

- (d) the maintenance and control of any fund which may be established under section *eighteen*, the manner in which, the times at which and the extent to which profits shall be appropriated to any such fund; and
- (e) the carrying out of any other financial provisions of this Act, and generally for the proper management of the affairs of the corporation and the carrying out of the provisions of this Act.

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26. This Act shall be called the Klipfontein Organic Products Corporation Act, 1950. Short title.

Act No. 41  
of 1950.

## ACT

<sup>1</sup>To provide for the establishment of group areas,<sup>2</sup> for the control of the acquisition of immovable property and the occupation of land and premises,<sup>3</sup> and for matters incidental thereto.

(English Text signed by the Officer Administering the  
Government.)

(Assented to 24th June, 1950.)

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

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

Definitions

- (i) "Administrator" means Administrator in Executive Committee; (i)
- (ii) "acquire" in relation to immovable property, means to become the owner of such property in any manner whatsoever; (xx)
- (iii) "board" means the Land Tenure Advisory Board established by section *twenty-four*; (xviii)
- (iv) "company" includes any private company, any company referred to in section *sixteen* any foreign company as defined in section *two hundred and twenty-nine* of the Companies Act, 1926 (Act No. 46 of 1926) and any registered or unregistered corporate body other than a statutory body; (ix)
- ✓ (v) "controlled area" means any area which is not a group area or a scheduled native area, location, native village, coloured persons settlement, mission station or communal reserve referred to in paragraph (c) of sub-section (3) of section *three*, and includes, except for the purposes of section *ten*, any specified area referred to in section *eleven*: Provided that any group area which is not in terms of a proclamation under paragraph (a) of sub-section (1) of section *three* a group area for occupation, shall form part of the controlled area for the purposes of the provisions of this Act relating to the occupation of land or premises in the controlled area, and that any group

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area which is not in terms of a proclamation under paragraph (b) of the said sub-section a group area for ownership, shall form part of the controlled area for the purposes of the provisions of this Act relating to the acquisition of immovable property in the controlled area; (ii)

- (vi) "controlling interest", in relation to any company, means—
- (a) a majority of its shares; or
  - (b) shares representing more than half its share capital; or
  - (c) shares of a value in excess of half the aggregate value of all its shares; or
  - (d) shares entitling the holders thereof to more than half its profits or assets; or
  - (e) shares entitling the holders thereof to a majority or preponderance of votes; or
  - (f) any claim arising from a loan, for an amount in excess of half its share capital, or debentures for such an amount; or
  - (g) the power to exercise, directly or indirectly, by holding any interest, whether or not of the nature referred to in paragraphs (a) to and including (f), in any other company, or otherwise, any control whatsoever over the activities or assets of the company; (iii)
- (vii) "disqualified company", in relation to immovable property, land or premises, means a company wherein a controlling interest is held or deemed to be held by or on behalf or in the interest of a person who is a disqualified person in relation to such property, land or premises; (xi)
- (viii) "disqualified person", in relation to immovable property, land or premises in any group area, means a person who is not a member of the group specified in the relevant proclamation under section *three*, and in relation to any immovable property, land or premises in the controlled area, means a person who is not a member of the same group as the owner of such property, land or premises, or if the owner is a statutory body other than a municipality in the province of the Cape of Good Hope, of the same group as the majority of the members of such body or in the case of any such municipality, of the same group as the majority of the members of the council thereof, or if the owner is a company, of the same group as any person by whom or on whose behalf or in whose interest a controlling interest is held or deemed to be held in such company; (xii)
- (ix) "group" means either the white group, the coloured group or the native group referred to in section *two*, and includes, to the extent required to give effect to any relevant proclamation under sub-section (2) of the said section, any group of persons who have under the said section been declared to be a group; (iv)

- (x) "group area" means any area proclaimed under section *three*; (v)
- (xi) "immovable property" includes any real right in immovable property and any right which would upon registration be such a real right and any lease or sub-lease of immovable property, (other than a lease or sub-lease of immovable property in an area which is a specified area in terms of section *eleven*), but does not include any right to any mineral (including any right to prospect for or to dig or mine any mineral) or a lease or sub-lease of any such right or a mortgage bond over immovable property; (xiii)
- (xii) "inspector" means an inspector appointed under section *thirty-one*; (viii)
- (xiii) "land" includes any portion of land; (vi)
- (xiv) "local authority" means any institution or body contemplated in paragraph (vi) of section *eighty-five* of the South Africa Act, 1909; (xvii)
- (xv) "marriage" includes a union, recognized as a marriage (whether or not of a monogamous nature) in native law or custom or under the tenets of the religion of either of the parties to the union; (vii)
- (xvi) "Minister" means the Minister of the Interior: Provided that in relation to any group area for the native group or for any group defined under sub-section (2) of section *two* consisting of members of the native group, any area which is a released area in terms of the Native Trust and Land Act, 1936 (Act No. 18 of 1936), any area referred to in sub-section (1) of section *eight* of the Natives (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945), and to any immovable property, land or premises in any such area, any reference to the Minister in paragraph (b) of sub-section (3) of section *three*, section *six*, sub-section (1) of section *seven*, sections *fourteen*, *twenty*, *twenty-six*, *twenty-seven*, *thirty-two* and *thirty-three*, sub-section (4) of section *thirty-five* and sub-section (4) of section *thirty-six*, shall be a reference to the Minister of Native Affairs; (x)
- (xvii) "permit" means a permit issued or deemed to be issued under the relevant provision of section *fourteen*; (xiv)
- (xviii) "person" shall not be limited in its meaning by reason of any special reference to a disqualified person, a disqualified company, a private company, a company referred to in section *sixteen* or a statutory body; (xvi)

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- (xix) "premises" includes any room or apartment in any building; (xv)
- (xx) "statutory body" means any council, board or body established by or under any law (xix).

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of 1950.

2. (1) For the purposes of this Act, there shall be the following groups:

Groups for the  
purposes of this  
Act.

