



Government Gazette

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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[No. 264.]

DEPARTEMENT VAN DIE EERSTE MINISTER.

[20 Junie 1962.

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

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No. 66, 1962.]

ACT

To provide for the further continuation of certain regulations made under section *one bis* of the War Measures Act, 1940, or promulgated by proclamations validated by section *two* of the said Act.

(Afrikaans text signed by the State President.)
(Assented to 13th June, 1962.)

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

1. Section *one* of the War Measures Continuation Act, 1956 (hereinafter referred to as the principal Act), is hereby amended by the substitution in sub-section (1) for the expression "1962" of the expression "1965".
Amendment of section 1 of Act 58 of 1956, as amended by section 1 of Act 39 of 1959.
2. The Schedule to the principal Act is hereby amended by the deletion of item 7.
Amendment of Schedule to Act 58 of 1956, as amended by section 2 of Act 39 of 1959.
3. This Act shall be called the War Measures Continuation Amendment Act, 1962. Short title.

No. 67, 1962.]

ACT

To provide for the extradition of persons accused or convicted of certain offences and for other incidental matters.

(English text signed by the State President.)

(Assented to 13th June, 1962.)

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

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

- (i) "associated State" means any foreign State in respect of which section *six* applies; (v)
- (ii) "extradition agreement" means an agreement in force or deemed to be in force under section *two*; (iv)
- (iii) "foreign State" includes any foreign territory; (vi)
- (iv) "magistrate" includes an additional magistrate and an assistant magistrate and, in relation to the area in the territory of South-West Africa beyond the Police Zone, as defined in section *three* of the Prohibited Areas Proclamation, 1928 (Proclamation No. 26 of 1928 of that territory), a native commissioner, an assistant native commissioner and any officer in charge of native affairs; (ii)
- (v) "Minister" means the Minister of Justice; (iii)
- (vi) "the Republic" includes the territory of South-West Africa. (i)

2. (1) The State President may, on such conditions as he may deem fit, but subject to the provisions of this Act, enter into an agreement with any foreign State providing for the surrender on a reciprocal basis of persons accused or convicted of the commission within the jurisdiction of the Republic or such State or any territory under the sovereignty or protection of such State, of offences specified in such agreement and may likewise agree to any amendment of such agreement. Extradition agreements.

(2) The offences so specified shall be limited to acts, including acts of omission, which if committed in the Republic would be punishable therein as an offence.

(3) No such agreement or any amendment thereof shall be of any force or effect—

- (a) until it has been published by the State President by proclamation in the *Gazette*; or
- (b) after the publication of a like proclamation that it is no longer in force; or
- (c) unless provision is made by the law of the foreign State or by the agreement, that no person surrendered to such State shall, until he has been returned or had an opportunity of returning to the Republic, be detained or tried in the foreign State for any offence committed prior to his surrender other than the offence in respect of which extradition was sought.

(4) Any arrangement made with any foreign State which, by virtue of the provisions of the Extradition Acts, 1870 to 1906 of the Parliament of the United Kingdom as applied in the Republic, was in force in respect of the Republic immediately prior to the date of commencement of this Act, shall be deemed to be an agreement entered into and published on the said date by the State President under this section.

3. (1) Any person accused or convicted of an offence included in an extradition agreement and committed within the jurisdiction of a foreign State a party to such agreement, shall, subject to the provisions of this Act, be liable to be surrendered to such State in accordance with the terms of such agreement, whether or not the offence was committed before or after the commencement of this Act or before or after the date upon which the agreement comes into operation and whether or not a court in the Republic has jurisdiction to try such person for such offence. Persons liable to be extradited.

(2) Any person accused or convicted of an offence contemplated by sub-section (2) of section *two* and committed within the jurisdiction of a foreign State not a party to an extradition agreement shall be liable to be surrendered to such foreign State, if the State President has in writing consented to his being so surrendered.

4. (1) Subject to the terms of any extradition agreement any request for the surrender of any person to a foreign State shall be made to the Minister by a person recognized by the Minister as a diplomatic or consular representative of that State or by any Minister of that State communicating with the Minister through diplomatic channels existing between the Republic and such State. Requests for extradition from Republic.

(2) Any such request received in terms of an extradition agreement by any person other than the Minister shall be handed to the Minister.

(3) The provisions of sub-sections (1) and (2) do not apply in respect of a request for the endorsement for execution of a warrant of arrest under section *six*.

5. (1) Any magistrate may, irrespective of the whereabouts or suspected whereabouts of the person to be arrested, issue a warrant for the arrest of any person— Warrants of arrest issued in Republic.

(a) upon receipt of a notification from the Minister to the effect that a request for the surrender of such person to a foreign State has been received by the Minister; or

(b) upon such information of his being a person liable to be surrendered to a foreign State, as would in the opinion of the magistrate justify the issue of a warrant for the arrest of such person, had it been alleged that he committed an offence in the Republic.

(2) Any warrant issued under this section shall be in the form and shall be executed in the manner as near as may be as prescribed in respect of warrants of arrest in general by or under the laws of the Republic relating to criminal procedure.

6. Whenever an extradition agreement with any foreign State in Africa provides for the endorsement for execution of warrants of arrest on a reciprocal basis, any magistrate to whom is produced a warrant issued in such State for the arrest of any person alleged to be a person liable to be surrendered to such State, may, irrespective of the whereabouts or suspected whereabouts of the person to be arrested, endorse such warrant for execution in the Republic, if he is satisfied that it was lawfully issued, whereupon it shall be executed in the same manner as a warrant issued under section *five*. Warrants of arrest issued in certain foreign States in Africa.

7. (1) Any magistrate may issue a warrant for the further detention of any person arrested without warrant under any law of the Republic providing for the arrest without warrant of persons liable to be apprehended under any law relating to extradition. Warrants for further detention of persons arrested without warrant.

(2) Such a warrant for the further detention of any person may be issued upon such information of his being a person liable to be surrendered to a foreign State, as would in the opinion of the magistrate justify the issue of a warrant for the arrest of such person, had it been alleged that he committed an offence in the Republic.

8. Any magistrate who, under paragraph (b) of sub-section (1) of section *five* or under section *seven*, issues a warrant for the arrest or further detention of any person other than a person alleged to have committed an offence in an associated State, shall forthwith furnish the Minister with particulars relating to the issue of such warrant. Magistrate to furnish Minister with particulars relating to issue of certain warrants.

9. (1) Any person detained under a warrant of arrest or a warrant for his further detention, shall, as soon as possible be brought before a magistrate in whose area of jurisdiction he has been arrested, whereupon such magistrate shall hold an enquiry with a view to the surrender of such person to the foreign State concerned. Persons detained under warrant to be brought before magistrate for holding of an enquiry.

(2) Subject to the provisions of this Act the magistrate holding the enquiry shall proceed in the manner in which a preparatory examination is to be held in the case of a person charged with having committed an offence in the Republic and shall, for the purposes of holding such enquiry, have the same powers, including the power of committing any person for further examination and of admitting to bail any person detained, as he has at a preparatory examination so held.

(3) Any deposition, statement on oath or affirmation taken, whether or not taken in the presence of the accused person, or any record of any conviction or any warrant issued in a foreign State, or any copy or sworn translation thereof, may be received in evidence at any such enquiry if authenticated in the manner foreign documents may be authenticated to enable them to be produced in any court in the Republic or in the manner provided for in the extradition agreement concerned.

(4) At any enquiry relating to a person alleged to have committed an offence—

- (a) in a foreign State other than an associated State, the provisions of section *ten* shall apply;
- (b) in an associated State, the provisions of section *twelve* shall apply.

