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The Cape Times, Wednesday, February 1, 1978 5

Bill for blacks to regain citizenship

HOUSE OF ASSEMBLY. — Provision for citizens of independent former homelands to regain South African citizenship is contained in a bill published here yesterday.

In terms of the Bantu Homelands Citizenship Amendment Bill, the person concerned must previously have been a South African citizen and citizen of a homeland.

If he then applies for, and is granted, citizenship of any homeland, he "shall thereupon also become a South African citizen by birth", the bill says.

Another bill would exempt citizens of independent former homelands from some residence and employment restrictions applying to citizens of other foreign black states.

The Bantu Laws Amendment Bill amends some sections of the 1945 Bantu (Urban Areas) Consolidation Act and the 1964 Bantu Labour Act to grant to these blacks the rights they had when their homelands still formed part of South Africa.

It would also provide for exemption from the provisions of the Bantu (Urban Areas) Consolidation Act to be granted

In terms of a proposed amendment to the 1952 Bantu (Abolition of Passes and Co-ordination of Documents) Act, citizens of independent former homelands would have to have identity documents in common with other foreign blacks, while black South African citizens retain their reference books. — Sapa

Urban blacks: 5-year plan

CT. 2/2/78 (339)

Political Staff

HOUSE OF ASSEMBLY. — The new Minister of Bantu Administration and Development, Dr C.P Mulder, is to launch a five-year plan to improve living conditions in black townships outside the homelands.

Describing urban blacks as "the crux of the matter", Dr Mulder said that the people in these areas were there to sell their labour and increase their living standards.

Dr Mulder also said during the censure debate that he was not prepared to negotiate with any self-appointed leaders, but "my door will always be open to elected leaders of the people".

In his speech, Dr Mulder said that after the recent riots inhabitants of Soweto had been asked by the Department of Information to isolate friction points.

They said housing was most urgent, followed by salaries, social services and facilities, education, economic opportunities, transport problems, mobility, joint say in licences, local affairs and finally participation in national politics.

"We will give attention to these matters, in the order of preference the blacks attach to them. I am planning to launch a five-year plan in terms of which we will pursue these aims and endeavour to rectify these matters.

"I know and everybody knows that these matters will cost money. However, one does not achieve much without paying for it," Dr Mulder said.

He intended:

- Working within the framework of the policy of the National Party and implementing this policy to its fullest consequences, because he believed the policy could accommodate the highest ideals the government had for blacks. (This included affording them basic human rights, majority rule and self-determination within the concept of plural democracy.)
- Mustering the resources of his department to give special attention to good human relations and healthy dialogue.
- Doing nothing which could jeopardize any group's right of self-determination.
- Doing nothing which could "break or destroy the identity of any group".

"These things are not negotiable. They are fundamental, they are basic," he said.

He would endeavour to help blacks to achieve self-determination and to get one-man, one-vote within the concept of plural democracy. Plurality in this sense referred

Continued on page 2

my life.

Mulder's plan

Continued from page 1

to the diversity found in South Africa, and democracy referred to the right of self-determination.

"Little things which may obstruct the road to the achievement of these ideals should not be elevated to attain the status of principles of plural democracy," he warned.

Dr Mulder said that the flow of people to the urban areas had to be controlled. However, accord had been reached between the government and a committee of homeland leaders who had investigated this problem, and travel documents would in future be issued by these governments.

Authority

Homeland citizens would be able to apply for these documents and the holders of such documents would not need pass books any more.

Turning to community councils, Dr Mulder said that there had recently been various statements saying that the councils would be empowered merely to advise the authorities. These councils would, in fact, gradually have total authority over local matters affecting them.

"However, I am not prepared to negotiate with self-appointed leaders, but my door will always be open to elected leaders of the people."

Explaining that during the financial year 1974/5 black incomes had improved by 30,4 percent as against an improvement of 14,8 percent in white incomes in the private sector, and that the corresponding figures in the public sector were 28,2 percent and 10,8 percent respectively, he said the black man's position had improved considerably.

This made it easier for the government to ask blacks to at least partially help to finance improvements.

"We have the key to the solution of our problems in our hands. The West wants us to reach accord with Africa. Reasonable African states wish us to reach accord with our own population groups.

"The key, therefore is in our hands. We can come to terms with our problems," he said.

A foundation for black housing

5/2/78 Sunday Trib 334

By COLIN VINEALL

THE Urban Foundation's Natal Regional office has published a comprehensive booklet setting out the conditions surrounding the provision of houses for blacks, Indians and coloureds in the Durban - Pietermaritzburg area.

And while the 36-page document, prepared by the region's co-ordinator, Mr Alan Mountain, is at pains to stress that "it is not intended to provide a commentary on black housing or the quality of life in any of the townships concerned," some of the startling facts that come through speak for themselves.

The main objective of the booklet, says Mr Mountain, is to spell out for employers who want to help their black staff get homes, just how they can go about it within the framework of Government rules.

It also explains the rights of blacks, coloureds and Indians.

An introduction to the booklet, says: "The overall aim of the Urban Foundation in respect of housing is to increase opportunities for all people to choose their own homes, according to their individual capabilities and preferences, and for people to build, buy or rent their homes as they prefer.

"To achieve this aim, several changes in the accepted methods of providing homes will have to be made, especially as these affect blacks in urban areas."

The Urban Foundation pledges itself:

- To work towards normalising land tenure for all urban residents.
- To help create a situation where all people have direct access to building societies and other free market lending institutions for the purpose of financing the purchase of their homes;
- To investigate new forms of financing individuals to acquire or improve their own homes;
- To develop and demonstrate imaginative new ways of extending the options open to urban residents in regard to the construction of their own homes.

Several thousand copies of the booklet have been printed, and the Chambers of Commerce and Industry are helping with its distribution.

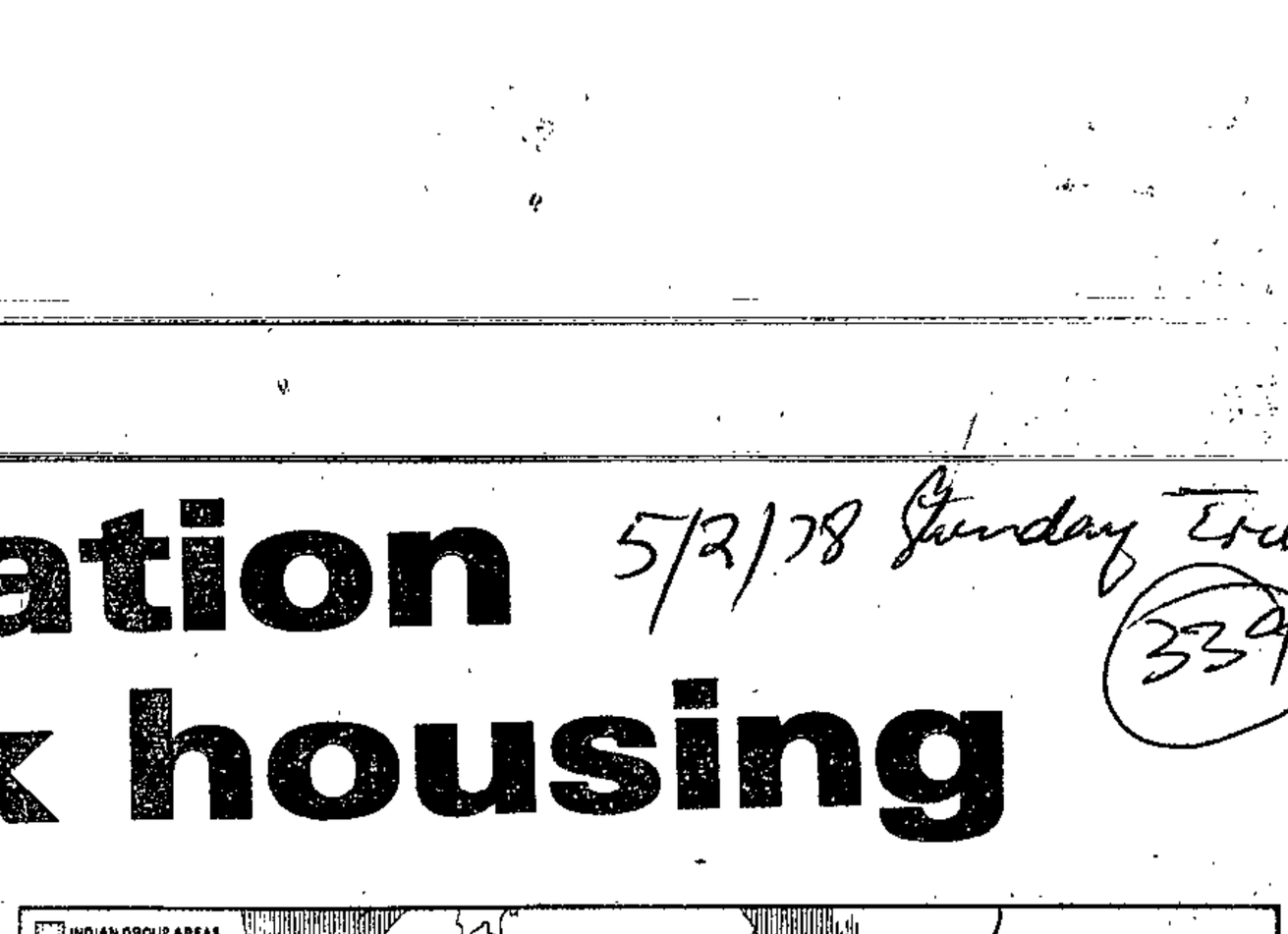
In recent months, many employers of black labour have voiced interest in some form of housing assistance for their work force.

Now, Mr Mountain says with this booklet, they and the workers will know exactly what can be done.

For instance, the booklet lists the differences applicable to Africans in white areas and black areas. In white areas, the authority responsible is the Bantu Affairs Administration Boards; in the black areas, KwaZulu Government Services and the South African Bantu Trust.

Land tenure is not permissible in white areas and only the ownership of the house is allowed. In black areas, land tenure can be freehold, by deeds of grant or communal.

No loan finance is available for purchasing or building a home in white areas; in black areas it could come from the Corporation for Economic Development or employers.



One of the maps in the new booklet on black housing published by the Urban Foundation

The booklet goes into much greater detail and covers the same ground for Indians and coloureds.

It makes these points:

ON BLACKS: "Despite the State's programme, the shortage of housing units for Africans in Natal remains extremely acute and with the increasing rate of urbanisation, the situation is becoming increasingly serious.

ON COLOUREDS: "The present situation regarding coloured housing (in areas controlled by the Durban City Council) is one of chronic shortage."

ON INDIANS: (In Durban): The booklet quotes from a study by the City Engineer's Department which discloses that "an additional 16 700 housing units will be required over and above those already planned to meet the Indian requirements in 1985.

"Further extension to Phoenix is currently under investigation which could provide another 11 000 dwelling units, while a new scheme to the south of Durban embracing 5 700 units is currently under investigation."

But it points out that if these schemes are implemented a further 2 000 homes a year will still be needed thereafter to keep abreast of demand."

HANSARD No. 2

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ized. It is of course quite clear
a case the person whose appar-
n seized will be afforded an
of stating his case directly to the
of presenting his motivations as
inks he is entitled to own or use
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ded standpoint only. The stand-
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member also referred to the fact
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ndicated that an inspector should
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think we can allow this point to
until the Committee Stage when
the amendment in question, for
any sound, practical reasons why
omply with this. However, I shall
se reasons during the Committee

now to the prohibition on the
on, under given circumstances, of
ived on aeronautical and other
d channels. I just want to indicate
ovisions in this regard are being
the statutory amendment at the
the Department of Transport. There
hams who frequently hear such
n. I am thinking, for example, of
n concerning a rescue attempt, the
f an aircraft, an emergency landing
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airport in order to use up its fuel.
magine what consternation it would
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n of such information caused
ck to the scene of the accident.
we complied with the request of

the Department of Transport, and that is why we say that this information may not be distributed or published. It is all being done in an effort to render service. It is not an attempt to make matters more difficult for people.

The hon. member for Mooi River raised a very important point. In the times in which we are living, security does indeed play a major role. It has always played a major role, but perhaps we are more alive to it in the times in which we are living. Certain problems, with which he is intimately acquainted, have arisen. I want to agree with him that it is not the kind of problem which we can solve here, during a discussion across the floor of this House. I just want to emphasize that the utilizable frequency spectrum is limited. It is limited in that high frequencies are internationally controlled, but also in that we ourselves control low frequencies in South Africa. I want to tell him that a certain series of frequencies are reserved for civil protection, for example. That is no secret. The Post Office simply cannot allow private persons to cause disturbances on those frequencies, for it would defeat the object envisaged in reserving those frequencies. As regards the specific problem raised by the hon. member, it is a matter which we will simply have to tackle and try to solve among ourselves. As I have said, what is being envisaged here is not to make matters more difficult for people who operate within the law; the object of this amendment Bill is simply to place the entire service on a sound and permanent basis and to ensure that matters proceed in a correct and orderly manner.

Of course, since telecommunications have recently undergone such tremendous development and the electronics industry has made such rapid advances, we have as a by-product today the fact, for which I do not wish to criticize anyone unnecessarily, that dealers have acquired certain apparatus and equipment for sale. I do not know whether they always present the case correctly to the purchasers of that equipment. When they sell such equipment, they simply tell the purchaser: "You can put this apparatus to many uses." However, they do not tell the purchaser what he may or may not legally do with that equipment. This is one of the problems with which the ordinary citizen has to contend. He purchases such equipment, but when he uses it, he finds that he has acted illegally and then the Post Office, whose function it is, has to step in and prevent him from using it. It would be a good thing if all the hon. members of this House were to ensure—and were to warn against this—that people do not simply believe at face value any story they may hear from dealers in radio apparatus. They should first establish very carefully what use they will in fact be able to make—apart from the ordinary everyday use with which we are all acquainted—of the equipment being offered to them.

Mr. Speaker, I think that I have replied in general to the matters which were raised. The various points which emerged could perhaps be discussed to greater effect during the Committee Stage, and for that reason I shall not go into them any further at this stage.

Question agreed to.

Bill read a Second Time.

BANTU LAWS AMENDMENT BILL

(Second Reading)

*The MINISTER OF BANTU ADMINISTRATION AND DEVELOPMENT: Mr. Speaker, I move—

That the Bill be now read a Second Time.

This Bill does not have any one specific identifiable principle which could be focused on at the Second Reading. However, I want to say at once that the general spirit underlying the Bill seeks to provide greater flexibility in respect of the implementation of certain matters, while more powers are being transferred to the legislative assemblies—matters which were formerly handled by the State President by way of proclamation.

†This Bill seeks to amend a number of laws dealing with a variety of subjects falling within the sphere of activities of the Department of Bantu Administration and Development.

In the first instance it streamlines the procedure for obtaining attachment of a debt or emoluments due by a person who is not a Black. In several clauses the Bill substitutes

citizenship for place of birth as a basis upon which the presence of Blacks in certain areas and the issue of reference books and identity documents are regulated. It further regulates the control of undesirable elements in urban areas. It is further provided in the Bill that certain Blacks may be exempted from provisions of the Bantu (Urban Areas) Consolidated Act, 1945. The Bill makes for more flexibility in appointing a Commissioner-General, removes obsolete provisions, brings about more clarity and removes a contradiction in the law in clause 13 for example. In clauses 14 to 19 certain powers of the State President are transferred to legislative assemblies and the procedure for a further transfer of power is simplified.

The last clause regulates the legal and administrative position of areas excised from Legislative Assembly areas.

I have laid a White Paper upon the Table which will give hon. members further information. Hon. members will surely have noticed that this Bill lends itself to a discussion in Committee Stage rather than at Second Reading but it would nevertheless not have been in the interests of time economy to have introduced a number of separate Bills.

Mrs. H. SUZMAN: Mr. Speaker, the hon. the Minister has disposed of this Bill in record time. One would have thought, judging by his introductory remarks, that there is nothing to it; that it is a simple measure which is going to bring a little more flexibility into the system of Bantu administration. I can only assume that the hon. the Minister has not yet had the time to study the measure which he is introducing in the House today.

I want to say at the outset that I consider this Bill to be a very unfortunate vehicle for the hon. the Minister's début in this House and in his new portfolio. He raised all our hopes last week when he spoke in the censure debate. He was praised by both the English and the Afrikaans-medium Press. Members on this side of the House welcomed the tone of his speech. All of us were pleased to hear him set down priorities which he said would receive his early attention. Those priorities included housing, education, wages, transport, recreational facilities, employment opportunities, etc.; he ended up with political participation. We welcomed the fact that the hon. the Minister expressed his intention of bringing about improvements in these fields which he thought would lessen the tension in South Africa. However, he made it very clear that he had no intention of stepping outside the framework of NP policy—I understand that very well indeed. Nevertheless, it baffles me that the hon. the Minister has come to the House this afternoon with, as his first effort, this Bill, because I want to tell him that this is a typical "M. C. Botha Bill." I am very sorry indeed that the hon. the Minister did this despite all his good intentions. I mean this quite genuinely. I wish that I could have had the opportunity privately to try to persuade the hon. the Minister to withdraw this Bill before it even came to the House because I do not think that this is going to advance his reputation in any way. Nor do I think it will set the fears of the African people at rest where we have a new Minister taking over this portfolio.

One would have hoped that the hon. the Minister would have come to the House this afternoon and, as his first effort, would have repealed something. Even within the framework of government policy he could have repealed or amended, if you like, one of the thousands of measures which bear hard on the African people. I have a volume of Butterworths here—and I can barely lift the thing—which is simply labelled "Bantu". The label states nothing else, it is simply labelled "Bantu". In this volume are hundreds upon hundreds of statutes all of which control the lives of the Africans from the cradle to the grave. Many of them bear down very hard indeed on those people. I would have thought that the hon. the Minister would have gone through this volume, taken some advice and suggested that as his first measure in Parliament as the new Minister of Bantu Administration and Development, he should repeal one of these statutes. [Interjections.] On the contrary, he has come along with a Bill which, in fact, adds materially to the burden of urban Africans and indeed of Africans in other areas as well. I believe that this Bill is going to increase resentment and hostility, and that is the very last thing we want in South Africa at the present time.

The hon. the Minister has said—and this is the only thing with which I really agree as regards the remarks he has just made—that this Bill amends several statutes: it certainly

does. It amends about eight or nine ... is an omnibus Bill and I agree that ... can best be discussed at Committee ... have to tell the hon. the Minister ... ately, however, that several of the ... this amending Bill are so offensive ... have no option but to oppose this ... strongest possible way. Therefore I ... to move at the appropriate time that ... be read this day six months. I have ... hon. the Minister why I am ... because he seems to be very sur... had relied, as he appears to have ... explanatory memorandum which has ... before him by his department, I ... probably have been quite inclined ... the Bill to go through without any objections. The explanatory memo... however, tells one nothing. It is ... bland and it gives very little info... the really dire effects that some ... clauses are going to have on the Afri... therefore, although we shall deal ... more detail during the Committee ... think it is necessary to make some ... tory remarks as to why we are going ... that the Bill be read this day six mon...

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> The amendment determines ... as the basis upon which the pre... prescribed area of a Bantu who ... South African citizen or a ... African citizen of a stated class ... regulated.

I think, however, it goes much ... that. As I read the Bill—if my in...

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does. It amends about eight or nine statutes. It is an omnibus Bill and I agree that the details can best be discussed at Committee Stage. I have to tell the hon. the Minister immediately, however, that several of the clauses of this amending Bill are so offensive that we have no option but to oppose this Bill in the strongest possible way. Therefore I am going to move at the appropriate time that this Bill be read this day six months. I have to tell the hon. the Minister why I am doing this, because he seems to be very surprised. If I had relied, as he appears to have done, on the explanatory memorandum which has been put before him by his department, I too would probably have been quite inclined to allow the Bill to go through without any further objections. The explanatory memorandum, however, tells one nothing. It is extremely bland and it gives very little information of the really dire effects that some of these clauses are going to have on the Africans and therefore, although we shall deal with it in more detail during the Committee Stage, I think it is necessary to make some explanatory remarks as to why we are going to move that the Bill be read this day six months.

I am going to deal with only clauses 2 and 3 which are two of the offensive clauses. There are other clauses we do not like, but my colleagues will deal with them at a later stage of the debate. The explanatory memorandum is superficial in the extreme. Indeed, I think it is actually misleading, because it gives an entirely innocuous interpretation to two of the most important clauses, i.e. clause 2 and clause 3. What does the explanatory memorandum say about clause 2 which is the clause that amends section 12 of the Bantu (Urban Areas) Consolidation Act which is the section which, as the hon. Minister will know, deals with foreign Africans and their rights to be in the prescribed areas in the Republic? All the explanatory memorandum says is—

> The amendment determines citizenship as the basis upon which the presence in a prescribed area of a Bantu who is not a South African citizen or a former South African citizen of a stated class shall be regulated.

I think, however, it goes much further than that. As I read the Bill—if my interpretation is wrong I shall certainly be glad to hear so—it gives protection to some Africans from certain restrictions, but first of all, it changes the whole basis of what is a foreign African and what is not. According to the principal Act, birth was the determining factor. If a person was born in the Republic, that was it. Now the words "not born in the Republic or in the territory of South West Africa" are deleted and substituted by "who is not a South African citizen, or who is not a former South African citizen who is a citizen of a state the territory or part of the territory of which formerly formed part of the Republic". In other words, birth disappears as the criterion and in its place comes citizenship. This has the most important implication for children of parents who were citizens of the Republic by virtue of being citizens of an area formerly part of the Republic. To be specific, I am referring to the only two areas involved, i.e. Transkei and Bophuthatswana. Such people are exempted from the clauses dealing with foreign Africans, but their children are not if they were born after the date on which the homeland became independent. Therefore, future generations of children are not included in this exemption and that means that all children of parents who are citizens of the Transkei and of Bophuthatswana, who even if born in the Republic of South African citizenship the minute the homeland became independent. We all know that all citizens acquired a dual citizenship, by virtue of the Homelands Citizenship Act, even those born in the Republic. On independence, the citizens of Transkei and Bophuthatswana lost their South African citizenship, even though born in South Africa, and became citizens only of Bophuthatswana and Transkei. Those people, as distinct from foreign Africans, retain their rights of exemption from restrictions under section 12 of the principal Act, but their children do not. The minute the children are born, if they were born after the date of independence, they are no longer citizens of South Africa. They have lost that citizenship; in fact, they never had it.

Mr. P. D. PALM: They are citizens of Bophuthatswana. Read that section.

Mrs. H. SUZMAN: I have read that section. They were not former citizens of South Africa, and if the hon. the Minister

would agree to delete the word "former", maybe we could get somewhere. If they were former citizens of South Africa they are protected, but one cannot be a former citizen if one was never a citizen. An unborn child of two Transkeian-linked parents—I am going to call them that because I use as an example people who were born in the Republic—was not a former citizen—in fact he did not exist—and therefore does not retain any protection now being given to citizens who are not foreign Africans. That is one complaint we have. This is a badly worded Bill. It may well be that that was not the intention, but if it was not the intention, I hope the law advisers will get to work and do something about this.

I interpret the clause to mean that a person cannot be a former citizen if he was not born at the time of independence. I just want to point out to the hon. the Minister that if my interpretation is correct, this is a betrayal of the undertaking given both to the Transkeian Government and the Bophuthatswana Government at the time the Independence Bills were being debated in the House. Section 6(3) of the Satus of Transkei Act and section 6(4) of the Status of Bophuthatswana Act both laid down that a person shall not forfeit any of the existing rights he has. I just want to point that out.

Clause 3 of the Bill amends section 29 of the Bantu (Urban Areas) Consolidation Act, 1945, which is the section relating to the declaration of people as idle or undesirable. In the explanatory memorandum clause 3 is referred to as follows—

> (a) In order to remove the uncertainty which exists in respect of the meaning of the term "normally unemployed" in relation to the term "idle person", a definite period is determined.

That sounds quite innocuous, until one begins to look at the implications. In order to determine the implications one has, of course, to look at the penalties involved in being declared idle. However, one also has to look at clause 3. What does it do? It removes the words "normally unemployed" and substitutes as the definition of "unemployed"—

> Though capable of being employed, is not lawfully employed and has, for a period, or for periods in the aggregate, of not less than 122 days during the preceding 12 months, not been lawfully employed . . .

If for 122 days in the aggregate a person has not been employed during the previous 12 months he can now, under this definition, be declared idle. That is a terrible thing to be doing. I know hon. members are going to scream at this, but I am going to say it anyway, that there are many people who are unlawfully employed who are not idle. These people are unlawfully employed in terms of our laws, in that people are not allowed into the urban areas without specific permission and so on. They are people who enter the urban areas without permits. They come in not to be idle or to be criminals, but to earn a living, to try to support their families. In terms of our law they are unlawfully employed. I concede that at once. What happens under existing legislation is that these people are hauled before a Bantu Commissioner and are given the option of paying a fine or going to gaol for a short period, or they are endorsed out of the urban area. However, they are not declared to be idle. There is a very big difference between being fined or sent to gaol for a short period under the pass laws, which is what it is, or being endorsed out of the area, and being declared idle, because being declared idle can entail very severe penalties indeed. There are thousands of people like this who are unlawfully employed in terms of our law, but they are not idle. They are employed. The very fact that they are employed shows that they are not idle. They are desirous of being gainfully employed. Those people are now subjected to severe penalties because they are going to be declared idle as a result of not being lawfully employed.

Even worse is the fact that the amending legislation lays down this provision concerning 122 days employment in the aggregate over the preceding 12 months. I wonder how many hon. members in this House know what the consequences are of being declared idle. I wonder if very many people have bothered to look up the legislation on this. I therefore hope hon. members will not think I am being impertinent if I quote a few sections to impress upon them what the penalties are.

I am not going to quote all
but there are three or four points
to draw attention to. I want to
Bantu (Urban Areas) Consolid
25 of 1945, section 29(7). Once
been declared idle, he may—and

> . . . be removed from the
> and sent to his home or to a pla
> by such Bantu Affairs Commis

He may also order that—

> (b) . . . such Bantu be sen
> detained in a retreat, rehabilitati
> or certified retreat established or
> have been established under any

> (c) order that such Bantu be
> be detained for a period not exce
> years in a farm colony, refuge
> home or similar institution est
> approved under the Prisons Act
> . . .; or

> (d) order that such Bantu be
> rural village, settlement, reha
> scheme, institution or other place
> by the Secretary . . .

I might say that these provisions
to Bantu over the age of 15 and under
of 65. I want to point out that if a
been declared idle, he shall forthwith
any right he may have acquired by
section 10(1)(a), (b) or (c) of the Urban
Act. He loses his rights under section
which, as everybody in this House kn
very valuable rights. Africans cherish
very much indeed.

There is a proviso in this Bill to
want to refer, namely that an African
engaged in any *bona fide* business,
profession or other remunerative activity
which he is in terms of any law licence
registered with the authority of a
bureau, is excluded from being declared
The Bill also does not apply to any Af
who is a pupil or student at an educati
institution or who, having completed a
of study, is awaiting admission to
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sections to impress upon them
alties are.

I am not going to quote all of the section, but there are three or four points I should like to draw attention to. I want to quote from the Bantu (Urban Areas) Consolidation Act, No. 25 of 1945, section 29(7). Once a person has been declared idle, he may—and I quote—

> . . . be removed from the area concerned and sent to his home or to a place indicated by such Bantu Affairs Commissioner . . .

He may also order that—

> (b) . . . such Bantu be sent to and be detained in a retreat, rehabilitation centre or certified retreat established or deemed to have been established under any law; or
>
> (c) order that such Bantu be sent to and be detained for a period not exceeding two years in a farm colony, refuge, rescue home or similar institution established or approved under the Prisons Act of 1959 . . .; or
>
> (d) order that such Bantu be sent to any rural village, settlement, rehabilitation scheme, institution or other place indicated by the Secretary . . .

I might say that these provisions only apply to Bantu over the age of 15 and under the age of 65. I want to point out that if a Bantu has been declared idle, he shall forthwith forfeit any right he may have acquired by virtue of section 10(1)(a), (b) or (c) of the Urban Areas Act. He loses his rights under section 10(1) which, as everybody in this House knows, are very valuable rights. Africans cherish them very much indeed.

There is a proviso in this Bill to which I want to refer, namely that an African who is engaged in any *bona fide* business, trade, profession or other remunerative activity for which he is in terms of any law licenced or registered with the authority of a labour bureau, is excluded from being declared idle. The Bill also does not apply to any African who is a pupil or student at an educational institution or who, having completed a course of study, is awaiting admission to another institution. I am worried about this. This Bill does not apply to Africans under the age of 15. However, there are thousands of young Africans who are at the moment over the age of 15 who are not in any educational institution. It may now be said they should be at school—and I agree they should go back to school—but the fact remains that they are not back at school. I think only about eight or nine of the 27 high schools in Soweto have opened. There are consequently thousands of kids still wandering around who are now liable to fall under the "idle" provisions of section 29. That is a very serious matter. It means they can be sent to any institution or any homeland. I do not think that legislation like this is going to reduce the hostility and tension at present existing in Soweto. The hon. the Minister tells us he wants to make Soweto a beautiful place. We should all like to see a beautiful Soweto, but this is not the way to do it. One can only persuade these children to go back to school; one cannot coerce them by measures of this sort, and I sincerely hope that this is not the intention behind this Bill. But it certainly could be read that way. If the hon. the Minister wants to coerce those children to go back to school, he must do so by promising changes in the whole system of education, by removing the very obvious differences in the quality of education between the education of White children and the education of African children. That is the only way it can be done. Do not underrate the spirit of resistance that is operating in the townships. Coercion is not going to work and Bills of this nature, I believe, are going to be counter-productive.

Finally, I want to ask the hon. the Minister how he can come along with a Bill like this which makes unemployment a crime and which reduces people to being declared idle when they are desperately seeking work? He knows that there are hundreds of thousands of Africans at the moment who are unemployed through no fault of their own. The Department of Statistics states that more than 620 000 Africans are unemployed at the moment. That is the Department of Statistics; other estimates are way higher than that, they are at the 1½million to 2 million mark. But I am using the official figure. There are 622 000 unemployed of whom 200 000 are in the Witwatersrand complex alone, and that is where most of the tension and most of the resentment and hostility are. What does the hon. the Minister think he is doing introducing this measure at a time of widespread, growing unemployment in South Africa?

Could anything be more foolish? What is the object of this measure? Why bring it in at all? We would object to this type of measure at any time, but at a time like this it is absolutely foolish to introduce such a measure. It can only increase the resentment and hostility in the African townships at the present time.

Mr. F. J. LE ROUX (Brakpan): That is the third time you have said that.

Mrs. H. SUZMAN: I could say it four times and the hon. member would not understand it. I could even say it a dozen times. It is not that he does not understand it: he does not want to understand it. That is the trouble, he does not want to understand it. If I could only persuade hon. members to drop this, it would be worth saying it a million times because I know this is going to bring further trouble in South Africa.

The hon. the Minister should go and see the lines of Africans queueing up day in and day out outside the labour bureau, seeking work and being turned away day after day because there are no jobs for these people.

Dr. H. M. J. VAN RENSBURG: And praying that they do not get it.

Mrs. H. SUZMAN: Sir, I get letters too. The hon. the Prime Minister, the hon. the Minister of Justice, everybody is reading out letters in this House, letters which they get all the time from people praising them for their work. I do not get letters praising me; I get letters imploring me to help people. Day after day they arrive on my desk. I get letters from Africans who say that they are turning to me as a last resort. They say: "We cannot find a job." One man wrote to me only last week. He had been employed for 23 years by a firm which closed down. He said: "I cannot get another job anywhere." He had been in regular employment all those years. He is already in his fifties and cannot possibly get another job. What does a man like that do? Is he going to be declared idle? What is then the purpose of this legislation?

We object to this Bill. We do not believe there is any justification for it. The hon. the Minister has certainly given no motivation whatever and I honestly believe that he has not really had the time—I put it at that—to investigate thoroughly the implications of this Bill. I therefore ask him to give the whole matter a second thought. There is still lots of time and I can assure him that we shall do no gloating over it if he does change his mind. We shall be deeply grateful to the hon. the Minister for it. Therefore, on behalf of those on these benches, I move—

To omit "now" and to add at the end "this day six months".

*Mr. C. UYS: Mr. Speaker, we have again had the doubtful privilege this afternoon of listening to the hon. member for Houghton. We were not surprised. In fact, we expected the hon. member for Houghton, as only she knows how, to read into a Bill the worst intentions and the worst motives possible. That has been our experience with the hon. member and it was our experience again this afternoon. She addressed her opening remarks to the hon. the Minister. They were words of disappointment.

*Mrs. H. SUZMAN: Yes, that is right.

*Mr. C. UYS: I accept that it was disappointment because up to now the hon. the Minister has given no sign that he intends applying PFP policy in South Africa. We on this side want to give her the assurance—and we are right in giving her that assurance—that she is hoping in vain that the day will come when the National Party Government will apply PFP policy.

The greater part of the hon. member's speech had little to do with the Bill under discussion. She dragged in matters which are quite irrelevant and which are in no way affected by the Act. I shall come back to that presently. In regard to the real, positive aspects of this Bill, the hon. member, as we expected, had not a single word to say. As the hon. the Minister so rightly remarked, this Bill has no underlying principle which can be discussed; it is actually a Bill ideally suited for discussion during the Committee Stage. A number of clauses of the Bill nevertheless provide for the positive promotion of self-determination for the Bantu in regard to their own affairs. There are also clauses—and the hon. member for Houghton knows this—which provide for positive self-determination for independent Bantu areas. This covers

matters which previously fell under the State President. I refer in particular to the authority which the representative council will have in connection with the allocation of revenue funds. I also refer to powers given them in terms of this Bill on the strength of which they themselves will decide on the appointment of new chiefs, the subdivision of tribes, etc. One particular power given to the Bantu in this regard and which, I assume, for a party like the PFP—being the internationalists they are—will have absolutely no meaning, is the power granted in terms of this Bill to Bantu governments to decide themselves which literary work they will accept as their own national anthem. I take it that this sort of thing holds not the slightest interest for the PFP. They are after all the people who want to be regarded as members of one great international community. But to us on this side of the House it is of special interest to lead each Black nation, each Black man in South Africa, in every sphere of life, to complete self-determination in regard to himself and matters affecting him.

But what the hon. member for Houghton really objected to are the steps envisaged in this legislation—and this is actually a practical amendment to the principal Act—which are designed to dispose of the won't-works in our Black townships. As the Act stands at present, it is provided that steps can be taken against such a person if he is normally unemployed. Anybody with the slightest practical experience, or with the most limited knowledge of the framing of laws, will realize that we are dealing here with vague terminology, a term which is subject and will be subject to various interpretations, and that it is very difficult, if not impossible, in terms of the present provision, to take effective action in regard to people who are in fact ne'er-do-wells and won't-works. That is the intention of the amendment embodied in clause 3. No more can be read into this than that the Government—the Minister and his department—intend taking action against won't-works. They do not want to take steps against people who are in the Black townships legally or against people who are in fact unemployed . . .

*Mr. H. E. J. VAN RENSBURG: What about people who want to work but cannot get work?

*Mr. C. UYS: . . . but only against people who are in fact won't-works.

The hon. member had a lot to say and made a great fuss about the poor children who do not go to school. Sir, they do not go to school because they do not want to go to school. She asserts that if the legislation is passed, the Minister will use it to remove those children from Black townships. I think that is the most far-fetched argument which I have ever heard in this House. The hon. member accuses members on this side, and in particular the hon. the Minister, of not having read either the Bill or the principal Act. But I wonder if the hon. member herself has taken the trouble to read the principal Act properly. Neither in the Bill nor in the principal Act is authority given to any official to take arbitrary action against any person. If an official has reason to believe that any person is a won't-work, he brings him before a Bantu Affairs commissioner who will give a decision after hearing evidence.

There is a right of appeal against the decision of the Bantu Affairs Commissioner. I do not have the thick book in front of me which the hon. member has before her, but I do know that the law also makes ample provision for the kind of orders a Bantu Affairs Commissioner can issue in various cases. One of the orders he can issue is that a child shall be given to its parents. But to assert in the House that we are going to take children who do not go to school away from their parents and send them somewhere else, is too far-fetched to be true.

*Mr. S. P. POTGIETER: Only a Prog would say that!

Mrs. H. SUZMAN: Do you not know what happened in . . .

*Mr. C. UYS: I think that is so far-fetched that no person who is not being malicious can believe or say anything like that.

Mrs. H. SUZMAN: You do not know what is going on!

*Mr. C. UYS: The Government is determined that protection be given to the law-abiding citizens in White South Africa and also in our Black townships. One can only give protection to a law-abiding citizen if in

fact one protects him against people who act illegally.

The hon. member stressed the point that the legislation is apparently aimed at people who are illegally employed in urban areas and who live in Black townships. In the same breath she referred to the long lines of Black people queuing for work. Did it ever occur to the hon. member that it is also in the interests of the law-abiding Black people in the Black areas, who are perhaps struggling to find work, to be protected against other Black people who reside illegally in the Black townships and are employed illegally by employers? But to try to explain this to the PFP is, I think, a waste of time.

I did not expect the vehement opposition contained in the hon. member's amendment that the Bill be read this day six months. I really did not think she would put anything like this before the House. But I want to say one more thing to the hon. member and I want to conclude on this note because there is really not much more to say in this connection.

Mrs. H. SUZMAN: [Inaudible.]

*Mr. SPEAKER: Order!

*Mr. C. UYS: This Bill, and particularly the clauses she has discussed, are a sincere attempt to solve the problem of idleness in Black townships. There is no more than that in that particular clause. In my view there is not much in the other clauses which is contentious. The hon. member referred to the provisions which substitute "citizenship of the Republic" for "born in South Africa". That is a normal development. Those hon. members have not kept pace with developments in South Africa during recent years. The amendment now being effected in terms of which reference to persons born in the Republic is being changed to persons who are citizens of the Republic, is a simple, consequential amendment as a result of the status changes which have been brought about recently at various levels in respect of various Bantu nations in South Africa.

Mr. R. A. F. SWART: Mr. Speaker, the hon. member who has just resumed his seat, has criticized the hon. member for Houghton for trying to attribute the worst possible meaning and motive to the Bill before the House at present. I think the hon. member and others must realize that we in these benches have had previous experience of Government attitudes in spheres of this kind, and as a result of that experience we are well entitled to view, with the utmost caution, any measures such as the measure before the House this afternoon. I think the hon. the Minister has done himself an injustice in the manner in which he introduced the Bill this afternoon. It is common cause that when the hon. the Minister spoke in the debate last week, we on this side of the House and other observers were impressed by his sincerity, and certainly one holds the view that in the difficult times in which South Africa finds itself at the present time, particularly in regard to matters being handled by the hon. the Minister, the hon. the Minister should be wished well and given every assistance possible. I do, however, think the hon. the Minister did lay himself open to criticism for the rather cursory way in which he introduced the legislation before the House at present.

It is, after all, a Bill which deals with a wide variety of amendments to a wide variety of existing Acts which cover series of aspects of the lives of millions of people in South Africa. Consequently one would have hoped that in introducing a Bill of this kind, the hon. the Minister might—in addition to the White Paper which, as the hon. member for Houghton has told us, is very sketchy—have been able to motivate the legislation more forcibly and comprehensively than he did. The hon. member for Houghton has dealt particularly and extensively with certain aspects, especially those concerning the Bantu (Urban Areas) Consolidation Act. The Bill before the House deals, however, as I have said, with a number of other Acts, and in particular with the Bantu (Abolition of Passes and Co-ordination of Documents) Act and the Bantu Labour Act. I think the hon. member has dealt extensively with clauses 2 and 3 of the Bill, those clauses dealing with the definition of foreign Bantu in relation, particularly, to the new Bantu homelands. She has also dealt with the increased powers the Bill gives the Government in regard to people who are described as idle and undesirable Bantu. The hon. member who has just sat down asked the hon. member for Houghton a number of questions on this

issue. One just wonders if one is really dealing only and specifically with idle and undesirable Bantu in this legislation. One just wonders why it is necessary for the Government to assume greater powers than it has at the present time if that is the case. The Government has effective legislation on the Statute Book at the present time, quite sufficient to enable it to deal with ordinary undesirable and idle people within our community. Why, then, is it necessary for the Government at this stage to ask for certain increased powers in this regard? I think we on this side of the House are perfectly entitled to express our misgivings at these ominous calls for increased powers in this particular sphere.

However, I want to deal with certain other aspects of the Bill, aspects which I believe are perhaps nearly as contentious as the issues dealt with by the hon. member for Houghton and which, I believe, can only lead to the creation of further confusion and hardship and which for that reason must be opposed. I want to deal particularly with the principle contained in the amendments to the Bantu (Abolition of Passes and Co-ordination of Documents) Act which are contained in clauses 6, 7 and 8 in the Bill before us. Here, too, one is conscious of the fact that, when one is dealing with any aspect relating to the operation of pass laws in South Africa, one is dealing with a matter that is of critical importance in the lives of hundreds of thousands of South Africans; one is dealing with a matter in respect of which the greatest care must be taken in passing legislation.

Section 3 of the Act, which clause 6 of the Bill seeks to amend, at present provides for the issue of reference books to Bantu who are born in the Republic of South Africa or in the territory of South West Africa. It also provides for identity documents for Bantu who are born elsewhere. The same principle as applied in the provisions to which the hon. member for Houghton referred, is to be seen in clauses 6, 7 and 8 of the Bill, viz. the principle which seeks to substitute the concept of citizenship for that of birth in determining the issue of these documents to various people in South Africa. In effect, it means that all Bantu who are still citizens of South Africa shall still have a reference book as at the present time, but it also provides that Bantu who are now citizens of the Transkei or of Bophuthatswana—it is clearly these territories to which we are referring—and who were formerly citizens of South Africa, now have to carry identity documents in lieu of the reference books they carried previously. This aspect is interesting. Perhaps, Sir, it may seem logical to differentiate between what the Government may see as two different classes of people in terms of the theory of the Government's policy of independent homelands in relation to the two classes of people concerned.

We know that the existing reference book in use in South Africa is also being used as a record of the employment of the individuals concerned and also of their tax payments. I want to ask the hon. the Minister how the proposed identity documents of former South African citizens, who are now going to be citizens of Bophuthatswana or the Transkei, will differ from the reference book in this respect. Will they also contain a record of employment and of tax payments? What will be the difference between the two types of documents?

After all, Sir, we may be dealing here with people who now, by law, have become citizens of another country. However, for the most part we are dealing with tens of thousands of people who were born in South Africa as South African citizens and who now of necessity are going to be coming and going to and from the Republic of South Africa both because the independent homelands are unable to provide them with the employment opportunities they need and because we in South Africa need their labour. These people are going to be carrying a variety of passes. I think it is hardly likely that citizens of Transkei and Bophuthatswana working in the Republic will not be compelled in some way to have a record of their employment or their tax payments. One wonders therefore what the difference is between the two types of documents, or is this simply some sort of cosmetic operation designed to underline the policy of separate homelands as opposed to the rights of people within the country in which they are born?

The principle of substituting the concept of citizenship for the concept of birth continues throughout the amendments introduced in this legislation. It seems to create even further categories of people in South Africa. Again, one is entitled to ask questions and to view legislation such as this in the most critical

light, because, once again, this kind of situation can cause further confusion in a situation that is already confused.

Mrs. H. SUZMAN: There will be "other foreigners"—as there are "other coloureds".

Mr. R. A. F. SWART: Clause 6(b) makes the same substitution. This clause seeks to amend section 3 of the Act. If one reads clause 6(b) of the Bill with section 3(1) *bis* of the Act, the amended subsection will read as follows—

> (1)*bis* Notwithstanding the provisions of subsection (1), the identity document referred to in subparagraph (ii) of paragraph (b) of the said subsection shall not be required of nor shall such document be issued to a Bantu—
>
> (a) who is in possession of a passport, permit, document or identity or other travel document referred to in the Admission of Persons to the Union Regulation Act, 1913 (Act No. 22 of 1913);
>
> (b) who is not a South African citizen and who enters or has after the 30th day of June 1963, entered the Republic.

It seems that the effect of these amendments will be to create three categories of Bantu in South Africa. The first will be the Blacks who are South African citizens. They are people who were born within the Republic of South Africa and who have reference books. The second category would seem to be Blacks who are citizens of Bophuthatswana and the Transkei who entered the Republic before June 1963. It would appear as if they will have some form of identity document. The third category would seem to be citizens of Bophuthatswana and the Transkei who entered South Africa after June 1963. This would be the third category, and they apparently will have neither the same identity document nor the same reference book but will be required to have some other sort of reference which would be either a passport, a permit, a document of identity or other travel documents referred to in the Admission of Persons to the Republic Act. This again would seem to cause confusion. What in effect is the difference between the three types of documents which individuals are going to be asked to carry?

These are important matters and deserve the closest possible scrutiny before legislation is passed in this House. The concept of substituting citizenship for birth goes right through to the question of giving Bantu commissioners the right to request citizens of Bophuthatswana and the Transkei to return reference books which they may be carrying with them and the issue of some other document to them. Again one is faced with the problem of people coming and going, as they will be, whether it is from independent States into South Africa or not. The fact of the matter remains, however, that in view of the interplay of labour between the two territories, people will be coming and going carrying a variety of documents, and I believe that there is a very real danger that there will be very considerable confusion and difficulties as a result of the amendments proposed by the hon. the Minister. I hope that when the hon. the Minister replies to this debate he will be able to allay some of these fears, because there is a great need for an explanation as to the powers which the hon. the Minister seeks.

*Mr. R. DE V. OLCKERS: Mr. Speaker, I do not intend replying to the hon. member for Musgrave because I want to deal with another aspect of the legislation in question. Before dealing with it, however, Mr. Speaker, I trust you will allow me to refer in passing to a few matters concerning my constituency.

I come from that part of the country which was commonly referred to as "settler country" during the previous election. There are very definitely in that part of our beautiful country many features which can be discussed on an occasion such as this. For example, there is the important aspect, as far as our part of the world is concerned, of the establishment and development of a veterinary faculty at Rhodes University. My predecessor, Mr. Bill Deacon, also raised this matter when he made his maiden speech. I should like to avail myself of this opportunity to pay tribute to the good service he has rendered to that community. I must say, however, that the enlarging of Rhodes University is not the only aspect I could raise. I could possibly also refer to the rapid expansion in the provision of housing in that constituency, particularly the provision of

Bantu housing in Grahamstown. I could also possibly refer to the extension of the harbour facilities at Port Alfred or to the acquisition of property at Peddie. However, the opportunity has now arisen in the shape of the legislation before the House for me possibly to say something about a definite matter. I trust I shall have an opportunity at a later stage to say something about the other aspects to which I have just referred.

Clause 1 of the Bill deals with the attachment of any debt in a Bantu Affairs Commissioner's Court. The clause, therefore, deals with a situation where one Bantu tries to collect money from another Bantu and where he has to follow the procedure laid down by the Bantu Affairs Commissioner's Court. Section 10(6) of the Bantu Administration Act, 1927, provides basically for the attachment of a debt by means of a garnishee order when a Bantu wants to collect a debt owing to him. This aspect is covered in greater detail by court rules 74 and 75 of the Bantu Affairs Commissioner's Court. Hitherto the position and the procedure to be followed have been of such a nature that a Bantu person has not been able to follow this procedure of attaching the debt or salary due to his judgment debtor if that debt or salary was owed by a White employer or a White debtor. Clause 1 of the Bill now rectifies that position and provides that such salary or debt can be attached by due process in a Bantu Affairs Commissioner's Court, irrespective of the source of such debt or salary.

I think this measure will be of great benefit to all Bantu and that they will welcome it because it will afford the more economically active Bantu a greater opportunity of collecting outstanding debts.

I am of the opinion that the principle as outlined in this legislation could be carried even further. To justify this statement I want to explain one or two aspects. The procedure followed in the Bantu Affairs Commissioner's Court is more or less the same as that followed in a magistrate's court. In the case of a magistrate's court two basically similar procedures apply when it comes to debt-collecting. Firstly, there is the procedure laid down in section 72 of the Magistrates' Courts Act. This section provides for the attachment of any debt or emolument due to a debtor which his creditor in turn wishes to acquire. The second procedure is laid down in section 65 of the Magistrates' Courts Act, namely that there should first be an investigation. This is in contrast to section 72 which refers to an attachment. In terms of section 65 there should first of all be an investigation into the position of the debtor and thereafter an attachment order in terms of section 72 may be obtained, or—and I regard this as important—the debtor may be ordered to pay direct in instalments. The procedure followed in the Bantu Affairs Commissioner's Court is set out in the proposed subsection (6) and is much the same as the procedure laid down in section 72 of the Magistrates' Courts Act. Unfortunately, there is nothing similar to section 65 of the Magistrates' Courts Act in the rules of the Bantu Affairs Commissioner's Court. There are basic differences between section 72 and section 65 of the Magistrates' Courts Act and I want to refer to one or two aspects in order to substantiate my pleas that the procedure laid down by section 65 of that Act should also be followed in the Bantu Affairs Commissioner's Court.

In the first place, in terms of section 72, the creditor must have prior knowledge of the position of the debtor. The creditor must know where the debtor works or he must know what moneys are owing to the debtor. Having acquired this information he can take the matter further in the Bantu Affairs Commissioner's Court by applying for any debt or salary owing to the debtor to be attached. This, however, requires the creditor to know where the debtor works, what he earns and for whom he works in order to be able to make the attachment. The whole problem, however, is that often the creditor does know what the position of the debtor is and is consequently unable to take further action.

In terms of the rules of the Bantu Affairs Commissioner's Court to which I have referred, it is, *inter alia*, a condition that the garnishee, i.e. the employer, should also be notified of such an application. If the creditor does not know where the debtor works, it is not possible for him to notify the garnishee or employer of such an application. Section 65 of the Magistrates' Courts Act, on the other hand, provides for an investigation into the financial position of the debtor. It provides for an investigation without the creditor having in advance to have the precise details of the debtor's employer. The creditor can

obtain all the information he wishes to have at this investigation; and that will enable him to collect the amount owing to him.

There is another difference between the procedures laid down by sections 72 and 65 and, that is that the instalments to be paid, have to be paid to the messenger of the court. He in turn pays the money over to either the creditor or his attorney. In terms of section 10(6) the same procedure is followed in the Bantu Affairs Commissioner's Court. It is obvious that this procedure involves considerably increased costs and inconvenience, particularly where the amount in question is large and is being repaid by means of small monthly instalments. The messenger of the court has to receive the instalment every month and he eventually pays it over to the creditor. In contrast to this procedure section 65 provides for the garnishee, i.e. the employer, to make payment direct to the creditor or his attorney.

However, there is another more important difference between these two procedures. As I have indicated, section 72 of the Magistrates' Courts Act, which is similar to the existing procedure laid down in section 10(6) as far as the Bantu Affairs Commissioner's Court is concerned as amplified by rules 74 and 75, presupposes that there must be something owing to the debtor by another person. Either debt is owing to him or his employer must owe him a salary. No provision is made for circumstances where the debtor is self-employed, has a fairly good income, and therefore receives nothing from an employer. It is often easier for a creditor to collect a debt from a debtor who is self-employed but whose assets are not of such a nature that they can be attached. As far as I know and as far as I could ascertain, there is no procedure in the Bantu Affairs Commissioner's Court similar to that laid down in section 65 which enables the Bantu businessman and creditor to collect from a Bantu debtor who, unlike the debtor who earns a salary, has his own business. The provisions contained in section 72 are very seldom invoked as far as the magistrate's court practice of debt collecting is concerned, whereas the provisions of section 65 are very often applied. As an attempt is being made in the proposed new subsection (6), as contained in clause 1 of the Bill, to make it easier for the Bantu creditor to collect a debt owing to him by a fellow Bantu, and as the proposed amendment recognizes the principle that debts and salaries can be attached irrespective of their source through action in the Bantu Affairs Commissioner's Court, I trust that in the foreseeable future it will be possible to take the matter further so that the principle which is now being ratified can be extended in order to provide for a procedure to be followed in the Bantu Affairs Commissioner's Court similar in form to that laid down by section 65 of the Magistrates' Courts Act. I have no doubt that such a procedure is urgently required.

In an attempt to close this loophole in the rules of the Bantu Affairs Commissioner's Court, it has happened in practice that attorneys have obtained an extract from the judgment given in the Bantu Affairs Commissioner's Court and have then had a notice issued in a magistrate's court in terms of section 65 in terms of which an investigation is then conducted in the magistrate's court. This naturally involves increased costs because magistrate's court procedure is so much more expensive than that of the Bantu Affairs Commissioner's court. What is more important, however, is the fact that this procedure is not 100% legal. Consequently it has in fact happened that although a blind eye has for some time been turned to this procedure, certain magistrates now refuse to follow it.

I maintain, therefore, with respect, that it is essential that a procedure which is in line with the principle already acknowledged and which conforms with the procedure laid down in section 65 of the Magistrates' Courts Act, be introduced in the Bantu Affairs Commissioner's Court as soon as possible.

*Mr. W. M. SUTTON: Mr. Speaker, it is a privilege to congratulate the hon. member for Albany on his maiden speech. Those of us on this side of the House who were friends of Mr. Bill Deacon, wish to express our thanks towards the hon. member for paying tribute to him. It appeared to me as though the hon. member was not in the least nervous when he started his speech. The hon. member said he came from the "Settler country". I think one is entitled to hope that after the next general election a member of this party will again have a seat in that area. I think the hon. member should get stuck in now and do some

hard work in Parliament, for perhaps he will no longer be here after the next election. [Interjections.]

†Mr. Speaker, we in these benches support the amendment of the hon. member for Houghton. I do feel that it might have been more advisable to have brought a reasoned amendment before the House, but one of the problems we have had with this legislation is that it has come within such a hurry before the House that we have had a certain amount of difficulty in contacting the department and getting hold of the background to the legislation. We know a great deal about the background of Bantu legislation in South Africa anyway; it has followed a common pattern over many years. The hon. the Minister is a new Minister and he has now introduced this legislation, which we can understand he has inherited from a previous Minister. We are of course prepared to make allowances for this. However, "we have a problem", to use a famous phrase. We have a problem with clause 2 where the hon. the Minister is taking the power to change the status of people not born in the Republic or in the territory of South West Africa. He is substituting another concept, namely people who are not former citizens of South Africa—in other words, citizens of the Transkei. As the hon. member for Houghton has pointed out, the problem arises here that people who are born as children of citizens of Transkei are going to be deprived of certain rights. Those are the rights dealt with under section 10. That is as we understand the position, and no doubt the hon. the Minister will confirm that that is so when he replies to the debate.

The problem arises whether it is possible for children who are born to citizens of another country, to continue to enjoy rights in South Africa after their parents have ceased to be citizens of South Africa. The right they used to obtain by being born in South Africa, has been taken away by the legislation instituting the independence of Transkei. I want the hon. the Minister to clarify this point for me. I think the hon. member for the PFP who will speak later on, may have some words to say on the subject, but I am not sure how long the Government envisages that the rights under section 10 will be vested in children born after the coming into operation of the independence of Transkei, because to my mind there is a very definite legal watershed concerning the independence of Transkei which limits the rights of children born to Transkeian citizens resident in the Republic after the independence of Transkei. I am not quite sure about this, and it worries me that the hon. the Minister may be using this amendment as a bit of a dodge to get around the provisions of section 10, which has built-in rights for people. From the viewpoint of the hon. the Minister and hon. members on the other side I can understand that they are faced with a problem whereby the people protected under section 10 are obviously going to increase in number. I should be very interested to learn from the hon. the Minister when he replies to the debate whether this is now a device whereby those numbers can be cut down.

Clause 3 concerns the question of people who are idle. I think we must be very honest about the fact that in times of economic hardship and difficulty in which we are now living, the pressure upon the Black population in the urban areas is going to be immense. There are people there who are desperate and who are driven to crime of all sorts. I do not think we must have any airy-fairy ideas about the pressure to which the Black population itself is going to be subjected. If there is a measure which has been designed to remove idle people from those areas for the protection of the law-abiding population, I think the hon. the Minister may have a case. However, I think the problem here is that there are now so many people being brought into the purview of this amendment that injustice can very easily be done. That is what concerns me, and I wonder whether this measure might not in some way meet the problem if after the words "not lawfully employed" we insert "or registered as work-seekers". In other words, this measure should attempt to create some kind of definition of people who live there and are not simply idle, but are out of employment and cannot obtain employment because of the situation in which they find themselves. The situation is made even worse because in terms of para. (b) a sound reason has to exist for the suspension of a warrant or order. Subject to the discretion of the Bantu Affairs Commissioner it has apparently been the practice in the past that a first appearance before a court in itself constituted a sound reason. A person brought before the Bantu

Affairs Commissioner's court thus obtained a further chance either to rehabilitate himself, to obtain employment or to do the right thing in terms of the legislation which was seeking to remove him from that area. That discretion regarding suspension is now being taken away, as I understand it. Perhaps I am wrong. I am a farmer and I do not pretend to be legally trained, but as I understand this proviso the discretion which was vested in the Bantu Affairs Commissioner to suspend the execution of a warrant by reason of it being a person's first offence, is being taken away.

An HON. MEMBER: That is right.

Mr. W. M. SUTTON: That is the point I am trying to make. I regard that as a somewhat harsh measure in the present times in which we live. I therefore think we are perfectly justified in supporting the amendment moved by the hon. member for Houghton since the hon. the Minister confirms that that is so.

*Mr. F. J. LE ROUX (Brakpan): Mr. Speaker, the hon. member for Mooi River has certain problems regarding the implementation of section 10 of the Act and clauses 2 and 3 of the amending Bill. I do think the Opposition still makes the basic mistake of creating the impression outside that the privileges—and I prefer the word "privileges" to "rights"—embodied in section 10 are more important to the Black man than his citizenship of a homeland or an independent Bophuthatswana or Transkei. It is this sort of propaganda which results in the Black man attaching more importance to his rights in terms of section 10 than he attaches to the exercise of his rights as a citizen of his country. The second problem is that both the hon. member for Mooi River and the PFP try to create the impression that clause 2, to which reference has been made, is actually completely new legislation. The hon. member for Houghton in particular says that it is more oppressive and severe legislation. But that is not the case at all. I want to refer to previous legislation introduced by all three of those parties when they were governing. In the circumstances it is very difficult to decide which party to refer to when one talks of old UP legislation. I do not think I am mistaken when I say that the legislation to which I am referring now was introduced in the Smuts era.

*Mr. W. M. SUTTON: There are so many UP people on that side of the House that you could also be one.

*Mr. F. J. LE ROUX (Brakpan): I want to refer for instance to section 17 of Act No. 21 of 1923. This is legislation which was introduced in the good old Smuts-UP days. Section 17 provides that if a prescribed officer suspects—and I quote—

> . . . that any native within the urban area or the proclaimed area as the case may be is habitually unemployed, or is by reason of his own default not possessed of the means of honest livelihood, or is leading an idle, dissolute or disorderly life, or is a native who having been ordered under subsection (1)(h) of section *twelve* to depart from a proclaimed area has failed to depart within the specified time or has returned before the expiration of the specified period, it shall be lawful for him to bring that native or cause him to be brought before a magistrate, native commissioner or native sub-commissioner . . .

The provisions of this Act, which originated with the UP, were further extended by Act No. 46 of 1937 also to include women who under certain circumstances were forbidden entry into prescribed areas. Further extensions were also effected in this regard. I quote from section 22 of Act No. 46 of 1937—

> (2) If any native who has been so required to give a good and satisfactory account of himself fails to do so, the magistrate or native commissioner inquiring into the matter may adjudge him to be an idle or disorderly person . . .

In this event a warrant could be issued in terms of which he could be ordered to leave the area. That is UP legislation. Now the hon. member for Houghton and the hon. member for Musgrave give the impression here that a completely new principle is being introduced by this legislation. But that is not the case. The only amendment actually being effected

here is to define the term "normally unemployed". All the other provisions are contained in the 1964 legislation. In other words, a Bantu who can be employed and is normally unemployed in terms of the old Act, and is not legally employed, can be dealt with in a certain way, if he is between 15 and 65 years of age. The only difference is that "normally unemployed" is now defined and includes a provision that it constitutes 122 days in a year.

The only reason for this and the most obvious reason—and hon. members can refer to law reports in this connection—is that there was a good deal of confusion in regard to the definition of the term "normally unemployed". I refer for example to the case of the *State* v. *Palm Lakha*, 1965 (SALR) in which the learned judge tried to define the term "normally employed". He defined it as follows—

> It refers to the ordinary and usual way of life of the person under investigation, not to what he has done or failed to do in special circumstances.

There were quite a few cases after this, and the last cases reported in this connection is the matter *in re Buthelezi* (1976 (1), p. 856). The accused's work record for the preceding three years was examined and it was found that in the course of two of the three years he had worked 15 months and had been unemployed for 11. The court found that in these circumstances he was not "normally unemployed". This led to considerable confusion and the existing situation is now being changed so that a concrete criterion is established in terms of which a Bantu can be regarded as being unemployed. That is all that has taken place. But the hon. members of the PFP are now telling the world that even greater restrictions are being placed on the Black man in White areas without referring to certain other aspects where discriminatory measures are being eliminated; for instance, where the Minister has the right, as he deems fit, to exempt a Bantu or category of Bantu from any of the provisions of the Act. That is not mentioned. We know that legislation has already been passed by this House in terms of which certain Black people in possession of passports must be admitted to all hotels in South Africa. Here again this provision gives the Minister authority to exempt certain Bantu or categories of Bantu from the provisions of the Bantu (Urban Areas) Consolidation Act. This is a non-discriminatory step which is being taken here. But that is not mentioned. Neither is reference made to clause 10. I think it was two years ago that certain provisions of the Labour Regulations Act were repealed, provisions in terms of which the Black man was guilty of a criminal offence if he deserted, used insulting language to his employer, and so forth. In other words this was previously a punishable offence. But the fact that an employer withholds money and does not pay the employee, is still regarded as an offence. Those provisions are now being repealed. But that is not mentioned. Any matter which benefits the employer in this regard, and which normally affects the White employer—because this has happened in domestic situations—is not well received. But where the impression can be created that it is a restrictive measure upon the Black man, this is bruited abroad and the wrong impression is given to the world.

In conclusion: The hon. the Minister has said that this Bill is actually a Committee Stage Bill. The hon. members of the Opposition have conceded this, but have nevertheless proceeded to attack the Bill in a committee stage way. I suggest therefore that the Bill could be more fruitfully discussed at the Committee Stage.

Dr. A. L. BORAINE: Mr. Speaker, it is quite clear from speeches of hon. members, including the speech of the hon. the Minister, that the Opposition's response and reaction to this piece of legislation has taken them by surprise, because quite clearly very little preparation has been made by hon. members on that side. I must join with the hon. member for Houghton and others who expressed their disappointment that this kind of legislation is being introduced as the hon. Minister's début in his new responsibility. We had anticipated that this legislation would probably be left over for a while in order that the hon. the Minister could acquint himself more closely with this legislation and other pieces of legislation before the House. I think it is a matter for regret that this was not done.

The hon. member for Brakpan has argued that we in the Opposition benches have

sought to undermine the citizens of Transkei and of Bophuthatswana in regard to their loyalty and their commitment to their citizenship. One usually gets this kind of nonsense and I think the only response I can give to that and which should settle the matter quite simply is to allow those who are born in South Africa and yet come from a newly independent country to make their own choice. If they had that choice that would settle the matter beyond dispute. It should be left to them to make that choice. But this, of course, is not what this Government will allow.

The hon. member for Brakpan went to great lengths to talk in terms of legislation which was introduced in 1923 and then amended in 1937. It has nothing at all to do with the modern situation facing South Africa. We are here in a peculiar and particular situation, and I would have thought that we would have introduced legislation and amendments which would have served South Africa and all its peoples today and not worry about what happened in 1923.

The final thing I want to say to the hon. member for Brakpan is that once again we have heard the cry—and I think he said it two or three times—that it is very distressing that we are sending into the world wrong views about the Government's attitude towards the Black people in this country. I wonder if he has ever thought about the impact and the effect that legislation of this kind has upon world opinion. If he is so concerned about world opinion I would suggest that the Minister withdraw the Bill, because the Bill itself does far more harm and damage than anything this small Opposition can do. Let us make it very clear, that is in any case not our intention. Our intention is to look carefully at what this Bill does to millions of people, and if it was for their improvement and if it meant that they would be given a better life, a beautifying of Soweto and other areas, we would give it our wholehearted support. However, we do not believe it does so.

*Mr. J. P. A. REYNEKE: Do you want to get another peace prize from the leftists?

Dr. A. L. BORAINE: I hope so; probably. I would deserve it a lot more than that hon. Whip sitting over there. We have moved an amendment which is a very serious amendment and we have done so because it deals with very serious matters. This amending legislation deals with citizenship, which is very important. It deals with employment and the definition of those who are unemployed, and the results and consequences which could flow from that definition. It deals also with reference books, and we all know the heat that surrounds that, what with identity documents, passports and travel documents. All of these are central issues, and that is why we have responded so seriously to this piece of legislation.

I want to underline the serious implications of this legislation, should it be passed, with specific reference to clause 3, which amends section 29 of the Act. In terms of the existing section 29, an authorized officer may without warrant arrest outside the homelands any Bantu whom he believes to be idle or undesirable and bring him before a Bantu Affairs Commissioner who can then deal with him in accordance with the provisions of this section.

Then we have a definition of what an idle person is. According to section 29(2) of the Act it is a Bantu other than a housewife over 15 and under 65 years who is normally unemployed. By this we understand an idle person to be someone who does not want to be employed, someone who is normally unemployed, who is a lay-about, who makes no attempt to obtain employment and who is a menace to those who are attempting to live a good and normal life in the society in which he is to be found. Therefore, the Government has all the legislation it requires to deal with this situation. We are not saying that provision should not be made to act against people who simply will not work. We believe that this is right.

However, when we change the definition, as we change it now, in clause 3 of the Bill, to read—

> . . . though capable of being employed, is not lawfully employed . . .

And then give a period of time—in this instance 122 days—

> . . . during the preceding 12 months, not been lawfully employed . . .

One major obstacle arises. We are not told

how we are going to define "the preceding 12 months". We are not told whether this is going to come into operation as soon as—if at all—this becomes law or whether it is retroactive. We are not told anything at all. We have no definition and no explanation of that has been given.

When we look at the situation which faces South Africa—and already reference has been made to the official figures from the Department of Statistics—this, in my mind, represents a figure of 635 000 Black people unemployed. That is 12% of the active working population amongst Blacks in South Africa. That is a very, very high figure, I submit. One wonders when we are going to face up to this problem.

On 31 January the hon. the Minister of Labour gave the figure of unemployed Blacks as 129 119. According to him that was the figure as at the end of December 1977. The very next day the Department of Statistics releases a figure which is well over 600 000. In other words, so great was the underestimate that the figures of the hon. the Minister of labour have been contradicted now by the Department of Statistics. There are many people—people who are not members of this party—many professors who are working very closely in this area of unemployment, who suggest that the figure should be 1,5 million. And many of these people are in the urban areas. I want the hon. member for Mooi River to know that we appreciate the support of his party and of his colleagues for our amendment. We too, are very very concerned that this series of pieces of legislation joined together in one Bill will have a very bad effect upon the smouldering situation in our urban townships. We are also concerned about whether his legislation is really the first onslaught on section 10 of the Act. In other words, is this now the Government saying to the people of South Africa: "We are making it clear, once and for all, that although there will be some adaptation, some 'ontplooiing' of the policy, the basic fact of the impermanence of Blacks in urban areas must once again be underlined"? If that is so, I think the consequences are very very far reaching and serious. That is why we raise this very matter in this debate today. When the hon. member for Mooi River referred to the possible moving away from the discretionary powers of the Bantu Commissioner I gathered from the hon. the Minister that he felt that this was not so. We would like him to comment on this, because clause 3(b), which substitutes section 29(10) of the Act, now empowers the relevant Bantu Affairs Commissioner to—

> . . . suspend the execution of any warrant or order issued in terms of subsection (7) for any period and on any conditions determined by him.

This may be done only, and I quote—

> . . . if a sound reason exists therefor.

In other words, this circumscribes his discretion. It must do. And when, in many ways, one thinks of the incredible powers of the Bantu Affairs Commissioner, I am tempted to feel that it might be a very good thing to circumscribe that. However, when it means that it circumscribes his discretion in terms of those who appear before him on a first offence—and the Bill specifically refers to a first offence—this is not a sound reason. We would like to hear from the hon. the Minister whether this does in fact restrict the discretionary power of the Bantu Affairs Commissioner.

In clause 3(c) I also have a problem on which I would like a comment from the hon. the Minister. This provides that the Bantu Affairs Commissioner who will keep a record of the proceedings may summon other Bantu to act as assessors. The amendment here is very interesting. The reference to urban Bantu councils has been dropped. There is no reference, as yet, to a community council, and perhaps for a good reason. It may be felt that this is too unwieldy, too big, and that we must therefore have specific people. However, I wonder if we would find very many urban Bantu working alongside a Bantu Affairs Commissioner—in declaring as habitually unemployed, perhaps hundreds and thousands of people who are unemployed because they cannot get a job, people who have no way of getting a job because of the recession which we face today—who will be party to this kind of decision. Will we find many of them who will say: "Yes, they are now defined as idle" and have them take all the consequences contained in the existing

legislation as quoted to us by the hon. member for Houghton?

We cannot support this legislation. There are many aspects of this which seem to us very far reaching and disquietening. Therefore, I have pleasure in supporting the amendment moved by the hon. member for Houghton.

In accordance with Standing Order No. 22, the House adjourned at 18h30.

TUESDAY, 7 FEBRUARY 1978

Prayers—14h15.

JOINT COMMITTEE ON PARLIAMENTARY CATERING

The Minister of Transport and Messrs. J. M. Henning, R. J. Lorimer, B. W. B. Page and A. van Breda were appointed as members of the Joint Committee on Parliamentary Catering.

FIRST READING OF BILLS

The following Bills were read a First Time:

Arms and Ammunition Amendment Bill.

Second-hand Goods Amendment Bill.

Coloured Development Corporation Amendment Bill.

Group Areas Amendment Bill.

RADIO AMENDMENT BILL

(Committee Stage)

Clause 4:

Mr. A. B. WIDMAN: Mr. Chairman, I want to direct the attention of the House, firstly, to clause 4(1)(c) and then to clause 4(2). I think we all know that as far as this Bill is concerned clause 4(1)(c) relates to the regulations and the regulations are going to become very important with regard to the implementation of this legislation. If we are going to have adequate control of radio apparatus, if we are going to have proper proficiency and if we are going to have complete control over the system of communications, the regulations are going to be very, very important. The proficiency of the person who operates a radio becomes of paramount importance. Therefore, where we deal with the question of proficiency in this paragraph I would urge the hon. the Minister to confirm that although the regulations will entitle the drafter thereof to change the test for proficiency, those who have already been tested for proficiency will not be affected in any way and that their proficiency test will remain valid.

In referring to clause 4(2) I want to make specific reference to the words—

> . . . remain of force and effect for the period prescribed by regulation under section 9 of the principal Act as amended by section 6 of this Act.

The regulations will then prescribe for what period it will be enforced. In other words, it can be changed after a short period. That can then lead to a change being brought about in the regulations. I would therefore ask the hon. the Minister to confirm that people who have already been tested for proficiency will not be affected now or later when the regulations are amended.

*The MINISTER OF POSTS AND TELECOMMUNICATIONS: Mr. Chairman, there is no intention whatsoever of prejudicing anyone who is at present in possession of a certificate of proficiency. The sole aim is to bring about a change in the way in which the certificate of proficiency is awarded. Therefore there is no intention of prejudicing anyone.

Clause agreed to.

Clause 5:

Mr. A. B. WIDMAN: Mr. Chairman, I want to refer to the following words contained in the clause—

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information and will accordingly not know how to make the request. Unless one places the onus on the person receiving the information one is going to lose. I say with respect that a person can be convicted under this provision and a very heavy penalty can be imposed.

*The MINISTER OF POSTS AND TELECOMMUNICATIONS: Mr. Chairman, people who value their licences also try to comply with the conditions on which they were granted their licences and on which they may use them. For that reason they will convey any information legally received by them to the police or to any other body which may make legal use of it. The only thing we are trying to prevent here is their passing on of information they have obtained illegally, that is by receiving it on frequencies unauthorized, in terms of their licences, and further use being made of such information by people who have received it from them. The people about whom the hon. member for Hillbrow is concerned, are fully protected. I do not think that they will have any problems or experience any adverse effect as a result of the restriction we are imposing on them.

Amendment negatived (Official Opposition dissenting).

Clause agreed to.

House Resumed:

Bill reported without amendment.

BANTU LAWS AMENDMENT BILL

(Second Reading resumed)

Mr. R. J. LORIMER: Mr. Speaker, after listening yesterday to the somewhat cursory speech of introduction of the hon. Minister of Bantu Administration and Development and the speeches of other hon. members on that side, particularly of the hon. member for Barberton and another hon. member on that side of the House, it became apparent to me that there is a complete lack of awareness on that side of the House of the tremendous significance which this Bill has with regard to certain rights of Black people. The fact that hon. members on that side of the House were surprised that the hon. member for Houghton took the strong line that she did, seems to indicate that there is no real comprehension of just how important these suggested amendments are. I would like to ask: Do hon. members on the other side know just what they are trying to do with this Bill? The hon. member for Barberton—who does not appear to be here now—accused my colleague, the hon. member for Houghton, of always putting the worst interpretation on legislation that comes before us. [Interjections.] However, long and bitter experience has proved to us that we have been right on almost every occasion. We therefore have very good reason to be very cynical and suspicious.

Clause 3 of the Bill amends the definition of an idle or undesirable person. Section 29, subsection (7), of the Bantu (Urban Areas) Consolidation Act states—

> If a Bantu Affairs Commissioner declares any Bantu to be an idle or undesirable person, he may . . . order that such Bantu be removed from the area concerned and sent to his home or to a place indicated by such Bantu Affairs Commissioner.

Thus, in terms of the amendment to this section, any Black man who has been unemployed for four months—122 days—in the preceding 12 months can lose his rights under section 10 of the principal Act to remain in an urban area. I do not believe hon. members are aware of what the possession of rights under section 10 means to a Black person. Having these rights or not having these rights may in many cases be the difference between being in a position to provide for one's family or not being able to provide for one's family, of getting a job or not getting a job, of eating, of sleeping, etc. I do not think it is too dramatic to say that sometimes the possession of section 10-rights can almost be a question of life or death. Hon. members must realize that they cannot play with people's lives like this. In this time of serious unemployment, why should somebody who can find no work, through no fault of his own, have the possibility hanging over his head of being sent away from an urban area as being idle or undesirable, even though he has since birth resided continuously in such an area? This can happen in terms of the amendment. As the building industry is very slack at the

moment, we should look at the situation of a building labourer. He might have lost his job because of the slackness in the industry after having worked a lifetime in that industry and might want to work, but because he has been unemployed for four months, he can be declared idle and undesirable and sent away. The whole question of a possible loss of section 10 rights is highly explosive and the fact that an amendment like this can be put forward at this time, shows a complete lack of sensitivity. Certainly we could have expected such a thing from the hon. the Minister's predecessor, who played the numbers game with a cynical disregard of any feelings of humanity for people. I want to suggest to this hon. Minister that he shows the depth of his good intentions by reconsidering and withdrawing these particular amendments.

Other members in these benches have dealt with various clauses of the Bill and I want to refer specifically to the clauses which seek to amend the Bantu Homelands Constitution Act (No. 21 of 1971), i.e. clauses 15 to 19. We have no particular objection to clauses 15, 16 and 17, which in fact give greater powers to homeland Legislative Assemblies. In principle quite probably this sort of decentralization is desirable. But clause 18 gives the State President the power to amend, by proclamation, schedule 1 of the Act and, in fact, any other provision of the Act. We are very suspicious about this. Why, if the State President is to have these powers, is it necessary even to include clauses 15, 16 and 17? As I read the amendment, all that will be necessary will be to amend schedule 1 and the State President will be able to do this by proclamation. Can it perhaps be that these amendments are mere window dressing? When we look at clause 18 we must say, in the first place, that we do not think it is desirable that Parliament should be by-passed in such a way. It is very strange indeed that there is no requirement that the homeland Government should be consulted. When powers are given or taken away by a proclamation of the State President, the homeland Government does not even have to be consulted. I suppose that, theoretically, the power vested in the State President could be used to remove matters from the jurisdiction of Legislative Assemblies. I would think that the objective should be exactly the opposite. Our interpretation of the intentions behind the amendment is that a homeland could be brought to the very threshold of independence by proclamation of the State President without actually becoming independent. The State President could proclaim that more and more items be added to schedule 1 of the Act, without any reference to Parliament or to the homeland Legislative Assembly concerned. I want to suggest to the hon. the Minister that at the very least he should provide for the agreement of the homeland Government before they are saddled with additional responsibilities which they may not even want.

On this particular issue I would like to ask the hon. the Minister a question. In terms of this amendment it is not impossible that homelands which do not wish to become independent could be compelled to take virtual independence. What is the hon. the Minister's intentions? Is he going to force the pace towards independence? The explanatory memorandum, which to my mind explains very little, merely says that clauses 18 and 19(b) are designed to simplify the present prescribed procedure and to make allowances for the different needs and differing rate of development of various homelands. I am afraid it is not that simple. Again we are very suspicious of the hon. the Minister's, or perhaps his predecessor's, intentions and we would like him to state why he is not only bypassing Parliament, but also the homelands Legislative Assemblies themselves.

Another clause on which we would like a little clarity is clause 10. Clause 10 repeals section 16 of the Bantu Labour Act, Act 67 of 1964. Again I have studied the explanatory memorandum on this, but we would like a clearer expression of the hon. the Minister's intention. Section 16 of the Bantu Labour Act prohibits the withholding of wages from Bantu employees by employers and we are not convinced that its repeal is at this stage advisable. We admit that it must be a burden on the Director of Bantu Labour and on the court itself to grant authority for any deferment of wages, but we would like to point out that Black labour is still in a disadvantaged position on the employment market and therefore we are not sure that certain protection is still not necessary. We will, however, deal with this more fully in the Committee Stage.

Finally, I would like to return to the

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question of citizenship which is affected by clause 2 of the Bill. In spite of everything that has been said by the hon. members on the other side, it is quite clear that a child of an urban Black who is a citizen of an independent homeland and who is born after independence loses any protection under section 10, and this we are not prepared to accept at all. We are in total disagreement with this in principle.

All in all this omnibus Bill is a thoroughly bad Bill. It contains a number of completely unacceptable principles. [Interjections.] The hon. the Minister sits there and smiles, but I want to tell him that it constitutes a very inauspicious start to his new job. I can only hope that he can think again about this legislation. It would be a tremendous gesture if he withdrew the Bill. If he did so he would certainly show South Africa that he means business.

I would like to add my support to the amendment moved by the hon. member for Houghton.

*Mr. P. T. C. DU PLESSIS: Mr. Speaker, I have listened to the speech of the hon. member for Orange Grove, and it does not surprise me to see him displaying so much bitterness and being so embittered. I have sympathy for him. If I were a Whip who had sat in the second row of benches and was then rejected by my own party and replaced by a man from outside the party, one would have been able to understand my feeling somewhat bitter. [Interjections.] Moreover, I have heard that the "establishment" has decided that the hon. member is to make his exit from this House. I think that is a very wise decision, especially if one bears in mind his conduct in this House. [Interjections.] I understand the hon. member is going to be replaced by the former member for Edenvale. I want to repeat that I think it is a very wise decision on the part of the "Establishment" to take the hon. member away from here.

The Government's point of departure as regards this Bill is to give further shape to its policy. We have been listening, particularly to the hon. member for Houghton, here in this House. Any measure affecting the affairs of the Black man which the Government comes up with, is belittled and made suspect by hon. members on that side. An atmosphere is created against it in order to gull the Blacks outside this House into believing that the Government has nothing but bad intentions as far as they are concerned. The entire attitude of those hon. members is that they are the only people who want to act humanely, fairly and reasonably towards the Blacks. Any Government measure is made suspect in advance. In this way, things which are not in the Bill nor the intention of the Government, are attributed to this legislation. In a moment I shall come to the things said about this Bill, by the hon. member for Houghton in particular. Through their utterances they are damaging the race relations in our country and they are scarring the face of South Africa as far as our image to the outside world is concerned. It is unfair and unpatriotic to try to suggest here that the Government is occupying itself with measures supposedly aimed at suppressing and oppressing the Blacks.

The hon. member for Houghton has become an elderly lady in this House. I shall be very pleased if the former hon. member for Edenvale could return to this House to become their main speaker on Bantu affairs.

I should like to refer to clause 3 of the amending Bill. As the hon. the Minister said at the beginning of his Second Reading speech, this amending Bill actually lends itself more to discussion during the Committee Stage. However, the hon. member for Houghton said, *inter alia*, (Hansard, 6 February)—

> Finally, I want to ask the hon. the Minister how he can come along with a Bill like this which makes unemployment a crime and which reduces people to being declared idle when they are desperately seeking work? He knows that there are hundreds of thousands of Africans at the moment who are unemployed through no fault of their own.'

She went on to contend that in terms of clause 3 we were going to prosecute these people living in the Black residential areas who had become unemployed.

How does clause 3 read and what is the amendment concerned? Here, in the first place, we are not dealing with a new principle at all. That principle has existed since 1963, viz. that idle people may in fact be prosecuted. The hon. member for Pinelands

adopted the same attitude and also accused the Government of wanting to prosecute these unemployed people. Clause 3 refers to people who find themselves in the urban residential areas. I quote from section 29 of the Bantu (Urban Areas) Consolidation Act, 1945—

> . . . though capable of being employed, is not normally unemployed and is not *bona fide* engaged in any business, trade, profession or other remunerative activity . . .

The full amendment introduced by clause 3 of the amending Bill, concerns the expression "normally unemployed". Since problems have been experienced with the interpretation of the meaning of "normally unemployed", the provision "not lawfully employed and has, for a period, or for periods in the aggregate, of not less than 122 days during the preceding 12 months, not been lawfully employed", is being introduced. This additional provision does no more than to explain precisely what is meant by "normally unemployed".

As I have already said, hon. members of the Opposition are now trying to suggest that we want to prosecute all unemployed persons in the urban Black areas.

I should now like to discuss the spirit of this amending Bill. If we look at the next subsection, it becomes very clear that the people the State wants to prosecute and curb, are those who are work-shy. I quote from section 29(2)(a)(ii)—

> . . . has on three consecutive occasions refused or failed without lawful cause to accept suitable employment offered to him by a labour bureau: . . .

I quote from subparagraph (iii)—

> . . . has on more than two occasions during any period of six months, after having taken up employment offered to him by a labour bureau, failed due to his own misconduct, neglect, intemperance or laziness, to keep such employment for at least one month . . .

It goes on—

> . . . has on more than three occasions over any period of one year been discharged from employment due to his own misconduct.

The whole spirit of the Bill and the whole purpose of the legislation is not to prosecute people who are unable to find employment. People who are seeking work will not be prosecuted. The purpose is, however, to curb layabouts. The whole spirit, purport and principle of the legislation were framed and accepted as far back as 1963. A small amendment is being effected here in order to clarify matters and to eliminate the confusion concerning "normally unemployed" as well as to lay down how it is to be applied.

*Dr. A. L. BORAINE: 122 days?

*Mr. P. T. C. DU PLESSIS: I did not interrupt the hon. member while he was speaking; he has had his chance. Now I want to ask the hon. member for Houghton in all fairness: Does she not want us to remove idle people, layabouts, from the urban areas?

Mrs. H. SUZMAN: Not people who cannot get jobs because of the recession.

*Mr. P. T. C. DU PLESSIS: I want to ask the hon. member whether layabouts should be removed.

*Mr. H. E. J. VAN RENSBURG: What is a layabout?

HON. MEMBERS: Horace van Rensburg!

*Mr. P. T. C. DU PLESSIS: A layabout is a person who is work-shy or a person who does not want to work. It is a person who is given a job, leaves that job, does not want to work and just wants to loaf. I should like to know from the hon. member for Houghton whether we should leave those people as they are in the Black urban areas.

Mrs. H. SUZMAN: I have already answered. The existing law already gives you the right to deal with those people.

Mr. P. T. C. DU PLESSIS: So you are prepared to grant that we may deal with them?

Mrs. H. SUZMAN: The law allows you to deal with them.

*Mr. P. T. C. DU PLESSIS: Then I am very pleased that the hon. member agrees that we must take action against layabouts.

*Dr. A. L. BORAINE: In principle.

*Mr. P. T. C. DU PLESSIS: In other words, she accepts the principle of this clause entirely.

*Mrs. H. SUZMAN: Rubbish!

*Mr. P. T. C. DU PLESSIS: She is apparently only opposed to the method. Now the hon. member says it is rubbish. However, I want to point out to her that the hon. member for Pinelands is in favour of removing the layabouts. The hon. member for Pinelands objects to people of colour walking through Pinelands. This has already been placed on the record in this House. The hon. member for Pinelands objects to this, because his own constituency and his own people are involved. What is more, yesterday the hon. member for Pinelands said (Hansard, 6 February)—

> We are not saying that provision should not be made to act against people who simply will not work.

Dr. A. L. BORAINE: That is right.

*Mr. P. T. C. DU PLESSIS: He went on to say—

> We believe that this is right.

Therefore, I cannot understand why the hon. member objects to the people who walk through his constituency.

Dr. A. L. BORAINE: You have changed the definition.

*Mr. P. T. C. DU PLESSIS: Nor can I understand why the hon. member for Houghton is also so enthusiastic in supporting that same principle.

I want to say something else on the question of layabouts in the urban areas. It really is a very serious problem. When action is taken against these people, the objective is also to make life more livable for other people who live in the urban areas. If we take a look at the riots which took place in the Bantu urban residential areas—we only have to talk to the Police and everyone involved—we see that the layabouts are the shock troops. These layabouts are used as the shock troops. These layabouts are the people who come and rob and plunder everything after a fire has been started. If one talks to the Black people of Soweto, they tell you that the greatest single problem which they have in their community, is these people . . . [Interjections.]

†Has an hon. member said that I am lying?

Dr. A. L. BORAINE: I did not say you lie.

Mr. R. J. LORIMER: When were you last in Soweto?

Mr. P. T. C. DU PLESSIS: I was there twice last year.

Dr. A. L. BORAINE: But you have learnt nothing.

Mr. SPEAKER: Order! The debate is still continuing and hon. members can reply to the hon. member's arguments and statements when it is their turn to speak.

*Mr. P. T. C. DU PLESSIS: Mr. Speaker, it is quite probably true that the hon. member for Pinelands and myself do not have the same contacts in Soweto, because I am not on the side of the subverters.

*Mr. SPEAKER: Order! The hon. member must withdraw those words.

*Mr. P. T. C. DU PLESSIS: I withdraw them. Mr. Speaker, I want to put it like this. These layabouts are one of the greatest problems which the people of Soweto have to deal with. In fact, this is one of the greatest problems in all the Black urban residential areas. It is the layabouts who board crowded trains and steal the money and possessions of the other passengers. It is the layabouts who lie in wait for other Black people at night between their homes and their railway stations and rob them. The layabouts are the

agitators. They are the people who murder and rob in our urban Black residential areas. That is why action must be taken against them. It is only in the interests of good order and of the security of the inhabitants of the urban Black residential areas.

When we look at this amendment, we see that a person who is declared a layabout and taken into custody, appears before a Bantu Affairs Commissioner. However, it is still laid down that the Bantu Affairs Commissioner before whom a Bantu appears, must investigate the allegations which are being made against such a Bantu. He must also require the Bantu concerned to give a good, satisfactory account of himself. Therefore, if someone is charged because he is not employed . . . I still want to see which Bantu Affairs Commissioner will find someone guilty if he says that he is registered at the labour bureau, that he is a job hunter, but that he cannot be given a job although he is prepared—and declares himself prepared—to work as soon as he can find employment.

On the contrary, I do not believe that a single law-abiding Black man will be charged in terms of section 29 of the Act if he is registered at a labour bureau and if he is an ordinary job hunter. This is not at issue. We have no quarrel with such a man. It is not his fault when he loses his job as a result of an economic recession. A person like this will not be prosecuted because it is not his own fault that he is unemployed. However, this legislation is aimed at the layabout, the man who causes trouble in the urban Black residential areas. This is what it is all about.

The hon. member for Musgrave mentioned the question of the issuing of reference books. The effect of clauses 6, 7 and 8 is that the issuing of a reference book must be made subject to South African citizenship. I do not want to put words into the hon. member's mouth, but as I understood his request—and he must please just tell me whether this is his wish, because this is not very clear to me—he wants reference books to be issued to any foreigner who enters the country. This is how I understand the hon. member. The hon. member spoke about "foreigners". As I have already said, I do not want to put words in his mouth, but apparently the hon. member made an appeal that all foreign Bantu who enter the country should receive reference books. Furthermore, the hon. member was very concerned about the fact that the citizens of the Transkei and Bophuthatswana are now apparently no longer able to obtain South African reference books.

I want to conclude with a word to the hon. member for Musgrave. The speeches which he and his fellow members of that party make here in the House, contain arguments which disparage the citizenship of other people. If one listens to them, one finds that when they talk about Transkei and Bophuthatswana, they are forever fighting to allow those people to retain their South African citizenship, as if citizenship of the Transkei or Bophuthatswana were inferior in comparison with South African citizenship. Sir, I want to tell you something which Black people have already told me. Those hon. members refer disparagingly to the citizenship of these independent countries, but we on this side of the House respect the citizenship of those people. That is why we shall not humiliate them by withholding their own citizenship from them and trying to force South African citizenship upon them.

*Mr. P. A. PYPER: Mr. Speaker, the hon. member for Lydenburg started by extending his sympathy to the hon. member for Orange Grove. The hon. member for Orange Grove is man enough to defend himself and he also has colleagues to do so, but I, in turn, want to start by also expressing sympathy, although this time with the hon. member for Lydenburg himself. Why is it that the hon. member did not get promotion? If he is not careful, he will become a permanent front-bencher. [Interjections.] The hon. member was to have been the new Deputy Minister.

The hon. member then spoke about patriotism. I want to ask him a direct question in this respect. We in these benches are also going to vote against this legislation. Will he regard our action as an unpatriotic deed as well? I want to say to the hon. member that it is precisely this type of legislation which to my mind is unpatriotic and which does South Africa harm.

Sir, the hon. member also had much to say about idlers. I shall prove to him later that as a result of this change to the definition, clause 3 has nothing to do with idlers. In reality it deals with a specific group of Bantu who are not legally employed. That does not mean

that those people are idling. I shall return to this point at a later stage, however.

†Last night in *The Argus* I read that when the hon. the Minister meets the homeland leaders for the first time for discussions, the agenda will be left wide open. Considering the provisions of this particular Bill, I am afraid that he will find that that agenda will already be determined, particularly when one takes into consideration a clause like clause 2. Clause 2 is in fact so punitive that any homeland leader who may in future be thinking in terms of accepting independence from this Government will immediately start to think twice about it. I am not sure whether the hon. the Minister realizes this, but this Bill is punishing those Blacks who were prepared to assist the Government in the past to develop its policy to its logical consequences. Only a few days ago the hon. the Minister said that it was one of his aims to develop the policy of the Government to its logical consequences. Let us be quite clear, Sir, that clause 2 is really aimed at the citizens of Transkei and Bophuthatswana and their children. In order to get Bophuthatswana and Transkei to accept independence from this Government, a large number of carrots had to be dangled in front of them. One of the main carrots was that it would be safe for them to accept independence because the rights and privileges in terms of section 10 would be retained. In addition, there were a number of treaties between this Government on the one hand and Bophuthatswana and Transkei on the other. A number of treaties were signed concerning preferential treatment and certain reciprocal actions, because of the fact that those people had been deprived of their South African citizenship. One simple and straightforward question must be answered: Did these erstwhile South African citizens realize that the next instalment following upon their acceptance of independence would be the forfeiture of section 10 rights for their children? Was this ever explained to them? The answer is "No". No one has ever done so. Surely this is not the way to do business. This is not how one conducts international affairs, and these matters have already entered that sphere. The hon. the Minister has just started in his post, and as such it would perhaps be unfair to accuse him alone, but the way I interpret this Bill, the most startling fact seems to be that if our Government is now going back on its word, such actions involve an entirely new principle that we have to consider. When a Government goes back on its word, however, the whole Cabinet must accept resposibility for it. I find it totally unacceptable to let people believe one thing one year and then to do something different the next. At the time these nations took independence—as recently as last year—the Act clearly stated that birth and not citizenship would form the basis for the regulation of a person's presence in a prescribed area. If, however, one examines the elucidation of clause 2 in the explanatory memorandum, one sees that citizenship is now to be the determining factor. I have no doubt in my mind that this action is morally wrong, and that justified our opposition. The hon. member for Mooi River also raised here the question of the international legality of such a step. I do not claim to have the answer to this, but can the rights of a child born in a certain country simply be allowed to vanish into thin air, as is to happen in terms of the provisions before us today? The hon. member for Lydenburg said we are trying to cheapen citizenship of Bophuthatswana and Transkei. The boot, however, is on the other foot. Who is cheapening citizenship of those countries? It is, in fact, this Government which is doing so.

*Mr. P. T. C. DU PLESSIS: Nonsense.

Mr. P. A. PYPER: That hon. member says "nonsense". Consider, however, the following aspect. Would the children of British or American subjects who are here on a permanent residence permit simply be chucked out? The presence of those individuals here on permanent residence permits is largely comparable to the presence of non-Whites in terms of section 10. Because someone is a citizen of America, Italy or wherever, their children are not deprived of citizenship of this country if they are born here. Because they are born here, they automatically qualify for permanent residence in this country. If one happens to be a citizen of Bophuthatswana or Transkei, however, all of a sudden there is a difference. So who is cheapening citizenship of those countries? That hon. member must not come here and say that we are doing so.

*Dr. P. J. VAN B. VILJOEN: Do you know what you are advocating?

Mr. P. A. PYPER: Yes, I am quite sure. When one has a right which has been acquired by parents, it cannot simply disappear as the result of the unilateral actions of one State.

I want to come to clause 3. The hon. member for Lydenburg has again tried to draw a little red herring across the trail, saying that all they want to do is to act against idlers. He said: "Ons wil net teen die leeglêers optree." Sir, this provision really used to deal with idlers, but it is now just an accident that that is referred to in this relevant section. In the past this provision dealt with people who were normally unemployed. I concede that a person who is normally unemployed—"gewoonlik werkloos", as it says in Afrikaans—is an idler. However, this is no longer the case. This provision does not deal only with the unemployed, but with a specific category of Bantu, viz. those who are "not lawfully employed". Let us have a look at that. How can the situation arise that a person is not employed lawfully? In many cases where people are not lawfully employed, it is purely the result of negligence by the employer. If hon. members really think back they will find that on many occasions they themselves have employed people, and have done so legally, but because of negligence on the part of the employer, for instance by omitting to fill in all the necessary forms, those people were not "lawfully employed", as is provided for here.

Apart from negligence on the part of the employer, one may find that a Bantu who is in fact legally employed as far as employer and employee are concerned, may suddenly become "not lawfully employed" as a result of his employer contravening one of the laws of the Government. From the day on which the law is contravened, he will be "not lawfully employed".

Mr. C. UYS: Give us an example.

Mr. P. A. PYPER: Think of your wonderful Physical Planning Act. An employer might be legally employing a certain person and then suddenly it is discovered that he has exceeded the legal ratio between White and Black employees. From that moment on the employee concerned is unlawfully employed. That is what can happen in practice. Against whom is the punishment meted out, however? Is it the employer who gets punished? No! The person who is to be punished is the Bantu.

*I could quote various examples of this kind. As a result of negligence or as a result of contraventions by the employer the situation may arise where workers are declared to be "not lawfully employed".

If the hon. Minister wants to take action against idlers, let him introduce legislation by means of which action can indeed be taken against the idlers. But this legislation does not take action against idlers. If he wants to take action against employers who contravene the law, let him introduce legislation which can clamp down on those people. However, to use these punitive measures against people who are not idlers is, outrageous, in my opinion.

Lastly I want to refer briefly to the question of the repeal of section 46 of the Bantu Taxation Act. That section is being repealed under clause 13. I can understand that contradictions exist as a result of financial arrangements made last year or the previous year with Transkei, but it is still not quite clear exactly on what basis the South African Government will pay money to, for example, Transkei. This is just a kind of disguised subsidy which we are not being properly informed about. Do we just have to accept it as such?

Mr. Speaker, we oppose this measure because we believe that the principle which is to some extent involved here concerns the word of the Government: It is the word of the Government of South Africa to the citizens of another country. As far as I am concerned, there is not the slightest doubt that when the states concerned accepted their independence, they did so because they believed that they and their children would retain the rights and privileges contained in section 10. If this legislation is passed, however, they will not retain them.

*Mr. P. CRONJE: Mr. Speaker, there is a Dutch saying goes: "Zoo zongen de ouden, zoo piepen de jongen." If one had listened to the speech by the hon. member for Durban Central one would have heard that it was

merely a repeat of the arguments that his mentor, the hon. member for Houghton, advanced yesterday. A pattern has manifested itself this afternoon . . .

Mr. W. V. RAW: [Inaudible.]

*Mr. P. CRONJE: It is the hon. member for Durban Point in particular who is looking terribly unhappy. I also saw how unhappy he looked when the hon. member for Durban Central was speaking. As far as the NRP is concerned, a pattern has emerged here this afternoon which I hope, in the interests of that party, will not be repeated too often because it is clear that that party is being taken in tow by the PFP. [Interjections.]

One official Opposition speaker after another—the hon. member for Durban Central included—rose and said that we on this side of the House were very surprised that the measure was being opposed and opposed as strongly as possible. We were surprised because any reasonable person would have been surprised at the opposition we encountered this afternoon. Anyone who does not know the PFP and anyone who, like myself, is a trusting person who always wants to think the best of people, would be stunned at the opposition we have encountered here this afternoon.

What do we have before us? We have before us an amendment Bill which does not contain a single new far-reaching principle. The arguments advanced by hon. members here are arguments which they have advanced against a principle which was accepted donkeys' years ago by this Parliament. This is no new principle that is being introduced here. What we have here in this Bill is merely greater clarity in formulation, more precise definition and more administrative efficiency. Apart from that, the Bill does not give the hon. the Minister a single power which he does not already possess. The powers which hon. members are objecting to so strongly are powers which he has had for years. In this Bill are powers entrusted to the Minister by a UP Government in 1945.

The hon. the Minister is acquiring no new powers. On the contrary. The Bill contains various clauses—the hon. member for Orange Grove referred to them in passing—in terms of which the hon. the Minister is specifically foregoing powers he has had thus far. He is foregoing them in the interests of the right of increased self-determination of Bantu peoples. There are other powers which the hon. the Minister had and which are being reduced in terms of various clauses in the Bill.

Despite the fact that this is such an innocent Bill, the Opposition uses the kind of language which the hon. member for Houghton used. I noted down a few of her expressions. She said: "This Bill baffles me." She also states—hon. members should listen to this—"It adds materially to the burden of urban Africans." My goodness, I have read the Bill and I want to ask her: What on earth did she read in this Bill which could cause her to reach such a far-fetched conclusion? She goes on to say: "This Bill is going to increase resentment and hostility." This is really extremely unbridled language, particularly the words: ". . . increase resentment and hostility." If that kind of language achieves anything it will be more likely to fan "hostility and resentment". She speaks about "an offensive Bill". The hon. member for Orange Grove then followed her up and said: "We have good reason to be cynical." He added: "We are playing with people's lives. This Bill is without feeling of humanity for people." This is extreme language.

Then we come to clause 3, which is apparently the really offensive clause to which the hon. member for Durban Central and other hon. members referred. This clause does not contain a single new principle or a single new power to be given to the Minister. They are not powers he did not already have. Because this clause is an amendment of section 29 of the Bantu (Urban Areas) Consolidation Act, I want to ask the hon. member for Houghton whether she has read the foregoing section, section 28, and whether she has taken cognizance of the wide powers conferred on the Minister therein.

That section provides that if the Minister is convinced that the labour supply exceeds the demand, the Minister has the right to remove Bantu *en masse* from an urban area. Surely those are drastic powers. One can only shudder to think what would have happened if the hon. the Minister were to demand such powers from Parliament today, because then we should hear about Draconian measures and all the unbridled language to which we have become so accustomed. Section 29 of

the Bantu (Urban Areas) Consolidation Act relates to individuals who can be removed on certain conditions. The following words appear in the Act—

. . . who is normally unemployed.

The hon. member for Durban Central and I know equally little about the science of law, but I think that even our layman's knowledge tells us that this provision is vague in the extreme and so lacking in precision that one could drive through it with a coach and four. What does "normally unemployed" mean? In my opinion this gives the hon. the Minister very arbitrary powers. Does the provision refer to someone who has not worked for a week, or someone who has not worked for a month? When is a person "normally unemployed"? What we are doing here is curtailing the Minister's powers. The expression "normally unemployed" is so imprecise and sets such drastic demands on any court that it simply cannot be carried out. That is why it is essential—any reasonable person will understand this—that the expression must be more clearly defined. That, then, is all that this clause, which is causing so much offence, does: It defines more clearly what "normally unemployed" means by defining that an idle person is someone who has been unemployed for 122 days over a period of a year. If the Opposition wants to be reasonable, they can at most argue with us whether it is reasonable that someone who is unemployed for 122 days per annum can be described as an idle person. That is the issue here. One cannot reject the principle, because that was accepted long ago. To see in the legislation sinister powers which the hon. the Minister is arrogating to himself, and to read into it something which it does not contain, is to conjure up spectres which exist solely in the imagination of that party.

We were amazed at the opposition, because the content of the Bill in no way justifies the drastic opposition. Indeed, one can ask oneself: Why the opposition? Why do we get the strongest possible opposition allowed for by the rules of the House against the Bill? I should not like to be unfriendly, nor should I like to impute all kinds of motives . . .

*Mr. W. V. RAW: May I put a question to the hon. member?

*Mr. P. CRONJE: Certainly.

*Mr. W. V. RAW: Does the hon. member find a difference between the word "normally unemployed" and "not lawfully employed"?

*Mr. P. CRONJE: If anyone is unlawfully employed, surely there is other legislation in terms of which he may be dealt with. The hon. the Minister is acquiring no new powers in this connection. The words "unlawfully employed" surely provide that the Minister has certain powers to act and he is therefore acquiring no new powers. I hope the hon. member for Durban Point is not arguing that we should employ people unlawfully. I could not imagine the hon. member for Durban Point wanting to condone unlawful employment of people. I thought I knew the hon. member as someone who was a strong advocate of the maintenance of law and order and that he would make a very strong plea for us to act against people being employed unlawfully. In my opinion the answer we must find for the strong opposition to the Bill evinced by the ranks of the Opposition is to be found in the overwhelming reception which the hon. the Minister's speech was accorded last week, in particular the reception it was accorded in the Press, and in their Press as well. I do not believe it suits the PFP's purpose that such an image of the hon. Minister be built up. They do not like the hon. the Minister being so highly praised and it does not suit their purpose. They do not want to have an image of a Minister who is a reasonable man and who will serve the interests of the Black man. This image must be destroyed; it must be chopped; it may not be given a chance. An image of him as an obstinate, inflexible, dogmatic person must be conjured up, a person whose sole aim is to make the life of the Black man unpleasant and difficult.

When will the Opposition learn that this tactic simply does not work. It is the tactic they have been adopting for years, and look at them now! It has not done them any good. They have not hurt the Government; we have become stronger. What they have managed to do, however, is to hurt South Africa. They are building up a distorted image of our country. They are prejudicing ethnic relations in South Africa by means of the suspicion they are sowing. That is why I want to say to

and I quote from his Hansard—

> Ek is bereid om met hierdie mense te praat, om met hulle te skakel en ek is bereid om oplossings te soek en te vind.

I want to ask whether this is the way in which he is going to find a way of solving the problems which lie before us.

I now turn to clause 3. The provisions contained in clause 3 are cruel and harsh. Firstly, it fails to distinguish between the "can't works" and the "won't works". The "idle" was aimed at the vagrant; it was aimed at the beggar and, as I have said earlier, I have witnessed this on many occasions, but now this has gone much further and the discretion of the Bantu Commissioner is taken away. Section 29 is clear. It sets out very clearly how the person is to be declared idle and what is to happen to him. I think it was the hon. member for Brakpan who actually went so far as to say: "Well, they can appeal." However, the hon. member for Brakpan may not be quite aware of the provisions of section 15, which state that the provisions of the law relating to appeals and to any form of review in criminal cases shall *mutatis mutandis* apply in respect of any order made under paragraphs (b), (c), (d) or (f). There is a distinct omission with regard to paragraph (a). As regards paragraph (a), with which section 7 is concerned, it states "By warrant addressed to any member of the S.A. Police, order that such Bantu be removed from the area concerned." So, where there is a removal order, he has no right to appeal. How many Blacks who appear before a Bantu Commissioner's court have the funds, the know-how or the ability, and how many of them have legal representation? When they are picked up in the street or elsewhere, they are charged with being idle under section 29 and 50, 60 or 70 of them stand in a queue in terms of section 29, order A, order B, marking their time. How many of them have legal representation, let alone the funds to lodge an appeal? This is therefore a fallacy. It is unjust, because the hon. the Minister referred to an aggregate and the aggregate here with regard to the 122 days means that within any previous 12 calendar months the 122 days can be calculated. A person who is willing, and trying hard, to obtain employment may find himself in the situation where he cannot. He may have had an accident, an accident due to his work and because of that they have laid him off. He is no longer employed. Because he was injured at the time of his employment he has lost his employment and now he loses his rights and he is sent away under section 29. Is this what the hon. the Minister intends with this legislation? It is unfair as far as subsection (b) is concerned, because the proviso now goes further. It goes so far as to say that this does not apply to a first offender. I want to object, if I may, in the strongest possible terms, to this provision as well, because a fundamental principle is being negated, a principle which is used in every single criminal court in South Africa and in other civilized Western countries as well. This is, namely, that a person convicted and having been found guilty before a court, the first plea in mitigation is to tell the court that this is a first offender. This first basic legal right is being taken away, a legal principle which is available to a man is being removed by what is being done here.

The hon. member says that this legislation has no evil intentions. However, I want to tell the hon. the Minister that this measure is discriminatory. It is discriminatory and I want to ask the hon. member a simple question. Is he prepared to support a similar measure from other members of the Cabinet applying to White people? If they are idle for 122 days, is he prepared to support measures such as these? If he is not prepared to support that, he is being discriminatory towards the Blacks who cannot find work, who have more difficulty in finding work. I therefore say that it is a discriminatory measure which we cannot accept. At least as far as the Whites are concerned, they can sign up for two years, they can be taken into the Army. But where do the Blacks go? Is the hon. the Minister of Defence going to provide facilities in the Army to take up all the unemployed Blacks so that they too can be gainfully employed in the defence of the country for a period of two years? Then I want to tell the hon. the Minister that this is badly timed because, in addition to all the other considerations, I can say that I can talk—though not with much authority, but perhaps with a little experience—of Soweto. I was a party to the administration of Soweto and to its direct control for a period of some 10 years. I have attended the Urban Bantu Council meetings. I

read their minutes. I have heard their discussions. I have listened to their deputations and I was in touch with them on many occasions. I want to bring it to the attention of the hon. the Minister that I have seen a change in attitude among the urban Blacks of Soweto. I believe that the sensitivity with which the Johannesburg city council administered Soweto is now absent from the administration as exercised by the Bantu Administration Boards. There is a measure of apprehension, a measure of suspicion and a measure of fear. More recently we have seen the dissatisfaction with the education system. How will this be interpreted by the children and the parents in the Bantu townships? How many Blacks between the ages of 15 and 21 attend school today? There are many of them. Among them this is not uncommon. Will this now not be interpreted as meaning that if they are going to stay away from school, if they are going to show protest, as they have done in the past, the intention is now to enforce the 122 days' provision in order to force such children to go back to school? Is that the intention behind the clause?

*Mr. H. J. D. VAN DER WALT: You are conjuring up a lot of spectres, aren't you!

Mr. A. B. WIDMAN: I refer now to the breakdown as far as Soweto is concerned. I am describing to the hon. the Minister the tension and the mood among the people of Soweto. Not only from the stay-away from schools, the breakdown of services . . . June 16 and all that goes with it will be indelibly written into the history of South Africa. The breakdown of services, the refuse heaps, the health hazards, the lack of funds, the lack of adequate housing . . . We heard in this House only the other day that only 422 houses were built in Soweto and that they have a waiting list of something like 20 000 people needing accommodation. Is this the mood? The hon. the Minister should understand the mood of the people. He should take note of the 4 a.m. queues of people going to work, the long queues of people waiting to get back home, the boycotts of central shopping areas, the banning of the newspaper, *The World*, which was their only newspaper, the detention of the committee of Ten and people like Percy Qoboza, the attitude of the communal council, etc. Does the hon. the Minister not take not of the fact that only five out of 30 wards are being contested. Then, according to information, one may not divulge the name of the candidate. For what reason?

HON. MEMBERS: Speak to the Bill!

Mr. A. B. WIDMAN: For what reason must this not be done? Is the hon. the Minister not aware that a special committee for unemployment has been set up? Here, with regard to unemployment, I refer to an article which appeared in *The Star* on 10 January, in which the unemployment problem—not only amongst the Whites, but particularly amongst the Blacks—is described as being so acute that a special meeting was called at which 200 people crowded into a room, some even standing at the back. Among them were leaders of all sections of the community who got together in order to discuss and in order to try to solve the acute unemployment problem. They formed a committee which is trying to find ways and means of obtaining gainful employment for all the people.

Is this the mood in which a Bill like this is being introduced? In terms of the Minister's own statement, I call upon him please to consult the people of Soweto. There are still leaders there, and at the very least I urge him to hold this matter over until such time as he has had a chance to debate the report of the Cillié Commission. The whole purpose of the Cillié Commission, which took voluminous evidence from hundreds of people, was to investigate the very situation of the urban Blacks. Until the Minister is able to put his finger on the mood of the people and the tensions surrounding them, I suggest that he hold this over to give himself an opportunity to study this report. Soweto is the barometer of all Black townships in the Republic, and I believe that the sensitivity to which I have referred exists in all other Black townships as well. Mr. Speaker, I ask the hon. the Minister to ask himself: Is this the way to win the trust and the co-operation of even moderate Black leaders? Is this the way to eliminate friction? I urge upon the hon. the Minister that he should show the Blacks a sign of goodwill and faith and that he should show South Africa that he has the courage to undo the wrongs of the past and to do the right thing in

the future. I urge the Minister to withdraw this Bill.

Mr. T. ARONSON: Mr. Speaker, I hope the hon. member for Hillbrow will excuse me if I do not follow his train of thought. He has chased out half the members of the House and if I follow him, I shall chase out the other half. [Interjections.] I am going to be critical, but I hope to adopt a far more constructive attitude than some members in the official Opposition have been able to adopt.

*This is the first opportunity we in this party have to welcome the hon. Minister in his new capacity. It seems to me that he has stepped on a prickly pear today. We have reached the stage where, as far as legislation with regard to race and colour is concerned, it will not be in South Africa's best interests to hurl arguments about such legislation across the floor of this House or to accuse one another. I think we are all mature enough to realize that we have a responsibility to settle the matter with the department or the Minister, even before a debate. Where we cannot see eye to eye and agree with one another, I believe that the obvious thing to do is to appoint a Select Committee, as might also have been done in this case. In practice it might sound impossible, but let us look at what happened last year. In 1977 the Opposition party which opposed most of the Bills during the Second Reading nevertheless managed to support about 74% of the legislation that was introduced in the House. If we take into account that the remaining 26% of the legislation which was not supported, did not deal only with matters of race and colour, my request is not an unreasonable or impossible one.

†There are many features of this particular Bill with which we have no difficulty whatsoever. In fact, they bring about a distinct improvement. Many of the members on both sides of the House have said so. There is, however, one matter which we are unhappy about. It may well be that the hon. the Minister can clear this up during the course of this debate. A point which has been raised by other hon. members, and which remains unresolved despite the speeches coming from the Government side, is that clause 3 seems to make periodic unemployment in itself a penalizing factor. We are in a period of recession, and this state of affairs has existed for some time. I have no sympathy for the "won't works", the lazy and the idle, and neither does this party have any sympathy with them, but what about the person who has become a victim of this recession? Surely persons who have been discharged in good faith, who seek employment and who can prove that they are unable to find employment in 122 days out of the preceding 12 months should be able to demonstrate their *bona fides* without any difficulty. They should be able to show to the satisfaction of all that they are in fact work-seekers. A person who is a *bona fide* work-seeker should be able to prove beyond any doubt that the inability to obtain work is the result of circumstances beyond his control.

Under the existing legislation, persons could be removed if they were normally unemployed, but if abnormal economic conditions render employment impossible, under existing legislation the persons concerned would not be moved. In terms of the present clause, of course, they will be moved. The way we understand the measure, different considerations now apply and the accent falls on the prescribed time limit as laid down in clause 3. As I have said to the hon. the Minister, at this point in time we are unhappy about this particular provision, though we are not unhappy about the Bill as a whole. We therefore urge the hon. the Minister to consider amending this clause in the Committee Stage because we feel that the Bill is worth supporting. Our feeling is only that this particular clause should be amended. We feel that the positive aspects of this Bill outweigh the negative aspects. In clause 3 the hon. the Minister defines unemployment, but we are not satisfied with that definition. We do not, however, believe that these are sufficient grounds for rejecting the Bill. Under the circumstances this measure consequently has our support.

*The MINISTER OF BANTU ADMINISTRATION AND DEVELOPMENT: Mr. Speaker, before I reply to the debate I first want to avail myself of this opportunity to express my thanks to the hon. members who participated in the debate. In particular I want to say a few words to the hon. member for Albany who deemed it appropriate to make

his maiden speech in this debate. I think it was a very neat speech. He examined, analysed and elucidated a single clause thoroughly. He analysed it in practical terms. I was able to perceive at once that he was a man with a legal background. With his practical approach he was therefore able to make a very good, positive contribution, and I want to thank him for having spoken in this specific debate.

Before I come to the general questions there is something I first want to say to the hon. member for Musgrave. He saw fit to take me to task because I had allegedly said too little about this Bill in my Second Reading speech. However, I indicated very clearly in my speech that this Bill did not contain one specific, identifiable principle which was relevant to the Second Reading. After all, the Parliamentary system makes provision for matters which are of an ideological nature and are based on a specific principle to be thrashed out as a standpoint of principle during the Second Reading. Because this Bill did not have such a specific, identifiable principle, which we would have been able to debate during the Second Reading, I proceeded from the standpoint that I would not conduct a Committee Stage during the Second Reading by analysing the Bill clause by clause. What is the Committee Stage there for? That is why I simply indicated, as briefly as was practicable, what was being affected by the Bill and said that this was, in the nature of things, a Bill which could best be debated during the Committee Stage.

Mr. B. R. BAMFORD: Sounds like an excuse to me.

*The MINISTER: But now I am being criticized for having done so. In any case, to strengthen my argument, an explanatory memorandum which does give members the particulars has been placed on each member's desk. In general it is said that the explanatory memorandum is not substantial enough, but the fact remains that there is an explanatory memorandum and that this is pre-eminently a Bill which should be debated during the Committee Stage. I therefore reject the hon. member's reprimand that I should have said more in my Second Reading speech.

I want to come now to the Bill itself. What did the official Opposition do with this Bill, and now I am referring in particular to the hon. member for Houghton, who was the first speaker. What, precisely, did she do with this Bill? A week ago I made my debut in this new capacity and made an appeal to everyone in South Africa to make a fresh start and see whether we cannot understand one another and move closer to one another so that we could solve this problem by means of dialogue and discussion—it is everyone's problem, Black, White, Brown and Yellow—in a spirit of joint responsibility and mutual discussion. That is the spirit in which I spoke. I then thought that the Official Opposition would also approach future debates concerning this department in the same spirit. That is indeed what I asked for. But what did we get from the hon. member for Houghton? Was she prepared to give this Bill any chance at all? She saw fit to single out two clauses immediately, clauses which could be used for propaganda, viz. clauses 2 and 3, and to suck all the venom she was able to from them by presenting them in as radically distorted a way as was practicable. I shall demonstrate this in a moment. All the other clauses she ignored.

Mr. B. R. BAMFORD: We are back to square one!

*The MINISTER: Please, just give me a chance. The medicine is still coming. I have hardly begun. How much more value, infinitely more, would I not have attached to it if, like any well-balanced person and as the main speaker of her party on this matter, she had thrown light on the positive aspects of the Bill! Why did she not discuss clause 1, in which we make it easier for the Black man, by means of a Bantu Affairs Commissioner's court, to obtain a judgment against a person who owes him money, whether it be another Bantu, a White, a Coloured or an Asiatic? Why did she have no praise for this clause by means of which we are making matters easier for the Black man? Why did she not at least pay tribute to clauses 4 and 5, in terms of which powers of exemption from any or all of the provisions of the legislation are being placed in the hands of the Minister, precisely in order to make it easier to implement. Clause 12 makes provision for the indemnification against losses by business or indus-

trial undertakings if they invest and undertake development in the homelands. Why was nothing said about that? Clause 13 provides that taxation levied in the White area on citizens of Transkei, shall be paid over to the Government of Transkei. Surely this is a positive step. Clauses 14 to 18 provide that powers which are at present vested in the State President may be transferred to the Legislative Assemblies of the homelands. Surely these are all positive steps! How much more value could I not then have attached to positive criticism of clauses 2 and 3. How much more value could I not have attached to it if the hon. member, in a well-balanced speech, had also singled out these things and had told the world at large that at least there were positive things in this legislation as well. Since she pointed out only the negative aspects, I want to suggest that her method is not in the interests of South Africa. I do not want to dictate to the hon. member how she should debate, but I do want to tell her that, if she is really patriotic towards South Africa, she would have considered the good and the bad together, and would not have pointed out only the negative aspects. [Interjections.]

The MINISTER OF INDIAN AFFAIRS: There are none so blind as they who do not wish to see!

*The MINISTER OF BANTU ADMINISTRATION AND DEVELOPMENT: I want to make an appeal to the official Opposition.

†We must get a change of heart also in the approach of the Opposition to affairs concerning Black people in South Africa. If we really want to solve the problems of this country and co-operate as people living in one country, surely there should be a change of heart on the part of the Opposition in respect of how they approach measures such as this.

*They can still look at matters critically, but they must not merely condemn, be derogatory and negative. Let them approve and lend their support and then attack. Everyone will then have a better understanding, and adopt a more positive attitude to the whole matter.

How did the hon. member for Houghton deal with this specific problem? When a certain problem presents itself, whatever problem it may be, when contraventions occur or a matter has to be rectified, the legislature naturally has to cast the net over as wide an area as possible to make sure that there will be no loopholes which will allow people who ought to be in the net to escape. Consequently it has to be stated as widely as possible. Although one then has wide powers, one will apply these with discretion to those who are really transgressing. However, the net has to be cast over a wide area, otherwise people who ought to be caught in the net will escape. The penalties are then outlined and once again there will be light penalties and heavy penalties, depending on the nature of the offence. Surely that is the way laws are made. Then one applies that criterion as a responsible, well-balanced person with discretion. But what does the hon. member for Houghton do? She takes the most unlikely person who could theoretically perhaps be affected by the legislation, viz. an unemployed child of 16. She quotes from the original Act the kind of steps which are normally reserved for a chronic work-shy individual or vagrant. Such a person can for example, be sent away for two years, be banished completely from the area, etc. Then she says that this is what we will do with similar innocent children. That is the way in which she presents it. This is not in the interests of South Africa, for I am convinced—I am now speaking in my other capacity—that this will be exploited overseas in that it will be said that South Africa will send 16-year-old unemployed children to work colonies for two years, etc. That is the effect it will have. The hon. member herself knows that the people who will implement this legislation are not people who bear any malice towards the Blacks.

Mr. C. W. EGLIN: Did you go to Modderdam?

*The MINISTER: That is why I want to repeat my appeal to the Opposition and ask them in a very courteous and respectable way: Let us please be reasonable about this matter. Criticize where criticism is necessary. We are not perfect. We are going to make mistakes and take the wrong decisions. They can help us to take the right decisions and I shall listen to them with an open mind; but

then their approach should please be positive, and not as negative as it was today and the day before.

Let us consider clause 2, which all the fuss is about. It attaches more value to a person's citizenship than to his place of birth. That is the object of the clause. It wants to attach more value to a person's citizenship than to his place of birth. Allow me to test this against international standards. After all, we do not wish to discriminate against Black people. What determines the rights of a Frenchman or a Swede, his place of birth or his citizenship? That is the question I am asking. A Frenchman may have been born in any country in the world, but if he has French citizenship, he is a French citizen and is proud of the fact. The same applies to a Swede. Why should the place of birth now be made the decisive factor here, while citizenship is decried? I accuse the Opposition of blatant discrimination against Black people in South Africa. That is what they are doing. If the place of birth is accepted as criterion, it could lead to all kinds of indefensible deviations. In this way, for example, a birthplace can be a place which was formerly within the borders of South Africa, but as a result of the development of new Bantu homelands now falls outside South Africa. Where will such a person be born: In or outside South Africa? However, if one accepts citizenship as the standard and the norm, one is accepting an international norm. Why may I not apply this norm to the Black people of South Africa? I refuse to discriminate against them, Mr. Speaker. The PFP is discriminating against the Blacks. They regard the Black man as inferior; that is why his citizenship is not important to them. That is the angle from which those hon. members see this matter.

Mr. Speaker, I want to go further. In this case we are going to treat the Black people of countries that have become independent as citizens of those countries. What is wrong with that? Let me advance another argument. The arrangements and privileges as far as former South African citizens of Transkei and Bophuthatswana are concerned remain standing as agreed upon. Right at the outset of my career in this post I want to present the following image to hon. members. I see the areas which were originally within the Republic of South Africa, and which become independent, as a family of nations to whom more privileges and more concessions are granted than to people who are or were not members of that family.

Mr. H. E. J. VAN RENSBURG: [Inaudible.]

*The MINISTER: The hon. member must not put words in my mouth which I did not utter. It is a family of nations and although not identical to it is more or less according to the same pattern as that of the old Commonwealth of Nations. In the past we and various countries were members of the Commonwealth of Nations and there were special privileges in respect of Commonwealth citizens and in respect of Commonwealth countries on the one hand and Britain on the other. But this was not the case with countries that were not members of the Commonwealth. In this way I should like to see the homelands that have become independent as fully independent States, and the homelands which are still with us, as a family of nations among whom a special tie exists and which differ from the rest of the foreign States in Africa and in the world towards whom we do not have those obligations. That is as I would like to see it. What are the kind of privileges which remain unchanged? Examples of such preferential treatment are: Preferential treatment over other foreign Blacks as to employment opportunities; extended right of entry, viz. 14 days instead of 72 hours; admission to the RSA through any place of entry while foreigners have to enter at specific points which are manned by officials of the Department of the Interior, etc. These are privileges which these people have and which we should like to retain.

I want to ask the hon. member for Hillbrow—and I want to tell him at once that he should be careful for more people talked themselves to death in this House than died from remaining silent—whether he would attach any value to it if I had consulted homeland leaders about the legislation? Would he attach any value to it if they had adopted a standpoint in regard to it? I am asking him and I should like an answer. Would he attach any value to it?

*Mr. A. B. WIDMAN: Yes.

*The MINISTER: The hon. member says "Yes". Mr. Speaker, let me give him the

surprise of his life: We did consult the homeland leaders. The draft legislation, as we have it before us today, was sent to all the homeland Cabinets and not a single word of objection was raised either to clause 2 or clause 3—neither of the two. And now? The hon. member says that he attaches value to the standpoint of the homeland leaders. Well, here we have the standpoint of the homeland leaders.

Hon. members attacked the citizenship clause. Section 12 of Act 25 of 1945 deals with the right of entry into proclaimed areas, not with entry into South Africa. The protection which is afforded in terms of section 10, however many sanctimonious things may have been said about it, does not grant any rights of citizenship to Bantu. It comprises merely a group exemption from influx control. That is all it amounts to, and it remains in force; it is not affected.

Since I am now discussing citizenship, I want to turn my attention to the arguments which the hon. member for Durban Central raised in this regard. The hon. member for Durban Central maintained that the children of Whites who have permanent residence in South Africa automatically become South African citizens.

*Mr. P. A. PYPER: No. They have permanent residence here . . .

*The MINISTER: Yes, but what about citizenship?

*Mr. P. A. PYPER: They remain citizens of their country.

*The MINISTER: As it happens we now find ourselves in the domain of the Department of the Interior, and it is one that I know well; the new one I still have to learn about. The children of citizens of any other country who have permanent residence in South Africa may be registered in South Africa and may in this way acquire South African citizenship, but it is the task of the parents to do so. However, the children of Whites who do not have permanent residence in South Africa, even though they have a work permit and have been working here for ten years on a temporary basis under a work permit, cannot under any circumstances be registered as South African citizens. That is the situation according to the provisions of the South African Citizenship Act.

*Mr. P. A. PYPER: I am not using that Act as an example.

*The MINISTER: Very well. Let us continue. Even if such a person has stayed in South Africa for ten years, the same will still apply. It must be borne in mind that the White citizen who obtains permanent South African residence has applied for permanent residence on a form. His application is weighed against the advantages and against the rights of people who are already citizens of South Africa. Whether a need exists for a person with this man's specific qualifications have already been established by the Immigrants' Selection Board. If there is anything negative about that person, they refuse him permanent residence. Consequently it is a fact that any person who obtains permanent residence in South Africa and whose children that were born in South Africa therefore have the privilege of becoming South African citizens by means of registration, is a person who has been very closely scrutinized by a special committee for immigrants. However, this is not the case in regard to Black people. To my mind the Black people fall more readily into the category of people who are working in South Africa under a work permit. They have not been screened or scrutinized individually by a committee to establish who and what they are. They have entered the country and have obtained certain rights. In my opinion the Black person does not therefore fall into the same cadre as the Whites who apply for permanent residence in South Africa and who are screened individually.

To my mind the Black person who enters the country in this way falls more readily into the cadre of a person who remains in the country for quite a long period and who works here under a work permit. Now I want to accord equal treatment to Whites and Blacks. The children of Whites working in South Africa under work permits cannot under any circumstances be registered as citizens of South Africa. My question now is: Why should I then treat Black people any differently? The rights of the citizens of Transkei and Bophuthatswana who are in South Africa, remain unchanged, but children

born in South Africa out of a marriage between two Transkeians after independence surely cannot perpetuate the right for all times.

*Mr. P. A. PYPER: Are you comparing the citizen of Transkei and Bophuthatswana who has permanent residence in terms of section 10 of the Act not with the White person who has permanent residence but in fact with a person who has a work permit?

*The MINISTER: The difference lies clearly in the fact that that person who has obtained permanent residence in terms of section 10 has not been screened by a committee or something of that nature. He has obtained residence on the basis of practices and traditions over the years. The Whites, however, are screened individually, while this is not done in the case of the Black person, and for that reason I am drawing the distinction. [Interjections.] I did not interrupt hon. members when they were speaking; I kept quiet. They will have to give me credit for that. I sat listening to them without saying a word. There are many other examples to which I can refer.

Clauses 4 and 5 of the Bill clearly give the Minister the right to grant exemption to individuals or to categories of which he approves. This therefore imparts a further flexibility, fluidity and suppleness to the measure. If a person really experiences problems in regard to the application of the legislation, clause 5 makes a supple handling of the situation possible so that the Minister may even exclude a category of persons. Theoretically, therefore, negotiations can take place between the Transkeian Government and the South African Government on the children of Transkeians who are born here. If the Minister should deem fit, clause 5 of the Bill grants him the right to exclude all the children from the provisions of the legislation, precisely because he acquires the right to exclude a category of persons. Surely that is clear. However, this is not stated by the opposite side. The impression is simply being created here that action with a cruel hand in the worst form is going to be taken here. I reject such a view with the contempt which it deserves and in the spirit in which I have undertaken the administration of the department.

I want to go further. I have dealt with the question of the descendants of Transkeian citizens. Surely their children cannot enjoy the same rights in perpetuity. The wording of the Bill, viz. "former citizens" is entirely correct. The hon. member for Houghton asked me to omit the word "former". I say it has to remain, for if it were omitted, we might have to deal with a very difficult situation. We have no say over, nor do we wish to have any say over who the Governments of Transkei and Bophuthatswana accord citizenship to in their countries. They have full say over their own citizenship. Theoretically the Government of Bophuthatswana can grant citizenship in Bophuthatswana to 500 000 or 600 000 citizens of Botswana. If this happens and the Bill were to be amended as the hon. member is asking me to do, those thousands of people who are now citizens of Botswana will have the privilege of entering South Africa and ousting our own citizens of non-independent homelands and the citizens of Bophuthatswana from their work. This will be a way of getting in through the back door and finding work here in terms of the privileges which we have reserved for former citizens of South Africa. Does the hon. member have any objection to that? [Interjections.] We have no control over the citizenship of independent homelands. Transkei may grant citizenship to whomsoever it wishes. It can grant citizenship to Whites, Russians, Chinese or even communists. In such a case those people are citizens of the country and I must allow them to enter South Africa, regardless of who they are, for they enjoy this advantage. The hon. member for Houghton must not shake her head.

I shall gladly argue the matter with her during the Committee Stage. These are the facts of the matter, however, and that is why the legislation provides very clearly that it should be "former" citizens of South Africa. We do not wish to throw these privileges open to everyone. We do not want to impose any restrictions on those Governments as to whom they wish to grant citizenship of their own country to. That is their right as independent States. However, I wish to protect South Africa against an influx of undesirable persons. The former citizens of South Africa who are now citizens of the independent homelands and who have

accepted the citizenship of those countries, are not unacceptable to me in South Africa. But communists and other people whom these countries could perhaps in their wisdom grant citizenship to in the years which lie ahead, I do find undesirable. That is the attitude which is being adopted here and which is not, as usual, being comprehended by the hon. member. [Interjections.]

Clauses 4 and 5 make provision, as I have already said, for exemptions and for persons in all kinds of categories. I want to repeat that, in the spirit in which I am undertaking this task, I shall administer this legislation with humanity. The hon. members must please give me a chance to try to demonstrate this. The hon. members must please not write me off in advance because there are measures which can be abused.

*Mr. H. E. J. VAN RENSBURG: Suppose Andries takes over from you.

*The MINISTER: In such a case he will administer the legislation just as humanely because he is also a human being. I want to leave clause 2. I think the matter is very clear and we can in any event discuss the matter further during the Committee Stage.

Clause 3 deals with the question of unemployment. The hon. member for Houghton is once again implying that this provision is a covert way of getting rid of unemployed persons who would like to work and who, as a result of the economic conditions, are not able to find work. But what are the facts? The hon. member for Houghton, or the hon. member for Pinelands, also wanted to know whether this was not perhaps a covert method of beginning, in the meantime, to tamper with the rights of section 10 cases.

*Dr. A. L. BORAINE: It was merely a question to which I should like to have an answer.

*The MINISTER: I shall reply to it now. Persons who are in a prescribed area in contravention of sections 10 and 12, or who may be removed from the prescribed area in terms of the procedure in section 14, can be dealt with in many other ways. They can for example be referred in terms of section 25 of the Bantu Labour Act to an aid centre until their affairs can be set in order. A large number of surplus workers can be removed from a prescribed area with far less trouble by making use of section 28 of the Act, as the hon. member for Port Natal clearly indicated. It can be done with far less trouble than, as section 29 provides, to adopt the lengthy procedures of instituting legal proceedings simply to have a person removed. If I have evil intentions of getting rid of a multitude of people who have no work at the moment, why would I go so far as to effect this amendment? I could do it in terms of section 28 which at present empowers me to do so. It would not have been necessary to tamper with this. The idea here is once again to clamp down on those people who could specifically cause us problems. The discretion is still vested in the Bantu Commissioner. The period which is being laid down in clause 3 is 122 days during the preceding year. But the Bantu Affairs Commissioner is under no obligation to take immediate action against a person who was unemployed for 123 days of the previous year. The legislation does not provide that he should then be immediately removed.

Mrs. H. SUZMAN: Is it not true that he has to declare himself unemployed under the existing Act?

*The MINISTER: No, I do not think so. We can go into the matter. I do not want to suggest that I am already conversant with all the legislation. It may be the case. I shall make certain about this by asking my officials. The hon. member submits that if this is the case, he has to declare himself unemployed.

Mrs. H. SUZMAN: [Inaudible.]

*The MINISTER: I shall go into it. We can discuss the matter further during the Committee Stage. I am not yet fully conversant with that part of the amendment Bill. I do not think the hon. member can expect me to become conversant within a week with that thick Statute Book which she has with her there.

I want to ask the hon. member for Houghton: Should something be done about vagrants and people who are work-shy?

Mrs. H. SUZMAN: No . . .

*The MINISTER: I shall ask the question again. Is it her opinion that something should be done with vagrants and work-shy people in the Bantu residential areas?

Mrs. H. SUZMAN: Under existing legislation you can do something.

*The MINISTER: Must I do something?

Mrs. H. SUZMAN: If they really are layabouts, you must do something.

*The MINISTER: Is the hon. member saying that I must do something?

Mrs. H. SUZMAN: [Inaudible.]

*The MINISTER: I want to put a question to the hon. member for Hillbrow. He served on the Johannesburg City Council as member of the Bantu Advisory Council on behalf of the city council. Does he attach any value to what the advisory council has to say as spokesmen for the Blacks? A few minutes ago I put a question to him on the homeland leaders, and I am now putting a question to him on the urban Bantu of whom he has more knowledge. Does he attach any value to the standpoints of advisory councils in the Bantu areas? After all, he did serve on the Johannesburg City Council. Do these people speak on behalf of their people or not? He is now sitting as quietly as a mouse; he is afraid because I already have the answer to that question. With me here I have the minutes of a meeting of the advisory council of one of our urban Bantu areas. I am not going to mention its name because I do not want to run the risk of intimidation.

*Mr. A. B. WIDMAN: What is the date on it?

*The MINISTER: The date on it is 6 February 1978. Two names are mentioned here which I am not going to disclose. I quote from these minutes—

> Mr. X and Mrs. Y expressed grave concern at the increased activities of young hooligans in this township. The Chief Director advised members to encourage the public to join the Police Reserve in order to curb these disturbances. After further discussion it was unanimously resolved . . . By this advisory council—
>
> . . . that a letter be addressed to the Commissioner of Police, Caledon Square, stating the present position, the problems experienced and their effect on the public, authorities and administration as such. Furthermore, a cleaning up of the townships by means of the combined efforts of the board's inspectorate and the S.A.P. would be proposed. Then the Director of Labour and Community Services, in response to this resolution, requested the co-operation of the public in the execution of the proposed Operation Clean-Up.

Mr. A. B. WIDMAN: Why then did you ask me?

*The MINISTER: I asked the hon. member because he said that he was acquainted with the urban Bantu. [Interjections.] The hon. member is not going to get out of it so easily. I put only one question to him, namely whether he attaches any value to the standpoint of advisory councils in the Bantu areas. On 6 February this specific advisory council asked for precisely what this Bill is now envisaging.

Mrs. H. SUZMAN: No.

*The MINISTER: This amendment Bill is aimed at dealing with those people, at casting the nets over as wide an area as possible and at acting with humanity within those limits. [Interjections.]

What happens in practice? As soon as one clamps down on a vagrant, he tells you that he did in fact, have work, but that he had not been registered by his employer, something for which he is not to blame. They then claim that the employer has left and is no longer available. In practice he is afforded the opportunity of pointing out his employer. In that case action is not then taken against him in terms of section 3, but steps are taken against the employer in terms of other legislation for having employed him illegally. This amendment Bill and this provision is necessary to protect law-abiding Black citizens against vagrants. In most cases it is precisely this type of person who is the inciter, the agitator, the person who causes unrest in the urban areas and who embitters the life of the peaceful and law-abiding

citizen and who makes his position impossible. Every sensible person must concede this at once.

Let us go further. The hon. member for Mooi River raised as an argument, and said that his party's objection to the Bill was, that the discretion of the Bantu Affairs Commissioner to suspend a first order no longer existed. Now he no longer has any discretion. Now it no longer counts. I maintain that the opposite is true. The Bantu Affairs Commissioner is now obtaining a discretion for the first time. He did not have it before. To date it was the practice and he had to suspend the order after the first offence, regardless of the circumstances. A person could have been a real loafer, a layabout, a troublemaker, a problem for two or three years, and only now have they caught him. But because it was a first offence, the Bantu Affairs Commissioner had to suspend it. That is not a discretion. Now he is being given a very clear discretion. If a sound reason exists therefor, any Bantu Affairs Commissioner "may" . . . In other words, he, who is skilled in these matters, is now being given a real discretion. That is also the reply to the question put by the hon. member for Pinelands in this regard.

I now want to return to the argument of the hon. member for Musgrave, viz. the question of how the identity documents of Transkeians and Bophuthatswanan citizens will differ from the particulars in the reference book at present. It has been agreed with both these Governments, and it was requested by them, that for two years after independence the citizens of Transkei and Bophuthatswana will still be able to make use of our documents, because it was physically impossible for them to succeed in issuing documents so soon. However, during these two years they must make use of the time to issue their own documents, and we have agreed that we shall accept their documents, in whatever form they may take, as soon as they have issued their own documents. And as some of their people begin to carry their own documents, we will of course recognize those documents. I recall that when I was still Minister of the Interior we assisted them in an advisory capacity by making suggestions to them as to what form such a document could take in order to be useful for their purposes. That assistance was given, and their documents will therefore be accepted.

The hon. member for Orange Grove put a few questions and was also a little acrimonious about certain matters. I am not going to pay any heed to it. He asked why section 16 is being repealed. My reply is precisely the same as the reply contained in the explanatory memorandum, viz. that we believe that previously the Black person still had to be protected, but that under the present circumstances, and in the present state of development of the Bantu, it is no longer necessary because it imposes a tremendous burden on our officials. It is no longer necessary because the Black man is at present in a position to defend himself and to handle his case himself. Therefore we removed it because we recognize his development and wish to accord recognition to it by deleting this clause which made of him a subordinate which he no longer is.

Another question which he put was whether clause 18 was intended to force independence on the homelands. The cumbersome attempts to get certain things piloted through, to get them dealt with and submitted, are in this way being facilitated at the request of these people. I want to give the unequivocal assurance that this is no attempt to force homelands to become independent. This cannot succeed with unwilling people. To force a man to become independent will have no effect whatsoever. Who will allow himself to be forced into independence? After all, he still has to pilot a law through his own Parliament in order to accept it. How can I force him to do so if he refuses? I think it is far-fetched. The independence of a territory requires more than merely the addition of matters of legislative authority. These amendments have no bearing on that. It requires an act of Parliament.

There are numerous other cases which I could deal with, but I am not going to speak any longer. I think I have covered the general issues. We can discuss the detail during the Committee Stage. I want to conclude with a final appeal, and I want to do this in the spirit in which I made my first speech. Seen from my point of view, I am, as far as disposition is concerned, going to try to get the support of the Black people. I may be idealistic, but I am going to do my utmost to get this support, in the urban areas and in the homeland areas. I believe in dialogue; I believe in discussion, I believe in consultation, as far as it is

practical and physically possible. Mr. Speaker, hon. members must please not now interpret this to mean that I have thrown in the towel and that matters may simply take their course, that nothing further can be done about it. That is not what it means. Matters must still proceed in an orderly manner. This is also, and pre-eminently, in the interests of the Black man in the urban residential areas. After all, areas must still be efficiently administered in the interests of everyone—and particularly in the interests of the Black man. That is why the rectification of specific provisions, as is also being done in the case of the Bill under discussion, is necessary, and that is why it is my privilege, despite all the complaints which were raised, to move that the Bill be now read a Second Time. I believe that this legislation is necessary for the implementation of precisely what I envisage.

Question put: That the word "now" stand part of the Question,

Upon which the House divided:

AYES—126: Albertyn, J. T.; Aronson, T.; Badenhorst, P. J.; Ballot, G. C.; Barnard, S. P.; Bodenstein, P.; Botha, C. J. van R.; Botha, J. C. G.; Botha, P. W.; Botha, R. F.; Botha, S. P.; Clase, P. J.; Coetsee, H. J.; Coetzer, H. S.; Conradie, F. D.; Cronje, P.; Cruywagen, W. A.; Cuyler, W. J.; De Beer, S. J.; De Jager, A. M. van A.; De Klerk, F. W.; Delport, W. H.; De Villiers, D. J.; De Villiers, J. D.; De Wet, M. W.; Du Plessis, B. J.; Du Plessis; G. C.; Du Plessis, P. T. C.; Durr, K. D.; Durrant, R. B.; Du Toit, J. P.; Greeff, J. W.; Grobler, J. P.; Hartzenberg, F.; Hayward, S. A. S.; Hefer, W. J.; Henning, J. M.; Herman, F.; Heunis, J. C.; Horn, J. W. L.; Janson, J.; Janson, T. N. H.; Jordaan, J. H.; Koornhof, P. G. J.; Kotzé, G. J.; Kotzé, W. D.; Krijnauw, P. H. J.; Kruger, J. T.; Langley, T.; Le Grange, L.; Le Roux, F. J. (Brakpan); Le Roux, F. J. (Hercules); Le Roux, Z. P.; Ligthelm, C. J.; Ligthelm, N. W.; Lloyd, J. J.; Louw, E.; Louw, E. van der M.; Malan, G. F.; Malan, J. J.; Malan, W. C. (Randburg); Marais, J. S.; Marais, P. S.; Morrison, G. de V.; Mulder, C. P.; Muller, S. L.; Myburgh, G. B.; Niemann, J. J.; Nortje, J. H.; Olckers, R. de V.; Palm, P. D.; Potgieter, S. P.; Pretorius, N. J.; Raubenheimer, A. J.; Rencken, C. R. E.; Reyneke, J. P. A.; Rossouw, D. H.; Rossouw, W. J. C.; Schlebusch, A. L.; Schoeman, H.; Schoeman, J. C. B.; Schutte, D. P. A.; Simkin, C. H. W.; Smit, H. H.; Snyman, W. J.; Steyn, D. W.; Steyn, S. J. M.; Swanepoel, K. D.; Swiegers, J. G.; Tempel, H. J.; Terblanche, G. P. D.; Theunissen, L. M.; Treurnicht, A. P.; Ungerer, J. H. B.; Uys, C.; Van den Berg, J. C.; Van der Merwe, C. V.; Van der Merwe, H. D. K.; Van der Merwe, J. H.; Van der Merwe, S. W.; Van der puy, S. J. H.; Van der Walt, A. T.; Van der Walt, H. J. D.; Van der Watt, L.; Van der Westhuyzen, J. J. N.; Van Heerden, R. F.; Van Rensburg, H. M. J. (Mosselbaai); Van Rensburg, H. M. J. (Rosettenville); Van Tonder, J. A.; Van Vuuren, P. Z. J.; Van Wyk, A. C.; Van Zyl, J. J. B.; Venter, A. A.; Viljoen, P. J. van B.; Vlok, A. J.; Vorster, B. J.; Vosloo, W. L.; Wessels, L.; Wilkens, B. H.; Worrall, D. J.