- (a) a white group, in which shall be included any person who in appearance, obviously is, or who is generally accepted as a white person, other than a person who although in appearance obviously a white person, is generally accepted as a coloured person, or who is in terms of sub-paragraph (ii) of paragraphs (b) and (c) or of the said sub-paragraphs read with paragraph (d) of this sub-section and paragraph (a) of sub-section (2), a member of any other group;
- (b) a native group, in which shall be included—
- (i) any person who in fact is, or is generally accepted as a member of an aboriginal race or tribe of Africa, other than a person who is, in terms of sub-paragraph (ii) of paragraph (c), a member of the coloured group; and
  - (ii) any woman to whichever race, tribe or class she may belong, between whom and a person who is, in terms of sub-paragraph (i), a member of a native group, there exists a marriage or who cohabits with such a person;
- (c) a coloured group, in which shall be included—
- (i) any person who is not a member of the white group or of the native group; and
  - (ii) any woman, to whichever race, tribe or class she may belong, between whom and a person who is, in terms of sub-paragraph (i), a member of the coloured group, there exists a marriage, or who cohabits with such a person; and
- (d) any group of persons which is under sub-section (2) declared to be a group.

(2) The Governor-General may by proclamation in the *Gazette*—

- (a) define any ethnical, linguistic, cultural or other group of persons who are members either of the native group or of the coloured group; and
- (b) declare the group so defined to be a group for the purposes of this Act or of such provisions thereof as may be specified in the proclamation, and either generally or in respect of one or more group areas, or in respect of the controlled area or of any portion thereof so specified, or both in respect of one or more group areas and of the controlled area or any such portion thereof.

(3) A proclamation under paragraph (a) of sub-section (2) may provide that only persons who have in accordance with

regulation been registered on application, or who have been registered under any other law, as members of the group referred to in the proclamation, shall be members thereof.

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(4) A member of the native group or of the coloured group who is or becomes a member of any group defined under paragraph (a) of sub-section (2) shall, to the extent required to give effect to any proclamation under paragraph (b) of the said sub-section, be deemed not to be a member of the native group or of the coloured group, as the case may be.

3. (1) The Governor-General may, whenever it is deemed expedient, by proclamation in the *Gazette*— Establishment  
of group areas.

- (a) declare that as from a date specified in the proclamation, which shall be a date not less than one year after the date of the publication thereof, the area defined in the proclamation shall be an area for occupation by members of the group specified therein; or
- (b) declare that, as from a date specified in the proclamation, the area defined in the proclamation shall be an area for ownership by members of the group specified therein.

(2) Proclamations under paragraphs (a) and (b) of sub-section (1) may be issued also in respect of the same area.

(3) No proclamation shall be issued under this section—

- (a) except with the prior approval in each case by resolution of both Houses of Parliament: Provided that any such proclamation may be issued without such approval—
  - (i) if it is issued before the expiration of a period of five years from the date of promulgation of this Act, in respect of a group area for a group other than the native group or a group defined under sub-section (2) of section *two* consisting of members of the native group, in the province of the Cape of Good Hope or of Natal; or
  - (ii) if it is issued in respect of an area in the province of the Transvaal for the coloured group or a group defined under sub-section (2) of section *two*, consisting of members of the coloured group, the whole or the greater part of which consists of an area assigned or set apart, as at the commencement of this Act, under paragraph (d) of section *two* of Law No. 3 of 1885 of the Transvaal or section *ten* of the Municipal Amending Ordinance, 1905 (Ordinance No. 17 of 1905) of the Transvaal, or of land described in sub-section (10) of section *one hundred and thirty-one A* of the Precious and Base Metals Act, 1908 (Act No. 35 of 1908) of the Transvaal;

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- (b) unless in each case the Minister has considered a report by the board and has consulted the Administrator of the province concerned, and in the case of an area situated wholly or partly on land which, in terms of any law relating to mining, is proclaimed land or deemed to be proclaimed land or upon which prospecting, digging or mining operations are being carried on, also the Minister of Mines, and in the case of an area situated wholly or partly within a controlled area as defined in section *one* of the Natural Resources Development Act, 1947 (Act No. 51 of 1947), also the Natural Resources Development Council established by section *two* of the said Act;
- (c) by which there would be included in any group area the whole or any part of—
- (i) any land situated in an area which is a scheduled native area or a released area in terms of the Native Trust and Land Act, 1936 (Act No. 18 of 1936);
  - (ii) any location, native village or native hostel referred to in section *two* of the Natives (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945), or any area approved for the residence of natives under paragraph (*h*) of sub-section (2) of section *nine* of the said Act;
  - (iii) a coloured persons settlement as defined in section *one* of the Coloured Persons Settlement Act, 1946 (Act No. 7 of 1946);
  - (iv) any mission station or communal reserve to which the provisions of the Mission Stations and Communal Reserves Act, 1909 (Act No. 29 of 1909) of the Cape of Good Hope, or of the said Act read with section *sixteen* of the Coloured Mission Stations and Reserves Act, 1949 (Act No. 12 of 1949), apply; or
  - (v) any area which is a national park in terms of the National Parks Act, 1926 (Act No. 56 of 1926), or any land which forms part of such a park.

4. (1) As from the date specified in the relevant proclamation under paragraph (*a*) of sub-section (1) of section *three*, and notwithstanding anything contained in any special or other statutory provision relating to the occupation of land or premises, no disqualified person shall occupy and no person shall allow any disqualified person to occupy any land or premises in any group area to which the proclamation relates, except under the authority of a permit. Occupation in group areas.

(2) The provisions of sub-section (1) shall not render it unlawful for any disqualified person to occupy land or premises in any group area—

- (a) as a *bona fide* servant or employee of the State, or a statutory body or as a domestic servant of any person lawfully occupying the land or premises;

- ✓ (b) as a *bona fide* visitor for a total of not more than ninety days in any calendar year of any person lawfully residing on the land or premises or as a *bona fide* guest in an hotel;
- ✓ (c) as a *bona fide* patient in a hospital, asylum, or similar institution controlled by the State or a statutory body or in any such institution in existence at the commencement of the Act, which is aided by the State, or as an inmate of a prison, work colony, inebriate home or similar institution so controlled; or
- ✓ (d) as the *bona fide* employee (other than a domestic servant) of any person or as the husband, wife, minor child or dependant of any person (including a domestic servant or employee) who is lawfully occupying such land or premises: Provided that the provisions of this paragraph shall apply in respect of any group area or any part of any group area only if the Governor-General has by proclamation in the *Gazette*, declared them to apply in respect of that group area, or that part thereof, and only to the extent and subject to the conditions (if any) which may be specified in the proclamation.

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(3) Any provision in the title deed of any immovable property situate in any group area referred to in sub-section (1) prohibiting or restricting the occupation or use of such property by persons who are members of the group for which that area has been established shall lapse as from the date referred to in the said sub-section, and no such provision shall thereafter be inserted in the title deed of any immovable property in such group area.