10. (1) If upon consideration of the evidence adduced at the enquiry the magistrate finds that the person brought before him is liable to be surrendered to the foreign State concerned and, in the case where such person is accused of an offence, that there would be sufficient reason for putting him on trial for the offence, had it been committed in the Republic, the magistrate shall issue an order committing such person to prison to await the Minister's decision with regard to his surrender, at the same time informing such person that he may within fifteen days appeal against such order to the Supreme Court.

Enquiry where offence committed in foreign State other than associated State.

(2) If the magistrate finds that the evidence does not warrant the issue of an order of committal or that the required evidence is not forthcoming within a reasonable time, he shall discharge the person brought before him.

(3) The magistrate issuing the order of committal shall forthwith forward to the Minister a copy of the record of the proceedings together with such report as he may deem necessary.

11. The Minister may order any person committed to prison under section *ten* to be surrendered to any person authorized by the foreign State to receive him.

Minister may order surrender to foreign State, other than associated State.

12. (1) If upon consideration of the evidence adduced at the enquiry the magistrate finds that the person brought before him is liable to be surrendered to the associated State concerned, the magistrate shall, subject to the provisions of sub-section (2), issue an order for his surrender to any person authorized by such associated State to receive him at the same time informing him that he may within fifteen days appeal against such order to the Supreme Court.

Enquiry where offence committed in associated State.

(2) If the magistrate is of opinion that by reason of the trivial nature of the offence or by reason of the surrender not being required in good faith or in the interests of justice, or that for any other reason it would, having regard to the distance, the facilities for communication and to all the circumstances of the case, be unjust or unreasonable or too severe a punishment to surrender the person required to be surrendered either at all or until the expiration of a certain period, the magistrate may discharge such person or order that he shall not be surrendered until after the expiration of a period stated in such order or may make such other order as to the magistrate seems just.

(3) If the magistrate finds that the evidence does not warrant the issue of an order under sub-section (1) or that the required evidence is not forthcoming within a reasonable time, he shall discharge the person brought before him.

13. (1) Any person against whom an order has been issued under section *ten* or *twelve* may within fifteen days after the issue thereof, appeal against such order to the provincial or local division of the Supreme Court having jurisdiction.

Appeal.

(2) On appeal such division may make such order in the matter as it may deem fit.

14. No order for the surrender of any person shall be executed— Limitation of execution of orders for the surrender of any person.

- (a) before the period allowed for an appeal under section *thirteen* has expired, unless he has in writing waived his right of appeal;
- (b) before such an appeal has been disposed of;
- (c) if upon such an appeal his discharge from custody is ordered;
- (d) in the case of a person charged or convicted of an offence in the Republic, until the charge has been disposed of and any sentence which may have been imposed in respect of such offence has been executed;
- (e) in the case of an order of the Minister, if after the expiration of two months—
 - (i) after the issue of an order of committal under section *ten*, where no appeal has been or is to be heard under section *thirteen*; or
 - (ii) after an appeal under section *thirteen* has been dismissed,
 any provincial or local division of the Supreme Court has upon application made after reasonable notice to the Minister, ordered his discharge from custody on the ground that there is not sufficient cause for his further detention;
- (f) in the case of an order of a magistrate, if after the expiration of one month after the order becomes operative, any provincial or local division of the Supreme Court has upon application made after reasonable notice to the Minister, ordered his discharge from custody on the ground that there is not sufficient cause for his further detention.

15. The Minister may at any time order the cancellation of any warrant for the arrest of any person issued or endorsed under this Act, or the discharge from custody of any person detained under this Act, if he is satisfied that the offence in respect of which the surrender of such person is or may be sought, is an offence of a political character or that the surrender of such person will not be sought. Minister may order cancellation of warrants of arrest or discharge of detained persons.

16. (1) Any person ordered to be surrendered under this Act may be removed from the Republic in the custody of the person authorized to receive him and if he escapes while being so removed he may be arrested without warrant by any person. Removal of persons surrendered.

(2) Any person who—

- (a) while being so removed, escapes or attempts to escape from custody; or
- (b) rescues or attempts to rescue from custody any person being so removed,

shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding five years.

17. (1) Any attorney-general or any person delegated by him or any public prosecutor may appear at any enquiry held under this Act. Attorney-general or public prosecutor may appear at extradition proceedings.

(2) Any attorney-general or any person delegated by him may appear at any proceedings in the Supreme Court under this Act.

18. The Minister may make regulations prescribing forms of notices, warrants, recognizances, orders and other forms to be used for the purposes of this Act. Power to prescribe forms.

19. No person surrendered to the Republic by any foreign State in terms of an extradition agreement shall, until he has been returned or had an opportunity of returning to such foreign State, be detained or tried in the Republic for any offence committed prior to his surrender other than the offence in respect of which extradition was sought. Persons surrendered to Republic not to be detained or tried for certain offences in certain circumstances.

20. The Minister or, in the case of any person surrendered for trial or detention in the territory of South-West Africa, the Administrator thereof may at the request of any person surrendered to the Republic return such person to the foreign State in or on his way to which he was arrested, if— Certain persons surrendered, may be returned.

- (a) in the case of a person accused of an offence, criminal proceedings against him are not instituted within six months after his arrival in the Republic; or
- (b) he is acquitted of the offence for which his surrender was sought.

21. (1) Any person entering and passing through the Republic in custody by virtue of any warrant or order lawfully issued in any foreign State, shall during his passage through the Republic be deemed to be in lawful custody if—

Entry and passage through the Republic of persons in custody.

- (a) the warrant or order was issued in an associated State; or
 - (b) the Minister has, at the request of the foreign State in which the warrant or order was issued, authorized such passage in custody.
- (2) A certificate by the Minister that any such warrant or order was lawfully issued, shall be conclusive proof of that fact.

22. (1) This Act shall apply also in the territory of South-West Africa, including that portion of the said territory known as the "Rehoboth Gebiet" and defined in the First Schedule to Proclamation No. 28 of 1923 of that territory, and the Eastern Caprivi Zipfel referred to in sub-section (3) of section *three* of the South-West Africa Affairs Amendment Act, 1951 (Act No. 55 of 1951).

Application of Act to South-West Africa.

(2) All expenditure incurred in connection with the extradition of persons arrested in the said territory or in connection with the return of persons surrendered to the Republic for trial or detention in the said territory, shall be paid out of the territory revenue fund established under section *thirty-six* of the South-West Africa Constitution Act, 1925 (Act No. 42 of 1925).

23. The laws specified in the Schedule are hereby repealed to the extent set out in the fourth column thereof.

Repeal of laws.

24. This Act shall be called the Extradition Act, 1962.

Short title.

Schedule.

LAWS REPEALED.

Country or Province.	No. and year of Law.	Title or subject matter.	Extent of Repeal.
United Kingdom.	1870 to 1906.	Extradition Acts, 1870 to 1906.	In so far as they apply in the Republic, except section <i>twenty-four</i> of the Extradition Act, 1870 and section <i>five</i> of the Extradition Act, 1873.
"	44 and 45 Vict. c.69 (1881).	Fugitive Offenders Act, 1881.	In so far as it applies in the Republic, except section <i>fifteen</i> .
Cape.	Act No. 6 of 1895.	Extradition Transit Act, 1895.	The whole.
Natal.	Law No. 6 of 1877.	Extradition Law, Natal 1877.	The whole.
"	Law No. 13 of 1882.	Extradition Law, 1882.	The whole.
"	Law No. 6 of 1892.	Extradition Law, 1892.	The whole.
"	Act No. 3 of 1895.	Extradition Act, 1895.	The whole.
"	Act No. 4 of 1896.	Amendment of the Extradition Act, 1895.	The whole.
"	Act No. 13 of 1906.	To provide for the more convenient administration of the Fugitive Offenders Act, 1881, of the Imperial Parliament.	The whole.
Transvaal.	Proclamation No. 25 of 1901.	Fugitive Offenders.	The whole.
South-West Africa.	Proclamation No. 26 of 1920.	Fugitive Offenders and Neighbouring Territories Evidence Proclamation, 1920.	Part I.
Republic.	Act No. 27 of 1912.	Administration of Justice Act, 1912.	Section <i>twenty-eight</i> .
"	Government Notice No. 696 of 1913.	Order-in-Council-Extradition.	The whole.
"	Proclamation No. 133 of 1913.	South Africa Fugitive Offenders Order-in-Council, 1913.	The whole.
"	Act No. 13 of 1926.	Fugitive Criminals (Further Provision) Act, 1926.	The whole.
"	Proclamation No. 78 of 1934.	Extradition (South-West Africa) Proclamation, 1934.	The whole.
"	Act No. 8 of 1936.	Extradition Act, 1936.	The whole.