Tellers: L. J. Botha, J. H. Hoon, S. F. Kotzé, N. F. Treurnicht, A. van Breda and V. A. Volker.

NOES—26: Bartlett, G. S.; Basson, J. D. du P.; Dalling, D. J.; De Beer, Z. J.; De Jong, G.; De Villiers, I. F. A.; Eglin, C. W.; Lorimer, R. J.; Malcomess, D. J. N.; Marais, J. F.; Miller, R. B.; Myburgh, P. A.; Page, B. W. B.; Pyper, P. A.; Raw, W. V.; Schwarz, H. H.; Slabbert, F. van Z.; Sutton, W. M.; Suzman, H.; Swart, R. A. F.; Van der Merwe, S. S.; Van Rensburg, H. E. J.; Widman, A. B.; Wood, N. B.

Tellers: B. R. Bamford and A. L. Boraine.

Question affirmed and amendment dropped.

Bill read a Second Time.

Opposition rejects Mulder's first bill

Political Staff

HOUSE OF ASSEMBLY. — Dr Mulder's first bill as Minister of Bantu Administration and Development was totally rejected yesterday by the Progressive Federal Party, supported by the New Republic Party.

The NRP took Parliament by surprise as it backed the official Opposition's amendment — moved by Mrs Helen Suzman (PFP Houghton) — that the Bantu Laws Amendment Bill be read this day six months. This is the strongest possible term that can be used in Parliament to indicate firm opposition to government legislation.

Speaking in the second reading debate, after Dr Mulder had introduced the second reading, Mrs Suzman said it was absolutely foolish to introduce a measure such as this now.

The PFP had no alternative but to object to the bill in the strongest terms.

The bill was an unfortunate vehicle for the minister's debut. He had last week raised the hopes of all concerned by his policy statement on urban blacks.

His tone had been welcomed, as was the fact that he had established priorities and suggested improvements, even if these were within the framework of his party's policy.

She had hoped he would repeal some of the many statutes governing the life of black people from the cradle to the grave, as one of the first moves in his new portfolio. "Instead he has come up with a bill which will increase resentment and hostility, the last thing that we want.

"This bill will not reduce the tension and hostility existing in Soweto. This may not be the intention, but it can so be read. The spirit of resistance in places like Soweto should not be underrated.

"If you want children to return to school, coercion is not the way to get them there. Coercion will not help.

"It is absolutely foolish to declare unemployment a crime — as does the bill — while there is widespread unemployment."

In terms of the bill a person could be declared idle if he had not been lawfully employed for 122 days in the previous 12 months.

The people affected were desirous of being gainfully employed. They were not in urban areas because they wished to be idle or criminal, but because they wanted to earn a living.

"How many people know the consequences of being declared idle?"

Such people could be sent home, they could be detained in rest centres, farm colleges or they could lose residential rights which were dear to them.

"It baffles me how the Minister can come to the House with this bill. It is a typical M C Botha (the former Minister of Bantu Administration) bill. I do not think it advances the reputation of the new minister," she said.

Introducing the bill, Dr Mulder said the bill sought, to amend a number of laws dealing with a variety of subjects falling within the sphere of activities of his department.

Among other things it streamlined the procedure for obtaining attachment of a debt or emolument due by a person who was not black, it substituted citizenship for place of birth as a basis on which the presence of black people in certain areas and the issue of reference books and identity documents were regulated.

It further regulated the control of undesirable elements in urban areas.

Supporting Mrs Suzman's amendment, Mr Bill Sutton (NRP Mooi River) said the legislation had come in such a hurry that there had been no time to consult officials.

In terms of the clause dealing with the citizenship status of people, the minister appeared to be taking the power to take away or change the status of black people born in the Republic or South West Africa.

Suzman reads worst into black Bills — Uys

HOUSE OF ASSEMBLY. — Mrs Helen Suzman always read the worst possible intentions into any government bill dealing with blacks, Mr C Uys (NP Barberton) said yesterday.

He was speaking during the second reading debate on the Bantu Laws Amendment Bill which Mrs Suzman (PFP Houghton) had said earlier would do nothing to reduce the hostilities and tension existing in Soweto.

Mr Uys said she had dwelt on the irrelevant, and had not paid any attention to the positive aspects of the intended legislation. For instance, there were sections that dealt with the promotion of black self-determination and gave blacks authority over squatters, previously decided by the State President.

"The section dealing with the unemployed is only concerned with idlers and layabouts, and means nothing more than that.

"The member for Houghton made a great deal of noise about children not attending school being affected by this legislation. That is the most far-fetched argument that I have heard in this house. It is far-fetched to think that children would be taken away from their parents on those grounds."

The government was concerned that the law-abiding black community be protected from illegal entrants to the urban areas. "Has it ever occurred to her that many in the law-abiding black community are also seeking work, and that they must be protected from those who are illegally in the areas?" — Sapa

Call for full vote for SA Chinese

Political Staff

THE South African Party wants the Chinese population — concentrated mainly in Port Elizabeth and Johannesburg — to be given full voting rights on a common roll with whites. Kimberley and Durban also have small Chinese populations.

This in essence is the basis of a private member's motion to be moved by Mr Theo Aronson (SAP Walmer) and due to be debated this session.

The motion asks that Chinese South Africans should in all respects have the same legal status as white South Africans.

It is understood that this means full parliamentary, provincial and municipal voting rights. Mr Aronson takes the view that South African Chinese have no voting and political rights whatever.

They were, it was claimed, "in limbo."

The view is held, too, that it would be in the interests of South Africa externally to take this step because of the international status of the Chinese peoples.

Mr Aronson said the Chinese had always been closely associated with the white group, particularly in Port Elizabeth, where whites and Chinese had mixed at all levels for many years without hindrance or friction.

The matter was raised last year by Mr Aronson in the Interior vote debate.

Another South African Party motion calls on the government to open the Opera House in Port Elizabeth to all races.

This is to be moved by Mr Dan Rossouw (SAP Port Elizabeth Central). The SAP would like to see the Opera House given the same rights as the Nico Malan complex in Cape Town with no seating, eating, entrance or toilet restrictions.

The motion, however, is not likely to be debated this session because of other private members' motions taking precedence.

Parliament



Mrs Helen Suzman

Suzman calls Mulder's Bill a 'typical M C Botha measure'

Opposition attacks Bantu Bill

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ARGUS 7/2/78

The Argus Parliamentary Staff

BOTH the main opposition parties in the Assembly yesterday rejected in the strongest parliamentary terms a Bill which seeks to amend previous Acts regulating the lives of urban blacks.

When the Bantu Laws Amendment Bill was introduced by the new Minister of Bantu Administration and Development, Dr C P Mulder, in the Assembly yesterday, the Progressive Federal Party introduced an amendment that the Bill 'be read this day six months.'

The New Republic Party indicated that it would support the amendment.

Mrs Helen Suzman (PFP Houghton) launched an all-out attack on the Bill, describing it as an unfortunate measure which would add materially to the burden of urban blacks and would increase fear and hostility in the black townships.

Mrs Suzman said the Bill was a very unfortunate vehicle whereby the new Minister, who had raised the hopes of all in the censure debate last week, should make his debut in his new portfolio.

'It baffles me that the Minister should come to the House with this Bill which is a typically M C Botha measure,' she said. 'I can only think that he has not had sufficient time to study all the contents of the Bill.'

the right to retain their South African citizenship if they chose to do so.

The second offensive clause, Mrs Suzman said, was the one which redefined 'normally unemployed' in relation to an 'idle person.'

In terms of this clause a person who has not worked for 122 days during the previous 12 months is defined as 'usually unemployed.'

Penalties

She said this clause would have the effect of making unemployment a crime and could lead to thousands of people who were desperately seeking employment being declared 'idle' and hence being subjected to the heavy penalties which went with being declared 'idle.'

shed by facing the possibility of being declared idle, she said.

The measures would also apply to 'idle' young people in the townships which was 'extremely alarming.' It would effect the thousands of youths, over the age of 15, who are because of the current unrest in Soweto and elsewhere, not attending schools.

If they returned to school because of the measures they would do so in a 'sullen and hostile mood.' Far better, she said, would be to hold out hope of an improvement in education and a levelling up of quality of education between whites and blacks.

Unemployment figures don't match – Boraine

The Argus Parliamentary Staff

CONFLICTING information about black unemployment in South Africa has come from two Government sources, according to Dr A L Boraine (PFP Pinelands), the official Opposition's chief spokesman on labour matters.

Speaking in the Assembly yesterday, Dr Boraine said that the Minister of Labour (Mr S P Botha) recently gave the black unemployment figure for December last year as 129 119.

The next day, the Department of Statistics gave figures showing that 634 000 black people were unemployed — about 12 percent of South Africa's active working black population.

Dr Boraine said that according to other estimates the black unemployment figure could be as high as 1,5-million, many of whom were in urban areas.

7-2-78

Mr W M Sutton (NRP, Mooi River) described the Bill as a 'legal watershed' and he said he suspected the Minister might be using it to get round the provisions of section 10 of the Bantu Areas Consolidation Act which vested certain important rights in urban blacks.

He said that injustice could very easily be done in terms of the measures contained in the Bill.

'Offensive'

Mrs Suzman singled out two clauses as being the most offensive measures contained in the proposed legislation.

The first, she said, substituted birth with citizenship as a qualification for blacks to be present in the urban areas of South Africa.

This clause changed the whole basis of the definition of a foreign black and would deprive the children of former South African citizens born after the independence of a territory of their rights to South African citizenship.

'Betrayal'

Mrs Suzman said this clause was a betrayal of an undertaking given by the South African Government to the governments of Transkei and Bophuatswana whereby citizens of those countries who had formerly been South African citizens would have

These included being removed from the area in which they resided and being sent to or detained at rehabilitation centres, labour farms or other institutions of this kind.

Once a black person was declared 'idle' he forfeited his 'valuable rights' under section 10 of the Urban Areas Consolidation Act.

Mrs Suzman asked Dr Mulder how he could dare to introduce such a Bill at a time when over 620 000 blacks, as estimated by the Department of Statistics, were unemployed.

Rents

She said there were men who were already in the throes of despair because they could not find jobs, whose families were hungry and whose rents were unpaid.

People who spent days outside the labour bureaux in the hope of picking up some employment would now find themselves doubly puni-

bursaries and scholarships, and in fact to approve any expenditure that the fund might incur.

Thirdly, I see that no provision is made in the Bill for any sort of reporting. I would like to ask the hon. the Minister in his reply to tell me what sort of steps will be taken to report on this fund to this House. Will a report be tabled in this House annually, telling us exactly how much money has been donated and what the funds have been spent on each year?

*The MINISTER OF HEALTH: Mr. Speaker, in the first place I should like to thank the hon. member for Bryanston for supporting this legislation. I should also like to thank the hon. member for Fauresmith for his discourse and the exposition of his reasons for supporting the Bill. I should like to say a few things to the hon. member for East London North.

†The scope of the actions pertaining to this fund may be found in clause 3 of the Bill. The Minister is, to a certain extent, restricted in his use of this money. The spending of the money in the fund pertains to health matters and matters relating to the functions of the department, all of which are well circumscribed. When we speak about the functions of the Department of Health, we must go a little further and examine the other proposals of the hon. member, which I think were made in very good faith. For instance, the treatment of patients in the Transkei is actually a curative aspect of medicine, and that is undertaken by the provincial authorities. Such activities are not within the scope of the Department of Health.

Services such as convalescence, etc., are provincial services. If the hon. member reads this Bill carefully, he will notice that this is not merely a question of subsidies, or even one of grants. Many other things are involved, aspects not specifically detailed. The Minister can at his discretion, in conjunction with the Treasury and the Secretary for Health, determine whether funds voted for a very specific purpose can be used for other purposes. At the same time we must take into account that the various ways in which this money can be used are already circumscribed. Clause 3 very clearly pinpoints "studies, surveys and applied research". One may want to send someone overseas to conduct a survey. The funds may also be used for the "granting of study loans or bursaries or otherwise, the training of persons", etc., I therefore think that as far as that is concerned, I can set the hon. member's mind at rest.

Let me now refer to the matter of control. With the Treasury, the Minister and the Secretary for Health in the picture, I think it would be very unwise of the individuals concerned to go about spending the money without taking into account the duty of the department to report to this Parliament by way of an annual report on the way in which the money was spent so that Parliament can determine whether the money was spent in the right way. There is, furthermore, the control exercised by the Auditor-General. I therefore think I can put that hon. member's mind at rest. I do not think a board is necessary. The Department of Agricultural Technical Services has a fund similar to this and they do not need a board. I think we have enough people who are capable of looking after this matter. Of course, if it becomes too big a problem, or if we perhaps reach another stage of development, we may have to reconsider the position. At present, however, I do not think we should treat it as an issue, so to speak. I do not think the hon. member need worry. I think that by agreeing to this measure, we will definitely be steering this fund in the right direction.

Question agreed to.

Bill read a Second Time.

Bill not committed.

Bill read a Third Time.

BANTU LAWS AMENDMENT BILL

(Committee Stage)

Clause 1:

Mr. A. B. WIDMAN: Mr. Chairman, when we discussed the Second Reading of this Bill we did not, at any stage, raise the question of the contents of clause 1. This involves the Bantu Commissioner's courts. There is nothing in the clause itself that we can, in

fact, get at. As far as the administration of the Bantu Commissioner's courts is concerned, this clause does two things. Firstly, it allows debts which become due to the judgment debtor, other than by a bond, to be attached.

Secondly, it provides for what is commonly known as garnishee orders. The Bantu Affairs Commissioner's court, as hon. members are well aware, deals only with cases between Bantu and Bantu. In other words, if the case is one between Bantu and Indian, Coloured or White, it falls outside the jurisdiction of the Bantu Affairs Commissioner's Court. The court itself functions on two bases. There is the criminal side dealing mostly with section 29 and then there is the civil side which deals with civil debts. The type of cases that come before the Bantu Affairs Commissioner's court are cases between Bantu and Bantu with regard to, say, lobolo claims and acknowledgments of debt, and normal civil cases generally. I think it has been a little frustrating for a judgment creditor, after he has obtained a judgment debt, to be unable to satisfy the debt, because once a writ of execution is issued in terms of the judgment granted by the Bantu Affairs Commissioner's Court, if there is a *nulla bona* return and there is nothing to attach, there is nothing further the judgment creditor can do. This is therefore a distinct improvement which, I think, will assist practitioners and which will certainly assist the judgment creditors to try to get satisfaction of their debts, because they will be able to attach moneys that are due to the judgment debtor and, most important, they will be means of garnishee orders be able to attach the salary due and will thus be able to recover.

I should like to say that I think there is room in the Bantu Affairs Commissioner's court as such for many more Bantu to be appointed as Bantu commissioners. I urge the hon. the Minister to consider that. As far as the type of cases that come before the Bantu Commissioners is concerned, there is nothing to stop a litigation between Bantu and Bantu in fact going to the magistrate's court or to the Supreme Court. Therefore, they have the choice of going before the Bantu Affairs Commissioner's court or a magistrate's court, but obviously the tariff of fees laid down and allowed by the taxing master in the Bantu Affairs Commissioner's Court is far lower, thus providing for a far cheaper method of process. However, up to now they have not been able to obtain satisfaction.

As the hon. the Minister has gone this far, I urge him now to consider the following: Allowing a writ of execution to be issued in satisfaction of a judgment debt in the manner in which it is now done, there is still the possibility that a garnishee order will not assist the judgment creditor because, firstly, there may be no money due as the person may not be employed and, secondly, the *nulla bona* return on the writ of execution would show nothing. As the hon. the Minister and hon. members know, if this happens in a magistrate's court, the next procedure is to issue a "section 65" which, as I think hon. members know, simply means that in terms of section 65 the judgment debtor is then in terms of the judgment brought before the magistrate's court and must produce a list of his debts and assets. He is then examined financially before the magistrate so that the magistrate can make an order for periodical payments arising out of anything he earns. If he then fails to satisfy that judgment, he can be brought before court for contempt and a warrant of arrest can be issued which takes the place of the old C.I. days many years ago when civil imprisonment was in fact part of the magistrate's court's. I would urge the hon. the Minister, since he has gone so far as to enable writs of execution to be issued, to consider enabling magistrate's court's proceedings in terms of section 65 to be applied similarly in the Bantu Affairs Commissioner's court.

*The MINISTER OF BANTU ADMINISTRATION AND DEVELOPMENT: Mr. Chairman, in the first place let me express my gratitude to hon. members for supporting this positive part of the Bill. I am grateful for that. I waited for that support because it is worthwhile that there should be support for this.

There are two aspects raised by the hon. member to which I should like to reply. In the first place there is the question of the appointment of Blacks as Bantu Commissioners. It is our policy—it has always been the policy of the department under my predecessors—to appoint qualified people in this position as soon as they become available. Hon. members will realize that because of the position and the authority vested in this

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office, it would be totally wrong to appoint people who are not fully qualified or who do not have the necessary background, to such a position of power. But I want to give you the assurance that the application of anyone who qualifies and who applies for such a post, will be considered favourably and that that person will be appointed to the post.

In the second instance, the hon. member raises the same matter as the hon. member for Albany raised in his maiden speech. I want to say at once that the eventual high costs involved here are still an obstacle at the moment. We are, however, keeping a close watch on developments and when possibilities occur in that direction, we shall give the matter our attention.

†We are keeping a close watch and if it can be done, we will do it. At the moment the cost is still prohibitive.

Clause agreed to.

Clause 2:

Mrs. H. SUZMAN: Mr. Chairman, this clause in effect exempts foreign Africans from the restrictions imposed by section 12 of the Bantu (Urban Areas) Consolidation Act, from the restrictions imposed on foreign Africans with regard to permission to "enter, be or remain" in a prescribed area in the Republic. It exempts Blacks who are now citizens of independent territories which were formerly part of the Republic. That is the effect of this clause. It exempts those people who are citizens of an area which formerly formed a part of the Republic and which now have become independent. In other words, it refers to citizens of the Transkei and of Bophuthatswana. These citizens are exempted from the provisions of section 12 of the Bantu (Urban Areas) Consolidation Act, which makes it very difficult for foreign Africans, say from Rhodesia, Malawi, Lesotho or any of the other neighbouring territories to enter, remain or to take up employment in a prescribed area. To that extent, of course, we are pleased to have these exemptions because certain persons are now at least protected by virtue of the fact that they were citizens of South Africa. From that point of view we are pleased with this clause. I also think that the hon. the Minister is pleased with me, which is not something that happens often in this House.

Mr. F. J. LE ROUX (Brakpan): Why do you not sit down now?

Mrs. H. SUZMAN: Why should I? I still have a lot to say and by the time I am finished he will not be so pleased with me anymore because I now have to go to the objections which we have to this clause and which, as the hon. the Minister knows, constitutes one of our major objections to this Bill. As far as that goes, therefore, we have no objection to this clause. Our objection is that the clause does not go far enough. The objective of the clause as it stands now, by virtue of the words "not a former South African citizen . . ." in the clause, means that all the offspring of those persons who were citizens of South Africa and who lost their citizenship by virtue of the territory to which they are linked culturally, ethnically and by language, having become independent will lose their South African citizenship. Formerly they had dual citizenship: they were citizens of South Africa and of the homeland to which they had this attachment, however tenuous this was. They could have been third-generation urban Blacks, born in Soweto like their grandparents were. They need never have set foot in the homelands. Yet the Bantu Homelands Citizenship Act of 1970 automatically made them citizens of a homeland but it allowed them to retain their South African citizenship as well. As we all know, as independence was taken by two of these homelands, those people attached to the Transkei and Bophuthatswana lost their South African citizenship. However, their offspring born after the date of independence—I think the hon. the Minister will confirm this—do not enjoy the exemption granted in this clause to the parents of such offspring.

The MINISTER OF BANTU ADMINISTRATION AND DEVELOPMENT: Yes.

Mrs. H. SUZMAN: That is right. It is so ambiguously worded, I must say, that I had to practically stand on my head to understand it. It is so full of double negatives that it is very difficult to understand indeed. However, I am glad the interpretation . . .

*Mr. S. F. KOTZÉ: I did not think you were so clever.

Mrs. H. SUZMAN: Well, I am just as smart as the hon. Chief Whip, I should think. Anyway, I have the confirmation from the hon. the Minister that that is the interpretation. Sir, we object to this clause because we do not see why this should be done to the offspring of former citizens, resident for many decades, possibly for two generations, in Langa, Soweto or Guguletu or, for that matter, on White farms in the Republic because there are many members in the House who have African workers on their farms, people who have been there for generations and who have never set foot off the farms because of various factors, one of them being lack of the right of mobility. Perhaps they do not want to leave the farms because they are so cosily employed there. Whatever the case may be, those people have lost their citizenship of the Republic and their children have now lost their citizenship as well. On 26 October 1976 Transkei became independent and on 6 December of last year Bophuthatswana became independent and after those dates every child born of such parents, no matter how long they had lived in South Africa, lost their citizenship. They have become foreign Africans and that means that they now no longer may be in the urban area or in a prescribed area without special permission and they may not be employed there either. This is a very considerable deprivation of their rights under section 10 of the principal Act, because many of them were born in the urban areas. Therefore I maintain that it is a betrayal of the undertaking . . .

The MINISTER OF BANTU ADMINISTRATION AND DEVELOPMENT: It is not a betrayal.

Mrs. H. SUZMAN: What is it then? Is it a method of circumventing the promise that was given in terms of the laws that were passed in the House when those two areas became independent? It was stated then that they would lose no rights other than citizenship, but now the children, their offspring, are losing other rights.

The MINISTER OF BANTU ADMINISTRATION AND DEVELOPMENT: But they were not born then.

Mrs. H. SUZMAN: They were not born then, but had they been born at the time, they would have enjoyed those rights. Those parents are still no different from the people they were before 26 October 1976 and 6 December 1977. They have lost their citizenship but they are still permanently resident in the Republic where they always were. It is not as if they have just moved in from the independent territories. They have been living there for decades and therefore we consider it to be a gross deprivation of rights which their offspring would have enjoyed.

I want to point out again to the hon. the Minister that Africans living in the urban areas of the Republic and those living on White farms, were not consulted about the independence of the territories. Therefore they lost those rights of citizenship without their consent and that is our big objection to this particular clause and the effects that it has. The hon. the Minister had a lot to say to us about our denegrating citizenship and about putting birth above citizenship in his reply to the Second Reading. The hon. the Minister will remember that. The hon. the Minister was wrong when he referred to citizens not acquiring rights by virtue of birth, because of course they do. If one is born of South African citizens in Canada, England or America the child is able to opt, on reaching majority, whether he wishes to retain the citizenship that he had acquired by virtue of birth in those countries, or whether he wishes to revert to the citizenship of his parents who may have retained their South African parentage although living in England or Canada temporarily when the child was born. The hon. the Minister says that in South Africa the children of parents who are not South African citizens and who are not permanently resident here, may not automatically acquire South African citizenship.

This is not the norm and the hon. the Minister is wrong there. The hon. the Minister dealt with the matter as though it was the normal practice in every country in the world. This is not, however, the case. If parents who are living in a country, irrespective of their citizenship, have a child in that country the child is automatically

allowed to obtain the citizenship of the country where it was born. It is where the child is born that decides what the child will be except when the child comes of age and can opt to take its parents' citizenship.

The MINISTER OF BANTU ADMINISTRATION AND DEVELOPMENT: You cannot generalize like that.

Mrs. H. SUZMAN: I can certainly generalize as far as England, America and Canada are concerned. I am pretty sure it is the same in Australia, but I would not put my head on a block about that because I am not sure. I am also not sure about France, but am trying to find out and if I have the answer before I sit down I will tell the hon. the Minister.

Mr. C. W. EGLIN: The hon. the Minister generalized in the opposite direction.

Mrs. H. SUZMAN: Yes, the hon. the Minister generalized in the opposite direction by saying it was the law. It is not a case of denigrating; it is a case of normal rights that one finds in, shall I say, other Western countries some of which we were attached to by commonwealth ties. That is the gravamen of our objections and therefore we do not intend supporting clause 2.

*The DEPUTY MINISTER OF BANTU ADMINISTRATION AND DEVELOPMENT (Dr. W. L. Vosloo): Mr. Chairman, we are dealing with legislation which is specifically directed at making arrangements with regard to Blacks in White areas, and therefore we have to be very careful not to raise expectations amongst them concerning privileges in White areas which we cannot fulfil. The hon. member for Houghton adopted what was nearly the correct attitude at the beginning of her speech. After her feud of yesterday she nearly accepted this clause today. It seems to me that she almost understands the clause, although not quite. I want to put it very clearly to her that the idea of this clause is specifically to have a basis on which to regulate the relations of Blacks in White areas. The clause deals with a difficult problem. We have always determined what a person is on the basis of birth, but now we want to do it on the basis of citizenship. I am glad that I can talk to the hon. Chairman, because in his former profession he had the same problem and the same experience as I had. Hundreds of Black women flock from various areas to White hospitals to give birth there, because there have been complications or purely because the White hospital offers better facilities. The problem which arises then, is whether the child of that Black mother from Lesotho, or whichever area it may be, the child which is born in a White area, must forfeit his citizenship of the country or homeland from which his mother originates. I should like to appeal to the hon. member for Houghton not to draw a parallel between such a case and the case of a White person who is born in Europe and who, after 21 years, can apply for citizenship of the country in which he is living. We are dealing here with the Blacks in White areas, and we should like to arrange to establish an equal basis so that we can determine exactly what can be done to the Blacks' advantage and what can be done in this way to diminish the frustration amongst them.

Mr. W. M. SUTTON Mr. Chairman, I just want to make quite sure that I understand that the hon. the Minister is ctually attempting to do. As I understand the situation, there are people who have rights established by birth, by domicile and by working for one employer for 10 years or working for several employers for 15 years. In terms of section 10, these then have certain rights. Some of those people have, however, since acquired citizenship of an independent territory, a territory which was formerly part of South Africa. In terms of clause 2 children born after their parents acquired citizenship of homelands which became independent, will not be able to acquire section 10 rights to enable them to continue to live in the White areas. However, there are still children born to Black parents who can still acquire section 10 rights by reason of the fact that the areas of which they will become citizens when independence is attained, have not yet attained independence. What is happening in terms of this Bill, is that children born to parents who are citizens of Bophuthatswana and Transkei are now being deprived of the right to reside in the White areas in terms of section 10. The hon. the Minister is drawing a line there in terms of section 10. There will no longer be any

children born to citizens of those territories who will acquire rights under section 10. Is that correct? I should like to have the hon. the Minister's assurance on this point.

*The MINISTER OF BANTU ADMINISTRATION AND DEVELOPMENT: Mr. Chairman, I want to reply at once to the question of the hon. member for Mooi River. We thrashed out this aspect yesterday during the Second Reading. Hon. members raised the objection that the children of citizens of Bophuthatswana and Transkei who are born in South Africa are excluded from citizenship after the independence of those States by the provisions of this Bill. Their conclusion is correct. There is no doubt about that. The reason for that is very clear. We help people, too, to become independent, not only States. Therefore, the citizens of those States should also receive independence. One cannot for ever perpetuate the situation that children born generation after generation should still retain their South African citizenship and advantages for another 100 years. We are dealing here with a family of nations. A concession is made here to citizens of Bophuthatswana and Transkei by means of which they retain a number of privileges, which foreign Bantu like Malawians and Zambians, etc. do not enjoy. This, therefore, is a positive step which is being taken in that direction. There should, however, be no doubt about this specific case, viz. that children of citizens of Bophuthatswana and Transkei who are born after independence, cannot enjoy these privileges. They become citizens of their own homelands and are integrated with those homelands. I want to reaffirm this fact.

The hon. member referred to a few countries where this is not the custom. It has for many years been the norm and custom with regard to Whites in South Africa—it has always been my policy in my capacity as Minister of the Interior—that the children of people who come to South Africa as foreigners without taking out South African citizenship or permanent residence, cannot be registered as South African citizens. In that respect the children have no choice. That is the position with regard to the Whites in South Africa. That identical situation we are now applying to the Blacks. Therefore, there is no discrimination. We hold the point of view that every White immigrant is selected. Afterwards, when he has obtained permanent residence, he has the right to register his children as South African citizens even if he has not yet accepted South African citizenship himself. In the case of the Blacks, however, we are dealing with people who have work permits to work in an area. There is a difference between the two cases. Therefore, I am not discriminating against Blacks. I am only bringing the position with regard to the Blacks in line with the position of the Whites in South Africa.

Mrs. H. SUZMAN: Mr. Chairman, my mind absolutely boggles when I think of the consequences of this. Does the hon. the Minister realize that over the next few years tens of thousands of children will be born to people who were citizens of South Africa before their territories gained independence and that these children are now going to be deemed foreigners? Today we have the situation that there are second and third-generation Blacks living in a city like Johannesburg. The real influx of Black people, as the hon. the Minister knows, came just after World War I, and during the 'thirties and onwards. That is a long time ago—two generations ago. These people, who have been born after 26 October 1976 or 6 December 1977, depending on whether it is Transkei or Bophuthatswana, are now deemed to be foreigners who fall under section 12 of the Urban Areas Act. Section 12 of the Bantu (Urban Areas) Consolidation Act (No. 25 of 1945) stipulates—

> . . . a Bantu not born in the Republic or in the Territory of South West Africa . . .

For this is now being substituted by the words in this clause—

> . . . shall not enter, be or remain in a prescribed area, and no person shall employ or continue to employ any such Bantu in such an area . . .

Does it not mean that all these children now have to take out or try to obtain permits or written permission from the Secretary to be in the area? The parents of a child born after 26 October or 6 December will now have to go to the Secretary—and, goodness me, he is going to be kept pretty busy and I am quite sorry for him—or the Bantu Commissioner, if

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Amounts spent on essential services in Alexandra Township

71. Mr. D. J. DALLING asked the Minister of Bantu Administration and Development:

What amounts were spent by the West Rand Bantu Affairs Administration Board in 1977 in Alexandra Township on (a) tarring of roads, (b) construction of pavements, (c) construction of storm-water drains, (d) sewage reticulation, (e) electricity supply, (f) refuse removal services and (g) provision of clinics and related services?

The MINISTER OF BANTU ADMINISTRATION AND DEVELOPMENT:

(a), (b), (c) and (g) Nil.

(d) R7 422.

(e) R27 919.

(f) R47 872.

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Application of Bantu (Urban Areas) Consolidation Act to Transkei Citizens

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

Whether any decision has been reached on the application of the provisions of the Bantu (Urban Areas) Consolidation Act to Transkei citizens in South Africa; if so, what is the decision?

The MINISTER OF BANTU ADMINISTRATION AND DEVELOPMENT:

Yes. Certain clauses of the Bantu Laws Amendment Bill (B.2—'78) refer to this matter.

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meantime we shall continue with the present dispensation and we shall implement the law as humanely as possible. As the new documents are issued, they will become operative automatically and we shall change over to the new system, which in the nature of things will create a completely new situation. I want to add that under the new dispensation it will also not be compulsory for the Black man to have this document available at any time when he may be asked to produce it.

Mrs. H. SUZMAN: That is good.

*The MINISTER: He will be given time to produce his document, which is what I am allowed to do when I am in a foreign country. That is the idea behind this. Although the hon. member will be voting against the clause, I do hope that she will understand that we are trying to bring about an improvement here.

Clause agreed to (Official Opposition and New Republic Party dissenting).

Clause 8:

Mr. R. A. F. SWART: Mr. Chairman, we oppose this clause for the same reasons as we opposed the previous clause. It is really a consequential clause, again substituting the concept of citizenship for that of birth. However, this time it relates to Bantu departing from the Republic and to deceased Bantu other than those who are South African citizens. Again, for the reasons we have stated in respect of the previous clause, we shall vote against this clause.

*The MINISTER OF BANTU ADMINISTRATION AND DEVELOPMENT: Mr. Chairman, for the same reason as the one I gave under the previous clause, I ask that this clause be agreed to.

Clause agreed to (Official Opposition and New Republic Party dissenting).

Clause 10:

Dr. A. L. BORAINE: Mr. Chairman, as far as clause 10 is concerned the explanatory memorandum is, as in so many other instances, extremely brief. The reasons given for the repeal of section 16 of the Bantu Labour Act of 1964 is that "the handling of applications for authority to make deductions from the wages of Bantu employees causes a considerable burden on the State institutions concerned". It goes on to say that with the development of the Bantu at the present time, this provision is no longer necessary. I want to suggest that this is not so and that we still need this.

One must bear in mind the composition of our labour force, and in particular our Black labour force, who will be affected by the repeal of this provision. One must also bear in mind that a vast number, if not a great majority, of Blacks are semi-skilled or unskilled and therefore still remain at the mercy of those who wish to take moneys from their normal income, salary or wages. I therefore believe that this House will agree that section 16 of the Bantu Labour Act is still required. Subsection (1) of the section which we are now repealing, prohibits the withholding of wages from Bantu employees by employers and then states—

> . . . save with the written consent of the director or any officer of the public service authorized by the director in writing to give such consent . . . or otherwise authorized thereto by any law or by order of any court.

One can compare this provision with the Masters and Servants Act, an Act which we had asked for a very long time to be repealed as many people had very strong objections to it. Finally, it was repealed. One of the reasons why we objected to it was because there were certain, in our judgment, punitive measures in that Act. Immediately it was repealed, however, certain protective measures were lost as well and immediately one had to try to find some way of protecting people who no longer had that protection. I think the same is true in this instance. The hon. the Minister has indicated that Bantu workers will have the right of appeal or that they will be able to take action if moneys are withheld without their permission. However, if one thinks of the litigation to which they will have to resort and the costs thereof, it will be quite clear that the unskilled or semi-skilled workers will lack the knowledge and certainly the money which they will require to take their

employers to court. Secondly, one should not only bear in mind the composition of the labour force and the fact that it comprises a large number of semi-skilled and unskilled workers. It should also be borne in mind that many of them come from outside South Africa and indeed from many of the homelands. Once this provision is repealed, therefore, it makee it possible for authorities in homelands and elsewhere to negotiate with employers without the permission of the employees concerned to withhold moneys from the wages and salaries of these employees.

Therefore, without spending too much time on a discussion of this clause, let me say that we oppose the measure for that reason. It will be said, I assume, that this is once again an indication that we want to keep the Black man exactly where he is and that we are not prepared to allow him to speak for himself. However, that is not our view and never has been. I do believe that where protection has been afforded it should be maintained, and therefore we do not agree that section 16 of the Bantu Labour Act of 1964 should be repealed.

*The MINISTER OF BANTU ADMINISTRATION AND DEVELOPMENT: Mr. Chairman, I honestly do not understand why the PFP adopt the attitude they do in this connection. The clause, as we have it before us today, is a definite admission of the fact that the Black man has been emancipated, an admission that he is now able to conduct his own affairs. Hon. members opposite are continually telling us that these people must not be treated like children, and I agree with them. Here we have an opportunity for the Black man to conduct his own affairs. Why should we always do it for him? This task involves the officials of the relevant department in a tremendous amount of work. We are not in the process of emancipating these people; we accept that they have already been emancipated in this sphere.

The fact that the Opposition are opposed to the clause, is a sign of paternalism on their part, something which is absent in our case. That is the differences. What sort of requests do we receive? We even get requests which have to be subscribed to and approved by the Director of Bantu labour. These requests relate, *inter alia*, to pension scheme deductions, savings account schemes, etc. From the very nature of things, these are matters which can be attended to by the Black man himself. The hon. member has said that if action has to be taken, it will involve considerable expense; he also wanted to know how action was taken, etc. Through the medium of its Bantu Affairs Commissioners the department makes available to the Black people a free service which even goes so far as to assist them in issuing summonses on their behalf. We take it that in the year 1978 the Black man has become sufficiently emancipated to do that himself. We do not want to be paternalistic. The PFP want to be paternalistic and for that reason I can only say that my attitude is that we should carry on with this.

Dr. A. L. BORAINE: Mr. Chairman, I had hoped the hon. the Minister would try to resist the temptation of scoring a point at this time, but I suppose it was too much to ask of him. He has been so reasonable in the past few days that, at last, he cannot resist it. I tried to make the point that we do not favour any paternalistic attitude.

The MINISTER OF BANTU ADMINISTRATION AND DEVELOPMENT: But you are acting like that in practice.

Dr. A. L. BORAINE: No. In South Africa, by accident of history and circumstances, a great percentage of the labour force happens to be Black—unskilled and semi-skilled—and who come from territories outside of the areas in which they work and reside. Furthermore, many of them—one can again describe it as an accident of history—are semi-literate or illiterate. It is true that certain opportunities are given to them, but nevertheless I believe that the law which we are now repealing, actually gives certain basic protection which, to my mind, many workers will want. I have worked in the area and I know what I am talking about. I know about the riots that took place and about the deaths that resulted from those riots. In an arbitrary fashion—I shall not mention any names—certain moneys were withheld with the consent of an employer and a particular country adjoining our borders. No reference whatsoever was made to the employee. As a result of this a riot took place and lives were lost. I am suggesting that if we repeal this law, once

again we are opening the door to the possibility of a vast number of workers who cannot protect themselves at this time, being abused in this way, and for no other reason. The hon. the Minister knows full well in his own heart that we do not support paternalism. He also knows that we believe in the reality of the situation which suggests, to us at least, that certain basic protections are still necessary and that is the only reason why we are opposing the clause.

*Mr. P. T. C. DU PLESSIS: Mr. Chairman, the hon. member for Pinelands says they do not favour paternalism. I take his word for it, but he is being paternalistic because, whether he is opposed to it or not, his actions are paternalistic. I have listened for many years to that party—and I say this with due respect and deference . . . [Interjections.] . . . accusing us of discriminating against the Blacks and treating them differently from the Whites. And believe it or, Sir, today I actually found myself listening to the PFP advocating a discriminatory measure!

*Mr. P. S. MARAIS: They are verkramp [Interjections.]

*Mr. P. T. C. DU PLESSIS: The hon. member for Moorreesburg is quite right; I certainly never expected them to be as verkramp as that.

Let us look at section 16 of the Bantu Labour Act, 1964, which is now being repealed. Section 16(1) reads as follows—

> Any employer who, save with the written consent of the Director or an officer of the public service authorized by the Director in writing to give such consent, or when otherwise authorized thereto by any law or by order of any court—
>
> (a) pays the whole or any part of the wages due to any Bantu employed by him to any person other than such Bantu;
>
> (b) withholds the wages of any Bantu employed by him or any portion thereof without reasonable and probable cause for believing that such wages or portion thereof is not due; or
>
> (c) makes any deduction from the wages of any Bantu employed by him,
>
> shall be guilty of an offence.

In other words, it would be reasonable for a Black man to ask me to make monthly deductions from the wages of a Black man in my employ, thereby settling my employee's indebtedness to him. As the law stands at the moment, however, I would be committing an offence if I did so unless I obtained the written consent of the Director or an officer of the department. I honestly think hon. members opposite should reconsider their attitude in this matter. I think it is an insult to suggest that the Black people are not sufficiently mature or that they lack the mental ability or experience to make arrangements with their employers for certain monthly deductions to be made from their wages. As I know the Black people they are quite capable of conducting their own affairs. What is more, I think they are quite capable of handling their own finances. That has been my experience of these people. I honestly think it is being absolutely unreasonable not to grant them the right to do what section 16 says they cannot do. That is why I disagree completely with the hon. member for Pinelands as far as this matter is concerned.

Dr. A. L. BORAINE: Mr. Chairman, the hon. member who just sat down, could not resist the opportunity either and I concede him his right to have a bit of fun. If this Amendment Bill had suggested that certain portions of wages or salaries could be held back with the written consent of the employee, it would have been far more satisfactory than this wholesale repealing of section 16 of the Act. If that had happened, there would have been no talk of paternalism; it would have been a normal worker's right. I should like the hon. the Minister to comment on this, particularly in terms of the deferred pay situation. With the repealing of this section, as we understand it, the way is opened for the possibility of Government arrangements, arrangements between homeland Governments and the Government of the Republic, to automatically defer pay from employees with them having no choice in the matter. They can certainly take action against it; they can object to it. However, as far as I

can see this can open the door much wider than ever before and for the reasons already stated we shall oppose this clause.

*The MINISTER OF BANTU ADMINISTRATION AND DEVELOPMENT: Mr. Chairman, I just want to reply to the speech of the hon. member for Pinelands. I cannot help but feel that hon. members are now arguing against their own better judgement. The fact is that what the hon. member is asking for here, can in any case still take place on a voluntary basis. It can be sorted out between employer and employee. It is an arrangement between them and the worker can give his written consent. Why should I still prescribe it by legislation? Surely I would then be acting paternalistically? Does the hon. member not understand that? Why should I treat the Black man differently to the White man? There is no law which prescribes to the White man in this regard or forbids him to do this. I do not want to discriminate and that is why I am deleting this provision. Those hon. members want now to discriminate and to prescribe certain rules for the Black man. The hon. member has saddled the wrong horse. They have fallen into a hole and are now trying to get out of it.

I want to make it very clear that this can be done now on a voluntary basis. If I prescribe it by law I shall be acting paternalistically. If I prescribe it, it is tantamount to saying that these people are not capable of handling their own affairs. At the end of the seventies the Black man is so emancipated that he is able to handle these matters himself. So I do not have to prescribe to them by way of legislation.

Dr. A. L. BORAINE: What about the deferred pay? [Interjections.]

Mrs. H. SUZMAN: Mr. Chairman, I would have been a little more impressed with the hon. the Minister's arguments if he was abolishing all the discriminatory laws against Africans. However, he is now repealing section 16 of the Bantu Labour Act, which contains a protective device to stop employers from withholding wages from African employees unless they obtain consent in writing from the director or an officer of the Public Service authorized by the director, or any other person authorized thereto by any law or by any order of any court. It is all very well to ascribe paternalistic motives to us, but that is being absurd. I now talk as a woman. There are great movements throughout the world for the emancipation of women in all directions. I also feel very strongly about equal pay for equal work, equal opportunities for employment and so on. However, I do not ask for the removal of, for instance, the protective factory laws which do not allow women to handle dangerous and heavy machinery, something which they are unable to do. If that is being paternalistic, I welcome that sort of paternalism. It is a protective device. There are many other night-work and factory laws which protect women.

In this country it just so happens that there are Africans employed who are subjected to a deliberate policy. I do not say it is an accident of history. It is as a result of the withholding of opportunities for education that many Africans are not able to understand the contracts they have entered into, because they are not fully literate. None of us can claim that every African in the country is fully literate. We know it is not so. That is a tremendous handicap when they are bargaining with employers. It is also a handicap to be prohibited from removing oneself from one rural area to a city or to another rural area, or from one city to another city in seeking jobs. All these are factors that come into it. There is a very large number of foreign workers working in South Africa as migrant workers. They are often faced with contracts over which they do not have any control at all. These contracts have perhaps been negotiated by their own Governments. I really do not see that the desire to retain a protective device is paternalistic. I do not look at it in that light. However, it is very nice to know that the hon. the Minister is now going to be in the forefront of the removal of all discrimination. I shall be right behind him, if he is interested to know. [Interjections.]

I want to tell him that here he should not repeal the entire section. I do not think he should repeal the entire section. I think he should seriously consider the suggestion which has been made by my hon. friend for Pinelands, viz. that he consider excising in the Other Place the words "the Director or an officer of the Public Service authorized by the Director in writing to give such consent" from section 16. It could be substituted by the

words "the employee concerned". We then know that the man will understand what is going on, that he is prepared to have deferred pay sent back to whatever territory he comes from and we know that he is prepared to have money withheld for example for saving and contributory pension scheme purposes. It is then entirely up to the man himself. He can obtain advice about it from somebody else even if he is illiterate. He can then make his mark showing that he knows what he is doing. One cannot simply abolish this measure *in toto* as there are unscrupulous employers who dock wages at the slightest possible excuse. I am sure the hon. the Minister will not deny that.

They dock the wages of Africans who break machinery or break appliances, etc. They find they are having their wages docked and that cannot be done under the existing law. Employers cannot dock or withhold wages; they first have to obtain a court order for a thing like that. They have to receive the written permission of the Director. I think that that protection is needed in the special circumstances where there are hundreds of thousands of workers who are not able to protect themselves in this regard. If that is paternalism, I do not mind being paternalistic, or matemalistic, if you like.

*Mr. H. J. D. VAN DER WALT: Mr. Chairman, it makes no difference to me if the hon. member for Houghton enjoys the little game as to whether it be paternalistic or non-paternalistic. I am not wedded to that concept, but I want to show that precisely what the hon. member for Houghton would like to have happen, viz. that the protection which the workers now enjoy should continue—the workers to whom the hon. member for Pinelands referred—the protection embodied in section 16 of the Bantu Labour Act, operates contrary to the interests of the Black people. I shall give hon. members a practical illustration. Those hon. members are always reproaching us because they say that the Black people, particularly those engaged in agriculture, are the very people who are less qualified to do certain things. This is said, and in many respects it is probably true. There is nothing peculiar about it. They are also people who may have the lowest educational qualifications. In agriculture today we have a major task trying to protect those people against all sorts of people who come calling at the farms, or wherever they are to be found. We want to prevent this sort of thing happening to them. It has become the practice. If we were to canvass the 82 000 farmers in South Africa today, we would find that at least 70 000 of those farmers were contravening this provision of the Labour Act as it reads at present. It is done every day for humanitarian considerations if those Black people ask for something. For instance, they ask: I have bought a radio, or I have bought this or that, and I must pay so much a month on this article. Can I arrange to have the money deducted from my salary every month and paid direct? That is the control that is exercised at present so that those workers do not get all sorts of accounts and summonses from the people who have sold them things. The farmer sees to it that the correct amount is paid. I can give hon. members—I could almost say—hundreds of examples of this. The representative of hon. members of that party on the Select Committee on Credit Agreements last year will know about this. That was one of the very arguments used when we discussed credit agreements. It was suggested that we should come to an arrangement which would embody this protection. I say therefore that this provision discriminates against those Black people at present, because if one wishes to act in a certain manner on behalf of that employee, one is not permitted to do so unless one has written permission. It may be said that we can ask for written permission each time, but that is not practical. [Interjections.] If one is an employer, one has first to apply for permission to withhold a portion of that man's salary to pay certain accounts for him.

*Dr. A. L. BORAINE: Get it from the employee.

*Mr. H. J. D. VAN DER WALT: What should one get from the employee?

*Dr. A. L. BORAINE: His consent.

*Mr. H. J. D. VAN DER WALT: One cannot get the consent of one's employee to deduct money from his wages. That one cannot do. Permission has to be obtained from the director. It is in fact to protect those thousands of Black people involved in agri-

culture that the relative provisions are to be scrapped, so that one will then be in a position to protect these people.

Mrs. H. SUZMAN: Mr. Chairman, I thought we had made ourselves very clear. Maybe the hon. member for Schweizer-Reneke was so busy working out his own speech that he did not listen to what I said. I am not suggesting that we cannot amend section 16 of the Act. [Interjections.] I wish the hon. member for Schweizer-Reneke would listen when I talk. I am not suggesting that we cannot amend section 16. I realize the difficulties that he talks about, the nuisance of having to go and get the written permission of the Director every time one wants to assist an employee paying off a radio or whatever article it may be. However, one can surely get the written consent of the employee. That is all one has to do and that means a very simple amendment. We just have to substitute for the phrase—

> . . . the director or an officer of the public service authorized by the director in writing . . .

the following phrase—

> . . . the employee.

That is all. It is very simple. Will the hon. member for Schweizer-Reneke agree with this? There is nothing paternalistic. It leaves it to the employee and it will make it quite sure that wages will not just summarily be withheld. I believe that for every good case that the hon. member for Schweizer-Reneke can mention there must be perhaps as many—but at least some—bad cases where employers would take advantage of their employees and withhold wages in an unjustifiable manner. The only way that can be stopped is by getting the consent in writing of the employee. That is all.

*The MINISTER OF BANTU ADMINISTRATION AND DEVELOPMENT: Mr. Chairman, I listened to the arguments of the hon. member for Houghton. I appreciate her point of view, but I cannot help but feel that what she suggests can be done on a voluntary basis. If this clause is accepted, it can take place on a voluntary basis. There is nothing to stop that. I want to put it to the hon. member that that is in fact what will happen in practice. In the nature of things it will happen that way. Let me add that any employer who deducts money from his employee's salary illegally can be prosecuted. I am informed that the number of complaints received in this connection is minimal. It is not a factor to be taken into account because it does not occur.

I repeat that a White person can enter into any agreement with his employer and it is honoured, no matter whether it is a written or oral agreement. This legislation is putting the Black man on the same basis as the White man as far as this matter is concerned. Consequently I am not discriminating. I am astounded that the PFP wants me to discriminate against the Black man. I am not prepared to do it. [Interjections.]

Mrs. H. SUZMAN: Mr. Chairman, the hon. the Minister will not get away with that! [Interjections.] In the first instance, the White is not a migrant labourer and in the second instance the Black man does not have the protection of trade unions, something which is another very important factor. They are unorganized. The hon. member for Schweizer-Reneke mentioned farm labourers. Farm labour is the most unorganized of all labour that we have. They have no rights at all, no mobility and are completely unorganized. They have no protection whatsoever. Those are the people we are talking about. The hon. the Minister rightly said that what we suggest can be done anyway, but one needs the legal protection making it necessary for the written consent to be given by the employee.

The reason why there have been so few cases against employers for withholding wages is precisely because section 16 is on the Statute Book. Therefore a man can be prosecuted by the State for breaking the law, but it is a very different thing when the employee has to initiate the court action. He does not have the money, and the hon. the Minister knows that. It is virtually impossible for an unprotected farm labourer or worker of any kind to initiate a case against his employer. It is very costly, and the man does not know his rights anyway.

One cannot in this instance compare an organized, skilled White worker – someone

with trade union rights, who is literate and who has all the legal protections one can think of—with a migrant worker or a farm worker or any illiterate or semi-literate African worker in an unskilled occupation. It is a very very different thing. Protection is required, and it is the protection of the law that is required, not the protection of the courts, should the employee decide to go to court. He does not have the resources to do that.

*Mr. H. J. COETSEE: Mr. Chairman, we are having a most interesting experience in this House today, in that we are watching the PFP losing one argument after the other. I trust that the Press which supports them will also take note of this. As a matter of fact, hon. members of that party strike a pathetic figure. The hon. member for Houghton rouses a measure of sympathy in me. Just see how consistent her argument is that the Blacks have no rights!

†Her words were that these people had no rights at all. She said that they had no access to the courts of law. Is that what she is suggesting?

Dr. A. L. BORAINE: No, not at all.

Mr. H. J. COETSEE: Is she then not suggesting that they have no access to courts of law?

Mrs. H. SUZMAN: No, I did not say that.

Mr. H. J. COETSEE: If she is not suggesting that, does she suggest that once in a court of law, discrimination will take place against Black people?

Mrs. H. SUZMAN: No. I said it is too expensive.

Mr. H. J. COETSEE: If that is not the case, what is the hon. member suggesting?

Mrs. H. SUZMAN: Oh, sit down!

Mr. H. J. COETSEE: Is she suggesting that Black people have no access to a court of law which can hear a criminal case? I ask this, because if wages are withheld from an employee without a judgment, then it is a case of theft. If she does not believe me, she can consult the hon. member for Mossel Bay, who is a reliable lawyer. Mr. Chairman, the hon. member must admit that she has lost this argument.

*To return to the pathetic figure cut by the hon. member; you will remember, Mr. Chairman, as you have served in this House for many years, that that hon. member has in the past moved several motions in regard to the rights of women. She has always advanced one main argument, and I fell for it. Her argument was that a woman earning a large salary could not even sign a stoporder. She is not in a position to go to a bank or a building society to do business. Sir, has she taken cognizance of the phenomenal increase in the income of the Blacks? Is she aware of this? Does she realize that the furniture trade with the Blacks is flourishing? Is she aware of the fact that those people cannot sign a stoporder? Is she in favour of that state of affairs continuing? When the hon. member for Pinelands argues that these measures leave a loophole for the type of thing which previously caused riots because pay was withheld arbitrarily, I wish to point out that this happened under the law as it stands at the moment. I do not suggest that this was a valid example, but how for heaven's sake can we control this by retaining these measures? The only conclusion I can come to is that the hon. member now regrets that any grounds for such an argument among the Blacks is now being removed. This is a drastic allegation. I realize that, but the only conclusion that we can come to is that the hon. member is trying to retain points of friction, while this measure has taken the wind right out of his sails.

Clause agreed to (Official Opposition dissenting).

Clause 11:

Dr. A. L. BORAINE: Mr. Chairman, I shall be very brief. I should like the hon. the Minister to know that we are supporting this clause. It is, of course, consequent upon clause 2 but without the prejudice, and we therefore believe that this is a decided improvement. We believe that this does, in fact, give opportunities to people from newly

ident countries like Transkei and Boswana, for example. For those reasons therefore very happy to support this

H. SUZMAN: That is going too far.

MINISTER OF BANTU ADMINISON AND DEVELOPMENT: Mr. an, I just want to say I cannot believe s, but I am grateful.

A. L. BORAINE: I am a very ble man.

se agreed to.

18:

R. A. F. SWART: Mr. Chairman, we side of the House are going to oppose use because of the fact that it takes from Parliament very far-reaching and vests these powers in the State nt by way of proclamation. Clause 18 ers the State President, by proclamahe *Gazette*, firstly, to amend schedule e Act and, secondly, to amend any rovisions of the Act to give effect to mendment. The Minister may, by in the *Gazette*, then determine the which such amendment shall apply date on which it shall be applicable in ticular area.

are obviously very wide powers which are being given to the State nt. I have no doubt that it is the hon. ister's intention—as he will no doubt —to make use of this provision to the powers or jurisdiction of the ive Assemblies but, equally, in theory vision could be used to limit those or take away powers from the lies. Either way the right is taken om this Parliament to have a say in fairs. I am reminded of what I believe rect statement attributed to the hon. ister's predecessor who, on his retireaid that he believed that the whole independence might be better dealt way of proclamation rather than by these matters bandied about in the arliament. I therefore wonder whether a forerunner of such a move by the Minister. I think we are entitled to assurance from the hon. the Minister on this point. We should like to know that this is not a situation where, by proclamation, greater and greater powers are going to be taken, until such time as the situation, envisaged by the hon. Minister's predecessor, is arrived at, a situation in which independence may be given to any particular homeland in South Africa by proclamation. I think the House is entitled to some sort of statement by the hon. the Minister on this matter, and on the very wide powers indeed which are now being taken away from this Parliament and given to the State President by way of proclamation.

*The MINISTER OF BANTU ADMINISTRATION AND DEVELOPMENT: Mr. Chairman, I just want to react by saying that to my mind this amendment is a consequential one as far as the existing position is concerned. As the Minister who is responsible for this post, I just want to add with regard to the independence of homelands that I believe that in spite of the provisions of the Act, we shall come back to this Parliament when there is talk of new independence. That is my standpoint and my premise, and I should like to give the assurance that it is also my belief and conviction. I just want to add that it is not an effort to extend the powers of the State President abnormally. It is purely to expedite the matter and to conclude legislation more readily.

Mrs. H. SUZMAN: Not by-passing Parliament?

The MINISTER: No.

Mrs. H. SUZMAN: Then we shall let it go.

Clause agreed to.

House Resumed:

Bill reported with an amendment.

BANTU HOMELANDS CITIZENSHIP AMENDMENT BILL

(Committee Stage)

Clause 1:

Mr. R. A. F. SWART: Mr. Chairman, the provisions of this clause were discussed fairly

extensively during the Second Reading debate on this Bill. The clause introduces a new method of acquiring citizenship or, more accurately, of regaining citizenship. It is designed to accommodate former South African citizens who by virtue of their membership of or attachment to an independent homeland have lost their citizenship and might now seek to regain it. The clause in its terms makes it clear that only persons who have at any time been South African citizens and citizens of a territorial authority can apply in this manner to regain citizenship of the Republic. It is therefore by definition designed only for the present generation of people so affected. We have dealt with this in the Second Reading, but it is clear from the wording of the clause itself that we are dealing here only with the present generation of people, because the clause stipulates that these must be people who were previously South African citizens and who, in addition to that, were members of a territorial authority. Quite clearly, therefore, in its terms it is designed only for the present generation of people. It is also quite clear that people born after independence are specifically excluded from this provision.

The Bill also, of course, introduces the innovation into our citizenship laws that South African citizenship can only be regained via membership of a non-independent homeland. A prerequisite to any of these people regaining South African citizenship is that they must do it via a non-independent homeland. The clause also lays down, in its provisions, a very difficult process in terms of which a person in these circumstances can endeavour to regain his lost citizenship. In the first place, it stipulates that he must apply to a non-independent homeland for admission. He must make the necessary application in the prescribed form. Secondly, it stipulates that the other homeland must recommend acceptance of the application and, thirdly, the provision says that the Minister may in his discretion grant such citizenship which would then be citizenship by birth. Quite clearly, it is not an easy process. A person faces a number of hazards before he can regain such citizenship.

Mr. Z. P. LE ROUX: Do you say it should be automatic?

Mr. R. A. F. SWART: Yes, of course we say it should be automatic. That is the very standpoint of this side of the House. Sir, all these hazards are put before the individual trying to regain his lost South African citizenship.

In dealing with the provisions of this clause in the Second Reading debate, we indicated exactly what I have just said in reply to the interjection made by the hon. member, viz. that in our view every citizen who has lost his citizenship by virtue of the granting of independence to a homeland should as of right be able to regain his South African citizenship. Sir, this clause falls far short of this situation.

When the hon. the Minister replied to the Second Reading, he indicated that in fact it was a fairly small category of people he had in mind in respect of whom the provisions of this clause would be applied. He indicated that there might be people who, on compassionate grounds, because of marriage or other situations of that kind, might want to regain their South African citizenship and that that was really the extent he envisaged of the application of these provisions.

The MINISTER OF BANTU ADMINISTRATION AND DEVELOPMENT: I also referred to the fact that a total tribe could move.

Mr. R. A. F. SWART: Yes, the hon. the Minister also said a total tribe could move. This may well be so, and obviously one accepts the explanation given by the hon. the Minister as to what his intentions are. But we as a Parliament are dealing with the making of laws. Whatever the hon. the Minister's intentions may be, we are perfectly within our rights to suggest that in terms of the law—as it is going to be when this provision is passed—all other sorts of situations may obtain. We have dealt with those situations during the Second Reading. We have dealt with the situation of people wanting to regain their South African citizenship and of moving from one homeland to the next. The Minister said, that this was a ridiculous example, but he must concede that, in terms of the provisions of this clause, that situation is perfectly possible. That person would certainly have to go through the difficult screening process to which I referred earlier.

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As the clause stands, that situation is perfectly possible.

We on this side of the House have indicated that we are not going to support this clause, firstly, because of the prevailing climate in South Africa in regard to the question of lost citizenship as a result of independent homelands coming into existence and, secondly, because the measure gives minimal benefits to people who have lost their citizenship. We accordingly believe that it introduces an undesirable element into the system of granting citizenship in South Africa. We think that the provisions of this clause are clumsy and inadequate and we are not prepared to lend respectability to it by supporting it.

*The MINISTER OF BANTU ADMINISTRATION AND DEVELOPMENT: Mr. Chairman, the hon. member for Musgrave made an allegation in the last sentence of his speech which I want to refute at once. He said that if they supported the measure, that would lend it a measure of respectability. However, we do many things in this Parliament without his support, things which are quite respectable. Therefore I am sorry that the hon. member used those words. I presume it was a slip of the tongue and that he did not mean it seriously. He is after all a decent person. He was just blowing his own trumpet a bit and I do not blame him for that.

We accept that citizenship of an independent country such as Bophuthatswana or Transkei or any territory which becomes independent in the future is full citizenship and has all the characteristics of full citizenship, like those of South African citizenship, British citizenship or American citizenship. One does not acquire second-class citizenship if one belongs to a free State, but full citizenship. That is my first premise. Secondly, I want to give hon. members my assurance that what we are trying to do with this Bill is to make a concession to former homeland territories such as Transkei and Bophuthatswana so that some of their citizens may have the opportunity of regaining South African citizenship in a certain way. It is therefore a concession which is being made and I had hoped that it would be welcomed.

There is a third argument, however. Before independence this Government and those Governments agreed that at the time of independence everybody in that territory and everybody belonging to that ethnic group would become citizens of those homelands. That was the agreement, whether the hon. member likes it or not.

Dr. A. L. BORAINE: Bophuthatswana as well?

*The MINISTER: Yes, that applies to Bophuthatswana as well.

*Dr. A. L. BORAINE: What about the letter which was written?

*The MINISTER: Yes, but I am talking about the agreement which was reached. The agreement was that on the night of 5 December all persons from Bophuthatswana in South Africa and Bophuthatswana would become citizens of Bophuthatswana. That was the agreement. The hon. member does not like it, but that was the agreement.

*Dr. A. L. BORAINE: I am just asking.

*The MINISTER: I am just answering. What is the rest of the position? We also agreed that we would leave the door open so that people could reapply for South African citizenship in certain circumstances. The Government can, however, impose certain conditions, just as they, the responsible Governments of those countries, can impose certain conditions when they grant people citizenship of those countries. Surely it is the sovereign right of every Government to determine who it accepts as a citizen of its country and who not. Surely that is international law.

What are we asking now? We are asking, in the first place, that that person should apply for citizenship. He must address his application to the homeland Government. We make it a condition that he apply to a homeland Government.

*Mr. R. A. F. SWART: Any time?

*The MINISTER: Any time. No time limit has been imposed.

*Mr. R. A. F. SWART: To any homeland?

*The MINISTER: He can apply to any of

the existing homeland Governments. I want to recognize the power of the homeland Government as well. That Government has to judge whether or not it wants to accept that person as a citizen of its country. I do not want to tell that Government in a paternalistic way whether or not he should accept the person. The homeland Government has a say in the question of whether or not it wants to accept that man as a citizen of its country. If a homeland Government does not recommend him, I will not consider his application. Therefore I recognize the status and power of homeland Governments, such as Lebowa and Qwaqwa, when I ask them to make a recommendation. However, if they recommend him, the Minister has the discretion, in terms of the provisions of the clause, to restore to him his South African citizenship or to refuse it, depending on the circumstances. This discretion has to reside in the Minister. Let me explain why. I discussed this matter during the Second Reading debate and I just want to repeat it briefly, because I do not want to discuss the whole principle again. We have no say and we want no say as to whom Transkei and Bophuthatswana accept as their citizens, because they are sovereign States. If Bophuthatswana should decide tomorrow that it is prepared to accept 40 000 citizens of Botswana as citizens of Bophuthatswana, it is entitled to do so. However, I have a duty towards the Blacks in South Africa, in the sense that I cannot suddenly admit those 40 000 citizens of Bophuthatswana to South Africa and to all the privileges which are reserved for our own family of nations. I have to give them that protection and therefore I have to have the power which the provision vests in me. I do not want to make any suggestions, but it is theoretically possible that the Transkei Government or the Bophuthatswana Government may grant citizenship to Whites from Europe, from Eastern Europe or from Asia if they please. There is nothing to prevent them from doing so. If I do not possess the powers which the provision vests in me, such a person will immediately be able to use all the privileges reserved for the citizens of Bophuthatswana, as soon as he acquires citizenship. Those people will be able to enter the country, to take away the jobs of our own Black people and to deprive them of their privileges. That is not my intention, because I have a duty towards the Blacks in my country. That is why the provision is necessary.

The argument of the official Opposition is now placed in a very serious light, because the hon. member alleges that regaining of South African citizenship should take place automatically. The hon. member repeated it by means of interjections. In other words, the hon. member wants me to expose the Blacks in South Africa to the situation where these foreigners can automatically enter the country and take over, because they are now citizens of Bophuthatswana if they are permitted there. The hon. member is in a spot and he now has to try and get out of it if he can. I hope he can.

Therefore, I stand by my contention that the clause is necessary, in the first place to grant full citizenship of the independent homelands and to recognize it. In the second place, it is necessary to accord protection to the homelands which are not independent yet, so that they can have a say in who they want to accept as citizens of their homelands and who they do not want to accept. In the third place, the provision is necessary to afford protection to workers in South Africa so that they are not crowded out by foreigners, foreigners who abuse the privileges which we have conceded to former South African citizens of Bophuthatswana and of Transkei. That is the reason for retaining the provision and that is my whole argument.

Mr. R. A. F. SWART: Mr. Chairman, I am moved by the hon. the Minister's claim that he is very conscious about the very great duty which he has to the Black people of South Africa. I am also aware of the fact, however, that only the other day the hon. the Minister made it perfectly clear, in the bluntest possible terms, that in the not too distant future there would not be a single Black citizen of South Africa. What then will his duty be to the Black people of South Africa?

The MINISTER OF BANTU ADMINISTRATION AND DEVELOPMENT: I did not say that. I said it will be the case when our policy reaches its ultimate consequence.

Mr. R. A. F. SWART: I know. The hon. the Minister made the statement while discussing this very measure that when their

policy goes to its ultimate conclusion, there will not be a single Black citizen of the Republic of South Africa. Where now is his duty to the Black people of South Africa? Our whole case, when we talk about a person automatically being able to regain his citizenship, is that these are people who have been citizens of South Africa, who were born citizens of South Africa, who are living in South Africa and who will die in South Africa. We believe that these people are entitled, if they so wish, to regain their South African citizenship. This is the whole standpoint of this side of the House—perfectly logical and perfectly clear. If the hon. the Minister were to test the statement he made in the House the other day amongst the Black people to whom he says he owes the duty, I believe he will perceive a very great reaction indeed by the Black people who read in the paper that the Minister said that ultimately there will not be a single Black person who will be a citizen of South Africa when the Government has carried out his policy. I believe that is really the test as to who is looking after the interests of the Black people of South Africa.

*Mr. C. UYS: Mr. Chairman, the official Opposition seems to forget which legislation we are dealing with at the moment. The specific clause amends an Act which deals with the citizenship of Bantu homelands. That is what the original Act is primarily about. The clause which is introducing an amendment deals primarily with the steps a Black man has to take if he wants to become a citizen of one of the homelands in South Africa which are not yet independent. That is what the legislation is about. It does not deal primarily with the regaining of South African citizenship, but with the acquisition of citizenship of a homeland in South Africa which does not yet have independent status. The Opposition loses sight of this. It is obvious that if someone applies for the citizenship of a homeland which is not yet independent, we should recognize the authority of that homeland and should give them the opportunity of stating whether they want to admit the applicant as a citizen of their particular homeland or not. It is as simple as that. When the hon. member for Pinelands says that a person should automatically obtain citizenship, he wants to intimate that we should disregard the right of the authority in that homeland to decide on whom it wants to accept as citizens of its homeland or not. It boils down to an absolute disregard for the Black man's authority over himself. With this Bill the Government once again recognizes the responsibility and the power of the Black authorities over their own people. There is only one reason why the hon. the Minister ultimately has to agree before the application can be approved. This reason has been set out repeatedly by the hon. the Minister, viz. that it inevitably follows that when the Black authority is prepared to accept the applicant as a citizen of its homeland, the applicant automatically becomes a citizen of South Africa too, because the homeland is not yet independent and therefore still forms part of South Africa. That is why the hon. the Minister of the South African Government also has to give his permission.

Dr. A. L. BORAINE: Mr. Chairman, I just want to clear up one or two points which arise from the hon. the Minister's reply to my colleague, the hon. member for Musgrave. The first point concerns the hon. the Minister's argument regarding conditions for citizenship. The hon. the Minister quite rightly states that South Africa has the right to decide what the conditions should be. What he seems to avoid, is the point we are trying to make, i.e. that we are not talking about people who wish to become citizens for the first time. We are talking about people who wish to—we do not want to force people—regain their citizenship which once they had and which they lost without any choice when their homeland became an independent, sovereign State.

That is the argument we are advancing. We are not talking in general terms, and therefore the conditions the hon. the Minister refers to must specifically relate to those Blacks who are now resident in South Africa, those who were born here, will work here and will die here, and have automatically lost their citizenship. That is our quarrel with the hon. the Minister. We believe that in order to try and satisfy the two countries that have become independent, the method which is now being sought to go via a particular homeland, is simply not good enough and not satisfactory. For example, if one takes the

ultimate development of his policy as envisaged by the hon. the Minister, we will see that that opportunity is a shrinking one. This is not an absurd thing to say when the hon. the Prime Minister himself declared in this House only the other day that within five years the Government's policy of granting independence to all the homelands might well have fulfilled itself.

Mrs. H. SUZMAN: Except kwaZulu.

Dr. A. L. BORAINE: Yes, except perhaps for kwaZulu, but even there it may be possible. Five years is a very short time. So, it is not the ultimate end of the Nationalist policy we are talking about; we are talking about the circumstances which may exist in five years' time. I want to suggest that my argument is not absurd. Let me take an actual case, of a person who is given the opportunity through this legislation of gaining citizenship of a non-independent homeland in 1978. In 1979 he will once again lose that citizenship because that particular homeland may have become independent. If such a person is really desirous to get South African citizenship and wants to use this method to get it, he will then have to apply to one of the remaining non-homeland areas for citizenship. It is an absurd situation; it's a fiction. The hon. the Minister is not achieving anything and is not bluffing anyone either. That is the point. The hon. the Minister has been a tower of reasonableness and light, but when one begins to examine his arguments—not his sincerity—they fall to the ground. It is a fiction.

There is a second matter I want to argue about. When we were debating the other Bill in the Committee Stage, the hon. the Minister made great play about us wanting to protect the Black man. He called it paternalism. Yet in this debate he tells us that he has a right and a responsibility to protect the Black man. He is right and I agree with it, but he must be consistent. Since we believe that this measure is cumbersome, involved and really solves nothing, except in the case of a few isolated examples the hon. the Minister referred to in the Second Reading, we simply cannot accept and support it.

*Mr. P. T. C. DU PLESSIS: Mr. Chairman, I want to ask the hon. member for Pinelands a question. Is his plea concerned with children who have been born in the Republic of Transkei after independence and does he want to give them that right as well?

*Dr. A. L. BORAINE: No, I am not talking about the children.

Mrs. H. SUZMAN: It was about those resident in South Africa.

*Dr. A. L. BORAINE: Yes.

*Mr. P. T. C. DU PLESSIS: Good. Does he also want to give the right to children who were born in South Africa to citizens of the Transkei?

Dr. A. L. BORAINE: They should have the choice because they have been born in this country.

*Mr. P. T. C. DU PLESSIS: If one considers this matter carefully, one arrives again at the basic difference between us and hon. members on that side of the House. He used the example of someone who becomes a citizen of Lebowa in order to retain his South African citizenship and when Lebowa becomes independent, he applies for citizenship of another homeland in order to retain his South African citizenship. I want to ask those hon. members in all honesty why they are so worried. Why do they want these people to retain South African citizenship? [Interjections.] The hon. member says that we took it away, but we gave them something better instead. [Interjections.] We used to be British subjects and now we have something better, because we are now subjects of the South African Republic. I am really proud of that. I do not want to be a British subject again. I like the British very much and hold them in great esteem, but I only want to be what I am and nothing else.

*Dr. A. L. BORAINE: So do I.

*Mr. P. T. C. DU PLESSIS: I am not inferior.

*Dr. A. L. BORAINE: Mr. Chairman, may I ask the hon. member a question?

*Mr. P. T. C. DU PLESSIS: Certainly, certainly.

Dr. A. L. BORAINE: Thank you very much. [Interjections.] The hon. member tells us he is very proud of being a South African and so am I. How would he feel, however, if that were taken away from him?

*Mr. P. T. C. DU PLESSIS: Nobody can take away from me what I really am, because I am really a South African. One cannot turn a Xhosa into a second class White, because he is firstly and lastly a Xhosa. He is proud of it.

*Dr. A. L. BORAINE: He can be a first-class South African.

*Mr. P. T. C. DU PLESSIS: I want to accuse those hon. members directly—and let us talk frankly, because we are not angry with one another—of disparaging citizenship of the homelands. They maintain that it is something inferior. They maintain that it is something the people do not want. Let me inform them confidentially, let me inform them sincerely: These people are proud of it. They may be able to show me a few Blacks who are not proud of their citizenship, but I can show them a few dissipated Afrikaners who are not proud of theirs either. It is a phenomenon one finds everywhere in the world. I do not have to search very hard in this House to find some of them. They are the dissipated ones.

*The DEPUTY CHAIRMAN: Order! The hon. member must withdraw the word "dissipated".

*Mr. P. T. C. DU PLESSIS: I withdraw it, Sir. But what I want to emphasize is that nothing is being taken away from these people. They are only being given what belongs to them. These people are proud of it. They are proud of their citizenship. Let us in this Parliament not constantly belittle these people's citizenship as though it were worthless. We know the road that we are taking. The hon. the Minister spoke of a "family of nations". A family of nations means that there are certain bonds, that there are certain mutual privileges and that there is a certain affection for one another. If a Black man obtains citizenship, if he is a Tswana or a Xhosa or whatever, that citizenship entitles him to rights and privileges which a Malawian, Mozambican, Basuto or Swazi does not have. That is really the point. It is something which gives him privileges which another foreigner does not have. I shall content myself with that. I can only support this clause with all my heart, just as it stands.

Mrs. H. SUZMAN: Mr. Chairman, we have listened to a very extraordinary argument from the hon. member for Lydenburg. The clause that we are dealing with is the one that allows a man to give up his citizenship. Why introduce this clause at all? The clause allows a man to apply for citizenship of another homeland and then regain his South African citizenship. So why does the hon. the Minister denigrate people by introducing such a clause?

Dr. A. L. BORAINE: They are belittling his citizenship.

Mrs. H. SUZMAN: According to his argument nobody ever wants to run away from his citizenship; so he should not give anyone the chance to do it. Therefore this clause is redundant as far as the logic of that hon. member is concerned. He should vote with us against this clause because it belittles the man by allowing him to give up his citizenship. That is the one argument.

The other is that I did not agree with the hon. member for Pinelands when he asks the hon. the Minister to be consistent. I welcome any deviation from the norm of NP policy and am always delighted to find a Minister who deviates from the norm and is not consistent. As far as I am concerned the hon. the Minister can go on being inconsistent as much as he likes. However, what I do want to ask him, and I do this in a way which is a bit of a malicious come-back on his paternalistic argument, is what has happened to ethnicity.

Mr. P. T. C. DU PLESSIS: It became independent!

Mrs. H. SUZMAN: Who became independent?

Mr. P. T. C. DU PLESSIS: Ethnicity!

Mrs. H. SUZMAN: Ethnicity? This clause is the very opposite of ethnicity, because it allows a Xhosa or a Tswana to apply to

become the citizen of Lebowa, Qwaqwa, the Ciskei, Gazankulu or kwaZulu. You can be a raging patriot from the Transkei living in South Africa with Transkeian links and you can actually apply to be a Zulu. What has happened to ethnicity? This is what I want to ask the hon. the Minister. It is a good question, is it not?

The MINISTER OF BANTU ADMINISTRATION AND DEVELOPMENT: And it has a good answer.

Mrs. H. SUZMAN: I hope it gets a good answer. The other question I want to ask the hon. the Minister is: Would it not be more logical—although I do not care about whether he is consistent or not, I do in my feminine way like him to be logical—and will he explain to us why he did not wait for the other Bill that he tells us is coming, the one which he says the hon. the Minister of the Interior is going to introduce, which will, to some extent any way, meet the requirements made by the Chief Minister of Bophuthatswana as far as the regaining of South African citizenship is concerned at the time we were discussing the Independence of Bophuthatswana Bill? Surely, it would have been more logical to have allowed that Bill to be introduced first, because that really deals with the big problem. The big problem is the regaining by Bophuthatswana citizens and citizens of the Transkei their South African citizenship by choice. Let me tell the hon. member for Lydenburg that we are not making it forcing this on anyone, we are not making it compulsory. We are suggesting they have the option of regaining South African citizenship if they happen to value it above the citizenship of Bophuthatswana or of the Transkei. Now, that is the point. However, the hon. member for Lydenburg talks about a family. Has he heard of poor relations? Well, it may very well be that the children of these people, since they will lose their section 10 rights—their South African citizenship rights—the children of former South African citizens resident in Soweto or Langa or elsewhere, are made poor relations, because the real economic opportunities are in the White Republic, whether the hon. member for Lydenburg admits it or not. He cannot tell me that the economic opportunity in Bophuthatswana or kwaZulu or Qwaqwa or in the Transkei or any other homeland, independent or otherwise, could possibly measure up to the economic opportunities that Black people have who are resident in the White republic of South Africa.

Mr. J. P. A. REYNEKE: Except for the Union Hotel!

Mrs. H. SUZMAN: No, they have economic opportunities there too.

Mr. D. J. N. MALCOMESS: Mr. Chairman, I confess to having a certain amount of difficulty in understanding precisely what the hon. members of the PFP are trying to do. As far as I can understand they are suggesting that the House should negative this particular clause, the clause which is actually the crux of this Bill. I would like therefore to ask the hon. the Minister a question or two just to clarify my own mind. As we stand at the moment a member of an independent homeland—in other words, the Transkei or Bophuthatswana—has *de facto* lost his South African citizenship. This, however, is not the principle which is debated right here and now, because unfortunately—and I repeat, unfortunately—the relevant Acts have been passed causing these people to lose their citizenship, something with which I obviously cannot agree. However, this is a fact. These Acts have been passed. Now, am I correct in understanding that this particular Bill is a means of allowing those people who had been dispossessed of their South African citizenship to regain . . .

The MINISTER OF BANTU ADMINISTRATION AND DEVELOPMENT: Under certain circumstances, yes.

Mr. D. J. N. MALCOMESS: Good enough. In other words, it gives them an avenue of obtaining South African citizenship, something which has not been open to them before.

Mr. B. R. BAMFORD: It is meaningless!

Mr. D. J. N. MALCOMESS: I hear the comment here that it is meaningless, and in due course, I fully agree, it can be meaningless. If, as the hon. the Minister has said, all

the homelands in due course become independent, it will become meaningless.

Mrs. H. SUZMAN: Precisely.

Mr. D. J. N. MALCOMESS: Precisely. But, as I see things in view of the answer to these questions, it is apparent that a Black man who is now a citizen of the Transkei might be able to regain his South African citizenship rights. It may only be for a period of five or ten years or, who knows, if Chief Buthelezi continues to hold out, it could be for a long, long time. It therefore could be meaningful. It strikes me that if one votes against this particular clause, one is voting against a clause which is giving a right, no matter how tenuous a right, to a Black man to retain his South African citizenship or to regain his South African citizenship, and in fact to be able to have his rights under section 10 restored to him. I must confess that I find it somewhat difficult to understand why, when we are going to be giving these Black people these rights, the Official Opposition is adopting this attitude.

*The MINISTER OF BANTU ADMINISTRATION AND DEVELOPMENT: Mr. Chairman, the hon. member's argument is quite right. His logic is quite right, and I want to tell him at once that if this is his argument, he ought to vote for this provision.

The Official Opposition, through the mouth of the hon. member for Musgrave, takes the view that all citizens of the Transkei and of Bophuthatswana, who obtained full citizenship of an independent State on a certain date by means of negotiation between Government and Government, and have their own diplomats in this country to represent them, should automatically have the right to regain South African citizenship. The hon. member for Musgrave said this: there is no doubt about it. I am taking a hypothetical case, but in theory it could mean that, the day after independence, everyone could say that they did not want that citizenship, but that they wanted South African citizenship. If this happens, one has a State without citizens.

Mrs. H. SUZMAN: No, the ones living in South Africa.

*The MINISTER: No, you say they should all have that right. How are you going to discriminate? They all had South African citizenship up to that date. The hon. member must be logical. All those citizens had South African citizenship up to the day preceding independence. This holds good for the people here and for the people in the homeland. Now the hon. member says that they should all be able to regain South African citizenship automatically. Why should those who lived in the homelands be discriminated against?

Mr. R. A. F. SWART: I was referring to those outside of the homelands.

*The MINISTER: No, you did not say so. You said that they should all be able to regain their South African citizenship automatically. In other words, we are then creating a non-State, a State without citizens, or at least the possibility of a State without citizens. These are the logical consequences of that hon. member's argument. I repeat the point of view I stated in a previous debate. We do not make territory independent; the negotiations result in people and nations becoming fully independent. We then accept and recognize those nations as such.

The hon. member for Houghton asked me a question which she thought a good one. She wanted to know what had become of ethnicity in this whole picture. It is that very concept which is built into this provision. A person cannot obtain the citizenship of a homeland automatically unless that homeland Government agrees to grant it to him. That is where the question of ethnicity and the right of the authority enters into the picture. If the Government of Lebowa, which is a full and equal Government, refuses to grant citizenship to a man from Bophuthatswana, it has the right to do so. That Government may very well think, "ethnically the man does not fit in with us; he is a no-good and we do not want him; he is a troublemaker and we do not want him." If that Government feels like that, it has a right to decide that it does not recommend that application for citizenship. In this way the right is built in on the basis of ethnicity. That is where the answer is to be found. Will the hon. member admit that it is a good answer too?

*Mrs. H. SUZMAN: No.

*The MINISTER: Very well, the hon. member is not as decent as I was. It is a pity. It depends on whether that person can be assimilated into that nation. If he cannot, they will not allow him. If they consider him a person who cannot be assimilated into that nation, they are going to object to his citizenship. This is where the whole concept enters into the picture. We recognize the right of that Government to take full responsibility for its own decision in its own right.

*An HON. MEMBER: Just look at the position in Britain today.

*The MINISTER: Yes, I do not even have to refer to the position in Britain and to the hon. member for Houghton's counterpart, Mrs. Thatcher. Just think of the problems they are experiencing at the moment concerning the question of ethnicity. I am just mentioning it, but I do not want to chase up new hares now; I think we have enough hares running around already.

The hon. member asked me another question. She wanted to know why I did not wait until my colleague the Minister of the Interior had introduced his Bill before I introduced this one. There are two reasons for this. When my colleague introduces his Bill, they will want to know why he does not wait until this Bill of mine has been disposed of. [Interjections.] Which one should come first? The fact remains that we negotiated with the Bophuthatswana Government. An agreement was entered into between this Government and the Government of Bophuthatswana. The agreement was drawn up, after months of discussions, by a working committee which finalized all aspects. Those agreements were signed officially by our Government and their Government and they were given all the necessary publicity. Everything was arranged on that date. In consequence of the mutual discussions there was a request for certain matters to be laid down in the legislation. I was present at the discussions in my former capacity as Minister of the Interior, and that is why I have first-hand knowledge of this specific matter. The legislation, as requested by the Government of Bophuthatswana, was drawn up by the Department of the Interior and the law advisers, and was submitted to the Government of Bophuthatswana, its law advisers and other advisers. They had no fault to find with it and expressed their satisfaction with it. It complied with their request. Therefore, that Bill is one which falls under the Department of the Interior, and from the nature of the case it must be dealt with by the Minister of the Interior when it comes up. Then the whole argument can be raised once again. There was an agreement between us and the Government of Bophuthatswana as a result of which independence was accepted. That is why I say that I could not keep this back until that legislation had been dealt with. This has nothing to do with that specific matter. The hon. member for East London North is quite right, because a person who has lost his South African citizenship, can regain his homeland citizenship in this way. The hon. member for Barberton is correct because primarily this is a Bill for enabling homeland citizenship to be given to him. But then the homeland Government must have full say in the matter. After that, virtually automatically, the person concerned becomes a South African citizen because one cannot have a homeland citizen who is not a South African citizen, because this would mean that he would in fact be stateless.

*Mrs. H. SUZMAN: Yes.

*The MINISTER: Then it follows virtually automatically. The primary object is to give him homeland citizenship, and in order to be able to effect this, the homeland Government must have authority. I do not want to add anything more.

Dr. A. L. BORAINE: Mr. Chairman, I should just like to make a few comments. I think it is clear to the House that we feel very strongly about this particular Bill and this particular clause. Let me refer now to the hon. the Minister's reply to the question put to him by the hon. member for Houghton. I do not think the answer is as good as the hon. the Minister thinks it is.

I say this because we have been told, over the years, that one of the things the Nationalist Government wants to do is to emphasize that we are a multi-national country and that the way in which we can resolve the potential conflict and give everyone an opportunity is to have homelands which will lead eventually to independence, to their own sovereignty. All this was based

on ethnicity. Now, however, the hon. the Minister seems to have changed his mind. Now it seems quite possible overnight, by application, to cease being a Tswana and to become a Xhosa, merely by way of a piece of paper. What we are dealing with here, however, is a man's birthright, his tribe, his culture, his language and all the other differences that have been emphasized. We have tried to suggest that there are circumstances in which we can stand together and find another common unity. This Government, however, says: "No, that is not so." I want to suggest that the Government has now forsaken one of its major pillars on which this enormous ideology has been built. It is gone! What I also want to suggest is that several of the other pillars are also going to go very soon. One is beginning to see a movement away from the ideology upon which apartheid has been built over the years, and we rejoice! [Interjections.]

I now want to turn to the other argument. The hon. the Minister suggests that it is ludicrous to adopt the position we are adopting, because it may well be that every one of the citizens of an independent country may opt to retain their South African citizenship. The very fact that he opens up that argument suggests that there are many, many people who would prefer . . . [Interjections.]

Mr. J. JANSON: Nonsense!

Dr. A. L. BORAINE: That is the logical conclusion to draw from his argument.

The MINISTER OF BANTU ADMINISTRATION AND DEVELOPMENT: That is a stupid approach.

Dr. A. L. BORAINE: Then it is not possible for it to happen, so why bring it up?

The MINISTER OF BANTU ADMINISTRATION AND DEVELOPMENT: I said it hypothetically.

Dr. A. L. BORAINE: Well, why bring up a hypothetical argument such as that? He said it was logical.

The MINISTER OF BANTU ADMINISTRATION AND DEVELOPMENT: I did not say that it was logical. Please! Read my Hansard!

Dr. A. L. BORAINE: Alright, I accept that. Mr. Chairman, why bring up a hypothetical argument? We are dealing with facts.

The MINISTER OF BANTU ADMINISTRATION AND DEVELOPMENT: We were dealing with your hypothetical question.

Dr. A. L. BORAINE: That is no hypothetical question at all. This is actually what does happen and can happen. We say that there are some people who wish to regain their South African citizenship. That is a fact. However, the Government does not seem to agree with that.

The hon. member for Lydenburg made the charge that we in these benches are belittling the citizenship of homelands or independent countries like Transkei and Bophuthatswana. That is absolute nonsense. We do not belittle that. All we say is that, if a person who is living in South Africa and not in the territory concerned wishes to retain his South African citizenship rather than become a citizen of the newly independent country, he should have the right to do so.

Mr. Z. P. LE ROUX: Where is your amendment?

Dr. A. L. BORAINE: The amendment we moved at the Second Reading was thrown out. It was rejected by the House. [Interjections.] That is where it is.

Finally, the hon. member for East London North said he cannot understand the official Opposition. Well, Sir, I find it very difficult to understand his argument. He voted against the Second Reading of the Bill. What has then happened to his argument now? We have remained consistent, that is all.

*Mr. H. J. COETSEE: Mr. Chairman, I want to ask the hon. member for Pinelands a question: Does he recognize Bophuthatswana as an independent State?

*Dr. A. L. BORAINE: Yes, of course.

*Mr. H. J. COETSEE: The hon. member for Pinelands says that they recognize Bophuthatswana as an independent State. This is a

sign of tremendous progress in connection with the whole question of citizenship.

*An HON. MEMBER: And in their thinking!

*Mr. H. J. COETSEE: It may destroy their credibility abroad, but now I am digressing from the subject. Before you rule me out of order, Mr. Chairman, I want to come back to the Bill. The hon. member for Pinelands has admitted that Bophuthatswana is an independent State. Does he admit that it is independent in the way that England is? Does he recognize Bophuthatswana in that capacity? Does he recognize that it is independent in the way that Israel is? [Interjections.] "Yes"! Mr. Chairman, we are making tremendous progress. Now I come to the second step. The hon. member is suggesting that we should be able, without prior agreement with Israel or with England, to pilot legislation through this Parliament enabling citizens of those countries to become citizens of this country merely by exercising their choice. [Interjections.] That is what the hon. member is saying.

Dr. A. L. BORAINE: If they were born here and had their citizenship taken away?

*Mr. H. J. COETSEE: If the hon. member recognizes Bophuthatswana as an independent State in its own right, if he recognizes that it is a State such as Israel and England, he must respect that State as far as its citizens are concerned. In that case, if one wants to negotiate anything regarding the citizens of that State, this must be done by means of an agreement with that State. It must be done on conditions laid down between the two independent States involved. This is what it says in the Bill. Through his argument, the hon. member is grossly insulting—not only by implication, but directly—Bophuthatswana citizenship and the control which an independent State has over its own citizens. I think that puts an end to the whole argument.

Does the hon. member for Houghton admit that she and her party were wrong when they said that the people of Bophuthatswana would be stateless? Does she admit that they are not stateless?

†I wish to remind the hon. member of the arguments she raised.

Mrs. H. SUZMAN: I am sorry, but I was not listening.

Mr. H. J. COETSEE: She argued that, in terms of the Act by virtue of which Bophuthatswana became independent last year, the people of that country would be rendered stateless. Does she now admit that she was wrong? If they are not stateless now she was wrong in her arguments.

Mrs. H. SUZMAN: I cannot remember exactly what I said.

*Mr. H. J. COETSEE: The fact of the matter is that the premise of the hon. member's argument disappears completely if she recognizes that this is an independent State in its own right. I actually think that this demolishes their argument, for there is nothing left to argue about if they make that admission.

*Dr. F. VAN Z. SLABBERT: Mr. Chairman, we cannot let such tortuous logic go unanswered. The example quoted by the hon. member for Bloemfontein North was not a very good one. We could look at what happened in the period of decolonization. When African States became independent, the people were offered a choice of accepting citizenship of the new State or returning to the mother country which had initiated the process of decolonization. This is what is at issue here. From the nature of the case, some of the citizens of the Transkei as well as Bophuthatswana were very keen to become independent under the circumstances under which they did in fact become independent. However, there are also those—and this is the problem—who do not want to become independent under those circumstances and who would like to retain their South African citizenship. I concede that the hon. the Minister is providing for some of those persons until that option is removed completely when the policy has been carried to its logical conclusion.

However, this is the principle which is at stake, and the test is simple: Give those people the opportunity to exercise the option. If there is so much pride, confidence and willingness on the part of those people that they all want to accept independence, there is no problem. However, if there are clear

signs and the hon. member knows this just as well as I do that there are in fact a considerable number of Black people who do not want this, surely one cannot say that the problem is solved by appealing to these people's pride or by saying that we have the right to maintain the ethnicity of these people, for one's argument is contradicted by reality. These are the people whom the hon. the Minister and that hon. member do not want to argue about at all.

*The DEPUTY CHAIRMAN: Order! Hon. members are repeating arguments. I should also be glad if hon. members would confine themselves to the clause.

Mr. D. J. N. MALCOMESS: Mr. Chairman, I have been accused of being inconsistent by the hon. member on my right. I would, with respect, suggest that I have not been inconsistent in any way whatsoever. Our party did not support this measure at the Second Reading; we rather voted for the amendment that was moved. Had the Official Opposition put forward an amendment to this particular clause in the Committee Stage which would have improved the position of the Black people by giving them more rights, I would have supported it unhesitatingly. However, our party has demonstrated very clearly that we are against the principle of citizenship being taken away from South African Blacks. This we have demonstrated in the past and we have demonstrated it during the Second Reading of this Bill. However, when it comes to this clause, where no amendment has been proposed by the Official Opposition, I believe that one is not being inconsistent in finding it difficult to understand their viewpoint. If by some miracle the oratory of hon. members on my right would have persuaded hon. members on the other side to negative the clause and therefore the Bill, we would end up with a situation—as I have said before—where the Black man would be worse off than he presently is.

*The MINISTER OF BANTU ADMINISTRATION AND DEVELOPMENT: Mr. Chairman, I hope I am not giving rise to a new debate, but I think hon. members should reflect on the matter in a sober and practical way for a change. In the Second Reading debate I referred briefly to the kind of cases where we want to render assistance. If a woman from Bophuthatswana is married to a man from Lebowa and they decide that they want to accept Lebowa citizenship, they should be able to do this. In the case of a child from one tribe who is adopted by parents from another, this should also be possible. This is the kind of case which we should like to deal with for reasons of humanity. I have not fabricated this example; there are other possibilities as well. In Transkei there are fairly large numbers of South Sothos. Let us suppose that one of the South Sothos in Transkei wants to join the South Sothos in Qwaqwa, people who speak the same language and belong to the same tribe as he. The legislation enables him to do this. In the same way, there are South Sothos in kwaZulu, and if one of them wants to join his people in Qwaqwa, the legislation enables him to do this. Without the legislation, however, it will be impossible for him. At the moment, there are South Sothos in Thaba Nchu in Bophuthatswana as well. If some of those South Sothos want to go back and remain citizens of their homeland, they automatically become this. There are quite a number of cases of this nature, so the legislation is not as theoretical as hon. members think. It is the result of practical considerations and I want to keep to it. I have carefully considered all the arguments and I have really been unable to find any reason for deviating from my standpoint, so I shall leave the matter at that.

Clause agreed to (Official Opposition dissenting).

House Resumed:

Bill reported without amendment.

COMMUNITY DEVELOPMENT AMENDMENT BILL

(Second Reading)

*The MINISTER OF COMMUNITY DEVELOPMENT: Mr. Speaker, I move—

That the Bill be now read a Second Time.

One of the functions of the Community Development Council in terms of the provi-

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Safeguard is agreed to for genuine work-seekers

ARGUS 9/2/78

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The Argus Parliamentary Staff

THE Minister of Bantu Administration and Development, Dr C P Mulder, has agreed to include a safeguard for genuine work-seekers, in proposed legislation aimed at taking action against certain unemployed black people in urban areas.

The Minister's move in the Assembly yesterday came after Opposition speakers had accused the Government of making unemployment a crime for black people at a time of economic recession and growing unemployment.

Dr Mulder included the safeguard in an amendment to the controversial Clause 3 of the Bantu Laws Amendment Bill during the committee-stage debate on it.

SUPPORTED

The amendment, supported by the main Opposition parties, provides that black people registered as work-seekers and who have not been lawfully offered employment in 122 days preceding their appearance before Bantu Affairs commissioners will not be declared 'idle.' They will, therefore, not forfeit the opportunity of remaining in the urban areas outside the homelands.

The original clause provided that action could be taken against unemployed black persons who had not been lawfully employed for a period of 122 days or more during the preceding 12 months.

Mrs Helen Suzman (PFP Houghton), the official Opposition's chief spokesman on black affairs, said her party welcomed the Minister's amendment but still could not accept the clause.



Dr C P Mulder

She asked why the Minister gave protection to a person who was offered work but who did not take it.

Dr Mulder said the amendment was aimed at closing a possible loophole. It was virtually impossible at present that a person would not be offered work within 122 days.

Mrs Suzman: 'There are people who have been out of work for well over a year. They cannot find work. Whites and blacks are being laid off.'

UNEMPLOYED

Mrs Suzman suggested that the safeguard should apply to any person registered as a work-seeker. It was not a work-seeker's fault if he was not offered a job, she said.

There were at present something like 640 000 unemployed black people in South Africa, according to official figures.

Replying to the debate, Dr Mulder said the amendment was definitely an improvement. It showed clearly that an honest, lawful work-seeker would now receive the necessary protection.

Suzman asks Mulder to adjourn debate and reconsider the Bill

Citizenship clause a breach-PFP

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ARGUS 9/2/78



Mrs Helen Suzman

The Argus Parliamentary Staff

THE Opposition yesterday launched an all-out assault on the contentious citizenship clause of the Bantu Laws Amendment Bill accusing the Government of an onslaught on the rights of future generations of urban blacks and a breach of an agreement with the independent homeland governments.

Speaking during the committee stage debate on the Bill in the Assembly yesterday, Mrs Helen Suzman (PFP Houghton) said that as a result of the citizenship clause tens of thousands of black children born in South Africa after the granting of independence to Transkei and Bophuthatswana would lose their right to South African citizenship.

The clause, which was fiercely opposed by the main opposition parties, was approved without amendment after division.

In his reply to the debate, the Minister of Bantu Administration and Development, Dr C P Mulder said the Government could not perpetuate the situation whereby the citizens of independent homelands could obtain South African citizenship.

In a frank exposition of Government policy, Dr Mulder made it clear that black children of parents born after the independence of the two territories would enjoy no preferential rights in South Africa.

Denied

He denied that there was any element of discrimination against blacks involved in the measure and said that the Government was not taking any rights away from the people concerned because they had not been born with any rights to South African citizenship.

Mrs Suzman, who led the PFP assault on the clause, spoke three times.

Mrs Suzman said her mind boggled at the consequences of the clause. It would mean that the children of blacks in Soweto, for instance, who were born after the dates of independence of the homeland to which they were supposed to belong, would have to apply for permits to be in the areas in which they were born or face being endorsed out.

'I can't understand how the Government can do this and I appeal to the Minister even at this late stage to adjourn the debate on the Bill until he has had enough time and experience in his new post to appreciate the consequences of the measure,' she said.

QUOTES

The Argus Parliamentary Staff

THE citizenship clause of the Bantu Laws Amendment Bill does not take anything away from blacks born after the independence of Transkei and BophuthaTswana because they were not in South Africa at the time the citizenship rights were negotiated. — Dr C P Mulder (the Minister of Bantu Administration and Development).

'THE citizenship clause represents a gross deprivation of the rights of the offspring of people who were born and have lived in South Africa for some generations.' — Mrs Helen Suzman (PFP, Houghton).

'THIS clause sets a most dangerous direction for South Africa to follow.' — Dr A L Boraine (PFP, Pinelands).

'WE allow blacks into the white areas of South Africa only to sell their labour.' — Mr P T C du Plessis, (NP, Lydenburg).

'YOU cannot deport a whole city.' — Dr F van Zyl Slabbert (PFP, Rondebosch).

Permission to quote Woods given 11 times

The Argus Parliamentary Staff

THE Minister of Justice, Mr J T Kruger, has granted permission on 11 occasions for Mr Donald Woods, former editor of the Daily Dispatch, to be quoted in newspapers and magazines since he was restricted. One application was rejected.

He said this in Parliament yesterday in reply to a question by Mr [illegible] Wood, New Republic Party MP for Berea.

Mr Kruger said he was responsible for granting the permission but no conditions had been stipulated in cases where permission was granted. Stipulations would depend on the nature of the statements.

by Dr Alex Boraine (PFP Pinelands) and Dr F van Zyl Slabbert (PFP Rondebosch).

Mrs Suzman said that she could not see why the offspring of former South African citizens who were born and had lived in the urban areas for several generations should lose their South African citizenship.

Applied

This also applied to the hundreds of thousands of blacks working on farms in South Africa.

She said that the principle of the clause represented a 'gross deprivation' of the rights of the offspring of people who were born and had lived in South Africa for some generations.

What made it even worse was that the Government had not consulted the people concerned and were therefore depriving them of their rights to South African citizenship without their consent.

There was an angry exchange between Mrs Suzman and Mr P T C du Plessis (NP Lydenburg), the National Party's chief spokesman on black affairs, when Mrs Suzman suggested that the contents of the clause represented a breach of the agreement worked out by the South African Government and the governments of Transkei and BophuthaTswana over the question of South African citizenship.

Future

Mr du Plessis: Where did we break our word?

Mrs Suzman: When you deny South African citizenship to future generations of blacks who were formerly South African citizens?

Mr du Plessis: There was nothing mentioned about future generations in the agreement.

Mrs Suzman: Then you should have specifically excluded future generations in the clauses of the Independence Bills which referred to the agreement.

9-02-78

Financial Mail

FM 10/2/78
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Jumping on the jobless

Being out of work is bad enough. Connie Mulder's new proposals for dealing with "idlers" could make it doubly painful.

Under present law, a policeman may arrest any African outside the Bantustans whom he considers to be "idle" or "undesirable". The African is then taken before a Bantu Affairs Commissioner, who decides whether he is "idle" or "undesirable" in terms of the Bantu (Urban Areas) Consolidation Act.

"Idle" has eight definitions. But the most controversial concerns unemployment. An "idle" African includes a man over 15 but under 65, or a woman over 15 but under 60, who "though capable of being employed, is normally unemployed ..." It makes no difference whether the person has adequate maintenance from a parent or guardian.

Excluded are housewives, students and pupils at educational institutions, and registered self-employed people.

"Normally unemployed" leaves room for interpretation. The phrase is now to be scrapped in terms of the Bantu Laws Amendment Bill and instead an "idle" person will include an African presently unemployed who has been out of work for at least 122 days (unbroken or not) in the past 12 months.

Also, under the present act, the courts have ruled that action should not be taken against first "offenders". In terms of the amendment, action could also be taken against these people.

What action? Detained on a farm colony, in a rehabilitation centre or certified retreat. Detained in custody and then removed to "any place indicated by a Bantu Affairs Commissioner." Detained and made to work in a settlement in a Bantustan. The list is long.

Why has government chosen now to tighten up this particular piece of legislation? Could it be to deal with those students who prefer to roam the streets rather than accept Bantu Education? One official in Johannesburg suggests this could be the case.

The Bantustan mat

However, whatever the proximate cause, it is clear that the Act could be used to drive away from the cities the growing army of unemployed and to sweep them under the Bantustan mat.

Connie Mulder spelt out unambiguously this week that it is government policy to strip all Africans of their SA citizenship. The other prong of this final solution — if Broederbond policy is a guide — is physically to rid the towns and farms of all Africans, except those who provide labour.

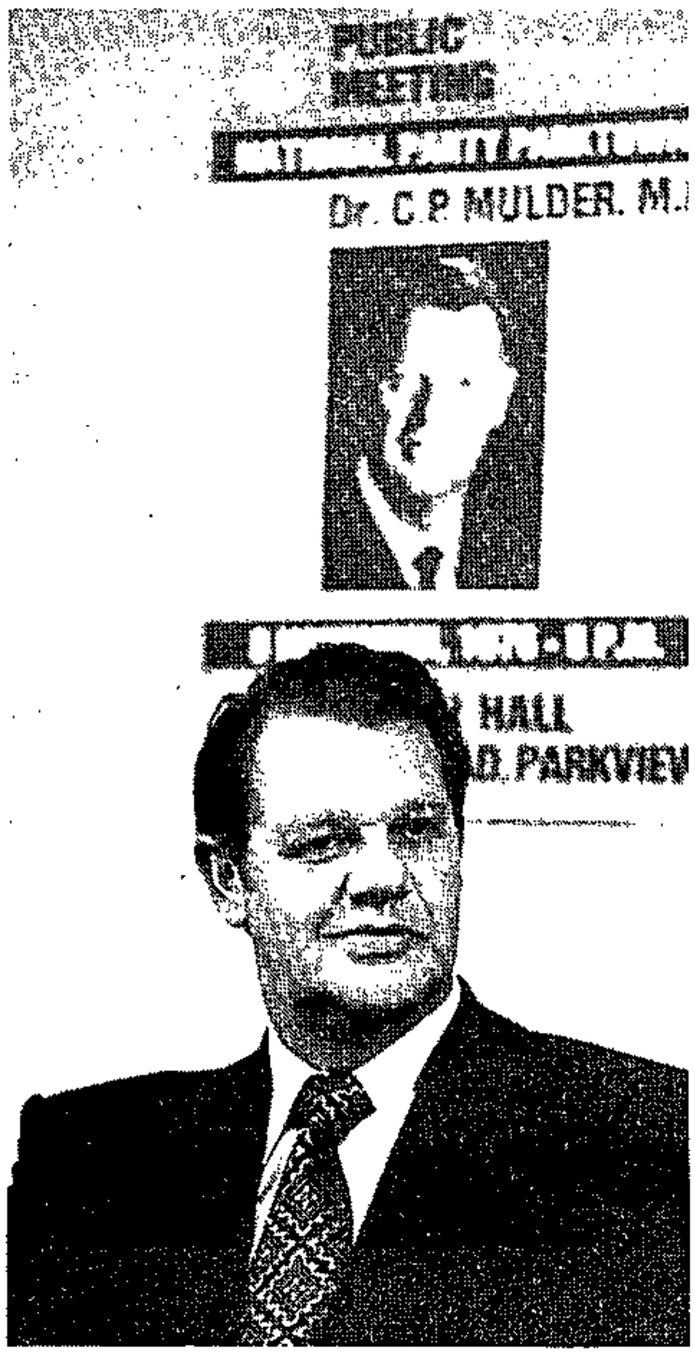
From government's point of view, its resettlement policies are definitely yielding results. Today, only a little more than half of all Africans remain outside the Bantustans, which comprise only 13% of the country. Government ministers and officials are undaunted by the fact that the population density of the Bantustans is already almost three-and-a-half times as great as in the "white" areas.

Official unemployment figures for the Bantustans are not available. Estimates made by Pretoria's Professor Piet van der Merwe — now seconded to the Office of the Economic Adviser to the Prime Minister — do, however, give some idea of comparative conditions.

Van der Merwe calculated increases in African unemployment and underemployment in the "white" areas and the Bantustans respectively. He also calculated increases in the labour force in both areas. Over the six year period from 1970 to 1976, roughly 40% of the increase in the African labour force in "white" areas had not been absorbed by the labour market. The comparable figure for the Bantustans was 85%.

Shipping more out-of-works to the Bantustans could thus rapidly turn them into rural slums.

Some people might wish to remember Connie Mulder's debut as Minister of Bantu Administration and Development for its vision of a beautiful Soweto. Others might be moved to contemplate the now bleaker future of those unfortunate enough to find themselves without work.



A new broom . . .



. . . sweeps the cities clean

AFRICAN HOUSING FM 10/2/78

Amended again?

Addressing the *FM*'s Investment Conference last November, Finance Minister Owen Horwood announced that a new form of "home ownership" for Africans would be introduced shortly. The new scheme he said, would incorporate "satisfactory certainty of title." In order to make the occupation of properties by black owners as secure as possible, he gave an undertaking that government would withdraw regulation R1036 of 1968, which provided, amongst other things, for the summary eviction of people from their homes on a number of grounds.

The reason behind the undertaking was that the building society movement had indicated its unwillingness to lend, even against the mortgage of the new certificates, if the borrower could be evicted from his home.

While matters are evidently well advanced for the establishment of the new "Certificate of Registered Title," the introduction in Parliament this week of the Bantu Laws Amendment Bill raises certain questions.

Specifically, the bill's clause relating to the possible detention of any African who is out of work for 122 days in any year reopens the question of the borrower's risk status from the building societies' viewpoint.

Bond instalments may be met out of savings for a while if the breadwinner is out of work, but not if he is sitting in jail. Says Association of Building Societies director, David Alston: "The implications of the bill for the building societies' involvement in the financing of African housing under the envisaged new title is not clear. The movement has asked for and received categorical assurances that African owners' 'unassailability of title' will be protected. Anything that affects that unassailability will obviously be of concern to us."

Since government is presumably not intending to spike its own guns at this stage, it seems likely that it will specifically exempt certain categories of Africans. The bill provides that the Minister may "in his discretion exempt any Bantu or any group or category of Bantu from any of all of the provisions" of the Bantu (Urban Areas) Act, and may "likewise withdraw such exemption."

The building society movement is hoping that future "homeowners" at least will form one such group for exemption, though the Minister's discretionary right to withdraw such exemption remains a worry.

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'Dramatic steps' urged for urban black

ARGUS 10/2/78 39

The Argus Correspondent

JOHANNESBURG. — Dramatic but not theatrical steps had to be taken for the urban black this year to ensure South Africa's internal stability, the executive director of the Urban Foundation, Mr Justice J H Steyn, said yesterday.

Speaking to about 150 businessmen at a luncheon held by the South Africa Britain Trade Association, Judge Steyn said the recent announcement of a five-year plan for black housing by Dr C P Mulder was a step in the right direction.

'We have to be realistic about urban society,' he said.

'Projections for the year 2000 indicate that we face an urban population of 40-million. Of these approximately 33-million will be black, coloured or Indian.

Stability

'It is essential that we should make investments to secure the stability of that section of our urban community.'

Judge Steyn said most studies showed that blacks felt priority problems related to housing — overcrowding, lack of choice, uniformity and particularly the absence of security of tenure.

'The Urban Foundation believes it is essential that a form of home ownership for blacks should be devised which contains security of tenure,' he said.

'Occupancy should not be capable of being terminated arbitrarily and rights should be transferable,' he said.

Loan basis

Judge Steyn said home ownership should be a basis for loans so that private enterprise could take a part in funding for housing.

It was encouraging to find that R250-million had been made available for black, coloured and Indian housing, that a new dispensation had been announced and that 13 provisions in terms of which black occupancy of houses could be arbitrarily ended, had been dropped, he said.

Broederbond victory

Sund. Times 12/2/78

TOP SECRET and it's EXCLUSIVE to the Sunday Times

(339)

THE Government's announcement this week that ultimately there would be no black South Africans ties in exactly with the Broederbond's master plan for white survival, exposed in the Sunday Times last month.

By IVOR WILKINS

One of the lynchpins of the Broederbond plan is that legislation giving permanent rights to blacks living in urban areas must be revised.

The new Minister of Bantu Administration and Development, Dr Connie Mulder — a staunch Broederbonder (No 4750) and former member of the organisation's powerful executive council — gave notice in Parliament this week that new legislation under his portfolio would have exactly this effect.

Introducing the Bantu Homelands Citizenship Amendment Bill, Dr Mulder said that when National Party policy was taken to its logical conclusion there would no longer be a black man in South Africa who had South African citizenship.

"That is our policy. Why should I hide it?" he said.

The most important aspect of the Bill is that it removes the cherished right to live in white urban areas in terms of Section 10 of the Bantu Urban Areas Consolidation Act.

This is exactly what the Broederbond master plan aims for.

The plan, first reported in the Sunday Times last month, says: "The main purpose of this plan is to see that the black population in overwhelming numbers live and work as soon as possible in their own homelands.

"Where that is not possible the aim is to let them live in their own areas while they commute daily to work in the white country."

Section 5.2 of the plan as laid out in a secret Broederbond document, "The Master Plan for a White Country: The Strategy", says: "Statutory arrangements that give undeniable permanence to the Bantu in the white country must be revised."

These include:

- Section 10 of the Bantu (Urban Areas) Consolidation Act.
- The Urban Bantu Councils Act, which gives certain statutory rights to blacks living in "white" South Africa and consequently encroaches on the Promotion of Bantu Self-Government Act, which provides for homeland representatives in the urban areas.
- Legislation affecting black labour relations which gives blacks rights to strike in white areas.

"The granting of home ownership, particularly if it is not accompanied by citizenship of a homeland contradicts the main plan and must be revised," the plan says.

When the Sunday Times published the master plan report last month, Mr P. C. Botha, then Minister of Bantu Administration and Development, denied knowledge of the Broederbond blueprint.

The Government did not allow any outside body to dictate to it, he said.

To occasional and contract workers only

Will you try to come back to this farm?

Why/Why not?

HANSARD NO. 3. (339)

heartedly all the hon. members who spoke for the first time in this debate, on the speeches they made. I think one can say that all of them, without exception, will be a real asset to this House.

Mr. Speaker, you will realize that in so comprehensive a debate a number of questions and other matters are raised and that it takes time to prepare a meaningful reply to them. [Interjections.] Naturally it would be no trouble to reply in brief, because the Opposition said so little that there is not really much to reply to. However, it was not only members of the Opposition who took part. There were other members who spoke far more constructively. I want to say something about those aspects as well. The Opposition need not therefore concern themselves. I shall reply as I see fit. I do not regard the Opposition as having the monopoly in such a debate.

For that reason, Mr. Speaker, I move—

That the debate be now adjourned.

Agreed to.

BANTU LAWS AMENDMENT BILL

(Third Reading)

The MINISTER OF BANTU ADMINISTRATION AND DEVELOPMENT: Mr. Speaker, I move—

That the Bill be now read a Third Time.

Mrs. H. SUZMAN: Mr. Speaker, we have now reached the Third Reading of a Bill which we in these benches believe will have far-reaching effects on the South African society, particularly on the Black urban society. It is a Bill which substitutes citizenship for birth as a criterion for retaining rights long enjoyed by Africans in the urban areas if they fell into a certain category, namely into the category of section 10(1)(a) or (b) of the Urban Areas Act. Their children who would have inherited those rights will lose them if they happen to be born or who have been born after the dates of independence of the various homelands. They will lose their rights to remain in the urban areas under section 10, which I believe is something that the homeland leaders who took independence understood would be rights unaffected by the acceptance of independence. It is a Bill which lays a heavy burden on Africans, a burden additional to the economic burden on Africans who are unemployed in times of economic recession.

The MINISTER OF BANTU ADMINISTRATION AND DEVELOPMENT: It is not true.

Mrs. H. SUZMAN: The hon. the Minister says that it is not true. I think that anybody reading the new definition of "idle" will agree that additional burdens are now placed on those Africans who find themselves unemployed and who have been unemployed for 122 days in the preceding year.

The MINISTER OF BANTU ADMINISTRATION AND DEVELOPMENT: They must register, that is all.

Mrs. H. SUZMAN: I know that the hon. the Minister accepted an amendment at Committee Stage . . .

The MINISTER OF BANTU ADMINISTRATION AND DEVELOPMENT: I actually introduced it.

Mrs. H. SUZMAN: I am sorry. That is correct. The hon. the Minister introduced an amendment which we were all glad to accept at Committee Stage, an amendment which did, to some extent, lessen the impact of the new definition of "idle", but nevertheless leaves exposed to that definition hundreds of thousands of Africans in the urban areas. Those who are not lawfully employed fall now under much heavier penalties than they previously did, since they now can be declared idle. The hon. the Minister's amendment, of course, makes it necessary for the man not only to be registered as a workseeker, but he also must not have been lawfully offered work during the preceding 122 days. It does leave vulnerable to harsher penalties those Africans who are not lawfully employed, for they are excluded from the provisions of the amendment. I wonder if the hon. the Minister will not agree with me that, although it is not his intention, the refusal of a job which has been offered will bring

penalties in its wake because that is the way the legislation is likely to be interpreted. I believe that there is no other reason for inserting the proviso that a man should not have been offered work during the 122 days before he is declared idle. If that were so the hon. the Minister would have left the wording of the amendment at "who is a registered workseeker".

I foresee that someone who is a registered workseeker and who has been lawfully offered a job in a category of work which he feels he does not wish to take on is going to find himself in danger of being declared idle. Thereafter he may suffer all the penalties that apply to the declaration of a man as idle.

Then, of course, there is the third category of people. Those are the young people who normally are excluded from the category of those who can be declared idle, if they attend a registered educational institution. There are some of them who today, on account of the tempestuous times through which we are going, are temporarily not at school and may therefore find themselves drawn within the net of being declared idle. The definition of this has been very considerably widened.

All these instances lead us to believe that this is a Bill which we are certainly not able to support. I also want to say that I believe it to be a singularly ill-timed measure for the hon. the Minister to be introducing now. We would not support it at any time—I want to make that quite clear—but, I think it is particularly ill-timed for the hon. the Minister to introduce it now.

The MINISTER OF BANTU ADMINISTRATION AND DEVELOPMENT: [Inaudible.]

Mrs. H. SUZMAN: I would support anything that lessens the burden. There are certain good features about the Bill. I agree with the hon. the Minister that one should not mention only the bad things about the Bill. There are certain clauses which we have not only accepted, but which we have supported in essence and in debate. Therefore, I admit that the Bill is not altogether bad. However, it has these overriding clauses which make it impossible for us to support it. We are therefore going to move the same amendment now that we moved at Second Reading. Firstly, I want to tell the hon. the Minister that it is not too late for him to change his mind. We cannot change our minds because we do not believe that the change at Committee Stage is sufficient to induce us to do so.

The MINISTER OF EDUCATION AND TRAINING: Why should we change ours? [Interjections.]

Mrs. H. SUZMAN: Well, if hon. members will give me a chance I shall tell them why. This is a very bad time to introduce any Bill which is going to exacerbate, for all sorts of reasons, racial animosity in South Africa. It is no good that hon. member pointing at me. It is not this side of the House which introduces, in this country, legislation which causes racial friction. The fact that we stand up and say that these measures will cause racial friction is no indication that this is the first time that the idea might have struck Africans that this Bill would have a bad effect on them. Hon. members always think that if one only did not talk about the ill effects of a Bill, they would go by unnoticed, but it is the people who are going to feel the full weight of the implementation of the measure who are fully aware of what it does to their lives.

The hon. the Minister knows better than anyone else what is going on in the urban townships today. He has made it his business to contact African leaders from the homelands, and those people have spoken to him in a forthright manner and have all expressed their satisfaction at the manner in which the hon. the Minister has received them, but the hon. the Minister knows full well that the urban areas are in turmoil at the present time. He knows that a mass of high school students have still not returned to school. He knows better than anyone what has happened to the community council elections in Soweto. They are a complete fiasco, as we warned his predecessor they would be. His predecessor, of course, never took advice from anyone and simply ploughed on with that measure in the teeth of considerable opposition from the whole of the Black urban community. He refused to meet any of the people who are the recognized, accepted leaders of the urban community. I hope very much that the new Minister who has taken on this vitally important portfolio of Bantu Administration and Development is not going to follow in the

footsteps of his predecessor and is not going to refuse to meet Africans because he considers that they have not been properly elected by the people of Soweto. There has been no opportunity for proper elections. The community councils were a dead letter before they were even started, and the hon. the Minister would be doing himself a great service, and the country an even greater service, if he were to persuade his colleague, the hon. the Minister of Police—and here I echo the words of my hon. leader in the debate which has just ended—to release the Committee of Ten which is the recognized leadership of the urban African people and so get around a table with them to thrash out ways and means of improving the relations between the Government of South Africa and the Africans of the urban areas. For all those reasons which I have furnished—and I do not want to go into any further detail and reiterate all the arguments we had at Second Reading—I move—

To omit "now" and to add at the end "this day six months".

*Mr. C. UYS: Mr. Speaker, we have listened to what was virtually a repetition of the arguments of the hon. Official Opposition in the Second Reading debate and in the Committee Stage of this Bill. Towards the end of her speech the hon. member for Houghton spoke rather wide of the mark, in my opinion, and dragged in matters which really had absolutely nothing to do with the Bill under discussion, except perhaps in the sense—and it is striking that the hon. member for Houghton never referred to this—that the homeland leaders, the true leaders of the Black people in South Africa, were in fact consulted about this legislation and that they registered their consent to the legislation. Naturally the hon. member for Houghton deemed it advisable not to refer to that, and that is why, at the end of her speech, she dragged in matters relating to other people who in her opinion, or so I deduced, should quite probably have been consulted as well.

The PFP, which is constantly trying to give the impression that it is only they who speak for the Black people of South Africa, opposed all the stages of this Bill. However, the Bill was introduced in the House with the consent of the lawfully elected leaders of the Black people of South Africa. That is why we infer—and in my opinion it is a justified inference—that the Official Opposition is not so much concerned about the true interests of the Black man in South Africa. Their principal concern is that the policy of the NP will succeed in South Africa, and they will do everything in their power to try to cast suspicion on every aspect of the actions of the Government and the hon. the Minister, not only among the Whites, because in any event their opinions do not carry much weight among the Whites, but also among the Black people of South Africa.

To refer in particular to the hon. member's objection which is aimed chiefly at clause 3, the clause which concerns the removal of layabouts from Black residential areas, it seems to me as if the Official Opposition does not want to accept that the clause concerns layabouts, and only layabouts. They apparently refuse to accept the important amendment which the hon. the Minister introduced at the Committee Stage which puts paid to any arguments against the clause that could possibly have been raised by either the Official Opposition or the other opposition. What is the fact? We know that there is a degree of unemployment among the Black people. This also applies to the urban Black people. However, in terms of the amendment introduced by the hon. the Minister, the clause could never be interpreted to mean that it was aimed at a man who was unemployed but did in fact want to work. It is surely very clear that the effect of the amendment of the hon. the Minister is that in terms of the new definition, a man has not worked for a period of 122 days in the previous year. It is equally clear that the provisions do not apply to a man who is registered as a workseeker, but has not received an offer of work. However, that does not satisfy the hon. member. The hon. member apparently wants us to allow a man, including a man who does not want to work, to register as a workseeker and then to allow him to choose whether he wants to work or not.

I want to repeat that the clause is aimed primarily at the layabouts in our Black residential areas, layabouts who not only create a problem for the Government and the administration, but also, and in particular, create problems for the Black people in our Black residential areas, the law-abiding Black

people who do their daily task in an honourable fashion. A layabout has to eat, and if he does not work he lives off the labour of other people. That is why it is essential, not primarily in the interests of the Government, but in the interests of the law-abiding citizens in our Black residential areas, that effective and positive action be taken against layabouts in the Black residential areas, and that they be removed, because they are a cancer in those societies. That is why the Black leaders who were consulted by the Government in regard to this measure, registered their agreement. In contrast to the hon. member for Houghton and the Official Opposition, the Black leaders realized that this legislation, too, was in the interests of their own people in the Black residential areas of South Africa.

To conclude, I want to refer briefly to the issue of citizenship. The Official Opposition refuses to accept that in the decades gone by and in the past decade in particular, a new dispensation has been established in South Africa. They refuse to face the fact that the Government has succeeded in establishing a new political dispensation for Black and White in South Africa. They refuse to accept the fact that alongside a White homeland, a separate homeland has been established for each individual Black nation as well. When I hear the Official Opposition discussing citizenship in that way, it calls to mind the imperial past. When we on this side of the House were advocating a South African citizenship, they and their predecessors were the people who did not want to wean themselves from the citizenship of Great Britain. It was the policy of the NP Government that we would give the people of South Africa South African citizenship, and South African citizenship only. That is history.

Mr. R. J. LORIMER: That is your interpretation of history, but it is totally incorrect.

*Mr. C. UYS: It seems to me that just as the Opposition begrudged the South African people a citizenship of their own in a fatherland of their own, they also begrudge the Black man citizenship of his own fatherland. They simply do not wish the Black man to have the pride which citizenship of his own fatherland entails. They want the whole world to believe that the Black man's citizenship of his own independent fatherland is inferior in comparison with South African citizenship, just as they tried to make us believe at that time that South African citizenship was inferior in comparison with citizenship of Great Britain.

*Mr. J. D. DU P. BASSON: That is totally untrue!

*Mr. C. UYS: That is why I think that we should simply accept that we and the Official Opposition hold diametrically opposing views with regard to fundamental matters in South Africa. We want every people to have its own identity and fatherland and we are making those fatherlands a reality, whereas the Official Opposition begrudges every people in South Africa an identity and fatherland of its own. That is why we can probably expect with regard to all legislation that the Official Opposition will do everything in its power to fight tooth and nail every aspect of every measure adopted by an NP Government which confirms that deep-seated difference in outlook between us and them. Fortunately, we need not concern ourselves about the Official Opposition because we know that their standpoint does not enjoy the support of Whites, and that goes for this legislation as well. In fact, Mr. Speaker—and this is still more important—they do not even enjoy the support of the Black people.

*Mr. P. A. PYPER: Mr. Speaker, the hon. member for Barberton accused the Opposition, among other things, of acting as colonialists because they begrudged people the citizenship of their own fatherland. He also referred in this regard to the predecessors of hon. members of the parties on this side. Mr. Speaker, who are the real colonialists? Indeed, in practice we find that those who take away people's citizenship and begrudge them citizenship of the country where they were born, are not the predecessors of hon. members in these benches. On the contrary. This has been done by hon. members opposite. Where are the great colonialists of the late seventies? The colonialists sit on the other side of the House and not in these benches. [Interjections.]

It is also being said that we want to make the citizenship of the Bantu inferior. How-

ever, if one sees what restrictions and disadvantages are involved in the citizenship of some of the homelands and the independent countries which were formerly part of South Africa, the shoe is on the other foot, and we certainly need not wear it. The people who make such citizenship inferior are indeed the Government of the day.

I rise merely to indicate that we in these benches will also vote against the Third Reading of the Bill. However, we want to put it very clearly that this should not be seen as support of the amendment moved by the hon. member for Houghton. We feel that the tradition of the House is such that when one comes up with an amendment requesting that a Bill be read this day six months, such an amendment should refer to legislation in regard to which no compromise can be reached. It must be legislation which involves no advantages. It must be a measure which one can fight and in regard to which one can state one's point of view. Certain aspects of the legislation do, however, constitute an improvement. Moreover, during the Committee Stage, the hon. the Minister showed that he was prepared to accept amendments. Indeed, as a result of arguments advanced by this side of the House, he himself moved an amendment. Because that amendment does not go far enough, we are going to vote against the measure. We do not, however, associate ourselves with the motion that the Bill be read this day six months.

An amendment has been moved in regard to clause 3 and the hon. member for Barberton has indicated that in fact it only concerned layabouts. However that provision does not concern layabouts only. I am not going to repeat what was said during the Second Reading debate, but in fact the issue here is people who are employed and who are charged with being unlawfully employed. It is not only the layabout who is involved here. We therefore argue that the effect of the measure will be such that we cannot support it. Furthermore, clause 2 remains unchanged. The most dangerous aspect of that clause, of its implementation in particular, is that it creates the illusion among hon. members opposite that their policy is succeeding. Herein lies the great danger and herein lies our problem. Its implementation will induce a false sense of security among hon. members, a sense of security based on the feeling that there will no longer be Bantu in prescribed areas who have their permanent homes there, but that there will only be foreign Bantu whose homes are elsewhere. The implementation of this measure will create that false and illusory sense of security among them. In the long term the effect of the measure will be that future generations can be deprived of rights that are enjoyed now. It is clear that over the years an obsession has taken root among hon. members opposite to say: "See, we have a White South Africa and in it we have only one kind of Bantu and that is a foreign Bantu." However, such an attitude fails to solve any problem.

†The loss of rights—which will happen in consequence of the application of this Bill—will solve no problems. On the contrary, it will create the additional problem of having permanently residing and working in so-called White South Africa, a majority of people who own no allegiance to South Africa. I have always maintained that this is a dangerous state of affairs, specially if the ultimate is reached and the whole Black population would fall in that category. The application of the Bill means that we are taking a step closer to that goal, i.e. to having a state of affairs that I regard as an ultimate disaster for South Africa. The Government believes that the problems will be solved when the situation is reached where, by definition, no Bantu resides permanently in areas outside the homelands. This impression will be gained by the application of the Bill. Once that goal is reached, however, a situation will exist that will be detrimental to the economy of the country. What we in South Africa seek, are ways and means to stabilize the South African labour supply in order to achieve greater productivity, and for that to be achieved, permanency of tenure is a prerequisite. The provisions of the Bill will, once it is implemented, have the opposite effect. Greater insecurity will exist, because the children of previous permanent urban Blacks are all to be treated as total foreigners, they will be regarded, by definition, as total foreigners. Permission to seek work in prescribed areas will take place on a strict permit basis, and all the red tape that is associated with that system will then have to apply. This will have a decided disrupting influence on the labour supply in South Africa.

I am mentioning this because apart from the political considerations—we have canvassed them before—in the practical implementation of the Bill, one will find that it will lead to serious economic disadvantages for South Africa, disadvantages which will flow from the inevitable disruptions of our labour supply.

*In his reply to the Second Reading debate the hon. the Minister said that White aliens who come to South Africa and to whom permanent residence here is granted, cannot be compared with the Bantu to whom the provisions of section 10 of the Bantu Administration Act apply. The reason he advanced was that these Whites were selected on an individual basis and that the Bantu did not undergo such a process. According to the hon. the Minister, the Bantu to whom the provisions of section 10 of the Act apply is at the same level as the White foreigner who is in the country on a work permit. We have been accused of trying to make the citizenship of the other countries appear inferior. In the light of the explanation furnished by the hon. the Minister, and in the implementation of the legislation, I ask whether it will be possible in future for a citizen of territories which formerly formed part of South Africa, to acquire permanent residence here, viz. on the same basis as the White alien. It would appear that the foreign Bantu can in fact stay here permanently as long as it is not officially recognized that he is staying here permanently. This play on words is entirely unnecessary and can only harm South Africa in the future. I include the consequences of the implementation of the legislation in this category.

It may be correct to maintain that the Bantu to whom section 10 applies is not individually selected as an immigrant, but that he proved himself as an individual in the first place is a fact that we must recognize. Apart from the fact that he could have acquired privileges if he had been born here and had lived here for an unbroken period, he could only acquire these privileges if he worked here as an individual for the same employer for 10 years or if he was employed in a certain area but by various employers for a period of 15 years. In other words, that Bantu who came to work here is also a person who originally proved himself as an individual. He was not summarily accepted as a person who was entitled thereto. I think it is most unfortunate that we should draw this type of distinction, because the effect is going to be that due to this type of legislation and its implementation, it is going to be felt that the citizenship of independent countries which formerly formed part of South Africa, is inferior to South African citizenship and the citizenship of numerous other foreign countries, White or Black. For that reason we feel that we must vote against the legislation.

*The MINISTER OF BANTU ADMINISTRATION AND DEVELOPMENT: Mr. Speaker, we have now reached the end of the debate on this Bill. No new arguments were raised in the Third Reading debate. I just want to give the assurance once again and repeat that the object of the Bill is a positive one in the first place, viz. to give more flexibility to the legislation in numerous respects and also to transfer in numerous respects powers presently vested in the State President to the Legislative Assemblies of the various homelands. The Bill introduces a whole number of alleviating and extenuating circumstances. This is the chief characteristic of the Bill. There are two clauses which the Official Opposition does not like. I consider it an incorrect application of the practices of this House to express the strongest condemnation of the Bill saying at the same time that the Bill also contains many positive aspects. As I know the tradition of the House, a motion that a Bill be read this day six months is regarded as the strongest form of condemnation. In the past it was usually reserved only for legislation with which the Opposition wanted nothing to do, when they did not want to have anything to do with a single clause. It is paramount to total condemnation.

Mrs. H. SUZMAN: No.

*The MINISTER: This has been the tradition over the years. I do not know whether a new tradition has developed in the meantime. I accept that some hon. members feel very strongly about two specific clauses; hence the motion before this House, and I must reply to it.

In the first instance I want to give the assurance—I have already made myself very clear on this—that the main consideration for

the provisions relating to citizenship as set out in clause 2, is that we cannot perpetuate the rights which exist for all times without having any control over them. We are not guilty in any respect of a breach of faith with anyone with whom we have negotiated to date. We are complying to the letter with all our undertakings, and I want to repeat that the legislation was submitted to all the leaders of the homelands and that there was no objection to clauses 2 and 3. I repeat this as it has evidently not made any impression on hon. members up to now.

The hon. member for Durban Central also spoke about the question of citizenship. I want to put it to him that the citizenship of Black homelands is not being made inferior in any way in terms of this legislation. On the contrary, the citizenship of Black homelands which have become independent, is full and equal citizenship. We recognize such citizenship in all respects, to the extent that a citizen of an independent homeland can act in his own right just as a total alien can. Over and above that full and equal citizenship we still give special preference to the "family of nations" in South Africa by giving them certain special privileges which are not available to aliens from outside. Looking at it from the normal point of view, they receive more than full and equal citizenship. However, this is not accepted by hon. members on the other side and is condemned simply because it does not suit them. That is why the NRP will vote against this specific measure.

I just want to refer once again to the unemployment clause, or the clause on layabouts. How many times do I still have to give the assurance that we are dealing here with *bona fide* layabouts, people who create problems, and that we want to take action against them? I revealed my attitude and precisely what the department had in mind in the amendment I moved. We do not want to interfere with a genuine work-seeker in any way. However, hon. members say that the scope of the amendment is not wide enough. In other words, they wanted the amendment to provide purely and simply . . .

Mrs. H. SUZMAN: [Inaudible.]

*The MINISTER: I am not taking action in any event against those who are working. Can the hon. member imagine for a single moment anyone who is employed, even if that person was employed illegally, being removed from his employment in terms of these provisions and being labelled not only as an unemployed person, but also as a person who is work-shy, a layabout, against whom action may be taken in terms of these provisions and who may be deported or rehabilitated? Surely this is ridiculous! It is not stated in the clause. It is not necessary to take action in terms of this provision against a person who is employed illegally, because there are enough other provisions in terms of which we can take action. This matter is not at issue now. I say in all fairness that the hon. member has missed the point completely. Surely I cannot, in terms of other legislation, condone people who are illegally employed in terms and close my eyes to it. That man is definitely not considered to be work-shy or a layabout in terms of this amending Bill. However, he is nevertheless illegally employed and action can therefore be taken against him and his employer in terms of the normal provisions. A form of control must surely be exercised, or does the hon. member want to throw open the doors and say that things must take their course? It is inconceivable that the Government or anyone else would take away the employment of a person who is employed, whether legally or illegally, declare him unemployed, work-shy or a layabout and take action against him in terms of these provisions. Surely this is inconceivable. Mr. Speaker, in the previous debate you quite correctly made an hon. member withdraw his remark that these people were aligning themselves with the enemies of South Africa. These people are playing, perhaps unwittingly . . .

*Mr. SPEAKER: Are you referring to hon. members now or to other people?

*The MINISTER: I am referring to some hon. members of the Opposition now. They are playing into the hands of our enemies, possibly unwittingly, or possibly not so unwittingly.

Mr. B. R. BAMFORD: It is your legislation!

*The MINISTER: I am glad that the hon. the Chief Whip of the PFP has made that

interjection, because he is the one that I have a note to pick with. I have here an article by the hon. member which appeared in *The Argus* of 10 February 1978. It deals with these two Bills. It is an old trick of the Official Opposition, when there is something in the country which they do not like to give it a catchy name which spreads throughout the whole world like wild-fire and rolls off the tongue so easily. For example the hon. member for Houghton said in his speech that we had made unemployment a crime. The hon. member for Groote Schuur wrote the following in his article—

What it does, in fact, is to make unemployment a crime.

In plain English I want to say that this is an infamous lie.

Mr. B. R. BAMFORD: Mr. Speaker, on a point of order: Is the hon. the Minister permitted to say it is a lie.

*Mr. S. F. KOTZÉ: Mr. Speaker, those words were not uttered here in the House. He merely quoted words from a magazine.

Mr. D. J. DALLING: Mr. Speaker, on a point of order: The hon. the Minister is referring to words used by the hon. the Chief Whip. Those are the words. Therefore he is saying that the hon. the Chief Whip of the Opposition is guilty of an infamous lie or of uttering an infamous lie. That is not parliamentary, by anybody's norm.

*Mr. SPEAKER: Order! Hon. members are placing me in a difficult position. It concerns a matter which took place outside the House. But the person who uttered those words in an article is a member of the House. The hon. the Minister now tells that hon. member inside the House: You told an infamous lie.

*HON. MEMBERS: Outside the House!

*Mr. SPEAKER: Yes, it does not matter whether it is outside the House or not. The hon. the Minister uses very strong language. Perhaps the hon. the Minister can put it differently and I want to ask him to moderate his language. If the hon. the Minister were to say that it is totally untrue, he would be saying the same thing. Therefore he must withdraw the words "infamous lie."

*Mr. S. F. KOTZÉ: Mr. Speaker, I do not think the hon. the Minister . . .

*Mr. SPEAKER: Order! I am sorry, but I have given my ruling. You have addressed me and I have given my ruling, right or wrong.

*The MINISTER: Mr. Speaker, I respect your ruling. I feel very strongly about this matter. I considered taking stronger action than I did in fact take. I considered appointing a Select Committee.

Mr. B. R. BAMFORD: Why do you not?

The MINISTER: Why do I not?

Mr. B. R. BAMFORD: I would welcome it.

*The MINISTER: Mr. Speaker, I respect your decision and merely as a result of that and for no other reason I withdraw it and say instead that I think it is an untruth. I do not think so; I know it is an untruth.

Mr. R. J. LORIMER: Why do you not say it is a lie outside the House?

*The MINISTER: I know it is an untruth. This provision as it stands at present, especially after the amendment which was introduced, expressly provides that if one is registered as a work-seeker and one is then offered employment in the course of events, as soon as an opportunity arises . . . surely it is an injustice towards South Africa to broadcast a report—this is what is happening now—that in a time of financial problems as far as the world outside is concerned, the Government has turned unemployment, which one is not guilty of and cannot do anything about, into an offence for which one is punished. I think it is a scandalous action towards South Africa. It is unpatriotic; it is a scandalous action towards South Africa, and I think the hon. member should consider whether he should be a member of this House.

Mr. Speaker, I want to leave this point by just saying that I do not have language strong enough or harsh enough to condemn that action. There is not much more to say in connection with this matter. I have already dealt with the other provisions in terms of which we can take action against anyone who is on the wrong side of the law. I have already referred to it during the Second Reading and I repeat it now; I should like to highlight it because it seems to have made no impression. One of the reasons why we are providing for this specific action is that we are dealing with layabouts who live on others by means of robbery and theft. I am spelling it out now without mincing matters. This is the type of person who is the cause of the problems in the urban residential areas. They are the ones who are 90% responsible for the things which happen there.

Mrs. H. SUZMAN: [Inaudible.]

*The MINISTER: These are the very people that I declare layabouts. How does the hon. member define them within the purview of the legislation? Why did the hon. member not move an amendment and define it? The old definition could be interpreted in such a way as to give a magistrate or a Bantu Affairs Commissioner much wider powers. "Normally unemployed" is as wide as can be. If a man is "normally unemployed", what does it mean in practice? We felt that we wanted to define it more closely. We do not want to make it any stronger; we want to define it so that no doubt exists. And that is why it is defined as it is here. My amendment to it tried to improve the matter even further. However, there is no appreciation or understanding for it. Unfortunately, this determines one's attitude towards the Opposition. I repeat: What are we dealing with here? I said at the Second Reading, and I want to repeat it now, that it has been done at the request, *inter alia*, of people who deal with it every day. Once again I read the quotation from the minutes where two members of the board concerned—

> Expressed their grave concern at the increased activities of young hooligans in this township. The Chief Director advised members to encourage the public to join the police reserves in order to curb these disturbances. After further discussion it was unanimously decided . . .

The whole board decided—

> . . . that a letter be addressed to the Divisional Commissioner of Police stating the present position, the problems experienced and its effect on the public, authorities and the administration as such.

Surely this is serious. It concerns the public. It concerns the authorities. It concerns the whole community—

> Furthermore, a cleaning up of the townships by means of the combined efforts of the board's inspectorate and the SAP would be proposed.

Here co-operation is being offered to the police, help to get rid of these people. Now, when I introduce legislation to clamp down on those very people, that hon. member writes to the outside world: "The Government is making unemployment in South Africa a crime."

Mr. B. R. BAMFORD: It refers to hooligans.

*The MINISTER: Yes, I quite understand that. I think they were referring to the hon. member. That is my problem with the hon. member. [Interjections.]

Mr. B. R. BAMFORD: Mr. Speaker, is the hon. the Minister permitted to refer to another hon. member as a hooligan? [Interjections.]

*Mr. SPEAKER: Order!

*The MINISTER: Mr. Speaker, I do not want to make it difficult for you. I withdraw it.

*Mr. SPEAKER: Yes. Even though you did not mean it seriously, I am pleased that you have withdrawn it.

*The MINISTER: Mr. Speaker, I did not want to make it difficult for you. [Interjections.] The hon. member for Groote Schuur is an old parliamentarian. He was in the Senate for a long time. However, I want to warn him that if he is going to act in this House the way he is acting now, he will very soon realize that he will have every hon. Minister to deal with, every single one of them. [Interjections.]

Mr. Speaker, I want to conclude by saying that I think this is a necessary Bill. I think that this Bill has so many positive aspects that it is in the interests of all for it to be passed. The aspects of this legislation which are considered by the hon. the Opposition to be negative are essential in the present circumstances in order to clamp down on real layabouts and in order to place the whole question of citizenship in the correct perspective. Since this is the crux of the legislation, I ask that the Bill now be read a Third Time.

Question put: That the word "now" stand part of the Question,

Upon which the House divided:

AYES—113: Albertyn, J. T.; Ballot, G. C.; Bodenstein, P.; Botha, C. J. van R.; Botha, J. C. G.; Botha, L. J.; Botha, P. W.; Botha, S. P.; Clase, P. J.; Coetsee, H. J.; Conradie, F. D.; Cronje, P.; Cruywagen, W. A.; Cuyler, W. J.; De Beer, S. J.; De Jager, A. M. van A.; De Klerk, F. W.; Delport, W. H.; De Villiers, D. J.; De Villiers, J. D.; De Wet, M. W.; Du Plessis, G. C.; Durr, K. D.; Durrant, R. B.; Du Toit, J. P.; Grobler, J. P.; Hartzenberg, F.; Hefer, W. J.; Henning, J. M.; Herman, F.; Heunis, J. C.; Heyns, J. H.; Horn, J. W. L.; Jordaan, J. H.; Koornhof, P. G. J.; Kotzé, G. J.; Kotzé, W. D.; Krijnauw, P. H. J.; Kruger, J. T.; Langley, T.; Le Grange, L.; Le Roux, F. J. (Brakpan); Le Roux, F. J. (Hercules); Le Roux, Z. P.; Ligthelm, C. J.; Ligthelm, N. W.; Lloyd, J. J.; Louw, E.; Louw, E. van der M.; Malan, G. F.; Malan, W. C. (Paarl); Malan, W. C. (Randburg); Marais, J. S.; Marais, P. S.; Morrison, G. de V.; Mulder, C. P.; Muller, S. L.; Myburgh, G. B.; Nel, D. J. L.; Nortje, J. H.; Nothnagel, A. E.; Olckers, R. de V.; Palm, P. D.; Potgieter, S. P.; Pretorius, N. J.; Raubenheimer, A. J.; Rencken, C. R. E.; Rossouw, W. J. C.; Schlebusch, A. L.; Schutte, D. P. A.; Scott, D. B.; Simkin, C. H. W.; Smit, H. H.; Snyman, W. J.; Steyn, D. W.; Steyn, S. J. M.; Swanepoel, K. D.; Swiegers, J. G.; Tempel, Hs J.; Terblanche, G. P. D.; Theunissen, L. M.; Treurnicht, A. P.; Ungerer, J. H. B.; Uys, C.; Van den Berg, J. C.; Van der Merwe, C. V.; Van der Merwe, H. D. K.; Van der Merwe, J. H.; Van der Merwe, W. L.; Van der Spuy, S. J. H.; Van der Walt, A. T.; Van der Walt, H. J. D.; Van der Watt, L.; Van der Westhuyzen, J. J. N.; Van Heerden, R. F.; Van Rensburg, H. M. J. (Mosselbaai); Van Rensburg, H. M. J. (Rosettenville); Van Vuuren, J. J. M. J.; Van Vuuren, P. Z. J.; Van Zyl, J. J. B.; Venter, A. A.; Viljoen, P. J. van B.; Vlok, A. J.; Vorster, B. J.; Vosloo, W. L.; Wentzel, J. J. G.; Wessels, L.

Tellers: S. F. Kotzé, J. P. A. Reyneke, N. F. Treurnicht, A. van Breda, J. A. van Tonder and V. A. Volker.

NOES—24: Bartlett, G. S.; Basson, J. D. du P.; Dalling, D. J.; De Jong, G.; De Villiers, I. F. A.; Eglin, C. W.; Lorimer, R. J.; Malcomess, D. J. N.; Marais, J. F.; Miller, R. B.; Myburgh, P. A.; Oldfield, G. N.; Page, B. W. B.; Pyper, P. A.; Raw, W. V.; Schwarz, H. H.; Suzman, H.; Swart, R. A. F.; Van der Merwe, S. S.; Van Rensburg, H. F. J.; Widman, A. B.; Wood, N. B.