✓ 5. (1) If any group area is in terms of a proclamation under paragraph (b) of sub-section (1) of section three a group area for ownership—

Acquisition of  
immovable  
property in  
group areas. ✓

- ✓ (a) no disqualified person and no disqualified company shall, on or after the relevant date specified in the proclamation, acquire any immovable property situate within that area, whether or not in pursuance of any agreement or testamentary disposition entered into or made before that date, except under the authority of a permit: Provided that the provisions of this paragraph shall not render unlawful any acquisition of immovable property by a statutory body;
- ✓ (b) no disqualified company which is on the said date the holder of any immovable property situate within that area, shall hold that property after the expiration of a period of ten years from the said date, except under the authority of a permit;
- ✓ (c) no company which on or after the said date becomes or again becomes a disqualified company, shall hold any immovable property situate within that area which it has on or after the said date acquired otherwise than in pursuance of a permit, except under the authority of a permit;

(d) any provision in the title deed of any immovable property situate in that area prohibiting or restricting the acquisition of such property by persons who are members of the group for which that area has been established, shall lapse as from the said date, and no such provision shall thereafter be inserted in the title deed of any immovable property situate in that area.

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(2) Sub-section (1) shall apply notwithstanding anything contained in any special or other statutory provision relating to the acquisition or holding of immovable property, but the provisions of paragraph (b) of sub-section (1) shall not render it unlawful for any company engaged in mining operations or in operations carried on in a factory as defined in the Factories, Machinery and Building Work Act, 1941 (Act No. 22 of 1941), in which machinery acquired at a price of not less than five thousand pounds has been installed, to hold any immovable property used by such company in connection with such operations.

(3) A testamentary disposition or intestate succession by which any person would acquire or hold any immovable property in contravention of sub-section (1) shall, unless the beneficiary is authorized to acquire or hold such property under permit, be deemed to be a testamentary disposition of or succession in respect of the nett proceeds of such property, and it shall be the duty of the executor of the estate of the deceased to realize the property within a period of one year from the date of his death, or such further period as the Minister may allow.

6. (1) The Minister may by notice in the *Gazette*, establish for any group area (other than an area for the white group), a governing body to be constituted in accordance with regulation.

Governing body  
for certain  
group areas.

(2) Such governing body may consist wholly or mainly of members of the group for which the group area has been established, and shall have such powers and functions as may be prescribed by regulation, and shall exercise its powers and functions, where the group area concerned is wholly or partly within the area of jurisdiction of a local authority, subject to such supervision (if any) by that local authority as may be prescribed by regulation, and where the group area concerned is partly within the area of jurisdiction of one local authority, and partly within the area of jurisdiction of any other local authority or wholly outside the area of jurisdiction of any local authority, subject to such supervision (if any) by a local authority designated by the Minister, as may be so prescribed.

(3) The establishment of a governing body under this section shall not divest any local authority, in respect of the group area concerned, of any powers or functions not vested in such governing body.

(4) The Minister shall not exercise his powers under this section without the concurrence of the Administrator of the province who shall consult any local authority concerned.



7. (1) The Minister may, if he is of opinion that any area referred to in paragraph (d) of article *two* of Law No. 3 of 1885 of the Transvaal, or in section *ten* of the Municipal Amending Ordinance, 1905 (Ordinance No. 17 of 1905) of the Transvaal or any group area (other than an area for the white group) which is situate within the area of jurisdiction of an urban local authority, is not properly administered by that local authority, request the Administrator of the province concerned to cause an enquiry to be held (at which the said local authority shall be afforded an opportunity of being heard) and thereafter the said Administrator may, by notice in writing, call upon such local authority, forthwith to carry out any work defined in the said notice which the said local authority has power to carry out and which in the opinion of the Administrator, is necessary for the proper administration of that area and may reasonably be required to be carried out by the said local authority, and if such local authority fails to comply with that notice, the Administrator may himself cause that work to be carried out and may for that purpose authorize any person to perform any act which the said local authority could lawfully perform.

(2) The Administrator may recover from the local authority concerned any expenditure incurred by him under this section—

- (a) by action in a competent court against the local authority in default; or
- (b) by levying a special rate upon all rateable property within the area of jurisdiction of the local authority in default; or
- (c) by deduction from any subsidy, grant or other moneys payable out of the Consolidated Revenue Fund or by the Administrator to the local authority in default,

or by all three or any two of such methods of recovery, and the Administrator's certificate shall be proof of the amount due by the local authority under this section, subject to an appeal to the Minister, whose decision shall be final.

8. (1) No person shall, except under the authority of a permit enter into any agreement, whether on his own behalf or on behalf or in the interest of any other person, in terms whereof any disqualified person or any disqualified company acquires or purports to acquire or would acquire any immovable property situate in the controlled area.

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Measures to ensure proper municipal administration in certain areas.

Restrictions on certain agreements relating to immovable property in controlled area.

(2) Sub-section (1) shall not apply in respect of the acquisition of immovable property in a released area as defined in the Native Trust and Land Act, 1936 (Act No. 18 of 1936), by a native as so defined, or in respect of any acquisition of immovable property which is governed by the said Act or the Natives (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945).

(3) For the purposes of sub-section (1) a sheriff, deputy-sheriff, messenger of the court, trustee, executor, liquidator, curator or administrator dealing with immovable property

in his capacity as such, or any other person dealing with immovable property in a representative capacity, shall be deemed to be acting on behalf or in the interest of the person in whose name the property is registered.

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9. (1) If at the commencement of this Act a company of any group holds immovable property in the controlled area and thereafter becomes a company of another group, it shall not hold that property, except under the authority of a permit.

Restrictions on holding of immovable property in controlled area by companies.

(2) If after the commencement of this Act a company of any group acquires immovable property in the controlled area, and thereafter becomes a company of another group, it shall not hold that property, except under the authority of a permit.

(3) For the purposes of this section a company shall be a company of a group, if a controlling interest in that company is held or deemed to be held by or on behalf or in the interest of a member of that group.

10. (1) No disqualified person shall occupy and no person shall allow any disqualified person to occupy any land or premises in the controlled area, except under the authority of a permit.

Restrictions on occupation of land in controlled area.