No. 68, 1962.]

ACT

To provide for the inspection of the affairs of financial institutions
and for matters incidental thereto.

(English text signed by the State President.)
(Assented to 14th June, 1962.)

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

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

- (i) "auditor", in relation to a financial institution, means the person appointed as auditor of that institution under the Act concerned; (vii)
- (ii) "financial institution" means a building society registered under the Building Societies Act, 1934 (Act No. 62 of 1934), or a banking institution registered under the Banking Act, 1942 (Act No. 38 of 1942), or an insurer registered under the Insurance Act, 1943 (Act No. 27 of 1943), and includes an agent for brokers or underwriters at Lloyds, or a management company registered under the Unit Trusts Control Act, 1947 (Act No. 18 of 1947), or a unit trust scheme as defined in the lastmentioned Act, or a pension fund organization registered under the Pension Funds Act, 1956 (Act No. 24 of 1956), or a friendly society registered under the Friendly Societies Act, 1956 (Act No. 25 of 1956); (ii)
- (iii) "inspector" means a person appointed as an inspector or temporary inspector under section *two*; (v)
- (iv) "local auditor", in relation to a financial institution, means the person appointed as local auditor of that institution under the Act concerned; (viii)
- (v) "Minister" means the Minister of Finance; (vi)
- (vi) "registrar", in relation to a financial institution registered under—
 - (a) the Building Societies Act, 1934 (Act No. 62 of 1934), means the registrar of building societies appointed under section *two* of that Act;
 - (b) the Banking Act, 1942 (Act No. 38 of 1942), means the Registrar of Banks appointed under section *three* of that Act;
 - (c) the Insurance Act, 1943 (Act No. 27 of 1943), means the Registrar of Insurance appointed under section *two* of that Act;
 - (d) the Unit Trusts Control Act, 1947 (Act No. 18 of 1947), means the Registrar of Unit Trust Companies appointed under section *two* of that Act;
 - (e) the Pension Funds Act, 1956 (Act No. 24 of 1956), means the Registrar of Pension Funds appointed under section *three* of that Act;
 - (f) the Friendly Societies Act, 1956 (Act No. 25 of 1956), means the Registrar of Friendly Societies appointed under section *four* of that Act:

Provided that for the purposes of this definition an agent for brokers or underwriters at Lloyds shall be deemed to be an insurer registered under the Insurance Act, 1943 (Act No. 27 of 1943); (ix)

- (vii) "registered", in relation to a financial institution, includes provisionally registered; (iv)
- (viii) "Territory" means the Territory of South-West Africa; (iii)
- (ix) "the Act concerned" means the Act under which the financial institution concerned is registered or deemed to be registered or under which it is required to render returns or statements to the registrar and includes the regulations framed thereunder; (i)

- (x) "valuator", in relation to a financial institution registered under the Insurance Act, 1943 (Act No. 27 of 1943), the Pension Funds Act, 1956 (Act No. 24 of 1956), or the Friendly Societies Act, 1956 (Act No. 25 of 1956), respectively, bears the meaning assigned thereto in the Act concerned. (x).

2. (1) Subject to the laws governing the public service, there shall from time to time be appointed persons as inspectors ^{Appointment of inspectors.} under this Act.

(2) Whenever he considers it necessary to do so, the registrar may, with the approval of the Minister, appoint a person who is not in the full-time employ of the State, as a temporary inspector to assist the registrar or an inspector referred to in sub-section (1) with an inspection under this Act of the affairs or any part of the affairs of a financial institution or of any person, partnership or company not registered as a financial institution.

(3) Before the registrar appoints a temporary inspector under sub-section (2) he shall take all reasonable steps to ensure that the person he appoints will be able to report objectively and impartially on the affairs of the financial institution, person, partnership or company concerned.

(4) A temporary inspector appointed under sub-section (2) shall for the purpose of any inspection for which he has been appointed have all the powers and duties of an inspector under this Act.

(5) Every inspector and every temporary inspector so appointed shall be furnished with a certificate signed by the registrar stating that he has been appointed as an inspector or temporary inspector under this Act.

3. (1) The registrar may at any time inspect the affairs or any part of the affairs of a financial institution or instruct an inspector to carry out such an inspection and may in particular carry out such an inspection or cause such an inspection to be carried out— ^{Inspection of the affairs of a financial institution.}

- (a) if the financial institution has failed to render a return or statement prescribed by or under the Act concerned within the period prescribed by or under such Act; or
- (b) if the financial institution, after having rendered an incorrect or incomplete return or statement prescribed by or under the Act concerned, has not corrected or completed that return or statement within a period of thirty days as from the date upon which the registrar called upon it in writing to correct or complete such return or statement; or
- (c) if the financial institution has not within a period determined by the registrar (which period shall not be less than thirty days as from the date upon which the registrar required it in writing to furnish such information), fully and satisfactorily furnished the registrar with information which the registrar was entitled under the Act concerned to require it to furnish; or
- (d) if any return furnished by the financial institution to the registrar shows that the financial institution has failed to comply with any material provision of the Act concerned; or
- (e) if the auditor, local auditor or valuator of the financial institution reports to the registrar in terms of the Act concerned that an irregularity or undesirable practice in the conduct of the financial institution's business was reported to the financial institution and was not corrected within the period prescribed by or under the said Act or if no such period is prescribed by or under the said Act, within a period of thirty days from the date upon which the irregularity or undesirable practice was reported to the institution by the auditor, local auditor or valuator; or
- (f) if any person has applied for such an inspection and has supported such application by such evidence as the registrar may require for the purpose of showing that the applicant has good reason for requiring the inspection.

(2) Any person who has applied for an inspection of a financial institution may, with the approval of the Minister, be required by the registrar to furnish such security as the registrar may deem satisfactory and sufficient to defray the remuneration of and all expenses necessarily incurred by any temporary inspector who may be appointed in terms of sub-section (2) of section two.

4. (1) In order to carry out an inspection under section three the registrar or an inspector may— Powers of the registrar and inspectors.

- (a) at any time during normal office hours without previous notice, enter any premises occupied by a financial institution and require the production to him of any or all of the financial institution's securities, books, records, accounts or documents;
- (b) search any premises occupied by a financial institution for any moneys, securities, books, records, accounts or documents;
- (c) open or cause to be opened any strongroom, safe or other container in which he suspects any moneys, securities, books, records, accounts or documents of a financial institution are kept;
- (d) examine and make extracts from and copies of all securities, books, records, accounts and documents of a financial institution or, against a full receipt issued by him for such securities, books, records, accounts or documents, remove such securities, books, records, accounts or documents temporarily from the premises of the financial institution for that purpose;
- (e) require an explanation of any entries in the books, records, accounts or documents of a financial institution;
- (f) against a full receipt issued by him, seize any such securities, books, records, accounts or documents of a financial institution as in his opinion may afford evidence of any offence or irregularity;
- (g) retain any such seized securities, books, records, accounts or documents for as long as they may be required for any criminal or other proceedings.

