesluit is, kan die eiser of een of meer van sy advokate namens hom die hof toespreek, waarna die verweerder of een of meer van sy advokate namens hom dieselfde mag doen en die eiser of slegs een advokaat namens hom repliek mag lewer op enigiets wat daaruit voortspruit.

(11) Enigens van die partye kan by die aanvang van die verhoor die hof vra om te beël, of wie die onus rus om getuigenis aan te voer, en die hof kan na berekening dit besluit. Met dien verstande dat die beslissing daarna gewysig kan word ten einde 'n onreg te voorkom.

(12) As daar een of meer derde partye is of verweerders op 'n teenies is wat nie eisers in die aksie nie mag hulle hul sake open en hul getuigenis lei nadat die getuigenis van die eiser en van die verweerder afgesluit is en voordat enige toespraak na afloop van sodanige getuigenis gelever word. Behalwe vir sover die hof anders gelas, leli die verweerders op 'n teenies wat nie eisers is nie, eerste hul getuigenis en daarna lei derde partye hul getuigenis in die hof as wat hulle eerste partye geword het. As die onus om getuigenis aan te voer op die aanspraakmaker teen die derde partye of op die verweerder op 'n teenies rus, reël die hof na goedkunde die volgorde waarin die partye hul sake moet voer en die hof moet toespreek, en hul ondersteunende bewitte oor repliek te lewer. Subrub (11) geld mutatis mutandis vir alle geskiljekte aangaande die onus om getuigenis aan te voer.

(13) Waar die onus om getuigenis aan te voer op een of meer geskiljekte op die eiser rus en die ten opsigte van ander geskiljekte op die verweerder, voer die eiser eerste sy getuigenis aan en hy kan dan sy saak sluit. Die verweerder voer daarna sy getuigenis aan, tensy absoluute van die instansie toegestaan word of tensy hy sy saak sluit.

(14) Nadat die verweerder sy getuigenis aangevoer het, het die eiser die rug om weerleggende getuigenis op enige geskiljekte van die onus op die verweerder gerus het, aan te voer: Met dien verstande dat as die eiser getuigenis aangevoer het op enige so- danige geskiljekte voordat hy sy saak gesluit het, hy geen verdere getuigenis daarop mag aanvoer nie.

(6) At the close of the case for the plaintiff, the defendant may apply for absolution from the instance, in which event the defendant or one advocate on his behalf may address the court and the plaintiff or one advocate on his behalf may reply. If the defendant or his advocate may thereupon reply on any matter arising out of the address of the plaintiff or his advocate.

(7) If absolution from the instance is not applied for or has been refused and the defendant has not closed his case, the defendant or one advocate on his behalf may briefly outline the facts intended to be proved and the defendant may then proceed to the proof thereof.

(8) Each witness shall, where a party is represented, be examined, cross-examined or re-examined as the case may be, by only one (though not necessarily the same) advocate for such party.

(9) If the burden of proof is on the defendant, he or his advocate shall have the same rights as those accorded to the plaintiff or his advocate by subrule (5).

(10) Upon the cases on both sides being closed, the plaintiff or one or more of the advocates on his behalf may address the court and the defendant or one or more advocates on his behalf may do so, after which the plaintiff or one advocate only on his behalf may reply on any matter arising out of the address of the defendant or his advocate.

(11) Either party may apply at the opening of the trial for a ruling by the court upon the onus of adducing evidence, and the court after hearing argument may give a ruling as to the party upon whom such onus lies: Provided that such ruling may thereafter be altered to prevent injustice.

(12) If there be one or more third parties or if there be defendants to a claim in reconvention who are not plaintiffs in the action, any such party shall be entitled to address the court in opening his case and shall lead his evidence after the evidence of the plaintiff and of the defendant has been concluded and before any address at the conclusion of such evidence. Save in so far as the court shall otherwise direct, the defendants to any counter-claim who are not plaintiffs shall first lead their evidence and thereafter any third parties shall lead their evidence in the order in which they became third parties. If the onus of adducing evidence is on the claimant against the third party or on the defendant to any claim in reconvention, the court shall make such order as may seem convenient with regard to the order in which the parties shall conduct their cases and address the court, and in regard to their respective rights of reply. The provisions of subrule (11) shall mutatis mutandis apply with regard to any dispute as to the onus of adducing evidence.

(13) Where the onus of adducing evidence on one or more of the issues is on the plaintiff and that of adducing evidence on any other issue is on the defendant, the plaintiff shall first call his evidence on any issues in respect of which the onus is upon him, and may then close his case. The defendant, if absolution from the instance is not granted, shall, if he does not close his case, thereupon call his evidence on all issues in respect of which such onus is upon him.

(14) After the defendant has called his evidence, the plaintiff shall have the right to call rebutting evidence on any issues in respect of which the onus was on the defendant. Provided that if the plaintiff shall have called evidence on any such issues before closing his case he shall not have the right to call any further evidence thereon.
die hof afgeneem word, en 'n party tot die geding toe-
laat om so 'n deposisie as getuieis te gebruik met
sodanige voorbehoude as wat die hof goedvind, en
meer bepaald kan hy beveel dat die getuieis eers na
sluiting van pleitstukke of eers na blootlegging of die
verskaffing van besonderhede afgeneem word.

(4) Waar die getuieis, van iemand op kommissie
voor 'n kommissaris in die Republiek afgeneem moet
word, kan so iemand gedagvaar word om voor die
kommissaris te verskyn en getuieis af te le soos hy
die verhoor.

(5) Tensy die hof wat die kommissie beveel voor-
skryf dat ondervraging by wyse van vraagpunte en
kruisvraagpunte moet geskied, moet 'n getuieis wat
voor 'n kommissaris verskyn ingevolge 'n bevel kragtens
sub-reël (3), mondeling ondervra word in die teenwoordig-
heid van die partye, hul advokate of prokureurs, en
staan hy bloot aan kruisdondervraging en heronder-
vraging.

(6) 'n Kommissaris beslis nie of aangebode getuieis
totaalbaar is nie, maar noteer enige besware, wat deur
die verhoofhof beslis word.

(7) Getuieis wat op kommissie afgeneem word, word
genotuleer soos in 'n hof en die transkripsie van snel-
skrifantekeninge of van 'n meganisi opname, behoor-
lik gesertifieer deur die transkriptor en die kommis-
saris, vorm die oorkonde van die ondersoek: Met dien
verstande dat die getuieis voor die kommissaris in 'n
verhalende vorm genoteeur mag word.

(8) Die oorkonde van die getuieis word deur die
kommissaris aan die griffer gestuur met sy sertifikaat
dat dit die oorkonde van die getuieis is wat voor
hom gelever is, en dit word daarop deel van die oor-
konde van die zaak.

Verhoor

39. (1) As die eiser, wanneer 'n verhoor uitgeroep
word, verskyn en die verweerder nie verskyn nie, kan
die eiser sy eis bewys soos die bewysas op hom rus
en uitspraak word dienootekenlik gegee vir soov
y aan sy bewysas voldoen het: Met dien verstande
dat waar die eis likwied is of vir skuld is, geen getuie-
inis nodig is nie, tensy die hof anders beveel.

(2) Wanneer 'n verweerder deur sy versuim belet is
om te pleit en die saak vir verhoor ter rol geplaas is
en die versuim behoorlik bewys is, mag die verweer-
der nie, behalwe waar die hof billikhishalwe anders
beveel, hetsy persoonlik of deur 'n advokaat, by die
verhoor verskyn nie.

(3) As die verweerder by die uitoepening van 'n ver-
hoor verskyn en die eiser nie verskyn nie, is die ver-
weerder geregtig tot absolviasie van die instance met
ekoste, maar hy kan getuieis lei om die hof te oortuig
dat finale vonnis in sy gunne gegee moet word en indien
aldus oortuig, kan die hof so beveel.

(4) Subreëls (1) en (2) geld vir iedereen wat 'n eis in-
stel (hetsy by wyse van teeneem of derdeparty-kennis-
gewing of op enige ander wyse) asof hy 'n eiser is, en
subreël (3) geld vir iedereen teen wie 'n eis ingestel is, en
asof hy 'n verweerder is.

(5) Waar die bewysas op die eiser rus, kan hy of
een advokaat namens hom kortklik die feite wat hy
wil bewys, uiteensit en dan voortgaan met die bewys
daarvan.

a commissioner of the court, and permit any party to
any such matter to use such deposition in evidence
on such terms, if any, as to it seems meet, and in
particular may order that such evidence shall be taken
only after the close of pleadings or only after the giv-
ing of discovery or the furnishing of any particulars
in the action.

(4) Where the evidence of any person is to be taken
on commission before any commissioner within the
Republic, such person may be subpoenaed to appear
before such commissioner to give evidence as if at the
trial.

(5) Unless the court ordering the commission directs
such examination to be by interrogatories and cross-
testimonials, the evidence of any witness to be
examined before the commissioner in terms of an order
granted under subrule (3) shall be adduced upon oral
examination in the presence of the parties, their adv-
ocates or attorneys, and the witness concerned shall be
subject to cross-examination and re-examination.

(6) A commissioner shall not decide upon the
admissibility of evidence tendered but shall note any
objections made and such objections shall be decided
by the court hearing the matter.

(7) Evidence taken on commission shall be recorded
in such manner as evidence is recorded when taken
before a court and the transcript of any shorthand
record or record taken by mechanical means duly cer-
tified by the person transcribing such burden: and by the
commissioner shall constitute the record of the exa-
imination: Provided that the evidence before the com-
misoner may be taken down in narrative form.

(8) The record of the evidence shall be returned
by the commissioner to the registrar with his certifi-
cate to the effect that it is the record of the evidence
given before him, and shall thereupon become part of
the record in the case.

Trial

39. (1) If, when a trial is called, the plaintiff appears
and the defendant does not appear, the plaintiff may
prove his claim so far as the burden of proof lies
upons him and judgment shall be given accordingly.
Insofar as he has discharged such burden: Provided
that where the claim is for a debt or liquidated demand
no evidence shall be necessary unless the court other-
wise orders.

(2) When a defendant has by his default been barred
from pleading, and the case has been set down for
hearing, and the default duly proved, the defendant
shall not, save where the court in the interests of
justice may otherwise order, be permitted, either per-
sonally or by an advocate, to appear at the hearing.

(3) If when a trial is called, the defendant appears
and the plaintiff does not appear, the defendant shall
be entitled to an order granting absolution from the
instance with costs, but may lead evidence with a view
to satisfying the court that final judgment should be
granted in his favour and the court, if so satisfied,
may grant such judgment.

(4) The provisions of subrules (1) and (2) shall apply
to any person making any claim (whether by way of
claim in reconvention or third party notice or by any
other means) as if he were a plaintiff, and the pro-
visions of subrule (3) shall apply to any person against
whom such a claim is made as if he were a defend-
ant.

(5) Where the burden of proof is on the plaintiff,
he or one advocate for the plaintiff may briefly out-
line the facts intended to be proved and the plaintiff
may then proceed to the proof thereof.
In forma pauperis

40. (1) A person who desires to bring or defend proceedings in forma pauperis, may apply to the registrar who, if it appears to him that he is a person such as is contemplated by paragraph (a) of subrule (2), shall refer him to an attorney and at the same time inform the local society of advocates accordingly and in the absence of such local society, the Chief Justice.

(b) Such attorney shall thereupon inquire into such person’s means and the merits of his cause and, upon being satisfied that the matter is one in which he may properly act in forma pauperis, he shall request the said society or the Chief Justice, as the case may be, to nominate an advocate who is willing and able to act, and upon being so nominated such advocate shall act therein.

(c) Should such attorney or advocate thereafter become unable so to act, the registrar or the said society, as the case may be, may, upon request, nominate another practitioner to act in his stead.

(2) If when proceedings are instituted there be lodged with the registrar on behalf of such person—

(a) an affidavit setting forth his financial position and stating that, excepting household goods, wearing apparel and tools of trade, he is not possessed of property to the amount of R100 and will not be able within a reasonable time to provide such sum from his earnings;

(b) a statement signed by the advocate and attorney aforementioned that being satisfied that the person concerned is unable to pay fees they are acting for the said person in their respective professional capacities gratuitously in the proceedings to be instituted by him; and

(c) a certificate of probabilitis causa by the said advocate;

the registrar shall issue all process and accept all documents in the said proceedings for the aforesaid person without fee of office.

(3) All pleadings, process and documents filed of record by a party proceeding in forma pauperis shall be headed accordingly.

(4) The registrar shall maintain in his office a roster of attorneys, and in referring persons desirous of bringing or defending proceedings in forma pauperis to practitioners in terms of subrule (1), he shall do so as far as possible in rotation.
(15) Geen bepaling van subrubre (13) of (14) verhinder die verweerder om 'n getuie wat in enige stadium deur die eiser op 'n geskilkunt geroep is, te kruisvra nie, en die eiser is geregty om so 'n getuie te herondervra na so 'n kruisondervraging sonder om die reg aan hom by subrubre (14) verleen om getuieins in 'n later stadium aan te voer op die geskilkunt waarop so 'n getuie gekruisvra is, aan te tas. Die eiser kan verder die getuie wat aldus herondervra is, roep om in 'n later stadium getuieins te gee oor enige sodanige geskilkunt.

(16) Aantekening moet gehou word van—
(a) 'n uitspraak of reëling van die hof;
(b) getuieins in die hof afgelê;
(c) 'n beswaar wat teen gelewerde of aangebode getuieins gemaak word;
(d) die verrytinge van die hof in die algemeen (insluitende 'n inspeksie ter plaats en iets deur 'n getuie in die hof gedemonstreer); en
(e) enige ander deel van die verrytinge wat die hof in die besonder mag beveel om genotuleer te word.

(17) So 'n oorkonde word gehou met die middele wat die hof geskik ag en kan meer bepaal in snelskrif aangeteken of meganiese opgeneem word.

(18) Die snelskrifnotas of meganiese opname moet deur die opnemer as juis gesertificeer en by die griffer ingediend word. Transkripsie is nie nodig nie tensy die hof of 'n regter of 'n party wat appelleer dit verlang. As 'n transkripsie gemaak word, moet dit deur die transkriptor as juis gesertificeer en saam met die snelskrifnotas en meganiese opname by die griffer ingediend word, en dit word gegaan juist te wees tensy die hof anders beslis.

(19) 'n Party tot 'n aangeleenthede waarvan in snelskrif of meganies aantekening gehou is, kan skrifelik deur die griffer by 'n regter aansoek doen om 'n transkripsie as dit nie reeds beveel is nie. As 'n transkripsie beveel word, is so 'n party geregtig tot 'n afskrif daarvan teen betaling van die voorgeskrywe gelde.

(20) Die hof kan te eniger tyd na goeddunke gels dat geriefshalwe afgewyk word van die wyse van prosesoering in hierdie reël voorgeskryf.

(21) Elke stenograaf wat in diens geneem is om aantekening van verrytinge te hou en elke persoon wat vir die meganiese opname van verrytinge in diens geneem is word gegaan 'n amptenaar van die hof te wees en moet vooraf die volgende eed aflê:

"Ek, A.B., verklaar onder eed dat ek getrou en na die beste van my vermoë die verrytinge in enige saak waarin ek as amptenaar van die hof werksaam is, in snelskrif sal aanteek of meganies sal opneem, soos deur die regter voorgeskryf, en dat ek, indien daartoe gelaas, my aanteekinge of opname en, sover dit in my vermoë is, ook die van enige ander stenograaf of persoon wat vir die meganiese opname van verrytinge in diens geneem is, sal transkrieeer."
(b) wat 'n dubbelsinnigheid of 'n klaarblyklike fout of weglating bevat, maar slegs tot aansuiwing van die dubbelsinnigheid, fout of weglating;
(c) wat gegee is as gevolg van 'n gemeenskaplike fout van die partye.

(2) 'n Party wat regshulp ingevolge hierdie reël verlang, moet kennis van sy aansoek gee aan alle partye wie se belange deur die gevraagde wysiging geraak kan word.

(3) Die hof wysig of herroep nie 'n bevel of vonnis nie tensy hy oortuig is dat alle partye wie se belange geraak kan word, kennis dra van die voorgenoemde herroeping of wysiging.

**Huweliksangeleentheede**

43. (1) Hierdeel geld wanneer 'n getroude persoon een of meer van die volgende vorme van regshulp by die hof aanvra:
(a) Onderhoud *pendente lite*;
(b) 'n bydrae tot die koste van 'n hangende huweliksregdeling;
(c) tussentydse bewaring van 'n kind;
(d) tussentydse toegang tot 'n kind.

(2) Die applikant moet 'n beëdigde verklaring in die aard van 'n deklarasiënerfwaar waarin die gevraagde regshulp en die gronde daarvoor uiteengezet word, tesame met 'n kennisgewing aan die respondent, so os noodklik bewoord soos Vorm 17 in die Eerste Bylaw.
Die verklaring en kennisgewing onderteken deur die applikant of sy prokureur, moet 'n adres bevat vir betekening, binne 10 kilometers van die kantoor van die griffier af, en word deur die balju beteken.

(3) Die respondent moet binne 14 dae na ontvang van die verklaring 'n beëdigde antwoord in die aard van 'n pleitaflewër, geteken en voorsien van 'n adres soos in subreël (2) bedoel, by gebreke waarvan hy *ipse facto* onder belet is.

(4) So gou moontlik daarna bring die griffier die saak soos die hof vir summiere verhoor met 10 dae kennis aan die partye (tensy die respondent in verstek is).

(5) Die hof kan sodanige getuigenis as wat dit nodig ag, aanhoor, en kan die aansoek van die hand wey of sodanige bevel gee as wat hy geëinduik om 'n billike en spoedigse beslissing te verseker.

(6) Die hof kan met dieselfde prosedure sy beslissing wysig as daar 'n wesentlike verandering in die omstandighede van enige van die partye of van 'n kind ingetree het of as die bydrae tot koste onvoldoen de lyk te wees.

(7) Advokaatsgelde in sake kragiens hierdie reël beloop hoogstens R25 as dit onbestred is of R45 as dit bestrede is, tensy die hof in 'n uitsonderlike geval anders beveel.

**Herstel van huweliksregte**

44. (1) (a) In 'n aksie om herstel van huweliksregte kan die eiser in die alternatief 'n egkeidsbeveel eis.
(b) In 'n aksie om herstel van huweliksregte kan die hof by bewys dat die verweerder die eiser kwaadwillig verhIet, hom beveel om huweliksregte te herstel of om by gebreke daarvan op 'n dag in die bevel genoem te word, redes aan te voer waarom egkeid nie toegestaan behou toe word nie. Die bevel moet, tensy die hof anders bepaal, persoonlik aan die verweerder beteken word.

(b) an order or judgment in which there is an ambiguity, or a patent error or omission, but only to the extent of such ambiguity, error or omission;
(c) an order or judgment granted as the result of a mistake common to the parties.

(2) Any party desiring any relief under this rule shall make application therefor upon notice to all parties whose interests may be affected by any variation sought.

(3) The court shall not make any order rescinding or varying any order or judgment unless satisfied that all parties whose interests may be affected have notice of the order proposed.

**Matrimonial matters**

43. (1) This rule shall apply whenever a spouse seeks relief from the court in respect of one or more of the following matters:
(a) Maintenance *pendente lite*;
(b) a contribution towards the costs of a pending matrimonial action;
(c) interim custody of any child;
(d) interim access to any child.

(2) The applicant shall deliver a sworn statement in the nature of a declaration, setting out the relief claimed and the grounds therefor, together with a notice to the respondent as near as may be in accordance with Form 17 of the First Bylaw. The statement and notice shall be signed by the applicant or his attorney and shall give an address for service within 10 kilometers of the office of the registrar, and shall be served by the sheriff.

(3) The respondent shall within 14 days of receiving the statement deliver a sworn reply in the nature of a plea, signed and giving an address referred to in subrule (2), in default of which he shall be ipso facto barred.

(4) As soon as possible thereafter the registrar shall bring the matter before the court for summary hearing, on 10 days' notice to the parties (unless the respondent is in default).

(5) The court may hear such evidence as it considers necessary and may make an order or make such order as it thinks fit to ensure a just and expeditious decision.

(6) The court may, on the same procedure, vary its decision in the event of a material change taking place in the circumstances of either party or a child, or the contribution towards costs proving inadequate.

(7) No advocate appearing in a case under this rule shall charge a fee of more than R25 if the claim is undefended or R45 if it is defended, unless the court in an exceptional case otherwise directs.

**Restitution of conjugal rights**

44. (1) (a) In any action for the restitution of conjugal rights the plaintiff may in the alternative claim a decree of divorce.

(b) Upon the hearing of the action for restitution of conjugal rights the court may upon proof of the malicious desertion of plaintiff by defendant order restitution of such rights (which order shall, unless the court otherwise directs, be served on the defendant personally), and may further direct the defendant to show cause on a day to be named in such order why a decree of divorce should not be granted.
(5) Die betrokke advokaat en prokureur tree daarna kosteloos vir die persoon in die geding op en sulke mag alleen met verlof van 'n regter die saak terugtrek, skik, tot 'n vergelyk daarin kom of hulle daaraan onttrek. In geval van onttrekking kan die regter voorskrifte gee betreffende die aanstelling van plaasvervangers.

(6) Wanneer iemand in forma pauperis dagvaar of verdedig deur middel van prosesstukke ingevolge hierdie reëls uitgerek, het sy teempor, benewens enige ander reg wat hy mag hê, die reg om te eeniger tyd by kennisgewing 'n bevel by die hof aan te vra dat die eis of verweer afgewys word of dat die persoon belet word om in forma pauperis voort te gaan. By die aanhoor van so 'n aansoek kan die hof na goeddunkt 'n bevel gee, ook betreffende koste.

(7) As aan die einde van die saak koste aan 'n gedingvoerder in forma pauperis toegekend word, kan sy prokureur by sy kostekennis vir die gehele en uitgawes waartoe hy gewoonlik geregtig sou wees, insluit, en na ontvang daarvan, in die geheel of gedeeltelik, moet hy in die volgende voorkeurorde uitbetal. Ek dink aan die griffier soweel in inkomstewes as wat betaalbaar sou gewees het aan gelde; tweedens, aan die adjunk-balju sy gelde vir die betekening en ten-uitvoerlegging van prosesstukke; derdens, aan homself en die advokaat hul gelde soos by taksasie toegeskry, pro rata indien nodig.

Terugtrekking, skikking, staking, uitstel en abandoneement

41. (1) Iemand wat 'n geding ingestel het, kan dit voor terroeleis van om circa of daarna met die toestemming van die part of verlof van die hof, terugtrek. In elke geval moet hy 'n kennisgewing van terugtrekking afweren, en hy kan daarin inwilling om koste te betaal. Die taksemeerster takseer die koste op versoek van die ander party.

(b) Inwilliging om koste te betaal soos in paragraaf (a) bedoel, het die uitwerking van 'n hofbevel vir sodanige koste.

(c) As die kennisgewing van terugtrekking nie 'n inwilliging tot betaling van koste bevat nie, kan die ander party by kennisgewing 'n kostebevel by die hof aanvra.

(2) 'n Party in wie se guns 'n bestilling of vonnis gegee is, kan dit gehele of gedeeltelik deur ander deur 'n kennisgewing dienroooreenkomstig af te lewer, en waar gedeeltelik afstand gedoen is, geld net die oorlywendige gedeelte van die vonnis. Die bepalings van subreur (1) betreffende koste is mutatis mutandis van toepassing in die geval van 'n kennisgewing kragtigs hierdie subreur afgelever.

(3) Wanneer 'n skikking bereik is of die partye ooreenkom om uit te stel of terug te trek, is dit die plig van die eiser of plaankant se prokureur om die griffier onmiddellik daarvan in kennis te stel.

(4) Tenby die geding teruggetrek is, mag 'n party tot 'n skikking wat op skrif nie maar nie uitgeoefen is nie, vonnis in dier voeye aanvra met minstens vier dae kennisgewing aan alle belanghebbende partye.

Wysiging en herroeping van bevele

42. (1) Die hof het benewens ander magte wat hy mag hê, die reg om mero motu of op aanlossie van 'n party wat geruik word, bevele of vonnisse te wysig of te herroep—

(a) wat verkeerdelik aangeva of verkeerdelik gegoed is in die afwesigheid van 'n party wat daardeur geraak word;

Variation and rescission of orders

42. (1) The court may, in addition to any other powers it may have, mero motu or upon the application of any party affected, rescind or vary—

(a) an order or judgment erroneously sought or erroneously granted in the absence of any party affected thereby;
(4) Die adjunk-balju moet die prosesstuk tesame met ’n relais van wat hy daartorent gedaan het, by die griffer indien en ’n afskrif van die relais en die inven-
taris verskaf aan die party wat die prosesstuk laat uit-
rek het.

(5) Waar die adjunk-balju op roerende goed beslag
geê het, kan die vonnisakkuldeenaars tesame met ’n genoog-
saam bemiddelde persoon as borg en met wie die
adjunk-balju tevrede is, skriftelik onderrig om die
good te bring op die dag vassestel vir die verkoping
daarvan, tensy die beslaglegging vroeg regtens opgehef
word. Die adjunk-balju moet dan die goed wat onder
beslag en geïventaris is, laat bly op die persel
waar dit gevind is. Die borgakte moet so na moonlik
soos Vorm 19 in die Eerste Bylsee bewoord wees.

(6) As die vonnisakkuldeenaar nie tesame met ’n borg
so ’n onderriging gee nie, moet die adjunk-balju, tensy
die uitwinnende skuldeiser anders gelas, die goed na ’n
geskikte plek van bewarring bring of dit in sy besit hou
op die persel waar dit in beslag geneem is. Die koste
daarvan is van die vonnisakkuldeenaar verhaalbaar en
can uit die opbrengs geneem word.

(7) Inbeslaggene nome roerende goed word waar doen-
lik en behoudens reël 58 deur die adjunk-balju by
openbare veiling aan die hoogste bieder verkoop nadat
hy dit eers in ’n koerant wat in die distrik sirkuleer
waar die eiendom in beslag geneem is, adverteer en
minstens 21 dae laat verkoop na die beslaglegging. As
dit bederfende produkte is, kan hulle met toestemming
van die vonnisakkuldeenaar of onder voorwaarde van die
adjunk-balju deur die uitwinnende skuldeiser teen ’n
eis om skaderewe vanwee die verkoping, onmiddellik
verkoop word soos die adjunk-balju doenlik ag.

(8) Onliggaamlike goed, hetse roerend of onroerend,
can op die onderstaande wyse in beslag geneem word
sonder om eers verlof van die Hof te kry:

(a) By ’n huurkontrak, wissel, promesse, verband of
ander sekeriteit vir die betaling van geld is beslagleg-
ging alleen voltooi as—

(i) die adjunk-balju aan die huurder en verhuur-
der, of verbandhouer en verbandgewer, of die
perso na wat op die wissel of promesse of ander sekeri-
titeit aanspreeklik is, kennis gegee het en

(ii) die geskik (as daar een is) waardoor die huur-
kontrak bewys word, of die wissel of promesse, ver-
band of ander sekeriteit in besit geneem is; en

(iii) in die geval van ’n geregistreerde huurkontrak
of enige geregistreerde reg. kennis aan die Registrato-
teur van Aktes gegee is;

(b) as die belang van ’n vonnisakkuldeenaar in goed
aan of deur ’n derde verpand, verhuur of onder ’n
opskortende voorwaarde verkoop is, is beslaglegging
alleen voltooi as die adjunk-balju eers ’n kennisgewing
van die beslaglegging met ’n afskrif van die uitwinnings-
labrief aan die vonnisakkuldeenaar en aan die derde
beketen het. Die adjunk-balju mag as hy die oorspron-
like van die labrief aan die pandhouer, huurder, ver-
huurder, koper of verkoper getoon het, die persel waar
die goed is, betree en ’n inventaris en waardeskat van die
belang mask;
(2) As dit op die keerdatum by beëdigde verklaring of andersins bewys word dat die verweerder versuim het om aan die bevel tot herstel van huweliksregte te voldoen, kan die hof eiskeiding toestaan of 'n ander bevel gee wat hy billik ag.

(3) Wanneer die hof aan die eiser verlof gee om 'n herstelbevel by wyse van publikasie te beteken, moet dit so na moontlik soos Vorm 17A in die Eerste Blyae bewoord wees.

_Uitwinning: Algemene en roerende goed_

45. (1) Die party in wie se guns die hof vonnis gegee het, kan op die risiko by die griffierskantoor een of meer lasbrieue vir tenuitvoerlegging daarvan uitneem, so na moontlik bewoor soos Vorm 18 in die Eerste Blyae: Met dien verstande dat 'n eiser om gespesifiseerde koste reeds aan die vonnisakteur toegeneem maar nog nie getake nie, in 'n uitwinningslasbrief mag verskyn, onderworpe aan behoorlike taksasie daarna; maar as hulle nie alhier getake nie en die oorspronklike kosterekening, behoorlik toegestaan, nie by die adjunk-balju voor die datum van die verkoper ingediend is nie, hulle nie in sy rekening en distribueisplan mag voorkom nie.

(2) Niemand word uitgewin vir die invordering van koste nie tensy die koste eers deur die takseermeester getake is of die betrokke party skriflik toegestem het tot betaling van 'n bepaalde bedrag: Met dien verstande dat 'n eiser om gespesifiseerde koste reeds aan die vonnisakteur toegeneem maar nog nie getake nie, in 'n uitwinningslasbrief mag verskyn, onderworpe aan behoorlike taksasie daarna; maar as hulle nie alhier getake nie en die oorspronklike kosterekening, behoorlik toegestaan, nie by die adjunk-balju voor die datum van die verkoper ingediend is nie, hulle nie in sy rekening en distribueisplan mag voorkom nie.

(3) Wanneer die adjunk-balju in 'n prosesstuk van die hof gelaas is om iemand se goedere uit te win, moet hy of sy assistent onverwyld na sy woon-, werk- of besigheidsplek gaan (tensy die vonnisakteur 'n ander aanwyse) en betrekking die ligging van die bates waarop beslag gelê moet word; en—

(a) aldaar voldoen van die lasbrief eis, en by gebreke daarvan;

(b) eis dat roerende en vervreembare goed wat na sy mening genoeg is om aan die lasbrief te voldoen aangedui word, en by gebreke daarvan;

(c) self sulke goed soek.

Al sulke goed moet onmiddellik geinventariseer word en tensy die uitwinnende skuldeister anders gelaas het en behoudens subrel (5), moet die adjunk-balju dit in bewaring neem: Met dien verstande dat—

(i) as iemand anders aanspraak maak op goed waarop beslag gelê is of wat in beslag geneem staan te word deur die adjunk-balju, die eiser eers die adjunk-balju tot sy bevrediging moet vrywaar teen verliese en skade vanweë die beslaglegging, waarne die adjunk-balju dit behou of beslag daarop lê na gelang van die geval, dit inventariseer en in bewaring neem; en

(ii) as die vonnisakteur nie persoonlik gevra is om aan die lasbrief te voldoen nie, die adjunk-balju hom skriflik kennis van die beslaglegging moet gee asook 'n afskryf van dié inventaris, tensy dit onbekend is waar hy verbyf hou.

(2) If upon such return day it is proved by affidavit or otherwise that the defendant has failed to comply with the order for restitution of conjugal rights, the court may grant a decree of divorce or make such other order as it may seem just.

(3) When the court grants leave to the plaintiff to publish a restitution order it shall be as near as may be in accordance with Form 17A of the First Schedule.

_Execution: General and movables_

45. (1) The party in whose favour any judgment of the court has been pronounced may, at his own risk, sue out of the office of the registrar one or more writs for execution thereof as near as may be in accordance with Form 18 of the First Schedule: Provided that, except where by judgment of the court immovable property has been specially declared executible, no such process shall issue against the immovable property of any person until a return shall have been made of any process which may have been issued against his movable property, and the registrar perceives therefrom that the said person has not sufficient movable property to satisfy the writ.

(2) No process of execution shall issue for the levy and raising of any costs awarded by the court to any party, until they have been taxed by the master or agreed to in writing by the party concerned in a fixed sum: Provided that it shall be competent to include in a writ of execution a claim for specified costs already awarded to the judgment creditor but not then taxed, subject to due taxation thereafter, provided further that if such costs shall not have been taxed and the original bill of costs, duly allocated, not lodged with the deputy-sheriff before the day of the sale, such costs shall be excluded from his account and plan of distribution.

(3) Whenever by any process of the court the deputy-sheriff is commanded to levy and raise any sum of money upon the goods of any person, he shall forthwith with himself or by his assistant proceed to the dwellinghouse or place of employment of such person (unless the judgment creditor shall give different instructions regarding the situation of the assets to be attached), and there—

(a) demand satisfaction of the writ and, failing satisfaction;

(b) demand that so much movable and disposable property be pointed out as he may deem sufficient to satisfy the said writ, and failing such pointing out;

(c) search for such property.

Any such property shall be immediately inventoried and, unless the execution creditor shall otherwise have demanded, and subject to the provisions of subrel (5), shall be taken into the custody of the deputy-sheriff:

Provided—

(i) that if there is any claim made by any other person to any such property seized or about to be seized by the deputy-sheriff, then, if the plaintiff gives the deputy-sheriff an indemnity to his satisfaction to save him harmless from any loss or damage by reason of the seizure thereof, the deputy-sheriff shall retain or shall seize, as the case may be, make an inventory of and keep the said property; and

(ii) that if satisfaction of the writ was not demanded from the judgment debtor personally, the deputy-sheriff shall give to the judgment debtor written notice of the attachment and a copy of the inventory made by him, unless his whereabouts are unknown.
word vir die bedrag verskuldig deur sodanige beslag-skuldenaar of soveel daarvan as wat genoeg mag wees om aan die lasbrief te voldoen.

(c) Indien die beslag-skuldenaar sy aanspreklikheid gedeeltelik betwis kan die hof 'n bevel tot tenuitvoer-
    legging uitreik ten opsigte van soveel as wat erken word, maar as geen aanspreklikheid erken word nie,
    kan die hof bevel dat enige geskikte of vraag van wat vir die bepaling van die beslag-skuldenaar se aansprek-
    likheid nodig is, verhoor of beslis word op 'n wyse mutatis mutandis waarop 'n geskikte of vraag in 'n
    geding verhoor of beslis mag word, of kan die hof so 'n ander bevel in die verband uitreik as wat reg-
    verdig mag wees.

(d) Niis in hierdie reëls vervat aangaande die beslag-
    legging op skulde in die hande van 'n beslag-skuldenaar
    raak enige sessie, vooroor of retensiereg waarop 'n
    derde persoon ten opsigte van sodanige skulde
    aanspraklik maak nie.

(e) Die koste verbonde aan 'n aansoek om beslag-
    legging op skulde en die verrigtinge wat daaruit ont-
    staan of daaraan bykomstig is, word aan die goed-
    dunke van die hof oorgeë.

(f) Wanneer die balju van mening is dat die aan-
    soekers deur die hof gereg of bevele met betrekking tot
    'n beslag-skuldenaar waarskynlik meer sal kos as die
    bedrag wat ingevolge daarvan verhaal moet word, kan
    hy die skulde na beslaglegging per veilig op dieselfde
    wyse as enige ander roerende goed verkoop of kan
    hy dit teen dié nombrale bedrag daarvan aan dié
    vonnis-skuldeiser met sy toestemming seder.

(g) Betaling van die bedrag verskuldig inheg en
    ten opsigte van enige lasbrief en alle koste en dergelijke
    daaraan verbonde maak die persoon wat betaal, gereg-
    tig tot intrekking daarvan.

(h) Enige lasbrief wat vir beslaglegging op salaris,
    verdienste of besoldiging uitgerek is, by van krug
    en kan van tyd tot tyd na gelang van salaris, ver-
    dienste of besoldiging aan die skuldenaar toeval, ten
    uitzicht gelde met totdat daaraan voldoen is.

Uitwinnings: Onroerende goed
46. (1) 'n Uitwinningslasbrief teen onroerende goed
    moet 'n volledige beskrywing van die aard en lieiwig
    daarvan (insluitende die adres) bevat sodat die adjunkt-
    balju dit kan opsou en identifiseer, en dit moet vol-
    doende inligting gee om hom in staat te stel om aan
    subreël (3) gevolg te gee.

(2) Beslaglegging moet uitgevoer word deur die
    adjunkt-balju van die distrik waarin die goed geleë is
    of deur die adjunkt-balju van die distrik waarin die
    kantoor van die Register van Aktes of ander
    beampte beslas en registrasie van sodanige eien-
    dom, geleë is, kragtens 'n lasbrief soos moet volg
    bewoed soos Vorm 20 in die Eerste Bylae.

(3) Dit geskied by wyse van betekenening van 'n skrif-
    telike kennisweging van die adjunkt-balju aan die
    eienaar van die onroerende goed en aan die Register-
    van Aktes of ander beampte beslas en registrasie
    daarvan, en as die goed deur iemand anders as die
    eienaar gekoop met van dié koopvleier, ook aan dié
    gekoopvleier. Betekenening geskied per aangetekende
    brief, behoort vooruitbetaal en gepost, gedraezeer aan die betrokke
    persoon.

(4) Die uitwinningsverkoop vind plaas in die
    distrik waar die inbeslaggene goed geleë is, en word
    waargeneem deur die adjunkt-balju van die distrik:
    Met dien verstande dat die balju in die eerste insanie
    en behoudens paragraaf (b) van subreël (8), by aan-
    voering van goeie redes die verkoping elders en deur
    process, for the amount due from such garnishee, or
    to much thereof as may be sufficient to satisfy the
    writ.

(c) If the garnishee disputes his liability in part, the
    court may order execution to issue in respect of so
    much as may be admitted, but if none be admitted
    then the court may order that any issue or question
    necessary for determining the garnishee’s liability be
    tried or determined in any manner mutatis mutandis
    in which any issue or question in any action may be
    tried or determined, or the court may make any such
    other order in the premises as may be just.

(d) Nothing in these rules as to the attachment of
    debts in the hands of a garnishee shall affect any cese-
    sion, preference, or retention claimed by any third
    person in respect of such debts.

(e) The costs connected with any application for the
    attachment of debts, and the proceedings arising from
    or incidental thereto, shall be in the discretion of the
    court.

(f) Where the sheriff is of opinion that applications
    to the court or orders with respect to a garnishee will
    probably cost more than the amount to be recouped
    thereunder, he may sell such debts, after attachment,
    by auction, in the same way as any other movable
    property, or may cede the same at the nominal amount
    thereof to the judgment creditor with his consent.

(g) Payment of the amount due under and in respect
    of any writ, and all costs and the like, incidental thereto,
    shall entitle the person paying to a withdrawal thereof.

(h) Any writ issued for the attachment of salary,
    earnings, or emoluments shall remain in force and
    may be executed periodically as such salary, earnings,
    or emoluments accrue to the debtor, until the same is

Execution: Immovable
46. (1) A writ of execution against immovable pro-
    perty shall contain a full description of the nature and
    situation (including the address) of the immovable
    property to enable it to be traced and identified by
    the deputy-sheriff; and shall be accompanied by suf-
    ficient information to enable him to give effect to
    sub-rule (3) hereof.

(2) An attachment shall be made by the deputy-
    sheriff of the district in which the property is situate
    or by the deputy-sheriff of the district in which the
    office of the Registrar of Deeds or other officer charged
    with the registration of such property is situate, upon
    a writ as near as may be in accordance with Form 20 of
    the First Schedule.

(3) The mode of attachment of immovable property
    shall be by notice in writing by the deputy-sheriff ser-
    ved upon the owner thereof, and upon the Registrar
    of Deeds or other officer charged with the registration
    of some person other than the owner, also upon such
    occupier. Any such notice as aforesaid shall be served
    by means of a registered letter, duly prepaid and posted
    addressed to the person intended to be served.

(4) After attachment, any sale in execution shall
    take place in the district in which the attached property
    is situate and be conducted by the deputy-sheriff of
    such district: Provided that the sheriff in the first
    instance and subject to the provisions of paragraph (b)
    of subrule (8) may on good cause shown authorize such
(c) in die geval van alle ander onliggaamlike goed of onliggaamlike regte in goed—

(i) is beslaglegging alleen voortou as—

(aa) die adjunk-balju skriftelik aan alle belanghebbende partye kennis van die beslaglegging gegee het, en waar dit onliggaamlike onroerende goed of 'n onliggaamlike reg in onroerende goed is, ook aan die Registrateur van Aktes in wie se kantoor die eiendom of reg geregistreer is; en

(bb) die adjunk-balju besit geneem het van die geskrif of dokument wat die aanspraak op die goed of reg bewys, of gesertifiseer het dat hy ondanks sorgvuldige nasperging die geskrif of dokument nie kon vind nie; 

(ii) mag die adjunk-balju as hy die oorspronklike van die uitwinningslasbrief getoon het aan die persoon wat besit het van goed waarin die onliggaamlike reg bestaan, die perseel waar dit betree is, en 'n inventaris en waardasie van die inbeslaggene reg maak.

(9) Beslaglegging op goed wat aan 'n retensiereg onderhewig is, geskied mutatis mutandis volgens paragraaf (b) van subreël (8).

(10) Waar eiendom waarop 'n derde 'n saaklike reg het, uitgewon word, is die verkoping onderhewig aan die regte van die derde tenby hy andersins toestem.

(11) (a) Onderworpe aan 'n hipotek wat voor die beslaglegging bestaan het, deel alle uitwinningslasbrieue wat voor die dag van die verkoping by die adjunk-balju ingediend is, pro rata in die opbrengs van die verkoppige goed, en volgens die orde van voorkeur in paragraaf (c) van subreël (14) van reel 46 vestig.

(b) As daar 'n oorskot is, moet die adjunk-balju dit aan die vonnisstukdienaar oorbetaal en aan hom 'n noukeurige staat van sy koste en van die uitwinnings verskaf. Dit is onderhewig aan takasie op aanvoer van die vonnisstukdienaar en as 'n bedrag afgetakeer word, moet die adjunk-balju dit aan die vonnisstukdienaar terugbetaal.

(12) (a) Wanneer dit ook al onder die aandag van die balju gebring word dat daar skulde is wat aan beslaglegging onderworpe is en wat deur 'n derde persoon verskuldig is of aan hom toeval aan die vonnisstukdienaar, kan die balju, indien hy deur die vonnisstukdienaar versoek word om dit te doen daarop beslag lê, en moet hy dan 'n kennisgewing aan die derde persoon (hiernader die beslaglegskernaam genoem) bekenne, waarin daar van hom vereis word hy aan die balju soveel van die skuld betaal as wat genoeg is om aan die lasbrief te voldoen, en die balju kan, by 'n betaal, in kwinstasie aan die beslaglegskernaar uitreik wat pro tanto 'n kwertying is van skuld, waarop beslag gelê is.

(b) Indien die beslaglegskernaar weier of versuim om aan so 'n kennisgewing te voldoen, moet die balju die vonnisstukdienaar onverwyld in kennis stel en die vonnisstukdienaar kan die beslaglegskernaar daag om voor die hof te verskyn en redes aan te voer waarom hy nie die verskuldigde bedrag of soveel daarvan as wat genoeg sal wees om aan die lasbrief te voldoen, aan die balju moet betaal nie, en indien die beslaglegskernaar nie die bedrag wat verskuldig is of wat, na beweer word, deur hom verskuldig is, aan die party teen wie die bevel tot tenuitvoerlegging uitgereik is, betwy nie, of indien hy nie verskyn om op sodanige kennisgewing te antwoord nie, kan die hof gelas dat 'n bevel tot tenuitvoerlegging uitgereik word en kan dit dienoooreenkomstig sonder enige vorige lasbrief of prosesstuk uitgereik be

(i) the attachment shall only be complete when—

(aa) notice of the attachment has been given in writing by the deputy-sheriff to all interested parties and where the asset consists of incorporeal immovable property or an incorporeal right in immovable property, notice shall also have been given to the Registrar of Deeds in whose deeds registry the property or right is registered; and

(bb) the deputy-sheriff shall have taken possession of the writing or document evidencing the ownership of such property or right, or shall have certified that he has been unable, despite diligent search, to obtain possession of the writing or document;

(ii) the deputy-sheriff may upon exhibiting the original of the warrant of execution to the person having possession of property in which incorporeal rights exist, enter upon the premises where such property is and make an inventory and valuation of the right attached.

(9) Attachment of property subject to a lien shall be effected mutatis mutandis in accordance with the provisions of subparagraph (b) of subrule (8).

(10) Where property subject to a real right of any third person is sold in execution such sale shall be subject to the rights of such third person unless he otherwise agrees.

(11) (a) Subject to any hypothec existing prior to the attachment, all writs of execution lodged with the deputy-sheriff before the day of the sale in execution shall rank pro rata in the distribution of proceeds of the goods sold, in the order of preference referred to in paragraph (c) of subrule (14) of rule 46.

(b) If there should remain any surplus, the deputy-sheriff shall pay it over to the judgment debtor; and the deputy-sheriff shall make out and deliver to him an exact account, in writing of his costs and charges of the execution and sale, which shall be liable to taxation upon application by the judgment debtor, and if upon taxation any sum shall be disallowed, the deputy-sheriff shall refund such sum to the judgment debtor.

(12) (a) Whenever it is brought to the knowledge of the sheriff that there are debts which are subject to attachment, and are owing or accruing from a third person to the judgment debtor, the sheriff may, if requested thereto by the judgment creditor, attach the same, and thereupon shall serve a notice on such third person, hereinafter called the garnishee, requiring payment by him to the sheriff of so much of the debt as may be sufficient to satisfy the writ, and the sheriff may, upon any such payment, give a receipt to the garnishee which shall be a discharge, pro tanto, of the debt attached.

(b) In the event of the garnishee refusing or neglecting to comply with any such notice, the sheriff shall forthwith notify the judgment creditor and the judgment creditor may call upon the garnishee to appear before the court to show cause why he should not pay to the sheriff the debt due, or so much thereof as may be sufficient to satisfy the writ, and if the garnishee does not dispute the debt due, or claimed to be due by him to the party against whom execution is issued, or he does not appear to answer to such notice, then the court may order execution to issue and it may issue accordingly, without any previous writ of
waar die lasbrief uitgereik is, geleë is, dan op die kennisgewingbord van daardie hof, en een eksemplaar op of so na moontlik aan die plek waar die verkoper werklik sal plaasvind.

(8) (a) Die vonniskuldeiser moet minstens 28 dae voor die datum van die verkoping van die verkoopsvoorwaardes opstel op so na moontlik bewoord soos Vorm 21 in die Eerste Bylae, dit aan die adjunk-balju vir goedkeuring voorlê, en hom twee eksemplare daarvan gee, waarvan een in sy kantoor ter inname van belanghebbende party moet lê.

(b) As 'n belanghebbende party die verkoopsvoorwaardes gewysig wil hé, moet by minstens 10 dae voor die datum van die verkoping met 24 uur kennisgewing aan die vonniskuldeiser en die verhandhouers by die magistraat van die distrik waarin die eiendom verkoop sal word, daarom aansoek doen en die magistraat kan daarop na goeddunken 'n beveel gee, ook betreffende koste.

(9) Die vonniskuldeiser kan 'n prokureur aanstel om die transport van die uitgewonnne eiendom te doen.

(10) Onroerende goed waarop vir uitwinningsbeslag gelê is, moet deur die adjunk-balju deur openbare veiling verkoop word.

(11) As die koper versuim om enige van sy verpligteingeseg die verkoopsvoorwaardes na te kom, kan die koop summer deur 'n regter op grond van 'n verslaag van die adjunk-balju en na behoortlike kennisgewing aan die koper, gekansellieer word en die eiendom kan weer te koop aangebied word. Die koper is aanspreeklik vir vertelstelle vanwee sy versuim en dit kan op aansoek van 'n benadeelde skuldeiser wie se naam op die adjunk-balju se distributierekening verskyn, van hom verhaal word kragtens vonnis van die regter wat summer op grond van 'n skriflike verslaag van die adjunk-balju gegee word nadat die koper skriflike kennis in kennis gestel is dat so 'n verslag vir daadlik doel vir die regter gelê sal word. As die koper reeds in besit van die eiendom is, kan die adjunk-balju met 10 dae kennisgewing by 'n regter, 'n uitsesingsbevel kry teen hom of teen iemand wat voorgee deur hom te besit.

(12) Behoudens subreël (5) geskied die verkoping sonder reserve en op die voorwaardes ingevoelige subreël (8) bepaal, aan die hoogste bieder.

(13) Die adjunk-balju gee transport aan die koper teen betting van die koopsom en vervulling van die verkoopsvoorwaardes. Hy kan vir daadlik doel al die nodige doen en enigiets aldaar deur hom gedaan is ewe geldig asof hy die eiener was.

(14) (a) Die adjunk-balju moet onverwyld alle geled wat hy ten opsigte van die koopprys ontvang, in die depostierekening van die magistraat van die distrik stort en dit nie aan die skuldeiser oorbetaal voordat transport gegee is nie.

(b) Die adjunk-balju moet so gou moontlik na die verkoping 'n distributieplan van die opbrengs opstel in rangorde van voorkeur soos hierna bepaal, en 'n afskrif daarvan aan die griffier stuur. Dan moet hy onmiddellik per aangetekende pas kennis gee aan alle partye wat lasbrieue ingediend het en aan die ekskusie skuldeiser dat die plan 21 dae vanaf 'n bepaalde datum in sy kantoor en in die kantoor van die griffier which the writ is issued is situate, then on the noticeboard of such court, and one copy at or as near as may be to the place where the said sale is actually to take place.

(8) (a) The conditions of sale shall, not less than 28 days prior to the date of the sale, be prepared by the execution creditor as near as may be in accordance with Form 21 of the First Schedule, and the said conditions shall be submitted to the deputy-sheriff to settle them. The execution creditor shall thereafter supply the deputy-sheriff with two copies of the conditions of sale, one of which shall lie for inspection by interested parties at his office.

(b) Any interested party may, not less than 10 days prior to the date of the sale, up to 24 hours' notice to the execution creditor and the bondholders apply to the magistrate of the District in which the property is to be sold for any modification of the conditions of sale and the magistrate may make such order thereon, including an order as to costs, as to him may seem meet.

(9) The execution creditor may appoint an attorney to attend to the transfer of the property when sold in execution.

(10) Immovable property attached in execution shall be sold by the deputy-sheriff by public auction.

(11) If the purchaser fails to carry out any of his obligations under the conditions of sale, the sale may be cancelled by a judge summarily on the report of the deputy-sheriff after due notice to the purchaser, and the property may again be put up for sale; and the purchaser shall be responsible for any loss sustained by reason of his default, which loss may, on the application of any aggrieved creditor whose name appears on the deputy-sheriff's distribution account be recovered from him under judgment of the judge pronounced summarily on a written report by the deputy-sheriff, after such purchaser shall have received notice in writing that such report shall be laid before the judge for such purpose, and, if he is already in possession of the property, the deputy-sheriff may, on 10 days' notice, apply to a judge for an order ejecting him or any person claiming to hold under him therefrom.

(12) Subject to the provisions of subrule (5), the sale shall be without reserve and upon the conditions stipulated under subrule (8), and the property shall be sold to the highest bidder.

(13) The deputy-sheriff shall give transfer to the purchaser against payment of the purchase money and upon performance of the conditions of sale and may for that purpose do anything necessary to effect registration of transfer, and anything so done by him shall be as valid and effectual as if he were the owner of the property.

(14) (a) The deputy-sheriff shall not pay out to the creditor the purchase money until transfer has been given to the purchaser, but upon receipt thereof he shall forthwith pay into the deposit account of the magistrate of the district all moneys received in respect of the purchase price.

(b) The deputy-sheriff shall as soon as possible after the sale prepare in order of preference, as hereinafter provided, a plan of distribution of the proceeds and shall forward a copy of such plan to the registrar of the court. Immediately thereafter the deputy-sheriff shall give notice by registered post to all parties who have lodged writs and to the execution debtor that the plan will lie for inspection for 21 days from a date
'n ander adjunk-balju kan magtig. By ontvangs van
'n skriftelike opdrag van die vonnisakkoedese om met
die verkoping voort te gaan, moet die adjunk-balju
vastel en aanrends water verbande of ander
dwarsings teen die eiendom geregistreer is, asook die
name en adresse van die persone in wie se guns dit
geregistreer is en die vonnisakkoedese dienooorkom-
stig in kennis stel.

(5) Onroerende goed wat onderworp is aan 'n eis
door wat voor gekoort bo die van die vonnisakkoedese
word nie ter uitwinning verkop nie tensy—
(a) die vonnisakkoedese 'n skriftelike kennisgewing
van die voorgenoem verkoping per geregistreerde
pso aan die preferente skuldeier laat stuur het in
dien sy adres bekend is en, as die eiendom besla-
baar is, ook aan die betrokke plaaslike bestuur,
waarby hulle opgeroep word om binne tien dae na
'n bepaalde datum 'n redelike reserverwysys vas te
stel of skryflik toe te stem tot 'n verkoping sonder
reserve; en hy aan die adjunk-balju bewys gelewer
het dat die preferente skuldeier aldus vagegestel of
toegestem het; of
(b) die adjunk-balju oortuig dat dit onnooointlik
is om enige preferente skuldeier ingevolge hierdie
reël van die voorgenoem verkoping kennis te gee of
soe 'n skuldeier, nadat aan hom kennis gee is, na
gelaat het om binne die gestelde tyd 'n reserverwysys
toepas of skryflik toe te stem tot 'n verkoping
sonder reserve soos in paragraaf (a) bedoel.

(6) Die adjunk-balju kan by kennisgewing aan enig-
iemand vereis dat hy onverwyld alle dokumente in sy
besit of onder sy beheer wat betrekking het op die
skuldenaar se titel in die genoemde eiendom, aan hom
dewer.

(7) (a) Die adjunk-balju bepaal 'n dag en plek vir
die verkoping van die eiendom, maar behalwe met
spesiale verlof van 'n magistraat, nie minder as een
maand na betekening van die kennisgewing van beslag-
legging nie.

(b) Die vonnisakkoedese moet in oorleg met die
adjunk-balju 'n kennisgewing van verkoping opstel wat
'in kort beskryw van die eiendom bevat, sy ligging
en straatnommer (as daar een is), die tyd en plek van
die verkoping en die feit dat die voorwaardes by die
kantoor van die adjunk-balju ingesien kan word, en
hy moet soveel eksemplare daarvan aan die adjunk-
balju verskaf as wat hy verlang.

(c) Die adjunk-balju moet 'n koerant wat in die
distrik sirkuleer waarin die eiendom geleë is aandui en
die vonnisakkoedese opdrag gee om die
kennisgewing een masu daarin te plaas, minstens drie
dae en hoogstens vyf dae, en in die Staatskoerant
en die Ampelike Koerant van Venda minstens drie weke,
voor die vastegetalde datum van die verkoping, en om
aan hom laatstens die dag voor die verkoping een
eksemplaar van die koerant en die nommers van die
Staatskoerant en die Ampelike Koerant van Venda
wat die kennisgewing verskyn het, te verskaf.

(d) Minstens 21 dae voor die datum van die
verkoping moet die adjunk-balju per geregistreerde pso
'n eksemplaar van die kennisgewing van verkoping in
paragraaf (b) bedoel, stuur aan elke vonnisakkoedese
wat op die onroerende goed beslag laat lê het en aan
eike verbandhouer wie se adres bekend is.

(e) Minstens 10 dae voor die verkoping moet die
adjunk-balju een eksemplaar van die kennisgewing op
die kennisgewingsbord van die magistraatshof van die
distrik waarin die eiendom geleë is, aanbring, of as
die eiendom geleë is in die distrik waarin die hof
sale te bevoorreinig en by ander deput-

(5) No immovable property which is subject to any
claim preferential to that of the execution creditor shall
be sold in execution unless—
(a) the execution creditor has caused notice, in
writing, of the intended sale to be served by regis-
tered post upon the preferent creditor, if his address
is known and, if the property is rateable, upon the
local authority concerned calling upon them to stipu-
late within 10 days of a date to be stated a reason-
able reserve price or to agree in writing to a sale
without reserve; and has provided proof to the deputy-
sheriff that the preferent creditor has so stipulated
or agreed; or
(b) the deputy-sheriff is satisfied that it is impos-
sible to notify any preferent creditor, in terms of this
rule, of the proposed sale, or such creditor, having
been notified, has failed or neglected to stipulate a
reserve price or to agree in writing to a sale without
reserve as provided for in paragraph (a) of this sub-
rule within the time stated in such notice.

(6) The deputy-sheriff may be notice served upon any
person require him to deliver up to him forthwith all
documents in his possession or control relating to the
debtor's title to the said property.

(7) (a) The deputy-sheriff shall appoint a day and
place for the sale of such property, such day being,
except by special leave of a magistrate, not less than
one month after service of the notice of attachment.

(b) The execution creditor shall, after consultation
with the deputy-sheriff, prepare a notice of sale con-
taining a short description of the property, its situation
and street number, if any, the time and place for the
holding of the sale and the fact that the conditions may
be inspected at the office of the deputy-sheriff, and he
shall furnish the deputy-sheriff with as many copies
of the notice as the latter may require.

(c) The deputy-sheriff shall indicate a newspaper cir-
culating in the district in which the property is situated
and require the execution creditor to publish the said notice
once in each of the said newspapers not less than three
days and not more than five days and in the Govern-
ment Gazette and in the Official Gazette of Venda
not later than three weeks before the date appointed
for the sale and to furnish him, not later than the day
prior to the date of the sale, with one copy of each
of the said newspapers and the numbers of the
Gazettes in which the notice appeared.

(d) Not less than 21 days prior to the date of the
sale, the deputy-sheriff shall forward by registered post
a copy of the notice of sale referred to in paragraph
(b) above to every judgment creditor who had caused
the said immovable property to be attached and to
every mortgagee thereof whose address is known.

(e) Not less than 10 days prior to the date of the
sale, the deputy-sheriff shall affix one copy of the notice
on the notice-board of the magistrate's court of the
district in which the property is situated, or if the prop-
erty be situate in the district in which the court out of
Hersiening van taksies

48. (1) ’n Party wat ontevrede is met die beslissing van die taksemeester ten aansien van ’n item of deel van ’n item waarteen beswaar gemaak is, of wat meteor motus deur die taksemeester geweier is kan binne 21 dae na die allocatur eis dat die taksemeester ’n gestelde saak opstel vir beslissing deur ’n regter, waarin hy elke item of deel daarvan tesame met die gronde van beswaar wat by die takse nie geopper is, uiteengesit, sowel as desbetreffende feit- en beweisvindings van dié taksemeester, met dien verstaande dat behalwe met toestemming van die taksemeester geen gestelde saak opgestel word waar die bedrag of die totaal van die betrokke bedrag, hetsy weiers of toelatings, waaroor die beswaarmaker ontevrede voel, minder as R20 is.

(2) Die taksemeester moet ’n afskrif van die gestelde saak aan elk van die partye verskaf en hulle mag dan binne 21 dae skriflike betoog daaroor voorsien, insluitende gronde van beswaar wat nie by die taksie geopper is nie, ten opsigte van ’n item of deel van ’n item waarteen voor die taksemeester beswaar gemaak is of wat meteor motus deur die taksemeester geweier is. Daarna stel die taksemeester sy verslag op en verskaf ’n afskrif daarvan aan elke van die partye wat binne 21 dae na ontvangs daarvan ’n skriflike betoog daaroor aan die taksemeester kan voorsien, wat onverwyder die saak tesame met die betoog van die partye daaroor, sy verslag en enige betoog daaroor voor ’n regter lê wat op grond daarvan kan beslis, of eers verdere inligting van die taksemeester kan vorder en ook desgewenst eers die partye of hul advokate of prosateurs in sy kamers kan aanhoor, of anders die saak vir beslissing na die hof kan verwys. Die taksemeester verskaf ’n verslag van enige verdere inligting wat hy aan die regter moet verskaf aan die partye wat binne 10 dae na ontvangs daarvan ’n skriflike betoog daaroor aan die taksemeester kan voorsien en onverwyder sodanige verdere inligting tesame met enige betoog van die partye daaroor voor die regter lê.

(3) Die regter of hof kan na goeddunken ’n kostebevel in die gestelde saak gee, insluitende ’n bevel dat die onsuksesvolle party aan die teenparty ’n deur die regter of hof weggestelde bedrag vir koste betaal.

Appelle na die volle hof

49. (1) (a) In ’n saak waarin appèl teen ’n bevel van ’n enkele regter na die volle hof ontvanglik is, moet die party wat mag en wil appelleer, binne 21 dae na die betrokke bevel ’n kennisgewing van appèl aflew, maar die hof kan by aanvaarding van goeie redes die tyd verleng.

(b) ’n Kennisgewing van ’n appèl kragtens artikel 76 van die Wet op Patente, 1978 (Wet 57 van 1978), of artikel 63 van die Wet op Handelsmerke, 1963 (Wet 62 van 1963), kan bekeken word aan die patentagent in die Wet op Patente, 1978, of die agent in artikel 8 van die Wet op Handelsmerke, 1963, bedoel, wat die respondent in die vorigtiges waarin ’n appèl aangeteken is, verteenwoordig het.

(2) In ’n saak waarin verlof van die hof a quo vereis word vir appèl na die volle hof, moet die kennisgewing van appèl binne 10 dae na die datum waarop verlof toegestaan is of binne 21 dae na die datum van die betrokke bevel, wat ookal die laaste is. afgelew word.

Review of taxation

48. (1) Any party dissatisfied with the ruling of the taxing master as to any item or part of an item which was objected to or disallowed meteor motus by the taxing master may within 21 days of the allocatur require the taxing master to state a case for the decision of a judge, which case shall set out each item or part of an item together with the grounds of objection advanced at the taxation and shall embody any relevant findings of facts by the taxing master. Provided that, save with the consent of the taxing master, no case shall be stated where the amount, or the total of the amounts, which the taxing master has disallowed or allowed, as the case may be, and which the party dissatisfied seeks to have allowed or disallowed, is less then R20.

(2) The taxing master shall supply a copy of the case to each of the parties, who may within 21 days of the receipt of the copy submit contentions in writing thereon, including grounds of objection not advanced at the taxation, in respect of any item or part of an item which was objected to before the taxing master or disallowed meteor motus by the taxing master. Thereafter the taxing master shall frame his report and shall supply a copy thereof to each of the parties who may within 21 days of the receipt thereof submit contentions in writing thereon to the taxing master who shall forthwith lay the case together with the contentions of the parties thereon, his report and any contentions thereon before a judge, who may then decide the matter upon the case and contentions so submitted, together with any further information which he may require from the taxing master, or may decide it after hearing, if he deems fit, the parties or their advocates or attorneys in his chambers, or he may refer the case for decision to the court. Any further information to be supplied by the tax master to the judge shall be supplied by him to the parties who may within 10 days of the receipt thereof submit contentions in writing thereon to the taxing master who shall forthwith lay such further information together with any contentions of the parties thereon before the judge.

(3) The judge of court so deciding may make such order as to the costs of the case as he or it may deem fit, including an order that the unsuccessful party shall pay to the opposing party a sum fixed by the judge or court as and for costs.

Appeals to the full court

49. (1) (a) In any case in which an appeal lies from any order made by a single judge to the full court, any party entitled and intending to appeal shall deliver notice of appeal within 21 days after the date of the order appealed against, but the court may upon good cause shown extend such period.

(b) A notice of appeal in terms of section 76 of the Patents Act, 1978 (Act 57 of 1978), or section 63 of the Trade Marks Act, 1963 (Act 62 of 1963), may be served on the patent agent referred to in the Patents Act, 1978, or the agent referred to in section 8 of the Trade Marks Act, 1963, who represented the respondent in the proceedings in respect of which an appeal is noted.

(2) In any such case where leave of the court a quo is required to enable an appeal to be made to the full court, notice of appeal shall be delivered within 10 days of the date upon which leave is granted, or within 21 days after the date of the judgment appealed against, whichever is the later.
ter insae sal le en teensy die partye skriflik hul goedkeuring van die plan te kenne gee, moet dit aldus ter insae le.

(c) Na afrekking van uitwinningskoste word die opbrengs in die volgende rangorde van voorkeur verdeel:

(i) Die eie van preferente skuldeisers in die volgorde van hul geregelte voorkeur; en daarna
(ii) die eie van ander skuldeisers wie se lasbriewe by die adjunct-balju ingediens is, in die rangorde van voorkeur soos vasgele in artikels 96 en 99 tot en met 103 van die Insolvensiewet, 1936 (Wet 24 van 1936), soos gewysig.

(d) 'n Belanghebbende persoon wat teen so 'n plan beswaar het, moet binne 10 dae na verskrywing van die tyd in paragraaf (b) van hierdie subroë mitskepel, skriflik aan die adjunct-balju en alle ander belanghebbende persone, die besonderhede van sy beswaar meedeel en dit met 21 dae kennisgewing aan hulle, voor 'n regter vir hersiening bring.

(e) Die regter moet die geskilpunt aanhoor en beslis en hy kan die distribusieplan wysig of bekrachtig of na goeddunke 'n bevel gee, ook betreffende koste.

(f) Indien—

(i) geen beswaar teen so 'n plan ingediens word nie; of
(ii) die belanghebbende partye te kenne gee dat hulle daarmee saamstem; of
(iii) die plan by hersiening bekrachtig of gewysig word;
moet die magistraat na voorlegging van 'n sertiifikaat van die aktiesorger dat transport aan die koper gegee is, en op versoek van die adjunct-balju, uitbetaal ooreenkomstig die distribusieplan. As die adres van 'n geregtigde nie bekend is nie, word die bedrag aan hom verskuldig gestort in die Voogdyfonds, tot stand gebring deur enige wet op die bereëdering van boedels.

Sekuriteit vir koste

47. (1) 'n Party wat sekuriteit vir koste van iemand mag en wil eis, moet so gou moontlik na die aanvag van 'n gedig 'n kennisgewing afluwer wat die gronde daarvoor en die bedrag wat geëis word, vermeld.

(2) As slegs die bedrag betwiss word, bepaal die griffier die bedrag, en sy beslissing is finaal.

(3) As die party van wie sekuriteit geëis word, betwiss dat hy daarvoor aanspraklik is, of versuim om nie om sekuriteit vir die gevraa gebedrag of die bedrag deur die griffier bepaal te gee binne 10 dae na aanvraag of die griffier se beslissing, kan die ander party by kennisgewing 'n bevel deur die hof aanvaar dat sodanige sekuriteit geëis moet word en dat die verrigtinge opgeskort word totdat aan die bevel voldoen is.

(4) As sekuriteit nie binne 'n redelike tyd gegee word nie, kan die hof die ingestelde gedig afwys of enige pleistrukte skrap wat deur die party wat in gebreke bly, ingediens is, of na goeddunne 'n ander bevel gee.

(5) Sekuriteit vir koste moet, teensy die hof anders bepaal of die party anders ooreenkom, gegee word in die vorm, vir die bedrag en op die wyse deur die griffier voorgeskryf.

(6) Die griffier kan op aansoek van die party in wie se guns sekuriteit geëis moet word en by kennisgewing aan belanghebbende partye, die bedrag daarvan verhoog as hy oortuig dat die oorspronklike bedrag nie meer voldoen is nie, en sy beslissing is finaal.

mentioned at his office and at the office of the registrar, and unless such parties shall signify, in writing, their agreement to the plan, such plan shall so lie for inspection.

(c) After deduction from the proceeds of the costs and charges of execution the following shall be the order of preference:

(i) The claims of preferent creditors ranking in priority in their legal order of preference; and thereafter
(ii) the claims of other creditors whose writs have been lodged with the deputy-sheriff in the order of preference appearing from sections 96 and 99 to 103 (inclusive) of the Insolvency Act, 1936 (Act 24 of 1936) as amended.

(d) Any interested person objecting to such plan shall, within 10 days of the expiry of the period referred to in paragraph (b) of this subrule give notice in writing to the deputy-sheriff and all other interested persons of the particulars of his objection and shall bring such objection before a judge for review on 21 days’ notice to the deputy-sheriff and the said persons.

(e) The judge on review shall hear and determine the matter in dispute and may amend or confirm the plan of distribution or may make such order including an order as to costs as to him seems meet.

(f) If—

(i) no objection be lodged to such plan; or
(ii) the interested parties signify their concurrence therein; or
(iii) the plan is confirmed or amended on review;
the magistrate shall, on production of a certificate from the conveyancer that transfer has been given to the purchaser and on the request of the deputy-sheriff, pay out in accordance with the plan of distribution. If the address of a payee is not known the amount due to him shall be paid into the Guardian’s Fund established under any law relating to the administration of estates.

Security for costs

47. (1) A party entitled and desiring to demand security for costs from another shall, as soon as practicable after the commencement of proceedings, deliver a notice setting forth the grounds upon which such security is claimed, and the amount demanded.

(2) If the amount of security only is contested the registrar shall determine the amount to be given and his decision shall be final.

(3) If the party from whom security is demanded contests his liability to give security or if he fails or refuses to furnish security in the amount demanded or the amount fixed by the registrar within 10 days of the demand or the registrar’s decision, the other party may apply to court on notice for an order that such security be given and that the proceedings be stayed until such order is complied with.

(4) The court may, if security be not given within a reasonable time, dismiss any proceedings instituted or strike out any pleadings filed by the party in default, to make such other order as to it may seem meet.

(5) Any security for costs shall, unless the court otherwise directs, or the parties otherwise agree in the form, amount and manner directed by the registrar.

(6) The registrar may, upon the application of the party in whose favour security is to be provided and on notice to interested parties, increase the amount thereof if he is satisfied that the amount originally furnished is no longer sufficient, and his decision shall be final.
(11) (a) Waarappel aangeteken is oft een aansoek gedoen is om verlof om te appelleren teer of om herroeping, regstelling, herziening of wysiging van 'n bevel of die hof, word die werking en tenuijverlegging daarvan opgeskort hangende die beslissing van die appel of aansoek, tenys die bevel wat die bevel gegee het, op aanvra van 'n party anders bepaal.

(b) As die bevel in paragraaf (a) bedoel ten uitvoer geë belie word en op las van die hof, moet die party wat die tenuijverlegging bewerkstellig, eers sekerheid gee soos deur die partye ooreenkom of deur die griffer bepaal, vir die terugbetaling van 'n bedrag deur sodanige tenuijverlegging verkry, tenys die hof anders gela. Die griffer se beslissing is finaal.

(12) Tensy die respondent van sy reg tot sekerheid afstand doen, moet die appellant, voor indiening van die appel-oorkomdes by die griffer, voldoende sekerheid gee vir die respondent se koste van die appel. As die partye nie oor die bedrag kan ooreenkom nie, bepaal die griffer dit, en sy beslissing is finaal.

(13) Die Regering of 'n provinsiale administrasie hoef nie sekerheid te gee nie.

(14) Minstens 10 dae voor die aanhoring van die appel moet die appellant 'n bondige opgawe aflever van die hoofpunte (sonder om daarop uit te brei) wat hy op appel aanvoer. Minstens ses dae voor die aanhoring moet die respondent 'n dergelike opgawe aflew. Drie-addisionele eksemplare word in elke geval by die griffer ingedien.

Siviele appellee van magistraatshowe

50. (1) 'n Appel deur die hof teen die beslissing van 'n magistraat in 'n siviele saak moet binne agt weke na die aantekening daarvan voortgeset word, anders word dit geag te vervel het.

(2) Die voortsetting van 'n appel behels ipso facto die voortsetting van 'n teenappel wat behoorlik aangeteken is.

(3) As 'n teenappel aangeteken is en die appel verval, verval die teenappel ook, tenys 'n datum vir die aanhoring daarvan binne drie weke na die verval van die appel by die griffer aangevra word.

(4) Die appelant kan binne ses weke na aantekening van die appel skriflik by die griffer en met kennisgewing aan alle ander partye 'n datum van aanhoring aanvra. As hy dit nie doen kan, die respondent te eniger tyd voor verslyting van die voormalige tydperk van agt weke op dieselde wyse 'n datum van aanhoring aanvra. Dun word die appel of teenappel geag behoorlik voortgeset te wees.

(5) By ontvangs van so 'n aansoek moet die griffer onverwyd 'n datum van aanhoring toekom, minstens ses weke later, tensy alle partye skriflik tot 'n korter tyd toestem. Hy moet die appelant onverwyd skriflik kennis van die datum gee, waarna die appelant dadelik 'n kennisgewing van terrolleplasing aflew en die klerk van die hof skriflik daarvoer in kennis stel.

(6) Terrolleplasing van 'n hangende appel is ipso facto terrolleplasing van 'n teenappel en andersom.

(7) (a) Een askrif van die oorkonde moet tesseen met die aansoek om 'n datum van aanhoring, soos in subreël (4) bedoel, by die griffer ingedien word: Met
(3) Waar verlof om na die volle hof of na die Appêlafdeling te appeller nodig is en dit nie aanvaar is ten tyde van die bevel nie, word aansoek om verlof gedoen deur binne 21 dae na die bevel waarteen appêl beoog word, ‘n kennisgewing af te lever dat die applicant verlof vra om te appeller en waarin hy die gronde daarvoor uiteensit. Die aansoek word ter rolle geplaas op ‘n datum met die grif ter geraël.