(2) The provisions of sub-section (1) shall not render it unlawful for any disqualified person to occupy any land or premises—

- (a) in pursuance of any right conferred by or under any statute;
- (b) under any agreement lawfully entered into or under any testamentary disposition made on or before the 24th day of April 1950, or in the case of land or premises which have by virtue of any proclamation under section *thirty-three*, ceased to be subject to the operation of a proclamation under section *eleven*, under any agreement lawfully entered into or under any testamentary disposition made while the land or premises were subject to the operation of such last-mentioned proclamation, or under any renewal of any such agreement to which any party thereto is in terms thereof entitled;
- (c) by virtue of any prescriptive title acquired at or before the commencement of this Act;
- (d) under any arrangement entered into under the Housing Act, 1920 (Act No. 35 of 1920) or under any regulations made under the Housing (Emergency Powers) Act, 1945 (Act No. 45 of 1945), if he is a member of the same group as the class of persons for which the dwelling or other building in question is intended;
- (e) as a *bona fide* servant or employee of the State, or a statutory body or as a domestic servant of any person lawfully occupying the land or premises;
- (f) as the *bona fide* visitor for a total of not more than ninety days in any calendar year of any person lawfully residing on the land or premises or as a *bona fide* guest in an hotel;

- (g) as a *bona fide* patient in a hospital, asylum, or similar institution controlled by the State or a statutory body or in any such institution in existence at the commencement of this Act, which is aided by the State, or as an inmate of a prison, work colony, inebriate home, or similar institution so controlled;
- (h) as the *bona fide* employee (other than a domestic servant) of any person, or as the husband, wife, minor child or dependant of any person (including a domestic servant or employee), who is lawfully occupying such land or premises: Provided that the Governor-General may by proclamation in the *Gazette* declare that the provisions of this paragraph shall apply in any portion of the controlled area defined in the proclamation, only to the extent and subject to the conditions (if any) which may be specified in the proclamation; or
- (i) under any arrangement for the accommodation of any native labourer as defined in the Native Labour Regulation Act, 1911 (Act No. 15 of 1911), after his recruitment and before his arrival at the place where he is to work, or after his departure, on the expiry of his term of employment, from the said place, and before his arrival at the place of his recruitment, by an employer or labour agent, as so defined, lawfully occupying such land or premises.

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(3) The Governor-General may by proclamation in the *Gazette* exclude any area defined in the proclamation, for the period specified therein, from the provisions of sub-section (1).

(4) A testamentary disposition by which any person would acquire a right to occupy any land or premises in contravention of sub-section (1) shall be deemed to be a testamentary disposition of the nett proceeds of the realization of such right and unless the beneficiary is authorized to occupy such land or premises under permit it shall be the duty of the executor of the estate of the deceased to realize such right within a period of six months from the date of the death of the testator.

**11.** (1) The Governor-General may by proclamation in the *Gazette* declare that the provisions of sections *twelve* and *thirteen* shall, as from a date specified in the proclamation (in the said sections referred to as the specified date) apply in any portion of the controlled area so specified (in the said sections referred to as a specified area).

Application of  
sections 12 and 13.

(2) As from such date, the said provisions shall, notwithstanding anything contained in any special or other statutory provision relating to the occupation of land or premises, apply in any such portion of the controlled area, and the provisions of section *ten* shall, subject to the provisions of sub-section (2) of section *twelve* while the first-mentioned provisions so apply, be suspended in respect of that portion of the controlled area.

(3) Upon the application of the provisions of this Act under sub-section (1) of section *thirty-seven* in respect of any area in the province of Natal which consists of or includes the municipal area of Durban, it shall be deemed that a proclamation under this section has been issued, declaring that the provisions of sections *twelve* and *thirteen* shall apply in the said municipal area, as from the date from which the provisions of this Act are applied in respect of such first-mentioned area.

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(4) Upon the establishment of any group area, the relevant proclamation issued or deemed to have been issued under this section shall cease to have any effect in respect of so much of any such portion of the controlled area as may be comprised by or included in that group area.

**12.** (1) As from the specified date, no person who is a member of any group shall occupy and no person shall allow any such person to occupy any land or premises in a specified area which was not lawfully occupied and is not under section *thirteen* deemed to have been occupied at the said date by a person who is a member of the same group, except under the authority of a permit.

Restriction on occupation of land or premises in area specified under section 11.

(2) The provisions of paragraphs *(e)*, *(f)*, *(g)*, *(h)* and *(i)* of sub-section (2) of section *ten* shall *mutatis mutandis* apply in respect of the occupation of land or premises in a specified area.

**13.** (1) *(a)* If after the specified date any building is erected or completed on any land or premises situated in a specified area elsewhere than in an area defined by proclamation under paragraph *(a)* of sub-section (3), or if at the said date any building, land or premises in a specified area are unoccupied, such building, land or premises shall, if any person other than a body corporate is the owner thereof, subject to the provisions of sub-sections (2), (3), (4), (5) and (7), for the purposes of section *twelve* be deemed to have been occupied at the specified date by the person who is the owner thereof.

Buildings erected or completed after specified date, and buildings, land or premises unoccupied at that date.

*(b)* If a body corporate is the owner of such building, land or premises, or if at the said date such building, land or premises are not lawfully occupied, the Minister shall, subject to the provisions of sub-section (3), on the written application of the owner, determine the group by a member of which the building, land or premises shall for the said purposes be deemed to have been occupied at the specified date.

(2) If after the specified date any building on land or premises situated in a specified area elsewhere than in an area defined by proclamation under paragraph *(a)* of sub-section (3), is demolished and any other building erected in its stead on the same site, or any such building is extended, the building so

erected or extended shall, subject to the provisions of sub-sections (3), (4), (5) and (7), for the purposes of section *twelve* be deemed to have been occupied at the specified date by the person who last lawfully occupied the demolished or extended building before the demolition or extension.

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(3) (a) The Governor-General may by proclamation in the *Gazette* define any area in a specified area for the purposes of paragraph (b).

(b) The Minister shall, on the written application of the owner of any building which is completed, erected (whether or not in the stead of a demolished building) or extended in an area defined in any such proclamation, after the date of publication thereof, or of any land or premises in any such area which is or are unoccupied or not lawfully occupied on the said date, determine the group by a member of which such building, land or premises shall, for the purposes of section *twelve*, be deemed to have been occupied at the specified date.

(c) Until a determination is made under paragraph (b) in respect of any building referred to therein, such building shall, for the purposes of section *twelve*, be deemed to have been unoccupied at the specified date.