(2) In carrying out an inspection under section three the registrar or an inspector may examine under oath in relation to the business of a financial institution any person who is or formerly was a director, auditor, local auditor, attorney, valuator, agent, servant, employee, member, debtor, creditor, policy-holder or shareholder of the financial institution and he may administer an oath or affirmation to any such person for the purpose of that examination: Provided that the person examined, whether under oath or not, may have his legal adviser present at the examination.

(3) Any person referred to in sub-section (2) shall, when he is requested by the registrar or an inspector to do so, produce to the registrar or such inspector every security, book, record, account or document of the financial institution to which he has access and shall give the registrar or an inspector, at his request, any information at his disposal relating to the affairs of the financial institution.

(4) An inspector may, with the written authority of the registrar, also inspect the securities, books, records, accounts or documents of any person, partnership or company in which or in the business of which the financial institution the affairs of which are being inspected, has a direct or indirect interest, and the provisions of sub-sections (1), (2) and (3) shall apply *mutatis mutandis* in respect of such inspection.

(5) An inspector shall on demand produce the certificate of his appointment as an inspector or temporary inspector furnished to him by the registrar under sub-section (5) of section two or the written authority granted to him by the registrar under sub-section (4) of this section.

(6) The financial institution whose securities, books, records, accounts or documents have been seized under paragraph (f) of sub-section (1) or its lawful representative shall be entitled to examine, make entries in and make extracts from them during office hours under such supervision as the registrar or an inspector may determine.

5. When an inspector has completed his inspection he shall prepare a report thereon which he shall submit to the registrar and if the inspection was carried out by the registrar he shall likewise prepare a report thereon and the registrar shall transmit a copy of every such report to the financial institution concerned. Report on inspection.

6. (1) If the Minister has reason to suspect that any person, partnership or company which is not registered as a financial institution, is carrying on the business of a financial institution, he may direct the registrar to inspect or cause to be inspected the affairs or any part of the affairs of such person, partnership or company with a view to establishing whether or not the business of a financial institution is being carried on by such person, partnership or company. Inspection of affairs of person, partnership or company not registered as a financial institution.

(2) The provisions of sections four and five shall apply *mutatis mutandis* in respect of such an inspection.

7. The remuneration of and all expenses necessarily incurred by a temporary inspector appointed under sub-section (2) of section two in connection with an inspection of the affairs of a financial institution, person, partnership or company carried out by him shall be borne by the State: Provided that the Minister may in his discretion recover such remuneration and expenses in whole or in part from that financial institution, person, partnership or company if the inspection proved to have been necessary: Provided further that the Minister may in his discretion recover such remuneration and expenses in whole or in part from the person who applied for the inspection if the inspection proved to have been unnecessary. Expenses of inspection.

8. (1) Any person carrying out an inspection under this Act shall preserve, or aid in preserving, secrecy with regard to all matters that may come to his knowledge in the performance of his duties and shall not communicate any such matter to any person whatsoever save to the registrar or the financial institution, person, partnership or company concerned or its lawful representative or on an order of a court of law: Provided that any information obtained by the registrar in the course of an inspection under this Act or from a report by an inspector may be used by the registrar or his staff in connection with any financial institution, person, partnership or company: Provided further that if the registrar has reason to believe that an offence or irregularity affecting any State Department has been committed, he may convey information regarding such offence or irregularity to the department concerned. Observance of secrecy.

(2) Subject to the provisions of sub-section (1), every member of the staff of the registrar shall preserve, or aid in preserving, secrecy with regard to all matters that may come to his knowledge in the performance of his official duties from any report by the registrar or an inspector.

9. (1) Any person who—

- (a) when requested by the registrar or an inspector to take an oath or to make an affirmation, refuses to do so; or Offences and penalties.
- (b) without any lawful excuse refuses or fails to answer to the best of his ability any question relating to the affairs of a financial institution, person, partnership or company, even though the answer may tend to incriminate the said person, which the registrar or an inspector in the exercise of his powers or the performance of his duties has put to him; or
- (c) wilfully gives any false information to the registrar or an inspector; or
- (d) refuses or fails to comply to the best of his ability with any reasonable request made to him by the registrar or an inspector in the exercise of his powers or the performance of his duties; or
- (e) wilfully hinders the registrar or an inspector in the exercise of his powers or the performance of his duties; or
- (f) contravenes section eight,

shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand rand or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

(2) Any person who, having taken an oath or made an affirmation before the registrar or an inspector, knowingly makes any false statement in relation to any matter which is the subject of the inspection, shall be deemed to be guilty of perjury.

10. This Act shall apply also in the Territory.

Application to
South-West Africa.

11. (1) The following section is hereby substituted for section *fifty-five ter* of the Building Societies Act, 1934, section *forty-two* of the Banking Act, 1942, section *twenty-nine* of the Insurance Act, 1943, section *twenty-five* of the Unit Trusts Control Act, 1947, section *twenty-five* of the Pension Funds Act, 1956, and section *thirty-two* of the Friendly Societies Act, 1956:

Substitution of section *55ter* of Act 62 of 1934, of section 42 of Act 38 of 1942, of section 29 of Act 27 of 1943, of section 25 of Act 18 of 1947, of section 25 of Act 24 of 1956 and of section 32 of Act 25 of 1956 and amendment of section 32 of Act 24 of 1956 and of section 43 of Act 25 of 1956.

"Powers of
inspection.

(1) In addition to the powers and duties conferred or imposed upon him by this Act, the registrar shall have all the powers and duties conferred or imposed upon him by the Inspection of Financial Institutions Act, 1962.

(2) Any reference in this Act to an inspection or investigation made under this section shall be construed as a reference to an inspection made under the Inspection of Financial Institutions Act, 1962."

(2) Section *thirty-two* of the Pension Funds Act, 1956, and section *forty-three* of the Friendly Societies Act, 1956, are hereby amended by the deletion in sub-section (2) of each of the said sections of the words "sub-sections (3) to (5), inclusive, of".

(3) Any action taken under any of the sections referred to in sub-section (1) prior to the repeal and substitution effected by the said sub-section, shall be deemed to have been taken under the corresponding provisions of this Act.

12. This Act shall be called the Inspection of Financial Institutions Act, 1962. Short title.

No. 69, 1962.]

ACT

To amend the Admission of Persons to the Union Regulation Act, 1913, the Companies Act, 1926, the Aliens Act, 1937, the Aliens Registration Act, 1939, the Work Colonies Act, 1949, the South African Citizenship Act, 1949, the Population Registration Act, 1950, the Merchant Shipping Act, 1951, the Diplomatic Privileges Act, 1951, the Departure from the Union Regulation Act, 1955, the Land Settlement Act, 1956, and the Children's Act, 1960, and to provide for matters incidental thereto.

(Afrikaans text signed by the State President.)
(Assented to 15th June, 1962.)

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

1. Section *twenty-four* of the Admission of Persons to the Union Regulation Act, 1913, is hereby amended by the substitution for sub-section (2) of the following sub-section:

“(2) The Minister may, in his discretion—

 - (a) exempt any person or class of persons from all or any of the provisions of paragraph (b) or (c) of sub-section (1);
 - (b) exclude from any exemption granted to a class of persons under paragraph (a), any person belonging to that class; and
 - (c) withdraw any exemption granted under paragraph (a) to any class of persons or to any person, whether as an individual or as a member of a class of persons.”.

Amendment of section 24 of Act 22 of 1913, as inserted by section 3 of Act 27 of 1937 and amended by section 8 of Act 52 of 1956 and section 1 of Act 8 of 1960.
2. Section *thirty bis* of the Admission of Persons to the Union Regulation Act, 1913, is hereby amended, with effect from the date of commencement thereof, by the insertion after the word “Act” of the words “and any amendment thereof” and the addition at the end thereof of the words “including that portion thereof known as the Eastern Caprivi Zipfel”.