Tellers: B. R. Bamford and A. L. Boraine.

Question affirmed and amendment dropped.

Bill read a Third Time.

BANTU HOMELANDS CITIZENSHIP AMENDMENT BILL

(Third Reading)

The MINISTER OF BANTU ADMINISTRATION AND DEVELOPMENT: Mr. Speaker, I move—

That the Bill be now read a Third Time.

Mr. R. A. F. SWART: Mr. Speaker, although the hon. the Minister told us during

that if he is going to act in this House the way he is acting now, he will very soon realize that he will have every hon. Minister to deal with, every single one of them. [Interjections.]

Mr. Speaker, I want to conclude by saying that I think this is a necessary Bill. I think that this Bill has so many positive aspects that it is in the interests of all for it to be passed. The aspects of this legislation which are considered by the hon. the Opposition to be negative are essential in the present circumstances in order to clamp down on real layabouts and in order to place the whole question of citizenship in the correct perspective. Since this is the crux of the legislation, I ask that the Bill now be read a Third Time.

Question put: That the word "now" stand part of the Question.

Upon which the House divided:

AYES—113: Albertyn, J. T.; Ballot, G. C.; Bodenstein, P.; Botha, C. J. van R.; Botha, J. C. G.; Botha, L. J.; Botha, P. W.; Botha, S. P.; Clase, P. J.; Coetsee, H. J.; Conradie, F. D.; Cronje, P.; Cruywagen, W. A.; Cuyler, W. J.; De Beer, S. J.; De Jager, A. M. van A.; De Klerk, F. W.; Delport, W. H.; De Villiers, D. J.; De Villiers, J. D.; De Wet, M. W.; Du Plessis, G. C.; Durr, K. D.; Durrant, R. B.; Du Toit, J. P.; Grobler, J. P.; Hartzenberg, F.; Hefer, W. J.; Henning, J. M.; Herman, F.; Heunis, J. C.; Heyns, J. H.; Horn, J. W. L.; Jordaan, J. H.; Koornhof, P. G. J.; Kotzé, G. J.; Kotze, W. D.; Krijnauw, P. H. J.; Kruger, J. T.; Langley, T.; Le Grange, L.; Le Roux, F. J. (Brakpan); Le Roux, F. J. (Hercules); Le Roux, Z. P.; Ligthelm, C. J.; Ligthelm, N. W.; Lloyd, J. J.; Louw, E.; Louw, E. van der M.; Malan, G. F.; Malan, W. C. (Paarl); Malan, W. C. (Randburg); Marais, J. S.; Marais, P. S.; Morrison, G. de V.; Mulder, C. P.; Muller, S. L.; Myburgh, G. B.; Nel, D. J. L.; Nortje, J. H.; Nothnagel, A. E.; Olckers, R. de V.; Palm, P. D.; Potgieter, S. P.; Pretorius, N. J.; Raubenheimer, A. J.; Rencken, C. R. E.; Rossouw, W. J. C.; Schlebusch, A. L.; Schutte, D. P. A.; Scott, D. B.; Simkin, C. H. W.; Smit, H. H.; Snyman, W. J.; Steyn, D. W.; Steyn, S. J. M.; Swanepoel, K. D.; Swiegers, J. G.; Tempel, H. J.; Terblanche, G. P. D.; Theunissen, L. M.; Treurnicht, A. P.; Ungerer, J. H. B.; Uys, C.; Van den Berg, J. C.; Van der Merwe, C. V.; Van der Merwe, H. D. K.; Van der Merwe, J. H.; Van der Merwe, W. L.; Van der Spuy, S. J. H.; Van der Walt, A. T.; Van der Walt, H. J. D.; Van der Watt, L.; Van der Westhuyzen, J. J. N.; Van Heerden, R. E.; Van Rensburg, H. M. J. (Mosselbaai); Van Rensburg, H. M. J. (Rosettenville); Van Vuuren, J. J. M. J.; Van Vuuren, P. Z. J.; Van Zyl, J. J. B.; Venter, A. A.; Viljoen, P. J. van B.; Vlok, A. J.; Vorster, B. J.; Vosloo, W. L.; Wentzel, J. J. G.; Wessels, L.

Tellers: S. F. Kotzé, J. P. A. Reyneke, N. F. Treurnicht, A. van Breda, J. A. van Tonder and V. A. Volker.

NOES—24: Bartlett, G. S.; Basson, J. D. du P.; Dalling, D. J.; De Jong, G.; De Villiers, I. F. A.; Eglin, C. W.; Lorimer, R. J.; Malcomess, D. J. N.; Marais, J. F.; Miller, R. B.; Myburgh, P. A.; Oldfield, G. N.; Page, B. W. B.; Pyper, P. A.; Raw, W. V.; Schwarz, H. H.; Suzman, H.; Swart, R. A. F.; Van der Merwe, S. S.; Van Rensburg, H. E. J.; Widman, A. B.; Wood, N. B.

Tellers: B. R. Bamford and A. L. Boraine.

Question affirmed and amendment dropped.

Bill read a Third Time.

BANTU HOMELANDS CITIZENSHIP AMENDMENT BILL

(Third Reading)

The MINISTER OF BANTU ADMINISTRATION AND DEVELOPMENT: Mr. Speaker, I move –

That the Bill be now read a Third Time.

Mr. R. A. F. SWART: Mr. Speaker, although the hon. the Minister told us during

HANS, NO 3 Cols 134 – 135 15/2/78. (339)

Loans of building societies to Bantu Affairs Administration Boards

163. Mr. T. ARONSON asked the Minister of Bantu Administration and Development:

(1) (a) What amount in loans did building societies grant directly to Bantu Affairs Administration Boards during 1976-'77 and (b) at what rate of interest;

(2) what steps has his Department taken since his reply to Question No. 1027 on 3 June 1977 in order to overcome the objections of building societies to lending money directly to Black owners.

The MINISTER OF BANTU ADMINISTRATION AND DEVELOPMENT:

(1) (a) R2 500 000.

(b) 10,5%.

(2) My Department negotiated with interested bodies and instances concerned in this matter and is contemplating legislation to remedy the position.

HANS. NO. 3 Col 140 16/12/78 (339)

S k e

Vraely

24. Het u al ooit daar ... te werk, byvoor... Indien wel, waar... rspanne saam paal?

25. Word u daagliks, we... elke plaas betaa... die werk op

Vra u om 'n voorskot ... voorskot?

Is die boere gewoonlik bereid om dit te gee of nie?

26. Na u mening, is daar op die oomblik 'n tekort aan skeerders in die distrik? Indien wel, wat is die rede hiervoor?

in
Dink u daar sal die toekoms 'n tekort ontwikkel? Indien wel, wat sal die gevolge hiervan wees?

Liquor seized from shebeens

70. Mr. D. J. DALLING asked the Minister of Police:

(1) What was the (a) amount and (b) estimated value of liquor seized from shebeens in 1977;

(2) whether the investigation into the disposal of such liquor has been completed; if so, with what result.

The MINISTER OF POLICE:

(1) (a) 405 753 litre.

(b) R328 858.

(2) Yes. After proper investigation and consultation with the Department of Justice, the Department of Customs and Excise, the National Liquor Board and liquor producers, it has been decided that for practical reasons it is inadvisable to depart from the present procedure.

√1 FM 17/2/78 (339)

Apartheid is working

Despite what some people think, the drive physically to rid "white" SA of all Africans except those who provide labour is succeeding

Years ago everyone scoffed at the practitioners of grand apartheid when they boasted that they would reverse the flow of blacks to the cities by 1978. The scorn has surfaced again in the past few days, with people ridiculing BAD Minister Connie Mulder's plans for a "white" South Africa as pie in the sky.

It's easy to mock apartheid, especially when it's not on *your* stoep that the front-end loaders are snarling. Of course, blacks heavily outnumber whites on our farms and in our factories, and they no doubt always will. The logic of the economy dictates as much.

Opposition politicians and newspapers have thus constantly, and correctly, hammered home the point that the number of blacks in the common area has been increasing despite influx controls and ever-tightening pass law enforcement. But what they often do not seem to realise is that the Nationalists are in deadly earnest when they talk of reducing the rate of increase in the urban African population.

Grand apartheid is not pie in the sky for the families whose homes in Alexandra township have recently been demolished, or for the so-called "idle" people who stand to be thrown out of the cities if Mulder's new legislation is passed.

Apartheid is by no means the total failure government's opponents so often say it is. Nor was Mulder's predecessor at BAD, Michiel Botha, a failure. He did an extremely efficient job in carrying out the grand design and working towards fulfilling government's dream of reducing the number of Africans in the cities to the minimum consistent with the economy's demand for labour.

Thus, while the urban African population grew by 45% in the Fifties, the figure was reduced to 29% in the Sixties. Apartheid's ideological think-tank, the SA Bureau of Racial Affairs (Sabra), felt there was cause for a modest celebration in 1972, when it announced that the situation had been "brought under control."

Moreover, according to P Smit and J J Booysen of the department of geography at the University of Pretoria, the African population of 197 "white" cities and towns was actually *reduced* between 1960 and 1970. Between 1968 and 1975, 171 000 Africans were shifted from "white" urban areas to the Bantustans.

And in 1972 the SA Institute of Race Relations estimated that another 566 000 Africans would be shifted out of the "white" areas over the next decade and resettled in townships in the Bantustans.

Nor has the policy of moving blacks out of the "white" areas been applied only in the towns. More than 265 000 people have been removed from rural "black spots," and an estimated 1m from white farms. According to BAD statistics, another 1m are to be removed in terms of the 1975 Bantustan consolidation proposals.

Economic stagnation helps the process, of course, since exporting blacks to the Bantustans causes less disruption to the economy. In 1960, 62% of SA's Afri-



Mulder . . . man with a mission

cans were living in the "white" areas. By 1970 the proportion had been reduced to 52%. And when the 1980 population census is done, it is likely to show that there are more Africans in the Bantustans than in the common area.

The steadily worsening housing shortage in many urban townships is less a question of simple neglect and shortage of funds than of deliberate policy. In 1967, for instance, a limit was placed upon the extension of black townships in the common area. Government also ordered that widows, divorced women, and unmarried mothers were to be struck off waiting lists for houses. Indeed, a top official told the Cillie Commission that BAD had obstructed the Johannesburg City Council's attempts to provide more black housing in Soweto.

The clear implication of this policy is that, if homeless families in the cities want a roof over their heads, they will stand a far better chance of getting it if they pack their belongings and go off to some or other Bantustan.

When the Baabs took over the black townships in the common area from local authorities in 1972 and 1973, the then deputy BAD minister, Punt Janson, declared that one of their main functions was to make urban blacks "homeland-conscious."

The social engineers had other weapons in their armoury too. The very same Punt Janson — the man who sprang from obscurity to national prominence when he promised to "humanise" the pass laws and do much else besides — told the NDMF that one of the key functions of the Baabs would be to bring about the removal to the Bantustans of "unproductive" people — those who because of old age, weak health, or unfitness were no longer able to work in the common area.

"Parasites" must go!

The Baabs obviously took the message to heart. When the East Rand Administration Board (Erab) set up shop, its chairman told the *FM* that one of its greatest aims was that economically inactive blacks would disappear in time from "white" SA. He said that some 300 000 blacks in his township dominion fell into this category and were likely to be removed.

Not one to be left behind, the chairman of the Cape Midlands Baab said in 1975 that "we must curb the flow to the white areas and create a counter-flow to the homelands ... We have room for productive elements, but not for superfluous people who are parasitic on us and especially on their own friends and relations. Such people we will, where possible, repatriate to their own homelands."

What happens to "repatriated" people? Some find jobs through the efforts of bodies like the Corporation for Economic Development. But the rest? Cosmas Desmond told part of the story in *The Discarded People*, but he was house-arrested and his book banned.

Another glimpse is given in a Benbo report on the minuscule Qwa Qwa Bantustan, published this week (*Current affairs*). It mentions that 56 000 Sotho were resettled there between 1970 and mid-1976. The population density of the area jumped from 56 per square kilometre to 415. The population density of "white" SA in 1970 was 13 people per square kilometre. Says Benbo: "(The resettled people) collectively form a dense distribution pattern which is often more like urban than rural settlement."

Or like those student rag competitions where the team which crams the most people into a Volkswagen gets a prize. Except, of course, that the people in Qwa Qwa don't get any prizes.

20/2/1980 (239)

Details of black trade plan soon

Political Correspondent

The Minister of Plural Relations, Dr Mulder, said today he would announce details of his five-year plan for urban blacks "definitely before the end of the parliamentary session."

He made it clear he regarded the question of trading rights for urban blacks —and the possible entry of supermarket chains into the townships — as something falling under the five-year plan.

IMPACT

"The whole question of trade in the townships is being investigated, but I will finalise things only after discussion with the interested parties, such as community councils and local businessmen."

Matters which would have to be considered in weighing up the township trade question included the situation of vested interests, whether black shareholders should be allowed in companies set up to run township supermarkets and many other factors.

Mulder considers chain store plan

Cape Times 20/2/78

(2) 339

JOHANNESBURG. — A major policy change which will allow white-owned chain stores to operate in black townships is under consideration, the Minister of Plural Relations and Development, Dr Connie Mulder, said yesterday.

However, no decision has been taken yet, he emphasized.

Dr Mulder pledged that the matter would be discussed fully with black traders in Soweto as well as the newly-elected community council before a decision was taken.

The opening of townships to white-owned chain stores would amount to a radical shift in policy, comparable with the decision in 1969 to open the homelands to white investors.

Townships are closed to white businessmen in order to protect small black traders from giant companies. Black traders are barred from trading in white cities and the closing of black townships to white businessmen is a quid pro quo.

The homelands were opened to white investors on an agency basis under which the investor was prohibited from owning land and obliged to pull out after a stipulated time.

The investor was seen as a developer and the idea was for blacks to take over the project gradually.

Dr Mulder declined to comment on whether a similar policy was envisaged for townships except to say it was one of the possibilities under investigation.

News of the possible policy change comes in the wake of a lifting of key restrictions on black traders, including the ban on the formation of black companies and partnerships and the regulation consigning black businessmen to the provision of daily essentials.

It also coincides with a race to establish the first supermarket in Soweto. Among the competitors are the African Bank, Soweto millionaire Mr Ephraim Tshabalala, and a group of white promoters.

The white-initiated project which will be built on an enclave of white owned land near Klipspruit, has been sharply criticized by both the National African Chambers of Commerce (Nafcoc) and the Soweto Traders Association.

According to figures quoted by the white promoters of the Klipspruit complex, 70 percent of R175m of the annual turnover of money from Soweto is spent in Johannesburg.

Cape Times 23/2/78

339

I want to negotiate with township leaders — Mulder

HOUSE OF ASSEMBLY. — The Minister of Plural Relations, Dr C P Mulder, said yesterday that he wanted to negotiate with the elected leaders of townships and that it was, therefore, in the interest of all parties concerned that the Community Councils Amendment Bill be passed as soon as possible.

Introducing the second reading of the bill, he explained that the existing act empowered the minister to designate members to the councils should vacancies occur.

The amending bill was aimed at providing for by-elections to be held in the event of vacancies occurring, although it retained the proviso for the appointment of members to the councils in certain circumstances.

Mrs Helen Suzman (PFP Houghton) opposed the measure, saying the bill was only introduced to deal with the extraordinary situation which had arisen during the recent community council elections in Soweto, in which two members were elected on polls of less than five percent, nine members were unopposed and 19 had wards remained vacant.

The truth was that the Committee of Ten was regarded by the inhabitants of Soweto as the real leaders of that community, and that unless the members of the committee were freed, the government would not be able to negotiate with a truly representative body.

"The minister will be amazed at how moderate these people are," she said, urging Dr Mulder to "use all his influence with his colleague to free these people — otherwise there won't be any moderates left."

NRP and SAP speakers said that their parties supported the bill.

Mr Alf Widman (PFP Hillbrow) said the measure was an admission of failure to provide a form of local government acceptable to the people of Soweto.

He believed a referendum should be held so that the inhabitants could say which form of local government was acceptable to them.

Dr Mulder said in reply that the PFP's attitude was making him bitter. He already had the power to designate members of the council, but did not want to see that power as he wanted the council to be elected in a democratic manner.

"The official opposition has one thought in mind — that whatever the government proposes they will oppose. I undertake today in this Assembly that I will make as little use of these powers as possible.

"We want to establish a body, elected by the people of Soweto, that we can liaise with directly in their, out and South Africa's interest."

The bill was read a second time, opposed by the PFP. — Sapa

HANSARD NO 4 Col 240
24/2/78

(1) 339

Institutions established in terms of Proclamation No. R.133 of 1975

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

Whether any institutions have been established in terms of Proclamation No. R.133 of 1975; if so, (a) how many, (b) in which homelands and (c) how many persons can be accommodated in each institution.

The MINISTER OF BANTU ADMINISTRATION AND DEVELOPMENT:

No.

(a), (b) and (c) Fall away.

99-year leases for blacks

(339) 24/2/76

CAPE TOWN — The Minister of Plural Relations, Dr Mulder, said last night blacks in the townships outside the Western Cape would be able to negotiate a 99 year lease on their homes — and that these would be based on the British system of lease-hold.

"What they will have is permanence in inverted commas," Dr Mulder said.

He confirmed, however, his statement to an Afrikaans Sunday newspaper that blacks in the Western Cape would not be eligible for leases on their homes, since they had no historical claims to permanence in the area.

Dr Mulder's announcement has been greeted by the Leader of the Opposition, Mr Colin Eglin, as "a sign that the National Party ideology is collapsing in the face of realities of a multiracial South Africa."

The wrangle over the kind of lease-hold to be granted to blacks has been going on since January, 1975 when the black homeland leaders met the Prime Minister and asked for free-hold tenure of their homes.

This was refused but in October, 1975 the Secretary of Bantu Administration and Development, Mr Van Onselen, said 30 year leases were on the cards.

In November, 1976 Mr M. C. Botha, the then Minister of Bantu Administration and Development, said blacks would be able to own their homes for "all time." — DDC.

Report: 1 850 idle blacks repatriated

24/2/78
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JOHANNESBURG — One in every four blacks "repatriated" to the homelands under the Urban Areas Act was sent away because he was found to be "idle," according to figures collated by the Institute of Race Relations.

Publication of the figures in the latest Survey of Race Relations, comes on the heels of a move to introduce a stricter definition of "idle Bantu" into the Urban Areas Act.

The new definition would make blacks unemployed for a total of 122 days in any year vulnerable to prosecution as idle persons.

Among the sentences which might follow is removal from the urban area to his homeland or to a rehabilitation centre, farm colony or rural village.

Institute figures show that more than 1 850 blacks out of about 7 340 were sent from the key metropolitan areas to the homelands as idle blacks in 1976.

These figures account only for removals under the Urban Areas Act, which contains legislation relating to both idle and undesirable blacks.

In contrast to idle blacks, undesirable persons constitute only a minute portion of the blacks repatriated under the Urban Areas Act. Undesirable blacks include both political "extremists" and persistent criminals.

Since the introduction of aid centres, the number of blacks prosecuted under the pass laws has declined steadily from a peak of nearly 695 000 a year in the late 1960s. — DDC.

Black housing and pet food

CAPE TOWN — South Africans spent almost as much on pets and pet food as it would cost to eliminate the entire black housing backlog in Johannesburg, Mr M. T. Savage, a senior lecturer in sociology at the University of Cape Town, said yesterday.

Speaking at a meeting of the Institute of Citizenship on "The cost of apartheid", Mr Savage said South African society was characterised by the co-existence of affluence and poverty where large amounts were spent on non-essentials while some people went short of necessities.

In the Republic R25m a year was spent on pets, R35m on cosmetics, R1,2 billion on liquor and — in the Transvaal alone — R300m a year on horse racing.

In the past 18 months R300m had been spent on television sets, R114m on establishing a single channel service and R40,5m a year in running it. Added to this was an amount of R192m spent on advertising brand name products.

Against these figures were R59m to complete the electrification of Soweto and R28,6m to eliminate the housing backlog there.

The pass laws cost more than R112m to operate. This was a conservative estimate and "but a fraction of the hidden costs."

A breakdown of this figure showed that loss of production through arrest and imprisonment cost more than R7m, patrolling and policing over R11m, imprisonment almost R19m, the issuing and updating of passes R24m, and labour contracts and labour bureaux swallowed over R47m.

The Group Areas Act had been implemented at "staggering economic costs."

In Cape Town's District Six alone R24,6m had been spent buying properties of people forced to leave the area.

This did not include the cost of new housing for those dispossessed or removal costs, estimated at an additional R75m.

"Some five billion rands have been spent on the Group Areas Act and its consequences," Mr Savage said.

He quoted sources to show the country's gross national product would be 50 per cent higher if apartheid did not exist and said its direct current costs were R13 000 million annually.

"In any costing exercise some emphasis should be given to human costs of apartheid legislation, but no price tag can be placed on misery," Mr Savage said. — DDC.

26/2/78

SUNDAY TRIBUNE, FEBRUARY 26, 197

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Dr Mulder's plural relations department scores a singular propaganda success



Dr Connie Mulder: Sitting on a report he may use in Parliament to show that blacks are being won over to homelands

Blacks swinging over to homelands

Tribune Reporter

ACCORDING to a report in the possession of the Department of Plural Relations, most urban blacks regard their homelands as their "actual homes" and believe the homelands can be developed significantly to provide good living standards.

However, this week several black urban leaders questioned the report's finding. It was drawn up by the Human Sciences Research Council.

The council set out to determine the attitudes of urban blacks to the homelands, and a team of researchers and interviewers spent several months drawing up the questionnaires, conducting interviews and collating the data which the survey uncovered.

There are a number of findings in the report, which is being kept under wraps by Dr Connie Mulder's Department of Plural Relations and the council.

Pretoria sources believe the survey's findings are being withheld until the department presents its annual report in Parliament, where the statistics will be used to show that urban black opinion is swinging increasingly in the direction of accepting the homeland policy.

The men questioned felt the homelands could be developed so that the people living there would be able to lead a better life, and 15 percent agreed with the statement "the homelands cannot be developed much, so that the people living there will remain poor."

Mr Gibson Thula, KwaZulu's representative in Johannesburg, said that while there were aspects of the survey's findings which he could understand and accept, there were others which surprised him.

He said the category "urban blacks" included thousands of migrant workers, who would naturally answer "yes" to the question on whether homelands are regarded as someone's "actual home".

To include migrant workers in the survey would be begging the real question, which was what the attitude of the blacks relatively permanently resident in white areas thought of the homelands.

Mr Thula said he was not surprised at the high percentage who said that they would go back to the homelands if pay, conditions and housing were similar to those in the cities.

26-02-78

Peculiar

A peculiarity of the report is that the political questions in the survey were put only to men, while women were questioned about their attitudes to living conditions in the urban areas and the homelands.

Fifty-six percent of the men questioned in the survey said they knew who their homeland leaders were, while 13 percent were unaware of their tribal leaders' names.

Twenty-one percent said they had voted in a homeland election and 47 percent had not. Forty-four percent, however, said they would like to vote in such an election in the future.

A solid 23 percent said they had no interest in voting in homeland elections.

Twenty-two percent of the urban blacks questioned said they had citizenship certificates, and 50 percent of those who didn't said they would be trying to get a certificate.

Thirty-seven percent felt their homelands were their actual homes, while 24 percent did not.

Another significant finding is that 60 percent of "Just like the Afrikaner, there are thousands of blacks who are coming to the cities for the money, the shops, the bioscopes and the schools.

"They dont particularly want to be in the cities, but that is where the money is, and so they come," he said.

Scathing

"The danger with this report, and the reason why I am not able to accept its findings as the whole truth, is that these people have an ideology to push, and of course this is going to influence the findings," said Mr Thula.

Two Soweto leaders were scathing in their attack on the survey's findings, but did not want to be named for fear of reprisals.

Said one: "This report is designed to give the country the impression that black people really want to move back to the homelands, and nothing can be further from the truth.

"The money is here now, and that's what counts. If and when the homelands are able to give people the kind of life they want, then we'll talk again about hypothetical questions they are raising now."

Trade unions for blacks next year?

JOHANNESBURG — The Government's reappraisal of industrial relations in South Africa will almost certainly result in trade union rights being extended to black workers, labour sources said yesterday.

It is expected that the Industrial Conciliation Act will be amended to include black workers in the definition of "employee," which will give black workers access to registered trade unions and the conciliation machinery available to registered unions.

The framework in terms of which trade unionism would be exercised would definitely be changed the sources said.

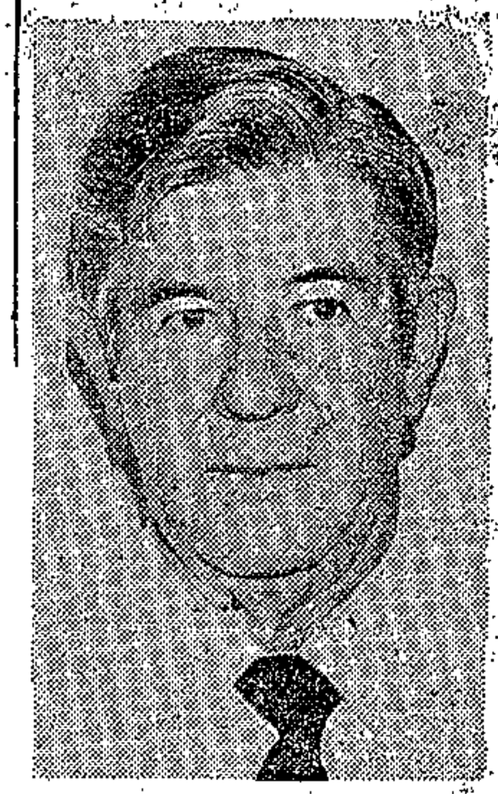
They were commenting on press reports yesterday quoting Nationalist sources as saying that blacks might be allowed to join or form registered trade unions next year.

But they emphasised that any firm conclusions at this stage would be premature as these issues were still being deliberated by the Wiehahn commission of inquiry into labour legislation.

They believed that trade unionism for blacks might take the form of allowing registered unions to take blacks into their ranks, as well as giving blacks the option to form their own unions.

They also thought that black trade unions were likely to be subjected to certain restrictions.

Legislation for a new industrial relations framework emanating from the commission's findings is expected to be tabled early in next year's parliamentary session. — DDC.



Mr D. J. Cleary . . . a director of the Urban Foundation.

Urban body for blacks

339

27/2/78

EAST LONDON — The Eastern Cape is to have its own regional branch shortly of the Urban Foundation, the body aiming to improve the quality of life for urban blacks and which is backed by top businessmen such as Mr Harry Oppenheimer and Dr Anton Rupert.

This was disclosed by one of the organisation's directors, Mr D. J. Cleary, at a meeting in East London to approach local businessmen about the organisation, its aims and how it achieves them.

The East Cape branch will be based in Port Elizabeth, and Mr Cleary admits that for the first year or so it won't have much effect on the Border area, but the "time bombs" of Mdantsane, Zwelitsha and other black townships here will receive attention as soon as possible.

"We must recognise the social disabilities near here in Mdantsane and related areas," Mr Cleary said. If the Ciskei became independent he was not sure what the position would be.

He outlined some of the aims of the foundation to a few East London businessmen who will in turn submit the names of people they feel would be able to aid the foundation, both financially and through their position as community leaders.

These people, who will represent all race groups and language groups of the area, will attend a conference in Port Elizabeth in May where they will identify the priorities and objectives necessary to improve the quality of life in urban areas here.

Mr Cleary, who comes from this area and was one of De la Salle's first pupils, is also the Director of Housing in Port Elizabeth and a member of the National Housing Commission.

"We are not trying to take over the function of the State. The State has a primary function in providing economic housing which they are doing exceptionally well, but we are supplementary to this," Mr Cleary said.

The foundation is dedicated to making the occupation of properties by black owners as secure and permanent as possible and has submitted to the government a memorandum on land tenure for urban blacks.

Mr Cleary said it had become apparent conditions in urban black townships regarding overcrowding were a major factor in the lack of productivity of their inhabitants.

The chairman of the industrial portfolio on the East London City Council, Mr Joe Yazbek, was among those who heard Mr Cleary put his organisation's aims across.

"We are fully behind the foundation. It will benefit all, but it will benefit the industries the most," he said. — DDR.

(339) Hansard no (5)

*The DEPUTY MINISTER: That is quite correct. Land-ownership has of course changed, as happens in any other area in South Africa which is not a divisional council area. It happened by means of the very simple issuing of a permit. It is as simple as that. The issuing of permits continued, but in cases where the divisional councils were involved in the matter as one of the parties, a question mark hung over the transactions.

I conclude by saying that I am glad of the interest which was shown in the legislation. I just want to repeat, so that hon. members can take note of it, that we must be careful not to play one colour group off against another because it will not do any of us any good. We have here legislation which we can disagree on, but which requires that we work at it so that it can be applied in the best interests of everyone. Even if we should differ on the principle, we can nevertheless help one another to rub down the rough spots in existing legislation so that it can be applied in the best interests of everyone. Sir, surely you are aware of the fact that the Group Areas Act is looked at regularly and with sympathy, with a view to the latest declaration of open industrial areas. I want to make an appeal to hon. members, particularly to the hon. member for Bryanston in his absence, to try in the name of Heaven to keep colour out of the arguments when we are talking about matters which have merit and which should be judged on merit alone, irrespective of the colour side of it.

Question agreed to (Official Opposition and New Republic Party dissenting).

Bill read a Third Time.

COMMUNITY COUNCILS AMENDMENT BILL

(Committee Stage)

Clause 1:

Mr. W. M. SUTTON: Mr. Chairman, I just want to refresh the minds of hon. members in the House as to what has happened in regard to this legislation so far. When the Second Reading was taken some time ago, this party supported it for the reason that we felt that the hon. the Minister was placed in an extremely difficult position indeed in Soweto where a council was in the process of being put together, partly by way of election and partly by way of what would become by-elections if the hon. the Minister was given the power sought by this Bill. We felt that it was necessary for the hon. the Minister to have that power so as at least give him a chance, which he will not have until this legislation is passed, to declare vacancies and to arrange for by-elections to be held in the area of Soweto. We adopted the attitude that it was vitally important for the very concept of democratic government. If it is going to work at all, the new Minister should be given the chance to get together with the people in that area and to perhaps be able to persuade them of his sincerity and genuine intention of making a real attempt to get together on a democratic basis with the people of Soweto. For that reason we supported the Second Reading of the Bill.

Apart from the title of the Bill, there is only one clause which is of any consequence. We felt that the hon. the Minister had not quite achieved what he set out to achieve in the wording of the Bill as it is. I put an amendment on the Order Paper which seeks to make it clearer. It is printed on the Order Paper and I should now like to motivate it. On page 3, in lines 10 and 11, we want to omit the words "or if a vacancy occurs in a community council" after the words "the required number of persons is not elected". After that the clause should continue as it is. Together with this amendment I also want to insert a paragraph (b) in subsection (2) which will read as follows—

> If a vacancy occurs in a community council, such vacancy shall, unless the term of the community council expires before such vacancy can be filled, be filled within six months of it occurring, by an election.

The reason is that the hon. the Minister will have the power to designate members to fill vacancies. We feel that he should be required to declare a vacancy and to arrange for a by-election, failing which he would then have no further alternative but to designate a member to fill the vacancy. However, we wanted it established quite clearly in the clause that the hon. the Minister should, firstly, be required

to declare a vacancy for the purpose of a by-election should a vacancy occur. The next step would then be to fill a vacancy by designation. As a consequence of that the existing paragraph in the Bill should become paragraph (a). I should like the hon. the Minister to give his attention to the matter and to indicate to us how he feels about the amendments. I hope he will be sympathetic and accept them. Mr. Chairman, I now move—

(1) In the English text, on page 3, in line 9, after "person" to insert "is elected";

(2) on page 3, in lines 10 and 11, to omit "or if a vacancy occurs in a community council,";

(3) on page 3, after line 18, to insert:

(b) If a vacancy occurs in a community council, such vacancy shall, unless the term of the community council expires before such vacancy can be filled, be filled within six months of its occurring, by an election.

Mrs. H. SUZMAN: Mr. Chairman, the hon. member for Mooi River outlined the attitude his party took during the Second Reading debate on this Bill. I should simply like to remind the Committee that we on these benches in fact opposed the Second Reading of the Bill. We gave as our main reason the fact that we were against the whole principle of community councils and the manner in which they had been set up, and so on. We did not think that this amending Bill made any difference to the existing Act.

As the hon. member for Mooi River has stated, this is a very simple little Bill containing only one operative clause to try to cope—this the hon. member did not say, but which I shall add for him—with the extraordinary situation which arose as a result of the general elections for a community council for Soweto which took place some two weeks ago. It has to do with the 19 vacancies which still remained in the community council after that election had taken place. The clause, as the hon. member correctly says, gives the Minister the permissive right to designate members of the council to make up the shortfall—to make up to the shortfall, to be more accurate—whereas previously he had a duty to make up to the shortfall. The hon. member for Mooi River wishes to take away that compulsory duty and simply leave to the Minister the other right which is contained in the Bill, namely the right to declare by-elections in order to fill the vacancies. In so far as the hon. member for Mooi River's amendment does away with any suggestion of an imposition of members on the council by the Minister—which, I might say, was one of our objections, but by no means the main objection when we opposed the principal Act last year—we shall not of course oppose this amendment. However, at the same time I have to say that even if the hon. the Minister decides to accept this amendment we shall still vote against the clause.

Dr. G. DE V. MORRISON: Because you do not know your own mind!

Mrs. H. SUZMAN: Oh no! We know our own minds very well indeed. I think the hon. the Minister ought to accept the amendment of the hon. member for Mooi River, because that would demonstrate his faith in the efficacy of the community council system. If he believes it is going to work he must surely believe that the by-elections will take place in the normal way and that he will then have a council with which he can deal. He should not mete out to himself any mandatory power to designate members of the council because that is a clear indication that he does not believe that there is a voluntary acceptance of this system.

The reason why we would still not accept this clause in the event of the hon. the Minister's accepting the amendment, is that we believe that accepting a system of by-elections for the community council seems to us to give a spurious plausibility to the system as a whole. It is a system which not only we reject—and that is what our duty is in this House, to accept or reject according to the manner in which we judge the merits of the measure placed before us—clearly the community council system has been rejected also by the people to whom it applies, i.e. by the people of Soweto.

Mr. R. B. DURRANT: How can you make that statement?

> If for any reason no members are elected for a community council at a properly conducted election, the Minister shall designate the members of such council.

The Minister therefore has no choice. He has to designate members. The Bill seeks further to delete section 3(3) of the principal Act. Let us now see how this subsection reads in the principal Act—

> If for any reason fewer members than the required number are elected for a community council at a properly conducted election, the Minister shall designate so many members as may be necessary to attain that number.

In other words, we are here dealing with a situation in which, if a sufficient number of members have not been elected, the Minister, is required, in terms of the principal Act, to designate so many members as may be necessary to attain the required number. In terms of the principal Act, we therefore have the situation where the Minister is compelled to designate members if a sufficient number of members have not been elected. The hon. Minister's object with this amendment is to create more freedom of movement, a wider margin, the opportunity to put the democratic process into operation. The hon. the Minister therefore does not want to act undemocratically. He does not want to designate people for the community councils. He wants them to be elected. That is the aspect which the hon. member for Houghton and her party are now opposing. Because they are opposing this proposal, it is completely logical and self-evident that they want to see that the Minister should be forced to designate people to the community councils. In other words, the PFP is not in favour of the democratic process. For that reason they are opposing the proposal which is now before us. They cannot vote against this clause on the ground that they do not agree with the principal Act. Surely the principal Act is not before this House now. The question before the House is to put a democratic process into operation, and because they oppose that question, they are condoning the provisions of the existing Act. In other words, people must continue to be appointed unilaterally. If they do that, then surely they are not defending the democ process, and that is exactly what they kic such a great fuss about every day. Those h members are forever telling us that we m not decide for the Black people. Every we hear that being told to this side of House. They are forever accusing u deciding for the Black people in this cou We hear that every day from the h member for Houghton and the hon. mem for Pinelands who are now sitting th listening to me so piously. Every day we told: "You people must consult. You peo must decide together with these peopl Here we actually have a measure before House in terms of which the Minister wa to give the Black people a chance to dec for themselves. Now those hon. mem want to prevent us from doing that. They saying to us: "You must decide for the Bl people." That is the effect of their standp Those hon. members cannot get away fr that. Their statements in this House are record. They are accusing the Governmen deciding for the Black people, but t Government in fact wants to give the Bla people the opportunity to decide for th selves. For that reason, Sir, I cannot otherwise than to support this clause.

Mr. A. B. WIDMAN: Mr. Chairman, respect to the hon. member for Lydenb the hon. member for Houghton stated case very clearly. She stated very clearly we could not support this clause. She poin out that it went to the very root of a syst which was not acceptable to the people tha With great respect to my friends to immediate left, I want to say that if they h been sensitive to the feelings of the people Soweto, they too would not have suppor this measure in the first place.

The hon. member for Lydenburg had m mention of the fact that we are not support the democratic process. If he had listen properly to the hon. member for Hough he would in fact have heard her say that are supporting the amendment proposed the NRP because it does improve the Bi The very principle which he said we were accepting, we are in fact accepting. The reason why we are accepting the amendmen is to make the best of a bad job within scope of what we have at the moment. stand for the democratic process.

HON. MEMBERS: But you are voting against it!

Mr. A. B. WIDMAN: We are voting against it, but, Mr. Chairman, I am sure you will not allow me to embark upon a dissertation of what we believe is the ideal form of local government for Soweto. [Interjections.] Nevertheless, the hon. the Minister knows our feelings on this matter, and the hon. member for Lydenburg also knows what our blueprint is for local government. As I have said, within the scope of what we have before us, we agree with the amendment entirely. The amendment quite simply deals with the question of whether there will be by-elections, as opposed to designations. We accept as a democratic principle for any elected public body that the people should not be nominated, but that they should be elected by the people. That is a process in which we believe, and in this particular instance it is more important than ever before for the hon. the Minister not to use the powers of designation he has, because he is imposing upon them a system of local government which they do not want. To then have designated members who do not have the respect of their fellow citizens living in the area itself is to impose an unnecessary burden on them. At least, if they can be elected, it is far better for that to happen then that they should be designated. But if, within the process of what we are discussing here today, the hon. the Minister wants to give this any kind of a chance, he has to give the Soweto communal council some teeth. He must not limit their powers to advisory powers; he must give them executive functions. If he gives them executive functions they may have some semblance of a chance. They do not have that chance as this provision is now framed.

The CHAIRMAN: Order! That is not under discussion now.

Mr. A. B. WIDMAN: Mr. Chairman, that I accept, but in the Second Reading debate, I think, the hon. the Minister made mention of the fact that there were 16 people who were nominated but disqualified. We have not had a chance to examine the regulations, but the hon. the Minister did mention certain things about the regulations, wondering whether they were not perhaps too stringent . . .

The CHAIRMAN: Order! The regulations are not under discussion now.

Mr. A. B. WIDMAN: Mr. Chairman, with respect, if the regulations did make the position easier, elections could be held within the confines of what we call a bad Bill. If there is any kind of improvement to the legislation, we shall support the amendment, but we shall vote most solidly against the clause because that is the wish of the people of Soweto.

*The MINISTER OF PLURAL RELATIONS AND DEVELOPMENT: Mr. Chairman, I want to say immediately that I am very eager to accommodate the hon. member for Mooi River if I can, but I do not think that we understand each other very well. The present position, before the amendment Bill is accepted, means that the Minister has no choice and that he must fill vacancies by way of appointment. The amendment Bill before the House at present offers the Minister a choice. It gives him the discretion either to call by-elections or to make appointments. If I interpret this correctly, the amendment by the hon. member for Mooi River means that he wants to bind the Minister in this respect that the Minister must first try by-elections before he makes appointments.

*Mr. W. V. RAW: Just for a by-election.

*The MINISTER: Just for a by-election? I have one problem however. I should like to accommodate the hon. member, but I do not want to adopt a final standpoint on the amendment now. I should like him to elaborate further on the matter. I shall accept the first part of his amendment. It concerns grammatical improvements. There is, however, a problem which I have to solve. Assume that one finds oneself in a position where, as a result of certain circumstances, a number of members in a particular community council resign at short notice, and that in fact so many have resigned that there is no quorum left. By-elections are then necessary, but in the meantime there are urgent matters which have to be disposed of immediately. As the Bill stands now, it affords the Minister an opportunity of appointing people for a certain period—for as long as he may decide. In other words, the Minister would then be able

to say that he was appointing only three persons to form a quorum for a period of three months so that the council could proceed with its work. He can then immediately call by-elections for all the vacancies. This amendment is, however, intended to deprive the Minister of that authority so that he will no longer be able to do it. That is the problem which I have with the hon. member's amendment. I have to ensure that the councils remain effective and that they are able to function. If the hon. member is therefore able to overcome this problem, then I am prepared to listen to his amendment. As the amendment now reads, the Minister would not be able to act in such a case and the council would also by no means be able to function until such time as the vacancies have been filled by means of by-elections. Only if no candidates are then nominated, are appointments then possible. A period of two or three months can however elapse before that can happen. In the meantime the council may be faced with serious matters, especially after certain powers have been conferred upon them, powers which I envisage transferring to them. For a certain period there will therefore be a hiatus, a gap which I must be able to bridge. For those reasons I am not inclined at the present moment to agree to the amendment. I should, however, like to listen further to what the hon. member has to say.

*Mr. W. V. RAW: Mr. Chairman, may I ask the hon. Minister whether the present position is that in terms of the regulations, if there is a vacancy, the hon. Minister has to call a by-election in terms of such regulations? Surely he does not have a choice at present. If a vacancy arises at present, he must in terms of the regulations—not in terms of the Act—call a by-election.

Mrs. H. SUZMAN: No. You are wrong.

*Mr. W. V. RAW: Only then can he appoint persons. We then want those regulations, which are now binding upon him, in the Act in connection with ordinary vacancies which may arise. That would however be contrary to the regulations as they now read.

*The MINISTER: Mr. Chairman, let me say immediately that the Minister may change the regulations. What I am now trying to incorporate in the Bill, is to give the Minister the necessary discretion and freedom of movement to ensure that the councils function effectively. If the regulations are in conflict with this principle, they will be amended and brought into line with the Act as it is now being amended.

*Mr. W. M. SUTTON: That is not the case at present?

*The MINISTER: No, that is not the case. For that reason I cannot accept the amendment by the hon. member for Mooi River. It puts the Minister under too much restraint and it may bring about that he will not have sufficient freedom of movement. I should however like to hear more from the hon. member about the matter.

I just want to return to the Official Opposition. They reject the measure, of course. The hon. member for Hillbrow has adopted a very interesting standpoint. In connection with democracy, the law in a democracy, etc., he has said: "We stand for it, but we shall vote against it." That is now the latest. To me it sounds too much like a man who has put his foot in it and is now battling to get his foot clean again. When I look at him I get the impression that he is wiping his foot on the grass. What are the facts in this connection? We are dealing here with an amendment to give the Minister the discretion to arrange by-elections.

†Let me tell the hon. member what I have in mind. He says the community councils must be given teeth. Let me tell him what I intend doing in this respect. Within a stipulated period of time after the coming into being of the Community Council of Soweto, it shall be accorded full autonomy in local affairs. Does that satisfy the hon. member?

Mr. A. B. WIDMAN: That sounds very encouraging.

The MINISTER: Well, that is what I have in mind.

Mrs. H. SUZMAN: Where is it in the Bill?

*The MINISTER: I have full authority to incorporate that whenever it suits me. But

Mr. Chairman, I am now going too far for a Committee Stage. I can see you are glancing at me already. But that is what I have in mind. However, the hon. members on the opposite side will never publicize that fact outside. On the contrary, they will keep on saying the opposite. Therefore I just want to say that I assume that the Official Opposition will vote against the Bill because, in the nature of things, they want to make political capital out of it and do not wish to serve the community.

Mrs. H. SUZMAN: Mr. Chairman, I must say that the hon. the Minister really cannot expect us to vote on thoughts which are in his mind, like chairman Mao. How are we to know? If he wants us to accept what he is suggesting, let him put it down on paper and bring it to the House. Then we can vote on it. For us to anticipate that the hon. the Minister is having dreams of glory and therefore to vote for another Bill altogether is just expecting too much of the House I am afraid. That is the answer to that one.

Nevertheless, I am glad to hear that the hon. the Minister is at least thinking of these things. He seems to be moving in the right direction and that is very good. I must, however, ask him to explain to us why it is that he needs these powers to designate members even though he is now also making provision for by-elections. He says that people may resign as a result of which there may not be a quorum. That is what I understood his main reason to be. Will he tell me whether he knows of one local authority or White city council where this has happened? Does he know of a single White city council where so many members have died, resigned or fallen by the wayside that there has not been a quorum . . .

Dr. G. DE V. MORRISON: Yes, I can name several.

Mrs. H. SUZMAN: . . . as a result of which the Minister or the Administrator has to go along and designate members to the council so that it can continue with its work?

Mr. V. A. VOLKER: I know of some.

Mrs. H. SUZMAN: Give me an example.

Mr. V. A. VOLKER: Stanger. [Interjections.]

Mrs. H. SUZMAN: I ask the hon. the Minister whether there is a White city council where the sort of contingency mentioned by him has occurred. I just do not believe this to be the case.

Mr. W. M. SUTTON: Mr. Chairman, I would like to thank the hon. the Minister for his approach to the amendment. I can understand the problem that he has. There is no doubt that it can very easily happen that a particular political pressure group inside the council may for a particular reason or by way of a protest, or to force the hon. the Minister's hand, or for any other reason, resign from the body and thereby reduce the number of members below the number that is required for a quorum.

Mrs. H. SUZMAN: Then it is a wash-out and you must accept it.

Mr. W. M. SUTTON: Mr. Chairman, I have difficulty in saying that one must just accept it like that. The fact is that there is a body which has to administer certain functions. The alternative to that is that the hon. the Minister himself, the West Rand Administration Board or somebody will have to take over the functions of that council. I really believe that it is desirable . . .

Mrs. H. SUZMAN: Is it desirable for the Durban city council?

Mr. W. M. SUTTON: I believe it is desirable in the situation we face, which is a historical situation. We cannot get away from that. That is the position there right now and I believe we should assist wherever we can. Even if the hon. the Minister accepts this amendment, he still has a residual right of designation should by-elections fail to produce the number of members that he wants. I want to stress that where we mention "vacancy" it is intended to deal with a casual vacancy occurring and not a vacancy brought about by deliberate action by a group of people acting together for a deliberate purpose.

The MINISTER OF PLURAL RELATIONS AND DEVELOPMENT: How would you define such a situation?

Mr. W. M. SUTTON: Say, for instance, a member of the council is run over by a bus.

The MINISTER OF PLURAL RELATIONS AND DEVELOPMENT: How would you define such a vacancy?

Mr. W. M. SUTTON: I think the term "casual vacancy" is an understood term, a vacancy resulting from the resignation of a member, or by a death, or something like that. In that case the hon. the Minister would be bound by the terms of this amendment to declare a by-election and allow the vacancy to be filled in the normal way. Only in the event of there being no nominations, or anything of that nature, would he be able to designate. He would always have the residual power of designation.

I can understand the problem . . .

Mrs. H. SUZMAN: [Inaudible.]

Mr. W. M. SUTTON: I understand the problem of the hon. member for Houghton. There will undoubtedly still be—and this amendment was not designed to remove that from the hon. the Minister—the residual power to designate simply because no nominations have come forward for a by-election duly declared. Let us get that clear. If the hon. member for Houghton and her party wish to vote against it we understand their reasons. That is fine. However, I have a problem with the question of a quorum. I do agree that the hon. the Minister has a point there. He would like to have the power to be able to designate the members up to the number required for a quorum. He is going to face that situation, or may face it, because of the possibility of deliberate action by a group of people acting in concert. The action that they are taking is designed to frustrate the function of the council and the intention of the hon. the Minister. We on our side are quite prepared to agree if the hon. the Minister wishes to retain the power to designate up to the number of members required for a quorum. After that by-election shall be declared. That might be a way in which we can get round this. I am merely putting that forward as a suggestion to the hon. the Minister. I do not think that we are going to be able to solve this question in the House. If the hon. the Minister is agreeable that we can look at it from that point of view it may be necessary for this amendment to be withdrawn. We are therefore not committed to an "aye" or "nay". The question can be debated in another place. However, I would welcome the hon. the Minister's reaction.

*Dr. G. DE V. MORRISON: Mr. Chairman, I object very strongly to the question which the hon. member for Houghton put towards the end of her speech when she asked the hon. the Minister whether he knew of any White local authorities that had been affected in the same way. Is she not thereby implying that another measure is being adopted here which discriminates against the Black man? That is the implication of her question. I can tell the hon. member now that during the past five years it has happened to at least two local authorities in my constituency that the Administrator had to intervene and designate three members to administer those municipalities because all the other members of the municipalities—and those were White municipalities—had resigned for reasons of their own. It is therefore no strange phenomenon, because these things happen even in White municipalities.

One says so with great respect, but that hon. member is able to suck poison from a Bible text. I think she should stop it. They are objecting to this legislation because it pulls the rug from under their feet. They can now no longer go to the Black people and cast suspicion on the community councils by saying that these people have not been elected. The opportunity is there now for them to be tested. They can now no longer sow suspicion among the Black people by saying that these people have not been elected, that they are puppets—that is what they call them—of the Government. That is the key to their whole attitude and that key has now been revealed by the question which the hon. member asked towards the end. I strongly object when suspicion is cast on this legislation in that way.

*The MINISTER OF PLURAL RELATIONS AND DEVELOPMENT: Mr. Chairman I want to tell the hon. member for

Mooi River that I appreciate his standpoint on this matter. I shall go into the situation. The problem which I am experiencing in this connection, has to do with a quorum and with the need, if powers have already been transferred to the body, for those powers to be exercised. In other words, if a vacuum arises as the result of the fact that there is no quorum, our not being able to act may prove harmful. If the hon. member is prepared to withdraw the amendment, I shall re-examine the matter and see whether I can accommodate him in this connection in the Other Place. I do not wish to commit myself, but I shall take a close look at the situation.

Mr. W. M. SUTTON: Mr. Chairman, the problem which the hon. the Minister experiences in this regard may, from our point of view, be met if we added at the end of my amendment after the words "by an election", the words "provided that the Minister may, at any time, appoint sufficient members of the council to maintain a quorum". When drafting the legislation it might be necessary to use other wording. I think, however, there should be a proviso retaining in his hands the right to maintain the quorum and, after that, to take any of these measures. I want to point out specifically that our intention is to provide machinery for casual vacancies. We are trying to ensure that by-elections shall be the normal course of activity and that when a casual vacancy exists, a by-election shall be held as a matter of course. Only after that has happened, the hon. the Minister should have in his hands the right to designate a member. With that understanding and with the permission of the House I would like to withdraw the amendment that appears in my name on the Order Paper.

The CHAIRMAN: Is the hon. member withdrawing all three of his amendments?

Mr. W. M. SUTTON: Mr. Chairman, may I ask the hon. the Minister whether he would undertake to consider the whole of the amendment to clause 1 in the Other Place? I think they are, in fact, consequential and if the hon. the Minister undertakes to look at the last portion of what I have proposed, he will be in honour bound to include also the first portion.

Amendments, with leave, withdrawn.

Mr. A. B. WIDMAN: Mr. Chairman, I would like to raise one other aspect with the hon. the Minister. I would like to know how the measure is going to be put into practical effect if it is to be passed, as I assume it is going to be. I understand two elections were held: one at Chiawelo and one in Orlando East. Nine seats were unopposed, which gives a total of 11. I am assuming that the quorum is 15 out of 30 . . .

The MINISTER OF PLURAL RELATIONS AND DEVELOPMENT: It is 16.

Mr. A. B. WIDMAN: If it is 16, five people are required to be nominated in order to have a quorum so that the council can function. If the hon. the Minister nominates five people in order to get a quorum and the community council functions—the community council has a life of three years or five years, I am not sure what it is—will there not be some kind of hiatus then for the balance of the entire period of having nominated councillors and elected councillors? Does the hon. the Minister not think that the status of the nominated councillors is going to be of such a nature that they will feel the difference between them and the elected councillors? Does the hon. Minister think that it will go towards making good council and good government?

*The MINISTER OF PLURAL RELATIONS AND DEVELOPMENT: Mr. Chairman, I despair of the Official Opposition. I said expressly during my Second Reading speech that my main objective with this legislation was to call and conduct by-elections in all 19 wards. I said that was my aim, and that I was going to do it. All I want here, is the authority to be able to do so. In terms of the present legislation I cannot do it. The hon. member for Mooi River and I have agreed that in the Other Place I shall look at his amendment again and that I shall accommodate him there if I can. I had hardly finished uttering these words when the hon. member for Hillbrow was on his feet, trying to suck poison and alleging that I was going to abuse the authority by only appointing five people in Soweto in order to get a quorum, and that I was not going to call elections for the rest. I think the hon. member is utterly mean to suggest such a thing.

*The CHAIRMAN: Order! The hon. the Minister may not say that the hon. member is utterly mean.

*The MINISTER: In that case, Mr. Chairman, I shall not say that the hon. member is mean, but he is really very dense. I want to react further by saying that in spite of the Official Opposition, I stand by the undertaking which I have given in the House, namely that when the legislation has been passed, I shall call elections in all 19 wards in Soweto as soon as possible. I have already made an appeal two, three times and I repeat the appeal, that people should come forward and make themselves eligible for election in order that I may obtain a fully elected council in Soweto. More than that I cannot say.

Clause agreed to (Official Opposition dissenting).

House Resumed:

Bill reported without amendment.

SOUTH AFRICAN TEACHERS' COUNCIL FOR WHITES AMENDMENT BILL

(Second Reading)

*The MINISTER OF NATIONAL EDUCATION: Mr. Speaker, I move—

That the Bill be now read a Second Time.

The Bill before the House arises out of a decision by the Committee of Heads of Education that the year level which a pupil taking the special course for mentally retarded pupils in a special school or a special class achieves in the various subjects should be indicated on certificates with effect from 1 January 1978.

In section 1 of the Act a "school" is defined as an educational institution for Whites, or that part of such an institution, where full-time education, including pre-primary education, is provided up to a standard not higher than Std. 10 and which is maintained, managed and controlled or subsidized by the Department of National Education, or a provincial administration or the administration of the territory of South West Africa.

The concept "standard", as in the definition I have just quoted, is therefore inadequate, since the year levels for the vocationally orientated subjects and orientation will be divided into a first, second, third, and fourth year level. It is proposed that the words "or a level not higher than the fifth year level" be inserted so that educational institutions in which full-time education is provided in year levels, will be included in the definition of a school.

A further reason why the amendment of the definition of a school is necessary, is the fact that teachers who are employed on a full-time permanent basis to teach in special schools may be under the impression that they need not register with the S.A. Teachers' Council for Whites. However, the intention was that these teachers should register with the Teachers' Council, and in order to eliminate any misunderstanding which may arise, it is proposed that the definition of a school be amended.

I also want to draw the attention of hon. members to the words "or in the service" which I propose to have inserted in the further definition of "school". This is necessary because White teachers to whom reference is made in section 1(xiv)(b) of the Act are not, strictly speaking, on the establishment of the Department of Bantu Education. Those teachers are on the establishment of Government schools, or are carried by Government schools as being additional to those establishments. The insertion of the words "or in the service" in clause 1(b) of the Bill is essential in order to provide that these White teachers, like their colleagues, have to register with the Teachers' Council. That, Mr. Speaker, is all that the Bill envisages.

*Mr. J. F. MARAIS: Mr. Speaker, this is a technical Bill by which to effect an adjustment so that special schools may now also be included in the definition of a school. We on this side of the House support the amendment both as regards the aim of enabling the teachers in special schools to join the S.A. Teachers' Council for Whites, and to provide for those who are employed by the Department of Bantu Education and other depart-

Werkerbesonderhede (2)

(b) melk: hoeveelheid

prys (as nie gratis verskaf word nie)

waarde aan boer

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Oppervlakte ve

Waarde aan boe

Water (jaarlik

Koste van ande van plaasmasjinerie

(f) Klere: artike ks)

Koste aan boer:

(g) Bonus (jaarliks)

(h) Geskenke (jaarliks: artikels

Koste aan boer:

(i) Ontspanningsgerieve verskaf:

Koste aan boer (jaarliks):

(j) Gesondheidsdienste:

Jaarlikse koste aan boer van: doktersrekeninge betaal

medisyne

vervoer na en van gerieve

ander

(j) Totale mediese koste

(k) Pensioenbydrae deur boer (jaarliks)

(l) Versekeringsbydrae deur boer (jaarliks)

Fines for infringements of curfew/influx control regulations

281. Mrs. H. SUZMAN asked the Minister of Plural Relations and Development:

What amount was derived by each Bantu Affairs Administration Board during the financial year 1976-'77 from fines for infringements of (a) curfew and (b) influx control regulations.

The MINISTER OF PLURAL RELATIONS AND DEVELOPMENT:

(a) and (b) The information as requested is not readily available and can only be obtained at unwarranted expense.

Hansard no 5 col 3014 1/3/78

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Hansard 5, cols 297-8, 1/3/78

Curfew regulations

217. Mrs. H. SUZMAN asked the Minister of Police:

(1) How many persons in the Republic were prosecuted under curfew regulations during the period 1 July 1976 to 30 June 1977;

(2) how many were prosecuted in each town or city, excluding the Municipality of Sandton, where curfew regulations are in force.

The MINISTER OF POLICE:

(1) 36 788.

(2) Because the particulars asked for are not readily available and in view of the volume of work involved to collect it, it is not practicable to furnish the information required.

Amounts invested in industrial sector of Black homelands

219. Mr. R. A. F. SWART asked the Minister of Plural Relations and Development:

What amounts were invested in the industrial sector in each of the Black homelands by foreigners in 1975, 1976 and 1977, respectively.

The MINISTER OF PLURAL RELATIONS AND DEVELOPMENT:

	1975-'76	1976-'77	1977-'78
	R	R	R
Bophuthatswana	645 000	5 627 000	—
kwaZulu	1 527 500	1 996 500	1 391 000
Lebowa	1 746 750	—	80 000
Ciskei	—	317 000	445 000

Call for black trading in white areas

BLACK businessmen should be free to compete with white rivals in white areas, unhampered by any restrictions, Mr Raymond Ackerman, chairman of the Pick 'n Pay group of companies, said in Fish Hoek last night.

He was speaking at the annual meeting of the False Bay Hospital Association in the Civic Centre.

Mr Ackerman said that this country must move away from racial discrimination 'fast and furiously' and create a fair, open free enterprise society.

He thought the only way in which South Africa could continue to be a bulwark against communism, and resist interference from outside countries which did not understand what was going on here, was to create a society in which all races worked together and felt they had a stake in the country.



Mr Raymond Ackerman

Land

This meant, among other things, that black people must be able to own land. A black man would not feel that this was really his country unless he could buy a house and bequeath it to his children.

Discussing the business world, Mr Ackerman said he felt strongly that restrictions on black businessmen should be lifted so that they could compete on equal terms with white businessmen in any area.

Pointing out that no country had a completely free economy, he gave air lines as an example of an industry which in most countries was State-owned.

Equal terms

But, he said, it was essential that people of all races should be able to compete on equal terms, unhampered by restrictions, for the creation of a free enterprise society.

If white businesses were to go into black areas, black businessmen should be equally free to go into white areas.

Probing black rights

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NG

FM 3/3/78

The Riekert Commission into the status of urban blacks has a rare opportunity to solve one of SA's most intractable problems. It should grasp the nettle

Sport is changing. Collective bargaining is in the melting pot. Integration is creeping into theatres, hotels, even schools. Power-sharing formulas are in the spotlight.

But what of the real guts of racial discrimination — the basic working and living conditions of Africans in the cities? What hope for change in this vital area? That depends on Piet Riekert.

Economic Adviser to the Prime Minister since 1965, a deeply religious man and a committed public servant, Riekert is due to retire in August. Before then, he plans to complete the mammoth task the PM has allotted to him: to review all laws and regulations affecting blacks in the cities. What he recommends, and how



Piet Riekert . . . facing up to a very heavy responsibility

government responds, could seal the fate of urban race relations — one way or the other.

Riekert stresses that his concern is to "apply economic common sense to the urban black labour market." But he also wants to assemble "a saleable package," which would be acceptable not only to critics of present policy but to government as well.

He has divided his job into three main areas: the recruitment of African workers; the conditions and regulations governing their abode in "white" areas; and the application of current legislation to the labour force.

He plans to have his report completed by August, and thus ready for legislation in 1979. While officially his is a one-man commission, he has inspanned a few experts to help him in his gigantic task. They are Pretoria University's Prof Piet van der Merwe, a RAU academic, Pieter le Roux, an advocate, and a bureaucrat from the Department of Plural Relations.

Riekert says he will be holding some public sessions to gather evidence. But the bulk of evidence will be contained in answers to a questionnaire which has been sent to major employers and employer organisations, municipalities, government departments, Bantustan authorities, and African works and liaison committees.

He is naturally unwilling to discuss details of likely recommendations at this stage. However, the questionnaire itself gives a number of clues.

On the labour recruitment side, for example, the role of labour agents is canvassed thoroughly, as are the official labour bureaux and "aid centres." Other questions canvass issues like housing, deferred wages and the attestation of employment contracts.

The commission is probing the whole gamut of regulations affecting urban African workers, as well as trading rights of businessmen, which are likely to occupy a good deal of its time.

Indeed, even issues such as the administration of employer contributions to the Bantu Administration Boards, regulations which forbid employment agencies to find jobs for Africans, and regulations forbidding employers to lend money to their African workers are canvassed.

But, in the main, the questions appear to accept the broad principles of present policy, including, especially, influx control. For example, on Section 29 of the Bantu (Urban Areas) Act, which permits Africans to be "endorsed out" of the urban areas if they are deemed "idle" or "undesirable," the commission asks for suggestions "with a view to making Bantu less choosy" about their work.

More importantly, perhaps, in only one case — Section 3 of the Environment Planning Act — are respondents asked to comment directly on the principle behind the legislation. Most notably, no specific question is asked about the desirability of influx control.

Obviously, the questionnaire isn't the commission's only source of information. It is geared to requesting specific information, rather than discussing broad issues of principle. Hopefully, that does not mean Riekert will avoid querying broad principles.

If he does, it would be a pity. Certainly Riekert is dealing with a highly sensitive area — one which goes to the root of official government thinking. And any commission dealing with so sensitive an area has got to concern itself with the practical politics of winning government acceptance.

Obviously, it's also true that an injection of "commonsense" into the myriad of petty regulations which daily irk urban Africans is much needed. But unless influx control, the broad principle of the Planning Act, and measures like the "idle" and "undesirable" clause are tackled head-on, the roots of black discontent will remain.

Onto the scrapheap

The commission should certainly recommend the scrapping of the maze of laws preventing Africans with permanent urban rights from moving freely from city to city within the "white areas." It should recommend full trading rights for urban Africans — both in the townships and the "white" areas, and grant the freehold land tenure which goes with it.

It should scrap the present resented labour bureau system which inhibits work seekers' rights to choose their job freely and replace it with a system which puts the interests of workers on a par with that of employers. Often, at the moment, especially in "white" rural areas, Africans have their pass books stamped "for farm labour only." It should recommend the scrapping of all petty legislation which discriminates against African workers alone.

More importantly, non-racial employment bureaux should be set up where workers of all races can be directed to jobs that are vacant.

Some of these it will almost certainly do. But SA will still be light years away from a free labour market as long as influx control based on race, Section 3 of the Planning Act and all other provisions which control where an African may work and, in some cases, what category of work he may do, remain.

Certainly, the changes which the commission may well be considering will lift the burden on many African workers and their employers considerably. But, unless it goes right to the roots, we'll still be a long way from utilising all our manpower to the full on a non-discriminatory basis.

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RAPPORT 5/3/78

Belangrike ommekeer in Soweto

DIS 'n belangrike ommekeer wat dr. Connie Mulder hierdie week in Soweto reggekry het: die boikot teen 'n gemeenskapsraad, wat nou die dag nog so hoogs effektief was, lê in puin.

In die tweede ronde van Soweto se verkiesing, oor 'n week of twee, sal daar genoeg kandidate wees wat organisasies van betekenis verteenwoordig.

Vir wit-swart verhoudinge is dit nou van werklike betekenis. In die wit politiek het dit die newe-effek dat die Progressiewe Party homself baie simpel laat lyk het.

Die Progge het elke parlementêre wapen gebruik om die nuwe wet oor gemeenskapsrade te vertraag. Het mev. Suzman dan nie agtergekom dat min. Mulder die beleid oor hierdie besondere saak heeltemal verander het nie?

Los die woorde, kyk na die praktyk:

Die wet wat min. Mulder van mnr. M. C. Botha geërf het, het nie berus op raadpleging nie, het dit onnodig moeilik gemaak vir swart kandidate om benoem en verkies te word, en het die minister dan verplig om mense in vakante wyke aan te stel.

Oor die nuwe bedeling was daar klaarblyklik kontak met vooraanstaande swartes. Dit is nou makliker vir kandidate, laat tussenverkiesings toe en verminder die minister se mag om lede te benoem.

Dit is ter sake dat Administrateurs die reg het om in sekere omstandighede ook na eie oordeel lede vir wit stadsrade aan te stel. Dis 'n nodige veiligheidsklep.

Daarby het min. Mulder versekeringe gegee van hoe die wet toegepas sal word. Hy het met soepelheid binne die grenspale van die Nasionale beleid gemaneuvreer, en gewen, soos dit nou lyk. Mev. Suzman het die Progge verkramp laat vasklou aan verlede jaar se argumente teen 'n heel ander bedeling.

● Die volgende punt van betekenis wat opgeklaar sal word, is die termyn waarbinne Soweto sy volle munisipale outonomie sal kry, en die finansiële reëlings wat daardie munisipale regering lewensvatbaar sal maak.

Wat word dan van die Wes-Randse Administrasieraad? Wanneer al sy funksies as regeerder van die grootste swart stad deur die burgers van dié stad self oorgeneem is, verval sy bestaansreg tog seker.

Of word hy dan as verteenwoordiger van verskillende munisipaliteite omgebou in 'n oorkoepelende streekraad waarin wit en swart dien om gesamentlike plaaslike sake te reël?

Rapport 5/3/78

Nasionale ekonoom oor stadswartes

(539)

'N BETEKENISVOLLER rol vir die sg. stadswarte in die RSA — in politiek sowel as in die ekonomie — word aan die hand gedoen deur 'n prominente denker in Regeringskringe, prof. Jan Lombard, hoof van die departement van ekonomie aan die Universiteit van Pretoria.

In sy boek Freedom, Welfare and Order, wat dié week verskyn het, sê hy onder meer: Wit Suid-Afrikaners kan nie voortgaan op die grondslag van 'n vryemark-ekonomie, terwyl nie-blankes georganiseer is in 'n welsynstaat onder sentrale beheer nie. Die beginsels van lg. staan nader aan die sosialisme as aan mededingende private kapitalisme.

Die „welsyn-substaat" het ontwikkel in 'n kwaadaardige gewas aan 'n gesonde liggaam. Ru geskat word waarskynlik tussen 30 en 40 persent van die nasionale inkomste van Suid-Afrika reeds binne die grense van hierdie geregimenteerde sektor van die ekonomie bestee. Die persentasie neem toe.

In „kanttekeninge" oor die nuwe grondwetlike voorstelle sê prof. Lombard: Dit sou 'n jammerte wees as onherroeplike grondwetlike keuses oorhaastig gedoen word. Maar hy sien moontlikhede in die nuwe grondwetplan.

As die sg. stadswartes uit laardie nuwe bedeling uitgesluit word, sou dit een van die grootste gebreke wees in die oë van baie Kleurlinge, Indiërs en selfs sommige NP-lede.



PROF. JAN LOMBARD

Die huidige plan kan net 'n hoofstuk wees van 'n omvattender benadering wat swartmense (buite die tuislande) sowel as ander Suid-Afrikaners insluit — selfs al kan die deelname van swartmense aan politieke besluite in die RSA as 'n partikuliere staat nie dieselfde wees as dié van Kleurlinge, Indiërs en blankes nie.

Baie van die sooibrand omtrent die deelname van swartmense aan die politieke lewe spruit uit die gewoonte dat politiek uit die wolke benader word, pleks vanuit die „grass roots"-oogpunt: Uit die oogpunt van nasionale soewereiniteit pleks die van persoonlike vryheid.

As laasgenoemde benadering gevolg word, kan plafonne gelig word van die betekenisvolle vryhede van swartmense, sowel as dié van ander nie-blanke individue in die RSA.

Die aanbevelenswaardige benadering sou wees om te dink aan landsbestuur wat sal toelaat dat hierdie plafonne so hoog moontlik gelig word, sonder om vryheid, welvaart en veiligheid in die land te ondermyn.

* Lees ook Pollux op bl. 15.

STAR 9/5/78

All right, says Sam, let's trade in Eloff Street

Let black businessmen trade freely in white areas — or keep all white business out of black townships.

This was the message from 300 of South Africa's leading black businessmen last night when they cheered a challenge to the Government by Mr Sam Motsuenyane.

Mr Motsuenyane, chairman of the National African Federated Chamber of Commerce, speaking at a black "Businessman of the Year banquet," said: "In the name of fair play — if whites must trade in Soweto then blacks must also trade in Eloff Street."

At the same time he urged the Government to grant freehold ownership of property to urban black businessmen as one way of allowing them security to raise capital for business development.

"Leasehold tenure, which is what urban blacks now have, is not what blacks are asking for," he said. "We are thinking of something that would suggest blacks are permanent in South Africa."

Under-capitalisation was one of the biggest problems facing the great majority of black businesses in urban areas, he said.

Government development corporations which assist homeland development should help urban businessmen as well.

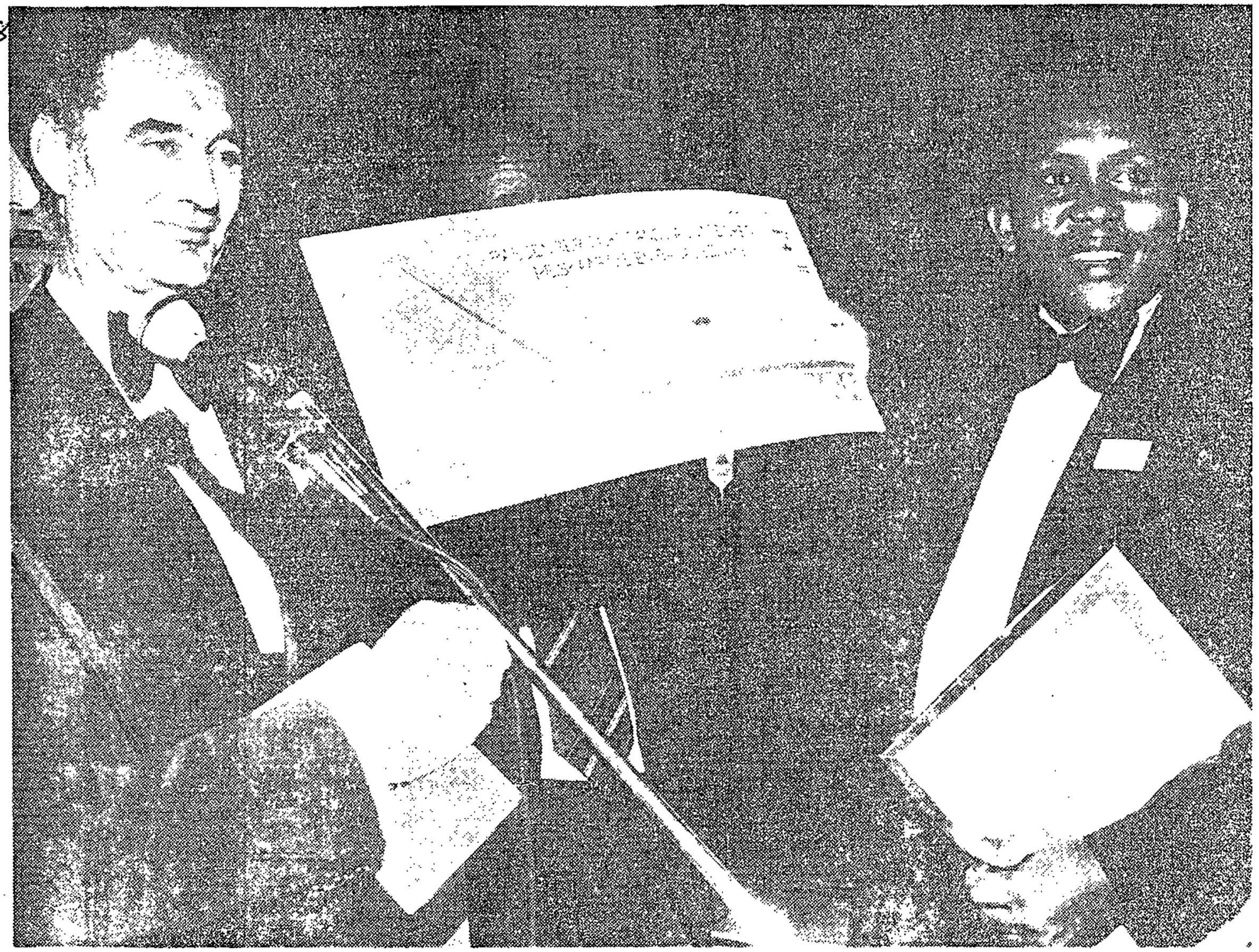
"The country also needs to evolve a system enabling blacks to move into business without having to go through a long and frustrating process of red tape," he said.

"It often takes two to three years for a black man to successfully establish himself in business because of this."

The winners of the "Businessman of the Year" award — an all-expenses paid study trip to the United States — were Mr B Titus (in the more than R500 000 per annum turnover category), and Mr Don Mmesi (in the less than R500 000 per annum turnover category).

Mr Titus is a Transkei garage owner and town councillor of Engcobo.

Mr Mmesi is a Dobsonville (Soweto) supermarket owner who had his store virtually wiped out in the June 1976 disturbances.



Dr J J "Suks" Fouche, (left), an executive director of the distilling company which co-sponsored the black "Businessman of the Year" contest, hands one of the prizes — a return ticket to the United States — to winner Mr B Titus, a garage owner from Transkei.

URBAN GROUP WANTS ACTION

Mercury Reporter

THE Government should take "significant if not spectacular" action to counteract problems in Black urban areas says Mr. Justice J. H. Steyn, executive director of the Urban Foundation.

Embarking on the much delayed electrification of Soweto would do a great deal to allay the belief of many urban Blacks that their interests are low down on the list of Government priorities.

Above all, he says, a new optimism would be generated if a blueprint were produced for "unassailable homeownership for Blacks" — capable of being transferred both during the owner's lifetime and upon death.

This would promote conventional building society loans and give a "giant fillip" to those "who urge social responsibility of significant proportions upon business."

These remarks come in the latest issue of Management Perspectives, the quarterly publication of the Fine Spamer Group.

Mr. Justice Steyn urges that spectacular Government action is needed because "at present there is much pessimism about."

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GENERAL EXPLANATORY NOTE:

Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Community Councils Act, 1977, so as to further regulate the election of members of community councils.

(Afrikaans text signed by the State President.)
(Assented to 7 March 1978.)

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

Amendment of section 3 of Act 125 of 1977.

1. Section 3 of the Community Councils Act, 1977, is hereby amended—

(a) by the substitution for subsection (2) of the following subsection:

"(2) If, when an election of one or more members of a community council is to be held, no person is elected or the required number of persons is not elected, or if a vacancy occurs in a community council, the Minister may designate so many persons, not exceeding the number of the short-fall in the members, as he may deem fit as members of such council for such period as he may in each case determine, or determine that one or more vacancies, not exceeding the number of the short-fall in the members, exist in the council for the purposes of this Act."; and

(b) by the deletion of subsection (3).

Short title.

2. This Act shall be called the Community Councils Amendment Act, 1978.

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GENERAL EXPLANATORY NOTE:

[ ] Words in bold type in square brackets indicate omissions from existing enactments.

Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Bantu Administration Act, 1927, so as to extend the jurisdiction of a Bantu Affairs Commissioner's Court in respect of garnishee orders; to amend the Bantu (Urban Areas) Consolidation Act, 1945, so as to extend exemption from the operation of section 12 of the said Act, further define the expression "idle person", regulate the suspension of certain orders, further regulate certain enquiries in regard to the summoning of assessors, and provide for the granting of exemptions from the provisions of the said Act; to amend the Bantu (Abolition of Passes and Co-ordination of Documents) Act, 1952, so as to further regulate the issue of reference books and identity documents; to amend the Promotion of Bantu Self-government Act, 1959, so as to further regulate the appointment of commissioners-general; to repeal section 16 of the Bantu Labour Act, 1964; to amend the said Act so as to extend exemption from the operation of section 26 thereof; to amend the Promotion of the Economic Development of Bantu Homelands Act, 1968, so as to further regulate the indemnification of certain persons against loss; to repeal section 46 of the Bantu Taxation Act, 1969; to amend the Bantu Homelands Constitution Act, 1971, so as to further regulate the withdrawal of moneys from a revenue fund and the auditing of accounts, regulate the creation of new paramount chieftainships and chieftainships, provide for extension of the powers of legislative assemblies, and regulate the exercise of their legislative powers in respect of tribes and office-bearers therein; to regulate certain matters in areas excised from Bantu areas; and to provide for matters connected therewith.

(Afrikaans text signed by the State President.)
(Assented to 7 March 1978.)

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

Amendment of section 10 of Act 38 of 1927, as amended by section 5 of Act 9 of 1929, section 3 of Act 21 of 1943, section 21 of Act 56 of 1949, section 3 of Act 79 of 1957 and section 2 of Act 70 of 1974.

1. Section 10 of the Bantu Administration Act, 1927, is hereby amended by the substitution for subsection (6) of the following subsection:

"(6) Notwithstanding the provisions of subsection (1) a Bantu Affairs Commissioner's Court may issue an order for the attachment of—

(a) any debt which is or becomes due to the judgment debtor also by a person who is not a Bantu;

(b) any emoluments which are or become due to the judgment debtor also by the State or a person who is not a Bantu.".

2. Section 12 of the Bantu (Urban Areas) Consolidation Act, 1945, is hereby amended by the substitution in subsection (1) for the words preceding paragraph *(a)* of the following words:

Amendment of section 12 of Act 25 of 1945, as substituted by section 50 of Act 42 of 1964.

"(1) Notwithstanding the provisions of section 10 but subject to the provisions of section 13, a Bantu **[not born in the Republic or in the territory of South-West Africa]** who is not a South African citizen, or who is not a former South African citizen who is a citizen of a state the territory or part of the territory of which formerly formed part of the Republic, shall not enter, be or remain in a prescribed area, and no person shall employ or continue to employ any such Bantu within such an area: Provided that—".

3. Section 29 of the Bantu (Urban Areas) Consolidation Act, 1945, is hereby amended—

Amendment of section 29 of Act 25 of 1945, as substituted by section 61 of Act 42 of 1964.

(a) by the substitution for subparagraph (i) of paragraph *(a)* of subsection (2) of the following subparagraph:

"(i) though capable of being employed, is **[normally unemployed]** not lawfully employed and has, for a period, or for periods in the aggregate, of not less than 122 days during the preceding twelve months, not been lawfully employed and is not *bona fide* engaged in any business, trade, profession or other remunerative activity for which he is in terms of any law licensed or registered with the authority of a labour bureau: Provided that this subparagraph shall not apply in the case of a Bantu who is registered as a work seeker and was not lawfully offered employment in the preceding 122 days or who is a pupil or student at an educational institution, or who, having completed a course of study at one institution, is awaiting admission to another institution; or";

(b) by the substitution for subsection (10) of the following subsection:

"(10) Any Bantu Affairs Commissioner having jurisdiction in the area in question may, if a sound reason exists therefor, suspend the execution of any warrant or order issued in terms of subsection (7) for any period and on any conditions determined by him: Provided that the fact that such a warrant or an order so issued against a Bantu is the first such warrant or order so issued against him, shall not in itself be regarded as such a sound reason."; and

(c) by the substitution for paragraph *(c)* of subsection (14) of the following paragraph:

"*(c)* shall keep a record of the proceedings and may, in his discretion, summon **[to his assistance]** Bantu **[or an urban Bantu council established under subsection (1) of section *two* of the Urban Bantu Councils Act, 1961 (Act No. 79 of 1961),]** to sit as assessors with him and to assist him in an advisory capacity.".

4. Section 38 of the Bantu (Urban Areas) Consolidation Act, 1945, is hereby amended by the insertion after paragraph *(k)* of subsection (1) of the following paragraph:

Amendment of section 38 of Act 25 of 1945, as substituted by section 67 of Act 42 of 1964 and amended by section 8 of Act 4 of 1976.

"*(k*A) the manner and circumstances in which a Bantu or a group or category of Bantu may be exempted from any of or all the provisions of this Act.".

5. The following section is hereby inserted in the Bantu (Urban Areas) Consolidation Act, 1945, after section 41:

Insertion of section 41A in Act 25 of 1945.

"Exemptions by Minister.

41A. The Minister may in his discretion exempt any Bantu or any group or category of Bantu from any of or all the provisions of this Act and may likewise withdraw any such exemption.".

6. Section 3 of the Bantu (Abolition of Passes and Co-ordination of Documents) Act, 1952, is hereby amended— Amendment of section 3 of Act 67 of 1952, as amended by section 12 of Act 79 of 1957, section 15 of Act 76 of 1963, section 84 of Act 42 of 1964 and section 7 of Act 119 of 1977.

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

"*(b)* (i) if that Bantu ⟦**was born in the Republic or the territory of South-West Africa**⟧ is a South African citizen, issue to him a reference book in which shall be recorded the appropriate prescribed particulars relating to that Bantu; or

(ii) if that Bantu ⟦**was not born in the Republic or the territory of South-West Africa**⟧ is not a South African citizen, issue to him, in lieu of such a book as is contemplated in subparagraph (i), an identity document."; and

(b) by the substitution for paragraph *(b)* of subsection (1)*bis* of the following paragraph:

"*(b)* who ⟦**was not born in the Republic or the territory of South-West Africa**⟧ is not a South African citizen, and who enters ⟦**the Republic or the said territory**⟧ or has after the thirtieth day of June, 1963 entered the Republic;".

7. Section 6 of the Bantu (Abolition of Passes and Co-ordination of Documents) Act, 1952, is hereby amended by the substitution in subsection (3) for the words preceding paragraph *(a)* of the following words: Amendment of section 6 of Act 67 of 1952, as amended by section 14 of Act 79 of 1957 and section 17 of Act 76 of 1963.

"(3) Whenever it comes to the notice of a Bantu Affairs Commissioner or an officer referred to in subsection (2) that a reference book has been issued to a Bantu who is not ⟦**born in the Republic or the territory of South-West Africa**⟧ a South African citizen and that such Bantu is or is required to be in possession of a passport, permit, document of identity or other travel document referred to in the Admission of Persons to the Republic Regulation Act, 1972 (Act No. 59 of 1972), he may—".

8. Section 12 of the Bantu (Abolition of Passes and Co-ordination of Documents) Act, 1952, is hereby amended by the substitution for paragraph *(e)* of subsection (1) of the following paragraph: Amendment of section 12 of Act 67 of 1952, as amended by section 21 of Act 79 of 1957, section 22 of Act 76 of 1963, section 86 of Act 42 of 1964 and section 8 of Act 119 of 1977.

"*(e)* the surrender, disposal or seizure of reference books relating to deceased Bantu or to Bantu departing from the Republic, other than Bantu ⟦**born in the Republic or the territory of South-West Africa**⟧ who are South African citizens, or to Bantu in possession of passports, permits, documents of identity or other travel documents referred to in the Admission of Persons to the Republic Regulation Act, 1972 (Act No. 59 of 1972);".

9. Section 2 of the Promotion of Bantu Self-government Act, 1959, is hereby amended by the substitution for subsection (2) of the following subsection: Amendment of section 2 of Act 46 of 1959.

"(2) The State President shall appoint a commissioner-general in respect of

⟦*(a)* **the North-Sotho unit;**

(b) **the Tswana and South-Sotho units;**

(c) **the Venda and Tsonga units;**

(d) **the Xhosa unit; and**

(e) **the Zulu and Swazi units,**⟧

each of the units mentioned in subsection (1) but ⟦**and**⟧ may, at any time whenever he deems it necessary or expedient, and instead of appointing a commissioner-general in respect of each of such units, appoint ⟦**a separate commissioner-general**⟧ a commissioner-general in respect

of ⟦each of⟧ two or more of the said units ⟦referred to in paragraph *(b)*, *(c)* or *(e)*⟧.".

Repeal of section 16 of Act 67 of 1964.

10. Section 16 of the Bantu Labour Act, 1964, is hereby repealed.

Amendment of section 26 of Act 67 of 1964.

11. Section 26 of the Bantu Labour Act, 1964, is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) A Bantu ⟦not born in the Republic or in the territory of South-West Africa⟧ who is not a South African citizen or a citizen of a state the territory or part of the territory of which formerly formed part of the Republic, shall not enter, be or remain in any part of any district outside a prescribed area, and no person shall employ or continue to employ any such Bantu within any such part of any district without the written permission of the Secretary or a person authorized thereto by him, who may impose such conditions as he may deem fit.".

Substitution of section 7A of Act 46 of 1968, as inserted by section 16 of Act 70 of 1974.

12. The following section is hereby substituted for section 7A of the Promotion of the Economic Development of Bantu Homelands Act, 1968:

"Indemnification of certain persons.

7A. (1) The Corporation for Economic Development, Limited, a development corporation or a corporation may, with the prior approval of the Minister and subject to the conditions determined by him, indemnify any person with whom such corporation entered into an agreement in terms of which such person undertakes to establish an industrial, commercial, financial, mining or other business undertaking in a Bantu homeland, against any loss which such person may incur in connection with such undertaking while such contract is of force and effect, and which, by reason of the costs connected therewith, is, in the opinion of the Minister, ⟦is⟧ not economically insurable and cannot be prevented by such person and in respect of which he, in the opinion of the Minister, would have a right to damages if such undertaking were established elsewhere in the Republic ⟦he has no effective⟧ but will, in such Bantu homeland, have no such right to damages or not be able to enforce any such right effectively.".

Repeal of section 46 of Act 92 of 1969.

13. Section 46 of the Bantu Taxation Act, 1969, is hereby repealed.

Substitution of section 8 of Act 21 of 1971.

14. The following section is hereby substituted for section 8 of the Bantu Homelands Constitution Act, 1971:

"Requirements for withdrawal of moneys from Revenue Fund.

8. Save as provided in this Act or ⟦by the State President by proclamation in the *Gazette*⟧ any other law in force at the commencement of section 14 of the Bantu Laws Amendment Act, 1978, no moneys shall be withdrawn from a Revenue Fund except ⟦under appropriation made by⟧ in terms of a law of the legislative assembly.".

Amendment of section 10 of Act 21 of 1971.

15. Section 10 of the Bantu Homelands Constitution Act, 1971, is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) In carrying out an audit in terms of subsection (1) the provisions of section 8A of the principal Act shall *mutatis mutandis* apply as if the executive council and tribal and regional authorities in the area in respect of which such

council is the executive authority, were a territorial authority and tribal and regional authorities in the area of the territorial authority: Provided that subsection (4) *(a)* of that section shall be construed as meaning that a report contemplated therein shall be submitted to the legislative assembly concerned within the period **[prescribed by the State President by proclamation in the *Gazette*]** determined by the legislative assembly.''.

Insertion of section 11A in Act 21 of 1971.

16. The following section is hereby inserted in the Bantu Homelands Constitution Act, 1971, after section 11:

''Creation of new paramount chieftainships or chieftainships.

11A. No new paramount chieftainships or chieftainships shall be created otherwise than by a law or a resolution of the legislative assembly.''.

Substitution of section 28 of Act 21 of 1971.

17. The following section is hereby substituted for section 28 of the Bantu Homelands Constitution Act, 1971:

''National Anthem.

28. The legislative assembly of a self-governing territory may declare any literary work to be the National Anthem of that territory.''.

Insertion of section 37A in Act 21 of 1971.

18. The following section is hereby inserted in the Bantu Homelands Constitution Act, 1971, after section 37:

''Amendment of this Act.

37A. (1) The State President may from time to time by proclamation in the *Gazette* amend Schedule 1, and may for the purpose of giving effect to any such amendment, amend any other provisions of this Act.

(2) Any amendment in terms of subsection (1) shall come into operation in such areas as may be determined by the Minister by notice in the *Gazette* and on such date in a particular area as the Minister may so determine.''.

Amendment of Schedule 1 to Act 21 of 1971, as amended by section 12 of Act 23 of 1972, section 15 of Act 7 of 1973, section 24 of Act 70 of 1974 and section 10 of Act 71 of 1974.

19. Schedule 1 to the Bantu Homelands Constitution Act, 1971, is hereby amended—

(a) by the substitution for item 27 of the following item:

''27. The division of existing Bantu tribes, the amalgamation of Bantu tribes, the constitution of new Bantu tribes, and the recognition, appointment, conditions of service, discipline, retirement, deposition, dismissal and pensioning of paramount chiefs, chiefs and headmen: Provided that no law of the legislative assembly shall authorize or grant authority for the division of existing Bantu tribes, the amalgamation of Bantu tribes, the constitution of new Bantu tribes or the recognition, appointment, conditions of service, discipline, retirement, deposition, **[or]** dismissal or pensioning of paramount chiefs, **[or]** chiefs or headmen **[without the prior approval of the State President first had and obtained]** except after consultation with the tribal authority or community authority concerned.'';

and

(b) by the substitution for item 33 of the following item:

''33. Any matter **[including any matter in respect of which the State President, a Minister or any other person or authority may in terms of any law make regulations or bye-laws, which the State President with the approval of the Senate and the House of Assembly by resolution passed in the same session, by proclamation in the *Gazette* declares to fall]** which by virtue of the provisions of section 37A falls within the power of **[a particular]** the legislative assembly.''.

Provisions in respect of areas excised from the area of a legislative assembly.

20. (1) If any portion of any area for which a legislative assembly has been established is excised from such area, all laws which were in force in such portion or in any part thereof immediately prior to such excision, shall continue in force in such portion or part thereof until repealed or except in so far as they may be amended by the competent authority.

(2) The administrative control of, and all rights, powers, authorities, duties, obligations and functions in connection with, any matter which, by virtue of any law, were immediately prior to the excision of any portion of an area as contemplated in subsection (1) vested in such area in any executive council or person or body, shall from the date of such excision vest in the Minister or a person or body designated by him: Provided that the provisions of this section shall not be construed as preventing any department, establishment, council, body or person under the control of the government of an area for which a legislative assembly has been established, from exercising any power or performing any function or duty in connection with such a matter, subject to the terms and conditions agreed upon between such government and the Government of the Republic.

(3) If the State President deems it necessary for the administration of any matter in any portion of an area contemplated in subsection (1), he may by proclamation in the *Gazette* issue such transitory provisions in connection therewith as he may deem fit.

(4) Any reference in any law of the Republic to "paramount chiefs", "chiefs" or "headmen" shall be deemed to be a reference also to paramount chiefs, chiefs or headmen, as the case may be, recognized or appointed in terms of any law which is or was in force in any such portion.

(5) Any reference in any law of the Republic to "tribal authority" or "regional authority" shall be deemed to be a reference also to a tribal authority or regional authority, as the case may be, established in terms of any law which is or was in force in any such portion.

(6) Any moneys obtained by virtue of the performance of any functions referred to in subsection (2), shall be dealt with in accordance with the directions of the Minister, and any expenses incurred in connection with the execution of such functions shall be met from the source determined by the Minister.

Short title.

21. This Act shall be called the Bantu Laws Amendment Act, 1978.

1984, A PASS ODYSSEY

1M 24/3/78

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Computers flashing out reference numbers, photocopies relayed by telephone, perhaps even instant transmission of fingerprints — all to keep track of members of the population. Sounds like George Orwell's *1984*, doesn't it?

Well, it's SA's way of modernising and streamlining its pass and influx control system.

And a bulky system it is indeed. More than 10m registration numbers and places of domicile must be stored within easy access. To do the job, an ICL computer was installed in 1967 at the Bantu Reference Bureau in Pretoria.

Says John Starkey, MD of ICL in SA: "Our computers are quite extensively used by Bantu boards in administrative jobs — in rates and rent, for example. This is in the interests of the black population. It ensures that correct standards are applied. Blacks are treated fairly as a result. We also have a computer which stores information in relation to the skills of blacks. As soon as a skilled worker is needed, he can easily be traced."

Counters the Black Shash's Sheena Duncan: "These innovations are there to help the authorities. They merely aggravate the position for blacks."

Duncan says that the places of domicile of blacks are often incorrectly recorded. For example, a child may take out his first reference book when he is away at school, or his mother's or father's place of birth may be registered instead of his own. The result is that when he tries to register as a workseeker in his real place of domicile, the computer spits out incorrect details. The would-be workseeker then runs the risk of being endorsed out of the area, unless he can produce affidavits to prove his right of residence there.

With the steady tightening up of the pass laws since the Nationalists came to power in 1948 and the resulting increase in the number of blacks arrested, "aid centres" were introduced in 1972 to ease the load on the courts and prisons. The idea was that "technical" infringements would be dealt with administratively and prosecutions avoided. For example, if the person apprehended by the police had mislaid his reference book, the authorities would be able to establish his identity — and whatever legal rights of urban residence he might be lucky enough to have — by reference to the centralised records in Pretoria.

A courier service relaying information from Pretoria to Johannesburg has not proved fast enough, however. So on the Witwatersrand five telefacsimile machines, which transmit personal particulars in the form of photocopies over the telephone, have been bought by Plural Relations and Development (Prad) offices. They have not yet been installed, hovever.

The authorities believe that the aid centres are doing "excellent work." According to the annual report of BAD for 1975-76, the Bantu Reference Bureau "saves the Bantu public inconvenience."

Forty per cent of the Africans referred to aid centres in 1976 were indeed not prosecuted. However, says Duncan, "aid centres often become clearance stations for removing people from the area."

The figures bear her out. About 38 500 people were sent to the bantustans by aid centres in 1976.

"Under no circumstances may the acquittal of control offenders be permitted, for then aid centres would become channels through which people from the homelands could flock into the white area," said Piet Koornhof, then Deputy Minister of Bantu Administration, when aid centres were introduced.

And, in January 1976, the Johannesburg aid centre was rapped over the knuckles by the area's Chief Bantu Affairs Commissioner for going out of its way to circumvent red tape and assist individuals outside its terms of reference.

With Transkei and BophuthaTswana now independent, will their citizens still be subject to the scrutiny of Pretoria's space-age technology? Says Christiaan Paulson, assistant Chief Bantu Affairs Commissioner in Johannesburg: "After independence, those citizens won't be required to register with us. But a set of fingerprints and their registration numbers will be taken as soon as they enter SA for the first time for employment purposes. Of course this will only be possible if they have the necessary travel documents and a work contract."

Why the fingerprints? "If the reference number is lost, we need fingerprints to trace it," Paulson tells the *FM*. All Africans over the age of 16 are fingerprinted. The bureau has more than 14m sets of Africans' fingerprints on its files — ie 140m prints.

● No other population group in SA is subjected to automatic fingerprinting. And although a computer at the Department of the Interior stores all white identity members, whites are not dependent on the computer for jobs, houses, or urban residence rights.



ICL's John Starkey . . . applying correct standards

BLACK ALCOHOLISM (339)

A growing problem

FM 24/3/78

Excessive drinking by black workers is costing commerce and industry a fortune. But some employers seem reluctant to face the problem squarely.

Says Etienne Louw, national director of the South African National Council on Alcoholism and Drug Dependence (Sanca): "We are really up against a difficult position. Black alcoholism has been growing in the last 15 years." And Dr Sylvian de Miranda, head of clinical services in Sanca's Johannesburg office, tells the *FM* that his clinic is currently treating 264 patients (179 whites and 85 blacks).

"The figures are going up. And 70% of the blacks receiving treatment are in employment." De Miranda says that if nothing is done urgently to combat the problem, SA will find itself in the American situation. He points out that the American National Council on Alcoholism estimates that 6% to 10% of the American work-force is affected by alcohol-related problems, costing employers an average of one quarter of the annual salary of each affected employee each year — in absenteeism, tardiness, loss of production, industrial accidents, spoilt materials and the like.

Louw ("I'm not advocating prohibition") says that the problem of black alcoholism is that blacks are a society in transition. In order to contain the problem, he argues, employers should not wait until it escalates but deal with it as soon as it is detected.

Financial Mail March 24 1978

Louw adds that as a result of the severity of the problem, Sanca will be bringing a black American expert on alcoholism, Howard Marshall, on a 45-day lecture tour of SA next month. He also reveals that plans are at an advanced stage to renovate Soweto's Moroka Clinic as a rehabilitation centre. "It is about time commerce and industry studied the problem. They are faced with tremendous losses."

The Transvaal Chamber of Industries says it has never gone into the question of black alcoholism, however. And the National Institute for Personnel Research (NIPR) adds: "We have done tests on whites regarding this problem. But we have never done that with blacks. It would be a hell of a risk for our staff and those tested."

Sanca believes that the increasing black alcoholism in commerce and industry could be the result of the massive exposure of urban blacks to alcohol. De Miranda points out that it appears that the higher the level of education, the higher the consumption of alcohol — probably due to 'social' pressures, advertising and 'Westernisation'."



Wrab boss Manie Mulder . . . a taste of his own brew

He adds that West Rand Administration Board (Wrab) figures show that sales of sorghum beer have increased nearly sixfold — from 30m gallons in 1955 to 169m gallons in 1970, with an estimated 150m gallons brewed privately over and above that.

Despite the destruction of 31 of Wrab's 41 liquor outlets in Soweto in June 1976, Wrab tells the *FM*: "At the moment we are brewing 140m litres of sorghum beer. We are not certain how many of our outlets are going to be rebuilt, but we will build as the need arises."

Shebeens are another cause of mounting alcoholism. Sanca says that shebeens play a significant role in filling the void left by the burning of Wrab's outlets. De Miranda points out that 14,5% of private consumption expenditure of blacks goes on alcohol, against 4,1% in the case of whites.

HANSARD 8 30 March 1978. (1) 339
Question ~~1661~~ 395. Cols. 1664. (2) ~~277~~

We strip the eggs in lise with a male. The eggs go into a big i rculating in from the bottom so it keeps t he time. In the natural state the eggs are j and they float with the tide. The hatching urs; there's no parental care at all.

However in many parts been prohibited because they've escaped into they are vegetarians there's a fear that i on which other fish rely either directly or i

The silver carp's bi grass carp's, but they're easier to br e far less trouble than the grass carp. The think that if they did escape into the rive iolent as for the grass carp.

Blacks removed to homelands from urban centres

395. Mrs. H. SUZMAN asked the Minister of Plural Relations and Development:

(1) How many Blacks were removed to their homelands from each of the urban centres during 1977;

(2) how many from each centre were removed on the ground that they were (a) idle and (b) undesirable in terms of the Bantu (Urban Areas) Consolidation Act.

The MINISTER OF PLURAL RELATIONS AND DEVELOPMENT:

	(1)	(2)(a)	(2)(b)
Pretoria	314	314	
Witwatersrand	3 101	267	
Bloemfontein	345	6	
Durban	3 805	20	
Pietermaritzburg	8 436	—	
Cape Town	18	18	
East London	1 261	—	
Port Elizabeth	103	91	

Carp

We got rid of our carp because we're trying to keep carp out where they don't already exist. There have been carp in the Northern Natal rivers and dams for years. They've slowly crept further south, mainly because of anglers. They introduce them because they like to have them for their competitions.

Tilapia in Klipvoordam

Bantu Investment Corporation have a hatchery at the Klipvoor dam. It's situated very poorly because they have to pump all the water into the hatchery. But the dam itself is terrifically productive. All the sewerage effluent from the Pretoria sewerage purification plant goes into the Apies river and Klipvoor dam is the first dam downstream from Pretoria. The Tilapia mossambica in the dam grow to a size of 5 or 6 pounds.

Growth of Tilapia mossambica

With all male culture of our own Tilapia mossambica I've had a growth of about 450 grams per male over a summer period. In general, Tilapia take two seasons to get to a marketable size. In Israel they spawn them during the first year and hold them over in winter. Then in the beginning of the next summer they put them out into their growing dams and they sell them at the end of that summer.

Star 13/4/78

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Blacks never citizens—PM

Political Staff

THE ASSEMBLY — The black man had never been a citizen of South Africa in the sense that the white man was, the Prime Minister, Mr Vorster, said in the Assembly yesterday.

He was reacting to a statement by Dr Zac de Beer (PFP, Parktown) made earlier in the Budget Debate on the Prime Minister's Vote that it was not fair to strip blacks of their South African citizenship.

Dr de Beer said that blacks should have the option to remain South African citizens.

Mr Vorster said this looked all very nice on paper but the fact was that blacks had never been citizens of South Africa in the same sense as whites. He had not had the vote and had not enjoyed the privileges of citizenship.

"REALITY"

"That is the reality. It does not help to try and conceal the fact. It was so and everyone knows it was so," Mr Vorster said.

Dr de Beer interjected: "There was always discrimination."

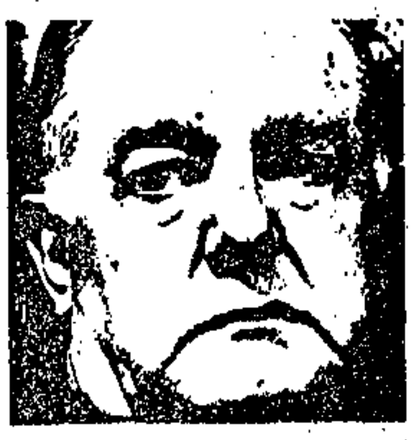
Both Dr de Beer and the Leader of the Opposition, Mr Colin Eglin, attacked the Prime Minister for his justification for stripping blacks of their South African citizenship.

Mr Vorster had said earlier that it was the policy of the National Party not only to make territories independent but also to make peoples independent.

INDEPENDENT

Dr de Beer had asked whether it was possible to make a people independent if they didn't have a territory, such as the millions of Transkeians living in South Africa.

Replying, Mr Vorster said that if all the inhabitants of an area which was to be granted independence opted to retain South African citizenship one would have an independent state which had no citizens. This was an untenable situation.



Mr Vorster . . . "all very nice on paper."

Dealing with the question of a national convention of all races which the Progressive Federal Party proposed as a solution to the country's problems, Mr Vorster said he wanted to know from Mr Eglin who he would invite to attend such a convention.

LEADERS

Would he invite the elected leaders of the various blacks, the coloured peole and the Indians who were in many cases not recognised by international opinion as the true leaders of the black people?

Or would he invite Nelson Mandela who was recognised by many leaders as the real leader of the black people in South Africa

Mr Vorster said for his part he had rejected this view arguing that Mandela was neither an elected nor a natural leader but merely the leader of the African National Congress which had limited membership.

Mr Vorster said he also wanted to know from Mr Eglin what he would do at the convention when Chief Gatsha Buthelezi, the Chief Minister of kwaZulu demanded black majority rule which he had already stated was the least the black man would settle for.

Responding to a question by Mr W Vause Raw (NRP Durban Point) concerning the creation of city states in black urban areas, Mr Vorster said it would not be desirable to have a number of autonomous city states spread all over the country.

However the Government was in favour of granting full responsibility to black urban areas through self-governing councils which could take on responsibilities beyond those normally delegated to a council such as law and order and education.

As regards home ownership for urban blacks Mr Vorster said the Government was fully in favour of this but when it came to ownership of property this was against Government policy and even went against the grain of the black man in his traditional societies.

EXPENSE

Mr Vorster said another reason for not granting property ownership to urban blacks was the enormous expense that would be involved in surveying and re-assessing the urban black areas. The cost, he said, would run to many millions of rands.

Dealing with the land consolidation issue, Mr Vorster said the question of the exchange of land between South Africa and independent and existing homelands was not closed. There were practical problems at present which hampered consolidation but these could be resolved.

Blacks won't own township land—PM

339

CAPE TIMES 13/4/78

Political Staff

HOUSE OF ASSEMBLY. — The Prime Minister, Mr Vorster, yesterday made clear that blacks could not own land in the townships.

Speaking during his vote in Parliament yesterday, he said township land would continue to belong to the city councils.

But, he added, there had been "long discussions" with building societies, and legislation this session would be introduced through which blacks in places like Soweto would be able to acquire "certificates" giving them the right to sell or bequeath their homes.

The Prime Minister made a number of important points during a series of answers given to opposition questions throughout the afternoon. He said:



Mr Vorster

● In terms of the new constitution, so long as the government is in power the State President will be a "white nationalist";

● The name South Africa was good enough for him, but if the Minister of Plural Relations, Dr Connie Mulder, wanted to propagate ideas for another name for the country, he was free to do so;

● He was opposed to a string of "city states" like Soweto throughout the country; and

● He hoped to see Bophuthatswana developed into a single consolidated unit.

In connection with his rejection of city states, Mr Vorster said, however, that another approach should be adopted. "Let's begin again," the Prime Minister suggested, adding that the townships should be given certain rights and powers such as control over law and order and administration of education.

On the Bophuthatswana question he said everyone would like to see a single unit.

"I hope and trust that this will happen, because there are ways of doing this," Mr Vorster added.

On the prospect of a future federation or confederation of Southern African states he said he did not like either concept. He preferred some form of economic association.

Mr Vorster said he was not confused over who he would vote for in the electoral college which would meet in terms of the new constitution to elect an executive president.

"I will support my party's candidate," he added. This would inevitably mean "a white Nationalist as State President. So long as this government is in power I know who will be State President."

Moreover, Mr Vorster pointed out in reply to a question that the president would have the right to take executive action if there was a dispute in the council of cabinets.

Giving the example of compulsory motor vehicle assurance he said if there was an impasse between the Indian, coloured and white ministers on the cost of assurance, they would be free to accept or reject the cabinet decision in their own parliaments.

But the final decision would rest with the president.

PM's 'no' to blacks on freehold

By HUGH MURRAY
Political Correspondent

THE ASSEMBLY. — The Prime Minister, Mr Vorster, yesterday stressed that blacks could not own land in the townships.

Speaking during his vote in Parliament yesterday, he said township land would continue to belong to city councils.

But, he added, there had been "long discussions" with building societies, and legislation would be introduced this session under which blacks in places like Soweto would be able to acquire "certificates" giving them the right to sell or bequeath their homes.

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Mr Vorster said he was not confused over who he would vote for in the electoral college which would meet in terms of the new constitution to elect an Executive President.

"I will support my party's candidate," he said. This would inevitably mean "a white Nationalist as State President. So long as this Government is in power I know who will be State President."

See Page 4

Blacks' property scheme awaited

Industrial Reporter

THE DIRECTOR of the Association of Building Societies, Mr D G Alston, says it looks as if the government is in the final stages of its planning to give urban blacks property rights which will enable the granting of building society loans.

Mr Alston said his movement would have to be satisfied that legislation expected to be introduced in Parliament this session would satisfy its criteria as lenders of public money.

"All indications are that the problems are being solved," he said. "It looks very much as if this thing will come to finality in the very near future and we welcome this."

The proposals are not applicable to Africans in the Western Cape, but government sources yesterday said this matter was under consideration.

In order to satisfy building society lending requirements the legislation on black property rights would have to provide:

- Satisfactory certainty of title.
- All normal mortgage rights to buy, sell, let, develop and bequeath property.
- A cheap simple form of registration of mortgage titles.
- Normal rights of repossession for building societies where buyers default.
- Withdrawal of a government regulation containing grounds for ending blacks occupation in urban areas.

Mrs Helen Suzman, MP, PFP spokesman on plural relations in urban areas, said: "Perhaps the most important aspect of the envisaged change is that it gives the lie to the government's often pronounced policy that all blacks in the urban areas should be regarded as temporary sojourners ..." But she welcomed "anything that will promote the stability of the urban black population".

and limitati elfare or progress -
alternative See Statistical Survey
accompanying National Accounting
pioneered b l in macroeconomic
policy.

C. CLASSICAL SC

Some underst (Adam Smith, Ricardo,
Pigon, Marsh mpetitive free enter-
prise econom ugh the price system,
that ensured e potential output of
an economy. utput (determined by
fully employ urial decisions to
employ them) INED. Price/wage
flexibility ull employment.
Idea embodie s its own demand".

i.e. because total money income received by a community in a given period is equal to total money costs of production, including profits, it must follow that the economic system generates sufficient purchasing power to make possible the sale of all G and S currently produced at prices high enough to cover all costs of production, including profits. There can be no deficiency of demand. Should there however be such a deficiency, price/wage adjustments would ensure that prices would fall, but that there would be no fall in real output, employment or real income.

Or, should saving exceed investment there would be no demand gap as the rate of interest would change to bring saving into equality with investment, i.e. if people wished to save more, the R.I. would fall and make the borrowing of funds for investment more attractive.

If supply of labour > demand for labour at the current wage levels, competition would cause wages to fall and at the lower wage rate, more workers would be employed. Unemployment would tend to be a short lived temporary phenomenon which would be eliminated in the long run through such automatic mechanisms.

D. (a) THE KEYNESIAN MODEL

The prolonged worldwide depression of the 30s and its associated personal hardship and suffering was the background to the emergence of the "NEW ECONOMICS" pioneered by Keynes. "Is capitalism able to achieve and maintain a full employment non-inflationary output?" was the question asked. Modern employment theory contrasts sharply with the classical position. They challenged the

New homes deal for blacks

339

3/4/78
Star

The Cabinet has made clear that it will grant all blacks full property rights in practice in all black urban as well as rural townships.

These rights will boil down to granting blacks a permanent status outside the homelands. They will be able to buy property, sell it and bequeath it to their children in perpetuity.

The decision was announced to a deputation of the Southern African Freedom Foundation during an interview with the Prime Minister, Mr Vorster.

PREPARED

Legislation to bring about the change is being prepared and will be before Parliament soon.

The Cabinet has finalised the matter.

Full occupation rights would be granted under the new deal, Mr Peter Mutlanyane, a member of the deputation, Freedom Foundation trustee and the vice-chairman of the Vaal Triangle Community Council, said today, but the actual title to the land itself would not be transferred.

In practice, blacks will receive all the advantages of ownership. "The new legislation will provide for security of tenure," Mr Mutlanyane said, and would include full rights to negotiate building society loans.

Mr Mutlanyane believes this to be a breakthrough of major proportions. He said today: "The important thing is that for the first time, blacks will now be given permanent occupation rights in urban areas."

The Freedom Foundation had set as a primary objective, the promotion of the free enterprise system in southern Africa.

WELCOMED

"In achieving this we have placed the issue of security of tenure for urban blacks as a top priority, and have had meetings at Cabinet level.

The announcement was welcomed today by Mr H Alston, director of the Association of Building Societies of South Africa.

The stand of the association and the majority of its members had consistently been that they would prefer to deal directly with blacks.

HANSARD 9 4 April 1978 Question

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bone is therefore high in comparison with land animals. Because they live
in a three-dimen[illegible] by the food they eat,
and consequently [illegible]ce area than terrestial
animals. Many a[illegible] for the various kinds
of fish farming, [illegible]tential of these areas
will be realised

One of the aims [illegible] people involved with
fish culture to [illegible]pments in the field.
It does not purp[illegible] of all the fish farming
efforts in South[illegible] cover some of the types
of fish farming [illegible]nt, and give some infor-
mation of a gener[illegible]d to be selective.

Trout farming has [illegible]t caters for the luxury
market, and is a [illegible] not suitable for mass
food production i[illegible]eaters, and in trout
farms they are fe[illegible]ods that humans could
otherwise eat.

We have not speci[illegible] of farm dams which have
been stocked in t[illegible]titute the most
important areas of fisheries potential in Southern Africa. Statistics
about these dams are virtually impossible to come by.

Atthe end of 1978 EDA will be holding a conference to plan the potential of aquaculture in the context of development in South Africa. This publication is intended to be an introduction to the subject. We hope to follow it up with another publication after the conference.

Holding of leasehold land

*19. Mr. W. M. SUTTON asked the Minister of Plural Relations and Development:

(1) Whether legislation is contemplated to allow Blacks in urban townships to hold leasehold land in perpetuity; if so, when will such legislation be introduced;

(2) whether it is intended that such leasehold land will constitute sufficient security for the purpose of loans by building societies.

APRIL 1978 580

The DEPUTY MINISTER OF PLURAL RELATIONS AND DEVELOPMENT:

(1) Legislation is contemplated to provide for registered rights for qualifying Black persons in respect of stands in urban Black townships against which bonds could be registered. It is my intention to introduce the legislation during the 1978 Parliamentary session.

(2) Yes, it is intended that the scheme should constitute sufficient security for the purpose of loans by building societies.

Sun. Trib

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9/4/78

Comment

Those rights to live there permanently

THE GOVERNMENT'S decision to give urban blacks permanent property rights is extraordinary in more ways than one. It is extraordinary both in what it gives, and what it continues to retain.

Let us first congratulate the Cabinet on its decision to allow blacks to buy, sell, improve, and bequeath house and land. The right to own and sell property is a stabilising factor of the greatest importance. Soweto may yet become a place in which one can be proud to live.

It has been pointed out time and time again to the Government that South Africa would be dangerously vulnerable to outside attack unless its black people felt they had something to protect and fight for.

In one important respect the Government has broken away from its Verwoerdian ideological past. It has recognised that the dream of prosperous homelands drawing back the urban black dwellers from our big cities will never be realised. The phrase "temporary sojourner" coined more than 50 years ago, has finally lost its meaning.

But in two important respects the Nationalists are still slaves to their Verwoerdian past.

Why on earth should land titles be denied to black property owners? What purpose is achieved by it? Is that the way to encourage black loyalty to the country whose defence, whatever constitutional development may take place, is indivisible?

The second contradiction is more profound, and obviously as deep in the Nationalist soul. How can one give such property rights in perpetuity, and yet hold the view that ultimately there will not be one black person with South African citizenship?

That is Dr Mulder's claim and it doesn't make sense. The Minister of Plural Relations must face fairly and squarely the implications of this new and tremendous step.

HANSARD 9 7 April 1978.
Question 11 Cols. 574.

339

The DEPUTY MINISTER OF PLURAL RELATIONS AND DEVELOPMENT:

Such a system is not in existence.

Capital for Bantu housing

*11. Mr. G. DE JONG asked the Minister of Plural Relations and Development:

Whether his Department proposes to obtain capital from sources other than State funds to meet the demand for Bantu housing; if so, how.

†The DEPUTY MINISTER OF PLURAL RELATIONS AND DEVELOPMENT:

My Department has no new proposals to make in this connection. Employers of Bantu and the Bantu themselves have in the past, from their own funds made supplementary contributions towards Bantu housing and I am convinced that investments from these and other external sources should increase in future especially when legal provision has been made for security for loans in respect of Bantu housing as intimated by my predecessor and confirmed by me and the Prime Minister in a statement.

Hansard 9 - 7 April 1978.
Question 10. Cols. 573 & 574.

339

We strip the eggs into a basin and then we fertilise with a male. The eggs go into a b ulating in from the bottom so it kee time. In the natural state the eggs a d they float with the tide. The hatch s; there's no parental care at all.

30-year leasehold property in Bantu townships

*10. Mr. G. DE JONG asked the Minister of Plural Relations and Development:

What are the rights of (a) the State and (b) the purchaser of a 30-year leasehold property in a Bantu township at the end of the 30-year period.

However in many p een prohibited because they've escaped ey are vegetarians there's a fear t on which other fish rely either directly

APRIL 1978 574

The DEPUTY MINISTER OF PLURAL RELATIONS AND DEVELOPMENT:

Such a system is not in existence.

The silver carp' rass carp's, but they're easier to breed. Mr Fraghiah says they're far less trouble than the grass carp. They're algal eaters and I don't think that if they did escape into the rivers, the results would be as violent as for the grass carp.

Carp

We got rid of our carp because we're trying to keep carp out where they don't already exist. There have been carp in the Northern Natal rivers and dams for years. They've slowly crept further south, mainly because of anglers. They introduce them because they like to have them for their competitions.

Tilapia in Klipvoordam

Bantu Investment Corporation have a hatchery at the Klipvoor dam. It's situated very poorly because they have to pump all the water into the hatchery. But the dam itself is terrifically productive. All the sewerage effluent from the Pretoria sewerage purification plant goes into the Apies river and Klipvoor dam is the first dam downstream from Pretoria. The Tilapia mossambica in the dam grow to a size of 5 or 6 pounds.

Growth of Tilapia mossambica

With all male culture of our own Tilapia mossambica I've had a growth of about 450 grams per male over a summer period. In general, Tilapia take two seasons to get to a marketable size. In Israel they spawn them during the first year and hold them over in winter. Then in the beginning of the next summer they put them out into their growing dams and they sell them at the end of that summer.

URBAN BLACK LEASEHOLD

(339) FM 7/4/78

Temporary permanence?

Now you see it, now you don't. Is this going to be the fate of government's much-vaunted "home ownership" scheme for Africans in the common area?

The forthcoming amendments to the leasehold scheme which Finance Minister Owen Horwood announced at the *FM*'s investment conference last November are a step nearer fruition. An official in Plural Relations tells the *FM* that the amendments are now being processed by government's legal draftsmen.

The Building Societies Act will evidently be altered so as to allow the societies to make housing loans directly to black purchasers, instead of having to go through the Bantu Affairs Administration Boards (Baabs). Changes will also be made in the regulations (R1036 under the Urban Areas Act) which give township superintendents the power to evict people from their homes on various pretexts.

There will thus be more security — for leaseholders and building society loans alike. And the rate at which leases are being sold in the townships will no doubt increase. The various Baabs granted 4 215 leases last year and in 1976 under the dispensation then existing.

These bring the total number of houses held under lease up to about one-third of the 444 000 houses in the common area townships.

The vast majority of the leases were granted before the leasehold scheme was suddenly discontinued at the end of 1967.

But, characteristically, even with the forthcoming changes in the law, there would still appear to be a number of jokers in the pack.

In the first place, it seems as if leases will not be available to all township people, but only to those who qualify under the pass laws for residence in the so-called "white" areas — viz: mainly people who were born there, have lived there "lawfully" for 15 years or more, or have been in the service of one and the same employer for at least 10 years.

Those who do so qualify under Section 10 of the Urban Areas will obviously welcome the chance of being able to apply for a lease.

Bantustan citizens

The really big question arises out of what is going to happen to Section 10 rights in the future. Holders of leases will be able to bequeath them to their heirs. Indeed, at one stage Wrab was talking in terms of drawing up *pro forma* wills and encouraging leaseholders to fill them in.

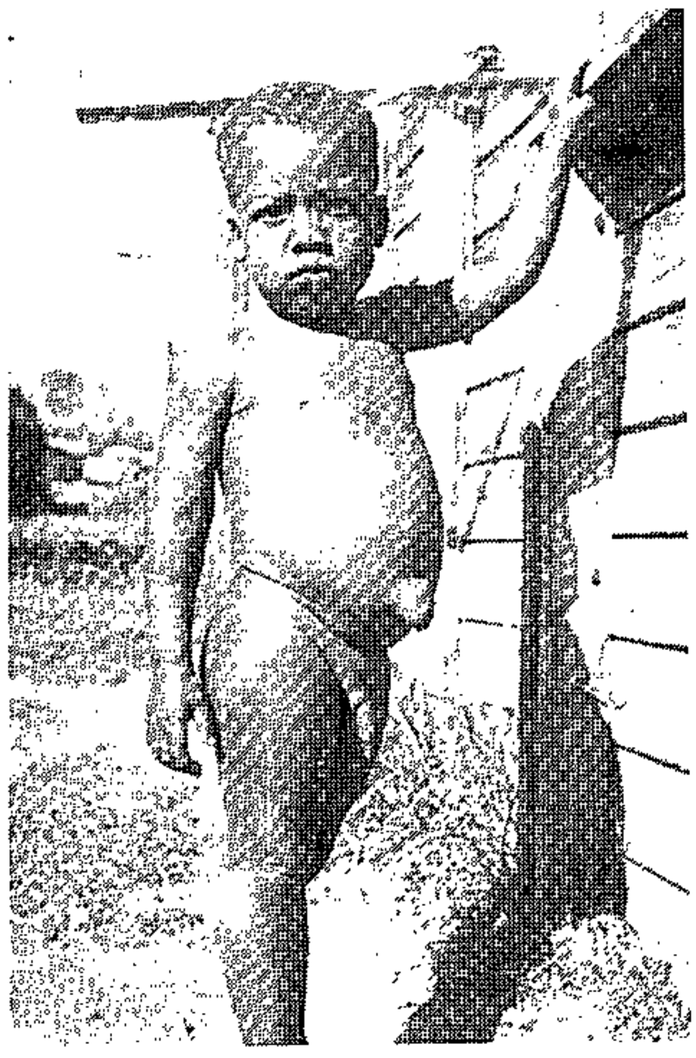
But will the heirs be able to inherit? A Bantu Laws Amendment Bill enacted by Parliament only a few weeks ago provided that children born in the urban areas to citizens of independent Bantustans would no longer qualify for Section 10 urban residence rights. Since their parents would have had to possess Section 10 rights to obtain leases in the first place, there is a big question-mark over whether "unqualified" heirs will be able to inherit their parents' leases.

At the moment it is only children of nationals of Transkei and Bophutha-Tswana who have lost the right to qualify under Section 10 — if they are born after the respective dates of independence of these territories. But Prime Minister Vorster is on record that he expects all the remaining bantustans — bar KwaZulu — to be independent within five years. Presumably their children too will no longer be eligible for Section 10 rights.

It seems most unlikely that the forthcoming changes in the leasehold system will contradict the philosophy behind a bill passed recently by Parliament.

So it looks as if the leasehold scheme will, in the final analysis, be a temporary phenomenon after all. Once the present generation of leaseholders has died out, and once all the bantustans are independent and future children of citizens thereof are no longer eligible for permanent urban residence, heirs will no longer be able to accede to their parents' leasehold rights.

Once again, it seems, government's view of Africans as only "temporary sojourners" in the "white" areas will reign supreme.



Will he be able to inherit a lease?

Bonds for blacks law

THE ASSEMBLY — Legislation is to be introduced this session to enable blacks to get bonds in urban townships.

This was announced in Parliament yesterday by the Deputy Minister of Plural Relations, Dr W. L. Vosloo, in reply to questions by Mr Bill Sutton, (NRP, Mooi River).

Mr Sutton wanted to know whether legislation was to be introduced to allow blacks permanent leasehold rights.

Dr Vosloo said: "Legislation is contemplated to provide for registered rights for qualifying black persons in respect of stands in urban townships against which bonds can be registered." — PC.

Plan to enable urban blacks to get bonds

8/4/78 RDM

THE ASSEMBLY. — Legislation is contemplated to enable blacks in townships to register bonds on their homes.

This was made clear by the Minister of Plural relations, Dr Connie Mulder, in the Assembly yesterday.

The envisaged legislation will only apply to blacks who qualify to be in urban townships in terms of Section 10 of the Bantu Urban Areas Act.

Replying to a question by Mr Bill Sutton, NRP, Mooi River, Dr Mulder said the scheme was intended to constitute sufficient security for building society loans.

Dr Mulder said he intended introducing the legislation this year.

He did not specify whether blacks would be able to hold leasehold land in perpetuity.

Asked by Mr Gerrie de Jong, NRP Maritzburg South, whether his department proposed obtaining capital from sources other than State funds to meet the demand for black housing, Dr Mulder said his department had no new proposals.

"Employers of bantu and bantu themselves have in the past, from their own funds, made supplementary contributions towards bantu housing, and I am convinced that investments from these and other external sources should increase in future, especially when legal provision has been made for security for loans in respect of bantu housing," he said.

Asked by Mr De Jong what would be the rights of the State and the buyer of a 30-year leasehold property in a black township at the end of the 30-year period, Dr Mulder replied: "such a system is not in existence." — Sapa.

Black home owners still waiting

Sun. Tribune 9/4/78

339

Finance Reporter

Although television news has announced a proposed change in black urban houseowning tenure laws, no official Government statement has yet been made.

According to David Alston, chairman of the Building Societies Association, any statement of intent on the societies' part "would be premature."

He has been quoted this week as "welcoming the news." But Alston told **Tribune Finance** that no comment on possible lending to blacks for house buying can be made until confirmation of what Acts will be changed.

Although a possible change was hinted at last November by Minister of Finance Senator Owen Horwood, the necessary Parliamentary move will more than likely depend entirely on the Plural Relations Department.

The building societies require an amendment to the Bantu Urban Areas Act (which would remove the powers of township superintendents to evict residents) and an alteration to the Building Societies Act which would allow lending to black house-buyers.

Alston feels the Registrar of Building Societies will only change the lending Act after the Plural Relations changes have been made.

The TV announcement assumedly approved by Government for broadcast, suggested that while a formula has been worked out to grant blacks the rights of a freehold owner, there is no suggestion that full, freehold property rights will be established.

The change, if approved, will grant security of tenure.

There has been no official statement on this week's announced Cabinet discussion.

16/4/78 B9

Blacks move nearer their own homes

Sunday Tribune

By ALAN PEAT

THE CHANGE in the law to give urban blacks "security of tenure" is now in the hands of the Plural Relations Department legal experts.

The draft Bill which is being vetted by lawyers, is an Urban Areas Act amendment, which a department spokesman assured TRIBUNE FINANCE would be put before Parliament very soon.

The Act is being altered in three sub-section areas (Sections One, Five and 38) and should make black home ownership in white areas open to building society lending, and for private enterprise collateral for would-be purchasers.

While the Department spokesman would not detail the changes, probable effects are being discussed.

The Section One changes will merely be on change of name definition.

The Section 38 amendments will, however, give Minister Connie Mulder more power in the supervision of township overseeing And, much to the delight of many critics, the present powers of eviction of township superintendents are likely to be removed.

This is necessary to provide the promised "security of tenure." The superintendent's overall eviction powers have become odious to most township residents.

The Section Five amendments are designed to remove the restriction on any form of non-black investment in property in black urban areas. This would allow private enterprise home-lending and buying for workers without the necessary intervention of the Bantu local boards.

An allowance for the registration of bonds necessary in a free-lending market to blacks, will probably be in the proposed changes.

The change, says the spokesman, has already been "agreed in principle", and the only delay is in the drafting of the Parliamentary Bill.

The final draft is expected to be put out for comments by involved parties. The Building Societies Association Financial Institutions and the Registrar of (Building Societies) will be involved in the study.

Registrar Wynnand Louw, whose Department will be responsible for a necessary alteration to the Building Societies Act (to allow full black lending rights) expects both the Plural Relations changes and his own to be put before Parliament at about the same time.

Louw also feels that the Relations amendments are approved in principle up to Ministerial level, and that the long-awaited move will be made "fairly soon".

Hansard 11. 18 April 1978.
Question 532 Col. 644.

339

Curfew regulations

532. Mrs. H. SUZMAN asked the Minister of Plural Relations and Development:

(1) Whether curfew regulations were (a) abolished or (b) introduced in any cities in the Republic during 1977; if so, in which cities;

(2) in how many towns and villages do curfew regulations apply at present.

The MINISTER OF PLURAL RELATIONS AND DEVELOPMENT:

(1)(a) and (b) No.

(2) 377.

Hansard. 11 18 April 1978.
Question 507 Col. 640 & 641.

339

X **Property rights for Bantu**

507. Mr. G. DE JONG asked the Minister of Plural Relations and Development:

(1) In which urban areas of South Africa may Bantu persons take title to property;

(2) (a) in which areas are Bantu persons not able to have full ownership of a dwelling and land and (b) for what reason may such property rights not be obtained.

The MINISTER OF PLURAL RELATIONS AND DEVELOPMENT:

(1) (2)(a) and (b). These matters are regulated by legislation and is therefore public knowledge.

Hansard 11 18 april 1978.
Question 508 Col. 6411.

339

Cost per dwelling for Bantu

508. Mr. G. DE JONG asked the Minister of Plural Relations and Development:

What was the average cost per dwelling for Bantu, including the basic services to the townships, in (a) urban and (b) homeland areas.

The MINISTER OF PLURAL RELATIONS AND DEVELOPMENT:

Information as requested is not readily available. The present cost of a standard type dwelling with modern services is as follows:

(a) and (b) approximately R4 500.

Hansard 11 18 April 1978
Question 536 Col. 645 & 646.

339

Services/facilities in Bantu Affairs Administration Board areas

536. Mr. D. J. DALLING asked the Minister of Plural Relations and Development:

(a) What portion of the R4 819 528, referred to on page 95 of the Report of his Department for 1976-'77 as being spent on new services and improvement of existing facilities, was spent in each Bantu Affairs Administration Board area and (b) what new facilities were provided in each area.

The MINISTER OF PLURAL RELATIONS AND DEVELOPMENT:

		R
(a)	Northern Transvaal	29 250
	Eastern Transvaal	48 500
	Southern Transvaal	26 830
	Central Transvaal	399 889
	Western Transvaal	7 000
	Highveld	102 550
	East Rand	194 200
	Vaal Triangle	1 080 890
	West Rand	517 000
	Southern Orange Free State	78 100
	Northern Orange Free State	337 494
	Diamond Field	594 115
	Northern Cape	111 900
	Cape Peninsula	415 000
	South West Cape	96 860
	Karoo	29 500
	Cape Midlands	323 800
	Eastern Cape	23 750
	Drakensberg	52 500
	Port Natal	190 900
	Northern Natal	165 000

(b) The information requested is not readily available and can only be obtained at unwarranted expense.

Hansard. 11 18 April 1978
Question 535 Col. 645

339

Financial assistance for sport in Bantu Affairs Administration Board areas

535. Mr. D. J. DALLING asked the Minister of Plural Relations and Development:

(a) What portion of the R281 158 referred to on page 95 of the Report of his Department for 1976-'77 as financial assistance out of the Central Sport and Recreation Fund for the establishment and improvement of sports facilities, was spent in each Bantu Affairs Administration Board area and (b) what new facilities were provided in each area.

The MINISTER OF PLURAL RELATIONS AND DEVELOPMENT:

(a) Central O.F.S. R50 000
Northern Cape R55 950
Northern Transvaal R47 520
Central Transvaal R10 000
South West Cape R26 957

(b) Central O.F.S.: Ten Tennis courts.
Northern Cape: Community Hall, Development of sports grounds, tennis amenities, pavillion, playpark, boxing amenities, change rooms at tennis courts, two soccer fields and floodlights.
Northern Transvaal: two soccer stadiums and two tennis courts.
Central Transvaal: Two bowling greens.
South West Cape: Community hall, one rugby field, two ticket offices, and two soccer fields.

Hansard [redacted] 11 18 April 1978.
Question 537 Col. 646 & 647.

339

Maintenance/incidental expenses in Bantu Affairs Administration Board Areas

537. Mr. D. J. DALLING asked the Minister of Plural Relations and Development:

(a) What portion of the R2 349 713, referred to on page 95 of the Report of his Department for 1976-'77 as maintenance and incidental expenses, was spent in each Bantu Affairs Administration Board area and (b) on the maintenance of what facilities in each area were such amounts spent.

The MINISTER OF PLURAL RELATIONS AND DEVELOPMENT:

		R
(a)	Northern Transvaal	3 078
	Eastern Transvaal	68 344
	Southern Transvaal	35 930
	Central Transvaal	188 580
	Western Transvaal	70 985
	Highveld	77 783
	West Rand	774 453
	Southern Orange Free State	39 818
	Northern Orange Free State	93 523
	Central Orange Free State	299 192
	Diamond Field	51 583
	Cape Peninsula	128 015
	South West Cape	18 343
	Karoo	1 830
	Cape Midlands	208 413
	Eastern Cape	12 365
	Drakensberg	12 230
	Port Natal	251 648
	Northern Natal	13 600
(b)	Existing sports and recreation facilities.	

Hansard 11 18 April 1978.
Question 538 Col 647.

339

Officials' salaries/allowances referred to in Report of Department of Plural Relations and Development

538. Mr. D. J. DALLING asked the Minister of Plural Relations and Development:

(1) How many officials' salaries and allowances were paid from the sum of R2 197 378 referred to on page 95 of the Report of his Department for 1976-'77;

(2) (a) how many of these officials served in the area of each Bantu Affairs Administration Board and (b) what are the designations of their posts.

The MINISTER OF PLURAL RELATIONS AND DEVELOPMENT:

The information requested is not readily available and can only be obtained at unwarranted expense.

(1) and (2)(a) and (b) Fall away.

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Hansard 11 21 April 1978
Question 520 Cols. 682 & 683.

Bantu housing in or near major industrial centres

520. Mr. G. DE JONG asked the Minister of Plural Relations and Development:

(1) What is the number of houses at present occupied by Bantu families in or within commuting distance from the major industrial centres of (a) Cape Town, (b) Port Elizabeth, (c) East London, (d) Durban, (e) Pietermaritzburg, (f) Bloemfontein, (g) Kimberley, (h) Pretoria and (i) the Johannesburg and Witwatersrand areas;

(2) what is the estimated average number of persons who occupy each home in the above areas.

The MINISTER OF PLURAL RELATIONS AND DEVELOPMENT:

(1) and (2) The information as requested is not readily available and can only be obtained at unwarranted expense.

Home leases for Africans but not in West Cape

Cape Times 24/4/78.

339

Political Staff

THE Minister of Plural Relations, Dr Connie Mulder, said last night that Africans in townships outside the Western Cape would be able to negotiate 99-year leases on their homes, and that these would be based on the British system of leasehold.

"What they will have is permanence in inverted commas," Dr Mulder said in an interview.

This provision applies only to blacks who are legally entitled to live in the area.

He confirmed, however, his statement to an Afrikaans Sunday newspaper that Africans in the Western Cape would not be eligible for leases on their homes, as they had no historical claim to permanence in the area.

Dr Mulder's announcement had been greeted by the Leader of the Opposition, Mr Colin Eglin, as "a sign that National Party ideology is collapsing in the face of the realities of a multiracial South Africa".

The wrangle over the kind of leasehold to be granted to Africans has been going on since January 1975, when the homeland leaders met the Prime Minister, Mr Vorster, and asked for freehold tenure of their homes.

This was refused, but in October 1975 the Secretary of Bantu Administration and Development, Mr I P van Onselen, said 30-year leases were on the cards. In November 1976 Mr M C Botha, then Minister of Bantu Administration and Development, said Africans would be able to own their homes "for all time".

According to government sources, however, Mr Botha merely meant that 30-year leases woud be repeated indefinitely – but the legal commitment would remain 30 years.

Mr Eglin, interviewed last night, said: "A 99-year lease is to all intents and purposes permanent. In allowing blacks to have such a lease, it is an admission that they would not only be here as workers, but as a settled part of the South African community, with their families just as white, coloured and Indian South Africans are.

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Suzman on lease scheme

MRS HELEN SUZMAN yesterday welcomed the 99-year leasehold scheme for urban Africans -- if it gave them permanent tenure.

But she condemned the exclusion of Western Cape Africans from the scheme because of "the absurd adherence to the old Eiselen Line theory, which had obviously been a failure".

Mrs Suzman, Progressive Federal Party MP for Houghton, was reacting to the announcement by the Minister of Plural Relations, Dr C P Mulder, that the government was to introduce 99 year leases for urban Africans outside the homelands and outside the Western Cape.

"If this new system is in fact going to give de facto permanency to urban blacks, I welcome it.

"Anything that will remove the present feeling of insecurity of this large, important section of our community and backbone of our economy is for the good.

"It obviously spells the end of the temporary permanency which previous ministers have talked about."

Mrs Suzman urged the removal of the existing difficulties in the way of Africans getting leases. She also hoped that the new law would be introduced soon, because of the increasing fustrations of Africans in urban areas.

"It is a tragedy that blacks in the Western Cape have been excluded because of the absurd adherence to the old Eiselen Line theory, which has obviously been a failure. The squatter camps are perfect proof that you can't keep men here without their wives and children," she said.

Cape Nationalist MPs have welcomed the move. The MP for Moorreesburg, Mr Piet Marais, said yesterday that coloured workers should get preference over blacks in the Western Cape. The area could be a homeland for whites and coloured people, with a fruitful partnership between the two groups, he said.

A University of Cape Town history lecturer, Mr Christopher Saunders, has disputed the view by Dr Mulder that Africans were temporarily resident in the Western Cape.

In the latest edition of South African Outlook, Mr Saunders says there were 674 Africans living in Cape Town when the first official colonial census was done in 1865.

By 1900 there were some 10 000 Africans in Cape Town, many living at Uitvlugt, later renamed Ndabeni.

Sobukwe.

Wanted: 400 000 black homes

South Africa had a shortfall of 400 000 houses for blacks — 200 000 in the homelands and the rest in "white areas," said Mr Justice J H Steyn, executive director of the Urban Foundation, today.

Speaking at the official opening of Round Table's national meeting, he said the leasehold proposal announced by the Minister of Plural Relations, Dr Mulder should offer blacks unassailable title which could not be arbitrarily terminated.

The right of occupation should be registered and the lease should be transferable by way of sale, donation or exchange. The leasehold should apply to urban blacks who were entitled to be in the area permanently.

If these conditions were met private capital could be mobilised both from lending institutions and from employers to provide urban blacks with houses of their choice.

The deficit of homes for blacks in the Pretoria-Rand-Vereeniging area was 73 600 units.

A conservative estimate was that houses would be needed for 175 000 Soweto people of 32 500 families.

The Urban Foundation called too for the investment of R40 000 for the electrification of schools, he said.

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Hansard 12 26 april 1978
Question 531 Cols. 702 & 703.

Application for 30 year leases

531. Mrs. B. SUZMAN asked the Minister of Plural Relations and Development:

(a) How many applications for 30 year leases were received in the area of each Bantu Affairs Administration Board during 1977 and (b) how many of these applications were (i) granted and (ii) refused in each of these areas.

The MINISTER OF PLURAL RELATIONS AND DEVELOPMENT:

	(a)	(b)(i)	(b)(ii)
Diamond Field	62	32	15
Cape Midlands	1 357	316	nil
Karoo	nil	nil	nil
Northern Cape	nil	nil	nil
Eastern Cape	nil	nil	nil
Cape Peninsula	nil	nil	nil
South West Cape	303	262	41
Drakensberg	nil	nil	nil
Northern Natal	nil	nil	nil
Port Natal	325	324	1
Central O.F.S.	3 424	622	157
Northern O.F.S.	158	158	nil
Southern O.F.S.	10	nil	nil
High Veld	nil	nil	nil
Northern Transvaal	889	879	10
East Rand	382	382	nil
Eastern Transvaal	44	35	9
Central Transvaal	1	1	nil
Southern Transvaal	1 449	951	223
Vaal Triangle	1 055	861	194
West Rand	100	100	nil
Western Transvaal			

Where the total of (b)(i) and (b)(ii) opposite each Board cannot be reconciled with (a) applications have not been finalized.

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Hansard 12 26 April 1978.
Question 557 Cols. 703 a704.

White/Blacks employed by Bantu Affairs Administration Boards

557. Mr. B. R. BAMFORD asked the Minister of Plural Relations and Development:

How many Whites and Blacks, respectively, are employed by each Bantu Affairs Administration Board, other than the Cape Peninsula Bantu Affairs Administration Board during the financial year 1977-'78.

The MINISTER OF PLURAL RELATIONS AND DEVELOPMENT:

	Whites	Blacks
Central Transvaal ...	426	2 107
Northern Transvaal ...	175	434
High Veld	200	1 557
Eastern Transvaal	161	585
Southern Transvaal ...	136	693
West Rand	1 100	7 577

East Rand	1 [illegible]	[illegible]
Western Transvaal	[illegible]	[illegible]
Vaal Triangle	[illegible]	[illegible]
Southern Orange Free State	203	[illegible]
Central Orange Free State	234	[illegible]
Northern Orange Free State	205	[illegible]
Northern Natal	190	[illegible]
Drakensberg	188	[illegible]
Port Natal	647	[illegible]
Northern Cape	94	[illegible]
Diamond Field	135	[illegible]
Karoo	68	[illegible]
Cape Midlands	404	[illegible]
Eastern Cape	235	[illegible]
South West Cape	126	[illegible]

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Hansard 12 26 April 1978.
Question 4 Cols. 697.

Investigation of liquor distribution in Black areas

*4. Mrs. H. SUZMAN asked the Minister of Justice:

(1) Whether the Committee of the National Liquor Board which was directed to investigate liquor distribution in the Black areas has submitted its report; if so,

(2) whether the report will be made public; if not, why not.

The MINISTER OF JUSTICE:

(1) No.

(2) It is not possible to indicate at this stage. The hon. member's attention is drawn to the answer to question No. 20 on 22 February 1978.

Hansard 12 26 april 1978.
Questions col 697.

Establishment of interracial committees

5. Mrs. H. SUZMAN asked the Minister of Plural Relations and Development:

Whether any interracial committees, as announced by the Minister of Bantu Administration and Development in September 1977, have been established; if so, in which areas; if not, why not.

†The MINISTER OF PLURAL RELATIONS AND DEVELOPMENT:

No. Inter-group committees as announced by my predecessor in principle have not as yet been established as certain aspects in connection with the proposed committees are at present being considered by me.

questions in the House

9 559 applications for leases

HOUSE OF ASSEMBLY: — There were no applications for 30-year leases in urban black areas to eight of the Bantu Affairs Administration Boards last year, the Minister of Plural Relations, Dr Connie Mulder, said yesterday.

Altogether 9 559 applications for 30-year leases were made to the other 16 BAABs. Of these, 4 923 were granted.

The areas where no applications were made were the Eastern Cape, Karoo, Northern Cape, Cape Peninsula, South West Cape, northern Natal, Port Natal and Northern Transvaal.

The largest number of applications (3 424) was to the northern Orange Free State BAAB, but most were granted by the Vaal Triangle (951), West Rand (861) and East Rand (879) BAABs.

The Vaal Triangle BAAB turned down 223 applications, the West Rand BAAB 194 and the northern OFS 157.

The minister said this in reply to a question tabled by Mrs Helen Suzman (PFP, Houghton).

Sharp rise in basic black living costs

27/4/78 (339)

By GERALD REILLY
Pretoria Bureau

BLACK living costs in the major urban areas and large towns rose sharply during last year, according to a recent survey by the Bureau of Market Research of the University of South Africa.

The survey found the Minimum Living Level (MLL) rose by 13,2% between February 1977 and February this year, compared with a Consumer Price Index rise of 10,6%.

Items allowed for in the MLL include food 53%, clothing 15,3%, rent 8%, fuel and light 7,4%, transport 5,3%, replacement of household equipment 3,5% and education 1,8%.

The bureau said food prices, which account for half their total MLL costs, were decisive in determining the trend of living costs for blacks.

In the period reviewed, there was a 23% increase in the price of mealie-meal. Brown bread did not go up in price. These two items together represent nearly 11% of total MLL costs and are more important than most other items.

Pilchards rose by a hefty 51,9%. Pilchards are the only kind of fish allowed for in the MLL. The price of sugar and sugar products rose by 26%.

Rentals increased by an average of 13,9%. In some areas, tenants had no rent increases but in others they were as high as 53%.