(d) If in terms of any determination under paragraph (b) any building, land or premises, is deemed to have been occupied by a member of the native group or of the coloured group, and a group consisting of members of such group is after such determination established under sub-section (2) of section *two*, the Minister may, on like application, withdraw the determination and under the said paragraph determine that such building, land or premises shall be deemed to have been occupied by a member of such last-mentioned group.

(4) Any dwelling or other building in a specified area which has been constructed under the Housing Act, 1920 (Act No. 35 of 1920) or under any regulations made under the Housing (Emergency Powers) Act, 1945 (Act No. 45 of 1945), shall for the purposes of section *twelve* be deemed to have been occupied at the specified date by a person who is a member of the same group as the class of persons for which such dwelling or building is intended.

(5) If the title deed of any building, land or premises in a specified area contains any condition which prohibits or restricts the occupation thereof by persons of one or more groups, the Minister shall not make any determination under sub-section (3) which would be contrary to any such condition.

(6) The Minister may, whenever for any reason he deems it expedient to do so, postpone the making of a determination under sub-section (2) or paragraph (b) of sub-section (1) for such period as he may deem fit.

(7) If any permit is issued in respect of the occupation of any land or premises in a specified area, such land or premises shall, unless it is specifically otherwise stated in the permit, as from the commencement of such occupation in pursuance of the permit, for the purposes of section *twelve* be deemed to have been occupied at the specified date by a person who is a member of the same group as the person in respect of whose occupation the permit is issued.

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(8) (a) If at the specified date there exists any determination under sub-section (2) or paragraph (b) of sub-section (4) of section *six* of the Asiatic Land Tenure Act, 1946 (Act No. 28 of 1946), in respect of any building, land or premises in a specified area, and such building, land or premises remain unoccupied or the erection or extension of such building has not been completed, such determination shall be deemed to have been made under the relevant provisions of this section: Provided that any reference in the determination to a person who is not an Asiatic, shall be deemed to be a reference to a member of the white group, and any reference therein to a person who is an Asiatic, shall be deemed to be a reference to a member of the coloured group.

(b) If at the said date there exists any permit under section *eight* of the said Act authorizing the occupation of land or premises in a specified area, and such land or premises are not occupied in pursuance of the permit, the permit shall be deemed to have been issued under the relevant provision of section *fourteen* of this Act.

14. (1) The Minister may, subject to the provisions of sub-section (2), in his discretion, on written application made therefor—

Permits and  
determinations.

(a) direct that a permit be issued, subject to such conditions as he may determine (including, in the case of a permit authorizing the acquisition of immovable property, a condition providing that the holder of the permit shall not dispose of the property concerned to any person other than a person belonging to the same group as the person from whom such holder acquires the property), to be signed by an officer thereto appointed by him, authorizing—

- (i) the acquisition or holding of immovable property in a group area or in the controlled area; or
- (ii) the occupation of or the granting of permission to occupy any land or premises in a group area, in the controlled area or in a specified area referred to in section *twelve*; and

(b) direct that the conditions of a permit be amended or that it shall be available for a portion only of the land or premises in respect of which it has been issued.

## GROUP AREAS.

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(2) The Minister shall not direct that any permit be issued under sub-section (1)—

(a) authorizing the acquisition or holding of immovable property or the occupation of land or premises in a group area unless he is of opinion that the refusal of the permit would cause undue hardship or that the issue of the permit would be in the interest of the group for which the group area has been established; or

(b) authorizing any person to acquire, hold or occupy any land or premises contrary to any provision in the title deed which prohibits or restricts the acquisition, holding or occupation of the land or premises by persons belonging to any group or class.

(3) In directing that a permit be issued or that the conditions thereof be amended under sub-section (1) and in making a determination under section *thirteen*, the Minister may take into consideration the relative needs of any group concerned, in regard to housing, the amenities of life and educational and recreational facilities, trading and industrial undertakings, the situation of the immovable property, land or premises in relation to other property, land or premises owned or occupied by members of any group, and any other matters which in his opinion are relevant to the question whether or not any such permit should be issued or an amendment of the conditions thereof should be made or how any such determination should be made.

(4) A permit authorizing the holding of immovable property or the occupation of land or premises, may be issued for an indefinite or a specified period or until withdrawn at the discretion of the Minister.

(5) A permit authorizing the acquisition of immovable property may also be issued to the person who disposes of the property or on application of a person in whose favour the property is mortgaged, and may in such a case authorize the acquisition of the property by any person who is a member of a group specified in the permit, or by a company wherein a controlling interest is held or deemed to be held by or on behalf or in the interest of any such person;

(6) A permit authorizing the acquisition of immovable property by a company referred to in section *sixteen* or authorizing an institution the business or part of the business of which it is to advance money on mortgage, to acquire immovable property mortgaged in its favour, may be issued—

(a) in respect of any particular immovable property; or

(b) in respect of immovable property in any area specified in the permit; or

(c) in respect of immovable property in general; and

(d) in the cases referred to in paragraphs (b) and (c), either for a specified period or until withdrawn at the discretion of the Minister: Provided that upon the expiration of any such period or the withdrawal of the permit, the conditions of the permit shall

continue to apply in respect of any immovable property acquired under the authority thereof.

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(7) A permit authorizing the occupation of any land or premises by any employee or the granting of permission to any employee to occupy land or premises, may be issued in respect of any individual employee or in respect of any number and class of employees specified in the permit, and in the latter case either for a specified period or until withdrawn at the discretion of the Minister.

(8) A permit authorizing the occupation of any land or premises by any person as a patient in or inmate of any institution, may also be issued to the institution, and may authorize the occupation of such land or premises by all *bona fide* patients in or inmates of such institution who are members of any group specified in the permit.

(9) There shall be payable to the Minister in respect of every application for a permit which is submitted within two years after the date of any previous application relating to the same land or premises, or any portion of such land or premises, which has been refused, a fee of twenty-five pounds: Provided that the Minister may after consideration of any such application, in his discretion, refund to the applicant out of moneys to be appropriated by Parliament for the purpose, an amount equal to the amount so paid or any portion thereof as he may deem fit.

(10) Any permit shall lapse if, in the case of a permit authorizing the acquisition of immovable property by agreement, the agreement is not entered into, or if, in the case of a permit authorizing the occupation of land or premises, the land or premises are not occupied, in pursuance of the permit, within a period of six months after the issue thereof or within such further period as the Minister may allow on an application lodged with him prior to the expiration of such firstmentioned period.