(4) Elke kennisgewing van appêl na die volle hof moet vermeld of daar teen die hele of teen slegs ‘n gedeelte van die bevel geappelleer word en, indien slegs teen ‘n gedeelte, moet dit aangegewe word sowel as die feitebevinding of resgbeslissings waarteen geappelleer word en die gronde daarvoor.

(5) ‘n Teenappêl kan aangeteken word binne 10 dae na die aantekening van ‘n appêl. Die bepaling van hierdie reëls met betrekking tot appêle geld mutatis mutandis vir teenappêle.

(6) (a) Binne ses weke na aflêwing van ‘n kennisgewing van appêl, moet die appellant skriflik by die griffer ‘n datum vir die aanheuring aanvra en terselfdertyd aan hom die naam en adres van elke ander party tot die appêl verskat. As hy versuim om dit te doen, kan ‘n respondent binne 10 dae na verslyfying van die ses weke net soos in die geval van die appellant aansoek doen om die terroleplasing van die appêl of ‘n teenappêl wat hy mag aangeteken het. As geen van die partye so ‘n aansoek doen nie, word die appêl en teenappêl geag om te verval met die oorrede van die partye dat die respondent die reeg het om ‘n bevel wyk en die rolleplasing van die reder te vra.

(b) Die hof kan op aansoek van die appellant of teenappellant en by aanvaering van goeie redes ‘n appêl of teenappêl wat verval het, terpilplas.

(7) Wanneer ‘n datum vir aanheuring van die appêl of teenappêl aldus aangevra word, moet die griffer dit ter rolle plaas vir ‘n datum deur hom gekies en minstens 21 dae skriflike kennis aan die partye daarvan gee.

(8) Minstens 14 dae voor die datum vir aanheuring van die appêl moet die appellant aan die respondent twee eksemplare van die appêloordeel verskat en by die griffer drie en voorien van ‘n volledige inhoudsopgawe en kopieë van alle dokumente en bewyssutkues in die saak, behalwe formele en onterskaaklike stukke, met dien verstande dat alle weglatings in die inhoudsopgawe vermeld word. Afskrifte moet duidelik met digitaal verspiering op A4-staardpapier getik, gepagineer en gebind word en elke 10de reël op elke bladsy moet genummer word.

(9) Met toestemming van die partye kan bewyssutkues en aanhangsels wat nie op die geskildpunt in die appêl betrekking het nie en onterskaaklike dele van lang dokuemente weggelaat word. Die toestemming, waarin uitgeesig word watter dokumente of dele van dokuemente weggelaat is, word deur die partye onderteken en by die oorkonde gevoeg: Met dien verstande dat die hof wat die appêl aanheer, kan beveel dat die hele oorkonde voor tom gelê word.

(10) Wanneer die beslissing van ‘n appêl uitsluitend van ‘n regsput afhang, kan die partye ooreenkom dat dit aan die hof in die vorm van ‘n gestelde saak voor te lé, in welke geval net dié gedeeltes van die oorkonde wat nodig mag wees vir behoorlike beslissing van die appêl, voorgedêr word, met dien verstande dat die hof wat die appêl aanheer, kan beveel dat die hele oorkonde voorgedêr word.
wil aanvoer. Minstens ses dae voor die aanboring moet die prokureur-generaal aan die griffier en aan die appellant onderskeidlik 'n eksemplaar van die hoof-punte van sy argument in bedoelde vorm lewer. Met dien verstande dat as die appel deur meer as een regter aangehoor staat te word, daar 'n ooreenstemmende getal eksemplare aan die griffier gelever moet word.

Strafappelle na die Appellafdeling

52. (1) Wanneer—

(a) aan 'n beskuldigde ingevolge artikel 316 van die Strafproseswet, 1977 (Wet 51 van 1977), verloof gegee is om te appelleer; of

(b) 'n beskuldigde ingevolge artikel 318 van daardie Wet appel aangeteken het; of

(c) 'n hof ingevolge artikel 319 van daardie Wet 'n regvraag wat by die verhoor van 'n beskuldigde ontstaan het, voorbehou het;

moet die griffier van die hof by die griffier van die appelfdeling set skriftie van die oorkonde (waarvan een deur die eersgenoemde griffier gesertifieer is) van die verrigtings in die verhoorhof indien soveel eksemplare aan die Staat verskaf as wat nodig geag mag word: Met dien verstande dat in plaas van die hele oorkonde, afskriefe (waarvan een deur die eersgenoemde griffier gesertifieer is) van sodanie gedeeltes daarvan as waarop die beskuldigde en die Staat kan ooreenkoms as voldoende, deurstuur mag word, in welke geval die Appellafdeling niemind afskriefe van die hele oorkonde kan aanvaan. Die beskuldigde mag teen betaling van die voorgeskrewel grifde van die griffier van die hof soveel eksemplare van die oorkonde of gedeeltes daarvan, na gelang van die geval, verkry as wat hy nodig het: Met dien verstande dat as hy te arm is om die voorgeskrewe grifde te betaal, hy die eksemplare kosteloos kan kry.

(2) Die griffier van die hof moet beslis of hy te arm is om die voorgeskrewe grifde te betaal, en sy beslisning is finaal.

(3) Wanneer verloof om te appelleer in 'n straafsak deur die hof gegee word, moet die griffier onverwyld die griffier van Appellafdeling daarvan in kennis stel.

Hersienings

53. (1) Tensy dit by wet anders bepaal is, moet alle hersienings van beslissings of verrigtings van 'n laer hof en van enige tribunaal, raad of beampte wat regterlike, kwasi-regterlike of administratiewe funksies verrig, geskied deur wyse van kennisgewing van mosie wat deur die party wat die hersiening verlang, afgelever en gereg word aan die magistraat, voorsittende beampte of voorsitter van die hof, tribunaal of raad of aan die beampte, na gelang van die geval, en aan alle ander partye wat geraak word. Daarin word—

(a) die betrokke persoon opgeroep om redes aan te voer waarom die beslissing of verrigtinge nie hersien en reggereg of ter syde gestel behoort te word nie; en

(b) die magistraat, voorsittende beampte, voorsitter of beampte, na gelang van die geval, opgeroep om binne 21 dae na ontvangs van die kennisgewing van mosie, die oorkonde van die verrigtings waarvan die party hersiening verlang tesame met sodanie redes as wat hy regtens moet verstrekk of wat hy wil verstrekk, aan die griffier te stuur en die applikant in kennis te stel dat hy dit gedoen het.

appeal. Not later than six days before such hearing the attorney-general shall deliver one copy each to the registrar and the appellant, respectively, of the main points of his argument in the aforesaid form: Provided that if the appeal is to be heard by more than one judge, a corresponding number of copies shall be filed with the registrar.

Criminal appeals to the Appellate Division

52. (1) Whenever—

(a) an accused has been granted leave to appeal in terms of section 316 of the Criminal Procedure Act, 1977 (Act 51 of 1977); or

(b) an accused has noted an appeal in terms of section 318 of the said Act; or

(c) a court has received a question of law which arose at the trial of an accused in terms of section 319 of the said Act;

the registrar of the court shall lodge with the registrar of the Appellate Division six copies of the record (one of which shall be certified by the first-named registrar) of the proceedings in the trial court and deliver such number of copies to the State as may be considered necessary: Provided that instead of the whole record, with the consent of the accused and the State, copies (one of which shall be certified by the first-named registrar) may be transmitted of such parts of the record as may be agreed upon by the accused and the State to be sufficient in which event the Appellate Division may nevertheless call for copies of the whole record. The accused shall be entitled, on payment of the prescribed fees, to obtain from the registrar of the court such number of copies of the record or parts of the record, as the case may be, as may be necessary for his purpose: Provided that if he is unable by reason of poverty to pay the prescribed fees he shall be entitled to obtain the same without payment of any fees.

(2) Any question arising as to the accused's inability to pay the prescribed fees shall be decided by the registrar of the court. The registrar's decision shall be final.

(3) If leave to appeal in a criminal case is granted by the court the registrar shall without delay notify the registrar of the Appellate Division of that fact.

Reviews

53. (1) Save where any law otherwise provides, all proceedings to bring under review the decision or proceedings of any inferior court and of any tribunal, board or officer performing judicial, quasi-judicial or administrative functions shall be by way of notice of motion directed and delivered by the party seeking to review such decision or proceedings to the magistrate, presiding officer or chairman of the court, tribunal or board or to the officer, as the case may be, and to all other parties affected—

(a) calling upon such persons to show cause why such decision or proceedings should not be reviewed and corrected or set aside; and

(b) calling upon the magistrate, presiding officer, chairman or officer, as the case may be, to despatch, within 21 days of the receipt of the notice of motion, to the registrar the record of such proceedings sought to be corrected or set aside together with such reasons as he is by law required or desires to give or make, and to notify the applicant that he has done so.
dien verstande dat as 'n appel deur meer as een regter verhoor staan te word, die griffer die nodige addisionele afskrifte kan vorder.

(b) Die afskrifte moet duidelik met dubbele spasiëring op A4-standaard-papier soos in reël 62 (2) bedoel, getik word en moet gepagineer wees. Ook moet elke 10de reël op elke bladsy genummer word.

(c) Die oorkonde moet 'n juiste en volledige afskrif bevat van die pleitstukke en die getuënis, en van alle ander dokumente wat nodig is vir die beregting van die appel, sowel as 'n inhoudsopgawe daarvan. Die eksemplare wat by die griffer ingediend word, moet as luis geseisifiseer wees deur die prokureur of party wat hulle indien.

(d) Die party wat die afskrifte van die oorkonde indien, moet, wanneer hy die afskrifte by die griffer indien ooreenkomstig paragraaf (a), ook elk van die ander partye twee eksemplare daarvan verskaf, alduis geseisifieer.

(8) (a) Behalwe vir sover hulle die meriete van 'n appel raak, word getuigdaagings, kennisgewings van verhoor, toestemming tot uitsluit, opgawes van dokumente, kennisgewings om bloot te le of insas te laat en ander dokumente van formele aard uit die oorkonde weggeleaf, maar 'n lys daarvan word bygevoeg.

(b) Met toestemming van die party kan bewysstukke wat geen betrekking op 'n geskikpunt in die appel het nie en ontersaaklike gedeeltes van lang dokumente ook weggeleaf word, in welke geval 'n deur die party onderterkende toestemming inwering aan die weglatings vermeld word, by die griffer ingediend word saam met die oorkonde: Met dien verstande dat die hof wat die appel aanhoor, altyd die oorspronklike oorkonde kan raadpleeg en kennis kan neem van alles wat daarin voorkom.

(9) Die appelant moet minstens 10 dae voor die datum van anhoring van die appel, 'n bondige opgawe aflwerw van die hoofpunte wat hy op appel wil aanvoor. Minstens ses dae voor die datum van anhoring moet die respondent 'n dergelike opgawe aflower: Met dien verstande dat as die appel deur meer as een regter aanhoring staan te word, die griffer addisionele afskrifte kan vorder.

**Straffappelle van magistraatshawe**

51. (1) "n Appell van 'n veroordeelde persoon teen 'n skuldigbevinding, vonnis of bevel van 'n magistrats-hof in 'n strafzaak waarin die Staat die aanklaar was, of 'n appel van 'n prokureur-generaal of ander aanklaar teen 'n afwyking van 'n dagvaarding of aanklag of 'n ander beslissing van 'n magistraats-hof in so 'n zaak, word deur die prokureur-generaal by kennisgewing aan die appelant of sy prokureur ter rolle geplaas vir aanhoring op een van die dae in die tervyn of die vakansie wat die hoofreger vir sulke sake bepaal het.

(2) "n Appell teen 'n skuldigbevinding, vonnis of bevel van 'n magistraats-hof in enige ander strafzaak word deur die griffer by kennisgewing aan alle partye vir aanhoring ter rolle geplaas soos van tyd tot tyd deur die Hoofreger voorgeskryf.

(3) Die finale verantwoordelijkheid om te verseker dat alle afskrifte van die appel-oorkonde in alle opsigte behoorlik voor die hof is, rus op die appelant of sy prokureur.

(4) Minstens 10 dae voor die aanhoring van die appel moet die appelant aan die griffer en aan die prokureur-generaal elk een exemplaar lewer van 'n bondige opgawe van die hoofpunte wat hy op appel

that if such appeal is to be heard by more than one judge, the registrar may call for such additional copies of the record as are required.

(b) Such copies shall be clearly typed on A4 standard paper as referred to in rule 62 (2) in double spacing, and the pages thereof shall be consecutively numbered. In addition every tenth line on each page shall be numbered.

(c) The record shall contain a correct and complete copy of the pleadings, evidence and all other documents necessary for the hearing of the appeal, together with an index thereof, and the copies lodged with the registrar shall be certified a correct by the attorney or party lodging the same.

(d) The party lodging the copies of the record shall, when he files the copies with the registrar in accordance with paragraph (a) also furnish each of the other parties with two copies thereof, certified as aforesaid.

(8) (a) Save in so far as these affect the merits of an appeal, subpoenas, notices of trial, consents to postponements, schedules of documents, notices to produce or inspect, and other documents of a formal nature shall be omitted from the copies of the record but a list thereof shall be included.

(b) By consent of parties, exhibits having no bearing on a point at issue in an appeal and immaterial portions of lengthy documents may likewise be omitted from such copies, in which event a written consent, setting forth what documents, or portions thereof, as the case may be, have been omitted, and signed by or on behalf of the parties shall be filed with the registrar when such copies are lodged: Provided that the court hearing the appeal may at all times refer to the original record and take cognisance of all matters appearing therein.

(9) The appellant shall, not later than 10 days before the date of hearing of the appeal, file a concise statement of the main points which he intends to argue on appeal. The respondent shall, not later than six days before the date of hearing, file a similar statement: Provided that if the appeal is to be heard by more than one judge, the registrar may call for additional copies.

**Criminal appeals from magistrates' courts**

51. (1) An appeal by a convicted person against a conviction, sentence or order made by a magistrate's court in a criminal matter in which the prosecution has been at the public instance, or an appeal by an attorney-general or other prosecutor against a dismissal of a summons or charge or other decision of a magistrate's court in such a matter, shall be set down by the attorney-general on notice to the appellant or his attorney for hearing on such day in term time or vacation as the Chief Justice may appoint for such matters.

(2) An appeal against a conviction, sentence or order made by a magistrate's court in any other criminal matter shall be set down for hearing by the registrar on notice to all parties in accordance with such directions as he may receive from the Chief Justice from time to time.

(3) The ultimate responsibility for ensuring that all copies of the record on appeal are in all respects properly before the court shall rest on the appellant or his attorney.

(4) Not later than 10 days before the hearing of the appeal the appellant shall deliver to the registrar and to the attorney-general one copy each of a concise statement of the main points which he intends to argue on
(4) Die getuigdaagvaarding of prosessuk vir die verkryking van die aanwesigheid van iemand voor die hof (nie synde 'n rondgaande hof nie) om getuieis in 'n strafsaak af te lê of om boekte, dokumente of voorwerpe in te lewer, word by die kantoor van die griffer van die hof deur die hoofklerk van die provkureur-generaal uitgeneem (of waar die vervolging deur 'n private party ingestel word, deur homself of sy provkureur). Dit word aan die adjuv-adjalju by sy kantoor afgelever vir betekening, 'n verslag van 'n afskrif vir elke van die persone aan wie betekening moet geskied.

(5) Die getuigdaagvaarding moet aan die getuie—

(a) persoonlik beteken word; of
(b) by sy woon-, besigheids- of werkplek deur dit af te lewer aan iemand aldaar wat skybaar minstens 16 jaar oud is en skybaar daar woon of werk.

(6) Die betekenbaar moet desgewen aan die betrokke persoon die oorspronkeerde van die getuigdaagvaarding toon.

(7) As die persoon aan wie 'n getuigdaagvaarding beteken moet word, sy woon- of besigheidsplek gesluit hou ten einde die betekening te verhinder, is dit voldoende om 'n afskrif daarvan aan die buite- of hoofdeur van die woon- of besigheidsplek te hê.

(8) Wanneer die hof iemand weens minagting van die hof beboet vanweë sy versuim om te verskyn of iets anders, en die boete word nie behoorlik betaal nie, moet die griffer aan die adjuv-adjalju besonderhede van die boete gee en 'n voltooi laasbrief aan hom aflever, wat hy dadelik ten uitvoer moet lê.

(9) 'n Aansoek kragtens artikel 149 van die Strafproceswet, 1977 (Wet 51 van 1977), om verandering van die plek van verhoor, kan by kennisgewing deur of namens die provkureur-generaal of deur die beskuldigde by die hof gedoen word en die hof kan daarop na goeddunken 'n bevel gee.

Strafsake: Rondgaande hof

55. (1) Die prosessuk waarmee enigiemand, hetsy beskuldigde of getuie, opgeroep word om in 'n strafsaak in 'n rondgaande hof in enige distrikt te verskyn, kan te eniger tyd uitgeneem word, ook al is die datum vir die sitting van die hof nie bepaal nie. Dit kan deur die griffer van die hof of van die rondgaande hof uitgerik word, of, wanneer laasgenoemde nie op die plek is waar die hof sal sit nie, deur die klerk van die magistraatshof van die distrikt of deur die klerk van 'n regter in die rondgaande hof: Met dié verstande dat die prosesstuk vir die oproep van iemand wat deur die provkureur-generaal of sy adjuv 'n getuie in 'n strafsaak in 'n rondgaande hof nodig word, nie deur of namens die provkureur-generaal geënsurte of formeel uitgeneem hoef te word nie.

(2) Die prosesstuk van die rondgaande hof vir enige distrikt vir die arres en aanhouding onder borgtoe van iemand om te vereker dat hy voor die hof sal verskyn, word deur die magistraat van die distrikt of 'n regter uitgerik.

(3) Alle prosesstukke van die rondgaande hof word gedateer op die dag waarop hulle uitgerik word, geteken deur die beantwoord hulle uitgerik, geënsurte of formeel uitgeneem en aan die adjuv-adjalju gerg.

(4) Die griffer van elke rondgaande hof moet deur die afsluiting daarvan aan die adjalju 'n lys laat deurstuur van alle lasbrieue tot tenuitvoerlegging van vonnisse in strafsaak wat deur hom uitgerik is.

(4) Die subpoena of process for procuring the attendance of any person before the court (other than a circuit court) to give evidence in any criminal case or to produce any books, documents or things, shall be sued out of the office of the registrar of the court, by the chief clerk to the attorney-general (or where the prosecution is at the instance of a private party, by himself or his attorney); and the same shall be delivered to the deputy-sheriff, at his office, for service thereof, together with so many copies of the subpoena or process as there are persons to be served.

(5) The subpoena shall be served upon the witness—

(a) personally; or
(b) at his residence or place of business or employment by delivering it to some person thereat who is apparently not less than 16 years of age and apparently residing or employed therewith.

(6) The person serving the subpoena shall, if required by the person upon whom it was served, exhibit to him the original.

(7) If the person to be served with a subpoena keeps his residence or place of business closed so as to prevent the service of the subpoena, it shall be sufficient service to affix a copy thereof to the outer or principal door of such residence or place of business.

(8) When the court imposes upon any person whatsoever a fine for contempt of court for default in appearance or otherwise, and such fine is not duly paid, the registrar of the court shall furnish the deputy-sheriff with particulars of such fine and deliver him a completed warrant. The deputy-sheriff, immediately on such warrant being delivered to him, shall execute it.

(9) An application under section 149 of the Criminal Procedure Act, 1977 (Act 51 of 1977), to change the place of trial in criminal proceedings may be made to the court, upon notice, by or on behalf of the attorney-general or the accused. The court may thereupon make such order thereon as to it seems meet.

Criminal proceedings: Circuit court

55. (1) The process of a circuit court for any district for summoning any person, either as an accused or as a witness in any criminal case before such court, may be sued out at any time, whether the date for holding such court shall have been appointed or not. It may be issued by the registrar of the court or of the circuit court or when the latter is not in the place where the court is to be held then by the clerk of the magistrate's court of the district or by the clerk to any judge in that court: Provided that the process for summoning any person required by the attorney-general or his deputy as a witness in a criminal case in such court need not be endorsed or formally sued out by or on behalf of the attorney-general.

(2) The process of the circuit court for any district for arresting and holding to bail any person in order to compel his appearance before such court shall be issued by the magistrate for such district, or by any judge.

(3) All process of the circuit court shall be dated on the day on which it is issued, shall be signed by the officer issuing it, shall be endorsed by the person suing out the same and shall be directed to the deputy-sheriff.

(4) The registrar of every circuit court shall, on the closing of the same, cause to be transmitted to the sheriff a list of all warrants of execution in criminal cases which have been issued by him.
(2) Die kennisgeving van mosie moet die betrokke beslissing of verrigtinge aangee en moet vergeel gaan van ’n beëdigde verklaring wat die gronde, feite en omstandighede bevat waarop die applikant steun vir tersydstelling of regstelling daarvan.

(3) Die griffier moet die bedoelde oorkonde aan die applikant beskikbaar stel op voorwaardes wat hy paslik ag om die veiligheid daarvan te verseker, en die applikant moet dan afskrifte laat maak van dié gedeeltes wat nodig mag wees vir die hersiening en hy moet een daarvan aan die griffier verskaf en een aan elk van die ander partye, in elke geval deur die applikant as juis gesertifiseer. Die koste van kopieëring, as daar is, word deur die applikant gedra en is koste in die geding. Indien die hersiening deur meer as een regter aangehoor staan te word moet ’n ooreenstemmende getal afskrifte aan die griffier gelever word.

(4) Die applikant kan binne 10 dae nadat die griffier die oorkonde aan hom beskikbaar gestel het, deur ’n kennisgeving en bygaande beëdigde verklaring af te lewer, sy kennisgeving van mosies wyssel of uitrei en die ondersteunende beëdigde verklaring aanvul.

(5) As die voorstittende beampte, voorsitter of beambte, na gelang van die geval, of ’n party wat daardeur geraak word, die bevel in die kennisgeving van mosie aangeva, wil bestry, moet hy—

(a) binne 21 dae na ontvangs van die kennisgeving van mosie of ’n wysseling daarvan; ’n kennisgeving aan die applikant aflerer dat hy wil bestry, en daarin ’n adres binne 10 km van die kantoor van die griffier aangee waar hy betekening van alle prosesstukke in die geding sal aanvaar; en

(b) binne 21 dae na verstryking van die tyd in sub-reël (4) genoem, beëdigde verklaarkings aflerer wat hy in antwoord op die applikant se bewering wil aanbied.

(6) Die applikant het die regte en verpligtinge betreffende repliserende beëdigde verklaarkings wat in reël 6 uiteengesit is.

(7) Die bepalings van reël 6 betreffende die terrolleplasing van aanoeke geld mutatis mutandis vir die terrolleplasing van hersiening.

**Strafverrigtinge**

54. (1) Die prosessstuk waarby ’n bepkadelde opgeroep word om op ’n akte van beskuldiging te antwoord, is ’n lasbrief uitgeeneem deur die hoofklerk van die prokureur-generaal wat die akte van beskuldiging voorloë, of in die geval van ’n private vervolging, deur die aanklaer of sy prokureur, en dit word aan die adjunk-balju gerig.

(2) Die prokureur-generaal of ander aanklaer of sy prokureur moet op elke akte van beskuldiging en elke afskrif daarvan wat aan die adjunk-balju vir betekening afgelever word, ’n kennisgeving van verhoor endosseer of dit daaraan heng, waarin die besondere situering van dié hof, plek en tyd wanneer die beskuldigde moet versyn, aangegee word.

(3) Die prokureur-generaal of ander aanklaer of sy prokureur moet aan die adjunk-balju die lasbrief, ’n afskrif van die akte van beskuldiging en die kennisgeving van verhoor vir betekening aflerer, een van elk vir elke beskuldigde. In die geval van ’n private vervolging moet die aanklaar of sy prokureur terselfdertyd aan die adjunk-balju die koste betaal wat regtens gevorder kan word vir die betekening.

55. (1) Die processtuk waarby ’n bepkadelde opgeroep word om op ’n akte van beskuldiging te antwoord, is ’n lasbrief uitgeeneem deur die hoofklerk van die prokureur-generaal wat die akte van beskuldiging voorloë, of in die geval van ’n private vervolging, deur die aanklaer of sy prokureur, en dit word aan die adjunk-balju gerig.

(2) Die prokureur-generaal of ander aanklaer of sy prokureur moet op elke akte van beskuldiging en elke afskrif daarvan wat aan die adjunk-balju vir betekening afgelever word, ’n kennisgeving van verhoor endosseer of dit daaraan heng, waarin die besondere situering van dié hof, plek en tyd wanneer die beskuldigde moet versyn, aangegee word.

(3) Die prokureur-generaal of ander aanklaer of sy prokureur moet aan die adjunk-balju die lasbrief, ’n afskrif van die akte van beskuldiging en die kennisgeving van verhoor vir betekening aflerer, een van elk vir elke beskuldigde. In die geval van ’n private vervolging moet die aanklaar of sy prokureur terselfdertyd aan die adjunk-balju die koste betaal wat regtens gevorder kan word vir die betekening.

56. (1) Die processtuk waarby ’n bepkadelde opgeroep word om op ’n akte van beskuldiging te antwoord, is ’n lasbrief uitgeeneem deur die hoofklerk van die prokureur-generaal wat die akte van beskuldiging voorloë, of in die geval van ’n private vervolging, deur die aanklaer of sy prokureur, en dit word aan die adjunk-balju gerig.

(2) Die prokureur-generaal of ander aanklaer of sy prokureur moet op elke akte van beskuldiging en elke afskrif daarvan wat aan die adjunk-balju vir betekening afgelever word, ’n kennisgeving van verhoor endosseer of dit daaraan heng, waarin die besondere situering van dié hof, plek en tyd wanneer die beskuldigde moet versyn, aangegee word.

(3) Die prokureur-generaal of ander aanklaer of sy prokureur moet aan die adjunk-balju die lasbrief, ’n afskrif van die akte van beskuldiging en die kennisgeving van verhoor vir betekening aflerer, een van elk vir elke beskuldigde. In die geval van ’n private vervolging moet die aanklaar of sy prokureur terselfdertyd aan die adjunk-balju die koste betaal wat regtens gevorder kan word vir die betekening.

(4) The notice of motion shall set out the decision or proceedings sought to be reviewed and shall be supported by affidavit settling out the grounds and the facts and circumstances upon which applicant relies to have the decision or proceedings set aside or corrected.

(5) The registrar shall make available to the applicant the record despatched to him as aforesaid upon such terms as the registrar thinks fit to ensure its safety, and the applicant shall thereupon cause copies of such portions of the record as may be necessary for the purposes of the review to be made and shall furnish the registrar with one thereof and each of the other parties with one copy thereof, in each case certified by the applicant as true copies. The costs of transcription, if any, shall be borne by the applicant and shall be costs in the cause. If the review is to be heard by more than one judge, a corresponding number of copies shall be filed with the registrar.

(6) The applicant may within 10 days after the registrar has made the record available to him, by notice and accompanying affidavit amend, add to or vary the terms of his notice of motion and supplement the supporting affidavit, and shall deliver the said notice and affidavit.

(7) The provisions of rule 6 as to set down of applications shall mutatis mutandis apply to the set down of review proceedings.

**Criminal proceedings**

54. (1) The process for summoning an accused to answer any indictment shall be by writ sued out by the chief clerk to the attorney-general who presents the indictment, or in the case of a private prosecution by the prosecutor or his attorney, and shall be directed to the deputy-sheriff.

(2) The attorney-general or other prosecutor or his attorney shall endorse on, or annex to, every indictment and every copy of any indictment delivered to the deputy-sheriff for service thereof, a notice of trial, which notice shall specify the court before which, and the particular session and time when, he will bring the accused to trial on the said indictment.

(3) The attorney-general or other prosecutor or his attorney shall deliver to the deputy-sheriff for service the writ, a copy of the indictment and notice of trial or, if there are more than one accused as many writs and copies of the indictment and notice of trial as there are accused. In the case of a private prosecution the prosecutor or his attorney shall at the same time hand to the deputy-sheriff his lawful costs and charges for serving the same.
(3) Die aanvaarding moet sover moontlik gesteun word deur—

(a) 'n beëdigde verklaring van minstens een persoon wat die patiënt goed ken, met besonderhede oor die patiënt se geestestoestand waarvan die deponent persoonlik kennis dra. As so iemand aan die patiënt verwant is of persoonlike belang by die bepalings van 'n aangevaagde bevel het, moet volledige besonderhede van die verwantskap of belang gegee word; en

(b) beëdigde verklarings van minstens twee mediese praktykse, een van wie waar doenlik 'n psigiatser moet wees wat die patiënt kort tevore ondersoek het ten einde oor sy geestestoestand verslag te doen. Die verklarings moet al hulle waarnemings insake die patiënt se geestestoestand bevat, sowel hul menings oor die aard, omvang en waarsynlike duur van die geestesverstoring of -gebreek wat hulle gevoel het, met hul redes daarvoor, gevolg deur 'n opinie of die patiënt bekwaam is om sy belange te behartig. Die mediese praktykse moet sover moontlik nie aan die patiënt verwant wees nie en geen persoonlike belang by die bepalings van 'n aangevaagde bevel het nie.

(4) By die aanhoring van die aanvraag in subrub (1) bedoel kan die hof die voorgestelde persoon of enige ander geskikte persoon as kurator ad litem aanset, die aanvraag van die hand wys of na goeddruke 'n ander bevel gee. Meer bepaal kan die hof as volg gronde aangevoer is en vanweë dringendheid of ander besondere omstandighede, enige van die vereistes van hierdie reël oor die hoof sien.

(5) Na sy aanstelling moet die kurator ad litem (wat waar doenlik 'n advokaat of anders 'n prokureur moet wees) onverwys ‘n onderhoud met die patiënt voer en hom die doel en aard van die aanvraag meedel temys hy na raadpleging van een van die mediese praktyse in paragraaf (b) van subrub (3) bedoel, meen dat dit die patiënt se gesondheid sal benadeel. Hy moet sodanige verdere navrae doen as wat in die saak nodig skyn te wees en 'n verslag aan die hof opstel waarin hy ook alle verdere feite wat hy mag vastgestel het aangaande die patiënt se geestestoestand, sy middelde en omstandighede vermeld, en die aandag vestig op enige oorewing wat hy meen die hof sal beïnvloed betreffende die bepalings van die aangevraagde bevel. Die verslag moet hy by die griffier indien en terselfdertyd aan die appilant 'n afskrif daarvan verskaf.

(6) By ontvangs van die verslag moet die appilant dit tesaam met afskrifte van die verklarings in subreëls (2) en (3) bedoel aan die weesheer, vir oorewing en verslag aan die hof voorstel.

(7) In sy verslag moet die weesheer tot die beste van sy vermoë kommentariseer oor die patiënt se middelde en algemene omstandighede en die geskiktheid al dan nie van die persoon wat as kurator van die patiënt of sy goed voorgestel is, en aanbevelings doen oor die verskaffing van sekerheid en die instuur van rekeninge deur die kurator en die magte wat na sy mening aan hom toevertrou behoort te word. 'n Afskrif van die verslag moet aan die kurator ad litem verskaf word.

(8) By ontvangs van die verslag van die weesheer kan die appilant die saak op dieselfde stukke vir aanhoring ter rolle plaas om 'n bevel aan te vra waarin verklaar word dat die patiënt geestelik verstoord is en

(3) The application shall, as far as possible, be supported by—

(a) an affidavit by at least one person to whom the patient is well known and containing such facts and information as are within the deponent's own knowledge concerning the patient's mental condition. If such person is related to the patient, or has any personal interest in the terms of any order sought, full details of such relationship or interest, as the case may be, shall be set forth in his affidavit; and

(b) affidavits by at least two medical practitioners, one of whom shall, where practicable, be an alienist, who have conducted recent examinations of the patient with a view to ascertaining and reporting upon his mental condition and stating all such facts as were observed by them at such examinations in regard to such condition, the opinions found by them in regard to the nature, extent and probable duration of any mental disorder or defect observed and their reasons for the same and whether the patient is in their opinion incapable of managing his affairs. Such medical practitioners shall, as far as possible, be persons unrelated to the patient and without personal interest in the terms of any order sought.

(4) Upon the hearing of the application referred to in subrule (1), the court may appoint the person suggested or any other suitable person as kurator ad litem, or may dismiss the application or make such further or other order thereon as to it may seem meet and in particular on cause shown; and by reason or urgency, special circumstances or otherwise, dispense with any of the requirements of this rule.

(5) Upon his appointment the kurator ad litem (who shall if practicable be an advocate, or failing such, an attorney), shall without delay interview the patient, and shall also inform him of the purpose and nature of the application unless after consulting a medical practitioner referred to in paragraph (b) of subrule (3) he is satisfied that this would be detrimental to the patient's health. He shall further make such inquiries as the case appears to require and thereafter prepare and file with the registrar his report on the matter to the court, at the same time furnishing the applicant with a copy thereof. In his report the kurator ad litem shall set forth such further facts (if any) as he has ascertained in regard to the patient's mental condition, means and circumstances and he shall draw attention to any consideration which in his view might influence the court in regard to the terms of any order sought.

(6) Upon receipt of the said report the applicant shall submit the same, together with copies of the documents referred to in subrules (2) and (3) to the master for consideration and report to the court.

(7) In his report the master shall, as far as he is able, comment upon the patient's means and general circumstances, and the suitability or otherwise of the person suggested for appointment as kurator to the person or property of the patient, and he shall further make such recommendations as to the furnishing of security and rendering of accounts by, and the powers to be conferred on, such kurator as the facts of the case appear to him to require. The kurator ad litem shall be furnished with a copy of the said report.

(8) After the receipt of the report of the master, the applicant may, on notice to the kurator ad litem (who shall if he thinks fit inform the patient thereof), place the matter on the roll for hearing on the same papers
(5) In alle sake waarin 'n prosesstuk vir die tenui-
voerlegging van 'n vonnis, uitspraak of bevel van 'n rondgaande hof in 'n strafsaak benodig word nadat die oorkondes daarvan by die kantoor van die griffer van di-
hof in bewaring gegee is, kan 'n prosesstuk van die hof vir dié doel uitgereik word aan die persoon wat die tenui-vooerlegging verlang.

(6) Wanneer 'n rondgaande hof enigiemand beboet weens minaagting van die hof deurdat hy versoek het om te verskyn of andersins, en die boete word nie op tyd betaal nie, moet die griffer van die rondgaande hof aan die adjunk-balju besonderhede van die boete gee en 'n lasbrief ten opsigte daarvan aan hom lever.

(7) Die griffer van 'n rondgaande hof moet onmiddelik na afsluiting van die hof in elke sentrum 'n opgawe van al die boetes opgestel wat die hof aldaar opgelê het, met aangifte van die naam van die persoon, die bedrag van dié boete, die datum van oplegging, die datum wanneer 'n lasbrief aan die adjunk-balju gelê is en die invordering daarvan, enige vermindering as daarvan, en of dié boete deur/oor 'n persoon in lasbrief betaal is. Die oplegging stuur hy aan die griffer van die hof.

(8) Wanneer 'n rondgangsdistrik meer as een magis-
straatsdistrik omvat, moet die klerk van die magistraats-
hof van elke distrik binne sy distrik die pligte uitvoer wat deur hierdie reëls aan klerke van magistraats-
howe opgedra word.

Strafseke: Algemeen

56. (1) Prosessutkke of dokumente in reëls 54 en 55 genoem kan deur 'n lid van 'n politiemag bedoel in artikel 329 van die Strafproseswet, 1977 (Wet 51 van 1977), beteken word.

(2) Subréels (16) tot (19) en (21) van reëls 39 geld mutatis mutandis vir alle verringinge in strafseke.

Geregtelike ondersoek na geestetoesoek, aanselling van kuratoren vir handelingsbevoegdes en vrystelling van kuratele

57. (1) Iemand wat 'n bevel by die hof wil aanvra waarby 'n ander persoon (hierna "die pasiënt") genoem geestetiek verkoop verklaar word en derhalwe onbe-
kwaam om sy belange te behartig, en waarby 'n kurato-

t vir dié pasiënt of sy goed aangestel word, moet eers di
die aanselling van 'n kurator ad litem vir dié pasiënt by die hof aanvra.

(2) So 'n versoek geskied ex parte en moet volledig uiteenset—

(a) die gronde waarop die applicant aanspraak maak op locus standi om so 'n aanvraa te doen;
(b) die gronde waarop beweer word dat die hof jurisdikksie hot;
(c) die pasiënt se ouderdom en geslag, volle beso-
onderhede van sy besittings en van sy algemene liggaam-
like gesondheidstoestand;
(d) die verwantskap (as daar is) tussen die pasiënt en die applicant, en die tydsduur en mate van ver-
troulikheid in hul omgang (as daar is);
(e) diefeit en omstandighede wat as bewys moet dien dat die pasiënt geestetiek verstoord is en nie sy belange kan behartig nie;
(f) die name, beroeps en adresse van die onder-
skele persone wat vir aanspraak as kurator ad litem en daarna as kurator vir dié pasiënt se persoon of gooi voorgestel word, en 'n verklaring dat hierdie persone genader is en te kene gegee het dat hulle, indien aangestel, in staat en gewillig sal wees om in dié onderskele hoedanighede te dien.

(5) In all cases wherein process is required for the execution of any sentence, judgment, or order of any circuit court in a criminal case, after the records thereof have been deposited in the office of the regis-
trar, the process of the court for the execution of any such sentence, judgment or order may be issued to the party requiring the execution of the same.

(6) When a circuit court imposes upon any party whatever a fine for contempt of court, for default of appearance or otherwise, and such fine is not duly paid, the registrar of the circuit court shall furnish to the deputy-sheriff the particulars of such fine, and deliver to him a warrant in respect thereof.

(7) The registrar of every circuit court shall, imme-
diately upon the closing of the court in each circuit town, make out and transmit to the registrar a return showing all the fines which have, during the sitting of the court in that town, been imposed by the said court, specifying therein the names of the parties, the amount of the fine, the date when imposed, and the date when a warrant was delivered to the deputy-sheriff for its levy, the extent, if any, to which the fine was remitted, and whether it was paid without issue of a warrant.

(8) Whenever a circuit court district comprises more than one magisterial district, the clerk of the magis-
trate's court of each such magisterial district shall, within the limits of his district, perform the duties devolving on clerks of magistrates' courts under these rules.

Criminal proceedings: General

56. (1) Any process or document referred to in rules 54 and 55 may be served by a member of a police force referred to in section 329 of the Criminal Procedure Act, 1977 (Act 51 of 1977).

(2) The provisions of subrules (16) to (19) and (21) of rule 39 shall apply mutatis mutandis to all proceed-
ings in criminal cases.

De lunatico inquiringo, appointment of curators in respect of persons under disability and release from curatorship

57. (1) Any person desirous of making application to the court for an order declaring another person (henceforth referred to as "the patient") to be of unsound mind and as such incapable of managing his affairs, and appointing a curator to the person or property of such patient shall in the first instance apply to the court for the appointment of a curator ad litem to such patient.

(2) Such application shall be brought ex parte and shall set forth fully—

(a) the grounds upon which the applicant claims locus standi to make such application;
(b) the grounds upon which the court is alleged to have jurisdiction;
(c) the patient's age and sex, full particulars of his means, and information as to his general state of physical health;
(d) the relationship (if any) between the patient and the applicant, and the duration and intimacy of their association (if any);
(e) the facts and circumstances relied on to show that the patient is of unsound mind and incapable of managing his affairs;
(f) the name, occupation and address of the respective persons suggested for appointment by the court as curator ad litem, and subsequently as curato-

r to the patient's person or property, and a state-
ment that these persons have been approached and have intimated that, if appointed, they would be able and willing to act in these respective capacities.
(17) Na die aanhorig van 'n aansoek in subreëls (14) en (16) bedoel, kan die hof die aanpligtpersoon van goeie verstande verklar en beken dat sy belangte behartig en hom van kuratele ontehoef, of die aansoek van die hand wys, of mero motu 'n curator ad litem aanstel om volgens goeie volwening van die hof navrae te doen en daaroor te rapporteer, of hy kan sodanige verdere getuigen as wat hy wyselik ag, aanvaar en die verdere aanhoring van die saak uitstel in afwagting van so 'n verslag, beëdigde verklaring of getuikers, na gelang van die geval, of hy kan die aangeleenthede sine die uitstel en na goededBrown 'n kostebevel gee.

**Tussenpleit**

58. (1) Waar iemand, in hierdie reël "aanpligtpersoon" genoem, beweer dat hy aangespreek staan te word deur twee of meer party wat strydige eise het (in hierdie reël "die aanspraakmakers" genoem) kan hy 'n kenningsgewing wat in hierdie reël 'n "tussenpleit-kenningsgewing" genoem word, aan die aanspraakmakers afliewer. In die geval van strydige aansprake op goed waarop vir uitwinning beslag gelê is, het die adjuks-balju die rege van 'n aanpligtpersoon en 'n vonnisvuldeiser die rege van 'n aanspraakmaker.

(2) (a) By aansprake op geld moet die aanpligtpersoon by afliewing van die kenningsgewing genoem in subreël (1), die geld aan die griffer betaal, wat dit moet hou totdat die strydige aansprake besliss is.

(b) By aansprake op 'n voorwerp wat gelever kan word, moet die aanpligtpersoon dit aan die griffer aanbede wanneer hy die tussenpleit-kenningsgewing afliew of hy moet volgens voorskrifte van die griffer sorg dat dit beskikbaar bly.

(c) By aansprake op onroereel goed moet die aanpligtpersoon die titelbewyse daarvan, as hulle het, aan die griffer gee wanneer hy die tussenpleit-kenningsgewing afliew of sy moet volgens voorskrifte van die griffer sorg dat dit beskikbaar bly.

(3) Die tussenpleit-kenningsgewing moet--

(a) die aard van die aanspreeklikheid, eiendom of aanspraak waaroor die geskil gaan, vermeld;

(b) die aanspraakmakers oproep om binne die tyd in die kenningsgewing gestel, synde minstens 14 dae na betekening daarvan, besonderhede van hul eie af te lewer; en

(c) vermeld dat op 'n latere datum, synde minstens 14 dae na die datum in die kenningsgewing genoem vir die afliewing van aansprake, die aanpligtpersoon by die hof aansoek sal doen om te beslis oor sy aanspreeklikheid of die geldigheid van die onderwerp aansprake.

(4) Tesame met die tussenpleit-kenningsgewing moet die aanpligtpersoon 'n beëdigde verklaring afliew waarin hy sê dat hy--

(a) geen ander belang by die onderwerp van die geskil het as om sy koste daaruit te dek nie;

(b) nie met enige van die aanspraakmakers saamspan nie;

(c) gewillig is om met die onderwerp van die geskil te handel soos die hof mag voorskrif.

(17) Upon the hearing of any application referred to in subrules (14) and (16) hereof the court may declare the applicant as being no longer of unsound mind and as being capable of managing his affairs, order is release from such curatorship, or dismiss the application, or mero motu appoint a curator ad litem to make such inquiries as it considers desirable and to report to it, or call for such further evidence as it considers desirable and postpone the further hearing of the matter to permit of the production of such report, affidavit or evidence, as the case may be, or postpone the matter sine die and make such order as to costs or otherwise as to it may seem meet.

**Interpleader**

58. (1) Where any person, in this rule called "the applicant", alleges that he is under any liability in respect of which he is or expects to be sued by two or more parties making adverse claims, in this rule referred to as "the claimants", in respect thereto, the applicant may deliver a notice, in terms of this rule called an "interpleader notice", to the claimants. In regard to conflicting claims respecting to property attached in execution, the deputy-sheriff shall have the rights of an applicant and an execution creditor shall have the rights of a claimant.

(2) (a) Where the claims relate to money the applicant shall be required, on delivering the notice mentioned in subrule (1), to pay the money to the registrar who shall hold it until the conflicting claims have been decided.

(b) Where the claims relate to a thing capable of delivery the applicant shall tender the subject matter to the registrar when delivering the interpleader notice or take such steps to secure the availability of the thing in question as the registrar may direct.

(c) Where the conflicting claims relate to immovable property the applicant shall place the title deeds thereof, if available to him, in the possession of the registrar when delivering the interpleader notice and shall at the same time hand to the registrar an undertaking to sign all documents necessary to effect transfer of such immovable property in accordance with any order which the court may make or any agreement of the claimants.

(3) The interpleader notice shall--

(a) state the nature of the liability, property or claim which is the subject matter of the dispute;

(b) call upon the claimants within the time stated in the notice, not being less than 14 days from the date of service thereof, to deliver particulars of their claims; and

(c) state that upon a further date, not being less than 14 days from the date specified in the notice for the delivery of claims, the applicant will apply to court for its decision as to his liability or the validity of the respective claims.

(4) There shall be delivered together with the interpleader notice on affidavit by the applicant stating that--

(a) he claims no interest in the subject matter in dispute other than for charges and costs;

(b) he does not collude with any of the claimants;

(c) he is willing to deal with or act in regard to the subject matter of the dispute as the court may direct.
derhalwe onbekwaam om sy belange te behartig, en waarin die voorgestelde persoon aangestel word as kurator vir die persoon of goed van die pasiënt, of albei. Die applikant moet kennis van die terroloplosing aan die kurator ad litem gee, wat dit desverkiezend aan die pasiënt kan meeneem.

(9) Die hof kan beveel dat die applikant, die pasiënt en andere die aanhoring moet bywoon om mondelinge getuigis af te le of inligting te verskaf wat die hof mag verlang.

(10) By oorweging van die aansoek, die verslae van die kurator ad litem en van die weesheer en sodanige verdere inligting of getuigis as wat mondelings of andersins voorgelê mag wees, kan die hof gelas dat die aansoek aan die pasiënt beteken word of hy kan die pasiënt geestelik verstoord verklaar en onbekwaam om sy eie belange te behartig en 'n geskikte persoon as kurator vir hom of sy goed of albei aanstel, met die voorbehoud wat hy goedvind, of hy kan die aansoek van die hand wys of in die algemeen na goeddunken 'n bevel gee (insluitende 'n bevel dat die koste van die verrigtinge uit die bates van die pasiënt betaal word).

(11) Verskillende persone kan, mits iedereen die vereistes van hierdie reël nagekom het, voorgestel en afsonderlik aangestel word as kurator vir die persoon en kurator vir die goed van iemand wat verklaar is geestelik verstoord te wees en onbekwaam om sy eie belange te behartig.

(12) Subreëls (1), (2) en (4) tot en met (10) geld, vir sover bly werklike toepas kan word, ook mutatis mutandis vir 'n aansoek om aanstelling deur die hof van 'n kurator ingevolge artikel 56 van die Wet op Geestegesondheid, 1973 (Wet 18 van 1973), of die goed van en wie aangewys word as geestelik verstoord of gebreeklik of wat as sodanig verklaar is, of wat aangewys word as 'n geestelik verstoord of gebreeklike gevangene of as 'n pasiënt wat die beskikking van die Staatspresident afwag en wat onbekwaam is om sy belange te behartig.

(13) Behalwe vir sover as wat die hof op aanvraag anders mag voorskrif, geld subreëls (1) tot (11) mutatis mutandis vir elke aansoek om aanstelling van 'n kurator bonis vir iemand op grond daarvan dat hy vanweë 'n gebrek, geestelik of liggamenlik, onbekwaam is om sy eie belange te behartig.

(14) Iemand wat deur die hof geestelik verstoord verklaar is en onbekwaam om sy eie belange te behartig, en vir wie se persoon of goed 'n kurator aangestel is, en wat by die hof aansoek wil doen om 'n verklaaring dat hy nie meer geestelik verstoord is en onbekwaam om sy eie belange te behartig nie, of wat vanweë gebrek, geestelik of liggamenlik, onbekwaam is om sy eie belange te behartig, of vanweë gebrek van 'n passende persoon of goed, mag dié persoon of goed 'n kurator aangestel word.

(15) By die ontvang van so 'n kennisgewening en na oorweging van die aansoek en sodanige ander inligting as wat hy het, moet die weesheer onverwyl verslag daaroor aan die hof doen en kommentarieer op enkele aspek van die saak waarop sy mening die hof se aandag gevestig behoort te word.

(16) Subreëls (14) en (15) geld ook vir 'n aansoek om vrystelling van kuratele deur iemand wat ingevolge artikel 53 van die Wet op Geestegesondheid, 1973 (Wet 18 van 1973), uit 'n inrigting waar hy aangestel is, mag doen om die diens van 'n kurator bonis deur die hof ingevolge artikel 56 van die genoemde Wet aangestel is.

for an order declaring the patient to be of unsound mind and as such incapable of managing his affairs and for the appointment of the person suggested as curator to the person or property of the patient or to both.

(9) At such hearing the court may require the attendance of the applicant, the patient, and such other persons as it may think fit, to give such evidence viva voce or furnish such information as the court may require.

(10) Upon consideration of the application, the reports of the curator ad litem and of the master and such further information or evidence (if any) as has been adduced viva voce, or otherwise, the court may direct service of the application on the patient or may declare the patient to be of unsound mind and incapable of managing his own affairs and appoint a suitable person as curator to his person or property or both on such terms as to it may seem meet, or it may dismiss the application or generally make such order (including an order that the costs of such proceedings be defrayed from the assets of the patient) as to it may seem meet.

(11) Different persons may, subject to due compliance with the requirements of this rule in regard to each, be suggested and separately appointed as curator to the person and curator to the property of any person found to be of unsound mind and incapable of managing his own affairs.

(12) The provisions of subrules (1), (2) and (4) to (10) inclusive shall in so far as the same are applicable thereto, also apply mutatis mutandis to any application for the appointment by the court of a curator under the provisions of section 56 of the Mental Health Act, 1973 (Act 18 of 1973), to the property of a person detained as or declared mentally disordered or defective, or detained as a mentally disordered or defective prisoner or as a State President's decision patient and who is incapable of managing his affairs.

(13) Save to such extent as the court may on application otherwise direct, the provisions of subrules (1) to (11) shall, mutatis mutandis, apply to every application for the appointment of a curator bonis to any person on the ground that he is by reason of some disability, mental or physical, incapable of managing his own affairs.

(14) Every person who has been declared by a court to be of unsound mind and incapable of managing his affairs, and to whose person or property a curator has been appointed, and who intends applying to court for a declaration that he is no longer of unsound mind and incapable of managing his affairs or for release from such curatorship, as the case may be, shall give 14 days' notice of such application to such curator and to the master.

(15) Upon receipt of such notice and after due consideration of the application and such information as is available to him, the master shall, without delay, report thereon to the court, at the same time commencing upon any aspect of the matter to which, in his view, its attention should be drawn.

(16) The provisions of subrules (14) and (15) hereof shall also apply to any application for release from curatorship by a person who has been discharged under section 53 of the Mental Health Act, 1973 (Act 18 of 1973), from detention in an institution, but in respect of whom a curator bonis has been appointed by the court under section 56 of the said Act.
(b) So 'n eed of plegtige verklaring word afgelê voor 'n regter van die hof, en die betrokke regter endosseer daaronder dat dit voor hom afgelê is en die datum van voorlegging, en onderteek. dit.

Vertaling van dokumente

60. (1) 'n Dokument wat in 'n ander taal as 'n amptelike taal van die Republiek in enige vorigtige voor- gelê word, moet vergesel gaan van 'n vertaling wat deur 'n beëidig vertaler as juis gecertificeer is.

(2) 'n Vertaler aldus gecertificeer word prima facie gee 'n juiste vertaling te wees en is as sodanig by voorlegging toelaatbaar.

(3) As 'n beëidig vertaler nie beskikbaar is nie of dit na die hof se mening nie in die belang van die regspleging sal wees om 'n beëidig vertaling te verkry nie, hetsy vanweë die uitgawe, ongerief of vertraging daarby betrokke, kan die hof omdanks die bepaalings van subreël (1) 'n vertaling as bewys toelaat wat as juis gecertificeer is deur iemand van wie die hof oortuig is dat hy daartoe bevoegd is.

Vertolking van getuenis

61. (1) As getuenis afgelê word in 'n taal wat die hof of 'n party of sy verteenwoordiger vir voldoenende verstaan nie, moet dit vertolke word deur 'n bevoegde tolk wat 'n eed afgelê het om getrou en na die beste van sy vermoe in die betrokkene tale te tolk.

(2) Voordat iemand as 'n tolk gebruik word, kan die hof desverkies as of 'n party op redelike gronde dit verlang, homself oortuig van die bevoegdheid en integriteit van so 'n party daerop vertolking aan te hoor of op 'n ander wyse.

(3) Wanneer 'n tolk in 'n geding gebruik word, volg die koste van vertolking (as daar is) die uitslag tensy die hof anders gelaas: Met dien verstande dat waar die verteenwoordiger van 'n party getuenis uit van 'n amptelike tale van die Republiek wil laat vertolk, die koste daarvan deur die betrokkene party betaal word.

Indiening, voorbereiding en insae van stukke

62. (1) As 'n saak deur meer as 'n regter verhoor moet word, moet 'n afskrif van alle pleitstukke, belangrike kennisgewings, aanhangsels, beëidigde verklarings en dergelijke vir die gebruik van elke addisionele regter ingediend word.

(2) Alle stukke wat vir die hof ingediend word, behalwe bewysstukke of 'n reproduksie daarvan, moet duidelik gedruk of getek word in permanente swart of blou-swarte ink net op een van papier wat van A4-standaardgrootte en van goeie gehalte moet wees. 'n Stuk word saam getek as dit duidelik op geskikte papier deur duplikasie, litografie, fotografie of enige ander kopieermethode gerekopieer is.

(3) Gestelde sake, petities, beëidigde verklarings, appèlgronde en dergelijke moet in bondige, genomen paragraaf verdeel word.

(4) 'n Applikant of eiser moet minstens drie dae voor die verhoor alle afgeleverde stukke rangskik, pagineer, gerieflik vasmaak en 'n inhoudsopgawe daarvan voorsien en afliever.

(5) Op die eerste bladsy van elke beëidigde verklaring word deur of namens 'n respondent by die grifffier ingediens word, moet, as hy verteenwoordig is, die naam en adres van die indienende prokureur verskyn.

(b) Any such oath or affirmation shall be taken or made before a judge of the court and the judge concerned shall at the foot thereof endorse a statement of the fact that it was taken or made before him and of the date on which it was so taken or made and append his signature thereto.

Translation of documents

60. (1) Any document which is in a language other than an official language of the Republic and which is produced in any proceedings, shall be accompanied by a translation certified to be correct by a sworn translator.

(2) A translation so certified shall be deemed prima facie to be a correct translation and admissible as such upon its production.

(3) If no sworn translator is available or if, in the opinion of the court, it would not be in the interests of justice to require a sworn translation, whether by reason of the expense, inconvenience or delay involved the court may, notwithstanding the provisions of sub-rule (1), admit in evidence a translation certified to be correct by any person who it is satisfied is competent to make such translation.

Interpretation of evidence

61. (1) Where evidence in any proceedings is given in any language with which the court or a party or his representative is not sufficiently conversant, such evidence shall be interpreted by a competent interpreter, sworn to interpret faithfully and to the best of his ability in the languages concerned.

(2) Before any person is employed as an interpreter the court may, if in its opinion it is expedient to do so, or if any party on reasonable grounds so desires, satisfy itself as to the competence and integrity of such person after hearing evidence or otherwise.

(3) Where the services of an interpreter are employed in any proceedings, the costs (if any) of interpretation shall, unless the court otherwise orders, be costs in the cause: Provided that where the interpretation of evidence given in one of the official languages of the Republic is required by the representative of a party, such costs shall be at such party's expense.

Filing, preparation and inspection of documents

62. (1) Where a matter has to be heard by more than one judge, a copy of all pleadings, important notices, annexures, affidavits and the like shall be filed for the use of each additional judge.

(2) All documents filed with the court, other than exhibits or facsimiles thereof, shall be clearly and legibly printed or typewritten in permanent black or blue-black ink on one side only of paper of good quality and of A4 standard size. A document shall be deemed to be typewritten if it is reproduced clearly and legibly on suitable paper by a duplicating, lithographic, photographic or any other method of reproduction.

(3) State cases, petitions, affidavits, grounds of appeal and the like shall be divided into concise paragraphs which shall be numbered.

(4) An applicant or plaintiff shall not later than three days prior to the hearing of the matter collate, and number consecutively, and suitably secure, all pages of the documents delivered and shall prepare and deliver a complete index thereof.

(5) Every affidavit filed with the registrar by or on behalf of a respondent shall, if he is represented, on the first page thereof bear the name and address of the attorney filing it.
(5) As 'n aanspraakmaker aan wie 'n tussenplein-kennisgewing en beëdigde verklaring behoorlik afgelever is, nalaat om besonderhede van sy aanspraak binne die gestelde tyd af te lewer, of nadat hy dit wel gedoen het, nie in die hof verskyn ter ondersteuning van sy aanspraak nie, kan die hof bevle dat die aanspraak van hom en van almal wat deur hom is, verval het teenoor die applikant.

(6) As 'n aanspraakmaker besonderhede van sy eis aflew en voor die hof verskyn, kan die hof—

(a) nadat hy die getuïeis wat hy nodig ag, aangehoor het, die aanspraak dadelik bestis;

(b) beveel dat 'n aanspraakmaker as verweerder gevoeg word in enige aksi wat reeds 'n aanvanging geneem het ten opsigte van die onderwerp van die geskil, in plaas van of bykomstig tot die applikant;

(c) beveel dat 'n geskil tussen die aanspraakmakers by wyse van 'n gestelde saak of op 'n ander wyse gestel word vir verhoor, en vir daardie doel bepaal wie die eiser sal wees en wie die verweerder;

(d) as hy meen dat dit nie 'n geskikte geval vir 'n tussenplein is nie, die aansoek van die hand wys;

(e) na goeddunken 'n bevel gee oor koste en oor die uitgawes (as daar is) deur die applikant ingevolge paragraaf (b) van suborde (2) aangegaan.

(7) As 'n tussenplein-kennisgewing deur 'n verweerder in 'n aksi uitgereik word, word die vorigtige in daardie aksi opgeskort hangende die beslissing van die tussenplein geding, tenys die hof op aansoek van enige ander party tot die aksi anders beveel.

**Beëdigde vertalers**

59. (1) Die hof kan enige persoon wat hom oortuig dat hy daartoe bevoegd is, toelat en laat inskryf as 'n beëdigde vertaler in 'n amptelike taal van die gebied en in enige vreemde taal.

(2) Niemand word as 'n beëdigde vertaler toegelaten en ingeskryf nie tensy sy bedrevenheid in die taal wat hy wil oor uit, na behoort skriftelik gecertificeer is op grond van 'n eksamen wat hoogstens ses maande voor die datum van aansoek deur 'n bevoegde beëdigde vertaler van minstens sewe jaar status afgeneem is: Met dien verstande dat as daar nie 'n beëdigde vertaler van voldoende status in sy reëngeskied is nie, die hof iemand wat na sy mening behoorlik gekwalificeer is om so 'n eksamen af te neem, as eksaminator kan aanstel.

(3) Elke beëdigde vertaler, behoorlik deur enige afdeling van die Hooggeregshof toegelaten en ingeskryf, word vir die betrokke tale 'n beëdigde vertaler van die hof genoeg te wees en sy naam en adres word deur die griffier op 'n rol van beëdigde vertalers geplaas.

(4) (a) Iemand wat kragtens suborde (1) toegelaa en ingeskryf is, moet voordat hy sy amptewerkzaamhede begin uitvoer, onderstaande eed of plegtige verklaring afdie en onderteken:

> "Ek ......................... (volle naam) verlaar hierby onder eed/plegtig en opreg dat ek in my hoedanigheid as vertaler van die Hoëhof van Venda enige dokument getrou en korrek na die beste van my kennis en vermoë sal vertaal in 'n amptelike taal van die gebied uit enige ander taal ten opsigte waarvan ek as vertaler toegelaa en ingeskryf is.".

(b) Iemand wat kragtens suborde (1) toegelaa en ingeskryf is, moet voordat hy sy amptewerkzaamhede begin uitvoer, onderstaande eed of plegtige verklaring afdie en onderteken:

> "Ek ......................... (volle naam) verlaar hierby onder eed/plegtig en opreg dat ek in my hoedanigheid as vertaler van die Hoëhof van Venda enige dokument getrou en korrek na die beste van my kennis en vermoë sal vertaal in 'n amptelike taal van die gebied uit enige ander taal ten opsigte waarvan ek as vertaler toegelaa en ingeskryf is."

(5) If a claimant to whom an interpleader notice and affidavit have been duly delivered fails to deliver particulars of his claim within the time stated or, having delivered such particulars, fails to appear in court in support of his claim, the court may make an order declaring him and all persons claiming under him barred as against the applicant from making any claim on the subject matter of the dispute.

(6) If a claimant delivers particulars of his claim and appears before it, the court may—

(a) then and there adjudicate upon such claim after hearing such evidence as it deems fit;

(b) order that any claimant be made a defendant in any action already commenced in respect of the subject matter in dispute in lieu of or in addition to the applicant;

(c) order that any issue between the claimants be stated by way of a special case or otherwise and tried, and for that purpose order which claimant shall be plaintiff and which shall be defendant;

(d) if it considers that the matter is not a proper matter for relief by way of interpleader notice dismiss the application;

(e) make such order as to costs, and the expenses (if any) incurred by the applicant under paragraph (b) of subrule (2), as to it may seem meet.

(7) If an interpleader notice is issued by a defendant in an action, proceedings in that action shall be stayed pending a decision upon the interpleader, unless the court upon an application made by any other party to the action otherwise orders.

**Sworn translators**

59. (1) Any person may be admitted and enrolled by the court as a sworn translator in an official language of the area and in any foreign language upon satisfying the court as to his competency.

(2) No person shall be admitted and enrolled as a sworn translator unless his proficiency in the language which he intends to translate has been duly certified in writing, after examination, held not more than six months before the date of his application by a competent sworn translator of not less than seven years' standing: Provided that, if there be no sworn translator of sufficient standing within its jurisdiction, the court may appoint as examiner any person whom it considers to be duly qualified to hold such examination.

(3) Every sworn translator duly admitted and enrolled as such by any division of the Supreme Court shall to the extent of such admission and enrolment be deemed to be a sworn translator for the court and the registrar shall place his name and address on a roll of sworn translators.

(4) (a) Any person admitted and enrolled under subrule (1) shall before commencing to exercise the functions of his office take an oath or make an affirmation which shall be subscribed by him, in the form set out below, namely:

> "I ......................... do hereby swear/solemnly and sincerely affirm and declare that I will in my capacity as a translator of the High Court of Venda faithfully and correctly translate, to the best of my knowledge and ability, any document into an official language of the area from any other language in respect of which I have been admitted and enrolled as a translator.".
(5) No power of attorney, executed in Transkei, Bophuthatswana, Lesotho, Botswana or Swaziland, and intended as an authority to any person to take, defend or intervene in any legal proceedings in a court within the area, shall require authentication: Provided that any such power of attorney shall appear to have been duly signed and the signature to have been attested by two competent witnesses.

**Destruction of documents**

64. In any matter which has not been adjudicated upon by the court or a judge, and has not been withdrawn, the registrar may, subject to the provisions of the Archives Act, 1962 (Act 6 of 1962), after the lapse of three years from the date of the filing of the last document therein, authorise the destruction of the documents filed in his office relating to such matter.

**Commissioner of the court**

65. Any person duly appointed as a commissioner of any division of the Supreme Court of South Africa or by the Chief Justice of the court as a commissioner of the court for taking affidavits in any place outside the Republic, shall by virtue of such appointment become a commissioner of the court.

**Superannuation**

66. (1) After the expiration of three years from the day wherein a judgment has been pronounced, no writ or execution may be issued unless the debtor consents to the issue of the writ or unless the judgment is revived by the court on notice to the debtor, but in such case no new proof of the debt shall be required. In the case of judgment for periodic payments, the three years shall run, in respect of any payment, from the due date thereof.

(2) Writs of execution of a judgment once issued remain in force, and may, subject to the provisions of the Prescription Act, 1969 (Act 68 of 1969), at any time be executed without being renewed until judgment has been satisfied in full.

**Tariff of court fees**

67. The court fees payable are as follows:

(a) (i) On every original initial document whereby an action is instituted or application is made: R3;

(ii) on every bill of costs to be taxed which is not related to an action or application already registered in the court: R3;

(iii) on every power of attorney (to be filed with the registrar) to appeal against the judgment of an inferior court, excluding appeals in criminal cases: R3;

(iv) on every notice of appeal against the judgment of a single judge to the full court: R3: Provided that no fee shall be levied on the document whereby an in forma pauperis action is instituted.

(b) For the registrar’s certificate on certified copies of documents (each): 20c.

(c) For each copy of an order of court made by the registrar, for each 100 words or part thereof: 20c.

**Tariff for deputy-sheriffs**

68. (1) The fees and charges contained in the appended tariff shall be chargeable by and allowed to deputy-sheriffs: Provided that no fees may be charged for the service of process in in forma pauperis proceedings (but the necessary disbursements for the purpose of such service may be recovered).
(6) Die griffer kan 'n stuk wat nie aan die vereistes van hierdie reël voldoen nie, verwerp.

(7) 'n Party tot 'n geding en enigiemand wat persoonlike belang daarby het, kan met verlof van die griffer na aanvoering van goeie redes, in die griffer se kantoor alle stukke insien en kopiere.

_Waarmerking van dokumente wat buite die Republiek en Suidwes-Afrika verly is vir gebruik in die gebied_ 63. (1) In hierdie reël, tensy uit die samehang anders blyk, beteken—

"dokument" 'n akte, kontrak, volmacht, beëdigde verklaring of ander geskrif, maar dit sluit nie 'n beëdigde of plegtige of gateteenteerde verklaring in wat voor 'n by artikel 8 van die Wet op Vrederegters en Kommissaries van Ede, 1963 (Wet 16 van 1963), voorgeskrewe amptenares afgelê heet te wees nie;

"waarmerking" wanneer 'n dokument toegepas, die bevestiging van 'n handtekening daarop.

(2) 'n Dokument wat op 'n plek buite die Republiek en Suidwes-Afrika verly is, word gegaan voldoende waarmerkings te wees indien dit behoorlik waarmerk is op 'n vreemde plek deur die handtekening en ampeël—

(a) van die hoof van 'n Suid-Afrikaanse diplomatieke of konsulêre missie of van iemand in die administratiewe of vakkundige afdeling van die Staatsdiens wat by 'n Suid-Afrikaanse diplomatieke, konsulêre of handelskantoor in die buiteland diens doen of van 'n Suid-Afrikaanse buitelandse diensbeambte Graad VII of 'n Suid-Afrikaanse erekonsul-generaal, konsul, vise-konsul of handelskommissaris; of

(b) van 'n konsul-generaal, konsul, vise-konsul of konsulêre agent van die Verenigde Koninkryk of iemand wat as plaasvervanger in enige van voornoemde hoedanighede optree of 'n pro-konsul van die Verenigde Koninkryk; of

(c) van 'n staatsinstandige van so 'n vreemde plek wat met die waarmerking van dokumente ingevolge die reg van daardie vreemde land belas is; of

(d) van 'n notaris of iemand anders in so 'n vreemde plek wat volgens 'n sertifikaat van 'n persoon in paragraaf (a), (b) of (c) genoem of van 'n diplomatieke of konsulêre beambte van so 'n vreemde land in die Republiek behoorlik gemagtig is om so 'n dokument ingevolge die reg van daardie vreemde land te waarmerk; of

(e) van 'n notaris in die Verenigde Koninkryk van Groot-Brittanje en Noord-Ierland of in Transkei, Bophuthatswana, Rhodesië, Lesotho, Botswana of Swaziland; of

(f) van 'n offisier van die Suid-Afrikaanse Weermag soos omskryf in artikel 1 van die Verdedigings Wet, 1957 (Wet 44 van 1957), in die geval van 'n dokument wat deur iemand op aktiewe diens verly is.

(3) As iemand wat 'n dokument ingevolge subreël (2) waarmerk geen ampeël het nie, moet hy in dier voege daarop onder sy handtekening sertifiseer.

(4) Ondanks dié bepalings van hierdie reël, kan die hof of openbare kantoor 'n dokument wat tot die bevrediging van so 'n hof of die beampte in beheer van so 'n openbare kantoor werklik geteken blyk te wees deur die persoon deur wie dit heet geteken te wees as behoorlik waarmerk aannamer.

(6) Die registrar mag geen document wat nie met die vereistes van hierdie reël voldoen nie, verwedert.

(7) Any party to a cause, and any person having a personal interest therein, with leave of the registrar on good cause shown, may at his office, examine and make copies of all documents in such case.

_Authentication of documents executed outside the Republic and South West Africa for use within the area_ 63. (1) In this rule, unless inconsistent with the context—

"document" means any deed, contract, power of attorney, affidavit or other writing, but does not include an affidavit or solemn or attested declaration purporting to have been made before an officer prescribed by section 8 of the Justices of the Peace and Commissioners of Oaths Act, 1963 (Act 16 of 1963);

"authentication" means, when applied to a document, the verification of any signature thereon.

(2) Any document executed in any place outside the Republic and South West Africa shall be deemed to be sufficiently authenticated if it be duly authenticated at such foreign place by the signature and seal of office—

(a) of the head of the South African diplomatic or consular mission or a person in the administrative or professional division of the Public Service serving at a South African diplomatic, consular or trade office abroad or a South African foreign service officer Grade VII or an honorary South African consul-general, consul, vice-consul or trade commissioner; or

(b) of a consul-general, consul, vice-consul or consular agent of the United Kingdom or any person acting in any of the aforementioned capacities or a pro-consul of the United Kingdom; or

(c) of any Government authority of such foreign place charged with the authentication of documents under the law of that foreign country; or

(d) of any notary public or other person in such foreign place who shall be shown by a certificate of any person referred to in paragraph (a), (b) or (c) or of any diplomatic or consular officer of such foreign country in the Republic to be duly authorised to authenticate such document under the law of that foreign country; or

(e) of a notary public in the United Kingdom of Great Britain and Northern Ireland or in Transkei, Bophuthatswana, Rhodesia, Lesotho, Botswana or Swaziland; or

(f) of a commissioned officer of the South African Defence Force as defined in section 1 of the Defence Act, 1957 (Act 44 of 1957), in the case of a document executed by any person on active service.

(3) If any person authenticating a document in terms of subrule (2) has no seal of office, he shall certify thereon under his signature to that effect.

(4) Notwithstanding anything in this rule contained, the court or any public office may accept as sufficiently authenticated any document which is shown to the satisfaction of the court or the officer in charge of such public office, to have been actually signed by the person purporting to have signed such document.
(ii) for conveying defendant to court from place of custody on a day subsequent to the day of arrest and attending at court, R5 per hour but not exceeding: R15;

(iii) for attachment of property ad fundandum jurisdictionem or ad confirmandum jurisdictionem: R6;

(b) of ejectment R5 per hour, subject to a minimum fee of (in addition to reasonable expenses necessarily incurred): R10;

(c) against immovable property—

(i) for execution, including service of notice of attachment upon the owner of the immovable property and upon the Registrar of Deeds or other officer charged with the registration of such property and if the property is in occupation of some person other than the owner, also upon such occupier: R5;

(ii) for notice of attachment to a single lessee or occupier: R1,50;

identical notices when there are several lessees, occupiers or owners, for each after the first: 30c;

(iii) for making valuation or report for purposes of sale, per hour R5 with a minimum of: R10;

(iv) when a deputy-sheriff has been authorised to sell property and the property is not sold by reason of the fact that the attachment is withdrawn or stayed irrespective of the amount of the writ: R3;

the necessary notice for the withdrawal of the attachment, the first: R1,50;

other identical notices for each after the first: 30c;

(v) to ascertain and record what bonds or other encumbrances are registered against the property together with the names and addresses of the persons in whose favour such bonds and encumbrances are so registered, including any correspondence in connection therewith (in addition to reasonable expenses necessarily incurred): R6;

(vi) to notify the execution creditor of such bonds or other encumbrances and of the names and addresses of the persons in whose favour such bonds or other encumbrances are registered: 75c;

(vii) for consideration of proof that preferential creditor has complied with the requirements of paragraph (a) of subrule (5) of rule 46: 50c;

(viii) for the notice referred to in subrule (6) of rule 46: R1,50;

(ix) for consideration of notice of sale prepared by execution creditor in consultation with deputy-sheriff: R3;

(x) for verifying that notice of sale has been published in the newspaper indicated, the Government Gazette and the Official Gazette of Venda: R1;

(xi) for forwarding a copy of the notice of sale to every judgment creditor who had caused the immovable property to be attached and to every mortgagee thereof whose address is known, for each copy: 30c;

(xii) for affixing a copy of the notice of sale on the noticeboard of the magistrate's court referred to in paragraph (e) of subrule (7) of rule 46 and at or as near as may be to the place where the sale is actually to take place, an inclusive fee of: R1,50;

(xiii) for considering the conditions of sale: R3;

(xiv) on the sale of immovable property by the deputy-sheriff as auctioneer 2½ per cent of the proceeds of the sale which shall be paid to the purchaser, with a minimum of: R20;
(2) Waar 'n besondere handeling op meer as een wyse kan geskied, moet die goedkoopste manier gevolg word tensy daar redelike beswaar teen is of de party ten behoeve van wie prosesstukke uitgevoer word, op die koste 'n bepaalde wyse verkeer.