Percentage increases in the MLL also varied widely from one area to another. In Durban the increase was 9,3% compared with 18,4% in Benoni.

Living cost increases for blacks on the MLL are expected to be high in the next six months .

The new sales tax, which comes into effect on July 1, will increase living costs by 3,5%. Railway tariffs have been higher since April 1, as have rentals in several urban areas.

The Maize Board's recently announced increase of 16,2% in the selling price of maize will cause a corresponding increase in the price of mealie-meal, the survey said.

28/4/78 NM B337

Hillbrow-type raids needed for urban townships, say leaders

Mercury Correspondent

PRETORIA — Black and Coloured leaders yesterday called for Hillbrow-type "crime busting" raids in urban townships.

The crime rate, they claimed, had soared because of unemployment. It had increased progressively with the deepening recession since 1974.

They stressed the police seemed disinterested in complaints of crimes received from African and Coloured townships and the complaints were often ignored.

The chairman of the Soweto Committee of 10, Dr. Nthato Motlana, said there was far more serious crime in urban townships like Soweto than in Hillbrow.

"We desperately need organised crime sweeps in the townships but not, repeat not, against those who might have transgressed apartheid laws, but against the real criminal elements."

Dr. Motlana claimed police patrols were never seen in the townships and that there was no reponse to complaints of assaults and other crimes reported to the police.

"What is needed in Soweto is an effort on the part of the police to change their oppressor image, and for regular patrolling of the streets. We want police patrols we can look to with confidence for protection, and this we have not got at present," Dr. Motlana said.

The national chairman of the Labour Party, the Rev. Allan Hendrickse, said: "The clear impression of Coloured residents is that the police appear to be turning a blind eye to crime in the townships."

Coloured families had complained to him that when a crime was reported "the police just did not seem to be interested."

However, Mr. Hendrickse said, there was no doubt that Hillbrow-type raids on a regular basis would substantially reduce and discourage crime in Coloured areas.

B.S.A.R. KRY 'N ANDER NAAM

„DIE huidige 22 Bantoesake-Administrasierade (B.S.A.R.) sal tot 13 verminder word en voortaan net bekend wees as Administrasierade," het dr. W. S. Snyman, voorsitter van die vergadering wat deur voorsitters van Bantoesake-Administrasierade bygewoon is, gister in Kaapstad gesê.

Die vergadering van vier dae is gister afgesluit. Daar is aandag geskenk aan die herindeling van die raadsgebiede. Volgens dr. Snyman sal die vermindering van die rade beteken dat hulle waarskynlik meer magte sal hê en bykomstige take sal verrig.

Die herindeling, wat sal beteken dat elke raad 'n groter geldelike selfstandigheid sal hê, geld van 1 April aanstaande jaar, het dr. Snyman gesê.

Volgens 'n persverklaring gister deur die voorsitters is sake soos biblioteekdienste, hostelakkomodasie vir ongetroudes, sportgeriewe, handel in swart woongebiede, bouregulasies, administrasierade, die landbou, werkvoorkeurgebiede en die posisie van inslapende huisbediendes bespreek.

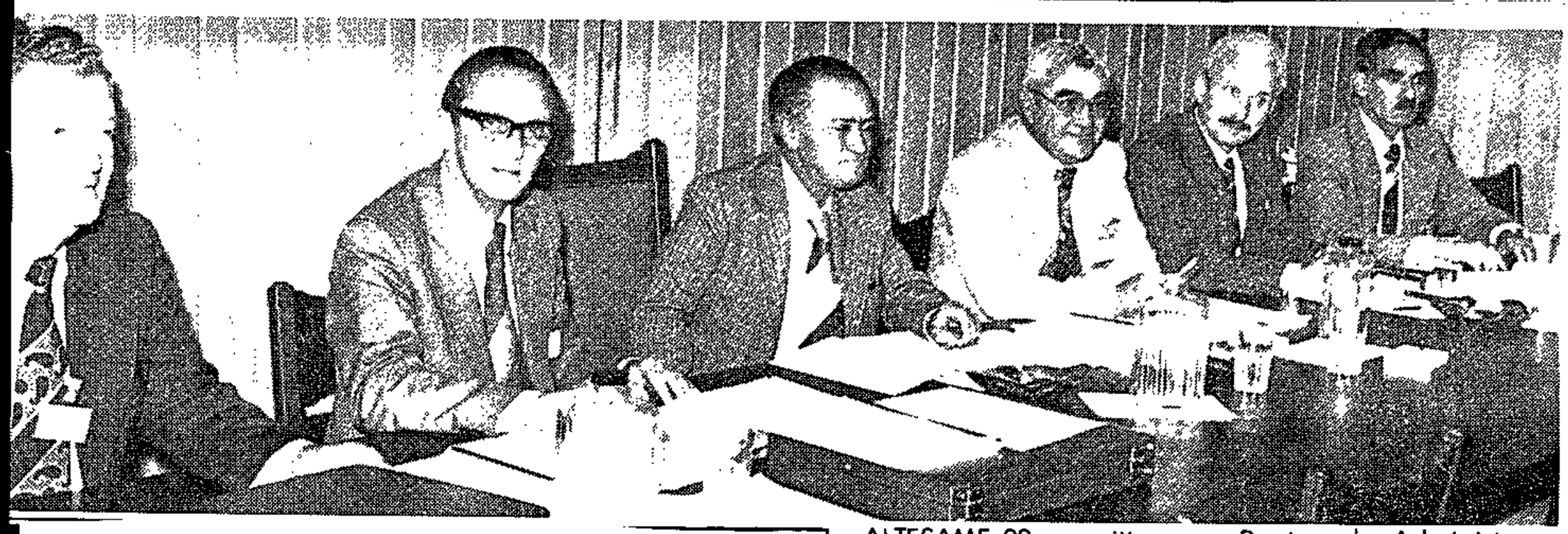
Samesprekinge oor verskeie aspekte wat die swartman in blanke gebiede raak, is gevoer met die Minister van Plurale Betrekkinge en Ontwikkeling, dr. C. P. Mulder; die Minister van Onderwys en Opleiding, mnr. W. A. Cruywagen; en drie Adjunk-ministers van die departement, dr. F. Hartzenberg, dr. A. P. Treurnicht en dr. W. L. Vosloo.

Dr. Snyman het gesê die plakkersprobleem is ook bespreek.

„Die plakkerskampe sal opgeruim word met die minste moontlike ontwrigting. Wat ons betref, is dit 'n dringende saak en sal dit so gou moontlik aangepak word."

Daar is ook besluit dat die naam Bantoesake-Administrasieraad nie meer gebruik sal word nie. Die naam Administrasierade sal voortaan geld.

Daar sal voortaan strenger opgetree word teen mense wat swartmense in diens neem wat nie die nodige verblyfpermitte en dokumente het nie, is besluit.



ALTESAME 22 voorsitters van Bantoesake-Administrasierade van oor die hele land het die afgelope vier dae in die ouditorium van die H. F. Verwoerd-gebou in Kaapstad vergader om knelpunte te bespreek. Hier is die bestuurslede van die vergadering, v.l.n.r. mnr. P. P. Mulder, ondervoorsitter; dr. W. S. Snyman, voorsitter; dr. W. L. Vosloo, Adjunk-minister van Plurale Betrekkinge en Ontwikkeling; mnr. S. J. van der Merwe, eresekretaris; en mnre. R. Raath en F. Cronjé, albei van die Departement van Plurale Betrekkinge en Ontwikkeling.

Poorer blacks to feel pinch?

EAST LONDON — The average minimum living level of blacks in the major urban areas rose by 13,2 per cent from February last year to February this year against a 10,6 per cent rise in the consumer price index.

These figures were released by the University of South Africa's Bureau of Market Research which warned that the living cost increases for blacks on the minimum living level were expected to be high over the next six months. Food took up more than half of the costs of people living on the minimum level. There was a 23 per cent increase in the price of mealie meal and while brown bread did not go up in price, together they represented nearly 11 per cent of the total costs.

Tinned pilchards had a heavy price rise of 51,9 per cent, sugar rose by 26 per cent and rentals increased by 13,9 per cent.

The bureau said in a report that people living on the minimum level could expect high cost increases over the next six months with the new sales tax which is expected to push up living costs by 3,5 per cent, higher rail tariffs and rentals and the 16,2 per cent increase in the selling price of maize. — DDR.

Let free enterprise solve race problems, Govt is urged

THE Government should move away from socialism and allow free market forces to provide housing for urban Blacks and equal opportunities for Black workers and businessmen

Mr Justice J H Steyn, executive director of the Urban Foundation, made this call for private enterprise to be allowed to solve the country's race problems in a speech at the graduation ceremony of the University of Fort Hare yesterday.

"I record my belief that the capitalist system in South Africa can and should survive," he said.

"It can only do so if it makes available all the benefits of that system to all sections of South African society," he said.

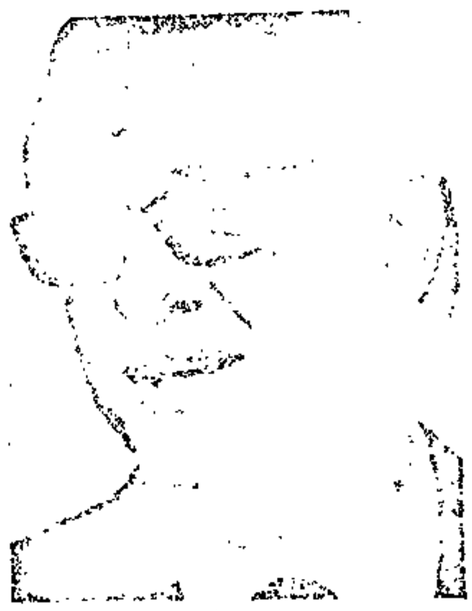
It was imperative for capitalism's survival that the private sector accept its social responsibilities — that government and free enterprise both worked towards achieving equal dignity and opportunity for all.

"Ultimately, the battle in which South Africa is involved will be determined by her ability to win the hearts and minds of all her peoples," said Mr Justice Steyn.

Private enterprise, operating responsibly to stimulate social progress, could best win this battle because — when properly applied — it contained the basic guarantees of individual freedom and self-fulfilment.

Mr Justice Steyn welcomed the Government's pledge of 99-year leasehold for urban Blacks.

The free market forces would now operate and private capital would be available to begin reducing the 200 000 backlog of homes required by urban Black families.



• Mr Justice Steyn. . . move away from socialism.

By DEREK TAYLOR

In the Vaal triangle alone, 73 600 houses were required.

According to an Urban Foundation estimate 32 500 families in the Vaal Triangle lacked homes.

But, Mr Justice Steyn warned, he did not believe that South Africa as a developing country could possible provide conventional housing to all who required homes.

"We will have to accept informal settlements and attempt to ensure that these are properly regulated and controlled — and that reasonable standards are maintained in their erection and administration," he said.

It was imperative to move away from State control of jobs by race.

The Code of Employment Practise adopted by the Urban Foundation and SACCOLA had the backing of 90% of organised commerce and industry — outside agriculture — to eliminate discrimination in employment.

Barriers to the personal advance of Black businessmen still existed.

The Urban Foundation will still strive to eliminate discrimination which prevents Black entrepreneurs enjoying equal participation in a free market economy.

Sunday Express 30/4/78

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By DEREK TAYLOR

Mulder spells out 99-year lease

THE ASSEMBLY — Black children whose parents own homes in terms of the 99-year leasehold legislation to be introduced next week, will not be able to buy homes themselves in future.

This was made clear last night by the Minister of Plural Relations, Dr Mulder, when he reiterated that only blacks who qualified to be in "white" areas would be able to buy or build homes under the new scheme.

Speaking in the debate on his first vote as Minister of Plural Relations, Dr Mulder said the children of these home-owners would automatically not qualify under Section 10, though they could inherit homes from their parents.

Dr Mulder, who spoke under a barrage of opposition interjections, also reaffirmed that when Government policy was taken to its full conclusion, the homelands would be independent and there would be no black South Africans.

All blacks would have full and complete citizenship of their own homelands. This would apply naturally to the children of Section 10 home-owners as well.

He made it clear the Government would not deviate from the allocation of land for homelands as determined by the 1936 Land Act.

Dr Mulder paid rare tribute to the KwaZulu leader, Chief Gatsha Buthelezi, describing him as an authentic and intelligent leader of stature.

He also commended Chief Buthelezi's Inkatha movement as a constructive "nationalistic" movement concerned with the upliftment and achievements of the Zulu people. — DDC.

Cape Times 2/5/78

339

36 000 caught in SA curfews

Political Correspondent

CURFEW regulations still apply in 377 towns and villages in South Africa and in 12 months ending in June last year more than 36 000 people were prosecuted for contravening the regulations.

These figures, disclosed in Parliament recently, have led to an Opposition call to the government to intervene and have the regulations repealed.

Replying to questions by Mrs Helen Suzman (PFP Houghton), the Minister of Plural Relations and Development, Dr Connie Mulder, said that during 1977 no new curfew regulations were introduced and none was abolished.

However, the regulations – in many cases they were introduced decades ago by municipalities and town councils – still applied in 377 areas of local jurisdiction.

The Minister of Police, Mr Jimmy Kruger, told Mrs Suzman 36 788 people were prosecuted between July 1, 1976 and June 30, 1977 for infringing the regulations – 7 451 more than in the preceeding 12 months.

Mrs Suzman, the chief Opposition spokesman on black affairs, said yesterday she would raise the matter with Dr Mulder during the debate on the Plural Relations and Development Vote, which started yesterday.

"I shall try to persuade him to withdraw regulations which are a source of humiliation and which are clearly discriminatory, since they apply only to Africans," she said.

A senior police spokesman said yesterday curfews were invoked through municipal by-laws and that it was the duty of the police to enforce them.

He said the terms of the curfews varied from town to town, but in most cases black people had to be out of the "white" areas by between 9pm and 11pm unless they had special permission.

Japanese reaches North Pole alone

TOKYO. – Japanese explorer Naomi Uemura, 37, yesterday became the first person to reach the North Pole alone by dogsled in a 800 km, 57-day adventure delayed by a polar bear which ate his provisions, blizzards, ice floes and the pregnancy of one of his huskies.

Having completed the first leg of a 4 800 km journey, he now wants to take his sled across the ice-bound North Sea to Greenland to travel the island. – Sapa-AP

Cape Times 3/5/78 (339)

Children may still qualify — Mulder

HOUSE OF ASSEMBLY. — The Minister of Plural Relations and Development, Dr Connie Mulder, said yesterday that children of black homeowners who owned homes under the 99-year leasehold scheme might still be able to qualify in terms of the Section 10 provision.

He was asked during the debate on his vote by Mrs Helen Suzman (PFP Houghton) to clarify his statement on Monday that children would not in future be able to buy homes since they would be "foreign citizens".

Dr Mulder had said that only blacks who qualified to be in "white" areas under Section 10 would be able to build or buy homes under the new scheme.

Yesterday, in reply to Mrs Suzman, he said: "They (the children) may still qualify under Section 10." He did not elaborate, but is expected to do so when he replies to the debate today.

Dr Mulder might also reply to further questions put by Mrs Suzman yesterday concerning the phasing out of the pass laws and the curfew regulations, which Mrs Suzman described as "medieval"

Govt's lease plan for Africans under attack

Cape Times 3/5/78

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By DIANA POWELL

TWO urban black leaders — one in Cape Town and one in Johannesburg — yesterday rejected the government's 99-year leasehold scheme which will enable Africans to "own" property in "white" South Africa.

In terms of legislation to be introduced in Parliament next week by the Minister of Plural Relations, Dr Connie Mulder, certain Africans who qualify to live outside their homelands will be able to buy or build homes in "white" South Africa.

However, Dr Mulder has made it clear that they will not be given freehold title to the land and this week he disclosed a further condition to the scheme: Children of "qualified" Africans would not be entitled to buy their own homes once their particular homelands became independent.

The chairman of the Soweto Committee of Ten, Dr Nthato Motlana, said he was not prepared to discuss details of the proposed legislation because he rejected the scheme in its entirety.

Asked for his comments on the exclusion from the scheme of homeowners' children, he said: "I cannot talk about bits and pieces of a scheme whose whole basis is unacceptable. I reject the legislation absolutely."

He said he would not even discuss the plan with Dr Mulder when they met in Pretoria on May 13.

"I am meeting Dr Mulder for exploratory talks aimed at securing the release of the rest of the Committee of Ten."

He said the majority of the committee were in jail — six have been detained since last October — and he had no mandate to discuss matters affecting the community with the minister.

Mr Silas Tindleni, chairman of the co-ordinating Civic Council for Langa, Guguletu and Nyanga, said he did not see the sense in a scheme which included some and excluded others.

Referring to a further condition that no blacks will be allowed to own land in the Western Cape, Mr Tindleni said: "We feel we have just as much right to be here as anyone else.

Refugees

"Hundreds of refugees who crossed the border from neighbouring states have been offered residence in this country but those who have been here all their lives are not allowed to stay."

He said the whole system of leasehold property was foreign to South Africa and he did not see why it should suddenly be thrust upon one section of the community and not others.

As far as the tenure of future generations in urban areas was concerned, Mr Tindleni said it was not a foregone conclusion that all the homelands would opt for independence.

"The people in the homelands have feelings for their brothers in the urban areas.

"Right now the Ciskeian opposition is campaigning against independence. They might well win next time. And there are similar moves elsewhere."

The scheme was also attacked by Mrs Helen Suzman during the debate on the Plural Relations vote this week.

She said the plan had been greeted with enthusiasm initially by all and sundry — including herself. But her enthusiasm had waned since she had had time to examine the scheme in more detail.

Lease scheme rejected by Motlana

3/5/78
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CAPE TOWN — Urban black leaders in Cape Town and Johannesburg yesterday rejected the Government's 99-year leasehold scheme which will enable blacks to "own" land in "white" South Africa.

In terms of legislation to be introduced in the Assembly next week by the Minister of Plural Relations, Dr Mulder, certain blacks who qualify to live outside their homelands will be able to buy or build homes in "white" South Africa.

But Dr Mulder has made it clear they will not be given freehold title to the land and this week he disclosed that children of "qualified" blacks would not be entitled to buy their own homes once their particular homelands became independent.

The chairman of the Soweto Committee of 10, Dr Nthato Motlana, said he was not prepared to even discuss details of the proposed legislation as he rejected the scheme in its entirety.

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The scheme was also attacked by Mrs Helen Suzman during the debate on the plural relations vote in Parliament this week. — DDC.

DEPARTMENT OF PLURAL RELATIONS AND DEVELOPMENT

No. R. 919 5 May 1978

REGULATIONS GOVERNING BANTU AFFAIRS ADMINISTRATION AREAS AND BANTU AFFAIRS ADMINISTRATION BOARDS.—AMENDMENT OF GOVERNMENT NOTICE R. 1794, DATED 6 OCTOBER 1972

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 section 22 (3) (e) and (f) of the Bantu Affairs Administration Act, 1971 (Act 45 of 1971), amend Chapter 2 of the Regulations published by Government Notice R. 1794, dated 6 October 1972, as substituted by Government Notice R. 1227, dated 27 June 1975, in accordance with the accompanying Schedule.

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

(File A1/3/2/12/3)

DEPARTEMENT VAN PLURALE BETREKKINGE EN ONTWIKKELING

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No. R. 918 5 Mei 1978

REGULASIES BETREFFENDE BANTOESAKE-ADMINISTRASIEGEBIEDE EN BANTOESAKE-ADMINISTRASIERADE.—WYSIGING VAN GOEWERMENTSKENNISGEWING R. 1794 VAN 6 OKTOBER 1972

Ek, Wilhelm Laubscher Vosloo, Adjunk-minister van Plurale Betrekkinge en Ontwikkeling, wysig hierby namens die Minister van Plurale Betrekkinge en Ontwikkeling kragtens die bevoegdheid hom verleen by artikel 22 (3) (e) en (f) van die Wet op die Administrasie van Bantoesake, 1971 (Wet 45 van 1971), Hoofstuk 2 van die Regulasies afgekondig by Goewermentskennisgewing R. 1794 van 6 Oktober 1972, soos vervang by Goewermentskennisgewing R. 1227 van 27 Junie 1975, soos vereis deur die bygaande Bylae.

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

(Lêer A1/3/2/12/3)

SCHEDULE

1. Regulation 22 (2) is amended by the addition of the words "for an amount exceeding R250" after the word "transaction" in the last sentence of the subregulation.

2. Regulation 37 is amended by the substitution for paragraph (c) of subregulation (1) of the following paragraph:

"(c) the Board, prior to the invitation for tenders, so decides: Provides that the Chief Directors may dispense with such security in the case of a service the value of which is R2 000 or less after he has satisfied himself that the interests of the Board have been adequately safeguarded".

3. Regulation 39 (1) is amended by the insertion of the words "which complies with the tender specifications concerned" after the word "tender" in the proviso to the subregulation.

4. Regulation 74 (3) is amended in the Afrikaans text only in order to correct an earlier printing error.

5. Regulation 86 is amended by the addition of the following subregulation (4) after subregulation (3):

"(4) In the case of loss, damage or destruction of unused, used or cancelled face-value and other forms having a potential value the Board may, if it is satisfied with a statement by the head of the department concerned that no loss of the Board's funds has occurred and, in the case of used forms, that the funds represented by such forms have been properly accounted for, direct that the afore-mentioned forms need not be produced for audit purposes.".

BYLAE

1. Regulasie 22 (2) word gewysig deur die woorde "ten bedrae van meer as R250" na die woord "transaksie" in die laaste sin van die subregulasie in te voeg.

2. Regulasie 37 word gewysig deur paragraaf (c) van subregulasie (1) deur die volgende paragraaf te vervang:

"(c) die Raad voor die vra van tenders aldus besluit: Met dien verstande dat die Hoofdirekteur van sekerheid kan afsien in die geval van 'n diens waarvan die waarde R2 000 of minder is nadat hy homself vergewis het dat die belange van die Raad voldoende beskerming geniet".

3. Regulasie 39 (1) word gewysig deur die woorde "wat aan die betrokke tenderspesifikasies voldoen" na die woord "tender" in die voorbehoudsbepaling van die subregulasie in te voeg.

4. Regulasie 74 (3) word gewysig deur die woorde "met sodanige besonderhede aangaande alle bates onder die beheer" na die woord "voor" in die derde lyn in te voeg.

5. Regulasie 86 word gewysig deur die volgende subregulasie (4) na subregulasie (3) by te voeg:

"(4) In gevalle van verlies, beskadiging of vernietiging van ongebruikte, gebruikte en gekanselleerde sigwaarde- en ander vorms 'n potensiële waarde, kan die Raad, as hy tevrede is met 'n verklaring van die betrokke departementshoof dat daar geen verlies van Raadsgelde plaasgevind het nie, en in die geval van gebruikte vorms, die gelde wat deur sodanige vorms verteenwoordig word, behoorlik verantwoord is, bepaal dat voormelde vorms nie vir ouditdoeleindes voorgelê hoef te word nie.".

Citizenship and leases

(359) FM 5/5/78

The 99-year lease scheme will eventually wither away once the homelands are independent

The wonderful opportunities which bantustan citizenship is supposed to confer on SA's blacks are beginning to seem like the emperor's new clothes. They exist more in the imaginations of apartheid's high priests than in reality.

That much became clear in Parliament this week when Plural Relations and Development Minister Connie Mulder was cross examined on government's 99-year leasehold scheme.

Last month the *FM* (April 7) drew attention to a glaring anomaly in the leasehold scheme: the fact that children of citizens of independent bantustans would not be able to inherit their parents' leases. Mulder's replies in Parliament prove our fears to have been fully justified.

Although Prime Minister Vorster himself said during his own departmental vote in Parliament last month that "home-ownership" would, inter alia, entitle blacks to "inherit" properties, Mulder has in effect now admitted that this "right" to "inherit" means a good deal less in practice than urban Africans might have been led to suppose.

Leases are not available to all urban Africans, but only to those who can prove that they qualify to remain in the urban area concerned in terms of Section 10 of the Bantu (Urban Areas) Consolidation Act. The Western Cape (see next story) is excluded altogether — as are, apparently, townships in other parts of the country where a ceiling has been placed on the further provision of housing.

Parents may bequeath leases to their children. If the heirs themselves can prove their Section 10 qualifications — birth in the area, continuous lawful residence there for at least 15 years, or continuous service there with one and the same employer for at least 10 years — title can be transferred to them and they can live in the house.

Citizenship looms

It's where the heirs don't have Section 10 rights that the problems arise. Mulder was quoted in *Beeld* this week as saying that such heirs would be able to inherit the leases. But they would then be obliged to sell the leases since they would not be able to live in the houses.

At the moment this disability applies only to children of citizens of Transkei and BophuthaTswana born after the respective dates on which those territories became independent. Legislation enacted earlier this year provided that birth in an urban area would no longer be a Section 10 qualification for such children.

Independence for Vendaland is now looming on the horizon at the behest of that territory's chief minister, Patrick Mphephu. And Vorster is himself on record that he expects all the other bantustans (bar KwaZulu) to take independence within the next five years.



Black housing . . . after another generation, who will be allowed to buy the leases?

The eventual outcome is that the 99-year lease scheme will wither away as the present generation of people with Section 10 rights dies out.

Mulder has evidently conceded that the situation of the children will have a detrimental effect on the sale of leases in the townships. But at the same time he told Parliament that Section 10 rights could not be perpetuated through the children for all time.

Thus, in the longer term, the position of urban Africans will be less, rather than more, secure. For it is on Section 10 rights — or "privileges" as MC Botha always insisted on calling them — that urban Africans rely for whatever "permanent" urban residence is allowed to them.

Mulder indicated that the legislation for 99-year home leases would be introduced in Parliament later this month. Building societies would be able to lend to businessmen for the purchase of premises on the same basis.

Making provision for the present generation of township people to obtain 99-year leases is little more than a hiccough in government's stated overall design — which is to build the economy on migrant labour.

Security risk?

How ironical that at the very moment when the mining industry is trying to reduce its dependence on foreign migrants, government should be equally busily moving towards making three-quarters of the economy's entire workforce foreigners.

For that is the logical implication of the policy of stripping every African in the whole country of his SA citizenship, and making him a bantustan citizen instead. It means that 56% of the workforce in manufacturing will be foreign, along with 73% of the workers in construction, 47% of the workers on the SAR&H, and 42% of central government's own employees.

And as Africans come to constitute a larger and larger share of the country's economically active population, these proportions will increase. The same will apply to every other sector of the economy.

Among them will be the police and the army. Government is busy recruiting Africans into both, and also providing for black policemen and soldiers to be promoted gradually into higher ranks.

SA is thus going to have to rely more and more on foreigners to put down internal revolt and defend its borders.

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8/5/78 DM

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BAAB invited

EAST LONDON — Officials of the Bantu Affairs Administration Board have been invited to a meeting of the Duncan Village branch of the East London People's Organisation tonight.

The meeting is in connection with increased crime in the area. — DDR.

Clarity on children sought

Serious talks are planned to get clarity on news that the children of independent homeland citizens will not be eligible for "home ownership" in South African urban areas.

The Association of Building Societies of South Africa is seeking clarification about the implications of the statement by Dr Mulder, Minister of Plural Relations and are keen to know the long term effects of the scheme.

"We are involved in serious negotiations with the Government and I don't want to say anything that may jeopardise the negotiations," said Mr David Thebehali, chairman of Soweto's community council and member of the council's management committee.

Dr Mulder said in Parliament last week that the children of citizens of independent homelands will not be able to occupy houses owned by their parents in urban areas.

Barrie tells about Wrab's Plot R5m

Political Staff

THE ASSEMBLY. — At least R5-million was appropriated from various accounts by the West Rand Administration Board (Wrab) without ministerial approval to cover losses caused by the 1976 riots in Soweto and on the Reef.

The board, whose chairman is Mr Manie Mulder, the brother of the Minister of Plural Relations, withdrew investments of the Bantu Services Levy Fund as well as the maintenance and renewals funds as temporary advances and internal loans, and R5 055 623 from its Bantu beer accounts.

This was disclosed yesterday by the Auditor-General, Mr Gerald Barrie, in his report on the board's accounts for the 1976/7 financial year.

Mr Barrie said at the time of writing the report, which was signed on March 17 1978: "Ministerial approval for this action by the board could not be furnished."

He said the riots had had "a detrimental effect on the cash flow and consequently the board was compelled to withdraw some of the investments of the Bantu Services Levy Fund and the maintenance and renewals funds, from which expenditure may only be made for specific purposes, and appropriated these as temporary advances and internal loans to the general and capital accounts to meet current expenditure.

"In addition amounts of R2 408 156 and R2 647 467 were appropriated from the Bantu beer account and the two-thirds Bantu beer account, respectively, to make good losses occurring in the general account," Mr Barrie said.

Ministerial approval was granted on November 28, 1977, for debiting R46 763 to the Bantu revenue account in respect of cash losses which had occurred since the inception of the board in August 1975.

The losses included R27 289 in respect of claims rejected by the insurers because certain conditions had not been complied with and "miscellaneous shortages of which the origin was inexplicable," he said.

Meanwhile, in the Assembly yesterday, the Minister of Plural Relations, Dr Connie Mulder, said in reply to a question by Mr Ron Miller (NRP, Durban North) that "no State-owned buildings in Soweto were damaged" during the 1976-77 riots.

Barrie: BAAB wasted money

7/5/78 D 339

CAPE TOWN — At least R5 million was appropriated from various accounts by the West Rand Bantu Affairs Administration Board without Ministerial approval to cover losses caused by the 1976 riots.

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He said the riots had had "a detrimental effect on the cash flow and consequently the board was compelled to withdraw some of the investments.

However, Ministerial approval was granted on November 28, 1977, for debiting R46 763 to the Bantu revenue account in respect of cash losses which had occurred since the inception of the board in August, 1975.

The losses included R27 389 in respect of claims rejected by the insurers because certain conditions had not been complied with and "miscellaneous shortages of which the origin was inexplicable."

Meanwhile, in the House of Assembly yesterday, Dr Mulder said in reply to a question that no State-owned buildings in Soweto were damaged during the 1976/7 riots.

Mr Barrie also disclosed that wasteful expenditure totalling R108 019 was incurred by the Western Transvaal area Bantu Affairs Administration Board during the 1976/7 financial year.

He said Ministerial approval had been granted to the board during the year to debit R42 538 to the board's Bantu revenue account in respect of architects, quantity surveyors and consultant engineers' fees in connection with the planning of two hotels, but the project was later abandoned because of the economic climate.

An amount of R65 481 was spent on planning for a R998 600 head office for the board, but the board "caused amended plans to be drawn up by its staff and decided to have the work carried out departmentally at an estimated cost of R478 320."

Mr Barrie said he had informed the Secretary for Plural Relations that he felt the amount should be regarded as wasteful expenditure and ministerial approval would be required, but at the time of writing the report, a reply had not been received. — PC.

RAND Daily Mail

WEDNESDAY, May 10, 1978

The new homes deal will fade away

339

THE MINISTER giveth, and the Minister taketh away.

That seems to be the pattern with the changes contemplated for urban blacks by the new Minister of Plural Relations, Dr Connie Mulder.

The impression has been created that a new deal is on the way for these people who are at the heart of South Africa's race problem. Particularly with the new 99-year leasehold scheme. This has been welcomed as meaning that to all intents and purposes blacks will be able to own their own homes in the townships, so getting that personal stake that is so essential for the building of a stable middle-class.

But on closer examination, within the full context of Government policy, it looks as though it isn't going to work out quite like that. Because the Minister is negating the scheme with the rights he is taking away with his other hand.

First of all, blacks in the Western Cape have been specifically excluded from the 99-year lease scheme.

Then, in townships elsewhere, such as Soweto, it will apply only to blacks who qualify to remain in the urban area under Section 10 of the Bantu (Urban Areas) Consolidation Act. Which means those born there; those who have lived there continuously for 15 years; and those who have worked continuously for the same employer there for 10 years.

Section 10 parents can bequeath leases to their children. But, according to the Minister, if the children themselves don't have Section 10 rights they won't be able to live in the houses and will have to sell the leases.

Which will raise huge problems unless the Minister changes his mind. Because the children of Transkei and BophuthaTswana citizens, born after the independence of those two territories, won't have Section 10 rights. The same, one presumes, will apply to the children of citizens of the other Bantustans as they become independent. Which, the Prime Minister predicts, will be all of them — except KwaZulu — within the next five years.

So what is left of the 99-year leasehold scheme? To us it looks more like a one-generation scheme, set to fade out along with South African citizenship for blacks.

Until, like the Cheshire cat, nothing is left but its smile.

(1) ~~123~~
(2) 339

Hansard 14 10 May 1978.
Question 529 Cols. 752 & 753.

Amount spent on housing for Bantu by each Bantu Affairs Administration Board

529. Mrs. H. SUZMAN asked the Minister of Plural Relations and Development:

What amount was spent on housing during the period 1 April 1976 to 31 March

1977 by each Bantu Affairs Administration Board.

The MINISTER OF PLURAL RELATIONS AND DEVELOPMENT:

The following amounts were expended by Bantu Affairs Administration Boards in urban Bantu residential areas—

Northern Transvaal	nil
Central Transvaal	792 856
Western Transvaal	581 561
West Rand	1 175 200
East Rand	4 497 666
Vaal Triangle	4 457 388
Highveld	793 088
Eastern Transvaal	375 778
Southern Transvaal	354 211
Northern O.F.S.	1 023 049
Central O.F.S.	721 955
Southern O.F.S.	602 457
Northern Natal	598 588
Drakensberg	132 003
Port Natal	1 214 134
Northern Cape	nil
Diamond Fields	325 041
South West Cape	426 454
Peninsula	256 115
Karoo	211 502
Eastern Cape	1 928 741
Cape Midlands	3 039 135

The Bantu workers of certain cities and towns in respect of ten of the above boards are however housed in townships in the homelands where in addition large amounts were spent on housing from the funds of the South African Bantu Trust and Homeland Governments.

Southern Africa Regional Tourism Council

559. Mr. J. D. DU P. BASSON asked the Minister of Tourism:†

(a) Which countries are at present members of the Southern Africa Regional Tourism Council and (b) what amount was contributed to the funds of the Council by the Republic during 1977-'78.

The MINISTER OF TOURISM:

(a) Malawi, Mauritius, South Africa and Swaziland.

(b) Contributions are per calendar year. For 1977 South Africa's contribution was R119 500.

(1) ~~8~~
(2) 339

Hansard 14 11 May 1978.
Question 621 Cols. 756 & 757.

Removal orders in terms of Bantu Administration Act

621. Mrs. H. SUZMAN asked the Minister of Plural Relations and Development:

(1) Whether any removal orders in terms of the Bantu Administration Act were served during 1977; if so, (a) how many, (b) on which persons, (c) on what dates and (d)(i) from and (ii) to what place was each person removed;

(2) whether any removal orders (a) were withdrawn or (b) lapsed during 1977; if so, (i) how many, (ii) what are the names of the persons concerned and (iii) on what date did each order lapse or was it withdrawn;

(3) whether any persons against whom removal orders were in force died during 1977; if so, (a) what were their names, (b)(i) when and (ii) where did they die and (c) from what places had they been removed.

The MINISTER OF PLURAL RELATIONS AND DEVELOPMENT:

(1), (2) and (3) No.

(1) 339
(2) ~~269~~

Hansard No. 11 May 1978.
Question 615 Cols 755 & 756.

Subsidies for Black commuters travelling by bus/train

615. Mr. W. M. SUTTON asked the Minister of Transport:

What was the annual amount spent in subsidizing Black commuters travelling by (a) bus and (b) train in 1976-'77 and 1977-'78, respectively.

The MINISTER OF TRANSPORT:

(a) 1976-'77—R39 110 938,83.
1977-'78—R45 868 174,90 subject to final auditing.

(b) Particulars in respect of Black commuters only are not being kept separately. The following amounts were spent in respect of non-White passenger services, which include Blacks:

Coloureds and Indians:
1976-'77—R38 077 921.
1977-'78—R43 299 279 subject to final auditing.

READERS' VIEWS

● *It's not fair, says a reader*

'Homeland Evah' may not be employed

11/5/78 (Star) (101) 339

On May 2 I took my maid Evah Masango to the Randburg pass office to register her to work for me. I was told that although she had worked in Randburg previously, she was no longer allowed to work here as she came from Groblersdal, a homeland area.

I must either employ her illegally or she must return to Groblersdal — where there is no work.

I feel this situation of not being able to employ blacks away from their homeland is going to cause a tremendous hardship for them. In the homeland areas there are not enough jobs. Thousands are going to be out of work. Children will starve. Lawlessness will become rife. Out of work blacks will be only too willing to listen to communist propaganda. They will become more antagonistic towards the whites, who have created this situation of abandoning the blacks in the home lands.

Is it fair that blacks who want to work, who work well and are a pleasure to employ, must be made to suffer because they come from the homelands? Over the past few months I have given at least six maids a trial of a week in my employ. They have either drunk, been noisy and unpunctual or extremely slapdash in their work. At last I felt that in Evah I had a maid I would like to employ, only to be told that homeland blacks may not work in Randburg or Johannesburg.

What can be done to enable the homeland blacks to work in a European area? We will have trouble in this country sooner than we think if we don't employ them.

(Mrs) C A Sillipp
Randburg.

(1) ~~123~~
(2) ~~401~~
(3) 359

Hansard 14. 12 May 1978.
Question 517 cols. 468 & 762.

Houses provided for Bantu

517. Mr. G. DE JONG asked the Minister of Plural Relations and Development:

How many houses for Bantu were provided in each of (a) the homeland areas and (b) the major urban areas of South Africa during each year from 1972 to 1977.

The MINISTER OF PLURAL RELATIONS AND DEVELOPMENT:

(a) and (b) Separate figures for each year from 1972 to 1977 are not readily available. Information is furnished on the number of houses provided during the years 1972 until 1977.

(a) The following number of houses were provided in Bantu areas from South African Bantu Trust funds:

Bophuthatswana	2 985
Ciskei	5 705
kwaZulu	7 129
Lebowa	1 020
QwaQwa	1 700
Swazi	1 951
Transkei	4 320
Mabopane East (near Pretoria)	5 637

In addition to the above-mentioned information Homeland Governments also provided housing from funds on their budgets, but information about this is not readily available.

(b)

West Rand	2 753
East Rand	5 675
Vaal Triangle	3 060
Bloemfontein	451
Pietermaritzburg	2 425
Port Elizabeth	5 323

(1) (2) 339

Hansard 14 12 May 1978
Question 518 Cols. 962

Dwellings to be completed for Bantu

518. Mr. G. DE JONG asked the Minister of Plural Relations and Development:

(1) What is (a) the estimated number of dwellings for Bantu which will be completed during 1978 in (i) each of the major urban areas and (ii) the homeland areas and (b) the estimated total number for South Africa for that year;

(2) what is the total amount of State funds available for Bantu housing for the financial year 1978-'79.

The MINISTER OF PLURAL RELATIONS AND DEVELOPMENT:

(1) (a) (i) Johannesburg 2 500
Port Elizabeth 1 300
Cape Town 100
Bloemfontein 1 000
Vaal Triangle 1 800
East Rand 800
Pietermaritzburg .. 650
Kimberley 300

(ii) From South African Bantu Trust funds—6 551. In addition homeland Governments will erect houses from their funds, but information in this connection is not readily available.

(b) This information is not readily available.

(2) From South African Bantu Trust funds—R57 000 000.
From funds of homeland Governments—Not readily available.
Funds for housing in the Bantu residential areas are made available by the Department of Community Development.

New row builds up over SA envoy's remark

Political Correspondent

CAPE TOWN — A new diplomatic row was developing between South Africa and the United States today following statements by a South African diplomat in Washington.

Yesterday the Minister at the South African Embassy in Washington, Mr Willem Retief, was called to the State Department to receive a complaint following remarks by Mr Jan van Rooyen, the Economics Minister at the embassy.

Today the Minister of Foreign Affairs, Mr "Pik" Botha, announced in Cape Town that the US charge d'affaire, Mr Harvey Nelson, was being called in.

The American complaint followed a newspaper interview given by Mr van Rooyen in which he alleged that Senator Dick Clark, chairman of the Foreign Relations Sub-committee on Africa, was giving the American public the wrong impression of South Africa.

BLOW AT SA

In a statement today Mr Botha said Mr Nelson was being called in to discuss the mutual actions of officials of both countries.

"With regard to Senator Clark, I must point out that he is not only constantly interfering in South Africa's internal affairs, but that he also actively occupies himself with actions which are aimed at giving South Africa a blow economically.

"He is not interested in the suffering black people would have to endure if his plans were executed.

"As ambassador I appeared opposite Senator Clark in the television programme 'Issues and Answers' and towards the end of the programme I told him: 'I don't believe that the voters of Iowa have given you a mandate to seek my country's demise and ruin,'" Mr Botha said.

A spokesman at Mr Nelson's office said today he was not available for comment.

Sebe warns of urban black instability

12/5/78

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Own Correspondent

KING WILLIAM'S TOWN — Urban black communities were the most unstable in South Africa, ripe for the attentions of agitators as had so forcefully been demonstrated, the Ciskei's Chief Lennox Sebe said here today.

Delivering the keynote speech at the start of the four-day Ciskei Development Conference, the Chief Minister said that while he welcomed the establishment of community councils to improve the urban blacks' daily lot he could not see these innovations leading to stable communities.

"Whether concessions are made for them to have leasehold title homes, whether they govern their community affairs, whether they receive street lights, will make no difference to the ultimate outcome."

The Ciskeians had chosen the "narrow and tortuous" homeland road as it provided a basic formula for regaining their national sovereignty.

Chief Sebe called his generation of black leadership the last prepared to listen to reason.

There was a complete preoccupation with the events in SWA/Namibia and Rhodesia, and insufficient attention to formulating "a meaningful structure for the solution of our most pressing internal problems."

Chief Sebe called for a federal or confederal solution where urban and homeland blacks could have federal citizenship while retaining their separate identities, cultures and traditional societies.

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;kuiwergat kan duisende kos

'N SKUIWERGAT waardeur honderde blanke amptenare groot geld uit die staat kan maak bloot deur te weier om onder 'n swartman te werk, het ontstaan met die instelling van gemeenskapsrade vir swartes.

Daar is nou 'n herrie oor die implikasies van 'n verseëring wat dr. Connie Mulder, Minister van Plurale Betrekkinge, en sy voorganger, mnr. M. C. Botha, gegee het aan die sowat 7 000 blanke amptenare wat by Bantoe - administrasierade werk.

Die ministers se versekering kom in breë trekke daarop neer dat indien 'n blanke amptenaar weier om vir 'n swartman onder die nuwe bedeling van gemeenskapsrade te werk, die Minister dit as omstandighede buite die blanke amptenaar se beheer sal beskou.

Die pensioen wat aan so 'n amptenaar uitbetaal sal word as hy nie elders geakkommodeer kan word nie, sal dieselfde wees as dié wat betaal word wanneer 'n pos weens reorganisasie in 'n departement oortollig raak.

Die pensioenvoordele van so 'n amptenaar is baie beter — dis 'n kwessie van duisende rande — as dié van 'n amptenaar wat weens sy eie toedoen in 'n posisie kom dat hy afgedank word.

Dr. Mulder sê dat dit nie so eenvoudig werk nie: „Die Minister moet beslis of daardie pos nie as gevolg van so iemand se onredelike optrede of weiering oortollig geword het nie."

Binne 'n week ná dr. Mulder van mnr. M. C. Botha oorgeneem het, het 'n afvaardiging van die Suid-Afrikaanse Vereniging van Munisipale Werknemers met hom samesprekinge gevoer. Dis die personeelvereniging van die meeste Administrasieraad-amptenare.

Dr. Mulder het die versekering gegee dat die amptenare se belange altyd op die hart gedra sal word en hy het mnr. Botha se ondernemings herbevestig.

Senior amptenare sê al hoe meer amptenare sien nou hierin 'n kans om geld te maak. Sommige hoop hul poste word op dié manier oortollig verklaar sodat hulle die pensioenvoordele kan kry. Hulle kan dan weer elders begin om 'n pensioen op te bou.

Daar word gevrees dat sommige amptenare doelbewus 'n lawaai gaan opskop as van hulle verwag word om vir 'n gemeenskapsraad te werk.

Risiko

„Die risiko kan nie geloop word om 'n blanke amptenaar vir 'n gemeenskapsraad te laat werk as hy die dinge net deurmekaar kan krap nie. So kan dit gebeur dat poste oortollig raak. Daar is van die amptenare wat slim genoeg is om die toedrag van sake uit te buit," het 'n woordvoerder gesê.

Daar is tans 22 Bantoesake-administrasierade en die 7 000 blanke amptenare bly ongerus oor hul werkvooruitsigte in die toekoms.

Die aankondiging van dr. W. L. Vosloo, Adjunk-ministe

ster van Plurale Betrekki
dat die getal rade van 1
aanstaande jaar tot 13
minder word, was olie op
vuur.

Ontevrede amptenare
toe die rade in 1971—72 ge
stig is, het die destydse Ad
junk-minister van Bantoe-ad
ministrasie, dr. Piet Koor
hof, hulle „hemel en aar
belowe."

Tot in daardie stadium
die amptenare by die afde
nie-blanke sake by munisip
liteite gewerk. Die Rege
was toe verleë oor die am
nare en die „ringkoppe"

PPORT, 14 Mei 1978—9

taat

met beloftes na die nuwe Administrasierade „weggelok", word gesê. Nou heers groot onsekerheid onder die amptenare.

Mnr. Koot Stander, hoofsekretaris van die Suid-Afrikaanse Vereniging van Munisipale Werknemers, wou geen kommentaar lewer oor die onrus onder amptenare of die skuiwergate nie.

Hy het gesê die hele saak word nog oorweeg. Sy vereniging skakel met die Departement van Plurale Betrekkinge en die vereniging kyk na die belange van sy mense.

STAR 16/5/78 (339)

Limit on homelands workers

Efforts are being made by the authorities to limit the number of black women from the homelands working in urban areas because of the large number of jobless women already living in these areas.

Chief Bantu Affairs Commissioner for the Witwatersrand, Mr F P du Randt, said today that women living in urban townships were being given priority over those from the homelands for jobs in urban areas.

PARLIAMENT

Report shows errors in BAAB books

339 WD 1975/76

THE ASSEMBLY — The Auditor - General, Mr Gerald Barrie, has reported that a balance in a stores control account at the Midlands Area Bantu Affairs Administration Board was R47 000 less than the value of stocks at the board's brewery.

Differences totalling R171 609 between physical stocks and balances in accounts were also found at five stores depots and the casting yard.

Mr Barrie revealed this in his report on the board's accounts for the 1976-77 financial year. The report was tabled in Parliament yesterday.

He also found that a one-cent-a-litre increase in the price of beer, which was allocated for the improvement of beer outlets and the central sport fund, had not been paid into the funds.

The board's chief director had told the Auditor - General R13 843 should have been paid into the funds for June 1, 1975, to March 31, 1976, but "at the time of writing the report on amounts in respect of the financial year 1975-6 had been paid."

Mr Barrie said his representatives "were of the opinion that due to inadequate internal control measures, excessive shortages of beer took place."

"Control of raw materials, stores and beer crates were also unsatisfactory so that at the end of the year under review the balance of the stores control account was approximately R47 000 less than the value of physical stocks at the brewery, while the estimated value of the beer crates on hand was approximately R2 500 more than the balance of the control account," he said.

The differences of R171 609 at the five control points and the casting yard resulted in an investigation which suggested that "erroneous processing and the policy of fixing prices of issues as well as the cost prices applied in the calculation of the closing stocks could be reasons." — PC

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Black home ownership bill will exclude many

Political Staff

HOUSE OF ASSEMBLY. — Legislation granting "qualified" urban black people 99-year leasehold rights to property outside the homelands — what the Minister of Plural Relations, Dr Connie Mulder, has termed "permanence in inverted commas" — has been published in Parliament.

The bill does not specifically exclude blacks in the Western Cape from obtaining 99-year leases.

But the government has declared repeatedly that the provision will not apply to blacks in the Western Cape, and it is almost certain to use its power in terms of existing laws to decide where black people may exercise this right.

Strong reservations have been expressed by the Opposition because the measure excludes "unqualified" people, wives, divorcees and widows unless they have permanent rights; and citizens of independent homelands who did not qualify for permanent rights before independence.

"Obviously a better method would have been to give freehold rights and get it over and done with, "the Progressive Federal Party spokesman on urban blacks, Mrs Helen Suzman, said yesterday.

While she welcomed the measure because it would extend the rights of blacks in the urban areas, she said it was unfortunate that it was strictly limited to people who qualified for permanent rights under section 10 (1) (a) and (b) of the Bantu Urban Areas (Consolidation) Act.

There is confusion over the wording of the clause as far as children born after the date of independence to former South African citizens who qualify.

"I hope that the minister sees his way clear to include such children. I also hope that the minister is not going to be adamant about the exclusion of the Western Cape blacks from the 99-year lease system," Mrs Suzman said.

"These exclusions are important limitations on the bill. If any disqualified person is bequeathed a 99-year lease they may not occupy or hold the lease. They have to sell and may gain the definition of qualified people and one hopes he will now use this power generously. Bophuthatswana and Transkei citizens who prior to independence had section 10 qualifications do not lose their rights and can in fact enjoy 99-year leasehold.

"If you lose 10 (1) (a) and (b) rights by leaving the area or in the case of (b) rights if you go to jail, you lose the right of occupation but not leasehold — you can still lease the property but not occupy it," Mrs Suzman said.

The bill, the Bantu (urban areas) Amendment Bill, specifically gives the right to erect any building for residential, business or professional purposes or to alter or demolish any building subject to local authority regulations.

Leasehold for blacks welcomed

THE Urban Foundation and the Association of Building Societies have indicated support for the new Bantu (Urban Areas) Amendment Bill which establishes a 99-year leasehold system for urban blacks.

In a joint press statement yesterday the executive director of the Urban Foundation, Mr Justice J H Steyn, and the president of the Association of Building Societies, Mr J L S Hefer, said the advantages of such a dispensation were numerous for blacks who qualified to be in urban areas under the Urban Areas Act.

Some of these advantages, said the statement, are:

- It will make private-sector finance available to blacks, who will be able to negotiate building-society loans in a conventional manner.
- It will enable employers to assist blacks to acquire their own homes.
- It will allow blacks freedom of choice with respect to the type of house they want.
- It will give blacks the chance for capital formation.
- It will further the concept of individual ownership and entrench free-enterprise values among urban black communities.

"We would like to record our appreciation to the Minister of Plural Relations and Development (Dr Connie Mulder) for his most helpful and constructive approach in meeting the requirements of the parties concerned during the extensive negotiations which accompanied the settlement of the terms of the bill."

New Bill on urban blacks 'real and meaningful'

ARGUS 25/5/78

339

THE Bantu (Urban Areas) Amendment Bill has been hailed as 'a most significant step towards the establishment of a real and meaningful form of home-ownership for urban blacks.

A joint statement issued by Mr Justice J H Steyn, executive director of the Urban Foundation, and Mr J L S Hefer, president of the Association of Building Societies, welcomed the publication of the Bill in Parliament yesterday.

The legislation enables black people who qualify to be in urban areas under certain provisions of the Act to obtain leasehold rights in 'white areas.'

Advantages

Mr Justice Steyn and Mr Hefer say in their statement that the advantages of such a new dispensation are many.

'It will make private sector finance available to blacks who will now be able to negotiate building society loans in a conventional manner.

'It will enable employees to assist blacks to acquire their own homes. Many of them have anxiously awaited the opportunity to do so.

Choice

'It will confer upon urban blacks freedom of choice concerning the nature and type of housing they aspire to.

'It provides an oppportunity for capital formation.

'It will consolidate the concept of individual ownership and entrench free enterprise values among urban black communities.

'It will confer pride of ownership which is such a vital assurance for the maintenance and care of the asset.

'It is a move away from subsidised housing and will stimulate self-reliance and independence.

Relief

'It will relieve the State of the burden of carrying the sole responsibility for black housing and the substantial capital commitment which this entails.

'It will tend in time to free houses presently rented and will aid the State's efforts to meet the formidable housing backlog in urban areas.

'It will, generally speaking, achieve greater stability in urban areas.'

Mr Justice Steyn and Mr Hefer conclude that the new deal confers rights which are real and inviolate.

They record their thanks to the Minister of Plural Relations, Dr C P Mulder, for his 'helpful and constructive approach during the extensive negotiations which accompanied the settlement of the terms of the Bill.'

Urban group meet in PE

EAST LONDON — Representatives from East London, Grahamstown, and George will join others from Port Elizabeth at an Urban Foundation workshop to be held at the University of Port Elizabeth on Friday.

The purpose of the workshop is to inform influential people in the Eastern Cape about the Urban Foundation's work to promote improvements of the quality of life of urban communities.

When the Urban Foundation was established in 1976 its directors decided that projects should be initiated just in these regions — Natal, the Western Cape and Transvaal.

It was decided this year to open a South region, the Eastern Cape and Mr W. J. Davies was appointed manager of this region on May 1.

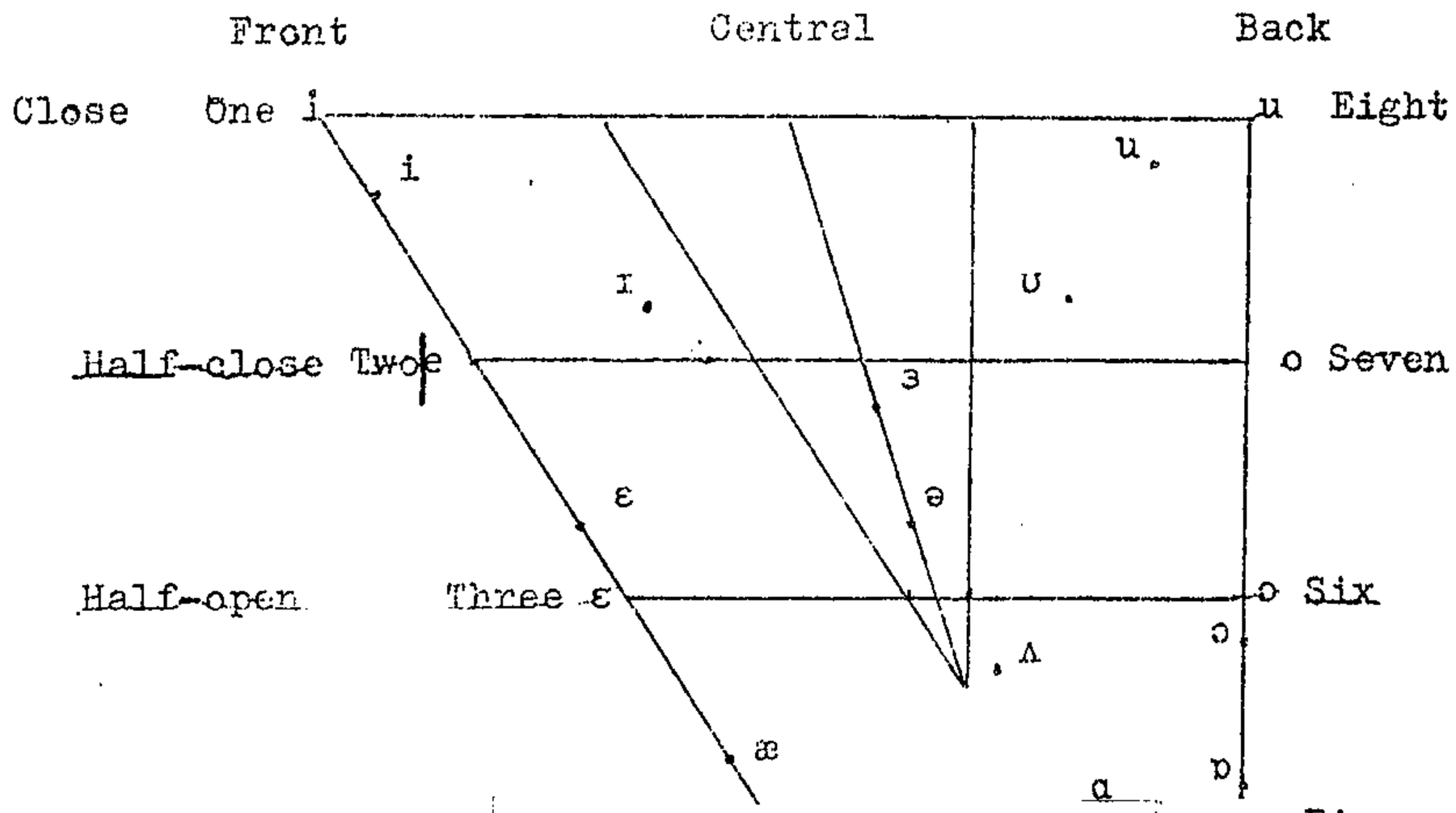
The intention is, once the Port Elizabeth operation is under control, to move into East London and then the other Eastern Cape towns.

The Urban Foundation's first aim in the Eastern Cape, as it has been in the other regions, will be to carry out projects involving all the urban communities, white, black, Coloured and Indian. The participation of businessmen and their companies will be sought as well as the co-operation of the public sector.

Speakers at the Port Elizabeth workshop on Friday will include Mr Justice J. H. Steyn, executive director of the foundation, Mr R. C. Koch, chief director of the Cape Midlands Administration Board, Mr Peter van der Merwe, the former Springbok cricket captain, as well as Dr G. Maasdorp of the Department of Economics, University of Natal, and Professor R. van der Merwe of the Department of Industrial Psychology, University of Port Elizabeth — DDR

PHONETICS

A diagrammatic representation of the approximate tongue positions of average Standard English vowels compared with the tongue positions of the cardinal vowels



DD 2515778

Survey: shift in black lifestyles

339

PRETORIA — Educating their children, improving their homes, church activities and gardening are interests common to most urban blacks, according to a report by Unisa's Bureau of Market Research.

The report, entitled The Activities and Interests of Urban Blacks in Johannesburg, Durban and East London, claims women are also interested in housework, cooking and sewing. For relaxation they listen to music and the radio, and entertain friends.

The report claims that with urbanisation and education, the younger generation come into contact with the Western way of life and readily identify with it. They do not, however, lose their more traditional interests.

A greater proportion of youth was interested in church activities in 1977 than was the case four years earlier. There was a trend for the young and educated to dissociate themselves from their fellow blacks and to play down the activities in which the older, less-educated generation was interested.

"The return to more traditional values is indicative of black consciouness, of pride in their race and a move away from negating these values," the report claims.

It has not, however, been a mere return to former values and interests, the report continues. The most popular activities have been supplemented by others, obviously influenced by different factors in the environment.

Young urban blacks have identified with young people everywhere. The educated, whether young or not, pursue the more cultural interests usually associated with the educated, like reading, theatre, and particular talents such as creative writing or playing a musical instrument.

The relatively affluent dine in restaurants, go to international hotels, night clubs and other sophisticated places of entertainment. They are increasingly interested in overseas political news.

Some particular influences may also affect personal choice of activities and interests. Depending on his church affiliation, an individual may become more socially active or more serious minded.

Tribal influences, claims the report, may arouse strong tribal identity which will reveal itself in music, dancing, the theatre, meetings and other activities, especially if the "in-group" is geographically separated from other tribes.

Other population groups living in proximity may influence interests. The growing preference among blacks for playing and watching rugby rather than soccer in the Cape is a case in point, the report claims.

Interest in most of the 50 activities covered in the survey has increased over the years and more and more urban blacks have become interested in a wider range of activities.

Although there are many influences that affect the particular choice of activities and interests, educational level is still the best single predictor of the extent and type of these interests. Youth is the next most differentiating factor.

"These two factors are often associated in today' urban society with increasingly skilled occupations and higher income levels," the report, written by Mrs Pat van der Reis, claims. — SAPA.

Hansard 16 26 May 1978.
Question 648 Cols. 825.

339

White employees of Bantu Affairs Administration Boards transferred to service of Community Councils

648. Mrs. H. SUZMAN asked the Minister of Plural Relations and Development:

(1) Whether any White employees of Bantu Affairs Administration Boards have been or are to be transferred to the service of Community Councils; if so, how many;

(2) whether any of these officials have refused such transfer; if so, how many.

The MINISTER OF PLURAL RELATIONS AND DEVELOPMENT:

(1) No. I refer the hon. member to section 6(1) of the Community Councils Act, 125 of 1977.

(2) Falls away.

RETAILING 339 FM 26/5/78

Black market blues

Some economists proclaim that consumers are leading SA on the recovery road. But businessmen serving the black market are nonplussed.

There is no sign that blacks are spending more. "Business is absolutely dead," says Tony Collett, manager of Bomax appliance and furniture stores. He reckons turnover is more than a quarter down on last May. Adds Dave Davidson, MD (merchandising) of Scotts Stores: "The revival doesn't seem to have reached the black man in the street." Eric Ellerine, MD of the Ellerine chain, concurs that "there definitely hasn't been a revival."

A Johannesburg outfitter groans that his Saturday trade this month is about 40% lower than in April, despite the colder weather.

Even motor traders, whose overall new car sales have soared since January, have seen no increases in blacks' purchases. "There's been a slight decline in sales in recent months," asserts Manfred Hamburger, owner of Canadian Motors, which claims to be SA's biggest seller of used cars to blacks.

Most telling is that even food sales appear, at best, to be stagnating. Demand for white bread has sagged by 6% in the past year. Though millers expected a drop in consumption after last year's price hike, they also hoped demand would normalise after a few months. There's been no sign yet of that happening.

A leading firm of food wholesalers confirms there has been no upturn in orders lately, though a spokesman says there has also not been a further drop.

Some large groups such as OK Bazaars and Pep Stores are satisfied with sales. But the fact that Ellerines, Russell's and Scotts Stores have not noticed any recovery proves that blacks are not merely switching their purchases from small shops to the chains. Several executives report however, that business is worse in the cities — especially Johannesburg — than in rural areas.



Black buyers . . . even bread sales are down

Bad debts have soared. Hamburger says repossessions are running at twice normal levels. And retailers are scared by rumours that blacks may boycott stores next month on the second anniversary of the Soweto unrest.

The sluggishness of blacks' purchases does not augur well for the incipient business upswing. It implies that the recent increase in consumption among whites may not last long either. After all, there is nothing to suggest that white disposable incomes have risen faster than those of blacks. Perhaps whites merely have greater savings to spend now.

increase in costs as a result. "There'll be no problem whatsoever," says Hefer, and Watson adds that any increase in costs will be offset by the expected increase in business.

What about proof of a would-be house-owner's "qualifications"? How will the societies ensure that an African borrower has section 10 rights? Hefer reckons that the societies will have to wait for an instruction from the registrar to clarify the matter, while Watson believes that an African's permission to build will be established by the society, or its attorney, before the bond is registered.

LEASEHOLD LOANS

Society views

Home ownership — well, not quite ownership — will soon be a reality for at least some fortunate urban Africans. But how many "qualifying" township residents are really in the mortgage market?

With an estimated 89% of African households making do on less than R200 a month — and with average monthly household incomes a lot closer to the R100 mark — nobody's likely to be trampled in the rush. Does this mean that home-ownership will be restricted to the well-heeled few?

SA Perm's joint MD, Pat Watson, says that middle-class housing remains his society's goal. But he tells the *FM* the Perm "is keeping an open mind" on the issue. "If, for example, a company is assisting a long-serving and faithful employee to extend or improve his house, we would have to play a part," he maintains.

And while, ideally, the Perm would prefer to deal with African borrowers on a person-to-person basis, Watson is expecting to deal with employers assisting their employees with housing finance. Moreover, although large numbers of small loans are more expensive to administer than fewer large sums, Watson points out that the Perm also hopes for a spread. So at this stage, he says, the society hasn't set any hard-and-fast minimum.

Goals

United MD Hans Hefer agrees that the development of middle-class housing remains the ideal goal, but argues that there's also a need for "urban renewal" — the development and improvement of existing dwellings — in the townships. So smaller loans, it seems, cannot be automatically excluded. And, like Watson, he expects businesses to get involved in upping their employees' standard of housing.

Hefer agrees that smaller loans "may be" more pricey to administer, but states that "since we're computerised, cost doesn't enter into it. Besides, we see our job in helping others."

How many applications for housing finance are the societies expecting to receive — and grant? Watson reckons that it's still too early to assess demand, but "naturally we're making provision." There's no waiting list at present, but the Perm is gearing up to handle a flood of enquiries.

Hefer, too, can't quantify future demand at this stage, but asserts that "the need is great, and the demand is there."

Are the Perm and the United planning to make loans to Africans on a quota basis? For example, if 40% of the society's savers are African, will 40% of overall loans be set aside for African borrowers? No, say both Hefer and Watson. "Fortunately, there's a falling off in demand for white housing at the moment," says Watson, "and we're in a good position fundswise. It's not sensible to work to quotas that we can't live with."

Are the societies planning to employ more black staff to deal with African borrowers? Both Watson and Hefer tell the *FM* that their societies have been "upgrading" African employees for some time, and will continue to do so.

But neither expect any significant

Behoefte aan beter huise vir swartes

(23) (339)

Deur ALPHONS DU TOIT 4/6/78

DIE behoefte aan verbeterde en aantrekliker swart behuising is dringend en kan nie wag vir wetgewing met betrekking tot eiendoms- of paggrondregte nie.

Só sê mnr. H. G. L. Albertyn, voorsitter van die Southern-Lewensassosiasie. Mnr. Albertyn het aan Eiendoms-Rapport die Southern se betrokkenheid by swart behuising uiteengesit, en vertel hoe as gevolg van dié betrokkenheid die Stedelike Stigting nou 'n groot behuisingsprojek van 'n konsortium bestaande uit die Southern, Swiss Reinsurance, Federated Employers en IBM, oorgeneem het.

Die projek by Pimville Sone Vyf, suidwes van Johannesburg, het tot stand gekom eintlik vanweë 'n gedagte van die Southern. Dié maatskappy het beoog om behuising van 'n hoë standaard aan sy eie swart werknemers beskikbaar te stel. Toe kom die ander drie firmas by en die konsortium is gestig.

Aanvanklik was die plan om sowat 35 huise te bou en dit later te vermeerder. „Máár", sê mnr. Albertyn, „die konsortium is nie 'n dorpsontwikkelaar nie."

Gevolglik is die Stedelike Stigting genader en die projek is dadelik oorgeneem. En die Stigting is nou voornemens om 'n pragwoonbuurt vir swartes te ontwikkel. Die onmiddellike plan is meer as 1 000 huise binne ongeveer 18 maande teen 'n koste van meer as R10 miljoen.

Eiendoms-RAPPORT

Die gebied Pimville was vroeër jare 'n plakkersdorp. Mettertyd is die krotte gestroop en tot onlangs was Sone Vyf maar kaal grond.

Nou pronk daar al 35 huise van 'n verbeterde en aantrekliker ontwerp as in elke ander swart woonbuurt. Dertig van die huise is reeds verkoop teen pryse wat wissel tussen ongeveer R7 000 en R10 000. Teerstrate word uitgelê, elektrisiteit, water en riool is aangelê terwyl voorsiening gemaak word vir parke, skole en kerke.

Die gedagte is dat die nuwe Pimville moet ontwikkel in 'n uiters aantreklike middelklas-woonbuurt vir die stedelike swartes.

„Ons dilemma reg aan die begin," sê mnr. Albertyn, „was die argument dat totdat eiendomsreg aan stedelike swartes toegestaan word, sal elke beweging deur die private sektor om swart behuising beskikbaar te stel as steun vir onversekerde huurooreenkomste gesien word."

Dié probleem is met verskeie belangrike en invloedryke swart gemeenskapsleiers bespreek. Daar is gevind dat hoewel eiendomsreg die ideale situasie is, is die behoefte van die swartes aan veral verbeterde behuising.

Mnr. Albertyn praat met lof van die heelhartige ondersteuning wat aan die konsortium gegee is deur die Natal-bouvereniging en die Wes-Randse Administrasieraad.

Mnr. Albertyn het die Stedelike Stigting bedank vir sy oorname van die projek, en 'n beroep gedoen op werkgewers in private ondernemings om deur die Stigting te werk te gaan om van die geleentheid gebruik te maak om hul eie swart werknemers te help.

Suzman warns of new black mood

12/6/78 339

CAPE TOWN. — Mrs Helen Suzman warned at the weekend that a new spirit of resistance was abroad in the townships "which we ignore at our peril".

The Houghton MP told a Progressive Federal Party strategy seminar in Cape Town: "We, the official Opposition, must take more cognisance of the profound alterations in attitudes in young blacks, especially since the Soweto riots.

"A new spirit is abroad in the townships—a spirit of resistance which I do not believe we have begun to understand, and which we ignore at our peril."

Mrs Suzman said a policy based on a myth — that the highly integrated economy of South Africa could be sorted into neat little racial piles like a pack of cards — "was a non-starter".



MRS HELEN SUZMAN
. . . "at our peril"



Mr COLIN EGLIN
. . . "siege psychosis"

She marvelled South Africa had learnt so little from the mistakes made by Rhodesia.

Mr Colin Eglin, the party's leader, told the seminar that if the "siege psychosis" of the Nationalists was allowed to engulf the whole white community, their battle for survival as a meaningful part of the South African community would be lost.

He said the siege psychosis had manifested itself in the speeches of some Nationalist politicians as a "suicide syndrome".

A key role of the Opposition was to break down this siege psychosis before it engulfed the entire white community.

"Firstly we must show that the lines of communication between blacks and whites, while they are in a bad state of repair, are not down.

"Secondly, we must be able to show to the white South African that there is a viable alternative to apartheid, which he knows will not work, and to suicide, that he does not relish."

Dr Zac de Beer, MP for Parktown, said one of the main priorities of the PFP was to maintain and develop its relationship with members of all population groups.

Dr Alex Boraine, MP for Pinelands, said change in South Africa was inevitable, and changes should be anticipated creatively while the whites were still able to do so from a position of strength. — Sapa.

Passport row: Nat paper has reservations

Political Staff

A NATIONALIST newspaper yesterday expressed strong reservations over the most fundamental aspect of Government policy — the linking of all urban blacks to homelands.

Criticising the Government for its handling of the Motlana-Kambule passport dispute, Rapport said blacks with no ties to homelands should be accommodated "in another manner".

Dr Nthato Motlana, chairman of Soweto's Committee of 10, and Mr Wilkie Kambule, a lecturer at the University of Witwatersrand, lost their South African citizenship after the independence of BophuthaTswana and Transkei, and were denied South African passports because they r fused to first take out homeland travel documents.

Rapport said it had reservations over the application of Government homelands policy to all blacks without exception.

"There are, among them, people who have no connection with their homeland, who have not even been there, whose families have lived in the cities for generations, and who are possibly children of fathers and mothers of different ethnic groups," Rapport said.

"We have felt that provision for them should be made in another manner."

The newspaper said the Government had made it possible for Dr Motlana and Mr Kambule to make a political issue of the matter.

Cape Times 13/6/78 389

Webber: Bill erodes black rights to SA citizenship

THE SENATE. – Opposition parties yesterday opposed a measure to authorize homeland governments to issue blacks with identity documents to replace the reference books issued by the South African Government.

They welcomed another provision in the second Bantu Laws Amendment Bill which replaces the term "bantu" with "black" throughout the statutes and in the titles of official bodies and institutions.

The bill was taken through all its stages.

"This bill has only two redeeming features," Senator Eric Winchester (PFP) said. "It allows the holder of an identity document issued by a homeland government to collect it within five kilometres of a place at which he is asked to furnish it, rather than having to produce it on demand, and it replaces the term "bantu", which should not have been used in the first place."

But on the debit side it perpetuated the government's idea that South Africa would eventually be broken up to a point where there were no black South Africans, and perpetuated an influx control system which three governmental commissions of inquiry had said could not work.

The Minister of Plural Relations and Developments, Dr Connie Mulder, said the bill had the approval of all homeland governments except Kwazulu. A committee of three homeland leaders had investigated influx control and found it to be necessary, but recommended that homeland governments should issue identity documents to replace reference books as a better way of controlling influx.

Not discriminatory

"The aim of this bill is to move away from discrimination," he said. The Sharpeville tragedy was brought about by the reference book system.

Whites needed permits to enter black areas, so it was not discriminatory that blacks' entry into white areas should be controlled.

"Influx control is necessary in the interests of orderly society."

Senator Warwick Webber (NRP) said influx control should be regulated by local authorities or community councils.

"What about those urban blacks who want nothing to do with homelands? I don't believe this is going to alleviate at all the pressure by Africans to do away with this hated reference book. This is not the way to do it."

Senator Webber said the question of citizenship was raised by the bill. It was another step to denying blacks citizenship of South Africa.

The fact that people who had identity documents issued by homelands would be able to fetch them within five kilometres of the place at which they were asked to produce them, while people who carried reference books issued by the South African authorities would not enjoy this concession, was a form of compulsion.

"In this way people will be pressurized into applying for homeland documents."

Another form

Dr Mulder said the bill did not concern citizenship at all. The government accepted that certain blacks lived in urban areas and its policy was to make their lives as good as possible.

He did not want to commit himself to saying urban blacks could not at some future date be granted another form of identity document. He would investigate the possibility.

Dr Mulder said the five-kilometre provision was being applied in the case of documents issued by homeland governments and not in the case of reference books, because he wanted to promote the homeland identity documents.

The aim of the five-kilometre provision was to remove the cause of the argument that innocent people could be arrested merely because they did not carry their identity documents when visiting friends near their homes, for example.

"If they are travelling more than five kilometres they will have to carry their documents with them," he said. – Sapa

Buthelezi leads in popularity

Argus 14/6/78

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From a Staff Reporter

FREIBURG (West Germany). — Chief Gatsha Buthelezi beats allcomers as the political leader most admired by South Africa's urban blacks, it has been disclosed here.

His towering stature was demonstrated in an opinion survey conducted last year by the market research firm, IMSA.

Results of the survey commissioned by the Arnold Bergstraesser Institute of Freiburg were published this week at a conference on peaceful change in South Africa.

Blacks in Durban, Soweto and Pretoria were asked: 'When you think of black leaders in South Africa, who do you admire the most?'

43,8 PERCENT

Chief Buthelezi was named by 43,8 percent of the respondents.

Second most popular was the imprisoned Nelson Mandela with 18,6 percent.

A breakdown of the poll shows that Chief Buthelezi



Chief Gatsha Buthelezi

is the man preferred by 78,3 percent of Durban Zulus and 54,2 percent of Soweto Zulus.

VINDICATION

Chief Buthelezi, who is attending the conference here, said: 'Mr Vorster (the Prime Minister) said in Parliament that I was audacious in claiming to represent all blacks. In fact I have claimed to represent most blacks — not all — and this is the vindication.

'Most people appreciate that my stand is not only for Zulus but for all black

National Party MPs threatened to walk out of the conference yesterday.

Feelings ran high as black leaders attacked the Government's 'officially racist policies'.

MP Mr Louis Nel said later: 'Criticism is all right but I don't want to listen to a tirade of half-truths.'

Mr Barend du Plessis added: 'I am tired of making myself available as a rubbish bin.'

The Star Wednesday 14/6/78

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Black leasehold is welcomed

R100-m available for housing

John Patten,
Political Correspondent

CAPE TOWN — The Urban Foundation has hailed the passage through Parliament of the 99-year leasehold provisions for urban blacks as a "milestone on the road to social progress in South Africa."

The foundation's executive director, Mr Justice Steyn, indicated in a statement today that building societies were willing to lend up to R100-million a year for urban black housing under the new deal, and that many employers were also willing to help their employees in home ownership schemes.

His statement came after the Bantu (Urban Areas) Amendment Bill passed all stages in the Assembly yesterday. It had previously been approved in the Senate. The State President's signature is required before the Bill is promulgated. This is expected soon.

Mr Steyn said the leasehold legislation "represents a giant stride in the process of improving the quality of life of the urban blacks."

The foundation was proud it could play a role in the legislation coming into being.

"The quality of life of the urban communities will undoubtedly be greatly improved by the rapid and widespread implementation of this scheme," he said.

Mr Steyn recorded the foundation's appreciation for the helpful and co-operative attitude of the Minister of Plural Relations, Dr Mulder, over the Bill.

Dealing with the bill's provisions, Mr Steyn said it would enable urban blacks to own their own homes on 99-year-leasehold, and they would be able to buy, sell and bequeath their properties "without restraint."

RIGHTS

One of the most important provisions now incorporated in the legislation removed any contemplated limitation on the applicability of the scheme to people with homeland citizenship.

Rights to leasehold were conferred also on the descendants of such citizens. These descendants would now be able to inherit and occupy the leasehold property provided they had acquired certain rights under the Bantu Urban Areas Act.

Giant stride for urban blacks



MR JUSTICE STEYN

CAPE TOWN — Mr Justice Steyn, executive director of the Urban Foundation, said yesterday the 99-year leasehold legislation passed by Parliament this week represented "a giant stride in the process of improving the quality of life of urban blacks."

The measure, introduced by the Minister of Plural Relations, Dr Mulder, will enable urban blacks to own their own homes on a 99-year leasehold.

They will be able to buy, sell and bequeath their properties without restraint.

Mr Justice Steyn said in a statement: "One of the most important provisions now incorporated in the legislation removes any contemplated limitation on the applicability of the scheme insofar as it affects persons who hold homeland citizenship. Rights to leasehold are conferred also on the descendants of such citizens.

"These descendants will now be able both to inherit and occupy the leasehold property, provided they have acquired specified rights.

"Some idea of the impact of the legislation can be gained from the fact that according to the 1970 census there were some 4,5 million persons permanently resident in black urban areas outside the homelands.

"The legislation now confers real freedom of choice and the right to become home-owners in the conventional manner on these persons."

Mr Justice Steyn said he had been reliably informed that building societies alone would probably make available something like R70 to R100 million a year for urban black housing.

Employers, many of whom were only too willing to do so, would now be able to assist their employees in home-ownership schemes.

He said the Urban Foundation saw the new measure as "a milestone on the road of social progress in South Africa." — DDC.

essential that you build up your Latin vocabulary, paying particular attention to the prepositions and conjunctions. These (the forms and the vocabulary) are the tools without which you cannot expect to master any foreign language.

2. It is necessary first to look at the basic differences between Latin and English and/or Afrikaans, the languages with which most of you are familiar. In a language like English or Afrikaans, word order is the means whereby the function of a word in its sentence is indicated e.g. "John sees Peter" is very different from "Peter sees John". Though word order is also important in Latin, it is not the means whereby the function of a word in its sentence is indicated. For this purpose Latin uses inflection, i.e. changes in the endings of words, which we call declension in nouns, adjectives and pronouns, and conjugation in verbs. So the English sentences quoted above will be "Johannes Petrum videt" and "Petrus Johannem videt" in Latin; you can change the word-order within these sentences, but the function of each of the words in its sentence will still be the same. English and Afrikaans have to a large extent dispensed with inflection, except in a few cases, e.g. I see him, he sees me; the function of inflection is taken over by the word order, and by an extended use of prepositions.

3. Inflected languages differ from languages like English in a further important respect. In the conjugation of the verb, for example, the different personal endings remove the need for expressing the subject if it is a personal pronoun. This is a pattern to which the English speaker must at once accustom himself, whereas Italians and Spaniards will not find the

Ambiguity in Leasehold Bill—Suzman

By PATRICK LAURENCE
Deputy Political Editor

MRS Helen Suzman of the Progressive Federal Party yesterday expressed fears that "lack of clarity" in the 99-year 'Leasehold Bill for urban blacks would lead to legal wrangles.

Mrs Suzman welcomed assurances from the Minister of Plural Relations and Development, Dr Connie Mulder, that the descendants of Transkei and BophuthaTswana citizens would qualify for leasehold rights in townships in "white" South Africa.

But she added: "I am worried about ambiguity in the law and I fear that it will lead to legal wrangles."

Her concern focused on an apparent contradiction between an amendment to Section 12 of the Bantu (Urban Areas) Act and a section of the Leasehold Bill now before Parliament.

The amendment disqualifies the descendants of citizens of independent homelands from the right to permanency in urban townships under section 10 1(A) and (B).

The Leasehold Bill limits people qualifying for leasehold rights to holders of Section 10 1 (A) and (B) rights and their descendants.

In spite of assurances from Dr Mulder that the descendants of citizens of independent homelands will qualify, Mrs Suzman fears their position is made "ambiguous" by the amendment to Section 12.

Mrs Suzman did not question Dr Mulder's sincerity in wishing to extend leasehold rights to these descendants but felt the position should be made indisputably clear.

The executive director of the Urban Foundation, Mr Jan Steyn, yesterday welcomed the Leasehold Bill as a giant stride toward improving the quality of life in urban townships.

"Some idea of the impact of the legislation can be gained from the fact that, according to the 1970 census, there were some 4 500 000 people permanently resident in black urban areas outside the homelands," he said.

He welcomed the decision not to exclude citizens of independent homelands from leasehold rights.

TABLE 19.

| | | |

Hansard. 19 16 June 1978.
Question 4 Cols. 959 a 960

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The Ides of June

FM 16/6/78

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Caesar (to the Soothsayer): The Ides of March are come.
Soothsayer: Ay, Caesar; but not gone

Will June 16 ever loom up without businessmen in town feeling jittery? The politics of race in SA has become so unpredictable, peace in the townships so finely balanced, that the answer must be no.

As the *FM* went to press this week, it was impossible to predict whether the second anniversary of the Soweto violence would pass without incident (*Current affairs*).

Two years ago there had been plenty of warning signs: several schools had been on strike over the Afrikaans decree, and there had even been violent incidents, prompting the Institute of Race Relations to send urgent warning telegrams to Parliament.

Our rulers, however, chose to ignore the signals. In a classic example of famous last words, Wrab boss Manie Mulder declared that "the broad masses of Soweto are perfectly happy, perfectly content." Was there any danger of a blow-up in the townships? "None whatever," said Mulder.

That was in the middle of May 1976.

We now presumably have the wisdom of hindsight. But are we willing, even able, to read the signs?

Despite the approach of mid-winter, Wrab has got tough with people who are in arrears with their rent; there seem to be as many jobless people as ever; in Cape Town (see *Books*) squatter camps such as Crossroads are under threat of destruction; all over the country, black people are discovering that their SA citizenship has been taken away; pass raids and police swoops have been stepped up; prices are set to leap up when the general sales tax comes into effect next month.

All this can only make people angry. The problem is knowing what form that anger will take. Will it be drowned in drink? Expressed as violence against other blacks? Will it boil over now? Or be bottled up, only to explode at some future date?

Scared to tell the truth

There is no means of being sure. Too many of the black leaders — and journalists — who could credibly express the feelings of the townships have been silenced by bannings or detentions. Newspapers, too often accused of provoking the frustration which they merely report, are scared to tell the whole truth.

Wrab is out of touch. The new Soweto community council speaks for only 6% of the people. Nor does it have much chance of establishing its legitimacy retrospectively: despite the functions which Connie Mulder last week said would be handed over to it, the council has neither the power nor the money to do anything of consequence to solve the problems, or meet the aspirations, of the people in Soweto.

In fact, the unrepresentative council is a dangerous institution. Government, having simply ignored the low polls, will be lulled into thinking it is dealing with the leaders of the township.

The community council is not the only issue which has been bungled. In the two years since Soweto exploded, government has mishandled one race issue after another — so much so that it looks as if cabinet ministers no longer know how to carry out their own policies. Twisting and turning through the ideological maze they have built around themselves, floundering in all directions, they are no longer able to find the open air. For example:

- The Great Leasehold Foul-up has now been going on for *three and a half years*. First you had to take out a bantustan citizenship document before you could get a lease; then that condition was scrapped; then another citizenship dimension was introduced, the result of which is that possession of a lease over a house will not necessarily entail a legal



Police Minister Kruger . . .
"urban terrorism is finished"

right to live in it. This week's legislation leaves the matter confused.(*Current affairs*). It's doubtful that many people in Soweto or any other township have an ounce of confidence left in the scheme.

- Black traders' rights are also in a mess. In 1976 traders were told they too would have to sign on with one or other bantustan. Last year that requirement was also scrapped. Traders were told they could form limited liability companies. A group of black businessmen did so, and applied for premises for a supermarket on the East Rand. But they were turned down on the grounds that they didn't have the right pass qualifications.

Black opposition

Is it or is it not government policy to give Africans permanence in the urban areas? Is it or is it not government policy to build up a stable black middle class in these areas? Is it or is it not government policy to allow black pupils to attend white private church schools? Nobody seems to have the faintest idea.

The position of urban blacks is not the only area where government is out of its depth. It is equally out of its depth in handling black opposition.

Those who care not a fig for justice or democracy might argue that a policy of brutal *realpolitik* can work. After all, it works in the USSR.

Lock up a dissident here, suppress a newspaper there, stand no nonsense generally, and political stability can be maintained. All that is required is that you don't get soft, don't let your heart rule your head, and don't shrink from applying tough methods when and where you have to.

Maybe it does work in Russia — if not before 1917, certainly afterwards. But it has never worked in SA.

We started off with bannings, 30 years ago. Then the Public Safety Act and the "Whipping" Act, 25 years ago. Then 90-day detention. But brutal as those measures were, they did not persuade any blacks to love apartheid. So we got 180-day detention without trial. That wasn't enough, so indefinite detention was introduced by the Terrorism Act of 1967.

Despite this never-ending arsenal of security laws, black opposition to apartheid has grown and grown. After the banning of the ANC and the PAC in 1960, the pacifist products of mission schools were replaced as leaders by men who turned to sabotage.

The defence budget got bigger and bigger. The sabotage organisations were finally smashed in the mid and late Sixties, and SA had a few years of calm.

Then came Soweto, and suddenly whites woke up to the potent phenomenon of black consciousness. Last October virtually all the black consciousness organisations were banned — or, if

Getting to know Mrs Mokete

FM 16/6/78 (339)

Why do black people choose one product over another? Marketers had better find out

People talk a lot about the potential of the black market. But the potential petered out years ago. Today it's a reality — anthropologist Peter Becker in an interview with the *FM*.

Just how real is the black market is confirmed by Professor P A Nel of Unisa's Bureau of Marketing. Because of increases in private consumption expenditure, Nel gives blacks just 12 years to account for more than 50% of total household spending. They ..ent R2 295m in 1975 and R3 800m in 1977: in the same period black earnings rose 116% while white earnings rose 66%.

Despite the growing awareness of this vast market among manufacturers and retailers — illustrated by the increasing number of research reports being published and such useful seminars as this week's "Partnership with the black giant" by the NDMF — many businessmen will say that the reality mentioned by Becker is still very elusive.

The major problem is a wide communications gap. J Walter Thompson's recent controversial advertisement shows a trendily-dressed urban black man pointing a finger saying: "White man, if you want to sell me anything you better know what you're talking about." But that is easier said than done.

The getting-to-know process is fairly recent. Ideas and practices of even five years ago are only now falling away. "Then marketing people believed that black man had to see a white enjoying product before he would buy. That's no

There is therefore a real need for a research project which would have as its focus, the opinions of the contract worker on his urban quarters, and his financial commitments in the homelands.

From the fact that contract workers who return to small rooms with some regularity (the flats, and the hostels) have been prepared to spend money themselves on modernising their quarters, it can be assumed that given the right conditions, and based on sound information from the men themselves, a viable programme for the renewal of all single men's accommodation would have a very strong possibility of success.

The problem of Black housing in urban areas is not new to the South African scene, where it has been present for over a century. Recent developments, however, have highlighted the need to find effective and acceptable solutions to this problem, and it has been stressed that the Government should not be expected to take sole responsibility but that employers and the private sector have a part to play.

Unfortunately there is widespread ignorance, outside of official circles, of just what housing conditions in the Black townships are like and what steps can be taken to help.

The Black people living in Cape Town's suburbs of Langa, Guguletu and Nyanga number just over 106 000, some 9% of the City's population. Only 68 000 (or 62%) - those qualifying under Section 10 of the Bantu (Urban Areas) Consolidation Act, are permitted to live in family housing while the remainder have no alternative but to stay in single quarters. These figures exclude those 100 000 or so people estimated to be 'illegal' in the Cape Peninsula.

true today," says JWT client service director Peter Atkinson.

In fact, the current trend is to look at urban blacks in economic rather than ethnic terms. "It's totally wrong to tackle the black market as a separate entity," insists Mike Wells of ad agency Bates, Wells, Rostron. "It's not really a black market; it's a developing economic group."

But while most marketers tend to agree with this philosophy, all do so with some reservations — Wells included — and it's in this area that concepts differ.

Says Eric Mafuna, director of JWT's black communications unit: "Needs are the same, but motivations are different, and these spring from our social environment. Come five o'clock we all scuttle off to our different worlds. These tend to shape our aspirations."

This very situation raises problems for the marketing man. Today's multi-ethnic needs, coupled with multi-ethnic advertising media have given rise to advertising campaigns aimed at all races and a gradual reduction in "white" ads and "black" ads.

It doesn't always work. Often the black reader of a "white" paper doesn't see an advert as being aimed at him. "The simplest way to avoid this," says Mike Wells, "would be to put a black face in the ad. But then the white reader would say 'that's not me'. So then you use people of all races. But if you have them sitting around together in a social environment people will say 'nonsense' — and you've lost credibility."

Mafuna feels strongly about mixed ethnic ads. "We make a mistake by putting blacks and whites together in ads. We are marching now to different tunes."

OPPORTUNITY KNOCKS

Some indication of changing patterns in black spending, with important implications for marketers, were given at this week's NDMF seminar. Pointers by Unilever's public relations manager Thomas Rodolo — his own observations, he stresses — include:

- **Electrification** in townships will create demand for heaters, stoves, polishers, washing machines, refrigerators and TV sets.
- **TV sets** in turn will change eating habits. There is already a trend, says Rodolo, among upper-income blacks towards entertaining friends at cocktail parties, creating demand for cheese, snacks, wine and tinned foods.
- **Skin-care products.** There is an emphasis on hair styles too — thus hair preparation products might be in demand.
- **Clothing and footwear** are status symbols. "It is the fashion, make and tailoring which singles you out as an urbanite, a college graduate, an executive."

Black women are fashion conscious and are especially aware of their choice of evening wear. Jewellery, however, does not appear to have caught up with black women. Says Rodolo: "I have not noticed any marketing efforts to blacks by jewellers."

- **Children's wear.** Children, both boys and girls, are fashion conscious and are influenced by group identification. "While kids of other races are happy with toys and token presents for Christmas, our children are fitted out with expensive clothing. They not only expect it, they demand it."

he says.

BBD&O media director Adrian de Buck agrees that multi-racial ads can be difficult but says there is a definite trend towards them.

BBD&O chairman Peter Becker stresses the need for constant and exhaustive research. It is through such research that strong, definable patterns are emerging, which in turn are changing marketing ideas and strategies.

Africans, for example, are extremely quality conscious — price is not *all* important. Wells tells the story of a Cape clothing manufacturer whose products sold well to coloured people. But when he started marketing to Africans he got nowhere. "His prices were low," says Wells, "but the quality just wasn't high enough."

Adds Peter Atkinson: "Look at the demise of cigarette brands priced at the lower end of the market."

Another product of research is the discovery that blacks are not just looking at products, but at the companies which make them. "For this reason," warns Atkinson, "it might not be such a good thing for a company to announce proudly that it has bought so many thousands of rands of defence bonds. That might go down well with whites, but not necessarily with blacks."

It is therefore essential in marketing to the black market to be totally aware of black sensibilities. "It's so important to understand this," stresses Mafuna. "People make flip assumptions, like trying to get Gatsha Buthelezi to endorse a stove."

Wells unashamedly admits that his agency pays a retainer to a witchdoctor to "vet" ads specifically aimed at blacks. "He tells us he knows the black man's psyche. We make use of him in the same way as we use psychologists and sociologists for whites."

Mafuna, however, cautions against too old-fashioned concepts. He considers that a vitally important manifestation today is the emergence of what he calls "the assertive black" who, he says, has tremendous influence on the urban black community. "Seventy per cent of blacks in SA are under 30 and these young people are rejecting the views of their elders. Not for them the old, established 'black' brands."

The possibility is, of course, that the rapid emergence of this sophisticated, highly confident and increasingly affluent black force will yet again change marketing concepts and further narrow the gap between "black" and "white" consumers.



Cosmetics counter . . . where black is beautiful

√√

16

FM 9/6/76

BLACK MOOD

339

As the FM *went to press, a staffer who spent the past week assessing the mood of Soweto filed this report:*

Two years after the violence that spread across the country, left 700 dead, and made world headlines, Soweto remains defiantly under siege.

In the past weeks, police in army camouflage fatigues have again become a common sight. Roadblocks and house-to-house raids are once again an everyday occurrence.

The crackdown includes detentions of officials in black organisations like the Soweto Action Committee and the recently-formed Azania People's Organisation. Five members of Nthato Motlana's Committee of Ten are still in jail.

Complains a man waiting at the Baragwanath bus terminus: "We are under siege. But what have we done to deserve this?"

Lower and higher primary schools are in operation, as is the new teachers' training college, the gift of Anglo American. The Department of Education and Training says education in the townships is once again under control.

But the authorities should not lull themselves into a false sense of achievement. Although thousands of students have gone back to the secondary schools which were taken over by the state last year, thousands are still on the streets. At the same time, many have gone to schools elsewhere, particularly in KwaZulu's Madadeni township outside Ladysmith.

Three Soweto high schools — Orlando, Musi, and Morris Isaacson — stand empty, monuments to the boycott of Bantu Education.

Last month at an SA Council of Churches consultation, black and white educationists pointed out that bitterness and total rejection are still simmering.

Add to this the situation of teachers who, when the students went on boycott, followed suit. The then Department of Bantu Education was besieged with mass resignations. Months after this some teachers re-applied for their jobs and were taken back after claiming that they had resigned under pressure from "militant elements." (At the moment there are no figures to show how many teachers are still on boycott.)

Unemployment is everywhere. During the day there is a visible number of young and old "idle" residents. Addressing a symposium at the Rand Afrikaans University last week, Beatrice Roji, a psychologist at Soweto's Entokozweni Centre, pointed out that "unemployment in Soweto is another reason for the critical alcoholism."

Connie Mulder's announcement last week that the Soweto Community Council will be given powers over housing and allowed to establish a community guards system has not impressed most residents.

At the beginning of the week, Soweto seemed to have adopted a "law of silence" on what was going to happen on the second anniversary of the 1976 disturbances.

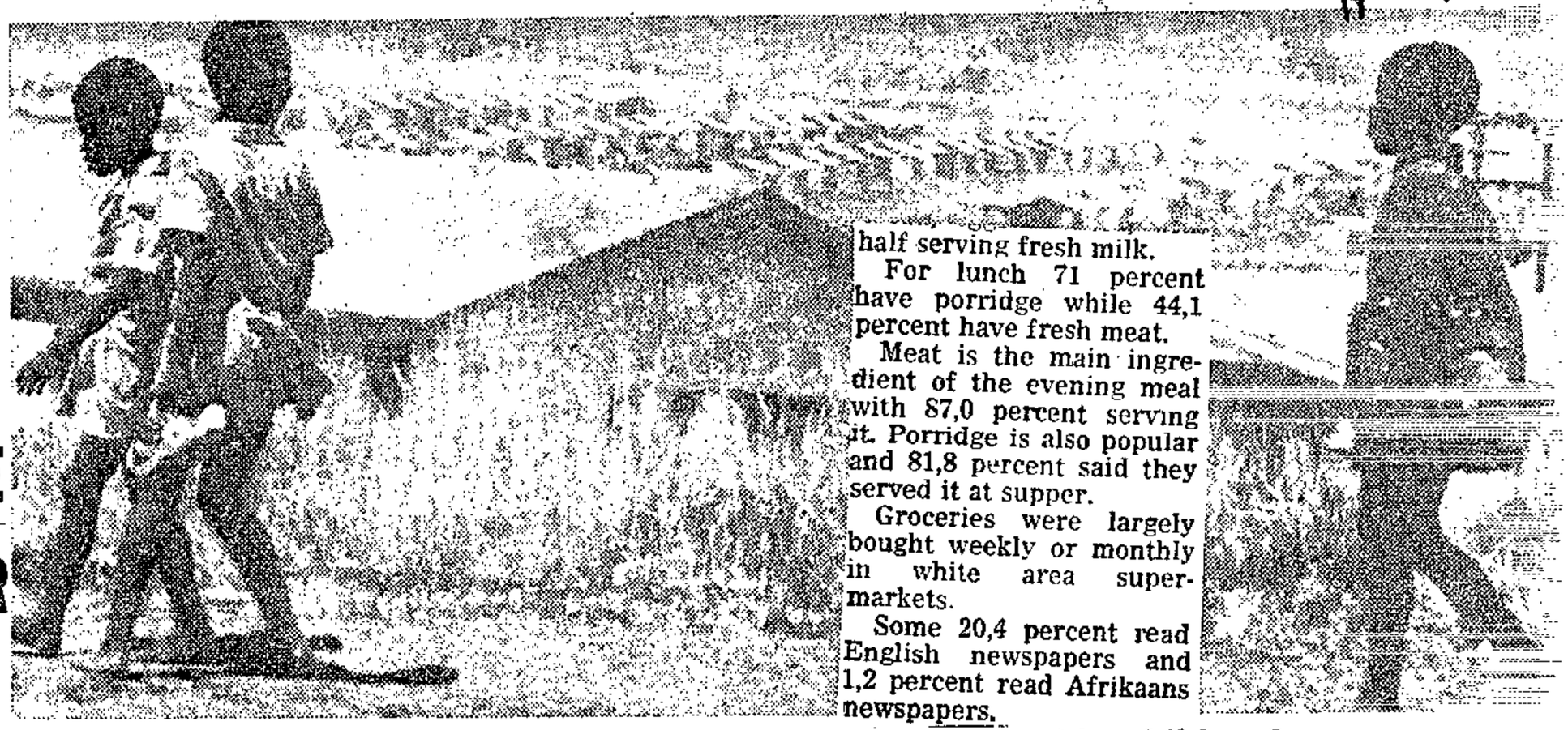
Even the few foreign press correspondents who have been hanging around in Soweto in the past week (in anticipation of something dramatic) could make no progress.

(Subsequently it became known that there would be commemoration services at Regina Mundi and other churches, and that shops, shebeens, and sporting centres had been asked to close.)

They'll not buy poverty

339
Sunday 18/6/78

...BLACKS LIVE IN HOMES OF SQUALOR WHICH ...OULD MAKE YOU SHUDDER — SURVEY



What does the future hold for these township children?

By PETER MANN

THE VAST majority (71,8 percent) of urban blacks in South Africa would not buy the house they are living in.

This fact is included in an authoritative survey conducted by Market Research Africa, based on a random sample of 1419 black urban housewives.

During the last quarter of 1977, the housewives were interviewed on a wide range of matters in township life.

The profile that emerges is of an intensely religious people — 93,4 percent are members of a church and 34 percent attend services more than once a week — living in conditions of poverty and squalor that would make many whites shudder.

For example:

- 82,9 percent of those interviewed had no bathrooms.
- 82,7 percent had no electricity.
- Only 1,8 percent had running water, although 72,9 percent had running water.
- 73,4 percent had no ceilings.
- 76,4 percent were troubled by insects — with cockroaches and flies being the most common.

The survey shows the average township dweller lives in a brick house with an asbestos or corrugated iron roof.

Most (61,4 percent) have four rooms (kitchen, livingroom and two bedrooms) although 24,2 percent had three rooms or fewer.

The floors are usually covered in lino with a lesser number cement. Some 91,1 percent have four beds or fewer with the majority being three beds (33,1 percent) or two beds (27,6 percent).

The vast majority (86,2 percent) had children living in the house with them.

Average salaries ranged from R80 to R199 a month. And 59,4 percent earned between these limits. Of the rest 21,1 percent earned from R200 to R299, while 11,5 percent earned R300 and more. Eight percent earned less than R80 a month.

Township blacks worry about their high rents — 30,2 percent complained of this. The crime rate disturbed 29,4 percent of them, while 28,3 percent complained of the lack of electricity.

Poor housing and poor roads (both 19,7 percent) and unemployment (18,4 percent) were next on the list of problems.

The survey showed that 5,6 percent of the men were unemployed, 2,2 percent had been without jobs for longer than a year.

Evidence of the poverty in which they lived came when 77,4 percent of those interviewed could not save any money. Of the 22,6 percent who could save 16,5 percent preferred to put their money in a bank.

Surprisingly 35,6 percent said they had been on holiday within the past year.

Another surprise was that 43 percent said the system of public transport in their township was good.

Predictably levels of education were low. Some 22,2 percent of those interviewed were illiterate while 40,9 percent had Standard 5 or below. Only 1,0 percent were matriculated, while 0,6 percent had completed post matric studies.

However, the emphasis on education was shown by the fact that 54 percent had children at school, while 33,4 percent had children who had completed their schooling.

A significant 66,9 percent of those interviewed disagreed with children staying away from school.

Of the children at school 86,7 percent were in Standard 5 or below with 24,5 percent in Grades 1 and 2. Only 0,4 percent were at university or following post matric courses.

The township dwellers are a fixed population with 58,9 percent having lived in township for longer than 16 years.

However, more than a quarter of those interviewed said they saw no advantage in living where they did, while more than a third said they didn't particularly like their house. Another 31,2 percent said there was nothing about the house they particularly disliked.

Nearly half said the house was too small, while 31 percent said they liked it because they had nowhere else to go.

The housewives classified the family's health as good — although they thought the husband was less healthy than the rest of the family.

For breakfast the family eat porridge — preferably mealie meal — brown

half serving fresh milk.

For lunch 71 percent have porridge while 44,1 percent have fresh meat.

Meat is the main ingredient of the evening meal with 87,0 percent serving it. Porridge is also popular and 81,8 percent said they served it at supper.

Groceries were largely bought weekly or monthly in white area supermarkets.

Some 20,4 percent read English newspapers and 1,2 percent read Afrikaans newspapers.

(339)

Sunday Times 18/6/78

ting in that will South Africa

NSTEAD of withdrawing from South Africa, oreign investors should be encouraged to assist he black community by making money available at low rates of interest specifically to help them acquire their own homes.

This was said this week by Mr Justice J. H. Steyn, executive director of the Urban Foundation.

He welcomed the leasehold legislation passed by Parliament this week as a "giant stride in the process of improving the quality of life of urban blacks".

The legislation had provided security for the private sector to advance money for black housing.

Statistics supplied by the Urban Foundation reveal that the amount of money needed to wipe out the backlog in urban black housing is about R1 200-million.

"There is a minimum shortage of 200 000 houses. With services, it now costs R6 000 to construct a four-roomed house with an inside toilet and shower," said Mr Justice Steyn.

"If there is a response from the private sector there should be a dramatic improvement in the situation."

[It is believed that the building societies — who co-operated with the foundation in urging the leasehold legislation — will make large amounts of money available for black home ownership.

They are said to feel that a moral obligation to the black investors whose savings deposits throughout the years have made up a substantial part of building society income.]

Mr Justice Steyn said that freedom of choice, a sense of security and financial stability were the most important aspects of the Government's 99-year leasehold home ownership scheme for urban blacks.

Dr Robin Lee, general manager of the foundation, said: "Owning something substantial, instead of renting a house without choice of area or neighbours, is one of the main psychologi-



Mr Justice Steyn

99-year lease offers opportunity to outside world

BY NIC VAN OUDTSHOORN

cal values of the legislation.

"There has been tremendous resistance by urban blacks to earlier township schemes because, with exceptions, they were put together into drab uniformity without choice.

"The main non-material advantages I see in this are the natural differentiation and grouping in accordance with income and interests, and the neighbourhood pride which will flow from it," Dr Lee said.

Enlarged

Mr Justice Steyn pointed out that on average 10 people now lived in a Soweto two-bedroomed home but, in some cases, the number rose to as many as 17.

"Once you have home ownership and security of tenure it is almost certain that present homes will be enlarged to provide more suitable accommodation."

A spokesman for the foundation this week explained how the new legislation would affect the average urban black.

"According to the 1970 census figures, at least 4,5-million blacks were permanently in 'white' areas, and with an average increase of 4 per cent a year, this would be about eight million by the year 2 000.

"To qualify, the man must have been born in the area, or have lived there for an unbroken period of 15 years, or have been with one employer in that area for 10 years.

"To buy or build a house the man would need a deposit of 25 per cent or his employer would have to deposit that amount with the building society, which would then advance a 100 per cent bond.

"He would have to repay the loan over a period of up to 30 years — depending on the size of the loan — but his repayments may not exceed 25 per cent of his monthly income.

"In exchange for his payment he will get the right to own for 99 years the site and structure and all improvements erected on it. He will also have the right to sell or rent it, and to bequeath it.

"After 99 years the land and all buildings on it will revert back to the State. However, South Africa has a long tradition of leasehold being converted into freehold."

ut help you

ngaging people

black

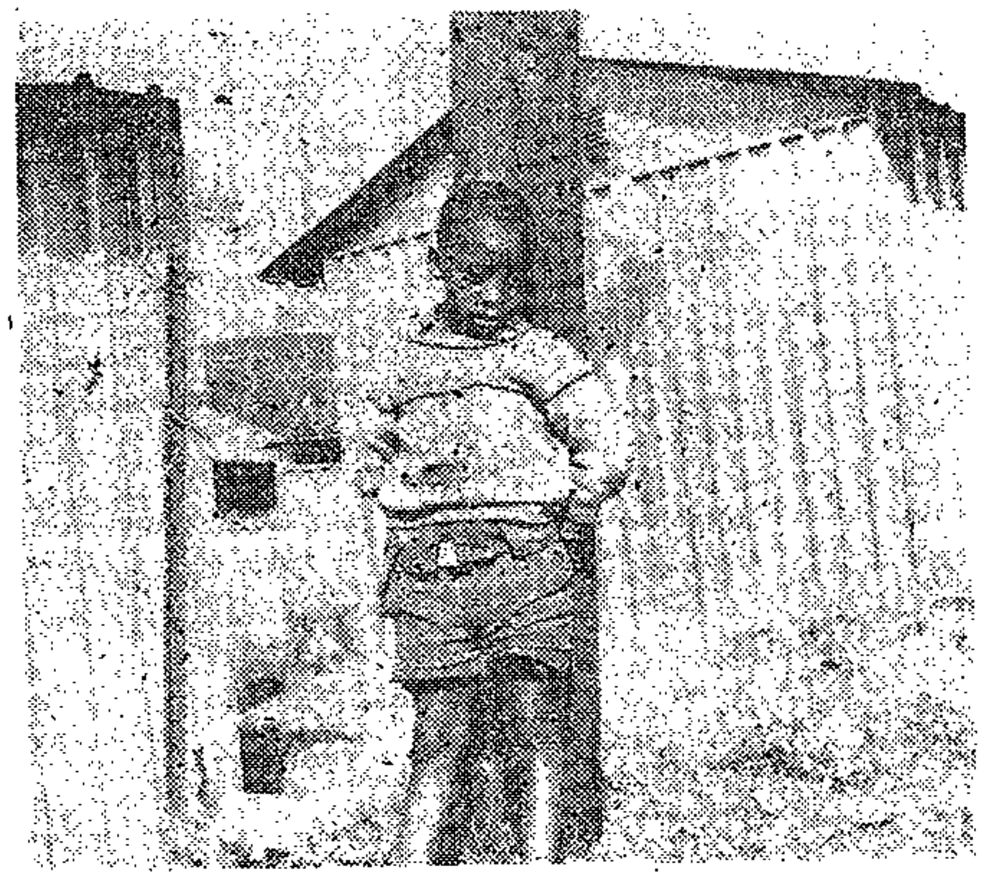
people

ngaging

(331) 21/6/78 DD

Hell on earth in the townships

In this, the final instalment of the spotlight on the youth crisis, Daily Dispatch staff features writer Shirley Smith takes a look at problems in the black townships.



f talking to Keith entress, psychologist, on he problems of eenagers, was an in-eresting exercise in eciding whether the oung person needed to e entertained or whether e should be integrated nd motivated enough to eep himself occupied, hen interviews with Mrs hlapo, Mr Quotile and thers quickly brought he mind down to earth gain.

"My case load, which is normous, can be explain-d in two words," said Mrs vy Nhlapo, Social Worker or Child Welfare, il-egitimate children. "It's a ell on earth for the oung people in the ownships. What are they loing?" was a rhetorical uestion.

Nothing, is the expert pinion, except roam around the streets and run nto trouble.

"We are moving around in circles," said Mrs Nhlapo, "we have to wait until the girls are preg-nant before we see them. The disturbed boys are seldom helped at all.

"We must have organis-ed activity for our children.

When she arrived in East London several years ago, Ivy Nhlapo was stunn-ed by the lack of facilities here.

She had worked for 12 years in Johannesburg, where boys and girls clubs were run and organised in Soweto by the municipali-ty of Johannesburg.

In the clubs thousands of youngsters were kept happily engaged in all kinds of activities, creative, practical and physical activities, with the arts being professionally taught.

She jumped at the idea of school buildings (of which there are, regret-tably, too few), being turned into extramural and recreational centres after school hours, and adult education centres in the evenings.

But she pleads for something else as well. She feels it is essential for the school curriculum to cover sex education.

Developing teenagers are ignorant of the facts of life and they are being in-troduced to sex, brutually, in the streets — hence the vast number of pregnan-cies in young girls.

The Child Welfare Association has been approached to start some youth programmes, but this will be in a limited way for the work obvious-ly will be done with the children already in trouble.

Preventive action is needed to give the youngsters of Mdantsane and Duncan Village a better chance in life.

The parents need to be educated in the problems too. Many mothers refuse to send their daughters to family planning clinics to receive the pill — on the grounds they do not want to encourage their daughters to sleep around.

But they do not unders-tand that conditions are so bad that the girls will sleep around anyway and panic sets in when pregnancy occurs.

It would help the overall problem to begin to stop the unwanted pregnan-cies.

Youth meetings held at the Window Theatre at weekends was offered as some kind of answer for some of the children.

"The Window Theatre meetings are in the wrong place at the wrong time," said Mrs Nhlapo. Our children need something on a daily basis, and in our townships.

David Qotile works at Frere Hospital during the day and nightly from 5.30 to 7.30 runs a boxing and netball club in Duncan Village.

He finds the activity popular among the teenagers.

Every so often he organises tournaments for his teams in the Communi-ty Centre..

He does this because he wants to prevent the young people of Duncan Village from becoming hooligans.

He finds many parents are ignorant of the needs of young people.

While some appreciate the value of his clubs, others feel it to be a waste of time.

Therefore he dare not appeal to parents for financial help — for if he does he expects them to order their children "not to go there anymore."

Mr Qotile needs help urgently for a practical solution to what he sees as a serious problem.

The sports tournament ends at midnight and he has found that many of his young players and spec-tators are mugged and raped on their way home.

Therefore, he hopes, somehow, to acquire stereo equipment so that, instead of leaving for home at midnight, he will entertain them with a dis-co at the centre and keep them safe until morning, when they can go home without fear of physical violence.

Of course what they really need are clubhouses with canteens and other facilities.

And an environment safe enough for travelling to and from the centres.

Mrs Linda Mtshizana is a parent who works as a saleslady in a clothing store in the city.

In attempting to grap-ple with the problems of a mother — needing to work, a long way from home, needing to leave her children and her home early in the morning, in order to get to work on time and arriving home late in the evening — Mrs Mtshizana represents thousands of women in the townships.

"It's difficult, there are many problems with our children — there are no facilities for them to be entertained and kept busy.

"There are no playgrounds — there doesn't seem to be anything they like available — except runn-ing around the streets.

"Mothers leave early in the morning — and don't have anybody to look after their children — they are often locked out of their homes during the day. At best a neighbour might be asked to keep an eye on them."

Some of them go to school and some don't. Many play rookie and end up running around and loafing.

Youngsters in Duncan Village and Mdantsane don't go to school, cannot be admitted to school until they are 7 or 8 years old.

By that time, many of them have already formed bad habits and don't want to go to school.

Often a life of crime starts at a tender age for a youngster in Mdantsane and Duncan Village. By the time he becomes a teenager he is often a professional thief and mugger.

"We need more schools," said Mrs Mtshizana.

If there were more schools, more children would go to school — and at a younger age. This would create more in-terest in schooling, and more children would at least be educated.

"I would be happy," she said. "to see the children cared for and busy doing things after school — until their parents returned home in the evenings.

"So many of our children end up in trouble because they have nothing to do during the day. Pregnancy is a dreadful problem.

"We also need the schools to educate the children in sex, often they don't understand what is happening until it is too late."

Mrs D Pillay, of Ward Street, North End, told the same story.

"There are no com-munal creative outlets for our children.

"The East London Arts Society has closed down because of lethargy.

"Only sport is catered for after school hours.

"The Window Theatre is a great relief, but it caters for the older teenagers rather than the young teenager.

"Generally there is a terrible lethargy among our people, which is dif-ficult to explain — let us try to sum it up in one word — politics.

"There is nowhere for our children to go, nothing for them to do — they can and do run into mischief.

"We have to attempt to entertain them ourselves, by organising house par-ties, letting them bring friends home.

"With the exception of a few church organisations who are running youth groups there are no out-lets for our children either socially or creatively. It's a dreadful problem."

There you have it, whatever the race, whatever the creed, East London mothers are worried and the city offers little or nothing t alleviate the frustration

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VAN DIE REPUBLIEK VAN SUID-AFRIKA

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VOL. 157] PRETORIA, 7 JULIE JULY 1978 [No. 6110

PROKLAMASIES

van die Staatspresident van die Republiek van Suid-Afrika

No. R. 178, 1978

REGULASIES VIR DIE ADMINISTRASIE EN BESTUUR VAN DORPE IN BANTOEGEBIEDE.—WYSIGING VAN PROKLAMASIE R. 293 VAN 1962

Kragtens die bevoegdheid my verleen by artikels 6 (2) en 25 (1) van die Bantoe-administrasie Wet, 1927 (Wet 38 van 1927), gelees met artikel 21 (1) van die Bantoetrust en -grond Wet, 1936 (Wet 18 van 1936), wysig ek hierby die Regulasies vir die Administrasie en Bestuur van Dorpe in Bantoegebiede, afgekondig by Proklamasie R. 293 van 1962, verder soos in die Bylae hiervan uiteengesit.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die Agste dag van Junie Eenduisend Negehonderd Agt-en-sewentig.

N. DIEDERICHS, Staatspresident.

Op las van die Staatspresident-in-rade:

C. P. MULDER.

BYLAE

1. Hoofstuk 2 word hierby gewysig deur in regulasie 23 (7) na die woorde "of te sterwe kom" die volgende in te voeg:

"of wanneer 'n sertifikaat aan iemand uitgereik is om akkommodasie te bewoon wat by ooreenkoms deur sy werkgewer opgerig of gehuur is en hy ophou om in diens van daardie werkgewer te wees of te sterwe kom".

2. Hoofstuk 8 word hierby gewysig deur regulasie 23 (1) en (2) deur die volgende te vervang:

"23 (1). 'n Dorpsraad oefen, behoudens die voorwaardes deur die Minister bepaal, daardie bevoegdhede uit en verrig daardie werksaamhede en pligte ten opsigte van sodanige van die volgende aangeleenthede as wat die Minister na oorlegpleging met die gebiedsowerheid aan sodanige dorpsraad opdra:

(a) Die uitlê van die dorp;
(b) die huisvesting van Bantoes in sodanige dorp;
(c) die verwydering van persone wat onwettig in die dorp woonagtig is;
(d) die onwettige okkupasie van grond en geboue;

PROCLAMATIONS

by the State President of the Republic of South Africa

No. R. 178, 1978

REGULATIONS FOR THE ADMINISTRATION AND CONTROL OF TOWNSHIPS IN BANTU AREAS.—AMENDMENT OF PROCLAMATION R. 293 OF 1962

By virtue of the powers vested in me by sections 6 (2) and 25 (1) of the Bantu Administration Act, 1927 (Act 38 of 1927), read with section 21 (1) of the Bantu Trust and Land Act, 1936 (Act 18 of 1936), I hereby further amend the Regulations for the Administration and Control of Townships in Bantu Areas, published under Proclamation R. 293 of 1962, as set out in the Schedule hereto.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Eighth 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

1. Chapter 2 is hereby amended by the insertion in regulation 23 (7) after the words "or dies" of the following:

"or whenever a certificate has been issued to anyone to occupy accommodation erected or leased by agreement by his employer and such person ceases to be in the employ of that employer or dies".

2. Chapter 8 is hereby amended by the substitution for regulation 23 (1) and (2) of the following:

"23. (1) A township council shall, subject to the conditions determined by the Minister, exercise such powers, and perform such functions and duties in respect of such of the following matters as the Minister, after consultation with the territorial authority, may assign to such township council:

(a) The lay-out of the township;
(b) the accommodation of Bantu in such township;
(c) the removal of persons unlawfully resident in such township;
(d) the unlawfully occupation of land and buildings;

(e) die bestuur van en beheer oor die dorp en die handhawing van die goeie orde daarin;

(f) die oprigting en gebruik van wonings en ander bouwerke, en die verwydering of sloping van ongemagtigde of verlate geboue of bouwerke;

(g) die toekenning van persele;

(h) die verbod op of die reëling van binnekoms of tydelike verblyf in die dorp;

(i) die verskaffing van sanitêre, gesondheids- en mediese dienste;

(j) die maatskaplike welsyn van die persone wat in die dorp woon;

(k) die brou, verkoop en verskaffing van Bantoebier en verskaffing van sterk drank;

(l) die oprigting van Bantoebiersale en -depots;

(m) die daarstelling, instandhouding en administrasie van biblioteke, parke, swembaddens en sportterreine;

(n) die instelling, oprigting, instandhouding, reëling en bestuur van markte;

(o) die oprigting, instandhouding en beheer van liefdadigheidsinrigtings;

(p) armsorg;

(q) die oprigting, instandhouding en bestuur van slagpale.

(2) Met ingang van die datum waarop enige aangeleentheid kragtens subregulasie (1) aan 'n dorpsraad opgedra word, hou die Bantoesakekommissaris en enige ander persoon wat ooreenstemmende bevoegdhede, pligte of werksaamhede ingevolge hierdie Proklamasie moet uitoefen of verrig, op om sodanige bevoegdhede, pligte of werksaamhede uit te oefen of te verrig: Met dien verstande dat niks in hierdie subregulasie vervat, vertolk mag word as sou dit—

(a) afbreuk doen aan enige bevoegdheid, werksaamheid of plig wat ingevolge regulasies 9 (7) en (9), 13 (4), 20 (2), 23 (3) en (7), 46 (8) en 48 (3) van Hoofstuk 2, regulasie 21 (3), 5 (ii) en (iv) van Hoofstuk 3, regulasie 1 van Hoofstuk 6, of ingevolge Hoofstuk 8 van hierdie Proklamasie by die Bantoesakekommissaris berus nie;

(b) enige departement, inrigting, raad, liggaam of persoon onder die beheer van die Regering van die Republiek verhinder om, onderworpe aan sodanige bedinge en voorwaardes as waarop daar tussen bedoelde departement, inrigting, raad, liggaam of persoon en die dorpsraad ooreengekom word, 'n bevoegdheid in verband met so 'n aangeleentheid uit te oefen of 'n werksaamheid of plig in verband daarmee te verrig nie.".

(e) the management and control of the township and the maintenance of good order therein;

(f) the erection and use of dwellings and other structures, and the removal or destruction of unauthorised or abandoned buildings or structures;

(g) the allotments of sites;

(h) the prohibition or the regulation of entry into or sojourn in the township;

(i) the provision of sanitary, health and medical services;

(j) the social welfare of persons residing in the township;

(k) the brewing, sale and supply of Bantu beer and supply of intoxicating liquor;

(l) the erection of Bantu beerhalls and depots;

(m) the establishment, maintenance and administration of libraries, parks, swimming-baths and sports fields;

(n) the establishment, erection, maintenance, regulation and management of markets;

(o) the erection, maintenance and control of charitable institutions;

(p) poor relief;

(q) the erection, maintenance and management of abattoirs.

(2) From the date on which any matter is assigned to a township council in terms of subregulation (1), the Bantu Affairs Commissioner and any other person who have to exercise or perform corresponding powers, duties or functions in terms of this Proclamation, shall cease to exercise or perform such powers, duties or functions: Provided that nothing in this subregulation contained shall be construed as—

(a) derogating from any power, function or duty which vests in the Bantu Affairs Commissioner in terms of regulations 9 (7) and (9), 13 (4), 20 (2), 23 (3) and (7), 46 (8) and 48 (3) of Chapter 2, regulation 21 (3), (5) (ii) and (iv) of Chapter 3, regulation 1 of Chapter 6, or in terms of Chapter 8 of this Proclamation;

(b) preventing any department, institution, board, body or person under the control of the Government of the Republic from exercising any power or performing any function or duty in connection with any such matter subject to such terms and conditions as may be agreed upon by the said department, institution, board, body or person and the township council.".

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GENERAL EXPLANATORY NOTE:

Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Bantu (Urban Areas) Consolidation Act, 1945, in order to provide for the granting of a right of leasehold in respect of sites in Bantu villages and locations; for the right to effect improvements on sites in respect of which a right of leasehold has been granted; and for establishing offices for the registration of certain rights; and to extend the powers of the Minister to make regulations; and to provide for matters incidental thereto.

(English text signed by the State President.)
(Assented to 20 June 1978.)

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

1. Section 1 of the Bantu (Urban Areas) Consolidation Act, 1945 (hereinafter referred to as the principal Act), is hereby amended— Amendment of section 1 of Act 25 of 1945, as amended by section 1 of Act 10 of 1955, section 23 of Act 36 of 1957, section 20 of Act 63 of 1962, section 39 of Act 42 of 1964, section 8 of Act 70 of 1974 and section 7 of Act 4 of 1976.

(a) by the insertion after the definition of "acquire" of the following definition:

'"administration board' means a Bantu Affairs Administration Board referred to in section 2 of the Bantu Affairs Administration Act, 1971 (Act No. 45 of 1971), or its successor in title;";

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

'"association' for the purposes of sections 6A and 6B and any regulation relating thereto, means a juristic person in which no person, other than a Bantu, has any interest, or a body of persons consisting of Bantu only;";

(c) by the insertion after the definition of "Bantu village" of the following definition:

'"certificate' means a certificate referred to in section 6A (4) or, as the case may be, any right to which such certificate relates;";

(d) by the insertion after the definition of "prescribed area" of the following definition:

'"qualified person', in relation to a right of leasehold, means a Bantu referred to in section 10 (1) *(a)* or *(b)* who is not a Bantu referred to in section 12 (1), and any descendant of such a Bantu, who is a Bantu referred to in section 10 (1) *(a)* or *(b)*, and includes an association and also any Bantu who is not a qualified person but who falls within a category of Bantu recognized by the Minister by notice in the *Gazette* as qualified persons for the purposes of sections 6A and 6B and the regulations

relating thereto, or who has in any particular case been expressly recognized by the Minister as a qualified person for such purposes, as well as any church or welfare organization which has in any particular case been expressly recognized by the Minister as a qualified person for the said purposes;'';

(e) by the insertion after the definition of ''registered'' of the following definition:

'''registrar' means a registrar appointed in terms of section 6B (2), and includes an assistant of a registrar;''; and

(f) by the insertion after the definition of ''sprouted grain'' of the following definition:

'''surveyed site' means a site indicated on a general plan of a Bantu village or location, which plan has been prepared in the prescribed manner and approved by the Minister for the purposes of sections 6A and 6B;''.

Insertion of sections 6A, 6B, 6C and 6D in Act 25 of 1945.

2. The following sections are hereby inserted in the principal Act after section 6:

''Leasehold.

6A. (1) *(a)* Notwithstanding the provisions of this Act or of any other law to the contrary, an administration board may in respect of land acquired by it under section 12 of the Bantu Affairs Administration Act, 1971 (Act No. 45 of 1971), or of which it is the registered owner, upon application made to it in the prescribed manner and on the conditions prescribed generally or approved by the Minister in any particular case, grant in the prescribed manner in respect of any surveyed site situated on such land, a right of leasehold for a period of ninety-nine years to a qualified person, excluding an association, for residential purposes or to a qualified person, including an association, for the purposes of conducting on such site any profession or business.

(b) For the purposes of this section and section 6B, a reference therein to a profession shall be deemed to include a reference to a church and a welfare organization.

(2) *(a)* A right of leasehold shall be granted against payment to the administration board of an amount in respect of such right and any improvements on the surveyed site in question or the filing with the administration board of security to the satisfaction of the board for the payment of such amount upon registration.

(b) The amount referred to in paragraph *(a)* shall be determined, and be payable, in the manner prescribed, and such manner shall provide for the payment of the amount also by way of instalments.

(3) A right of leasehold shall not be granted unless the surveyed site in question has been demarcated, as prescribed, in accordance with the approved general plan of the village or location concerned, and any dispute in respect of the position of any beacon has been settled in accordance with the regulations.

(4) *(a)* The grant under subsection (1) of a right of leasehold shall be subject to the registration of that right in the appropriate registration office.

(b) A qualified person to whom a right of leasehold has been granted under subsection (1)—

(i) shall lodge with the registrar concerned the documents prescribed for the registration of the right, and the registrar, if satisfied that the documents are in order, shall register the right, subject to the conditions referred to in subsection (1), in favour of such person against the entry in the register referred to in section 6B and which relates to the surveyed site in question;

(ii) shall be entitled, at the time of such registration, or at any time thereafter, to a certificate issued in his favour by the registrar in the form prescribed stating the fact of registration of the right of leasehold in respect of the surveyed site in question.

(c) The certificate shall serve as proof in favour of the qualified person to whom it has been issued and any subsequent registered holder thereof—

(i) of registration of the right of leasehold in question;

(ii) of the right to occupy the surveyed site in question, subject to the conditions referred to in subsection (1), for the purpose of residing or carrying on a profession or business thereon, as the case may be;

(iii) of the vesting of the rights referred to in subsection (5).

(d) The registrar shall not register the grant or transfer of a right of leasehold unless such proof as he may require is produced to him that satisfactory arrangements have been made with regard to the payment of any amount payable by reason of the transaction.

(5) Registration under subsection (4) of a right of leasehold shall, in addition to the right of occupation, have the effect of vesting in the holder of the right of leasehold—

(a) subject to the provisions of any law relating to the erection, alteration or demolition of buildings, the right to erect on the surveyed site in question any building for residential purposes or for the purposes of conducting therein any profession or business, as the case may be, or to alter or demolish any building thereon, and to enjoy, in accordance with the regulations and any conditions prescribed generally or any conditions approved by the Minister in any particular case and endorsed against the entry in the register relating to the site in question, the right of occupation of any building on the site, whether erected before or after registration;

(b) the right to encumber, by means of a mortgage, the right of leasehold; and

(c) the right to dispose of the right of leasehold to any qualified person, which shall include the right to let or bequeath the site to a qualified person: Provided that where such right is bequeathed to or devolves upon a person who is not qualified to hold the right, only the net proceeds of any sale of the right shall be transferred to such person.

(6) *(a)* Where a right of leasehold is offered for sale at a sale in execution or at a sale in consequence

of the insolvency or liquidation of the holder of the right of leasehold, the right may be purchased only by a qualified person, but where the proceeds of the sale are not sufficient to recover the judgment debt and costs or the debt, as the case may be, and all claims that are preferent to such judgment debt and costs or such debt, the mortgagee may purchase the right for an amount equal to the amount of the judgment debt and costs or the debt, as the case may be, and the amount of the said preferent claims, and exercise during the prescribed period any right referred to in paragraph *(b)*: Provided that where no qualified person purchases the right for an amount equal to the amount of the judgment debt and costs or the debt, as the case may be, and the amount of the said preferent claims, and there are two or more mortgagees, any of the mortgagees may at that sale purchase the right at the highest price offered above the amount of the judgment debt and costs or the debt, as the case may be, and the amount of the said preferent claims.

(b) Where a mortgagee purchases a right of leasehold under paragraph *(a)*, he may, during the period prescribed, dispose thereof, or let it, to a qualified person.

(c) The administration board concerned may in the manner prescribed and on the conditions agreed upon with the holder of a right of leasehold, purchase such right, and may, after the expiration of the period referred to in paragraph *(b)*, purchase from, or sell to a qualified person on behalf of, a mortgagee referred to in that paragraph, the right of leasehold referred to therein for an amount equal to the amount of the judgment debt and costs or the debt, as the case may be, and the amount of any preferent claims.

(7) A registered right of leasehold in respect of a surveyed site may be transferred to another qualified person, or to a mortgagee or an administration board under subsection (6), only by means of a deed as prescribed or by endorsement in the manner prescribed, and subject to any existing conditions.

(8) No transfer of any right of leasehold shall be effected until proof is furnished to the registrar that no charges, fees or other dues are, at the date of such transfer, owing in respect of the site in question by the holder of such right to the administration board concerned or to any community council established in terms of the Community Councils Act, 1977 (Act No. 125 of 1977).

(9) No provision of the Deeds Registries Act, 1937 (Act No. 47 of 1937), or of the Stamp Duties Act, 1968 (Act No. 77 of 1968), shall apply with reference to any document executed or any transaction entered into or any other act done in terms of this section or section 6B.

(10) No moneys, other than moneys payable in terms of the regulations, shall be payable in respect of any transaction entered into or the performance of any act thereunder.

(11) A qualified person who is the holder of a registered right of leasehold and who, in the case of a Bantu, ceases to be a qualified person by reason of

any provision of section 10 (1) *(a)* or *(b)*, or, in the case of an association, ceases to be a qualified person, shall thereby forfeit the right of occupaton but not the right of leasehold.

5 Establishment of registration office and appointment of registrars.

6B. (1) *(a)* There is hereby established at the office of each Chief Bantu Affairs Commissioner a registration office at which the registrar concerned—

(i) shall establish and maintain an effective system of registration relating to all the surveyed sites that are situated within the area of jurisdiction of such a commissioner, and shall in particular keep a register as prescribed of such sites; and

(ii) shall record every transaction, dealing or occurrence relating to a surveyed site, which is required to be, or may be, registered in terms of section 6A or this section or the regulations relating thereto, against the entry of that surveyed site in the register or in the appropriate record relating thereto.

(b) Each surveyed site shall be identified and described in the relevant register in the manner prescribed.

(2) *(a)* The Minister shall, subject to the laws governing the public service, appoint in respect of each registration office a registrar and so many assistants to the registrar as he may deem necessary.

(b) A registrar, in addition to any function assigned to him, or any power conferred upon him, by this Act, shall perform such functions and may exercise such powers as are prescribed.

(3) The registrar shall examine any document submitted to him and which is to be recorded in respect of any surveyed site and shall make the relevant recording if he is satisfied that the document is in order and that it complies with any requirement prescribed, and the registrar shall in particular—

(a) upon application in the manner prescribed, issue the certificate referred to in section 6A (4) in favour of the qualified person entitled thereto;

(b) effect any prescribed endorsements on the certificate;

(c) register or cancel any mortgage bond relating to a right of leasehold;

(d) note in the appropriate register any notice, return or statement or order of court submitted to him in terms of any law or rule of court.

(4) Where any law requires any document, order, report or other matter to be lodged with or served upon a registrar of deeds under the Deeds Registries Act, 1937 (Act No. 47 of 1937), such document, order, report of other matter, if it relates to a surveyed site or other land appearing on a general plan contemplated in the definition of 'surveyed site', shall also be lodged with or served upon the appropriate registrar under this Act.

60 Competent judicial authority concerning the hearing of certain cases.

6C. Any contravention by a Bantu of a provision of a regulation relating to a matter contemplated in section 6A or 6B shall be heard by a Bantu Affairs Commissioner, and any civil action founded on an act or omission arising from such a provision may be heard also in the court of a Bantu Affairs Commis-

sioner or a magistrate's court, irrespective of who the parties may be and irrespective of whether or not the matter is ordinarily beyond the jurisdiction of such a court: Provided that a party who institutes such a civil action in a court other than the court of a Bantu Affairs Commissioner, may recover costs only in accordance with the scale which is applicable in the court of a Bantu Affairs Commissioner.

Non-liability in respect of acts or omissions in registration office.

6D. No act or omission of a registrar or of any officer employed in a registration office referred to in section 6B shall render the state or the registrar or such officer liable for any damage sustained by any person in consequence of such act or omission: Provided that if such act or omission is *mala fide* or if the registrar or such officer has not exercised reasonable care and diligence in the execution of his duties in connection with such act or omission, the state shall be liable for any such damage.''.

Amendment of section 10 of Act 25 of 1945, as substituted by section 47 of Act 42 of 1964.

3. Section 10 of the principal Act is hereby amended by the substitution in subsection (1) *(b)* for the words ''one hundred'' of the words ''five hundred''.

Amendment of section 38 of Act 25 of 1945, as amended by section 6 of Act 45 of 1947, section 10 of Act 16 of 1955, section 47 of Act 36 of 1957, section 20 of Act 63 of 1962, section 9 of Act 76 of 1963, section 67 of Act 42 of 1964, section 8 of Act 4 of 1976 and section 4 of Act 12 of 1978.

4. Section 38 of the principal Act is hereby amended by the insertion after paragraph *(kA)* of subsection (1) of the following paragraphs:

''*(kB)* the form of any register, form, mortgage bond or other document relating to a matter referred to in this Act or the regulations, and the manner of preparation of a general plan contemplated in the definition of 'surveyed site';

(kC) the performance of any function in terms of this Act or the regulations and the procedures to be followed in connection therewith;

(kD) the conditions on which and the manner in which a right of leasehold may be granted, transferred or otherwise disposed of, the determination of the moneys payable in respect of a right of leasehold, the purchase price of improvements on surveyed sites in respect of which a right of leasehold is granted, and the manner in which such moneys or purchase price shall be paid;

(kE) the functions, duties and powers of a registrar;

(kF) the manner in which a mortgage bond shall be dealt with, the manner and form in which approval shall be granted for the cancellation of a mortgage, the procedure to be followed in respect of the foreclosure of a mortgage and the order of preference of mortgages and other claims;

(kG) the moneys payable in respect of any act performed in terms of section 6A or 6B or the regulations relating thereto and the manner in which such moneys shall be dealt with;

(kH) the control over the subletting of surveyed sites and the letting of improvements thereon;

(kI) the protection of the rights of the holder of a right of leasehold in the event of the abolition of a Bantu residential area;

(kJ) the manner in which any surveyed site shall be demarcated, the notices to be served in connection therewith, the persons on whom such notices shall be served, the replacement of beacons, the settling of disputes in connection with the situation of beacons and the persons or bodies required to adjudicate upon such disputes;

(*k*K) the period during which a mortgagee who in terms of this Act purchases any right in respect of a surveyed site, may retain that right;

(*k*L) in relation to surveyed sites, any aspect of a system of registration of rights in or to or in respect of land;

(*k*M) the circumstances in which, and the conditions subject to which, certified copies of any document referred to or contemplated in section 6A or 6B or the regulations relating thereto, may be issued;

(*k*N) in general, any other matter the regulation of which is, in the opinion of the Minister, necessary or desirable for the effective carrying out of any provision of this Act;".

Short title and commencement

5. This Act shall be called the Bantu (Urban Areas) Amendment Act, 1978, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

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23/6/78 RD

Oberholzer plan gathers no Moss

A proposal that the Johannesburg City Council impose rates on buildings as well as land, could stunt the city's growth by discouraging property development.

Mr Sam Moss, MPC, leader of the Progressive Federal Party opposition in the council, gave this warning in yesterday's municipal budget debate.

He attacked a statement by Mr J F Oberholzer, chairman of the council's management committee, who said in his budget speech: "It may become necessary to consider rating on improvements as well as land values, as is the case in Durban and Cape Town. Alternatively, additional forms of revenue must be considered."

Mr Moss described this as an ill-conceived proposal which he hoped would not get off the ground.

Johannesburg's rating system was regarded by experts as a model for the rest of the country.

The city rated land only, in this way encouraging development. A city such as Cape Town which rated improvements, had many empty stands as owners were reluctant to pay the higher rates that would follow any building operations.

Mr Moss described the R372-million budget, which increased rates by an average of 8 percent, as "a budget that while hammering the citizens of Johannesburg still further in an inflationary climate, tells them that they should be grateful that they are not being hit any harder."

Mr Moss moved an amendment to the budget calling for the wage gap between whites and other races in council service to be abolished.

He approved the decision to give an extra R150 000 to the council's lowest-paid black labourers, which will improve their pay by 1c an hour, in addition to the general pay rise of 4,2 percent.

July - 9 - 1978

SOME THOUGHTS FROM THAT GRAHAMSTOWN INDABA ON THE "ROAD AHEA

Dialogu a fire o

GRAHAMSTOWN'S much-publicised "Road Ahead" conference called to draw up a blueprint for the future has gone straight down a cul-de-sac.

The week-long debate has been rendered impotent by the absence of Cabinet Ministers, senior Government officials and MPs.

Even Dr Douglas Roberts, a member of the 1820 Settlers National Monument Foundation, which organised the conference, implored delegates: "How can we get the message across where it counts? Can you help us?"

Mrs Thelma Neville, the foundation's Press liaison officer, told the Sunday Times that Cabinet Ministers were not invited "because we thought it best not to have them at conference — it might have been awkward".

Her startling admission has left the black contingent and many whites seething. Their twin complaints throughout the week have been that if the Government did not get the message of what black aspirations are after the Soweto riots, there is not much use talking about it now, and that even if there is room for discussion it is no use preaching to the converted and powerless.

By GEOFFREY ALLEN

In his conference paper, Bishop Manas Buthelezi led the black attack on the startled white organisers and delegates in the impressive Settlers' Monument.

"The basis for dialogue here is at best unfortunate and at worst unacceptable," he said.

He accused the organising committee of having accepted as a basic premise for the future the concept of separate development. "As a speaker, I cannot imagine anything more impossible. This is not an open search for the future, merely for the road ahead on the existing premise. Our priority is liberation," he said.

Depressed

He was supported by Mr Jimmy Palos, of the South African Council of Churches. "I am depressed about what this conference is aiming at and hopes to achieve. Our problem is one of power politics. I

EDITED EXCERPTS

e dies in f scorn

on't see any politicians here. They re the people who have the power, et they are not sitting down with lack voices of dissent and that is xactly the problem — they will nly talk to those in the system."

Only Progfed MPs Dr Van Zyl labbert and Mr Derick de Villiers ttended the talks.

Black speaker after black speak- condemned the sterility of the onference and cast doubt both ublicly and privately on its rel-evance. Earlier, an Indian observer told the speakers: "People here are talking of the past all the time. They seem to be afraid to grapple with the real issues and deal with the future."

Clear

The clear message which has emerged from the debate is that leading black intellectuals believe there is no longer time for ponderous conferences or debate about constitutional reform.

Speaking during an educational debate, Mr T. W. Kumbule, former principal of Orlando High School in Soweto, said: "All the irrelevancies of the past no longer hold. Soweto gives the cue. Soweto says what must happen."

A coloured speaker, Mr Randall van der Heever, editor of the Cape Teachers' Professional Association magazine, said: "Contact here between the races has only been superficial. For the road ahead the Government is determined to keep us apart."

Beside the fundamental issue of the future of race relations in South Africa, all other topics paled.

Only 27 people bothered to attend a discussion on "Policy and Administration of Urban Black Housing at Local Authority Level", while in the next hall Chief Gatsha Buthelezi had a packed audience audibly gasping at the severity of his attack on white attitudes.

Amazed

Professor S. M. Bengu, of the University of Zululand, drew a whistle of amazement when he referred to the present in South Africa as "pre-independence time" in exactly the terminology of Mr Joshua Nkomo and Mr Robert Mugabe, of the Rhodesian Patriotic Front.

While foreign and local intellectuals sought to wrestle with "accommodation" plans within the system of separate development, the word from the contemptuous black delegates was "You haven't got the time".

[redacted]

brilliant classicist without inner direction, he left Italy launched on a career of scholarly productivity and humane propaganda unequaled in his time.

Erasmus was born at Rotterdam, probably in 1466, an illegitimate child. Educated by an influential lay fraternity, the Brethren of the Common Life, he

alone. The vast success of his books was a tribute at once to the powers of the printing press and to his lively Latin style. Erasmus' great edition of St. Jerome and his corrected edition of the Greek New Testament, both published in 1516, reached a smaller public, but they were daring appeals to the text in defiance of tradition, all the more so as Erasmus joined to his Greek text of the Scriptures a Latin translation that varied considerably from the accepted Vulgate version. his religious and social ideas in a wide ice with publishers, cardinals, kings, and like the *Manual for a Christian Knight* of *Prince* of 1515. The most celebrated of nus that is still widely read, is *The Praise* that says humorously what his other Its original title, *Moriae encomium*, with e, reveals its origin: Erasmus conceived e, and wrote it there. Cast, like Valla's e (see p. 65), in the form of a declama- lays the hold of classical rhetoric on the own behalf, Folly declares itself neces- nan existence, and in the course of its ry world with a keen eye for its failings. or Erasmus' gentle yet biting scorn, but

PHONETICS AND I

The board cites reasons for the inability of its own liquor stores and bars to compete successfully with shebeens:

- Limited business hours — shebeens have open house;
- Shebeens sell on credit;
- At shebeens clients are served by "women and prostitutes";
- Shebeens have privacy, luxurious appointments and gambling tables; what's more, they allow dancing and singing.

The board concludes that if restrictions on its own liquor operations were lifted it would be in a better position to compete.

Instead the board suggests a new dispensation for shebeens, which could be legalised subject to strict control — by administration boards.

It estimates there are 300 shebeens in the PE area, most of which have deteriorated into illicit off-sales shops, having discarded their "social club" character. There are 76 licensed off-sales liquor stores in the PE area, many of which rely up to 80% on sheben trade. Frequent liquor price wars in PE are the result of intense competition between white and coloured liquor store owners competing for a major share of the shebeen trade. At times this has enabled shebeen operators to undercut even board liquor stores by a sizeable margin.

The board knows of a certain liquor store which offers a fortnight's free holiday in Durban to the shebeen operator scoring the highest sales volumes. It says the police are powerless to contain illicit dealing.

"There is only one simple solution to the problem, and that is to prohibit the sale of liquor to blacks by white and coloured liquor stores — and to transfer this right exclusively to holders of 100 *bis* licences (administration boards and local authorities)." Also, says the board, there should be limits on individual sales.

Shebeens are not desirable, argues the board, since they:

- Attract people under 18;
- Sell on credit, plunging imbibers into financial trouble;
- Are conducive to drug trafficking;
- Disrupt families, because they remain open all night;
- Are often hotbeds of political plotting by activists and agitators.

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among the people."[21] The phrase "the people" should be taken in a restricted sense; the many were still illiterate, and to many who could barely read, Latin was still an alien tongue. Still, Erasmus pioneered in making classical education general by taking the classics out of the realm of mystery open to a few initiates

was this moderation that led Erasmus even to ridicule fellow Humanists for demonstrating the "purity" of their Humanism by slavishly imitating Cicero.

Strong spirits have always found Erasmus too mild for their tastes, but there is something vastly appealing about this self-made scholar and moralist, inveighing against corruption, superficiality, fanaticism, stupidity, and the love of war, and championing tolerance, reasonableness, accuracy, generosity of mind, and decency. Yet in the world of the Reformation, Erasmus was in the

[21] Huizinga, *Erasmus*, 39.