(11) If any land or premises in respect of which a permit has been issued under sub-paragraph (ii) of paragraph (a) of sub-section (1) is occupied or used contrary to any condition subject to which the permit was issued, the Minister may, after not less than one month's notice to the holder of the permit, revoke the permit.

**15. (1)** Whenever a private company holds any immovable property, any share in or debenture of that company held by or pledged to a person who or a company which is a disqualified person or a disqualified company in relation to that property (other than a banking institution as defined in the Banking Act, 1942 (Act No. 38 of 1942)), or by or to any person on behalf or in the interest of such a person to company, may, after not less than three months' notice in writing to the person or company concerned, be declared by the Minister to be forfeited to the State.

Shares and debentures of private companies.

(2) It shall be the duty of the secretary and every director of any company referred to in sub-section (1), which holds any immovable property, to notify the registrar of companies when-



ever any person who or company which is a disqualified person or disqualified company in relation to that property or any other person on behalf or in the interest of such a person or company, holds any share in or debenture of such firstmentioned company.

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(3) The provisions of sub-sections (1) and (2) shall not apply in respect of any shares in or debentures of a private company—

- (a) which are held immediately after the commencement of this Act by a disqualified person or a disqualified company, or immediately after the date specified in the relevant proclamation under paragraph (b) of sub-section (1) of section *three* by a person who or a company which, as a result of such proclamation, becomes a disqualified person or a disqualified company in relation to any immovable property held by such private company, while such shares or debentures are held by such person or company; or
- (b) which are held by a disqualified person, if he inherited them from a disqualified person who lawfully held them; or
- (c) which are held by a disqualified person who or a disqualified company which lawfully holds any other shares in or debentures of that company, if such person or company acquired such firstmentioned shares or debentures from a disqualified person who or a disqualified company which lawfully held them:

Provided that nothing in this sub-section contained shall affect the application of sub-sections (1) and (2) in respect of any shares or debentures unlawfully held at the commencement of this Act.

(4) If any share in or a debenture of any company has been forfeited under sub-section (1), the secretary of the company shall make such entries in any register, book or document under the control of the company and issue such document as the registrar of companies may direct for the purpose of giving effect to the forfeiture.

(5) For the purposes of this section no person shall, by reason of the establishment of a group area, be a disqualified person in relation to immovable property in that area, unless that area is in terms of a proclamation under paragraph (b) of sub-section (1) of section *three*, a group area for ownership.

**16.** (1) No company which has to an extent of more than one-third of its shares, share warrants or debentures, issued any shares or share warrants or debentures entitling the bearer thereof to any rights in regard thereto, and no company wherein a controlling interest is held by or on behalf or in the interest of any such company, shall acquire immovable property, situated in the controlled area or in any group area, except under the authority of a permit.

Companies with  
bearer shares or  
debentures.

(2) If any company referred to in sub-section (1) holds any immovable property in the controlled area, the Minister may, after not less than three months' notice in writing to the company, declare the company, by notice in the *Gazette*, to be a company wherein a controlling interest shall, for the purposes of section *ten*, be deemed to be held by a member of a group specified in the notice, and thereupon the company shall for the said purposes be deemed to be such a company, and it shall further for the said purposes be deemed that no controlling interest in the company is held by or on behalf or in the interest of any member of any other group.

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17. (1) If it appears to the Minister that there is reason to presume that a controlling interest in any company is held by or on behalf or in the interest of any member of any group, he may by notice in writing call upon that company to furnish him, within a period specified in the notice, with such particulars in regard to the control of that company, as may be so specified.

Declaration as to  
controlling  
interest in  
companies.

(2) If the company fails to comply with any such notice within the said period or within such further period as the Minister may allow, or the said notice has been complied with, and the Minister is satisfied that a controlling interest in the company was at the date of such notice held by or on behalf or in the interest of any member of any group, he may by notice in the *Gazette* declare that for the purposes of this Act, it shall be a company wherein a controlling interest is held by or on behalf or in the interest of a member of that group, and thereupon the company shall for the said purposes be deemed to be such a company, and it shall further for the said purposes be deemed that no controlling interest in the company is held by or on behalf or in the interest of any member of any other group.

(3) The company shall be notified of such declaration and may, within a period of two months after a date specified in the notification or such longer period as the Court may, upon application, allow, apply to any provincial division of the Supreme Court having jurisdiction for an order setting aside the notice referred to in sub-section (2), and the court may set aside the notice if the company proves that it is not a company wherein a controlling interest was, either at the date of the notice under sub-section (1) or at the date of the notice under sub-section (2), held by or on behalf or in the interest of any member of the group in question.

(4) The operation of a notice under sub-section (2) shall, in respect of immovable property, shares or debentures held by or pledged to the company at the date of the notice, be suspended until the expiration of the period referred to in sub-section (3), or if an application is made under the said sub-section until the application has been disposed of.

(5) A notice under sub-section (1) or (3) shall, in the case of a foreign company (as defined in section *two hundred and*

*twenty-nine* of the Companies Act, 1926 (Act No. 46 of 1926)), be deemed to have been effectually given—

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- (a) if served upon a person who is, in regard to the company concerned, authorized as provided in paragraph (c) of sub-section (1) of section *two hundred and one* of the said Act; or
- (b) where there is no such person in the Union, if given in the manner which, in the opinion of the Minister, is best calculated to bring it to the knowledge of the company concerned.

18. Any condition or provision in any document whatsoever, empowering or purporting to empower any disqualified person or any disqualified company to exercise any influence upon the transfer of immovable property, shall be null and void: Provided that where at the time such condition or provision was made, the person or company concerned was not a disqualified person or a disqualified company, as the case may be, in relation to the property in question, it shall be revived if such person or company ceases to be a disqualified person or a disqualified company in relation to that property.

Certain provisions in regard to immovable property to be null and void.

19. No person shall acquire or hold on behalf or in the interest of any other person any immovable property which such other person may not lawfully acquire or hold in terms of this Act.

Acquisition and holding of property for other person.