(3) Geskille oor die opeisbaarheid of omvang van enige gelde of koste, en vergoeding vir noodsaklike werk en noodsaklike uitgawes waarvoor geen voor- siening gemaak is nie, word beslis deur die takse- meester van die hof.

**Tarief**

1. Registrasie van 'n dokument vir betekenening of tenuitvoerlegging by ontvangs daarvan: 30c.
2. Betekenening of gepoogde betekenening van dagvaardings, petisies, tesame met kennisgewing van mosie of van ter rolle plasing, ander kennisgewings, bevele of enige ander dokumente, elk: R2:

Met dien verstaande dat—

(i) wanneer 'n dokument saam met 'n prosesstuk beteken moet word en in die prosesstuk genoem word of 'n aanhangsel daarvan is, geen addisionele geldige gevorder mag word vir betekenening van die dokument nie. Origens mag R1 gevorder word vir elke afsonderlike dokument wat beteken word;

(ii) 'n gepoogde betekenening van meer as een dokument aan dieselde persoon beskou word as 'n gepoogde betekenening van slegs een dokument; en

(iii) geen geld vir 'n aparte dokument gevorder word by die betekenening van prosesstukke is straf- sake nie.

**Reistoeleae**

3. (a) Vir die afstand werklik en noodsaklikeerwyds deur die adjunk-balju of sy verteenwoordiger afgeë, bereken van die kantoor van die adjunk-balju af vir die heen- en terugreis, per kilometer of deel van 'n kilometer: 30c.

(b) Wanneer twee of meer dagvaardings of ander prosesstukke, in opdrag van dieselde party of van verskillende partye, met een en dieselde reis beteken kan word, moet die reistoeleae redelik en billik verdeel word tussen die verschillende sake met inagening van die afstand van die onderskeie partye aan wie die prosesstukke gerig is van die kantoor van die adjunk-balju af woon, maar die gelde is betaalbaar vir elke betekenening of gepoogde betekenening.

(c) Hierdie toeleae is alleen betaalbaar in gevalle waar die betrokke diens meer as 1 kilometer van die kantoor van die adjunk-balju af verlig moet word: Met dien verstaande dat as die kantoor van die adjunk-balju meer as 3 kilometer van die landdroskantoor van sy distrik is, die afstand van 1 kilometer van die landdroskantoor af gemoet word.

(d) Die beperking opgeë deur die voorbehoud by subparagraaf (c) kan deur die Minister na goeddunken verslap word waar omstandighede dit regverdig en op aanbeveling van die balju in welke geval die balju die aanbevele omgeving ten tyde van die aanspaning van die adjunk-balju, moet meld.

4. (a) Posgeld in siviele sake, volgens die postarieff.

(b) In strafsake, posvry.

5. Tenuitvoerlegging van enige lasbrief—

(a) (i) vir die arres van 'n persoon insluitende die vervoer van verweerder na die hof, na die prokureur se kantoor of na die gevangenis, per persoon: R6;

(b) Where there are more ways than one of doing any particular act, the least expensive way shall be adopted unless there is some reasonable objection thereto, or unless the party at whose instance process is executed desires any particular way to be adopted at expense.

(3) Where any dispute shall arise as to the validity or amount of any fees or charges, or where necessary work is done and necessary expenditure incurred for which no provision is made, the matter shall be determined by the taxing officer of the court.

**Tariff**

1. For registration of any document for service or execution, upon receipt thereof: 30c.
2. For service, or attempted service, of summonses, petitions together with notice of motion or notice of set down, other notices, orders or any other documents, each: R2:

Provided that—

(i) whichever any document to be served with any process is mentioned in the process or forms an annexure thereto, no additional fee shall be charged for the service of such document, otherwise a fee of R1 may be charged in respect if each separate document served;

(ii) an attempted service of more than one document on the same person shall be treated as an attempted service of one document only; and

(iii) no fee for service or a separate document shall be charged in respect of the service of process in criminal cases.

**Travelling allowance**

3. (a) For the distance actually and necessarily travelled by the deputy-sheriff or his officer reckoned from the office of the deputy-sheriff, both on the forward and the return journey, per kilometre or fraction of a kilometre: 30c.

(b) When two or more summonses or other process, whether at the instance of the same party or of different parties, are capable of being served on one and the same journey, the travelling allowance for performing the round of service shall be fairly and equitably apportioned among the several cases, regard being had to the distance at which the parties against whom such process is directed respectively reside from the office of the deputy-sheriff, but the fee for service shall be payable for each service made or attempted to be made.

This allowance shall be payable only in cases where the duty in question is to be performed beyond a radius of 1 kilometre from the office of the deputy-sheriff: Provided that if the office of the deputy-sheriff is situated more than 3 kilometres from the office of the magistrate of his district, the allowance shall be payable only where such duty is to be performed beyond a distance of 1 kilometre from the magistrate's office.

(d) The restriction imposed by the proviso in subparagraph (c) may, however, be relaxed by the Minister in his discretion, where circumstances warrant it and on the recommendation of the sheriff, in which event the extent thereof shall be specially mentioned in the appointment of the deputy-sheriff.

4. (a) Postage incivile matters, as per postal tariff.

(b) Postage in criminal matters, free.

5. For the execution of any writ—

(a) (i) of personal arrest, including conveying, defendant to court, to attorney’s office or to a prison, per person: R6;
Let Wel.—"Bewaring" beteken die voortdurende en noodsaaiklike teenwoordigheid op die perseel vir die tydperk waarvoor bewaring bereken word, van iemand in diens van en betaal deur die adjunks-balju vir die uitsluitende doel om besit te behou;

(ii) vervoer en opbergig, die redelike en noodsaaiklike uitgawes, en as 'n dier op stal plaas of gevoer moet word, die redelike uitgawes daarvan;

(iii) oppas van die hawe, die nodige uitgawes daaraan;

(iv) waar iemand in besit gelaat word en geen akte van sekerheidsstelling verkry nie, maar die inbeslagname roerende goed by onder toegis van die adjunks-balju, per dag: 50c.

6. (a) Opstel van 'n inventaris, insluitende 'n afskrif vir die persoon wie se goed geïnventarisere word, per uur: R5.

(b) Bystand waar nodig by die opstel van 'n inventaris (beperk tot een beambte), 'n redelike allesinsluitende bedrag per dag van hoogstens: R2.

7. (a) Opstel van relasie van betekening of tenuevoerlegging, insluitende opstel en tik van oorspronklike vir die hof, beperk tot een persoon op elke oorspronklike prosesstuk: 75c.

(b) Afskrif daarvan vir die party wat betekening of tenuevoerlegging verlang: 30c.

8. Opstel en voltooiing van 'n akte van borgstelling, sekerheidsstelling of vrywaring: R5.

9. Afskrifte van prosesstukke en bevele noodsaaiklike was vanaf per folio: 30c;

met 'n minimum van: 60c.

10. Kopiering van dagvaardings, bevele, getuigedagvaardings, lasbrieuws, ens., telegrafies ontvang, 30c per folio van 100 woorde, met 'n minimum van: 60c.

11. Afneem van 'n verklaring van 'n beskuldigde wat nie verteenwoordig is nie en wat verlang dat getuies op koste van die Staats gedagvaar moet word, betreffende sy middel, die name en adresse van die getuies en wat hulle ter verdereiging van hom kan sê, ten einde die griffer of die klerk van die hof op rondanga in staat te stel om te oordeel of die getuies gedagvaar moet word: 50c.

Let Wel. — Hierdie inligting moet verkry word wanneer die kennisgewing van verhoor en akte van beskuldiging beteken word en aan die griffer of die klerk van die hof oorge dra word in dieselfde brief onder dekkig waarvan die dokumente teruggestuur word.

12. Bywoning van strafzittings van die hof of 'n rondegaande hof, per hof per uur: R5; maar hoogstens per dag: R15.

13. Van die doodvonnis opgedeel word, 'n allesinsluitende bedrag van: R15.

Let Wel. — Die bedrag dek die uitkenning van die gevangene by aankoms, daaropvolgende besoekte by die gevangenis op versoek van die gevangene of die ouwerheid, die neem van verklarings van die gevangene indien daartoe verskyn, en vervoer.


Advokaatgelede in sievele sake

69. (1) Die geld van net een advokaat word tussen party en party toegelaat, behalwe waar die hof dié van meer dan een advokaat tussen party en party magtig.

Note.—"Possession" means the continuous and necessary presence on the premises for the period in respect of which possession is charged of a person employed and paid by the deputy-sheriff for the sole purpose of retaining possession;

(ii) for removal and storage, the reasonable and necessary expenses for such removal and storage; and if an animal is to be stabilized or fed, the reasonable charges for such stabilization and feeding;

(iii) for herding and preserving livestock, the necessary expenses for herding and preserving such stock;

(iv) when no officer is left in possession and no security bond is taken, but movable property attached remains under the supervision of the deputy-sheriff per day: 50c.

6. (a) For making an inventory, including all necessary copies and time spent in stocktaking, per hour: R5.

(b) For assistance, where necessary, in taking inventory (limited to one officer) a reasonable and inclusive fee per day, not exceeding: R2.

7. (a) For making return of service or execution, including drawing and typing original for court limited to one person upon each original process: 75c.

(b) Copy thereof for party desiring service or execution: 30c.

8. For drawing and completing bail bond, deed of suretyship or indemnity bond: R5.

9. For copies of process and order necessarily made per folio: 30; with a minimum of: 60c.

10. For making copies of summonses, orders, subpoenas, writs, etc., received by telegram 30c per folio of 100 words, with a minimum of: 60c.

11. Taking statement from accused, who is not represented and who desires witnesses to be subpoenaed at the expense of the State, as to his means, the names and addresses of the witnesses and what they can say in his defence, in order to enable the registrar or the clerk of the court on circuit to decide whether the witnesses should be subpoenaed: 50c.

Note.—This information is to be obtained at the time of serving the notice of trial and conveyed to the registrar or clerk of the court in the same letter under cover of which the documents are returned.

12. Attending any criminal session of the court or any circuit court, per hour: R5;

maximum per day: R15.

13. In cases of prisoners sentenced to death an inclusive fee of: R15.

Note.—This fee includes identifying the prisoner, subsequent attendances at the prison at the request of the prisoner or the authorities, taking statements from prisoner if requested to do so, and transport.

14. For each necessary letter excluding formal letters accompanying process or returns: 75c.

15. For each necessary attendance by telephone (in addition to prescribed trunk charges): 45c.

Advocates’ fees in civil matters

69. (1) Save where the court authorises fees consequent upon the employment of more than one advocate to be included in a party and party bill of costs, only such fees as are consequent upon the employment of one advocate shall be allowed as between party and party.
dit sluit in opwagting om die geld wat ten opsigte van die koopryss ontvang is op die depositoirekening van die magistraat van die distrik in te betaal;
(xv) vir enige subreël (11) van reëf 46 bedoelde verslag: R5;
(xvi) vir die gee van transport aan die koper: R1,50;
(xvii) vir die opstel van 'n distribusieplan van die opbrengs (insluitende nodige afskrifte) en afsending van afskrif aan griffier: R10;
(xviii) vir kennisgewing aan partye wat lasbrieue ingedien het en aan die vonnisstukkenaar dat distribusieplan ter insa sal lé, vir elke kennisgewing: 75c;
(xix) vir versoek aan magistraat om ooreenkomstig distribusieplan uit te betaal: 75c;
(d) teen roerende goed—
(i) wanneer 'n lasbrief by aanbieding betaal word, 1% van die bedrag aldus betaal met 'n minimum van: R5;
(ii) onsukseesvolle poging om beslag te lé, insluitende opsporing vir een uur en navraag: R5;
(iii) waar 'n lasbrief teruggetrek, opgeskort, gestaak of gestuit word voordat beslag gelé is: R2,50;
(iv) beslaglegging, insluitende opsporing vir een uur en navraag: R5;
(v) kennisgewing van beslaglegging, indien nodig, aan een persoon: R1,50;
identieke kennisgewings waar daar meer as een persoon is wat kennis moet kry, vir elkeen na die eerste: 30c;
(vi) waar beslaglegging deur die vonnisvuldeur teruggetrek of opgeskort, gestaak of gestuit word voor die verkoping, ¼% van die waarde van die inbeslaggene goed of die bedrag van die lasbrief, watter ook al die minste is;
(vii) waar die lasbrief aan die adjunkt-balju betaal word deur die skuldenaar na beslaglegging maar voor verkoping, ¼% van die bedrag betaal;
(viii) waar beslag op geld gelé word, ½% van sodanige bedrag;
(ix) opstel van advertensie van verkoping van inbeslaggene goed: R2;
(x) verkoping vir uitwisseling (met of sonder afslaag) insluitende verdeling van die opbrengs, vir die eerste R200 of deel daarvan 6% persent, of daarna 5% persent;
(xi) die adjunkt-balju moet roerende goed self uitwin, maar 'n afslaar aanstel indien skriflik daartoe deur die vonnisvuldeur versoek, en mits die vonnisvuldeur die additionele kommissie, as daar is, betaal;
(xii) kommissie is nie van 'n vonnisstukkenaar verhaalbaar op die waarde van inbeslaggene roerende goed wat daarna deur 'n derde opgeëis en gevolglik vrygegee is nie, tensy die goed in beslag geneem is op die uitdruklike skriflike versoek van die vonnisvuldeur, in welke geval die vonnisvuldeur teenoor die adjunkt-balju aanspreeklik is vir die kommissie;
(xiii) verskering van inbeslaggene roerende goed wanneer dit nodig geag word en in skriflike opdrag van die vonnisvuldeur aan die adjunkt-balju, benevens die premie wat betaal word, 'n allesinsluitende bedrag van: R5;
(e) vir bewaring van goed (geld uitgesluit)—
(i) vir 'n beampie wat noodsaaklik werk in besit gelaat is, 'n redelijke allesinsluitende bedrag per dag van hoogstens: R3;
(ii) vir 'n additionele beampie waar nodig, beperk tot een per dag, hoogstens: R2;
this includes call to pay into the deposit account of the magistrate of the district all moneys received in respect of the purchase price;
(xv) for any report referred to in subrule (11) of rule 46: R5;
(xvi) for giving transfer to the purchaser: R1,50;
(xvii) for preparing a plan of distribution of the proceeds (including the necessary copies) and for forwarding a copy to the registrar: R10;
(xviii) for giving notice to all parties who have lodged writs and to the execution debtor that the plan will lie for inspection, for every notice: 75c;
(xix) for request to magistrate to pay out in accordance with the plan of distribution: 75c;
(d) against movable property—
(i) when a writ is paid on presentation, 1% per cent on the amount so paid with a minimum fee of: R5;
(ii) for any abortive attempt at attachment, including one hour’s search and inquiry: R5;
(iii) when a writ is withdrawn or stayed before any property is attached: R2,50;
(iv) for making an attachment, including one hour’s search and inquiry: R5;
(v) notice of attachment, if necessary, to a single person: R1,50;
identical notices when there are more than one person to be given notice, for each after the first: 30c;
(vi) when an attachment is withdrawn by a judgment creditor or stayed before sale, ¼% per cent on the value of the property attached or the amount of the writ whichever is the lesser;
(vii) when a writ is paid by the debtor to the deputy-sheriff after attachment but before sale, ½% per cent on the amount so paid;
(viii) when moneys are taken in execution, ½% per cent on the amount so taken;
(ix) for drawing advertisement of sale of goods attached: R2;
(x) for selling in execution (whether auctioneer employed or not), including distribution of the proceeds, on the first R200 or part thereof, 6% per cent, and over and above the first R200, 5% per cent;
(xi) the deputy-sheriff himself shall sell movable property in execution but he shall engage the services of an auctioneer if directed thereto in writing by the judgment creditor, provided the judgment creditor bears the additional commission, if any;
(xii) commission shall not be chargeable, as against a judgment debtor, on the value of movable property attached and subsequently claimed by a person other than the judgment debtor and released in consequence of such claim unless such property has been attached at the express direction of the judgment creditor, in writing, in which event the judgment creditor shall be liable to the deputy-sheriff for the commission;
(xiii) for insuring movable property attached when it is considered necessary and when the deputy-sheriff is directed thereto in writing, by the judgment creditor, in addition to the amount of premium paid, an inclusive fee of: R5;
(e) for keeping possession of property (money excepted)—
(i) for an officer necessarily left in possession a reasonable inclusive fee per day not exceeding: R8;
for an additional officer, where necessary limited to one per day not exceeding: R2;
(iv) Verhore: R220.
(v) Appèlle en hersienings van magistraatshowe af: R150.

(b) Daaropvolgende dae:

'n Aanvuller (sonder die noodsaaklikheid van 'n aanvullende opdrag) tot 'n bedrag per dag volgens goedonkene van die takseermeester, maar hoogstens twee derdes van die gelde by takseis vir die eerste dag toegelaat.

(c) (i) Bywoning van hof om 'n voorbehoeve uit-spraak te noteer: R8.
(ii) Bywoning van hof om 'n voorbehoeve uitspraak te noteer, insluitende beredenering van terme van bevel, hetsy betreffende koste of iets anders, en 'n aansoek om verlof om te appeleer: R20.
(d) Bywoning van hof vir formele onbestrede uitstel: R8.

(e) Gelde in plaas van die vir eerste dag se verhoor wanneer saak geskik of teruggetrek of uitgestel is op instansie van enige party—

(i) hoogstens twee dae voor die verhoordatum: Gelde andersins toelatbaar per takseis vir eerste dag van verhoor;
(ii) minstens drie dae en hoogstens sewe dae voor die verhoordatum: Twee derdes van gelde kragtens (i);
(iii) minstens agt dae en hoogstens 21 dae voor die verhoordatum: Halfie van gelde kragtens (i).

7. Sake in rondgaande hof:

Vir dienste noodsaaklikerys op roondgang verrig ten opsigte van 'n saak reeds hangende in 'n roondgang-aadjeling, kan gelde andersins toelatbaar ingevolge die bostaande tarief, in die diskresie van die takseermeester met hoogstens een derde verhoog word.

Taksasie en tarief van gelde van prokureurs

70. (1) 'n Takseermeester mag alle kosterkeninge vir dienste werlik deur 'n prokureur in sy hoedanigheid as prokureur gelever, takseer hetsy in verband met gedingevoering of nie. In laasbedoelde geval moet hy hom niemand sover moontlik laat deur die skaal van gelde in die onderstaande tarief (hierna die tarief genoem): Met dien verstande dat die takseermeester nie koste mag takseer in gevalle waar 'n ander beanpunte mag is om dit te doen nie. Hy mag byvoorbeeld nie die koste bedoel in subartikel (2) van artikel 73 van die Insolvensiewet, 1936 (Wet 24 van 1936), takseer vir sover hulle nie op 'n geding waartoe 'n kurator 'n party is, betrekking het nie.

(2) By die takseis van 'n kosterkeening kan die takseermeester boekte, dokumente, stukke of rekenings oepsie wat syn insiens nodig is om hom in staat te stel om 'n aangeleentheid wat uit die takseis voortspruit, behoorlik te beslis.

(3) Ten einde die party aan wie koste toegestaan is ten volle te vergoed vir alle uitgawes redelikerwyds deur hom aangegaan met betrekking tot sy eis of verveer en om te verseker dat dit deur die party teen wie die bevel gegaan is, betaal word, moet die takseermeester al die koste en uitgawes toelaat wat syns insiens nodig of geps was om reg te laat geskied, of om die regte van enige party te beskerm maar behalwe teen die party wat hulle aangegaan het, moet hy geen koste toelaat wat syns insiens aangegaan of verhoog is uit

(iv) Trials: R220.
(v) Appeals from magistrates' courts including review of proceedings thereof: R150.

(b) Subsequent days:

A refresher (without the necessity of a refresher brief) in an amount per day to be allowed in the discretion of the taxing master, but not to exceed two-thirds of the fees allowed on taxation in respect of the first day.

(c) (i) Attending court to note a reserved judgment: R8.
(ii) Attending court to note a reserved judgment, including argument as to terms of payment, whether as to costs or otherwise, and an application for leave to appeal: R20.
(d) Attending court on formal unopposed postponement: R8.

(e) Fee in lieu of fee for first day's hearing when case settled or withdrawn or postponed at the instance of any party—

(i) not more than two days prior to the date of hearing: Fee otherwise allowable on taxation for first day's hearing;
(ii) not less than three days and not more than seven days prior to the date of hearing: Two-thirds of fee under (i);
(iii) not less than eight days and not more than 21 days prior to the date of hearing: Half the fee under (i).

7. Circuit matters:

For services necessarily rendered on circuit in respect of a matter already pending in a circuit court fee otherwise allowable in terms of the foregoing tariff may be increased in the discretion of the taxing master by an amount not exceeding one-third of such fee.

Taxation and tariff of fees of attorneys

70. (1) It shall be competent for any taxing master to tax all bills of costs for services actually rendered by an attorney in his capacity as such, whether in connection with litigation or not. In the latter event the taxing master shall nevertheless be guided as far as possible by the scales of fees fixed by the appended tariff (hereinafter referred to as the tariff): Provided that the taxing master shall not tax costs in instances where some other official is empowered so to do; for example he shall not tax such costs as are referred to in subsection (2) of section 73 of the Insolvency Act, 1936 (Act 24 of 1936), in so far as these do not relate to litigation to which a trustee is a party.

(2) At the taxation of any bill of costs the taxing master may call for such books, documents, papers or accounts as in his opinion are necessary to enable him properly to determine any matter arising upon such taxation.

(3) With a view to affording the party who has been awarded an order for costs a full indemnity for all costs reasonably incurred by him in relation to his claim or defence and to ensure that all such costs shall be borne by the party against whom such order has been awarded, the taxing master shall, on every taxation, allow all such costs, charges and expenses as appear to him to have been necessary or proper for the attainment of justice or for defending the rights of any party, but save as against the party who incurred the same, no costs shall be allowed which appear to the taxing master to have been incurred or increased through over-cau-
(2) Waar gelde vir meer as een advokaat tussen party en party toegelaat word, beloop dit van ‘n addisionele advokaat hoogstens die helfte van dié van die eerste.

(3) Die onderstaande tarief van maksimum-gelde tussen party en party (hieronder die tarief genoem) geld vir die volgende aangeleentheid, behalve waar die hof anders gelas op ‘n aansoek gedaan voor of onmiddellik na die uitspraak:

(a) ‘n Eis van hoogstens R3 000 met of sonder aanvullende regshulp;
(b) ‘n eis om levering van roerende of onroerende goed met ‘n waarde van hoogstens R3 000;
(c) ‘n eis om uitsetting uit ‘n perseel waar die waarde van die okkupasierig vir die okkupant hoogstens R3 000 is;
(d) ‘n eis om egskeiding of geregtelike skeding, of ander huweliksgewone, tansy verneel van ‘n eis om ‘n som geld van meer as R3 000 of om goed met ‘n waarde van meer as R3 000 (maar nie onderhoud nie);
(e) ‘n appel of ‘n hersiening van ‘n magistraatshof of:
(f) ‘n aansoek om ‘n interdikt pendente lite betreffende ‘n aangeleentheid in paragraaf (a), (b), (c) of (d) genoem:

Met dien verstande dat—

(i) waar die bedrag van die eis R3 000 oorskry maar dié van die vorm of van ‘n skikking nie, die tarief van toepassing is;
(ii) waar aan die verweerde of respondent koste toegeken word of die bedrag of waarde van die eis teen hom R3 000 oorskry het, die tarief nie van toepassing is nie, in elke geval tensy die hof anders gelas.

(4) By die toepassing van die tarief moet die takseermeester die skaal van gelde wat gewoonlik tussen party en party vir soortgelyke dienste in die gebied toegeken is, waarin inwerkbingstelting van dié tarief, in ag neem en nie sonder gegronde redes gelde toelaat wat dit wesenslik oorskry nie.

(5) Die taksering van advokaatsgelde tussen party en party word deur die takseermeester in ooreenstemming met hierdie reël en waar van toepassing, die tarief, gedoen. Waar die tarief nie geld nie, laat hy soveel toe as wat hy redelik ag, en nie noodwendig meer as die tarief nie.

**Tarief van maksimum-gelde vir advokate tussen party en party in zekere stiele sake**

1. Skriftelijke advies en memoranda in die loop van gedingsvoering: R75.
2. Opstel van pleitstukke en gestelde sake, nasien van die opgawe van feite in ‘n gekombineerde dagvaarding of derdeparty-kennisreg: R75.
3. Advies oor getuieën: R75.
5. Nasien van kennisreg van mosie, beëdigde verklarings, ens., waar konsultasie nie gehou is nie: R75.
6. Verskyning in hof:
   (a) Eerste dag van aanhoring:
      (i) Bestrede aansoek: R150.
      (ii) Ekspeksies of mosies om deurhaling: R150.
      (iii) Gestelde sake: R150.

(2) Where fees in respect of more than one advocate are allowed in a party and party bill of costs, the fees to be permitted in respect of any additional advocate shall not exceed one-half of those allowed in respect of the first advocate.

(3) The appended tariff of maximum fees as between party and party (hereinafter referred to as the tariff) shall (save where the court on application made before or when judgment is delivered otherwise orders) apply in the following matters:

(a) Any claim for a sum not exceeding R3 000 with or without any claim for ancillary relief;
(b) any claim for delivery of property movable or immovable of a value not exceeding R3 000;
(c) any claim for ejection from premises where the value of the right of occupation to the occupier does not exceed R3 000;
(d) any claim for divorce, judicial separation or other matrimonial matters unless accompanied by a money claim exceeding R3 000 or a proprietary claim exceeding R3 000 in value (excluding a claim for maintenance);
(e) any appeal and review from magistrates’ courts;
(f) any application for interdicts pendente lite in regard to any matter mentioned in paragraph (a), (b), (c) or (d):

Provided that—

(i) where the amount of the claim exceeds R3 000 but that of the judgment or of a settlement does not, the tariff shall apply;
(ii) where the defendant or respondent is awarded costs and the amount or value of the claim against him exceeded R3 000 the tariff shall not apply unless in either case the court otherwise orders.

(4) In applying the provisions of the tariff the taxing master shall have regard to the scale of fees ordinarily allowed, as between party and party, at the time of coming into operation of this tariff for like services in the area and shall not without substantial reason allow any fee materially in excess thereof.

(5) The taxation of advocates’ fees as between party and party shall be effected by the taxing master in accordance with this rule and, where applicable, the tariff. Where the tariff does not apply, he shall allow such fees (not necessarily in excess thereof) as he considers reasonable.

**Tariff of maximum fees for advocates on party and part basis in certain civil matters**

1. Written advice and memoranda in the course of litigation: R75.
2. Drawing pleadings and stated cases, settling a statement of claim in a combined summons or third party notice: R75.
3. Advice on evidence: R75.
4. Consultations on trial, to settle affidavits, stated cases, etc., and receive instructions and/or furnish advice, informal inspections with attorney and/or client prior to hearing, etc. (per hour): R30.
5. Setting notice of motion, affidavit, etc., where consultation not held: R75.
6. Appearances in court:
   (a) First day of hearing:
      (i) Opposed applications: R150.
      (ii) Exceptions or motions to strike out: R150.
      (iii) Stated cases: R150.
B. Opwagting en deurlewing

1. Ontvangs, deurlewing en oorewing van—
   (a) ‘n dagvaarding, petisie, beëdigde verklaaring, pleitstuk, advokaat se advies en konsep, verslag en belangrike kennisgewing of dokument per folio: 80c;
   (b) ‘n brief, oordeel, voorraadlyste by vrywillige oorgawe, uitspraak of enige ander belangrike dokument nie eisers vermeld nie: 20c per folio met ‘n minimum van: 80c.

2. Ontvangs van en oorewing van enige plan of bewysstuk of ander belangrike dokument nie gedeel deur item 1 van hierdie afdeling nie: R1 tot R15.


4. Sortering, rangskikking en paginering van stukke vir die opstel van pleitstukke, advies oor getuievisies of opdrag vir ‘n verhoor of appèl (per halfuur): R2.

5. Opwagting by blootlegging of insae (per halfuur): R2.

6. Te woord staan van getuie om besonderhede van sy eis te kry en dit te betaal: R1,50.

7. Opwagting om vertaling te reël en dit daarna te verkry: R1,50.

8. Ander dienste, insluitende telefoonoproepe, behalve formele (per halfuur): R2.

Opmerking.— Die gelde alhier toegelaat is bykomstig tot die wat vir opdragte onder Afdeling A toegekost kan word. By die berekening van gelde vir die deurlewing van dokumente in verband met opdragte ingevolge Items A1 en A6, moet die aantal woorde in al die dokumente saam getel en die totaal deur 100 verdeel word.

C. Opwagting formeel

1. Om ‘n noodsaaklike dokument of brief te beteken of af te lever (anders as deur die pos), of ‘n telegram te stuur: 80c.

2. Om ‘n proosstuk uit te neem of ‘n dokument in te dien: 80c.

3. Om sake vir verhoor ter rolle te plaas: 80c.

4. Om relaas na te spoor: 80c.

5. Ontvangs van kennisgewing van voorneme om te verdag: 80c.


7. By ondertekening van prokurasies om te dagvaar of te verdag: 80c.


10. Aandag skenk aan die ontvangs van ‘n formele erkenning: 50c.

D. Optel van dokumente

1. Inskrwing in kamerboek waar dit in gebruik is (insluitende alle opwagtings): R2.

2. Instrukisies vir ‘n opinie, vir die leiding van advokaat of die voorbereiding van pleitstukke (met inbegrip van verdere besonderhede en versoeke daarom), insluitende eksepseis (per folio): 80c.

3. Instrukisies aan advokaat insake advies oor getuievisies, vir opdrag op verhoor of op kommissie (per folio): 80c.

4. Instrukisies vir argument aan advokaat ten opsigte van alle soorte pleitstukke: Met dien verstande dat gelde vir die opstel van instrukisies insake ‘n mosie, petisie, eksepsee of appèl, slegs na goeddruk van die taksecommissie toegestaan word (per folio): 80c.

5. Getuiisverklarings (per folio): 80c.

B. Attendance and perusal

1. Attending the receipt of and perusing, and considering—
   (a) any summons, petition, affidavit, pleading, advocate’s advice and drafts, report, and important notice or document, per folio: 80c;
   (b) any letter, record, stock sheet in voluntary surrenders, judgments or any other material document not elsewhere specified: 20c per folio, with a minimum fee of: 80c.

2. Attending the receipt of and considering any plan or exhibit or other material document in respect of which the basis of remuneration set out in Item 1 of this section cannot be applied: R1 to R15.

3. Making searches in offices of record (per half-hour or part thereof): R2.

4. Sorting out, arranging and paginating papers for pleading, advice on evidence or brief on trial or appeal (per half-hour): R2.

5. Attending to give or take disclosure (per half-hour): R2.

6. Attending on witness to obtain particulars of his claim and to settle same: R1,50.

7. Attending to bespeak and thereafter to procure translation: R1,50.

8. Other attendances including telephone calls other than formal telephone calls (per half-hour): R2.

Note.—The fees allowed under this section shall be in addition to such fees as may be allowed for instructions under Section A. In computing the fees chargeable for perusal of documents in connection with items A1 and A6, the number of words in all documents to be perused, shall be added together and the total divided by 100.

C. Attendance (formal)

1. To serve or deliver (other than by post) any necessary document or letter or despatch any telegram: 80c.

2. To sue out any process or file any document: 80c.

3. To set down cases for trial: 80c.

4. To search for any return: 80c.

5. On receipt of notice of intention to defend: 80c.

6. On advocate, eg. with brief or to make appointment: 80c.

7. On signature of powers of attorney to sue or defend: 80c.


9. Other formal attendances, including telephone calls: 80c.

10. Attending receipt of a formal acknowledgement: 50c.

D. Drafting and drawing

1. Making an entry in the chamber book, where used (including all attendances): R2.

2. Drafting instructions for case on opinion, for advocate’s guidance in preparing pleadings (including further particulars and requests for same), including exceptions (per folio): 80c.

3. Drafting instructions to advocate for advice on evidence, for brief on trial or on commission (per folio): 80c.

4. Drafting instructions to advocate for argument in respect of all classes of pleading, provided that a fee for drafting instructions on motion, petition, exception or appeal, shall only be allowed in discretion of the taxing master (per folio): 80c.

5. Drafting statements of witnesses (per folio): 80c.
oorversigtigheid, of deur nalatigheid of dwaling nie, of deur die betaling van speciale gelde aan ’n advokaat, speciale uitgawes aan getuié of andere, of deur ander ongewone uitgawes.

(4) Voordat die takseeermeester ’n kosterekening tak- see, moet hy oortuig wees dat die party wat die rekening moet betaal, bevooroordeel konnie het geby van die tyd en plek van takasie en kennis dat hy geregist is om daarby teenwoordig te wees: Met dien verstande dat so ’n kenningsgewig nie nodig is nie—

(a) as die party teen wie koste toegestaan is, nie persoonlik of deur middel van sy regsverwennars of regskundiges by die verhoor verskyn het nie;

(b) as die persoon wat vir die betaling van koste aansprake is, skriftelik toegestem het tot takasie in sy afwezigheid; en

(c) vir die takasie van lastbriefrekeninge en uit- wyningsrekeninge.

(5) Die takseeermeester mag in buitengewone of uitsonderlike gevalle na goedgunke van hierdie tarief afwyk waar die strenge nakoming daarvan onblikkig sou wees.

(6) (a) Ten einde soveer moontlik die koste van kopieëring van stukke wat die opdragte van advokate vergesel, te verminder, moet die takseeermeester nie die koste van onnodige duplikasie in opdrag toestaan nie.

(b) Gelde kan deur die takseeermeester in sy diskrise tussen party en party toegestaan word vir die kopieëring van ’n dokument wat, na sy oordeel, redelikerys vers verrytinge vereis was.

(7) Gelde vir kopieëring moet geweier word vir soever hulle redelikerys verminder kon geweier het deur gedurkte versoms vir verbande, huurkoopkontrakte of ander dokumente te gebruik.

(8) Waar na die mening van die takseeermeester meer as een prokureur noodsaaklikerys in diens geneem is vir enige van die dienste deur die tafel gedek, is elke sodanige prokureur geregtig om volgens die tarief vergoed te word vir werk noodsaaklikerys deur hom gedoen.

(9) ’n Folio bestaan uit 100 woorde of ’n gedeelte daarvan en vier syfers word as ’n woorde beskou.

TARIJ VAN GELDE VAN PROKUREURS

A. Neem van instruksies

1. Om ’n geding in te stel of te verdedig: R3 tot R48.

2. Vir advies oor getuienes of op kommissie: R1,50 tot R24.

3. Vir verkryging van opinie, of vir die leiding van ’n advokaat by die opstel van pleitstukke, insluitende eksepsies: Gelde gelykaamde aan die wat ingevolge Item 2 van Afdeling D vir die opstel van die dokument toegelaat word.

4. Vir ’n getuiieverklaring: R1,50 tot R24.

5. Om ’n saak ter rolle te plaas, uitreiking van ’n getuiëdagvaarding of lastbrief, of enige ander eenvoudige instruksies: R1.

6. Om ’n petisie of beëdigde verklaring op te stel: Gelde gelykaamde aan die helfte van die wat ingevolge Item 7 van Afdeling D vir die opstel van die dokument toegelaat word: Met dien verstande dat die takseeermeester in gevalle waar geen petisie of beëdigde verklaring werklik opgestel is nie, na goedgunke gelde toelaat maar minstens R3.

7. Om appell aan te teken: R3.

8. Om appel voort te sit of te verdedig (met uit- slutting van deurlesing van die oorkonde): R1,50 tot R15.

9. ’n Folio bestaan uit 100 woorde of ’n gedeelte daarvan en vier syfers word as ’n woorde beskou.

TARIJ VAN FEES OF ATTORNEYS

A. Taking instructions

1. To institute or defend any proceedings: R3 to R48.

2. For advice on evidence or on commission: R1,50 to R24.

3. For case on opinion, or for advocate’s guidance in preparing pleadings, including exceptions: A fee equivalent to the fee allowed under Item 2 of Section D for drafting the document.

4. For statement of witness: R1,50 to R24.

5. To set down case, issue subpoena or writ or any other simple instructions: R1.

6. To draft a petition or affidavit: A fee equivalent to one-half of the fee allowed under Item 7 of Section D for drafting the document provided that in cases where no petition or affidavit is actually drawn the taxing master shall allow a fee in his discretion, but not less than R3.

7. To note an appeal: R3.

8. To prosecute or defend an appeal (exclusive of the perusal of the record): R1,50 to R15.
The above rates of remuneration shall not be applicable in respect of time spent in travelling, but the taxing master shall in respect of time necessarily so spent, allow additional remuneration not exceeding R30 per diem, and shall also allow the reasonable costs of necessary conveyance.

6. Evidence: Such just and reasonable charges and expenses as may, in the opinion of the taxing master, have been properly incurred in procuring the evidence and attendance of witnesses whose fees have been allowed on taxation: Provided that the qualifying expenses of a witness shall not be allowed without an order of court or the consent of all interested parties.

F. Miscellaneous

1. Briefing and copying: For making copies for the court, for counsel or for attorney, or for service or for any other necessary purpose, the charge shall be, for the first copy at the rate of 30c per folio (including the first copy of any document drafted in respect of which a charge is recoverable under Items 2, 3, 4, 5, 7 and 9 of Section D of this tariff), and for further copies, per folio: 15c.

For making copies of the record in a civil appeal from magistrate's courts the charge shall be, per folio: 15c.

2. For giving a verbal or written opinion (as between attorney and client): R7 to R75.

3. General: Inclusive fee for consultations and discussions with client or advocate not otherwise provided or specially charged: R3 to R30.

G. Bill of costs

In connection with a bill of costs for services rendered by an attorney, such attorney shall be entitled to charge:

1. For drawing the bill of costs, making the necessary copies and attending settlement, 5 per cent on the first R200 or portion thereof, 2½ per cent on the second R200 or portion thereof, and 1 per cent on the amount in excess of R400 of the amount of the attorney's fees, either as charged in the bill if not taxed, or as allowed on taxation; and

2. In addition thereto, if recourse is had to taxation, for arranging and attending taxation and obtaining consents to taxation, 5 per cent on the first R200 or portion thereof, and 2½ per cent on the second R200 or portion thereof, and 1½ per cent on the amount in excess of R400 of the fees allowed.

Note.—(1) The minimum fee under each item of this section shall be R1,50.

(2) The fee under each item of this section shall be calculated on the same amount.

Setting down of matters during last week of term and on circuit

71. (1) No cases may be placed on the roll during the last week of any term save with the leave of the court.

(2) No civil matters will be heard at any circuit session save unappraised motions and undefended matrimonial causes.

Admission of advocates

72. (1) Subject to the provisions of rule 6 in so far as they are not inconsistent with the provisions of this rule, a person applying for admission to practise and
6. Getuiedagvaardings, prokurasies om te dagvaar of te verdedig en formele kennigswyging (per folio): 80c.

7. Petisie, beëdigde verklaring, enige kennigswyging (uitgesonderd 'n formele kennigswyging), dagvaarding, versoek om en verskaffing van verdere besonderhede vir verhoor, laasbierie vir uitwinning, arres of beslag-legging en enige ander belangrike dokument waarvoor geen ander voorsiening gemaak is nie (per folio): R3.

Die minimum onder hierdie item vir die opstel van daagvaarding, petisie of beëdigde verklaring is R6,50, maar dit geld nie vir formele beëdigde versuimverklarings in gedinge om herstel van huweliksregte, bevestigende beëdigde verklarings, beëdigde verklarings ten opsigte van betekening of ander formele beëdigde verklarings nie).


9. Inhoudsopgawe vir advokaatsopdrag (per folio): 50c.


Opmerking 1.—By die berekening van die aantal folio's van die dokumente bedoel in items 2, 3, 4, 5 en 7 van hierdie afdeling, trek die takseermeester gedeeltes af wat bestaan uit aanhalings uit ander stukke, maar wanneer dit ter sake is, behandel hy dit as bylaes.

Opmerking 2.—Die vordering wat in hierdie afdeling toegelaat word vir die opstel van dokumente sluit nie, behalwe in die geval van Items 1, 6, 8 en 10, die maak van die eerste skoon afskrif is nie, waarvoor ingevolge Item 1 van Afdeling F gehef word.

E. Bywooning, samesprek en onderzoek

1. (a) Bywooning van prokreur wanneer 'n advokaat optree, in hof of voor 'n regier of voor 'n kommissaris of sekssregier of by 'n ondersoek wat deur die hof gelas is:

   Om slegs uitspraak te noeteer: R3;
   andersins per halfuur: R7 tot R15.

(b) Opwagting van prokreur sonder 'n advokaat voor 'n regier of versoek van die regier, of voor 'n kommissaris of sekssregier, per halfuur: R7 tot R15.

   Die bostaande skaal geld nie vir reis- of wagtyd nie,
   maar die takseermeester moet na goeddunken soveel addisioneel daarvoor toestaan as wat hy billik en reele-
   lik ag, maar hoogstens R30 per dag plus 'n redelike beigraag vir oorspraaklike vervoerkooste.

2. Bywooning deur 'n prokreur se ingeskrewre klerk om by bestrede verrynging te help:

   As 'n advokaat optree, per uur: R1,50.
   As geen advokaat optree nie, per uur: R3.
   Wanneer hy die prokreur bystaan, per dag: R4,50.

3. Enige samesprek met advokaat, met of sonder getue, en ten opsigte van pleitstukke met inbegrip van eksepsiies en besonderhede by pleitstukke, aanseke,
   petisies, beëdigde verklarings, getuie en enige ander aangeleenthed wat die takseermeester noodsaaklik ag,
   per halfuur: R7 tot R15.

4. (a) Enige samesprek met 'n klient, getue of teenparty en enige ander samesprek wat die tak-
   seermeester noodsaaklik ag, per halfuur: R7 tot R15.

(b) Bywooning van samesprekings ingevolge reël 37, per halfuur: R7 tot R15.

5. Enige inspelsie in situ of elders, per halfuur: R7 tot R15.

6. Drawing subpoenas, powers of attorney to sue or defend and formal notices (per folio): 80c.

7. Drafting a petition, affidavit, any notice, except formal notice, summons, further particulars requested and furnished for trial, writs of execution, arrest or attachment and any other important document not otherwise provided for (per folio): R3.

   (The minimum charge under this item for drafting a summons, petition or affidavit shall be R6,50 save
   that the minimum charge shall not apply in the case of a formal affidavit or non-return in restitution suits,
   verifying affidavits, affidavits of service and other formal affidavits).

8. Letter or telegram (per folio): R1.

9. Copy to keep (per folio): 10c.

10. Drawing index to brief (per folio): 50c.

Note 1.—In computing the number of folio's of any documents referred to in paragraphs 2, 3, 4, 5 and 7 of this section, the taxing master shall deduct, but treat as annexures where relevant, any portions consisting of quotations from other documents and papers.

Note 2.—The charges allowed in this section for drafting and drawing do not, save in the case of Items 1, 6, 8 and 10, include making the first fair copy which shall be charged for under Item 1 of Section F.

E. Appearance, conference and inspection

1. (a) Attendance by attorney when an advocate is employed in court or before a judge or before a commissioner or referee or at an inspection directed by the court:

   To note judgment only: R3;
   otherwise, per half-hour: R7 to R15.

(b) Appearance by attorney without an advocate before a judge on request by the judge, or before a commissioner or referee, per half-hour: R7 to R15.

   The above rates of remuneration shall not be applicable in respect of the time spent in travelling or waiting.
   but the taxing master shall, in respect of time necessarily so spent, allow such additional remuneration not exceeding R30 per diem as he in his discretion may deem fair and reasonable, and shall also allow a reasonable amount to cover the cost of necessary conveyance.

2. Attendance of attorney's articled clerk to assist at contested proceeding:

   If advocate employed, per hour: R1,50.
   If advocate not employed, per hour: R3.
   When assisting attorney, per diem: R4,50.

3. Any conference or consultation with advocate with or without witnesses and on pleadings including exceptions and particulars to pleadings, applications, petitions, affidavits, testimony and on any other matter which the taxing officer may consider necessary, per half-hour: R7 to R15.

4. (a) Any conference or consultation with client, witness or opposite party, and any other conference or consultation which the taxing officer may consider necessary, per half-hour: R7 to R15.

(b) Attending conference in terms of rule 37, per half-hour: R7 to R15.

5. Any inspection in situ, or otherwise, per half-
   hour: R7 to R15.
TAKE NOTICE FURTHER that if you fail to give such notice, judgment may be granted against you without further reference to you.

Dated at.................... this.................... day of.................... 19....................
Registrar of the High Court of Venda

Plaintiff’s attorney
Address for service:

FORM 2
NOTICE OF MOTION
(To Registrar)

IN THE HIGH COURT OF VENDA

In the matter of

Applicant

TAKEN NOTICE that application will be made on behalf of the above-named Applicant on the.................... day of.................... at 9:00 or as soon thereafter as counsel may be heard for an order in the following terms:

(a) ...........................................................
(b) ...........................................................
(c) ...........................................................

and that the affidavit of.................... annexed hereto will be used in support thereof.

Kindly place the matter on the roll for hearing accordingly.

Dated at....................

Applicant’s attorney
To the Registrar of the High Court of Venda.

FORM 2 (a)
NOTICE OF MOTION
(To Registrar and Respondent)

IN THE HIGH COURT OF VENDA

In the matter between:

Applicant and Respondent

TAKEN NOTICE THAT (hereinafter called the Applicant) intends to make application to this Court for an order (a) ............................................................ (b) ............................................................ (b) ............................................................ (here set forth the form of order prayed for) and that the accompanying affidavit of.................... (or petition where required by law) will be used in support thereof.

TAKEN NOTICE FURTHER that the Applicant has appointed [set forth an address referred to in rule 6 (4) (b) at which he will accept notice and service of all process in these proceedings.

TAKEN NOTICE FURTHER that if you intend opposing this application you are required (a) to notify Applicant’s attorney in writing on or before the.................... (b) and within 21 days of the service of this notice upon you, to file your answering affidavit(s) (if any) and further that you are required to appoint in such notification an address referred to in rule 6 (4) (b) at which you will accept notice and service of all documents in these proceedings.

If no such notice of intention to oppose be given, the application will be made on the.................... at 9:00.

Dated.................... this day of.................... 19....................

Applicant or his attorney
(Addres)

To:

(a) C.D.

(Address),
RESPONDENT.

(b) The Registrar of the High Court of Venda
as advokaat te pratiseer en magtiging om as advokaat ingeskryf te word, minstens ses weke voor die dag waarop sy aansoek deur die hof aangehoor gaan word:

(a) die griffier skriflik kennis gee van die datum waarop die aansoek gedoen sal word;
(b) die oorspronkelike en ’n afskrif van al die stukke waarop die aansoek steun, by die griffier inlew, asook ’n beëdigde verklaring waarin vermeld word of hy te eniger tyd deur ’n hof van die rol van advokaat geskrap of in sy praktyk geskors is;
(c) ’n afskrif van die in paragraaf (a) en (b) bedoelde stukke en beëdigde verklaring aan die Sekretaris van die Balieraad of die Vereniging van Advokate van die gebied, en by onstenteniss van so ’n Raad of Vereniging, aan die prokureur-generaal en die Sekretaris van Justisie van Venda.

(2) By ontvang van die in paragraaf (a) van subreeë (1) bedoelde kennisgewing, laat die griffier ’n kennisgewing op die openbare kennisgewingbord van die hof aanbring waarin vermeld word dat die applikant op ’n in die kennisgewing vermelde datum by die hof aansoek sal doen om toelating om as ’n advokaat te pratiseer en magtiging om as advokaat ingeskryf te word.

(3) Indien die applikant te eniger tyd voor die aanhoor van die aansoek enige ander stukke of verklaring as die in paragraaf (b) van subreeë (1) bedoelde stukke of verklaring by die griffier inlew, moet hy onverwyld ’n afskrif daarvan aan die Sekretaris van die Balieraad of die Vereniging van Advokate van die hof beteken, en by onstenteniss van so ’n Raad of Vereniging, aan die prokureur-generaal en die Sekretaris van Justisie van Venda.

(4) By die aanhoor van die aansoek lê die applikant ’n sertifikaat van die griffier voor waarin vermeld word:

(a) dat die bepalings van subreeë (2) nagekom is; en
(b) of enige besware by hom ingediend is.

(5) Enige persoon wat toegelaat word om te pratiseer en magtig word om as ’n advokaat ingeskryf te word, lê, wanneer hy aldus toegelaat en magtig word, ’n eed of pleidoglike verklaring vir die griffier in die hof af, wat deur hom onderteken moet word, in die vorm hieronder uiteengesit, te wete:

“Ek, ................ verstaar hierby onder eed/pleidog en opreg dat ek my eerlik en opreg in die praktyk van advokaat na my beste wete en vermoë sal gedra en verder dat ek trou sal wees aan die Republiek van Suid-Afrika.”

EERSTE BYLAE
VORM 1
EDIKTATE DAGVAARDING
VERKORTE VORM VAN PROSESSTUK IN DIE HOËRHOOF VAN VENDA
In die saak tussen:
Eiser
en
Verweerder
Aan:
B. .................. (geslag), .................................................. (beroep)
voorteen voornamig te
maar wie se huidige verblysplek onbekend is:
NEEM KENNIS dat u, deur middel van ’n dagvaarding wat by die hierdie Hoëgerigte uitgereik word, opgeroep is om kennis te gee, dat die publikasie hiervan, aan die Griffriver en aan die Eiser se prokureur, van u voornamer om te verdeg (indien u aldus van voornamer is) in ’n akse waarin C. ..................

(a) .............................................................. (eis);
(b) ..............................................................
(c) ..............................................................

for authority to be enrolled as an advocate shall, at least six weeks before the day on which his application is to be heard by the court—

(a) give written notice to the registrar of the date on which the application is to be made;
(b) deliver to the registrar the original and a copy of all the documents in support of the application and an affidavit stating whether he has at any time been struck off the roll of advocates or suspended from his practice by the court;
(c) serve a copy of the documents and affidavit referred to in paragraphs (a) and (b) on the Secretary of the Bar Council or the Society of Advocates of the area, and in the absence of such Council or Society, on the Attorney-general and the Secretary for Justice of Venda.

(2) On receipt of the notice referred to in paragraph (a) of subrule (1), the registrar shall cause a notice indicating that the applicant will on the date referred to in the notice apply to the court for admission to practice and for authority to be enrolled as an advocate, to be screened on the public notice board of the court.

(3) If the applicant at any time prior to the hearing of the application delivers any other documents or declarations, other than the documents or affidavit referred to in paragraph (b) of subrule (1) to the registrar, he shall forthwith serve a copy thereof on the Secretary of the Bar Council or the Secretary of Advocates of the court, and in the absence of such Council or Society, on the Attorney-general and the Secretary for Justice of Venda.

(4) At the hearing of the application the applicant shall produce a certificate from the registrar in which is specified—

(a) that the provisions of subrule (2) have been complied with; and
(b) whether any objections have been lodged with him.

(5) Any person who is admitted to practise and authorised to be enrolled as an advocate shall upon being so admitted and authorised take an oath or make an affirmation before the registrar in court, which shall be subscribed by him, in the form set out hereunder, namely:

“[Oath or Affirmation] I, ................. do hereby swear/solemnly and sincerely affirm and declare, that I will truly and honestly demean myself in the practice of advocate according to the best of my knowledge and ability, and further, that I will be faithful to the Republic of South Africa.”

FIRST SCHEDULE
FORM 1
EDICTAL CITATION
SHORT FORM OF PROCESS IN THE HIGH COURT OF VENDA
In the matter between:

Plaintiff
and
Defendant
To:

A. .......................... (sex), .................................................. (occupation) formerly residing at ........................................, but whose present whereabouts are unknown:

TAKE NOTICE that by summons sued out of this Court, you have been called upon to give notice, within ...... days after publication hereof, to the Registrar and to the Plaintiff’s attorney of your intention to define (if any) in an action wherein C. .................. claims:

(a) ..............................................................
(b) ..............................................................
(c) ..............................................................
before this Court on the _______________ day of _______________, at 10h00, to answer C. (occupation),

D. _______________ (sex),

(e) ____________________________ (residence or place of business) in the District or

(hereinafter called the Plaintiff) in an action wherein the Plaintiff claims (1),

(2), and (3) ____________________________ from Defendant, and to abide the

judgment of this Court thereon, or if writ issued after institution of

proceedings, to show cause why he should not be ordered to abide the

judgment of the Court or furnish security for his further presence within its jurisdiction until its judgment has been delivered in the action instituted herein, by C. (occupation),

D. _______________ (sex),

(e) ____________________________ (residence or place of business), in the District of

(hereinafter called the Plaintiff), and in which the said Plaintiff claims (1),

(2), and (3) ____________________________ from Defendant, or failing the due

provisions of such security, why he should not be committed to

prison and detained pending the judgment of this Court in the said action, (2) To the Officer Commanding the Prison to whom the
deputy-sheriff presents this writ.

You are hereby commanded and required to receive the said C.D. and to keep him safely until such time as he shall be removed to have him before the Court in accordance with the first part of this writ or until he shall be otherwise lawfully discharged.

Dated at _______________, this

day of _______________.

Registrar of the High Court of Venda

Plaintiff’s attorney

Address for service:

Note.—The costs of this writ have been taxed and allowed at

exclusive of the Sheriff’s caption fee of

Registrar of the High Court of Venda

FORM 5

ARREST—BAIL BOND

We, the undersigned, C. _______________ and L. _______________, hereby acknowledge ourselves to be firmly bound to the Sheriff of the High Court of Venda (or the Deputy-sheriff for the District of _______________), in an amount of _______________, to be paid to the said Sheriff (or Deputy-sheriff) or his sessionary or assigns, for which payment we bind ourselves jointly and severally, and our respective executors and administrators in like manner, the condition of this Bond being that if the said C. _______________, duly appear before the High Court of Venda at _______________, on the _______________, at 10h00, to answer A. _______________ of _______________ in the District of _______________, (hereinafter called the Plaintiff) in an action wherein the said Plaintiff claims (1),

(2), and (3) _______________ from Defendant, and thereby remains within the jurisdiction of this Court until its judgment has been delivered in the said action, and abide such judgment, this Bond shall be void; otherwise it shall be of full force and effect.

SIGNED by us in the presence of the subscribing witnesses at _______________ on this the _______________ day of _______________.

Registrar of the High Court of Venda

C.D. (Defendant)

L.M. (Surety)

As witnesses:

1.

2.
VORM 3
DAGVAARDING: NAMPTISEMENT
IN DIE HOËRHOF VAN VENDA

In die saak tussen:

Eiser

en

Verweerder

Aan die Baju of sy Adjunk:

STEL A

(geslag), .............................................. (beroep),
van .................................................. (woon- of bestighedsplek) hierna die Verweerder genoem, in
kennis—

(1) dat hy hierby opgeroep word om onmiddellik aan C

D .............................................. (geslag), .............................................. (beroep),
van .................................................. (woon- of bestighedsplek)
(hierna die Eiser genoem) 'n bedrag van .............................................. moet betaal
tesame met rente daarop bereken teen .............................................. persent per
jaar vanaf .............................................., keer se deur die Eiser gevorder op goed van

(sit die skuldsoorsak hier uiteen)

'n afskrif van welke dokument hierby aangebied is;

(2) dat hy verskuif om betaling, hy hierby opgeroep word om
voor hierdie Hof persoonlik of deur 'n advokaat te
op dag van .............................................., om 10h00 of spoedig daarna
as wat die saak veroor kan word) ter verwyk om sy aansprake-
likheid vir die genoemde eis te erken of te ontken en te vermeld
waaron hy die eendom wat aan die verband onderhewig is, nie
uitwissend verklaar behoeft te word nie;

(3) dat indien hy aansprakelikheid ontken hy nie later nie as
middag op dag van .............................................., om 19h00 of spoedig daarna
as wat die saak verhoor kan word) ter verwyk om sy verantwoordelijke beurtelikes is wat op die genoemde
visie, en as dit sy verteenwoordiger s'n is, of hy dié se magtiging erken of ontken.

EN STEL die genoemde Verweerder verder in kennis dat
indien hy nie die voormeld bedrag en rente onmiddellik aan die
Eiser betaal nie en indien (die genoemde Verweerder) ook verse
om 'n bileidige verklaring by die Grffer van hierdie Hof moet indien
waaran hy 'n afskrif aan die Eiser se prokureur moet betrekken,
waarin hy die gronde van sy verweer teen die eis uiteensit en
in die besonder vermeld of hy erken of ontken dat sy of sy
verteenwoordiger se handelkundige is wat op die genoemde
visa, en as dit sy verteenwoordiger s'n is, of hy dié se magtiging erken of ontken.

EN beteken 'n afskrif van hierdie dagvaarding en van die
genoemde van die Verweerder en hierdie Gedateer te
dag van ..............................................

Grffer van die Hoërhof van
Venda

Eiser se prokureur
Adres vir betekening:

VORM 4
LASBRIEF TOT ARRES SUSPECTUS DE FUGA
IN DIE HOËRHOF VAN VENDA

In die saak tussen:

Eiser

en

Verweerder

Aan die Baju of sy Adjunk:

U word hierby gelaat om A

B .............................................. (geslag), .............................................. (beroep),
van .................................................. (woon- of bestighedsplek) in die distrik
(hierna die Verweerder genoem) te arresteer en aan te hou en hom

FORM 3
SUMMONS: NAMPTISEMENT
IN THE HIGH COURT OF VENDA

In the matter between: Plaintiff

and

Defendant

To the Sheriff or his Deputy:

INFORM A .............................................. (occupation),
of .................................................. (resident or place of business) and hereinafter called the Defendant—

(1) that he is hereby called upon immediately to pay to

C .............................................. (occupation),
of .................................................. (resident or place of business), (hereinafter called the Plaintiff) and amount of

combined with interest thereon at the rate of .............................................. per
annum from .............................................. claimed by Plaintiff,

(here set out the cause of action), and a copy of which document is annexed hereto;

(2) that failing such payment, he is hereby called upon to
appear before this Court personally or by an advocate at

the day of .............................................. at 10h00 (or as soon thereafter as
the matter can be heard) to admit or deny his liability for the
said claim, and to state why the mortgaged property should not
be declared executable;

(3) that if he denies liability for the same, he shall not later
than noon on the day of ..............................................

file an affidavit with the Registrar of this Court, and serve
a copy thereof on Plaintiff's attorney, which affidavit shall set
forth the grounds of his defence to the said claim, and in parti-
cular state whether he admits or denies his signature to the said
signature or authority of his agent.

AND INFORM the said defendant further that in the event
of his not paying the amount and interest above-mentioned to the
Plaintiff immediately and if the (the said defendant) further
fails to file an affidavit as aforesaid, and to appear before this
Court at the time above stated, nevertheless, notice may forthwith
be granted against him with costs, and the mortgaged property may
declared executable, but that against payment of the said
amount, interest and costs, he will be entitled to demand security
for the restitution thereof if the said sentence should thereafter
be reversed.

AND serve a copy of this summons and of the said

on the said Defendant and then return
this summons to the Registrar with your return of what you have
done thereon.

Dated at ..............................................

day of ..............................................

Registrar of the High Court of
Venda

Plaintiff's attorney

Address for service:

VORM 4
WRIT OF ARREST SUSPECTUS DE FUGA
IN THE HIGH COURT OF VENDA

In the matter between:

Plaintiff

and

Defendant

To the Sheriff or his Deputy:

You are hereby commanded to apprehend A .............................................. (occupation),
of .................................................. (resident or place of business) in the District of

(hereinafter called the Defendant) and to detain and bring him
Om aldus kennis te gee, moet u 'n kennisgewing waarin vermeld word dat u voornemens is om te verdedig deur die Griffter indien en 'n afskriw daarvan aan die Eiser by die adres hieronder aangemeld, beteken. Die kennisgewing moet 'n adres (nie synne 'n posbus of poste restante nie) binne 10 kilometers van die Hof af vir die betekening aan u van kennisgewings en dokumente in die aksie, aangegee word. Tenyu u al hierdie dinge doen, sal u kennisgewing ongeldig wees.

Daarna moet u 'n pleit indien waarin u kan betwys dat u 'n vermoed van of kan aanvoer dat die hierbo beweerde yderlik nie ter sake is nie of dat die Verweerder aanspreeklik is, of al drie hierdie verwere.

Indien u nie aldus kennis gee nie sal dit u nie vrystaan om enige van bovengenoemde verwere te opper nie. Indien die genoemde Verweerder aanspreeklik bevind word, sal u blootstaan aan die uitreiking van 'n bezwering vir uitwissing teen u indien die Verweerder se bates uitgewist is en onvoldoende is.

Gedateer te: ... hierdie dag van: ... 19... 

Prokureur vir: ...


N.B.—In aansoekverrigtinge moet hierdie vorm paslik gewysig word.

VORM 9

DAGVAARDING
(Ten opsigte van skuld of gelijkvindende eis)

IN DIE HOERHOF VAN VENDA

Saak No. ...

In die saak tussen:

Eiser en

Verweerder

Aan die Balju of sy Adjunct:

STEL A.B., van: ..., ...

(meld geslag en beroep)

(hierna die Verweerder genoem), in kennis dat C.D., van: ..., ...

(vermeld geslag en beroep)

(hierna die Eiser genoem), hierby 'n aksie teen hom instel in welke aksie die Verweerder vorder:

(Sit die skuldoorsaar hier bondig uiteen)

STEL die Verweerder verder in kennis dat indien hy die eis betwys en die aksie wens te verdedig, hy binne ... dag na die betekening aan hom van hierdie dagvaarding by die Griffter van die Hof te ..., ...

(hierna die adres van die Griffter 'n kennisgewing van sy voorneme om te verdedig moet indien en 'n afskriw daarvan aan die Eiser se prokureur moet beteken, in welke kennisgewing 'n adres (nie synne 'n posbus of poste restante nie) 10 kilometers van die Hof af vir die betekening aan die Verweerder van alle kennisgewings en dokumente in die aksie, aangegee moet word.

STEL die Verweerder verder in kennis dat indien hy verduidelik moet 'n kennisgewing in te dien en te beteken soos voorspel, wanneer soos aangeva teem om gegee kan word soos verdere kennisgewing aan hom.

En beteken omiddellik daarna 'n afskriw van hierdie dagvaarding aan die Verweerder en lewer die oorspronklike aan die Griffter terug met 'n reëls van wat u daaromtrent gebeur het.

Gedateer te: ... hierdie dag van: ... 19... 

Griffter van die Hoerhof van Venda

Eiser se prokureur

Adresse: ...

N.B.—In aansoekverrigtinge moet hierdie vorm paslik gewysig word. In application proceedings this form should be appropriately altered.

FORM 9

SUMMONS
(Claim in respect of debt or liquidated demand)

IN THE HIGH COURT OF VENDA

Case No. ...

In the matter between:

Plaintiff and

Defendant

To the Sheriff or his Deputy:

INFORM A.B., of: ..., ...

(state sex and occupation)

(hiernafter called the Defendant), that C.D., of: ..., ...

(state sex and occupation)

(hiernafter called the Plaintiff) hereby instituted action against him in which action the Plaintiff claims:

(Here set out in concise terms Plaintiff's cause of action)

INFORM the defendant further that if he disputes the claim and wishes to defend the action he shall within ... days of the service upon him of this summons file with the Registrar of this Court at (here set out the address of the Registrar's office) notice of his intention to defend and serve a copy thereof on the Plaintiff's attorney, which notice should address (not being a post office box or poste restante) within 10 kilometers of the Court for the service upon the Defendant of all notices and documents in the action.

INFORM the Defendant further that if he fails to file and serve notice as aforesaid, judgment as claimed may be given against him without further notice to him.

And immediately thereafter serve on the Defendant a copy of this summons and return the same to the Registrar with whatsoever you have done thereupon.

Griffter van die Hoerhof van Venda

Registrar of the High Court of Venda

Plaintiff's attorney

Address: ...
VORM 6
OORDRAG VAN BORGAKTE

Ek, in my hoedanskap as Balju van die Hoëveld van Venda (of Adjunkt-balju vir die district...), seder hierby en dra hierby oor aan A...

B., die geneemde Eiser, al my rege, tis... en belig in die voorgaande borgakte.

GEGEKEEN deur my in die teenwoordigheid van die ondergetekende getuie te... hierdie dag van...

...Balju/Adjunkt-balju

As getuies:
1.
2.

VORM 7
KENNISGEWING AAN DERDE PARTY
IN DIE HOËVOLK VAN VENDA

In die saak tussen:

Eiser en Verweerd en Deree Party

Aan die bogenoemde Derde Party:

NEEM KENNIS dat die bogenoemde Eiser 'n geding teen die bogenoemde Verweerd ingestel het vir die regstelp in die dagvaarding uitengestel, 'n afskrif waarvan hierdie aan u beteken word.

Die bogenoemde Verweerd el 'n bydrae of skadeloosstelling (of so 'n ander grond as wat voldoen om 'n derdeparty kennisgewing te regverdig) op die gronde in die aanhangel hiervan uitengestel...

As u daardie gronde betwis of die vordering van die Eiser teen die Verweerd betwis, moet u binne... dae kennis gee van u voorname om te verdedig. Die Kennisgewing moet skriftelik wees en by die Griphof ingediende word en 'n afskrif daarvan moet aan die bogenoemde Verweerd by die adres onderaan hierdie Kennisgewing vermeld, beteken word. Daarin moet 'n adres (nie syndes 'n posbus of poste restante nie) binne 10 kilometer van die Hof af vir die betekenking aan u van Kennissgewings en dokumente in die geding, aangegoo word. Binne 14 dae nadat u albei kennis gegee het, moet u 'n pleit op die Eiser te vorder en die Verweerd of 'n pleit op die Verweerd se vordering teen u, of beide sodanige pleite, indien...

Gedateer te... hierdie dag van...

...Verweerd se prokureur (Adres)

en aan Eiser se prokureur (Adres)

VORM 8
KENNISGEWING AAN BEWEERDE VENNoot
IN DIE HOËVOLK VAN VENDA

Saak No.

In die saak tussen:

Eiser en Verweerd

Aan:

A. ...

NEEM KENNIS dat 'n akte van die bogenoemde Eiser teen bogenoemde Verweerd en die bekring van...

ingestel is en dat die Eiser beweer dat die Verweerd 'n vennootskap is waarvan u vanaf ...

...vennoot was.

Indien u dit betwis dit dat u 'n vennoot was of indien u beweer dat geen aanspreeklikheid as vennoot in bogenoemde tydperk teen u ontstaan het nie, moet u binne 14 dae na die betekenking van hierdie Kennisgewing kennis gee van voorname op te verdedig. Nadat u aldus kennis gegee het en 'n afskrif van die dagvaarding wat aan bogenoemde Verweerd beteken is, aan u beteken word.

FORM 6
ASSIGNMENT OF BAIL BOND

1. ...
in my capacity as Sheriff of the High Court of Venda or Deputy-Sheriff for the district...

hereby cede, assign and make over all my right, title and interest in the foregoing Bail Bond to A...

B. ...

the above-named Plaintiff.

SIGNED by me in the presence of the subscribing witnesses at...

day of... 19...

...Sheriff/Deputy-Sheriff

As witnesses:
1.
2.

FORM 7
NOTICE TO THIRD PARTY
IN THE HIGH COURT OF VENDA

In the matter between:

Plaintiff and Defendant

To the above-mentioned Third Party:

TAKE NOTICE that the above-named Plaintiff has commenced proceedings against the above-named Defendant for the relief set forth in the summons a copy of which is herewith served upon you.

The above-named Defendant claims a contribution or indemnification (or such other ground as may be sufficient to justify a third-party notice) on the grounds set forth in the annexure hereto.

If you dispute those grounds or if you dispute the claim of the Plaintiff against the Defendant you must give notice of your intention to defend, within... days. Such notice must be in writing and filed with the Registrar and a copy thereof served on the above-named Defendant at the address set out at the foot of this notice. It must give an address (not being a post office box or pâtre restante) within 10 kilometres of the Court for the service upon you of notices and documents in the action. Within 14 days of your giving such notice you must file a plea to the Plaintiff's claim against you, or both such pleas.

Dated...

day of...

...Defendant's attorney (Address)

and to Plaintiff's attorney (Address)

FORM 8
NOTICE TO ALLEGED PARTNER
IN THE HIGH COURT OF VENDA

Case No.

In the matter between:

Plaintiff and Defendant

To:

A. ...

TAKE NOTICE that action has been instituted by the above-named Plaintiff against the above-named Defendant for the sum of...

and that the Plaintiff alleges that the above-named Defendant is a partnership of which you were from...

...to... a partner.

If you dispute that you were a partner or that the above-mentioned period is in any way relevant to your liability as a partner, you must within 14 days of the service of this notice give notice of your intention to defend. Upon your giving such notice a copy of the summons served upon the above-named Defendant will be served upon you.
(5) The last-mentioned documents were last in my possession or power. (state when).

(6) The... (name state what has become of the last-mentioned documents, and in whose possession they are now).

(7) According to the best of my knowledge and belief, I have not now, and never had in my possession, custody, or power, or in the possession, custody or power of my attorney, or agent, or any other person on my behalf, any document, or copy of, or extracts from any document, relating to the matters in question in this action, other than the documents set forth in the First and Second Schedules hereto.

Dated at... this... day of... 19...

Defendant

FORM 12
NOTICE IN TERMS OF RULE 35 (5)
IN THE HIGH COURT OF VENDA

In the matter between:

A.B. Plaintiff

and

C.D. Defendant

To:

Please take notice that the above-named Plaintiff requires you within 21 days to deliver to the undersigned address a written statement setting out what documents of the following nature you have presently or had previously in your possession:

(a)

(b)

(c)

(d)

In such statement you must specify in detail which documents are still in your possession. If you no longer have any such documents which were previously in your possession you must state in whose possession they now are.

If you fail to deliver the statement within the time aforesaid, application will be made to court in order compelling you to do so and directing you to pay the costs of such application.

Plaintiff’s attorney

(Address)

FORM 13
DISCOVERY—NOTICE TO PRODUCE
IN THE HIGH COURT OF VENDA

In the matter between:

A.B. Plaintiff

and

C.D. Defendant

TAKE NOTICE that the... (plaintiff or defendant) requires you to produce within 10 days for his inspection the following documents referred to in your affidavit, dated the... day of... 19...

(Describe documents required)

Dated at... this... day of... 19...

Attorney for...

(Address)

To:

FORM 14
NOTICE TO INSPECT DOCUMENTS
IN THE HIGH COURT OF VENDA

In the matter between:

A.B. Plaintiff

and

C.D. Defendant

TAKE NOTICE that you may inspect the documents mentioned in your notice of... day of... 19...

(Describe documents)

and between the hours of... and... on the following days...

(of)
VORM 10

GEKOMBINEERDE DAGVAARDING
IN DIE HOERHOF VAN VENDA

Saak No.__________________________

In die saak tussen:

Eiser

en

Verweerder

Aan die Balju of sy Adjunk:

STEL A.B. van__________________________

(vermeld geslag en beroep)

(hierna die Verweerder genoem), in kennis dat C.D. van

(vermeld geslag en beroep)

(hierna die Eiser genoem), hierby 'n akkie teen hom instel waarin hy die reghelp eis wat in die aangehegte besonderhede aangegee word, op die gronde daarin uiteengestaan.

STEL die Verweerder verder in kennis dat indien hy die eis betwis en die akkie wens te verdedig, hy—

(i) binne_________, dae na die betekening aan hom van hierdie dagvaarding by die Gripper van hierdie Hof te

(meld adres van die Gripper) 'n kenningeweg van sy voorneme om te verdedig moet indien en 'n afskryf daarvan aan die Eiser se prokureur moet beteken, waarin 'n adres (nie sydne 'n posbus of poste restante nie) binne 21 kilometer van die Hof af vir die betekening aan die Verweerder van alle kenningewegs en dokumente in die akkie, aangegee word;

(ii) daarna, en binne 21 dae na die indien en betekening van die kenningeweg van voorneme om te verdedig soos voor-

meld, by die Gripper 'n pleit, ekspose, kennisgewing van mosis vir deurbrading, met of sonder 'n teorie, moet indien en aan die Eiser moet beteken.

STEL die Verweerder verder in kennis dat indien hy versuim om 'n kenningeweg soos voornmeld in te dien of te beteken, vonnis soos aangevra teen hom gegee kan word sonder verdere kenning-

gewing aan hom, of indien hy versuim om te pleit, ekspose op te werk, aanwys om deurbrading te doen of 'n teorie in te stel nadat so 'n kenningeweg ingediend en beteken is, vonnis ook teen hom gegee kan word.

En beteken onmiddellik daarna 'n afskryf van hierdie dagvaarding aan en later die oorspronklike aan die Gripper terug met 'n relasie van wat u daarmint gedoen het.

Gedateer te__________________________

dag van___________________________19__________

______________________________

Gripper van die Hoerhof van Venda

AANHANGSEL

Besonderhede van Eiser se vordering__________________________

______________________________

Adres van Eiser se prokureur:

______________________________

______________________________

______________________________

______________________________

______________________________

______________________________

______________________________

Eiser se advokaat

VORM 11

BLOOTLEGGING—VORM VAN BEËDIGDE VERKLARING IN DIE HOERHOF VAN VENDA

Saak No.__________________________

In die saak tussen:

A.B. Eiser

en

C.D. Verweerder

Ek, C.D. die togenoemde Verweerder, verklaar onder eed:

(1) Ek het in my besit of onder my beheer die dokumente betref-

fende die geskikte in hierdie akkie wat in die eerste en tweede deel van die boek Aanhangsel hiervun aangegee word.