Amendment of section 30bis of Act 22 of 1913, as inserted by section 4 of Act 43 of 1953.
3. Sections *four* and *four bis* of the Companies Act, 1926, are hereby amended by the insertion in each of those sections before the words “of Letters Patent” of the words “has, before the commencement of section *three* of the Commonwealth Relations Act, 1962, been formed in pursuance”.

Amendment of sections 4 and 4bis (as substituted by section 1 of Act 67 of 1951) of Act 46 of 1926.
4. Section *fifteen* of the Companies Act, 1926, is hereby amended by the substitution in paragraph (d) of sub-section (2) for the words “a State within the British Empire or in some part of His Majesty's Dominions” of the words “the Republic”.

Amendment of section 15 of Act 46 of 1926.
5. Section *two hundred and twenty-nine* of the Companies Act, 1926, is hereby amended by the deletion in the definition of “foreign country” of the words “whether the same is or is not included in the British Empire or is or is not a British Protectorate”.

Amendment of section 229 of Act 46 of 1926, as amended by section 115 of Act 23 of 1939 and section 133 of Act 46 of 1952.
6. Section *one* of the Aliens Act, 1937, is hereby amended by the deletion in the definition of “alien” of the words “a natural born British subject or”.

Amendment of section 1 of Act 1 of 1937, as amended by section 1 of Act 59 of 1961.
7. Section *two* of the Aliens Act, 1937, is hereby amended by the substitution for the word “section”, where it occurs for the first time, of the words “sections *seven bis* and”, and the insertion after the word “enter”, where it occurs for the first time, of the words “or be in”.

Amendment of section 2 of Act 1 of 1937.

8. Section *four* of the Aliens Act, 1937, is hereby amended by the insertion in sub-section (5) after the word "therein" of the words "or who has been permitted under section *five* to sojourn temporarily in the Union". Amendment of section 4 of Act 1 of 1937.

9. Section *five* of the Aliens Act, 1937, is hereby amended— Amendment of section 5 of Act 1 of 1937.

- (a) by the substitution in sub-section (1) for all the words after the word "permit", where it occurs for the first time, of the following:

"(a) to enter the Union and to sojourn therein temporarily; or

(b) if he is already in the Union, to sojourn therein temporarily,

for such purposes, during such period, and on such conditions as have been likewise prescribed and as are set forth in the permit."; and

- (b) by the insertion in sub-section (2) after the word "accompanies" of the words "or resides with".

10. Section *six* of the Aliens Act, 1937, is hereby amended by the insertion in sub-section (2) after the word "Union" of the words "or who became an alien while in the Union". Amendment of section 6 of Act 1 of 1937.

11. The following section is hereby inserted in the Aliens Act, 1937, after section *seven*: Insertion of section 7bis in Act 1 of 1937.

7bis. (1) Notwithstanding anything in this Act contained, the Minister or any person to whom the Minister has delegated his powers under this sub-section, may exempt any person or class of persons from all or any of the provisions of this Act (other than those of section *nine*) for a specified or unspecified period and either unconditionally or subject to such conditions as the Minister or the said person may impose.

(2) The Minister or the said person may exclude from any exemption granted to a class of persons under sub-section (1) any person belonging to that class.

(3) The Minister may withdraw any exemption granted under sub-section (1) to any class of persons or to any person, whether as an individual or as a member of a class of persons."

12. Section *thirteen bis* of the Aliens Act, 1937, is hereby amended by the insertion after the word "Act" of the words "and any amendment thereof". Amendment of section 13bis of Act 1 of 1937, as inserted by section 3 of Act 59 of 1961.

13. (1) Any person who, while he is in the Republic, becomes an alien as contemplated in the Aliens Act, 1937 (Act No. 1 of 1937), as a result of the amendment of that Act by section *six* of this Act, shall as from the first day of January, 1963, or such later date as the Minister of the Interior may by notice in the *Gazette* determine, be deemed, for the purposes of the said Aliens Act, 1937, to be an alien who is in the Republic for the purpose of temporary sojourn therein, unless he makes, before such date, in the presence of an officer or employee in the public service designated by the said Minister, a declaration in the form prescribed by the said Minister by notice in the *Gazette*, that he is in the Republic for the purpose of permanent residence therein. Persons who become aliens while in the Republic.

(2) The officer or employee in whose presence any such declaration is made, shall—

- (a) if the person concerned is in possession of a passport, endorse thereon that he is entitled to reside permanently in the Republic; or

- (b) if the person concerned is not in possession of a passport, issue to him a certificate to the effect that he is so entitled.

(3) Any passport so endorsed or certificate issued in terms of sub-section (2) shall for all purposes be deemed to be a permit to enter the Republic issued under section *four* of the said Aliens Act, 1937.

(4) This section shall also apply in the territory of South-West Africa, including that portion thereof known as the Eastern Caprivi Zipfel, and for the purposes of this section "Republic" includes the said territory.

14. Section *one* of the Aliens Registration Act, 1939, is hereby amended by the deletion in the definition of "alien" of the words "a natural born British subject or".

Amendment of section 1 of Act 26 of 1939, as amended by section 1 of Act 1 of 1949.

15. Section *twenty* of the Aliens Registration Act, 1939, is hereby amended by the deletion of paragraph (d).

Amendment of section 20 of Act 26 of 1939, as amended by section 13 of Act 1 of 1949.

16. Section *twenty-three* of the Aliens Registration Act, 1939, is hereby amended, with effect from the date of commencement thereof, by the insertion after the word "thereunder" of the words "and any amendment thereof" and the insertion after the word "Africa" of the words "including that portion thereof known as the Eastern Caprivi Zipfel,".

Amendment of section 23 of Act 26 of 1939.

17. Section *thirty-three* of the Work Colonies Act, 1949, is hereby amended by the deletion in sub-section (1) of the word "British".

Amendment of section 33 of Act 25 of 1949.

18. Section *one* of the South African Citizenship Act, 1949, is hereby amended by the deletion in the definition of "alien" in sub-section (1) of the words "a citizen of a Commonwealth country or a citizen of the Republic of Ireland".

Amendment of section 1 of Act 44 of 1949, as amended by section 1 of Act 64 of 1961.

19. Section *eight* of the South African Citizenship Act, 1949, is hereby repealed.

Repeal of section 8 of Act 44 of 1949, as amended by section 8 of Act 64 of 1961.

20. Section *ten* of the South African Citizenship Act, 1949, is hereby amended—

Amendment of section 10 of Act 44 of 1949, as amended by section 9 of Act 64 of 1961.

(a) by the substitution in paragraph (d) of sub-section (1) for the word "five" of the word "four";

(b) by the substitution in sub-section (3) *ter* for the word "four" of the word "three";

(c) by the insertion after sub-section (4) of the following sub-section:

"(4)*bis* The Minister may, notwithstanding the provisions of sub-section (1), upon application in the prescribed form, grant a certificate of naturalization as a South African citizen to any person who is not already a South African citizen and—

(a) who, or whose father or paternal grandfather or paternal great-grandfather, was born prior to the first day of September, 1900, in any part of South Africa included in the Union, or was a burgher of the late South African Republic or of the late Orange Free State Republic at any time prior to that date; and

(b) who satisfies the Minister that he has been lawfully admitted to the Union for permanent residence therein.";

(d) by the substitution in paragraph (a) of sub-section (6) for the word "three" of the word "two";

(e) by the substitution in paragraph (b) of the said sub-section for the word "three" of the word "two"; and

(f) by the substitution in sub-section (8) for the word "five" of the word "four".

21. The following section is hereby substituted for section *sixteen* of the South African Citizenship Act, 1949:

Substitution of section 16 of Act 44 of 1949, as amended by section 11 of Act 64 of 1961.