20. (1) If any immovable property—

- (a) is acquired or held in contravention of any provision of this Act or is dealt with or used contrary to any condition of a permit under the authority of which it has been acquired or is held; or
- (b) has at the commencement of this Act been acquired or is at the said commencement held in contravention of any provision of any law repealed by this Act or in pursuance of any agreement which is null and void in terms of any such provision, or is registered in favour of any person who is in terms of any such provision debarred from holding it, or is dealt with or used contrary to any condition of a permit or any term of a certificate issued under any such provision, under the authority of which it was acquired or held,

Disposition of property illegally held.

the Minister may, after not less than three months' notice in writing to the person concerned and to the holder of any registered mortgage bond over the property, cause the property to be sold either out of hand upon the terms and conditions agreed to by the person concerned and approved by the Minister after consultation with the mortgagee or if the property has not been so sold, within such period, not being less than one month, as the Minister may allow, then by public auction upon such terms and conditions as the Minister may determine.

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(2) The costs of such sale (including a sale out of hand) shall be a first charge upon the proceeds thereof and any balance shall be applied towards the payment of any debt of which the payment is secured by such property, in its legal order of priority, and any balance left thereafter shall be paid—

(a) in the case of property referred to in paragraph (b) or (c) of sub-section (1) of section *five* or in section *nine* of this Act or in section *three* of the Asiatic Land Tenure Act, 1946 (Act No. 28 of 1946), to the company concerned; and

(b) in any other case, unless the Minister otherwise directs, into the Consolidated Revenue Fund:

Provided that if the property has been acquired or is held in contravention of section *nineteen* of this Act, the proceeds thereof shall not be applied directly or indirectly towards the payment of any debt to the person on whose behalf or in whose interest the property has been acquired or is held.

(3) A copy of every notice under sub-section (1) shall be transmitted to the officer in charge of the deeds registry concerned, and the said officer shall, upon receipt thereof, note thereon the day and hour of its receipt, and note in the appropriate registers that such a notice has been given in respect of the immovable property in question.

(4) Subject to the provisions of sub-section (5), the said officer shall not after receipt by him of any such notice register any transfer, lease or mortgage or other encumbrance of such immovable property, except a transfer in pursuance of a sale under sub-section (1).

(5) If any such notice is withdrawn, a notice of the withdrawal shall be transmitted to the said officer, and upon receipt of such notice or upon the transfer of the immovable property in pursuance of a sale under sub-section (1), any entry made under sub-section (3) shall be cancelled.

(6) The Minister and any officer designated by him for the purpose, shall have power to do whatever may be necessary to effect the transfer of any property sold under sub-section (1) to the purchaser thereof.

(7) If the owner of the property fails to produce the title deed thereof, the officer in charge of the deeds registry shall nevertheless pass transfer of the property and note the transfer on the duplicate title deed filed in his office and in the appropriate registers.

(8) The provisions of this section shall apply notwithstanding anything to the contrary contained in the Administration of Estates Act, 1913 (Act No. 24 of 1913), the Companies Act, 1926 (Act No. 46 of 1926), the Farmers' Assistance Act, 1935 (Act No. 48 of 1935) or the Insolvency Act, 1936 (Act No. 24 of 1936).

(9) A sale under this section shall, for the purpose of sub-section (3) of section *twenty-four* of the Building Societies Act, 1934 (Act No. 62 of 1934), be deemed to be a sale in execution.

21. (1) A Surveyor-General may at the request of any person and upon payment by such person to the Surveyor-General of such fee as may be prescribed by regulation, issue to that person a certificate, in such form as may be so prescribed, stating that any land described therein, within his area of jurisdiction, is situated within the controlled area or within any specified area referred to in section *eleven*, any defined area referred to in sub-section (3) of section *thirteen* or any group area which is so described.

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Issue of  
certificates by  
Surveyors-  
General.

(2) A certificate issued under sub-section (1) shall in all courts of law and public offices in the Union be *prima facie* evidence of the facts stated therein.

22. (1) The officer in charge of any deeds registry shall not register any transfer of immovable property situated in the controlled area or in any group area, unless the requirements prescribed under paragraph (d) of sub-section (1) of section *thirty-six* have been complied with and the transferee has submitted to him such further proof as he may require that the transferee may lawfully acquire and hold such immovable property in terms of this Act.

Restriction upon  
registration of  
immovable  
property.

(2) If any immovable property is registered in the name of any person who may not lawfully acquire or hold such property in terms of this Act, the registration shall, subject to any penalty which may be incurred under this Act and to the provisions of section *twenty*, not be invalid by reason of the provisions of this Act.

23. (1) If any officer entrusted by or under any law with the issue of any licence to carry on any business, trade or occupation, to whom an application for the issue or renewal of any such licence has been made, has reason to believe that the proposed holder of the licence or the person or persons who will be in actual control of the business, trade or occupation to be licensed, may not lawfully carry on the business, trade or occupation on the premises whereon it is to be carried on, he shall not issue or renew the licence unless the applicant proves that such holder and the said person or persons may lawfully carry on the business, trade or occupation on the said premises.

Trading licences  
not to be issued  
except upon  
production of  
certain proof.

(2) Any such licence issued to or renewed in the name of a person who may not lawfully carry on the business, trade or occupation to which the licence relates, on the premises whereon it is to be carried on, shall be invalid, and if at any time any person who may not lawfully carry on such business, trade or occupation on the said premises, is in actual control of such business, trade or occupation, the licence shall lapse.

(3) Any person whatever may, within two months after the issue or renewal of any such licence, and any applicant for such a licence or the renewal thereof whose application has been refused under sub-section (1), may, within two months after refusal note an appeal against the issue, renewal or refusal, as

the case may be, to the magistrate of the district wherein the premises referred to in sub-section (1) are situate.

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- (4) The magistrate may on dealing with such appeal—
- (a) hear evidence in regard to the matter before him;
  - (b) declare to be invalid or cancel any licence issued by such officer or order such officer to accept, for the purposes of the application for the issue or renewal of a licence, that the proof required by sub-section (1) has been given; and
  - (c) make *mutatis mutandis* such order as to the costs of the appeal as he could have made if the appeal had been a civil trial in his court.

(5) Such costs shall be taxable, *mutatis mutandis* in the same manner as costs incurred in connection with such a trial.

(6) The decision of the magistrate on any such appeal shall be subject to an appeal to the provincial division of the Supreme Court having jurisdiction as if it were a civil judgment of a magistrate's court.

24. (1) There is hereby established a board to be known as the Land Tenure Advisory Board, which shall consist of not more than seven members appointed by the Minister.

Establishment of  
Land Tenure  
Advisory Board.

(2) One of the members shall be designated by the Minister as the chairman and one as vice-chairman of the board.