(2) Ek maak bewaar teen die blootlegging van die dokumente in die tweede deel van die Aanhangsel aangegee.

(3) My bewaar berus daarop dat

(vermeld hier op watter gronde die bewaar gemaak word en bevestig die feite soort moontlik).

(4) Ek het die dokumente betrefende die geskikte in hierdie akkie wat in die Tweede Aanhangsel aangegee word, in my besit of onder my beheer gehad maar nou nie meer nie.

FORM 10

COMBINED SUMMONS

IN THE HIGH COURT OF VENDA

In the matter between:

Case No.__________________________

Plaintiff

and

Defendant

To the Sheriff or his Deputy:

INFORM A.B., of__________________________,

(state sex and occupation)

(hereinafter called the Plaintiff), hereby institutes action against

(hereinafter called the Defendant), that C.D., of

(state sex and occupation)

(hereinafter called the Defendant), hereby institutes action against

in which action the Plaintiff claims the relief and on the

grounds set out in the particulars annexed hereto.

INFORM the Defendant further that if he disputes the claim and

wishes to defend the action he shall—

(i) within_________ days of the service upon him of this summons

file with the Registrar of this Court at (set out the address of

the Registrar) notice of his intention to defend and serve a copy

thereof on the Plaintiff's attorney, which notice shall give an

address (not being a post office box or poste restante) within 10

kilometers of the Court for the service of all notices and

documents in the action;

(ii) thereafter, and within 21 days after filing and serving

notice of intention to defend as aforesaid, file with the

Registrar and serve upon the Plaintiff a plea, exception, notice to

strike out, with or without a counter-claim.

INFORM the Defendant further that if he fails to file and serve

notice as aforesaid judgment as claimed may be given against him

without further notice to him, or if, having filed and served such

notice, he fails to plead, except, make application to strike out or

counter-claim, judgment may be given against him.

And immediately thereafter serve on the Defendant a copy of this

summons and return the same to the Registrar with whatever

you have done thereupon.

Dated at__________________________

day of___________________________19__________

______________________________

Registrar of the High Court of Venda

ANNEXURE

Particulars of Plaintiff's claim__________________________

______________________________

Address of Plaintiff's attorney:

______________________________

Plaintiff's advocate

FORM 11

DISCOVERY—FORM OF AFFIDAVIT

IN THE HIGH COURT OF VENDA

In the matter between:

Case No.__________________________

Plaintiff

and

Defendant

I, C.D., the above-named Defendant, make oath and say:

(1) I have in my possession or power the documents relating to

the matters in question in this action set forth in the first and second

parts of the First Schedule hereto.

(2) I object to produce the said documents set forth in the second

part of the said Schedule hereto.

(3) I do so for the reason that

(here state upon what grounds the objection is made, and verify

the facts as far as may be).

(4) I have had, but have not now in my possession or power,

the documents relating to the matters in question in this action,

set forth in the Second Schedule hereto.
VORM 17
KENNISGEWING INGEVOLGE REEL 43
IN DIE HOãRHOOF VAN VENDA

In die saak tussen:

Applicant

en

Respondent

Aan die bogenoemde Respondent:

NEEM KENNIS dat indien u voornemens is om hierdie eis te verdedig, u binne 14 dae na 'n antwoord by die Griêfer van hierdie Hoãf moet indien, waarin 'n adres vir betekening binne 10 kilometer van die Hoãf af aangegee word, en 'n afskat daarvan aan die Applicant se prokureur moet beteken. Indien u dit nie doen nie sal u automatisies belet wees om te verdedig en vonnis soos aangaans kan een u gecoörd. Indien u antwoord moet aangebied word welke bewering in die Applicant se verklaring u erken of ontken en u verwerp moet bondig daarin uiteengesit word.

Gedateer te................. hierdie dag van......................... 19......

Applicant se prokureur

Adres vir betekening:


VORM 17A
HERSTEL VAN HUWELIKSREGTE
IN DIE HOãRHOOF VAN VENDA

Saak No.................

Aan:

A.B., voorheen van..............................

maar wie se huidige adres onbekend is.

NEEM KENNIS dat u by 'n Hofbevel gedateer die:

dag van................. 19......, gelas word om terug te keer na en

huwelikregte te herstel aan C.D., u

(eggenoot/eggenote), op of voor die

dag van................. 19......, indien u versam om dit te doen en u nie

dag van................. 19......, redes vir die teendoel aanvoer nie, kan 'n
geskiedingsbevel teen u gecoörd word met koste en aan u

vra.

Gedateer te................. hierdie dag van................. 19......

Griêfer van die Hoãf van Venda

Eiser prokureur
(Adres)

VORM 18
LASBRIEF TOT UITWINNING
IN DIE HOãRHOOF VAN VENDA

Saak No.................

In die saak tussen:

Eiser

en

Verweerder

Aan die Adjunk-balju,

vir die district

U word hierby gelas om op die roerende goed van

van die bogenoemde Verweerder

beslag te leg en dit by openbare veiling uit te won tot 'n bedrag van................., tans met rente daarop
teen.................% per jaar vanaf die................. dag van

plus die bedrag van................., vir die
getakseerde koste en uitgawes van die genoemde

(Griêfer wat hy by uitspraak van

hierdie Hof gedateer die................. dag van

19......, in die bogenoemde saak verhaal het, en ook alle ander
koste en uitgawes van die Eiser in die genoemde saak wat hierna
egters behoorlik getakseer word, benewens al u koste daarby
aangegaan.)

FORM 17
NOTICE IN TERMS OF RULE 43
IN THE HIGH COURT OF VENDA

In the matter between:

Applicant

and

Respondent

To the above-named Respondent:

TAKE NOTICE that if you intend to defend this claim you must,
within 14 days, file a reply with the Registrar of this Court giving
an address for service within 10 kilometres of the Court and serve
a copy thereof on the Applicant's attorney. If you do not do these
things you will be automatically barred from defending, and
judgment may be given against you as claimed. Your reply must
indicate what allegations in the Applicant's statement you admit
or deny, and must concisely set out your defence.

Dated at................. this day of................. 19......

Applicant's attorney

Address for service:


FORM 17A
RESTITUTION OF CONJUGAL RIGHTS
IN THE HIGH COURT OF VENDA

Case No.................

To:

A.B., formerly of.............................., but whose

present address is unknown.

TAKE NOTICE that by Order of Court dated the.................
day of................. 19......, you are required to return, and restore
conjugal rights, to C.D., your

(wife/husband) on or before the................. day of................. 19......

Should you fail to do so, and not show cause to the con-
tary before the above-mentioned Court at 10h00 on the

day of................. 19......, an order of divorce may be granted
against you, with costs, and your

(wife/husband) may be granted custody of the................. minor

child(ren) of the marriage, and you may be ordered to pay main-
tenance for................. at the rate of.................

Dated at................. this day of................. 19......

Registrar of the High Court of Venda

Plaintiff's attorney
(Adres)

FORM 18
WRIT OF EXECUTION
IN THE HIGH COURT OF VENDA

Case No.................

In the matter between:

Plaintiff

and

Defendant

To the Deputy-sheriff.........................

for the district of.........................

You are hereby directed to attach and take into execution the
movable goods of................., the above-mentioned

Defendant of.................

(address)................. and cause the same to

be realized by public auction the sum of................. together with

interest thereon at the rate of.................% per cent per annum

from the................. day of................. 19......, and the sum of

................. for the taxed costs and charges of the said

(Plaintiff), which he recovered by judgment of this

Court dated the................. day of................. 19......, in the

above-mentioned case, and also all other costs and charges of

the Plaintiff in the said case to be hereafter duly taxed according
to law, besides all your costs thereby incurred.
Dat die (Eiser of Verweerder) beswaar maak teen die blootligging van die dokumente in u kennisgeneiging van die dag van 19... genoem, vir insee deur u, op grond daarvan dat...

(Vermeld die gronde)

Gedateer te hierdie dag van 19...

Prokureur vir...

(Aдрес)

Aan:

Prokureur vir die...

(Aдрес)

VORM 15
KENNISGEWING OM DOCUMENTE IN PLEITSTUKKE, ENS., BLOOT TE LE
IN DIE HOËRHOF VAN VENDA
Saak No. ...

In die saak tussen:

Eiser en Verweerder

NEEM KENNIS dat die Eiser (of Verweerder) verlang dat u hom ter insee die volgende dokumente in u, (deklaratie of pleit of beëdigde verklaaring) geneem, blootlê.

(Beskryf dokumente vereis)

Prokureur vir...

(Aдрес)

Aan:

Prokureur vir...

(Aдрес)

VORM 16
GETUIEĐAGVAARDING
IN DIE HOËRHOF VAN VENDA
Saak No. ...

In die saak tussen:

Eiser en Verweerder

Aan die Balju of sy Adjunk:

STEL:

(1)
(2)
(3)
(4)

(Vermeld naam, geslag, beroep, nas en besigheids- of woonplek van getuie)

in kennis dat elkeen van hulle hierby gesê word om persoonlik voor hierdie Hof te verskyn op die dag van 19... om 1000 en om daarna aanwezig te bly totdat by deur die Hof verskoon word, ten einde getuieins af te le naams die bogenoemde Eiser/Verweerder aangangande sake waarvan hy kennis dra betreffende in akte nou in die genoemde Hof hangende, waarin die Eiser van die Verweerder (1)... (2)... (3)... (4)...

EN STEL hom in kennis dat daar verder vir hom verlang word om...

(beskryf hier noue urig elke dokument, boek of ander voorwerp wat voorgeloep moet word)

naam met hom te bring en aan die genoemde Hof voor te le.

EN STEL elke van die genoemde perse verder in kennis dat hy in geen onmiddelligheid moet naalat om aan hierdie getuiëdagvaarding te voldoen nie aangesien hy hom daardie kan blootstel aan in boete van R 30 of gevangenisstrafris van drie maande.

Gedateer te hierdie dag van 19...

Griffier van die Hoërhof van Venda

---

Eiser/Verweerder se prokureur

Dat die (Plaffect of Defendant) objects to giving you inspection of the documents mentioned in your notice of the day of 19... on the grounds that...

(State the grounds)

Dated at... this day of 19...

Attorney for...

(Address)

To:

Attorney for the...

(Address)

FORM 15
NOTICE TO PRODUCE DOCUMENTS IN PLEADINGS, ETC.
IN THE HIGH COURT OF VENDA
Case No. ...

In the matter between: Plaintiff and Defendant

TAKE NOTICE that the Plaintiff (or Defendant) requires you to produce for his inspection the following documents referred to in your...

(description or plea, or affidavit).

(Descrive documents required)

Attorney for...

(Address)

To:

Attorney for the...

(Address)

FORM 16
SUBPOENA
IN THE HIGH COURT OF VENDA
Case No. ...

In the matter between: Plaintiff and Defendant

To the Sheriff or his Deputy:

INFORM:

(1)
(2)
(3)
(4)

(State names, sex, occupation, race and place of business or residence of each witness)

that each of them is hereby required to appear in person before this Court at the day of 19...
at 1000 and thereafter to remain in attendance until excused by the said Court, in order to testify on behalf of the above-named Plaintiff/Defendant in regard to all matters within his knowledge relating to an action how pending in the said court and wherein the Plaintiff claims...

from the Defendant.

AND INFORM him that he is further required to bring with him and to produce to the said Court...

(here describe accurately each document, book or other thing to be produced).

AND INFORM each of the said persons further that he should on no account neglect to comply with this subpoena as he may thereby render himself liable to a fine of R 30, or to imprisonment for three months.

Dated at... this day of 19...

Registrar of the High Court of...

Plaintiff’s/Defendant’s attorney
NADEMAAL u gelas om die bedrag van
in te vryder ter voldoen van 'n vonnis en koste deur A.B. in hierdie HOF op die dag van 19... verleen.

EN NADEMAAL u in u relais vermelde dat
(gee hier die Adv Jien-balju se relais op die lasbrief teen roerende goed).

DERHALWE word u gelas om op die onderhavige goed van die genoemde C.D., synde.

(gee hier 'n beskriving van die eiendom.

beslag te leg en dit uit te win om daaruit die bedrag van....

tesame met die koste hiervan en van die vorige lasbrief teen bedrae van...........

e u uitgewas in verband daarmee te verkry en om daarna die oplegtings ooreenkomstig Hofregel 46 te hanteel.

WAAROM dit u lasbrief is.

Gedateer te, hierdie dag van 19....

Grutter van die Hoërder Hof van Venda

Eiser, Coureur (Adres)

VORM 21

VERKOPVOORWAARDE JU UITWINNING VAN ONROERENDE GOED

Insake van: Eiser

en

Verweerder

Die eiendom wat te koop aangebied sal op die dag van 19... bestaan uit

Die verkopig sal aandie volgende voorwaarde onderworpe wees:

1. Die eiendom sal deur die Adv Jien-balju van...

2. Die verkopig sal die hoogste bieder sonder 'n reservepries/met 'n reservepries van...

3. Die verkopig sal aandie volgende voorwaarde onderworpe wees:

4. Indien die aasflaer, sonder 'n reservepries van...

5. Die koper moet so spoedig deklyn na die verkopig en onmiddellik verwys...

6. (a) Die koper moet 'n deposito van 10 persent van die kooppries tevoren, te koop van die verkoper betaal, en hierdie betaal moet die verkoper persent per jaar te koop vir durende deel vir die verkoper gelas word.

7. As die koper verslaan om enige van sy verplichtinge ingevolge die verkopwaarrede na te kom, moet die verkoper die koper geld te koop meerderoos.

WHEREAS you were directed to cause to be realized the sum of

AND WHEREAS your return stated:

(here quote the Deputy-sheriff's return on the writ against movables).

Now, therefore, you are directed to attach and take into execution the immovable property of the said C.D., being

(here give the description of the property to which order is attached from the sum of...

together with the costs therefrom and of the prior writ amount to...

and your charges in and about the same, and thereafter to dispose of the proceeds thereof in accordance with Rule of Court 46.

FOR WHICH this shall be your warrant.

Dated at, this day of 19...

Registrar of the High Court of Venda

Plaintiff's attorney (Address)

FORM 21

CONDITIONS OF SALE IN EXECUTION OF IMMOVABLE PROPERTY

In re: Plaintiff and Defendant

The property which will be put up to auction on the day of 19..., consists of:

The sale shall be subject to the following conditions:

1. The property shall be sold by the Deputy-sheriff of...

2. The sale shall be for rands, and no bid for less than one rand shall be accepted.

3. If any dispute arises about any bid the property may be again put up to auction.

4. If the auctioneer makes any mistake in selling, such mistake shall not be binding on any of the parties, but may be rectified.

5. The purchaser shall, as soon as possible after the sale, and immediately on being requested by the

6. (a) The purchaser shall pay a deposit of 10 per cent of the purchase price in cash on the day of the sale, the balance against transfer to be secured by a bank or building society guarantee, to be approved by Plaintiff's attorney, to be furnished to the Deputy-sheriff within... days after the date of sale.

(b) If transfer of the property is not registered within one month after the sale, the purchaser shall be liable for payment of interest to the plaintiff at the rate of... per cent per annum and to the...

(bondholder at the rate of...

per cent per annum as the respective amounts of the award to the Plaintiff and the...

bondholder in the plan of distribution as from the expiration of one month after the sale to date of transfer.

7. If the purchaser fails to carry out any of his obligations under the conditions of sale, the sale may be cancelled by a judge summarily on the report of the Deputy-sheriff after due notice to the purchaser, and the property may again be put up for sale; and the purchaser shall be responsible for any loss sustained by reason of his default, which loss may, on the application of any aggrieved creditor whose name appears on the Deputy-sheriff's distribution sheet, be recovered from him under judgment of the Judge, pronounced summarily on a written report by the Deputy-sheriff, after such purchaser shall have received notice in writing that such sheet is to be laid before the Judge for such purpose; and if he is already in possession of the property, the Deputy-sheriff may, on seven days' notice, apply to the Judge for an order ejecting him or any person claiming to hold under him therefrom.
Betal verder aan die genoemde ............... of sy prokureur die bedrag of bedrae aan hom verskuldig met koos soos voormeld.

WAARVOOR dit u lasbrief is.
En lewer hierdie lasbrief terug met 'n relaat van wat u daaromtrent gedaan het.

gedateer te ........................................ hierdie
dag van ......................................... 19.......

Grieff vir die Hoërgew van Venda

Eiser se prokureur

(Adres)

FORM 19

VORM VAN SEKERHEIDSTELLING INGEVOLGE
REET 45 (5)
IN DIE HOËRGOT VAN VENDA

In die saak tussen:

Eiser en Verweerder

NADEMAAL uit hoofde van 'n sekere lasbrief van die Hoërgew van Venda gedateer die dag van 19.......

uitgegbaal op instansie van A.B. teen C.D. van die adjunk-balju die ondergenoemde artikels geneem en daarop beslag gelê het, naamlik:

DERHALWE verbind ons, die genoemde C.D. en G.H., van asborg vir hom, onself gesamentlik en afsonderlik derbyteenoor die genoemde Adjunk-balju of sy sessionaris, regverkrygendes of opvolgers, te ondervorm dat die genoemde goed nie verwyder sal word nie maar in die besit van die genoemde C.D. onder beslaaglegging sal bly en aan die genoemde Adjunk-balju (of ander persoon deur hom gemag om dit te ontvang) oorhandig sal word op die dag van 19.......

(die dag vir die verkooppers bepaal) of op enige ander dag wanneer dit benodig mag word vir verkoop, ten spyte die genoemde beslaaglegging regens opgeheбо word. Wêreld se gever dat hierdie onderraming nie nagekom word nie, verbind ek, die genoemde G.H., myself en my goed hierby, ter betaling van die bedrag van ................................................ (geskatte waarde van die inbeslaggene goed) aan die genoemde Adjunk-balju, sy sessionaris, regverkrygendes of opvolgers, ten behoeve van die genoemde A.B.

As genoem van ons, die genoemde C.D. en G.H., hierdie stuk onderteken op hierdie dag van 19.......

C.D.

Voorsskulaender

G.H.

Borg

Adjunk-balju

OORDRAG VAN BORGAekte

Ek in my hoedanigheid as Adjunk-balju vir die distrik ........................................ sê ek en dra aan A.B. cor al my regte, titel en belang in die voorgaande borgakte.

Onderteken deur my in die toonwoordigheid van die ondergetekende getuies te hierdie dag van 19.......

As getuies:
1. ........................................
2. ........................................

VORM 20

LASBRIEF TOT BESLAGLEGGING—ONROERENDE GOED
IN DIE HOËRGOT VAN VENDA

In die saak tussen:

Eiser en Verweerder

Aan die Adjunk-balju

vir die distrik.

Further pay to the said .................................................. or his attorney the sum or sums due to him with costs as above-mentioned, and for your so doing this shall be your warrant.

And return you this writ with what you have done thereupon.

dated this day of 19.......

Registrar of the High Court of Venda

Plaintiff's attorney

(Address)

FORM 19

FORM OF SECURITY UNDER RULE 45 (5)

IN THE HIGH COURT OF VENDA

In the matter between: Plaintiff

and Defendant

WHEREAS by virtue of certain writ of the High Court of Venda dated the day of 19.......

issued at the instance of A.B. against C.D., the Deputy-sheriff has seized and laid under attachment the undermentioned articles, namely:

NOW, THEREFORE, we, the said C.D. and G.H., of a ........................................ (occupation), as surety for him bind ourselves severally and in solido, hereby undertaking to the said Deputy-sheriff or hisessionaries, assigns or successors in office, that the said goods shall not be made away with or disposed of, but shall remain in possession of the said C.D.

under the said attachment, and be produced to the said Deputy-sheriff (or other person authorized by him to receive the same) on the day of 19.......

(the day appointed for the sale), or on any other day when the same may be required in order to be sold, unless the said attachment shall legally be removed, falling which I, the said G.H., hereby bind myself, my person, goods and effects, to pay and satisfy the sum of (estimated value of the effects seized) to the said Deputy-sheriff, hisessionaries, assigns or successors in office, for and on account of the said A.B.

In witness whereof we, the said C.D. and G.H., have hereunto set our hands on this day of 19.......

C.D.

Judgment Debtor

G.H.

Surety

Deputy-sheriff

ASSIGNMENT OF SURETY BOND

in my capacity as Deputy-sheriff for the District of A.B. all my right, title and interest in the aforesaid surety bond. Signed by me in the presence of the subscribing witnesses, at this day of 19.......

Deputy-sheriff

As witnesses:
1. ........................................
2. ........................................

FORM 20

WRIT OF ATTACHMENT—IMMOVABLE PROPERTY
IN THE HIGH COURT OF VENDA

In the matter between: Plaintiff

and Defendant

To the Deputy-sheriff for the District of
VORM B
WRIT OF ATTACHMENT: NAMPTISSEMENT IMMOBILE PROPERTY DECLARED EXECUTABLE
IN THE HIGH COURT OF VENDA
Case No.-------------------

In the matter between:

A.B. Plaintiff
and
C.D. Defendant

To the Deputy-sheriff for the

District of-------------------

YOUR are hereby directed to attach certain
(here set out fully the description of the property) which was by
sentence of this Court bearing date the-------------------
day of-------------------
specially declared execut-
able to satisfy the sum of------------------- and interest
thereon at------------------- per cent per annum from the

------------------- day of-------------------
to date of payment, which A.B. by the said sentence recovered by
namptisement against the said C.D., together with the sum of-------------------for the taxes and charges of the said
A.B. and also the sum of------------------- being the taxed
costs of this writ besides all your costs thereby incurred, and pay
to the said A.B. or his attorney the sum or sums due to him with
costs as above-mentioned upon sufficient security (if required by the
Defendant) being given by him for restitution thereof if in the
principal case the said sentence be reversed, and for so doing
this shall be your warrant.

AND return you this writ with what you have done thereupon.

Dated at------------------- on this-------------------
day of-------------------

Registrar

Attorney for plaintiff
(Address)

FORM C
DE RESTITUENDO BOND AFTER LEVY OF A NAMPTISSEMENT
WHEN THE DEFENDANT INTENDS TO GO INTO THE
PRINCIPAL CASE

WHEREAS on the------------------- day of-------------------
to------------------- (Plaintiff) of
------------------- did by sentence of the High Court of Venda recover by
namptisement against C.D. the sum of------------------- with
interest and costs by him about his suit in that b’halr expended;
whereas the Deputy-sheriff has levied by vl. of the said
sentence the sum of------------------- and whereas the said
C.D. has required security for the restitution thereof; if in the
principal case the said sentence shall be reversed:

KNOW ALL MEN by these presents that I, A.B. of-------------------
am held and firmly bound to
C.D. of------------------- in the sum of------------------- to be paid to the said C.D., his
executors, administrators or assigns, for which payment, to be well
and truly made, I bind myself, my heirs, executors, administrators or
assigns firmly by these presents under my hand:

Now the condition of this obligation is such that if the said
sentence shall in the principal case be reversed, then the said
Deputy-sheriff shall pay to the said C.D., his heirs, executors,
administrators or assigns, the said sum of------------------- or
such part thereof as the said Court may adjudge, but if the said
sentence should be confirmed, or if the said C.D. does not give
notice of intention to defend within two months from date of the
judgment aforesaid then this Bond shall be null and void; other-
wise it shall be and remain of full force and effect.

Dated at------------------- on this-------------------

As witnesses:


8. Die koper moet afslagsgelde op die dag van die verkoping betaal en ook hereregte, transportkoste en agterstallige belasting en ander uitgawes wat nodig is om transport te laat geskied, op versoek van die prokureur van die Vonniskuldeiser.

9. Die eiendom kan onmiddellik na betaling van die eerste deposito in besit geneem word en sal na die betaling daarvan op die risiko en tot voordeel van die koper gehou word.

10. Die koper kan onverwyslik transport kry as hy die hele koopprys betaal en aan voorwaarde 8-voldoen in welke geval enige eis vir rette verval. Anders sal transport gegee word wanneer die koper voorwaardes 6 en 8 hiervan nagekom het.

11. Die Adjunk-balju kan eis dat enige gebou op die verkope eiendom onmiddellik deur die koper vir die volle waarde daarvan verversureer word en dat die assuransiepols aan hom oorhandig en van krag gehou word vir volgens wat die koopprys nog nie ten volle betaal is nie. As hy dit nie doen nie, kan die Adjunk-balju die assuransie op die koper se korrekt uiteen.

12. Die eiendom word verkop soos deur die titelsakte en kaart voorgestel; die Adjunk-balju is nie aansprekelik vir enige tekort wat gevind mag word nie en deur afstand van enige oorkot. Die eiendom word ook verkop onderhewig aan alle servituwe en voorwaardes in die transaksie vermeld.

13. Die Vonniskuldeiser is geregter om 'n prokureur aan te stel om die transport te behartig.

---

Adjudical Balju

Ek stel hierdeer dat die voormalige eiendom vandag vir...

in my teenwoordigheid verkop is.

Ek, die oorheersende...

woonagte...

in die distrik...

verbind my hierby as koper van die voormalige eiendom om die koopprys te betaal en om al die bogenoemde voorwaardes na te kom.

---

TWEDE BYLAE

(Gepubliceer vir die leiding van praktisists)

VORM A

LASBRIEF TOT UITWINNING: ROERENDE GOED NAMPTISSEMENT

IN DIE HOERHOF VAN VENDA

Saak No.

In die saak tussen:

A.B.                      
Eiser                              

C.D.                      
Verweerd

Aan die Adjunk-balju

vir die distrik

U word hierby gelaat om op die roerende goed van C.D., die bogenoemde Verweerd, van...

begale to lê dit by openbare veiling uit te win tot die bedrag van...

tesame met rente daarop teen...

persent per jaar vanaf die...

van...

en die bedrag van...

vir die getekende akte en uitgawes van die genoemde A.B. wat hy by namptissemens van hierdie Hof verhaal het op die...

dag van...

asoek alle ander koste en uitgawes van die genoemde Eiser in die genoemde akte wat hierna regtig getekende word, beweens al u koste daarby aangegaan; en verder om aan die genoemde A.B. of sy prokureur die bedrag of bedrag aan hom oorhandig met koste soos voorgestel te betaal na die stelling van voldoende sekerheid (indien deur die Verweerder vereis) deur hom vir die terugwaarde daarvan indien die waarde in die prinsepsaak se nut seer gestel word.

WAARVOOR dit u lasbrief is.

EN leerder hierdie lasbrief terug met 'n relaat van wat u daaromtrent gedoen het.

---

Griffie

---

No. 6579  87

8. The purchaser shall pay auctioneer's charges on the day of sale and in addition, transfer duties, costs of transfer, and accrued rates, taxes and other charges necessary to effect transfer, upon request by the attorney for the Execution Creditor.

9. The property may be taken possession of immediately after payment of the initial deposit, and shall after such deposit be at the risk and profit of the purchaser.

10. The purchaser may obtain transfer forthwith if he pays the whole price and complies with condition 8, in which case any claim for interest shall lapse, otherwise transfer shall be passed only after the purchaser has complied with the provisions of conditions 6 and 8 hereof.

11. The Deputy-sheriff may demand that any buildings standing on the property sold shall be immediately insured by the purchaser for the full value of the same, and the insurance policy handed to him and kept in force as long as the whole price has not been paid, and if he does not do so, the Deputy-sheriff may effect the insurance at the purchaser's expense.

12. The property is sold as represented by the title deeds and diagram, the Deputy-sheriff not holding himself liable for any deficiency that may be found to exist and renouncing all excess. The property is also sold subject to all servitudes and conditions specified in the deed of transfer.

13. The Execution Creditor shall be entitled to appoint an attorney to attend to transfer.

---

Seconde Bylae

(Published for the guidance of practitioners)

FORM A

WRIT OF EXECUTION: MOovable PROPERTY NAMPTISSEMENT

IN THE HIGH COURT OF VENDA

Case No.

In the matter between: A.B. Plattenaar en C.D. Beraad

To the Deputy-sheriff for the District of...

YOU are hereby directed to attach and take into execution the movable goods of C.D., the above-mentioned Defendant, of...

and cause the same to be realized by public auction the sum of...

together with interest thereon at...

cents per annum from...

day of...

and the sum of...

for the taxed costs and charges of the said A.B. which he recovered by namptissemence of this Court on the...

day of...

in the above-mentioned suit, and also all other costs and charges of the said Plaintiff in the said suit to be hereafter taxed according to law, besides all your costs thereby incurred; and further to pay to the said A.B., or his attorney the sum or sums due to him with costs as above-mentioned upon sufficient security (as required by the Defendant) being given by him for the restitution thereof, if in the principal case the said sentence is reversed, and for so doing this shall be your warrant.

AND return this writ with what you have done thereupon.

---

Registrar

Plaintiff's attorneys

(Address)
NADEMAAL dit volgens de stukke blyk dat hierdie Hof op die dag van...19... bevel toegestaan het:

(Verstreken besonderhede van Hofbevel)

EN NADEMAAL dit verder volgens de stukke blyk dat hierdie Hof op die dag van...

'n bevel toegestaan het vir die geveensetting van die Respondent weens minagting van die Hof deurdat hy verzuim het om aan die voornoemde Hofbevel te voldoen, op die volgende wyse:

(Meld hier op watte wyse hy verzuim het)

WORD u hierdie gelas om C.D. van...

in die regsgebied van...

indien hy in daardie gebied gevind word, te neem en hom aan die bewaarder van die geveensiging van die distrik waarin hy gevind word, tesame met 'n behoorlike gewaarmerkte akte of hierdie lasbrief te oorhandig, waar hy veilig aangehou moet word voor 'n tydperk van...

vanaf die datum waarop hy kragtens hierdie lasbrief in genoemde geveensiging aangehou word, of totdat hy op 'n ander wyse regtens ontslaan word.

WAARVOOR dit u lasbrief is. EN lêer hierdie lasbrief terug met 'n relas van wat u daaromtrent gedoen het.

(2) Aan die Bevelvoerder van die Geveensiging aan wie die Adjunk-balju hierdie lasbrief oorhandig:

U word hierby gelas om genoemde C.D. te ontvang en hom veilig aan te hou vir 'n tydperk van...

vanaf die datum waarop die genoemde C.D. kragtens hierdie lasbrief in genoemde geveensiging ontvang word of totdat hy andersins regtens ontslaan word.

Gedateer te...

op hierdie dag van...

Griffier

Applikant se prokureur
(Adres)

VORM G
LASBRIEF TOT BESLAGLEGGING OM JURISDIKSIJE TE VESTIG IN DIE HOERHOF VAN VENDA

Saak No...

In die saak tussen:

A.B. Applikant en C.D. Respondent

Aan die Adjunk-balju vir die distrik...

U word hierby gelas ingevoeg 'n bevel van die Hoerhof van Venda gedateer...

om onverwykd beslag te le op...

(fans te (adres)...)

vir die vestiging van jurisdiksiie van die genoemde Hof in die aksie van A.B. teen C.D. van...

(adres van Respondent)

(meld skuldig-saak);

EN lêer hierdie lasbrief terug met 'n relas van wat u daaromtrent gedoen het.

Gedateer...

dag van...

Griffier

Applikant se prokureur
(Adres)

Opmerking.—Die Adjunk-balju kan nie bloot uit hoëde van die Hofbevel besig le nie; daar moet 'n lasbrief soos hierbo aan hom gegee word.

VORM H
WAARMERKING VAN HANDTEKENING AAN WIE DIT MAG AANGAAN:

Ek...

(Griffier se volle naam) Griffier van die Hoërof van Venda, sertiseer hierby dat...

(notaris of prokureur se volle naam), wie se handtekening op die aangehegte dokument gemerk "A" verskyn,

'n notaris of prokureur is wat kragtens wetlike gesag behoorlik ingesweer en toegeskat is en wat as sodanig in hierdie gebied

WHEREAS it appears of record that the Court on the...

day of...19...
granted an order:

(SET OUT PARTICULARS OF ORDER OF COURT)

AND WHEREAS it further appears of record that this Court, on the...

day of...

19...
granted a decree committing the Respondent for contempt of Court for failing to comply with the aforesaid Order of Court, in the manner following:

(HERE SET OUT THE TERMS OF HIS OMISSION)

YOU are hereby directed to take C.D. of...

in the area of jurisdiction of...

if he be found within that area and deliver him to the keeper of the prison of the district in which he be found, together with a duly certified copy of this writ, there to be safely kept until the expiration of...

from the date upon which he shall have been detained in the said prison by virtue of this warrant, or until the said C.D. shall be otherwise legally discharged; and for your so doing this shall be your warrant.

AND return you this writ with what you have done thereon.

(To the Office Commanding the Prison to whom the Deputy-sheriff presents this writ):

YOU are hereby commanded and required to receive the said C.D. into your custody and keep him safely until the expiration of...

from the date on which the said C.D. shall be received in the said prison by virtue of this warrant or until he shall be otherwise legally discharged.

DATED at...

on this day of...

19...

Registrar

Applicant's attorney
(Address)

FORM H
WRIT OF ATTACHMENT AD FUNDANDAM JURISDICTIONEM IN THE HIGH COURT OF VENDA

Case No...

In the matter between:

A.B. Applicant and C.D. Respondent

To the Deputy-sheriff for the District of...

YOU are hereby directed pursuant to an order of the High Court of Venda bearing date the...

19...

forthwith to attach...

(here set out the property)...

ad fundandum jurisdictionem of the said Court in an action by A.B. against C.D. of...

(address of Respondent)

and for so doing this shall be your warrant.

AND return you this writ with what you have done thereon.

DATED at...

on this day of...

19...

Registrar

Applicant's attorney
(Address)

Note.—The Deputy-sheriff cannot attach merely on the Order of Court; he must be furnished with a writ as above.

FORM H
AUTHENTICATION OF SIGNATURE TO ALL WHOM IT MAY CONCERN:

I...

(Registrar's name in full); Registrar of the High Court of Venda do hereby certify that...

(notory's or attorney's name in full).

This signature appears on the document hereeto annexed marked "A", is a notary public or attorney by lawful authority duly sworn and admitted and practising* as such in this area, and that to all
VORM D

CERTIFICATE OF OWNERSHIP AND ENCUMBERANCES:
SALE IN EXECUTION OF IMMOVABLE PROPERTY

Sale in execution ........................................................................

versus .....................................................................................

Case No. .................................................................................

1. Registrar of Deeds of the .....................................................

hereby certify that ....................................................................

is the registered owner of the farm ...........................................

situate in the District of .........................................................

in extent .................................................................................

hectare by virtue of Deed of Transfer No ................................

registered on the .................................................................

day of ................................................................. 19........

and that there are no encumbrances on the said property save

and except the following:

Bonds

Servitudes

etc., etc., etc.

The property/ies is/are situated in a/an ....................................

area proclaimed under the Group Areas Act. ..........................

The search fee payable is ......................................................

Dated at ................................................................. this........

day of ................................................................. 19........

................................................................. Registrar of Deeds

VORM E

LASBRIEF TOT UITSETTING
IN DIE HOËRHOF VAN VENDA

In the matter between:

A.B. Plaintiff

and

C.D. Defendant

WHEREAS A.B., ......................................................... obtained an order in

the High Court of Venda on the ........................................

day of ................................................................. 19........

against C.D., ......................................................... ordering

him and all persons claiming through him to be ejected from and

out of .............................................................................. (set out the property or premises

from which the Defendant is to be ejected)

at present occupied by the said C.D., as appears to us of record.

NOW, THEREFORE, you are directed to eject the said C.D. and

all persons claiming through him, his goods and possessions from

and out of all occupation and possession whatsoever of the said

ground and/or premises, and to leave the same, to the end that the

said A.B. may peaceably enter into and possess the same, and for

so doing this shall be your warrant.

Dated at ................................................................. on this........

day of ................................................................. 19........

................................................................. Registrar

Plaintiff’s attorney

(Address)

VORM F

LASBRIEF TOT GEVANGESETTING WEENS MINAGTING
VAN DIE HOF
IN DIE HOËRHOF VAN VENDA

In the matter between:

A.B. Applicant

and

C.D. Respondent

(1) To the Sheriff of

or his lawful Deputy.
MEMOIRS VAN DIE
BOTANIESE OPNAME VAN
SUID-AFRIKA

Die memoirs is individuele verhandelings, gewoonlik ekologies van aard, maar soms handel dit oor taxonomiese of ekonomiese-plantkundige onderwerp. Nege-en-dertig nommers is reeds gepubliseer waarvan sommige uit druk is.

Verkrygbaar van die Direkteur, Afdeling Landbou-
inligting, Privaatsak X144, Pretoria.

Verkoopbelasting moet by binnelandse bestellings ingesluit word.

MEMOIRS OF THE
BOTANICAL SURVEY OF
SOUTH AFRICA

The memoirs are individual treatises usually of an ecological nature, but sometimes taxonomic or concerned with economic botany. Thirty-nine numbers have been published, some of which are out of print.

Obtainable from the Director, Division of Agricult-
ural Information, Private Bag X144, Pretoria.

Sales tax must accompany inland orders.

---

DIE BLOMPLANTE VAN
AFRIKA

Hierdie publikasie word uitgegee as 'n geilu-
streerde reeks, baie na die aard van Curtis se “Botani-
cal Magazine”. Die doel van die werk is om die skoonheid en variasie van vorm van die flora van Afrika aan die leser bekend te stel, om belangstelling in die studie en kweek van die inheemse plante op te wek, en om plantkunde in die algemeen te bevorder.

Die meeste van die illustrasies word deur kunste-
naars van die Navoringsinstituut vir Plantkunde gemaak, dog die redakteur verwelkom gelekke hydraas van 'n wetenskaplike en kunstenaars staan afkomstig van verwante inrigtings.

Onder huidige omstandighede word twee dele van die werk gelykydig gepubliseer, maar met onreg-
matige tussenpoese; elke deel bevat tien kleurplate. Inlekgeld bedra R5 per deel (buitelands R5,25 per deel); Vier dele per band. Vanaf band 27 is die prys per band in linne gebind R30; in morocco leer gebind R35. (Buitelandse, linne gebind R31; morocco leer R36).

Verkrygbaar van die Direkteur, Afdeling Landbo-
inligting, Privaatsak X144, Pretoria.

Verkoopbelasting moet by binnelandse bestellings ingesluit word.

THE FLOWERING PLANTS OF
AFRICA

This publication is issued as an illustrated serial, much on the same lines as Curtis's Botanical Magazine, and for imitating which no apology need be tendered.

The desire and object of the promoters of the publication will be achieved if it stimulates further interest in the study and cultivation of our indigenous plants.

The illustrations are prepared mainly by the artists at the Botanical Research Institute, but the Editor welcomes contributions of suitable artistic and scientific merit from kindred institutions.

Each part contains 10 plates and costs R5 per part (other countries R5,25 per part). Two, three or four parts may be published annually, depending on the availability of illustrations. A volume consists of four parts. From Volume 27, the price per volume is: Cloth binding, R30; morocco binding, R35 (other countries, cloth binding R31; morocco binding R36).

Obtainable from the Director, Division of Agricult-
ural Information, Private Bag X144, Pretoria.

Sales tax must accompany inland orders.
FLORA VAN SUIDELIKE AFRIKA

'n Taksonomiese behandeling van die flora van die Republiek van Suid-Afrika, Lesotho, Swaziland en Suidwes-Afrika. Sal bestaan uit 33 volumes, nie in numeriese volgorde nie.

Reeds beskikbaar:

Verkrygbaar van die Direkteur, Afdeling Landbou-inligting, Privaatsak X144, Pretoria.

Verkoopbelasting moet by binnelandse bestellings ingestuit word.

FLORA OF SOUTHERN AFRICA

A taxonomic treatment of the flora of the Republic of South Africa, Lesotho, Swaziland and South West Africa. To be completed in 33 volumes, not in numerical sequence.

Now available:

Obtainable from the Director, Division of Agricultural Information, Private Bag X144, Pretoria.

Sales tax must accompany inland orders.
BOTHALIA

Bothalia is a medium for the publication of botanical papers dealing with the flora and vegetation of Southern Africa. One or two parts of the journal are published annually.

The following parts are available:

Vol. 3 Part 1 1961
2 1937 75c
3 1937 75c
4 1937 75c
Vol. 8 Part 1 1962
2 1964 R3
3 1965 R3
4 1965 R3

Vol. 4 Part 1 1941 75c
2 1942 75c
3 1948 75c
Vol. 9 Part 1 1966
2 1967 R3
3 1967 R3
Vol. 5 1950 R3
3 en 4
Vol. 10 Part 1 1969
2 1954 R2.50
3 1956 R2
4 1957 R2
Vol. 11 Part 1 en 2
2 1960 R3
3 1961 R3
4 1962 R3
Vol. 12 Part 1 1976
2 1977 R5
3 1978 R7.50

Vol. 6 Part 1 1951
2 1955 R1.50
3 1956 R2
4 1957 R2
Vol. 11 Part 1 and 2
2 1960 R3
3 1961 R3
4 1962 R3
Vol. 12 Part 1 1976
2 1977 R5
3 1978 R7.50

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Buy National Savings Certificates
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Hierdie publikasie is 'n voortsetting van die Suid-Afrikaanse Tydskrif vir Landbouwetenskap Jaargang 1 tot 11, 1958–1968 en bevat artikels oor Dieerproduksie en -tegnologie, Dieerversorging en -ekologie, Fisioologie, Genetika en Teelt, Suiwelskunde en Voeding. Vier dele van die tydskrif word per jaar gepubliseer.

Verdienstelike landboukundige bydraes van oorspronklike wetenskaplike navorsing word vir plasing in hierdie tydskrif verwelkom. Voorskrifte vir die opstel van sulkie bydraes is verkrygbaar van die Direkteur, Landbou-inligting, Prikaatsak X144, Pretoria, aan wie ook alle navrae in verband met die tydskrif gerig moet word.

Die tydskrif is verkrygbaar van bogenoemde adres teen R1,50 per ekseemplaar of R6 per jaar, posvry (Buiteland R1,75 per ekseemplaar of R7 per jaar).

Verkoopbelasting moet by alle binnelandse bestellings ingesluit word.

AGROANIMALIA
This publication is a continuation of the South African Journal of Agricultural Science Vol. 1 to 11, 1958–1968 and deals with Animal Production and Technology, Livestock Management and Ecology, Physiology, Genetics and Breeding, Dairy Science and Nutrition. Four parts of the journal are published annually.

Contributions of scientific merit on agricultural research are invited for publication in this journal. Directions for the preparation of such contributions are obtainable from the Director, Agricultural Information, Private Bag X144, Pretoria, to whom all communications in connection with the journal should be addressed.

The journal is obtainable from the above-mentioned address at R1,50 per copy or R6 per annum, post free (Other countries R1,75 per copy or R7 per annum).

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AGROCHEMOPHYSICA
Hierdie publikasie is 'n voortsetting van die Suid-Afrikaanse Tydskrif vir Landbouwetenskap Jaargang 1 tot 11, 1958–1968 en bevat artikels oor Biochemie, Biometrika, Grondkunde, Landbou-wetenskappe, Landbouwetenskunde en Ontledingstechnieke. Vier dele van die tydskrif word per jaar gepubliseer.

Verdienstelike landboukundige bydraes van oorspronklike wetenskaplike navorsing word vir plasing in hierdie tydskrif verwelkom. Voorskrifte vir die opstel van sulkie bydraes is verkrygbaar van die Direkteur, Landbou-ingenting, Prikaatsak X144, Pretoria, aan wie ook alle navrae in verband met die tydskrif gerig moet word.

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AGROCHEMOPHYSICA
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Contributions of scientific merit on agricultural research are invited for publication in this journal. Directions for the preparation of such contributions are obtainable from the Director, Agricultural Information, Private Bag X144, Pretoria, to whom all communications in connection with the journal should be addressed.

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Co-operation and Development, Department of Government Notice

R. 1528 Black States Constitution Act (2/1971): High Court of Venda
Controversy over priests' part in 'gospel of division'

CONFRONTATION is looming in church circles in Vendaland over the participation of pastors and evangelists in the independence preparations.

Almost all churches in the homeland have been invited to participate in the Inter-denomination Church Service, ICS, which will conduct services on "independence" day. Pastors who have responded have done so without consulting their seniors and have formed a choir that will sing at the celebrations on September 13.

The priests and Evangelists who will participate were approached individually by the chairman of ICS, Mr Rufuzi Ndou, and did not consult their seniors. Mr Ndou is also secretary designate of the Venda National Assembly.

Major churches like the Evangelical Lutheran Church, the Roman Catholics, and Methodists, have declared their abhorrence of the policy of separate development, and the participation of their ministers in the "independence" celebrations preparations, as a direct contradiction of official church policy.

The dean of the Dzahla circuit of the Lutheran church, and one time president of the outlawed Black People's Convention (BPC) Dean S Parsan, was not approached, but his ministers and Evangelists were, and they are participating in the choir and have formed a group of their own.

By MATATHA TSEDU

The Bishop said the Pastors had, by accepting individual approaches to participate in the whole exercise, broken the constitutional communication structure in the church, and added that their active participation was "totally against church unity."

"The Bishop said the Pastors had, by accepting individual approaches to participate in the whole exercise, broken the constitutional communication structure in the church, and added that their active participation was "totally against church unity."

"We of the Lutheran Church cannot enter into a gospel of division. We are a colourless church which believes in the unity and brotherhood of mankind and a common fatherhood in God Almighty. We cannot at any time support a policy that divides people. Our ministers are ministers of reconciliation and as such they must preach to all men under all circumstances. What we shall object to is active support for division," the Bishop said.

The Bishop said he appreciated the fact that the ministers were in a serious position regarding the independence issue with the politicians claiming that it was the wishes of the Venda masses.

A spokesman for the Catholic church in Sibasa said they had received an invitation to participate, but had not replied. He said they did not want to "soil their hands with the blood of millions of blacks who are suffering from the effects of apartheid, of which Venda's so-called independence is a final crystallization."

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PREPARATIONS are well underway for Vendaland's venture into South African-style independence.

The territory follows the Transkei and BophuthaTswana into a political system devised under the Government's apartheid policy.

Despite the first two territories' failure to get international recognition, even from small neighbouring states like Lesotho, Chief Patrick Mphephu is going ahead in the strongest conviction that the Vendas are equipped to "do it alone."

Vendaland political plans have been opposed by Opposition party members in Parliament and has been attacked by prominent political figures in urban areas.

But the territory nevertheless is venturing into "independence" with no significant economic prospect whatsoever. It has no natural resources of its own. Neither has it industries to supply jobs for its less than a million inhabitants.

The one asset that the homeland can boast is its warm climate which is favourable to a timber industry. But people living in Vendaland have no means to do much about it. The soil is rich and almost anything grows well there all year.

But the people there seem to take little interest in farming. They still have to import the bulk of their foodstuff requirements like maize, which is their staple food, from outside the territory.

There is some fruit like bananas, paw-paws, avocado pears and pineapples grown mostly by white farmers. Also, the massive tea plantations which are white-owned, give thousands of jobs to the unskilled and abundant labour force at low wages.

I asked a man why the people there were not developing their land for agriculture when they have the climate and rich soil to boost vegetation. He said they were discouraged by chiefs who would in the end benefit from their hard work.

"Land is distributed among us by chiefs and if and when they wish, they can kick you off your land and give you another patch elsewhere. They do this when they realise that you have spent a lot of time and money to develop your land, and then, they take it from you with excuses that it was not supposed to have been given to you for one reason or another."

Sibasa is the only town in the territory and a stone's throw away the building of a new capital, Theboyaoulou (head of an elephant), is taking shape.

The independence stadium has been completed. Ministerial houses have been built and a luxurious residence for Chief Mphephu, who will be the territory's first president, is nearing completion.

But the independence of Vendaland will not be the showcase of South African-style rural democracy: it's made out to be following the mass detentions of Chief Mphephu's opponents after his defeat in last year's general elections by Mr Baldwin Mudau's Venda Independence Party which won 31 of the 45 seats in the Assembly.

Chief Mphephu's defeat in the polls started a series of detentions without trial of opposition party members in which Chief Mphephu used the security laws inherited from South Africa to keep himself in power.

BophuthaTswana and South Africa will be the only two to recognise Vendaland is not questioned by political observers.
Top post in Venda for SA policeman

BY PATRICK LAURINCE
Deputy Political Editor

A FORMER South African security policeman, Lieutenant-Colonel T R Malautzi, will become commander of the Venda National Force when Venda becomes independent next month.

Colonel Malautzi is at present a member of the uniformed branch of the South African Police.

Based in Sibasa, Venda, since May last year, he has been helping with the formation of the National Force, which will be responsible for law and order in the homeland after it becomes independent on September 15.

The National Force will combine the functions of the army, the police, the traffic police and the prison service.

Colonel Malautzi was introduced to visiting journalists last week, but refused to talk either about himself or his future role on the ground that he had not been given permission by the SAP.

But in a television interview the next day he said Venda would, if necessary, call on the assistance of its "good friends in South Africa" to help check any threat from insurgents across the border.

Situated near the Limpopo River in the north-east Transvaal, Venda, the smallest homeland to receive independence so far, occupies a strategic position near the borders with Zimbabwe-Rhodesia and Mozambique.

South Africa's recognition of the strategic importance of Venda is manifest in two measures, both of which were undertaken with the approval of the Venda authorities.

A narrow strip of territory along the Limpopo River has been excised from Venda and taken over by the SA Defence Force, while the Madillo airbase will be open to SA military aircraft after independence.

The security situation in Venda, however, is not helped by the Mphephu administration, which has all the marks of a minority government with little popular support.

The ruling Venda National Party of Chief Patrick Mphephu was beaten twice in popular elections in 1973 and 1978, but retained power because of its backing from chiefs and headmen and its detention of political opponents.

Last year the opposition Venda Independence Party won 31 of the 42 elected seats. However, before the Legislative Assembly met to elect a new Chief Minister, 11 opposition members were detained. Chief Mphephu was subsequently re-elected as Chief Minister, largely through the vote of the nominated chiefs and headmen.

Positive support in Venda for independence, as distinct from passive acceptance of it, appears to be confined to what political scientist Dr Roger Southall has termed the beneficiaries of independence.

These include members of the Cabinet, chiefs and headman, top civil servants, and businessmen who hope to benefit from the R500-million poured into the territory by South Africa.
Venda traders are 'crucified'

Deputy Political Editor

INdian businessmen in Louis Trichardt are "crucifying" black traders in the Venda homeland, according to the chairman of the Venda Development Corporation (VDC), Mr J J Viljoen.

Mr Viljoen's allegation was made to visiting journalists in defence of an arrangement which the VDC has entered into with Frasers, the wholesale trading company which concentrates on selling in black territories.

Under the arrangement, a supermarket is being established in Venda as a tripartite partnership between the VDC, Frasers and individual Vendas. The VDC, half of whose directors are Venda, is bound to sell half of its shares to Venda citizens.

Mr Viljoen rejected the view that the introduction of a supermarket under the auspices of a large established company would be to the detriment of the estimated 400 independent Venda traders.

Dismissing the argument that Venda traders would be unable to compete with the supermarket, he referred to a plan through which Frasers would assist select Venda traders by undertaking to supply them with stock at competitive prices.

It was put to him that the outcome of this arrangement would be to strengthen Frasers' hold on the small trader. He replied that Venda traders were already losing out to competitors based in Louis Trichardt.

He was then asked whether the present arrangement did not amount to rescuing Venda traders from one powerful competitor only to put them at the mercy of another.

"Let me be blunt," Mr Viljoen replied. He then referred specifically to competition from "Indian traders" in the nearest white-controlled town of Louis Trichardt.

"I can tell you they (the Venda traders) are being crucified. When one thinks of the amount of Indian penetration, the mind boggles."

Mr Viljoen justified the agreement with Frasers on two further counts. It would counter the flow of money out of Venda and it would also benefit consumers.
Chef Tapped Can't Be
Lebowa Can't Be

Arendse: Another 12m Independent Blocks

While from the African Convention

Project Commissioner Michael

With access to four of funds.

Arendse: Another 12m Independent Blocks
Venda divorce on a lonely course

The establishment of satellite clinics around the four hospitals in the country to take health care to people.

There are many dedicated people working there, like a young doctor, Dr. N. T. Nkosi, who has given up the prospects of a high salary, easy working conditions and urban life, to become one of the ten permanent doctors for the 300 000 people living in Venda. He feels he ought to serve the people.

People like Dr. Niemand and his wife, who have been changing and improving Venda's health service with new buildings, a Presidential palace, houses for Cabinet Ministers, a new suburb for foreign journalists visiting the country, a tourism centre, an international airport and an agricultural showground.

A new building which the hotel (which is being expanded) and the only one that has been completed or is currently being completed.

And if that judgment is correct for all the good that is being done and for all the new buildings, Venda's independence is going to be seen as shaky and shallow.

In addition to its economic dependence on South Africa, Venda, it certainly looks as if Harry Nkewukeni's dream will not be realized.
Botha's tour no real value says PFP

Political Reporter

The current tour of the homelands by the Prime Minister, Mr. P. W. Botha, and Dr. Piet Koornhof's "apartheid is dead" speech in America were of no real value as indicators of a change in racial attitude by the Government as long as separate development was retained, Mr. Ray Swart (PFP, Musgrave), said in Durban yesterday.

Warning against the adoption of a "siege mentality" in South Africa, Mr. Swart, National chairman of the PFP, told about 55 people at a report back meeting that the separate development concept "is totally divisive, and can never stand alone without the prop of race discrimination."

"No amount of juggling with the details, of fiddling with homelands' boundaries or setting up the trappings of regional infrastructure will make it more acceptable in the long run."

South Africa's problem was not merely one of race, "it is a problem of the enormous gap between the haves and the have nots in our society which threatens the credibility and durability of our free enterprise economy, and our way of life with it."

Mr. Swart said people of all races had to share the benefits of the system if they were to prefer it to others, such as the Marxist system.

It was depressing to hear Cabinet Ministers such as Mr. Pik Botha — the Minister of Foreign Affairs — say that South Africa never received recognition from the outside world for anything she did.

"We often say nobody in the world understands us, but we are trying to sell a product totally unacceptable, and that is separate development, or apartheid."
Botha pleased with homeland attitudes

SIBASA — The Prime Minister, Mr. P. W. Botha, said here last night he had found a positive attitude on the part of homeland leaders he had visited as far as the joint task that lay ahead was concerned.

Speaking at a Press conference after a day-long visit to the Venda homeland, Mr. Botha said he had found tremendous goodwill and a spirit of relaxation on the part of the leaders and their peoples.

Since he had not visited all the homelands yet, it was not possible to give his full impressions of his tours. But, he had travelled far enough to say that he felt it incumbent on himself to thank South African civil servants for the work they were doing in the homelands.

During his consultations, he had given the leaders the opportunity to ask questions. They had expressed their views and opinions and had also voiced their reservations about certain matters. "But nowhere have I found reservations to enter the future in a spirit of teamwork."

Mr. Botha said he was convinced there was a desire on the part of the homeland leaders and their peoples to cooperate and to face the future together.

"As far as I am concerned, a potential exists for greater prosperity and increasing higher living standards."

Referring to the question of consolidation, he said the Government was awaiting a report from the committee investigating it, which was expected in September.

"This is a problem area and one which will have to be solved by all who have an interest in it."

Growing number

Another problem was the fact that there was a growing number of young Black people who had to be accommodated in the economy of the country.

The Minister of Cooperation and Development, Dr. Piet Koornhof, was fully aware of this. He was confident that this challenge could be met with the aid of the private sector, and the homeland Governments. It was a matter which required high priority.
New deal for trade

A meeting on the development and compliance

help to feed SA

red gold could

Konferensie van die Afrikaanse Calvinistiese Beweging, Potchefstroom (Oktober).

(c) Deelname aan Welsye- Professionele en Openbare Organisasies

Die Direkteur het aktief gekyk in die Suid-Afrikaanse Instituut vir Rasse-Verhoudinge as 3 lid van die Distrikkomitee, die Nasionale Uitvoerend Raad.

Hy is Voorwitter van die Quaker Service PA in die diensafdeling van die Godsdienslike VV (Quakers), wat gemeenskapsontwikkeling op en in die stadsgebiede bevorder.

Die Direkteur is gekies as lid van die Raad Vereeniging vir Sociologie in Suidelike Afrika, en ook as lid van die Suid-Afrikaanse Sociologiese Vereniging en van die Internasionale Sociologiese Vereniging. Hy is aangestel as die Suid-Afrikaanse afgevaardigde van die Raad van die Internasionale Sociologiese Vereniging tydens die tydperk 1978-1982.

WAARDERING EN DANK

Ek is altyd dankbaar vir die geleanheid wat die jaarverslag bied om my waardering te betuig aan lede van die Akademiese Advieskomitee en die Beheerraad vir hulle leiding, aanwysing en belang in die aangeleanhede van die Sentrum.

Die Universiteit van Kaapstad het benewens hulle hydraat tot die bedryfskoste van die Sentrum, ook vir die Sentrum sedert sy stigting in kantoorsuite voorsien. Met die uitbreiding van personeel het ons die huisme op die laer

LIMMAATSHAP

Soos voorheen genoem, is die Sentrum vir Intergroepstudies geregistreer as 'n maatskappy. In die Memorandum en Statute van Vennootskap word voorsiening gemaak vir die benoeming van eenhonderd lede. Tans is daar 97 lede en hulle sluit die volgende in:

Venda skaak up aid (5)

Professor M.H.B. Dean
Dr P.J. Dunlop
Professor G.F.R. Ellis
Biskop A.W. Kabelgaarn
Mnr E.V. Hayes
Professor H.P. Kaplan
Bea W.A. Landman
Mnr G.K. Lindsay
Sir Richard Layt
Professor J.W. Saunders
Professor H.N. van der Merwe
Mede-professor D.J. Welsh
Professor Monica Wilson
FIGHT: MPHEPHU

Chief: Nkosi Philip, Chief of Venda

In the independent of South Africa, Chief Philip would help fight for the independence of Venda. His army, the South African Army, was well under way. Because of the demand for independence, the army was called into service. Nkosi, who was also a political leader, was also in the army. The army was well equipped and well trained. The chief said that his agreements with the development will not be affected.

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VENDA. LEGISLATIVE ASSEMBLY.—AMENDMENT OF PROCLAMATION R. 119 OF 1971

By virtue of the powers vested in me by section 1 (2) of the Black States Constitution Act, 1971 (Act 21 of 1971), I hereby amend the area of the Venda Legislative Assembly, as defined in the Schedule to Proclamation R. 119 of 1971, by the substitution for the said Schedule of the accompanying Schedule.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Thirtieth day of July, One thousand Nine hundred and Seventy-nine.

M. VILJOEN, State President.
By Order of the State President-in-Council:

P. G. J. KOORNHOF.

"SCHEDULE

AREA OF THE VENDA LEGISLATIVE ASSEMBLY

The area consisting of the following districts, namely:

(a) Sibasa;
(b) Dzanani;
(c) Vuwani;
(d) Mutale."

THE GAULS AT ROME

INDIRECT COMMAND

They have persuaded me to stay at home.

The Gauls at Rome.
Vendas get books gift

A R100 000 donation to Shaftville Primary School by the Wits University Library has put a smile on the faces of students from the school. The donation was made in recognition of the school's efforts in promoting reading and literacy among its students. The books, which cover a wide range of subjects, are expected to enrich the school's library and provide students with access to a variety of educational materials.
Can it sever the apron strings?

ORMANDE POLLOK, political correspondent has been visiting Venda which in three week's time will become independent. He poses the question...

ONE of the stamps which will be used to commemorate the independence of Venda. The elephant plays a big part in the history and tradition of the Venda people.

where the farmers of tomorrow are given specially designed courses with practical training in mechanics, building, woodwork and other subjects so that the students will be equipped to deal with many of the day to day problems which will confront them.

There is no question that serious efforts are being made to improve the agricultural potential, but there is a tremendous way to go.

There are confident predictions though that Venda will not only be self-supporting in food but that it will ultimately have enough for large-scale export as well.

Another investment in the future is the number of children in schools and people in training courses — about 135,000 — more than a third of the local population.

A specially notable institution is the Deaf School at Thohoyandou where 120 children are being...
vative". Chief Chippepo started the Venda National Party which is traditionally oriented and concerned with preserving the powers and functions of the chiefs.

According to an official handbook, Venda will be multicultural. Whites will be able to take up citizenship, but there do not seem to be any plans to do so as they wished, and South Africa’s racial enmity will be retained.

There does, however, seem to be some question about the retention of the race laws.

SHARE

Some non-official views on the homeland’s political future seem to favour the inclusion of Venda in a federal or confederal arrangement with South Africa and other developing homelands.

The argument is that in this way the country will be able to share in the general good fortune of South Africa as a whole.

large-scale development. But an important Marts has been made at training colleges where basic trades are being taught. Teachers and farmers are being trained and black entrepreneurs of the future are being helped to establish themselves.

One of the problems is that people who have been trained are snapped up and move away.

Clearly, those involved in the development see the country’s future in the rich soil — red gold as they call it — which is virtually everywhere.

So far the biggest projects are a huge rice farm and forests.

Water schemes for irrigation and rural consumption, which will transform the lifestyles of many are being developed.

There has been research into the best crops to be planted and the Dinani Agricultural College already has 100 students, which will grow to 400, prepared to face life in a competitive society.

The school has just started caring for blind children as well, some of whom arrived never having walked because of the over-protection of their families.

MINING

Mining and tourism also offer hope of development but the full mineral potential is not yet known and the country’s natural beauty has still to be effectively exploited.

A not uncommon sight in Venda are experts in various fields and doctors on reconnaissance from the South African Department of Mines who are helping to prepare the country for the future.

While the country will be technically as independent as any other it will be linked to South Africa for many years to come, even as the dreams of the developers come true.

VENDA — showing its position in the north-east corner of South Africa between the borders of Zimbabwe-Rhodesia and Mozambique. The boundaries have been slightly modified and after the 1978 consolidation the South African corridor was created along the Limpopo River.

Map courtesy of Black Homelands in South Africa by T. Malani and P. S. Hattingh published by the Africa Institute of South Africa.

Links with the past

THE Venda people who became independent on September 13 are still highly traditional orientated although links with the past are being widened down by contact with Western civilisation.

About a quarter of the people of the tiny state live away from home.

Some of the old beliefs are still strongly held by the local population whose forefathers trekked from Rhodesia in the 1860s and settled this fertile area.

Permanent in the foothills is the sacred Pungani Lake, the resting place of the Vhukhulunzi clan founders.

It is close to visiters and is regarded as a place of worship. It is inhabited by crocodiles which, according to local belief, will not eat people. The crocodiles are considered sacred and may not be killed.

The headman must give permission for anyone to fish there but visits have been stopped for tourists since some whites deserted a cave a few years ago and stole the amethyst.

They were prosecuted and fined a sheep, a cow, money for beer and 1600.

Another tribe the Bhombos regard the buffalo as a particular mountain as sacred and protect them in return for warning the tribe of an impending attack by marauders years ago.

Having been warned the sleeping tribe was able to beat off the attack.

Animals have an important place in Venda life. The capital, Sibasa, is to be renamed Thohoyandou after the Venda’s first chief. The new state president, Chief Patrick Chippepo, is a direct descendant of the first chief.

Literally translated Thohoyandou means, head of the elephant and in the language the elephant’s head while dominions, the dominant new Parliament.
When Venda became independent in 1977, the new Venda National Party was formed. The party's first leader was Chief Andrew Mvundura, who had played a key role in the struggle for independence. The party's platform was based on the principles of social justice, economic development, and political self-determination. The party's rise to power was facilitated by the support of the local population, who saw it as a means to achieve greater autonomy and control over their affairs.

In 1980, the Venda National Party won the most seats in the Venda National Assembly, and Chief Mvundura was elected as the first Venda President. The party's success was seen as a significant step forward in the pursuit of Venda's political independence.

The Venda National Party's agenda was focused on improving the living standards of the Venda people. The party implemented policies aimed at promoting economic growth, education, and health care. The party also worked to improve the infrastructure of the region, including roads, schools, and hospitals.

Despite these efforts, the Venda National Party faced challenges in maintaining its popularity. Some of the party's policies were criticized for being too slow or not being implemented effectively. The party also faced internal divisions, with some members favoring a more radical approach to achieving political independence.

The party's legacy continues to be a source of debate among scholars and historians. Some see it as a significant step forward in the pursuit of political independence, while others argue that it was not able to fully address the needs of the Venda people.
HOT BUTTERSCOTCH SAUCE
1 T syrup
2 T brown sugar
squeeze lemon juice
1/2 oz butter/margarine
1/2 pt warm water
1 T custard powder mixed with
1 T water
Put butter, sugar, syrup into a pan and cook to a rich brown toffee,
draw mixture, add water carefully, then the lemon juice. Roll
sauce and pour onto custard powder, rewhip till mixture thickens.
Serve hot with ice-cream.

SHERRY SAUCE
K.U.V.Pearl
1/2 pt sherry
1/2 T dried cherries
1 T sugar
1 T brown sugar

TO SERVICE
Put sauce into an oven to warm through.

SHERRY SAUCE (For Soufflé Puddings)
K.U.V.Pearl
1/2 pt sherry
1 T brandy, 1 T sugar

TO SERVICE
Dissolve sugar and brandy, mix with the sherry. Pour into soufflé
puddings when served, and heat each separately.
OORDRAG VAN GROND EN SEKERE REGTE
AAN DIE REGERING VAN VENDA

Kragtens die bevoegdheid my verleen by artikel 36 van die Grondwet van die Swart State, 1971 (Wet 21 van 1971), artikel 4bis van die Ontwikkelingstrust en Grondwet, 1936 (Wet 18 van 1936), en artikel 25 (1) van die Swart Administrasie Wet, 1927 (Wet 38 van 1927), gelees met artikel 21 (1) van die Ontwikkelingstrust en Grondwet, 1936 (Wet 18 van 1936), verklaar ek hierby dat—

(1) behoudens die bepalings van paragraaf (3) en onderworpe aan enige bestaande skriflike vergunning, koopkontrak, huurkontrak, servituut, verband of ander beswaring, reg of verpligting, alle grond geleë in die distrikte vermeld in Bylae A, waarvan die eiendomstreg of beheer berus by of verkry is deur die Regering van die Republiek van Suid-Afrika of die Suid-Afrikaanse Ontwikkelingstrust, ingestel by artikel 4 van die Ontwikkelingstrust en Grondwet, 1936 (Wet 18 van 1936) (hieronder “die Trust” genoem), uitgesonderde grond omskryf in Bylae B, berus by of hierby oorgedra word aan die Regering van Venda;

(2) behoudens die bepalings van paragraaf (3) en onderworpe aan enige bestaande skriflike vergunning, koopkontrak, huurkontrak, servituut, verband of ander beswaring, reg op verpligting, alle grond geleë in die distrikte vermeld in Bylae A, wat op naam van die Minister van Samewerking en Ontwikkeling of van enige ander persoon in trust vir 'n Swart persoon, stam of gemeenskap geregistreer staan, hierby oorgedra word aan die Hoofminister van die Republiek van Suid-Afrika of dié persoon, stam of gemeenskap;

TRANSFER OF LAND AND CERTAIN RIGHTS TO THE GOVERNMENT OF VENDA

Under and by virtue of the powers vested in me by section 36 of the Black States Constitution Act, 1971 (Act 21 of 1971), section 4bis of the Development Trust and Land Act, 1936 (Act 18 of 1936), and section 25 (1) of the Black Administration Act, 1927 (Act 38 of 1927), read with section 21 (1) of the Development Trust and Land Act, 1936 (Act 18 of 1936), I hereby declare that—

(1) subject to the provisions of paragraph (3) and subject to any existing written concession, contract of sale, lease, servitude, bond or other encumbrance, right or obligation, all land, excluding the land described in Schedule B, situate in the districts mentioned in Schedule A, the ownership or control of which is vested in or has been acquired by the Government of the Republic of South Africa or the South African Development Trust, constituted by section 4 of the Development Trust and Land Act, 1936 (Act 18 of 1936) (hereinafter referred to as “the Trust”), shall vest in, or is hereby transferred to, the Government of Venda;

(2) subject to the provisions of paragraph (3) and subject to any existing written concession, contract of sale, lease, servitude, bond or other encumbrance, right or obligation, all land situate in the districts mentioned in Schedule A which is registered in the name of the Minister of Co-operation and Development or of any other person in trust for a Black person, tribe or community is hereby transferred to
van Venda en op sy naam in trust vir sodanige Swart persoon, stam of gemeenskap geregister word;

(3) alle mineraleregte wat deur die Regering van die Republiek van Suid-Afrika of die Trust gehou word ten opsigte van grond geleë in die distrikte vermeld in Bylae A, uitgesonder die mineraleregte in die grond omskryf in Bylae B, berus by of hierby oorgedra word aan die Regering van Venda;

(4) 'n sertifikaat—

(a) ten opsigte van grond in paragraaf (1) bedoel, waarvan die eiendomsreg of beheer berus by of verkry is deur die Trust, die grond in paragraaf (2) bedoel en die mineraleregte in paragraaf (3) bedoel, waarvan die Trust die houer is, ondertekene deur die Sekretaris van Samewerking en Ontwikkeling of enige persoon behoorlik deur hom daartoe gemagtig, ten effekte dat die grond of mineraleregte beskryf in 'n titelbewys aan sodanige sertifikaat geheg, kragtens hierdie Proklamasie berus by of oorgedra is aan die Regering van Venda of die Hoofminister van Venda, na gelang van die geval;

(b) ten opsigte van grond in paragraaf (1) bedoel, waarvan die eiendomsreg of beheer berus by of verkry is deur die Regering van die Republiek van Suid-Afrika of die mineraleregte in paragraaf (3) bedoel, waarvan die Regering van die Republiek van Suid-Afrika die houer is, ondertekene deur die Sekretaris van Landboukrediet en Grondbesit of enige persoon behoorlik deur hom daartoe gemagtig, ten effekte dat die grond of mineraleregte beskryf in 'n titelbewys aan sodanige sertifikaat geheg, kragtens hierdie Proklamasie berus by of oorgedra is aan die Regering van Venda;

voldoende bewys is vir die Registrateur van Aktes om enige endosensie op genoemde titelbewys aan te bring of enige inskrywing te dien effekte in sy registers te maak.

Gegewe onder my Hand en die Seil van die Republiek van Suid-Afrika te Pretoria, op hede die Agt-en-twintigste dag van Augustus Eenduisend Negehonderd Nege-en-sewentig.

M. VILJOEN, Staatspresident.
Op las van die Staatspresident-in-rade:
P. G. J. KOORNHOF.

BYLAE A

Dzanani.
Mutale.
Sibasa.
Vuwani.

BYLAE B

1. Gedeelte 1 van die plaas Mpapuli 278 MT.
2. Grond ten opsigte waarvan die Suid-Afrikaanse Ontwikkelingtrust of die Regering van die Republiek van Suid-Afrika met 'n ander party ooreenkom het, of met onderhandelings besig is om medellidlik vir die datum van inwerkingtreding van hierdie Proklamasie, om sodanige grond aan sodanige ander party oor te dra, maar wat nog nie aldaar oorgedra is nie.

the Chief Minister of Venda and registered in his name in trust for such Black person, tribe or community;

(3) all mineral rights held by the Government of the Republic of South Africa or the Trust, in respect of land situata in the districts mentioned in Schedule A, excluding the mineral rights in the land described in Schedule B, shall vest in or are hereby transferred to the Government of Venda;

(4) a certificate—

(a) in respect of land referred to in paragraph (1), the ownership or control of which is vested in or has been acquired by the Trust, the land referred to in paragraph (2) and the mineral rights referred to in paragraph (3) by which the Trust is the holder, under the hand of the Secretary for Co-operation and Development or any person duly authorised thereto by him, to the effect that the land or mineral rights described in a title deed annexed to such certificate vest in or have been transferred to the Government of Venda or the Chief Minister of Venda, as the case may be, in terms of this Proclamation;

(b) in respect of land referred to in paragraph (1) the ownership or control of which is vested in or has been acquired by the Government of the Republic of South Africa and the mineral rights mentioned in paragraph (3) which are held by the Government of the Republic of South Africa, under the hand of the Secretary for Agricultural Credit and Land Tenure or any person duly authorised thereto, by him, to the effect that the land or mineral rights described in a title deed annexed to such certificate vest in or have been transferred to the Government of Venda in terms of this Proclamation;

shall be sufficient proof for the Registrar of Deeds to make any endorsement on the said title deed or any entry to that effect in his registers.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria, this Twenty-eighth day of August One thousand Nine hundred and Seventy-nine.

M. VILJOEN, State President.
By Order of the State President-in-Council:
P. G. J. KOORNHOF.

SCHEDULE A

Dzanani.
Mutale.
Sibasa.
Vuwani.

SCHEDULE B

1. Portion 1 of the farm Mpapuli 278 MT.
2. Land in respect of which the South African Development Trust or the Government of the Republic of South Africa has come to an agreement, or an agreement is being negotiated with another party immediately prior to the date of coming into operation of this Proclamation, to transfer such land to such other party, but which has not yet been so transferred.
VENDA INDEPENDENCE

Into the cold

With the help of all our people and guidance from above, we shall meet the challenges of the future as our ancestors responded to the challenges of their day. If we do so, we can face the future with confidence — Chief Patrick Mphephu of Venda.