S k e e r d e r s

Vraelys aan skeerspanne

1. Naam (eerste naam alleenlik)

2. Ouderdom

3. Ras

4. Tuiste (dorp, distrik, tuisland)

5. Soort werk

6. Skooljare voltooi

7. Span

8. Nommer in span: skeerders dagsmanne

9. Hoe lank het u al die werk gedoen?

10. Hoe het u gelee

11. Het u al ooit a

Indien wel, kor

Plek Tydperk

1.

2.

3.

4

5.

12. Het u al ooit

Indien wel, wa

13. Vir watter dee die

14. Hoeveel plase

FM 21/7/78

339

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tions from lending money for the lease-hold of such business premises."

The Urban Foundation stands by its original support of the new measure. "The legislation represents a definite advance on the present situation," says UF general manager Robin Lee.

"We believe that the definition of a qualified person includes children of independent homeland citizens. As for traders, the restrictions are applied generally. At least those who are eligible have greater security."

A last-minute amendement allowing descendants of qualified people to qualify makes no difference, as the 10 (i) (a) or (b) proviso still remains. Children born after independence to homeland citizens are automatically disqualified.

Other victims of the restrictions are traders, who must have the relevant qualifications to lease a site for their business.

"This greatly reduces the possibility of economic transaction," maintains the JCC. "It would deter financial institutions from lending money for the leasehold of such business premises."

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"We believe that the definition of a qualified person includes children of independent homeland citizens. As for traders, the restrictions are applied generally. At least those who are eligible have greater security."

A sentence of more than six months imprisonment or a fine exceeding R500 have the same effect. JCC is recommending that such penalties should not be made harsher by disqualification from occupation rights.

Homeowners hoping to bequeath their property to future generations are heading into a dead end. If the child happens to be born after the parents' homeland attains independence he no longer qualifies to hold a lease. "Only the net proceeds of any sale of the right shall be transferred to such a person," runs the Act.

Even those who acquire right of leasehold can find themselves denied the right to occupy the house. This arises because section 10 (i) (b) rights are forfeited if the holder leaves or is employed outside that particular administration board area.

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urban blacks, this excludes all children born after independence to homeland citizens. So as homelands become independent, the market rapidly shrinks.

For urban blacks "property rights are fundamentally linked to the citizenship of the prospective homeowner," continues the memo. "But citizenship requirements do not apply to white homeowners."

BAABS (339) FM 28/7/78

Shuffle-board (DOS)

Urban black lives will change when the new demarcation of Bantu Affairs Administration Boards (Baabs) comes into effect next year.

The Department of Plural Relations and Development (Prad) intends cutting down the number of Baabs from 22 to 14. Since the Baabs control Labour Bureaux, which regulate all labour movement, this will affect employers and employees alike. Baabs act as local authorities, own all the land in their areas, and control housing and financing.

Which Baab you're under can make a difference to your life-style if you're black. Some are enlightened, others despotic.

The reshuffle is a result of proposals by an investigating committee, which showed that 1971 boundaries were neither economically nor administratively successful.

In theory the reduced number of Baabs will lead to larger areas for remaining Baabs, and larger areas should facilitate labour movement — blacks need permission to move from one Baab to another.

Yet the improvement will be minimal because the areas enlarged by the proposals are not in practice big centres of labour movement. The largely agricultural Vaal Triangle and northern OFS areas, now combined into Oranjevaal, never experienced much labour flow, except from Sebokeng to the mines.

In the biggest areas of labour interchange, the East and West Rands, no merger will take place. A West Rand Board (Wrab) spokesman explains that the two areas combined would be "far too big an area and too big a labour force to administer from one point." So permission is still needed for a Soweto black to work in Brakpan. Wrab usually allows labourers to move, especially those in the building industry.

Other mobility hassles, unsolved by the changes, occur within Baab areas. Each Baab administers several "prescribed areas," and people who qualify to live and work in one such area cannot work in any other without special permission, although it is in the same Baab area.

The bureaucracy required to cope with movement in and out of Johannesburg alone is huge.

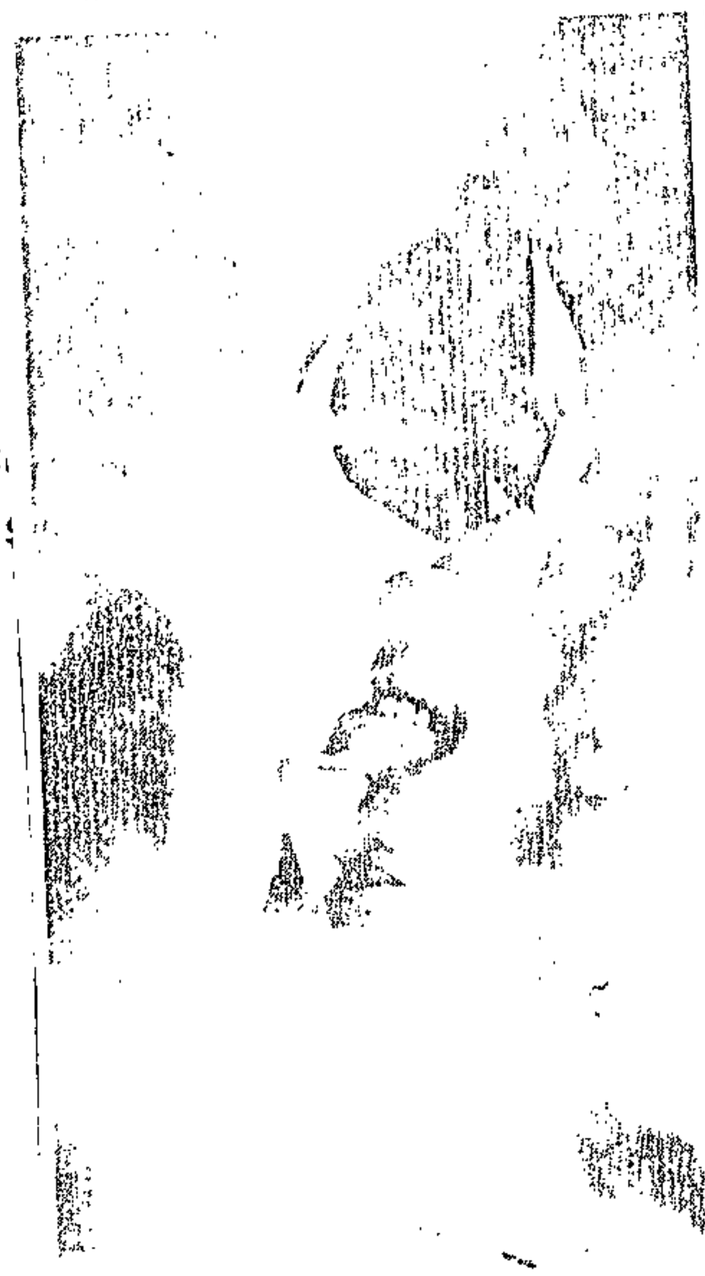
4. What factors prevent you from employing more Africans as technicians than you indicated in the previous question? ___

Is it because of a ... the 3 factors which you see as b...

a) Fear of react...
b) Apprenticeshi...
c) Separate offi... y law.
d) Trade Union/Ir...
e) Red tape assoc... ns.
f) Assumed illega... ricans.
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i) Fear of frictic... t African groups.
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Urgent 1 2 3



Rickert (centre) ... saying it subtly

FM 28/7/78
URBAN BLACKS (339)

Rickert's report

One of the most important reports in the history of government's urban African policy is due to land on PM John Vorster's desk shortly. It is that of the Rickert Commission, the one-man probe into African labour mobility undertaken by the PM's economic adviser Piet Rickert.

The *PM* understands that the report will be with Vorster on schedule before the end of August. However, whether legislation resulting from the report will be tabled in the 1979 parliamentary ses-

the cities temporarily.

Indications are that Rickert will accept the broad framework of government policy including influx control. He has stressed that his brief is to examine only the "economic" aspects of urban African policy, leaving thorny political questions to the politicians.

Nevertheless, it's likely that he will come up with important innovations aimed at stabilising the position of Africans already in the cities. This could set the cat among the political pigeons.

It will then be up to Vorster, his cabinet, and — perhaps most important — the National Party caucus, to decide how far they are prepared to go in allowing at least some Africans a measure of permanence in the urban areas.

Indeed, the reaction to the Rickert report is likely to be the most significant indicator yet of government's attitude to the future of urban Africans.

No. R. 198, 1978

339

INWERKINGTREDING VAN ARTIKELS 14, 15 EN 17 VAN DIE TWEEDE WYSIGINGSWET OP BANTOEWETGEWING, 1978

Kragtens die bevoegdheid my verleen by artikel 18 van die Tweede Wysigingswet op Bantoewetgewing, 1978 (Wet 102 van 1978), bepaal ek hierby dat artikels 14, 15 en 17 van genoemde Wet op 1 Augustus 1978 in werking tree.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die Sewentiende dag van Julie Eenduisend Negehonderd Agt-en-sewentig.

N. DIEDERICHS, Staatspresident.

Op las van die Staatspresident-in-rade:

C. P. MULDER.

1/8/78

No. R. 198, 1978

COMMENCEMENT OF SECTIONS 14, 15 AND 17 OF THE SECOND BANTU LAWS AMENDMENT ACT, 1978

Under and by virtue of the powers vested in me by section 18 of the Second Bantu Laws Amendment Act, 1978 (Act 102 of 1978), I hereby determine that sections 14, 15 and 17 of the said Act shall come into operation on 1 August 1978.

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

N. DIEDERICHS, State President.

By Order of the State President-in-Council:

C. P. MULDER.

No. R. 200, 1978

REGULASIES VIR DIE ADMINISTRASIE EN BESTUUR VAN DORPE IN BANTOEGEBIEDE.—WYSIGING VAN PROKLAMASIE R. 293 VAN 1962

Kragtens die bevoegdheid my verleen by artikels 6 (2) en 25 (1) van die Bantoe-administrasie Wet, 1927 (Wet 38 van 1927), gelees met artikel 21 (1) van die Bantoetrust en

No. R. 200, 1978

REGULATIONS FOR THE ADMINISTRATION AND CONTROL OF TOWNSHIPS IN BANTU AREAS.—AMENDMENT OF PROCLAMATION R. 293 OF 1962

By virtue of the powers vested in me by sections 6 (2) and 25 (1) of the Bantu Administration Act, 1927 (Act 38 of 1927), read with section 21 (1) of the Bantu Trust

-grond Wet, 1936 (Wet 18 van 1936), wysig ek hierby die Regulasies vir die Administrasie en Bestuur van Dorpe in Bantoegebiede, afgekondig by Proklamasie R. 293 van 1962, verder soos in die Bylae hiervan uiteengesit.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Durban, op hede die Twaalfde dag van Julie Eenduisend Negehonderd Agt-en-sewentig.

N. DIEDERICHS, Staatspresident.

Op las van die Staatspresident-in-rade:

C. P. MULDER.

BYLAE

Hoofstuk 2 word hierby gewysig deur na regulasie 22 die volgende regulasie in te voeg:

"22A. (1) Die bepalings van regulasie 22 (1), (2), (3) en (4) van hierdie Hoofstuk is *mutatis mutandis* van toepassing ten opsigte van enige voorskot wat vir behuisingsdoeleindes aan 'n bevoordeelde gemaak word deur die Staat of die een of ander liggaam kragtens wet ingestel, enige bouvereniging, handelsbank, versekeringsmaatskappy of ander geregistreerde finansiële instelling, of enige korporatiewe instansie deur die Sekretaris goedgekeur: Met dien verstande dat—

(a) 'n aantekening bedoel in regulasie 22 (1) nie aangebring word nie, tensy die Sekretaris die skepping van sodanige las goedgekeur het en daar aan die bepalings van regulasies 8 en 10 van Hoofstuk 9 voldoen is;

(b) 'n eienaarseenheid wat aldus belas is, nie oorgedra word nie tensy sodanige las en die betrokke inskrywing gekanselleer is of die eienaarseenheid van die werking daarvan vrygestel is;

(c) indien die skuldenaar in gebreke bly om sy verpligtinge ingevolge so 'n las na te kom en die eienaarseenheid daarna in eksekusie verkoop word, sodanige eienaarseenheid slegs deur 'n Bantoe wat ingevolge hierdie regulasies bevoeg is om grond in die betrokke dorp te besit, verkry mag word: Met dien verstande voorts dat indien die uitstaande leningskuld nie deur die hoogste bod op die openbare veiling gedek word nie, die lashouer, behoudens die bepalings van subartikel (2), geregtig is om die eienaarseenheid aan te koop en vir 'n tydperk van hoogstens 12 maande aan 'n Bantoe wat ingevolge hierdie regulasie bevoeg is om in die betrokke dorp te woon, te verhuur, waarna dit aan 'n geskikte koper ingevolge hierdie regulasies van die hand gesit moet word.

(2) Enige eienaarseenheid aangekoop deur 'n lashouer ingevolge subartikel (1) gaan oor op die Trust sonder betaling van vergoeding, behoudens die reg van die lashouer om sodanige eienaarseenheid aldus te verhuur en van die hand te sit, en die beampte in beheer van die registrasiekantoor moet, by vertoning daarvan aan hom, die grondbrief van sodanige eienaarseenheid te dien effekte endoseer.

(3) Ondanks die bepaling van enige wet wat die verhipotekering of ander beswaring van grond waarvan 'n Bantoe die geregistreerde eienaar is, belet of beperk, kan daar oor sodanige grond, as dit binne 'n dorp geleë is, ooreenkomstig hierdie regulasies beskik word asof daardie bepaling nie in daardie wet vervat is nie.".

and Land Act, 1936 (Act 18 of 1936), I hereby further amend the Regulations for the Administration and Control of Townships in Bantu Areas, published under Proclamation R. 293 of 1962, as set out in the Schedule hereto.

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

N. DIEDERICHS, State President.

By Order of the State President-in-Council:

C. P. MULDER.

SCHEDULE

Chapter 2 is hereby amended by the insertion after regulation 22 of the following regulation:

"22A. (1) The provisions of regulation 22 (1), (2), (3) and (4) of this Chapter shall *mutatis mutandis* apply in respect of any advance made for housing purposes to a grantee by the State or other body constituted by law, or any building society, commercial bank, insurance company or other registered financial institution or corporative authority approved by the Secretary: Provided that—

(a) the making of a note referred to in regulation 22 (1) shall not be effected unless the Secretary has approved the creation of such a charge and the provisions of regulations 8 and 10 of Chapter 9 have been complied with;

(b) an ownership unit so burdened shall not be transferred unless such burden and the relevant entry have been cancelled or the ownership unit has been exempted from the operation thereof;

(c) if the debtor remains in default to meet his obligations under such charge and the ownership unit is subsequently sold in execution, such ownership unit may only be acquired by a Bantu who in terms of these regulations may own land in the township concerned: Provided further that if the outstanding debt of the loan is not covered by the highest bid at the public auction, the holder of the charge shall be entitled to purchase, subject to the provisions of subregulation (2), the ownership unit and let it for a period not exceeding 12 months to a Bantu who in terms of these regulations may reside in the township concerned, whereafter it shall be disposed of to a suitable purchaser according to these regulations.

(2) An ownership unit purchased by a charge holder in terms of subsection (1) shall vest in the Trust without payment of compensation, subject to the right of the charge holder to so let and dispose of such ownership unit, and the officer in charge of the deeds registry shall upon production to him of the deed of grant of such ownership unit endorse it to that effect.

(3) Notwithstanding the provision in any law which prohibits or restricts the hypothecation or other encumbrance of land of which a Bantu is the registered holder, such land may, if it is situate within a township, be dealt with in accordance with these regulations as if that provision is not contained in that law.".

Sun. Times 6/8/78

Afrikaner (339) boost for Urban Foundation



MR JUSTICE JAN STEYN

DONATIONS totalling R750 000 to the Urban Foundation by two Afrikaner business giants — General Mining/Federale Volksbeleggings and Sanlam — could encourage large grants from other Afrikaner-controlled firms.

So say people closely allied to leading Afrikaner-controlled firms.

Mr Justice Jan Steyn, executive director of the Urban Foundation, told me this week that the business men's conference at which the foundation had been formed had been representative of all language groups.

"It is encouraging that donations are now also spread across the broad spectrum of South African business," he said.

By NIC VAN OUDTSHOORN

With R16,5-million already donated, the foundation hoped to reach its target of R25-million in the next year.

The most recent grant of R500 000 from General Mining brought the total for the past two months to R1,69-million.

"We have committed more than R4-million to 95 projects all over South Africa," Mr Justice Steyn said.

The projects included the development of a Soweto home-ownership scheme, home improvements in Sebokeng, development of recreational facilities for blacks in the Western Cape, electricty for Soweto schools and better educational facilities for Durban blacks.

The foundation had raised a loan of several million rands in the Swiss market. The guarantees were provided by firms which had already donated cash to the foundation.

A special sequence of analyses has been carried out for squatters in the Cape Town City Council and Cape Divisional Council areas. The following results were published in Data Files 1:

Table 11: City Council squatters according to household size.

Table 12: Marital state of City Council squatters.

Table 13: Divisional Council squatters at Lourdes Farm:

(a) data according to total family income.

(b) data according to total shack income.

Table 14: Divisional Council squatters at Lourdes Farm:

(a) data according to family size.

(b) data according to shack size.

Table 20: Divisional Council squatters at Lourdes Farm. Birthplace of:

(a) husband

(b) wife

(c) couples, where husband and wife come from the same area.

This paper repeats these (apart from marital status) and gives additional tabulations for six separate City Council areas as well as for nine Divisional Council areas other than Lourdes Farm.

Star 9/8/78

Govt probes call for drastic change

(339)

New deal for blacks?

Professor Wiehahn declined to give an indication when the final report would be completed. It was likely that further evidence would have to be heard by the commission on certain aspects of its investigations, he said.

The problem areas were aspects concerning the third level of government (local authorities), the agricultural sector and the question of a national minimum wage.

The commission had already heard evidence which amounted to about 20 000 pages, having held its first meeting on August 11 last year.

Professor Wiehahn said the commission had caused tremendous interest over the whole country. Black people had participated actively in the hearings and the commission had also received active co-operation from several black trade unions.

Political Staff

Drastic changes that will have a vital impact on the lives of black people in urban areas will be put before the Cabinet soon.

Two government commissions of inquiry, headed by key government advisers, have all but completed the most exhaustive series of investigations yet carried out into the position of black people outside the homelands.

Dr P J Riekert, economic adviser to the Prime Minister, today in Pretoria gave an indication of the importance of the investigations, saying they would propose "drastic legislative and structural changes aimed at bringing up to date the institutional structure and certain legislation."

The investigations have been done by the Wiehahn Commission of Inquiry into Labour Legislation and the Riekert Commission of Inquiry, which examined all legislation affecting the utilisation of manpower.

Having investigated measures like the Group Areas Act, the Bantu Trust and Land Act, the Urban Areas Consolidation Act, the Abolition of Passes and Co-ordination of Documents Act, the Community Councils Act and the Environment Planning Act, the Riekert Commission's proposals will deal with a wide range of aspects concerning the economic rights and the freedom of movement of blacks in urban areas.

The commission, Dr Riekert said, had issued questionnaires to about 200 employers and employees' organisations, and had also received considerable evidence from individuals. The report should be ready by the end of the month. It runs to 900 pages.

Interim report

The chairman of the multiracial labour commission, Professor Nic Wiehahn, said today he was preparing an interim report which would be presented to the Government as soon as possible.

The interim report, he said, would deal with clear-cut issues that had emerged from the commission's extensive inquiries which took it to practically all the major urban complexes in South Africa.

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based methodology

A. ECONOMIC DEVELOPMENT

CINEMA ADVERTISING

Watch this space

339
FM 11/8/78

One medium not hard hit by commercial TV is black cinema advertising.

Cinemark, part of the Sathel group, sells advertising space in cinemas. The black division manager, Peter Becket, reports that screen advertising is blossoming.

Black cinema facilities have grown over 53% in three years. At present there are 132 independent black cinemas showing 35mm films, mainly in the major metropolitan areas (attendance 258 000 a week) and 46 16mm cinemas run mostly by the Bantu Administration boards in black townships.

Becket expects the momentum in the demand for advertising time to continue. One plus factor for would-be advertisers is that rates have gone up only marginally over the last two years and are considerably lower than those at white cinemas.

A 30-second spot calculated on a weekly basis averages R3 per 1 000 cinemagoers. Space used to be taken up only by manufacturers of cigarettes, soft drinks and liquor. With growing awareness of black buying power, manufacturers of toiletries, cars, car accessories, petrol, radios, food *et al* are eager buyers of space.

Black cinema attendance is likely to go up, says Becket, on the strength of improved cinemas and product. And the black, coloured and Indian cinemagoer is an appealing target for advertisers. "He falls within the valuable 16-34 age group, is the better educated of his particular race group, contributes to a financial institution (bank account/savings and/or investment), is a frequent cinemagoer and, with the exception of the Indian group, is in the higher income bracket."

"In the case of blacks 71% of the cinemagoers are between 16-24; 19% between 25-34; 70% are male; 64% fall within the (black) AB household income group; 43% attended high school. And the average black visits the cinema 2.5 times a month.

3.2.3 Factors

3.3

3.3.1

3.3.2

4. THE APPLICA

Separation will stay—Mulder

16/8/78

DURBAN — The long-awaited five-year plan for urban blacks would not recommend their inclusion into the white political system, Dr Connie Mulder, the Minister of Plural Relations, said last night.

He told the Natal Congress of the National Party the five-year plan would fall squarely within the framework of government policy.

"Let there be no false expectations about this," he said.

In terms of the plan, urban blacks would be granted full autonomy over local affairs, but they would not be included in a white political system.

"There will be no sign of integration and the plan will not lead to a politically mixed system of government. It will lead to self-fulfilment and self-determination with contact and consultation and negotiation on matters of common interest.

The term "urban black" was merely used to "describe the physical location of certain blacks." The term did not imply a detribalised mass of blacks in white areas without any connection with their homelands, he said.

The political future of these people did not lie with the whites. Whites would have to move away from taking decisions for blacks in urban areas. They would have to take their own decisions on local matters and act in conjunction with their homeland on other matters, he said.

Government policy regarded every black as a homeland citizen, he said.

Dr Mulder said the 99-year leases awarded to urban blacks in Soweto had resulted in more blacks accepting their homeland affiliation.

The leases had given them security and they no longer feared that if they identified with a homeland they would be "endorsed out," Dr Mulder said.

Dr Mulder repeatedly emphasised the homelands would have to be developed for government policy to succeed.

Nat race reform clash, page 11.

(339)

Platform for city blacks backed

Urban blacks in South Africa would have to be given a platform from where they could voice their grievances, the editor of Die Transvaler and co-managing director of Perskor, Dr Willem de Klerk, said in Johannesburg last night.

Addressing the Afrikaanse Sakekamer, Dr de Klerk said the homeland governments could not act as a platform for the urban blacks.

"I fully agree with the system of black homelands. We must realise however that the urban black needs a platform from where he can make himself heard."

Dr de Klerk said that South Africa was still in the fortunate position where it had ample time at its disposal to solve its internal problems.

"We are not in a crushpen like Rhodesia. We still have the opportunity to make changes and to see that the needs of every race in this country are satisfied.

Dr de Klek called upon Afrikaans businessmen to take the initiative and help build a "strong, prosperous black and coloured middle class."

"People who own property do not believe in violence. They would rather sit around a conference table and try and find a solution than burn buildings and throw stones," said Dr du Klerk.

Geld lê reg vir swart huise

RAPPORT 13/8/76 339

Deur KOBUS SCHOLTZ

MEER as R150 miljoen vir boulenings aan swartes in stedelike gebiede lê reg by bougenootskappe. Die groen lig word binnekort gegee, het dr. Connie Mulder, Minister van Plurale Betrekkinge, vandeesweek gesê.

Die regulasies wat die toekenning van lenings aan swartes bepaal, is amper voltooi, het hy gesê. In Pretoria is die amptenare van sy departement vol vertroue: „Lank voor die einde van die jaar."

„Ons is ten volle voorbereid," sê mnr. Martin Keyser, adjunk-hoofbestuurder by die grootste bougenootskap in Suid-Afrika. „Trouens, ons was reg die oomblik toe die huurpagstelsel vir stedelike swartes op 30 Junie vanjaar afgekondig is."

Verskeie bougenootskappe het al ver gevorder met opleiding vir swart personeellede wat huisaansoeke moet help hanteer.

Konsepregularies wat deur die Vereniging van Bougenootskappe opgestel is, is reeds lank gelede aan die Departement van Plurale Ontwikkeling oorhandig om bestuur te word. Bougenootskappe wag net om te sien wat die departement daarmee gaan doen.

Die United-Bougenootskap lei tans agttien swart personeellede op om in Oktober 'n takkantoor in Soweto te open. Twee swart bou-inspekteurs sal ook aangestel word, maar „ons oorweeg nog kandidate", sê mnr. Keyser.

'n Ander bougenootskap, die Natalse Bouvereniging, het reeds 'n takkantoor in Soweto geopen.

* Die voet is nog op die rem, maar ook by die Stedelike Stigting het vandeesweek 'n buitelandse lening van 8 miljoen Switserse frank (sowat R4,1 miljoen) vir boulenings aangekom. Die eerste R2 566 000 is gereed by die bank.

Regter Jan Steyn, uitvoerende direkteur van die Stigting, sê hy meen nie skade is al aangerig deur die tydperk wat verloop het sedert wetgewing deurgevoer is wat huurpag vir 99 jaar aan swartes moontlik maak nie.



DR. MULDER — die groen lig word binnekort gegee.

„Dis nog te onlangs, maar as veel langer getalm word, verloor ons welwillendheid onder swartmense."

Dr. Mulder het in sy toespraak by 'n boukonferensie gesê daar kan verwag word dat die R150 miljoen wat swartmense by bougenootskappe belê het, aangewend sal word vir behuising vir swartmense in hul eie gebiede.

Hy het gesê 'n verdere R154 miljoen vir die huidige finansiële jaar is deur die Regering begroot vir die verskaffing van behuising in swart gebiede.

„Dis die oogmerk van die Regering om huiseienaarskap onder swartmense so gewild moontlik te maak en kanale te skep sodat die private sektor sy verantwoordelikheid kan nakom om behuising te verskaf."

Bougenootskappe kan reeds sedert die wetgewing deurgevoer is, op kein skaal deurgevoer is, op klein skaal huislenings aan die administrasierade toeken, sê mnr. Keyser. Die rade dra dan die geld aan die swart huiseienaar oor.

Regulasies

„Sodra die regulasies afgekondig is, gaan ons direk met die aansoeker self werk."

Bougenootskappe stel belang in die swartman uit die sogenoemde „middelinkomstegroep".

„Dis nie so maklik om te bepaal nie," sê mnr. Keyser. „Die swartman wat tussen R5 000 en R10 000 per jaar verdien, kan miskien aansienlik meer daarmee vermag as sy blanke eweknie wat dieselfde verdien. Sy laste- en loonstruktuur verskil."

Volgens 'n ondersoek van die behuisingafdeling van die maatskappy Everite wat begin vanjaar gepubliseer is, verdien 42 persent van Soweto se huishoudings tussen R2 500 en R4 000 per jaar.

Regter Steyn sê die lening van R4,1 miljoen wat die Stigting bekom het, is teen 'n redelike rentekoers van 7 persent.

„Dit stel ons in staat om laekoste-behuising in ons bouskemas te verskaf. Ek glo sodra huislenings aan swart huiseienaars op dreef kom, sal ons nog buitelandse valuta teen dieselfde redelike rentekoerse kan bekom."

Die Stigting is op die oomblik besig om huise in Pimville, Soweto, op te rig. Die omgewing sal daarna herdoop word tot Selection Park.

Hulle het reeds meer as R1 miljoen aan 'n woningbou plan vir bruinmense in Belhar, Kaapstad, bestee. Die kompleks van 400 wooneenhede nader vinnig voltooiing.

Black rights to citizenship backed

21/8/78 DD

BLOEMFONTEIN — The future of South Africa was threatened by the government's intention to deprive the majority of South African citizens of their citizenship without consultation, the Free State congress of the Progressive Federal Party was told here at the weekend.

Mr Andries Lategan, of Bloemfontein, quoted statements in Parliament by Dr Mulder, the Minister of Plural Relations and Development, that if the policy was taken to its full consequences blacks would not have South African citizenship.

The seemingly mild concession of the 99-year leasehold was a time bomb endangering the future of South Africa when it was seen in the context of Dr Mulder's statement regarding citizenship, Mr Lategan said.

The congress decided to bring to the notice of PFP Members of Parliament the necessity to press for the legislation which Dr Mulder had said would be introduced by the Minister of the Interior, whereby people who spoke the language of an independent homeland, but did not desire citizenship of that territory, could retain their South African citizenship.

Mr Lategan said the government had neglected to fulfil its undertaking given to Chief Lucas Mangope of Bophuthatswana in this regard.

The congress reaffirmed the party's policy that every South African is entitled to full and equa citizenship rights.

The congress asked the party's constitutional committee to incorporate this principle in such a way in a federal constitution that the domination of one group by another was excluded.

The Leader of the Opposition, Mr Eglin, told the congress it was the responsibility of the party to help South Africa overcome the difficult problems facing her internally and externally.

The PFP's task was to encourage change away from policies and attitudes which caused these problems and to see the change occurred before it was too late.

Fellow white South Africans must be shown their cultural identity was more secure in an open society than in one maintained by apartheid laws.

South Africa had come to the end of an era, said Mr Eglin. Apartheid had reached the end of the road and the government had lost its way.

As the official opposition the PFP had to point out the new road to the future to fellow South Africans.

A guest speaker at the congress, Mr Alexius Buthelezi, who is the KwaZulu urban representative for the Free State, said it was heartening to know that the Progressive Federal Party was striving for calibre, not colour.

It was clear to him that the PFP and Inkatha had the same principles, he said. — SAPA.

DA 22/8/78 (339)

Black housing gets priority

JOHANNESBURG — The Department of Plural Relations was doing its utmost to implement the 99-year leasehold scheme for urban blacks as soon as possible, a senior official, Mr M. G. Lotter, said yesterday.

He was addressing a National Development and Management Foundation conference on "Black housing — the key to a stable black society."

In a paper analysing black home ownership legislation, Mr Lotter said housing for blacks should be the financial responsibility of the authority, the employer and the black man himself.

It could not be expected the authority, whether it was the Republican Government, the government of a black state or an administration board, to shoulder the financial commitments alone.

"Neither is it in the interest of the employer, who often prefers to provide accommodation of a higher standard for his black employees, or the ingenuity and self-pride of the black man, to rely on funds provided by the authority for this purpose — apart from the fact that funds from the latter source are limited."

Referring to the 99-year leasehold scheme, he said the regulations were presently being framed and certain preliminary steps were being taken to "streamline and facilitate the implementation of the scheme." The Act, although promulgated, would come into operation on a date to be gazetted.

Although the Act was primarily intended to promote loans directly to blacks for housing purposes and for buildings for professional and business purposes, nothing debarred loans to be secured by way of bonds for other purposes such as improving businesses.

The chairman of the conference, Mr J. D. Roberts, said although the 99-year leasehold was a big improvement, it was an error not to provide full home ownership for urban blacks.

He said a second error was that blacks had no say in the design of their houses or the planning of township environments.

Making a strong plea for consultation with blacks, he warned that a lack of contact with blacks using the houses could result in resentment instead of appreciation. — SAPA.

New black deal discussed

30/8/78 Star

20
339
10

Own Correspondent

Proposals for a considerable extension of black business rights outside the homelands are now expected to form a major feature of Dr Mulder's five year plan.

This follows discussions yesterday between the Minister of Plural Relations and Development, and officials of his department, and a large delegation of the National African Federated Chambers of Commerce (Nafcoc) led by its president, Mr Sam Motsuenyane, in Pretoria.

Among the points discussed were the establishment of black industries in urban areas, the provision of an adequate infrastructure and the extension of trading hours for black businessmen, and local government participation in business.

AGREEMENT

Other sensitive issues discussed were the possession of firearms by black businessmen and the situation regarding white land adjoining Soweto.

In a joint statement by Dr Mulder and Mr Motsuenyane the talks were said to have taken place in a good and positive spirit. Agreement was reached on certain matters, some of which relate to the five-year plan to be announced by Dr Mulder.

Political comment in this issue of The Star by H W Tyson, J E C Scott and J Kros. Sub-editing and headlines by B M Howard and D Allen. All of 47 Saner Street, Johannesburg.

(339) FM 1/9/78

COMMUNITY COUNCILS

Then there were 104

Full municipal power for urban blacks has become a catch-phrase in recent speeches by Connie Mulder, Minister of Plural Relations. And behind the news headlines, his department is pressing ahead with the creation of receptacles of such power, in the form of community councils.

This week's announcement that two more community councils are to be established brings the number of proposed community councils to 104. Of these, 44 are already functioning (three were elected only last week.) This is quick work, considering that the Community Council Act was only passed at the end of July last year.

Black enthusiasm, however, does not always equal that of Mulder. Fourteen councils came in unopposed, and the average percentage poll in the rest of the areas was just under 38%. While areas like Lichtenburg could boast a percentage poll of over 77%, important centres such as Soweto squeezed a mere 6%. At the subsequent Soweto by-elections, less than 15% of the voters turned out on election day.

In some areas, opposition to community councils is fierce. A court case is pending in Evaton, near Vereeniging, between the Vaal Triangle Administration Board and David Moleko, chairman of the Evaton Standowners & Residents' Association.

The association, which claims a membership of 1 300, maintains that the Community Councils Act does not apply to Evaton, because, unlike most areas in SA, freehold still exists. "We want a town council directly responsible to the government," Moleko tells the *FM*. Evaton has 2 400 freehold stands, and a population of 15 000.

A proclamation this week, however, gets round the problem by proclaiming a council for Evaton in all respects like councils defined in the act. Mulder's claims notwithstanding, most dissatisfaction centres on the imputed inadequacy of the powers given to the councils. While the councils have more executive and administrative powers than their purely advisory predecessors, the Urban Bantu Councils, full municipal power, it is argued, is a long way off.

Unlike UBCs, community councils have financial responsibilities. Powers include allocation and administration of sites, and the establishment of a community guard. Nor do all powers represent a step forward. The administration of housing and the prevention of illegal occupation, inherited from the administration boards, are thorny areas.

Acute housing shortages have made administration boards extremely unpopular. Judging by the current furore in Soweto over evictions, life for the Soweto Community Council is not going to be easy.

BLACK BUSINESS

Now the 5-year plan

339

FM 8/9/78

Black businessmen emerged optimistic from last week's meeting with the Minister of Plural Relations and Development, Connie Mulder. Their enthusiasm, however, was based on nothing more concrete than assurances concerning Mulder's still undisclosed five-year plan for urban blacks.

Their main gripe, put to Mulder at the meeting, was the restriction on black involvement in industry. Representing Nafcoc, the black chamber of commerce, they demanded that government allow blacks to make use of existing facilities in white industrial areas. Failing that, they requested the proclamation of black industrial areas.

Nafcoc president Sam Motsuenyane tells the *FM* that Mulder promised to allow "service" industries. As to the definition of service industries, he would only refer his audience to the five-year plan, which with luck will appear in a month's time.

Government participation in business was a further target of Nafcoc fire, especially the administration boards' monopoly of liquor, cinema and hotel businesses in black townships.

"One cannot depend on alcoholic consumption to run a township," protests Motsuenyane, referring to the fact that the administration boards finance themselves largely from liquor sales revenue. "Rather rely on taxation of income from private enterprise," he argues. Nafcoc would like black businessmen to run the liquor outlets; but believes that shebeens would be uncontrollable if legalised.

Mulder expressed some agreement with Nafcoc, but hesitated over blacks' ability to run breweries. "We've never been given a chance," retorts Motsuenyane.

Nafcoc believes that the chief obstacle to black commercial growth is the lack of long-term, low-cost capital. At its July conference, the chamber reaffirmed its 1976 resolution to create a black-controlled development corporation for this purpose. Motsuenyane is to travel to the US later this month to investigate the possibilities of foreign investment. Mulder was more forthcoming in his support of this idea.

Rather less flexibility was encountered in areas of direct policy conflict, in particular the restriction of trading rights to blacks who qualify for urban residence under the Urban Areas Act. Mulder also used party policy to counter Nafcoc protests against the exclusion of the western Cape (a "coloured preference area") from 99-year leasehold rights. However, he promised that no existing rights of black businessmen in the area would be eroded.

Other Nafcoc demands included the revision of the Black Tax Act, which allows no rebates at all and imposes tax liability at a lower level of income than other races. Mulder merely told the chamber that a commission was investigating the black tax structure. No mention was made of Nafcoc submitting evidence to such a commission.

What will Nafcoc do if the five-year plan does not come up to scratch? "We do not want palliatives, but basic changes," says Motsuenyane. "If we are not satisfied, we will go back to Mulder and demand more."

remittances in order to establish which factors determined the size of remittances sent to homeland dependants.

We enquired from workers with homeland ties how much money they sent home and how frequently they did so. We received 140 clear responses which indicated that the average monthly remittance was R15,27 (± R14,18). Table 31 provides a cumulative percentage of distribution of remittances. At least 5% of workers sent home no remittances whatsoever. 34% sent

No illusions on Blacks says Mulder

(329) 21/9/78 NHM

BLOEMFONTEIN — There should be no illusion about the fact that community councils in Black urban cities would be given full autonomy on local government level, the Minister of Plural Relations, Dr. Connie Mulder, said here yesterday.

Speaking at the congress of the Free State National Party, Dr. Mulder said there should also be no illusion that the political aspirations of urban Blacks would have to be exercised in Black States and that there would be no accommodation for them in the central Government.

Links would be established and expanded between urban Blacks and the Black States and liaison between urban Blacks and the central Government would be through the Minister and Deputy Ministers of Plural Relations.

The future of South Africa would not be determined by attacks from outside the country, but through the establishment and maintenance of good relations between the people of South Africa.

He wished to appeal to Whites to respect the dignity and rights of Blacks but Blacks would have to play their part as well. — (Sapa.)

R10,67	54
R16,00	63
R24,00	83
R32,00	89
R48,00	96

N = 140

home R8,00 or less monthly. More than half (54%) sent no more than R10,67 per month while only 11% remitted more than R32,00 each month.

The accuracy of this table is not high because many workers did not send home regular monthly sums. Rather, they sent home money in case of emergencies or special occasions. Table 31 therefore shows approximate estimates of monthly remittances rather than completely accurate figures.

In spite of the lack of accuracy, we believe that the figures are of the right order and we tried to determine the factors that influenced the amount remitted monthly be means of backward stepwise regression. The results are summarised below:

AFRICAN LEASEHOLD

A morsel instead of a meal

339

FM 8/9/78

The half-baked 99-year leasehold scheme for certain city Africans looks less and less appetising the more closely one examines it. Indeed, if government has its way, the whole dispensation would disappear from the urban African plate within a generation.

The scheme provides that those who "qualify" for urban residence will be able to acquire rights of leasehold in some (but not all) urban areas. Leaseholders will be able to erect, alter, or demolish buildings; sell the leases to other "qualified" people; and encumber them by means of mortgages.

Most important, they will be able to register the leases, so building society loans will be fully available for the first time. For people accustomed to tenuous monthly tenancy in mass-produced housing, the improvement is immense.

But a closer look at the legislation reveals some serious snags, all aimed at ensuring that roots formed by blacks in the cities are not too deep. In the first place, apartheid ideology dictates that the land on which the house stands remains the property of the local administration board, which can dispose of it subject to the lease.

The homeland power

Secondly, the right to obtain a lease depends on qualification under Section 10(1) (a) or (b) of the Black (Urban Areas) Consolidation Act. Under Section 10(1) (a), only people who have lived continuously since birth in an area can remain there for more than 72 hours. Section 10(1) (b) confers the same right on people who have worked for one employer continuously for 10 years, or have resided in the area continuously for 15 years.

Leasehold rights are restricted to such people, and to those of their descendants who have similar qualifications. So if your mother left town for her confinement, or if you accepted a job in another area, leasehold is probably out of your reach. Nor can migrant labourers ever graduate from hostel life to home life in the area where they work — no matter how long they might have worked there.

The number of qualified people, moreover, is shrinking fast. An amendment to Section 12 of the Urban Areas Act, passed this year, deprives all children born after independence to citizens of independent bantustans of the Section 10 rights they would otherwise have had.

This means that, as homelands take on independence, fewer and fewer people will qualify for rights of leasehold. If, as John Vorster hopes, all bantustans become independent within five years, it will take no more than a generation for the new dispensation to become a thing of the past.

The definition of "qualified person" includes the descendants of qualified people, but only provided they too have Section 10(1)(a) or (b) rights. It is tempting to interpret this as allowing children of bantustan citizens to qualify for leasehold rights. Such a view is held by the Urban Foundation, which has hailed the new legislation as a "giant stride." Even if this were the case, these descendants would be prevented from being in the area at all without special permission.

Yet legal opinion taken by the *FM* is that even the dubious advantage of a right to own a leasehold without a right to occupy the premises is precluded. This is because no one can be "referred to" under Section 10 if he is born after independence to a citizen of an independent homeland.

Parents hoping that their investment will ensure 99 years of security for their descendants are badly affected. The legislation lays down that where a lease is inherited by an unqualified person, the only benefit the heir can derive from the right is the net proceeds of its sale. This has been interpreted to mean that in practice the right will have to be sold.

There is provision for the Minister to allow people without Section 10 rights to obtain leases. It is likely that he will make a significant number of such concessions. But special permission, open to arbitrary withdrawal, is no substitute for legally enforceable rights.

Patchy rights

Nor does leasehold apply to the whole country. The exclusion of the Western Cape, designated as a "coloured labour preference area," cuts a huge slice out of the number of potential leaseholders. Townships in other areas can be excluded at the discretion of the minister, in particular those demarcated for removal to bantustans. One such example mentioned by Connie Mulder is Grahamstown's Fingo Village, one of the last surviving areas in the country where Africans have freehold. Not only will its residents' freehold rights be removed; they will not even have leasehold.

Another such removal project is in the Western Transvaal, where the African inhabitants of 14 towns are being resettled in Itsoseng in BophuthaTswana. Mulder also spoke of Fort Beaufort and Stutterheim.

Yet another problem is that possession of the right of occupation does not guarantee its retention. The right of occupation can be lost if the leaseholder forfeits his section 10(1) rights, by, for example, breaking his continuous period of residence in an area. Accepting employment in another area, or incurring a fine of more than R500 or a prison sentence in excess of six months, can have the same effect for holders of 10(1)(b) qualifications.

The legislation allows associations to lease premises for business purposes. But all members of the associations must be black before they can obtain leases. This effectively bars all associations with white shareholders from obtaining secure leases. One victim of this proviso will be African Development & Construction, in which Roberts Construction has a 49% share and black businessmen own the rest.

New regulations to give effect to the practical details of implementing the leasehold scheme have yet to be framed. At present, a township superintendent has the power to refuse a site or residential permit to anyone he deems unfit or improper, whose wife is not domiciled in the area, or who has another house. Women need special permission to buy leases.

For government, an important benefit of the new legislation is that it enables the private sector to share in the financing of black housing. Soweto alone is short of at least 21 000 houses. Countrywide, according to Charles Skeen, Chairman of Roberts Construction, the housing backlog for Africans had reached almost 350 000 by 1975, of which nearly half were in the so-called "white" areas of South Africa.

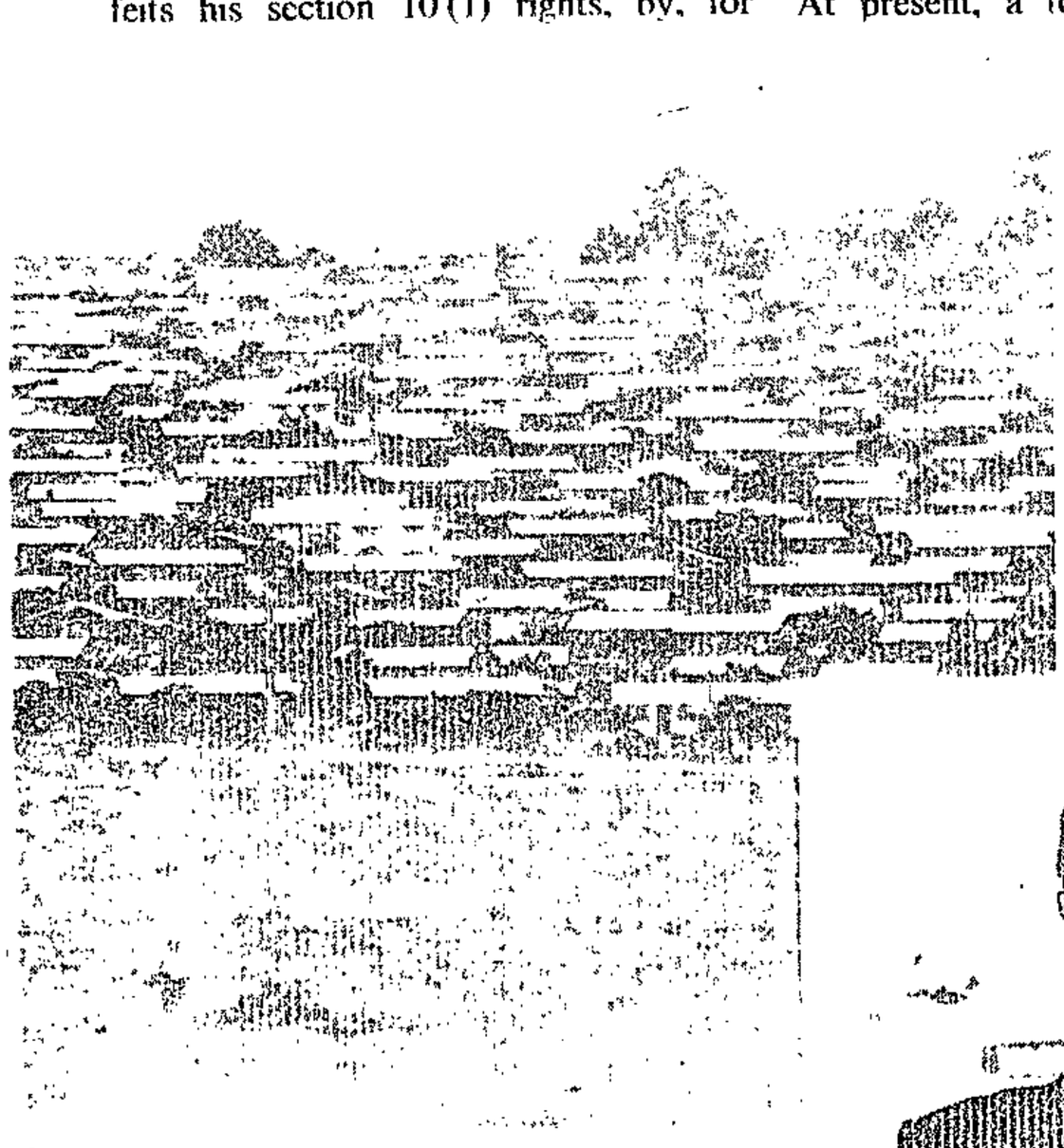
But private sector housing loans will do no more than scratch the surface of the problem. Skeen maintains that only people earning above R6 000 a year should be able to afford building society or similar loans. A mere 1,48% of urban Africans fall into this category.

Suggestions have been made in Parliament that government should ensure the availability of low-interest loans. Mulder promised to investigate. For the rest, government will have to provide housing, and no easy task lies ahead. To eliminate the backlog and provide for population growth of low income blacks, 340 000 houses are required between 1975 and 1980.

This requires housing and services to the value of R1 438m. Infrastructure such as sewerage works, bulk water, railway services and highway access add a further R377,4m to the bill.

Yet government spent no more than R34,6m on housing and hostels for urban Africans between 1972 and 1976. And the prognosis is not good. Skeen shows that only R103m will be spent on urban black housing between now and 1981.

The horizon looks even gloomier. If Skeen is correct in claiming that 3,3m houses will be needed for low-income urban blacks between 1975 and 2000, a far more radical plan than the half-baked 99-year lease scheme will be needed to solve that problem.



Soweto's boss, Connie Mulder, will have to go back to the drawing board if leasehold is ever to be more than a temporary sop for temporary sojourners



Appendix 1: Comparison of Village Health Worker Programmes in Three Districts of Lesotho

(Source: Ministry of Health The Village Health Worker in Lesotho: Report of a Workshop held 26-27 March 1977. Maseru, 1977.)

TABULATION EXISTING THREE VHW PROGRAMMES

	QUTHING	SCOTT	TEBELLONG
GOALS	To obtain optimal contact between institutional health & consumer by training VHW's	The improvement of the level of health in the villages in the Scott Hospital region	Getting people involved in their own health care
OBJECTIVES	Assist VHW in identifying: local health needs/ problems solving the above After one year VHW's provide simple curative care	To establish community based health service structure by identifying: VHW tasks programme villages team identification Selection of VHW's for training and followup Improvement of coordination & communication between health agencies working in the area health knowledge & motivation Development of Health Education materials	That women chosen by their own people accept certain designated responsibilities in their own villages
SELECTION OF VHW'S	By mothers attending MCH Clinics Through: Chief, MO, Sister in Charge	Village pitso called by chief to discuss VHW programme Second pitso called for election of VHW's	Each community chose 5 volunteers: hospital staff selected 2 staff members for VHW Programme
NUMBER OF VHW'S			

Black car dealer plans go ahead

BY MARTIN CREAMER

SOUTH African motor companies are embarking on policies directed at establishing networks of black-owned dealerships in homelands and black urban areas.

Albert Wessels' Toyota has adopted a policy of, wherever possible, appointing black dealers in developing, homelands and black urban areas, Datsun's standpoint is to broaden its black dealerships wherever it can, and Ford is hoping to appoint three black dealers by next year.

Two Toyota outlets are now owned and managed by Africans and three more will revert to African ownership in five years in Lebowa, Gazankulu and Qwa Qwa.

The facilities open to black dealers are the same as those offered to Indian Toyota dealers in whites, many of whom are also in the motor business requires not only the mechanical skills, but also administrative know-how to carry out hire purchase deals and debt collection.

Toyota, thus, provides training for both technicians and sales managers. In the past four years, it has trained 100 black repair-shop assistants a year, both at its schools in Johannesburg and Cape Town and on site.

Stanger and Lenasia and a Coloured dealer in Cape Town.

Talks with prospective black dealers are continually taking place, Mr Colin Adcock, managing director of Toyota South Africa, told me.

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Talks with prospective black dealers are taking place at the moment and Ford intends laying on training in service, sales, parts and business management.

The company has identified three areas — Soweto, where it envisages appointing an African dealer, the Cape Peninsula, where the appointment of a Coloured is probable, and Durban, where an Indian will be the most likely candidate.

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Datsun's marketing director, Brian Wegner, says Datsun is on the lookout all the time for black dealer candidates who would be given every assistance.

It has one black dealer in Bophuthatswana's Garankuwa and several Indian and Coloured dealers in Natal and the Cape.

Ford does not have any black dealerships at the moment, but a spokesman said it was hoping to appoint three still make use of available training.

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Colin Adcock . . . looking at black dealerships.



New urban powers for homelands?

8-a 12/9/78

339

By Hugh Leggatt
Political Correspondent

The Government was thinking of giving independent homelands extra-territorial powers over black-occupied areas in white South Africa, the Minister of Plural Relations, Dr Mulder, said today.

Opening the Transvaal congress of the National Party in Pretoria he said he had been negotiating with black leaders to bring this about.

This concept was part of a larger plan which if it could be brought about would achieve closer relations and liaison between black people in South Africa and their homeland Governments.

Dr Mulder was dealing with his plan to raise community councils in black cities to the status of autonomous bodies.

SERIOUS

He was serious in this, he said, but he was just as serious in seeing that the urban blacks would exercise their full political rights through their homeland parliaments and not through the white Parliament.

He said: "If I may briefly lift the veil on one aspect of our plans it is to say we have in mind the concept of the exercise of extraterritorial rights which can be given to the homeland governments.

"If this can be done it will greatly improve the links between the homelands and those citizens living outside the homelands."

Dr Mulder also said he envisaged a body to which independent sovereign states in southern Africa would belong.

Matters of common concern could be discussed without one country forcing its will on another. Such a body could form a front against the outside world.

INITIATIVE

Dealing with broader issues the Minister said that in the struggle for South Africa the Government should take the initiative in giving freedom to blacks. Freedom was the slogan of the enemies of South Africa and South Africa should take over the banner and lead its black nations to full sovereignty.

Cheers as Mulder is re-elected

Political Staff

Dr Connie Mulder, Minister of Plural Relations, was today unanimously re-elected Transvaal leader of the National Party at its provincial congress in Pretoria.

He was given a standing ovation by about 600 delegates in Pretoria City Hall. When he rose to give the opening address, delegates again rose and cheered.

Chairman Mr S P Botha announced that a provincial leader had to be elected. Delegates were on their feet again to signify approval of Dr Mulder's re-election.

The congress adopted 19 motions from Nationalist divisional and branch committees throughout the Transvaal lauding Dr Mulder.

He was congratulated on his dynamic leadership and the way he had stood up to "crossfire attacks" on the National Party.

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A Study in Coloured Shopping

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.

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powers plan in white areas

ARGUS
12/9/78
(1) 339
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The Argus Correspondent

PRETORIA. — The Government was thinking along the lines of giving independent homelands extra territorial powers over black occupied areas in white South Africa, Dr C P Mulder said today.

Opening the Transvaal congress of the National Party, Dr Mulder, Minister of Plural Relations, said he had been negotiating with black leaders to bring this about.

This concept was part of a larger plan, which if it could be brought about would achieve closer relations and liaison between

the world asked for it but because it was in South Africa's own interests.

Talks he had had with black leaders showed that it was wrong to think of them as enemies. They wanted peace, he said.

Dr Mulder was re-elected Transvaal leader of the party.

See pages 2 and 3

Indians

The only institution providin lians is the
ML Sultan College, which was ced Technical
Education in terms of the Ind cation Act (No.
12 of 1968). The College ha 920's but only
from 1946 on fulfilled the fu ege proper. It
now has branches in other tow t of students

BLACK BUSINESS
Less hamstrung (339)

Restrictions on black traders in white areas have been relaxed slightly, with the publication this week of new regulations. But black businessmen's major demand — that the prohibition on black involvement in industry be lifted — remains untouched.

The new regulations strip most of the old criteria for eligibility from the definition of trader. Until now, African traders, share-holders and partners were required to have been born in an area or worked there lawfully for 10-15 years; they had to be over 21, and to live and work in the area. Now traders simply need to be authorised by the relevant administration board.

So traders are no longer restricted operating in their area of residen Branches can be opened all over country, and partnerships between bla from different cities are no longer p hibited.

Business expansion is further fa tated by removing the restriction of e trader to one site, measuring no m than 350 m². Traders can for the f time carry on more than one kind of b ness, and sell or deliver produce to n Africans outside the area. Their perr can no longer be cancelled if they absent from their businesses for a period.

This week's regulations form part progressive relaxation of trading rest tions since 1976. Since then, the list trades, businesses and professions o to blacks has slowly been lengthened 1976, companies and partnerships w first permitted.

But there is still scope for impro ment. Partnerships with non-Africans still prohibited, and the list of permit trades and professions still conta important omissions, especially that industry. Administration Boards' mo poly on liquour, cinema and hotel b nesses remains intact, despite represe tions last month to the Minister by black chamber of commerce, Nafcoc.

1969	5 879	..
1970	6 286	..
1971	6 705	514
1972	6 317	478
1973	6 953	660
1974	7 578	975

ices), is also

ML Sultan College,

Technology

Source: Department of Indian Affairs, Annual Reports.

The following table gives an indication of the potential supply of Indian technicians.

Table 6. Matriculation and Senior Certificate, and NTC 1-V passes, 1971-1974.

Year	Matriculation and Senior Certificate	N.T.C.1.	N.T.C.11.	N.T.C. 111	N.T.C. 1V.	N.T.C. V
1971	2 215	34	58	1	-	-
1972	2 231	165	151	16	-	2
1973	2 886	262	130	56	-	-
1974	3 587	189	155	63	-	-

Sources: South African Institute of Race Relations, Annual Surveys,
Department of Indian Affairs, Annual Reports.

DEPARTEMENT VAN PLURALE BETREKKINGE EN ONTWIKKELING

No. R. 1922 22 September 1978

REGULASIES BETREFFENDE DIE BEHEER VAN EN TOESIG OOR 'N STEDELIKE SWART WOONGEBIED EN AANVERWANTE AANGELEENTHEDE.—WYSIGING VAN GOEWERMENTSKENNISGEWING R. 1036 VAN 14 JUNIE 1968

Ek, Wilhelm Laubscher Vosloo, Adjunk-minister van Plurale Betrekkinge en Ontwikkeling, wysig hierby, namens die Minister van Plurale Betrekkinge en Ontwikkeling, kragtens die bevoegdheid hom verleen by artikel 38 (8) (a) en (b) van die Swartes (Stadsgebiede) Konsolidasiewet, 1945 (Wet 25 van 1945), gelees met artikel 22 (1) (b) en (3) (f) van die Wet op die Administrasie van Swart Sake, 1971 (Wet 45 van 1971), Goewermentskennisgewing R. 1036 van 14 Junie 1968, van toepassing gemaak op alle stadsgebiede in die Republiek van Suid-Afrika by Goewermentskennisgewing R. 1267 van 26 Julie 1968, ooreenkomstig die Bylae hiervan.

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

(Lêer A1/3/2/12/1)

BYLAE

1. Regulasie 1 van Hoofstuk 1 word hierby gewysig—

(a) deur die omskrywing van "handelaar" deur die volgende omskrywing te vervang:

" 'handelaar' 'n Swarte wat ingevolge die bepalings van Hoofstuk 3 gemagtig is om handel of besigheid te dryf of 'n beroep te beoefen, met inbegrip van 'n maatskappy soos bedoel in die Maatskappywet, 1973 (Wet 61 van 1973), waarvan al die aandeelhouers Swartes is, asook 'n vennootskap waarin al die vennote Swartes is;";

DEPARTMENT OF PLURAL RELATIONS AND DEVELOPMENT

No. R. 1922 (339) 22 September 1978

REGULATIONS GOVERNING THE CONTROL AND SUPERVISION OF AN URBAN BLACK RESIDENTIAL AREA AND RELEVANT MATTERS.—AMENDMENT OF GOVERNMENT NOTICE R. 1036 DATED 14 JUNE 1968

I, Wilhelm Laubscher Vosloo, Deputy Minister of Pural Relations and Development, do hereby, on behalf of the Minister of Plural Relations and Development, by virtue of the powers vested in him by section 38 (8) (a) and (b) of the Blacks (Urban Areas) Consolidation Act, 1945 (Act 25 of 1945), read with section 22 (1) (b) and (3) (f) of the Black Affairs Administration Act, 1971 (Act 45 of 1971), amend Government Notice R. 1036 dated 14 June 1968 and made applicable to all urban areas in the Republic of South Africa by Government Notice R. 1267 dated 26 July 1968, in accordance with the Schedule hereto.

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

(File A1/3/2/12/1)

SCHEDULE

1. Regulation 1 of Chapter 1 is hereby amended—

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

" 'trader' means a Black who, in terms of the provisions of Chapter 3, is authorised to carry on trade, business or a profession, including a company as referred to in the Companies Act, 1973 (Act 61 of 1973), all the shareholders of which are Blacks, as well as a partnership in which all the partners are Blacks;";

(b) deur die omskrywing van "handelsperseel" deur die volgende omskrywing te vervang:

"'handelsperseel' 'n perseel soos bedoel in artikel 37 (a) van die Swartes (Stadsgebiede) Konsolidasiewet, 1945 (Wet 25 van 1945);".

2. Hoofstuk 3 word deur die volgende vervang:

"HOOFSTUK 3

HANDEL

Persele vir handels-, besigheids- en beroepsdoeleindes

1. Die Raad kan persele in die Swart woongebied afsonder vir toekenning aan handelaars vir handels-, besigheids- of beroepsdoeleindes. Die Raad kan aandui watter soort handel, besigheid of beroep op die toegekende perseel gedryf of uitgeoefen kan word. Die Raad kan self geboue op handelspersele wat daarvoor op die goedgekeurde aanlegplan aangedui word, oprig en aan handelaars verhuur en 'n handelaar kan ook geboue uit eie fondse op 'n toegekende perseel oprig nadat die bouplanne deur die Raad goedgekeur is en hy kan ook geboue wat deur die Raad opgerig is, aankoop.

Magtiging om te begin handel dryf

2. (1) Niemand mag enige handel, besigheid of beroep in die Swart woongebied dryf of uitoefen nie, tensy 'n perseel vir dié doel deur die Raad aan hom toegeken is, en niemand mag enige ander soort handel, besigheid of beroep op sodanige perseel dryf of uitoefen as dié wat ooreenkomstig regulasie 1 van hierdie Hoofstuk deur die Raad ten opsigte van die perseel aangedui is nie: Met dien verstande dat geen bepaling hiervan 'n persoon vrystel van die verkryging van 'n lisensie of ander magtiging wat by 'n ander wet vereis word voordat met sodanige handel, besigheid of beroep 'n aanvang gemaak mag word nie.

(2) 'n Swarte, 'n vennootskap of 'n maatskappy wat ingevolge regulasie 4 van hierdie Hoofstuk kwalifiseer en wat enige handel, besigheid of beroep in die Swart woongebied wil dryf of uitoefen, moet 'n skriftelike aansoek, waarin die aard van die handel, besigheid of beroep vermeld word, by die Raad indien, en laasgenoemde kan na goeddunke en behoudens die bepalings van hierdie Hoofstuk 'n perseel kragtens regulasie 1 van hierdie Hoofstuk afgesonder, aan die applikant toeken, waarop hy sy handel, besigheid of beroep kan dryf of uitoefen.

Beskikbare persele moet geadverteer word

3. (1) Indien 'n handelsperseel in die Swart woongebied te eniger tyd vir toekenning beskikbaar is, moet die superintendent op die kennisgewingbord by sy kantoor in die Swart woongebied 'n kennisgewing publiseer waarin aansoeke om toekenning van die perseel gevra word, wat skriftelik by sy kantoor ingedien moet word voor of op 'n dag wat in die kennisgewing vermeld moet word, welke dag minstens 14 dae na die datum van publikasie van die kennisgewing is. Sodanige kennisgewing moet in Afrikaans en in Engels gepubliseer word en moet duidelik vermeld watter inligting deur die applikant verstrek moet word.

(2) By die verstryking van die tydperk waarin aansoeke ingedien kan word, moet die superintendent al die aansoeke wat ontvang is, deurstuur aan die Raad, wat kan besluit aan watter applikant die perseel ooreenkomstig regulasie 2 van hierdie Hoofstuk toegeken moet word: Met dien verstande dat die Raad nie verplig is om 'n applikant uit te kies nie en kan beveel dat 'n verdere kennisgewing waarin om nuwe aansoeke gevra word, ooreenkomstig die bepalings hiervan gepubliseer word.

(b) by the substitution for the definition of "trading site" of the following definition:

"'trading site' means a site as referred to in section 37 (a) of the Blacks (Urban Areas) Consolidation Act, 1945 (Act 25 of 1945);".

2. The following is substituted for Chapter 3:

"CHAPTER 3

TRADING

Sites for trading, business and professional purposes

1. The Board may set aside sites in the Black residential area for allotment to traders for trading, business or professional purposes. The Board may specify the type of trade, business or profession which may be carried on on the site allotted. The Board may erect buildings on trading sites which have been set aside therefor on the approved layout plan and may lease such buildings to traders and a trader may also erect buildings from his own funds on an allotted site after the building plans have been approved by the Board and he may also purchase buildings erected by the Board.

Authority to commence trading

2. (1) No person shall carry on any trade, business or profession in the Black residential area unless a site has been allotted to him for that purpose by the Board and no person shall carry on any type of trade, business or profession on such site other than that specified by the Board in terms of regulation 1 of this Chapter in respect of the site: Provided that nothing herein contained shall exempt any person from obtaining any licence or other authority which is required by any other law as a condition precedent to the commencement of any such trade, business or profession.

(2) Any Black, partnership or company qualifying in terms of regulation 4 of this Chapter and wishing to carry on any trade, business or profession within the Black residential area shall make application, in writing, to the Board stating the nature of such trade, business or profession, and the Board may in its discretion, subject to the provisions of this Chapter, allot to the applicant a site set aside in terms of regulation 1 of this Chapter on which he may carry on his trade, business or profession.

Available sites to be advertised

3. (1) Should a trading site in the Black residential area at any time be available for allotment, the superintendent shall publish a notice on the notice board at his office in the Black residential area inviting applications for the allotment of the site, to be lodged, in writing, at his office on or before at date to be specified in the notice, such date being not less than 14 days after the date of publication of the notice. Such notice shall be published in Afrikaans and in English and shall clearly state what information must be supplied by the applicant.

(2) Upon the expiry of the period within which applications may be lodged, the superintendent shall transmit all applications received to the Board, which may decide to which applicant the site shall be allotted in accordance with regulation 2 of this Chapter: Provided that the Board shall not be bound to select any applicant and may direct that a further notice in terms of the provisions hereof be published calling for fresh applications.

Voorwaardes van toekenning van handelspersele

4. Nadat hierdie regulasies in die Swart woongebied van toepassing geword het, word 'n perseel in die Swart woongebied vir handels-, besigheids- of beroepsdoeleindes toegeken slegs aan 'n handelaar soos omskryf in regulasie 1 van Hoofstuk 1.

Gelde betaalbaar

5. Elke handelaar aan wie 'n perseel kragtens regulasies 1 en 2 van hierdie Hoofstuk toegeken word, moet sodanige bedrae betaal as wat daarvoor voorgeskryf is, met inbegrip van huurgelde en gelde vir water, elektrisiteit, sanitêre en ander dienste deur die Raad gelewer. Die Raad kan betaling van deposito's en huurgeld by die toekenning van die handelsperseel vorder. Verdere maandelikse huurgelde en gelde ten opsigte van dienste deur die Raad gelewer, moet voor of op die sewende dag van elke kalendermaand betaal word.

Verkoop van vars of afgeroomde melk

6. Geen bepaling van hierdie regulasies verbied of beperk die verkoop en aflewering van vars of afgeroomde melk in die Swart woongebied nie: Met dien verstande dat—

(a) hierdie regulasie nie magtiging verleen nie tot die binnekoms of teenwoordigheid in die Swart woongebied van 'n persoon sonder die magtiging in Hoofstuk 2 van hierdie regulasies bedoel; en

(b) enige verkoop of aflewering van sodanige melk onderworpe is aan sodanige ander wetsbepalings as wat daarop van toepassing is.

Besigheidsure

7. Die besigheidsure in die Swart woongebied is dieselfde as dié by provinsiale ordonnansie voorgeskryf.

Veranderings aan geboue en toebehore

8. 'n Handelaar mag nie sonder die skriftelike vergunning van die Raad strukturele veranderings aan geboue of toebehore op die perseel wat hy okkupeer, aanbring of addisionele toebehore daarop aanbring nie.

Onderhoud—geboue op handelspersele

9. (1) Die Raad is verantwoordelik vir die onderhoud van die buitekant van 'n gebou wat sy eiendom is, en die handelaar wat dit okkupeer, moet die binnekant in 'n goeie toestand hou en dit skoon hou.

(2) Indien 'n handelaar 'n gebou van die Raad aankoop of sy eie gebou op 'n handelsperseel oprig, is die handelaar self vir alle onderhoud verantwoordelik. Indien die gebou nie in 'n bevredigende toestand is nie en die Raad die handelaar skriftelik kennis gee van noodsaaklike veranderings of verbeterings wat die handelaar moet aanbring, kan die Raad die reg van die handelaar om handel te dryf, opskort vir sodanige tydperk as wat die Raad bepaal, indien veranderings of verbeterings nie binne 'n redelike tydperk na kennisgewing aangebring word nie.

Skade aan geboue of handelspersele en aan die handelaar se goedere

10. (1) Die Raad is nie ten opsigte van geboue wat deur hom opgerig is en aan handelaars verhuur word aanspreeklik vir skade wat aan 'n handelaar se voorraad, boeke, stukke of ander besittings aangerig is deur reën, wind, hael, weerlig, vloedwater of brand of weens oproer of stakings of deur die Staat se vyande of deur enige ander oorsaak nie: Met dien verstande dat noodsaaklike herstelwerk aan die betrokke geboue wat deur sodanige oorsake noodsaaklik gemaak is, deur die Raad uitgevoer moet word binne 'n redelike tydperk nadat kennisgewing van sodanige handelaar ontvang is dat sodanige herstelwerk nodig is.

Conditions of allotment of trading sites

4. After the coming into effect of these regulations in the Black residential area, a site shall be allotted in the Black residential area for trading, business or professional purposes only to a trader as defined in regulation 1 of Chapter 1.

Moneys payable

5. Every trader to whom a site is allotted in terms of regulations 1 and 2 of this Chapter shall pay such amounts as may be prescribed therefor, including the rental and fees for water, electricity, sanitary and other services rendered by the Board. The Board may demand the payment of deposits and rental on allotment of the trading site. Further monthly rentals and fees in respect of services rendered by the Board shall be paid on or before the seventh day of every calendar month.

Sale of fresh or skimmed milk

6. Nothing in these regulations contained shall prohibit or restrict the sale and delivery of fresh or skimmed milk in the Black residential area: Provided that—

(a) this regulation shall not be construed as conveying any authority for the entry into or presence in the Black residential area of any person without the authority referred to in Chapter 2 of these regulations; and

(b) any sale or delivery of such milk shall be subject to such other laws as may apply thereto.

Business hours

7. The business hours in the Black residential area shall be the same as those prescribed by provincial ordinance.

Alterations to buildings and fittings

8. No trader shall, without the written permission of the Board, make any structural alterations to any buildings or fittings on the site occupied by him or add any fittings.

Maintenance—Buildings on trading sites

9. (1) The Board shall be responsible for maintaining the exterior of any building owned by it, and the trader occupying it shall maintain the interior of such building in a good state of repair and keep it clean.

(2) Should any trader purchase a building from the Board or erect his own building on a trading site, such trader shall be responsible for all the maintenance. If the building is not in a satisfactory condition and the Board has given such trader written notice of essential alterations or improvements which have to be made by the trader, the Board may suspend such trader's right to trade for such period as the Board may determine if the alterations or improvements are not made within a reasonable period of the notification.

Damage to buildings on trading sites and to trader's goods

10. (1) In respect of buildings erected by the Board and leased to traders, the Board shall not be liable for any damage done to any trader's stock, books, papers or other effects by rain, wind, hail, lightning, floodwater or fire or by reason of riots or strikes or by the enemies of the State or through any other cause: Provided that any essential repairs to the buildings concerned necessitated by such causes shall be effected by the Board within a reasonable period of the receipt of notification from such trader that such repairs are necessary.

(2) Indien 'n handelaar 'n gebou van die Raad koop of sy eie gebou oprig, is die Raad nie aanspreeklik vir die skade aan die gebou of die inhoud daarvan soos uiteengesit in subregulasie (1) nie.

Omheining en sanitasie

11. 'n Handelaar moet, indien dit deur die Raad vereis word, tot tevredenheid van die Raad die perseel wat hy okkupeer op doeltreffende wyse omhein en daarop voorsiening maak vir toereikende sanitêre geriewe.

Gebruik van perseel

12. 'n Handelaar mag nie sonder die voorafverkreë skriftelike goedkeuring van die Raad die perseel wat hy okkupeer, vir enige ander doel gebruik as dié waarvoor dit deur die Raad aan hom toegeken is nie.

Boekhouding

13. Elke handelaar moet in een van die amptelike tale behoorlik boek hou ten opsigte van sy besigheidstransaksies.

Kapitaal

14. Uitgesonderd met die uitdruklike skriftelike goedkeuring van die Raad of 'n beampte deur die Raad aangewys, mag 'n handelaar niemand toelaat om in 'n wins van sy handel, besigheid of beroep te deel nie: Met dien verstande dat hierdie bepaling in elke geval nie sodanige handelaar verhinder om 'n lening vir die doel van sy handelsaak, besigheid of beroep, of die uitbreiding daarvan, aan te gaan nie.

Sindelikheid

15. (1) 'n Handelaar moet alle redelike stappe doen om te verseker dat sy perseel, handelsgebou en alle gereedskap en toerusting wat hy daarop of daarin gebruik, te all tye skoon en in 'n higiëniese toestand gehou word.

(2) Ingeval 'n handelaar nalaat om die bepalings van subregulasie (1) na te kom, kan die Raad, op die koste van die handelaar, enige redelike stappe doen wat sodanige Raad nodig ag ten einde te voldoen aan die vereistes soos in genoemde subregulasie bepaal.

Werwing van bestellings

16. (1) Niemand mag binne die Swart woongebied, sonder voorafverkreëgoedkeuring van die superintendent, vir enige handel, besigheid of beroep wat nie in die Swart woongebied gedryf word nie, bestellings werf of probeer verkry nie.

(2) Die superintendent of 'n ander gemagtigde beampte kan te eniger tyd van 'n persoon wat bestellings in die Swart woongebied aflewer, 'n afleweringsbrief of besonderhede van die bestelling en die naam en adres van die besteller opeis.

(3) Indien 'n persoon in die Swart woongebied gevind word, besig met die aflewering van bestellings en versuim, nalaat of weier om 'n afleweringsbrief te toon of besonderhede van die bestelling of die besteller te verstrek wanneer die superintendent of 'n gemagtigde beampte dit van hom vereis, word hy geag strydig met die bepaling van subregulasie (1) bestellings te werf of te probeer verkry.

Marskramery en ventery

17. Geen ander persoon as 'n Swarte wat behoorlik deur die Raad daartoe gemagtig en by wet gelisensieer is, mag die handel of besigheid van 'n marskramer of venter in die Swart woongebied dryf nie.

Vervreemding van handelsregte

18. (1) 'n Handelaar wat 'n raadshandelsgebou okkupeer, mag nie sy handelsregte op enige wyse hoegenaamd sonder die voorafverkreë goedkeuring van die Raad vervreem nie.

(2) Should any trader puchase a building from the Board or erect his own building, the Board shall not be liable for damage to the building or its contents as set out in subregulation (1).

Fencing and sanitation

11. Any trader shall, if required by the Board to do so, effectively fence the site occupied by him and provide thereon adequate sanitary conveniences to the satisfaction of the Board.

Use of site

12. A trader shall not, without the prior approval of the Board, given in writing, use the site occupied by him for any purpose other than that for which it was allotted to him by the Board.

Keeping of books

13. Every trader shall keep books in respect of his business transactions in one of the official languages.

Capital

14. Except with the express written approval of the Board or an official appointed by the Board, no person shall be allowed by any trader to share in the profits of his trade, business or profession: Provided that this provision shall not debar such trader from raising a loan for the purpose of carrying on or expanding his trade, business or profession.

Cleanliness

15. (1) Every trader shall take all reasonable steps to ensure that his premises, business building and all utensils and equipment used thereon or therein are at all times in a clean and hygienic condition.

(2) If any trader fails to comply with the provisions of subregulation (1), the Board may, at the expense of that trader, take all reasonable steps which such Board may deem necessary in order to comply with the requirements laid down in subregulation (1).

Soliciting orders

16. (1) No person shall, without the prior approval of the superintendent, solicit or attempt to obtain orders within the Black residential area for any trade, business or profession not carried on in such Black residential area.

(2) The superintendent or any other authorised officer may at any time demand from a person delivering orders in the Black residential area a delivery note or particulars of the order and the name and address of the person who ordered the goods.

(3) If any person is found delivering orders in the Black residential area and fails, neglects or refuses when required to do so by the superintendent or an authorised officer to produce a delivery note or to furnish particulars of the order or of the person who ordered the goods, he shall be deemed to be soliciting or attempting to obtain orders contrary to the provisions of subregulation (1).

Hawking and peddling

17. No person other than a Black duly authorised by the Board and licensed by law shall carry on the trade or business of a hawker or pedlar in the Black residential area.

Disposal of trading rights

18. (1) No trader occupying the Board's trading premises shall dispose of his trading rights in any manner whatsoever without the prior approval of the Board.

(2) 'n Handelaar wat nie 'n raadshandelsgebou okkupeer nie, kan sy handelsregte verkoop aan die Raad of aan 'n persoon wat aan die vereistes van regulasie 4 van hierdie hoofstuk voldoen.

(3) 'n Handelaar wie se reg om 'n handelsperseel te okkupeer, ingetrek is ingevolge regulasie 21 van hierdie Hoofstuk en wat handelsgeboue uit eie fondse opgerig het, kan sy handelsregte verkoop aan die Raad of aan 'n persoon wat aan die vereistes van regulasie 4 van hierdie Hoofstuk voldoen, en die handelsgebou verhuur of verkoop.

Kennisgewing deur handelaar dat sy reg op okkupasie beëindig word

19. 'n Handelaar kan sy reg op okkupasie van 'n handelsperseel in die Swart woongebied vir handels-, besigheids- of beroepsdoeleindes beëindig deur die superintendent minstens 30 dae skriftelik kennis te gee van sy voorneme om dit te doen.

Reg om handelsgeboue en -persele te okkupeer

20. 'n Handelaar wat op die datum waarop hierdie regulasies in werking tree, 'n handelsgebou of handelsperseel okkupeer, behou die okkupasiereg van sodanige gebou of perseel, na gelang van die geval, totdat dit deur die Raad ingetrek word ingevolge die bepalings van hierdie Hoofstuk.

Raad kan okkupasiereg op handelspersele intrek

21. (1) Indien 'n handelaar—

(a) skuldig bevind word weens—

(i) 'n misdryf genoem in Bylae 1 van die Strafproseswet, 1977 (Wet 51 van 1977);

(ii) 'n oortreding van artikel 2 van die Wet op Voedingsmiddels, Skoonheidsmiddels en Ontsmettingsmiddels, 1972 (Wet 54 van 1972), en/of regulasies wat uitgevaardig word kragtens die bepalings van Hoofstuk V van die Wet op Gesondheid, 1977 (Wet 63 van 1977);

(iii) 'n oortreding van enige wet betreffende die verkoop, verskaffing, besit of vervoer van dagga of enige ander afhanklikheidsvormende middel, bedwelmende drank of sorghumbier;

(b) 30 dae agterstallig is met die betaling van gelde soos bedoel in regulasie 5 van hierdie Hoofstuk;

(c) 'n handelsperseel of handelsgebou verkry deur 'n valse, onjuiste of misleidende verklaring te doen wat op die toekenning van sodanige perseel of gebou betrekking het:

(d) in gebreke bly om die vereiste handelslisensie of goedkeuring te verkry om hom in staat te stel om handel, besigheid of 'n beroep in die gebou of op die perseel, na gelang van die geval, aan hom toegeken, te dryf of uit te oefen, of indien sy handelslisensie deur die lisensie-owerheid ingetrek is;

kan die Raad, na kennisgewing van 30 dae van sy voorneme om dit te doen, sy reg op okkupasie van die betrokke perseel of gebou, na gelang van die geval, wat aan hom toegeken is in die betrokke woongebied, intrek. Die Raad moet die betrokke lisensie-owerheid van sodanige intrekking verwittig.

Misdrywe en strafbepalings

22. (1) Iemand wat—

(a) die bepalings van regulasies 2 (1), 5, 8, 9, 11, 12, 13, 14, 15 (1), 16 (1), 17 en 18 (1), almal van hierdie Hoofstuk, oortree of ingebreke bly om daaraan te voldoen;

(b) 'n handelaar is en buite die ure voorgeskryf by regulasie 7 van hierdie Hoofstuk handel dryf;

(2) Any trader not occupying the Board's trading premises may sell his trading rights to the Board or to a person who conforms to the requirements of regulation 4 of this Chapter.

(3) Any trader whose right to occupy a trading site has been cancelled in terms of regulation 21 of this Chapter and who has erected business buildings from his own funds may sell his trading rights to the Board or to a person who conforms to the requirements of regulation 4 of this Chapter and may lease or sell the trading building.

Notice by trader of termination of right of occupation

19. Any trader may terminate his right to occupy any trading site in the Black residential area for trading, business or professional purposes by giving the superintendent at least 30 days' notice, in writing, of his intention to do so.

Right to occupy trading buildings and sites

20. A trader who occupies a trading building or a trading site at the commencement of these regulations, shall retain the right of occupation of such building or site, shall as the case may be, until it is cancelled by the Board in terms of the provisions of this Chapter.

Board may cancel right of occupation of trading sites

21. (1) Should any trader—

(a) be convicted of—

(i) an offence referred to in Shedule 1 to the Criminal Procedure Act, 1977 (Act 51 of 1977);

(ii) a contravention of section 2 of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act 54 of 1972), and/or regulations made in terms of the provisions of Chapter V of the Health Act, 1977 (Act 63 of 1977);

(iii) a contravention of any law relating to the sale, supply, possession or transportation of dagga, any other dependence-producing substance, intoxicating liquor or sorghum beer;

(b) be 30 days in arrear with the payment of moneys referred to in regulation 5 of this Chapter;

(c) have acquired a trading site or building by making a false, incorrect or misleading statement which is relevant to the allotment of such site or building;

(d) fail to obtain the necessary trading licence or approval authorising him to carry on his trade, business or profession in the building or on the site, as the case may be, allotted to him or if his trading licence is withdrawn by the licensing authority;

the Board may, on giving 30 days' notice of its intention to do so, cancel his right or occupation of the site or building, as the case may be, allotted to him in the residential area concerned. The Board shall notify the licensing authority concerned of such cancellation.

Offences and penalties

22. (1) Any person who—

(a) contravenes or fails to comply with the provisions of regulations 2 (1), 5, 8, 9, 11, 12, 13, 14, 15 (1), 16 (1), 17 and 18 (1), all of this Chapter;

(b) being a trader, carries on trade out of the hours prescribed in regulation 7 of this Chapter;

(c) 'n handelaar is en nalaat of versuim om die handelsperseel te ontruim by intrekking van sy reg om kragtens hierdie regulasies sy handel, besigheid of beroep te dryf of uit te oefen;

begaan 'n misdryf en is by skuldigbevinding strafbaar met die strawwe wat by artikel 44 van die Wet voorgeskryf word.

(2) Die hof kan by skuldigbevinding van 'n handelaar ingevolge subregulasie (1) (c), benewens enige ander straf wat hy oplê, 'n bevel uitreik vir die uitsetting van sodanige handelaar, saam met sy assistente en alle persone wat deur hom okkupasie eis, van die handelsperseel.".

(c) being a trader, fails or neglects to vacate the trading site on cancellation of his right to carry on his business, trade or profession in terms of these regulations;

shall be guilty of an offence and liable on conviction to the penalties prescribed in section 44 of the Act.

(2) The court on convicting any trader in terms of subregulation (1) (c) may, in addition to any other penalty it may impose, make an order for the ejectment of such trader from the trading site, together with his assistants and all persons claiming occupation through him.".

Town roused the Afric[illegible]ers' feelings and created the awareness in them tha[illegible]her by collectively staying away from work.

In performing an att[illegible]therefore very conscious of its limitations. Howev[illegible]valuable because it does shed light on workers' at[illegible]al conditions prevail. While an event like the Sept[illegible]could permanently have shifted the consciousness of m[illegible]t personal observations have led us to believe that ma[illegible]turned to workers once the unrest and police action lost[illegible]e therefore present our results believing that th[illegible]me light on the class-race debate.

Eighty-seven per [illegible] African workers indicated that there were 'Coloured' [illegible]them, but their replies to the question, "do you discuss [illegible]ndicated that the level of contact and communication be[illegible]loured' workers varied considerably. It is useful to [illegible]as described below:

LEVEL 1: 44% [illegible]hat they did not discuss anything [illegible]rs, for such reasons as: [illegible]areas", and "we do not speak their

LEVEL 2: 35% [illegible]mmunicate with 'Coloured' workers, [illegible]ons were not work-oriented,

LEVEL 3: 21% [illegible]ged their work problems, including their wage grievances [illegible]ith 'Coloured' workers.

100%

It was found that there was a very definite association between the level of communication and the attitudes that the workers express towards:

(a) helping 'Coloured' workers to improve their work situation,

(b) thinking that 'Coloured' workers would help them improve their work situation.

Tables 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 co-operation appears to be reflected in the actual level of communication. This finding does not necessarily imply a causality between communication and co-operation nor, if it does exist, can a direction be assigned by us to the

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DJ 14/9/78 (50) 359

Black library crisis shown

JOHANNESBURG — There was an acute shortage of library facilities in black urban areas, a senior lecturer at the University of South Africa said here yesterday.

Speaking at the annual conference of the South African Library Association, Mr Noel Shillinglaw of UNISA's department of library science said it had been estimated that by 1977 four million black children were at school.

This was equal to the entire white population.

"Although a small percentage of these students reach matriculation, a literate, education-hungry public of considerable proportion is being rapidly created."

Mr Shillinglaw said there were four public libraries in Soweto for a population of a million people.

"The future growth needs are self-evident."

He said the accent in providing library services for disadvantaged communities should fall on social information, which might not be needed in more affluent areas. SAPA

CAPE SQUATTERS

Hell no, we won't go!

339 FM 22/9/78

African squatters in the Western Cape have experienced a subtle shift in government policy over the past fortnight. No longer are their homes bulldozed by day; instead the people themselves are raided by night.

Such raids, which Police Minister James Kruger describes as "routine crime prevention exercises," have scant visibility either at home or abroad. Yet for the squatters they can be just as terrifying as having their homes bulldozed.

The raids do not appear to have made the Fairest Cape any fairer, even though hundreds of "illegal" Africans have been "processed" at the local Plural Relations Commissioner's Court (R50 per conviction). According to local Plural Relations Commissioner Frikkie Botha, courts make no ruling about the future movements of a convicted person, so life simply gets progressively tougher.

Even were the Commissioner's courts to make out expulsion orders following a conviction, they could hardly be effective unless the convicted person was physically escorted 1 000 km or so to his alleged place of origin. With a population over 20 000, of whom 12 000-14 000 are "illegal" wives and children of men legally in the area, Crossroads' potential for scooping up pass offenders has hardly been tapped. If the raids are maintained with any sort of regularity the inhabitants will soon run out of amounts of R50 and a large section of the camp's population will end up in jail.

Far from acknowledging the unworkability of the policy, government seems determined to make it work by coercion. With the economy of the Western Cape showing no signs of following the rest of the country out of recession, now is clearly the time to push de-Africanisation.

During the first half of the Seventies, when vast capital projects and infrastructural developments in the Western Cape region required plenty of black labour, state institutions increased their African workers more than 300% in some cases.

From 1965 to 1973 the Department of Bantu Administration resettled only 18 730 people in the bantustans. On the other hand, after certificates of non-availability of coloured workseekers had been issued by the Department of Labour, large numbers of African workers were permitted into the Western Cape to serve the needs of employers riding the crest of the boom.

Whereas only 35 000 migrant workers were allowed into the Western Cape in 1966, 80 000 came in every year after 1970. By January 1975 there were 123 415 contract workers. At the end of April that year there were 160 000 registered African workers. Of these 94 800 were employed on contract on the "single" basis, while 66 500 had Section 10 rights. Of the contract workers, 35 000 were employed in the Peninsula.

According to the Erika Theron Commission, the declared government policy of replacement in the Western Cape, is: "All Bantu in that area — workers and others — must in time (by degrees and judiciously) be replaced with coloureds, but in such a way as not to lead to any really serious economic dislocation in industry." But at no time during 1970-1976 did Western Cape NP MPs clamour for sterner steps to secure the Western Cape as a coloured labour preference area.

The coloured people's leaders made no such appeals, either, though Erika Theron commissioner Dick van der Ross entered a dissenting recommendation that the very notion of a pr labour area be abolished.

Now, at the end of a 43-mont sion, Nat politicians want the out. Deputy Prad Minister Willie has repeated assurances "Crossroads must go."

By hounding out 20 000 squatters and their families Crossroads, and perhaps 40 000 more from other parts of the Western Cape, the official expectation appears to be that the consequent 12 000-15 000 job vacancies should eliminate coloured unemployment, currently 5 800.

But short of building a moat around the Western Cape, there seems no way that government is going to keep Africans out.

Squatting is an act of defiance. A member of the Crossroads committee told the *FM* this week: "We are trying to say that we are no longer prepared to accept a situation which demands, as a condition to the pursuit of man's basic aspirations, that we spend our working lives away from our families."

Worse still. Both the governments of Ciskei and Transkei have refused bluntly to take back the squatters because, simply, there is nothing for them to come back to. There is a danger that in addition to creating a pariah culture, a class of Palestinian-type refugees will emerge in the camps, forced to forage, fight, beg and steal to survive. Will they eventually take up arms against those they see as their oppressors?

There is another dimension, mentioned in a *Cape Times* editorial: "At a time when the whites of southern Africa have a strong moral case for sympathy and support against terrorist barbarism, the Crossroads raids will be seen as further proof that the whites of the sub-continent are so little concerned about the rights of others as to deserve little sympathy themselves."

In an unprecedented move this week 22 US congressmen planned to introduce

rgency
ours

umber formal resolution in the House of before it is too late."
onst representatives "condemning the Whoever leads SA should heed the
attacks" on Crossroads. They asked Pre- words of Judge Jan Hendrik Steyn: "No
sident Carter to "intervene diplomatically society or people can survive without
actoin the strongest possible manner ... doing reasonable justice to other people."
rom

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NM 26/9/78

Lease plan for Blacks ready soon

339

STELLENBOSCH — The 99-year leasehold scheme for Blacks in their own urban areas would come into operation shortly, the Minister of Plural Relations and Development, Dr. Connie Mulder, announced here last night.

Opening the annual congress of the South African Bureau for Racial Affairs, Dr. Mulder said building societies seemed particularly interested in making available funds for the scheme's development and Black people were also showing great interest.

Legislation adopted in Parliament recently enabled Blacks to acquire leasehold rights for dwellings in Black urban residential areas on a 99-year basis.

"The difficult and time-consuming drawing up of regulations on details of the scheme has just been completed and reviewed.

"At the request of the Association of Building Societies and the Law Society, the regulations have been submitted to them for comment with October 5 as the return date.

"Thereafter the regulations can be promulgated and the scheme hopefully put into operation.

"I hope the scheme will be used on a large scale to enable Blacks to build homes of their choice according to their capabilities.

"This will give them an interest in their environment and help to establish a happy and stable middle class in Black cities, which will also bring greater stability and a sense of responsibility to the benefit of all," Dr. Mulder said. — (Sapa.)

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REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

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PROCLAMATION

by the Acting State President of the Republic of South Africa

No. R. 266, 1978

AMENDMENT OF THE NATAL CODE OF BLACK LAW AND PROCLAMATION R. 103 OF 1973

Under and by virtue of the powers vested in me by section 24 and 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 amend the Natal Code of Black Law and Proclamation R. 103 of 1973 in accordance with Schedules 1 and 2, respectively.

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

M. VILJOEN, Acting State President.

By Order of the Acting State President-in-Council:

C. P. MULDER.

SCHEDULE 1

NATAL CODE OF BLACK LAW

1. Substitute the following for section 7 (1):

"(1) Any Black who, other than in the execution of any legal right or duty (proof of which shall be upon such Black) attends, promotes or participates in an assembly of armed men, or who attempts, consents or takes any steps to attend such assembly, or who compels, incites, instigates, commands, aids, advises, encourages or urges or pursuades or attempts to persuade any other person to attend such assembly, whether or not such assembly leads to a breach of the peace or the commission of any other offence by any person present at or on his way from such assembly, commits an offence and shall, on conviction—

(a) if it is proved that such Black or any other person who participated in or attended such assembly was in possession of a firearm at, during or on his

PROKLAMASIE

van die Waarnemende Staatspresident van die Republiek van Suid-Afrika

No. R. 266, 1978

WYSIGING VAN DIE NATALSE WETBOEK VAN SWART REG EN PROKLAMASIE R. 103 VAN 1973

Kragtens die bevoegdheid my verleen by artikels 24 en 25 (1) van die Swart Administrasie Wet, 1927 (Wet 38 van 1927), gelees met artikel 21 (1) van die Ontwikkelingstrust en Grond Wet, 1936 (Wet 18 van 1936), wysig ek hierby die Natalse Wetboek van Swart Reg en Proklamasie R. 103 van 1973, in ooreenstemming met onderskeidelik Bylaes 1 en 2.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die Tweede dag van Oktober Eenduisend Negehonderd Agt-en-sewentig.

M. VILJOEN, Waarnemende Staatspresident.

Op las van die Waarnemende Staatspresident-in-rade:

C. P. MULDER.

BYLAE 1

NATALSE WETBOEK VAN SWART REG

1. Vervang artikel 7 (1) deur die volgende:

"(1) Enige Swarte wat, tensy in die uitvoering van enige wettige reg of plig (die bewys waarvan by so 'n Swarte berus), 'n byeenkoms van gewapende manne bywoon, bevorder of daaraan deelneem of wat poog, toestem, of enige stappe doen om so 'n ooreenkoms by te woon, of wat enige ander persoon dwing, aanhits, aanspoor, beveel, help, adviseer, aanmoedig of ophits of oorreed of poog om hom te oorreed om sodanige byeenkoms by te woon, hetsy sodanige byeenkoms lei tot rusverstoring of die pleging van enige ander oortreding deur enige persoon teenwoordig by of op pad vanaf sodanige byeenkoms al dan nie, begaan 'n misdryf en is by skuldigbevinding strafbaar—

(a) indien daar bewys word dat so 'n Swarte of enige ander persoon wat deelgeneem het aan sodanige

way from such assembly, be liable to imprisonment for a period of not less than one year but not exceeding six years, without the option of a fine;

(b) if it is proved that any act of violence was committed by such Black or any other person who participated in or attended such assembly, whether or not such violence took place at or during the assembly or while such Black or person was on his way from the assembly, be liable to imprisonment for a period of not less than one year but not exceeding four years, without the option of a fine; or

(c) in any other case, be liable to imprisonment for a period of not less than one year but not exceeding two years, without the option of a fine.".

2. Insert the following subsections after section 7 (1):

"(1A) If in the prosecution of any Black for a contravention of the provisions of subsection (1) it is proved—

(a) that he, without good and sufficient cause, at or about the time when an assembly contemplated in subsection (1) took place, was at or near the place where such assembly took place, he shall, unless the contrary is proved, be presumed to have attended or participated in such assembly;

(b) that any person was wounded or killed as a result of a firearm having been discharged at or near the place where and at or about the time when an assembly contemplated in subsection (1) took place, or if a firearm was discharged at or near such place and at or about such time, it shall, unless the contrary is proved, be presumed—

(i) that any Black who participated in or attended such assembly, or is deemed to have participated therein was in possession of a firearm at or during such assembly or while such Black was on his way from such assembly; and

(ii) that such assembly was an assembly of armed men as contemplated in subsection (1); or

(c) that a firearm was found or seen at or near the place where an assembly contemplated in subsection (1) took place, at or about the time of such assembly, it shall, unless the contrary is proved, be presumed—

(i) that such firearm was in the possession of a Black who attended or participated in such assembly; and

(ii) that such assembly was an assembly of armed men as contemplated in subsection (1).

(1B) For the purposes of this section—

(a) 'assembly' means any gathering of four or more Blacks;

(b) 'firearm' means a firearm and includes—

(i) a machine gun, a machine rifle or a machine pistol;

(ii) an automatic or a semi-automatic rifle;

byeenkoms of dit bygewoon het, in besit was van 'n vuurwapen by of tydens of op pad vanaf sodanige byeenkoms, met gevangenisstraf vir 'n tydperk van minstens een jaar, maar hoogstens ses jaar, sonder die keuse van 'n boete;

(b) indien daar bewys word dat enige daad van geweld gepleeg is deur sodanige Swarte of enige ander persoon wat deelgeneem het aan sodanige byeenkoms of dit bygewoon het, ongeag of sodanige geweld plaasgevind het by of gedurende die byeenkoms of terwyl sodanige Swarte of persoon op pad was vanaf die byeenkoms, met gevangenisstraf vir 'n tydperk van minstens een jaar, maar hoogstens vier jaar, sonder die keuse van 'n boete; of

(c) in enige ander geval, met gevangenisstraf vir 'n tydperk van minstens een jaar, maar hoogstens twee jaar, sonder die keuse van 'n boete.".

2. Voeg die volgende subartikels in na artikel 7 (1):

"(1A) Indien daar by die vervolging van enige Swarte weens 'n oortreding van die bepalings van subartikel (1) bewys word—

(a) dat hy, sonder goeie en afdoende redes ten tyde of omtrent ten tyde van 'n vergadering in subartikel (1) bedoel, teenwoordig was op of naby die plek waar bedoelde vergadering plaasgevind het, word vermoed, tensy die teendeel bewys word, dat hy sodanige byeenkoms bygewoon het of daaraan deelgeneem het;

(b) dat 'n persoon gewond of gedood is as gevolg van 'n vuurwapen wat afgevuur is by of naby die plek waar en ten tyde van of omtrent ten tyde van die byeenkoms in subartikel (1) bedoel, of indien 'n vuurwapen op of naby sodanige plek afgevuur is ten tyde van of omtrent ten tyde van die bedoelde byeenkoms, word daar, tensy die teendeel bewys word, vermoed—

(i) dat enige Swarte wat deelgeneem het aan sodanige byeenkoms of dit bygewoon het of geag word daaraan deel te geneem het, in besit was van 'n vuurwapen op of tydens die byeenkoms of terwyl so 'n Swarte op pad was vanaf sodanige byeenkoms; en

(ii) dat sodanige byeenkoms 'n byeenkoms van gewapende manne was soos in subartikel (1) bedoel; of

(c) dat 'n vuurwapen gevind of gesien is op of naby die plek waar die byeenkoms in subartikel (1) bedoel plaasgevind het, ten tyde van of omtrent ten tyde van sodanige byeenkoms, word daar, tensy die teendeel bewys word, vermoed—

(i) dat sodanige vuurwapen in die besit was van 'n Swarte wat sodanige byeenkoms bygewoon het of daaraan deelgeneem het; en

(ii) dat sodanige byeenkoms 'n byeenkoms van gewapende manne was soos in subartikel (1) bedoel.

(1B) Vir doeleindes van hierdie artikel—

(a) beteken 'byeenkoms' 'n samekoms van vier of meer Swartes;

(b) beteken 'vuurwapen' 'n vuurwapen met inbegrip van—

(i) 'n masjiengeweer of 'n masjienpistool;

(ii) 'n outomatiese of semi-outomatiese geweer;

(iii) a gas rifle, gas pistol or gas revolver of any calibre;

(iv) an air rifle or air pistol of any calibre;

(v) an alarm pistol or alarm revolver;

(vi) the barrel of a firearm;

(vii) any hand-grenade, bomb, landmine or similar weapon; or

(viii) any other instrument or object which, by means of one or other explosive or inflammable material, is capable, in any manner whatsoever, of injuring a person or damaging the property of any person;

(c) 'legal right or duty' means a right granted to or duty imposed upon any person by or under any law;

(d) it shall at the trial of any person on a charge of having contravened the provisions of subsection (1), not be necessary for the State to prove—

(i) what the purpose of the assembly concerned was; or

(ii) that the possession or deemed possession of a firearm by any person at an assembly was relevant to the purpose of that assembly.".

3. Insert the following sections after section 7:

"7A. Notwithstanding anything to the contrary in any other law contained—

(a) any person who has been convicted of having contravened the provisions of—

(i) section 2 of the Arms and Ammunition Act, 1969 (Act 75 of 1969), by having been in possession of two or more arms;

(ii) section 36 of the said Act, by having been in possession of more than 100 rounds of ammunition; or

(iii) section 35 of the said Act, by having supplied two or more arms or more than 100 rounds of ammunition to any person;

shall be liable to imprisonment for a period of not less than one year but not exceeding eight years, without the option of a fine; or

(b) any person who has been convicted of having contravened the provisions referred to in paragraph (a), by having been in possession of or having supplied to any other person less than two arms or less than 100 rounds of ammunition, as the case may be, shall be liable to imprisonment for a period of not less than one year but exceeding four years, without the option of a fine.

7B. (1) The provisions of sections 290 and 294 of the Criminal Procedure Act, 1977 (Act 51 of 1977), shall not apply to any male persons over the age of 14 years who has been convicted of having contravened any of the provisions of section 7 or 7A unless it is proved that such male person, if he is a minor, committed the offence under the compulsion of his parent or guardian and that he could not have acted otherwise in the circumstances.

(iii) 'n gasgeweer, gaspistool of gasrewolwer van enige kaliber;

(iv) 'n windgeweer of windpistool van enige kaliber;

(v) 'n alarmpistool of alarmrewolwer;

(vi) die loop van 'n vuurwapen;

(vii) enige granaatbom, bom, landmyn of soortgelyke wapentuig; of

(viii) enige ander instrument of voorwerp wat, deur middel van die een of ander plofstof of ontvlambare materiaal, in staat is om op watter wyse ook al 'n persoon te beseer of eiendom van enige persoon te beskadig;

(c) beteken 'wettige reg of plig' 'n reg verleen of 'n plig opgelê aan 'n persoon by of kragtens enige wet;

(d) is dit by die verhoor van enige persoon op 'n aanklag van 'n oortreding van die bepalings van subartikel (1) nie vir die Staat nodig om te bewys—

(i) wat die doel van die betrokke byeenkoms was nie; of

(ii) dat die besit of geagte besit van 'n vuurwapen deur enige persoon by 'n byeenkoms verband hou met die doel van daardie byeenkoms nie.".

3. Voeg die volgende artikels in na artikel 7:

"7A. Ondanks enige andersluidende wetsbepalings—

(a) is enige persoon wat skuldig bevind is aan 'n oortreding van die bepalings van—

(i) artikel 2 van die Wet op Wapens en Ammunisie, 1969 (Wet 75 van 1969), deurdat hy in besit was van twee of meer wapens;

(ii) artikel 36 van genoemde Wet, deurdat hy in besit was van meer as 100 patrone; of

(iii) artikel 35 van genoemde Wet, deurdat hy twee of meer wapens of meer as 100 patrone aan enige persoon voorsien het;

strafbaar met gevangenisstraf vir 'n tydperk van minstens een jaar, maar hoogstens agt jaar, sonder die keuse van 'n boete; of

(b) is 'n persoon wat skuldig bevind is aan 'n oortreding van die bepalings in paragraaf (a) bedoel, deurdat hy in besit was of 'n ander persoon voorsien het van minder as twee wapens of minder as 100 patrone, na gelang van die geval, strafbaar met gevangenisstraf vir 'n tydperk van minstens een jaar, maar hoogstens vier jaar, sonder die keuse van 'n boete.

7B. (1) Die bepalings van artikels 290 en 294 van die Strafproseswet, 1977 (Wet 51 van 1977), is nie van toepassing nie op enige manlike persoon bo die ouderdom van 14 jaar wat skuldig bevind is aan die oortreding van enige van die bepalings van artikel 7 of 7A, tensy daar bewys word dat so 'n manlike persoon, indien hy minderjarig is, die oortreding begaan het onder die dwang van sy ouer of voog en dat hy nie in die omstandighede anders kon optree nie.

(2) The provisions of section 297 of the said Criminal Procedure Act, 1977, and sections 67 and 68 of the Prisons Act, 1959 (Act 8 of 1959), shall not apply to any person who has been convicted of having contravened any of the provisions referred to in section 7 or 7A.".

SCHEDULE 2

PROCLAMATION R. 103 OF 1973

1. Substitute the following heading for the heading:

"MEASURES FOR THE TRACING OF CERTAIN OFFENDERS".

2. Substitute the following for the words "I hereby declare that, notwithstanding anything to the contrary contained in the provisions of any other law, the regulations contained in the Schedule hereto shall have the force of law in the District of Msinga":

"read with section 21 (1) of the Development Trust and Land Act, 1936 (Act 18 of 1936), I hereby declare that notwithstanding anything to the contrary in any other law contained—

(a) the regulations contained in the Schedule hereto shall have the force of law in the Districts of Msinga and Klip River; and

(b) any person arrested and detained in terms of regulation 1 shall be detained in a place designated for this purpose by the Commissioner of the South African Police, in an area contemplated in section 21 (1) of the Development Trust and Land Act, 1936, or in an area deemed to be such an area: Provided that if such a place is a prison or other institition under the control of the Commissioner of Prisons such designation shall be made in consultation with the latter Commissioner.".

3. Substitute the following for regulation 1 (a) of the regulations contained in the Schedule to Proclamation R. 103 of 1973:

"(a) if he has reason to suspect that any person has committed theft or an offence of which violence is an element, or an offence in connection with the unlawful possession or use of firearms or ammunition, or has or had the intention to commit such an offence or has taken part or has or had the intention to take part in such an offence; or".

(2) Die bepalings van artikel 297 van genoemde Strafproseswet, 1977 en artikels 67 en 68 van die Wet op Gevangenisse, 1959 (Wet 8 van 1959), is nie van toepassing op enige persoon wat enige van die bepalings van artikel 7 of 7A oortree het nie.".

BYLAE 2

PROKLAMASIE R. 103 VAN 1973

1. Vervang die opskrif deur die volgende opskrif:

"MAATREËLS VIR DIE OPSPORING VAN SEKERE OORTREDERS".

2. Vervang die woorde "verklaar ek hierby dat, ondanks andersluidende bepalings van enige ander wet, die regulasies in die Bylae hiervan vervat in die distrik Msinga krag van wet het" deur die volgende:

"gelees met artikel 21 (1) van die Ontwikkelingstrust en Grond Wet, 1936 (Wet 18 van 1936), verklaar ek hierby, ondanks enige andersluidende wetsbepalings—

(a) dat die regulasies in die Bylae hiervan vervat in die distrikte Msinga en Kliprivier van krag is; en

(b) dat enige persoon wat kragtens regulasie 1 gearresteer en aangehou word, aangehou word in 'n plek deur die Kommissaris van die Suid-Afrikaanse Polisie vir dié doel aangewys, in 'n gebied bedoel in artikel 21 (1) van die Ontwikkelingstrust en Grond Wet, 1936, of 'n gebied wat geag word so 'n gebied te wees: Met dien verstande dat, indien sodanige plek 'n gevangenis of ander inrigting onder die beheer van die Kommissaris van Gevangenisse is, sodanige aanwysing in oorleg met laasgenoemde Kommissaris geskied.".

3. Vervang regulasie 1 (a) van die regulasies vervat in die Bylae by Proklamasie R. 103 van 1973 deur die volgende:

"(a) indien hy rede het om te vermoed dat enige persoon diefstal of 'n misdryf waarvan geweld 'n element is, of 'n misdryf met betrekking tot die onwettige besit of gebruik van vuurwapens of ammunisie, gepleeg het, of die bedoeling het of gehad het om sodanige misdryf te begaan of deelgeneem het aan, of die bedoeling het of gehad het om deel te neem aan, die pleging van so 'n misdryf; of".

PROCLAMATION

by the State President of the Republic of South Africa

No. R. 272, 1978

FISHING INDUSTRY DEVELOPMENT ACT, 1978 (ACT 86 OF 1978)

In terms of section 37 of the Fishing Industry Development Act, 1978, I fix 20 October 1978 as the date on which the said Act shall come into operation.

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

B. J. VORSTER, State President.

By Order of the State President-in-Council:

J. C. HEUNIS.

PROKLAMASIE

van die Staatspresident van die Republiek van Suid-Afrika

No. R. 272, 1978

VISNYWERHEID-ONTWIKKELINGSWET, 1978 (WET 86 VAN 1978)

Kragtens artikel 37 van die Visnywerheid-ontwikkelingswet, 1978, bepaal ek 20 Oktober 1978 as die datum waarop genoemde Wet in werking tree.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die Agtiende dag van Oktober Eenduisend Negehonderd Agt-en-sewentig.

B. J. VORSTER, Staatspresident.

Op las van die Staatspresident-in-rade:

J. C. HEUNIS.

EDITORIAL OPINION

Vereeniging visions

Contrast two opinions expressed in South Africa this week — one by a leading personality of the financial and investment field and another by a senior Government minister.

In Vereeniging, Mr Johan Nel, managing director of Union Acceptances urged municipalities to open suburban housing areas to professional and middle-class blacks who could afford a decent house in a pleasant place and the amenities that go with them.

The neighbourhoods thus created should be administered by the municipalities, said Mr Nel, of which they would become integral parts.

By which he meant, presumably, that the Plural Relations Department's administration boards should have no jurisdiction over these neighbourhoods.

What a good idea. What an incentive it would give to blacks capable of rising above the masses and improving their own quality of life by benefiting through their own abilities and educational and cultural achievements.

The Minister of Plural Relations and Development, Dr Mulder, was at the same Vereeniging congress at which Mr Nel made his suggestion. But see what he had to say.

He made clear his opposition to sharing in any way, whether it was in residential areas, schools, municipal councils, provincial councils or parliament. To move away from discrimination, it was not necessary to move towards integration, Dr Mulder argued, nor was there any reason why people in South Africa should have any sense of guilt about not sharing.

Which suggests that Mr Nel is unlikely to persuade the Transvaal Municipal Association that there is any chance of his residential meritocracy concept getting any official nod of approval even if some municipal leaders agree there is a lot of good sense in the idea.

Forget a meritocracy, seems to be the Mulder message. The political plan remains a pigmentocracy. White survival depends on physical separation as well as a political separation.

Yet even Dr Mulder himself acknowledges there have got to be "adjustments" to racial policies. Maybe, therefore, he might yet see the good sense in allowing blacks who have made the grade, so to speak, financially, educationally and culturally to share some of the benefits of white urban life.

CAPE TIMES 25/10/78

NGK vote for pay equality

Own Correspondent

BLOEMFONTEIN. — The General Synod of the influential Ned Geref Kerk last night accepted the principle of equal pay for equal work regardless of race.

Acceptance of the principle was recommended in the report of the important mission commission of the general synod which was laid before the delegates yesterday.

Its recommendation was endorsed by the synod with a minimum of debate and a minor stipulation that the work for which there should be equal pay should be equally responsible.

In the report the commission detailed its negotiatios with the authorities on the position of urban blacks in the wake of the 1976 unrest in black townships.

It implicitly claimed credit for the decision to abolish Afrikaans as a compulsory medium of instruction in black high schools after the protest marches and police shootings in Soweto in June 1976.

After outlining its recommendations to the then Minister of Bantu Education for the suspension of Afrikaans as a compulsory medium, the commission said in its report: "Members of the synod will take note that the later decision of the state on Afrikaans in schools was in large measure in line with our proposals."

The commission made representations to the authorities on the general position of urban blacks, describing the aspirations of urban blacks as the "burning question" facing South Africa.

"Without doubt we are concerned with the underlying problems of the urban blacks." It said in its represn-tations on the 1976 unrest.

"They are the mot highly developed of the black people and consequently feel any discrimination against them most acutely.

"Many have no direct ties with the homelands and do not regard themselves as belonging to a homeland.

"The demand for a say in management institutions exercising power over them is getting stronger and stronger, as are their feelings on questions

such as citizenship, the vote and a share in central decision-making in South Africa'

Mulder nod for black home cash

339
20/10/78

PHALABORWA — The Minister of Plural Relations, Dr Mulder, announced here yesterday that building societies and commercial banks, among others, could advance money for housing purposes to black site owners.

Previously, provision was made only for the balance of the purchase price to be registered as a charge against the title recoverable by the South African Development Trust.

Dr Mulder, speaking at a handing-over ceremony of 30 houses for workers of the Phosphate Development Corporation in Lebowa's Nakgale township, said a right of leasehold for 99 years was introduced for the black urban residential areas by Act 97 of 1978.

In the Black Areas Proclamation R293 of 1962, governing administration and control of townships, provision is made for sites with or without dwellings to be sold by the SA Development Trust to blacks in such townships.

"These titles to the stands are registered in the respective deeds registered situated in the black states (homelands). Provision exists for the balance of the purchase price to be registered as a charge against the title, recoverable by the SA Development Trust.

"This provision has now, by proclamation R200 dated July 28, 1978, been extended to advances made for housing purposes to site owners by the state or other body constituted by law, or any building society, commercial bank, insurance company, or other registered financial institutions, or corporative authorities approved by the Secretary for Plural Relations and Development, provided the secretary approves of each such a charge in terms of the relevant regulations."

Dr Mulder said a provision had been added to the effect that should such a site subsequently be sold in execution, and if the outstanding debt was not covered by the highest bid at a public auction, the holder of the charge would be entitled to purchase the site. — SAPA.

Blacks welcome PFP policies

28/10/78 339

EAST LONDON — Black homeland leaders and a Transkei cabinet minister have welcomed the Progressive Federal Party's new policies.

But Dr Ntatho Motlana, chairman of Soweto's Committee of 10, Mr Vaal Raw, leader of the New Republic Party, and the Nationalist press have rejected them.

Transkei would find common cause with the Progressive Federal Party's constitutional blueprint for South Africa, insofar as it granted universal suffrage, Transkei's Minister for Justice, Mr Digby Koyana, said in Umtata yesterday.

"Our standpoint is that the only answer to the problem is that everyone, black and white, should be given the vote.

"We stand for the complete scrapping of the so-called Bantustan policy, and the complete scrapping of the apartheid system," the Minister said.

He said he thought the PFP were "facing the right direction."

Before Transkei took the step of attending a national convention — even as an observer — on the constitutional future of Southern Africa as mooted by the PFP, more details would have to be made available. Such an attendance would "depend on circumstances," the minister said.

Referring to the possibility of a future federation in Southern Africa, he said that Transkei reserved the right to revise its relations with South Africa, when complete human rights and dignity had been restored there.

KwaZulu's Chief Minister, Chief Gatsha Buthelezi, said "I agree with the PFP on the urgency of calling a national conference, convention or an indaba, whatever name it is called, so that all South Africa's population groups, and leaders representing all shades of political opinion, can map out the future together.

"I am not prepared to involve myself in argument about machinery giving minorities a veto. This is a matter which can best be discussed in depth around the conference table, at the proposed national convention.

"The PFP deserves encouragement whatever views one has about its proposals, for doing its homework which we all need to do before such a national convention is held," Chief Buthelezi said

The leader of the New Democratic Party in Transkei, Mr Knowledge Guzana, welcomed the PFP's "bold move" on the franchise.

He said he had always contended that democracy was not synonymous with one man, one vote.

"There should be certain restraints to ensure the majority does not carry away control on an ethnic basis, particularly in a heterogeneous society like South Africa," Mr Guzana said.

Ciskeian opposition member Chief S. M. Burns Ncamashe also commended the PFP on its move and said he hoped it would be accepted at its national congress next month.

"Personally I hope and pray that the central government will see its way clear to permitting the holding of a national convention while the climate within the Republic allows it," said Chief Ncamashe.

Dr Motlana believed blacks would reject the proposal allowing groups with 10 per cent to 15 per cent representation in a federal assembly to veto a wide range of measures.

"If there is to be a redistribution of power, then you can't have a veto which implies there won't be fundamental change. I have said so many times. We should just protect rights in a bill of rights and we will not go beyond this."

Dr Motlana emphasised, however, he still wanted to study the whole plan.

Mr Raw said the proposals were a recipe for "stalemate and conflict", and the PFP "has failed signally to keep its promise to its congresses and to the public to come out with a crystal clear and courageous policy which would boldly define its stand."

Sun. Times 29/10/78

T ESTABLISHMENT ADMITS . . (339)

Apartheid's spectacular failure



Fleur de Villiers

men of such diverse political views as Professor Dan Kotze, of Unisa, and Dr Wimpie de Klerk, editor of the Transvaler.

The solutions offered are as diverse as the contributors, ranging from city states to "grey areas" and NRP-type consociational democracy.

But if the contributors — mostly pillars of the Afrikaner academic establishment — differ in the remedies they offer, all acknowledge one central fact: Separate development as it was once preached and is still practised has failed and spectacularly so.

No relief

Prof Kotze warns: "If there is no relief for current black political frustrations, there is a real danger that urban politics will become increasingly violent. . . . It is not far-fetched to say that a revolutionary situation exists in South Africa."

The seriousness of the problem, say Marais and Van der Kooy, is due in part "to policies which have proved inadequate resulting in unsatisfactory conditions and developments".

Government policy as devised by Dr H. F. Verwoerd did not make provision for the permanence of the urban black, thus a process of small pragmatic adjustments was forced on it through the realities of the situation.

"Is it possible to save the old policy by more adjustments? Can we continue with patchwork on this crazy quilt?"

Leakage

Not, say Marais and Van der Kooy, if it means inadequate transport facilities, a decentralisation policy with more "problems than results", a leakage of money out of the homelands. . . .

"If the flow of blacks to the cities and the constraints continue then the policy cannot be made to work any more."

Neither — as Marais points out in a later chapter — will influx control, which is contributing to the high unemployment rate in the homelands and may, if applied more strictly, cause ill-feeling between South Africa and its black satellites.

In a chapter on urbanisation, Professor A. J. G. Oosthuizen and Dr C. F. Swart, of the Rand Afrikaans University's Centre for Urban Studies, say that, whereas in 1946 there were 385 000 blacks in the Johannesburg area, there were 929 000 in 1976. By 1985 the number will have risen to 1 132-million.

By the year 2000 the black urban population will be 20-million, or two-thirds of the total urban population, which means that South Africa must find urban accommodation for 13-million people in the next 22 years.

In the same period the total urban black population of South Africa soared from 1 853-million, or 23,7 per cent of the total black population, to a projected 10 031-million, or 41,6 per cent of the total.

And as the old "solutions" grow smaller and more ill-fitted, the urban blacks are becoming more alienated from their white rulers.

Professor J. Coetzee, of the University of Potchefstroom, recalls research in Johannesburg among middle-class blacks which showed that the eight "racial" groups in order of popularity were: Blacks, Americans, English-speaking South Africans, Europeans, coloureds, Asians, Russians and Afrikaners.

Solutions

How can the situation be defused? The solutions offered vary with both the interests and political stance of the writer.

Prof Marais's solution is the establishment of large black cities in the homelands or on their borders. "Alongside these cities — but in white areas —there should be black cities where provision is made for the blacks who do not come from the nearby homelands, as well as for blacks where ethnic differences do not play such an important role — the 'grey cities'."

Kotze suggests that existing central structures for shared decision-making (for example, the white-coloured-Indian cabinet council, white-homeland cabinet consultations, multi-racial membership of councils and boards) should be explicitly and formally recognised as such and should form the basis for future constitutional development, the ultimate objective of which should be the maintenance of a plural society in South Africa.

Dr Wimpie de Klerk says: "The physical channelling of the urban blacks to the homelands is a fiction and impossible in practice. Urban blacks are permanent and must be afforded permanent status in our society. . . ."

Destroyed

Other sacred Nationalist cows are destroyed with the same abandon as Dr De Klerk comes up with his own solution: The extension of homeland borders to include many of the present black townships, the extension of homeland territorial rights to black residential areas and the creation round Johannesburg of a black city state.

Perhaps the final word belongs to Professor Robert Tusenius, of the Stellenbosch Graduate School of Business: "Compromise or perish could well be a suitable motto for all reasonable South Africans who want peaceful change."

But every contributor to this book warns: No compromise worked out without the consent and co-operation of the urban black himself will succeed.

And that is perhaps the most immediate challenge the Government will have to face as it contemplates the ruins of 30 years of separate development.

EVEN THE NA

29-10-78

BY THE year 2000 there will be 20-million of him. By the same year he will be the dominant consumer in South Africa, and South African commerce and industry will depend on his favour.

And yet, not very long ago the Nationalist Government set 1978 as the year when he would almost cease to exist. Even today Dr Connie Mulder has decided that, politically, he is a figment of someone's imagination.

He is the urban black South African.

As politically emasculated as he is economically powerful, contemptuous of ethnic ties, alienated from both the white society which surrounds him and the homeland governments which are supposed to offer him the political kingdom, he is also the daily, increasing proof that separate development has failed.

He is also the time-bomb on which white South Africa is precariously perched.

Just how precariously is analysed in a new book written by a group of Afrikaner academics, with a little help from their black friends, "South Africa's Urban Blacks, Problems and Challenges", to be published soon by the Centre for Management Studies of the Unisa School of Business Leadership.

Edited by the head of the business school, Professor Georg Marais, and Robert van der Kooy, of the Bureau for Economic Research, it contains contributions from

Urban Blacks will grow to 20m

Mercury Correspondent

2/11/78

339

JOHANNESBURG — The number of urban Blacks will increase nearly threefold by the turn of the century, according to two senior academics at the Institute for Urban Studies at Rand Afrikaans University.

The total will rise from just under 7 000 000 to nearly 20 million in the 22 years between now and 2 000, say Professor A. J. Oosthuizen and Dr. C. F. Swart.

The numerical increase will coincide with another trend: The rising proportion of urban Blacks in the overall Black population.

Where urban Blacks constituted about 32 percent of the Black population at the last census in 1970, they will account for at least 53 percent in 2 000 — or 20 million in 37,3 million.

But, Professor Oosthuizen and Dr. Swart say in their contribution to a study on South Africa's urban Blacks scheduled for release in a fortnight, the major share of the projected growth will take place in the homelands.

Main reason is that most funds for urban development have been diverted away from the "White" areas to the homelands.

But within the homelands the main increase will occur in towns near the larger South African cities.

Professor Oosthuizen and Dr. Swart do not make the point, but these homeland townships — of which Garankuwa near Pretoria is an example — are regarded by many scholars as dormitory townships of the White cities.

The study is edited by Professor George Marais, of Unisa, and Mr. Robert van der Kooy, of the Bureau for Black Economic Development.

More urban blacks, says prof

R.D.M (101) (339) 21/11/28 (229)

BY PATRICK LAURENCE
Deputy Political Editor

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But within the homelands the main increase will occur in homeland towns near the larger South African cities, which are presently absorbing 70% of all houses erected by the SA Development Trust.

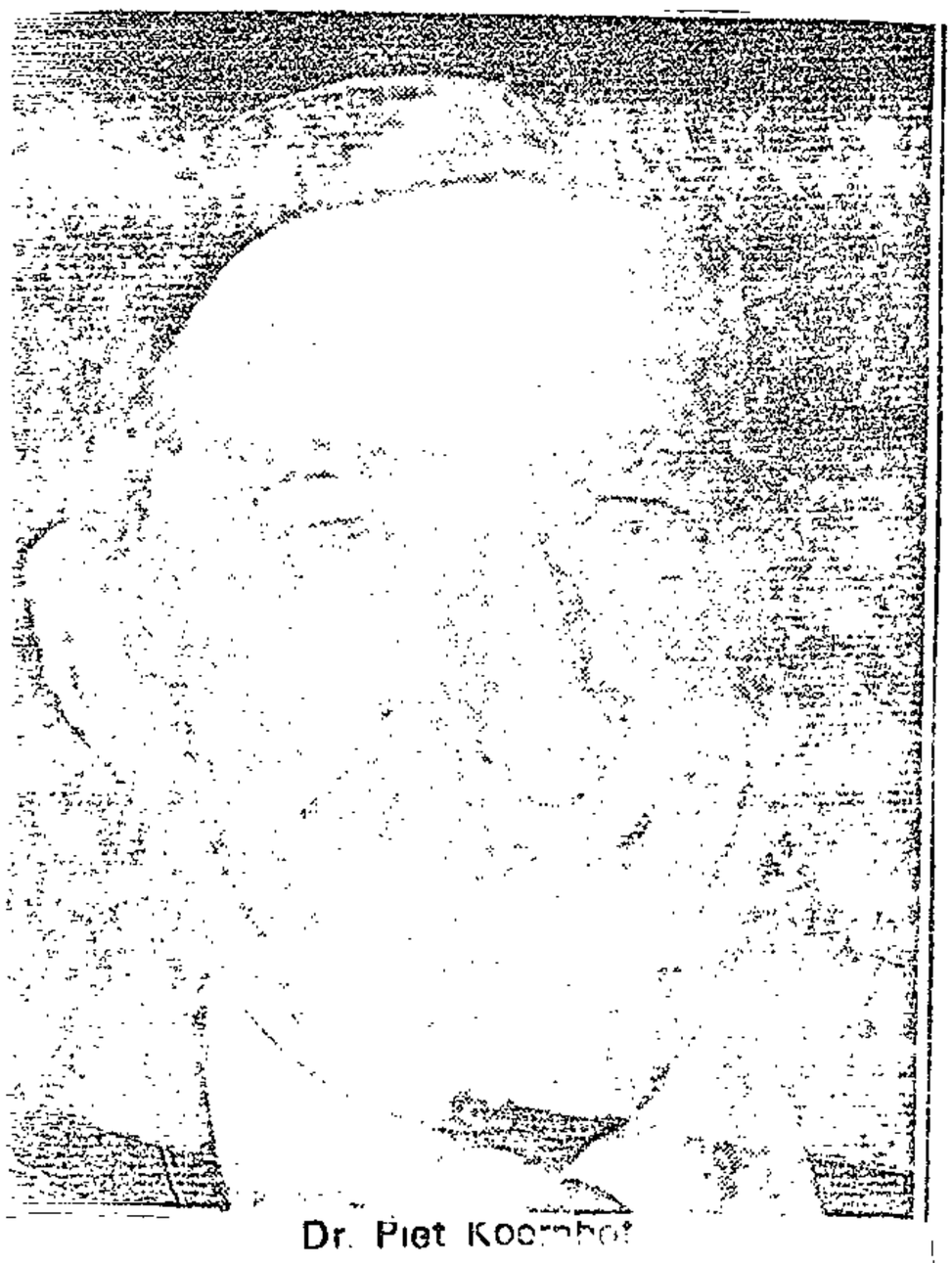
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Entitled "South Africa's Urban Blacks: Problems and Challenges", the study is edited by Prof George Marais, of the University of South Africa, and Mr Robert van der Kooy, of the Bureau for Black Economic Development.

In another contribution, Prof D A Kotze, professor of African politics at Unisa, writes of the "unbridged gulf" between white and black ideas on the "legitimate use of violence" by Government officials.

"Officials and police who raid black homes in search of unregistered occupants believe they act in the interests of the residents and the community by preventing the development of slum conditions," he says.

"The residents, however, see their action as a form of violence."



Dr. Piet Koornhof

Dr K in hot seat

ORMANDE POLLOK
Political Correspondent

CAPE TOWN — Dr. Piet Koornhof has been put in the hot seat of South African race politics as the new Minister of Plural Relations, while the conservative Dr. Andries Treurnicht has been left on the ice as a deputy.

These were among the main features of a Cabinet reshuffle by the Prime Minister, Mr. P. W. Botha, last night which brought in one new minister, Mr. Punt Janson, in the Department of Education and Training — after six years as a deputy — and one new deputy minister, Mr. Pen Kotze, the National Party's Chief Whip, in Planning and Environment.

While the shuffle, created by the resignation of Dr. Connie Mulder, left Cabinet membership almost as it was, eight ministers have been affected by a reallocation of portfolios aimed partly at rationalisation.

Dr. Treurnicht's non-promotion will seriously affect his chances in the race for the party's Transvaal leadership, and opposition leaders have interpreted it as a "clear message" from the Prime Minister.

If he had been promoted to full Cabinet rank his chances would have been greatly increased.

Another interesting feature of the reshuffle is that Mr. F. W. de Klerk, who at 42 became one of the youngest ministers ever, keeps Posts and Telecommunications but takes on the controversial Sport portfolio vacated by Dr. Koornhof.

Leader of the Opposition Mr. Colin Eglin said last night that the changes simply reflected the "party merry-go-round" set in motion by Dr. Mulder's resignation.

"The most significant feature is not the appointments that were made but that Dr. Andries Treurnicht was once again overlooked for promotion," he said.

"This must be a setback for his prospects of becoming Transvaal leader and is a clear message that he is not one of the favourites in the Prime Minister's stable."

Mr. Vause Raw, leader of the New Republic Party, said too that the exclusion of Dr. Treurnicht was a clear message to Transvaal Nationalists the effect of which would be interesting to watch when they elected a new leader on November 25.

"Will they accept the Prime Minister's hint or will they elect the natural successor to Dr. Mulder?" he wondered.

The appointments of Dr.

CONTINUED ON PAGE 2

In the hot seat

FROM PAGE 1

Koornhof and Mr. Janson were "hopeful" and the NRP would support any "enlightened" changes they might have the courage to take.

Dr. Koornhof's appointment was predicted in the Mercury last week, and while it was expected that someone from the Cape would be promoted, Mr. Kotze was a surprise. It was generally expected that Dr. L. A. P. A. Munnik, the Administrator of the Cape, would be promoted.

Dr. Koornhof, who became a deputy in the old Department of Bantu Administration and Development in 1968, has maintained strong interest in the affairs of the department. He was also research officer for the department in 1953.

He took over the Department of Sport in 1972 and has been responsible for many verligte changes in Government policy.

Mr. Janson also became a deputy in the same department in 1972. He became Deputy Minister of Social Welfare and Pensions in 1976 after rumours of differences with the then minister, Mr. M. C. Botha.

Mr. Janson, who has a strong verligte image, will now be responsible for all Black education in the place of Mr. Willem Cruywagen, who takes over one of Dr. Koornhof's old portfolios of National Education.

In one of his first statements as a Deputy Minister of Bantu Administration and Education Mr. Janson said: "When officials deal with human beings it must be done in a compassionate way."

Others affected by the shuffle include Dr. Schalk van der Merwe, who retains the Health ministry but takes on Social Welfare and Pensions from Mr. de Klerk.

Mr. Hennie Smit keeps Coloured Affairs but also takes on Statistics.

Mr. Chris Heunis k... Economic Affairs ... takes on Planning and Environment.

The Prime Minister ... portfolios now are Pri... Minister, Defence, and ... Department of Na... Security.

Commenting in U... yesterday Chief Ga... Buthelezi, Chief Mini... of KwaZulu, said the ... formance of Dr. Koo... as Minister of Plural R... tions was the only fa... which could "ward ... future bloodshed in S... Africa," reports Sapa.

Dr. Koornhof had a g... responsibility during ... crucial period in S... African history, the C... said.

INSIDE MAIL 16 Nov 1978

Dr Koornhof

'Collective decision-making process' — including blacks?

MARTIN SCHNEIDER:
Political Editor

THE irrepressible Dr Pieter Gerhardus Jacobus Koornhof takes over control of the country's blacks with professed convictions markedly different from those of his predecessors.

Dr Hendrik Verwoerd, Mr Daan de Wet Nel, Mr M C Botha and Dr Connie Mulder shared a fundamental opposition to any compromise in the principle that whites and blacks should never be accommodated in the same political system.

The new Minister of Plural Relations and Development is different — at least if his past statements are an accurate reflection of his inner convictions.

More than any other Nationalist politician, including probably the Minister of Foreign Affairs, Mr Pik Botha, the 53-year-old Stellenbosch and Oxford-educated Dr Koornhof reflects the essence of verligte thinking.

Unlike his predecessors and virtually every other Nationalist politician, he has indeed envisaged the possibility of a type of "collective decision-making process" involving blacks.

As Prof Nic Rhoodie, director of the Institute of Plural Societies at Pretoria University, said yesterday: "Dr Koornhof has the capacity and ability to consider a far wider spectrum of possibilities. I am very happy with his appointment. He looks at things from new angles."

Dr Koornhof, who rose through Nationalist ranks as secretary of the Broederbond, is a survivalist whose outspokenness has often roused the ire of party conservatives, forcing him to retreat into long periods of silence.

Last time he stuck his neck out was at a seminar on plural societies in Cape Town when he linked forces with verligte academics in an attempt to launch a major Nationalist debate on a Turnhalle-type constitution for South Africa which would draw all groups into Government, including urban blacks.

Refusing to rule out political rights for blacks living outside independent homelands, Dr Koornhof said the Government was moving towards a system not unlike that in Switzerland.

White, coloured and Indian people would be drawn into a "collective decision-making process" operating on a consensus basis, he said, but there were people who believed that urban blacks should in time be drawn into the new dispensation.

"Politics, especially in these times, is unpredictable, and only time will tell whether this line of thought is feasible or not," he said.

This speech, of course, does not mean that Dr Koornhof's appointment as Minister of Plural Relations and Development will necessarily herald a new dawn in black-white relations or in the Government's basic policies towards black political rights.

According to Dr Rhoodie, whose Institute of Plural Societies organised the seminar used by Dr Koornhof to project the verligte vision of the future, the Government is preoccupied with the implementation of its new constitution involving whites, coloureds and Indians in national decision-making under an executive State President.

"At the moment," said Dr Rhoodie, "the Government is not amenable to making adjustments regarding non-homeland blacks."

But what of the distant future?

Dr Rhoodie says: "Say for instance that the coloured and Indian intelligentsia accept the new constitution, even grudgingly, and say it does provide greater access for them to decision-making. Say this success becomes visible to the average Indian and coloured person, will become more amenable to at least consider the position of those blacks who cannot possibly be accommodated in the homeland system.

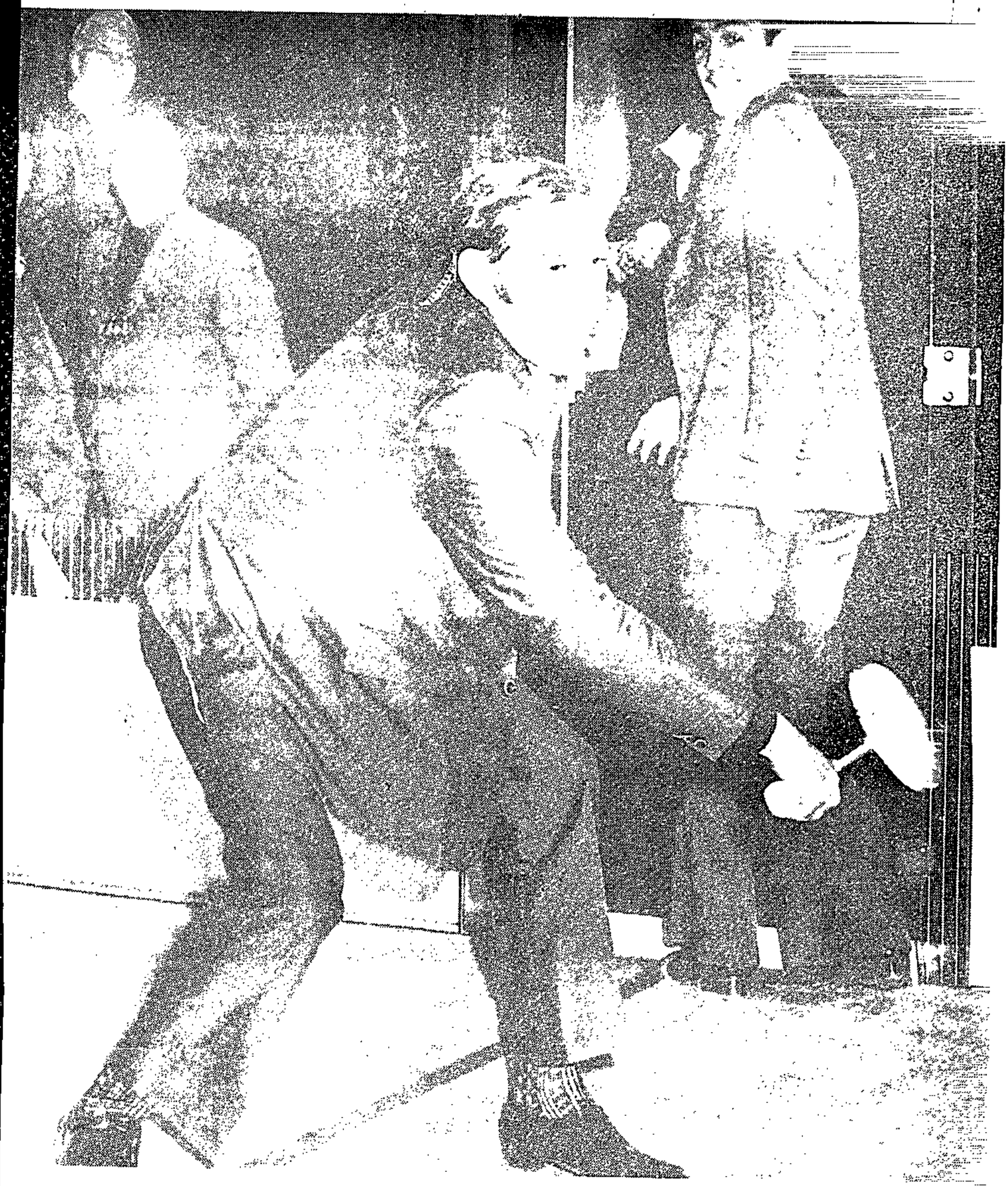
"This attitude might then penetrate Government thinking."

Dr Koornhof would in any case be blocked by party conservatives if he attempted to put his verligte vision into practice.

But while most observers were yesterday ruling out the prospects of political changes even in the distant future, they were unanimous on one point: With the energy and determination he showed in his Sport portfolio, Piet Koornhof will undoubtedly embark on a vigorous and committed programme of social and economic improvements for urban blacks.

Nov-16-1978

f: man with a



Dr Koornhof . . . "he looks at things from new angles"

wider view

'A tendency for African opposition to increase'

PATRICK LAURENCE:
Deputy Political Editor

THERE IS more than an element of irony in the appointment of Dr Piet Koornhof, distinguished scholar and holder of a doctorate from Oxford University, to the key portfolio of Plural Relations and Development.

In his doctoral thesis submitted more than 20 years ago, Dr Koornhof, the scholar, condemned migrant labour in South Africa as a force which aggravated "distrust, fear and hostility between black and white" and described attempts to prevent the drift of blacks from the reserves as futile.

In his capacity as Minister of Plural Relations, Dr Koornhof has inherited race policies which rest largely on migrant labour and a network of laws designed to check the movement of blacks to towns.

In his thesis Dr Koornhof said of the bid to forestall the townward drift of blacks: "It is rather like the demand to screw down the locomotive's safety valve because the escaping steam is annoying some first-class passengers."

He warned of the prevailing system of race relations: " . . . instead of resolving the social, economic and political problems arising out of the drift to the towns (the system) worsens it."

In the years since he submitted his thesis of more than 600 pages, the ruling National Party has shifted sharply toward an economy which relies increasingly on migrant labour and has taken a series of measures to tighten and extend influx control.

Of the various measures, the Bantu Labour Regulations are cardinal: they stipulate that no black born outside the prescribed white towns can qualify to live there permanently, thus condemning millions of blacks to be migrant workers entering the towns on contract.

Even in 1956, when Dr Koornhof submitted his thesis, "The drift from the reserves of the South African Bantu," he was warning of the dangers inherent in the situation.

" . . . there is a tendency for African opposition and rebellion to increase, for governmental force (one of the most important factors from which the black-white social system derives what stability there is) to become harsher — and social relations to become increasingly strained."

His prescription then for the situation was one which many South Africans will urge him to apply fearlessly today.

Dr Koornhof said in his thesis: "Everything possible must therefore be done towards the building up of a stable and contented African urban population. Any policy which runs counter- . . . can only be to the detriment of South African social life."

Dr Koornhof the scholar minced no words in describing the dominant whites, even using the Marxist label "ruling class" in his picture of them.

"Consciously basing itself on the belief in its racial homogeneity, and in the 'superiority' of its 'blood', it asserts and defends against all non-whites, and especially against the native group, its privileged position as a ruling class.

"It proudly calls South Africa a 'white man's' country because it maintains a social structure in which its own position (is) at the top . . ."

Dr Koornhof went on to write of the deep cleavages within South African society, concluding: "It is hard to contemplate that even in matters of supreme importance such as aggression from outside the society will reveal a common will."

That was before the precarious sense of common patriotism was decimated by the creation of new independent states in South Africa and the imposition of citizenship of these states on blacks who considered themselves to be South Africans.

One wonders whether Dr Koornhof, the politician, will heed the warning of Bishop Desmond Tutu that the citizenship policy is highly dangerous and measure it against his own sobering assessment of 22 years ago.

RDM 16/11/78

339

I'll consult black leaders, says Janson

Political Correspondent

CONSULTATION with black leaders will be the top priority during Mr Punt Janson's term as Minister of Education and Training.

The newly-appointed verligte Minister, who will control black education throughout the country, gave this assurance in an interview yesterday.

Commenting on his surprise appointment over the head of Dr Andries Treurnicht, verkrampte Deputy Minister of Plural Relations, Mr Janson said: "I am very surprised and pleased to be back in the field of black affairs."

Mr Janson said he intended "taking up where I left off as a Deputy Minister of Bantu Administration and Development four years ago".

The verligte course he followed aroused serious opposition within party ranks and is believed to have been one of the reasons he was transferred to the Departments of Social Welfare and Pensions, Planning and the Environment.

Asked for comment on the general policy direction he will follow in the new department, Mr Janson said: "I can make no policy statement until I have consulted with the black leaders concerned.

"Times have changed since I last worked in the field of black affairs. So have many of the leaders.

"Consulting the leaders in the field of education will be my top priority. I intend to work with them. But as a Minister it will naturally mean doing a lot of work for the black community.

"I do not intend to be sentimental, but I will always remind myself that the word 'minister' means 'servant'," Mr Janson said.

Asked whether he would be prepared to meet representatives of the Soweto Committee of Ten, Mr Janson said he did not know what authority the body had in educational matters.

"If there are valid objections from any part of the community they should be listened to, whether it be from the Committee of Ten or other parties."



MR JANSON. top priority.

Asked whether he would consider reviewing the draft Education Bill introduced by his predecessor, Mr W A Cruywagen, and which has aroused widespread opposition among blacks, Mr Janson said he would have to discuss the Bill with the people who drew it up as well as the black leaders.

"In everything I do I will attempt to strive for a happy society and, in particular, to provide the best educational opportunities for black children."

Mr Janson said that during his period as Deputy Minister in other departments, he kept a close watch on black affairs.

Meanwhile, Dr Piet Koornhof, the verligte Minister of Sport and National Education, who has been appointed Minister of Plural Relations in the Cabinet reshuffle, was not available for comment yesterday.

But he was reported as having said that he would dedicate himself fully to the promotion of good race relations.

Dr Koornhof, who spent four years as a deputy in the department he now heads, said he would give immediate attention to implementing the five-year plan for Soweto, announced by his predecessor, Dr Connie Mulder.

Part of Dr Mulder's plan was to turn Soweto into the most beautiful black city in Africa.

16/11/78

Housing seen as challenge

PRETORIA — The provision of housing for blacks — in cities, towns and homelands — was not only the biggest single problem connected with black urbanisation, but also the biggest challenge, the Deputy Minister of Plural Relations and Development, Dr Willie Vosloo, said here yesterday.

Addressing a symposium on "Towards viable communities," Dr Vosloo said the financial responsibility in providing housing for blacks had to be shared by three parties, namely the state, the employer and the black man himself.

The task of the authorities among other things was the provision of low-cost housing from funds voted annually by Parliament.

"As far as the employers are concerned, the standpoint is that generally a bigger contribution can be expected from them towards the housing of their black employees.

"The person or body which makes use of black labour inevitably must accept the responsibility for his black workers' housing needs as he is the person who derives the benefit from their labour."

Dr Vosloo said it was an irrefutable fact that the black man today was considerably better off.

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

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VOL. 161] PRETORIA, 17 NOVEMBER 1978 [No. 6216

PROCLAMATIONS

by the State President of the Republic of South Africa

No. 293, 1978

COMING INTO OPERATION OF THE BLACKS (URBAN AREAS) AMENDMENT ACT, 1978 (ACT 97 OF 1978)

By virtue of the powers vested in me by section 5 of the Blacks (Urban Areas) Amendment Act, 1978 (Act 97 of 1978), I hereby declare that the said Act shall come into operation on the date of publication hereof.