"Renunciation of citizenship.

16. (1) A South African citizen who also has the citizenship or nationality of a country other than the Union, may make a declaration in the prescribed form renouncing his South African citizenship.

(2) The Minister shall upon receipt by him cause to be registered in the manner prescribed every declaration made under this section and thereupon the person who made the declaration shall cease to be a South African citizen: Provided that the Minister may refuse to cause any declaration made in terms of this section to be registered while the Union is at war with any other country.

(3) Whenever a person ceases under sub-section (2) to be a South African citizen, his minor children shall also cease to be South African citizens if the other parent of such children is not, or does not remain, a South African citizen.

(4) A child who has ceased to be a South African citizen under sub-section (3) and who is resident in the Union or has returned to the Union for permanent residence therein, may within one year after attaining the age of twenty-one years, make a declaration in the prescribed form that he wishes to resume South African citizenship, and upon registration of the declaration in the prescribed manner, shall resume his former South African citizenship."

22. Section *nineteen* of the South African Citizenship Act, 1949, is hereby amended by the insertion in sub-section (8) after the word "section", where it occurs for the second time, of the words "*nineteen bis* or".

Amendment of section 19 of Act 44 of 1949.

23. Section *nineteen bis* of the South African Citizenship Act, 1949, is hereby amended—

Amendment of section 19*bis* of Act 44 of 1949, as inserted by section 13 of Act 64 of 1961.

(a) by the addition at the end of paragraph (b) of sub-section (1) of the word "or";

(b) by the addition to the said sub-section of the following paragraph:

"(c) who has also the citizenship or nationality of a country other than the Union, has at any time after the thirtieth day of May, 1963, performed some voluntary act which, in the opinion of the Minister, indicates that such citizen has made use of his citizenship or nationality of that other country."; and

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

"(3) The Minister may, in such cases as he deems fit, withdraw any order made under sub-section (1) and thereupon the person concerned shall, with effect from such date as the Minister may direct, resume the form of South African citizenship of which he was deprived by that order."

24. Section *thirty-seven* of the South African Citizenship Act, 1949, is hereby amended by the deletion of the words "registration or".

Amendment of section 37 of Act 44 of 1949.

25. Section *thirty-nine* of the South African Citizenship Act, 1949, is hereby amended by the addition thereto of the following sub-section, the existing section becoming sub-section (1):

Amendment of section 39 of Act 44 of 1949, as amended by section 22 of Act 64 of 1961.

"(2) The Minister shall lay a copy of any list referred to in paragraph (b) of sub-section (1) on the Table of the Senate and of the House of Assembly within fourteen days after publication of such list in the *Gazette* if Parliament is in ordinary session or if Parliament is not in ordinary session, within fourteen days after the commencement of its next ensuing ordinary session."

26. Section *forty* of the South African Citizenship Act, 1949, is hereby amended by the deletion in paragraph (a) of the words "registration or".

Amendment of section 40 of Act 44 of 1949.

27. The following Schedule is hereby substituted for the First Schedule to the South African Citizenship Act, 1949:

Substitution of First Schedule to Act 44 of 1949, as substituted by section 23 of Act 64 of 1961.

"FIRST SCHEDULE.

OATH OF ALLEGIANCE.

I, A.B., do hereby declare on oath that I unreservedly renounce all allegiance and fidelity to any foreign State or Head of State of whom I have heretofore been a citizen or a subject, or to any other External Authority to whom I have heretofore owed any form of allegiance; that I will be faithful to the Republic of South Africa, observe its laws, promote all that which will advance it and oppose all that may harm it. So Help Me God."

28. (1) Where an application for a certificate of registration as a South African citizen was made under the South African Citizenship Act, 1949 (Act No. 44 of 1949), before the date of commencement of section *nineteen* but was not disposed of before that date and the person to whom such application relates satisfies the Minister that at the date of the application he complied with the requirements of section *eight* of the said Act or would have complied with those requirements if the provisions of sub-section (7) of section *ten* of the said Act had been incorporated in the said section *eight*, the Minister may, notwithstanding the provisions of sub-section (1) of the said section *ten*, grant to the person concerned a certificate of naturalization as a South African citizen.

Applications for certificates of registration not disposed of before commencement of section 20.

(2) A person to whom a certificate of naturalization has been granted under sub-section (1) shall, with effect from the date of the issue of the certificate, be a South African citizen by naturalization.

29. (1) Sections *eighteen* to *twenty-eight*, inclusive, shall apply also in the territory of South-West Africa, including that portion thereof known as the Eastern Caprivi Zipfel, and in the Prince Edward Islands.

Application of sections 19 to 29, inclusive, and Act 64 of 1961.

(2) The South African Citizenship Amendment Act, 1961 (Act No. 64 of 1961), shall apply also in that portion of the territory of South-West Africa known as the Eastern Caprivi Zipfel.

(3) Sub-section (2) shall be deemed to have come into operation at the commencement of the South African Citizenship Amendment Act, 1961.

30. Section *twenty-one* of the Population Registration Act, 1950, is hereby amended—

Amendment of section 21 of Act 30 of 1950, as amended by section 2 of Act 30 of 1960.

- (a) by the insertion in paragraph (d) of sub-section (1) after the word "area" of the words "or who enter or have entered the Union for a temporary purpose"; and
- (b) by the deletion of sub-sections (2), (3), (4), (5) and (6).

31. Section *two* of the Merchant Shipping Act, 1951 (hereinafter referred to as the principal Act), is hereby amended—

Amendment of section 2 of Act 57 of 1951, as amended by section 3 of Act 30 of 1959.

- (a) by the deletion in sub-section (1) of the definition of "Commonwealth ship";
- (b) by the substitution in the definition of "foreign country" in the said sub-section for the words "member of the Commonwealth" of the words "treaty country";
- (c) by the substitution in the definition of "foreign ship" in the said sub-section for the word "Commonwealth" of the word "treaty";
- (d) by the deletion in the said sub-section of the definition of "part of the Commonwealth";
- (e) by the substitution for paragraphs (a), (b) and (c) of the definition of "proper officer" in the said sub-section of the following paragraphs:—
 - "(a) at a place in the Republic, the chief officer of customs; or
 - (b) at a place outside the Republic but within a treaty country, in the following order:
 - (i) a consular representative of the Republic; or
 - (ii) a diplomatic representative of the Republic; or
 - (iii) the person who, in terms of the law in force in the treaty country, is entrusted with the function or charged with the duty to which reference is made in the provision of this Act in which the expression occurs; or
 - (iv) a consular representative of a treaty country (other than the Republic); or
 - (v) a diplomatic representative of a treaty country (other than the Republic); or

- (c) at a place outside any treaty country, the person, and in the order, indicated, in sub-paragraphs (i), (ii), (iv) and (v) of paragraph (b); or
- (d) at a place outside the Republic, where there is no proper officer as defined in paragraph (b) or (c), any master of a South African ship who is specially authorized in writing to act as proper officer by the Secretary, but only in relation to the functions and duties in respect of which, and subject to the conditions subject to which, he has been so authorized to act;";

- (f) by the insertion in the said sub-section after the definition of "timber cargo regulations" of the following definitions:

" 'treaty country', in relation to any provision of this Act, means the Republic and any country, including any colony, protectorate or territory subject to the authority or under the suzerainty of such country or any territory over which a mandate or trusteeship is exercised by such country, which is a party to any bilateral treaty or agreement entered into by the Republic in connection with any matter dealt with in such provision;

'treaty ship' means a ship registered at any place in a treaty country under the relative laws in force at that place or any ship which by the law of a treaty country is recognized as a ship belonging to that treaty country;"; and

- (g) by the deletion of sub-section (2).