In one week's time, Chief Mphephu's faith will be tested to the utmost. On September 13, the minuscule homeland of Venda — 6 500 km² of lush but impoverished land strategically wedged in the remote northeastern Transvaal — cuts its umbilical cord with SA and achieves “independence.”

As with its predecessors, Transkei and Bophutha-Tswana, Vehda will embark on a course of political and economic isolation. There will be an SA embassy in its new capital of Thohoyandou and financial hand-outs from Pretoria, but the world will shun Venda as the offspring of apartheid.

One of the crucial issues is citizenship. Mphephu has proudly noted that “the definition of citizenship contained in the draft constitution for an independent Venda homeland was unanimously agreed upon by the legislative assembly.”

All very well. But Mphephu, in alliance with traditional chiefs and headmen, controls that assembly. The 1979 Status of Venda Act confers Venda citizenship not only on the 322 900 Vhavenda in the new state, but also on the 150 300 living in “white” SA. At independence they will all lose both their SA citizenship and their rights to a political destiny in a common SA.

Mphephu — executive president-designate of Venda and now a paramount chief to boot — has said that Vendas in SA after independence will not lose their “rights and privileges.” But whether or not this means that lesothoehold rights of urban Vendas can be inherited remains unclarified.

The attached strings

Pretoria provided over R30m of Venda's 1976-79 budget of R68,4m. Financial grants will continue, so there is no doubt who controls the purse strings. Stamp revenue, local taxation, get, income from the customs pool — these will only be supplementary sources of income.

But Venda's raison d'être remains political, not economic. And Mphephu, whose record is one of autocracy bolstered by conservative tribal support, is regarded as Pretoria's man.

Mphephu’s chief political opponent, Baldwin Mudau of the Venda Independence Party, appears to have overcome most of his earlier scruples about independence.

The political upheavals of 1976-77 — when there were riots and arson in Venda — and of 1978, when Mudau supporters were jailed after elections showed that he enjoyed majority support in the elected seats, are far from forgotten. And Mphephu has even risked enmity among traditional elements by having himself declared paramount chief.

Internal tensions can only be exacerbated by Venda's geographical situation, with Frelim's Mozambique to the east, and Zimbabwe-Rhodesia to the north, separated by the Kruger National Park and a narrow strip of the Transvaal respectively. (A portion of Venda was excised so as to create a sort of 'Caprivi Strip' between the bantustan's northern border and the Limpopo.) The relatively unpopulated north and bushy south are ideal territory for guerilla incursions.

However, "The South African Soldier is Your Friend," appears on classroom posters; and a new para-military Venda National Force (functioning as army, police, traffic police and prisons service) under the command of a former SA security policeman is everywhere in evidence.

The spanking new capital of Thohoyandou, near Sibasa, boasts a legislative assembly, administration buildings, and a supreme court — costing around R15m. One informant told the FM that a new jail has also been constructed — complete with gallows 'so that offenders can pay their debt to their own society rather than someone else's.'

Female workers are a common sight in Venda. Officials are quick to note that this is a "traditional" aspect of the society. However, since per capita income is put at R22 a month, half the territory's food must be imported and 67% of the male workforce must seek a livelihood outside Venda's boundaries (63 300 migrants earned R97,7m, over 70% of gross national income in 1978). "Tradition" has probably less to do with it than sheer necessity. A sad rider to the above is the infant mortality rate: 105/1 000 for females, 134/1 000 for males.

The main areas needing attention are:

- Development of infrastructure. Since a rail spur to Louis Trichardt, the west appears beyond hope of fulfilment, up-grading of the road system is a priority. Venda's cash agricultural produce — tea, coffee, tropical fruits, even pepper — has to be shifted to the big market centres for it to become a significant revenue earner.
- Mining. Coal deposits in the North-west are a possibility, though Iscor will tell the FM only that it is "continuing with exploration."
- Tourism. Venda's southern sub-tropical region has reasonable roads, though little else. Predictably, the Thohoyandou Hotel is apparently to be decked out with gambling facilities. Indeed, there is talk of expanding gambling as an industry. But, with Sol Kerzner's Sun City in Bophutha-Tswana providing a massive drawcard, Venda's future as a den of iniquity appears dim.

Much is made of the "African" aspects of Venda, and it is said the Vendas are SA's most tribally-orientated people. If so, it is hardly feasible that the chiefs would permit the bare-breasted maidens of the Domba initiation dance to become a tourist attraction.

Agriculture. This contributed R7,2m of Venda's GDP of R26m in 1976, and the subsistence sector remains relatively large. Traditionally, land is vested in the tribe, so consolidation for viable projects has been retarded.

- Manufacturing and retailing. The Venda Development Corporation is involved in a number of tripartite agreements with SA concerns, of which a Fraser supermarket in the capital has caused most controversy. Undoubtedly, small traders in Venda and the neighbouring Transvaal will suffer from slick marketing of household commodities. But the counter-argument — that it is important to prevent "leakage" of purchasing power out of Venda — also carries weight.

Whatever the good intentions, the attendant brouhaha and the extent of television coverage of independence, the Vhavenda will wake up to austerity and a diplomatic freeze on September 14.
A pickle factory?
R18 million gilt:
FOR SHARES IN
SA taxpayers' applications for independence: New Parliament
NEW COAT OF ARMS: A PARAMOUNT CHIEF AND A BR
budget for this year alone as much as it ever did because the homeland state was unlikely to be acknowledged internationally.

What about the much vaunted find of coking coal we asked, and Mr Ligege replied: ‘Eating won’t wait — how long will the coal take to develop?’

‘Good question’, commented Venda economic adviser Robert Smith when we spoke to him about Mr Ligege’s query later: ‘Only half the coal is exploitable,’ he said. ‘There is no railway line at all in Venda — and no tarred roads outside the capital.

‘Venda is not rich in minerals, and is having problems with 29,000 small claims dating from the turn of the century, nearly all owned by Whites.

He admitted that Venda was pinning its hopes for the future on agriculture — chiefly tea, coffee, tropical fruit and vegetables.

‘We are the biggest producer of green mangoes in Southern Africa,’ he said, telling us of the pickle factory — of which all Venda officials seem inordinately proud — and of plans for canning and freezing plants.

Venda earns R600 000 a year from tropical fruit —

Phophudi Falls and the famous domba dances are sacred to the Venda, who resent sightseers.

But tourists can always visit the crocodiles, housed at the fish farm.

We heard that the crocodiles climbed out of the river and ate up all the fish, so the fish farm was to be replaced by a handmade establishment selling crocodile skin handbags, but everyone was rather evasive about this.

Outside the capital, Venda appeared untouched by its approaching Independence. Girls swayed grace-
AND SPANKING NEW PRISON

- Women must work in Venda, since most men leave to work as migrants. Here they pluck tea at Tshivase estate, spruce up the grounds of Parliament for Independence, and carry the wood which keeps the home fires burning.
BRANDY SAUCE
(For Steamed Puddings)
K.W.V. Paarl
Make a white sauce with 1/2 oz butter, 1 oz flour, 1/2 pt milk, add 1/2 oz sugar and 2 t brandy.

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HOT CHOCOLATE SHERRY SAUCE
(For Ice-Cream)
K.W.V. Paarl
1 1/2 cups sugar
3 T butter
4 oz chocolate (melted)
1/4 cup medium sherry
1 t vanilla

---00---

HOT HONEY AND VAN DER HUM SAUCE
(For Ice-Cream)
K.W.V. Paarl
3 1/4 cups sugar
1 1/2 cups cream
1/2 cup brandy
1/2 cup water
1 t vanilla
Mix sugar, brandy, water and cream in a saucepan. Bring to boiling point. Remove from heat. Set pot over hot water until ready to serve.
Venda getting ready for the big day

Activities in this hillside city have turned it into a beehive. Hundreds of Vendas have arrived here to sing praise to Thoho-Ya-Ndou, head of the elephant — the age-old symbol of Venda pride. Many more are expected to converge on the city in coming days.

Final touches are being hurried on the eye-catching House of Parliament which has been built at a cost of R4 million. It will house an administrative building and a High Court swathed in luxury.

COLOURS

The Thoho-Ya-Ndou hotel, which stands alongside the tarred road lined with flagpoles displaying Venda's colours — blue, green, brown and yellow — has been closed to the public as final preparations are made to suit the dignitaries, mainly heads of states and Cabinet Ministers, who will be staying there.

Paramount Chief Patrick Msheshu's house, built on a hillslope, and Cabinet Ministers' plush houses, contrast with the dullness of the conical thatched mud huts which sprawl across the fertile land of papaws, bananas, tea and coffee.

A tent city to house 10,000 people has sprung up to accommodate the many who will make the pilgrimage to Thoho-Ya-Ndou.

For many Vendas, the celebration ceremonies are a spectacle which draws them like magnets.

Highlight of the start of the festivities was the handing over of the Venda National Forces base, which cost R1.5 million.
South Africa's Deputy Minister of Defence, Mr. Nolo Tsele, hands over the key of the base of the Venda homeland to the Venda Leader, Chief Jacob Zuma.

Several leaders of the Venda homeland may not go to the official ceremony on the weekend.

The South African government has been criticized for its handling of the Venda homeland issue, with some leaders reportedly refusing to participate in the ceremony.
Chief Ministers made pact to boycott Venda

THOHOYANDOU — A pact to boycott Venda independence in protest against further fragmentation of South Africa was made by Chief Ministers opposed to independence, it was learnt yesterday.

Made at a meeting near Jan Smuts airport in February, the pact explains the absence of representatives of KwaZulu, Lebowa, and Kangwane from the Venda celebrations.

But it does not explain the absence of representatives from Transkei, the first black territory to receive independence from Pretoria. Nor does it explain the presence of representatives from the Ciskei and Gazankulu, whose leaders attended the February meeting.

The Transkei Prime Minister, Chief George Manzini, has claimed that he did not receive an invitation and would not be attending; for that reason.

Assembled if that was the only reason for his non-attendance or whether he was opposed to Venda independence, Chief Manzini said: “I would rather not comment.”

The Ciskei Chief Minister, Chief Lennox Sebe, has adopted a generally neutral attitude on independence since the appointment of a commission by his government to investigate whether independence is a viable option for the Ciskei.

Chief Sebe will be heading a four-man contingent at Venda’s independence celebrations.

The Gazankulu Chief Minister, Professor Hudson Ntsanwisi, has consistently opposed independence. He will not attend the celebrations personally, but his government will be represented by a four-man contingent.

The absence of Professor Ntsanwisi and the presence of members of his Cabinet appears to represent a compromise between political protest and personal politeness.

Bophuthatswana, the second territory to accept independence from Pretoria, will be represented by President Lucas Mangope and the Bophuthatswana Minister of Education.

From the broader South African perspective, the “catch” of the occasion must be the presence of a five-man delegation from Zimbabwe-Rhodesia headed by the Minister of Mines, Mappower and Social Affairs, Mr. D. M. Mutasa.

His presence implies acceptance of Pretoria’s “decolonisation” policy and is an obvious propaganda point in favour of South Africa’s latest concept of a constellation of Southern African states.

Venda becomes independent at midnight tonight. — DDC.
Guests arrive in Venda

PHOHOTSELO. — The guests are arriving here for the Venda independence celebrations which reach a climax at a midnight ceremony tonight and early on Thursday.

In the South African delegation will be the Minister of Foreign Affairs, Mr Pik Botha.

Also due are Gazankulu guests, headed by the Minister of Health, Mr B Makamu.

Among the dignitaries due today are South Africa’s State President, Mr Viljoen, and Botswana’s President Lucas Mamepe. Also scheduled to arrive are a Zimbabwe Rhodesian contingent headed by the Minister of Mines, Mr D M Mutasa.

Meanwhile, the Venda Bureau for Information and Broadcasting announced yesterday that the Minister of Co-operation and Development, Dr Piet Koenrodt, had been unable to attend the opening of the R5-million Venda Government complex yesterday.

The statement said Dr Koenrodt had been represented by the Deputy Minister of Co-operation and Development, Mr G de V Morrison. — Sapa.
Venda: Gains and losses

There is little joy for the vast majority of South Africans in Venda’s acceptance at midnight tonight of South African-style independence. Yet another slice of the country is being excised in the third stage of the government’s process of balkanization. Yet another physically small, geographically divided and economically dependent country is said to be as independent as any state in black Africa. Yet again South Africa’s borders decrease, and the total wealth and potential of a great country shrinks. But yet again, in terms of Nationalist ideology, there are fewer blacks in the remaining white-ruled South Africa. Their hope of a continued share of all South Africa’s riches now lies in the prime minister’s constellation of states, which seeks to join again what he and his predecessors have put asunder.

Like Transkei in 1976 and Bophuthatswana in 1977, the people of Venda have opted for grand apartheid in order to escape the evils, indignities and discrimination of petty apartheid. For the third time in three years, a section of the black population has taken the opportunity to dispense with discriminatory measures and segregation. On this the people of Venda are to be congratulated, and to this extent we wish them well.

The caveat is that this division of South Africa is not what the vast majority of its population, both black and white, would have chosen. It is the lesser of two evils presented as the only alternatives to our fellow black citizens by a government representative only of a section of the whites. It involves giving up a claim to share in the riches of South Africa as it was formed in 1910. It involves making thousands of South African blacks, many of whom have never been near Venda, foreigners in their own country. It deprives the children of these people of their rights in South African urban areas. It is a divisive and potentially explosive issue.

There are benefits to Venda. Apart from the ability to free itself from statutory discrimination, there has been considerable government investment and development designed to make the territory more self-sufficient, to provide more jobs and to increase the standard of living. But much of this has been done with an eye to coming independence. All of it and more could — and should — have been done with an eye to improving the living standards of all blacks and developing all regions of the country, particularly the traditional black rural areas with their high concentration of underdeveloped people. All of it could have been done under a policy of regional autonomy or self-government.

The point that is often forgotten is that apartheid is designed to benefit whites, not blacks. As the Nationalist government realized that its policy of b oppress was morally indefensible, it invented the theory of separate freedoms. Blacks could have equality, political rights, mixed residential areas and desegregated schools, but not where this would disturb the whites. It would have to be done in the homelands, now known as national states. The benefits to blacks in these areas are not being given out of a new-found compassion for fellow black compatriots. They are given in order to justify continued discrimination against these blacks in the rest of white-ruled South Africa. This is the policy for which the people of Venda have opted and, while congratulating them on what they have gained, we commiserate with them on what they have lost.
STAAARTSKOERANT
VAN DIE REPUBLIEK VAN SUID-AFRIKA
REPUBLIC OF SOUTH AFRICA
GOVERNMENT GAZETTE

VOL. 1711
PRETORIA, 12 SEPTEMBER 1979

PROKLAMASIE
van die Staatspresident van die Republiek van Suid-Afrika

No. R. 210, 1979
UITLEWERINGSVOORENKOMS TUSSEN DIE REGERING VAN DIE REPUBLIEK VAN SUID-AFRIKA EN DIE REGERING VAN VENDA, AANGEGAAN INGEVOLGE DIE WET OP UITLEWERING, 1962 (WET 67 VAN 1962)

Die Uitleweringsvooreenkom omvat die twee Regeerings, by hierdie ooreenkomst hoewel nie getyk is nie te betrek tot uitlewering, 1962 (Wet 67 van 1962), gepubliseer.

Gegoe onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op die 12ste dag van Augustus, in die tiende jaar van die Regering van Petersoend Nege-en-seventigd.

M. VILJOEN, Staatspresident.
Op las van die Staatspresident-in-rade:
P. W. BOTHA.

BYLAE
VOORENKOMS TUSSEN DIE REGERING VAN DIE REPUBLIEK VAN SUID-AFRIKA EN DIE REGERING VAN VENDA MET BETREKKING TOT UITLEWERING

AANHEF
Nademaal die Regeerings van die Republiek van Suid-Afrika en die Regeering van Venda ondersoek of die veral en/of betrekking wat tussen die twee Regeerings en hulle mense bestaan, erk; en

Nademaal die Regeering van die Republiek van Suid-Afrika en die Regeering van Venda beheer is om wyse van ooreenkomstekes die betrekkinge tussen die Republiek en Venda in die gebied van uitlewering van oorreders te reël.

6652—1

PROCLAMATION
by the State President of the Republic of South Africa

No. R. 210, 1979

The Extradition Agreement contained in the Annexure hereto, entered into with the Government of Venda, is hereby published in accordance with section 2 (G) (a) of the Extradition Act, 1962 (Act 67 of 1962).

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Twenty-eighth day of August, in the thousand Nine hundred and Seventy-nine.

M. VILJOEN, State President.
By Order of the State President-in-Council:
P. W. BOTHA.

ANNEXURE
AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA AND THE GOVERNMENT OF VENDA RELATING TO EXTRADITION

PREAMBLE
Whereas the Government of the Republic of South Africa and the Government of Venda recognise the friendly relations existing between the two Governments and their peoples; and

Whereas the Government of the Republic of South Africa and the Government of Venda are desirous to regulate by agreement the relations between the Republic of South Africa and Venda in the sphere of extradition of offenders;
Opmerking.—In gevalle waar ooreenkoms deur notulwisseling aangegaan is, verskyn slegs die Suid-Afrikaanse notas in die Bylae hiervan. Die tekste van hierdie notas is mutatis mutandis in dieselfde terme as die tekste van die wederkerige notas van die Regering van Venda.

BYLAE
MINISTERIE VAN BINNELANDSE SAKE

OOREENKOMS TUSSEN DIE REGERING VAN DIE REPUBLIEK VAN SUID-AFRIKA EN DIE REGERING VAN VENDA MET BETREKKING TOT DIE STIGTING, ADMINISTRASIE EN INSTANDHOUING DEUR DIE DEPARTEMENT VAN ONDERWYS VAN DIE PROVINSIE TRANSVAAL VAN SEKERE SKOLE IN VENDA EN SAKJE WAT DAARMEER IN VERBAND STAAN

AANHEF

Nademaal die Regering van die Republiek van Suid-Afrika en die Regering van Venda die vriendskapplike betrekkinge wat tussen die twee Regeringe en hul mense bestaan, erken: en

Nademaal die Departement van Onderwys van die provinsie Transvaal die gees van wat tot nog toe by wet met die bevoegdheid bekleef is om sekere skole in Venda as deel van daardie provinsie te stig, te administrer en in stand te hou:

Nademaal Venda by onafhanklikworing sal ophou om deel van die Republiek van Suid-Afrika en deur die genoemde provinsie te wees; en

Nademaal dit dienstig is dat genoemde Departement van Onderwys, na die onafhanklikworing van Venda, voortgaan om sodanige skole in Venda te stig, te administrer en in stand te hou;

So is dit dat die Regering van die Republiek van Suid-Afrika en die Regering van Venda soos volg ooreenkoms:

ARTIKEL I
STIGTING EN INSTANDHOUING VAN SKOLE IN VENDA

Die Departement van Onderwys van die provinsie Transvaal (hieronder die "Departement" genoem) het na die datum waarop Venda onafhanklik verkyk (hieronder die "datum van onafhanklikwordering" genoem), die reg—

(a) om te Sibasa en op sodanige ander plekke in Venda as waarop onderling ooreengekom word tussen die Departement en die Regering van Venda (hieronder die "Regeringe" genoem) dié laerskole binne dié betekenis van die Transvaals Onderwys-ordonnansie, 1953, wat nodig en wenslik geag word, te stig, te administrer en in stand te hou;

(b) om wonings in Venda te verskaf en in stand te hou vir dié huishouding van die personeel by Artikel 2 (a) boooog;

(c) om enige skool of woning in paragraaf (a) boooog, te vergroot, uit te brei en te verbeter in die mate wat nodig en wenslik geag word;

(d) om dienste in Venda in te stel en te bedryf vir die vervoer van leerlinge wat die skole in Transvaal te beseok; en

(e) om van tyd tot tyd in Venda die eksamens af te neem wat nodig en wenslik geag word vir leerlinge wat die skole in paragraaf (a) boooog, beseok; en

Note.—In cases where agreements were concluded by way of Exchange of Notes, only the South African Notes appear in the Schedule hereto. The texts of these Notes are mutatis mutandis in the same terms as the texts of the reciprocal Notes of the Government of Venda.

SCHEDULE
MINISTRY OF INTERIOR


PREAMBLE

Whereas the Government of the Republic of South Africa and the Government of Venda recognise the friendly relations existing between the two Governments and their peoples; and

Whereas the Department of Education of the Province of the Transvaal is the authority hitherto vested by law with the power to establish, administer and maintain certain schools in Venda as being part of that Province; and

Whereas Venda upon obtaining independence, will cease to be a part of the Republic of South Africa and therefore of the said Province; and

Whereas it is expedient that the said Department of Education shall after the attainment of independence by Venda continue to establish, administer and maintain such schools in Venda;

Now, therefore, the Government of the Republic of South Africa and the Government of Venda agree as follows:

ARTICLE 1
ESTABLISHMENT AND MAINTENANCE OF SCHOOLS IN VENDA

The Department of Education of the Province of the Transvaal (hereafter referred to as the "Department") shall after the date on which Venda obtains independence (hereinafter referred to as the date of independence) have the right—

(a) to establish, administer and maintain at Sibasa and such other places in Venda as may be mutually agreed upon between the Department and the Government of Venda (hereinafter referred to as the "Government") such primary schools within the meaning of the Transvaal Education Ordinance, 1953, as may be considered necessary and desirable, to establish, administer and maintain;

(b) to provide and maintain dwellings in Venda for the accommodation of staff contemplated by Article 2 (a);

(c) to enlarge, extend and improve any school or dwelling as contemplated by paragraph (a) to such extent as may be considered necessary and desirable;

(d) to institute and conduct services in Venda for the conveyance of pupils attending schools as contemplated by paragraph (a) or to attend a school or schools in the Transvaal;

(e) from time to time to conduct in Venda such examinations for pupils attending schools as contemplated by paragraph (a) as may be considered necessary and desirable; and
ARTIKEL 5
INWERKINGTREDING, BEEINDIGING EN WYSINGING
(a) Hierdie ooreenkomst tree in werking op die datum van Venda se onafhanklikwording en kan deur enige van die twee Partye opgeweers deur aan die ander Party se maande skriftelijke kennis van beeindiging langs die diplomatieke kanaal te gee.
(b) Enige wysiging van hierdie ooreenkomst waaroor beide Partye ooreenkom word aangebring deur middel van Diplomatieke Notawisseling tussen hulle.

Ten bewys waarvan die ondergetekende, behoorlik daartoe gemagtig deur hul onderskeie Regerings, hierdie Ooreenkomst onderteken en gesig het:

A. L. SCHLEBUSCH.
Vir die Regering van die Republiek van Suid-Afrika.

P. R. MPHEPHU.
Vir die Regering van Venda.

MEMORANDUM VAN OOREENKOMS AANGE-GAAN TUSSEN DIE REGERING VAN DIE REPUBLIEK VAN SUID-AFRIKA EN DIE REGERING VAN VENDA MET BETREKKING TOT DIE VERBETERING EN ONDERHOUD VAN SEKERE OPENBARE PAALIE IN VENDA EN SAAKE WAT DAARMEE IN VERBAND STAAN

AANHEF
Nademaal die Regering van die Republiek van Suid-Afrika en die Regering van Venda die vriendskaplike betrekkinge erken wat tussen die twee Regerings en hulle mense bestaan; en

Nademaal die Administrasie van die provinsie Transvaal (hieronder die "Administrasie" genoem) by wet verantwoordelik is vir die aanbou en onderhoud van die paai of trajecte van paai in die Bylai van hierdie Ooreenkomst genoem, of vir die verligging van finansiële bystand aan die plaaslike overhede in wie se gebiede hulle aanbou en onderhoud; en
Nademaal genoemde paai of sekere trajecte daarvan in Venda geleë is; en
Nademaal Venda by onafhanklikwording sal ophou om deel van die Republiek van Suid-Afrika en dus van genoemde provinsie uit te maak; en
Nademaal die Regering van Venda begerig is dat na die datum waarop hy onafhanklik word, daar aan hom bystand verleen word met betrekking tot die verbetering en onderhoud van sodanige trajecte van genoemde paai as wat in Venda geleë is; en
So is dit dat die Regering van die Republiek van Suid-Afrika en die Regering van Venda soos volg ooreenkom:

ARTIKEL 1
Die Regering van die Republiek van Suid-Afrika verbind hom deur te versoer—
(a) dat vanaf die datum waarop Venda sy onafhanklikheid verkry (hieronder die "datum van onafhanklikwording" genoem), die Administrasie of sy benoemdes sal voortgaan met die verbetering en onderhoud van die paai of trajecte van paai in die Bylai van hierdie Ooreenkomst genoem;
(b) Enige wysiging van hierdie Ooreenkomst waaroor beide Partye, ooreenkom, word aangebring deur middel van Diplomatieke Notawisselings tussen hulle.

Ten bewyse waarvan die ondergetekendes, behoorlik daartoe gemagtig deur hul onderrigde Regerings, hierdie Ooreenkomst onderteken en gesig het.


A. L. SCHLEBUSCH.
Vir die Regering van die Republiek van Suid-Afrika.

P. R. MPHEPHU.
Vir die Regering van Venda.

BYLAE

Provisiale Pad P99-1.
Provisiale Pad P98-1.
Provisiale Pad P135-1.
Distrikspad 1253.
Distrikspad 4.

OOREENKOMS TUSSIN DIE REGERING VAN DIE REPUBLIEK VAN SUID-AFRIKA EN DIE REGERING VAN VENDA MET BETREKKING TOT DIE VERSKAFTING VAN ELEKTRISITEIT IN DIE STADSRaad VAN LOUIS TRICHARDT EN DIE TOESTAAN VAN REGTE AAN DIE STADSRaad VAN LOUIS TRICHARDT

AANHEF

Nademaal die Regering van die Republiek van Suid-Afrika en die Regering van Venda die vriendelskaplike betrekkinge erken wat tussen die twee Regerings en hulle mense bestaan; en

Nademaal die Provisiale Raad van die provinsie Transvaal die gesag is met die bevoegdheid om instellings of liggame te stig, te beheer en te reguleer vir die uitvoering en die verrigting van die funksies van plaslike besture in sekere gebiede binne genoemde provinsie; en

Nademaal die Stadsrad van Louis Trichardt (hieronder genoem die "Raad") 'n plaslike overheid is wat aldus gestig is en sodanige funksies het in genoemde provinsie; en

Nademaal die Raad tans bystand verleen deur die versafting van elektrisiteit in en aan Venda ooreenkomstig geskrywe ooreenkomste n赎回e die onderskeie regte en verpligte van die Partye, met inbegrip van die gebruikreg deur die Raad op grond, toerusting en werke in Venda in verband met sodanige diens, finansiele reëlings, die eiendomsgewag van sodanige werke en toerusting en aangeleenthede wat daarmee in verband staan; en

Nademaal sekere elektriese kraglyne, deur middel waarvan die Raad ten behoeve van homself elektrisiteit verkaf aan sekere van sy verbruikers in die Republiek van Suid-Afrika, gedeeltelik oor die grondgebied van Venda gaan en aan die Raad, benewens die regte genoem in die voorafgaande paragraaf, die gebruikreg op grond in Venda toegestaan is vir die doeleindes van sodanige kraglyne en vir werke en toerusting wat daarmee saamgaan; en

Nademaal dit dienstig geag word dat die status quo met betrekking tot hierdie aangeleenthede behou word na die verkryging van onafhanklikheid deur Venda; en

(b) Any amendment of this Agreement mutually agreed upon by both Parties shall be effected by the exchange of Diplomatic Notes between them.

In witness whereof the undersigned, being duly authorised by their respective Governments, have signed and sealed the present Agreement.

Done at Pretoria, in duplicate, on the 13th day of August 1979.

A. L. SCHLEBUSCH.
For the Government of the Republic of South Africa.

P. R. MPHEPHU.
For the Government of Venda.

SCHEDULE

Provincial Road P99-1.
Provincial Road P98-1.
Provincial Road P135-1.
District Road 1253.
District Road 4.


PREMABLE

Whereas the Government of the Republic of South Africa and the Government of Venda recognize the friendly relations existing between the two Governments and their peoples; and

Whereas the Provincial Council of the Province of Transvaal is the authority with the power to establish, control and regulate institutions or bodies for the exercise and performance of local governments functions in certain areas within the said Province; and

Whereas the Town Council of Louis Trichardt (hereinafter referred to as the "Council") is a local authority so established and with such functions in the said Province; and

Whereas the Council is presently rendering assistance by supplying electricity in and to Venda in accordance with written agreements relating to the respective rights and obligations of the parties including the beneficial use by the Council of land, equipment and works in Venda in connection with such service, financial arrangements, the ownership of such works and equipment and matters incidental thereto; and

Whereas certain electric power lines, by means of which the Council on its own behalf supplies electricity to certain of its consumers in the Republic of South Africa, partly cross the territory of Venda and the Council has, in addition to the rights referred to in the previous paragraph, been granted the beneficial use of land in Venda for the purpose of such power lines and for works and equipment which are ancillary thereto; and

Whereas it is deemed expedient that the status quo should in regard to these matters be maintained after the attainment of independence by Venda; and
(d) Die Regering van die Republiek van Suid-Afrika boekstaaf dat die Raad gemagtig is om die dienste te lever en die funksies uit te voer wat beoog word in enige Bedryfsooreenkomst wat aangegaan word uit hoofde van hierdie Ooreenkoms.

(e) Enige Bedryfsooreenkomst wat aangegaan word uit hoofde van hierdie Ooreenkoms, maak deel uit van en word saamgelees met hierdie Ooreenkoms: Met dien verstande dat—

(i) enige latere ooreenkomst betrefende elektriesiteverskaffing aan verbruikers in gebiede wat nog by Venda ingelyf moet word, in die vorm van ‘n addendum by sodanige Bedryfsooreenkomst is; en

(ii) ingeval die bepalings van hierdie Ooreenkoms en dié van sodanige Bedryfsooreenkomst, met inbegrip van enige addendum daarby soos beoog in subparagraaf (i) hierbo, in stryd is met mekaar, die bepalings van hierdie Ooreenkoms geld.

ARTIKEL 2

(a) Hierdie Ooreenkoms tree in werking op 13 September 1979 en kan deur enige van die twee Partye opgewê word deur aan die ander Party ses maande skriftelike kennis van beëindiging langs die diplomatieke kanaal te gee. Met dien verstande dat sodanige kennis van beëindiging nie gegee word nie voor die verstrekking van sewe jaar, bereken vanaf voormelde datum.

(b) Enige wysiging van hierdie Ooreenkoms waaroor albei Partye ooreenkom, word aangeteken deur middel van Diplomatieke Notawisseling tusken hulle.

Ten bewyse waarvan die ondergetekendes, behoorlik daartoe gemagtig deur hulle onderskeie Regerings, hierdie Ooreenkom onderteken en gesoel het.


A. L. SCHLEBUSCH.
Namens die Regering van die Republiek van Suid-Afrika.

P. R. MPHEPHU.
Namens die Regering van Venda.

OOREENKOMS TUSSEN DIE REGERING VAN DIE REPUBLIEK VAN SUID-AFRIKA EN DIE REGERING VAN VENDA OOR DIE BEWEGING VAN BURGERS VAN VENDA EN VAN DIE REPUBLIEK VAN SUID-AFRIKA OOR DIE GEMEENSKAPLIKE GRENSE

AANHEF

Nademaal die Regering van die Republiek van Suid-Afrika en die Regering van Venda die vriendskapslike betrekkinge erken wat tussen die twee Regerings en hul mense bestaan; en

Nademaal dit noodsaaklik geag word om sekere reëlings te tref ten einde die beweging van burgers van Venda en burgers van die Republiek van Suid-Afrika oor die gemeenskaplike grense te reguleer vanaf die datum waarop Venda onafhanklikheid verkry; en

Nademaal dit noodsaaklik geag word om ook voor- siening te maak vir verskillende addisionele aange- leenthede rakende burgers van Venda in die Republiek van Suid-Afrika en burgers van die Republiek van Suid-Afrika in Venda;

(d) The Government of the Republic of South Africa records that the Council is empowered to render the services and perform the functions contemplated by any Operational Agreement to be entered into by virtue of this Agreement.

(e) Any Operational Agreement to be entered into by virtue of this Agreement shall form part of and be read with this Agreement: Provided—

(i) that any subsequent agreement relating to the supply of electricity to consumers in areas still to be incorporated into Venda, shall be in the form of an addendum to such Operational Agreement; and

(ii) That in the event of any conflict between the provisions of this Agreement and of such Operational Agreement, including any addendum thereto as contemplated in subparagraph (i) above, the provisions of this Agreement shall prevail.

ARTICLE 2

(a) This Agreement shall commence on 13 September 1979 and may be terminated by either party giving six months' written notice to the other Party through the diplomatic channel: Provided that such notice shall not be given before expiry of seven years calculated from the above date.

(b) Any amendment of this Agreement mutual, agreed upon by both Parties shall be effected by the exchange of Diplomatic Notes between them.

In witness whereof the undersigned, being duly authorised by their respective Governments, have signed and sealed the present Agreement.

Done at Pretoria, in duplicate, on the 13th day of August 1979.

A. L. SCHLEBUSCH.
For the Government of the Republic of South Africa.

P. R. MPHEPHU.
For the Government of Venda.


PREAMBLE

Whereas the Government of the Republic of South Africa and the Government of Venda recognise the friendly relations existing between the two Governments and their peoples; and

Whereas it is considered necessary to make certain arrangements to regulate the movement of citizens of the Republic of South Africa and of Venda across the common borders as from the date on which Venda shall attain independence; and

Whereas it is considered necessary also to make provisions for sundry additional matters affecting citizens of Venda in the Republic of South Africa and citizens of the Republic of South Africa in Venda;
OOREKENKOMS TUSSEN DIE REGERING VAN DIE REPUBLIEK VAN SUID-AFRIKA EN DIE REGERING VAN VENDA OOR DIE REGISTRASIE VAN KIESERS EN DIE HOU VAN VERKIESINGS

AANHEF

Nademaal die Regering van die Republiek van Suid-Afrika en die Regering van Venda die vriendskapslike betrekkinge wat tussen die twee regering en hul mense bestaan, erken; en

Nademaal Venda by onafhanklikwording sal ophou om deel van die Republiek van Suid-Afrika te wees; en

Nademaal die wette van Venda wat betrekking het op die registrasie van kiesers en die hou van verkiesings, voorsiening maak vir die registrasie van kiesers en die uitbring van stembrieke deur kiesers van Venda buite die grense van Venda; en

Nademaal die Regering van die Republiek van Suid-Afrika begerig is om die kiesers van Venda in die Republiek van Suid-Afrika te help by hul deelname aan verkiesings van Venda; en

Nademaal die Regering van Venda begerig is om die Republiek van Suid-Afrika te help met die registrasie van Suid-Afrikaanse kiesers in Venda en om hul deelname aan Suid-Afrikaanse verkiesings te vergemaklik;

So is dit dat die Regering van die Republiek van Suid-Afrika en die Regering van Venda hierby soos volg ooreenkoms:

ARTIKEL 1

Die Regering van die Republiek van Suid-Afrika en sy amptenare oefen in die Republiek van Suid-Afrika namens die Regering van Venda al die bevoegdhede en funksies uit wat voorgeskryf is by Proklamasi R. 13 van 1973, soos van tyd tot tyd gewysig, betreffende die uitbring van stemme deur kiesers van Venda in die Republiek van Suid-Afrika tydens verkiesings van Venda.

ARTIKEL 2

Die Regering van Venda verskaf alle vorms, skryfbehoeftes en toerusting vir die behoorlike uitoefening van genoemde funksies.

ARTIKEL 3

Die Regering van Venda betaal aan die Regering van die Republiek van Suid-Afrika alle uitgawes aangaan aan reise in verband met die uitoefening van genoemde funksies terug; sodanige terugbetaling word gedoen op die basis van bestaande tariewe van toepassing op die gebruik van staats- of ander vervoer in die Republiek van Suid-Afrika.

ARTIKEL 4

Die Regering van die Republiek van Suid-Afrika en geen terugbetaling nie waar enige van genoemde funksies deur by amptenare in die gewone loop van hul pligte en gedurende hul normale werkure uitgeoefen word, behalwe soos van tyd tot tyd deur die Regering van Venda bepaal word met betrekking tot—

(i) 'n kiesbepaamde, 'n voorsittende beambte, 'n stempoener en getuijie gedurende 'n verkiesing waar geen bykomende stemlokale in sy distrik ingerig word nie; en

(ii) voorsittende beambtes, stempoeners en getuijie gedurende 'n verkiesing waar bykomende stemlokale in 'n distrik ingerig word.

AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA AND THE GOVERNMENT OF VENDA RELATING TO THE REGISTRATION OF VOTERS AND THE CONDUCT OF ELECTIONS

PREAMBLE

Whereas the Government of the Republic of South Africa and the Government of Venda recognize the friendly relations existing between the two Governments and their peoples; and

Whereas Venda upon obtaining independence will cease to be part of the Republic of South Africa; and

Whereas the laws of Venda relating to the registration of voters and the conduct of elections provide for the registration of voters and the polling by voters of Venda outside the borders of Venda; and

Whereas the Government of the Republic of South Africa is desirous of assisting the voters of Venda in the Republic of South Africa in participating in elections in Venda; and

Whereas the Government of Venda is desirous of assisting the Republic of South Africa in the registration of South African voters in Venda and in facilitating their participation in South African elections;

Now, therefore, the Government of the Republic of South Africa and the Government of Venda agree as follows:

ARTICLE 1

That the Government of the Republic of South Africa and its officials shall exercise in the Republic of South Africa on behalf of the Government of Venda all the powers and functions prescribed in Proclamation R. 13 of 1973, as amended from time to time, relating to the voting by voters of Venda in the Republic of South Africa during elections of Venda.

ARTICLE 2

That the Government of Venda shall provide all forms, stationery, equipment for the due performance of aforementioned functions.

ARTICLE 3

That the Government of Venda shall reimburse the Government of the Republic of South Africa in respect of all expenses incurred on travelling connected with the performance of the aforementioned functions; such reimbursement shall be effected on the basis of ruling tariffs applying to the use of Government or other transport in the Republic of South Africa.

ARTICLE 4

The Government of the Republic of South Africa shall claim no reimbursement where any of the functions referred to are performed by its officials during the ordinary course of their duties and during their normal working hours, except as is provided for from time to time by the Government of Venda in relation to—

(i) a returning officer, presiding officer, polling officer and witnesses during an election where no additional polling stations are established in his district; and

(ii) presiding officers, polling officers and witnesses during an election where additional polling stations are established in a district.
ARTIKEL 5

Whereas the Government of the Republic of South Africa through its Department of Co-operation and Development is in possession of records in respect of registered voters and whereas it is anticipated that the Government of Venda will not be in a position to take over and maintain these records immediately after independence, the Government of the Republic of South Africa shall continue to maintain the said records and to provide the Government of Venda with such master lists and other information as may be required for the proper preparation and printing of voters' lists. The Government of Venda on the other hand shall compensate the Government of the Republic of South Africa for any reasonable costs incurred in this connection.

ARTIKEL 6

The Government of Venda shall refrain from taking any action which will prevent the registration of South African voters resident in Venda or hamper their proper participation in South African elections.

ARTIKEL 7

(a) This Agreement shall enter into force on the date of independence of Venda and may be terminated by either Party giving 12 months' written notice to the other Party through the diplomatic channel.

(b) Any amendment of this Agreement mutually agreed upon by both Parties shall be affected by the exchange of Diplomatic Notes between them.

In witness whereof the undersigned, being duly authorised by their respective Governments, have signed and sealed the present Agreement.

Done at Pretoria, in duplicate, on the 13th day of August 1979.

A. L. SCHLEBUSCH.
For the Government of the Republic of South Africa.

P. R. MPHEPHU.
For the Government of Venda.


PREAMBLE

Whereas the Government of the Republic of South Africa and the Government of Venda recognise the friendly relations existing between the two Governments and their peoples; and

Whereas Venda upon obtaining independence will cease to be part of the Republic of South Africa; and

OOREENKOMS TUSSEN DIE REGIERING VAN DIE REPUBLIEK VAN SUID-AFRIKA EN DIE REGIERING VAN VENDA OOR OPGAWES WAT VERSTREK MOET WORD DEUR DIE REGIERING VAN VENDA MET VERMELDING VAN BESONDERHEDE VAN DIE DOOD VAN EN DIE OPLEGGING VAN SEKERE VONNISSE OP SEKERE PERSONE WAT SUID-AFRIKAANSE BURGERS IS ASOOK DIE UITOEFFENING VAN BEVOEGDHEDE EN FUNKSIES AAN ’N VOORSITTENDE BEAMPTE VIR STEMME VAN SPESIALE KIESERS VERLEEN OF OPGEDRA

AANHEF

Nademaal die Regering van die Republiek van Suid-Afrika en die Regering van Venda die vriendelijkheidsbetrekkinge wat tussen die twee Regerings en hul mense bestaan, erk en

Nademaal Venda by onafhanklikwording sal ophou om deel van die Republiek van Suid-Afrika te wees; en

ARTIKEL 5

Nademaal die Regering van die Republiek van Suid-Afrika deur bemiddeling van sy Departement van Samewerking en Ontwikkeling beskik oor die rekords ten opsigte van geregistreerde kiesers en nademaal na verwagting die Regering van Venda nie die oornamie en instandhouding van hierdie rekords onmiddellik na onafhanklikwording sal kan behartig nie, hou die Regering van die Republiek van Suid-Afrika steeds genoemde rekords in stand en voorsien by die Regering van Venda van meesterlyste en ander inligting wat nodig is vir die beheerlike opstel en druk van kieserslyste. Aan die ander kant volg die Regering van Venda die Regering van die Republiek van Suid-Afrika vir enige redelike koste wat in hierdie verband aangegaan word.

ARTIKEL 6

Die Regering van Venda wees oor hom van enige handeling wat die registrasie van Suid-Afrikaanse kie- sers wat in Venda woon, sal verhinder of hulle behoor- like deelname aan Suid-Afrikaanse verkieings sal belemmer.

ARTIKEL 7

(a) Hierdie Ooreenkoms tree in werking op die dag van die onafhanklikwording van Venda en kan beëin- dig word deur enige van die twee Partye met 12 maande skriftelike kennisgewing aan die ander Party langs die diplomatieke kanaal.

(b) Enige wysiging van hierdie Ooreenkoms waaroor die Partye ooreengekom het, word aangebring deur die wisseling van Diplomatieke Notas tussen hulle.

Ten bewyse waarvan die ondergetekende, behoorlik daartoe gemagtig deur hulle onderskede Regerings, hierdie Ooreenkom ons onderteken en geseel het.


A. L. SCHLEBUSCH.
Namens die Regering van die Republiek van Suid- Afrika.

P. R. MPHEPHU.
Namens die Regering van Venda.
ARTIKEL 7
(a) This Agreement shall enter into force on the date of independence of Venda and may be terminated by either Party giving 12 months' written notice to the other Party through the diplomatic channel.
(b) Any amendment of this Agreement mutually agreed upon by both Parties shall be effected by the exchange of Diplomatic Notes between them.

In witness whereof the undersigned, being duly authorised by their respective Governments, have signed and sealed the present Agreement.

Done at Pretoria, in duplicate, on the 13th day of August 1979.

A. L. SCHLEBUSCH.
For the Government of the Republic of South Africa.

P. R. MPHEPHU.
For the Government of Venda.

ARTIKEL 1
(a) There shall be a joint Citizenship Board on which the Government of Venda and the Government of the Republic of South Africa shall each have three representatives.
(b) The members of the Board shall elect from their number the first chairman to hold office for a period of 12 months; thereafter the chairmanship of the Board shall alternate between a representative of Venda and a representative of the Republic of South Africa at twelve-monthly intervals.
(c) Questions before the Board shall be decided by majority vote, each member having one vote and the chairman having a casting vote in addition to an ordinary vote.
(d) Four members of the Board shall constitute a quorum.
(e) The Board shall meet at the times and places determined by the Chairman and shall meet at least once every 12 months.

ARTIKEL 2
The Citizenship Board shall, where a doubt exists, consider cases regarding the Citizenship of persons referred to it by either the Government of Venda or the Government of the Republic of South Africa for a finding by the Board as to the citizenship of the person concerned.
ARTIKEL 3
Die Burgerskapsraad kom vir die eerste keer byeen op 'n datum wat aanvaarbaar is vir sowel die Regiering van Venda as die Regiering van die Republiek van Suid-Afrika en oorweeg elke geval wat na hom verwys word, ooreenkomstig sodanige procedures as wat die Voorsitter van tyd tot tyd in oorleg met lede van die Raad bepaal.

ARTIKEL 4
Sodanige bevinding van die Raad is bindend vir die Regiering van Venda en die Regiering van die Republiek van Suid-Afrika en is fynaal.

ARTIKEL 5
Die Regiering van Venda verbind hom daartoe om nie later nie as die tweede sessie van die Venda Wetgewende Liggaam wettig te kies nie om enige wettiging aan te neem wat nodig mag wees om hierdie bepaling ten uitvoer te bring.

ARTIKEL 6
(a) Hierdie Ooreenkomst tree in werking op die dag van die onafhanklikhewordig van Venda en kan deur enige van die twee Party opgeweerd word voor die ander Party ses maande skriflike kennis van belindiging langs die diplomateke kanaal te gee.
(b) Enige wisselwerking van hierdie Ooreenkomst waaroor beide Party ooreengekom het, word aangeglo. deur die wissel van Diplomateke Notas tussen hulle.

Ten bewyse waarvan die ondergetekende, behoorlik deur hulle onderskrye Regerings daartoe gemagtig, hierdie Ooreenkomst onderteken en gesig het.


A. L. SCHLEBUSCH.
Namens die Regiering van die Republiek van Suid-Afrika.

P. R. MPHEPHU.
Namens die Regiering van Venda.

ARTICLE 3
The Citizenship Board shall initially convene on a date mutually acceptable to the Government of Venda and the Government of the Republic of South Africa and shall consider each case referred to it in accordance with the rules of procedure as may be determined from time to time by the Chairman in consultation with members of the Board.

ARTICLE 4
Such finding by the Board shall be binding on the Government of Venda and the Government of the Republic of South Africa, and shall be final.

ARTICLE 5
The Government of Venda undertakes to pass legislation not later than the second session of the Venda legislature whereby the procedure set out in this Agreement shall be laid down by law, while the Government of the Republic of South Africa also undertakes to pass any legislation which may become necessary to give effect to this provision.

ARTICLE 6
(a) This Agreement shall enter into force on the date of independence of Venda and may be terminated by either Party giving six months' written notice to the other Party through the diplomatic channel.
(b) Any amendment of this Agreement mutually agreed upon by both Parties shall be effected by the exchange of Diplomatic Notes between them.

In witness whereof the undersigned, being duly authorised by their respective Governments, have signed and sealed the present Agreement.

Done at Pretoria, in duplicate, on the 13th day of August 1979.

A. L. SCHLEBUSCH.
For the Government of the Republic of South Africa.

P. R. MPHEPHU.
For the Government of Venda.

MINISTERIE VAN BOSBOU
OOREENKOMS TUSSEN DIE REGERING VAN DIE REPUBLIEK VAN SUID-AFRIKA EN DIE REGERING VAN VENDA BETREFFENDE SAMEWERKING OP DIE GEBIED VAN BOSBOUTEGNOLOGIE

aanhef

Nademaal die Regiering van die Republiek van Suid-Afrika en die Regiering van Venda die vriendskaplike betrekkinge erken wat tussen die twee Regerings en hulle mense bestaan; en

Nademaal Suidelike Afrika swak bedeel is met natuurlike houtbronne; en

Nademaal dit essensieel is om die produkse van hout as grondstof te reguleer en te stimuleer; en

Nademaal dit noodsaaklik is dat bergopvanggebiede bestuur word om 'n wyse wat die maksimum hoeveelheid onbesoedelde water sal verseker;

MINISTRY OF FORESTRY
AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SOUTHERN AFRICA AND THE GOVERNMENT OF VENDA CONCERNING CO-OPERATION IN THE FIELD OF FOREST TECHNOLOGY

PREAMBLE
Whereas the Government of the Republic of South Africa and the Government of Venda recognise the friendly relations existing between the two Governments and their peoples; and
Whereas Southern Africa is poorly endowed with natural timber resources; and
Whereas it is essential to regulate and stimulate the production of timber as a raw material; and
Whereas it is imperative that mountain catchment areas be managed in a way which will ensure the maximum quantity of unpolluted water;

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MINISTRY OF FOREIGN AFFAIRS

AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA AND THE GOVERNMENT OF VENDA RELATING TO THE BASIC CONDITIONS GOVERNING THE PROVISION OF TECHNICAL AND ADMINISTRATIVE PERSONNEL BY THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA TO THE GOVERNMENT OF VENDA

PREAMBLE

Whereas the Government of the Republic of South Africa and the Government of Venda recognise the friendly relations existing between the two Governments and their peoples; and

Whereas in view of the benefits to be derived from close co-operation the Government of the Republic of South Africa is willing to second officials to serve in the Government Service of Venda and to assist in recruiting other suitable personnel on behalf of the Government of Venda; and

Whereas it is desirable to formalise the basic conditions of service of such South African officials in certain matters pertaining to recruited personnel;

Now, therefore, the Government of the Republic of South Africa and the Government of Venda agree as follows:

ARTICLE 1

(a) In this Agreement, unless the context otherwise indicates—

"emoluments" means any salary, bonus, or other allowance (excluding any transport or travelling allowance within Venda);

"official" means any person in the employ of the Government of the Republic of South Africa;

"seconded" means seconded in terms of the governing the conditions of service of officials;

"secondment" has a corresponding meaning.

(b) Subject to the provisions of this Agreement Government of the Republic of South Africa is pured to second officials to the Government of Venda and to assist with the recruitment, from private sources, of qualified personnel required by Government of Venda for service in Venda.
GOVERNMENT GAZETTE, 12 SEPTEMBER 1979
No. 6652

(b) Enige wysiging van hierdie Ooreenkoms waaroor beide Partye ooreenkoms, word aangetrek deur middel van Diplomatieke Notawisseling tussen hulle.

Ten bewys wat hiervan die ondergetekendes, behoorlik deur hulle onderskeie Regerings daartoe gemagtig, hierdie Ooreenkoms onderteken en geval het:


R. F. BOTHA, Minister van Buiteelandse Sake.
Namens die Regering van die Republiek van Suid-Afrika.

P. R. MPHEPHU, Hoofminister.
Namens die Regering van Venda.

OOREENKOMS TUSSEN DIE REGERING VAN DIE REPBULIEK VAN SUID-AFRIKA EN DIE REGERING VAN VENDA MET BETREKKING TOT DIE BESLUIE VOORWAARDES BETREFFENDE DIE SEKONDERING VAN REGETERS BEHEER

AANHEF

Nadema die Regering van die Republiek van Suid-Afrika en die Regering van Venda die vriendskaplike betrekkinge erken wat tussen die twee Regerings en hulle mense bestaan, en

Nadema die Regering van die Republiek van Suid-Afrika, met die oog op die voordele wat sal voortvloei uit deze samewerking, hierdie is om regsers van die Hooggeregsfot van Suid-Afrika te sekondeer vir diens in die Hooggeregsfot van Venda; en

Nadema dit wenslik is om die basiese diensvoorwaardes van gesekonede regters te formaliseer;

So is dit dat die Regering van die Republiek van Suid-Afrika en die Regering van Venda soos volg ooreenkoms:

ARTIKEL 1

In hierdie Ooreenkoms, teny uit die samehang anders Byk, beteken "besoeding" enige salaris, bonus en toelae (uitsgewonder enige vervoer- of reistoele in Venda).

ARTIKEL 2

Die sekondering van enige regter gaskied vir so lank as wat sy dienste deur die Regering aan Venda verlang word of vir so lank as wat sy dienste aan Venda beskikbaar gestel kan word.

ARTIKEL 3

Daar word ooreengekom dat indien die Regering van Venda om watter rede ook al nie langer die dienste van 'n bepaalde gesekonede regter nodig het nie, gemeld Regering voldoende kennis daarvan moet gee aan die Regering van die Republiek van Suid-Afrika, wat dan reëlings moet tref vir sy teruuplasing na die Republiek van Suid-Afrika.

ARTIKEL 4

Ten opsigte van enige gesekonede regter moet die Regering van die Republiek van Suid-Afrika—

(a) die verantwoordelikheid dra vir die betaling van sy besoeding;

14769—B

(b) Any amendment of this Agreement mutually agreed upon by both Parties shall be effected by the exchange of Diplomatic Notes between them.

In witness whereof the undersigned, being duly authorised by their respective Governments, have signed and sealed the present Agreement.

Done at Pretoria, in duplicate, on the 13th day of August 1979.

R. F. BOTHA, Minister of Foreign Affairs.
For the Government of the Republic of South Africa.

P. R. MPHEPHU, Chief Minister.
For the Government of Venda.

AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA AND THE GOVERNMENT OF VENDA RELATING TO THE BASIC CONDITIONS GOVERNING THE SECONLDOM OF JUDGES

PREAMBLE

Whereas the Government of the Republic of South Africa and the Government of Venda recognise the friendly relations existing between the two Governments and their peoples; and

Whereas in view of the benefits to be derived from close co-operation the Government of the Republic of South Africa is willing to second judges of the Supreme Court of South Africa to serve in the Supreme Court of Venda; and

Whereas it is desirable for formalise the basic conditions of service of seconded judges;

Now, therefore, the Government of the Republic of South Africa and the Government of Venda agree as follows:

ARTICLE 1

In this Agreement, unless the context otherwise indicates, "emoluments" means any salary, bonuses and allowances (excluding any transport or travelling allowance within Venda).

ARTICLE 2

The secondment of any judge shall be for as long as his services are required by the Government of Venda or for as long as his services can be made available to Venda.

ARTICLE 3

It is agreed that should the Government of Venda for any reason whatsoever no longer require the services of any particular seconded judge, the said Government shall give adequate notice thereof to the Government of the Republic of South Africa who shall thereupon arrange his transfer back to the Republic of South Africa.

ARTICLE 4

The Government of the Republic of South Africa shall, in respect of any seconded judge—

(a) be responsible for the payment of his emoluments;
TUSSENTDYDE OOREENKOMS MET BETREKKING TOT DIE MONETÊRE VERHOUDINGS TUSSEN DIE REGERING VAN DIE REPUBLIEK VAN SUID-AFRIKA EN DIE REGERING VAN VENDA

Nademaal die Regering van die Republiek van Suid-Afrika en die Regering van Venda begerig is om monêtre verhoudings tussen hulle te formaliseer;

En nademaal dit die voornemde van die Regering van Venda is om aansoek te doen om toetrede tot die bestaande Monêtre Ooreenkomst tussen die Regerings van die Koninkryk van Swaziland, die Koninkryk van Lesotho en die Regering van Suid-Afrika na die onafhanklikwording van Venda;

En nademaal sodanige aansoek nog nie voorgelê is nie;

So is dit dat die Regering van die Republiek van Suid-Afrika en die Regering van Venda soos volg ooreenkom:

ARTIKEL 1

1. Die bepaling van die Monêtre Ooreenkomst bedoel in die Aanhêf hiervan, uitgesonder Artikel 5 en 6 van daardie Ooreenkomst, is mutatis mutandis van toepassing met betrekking tot die monêtre verhoudings tussen die Republiek van Suid-Afrika en Venda asof enige verwysing in daardie Ooreenkomst na—

(a) die Koninkryk van Lesotho of die Koninkryk van Swaziland of na die Regering van enige van die lande 'n verwysing is na Venda of na die Regering van Venda, na gelang van die geval;

(b) die Kontrakterende Party van 'n Kontrakterende Party 'n verwysing is na die Kontrakterende Party of 'n Kontrakterende Party by hierdie Ooreenkomst;

(c) daardie Ooreenkomst 'n verwysing is na daardie Ooreenkomst soos toegespas ingevolge hierdie Ooreenkomst.

2. 'n Afskrif van gemelde Monêtre Ooreenkomst is hierby aangeheg as Bylae A.

ARTIKEL 2

1. Die Regering van die Republiek van Suid-Afrika beitg staaf sy bereidwilligheid om vergoedinge betalings aan die Regering van Venda te maak op die basis bedoel in Artikel 6 van gemelde Monêtre Ooreenkomst. Sodanige betalings is onderworpe aan sortgelyke bepaling as die verwat in Artikel 6 van gemelde Monêtre Ooreenkomst.

2. Ten einde die eerste bedrag van vergoedinge betaalbaar aan Venda, te bepaal, verbind die Regering van die Republiek van Suid-Afrika en die Regering van Venda hulde daartoe om gesamentlik die nodige reëlings te tref met die oog op die berekening van die hoeveelheid Rand in omloop in Venda op die 31ste dag van Desember 1979.

3. Die eerste vergoedinge betalings aan die Regering van Venda is ten opsigte van die tydperk vanaf die datum van onafhanklikwording van Venda tot die 30ste dag van Junie 1980 en word nie later as laasgenoemde datum betaal nie.

4. Daaropvolgende betalings sal jaarliks gemaak word op die laaste besigheid-dag van Februarie van elke daaropvolgende jaar en is ten opsigte van die 12-maande-tydperk wat eindig op die 30ste dag van Junie van daardie jaar.

INTERIM AGREEMENT ON THE MONETARY RELATIONS BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA AND THE GOVERNMENT OF VENDA


Desiring to formalise the monetary relations between them;

Bearing in mind the intention of the Government of Venda to apply for accession to the existing Monetary Agreement between the Governments of the Kingdom of Swaziland, the Kingdom of Lesotho and the Republic of South Africa after the attainment of independence by Venda;

Considering that such an application has not as yet been submitted;

Now, therefore, the Government of the Republic of South Africa and the Government of Venda agree as follows:

ARTICLE 1

1. The provisions of the Monetary Agreement referred to in the Preamble hereto, except Articles 5 and 6 of that Agreement, shall apply mutatis mutandis with reference to the monetary relations between the Republic of South Africa and Venda as if any reference in that Agreement to—

(a) the Kingdom of Lesotho or the Kingdom of Swaziland or to the Government of either country, were a reference to Venda or to the Government of Venda, as the case may be;

(b) the Contracting Parties or a Contracting Party, were a reference to the Contracting Parties or a Contracting Party to this Agreement;

(c) that Agreement were a reference to that Agreement as applied in terms of this Agreement.

2. A copy of the said Monetary Agreement is attached hereto as Annexure A.

ARTICLE 2

1. The Government of the Republic of South Africa records its preparedness to make compensatory payments to the Government of Venda on the basis referred to in Article 6 of the said Monetary Agreement. Such payments shall be subject to provisions similar to those contained in Article 6 of the said Monetary Agreement.

2. In order to determine the first amount of compensation payable to Venda the Government of the Republic of South Africa and the Government of Venda undertake to make the necessary arrangements jointly with a view to calculating the Rand currency in circulation in Venda on the 31st day of December 1979.

3. The first compensatory payment to the Government of Venda shall be in respect of the period from the date of the attainment of independence by Venda, the 30th day of June 1980 and shall be paid not later than the latter date.

4. Subsequent payments shall be made annually in the last business day of February of each succeeding year and shall be in respect of the 12-month period ending on the 30th day of June of that year.
Ten bewysie waarvan die ondergetekendes, behoorlik deur hul onderskeie Regerings daartoe gemagtig, hierdie Ooreenkoms onderteken het, en gesig het.


O. P. F. HORWOOD, Minister van Finansies.
Namens die Regering van die Republiek van Suid-Afrika.

P. R. MPHEPHU, Hoofminister.
Namens die Regering van Venda.

OOREENKOMS TUSSEN DIE REGERING VAN DIE REPUBLIEK VAN SUID-AFRIKA EN DIE REGERING VAN VENDA OOR SAKE RAKENDE DIE BEROEP VAN REKENMEESTERS EN OUDI-
TEURS

AANHEF

Nademaal rekenmeesters en ouditeurs geregistreer kragtens die Wet op Openbare Rekenmeesters en Ouditeurs, 1951 (Wet 51 van 1951), soos gewysig, van die Republiek van Suid-Afrika (hieronder “die Wet” genoem), wat in Venda woonagtig is en wat onmiddellik vir die onafhanklikworing van Venda aan die bepaling van die Wet onderworpe was; en

Nademaal geëkstrooiere rekenmeesters (Suid-Afrika) wat in Venda woonagtig is en wat onmiddellik voor die onafhanklikworing van Venda en lede was van een van meer van die Transvaalse Genootskap van Geëkstrooiere Rekenmeesters, die Natale Genootskap van Geëkstrooiere Rekenmeesters, die Kaapse Genootskap van Geëkstrooiere Rekenmeesters en die Oranje-Vrystaatske Genootskap van Geëkstrooiere Rekenmeesters (welke genootskappe hieronder gesamentlik “die Genootskappe” genoem word) en onderworpe was aan die bepaling van die Geëkstrooiere Rekenmeesters Benaming (Private) Wet, 1927 (Wet 13 van 1927), soos gewysig, en/of die Wet op die Transvaalse en Natale Genootskappe van Geëkstrooiere Rekenmeesters, 1968 (Wet 66 van 1968), en/of die grondwet en verordeninge van die onderskeie Genootskappe; en

Nademaal die Openbare Rekenmeesters- en Ouditeursraad ingestel kragtens artikel 2 van die Wet (hieronder “die Raad” genoem), ingevolge die Wet met sekere regte, funksies en bevoegdhede bekleed is wat onmiddellik voor die onafhanklikworing van Venda uitoefenbaar was ten opsigte van geregistreer rekenmeesters en ouditeurs woonagtig in Venda; en

Nademaal die Genootskappe met sekere regte, funksies en bevoegdhede bekleed is wat onmiddellik voor die onafhanklikworing van Venda ten opsigte van geëkstrooiere rekenmeesters (Suid-Afrika) woonagtig in Venda uitoefenbaar was; en

Nademaal rekenmeesters en ouditeurs kragtens die Wet geregistreer en geëkstrooiere rekenmeesters (Suid-Afrika) wat lede van enige van die Genootskappe is, was dit nie vir die aangaan van hierdie Ooreenkoms nie, met ingang van die datum van onafhanklikworing van Venda sou ophou om aan die bepaling van die wette en/of verordenninge hierbo vermeld, soos van toepassing in die Republiek van Suid-Afrika, onderworpe te wees; en

Nademaal die Raad bereid is om die registrasie van geregistreer rekenmeesters en ouditeurs te behou wat tans en hierna in Venda woonagtig is en om persone as openbare rekenmeesters en ouditeurs te registreer in witness waarof die ondersig, being duly authorised by their respective Governments, have signed and sealed this Agreement.

Done at Pretoria, in duplicate, on this 13th day of August 1979.

O. P. F. HORWOOD, Minister van Finansies.
For the Government of the Republic of South Africa.

P. R. MPHEPHU, Chief Minister.
For the Government of Venda.

AGREEMENT BETWEEN THE GOVERNMENTS OF THE REPUBLIC OF SOUTH AFRICA AND THE GOVERNMENT OF VENDA ON MATTERS PERTAINING TO THE PROFESSION OF ACCOUNTANTS AND AUDITORS

PREAMBLE

Whereas accountants and auditors registered in terms of the Public Accountants’ and Auditors’ Act, 1951 (Act 51 of 1951), as amended, of the Republic of South Africa (hereinafter referred to as “the Act” who are resident in Venda were, immediately prior to the independence of Venda, governed by the provisions of the Act; and

Whereas chartered accountants (South Africa) who were resident in Venda immediately prior to the independence of Venda and who were members of or more of the Transvaal Society of Chartered Accountants, the Natal Society of Chartered Accountants, the Cape Society of Chartered Accountants and the Orange Free State Society of Chartered Accountants (which societies are hereinafter collectively referred to as “the Societies”) were governed by the Chartered Accounts Designation Private Act, 1927 (Act 13 of 1927), as amended, and/or by the Transvaal-Natal Societies of Chartered Accounts Act, 1968 (Act 66 of 1968), and/or by the constitution and by-laws of the respective Societies; and

Whereas the Public Accountants’ and Auditors’ Board established in terms of section 2 of the Act (hereinafter referred to as “the Board”) is, in terms of the Act vested with certain rights, functions and powers which, immediately prior to the independence of Venda were exercisable in respect of registered accountants and auditors resident in Venda; and

Whereas the Societies were vested with certain rights, functions and powers which, immediately prior to the independence of Venda, were exercisable in respect of chartered accountants (South Africa) resident in Venda and

Whereas accountants and auditors registered under the Act and chartered accountants (South Africa) who are members of any of the Societies would, but for the entering into of this Agreement, cease as from the date of independence of Venda, to be subject to the provisions of the laws and/or by-laws mentioned above as applicable in the Republic of South Africa; and

Whereas the Board is prepared to retain the registration of registered accountants and auditors new hereafter resident in Venda and to register as accountants and auditors persons now of he
always to have been entitled to the rights and privileges in terms of the Act in the same manner and on the same terms and conditions as those which would have been applicable to them if they were resident in Venda.

ARTICLE 2
The Government of the Republic of South Africa undertakes to ensure that registered accountants and auditors and articled clerks of registered accountants and auditors in Venda shall, with effect from the date of independence of Venda, be entitled, and be deemed always to have been entitled, to the rights and privileges in respect of the Board and in terms of the Act and in respect of the Societies mutatis mutandis in the same manner and on the same terms and conditions as those which would have been applicable to them if they were resident or practising or serving under articles of clerkship in the Republic of South Africa.

ARTICLE 3
(a) This Agreement shall enter into force on the date of independence of Venda and may be terminated by either Party giving six months' written notice to the other Party through the diplomatic channel.
(b) Any amendment of this Agreement mutually agreed upon by both Parties shall be effected by the exchange of Diplomatic Notes between them.

In witness whereof, the undersigned, being authorised by their respective Governments, have signed and sealed the present Agreement.
Done at Pretoria, in duplicate, on the 13th day of August 1979.

O. P. F. HORWOOD, Minister of Finance.
For the Government of the Republic of South Africa

P. R. MPHEPHU, Chief Minister.
For the Government of Venda.

AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA AND THE GOVERNMENT OF VENDA REGARDING CONTINUED PARTICIPATION BY VENDA IN EXISTING AND NEW PERIOD CONTRACTS ARRANGED BY THE STATE TENDER BOARD OF THE REPUBLIC OF SOUTH AFRICA

PREAMBLE
Whereas the Government of the Republic of South Africa and the Government of Venda recognise the desirability of the continued participation after independence of the Venda Government in existing and new period contracts arranged by the State Tender Board of the Republic of South Africa;
Now, therefore, the Government of the Republic of South Africa and the Government of Venda agree as follows:

ARTICLE 1
The State Tender Board established under the "Tender Board Act, 1968 (Act 86 of 1968), of the Republic of South Africa (hereinafter referred to as "State Tender Board") shall, at the request of the Government of Venda but subject to the succeeding visions of this Agreement, exercise for and on behalf...
MINISTERIE VAN GESONDHEID

OREENKOMS TUSSEN DIE REGERINGS VAN DIE REPUBLIEK VAN SUID-AFRIKA EN DIE REGERING VAN VENDA OOR RAADPLEGING, SAMEWERKING EN WEDERSYDSE HULP IN AANGELELNDE BEREKENDE GESONDHEIDSDIENSTE EN DIE HANDHAWING VAN TOEREKENDE EN VERENIGBARE STANDAARDE

AANHEF

Nademal die Regering van die Republiek van Suid-Afrika en die Regering van Venda die bestaande vriendelike samewerking tussen die twee Regeerings en hulle inwoners erken; en

Nademal dit nodig is vir die doeltreffende bestryding van siekte en die beskerming en bewaring van gesondheid in die algemene dat daar raadpleging, samewerking en wederzide hulp in gesondheidsaangeleenthede behoort te wees tussen die Regering van die Republiek van Suid-Afrika en die Regering van Venda, meer spesifiek in die daartoe, voorsiening en bandhawing van toerekenende en verenigbare standaarde daarin:

So is dit dat die Regering van die Republiek van Suid-Afrika en die Regering van Venda soos volg ooreenkoms:

ARTIKEL 1

Die Regering van die Republiek van Suid-Afrika kan deur bemiddeling van sy Departement van Gesondheid (hieronder Republiekgesondheid genoem) en op versoek van die Regering van Venda, deur bemiddeling van sy Departement van Gesondheid en Welsyn (hieronder Venda-gesondheid genoem) —

(a) professionele en tegniese advies, leiding en inligting in verband met gesondheidsaangeleenthede aan Venda-gesondheid beskikbaar stel;
(b) vir die inligting, leiding en hulp van Venda-gesondheid die statistieke en ander data konsolidering en verwerk, betsy deur middel van 'n rekenoutomaat of andersins; ten optigte van —
(i) siektes in enige distrik van Venda; en
(ii) die beheer van narkotiese en psigotropiese stowwe soos vereis deur die internasionale ooreenkoms tot tyd en wyl die Venda Regering dit op eigens kan bekrug;
(c) in die geval van 'n epidemie of natuurlike ramp in Venda of enige noodtoestand wat daaruit voortspuit, sodanige gekwalifiseerde personeel en ander middel as wat nodig is om die toestand die hoop te bied, tot die beskikking van Venda-gesondheid stel; (d) waar moontlik sodanige gekwalifiseerde personeel to die beskikking van Venda-gesondheid stel wat behuipbaar sal wees om 'n doeltreffende gesondheidsdiens te lever, en tot tyd en wyl Venda-gesondheid self sodanige diens kan lewer;
(e) waar die betrokke opleidingsfasilitie in Venda beskikbaar is nie, mediese, tandheelkundige, verpleeg, apoteker en paramediese personeel van Venda binne sy vermoë oplei, of waar Republiekgesondheid nie fasilitie daarvoor het nie, met ander organisasies in die Republiek onderhandel om die nodige opleidingsfasilitie daarvoor beskikbaar te stel;
(f) die Regering van Venda op eie koste van sodanige entité wat Republiekgesondheid of van oorsee aankoop of in sy laboratoriums vervaardig voor-

MINISTRY OF HEALTH

AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA AND THE GOVERNMENT OF VENDA RELATING TO CONSULTATION, CO-OPERATION AND RECIPROCAL ASSISTANCE IN MATTERS CONCERNING HEALTH SERVICES, AND MAINTENANCE OF ADEQUATE AND COMPATIBLE STANDARDS

PREAMBLE

Whereas the Government of the Republic of South Africa and the Government of Venda recognize the friendly relations existing between the two Governments and their peoples; and

Whereas it is necessary for the effective control of disease and the protection and preservation of health generally that there should be consultation, co-operation and reciprocal aid in health matters between the Government of the Republic of South Africa and the Government of Venda especially in the provision, continuation and maintenance of adequate and compatible standards therein;

Now, therefore, the Government of the Republic of South Africa and the Government of Venda agree as follows:

ARTICLE 1

The Government of the Republic of South Africa may through its Department of Health (hereinafter referred to as Republican Health) and on request of the Government of Venda, through its Department Health and Welfare (hereinafter referred to as Venda Health)—

(a) make available to Venda Health professional and technical advice, guidance and information on health matters;
(b) for the information, guidance and assistance of Venda Health, collate and process statistics of other data, whether by means of a computer, otherwise, relating to—
(i) disease in any district of Venda; and
(ii) the control of narcotic and psychotropic substances as required by the relevant international conventions, until such time as the Venda Government has ratified these in its own right;
(c) place at the disposal of Venda Health event of an epidemic or natural disaster in Venda, emergency arising therefrom, such qualified personnel and other means as may be necessary to the situation;
(d) where possible place at the disposal of Venda Government such qualified personnel, who will assist in rendering an effective service, until such time as Venda Health is able to render such service;
(e) where the relevant training facilities available in Venda, or within its resources, is not sufficient, negotiate with other states within the Republic to make use of training facilities available therefrom;
(f) supply the Government of Venda at its own cost such vaccines as Republican Health purchases from overseas or manufactures in its factories; and
MINISTERIES VAN GEVANGENISSE

OOREENKOMST TUSSEN DIE REGERING VAN DIE REPUBLIEK VAN SUID-AFRIKA EN DIE REGERING VAN VENDA BETREFFENDE DIE AANHOUING VAN GEVERGENISSE IN DIE REPUBLIEK VAN SUID-AFRIKA EN IN VENDA

AANHEF

Nadat die Regering van die Republiek van Suid-Afrika en die Regering van Venda die vriendelike betrekkinge wat tussen die twee Regerings en hulle mense bestaan, erken; en

Nadat artikel 30 van die Wet op Gevangenis, 1959 (Wet 8 van 1959), die Minister van Gevangenisse van die Republiek van Suid-Afrika volmag gee om 'n ooreenkomst aan te gaan met die regering van enige gebied in Afrika volgens bepaalings en op voorwaardes uitengest in die Ooreenkoms, vir die ontvangs in die Republiek van Suid-Afrika en aanhouding en gevangenis in die Republiek van Suid-Afrika van enige persoon wat gevorm is of verwys is vir aanhouding daarin deur 'n bevoegde hof of persoon in sodanige gebied volgens die wet van krag in sodanige gebied; en

Nadat die Regering van Venda op dieselfde manier 'n ooreenkomst mag aangaan met die regering van enige gebied in Afrika volgens bepaalings en op voorwaardes uitengest in die Ooreenkoms vir die ontvangs in Venda en aanhouding en gevangenis in die Republiek van Suid-Afrika van enige persoon wat gevorm is of verwys is vir aanhouding daarin deur 'n bevoegde hof of persoon in sodanige gebied, of die opneming van enige persoon wat na 'n gevangenis verwys is vir aanhouding daarin deur 'n bevoegde hof of persoon wat daartoe gemagig is by enige wetstelling of enige hevel, roef of regulasie wat die krag van wet het; en

Nadat die Regering van die Republiek van Suid-Afrika en die Regering van Venda wedersyde begeer om sodanige ooreenkomst aan te gaan

So is dit dan dat die Regering van die Republiek van Suid-Afrika en die Regering van Venda behoudens die bepaalings van genoemde Wet en enige genoemde wetstellingen en op voorwaardes wat hieronder verskyn, soos volg ooreenkomst:

ARTIKEL 1

Enige persoon wat deur 'n bevoegde hof van Venda ooreenkomstig die reg gevorm is, of enige persoon wat na 'n gevangenis verwys is vir aanhouding daarin deur 'n bevoegde hof of 'n persoon wat daartoe gemagig is by enige wetstelling of enige hevel, roef of regulasie wat die krag van wet het, mag opgeneem en aangehou word in gevangenis in die Republiek van Suid-Afrika en enige persoon wat deur 'n bevoegde hof van die Republiek van Suid-Afrika ooreenkomstig die reg gevorm is, of enige persoon wat na 'n gevangenis verwys is vir aanhouding daarin deur 'n bevoegde hof of 'n persoon wat daartoe gemagig is by enige wetstelling of enige hevel, roef of regulasie wat die krag van wet het, mag opgeneem en aangehou word in gevangenis in Venda.