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

B. J. VORSTER, State President.

By Order of the State President-in-Council:

C. P. MULDER.

PROKLAMASIES

van die Staatspresident van die Republiek van Suid-Afrika

No. 293, 1978

INWERKINGTREDING VAN DIE SWARTES (STADSGEBIEDE) WYSIGINGSWET, 1978 (WET 97 VAN 1978)

Kragtens die bevoegdheid my verleen by artikel 5 van die Swartes (Stadsgebiede) Wysigingswet, 1978 (Wet 97 van 1978), verklaar ek hierby dat genoemde Wet op die datum van afkondiging hiervan, in werking tree.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die Derde dag van November Eenduisend Negehonderd Agt-en-sewentig.

B. J. VORSTER, Staatspresident.

Op las van die Staatspresident-in-rade:

C. P. MULDER.

20/11/78 SAWH (339

SA spends more than UN on blacks — Botha

SOUTH AFRICA spent more money on blacks than the United Nations spent on all underdeveloped countries combined, the Prime Minister, Mr P W Botha, said in a television interview screened at the weekend in the United States (an extract was screened by SABC-TV last night).

Mr Botha was interviewed for the National Broadcasting Company's network programme "Meet the Press" by Bill Monroe and Tom Ackerman of NBC, Tom Wicker of the New York Times and June Goodwin of the Christian Science Monitor.

Mr Monroe asked the Prime Minister to comment on racial discrimination. "Millions of people who have lived all of their lives in urban South Africa don't have the same rights as whites," he said. Did this not make Mr Botha and his party feel uncomfortable?

Mr Botha: "It is a problem we are wrestling with and we shall find a South African solution if we are allowed to find it in our own way.

"We know best how these people feel. We've lived with them for centuries and I believe that by discussion and by deliberation — and not by confrontation — we will eventually solve this problem."

He said South Africa, over the past 10 years, had "spent more in capital and direct expenses on its black peoples than the United Nations spent on the whole of the underdeveloped world".

Miss Goodwin remarked that the Zulu leader, Chief Gatsha Buthelezi, wanted continued foreign investment even though he opposed apartheid and that he was also against black radical movements.

"Do you consider that he supports the policies of your government?" she asked.

Mr Botha: "It all depends on what you mean by support. Let me quote an example to prove what I mean. You have two independent nations bordering on to each other very near Zululand, namely Lesotho and Transkei. They're absolutely independent and yet they don't merge, they don't become one country and they don't become one nation.

"Why? Because they are different peoples. Just as the Germans are a different people to the Hollanders, so the Zulu are a different people than we. And I believe in that sense, he (Chief Buthelezi) is a protagonist of the idea of separate development, though he would not admit it."

Miss Goodwin: "He has refused independence which the Transkei has accepted. If he continues to refuse will you view that as the will of the KwaZulu people?"

Mr Botha: "I don't think that a proud people like the Zulu can forever be denied independence. They're too proud a people."

Mr Wicker: "Is the goal that no-one should be denied privileges that the white race have in South Africa?"

Mr Botha: "If they are capable of attaining that standard of living I say we will grant them the opportunity and let me just explain why I say this. We are still escaping in South Africa from the results of colonial policy and we, the governing party today, are representatives of the first people in Southern Africa to throw off the shackles and to become a free people and to accept our right of self-determination, and what we achieved for ourselves, we are prepared to grant to others.

Mr Wicker asked why demolishing Crossroads was necessary in the light of the development policies he had outlined.

Mr Botha: "In the first instance, we don't believe in squatters. We have over the past 30 years carried out housing schemes which compare very favourably with the best in other countries.

"Secondly, you can't allow people to come and squat under unhealthy conditions without proper care and without work around your cities. We believe in orderly life with freedom, but with the facilities which should be available to civilised people. — Sapa.

INSIDE MAIL

339 RDM 1/12/78

Echoes of Verwoerd as PW sees urban blacks as the guest labourers



Mr P W Botha . . . talks of a better deal than Europe's gastarbeiters enjoy

MARTIN SCHNEIDER: Political Editor

THE Prime Minister, Mr P W Botha, has expressed his forceful views on issues ranging from Soviet imperialism to coloured policy, but hardly ever on one of the most critical issues facing the country — the position of urban blacks.

Journalist Anna Starcke has now published in her new book, "Survival," a penetrating interview with Mr Botha containing what is probably his first comprehensive views on the subject.

In the interview, Mr Botha revives the terminology of Dr Verwoerd and his successor in the administration of black affairs, Mr M C Botha, and compares the situation of urban blacks with that of European Gastarbeiters or guest labourers.

His views strongly contradict the opinions of his new Minister of Plural Relations, Dr Piet Koornhof, who has envisaged the possibility that urban blacks could eventually be included in the Government's new constitution providing for a Cabinet Council of white, coloured and Indian representatives meeting under an executive State President and making decisions on a consensus basis.

Here is an extract from the interview which was of course given before Mr Botha became Prime Minister.

MR BOTHA: As for urban blacks — we will do what they do with Gastarbeiters in Europe, only we do it better, we grant them more rights and also more rights than ordinary local government for whites, but eventually linked up with their own (homeland) governments.

The majority of the people in Soweto don't want upheavals and confrontation; what they want is control over their own affairs. I know some of the people in Soweto too — thousands of them are working in my military factories. They are responsible, law-abiding people who don't claim rights against the white man in his part of the country.

MS STARCKE: Don't you envisage, as some of your colleagues seem to, a special role for urban blacks within this proposed community of nations?

MR BOTHA: No. The moment I accept that the urban black is something different from his own people I'm being illogical, then I don't accept facts anymore. Surely a Zulu is a Zulu, whether he is in Johannesburg, or Cape Town or Zululand.

I can see the coloureds eventually being assimilated, which is why we don't provide a separate homeland for them. But blacks are separate peoples, proud peoples with their own cultures, their own way of living, own traditions, own ideals. Why must we always try to force a Zulu to become something other than a Zulu?

MS STARCKE: Nobody is talking of "forcing" but of giving the option.

You were talking of Gastarbeiters: personal economics permitting, these can live legally where they please in the employer countries (in Europe), partake of any facilities; I believe they can also apply for citizenship if they live there long enough.

MR BOTHA: Sure. Are you trying to tell me this would be the case if their numbers came anywhere above a fraction of the indigenous populations, never mind outnumbered them? The other argument I have heard is that we should integrate urban blacks selectively — any fool can see that this amounts to discriminating selectively. That's not what we want.

SURVIVAL, Taped Interviews with South Africa's Power Elite. By Anna Starcke (Tafelberg R9,80).

PE survey of black views

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1/248 M

PORT ELIZABETH — A questionnaire aimed at discovering the reactions of urban blacks to the restrictions they are subjected to as well as their views on how these could be relaxed has been posted to black teachers and professional men and women in the townships here.

The investigation is being conducted by the director of the Institute of Plural Societies of Pretoria University, Prof N. J. Rhoodie.

The answers are confidential and it is claimed that urban black opinion formers will be able to express their views fully.

After a few preliminary questions about income, ethnic grouping and educational qualifications, the questionnaire asks: "If you were asked by another South African black or by a white South African to identify yourself how would you indicate your group membership? Would you say you were a South African, a black, an African, a member of a particular ethnic group or in some other way?"

Another question is: "Would you agree that the heart of South Africa's intergroup problems is basically a power struggle; a struggle for political paramountcy over the whole of South Africa between black and white?"

The questions seem to assume that whites, Coloureds, and Indians form one group while all urban blacks have a link with the homelands.

Other questions are: Suppose South Africa were to be partitioned territorially into areas under white-Coloured-Asian political control and an area under black political control; do you agree influx control is to the advantage of urban blacks?

"Do you consider white political paramountcy in its present form essential for (a) the maintenance of law and order and (b) the maintenance of civilised standards in South Africa?

"If you had a choice to vote either for Mr Vorster or Chief Buthelezi as Prime Minister or President of the whole of South Africa for which would you vote for?

"In your view, would the majority of sophisticated and politically conscious urban blacks in South Africa consider the following type of more radical action to be effective for change in South Africa's policies for intergroup relations: Pressure on the government by means of demonstrations and strikes by non-whites; strong diplomatic pressures on South Africa by governments and leaders of other countries; total boycott of South Africa by the world in respect of trade and investments; total boycott of South Africa by the rest of the world in respect of armaments and military equipment?" — DDR

Koornhof hopes blacks will help plan future

KDM 2/12/78

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By PATRICK LAURENCE

THE newly-appointed Minister of Plural Relations, Dr Piet Koornhof, said in Pretoria yesterday he would do his best to get Blacks involved in the Cabinet Committee's search for a blueprint to solve the problem of the urban Black.

Addressing his first full Press conference since he took over his new portfolio, Dr Koornhof described the Cabinet Committee's task as the third important phase in the unfolding of Nationalist policy over the past 30 years.

The first phase was to find the constitutional means by which the black states or homelands could be led to independence. The second was to create a constitutional structure to cater for the non-black minorities.

As Minister of Plural Relations Dr Koornhof is chairman of the Cabinet Committee appointed to examine the position of urban blacks and plan for their future. The committee was announced about a year ago.

"I have little doubt that the Cabinet Committee will come up with important recommendations," Dr Koornhof said.

Anticipating objections that it would be a case of whites deciding for blacks, he added: "I will do everything in an endeavour to get the black man in on this question."

Referring to working committees on which blacks would serve, he said: "We must co-operate with each other to try to find a solution to a very important question."

Dr Koornhof had earlier defined the motto of his new department as "Live and Let Live" and pledged himself to a policy which would seek to win co-operation and maximise goodwill.

"The emphasis must be on the identity of interests, on the positive, on the things on which we agree, and the rest will look after itself," he said.

On a more concrete level, he said: "Government in a plural set-up as we have in this country must be based on good local government so that one can dispense with the real emotional issues at the local government level."

The vehicle through which to achieve the ideal of good local government had already been provided through the establishment of community councils in the townships, he said.

Conceding that community councils were not popular in all townships, Dr Koornhof expressed the hope that blacks would become more involved in them to make them "truly representative" and to enable them to improve the black man's quality of life.

Asked whether this meant he would not talk to the Soweto Committee of 10, Dr Koornhof said: "I am open to meet people and hear their views . . . People are people and if they are within the law I am willing to talk to them."



Dr Piet Koornhof explains the motto "Live and Let Live".

Picture: PETER MAGUBANE

Dr Koornhof set himself another priority besides establishing good local government — the achievement of rapport with black youth.

Again he stressed his willingness to talk with youth leaders as long as they were within the law.

A feature of the news conference was forthright, provocative questioning by black journalists.

One black journalist, Makagre Sekoto of The Nation, gave Dr Koornhof the "assignment" of persuading "Boss Kruger" to lift the "state of emergency" in Soweto.

In critical questioning on the policy of making blacks citizens of independent homelands, Mr Mothobi Mutloase of The Voice asked Dr Koornhof: "Who are the South Africans?"

The question was later modified to: "Are we (blacks) South Africans?"

Dr Koornhof replied: "We are all South Africans, but the South Africans are made up of Zulu people, Xhosa people, Afrikaner people . . ."

On the question of what terms should be used by Dr Koornhof's department, Ms Carol Mathiane of The Voice said: "How about callings us Azanians?"

Dr Koornhof said with a wry smile: "The problem is that we are not all Azanians, certainly not now."

Star 21/4/78

Koornhof to ask help of urban blacks

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By Hugh Leggatt
Political Correspondent

Black working committees will assist a Cabinet committee in framing a blueprint to solve urban black problems, the Minister of Plural Relations, Dr Piet Koornhof, announced yesterday.

At a Press conference called by the Minister to open lines of communication to the Press serving the black community, Dr Koornhof said:

"One of the important roles my department will play will be to give the Government a blueprint as to how to fit the urban black man into the constitutional development process that is going on.

"There will be a Cabinet committee under my chairmanship and I have little doubt that this committee will come up with important recommendations as far as this question is concerned.

"I want to emphasise that one thing I would resent and dislike is to read and hear that this is another case of the Government deciding for the black man on the black man's future. I will do all I can to get the black man in.

"I will appoint working committees to assist the Cabinet committee and to co-operate in trying to find a solution to this very important question."

It would be his basic policy to always find out black opinions before he took decisions.

He could not solve all problems but at least talking and listening would build good relations.

He believed that govment in a plural society must be based on good local government so that emotional issues could be disposed of at local level.

"I would like to see the urban black take real power over his own urban affairs."

This could be done through the community councils and he found the objections to them, which were a backwash of an old regime that has passed away difficult to understand.

Navrae:
Skakeling en Inligting
Tel. 48-2931

Departement van Gesondheid
Privaatsak X88
PRETORIA

PERSVERKLARING DEUR DR. JOHAN DE BEER,
SEKRETARIS VAN GESONDHEID.

PRETORIA
14 Desember 1978

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PERSVERKLARING DEUR DIE SEKRETARIS VAN GESONDHEID,
DR. JOHAN DE BEER

Die Minister van Gesondheid, Sy Edele dr. Schalk van der Merwe, het besluit om die ondervermelde verslae vry te stel:-

(a) Implikasies van die Voorsiening van Elektrisiteit aan Swart Woongebiede.

(Daar is tans sowat 522 000 Swart woninge in stedelike gebiede in Suid-Afrika. Daar word geraam dat dit sal toeneem tot ongeveer 660 000 huise in 1985. Dit impliseer dat daar vir 'n addisionele aanvraag van 1 011 MVA voorsiening gemaak sal moet word. Die totale kapitaal benodig om alle Swart huise van krag te voorsien is R404 miljoen).

(b) Implikasies van die Voorsiening van arbeid vir 'n volskaalse Eleltrisiteitsvoorsienings-program vir Stedelike Swart Woongebiede.

(Daar is onder andere bevind dat ongeveer 170 geskoolde ambagslui, 750 halfgeskoolde arbeiders en 420 ongeskoolde arbeiders benodig sal word om alle Swart woongebiede van 'n elektriese infrastruktuur te voorsien, indien die projek oor 'n tydperk van 15 jaar sou strek).

(c) Die bepaling van die verwagte na-diversiteits-aanvraag na elektriese krag deur Stedelike Swart huishoudings.

.....2/

(Daar is onder andere bevind dat indien 'n totale gelyktydigheidsfaktor van 67% vir die totale hoogspanningretikulasiestelsel aanvaar word, is die na-diversiteitsaanvraag na elektrisiteit by die opwekkingspunt 2,2 kVA per huishouding, of 1,9 kVA per huishouding in gevalle waar die stoof en warmwatersilinder gekoppel is om gelyktydige gebruik uit te skakel).

Hierdie ondersoeke is deur 'n groep tegno-ekonome onder leiding van die Nasionale Adviserende Komitee op Lugbesoedeling en die Departement van Gesondheid behartig. Die bevindinge daarin vervat is geformuleer in konsultasie met belanghebbende instansies. Dit verteenwoordig breë riglyne vir 'n moontlike implmenteringsprogram wat daarop gemik is om lugbesoedeling in Swart woonbuurtes te bekamp.

Die Regering sal die bevindings in die verslae en aanbevelings van die voormelde Komitee die nodige aandag skenk.

Die verslae is beskikbaar vanaf die Publikasie Afdeling, Staatsdrukker, Bosmanstraat, Pretoria.

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REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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Vol. 162] PRETORIA, 15 DECEMBER / DESEMBER 1978 [No. 6248

GOVERNMENT NOTICE

DEPARTMENT OF PLURAL RELATIONS AND DEVELOPMENT

No. R. 2471 15 December 1978

REGULATIONS GOVERNING THE GRANTING OF A RIGHT OF LEASEHOLD IN AN URBAN BLACK RESIDENTIAL AREA AND RELATED MATTERS

I, Wilhelm Laubscher Vosloo, Deputy Minister of Plural Relations and Development, do hereby, on behalf and by direction of the Minister of Plural Relations and Development, under the powers vested in him by section 38 (1) (kB) to (kN) of the Blacks (Urban Areas) Consolidation Act, 1945 (Act 25 of 1945), make the regulations in the accompanying Schedule.

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

SCHEDULE

Definitions

1. In these regulations, unless the context otherwise indicates, any expression to which a meaning has been assigned in the Act shall bear the meaning so assigned thereto, and—

"Act" means the Blacks (Urban Areas) Consolidation Act, 1945 (Act 25 of 1945);

"certificate holder" means the holder of a certificate issued under regulation 10 (2);

"community council" means a community council established under the Community Councils Act, 1977 (Act 125 of 1977);

"Deeds Office" means a deeds registry referred to in section 1 of the Deeds Registries Act, 1937 (Act 47 of 1937);

"general plan" means a plan of a residential area indicating the relative positions and dimensions of the streets, blocks, parks and sites situated within such residential area, signed by a land surveyor where such plan was drawn from a survey done by the land surveyor personally or under his personal supervision or where

GOEWERMENTSKENNISGEWING

DEPARTEMENT VAN PLURALE BETREKKINGE EN ONTWIKKELING

No. R. 2471 15 Desember 1978

REGULASIES BETREFFENDE DIE TOEKENNING VAN 'N REG VAN HUURPAG IN 'N STEDELIKE SWART WOONGEBIED EN VERWANTE AANGELEENTHEDE

Ek, Wilhelm Laubscher Vosloo, Adjunk-minister van Plurale Betrekkinge en Ontwikkeling, vaardig hierby namens en in opdrag van die Minister van Plurale Betrekkinge en Ontwikkeling, kragtens die bevoegdheid hom verleen by artikel 38 (1) (kB) tot (kN) van die Swartes (Stadsgebiede) Konsolidasiewet, 1945 (Wet 25 van 1945), die regulasies in bygaande Bylae uit.

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

BYLAE

Woordomskrywing

1. In hierdie regulasies, tensy uit die samehang anders blyk, het enige uitdrukking waaraan 'n betekenis in die Wet geheg is, daardie betekenis, en beteken—

"Akteskantoor" 'n registrasiekantoor bedoel in artikel 1 van die Registrasie van Aktes Wet, 1937 (Wet 47 van 1937);

"algemene plan" 'n plan van 'n woongebied wat die relatiewe ligging en afmetings van die strate, blokke, parke en persele binne sodanige woongebied geleë, aangee en wat onderteken is deur 'n landmeter waar sodanige plan opgestel is aan die hand van 'n opmeting wat deur die landmeter self of onder sy persoonlike toesig uitgevoer is, of waar sodanige plan saamgestel is aan die hand van gegewens wat verkry is uit opmetings wat deur 'n ander landmeter of landmeters uitgevoer is;

"gemeenskapsraad" 'n gemeenskapsraad kragtens die Wet op Gemeenskapsrade, 1977 (Wet 125 van 1977), ingestel;

such plan is compiled from particulars obtained from a survey done by any other land surveyor or land surveyors;

"identification number" means the serial number which appears in any reference book as defined in the Blacks (Abolition of Passes and Co-ordination of Documents) Act, 1952 (Act 67 of 1952), or any document referred to in section 3 (1)*bis* (c) of that Act or any passport, permit, document of identity or other travel document referred to in the Admission of Persons to the Republic Regulation Act, 1972 (Act 59 of 1972);

"Insolvency Act" means the Insolvency Act, 1936 (Act 24 of 1936);

"land surveyor" means any person registered as a land surveyor under the Land Surveyors' Registration Act, 1950 (Act 14 of 1950);

"Master" means the Master or Assistant Master of a provincial or local division of the Supreme Court and, when used in relation to any particular matter, means the Master or Assitant Master who has jurisdiction in respect thereof;

"mortgage" or "mortgage bond" means a mortgage bond, attested in accordance with these regulations and registered by a registrar, specially hypothecating a certificate;

"Provisional Grant of a Right of Leasehold" means the document referred to in regulation 8 (3);

"register" means the register referred to in section 6B (1) (a) (i) of the Act;

"registered occupier" means any person to whom a site permit, residential permit or a certificate has been issued in terms of the regulations promulgated by Government Notice R. 1036 of 1968;

"registration duplicate" means the duplicate original of a document which is kept in custody in a registration office;

"registration office" means a registration office established by section 6B (1) (a) of the Act; and

"residential area" means a location or Black village.

General plan

2. (1) An administration board shall apply for approval of a general plan for the purposes of sections 6A and 6B of the Act by submitting its application to the Secretary, together with the original general plan and as many copies thereof as the Secretary may from time to time determine.

(2) The Secretary shall submit a general plan and an amending general plan, together with his comments, to the Minister for consideration and approval for the purposes of sections 6A and 6B of the Act.

(3) If it is necessary to amend a general plan after such general plan has been approved, a plan of the relevant part of the general plan which complies with the provisions of these regulations may be submitted to the Secretary in the same manner as a general plan.

(4) A general plan shall comply with the requirements stipulated by this regulation: Provided that the Minister may, if he deems fit, relax such requirements in any particular case.

(5) A general plan shall be framed on good quality drawing paper mounted on linen, or on material of a quality approved by the Secretary.

(6) General plans shall be framed on A0 or A1 size paper and the lay-out, style and specification thereof, together with the symbols used, shall be as determined by the Secretary from time to time.

"geregistreerde bewoner" 'n persoon aan wie 'n perseelpermit, woonpermit of 'n sertifikaat kragtens die regulasies afgekondig by Goewermentskennisgewing R. 1036 van 1968, uitgereik is;

"identifikasienommer" die serienommer wat verskyn in 'n bewysboek soos omskryf in die Swartes (Afskaffing van Passe en Koördinering van Dokumente) Wet, 1952 (Wet 67 van 1952), of 'n dokument bedoel in artikel 3 (1)*bis* (c) van daardie Wet of 'n paspoort, permit, identifikasiebewys of ander reisdokument bedoel in die Wet op die Reëling van die Toelating van Persone tot die Republiek, 1972 (Wet 59 van 1972);

"Insolvensiewet" die Insolvensiewet, 1936 (Wet 24 van 1936);

"landmeter" iemand wat as 'n landmeter geregistreer is kragtens die Landmetersregistrasiewet, 1950 (Wet 14 van 1950);

"Meester" die Meester of assistent-meester van 'n provinsiale of plaaslike afdeling van die Hooggeregshof en, indien gebesig met betrekking tot die een of ander bepaalde saak, die Meester of assistent-meester wat ten opsigte daarvan handelingsbevoeg is;

"register" die register bedoel in artikel 6B (1) (a) (i) van die Wet;

"registrasieduplikaat" die duplikaat-oorspronklike van 'n dokument wat in 'n registrasiekantoor bewaar word;

"registrasiekantoor" 'n registrasiekantoor ingestel by artikel 6B (1) (a) van die Wet;

"sertifikaathouer" die houer van 'n sertifikaat kragtens regulasie 10 (2) uitgereik;

"verband of verbandakte" 'n verbandakte ooreenkomstig hierdie regulasies geattesteer en deur 'n registrateur geregistreer, waardeur 'n sertifikaat besonders verpand word;

"Wet" die Swartes (Stadsgebiede) Konsolidasiewet, 1945 (Wet 25 van 1945);

"Voorlopige Toekenning van 'n Reg van Huurpag" die dokument in regulasie 8 (3) bedoel; en

"woongebied" 'n lokasie of Swart dorp.

Algemene plan

2. (1) 'n Administrasieraad doen aansoek om goedkeuring van 'n algemene plan vir die doeleindes van artikels 6A en 6B van die Wet deur, tesame met sy aansoek, die oorspronklike algemene plan en soveel afskrifte daarvan as wat die Sekretaris van tyd tot tyd bepaal, by die Sekretaris in te dien.

(2) Die Sekretaris lê 'n algemene plan en 'n wysigende algemene plan, tesame met sy kommentaar, aan die Minister voor vir oorweging en goedkeuring vir doeleindes van artikels 6A en 6B van die Wet.

(3) Indien dit noodsaaklik is om 'n wysiging aan 'n algemene plan aan te bring nadat sodanige algemene plan goedgekeur is, kan 'n plan, wat aan die vereistes van hierdie regulasies voldoen, van die betrokke gedeelte van die algemene plan, op dieselfde wyse as 'n algemene plan aan die Sekretaris voorgelê word.

(4) 'n Algemene plan voldoen aan die vereistes by hierdie regulasie gestel: Met dien verstande dat die Minister, na goeddunke, enige van sodanige vereistes in 'n bepaalde geval kan verslap.

(5) 'n Algemene plan word opgestel op goeie kwaliteit tekenpapier wat op linne gemonteer is, of op materiaal waarvan die Sekretaris die kwaliteit goedgekeur het.

(6) Algemene planne word op A0- of A1-grootte papier opgestel en die ontwerp, styl en spesifikasies daarvan, tesame met die simbole wat gebruik word, is soos van tyd tot tyd deur die Sekretaris bepaal.

(7) If any general plan comprises more than one sheet, all sheets shall be of the same size and a sheet classification by means of a key plan shall appear on every sheet.

(8) Unencumbered margins, not less than 50 millimetres wide, shall be left along the sides of every sheet of a general plan: Provided that, unless the Secretary permits otherwise in a specific instance, a margin of not less than 250 millimetres wide shall be left along the right-hand side of the title sheet.

(9) Only good quality black drawing ink shall be used in the framing of a general plan and the signature as referred to in the definition of "general plan" in regulation 1, shall be in black or blue-black ink of good quality.

(10) (a) The figure of a general plan shall be accurately plotted to one of the following scales: 1/1 000, 1/1 250, 1/1 500, 1/2 000, 1/2 500, 1/3 000, 1/4 000, 1/5 000, 1/6 000, 1/7 500, or to any of the said scales in which the denominator is multiplied or divided by 10 to any integral power: Provided that the size of the figure shall not be so small as to have an adverse effect on the legibility of the numbers.

(b) If beacons are in such close proximity to each other that their relative positions cannot be clearly shown on the general plan, they shall be represented in an inset at a larger scale oriented to the main figure.

(c) The scale to which the figure is plotted shall be recorded on the general plan below the figure and the scale of an inset shall be recorded on such inset.

(d) The plot of the figure shall agree with the data on the general plan within a limit of error of 1 millimetre.

(11) The directions of the boundary lines of contiguous properties shall be indicated by broken lines drawn from the points representing the common beacons, and the names and other descriptions of such contiguous properties shall be indicated in their respective positions.

(12) A general plan shall contain a clear and concise description of each beacon.

(13) (a) On any general plan, all numerical data shall be expressed in metres.

(b) To convert co-ordinates on the national survey system the following factors shall be used:

1 morgen = 0,856 532 hectares.

1 South African geodetic foot = 0,304 797 265 4 metres.

(c) To convert areas, the following factors shall be used:

1 morgen = 0,856 532 hectares,

1 acre = 0,404 686 hectares.

(14) When a survey has been based on trigonometrical stations or on reference marks, a reference to the system and constants by which the co-ordinates have been reduced, shall be recorded on the general plan and the constants shall conform with the constants used in the calculations.

(15) (a) Sides, angles, directions and areas given on any general plan shall be numerically consistent with the co-ordinates recorded thereon,

(7) Indien 'n algemene plan meer as een vel beslaan, moet al die velle ewe groot wees en 'n velindeling deur middel van 'n sleutelplan op elke vel verskyn.

(8) Skoon kantruimtes, minstens 50 millimeter wyd, word langs die kante van elke vel van 'n algemen plan gelaat: Met dien verstande dat, behalwe indien die Sekretaris in 'n bepaalde geval anders toelaat, 'n kantruimte minstens 250 millimeter wyd op die regterkant van die vel waarop die opskrif verskyn, gelaat word.

(9) Slegs swart tekenink van goeie kwaliteit word by die opstel van 'n algemene plan gebruik en die handtekening soos bedoel in die woordomskrywing van "algemene plan" in regulasie 1 word met swart of blouswart ink van goeie kwaliteit aangebring.

(10) (a) Die figuur van 'n algemene plan word akkuraat geteken volgens een van die volgende skale: 1/1 000, 1/1 250, 1/1 500, 1/2 000, 1/2 500, 1/3 000, 1/4 000, 1/5 000, 1/6 000, 1/7 500, of volgens enigeen van genoemde skale waarin die noemer met 10 vermenigvuldig of deur 10 gedeel word tot enige heeltalmag: Met dien verstande dat die grootte van die figuur nie so klein is dat die leesbaarheid van die syfers nadelig beïnvloed word nie.

(b) Indien bakens so na aan mekaar geleë is dat hulle relatiewe posisies nie duidelik op die algemene plan aangetoon kan word nie, word hulle op 'n groter skaal in 'n inlas, wat ten opsigte van die hooffiguur georiënteer is, aangetoon.

(c) Die skaal waarvolgens die figuur geteken is, word op die algemene plan onderkant die figuur vermeld en die skaal van 'n inlas word op die inlas vermeld.

(d) Die tekening van die figuur moet binne 'n foutgrens van 1 millimeter ooreenkom met die gegewens op die algemene plan.

(11) Die rigtings van die grenslyne van aangrensende eiendomme word aangedui deur gebroke lyne getrek van die punte wat die gemeenskaplike bakens voorstel, en die name en ander beskrywings van sodanige aangrensende eiendomme word in hulle onderskeie plekke aangegee.

(12) 'n Duidelike en bondige beskrywing van elke baken verskyn op 'n algemene plan.

(13) (a) Op 'n algemene plan word alle getalsgegewens in meter uitgedruk.

(b) Om koördinate op die nasionale opmetingstelsel om te sit, word die volgende faktore gebruik:

1 geodetiese Kaapse voet = 0,314 855 575 16 meter.

1 Suid-Afrikaanse geodetiese voet = 0,304 797 265 4 meter.

(c) Om groottes om te sit, word die volgende verhoudings gebruik:

1 morg = 0,856 532 hektaar.

1 acre = 0,404 686 hektaar.

(14) Wanneer 'n opmeting op peilbakens of verseke-ringsmerke gebaseer is, word 'n verwysing na die stelsel en konstantes waarmee die koördinate verminder is, op die algemene plan aangebring en stem die konstantes ooreen met die konstantes wat in die berekenwerk gebruik is.

(15) (a) Sye, hoeke, rigtings en groottes wat op 'n algemene plan aangegee word, moet numeriek bestaanbaar wees met die koördinate wat daarop aangegee word,

(b) The numerical data on a general plan, on which no co-ordinates are furnished, shall be unacceptable for registration if—

(i) the closure of a traverse computed round the rectilinear figure by means of the numerical data exceeds

$$0{,}02+\frac{p\sqrt{n}}{10\,000};\text{ or}$$

(ii) the inconsistency in the area of the rectilinear figure as computed from the sides and angles or directions, exceeds

$$2+\frac{p^2\sqrt{n}}{80\,000}$$

where p represents the perimeter and n the number of sides of the rectilinear figure.

(16) The land represented on a general plan shall be distinguished by name, letter or number in accordance with customary procedure in each province.

(17) Any general plan shall contain a reference to the relevant—

(a) residential area;

(b) administration board area;

(c) area of the Chief Commissioner; and

(d) province;

in which the land is situated.

(18) Any general plan shall contain a reference to—

(a) the number of the original diagram of the land on which the residential area is situated; and

(b) the title deed (if any) to which the original diagram relates.

(19) (a) Special care shall be taken to represent with accuracy on a general plan, features which form the subject of a servitude.

(b) If features or boundaries indicating an existing servitude have been determined by survey and are represented on a diagram registered at the Deeds Office, they need not be resurveyed for the purpose of a general plan: Provided that the limits of the servitude falling within the land surveyed shall be graphically represented and described on the general plan and that reference shall be made to the diagram and deed, if available, from which such limits and descriptions were obtained.

(20) (a) The Secretary may, with the written consent of the land surveyor concerned, amend a general plan before it is submitted to the Minister for approval.

(b) Amendments to any draft general plan shall be initialled by the land surveyor and no erasures on such plan shall be permitted.

(21) The following numerical data shall be furnished on the general plan in respect of the outside figure of the general plan:

(a) The co-ordinates in metres to two decimal places of every corner point of the outside figure;

(b) the lengths in metres to two decimal places of the rectilinear sides of the outside figure;

(c) the directions to the nearest second of the rectilinear sides of the outside figure: Provided that—

(i) if the length of the side measures less than 2 000 metres the direction may be expressed to the nearest 10 seconds; and

(b) Die getalsgegewens op 'n algemene plan waarop geen koördinate verskaf word nie, is onaanvaarbaar vir registrasie indien—

(i) die sluitingsfout van 'n trek, wat om die reglynige figuur met behulp van die getalsgegewens bereken is,

$$0{,}02+\frac{p\sqrt{n}}{10\,000}$$

te bowe gaan; of

(ii) die onbestaanbaarheid in grootte van die reglynige figuur soos bereken van die sye en hoek of rigtings

$$2+\frac{p^2\sqrt{n}}{80\,000}$$

te bowe gaan;

waar p die omtrek en n die getal sye van die reglynige figuur voorstel.

(16) Die grond wat op 'n algemene plan voorgestel word, word met 'n naam, letter of nommer onderskei in ooreenstemming met die gebruiklike prosedure in elke provinsie.

(17) 'n Algemene plan bevat 'n verwysing na die betrokke—

(a) woongebied;
(b) administrasieraadgebied;
(c) Hoofkommissaris se gebied; en
(d) provinsie;

waarin die grond geleë is.

(18) 'n Algemene plan bevat 'n verwysing na—

(a) die nommer van die oorspronklike kaart van die grond waarop die woongebied geleë is; en

(b) die titelakte (as daar is) waarop die oorspronklike kaart betrekking het.

(19) (a) Besondere sorg moet gedra word om kentekens wat die onderwerp van 'n serwituut uitmaak, met juistheid op die algemene plan voor te stel.

(b) Indien kentekens of grense wat 'n bestaande serwituut aandui deur opmeting vasgestel is en op 'n by die Akteskantoor geregistreerde kaart voorgestel word, hoef hulle vir die doeleindes van 'n algemene plan nie heropgemeet te word nie: Met dien verstande dat die perke van die serwituut wat op die opgemete grond rus, grafies op die algemene plan aangetoon en beskryf word en dat daar verwys word na die kaart en titel, indien beskikbaar, van waar sodanige perke en beskrywings verkry is.

(20) (a) Die Sekretaris kan, met die skriftelike toestemming van die betrokke landmeter, 'n algemene plan wysig voordat dit aan die Minister vir goedkeuring voorgelê word.

(b) Wysigings op enige konsep- algemene plan word deur die landmeter geparafeer en geen uitwissing word op sodanige plan toegelaat nie.

(21) Die volgende getalsgegewens word op die algemene plan verstrek met betrekking tot die buitefiguur van die algemene plan:

(a) Die koördinate in meter tot twee desimale plekke van elke hoekpunt van die buitefiguur;

(b) die lengtes in meter tot twee desimale plekke van die reglynige sye van die buitefiguur;

(c) die rigtings tot die naaste sekonde van die reglynige sye van die buitefiguur: Met dien verstande dat—

(i) indien die sy korter as 2 000 meter is, die rigting tot die naaste 10 sekondes uitgedruk mag word; en

(ii) if the side is part of a boundary, determined in the course of a survey, and its length exceeds 2 000 metres, the direction of such side shall be expressed to single seconds;

(d) the co-ordinates of the reference marks which shall be tabulated.

(22) The following information shall be furnished in respect of the surveyed sites on the general plan:

(a) The co-ordinates, which shall be tabulated, of the corners of blocks of the surveyed sites or, in lieu thereof, the apices of truncated corners, unless adjacent blocks are of regular shape and several corners of blocks or apices are colinear, in which case the co-ordinates of only the terminals of the line are required: Provided that the co-ordinates of the corners of blocks of surveyed sites shall be expressed in metres to two decimal places;

(b) the length and direction of each side, which shall be recorded within the figure whenever it is feasible to do so: Provided that—

(i) it shall not be necessary to record such data on both sides of a common boundary;

(ii) if two or more surveyed sites in a single block abut on the same straight line, it shall be sufficient to record the direction of such line once only;

(iii) if the sides of two or more contiguous surveyed sites in a block are parallel, it shall be necessary only to record the directions of the first and last of such parallel sides;

(iv) the sides of surveyed sites shall be expressed in metres to two decimal places;

(v) the value of any direction of any side shall be recorded within the figure so as to represent the clockwise direction of such side, irrespective of the manner in which it is written;

(vi) if a change of direction is not visually obvious on the general plan, the point at which the change occurs shall be indicated by a single black circle;

(c) the area, which shall be tabulated consecutively for each surveyed site;

(d) the width of any street when uniform, which shall be recorded within the figure of such street;

(e) sufficient numerical data to connect the blocks with each other, and with the boundaries of the outside figure and such data shall be recorded in the figure of the plan;

(f) the number of each surveyed site, which shall be written within the figure.

(23) (a) If a residential area has been surveyed, the date of survey shall appear on the general plan and the general plan shall be signed under the relevant certificate referred to in subregulation (24).

(b) If two or more land surveyors executed the survey and the responsibility can be divided, each land surveyor shall sign the general plan under a separate relevant certificate referred to in subregulation (24), from which the extent of the responsibility of each shall be clearly evident.

(c) Each sheet of a general plan shall be signed by the land surveyor.

(ii) indien die sy deel uitmaak van 'n grens wat bepaal is tydens 'n opmeting en wat langer as 2 000 meter is, word die rigting van die sy tot enkele-sekondes uitgedruk;

(d) die koördinate van die versekeringsmerke wat getabuleer moet word.

(22) Die volgende inligting word ten opsigte van die opgemete persele op die algemene plan verstrek:

(a) Die koördinate, wat getabuleer moet word, van die blokhoeke van die opgemete persele of, in plaas daarvan, die toppunte van die afgestompte hoeke, tensy aanliggende blokke van reëlmatige vorm is en verskeie blokhoeke of toppunte op 'n reguit lyn is, en in dié geval word die koördinate van slegs die eindpunte van die lyn vereis: Met dien verstande dat die koördinate van die blokhoeke van opgemete persele tot twee desimale plekke van 'n meter uitgedruk word;

(b) die lengte en rigting van elke sy wat, indien doenlik, binne die figuur aangebring moet word: Met dien verstande dat—

(i) dit onnodig is om sodanige gegewens aan beide kante van 'n gemeenskaplike grens aan te bring;

(ii) indien twee of meer opgemete persele in een blok deur dieselfde reguit lyn begrens word, dit voldoende is om die rigting van sodanige lyn slegs een keer te verstrek;

(iii) indien die sye van twee of meer aangrensende opgemete persele in 'n blok parallel is, dit nodig is om slegs die rigtings van die eerste en laaste van sodanige parallelle sye aan te bring;

(iv) die sye van opgemete persele in meter tot twee desimale plekke uitgedruk word;

(v) die waarde van 'n rigting van 'n sy binne die figuur aangebring word op so 'n wyse dat dit die rigting regs om voorstel van sodanige sy, ongeag die manier waarop die rigting neergeskryf is;

(vi) indien 'n verandering van rigting nie op die algemene plan duidelik sigbaar is nie, die punt waar die verandering plaasvind, deur 'n enkele swart sirkel aangedui word;

(c) die grootte, wat agtereenvolgens vir elke opgemete perseel getabuleer moet word;

(d) die wydte van 'n straat, indien reëlmatig, wat binne die figuur van die straat aangebring moet word;

(e) voldoende getalsgegewens om die blokke met met mekaar en met die grense van die buitefiguur te kan verbind, en sodanige gegewens word in die figuur van die plan aangebring;

(f) die nommer van elke opgemete perseel, wat binne die figuur geskryf word.

(23) (a) Indien 'n woongebied opgemeet is, verskyn die datum van die opmeting op die algemene plan en die algemene plan word onder die betrokke sertifikaat in subregulasie (24) bedoel, onderteken.

(b) Indien twee of meer landmeters die opmeting uitgevoer het en die verantwoordelikheid verdeel kan word, onderteken elke landmeter die algemene plan onder 'n aparte toepaslike sertifikaat in subregulasie (24) bedoel, waaruit die mate van verantwoordelikheid van elk duidelik blyk.

(c) Elke vel van 'n algemene plan word deur die landmeter onderteken,

broached, after such dispute has been settled in accordance with these regulations, the administration board shall, if the site has not previously been surveyed by a land surveyor, have it surveyed as pointed out or, if it has in fact previously been so surveyed, it shall cause a certificate to be issued by a land surveyor in order to identify the site on the basis of the general plan.

(3) The administration board shall forward to the Secretary as many copies as the Secretary may from time to time determine of the plan, signed by the land surveyor, on which appears the numerical data and area of the surveyed site or sites, or the certificate referred to in subregulation (2).

Settlement of disputes in connection with the position of beacons of surveyed sites

5. (1) After the demarcation of a surveyed site as contemplated in regulation 4, the administration board shall cause a notice, substantially in the form of Annexure A, to be served on the applicant, each certificate holder and the mortgagee (if any) of adjoining surveyed sites and the registered occupiers (if any) of each adjoining site, by either handing it personally to such applicant, certificate holder, mortgagee or occupier, as the case may be, or by affixing a copy thereof to a door of the dwelling of such applicant, certificate holder, or occupier, as the case may be, or, in the case of a mortgagee, by serving a copy thereof on him by registered post.

(2) If any such applicant, certificate holder, mortgagee or occupier objects to the position of a beacon in respect of the surveyed site concerned, he shall reduce such objection to writing and deliver it, within 21 days of the service or posting of the notice referred to in subregulation (1), together with a deposit amounting to R6, to the person at the office stated in the notice.

(3) The administration board shall forward the written objection referred to in subregulation (2) to the Commissioner who shall settle the dispute regarding the position of the beacon concerned.

(4) The Commissioner shall call upon a land surveyor to act as an assessor in the settlement of such dispute.

(5) The Commissioner shall inform the administration board and the person who objected to the position of the beacon concerned, in writing, that he is taking action in order to settle the dispute and shall inform them that they may furnish him with written representations in regard to such dispute, within 30 days of the date of his notice.

(6) The Commissioner may, if he deems it necessary, direct any person to furnish him with additional information before a given date or direct those concerned to be present at an investigation where he is to hear evidence in order to settle the dispute.

(7) If any person who has lodged an objection against the position of a beacon succeeds in his objection, the deposit referred to in subregulation (2) shall immediately be refunded to him and, if he is unsuccessful, it shall be paid into the State Revenue Fund.

(8) The Commissioner shall determine any objection on the basis of the general plan and on the basis of any land surveyor's plans referred to in regulation 4.

het, of indien 'n geskil aanhangig gemaak is nadat die geskil ooreenkomstig hierdie regulasies besleg is, laat die administrasieraad die betrokke perseel, indien dit nie voorheen deur 'n landmeter opgemeet is nie, soos aangedui, opmeet of indien dit wel voorheen aldus opgemeet is, laat hy 'n sertifikaat deur 'n landmeter uitreik ten einde die perseel aan die hand van die algemene plan te identifiseer.

(3) Die administrasieraad stuur soveel afskrifte as wat die Sekretaris van tyd tot tyd bepaal, van die plan onderteken deur die landmeter, waarop die getalsgegewens en grootte van die opgemete perseel of persele voorkom, of die sertifikaat in subregulasie (2) bedoel, aan die Sekretaris.

Beslegting van geskille in verband met die ligging van bakens van opgemete persele

5. (1) Na die afbakening van 'n opgemete perseel soos in regulasie 4 bedoel, laat die administrasieraad 'n kennisgewing, wesenlik in die vorm van Aanhangsel A, aan die aansoeker, elke sertifikaathouer en verbandhouer (as daar is) van aangrensende opgemete persele en die geregistreerde bewoners (as daar is) van elke aangrensende perseel beteken deur dit òf persoonlik aan sodanige aansoeker, sertifikaathouer, verbandhouer of bewoner, na gelang van die geval, te oorhandig, òf 'n afskrif daarvan aan 'n deur van die woning van sodanige aansoeker, sertifikaathouer of bewoner, na gelang van die geval, te heg of, in die geval van 'n verbandhouer, deur 'n afskrif daarvan deur middel van geregistreerde pos aan hom te beteken.

(2) Indien enige sodanige aansoeker, sertifikaathouer, verbandhouer of bewoner beswaar het teen die ligging van 'n baken ten opsigte van die betrokke opgemete perseel, stel hy sodanige beswaar op skrif en lewer hy dit binne 21 dae na betekening of die pos van die kennisgewing in subregulasie (1) bedoel, vergesel van 'n deposito ten bedrae van R6, aan die persoon by die kantoor in die kennisgewing vermeld.

(3) Die administrasieraad stuur die skriftelike beswaar in subregulasie (2) bedoel aan die Kommissaris wat die geskil in verband met die ligging van die betrokke baken besleg.

(4) Die Kommissaris roep, by die beslegting van sodanige geskil, 'n landmeter in om as assessor op te tree.

(5) Die Kommissaris stel die administrasieraad en die persoon wat beswaar gemaak het teen die ligging van die betrokke baken, skriftelik in kennis dat hy optree om die geskil te besleg, en stel hulle in kennis dat hulle skriftelike vertoë in verband met sodanige geskil binne 30 dae vanaf die datum van sy kennisgewing aan hom kan lewer.

(6) Die Kommissaris kan, indien hy dit nodig ag, enige persoon aansê om voor 'n bepaalde datum verdere inligting aan hom te verstrek of die betrokkenes aansê om teenwoordig te wees by 'n ondersoek waarby hy getuienis aanhoor, ten einde 'n geskil te besleg.

(7) Indien 'n persoon wat beswaar aangeteken het teen die ligging van 'n baken, in sy beswaar suksesvol is, word die deposito in subregulasie (2) vermeld, onverwyld aan hom terugbetaal en indien hy onsuksesvol is, word dit in die Staatsinkomstefonds inbetaal.

(8) Die Kommissaris beslis enige beswaar aan die hand van die algemene plan en enige landmetersplanne bedoel in regulasie 4.

(3) If the administration board is unable to grant a right of leasehold to an applicant in terms of regulation 8, the full amount of the deposit referred to in subregulation (2) shall be refunded to the applicant.

(4) If the administration board is able to grant a right of leasehold to the applicant in terms of regulation 8, any balance of the deposit referred to in subregulation (2) shall be refunded to the applicant after the land surveyor has been compensated for his necessary services.

Granting of a right of leasehold

8. (1) An administration board to which an application for a right of leasehold has been submitted shall consider the application and may, subject to the provisions of the Act and these regulations, grant to the qualified person mentioned in the application, a right of leasehold in respect of the surveyed site concerned if—

(a) the surveyed site in respect of which application is made is available for allocation to the applicant; and

(b) the applicant, other than an applicant who is an association, is, according to records kept by the administration board concerned, a qualified person.

(2) A right of leasehold in respect of a surveyed site for residential purposes shall not be granted to more than one qualified person.

(3) After an administration board and an applicant have come to an agreement in respect of the granting of a right of leasehold to the applicant, the administration board shall issue a document entitled a Provisional Grant of a Right of Leasehold, substantially in the form of Annexure C, in favour of the applicant.

(4) Subject to the provisions of regulation 10, a Provisional Grant of a Right of Leasehold shall lapse 150 days after the date of issue thereof or after such further period as is endorsed thereon by the administration board if the holder has not submitted the prescribed documents for the registration of the right to the registrar concerned within the period of validity thereof.

Calculation of amount payable in respect of a right of leasehold and improvements and the manner of payment

9. (1) An administration board shall determine the amount payable in respect of the right of leasehold in accordance with the following formula:

(a) If the surveyed site is granted for residential purposes—

(i) the amount determined by the Minister, after consultation with the administration board concerned, in respect of a particular residential area for the use of the land during the duration of the right of leasehold; and

(ii) one-half of the amount calculated on the basis of the sum of the actual costs of the provision of services, such as water, sanitation, roads and electricity, to the site and the cost of replacement of such services, on the date on which the administration board grants the right of leasehold;

(b) if the surveyed site is granted for the purposes of conducting on such site any profession or business—

(i) the amount determined in accordance with paragraph (a) (i) multiplied by 10; and

(3) Indien die administrasieraad nie ingevolge regulasie 8 'n reg van huurpag aan die aansoeker kan toeken nie, word die volle bedrag van die deposito bedoel in subregulasie (2) aan die aansoeker terugbetaal.

(4) Indien die administrasieraad ingevolge regulasie 8 'n reg van huurpag aan die aansoeker kan toeken, word enige saldo van die deposito bedoel in subregulasie (2), nadat die landmeter vir sy noodsaaklike dienste vergoed is, aan die aansoeker terugbetaal.

Toekenning van 'n reg van huurpag

8. (1) 'n Administrasieraad aan wie aansoek om 'n reg van huurpag gedoen is, oorweeg die aansoek en kan, behoudens die bepalings van die Wet en hierdie regulasies, aan die bevoegde persoon in die aansoek vermeld, 'n reg van huurpag ten opsigte van die betrokke opgemete perseel toeken indien—

(a) die opgemete perseel waarom aansoek gedoen is, beskikbaar is vir toekenning aan die aansoeker; en

(b) die aansoeker, uitgesonderd 'n aansoeker wat 'n vereniging is, volgens rekords wat deur sodanige administrasieraad bygehou word, 'n bevoegde persoon is.

(2) 'n Reg van huurpag ten opsigte van 'n opgemete perseel vir woondoeleindes word nie aan meer as een bevoegde persoon toegeken nie.

(3) Nadat 'n administrasieraad en 'n aansoeker ooreengekom het met betrekking tot die toekenning van 'n reg van huurpag aan die aansoeker, reik die administrasieraad 'n dokument, getiteld 'n Voorlopige Toekenning van 'n Reg van Huurpag, wesenlik in die vorm van Aanhangsel C, ten gunste van die aansoeker uit.

(4) Behoudens die bepalings van regulasie 10, verstryk 'n Voorlopige Toekenning van 'n Reg van Huurpag 150 dae na die datum van uitreiking daarvan of na die verdere tydperk deur die administrasieraad daarop geëndosseer indien die houer nie die voorgeskrewe dokumente vir die registrasie van die reg by die betrokke registrateur binne die tydperk van geldigheid daarvan ingedien het nie.

Berekening van die bedrag betaalbaar ten opsigte van 'n reg van huurpag en die verbeterings en die wyse van betaling

9. (1) 'n Administrasieraad bepaal die bedrag betaalbaar ten opsigte van die reg van huurpag volgens die volgende formule:

(a) Indien die opgemete perseel vir woondoeleindes toegeken word—

(i) die bedrag vir die gebruik van die grond tydens die duur van die reg van huurpag wat die Minister, in oorleg met die betrokke administrasieraad, van tyd tot tyd met betrekking tot 'n bepaalde woongebied of deel van 'n woongebied bepaal; en

(ii) een helfte van 'n bedrag bereken op die basis van die som van die werklike koste van die verskaffing van dienste soos water, riool, paaie en elektrisiteit aan die perseel en die vervangingskoste van sodanige dienste op die datum waarop die administrasieraad die reg van huurpag toeken;

(b) indien die opgemete perseel vir die doeleindes van die bedryf daarop van 'n beroep of saak toegeken word—

(i) die bedrag bepaal ooreenkomstig paragraaf (a) (i) vermenigvuldig met 10; en

the existing physical boundaries of the surveyed site are within 300 millimetres of the boundaries indicated on the general plan relative to the nearest sites; and

(e) proof that satisfactory arrangements have been made for the payment of the amount due in respect of the right of leasehold in and the improvements (if any) on the site concerned.

(2) If the registrar is satisfied that the documents are in order, he shall register the right of leasehold by making the relevant entries in the register and shall issue a certificate in duplicate, substantially in the form of Annexure E, in the name of the certificate holder and the administration board shall be deemed to have granted the right of leasehold on that date.

(3) The registrar shall sign and date the certificate and place his seal on each page thereof.

(4) The registrar shall file one copy of the certificate and the documents referred in subregulation (1) and forward the original certificate to the certificate holder.

(5) If the registrar is of the opinion that the documents are not in order, he shall inform the applicant of their shortcomings and request him to submit the necessary corrected documents within 60 days of the date of issue of such notice or such extended period as he may allow.

(6) If the registrar has allowed any extended period under subregulation (5) he shall inform the administration board accordingly.

(7) If the applicant fails to submit the corrected documents to the registrar concerned within the period or extended period contemplated in subregulation (5), the Provisional Grant of a Right of Leasehold shall lapse on the expiration of such period or extended period.

Conditions to which the grant of a right of leasehold is subject

11. (1) The granting of a right of leasehold shall, in addition to the conditions specifically endorsed on the Provisional Grant of a Right of Leasehold in accordance with the approval of the Minister, be subject to the following conditions:

(a) The surveyed site may be used only for the purpose for which such right of leasehold was granted;

(b) in addition to a nominal rental of R1 per annum payable to the administration board concerned, the certificate holder shall pay to the administration board and the community council conerned the charges and other moneys that are payable in terms of any law by any person to whom a site permit has been issued in terms of the regulations promulgated by Government Notice R. 1036 of 1968, to such administration board and community council, with effect from the date of registration of the right of leasehold; and

(c) possession of the surveyed site is deemed to have been taken by the certificate holder on the date on which the right of leasehold in respect of that site is registered in the registration office concerned and from such date he shall bear all the risks in respect of the improvements on the surveyed site and shall be responsible for the maintenance of such improvements.

(2) A right of leasehold shall not be cancelled merely on the ground that the charges and moneys referred to in subregulation (1) (b) have not been paid.

uitgereik, ten effekte dat die opgemete perseel se bestaande fisiese grense binne 300 millimeter van die grense, soos op die algemene plan aangedui is, relatief tot die naaste persele; en

(e) 'n bewys dat bevredigende reëlings getref is vir die betaling van die bedrag betaalbaar ten opsigte van die reg van huurpag in en die verbeterings (as daar is) op die betrokke perseel.

(2) Indien die registrateur daarvan oortuig is dat die dokumente in orde is, registreer hy die reg van huurpag deur die tersaaklike inskrywings te maak in die register en reik hy 'n sertifikaat, wesenlik in die vorm van Aanhangsel E, op naam van die sertifikaathouer, in tweevoud uit, en die administrasieraad word geag die reg van huurpag op daardie datum toe te geken het.

(3) Die registrateur onderteken en dateer die sertifikaat en plaas sy seël op elke bladsy daarvan.

(4) Die registrateur liasseer een afskrif van die sertifikaat en die dokumente vermeld in subregulasie (1), en versend die oorspronklike sertifikaat aan die sertifikaathouer.

(5) Indien die registrateur van oordeel is dat die dokumente nie in orde is nie, stel hy die aansoeker in kennis van die tekortkomings daarvan en versoek hy hom om, binne 60 dae na die datum van uitreiking van sodanige kennisgewing, of sodanige langer tydperk as wat hy toelaat, die nodige verbeterde dokumente in te dien.

(6) Indien die registrateur ingevolg subregulasie (5) enige langer tydperk toegelaat het, verwittig hy die administrasieraad dienooreenkomstig.

(7) Indien die aansoeker nie die verbeterde dokumente binne die tydperk of verlengde tydperk in subregulasie (5) bedoel by die betrokke registrateur indien nie, verval die Voorlopige Toekenning van 'n Reg van Huurpag by verstryking van bedoelde tydperk of verlengde tydperk.

Voorwaardes waaraan die toekenning van 'n reg van huurpag onderworpe is

11. (1) Die toekenning van 'n reg van huurpag is, benewens die voorwaardes wat spesifiek op die Voorlopige Toekenning van 'n Reg van Huurpag ooreenkomstig die goedkeuring van die Minister geëndosseer is, aan die volgende voorwaardes onderworpe:

(a) Die opgemete perseel kan gebruik word slegs vir die doel waarvoor sodanige reg van huurpag toegeken is;

(b) benewens 'n nominale huurgeld van R1 per jaar wat aan die betrokke administrasieraad betaalbaar is, betaal die sertifikaathouer vanaf die datum van registrasie van die reg van huurpag aan die betrokke administrasieraad en die betrokke gemeenskapsraad die vorderings en ander gelde wat 'n persoon aan wie 'n perseelpermit kragtens die regulasies afgekondig by Goewermentskennisgewing R. 1036 van 1968 uitgereik is, ingevolge enige wet aan sodanige administrasieraad en gemeenskapsraad moet betaal; en

(c) besit van die opgemete perseel word geag op die datum waarop die reg van huurpag ten opsigte van daardie perseel in die betrokke registrasiekantoor geregistreer is, deur die sertifikaathouer geneem te gewees het en vanaf sodanige datum dra hy alle risiko's ten opsigte van die verbeterings op die opgemete perseel en is hy verantwoordelik vir die instandhouding van sodanige verbeterings.

(2) 'n Reg van huurpag word nie gekanselleer bloot op grond daarvan dat die vorderings en gelde bedoel in subregulasie (1) (b) nie betaal is nie.

Duties of registrar

13. In addition to the other functions assigned to him and the powers conferred upon him by the Act and these regulations—

(a) the registrar shall take charge of and keep all the records of the registration office in accordance with the instructions of the Secretary;

(b) the registrar shall examine all documents submitted to him and after examination reject any such document if the Act or these regulations do not permit the action required of him or to the performance of which any other valid objection exists;

(c) the registrar shall make such entries on certificates, deeds or other documents in connection with the registration thereof or in compliance with the provisions of some law or other, as may be necessary to give effect to that registration or to the objectives of that law;

(d) the registrar shall keep record of every notice, return, statement or order of any court lodged with him in terms of the provisions of some law or other;

(e) the registrar shall inform the administration board concerned of—

(i) the date of lodgement with him of an application for the registration of a right of leasehold;

(ii) the issue by him of a certificate;

(f) the registrar shall furnish the administration board concerned with full particulars in respect of—

(i) every transfer of a certificate;

(ii) the registration or cancellation of a mortgage bond;

(iii) the registration or cancellation of a cession of a mortgage bond;

(g) the registrar shall perform generally the duties with which he may, from time to time, be charged by the Secretary or which are necessary to give effect to the provisions of the Act and these regulations.

Powers of registrar

14. A registrar shall have the power—

(a) to require the production of proof upon affidavit or otherwise of any fact necessary to be established in connection with any matter or thing sought to be performed or effected in his registration office;

(b) whenever, in his opinion, it is necessary or desirable to rectify any error in the name or description of any person or surveyed site mentioned in any certificate, deed or other document registered or kept in his registration office or in the conditions regarding the right of leasehold in any such site: Provided that—

(i) every person appearing from the certificate, deed or other document to be interested in the rectification, has consented thereto in writing;

(ii) if any such person refuses to consent to the rectification such rectification may be made by an order of court;

(iii) if the error is common to two or more certificates, deeds or other documents, including any register in his registration office, the error shall be rectified in all those certificates, deeds or other documents;

(iv) no such rectification shall be made if it would have the effect of transferring any right unless it is made by an order of court;

Pligte van registrateur

13. Benewens die ander werksaamhede en bevoegdhede wat by die Wet en hierdie regulasies aan hom opgedra of verleen is—

(a) neem en bewaar die registrateur alle rekords van die registrasiekantoor ooreenkomstig die opdragte van die Sekretaris;

(b) ondersoek die registrateur alle dokumente aan hom voorgelê en na ondersoek wys hy so 'n dokument af indien die Wet of hierdie regulasies die handeling wat van hom verlang word, nie veroorloof nie of indien daar 'n ander geldige beswaar teen die handeling bestaan;

(c) maak die registrateur sodanige aantekenings op sertifikate, aktes of ander dokumente in verband met die registrasie daarvan of ter voldoening aan die bepalings van die een of ander wet, as wat nodig is om aan daardie registrasie of aan die oogmerke van daardie wet gevolg te gee;

(d) hou die registrateur rekord van elke kennisgewing, opgawe, staat of bevel van 'n hof wat ingevolge die een of ander wetsbepaling by hom ingedien is;

(e) stel die registrateur die betrokke administrasieraad in kennis van—

(i) die datum van die indiening by hom van 'n aansoek om die registrasie van 'n reg van huurpag; en

(ii) die uitreiking deur hom van 'n sertifikaat;

(f) voorsien die registrateur die betrokke administrasieraad van volle besonderhede ten opsigte van—

(i) elke oordrag van 'n sertifikaat;

(ii) die registrasie of rojering van 'n verbandakte;

(iii) die registrasie of rojering van 'n sessie van 'n verbandakte;

(g) verrig die registrateur in die algemeen die werksaamhede wat die Sekretaris van tyd tot tyd aan hom opdra of wat nodig is om gevolg te gee aan die bepalings van die Wet en hierdie regulasies.

Bevoegdhede van registrateur

14. 'n Registrateur is bevoeg om—

(a) lewering van bewys te vorder, by wyse van 'n beëdigde verklaring of andersins, van enige feit wat bewys moet word in verband met enige aangeleentheid of saak waarvan die verrigting of uitvoering in sy registrasiekantoor verlang word;

(b) wanneer dit na sy oordeel nodig of wenslik is om 'n fout, in die naam of beskrywing van 'n persoon of van 'n opgemete perseel vermeld in 'n sertifikaat, akte of ander dokument wat in sy registrasiekantoor geregistreer is, of bewaar word, of in die voorwaardes betreffende die reg van huurpag van iedere sodanige perseel, te verbeter: Met dien verstande dat—

(i) elkeen wat uit die sertifikaat, akte of ander dokument blyk by die verbetering belang te hê, skriftelik daartoe toegestem het;

(ii) as so iemand weier om tot die verbetering toe te stem, die verbetering aangebring kan word op bevel van die hof;

(iii) as die fout voorkom in twee of meer sertifikate, aktes of ander dokumente, met inbegrip van 'n register in sy registrasiekantoor, die fout in al daardie sertifikate, aktes of ander dokumente verbeter moet word;

(iv) so 'n verbetering, behalwe in die geval van 'n bevel van die hof, nie aangebring word nie as dit die oordrag van 'n reg tot gevolg sou hê;

or destruction of the certificate or mortgage bond he shall satisfy the registrar that all reasonable steps have been taken to recover it.

(e) If the registrar is satisfied that no valid reason exists for a refusal, he shall issue the required certified copy, on payment of an amount of R5.

(4) If an administration board or a community council has issued a document referred to or contemplated in section 6A or 6B of the Act or in these regulations, the person to whom such document has been issued may, on payment of an amount of R1 to such administration board or community council, as the case may be, apply for a certified copy of such document to serve in the place of the original document if it is lost, stolen, destroyed or has become illegible or unfit for use and if the administration board or community council is satisfied that the document concerned has in fact been lost, stolen, destroyed or has become illegible or unfit for use, it shall issue a certified copy of such document.

(5) (a) If a certified copy of a document referred to or contemplated in section 6A or 6B of the Act or in these regulations, is issued in terms of subregulation (3) or (4) to replace any document, the original document, if it still exists, shall become null and void.

(b) If a document that has so become null and void, comes into possession or custody of any person who is aware that a certified copy thereof has been issued to replace it, he shall forthwith deliver such document to the registrar, administration board or community council, as the case may be, that issued the certified copy concerned.

(c) If any document, in lieu of which a certified copy has been issued under this regulation, is subsequently recovered and returned to the registrar, administration board or community council that issued the certified copy, the registrar, administration board or community council concerned shall endorse thereon that it has become null and void.

(6) If a certified copy that has been issued to serve as an original document, is lost, stolen or destroyed or has become illegible or unfit for use, the registrar, administration board or community council concerned, may, subject to the provisions of this regulation, again issue a certified copy to serve in the place of the original document.

Rectification as a result of the amendment of general plan

16. If an amendment of a certificate becomes necessary as a result of the amendment of the general plan concerned, the registrar shall, on the written application of the certificate holder, accompanied by the certificate, each registered mortgage bond thereon and the written consent of the mortgagee, endorse on the certificate a description of the surveyed site in accordance with the rectified or amended general plan and that description shall then replace the description that already appears on the certificate or mortgage bond.

Surety by means of mortgage bond

17. (1) A mortgage bond may be registered to secure an existing or future debt or both existing and future debts.

(2) Mortgage bonds intended to secure loans for building purposes shall be deemed to be bonds to secure existing debts.

of verbandakte bevestig nie, hy die registrateur moet oortuig dat alle redelike stappe gedoen is om dit terug te vind.

(e) Indien die registrateur daarvan oortuig is dat geen geldige rede vir 'n weiering bestaan nie, reik hy by betaling van 'n bedrag van R5 die gevraagde gewaarmerkte afskrif uit.

(4) Indien 'n administrasieraad of 'n gemeenskapsraad 'n dokument in artikel 6A of 6B van die Wet of in hierdie regulasies bedoel of beoog, uitgereik het, kan die persoon aan wie sodanige dokument uitgereik is, by betaling van 'n bedrag van R1 aan sodanige administrasieraad of gemeenskapsraad, na gelang van die geval, aansoek doen om 'n gewaarmerkte afskrif van sodanige dokument om in die plek van die oorspronklike dokument te dien indien dit verlore geraak het of gesteel of vernietig is of onleesbaar of onbruikbaar geword het en indien die administrasieraad of gemeenskapsraad daarvan oortuig is dat die betrokke dokument wel verlore geraak het of gesteel of vernietig is of onleesbaar of onbruikbaar geword het, reik hy 'n gewaarmerkte afskrif van sodanige dokument uit.

(5) (a) Indien 'n gewaarmerkte afskrif van 'n dokument in artikel 6A of 6B van die Wet of in hierdie regulasies bedoel of beoog, ingevolge subregulasie (3) of (4) uitgereik word om 'n dokument te vervang, word die oorspronklike dokument, as dit nog bestaan, daarop van nul en gener waarde.

(b) Indien 'n dokument wat aldus van nul en gener waarde geword het, in die besit of bewaring kom van 'n persoon wat weet dat 'n gewaarmerkte afskrif daarvan uitgereik is om dit te vervang, lewer hy onverwyld sodanige dokument aan die registrateur, administrasieraad of gemeenskapsraad, na gelang van die geval, wat die betrokke gewaarmerkte afskrif uitgereik het.

(c) Indien enige dokument in die plek waarvan 'n gewaarmerkte afskrif kragtens die bepalings van hierdie regulasie uitgereik is, later teruggevind en aan die registrateur, administrasieraad of gemeenskapsraad wat die gewaarmerkte afskrif uitgereik het, terugbesorg word, teken die betrokke registrateur, administrasieraad of gemeenskapsraad daarop aan dat dit van nul en gener waarde geword het.

(6) Indien 'n gewaarmerkte afskrif wat uitgereik is om as 'n oorspronklike stuk te dien, verlore raak, gesteel of vernietig word of onleesbaar of onbruikbaar geword het, kan die betrokke registrateur, administrasieraad of gemeenskapsraad, behoudens die bepalings van hierdie regulasie, weer 'n gewaarmerkte afskrif uitreik om in die plek van die oorspronklike stuk te dien.

Verbetering as gevolg van wysiging van algemene plan

16. Indien 'n wysiging van 'n sertifikaat nodig word ten gevolge van die wysiging van die betrokke algemene plan, endosseer die registrateur op skriftelike aansoek van die sertifikaathouer, vergesel van die sertifikaat, elke geregistreerde verbandakte daarop en die skriftelike toestemming van die verbandhouer, op die sertifikaat 'n beskrywing van die opgemete perseel volgens die verbeterde of gewysigde algemene plan en daardie beskrywing vervang dan die beskrywing wat reeds op die sertifikaat of verbandakte voorkom.

Versekering deur verbandaktes

17. (1) 'n Verbandakte kan geregistreer word tot versekering van 'n bestaande skuld of van 'n toekomstige skuld of van bestaande sowel as toekomstige skulde.

(2) Verbandaktes wat bestem is om boulenings te verseker, word geag verbande tot versekering van bestaande skulde te wees.

(2) If the registrar is satisfied that the documents are in order, he shall register the cession of the mortgage bond by making an entry in the register to the effect that the mortgage bond has been ceded and he shall endorse the mortgage bond and the registration duplicate accordingly.

(3) After registration of the cession of a mortgage bond the duplicate original cession and the written consent referred to in subregulation (1) shall be filed with the registration duplicate of the mortgage bond.

(4) The cession and mortgage bond shall tereafter be delivered to the person who submitted the documents.

Cancellation of a cession of a mortgage bond

22. (1) A mortgagee who has ceded a mortgage bond as security shall submit the following documents to the registrar concerned for the cancellation of such cession:

(a) Written consent of the cessionary to the cancellation of the cession of the mortgage bond, substantially in the form of Annexure L;
(b) the mortgage bond and cession.

(2) If the registrar is satisfied that the documents are in order, he shall cancel the cession of the mortgage bond by making an entry in the register to the effect that the cession has been cancelled and he shall endorse the mortgage bond, cession and registration duplicate accordingly.

(3) After cancellation of the cession of a mortgage bond the written consent referred to in subregulation (1) shall be filed with the registration duplicate of the mortgage bond.

(4) The mortgage bond and cancelled cession shall thereafter be delivered to the person who submitted the documents.

Registration of agreement whereby conditions of a bond are amended

23. (1) If a mortgagee and a mortgagor enter into an agreement whereby the condtions of the bond are amended the mortgagee shall submit the following documents to the registrar concerned for the registration of the agreement:

(a) The attested original agreement and duplicate original thereof; and
(b) the mortgage bond concerned.

(2) If the registrar is satisfied that the documents are in order, he shall register the agreement by suitably endorsing the mortgage bond and the registration duplicate.

(3) On registration of an agreement referred to in subregulation (1) the original agreement shall be attached to the mortgage bond and the duplicate original shall be filed with the registration duplicate.

(4) The mortgage bond and original agreement shall thereafter be delivered to the person who submitted the documents.

Substitution of debtor in respect of bond

24. (1) If the holder (in this regulation referred to as the original holder) of a certificate which is hypothecated under a mortgage bond, not being a person referred to in paragraph (b) of the proviso to regulation 31, transfers to any other person the certificate hypothecated thereunder the registrar may substitute the qualified person taking transfer for the certificate holder as the debtor in respect of the bond: Provided that there is produced to him, in duplicate, the written consent, substantially in the form of Annexure M, of

(2) Indien die registrateur daarvan oortuig is dat die dokumente in order is, registreer hy die sessie van die verbandakte deur in die register 'n inskrywing te maak wat vermeld dat die verbandakte gesedeer is en hy endosseer die verbandakte en die registrasieduplikaat dienooreenkomstig.

(3) By registrasie van die sessie van 'n verbandakte word die duplikaat-oorspronklike sessie en die skriftelike toestemming in subregulasie (1) bedoel by die registrasieduplikaat van die verbandakte bewaar.

(4) Die sessie en die verbandakte word daarna aan die persoon wat die dokumente ingedien het, gelewer.

Rojering van sessie van verbandakte

22. (1) 'n Verbandhouer wat 'n verbandakte as sekuriteit gesedeer het, dien die volgende dokumente vir rojering van sodanige sessie by die betrokke registrateur in:

(a) Skriftelike toestemming, wesenlik in die vorm van Aanhangsel L, van die sessionaris tot die rojering van die sessie van die verbandakte; en
(b) die verbandakte en sessie.

(2) Indien die registrateur daarvan oortuig is dat die dokumente in orde is, rojeer hy die sessie van die verbandakte deur in die register 'n inskrywing te maak wat vermeld dat die sessie gerojeer is en hy endosseer die verbandakte, die sessie en die registrasieduplikate dienooreenkomstig.

(3) By rojering van die sessie van 'n verbandakte word die skriftelike toestemming in subregulasie (1) bedoel by die registrasieduplikaat van die verbandakte bewaar.

(4) Die verbandakte en gerojeerde sessie word daarna aan die persoon wat die dokumente ingedien het, gelewer.

Registrasie van ooreenkoms waardeur voorwaardes van verband gewysig word

23. (1) Indien 'n verbandhouer en 'n verbandgewer 'n ooreenkoms aangegaan het waardeur voorwaardes van die verband gewysig word, dien die verbandhouer die volgende dokumente vir die registrasie van die ooreenkoms by die betrokke registrateur in:

(a) Die geattesteerde oorspronklike ooreenkoms en die duplikaat-oorspronklike daarvan; en
(b) die betrokke verbandakte.

(2) Indien die registrateur daarvan oortuig is dat die dokumente in order is, registreer hy die ooreenkoms deur die verbandakte en die registrasieduplikaat toepaslik te endosseer.

(3) By registrasie van 'n ooreenkoms in subregulasie (1) bedoel, word die oorspronklike ooreenkoms aan die verbandakte geheg en die duplikaat-oorspronklike by die registrasieduplikaat van die verbandakte bewaar.

(4) Die verbandakte en die oorspronklike ooreenkoms word daarna aan die persoon wat die dokumente ingedien het, gelewer.

Substitusie van skuldenaar ten aansien van 'n verband

24. (1) Indien die houer (in hierdie regulasie die oorspronklike houer genoem) van 'n sertifikaat wat met 'n verband beswaar is, wat nie 'n persoon bedoel in paragraaf (b) van die voorbehoudsbepaling van regulasie 31 is nie, die daarmee beswaarde sertifikaat aan iemand anders oordra, kan die registrateur, ondanks die bepalings van regulasie 31, die oordrag registreer en die sertifikaathouer deur die bevoegde persoon wat oordrag neem vervang as skuldenaar ten aansien van die verband: Met dien verstande dat die skriftelike

(4) The mortgage bonds shall thereafter be delivered to the holder thereof.

Return by Master in connection with insolvent estates and further provisions relative to insolvent estates

26. (1) If it appears from the liquidation account of any estate which has been sequestrated or from the vouchers relating thereto that a payment has been made to any creditor on account of a bond, the Master shall notify the payment to the registrar who shall thereupon write off the amount thereof in the reigster, on the registration duplicate of the bond and also, if possible, on the original bond. (The holder of the bond shall deliver the bond to the Master, who shall forward it to the registrar in order that the amount paid may be written off thereon.)

(2) Except in cases where an insolvent certificate holder has been rehabilitated in pursuance of a composition made by him with his creditors, the Master shall from time to time transmit to the registrar a return specifying—

(a) the name and address of every certificate holder whose certificate is hypothecated and who has been rehabilitated after the sequestration of his estate; and

(b) full details of the certificate and bonds appearing in the schedules lodged with the Master by or on behalf of such certificate holder or in the liquidation account of his estate.

(3) After receipt of the return referred to in subregulation (2) and notwithstanding the provisions of regulation 20, the registrar shall cancel in the register all bonds registered therein against the certificate of the certificate holder concerned before the sequestration of his estate and the registrar shall cancel the registration duplicates of the mortgage bonds by endorsing them accordingly and shall endorse the registration duplicate of the certificate accordingly and, on submission of the mortgage bond or certificate to the registrar, those documents shall be so cancelled or endorsed by him, as the case may be, and thereafter delivered to the person who submitted them.

(4) The amount prescribed in regulation 37 (c) shall not be payable in respect of the cancellation of a mortgage bond in terms of this regulation.

(5) If any certificate mentioned in the return has not yet been transferred by the trustee, the registrar shall further note on the registration duplicate of the certificate and in the register that such certificate has vested in the trustee in terms of the Insolvency Act.

(6) A certificate which has vested in a trustee in accordance with the provisions of the Insolvency Act and which has not in terms of that Act been revested in the insolvent may, whether before or after rehabilitation of the insolvent, be transferred only by the trustee, and may not after such rehabilitation be transferred, mortgaged or otherwise dealt with by the insolvent until it has been transferred to him by the trustee: Provided that if, after rehabilitation, the trustee has been discharged or there is no trustee, the Master shall, if satisfied that the rehabilitated insolvent is entitled to the certificate, give him transfer thereof.

(7) If by virtue of the provisions of the Insolvency Act an insolvent has been re-invested with the ownership of any certificate, such certificate may not be transferred, mortgaged or otherwise dealt with by the insolvent until an endorsement that the certificate has been restored to him, has been made by the registrar on the certficate,

(4) Die verbandaktes word daarna aan die houer daarvan gelewer.

Opgawe deur Meester in verband met insolvente boedels en verdere bepalings omtrent insolvente boedels

26. (1) Indien dit uit die likwidasierekening van 'n boedel wat gesekwestreer is of uit die daarby behorende bewysstukke blyk dat 'n skuldeiser 'n betaling ontvang het op rekening van 'n verband, stel die Meester die registrateur in kennis van die betaling, en die registrateur skryf daarop die betaalde bedrag in die register af, op die registrasieduplikaat van die verbandakte en ook, indien moontlik, op die oorspronklike verbandakte (Die verbandhouer oorhandig die verbandakte aan die Meester, en hy lewer dit aan die registrateur, sodat die betaalde bedrag daarop afgeskryf kan word.)

(2) Behalwe in gevalle waar 'n insolvente sertifikaathouer gerehabiliteer is ten gevolge van 'n akkoord wat hy met sy skuldeisers aangegaan het, stuur die Meester van tyd tot tyd aan die registrateur 'n opgawe in waarin aangegee word—

(a) die naam en adres van elke sertifikaathouer wie se sertifikaat verpand is en wat gerehabiliteer is na die sekwestrasie van sy boedel; en

(b) volle besonderhede van die sertifikaat en verbande wat in die skedules wat deur of namens bedoelde sertifikaathouer by die Meester ingedien is of in die likwidasierekening van sy boedel vermeld word.

(3) Na ontvangs van die opgawe in subregulasie (2) bedoel en ondanks die bepalings- van regulasie 20, rojeer die registrateur in die register alle verbande wat daarin geregistreer is teen die sertifikaat van bedoelde sertifikaathouer voor die sekwestrasie van sy boedel, en die registrateur rojeer die registrasieduplikate van die verbandaktes deur dit dienooreenkomstig te endosseer en endosseer die registrasieduplikaat van die sertifikaat dienooreenkomstig, en by indiening van die verbandakte of sertifikaat aan die registrateur word dié dokumente deur hom aldus gerojeer of geëndosseer, na gelang van die geval, en daarna aan die persoon wat hul ingedien het, gelewer.

(4) Die bedrag in regulasie 37 (c) voorgeskryf, is nie betaalbaar ten opsigte van die rojering van 'n verbandakte kragtens hierdie regulasie nie.

(5) As 'n sertifikaat in die opgawe vermeld nog nie deur die kurator oorgedra is nie, teken die registrateur verder op die registrasieduplikaat van die sertifikaat en in die register aan dat daardie sertifikaat kragtens die Insolvensiewet op die kurator oorgegaan het.

(6) 'n Sertifikaat wat kragtens die bepalings van die Insolvensiewet op 'n kurator oorgegaan het en wat nie volgens daardie Wet aan die insolvente persoon teruggeval het nie, kan sowel voor as na rehabilitasie van die insolvent, alleen deur die kurator oorgedra word en die insolvent kan na sy rehabilitasie dit nie oordra, met verband beswaar of andersins daaroor beskik nie alvorens die kurator dit aan hom oorgedra het: Met dien verstande dat as, na die rehabilitasie, die kurator ontslaan is of daar geen kurator bestaan nie, die Meester die sertifikaat aan die gerehabiliteerde insolvent oordra as hy daarvan oortuig is dat die insolvent op die sertifikaat geregtig is.

(7) Indien die sertifikaat kragtens die bepalings van die Insolvensiewet aan 'n insolvent teruggeval het, kan die insolvent daardie sertifikaat nie oordra, met verband beswaar of andersins daaroor beskik nie alvorens die registrateur op die sertifikaat aangeteken het dat die sertifikaat aan die insolvent teruggegee is.

Description of surveyed site

32. The number of the surveyed site, the number of the relevant general plan, the name of the residential area and the area of the Chief Commissioner shall be stated in the description of any surveyed site in the register and in any document referred to or contemplated in section 6A or 6B of the Act or in these regulations.

Transfer from a body of persons consisting solely of Blacks

33. If a certificate or mortgage bond registered in the name of an association is acquired by any member of that body of persons in his individual capacity, the consent referred to in regulation 12 or 21, as the case may be, shall be signed by all the persons comprising that body: Provided that, if the association is a company, such consent shall be signed by all the directors of that company.

Transfer to children

34. (1) If a bond or right of leashold granted in respect of a surveyed site for residential purposes is donated or bequeathed to a child to be born or is otherwise acquired on behalf of such child or a bond or a right of leasehold granted in respect of a surveyed site for the purposes of conducting thereon any profession or business is donated or bequeathed to a child or children born or to be born or is otherwise acquired on behalf of that child or those children, transfer of the certificate or cession of the bond shall be passed in trust for that child or those children to the person who would be the guardian of the unborn child or children during their minority.

(2) If any right of leasehold or any bond is donated to a child or children to be born, the person to whom transfer or cession may be passed under subregulation (1), may accept the donation for the purposes of such transfer or cession.

(3) When the identity of such child or all such children has been established the person to whom transfer or cession has been passed under subregulation (1) shall furnish the registrar with the full names of such child or children and the registrar shall make an endorsement on the certificate or bond, as the case may be, in which their names are mentioned and, notwithstanding the provisions of regulation 36 (3), the certificate or bond concerned shall then be deemed to have been made out to and in favour of that child or those children as if the transfer or cession were originally passed in his or their names, as the case may be.

Transfer from joint estate

35. In an application for the registration of the transfer of a certificate that is an asset in a joint estate the surviving spouse shall be joined in his personal capacity with the executor of the estate of the deceased spouse, except—

(a) where the executor is only dealing with the share of the deceased spouse;

(b) where the certificate has been sold to pay the debts of the joint estate;

(c) where there has been a massing of the joint estate and the surviving spouse has adiated;

(d) where such application for transfer is in favour of the surviving spouse; or

Beskrywing van opgemete perseel

32. By die beskrywing van 'n opgemete perseel in die register en in 'n dokument in artikel 6A of 6B van die Wet of in hierdie regulasies bedoel of beoog, word die nommer van die opgemete perseel, die nommer van die betrokke algemene plan, die naam van die woongebied en die gebied van die betrokke Hoofkommissaris waarin dit geleë is, aangehaal.

Oordrag vanaf 'n liggaam van persone wat slegs uit Swartes bestaan

33. Indien 'n sertifikaat of verbandakte wat op naam van 'n vereniging geregistreer staan, deur 'n lid van daardie liggaam van persone in sy indiwiduele hoedanigheid verkry word, word die toestemming in regulasie 12 of 21, na gelang van die geval, bedoel, deur al die persone wat daardie liggaam uitmaak, onderteken: Met dien verstande dat indien die vereniging 'n maatskappy is, bedoelde toestemming deur al die direkteure van daardie maatskappy onderteken word.

Oordrag aan kinders

34. (1) Indien 'n verband of 'n reg van huurpag toegeken ten opsigte van 'n opgemete perseel vir woondoeleindes aan 'n kind wat nog gebore moet word, of 'n verband of reg van huurpag toegeken ten opsigte van 'n opgemete perseel vir die doeleindes van die bedryf daarop van 'n beroep of saak aan 'n kind of kinders wat reeds gebore is of wat nog gebore moet word, geskenk of nagelaat is of op 'n ander manier ten behoewe van daardie kind of kinders verkry word, kan oordrag van die sertifikaat of sessie van die verband aan die persoon wat die voog van die ongebore kind of kinders gedurende hul minderjarigheid sou wees, gepasseer word in trust vir daardie kind of kinders.

(2) Indien 'n reg van huurpag of 'n verband aan 'n kind of kinders wat nog gebore moet word, geskenk is, kan die persoon aan wie oordrag of sessie kragtens subregulasie (1) gepasseer kan word, die skenking vir die doeleindes van bedoelde oordrag of sessie aanneem.

(3) Wanneer die identiteit van sodanige kind of alle sodanige kinders vasgestel is, voorsien die persoon aan wie oordrag of sessie kragtens subregulasie (1) gepasseer is, die registrateur van die volle name van sodanige kind of kinders en die registrateur bring 'n endossement aan op die sertifikaat of verband, na gelang van die geval, waarin hul name vermeld word, en ondanks die bepalings van regulasie 36 (3), word die betrokke sertifikaat of verband dan geag aan en ten gunste van daardie kind of kinders uitgemaak te gewees het, asof die oordrag of sessie oorspronklik op naam van daardie kind of kinders, na gelang van die geval, gepasseer was.

Oordrag uit gemeenskaplike boedel

35. In 'n aansoek om die registrasie van die oordrag van 'n sertifikaat wat 'n bate is in 'n gemeenskaplike boedel word die langslewende eggenoot in sy persoonlike hoedanigheid by die eksekuteur van die boedel van die oorlede eggenoot gevoeg, behalwe—

(a) waar die eksekuteur slegs met die oorlede eggenoot se aandeel handel;

(b) waar die sertifikaat verkoop is om die skulde van die gemeenskaplike boedel te vereffen;

(c) waar die gemeenskaplike boedel gekonsolideer is en die langslewende eggenoot geadieer het;

(d) waar bedoelde aansoek om oordrag ten gunste van die langslewende eggenoot is; of

(e) cancel the cession of a mortgage bond;

(f) register any agreement whereby the conditions of a mortgage bond are amended; and

(g) register the renunciation of precedence in respect of a registered bond in favour of any other bond.

Examination of documents

38. (1) A registrar shall permit any member of the public to inspect the public registers and other public documents in his registration office and to make copies of those documents or extracts from those registers against payment of a fee of R2: Provided that no such amount shall be payable in respect of any search or inspection in any registration office—

(a) by any conveyancer in connection with any action in terms of these regulations with which he has been charged;

(b) by any land surveyor in connection with any survey with which he has been charged;

(c) by any sheriff or messenger of the court or his deputy in connection with the execution of his duties as such.

(2) Where access to a strong room or office in any registration office by any member of the public for the purpose of conducting any search is permitted, a registrar shall have the power to regulate the hours during which such access may be allowed and he shall have the power to refuse admission to any member of the public without furnishing any reason.

(3) Where access is permitted to a strong room or office which in the normal course of events is not open to the public, any attorney, notary public, conveyancer, land surveyor, sheriff, messenger of the court or such of their clerks as have received the approval of the registrar, may inspect the public registers and other public documents, but other members of the public shall not be permitted such inspection unless under the personal supervision of a responsible officer.

Period within which a mortgage who has purchased a right of leasehold may sell or lease such right

39. Where a mortgagee has purchased a right of leasehold in terms of section 6A (6) (a) of the Act he may, subject to the provisions of the Act and these regulations, sell or lease it to a qualified person during a period not exceeding 12 months, calculated from the date on which he purchased such right.

Subletting of surveyed sites and leasing of improvements thereon

40. (1) The holder of a right of leasehold in respect of a surveyed site granted for residential purposes may, with the prior written consent of the administration board, sublet such surveyed site and lease the improvements thereon only to a qualified person, excluding an association, and for residential purposes only.

(2) The holder of a right of leasehold in respect of a surveyed site granted for the purposes of the conducting of any profession or business thereon may, with the prior written consent of the administration board, sublet such surveyed site and lease the improvements thereon to a qualified person only and for such purposes only.

(e) die sessie van 'n verbandakte te rojeer;

(f) 'n ooreenkoms waardeur voorwaardes van 'n verband gewysig word, te registreer; en

(g) die afstanddoening van voorrang ten aansien van 'n geregistreerde verband ten gunste van 'n ander verband te registreer.

Ondersoek van dokumente

38. (1) 'n Registrateur laat 'n lid van die publiek toe om die publieke registers en ander publieke dokumente in sy registrasiekantoor in te sien en afskrifte van daardie dokumente of uittreksels uit daardie registers te maak teen betaling van die bedrag van R2: Met dien verstande dat geen sodanige bedrag betaalbaar is nie ten opsigte van enige nasporing of insae in 'n registrasiekantoor—

(a) deur 'n transportbesorger in verband met 'n handeling ingevolge hierdie regulasies, wat aan hom opgedra is;

(b) deur 'n landmeter in verband met 'n opmeting wat aan hom opgedra is;

(c) deur 'n balju of geregsbode of sy plaasvervanger in verband met die verrigting van sy werksaamhede as sodanig.

(2) Waar daar in 'n registrasiekantoor 'n lid van die publiek tot 'n brandkamer of kantoor toegelaat word met die doel om 'n nasporing te doen, is die registrateur bevoeg om te reël gedurende watter ure sodanige toegang veroorloof is en kan hy enige lid van die publiek toegang weier sonder opgaaf van redes.

(3) Waar toegang tot 'n brandkamer of kantoor wat nie in die normale loop van sake vir die publiek toeganklik is nie, vergun word, kan 'n prokureur, notaris, transportbesorger, landmeter, balju of geregsbode of sodanige van hulle klerke as wat toestemming van die registrateur ontvang het, insae hê in die publieke registers en ander publieke dokumente, maar ander lede van die publiek word nie veroorloof om aldus insae te hê nie tensy dit onder die persoonlike toesig van 'n verantwoordelike beampte geskied.

Tydperk waartydens 'n verbandhouer wat 'n reg van huurpag gekoop het, sodanige reg kan verkoop of verhuur

39. Waar 'n verbandhouer 'n reg van huurpag ingevolge artikel 6A (6) (a) van die Wet koop, kan hy, behoudens die bepalings van die Wet en hierdie regulasies, dit gedurende 'n tydperk van hoogstens 12 maande, bereken vanaf die datum waarop hy sodanige reg gekoop het, aan 'n bevoegde persoon verkoop of verhuur.

Onderverhuring van opgemete persele en verhuring van verbeterings daarop

40. (1) Die houer van 'n reg van huurpag ten opsigte van 'n opgemete perseel wat vir woondoeleindes toegeken is, kan, met die voorafverkreë skriftelike toestemming van die administrasieraad, sodanige opgemete perseel onderverhuur en verbeterings daarop verhuur slegs aan 'n bevoegde persoon, uitgesluit 'n vereniging, en slegs vir woondoeleindes.

(2) Die houer van 'n reg van huurpag ten opsigte van 'n opgemete perseel wat vir die doeleindes van die bedryf van 'n beroep of saak daarop toegeken is, kan, met die voorafverkreë skriftelike toestemming van die administrasieraad, sodanige opgemete perseel onderverhuur en verbeterings daarop verhuur slegs aan 'n bevoegde persoon en slegs vir sodanige doeleindes.

document lodged for attestation, execution or registration or for any other purpose is faint or not suitable to secure durability, he may decline to attest, execute, register or accept it, as the case may be.

(6) (a) Deeds, certificates and other documents shall contain the full names, identification number and date of birth (or estimated age) of the persons named therein, except such persons who are acting in or are appointed to act in a representative capacity: Provided that the provisions of this subregulation may be relaxed by the registrar in his discretion in special circumstances.

(b) Deeds, certificates and other documents not executed in one of the official languages of the Republic may, at the discretion of the registrar, be accepted for registration or record if a translation thereof is duly certified by any person competent to do so.

(7) (a) Every deed and document executed in or lodged for registration or record in a registration office shall disclose the date and place of execution thereof.

(b) In addition to the documents which are required to be attested by virtue of the provisions of these regulations every deed, bond, certificate, agreement or other document which purports to grant authority to the passing, transfer, amendment, cancellation, renunciation or substitution of registered rights or obligations shall be attested by a Commissioner, registrar, conveyancer or notary public who shall be properly described as such: Provided that the attestation of such documents by the said persons may be effected at any time after the signing thereof if it is certified on the deed, certificate, document or agreement concerned that the Commissioner, registrar, conveyancer or notary public satisfied himself of the identity of the signatory: Provided further that a conveyancer shall not attest any document, certificate, application or agreement unless he personally handles the complete transaction.

(8) When any document is attested in terms of subregulation (7), the person who so attests shall take reasonable steps to satisfy himself that the signatory has the necessary power and authority to sign the documents concerned: Provided that in the execution of his powers the person so attesting shall be entitled to take into account the fact that the registrar shall also examine his records to confirm the power and authority of the signatory of the document concerned.

46. (1) Any document lodged for registration shall be deemed to be registered upon the affixing of the registrar's signature thereto or, when the registration office's endorsement in respect of the registration thereof is signed: Provided that no such document which is one of a batch of interdependent documents intended for registration together shall be deemed to be registered until all the documents of the batch or the endorsements in respect of the registration thereof, as the case may be, have been signed by the registrar.

(2) If by inadvertence the registrar's signature has not been affixed to a document or to the registration endorsement in respect of the registraton of a document lodged for registration, at the time at which the

dokument wat vir attestasie, verlyding of registrasie of vir enige ander doel aangebied word, onduidelik is of nie geskik is om duursaamheid te verseker nie, kan hy weier om dit te attesteer, te verly, te registreer of aan te neem, na gelang van die geval.

(6) (a) Aktes, sertifikate en ander dokumente moet die volle name, identifikasienommer en geboortedatum (of geskatte ouderdom) van die persone wat daarin genoem word, bevat, met uitsondering van sodanige persone as wat in 'n verteenwoordigende hoedanigheid optree of benoem word om as sodanige op te tree: Met dien verstande dat die bepalings van hierdie subregulasie in spesiale omstandighede na goeddunke deur die registrateur verslap kan word.

(b) Aktes, sertifikate en ander dokumente wat nie in een van die amptelike tale van die Republiek verly is nie, kan, na goeddunke van die registrateur, vir registrasie of aantekening aangeneem word indien 'n vertaling daarvan behoorlik gewaarmerk is deur 'n persoon wat bevoegd is om dit te doen.

(7) (a) Elke akte en dokument wat in 'n registrasiekantoor verly of vir registrasie of aantekening aangebied word, vermeld die plek en datum van verlyding daarvan.

(b) Benewens die dokumente wat ooreenkomstig die bepalings van hierdie regulasies geattesteer moet word, word elke akte, verband, sertifikaat, ooreenkoms of ander dokument wat heet magtiging te verleen to passering, oordrag, wysiging, rojering, afstanddoening of substitusie van geregistreerde regte of verpligtinge, deur 'n Kommissaris, registrateur, transportbesorger of notaris, wat behoorlik as sodanig geskryf word, geattesteer: Met dien verstande dat die attestasie van sodanige dokumente deur genoemde persone te eniger tyd na die ondertekening daarvan bewerkstellig kan word, indien op die betrokke akte, sertifikaat, dokument of ooreenkoms gesertifiseer word dat die Kommissaris, registrateur, transportbesorger of notaris vergewis het van die identiteit van die ondertekenaar: Met dien verstande voorts dat 'n transportbesorger geen dokument, sertifikaat, aansoek of ooreenkoms attesteer nie tensy hy self die transaksie ten volle behartig.

(8) Wanneer enige dokument ingevolge subregulasie (7) geattesteer word, doen die persoon wat aldus attesteer, redelike stappe om hom daarvan te vergewis dat die ondertekenaar die nodige bevoegdheid en magtiging het om die betrokke dokumente te onderteken: Met dien verstande dat by die uitoefening van sy bevoegdheid die persoon wat aldus attesteer, geregtig is om in ag te neem dat die registrateur ook sy rekords sal ondersoek om die bevoegdheid en magtiging van die ondertekenaar van die betrokke dokument te bevestig.

46. (1) Enige dokument wat vir registrasie ingedien word, word geag geregistreer te wees wanneer die registrateur sy handtekening daarop plaas of wanneer die registrasiekantoor se endossement ten opsigte van die registrasie daarvan onderteken word: Met dien verstande dat geen sodanige dokument wat een is van 'n stel onderling afhanklike dokumente wat bedoel is om saam geregistreer te word, geag word geregistreer te wees nie alvorens al die dokumente van die stel of die endossemente ten opsigte van registrasie daarvan, na gelang van die geval, deur die registrateur onderteken is.

(2) Indien die registrateur se handtekening per abuis nie op 'n deur hom verlyde of geattesteerde dokument, of op 'n endossement van registrasie ten opsigte van

leasehold or any right therein except a bond given as security for a debt or other obligation shall be attested or registered in any registration office.

Provisions in connection with a usufruct

49. (1) A personal servitude of usufruct may be reserved by means of a condition in the application for the transfer of a right of leasehold if the reservation is in favour of the certificate holder or in favour of the certificate holder and his spouse or the survivor of them in which case the registrar shall register the usufructuary's right by means of a suitable endorsement on the certificate.

(2) No personal servitude of usufruct purporting to extend beyond the lifetime of the person in whose favour it is created shall be registered, nor may a transfer or cession of such usufruct to any person other than the certificate holder of the right of leasehold encumbered thereby, be registered.

(3) If a personal servitude of usufruct has lapsed by reason of the death of the usufructuary or has been cancelled by mutual agreement between the usufructuary and the certificate holder, the registrar shall, on written application by or on behalf of the certificate holder, accompanied by proof of the lapse or cancellation of the usufruct, note the lapse or cancellation of the usufruct on the certificate and he shall cancel the endorsement under which the usufructuary held his right.

(4) The certificate holder of a site subject to a usufruct may dispose of the right of leasehold and transfer his right only with the written permission of the usufructuary.

(5) The certificate holder of a site subject to a right of usufruct may, with the written approval of the usufructuary, mortgage the right of leasehold to the full extent of their respective rights therein: Provided that the certificate holder may mortgage the leasehold free of the usufruct if the usufructuary has renounced his right of usufruct in favour of the mortgagee by means of a document, substantially in the form of Annexure P.

Succession

50. If a certificate granted for residential purposes is bequeathed to two or more persons by testimentary disposition and no agreement is reached as to vesting, the executor of the estate concerned shall realize the certificate concerned and dispose of the net proceeds thereof in accordance with such testamentary disposition.

Tariff of fees

51. (1) The tariff of fees mentioned hereunder shall be the tariff payable in respect of the performance by any conveyancer of any act mentioned therein.

(2) In the case of any wasted costs being incurred, the fees pyable in respect of the costs so incurred shall be the fees which the registrar allows in the particular case having due regard to the prescribed tariff.

Tariff of fees

General note

The fees mentioned in this tariff, excluding those referred to in Section V, shall include all correspondence and shall also include the taking and giving of instructions, including the perusal of completed transfers of a right of leasehold, the preparation and

enige reg daarin, behalwe 'n verband, wat gegee word as sekuriteit vir 'n skuld of ander verpligting, word geattesteer of in 'n registrasiekantoor geregistreer nie.

Voorskrifte in verband met 'n reg van vruggebruik

49. (1) 'n Persoonlike serwituut van vruggebruik kan deur middel van 'n voorwaarde in die aansoek om oordrag van 'n reg van huurpag voorbehou word as dit 'n voorbehoud is ten gunste van die sertifikaathouer self of ten gunste van die sertifikaathouer en sy eggenote of die langslewende van hulle, in welke geval die registrateur die vruggebruiker se reg by wyse van 'n gepaste endossement op die sertfikaat registreer.

(2) Geen persoonlike serwituut van vruggebruik met 'n aangegewe duur tot na die dood van die persoon ten gunste van wie dit gevestig is, word geregistreer nie, en ook word geen oordrag of sessie van so 'n vruggebruik aan iemand anders as aan die sertifikaathouer van die daarmee beswaarde reg van huurpag geregistreer nie.

(3) Indien 'n persoonlike serwituut van vruggebruik vanweë die dood van die vruggebruiker verval het, of by onderlinge ooreenkoms tussen die vruggebruiker en sertifikaathouer gekanselleer is, teken die registrateur op skriftelike aansoek deur of ten behoewe van die sertifikaathouer, vergesel van die bewys van die verval of kansellasie van die vruggebruik, die verval of kansellasie van die vruggebruik op die sertifikaat aan en rojeer hy die endossement waarkragtens die vruggebruiker sy reg gehou het.

(4) Die sertifikaathouer van 'n perseel onderworpe aan 'n vruggebruik kan die reg van huurpag vervreem en aan die verkryger oordra slegs met die skriftelike toestemming van die vruggebruiker.

(5) Die sertifikaathouer van 'n perseel wat aan 'n reg van vruggebruik onderworpe is, kan met die skriftelike goedkeuring van die vruggebruiker die reg van huurpag met verband beswaar tot die volle omvang van hul respektiewe regte daaroor: Met dien verstande dat die sertifikaathouer die huurpag vry van die vruggebruik met verband kan beswaar indien die vruggebruiker skriftelik afstand van sy reg van vruggebruik gedoen het ten gunste van die verbandhouer deur middel van 'n dokument wesenlik in die vorm van Aanhangsel P.

Erfopvolging

50. Indien 'n sertifikaat toegeken vir woondoeleindes by testamentêre beskikking aan twee of meer persone nagelaat word, en daar nie op oorgang ooreengekom word nie, maak die eksekuteur van die betrokke boedel die betrokke sertifikaat te gelde en beskik hy oor die netto opbrengs daarvan volgens sodanige testamentêre beskikking.

Tarief van gelde

51. (1) Die tarief van gelde hieronder vermeld, is die tarief betaalbaar ten opsigte van die verrigting deur 'n transportbesorger van enige handeling daarin vermeld.

(2) Ingeval verkwiste koste aangegaan is, is die gelde wat die registrateur in die besondere geval, met behoorlike inagneming van die voorgeskrewe tarief, toelaat, die gelde betaalbaar ten opsigte van die koste aldus aangegaan.

Tarief van gelde

Algemene opmerking

Die gelde in hierdie tarief vermeld, met uitsluiting van dié in Afdeling V vermeld, sluit alle korrespondensie in asook die neem en gee van opdragte, met inbegrip van die deurlees van voltooide oordragte van 'n reg van huurpag, die voorbereiding van en bywoning

	R
the lodgement and registration of any document prepared by such administration board, applicant, certificate holder, transferee, mortgagor or mortgagee, including arranging simultaneous lodgement—	
(a) where the consideration payable or the amount of the bond does not exceed R20 000.....	15
(b) where the consideration payable or the amount of the bond exceeds R20 000.....	25
2. Drawing of application to registrar for the issue of a certified copy of a certificate or deed, including instructions, application, filing all necessary documents, correspondence and all relevant attendances.....	8
3. Procuring an amendment of any certificate or deed in terms of regulation 16..... plus an amount of R2 for every additional certificate or deed affected thereby	12
4. Attendance and searching at registration office for information required, excluding information required for preparation of registration of a certificate or deed including instructions, correspondence and all relevant attendances per half hour or part thereof.....	5
5. Reporting.....	2
6. For attendance on taxation where required, including all necessary attendances and correspondence, a fee equal to 5 per cent of the fees allowed on taxation shall be chargeable by the conveyancer submitting the bill of costs and a fee equal to 5 per cent of the total fees originally reflected in that bill of costs shall be chargeable by the conveyancer opposing taxation, subject to a minimum fee of R5 in respect of each conveyancer	

SECTION VI

A Amount payable in respect of right of leasehold and improvements or amount of bond	B Fees for registration	C Fees for mortgage bond
	R	R
R2 000 and under.....	60	40
Over R2 000 and up to R5 000.....	80	50
Over R5 000 and up to R10 000.....	100	70
Over R10 000 and up to R12 000.....	160	110
Over R12 000 and up to R14 000.....	170	120
Over R14 000 and up to R16 000.....	180	130
Over R16 000 and up to R18 000.....	190	140
Over R18 000 and up to R20 000.....	200	150
Over R20 000 and up to R25 000.....	220	165
Over R25 000 and up to R30 000.....	240	180
Over R30 000 and up to R35 000.....	260	195
Over R35 000 and up to R40 000.....	280	210
Over R40 000 and up to R45 000.....	300	225
Over R45 000 and up to R50 000.....	320	240
Over R50 000 and up to R60 000.....	340	255
Over R60 000 and up to R70 000.....	360	270
Over R70 000 and up to R80 000.....	380	285
Over R80 000 and up to R90 000.....	400	300
Over R90 000 and up to R100 000.....	420	315
Over R100 000 and up to R150 000.....	470	345
Over R150 000 and up to R200 000.....	520	375

Note.—Where the value or amount referred to in column A exceeds R200 000 there shall be added an additional fee of R100 for every R100 000 or part thereof in excess of the first R200 000.

Annexure A

NOTICE

Administration Board

.....
.....

To:

.....
.....
.....

	R
verband met die indiening en registrasie van 'n dokument deur sodanige administrasieraad, aansoeker, serment deur sodanige administrasieraad, aansoeker, sertifikaathouer, transportnemer, verbandgewer of verbandhouer, met insluiting van die gelyktydige indiening—	
(a) waar die vergoeding betaalbaar of die bedrag van die verband nie meer as R20 000 is nie.....	15
(b) waar die vergoeding betaalbaar of die bedrag van die verband R20 000 oorskry.....	25
2. Opstel van aansoek aan registrateur om die uitreiking van 'n gewaarmerkte afskrif van 'n sertifikaat of akte, met insluiting van opdragte, aansoek, liasering van noodsaaklike dokumente, korrespondensie en alle tersaaklike bywonings.....	8
3. Die verkryging van 'n wysiging van 'n sertifikaat of akte ingevolge regulasie 16..... plus 'n bedrag van R2 vir elke bykomende sertifikaat of akte wat daardeur geraak word	12
4. Bywoning en nasporing by registrasiekantoor van inligting vereis, met uitsluiting van inligting vereis vir die voorbereiding of registrasie van 'n sertifikaat of akte met insluiting van opdragte, korrespondensie en alle tersaaklike bywonings vir elke halfuur of gedeelte daarvan.....	5
5. Verslagdoening.....	2
6. Vir bywoning by taksasie, wanneer vereis, met insluiting van noodsaaklike bywonings en korrespondensie, is 'n bedrag gelyk aan 5 persent van die gelde wat by taksasie toegelaat is, vorderbaar deur die transportbesorger wat die kosterekening indien en is 'n bedrag gelyk aan 5 persent van die totale gelde oorspronklik in daardie kosterekening aangedui vorderbaar deur die transportbesorger wat die taksasie opponeer, onderworpe aan 'n minimum bedrag van R5 ten opsigte van elke transportbesorger	

AFDELING VI

A Bedrag betaalbaar ten opsigte van reg van huurpag en verbeterings of bedrag van verband	B Gelde vir registrasie	C Gelde vir verband
	R	R
R2 000 en minder.....	60	40
Oor R2 000 en tot R5 000.....	80	50
Oor R5 000 en tot R10 000.....	100	70
Oor R10 000 en tot R12 000.....	160	110
Oor R12 000 en tot R14 000.....	170	120
Oor R14 000 en tot R16 000.....	180	130
Oor R16 000 en tot R18 000.....	190	140
Oor R18 000 en tot R20 000.....	200	150
Oor R20 000 en tot R25 000.....	220	165
Oor R25 000 en tot R30 000.....	240	180
Oor R30 000 en tot R35 000.....	260	195
Oor R35 000 en tot R40 000.....	280	210
Oor R40 000 en tot R45 000.....	300	225
Oor R45 000 en tot R50 000.....	320	240
Oor R50 000 en tot R60 000.....	340	255
Oor R60 000 en tot R70 000.....	360	270
Oor R70 000 en tot R80 000.....	380	285
Oor R80 000 en tot R90 000.....	400	300
Oor R90 000 en tot R100 000.....	420	315
Oor R100 000 en tot R150 000.....	470	345
Oor R150 000 en tot R200 000.....	520	375

Opmerking.—Waar die waarde of bedrag in kolom A bedoel R200 000 oorskry, word 'n bykomende geld van R100 vir elke R100 000 of gedeelte daarvan bo die eerste R200 000 bygevoeg.

Aanhangsel A

KENNISGEWING

Administrasieraad

.....
.....

Aan:

.....
.....
.....

Annexure C

PROVISIONAL GRANT OF RIGHT OF LEASEHOLD

It is hereby certified that the..... Administration Board is prepared to grant a right of leasehold to .....
.....
*No....., in respect of.....
.....for the purposes of.....
in accordance with the provisions of the regulations and the conditions set out in the accompanying schedule against payment of—

(a) R..... in respect of the right of leasehold; and

(b) R..... in respect of the improvements on the site.

The validity of this certificate shall expire on.....

Signed.....
Designation.....
Date.....
Validity extended to.....
Signed.....
Designation.....
Date.....

* Delete that which is not applicable.

Annexure D

APPLICATION FOR THE REGISTRATION OF A RIGHT OF LEASEHOLD

I hereby apply for registration in favour of *myself/.....
.....of a right of leasehold in respect of the undermentioned site and furnish the following information and documents for that purpose.

Information

*Full names/Name of association.....
*Identification No..... *Marital state: *Unmarried/Married according to *civil law/indigenous law.
*Full names of *spouse/partner.....
.....
*Residential address (applicant).....
.....
*Work/Business address (applicant).....
.....
Description of site in respect of which this application applies:
.....
.....

Documents

(a) Provisional Grant of a Right to Leasehold dated.....

(b) Proof that no charges and other moneys are due in respect of that site, issued by—

(i) the..... Administration Board; and

(ii) the..... Community Council.

(c) The land surveyor's *plan/certificate.

(d) Proof that satisfactory arrangements have been made for the payment of the amount payable in respect of the right of leasehold in and the improvements (if any) on the site.

Signed..... Witness:

(1).....

Date..... No.....

(2).....

No.....

R

Attested by me.....
Capacity.....
Signature.....
Date.....

* Delete that which is not applicable.

Aanhangsel C

VOORLOPIGE TOEKENNING VAN REG VAN HUURPAG

Hierby word gesertifiseer dat die Administrasieraad.....
.....bereid is om 'n reg van huurpag aan.....
No..... ten opsigte van.....
.....
vir.....
doeleindes toe te ken ooreenkomstig die bepalings van die regulasies en die voorwaardes uiteengesit in die bygaande bylae en teen betaling van—

(a) R..... ten opsigte van die reg van huurpag; en

(b) R..... ten opsigte van die verbeterings op die perseel.

Die geldigheid van hierdie sertifikaat verval op.....

Geteken.....
Ampstitel.....
Datum.....
Geldigheid verleng tot.....
Geteken.....
Ampstitel.....
Datum.....

* Skrap wat nie van toepassing is nie.

Aanhangsel D

AANSOEK OM REGISTRASIE VAN REG VAN HUURPAG

Ek doen hierby aansoek om registrasie ten gunste van *myself/.....
van 'n reg van huurpag ten opsigte van ondergenoemde perseel en verstrek vir dié doel die ondergaande inligting en dokumente:

Inligting

*Volle naam/Naam van vereniging.....
*Identifikasie No..... *Huwelikstaat: *Ongetroud/Getroud volgens *siviele reg/inheemse reg. *Volle naam van *eggenote/deelgenote.....
.....
*Woonadres (aansoeker).....
.....
*Werksadres/Besigheidsadres (aansoeker).....
.....
Beskrywing van perseel ten opsigte waarvan hierdie aansoek geld:
.....
.....

Dokumente

(a) Voorlopige Toekenning van 'n Reg van Huurpag gedateer .....

(b) Bewys dat geen vorderings en ander gelde ten opsigte van die perseel verskuldig is nie, uitgereik deur—

(i) die Administrasieraad.....; en

(ii) die Gemeenskapsraad.....

(c) Die landmeter se *plan/sertifikaat.

(d) Bewys dat bevredigende reëlings vir betaling van die bedrag betaalbaar ten opsigte van die reg van huurpag in en die verbeterings (as daar is) op die perseel getref is.

Getuie:

Geteken..... (1).....
No.....
Datum..... (2).....
No.....

Geattesteer deur my.....
Hoedanigheid.....
Handtekening.....
Datum.....

* Skrap wat nie van toepassing is nie.

Annexure G

MEMORANDUM OF AGREEMENT

Memorandum of agreement entered into between.....
....., No.....,
in his capacity as *.....
of...../
the lawful holder of the right of leasehold in respect of the site referred to herein/executor/curator/trustee of the estate of .....,

and

.....
*No....., being.....
(hereinafter referred to as the Transferee) who hereby confirms that *he/.....
is by law qualified to take transfer of the said right of leasehold.

1.

The Transferor hereby transfers to the Transferee who accepts transfer, certain right of leasehold in respect of site (furnish full description).....
.....
in the District of.....
as held by virtue of Certificate of Right of Leasehold dated ..... (hereinafter referred to as the right).

2.

The purchase price amounts to R.....
(.....) payable by the Transferee on registration of the right in the name of the Transferee, for the payment of which the Transferee undertakes to hand to the Transferor, on the signing of this agreement, a guarantee acceptable to the Transferor to confirm that the purchase price will be paid to the Transferor on the above-mentioned occasion.

3.

The Transferor undertakes to pay all charges, moneys or other amounts which may be due in respect of the site, to any body or instance whatsoever, up to the date of the transfer of the right.

4.

Subject to the Transferee complying with all the obligations he has undertaken to comply with by this agreement, he shall obtain possession of the site in respect of which the right has been granted on the date of transfer or on such other date as may be agreed upon in paragraph 8 and he shall, from that date, be entitled to any advantages, if any, and liable for the payment of any charges, moneys or other amounts levied by any body or person whatsoever in respect of the site.

5.

The risk attached to the site and improvements thereon shall pass to the Transferee on the date of transfer or taking possession, whichever date may be the earliest.

6.

If the Transferee takes possession of the site on a date other than the date of transfer, the Transferee shall pay to the Transferor, if he takes possession before the date referred to, or the Transferor shall pay to the Transferee if the Transferee takes possession after the date referred to, a rental calculated at..... per cent of the purchase price per annum, payable in advance in equal monthly instalments, calculated from the date of possession to the date of transfer or vice versa, as the case may be.

7.

If registration takes place in the course of a month in respect of which rental has been paid the one party shall make a pro rata refund to the other party calculated on a daily basis.

8.

The Transferor undertakes to give possession of the site on or before.....irrespective of whether transfer is registered on that day or not.

9.

The Transferee acknowledges and confirms that he has inspected the site and that the Transferor shall not be liable for any defects to the site or improvements thereon, whether latent or not.

10.

The Transferee declares that he enters into the agreement on behalf of.....

*Delete if not applicable.

Aanhangsel G

AKTE VAN OOREENKOMS

Akte van ooreenkoms aangegaan tussen.....
....., No.....,
in sy hoedanigheid van *.....
van...../
die wettige houer van die reg van huurpag ten opsigte van die hierinbedoelde perseel*/eksekuteur/kurator van die boedel van .....,

en

.....
*No....., synde.....
(hieronder die Oordragnemer genoem), wat hierby bevestig dat *hy/.....
by wet bevoegd is om oordrag van bedoelde reg van huurpag te neem.

1.

Die Oordraggewer dra hierby oor aan die Oordragnemer wat die oordrag aanneem, sekere reg van huurpag ten opsigte van perseel (gee volle beskrywing).....
.....
in die distrik.....
soos gehou kragtens 'n Sertifikaat van Reg van Huurpag gedateer .....(hieronder die reg genoem).

2.

Die koopprys bedra die bedrag van R.....
(.....) betaalbaar deur die Oordragnemer by registrasie van die reg op naam van die Oordragnemer, vir die betaling waarvan die Oordragnemer onderneem om, by ondertekening van hierdie ooreenkoms, aan die Oordraggewer 'n vir die Oordraggewer aanvaarbare waarborg te oorhandig ter bevestiging dat die koopprys op die hierbogemelde geleentheid aan die Oordraggewer betaal sal word.

3.

Die Oordraggewer onderneem om alle vorderings, gelde of ander bedrae wat ten opsigte van die perseel betaalbaar is aan enige liggaam of instansie hoegenaamd, tot op die datum van oordrag van die reg, te betaal.

4.

Onderworpe daaraan dat die Oordragnemer voldoen aan al die verpligtinge wat hy by hierdie ooreenkoms onderneem om na te kom, verkry hy besit van die perseel ten opsigte waarvan die reg verleen is, op die datum van oordrag of sodanige ander datum as waarop in paragraaf 8 ooreengekom is en is hy vanaf daardie datum geregtig op enige voordele, as daar is, en aanspreeklik vir die betaling van enige vorderings, gelde of ander bedrae deur enige instansie hoegenaamd, ten opsigte van die perseel gehef.

5.

Die risiko verbonde aan die perseel en verbeterings daarop gaan op die Oordragnemer oor op die datum van oordrag of inbesitneming, watter datum ook al die vroegste is.

6.

Indien die Oordragnemer op 'n ander datum as die datum van oordrag besit van die perseel neem, betaal die Oordragnemer aan die Oordraggewer, ingeval hy vóór bedoelde datum besit neem, of betaal die Oordraggewer aan die Oordragnemer, ingeval hy ná bedoelde datum besit neem, 'n huurgeld bereken teen..... persent van die koopprys per jaar, vooruitbetaalbaar in gelyke maandelikse paaiemente, bereken vanaf die datum van besitneming tot die datum van oordrag of vice versa, na gelang van die geval.

7.

Indien registrasie plaasvind in die loop van 'n maand ten opsigte waarvan huurgeld betaal is, doen die een party aan die ander party 'n pro rata-terugbetaling bereken op 'n daaglikse basis.

8.

Die Oordraggewer onderneem om besit van die perseel te gee voor of op..... ongeag of oordrag op daardie datum geregistreer is al dan nie.

9.

Die Oordragnemer erken en bevestig dat hy die perseel geïnspekteer het en dat die Oordraggewer nie aanspreeklik is vir enige gebreke aan die perseel of verbeteringe daarop nie, hetsy dit verborge is of nie.

10.

Die Oordragnemer verklaar dat hy die ooreenkoms namens ..... aangaan.

*Skrap indien nie van toepassing nie.

*(d) obtained it from me.....
No....., by virtue of an exchange.

Signed.....
Capacity.....
Date.....
Attested by me.....
Capacity.....
Signature.....
Date.....

Registered on the..... day of.....
19.....

.....
Registrar

*Delete that which is not applicable.

Annexure J

ENDORSEMENT

RIGHT OF LEASEHOLD

The right of leasehold in respect of (description of site)
.....
.....
is transferred to the name of.....
*No.....

Registrar.....
Date.....
Seal

*Delete if not applicable.

Annexure K (1)

APPLICATION TO REGISTER BOND

Full name of applicant (in print).....
.....
*Identification No.....
*Residential address.....
.....
*Work/Business address.....
.....
Full description of site hypothecated.....
.....
I, the undersigned, hereby apply on behalf of *myself/
.....
for the registration of the attached mortgage bond and for that purpose I furnish the certificate issued in respect of the above-mentioned site (only if a certificate has already been issued in respect of the site) in favour of.....
.....

Signed.....
Date.....
Attested by me.....
Capacity.....
Signature.....
Date.....

Registered on the..... day of.....,
19.....

.....
Registrar

* Delete that which is not applicable.

Annexure K (2)

MORTGAGE BOND

I, the undersigned, ...,
No..... (hereinafter referred to as the mortgagor), do hereby declare that I am lawfully indebted and bound to.....
(hereinafter referred to as the mortgagee) in the amount of
.....
and.....
being the additional amount referred to in the conditions annexed, arising from and being.....
.....
and as security for the above, I hereby bind as a mortgage, subject to the conditions set out in the annexure to this bond, my right of leasehold in site.....
.....

*(d) dit van my.....
No..... uit hoofde van 'n verruiling verkry het.

Geteken.....
Hoedanigheid.....
Datum.....
Geattesteer deur my.....
Hoedanigheid.....
Handtekening.....
Datum.....

Geregistreer op die..... dag van.....
19.....

.....
Registrateur

* Skrap wat nie van toepassing is nie.

Aanhangsel J

ENDOSSEMENT

REG VAN HUURPAG

Die reg van huurpag ten opsigte van (beskrywing van perseel)
.....
.....
is oorgedra op naam van.....
..... *No.....

Registrateur.....
Datum.....
Seël

* Skrap indien nie van toepassing nie.

Aanhangsel K (1)

AANSOEK OM REGISTRASIE VAN VERBAND

Volle name van aansoeker (in drukskrif).....
.....
*Identifikasie No.....
*Woonadres.....
.....
*Werksadres/Besigheidsadres.....
.....
Volle beskrywing van die perseel wat verpand is.....
.....

Ek, die ondergetekende, doen hierby namens *myself/.....
.....
aansoek om die registrasie van die aangehegte verbandakte en vir dié doel verstrek ek die sertifikaat uitgereik ten opsigte van bogenoemde perseel (slegs indien daar reeds 'n sertifikaat ten opsigte van die perseel uitgereik is) ten gunste van.....
.....

Geteken.....
Datum.....
Geattesteer deur my.....
Hoedanigheid.....
Handtekening.....
Datum.....

Geregistreer op die..... dag van.....
19.....

.....
Registrateur

* Skrap wat nie van toepassing is nie.

Aanhangsel K (2)

VERBANDAKTE

Ek, die ondergetekende.....,
No..... (hieronder die verbandgewer genoem), verklaar hierby dat ek wettiglik verskuldig is aan en gebonde is teenoor.....
(hieronder die verbandnemer genoem) die bedrag van.....
..... en.....
synde die addisionele bedrag in die aangehegte voorwaardes genoem, ontstaande uit en synde.....
.....
en as sekuriteit vir bogenoemde verbind ek hierby as 'n verband behoudens die voorwaardes soos vermeld in die aanhangsel van hierdie verband, my reg van huurpag in perseel.....
.....

Annexure N

CONSENT

I, ..., in my capacity as....., and I, ..., in my capacity as....., hereby certify that..... being the holder of a bond registered on..... by the Registrar, ..., whereby (description of surveyed site)..... ..... was encumbered, has given consent to the said Registrar to register the renunciation, in favour of the attached bond, of the precedence enjoyed by the bond of which..... ..... is the holder.

Thus done and signed at....., on this..... day of....., 19.....

.....
Signature

Attested by me.....
Capacity.....
Signature.....
Date.....

Thus done and signed at....., this..... day of....., 19.....

.....
Signature

Attested by me.....
Capacity.....
Signature.....
Date.....

Registered on the..... day of..... 19.....

.....
Registrar

Annexure O

Folio.....

Name of residential area.....
No. of site..... Situated within the area of jurisdiction of the Commissioner.....
.....
Full names of certificate holder.....
.....
Identification No. (if any).....
Conditions subject to which the right of leasehold was granted
.....
.....
Purposes for which the site may be used.....
.....
Date of registration of right of leasehold.....
Particulars of each transaction, dealing or occurrence relating to the surveyed site.....
.....

Annexure P

RENUNCIATION OF RIGHT OF USUFRUCT

I, the undersigned, ..., being the registered holder of a usufruct over a right of leasehold in respect of site No....., situated in the residential area..... ....., held by..... under certificate No....., hereby renounce the right of usufruct which I enjoy over the said right of leasehold in favour of..... ..... or any other legal holder of the bond, for an amount of R..... (.....) and at the same time renounce all the advantages of the legal exceptions *ordinis seu excussionis et divisionis* declaring that I am fully conversant with the power and operation thereof.

Signed at....., on this..... day of....., 19.....

.....
Signature

Attested by me.....
Capacity.....
Signature.....
Date.....

Registered on the..... day of....., 19.....

.....
Registrar

Aanhangsel N

TOESTEMMING

Ek, ..., in my hoedanigheid van....., en ek, ..., in my hoedanigheid van....., sertifiseer hierby dat..... synde die houer van 'n verband wat op..... deur die Registrateur, ..., geregistreer is, waardeur (beskrywing van opgemete perseel) ..... beswaar is, toestemming verleen het aan genoemde Registrateur om die afstanddoening ten gunste van die aangehegte verband van die voorrang wat die verband geniet, waarvan..... ..... die houer is, te registreer.

Aldus gedoen en geteken te....., op hede die..... dag van..... 19.....

.....
Handtekening

Geattesteer deur my.....
Hoedanigheid.....
Handtekening.....
Datum.....

Aldus gedoen en geteken te....., op hede die..... dag van..... 19.....

.....
Handtekening

Geattesteer deur my.....
Hoedanigheid.....
Handtekening.....
Datum.....

Geregistreer op die..... dag van..... 19.....

.....
Registrateur

Aanhangsel O

Folio No.....

Naam van woongebied.....
No. van perseel..... Geleë binne regsgebied van die Kommissaris.....
.....
Volle name van sertifikaathouer.....
.....
Identifikasie No. (as daar is).....
Voorwaardes waaronder reg van huurpag toegeken is.....
.....
.....
Doeleindes waarvoor perseel gebruik kan word.....
.....
Datum van registrasie van reg van huurpag.....
Besonderhede van elke transaksie, handeling of gebeurtenis met betrekking tot die opgemete perseel.....
.....

Aanhangsel P

AFSTANDDOENING VAN VRUGGEBRUIK

Ek, die ondergetekende, ..., die geregistreerde houer van 'n vruggebruik oor die reg van huurpag ten opsigte van perseel No....., geleë in die woongebied....., gehou deur..... kragtens sertifikaat No....., doen hierby afstand van die reg van vruggebruik wat ek geniet oor bedoelde reg van huurpag ten gunste van..... ..... of enige ander wettige houer van die verband, vir 'n bedrag van R..... (.....) en doen terselfdertyd afstand van al die voordele van die regseksepsies *ordinis seu excussionis et divisionis,* met die krag en werking waarvan ek myself ten volle vertroud verklaar.

Geteken te....., op hede die..... dag van..... 19.....

.....
Handtekening

Geattesteer deur my.....
Hoedanigheid.....
Handtekening.....
Datum.....

Geregistreer op die..... dag van..... 19.....

.....
Registrateur

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REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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GOVERNMENT NOTICE

DEPARTMENT OF PLURAL RELATIONS AND DEVELOPMENT

No. R. 2471 15 December 1978

REGULATIONS GOVERNING THE GRANTING OF A RIGHT OF LEASEHOLD IN AN URBAN BLACK RESIDENTIAL AREA AND RELATED MATTERS

I, Wilhelm Laubscher Vosloo, Deputy Minister of Plural Relations and Development, do hereby, on behalf and by direction of the Minister of Plural Relations and Development, under the powers vested in him by section 38 (1) (kB) to (kN) of the Blacks (Urban Areas) Consolidation Act, 1945 (Act 25 of 1945), make the regulations in the accompanying Schedule.

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

SCHEDULE

Definitions

1. In these regulations, unless the context otherwise indicates, any expression to which a meaning has been assigned in the Act shall bear the meaning so assigned thereto, and—

"Act" means the Blacks (Urban Areas) Consolidation Act, 1945 (Act 25 of 1945);

"certificate holder" means the holder of a certificate issued under regulation 10 (2);

"community council" means a community council established under the Community Councils Act, 1977 (Act 125 of 1977);

"Deeds Office" means a deeds registry referred to in section 1 of the Deeds Registries Act, 1937 (Act 47 of 1937);

"general plan" means a plan of a residential area indicating the relative positions and dimensions of the streets, blocks, parks and sites situated within such residential area, signed by a land surveyor where such plan was drawn from a survey done by the land surveyor personally or under his personal supervision or where

GOEWERMENTSKENNISGEWING

DEPARTEMENT VAN PLURALE BETREKKINGE EN ONTWIKKELING

No. R. 2471 15 Desember 1978

REGULASIES BETREFFENDE DIE TOEKENNING VAN 'N REG VAN HUURPAG IN 'N STEDELIKE SWART WOONGEBIED EN VERWANTE AANGELEENTHEDE

Ek, Wilhelm Laubscher Vosloo, Adjunk-minister van Plurale Betrekkinge en Ontwikkeling, vaardig hierby namens en in opdrag van die Minister van Plurale Betrekkinge en Ontwikkeling, kragtens die bevoegdheid hom verleen by artikel 38 (1) (kB) tot (kN) van die Swartes (Stadsgebiede) Konsolidasiewet, 1945 (Wet 25 van 1945), die regulasies in bygaande Bylae uit.

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

BYLAE

Woordomskrywing

1. In hierdie regulasies, tensy uit die samehang anders blyk, het enige uitdrukking waaraan 'n betekenis in die Wet geheg is, daardie betekenis, en beteken—

"Akteskantoor" 'n registrasiekantoor bedoel in artikel 1 van die Registrasie van Aktes Wet, 1937 (Wet 47 van 1937);

"algemene plan" 'n plan van 'n woongebied wat die relatiewe ligging en afmetings van die strate, blokke, parke en persele binne sodanige woongebied geleë, aangee en wat onderteken is deur 'n landmeter waar sodanige plan opgestel is aan die hand van 'n opmeting wat deur die landmeter self of onder sy persoonlike toesig uitgevoer is, of waar sodanige plan saamgestel is aan die hand van gegewens wat verkry is uit opmetings wat deur 'n ander landmeter of landmeters uitgevoer is;

"gemeenskapsraad" 'n gemeenskapsraad kragtens die Wet op Gemeenskapsrade, 1977 (Wet 125 van 1977), ingestel;

(7) If any general plan comprises more than one sheet, all sheets shall be of the same size and a sheet classification by means of a key plan shall appear on every sheet.

(8) Unencumbered margins, not less than 50 millimetres wide, shall be left along the sides of every sheet of a general plan: Provided that, unless the Secretary permits otherwise in a specific instance, a margin of not less than 250 millimetres wide shall be left along the right-hand side of the title sheet.

(9) Only good quality black drawing ink shall be used in the framing of a general plan and the signature as referred to in the definition of "general plan" in regulation 1, shall be in black or blue-black ink of good quality.

(10) (a) The figure of a general plan shall be accurately plotted to one of the following scales: 1/1 000, 1/1 250, 1/1 500, 1/2 000, 1/2 500, 1/3 000, 1/4 000, 1/5 000, 1/6 000, 1/7 500, or to any of the said scales in which the denominator is multiplied or divided by 10 to any integral power: Provided that the size of the figure shall not be so small as to have an adverse effect on the legibility of the numbers.

(b) If beacons are in such close proximity to each other that their relative positions cannot be clearly shown on the general plan, they shall be represented in an inset at a larger scale oriented to the main figure.

(c) The scale to which the figure is plotted shall be recorded on the general plan below the figure and the scale of an inset shall be recorded on such inset.

(d) The plot of the figure shall agree with the data on the general plan within a limit of error of 1 millimetre.

(11) The directions of the boundary lines of contiguous properties shall be indicated by broken lines drawn from the points representing the common beacons, and the names and other descriptions of such contiguous properties shall be indicated in their respective positions.

(12) A general plan shall contain a clear and concise description of each beacon.

(13) (a) On any general plan, all numerical data shall be expressed in metres.

(b) To convert co-ordinates on the national survey system the following factors shall be used:

1 morgen=0,856 532 hectares.

1 South African geodetic foot=0,304 797 265 4 metres.

(c) To convert areas, the following factors shall be used:

1 morgen=0,856 532 hectares,

1 acre=0,404 686 hectares.

(14) When a survey has been based on trigonometrical stations or on reference marks, a reference to the system and constants by which the co-ordinates have been reduced, shall be recorded on the general plan and the constants shall conform with the constants used in the calculations.

(15) (a) Sides, angles, directions and areas given on any general plan shall be numerically consistent with the co-ordinates recorded thereon,

(7) Indien 'n algemene plan meer as een vel beslaan, moet al die velle ewe groot wees en 'n velindeling deur middel van 'n sleutelplan op elke vel verskyn.

(8) Skoon kantruimtes, minstens 50 millimeter wyd, word langs die kante van elke vel van 'n algemen plan gelaat: Met dien verstande dat, behalwe indien die Sekretaris in 'n bepaalde geval anders toelaat, 'n kantruimte minstens 250 millimeter wyd op die regterkant van die vel waarop die opskrif verskyn, gelaat word.

(9) Slegs swart tekenink van goeie kwaliteit word by die opstel van 'n algemene plan gebruik en die handtekening soos bedoel in die woordomskrywing van "algemene plan" in regulasie 1 word met swart of blouswart ink van goeie kwaliteit aangebring.

(10) (a) Die figuur van 'n algemene plan word akkuraat geteken volgens een van die volgende skale: 1/1 000, 1/1 250, 1/1 500, 1/2 000, 1/2 500, 1/3 000, 1/4 000, 1/5 000, 1/6 000, 1/7 500, of volgens enigeen van genoemde skale waarin die noemer met 10 vermenigvuldig of deur 10 gedeel word tot enige heeltalmag: Met dien verstande dat die grootte van die figuur nie so klein is dat die leesbaarheid van die syfers nadelig beïnvloed word nie.

(b) Indien bakens so na aan mekaar geleë is dat hulle relatiewe posisies nie duidelik op die algemene plan aangetoon kan word nie, word hulle op 'n groter skaal in 'n inlas, wat ten opsigte van die hooffiguur georiënteer is, aangetoon.

(c) Die skaal waarvolgens die figuur geteken is, word op die algemene plan onderkant die figuur vermeld en die skaal van 'n inlas word op die inlas vermeld.

(d) Die tekening van die figuur moet binne 'n foutgrens van 1 millimeter ooreenkom met die gegewens op die algemene plan.

(11) Die rigtings van die grenslyne van aangrensende eiendomme word aangedui deur gebroke lyne getrek van die punte wat die gemeenskaplike bakens voorstel, en die name en ander beskrywings van sodanige aangrensende eiendomme word in hulle onderskeie plekke aangegee.

(12) 'n Duidelike en bondige beskrywing van elke baken verskyn op 'n algemene plan.

(13) (a) Op 'n algemene plan word alle getalsgegewens in meter uitgedruk.

(b) Om koördinate op die nasionale opmetingstelsel om te sit, word die volgende faktore gebruik:

1 geodetiese Kaapse voet=0,314 855 575 16 meter.

1 Suid-Afrikaanse geodetiese voet=0,304 797 265 4 meter.

(c) Om groottes om te sit, word die volgende verhoudings gebruik:

1 morg=0,856 532 hektaar.

1 acre=0,404 686 hektaar.

(14) Wanneer 'n opmeting op peilbakens of verseke-ringsmerke gebaseer is, word 'n verwysing na die stelsel en konstantes waarmee die koördinate verminder is, op die algemene plan aangebring en stem die konstantes ooreen met die konstantes wat in die berekenwerk gebruik is.

(15) (a) Sye, hoeke, rigtings en groottes wat op 'n algemene plan aangegee word, moet numeriek bestaanbaar wees met die koördinate wat daarop aangegee word,

(ii) if the side is part of a boundary, determined in the course of a survey, and its length exceeds 2 000 metres, the direction of such side shall be expressed to single seconds;

(d) the co-ordinates of the reference marks which shall be tabulated.

(22) The following information shall be furnished in respect of the surveyed sites on the general plan:

(a) The co-ordinates, which shall be tabulated, of the corners of blocks of the surveyed sites or, in lieu thereof, the apices of truncated corners, unless adjacent blocks are of regular shape and several corners of blocks or apices are colinear, in which case the co-ordinates of only the terminals of the line are required: Provided that the co-ordinates of the corners of blocks of surveyed sites shall be expressed in metres to two decimal places;

(b) the length and direction of each side, which shall be recorded within the figure whenever it is feasible to do so: Provided that—

(i) it shall not be necessary to record such data on both sides of a common boundary;

(ii) if two or more surveyed sites in a single block abut on the same straight line, it shall be sufficient to record the direction of such line once only;

(iii) if the sides of two or more contiguous surveyed sites in a block are parallel, it shall be necessary only to record the directions of the first and last of such parallel sides;

(iv) the sides of surveyed sites shall be expressed in metres to two decimal places;

(v) the value of any direction of any side shall be recorded within the figure so as to represent the clockwise direction of such side, irrespective of the manner in which it is written;

(vi) if a change of direction is not visually obvious on the general plan, the point at which the change occurs shall be indicated by a single black circle;

(c) the area, which shall be tabulated consecutively for each surveyed site;

(d) the width of any street when uniform, which shall be recorded within the figure of such street;

(e) sufficient numerical data to connect the blocks with each other, and with the boundaries of the outside figure and such data shall be recorded in the figure of the plan;

(f) the number of each surveyed site, which shall be written within the figure.

(23) (a) If a residential area has been surveyed, the date of survey shall appear on the general plan and the general plan shall be signed under the relevant certificate referred to in subregulation (24).

(b) If two or more land surveyors executed the survey and the responsibility can be divided, each land surveyor shall sign the general plan under a separate relevant certificate referred to in subregulation (24), from which the extent of the responsibility of each shall be clearly evident.

(c) Each sheet of a general plan shall be signed by the land surveyor.

(ii) indien die sy deel uitmaak van 'n grens wat bepaal is tydens 'n opmeting en wat langer as 2 000 meter is, word die rigting van die sy tot enkele-sekondes uitgedruk;

(d) die koördinate van die versekeringsmerke wat getabuleer moet word.

(22) Die volgende inligting word ten opsigte van die opgemete persele op die algemene plan verstrek:

(a) Die koördinate, wat getabuleer moet word, van die blokhoeke van die opgemete persele of, in plaas daarvan, die toppunte van die afgestompte hoeke, tensy aanliggende blokke van reëlmatige vorm is en verskeie blokhoeke of toppunte op 'n reguit lyn is, en in dié geval word die koördinate van slegs die eindpunte van die lyn vereis: Met dien verstande dat die koördinate van die blokhoeke van opgemete persele tot twee desimale plekke van 'n meter uitgedruk word;

(b) die lengte en rigting van elke sy wat, indien doenlik, binne die figuur aangebring moet word: Met dien verstande dat—

(i) dit onnodig is om sodanige gegewens aan beide kante van 'n gemeenskaplike grens aan te bring;

(ii) indien twee of meer opgemete persele in een blok deur dieselfde reguit lyn begrens word, dit voldoende is om die rigting van sodanige lyn slegs een keer te verstrek;

(iii) indien die sye van twee of meer aangrensende opgemete persele in 'n blok parallel is, dit nodig is om slegs die rigtings van die eerste en laaste van sodanige parallelle sye aan te bring;

(iv) die sye van opgemete persele in meter tot twee desimale plekke uitgedruk word;

(v) die waarde van 'n rigting van 'n sy binne die figuur aangebring word op so 'n wyse dat dit die rigting regs om voorstel van sodanige sy, ongeag die manier waarop die rigting neergeskryf is;

(vi) indien 'n verandering van rigting nie op die algemene plan duidelik sigbaar is nie, die punt waar die verandering plaasvind, deur 'n enkele swart sirkel aangedui word;

(c) die grootte, wat agtereenvolgens vir elke opgemete perseel getabuleer moet word;

(d) die wydte van 'n straat, indien reëlmatig, wat binne die figuur van die straat aangebring moet word;

(e) voldoende getalsgegewens om die blokke met met mekaar en met die grense van die buitefiguur te kan verbind, en sodanige gegewens word in die figuur van die plan aangebring;

(f) die nommer van elke opgemete perseel, wat binne die figuur geskryf word.

(23) (a) Indien 'n woongebied opgemeet is, verskyn die datum van die opmeting op die algemene plan en die algemene plan word onder die betrokke sertifikaat in subregulasie (24) bedoel, onderteken.

(b) Indien twee of meer landmeters die opmeting uitgevoer het en die verantwoordelikheid verdeel kan word, onderteken elke landmeter die algemene plan onder 'n aparte toepaslike sertifikaat in subregulasie (24) bedoel, waaruit die mate van verantwoordelikheid van elk duidelik blyk.

(c) Elke vel van 'n algemene plan word deur die landmeter onderteken,

broached, after such dispute has been settled in accordance with these regulations, the administration board shall, if the site has not previously been surveyed by a land surveyor, have it surveyed as pointed out or, if it has in fact previously been so surveyed, it shall cause a certificate to be issued by a land surveyor in order to identify the site on the basis of the general plan.

(3) The administration board shall forward to the Secretary as many copies as the Secretary may from time to time determine of the plan, signed by the land surveyor, on which appears the numerical data and area of the surveyed site or sites, or the certificate referred to in subregulation (2).

Settlement of disputes in connection with the position of beacons of surveyed sites

5. (1) After the demarcation of a surveyed site as contemplated in regulation 4, the administration board shall cause a notice, substantially in the form of Annexure A, to be served on the applicant, each certificate holder and the mortgagee (if any) of adjoining surveyed sites and the registered occupiers (if any) of each adjoining site, by either handing it personally to such applicant, certificate holder, mortgagee or occupier, as the case may be, or by affixing a copy thereof to a door of the dwelling of such applicant, certificate holder, or occupier, as the case may be, or, in the case of a mortgagee, by serving a copy thereof on him by registered post.

(2) If any such applicant, certificate holder, mortgagee or occupier objects to the position of a beacon in respect of the surveyed site concerned, he shall reduce such objection to writing and deliver it, within 21 days of the service or posting of the notice referred to in subregulation (1), together with a deposit amounting to R6, to the person at the office stated in the notice.

(3) The administration board shall forward the written objection referred to in subregulation (2) to the Commissioner who shall settle the dispute regarding the position of the beacon concerned.

(4) The Commissioner shall call upon a land surveyor to act as an assessor in the settlement of such dispute.

(5) The Commissioner shall inform the administration board and the person who objected to the position of the beacon concerned, in writing, that he is taking action in order to settle the dispute and shall inform them that they may furnish him with written representations in regard to such dispute, within 30 days of the date of his notice.

(6) The Commissioner may, if he deems it necessary, direct any person to furnish him with additional information before a given date or direct those concerned to be present at an investigation where he is to hear evidence in order to settle the dispute.

(7) If any person who has lodged an objection against the position of a beacon succeeds in his objection, the deposit referred to in subregulation (2) shall immediately be refunded to him and, if he is unsuccessful, it shall be paid into the State Revenue Fund.

(8) The Commissioner shall determine any objection on the basis of the general plan and on the basis of any land surveyor's plans referred to in regulation 4.

het, of indien 'n geskil aanhangig gemaak is nadat die geskil ooreenkomstig hierdie regulasies besleg is, laat die administrasieraad die betrokke perseel, indien dit nie voorheen deur 'n landmeter opgemeet is nie, soos aangedui, opmeet of indien dit wel voorheen aldus opgemeet is, laat hy 'n sertifikaat deur 'n landmeter uitreik ten einde die perseel aan die hand van die algemene plan te identifiseer.

(3) Die administrasieraad stuur soveel afskrifte as wat die Sekretaris van tyd tot tyd bepaal, van die plan onderteken deur die landmeter, waarop die getalsgegewens en grootte van die opgemete perseel of persele voorkom, of die sertifikaat in subregulasie (2) bedoel, aan die Sekretaris.

Beslegting van geskille in verband met die ligging van bakens van opgemete persele

5. (1) Na die afbakening van 'n opgemete perseel soos in regulasie 4 bedoel, laat die administrasieraad 'n kennisgewing, wesenlik in die vorm van Aanhangsel A, aan die aansoeker, elke sertifikaathouer en verbandhouer (as daar is) van aangrensende opgemete persele en die geregistreerde bewoners (as daar is) van elke aangrensende perseel beteken deur dit òf persoonlik aan sodanige aansoeker, sertifikaathouer, verbandhouer of bewoner, na gelang van die geval, te oorhandig, òf 'n afskrif daarvan aan 'n deur van die woning van sodanige aansoeker, sertifikaathouer of bewoner, na gelang van die geval, te heg of, in die geval van 'n verbandhouer, deur 'n afskrif daarvan deur middel van geregistreerde pos aan hom te beteken.

(2) Indien enige sodanige aansoeker, sertifikaathouer, verbandhouer of bewoner beswaar het teen die ligging van 'n baken ten opsigte van die betrokke opgemete perseel, stel hy sodanige beswaar op skrif en lewer hy dit binne 21 dae na betekening of die pos van die kennisgewing in subregulasie (1) bedoel, vergesel van 'n deposito ten bedrae van R6, aan die persoon by die kantoor in die kennisgewing vermeld.

(3) Die administrasieraad stuur die skriftelike beswaar in subregulasie (2) bedoel aan die Kommissaris wat die geskil in verband met die ligging van die betrokke baken besleg.

(4) Die Kommissaris roep, by die beslegting van sodanige geskil, 'n landmeter in om as assessor op te tree.