32. Section *three* of the principal Act is hereby amended, with effect from the date of commencement thereof—

Amendment of section 3 of Act 57 of 1951, as amended by section 4 of Act 30 of 1959.

- (a) by the insertion in sub-section (1) after the word "Act", where it occurs for the first time, of the words "and any amendment thereof"; and
- (b) by the insertion in sub-section (2) after the word "Act" of the words "and any amendment thereof".

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

Amendment of section 11 of Act 57 of 1951.

- (a) by the substitution in paragraph (b) of sub-section (1) for the words "country (other than the Union) which is a member of the Commonwealth" of the words "treaty country (other than the Republic)"; and
- (b) by the substitution in paragraph (c) of the said sub-section for the words "part of the Commonwealth and having their principal place of business within the Commonwealth" of the words "treaty country and having their principal place of business in any treaty country".

34. Section *twenty-nine* of the principal Act is hereby amended by the substitution in sub-section (3) for the words "part of the Commonwealth" of the words "treaty country".

Amendment of section 29 of Act 57 of 1951.

35. Section *thirty-one* of the principal Act is hereby amended by the substitution for the words "part of the Commonwealth", wherever they occur of the words "treaty country", and for the words "that part" of the words "that treaty country".

Amendment of section 31 of Act 57 of 1951.

36. Section *sixty-five* of the principal Act is hereby amended by the substitution in paragraph (a) of sub-section (2) and in sub-section (3) for the words "country which is a member of the Commonwealth" of the words "treaty country".

Amendment of section 65 of Act 57 of 1951.

37. Section *seventy-three* of the principal Act is hereby amended by the substitution in sub-section (4) for the words "Commonwealth ship" of the words "treaty ship", for the words "that part of the Commonwealth", where they occur for the first time, of the words "the treaty country", and for the words "part of the Commonwealth", where they occur for the second time, of the words "treaty country".

Amendment of section 73 of Act 57 of 1951, as amended by section 15 of Act 30 of 1959.

38. Section *seventy-four* of the principal Act is hereby amended by the addition to sub-section (1) of the following proviso:

Amendment of section 74 of Act 57 of 1951.

"Provided that a citizen of a foreign country who holds a certificate of competency issued in terms of this Act shall not be deemed to be duly certificated for employment on board a treaty ship, except in such cases and on such conditions as the Minister may, by notice in the *Gazette*, specify."

39. Section *seventy-seven* of the principal Act is hereby amended by the substitution in sub-section (2) for the words "country (other than the Union) which is a member of the Commonwealth" of the words "treaty country (other than the Republic)". Amendment of section 77 of Act 57 of 1951.

40. Section *seventy-nine* of the principal Act is hereby amended by the substitution for sub-section (1) of the following sub-section: Amendment of section 79 of Act 57 of 1951.

"(1) Any person who—

- (a) is a South African citizen or a citizen of a treaty country (other than the Republic) and is the holder of an uncancelled certificate of competency issued under the Merchant Shipping (Certificates of Competency) Act, 1925 (Act No. 45 of 1925); or
 - (b) is a South African citizen and is the holder of an uncancelled certificate of competency issued by a competent authority of a country which is a member of the British Commonwealth of Nations,
- may apply to the Minister for the grant to him of a certificate of competency under this Act."

41. Section *eighty-three* of the principal Act is hereby amended by the substitution in sub-section (2) for the words "if the Minister is satisfied that no suitable holder of a certificate of the required grade and granted under this Act or referred to in section *eighty-four* or recognized under section *three hundred and fifty-four* is available, he" of the words "the Minister", and for the word "Commonwealth" of the word "treaty". Amendment of section 83 of Act 57 of 1951.

42. Section *eighty-four* of the principal Act is hereby amended by the addition to sub-section (1) of the following proviso: Amendment of section 84 of Act 57 of 1951.

"Provided that such certificates of competency held by citizens of a foreign country shall not continue in force for purposes of employment of the holders on board a treaty ship, except in such cases and on such conditions as the Minister may, by notice in the *Gazette*, specify."

43. Section *ninety* of the principal Act is hereby amended by the substitution in sub-section (1) for the words "country (other than the Union) which is a member of the Commonwealth" of the words "treaty country (other than the Republic)". Amendment of section 90 of Act 57 of 1951.

44. Section *ninety-three* of the principal Act is hereby amended by the substitution in sub-paragraph (iii) of paragraph (a) for the words "country (other than the Union) which is a member of the Commonwealth" of the words "treaty country (other than the Republic)". Amendment of section 93 of Act 57 of 1951.

45. Section *one hundred and fourteen* of the principal Act is hereby amended by the substitution in sub-section (3) for the words "country (other than the Union) which is a member of the Commonwealth" of the words "treaty country (other than the Republic)". Amendment of section 114 of Act 57 of 1951.

46. Sections *one hundred and seventy-five* and *one hundred and seventy-six* of the principal Act are hereby amended by the substitution in sub-section (1) of each of those sections for the word "Commonwealth", wherever it occurs, of the word "treaty". Amendment of sections 175 and 176 of Act 57 of 1951.

47. Section *one hundred and seventy-seven* of the principal Act is hereby amended by the substitution for the word "Commonwealth", wherever it occurs, of the word "treaty". Amendment of section 177 of Act 57 of 1951.

48. Section *two hundred and eighteen* of the principal Act is hereby amended by the substitution for the words "part of the Commonwealth outside the Union" of the words "treaty country (other than the Republic)", and for the words "part of the Commonwealth", where they occur for the second time and where they occur for the third time, of the words "treaty country". Amendment of section 218 of Act 57 of 1951, as amended by section 29 of Act 30 of 1959.

49. Section *two hundred and twenty-one* of the principal Act is hereby amended by the substitution in sub-section (2) for the words "Commonwealth ship" of the words "treaty". Amendment of section 221 of Act 57 of 1951.

ship", for the words "that part of the Commonwealth", where they occur for the first time, of the words "the treaty country", and for the words "part of the Commonwealth", where they occur for the second time, of the words "treaty country".

50. Section *two hundred and twenty-two* of the principal Act is hereby amended by the substitution in sub-section (1) for the words "country (other than the Union) which is a member of the Commonwealth" of the words "treaty country (other than the Republic) or his employment has, in any special case, been authorized by the Postmaster-General".

Amendment of section 222 of Act 57 of 1951.

51. Section *two hundred and sixty-two* of the principal Act is hereby amended by the substitution in paragraph (b) of sub-section (3) for the words "Commonwealth ship" of the words "treaty ship", and for the words "that part of the Commonwealth" of the words "the treaty country".

Amendment of section 262 of Act 57 of 1951.

52. Section *two hundred and sixty-four* of the principal Act is hereby amended—

Amendment of section 264 of Act 57 of 1951.

- (a) by the substitution in paragraph (a) of sub-section (3) for the words "part of the Commonwealth" of the words "treaty country"; and
- (b) by the substitution in paragraph (b) of the said sub-section for the word "Commonwealth" of the word "treaty".

53. Section *two hundred and sixty-six* of the principal Act is hereby amended by the substitution in sub-section (2) for the words "part of the Commonwealth" of the words "treaty country", and for the words "that part" of the words "that treaty country".

Amendment of section 266 of Act 57 of 1951.

54. Sections *three hundred and twenty-one* and *three hundred and twenty-two* of the principal Act are hereby amended by the substitution in each of those sections for the words "Commonwealth ship" of the words "treaty ship", and for the words "part of the Commonwealth" of the words "treaty country".

Amendment of sections 321 and 322 of Act 57 of 1951.

55. Section *three hundred and twenty-seven* of the principal Act is hereby amended—

Amendment of section 327 of Act 57 of 1951, as amended by section 40 of Act 30 of 1959.