ARTIKEL 2

Gevangenes wat gevorm is deur houe in die Republiek van Suid-Afrika en aangehou word in 'n gevangenis in Venda op die dag waarop Venda onafhanklikheid verkry, word beskou as gevorm deur 'n bevoegde hof van Venda ooreenkomstig die reg wat daarvan

MINISTRY OF PRISONS

AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA AND THE GOVERNMENT OF VENDA CONCERNING THE DETENTION OF PRISONERS IN THE REPUBLIC OF SOUTH AFRICA AND IN VENDA

PREAMBLE

Whereas the Government of the Republic of South Africa and the Government of Venda recognise the friendly relations existing between the two Governments and their peoples; and

Whereas section 30 of the Prisons Act, 1959 (Act 8 of 1959), empowers the Minister of Prisons of the Republic of South Africa to enter into an agreement with the Government of any territory in Africa on terms and conditions set out in the Agreement providing for the reception in the Republic of South Africa and detention in any prison in the Republic of South Africa of any person sentenced or referred to any prison for detention therein by a competent court or prison in such territory according to the law in force in such territory; and

Whereas the Government of Venda may likewise enter into an agreement with the government of any territory in Africa on terms and conditions set out in the Agreement, for the reception in Venda and detention in any prison therein of any person sentenced to imprisonment by a competent court of such territory according to the law in force therein, or the admission of any person who has been committed to prison for detention therein by a competent court or a person authorised thereto by any law or any order, rule or regulation having the force of law; and

Whereas the Government of the Republic of South Africa and the Government of Venda are mutually desirous of concluding such an agreement:

Now, therefore, the Government of the Republic of South Africa and the Government of Venda, subject to the provisions of the said Act and any said law and to conditions hereinafter appearing, agree as follows:

ARTICLE 1

Any person sentenced by a competent court of Venda, according to law or any person who has been committed to prison for detention therein by a competent court or a person authorised by any law or any order, rule or regulation having the force of law, may be admitted and detained in prisons in the Republic of South Africa and any person sentenced by a competent court of the Republic of South Africa according to law or any person who has been committed to prison for detention therein by a competent court or a person authorised by any law or any order, rule or regulation having the force of law, may be admitted and detained in prisons in Venda.

ARTICLE 2

Prisoners sentenced by courts in the Republic of South Africa and detained in a prison in Venda on the day on which Venda attains independence will be regarded as sentenced by a competent court of Venda according to the law in force therein and thereupon
die bepalings van hierdie Artikel nie van toepassing sal wees nie indien dit teenstydig is met die bepalings van enige ooreenkoms tussen die Regering van die Republiek van Suid-Afrika en die Regering van Venda met betrekking tot die indienameling van burgers van die Republiek van Suid-Afrika in Venda en tot die indienameling van burgers van Venda in die Republiek van Suid-Afrika.

ARTIKEL 6

Gevangenes wat kragtens die wetgewing wat handel oor die veiligheid van die Staat gevormis of aangehou word, word uit hierdie Ooreenkoms uitgesluit.

ARTIKEL 7

(a) Hierdie Ooreenkoms tree in werking op die datum van onafhanklikheid van Venda en kan deur enige van die twee Partye opgesê word deur ses maande skriftelike kennis van beëindiging aan die ander Party langs die diplomatieke kanaal te gee. Indien en wanneer hierdie Ooreenkoms beëindig word, word alle gevangenes wat volgens hierdie Ooreenkoms in gevangenisse aangehou word, na die gebied waarin hulle gevormis is, teruggestuur.

(b) Enige wysiging van hierdie Ooreenkoms waaroor albei Partye onderling ooreengekom het, word aangetrek deur Diplomatieke Notawisseling tussen hulle.

Ten bewyse waarvan die ondergetekende, behoorlik daar toe gemaggig deur hul onderskeie Regerings, hierdie Ooreenkoms onderteken en geseël het:


L. LE GRANGE.
Namens die Regering van die Republiek van Suid-Afrika.

P. R. MPHEPHU.
Namens die Regering van Venda.

MINISTERIE VAN HANDEL EN VERBRUIKERSAAR

OOREENKOMS TUSSEN DIE REGERING VAN DIE REPUBLIEK VAN SUID-AFRIKA EN DIE REGERING VAN VENDA OOR AANGELEENHED RAKENDE MAATSKAPPYE

AANHEF

Nadaar die Regering van die Republiek van Suid-Afrika en die Regering van Venda die vriendskapslike betrekkinge enker wat daar tussen hulle twee Regerings en hulle mense bestaan; en

Nadaar die gees word tot voordeel van beide lande te strek om, sover moontlik, 'n eenvormige benadering te handhaaf ten opsigte van aangeleentheid van gemeenskapslike belang; en

Nadaar daar besef word dat maatskappye wat in die Republiek van Suid-Afrika ingestel of geregistreer is, ewigdurende bestaansreg in die Republiek kan geniet waar hulle ook al in die Republiek geleë is; en

Nadaar die Regering van Venda voornemens is om die aanname van die toespaslike wetgewing wat in die Republiek van Suid-Afrika van toepassing is, te intiseer opdat dit mutatis mutandis in Venda van toepassing kan wees; en

Nadaar die Regering van Venda dit nodig ag om wetgewende maatreges in te stel ten einde die onvorderbare voorstelling van rege en verpligte in aangeleentheid rakende maatskappye te versek; en

shall not apply if they are inconsistent with the provisions of any agreement between the Government of the Republic of South Africa and the Government of Venda with regard to the employment of citizens of the Republic of South Africa in Venda and to the employment of citizens of Venda in the Republic of South Africa.

ARTICLE 6

(a) This Agreement shall enter into force on the date of independence of Venda and may be terminated by either Party giving six months' written notice to the other Party through the diplomatic channel. If and when this Agreement is terminated all prisoners who are being held in prisons in terms of this Agreement shall be returned to the territories in which they were sentenced.

(b) Any amendment of this Agreement mutually agreed upon by both Parties shall be effected by the exchange of Diplomatic Notes between them.

In witness whereof the undersigned, being duly authorised by their respective Governments, have signed and sealed the present Agreement.

Done at Pretoria, in duplicate, on the 13th day of August, 1979.

L. LE GRANGE.
For the Government of the Republic of South Africa.

P. R. MPHEPHU.
For the Government of Venda.

MINISTRY OF COMMERCE AND CONSUMER AFFAIRS

AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA AND THE GOVERNMENT OF VENDA ON MATTERS PERTAINING TO COMPANIES

PREAMBLE

Whereas the Government of the Republic of South Africa and the Government of Venda recognise the friendly relations existing between the two Governments and their peoples; and

Whereas it is deemed to be to the benefit of both countries to maintain, as far as possible, uniformity of approach in matters of common concern; and

Whereas it is appreciated that companies incorporated or registered in the Republic of South Africa may enjoy perpetual existence wherever situated in the Republic; and

Whereas it is the intention of the Government of Venda to initiate the adoption of the appropriate companies legislation applicable in the Republic of South Africa in order that it may apply mutatis mutandis in Venda; and

Whereas the Government of Venda deems it necessary to introduce legislative measures to ensure the matters pertaining to companies; and
Ten bewyse waarvan die ondertegnetes, behoorlik deur hul onderskeie Regerings genaam, hierdie Ooreenkoms onderteken en geseel het.


S. W. VAN DER MERWE.
Namens die Regering van die Republiek van Suid-Afrika.

P. R. MPHEPHU.
Namens die Regering van Venda.

OREENKOMS TUSSEN DIE REGERING VAN DIE REPUBLIEK VAN SUID-AFRIKA EN DIE REGERING VAN VENDA OOR AANGELEENTHEDE RAKENDE HANDELSMETROLOGIE, EENVORMIGE MEETEENHEDE, PRYSBEHEER EN HANDELSPRAKTYKE

AANHEF

Nademaal die Regering van die Republiek van Suid-Afrika en die Regering van Venda die vriendskapslike betrekkinge wat daar tussen die twee Regerings en hul mense bestaan, erk; en

Nademaal dit geagt word tot voordeel van beide lande te sterk om, sover moontlik 'n eenvormige benadering te handhaaf ten opsigte van aangeleentheid van gemeenskapslike belang; en

Nademaal die Regering van Venda dit nodig ag om wetgewing in te stel ten einde te versker dat eenvormige meeteenhede gebruik word, dat billikheid geld in al die handelsrekenskapisies waarby die hoeveelheid van goedere bepaal moet word (handelsmetrologie), dat die prys van sekere goedere aan beheer onderworpe moet wees en, dat aanvaarbare handelspraktieke gehandhaaf word; en

Nademaal die Regering van Venda, ter berekening van die doel, van vooroncens is om die, toepaslike wetgewing van die Republiek van Suid-Afrika te insteer opdat sodanige wetgewing "mutatis mutandis" van toepassing kan wees in Venda; en

Nademaal dit die bedoeling is dat toepaslike gekwalificeerde beambtes van die Republiek van Suid-Afrika aan die Regering van Venda bystand sal verleen met die administrasie en implementering van genoemde toepaslike wetgewing, totdat die Regering van Venda hiervoor selfonderhoudend is:

So is dit dat die Regering van die Republiek van Suid-Afrika en de Regering van Venda soos volg ooreenkoms:

ARTIKEL I

1.1 Die toepaslike wetgewing op handelsmetrologie in hierdie Ooreenkoms bedoel, is die Wet op Handelsmetrologie, 1973 (Wet 77 van 1973).

1.2 Die toepaslike wetgewing op meeteenhede in hierdie Ooreenkoms bedoel, is die Wet op Meeteenhede en Nasionale Meetstandaarde, 1973 (Wet 76 van 1973).

1.3 Die toepaslike wetgewing op prysbeheer in hierdie Ooreenkoms bedoel, is die Wet op Prysbeheer, 1964 (Wet 25 van 1964).

1.4 Die toepaslike wetgewing op handelspraktieke in hierdie Ooreenkoms bedoel, is die Wet op Handelspraktieke, 1976 (Wet 76 van 1976).

In witness whereof the undersigned, being duly authorised by their respective Governments, have signed and sealed the present Agreement.

Done at Pretoria, in duplicate, on the 13th day of August 1979.

S. W. VAN DER MERWE.
For the Government of the Republic of South Africa.

P. R. MPHEPHU.
For the Government of Venda.

AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SOUTHERN AFRICA AND THE GOVERNMENT OF VENDA ON MATTERS PERTAINING TO TRADE METROLOGY, UNIFORM MEASURING UNITS, PRICE CONTROL AND TRADE PRACTICES

PREAMBLE

Whereas the Government of the Republic of South Africa and the Government of Venda recognise the friendly relations existing between the two Governments and their Peoples; and

Whereas it is considered to be to the benefit of both countries to maintain, as far as possible, uniformity of approach in matters of common concern; and

Whereas the Government of Venda considers it necessary to introduce legislation to ensure that uniform measuring units be used, that equity prevail in all commercial transactions involving the determination of quantity of goods (trade metrology), that the prices of certain goods be subject to control and, that acceptable trade practices be maintained; and

Whereas it is the intention of the Government of Venda to this end to initiate the adoption of the appropriate legislation of the Republic of South Africa to "mutatis mutandis" apply in Venda; and

Whereas it is the intention that appropriately qualified officers of the Republic of South Africa should assist the Government of Venda in the administration and implementation of the said appropriate legislation until the Government of Venda is self-supporting in this regard;

Now, therefore, the Government of the Republic of South Africa and the Government of Venda agree as follows:

ARTICLE I

1.1 The appropriate legislation on trade metrology referred to in this Agreement is the Trade Metrology Act, 1973 (Act 77 of 1973).

1.2 The appropriate legislation on measuring units referred to in this Agreement is the Measuring Units and National Measuring Standards Act, 1973 (Act 76 of 1973).

1.3 The appropriate legislation on price control referred to in this Agreement is the Price Control Act, 1964 (Act 25 of 1964).

1.4 The appropriate legislation on trade practices referred to in this Agreement is the Trade Practices Act, 1976 (Act 76 of 1976).
ARTIKEL IV

Die Regering van die Republiek van Suid-Afrika en die Regering van Venda onderneem om na die onafhanklikheid van Venda, noue betrekkinge met betrekking tot aangeleenthede raakende handelsmetropolgie, eenvormige meeteenhede, prysbeheer en handelspraktyke te handhaaf en om met mekaar te onderhandel wanneer sodanig onderhandelinge ookal nodig mag wees.

ARTIKEL V

(a) Hierdie ooreenkomst tree in werking op die dag van onafhanklikheid en kan deur enige van die Party beëindig word deur seer maatte skriflike kennis aan die ander Party, langs die diplomatieke kanaal, te gee.

(b) Enige wysiging van hierdie ooreenkomst waaroor onderling deur beide Party ooreengekoms is moet aanbeveel word deur middel van Diplomatieke Notawisseling tussen die Partye.

Ten bewyse waarvan die ondergetekendes, behoorlik deur hul onderskeie Regerings genootig, hierdie Ooreenkomst onderteken en geseën het:


S. W. VAN DER MERWE.

Namens die Regering van die Republiek van Suid-Afrika.

P. R. MPHEPHU.

Namens die Regering van Venda.

OOREENKOMS OOR DIE EKONOMIESE BETREKKINGE TUSSEN DIE REGERING VAN DUITERIEK VAN SUID-AFRIKA EN DIE REGERING VAN VENDA

AANHEF

Nademaal die Regering van die Republiek van Suid-Afrika en die Regering van Venda die vriendskapplike betrekkinge wat daar tussen die twee Regerings en hul mense bestaan, erk en:

Nademaal die bepaling van die Doane-unieoor- en die Republiek van Suid-Afrika, Botswana, Lesotho en Swaziland wat op 11 December 1969 te Pretoria onderteken is, vanaf nu te reken word as deel van die Republiek van Suid-Afrika en derhalwe van die Gemeenskapplike Doanegebied voorsien van skryf en in daardie Ooreenkomst en:

Nademaal 'n formele aanvraag om toegang tot die Doane-unie nog nie deur die Regering van Venda aan die Kontrakterende Partye by die genoemde Doane-unie tog nie; en

Nademaal dit die verklaarde voorneme van die Regering van Venda is om na die verkryging van onafhanklikheid aanvraag te doen om tot die Doane-unie toe te tree.

So is dit dat die Regering van die Republiek van Suid-Afrika en die Regering van Venda hierby soos volg ooreenkom:

ARTIKEL I

1. Die bepaling van die genoemde Doane-unieoor- en die Republiek van Suid-Afrika, moet gewysig of aangevul, met betrekking tot die regte en verpligtinge van die Kontrakterende Partye daarby, soos tot dusver toegepaste ten opsigte van Venda, bly na onafhanklikheid van Venda toegepast en enige verwysing na Suid-Afrika of na die

ARTICLE IV

The Government of the Republic of South Africa and the Government of Venda undertakes to, after the independence of Venda, maintain close relations in connection with matters pertaining to trade metropol, uniform measuring units, price control and trade practices and to negotiate with each other whenever such negotiations may be necessary.

ARTICLE V

(a) This Agreement shall enter into force on the day of independence and may be terminated by either Party giving six month's written notice through the diplomatic channel to the other Party.

(b) Any amendment of this Agreement mutually agreed upon by both Parties shall be effected by the exchange of Diplomatic Notes between the Parties.

In witness whereof the undersigned, being duly authorised by their respective Governments, have signed and sealed the present Agreement.

Done at Pretoria, in duplicate, on the 13th day of August 1979.

S. W. VAN DER MERWE.

For the Government of the Republic of South Africa.

P. R. MPHEPHU.

For the Government of Venda.

AGREEMENT ON THE ECONOMIC RELATIONS BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA AND THE GOVERNMENT OF VENDA

PREAMBLE

Whereas the Government of the Republic of South Africa and the Government of Venda recognize the friendly relations existing between the two Governments and their peoples; and

Whereas the provisions of the Customs Union Agreement between South Africa, Botswana, Lesotho and Swaziland, which was signed in Pretoria on 11 December 1969 presently applies with reference to Venda in forming part of the Republic of South Africa and therefore of the Common Customs Area is defined in that Agreement; and

Whereas a formal application for accession to the Customs Union has not yet been made by the Government of Venda to the Contracting Parties of the said Customs Union; and

Whereas it is the declared intention of the Government of Venda to apply for accession to the Customs Union after Venda attains independence;

Now, therefore, it is hereby agreed between the Government of the Republic of South Africa and the Government of Venda as follows:

ARTICLE I

1. That the provisions of the said Customs Union Agreement, as amended or supplemented, concerning the rights and obligations of the Contracting Parties thereunder, as hitherto applied in respect of Venda, shall continue to apply to Venda after it attains independence, and any reference to South Africa or to the
(b) Enige wysiging van hierdie Ooreenkoms waaroor beide Partye ooreenkoms, word aangebring deur middel van Diplomatiese Notawisseling tussen hulle.

Ten bewys waarvan die ondertekenings, behoorlik daartoe gemagig deur hulle onderskeie Regeringe, hierdie Ooreenkoms onderteken en gescel het.


H. S. J. SCHOEMAN.
Vir die Regering van die Republiek van Suid-Afrika.

P. R. MPHEPHU.
Vir die Regering van Venda.

OOREENKOMS AANGEGAAN TUSSEN DIE REGERING VAN DIE REPUBLIEK VAN SUID-AFRIKA EN DIE REGERING VAN VENDA BETREFFENDE INTERNasionale GRENS EN Sake Wat Daarmee in VERBAND STAAN

(2) Any amendment of this Agreement mutually agreed upon by both Parties shall be effected by the exchange of Diplomatic Notes between them.

In witness whereof, being duly authorised by their respective Governments, have signed and sealed the present Agreement.

Done at Pretoria in duplicate, on the 13th day of August 1979.

H. S. J. SCHOEMAN.
For the Government of the Republic of South Africa.

P. R. MPHEPHU.
For the Government of Venda.

AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA AND THE GOVERNMENT OF VENDA CONCERNING INTERNATIONAL BOUNDARIES AND MATTERS CONNECTED THERewith

PREAMBLE

Whereas the Government of the Republic of South Africa and the Government of Venda recognise the friendly relations between the two Governments and their peoples; and

Whereas the Government of the Republic of South Africa and the Government of Venda consider it in their best interest—

(a) that the boundary between the Republic of South Africa and Venda should be clearly defined and demarcated; and

(b) that any existing or new fence on the said boundary whether erected before or after the coming into operation of this Agreement, should be kept in good repair;

Now therefore, the Government of the Republic of South Africa and the Government of Venda agree as follows:

ARTICLE 1

DEFINITIONS

For the purpose of this Agreement, unless the context otherwise requires—

(a) “alluvio” means a gradual and imperceptible deposition of soil upon the bank of a river or spruit;

(b) “avalisio” means the perceptible deposition of soil upon the bank of a river or spruit;

(c) “boundary” means the boundary between the Republic of South Africa and Venda or any part of such boundary as defined in Article 2 of this Agreement;

(d) “demarcation” means the actual laying down of the boundary line on the ground and its definition by beacons, boundary pillars or any other structure or mark erected, constructed or established for the purpose of indicating the precise location of the boundary;

(e) “fence” means any fence on or in respect of the boundary whether erected before or after the coming into operation of this Agreement and includes—

(i) any beacon or other structure or mark erected, constructed or established for the purpose of indicating the precise location of the boundary; and

(ii) any fence henceforward presumed by either Party to the Agreement to be on the precise location of the boundary which is subsequently found to deviate from the boundary as surveyed in terms of Article 5 hereof, until such time as a new fence is erected on the precise location of the boundary.
MINISTERIE VAN MYNWES

OOREENKOMS TUSSEN DIE REGERING VAN DIE REPUBLIEK VAN SUID-AFRIKA EN DIE REGERING VAN VENDA OOR SAMEWERKING OP DIE GEBIEDE VAN PROSPEKTERING EN MYNBOU

AANHEF

Nademaal die Regering van die Republiek van Suid-Afrika en die Regering van Venda die vriendskaplike betrekkinge erken wat tussen die twee Regerings en hul mense bestaan; en

Nademaal Suidelike Afrika ryklik bedeeld is met 'n groot verskeidenheid minerale; en

MINISTRY OF MINES

AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA AND THE GOVERNMENT OF VENDA ON CO-OPERATION IN THE FIELDS OF PROSPECTING AND MINING

PREAMBLE

Whereas the Government of the Republic of South Africa and the Government of Venda recognize the friendly relations existing between the two Governments and their peoples; and

Whereas Southern Africa is richly endowed with a wide variety of minerals; and
van die Republiek van Suid-Afrika stem van sy kant daartoe in en verbind hom daartoe om geologiese en ander vakkundige, tegniese en administratiewe blystand, advies en leiding aan die Regering van Venda te gee in verband met al die genoemde aangeleentheede.

ARTIKEL 5

(a) Hierdie Ooreenkoms tree in werking op die datum van onafhanklikwording van Venda, en kan deur enig- een van die twee Partye opgeëie word deur aan die ander Partye twee jaar skriflike kennis van beëindiging langs die diplomatieke kanaal te gee.

(b) Enige wysiging van hierdie Ooreenkoms waaroor beide Partye ooreenkom, word aangebringe deur middel van Diplomatieke Notswisseling tussen hulle.

Ten bewyse waarvan die ondergetekende, behoorlik deur hulle onderskeie Regerings daartoe gemagtig, hierdie Ooreenkoms onderteken en geseël het.


F. W. DE KLERK.  
Namens die Regering van die Republiek van Suid-Afrika.

P. R. MPHETHU.  
Namens die Regering van Venda.

OOREENKOMS TUSSEN DIE REGERING VAN DIE REPUBLIEK VAN SUID-AFRIKA EN DIE REGERING VAN VENDA MET BETREKKING TOT VEILIGHEID EN GESONDHEID IN DIE MYNBEDRYF IN VENDA

AANHEF

Nademaal die Regering van die Republiek van Suid-Afrika en die Regering van Venda die vriendskapplike betrekkinge erken wat tussen die twee Regerings en hul mense bestaan; en

Nademaal die Regering van die Republiek van Suid-Afrika en die Regering van Venda begerig is om prospektering en mynontwikkeling in hul onderskeie lande te bevorder deur die aanwending van basiese dieselfdes veiligheids- en gesondheidsbeginsels by prospektering en in die mijnbedryf; en

Nademaal die Regering van die Republiek van Suid-Afrika en die Regering van Venda met inagening van die oogmerke en beginsels van die Wet op Myne en Bedrywe, 1956 (Wet 27 van 1956), en die regulasies daarkragtens uitgevaardig (hieronder gesamentlik genoem "genoemde Wet"), begerig is dat daardie oog- merke en beginsels in Venda van krags bly, en aange- sien die Regering van die Republiek van Suid-Afrika, deur bemiddeling van sy Departement van Mynwese, de hulpmiddels en kundigheid tot sy beskikking het om daardie oogmerke en beginsels in Venda toe te pas;

So is dit dat die Regering van die Republiek van Suid-Afrika en die Regering van Venda (hieronder die "Partye" genoem) soos volg ooreenkom:

ARTIKEL 1

Behoudens sodanige uitsonderings en voorbehoudes as waaroor die Partye ooreenkom, welke uitsonderings en voorbehoudes nie die basiese en erkende beginsels vir veiligheid en gesondheid in die mijnbedryf mag benadeel nie, bly die bepalinge van genoemde Wet ingevolge artikel 2 van die Wet op die Status van Venda, No. 109 van 1979, en die toepaslike bepalinge met van die Republic of South Africa on its part agrees and undertakes to provide geological and other professional, technical and administrative assistance, advice and guidance to the Government of Venda in regard to all the said matters.

ARTICLE 5

(a) This Agreement shall enter into force on the date of independence of Venda and may be terminated by either Party giving two years’ written notice to the other Party through the diplomatic channel.

(b) Any amendment of this Agreement mutually agreed upon by both Parties shall be effected by the exchange of Diplomatic Notes between them.

In witness whereof the undersigned, being duly authorised by their respective Governments, have signed and sealed the present Agreement.

Done at Pretoria, in duplicate, on the 13th day of August 1979.

F. W. DE KLERK.  
For the Government of the Republic of South Africa.

P. R. MPHETHU.  
For the Government of Venda.

AGREEMENT BETWEEN THE GOVERNMENTS OF THE REPUBLIC OF SOUTH AFRICA AND THE GOVERNMENT OF VENDA RELATING TO SAFETY AND HEALTH IN MINING VENDA

PREAMBLE

Whereas the Government of the Republic of South Africa and the Government of Venda recognise friendly relations existing between the two Governments and their peoples; and

Whereas the Government of the Republic of South Africa and the Government of Venda are desirous further prospecting and mining development in the respective countries through the application of basically similar principles of safety and health in prospecting and mining; and

Whereas the Government of the Republic of South Africa and the Government of Venda having regard to the objects and principles of the Mines and Works Act, 1956 (Act 27 of 1956), and the regulations thereunder (together hereinafter referred to as "said Act") are desirous that these objects and pinnacles remain in force in Venda and while the Government of the Republic of South Africa through the Department of Mines has at its disposal the research and expertise to implement the said objects and pinnacles in Venda;

Now, therefore, the Government of the Republic of South Africa and the Government of Venda (hereafter referred to as the "Parties"), agree as follows:

ARTICLE 1

Subject to such exceptions and reservations as may be agreed upon between the Parties, which except and reservations shall not adversely affect the objects and principles of safety and health in the provision of the said Act shall remain in force and effect in Venda in terms of Article the Status of Venda Act, No. 109 of 1979, and...
instansie wat doer die Regering van Venda beheer word, enige plaaslike overheid of ander openbare liggaam en enige ander privaat persoon in Venda, die reg het om SABS se dienste aan te vra met dien verstande dat SABS vergoeding vir sodanige dienste kan worder.  

2. Verder kom die Regering van Venda en die Raad van die Suid-Afrikaanse Buro vir Standaarde ooreen dat—

(a) die Regering van Venda 'n senior beampte in sy diens, verkieslik in sy Departement wat vir die ontwikkeling van die nywerheid of die handel verantwoordelik is, sal aanwyks om as Standaardsskulkebeampte tussen hom en SABS op te tree en om sodanige funksies te verrig en sodanige stappe te doen as wat kragtens wet noodsaaklik mag wees vir die behoorlike en suksesvolle uitvoering van hierdie Ooreenkoms in Venda;  

(b) SABS sodanige aparte rekenings sal hou of laat hou as wat nodig mag wees om die omvang van sy aktiwiteite in Venda aan te toon;  

(c) 'n afskrif van die jaarverslag en rekenings van SABS, soos aan die Minister van Nywerheidswees van die Republiek van Suid-Afrika voorgeloë, aan die Regering van Venda voorgeloë word.  


R. F. J. TEICHHANN.  
Namens die Raad van die Suid-Afrikaanse Buro vir Standaarde.

P. R. MPHEPHU.  
Namens die Regering van Venda.

OOREENKOMS TUSSEN DIE REGERING VAN DIE REPUBLIEK VAN SUID-AFRIKA EN DIE REGERING VAN VENDA INSAKE NYWERHEIDSONTWIKKELING

INLEIDING

Nadat die Regering van die Republiek van Suid-Afrika en die Regering van Venda die vriendelike betrekking wat daar bestaan tussen die twee Regerings en hulle mense, erk en;  

Nadat die Regering van Suid-Afrika en die Regering van Venda besluit daaroor is dat ontwiking na volg uit omstandighede waar manneels getref word wat nie in harmonie is vir die aanneming van streeksnywerheidsontwikkeling in hulde onderskeie lande net; en  

Nadat die behoeftes vir sowel volgehou bewaring van nywerheidsontwikkeling in die gedesentraliseerde gebiede van die Republiek van Suid-Afrika en Venda as die wensklikheid van onderlinge koördinasie van ondersteunde nywerheidsontwikkeling in hulde onderskeie gebiede, erk en word;  

Nadat derhalwe kom die Regering van die Republiek van Suid-Afrika en die Regering van Venda soos volg ooreen:  

ARTIKEL 1

MAATSTAWE EN PEILE VAN HULP

(a) Die maatstawe en peile van hulp vir die ondersteunde gedesentraliseerde gebiede wat van toepassing is in die Republiek van Suid-Afrika onmiddellik voor die welskikheidswording van Venda sal steeds toegepas word in die gebiede waarvoor die Regering van controlled by the Government of Venda, any local authority or other public body and any other private person in Venda shall have the right to call upon SABS, on the understanding that SABS shall be entitled to charge for such services.

2. It is furthermore agreed between the Government of Venda and the Council of the South African Bureau of Standards that—

(a) the Government of Venda shall designate a senior officer in its service, preferably in its Department responsible for the development of industry or commerce, to act as Standards Liaison Officer between it and SABS and to perform such functions and take such steps as may in law be necessary for the due and successful implementation of this Agreement in Venda;

(b) SABS shall keep or cause to be kept such separate accounts as may be necessary to reflect the extent of its activities within Venda;

(c) a copy of the annual report and accounts of SABS as submitted to the Minister of Industries of the Republic of South Africa, shall be submitted to the Government of Venda.

Done at Pretoria, in duplicate, on the 13th day of August, 1979.

R. F. J. TEICHHANN.  
For the Council of the South African Bureau of Standards.

P. R. MPHEPHU.  
For the Government of Venda.

AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA AND THE GOVERNMENT OF VENDA IN REGARD TO INDUSTRIAL DEVELOPMENT

PREAMBLE

Whereas the Government of the Republic of South Africa and the Government of Venda recognise the friendly relations existing between the two Governments and their peoples; and  

Whereas the Government of the Republic of South Africa and the Government of Venda are concerned that disruption may result from situations where the measures applied in regard to the encouragement of regional industrial development in their respective countries is not in harmony; and  

Whereas the need for the continued promotion of industrial development in the decentralised areas of the Republic of South Africa and Venda, as well as the desirability of mutual co-ordination of assisted industrial development in their respective areas are recognised;  

Now, therefore, the Government of the Republic of South Africa and the Government of Venda agree as follows:

ARTICLE I

CRITERIA AND LEVELS OF ASSISTANCE

(a) The criteria and levels of assistance for the respective decentralised areas in operation in the Republic of South Africa immediately prior to the attainment of independence by Venda shall continue to be applied in the areas for which the Government of
6. KAPITAALTOERUSTING.
Alle kapitaaltoerusting gekoos deur die WNNR met geld verskaaf deur die Regering (kyk Klousule 1.8) is die grondslag van die Regering.

7. WYSIGINGS.
Enige wysigings aan die bedingings en voorwaardes van hierdie Ooreenkoms moet skriftelik geboekstaaf word.

8. ADRESSE.
Vir alle doeleindes van hierdie Ooreenkoms is die adres van die Regering, Die Regering van Venda, Thohoyandou, Venda, en die adres van die WNNR is Sciencia, Meiring Naudéstraat, Posbus 395, Pretoria, 0001.


C.v.d. M. BRINK, President.
Vir die Wetenskaplike en Nywerheidsvorsingsraad.

P. R. MPHEPHU, Hoofministre.
Vir die Regering van Venda.

MINISTERIE VAN ONDERWYS, KUNS EN WETENSKAP
OREENKOMS AANGEGAAN TUSSEN DIE REGERING VAN DIE REPUBLIEK VAN SUID-AFRIKA EN DIE REGERING VAN VENDA OOR Die BASISE VAN VOORWAARDES BETREFFENDE Die VERSKAFFING VAN HULP OP ONDERWYSGEBIED DEUR DIE REGERING VAN Die REPUBLIEK VAN SUID-AFRIKA DEUR SY DEPARTEMENT VAN ONDERWYS EN OPLEIDING AAN DIE REGERING VAN VENDA

AANHEF

Nademaal die Regering van die Republiek van Suid-Afrika en die Regering van Venda die vriendelike betrekkinge erken wat tussen die twee Rege- ringe en hul mense bestaan; en

Nademaal die Regering van die Republiek van Suid-Afrika, in die lig van die voordele wat deur nuwe samewerking verkry kan word, gewillig is om hulp in die onderwysgeleenthede aan die Regering van Venda te verleen; en

Nademaal dit wenslik is om die samewerking en die levering van sodanige hulp te formaliseer;

So is dit dat die Regering van die Republiek van Suid-Afrika en die Regering van Venda soos volg ooreengekom:

ARTIKEL 1
Die Regering van die Republiek van Suid-Afrika en die Regering van Venda ekenaamfasië use sluit aan die handekromme te bepaal op die basis van huile skolie in die Republiek van Suid-Afrika en soos onderling ooreengekom.

Sodanige faciliteite sluit ook in die verskaffing aan die Regering van Venda van sillabusse op alle vlakke, onderwysgetui, lyste van toerusting en lyste van voorlettere werk en handboeke.

ARTIKEL 2
Om die bystand uiteengesit in Artikel 1 te verweer, verleen die Regering van die Republiek van Suid-Afrika aan die Regering van Venda verteenwoordiging in die verskillende professionele liggame verbeelde onderwys, soos onderling ooreengekom.

6. CAPITAL EQUIPMENT.
All capital equipment purchased by the CSIR from funds provided by the Government (refers Clause 1.8), shall be, the property of the Government.

7. AMENDMENTS.
Any amendments to the terms and conditions of this Agreement shall be recorded in writing.

8. ADDRESSES.
For all purposes of this Agreement the addresses of the Government shall be The Government of Venda, Thohoyandou, Venda, and the address of the CSIR shall be Sciencia, Meiring Naudé Street, P.O. Box 395, Pretoria, 0001.

Done at Pretoria, in duplicate, on the 13th day of August 1979.

C. v. d. M. BRINK, President.
For the Council for Scientific and Industrial Research.

P. R. MPHEPHU, Chief Minister.
For the Government of Venda.

MINISTRY OF EDUCATION, ARTS AND SCIENCE

PREAMBLE
Whereas the Government of the Republic of South Africa and the Government of Venda recognise the friendly relations existing between the two Governments and their peoples; and

Whereas in view of the benefits to be derived from co-operation the Government of the Republic of South Africa is willing to render assistance in certain educational matters to the Government of Venda; and

Whereas it is desirable to formalise co-operation and the rendering of such assistance;

Now therefore, the Government of the Republic of South Africa and the Government of Venda agree as follows:

ARTICLE 1
The Government of the Republic of South Africa shall make available examination facilities to the Government of Venda on the same basis as for schools in the Republic of South Africa and as mutually agreed upon.

Such facilities shall also include the provision to the Government of Venda of syllabuses at all levels, teachers' guides, equipment lists and lists of prescribed sets and textbooks.

ARTICLE 2
In order to facilitate the assistance outlined in Article 1 the Government of the Republic of South Africa shall accord to the Government of Venda representation on the various professional bodies connected with education in a manner mutually agreed upon.
ARTIKEL 7
VOORSIENING VAN DIENSTE DEUR EEN ADMINISTRASIE VIR OF NAMENS DIE ANDER

Die administrasies kan ooreenkomstig vir die uitvoer of voorziening van dienste deur een administrasie vir of namens die ander aangaan. Die koste of gelde wat betrookt moet word aan die administrasie wat sodanige dienste uitvoer of voorziën, of die wyse waarop sodanige koste of gelde bereken moet word, moet in sodanige ooreenkomstige uiteenstelling word.

ARTIKEL 8
TOEPASSING, INWERKINGTREDING EN GELOPENHEIDSDUUR VAN DIE OORENKOENS

(a) Hierdie Ooreenkoms tree in werking op die datum van onafhanklikheid van Venda en kan deur enige van die twee Partye beëindig word deur ses maande vroeë kennis langs die diplomatieke kanale aan die ander Party te gee.

(b) Enig wyse van hierdie Ooreenkoms waar met die twee Partye ooreenkom, moet deur miedel van die wisseling van Diplomatiese Notas tussen hulle gekied.

Ten bewys waarvan die ondergetekende, behoorlik hierdie hand teen onderskeie Regerings, hierdie Ooreenkoms onderteken en geseël het.


H. H. SMIT, Minister van Pos- en Telekommunikasie;

Namens die Regering van die Republiek van Suid-Afrika.

P. R. MPHEPHU, Hoofminister.

Namens die Regering van Venda.
u Regering gelewer en gegee word. Die volgende word uitdruklik geidentifiseer as projekte ten opsigte waarvan nodige professionele bystand en raad verleen en gegee sal word:

(a) Die teer van die pad vanaf Sibasa deur die Nkhele-vallei tot by Wyllys 'n Poort.
(b) Die teer van die pad vanaf Sibasa tot by die Magistratskantoor by Thengwe.

6. By ontvangs van u antwoord waarin aangedui word dat die voorafgaande bepaling is vir die Regering van Venda, word hierdie Nota en u antwoord daarop deur die Regering van die Republiek van Suid-Afrika geag. 'n Ooreenkoms uit te maak tussen ons twee Regerings aangaande hierdie aangeleentheid, welke Ooreenkoms op 13 September 1979 in werking tree.

Aanvaar asseblief, Meneer die Hoofminister, die versoek van my besondere hoogagting.

P. G. J. KOORNHOF, Minister van Samewerking en Ontwikkeling.

OOREENKOMS TUSSEN DIE REGERING VAN DIE REPUBLIEK VAN SUID-AFRIKA EN DIE REGERING VAN VENDA MET BETREKKING TOT DIE INDIENSNEMING VAN BURGERS VAN DIE REPUBLIEK VAN SUID-AFRIKA IN VENDA EN TOT DIE INDIENSNEMING VAN BURGERS VAN VENDA IN DIE REPUBLIEK VAN SUID-AFRIKA

AANHEF

Nademaal die Regering van die Republiek van Suid-Afrika en die Regering van Venda die vriendskaplike betrekkinge erken wat daar tussen die twee Regerings en hulle mense bestaan; en Nademaal dit nodig geag word om sekere reëlings te tref met betrekking tot die indienstemming van burgers van die Republiek van Suid-Afrika in Venda en tot die indienstemming van burgers van Venda in die Republiek van Suid-Afrika na verkryging van onafhanklikheid deur Venda; en Nademaal dit nodig geag word om voorsoening te maak vir diverse bykomende aangeleentheid rakende burgers van Venda in die Republiek van Suid-Afrika; en Nademaal dit ook nodig geag word om voorsoening te maak vir diverse bykomende aangeleentheid rakende burgers van die Republiek van Suid-Afrika.

So is dit dat die Regering van die Republiek van Suid-Afrika en die Regering van Venda sos voloor aangekom:

ARTIKEl 1

Geen burger van Venda wat in Venda gewerf word vir indienstemming in die Republiek van Suid-Afrika, mag die Republiek van Suid-Afrika binnekom met die doel om sodanige arbeid te aanvaar nie, tensy—

(a) hy voldoen aan die wette en regulasies betreffende die toelating tot, verbyf in en vertrek uit die Republiek van Suid-Afrika;
(b) hy besit is van 'n skriftelike dienskontrak in Venda geatesteer of 'nroepkaart' (d.i. 'n verkorte dienskontrak wat deur 'n vorige werkower voltooi word vir die herindienstemming van 'n werker na voltooiing van die oorspronklike dienskontrak) behoorlik deur sy vorige werkower ingeval waarin werk aangesig word en wat deur die Arbeidsowerhede in die Republiek van Suid-Afrika gemag is; free of charge. The following are specifically identified as projects upon which such professional assistance and advice will be rendered:

(a) Tarring of the road from Sibasa through Nkhele valley up to Wyllys 'n Poort.
(b) Tarring of the road from Sibasa to the Magistrate's office at Thengwe.

6. Upon receipt of your reply indicating that the foregoing provisions are acceptable to the Government of Venda, the Government of the Republic of South Africa will consider that this Note and your reply thereto constitute an Agreement between the two Governments on this subject; the Agreement to enter into force on 13 September 1979.

Please accept, Mr Chief Minister, the assurance of my highest consideration.

P. G. J. KOORNHOF, Minister of Co-operation and Development.

AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA AND THE GOVERNMENT OF VENDA RELATING TO THE EMPLOYMENT OF CITIZENS OF THE REPUBLIC OF SOUTH AFRICA IN VENDA AND TO THE EMPLOYMENT OF CITIZENS OF VENDA IN THE REPUBLIC OF SOUTH AFRICA

PREAMBLE

 Whereas the Government of the Republic of South Africa and the Government of Venda recognize friendly relations existing between the two Governments and their peoples; and

 Whereas it is considered necessary to make certain arrangements relating to the employment of citizens of the Republic of South Africa in Venda and the employment of citizens of Venda in the Republic of South Africa after the attainment of independence by Venda; and

 Whereas it is considered necessary to make provision for sundry additional matters affecting citizens of Venda in the Republic of South Africa; and

 Whereas it is considered necessary also to make provision for sundry additional matters affecting citizens of the Republic of South Africa in Venda; and

 Now, therefore, the Government of the Republic of South Africa and the Government of Venda agree as follows:

ARTICLE 1

No citizen of Venda recruited in Venda for employment in the Republic of South Africa shall enter the Republic of South Africa for the purpose of taking up such employment unless—

(a) he complies with the laws and regulations relating to the admission to, residence in and departure from the Republic of South Africa;
(b) he is in possession of a written contract of employment attested in Venda or a "call-in card" (i.e. an abridged service contract completed by a previous employer for the re-engagement of a worker after completion of the original service contract) duly completed by his previous employer offering employment, and authorised by the Labour Authorities in the Republic of South Africa;
ARTIKEL 9
Ooreenkomste tussen die Reëgering van die Republiek van Suid-Afrika aan die een kant en enige wervingorganisasie aan die ander kant, met betrekking tot die werving van burgers van die Republiek van Suid-Afrika in die Republiek van Suid-Afrika vir dienstneming in Venda, en aangedaan voor of na die datum van onafhanklikheid van Venda, sal onderhewig wees aan die goedkeuring van die Reëgering van Venda.

ARTIKEL 10
Ondanks die betingding van hierdie Ooreenkomst by 'n dienskontrak wat op die datum van sodanige betingding bestaan, van krag en geld sy gewone loop-
tyd.

ARTIKEL 11
(a) Hierdie Ooreenkomst tree in werking op die datum van onafhanklikwordering van Venda, en kan deur enig-
en van die twee Partye beëindig word deur aan die ander Partye toe te kyklik te ken en van betingding-
langs die diplomatieke kanaal te gee.
(b) Enige wysiging van hierdie Ooreenkomst waaroor beide Partye ooreenkom, word aangebring deur middel
die diplomatieke Notaisselling tussen hulle.

Hierdie Ooreenkomst is onderteken en geseël op die 13de dag van Augustus 1979.

P. G. J. KOORNOF.
Namens die Reëgering van die Republiek van Suid-
Afrika.

P. R. MPHEPHU.
Namens die Reëgering van Venda.

OOREENKOMS TUSSEN DIE REËGERING VAN DIE
REPUBLIC VAN SUID-AFRIKA EN DIE
REËGERING VAN VENDA MET BETREKKING
TOT DIE ONTWIKKELING VAN SEKERE
GEBIEDE EN DIE ONDERNEEM VAN VESTI-
TINGSprojekte IN VENDA DEUR DIE
REËGERING VAN DIE REPUBLIC VAN SUID-
AFRIKA

AANHEF
Nadat die Reëgering van die Republiek van Suid-
Afrika en die Reëgering van Venda die vriendskapplike
betrekkinge erken wat tussen die twee Reëgerings en hul
mense bestaan; en

Nadat die Reëgering van die Republiek van Suid-
Afrika beplann het om ontwikkelings- en vestigings-
projekte op Suid-Afrikaanse Ontwikkelingsrustgrond
in Venda te onderneem; en

Nadat die grond waarop die ontwikkelings- en
vestigingsprojekte na beplan is onderneem gaan word,
als die datum van onafhanklikwordering van Venda by
Venda ingelyf sal word; en

Nadat die Reëgering van die Republiek van Suid-
Afrika nie onvoltooide projekte wil oordra of die Reë-
gerings van Venda onnodig met bykomende verpligt-
ings wil belas nie; en

Nadat die Reëgering van die Republiek van Suid-
Afrika begerig is om na die datum van onafhanklik-
wordering van Venda verdere ontwikkelingsprojekte in
Venda te onderneem.

PREAMBLE
Whereas the Government of the Republic of South Africa and the Government of Venda recognise the friendly relations existing between the two Governments and their peoples; and

Whereas the Government of the Republic of South Africa has planned to undertake development and settlement projects on South African Development Trust land in Venda; and

Whereas after the date of independence of Venda the land on which these development and settlement projects are planned to be undertaken, will be incorporated in Venda; and

Whereas the Government of the Republic of South Africa does not wish to burden unnecessarily the Government of Venda with additional commitments; and

Whereas the Government of the Republic of South Africa is desirous of undertaking development and settlement projects in Venda after the date of independence of Venda;
ARTIKEL 9

(a) Hierdie Ooreenkoms tree in werking op die datum van onafhanklikwording van Venda en kan deur enige van die twee partye beëindig word deur aan die ander Party ses maande skriflike kennis van beëindiging langs die diplomatieke kanaal te gee.

(b) Enige wysiging van hierdie Ooreenkoms waaroor beide Partye ooreenkoms, word aanbeveel deur middel van Diplomatieke Notawisseling tussen hulle.

Ten bewys waarvan die ondergetekende, behoorlik daartoe gemagtig deur hulle onderskeie Regerings, hierdie Ooreenkoms onderteken en geseël het:


P. G. J. KOORNHOF.
Vir die Regering van die Republiek van Suid-Afrika.

P. R. MPHEPHU.
Vir die Regering van Venda.

OOREENKOMS TUSSEN DIE REGERING VAN DIE REPUBLIEK VAN SUID-AFRIKA EN DIE REGERING VAN VENDA RAKENDE DIE EKONOMIESE ONTWIKKELING VAN VENDA

AANHEF

Nademaal die Regering van die Republiek van Suid-Afrika en die Regering van Venda die vriendskaplike betrekkinge erken wat tussen die twee Regerings en hulle mense bestaan; en

Nademaal die verdere ekonomiese ontwikkeling van Venda wenslik is; en

Nademaal sodanige verdere ekonomiese ontwikkeling vir die Regering en mense van Venda aanvaarbaar bevorder kan word deur die oordring van al die belange en funksies van die Ekonomiese Ontwikkelingskorporasie Beperk of ander korporasies soos omskryf in artikel 5 (1) (b) van die Wet op die Bevordering van die Ekonomiese Ontwikkeling van Swart State, 1968 (Wet 46 van 1968), (hierna genoem Suid-Afrikaanse korporasies), aan die Venda-ontwikkelingskorporasie Beperk; en

Nademaal ekonomiese ontwikkeling bevorder kan word deur hette samwerking tussen die Venda-ontwikkelingskorporasie Beperk en die Ekonomiese Ontwikkelingskorporasie Beperk of Suid-Afrikaanse korporasies; en

Nademaal dit wenslik is om die basiese diensvoorwaardes van personeel wat deur die Ekonomiese Ontwikkelingskorporasie Beperk of enige Suid-Afrikaanse korporasie tot beskikking gestel word van die Venda-ontwikkelingskorporasie Beperk of ander korporasies wat deur die Regering van Venda beheer word, te formaliseer;

So is dit dat die Regering van die Republiek van Suid-Afrika en die Regering van Venda soos volg ooreenkom:

ARTIKEL 1

Die Regering van Venda en/of die Venda-ontwikkelingskorporasie Beperk of enige ander onttwikkelingskorporasie van ander regenteeit in Venda kan die Ekonomiese Ontwikkelingskorporasie Beperk of enige Suid-Afrikaanse korporasie versoek om aan hulle sodanige hulp te verleen as wat nodig geag word, instuitende

AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA AND THE GOVERNMENT OF VENDA RELATING TO THE ECONOMIC DEVELOPMENT OF VENDA

PREAMBLE

Whereas the Government of the Republic of South Africa and the Government of Venda recognise the friendly relationship existing between the two Governments and their peoples; and

Whereas the further economic development of Venda is desirable; and

Whereas such further economic development can be promoted by the transfer of all the interests and functions of the Corporation of Economic Development Limited or other corporations as defined in section (1) (b) of the Promotion of the Economic Development of Black States Act, 1968 (Act 46 of 1968) (hereafter referred to as South African corporations), to the Venda Development Corporation Limited; and

Whereas economic development can be promoted close cooperation between the Venda Development Corporation and the Corporation for Economic Development Limited or South African corporations;

Whereas it is desirable to formalise the basic conditions of service of personnel made available by the Corporation for Economic Development Limited or South African corporation to the Venda Development Corporation Limited or other corporations contracts by the Government of Venda;

Now, therefore, the Government of the Republic of South Africa and the Government of Venda agrees as follows:

ARTICLE 1

The Government of Venda and/or the Venda Development Corporation Limited or any other corporation or other legal entity in Venda request the Corporation of Economic Development Limited or any South African corporation to provide such assistance as may be deemed necessary.
Venda 'independence'

TO MOST of the people at the Venda independence celebrations at Thohotlou, the whole exercise is a big two-week feast.

This view emerges clearly from interviews with people of all ages who attend the celebrations.

To children under ten who have lived in the tent town since August 30 the gathering is one big picnic where they get tea with buttered bread in the morning, porridge with meat for lunch and tea or porridge with soup for supper. This is indeed a far cry from almost all the children's home menus where meat and tea are Christmas niceties.

One nine-year-old girl, Lufuno, when asked what she thought of the place, said: "It is nice. There is a lot of food here." About going back to school, she said it would be good if "they brought the school here."

By Mathatha Tsedu

One old man in his sixties, the Rev Titus Mudau of the Apostolic Faith Mission in nearby Louis Trichardts, had gone with his congregation to attend the interdenominational church service last Sunday. POST asked him of his opinion about the "independence" and he replied: "We were told that there will be a gathering of all churches here and we decided to come and attend. I don't know what the independence will bring us."

Real life at the stadium starts after dark when the cream of Venda converge there in flashy cars to dance and drink the night away at the numerous beer gardens.

The second elections were held last year when the Venda Independence Party (VIP) won 31 of 42 elected seats. Chief Mphethu again retained his position with traditional leaders' support and detention of opposition members.

Facts and Figures

VENDA, the tiny 639,000 hectare homeland in the Northern Transvaal, is to become the third homeland to attain "independence" tomorrow morning.

The step, the ultimate of National Party policy, will be the end of a constitutional development that started seventeen years ago when a regional authority was constituted.

In 1969 more powers were conferred with the establishment of a territorial authority under Chief P R Mphethu. On February 1973 the first six man cabinet was declared.

The first elections followed in which Chief Mphethu won only five of the 18 elected seats. He however, got into power with the support of 41 traditional leaders who were a part of the 60 members assembly.

The instructions to participate came from the principals. So if one were to refuse, that would be insubordination and one could be expelled or detained. There are those of us who feel very strongly against this so-called independence but we had to come.

"We are aware that the only people who will benefit are those in higher administrative positions. The government labourers, the workers in other industries are still going to suffer more," he said.

Some teachers also expressed the same feeling and said they had no choice. "Instructions are instructions", said one.

Amongst the elderly people, none seems to know or care about the significance of the celebrations. The citizenship issue, which is the bone of contention of the separate development policy, is a non-issue as far as the majority of them are concerned.
‘Independent’ Venda blasted by Buthelezi

By AMOS NKALAWA
Political Reporter

KWAZULU’S Chief Gatsha Buthelezi yesterday blasted Venda’s ‘independence’, accusing Chief Patrick Maphosa’s homeland government of conniving at fragmenting the South African nation and making blacks blacked.

The Inkatha leader, making it clear he would not be attending the celebrations described as the ‘independence’ scheduled for midnight tonight, said he was a tragedy and tragedians to the cause of black people.

Speaking at Jan Smuts Airport on his return from a three-week visit to the United States, Chief Buthelezi reiterated that he would not accept ‘independence’ for KwaZulu under any circumstances.

He said ‘independence’ was not fair to the ordinary black man, who had not been consulted—"it was imposed on him".

The strength of blacks in the country was their numbers, he said, and those who accepted ‘independence’ had said they were not citizens of 70% of the surface area of South Africa.

Chief Buthelezi said they were forestalling their South African birthright.

"Independence" was the trappings of power, which were meaningless.

But he spelled out his strong stand against independence. "I would be happier if there were a referendum on independence," he said. "Should the people of KwaZulu opt for independence, he would resign.

He reiterated the views he had expressed in a speech to the National Council of Churches in New York: "If the South African Government forces me and my people to become independent at the point of a gun, I would reply with a gun."

Speaking of his American trip, he said attitudes towards the South African Government’s policies had hardened since his last visit a year ago.

The divestment issue was raised all the time. Chief Buthelezi said he remained opposed to divestment, although he understood the motivation of those in favour. He said he could only speak for his people, who made up most of the ordinary black workers in South Africa.

He said he could only speak for his people, who made up most of the ordinary black workers in South Africa.

On Bishop Desmond Tutu’s reported call for a coal boycott of South Africa, Chief Buthelezi said he did not know how the general secretary of the South African Council of Churches came to this conclusion.

The KwaZulu chief’s boycott is a leadership decision, and he could not take his people's wishes into his decision.

He also said: "It is better that we are not prepared to suffer or even die in the struggle for liberation. In particular, we are not prepared to suffer without turning, and we are not prepared to die futilely."

In Washington, Chief Buthelezi met State Department officials who were interested in his interpretation of the state of South Africa.

"I spoke strongly to them on our failure to aid blacks in South Africa at the human level. Summarising their reaction, I would say they have stated that they have no formula for doing this, at present, therefore I would mean nothing with South Africa, for example, in the future,"

Sapa

‘Venda freedom in SA’s hands’

THOHOLANZI: - It was the responsibility of the South African Government to grant the people of Venda their independence, and the administration of the people of Venda, to acknowledge their birthright, the deputy minister of Co-operation and Development, Dr D G de V Morris, said yesterday.

Neither Venda nor South Africa had the responsibility, he said, when he handed over the new Rand-million government complex at Thoholanzi to the Venda Government. The complex includes the country’s parliament, supreme court and three office blocks.

Some people said it was foolish of Venda to ask the South African Government for independence and that the South African Government, on the other hand, was now too willing to accede to your request because it wanted to be rid of the Venda people, Dr Morris said.

These people say that this is all folly. It is just as foolish to believe that the child will become a man and leave his parents’ home to make his own independent life without the world.

Dr Morris said South Africa and Venda would have a certain responsibility to each other.

"We have a responsibility towards our future here in southern Africa. But if we loan our backs on one another and take friendship to be something else, it will be bad for Venda and for South Africa."

The homeland becomes independent at midnight tonight.

Venda would not be a nation, as Mr de V Morris explained, nor would it be a nation of states because this would lead to the division of the country.

"We cannot abandon the slow but steady progress of consultation to match the speed of those who want to wrench everything by the barrel of a gun for their own selfish interest,"

Mr de V Morris said Venda would have to realise it was a fraction of mankind and that it could not fight every war or victory without some sacrifice.

"We must lead a co-operative life with other states in our region, for peace and prosperity which cannot be achieved without toil," he said.
Document needed for visit

South Africans wanting to enter the newly independent Republic of Venda must be in possession of a valid identity document or a passport.

However, passport control points will not be established at points of entry into Venda.

This emerges from an agreement reached between the South African and Venda Governments.

Notice boards are being put up at all points of entry into Venda and the following measures have to be observed:

1. South Africans entering Venda must possess a South African identity document or a passport.
2. Venda citizens entering South Africa must possess a valid travel document. For the time being, reference books will be recognised as travel documents.
3. Citizens of other countries travelling through Venda must be able to produce a valid passport.
4. A South African citizen does not need a visa to enter Venda and a Venda citizen does not need a visa to enter South Africa. However, this visa exemption may be withdrawn from a person.
5. A citizen of another country does not need a visa to enter Venda if he or she has lawful residence in South Africa. Foreigners resident elsewhere must apply for visas.
6. South Africans and other foreign visitors to Venda must obtain a permit if they stay for more than 14 days.
7. A citizen of Venda travelling in transit or planning a visit of less than 14 days does not need the permission of the South African authorities. However, if in terms of any law permission is needed to stay in any specific area of South Africa such permission should be obtained.
8. A citizen of Venda who gets employment in South Africa must hold a contract of employment attested to by a magistrate in Venda or any other authorised official.
Guns boom for Venda State

SIBASA. — To the boom of a 101-gun salute at midnight last night, the tiny territory of Venda became the third black South African homeland to become an independent state.

Less than half the size of Israel, the infant state came late being after the State President, Mr. Moruleng Viljoen, handed over a copy of the Status of Venda Act to the Venda's Chief Minister, Paramount Chief Patrick Mphophu.

The act simultaneously conferred independence on Venda and Venda citizenship on all 360,000 Venda people — including the 150,000 who live permanently in South Africa.

The hoisting of the Venda flag, the kindling of the flame of independence and the firing of the 101-gun salute came as a climax to the colourful independence ceremony. The news at Venda's Independence Stadium were packed with cheering Vendas, many of whom were people from the country districts.

Logical step

In his address to the nation, Chief Mphophu, certain to be elected Venda's first president today, described the decision to opt for independence as a logical step.

Both Chief Mphophu and President Viljoen referred to the peaceful manner in which Venda had acquired its independence.

President Viljoen said: "There is no explosion of bombs, no fire, no blood and no groaning of wounded and mutilated people."
By PATRICK LAURENCE
SIBASÁ. — To the boom of a 101-gun salute at midnight last night, the tiny territory of Venda became the third black South African homeland to become an independent state.

Less than half the size of Israel, the infant state came into being shortly after the State President, Mr. Marais Viljoen, handed over a copy of the Status of Venda Act to the Venda Chief Minister, Paramount Chief Patrick Mphephu.

The Act simultaneously conferred independence on Venda and Venda citizenship on all 500,000 Venda people — including the 150,000 who live permanently in South Africa.

The hoisting of the Venda flag, the lighting of the flame of independence and the firing of the 101-gun salute came as a climax to the colourful independence ceremony. The stands at Venda's Independence Stadium were packed with cheering Vendas, many of whom were people from the seven district areas.

In his address to the nation, Chief Mphephu — who in earlier days was elected as Venda's first president today — described the decision to opt for independence as a logical step.

Recalling that Venda had been an independent people until 1902, Chief Mphephu asked: "Why should any nation given the opportunity for self-determination opt for subjugation?"

Looking to the future, Chief Mphephu said of relations with South Africa: "As with good neighbours, the wall between us must never be allowed to be built so high that we cannot come to each other's aid in times of need."

Chief Mphephu went on to warn in his decision by the South African Prime Minister, Mr. P. W. Botha, to see whether the black homelands can be better administered and his idea of creating a constellation of South African states.

Rhodesia may recognise homeland

By CAMUEL DIKOTLA
SIBASÁ. — Zimbabwe-Rhodesia would recognise Venda if Venda recognised the government of Bishop Abel Mzimphila, the Rhodesian Minister of Manpower and Social Affairs, Mr. D. M. Mutasa, said yesterday.

Mr. Mutasa headed the five-man delegation from Zimbabwe-Rhodesia which attended Venda's independence celebrations. He was accompanied by two other MPs.

Asked whether his government would recognise the new state of Venda, Mr. Mutasa said: "I think we would recognise any government which would recognise us."

An official of the Zimbabwe-Rhodesian Department of Foreign Affairs took a slightly different view however. He denied that the presence of an official delegation at Venda's independence celebrations, "an odd and fast-talking Malay" among others, amounted to approval of the "controversial homeland," he said.

"It is not approval but a show of friendship to a neighbour who wants to be recognised."

This entails the attempt at this separation, simplicity of decisions those which can be made on routine or economic, together with medical-technical in which the role of the public through political
President calls for cooperation in Venda

DESPITE the onslaught of marxism on the continent of Africa, there were clear signs of co-operation and progress in Southern Africa, the State President, Mr Marais Viljoen, said in Thoho-Ya-Ndou last night.

Speaking shortly before Venda became independent at midnight the State President referred to Venda's strategic position.

The newly independent nation — with Mozambique, Gazankulu, Lebowa, South Africa, Botswana and Zimbabwe Rhodesia as neighbours — was "very favourably situated for interstate co-operation in Southern Africa", he said.

"These territories all form part of greater Southern Africa. It is important to the peoples of each of these countries that there should be mutual co-operation and sound relations between them."

Although each had its own political system, there was nothing to prevent interstate co-operation in the economic and social spheres, Mr Viljoen said.

Such co-operation between the existing states in this region was growing.

CUSTOMS

"I need only mention the electricity, transport and labour arrangements between the Republic of South Africa and Mozambique. The customs arrangements between Lebowa, Swaziland, Botswana and South Africa, and the transport and trade arrangements between Zambia, Botswana, Zimbabwe, Rhodesia and South Africa.

"There are many others and new ones are being concluded." As the needs of the populations of these southern states grew, the economic and social dependence of one on the other would become greater, the State President said.

"This leads to greater interstate co-operation. In this way these common interests become so important to the states concerned that they resort to joint action to resist any encroachment on their interests.

"Thus a group of states is formed which is gradually formed into a cohesive unit by common interests. In this unit each state retains political soverignty within its own territory, while co-operating with the others in the economic and social spheres."

Mr Viljoen said the process towards cohesion had already reached an advanced stage in Europe and was moving in the same direction in Southern Africa.

"There is no prospect of the views and attitudes of individuals and of governments stopping this process as there is of sweeping the ocean back with a broom at high tide."

The Republic of Venda was now joining the community of Southern African states and its watchdog should be the promotion of this process of co-operation on a basis of friendship "because of your strategic position, you can make an important contribution in this connection," he said.


a) deferral method

b) liability method

(assume there are no other items causing timing differences)

3. How will the answer to 2. be affected by the existence of an extraordinary gain on disposal of a division of the company, amounting to $70 000, all of which was taxable, in the 19.7 financial year?

4. How does the answer to 3. change if the $70 000 is now a deductible loss, which can be set off against the taxable income from other sources of $50 000? Draw up the income statement assuming the deferral method is used.

5. Further to Note 4, assume now that the company has a set profit before depreciation of $60 000 in 19.8.

Draw up the income statement for the 19.8 financial year under a) liability method

b) deferral method

Assume the tax rate remains 42%
PROCLAMATIONS
by the State President of the Republic of South Africa

No. 186, 1979

COMMENCEMENT OF THE STATUS OF VENDA ACT, 1979

Under and by virtue of the powers vested in me by section 7 of the Status of Venda Act, 1979 (Act 107 of 1979), I hereby determine that the said Act shall come into operation on 13 September 1979.

Given under my Hand and the Seal of the Republic of South Africa at Durban this Tenth day of August, One thousand Nine hundred and Seventy-nine.

M. VILJOEN, State President.

By Order of the State President-in-Council:

P. G. J. KOORNHOF.

6644—1

No. 186, 1979

INWERKINGTREDING VAN DIE WET OP DIE STATUS VAN VENDA, 1979

Kragtens die bevoegdheid my verleen by artikel 7 van die Wet op die Status van Venda, 1979 (Wet 107 van 1979), bepaal ek hierby dat genoemde Wet op 13 September 1979 in werking treed.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Durban, op hede die Tiende dag van Augustus Eenduisend Nege-en-sewen-tig.

M. VILJOEN, Staatspresident.

Op las van die Staatspresident-in-rade:

P. G. J. KOORNHOF.

12941—1
For more land
Early Verde claim
STUFFED CABBAGE SALAD  May Bennett, Ridgeworth

1 fresh green medium size cabbage
onions
carrots

tomatoes
fresh pineapple
red bell peppers

Cut the centre from the cabbage, leaving the outer leaves to form a bowl. Wash well. Chop onion, peel and cube the carrots and pineapple. Cube tomatoes. Thinly slice some of the inner leaves of the cabbage leaving the stalks. Place the carrots, pineapple, tomatoes, sliced cabbage and the finely chopped onion in a bowl and add any juice from the tomatoes, pineapple and add salt and black pepper to taste. Toss well, then pile the salad into the cabbage "bowl". Garnish with radish roses and a small tuft of mayonnaise for those who like it. To make the radish roses, cut across the tops in a double cross, then put them in iced water until the radishes open up.

EGG SALAD  May Bennett, Ridgeworth

hard boiled eggs
sliced onion

Cut eggs in half and lay on a flat salad platter; cut sides down. Pour over mayonnaise.

CHICKEN AND CUCUMBER SALAD  S. Drury, East London

1 cup cooked chicken, diced
4 T finely chopped walnuts
1 cup cucumber, peeled and diced
1 cup cooked green peas

Marinade chicken, cucumber, nuts and peas with French dressing. Serve on lettuce with mayonnaise. Cover with greaseproof paper and refrigerate until ready for use.

French dressing:
Blend together 6 T salad oil and 2 T lemon juice.

SPRING GREEN SALAD  May Bennett, Ridgeworth

1 medium size lettuce
2 medium onions
parsley

Wash and dry leaves, then keep a few pieces. Wash scallions, green leaves of parsley and dressing and of mint and:

CURLING GREEN  Ethne Board, Port Elizabeth

boiled potatoes
cooked bacon
mayonnaise

Cubed the potatoes while still hot. Chop up the bacon, mix with the potatoes, onion and mayonnaise. Season with a little salt and pepper. Use hot or cold.

CURRIED GREEN BEANS  Ethne Board, Port Elizabeth

2 lbs sliced green beans
2 chopped onions

Soak the beans (sliced) with salt and pepper pour off the water. Sauce:
1 1/2 cups sugar
1 t curry powder

Mix the curry powder, french dressing so that no lumps form and boil up and stir all the beans and onions, bring to boil.

APLLE TUNA TOSS SALAD  Ethne Board, Port Elizabeth

1 medium head lettuce, to bite-size pieces (4 cup 2 cups diced apple
1 11 oz can (1 1/2 cups)
orange sections, drain
1 8 1/2 or 7 oz can tuna, in
and broken in large chunks

In a large salad bowl, combine tuna and nuts; toss together and lemon juice; mix well. To serve, add dressing to salad; toss gently. Makes 4 - 6 servings.
Venda leader: I feel like Moses

By PATRICK LAURENCE
Deputy Political Editor
SIBASA. — Paramount Chief Patrice Mphephu compared himself to Moses shortly after his election as first President of Venda yesterday.

Chief Mphephu, 54, was speaking at his inauguration after he had won a contested election for the presidency against Mr Baldwin Mudau, of the opposition Venda Independence Party.

After his victory, by 52 votes to 31, Chief Mphephu said: "I was fortunate enough to be chosen leader to lead my people over many hurdles before we could attain independence."

He then added: "At times I felt to a certain extent like Moses when he was trying to lead his people through the wilderness to the promised land."

Chief Mphephu was elected president by the 94-member National Assembly in an election supervised by the Venda Chief Justice, Mr G P van Rhyn.

Chief Mphephu has the backing of 41 nominated chiefs and headmen and 11 elected members. Mr Mudau is supported by 36 elected members and nominated chiefs.

Throughout his political career, Chief Mphephu has relied heavily on the backing of chiefs and headmen. He twice lost popular elections — in 1973 and 1978 — but retained his position as Chief Minister with the help of traditional leaders.

At his inaugural speech President Mphephu defended the role of chiefs in political affairs through specially created positions for them in the constitution.

"I say to those who criticise, devise a better system, a system which incorporates a balanced mixture of the past and the future, yet a system that allows every man and woman a say in the running of the country and the election of the President," he said.

"Africa is strewed with the debris of Utopian dreams, where due cognisance was not paid to the traditions of the people and the aspirations of the traditional leaders."

Mr Mudau said he feared he might be detained if he talked. "I am not prepared to issue a statement as long as I still want to put my foot here," he said.

"I admit the election of the President was fair."

However, he said he was not happy about saying too much as he felt he could still be detained.

Mr Mudau yesterday said he was not surprised at the results of the election.

The vanquished leader, however, refused to tell reporters what line of action he was intending to take.

"You must bear in mind that the Mphephu group are in the majority. There is nothing further I can add," he said.

Asked what his feelings were about his defeat, Mr Mudau, who had been keeping a low profile since the beginning of this week, said: "I am not prepared to talk. I want to give my safety first priority. I can tell you that it is very dangerous to talk. I am not prepared to have any discussion with anyone until the law of detention in Venda is repealed."
ANC pamphlets litter Venda Stadium

By Mathatha Tsedu

THE Venda Independence Stadium, the scene of the "hand-over of full sovereignty" by South Africa to chief Patrick Mphethu on Wednesday evening, was yesterday morning strewn with pamphlets denouncing the homeland's independence.

The pamphlets, which are produced by the banned African National Congress (ANC), were probably distributed on Wednesday evening when thousands of people, and a large number of police, attended the granting of independence to Venda.

Unconfirmed reports yesterday said two young boys were detained by police while distributing the highly critical pamphlets. The pamphlets indicate that they are distributed by the ANC and cannot therefore be quoted.

Security police in Sibasa could not be reached for comment yesterday.

Meanwhile 64 unnamed points of entry have been established between South Africa and the new Republic of Venda, according to a press release made jointly by the Pretoria and Venda authorities.

The release says reference books will serve as travel documents for Venda citizens in transit through South Africa. There will be no visas for travel by citizens of the two states.

Foreigners resident elsewhere than in South Africa must apply for visas. There will, however, be no passport control posts or passport control officers at the declared points of entry.

Venda citizens resident, or employed in South Africa, should obtain valid travel documents not later than two weeks from yesterday.
STUFFED CABBAGE SALAD

May Bennett, Ridgeworth

1 fresh green medium size tomatoes
1 fresh pineapple
4 red bell peppers
1 green bell pepper
1 onion

Cut the centre from the cabbage, leaving the outer leaves to form a bowl. Wash well. Chop onion. Peel and cube the carrots and pineapple. Cube tomatoes. Thinly slice some of the inner leaves of the cabbage leaving the stalks. Place the carrots, pineapple, tomatoes, sliced cabbage and the finely chopped onion in a bowl adding any juice from the tomatoes, pineapple and add salt and black pepper to taste. Toss well, then pile the salad into the cabbage "bowl". Garnish with radish roses and a small ball of mayonnaise for those who like it. To make the radish roses, cut across the tops in a double cross, then put them iniced water until the radishes open up.

GERMAN POTATO SALAD

Ethne Board, Port Elizabeth

boiled potatoes
chopped onion
cooked bacon
sautéed in bacon fat
mayonnaise

Cube the potatoes while still hot. Chop up the bacon, mix with the potatoes, onion and mayonnaise. Season with a little salt and pepper. Use hot or cold.

EGG SALAD

May Bennett, Ridgeworth

hard-boiled eggs
salt and pepper
salami
paprika and parsley

Cut egg in half and lay on a flat salad platter; cut side down. Pour over salami.

CHICKEN AND CUCUMBER SALAD

S. Drury, East London

1 cup cooked chicken, diced
1 cup cucumber, peeled and diced
4 T finely chopped walnuts
1 cup cooked green peas
French dressing/mayonnaise

Marinade chicken, cucumber, nuts and peas with French dressing.
Serve on lettuce with mayonnaise. Cover with greasproof paper and refrigerate until ready for use.

French dressing:
Blend together 6 T salad oil and 2 T lemon juice.

SPRING GREEN SALAD

1 medium size lettuce
2 onions
2 parsley

Wash and shred the lettuce, keep a few pieces for garnish. Wash scallions, and cut green leaf off. Toss the scallions together, salt dressing and serve in a small bowl of mint and parsley.