(5) Die Kommissaris stel die administrasieraad en die persoon wat beswaar gemaak het teen die ligging van die betrokke baken, skriftelik in kennis dat hy optree om die geskil te besleg, en stel hulle in kennis dat hulle skriftelike vertoë in verband met sodanige geskil binne 30 dae vanaf die datum van sy kennisgewing aan hom kan lewer.

(6) Die Kommissaris kan, indien hy dit nodig ag, enige persoon aansê om voor 'n bepaalde datum verdere inligting aan hom te verstrek of die betrokkenes aansê om teenwoordig te wees by 'n ondersoek waarby hy getuienis aanhoor, ten einde 'n geskil te besleg.

(7) Indien 'n persoon wat beswaar aangeteken het teen die ligging van 'n baken, in sy beswaar suksesvol is, word die deposito in subregulasie (2) vermeld, onverwyld aan hom terugbetaal en indien hy onsuksesvol is, word dit in die Staatsinkomstefonds inbetaal.

(8) Die Kommissaris beslis enige beswaar aan die hand van die algemene plan en enige landmetersplanne bedoel in regulasie 4.

(3) If the administration board is unable to grant a right of leasehold to an applicant in terms of regulation 8, the full amount of the deposit referred to in subregulation (2) shall be refunded to the applicant.

(4) If the administration board is able to grant a right of leasehold to the applicant in terms of regulation 8, any balance of the deposit referred to in subregulation (2) shall be refunded to the applicant after the land surveyor has been compensated for his necessary services.

Granting of a right of leasehold

8. (1) An administration board to which an application for a right of leasehold has been submitted shall consider the application and may, subject to the provisions of the Act and these regulations, grant to the qualified person mentioned in the application, a right of leasehold in respect of the surveyed site concerned if—

(a) the surveyed site in respect of which application is made is available for allocation to the applicant; and

(b) the applicant, other than an applicant who is an association, is, according to records kept by the administration board concerned, a qualified person.

(2) A right of leasehold in respect of a surveyed site for residential purposes shall not be granted to more than one qualified person.

(3) After an administration board and an applicant have come to an agreement in respect of the granting of a right of leasehold to the applicant, the administration board shall issue a document entitled a Provisional Grant of a Right of Leasehold, substantially in the form of Annexure C, in favour of the applicant.

(4) Subject to the provisions of regulation 10, a Provisional Grant of a Right of Leasehold shall lapse 150 days after the date of issue thereof or after such further period as is endorsed thereon by the administration board if the holder has not submitted the prescribed documents for the registration of the right to the registrar concerned within the period of validity thereof.

Calculation of amount payable in respect of a right of leasehold and improvements and the manner of payment

9. (1) An administration board shall determine the amount payable in respect of the right of leasehold in accordance with the following formula:

(a) If the surveyed site is granted for residential purposes—

(i) the amount determined by the Minister, after consultation with the administration board concerned, in respect of a particular residential area for the use of the land during the duration of the right of leasehold; and

(ii) one-half of the amount calculated on the basis of the sum of the actual costs of the provision of services, such as water, sanitation, roads and electricity, to the site and the cost of replacement of such services, on the date on which the administration board grants the right of leasehold;

(b) if the surveyed site is granted for the purposes of conducting on such site any profession or business—

(i) the amount determined in accordance with paragraph (a) (i) multiplied by 10; and

(3) Indien die administrasieraad nie ingevolge regulasie 8 'n reg van huurpag aan die aansoeker kan toeken nie, word die volle bedrag van die deposito bedoel in subregulasie (2) aan die aansoeker terugbetaal.

(4) Indien die administrasieraad ingevolge regulasie 8 'n reg van huurpag aan die aansoeker kan toeken, word enige saldo van die deposito bedoel in subregulasie (2), nadat die landmeter vir sy noodsaaklike dienste vergoed is, aan die aansoeker terugbetaal.

Toekenning van 'n reg van huurpag

8. (1) 'n Administrasieraad aan wie aansoek om 'n reg van huurpag gedoen is, oorweeg die aansoek en kan, behoudens die bepalings van die Wet en hierdie regulasies, aan die bevoegde persoon in die aansoek vermeld, 'n reg van huurpag ten opsigte van die betrokke opgemete perseel toeken indien—

(a) die opgemete perseel waarom aansoek gedoen is, beskikbaar is vir toekenning aan die aansoeker; en

(b) die aansoeker, uitgesonderd 'n aansoeker wat 'n vereniging is, volgens rekords wat deur sodanige administrasieraad bygehou word, 'n bevoegde persoon is.

(2) 'n Reg van huurpag ten opsigte van 'n opgemete perseel vir woondoeleindes word nie aan meer as een bevoegde persoon toegeken nie.

(3) Nadat 'n administrasieraad en 'n aansoeker ooreengekom het met betrekking tot die toekenning van 'n reg van huurpag aan die aansoeker, reik die administrasieraad 'n dokument, getiteld 'n Voorlopige Toekenning van 'n Reg van Huurpag, wesenlik in die vorm van Aanhangsel C, ten gunste van die aansoeker uit.

(4) Behoudens die bepalings van regulasie 10, verstryk 'n Voorlopige Toekenning van 'n Reg van Huurpag 150 dae na die datum van uitreiking daarvan of na die verdere tydperk deur die administrasieraad daarop geëndosseer indien die houer nie die voorgeskrewe dokumente vir die registrasie van die reg by die betrokke registrateur binne die tydperk van geldigheid daarvan ingedien het nie.

Berekening van die bedrag betaalbaar ten opsigte van 'n reg van huurpag en die verbeterings en die wyse van betaling

9. (1) 'n Administrasieraad bepaal die bedrag betaalbaar ten opsigte van die reg van huurpag volgens die volgende formule:

(a) Indien die opgemete perseel vir woondoeleindes toegeken word—

(i) die bedrag vir die gebruik van die grond tydens die duur van die reg van huurpag wat die Minister, in oorleg met die betrokke administrasieraad, van tyd tot tyd met betrekking tot 'n bepaalde woongebied of deel van 'n woongebied bepaal; en

(ii) een helfte van 'n bedrag bereken op die basis van die som van die werklike koste van die verskaffing van dienste soos water, riool, paaie en elektrisiteit aan die perseel en die vervangingskoste van sodanige dienste op die datum waarop die administrasieraad die reg van huurpag toeken;

(b) indien die opgemete perseel vir die doeleindes van die bedryf daarop van 'n beroep of saak toegeken word—

(i) die bedrag bepaal ooreenkomstig paragraaf (a) (i) vermenigvuldig met 10; en

the existing physical boundaries of the surveyed site are within 300 millimetres of the boundaries indicated on the general plan relative to the nearest sites; and

(e) proof that satisfactory arrangements have been made for the payment of the amount due in respect of the right of leasehold in and the improvements (if any) on the site concerned.

(2) If the registrar is satisfied that the documents are in order, he shall register the right of leasehold by making the relevant entries in the register and shall issue a certificate in duplicate, substantially in the form of Annexure E, in the name of the certificate holder and the administration board shall be deemed to have granted the right of leasehold on that date.

(3) The registrar shall sign and date the certificate and place his seal on each page thereof.

(4) The registrar shall file one copy of the certificate and the documents referred in subregulation (1) and forward the original certificate to the certificate holder.

(5) If the registrar is of the opinion that the documents are not in order, he shall inform the applicant of their shortcomings and request him to submit the necessary corrected documents within 60 days of the date of issue of such notice or such extended period as he may allow.

(6) If the registrar has allowed any extended period under subregulation (5) he shall inform the administration board accordingly.

(7) If the applicant fails to submit the corrected documents to the registrar concerned within the period or extended period contemplated in subregulation (5), the Provisional Grant of a Right of Leasehold shall lapse on the expiration of such period or extended period.

Conditions to which the grant of a right of leasehold is subject

11. (1) The granting of a right of leasehold shall, in addition to the conditions specifically endorsed on the Provisional Grant of a Right of Leasehold in accordance with the approval of the Minister, be subject to the following conditions:

(a) The surveyed site may be used only for the purpose for which such right of leasehold was granted;

(b) in addition to a nominal rental of R1 per annum payable to the administration board concerned, the certificate holder shall pay to the administration board and the community council conerned the charges and other moneys that are payable in terms of any law by any person to whom a site permit has been issued in terms of the regulations promulgated by Government Notice R. 1036 of 1968, to such administration board and community council, with effect from the date of registration of the right of leasehold; and

(c) possession of the surveyed site is deemed to have been taken by the certificate holder on the date on which the right of leasehold in respect of that site is registered in the registration office concerned and from such date he shall bear all the risks in respect of the improvements on the surveyed site and shall be responsible for the maintenance of such improvements.

(2) A right of leasehold shall not be cancelled merely on the ground that the charges and moneys referred to in subregulation (1) (b) have not been paid.

uitgereik, ten effekte dat die opgemete perseel se bestaande fisiese grense binne 300 millimeter van die grense, soos op die algemene plan aangedui is, relatief tot die naaste persele; en

(e) 'n bewys dat bevredigende reëlings getref is vir die betaling van die bedrag betaalbaar ten opsigte van die reg van huurpag in en die verbeterings (as daar is) op die betrokke perseel.

(2) Indien die registrateur daarvan oortuig is dat die dokumente in orde is, registreer hy die reg van huurpag deur die tersaaklike inskrywings te maak in die register en reik hy 'n sertifikaat, wesenlik in die vorm van Aanhangsel E, op naam van die sertifikaathouer, in tweevoud uit, en die administrasieraad word geag die reg van huurpag op daardie datum toe te geken het.

(3) Die registrateur onderteken en dateer die sertifikaat en plaas sy seël op elke bladsy daarvan.

(4) Die registrateur liasseer een afskrif van die sertifikaat en die dokumente vermeld in subregulasie (1), en versend die oorspronklike sertifikaat aan die sertifikaathouer.

(5) Indien die registrateur van oordeel is dat die dokumente nie in orde is nie, stel hy die aansoeker in kennis van die tekortkomings daarvan en versoek hy hom om, binne 60 dae na die datum van uitreiking van sodanige kennisgewing, of sodanige langer tydperk as wat hy toelaat, die nodige verbeterde dokumente in te dien.

(6) Indien die registrateur ingevolg subregulasie (5) enige langer tydperk toegelaat het, verwittig hy die administrasieraad dienooreenkomstig.

(7) Indien die aansoeker nie die verbeterde dokumente binne die tydperk of verlengde tydperk in subregulasie (5) bedoel by die betrokke registrateur indien nie, verval die Voorlopige Toekenning van 'n Reg van Huurpag by verstryking van bedoelde tydperk of verlengde tydperk.

Voorwaardes waaraan die toekenning van 'n reg van huurpag onderworpe is

11. (1) Die toekenning van 'n reg van huurpag is, benewens die voorwaardes wat spesifiek op die Voorlopige Toekenning van 'n Reg van Huurpag ooreenkomstig die goedkeuring van die Minister geëndosseer is, aan die volgende voorwaardes onderworpe:

(a) Die opgemete perseel kan gebruik word slegs vir die doel waarvoor sodanige reg van huurpag toegeken is;

(b) benewens 'n nominale huurgeld van R1 per jaar wat aan die betrokke administrasieraad betaalbaar is, betaal die sertifikaathouer vanaf die datum van registrasie van die reg van huurpag aan die betrokke administrasieraad en die betrokke gemeenskapsraad die vorderings en ander gelde wat 'n persoon aan wie 'n perseelpermit kragtens die regulasies afgekondig by Goewermentskennisgewing R. 1036 van 1968 uitgereik is, ingevolge enige wet aan sodanige administrasieraad en gemeenskapsraad moet betaal; en

(c) besit van die opgemete perseel word geag op die datum waarop die reg van huurpag ten opsigte van daardie perseel in die betrokke registrasiekantoor geregistreer is, deur die sertifikaathouer geneem te gewees het en vanaf sodanige datum dra hy alle risiko's ten opsigte van die verbeterings op die opgemete perseel en is hy verantwoordelik vir die instandhouding van sodanige verbeterings.

(2) 'n Reg van huurpag word nie gekanselleer bloot op grond daarvan dat die vorderings en gelde bedoel in subregulasie (1) (b) nie betaal is nie.

Duties of registrar

13. In addition to the other functions assigned to him and the powers conferred upon him by the Act and these regulations—

(a) the registrar shall take charge of and keep all the records of the registration office in accordance with the instructions of the Secretary;

(b) the registrar shall examine all documents submitted to him and after examination reject any such document if the Act or these regulations do not permit the action required of him or to the performance of which any other valid objection exists;

(c) the registrar shall make such entries on certificates, deeds or other documents in connection with the registration thereof or in compliance with the provisions of some law or other, as may be necessary to give effect to that registration or to the objectives of that law;

(d) the registrar shall keep record of every notice, return, statement or order of any court lodged with him in terms of the provisions of some law or other;

(e) the registrar shall inform the administration board concerned of—

(i) the date of lodgement with him of an application for the registration of a right of leasehold;

(ii) the issue by him of a certificate;

(f) the registrar shall furnish the administration board concerned with full particulars in respect of—

(i) every transfer of a certificate;

(ii) the registration or cancellation of a mortgage bond;

(iii) the registration or cancellation of a cession of a mortgage bond;

(g) the registrar shall perform generally the duties with which he may, from time to time, be charged by the Secretary or which are necessary to give effect to the provisions of the Act and these regulations.

Powers of registrar

14. A registrar shall have the power—

(a) to require the production of proof upon affidavit or otherwise of any fact necessary to be established in connection with any matter or thing sought to be performed or effected in his registration office;

(b) whenever, in his opinion, it is necessary or desirable to rectify any error in the name or description of any person or surveyed site mentioned in any certificate, deed or other document registered or kept in his registration office or in the conditions regarding the right of leasehold in any such site: Provided that—

(i) every person appearing from the certificate, deed or other document to be interested in the rectification, has consented thereto in writing;

(ii) if any such person refuses to consent to the rectification such rectification may be made by an order of court;

(iii) if the error is common to two or more certificates, deeds or other documents, including any register in his registration office, the error shall be rectified in all those certificates, deeds or other documents;

(iv) no such rectification shall be made if it would have the effect of transferring any right unless it is made by an order of court;

Pligte van registrateur

13. Benewens die ander werksaamhede en bevoegdhede wat by die Wet en hierdie regulasies aan hom opgedra of verleen is—

(a) neem en bewaar die registrateur alle rekords van die registrasiekantoor ooreenkomstig die opdragte van die Sekretaris;

(b) ondersoek die registrateur alle dokumente aan hom voorgelê en na ondersoek wys hy so 'n dokument af indien die Wet of hierdie regulasies die handeling wat van hom verlang word, nie veroorloof nie of indien daar 'n ander geldige beswaar teen die handeling bestaan;

(c) maak die registrateur sodanige aantekenings op sertifikate, aktes of ander dokumente in verband met die registrasie daarvan of ter voldoening aan die bepalings van die een of ander wet, as wat nodig is om aan daardie registrasie of aan die oogmerke van daardie wet gevolg te gee;

(d) hou die registrateur rekord van elke kennisgewing, opgawe, staat of bevel van 'n hof wat ingevolge die een of ander wetsbepaling by hom ingedien is;

(e) stel die registrateur die betrokke administrasieraad in kennis van—

(i) die datum van die indiening by hom van 'n aansoek om die registrasie van 'n reg van huurpag; en

(ii) die uitreiking deur hom van 'n sertifikaat;

(f) voorsien die registrateur die betrokke administrasieraad van volle besonderhede ten opsigte van—

(i) elke oordrag van 'n sertifikaat;

(ii) die registrasie of rojering van 'n verbandakte;

(iii) die registrasie of rojering van 'n sessie van 'n verbandakte;

(g) verrig die registrateur in die algemeen die werksaamhede wat die Sekretaris van tyd tot tyd aan hom opdra of wat nodig is om gevolg te gee aan die bepalings van die Wet en hierdie regulasies.

Bevoegdhede van registrateur

14. 'n Registrateur is bevoeg om—

(a) lewering van bewys te vorder, by wyse van 'n beëdigde verklaring of andersins, van enige feit wat bewys moet word in verband met enige aangeleentheid of saak waarvan die verrigting of uitvoering in sy registrasiekantoor verlang word;

(b) wanneer dit na sy oordeel nodig of wenslik is om 'n fout, in die naam of beskrywing van 'n persoon of van 'n opgemete perseel vermeld in 'n sertifikaat, akte of ander dokument wat in sy registrasiekantoor geregistreer is, of bewaar word, of in die voorwaardes betreffende die reg van huurpag van iedere sodanige perseel, te verbeter: Met dien verstande dat—

(i) elkeen wat uit die sertifikaat, akte of ander dokument blyk by die verbetering belang te hê, skriftelik daartoe toegestem het;

(ii) as so iemand weier om tot die verbetering toe te stem, die verbetering aangebring kan word op bevel van die hof;

(iii) as die fout voorkom in twee of meer sertifikate, aktes of ander dokumente, met inbegrip van 'n register in sy registrasiekantoor, die fout in al daardie sertifikate, aktes of ander dokumente verbeter moet word;

(iv) so 'n verbetering, behalwe in die geval van 'n bevel van die hof, nie aangebring word nie as dit die oordrag van 'n reg tot gevolg sou hê;

or destruction of the certificate or mortgage bond he shall satisfy the registrar that all reasonable steps have been taken to recover it.

(e) If the registrar is satisfied that no valid reason exists for a refusal, he shall issue the required certified copy, on payment of an amount of R5.

(4) If an administration board or a community council has issued a document referred to or contemplated in section 6A or 6B of the Act or in these regulations, the person to whom such document has been issued may, on payment of an amount of R1 to such administration board or community council, as the case may be, apply for a certified copy of such document to serve in the place of the original document if it is lost, stolen, destroyed or has become illegible or unfit for use and if the administration board or community council is satisfied that the document concerned has in fact been lost, stolen, destroyed or has become illegible or unfit for use, it shall issue a certified copy of such document.

(5) (a) If a certified copy of a document referred to or contemplated in section 6A or 6B of the Act or in these regulations, is issued in terms of subregulation (3) or (4) to replace any document, the original document, if it still exists, shall become null and void.

(b) If a document that has so become null and void, comes into possession or custody of any person who is aware that a certified copy thereof has been issued to replace it, he shall forthwith deliver such document to the registrar, administration board or community council, as the case may be, that issued the certified copy concerned.

(c) If any document, in lieu of which a certified copy has been issued under this regulation, is subsequently recovered and returned to the registrar, administration board or community council that issued the certified copy, the registrar, administration board or community council concerned shall endorse thereon that it has become null and void.

(6) If a certified copy that has been issued to serve as an original document, is lost, stolen or destroyed or has become illegible or unfit for use, the registrar, administration board or community council concerned, may, subject to the provisions of this regulation, again issue a certified copy to serve in the place of the original document.

Rectification as a result of the amendment of general plan

16. If an amendment of a certificate becomes necessary as a result of the amendment of the general plan concerned, the registrar shall, on the written application of the certificate holder, accompanied by the certificate, each registered mortgage bond thereon and the written consent of the mortgagee, endorse on the certificate a description of the surveyed site in accordance with the rectified or amended general plan and that description shall then replace the description that already appears on the certificate or mortgage bond.

Surety by means of mortgage bond

17. (1) A mortgage bond may be registered to secure an existing or future debt or both existing and future debts.

(2) Mortgage bonds intended to secure loans for building purposes shall be deemed to be bonds to secure existing debts.

of verbandakte bevestig nie, hy die registrateur moet oortuig dat alle redelike stappe gedoen is om dit terug te vind.

(e) Indien die registrateur daarvan oortuig is dat geen geldige rede vir 'n weiering bestaan nie, reik hy by betaling van 'n bedrag van R5 die gevraagde gewaarmerkte afskrif uit.

(4) Indien 'n administrasieraad of 'n gemeenskapsraad 'n dokument in artikel 6A of 6B van die Wet of in hierdie regulasies bedoel of beoog, uitgereik het, kan die persoon aan wie sodanige dokument uitgereik is, by betaling van 'n bedrag van R1 aan sodanige administrasieraad of gemeenskapsraad, na gelang van die geval, aansoek doen om 'n gewaarmerkte afskrif van sodanige dokument om in die plek van die oorspronklike dokument te dien indien dit verlore geraak het of gesteel of vernietig is of onleesbaar of onbruikbaar geword het en indien die administrasieraad of gemeenskapsraad daarvan oortuig is dat die betrokke dokument wel verlore geraak het of gesteel of vernietig is of onleesbaar of onbruikbaar geword het, reik hy 'n gewaarmerkte afskrif van sodanige dokument uit.

(5) (a) Indien 'n gewaarmerkte afskrif van 'n dokument in artikel 6A of 6B van die Wet of in hierdie regulasies bedoel of beoog, ingevolge subregulasie (3) of (4) uitgereik word om 'n dokument te vervang, word die oorspronklike dokument, as dit nog bestaan, daarop van nul en gener waarde.

(b) Indien 'n dokument wat aldus van nul en gener waarde geword het, in die besit of bewaring kom van 'n persoon wat weet dat 'n gewaarmerkte afskrif daarvan uitgereik is om dit te vervang, lewer hy onverwyld sodanige dokument aan die registrateur, administrasieraad of gemeenskapsraad, na gelang van die geval, wat die betrokke gewaarmerkte afskrif uitgereik het.

(c) Indien enige dokument in die plek waarvan 'n gewaarmerkte afskrif kragtens die bepalings van hierdie regulasie uitgereik is, later teruggevind en aan die registrateur, administrasieraad of gemeenskapsraad wat die gewaarmerkte afskrif uitgereik het, terugbesorg word, teken die betrokke registrateur, administrasieraad of gemeenskapsraad daarop aan dat dit van nul en gener waarde geword het.

(6) Indien 'n gewaarmerkte afskrif wat uitgereik is om as 'n oorspronklike stuk te dien, verlore raak, gesteel of vernietig word of onleesbaar of onbruikbaar geword het, kan die betrokke registrateur, administrasieraad of gemeenskapsraad, behoudens die bepalings van hierdie regulasie, weer 'n gewaarmerkte afskrif uitreik om in die plek van die oorspronklike stuk te dien.

Verbetering as gevolg van wysiging van algemene plan

16. Indien 'n wysiging van 'n sertifikaat nodig word ten gevolge van die wysiging van die betrokke algemene plan, endosseer die registrateur op skriftelike aansoek van die sertifikaathouer, vergesel van die sertifikaat, elke geregistreerde verbandakte daarop en die skriftelike toestemming van die verbandhouer, op die sertifikaat 'n beskrywing van die opgemete perseel volgens die verbeterde of gewysigde algemene plan en daardie beskrywing vervang dan die beskrywing wat reeds op die sertifikaat of verbandakte voorkom.

Versekering deur verbandaktes

17. (1) 'n Verbandakte kan geregistreer word tot versekering van 'n bestaande skuld of van 'n toekomstige skuld of van bestaande sowel as toekomstige skulde.

(2) Verbandaktes wat bestem is om boulenings te verseker, word geag verbande tot versekering van bestaande skulde te wees.

(2) If the registrar is satisfied that the documents are in order, he shall register the cession of the mortgage bond by making an entry in the register to the effect that the mortgage bond has been ceded and he shall endorse the mortgage bond and the registration duplicate accordingly.

(3) After registration of the cession of a mortgage bond the duplicate original cession and the written consent referred to in subregulation (1) shall be filed with the registration duplicate of the mortgage bond.

(4) The cession and mortgage bond shall tereafter be delivered to the person who submitted the documents.

Cancellation of a cession of a mortgage bond

22. (1) A mortgagee who has ceded a mortgage bond as security shall submit the following documents to the registrar concerned for the cancellation of such cession:

(a) Written consent of the cessionary to the cancellation of the cession of the mortgage bond, substantially in the form of Annexure L;
(b) the mortgage bond and cession.

(2) If the registrar is satisfied that the documents are in order, he shall cancel the cession of the mortgage bond by making an entry in the register to the effect that the cession has been cancelled and he shall endorse the mortgage bond, cession and registration duplicate accordingly.

(3) After cancellation of the cession of a mortgage bond the written consent referred to in subregulation (1) shall be filed with the registration duplicate of the mortgage bond.

(4) The mortgage bond and cancelled cession shall thereafter be delivered to the person who submitted the documents.

Registration of agreement whereby conditions of a bond are amended

23. (1) If a mortgagee and a mortgagor enter into an agreement whereby the condtions of the bond are amended the mortgagee shall submit the following documents to the registrar concerned for the registration of the agreement:

(a) The attested original agreement and duplicate original thereof; and
(b) the mortgage bond concerned.

(2) If the registrar is satisfied that the documents are in order, he shall register the agreement by suitably endorsing the mortgage bond and the registration duplicate.

(3) On registration of an agreement referred to in subregulation (1) the original agreement shall be attached to the mortgage bond and the duplicate original shall be filed with the registration duplicate.

(4) The mortgage bond and original agreement shall thereafter be delivered to the person who submitted the documents.

Substitution of debtor in respect of bond

24. (1) If the holder (in this regulation referred to as the original holder) of a certificate which is hypothecated under a mortgage bond, not being a person referred to in paragraph (b) of the proviso to regulation 31, transfers to any other person the certificate hypothecated thereunder the registrar may substitute the qualified person taking transfer for the certificate holder as the debtor in respect of the bond: Provided that there is produced to him, in duplicate, the written consent, substantially in the form of Annexure M, of

(2) Indien die registrateur daarvan oortuig is dat die dokumente in order is, registreer hy die sessie van die verbandakte deur in die register 'n inskrywing te maak wat vermeld dat die verbandakte gesedeer is en hy endosseer die verbandakte en die registrasieduplikaat dienooreenkomstig.

(3) By registrasie van die sessie van 'n verbandakte word die duplikaat-oorspronklike sessie en die skriftelike toestemming in subregulasie (1) bedoel by die registrasieduplikaat van die verbandakte bewaar.

(4) Die sessie en die verbandakte word daarna aan die persoon wat die dokumente ingedien het, gelewer.

Rojering van sessie van verbandakte

22. (1) 'n Verbandhouer wat 'n verbandakte as sekuriteit gesedeer het, dien die volgende dokumente vir rojering van sodanige sessie by die betrokke registrateur in:

(a) Skriftelike toestemming, wesenlik in die vorm van Aanhangsel L, van die sessionaris tot die rojering van die sessie van die verbandakte; en
(b) die verbandakte en sessie.

(2) Indien die registrateur daarvan oortuig is dat die dokumente in orde is, rojeer hy die sessie van die verbandakte deur in die register 'n inskrywing te maak wat vermeld dat die sessie gerojeer is en hy endosseer die verbandakte, die sessie en die registrasieduplikate dienooreenkomstig.

(3) By rojering van die sessie van 'n verbandakte word die skriftelike toestemming in subregulasie (1) bedoel by die registrasieduplikaat van die verbandakte bewaar.

(4) Die verbandakte en gerojeerde sessie word daarna aan die persoon wat die dokumente ingedien het, gelewer.

Registrasie van ooreenkoms waardeur voorwaardes van verband gewysig word

23. (1) Indien 'n verbandhouer en 'n verbandgewer 'n ooreenkoms aangegaan het waardeur voorwaardes van die verband gewysig word, dien die verbandhouer die volgende dokumente vir die registrasie van die ooreenkoms by die betrokke registrateur in:

(a) Die geattesteerde oorspronklike ooreenkoms en die duplikaat-oorspronklike daarvan; en
(b) die betrokke verbandakte.

(2) Indien die registrateur daarvan oortuig is dat die dokumente in order is, registreer hy die ooreenkoms deur die verbandakte en die registrasieduplikaat toepaslik te endosseer.

(3) By registrasie van 'n ooreenkoms in subregulasie (1) bedoel, word die oorspronklike ooreenkoms aan die verbandakte geheg en die duplikaat-oorspronklike by die registrasieduplikaat van die verbandakte bewaar.

(4) Die verbandakte en die oorspronklike ooreenkoms word daarna aan die persoon wat die dokumente ingedien het, gelewer.

Substitusie van skuldenaar ten aansien van 'n verband

24. (1) Indien die houer (in hierdie regulasie die oorspronklike houer genoem) van 'n sertifikaat wat met 'n verband beswaar is, wat nie 'n persoon bedoel in paragraaf (b) van die voorbehoudsbepaling van regulasie 31 is nie, die daarmee beswaarde sertifikaat aan iemand anders oordra, kan die registrateur, ondanks die bepalings van regulasie 31, die oordrag registreer en die sertifikaathouer deur die bevoegde persoon wat oordrag neem vervang as skuldenaar ten aansien van die verband: Met dien verstande dat die skriftelike

(4) The mortgage bonds shall thereafter be delivered to the holder thereof.

Return by Master in connection with insolvent estates and further provisions relative to insolvent estates

26. (1) If it appears from the liquidation account of any estate which has been sequestrated or from the vouchers relating thereto that a payment has been made to any creditor on account of a bond, the Master shall notify the payment to the registrar who shall thereupon write off the amount thereof in the reigster, on the registration duplicate of the bond and also, if possible, on the original bond. (The holder of the bond shall deliver the bond to the Master, who shall forward it to the registrar in order that the amount paid may be written off thereon.)

(2) Except in cases where an insolvent certificate holder has been rehabilitated in pursuance of a composition made by him with his creditors, the Master shall from time to time transmit to the registrar a return specifying—

(a) the name and address of every certificate holder whose certificate is hypothecated and who has been rehabilitated after the sequestration of his estate; and

(b) full details of the certificate and bonds appearing in the schedules lodged with the Master by or on behalf of such certificate holder or in the liquidation account of his estate.

(3) After receipt of the return referred to in subregulation (2) and notwithstanding the provisions of regulation 20, the registrar shall cancel in the register all bonds registered therein against the certificate of the certificate holder concerned before the sequestration of his estate and the registrar shall cancel the registration duplicates of the mortgage bonds by endorsing them accordingly and shall endorse the registration duplicate of the certificate accordingly and, on submission of the mortgage bond or certificate to the registrar, those documents shall be so cancelled or endorsed by him, as the case may be, and thereafter delivered to the person who submitted them.

(4) The amount prescribed in regulation 37 (c) shall not be payable in respect of the cancellation of a mortgage bond in terms of this regulation.

(5) If any certificate mentioned in the return has not yet been transferred by the trustee, the registrar shall further note on the registration duplicate of the certificate and in the register that such certificate has vested in the trustee in terms of the Insolvency Act.

(6) A certificate which has vested in a trustee in accordance with the provisions of the Insolvency Act and which has not in terms of that Act been revested in the insolvent may, whether before or after rehabilitation of the insolvent, be transferred only by the trustee, and may not after such rehabilitation be transferred, mortgaged or otherwise dealt with by the insolvent until it has been transferred to him by the trustee: Provided that if, after rehabilitation, the trustee has been discharged or there is no trustee, the Master shall, if satisfied that the rehabilitated insolvent is entitled to the certificate, give him transfer thereof.

(7) If by virtue of the provisions of the Insolvency Act an insolvent has been re-invested with the ownership of any certificate, such certificate may not be transferred, mortgaged or otherwise dealt with by the insolvent until an endorsement that the certificate has been restored to him, has been made by the registrar on the certficate,

(4) Die verbandaktes word daarna aan die houer daarvan gelewer.

Opgawe deur Meester in verband met insolvente boedels en verdere bepalings omtrent insolvente boedels

26. (1) Indien dit uit die likwidasierekening van 'n boedel wat gesekwestreer is of uit die daarby behorende bewysstukke blyk dat 'n skuldeiser 'n betaling ontvang het op rekening van 'n verband, stel die Meester die registrateur in kennis van die betaling, en die registrateur skryf daarop die betaalde bedrag in die register af, op die registrasieduplikaat van die verbandakte en ook, indien moontlik, op die oorspronklike verbandakte (Die verbandhouer oorhandig die verbandakte aan die Meester, en hy lewer dit aan die registrateur, sodat die betaalde bedrag daarop afgeskryf kan word.)

(2) Behalwe in gevalle waar 'n insolvente sertifikaathouer gerehabiliteer is ten gevolge van 'n akkoord wat hy met sy skuldeisers aangegaan het, stuur die Meester van tyd tot tyd aan die registrateur 'n opgawe in waarin aangegee word—

(a) die naam en adres van elke sertifikaathouer wie se sertifikaat verpand is en wat gerehabiliteer is na die sekwestrasie van sy boedel; en

(b) volle besonderhede van die sertifikaat en verbande wat in die skedules wat deur of namens bedoelde sertifikaathouer by die Meester ingedien is of in die likwidasierekening van sy boedel vermeld word.

(3) Na ontvangs van die opgawe in subregulasie (2) bedoel en ondanks die bepalings- van regulasie 20, rojeer die registrateur in die register alle verbande wat daarin geregistreer is teen die sertifikaat van bedoelde sertifikaathouer voor die sekwestrasie van sy boedel, en die registrateur rojeer die registrasieduplikate van die verbandaktes deur dit dienooreenkomstig te endosseer en endosseer die registrasieduplikaat van die sertifikaat dienooreenkomstig, en by indiening van die verbandakte of sertifikaat aan die registrateur word dié dokumente deur hom aldus gerojeer of geëndosseer, na gelang van die geval, en daarna aan die persoon wat hul ingedien het, gelewer.

(4) Die bedrag in regulasie 37 (c) voorgeskryf, is nie betaalbaar ten opsigte van die rojering van 'n verbandakte kragtens hierdie regulasie nie.

(5) As 'n sertifikaat in die opgawe vermeld nog nie deur die kurator oorgedra is nie, teken die registrateur verder op die registrasieduplikaat van die sertifikaat en in die register aan dat daardie sertifikaat kragtens die Insolvensiewet op die kurator oorgegaan het.

(6) 'n Sertifikaat wat kragtens die bepalings van die Insolvensiewet op 'n kurator oorgegaan het en wat nie volgens daardie Wet aan die insolvente persoon teruggeval het nie, kan sowel voor as na rehabilitasie van die insolvent, alleen deur die kurator oorgedra word en die insolvent kan na sy rehabilitasie dit nie oordra, met verband beswaar of andersins daaroor beskik nie alvorens die kurator dit aan hom oorgedra het: Met dien verstande dat as, na die rehabilitasie, die kurator ontslaan is of daar geen kurator bestaan nie, die Meester die sertifikaat aan die gerehabiliteerde insolvent oordra as hy daarvan oortuig is dat die insolvent op die sertifikaat geregtig is.

(7) Indien die sertifikaat kragtens die bepalings van die Insolvensiewet aan 'n insolvent teruggeval het, kan die insolvent daardie sertifikaat nie oordra, met verband beswaar of andersins daaroor beskik nie alvorens die registrateur op die sertifikaat aangeteken het dat die sertifikaat aan die insolvent teruggegee is.

Description of surveyed site

32. The number of the surveyed site, the number of the relevant general plan, the name of the residential area and the area of the Chief Commissioner shall be stated in the description of any surveyed site in the register and in any document referred to or contemplated in section 6A or 6B of the Act or in these regulations.

Transfer from a body of persons consisting solely of Blacks

33. If a certificate or mortgage bond registered in the name of an association is acquired by any member of that body of persons in his individual capacity, the consent referred to in regulation 12 or 21, as the case may be, shall be signed by all the persons comprising that body: Provided that, if the association is a company, such consent shall be signed by all the directors of that company.

Transfer to children

34. (1) If a bond or right of leashold granted in respect of a surveyed site for residential purposes is donated or bequeathed to a child to be born or is otherwise acquired on behalf of such child or a bond or a right of leasehold granted in respect of a surveyed site for the purposes of conducting thereon any profession or business is donated or bequeathed to a child or children born or to be born or is otherwise acquired on behalf of that child or those children, transfer of the certificate or cession of the bond shall be passed in trust for that child or those children to the person who would be the guardian of the unborn child or children during their minority.

(2) If any right of leasehold or any bond is donated to a child or children to be born, the person to whom transfer or cession may be passed under subregulation (1), may accept the donation for the purposes of such transfer or cession.

(3) When the identity of such child or all such children has been established the person to whom transfer or cession has been passed under subregulation (1) shall furnish the registrar with the full names of such child or children and the registrar shall make an endorsement on the certificate or bond, as the case may be, in which their names are mentioned and, notwithstanding the provisions of regulation 36 (3), the certificate or bond concerned shall then be deemed to have been made out to and in favour of that child or those children as if the transfer or cession were originally passed in his or their names, as the case may be.

Transfer from joint estate

35. In an application for the registration of the transfer of a certificate that is an asset in a joint estate the surviving spouse shall be joined in his personal capacity with the executor of the estate of the deceased spouse, except—

(a) where the executor is only dealing with the share of the deceased spouse;

(b) where the certificate has been sold to pay the debts of the joint estate;

(c) where there has been a massing of the joint estate and the surviving spouse has adiated;

(d) where such application for transfer is in favour of the surviving spouse; or

Beskrywing van opgemete perseel

32. By die beskrywing van 'n opgemete perseel in die register en in 'n dokument in artikel 6A of 6B van die Wet of in hierdie regulasies bedoel of beoog, word die nommer van die opgemete perseel, die nommer van die betrokke algemene plan, die naam van die woongebied en die gebied van die betrokke Hoofkommissaris waarin dit geleë is, aangehaal.

Oordrag vanaf 'n liggaam van persone wat slegs uit Swartes bestaan

33. Indien 'n sertifikaat of verbandakte wat op naam van 'n vereniging geregistreer staan, deur 'n lid van daardie liggaam van persone in sy indiwiduele hoedanigheid verkry word, word die toestemming in regulasie 12 of 21, na gelang van die geval, bedoel, deur al die persone wat daardie liggaam uitmaak, onderteken: Met dien verstande dat indien die vereniging 'n maatskappy is, bedoelde toestemming deur al die direkteure van daardie maatskappy onderteken word.

Oordrag aan kinders

34. (1) Indien 'n verband of 'n reg van huurpag toegeken ten opsigte van 'n opgemete perseel vir woondoeleindes aan 'n kind wat nog gebore moet word, of 'n verband of reg van huurpag toegeken ten opsigte van 'n opgemete perseel vir die doeleindes van die bedryf daarop van 'n beroep of saak aan 'n kind of kinders wat reeds gebore is of wat nog gebore moet word, geskenk of nagelaat is of op 'n ander manier ten behoewe van daardie kind of kinders verkry word, kan oordrag van die sertifikaat of sessie van die verband aan die persoon wat die voog van die ongebore kind of kinders gedurende hul minderjarigheid sou wees, gepasseer word in trust vir daardie kind of kinders.

(2) Indien 'n reg van huurpag of 'n verband aan 'n kind of kinders wat nog gebore moet word, geskenk is, kan die persoon aan wie oordrag of sessie kragtens subregulasie (1) gepasseer kan word, die skenking vir die doeleindes van bedoelde oordrag of sessie aanneem.

(3) Wanneer die identiteit van sodanige kind of alle sodanige kinders vasgestel is, voorsien die persoon aan wie oordrag of sessie kragtens subregulasie (1) gepasseer is, die registrateur van die volle name van sodanige kind of kinders en die registrateur bring 'n endossement aan op die sertifikaat of verband, na gelang van die geval, waarin hul name vermeld word, en ondanks die bepalings van regulasie 36 (3), word die betrokke sertifikaat of verband dan geag aan en ten gunste van daardie kind of kinders uitgemaak te gewees het, asof die oordrag of sessie oorspronklik op naam van daardie kind of kinders, na gelang van die geval, gepasseer was.

Oordrag uit gemeenskaplike boedel

35. In 'n aansoek om die registrasie van die oordrag van 'n sertifikaat wat 'n bate is in 'n gemeenskaplike boedel word die langslewende eggenoot in sy persoonlike hoedanigheid by die eksekuteur van die boedel van die oorlede eggenoot gevoeg, behalwe—

(a) waar die eksekuteur slegs met die oorlede eggenoot se aandeel handel;

(b) waar die sertifikaat verkoop is om die skulde van die gemeenskaplike boedel te vereffen;

(c) waar die gemeenskaplike boedel gekonsolideer is en die langslewende eggenoot geadieer het;

(d) waar bedoelde aansoek om oordrag ten gunste van die langslewende eggenoot is; of

(e) cancel the cession of a mortgage bond;

(f) register any agreement whereby the conditions of a mortgage bond are amended; and

(g) register the renunciation of precedence in respect of a registered bond in favour of any other bond.

Examination of documents

38. (1) A registrar shall permit any member of the public to inspect the public registers and other public documents in his registration office and to make copies of those documents or extracts from those registers against payment of a fee of R2: Provided that no such amount shall be payable in respect of any search or inspection in any registration office—

(a) by any conveyancer in connection with any action in terms of these regulations with which he has been charged;

(b) by any land surveyor in connection with any survey with which he has been charged;

(c) by any sheriff or messenger of the court or his deputy in connection with the execution of his duties as such.

(2) Where access to a strong room or office in any registration office by any member of the public for the purpose of conducting any search is permitted, a registrar shall have the power to regulate the hours during which such access may be allowed and he shall have the power to refuse admission to any member of the public without furnishing any reason.

(3) Where access is permitted to a strong room or office which in the normal course of events is not open to the public, any attorney, notary public, conveyancer, land surveyor, sheriff, messenger of the court or such of their clerks as have received the approval of the registrar, may inspect the public registers and other public documents, but other members of the public shall not be permitted such inspection unless under the personal supervision of a responsible officer.

Period within which a mortgage who has purchased a right of leasehold may sell or lease such right

39. Where a mortgagee has purchased a right of leasehold in terms of section 6A (6) (a) of the Act he may, subject to the provisions of the Act and these regulations, sell or lease it to a qualified person during a period not exceeding 12 months, calculated from the date on which he purchased such right.

Subletting of surveyed sites and leasing of improvements thereon

40. (1) The holder of a right of leasehold in respect of a surveyed site granted for residential purposes may, with the prior written consent of the administration board, sublet such surveyed site and lease the improvements thereon only to a qualified person, excluding an association, and for residential purposes only.

(2) The holder of a right of leasehold in respect of a surveyed site granted for the purposes of the conducting of any profession or business thereon may, with the prior written consent of the administration board, sublet such surveyed site and lease the improvements thereon to a qualified person only and for such purposes only.

(e) die sessie van 'n verbandakte te rojeer;

(f) 'n ooreenkoms waardeur voorwaardes van 'n verband gewysig word, te registreer; en

(g) die afstanddoening van voorrang ten aansien van 'n geregistreerde verband ten gunste van 'n ander verband te registreer.

Ondersoek van dokumente

38. (1) 'n Registrateur laat 'n lid van die publiek toe om die publieke registers en ander publieke dokumente in sy registrasiekantoor in te sien en afskrifte van daardie dokumente of uittreksels uit daardie registers te maak teen betaling van die bedrag van R2: Met dien verstande dat geen sodanige bedrag betaalbaar is nie ten opsigte van enige nasporing of insae in 'n registrasiekantoor—

(a) deur 'n transportbesorger in verband met 'n handeling ingevolge hierdie regulasies, wat aan hom opgedra is;

(b) deur 'n landmeter in verband met 'n opmeting wat aan hom opgedra is;

(c) deur 'n balju of geregsbode of sy plaasvervanger in verband met die verrigting van sy werksaamhede as sodanig.

(2) Waar daar in 'n registrasiekantoor 'n lid van die publiek tot 'n brandkamer of kantoor toegelaat word met die doel om 'n nasporing te doen, is die registrateur bevoeg om te reël gedurende watter ure sodanige toegang veroorloof is en kan hy enige lid van die publiek toegang weier sonder opgaaf van redes.

(3) Waar toegang tot 'n brandkamer of kantoor wat nie in die normale loop van sake vir die publiek toeganklik is nie, vergun word, kan 'n prokureur, notaris, transportbesorger, landmeter, balju of geregsbode of sodanige van hulle klerke as wat toestemming van die registrateur ontvang het, insae hê in die publieke registers en ander publieke dokumente, maar ander lede van die publiek word nie veroorloof om aldus insae te hê nie tensy dit onder die persoonlike toesig van 'n verantwoordelike beampte geskied.

Tydperk waartydens 'n verbandhouer wat 'n reg van huurpag gekoop het, sodanige reg kan verkoop of verhuur

39. Waar 'n verbandhouer 'n reg van huurpag ingevolge artikel 6A (6) (a) van die Wet koop, kan hy, behoudens die bepalings van die Wet en hierdie regulasies, dit gedurende 'n tydperk van hoogstens 12 maande, bereken vanaf die datum waarop hy sodanige reg gekoop het, aan 'n bevoegde persoon verkoop of verhuur.

Onderverhuring van opgemete persele en verhuring van verbeterings daarop

40. (1) Die houer van 'n reg van huurpag ten opsigte van 'n opgemete perseel wat vir woondoeleindes toegeken is, kan, met die voorafverkreë skriftelike toestemming van die administrasieraad, sodanige opgemete perseel onderverhuur en verbeterings daarop verhuur slegs aan 'n bevoegde persoon, uitgesluit 'n vereniging, en slegs vir woondoeleindes.

(2) Die houer van 'n reg van huurpag ten opsigte van 'n opgemete perseel wat vir die doeleindes van die bedryf van 'n beroep of saak daarop toegeken is, kan, met die voorafverkreë skriftelike toestemming van die administrasieraad, sodanige opgemete perseel onderverhuur en verbeterings daarop verhuur slegs aan 'n bevoegde persoon en slegs vir sodanige doeleindes.

document lodged for attestation, execution or registration or for any other purpose is faint or not suitable to secure durability, he may decline to attest, execute, register or accept it, as the case may be.

(6) (a) Deeds, certificates and other documents shall contain the full names, identification number and date of birth (or estimated age) of the persons named therein, except such persons who are acting in or are appointed to act in a representative capacity: Provided that the provisions of this subregulation may be relaxed by the registrar in his discretion in special circumstances.

(b) Deeds, certificates and other documents not executed in one of the official languages of the Republic may, at the discretion of the registrar, be accepted for registration or record if a translation thereof is duly certified by any person competent to do so.

(7) (a) Every deed and document executed in or lodged for registration or record in a registration office shall disclose the date and place of execution thereof.

(b) In addition to the documents which are required to be attested by virtue of the provisions of these regulations every deed, bond, certificate, agreement or other document which purports to grant authority to the passing, transfer, amendment, cancellation, renunciation or substitution of registered rights or obligations shall be attested by a Commissioner, registrar, conveyancer or notary public who shall be properly described as such: Provided that the attestation of such documents by the said persons may be effected at any time after the signing thereof if it is certified on the deed, certificate, document or agreement concerned that the Commissioner, registrar, conveyancer or notary public satisfied himself of the identity of the signatory: Provided further that a conveyancer shall not attest any document, certificate, application or agreement unless he personally handles the complete transaction.

(8) When any document is attested in terms of subregulation (7), the person who so attests shall take reasonable steps to satisfy himself that the signatory has the necessary power and authority to sign the documents concerned: Provided that in the execution of his powers the person so attesting shall be entitled to take into account the fact that the registrar shall also examine his records to confirm the power and authority of the signatory of the document concerned.

46. (1) Any document lodged for registration shall be deemed to be registered upon the affixing of the registrar's signature thereto or, when the registration office's endorsement in respect of the registration thereof is signed: Provided that no such document which is one of a batch of interdependent documents intended for registration together shall be deemed to be registered until all the documents of the batch or the endorsements in respect of the registration thereof, as the case may be, have been signed by the registrar.

(2) If by inadvertence the registrar's signature has not been affixed to a document or to the registration endorsement in respect of the registraton of a document lodged for registration, at the time at which the

dokument wat vir attestasie, verlyding of registrasie of vir enige ander doel aangebied word, onduidelik is of nie geskik is om duursaamheid te verseker nie, kan hy weier om dit te attesteer, te verly, te registreer of aan te neem, na gelang van die geval.

(6) (a) Aktes, sertifikate en ander dokumente moet die volle name, identifikasienommer en geboortedatum (of geskatte ouderdom) van die persone wat daarin genoem word, bevat, met uitsondering van sodanige persone as wat in 'n verteenwoordigende hoedanigheid optree of benoem word om as sodanige op te tree: Met dien verstande dat die bepalings van hierdie subregulasie in spesiale omstandighede na goeddunke deur die registrateur verslap kan word.

(b) Aktes, sertifikate en ander dokumente wat nie in een van die amptelike tale van die Republiek verly is nie, kan, na goeddunke van die registrateur, vir registrasie of aantekening aangeneem word indien 'n vertaling daarvan behoorlik gewaarmerk is deur 'n persoon wat bevoegd is om dit te doen.

(7) (a) Elke akte en dokument wat in 'n registrasiekantoor verly of vir registrasie of aantekening aangebied word, vermeld die plek en datum van verlyding daarvan.

(b) Benewens die dokumente wat ooreenkomstig die bepalings van hierdie regulasies geattesteer moet word, word elke akte, verband, sertifikaat, ooreenkoms of ander dokument wat heet magtiging te verleen to passering, oordrag, wysiging, rojering, afstanddoening of substitusie van geregistreerde regte of verpligtinge, deur 'n Kommissaris, registrateur, transportbesorger of notaris, wat behoorlik as sodanig geskryf word, geattesteer: Met dien verstande dat die attestasie van sodanige dokumente deur genoemde persone te eniger tyd na die ondertekening daarvan bewerkstellig kan word, indien op die betrokke akte, sertifikaat, dokument of ooreenkoms gesertifiseer word dat die Kommissaris, registrateur, transportbesorger of notaris vergewis het van die identiteit van die ondertekenaar: Met dien verstande voorts dat 'n transportbesorger geen dokument, sertifikaat, aansoek of ooreenkoms attesteer nie tensy hy self die transaksie ten volle behartig.

(8) Wanneer enige dokument ingevolge subregulasie (7) geattesteer word, doen die persoon wat aldus attesteer, redelike stappe om hom daarvan te vergewis dat die ondertekenaar die nodige bevoegdheid en magtiging het om die betrokke dokumente te onderteken: Met dien verstande dat by die uitoefening van sy bevoegdheid die persoon wat aldus attesteer, geregtig is om in ag te neem dat die registrateur ook sy rekords sal ondersoek om die bevoegdheid en magtiging van die ondertekenaar van die betrokke dokument te bevestig.

46. (1) Enige dokument wat vir registrasie ingedien word, word geag geregistreer te wees wanneer die registrateur sy handtekening daarop plaas of wanneer die registrasiekantoor se endossement ten opsigte van die registrasie daarvan onderteken word: Met dien verstande dat geen sodanige dokument wat een is van 'n stel onderling afhanklike dokumente wat bedoel is om saam geregistreer te word, geag word geregistreer te wees nie alvorens al die dokumente van die stel of die endossemente ten opsigte van registrasie daarvan, na gelang van die geval, deur die registrateur onderteken is.

(2) Indien die registrateur se handtekening per abuis nie op 'n deur hom verlyde of geattesteerde dokument, of op 'n endossement van registrasie ten opsigte van

leasehold or any right therein except a bond given as security for a debt or other obligation shall be attested or registered in any registration office.

Provisions in connection with a usufruct

49. (1) A personal servitude of usufruct may be reserved by means of a condition in the application for the transfer of a right of leasehold if the reservation is in favour of the certificate holder or in favour of the certificate holder and his spouse or the survivor of them in which case the registrar shall register the usufructuary's right by means of a suitable endorsement on the certificate.

(2) No personal servitude of usufruct purporting to extend beyond the lifetime of the person in whose favour it is created shall be registered, nor may a transfer or cession of such usufruct to any person other than the certificate holder of the right of leasehold encumbered thereby, be registered.

(3) If a personal servitude of usufruct has lapsed by reason of the death of the usufructuary or has been cancelled by mutual agreement between the usufructuary and the certificate holder, the registrar shall, on written application by or on behalf of the certificate holder, accompanied by proof of the lapse or cancellation of the usufruct, note the lapse or cancellation of the usufruct on the certificate and he shall cancel the endorsement under which the usufructuary held his right.

(4) The certificate holder of a site subject to a usufruct may dispose of the right of leasehold and transfer his right only with the written permission of the usufructuary.

(5) The certificate holder of a site subject to a right of usufruct may, with the written approval of the usufructuary, mortgage the right of leasehold to the full extent of their respective rights therein: Provided that the certificate holder may mortgage the leasehold free of the usufruct if the usufructuary has renounced his right of usufruct in favour of the mortgagee by means of a document, substantially in the form of Annexure P.

Succession

50. If a certificate granted for residential purposes is bequeathed to two or more persons by testimentary disposition and no agreement is reached as to vesting, the executor of the estate concerned shall realize the certificate concerned and dispose of the net proceeds thereof in accordance with such testamentary disposition.

Tariff of fees

51. (1) The tariff of fees mentioned hereunder shall be the tariff payable in respect of the performance by any conveyancer of any act mentioned therein.

(2) In the case of any wasted costs being incurred, the fees pyable in respect of the costs so incurred shall be the fees which the registrar allows in the particular case having due regard to the prescribed tariff.

Tariff of fees

General note

The fees mentioned in this tariff, excluding those referred to in Section V, shall include all correspondence and shall also include the taking and giving of instructions, including the perusal of completed transfers of a right of leasehold, the preparation and

enige reg daarin, behalwe 'n verband, wat gegee word as sekuriteit vir 'n skuld of ander verpligting, word geattesteer of in 'n registrasiekantoor geregistreer nie.

Voorskrifte in verband met 'n reg van vruggebruik

49. (1) 'n Persoonlike serwituut van vruggebruik kan deur middel van 'n voorwaarde in die aansoek om oordrag van 'n reg van huurpag voorbehou word as dit 'n voorbehoud is ten gunste van die sertifikaathouer self of ten gunste van die sertifikaathouer en sy eggenote of die langslewende van hulle, in welke geval die registrateur die vruggebruiker se reg by wyse van 'n gepaste endossement op die sertfikaat registreer.

(2) Geen persoonlike serwituut van vruggebruik met 'n aangegewe duur tot na die dood van die persoon ten gunste van wie dit gevestig is, word geregistreer nie, en ook word geen oordrag of sessie van so 'n vruggebruik aan iemand anders as aan die sertifikaathouer van die daarmee beswaarde reg van huurpag geregistreer nie.

(3) Indien 'n persoonlike serwituut van vruggebruik vanweë die dood van die vruggebruiker verval het, of by onderlinge ooreenkoms tussen die vruggebruiker en sertifikaathouer gekanselleer is, teken die registrateur op skriftelike aansoek deur of ten behoewe van die sertifikaathouer, vergesel van die bewys van die verval of kansellasie van die vruggebruik, die verval of kansellasie van die vruggebruik op die sertifikaat aan en rojeer hy die endossement waarkragtens die vruggebruiker sy reg gehou het.

(4) Die sertifikaathouer van 'n perseel onderworpe aan 'n vruggebruik kan die reg van huurpag vervreem en aan die verkryger oordra slegs met die skriftelike toestemming van die vruggebruiker.

(5) Die sertifikaathouer van 'n perseel wat aan 'n reg van vruggebruik onderworpe is, kan met die skriftelike goedkeuring van die vruggebruiker die reg van huurpag met verband beswaar tot die volle omvang van hul respektiewe regte daaroor: Met dien verstande dat die sertifikaathouer die huurpag vry van die vruggebruik met verband kan beswaar indien die vruggebruiker skriftelik afstand van sy reg van vruggebruik gedoen het ten gunste van die verbandhouer deur middel van 'n dokument wesenlik in die vorm van Aanhangsel P.

Erfopvolging

50. Indien 'n sertifikaat toegeken vir woondoeleindes by testamentêre beskikking aan twee of meer persone nagelaat word, en daar nie op oorgang ooreengekom word nie, maak die eksekuteur van die betrokke boedel die betrokke sertifikaat te gelde en beskik hy oor die netto opbrengs daarvan volgens sodanige testamentêre beskikking.

Tarief van gelde

51. (1) Die tarief van gelde hieronder vermeld, is die tarief betaalbaar ten opsigte van die verrigting deur 'n transportbesorger van enige handeling daarin vermeld.

(2) Ingeval verkwiste koste aangegaan is, is die gelde wat die registrateur in die besondere geval, met behoorlike inagneming van die voorgeskrewe tarief, toelaat, die gelde betaalbaar ten opsigte van die koste aldus aangegaan.

Tarief van gelde

Algemene opmerking

Die gelde in hierdie tarief vermeld, met uitsluiting van dié in Afdeling V vermeld, sluit alle korrespondensie in asook die neem en gee van opdragte, met inbegrip van die deurlees van voltooide oordragte van 'n reg van huurpag, die voorbereiding van en bywoning

	R
the lodgement and registration of any document prepared by such administration board, applicant, certificate holder, transferee, mortgagor or mortgagee, including arranging simultaneous lodgement—	
(a) where the consideration payable or the amount of the bond does not exceed R20 000.....	15
(b) where the consideration payable or the amount of the bond exceeds R20 000.....	25
2. Drawing of application to registrar for the issue of a certified copy of a certificate or deed, including instructions, application, filing all necessary documents, correspondence and all relevant attendances.....	8
3. Procuring an amendment of any certificate or deed in terms of regulation 16.....	12
plus an amount of R2 for every additional certificate or deed affected thereby	
4. Attendance and searching at registration office for information required, excluding information required for preparation of registration of a certificate or deed including instructions, correspondence and all relevant attendances per half hour or part thereof.....	5
5. Reporting.....	2
6. For attendance on taxation where required, including all necessary attendances and correspondence, a fee equal to 5 per cent of the fees allowed on taxation shall be chargeable by the conveyancer submitting the bill of costs and a fee equal to 5 per cent of the total fees originally reflected in that bill of costs shall be chargeable by the conveyancer opposing taxation, subject to a minimum fee of R5 in respect of each conveyancer	

SECTION VI

A Amount payable in respect of right of leasehold and improvements or amount of bond	B Fees for registration	C Fees for mortgage bond
	R	R
R2 000 and under.....	60	40
Over R2 000 and up to R5 000.....	80	50
Over R5 000 and up to R10 000.....	100	70
Over R10 000 and up to R12 000.....	160	110
Over R12 000 and up to R14 000.....	170	120
Over R14 000 and up to R16 000.....	180	130
Over R16 000 and up to R18 000.....	190	140
Over R18 000 and up to R20 000.....	200	150
Over R20 000 and up to R25 000.....	220	165
Over R25 000 and up to R30 000.....	240	180
Over R30 000 and up to R35 000.....	260	195
Over R35 000 and up to R40 000.....	280	210
Over R40 000 and up to R45 000.....	300	225
Over R45 000 and up to R50 000.....	320	240
Over R50 000 and up to R60 000.....	340	255
Over R60 000 and up to R70 000.....	360	270
Over R70 000 and up to R80 000.....	380	285
Over R80 000 and up to R90 000.....	400	300
Over R90 000 and up to R100 000.....	420	315
Over R100 000 and up to R150 000.....	470	345
Over R150 000 and up to R200 000.....	520	375

Note.—Where the value or amount referred to in column A exceeds R200 000 there shall be added an additional fee of R100 for every R100 000 or part thereof in excess of the first R200 000.

Annexure A

NOTICE

Administration Board

.....
.....

To:

.....
.....
.....

	R
verband met die indiening en registrasie van 'n dokument deur sodanige administrasieraad, aansoeker, serment deur sodanige administrasieraad, aansoeker, sertifikaathouer, transportnemer, verbandgewer of verbandhouer, met insluiting van die gelyktydige indiening—	
(a) waar die vergoeding betaalbaar of die bedrag van die verband nie meer as R20 000 is nie.....	15
(b) waar die vergoeding betaalbaar of die bedrag van die verband R20 000 oorskry.....	25
2. Opstel van aansoek aan registrateur om die uitreiking van 'n gewaarmerkte afskrif van 'n sertifikaat of akte, met insluiting van opdragte, aansoek, liasering van noodsaaklike dokumente, korrespondensie en alle tersaaklike bywonings.....	8
3. Die verkryging van 'n wysiging van 'n sertifikaat of akte ingevolge regulasie 16.....	12
plus 'n bedrag van R2 vir elke bykomende sertifikaat of akte wat daardeur geraak word	
4. Bywoning en nasporing by registrasiekantoor van inligting vereis, met uitsluiting van inligting vereis vir die voorbereiding of registrasie van 'n sertifikaat of akte met insluiting van opdragte, korrespondensie en alle tersaaklike bywonings vir elke halfuur of gedeelte daarvan.....	5
5. Verslagdoening.....	2
6. Vir bywoning by taksasie, wanneer vereis, met insluiting van noodsaaklike bywonings en korrespondensie, is 'n bedrag gelyk aan 5 persent van die gelde wat by taksasie toegelaat is, vorderbaar deur die transportbesorger wat die kosterekening indien en is 'n bedrag gelyk aan 5 persent van die totale gelde oorspronklik in daardie kosterekening aangedui vorderbaar deur die transportbesorger wat die taksasie opponeer, onderworpe aan 'n minimum bedrag van R5 ten opsigte van elke transportbesorger	

AFDELING VI

A Bedrag betaalbaar ten opsigte van reg van huurpag en verbeterings of bedrag van verband	B Gelde vir registrasie	C Gelde vir verband
	R	R
R2 000 en minder.....	60	40
Oor R2 000 en tot R5 000.....	80	50
Oor R5 000 en tot R10 000.....	100	70
Oor R10 000 en tot R12 000.....	160	110
Oor R12 000 en tot R14 000.....	170	120
Oor R14 000 en tot R16 000.....	180	130
Oor R16 000 en tot R18 000.....	190	140
Oor R18 000 en tot R20 000.....	200	150
Oor R20 000 en tot R25 000.....	220	165
Oor R25 000 en tot R30 000.....	240	180
Oor R30 000 en tot R35 000.....	260	195
Oor R35 000 en tot R40 000.....	280	210
Oor R40 000 en tot R45 000.....	300	225
Oor R45 000 en tot R50 000.....	320	240
Oor R50 000 en tot R60 000.....	340	255
Oor R60 000 en tot R70 000.....	360	270
Oor R70 000 en tot R80 000.....	380	285
Oor R80 000 en tot R90 000.....	400	300
Oor R90 000 en tot R100 000.....	420	315
Oor R100 000 en tot R150 000.....	470	345
Oor R150 000 en tot R200 000.....	520	375

Opmerking.—Waar die waarde of bedrag in kolom A bedoel R200 000 oorskry, word 'n bykomende geld van R100 vir elke R100 000 of gedeelte daarvan bo die eerste R200 000 bygevoeg.

Aanhangsel A

KENNISGEWING

Administrasieraad

.....
.....

Aan:

.....
.....
.....

Annexure C

PROVISIONAL GRANT OF RIGHT OF LEASEHOLD

It is hereby certified that the..... Administration Board is prepared to grant a right of leasehold to .....
.....
*No....., in respect of.....
.....for the purposes of.....
in accordance with the provisions of the regulations and the conditions set out in the accompanying schedule against payment of—

(a) R..... in respect of the right of leasehold; and

(b) R..... in respect of the improvements on the site.

The validity of this certificate shall expire on.....

Signed.....
Designation.....
Date.....
Validity extended to.....
Signed.....
Designation.....
Date.....

* Delete that which is not applicable.

Annexure D

APPLICATION FOR THE REGISTRATION OF A RIGHT OF LEASEHOLD

I hereby apply for registration in favour of *myself/.....
.....of a right of leasehold in respect of the undermentioned site and furnish the following information and documents for that purpose.

Information

*Full names/Name of association.....
*Identification No..... *Marital state: *Unmarried/Married according to *civil law/indigenous law.
*Full names of *spouse/partner.....
.....
*Residential address (applicant).....
.....
*Work/Business address (applicant).....
.....
Description of site in respect of which this application applies:
.....
.....

Documents

(a) Provisional Grant of a Right to Leasehold dated.....

(b) Proof that no charges and other moneys are due in respect of that site, issued by—

(i) the..... Administration Board; and

(ii) the..... Community Council.

(c) The land surveyor's *plan/certificate.

(d) Proof that satisfactory arrangements have been made for the payment of the amount payable in respect of the right of leasehold in and the improvements (if any) on the site.

Signed..... Witness:

(1).....

Date..... No.....

(2).....

No.....

R

Attested by me.....
Capacity.....
Signature.....
Date.....

* Delete that which is not applicable.

Aanhangsel C

VOORLOPIGE TOEKENNING VAN REG VAN HUURPAG

Hierby word gesertifiseer dat die Administrasieraad.....
.....bereid is om 'n reg van huurpag aan.....
No..... ten opsigte van.....
.....
vir.....
doeleindes toe te ken ooreenkomstig die bepalings van die regulasies en die voorwaardes uiteengesit in die bygaande bylae en teen betaling van—

(a) R..... ten opsigte van die reg van huurpag; en

(b) R..... ten opsigte van die verbeterings op die perseel.

Die geldigheid van hierdie sertifikaat verval op.....

Geteken.....
Ampstitel.....
Datum.....
Geldigheid verleng tot.....
Geteken.....
Ampstitel.....
Datum.....

* Skrap wat nie van toepassing is nie.

Aanhangsel D

AANSOEK OM REGISTRASIE VAN REG VAN HUURPAG

Ek doen hierby aansoek om registrasie ten gunste van *myself/.....
van 'n reg van huurpag ten opsigte van ondergenoemde perseel en verstrek vir dié doel die ondergaande inligting en dokumente:

Inligting

*Volle naam/Naam van vereniging.....
*Identifikasie No..... *Huwelikstaat: *Ongetroud/Getroud volgens *siviele reg/inheemse reg. *Volle naam van *eggenote/deelgenote.....
.....
*Woonadres (aansoeker).....
.....
*Werksadres/Besigheidsadres (aansoeker).....
.....
Beskrywing van perseel ten opsigte waarvan hierdie aansoek geld:
.....
.....

Dokumente

(a) Voorlopige Toekenning van 'n Reg van Huurpag gedateer .....

(b) Bewys dat geen vorderings en ander gelde ten opsigte van die perseel verskuldig is nie, uitgereik deur—

(i) die Administrasieraad.....; en

(ii) die Gemeenskapsraad.....

(c) Die landmeter se *plan/sertifikaat.

(d) Bewys dat bevredigende reëlings vir betaling van die bedrag betaalbaar ten opsigte van die reg van huurpag in en die verbeterings (as daar is) op die perseel getref is.

Getuie:

Geteken..... (1).....
No.....
Datum..... (2).....
No.....

Geattesteer deur my.....
Hoedanigheid.....
Handtekening.....
Datum.....

* Skrap wat nie van toepassing is nie.

Annexure G

MEMORANDUM OF AGREEMENT

Memorandum of agreement entered into between....., No....., in his capacity as *..... of...../ the lawful holder of the right of leasehold in respect of the site referred to herein/executor/curator/trustee of the estate of .....,

and

..... *No....., being..... (hereinafter referred to as the Transferee) who hereby confirms that *he/..... is by law qualified to take transfer of the said right of leasehold.

1.

The Transferor hereby transfers to the Transferee who accepts transfer, certain right of leasehold in respect of site (furnish full description)..... ..... in the District of..... as held by virtue of Certificate of Right of Leasehold dated ..... (hereinafter referred to as the right).

2.

The purchase price amounts to R..... (.....) payable by the Transferee on registration of the right in the name of the Transferee, for the payment of which the Transferee undertakes to hand to the Transferor, on the signing of this agreement, a guarantee acceptable to the Transferor to confirm that the purchase price will be paid to the Transferor on the above-mentioned occasion.

3.

The Transferor undertakes to pay all charges, moneys or other amounts which may be due in respect of the site, to any body or instance whatsoever, up to the date of the transfer of the right.

4.

Subject to the Transferee complying with all the obligations he has undertaken to comply with by this agreement, he shall obtain possession of the site in respect of which the right has been granted on the date of transfer or on such other date as may be agreed upon in paragraph 8 and he shall, from that date, be entitled to any advantages, if any, and liable for the payment of any charges, moneys or other amounts levied by any body or person whatsoever in respect of the site.

5.

The risk attached to the site and improvements thereon shall pass to the Transferee on the date of transfer or taking possession, whichever date may be the earliest.

6.

If the Transferee takes possession of the site on a date other than the date of transfer, the Transferee shall pay to the Transferor, if he takes possession before the date referred to, or the Transferor shall pay to the Transferee if the Transferee takes possession after the date referred to, a rental calculated at..... per cent of the purchase price per annum, payable in advance in equal monthly instalments, calculated from the date of possession to the date of transfer or vice versa, as the case may be.

7.

If registration takes place in the course of a month in respect of which rental has been paid the one party shall make a pro rata refund to the other party calculated on a daily basis.

8.

The Transferor undertakes to give possession of the site on or before.....irrespective of whether transfer is registered on that day or not.

9.

The Transferee acknowledges and confirms that he has inspected the site and that the Transferor shall not be liable for any defects to the site or improvements thereon, whether latent or not.

10.

The Transferee declares that he enters into the agreement on behalf of.....

*Delete if not applicable,

Aanhangsel G

AKTE VAN OOREENKOMS

Akte van ooreenkoms aangegaan tussen....., No....., in sy hoedanigheid van *..... van...../ die wettige houer van die reg van huurpag ten opsigte van die hierinbedoelde perseel*/eksekuteur/kurator van die boedel van .....,

en

..... *No....., synde..... (hieronder die Oordragnemer genoem), wat hierby bevestig dat *hy/..... by wet bevoegd is om oordrag van bedoelde reg van huurpag te neem.

1.

Die Oordraggewer dra hierby oor aan die Oordragnemer wat die oordrag aanneem, sekere reg van huurpag ten opsigte van perseel (gee volle beskrywing)..... ..... in die distrik..... soos gehou kragtens 'n Sertifikaat van Reg van Huurpag gedateer .....(hieronder die reg genoem).

2.

Die koopprys bedra die bedrag van R..... (.....) betaalbaar deur die Oordragnemer by registrasie van die reg op naam van die Oordragnemer, vir die betaling waarvan die Oordragnemer onderneem om, by ondertekening van hierdie ooreenkoms, aan die Oordraggewer 'n vir die Oordraggewer aanvaarbare waarborg te oorhandig ter bevestiging dat die koopprys op die hierbogemelde geleentheid aan die Oordraggewer betaal sal word.

3.

Die Oordraggewer onderneem om alle vorderings, gelde of ander bedrae wat ten opsigte van die perseel betaalbaar is aan enige liggaam of instansie hoegenaamd, tot op die datum van oordrag van die reg, te betaal.

4.

Onderworpe daaraan dat die Oordragnemer voldoen aan al die verpligtinge wat hy by hierdie ooreenkoms onderneem om na te kom, verkry hy besit van die perseel ten opsigte waarvan die reg verleen is, op die datum van oordrag of sodanige ander datum as waarop in paragraaf 8 ooreengekom is en is hy vanaf daardie datum geregtig op enige voordele, as daar is, en aanspreeklik vir die betaling van enige vorderings, gelde of ander bedrae deur enige instansie hoegenaamd, ten opsigte van die perseel gehef.

5.

Die risiko verbonde aan die perseel en verbeterings daarop gaan op die Oordragnemer oor op die datum van oordrag of inbesitneming, watter datum ook al die vroegste is.

6.

Indien die Oordragnemer op 'n ander datum as die datum van oordrag besit van die perseel neem, betaal die Oordragnemer aan die Oordraggewer, ingeval hy vóór bedoelde datum besit neem, of betaal die Oordraggewer aan die Oordragnemer, ingeval hy ná bedoelde datum besit neem, 'n huurgeld bereken teen..... persent van die koopprys per jaar, vooruitbetaalbaar in gelyke maandelikse paaiemente, bereken vanaf die datum van besitneming tot die datum van oordrag of vice versa, na gelang van die geval.

7.

Indien registrasie plaasvind in die loop van 'n maand ten opsigte waarvan huurgeld betaal is, doen die een party aan die ander party 'n pro rata-terugbetaling bereken op 'n daaglikse basis.

8.

Die Oordraggewer onderneem om besit van die perseel te gee voor of op..... ongeag of oordrag op daardie datum geregistreer is al dan nie.

9.

Die Oordragnemer erken en bevestig dat hy die perseel geïnspekteer het en dat die Oordraggewer nie aanspreeklik is vir enige gebreke aan die perseel of verbeteringe daarop nie, hetsy dit verborge is of nie.

10.

Die Oordragnemer verklaar dat hy die ooreenkoms namens ..... aangaan.

*Skrap indien nie van toepassing nie.

*(d) obtained it from me.....
No......, by virtue of an exchange.

Signed.....
Capacity.....
Date.....
Attested by me.....
Capacity.....
Signature.....
Date.....

Registered on the..... day of..... 19.....

.....
Registrar

*Delete that which is not applicable.

Annexure J

ENDORSEMENT

RIGHT OF LEASEHOLD

The right of leasehold in respect of (description of site)
.....
.....
is transferred to the name of.....
*No.....

Registrar.....
Date.....
Seal

*Delete if not applicable.

Annexure K (1)

APPLICATION TO REGISTER BOND

Full name of applicant (in print).....
.....
*Identification No.....
*Residential address.....
.....
*Work/Business address.....
.....
Full description of site hypothecated.....
.....

I, the undersigned, hereby apply on behalf of *myself/
.....
for the registration of the attached mortgage bond and for that purpose I furnish the certificate issued in respect of the above-mentioned site (only if a certificate has already been issued in respect of the site) in favour of.....
.....

Signed.....
Date.....
Attested by me.....
Capacity.....
Signature.....
Date.....

Registered on the..... day of....., 19.....

.....
Registrar

* Delete that which is not applicable.

Annexure K (2)

MORTGAGE BOND

I, the undersigned, ...,
No..... (hereinafter referred to as the mortgagor), do hereby declare that I am lawfully indebted and bound to.....
(hereinafter referred to as the mortgagee) in the amount of
.....
and.....
being the additional amount referred to in the conditions annexed, arising from and being.....
.....
and as security for the above, I hereby bind as a mortgage, subject to the conditions set out in the annexure to this bond, my right of leasehold in site.....
.....

*(d) dit van my.....
No..... uit hoofde van 'n verruiling verkry het.

Getekeu.....
Hoedanigheid.....
Datum.....
Geattesteer deur my.....
Hoedanigheid.....
Handtekening.....
Datum.....

Geregistreer op die..... dag van..... 19.....

.....
Registrateur

* Skrap wat nie van toepassing is nie.

Aanhangsel J

ENDOSSEMENT

REG VAN HUURPAG

Die reg van huurpag ten opsigte van (beskrywing van perseel)
.....
.....
is oorgedra op naam van.....
..... *No.....

Registrateur.....
Datum.....
Seël

* Skrap indien nie van toepassing nie.

Aanhangsel K (1)

AANSOEK OM REGISTRASIE VAN VERBAND

Volle name van aansoeker (in drukskrif).....
.....
*Identifikasie No.....
*Woonadres.....
.....
*Werksadres/Besigheidsadres.....
.....
Volle beskrywing van die perseel wat verpand is.....
.....

Ek, die ondergetekende, doen hierby namens *myself/.....
.....
aansoek om die registrasie van die aangehegte verbandakte en vir dié doel verstrek ek die sertifikaat uitgereik ten opsigte van bogenoemde perseel (slegs indien daar reeds 'n sertifikaat ten opsigte van die perseel uitgereik is) ten gunste van.....
.....

Geteken.....
Datum.....
Geattesteer deur my.....
Hoedanigheid.....
Handtekening.....
Datum.....

Geregistreer op die..... dag van..... 19.....

.....
Registrateur

* Skrap wat nie van toepassing is nie.

Aanhangsel K (2)

VERBANDAKTE

Ek, die ondergetekende.....,
No..... (hieronder die verbandgewer genoem), verklaar hierby dat ek wettiglik verskuldig is aan en gebonde is teenoor.....
(hieronder die verbandnemer genoem) die bedrag van.....
..... en.....
synde die addisionele bedrag in die aangehegte voorwaardes genoem, ontstaande uit en synde.....
.....
en as sekuriteit vir bogenoemde verbind ek hierby as 'n verband behoudens die voorwaardes soos vermeld in die aanhangsel van hierdie verband, my reg van huurpag in perseel.....
.....

Annexure N

CONSENT

I, ..., in my capacity as....., and I, ..., in my capacity as....., hereby certify that..... being the holder of a bond registered on..... by the Registrar, ..., whereby (description of surveyed site)..... ..... was encumbered, has given consent to the said Registrar to register the renunciation, in favour of the attached bond, of the precedence enjoyed by the bond of which..... ..... is the holder.

Thus done and signed at....., on this..... day of....., 19.....

.....
Signature

Attested by me.....
Capacity.....
Signature.....
Date.....

Thus done and signed at....., this..... day of....., 19.....

.....
Signature

Attested by me.....
Capacity.....
Signature.....
Date.....

Registered on the..... day of..... 19.....

.....
Registrar

Annexure O

Folio.....

Name of residential area.....
No. of site..... Situated within the area of jurisdiction of the Commissioner.....
.....
Full names of certificate holder.....
.....
Identification No. (if any).....
Conditions subject to which the right of leasehold was granted
.....
.....
Purposes for which the site may be used.....
.....
Date of registration of right of leasehold... .....
Particulars of each transaction, dealing or occurrence relating to the surveyed site.....
.....

Annexure P

RENUNCIATION OF RIGHT OF USUFRUCT

I, the undersigned, ...
....., being the registered holder of a usufruct over a right of leasehold in respect of site No....., situated in the residential area....., held by..... under certificate No....., hereby renounce the right of usufruct which I enjoy over the said right of leasehold in favour of.....
.....
or any other legal holder of the bond, for an amount of R..... (.....) and at the same time renounce all the advantages of the legal exceptions *ordinis seu excussionis et divisionis* declaring that I am fully conversant with the power and operation thereof.

Signed at....., on this..... day of....., 19.....

.....
Signature

Attested by me.....
Capacity.....
Signature.....
Date.....

Registered on the..... day of....., 19.....

.....
Registrar

Aanhangsel N

TOESTEMMING

Ek, ..., in my hoedanigheid van....., en ek, ..., in my hoedanigheid van....., sertifiseer hierby dat....., synde die houer van 'n verband wat op..... deur die Registrateur, ..., geregistreer is, waardeur (beskrywing van opgemete perseel) ..... beswaar is, toestemming verleen het aan genoemde Registrateur om die afstanddoening ten gunste van die aangehegte verband van die voorrang wat die verband geniet, waarvan..... ..... die houer is, te registreer.

Aldus gedoen en geteken te....., op hede die..... dag van..... 19.....

.....
Handtekening

Geattesteer deur my.....
Hoedanigheid.....
Handtekening.....
Datum.....

Aldus gedoen en geteken te....., op hede die..... dag van..... 19.....

.....
Handtekening

Geattesteer deur my.....
Hoedanigheid.....
Handtekening.....
Datum.....

Geregistreer op die..... dag van..... 19.....

.....
Registrateur

Aanhangsel O

Folio No.....

Naam van woongebied.....
No. van perseel..... Geleë binne regsgebied van die Kommissaris.....
.....
Volle name van sertifikaathouer.....
.....
Identifikasie No. (as daar is).....
Voorwaardes waaronder reg van huurpag toegeken is.....
.....
.....
Doeleindes waarvoor perseel gebruik kan word.....
.....
Datum van registrasie van reg van huurpag.....
Besonderhede van elke transaksie, handeling of gebeurtenis met betrekking tot die opgemete perseel.....
.....

Aanhangsel P

AFSTANDDOENING VAN VRUGGEBRUIK

Ek, die ondergetekende, ...
....., die geregistreerde houer van 'n vruggebruik oor die reg van huurpag ten opsigte van perseel No....., geleë in die woongebied....., gehou deur..... kragtens sertifikaat No....., doen hierby afstand van die reg van vruggebruik wat ek geniet oor bedoelde reg van huurpag ten gunste van.....
.....
of enige ander wettige houer van die verband, vir 'n bedrag van R..... (.....) en doen terselfdertyd afstand van al die voordele van die regseksepsies *ordinis seu excussionis et divisionis*, met die krag en werking waarvan ek myself ten volle vertroud verklaar.

Geteken te....., op hede die..... dag van..... 19.....

.....
Handtekening

Geattesteer deur my.....
Hoedanigheid.....
Handtekening.....
Datum.....

Geregistreer op die..... dag van..... 19.....

.....
Registrateur

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THE ONDERSTEPOORT JOURNAL OF VETERINARY RESEARCH

The Onderstepoort Journal of Veterinary Research is printed by the Government Printer, Pretoria, and is obtainable from the Director, Division of Agricultural Information, Department of Agricultural Technical Services, Private Bag X144, Pretoria, 0001, to whom all communications should be addressed.

This publication is a continuation of the Reports of the Government Veterinary Bacteriologist of the Transvaal which date back to 1903 and of which 18 have appeared up to 1932. These were followed by 40 volumes of the Onderstepoort Journal. At present each volume comprises four numbers which are obtainable at R2, other countries R2,50 per number from the above address.

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Verkoopbelasting moet by binnelandse bestellings ingesluit word.

Signed at....., on the..... day of....., 19.....

.....
Mortgagor

Attested by me.....
Capacity.....
Signature.....
Date.....

Registered on the..... day of....., 19.....

.....
Registrar

Annexure L

CONSENT

I, the undersigned, in my capacity as.....,
hereby consent to—

*(a) the registration of the cession of the attached bond to .....

*(b) the cancellation of the cession of the attached bond that was registered on.....

Thus done and signed at....., this..... day of....., 19.....

Witnesses:

(1).....

.....
Signature

(2).....

Attested by me.....
Capacity.....
Signature.....
Date.....

Registered on the..... day of....., 19.....

.....
Registrar

* Delete that which is not applicable.

Annexure M

CONSENT

I, ..., in my capacity as.....
(hereinafter referred to as the mortgagee), and I,.....
....., in my capacity as .....
(hereinafter referred to as the transferee), hereby certify that .....
being the debtor in respect of the attached bond has *sold/donated the certificate of right of leasehold issued in respect of.....
..... to the transferee and that we hereby consent to the registration by the Registrar,.....
..... of the substitution of the said .....
by the transferee as debtor in respect of the attached bond.

Thus done and signed at....., this..... day of....., 19.....

.....
Mortgagee

Attested by me.....
Capacity.....
Signature.....
Date.....

Thus done and signed at....., this..... day of....., 19.....

.....
Transferee

Attested by me.....
Capacity.....
Signature.....
Date.....

Registered on the..... day of....., 19.....

.....
Registrar

* Delete which is not applicable.

Geteken te..... op die..... dag van.....19.....

.....
Verbandgewer

Geattesteer deur my.....
Hoedanigheid.....
Handtekening.....
Datum.....

Geregistreer op die..... dag van..... 19.....

.....
Registrateur

Aanhangsel L

TOESTEMMING

Ek, die ondergetekende, in my hoedanigheid van.....
....., verleen hierby toestemming tot—

*(a) die registrasie van die sessie van die aangehegte verband aan .....

*(b) die rojering van die sessie van die aangehegte verband wat op ..... geregistreer is.

Aldus gedoen en geteken te....., op hede die..... dag van..... 19.....

Getuies:

(1).....

.....
Handtekening

(2).....

Geattesteer deur my.....
Hoedanigheid.....
Handtekening.....
Datum.....

Geregistreer op die..... dag van..... 19.....

.....
Registrateur

* Skrap wat nie van toepassing is nie.

Aanhangsel M

TOESTEMMING

Ek, ..., in my hoedanigheid van..... (hieronder die verbandhouer genoem), en ek, ..., in my hoedanigheid van..... (hieronder die oordragnemer genoem), sertifiseer hierby dat .....
synde die skuldenaar ten aansien van die aangehegte verband, die sertifikaat van reg van huurpag uitgereik ten opsigte van .....
aan die oordragnemer *verkoop/geskenk het en dat ons hierby toestem tot die registrasie deur die Registrateur, ...
....., van die vervanging van genoemde .....
deur die oordragnemer as skuldenaar ten aansien van die aangehegte verband.

Aldus gedoen en geteken te....., op hede die..... dag van..... 19.....

.....
Verbandhouer

Geattesteer deur my.....
Hoedanigheid.....
Handtekening.....
Datum.....

Aldus gedoen en geteken te....., op hede die..... dag van..... 19.....

.....
Oordragnemer

Geattesteer deur my.....
Hoedanigheid.....
Handtekening.....
Datum.....

Geregistreer op die..... dag van..... 19.....

.....
Registrateur

* Skrap wat nie van toepassing is nie.

11.

If the Transferee neglects or refuses to—

(a) carry out any undertaking in terms of this agreement promptly; or

(b) execute any provision of this agreement promptly,

and after 14 days after despatch by the Transferor, by means of registered post, of a demand claiming performance, still persists in such neglect or refusal, the Transferor may—

(i) cancel this agreement and resume possession of the site and evict the Transferee and everybody occupying it; or

(ii) claim payment of the purchase price (or balance thereof) payable in terms of this agreement together with interest thereon calculated at 12 per cent per annum with effect from the date on which the Transferee defaulted;

without prejudice to any claim for damages which the Transferor may have against the Transferee.

12.

*The parties hereby agree to the jurisdiction of the local Commissioner's Court for any action arising directly or indirectly from the existence of or cancellation of this agreement or from the occupation of the site by the Transferee or on his authority.

Thus done and signed at....., this..... day of....., 19.....

Witnesses:

(1).....
No.....
(2).....
No.....

.....
Transferor

Thus done and signed at....., this..... day of....., 19.....

Witnesses:

(1).....
No.....
(2).....
No.....

.....
Transferee

Annexure H

AUTHORITY FOR THE CANCELLATION OF MORTGAGE BOND

It is hereby certified that (Mortgagor).....
.....
has fulfilled all his obligations to (Mortgagee).....
.....
with regard to the bond by which his right of leasehold in respect of (description of site).....
.....
is specially hypothecated and that the bond may thus be cancelled.

Signed.....
Date.....
Attested by me.....
Capacity.....
Signature.....
Date.....

Registered on the.....day of....., 19.....

.....
Registrar

Annexure I

CONFIRMATION OF OBTAINING OF RIGHT OF LEASEHOLD

It is hereby confirmed that the right of leasehold in respect of (description of site).....
.....
*now vests in/has been obtained by.....
.....,
*No....., in that he—

*(a) inherited it from.....
*(b) received it from me.....
No....., as a gift;
*(c) bought it at a public sale of the assets of.....
..... which was held as a result of *his insolvency/the liquidation of his estate;

* Delete if not applicable,

11.

Indien die Oordragnemer nalaat of weier om—

(a) enige verpligting ingevolge hierdie ooreenkoms stiptelik na te kom; of

(b) enige bepaling van hierdie ooreenkoms stiptelik uit te voer;

en nog in sodanige nalate of weiering volhard veertien dae na afsending deur die Oordraggewer, by wyse van geregistreerde pos, van 'n aansegging waarin voldoening geëis word, kan die Oordraggewer—

(i) hierdie ooreenkoms kanselleer en besit van die perseel herneem en die Oordragnemer en almal wat die perseel okkupeer, daaruit sit; of

(ii) betaling van die koopprys (of balans daarvan) betaalbaar ingevolge hierdie ooreenkoms eis, tesame met rente daarop, bereken teen 12 persent per jaar vanaf die datum waarop die Oordragnemer in versuim geraak het;

sonder om afbreuk te doen aan enige eis vir skade wat die Oordraggewer teen die Oordragnemer kan hê.

12.

*Die partye stem hierby toe tot die jurisdiksie van die plaaslike Kommissarishof vir enige aksie wat direk of indirek uit die bestaan of kansellasie van hierdie ooreenkoms voortspruit of uit die okkupasie van die perseel deur die Oordragnemer of op gesag van die Oordragnemer.

Aldus gedoen en geteken te....., op hede die..... dag van..... 19.....

Getuies:

(1).....
No.....
(2).....
No.....

.....
Oordraggewer

Aldus gedoen en geteken te....., op hede die..... dag van.....19.....

Getuies:

(1).....
No.....
(2).....
No.....

.....
Oordragnemer

Aanhangsel H

MAGTIGING VIR DIE ROJERING VAN VERBANDAKTE

Hierby word gesertifiseer dat (verbandgewer).....
.....
al sy verpligtinge teenoor (verbandhouer).....
.....
met betrekking tot die verband waarby sy reg van huurpag ten opsigte van (beskrywing van perseel).....
.....
besonders verpand is, nagekom het, en dat die verband derhalwe gerojeer mag word.

Geteken.....
Datum.....
Geattesteer deur my.....
Hoedanigheid.....
Handtekening.....
Datum.....

Geregistreer op die..... dag van.....
.....19.....

.....
Registrateur

Aanhangsel I

BEVESTIGING VAN VERKRYGING VAN REG VAN HUURPAG

Hierby word bevestig dat die reg van huurpag ten opsigte van (beskrywing van perseel).....
.....
*oorgegaan het op/verkry is deur.....
.....
*No..... deurdat hy—

*(a) dit van..... geërf het;
*(b) dit van my..... No..... as geskenk ontvang het;
*(c) dit by openbare veiling van die bates van..... ..... wat as gevolg van *sy insolvensie/die likwidasie van sy boedel gehou is, gekoop het;

* Skrap wat nie van toepassing is nie.

Annexure E

CERTIFICATE OF RIGHT OF LEASEHOLD

Certificate No.....

It is hereby certified that the right of leasehold in respect of .....
for *residential/business/professional purposes has been granted to .....
*No....., and expires on.....

Special conditions:

.....
.....

Registrar.....
Date.....
Folio No. in register.....
Seal

* Delete that which is not applicable.

Annexure F

APPLICATION FOR TRANSFER OF A RIGHT OF LEASEHOLD

I hereby apply for the transfer, in favour of *myself/.....
.....of the right of leasehold in respect of the undermentioned site and provide the following information and documents for that purpose.

Information

*Full names/Name of association.....
.....
*Identification No..... *Marital state: *Unmarried/Married according to *civil law/indigenous law
*Full names of *spouse/partner.....
.....
*Residential address (applicant).....
.....
*Work/Business address (applicant).....
.....
Description of site in respect of which this application applies:
.....
Conditions:
.....

Documents

(a) Memorandum of agreement between.....
*No..... and.....
*No.....

(b) Certificate in respect of the site.

(c) Proof that no charges and other moneys are due in respect of the site, issued by—

(i) the .....
Administration Board; and

(ii) the.....
Community Council.

(d) Certificate of the mortgagee (if any) that the certificate holder has fulfilled his obligations to the mortgagee and that the bond may be cancelled (except in the case of transfer contemplated in the proviso to regulation 31).

(e) Proof that satisfactory arrangements have been made for the payment of the amount payable in respect of the right of leasehold in and the improvements (if any) on the site.

Signed.....
Date.....
Attested by me.....
Capacity.....
Signature.....
Date.....

Registered on the..... day of....., 19.....

.....
Registrar

* Delete that which is not applicable.

Aanhangsel E

SERTIFIKAAT VAN REG VAN HUURPAG

Sertifikaat No.....

Hierby word gesertifiseer dat die reg van huurpag ten opsigte van .....
vir *woondoeleindes/sakedoeleindes/beroepsdoeleindes toegeken is aan.....
*No....., wat op..... verval.

Spesiale voorwaardes:

.....
.....

Registrateur.....
Datum.....
Folio No. in register.....
Seël

* Skrap wat nie van toepassing is nie.

Aanhangsel F

AANSOEK OM OORDRAG VAN 'N REG VAN HUURPAG

Ek doen hierby aansoek om die oordrag ten gunste van *myself/.....
van die reg van huurpag ten opsigte van die ondergenoemde perseel en verstrek vir dié doel die onderstaande inligting en dokumente:

Inligting

*Volle naam/Naam van vereniging.....
.....
*Identifikasie No..... *Huwelikstaat: *Ongetroud/Getroud volgens *siviele reg/inheemse reg.
Volle naam van *eggenote/deelgenote.....
.....
*Woonadres (aansoeker).....
.....
*Werksadres/Besigheidsadres (aansoeker).....
.....
Beskrywing van perseel ten opsigte waarvan hierdie aansoek geld:
.....
Voorwaardes:
.....

Dokumente

(a) Akte van ooreenkoms tussen.....
*No..... en.....
*No.....

(b) Sertifikaat ten opsigte van die perseel.

(c) Bewys dat geen vorderings en ander gelde ten opsigte van die perseel verskuldig is nie, uitgereik deur—

(i) die Administrasieraad.....;
en

(ii) die Gemeenskapsraad.....

(d) 'n Sertifikaat van die verbandhouer (as daar is) dat die sertifikaathouer sy verpligtinge teenoor die verbandhouer nagekom het en dat die verband gerojeer kan word (behalwe in geval van oordrag soos bedoel in die voorbehoudsbepaling van regulasie 31).

(e) Bewys dat bevredigende reëlings vir die betaling van die bedrag betaalbaar ten opsigte van die reg van huurpag in en verbeterings (as daar is) op die perseel getref is.

Geteken.....
Datum.....
Geattesteer deur my.....
Hoedanigheid.....
Handtekening.....
Datum.....

Geregistreer op die.....dag van..... 19.....

.....
Registrateur

* Skrap wat nie van toepassing is nie.

APPLICATION FOR GRANT OF RIGHT OF LEASEHOLD

*1. Your application for the grant of a right of leasehold in respect of site No.....has been received.

*1. Please note that.....
.....*No.....has applied for the grant of a right of leasehold in respect of site No.....adjoining the site* in respect of which you have a right of leasehold/of which you are the registered occupier/of which you are the mortgagee.

2. *The site concerned has now been visibly demarcated in accordance with the regulations concerned/The corner beacons of the site are the existing permanent corners of the site as indicated by.....
and in the event of your having any legal objection against the situation of the beacons your written objection thereto, together with a deposit of R6, must be submitted to.....
.....room No.....at the above address in accordance with the regulations concerned.

Signed by.....
Date.....

* Delete that which is not applicable.

Annexure B

APPLICATION FOR RIGHT OF LEASEHOLD

Full names of applicant (in print).....
.....
*Identification No.....
*Residential address.....
.....
*Work/Business address.....
.....
Full description of site in respect of which this application is made
.....
.....

I, the undersigned, hereby apply for the grant to* me/.....
.....of the right of leasehold in respect of the site described above, for* residential purposes/purposes of conducting thereon of a *profession/business.

*Full particulars of *profession/business.....
.....

I hereby confirm that—

*(1) I—

*(a) qualify to be in the prescribed area in terms of section *10 (1) (a)/10 (1) (b) of the Blacks (Urban Areas) Consolidation Act, 1945;
*(b) am a descendant of.....
....., No.....
address.....
.....
who, in terms of section *10 (1) (a)/10 (1) (b) of the Blacks (Urban Areas) Consolidation Act, 1945, qualifies or qualified to be in the prescribed area;
*(c) fall within a category of Blacks recognised by the Minister of Plural Relations and Development by Government Notice..... of 19.....
as qualified persons for the purposes of sections 6A and 6B of the Blacks (Urban Areas) Consolidation Act, 1945, and the regulations relating thereto;
*(d) have been expressly recognised by the Minister of Plural Relations and Development as a qualified person for the purposes of subparagraph (c);

*(2) .....

*(a) is an association, as defined in section 1 of the Blacks (Urban Areas) Consolidation Act, 1945;
*(b) is a *church/welfare organisation expressly recognised by the Minister of Plural Relations and Development as a qualified person for the purposes contemplated by subparagraph (1) (c).

I hereby confirm that I am or will be able to pay for the right of leasehold and declare myself prepared to supply on request any information that may be required to consider my application.

Signed..... Witnesses:
(1).....
Date..... No.....
(2).....
No.....

* Delete that which is not applicable.

AANSOEK OM TOEKENNING VAN REG VAN HUURPAG

*1. U aansoek om die toekenning van 'n reg van huurpag ten opsigte van perseel No.....is ontvang.

*1. Neem asseblief kennis dat.....
*No..... aansoek gedoen het om die toekenning van 'n reg van huurpag ten opsigte van perseel No..... wat grens aan die perseel *ten opsigte waarvan u 'n reg van huurpag hou/waarvan u die geregistreerde bewoner is/waarvan u die verbandhouer is.

2. *Die betrokke perseel is nou sigbaar afgebaken in ooreenstemming met die betrokke regulasies/Die hoekbakens van die perseel is die bestaande permanente hoeke van die perseel soos aangedui deur.....
en indien u enige wettige beswaar het teen die ligging van die bakens, moet u skriftelike beswaar daarteen, vergesel van 'n deposito van R6, ingedien word by.....
kamer No..... by bovermelde adres, ooreenkomstig die betrokke regulasies.

Geteken deur.....
Datum.....

* Skrap wat nie van toepassing is nie.

Aanhangsel B

AANSOEK OM REG VAN HUURPAG

Volle naam van aansoeker (in drukskrif).....
.....
*Identifikasie No.....
*Woonadres.....
.....
*Werksadres/Besigheidsadres.....
.....
Volle beskrywing van perseel ten opsigte waarvan hierdie aansoek gedoen word.....
.....

Ek, die ondergetekende, doen hierby aansoek om die toekenning aan *my/.....
van die reg van huurpag ten opsigte van die perseel hierbo beskryf, vir *woondoeleindes/doeleindes van die bedryf daarop van 'n *beroep/saak.

*Volle besonderhede van *beroep/saak.....
.....

Ek bevestig hierby dat—

*(1) ek—

*(a) ingevolge artikel *10 (1) (a)/10 (1) (b) van die Swartes (Stadsgebiede) Konsolidasiewet, 1945, bevoegd is om in die voorgeskrewe gebied te wees;
*(b) 'n afstammeling is van.....
....., No.....
adres.....
.....,
wat ingevolge artikel *10 (1) (a)/10 (1) (b) van die Swartes (Stadsgebiede) Konsolidasiewet, 1945, bevoegd is of was om in die voorgeskrewe gebied te wees;
*(c) binne 'n kategorie van Swartes val wat deur die Minister van Plurale Betrekkinge en Ontwikkeling by Goewermentskennisgewing..... van 19.....
as bevoegde persone vir die doeleindes van artikels 6A en 6B van die Swartes (Stadsgebiede) Konsolidasiewet, 1945, en die regulasies wat daarop betrekking het, erken is;
*(d) uitdruklik deur die Minister van Plurale Betrekkinge en Ontwikkeling as 'n bevoegde persoon vir die doeleindes in subparagraaf (c) erken is;

*(2).....

*(a) 'n vereniging is soos in artikel 1 van die Swartes (Stadsgebiede) Konsolidasiewet, 1945, omskryf;
*(b) 'n *kerk/welsynsorganisasie is wat uitdruklik deur die Minister van Plurale Betrekkinge en Ontwikkeling vir die doeleindes in subparagraaf (1) (c) bedoel, as 'n bevoegde persoon erken is.

Ek bevestig hierby dat ek in staat is of sal wees om vir die reg van huurpag te betaal en verklaar myself bereid om enige inligting wat verlang word ten einde my aansoek te kan oorweeg, op aanvraag te verstrek.

Geteken..... Getuies:
(1).....
Datum..... No.....
(2).....
No.....

* Skrap wat nie van toepassing is nie.

attendance on signature of affidavits, resolutions and other necessary preliminary and ancillary documents in connection with the identity, status, capacity and authority of the parties, the payment of any amounts due in respect of stamps in terms of regulation 37, the obtaining of endorsements or copies of documents in the office of the Master or any other public office, the making of all necessary financial arrangements, including the provision and checking of guarantees and attending to payment in terms thereof, the drawing and preparation of any documents required for registration at a registration office and the obtaining of registration thereof, arranging simultaneous lodgement and registration with any other conveyancer or conveyancers, or party or parties to the transaction, where necessary, and all attendances at the registration office, but shall not include any attendance in connection with the drawing and execution of deeds of sale of a right of leasehold, deeds of donation, deeds of exchange and documents of a similar nature, or any separate act of registration of any other documents which may be necessary before or in connection with the first-mentioned act of registration.

SECTION I

R

Application for a provisional grant of a right of leasehold:

For preparing and drawing the application for a provisional grant of a right of leasehold..... 25

SECTION II

Application for registration of a right of leasehold or of a transfer of a right of leasehold:

For all work in connection with the registration of a right of leasehold or of a transfer of a right of leasehold, the fee shall be as set out in column B of Section VI of these tariffs: Provided that where the application for the registration of a right of leasehold or of the transfer of a right of leasehold is not signed before the conveyancer concerned, the fee shall be 60 per cent of the amount set out in the column referred to

SECTION III

Mortgage bonds:

The fee for application for the registration of mortgage bonds shall be as set out in column C of Section VI of these tariffs: Provided that where the mortgage bond or surety bond and other relevant documents are not signed before the conveyancer concerned, the fee shall be 60 per cent of the amount set out in the column referred to.

SECTION IV

Cancellation, cession or variation of bonds and waiver of preference in regard to ranking of bonds:

1. Drawing consent to cancellation of bond, consent to cancellation of cession of bond, reduction of capital, framing waiver of preference in regard to the ranking of bond, registration of a part payment, framing consent of mortgagee required by these regulations and not otherwise provided for in these tariffs and attending registration thereof inclusive of instructions, correspondence and all relevant attendances..... 25

2. Drawing cession of bond, agreement or consent to variation in terms of bond, substitution of debtor, including instructions, attendances on mortgagor and mortgagee, correspondence and other relevant attendances including registration..... 30

SECTION V

Miscellaneous:

1. Attendance on behalf of administration board, applicant for a right of leasehold, certificate holder, transferee, mortgagor or mortgagee in connection with

by die ondertekening van beëdigde verklarings, besluite en ander noodsaaklike voorlopige en ondergeskikte dokumente in verband met die identiteit, status, bevoegdheid en magtiging van die partye, die betaling van die bedrae verskuldig ten opsigte van seëls ingevolge regulasie 37, die verkryging van endossemente of afskrifte van dokumente van die kantoor van die Meester of 'n ander staatskantoor, die tref van alle noodsaaklike finansiële reëlings, insluitende die verskaffing en nasien van waarborge en opwagting vir betaling daarkragtens, die opstelling en voorbereiding van enige dokumente wat bestem is vir registrasie in 'n registrasiekantoor en die verkryging van registrasie daarvan, die reëling met 'n ander transportbesorger of transportbesorgers of party of partye by die transaksie van gelyktydige indiening en registrasie, waar nodig, en alle bywonings by die registrasiekantoor, maar sluit nie in enige bywoning in verband met die opstel en verlyding van koopbriewe van 'n reg van huurpag, skenkingsaktes, aktes van verruiling en dokumente van 'n soortgelyke aard of enige afsonderlike handeling van registrasie van enige ander dokumente wat nodig is voor of in verband met die eersvermelde handeling van registrasie nie.

AFDELING I

R

Aansoek om 'n voorlopige toekenning van reg van huurpag:

Vir die voorbereiding en opstel van 'n aansoek om 'n voorlopige reg van huurpag..... 25

AFDELING II

Aansoek om registrasie van, of registrasie van oordrag van, 'n reg van huurpag:

Vir alle werk in verband met die registrasie van of registrasie van oordrag van 'n reg van huurpag is die gelde dié uiteengesit in kolom B van Afdeling VI van hierdie tariewe: Met dien verstande dat waar die aansoek om die registrasie van of registrasie van oordrag van 'n reg van huurpag nie voor die betrokke transportbesorger geteken is nie, die gelde 60 persent is van die bedrag uiteengesit in bedoelde kolom

AFDELING III

Verbandaktes:

Die gelde vir die aansoek om die registrasie van verbandaktes is soos uiteengesit in kolom C van Afdeling VI van hierdie tariewe: Met dien verstande dat waar die verbandakte of borgakte en ander tersaaklike dokumente nie voor die betrokke transportbesorger geteken is nie, die gelde 60 persent is van die bedrag uiteengesit in bedoelde kolom

AFDELING IV

Rojering, sessie of wysiging van verbande en afstanddoening van voorkeur met betrekking tot die orde van verbande:

1. Die opstel van toestemming tot rojering van 'n verband, toestemming tot rojering van sessie van 'n verband, vermindering van kapitaal, opstel van afstanddoening van voorkeurorde met betrekking tot die orde van verband, registrasie van 'n gedeeltelike betaling, opstel van toestemming van verbandhouer vereis in hierdie regulasies en waarvoor nie andersins in hierdie tariewe voorsiening gemaak is nie en bywoning van registrasie daarvan met insluiting van opdragte, korrespondensie en alle tersaaklike bywonings..... 25

2. Opstel van 'n sessie van 'n verband, ooreenkoms of toestemming tot wysiging van die voorwaardes van 'n verband, vervanging van skuldenaar, met insluiting van opdragte, bywonings by verbandgewer en verbandhouer, korrespondensie en ander tersaaklike bywonings met insluting van verkryging van registrasie..... 30

AFDELING V

Diverse:

1. Bywoning ten behoewe van die administrasieraad, aansoeker om 'n reg van huurpag, sertifikaathouer, transportnemer, verbandgewer of verbandhouer in

signature should have been affixed in the ordinary course, the registrar may affix his signature thereto when the omission is discovered and the document shall thereupon be deemd to have been registered at the time aforesaid.

(3) All endorsements or entries made on documents or in registers in connection with the registration of any deed, bond, certificate, agreement or other document shall be deemed to have been effected simultaneously with the affixing of the signature of the registrar thereto in respect of the documents executed or attested by a registrar or with the signing of his registration endorsement in respect of any documents lodged for registration although in fact they may have been made subsequent thereto.

(4) Any document or endorsement which under this regulation is required to be signed by the registrar may, if the registrar is not available to sign such document or endorsement, be signed by the successor in office of the registrar or by any person acting in the place of the registrar, whereupon any reference in subregulation (1) or (3) to the signature of the registrar shall be deemed to include a reference to the signature of such successor or person acting as registrar, as the case may be.

(5) In the event of two or more mortgage bonds being passed on the same day by one and the same mortgagor over the same right of leasehold, the registrar shall, if the mortgage bonds do not disclose the order in which they are to rank, note on each the exact time at which he affixed his signature thereto.

(6) Any document lodged for execution to the registration of which any objection exists shall, if circumstances permit, be rejected not later than 10 clear days after lodgement.

(7) Any document lodged for registration shall, if circumstances permit, be registered or rejected, as the case may be, not later than 10 clear days after such lodgement.

(8) When a document which has been lodged justifies rejection on account of a fault or defect therein, the registrar may order that the further examination of the document be postponed until such fault or defect has been remedied.

(9) (a) When a document lodged by any person for execution or registration or any other purpose is intended to be executed or registered or otherwise dealt with in conjunction with a document lodged by any other person, a note to that effect shall be made by the conveyancer or other person responsible for the lodgement thereof on the several applications or consents concerned.

(b) If any person or any conveyancer omits to comply with this subregulation the document in respect of which such omission has been made may, if in order, be executed, registered or otherwise dealt with independently of such other document.

47. Save as otherwise provided in these regulations or as directed by the court, transfers of a right of leasehold shall follow the sequence of the successive transactions in pursuance of which they are made and, if made in pursuance of testamentary disposition or intestate succession, they shall follow the sequence in which the right of leasehold accrued to the persons successively becoming vested with such right.

48. No right of leasehold or any right therein shall be transferred otherwise than in accordance with the Act and these regulations and no transfer of a right of

die registrasie van 'n dokument vir registrasie ingedien, geplaas is op die tydstip toe die ondertekening in die gewone loop moes geskied het nie, kan die registrateur sy handtekening daarop plaas wanneer die versuim aan die lig kom, en die dokument word daarop geag op voormelde tydstip geregistreer te gewees het.

(3) Alle endossemente of inskrywings op dokumente of in registers aangebring in verband met die registrasie van 'n akte, verband, sertifikaat, ooreenkoms of ander dokument, word geag aangebring te gewees het gelyktydig met die plasing van die registrateur se handtekening daarop ten opsigte van dokumente verly of geattesteer deur 'n registrateur of met die ondertekening van sy endossement van registrasie ten opsigte van enige dokumente vir registrasie ingedien, hoewel hulle inderdaad daarna aangebring kon gewees het.

(4) 'n Dokument of endossement wat ingevolge hierdie regulasies deur 'n registrateur onderteken moet word, kan indien die registrateur nie beskikbaar is om bedoelde dokument of endossement te onderteken nie, deur die ampsopvolger van die registrateur of deur 'n persoon wat in die plek van die registrateur waarneem, onderteken word, waarop 'n verwysing in subregulasie (1) of (3) na die handtekening van die registrateur geag word ook 'n verwysing te wees na die handtekening van bedoelde opvolger of persoon wat as registrateur waarneem, na gelang van die geval.

(5) Ingeval twee of meer verbandaktes op dieselfde dag deur een en dieselfde verbandgewer oor dieselfde reg van huurpag gepasseer word, teken die registrateur, indien die verbandaktes nie die rangorde vermeld nie, op elkeen die juiste tyd aan waarop hy dit onderteken.

(6) Enige dokument wat vir verlyding ingedien word, teen die registrasie waarvan beswaar bestaan, word, indien die omstandighede dit veroorloof, uiterlik 10 volle dae na indiening verwerp.

(7) Enige dokument wat vir registrasie ingedien word, word, indien die omstandighede dit veroorloof, uiterlik 10 volle dae na sodanige indiening geregistreer of verwerp, na gelang van die geval.

(8) Wanneer 'n dokument wat ingedien is, weens 'n fout of gebrek daarin verwerping regverdig, kan die registrateur gelas dat die verdere ondersoek van die dokument uitgestel word totdat die fout reggestel of die gebrek herstel is.

(9) (a) Wanneer 'n dokument wat deur enige persoon vir verlyding of registrasie of enige ander doel ingedien is, bedoel is om verly of geregistreer of anders behandel te word saam met 'n dokument deur iemand anders ingedien, bring die transportbesorger of ander persoon verantwoordelik vir die indiening daarvan 'n aantekening te dien effekte op die onderskeie betrokke aansoeke of toestemmings aan.

(b) Indien 'n persoon of 'n transportbesorger versuim om aan hierdie subregulasie te voldoen, kan die dokument ten opsigte waarvan so 'n versuim plaasgevind het, indien in orde, verly, geregistreer of anders behandel word, onafhanklik van sodanige ander dokument.

47. Behalwe vir sover by hierdie regulasies anders bepaal of deur die hof anders gelas, volg oordragte van 'n reg van huurpag die volgorde van die agtereenvolgende regshandelings waarin hul uitgevoer word, en indien uitgevoer ingevolge testamentêre beskikking of intestate erfopvolging, volg hul die volgorde waarin die reg van huurpag aan die persone agtereenvolgens met daardie reg beklee is, toeval het.

48. Geen reg van huurpag of enige reg daarin word anders as ingevolge die Wet en hierdie regulasies oorgedra nie en geen oordrag van 'n reg van huurpag of

Alteration of composition of an association

41. (1) If the composition of an association in whose name a certificate is registered, changes, the association shall within 14 days of such change notify the registrar in writing of such change and shall furnish him with full particulars thereof.

(2) An association who fails to comply with the provisions of subregulation (1) shall be guilty of an offence and on conviction liable to a fine not exceeding R100.

Register

42. The pages of the register shall be substantially in the form of Annexure O.

Registration of bonds over land in a residential area

43. No bond by which land in the residential area concerned is specially hypothecated shall be registered in any registry referred to in the Deeds Registries Act, 1937 (Act 47 of 1937), after a general plan has been approved for the purposes of section 6A and 6B of the Act.

Manner in which the registrar shall make an endorsement or entry on any document

44. An endorsement or entry made by the registrar on any document under the provisions of these regulations shall be written or typed in indelible black ink and the registrar shall sign and date the endorsement or entry, as the case may be, and shall place his seal under his signature.

Provisions for registration and matters relating thereto

45. (1) Subject to the provisions of these regulations, a registrar shall cancel a certificate, endorsement under which the right of leasehold is transferred, servitude or bond only by order of the court.

(2) Business with the registration office shall, where the person acts on his own behalf, be transacted by means of personal appearance or by means of correspondence and, where the person does not act on his own behalf, by a conveyancer by means of personal appearance only.

(3) (a) All deeds, certificates and other documents which are lodged for execution, registration or record shall be written neatly and plainly or be typed or printed in black ink of good quality on size A4 paper and a margin of not less than 40 millimetres shall be allowed for binding purposes.

(b) The registrar may in his discretion accept for record any photographic copy of a document, which is filed of record in any Government office provided that such copy has been certified to be a true copy by or on behalf of the head of such office or by a Commissioner, registrar, notary public or conveyancer and, in the case of a plan, it has been certified by a land surveyor.

(4) Any spaces in a deed, certificate or document which have not been used shall be crossed out in black and where a deed, certificate or document comprises more than one page, the first word on the following page shall be written or typed at the foot of each page.

(5) If in the opinion of the registrar the writing, typing or printing in any deed, certificate or other

Veranderings van samestelling van vereniging

41. (1) Indien die samestelling van 'n vereniging op wie se naam 'n sertifikaat geregistreer is, verander, stel die vereniging binne 14 dae na sodanige verandering die registrateur skriftelik in kennis van sodanige verandering en voorsien hom van volle besonderhede daarvan.

(2) 'n Vereniging wat versuim om aan die bepalings van subregulasie (1) te voldoen, begaan 'n misdryf en is by skuldigbevinding strafbaar met 'n boete van hoogstens R100.

Register

42. Die bladsye van die register is wesenlik in die vorm van Aanhangsel O.

Registrasie van verbande oor grond in 'n woongebied

43. Nadat 'n algemene plan vir doeleindes van artikel 6A en 6B van die Wet goedgekeur is, word geen verband waardeur grond in die betrokke woongebied besonders verpand word, in enige registrasiekantoor bedoel in die Registrasie van Aktes Wet, 1937 (Wet 47 van 1937), geregistreer nie.

Wyse waarop die registrateur 'n endossement of inskrywing op 'n dokument maak

44. 'n Endossement of inskrywing wat die registrateur kragtens die bepalings van hierdie regulasies op 'n dokument maak, word in onuitwisbare swart ink geskryf of getik en die registrateur onderteken en dateer die endossement of aantekening, na gelang van die geval, en plaas sy seël onder sy handtekening.

Registrasievoorskrifte en aanverwante sake

45. (1) Behoudens die bepalings van hierdie regulasies rojeer 'n registrateur 'n sertifikaat, endossement waarkragtens die reg van huurpag oorgedra is, serwituut of verband alleen op las van die hof.

(2) Besigheid met die registrasiekantoor word, waar die persoon self optree, deur middel van persoonlike verskyning of deur middel van briefwisseling gedoen en, waar die persoon nie self optree nie, deur 'n transportbesorger slegs deur middel van persoonlike verskyning gedoen.

(3) (a) Alle aktes, sertifikate en ander dokumente wat vir verlyding, registrasie of aantekening aangebied word, word netjies en duidelik op A4-grootte papier geskryf of getik of met swart ink van goeie kwaliteit gedruk en 'n kantruimte van minstens 40 millimeter word vir inbindingsdoeleindes gelaat.

(b) Die registrateur kan na goeddunke 'n fotografiese afdruk van 'n dokument wat in enige staatskantoor gebêre is vir aantekening aanvaar, mits so 'n afskrif deur of namens die hoof van sodanige kantoor of deur 'n Kommissaris, registrateur, notaris of transportbesorger as 'n juiste afskrif gewaarmerk is of, in die geval van 'n plan, dit deur 'n landmeter gewaarmerk is.

(4) Enige ruimtes in 'n akte, sertifikaat of dokument wat nie gebruik is nie, word met swart deurgehaal en waar 'n akte, sertifikaat of dokument meer as een bladsy beslaan, word die aanvangswoord van die daaropvolgende bladsy onderaan elke bladsy geskryf of getik.

(5) Indien, na die oordeel van die registrateur, die skrif, tikskrif of druk in enige akte, sertifikaat of ander

(e) where the surviving spouse has signed the application for the registration of the transfer of the certificate as the executor.

Special provisions relating to women

36. (1) Every application referred to in regulations 10, 12, 18, 20, 21, 22, 23 and 24 made by or on behalf of or in favour of women shall in each case disclose the full name and status of the woman concerned, whether unmarried, married, widowed or divorced, as the case may be, and if the woman is married the full name of her husband shall also be disclosed, and if the marriage is governed by the law in force in the Republic or any part thereof it shall be stated whether the marriage was contracted with or without community of property and whether the marital power of her husband has been excluded.

(2) A woman married out of community of property shall be assisted by her husband in executing any document required or permitted to be registered in any registration office or required or permitted to be produced in connection with any such document, unless the marital power has been excluded or unless the assistance of the husband is on other grounds deemed by the registrar to be unnecessary.

(3) A certificate or bond shall not be transferred or ceded to or registered in the name of, a woman married in community of property, save where such certificate or bond is by law or by a condition of a bequest or donation excluded from such community.

(4) If a certificate has been acquired by either of the two spouses married in community of property in such a manner that the said certificate would on transfer thereof become part of the joint estate and the community has been dissolved by the death of one of the spouses before the certificate is transferred, the certificate shall be transferred to the joint estate of the spouses, pending liquidation thereof, and shall, subject to the provisions of any disposition affecting that certificate, be deemed to be the joint property of the surviving spouse and of the estate of the deceased spouse.

(5) When a certificate or a bond is registered in the name of—

(a) a woman who has married since the registration was effected; or

(b) a woman who at the date of the registration was married out of community of property, and who has since been widowed or divorced;

it shall be competent for the registrar, on written application by such woman (assisted where necessary by her husband) and on production of the relevant certificate or mortgage bond and of proof to his satisfaction of the change in her status, to record such change on such certificate or mortgage bond and the registration duplicate thereof and in the register.

(6) Any customary union registered in terms of the provisions of the Schedule to Proclamation R. 195 of 1967 or of the regulations promulgated under Government Notice R. 1970 of 1968 shall be deemed to be a marriage for the purposes of this regulation.

Payment of fees in respect of certain actions

37. Revenue stamps in the amount of R10 shall be affixed to an application to—

(a) register a right of leasehold;
(b) register a transfer of a right of leasehold;
(c) register or cancel a mortgage bond;
(d) register the cession of a mortgage bond;

(e) waar die langslewende eggenoot die aansoek om die registrasie van die oordrag van die sertifikaat, as eksekuteur geteken het.

Besondere bepalings omtrent vrouens

36. (1) Alle aansoeke in regulasies 10, 12, 18, 20, 21, 22, 23 en 24 bedoel wat deur of ten behoewe of ten gunste van vrouens gedoen word, vermeld in elke geval die volle naam en staat van die betrokke vrou, naamlik of sy ongetroud, getroud, 'n weduwee of geskei is, na gelang van die geval, en indien die vrou getroud is, word die volle naam van haar man ook vermeld en as die huwelik beheers word deur die reg wat in die Republiek of 'n deel daarvan geld, word vermeld of die huwelik in of buite gemeenskap van goedere aangegaan is en of die maritale mag van die eggenoot uitgesluit is.

(2) 'n Vrou wat buite gemeenskap van goedere getroud is, word deur haar man bygestaan by die ondertekening van enige dokument wat in 'n registrasiekantoor geregistreer moet of kan word of wat vertoon moet of kan word in verband met so 'n dokument, tensy die maritale mag uitgesluit is of tensy die registrateur die bystand van die man om ander redes onnodig ag.

(3) 'n Sertifikaat of verband mag nie oorgedra of gesedeer word aan, of geregistreer word op naam van, 'n vrou wat in gemeenskap van goedere getroud is nie, behalwe wanneer daardie sertifikaat of verband volgens wet of volgens 'n voorwaarde van 'n bemaking of skenking van sodanige gemeenskap uitgesluit is.

(4) Indien 'n sertifikaat deur die een of die ander van twee eggenote wat in gemeenskap van goedere getroud is, op so 'n wyse verkry is dat daardie sertifikaat by oordrag daarvan deel sou word van die gemeenskaplike boedel, en die gemeenskap deur die dood van een van die eggenote ontbind is voordat die sertifikaat oorgedra is, word eie sertifikaat aan die gemeenskaplike boedel van die eggenote oorgedra, totdat dit gelikwideer is, en word dit behoudens die bepalings van 'n beskikking met betrekking tot daardie sertifikaat, geag die gemeenskaplike eiendom van die langslewende eggenoot en die boedel van die oorlede eggenoot te wees.

(5) Wanneer 'n sertifikaat of 'n verband geregistreer staan op naam van—

(a) 'n vrou wat sedert die registrasie plaasgevind het, getroud is; of

(b) 'n vrou wat op die datum van die registrasie buite gemeenskap van goedere getroud was en wat daarna 'n weduwee geword het of geskei is;

kan die registrateur op skriftelike aansoek deur bedoelde vrou (bygestaan, waar nodig, deur haar man) en by oorlegging van die betrokke sertifikaat of verbandakte, en van bewys tot sy tevredenheid van die verandering in haar status, bedoelde verandering op daardie sertifikaat of verbandakte en die registrasieduplikaat daarvan en in die register aanteken.

(6) 'n Gebruiklike verbintenis wat ingevolge die bepalings van die Bylae van Proklamasie R. 195 van 1967 of van die regulasies afgekondig by Goewermentskennisgewing R. 1970 van 1968 geregistreer is, word vir die doeleindes van hierdie regulasie geag 'n huwelik te wees.

Betaling van geld ten opsigte van sekere handelings

37. Inkomsteseëls ten bedrae van R10 word geplak op 'n aansoek om—

(a) 'n reg van huurpag te registreer;
(b) 'n oordrag van 'n reg van huurpag te registreer;
(c) 'n verbandakte te registreer of te rojeer;
(d) 'n sessie van 'n verbandakte te registreer;

(8) The provisions of this regulation shall apply *mutatis mutandis* in respect of—

(a) estates administered and distributed under section 34 of the Administration of Estates Act, 1965 (Act 66 of 1965); and

(b) companies which are unable to pay their debts and are liquidated or wound up by or under the supervision of the court.

No bond to be passed in favour of an agent

27. No mortgage bond shall be passed in favour of any person as the agent of a principal.

Requirements in case of bonds passed in favour of two or more persons

28. No mortgage bond in which it is stipulated that the share of one mortgagee shall rank prior in order of preference to the share of another may be passed in favour of two or more persons.

Requirements in case of bonds intended to secure future debts

29. (1) No mortgage bond which secures preference or precedence in respect of a debt incurred after the registration of such bond shall be valid unless—

(a) it is expressly stipulated in the bond that the bond is intended to secure future debts generally or some particular future debt described therein; and

(b) a sum is fixed in the bond as an amount beyond which future debts shall not be secured by the bond.

(2) If a mortgage bond purports to secure payment by the mortgagor of the costs of preserving and realizing the security or of interest on the advance, insurance premiums, cost of notice or bank exchange, such interest, costs and charges shall not be deemed to be future debts within the meaning of subregulation (1).

Cession of bond to secure future advances

30. A cession of a mortgage bond passed to secure future advances may be registered and the registration of such cession shall not affect the provisions of the bond relating to future advances up to the amount stated in such bond or the amount as reduced.

Transfer of mortgaged certificate

31. No transfer of a mortgaged certificate shall be registered by the registrar, until the bond has been cancelled: Provided that no such cancellation shall be necessary if the transfer is made—

(a) in execution of the judgment of any court (including a magistrate's court and a court of a Commissioner) by the competent officer;

(b) by the trustee of an insolvent estate, an executor administering and distributing an estate under section 34 of the Administration of Estates Act, 1965 (Act 66 of 1965), the liquidator of a body corporate which is unable to pay its debts and which is being wound up by or under the supervision of the court; or

(c) by order of a court.

(8) Die bepalings van hierdie regulasie is *mutatis mutandis* van toepassing ten opsigte van—

(a) boedels wat kragtens artikel 34 van die Boedelwet, 1965 (Wet 66 van 1965), beredder en verdeel word; en

(b) maatskappye wat hulle skulde nie kan betaal nie en deur of onder toesig van die hof gelikwideer word.

Geen verband word ten gunste van 'n verteenwoordiger gepasseer nie

27. Geen verbandakte word op naam van iemand as verteenwoordiger van 'n lasgewer gepasseer nie.

Voorskrifte in geval van verbande ten gunste van twee of meer persone gepasseer

28. Geen verbandakte word op naam van twee of meer persone gepasseer nie as daarin beding word dat .an die aandeel van die een verbandhouer 'n voorrang bo die aandeel van 'n ander toegeken word.

Voorskrifte vir verbande tot versekering van toekomstige skulde

29. (1) Geen verbandakte wat voorkeur of voorrang verleen ten opsigte van 'n skuld wat na die registrasie van sodanige verbandakte aangegaan is, is geldig nie tensy—

(a) in die verbandakte uitdruklik beding word dat die verbandakte bestem is om toekomstige skulde oor die algemeen of een of ander bepaalde daarin genoemde toekomstige skuld te verseker; en

(b) 'n som in die verbandakte vasgestel word as 'n bedrag waarbo toekomstige skulde nie deur die verbandakte verseker word nie.

(2) Indien 'n verbandakte betaling deur die verbandgewer heet te verseker van die koste daaraan verbonde om die sekuriteit in stand te hou en te gelde te maak of van rente op die voorskot, assuransiepremies, die koste van kennisgewing of bankprovisie, word daardie rente, koste en vorderings nie geag toekomstige skulde in die sin van subregulasie (1) te wees nie.

Sessie van verband tot versekering van toekomstige voorskotte

30. 'n Sessie van 'n verbandakte gegee om toekomstige voorskotte te verseker, kan geregistreer word, en die registrasie van so 'n sessie raak nie die bepalings van die verbandakte met betrekking tot toekomstige voorskotte tot die bedrag in sodanige verbandakte aangegee of die bedrag soos verminder nie.

Oordrag van sertifikaat met verband beswaar

31. Geen oordrag van 'n sertifikaat wat met verband beswaar is, word deur die registrateur geregistreer nie alvorens die verband gerojeer is: Met dien verstande dat geen sodanige rojering nodig is nie as die oordrag geskied—

(a) ter volvoering van die vonnis van 'n hof (met inbegrip van 'n landdroshof en 'n hof van 'n Kommissaris) deur die bevoegde amptenaar;

(b) deur die kurator van 'n insolvente boedel, 'n eksekuteur wat 'n boedel kragtens artikel 34 van die Boedelwet, 1965 (Wet 66 van 1965), beredder en verdeel, die likwidateur van 'n regspersoon wat sy skulde nie kan betaal nie en wat deur of onder toesig van die hof gelikwideer word; of

(c) op las van die hof.

the mortgagee and the transferee to the substitution of the transferee for the original holder as the debtor in respect of the bond for the amount of the debt disclosed therein or for a lesser amount.

(2) In registering the transfer the registrar shall—

(a) in the register, make—

(i) an entry setting forth that the debt of the original holder secured by the bond is cancelled; and

(ii) an entry setting forth that the transferee has become the debtor in respect of the bond;

(b) annex one copy of the written consent referred to in subregulation (1) to the bond and file the other with the registration duplicate of the bond;

(c) endorse upon the bond—

(i) the name of the transferee;

(ii) the date of registration of the transfer;

(iii) a reference to the said written consent; and

(iv) that the transferee has been substituted for the original holder as the debtor in respect of the bond.

(3) As from the date of registration of the transfer the original holder shall be absolved from any obligation secured by the bond and the transferee shall be substituted for him as the debtor in respect of such bond and shall be bound by the terms thereof in the same manner as if he had himself passed the bond and had renounced therein the benefit of all relevant exceptions.

(4) The provisions of this regulation shall not apply if the certificate hypothecated under a mortgage bond is transferred to a person who would not himself be qualified to be the holder of such certificate or to hypothecate it under a bond.

Renunciation of order of preference with regard to registered bonds in favour of any other bond

25. (1) The holder of a bond that has been registered or is about to be registered shall submit the following documents to the registrar concerned for the registration of the renunciation of the order of preference with regard to registered bonds in favour of the bond of which he is the holder:

(a) Written consent, in duplicate, substantially in the form of Annexure N, of the mortgagee concerned to the renunciation of the order of preference with regard to the bond of which he is the holder in favour of the bond of which applicant is the holder; and

(b) the mortgage bonds concerned.

(2) If the registrar is satisfied that the documents are in order, he shall register the renunciation by making an appropriate entry in the register and shall endorse the mortgage bonds and registration duplicates thereof accordingly: Provided that no such renunciation in favour of a mortgage bond that has not yet been registered, shall be registered.

(3) On registration of such renunciation one copy of the written consent referred to in subregulation (1) shall be attached to each mortgage bond and registration duplicate.

toestemming, in tweevoud en wesenlik in die vorm van Aanhangsel M, van die verbandhouer en die oordragnemer tot die vervanging van die oorspronklike houer deur die oordragnemer as die skuldenaar ten aansien van die verband, vir die bedrag van die skuld daarin geopenbaar of vir 'n kleiner bedrag, aan hom voorgelê word.

(2) By registrasie van die oordrag moet die registrateur—

(a) in die register—

(i) 'n inskrywing maak wat vermeld dat die skuld van die oorsponklike houer deur die verband verseker, gerojeer is; en

(ii) 'n inskrywing maak wat vermeld dat die oordragnemer die skuldenaar ten aansien van die verband geword het;

(b) een eksemplaar van die skriftelike toestemming in subregulasie (1) bedoel aan die verbandakte heg en die ander by die registrasieduplikaat van die verbandakte bewaar;

(c) op die verbandakte aanteken—

(i) die naam van die oordragnemer;

(ii) die datum van registrasie van die oordrag;

(iii) 'n verwysing na genoemde skriftelike toestemming; en

(iv) dat die oorspronklike houer deur die oordragnemer vervang is as skuldenaar ten aansien van die verband.

(3) Vanaf die datum van registrasie van die oordrag is die oorspronklike verbandgewer bevry van enige verpligting deur die verband verseker en word hy deur die oordragnemer vervang as skuldenaar ten aansien van daardie verband, en is die oordragnemer deur die bepalings daarvan gebonde asof hyself die verband gepasseer het en daarin van die voorreg van alle toepaslike eksepsies afstand gedoen het.

(4) Die bepalings van hierdie regulasie is nie van toepassing nie as die met verband beswaarde sertifikaat oorgedra word aan iemand wat nie self bevoeg sou wees om die houer van dié sertifikaat te wees of om dit met 'n verband te beswaar nie.

Afstanddoening van voorrang ten aansien van geregistreerde verbande ten gunste van 'n ander verband

25. (1) Die houer van 'n verband wat geregistreer is of op die punt staan om geregistreer te word, dien die volgende dokumente vir die registrasie van die afstanddoening van voorrang ten aansien van geregistreerde verbande ten gunste van die verband waarvan hy die houer is, by die betrokke registrateur in:

(a) Skriftelike toestemming, in tweevoud, wesenlik in die vorm van Aanhangsel N, van die betrokke verbandhouer tot die afstanddoening van voorrang ten aansien van die verband waarvan hy die houer is ten gunste van die verband waarvan die applikant die houer is; en

(b) die betrokke verbandaktes.

(2) Indien die registrateur daarvan oortuig is dat die dokumente in order is, registreer hy die afstanddoening deur in die register 'n toepaslike inskrywing te maak en endosseer hy die verbandaktes en die registrasieduplikate daarvan dienooreenkomstig: Met dien verstande dat geen sodanige afstanddoening ten gunste van 'n verbandakte wat nog nie geregistreer is nie, geregistreer word nie.

(3) By die registrasie van sodanige afstanddoening word een afskrif van die skriftelike toestemming in subregulasie (1) bedoel aan elke verbandakte en registrasieduplikaat geheg.

(3) If the amount of an existing debt is mentioned in a mortgage bond purporting to secure a future debt, such existing debt shall be deemed to be secured as a part of the maximum amount intended to be secured by such bond.

(4) Save as authorised by any other law or by order of the Court, debts or obligations to more than one creditor arising from different causes shall not be secured by one motgage bond.

Registration of mortgage bond

18. (1) The mortgagee shall submit the following documents to the registrar concerned for the registration of the bond:

(a) An application for registration of the bond, substantially in the form of Annexure K (1);

(b) the mortgage bond and a duplicate original (which shall serve as a registration duplicate) thereof, substantially in the form of Annexure K (2);

(c) the certificate concerned (if it has already been issued).

(2) If the registrar is satisfied that the documents are in order, he shall register the mortgage bond by making an entry in the register to the effect that the certificate is mortgaged and he shall endorse the certificate and the registration duplicate accordingly.

(3) The certificate and the mortgage bond shall thereafter be delivered to the mortgagee.

Irrelevant provisions

19. A registrar shall not examine provisions relating to a bond which are not relevant to the registration of the bond.

Cancellation of a mortgage bond

20. (1) The morgagee shall submit the following documents to the registrar concerned for the cancellation of the bond:

(a) Written consent, in duplicate, of the mortgagee to the cancellation of the bond, substantially in the form of Annexure H;

(b) the mortgage bond; and

(c) the certificate concerned.

(2) If the registrar is satisfied that the documents are in order he shall cancel the mortgage bond and registration duplicate thereof, note the cancellation thereof in the register and endorse the certificate and registration duplicate thereof accordingly.

(3) On cancellation of the mortgage bond the written consent referred to in subregulation (1) shall be attached to the mortgage bond and the copy thereof shall be filed with the registration duplicate of the mortgage bond.

(4) The cancelled mortgage bond and certificate shall thereafter be delivered to the person who submitted it.

Registration of cession of mortgage bond

21. (1) Any person to whom a mortgagee has ceded a bond, shall submit the following documents to the registrar concerned for the registration of the cession of such bond:

(a) The cession and duplicate original thereof;

(b) written consent of the mortgagee to the registration of the cession of the mortgage bond, substantially in the form of Annexure L;

(c) the mortgage bond,

(3) As in 'n verbandakte wat heet 'n toekomstige skuld te verseker, die bedrag van 'n bestaande skuld genoem word, word daardie bestaande skuld geag verseker te wees as 'n deel van die maksimum bedrag tot verskering waarvan sodanige verbandakte bestem is.

(4) Skulde of verpligtings aan of teenoor meer as een skuldeiser, wat voortspruit uit verskillende oorsake, kan, behalwe wanneer 'n ander wet of 'n bevel van die hof dit magtig, nie deur een verbandakte verseker word nie.

Registrasie van 'n verbandakte

18. (1) Die verbandhouer dien die volgende dokumente vir registrasie van die verband by die betrokke registrateur in:

(a) 'n Aansoek om registrasie van die verband, wesenlik in die vorm van Aanhangsel K (1);

(b) die verbandakte en 'n duplikaat-oorspronklike (wat as registrasieduplikaat moet dien) daarvan, wesenlik in die vorm van Aanhangsel K (2);

(c) die betrokke sertifikaat (indien dit reeds uitgereik is).

(2) Indien die registrateur oortuig is dat die dokumente in orde is, registreer hy die verbandakte deur in die register 'n inskrywing te maak wat vermeld dat die sertifikaat verpand is en hy endosseer die sertifikaat en die registrasieduplikaat dienooreenkomstig.

(3) Die sertifikaat en die verbandakte word daarna aan die verbandhouer gelewer.

Nie-tersaaklike bepalings

19. 'n Registrateur ondersoek nie bepalings met betrekking tot 'n verband wat nie vir die doeleindes van die registrasie van die verband ter sake is nie.

Rojering van 'n verbandakte

20. (1) Die verbandhouer dien die volgende dokumente vir die rojering van die verband by die betrokke registrateur in:

(a) Skriftelike toestemming, in tweevoud, wesenlik in die vorm van Aanhangsel H, van die verbandhouer tot die rojering van die verbandakte;

(b) die verbandakte; en

(c) die betrokke sertifikaat.

(2) Indien die registrateur daarvan oortuig is dat die dokumente in orde is, rojeer hy die verbandakte en die registrasieduplikaat daarvan, teken hy die rojering daarvan in die register aan en endosseer hy die sertifikaat en die registrasieduplikaat daarvan dienooreenkomstig.

(3) By die rojering van die verbandakte word die skriftelike toestemming in subregulasie (1) bedoel aan die verbandakte geheg en die afskrif daarvan by die registrasieduplikaat van die verbandakte bewaar.

(4) Die gerojeerde verbandakte en sertifikaat word daarna aan die persoon wat dit ingedien het, gelewer.

Registrasie van sessie van verbandakte

21. (1) 'n Persoon aan wie 'n verbandhouers 'n verband gesedeer het, dien die volgende dokumente vir die registrasie van die sessie van sodanige verband by die betrokke registrateur in:

(a) Die sessie en duplikaat-oorspronklike daarvan;

(b) skriftelike toestemming, wesenlik in die vorm van Aanhangsel L, van die verbandhouer tot die registrasie van die sessie van die verbandakte; en

(c) die verbandakte.

(c) subject to the provisions of these regulations, to issue certified copies of any document referred to or contemplated in section 6A or 6B of the Act or these regulations;

(d) if in his opinion any certificate, deed or other document submitted to him has become illegible or unfit for use, to require that a certified copy thereof be obtained to replace it.

Copies of certificates and documents

15. (1) A certified copy of a certificate or mortgage bond required for information only, shall be issued on the application of any person upon payment of an amount of R5 and the words "Issued for information only" shall be written or stamped on each page of the copy so issued.

(2) Where a copy of a certificate or mortgage bond is required for judicial purposes a certified copy shall be issued on the request of an attorney upon payment of an amount of R5 or on the request of an official on behalf of a Government department, and the words "Issued for judicial purposes only" shall be written or stamped on each page of the copy so issued.

(3) (a) If a certificate or mortgage bond is lost, stolen or destroyed or becomes illegible or unfit for use, the mortgagee or certificate holder, with the written consent of the mortgagee or his duly authorised agent may apply for the issue to him of a certified copy thereof in the place of the original document by means of an affidavit in which the certificate or mortgage bond, as the case may be, is described and in the case of an application for a copy of a certificate or mortgage bond that has been lost, stolen or destroyed in which it is stated that it has not been mortgaged or is not being held by any person as security for debt or otherwise, but that it has actually been lost, stolen or destroyed, as the case may be, and cannot be found though diligent search has been made therefor and setting forth, where possible, the circumstances under which it was lost, stolen or destroyed.

(b) In the case of an application for a copy of a certificate or mortgage bond that has been damaged or mutilated, such certificate or mortgage bond, as the case may be, shall be attached to the sworn statement.

(c) If the circumstances of the loss, theft or destruction are not stated in the affidavit or if they are stated and the registrar is of the opinion that evidence or further evidence, as the case may be, is necessary from either the applicant himself or any other person in whose custody the certificate or bond, as the case may be, may have been before the loss, theft or destruction thereof, to establish such loss, theft or destruction, he shall be entitled to call for such evidence or further evidence, as the case may be.

(d) If such certificate holder or mortgagee is deceased, insane, insolvent, a minor or is otherwise legally incapacitated or is a body corporate under liquidation, then the affidavit may be made by the legal representative of the estate, guardian or other representative of the person or the liquidator of the body corporate, as the case may be: Provided that if such representative or liquidator cannot to produce evidence definitely establishing the loss, theft

(c) behoudens die bepalings van hierdie regulasies, gewaarmerkte afskrifte van enige dokument in artikel 6A of 6B van die Wet of hierdie regulasies bedoel of beoog, uit te reik;

(d) indien 'n sertifikaat, akte of ander dokument wat aan hom voorgelê word, volgens sy mening onleesbaar of onbruikbaar geword het, te eis dat 'n gewaarmerkte afskrif daarvan verkry word om dit te vervang.

Afskrifte van sertifikate en dokumente

15. (1) 'n Gewaarmerkte afskrif van 'n sertifikaat of verbandakte wat net vir inligting nodig is, word op aansoek van enige persoon by betaling van 'n bedrag van R5 uitgereik en die woorde "Alleen vir inligting uitgereik" word geskrywe of gestempel op elke bladsy van die afskrif wat aldus uitgereik word.

(2) Waar 'n afskrif van 'n sertifikaat of verbandakte vir geregtelike doeleindes vereis word, word 'n gewaarmerkte afskrif op aanvraag van 'n prokureur by betaling van 'n bedrag van R5 of op aanvraag van 'n beampte ten behoewe van 'n Staatsdepartement uitgereik en die woorde "Alleen vir geregtelike doeleindes uitgereik" word geskrywe of gestempel op elke bladsy van die afskrif wat aldus uitgereik word.

(3) (a) Indien 'n sertifikaat of verbandakte verlore raak, gesteel of vernietig word of onleesbaar is of onbruikbaar geword het, kan die verbandhouer of die sertifikaathouer, met die skriftelike toestemming van die verbandhouer of sy behoorlik gemagtigde agent, aansoek doen om die uitreiking aan hom van 'n gewaarmerkte afskrif daarvan om in die plek van die oorspronklike stuk te dien deur middel van 'n beëdigde verklaring wat die sertifikaat of verbandakte, na gelang van die geval, beskryf en in die geval van 'n aansoek om 'n afskrif van 'n sertifikaat of verbandakte wat verlore geraak het of gesteel of vernietig is waarin vermeld word dat dit nie verpand of deur iemand gehou word as sekuriteit vir skuld of andersins nie, maar dat dit werklik verlore geraak het of gesteel of vernietig is, na gelang van die geval, en dat dit na grondige ondersoek nie te vind is nie, en waarin, waar moontlik, die omstandighede waaronder dit verlore geraak het of gesteel of vernietig is, uiteengesit word.

(b) In die geval van 'n aansoek om 'n afskrif van 'n sertifikaat of verbandakte wat beskadig of geskend is, word sodanige sertifikaat of verbandakte, na gelang van die geval, aan die beëdigde verklaring geheg.

(c) Indien die omstandighede van die verlies, diefstal of vernietiging nie in die beëdigde verklaring vermeld is nie, of as dit wel vermeld is en die registrateur meen dat, met die doel om die verlies, diefstal of vernietiging vas te stel, bewys of verdere bewys nodig is, hetsy van die aansoeker self of van iemand anders in wie se bewaring die sertifikaat of verbandakte, na gelang van die geval, kon gewees het voor die verlies, diefstal of vernietiging daarvan, is hy geregtig om sodanige bewys of verdere bewys, na gelang van die geval, aan te vra.

(d) Indien sodanige sertifikaathouer of die geregistreerde houer van die verbandakte oorlede of kranksinnig is of insolvent is of minderjarig of andersins handelingsonbevoeg is of 'n regspersoon in likwidasie is, kan die beëdigde verklaring afgelê word deur die wettige verteenwoordiger van die boedel of die voog of ander verteenwoordiger van die persoon of die likwidateur van die regspersoon, na gelang van die geval: Met dien verstande dat as sodanige verteenwoordiger of likwidateur nie in staat is om bewys te lewer wat die verlies, diefstal of vernietiging van die sertifikaat

Transfer of a right of leasehold

12. (1) Subject to the provisions of the Act and these regulations, a right of leasehold shall be transferred—

(a) in the case of a transfer arising from an agreement of purchase between the certificate holder and the intending certificate holder, the submission to the registrar of an application, substantially in the form of Annexure F, accompanied by—

(i) a memorandum of agreement between the parties, substantially in the form of Annexure G or, if the parties wish to contract otherwise, the memorandum of agreement entered into by them;

(ii) the certificate;

(iii) proof that no charges and other moneys referred to in regulation 11 (1) (b) in respect of the site concerned are owing;

(iv) a certificate, substantially in the form of Annexure H, from the mortgagee (if any) that the certificate holder has discharged his obligations to the mortgagee and that the bond may be cancelled, except in a case contemplated in the proviso to regulation 31; and

(v) proof that satisfactory arrangements have been made for the payment of the amount due in respect of the right of leasehold in and the improvements (if any) on the site concerned;

(b) in the case of a transfer which arises from a sale in execution or follows on insolvency or is necessary by virtue of the proviso to section 6A (5) (c) of the Act or regulation 50, by the submission to the registrar of the application referred to in paragraph (a) and the certificate, accompanied by proof that satisfactory arrangements have been made for the payment of the amount due in respect of the right of leasehold in and the improvements (if any) on the site concerned and certificates substantially in the form of Annexures H and I, issued by the mortgagee (if any), trustee, Master or executor, as the case may be;

(c) in the case of a transfer by a mortgagee in terms of the provisions of section 6A (6) (a) of the Act, by the submission to the registrar of the application referred to in paragraph (a), accompanied by the certificates referred to in paragraph (b) and the certificate; or

(d) in the case of a transfer arising from a donation or exchange, by the submission to the registrar of the application referred to in paragraph (a), the documents referred to in paragraph (a) (ii) and (iii), and a certificate, substantially in the form of Annexure I.