- (a) by the substitution in sub-section (2) for the words "part of the Commonwealth outside the Union", wherever they occur, of the words "treaty country (other than the Republic)", and for the words "part of the Commonwealth", where they occur for the fourth time and anywhere thereafter, of the words "treaty country"; and
- (b) by the substitution in sub-section (3) for the words "member of the Commonwealth", wherever they occur, of the words "treaty country".

56. Section *three hundred and thirty-nine* of the principal Act is hereby amended by the substitution in sub-section (1) for the words "country which is a member of the Commonwealth" of the words "treaty country", and for the words "country (other than the Union) which is a member of the Commonwealth" of the words "treaty country (other than the Republic)".

Amendment of section 339 of Act 57 of 1951.

57. Section *three hundred and forty-one* of the principal Act is hereby amended by the substitution in sub-section (1) for the words "country which is a member of the Commonwealth" of the words "treaty country", and for the words "outside the Commonwealth" of the words "outside any treaty country".

Amendment of section 341 of Act 57 of 1951.

58. The following section is hereby substituted for section *three hundred and fifty-two* of the principal Act:

Substitution of section 352 of Act 57 of 1951.

352. Whenever any law enacted before or after the coming into operation of this section and in force in any treaty country (other than the Republic) provides that any court or functionary of the Republic may or shall exercise any authority or perform any act in relation to ships registered or entitled to be registered in that treaty country, their owners, masters, seamen, or apprentice-officers, such court or functionary may exercise any such authority or perform any such act, and all things done by such court or functionary under this section shall have the same effect as if that law had been enacted in the Republic."

"Acts done by courts and functionaries of the Republic in relation to treaty ships other than South African ships.

59. The following section is hereby substituted for section *three hundred and fifty-three* of the principal Act:

Substitution of section 353 of Act 57 of 1951.

"Acts done by courts and functionaries of other treaty countries in relation to South African ships.

353. (1) Every provision of this Act which purports to require any court or functionary of any treaty country (other than the Republic) or any person other than a South African citizen to exercise any authority or perform any act outside the Republic in relation to South African ships, their owners, masters, seamen or apprentice-officers shall be construed as being permissive only and to mean that any such court or functionary or person is thereby empowered so to exercise such authority or perform such act.

(2) If any court or functionary of any treaty country (other than the Republic) exercises any authority or performs any act in relation to any ship registered or entitled to be registered in the Republic, her owner, master, seamen or apprentice-officers, which by any statutory enactment in force in that treaty country such court or functionary is empowered to exercise or perform, all things done outside the Republic by such court or functionary in accordance with the said enactment shall have the same effect as if they had been done in accordance with an Act of the Parliament of the Republic, provided the Minister has generally or in the particular case requested that the courts or functionaries of that treaty country shall exercise such authority or perform such act or has in manner prescribed by regulation recognized the exercise of the authority or the performance of the act or adopted any decision made in the exercise of the authority."

60. The following section is hereby substituted for section *three hundred and fifty-four* of the principal Act:

Substitution of section 354 of Act 57 of 1951.

"Recognition of certificates of competency or qualification granted in other treaty countries.

354. (1) If provision is made by the laws in force in any treaty country (other than the Republic) for the grant of certificates of competency or qualification similar to those referred to in this Act, and the Minister is satisfied—

- (a) that the conditions under which any such certificates are granted in that treaty country require standards of competency not lower than those required for the grant under this Act of corresponding certificates; and
- (b) that certificates of competency or qualification granted under this Act are accepted in that treaty country in lieu of the corresponding certificates granted under the laws of that treaty country,

he may by notice in the *Gazette* declare that any certificate of competency or qualification granted under the laws in force in that treaty country and specified in that notice shall for the purposes of this Act be recognized as equivalent to a certificate of competency or qualification granted under this Act and specified in the notice.

(2) Whenever the provisions of this Act require that a person employed in any capacity on board any ship shall be the holder of a specified certificate of competency or qualification granted under this Act, any person employed in that capacity shall, if he is the holder of a certificate recognized under sub-section (1) as equivalent to the first-mentioned certificate or to a certificate of higher grade granted under this Act, and still in force, be deemed to be duly certificated under this Act."

61. Section *one* of the Diplomatic Privileges Act, 1951, is hereby amended—

Amendment of section 1 of Act 71 of 1951.

- (a) by the substitution in the definition of "diplomatic agent" for the words "an ambassador, high commis-

sioner, envoy extraordinary and minister plenipotentiary, a minister resident or a chargé d'affaires" of the words "ambassador, high commissioner, envoy extraordinary and minister plenipotentiary, minister resident, chargé d'affaires or accredited diplomatic representative";

- (b) by the substitution in the definition of "local authority" for the words "paragraph (vi) of section eighty-five of the South Africa Act, 1909" of the words "paragraph (f) of sub-section (1) of section eighty-four of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961)"; and
- (c) by the substitution in the definition of "Minister" for the word "External" of the word "Foreign".

62. Sections four and five of the Diplomatic Privileges Act, 1951, are hereby amended by the substitution in the case of each of those sections in sub-section (4) for the word "External" of the word "Foreign". Amendment of sections 4 and 5 of Act 71 of 1951.

63. Section eight of the Diplomatic Privileges Act, 1951, is hereby amended by the substitution for the words "Embassy or Legation or a High Commissioner's Office or residence" of the words "embassy or legation or the office or residence of a high commissioner or other diplomatic agent". Amendment of section 8 of Act 71 of 1951.

64. Sections two, three, four and six of the Departure from the Union Regulation Act, 1955, are hereby amended by the deletion in each of those sections of the words "other than a place in the territory of Basutoland, Bechuanaland or Swaziland". Amendment of sections 2, 3, 4 and 6 of Act 34 of 1955.

65. Section seven of the Departure from the Union Regulation Act, 1955, is hereby amended— Amendment of section 7 of Act 34 of 1955.

- (a) by the deletion of the words "other than a place in the territory of Basutoland, Bechuanaland or Zwaziland:"; and
- (b) by the deletion of the proviso thereto.

66. Section ten of the Departure from the Union Regulation Act, 1955, is hereby amended by the insertion after the word "Act" of the words "and any amendment thereof" and the addition at the end thereof of the words "including that portion thereof known as the Eastern Caprivi Zipfel". Amendment of section 10 of Act 34 of 1955.

67. Section twenty-five of the Land Settlement Act, 1956, is hereby amended— Amendment of section 25 of Act 21 of 1956, as amended by section 10 of Act 13 of 1959.

- (a) by the addition at the end of paragraph (a) of sub-section (1) of the word "and";
- (b) by the deletion of paragraph (b) of the said sub-section;
- (c) by the substitution in paragraph (c) of the said sub-section for the words "any other" of the word "an"; and
- (d) by the deletion of sub-section (2).

68. Section sixty-seven of the Land Settlement Act, 1956, is hereby amended by the deletion in paragraph (a) of sub-section (1) of the words "who is a South African citizen or a citizen of a Commonwealth country or the Republic of Ireland". Amendment of section 67 of Act 21 of 1956, as amended by section 20 of Act 13 of 1959.

69. Section fifty-one of the Children's Act, 1960, is hereby amended— Amendment of section 51 of Act 33 of 1960.

- (a) by the substitution in sub-section (1) for the word "British" of the word "other"; and
- (b) by the substitution in paragraph (b) of sub-section (2) for the words "a British" of the words "any other".

70. Section fifty-three of the Children's Act, 1960, is hereby amended by the deletion in paragraph (a) of sub-section (1) of the word "British". Amendment of section 53 of Act 33 of 1960.

71. Sections sixty-four, sixty-five and sixty-six shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*, and all the other sections shall be deemed to have come into operation on the thirty-first day of May, 1962. Date of commencement.

72. This Act shall be called the Commonwealth Relations Short title Act, 1962.