CURRIED GREEN BEAN SALAD

2 lbs sliced green beans
2 chopped onions

Boil the beans (sliced) pour off the water. Sauces:
1 1/2 cups sugar
1/4 cup curry powder

Mix the curry powder, flour with 1 1/2 cups water. Mix well, so that no lumps form, and then add the sugar and vinegar, boil up and stir all the time, then add the cooked beans and onions, bring to boil again. Bottle.

APPLE TUNA TOSSED SALAD

1 medium head lettuce, torn in bite-size pieces
1/3 cup coarsely chopped walnuts
1/2 cup mayonnaise or salad dressing
2 cups diced apple
1 1/3 cups mandarin orange sections, drained
2 t soy sauce
1 t lemon juice

In a large salad bowl, combine lettuce, apple, orange sections, tuna and nuts; toss together. Combine mayonnaise, soy sauce and lemon juice; mix well. To serve, add dressing to salad; toss gently. Makes 4-6 servings.
THE tired old man shuffled along the dusty road, stopping often to check on a reputation blunted by failing eyesight and the shimming heat waves.

La.Please briefly summarize the extracted text.
Only SA gives nod to Venda

By MATHATHA TSEDU

South Africa has so far recognised Venda's independence. The South African Ambassador, Mr P D Palm, presented his credentials to the homeland's president, Paramount Chief P R Mpephu, last week.

Asked yesterday about possible recognition by other "independent" homelands like Transkei and Bophuthatswana, Venda's Foreign Secretary, Mr Ezrom Mulandzi, declined to comment.

It was generally believed that Chief Lucas Mangope of Bophuthatswana would announce his territory's recognition of Venda after the celebrations which he attended personally but he did not.

Transkei was not represented at the celebrations.

Zimbabwe's Rhodesia representative at the celebrations, Mines and Pensions Minister Mr D M Mutasa, announced on his arrival at Thohoyandou that his country would recognise Venda if Venda recognised his country.
Venda
SP raid
ex-BPC
chiefs

By Mathatha Tsedu
VENDA security pol-
lice yesterday morn-
ing launched a mas-
usive pre-dawn raid at
the homes of former
Black Consciousness
Movement officials. A
number of typewriters
and a duplicating ma-
achine were confiscat-
ed but nobody was
detained.
The machines plus a
number of books were
taken from the Reuster
Mission at Mannake,
near Sibasa, where for-
mer BPC president, Dean
T S Farlane, is based.
The other former BPC
officials raided were Mr
Dickson Balusha (29),
Gabriel Maluka (39) and
Mr Cleopas Mulaudzi (no
age given) — all of Mu-
kwarela location in Si-
sa.
A builder, Mr William
Mabhoroko is also un-
derstood to have been visit-
ed by white security po-
lcemen on Wednesday
afternoon.

DECLINED
The Venda chief of sec-
curity, Lilou G Ramabule-
ana, declined to comment
yesterday but said he
might release the state-
ment today. According to
Mr M Balusha, who was
Northern Transvaal Re-
gional secretary of the
outlawed BPC at the
time of the 1977 ban-
nings, two black security
policemen woke him at
about 3 a.m., yesterday
with a warrant to search
the house.
Mr Maluka’s house was
also raided at about the
same time, but nothing
was taken. At Mr Mulau-
dzi’s house, the police-
men left after knocking
at the door, according to
sources. Mr Balusha and
Mr Maluka were among
the more than 60 people
detained during the 1977
massive security clamp.
Down on black leaders.
They spent 268 and 101
days respectively in de-
tention at Modder Bee.
PHATUDI'S NO TO INDEPENDENCE

By SAM MABE

VENDAS have said their heritage to the South African Government for a bowl of beans and for generations to come. And their great-grandchildren will suffer for it, said Dr Cedric Phathudi, Chief Minister of the Lebowa legislative assembly.

Attacking Venda, Transkei and Bophuthatswana independence, the Chief Minister vowed yesterday before a crowd of about 250 people at the Dube YWCA in Soweto, that he would never opt for independence, no matter what the South African Government promised him.

"I will never do that. Only the uninitiated, the unenlightened, the ignorant and the 'yes man' will accept this misleading, suicidal procedure. "I will never do it," the Chief Minister emphasised.

He said black people

NO INDEPENDENCE

have suffered for 300 years under the white man's rule and that they where on the point of saying "we'd rather die."

He said the white man's leadership should be rejected because the white man is failing to lead blacks to prosperity.

He said in times of hunger "we should all starve and in times of plenty we should all have enough to eat because South Africa belongs to all of us."

Dr Phathudi said when the name of the Depart-

ment of Bantu Administration and Development was changed to the Department of Cooperation and Development it was because of him.

He said he told the whites that apartheid was unacceptable. When they changed the name of apartheid to separate development, that was also unacceptable. What was required was cooperation and development.

He also challenged the Government to give the correct population figures of Lebowa and Soweto so their budgets would cover their needs.
PROCLAMATION

by the State President of the Republic of South Africa

No. R. 252, 1979

INCOME TAX ACT, 1962

AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA AND THE GOVERNMENT OF VENDA FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION OF FISCAL EVASION WITH RESPECT TO TAXES ON INCOME

Under the powers vested in me by section 108 (2) of the Income Tax Act, 1962 (Act 58 of 1962), I do hereby declare that the Agreement set out in the Schedule to this Proclamation has, under section 108 (1) of the said Act, been entered into between the Government of the Republic of South Africa and the Government of Venda for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Third day of October, One thousand Nine hundred and Seventy-nine.

M. VILJOEN, State President.

By Order of the State President-in-Council:

O. P. F. HORWOOD.

AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA AND THE GOVERNMENT OF VENDA FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION OF FISCAL EVASION WITH RESPECT TO TAXES ON INCOME

PREAMBLE

Whereas the Government of the Republic of South Africa and the Government of Venda recognise the friendly relations existing between the two Governments and their peoples; and
Whereas the Government of the Republic of South Africa and the Government of Venda are desirous of concluding an agreement for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income:

Now, therefore, the Government of the Republic of South Africa and the Government of Venda agree as follows:

ARTICLE 1
TAXES COVERED

1. This Agreement shall apply to taxes on income imposed on behalf of each of the States or of its political subdivisions irrespective of the manner in which they are levied.

2. There shall be regarded as taxes on income all taxes imposed on total income, or on elements of income.

3. The existing taxes to which the Agreement shall apply are, in particular—

(a) in the case of Venda—
   (1) the general and the normal tax;
   (2) the non-resident shareholders' tax;
   (3) the non-residents tax on interest;
   (4) the undistributed profits tax;

(hereinafter referred to as "Venda tax");

(b) in the case of South Africa—
   (1) the normal tax;
   (2) the non-resident shareholders' tax;
   (3) the non-residents tax on interest;
   (4) the undistributed profits tax;

(hereinafter referred to as "South African tax").

4. This Agreement shall also apply to any identical or substantially similar taxes which are subsequently imposed in addition to, or in place of, the existing taxes, and references in this Agreement to "Venda tax", "South African tax" and "tax" shall be construed so as to include such identical or substantially similar taxes. The competent authorities of the States shall notify to each other any substantial changes which have been made in their respective taxation laws.

ARTICLE 2
GENERAL DEFINITIONS

1. In this Agreement, unless the context otherwise requires—

(a) the term "State" means Venda or South Africa, as the context requires; the term "States" means Venda and South Africa;

(b) the term "Venda" means the Republic of Venda;

(c) the term "South Africa" means the Republic of South Africa and includes the sea-bed and sub-soil of the submarine areas that extend beyond its territorial sea and over which it exercises sovereign rights, according to international law, for the purposes of exploring and exploiting its natural resources;

(d) the term "person" comprises an individual, a company and any other body of persons;

(e) the term "company" means any body corporate or any entity which is treated as a body corporate for tax purposes;

(f) the terms "Venda enterprise" and "South African enterprise" mean respectively an industrial or commercial enterprise or undertaking carried on by a resident of Venda and an industrial or commercial enterprise or undertaking carried on by a resident of South

Nadema die Regering van die Republiek van Suid-Afrika en die Regering van Venda besef is om in ooreenkoms tereg te stel te vermyding van dubbele belasting en voorkoming van fisale onduidelikheid met betrekking tot belasting op inkomste van te gaan:

So is dit dat die Regering van die Republiek van Suid-Afrika en die Regering van Venda in die volgende aansienlike ooreenkom:

ARTIKEL 1
BELASTINGS GEDEK

1. Die ooreenkoms is van toepassing op belastinge op inkomste na beheer van elk van die Stete of van elk van die politieke deelstate in die manier waarop dit geheer word.

2. As belastinge op inkomste word g Answer in the original language.
Afría, en die terme "onderneming van een van die State" en "onderneming van die ander State" beteken onderneming of "in South-Afrikaanse onderneming, as gevolg van die insoevereane verhouding.

(g) die term "competent authority" beteken—
(i) in Venda die Secretaris van Finansies of sy verantwoordelike verteenwoordiger;
(ii) in Soë-Afrika die Secretaris van Inland Revenue of sy verantwoordelike verteenwoordiger.

2. As regards the application of the Agreement by either of the States any term not otherwise defined shall, unless the context otherwise requires, have the meaning which it has under the laws of that State relating to the taxes which are the subject of this Agreement.

ARTICLE 3
FISCAL DOMICILE

1. For the purposes of this Agreement, the term "resident of one of the States" means any person who, under the law of that State, is liable to taxation therein by reason of his residence, place of management or any other criterion of a similar nature.

2. For the purposes of this Agreement an individual who is a member of a diplomatic or consular mission of one of the States in the other State or in a third State and who is a national of the sending State, shall be deemed to be a resident of the sending State if he is submitted therein to the same obligations in respect of taxes on income as are residents of that State.

3. Where by reason of the provisions of paragraph 1 an individual is a resident of both States, then this case shall be determined in accordance with the following rules:

(a) He shall be deemed to be a resident of the State in which he has a permanent home available to him. If he has a permanent home available to him in both States, he shall be deemed to be a resident of the State with which his personal and economic relations are closest (centre of vital interests).

(b) If the State in which he has his centre of vital interests cannot be determined, or if he has not a permanent home available to him in either State, he shall be deemed to be a resident of the State in which he has an habitual abode.

(c) If he has an habitual abode in both States or in neither of them, he shall be deemed to be a resident of the State in which he is a national.

(d) If he is a national of both States or of neither of them, the competent authorities of the States shall settle the question by mutual agreement.

4. Where by reason of the provisions of paragraph 1 a person other than an individual is a resident of both States, then it shall be deemed to be a resident of the State in which its place of effective management is situated.

ARTICLE 4
PERMANENT ESTABLISHMENT

1. For the purposes of this Agreement, the term "permanent establishment" means a fixed place of business in which the business of the enterprise is wholly or partly carried on.

2. The term "permanent establishment" shall include especially—

(a) a place of management;
(b) a branch;

ARTIKEL 3
FISCHALE DOMICILIE

1. Vir die toepassing van hierdie Ooreenkoms beteken die uitdrukking "inwoner van een van die State" "n persoon wat, kragtig die wette van dié State, daarvan vir belasting ongeschikt is, liefst van sy geboorte, plek van bestaan of enige ander wetgewe maatskappy.

2. Vir die toepassing van hierdie Ooreenkoms word "n individu wat "n lid is van "n diplomatieke of konseriale mission of een van die State in die ander State of in "n derde State en wat "n burger is van dié State wat sy verteenwoordiging, pleeg "n inwoner van has-known State te wees indien hy daarin die belasting en inkomste as inwoners van dié State onderwerp word.

3. Waar "n individu uit hoofde van die bepaling van paragraaf 1 "n inwoner van beide State is, dan gebeur die onthaal van die belasting en inkomste as inwoners van beide State onderwerp word.

ARTIKEL 4
PERMANENTE SAAK

1. Vir die toepassing van hierdie Ooreenkoms beteken die uitdrukking "permanent sakkie" "n vaste belastingplaas, waarin die belasting van die onderneming uitgemaakte is of geheel of gedeeltelik gedefinieer word.

2. Die uitdrukking "permanent sakkie" sluit veral in—

(a) "n plek van bestuur;
(b) "n tak;
(c) an office;
(d) a factory;
(e) a workshop;
(f) a mine, quarry or other place of extraction of natural resources or any portion of such mine, quarry or place of extraction of natural resources;
(g) a building site or construction or assembly project.

3. The term “permanent establishment” shall not be deemed to include—

(a) the use of facilities solely for the purpose of storage, display or delivery of goods of merchandise which is the property of the enterprise;
(b) the maintenance of a stock of goods or merchandise belonging to the enterprise solely for the purpose of storage, display or delivery;
(c) the maintenance of a stock of goods or merchandise belonging to the enterprise solely for the purpose of processing by another enterprise;
(d) the maintenance of a fixed place of business solely for the purpose of purchasing goods or merchandise, or for collecting information, for the enterprise;
(e) the maintenance of a fixed place of business solely for the purpose of advertising, for the supply of information, for scientific research or for similar activities which have a preparatory or auxiliary character, for the enterprise.

4. A person acting in one of the States on behalf of an enterprise of the other State (other than an agent of an independent status to whom paragraph 5 applies) shall be deemed to be a permanent establishment in the first-mentioned State if he has, and habitually exercises in that State, an authority to conclude contracts in the name of the enterprise, unless his activities are limited to the purchase of goods or merchandise for the enterprise.

5. An enterprise of one of the States shall not be deemed to have a permanent establishment in the other State merely because it carries on business in that other State through a broker, general commission agent or any other agent of an independent status, where such persons are acting in the ordinary course of their business.

6. The fact that a company which is a resident of one of the States controls or is controlled by a company which is a resident of the other State, or which carries on business in that other State (whether through a permanent establishment or otherwise), shall not of itself constitute either company a permanent establishment of the other.

7. In applying this Article, any place (not necessarily at or near a mine) where any building, construction, plant or machinery is used or intended to be used by the enterprise which operates the mine, quarry or place of extraction of natural resources for any of the following purposes, or for any purpose necessary or incidental thereto, shall be deemed to form part of such mine, quarry or place of extraction of natural resources:
(a) crushing, reducing, dressing, concentrating, smelting or refining a mineral; or
(b) extracting, concentrating or refining any constituent of a mineral.

(c) 'n kantoor;
(d) 'n fabriek;
(e) 'n werkplaats;
(f) 'n mijn, steenkool of ander plek van ontginning van natuurlike hulpbronne of enige gedeelte van sodanige mijn, steenkool of plek van ontginning van natuurlike hulpbronne;
(g) 'n bouwbouw of konstruksie- of monteerprojek.

3. Die uitdrukking “permanent se handel” word nie die volgende in die volgorde nie:
(a) Die gebruik van fabrieklike oortuigings of goederen van handelsware wat aan die onderneming behoort, op te berg, te versien of af te leverer;
(b) die instandhouding van 'n voornam goederen of handelsware wat aan die onderneming behoort, alles- lyklik met die doel om dit op te berg, te versien of af te leverer;
(c) die instandhouding van 'n vooraad goederen of handelsware wat aan die onderneming behoort, alles- lyklik met die doel om dit te verwerk, te versien of af te leverer;
(d) die instandhouding van 'n vaste hulpbronneplek alleslyklik met die doel om vir die onderneming goederen of handelsware aan te koop of inligting in te win;
(e) die instandhouding van 'n vaste hulpbronneplek alleslyklik met die doel om vir die onderneming te adver- teer, inligting te verskaf, wettelike naoringe in te dien of dergelijke werk van 'n voorlopige of bykom- mere aard of te varieer.

4. 'n Persoon wat in een van die State naamens 'n onderneming van die ander Staat optree (enselde onder 'n agent van onafhanklike status of van persoonlike skyn van toepassing is) word van 'n permanente se handel in die eerste genoemde Staat te vinding, indien hy bevoegd is en diens in die vorm van 'n landelijke Staat totale, om kontrole in die naam van die onderneming te stel vir enige bedrywighede in die naam van goeders of handelsware van die onderneming bepaal is.

5. 'n Onderneming van een van die State word nie van die ander Staat se handel in permanente se handel in die ander Staat te hê nie enkel omdat hy in die ander Staat sake doe, deur hoorverdiende van 'n onafhanklike, algemene kommissier of ander agent van onafhanklike status, asook sodanige personale in die gewone loop van hul bedryf optree.

6. Die feit dat 'n maatskappy wat in invens van een van die State is, behoort het of behoort in 'n maatskappy wat 'n invens van die ander Staat is of wat in die ander Staat sake het, het by die beoordeling van 'n permanente se handel of andersyn, beskik nie opeenself van die maatskappy 'n permanente se handel van die ander Staat is.

7. By die toepassing van hierdie Artikel word enige plek ('n menslike by of van 'n my van myself), waar op gewoelig, konstruksie, uitrusting of maaslike gebruik word of van wyens gebruik set, word deur die ondernemings wat die persone om of plek van ontginning van natuurlike hulpbronne beheer of van enige deel van sodanige plek of plek van ontginning van natuurlike hulpbronne, alleslyklik met die doel om vir die ondernemings te versien die plek of plek van ontginning of die outers van sodanige plek of plek van ontginning van natuurlike hulpbronne:
(a) 'n smeltveld, smeltende, brandende, brandende, smeltende en smelting van enige bestanddeel van 'n dergelike
ARTICLE 5

INCOME FROM IMMOVABLE PROPERTY

1. Income from immovable property may be taxed in the State in which such property is situated.

2. The term "immovable property" shall be defined in accordance with the law of the State in which the property in question is situated. The term shall in any case include property necessary to immovable property, livestock and equipment used in agriculture and forestry, rights to which the provisions of general law respecting landed property apply, usufruct of immovable property and rights to variable and fixed payments as consideration for the working of, or the right to work, mineral deposits, sources and other natural resources; ships, boats and aircraft shall not be regarded as immovable property.

3. The provisions of paragraph 1 shall apply to income derived from the direct use, letting, or use in any other form of immovable property.

4. The provisions of paragraphs 1 and 3 shall also apply to the income from immovable property of an enterprise and to income from immovable property used for the performance of professional services.

ARTICLE 6

BUSINESS PROFITS

1. The industrial or commercial profits of a Venda enterprise shall not be subject to South African tax unless the enterprise carries on a trade or business in South Africa through a permanent establishment situated therein. If it carries on a trade or business as aforesaid, tax may be imposed on these profits by South Africa, but only on so much of them as is attributable to that permanent establishment.

2. The industrial or commercial profits of a South African enterprise shall not be subject to Venda tax unless the enterprise carries on a trade or business in Venda through a permanent establishment situated therein. If it carries on a trade or business as aforesaid, tax may be imposed on these profits by Venda, but only on so much of them as is attributable to that permanent establishment.

3. Except in the circumstances contemplated in paragraph 4 of this Article, where an enterprise of one of the States carries on business in the other State through a permanent establishment situated therein, there shall be attributed to that permanent establishment the industrial or commercial profits which it might be expected to derive in that other State if it were an independent enterprise engaged in the same or similar activities under the same or similar conditions and dealing at arm's length with the enterprise of which it is a permanent establishment.

4. Where an enterprise of one of the States carries on a business of the type contemplated in Article 4 (2) (f) and that business consists of permanent establishments situated in both States which in terms of Article 4 (7) are deemed to form one mine, quarry or place of extraction of natural resources, the industrial or commercial profits of each such permanent establishment shall be a sum which bears to the total industrial or commercial profits of that mine, quarry or...
place of extraction of natural resources the same ratio as the value of the assets employed in the permanent establishment during the relevant year or period of assessment bears to the total value of the assets employed by the aforesaid mine, quarry or place of extraction of natural resources during that year or period of assessment.

If however the competent authorities of one or both of the States are of the opinion that the aforementioned basis of determining the industrial or commercial profits of one or more of the permanent establishments forming that mine, quarry or place of extraction of natural resources does not give a satisfactory result they may consult together for the purpose of formulating some other mutually acceptable basis on which to determine those profits.

5. In the determination of the industrial or commercial profits of a permanent establishment, there shall be allowed as deductions expenses of the enterprise (other than expenses which would not be allowable if the permanent establishment were a separate enterprise) which are incurred for the purposes of the permanent establishment (including executive and general administrative expenses so incurred, whether in the State in which the permanent establishment is situated or elsewhere.

This paragraph shall not apply where the profits attributable to a permanent establishment are determined on the basis provided for in paragraph 4 of this Article.

6. No profits shall be attributed to a permanent establishment by reason of the mere purchases by that permanent establishment of goods or merchandise for the enterprise.

7. The term "industrial or commercial profits" means income derived by an enterprise from the conduct of a trade or business, including income derived by an enterprise from the furnishing of services of employees or other personnel, but it does not include dividends, interest, royalties (as defined in Articles 9, 13 and 14), or rents effectively connected with a trade or business carried on through a permanent establishment which is an enterprise of one of the States but in the other State, nor does the term include remuneration for personal (including professional) services.

ARTICLE 7
TRANSPORT SERVICES

1. Where—
(a) the Government of one of the States derives profits from operating transport services; or
(b) a resident of one of the States derives profits from operating an international transport service (including traffic between places in any country in the course of a flight, voyage or journey which extends over more than one country) and he is subject to tax in respect thereof in such State,
such profits shall be exempt from tax in the other State.

Notwithstanding the provisions of item (b) of paragraph 1, where a resident of one of the States derives profits from operating transport services solely in the other State, or between the other State and a third country (not including the first-mentioned State), and he is subject to tax in respect thereof in such other State, such profits shall be exempt from tax in the first-mentioned State.

of plek van ontginning van natuurekte hulpbronne as van die waarde van die bates gebruik in die permanente onderneemdom geleërande die betrokke jaar of tydperk van aanspraak staan tot die totale waarde van die bates gebruik deur voornoemde mine, steenoors of plek van ontginning van natuurekte hulpbronne geleërande daardie jaar of tydperk van aanspraak.

Indien die betrokke overhede van en en van of afdeel die State getoë van mening is dat vooroordeelde basis vir die bepaling van die onderneemings of handels- winste van een of meer van die permanente plek van ontginning van natuurekte hulpbronne nie in bevoegde gevallen toepasbaar nie dan kan buite passentewerk herhelsing met die deel van 'n ander onderlinge openbare houds te formuleer vir die bepaling van dié winste:

1. By die bepaling van die onderneemings of handels- winste van in permanente plek, word as afdaalings toegeken inkomste van dié onderneming tot uitsondering van kloof wat nie aanbieding van dié plek nie en dié permanente plek nie. Onderneemings- inkomste wat nie vir die doeleindes van die permanente plek aangegaan is, met inbegrip van bestuurs- en algemene administrasie-Inkomste, behoort in die State waarin die permanente plek gelei is, of elders.

Hierdie paragraaf geld nie waar die inkomste wat as 'n permanente plek toegestry kan word, voorafstand word aan die basis waaraan veral 4 van hierdie Artikel vooroordeelde maak nie.

6. Goem inkomste word aan 'n permanente plek toegestry uit heids van oor die aankoop deur dié permanente plek van goederen of handelsware vir die onderneming nie.

7. Die term "ondernemings- of handelswinstes" beteken inkomste dui in onderneming verkry uit die doel van handeel of besigheid, inbegrip inkomste verkry deur 'n onderneming uit die levering van dienste van verbruikers of ander persoon, met uitgawe van dividend, rents en salaris (as gekry in Artikels 9, 10 en 11) en bybrood, verbruikskoste, rentes, royalties of rents effektief met 'n trade of business gedaan waarin 'n permanente plek in die ander State gelei is.

1. Wanneer—
(a) de Regering van een van die State winste uit die elektriese van vervoerdiens verkry; of
(b) 'n inkomste van een van die State winste verkry uit die elektriese van internasionale vervoerdiens (met inbegrip van verkeer tussen plekke in enige land in die loop van 'n vlug of reis wat oor meer as 'n land streek) en hy ten opsigte daarvan aan belasting in andere Staat onderhavig is; word sodanige winste van belasting in die ander Staat vergelyk.

2. Ondanks die bepaling van item (b) van paragraaf 1, word winste wat deur een van die State verkry word as gevolg van elektriese of vervoerdiens in die ander Staat of tussen die ander Staat en 'n derde, of ene die diesese Staat en wat ten opsigte daarvan aan belasting onderhavig is in die ander ander Staat van die Staat vergelyk in die diesese Staat.
ARTICLE 8
ASSOCIATED ENTERPRISES

Where—

(a) an enterprise of one of the States participates directly or indirectly in the management, control or capital of an enterprise of the other State; or

(b) the same persons participate directly or indirectly in the management, control or capital of an enterprise of one of the States and an enterprise of the other State;

and in either case conditions are made or imposed between the two enterprises in their commercial or financial relations which differ from those which would be made between independent enterprises, then any profits which would, but for those conditions, have accrued to one of the enterprises, but, by reason of those conditions, have not so accrued, may be included in the profits of that enterprise and taxed accordingly.

ARTICLE 9
DIVIDENDS

1. Dividends paid by a company which is a resident of one of the States to a resident of the other State may be taxed in that other State.

2. However, such dividends may be taxed in the State of which the company paying the dividends is a resident, and according to the law of that State, but the tax so charged shall not exceed 15 per cent of the gross amount of the dividends.

3. The provisions of paragraph 2 shall not affect the taxation of the company in respect of the profits out of which the dividends are paid.

4. The term "dividend" as used in this Article means income from shares or other rights, not being debt claims, participating in profits, as well as income from other corporate rights assimilated to income from shares by the taxation law of the State of which the company making the distribution is a resident and also includes any other amount (other than royalties referred to in Article 11 of this Agreement) which, under the law of the State of which the company paying the dividends is a resident, is treated as a dividend or distribution of a company.

5. The provisions of paragraphs 1 and 2 shall not apply if the recipient of the dividends, being a resident of one of the States, has, in the other State, of which the company paying the dividends is a resident, a permanent establishment effectively connected with the holding by virtue of which the dividends are paid. In such a case, the provisions of Article 6 shall apply.

ARTICLE 10
INTEREST

1. Interest which is taxable according to the law of both States, and is paid or payable to a resident of one of the States, may be taxed in that State.

2. Such interest may also be taxed in the other State, but the tax charged by that State shall not exceed 15 per cent of the gross amount of the interest.

ARTICLE 8
VERWANTE ONDERNEMINGS

Wanneer—

(a) 'n onderneming van een van die State reg- strekke of onregstrekke in die besit van, behoeft oor of kapitaal van 'n onderneming van die ander State deel te het of

(b) direkte of versoed strekke of ongerestrekke in die besit van, behoort oor of kapitaal van 'n onderneming van een van die State en 'n onderneming van die ander State deel te het;

en in al of enige van die gevallen voorwaarde dat die twee ondernemings met betrekking tot hul handels of finansiële verhoudings geseël of ongeseël word volgens die wet van die State van onderskeie ondernemings geseël en behoort te word, kan die belasting wat op enige onderneming van daardie voorwaarde aan een van die ondernemings sou toegedel het, maar enige van daardie voorwaarde nie altyd toegedel het nie, by die winste van daardie onderneming ingesluit en dienoeenvloeiende belas word.

ARTICLE 9
DIVIDENDE

1. Dividende betaal aan 'n invomer van die ander State deur 'n maatskappy wat 'n invomer van een van die State is, kan in daardie ander State belas word.

2. Die Staat waarvan die maatskappy wat die divi- dende betaal, 'n invomer is, het die reg om sodae- nige dividende ooreenkoms met daardie invomer te belas, maar die belasting wat alders opgedeel word, mag nie 15 per- cent van die brutobedrag van die dividende te bowe gaan nie.

3. Die bepaling van paragraaf 2 raak nie die belas- ting van die maatskappy ten opsigte van die winste waaruit die dividende betaal word nie.

4. Die uitdrukking "dividende" roos in hierdie Arti- kel gebas, beteken inkomste uit aandeel of ander winstbragende regte, wat nie skuldig is nie, asook inkomste uit ander regtse regmerkte wat beter in die belastingwet en reg van die Staat waarvan die maats- kappy wat die winst oor die handel, 'n invomer is, met inkomste uit aandeel of ander regtse regmerkte en dit sluit ook in enige ander bedrag (uitsluitend ten deure van die Staat van die onderneming) wat ingevolge die wet van die Staat waarvan die dividendebehalende maatskappy 'n invomer is, as 'n dividende of 'n uit- kering van 'n maatskappy beheer word.

5. Die bepaling van paragraaf 1 en 2 is nie van toepassing nie indien die ontvang van die dividende 'n invomer van een van die State is en in die ander Staat, waarvan die maatskappy wat die dividende betaal, 'n invomer is, in permanente saak het die effektyf verbonden in die handel waarvan die dividende betaal word. In so 'n geval is die bepaling van Artikel 6 van toepassing.

ARTICLE 10
RENTE

1. Rente wat belasbaar is ooreenvloeiend met die wet- van elke State en wat belas of belaste word aan 'n invomer van een van die State, kan in daardie State belas word.

2. Sodoende kan ook in die ander State belas word, maar die belasting wat deur daardie Staat opgedeel word, mag nie 15 per cent van die brutobedrag van die rente te bowe gaan nie. Die eeregenomen...
The first-mentioned State shall allow credit for so much of the tax of the other State as does not exceed the amount of its own tax.

3. The term "interest" as used in this Article means income from money lent and shall include income deemed by the taxation law of the States to be income from money lent.

4. The provisions of paragraphs 1 and 2 shall not apply if the recipient of the interest, being a resident of one of the States, has in the other State a permanent establishment, and the indebtedness on which the interest is paid or payable is effectively connected with a business carried on through that permanent establishment. In such a case, the provisions of Article 6 shall apply.

5. Where, owing to a special relationship between the payer and the recipient or between both of them and some other person, the amount of the interest paid or payable, having regard to the debt-claim for which it is paid, exceeds the amount which would have been agreed upon by the payer and the recipient of the interest in the absence of such relationship, the provisions of this Article shall apply only to the last-mentioned amount. In that case, the excess part of the payments shall remain taxable according to the law of each State, the regard being had to the other provisions of this Agreement.

6. The provisions of this Article shall not apply if the indebtedness in respect of which the interest is paid or payable was created or resumed solely for the purpose of taking advantage of this Article and not for bona fide commercial reasons.

ARTICLE 11
ROYALTIES

1. Royalties which are taxable according to the law of one State, but which have their source in the other State, may be taxed in that other State.

2. Such royalties may also be taxed in the first-mentioned State, but the tax charged by that State shall not exceed 15 per cent of the gross amount of such royalties. The State in which the royalties have their source shall allow credit for so much of the tax of the other State as does not exceed the amount of its own tax.

3. The term "royalties" as used in this Article—
   (a) means payment of any kind received as a consideration for the use of, or the right to use, any copyright of literary, artistic or scientific work (including cinematograph films and films or tapes for radio or television broadcasting), any patent, trade mark, design or model, plan, secret formula or process, or for the use of, or the right to use, industrial, commercial or scientific equipment, or for information concerning industrial, commercial or scientific experience, but
   (b) does not include any amount paid in respect of the operation of a mine, oil well or quarry or of any other extraction of natural resources.

4. The provisions of paragraph 1 shall not apply if the recipient of the royalties, being a resident of one of the States, has in the other State in which the royalties arise a permanent establishment with which

Staat verleen krediet vir soveel van die belasting van die ander Staat as wat nie die belasting van sy die belasting te bove gaan nie.

3. Die uitdrukking "rente" soos in hierdie Artikel gebrui, betekens inkomste wat geld in die vorm van rente of dekremisse aan in die ander die belasting van die die belasting van die Staat gereg inkomste te was wat so gered is ontgeloof.

4. Die bopasings van paragraaf 1 en 2 is nie van toepassing nie indien die ontvangaar van die rente 'n inwoner van een van die State is en hy in permanente saak in die ander Staat has en die verplichting ten opsigte waarvan die rente betal word of betraalbaar is dit geskep of ontstaan is ten berge van die ander Staat, wat in hierdie geval nie van toepassing is nie.

5. Wanneer en opvolging van 'n besondere verband tussen die ontvanger en die ontvangaar van rente, wat als bedrag van die rente betaal of betaalbaar is, met inkomste van die bedrag ten opsigte waarvan dit betaal word, die belasting te bove gaan wat waarmee die ontvanger en die ontvangaar van die rente in gesprek of in die verhaal van die Ontvanger van die rente die belasting van die ander Staat betal is, betekenis van die ontvanger van die rente ten berge van die ander Staat, wat in hierdie geval nie van toepassing is nie.

6. Die bopasings van hierdie Artikel is nie van toepassing nie indien die ontvangaar van die rente ten berge van die andere Staat volgens die wet van die ontvanger van die rente betaal word, maar nie van toepassing nie.

ARTIKEL 11
TANTJEMES

1. Tantjemes wat betaal word, is ooreenkomstig die wette van een Staat, maar wat in hul karm in die ander Staat betaal word, wat in die wet van die ander Staat betaal word.

2. Sodanige tantjemes wat betaal word, wat in hul karm in die ander Staat betaal word, mag nie 15 persent van die bruto bedrag van sodanige tantjemes te bove gaan nie. Die Staat waarin die tantjemes ontstaan het, verleen krediet vir soveel van die belasting van die ander Staat as wat die belasting van die belasting te bove gaan nie.

3. Die uitdrukking "tantjemes" soos in hierdie Artikel genoem —
   (a) beteken belastingen van enige aard ontstaan as vergoeding vir die gebruik van, of reg op die gebruik van, enige bletse van 'n letterkundige, kunst- of wetenskaplike werk (met inbou van dekremisse of bestan van beroep of bruin van enige radiotelevisieuitset, enige patent, handelsmerk, ontwerp of model, plan, geheime formula of proses, of die gebruik van, of die reg op die gebruik van wiskunde, handels- of wetenskaplike uitset, of die bruin van wiskunde, handels- of wetenskaplike onderzoek of verëie) of enige ander wetenskaplike werk of wetenskaplike onderzoek ten berge van die Staat waaraan die tantjemes ontstaan is.
   (b) sluit nie enige belasting in wat ten opsigte van die expolitie van enige reus van diens of gebruik van enige ander wetenskaplike werk of wetenskaplike onderzoek ten berge van die Staat waaraan die tantjemes ontstaan is.

4. Die bopasings van paragraaf 1 is nie van toepassing nie indien die ontvangaar van die tantjemes 'n inwoner van een van die State is en in die ander Staat waarin die tantjemes ontstaan in permanente saak het.
the right or property giving rise to the royalties is effectively connected. In such a case, the provisions of Article 6 shall apply.

5. Where, owing to a special relationship between the payer and the recipient or between both of them and some other person, the amount of the royalties paid, having regard to the use, right or information for which they are paid, exceeds the amount which would have been agreed upon by the payer and the recipient in the absence of such relationship, the provisions of this Article shall apply only to the last-mentioned amount. In that case, the excess part of the payments shall remain taxable according to the law of each State, due regard being had to the other provisions of this Agreement.

ARTICLE 12

LIMITATION OF ARTICLES 9, 10 AND 11

International organisations, organs and officials thereof and members of a diplomatic or consular mission of a third State, being present in one of the States, are not entitled, in the other State, to the reductions of or exemptions from tax provided for in Articles 9, 10 and 11 in respect of dividends, interest and royalties arising in that other State. If the said items of income are not liable to a tax on income in the first-mentioned State,

ARTICLE 13

INDEPENDENT PERSONAL SERVICES

1. Income derived by a resident of one of the States in respect of professional services or other independent activities of a similar character performed by him in the other State may be subjected to tax in that other State.

2. The term "professional services" includes independent, scientific, literary, artistic, educational or teaching activities as well as the independent activities of physicians, lawyers, engineers, architects, dentists and accountants.

ARTICLE 14

DEPENDENT PERSONAL SERVICES

1. Subject to the provisions of Articles 15, 17, 18 and 19, salaries, wages and other similar remuneration derived by a resident of one of the States in respect of an employment shall be taxable only in that State unless the employment is exercised in the other State. If the employment is exercised in the other State, such remuneration as is derived therefrom may be taxed in that other State.

2. Notwithstanding the provisions of paragraph 1 of this Article, remuneration derived by a resident of one of the States in respect of an employment exercised abroad on behalf of a non-resident in international traffic shall be taxable only in the State.

ARTICLE 15

DIRECTORS' FEES

Directors' fees and similar payments derived by a resident of one State in his capacity as a member of the board of directors of a company which is a resident of the other State may be taxed in that other State.
ARTICLES 16, 17, 18, 19

ARTISTES AND ATHLETES
Notwithstanding the provisions of Articles 14 and 15, income derived by public entertainers such as actors, motion picture stars, radio or television artists, and musicians and by any other from their personal activities as such, may be taxed in the State from which these activities are exercised.

ARTICLE 17
PENSIONS

1. Any pension (other than a portion of the kind referred to in paragraph 2 of Article 17) and any annuity, derived from sources within South Africa by an individual who is a resident of Venda and subject to Venda tax on the whole or a portion thereof, shall be exempt from South African tax to the extent that it is included in income for Venda tax purposes.

2. Any pension other than a portion of the kind referred to in paragraph 1 of Article 17 and any annuity, derived from sources within South Africa by an individual who is a resident of South Africa and subject to South African tax on the whole or a portion thereof, shall be exempt from Venda tax to the extent that it is included in income for South African tax purposes.

3. The term "annuity" means a fixed sum payable periodically at stated times, during life or during a specified or ascertainable period of time, under an obligation to make the payments in consideration of money paid.

ARTICLE 18
GOVERNMENTAL FUNCTIONS

1. Remuneration (other than pensions) paid by one of the States to any individual for services rendered to that State in connection with governmental functions shall be exempt from tax in the other State if the individual is not required by the law of that State to render those services.

2. Any pension paid out of the funds of any individual for services rendered to any State in connection with governmental functions shall be exempt from tax in the other State in so far as the remuneration for those services was not paid from tax in that State under paragraph 1 of this Article or would have been so exempt if the recipient had been in that State at the time when the remuneration was paid.

3. The provisions of this Article shall not apply to payments in respect of services performed in connection with any trade or business carried on by either of the States for purposes of profit.

4. For the purpose of this Article, the term "State", in the case of South Africa, includes the Administrations of the Provinces of South Africa, the South African Railways and the Department of Posts and Telecommunications.

ARTICLE 19
STUDENTS

Payments which a student or business apprentice from one of the States who is present in the other State solely for the purpose of his education or training receives as part of the purpose of his maintenance, education or training shall not be taxed in that other State, provided that such payments are made to him from sources outside that other State.
ARTICLE 20
INCOME NOT EXPRESSLY MENTIONED

Items of income not dealt with in the foregoing provisions of this Agreement derived by a resident of one of the States who is subject to tax in that State in respect thereof shall be subject to tax only in that State.

ARTICLE 21
METHODS FOR ELIMINATION OF DOUBLE TAXATION

1. Where South African tax is payable under the law of South Africa and in accordance with this Agreement, whether directly or by deduction, on income derived from sources in South Africa by a resident of Venda and that tax is borne by him, Venda shall either impose no tax on that income or shall, subject to such provisions (which shall not affect the general principle hereof) as may be enacted in Venda, allow as credit against any Venda tax payable in respect of that income so much of the South African tax as does not exceed the Venda tax.

2. Where Venda tax is payable under the law of Venda and in accordance with this Agreement, whether directly or by deduction, on income derived from sources within Venda by a resident of South Africa, and that tax is borne by him, South Africa shall either impose no tax on that income or shall, subject to such provisions (which shall not affect the general principle hereof) as may be enacted in South Africa, allow as a credit against any South African tax payable in respect of that income so much of the Venda tax as does not exceed the South African tax.

ARTICLE 22
NON-DISCRIMINATION

1. The nationals of one of the States, whether they are residents of that State or not, shall not be subjected in the other State to any taxation or any requirement connected therewith which is other or more burdensome than the taxation and connected requirements to which nationals of that State in the same circumstances are or may be subjected.

2. The term "nationals" means—

(a) all individuals possessing the nationality of one of the States;

(b) all legal persons, partnerships and associations deriving their status as such from the laws in force in one of the States.

3. The taxation on a permanent establishment which an enterprise of one of the States has in the other State shall not be less favorably levied in that other State than the taxation levied on enterprises of that other State carrying on the same activities.

This provision shall not be construed as obliging one of the States to grant to residents of the other State any personal allowances, reliefs and reductions for taxation purposes on account of civil status or family responsibilities which it grants to its own residents.

ARTICLE 23
NIE-DISKRIMINASIE

1. Die burgers van een van die State, hetsy hulle inwoners van daardie Staat of nie, mag nie in die ander Staat onderwerp word aan enige belasting of enige vereiste in verband daarneem wat anders is of onwenners vir die belasting of die daarop verbonde vereistes waaruit die burgers van daardie Staat onder dieselfde omstandighede onderwerp is of onderwerp kan word nie.

2. Die uitdrukking "burgers" beteken—

(a) alle individue wat die burgerskap van een van die State besit;

(b) alle regpersone, vennootskappe en verenigings wat hulle status as sodanig ontleen aan die wette wat in een van die State van kracht is.

3. Die belasting op "permanente seë" wat in onderneem van een van die State in die ander Staat hou, mag nie in die ander Staat op "minder gunstige" wyse gedra nie en die belasting wat gedra word op onderneemers van daardie ander Staat van dieselfde bedrywighede bedryf nie.

Hierdie belasting word nie uitgelê as die een van die Staat verplig om, vir belastingdoeleinders, aan inwoners van die ander Staat uit boodse van burgerlike status of gesitueerders van personele toelatings, verligtings en verminderings toe te staan wat hy aan sy inwoners toestem nie.
ARTICLE 23

MUTUAL AGREEMENT PROCEDURE

1. Where a resident of one of the States considers that the actions of one or both of the States result or will result for him in taxation not in accordance with this Agreement, he may, notwithstanding the remedies provided by the national laws of those States, present his case to the competent authority of the State of which he is a resident.

2. The competent authority shall endeavour, if the objection appears to it to be justified and if it is not itself able to arrive at an appropriate solution, to resolve the case by mutual agreement with the competent authority of the other State, with a view to the avoidance of taxation not in accordance with this Agreement.

3. The competent authorities of the States shall endeavour to resolve by mutual agreement any difficulties or doubts arising as to the interpretation or application of this Agreement. They may also consult together for the elimination of double taxation in cases not provided for in this Agreement.

4. The competent authorities of the States may communicate with each other directly for the purpose of reaching an agreement in the scope of the preceding paragraphs. When it seems advisable in order to reach agreement to have an oral exchange of opinions, such exchange may take place through a commission consisting of the competent authorities of each of the States.

ARTICLE 24

EXCHANGE OF INFORMATION

The competent authorities of the States shall exchange such information (herein information which is at their disposal under their respective taxation laws or which they are in a position to obtain under their own law) as is necessary for carrying out the provisions of this Agreement, in particular for the prevention of fraud, or for the administration of statutory provisions against legal avoidance in relation to the taxes which are the subject of this Agreement. Any information so exchanged shall be treated as secret but may be disclosed to persons (including a court or administrative body) concerned with assessment, collection, enforcement or prevention in respect of taxes which are the subject of this Agreement. No information shall be exchanged which would disclose any trade, business, industrial or professional secret or any trade process.

ARTICLE 23

PROCEDURE VIR Onderlinge Ooreenkoms

1. Wanneer 'n inwoner van een van die State van mening is dat die optrede van een van of albei die State tot gevolg het of sal het dat hy nie ooreenkoms in hierdie Ooreenkoms behels word nie, kan hy, onderskeiende die regtlike middels waarop voorraiding gemaak word by die beheerder van bepaalde Staat, sy aangelasting aan die bevoegde overseer van die Staat waarvan hy 'n inwoner is.

2. Die bevoegde overseer moet, indien die bezwaar vir hom geregtig is en hy nie self 'n gesprekse oplossing kan vind nie, probeer om die stryd deur onderlinge ooreenkoms met die bevoegde overseer van die ander Staat uit te maak ten einde belasting te verminder wat nie in ooreenkoms met hierdie Ooreenkoms is nie.

3. Die bevoegde overseer van die Staat moet prober om enige moeilikheid of twyfel wat in verband met die uitvoering of toepassing van hierdie Ooreenkoms ontstaan, deur onderlinge ooreenkoms uit die weg te nim. Hulle kan met die aandag op die invoering van dienslike belasting in gevalle waarvoor daar nie in hierdie Ooreenkoms voorraiding gemaak is nie.

4. Die bevoegde overseer van die Staat kan regstreks met mekaar in verband met een tot einde in ooreenkoms te stel en in die voorafgaande paragraaf aangegaan prober. Wanneer dit blyk dat die mondelinge vordering van sekerheid raasdaarm is tot einde in ooreenkoms te gebring, kan sodanige meningsverskille plaasvind deur in kommissie bestaande uit die bevoegde overseer van albei State.

ARTICLE 24

UITRUI VAN INLIGTING

Die bevoegde overseer van die Staat ruil sodanige inligting uit tot wêreldwys inligting wat ingevolge van hierdie Ooreenkoms, veral ter voorkoming van bedrog, of vir die toepassing van wetgewings teen wetlike ondikkering in verband met die betalings waarop hierdie Ooreenkoms handel, medegedeel word. Alles ongeureerde inligting moet in 'n geheim behandel word en moet vanaf die digt of administratiewe proceduur behouden word. Invordering of afdwing van dergelyke inligting met betrekking tot belasting of ander hierdie Ooreenkoms handel, mag geskied as 'n geheime procedures ten einde die beheerder van sekerheid in die staat van sekerheid te bring.
ARTICLE 25
DIPLOMATIC AND CONSULAR OFFICIALS

Nothing in this Agreement shall affect the fiscal privileges of diplomatic or consular officials under the general rules of international law or under the provisions of special agreements.

ARTICLE 26
ENTRY INTO FORCE

This Agreement shall enter into force on the date on which both States shall have completed such procedures as are necessary to give this Agreement the force of law in each State and shall thereafter have effect—

(a) in Venda—
(i) as respects taxes on income, for any year of assessment beginning on or after 1 March 1979;
(ii) as respects non-resident shareholders’ tax on dividends payable on or after 13 September 1979;
(iii) as respects non-residents tax on interest, on interest payable on or after 13 September 1979;

(b) in South Africa—
(i) as respects taxes on income, for any year of assessment beginning on or after 1 March 1979;
(ii) as respects non-resident shareholders’ tax, on dividends payable on or after 13 September 1979;
(iii) as respects non-residents tax on interest, on interest payable on or after 13 September 1979.

ARTICLE 27
TERMINATION

This Agreement shall remain in force until denounced by one of the States. Either State may denounced the Agreement, through the diplomatic channel, by giving notice of termination at least six months before the end of any calendar year after the year 1984. In such event the Agreement shall cease to be effective—

(a) in Venda—
(i) as respects taxes on income, for any year of assessment beginning on or after 1 March in the calendar year next following that in which the notice is given;
(ii) as respects non-resident shareholders’ tax, on dividends payable on or after 1 March in the calendar year next following that in which the notice is given; and
(iii) as respects non-residents tax on interest, on interest payable on or after 1 March in the calendar year next following that in which the notice is given;

(b) in South Africa—
(i) as respects taxes on income, for any year of assessment beginning on or after 1 March in the calendar year next following that in which the notice is given;
(ii) as respects non-resident shareholders’ tax, on dividends payable on or after 1 March in the calendar year next following that in which the notice is given; and
(iii) as respects non-residents tax on interest, on interest payable on or after 1 March in the calendar year next following that in which the notice is given.

ARTIKEL 25
DIPLOMATIEKE EN KONSULAIRE BEAMPTES

Niks in hierdie Ooreenkoms rak nie die fisiele voor- rete van diplomate of konsulaire beamptes inge- volge die algemene reëls van die volkere van ingevolge die bepalings van spesifieke ooreenkomsverse.

ARTIKEL 26
INWERKINGTREDING

Hierdie Ooreenkoms treed in werking op die datum waarop albei State die nodige procedures wat vereis is om hierdie Ooreenkoms te verseker. In ieder Staat moet dit voltooi word, en word dan van krags—

(a) in Venda—
(i) met betrekking tot belasting op inkomste, vir enige aandag in 1979 of na 1 Maart 1979;
(ii) met betrekking tot belasting op buitelandse aandeelhouders, op dividende betaalbaar op of na 13 September 1979;
(iii) met betrekking tot rentebelasting op buite- landers, op rente betaalbaar op of na 13 September 1979;

(b) in Suid-Afrika—
(i) met betrekking tot belasting op inkomste, vir enige aandag in 1979 of na 1 Maart 1979;
(ii) met betrekking tot belasting op buitelandse aandeelhouders, op dividende betaalbaar op of na 13 September 1979;
(iii) met betrekking tot rentebelasting op buite- landers, op rente betaalbaar op of na 13 September 1979.

ARTIKEL 27
OPSIEGING

Hierdie Ooreenkoms hou van krags totdat dit deur een van die State opgeëer word. Elkeen van die State kan die Ooreenkoms langs diplomatishe kanale opse- dire akkoord vanaf die eende van die kalenderjar in 1984, en word dan van belastinging op die termyn 1984 van krags. In die geval se oor die Ooreenkoms in op- van krags te wees—

(a) in Venda—
(i) met betrekking tot belasting op inkomste, vir enige aandag in 1979 en 1 Maart in die kalenderjar wat volg op dié waarin die kennis gegee word;
(ii) met betrekking tot belasting op buitelandse aandeelhouders, op dividende betaalbaar op of na 1 Maart in die kalenderjar wat volg op dié waarin die kennis gegee word, en
(iii) met betrekking tot rentebelasting op buite- landers, op rente wat betaalbaar is op of na 1 Maart in die kalenderjar wat volg op dié waarin die kennis gegee word;

(b) in Suid-Afrika—
(i) met betrekking tot belasting op inkomste, vir enige aandag in 1979 en 1 Maart in die kalenderjar wat volg op dié waarin die kennis gegee word;
(ii) met betrekking tot belasting op buitelandse aandeelhouders, op dividende betaalbaar op of na 1 Maart in die kalenderjar wat volg op dié waarin die kennis gegee word,
(iii) met betrekking tot rentebelasting op buite- landers, op rente wat betaalbaar is op of na 1 Maart in die kalenderjar wat volg op dié waarin die kennis gegee word.
ARTICLE 28
AMENDMENT

Any amendment of this Agreement mutually agreed upon by both Parties shall be effected by the exchange of Diplomatic Notes between them.

In witness whereof the undersigned, being duly authorised by their respective Governments, have signed and sealed the present Agreement.

Done at Pretoria, in duplicate, on the 13th day of August 1979.

O. P. F. HORWOOD, Minister of Finance.
For the Government of the Republic of South Africa.

P. R. MPHEPHU, Chief Minister.
For the Government of Venda.

ARTIKEL 28
WYSIGING

Enige wysiging van hierdie Ooreenkoms waarmee albei partye onderling ooreenkoms het, word aangebring deur Diplomateke Notewareling tussen hulle.

Ten bewys waarvan die ondergeteekende, buite die ooreenkomstig deur hulle onderhewige Regeringe, hierdie Ooreenkoms onderteken en gesig het.


O. P. F. HORWOOD, Minister van Finansies.
Namens die Regering van die Republiek van Suid-Afrika.

P. R. MPHEPHU, Hoofminister.
Namens die Regering van Venda.
Venda aims at free education

THE New Republic Party of Venda has pledged itself to establish a sound educational system which would include free and compulsory education in both primary and post primary schools, the Minister of Education and Culture, Mr E E R Nsevangani, said yesterday.

Addressing the Mulha community in the Yumani District, he said priority was being given to improving the quality of education by providing better physical facilities at schools. More buildings were being erected and furniture, books and audio-visual aids were being supplied.

His department was also aiming to build a Technical High School and develop the Venda College into a University. — Sapa.

2 May 1979

(6) The gold standard (5) The Russian Revolution (4) Reparations (3) The 1941-1945 war


The environmental and world-wide economic "inequality" helped find "solutions" to the "problems" of pollution, destruction of "problems" were appearing, so that today economists are expected to quickly applied after 1945, with considerable success. Meanwhile, new "problems" have appeared a solution, to this problem, the solution was time, it seemed that unemployment was the great economic problem. At this time, the "great depression" of the 1930s. At this time, the great depression peaked.

The 1941-18 war ended an era of general prosperity. The Russian socialists challenged the West, and began an era of upheaval. The Russian socialists challenged the West

SECTION IV: Aspects of Developing Capitalism.

LECTURES: (1) Changes in methods of agriculture (2) Legal institutions, but also in political and legal areas. New institutional changes in methods of production involved changes not only in economic
Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Twenty-eighth day of September, One thousand Nine hundred and Seventy-nine.

M. VILJOEN, State President.

By Order of the State President-in-Council:
A. L. SCHLEBUSCH.

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M. VILJOEN, Staatspresident.

Op las van die Staatspresident-in-rade:
A. L. SCHLEBUSCH.
Govt 'kills' R100m Venda deal

By FLEUR DE VILLIERS

THE Government has killed a R100-million Venda "development deal" with a mysterious Middle East broker, Mr Salim El Hajj, who is believed to be R8-million richer after a similar deal with bankrupt Transkei.

Venda has also been cautioned to stay clear of the shadowy Lebanese financier.

Mr El Hajj announced last year he had sold Transkei an extravagant R50-million loan scheme for "the development of an oil refinery, harbour and international airport".

But later he said his plans were delayed because the bankrupt former homeland could not make the R5-million downpayment.

Struggling

In Pretoria, informed sources said this week that Mr El Hajj had received R5-million from struggling Transkei before it was decided to "postpone" the deal — a charge that he strongly denied.

He has since turned his attentions to the newly independent micro-republic of Venda.

The South African Government moved in quickly when it was reported in the Sunday Times that the then President of Venda, Mr Patrick Maphuna, and two of his Cabinet Ministers had flown to the Lebanon on a secret mission to conclude a R100-million development deal with Mr Hajj.

It advised the Venda government to put some distance between itself and Mr El Hajj.

No payment had been made to Mr El Hajj. Pretoria sources said.

Officials seconded to the Venda Development Corporation are believed to have been impressed by Mr El Hajj, who is Icasa's Middle East agent.

They were instrumental in initially persuading the Venda Government to accept the deal — much to South Africa's annoyance.

The Lebanese banker, who is represented in South Africa by Mrs Emad Jarrar in Liebenberg, signed a promise to find R100-million for four "turnkey" projects including:

- R45-million for an international airport.
- R20-million for roads.
- R20-million for irrigation works.

Mr Liebenberg has acted as an intermediary in other large financial negotiations. In 1977 he arranged a meeting between Dr Robert Smith, the murdered economist and politician, and a mysterious Canadian, Mark Bexa, who was then seeking financial backing for a solar-heating project.

- Official sources in Pretoria say that the cancelled Venda project could have suffered the same inflation as the ill-fated Transkei deal.

Originally billed at between R155-million and R145-million, it is now believed to carry a price tag of R60-million.

The final Venda contract price could be reduced, sources believe, but will not be less than R155-million with interest repayments if Pretoria had no stepped in.

But Mr El Hajj, who is president of the Middle East Commercial and Investment Services and a majority shareholder of a newly registered bank in the Lebanon, the Foreign Trade Bank, hasn't given up.

Speaking from Beirut the Lebanese banker said:

No rights

"They have no right to cancel any deal. It was signed by the President of Venda and two of his Ministers,"

But Venda had no commitment whatsoever to Mr El Hajj", the Sunday Times was told.

The South African Government had advised the Venda authorities that it was not enforceable under international law.

Pretoria has hotly denied claims that the financier was recently "summoned" for talks with Foreign Minister Mr Pik Botha and Senator Owen Horwood, that he had also seen the Prime Minister, Mr P W Botha, and that the Government had approved the deal.

According to informed sources the only Cabinet Minister he met was Mr Pik Botha and that was accidentally. Unknown to Mr Botha, he accompanied a Middle East polit
cal, meeting with the

projects

It is believed that Mr Botha who did not know that Mr El Hajj would be present, told him bluntly that he "wanted nothing to do with him or his projects" and cut the discussion short.

The South African Government is known to be intensely irritated by international "pie-in-the-sky" development projects for independent homelands.

This irritation has played a major role in the recent Pretoria decision to renegotiate its R100-million annual financial aid to the Transkei on a largely project-linked basis — a measure which would give Pretoria a veto right over unrealistic development deals which have cost Unistats dear.

A recent secret memorandum drawn up by the Transkei Secretary for Finance, Mr J Maqubela, after investigations by South African Treasury officials and the Transkei Technical Planning Committee, revealed that the independent homeland had less than R6-million in its coffers, a current deficit of R35-million and was in desperate need of funds to pay the salaries of its 30,000 public servants.
Hajj: Venda warned

3/12/19

EAST LONDON — The South African Government has stepped in to prevent a Middle East broker, who is involved in massive projects in Transkei, from undertaking similar ventures in Venda, according to a report in yesterday's Sunday Times.

The report says Venda has been warned to steer clear of "the shadowy Lebanese financier," Mr. Salim Al Haji.

It says Mr. El Haji is believed to be $8 million richer following his agreement to have his company, Middle East Commercial and Investment Services, finance projects totaling about R200 million in Transkei.

Both he and the Transkei Government have repeatedly denied that he has received advance money for the project, which Mr. El Haji says, has been because of Transkei's inability to pay the R18 million downpayment.

The report says the South African Government has asked the Venda Government to cancel the agreement which it negotiated with Mr. El Haji for R100 million development projects, including an international airport, roads, irrigation works and a casino.

Mr. El Haji also undertook to finance an international airport in Transkei, as well as a harbour and oil refinery at Mazempe Bay. Total repayments on the projects over 16 years were expected to total R350 million.

The Sunday Times report said the South African Government was known to be intensely irritated by international "pie in the sky" development projects for independent homelands. It said this irritation had played a major role in Pretoria's decision to renegotiate its $100 million annual financial aid to Transkei on a project-lagged basis, a measure which would give Pretoria a right to veto unrealistic development deals which have cost Umkota dear.

Attempts to contact the Transkei Prime Minister, Chief George Matanzima, or his Minister of Foreign Affairs, Mr. Dubey Koyana, for comment on the report were unsuccessful yesterday. Both were believed to be on holiday on the Transkei coast. — DDR.
H'LANDS - Venda General
1-1-80 - 31-12-80
Now Iscor fires the man from Beirut

MR SALIM EL HAJJ, the controversial Lebanese businessman who is still battling to save his R100-million development deal with Venda in the face of strong opposition from the South African Government, has now been fired by Iscor as its agent in the Middle East.

Mr El Hajj has for several years held the multimillion rand agency in the Middle East for South African steel and timber.

Informed sources told the Sunday Times this week that he was appointed Iscor's agent in the Middle East in the belief that he had the recommendation of the South African Government.

Following disclosure of his Venda deal, Iscor had rechecked Mr El Hajj's credentials and decided to cancel its agency contract with him.

Advice

Iscor's new general manager, Mr R R Rumelin, confirmed that he had cancelled Mr El Hajj's agency on December 18 — within days of the South African Government having advised the Venda Government to pull out of its deal with Mr El Hajj.

Mr El Hajj had the sole agency for Iscor steel in all Middle Eastern countries except Iran and Egypt.

Mr Rumelin also confirmed that he had called for an investigation of Mr El Hajj's credentials.

In Umtata this week, Transkei's Prime Minister, Mr George Matanzima, is reported to have confirmed that Transkei is to continue with its R450-million deal with Mr El Hajj.

Venda is believed to be pulling out of its R100-million deal with the Middle East businessman because of advice from the South African Government that, while the deal was signed by the President, Mr Patrick Ntimphakuphu, and two of his ministers, the necessary constitutional procedures to make the contract binding on the Venda Government had not been complied with.

Mrs Emmerentia Liebenberg, who was involved in some of the negotiations between Mr El Hajj and the Venda Government, said this week she was not his representative in South Africa, as the Sunday Times reported last week.

She was representing an American construction management company that hoped to obtain the contract for supervising construction of projects on behalf of the Venda Government.

Mr El Hajj's company, Middle East Commercial and Investment Services, has an office in Johannesburg managed by Mr Gert Botha, formerly project manager of Iscor's Salamis Bay project.
HUNDREDS IN VENDA CRISIS

They have passed 1C and must now start work.
The tuberculosis incidence has diminished much in some areas, e.g. the members of the 1912-14 Tuberculosis Commission found that there was a case incidence of 5.38 per thousand and a death rate of 2.15 per thousand per annum on De Beers mines, while the annual wastage rate of indentured Indians who did most of the heavier work on coal mines was 23.15 per thousand male employees, the mortality figure being 7.36 and repatriation rate 15.79. The incidence on other mines, in urban locations and on mission stations was also high.

These figures are not comparable to the annual infection rates or notification rates. An idea of the present situation can be gained from surveys undertaken by the Medical Research Council. 'The annual infection risk has come to be accepted as the best criterion by which the TB situation can be assessed'.

| TABLE 3:  | ANNUAL INFECTION RATES FOR TUBERCULOSIS |
| Area     | ESTIMATED ANNUAL INFECTION RATE - % OF UNINFECTED POPULATION | ESTIMATED PREVALENCE (RADIOLOGICAL EVIDENCE) |
| Transkei 1972 | 7.5% | 19.0% |
| Transkei 1977 | 4.3% |      |
| East London | 7.6% |      |
| Ciskei     | 4.2% |      |
| Port Elizabeth | 4.2% |      |
| Germiston  | 2.3% |      |
| Nophuthatswane | 2.0% |      |
| Kimberley  | 2.0% |      |
| Kimberley 'Coloured' | 0.8% |      |
| Kimberley White | 0.12% |     |
| Johannesburg | 1.9% |      |
| Gazankulu/Venda | 1.3% |      |
| KwaZulu    | 1.3% |      |
| Lebowa     | 1.1% | 1.1% |

Figures are for Africans, unless otherwise specified.

Sources: Annual Reports of the Tuberculosis Research Institute, Medical Research Council of South Africa, and P. Burney (*56, Vol.2).
Venda starts training of 120 recruits

By MATHATA TSEDU

A NEW batch of 120 recruits for the Venda National Force (VNF) started basic training in Sibasa yesterday.

This is the first group of trainees since the homeland was granted "independence" last year.

Their training period will be officially opened this afternoon by the Paramount Chief Patrick Mphephu, who is commander-in-chief, according to the VNF's Brigadier T. R. Mulaudzi.

The 450-strong force is responsible for combating crime, preservation of internal security, traffic control, prisons and defence.
Leader Tells Venda

Be Fearless Venda

President's speech at Venda is cheered by Venda.
Black states appoint SMB

By HAROLD PRIDIAHON

SOUTH AFRICAN merchant banks are increasingly becoming involved in assisting the independent black states of Southern Africa project their image on the local capital market.

Standard Merchant Bank did a first class job in presenting the Bophuthatswana Government by supporting the floating of a R15-million long-term loan with a brochure which analysed the economic development of the country and its mineral resources and by introducing Bophuthatswana personalities to representatives of institutions in Johannesburg and Durban.

I learned yesterday that SMB is making further progress in this specialised market. As lead bank, Standard Merchant, together with Standard, have been appointed to service the Transkei Government for a period of five years. And SMB alone has a similar appointment to the Government of Venda.

Neither of these two governments feature on the current public sector loans programme for the current year. Transkei was supposed to come to the market last year but it was deemed unwise to float a loan until the finances were satisfactory.

It is understood that SMB will undertake a close investigation of the economies of the two countries before approaching the market.
Venda chief's unity call

TROHOYANDOU, The Venda President, Paramount Chief Patrick Mphupho, yesterday, called on South Africa, Transkei, Bophuthatswana and Venda to form the nucleus of a constellation of southern African states, setting a precedent for other states.

Speaking at the opening of the second session of the first Venda National Assembly, he said the constellation idea, as propounded by the South African Prime Minister, Mr. P.W. Botha, was "going too slow and has remained just an idea for too long."

Venda believed the idea could transform southern Africa into a powerful economic giant, but felt "very strongly" that the movement towards a constellation of states was going too slow.

"If it succeeds, undoubtedly the other states of Southern Africa will join," the President said.

"Referring to the non-recognition of Venda by the international community, the President said he regretted recognition had not been achieved."

He condemned the UN Security Council and said that body "had closed its eyes to Venda and all governments had to recognize Venda."

"We are being condemned and vilified for having achieved independence peacefully," the President said.

"Although we regret the unjustified onslaught against us by the UN through, we are pleased, however, that the Security Council took notice of the existence of an independent Venda."

"Venda, in the long run, will be a blessing in disguise."

"Venda will have to rely to a greater extent on her own industry and resources, a challenge with which I call on all Venda people to accept with determination, conviction and with a willingness to work hard and make sacrifices.""

On Rhodesia, he said his government was "highly impressed when the cessation agreement was signed between the warring factions of that country."

"Referring to land consolidation," Chief Mphupho said this was now urgent because Venda was independent.

"My government regards the question of land consolidation as of paramount importance and undertakes to continue the process for more equitable sharing of land, so that Venda be consolidated into one block.

"In view of the importance of this, I have appointed a land commission to investigate and bring out a report in this matter."

Meanwhile, Chief Mphupho
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* TOTAL NUMBER OF STUDENTS: 2

DEAN

REGISTRAR (ACADEMIC)
Venda opposition wants to merge

By Manthatha Tsedu

THE leader of the Venda opposition, Mr B M Mudau, yesterday called for a merger of his party with the ruling Mphethu led Venda National Party and said their differences were "artificial" and "luxury" that Venda cannot afford.

Opening the no-confidence debate in the National Assembly, Mr Mudau said a multi-party system created division, disharmony and political hatred in the country and added that there is a movement to avoid Venda 1.

Mr Mudau said Venda was placed in a strategic position through which infiltrators from outside are going to pass. "If we are not united, if we are as divided as we are, if the people have no confidence in us, then how are we going to fight the onslaught?" he asked.

He said the multi-party system was suitable for countries with a large population and intellectually well balanced representation in parliament. He said the VNP was composed of chiefs whilst his party had intellectuals who could help improve Venda.

He called on Chief Mphethu to dismiss the entire cabinet for what he said was their "clumsy and weak manner of bargaining the citizenship issue".

Mr Mudau’s new stand was seen by Venda MPs as aspirations for cabinet posts. In his speech, Mr M D Netshirane, formerly of the VIP, said the VIP accepted the hand of friendship but said the VIP should not pre-condition this with the dismissal of the cabinet. The VIP has 29 of the 42 elected seats in the 87-seat National Assembly.
Venda in a tense mood opposition

THOBOYANEDE. — Venda was in "a tense mood" because of the Government's failure to consult with the people, the leader of the opposition Venda Independence Party, Mr. Baldwin Mawu, said in Thoboyane

day yesterday.

In his No Confidence address in the National Assembly, he said ruling Venda National Party members were "too proud of themselves because they were chiefs" and this resulted in those members not consulting the ordinary citizens.

The lack of communication between the ruler and the ruled created tension, mistrust and fear among the people.

The policies of the ruling party were "verkramph" and inhibited free discussions in the country, he said. His party was more exposed to the ordinary citizens and made it its duty to establish points of disagreement among the people.

The Government has made many promises which it has not kept. It will be to the interest of Venda to rid the country of the present Cabinet.

He said that because of the strategic position of Venda it was desirable to have a united nation. "Communism flourishes in an unstable society."

He said foreign forces would want to manipulate the division that existed in the country for their own ends, so it was desirable to have a one-party state.

"Only countries with large populations can afford a two-party state. Venda has too small a population for that luxury," he said.

Earlier, the VIP refused to take part in the election of committees and asked the ruling party to nominate its own members, Sapa.
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**ECT**
Minister raps Mudau

By MATHATHA TSEDU

VENDA Minister of Education, Mr. E.R. Nesengani, yesterday launched a bitter attack on Opposition leader Mr. Baldwin Mudau.

He called the Venda Independence Party boss a man "without conviction and consistent political stand."

Replying to criticisms of his department during the no-confidence debate, Mr. Nesengani said Mudau and his party applied double standards because they are in Soweto when they speak against Venda but change their tune when they come back.

"In 1977 Mr. Mudau said if Venda opted for independence "I will pack my bags and go." But here he is today enjoying the fruits of this independence."

"He is a man with double faces. He has no principles and his leadership is wanting. It is gradually grinding to a standstill. Perhaps that is why he is now saying he wants to go," he said.

Amidst demands by Mr. Mudau that he withdraw the remarks, Nesengani refused and said Mudau used revolutionary tactics when in Soweto and aligned himself with "Black Power" organisations but talked like a patriot when in Venda.

"They delight in making hollow promises, and even before they came here, they promised their supporters that they will merge with us and take over the government. It won't happen," Mr. Nesengani continued.

The attack indicates an apparent rejection by the Venda National Party of efforts by the Opposition to merge with Chief Patrick Mphupho. Chief Mphupho will answer back today.
Remain in Venada

Detention Law To
THOBOTYANDOU
Up to 90 percent of Venda businessmen had failed to pay Sales Tax to date, the Venda Minister of Economic Affairs, Mr. A. A. Tshiyhase, said here yesterday.

Speaking in the National Assembly, he warned that his department had the means to determine with "a great measure of accuracy" the actual sales of any business organisation.

He also warned those who were in arrears with such payments that "punitive steps" would be taken against them and their businesses. It was "wise for them to pay soon," he said. — Sapa.
DEPARTMENT OF COMMERCE AND
CONSUMER AFFAIRS
No. R. 733 11 April 1980
COMPANIES ACT, 1973
DESIGNATION OF CERTAIN STATES
I, Schalk Willem van der Merwe, Minister of Industries and of Commerce and Consumer Affairs, do hereby designate under and by virtue of section 73A of the Companies Act, 1973 (Act 61 of 1973), the States specified in the Schedule hereto as States between the Governments of which and the Government of the

DEPARTEMENT VAN HANDEL EN
VERBRUIKERSAKE
No. R. 733 11 April 1980
MAATSKAPPYWET, 1973
AANWYSING VAN SEKERE STATE
Ek, Schalk Willem van der Merwe, Minister van Nywerheidswe se en van Handel en Verbruikersake, wys hierby kragte Artikel 73A van die Maatskappwyet, 1973 (Wet 61 van 1973), die State vermeld in die Bylæ hiervan aan as State tussen die Regerings waarvan en die Regering van die Republiek ooreenkomste bestaan
Tea from the holy groves of Venda

When Reginald Nenokovani is on an inspection tour through his section of the Talhivase tea plantation, he carefully avoids the short cuts through the indigenous bushes.

When the rain forest was chopped down to make room for 4 million tea bushes, some patches of wood had been left standing, because the Venda insisted on it. They believe that the spirits of their ancestors are at home in these bushes. They must be let alone. Nobody collects firewood here. It happened once that a dry branch broken from a tall tree turned into a poisonous snake and attacked the daring wood collector.

Although there are many paths across the holy places, nobody walks them. They are just kept open for the spirits, who must be able to find their way down to the waters of the Mabaladi River.

Otherwise Reginald Nenokovani is quite an enlightened fellow. He is getting married soon. "Only once," he says. That means he will not follow the still widespread Venda custom of having more than one wife.

His new house, which has been built for him at his section of the estate, which he supervises as a field assistant, is very close to one of these holy groves. But he does not mind that, as long as he does not have to go into the bushes.

With pride and joy he mounts the new motorcycle which was allocated to him recently, to help him carry out his various duties on the tea estate, the first in Venda.

He supervises the planting of new bushes and the plucking of the leaves, which is done by about 700 women right throughout the year.

"We are plucking the bushes which are now three years old, but, of course, we do not yet get full crops, but just wait another few years and we will be in full swing," he says and sets off with a roar to redirect the pluckers to another part of his section.

At midday, the tractors pull full loads of freshly picked leaves to the tea processing factory. The factory is situated right in the middle of the estate. The first production year has been just successfully finished.

Marcus Mpahubhi, senior factory supervisor is waiting the leaves. He knows quite a lot about tea from the inside.

"The process of making tea from the moment the green leaves arrive at the factory to the finished product takes about a full day. From 3 kilos green leaves we make one kilo of tea," he says. "At the last international auction in London our tea was rated the best!"

Proudly he shows some letters from international tea agents and brokers.

They wrote: "Remarkable flavour and quality. Probably the finest flavoured tea ever produced in South Africa. The quality standard is quite exceptional and these tea rates with the finest to be found anywhere. The tea from Talhivase are of a very high standard."

Some Venda already believe that their tea - especially from certain parts of the estate adjacent to the holy groves - is exceptionally tasty, good for your health and the strength of your body.

"Our tea," says Marcus Mpahubhi, while he checks a new batch for style, grails, briskness, and urgency, "is sold to all leading tea packers and distributors in South Africa."

If you should feel extremely well after your next cup of tea, it may well be that Venda tea was in the brew.
January 18, 1961

The Assembly — A Bill enabling the office of the State Attorney of SA to provide its services to other states was taken through all its stages in the Assembly yesterday.

The Bill is aimed at providing these services to the government of Venda.

In his second reading speech, the Minister of Justice, Mr. Alwyn Schlebusch, said the government of Venda had asked that these services be continued until such services could be provided by its own state attorney's office.

The most distressing feature of the whole matter of swept area with hardly a touch of grass or not a trace between all the buildings is that to the barefoot in Swaziland (see p. 3) but it is a bleak, windless, nearly 16,000 men in the zone which are very similar in construction and not all the housing in Langa is at hand as that described above. These

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Note: This accommodation, together with the 50 G.P.0.2, house in the same area.
Service to other states

HOUSE OF ASSEMBLY — A bill in terms of which the office of the State Attorney of South Africa can provide its services to other states was taken through all its stages here yesterday.