(2) A right of leasehold in respect of a surveyed site for residential purposes shall not be transferred to more than one qualified person.

(3) If the registrar is satisfied that the documents referred to in subregulation (1) are in order, he shall register the transfer by making an appropriate entry in the register and he shall endorse the certificate and the registration duplicate thereof by issuing a document substantially in the form of Annexure J.

(4) The registrar shall sign and date the endorsement and place his seal below his signature.

(5) The original endorsement shall be attached to the original certificate and delivered to the certificate holder and the copy of the endorsement attached to the registration duplicate.

Oordrag van reg van huurpag

12. (1) Behoudens die bepalings van die Wet en hierdie regulasies word 'n reg van huurpag oorgedra—

(a) in die geval van 'n oordrag voortspruitend uit 'n koopooreenkoms tussen die sertifikaathouer en die voorgenome sertifikaathouer, deur 'n aansoek wesenlik in die vorm van Aanhangsel F by die registrateur in te dien, vergesel van—

(i) 'n akte van ooreenkoms tussen die partye, wenslik in die vorm van Aanhangsel G, of, indien die partye op ander bedinge wens ooreen te kom, die akte van ooreenkoms deur hulle aangegaan;

(ii) die sertifikaat;

(iii) 'n bewys dat geen vorderings en ander gelde bedoel in regulasie 11 (1) (b) ten opsigte van die betrokke perseel verskuldig is nie;

(iv) 'n sertifikaat, wesenlik in die vorm van Aanhangsel H, van die verbandhouer (as daar is) dat die sertifikaathouer sy verpligtinge teenoor die verbandhouer nagekom het en dat die verband geprojeer kan word, behalwe in 'n geval soos bedoel in die voorbehoudsbepaling van regulasie 31; en

(v) 'n bewys dat bevredigende reëlings getref is vir die betaling van die bedrag betaalbaar ten opsigte van die reg van huurpag in en die verbeterings (as daar is) op die betrokke perseel;

(b) in die geval van 'n oordrag voortspruitend uit 'n verkoping in eksekusie of wat volg op insolvensie of wat noodsaaklik is uit hoofde van die voorbehoudsbepaling van artikel 6A (5) (c) van die Wet of regulasie 50, deur die aansoek bedoel in paragraaf (a) en die sertifikaat by die registrateur in te dien, vergesel van 'n bewys dat bevredigende reëlings getref is vir die betaling van die bedrag betaalbaar ten opsigte van die reg van huurpag in en die verbeterings (as daar is) op die betrokke perseel en sertifikate wesenlik in die vorm van Aanhangsels H en I uitgereik deur die verbandhouer (as daar is), kurator, Meester of eksekuteur, na gelang van die geval;

(c) in die geval van 'n oordrag deur 'n verbandhouer ingevolge die bepalings van artikel 6A (6) (a) van die Wet, deur die aansoek bedoel in paragraaf (a) by die registrateur in te dien, vergesel van die sertifikate bedoel in paragraaf (b) en die sertifikaat; of

(d) in die geval van 'n oordrag voortspruitend uit 'n skenking of verruiling, deur die aansoek bedoel in paragraaf (a), die dokumente bedoel in paragraaf (a) (ii) en (iii) en 'n sertifikaat wesenlik in die vorm van Aanhangsel I by die registrateur in te dien.

(2) 'n Reg van huurpag ten opsigte van 'n opgemete perseel vir woondoeleindes word nie aan meer as een bevoegde persoon oorgedra nie.

(3) Indien die registrateur daarvan oortuig is dat die dokumente in subregulasie (1) bedoel in orde is, registreer hy die oordrag deur 'n toepaslike inskrywing in die register te maak en endosseer hy die sertifikaat en die registrasieduplikaat daarvan deur 'n dokument wesenlik in die vorm van Aanhangsel J uit te reik.

(4) Die registrateur onderteken en dateer die endossement en plaas sy seël onder sy handtekening.

(5) Die oorspronklike endossement word aan die oorspronklike sertifikaat geheg en aan die sertifikaathouer gelewer en die afskrif van die endossement aan die registrasieduplikaat geheg.

(ii) an amount equal to that calculated in accordance with formula determined in paragraph (a) (ii):

Provided that if the actual costs cannot be readily determined, the calculated replacement cost shall be deemed to be the cost of the provision of services.

(2) An administration board shall determine the amount payable in respect of the improvements of which it is the owner, situated on any site in respect of which a right of leasehold has been granted, by calculating the amount equal to one-half of the sum of the actual costs of erection and the calculated costs of replacement thereof on the date of the granting of the right: Provided that if the costs of erection cannot be readily determined, the calculated costs of replacement shall be deemed to be the costs of erection.

(3) If the applicant, at the time of the granting to him of the right of leasehold, fails to pay the amount payable in respect of such right of leasehold in and any improvements on the site concerned to the administration board or fails to furnish security to the board to its satisfaction for the payment of that amount against registration of the right of leasehold, and the administration board agrees thereto, payment may be made by the person concerned to the administration board, against security of a bond in favour of the administration board by the payment of—

(a) a minimum deposit equal to 5 per cent of the amount payable in respect of the right of leasehold in and the improvements on the surveyed site, if any, as determined in accordance with subregulations (1) and (2) or R300 in the case of a right of leasehold for residential purposes or R900 in the case of such right for the purposes of conducting a profession or business thereon, whichever is the lesser; and

(b) subject to the provisions of subregulation (4), the outstanding balance with interest in equal monthly instalments over a period not exceeding 30 years.

(4) Interest on the outstanding balance as referred to in subregulation (3) (b) shall be calculated at such rate and on such conditions as the Minister may from time to time determine: Provided that where the interest rates are raised it shall not be required of the mortgagor to increase the amount of his regular repayments.

Registration of a right of leasehold

10. (1) Any person to whom a right of leasehold has been granted shall, personally or through a conveyancer, submit the following documents for the registration of that right to the registrar concerned:

(a) An application for the registration of the right of leasehold substantially in the form of Annexure D;

(b) the Provisional Grant of a Right of Leasehold;

(c) proof by the administration board and the community council concerned that no charges or other moneys (excluding the amount payable in respect of the right of leasehold in and the improvements on the surveyed site concerned) in respect of the site concerned, are due to the board or council;

(d) a copy of a plan of the surveyed site certified by a land surveyor or, if the site has been surveyed, a certificate issued by a land surveyor to the effect that

(ii) 'n bedrag gelykstaande met dié bereken volgens die formule bepaal in paragraaf (a) (ii):

Met dien verstande dat indien die werklike koste nie geredelik bepaal kan word nie, die berekende vervangingskoste geag word die koste van die verskaffing van dienste te wees.

(2) 'n Administrasieraad bepaal die bedrag wat betaalbaar is ten opsigte van die verbeterings waarvan hy die eienaar is wat op 'n perseel ten opsigte waarvan 'n reg van huurpag toegeken is, geleë is, deur die bedrag gelykstaande met een helfte van die som van die werklike oprigtingskoste en die berekende vervangingskoste daarvan op die datum van toekenning van die reg te bereken: Met dien verstande dat indien die oprigtingskoste nie geredelik bepaal kan word nie, die berekende vervangingskoste geag word die oprigtingskoste te wees.

(3) Indien die applikant by toekenning aan hom van die reg van huurpag nie die bedrag betaalbaar ten opsigte van dié reg van huurpag in en enige verbeterings op die betrokke perseel aan die administrasieraad betaal nie of nie tot tevredenheid van die raad, sekerheid aan die raad vir die betaling van daardie bedrag teen registrasie van die reg van huurpag verstrek nie, en die administrasieraad daartoe toestem, kan betaling, teen sekuriteit van 'n verband ten gunste van die administrasieraad, geskied deur betaling deur die betrokke persoon aan die administrasieraad van—

(a) 'n minimum deposito gelykstaande met 5 persent van die bedrag betaalbaar ten opsigte van die reg van huurpag in en die verbeterings op die opgemete perseel (as daar is) soos bepaal ooreenkomstig subregulasies (1) en (2), of R300 in die geval van 'n reg van huurpag vir woondoeleindes of R900 in die geval van so 'n reg vir die doeleindes van die bedryf van 'n beroep of saak daarop, watter ook al die minste is; en

(b) behoudens die bepalings van subregulasie (4), die uitstaande balans met rente in gelyke maandelikse paaiemente oor 'n tydperk van hoogstens 30 jaar.

(4) Rente op die uitstaande balans soos bedoel in subregulasie (3) (b), word bereken teen die koers en op die voorwaardes wat die Minister van tyd tot tyd bepaal: Met dien verstande dat waar die rentekoers verhoog word, daar nie van die verbandgewer vereis word om die bedrag van sy gereelde terugbetalings te verhoog nie.

Registrasie van 'n reg van huurpag

10. (1) 'n Persoon aan wie 'n reg van huurpag toegeken is, dien persoonlik of deur middel van 'n transportbesorger die volgende dokumente vir die registrasie van dié reg by die betrokke registrateur in:

(a) 'n Aansoek om registrasie van die reg van huurpag, wesenlik in die vorm van Aanhangsel D;

(b) die Voorlopige Toekenning van 'n Reg van Huurpag;

(c) 'n bewys deur die betrokke administrasieraad en gemeenskapsraad dat daar geen vorderings of ander gelde (uitgesluit die bedrag betaalbaar ten opsigte van die reg van huurpag in en die verbeterings op die betrokke opgemete perseel) ten opsigte van die betrokke perseel aan een van genoemde twee rade verskuldig is nie;

(d) 'n deur 'n landmeter gesertifiseerde afskrif van 'n plan van die opgemete perseel of, indien die betrokke perseel opgemeet is, 'n sertifikaat deur 'n landmeter

(9) Any person who considers himself aggrieved by the decision of a Commissioner may, within 14 days after he has given his decision, note an appeal against such decision to the Chief Commissioner, whose decision shall be final.

(10) After a final decision has been reached the Commissioner or Chief Commissioner, as the case may be, shall inform the Secretary who shall endorse the relevant plans accordingly.

Maintenance of beacons of surveyed sites

6. (1) A certificate holder shall maintain the beacons of the surveyed site concerned in good order.

(2) If a beacon falls into disrepair or is damaged, or removed, moved or destroyed, the certificate holders of all the surveyed sites having such beacon common to them, shall be jointly and severally liable to have such beacon replaced by the administration board at a place indicated by the land surveyor.

(3) The costs incurred in connection with the replacement of a beacon shall be borne by the certificate holder and, in the case of a beacon common to two or more surveyed sites in respect of which certificates have been issued, shall be borne in equal proportions by the certificate holders concerned: Provided that a certificate holder who intends to cause such beacon to be replaced shall give prior written notice of his intention to do so to any other certificate holder who may be liable to a contribution towards the costs involved: Provided further that the administration board shall not be liable for the costs incurred in connection with the maintenance of a beacon that is common to such a surveyed site and land which is the property of the administration board, other than a surveyed site in respect of which a certificate has been issued.

(4) Any person who fails to comply with the provisions of subregulation (1) or (2) shall be guilty of an offence and on conviction be liable to a fine not exceeding R10 or, in default of payment, to imprisonment not exceeding 14 days in respect of each beacon that he failed to have replaced or to maintain in good order and, on further default after having been convicted, liable to a further fine not exceeding R10 or, in default of payment, to imprisonment not exceeding 14 days for every period of three months during which such default continues.

(5) A person who, except as permitted in these regulations, damages, removes, moves or destroys any beacon affixed in terms of these regulations, shall be guilty of an offence and on conviction liable to a fine of R100 or, in default of payment, to six months imprisonment or to both such fine and such imprisonment.

Application for a right of leasehold

7. (1) Every application for a right of leasehold shall be effected by the submission to the administration board of a duly completed application substantially in the form of Annexure B.

(2) An application referred to in subregulation (1) shall be accompanied by an amount of R6, being administration fees, and a deposit of an amount determined by the relevant administration board in respect of the fees payable to a land surveyor or the administration board in respect of a land surveyor in its service for the surveying or identifying, as the case may be, of the site concerned.

(9) 'n Persoon wat hom veronreg voel deur die beslissing van 'n Kommissaris, kan, binne 14 dae nadat hy sy beslissing gegee het, appèl teen sodanige beslissing aanteken by die betrokke Hoofkommissaris, wie se beslissing afdoende is.

(10) Nadat 'n finale beslissing geneem is, stel die Kommissaris of Hoofkommissaris, na gelang van die geval, die Sekretaris in kennis en die Sekretaris endosseer die betrokke planne dienooreenkomstig.

Instandhouding van bakens van opgemete persele

6. (1) 'n Sertifikaathouer hou die bakens van die betrokke opgemete perseel in 'n goeie toestand.

(2) Indien 'n baken in 'n toestand van verval geraak het of beskadig, verwyder, verskuif of vernietig is, is die sertifikaathouers van al die opgemete persele wat sodanige baken gemeen het, gesamentlik en afsonderlik verplig om sodanige baken deur die administrasieraad te laat herplaas op die plek deur 'n landmeter aangewys.

(3) Die koste aangegaan in verband met die herplasing van 'n baken word deur die sertifikaathouer gedra en in geval van 'n gemeenskaplike baken van twee of meer opgemete persele ten opsigte waarvan sertifikate uitgereik is, word in gelyke verhouding deur die betrokke sertifikaathouers gedra: Met dien verstande dat 'n sertifikaathouer wat voornemens is om so 'n baken te laat herplaas, vooraf enige ander sertifikaathouer wat vir 'n bydrae tot bestryding van die koste daaraan verbonde aanspreeklik kan wees, skriftelik van sy voorneme om dit te doen, in kennis moet stel: Met dien verstande voorts dat die administrasieraad nie aanspreeklik is nie vir die koste aangegaan in verband met die onderhoud van 'n gemeenskaplike baken van so 'n opgemete perseel en grond wat die eiendom van die administrasieraad is, uitgesonderd 'n opgemete perseel ten opsigte waarvan 'n sertifikaat uitgereik is.

(4) 'n Persoon wat in gebreke bly om aan die vereistes van subregulasie (1) of (2) te voldoen, begaan 'n misdryf en is by skuldigbevinding strafbaar met 'n boete van hoogstens R10 of, by wanbetaling, met gevangenisstraf vir 'n tydperk van hoogstens 14 dae ten opsigte van elke baken wat hy versuim het om te laat herplaas of in 'n goeie toestand te hou, en is by verdere versuim om dit te doen nadat hy skuldig bevind is, strafbaar met 'n verdere boete van hoogstens R10 of, by wanbetaling, met gevangenisstraf vir 'n tydperk van hoogstens 14 dae vir elke tydperk van drie maande wat sodanige versuim voortduur.

(5) Iemand wat, behalwe soos deur hierdie regulasies veroorloof, enige baken wat ingevolge hierdie regulasies aangebring is, beskadig, verwyder, verskuif of vernietig, begaan 'n misdryf en is by skuldigbevinding strafbaar met 'n boete van R100 of by wanbetaling met ses maande gevangenisstraf of met sowel sodanige boete as sodanige gevangenisstraf.

Aansoek om 'n reg van huurpag

7. (1) Elke aansoek om 'n reg van huurpag word gedoen deur 'n behoorlik ingevulde aansoek, wesenlik in die vorm van Aanhangsel B, by die administrasieraad in te dien.

(2) 'n Aansoek in subregulasie (1) bedoel, gaan vergesel van 'n bedrag van R6 as administrasiegelde en 'n deposito van 'n bedrag deur die betrokke administrasieraad bepaal ten opsigte van die gelde betaalbaar aan 'n landmeter of die administrasieraad ten opsigte van 'n landmeter in sy diens vir die opmeting of identifisering, na gelang van die geval, van die betrokke perseel.

(24) Each general plan shall be signed by the responsible land surveyor under the following certificate:

"Surveyed in (month, year).....
by me.....

.....
Land Surveyor":

Provided that the Secretary may grant a land surveyor written permission to compile a general plan from data obtained by any other land surveyor or land surveyors through surveying and such general plan shall be signed under the following certificate:

"Compiled in (month, year).....
by me.....

.....
Land Surveyor".

3. (1) After the Minister has approved a general plan or an amending general plan for the purposes of section 6A and 6B of the Act—

(a) the Secretary shall forward to the registrar concerned, for safekeeping, a copy of the general plan or amending general plan, as the case may be, certified to the effect that it has been so approved by the Minister;

(b) the Secretary shall keep the original approved general plan in custody or, in the case of an amending general plan, he shall file such plan with the general plan;

(c) the Secretary shall forward to the administration board concerned as many copies of the general plan or amending general plan as he may deem necessary; and

(d) the Secretary shall notify the relevant Surveyor-General and registrar referred to in the Deeds Registries Act, 1937 (Act 47 of 1937), of such approval and no real right in the land to which such general plan refers shall be registered in the office of such registrar without the written consent of the Minister.

(2) After the Minister has approved an amending general plan for the purposes of section 6A and 6B of the Act—

(a) the Secretary shall circumscribe in red the relevant part of the original general plan and shall make a suitable endorsement thereon; and

(b) the Secretary shall notify the registrar and administration board concerned to submit their copy/copies of the original general plan for the necessary endorsement to be made.

Demarcation of surveyed site

4. (1) As soon as possible after receipt of an application for the granting of a right of leasehold in respect of a surveyed site which may, in the particular case, be allocated, the administration board shall point out the corner beacons of such surveyed site in accordance with the approved general plan. If the surveyed site is fenced, walled or otherwise physically demarcated and such demarcation has been proved, to the satisfaction of the Secretary, to be within 300 millimetres of the boundaries indicated on the general plan relative to the nearest sites, the existing fence, wall or other demarcation shall be deemed to be the boundaries of the site.

(2) After a surveyed site has been pointed out in terms of subregulation (1) and after the period in which any disputes in respect of the situation of any beacons may be broached has expired or, if a dispute were

(24) Elke algemene plan word deur die verantwoordelike landmeter onder die volgende sertifikaat onderteken:

"Opgemeet in (maand, jaar).....
deur my.....

.....
Landmeter":

Met dien verstande dat die Sekretaris skriftelike toestemming aan 'n landmeter kan verleen om 'n algemene plan saam te stel van data wat deur 'n ander landmeter of landmeters deur opmeting verkry is en sodanige algemene plan word onder die volgende sertifikaat onderteken:

"Saamgestel in (maand, jaar).....
deur my.....

.....
Landmeter".

3. (1) Nadat die Minister 'n algemene plan of 'n wysigende algemene plan vir die doeleindes van artikel 6A en 6B van die Wet goedgekeur het—

(a) stuur die Sekretaris aan die betrokke registrateur, vir veilige bewaring, 'n afskrif van die algemene plan, of wysigende algemene plan, na gelang van die geval, gesertifiseer dat dit aldus deur die Minister goedgekeur is;

(b) bewaar die Sekretaris die oorspronklike goedgekeurde algemene plan, of, in die geval van 'n wysigende algemene plan, liasseer hy dié plan by die algemene plan;

(c) stuur die Sekretaris aan die betrokke administrasieraad soveel afdrukke van die algemene plan of wysigende algemene plan as wat hy nodig ag; en

(d) stel die Sekretaris die betrokke Landmetergeneraal en registrateur bedoel in die Registrasie van Aktes Wet, 1937 (Wet 47 van 1937), in kennis van die goedkeuring van so 'n algemene plan en geen saaklike reg op die grond, waarop so 'n algemene plan betrekking het, word sonder die skriftelike toestemming van die Minister in die kantoor van sodanige registrateur geregistreer nie.

(2) Nadat die Minister 'n wysigende algemene plan vir die doeleindes van artikel 6A en 6B van die Wet goedgekeur het—

(a) omlyn die Sekretaris die betrokke gedeelte van die algemene plan met rooi en maak 'n toepaslike endossement daarop; en

(b) stel die Sekretaris die betrokke registrateur en administrasieraad in kennis om hul kopie/kopieë in te stuur sodat die nodige endossement gemaak kan word.

Afbakening van opgemete perseel

4. (1) So gou doenlik na ontvangs van 'n aansoek om die toekenning van 'n reg van huurpag ten opsigte van 'n opgemete perseel wat in die besondere geval toegeken kan word, dui die administrasieraad die hoekbakens van sodanige opgemete perseel aan in ooreenstemming met die goedgekeurde algemene plan. Indien die opgemete perseel omhein, ommuur of andersins fisies gedemarkeer is en daar tot tevredenheid van die Sekretaris bewys is dat sodanige demarkering binne 300 millimeter is van die grense soos aangetoon op die algemene plan, relatief tot die naaste persele, word die bestaande omheining, muur of ander demarkering geag die grense van die perseel te wees.

(2) Nadat 'n opgemete perseel ingevolge subregulasie (1) aangedui is en nadat die tydperk waarin enige geskille met betrekking tot die ligging van enige bakens aanhangig gemaak kan word, verstryk

(b) The numerical data on a general plan, on which no co-ordinates are furnished, shall be unacceptable for registration if—

(i) the closure of a traverse computed round the rectilinear figure by means of the numerical data exceeds

$$0{,}02+\frac{p\sqrt{n}}{10\,000};\text{ or}$$

(ii) the inconsistency in the area of the rectilinear figure as computed from the sides and angles or directions, exceeds

$$2+\frac{p^2\sqrt{n}}{80\,000}$$

where p represents the perimeter and n the number of sides of the rectilinear figure.

(16) The land represented on a general plan shall be distinguished by name, letter or number in accordance with customary procedure in each province.

(17) Any general plan shall contain a reference to the relevant—

(a) residential area;

(b) administration board area;

(c) area of the Chief Commissioner; and

(d) province;

in which the land is situated.

(18) Any general plan shall contain a reference to—

(a) the number of the original diagram of the land on which the residential area is situated; and

(b) the title deed (if any) to which the original diagram relates.

(19) (a) Special care shall be taken to represent with accuracy on a general plan, features which form the subject of a servitude.

(b) If features or boundaries indicating an existing servitude have been determined by survey and are represented on a diagram registered at the Deeds Office, they need not be resurveyed for the purpose of a general plan: Provided that the limits of the servitude falling within the land surveyed shall be graphically represented and described on the general plan and that reference shall be made to the diagram and deed, if available, from which such limits and descriptions were obtained.

(20) (a) The Secretary may, with the written consent of the land surveyor concerned, amend a general plan before it is submitted to the Minister for approval.

(b) Amendments to any draft general plan shall be initialled by the land surveyor and no erasures on such plan shall be permitted.

(21) The following numerical data shall be furnished on the general plan in respect of the outside figure of the general plan:

(a) The co-ordinates in metres to two decimal places of every corner point of the outside figure;

(b) the lengths in metres to two decimal places of the rectilinear sides of the outside figure;

(c) the directions to the nearest second of the rectilinear sides of the outside figure: Provided that—

(i) if the length of the side measures less than 2 000 metres the direction may be expressed to the nearest 10 seconds; and

(b) Die getalsgegewens op 'n algemene plan waarop geen koördinate verskaf word nie, is onaanvaarbaar vir registrasie indien—

(i) die sluitingsfout van 'n trek, wat om die reglynige figuur met behulp van die getalsgegewens bereken is,

$$0{,}02+\frac{p\sqrt{n}}{10\,000}$$

te bowe gaan; of

(ii) die onbestaanbaarheid in grootte van die reglynige figuur soos bereken van die sye en hoek of rigtings

$$2+\frac{p^2\sqrt{n}}{80\,000}$$

te bowe gaan;

waar p die omtrek en n die getal sye van die reglynige figuur voorstel.

(16) Die grond wat op 'n algemene plan voorgestel word, word met 'n naam, letter of nommer onderskei in ooreenstemming met die gebruiklike prosedure in elke provinsie.

(17) 'n Algemene plan bevat 'n verwysing na die betrokke—

(a) woongebied;
(b) administrasieraadgebied;
(c) Hoofkommissaris se gebied; en
(d) provinsie;

waarin die grond geleë is.

(18) 'n Algemene plan bevat 'n verwysing na—

(a) die nommer van die oorspronklike kaart van die grond waarop die woongebied geleë is; en

(b) die titelakte (as daar is) waarop die oorspronklike kaart betrekking het.

(19) (a) Besondere sorg moet gedra word om kentekens wat die onderwerp van 'n serwituut uitmaak, met juistheid op die algemene plan voor te stel.

(b) Indien kentekens of grense wat 'n bestaande serwituut aandui deur opmeting vasgestel is en op 'n by die Akteskantoor geregistreerde kaart voorgestel word, hoef hulle vir die doeleindes van 'n algemene plan nie heropgemeet te word nie: Met dien verstande dat die perke van die serwituut wat op die opgemete grond rus, grafies op die algemene plan aangetoon en beskryf word en dat daar verwys word na die kaart en titel, indien beskikbaar, van waar sodanige perke en beskrywings verkry is.

(20) (a) Die Sekretaris kan, met die skriftelike toestemming van die betrokke landmeter, 'n algemene plan wysig voordat dit aan die Minister vir goedkeuring voorgelê word.

(b) Wysigings op enige konsep- algemene plan word deur die landmeter geparafeer en geen uitwissing word op sodanige plan toegelaat nie.

(21) Die volgende getalsgegewens word op die algemene plan verstrek met betrekking tot die buitefiguur van die algemene plan:

(a) Die koördinate in meter tot twee desimale plekke van elke hoekpunt van die buitefiguur;

(b) die lengtes in meter tot twee desimale plekke van die reglynige sye van die buitefiguur;

(c) die rigtings tot die naaste sekonde van die reglynige sye van die buitefiguur: Met dien verstande dat—

(i) indien die sy korter as 2 000 meter is, die rigting tot die naaste 10 sekondes uitgedruk mag word; en

such plan is compiled from particulars obtained from a survey done by any other land surveyor or land surveyors;

"identification number" means the serial number which appears in any reference book as defined in the Blacks (Abolition of Passes and Co-ordination of Documents) Act, 1952 (Act 67 of 1952), or any document referred to in section 3 (1)*bis* (c) of that Act or any passport, permit, document of identity or other travel document referred to in the Admission of Persons to the Republic Regulation Act, 1972 (Act 59 of 1972);

"Insolvency Act" means the Insolvency Act, 1936 (Act 24 of 1936);

"land surveyor" means any person registered as a land surveyor under the Land Surveyors' Registration Act, 1950 (Act 14 of 1950);

"Master" means the Master or Assistant Master of a provincial or local division of the Supreme Court and, when used in relation to any particular matter, means the Master or Assitant Master who has jurisdiction in respect thereof;

"mortgage" or "mortgage bond" means a mortgage bond, attested in accordance with these regulations and registered by a registrar, specially hypothecating a certificate;

"Provisional Grant of a Right of Leasehold" means the document referred to in regulation 8 (3);

"register" means the register referred to in section 6B (1) (a) (i) of the Act;

"registered occupier" means any person to whom a site permit, residential permit or a certificate has been issued in terms of the regulations promulgated by Government Notice R. 1036 of 1968;

"registration duplicate" means the duplicate original of a document which is kept in custody in a registration office;

"registration office" means a registration office established by section 6B (1) (a) of the Act; and

"residential area" means a location or Black village.

General plan

2. (1) An administration board shall apply for approval of a general plan for the purposes of sections 6A and 6B of the Act by submitting its application to the Secretary, together with the original general plan and as many copies thereof as the Secretary may from time to time determine.

(2) The Secretary shall submit a general plan and an amending general plan, together with his comments, to the Minister for consideration and approval for the purposes of sections 6A and 6B of the Act.

(3) If it is necessary to amend a general plan after such general plan has been approved, a plan of the relevant part of the general plan which complies with the provisions of these regulations may be submitted to the Secretary in the same manner as a general plan.

(4) A general plan shall comply with the requirements stipulated by this regulation: Provided that the Minister may, if he deems fit, relax such requirements in any particular case.

(5) A general plan shall be framed on good quality drawing paper mounted on linen, or on material of a quality approved by the Secretary.

(6) General plans shall be framed on A0 or A1 size paper and the lay-out, style and specification thereof, together with the symbols used, shall be as determined by the Secretary from time to time.

"geregistreerde bewoner" 'n persoon aan wie 'n perseelpermit, woonpermit of 'n sertifikaat kragtens die regulasies afgekondig by Goewermentskennisgewing R. 1036 van 1968, uitgereik is;

"identifikasienommer" die serienommer wat verskyn in 'n bewysboek soos omskryf in die Swartes (Afskaffing van Passe en Koördinering van Dokumente) Wet, 1952 (Wet 67 van 1952), of 'n dokument bedoel in artikel 3 (1)*bis* (c) van daardie Wet of 'n paspoort, permit, identifikasiebewys of ander reisdokument bedoel in die Wet op die Reëling van die Toelating van Persone tot die Republiek, 1972 (Wet 59 van 1972);

"Insolvensiewet" die Insolvensiewet, 1936 (Wet 24 van 1936);

"landmeter" iemand wat as 'n landmeter geregistreer is kragtens die Landmetersregistrasiewet, 1950 (Wet 14 van 1950);

"Meester" die Meester of assistent-meester van 'n provinsiale of plaaslike afdeling van die Hooggeregshof en, indien gebesig met betrekking tot die een of ander bepaalde saak, die Meester of assistent-meester wat ten opsigte daarvan handelingsbevoeg is;

"register" die register bedoel in artikel 6B (1) (a) (i) van die Wet;

"registrasieduplikaat" die duplikaat-oorspronklike van 'n dokument wat in 'n registrasiekantoor bewaar word;

"registrasiekantoor" 'n registrasiekantoor ingestel by artikel 6B (1) (a) van die Wet;

"sertifikaathouer" die houer van 'n sertifikaat kragtens regulasie 10 (2) uitgereik;

"verband of verbandakte" 'n verbandakte ooreenkomstig hierdie regulasies geattesteer en deur 'n registrateur geregistreer, waardeur 'n sertifikaat besonders verpand word;

"Wet" die Swartes (Stadsgebiede) Konsolidasiewet, 1945 (Wet 25 van 1945);

"Voorlopige Toekenning van 'n Reg van Huurpag" die dokument in regulasie 8 (3) bedoel; en

"woongebied" 'n lokasie of Swart dorp.

Algemene plan

2. (1) 'n Administrasieraad doen aansoek om goedkeuring van 'n algemene plan vir die doeleindes van artikels 6A en 6B van die Wet deur, tesame met sy aansoek, die oorspronklike algemene plan en soveel afskrifte daarvan as wat die Sekretaris van tyd tot tyd bepaal, by die Sekretaris in te dien.

(2) Die Sekretaris lê 'n algemene plan en 'n wysigende algemene plan, tesame met sy kommentaar, aan die Minister voor vir oorweging en goedkeuring vir doeleindes van artikels 6A en 6B van die Wet.

(3) Indien dit noodsaaklik is om 'n wysiging aan 'n algemene plan aan te bring nadat sodanige algemene plan goedgekeur is, kan 'n plan, wat aan die vereistes van hierdie regulasies voldoen, van die betrokke gedeelte van die algemene plan, op dieselfde wyse as 'n algemene plan aan die Sekretaris voorgelê word.

(4) 'n Algemene plan voldoen aan die vereistes by hierdie regulasie gestel: Met dien verstande dat die Minister, na goeddunke, enige van sodanige vereistes in 'n bepaalde geval kan verslap.

(5) 'n Algemene plan word opgestel op goeie kwaliteit tekenpapier wat op linne gemonteer is, of op materiaal waarvan die Sekretaris die kwaliteit goedgekeur het.

(6) Algemene planne word op A0- of A1-grootte papier opgestel en die ontwerp, styl en spesifikasies daarvan, tesame met die simbole wat gebruik word, is soos van tyd tot tyd deur die Sekretaris bepaal.

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This publication is a continuation of the Reports of the Government Veterinary Bacteriologist of the Transvaal which date back to 1903 and of which 18 have appeared up to 1932. These were followed by 40 volumes of the Onderstepoort Journal. At present each volume comprises four numbers which are obtainable at R2, other countries R2,50 per number from the above address.

Directors of laboratories etc. desiring to exchange publications are invited to communicate with the Director, Veterinary Research Institute, P.O. Onderstepoort, 0110, Republic of South Africa.

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Hierdie publikasie is 'n voortsetting van die "Reports of the Government Veterinary Bacteriologist of the Transvaal" wat terugdateer tot 1903 en waarvan 18 verskyn het tot 1932. Dit is gevolg deur 40 volumes van die "Onderstepoort Journal". Tans bestaan elke volume uit vier nommers wat teen R2 binnelands en R2,50 buitelands per nommer van bogenoemde adres verkrygbaar is.

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Verkoopbelasting moet by binnelandse bestellings ingesluit word.

PHYTOPHYLACTICA

This publication is a continuation of the South African Journal of Agricultural Science Vol. 1 to 11 1958 - 1968 and deals with Entomology, Zoological Plant Pests, Nematology, Plant Pathology, Microbiology, Mycology, Taxonomic Studies, Biology and Control. 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.

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PHYTOPHYLACTICA

Hierdie publikasie is 'n voortsetting van die Suid-Afrikaanse Tydskrif vir Landbouwetenskap Jaargang 1 tot 11, 1958–1968 en bevat artikels oor Entomologie, Dierkundige Plantplae, Nematologie, Plantpatologie, Mikrobiologie, Mikologie, Taksonomiese Studies, Biologie en Beheer. 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 sulke bydraes is verkrygbaar van die Direkteur, Landbou-inligting, Privaatsak X144, Pretoria, aan wie ook alle navrae in verband met die tydskrif gerig moet word.

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Verkoopbelasting moet by binnelandse bestellings ingesluit word.

Signed at....., on the..... day of....., 19.....

.....
Mortgagor

Attested by me.....
Capacity.....
Signature.....
Date.....

Registered on the..... day of....., 19.....

.....
Registrar

Annexure L

CONSENT

I, the undersigned, in my capacity as....., hereby consent to—

*(a) the registration of the cession of the attached bond to .....

*(b) the cancellation of the cession of the attached bond that was registered on.....

Thus done and signed at....., this..... day of....., 19.....

Witnesses:

(1).....

.....
Signature

(2).....

Attested by me.....
Capacity.....
Signature.....
Date.....

Registered on the..... day of....., 19.....

.....
Registrar

* Delete that which is not applicable.

Annexure M

CONSENT

I, ..., in my capacity as..... (hereinafter referred to as the mortgagee), and I,....., in my capacity as ..... (hereinafter referred to as the transferee), hereby certify that ..... being the debtor in respect of the attached bond has *sold/donated the certificate of right of leasehold issued in respect of..... ..... to the transferee and that we hereby consent to the registration by the Registrar,..... ..... of the substitution of the said ..... by the transferee as debtor in respect of the attached bond.

Thus done and signed at....., this..... day of....., 19.....

.....
Mortgagee

Attested by me.....
Capacity.....
Signature.....
Date.....

Thus done and signed at....., this..... day of....., 19.....

.....
Transferee

Attested by me.....
Capacity.....
Signature.....
Date.....

Registered on the..... day of....., 19.....

.....
Registrar

* Delete which is not applicable.

Geteken te..... op die..... dag van.....19.....

.....
Verbandgewer

Geattesteer deur my.....
Hoedanigheid.....
Handtekening.....
Datum.....

Geregistreer op die..... dag van..... 19.....

.....
Registrateur

Aanhangsel L

TOESTEMMING

Ek, die ondergetekende, in my hoedanigheid van....., verleen hierby toestemming tot—

*(a) die registrasie van die sessie van die aangehegte verband aan .....

*(b) die rojering van die sessie van die aangehegte verband wat op ..... geregistreer is.

Aldus gedoen en geteken te....., op hede die..... dag van..... 19.....

Getuies:

(1).....

.....
Handtekening

(2).....

Geattesteer deur my.....
Hoedanigheid.....
Handtekening.....
Datum.....

Geregistreer op die..... dag van..... 19.....

.....
Registrateur

* Skrap wat nie van toepassing is nie.

Aanhangsel M

TOESTEMMING

Ek, ..., in my hoedanigheid van..... (hieronder die verbandhouer genoem), en ek, ..., in my hoedanigheid van..... (hieronder die oordragnemer genoem), sertifiseer hierby dat ..... synde die skuldenaar ten aansien van die aangehegte verband, die sertifikaat van reg van huurpag uitgereik ten opsigte van ..... aan die oordragnemer *verkoop/geskenk het en dat ons hierby toestem tot die registrasie deur die Registrateur, ..., van die vervanging van genoemde ..... deur die oordragnemer as skuldenaar ten aansien van die aangehegte verband.

Aldus gedoen en geteken te....., op hede die..... dag van..... 19.....

.....
Verbandhouer

Geattesteer deur my.....
Hoedanigheid.....
Handtekening.....
Datum.....

Aldus gedoen en geteken te....., op hede die..... dag van..... 19.....

.....
Oordragnemer

Geattesteer deur my.....
Hoedanigheid.....
Handtekening.....
Datum.....

Geregistreer op die..... dag van..... 19.....

.....
Registrateur

* Skrap wat nie van toepassing is nie.

11.

If the Transferee neglects or refuses to—

(a) carry out any undertaking in terms of this agreement promptly; or

(b) execute any provision of this agreement promptly,

and after 14 days after despatch by the Transferor, by means of registered post, of a demand claiming performance, still persists in such neglect or refusal, the Transferor may—

(i) cancel this agreement and resume possession of the site and evict the Transferee and everybody occupying it; or

(ii) claim payment of the purchase price (or balance thereof) payable in terms of this agreement together with interest thereon calculated at 12 per cent per annum with effect from the date on which the Transferee defaulted;

without prejudice to any claim for damages which the Transferor may have against the Transferee.

12.

*The parties hereby agree to the jurisdiction of the local Commissioner's Court for any action arising directly or indirectly from the existence of or cancellation of this agreement or from the occupation of the site by the Transferee or on his authority.

Thus done and signed at.....,
this..... day of....., 19.....

Witnesses:

(1).....
No.....
(2).....
No.....

.....
Transferor

Thus done and signed at.....,
this..... day of....., 19.....

Witnesses:

(1).....
No.....
(2).....
No.....

.....
Transferee

Annexure H

AUTHORITY FOR THE CANCELLATION OF MORTGAGE BOND

It is hereby certified that (Mortgagor).....
.....
has fulfilled all his obligations to (Mortgagee).....
.....
with regard to the bond by which his right of leasehold in respect of (description of site).....
.....
is specially hypothecated and that the bond may thus be cancelled.

Signed.....
Date.....
Attested by me.....
Capacity.....
Signature.....
Date.....
Registered on the.....day of....., 19.....

.....
Registrar

Annexure I

CONFIRMATION OF OBTAINING OF RIGHT OF LEASEHOLD

It is hereby confirmed that the right of leasehold in respect of (description of site).....
.....
*now vests in/has been obtained by.....
.....,
*No....., in that he—

*(a) inherited it from.....
*(b) received it from me.....
No....., as a gift;
*(c) bought it at a public sale of the assets of.....
..... which was held as a result of *his insolvency/the liquidation of his estate;

* Delete if not applicable,

11.

Indien die Oordragnemer nalaat of weier om—

(a) enige verpligting ingevolge hierdie ooreenkoms stiptelik na te kom; of

(b) enige bepaling van hierdie ooreenkoms stiptelik uit te voer;

en nog in sodanige nalate of weiering volhard veertien dae na afsending deur die Oordraggewer, by wyse van geregistreerde pos, van 'n aansegging waarin voldoening geëis word, kan die Oordraggewer—

(i) hierdie ooreenkoms kanselleer en besit van die perseel herneem en die Oordragnemer en almal wat die perseel okkupeer, daaruit sit; of

(ii) betaling van die koopprys (of balans daarvan) betaalbaar ingevolge hierdie ooreenkoms eis, tesame met rente daarop, bereken teen 12 persent per jaar vanaf die datum waarop die Oordragnemer in versuim geraak het;

sonder om afbreuk te doen aan enige eis vir skade wat die Oordraggewer teen die Oordragnemer kan hê.

12.

*Die partye stem hierby toe tot die jurisdiksie van die plaaslike Kommissarishof vir enige aksie wat direk of indirek uit die bestaan of kansellasie van hierdie ooreenkoms voortspruit of uit die okkupasie van die perseel deur die Oordragnemer of op gesag van die Oordragnemer.

Aldus gedoen en geteken te.....,
op hede die..... dag van.....
19.....

Getuies:

(1).....
No.....
(2).....
No.....

.....
Oordraggewer

Aldus gedoen en geteken te.....,
op hede die..... dag van.....19.....

Getuies:

(1).....
No.....
(2).....
No.....

.....
Oordragnemer

Aanhangsel H

MAGTIGING VIR DIE ROJERING VAN VERBANDAKTE

Hierby word gesertifiseer dat (verbandgewer).....
.....
al sy verpligtinge teenoor (verbandhouer).....
.....
met betrekking tot die verband waarby sy reg van huurpag ten opsigte van (beskrywing van perseel).....
.....
besonders verpand is, nagekom het, en dat die verband derhalwe gerojeer mag word.

Geteken.....
Datum.....
Geattesteer deur my.....
Hoedanigheid.....
Handtekening.....
Datum.....

Geregistreer op die..... dag van.....
.....19.....

.....
Registrateur

Aanhangsel I

BEVESTIGING VAN VERKRYGING VAN REG VAN HUURPAG

Hierby word bevestig dat die reg van huurpag ten opsigte van (beskrywing van perseel).....
.....
*oorgegaan het op/verkry is deur.....
.....
*No..... deurdat hy—

*(a) dit van.....
geërf het;
*(b) dit van my.....
No..... as geskenk ontvang het;
*(c) dit by openbare veiling van die bates van.....
..... wat as gevolg van *sy insolvensie/die likwidasie van sy boedel gehou is, gekoop het;

* Skrap wat nie van toepassing is nie.

Annexure E

CERTIFICATE OF RIGHT OF LEASEHOLD

Certificate No.....

It is hereby certified that the right of leasehold in respect of .....
for *residential/business/professional purposes has been granted to .....
*No....., and expires on.....

Special conditions:

.....
.....

Registrar.....
Date.....
Folio No. in register.....
Seal

* Delete that which is not applicable.

Annexure F

APPLICATION FOR TRANSFER OF A RIGHT OF LEASEHOLD

I hereby apply for the transfer, in favour of *myself/.....
.....of the right of leasehold in respect of the undermentioned site and provide the following information and documents for that purpose.

Information

*Full names/Name of association.....
.....
*Identification No..... *Marital state: *Unmarried/Married according to *civil law/indigenous law
*Full names of *spouse/partner.....
.....
*Residential address (applicant).....
.....
*Work/Business address (applicant).....
.....
Description of site in respect of which this application applies:
.....
Conditions:
.....

Documents

(a) Memorandum of agreement between.....
*No..... and.....
*No.....

(b) Certificate in respect of the site.

(c) Proof that no charges and other moneys are due in respect of the site, issued by—

(i) the.....
Administration Board; and

(ii) the.....
Community Council.

(d) Certificate of the mortgagee (if any) that the certificate holder has fulfilled his obligations to the mortgagee and that the bond may be cancelled (except in the case of transfer contemplated in the proviso to regulation 31).

(e) Proof that satisfactory arrangements have been made for the payment of the amount payable in respect of the right of leasehold in and the improvements (if any) on the site.

Signed.....
Date.....
Attested by me.....
Capacity.....
Signature.....
Date.....

Registered on the..... day of....., 19.....

.....
Registrar

* Delete that which is not applicable.

Aanhangsel E

SERTIFIKAAT VAN REG VAN HUURPAG

Sertifikaat No.....

Hierby word gesertifiseer dat die reg van huurpag ten opsigte van .....
vir *woondoeleindes/sakedoeleindes/beroepsdoeleindes toegeken is aan.....
*No....., wat op..... verval.

Spesiale voorwaardes:

.....
.....

Registrateur.....
Datum.....
Folio No. in register.....
Seël

* Skrap wat nie van toepassing is nie.

Aanhangsel F

AANSOEK OM OORDRAG VAN 'N REG VAN HUURPAG

Ek doen hierby aansoek om die oordrag ten gunste van *myself/.....
van die reg van huurpag ten opsigte van die ondergenoemde perseel en verstrek vir dié doel die onderstaande inligting en dokumente:

Inligting

*Volle naam/Naam van vereniging.....
.....
*Identifikasie No..... *Huwelikstaat: *Ongetroud/Getroud volgens *siviele reg/inheemse reg.
Volle naam van *eggenote/deelgenote.....
.....
*Woonadres (aansoeker).....
.....
*Werksadres/Besigheidsadres (aansoeker).....
.....
Beskrywing van perseel ten opsigte waarvan hierdie aansoek geld:
.....
Voorwaardes:
.....

Dokumente

(a) Akte van ooreenkoms tussen.....
*No..... en.....
*No.....

(b) Sertifikaat ten opsigte van die perseel.

(c) Bewys dat geen vorderings en ander gelde ten opsigte van die perseel verskuldig is nie, uitgereik deur—

(i) die Administrasieraad.....;
en

(ii) die Gemeenskapsraad.....

(d) 'n Sertifikaat van die verbandhouer (as daar is) dat die sertifikaathouer sy verpligtinge teenoor die verbandhouer nagekom het en dat die verband gerojeer kan word (behalwe in geval van oordrag soos bedoel in die voorbehoudsbepaling van regulasie 31).

(e) Bewys dat bevredigende reëlings vir die betaling van die bedrag betaalbaar ten opsigte van die reg van huurpag in en verbeterings (as daar is) op die perseel getref is.

Geteken.....
Datum.....
Geattesteer deur my.....
Hoedanigheid.....
Handtekening.....
Datum.....

Geregistreer op die.....dag van..... 19.....

.....
Registrateur

* Skrap wat nie van toepassing is nie.

APPLICATION FOR GRANT OF RIGHT OF LEASEHOLD

*1. Your application for the grant of a right of leasehold in respect of site No.....has been received.

*1. Please note that.....
.....*No.....has applied for the grant of a right of leasehold in respect of site No..... adjoining the site* in respect of which you have a right of leasehold/ of which you are the registered occupier/of which you are the mortgagee.

2. *The site concerned has now been visibly demarcated in accordance with the regulations concerned/The corner beacons of the site are the existing permanent corners of the site as indicated by.....
and in the event of your having any legal objection against the situation of the beacons your written objection thereto, together with a deposit of R6, must be submitted to.....
.....room No.....at the above address in accordance with the regulations concerned.

Signed by.....
Date.....

* Delete that which is not applicable.

Annexure B

APPLICATION FOR RIGHT OF LEASEHOLD

Full names of applicant (in print).....
.....
*Identification No.....
*Residential address.....
.....
*Work/Business address.....
.....
Full description of site in respect of which this application is made
.....
.....

I, the undersigned, hereby apply for the grant to* me/.....
.....of the right of leasehold in respect of the site described above, for* residential purposes/ purposes of conducting thereon of a *profession/business.

*Full particulars of *profession/business.....
.....

I hereby confirm that—

*(1) I—

*(a) qualify to be in the prescribed area in terms of section *10 (1) (a)/10 (1) (b) of the Blacks (Urban Areas) Consolidation Act, 1945;

*(b) am a descendant of.....
....., No.....
address.....
.....
who, in terms of section *10 (1) (a)/10 (1) (b) of the Blacks (Urban Areas) Consolidation Act, 1945, qualifies or qualified to be in the prescribed area;

*(c) fall within a category of Blacks recognised by the Minister of Plural Relations and Development by Government Notice..... of 19..... as qualified persons for the purposes of sections 6A and 6B of the Blacks (Urban Areas) Consolidation Act, 1945, and the regulations relating thereto;

*(d) have been expressly recognised by the Minister of Plural Relations and Development as a qualified person for the purposes of subparagraph (c);

*(2) .....

*(a) is an association, as defined in section 1 of the Blacks (Urban Areas) Consolidation Act, 1945;

*(b) is a *church/welfare organisation expressly recognised by the Minister of Plural Relations and Development as a qualified person for the purposes contemplated by subparagraph (1) (c).

I hereby confirm that I am or will be able to pay for the right of leasehold and declare myself prepared to supply on request any information that may be required to consider my application.

Signed..... Witnesses:
(1).....
Date..... No.....
(2).....
No.....

* Delete that which is not applicable.

AANSOEK OM TOEKENNING VAN REG VAN HUURPAG

*1. U aansoek om die toekenning van 'n reg van huurpag ten opsigte van perseel No.....is ontvang.

*1. Neem asseblief kennis dat.....
*No..... aansoek gedoen het om die toekenning van 'n reg van huurpag ten opsigte van perseel No..... wat grens aan die perseel *ten opsigte waarvan u 'n reg van huurpag hou/waarvan u die geregistreerde bewoner is/waarvan u die verbandhouer is.

2. *Die betrokke perseel is nou sigbaar afgebaken in ooreenstemming met die betrokke regulasies/Die hoekbakens van die perseel is die bestaande permanente hoeke van die perseel soos aangedui deur.....
en indien u enige wettige beswaar het teen die ligging van die bakens, moet u skriftelike beswaar daarteen, vergesel van 'n deposito van R6, ingedien word by.....
kamer No..... by bovermelde adres, ooreenkomstig die betrokke regulasies.

Geteken deur.....
Datum.....

* Skrap wat nie van toepassing is nie.

Aanhangsel B

AANSOEK OM REG VAN HUURPAG

Volle naam van aansoeker (in drukskrif).....
.....
*Identifikasie No.....
*Woonadres.....
.....
*Werksadres/Besigheidsadres.....
.....
Volle beskrywing van perseel ten opsigte waarvan hierdie aansoek gedoen word.....
.....

Ek, die ondergetekende, doen hierby aansoek om die toekenning aan *my/.....
van die reg van huurpag ten opsigte van die perseel hierbo beskryf, vir *woondoeleindes/doeleindes van die bedryf daarop van 'n *beroep/saak.

*Volle besonderhede van *beroep/saak.....
.....

Ek bevestig hierby dat—

*(1) ek—

*(a) ingevolge artikel *10 (1) (a)/10 (1) (b) van die Swartes (Stadsgebiede) Konsolidasiewet, 1945, bevoegd is om in die voorgeskrewe gebied te wees;

*(b) 'n afstammeling is van.....
....., No.....
adres.....
.....,
wat ingevolge artikel *10 (1) (a)/10 (1) (b) van die Swartes (Stadsgebiede) Konsolidasiewet, 1945, bevoegd is of was om in die voorgeskrewe gebied te wees;

*(c) binne 'n kategorie van Swartes val wat deur die Minister van Plurale Betrekkinge en Ontwikkeling by Goewermentskennisgewing..... van 19..... as bevoegde persone vir die doeleindes van artikels 6A en 6B van die Swartes (Stadsgebiede) Konsolidasiewet, 1945, en die regulasies wat daarop betrekking het, erken is;

*(d) uitdruklik deur die Minister van Plurale Betrekkinge en Ontwikkeling as 'n bevoegde persoon vir die doeleindes in subparagraaf (c) erken is;

*(2).....

*(a) 'n vereniging is soos in artikel 1 van die Swartes (Stadsgebiede) Konsolidasiewet, 1945, omskryf;

*(b) 'n *kerk/welsynsorganisasie is wat uitdruklik deur die Minister van Plurale Betrekkinge en Ontwikkeling vir die doeleindes in subparagraaf (1) (c) bedoel, as 'n bevoegde persoon erken is.

Ek bevestig hierby dat ek in staat is of sal wees om vir die reg van huurpag te betaal en verklaar myself bereid om enige inligting wat verlang word ten einde my aansoek te kan oorweeg, op aanvraag te verstrek.

Geteken..... Getuies:
(1).....
Datum..... No.....
(2).....
No.....

* Skrap wat nie van toepassing is nie.

attendance on signature of affidavits, resolutions and other necessary preliminary and ancillary documents in connection with the identity, status, capacity and authority of the parties, the payment of any amounts due in respect of stamps in terms of regulation 37, the obtaining of endorsements or copies of documents in the office of the Master or any other public office, the making of all necessary financial arrangements, including the provision and checking of guarantees and attending to payment in terms thereof, the drawing and preparation of any documents required for registration at a registration office and the obtaining of registration thereof, arranging simultaneous lodgement and registration with any other conveyancer or conveyancers, or party or parties to the transaction, where necessary, and all attendances at the registration office, but shall not include any attendance in connection with the drawing and execution of deeds of sale of a right of leasehold, deeds of donation, deeds of exchange and documents of a similar nature, or any separate act of registration of any other documents which may be necessary before or in connection with the first-mentioned act of registration.

SECTION I

R

Application for a provisional grant of a right of leasehold:

For preparing and drawing the application for a provisional grant of a right of leasehold..... 25

SECTION II

Application for registration of a right of leasehold or of a transfer of a right of leasehold:

For all work in connection with the registration of a right of leasehold or of a transfer of a right of leasehold, the fee shall be as set out in column B of Section VI of these tariffs: Provided that where the application for the registration of a right of leasehold or of the transfer of a right of leasehold is not signed before the conveyancer concerned, the fee shall be 60 per cent of the amount set out in the column referred to

SECTION III

Mortgage bonds:

The fee for application for the registration of mortgage bonds shall be as set out in column C of Section VI of these tariffs: Provided that where the mortgage bond or surety bond and other relevant documents are not signed before the conveyancer concerned, the fee shall be 60 per cent of the amount set out in the column referred to.

SECTION IV

Cancellation, cession or variation of bonds and waiver of preference in regard to ranking of bonds:

1. Drawing consent to cancellation of bond, consent to cancellation of cession of bond, reduction of capital, framing waiver of preference in regard to the ranking of bond, registration of a part payment, framing consent of mortgagee required by these regulations and not otherwise provided for in these tariffs and attending registration thereof inclusive of instructions, correspondence and all relevant attendances..... 25
2. Drawing cession of bond, agreement or consent to variation in terms of bond, substitution of debtor, including instructions, attendances on mortgagor and mortgagee, correspondence and other relevant attendances including registration..... 30

SECTION V

Miscellaneous:

1. Attendance on behalf of administration board, applicant for a right of leasehold, certificate holder, transferee, mortgagor or mortgagee in connection with

by die ondertekening van beëdigde verklarings, besluite en ander noodsaaklike voorlopige en ondergeskikte dokumente in verband met die identiteit, status, bevoegdheid en magtiging van die partye, die betaling van die bedrae verskuldig ten opsigte van seëls ingevolge regulasie 37, die verkryging van endossemente of afskrifte van dokumente van die kantoor van die Meester of 'n ander staatskantoor, die tref van alle noodsaaklike finansiële reëlings, insluitende die verskaffing en nasien van waarborge en opwagting vir betaling daarkragtens, die opstelling en voorbereiding van enige dokumente wat bestem is vir registrasie in 'n registrasiekantoor en die verkryging van registrasie daarvan, die reëling met 'n ander transportbesorger of transportbesorgers of party of partye by die transaksie van gelyktydige indiening en registrasie, waar nodig, en alle bywonings by die registrasiekantoor, maar sluit nie in enige bywoning in verband met die opstel en verlyding van koopbriewe van 'n reg van huurpag, skenkingsaktes, aktes van verruiling en dokumente van 'n soortgelyke aard of enige afsonderlike handeling van registrasie van enige ander dokumente wat nodig is voor of in verband met die eersvermelde handeling van registrasie nie.

AFDELING I

R

Aansoek om 'n voorlopige toekenning van reg van huurpag:

Vir die voorbereiding en opstel van 'n aansoek om 'n voorlopige reg van huurpag..... 25

AFDELING II

Aansoek om registrasie van, of registrasie van oordrag van, 'n reg van huurpag:

Vir alle werk in verband met die registrasie van of registrasie van oordrag van 'n reg van huurpag is die gelde dié uiteengesit in kolom B van Afdeling VI van hierdie tariewe: Met dien verstande dat waar die aansoek om die registrasie van of registrasie van oordrag van 'n reg van huurpag nie voor die betrokke transportbesorger geteken is nie, die gelde 60 persent is van die bedrag uiteengesit in bedoelde kolom

AFDELING III

Verbandaktes:

Die gelde vir die aansoek om die registrasie van verbandaktes is soos uiteengesit in kolom C van Afdeling VI van hierdie tariewe: Met dien verstande dat waar die verbandakte of borgakte en ander tersaaklike dokumente nie voor die betrokke transportbesorger geteken is nie, die gelde 60 persent is van die bedrag uiteengesit in bedoelde kolom

AFDELING IV

Rojering, sessie of wysiging van verbande en afstanddoening van voorkeur met betrekking tot die orde van verbande:

1. Die opstel van toestemming tot rojering van 'n verband, toestemming tot rojering van sessie van 'n verband, vermindering van kapitaal, opstel van afstanddoening van voorkeurorde met betrekking tot die orde van verband, registrasie van 'n gedeeltelike betaling, opstel van toestemming van verbandhouer vereis in hierdie regulasies en waarvoor nie andersins in hierdie tariewe voorsiening gemaak is nie en bywoning van registrasie daarvan met insluiting van opdragte, korrespondensie en alle tersaaklike bywonings..... 25
2. Opstel van 'n sessie van 'n verband, ooreenkoms of toestemming tot wysiging van die voorwaardes van 'n verband, vervanging van skuldenaar, met insluiting van opdragte, bywonings by verbandgewer en verbandhouer, korrespondensie en ander tersaaklike bywonings met insluting van verkryging van registrasie..... 30

AFDELING V

Diverse:

1. Bywoning ten behoewe van die administrasieraad, aansoeker om 'n reg van huurpag, sertifikaathouer, transportnemer, verbandgewer of verbandhouer in

signature should have been affixed in the ordinary course, the registrar may affix his signature thereto when the omission is discovered and the document shall thereupon be deemd to have been registered at the time aforesaid.

(3) All endorsements or entries made on documents or in registers in connection with the registration of any deed, bond, certificate, agreement or other document shall be deemed to have been effected simultaneously with the affixing of the signature of the registrar thereto in respect of the documents executed or attested by a registrar or with the signing of his registration endorsement in respect of any documents lodged for registration although in fact they may have been made subsequent thereto.

(4) Any document or endorsement which under this regulation is required to be signed by the registrar may, if the registrar is not available to sign such document or endorsement, be signed by the successor in office of the registrar or by any person acting in the place of the registrar, whereupon any reference in subregulation (1) or (3) to the signature of the registrar shall be deemed to include a reference to the signature of such successor or person acting as registrar, as the case may be.

(5) In the event of two or more mortgage bonds being passed on the same day by one and the same mortgagor over the same right of leasehold, the registrar shall, if the mortgage bonds do not disclose the order in which they are to rank, note on each the exact time at which he affixed his signature thereto.

(6) Any document lodged for execution to the registration of which any objection exists shall, if circumstances permit, be rejected not later than 10 clear days after lodgement.

(7) Any document lodged for registration shall, if circumstances permit, be registered or rejected, as the case may be, not later than 10 clear days after such lodgement.

(8) When a document which has been lodged justifies rejection on account of a fault or defect therein, the registrar may order that the further examination of the document be postponed until such fault or defect has been remedied.

(9) (a) When a document lodged by any person for execution or registration or any other purpose is intended to be executed or registered or otherwise dealt with in conjunction with a document lodged by any other person, a note to that effect shall be made by the conveyancer or other person responsible for the lodgement thereof on the several applications or consents concerned.

(b) If any person or any conveyancer omits to comply with this subregulation the document in respect of which such omission has been made may, if in order, be executed, registered or otherwise dealt with independently of such other document.

47. Save as otherwise provided in these regulations or as directed by the court, transfers of a right of leasehold shall follow the sequence of the successive transactions in pursuance of which they are made and, if made in pursuance of testamentary disposition or intestate succession, they shall follow the sequence in which the right of leasehold accrued to the persons successively becoming vested with such right.

48. No right of leasehold or any right therein shall be transferred otherwise than in accordance with the Act and these regulations and no transfer of a right of

die registrasie van 'n dokument vir registrasie ingedien, geplaas is op die tydstip toe die ondertekening in die gewone loop moes geskied het nie, kan die registrateur sy handtekening daarop plaas wanneer die versuim aan die lig kom, en die dokument word daarop geag op voormelde tydstip geregistreer te gewees het.

(3) Alle endossemente of inskrywings op dokumente of in registers aangebring in verband met die registrasie van 'n akte, verband, sertifikaat, ooreenkoms of ander dokument, word geag aangebring te gewees het gelyktydig met die plasing van die registrateur se handtekening daarop ten opsigte van dokumente verly of geattesteer deur 'n registrateur of met die ondertekening van sy endossement van registrasie ten opsigte van enige dokumente vir registrasie ingedien, hoewel hulle inderdaad daarna aangebring kon gewees het.

(4) 'n Dokument of endossement wat ingevolge hierdie regulasies deur 'n registrateur onderteken moet word, kan indien die registrateur nie beskikbaar is om bedoelde dokument of endossement te onderteken nie, deur die ampsopvolger van die registrateur of deur 'n persoon wat in die plek van die registrateur waarneem, onderteken word, waarop 'n verwysing in subregulasie (1) of (3) na die handtekening van die registrateur geag word ook 'n verwysing te wees na die handtekening van bedoelde opvolger of persoon wat as registrateur waarneem, na gelang van die geval.

(5) Ingeval twee of meer verbandaktes op dieselfde dag deur een en dieselfde verbandgewer oor dieselfde reg van huurpag gepasseer word, teken die registrateur, indien die verbandaktes nie die rangorde vermeld nie, op elkeen die juiste tyd aan waarop hy dit onderteken.

(6) Enige dokument wat vir verlyding ingedien word, teen die registrasie waarvan beswaar bestaan, word, indien die omstandighede dit veroorloof, uiterlik 10 volle dae na indiening verwerp.

(7) Enige dokument wat vir registrasie ingedien word, word, indien die omstandighede dit veroorloof, uiterlik 10 volle dae na sodanige indiening geregistreer of verwerp, na gelang van die geval.

(8) Wanneer 'n dokument wat ingedien is, weens 'n fout of gebrek daarin verwerping regverdig, kan die registrateur gelas dat die verdere ondersoek van die dokument uitgestel word totdat die fout reggestel of die gebrek herstel is.

(9) (a) Wanneer 'n dokument wat deur enige persoon vir verlyding of registrasie of enige ander doel ingedien is, bedoel is om verly of geregistreer of anders behandel te word saam met 'n dokument deur iemand anders ingedien, bring die transportbesorger of ander persoon verantwoordelik vir die indiening daarvan 'n aantekening te dien effekte op die onderskeie betrokke aansoeke of toestemmings aan.

(b) Indien 'n persoon of 'n transportbesorger versuim om aan hierdie subregulasie te voldoen, kan die dokument ten opsigte waarvan so 'n versuim plaasgevind het, indien in orde, verly, geregistreer of anders behandel word, onafhanklik van sodanige ander dokument.

47. Behalwe vir sover by hierdie regulasies anders bepaal of deur die hof anders gelas, volg oordragte van 'n reg van huurpag die volgorde van die agtereenvolgende regshandelings waarin hul uitgevoer word, en indien uitgevoer ingevolge testamentêre beskikking of intestate erfopvolging, volg hul die volgorde waarin die reg van huurpag aan die persone agtereenvolgens met daardie reg beklee is, toeval het.

48. Geen reg van huurpag of enige reg daarin word anders as ingevolge die Wet en hierdie regulasies oorgedra nie en geen oordrag van 'n reg van huurpag of

Alteration of composition of an association

41. (1) If the composition of an association in whose name a certificate is registered, changes, the association shall within 14 days of such change notify the registrar in writing of such change and shall furnish him with full particulars thereof.

(2) An association who fails to comply with the provisions of subregulation (1) shall be guilty of an offence and on conviction liable to a fine not exceeding R100.

Register

42. The pages of the register shall be substantially in the form of Annexure O.

Registration of bonds over land in a residential area

43. No bond by which land in the residential area concerned is specially hypothecated shall be registered in any registry referred to in the Deeds Registries Act, 1937 (Act 47 of 1937), after a general plan has been approved for the purposes of section 6A and 6B of the Act.

Manner in which the registrar shall make an endorsement or entry on any document

44. An endorsement or entry made by the registrar on any document under the provisions of these regulations shall be written or typed in indelible black ink and the registrar shall sign and date the endorsement or entry, as the case may be, and shall place his seal under his signature.

Provisions for registration and matters relating thereto

45. (1) Subject to the provisions of these regulations, a registrar shall cancel a certificate, endorsement under which the right of leasehold is transferred, servitude or bond only by order of the court.

(2) Business with the registration office shall, where the person acts on his own behalf, be transacted by means of personal appearance or by means of correspondence and, where the person does not act on his own behalf, by a conveyancer by means of personal appearance only.

(3) (a) All deeds, certificates and other documents which are lodged for execution, registration or record shall be written neatly and plainly or be typed or printed in black ink of good quality on size A4 paper and a margin of not less than 40 millimetres shall be allowed for binding purposes.

(b) The registrar may in his discretion accept for record any photographic copy of a document, which is filed of record in any Government office provided that such copy has been certified to be a true copy by or on behalf of the head of such office or by a Commissioner; registrar, notary public or conveyancer and, in the case of a plan, it has been certified by a land surveyor.

(4) Any spaces in a deed, certificate or document which have not been used shall be crossed out in black and where a deed, certificate or document comprises more than one page, the first word on the following page shall be written or typed at the foot of each page.

(5) If in the opinion of the registrar the writing, typing or printing in any deed, certificate or other

Veranderings van samestelling van vereniging

41. (1) Indien die samestelling van 'n vereniging op wie se naam 'n sertifikaat geregistreer is, verander, stel die vereniging binne 14 dae na sodanige verandering die registrateur skriftelik in kennis van sodanige verandering en voorsien hom van volle besonderhede daarvan.

(2) 'n Vereniging wat versuim om aan die bepalings van subregulasie (1) te voldoen, begaan 'n misdryf en is by skuldigbevinding strafbaar met 'n boete van hoogstens R100.

Register

42. Die bladsye van die register is wesenlik in die vorm van Aanhangsel O.

Registrasie van verbande oor grond in 'n woongebied

43. Nadat 'n algemene plan vir doeleindes van artikel 6A en 6B van die Wet goedgekeur is, word geen verband waardeur grond in die betrokke woongebied besonders verpand word, in enige registrasiekantoor bedoel in die Registrasie van Aktes Wet, 1937 (Wet 47 van 1937), geregistreer nie.

Wyse waarop die registrateur 'n endossement of inskrywing op 'n dokument maak

44. 'n Endossement of inskrywing wat die registrateur kragtens die bepalings van hierdie regulasies op 'n dokument maak, word in onuitwisbare swart ink geskryf of getik en die registrateur onderteken en dateer die endossement of aantekening, na gelang van die geval, en plaas sy seël onder sy handtekening.

Registrasievoorskrifte en aanverwante sake

45. (1) Behoudens die bepalings van hierdie regulasies rojeer 'n registrateur 'n sertifikaat, endossement waarkragtens die reg van huurpag oorgedra is, serwituut of verband alleen op las van die hof.

(2) Besigheid met die registrasiekantoor word, waar die persoon self optree, deur middel van persoonlike verskyning of deur middel van briefwisseling gedoen en, waar die persoon nie self optree nie, deur 'n transportbesorger slegs deur middel van persoonlike verskyning gedoen.

(3) (a) Alle aktes, sertifikate en ander dokumente wat vir verlyding, registrasie of aantekening aangebied word, word netjies en duidelik op A4-grootte papier geskryf of getik of met swart ink van goeie kwaliteit gedruk en 'n kantruimte van minstens 40 millimeter word vir inbindingsdoeleindes gelaat.

(b) Die registrateur kan na goeddunke 'n fotografiese afdruk van 'n dokument wat in enige staatskantoor gebêre is vir aantekening aanvaar, mits so 'n afskrif deur of namens die hoof van sodanige kantoor of deur 'n Kommissaris, registrateur, notaris of transportbesorger as 'n juiste afskrif gewaarmerk is of, in die geval van 'n plan, dit deur 'n landmeter gewaarmerk is.

(4) Enige ruimtes in 'n akte, sertifikaat of dokument wat nie gebruik is nie, word met swart deurgehaal en waar 'n akte, sertifikaat of dokument meer as een bladsy beslaan, word die aanvangswoord van die daaropvolgende bladsy onderaan elke bladsy geskryf of getik.

(5) Indien, na die oordeel van die registrateur, die skrif, tikskrif of druk in enige akte, sertifikaat of ander

(e) where the surviving spouse has signed the application for the registration of the transfer of the certificate as the executor.

Special provisions relating to women

36. (1) Every application referred to in regulations 10, 12, 18, 20, 21, 22, 23 and 24 made by or on behalf of or in favour of women shall in each case disclose the full name and status of the woman concerned, whether unmarried, married, widowed or divorced, as the case may be, and if the woman is married the full name of her husband shall also be disclosed, and if the marriage is governed by the law in force in the Republic or any part thereof it shall be stated whether the marriage was contracted with or without community of property and whether the marital power of her husband has been excluded.

(2) A woman married out of community of property shall be assisted by her husband in executing any document required or permitted to be registered in any registration office or required or permitted to be produced in connection with any such document, unless the marital power has been excluded or unless the assistance of the husband is on other grounds deemed by the registrar to be unnecessary.

(3) A certificate or bond shall not be transferred or ceded to or registered in the name of, a woman married in community of property, save where such certificate or bond is by law or by a condition of a bequest or donation excluded from such community.

(4) If a certificate has been acquired by either of the two spouses married in community of property in such a manner that the said certificate would on transfer thereof become part of the joint estate and the community has been dissolved by the death of one of the spouses before the certificate is transferred, the certificate shall be transferred to the joint estate of the spouses, pending liquidation thereof, and shall, subject to the provisions of any disposition affecting that certificate, be deemed to be the joint property of the surviving spouse and of the estate of the deceased spouse.

(5) When a certificate or a bond is registered in the name of—

(a) a woman who has married since the registration was effected; or

(b) a woman who at the date of the registration was married out of community of property, and who has since been widowed or divorced;

it shall be competent for the registrar, on written application by such woman (assisted where necessary by her husband) and on production of the relevant certificate or mortgage bond and of proof to his satisfaction of the change in her status, to record such change on such certificate or mortgage bond and the registration duplicate thereof and in the register.

(6) Any customary union registered in terms of the provisions of the Schedule to Proclamation R. 195 of 1967 or of the regulations promulgated under Government Notice R. 1970 of 1968 shall be deemed to be a marriage for the purposes of this regulation.

Payment of fees in respect of certain actions

37. Revenue stamps in the amount of R10 shall be affixed to an application to—

(a) register a right of leasehold;
(b) register a transfer of a right of leasehold;
(c) register or cancel a mortgage bond;
(d) register the cession of a mortgage bond;

(e) waar die langslewende eggenoot die aansoek om die registrasie van die oordrag van die sertifikaat, as eksekuteur geteken het.

Besondere bepalings omtrent vrouens

36. (1) Alle aansoeke in regulasies 10, 12, 18, 20, 21, 22, 23 en 24 bedoel wat deur of ten behoewe of ten gunste van vrouens gedoen word, vermeld in elke geval die volle naam en staat van die betrokke vrou, naamlik of sy ongetroud, getroud, 'n weduwee of geskei is, na gelang van die geval, en indien die vrou getroud is, word die volle naam van haar man ook vermeld en as die huwelik beheers word deur die reg wat in die Republiek of 'n deel daarvan geld, word vermeld of die huwelik in of buite gemeenskap van goedere aangegaan is en of die maritale mag van die eggenoot uitgesluit is.

(2) 'n Vrou wat buite gemeenskap van goedere getroud is, word deur haar man bygestaan by die ondertekening van enige dokument wat in 'n registrasiekantoor geregistreer moet of kan word of wat vertoon moet of kan word in verband met so 'n dokument, tensy die maritale mag uitgesluit is of tensy die registrateur die bystand van die man om ander redes onnodig ag.

(3) 'n Sertifikaat of verband mag nie oorgedra of gesedeer word aan, of geregistreer word op naam van, 'n vrou wat in gemeenskap van goedere getroud is nie, behalwe wanneer daardie sertifikaat of verband volgens wet of volgens 'n voorwaarde van 'n bemaking of skenking van sodanige gemeenskap uitgesluit is.

(4) Indien 'n sertifikaat deur die een of die ander van twee eggenote wat in gemeenskap van goedere getroud is, op so 'n wyse verkry is dat daardie sertifikaat by oordrag daarvan deel sou word van die gemeenskaplike boedel, en die gemeenskap deur die dood van een van die eggenote ontbind is voordat die sertifikaat oorgedra is, word eie sertifikaat aan die gemeenskaplike boedel van die eggenote oorgedra, totdat dit gelikwideer is, en word dit behoudens die bepalings van 'n beskikking met betrekking tot daardie sertifikaat, geag die gemeenskaplike eiendom van die langslewende eggenoot en die boedel van die oorlede eggenoot te wees.

(5) Wanneer 'n sertifikaat of 'n verband geregistreer staan op naam van—

(a) 'n vrou wat sedert die registrasie plaasgevind het, getroud is; of

(b) 'n vrou wat op die datum van die registrasie buite gemeenskap van goedere getroud was en wat daarna 'n weduwee geword het of geskei is;

kan die registrateur op skriftelike aansoek deur bedoelde vrou (bygestaan, waar nodig, deur haar man) en by oorlegging van die betrokke sertifikaat of verbandakte, en van bewys tot sy tevredenheid van die verandering in haar status, bedoelde verandering op daardie sertifikaat of verbandakte en die registrasieduplikaat daarvan en in die register aanteken.

(6) 'n Gebruiklike verbintenis wat ingevolge die bepalings van die Bylae van Proklamasie R. 195 van 1967 of van die regulasies afgekondig by Goewermentskennisgewing R. 1970 van 1968 geregistreer is, word vir die doeleindes van hierdie regulasie geag 'n huwelik te wees.

Betaling van geld ten opsigte van sekere handelings

37. Inkomsteseëls ten bedrae van R10 word geplak op 'n aansoek om—

(a) 'n reg van huurpag te registreer;
(b) 'n oordrag van 'n reg van huurpag te registreer;
(c) 'n verbandakte te registreer of te rojeer;
(d) 'n sessie van 'n verbandakte te registreer;

(8) The provisions of this regulation shall apply *mutatis mutandis* in respect of—

(a) estates administered and distributed under section 34 of the Administration of Estates Act, 1965 (Act 66 of 1965); and

(b) companies which are unable to pay their debts and are liquidated or wound up by or under the supervision of the court.

No bond to be passed in favour of an agent

27. No mortgage bond shall be passed in favour of any person as the agent of a principal.

Requirements in case of bonds passed in favour of two or more persons

28. No mortgage bond in which it is stipulated that the share of one mortgagee shall rank prior in order of preference to the share of another may be passed in favour of two or more persons.

Requirements in case of bonds intended to secure future debts

29. (1) No mortgage bond which secures preference or precedence in respect of a debt incurred after the registration of such bond shall be valid unless—

(a) it is expressly stipulated in the bond that the bond is intended to secure future debts generally or some particular future debt described therein; and

(b) a sum is fixed in the bond as an amount beyond which future debts shall not be secured by the bond.

(2) If a mortgage bond purports to secure payment by the mortgagor of the costs of preserving and realizing the security or of interest on the advance, insurance premiums, cost of notice or bank exchange, such interest, costs and charges shall not be deemed to be future debts within the meaning of subregulation (1).

Cession of bond to secure future advances

30. A cession of a mortgage bond passed to secure future advances may be registered and the registration of such cession shall not affect the provisions of the bond relating to future advances up to the amount stated in such bond or the amount as reduced.

Transfer of mortgaged certificate

31. No transfer of a mortgaged certificate shall be registered by the registrar, until the bond has been cancelled: Provided that no such cancellation shall be necessary if the transfer is made—

(a) in execution of the judgment of any court (including a magistrate's court and a court of a Commissioner) by the competent officer;

(b) by the trustee of an insolvent estate, an executor administering and distributing an estate under section 34 of the Administration of Estates Act, 1965 (Act 66 of 1965), the liquidator of a body corporate which is unable to pay its debts and which is being wound up by or under the supervision of the court; or

(c) by order of a court.

(8) Die bepalings van hierdie regulasie is *mutatis mutandis* van toepassing ten opsigte van—

(a) boedels wat kragtens artikel 34 van die Boedelwet, 1965 (Wet 66 van 1965), beredder en verdeel word; en

(b) maatskappye wat hulle skulde nie kan betaal nie en deur of onder toesig van die hof gelikwideer word.

Geen verband word ten gunste van 'n verteenwoordiger gepasseer nie

27. Geen verbandakte word op naam van iemand as verteenwoordiger van 'n lasgewer gepasseer nie.

Voorskrifte in geval van verbande ten gunste van twee of meer persone gepasseer

28. Geen verbandakte word op naam van twee of meer persone gepasseer nie as daarin beding word dat .an die aandeel van die een verbandhouer 'n voorrang bo die aandeel van 'n ander toegeken word.

Voorskrifte vir verbande tot versekering van toekomstige skulde

29. (1) Geen verbandakte wat voorkeur of voorrang verleen ten opsigte van 'n skuld wat na die registrasie van sodanige verbandakte aangegaan is, is geldig nie tensy—

(a) in die verbandakte uitdruklik beding word dat die verbandakte bestem is om toekomstige skulde oor die algemeen of een of ander bepaalde daarin genoemde toekomstige skuld te verseker; en

(b) 'n som in die verbandakte vasgestel word as 'n bedrag waarbo toekomstige skulde nie deur die verbandakte verseker word nie.

(2) Indien 'n verbandakte betaling deur die verbandgewer heet te verseker van die koste daaraan verbonde om die sekuriteit in stand te hou en te gelde te maak of van rente op die voorskot, assuransiepremies, die koste van kennisgewing of bankprovisie, word daardie rente, koste en vorderings nie geag toekomstige skulde in die sin van subregulasie (1) te wees nie.

Sessie van verband tot versekering van toekomstige voorskotte

30. 'n Sessie van 'n verbandakte gegee om toekomstige voorskotte te verseker, kan geregistreer word, en die registrasie van so 'n sessie raak nie die bepalings van die verbandakte met betrekking tot toekomstige voorskotte tot die bedrag in sodanige verbandakte aangegee of die bedrag soos verminder nie.

Oordrag van sertifikaat met verband beswaar

31. Geen oordrag van 'n sertifikaat wat met verband beswaar is, word deur die registrateur geregistreer nie alvorens die verband gerojeer is: Met dien verstande dat geen sodanige rojering nodig is nie as die oordrag geskied—

(a) ter volvoering van die vonnis van 'n hof (met inbegrip van 'n landdroshof en 'n hof van 'n Kommissaris) deur die bevoegde amptenaar;

(b) deur die kurator van 'n insolvente boedel, 'n eksekuteur wat 'n boedel kragtens artikel 34 van die Boedelwet, 1965 (Wet 66 van 1965), beredder en verdeel, die likwidateur van 'n regspersoon wat sy skulde nie kan betaal nie en wat deur of onder toesig van die hof gelikwideer word; of

(c) op las van die hof.

the mortgagee and the transferee to the substitution of the transferee for the original holder as the debtor in respect of the bond for the amount of the debt disclosed therein or for a lesser amount.

(2) In registering the transfer the registrar shall—

(a) in the register, make—

(i) an entry setting forth that the debt of the original holder secured by the bond is cancelled; and

(ii) an entry setting forth that the transferee has become the debtor in respect of the bond;

(b) annex one copy of the written consent referred to in subregulation (1) to the bond and file the other with the registration duplicate of the bond;

(c) endorse upon the bond—

(i) the name of the transferee;

(ii) the date of registration of the transfer;

(iii) a reference to the said written consent; and

(iv) that the transferee has been substituted for the original holder as the debtor in respect of the bond.

(3) As from the date of registration of the transfer the original holder shall be absolved from any obligation secured by the bond and the transferee shall be substituted for him as the debtor in respect of such bond and shall be bound by the terms thereof in the same manner as if he had himself passed the bond and had renounced therein the benefit of all relevant exceptions.

(4) The provisions of this regulation shall not apply if the certificate hypothecated under a mortgage bond is transferred to a person who would not himself be qualified to be the holder of such certificate or to hypothecate it under a bond.

Renunciation of order of preference with regard to registered bonds in favour of any other bond

25. (1) The holder of a bond that has been registered or is about to be registered shall submit the following documents to the registrar concerned for the registration of the renunciation of the order of preference with regard to registered bonds in favour of the bond of which he is the holder:

(a) Written consent, in duplicate, substantially in the form of Annexure N, of the mortgagee concerned to the renunciation of the order of preference with regard to the bond of which he is the holder in favour of the bond of which applicant is the holder; and

(b) the mortgage bonds concerned.

(2) If the registrar is satisfied that the documents are in order, he shall register the renunciation by making an appropriate entry in the register and shall endorse the mortgage bonds and registration duplicates thereof accordingly: Provided that no such renunciation in favour of a mortgage bond that has not yet been registered, shall be registered.

(3) On registration of such renunciation one copy of the written consent referred to in subregulation (1) shall be attached to each mortgage bond and registration duplicate.

toestemming, in tweevoud en wesenlik in die vorm van Aanhangsel M, van die verbandhouer en die oordragnemer tot die vervanging van die oorspronklike houer deur die oordragnemer as die skuldenaar ten aansien van die verband, vir die bedrag van die skuld daarin geopenbaar of vir 'n kleiner bedrag, aan hom voorgelê word.

(2) By registrasie van die oordrag moet die registrateur—

(a) in die register—

(i) 'n inskrywing maak wat vermeld dat die skuld van die oorsponklike houer deur die verband verseker, gerojeer is; en

(ii) 'n inskrywing maak wat vermeld dat die oordragnemer die skuldenaar ten aansien van die verband geword het;

(b) een eksemplaar van die skriftelike toestemming in subregulasie (1) bedoel aan die verbandakte heg en die ander by die registrasieduplikaat van die verbandakte bewaar;

(c) op die verbandakte aanteken—

(i) die naam van die oordragnemer;

(ii) die datum van registrasie van die oordrag;

(iii) 'n verwysing na genoemde skriftelike toestemming; en

(iv) dat die oorspronklike houer deur die oordragnemer vervang is as skuldenaar ten aansien van die verband.

(3) Vanaf die datum van registrasie van die oordrag is die oorspronklike verbandgewer bevry van enige verpligting deur die verband verseker en word hy deur die oordragnemer vervang as skuldenaar ten aansien van daardie verband, en is die oordragnemer deur die bepalings daarvan gebonde asof hyself die verband gepasseer het en daarin van die voorreg van alle toepaslike eksepsies afstand gedoen het.

(4) Die bepalings van hierdie regulasie is nie van toepassing nie as die met verband beswaarde sertifikaat oorgedra word aan iemand wat nie self bevoeg sou wees om die houer van dié sertifikaat te wees of om dit met 'n verband te beswaar nie.

Afstanddoening van voorrang ten aansien van geregistreerde verbande ten gunste van 'n ander verband

25. (1) Die houer van 'n verband wat geregistreer is of op die punt staan om geregistreer te word, dien die volgende dokumente vir die registrasie van die afstanddoening van voorrang ten aansien van geregistreerde verbande ten gunste van die verband waarvan hy die houer is, by die betrokke registrateur in:

(a) Skriftelike toestemming, in tweevoud, wesenlik in die vorm van Aanhangsel N, van die betrokke verbandhouer tot die afstanddoening van voorrang ten aansien van die verband waarvan hy die houer is ten gunste van die verband waarvan die applikant die houer is; en

(b) die betrokke verbandaktes.

(2) Indien die registrateur daarvan oortuig is dat die dokumente in order is, registreer hy die afstanddoening deur in die register 'n toepaslike inskrywing te maak en endosseer hy die verbandaktes en die registrasieduplikate daarvan dienooreenkomstig: Met dien verstande dat geen sodanige afstanddoening ten gunste van 'n verbandakte wat nog nie geregistreer is nie, geregistreer word nie.

(3) By die registrasie van sodanige afstanddoening word een afskrif van die skriftelike toestemming in subregulasie (1) bedoel aan elke verbandakte en registrasieduplikaat geheg.

(3) If the amount of an existing debt is mentioned in a mortgage bond purporting to secure a future debt, such existing debt shall be deemed to be secured as a part of the maximum amount intended to be secured by such bond.

(4) Save as authorised by any other law or by order of the Court, debts or obligations to more than one creditor arising from different causes shall not be secured by one motgage bond.

Registration of mortgage bond

18. (1) The mortgagee shall submit the following documents to the registrar concerned for the registration of the bond:

(a) An application for registration of the bond, substantially in the form of Annexure K (1);

(b) the mortgage bond and a duplicate original (which shall serve as a registration duplicate) thereof, substantially in the form of Annexure K (2);

(c) the certificate concerned (if it has already been issued).

(2) If the registrar is satisfied that the documents are in order, he shall register the mortgage bond by making an entry in the register to the effect that the certificate is mortgaged and he shall endorse the certificate and the registration duplicate accordingly.

(3) The certificate and the mortgage bond shall thereafter be delivered to the mortgagee.

Irrelevant provisions

19. A registrar shall not examine provisions relating to a bond which are not relevant to the registration of the bond.

Cancellation of a mortgage bond

20. (1) The morgagee shall submit the following documents to the registrar concerned for the cancellation of the bond:

(a) Written consent, in duplicate, of the mortgagee to the cancellation of the bond, substantially in the form of Annexure H;

(b) the mortgage bond; and

(c) the certificate concerned.

(2) If the registrar is satisfied that the documents are in order he shall cancel the mortgage bond and registration duplicate thereof, note the cancellation thereof in the register and endorse the certificate and registration duplicate thereof accordingly.

(3) On cancellation of the mortgage bond the written consent referred to in subregulation (1) shall be attached to the mortgage bond and the copy thereof shall be filed with the registration duplicate of the mortgage bond.

(4) The cancelled mortgage bond and certificate shall thereafter be delivered to the person who submitted it.

Registration of cession of mortgage bond

21. (1) Any person to whom a mortgagee has ceded a bond, shall submit the following documents to the registrar concerned for the registration of the cession of such bond:

(a) The cession and duplicate original thereof;

(b) written consent of the mortgagee to the registration of the cession of the mortgage bond, substantially in the form of Annexure L;

(c) the mortgage bond,

(3) As in 'n verbandakte wat heet 'n toekomstige skuld te verseker, die bedrag van 'n bestaande skuld genoem word, word daardie bestaande skuld geag verseker te wees as 'n deel van die maksimum bedrag tot versekering waarvan sodanige verbandakte bestem is.

(4) Skulde of verpligtings aan of teenoor meer as een skuldeiser, wat voortspruit uit verskillende oorsake, kan, behalwe wanneer 'n ander wet of 'n bevel van die hof dit magtig, nie deur een verbandakte verseker word nie.

Registrasie van 'n verbandakte

18. (1) Die verbandhouer dien die volgende dokumente vir registrasie van die verband by die betrokke registrateur in:

(a) 'n Aansoek om registrasie van die verband, wesenlik in die vorm van Aanhangsel K (1);

(b) die verbandakte en 'n duplikaat-oorspronklike (wat as registrasieduplikaat moet dien) daarvan, wesenlik in die vorm van Aanhangsel K (2);

(c) die betrokke sertifikaat (indien dit reeds uitgereik is).

(2) Indien die registrateur oortuig is dat die dokumente in orde is, registreer hy die verbandakte deur in die register 'n inskrywing te maak wat vermeld dat die sertifikaat verpand is en hy endosseer die sertifikaat en die registrasieduplikaat dienooreenkomstig.

(3) Die sertifikaat en die verbandakte word daarna aan die verbandhouer gelewer.

Nie-tersaaklike bepalings

19. 'n Registrateur ondersoek nie bepalings met betrekking tot 'n verband wat nie vir die doeleindes van die registrasie van die verband ter sake is nie.

Rojering van 'n verbandakte

20. (1) Die verbandhouer dien die volgende dokumente vir die rojering van die verband by die betrokke registrateur in:

(a) Skriftelike toestemming, in tweevoud, wesenlik in die vorm van Aanhangsel H, van die verbandhouer tot die rojering van die verbandakte;

(b) die verbandakte; en

(c) die betrokke sertifikaat.

(2) Indien die registrateur daarvan oortuig is dat die dokumente in orde is, rojeer hy die verbandakte en die registrasieduplikaat daarvan, teken hy die rojering daarvan in die register aan en endosseer hy die sertifikaat en die registrasieduplikaat daarvan dienooreenkomstig.

(3) By die rojering van die verbandakte word die skriftelike toestemming in subregulasie (1) bedoel aan die verbandakte geheg en die afskrif daarvan by die registrasieduplikaat van die verbandakte bewaar.

(4) Die gerojeerde verbandakte en sertifikaat word daarna aan die persoon wat dit ingedien het, gelewer.

Registrasie van sessie van verbandakte

21. (1) 'n Persoon aan wie 'n verbandhouers 'n verband gesedeer het, dien die volgende dokumente vir die registrasie van die sessie van sodanige verband by die betrokke registrateur in:

(a) Die sessie en duplikaat-oorspronklike daarvan;

(b) skriftelike toestemming, wesenlik in die vorm van Aanhangsel L, van die verbandhouer tot die registrasie van die sessie van die verbandakte; en

(c) die verbandakte.

(c) subject to the provisions of these regulations, to issue certified copies of any document referred to or contemplated in section 6A or 6B of the Act or these regulations;

(d) if in his opinion any certificate, deed or other document submitted to him has become illegible or unfit for use, to require that a certified copy thereof be obtained to replace it.

Copies of certificates and documents

15. (1) A certified copy of a certificate or mortgage bond required for information only, shall be issued on the application of any person upon payment of an amount of R5 and the words "Issued for information only" shall be written or stamped on each page of the copy so issued.

(2) Where a copy of a certificate or mortgage bond is required for judicial purposes a certified copy shall be issued on the request of an attorney upon payment of an amount of R5 or on the request of an official on behalf of a Government department, and the words "Issued for judicial purposes only" shall be written or stamped on each page of the copy so issued.

(3) (a) If a certificate or mortgage bond is lost, stolen or destroyed or becomes illegible or unfit for use, the mortgagee or certificate holder, with the written consent of the mortgagee or his duly authorised agent may apply for the issue to him of a certified copy thereof in the place of the original document by means of an affidavit in which the certificate or mortgage bond, as the case may be, is described and in the case of an application for a copy of a certificate or mortgage bond that has been lost, stolen or destroyed in which it is stated that it has not been mortgaged or is not being held by any person as security for debt or otherwise, but that it has actually been lost, stolen or destroyed, as the case may be, and cannot be found though diligent search has been made therefor and setting forth, where possible, the circumstances under which it was lost, stolen or destroyed.

(b) In the case of an application for a copy of a certificate or mortgage bond that has been damaged or mutilated, such certificate or mortgage bond, as the case may be, shall be attached to the sworn statement.

(c) If the circumstances of the loss, theft or destruction are not stated in the affidavit or if they are stated and the registrar is of the opinion that evidence or further evidence, as the case may be, is necessary from either the applicant himself or any other person in whose custody the certificate or bond, as the case may be, may have been before the loss, theft or destruction thereof, to establish such loss, theft or destruction, he shall be entitled to call for such evidence or further evidence, as the case may be.

(d) If such certificate holder or mortgagee is deceased, insane, insolvent, a minor or is otherwise legally incapacitated or is a body corporate under liquidation, then the affidavit may be made by the legal representative of the estate, guardian or other representative of the person or the liquidator of the body corporate, as the case may be: Provided that if such representative or liquidator cannot to produce evidence definitely establishing the loss, theft

(c) behoudens die bepalings van hierdie regulasies, gewaarmerkte afskrifte van enige dokument in artikel 6A of 6B van die Wet of hierdie regulasies bedoel of beoog, uit te reik;

(d) indien 'n sertifikaat, akte of ander dokument wat aan hom voorgelê word, volgens sy mening onleesbaar of onbruikbaar geword het, te eis dat 'n gewaarmerkte afskrif daarvan verkry word om dit te vervang.

Afskrifte van sertifikate en dokumente

15. (1) 'n Gewaarmerkte afskrif van 'n sertifikaat of verbandakte wat net vir inligting nodig is, word op aansoek van enige persoon by betaling van 'n bedrag van R5 uitgereik en die woorde "Alleen vir inligting uitgereik" word geskrywe of gestempel op elke bladsy van die afskrif wat aldus uitgereik word.

(2) Waar 'n afskrif van 'n sertifikaat of verbandakte vir geregtelike doeleindes vereis word, word 'n gewaarmerkte afskrif op aanvraag van 'n prokureur by betaling van 'n bedrag van R5 of op aanvraag van 'n beampte ten behoewe van 'n Staatsdepartement uitgereik en die woorde "Alleen vir geregtelike doeleindes uitgereik" word geskrywe of gestempel op elke bladsy van die afskrif wat aldus uitgereik word.

(3) (a) Indien 'n sertifikaat of verbandakte verlore raak, gesteel of vernietig word of onleesbaar is of onbruikbaar geword het, kan die verbandhouer of die sertifikaathouer, met die skriftelike toestemming van die verbandhouer of sy behoorlik gemagtigde agent, aansoek doen om die uitreiking aan hom van 'n gewaarmerkte afskrif daarvan om in die plek van die oorspronklike stuk te dien deur middel van 'n beëdigde verklaring wat die sertifikaat of verbandakte, na gelang van die geval, beskryf en in die geval van 'n aansoek om 'n afskrif van 'n sertifikaat of verbandakte wat verlore geraak het of gesteel of vernietig is waarin vermeld word dat dit nie verpand of deur iemand gehou word as sekuriteit vir skuld of andersins nie, maar dat dit werklik verlore geraak het of gesteel of vernietig is, na gelang van die geval, en dat dit na grondige ondersoek nie te vind is nie, en waarin, waar moontlik, die omstandighede waaronder dit verlore geraak het of gesteel of vernietig is, uiteengesit word.

(b) In die geval van 'n aansoek om 'n afskrif van 'n sertifikaat of verbandakte wat beskadig of geskend is, word sodanige sertifikaat of verbandakte, na gelang van die geval, aan die beëdigde verklaring geheg.

(c) Indien die omstandighede van die verlies, diefstal of vernietiging nie in die beëdigde verklaring vermeld is nie, of as dit wel vermeld is en die registrateur meen dat, met die doel om die verlies, diefstal of vernietiging vas te stel, bewys of verdere bewys nodig is, hetsy van die aansoeker self of van iemand anders in wie se bewaring die sertifikaat of verbandakte, na gelang van die geval, kon gewees het voor die verlies, diefstal of vernietiging daarvan, is hy geregtig om sodanige bewys of verdere bewys, na gelang van die geval, aan te vra.

(d) Indien sodanige sertifikaathouer of die geregistreerde houer van die verbandakte oorlede of kranksinnig is of insolvent is of minderjarig of andersins handelingsonbevoeg is of 'n regspersoon in likwidasie is, kan die beëdigde verklaring afgelê word deur die wettige verteenwoordiger van die boedel of die voog of ander verteenwoordiger van die persoon of die likwidateur van die regspersoon, na gelang van die geval: Met dien verstande dat as sodanige verteenwoordiger of likwidateur nie in staat is om bewys te lewer wat die verlies, diefstal of vernietiging van die sertifikaat

Transfer of a right of leasehold

12. (1) Subject to the provisions of the Act and these regulations, a right of leasehold shall be transferred—

(a) in the case of a transfer arising from an agreement of purchase between the certificate holder and the intending certificate holder, the submission to the registrar of an application, substantially in the form of Annexure F, accompanied by—

(i) a memorandum of agreement between the parties, substantially in the form of Annexure G or, if the parties wish to contract otherwise, the memorandum of agreement entered into by them;

(ii) the certificate;

(iii) proof that no charges and other moneys referred to in regulation 11 (1) (b) in respect of the site concerned are owing;

(iv) a certificate, substantially in the form of Annexure H, from the mortgagee (if any) that the certificate holder has discharged his obligations to the mortgagee and that the bond may be cancelled, except in a case contemplated in the proviso to regulation 31; and

(v) proof that satisfactory arrangements have been made for the payment of the amount due in respect of the right of leasehold in and the improvements (if any) on the site concerned;

(b) in the case of a transfer which arises from a sale in execution or follows on insolvency or is necessary by virtue of the proviso to section 6A (5) (c) of the Act or regulation 50, by the submission to the registrar of the application referred to in paragraph (a) and the certificate, accompanied by proof that satisfactory arrangements have been made for the payment of the amount due in respect of the right of leasehold in and the improvements (if any) on the site concerned and certificates substantially in the form of Annexures H and I, issued by the mortgagee (if any), trustee, Master or executor, as the case may be;

(c) in the case of a transfer by a mortgagee in terms of the provisions of section 6A (6) (a) of the Act, by the submission to the registrar of the application referred to in paragraph (a), accompanied by the certificates referred to in paragraph (b) and the certificate; or

(d) in the case of a transfer arising from a donation or exchange, by the submission to the registrar of the application referred to in paragraph (a), the documents referred to in paragraph (a) (ii) and (iii), and a certificate, substantially in the form of Annexure I.

(2) A right of leasehold in respect of a surveyed site for residential purposes shall not be transferred to more than one qualified person.

(3) If the registrar is satisfied that the documents referred to in subregulation (1) are in order, he shall register the transfer by making an appropriate entry in the register and he shall endorse the certificate and the registration duplicate thereof by issuing a document substantially in the form of Annexure J.

(4) The registrar shall sign and date the endorsement and place his seal below his signature.

(5) The original endorsement shall be attached to the original certificate and delivered to the certificate holder and the copy of the endorsement attached to the registration duplicate.

Oordrag van reg van huurpag

12. (1) Behoudens die bepalings van die Wet en hierdie regulasies word 'n reg van huurpag oorgedra—

(a) in die geval van 'n oordrag voortspruitend uit 'n koopooreenkoms tussen die sertifikaathouer en die voorgenome sertifikaathouer, deur 'n aansoek wesenlik in die vorm van Aanhangsel F by die registrateur in te dien, vergesel van—

(i) 'n akte van ooreenkoms tussen die partye, wenslik in die vorm van Aanhangsel G, of, indien die partye op ander bedinge wens ooreen te kom, die akte van ooreenkoms deur hulle aangegaan;

(ii) die sertifikaat;

(iii) 'n bewys dat geen vorderings en ander gelde bedoel in regulasie 11 (1) (b) ten opsigte van die betrokke perseel verskuldig is nie;

(iv) 'n sertifikaat, wesenlik in die vorm van Aanhangsel H, van die verbandhouer (as daar is) dat die sertifikaathouer sy verpligtinge teenoor die verbandhouer nagekom het en dat die verband geprojeer kan word, behalwe in 'n geval soos bedoel in die voorbehoudsbepaling van regulasie 31; en

(v) 'n bewys dat bevredigende reëlings getref is vir die betaling van die bedrag betaalbaar ten opsigte van die reg van huurpag in en die verbeterings (as daar is) op die betrokke perseel;

(b) in die geval van 'n oordrag voortspruitend uit 'n verkoping in eksekusie of wat volg op insolvensie of wat noodsaaklik is uit hoofde van die voorbehoudsbepaling van artikel 6A (5) (c) van die Wet of regulasie 50, deur die aansoek bedoel in paragraaf (a) en die sertifikaat by die registrateur in te dien, vergesel van 'n bewys dat bevredigende reëlings getref is vir die betaling van die bedrag betaalbaar ten opsigte van die reg van huurpag in en die verbeterings (as daar is) op die betrokke perseel en sertifikate wesenlik in die vorm van Aanhangsels H en I uitgereik deur die verbandhouer (as daar is), kurator, Meester of eksekuteur, na gelang van die geval;

(c) in die geval van 'n oordrag deur 'n verbandhouer ingevolge die bepalings van artikel 6A (6) (a) van die Wet, deur die aansoek bedoel in paragraaf (a) by die registrateur in te dien, vergesel van die sertifikate bedoel in paragraaf (b) en die sertifikaat; of

(d) in die geval van 'n oordrag voortspruitend uit 'n skenking of verruiling, deur die aansoek bedoel in paragraaf (a), die dokumente bedoel in paragraaf (a) (ii) en (iii) en 'n sertifikaat wesenlik in die vorm van Aanhangsel I by die registrateur in te dien.

(2) 'n Reg van huurpag ten opsigte van 'n opgemete perseel vir woondoeleindes word nie aan meer as een bevoegde persoon oorgedra nie.

(3) Indien die registrateur daarvan oortuig is dat die dokumente in subregulasie (1) bedoel in orde is, registreer hy die oordrag deur 'n toepaslike inskrywing in die register te maak en endosseer hy die sertifikaat en die registrasieduplikaat daarvan deur 'n dokument wesenlik in die vorm van Aanhangsel J uit te reik.

(4) Die registrateur onderteken en dateer die endossement en plaas sy seël onder sy handtekening.

(5) Die oorspronklike endossement word aan die oorspronklike sertifikaat geheg en aan die sertifikaathouer gelewer en die afskrif van die endossement aan die registrasieduplikaat geheg.

(ii) an amount equal to that calculated in accordance with formula determined in paragraph (a) (ii):

Provided that if the actual costs cannot be readily determined, the calculated replacement cost shall be deemed to be the cost of the provision of services.

(2) An administration board shall determine the amount payable in respect of the improvements of which it is the owner, situated on any site in respect of which a right of leasehold has been granted, by calculating the amount equal to one-half of the sum of the actual costs of erection and the calculated costs of replacement thereof on the date of the granting of the right: Provided that if the costs of erection cannot be readily determined, the calculated costs of replacement shall be deemed to be the costs of erection.

(3) If the applicant, at the time of the granting to him of the right of leasehold, fails to pay the amount payable in respect of such right of leasehold in and any improvements on the site concerned to the administration board or fails to furnish security to the board to its satisfaction for the payment of that amount against registration of the right of leasehold, and the administration board agrees thereto, payment may be made by the person concerned to the administration board, against security of a bond in favour of the administration board by the payment of—

(a) a minimum deposit equal to 5 per cent of the amount payable in respect of the right of leasehold in and the improvements on the surveyed site, if any, as determined in accordance with subregulations (1) and (2) or R300 in the case of a right of leasehold for residential purposes or R900 in the case of such right for the purposes of conducting a profession or business thereon, whichever is the lesser; and

(b) subject to the provisions of subregulation (4), the outstanding balance with interest in equal monthly instalments over a period not exceeding 30 years.

(4) Interest on the outstanding balance as referred to in subregulation (3) (b) shall be calculated at such rate and on such conditions as the Minister may from time to time determine: Provided that where the interest rates are raised it shall not be required of the mortgagor to increase the amount of his regular repayments.

Registration of a right of leasehold

10. (1) Any person to whom a right of leasehold has been granted shall, personally or through a conveyancer, submit the following documents for the registration of that right to the registrar concerned:

(a) An application for the registration of the right of leasehold substantially in the form of Annexure D;

(b) the Provisional Grant of a Right of Leasehold;

(c) proof by the administration board and the community council concerned that no charges or other moneys (excluding the amount payable in respect of the right of leasehold in and the improvements on the surveyed site concerned) in respect of the site concerned, are due to the board or council;

(d) a copy of a plan of the surveyed site certified by a land surveyor or, if the site has been surveyed, a certificate issued by a land surveyor to the effect that

(ii) 'n bedrag gelykstaande met dié bereken volgens die formule bepaal in paragraaf (a) (ii):

Met dien verstande dat indien die werklike koste nie geredelik bepaal kan word nie, die berekende vervangingskoste geag word die koste van die verskaffing van dienste te wees.

(2) 'n Administrasieraad bepaal die bedrag wat betaalbaar is ten opsigte van die verbeterings waarvan hy die eienaar is wat op 'n perseel ten opsigte waarvan 'n reg van huurpag toegeken is, geleë is, deur die bedrag gelykstaande met een helfte van die som van die werklike oprigtingskoste en die berekende vervangingskoste daarvan op die datum van toekenning van die reg te bereken: Met dien verstande dat indien die oprigtingskoste nie geredelik bepaal kan word nie, die berekende vervangingskoste geag word die oprigtingskoste te wees.

(3) Indien die applikant by toekenning aan hom van die reg van huurpag nie die bedrag betaalbaar ten opsigte van dié reg van huurpag in en enige verbeterings op die betrokke perseel aan die administrasieraad betaal nie of nie tot tevredenheid van die raad, sekerheid aan die raad vir die betaling van daardie bedrag teen registrasie van die reg van huurpag verstrek nie, en die administrasieraad daartoe toestem, kan betaling, teen sekuriteit van 'n verband ten gunste van die administrasieraad, geskied deur betaling deur die betrokke persoon aan die administrasieraad van—

(a) 'n minimum deposito gelykstaande met 5 persent van die bedrag betaalbaar ten opsigte van die reg van huurpag in en die verbeterings op die opgemete perseel (as daar is) soos bepaal ooreenkomstig subregulasies (1) en (2), of R300 in die geval van 'n reg van huurpag vir woondoeleindes of R900 in die geval van so 'n reg vir die doeleindes van die bedryf van 'n beroep of saak daarop, watter ook al die minste is; en

(b) behoudens die bepalings van subregulasie (4), die uitstaande balans met rente in gelyke maandelikse paaiemente oor 'n tydperk van hoogstens 30 jaar.

(4) Rente op die uitstaande balans soos bedoel in subregulasie (3) (b), word bereken teen die koers en op die voorwaardes wat die Minister van tyd tot tyd bepaal: Met dien verstande dat waar die rentekoers verhoog word, daar nie van die verbandgewer vereis word om die bedrag van sy gereelde terugbetalings te verhoog nie.

Registrasie van 'n reg van huurpag

10. (1) 'n Persoon aan wie 'n reg van huurpag toegeken is, dien persoonlik of deur middel van 'n transportbesorger die volgende dokumente vir die registrasie van dié reg by die betrokke registrateur in:

(a) 'n Aansoek om registrasie van die reg van huurpag, wesenlik in die vorm van Aanhangsel D;

(b) die Voorlopige Toekenning van 'n Reg van Huurpag;

(c) 'n bewys deur die betrokke administrasieraad en gemeenskapsraad dat daar geen vorderings of ander gelde (uitgesluit die bedrag betaalbaar ten opsigte van die reg van huurpag in en die verbeterings op die betrokke opgemete perseel) ten opsigte van die betrokke perseel aan een van genoemde twee rade verskuldig is nie;

(d) 'n deur 'n landmeter gesertifiseerde afskrif van 'n plan van die opgemete perseel of, indien die betrokke perseel opgemeet is, 'n sertifikaat deur 'n landmeter

(9) Any person who considers himself aggrieved by the decision of a Commissioner may, within 14 days after he has given his decision, note an appeal against such decision to the Chief Commissioner, whose decision shall be final.

(10) After a final decision has been reached the Commissioner or Chief Commissioner, as the case may be, shall inform the Secretary who shall endorse the relevant plans accordingly.

Maintenance of beacons of surveyed sites

6. (1) A certificate holder shall maintain the beacons of the surveyed site concerned in good order.

(2) If a beacon falls into disrepair or is damaged, or removed, moved or destroyed, the certificate holders of all the surveyed sites having such beacon common to them, shall be jointly and severally liable to have such beacon replaced by the administration board at a place indicated by the land surveyor.

(3) The costs incurred in connection with the replacement of a beacon shall be borne by the certificate holder and, in the case of a beacon common to two or more surveyed sites in respect of which certificates have been issued, shall be borne in equal proportions by the certificate holders concerned: Provided that a certificate holder who intends to cause such beacon to be replaced shall give prior written notice of his intention to do so to any other certificate holder who may be liable to a contribution towards the costs involved: Provided further that the administration board shall not be liable for the costs incurred in connection with the maintenance of a beacon that is common to such a surveyed site and land which is the property of the administration board, other than a surveyed site in respect of which a certificate has been issued.

(4) Any person who fails to comply with the provisions of subregulation (1) or (2) shall be guilty of an offence and on conviction be liable to a fine not exceeding R10 or, in default of payment, to imprisonment not exceeding 14 days in respect of each beacon that he failed to have replaced or to maintain in good order and, on further default after having been convicted, liable to a further fine not exceeding R10 or, in default of payment, to imprisonment not exceeding 14 days for every period of three months during which such default continues.

(5) A person who, except as permitted in these regulations, damages, removes, moves or destroys any beacon affixed in terms of these regulations, shall be guilty of an offence and on conviction liable to a fine of R100 or, in default of payment, to six months imprisonment or to both such fine and such imprisonment.

Application for a right of leasehold

7. (1) Every application for a right of leasehold shall be effected by the submission to the administration board of a duly completed application substantially in the form of Annexure B.

(2) An application referred to in subregulation (1) shall be accompanied by an amount of R6, being administration fees, and a deposit of an amount determined by the relevant administration board in respect of the fees payable to a land surveyor or the administration board in respect of a land surveyor in its service for the surveying or identifying, as the case may be, of the site concerned.

(9) 'n Persoon wat hom veronreg voel deur die beslissing van 'n Kommissaris, kan, binne 14 dae nadat hy sy beslissing gegee het, appèl teen sodanige beslissing aanteken by die betrokke Hoofkommissaris, wie se beslissing afdoende is.

(10) Nadat 'n finale beslissing geneem is, stel die Kommissaris of Hoofkommissaris, na gelang van die geval, die Sekretaris in kennis en die Sekretaris endosseer die betrokke planne dienooreenkomstig.

Instandhouding van bakens van opgemete persele

6. (1) 'n Sertifikaathouer hou die bakens van die betrokke opgemete perseel in 'n goeie toestand.

(2) Indien 'n baken in 'n toestand van verval geraak het of beskadig, verwyder, verskuif of vernietig is, is die sertifikaathouers van al die opgemete persele wat sodanige baken gemeen het, gesamentlik en afsonderlik verplig om sodanige baken deur die administrasieraad te laat herplaas op die plek deur 'n landmeter aangewys.

(3) Die koste aangegaan in verband met die herplasing van 'n baken word deur die sertifikaathouer gedra en in geval van 'n gemeenskaplike baken van twee of meer opgemete persele ten opsigte waarvan sertifikate uitgereik is, word in gelyke verhouding deur die betrokke sertifikaathouers gedra: Met dien verstande dat 'n sertifikaathouer wat voornemens is om so 'n baken te laat herplaas, vooraf enige ander sertifikaathouer wat vir 'n bydrae tot bestryding van die koste daaraan verbonde aanspreeklik kan wees, skriftelik van sy voorneme om dit te doen, in kennis moet stel: Met dien verstande voorts dat die administrasieraad nie aanspreeklik is nie vir die koste aangegaan in verband met die onderhoud van 'n gemeenskaplike baken van so 'n opgemete perseel en grond wat die eiendom van die administrasieraad is, uitgesonderd 'n opgemete perseel ten opsigte waarvan 'n sertifikaat uitgereik is.

(4) 'n Persoon wat in gebreke bly om aan die vereistes van subregulasie (1) of (2) te voldoen, begaan 'n misdryf en is by skuldigbevinding strafbaar met 'n boete van hoogstens R10 of, by wanbetaling, met gevangenisstraf vir 'n tydperk van hoogstens 14 dae ten opsigte van elke baken wat hy versuim het om te laat herplaas of in 'n goeie toestand te hou, en is by verdere versuim om dit te doen nadat hy skuldig bevind is, strafbaar met 'n verdere boete van hoogstens R10 of, by wanbetaling, met gevangenisstraf vir 'n tydperk van hoogstens 14 dae vir elke tydperk van drie maande wat sodanige versuim voortduur.

(5) Iemand wat, behalwe soos deur hierdie regulasies veroorloof, enige baken wat ingevolge hierdie regulasies aangebring is, beskadig, verwyder, verskuif of vernietig, begaan 'n misdryf en is by skuldigbevinding strafbaar met 'n boete van R100 of by wanbetaling met ses maande gevangenisstraf of met sowel sodanige boete as sodanige gevangenisstraf.

Aansoek om 'n reg van huurpag

7. (1) Elke aansoek om 'n reg van huurpag word gedoen deur 'n behoorlik ingevulde aansoek, wesenlik in die vorm van Aanhangsel B, by die administrasieraad in te dien.

(2) 'n Aansoek in subregulasie (1) bedoel, gaan vergesel van 'n bedrag van R6 as administrasiegelde en 'n deposito van 'n bedrag deur die betrokke administrasieraad bepaal ten opsigte van die gelde betaalbaar aan 'n landmeter of die administrasieraad ten opsigte van 'n landmeter in sy diens vir die opmeting of identifisering, na gelang van die geval, van die betrokke perseel.

(24) Each general plan shall be signed by the responsible land surveyor under the following certificate:

"Surveyed in (month, year).....
by me.....

.....
Land Surveyor":

Provided that the Secretary may grant a land surveyor written permission to compile a general plan from data obtained by any other land surveyor or land surveyors through surveying and such general plan shall be signed under the following certificate:

"Compiled in (month, year).....
by me.....

.....
Land Surveyor".

3. (1) After the Minister has approved a general plan or an amending general plan for the purposes of section 6A and 6B of the Act—

(a) the Secretary shall forward to the registrar concerned, for safekeeping, a copy of the general plan or amending general plan, as the case may be, certified to the effect that it has been so approved by the Minister;

(b) the Secretary shall keep the original approved general plan in custody or, in the case of an amending general plan, he shall file such plan with the general plan;

(c) the Secretary shall forward to the administration board concerned as many copies of the general plan or amending general plan as he may deem necessary; and

(d) the Secretary shall notify the relevant Surveyor-General and registrar referred to in the Deeds Registries Act, 1937 (Act 47 of 1937), of such approval and no real right in the land to which such general plan refers shall be registered in the office of such registrar without the written consent of the Minister.

(2) After the Minister has approved an amending general plan for the purposes of section 6A and 6B of the Act—

(a) the Secretary shall circumscribe in red the relevant part of the original general plan and shall make a suitable endorsement thereon; and

(b) the Secretary shall notify the registrar and administration board concerned to submit their copy/copies of the original general plan for the necessary endorsement to be made.

Demarcation of surveyed site

4. (1) As soon as possible after receipt of an application for the granting of a right of leasehold in respect of a surveyed site which may, in the particular case, be allocated, the administration board shall point out the corner beacons of such surveyed site in accordance with the approved general plan. If the surveyed site is fenced, walled or otherwise physically demarcated and such demarcation has been proved, to the satisfaction of the Secretary, to be within 300 millimetres of the boundaries indicated on the general plan relative to the nearest sites, the existing fence, wall or other demarcation shall be deemed to be the boundaries of the site.

(2) After a surveyed site has been pointed out in terms of subregulation (1) and after the period in which any disputes in respect of the situation of any beacons may be broached has expired or, if a dispute were

(24) Elke algemene plan word deur die verantwoordelike landmeter onder die volgende sertifikaat onderteken:

"Opgemeet in (maand, jaar).....
deur my.....

.....
Landmeter":

Met dien verstande dat die Sekretaris skriftelike toestemming aan 'n landmeter kan verleen om 'n algemene plan saam te stel van data wat deur 'n ander landmeter of landmeters deur opmeting verkry is en sodanige algemene plan word onder die volgende sertifikaat onderteken:

"Saamgestel in (maand, jaar).....
deur my.....

.....
Landmeter".

3. (1) Nadat die Minister 'n algemene plan of 'n wysigende algemene plan vir die doeleindes van artikel 6A en 6B van die Wet goedgekeur het—

(a) stuur die Sekretaris aan die betrokke registrateur, vir veilige bewaring, 'n afskrif van die algemene plan, of wysigende algemene plan, na gelang van die geval, gesertifiseer dat dit aldus deur die Minister goedgekeur is;

(b) bewaar die Sekretaris die oorspronklike goedgekeurde algemene plan, of, in die geval van 'n wysigende algemene plan, liasseer hy dié plan by die algemene plan;

(c) stuur die Sekretaris aan die betrokke administrasieraad soveel afdrukke van die algemene plan of wysigende algemene plan as wat hy nodig ag; en

(d) stel die Sekretaris die betrokke Landmetergeneraal en registrateur bedoel in die Registrasie van Aktes Wet, 1937 (Wet 47 van 1937), in kennis van die goedkeuring van so 'n algemene plan en geen saaklike reg op die grond, waarop so 'n algemene plan betrekking het, word sonder die skriftelike toestemming van die Minister in die kantoor van sodanige registrateur geregistreer nie.

(2) Nadat die Minister 'n wysigende algemene plan vir die doeleindes van artikel 6A en 6B van die Wet goedgekeur het—

(a) omlyn die Sekretaris die betrokke gedeelte van die algemene plan met rooi en maak 'n toepaslike endossement daarop; en

(b) stel die Sekretaris die betrokke registrateur en administrasieraad in kennis om hul kopie/kopieë in te stuur sodat die nodige endossement gemaak kan word.

Afbakening van opgemete perseel

4. (1) So gou doenlik na ontvangs van 'n aansoek om die toekenning van 'n reg van huurpag ten opsigte van 'n opgemete perseel wat in die besondere geval toegeken kan word, dui die administrasieraad die hoekbakens van sodanige opgemete perseel aan in ooreenstemming met die goedgekeurde algemene plan. Indien die opgemete perseel omhein, ommuur of andersins fisies gedemarkeer is en daar tot tevredenheid van die Sekretaris bewys is dat sodanige demarkering binne 300 millimeter is van die grense soos aangetoon op die algemene plan, relatief tot die naaste persele, word die bestaande omheining, muur of ander demarkering geag die grense van die perseel te wees.

(2) Nadat 'n opgemete perseel ingevolge subregulasie (1) aangedui is en nadat die tydperk waarin enige geskille met betrekking tot die ligging van enige bakens aanhangig gemaak kan word, verstryk

Koornhof orders a respite for squatters

Sun. Exp. 17/12/78

339

THE Minister of Plural Relations, Dr Piet Koornhof, the deputy Minister Dr W Vosloo, and East London City Council have stopped all squatter evictions by the Eastern Cape Administration Board until next year.

This move was announced by the mayor, Mrs E Kemp, at a hastily-called Press conference after a special meeting of the city council at which the views of the Minister were made known.

The meeting came only hours after the board's chief director, Mr H J Swanepoel, speaking from Queenstown, had said that although no action would be taken between December 22 and December 27 he intended prosecuting illegal squatters after that date; he added that they would all have been evicted by the end of this month.

The squatters in the municipality's Mpuku Street tips and Gombo areas were served with 30-day eviction notices by the board on November 16. These expired yesterday but many families have already abandoned their shack homes; some have sought refuge in the bush.

Mrs Kemp said that after consultation with Dr Koornhof and Dr Vosloo it had been decided at the special council meeting that no further statutory steps would be taken between now and the new year to remove existing squatters.



● Dr Koornhof ... talked to the council.

Any families that volunteered to leave would be helped with transport and no further squatting would be permitted. No new shacks or structures would be allowed, the council had directed.

Vacant shacks would be demolished and the material stored for safe-keeping.

Mrs Kemp said the board had made 83 houses available in Duncan village for Coloured squatters from January at a cost of R18 each.

The city council would approach the Department of Community Develoment and the Department of Plural Relations for financial help to buy these houses from the board.

Mrs Kemp confirmed that Dr Vosloo had telephoned the Town Clerk, Mr J Human, on Friday concerning the squatters.

He had asked for a report on the squatter situation, which he had passed on to Dr Koornhof.

As a result the council had agreed to the Minister's recommendation that no further action should be taken on the eviction of squatters until next year.

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of works committees. In January 1973 there
ituted works committees throughout the Republic[33]
t year these had increased to 31.[34] At the end
mmittees had reached 207[35] and of these, 98
(47%) were located in the Transvaal, 61 (30%) in the Cape, 45 (22%) in Natal, and 3 (1%) in the O.F.S. Later information put the number at 239 in May 1975, a ten-fold increase in a little over two years.[36]

The Verster investigation collected less satisfactory data on these committees than it had on liaison committees. This was due in part to the fact that management is not represented on a works committee and in many instances was not able, therefore, to complete the questionnaire satisfactorily. In some cases, apparently, the works committee members viewed the questionnaire and its purpose with suspicion. In June 1974 questionnaires were sent to 124 organisations of whom only 34 responded. These 34 had established 41 works

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33. Hansard 7 columns 485-7, 20 March 1973.
34. Hansard 10 columns 632-4, 10 April 1973.
35. Hansard 10 column 691, 15 April 1975.
36. Rand Daily Mail, 22 May 1975. Cited in: Muriel Horrell and Tony Hodgson. Op.cit. p.212.

10 — DAILY DISPATCH, MONDAY, DECEMBER 18, 1978

EDITORIAL OPINION

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Squatters problem

The persecution of squatters does nothing to solve the real problem of their existence.

One way of defusing the situation would be the massive provision of employment opportunities in the homelands, but the government does not appear to have the inclination to do this.

Another way would be to give blacks the rights of residence where they can find work.

Official policy is, of course, aimed at preventing the latter eventuality. It aims at treating all urban blacks as mere work units — and temporary at that.

Recent changes have accepted the permanence of black townships and last week's gazetting of the 99-year leasehold system for urban blacks is to be welcomed in this regard.

But essentially the government's policy is unchanged. No blacks will be South African citizens; their future will lie in the homelands.

Yet it must be clear, even to the government and the Administration boards carrying out government orders in this regard to squatters, that the policy is failing.

Most urban blacks are not interested in homelands. They want a better life in the townships. They resent being accepted merely as a labour force instead of as a resident community in its own right.

But the quality of their life in the cities is directly affected by conditions in the homelands. The greater the stability and prosperity of the homelands, the more settled and static the black urban population is likely to be.

Conversely, economic depression in the homelands will lead to large-scale urban influx by job-hungry people who neither housing nor legality.

It does well, indeed, to ask what are the government's priorities; R64 million for secret funds for the Department of Information, or R64 million for economic development of the homelands? And is the government really serious about its homelands policies?

The mere existence of the squatter problem provides the answer to those questions.

GRAPH 11 : MINING EMPLOYMENT AND OUTPUT

TIN

Output in metric tons

Employment

(3) Associating with or undertaking any optometric work for or on behalf of a person not registered as an optometrist or an establishment conducted by persons not registered as such or a company of which the directors or shareholders are not all registered optometrists, be it as an employee or in any form of partnership or any other capacity, for gain or for favour, even if under the control and direction of a registered optometrist or optical dispenser or medical practitioner or dentist: Provided that this rule shall not apply to any hospital or institution conducted or subsidised by the State or a provincial authority or such other institution or organisation as may be approved for the purpose by the professional board and the council.

Notes.—(i) Until such time as the area in which a registered optometrist is practising has been declared a prescribed area in respect of the profession of optometry in terms of section 34 of Act 56 of 1974, this rule 22 shall not be applicable.

(ii) In the event of the death of an optometrist his estate may continue to hold his share of the practice for a period of 24 months, or for such longer period as the professional board and the council may determine.

(iii) This rule 22 shall not prohibit a person who is not registered as an optometrist and who had a financial interest in a body corporate which immediately prior to the publication of this rule had registered optometrists as members or as employees, from continuing to hold such interest in that particular body corporate: Provided that such interest is only held for the life of the natural person holding such interest: Provided further that such interest may not be transferred to any person other than a registered optometrist: And provided further that a person holding such interest may only perform acts pertaining to the practice of optometry if he is registered as an optometrist.".

(3) Assosieer met of enige optometriese werk verrig vir of namens 'n persoon wat nie as 'n optometris geregistreer is nie of 'n onderneming wat beheer word deur persone wat nie as sodanig geregistreer is nie of 'n maatskappy waarvan die direkteure of aandeelhouers nie almal geregistreerde optometriste is nie, hetsy as 'n werknemer of in enige vorm van vennootskap of in enige ander hoedanigheid, vir wins of vir guns, al geskied dit onder beheer en leiding van 'n geregistreerde optometris of brilopmaker of geneesheer of tandarts: Met dien verstande dat hierdie reël nie van toepassing is nie op enige hospitaal of inrigting wat beheer of gesubsidieer word deur die Staat of 'n provinsiale owerheid of sodanige ander inrigting of organisasie as wat vir die doel deur die beroepsraad en die raad goedgekeur mag word.

Opmerkings.—(i) Tot tyd en wyl die gebied waarin 'n geregistreerde optometris praktiseer tot 'n voorgeskrewe gebied ten opsigte van die beroep optometrie ingevolge artikel 34 van Wet 56 van 1974 verklaar is, is hierdie reël 22 nie van toepassing nie.

(ii) In die geval van die oorlyde van 'n optometris kan sy boedel sy aandeel in die praktyk behou vir 'n tydperk van 24 maande, of vir sodanige langer tydperk as wat die beroepsraad en die raad mag bepaal.

(iii) Hierdie reël 22 belet nie 'n persoon wat nie as 'n optometris geregistreer is nie en wat 'n finansiële belang gehad het in 'n liggaam met regspersoonlikheid wat onmiddellik voor die afkondiging van hierdie reël geregistreerde optometriste as lede of as werknemers gehad het, om voort te gaan om sodanige belang in daardie bepaalde liggaam te behou nie: Met dien verstande dat sodanige belang behou word slegs vir die lewensduur van die natuurlike persoon wat sodanige belang besit: Met dien verstande verder dat sodanige belang nie aan enige persoon behalwe 'n geregistreerde optometris oorgedra mag word nie: En met dien verstande verder dat 'n persoon wat sodanige belang besit slegs handelinge wat by die beroep optometrie tuishoort, mag verrig indien hy as 'n optometris geregistreer is.".

DEPARTMENT OF PLURAL RELATIONS AND DEVELOPMENT

29 December 1978

No. R. 2624

SELLING PRICES, REDEMPTION INSTALMENTS, RENT AND SERVICE CHARGES IN RESPECT OF TOWNSHIPS IN BLACK AREAS

I, Wilhelm Laubscher Vosloo, Deputy Minister of Plural Relations and Development, acting on behalf of the Minister of Plural Relations and Development and by virtue of the powers vested in him by regulation 46 of Chapter 2 of the Regulations for the Administration and Control of Townships in Black Areas, published under Proclamation R. 293 of 1962, hereby determine that, with effect from 1 January 1979, the fees set out in the Schedule hereto shall be payable in respect of the selling, letting, redemption and maintenance of sites, and in respect of services rendered in a township referred to in regulation 4 (1) and (4) of Chapter 1 of the said Regulations.

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

(File T60/8)

SCHEDULE

A. *Selling prices of sites*

(1) Sites for residential purposes: R4,40 for each 25 square metres or portion thereof.

DEPARTEMENT VAN PLURALE BETREKKINGE EN ONTWIKKELING

29 Desember 1978

No. R. 2624

VERKOOPPRYSE, AFLOSPAAIEMENTE, HUUR EN DIENSVORDERINGS TEN OPSIGTE VAN DORPE IN SWART GEBIEDE

Ek, Wilhelm Laubscher Vosloo, Adjunk-minister van Plurale Betrekkinge en Ontwikkeling, handelende namens die Minister van Plurale Betrekkinge en Ontwikkeling en kragtens die bevoegdheid hom verleen by regulasie 46 van Hoofstuk 2 van die Regulasies vir die Administrasie en Bestuur van Dorpe in Swart Gebiede, afgekondig by Proklamasie R. 293 van 1962, bepaal hierby dat, met ingang van 1 Januarie 1979, die gelde uiteengesit in die Bylae hiervan betaalbaar is ten opsigte van die verkoop, verhuur, aflos en instandhouding van persele, en dienste gelewer in 'n dorp bedoel in regulasie 4 (1) en (4) van Hoofstuk 1 van genoemde Regulasies.

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

(Lêer T60/8)

BYLAE

A. *Verkooppryse van persele*

(1) Persele vir woondoeleindes: R4,40 vir elke 25 vierkante meter of gedeelte daarvan.

(2) Sites for trading, industrial or professional purposes: R11 for each 25 square metres or portion thereof.

B. Site rental

(1) Sites for residential purposes: R0,60 per month.

(2) Sites for trading, industrial or professional purposes: R1,50 per month for each 500 square metres or portion thereof.

C. Selling prices of houses

(1) Existing standard houses: R30 per square metre, multiplied by the surface area.

(2) Standard houses completed after 31 December 1978: An amount equal to the actual cost of erection plus the cost of improvements effected.

(3) Existing improved or larger houses: An amount equal to the fixed cost of erection.

(4) Improved or larger houses completed after 31 December 1978: An amount equal to the actual cost of erection thereof, including the cost of any improvements effected.

(5) A minimum deposit of 5 per cent of the selling price shall be payable.

D. Rents and redemption instalments of houses

(1) Existing standard houses: 3½ per cent per annum (4½ per cent per annum in the case of the Townships of Mabopane East, Umlazi, Ntuzuma, Kwa-Mashu and Mdantsane) of the selling price as determined in C (1).

(2) Existing improved or larger houses: 3½ per cent per annum (4½ per cent per annum in the case of the Townships of Mabopane East, Umlazi, Ntuzuma, Kwa-Mashu and Mdantsane) of the selling price as determined in C (3).

(3) Standard houses completed after 31 December 1978: 3½ per cent per annum (4½ per cent per annum in the case of the Townships of Mabopane East, Umlazi, Ntuzuma, Kwa-Mashu and Mdantsane) of the selling price as determined in C (2).

(4) Improved or larger houses completed after 31 December 1978: 3½ per cent per annum (4½ per cent per annum in the case of the Townships of Mabopane East, Umlazi, Ntuzuma, Kwa-Mashu and Mdantsane) of the selling price as determined in C (4).

E. Maintenance costs of leased houses

A monthly amount calculated at 2 per cent per annum on the fixed selling price of the house leased shall be payable.

F. Accommodation of single persons

(1) Per person with issued bed: R3 per month.

(2) Per person without issued bed: R2,50 per month.

G. Service charges

(1) Townships with rudimentary services:

(a) R1,50 in the case of houses, churches, nursery schools and other non-profit-making institutions.

(b) R3 in the case of sites for trading, industrial or professional purposes.

(2) Townships with full services:

(a) R3,40 in the case of houses, churches, nursery schools and other non-profit-making institutions.

(b) R6,80 in the case of sites for trading, industrial or professional purposes.

(2) Persele vir handels-, nywerheids- of professionele doeleindes: R11 vir elke 25 vierkante meter of gedeelte daarvan.

B. Perseelhuur

(1) Persele vir woondoeleindes: R0,60 per maand.

(2) Persele vir handels-, nywerheids- of professionele doeleindes: R1,50 per maand vir elke 500 vierkante meter of gedeelte daarvan.

C. Verkooppryse van huise

(1) Bestaande standaardhuise: R30 per vierkante meter vermenigvuldig met die vloeroppervlakte.

(2) Standaardhuise voltooi na 31 Desember 1978: 'n Bedrag gelykstaande met die werklike oprigtingskoste plus die koste van enige verbeterings aangebring.

(3) Bestaande verbeterde of groter huise: 'n Bedrag gelykstaande met die vasgestelde oprigtingskoste.

(4) Verbeterde of groter huise voltooi na 31 Desember 1978: 'n Bedrag gelykstaande met die werklike oprigtingskoste plus die koste van enige verbeterings aangebring.

(5) 'n Minimum deposito van 5 persent van die verkoopprys is betaalbaar.

D. Huur en aflospaaimente van huise

(1) Bestaande standaardhuise: 3½ persent per jaar (4½ persent per jaar in die geval van die dorpe Mabopane-Oos, Umlazi, Ntuzuma, Kwa-Mashu en Mdantsane) van die verkoopprys soos bepaal in C (1).

(2) Bestaande verbeterde of groter huise: 3½ persent per jaar (4½ persent per jaar in die geval van die dorpe Mabopane-Oos, Umlazi, Ntuzuma, Kwa-Mashu en Mdantsane) van die verkoopprys soos bepaal in C (3).

(3) Standaardhuise voltooi na 31 Desember 1978: 3½ persent per jaar (4½ persent in die geval van die dorpe Mabopane-Oos, Umlazi, Ntuzuma, Kwa-Mashu en Mdantsane) van die verkoopprys soos bepaal in C (2).

(4) Verbeterde of groter huise voltooi na 31 Desember 1978: 3½ persent per jaar (4½ persent per jaar in die geval van die dorpe Mabopane-Oos, Umlazi, Ntuzuma, Kwa-Mashu en Mdantsane) van die verkoopprys soos bepaal in C (4).

E. Instandhoudingskoste van verhuurde huise

'n Maandelikse bedrag bereken teen 2 persent per jaar op die vasgestelde verkoopprys van die huis wat verhuur word, is betaalbaar.

F. Huisvesting van enkellopendes

(1) Per persoon met uitgereikte bed: R3 per maand.

(2) Per persoon sonder uitgereikte bed: R2,50 per maand.

G. Diensgelde

(1) Dorpe met rudimentêre dienste:

(a) R1,50 in die geval van woonhuise, kerke, kleuterskole en ander inrigtings sonder winsoogmerk.

(b) R3 in die geval van persele vir handels-, nywerheids- of professionele doeleindes.

(2) Dorpe met volledige dienste:

(a) R3,40 in die geval van woonhuise, kerke, kleuterskole en ander inrigtings sonder winsoogmerk.

(b) R6,80 in die geval van persele vir handels-, nywerheids- of professionele doeleindes.

(3) Water consumption:

(a) Houses, churches, nursery schools and other non-profit-making institutions:

(i) Unmetered water with flush sanitation: R3 per month.

(ii) Unmetered water without flush sanitation: R1,20 per month.

(iii) Street water supply: R0,60 per month.

(iv) All metered water: R0,18 per cubic meter.

(b) Sites for trading, industrial or professional purposes:

(i) Unmetered water with flush sanitation: R6 per month.

(ii) Unmetered water without flush sanitation: R2,40 per month.

(iii) Street water supply: R1,20 per month.

(iv) All metered water: R0,18 per cubic metre.

(4) Electricty consumption:

(a) Small consumers (less than 25 kVA):

(i) Service charge: R2 per month.

(ii) Unit tariff (applicable in all townships excluding Mabopane East, where the circuit-breaker system is partly employed): As calculated at the rate prescribed by the supplier plus 2 per cent for administrative costs.

(iii) Circuit-breaker tariff (in houses not yet provided with metres): R3 per month plus 2 per cent for administrative costs.

(b) Large consumers (25 kVA and higher):

(i) Service charge: R10 per month.

(ii) Demand tariff: As calculated at the rate determined per kVA of the maximum simultaneous demand supplied to all supply points agreed upon by contract.

(iii) Unit tariff: As calculated at the rate determined by the supplier per unit of electricity supplied during a month, plus 2 per cent for administrative costs.

(iv) Extension tariff: As determined by the supplier for each site separately.

(5) *Connection fees:

(a) Water:

(i) Houses, churches, nursery schools and other non-profit-making institutions: R20 per connection.

(ii) Sites for trading, industrial or professional purposes: R40 per connection.

(b) Sewerage:

(i) Houses, churches, nursery schools and other non-profit-making institutions: R30 per connection.

(ii) Sites for trading, industrial or professional purposes: R60 per connection.

(c) Electricity: An amount equal to the actual cost of connection.

* Not applicable in the case of buildings erected by the South African Development Trust or a government of a Black State.

(3) Waterverbruik:

(a) Woonhuise, kerke, kleuterskole en ander inrigtings sonder winsoogmerk:

(i) Ongemeterde water met spoelriolering: R3 per maand.

(ii) Ongemeterde water sonder spoelriolering: R1,20 per maand.

(iii) Straatwatervoorsiening: R0,60 per maand.

(iv) Alle gemeterde water: R0,18 per kubieke meter.

(b) Persele vir handels-, nywerheids- of professionele doeleindes:

(i) Ongemeterde water met spoelriolering: R6 per maand.

(ii) Ongemeterde water sonder spoelriolering: R2,40 per maand.

(iii) Straatwater: R1,20 per maand.

(iv) Alle gemeterde water: R0,18 per kubieke meter.

(4) Elektrisiteitsverbruik:

(a) Kleinmaatverbruikers (minder as 25 kVA):

(i) Diensheffing: R2 per maand.

(ii) Eenheidstarief (van toepassing in alle dorpe uitgesonderd Mabopane-Oos waar die stroombrekerstelsel gedeeltelik gebruik word): Bereken teen die koers voorgeskryf deur die voorsiener plus 2 persent vir administrasiekoste.

(iii) Stroombrekertarief (in wonings wat nog nie van meters voorsien is nie): R3 per maand plus 2 persent vir administrasiekoste.

(b) Grootmaatverbruikers (25 kVA en hoër):

(i) Diensheffing: R10 per maand.

(ii) Aanvraagtarief: Bereken teen die koers bepaal per kVA van die maksimum gelyktydige aanvraag wat verskaf word by al die toevoerpunte waartoe daar kragtens die kontrak ooreengekom is.

(iii) Eenheidstarief: Die koers bepaal deur die voorsiener per eenheid elektrisiteit gedurende 'n maand gelewer, plus 2 persent vir administrasiekoste.

(iv) Verlengingstarief: Soos bepaal deur die voorsiener vir elke perseel afsonderlik.

(5) *Aansluitingsgelde:

(a) Water:

(i) Woonhuise, kerke, kleurterskole en ander inrigtings sonder winsoogmerk: R20 per aansluiting.

(ii) Persele vir handels-, nywerheids- of professionele doeleindes: R40 per aansluiting.

(b) Riool:

(i) Woonhuise, kerke, kleurterskole en ander inrigtings sonder winsoogmerk: R30 per aansluiting.

(ii) Persele vir handels-, nywerheids- of professionele doeleindes: R60 per aansluiting.

(c) Elektrisiteit: 'n Bedrag gelykstaande met die werklike koste van aansluiting.

* Nie van toepassing nie in die geval van geboue deur die Suid-Afrikaanse Ontwikkelingstrust of die regering van 'n Swart staat opgerig.

SA blacks will follow US trends . . .

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By VITA PALESTRANT

SOUTH Africa's urban blacks will become increasingly price sensitive and hostile towards stores which do not treat them fairly.

They will follow a lead set by their counterparts in the United States, anticipates a study of black consumer behaviour by the Centre for Management Studies of the University of South Africa.

The study, undertaken by Mr A van der Reis, concludes that there are striking similarities between the behaviour of the South African and US black populations.

And experience in the US has shown that disgruntled black customers settle their grievances against stores by organising pickets and boycotts.

Mr Van der Reis says that there is already evidence in South Africa of hostility by blacks towards stores that discriminate against them.

And in some cases, the hostility has been translated into action: the boycotts of some bus services when fares were increased is but one examnple, the study claims.

Another, more recent, example cited is the picketing by black workers of a cafe that had allegedly increased its prices by more than 4% after the introduction of General Sales Tax.

From the comparison between the behaviour of South African and US blacks, the study draws some interesting conclusions vis-a-vis price and quality as seen by the black consumer.

Until now well known, expensive, branded iten have been popular amo South Africa's urban blac because of their value status symbols.

But, the black consum will soon be less likely t associate quality with price and will instead seek good quality at reasonable prices.

He will rely on his own judgment of quality and take advantage of private brands.

Another prediction is that the urban black will soon want his own shopping centres and black women will play a greater role in spending the family wage.

One section of the study is devoted entirely to advertising. It maintains that younger, educated blacks are more favourably disposed to advertising than their older, less educated counterparts.

The less educated blacks tend to interpret advertisements literally: a model lying down is considered lazy, while a woman in a kitchen is considered a good housewife.

People standing next to cars were labelled drivers and those in leather jackets thugs.

On average only 37% of urban blacks interpreted the message of an advertisement in the way the advertiser intended it.

The study showed the South African urban black as rating education which he sees as leading to better employment, and the improvement of his home the most highly.

He has a desire to extend and alter his home, make the interior more attractive and renovate or acquire new furnishings.

Although in many respects his behaviour is becoming closer to that of the white man, there are still many differences stemming from those main issues of the day for urban blacks: education, housing and employment opportunities.

CLA SOUTH AFRICA/DIE KLASSIEKE VERENIGING VAN SUID AFRIKA

CAPE BRANCH/WES-KAAPLANDSE TAK

All attend the ANNUAL GENERAL MEETING which will be held tober 1978 at 7.30 p.m. in Beattie Building (Room 114) University of Cape Town. This business meeting will . by a lecture by

P OW: Director of the Michaelis School of Fine Art, U.C.T.

; The antiqui llustrated by slides)

Profe trained as l to the Michaelis Schoo for his lec f art, and became Direc 1971. Unde chool has been vibra s.

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Huidig Chairman: r: Mr. J. Sang Tesourier/ Miss P. le Roux)

vir die etary: Miss B. Keeson e for reelection)

bers: I 1. Mezzabotta, Mr. Thom, s, Miss van Stekelenberg.

rs: Mej nd student represen- J.S., U. ely Messrs. M. Sahd d Miss J

8. Any other

J. Sang.
Department of Classics, U.C.T.
Phone: 698531 Extn. 213.

Sun. Tribune 31/12/78

New Year won't be too bright if you're black

By PETER MANN

NINETEEN SEVENTY NINE is going to be a bleak year for South Africa's 20 million Black people

As the chimes of midnight tonight ring in the start of the New Year, the division between white privilege and black poverty has never been more distinct.

Officially more than 500 000 blacks were registered as unemployed. Unofficial figures say as many as two million blacks could be out of work.

About 100 000 people — most of them black — are in jail in South Africa every day.

A black person is arrested on average every 2½ minutes for offences under the pass laws.

Every fourth day somebody — again usually a black — is hanged in South Africa which is one of the few civilised countries in the world which still practises capital punishment.

The Group Areas Act confines blacks to huge sprawling townships where accommodation is



David Thebehali

at a premium and life is cheap.

The Department of Community Development built about 500 houses in Soweto. The West Rand Administration Board estimates there are 12 000 families on the waiting list. The estimate is 25 000 families.

In addition tens of thousands of blacks are living in appalling conditions in squatter camps throughout the country.

But they are being ruthlessly stamped out by the Government which forces them to return to the homelands — places where employment is non-existent and which many of the blacks have never seen.

The vast majority of black leaders are incarcerated without trial in terms of South Africa's notorious security laws. Blacks are excluded from constitutional proposals for whites, coloureds and Indians and are forced to seek political expression through the homelands or community councils in the urban areas.

This means urban blacks are expected to be satisfied with leaders of the calibre of Soweto's "mayor", Mr David Thebehali, elected with 150 votes and overwhelmingly rejected as an Uncle Tom.

Add to all this the 10 percent increase in the cost of fuel, with all its ripple effects hitting the lower income black groups hardest, and the fact that the new "verligte" Minister of Plural Relations, Dr Piet Koornhoff, has not yet eased their plight, and it is obvious this is going to be a tough year to be black in South Africa.