The bill is aimed specifically at the provision of the services of the State Attorney to the Government of Venda.

In his second reading speech, the Minister of Justice, Mr Alwyn Schlebusch, said the Government of Venda had asked that the services be continued after it had gained independence in September last year till such services could be provided by its own State Attorney's office.

The bill makes it possible to provide such services to the governments of Independent States.

The measure was supported by all parties in the House. — Sapa
By MATHATHA TSEDU

THE Venda Department of Education has declined to comment on the ruling at a local training college that married students should not wear their marriage rings.

"No comments" from the assistant Secretary for Education, Mr E B T Ravhele, when asked what the departmental attitude was on the issue.

POST reported this week that married students at Tshisimani Training College, Tshakhuma, had been ordered to take off their bridal rings while at school.

The Secretary for Education and the minister were both said to be out of their offices and POST was referred to Mr Ravhele.

The interview went this way:

- We are trying to find out what the department's position is, regarding the wearing of rings by married students at schools in your area.

- Not at any particular school. Just the departmental position on the matter.

- What do you mean by "no comment"?

Answer: I am not commenting.

- We are not asking for your comment, Mr Ravhele. We only want to know what the department's rules are regarding rings.

Answer: I said, no comment.

Mr Ravhele then slammed down the phone.

The decision has been widely criticised by husbands, who said it degraded the dignity of their wives.

The acting principal of the college, Mr L J Boucher, said the college was not for married people.
Price discrimination means that a producer (or seller) will sell his goods to different people at different prices.

Suppose that this demand curve represents the demand curve for a particular producer. We know that at some point on the curve, the elasticity is equal to one and is, in fact, not longer worth his while to drop his price to gain more revenue. Thus, the point $p_4$ and $q_4$ represents his market equilibrium position.

Notice however that at price $p_1$, there are $q_1$ people prepared to buy his commodity at $p_2$, $q_2$ people etc. Thus there is a potential for him to make a revenue of an amount greater than $p_4 \times q_4$, and this potential extra revenue is the area of the triangle ABC which is known as the consumer surplus. If he were to sell every article at a different price he would achieve what is known as perfect discrimination and he would receive the entire ABC area as extra revenue.

There are certain conditions for this discrimination, however. Firstly, this producer must have a control over the supply of the commodity and secondly he must prevent the resale of these articles.

To justify price discrimination, a producer might find himself in a position where his average costs exceed his average revenue at any level of price and quantity. So pay for these costs therefore, he has to
New stamps will celebrate the Venda tea industry

A key industry in Venda is tea cultivation – it is depicted on four new stamps to be issued on May 14, 1980.

Designs by A.H. Barrett highlight four phases of the tea cultivation process from the beginning in a nursery (5c stamp), tea factory (15c) and the final breaking-up of leaves to release the flavour (20c stamp).

These colourful stamps will be available at all post offices in Venda for three months.

On May 14, 1980, a serviced commemorative envelope and collector sheet as well as the stamps will be available at Sibasa, at Philatelic Services and INTERSAPA in Pretoria and also at the following post offices:

Bloemfontein, Cape Town, Carletonville, De Aar, Durban, East London, Florida, George, Germiston, Kimberley, King William's Town, Krugersdorp, Nelspruit, Newcastle, Pietermaritzburg, Pietersburg, Port Elizabeth, Queensboro, Vanderbijlpark and Walvis Bay.

Tea was planted for the first time on a commercial basis in Natal in 1886. However, more lucrative sugar and wattle cultivation led to the abandonment of the project.

In the early 1960s a second start was made to establish a local tea industry. Cultivation commenced in Venda in 1963. By the early 1970s plantations in Natal and the Eastern Transvaal had furnished proof that tea could be grown economically in Southern Africa.

Besides creating job opportunities for blacks in rural areas and effecting savings in foreign exchange, the success of the tea industry has led to the establishment of a tea estate on the banks of the Muthindudlu River where 28ha were planted in 1973.

A tea factory on the estate started production in April 1979.

From the start teas from the estate have enjoyed wide acclaim.

In its second year of production the estate won the shield for the best tea produced in Southern Africa.

When the estate is in full production, 1,300 people will be employed there. From the outset the Venda people, who learn quickly and are stable workers, have been trained in the skills required on a tea estate.

Employees are encouraged to further their studies and the first black was appointed in a managerial position in 1977.

The estate, which will eventually boast more than five million tea bushes, has already produced a tea of a quality that has been acclaimed by the normally conservative London brokers and has elicited statements that it “compares well with the brightest teas currently available from Africa.”
P. G. J. KOORNHOF

By Order of the State President-in-Council:

M. VILJOEN, State President.

On the twenty-fifth day of April, one thousand nine hundred and eighty-five

At the Cape Town, this twenty-fifth day of April, one thousand nine hundred and eighty-five,

I, Peter George Johannes Koornhof, Governor of the Republic of Venda, do hereby order and declare:

That the following persons, or any two of them, are hereby appointed to the office of President of the Republic of Venda:

1. M. VILJOEN
2. P. G. J. KOORNHOF
3. M. M. MACHIKI
4. L. V. D. KRISTENSEN

In fulfilment of the provisions of Section 48 of the Constitution of the Republic of Venda, and in accordance with the provisions of the Constitution of the Republic of Venda, the President is hereby authorised to appoint one or more persons to the office of President of the Republic of Venda, and to perform all other functions and duties conferred on him by the Constitution of the Republic of Venda.

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Regional, not ethnic units, says SADF

By Patrick Laurence and Chris Marais

The four newly-formed black battalions were “regional units” and not ethnic units, a spokesman for the Defence Force said yesterday.

But he conceded that recruits in each unit were drawn predominantly from members of a single ethnic group because they were located in regions where that ethnic group was numerically dominant.

Thus 121 Battalion, with its headquarters at Jozini in Northern Natal, was predominantly Zulu because it operated in an area of Zulu ascendency.

It has been referred to in the Press as the Zulu Battalion.

The three remaining new black battalions operated from bases situated in the areas where the Swayi, Shangaan and Venda were the dominant ethnic groups. They therefore consisted largely of recruits from these ethnic groups.

But, the spokesman said, there was no policy of specifically restricting recruits to one ethnic group in any of these battalions.

A Xhosa or Basotho who happened to live in the recruiting area of, say, Battalion 121 and who wished to be trained as a soldier in Battalion 121 would be free to do so, he added.

The four new battalions have their training headquarters near South Africa’s borders with Mozambique, Swaziland and Zimbabwe and in “black homelands” within South Africa situated near these borders.

In the statement announcing the existence of these new battalions, the Prime Minister and Minister of Defence, Mr P W Botha, spoke of the need of everyone living within South Africa’s borders to contribute to defence of the country.

In a speech in the Senate in March last year, the Deputy Minister of Defence and National, H J Coetsee, anticipated a rise in insurgent activities in rural areas.

“We shall find their depredations increasing in our border areas. Their aim is to influence people and try to win their hearts, minds and their consent, whether by intimidation, whether by a display of force or by kidnappings. We must therefore expect that this will spread in the rural areas. The black people of these regions will also become a target,”

Mr Coetsee then referred to the “critical situation” of unoccupied farms and the exodus of whites from border rural areas.

He added: “The black people also have to look after themselves. They have to help us to spread a geographic presence and to maintain it. In this connection we are developing a concept of regional companies for black soldiers in the South African Defence Force. They will also fulfil the role of a military presence, the showing of the flag, in a specific region.”

The four new black battalions are all concentrated in the north-eastern corner of South Africa, although the north-western corner is also dotted with farms and exposed to infiltration by insurgents operating from Botswana.

The absence of black battalions in the north-western regions may be explained by the presence in that region of the South African-trained Afriqualtana Defence Force, which has already assisted in the interception of insurgents.

It may, however, also mean that the Defence Force fears infiltration into the south-east as a greater long-term danger.
VENDA police are still investigating last week's sabotage of the homeland's radio station, Radio Thohoy-ya-Ndou.

The station was off the air last Thursday evening and Friday morning. The telephone system was also affected. Investigations of the faults revealed that the cables leading from the station had been cut off, according to Venda's Post-Master General, Mr V Ligege.

NO ARRESTS

The commander of the Venda National Force, Brig T R Mulandzi, yesterday said no one had been arrested yet in connection with this incident.

“We are still investigating the slight possibility of sabotage because the cables were lying uncovered in the open near a path where anybody, even a child, could reach them,” he said.

Radio Thohoy-ya-Ndou is Venda's official mouth piece.
ESTABLISHMENT OF A CONSULATE-GENERAL OF THE REPUBLIC OF VENDA AND THE APPOINTMENT OF A CONSUL-GENERAL

It is hereby notified that, with effect from 1 October 1979, a Consulate-General of the Republic of Venda has been established in Johannesburg and recognition has been granted to Mr. Alfred Wilfred Khangale as Consul-General, with the Republic of South Africa as his area of jurisdiction, in anticipation of the receipt of his Commission of Appointment.

[72/237/1 (32)]
PROCLAMATION
by the State President of the Republic of South Africa

No. 97, 1980

PROCLAMATION OF "CONVENTION COUNTRY"

Whereas an agreement was entered into on the 13th day of August 1979, between the Government of the Republic of South Africa and the Government of Venda, in terms of which the necessity was expressed for the uninterrupted continuation of rights in matters pertaining to patents, trade marks and designs after the date of independence of the Republic of Venda;

And whereas the Republic of South Africa undertook, for purposes of the Patents Act, 1978 (Act 57 of 1978), the Trade Marks Act, 1963 (Act 62 of 1963), and the Designs Act, 1967 (Act 57 of 1967), to declare the Republic of Venda as a "Convention Country" as from 12 September 1979;

Now, therefore, under and by virtue of the powers vested in me in terms of section 2 of the Patents Act, 1978 (Act 57 of 1978), section 2 of the Trade Marks Act, 1963 (Act 62 of 1963), and section 17 of the Designs Act, 1967 (Act 57 of 1967), I hereby declare the Republic of Venda to be a "Convention Country" for the purpose of the said Acts.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Twenty-second day of October, One thousand Nine hundred and Seventy-nine.

M. VILJOEN, State President.
By Order of the State President-in-Council:
S. W. VAN DER MERWE.
heroes’ day

likely to

pitch chief
New Venda unit helps protect South Africa

By Chris Freimond
'Mali' Africa Bureau

The addition of an anti-insurrection unit to the Venda National Force (VNF) has added a fifth regional military unit to the defence of South Africa's vulnerable north-eastern border.

The VNF is separate from the Venda battalion under training by South African Defence Force officers at Mafikeng in the newly 'independent' state.

Earlier this year, the Prime Minister, Mr P W Botha, announced the formation of 'ethnic' military units for Venda, KwaZulu, Gazankulu (Shangana) and KwaNdebele (Swazi). They were established to assist in the defence of the borders, mainly in their homeland areas.

The VNF, which is responsible for all law and order in Venda, including prisons, police duties and traffic control, has begun anti-terrorist activities and border duties', according to a report by the force's commander, Brigadier T R Msia. The report was tabled in the Venda Parliament at Thohoyandou.

In an interview, the brigadier, a former South African army security policeman, said he was confident that the VNF, in conjunction with the SADF, could counter any possible guerrilla incursions from Zimbabwe or Mozambique.

The authorised strength of the force has been increased by 23% to 527 since its formation in September last year, and the budget of R3 420 000 for the coming year is up 63% on the previous budget.

There is a South African "buffer zone" of about 5km between Venda and Zimbabwe, and a corridor of between 23km and 59km separating the region from Mozambique. The areas are remote and undeveloped, providing ideal guerrilla infiltration routes.

Transkei and Bophuthatswana also have SADF-trained "ethnic" armies.

At least two black leaders have so far rejected the concept of regional military forces which have been described by military strategy experts as a logical extension of the "homelands" policy.

The Chief Minister of KwaZulu, Chief Gatsha Buthelezi, has refused to be associated with the "Zulu Battalion".

The Chief Executive Councilor of KwaNdebele, Mr M J Nkomo, has also opposed what he sees as ethnic armies.
Students object to being just ‘Oupas’

By MATHATHA TSEDU

STUDENTS at the Venda College of Education at Thohoyandou are up in arms over a white lady teacher's insistence on calling all male students oupa.

The students claim that Miss Heida Giesekke, who is senior science teacher at the college, refuses to call them by names because "she says she has many things to know and do, instead of remembering our names".

Miss Giesekke, daughter of the retired Lutheran Bishop, D W Giesekke confirmed to POST that she called all her male students oupa. "I have done that since 1966 and no one has complained," she said.

One first year student however, told POST that he had objected to being called oupa. "I told her that I am Edward and not oupa. But she told me we were so many and she had so many things to do and cannot remember our names. What surprises me is that the second year students, whom she is supposed to know are also called Oupas," he said.

When pressed further on his objections, the student said there were many reasons. "To start with I am not Oupa and secondly it sickens me to be called what I am not. Thirdly there are rumours that this teacher has a baboon at home called Oupa," he said.

Miss Giesekke vehemently denied owning a baboon or even a monkey named Oupa, but refused to say why she prefers to call students Oupa. "I find it surprising that you should come to me and ask me all this petty rubbish. I have taught hundreds of students since 1966 and no one has complained. You can ask any Venda about my feelings about black people and they will tell you. They always come to me with their complaints and I am always willing to help. I have never possessed a baboon in my life. You can come and look at my yard," she added.
Venda to get casino and dog track

By CHRISS FREIMOND
Southern Africa Bureau

ONE of South Africa’s best-known boxing promoters, Mr Jaap de Villiers, is to establish a casino and greyhound racing track 70km east of Louis Trichardt in Venda. He hopes to attract big-time gamblers from all over the world.

Mr De Villiers has been granted exclusive rights by the Chief Patrick Mphephi’s Venda Government to operate gambling for 40 years in the newly-independent homeland.

The casino and a 200-bed luxury hotel will be built at a cost of probably about R15-million near the Venda capital, Thohoyandou.

Mr De Villiers also plans to build an airport nearby to fly in gamblers.

“This won’t just be a mini-Sun City. We will cater for the tourist, but also for the big-timers from overseas.”

The greyhound track at Independence Stadium in Thohoyandou would be the much-needed competition venue for the more than 2000 greyhounds in South Africa, where racing is prohibited, he said.

The Venda Minister of Economic Affairs, Mr Alfred Sibase, said yesterday that his Government hoped to make tourism one of Venda’s major money earners.

He expects the casino to be open before the end of the year.

Mr De Villiers said he was also negotiating with the Venda Development Corporation (VDC) to buy the corporation’s Thohoyandou Hotel, where he would possibly establish a small casino while the gambling centre was being built.

However, it is understood that some VDC board members are strongly opposed to Mr De Villiers being granted exclusive gambling rights.

The chairman, Mr S L Hartman, who will give details this week when asked about the establishment of the casino.

Mr Sibase said the VDC had approached the Venda Government for a gambling licence, but this was refused because Mr De Villiers had already been granted exclusive rights.

*See Page 9*
AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA AND THE GOVERNMENT OF VENDA FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION OF FISCAL EVASION WITH RESPECT TO TAXES ON INCOME

It is hereby notified that the above-mentioned agreement, published under Proclamation R. 252 in Gazette 6706, dated 19 October 1979, came into force on 30 May 1980.

W. J. H. VAN DER WALT, Commissioner for Inland Revenue.
It's political bribery, says Ntsanwisi

By PATRICK LAURENCE
Southern Africa Editor

PROFESSOR HUDSON NTSANWISI, the Chief Minister of Gazankulu, yesterday accused Pretoria of pursuing a policy of "political bribery" towards its black homelands.

Prof Ntsanwisi, who was largely responsible for last Friday's meeting between homelands leaders and the Prime Minister, Mr P W Botha, was commenting on views expressed by the Minister of Foreign Affairs, Mr Pik Botha, in an interview with an Afrikaans newspaper.

In a front-page interview in Beeld yesterday, Mr Botha was quoted as saying that the Government was devoting urgent attention to giving independent homelands greater advantages, in order to make independence more attractive to homelands still opposed to it.

Two key points made by the Minister of Foreign Affairs in the interview were:
- Removal of discriminatory regulations for citizens of independent homelands, because these territories had shown by their acceptance of independence that they did not want to share power with whites, but to govern themselves;
- Stronger financial backing for independent homelands than for homelands opposing independence.

Mr Botha was quoted as saying that this was too often forgotten that the three independent homelands, Transkei, Bophuthatswana and Venda, represented 10 million people — "about half of South Africa's population."

Prof Ntsanwisi commented: "It smells of political bribery. It smacks of political blackmail. It is an attempt to persuade non-independent states to sell their birthright as South Africans for a bowl of soup."

He doubted whether it would be practical politics to remove discrimination affecting citizens of independent homelands while retaining it for those of dependent territories.

"A black man is a black man wherever he is," he said.

Referring to a speech in Parliament by the former Minister of Bantu Administration, Mr M. C Botha, at the time of Transkei independence in 1976, in which he said Transkei citizens would get preferential treatment, Prof Ntsanwisi said of the Beeld interview: "It looks like a reversion to M C Bothaism."

Prof Ntsanwisi recently made representations to the Minister of Co-operation and Development, Dr Piet Koornhof, over what he saw as discrimination in favour of independent Venda against non-independent Gazankulu.

Venda, with a smaller population and a smaller land area than Gazankulu, had a budget this year of R104 million, against Gazankulu's R146 million budget, Prof Ntsanwisi said.

According to official figures, Venda has a marginally bigger actual population (357 600 against 358 800) but a much smaller "official" population (473 309 against 558 000).
SA officials are 'immune'

By MATHATHA TSEDU

AUTHORITIES in "independent" Venda cannot prosecute seconded South African officials without the consent of the South African Government.

This is in terms of an agreement between the two countries when Venda became independent.

The agreement also indemnifies white officials from any civil liability for statements made or written in the performance of their official duties — unless South Africa waives the indemnity.

Homeland authorities are also barred from instituting disciplinary action against the white officials, and can only report the official concerned to the Republican Government which may then act at its discretion.

These agreements came to light last week when charges against a white stores foreman in the homeland's Department of Transport and Works, Mr. Edward de la Rey Nortje, were withdrawn. He was charged with the theft of three tyres and three tubes.

Mr. Nortje's docket has been referred to Venda's Attorney-General for a final decision on the charges. If the Attorney-General decides to prosecute the case will have to be referred to the South African Government, which will then decide whether Mr. Nortje should stand trial.

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SA officials are immune

Professor John Dugard, director of the Centre for Applied Legal Studies at the Witwatersrand University, last described the agreement as unusual. "It is unusual for seconded officials to be granted immunity. Normally this is reserved for diplomatic representatives," he said.

An official at the British Consulate said yesterday she was not aware of any similar arrangement in the British Commonwealth. The status of seconded officials varied from country to country. But she did not know of any country where all seconded officials enjoyed diplomatic immunity.

The agreement is proclaimed R216 of 1973 which was signed by Venda Chief Minister P. R. Mphuphi and South African Government officials.

Article 5 C of the proclamation, under heading Foreign Ministry, states that Venda shall "grant them (seconded officials) immunity from criminal prosecution and indemnity against civil liability in respect of words spoken or written and all acts performed by them in the course of their official duties. Provided that the Government of the Republic of South Africa may waive such immunity or indemnity in an appropriate case."

Article 3 (B) of the same proclamation reads: "The Government of Venda shall not institute disciplinary action against any seconded official, but shall report any action or conduct on the part of such an official which calls for disciplinary action to the Government of the Republic of South Africa, who shall cause such action to be instituted as it may deem appropriate."

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Page 2
Vendas celebrate with pomp and little enthusiasm

Two women bask in the sun in a typical Tsonga village in Ga-zankulu homeland in the Northern Transvaal.

Independent country and are "free"! They laughed off the question and did not elaborate. Before coming to independent Venda, I spent three days in the neighboring homeland of Ga-zankulu under Professor Hudd More Mpho. One has to drive through dusty and bumpy roads for about an hour from Giyani in Ga-zankulu to Giyani. Prof Mpho, formerly of the University of the North, has on several occasions rejected the South African-type of independence for his homeland.

A former school teacher who turned businessman in Giyani dismissed this stance as laughable. "By accepting the concept of homelands, the way is one way. The man has embarked on a one-way road and there is no return. It is for us now to guide him for our benefit," the businessman said.

I was last in Giyani in 1975. The scene of the colorful "clapping" of Ga-zankulu has changed. There is a "multiracial" hotel - where I was dislocated from my room to make room for a white guest - there is a garage, shopping centre, improved local general hospital, government offices costing millions of rands have been constructed and cabinet ministers households coming up.

The rest is the same old Giyani.

A government clerk said the only form of entertainment is drinking at the hotel on weekends and dancing to disco music. I was at the hotel when a fight broke between off-duty white national servicemen and patrons at the hotel lobby after downing some litres. "This hotel is now turning into a shebeen," he said.

During week days, life is normal in Giyani. The streets are empty, women labourers are seen going on with their "local chores", there are long queues of men looking for work at the magistrates offices and life goes on in the homeland.
Call to incorporate white towns.

Political Reporter on Venda President, Paramount Chief Patrick Maphelana, has called for the incorporation of the white towns of Louis Trichardt, Belo

Vendas show new pride in independence.

sima, Soshangwe and Lebowa into Venda.

Speaking at celebrations at the weekend to mark the first anniversary of Venda independence, he said:

"On this important issue of land, mere talk is not enough. It is time for action."

He said the white towns which should be included in the homeland would not only provide for economic development, but also provide land for white people. He said his government wished to emphasize that whites and other racial groups should not be incorporated into Venda. The whites who wish to keep their land and property and still reside under Venda must do so.

He said his government never regretted its decision to ask for independence. 

"A press conference of the white towns."

The white towns are part of the Venda homeland.

Venda President Paramount Chief Patrick Maphelana during the inspection of the Venda National Force at celebrations over the weekend to mark the first anniversary of Venda independence.

Thousands of Venda citizens who were apprehended by journalists at Saturday's festivities at the capital of Thohoyandiso were ordered to leave the area. Many were arrested and charged with treason.

Most of the money that has been spent on the festivities was supplied by South Africa, while three out of every 10 Venda live in South Africa.

Thousands of men still have to leave Venda to seek jobs in the urban areas of South Africa. The territory suffers from a critical shortage of trained manpower and so far lacks the infrastructure to attract industries on a large scale.

Chief Maphelana said, however, able to list several notable recent achievements.

The national salute was sounded, many new cars were given to the military band even though they were not new. This was a sign that the band would continue to perform.

The Venda National Force, who performed an impressive display of drill, were loudly applauded.

Although Chief Maphelana was present at the inspection, he was greeted by thousands of cheering and útiling people. When the national
Venda wants ‘white’ Transvaal towns

THOHOYANDOU. — Venda would not be satisfied until it had acquired from South Africa the additional land it had asked for, the Venda President, Paramount Chief Patrick Mphupho, said at the weekend.

Addressing nearly 250,000 people on Saturday at Thohoyandou Independence Stadium on the first anniversary of Venda independence, he said: "We have asked the South African Government to incorporate the northern Transvaal towns of Louis Trichardt, Tshupise, Messina, Seekmekaar and Lebasi into Venda.

"These growth points will be a springboard for Venda’s economic development.

"Though the request may appear radical to some people, we believe South Africa has to be restructured in such a way that the aspirations of the blacks are satisfied.

"Whites and other racial groups in the areas should not fear being incorporated. Those who wish to retain their properties and land can do so.

Chief Mphupho called on all the leaders of Southern African states to maintain peace and stability in the area by keeping close and friendly relationships with each another.

"The existing economic links could be used to promote the friendship.

"I call on all leaders to rise to the world’s expectations of tolerance and understanding, and to do nothing to precipitate inter-racial wars in Southern Africa."

He said that when Venda opted for independence, many critics thought it a helmsman crime.

"We have nothing to regret. Today we are enjoying the fruits of our independence. Adverse Press comments propelled division and disagreement. I am happy our achievements have proved the opposite.

"I challenge those who still have misgivings and doubts about Venda to come and see for themselves what we have achieved within a year of independence.

"Venda took the decision knowing that independence meant the complete acceptance of responsibility in all spheres of life. We have reached a point of no return and are prepared to face the consequences."

Chief Mphupho said compulsory education was one of Venda’s objectives, and parents should pledge to keep their children at school.

A university was planned, and building would begin in January. Venda had begun issuing its own passports and travel documents, and had speeded up the registration of births and deaths. — Sapa and Staff Reporter.
increases, as the particle penetrates deeper into the medium. The density of energy deposited (dE/dx) is therefore highest at the end of the range (fig. 25).

Relatively heavy particles such as the p or a are not significantly deflected in their collisions with the much lighter electrons in matter and the maximum energy lost per collision is only a tiny fraction of the p or a energy. These heavy particles therefore retain their original directions throughout the slowing down process and their ranges are well defined - do not vary much from one particle to another of the same energy (fig. 24(a)). As incident electrons, however, can scatter through large angles in their collisions with atomic electrons (of similar mass) and can lose a large fraction of their energy in a single collision, therefore their detailed trajectories vary a great deal from one electron to another and their ranges are not well defined (fig. 24(b)).

Some range data are listed below:

<table>
<thead>
<tr>
<th>Energy (MeV)</th>
<th>a (in mm)</th>
<th>p (in mm)</th>
<th>e (in mm)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 MeV</td>
<td>0.00356</td>
<td>0.0126</td>
<td>1.56</td>
</tr>
<tr>
<td>10 MeV</td>
<td>0.0600</td>
<td>0.61</td>
<td>19.6</td>
</tr>
</tbody>
</table>

Ranges in aluminum (in mm)

Ranges of 1 MeV protons in different media (in mm)

(a) Gamma rays

The three most important effects in the interaction of gamma rays with matter are the photoelectric effect (described in section 1.2.3, p.5) and the Compton effect (section 2.1, p.5) and section 2.3, p.8). Energy is transferred pair production (section 2.3, p.8). Energy is transferred from the incident gamma photon to a photoelectron, a Compton electron or an electron-positron pair respectively. Compton electrons or charged secondary particles then interact with These charged secondary particles then interact with the medium as described in (a). As in the case of neutrons, the interaction of gammas with matter is a statistical process and is governed by an exponential absorption law of the form

\[ N/N_0 = \exp(-\lambda x) \]

where \( \lambda \) is the absorption coefficient of the material and \( x \) is the thickness of the material.

The absorption coefficient can be calculated from the total cross-section for the interaction and the density of the material.

The neutron-nucleus interaction is either a nuclear scattering process, in which the neutron transfers some of its energy to the resulting (charged) recoil nucleus, or a nuclear reaction which usually leads to the emission of charged particles or gamma rays. Thus the secondary particles and energy resulting from neutron interactions in matter are often depending on the particular material and conditions. Hydrogenous media such as wood, water or plastic are of particular interest because a neutron can lose any fraction (0-100%) of its kinetic energy in a

single elastic collision with a proton. The maximum nuclear recoil energy \( E_{\text{max}} \) resulting from elastic scattering of neutrons (of mass \( m_n \) and energy \( E_n \)) on a nucleus of mass \( m_A \), is given by

\[ E_{\text{max}} = \frac{4m_pm_nE_n}{m_n+m_A} \]

Thus \( E_{\text{max}}/E_n \) is much smaller for heavy nuclei than for hydrogen.

(b) Neutrons interact only with the nuclei in atoms and their interaction is a statistical process. If we place a slab of material of thickness \( x \) at right angles to beams of \( N_0 \) neutrons per second (as in fig. 26) and a fraction \( N/N_0 \) of the beam is transmitted without interaction and a fraction \( 1-N/N_0 \) interacts with nuclei in the slab. The number \( N \) of neutrons emerging per second is given by

\[ N = N_0 \exp(-\lambda x) \]

Some values of \( x \) are given below (in mm)

<table>
<thead>
<tr>
<th>Energy (MeV)</th>
<th>Lead</th>
<th>Concrete</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 MeV</td>
<td>9.0</td>
<td>47.0</td>
</tr>
<tr>
<td>5 MeV</td>
<td>14.5</td>
<td>100.0</td>
</tr>
</tbody>
</table>
**Venda commission of inquiry**

The Government of the Republic of Venda is to appoint a commission of inquiry into land tenure and ownership.

According to a draft of a proclamation and Government notice released by the Venda Embassy in Pretoria yesterday and to be published in the Venda Government Gazette tomorrow, the commission will be chaired by Venda’s Chief Justice, Mr Justice G P van Rijen.

Other members of the commission are: Mr N D Nethondoda, Secretary for Urban Affairs and Land Tenure; Mr M P Nthabolala, Secretary for Justice; Mr J D Visser, Attorney-General; Mr A G Ludele, State Attorney and Mr J A Coetzee, a lecturer of the Rand Afrikaans University.

The Commission of Inquiry into Land Tenure and Ownership in the Republic of Venda, 1990, will investigate and advise on:

- The traditional system of land tenure and ownership;
- Ownership with reference to tribal or communal holding of land, land held in trust, and any other form of tenure or ownership of land by individuals or companies or other institutions;
- Ownership and tenure of land or erven in cities, towns and townships, including the proclamation areas;
- The ownership of land including private ownership of land by individuals or companies; and
- Appropriate legislation for the implementation of the recommendations by the commission if necessary. — Sapa.
Venda's work problem is emphasised

Own Correspondent
A poor industrial sector and insufficient jobs are causing serious problems for the economic development of recently independent Venda.

"The industrial sector of Venda is almost non-existent," said Mr F N Ravele, Venda's Minister of Economic Affairs at a luncheon in Pretoria.

"It is difficult to satisfy our desire to create a stage of full employment as we still have to cope with an unemployment rate of about 8 percent plus an additional 5,000 people leaving school every year," he added.

UNEMPLOYMENT
Mr Ravele said Venda had a problem of "surplus labour in the agricultural sector."

The number of unemployed people in this sector would increase as improved skills and methods of production were introduced, he warned.

The problem would be compounded by about 100,000 Vendas living and working in South Africa who were "anxious to return home," said Mr Ravele.

"Our economic future depends on our ability to develop the agricultural, mining and industrial sectors, and to achieve our goals we will need money, the know-how and suitable training facilities."

Mr Ravele said except for coking-coal deposits and two manganese mines in the small new country, "we have nothing else with a possibility to stimulate our mining potential."

The only hope to stimulate employment in the country was to concentrate on the development of small businesses, both in the retail and manufacturing fields, said Mr Ravele.

He praised Mr P W Botha, Prime Minister of South Africa, for his idea of a constellation of southern African states and for initiating "cooperative development between the two states."
Recognition for Venda

Venda had been promised economic recognition by Israel in the near future, the Venda President, Paramount Chief Patrick Mpephu, said at Jan Smuts Airport yesterday.

The President and his party had just returned after an eight-day visit to Israel.

Paramount Chief Mpephu said his party had discovered possibilities of Venda's exporting wood, furniture and red meat to Israel.

He had been impressed by the computerised, controlled systems of irrigation used in Israel's farming development schemes. He felt these could benefit his country. — Sapa.
HOMELANDS - VENDA -

GENERAL

3/1/81 - 31/12/81
Venda chief on State visit to Transkei

UMPIATA. — The President of Venda, Chief Patrick Mphephu, arrived at the K D Matanzima airport yesterday on a two-day visit to Transkei for informal talks with Transkei’s President, Paramount Chief Kaiser Matanzima.

Chief Mphephu, who was accompanied by the Venda Ministers of Education and Foreign Affairs, was met at the airport by Rev G T Vika, the Transkei Minister of Foreign Affairs.

As the Venda President stepped from a Transkei Airways plane he was greeted by a 21-gun salute. The national anthems of Venda and Transkei were played by the Transkei army band before Chief Mphephu inspected a guard of honour formed by members of the First Transkei Battalion.

The national flags of the two countries flew side by side at the airport during the welcoming ceremony.

Chief Mphephu was driven in a motorcade from the airport for tea and talks with President Matanzima at his official residence.

Welcoming: Chief Mphephu

Chief Matanzima said independent states should build up an association in the economic field and also consider establishing diplomatic ties by appointing ambassadors for their respective countries.

He said Chief Mphephu’s visit was unique and appropriate as it took place at a time when there was an ardent desire in the air for international cooperation and peaceful coexistence.

He said the visit would afford his Ministers the opportunity to meet and discuss with the Venda Ministers on matters of mutual concern.

"It is incumbent on us as free people to courageously defend the principles on which our governments have been created. Having emerged from subjugation it is inconceivable that we can, under any circumstances, allow an erosion of our freedom. "We have to guard jealously against any attempts to destroy what we have so strenuously acquired," Chief Matanzima said.

In his reply Chief Mphephu pledged to join Chief Matanzima in the struggle against the common enemies of their two countries.

The Venda leader said he would build his country in the shape of Transkei’s progress because it was not been for
President Patrick Mphephu tries out a hand machinegun to be manufactured in Venda. With him, from left, are Mr Dries van der Merwe and Mr Jaap de Villiers of the manufacturing company, and weapons demonstrator Mr A Kruger.

Venda to take up firearms production

By CHRIS MARAIS

VENDA, in the north-eastern Transvaal, will be the first black homeland government in southern Africa to begin manufacturing and exporting firearms.

Three Johannesburg businessmen have begun a multi-million rand venture in Venda, which includes the establishment of a 9mm firearm factory, a greyhound race track and a casino.

Last Friday, President Patrick Mphephu of Venda opened the Paramax International gun factory, which has cost R500 000 to build and equip with machines.

The firearms produced are 9mm hand pistols and 9mm hand machineguns. The weapons, at present being made in Parys in the Free State, have already been sold to neighbouring states like Swaziland and Lesotho for use by their police forces.

The company producing the weapons in Parys, Maxim Parabellum, is the major independent arms manufacturer in South Africa. The SA Defence Force use weapons similar to the one to be exported from Venda — the Uzi-modeled light machinegun.

One of the directors, Mr Jaap de Villiers (of fight promoting fame), told the Rand Daily Mail the arms factory in Venda would expand at least four-fold in years to come if the venture was successful.

Another director, Mr Dries van der Merwe, said he hoped to sell the weapons to other homelands and to border farmers who faced insurgency in the future.

One of the technical experts involved in the company, Mr Tony Blackshaw, said the light machinegun was in demand internationally.

"It is one of the most ideal weapons to use in combating urban terrorism," said Mr Blackshaw, a former British army soldier.
Venda plan to export firearms

JOHANNESBURG. — Venda, near the north-eastern Transvaal, will be the first black homeland in southern Africa to begin manufacturing and exporting firearms.

Three Johannesburg businessmen have begun a multimillion rand venture in Venda, which includes the establishment of a 9mm firearm factory, a greyhound race track and a casino.

On Friday, President Patrick Mephu of Venda opened the Paramax International gun factory, which has cost R500,000 to build and equip with machinery.

The firearms produced are the 9mm hand pistol and the 9mm hand machine-gun. The weapons, at present being made in Parys, Free State, have already been sold to neighbouring States like Swaziland and Lesotho for use by the para-military forces of those territories.

The company producing the weapons in Parys, Maxim Parabellum, is the major independent arms manufacturer in South Africa. The Defence Force uses a weapon similar to the one to be expected from Venda — the Uzzi-modelled light machine-gun.

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Another director, Mr. Dries van der Merwe, said he hoped to sell the weapons to other homelands and to border farmers who faced insurgency in the future.
Yenda law stops interdict against police

BY WILLIE BOKALI

Yenda law stops interdict against police
FINE ART & ARCHITECTURE

Cape Provincial Institute of Architects' Prize
For the best student in:

Sixth Year
P F Dunckley

Helen Gardner Travel Prize
For a student who has satisfactorily completed 1st, 2nd and 3rd major courses.
P A Rappoport

Molly Gohl Memorial Prize
For the best woman student in third year.
Miss C Tredgold

David Haddon Prize
For the best student of Architecture (or Quantity Surveying) in the subject of Professional Practice.
D H Pryce Lewis

General J B M Hertzog Prize
For the best final year student.
S A Read

Osbourn Prize
For the best work in fourth year.
D H Pryce Lewis

John Perry Prize
For the best work in third year.
R A van Rosenfeld.
Transkei, Venda pledge

UMPATA — Transkei and Venda had to strengthen their economic ties and consider diplomatic relations. Transkei’s President Kaiser Matanzima said in his welcome address to President Patrick Mphelphu of Venda here yesterday.

President Mphelphu, who arrived for a two-day visit and informal talks with President Matanzima, was greeted by a 21-gun salute as he stepped from a Transkei Airways plane.

"It is incumbent on us to defend the principles on which our governments have been created. Having emerged from subjugation, it is inconceivable that we allow an erosion of our freedom," President Matanzima said.

Chief Mphelphu pledged to join Chief Matanzima in the struggle against common enemies.

The Venda leader said he would build his country in the shape of Transkei’s progress because had it not been for Transkei "we would not have attained independence".

He told his delegation to learn and copy down everything they came across in the course of the visit. — SAPA-DDR.

In terms of paragraphs (g) and (1) of the definitions of "prescribed investments" in section 1(1) of the Banks Act, 1965 (Act 23 of 1965), and section 1 of the Building Societies Act, 1965 (Act 24 of 1965), respectively, I, Jacobus Wynand Louw, Registrar of Banks and of Building Societies, hereby approve an investment in the Venda Development Corporation Bridging Financing (Loan No. 1), as a prescribed investment.

J. W. LOUW, Registrar of Banks and of Building Societies.

(9 January 1981)
African peoples ‘need new deal’

THOYANDOU. — What Africa needed today more than anything else was for its people to work out their destiny without outside interference, Venda’s President, Paramount Chief Patrick Maphethu, said last night.

In a New Year broadcast to the Venda nation, he said the world was ‘‘on the eve of a new political dispensation where the peoples of Africa, and particularly those of Southern Africa, are at the crossroads regarding their future.’’

He added: ‘‘Minute-made solutions will not solve our problems, and as a result of the diversity of our peoples it cannot be expected from us to find solutions on the basis of models which exist elsewhere in the world.’’

President Maphethu said a new dispensation for Africa as a whole was essential. In the prevailing political climate, however, it was difficult to bring this about in the near future.

For this reason the Venda Government felt strongly about mutual co-operation among all interested states (in Africa), the president said.

He added that the greatest danger to developing African countries today was the destruction of democracy and private initiative.

Venda had committed itself irrevocably to the free market economy system as an integral part of its overall economic policy. — Sapa.

———

TO DIRECTOR’S INTEREST in connection

This will also satisfy the requirements of the law relating

meeting the requirements of extraordinary resolution (S.226(2)(e)) by the court (S.84).

A resolution and a special resolution and such a resolution of capital requires the approval of the company in general
Venda hopes for Taiwanese help

Taiwan could make inroads with investments in Venda in the coming year particularly in the agricultural field, following a visit there by the general manager of the Venda Development Corporation, Mr Wilson Muvhulawa.

What was particularly significant about Mr Muvhulawa's visit was the breakthrough in making the picture clearer about the independence of Venda.

While the Taiwanese knew about Venda, they were surprised to learn that the head of the Venda Development Corporation is a Venda and not as they expected, a white South African. Mr Muvhulawa expects visits from Taiwanese business leaders with a view to further investment in Venda.

"We have much to learn from Taiwanese expertise and management in agricultural production," he says.
Venda: Land of suspicion and fear

By SAM MABE

It was September 3, 1979, when Chief Patrick Mphephu, the then Chief Minister of Vendaland, did what nobody else in Vendaland seemed to approve of. He opted for the territory's independence.

Those who dared to voice their opposition to independence — and there were many of them — were spared the agony of witnessing the pomp celebrations which marked the loss of their South African citizenship rights. They were all in jail at the time.

Then there were those who took part in the independence celebrations. Not all of them participated because they liked doing so. Some did because of what they were promised. Plenty and free food. And lots of liquor too.

Deal

This was a golden opportunity they could not afford to miss. It was a package deal. The first of its kind in their lifetime. Then there were those who participated because if they did not, they would have — as usual — nothing else to do.

But others were given a choice of either participating or going to jail. And since the building of jails has been the South African government's priority number one for every homeland that is about to gain independence, there was already one in Venda. A new and big jail. So they chose the least painful of the two. They celebrated.

Today, two years later, Chief Mphephu seems not to have succeeded in convincing the people of Venda that it was in their interest that he opted for uhuru.

The Venda, who are by nature a humble, peace-loving, docile and law-abiding people, are making strenuous efforts to contain their resentment of the new administration.

Fear

With the majority of the citizens of the homeland living in South Africa where they work, those who remain are still too many to be comfortably accommodated within the border of the tiny homeland.

Hence there is congestion and very little land is available for agriculture. The only people who own big farms are chiefs and cabinet ministers and white-owned companies who run tea plantations.

The only new buildings spotted on a recent visit there, which were not there before uhuru, included a hotel which will serve tourists and white industrialists visiting the homeland to explore possibilities of investments there. And there aren't many industrialists doing that now.

Then there was an oriental shopping centre which like all others elsewhere in this country, offers slave-wage jobs to only a handful of Venda people. The third and largest complex was the army barracks for soldiers who are not so popular in Venda.

Strangers

When you cross the South African "border" into Venda, you are greeted by a signboard with the inscriptions: "Welcome to the Republic of Venda".

But once you are inside the homeland, you will get abundant evidence of the fact that strangers are not so welcome.

This has been so since the end of October when an unknown man, heavily bandaged and limping, walked into Sibasa Police Station at night under the pretext that he had come to lay a charge.

Nobody knows exactly what happened in the police station while this man was there. But what remained after his seemingly hasty departure, points out that he did what Venda authorities would hate to experience again.

The bandaged man was obviously an active with an axe to grind with the Venda authorities. He threw a handgrenade at the three policemen who were on duty at the time. Several shots were fired from an AK-47 rifle and a rocket attack was launched from elsewhere nearby.

This attack left two of the policemen dead and the third one was seriously injured. A large portion of the police station was demolished by the attack. The bandaged man disappeared without trace.

All what he had left behind him, especially for the Government, the police and the army, was tension, suspicion and fear for any stranger visiting the homeland.

But the fear that has been instilled among the local populace is not so much the fear of another possible attack. It is the fear of the police and the army, who have since the last incident, been arresting several people, sometimes on the strength of flimsy and unsubstantiated suspicion that they could be ill-disposed towards Chief Mphephu's Government.

Detention

One of the victims of the recent spate of detentions, Mr Isaac Mufofe, died after only two days in detention. His wife was informed of the death after her husband had been dead for three days.

Rumours started filtering through all villages that two more detainees, at some stage it was said that all of them, had died. The authorities dismissed the rumours as lies.

But that response was not enough to pacify the families of the detainees — nor the people of Venda. Or the international community.

The only way out for the Venda Government is to charge or release the detainees. Or at least, allow members of their families to see them.
Venda security tightens

By SAM MARE

ALTHOUGH it has not been declared officially, there is a virtual state of emergency in the Venda homeland.

This has been so since about a month ago after a hand-grenade and rocket attack was launched at Sibasa police station, destroying part of the building, killing two policemen and seriously wounding another.

The attacker, heavily bandaged and arriving at the police station at night under the pretext that he came to lay a charge, threw a hand-grenade at the policemen. More fire followed from AK-47 assault rifles and the rocket attack was launched from elsewhere nearby.

This has instilled fear of possible further attacks on the police, the army and members of the Venda Government. Security has since been tightened at the palace of the homeland's leader, President Patrick Mphupho and at all government buildings.

And with the detention of 14 people, followed by the death of one of the detainees two weeks ago and the rumoured death of two others, the situation has become even more tense among the civilians.

Fear seems to be written on the faces of everybody and the police station attack, the subsequent detentions and intensified police activities are issues many people prefer to talk about in whispers only, or not at all.

The town of Sibasa, which could be the size of any of the townships of Soweto, is small enough for almost everybody to know everybody living there. Strangers, who stick out like a sore thumb, are viewed with suspicion by the police.
FOURTEEN people have been detained in Venda since the attack on a Venda police station late last month, the commanding officer of the Venda National Force, Brigadier T R Mulundzi, said yesterday.

One of the 14, Mr Isaac Mofhhe, died in detention last week and an inquest into his death would be held if necessary, Brigadier Mulundzi added.

He dismissed reports that two more detainees had since died.

It was established yesterday that two post mortems had been conducted on Mr Mofhhe, the first, in Sibasa, Venda, and the second in Pretoria.

Independent

It is understood that the second post mortem was conducted at the request of the Sibasa doctor responsible for the first because he wanted his findings confirmed independently.

An inquest into Mr Mofhhe's death does not appear to be mandatory. The South Africa Inquests Act applies in Venda and it leaves the decision on whether to hold an inquest to the discretion of the magistrate.

If, after examining the report submitted to him by the police, together with "all relevant statements, documents and information", the magistrate is compelled to institute an inquest into the circumstances and cause of death only if it appears that the death was not due to natural causes.

Two policemen died in the attack on the Venda police station.

Brigadier Mulundzi declined to give details on the hunt for the insurgents, except to say it was still on.

South African Police assisted in the initial search for the attackers. Referring to the attacks on the Bogothathunwe police station at Mahopane in September and the more recent attack in Sibasa, Brigadier Jan de Fries, deputy chief of Security Police, said: "We are still looking for the terrorists."

Meanwhile it was established yesterday that two of South Africa's senior pathologists, Dr Hillel Shapiro and Dr Jonathan Gluckman, were present during a post mortem on a Lesotho detainee, Mr K S Mathaba, who died while in custody of Lesotho police.

Dr Shapiro is understood to have been present at Monday's inquest at the request of the Lesotho government. Dr Gluckman represented the Mathaba family.
Detention death among nine held after ANC attack

By HARRY MASHABELA

AT LEAST nine people, including a woman, are believed to have been detained by Security Police in Venda in the past 14 days after the recent attack on a Sibasa police station, believed to have been the work of the banned African National Congress.

One of the detainees, Mr Thosifhiwa Isaac Mochhe, died in police custody. He was arrested last Tuesday and is said to have died on Thursday.

This was learned from Mr R Mphahlobo of the Azanian People's Organisation (Azapo). He told the Rand Daily Mail nine people had been picked up by the Security Police during the past 14 days.

The other detainees are Mr Simon Nkini, Mr Dickiea Mluzhi, Mr Gabriel Malaka, Mr Cloobus Mulaudzi, Mr Ramano Tshikoro, Mr Shoninani Tshikhane, Mr Humalani Meme and a Mrs Mphakazi.

Brigadier Mulaudzi, head of the Venda Security Police, was not available for comment yesterday.

The police station commander at Sibasa said he knew nothing about the detentions nor the death of Mr Mochhe.

Both Mr Mluzhi and Mr Malaka are former detainees. They were first detained with many other black leaders in October 1977 when the Government clamped down on black leaders and banned 18 black organisations.
VENDA police have launched a manhunt for three armed men who attacked the Sibasa police station with AK-47s and RPG-7 rockets, killing two policemen and seriously injuring another.

Venda Police Commissioner, Brigadier P R Mulaudzi, said the attack took place around about 10.50 on Monday night. The three policemen were the only ones present.

He said the attack began when a heavily bandaged man, faking injury and pretending to have come to lay a charge, entered the police station. Suddenly he threw hand-grenades at the policemen. More fire followed from AK-47 assault rifles as the rocket attack was launched.

The rockets are believed to have been fired from two different points nearby. The police station lies a few kilometres from the government buildings of the homeland's capital, Thoyo-ya-Ndou.

"We believe there were more than two men who did the work," Brig Mulaudzi said. "We are still busy with investigations." He said he could not estimate the extent of damage.

The Venda National Force identified the two policemen who died as Constable S B Mzade, of Nqulumbi in the Sibasa district, and Constable M A Nqeshimenene, of Mokia in the Vuwani district.

The third man, Constable M A Phadzire, of Ha Kutana in the Dzamani district, was seriously injured and was admitted to Tshihudzi Hospital near Sibasa.

'Independent'

Brigadiers Mulaudzi and Nelfing, a senior police official, who was at the scene of the attack throughout the night, are in charge of the manhunt.

In Pretoria, Colonel Leon Mallet of the SAP Directorate of Public Relations, said his department could not give any information in connection with the attack. He said: "Venda is completely independent."

The attack is the second in recent months on a police station in an "independent" state - recognised only by Pretoria.

It follows the killing of three policemen at the Malapone police station. No arrests are known to have been made in that incident.
Venda attack: police mount search

By CHRIS OCKERS

VENDA paramilitary units, assisted by South African police, have launched a massive manhunt for the two men who are thought to have blown up an AK-47 and handgrenade attack on a police station in the heart of the capital, Sibasa.

The search was hampered by heavy rain and muddy roads. The attack was the fifth since 1983 - the first four were in the Eastern Transvaal - and brings to four the number of people who have died in this latest wave of violence.

Two policemen died in the attack - their bodies were incinerated in the blaze which gutted the Sibasa charge office - and a third was critically wounded. He managed to escape through a window and is now fighting for his life in the Fietseberg Provincial Hospital.

Smoulder

It is believed that at least four or five men ambushed the Sibasa police station, which was still smouldering late yesterday afternoon.

The police station is across the road from the South African Embassy at Sibasa, and about 1km from the home of the President of Venda, Chief Patrick Maphosa.

The commanding officer of the Venda Gender Force, Brigadier T. R. Mahodi, said the dead policemen were Constable P. M. Shale, 21, of Mupumbu in the Sibasa district, and Constable M. A. Mkhuphulu, 21, of Mabula in the Wamiri district.

The third man, Constable M. A. Phadzire, 20, of Ha Batu, in the Dzimbhiri district, was critically wounded and treated at the Taibulani Hospital before being transferred to Fietseberg.

Members of the Venda Gender Force manned roadblocks throughout Venda yesterday, and roadblocks were also being set up throughout the Northern Transvaal.

First

The attack was the first in Venda and Brigadier Mahodi said he believed at least four people were involved.

The policemen had just gone on duty when a heavily armed man entered the police station shortly before 11pm.

He emptied his magazine, then another man burned in and also guarded the office with a bolt. They then threw at least two handgrenades into the office before rushing out into the street.

As fire raged through the building, at least one other man kept firing at the office. Constables Shale and Mkhuphulu were trapped inside, but Constable Phadzire jumped through a back window, and was immediately hit by several bullets.

The attackers fled under cover of darkness. Police found a RPG-7 rocket next to a tree outside.

POLICE VICTIMS... the bodies of two Venda policemen burnt in the fire which gutted the Sibasa charge office after Monday night's AK-47, handgrenade and rocket attack in the Venda capital.

TAKEN BY SURPRISE... Lieutenant T P Molaye with two burnt-out rifles — grim evidence that the attack was a surprise.
418. Mr. E. K. MOORCROFT asked the Minister of Internal Affairs:

(1) How many (a) road and (b) rail exits are there from (i) Transkei, (ii) Bophuthatswana and (iii) Venda;

(2) (a) how many such exits are controlled by immigration posts and (b) what is the annual cost of manning such posts?

The MINISTER OF INTERNAL AFFAIRS:

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they have only half the number of patients per registered nurse.

In practice, of course, the average number of patients per registered nurse is much greater than 1:1 because a great many nurses who are working are not in hospital units. Unit of the hospital nursing lists is divided by nurses in training and by students in student nurses. In the 470 cases, one of the Figures of 503 nursing assistants in the country but there is no mention of how many are actually in units, only those that they served had.

Various influential people in many countries, among registered nurses as well as nursing students. They know that in many countries, including from the "Egyptian" movement, that nurses can be trained extremely well. But if nurses are gone on a large scale throughout the country then we need about another 10,000 practicing nurses.

There are 62 schools for training general nurses in South Africa. Any of the places in these schools are not filled. If we wish to train 10,000 nurses for every nursing care work as well as the additional nurses we undoubtedly need for hospital work, then the money must be provided to expand these schools and to fill them with students. Money is required not only for nurse training but also to improve secondary education (to increase the number of matriculants available to train as nurses), and to improve and equalize salary scales for nurses to make them economically competitive.

Are doctors and nurses our only health professionals?

The definition of a health professional is controversial. The Oxford English Dictionary gives no definition of a profession or a form of a professional useful. The first article with a definition is "a vocation and vocation". The vocation with a vocation is that.

The alternative definition of a professional in the Oxford English Dictionary is seen more all-embracing by this.
Rumour that two have died in detention

TENSION was building in Sibasa and the Northern Transvaal town of Pietersburg yesterday after rumours that two more people had died in detention.

But the Venda police could only confirm the death in detention of Mr Tshifhiwa Isaac Muofhe, a former member of the now-banned Black People's Convention (BPC), who died two days after he and nine others were detained by security police.

Colonel J Nendavi, assistant chief of the Venda police told The SOWETAN yesterday that he did not know of any other person dying in police detention but confirmed that two other political leaders were arrested by police yesterday morning.

The two other men rumoured to have died on Wednesday are Mr Dickson Ralushia, the former Northern Transvaal regional organiser of the banned BPC and correspondent of the banned WEEKEND WORLD, and Mr Shoni Tshikhase, a former Section Six detainee.

Panic mounted high in Sibasa and Pietersburg following rumours about these two alleged deaths. Memorial services were organised in Seshgo and Soweto with the AmaNian People's Organisation (Azapo) threatening to take legal action against the Venda Government yesterday.

Mr Muofhe, Mr Ralushia and Mr Tshikhase were detained with six others after a bomb and gun attack on the Sibasa police station which left two policemen dead and another injured early this month. They were all arrested on November 10.

Rumour is also rife in Sibasa and Pietersburg that the six other people Mr Gabriel Malaka, Mr Humbulani Marema, Mr Cleopas Mulaudzi, Mr Ramaano Tshikororo, Mr Simon Newiswi and Mrs Mukhesi, were in hospital after alleged assaults.

And yesterday morning police detained the Very Rev T S Farisani, the Dean of the Lutheran Church in Sibasa who is also former president of the BPC, and Mr Hosia Motshakwa, of Sibasa.

Condemning the death in detention and continued detentions, Azapo said in Johannesurg that it had been their fear that the granting of "so-called" independence to "these reserves" would mean that people were doing the dirty work of the Government.

"This was proved by the endless detentions in the Transkei, and now recently Mphuphu is swimming in the same boat. He is on his part so keen to emulate and outshine his masters that the pace of deaths in detention is done twice as fast as South Africa was doing, that in such a short time people have died."

"One shudders to think how fast Sebe in the Ciskei would do it too. Azapo pledges solidarity with the families of the dead and we also give them unqualified support," Azapo said.
By ELLIOTT TSHENGWALA
THREE SOWETAN journalists and a staffer were held for four hours by the Venda police and later released after questioning by Security Police at the homeland capital, Sibasa.

The four, Sam Mabe and Elliot Tshengwala, both reporters, a photographer, Len Kumalo, and staffer Vusi Manyoni, were detained at a roadblock on Saturday morning just outside Sibasa.

The team was on its way back to Johannesburg after attending a funeral of a well-known Black Consciousness personality, Mr Tshifwina Mufhe, who died in detention last week.

The SOWETAN team was stopped at the roadblock manned by soldiers and police just after 4 a.m. 25/11/81. The soldiers and policemen were rude and vigorous, and demanded to know how the SOWETAN team came into the country without travel documents, although they had passed the same roadblock and another when they entered the country without any difficulties.

The police and soldiers removed all the luggage from the car and searched the bags, sometimes spilling clothes on the wet surface as it was continually raining.

Armed with automatic rifles they harassed the team listing them names and demanded to know where the team hid the "guns and bombs."

After a harrowing experience with the police and soldiers a Security Police officer arrived at the scene.

The four men were bundled into two vans and driven to Sibasa police station and made to sit inside until about 8 a.m. when they were driven to a secluded building in the bush.

After taking down particulars, the security official went to another office and spoke to an obviously senior white security official. He (the black) came back to them and took down more particulars but this time with a softer attitude. In the end he apologised for his policemen's and soldiers' rudeness and told them they were free to go. He even offered a police car to escort them past the roadblock.
The framework of South Africa's higher education policy for blacks is set out in the Extension of University Education Act of 1959 which specifies that almost all black students must go to universities of their own tribal group.

Despite avowals that the Government intends to equalize educational opportunities, the decision to press on with ethnic universities for the Venda and South Sotho marks another step towards the completion of the Verwoerdian blueprint.

Education experts say the new universities will be unnecessary, expensive and inferior. Their defenders insist they fill an important need.

"We have about the right number of universities already," said Professor F. E. Boswell, former chancellor of Witwatersrand University.

"The only way to view them is to agree the folly ourselves,"

Dr. Alton Beltzue, acting president of the University of Fort Hare, said, "In fact, the new universities will meet the needs of existing universities. It is only in the black areas."

According to Professor Boswell, the new universities will take at least $100,000 to $150,000 each year to meet the needs of the North can accommodate 500 students. Turpin's present student body is about 200. Bekezela says, "It is tragic that capital will be drained to provide status symbols for small, artificially created colleges."

Professor Boswell says that two institutions can be built for the price of one university.

"These ethnic universities are part of a separate and unequal education system," Turpin's president, University of South Africa.

"We're trying to establish a university in the middle of nowhere, with no cultural identity for students or staff. The idea is that they should be far away from the real world."

Planning documents prepared by the University of South Africa indicate that difficulties are expected in funding and staffing.

"The only way to view them is to agree the folly ourselves. In fact, the new universities will meet the needs of existing universities. It is only in the black areas."

These are the words of the professors at Rand University, who have been working to establish new institutions for black students. The plan is to create a separate university for each student. The new universities will be established in the black areas of South Africa.

Professor Boswell, former chancellor of Witwatersrand University, said, "The only way to view them is to agree the folly ourselves."

Dr. Alton Beltzue, acting president of the University of Fort Hare, also said, "In fact, the new universities will meet the needs of existing universities. It is only in the black areas."

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He is Venda's man in US

BY RICHARD WALKER

NEW YORK. — A former member of the Reagan transition team, who has in the past represented both the Transkei and the Democratic Turnhalle Alliance, is now Venda's man in the United States.

He is Mr. Jay Parker, a 44-year-old black Philadelphian who led the transition team at the equal opportunity employment commission.

Mr. Parker is also the president of the Lincoln Institute, a "think tank" funded by conservative interests and concerned with the black middle class.

Mr. Parker said that his task is "to try to establish a presence" for Venda in Washington.

According to records lodged with the US Justice Department's foreign agent unit, Venda is paying Mr. Parker R1300 a month. Five years ago, Transkei was paying him R9000 a month, plus R60 000 in annual working expenses.
In developing countries, patients with psychiatric illnesses frequently present with somatic complaints; consequently they may be hidden amongst the patients attending general medical out-patients where they may be over-investigated, misdiagnosed and mismanaged (Diel & Harding 1976)(1).

This is obviously expensive in terms of human and material resources and in order to reduce these costs in our own practice, twice weekly psychiatric clinics were introduced into Mpilo Hospital. Originally the clinics were intended to bridge the gap between Inqatshe Hospital and the provincial follow-up service which was introduced in 1973 (Zuchan and Hudson 1975)(2), but their functions have broadened to include a diagnostic service for the general hospital itself and a considerable out-patient treatment.

Figures for the number of cases seen at the clinic are given in Table 1.

However, it was by no means certain whether:

- a) in the time available a diagnosis of sufficient accuracy could be obtained.
- b) patients could be adequately managed in an out-patient setting without prior admission to hospital for stabilization on treatment.

In order to clarify these issues it was decided to undertake a prospective study of a small sample of newly referred patients.

Patients and Methods:

During the period 29th November 1976 to 2nd February 1978, 21 clinics were held at which 104 newly referred patients were seen. For the purposes of the study "newly referred" was defined as meaning patients who had had neither in-patient nor out-patient treatment previously - as far as could be ascertained.

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<td>1976</td>
<td>1664</td>
<td>857</td>
<td>797</td>
</tr>
<tr>
<td>1977</td>
<td>1599</td>
<td>556</td>
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</tbody>
</table>

Table 1

Number of Cases seen at the Psychiatric Out-patient Clinic at Mpilo Hospital.
Enriching Venda

By Vera Beljakova

ACHAAR, the chutney made from vegetables, spices and chillies, is making Venda rich.

The achaar factory of Venda Foods — a division of the Venda Development Corporation — has had a record season during which it produced 2,500 tons worth R550,000.

The total production will be consumed by the catering trade in South Africa and neighbouring states.

The factory, the largest of its kind in South Africa, has increased production five-fold within two years — from 400 tons in the 1976-77 season.
Locals flood Venda's new casino

By WILMAR UTING

TEENAGERS in the unsof-
siticated rural community of
Venda, where many live on
meagre meal and mopani
worms, are flocking to a new
casino to pour cash into the
pockets of a South African
businessman.

The Elephant's Head casino
is Venda's first taste of sophis-
tication. It opened a few weeks
going amid a clatter of building
material to be used for a soft-
perm cinema, a nightclub and a
dog-racing track.

There are big smiles all
round in the vigorously growing
pleasure complex at Sitasa.
8km from Louis Trichardt on
the way to the Kruger Park.

The two-roomed casino be-
hind iron grilles will hardly be
a challenge to its rich relation.

Sun City in Bophuthatswana,
but its effects on the communi-
ity must be the same.

When the Sunday Times vis-
ited the complex this week,
there were only two other
white guests in the Thohoyan-
dou Hotel, owned by the Venda
Development Corporation. The
casino, although attached to the
hotel, is owned by boxing pro-
moter and businessman Mr.
Jaap de Villiers. He has been
given sole rights by the govern-
ment to operate the casino and
dog-racing track.

The hotel lounge is less well
patronised than the "ladies
bar" which is the favourite
meeting place for black men
who get together for a beer
and for students who come to
play chess. There are obvious
efforts to keep out the riff-raff.

The price of drinks in the
lounge partly ensures this. A
gin and tonic costs R1.20.

A notice on the wall bars
taskets and jeans and allows
admittance only to those wear-
ing a jacket and tie or a "long
safari suit."

One barefoot visitor, his
shoulders covered with skins
and bobbles, was barred from
his first visit to the casino. He
solved the problem by borrow-
ing a tie and draping it around
his shoulders with the knot dan-
gling low on his chest. The
question of shoes he solved by
borrowing one and holding out
one shoe foot for permission to
enter.

'Bandits'

The casino opens at 6pm
during the week and at midday at
weekends. By 6pm the small
front room packed with one-
armed bandits is taken over by
scores of young blacks. They
stay until closing time after
1am.
Top official told to quit

By CHRIS FREIMOND

The managing director of the Venda Development Corporation (VDC), Mr Hennie Loots, was ordered last week by the Venda Government to quit the country immediately.

He left last Friday and is understood to be in Pretoria where he has a house.

The chairman of the VDC, Mr S L Hartman, confirmed last night that the Venda Ministry of Internal Affairs had withdrawn Mr Loots' work permit and ordered him out "on very short notice".

Mr Hartman said he did not know why Mr Loots was told to leave and was naturally "very perturbed".

He was not aware of Mr Loots having been formally dismissed by the Venda Government, but it was natural to assume that such a step had or would be taken under the circumstances.

Within rights

It was obvious that the Venda Government had acted well within its rights, he said.

Mr Loots was appointed managing director of the VDC earlier this year. Before that, he was the corporation's general manager. He had been with the VDC since early last year.

He was previously employed by the Bophuthatswana Development Corporation in Mafikeng and also worked for the Corporation for Economic Development for a number of years.

A close acquaintance of Mr Loots described him last night as a "forceful" person who often bordered on the verge of losing his temper.

Neither Mr Loots nor a spokesman for the Venda authorities could be contacted last night for comment.
Venda inquiry backs up private land ownership

PRIVATE ownership and tenure of land will be recognised in Venda, if the recommendations of the Commission of Inquiry into Land Tenure and Ownership are accepted by the Venda government, the President of Venda, Paramount Chief P R Mphephu said last night.

The recommendations are contained in the first interim report, handed to President Mphephu by the chairman of the commission, Mr Justice G P van Rhyn, Chief Justice of Venda.

The Van Rhyn commission, in its report, recommends that private ownership be initially allowed on a limited basis which may gradually, and by way of evolution, be extended.

Traditional or communal tenure of land should remain and the sale or lease of land should only be negotiated in consultation with the chiefs, headmen and tribal authorities.

Possession of land should be restricted to Venda citizens, but to encourage investment and to draw capital from outside Venda, companies registered in Venda should be considered Venda citizens.

The commission found on the evidence submitted that the majority of chiefs and headmen had no objection to the letting and hiring of land.

The evidence was irrefutable that the lack of private ownership and tenure of land in Venda constitutes a serious impediment to the economy and to economic growth in the country.

In any event the present system of communal tenure of land could not provide sufficient land for each Venda family.

The commission made it clear that the report was purely interim and subject to the hearing of further evidence.
Venda refuses to discuss expulsion

BY CHRIS FREIMOND

SENIOR officials of the Venda government have refused to discuss the expulsion from the country of the managing director of the Venda Development Corporation (VDC), Mr Rehite Loots.

Mr Loots was given 24 hours to quit the country last Friday. He is understood to have returned to Pretoria where he has a house. He could not be contacted yesterday.

The Venda director of information, Mr S M Moeti, said he had no information on the expulsion.

The general manager of the VDC, Mr Wilson Muvhulwa, said the government had informed him this week that Mr Loots' work permit had been withdrawn due to "certain circumstances."

He was given no other details, but was satisfied that there had been good reasons for the action, he said.

He saw Mr Loots for the last time on Friday afternoon and there had been no indication that he was about to be expelled. Shortly afterwards his permit had been withdrawn and he left Venda almost immediately. They had not been in contact since then, Mr Muvhulwa said.
Venda's president in City

Staff Reporter

VENDA'S president, Chief Patrick Mphuphu, was greeted with a 21-gun national salute and a fly-past of SAAF Impala jets when he arrived at DF Malan Airport yesterday in the South African presidential aircraft, Cheetah, on his first state visit to this country.

The State President, Mr Marais Viljoen, the Minister of Foreign Affairs, Mr Pik Botha, and other dignitaries were at the airport to meet President Mphuphu, his wife and their entourage, who will spend two days in the City.

President Mphuphu was the lunch guest of the Prime Minister, Mr F W Botha, yesterday and last night he and his wife were guests of honour at a banquet given by the State President and Mrs Viljoen at the Tuynhuys.

Venda's head of state will reciprocate with a banquet at the Mount Nelson Hotel tonight.

Chief Mphuphu's party will visit the South African naval base at Simon's Town today and will be taken to see in the frigate SAS President Pretoria for a demonstration similar to that given during the recent state visit of President Kaiser Matanzima of Transkei.

President Mphuphu will return to Venda by air tomorrow morning.

Accompanied by the State President, Mr Marais Viljoen, right, the President of Venda, Chief Patrick Mphuphu, inspects the State President's Guard on his arrival at DF Malan Airport yesterday. Behind the two presidents are Lieutenant-General T Lemmer, Chief of Staff Logistics of the SA Defence Force, left, and Brigadier Paul Lombard, Officer Commanding Southern Air Command.
Auditors reject accounts of Venda Corp

AUDITORS have refused to approve the annual accounts of the Venda Development Corporation's Savings Bank.

In their official report on the VDC accounts, they also note the corporation's failure to follow normal tender procedures.

The report said: "Because of the inadequacies of internal controls, we are not prepared to express an opinion on the accounts of the Savings Bank."

The following points are also noted in the report:

- The award of a R43,000 contract for the VDC's brewery without calling for tenders. Original estimates for the contract were believed to have been less than 10 percent of the final amount paid.
- The granting of an R8,000 contract for glass for extensions to the Thoboyandou Hotel complex, to a company that had not tendered for the project, despite the fact that another company had tendered at a substantially lower price.
- A contract for a telephone exchange at the Thoboyandou Hotel complex in Sibasa.

Hotel casino in Sibasa.

The auditors said they eventually accepted an official explanation on the tiling contract, the telephone exchange contract and the wages. But, they note, the VDC's failure to follow normal tendering procedures was unsatisfactory.

On the glass contract, the auditors gave the corporation until October 1 to furnish a satisfactory explanation of why a contract was awarded to Plate Glass, which had not tendered, while turning down a President Glass which had tendered at a substantially lower price.

The auditors, Vanier, Viljoen and Malan, and the director of President Glass, Mr. Estyn Uschalk, have refused to discuss the issue.

The Savings Bank was set up to tempt the small investor to put his capital in the development of the homeland. It has investments totalling about R300,000 in shares or part of the company, not a separate company.

The general manager, Mr. Johannes Mofokeng, was not available for comment.

The acting managing director of VDC, Mr. Wilson Mochobawi, said there was "nothing wrong".

He confirmed the auditors had raised several queries in the past month, but these were "normal audit queries".

Regarding the Savings Bank, he said the auditors had been dissatisfied because certain information was not available. This had been due to the misfiling of documents.

These documents had since been found and the auditors, he said, had been satisfied there were no irregularities.

The board next to discuss the auditors' report, and once everything is explained, everybody was happy, Mr. Mochobawi, VDC's first Bethany general manager, told an exponentially profit-oriented management director, when the former MD, Mr. Louis, was expelled.

SA taxpayers foot the bills

The Government of the Republic of Venda — two years old this month — will spend 30 percent more this year than last year.

Total estimated expenditure will rise from R390.8 million to R450.5 million, nearly 15 percent of it covered by local and loans from the South African Government.

In line with the times, the salary of the Venda President, Paramount Chief Patrick Mohobabi, has been raised from R27,000 to a revised R30,000 or R1,500 a month, plus all the normal perks that go with the job.

Venda will spend a further R37,500 — up from R20,000 last year — onoving Chief Mohobabi's personal household, including his R200,000 residence.

It is believed to have more than a dozen vehicles.

Of the R463.5 million Venda will spend this year, only R25.7 million will come from its own revenue sources.
Venda tender: Sunday Times 4/10/81
Firm replies to query

By WILMAR UTING

A GLASS company reacted this week to an auditor’s query why the company had been granted a contract for which it had not submitted a tender.

This reaction followed a Sunday Times investigation, the result of which was exposed in the newspaper last week.

The query was contained in the auditor’s report on the accounts of the Venda Development Corporation, which was submitted to the corporation last month.

In the report the auditors asked for an explanation why VDC granted a contract worth R3 000 to Plate Glass, which, the report said, had not tendered.

The company’s marketing manager, Mr Don Lane, said his company had been asked on November 16, last year, to submit a tender for louvres and other glass for the Thohoyandou Hotel in Sibasa.

He said company representatives from Louis Trichardt handed their tender to VDC a few minutes before the closing time of noon on November 21, last year.

The tender was for R4 599.96. VDC then asked if they would also consider additional work. The final contract was for R6 399.97, less discount.

“We came away with an order form from VDC, and the job was completed,” Mr Lane said.

“The tender held by the VDC was unfortunately lost, but we obtained affidavits from our representatives this week that the tender was submitted.”
mentioned cases, only a part of the amount has as yet been transferred.
Applications for assistance with such development projects are considered strictly on merit and according to fixed criteria and are made available within the limits of available funds.

(a) Yes. At this stage the following three loans, which have been approved, are envisaged:
   Sibasa-Wleyespoort Road:
   R5 500 000.
   Nkolele Regional Water Scheme: R6 000 000.
   Vondo Regional Water Scheme: R8 100 000.
Agreements in respect of these three loans have not yet been concluded.

(b) Yes. At this stage the following three grants, which have been approved, are envisaged:
   Nkolele Water Supply Scheme: R203 000.
   Sewerage Purification Plant: R2 300 000.
   Foul and mouth disease: R357 000.
Agreements in respect of these three grants have not yet been concluded.

Further applications for assistance with development projects are currently under consideration, but no final decisions have been taken in respect of them. The note under answer (2) above regarding projects and assistance from the Loan Fund is also applicable to these envisaged loans and grants.
Member's questions

R172m from SA for Venda

HOUSE OF ASSEMBLY. — The Republic of Venda has received payments totalling R172,3-million from the South African Government since becoming independent two years ago.

Similarly, R365-million has been paid to the Government of Bophuthatswana since its independence in December 1977.

These figures were disclosed by the Minister of Co-operation and Development, Dr Piet Koornhof, in written replies to questions by Mr Nic Olivier (PP, Nominated).

The figures include annual budget assistance, the territories' shares in the customs union pool and specific project payments resulting from agreements and grants.

Of the money paid to Venda R25-million was regarded as being its own earnings while R654,7-million of the total transferred to the Bophuthatswana Government was regarded as earnings from its own sources.

Venda received R119-million in direct budget assistance for its three post-independence budgets, while Bophuthatswana received a total of R110,5-million in direct budget assistance since independence. — Sapa
Venda President arrives in Umtata

UMTATA — The Venda President, Paramount Chief Patrick Mphephu, arrived here yesterday to attend Transkei's fifth Independence anniversary celebrations at the weekend.

Chief Mphephu and his entourage were driven from the K.D. Matanzima Airport in President Kaizer Matanzima's official car and taken to the Presidential Palace.

A spokesman at the palace said the Presidents of South Africa and Bophuthatswana were expected to arrive today.

According to the celebration programme, the heads of state will be taken on a tour of Transkei's Wild Coast resorts today, and will later be entertained at a banquet at the Presidential Palace.