(3) A member of the board shall be appointed for such period, not exceeding five years, as the Minister may determine at the time of his appointment and any member whose office has become vacant (otherwise than under sub-section (4)), shall be eligible for reappointment.

(4) A member of the board shall cease to hold his office—

- (a) if his estate is sequestrated or if a notice with reference to him is published under sub-section (1) of section *ten* of the Farmers' Assistance Act, 1935 (Act No. 48 of 1935);
- (b) if he becomes of unsound mind or is convicted of an offence and sentenced to imprisonment without the option of a fine;
- (c) if he is absent from three consecutive meetings without the permission of the chairman; or
- (d) if he is removed from his office by the Minister on the ground of incapacity or misbehaviour.

(5) A casual vacancy on the Board shall be filled by the appointment of a member for the unexpired portion of the period for which the member whose office has become vacant, has been appointed.

(6) A member of the board (other than a person who is in the full-time employment of the State and in receipt of a salary from public funds) shall, and any such lastmentioned person may, receive such remuneration and allowances as the Minister in consultation with the Minister of Finance, may determine.

25. (1) The meetings of the board shall, subject to the provisions of sub-section (2), be held at such times and places as the board may fix.

Meetings and  
quorum.

(2) The chairman may at any time call a special meeting of the board to be held at such time and place as he may direct.

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(3) A quorum for a meeting of the board shall be three of the members thereof.

(4) Whenever the chairman is absent or unable to fulfil his duties, the vice-chairman shall act as chairman during such absence or inability, and in the absence from any meeting of the board of the chairman and the vice-chairman, the members present at that meeting may elect one of their number to preside at that meeting.

(5) The decision of the majority of the members present at a meeting of the board shall be the decision of the board: Provided that in the event of an equality of votes, the person presiding at the meeting shall have a casting vote in addition to his deliberative vote.

26. No proclamation under sub-section (2) of section *two*, sub-section (1) of section *three*, paragraph (d) of sub-section (2) of section *four*, paragraph (h) of sub-section (2) or sub-section (3) of section *ten*, sub-section (1) of section *eleven* or sub-section (3) of section *thirteen*, shall be issued, withdrawn or amended, and the Minister shall not make any determination under section *thirteen*, or issue or revoke any permit under section *fourteen*, or amend any of its conditions, unless the Minister has considered a report made by the board under section *twenty-seven* in regard thereto.

Consideration by  
Minister of  
reports of board.

27. (1) The board shall enquire into and by means of a written report advise the Minister in regard to—

Functions of  
board.

- (a) the desirability or otherwise of issuing, amending or withdrawing any proclamation referred to in section *twenty-six*;
- (b) any determination to be made under section *thirteen*;
- (c) the issue of or the amendment of the conditions of any permit under section *fourteen*; and
- (d) any matter relating to the administration of this Act which the Minister may refer to it.

(2) Before advising the Minister as to any proclamation under sub-section (1) of section *three* or as to any matter referred to in paragraph (b) or (c) of sub-section (1) (other than the issue of or the amendment of the conditions of any permit under paragraph (c) of sub-section (6) of section *fourteen*) the board shall publish in a newspaper circulating in the district in which the area concerned will be or the land or premises concerned are situated, as the case may be, at least once in each of two consecutive weeks, a notice setting forth the matter which is being investigated (including in the case of any such area, the proposed situation or the approximate proposed situation thereof or the place within the district where a plan showing such situation

may be inspected) and inviting all persons who have an interest therein to lodge with the board at an address specified in the notice and within a period so specified (which shall not be less than ten days after the last publication of the notice) any representations in writing which they may wish to make to the board in connection with such matter: Provided that the Minister may direct the board—

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- (a) in any particular case or in any class of case specified by him, to publish any such notice in such other manner than in such a newspaper, as he may determine; and
- (b) in the case of an application for a permit authorizing the acquisition of mortgaged immovable property in a group area by a disqualified person or a disqualified company from a disqualified person or a disqualified company of the same group, to dispense with the publication of any such notice.

(3) The publication of a notice referred to in sub-section (2) shall not, unless the Minister so directs, be required in respect of the issue of a permit, if the board is satisfied that the issue of the permit is not necessary under the provisions of this Act or that a permit previously issued in respect of the same land or premises, or any portion thereof, has lapsed by virtue of the provisions of sub-section (10) of section *fourteen*.

(4) If the Minister so directs, the board shall comply with the provisions of sub-section (2) also in regard to any proclamation referred to in section *twenty-six* (other than a proclamation under sub-section (1) of section *three*) or to any matter referred to in paragraph (d) of sub-section (1), or shall follow such other procedure for bringing the matter (including any matter to be dealt with by any such proclamation) to the notice of interested persons, as the Minister may determine.

(5) The board shall not advise the Minister in regard to the issue of any proclamation under sub-section (1) of section *three*, without taking into consideration whether or not suitable accommodation will be available outside the area concerned, for persons whose occupation of land or premises in that area would be rendered unlawful by such proclamation.

**28. (1) The board may—**

- (a) for the purpose of any enquiry conducted by it, summon any person who in its opinion may be able to give material information concerning the subject of the enquiry or who it suspects or believes has in his possession or custody or under his control any book, document or thing which has any bearing upon the subject of the enquiry, to appear before it at a time and place specified in the summons, to be interrogated or to produce that book, document or thing, and the board may retain for examination any book, document or thing so produced;
- (b) call and by its chairman administer an oath to, or accept an affirmation from, any person present at the enquiry who was or might have been summoned in

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terms of this section, and may interrogate him or allow him to be interrogated by any person to whose application the enquiry relates or any person who has lodged representations in pursuance of the notice under sub-section (2) or (4) of section *twenty-seven* or on behalf of any such person by any person entitled to appear as an advocate or attorney in a court of law in the Union, and require him to produce any book, document or thing in his possession or custody or under his control: Provided that in connection with the interrogation of any such firstmentioned person, or the production of any such book, document or thing, the law relating to privilege, as applicable to a witness subpoenaed to give evidence or to produce any book, document or thing before a court of law, shall apply;

- (c) at all reasonable times enter upon and inspect any land or premises for the purpose of any investigation conducted by it, or authorise any person nominated by the chairman of the board so to enter upon and inspect such land or premises.

(2) A summons for the attendance before the board of any person or for the production of any book, document or thing shall be in writing signed by the chairman or the secretary of the board and shall be served by registered post.

29. (1) The board may authorize any member thereof, or any committee appointed by it consisting of two or more of its members, or (with the approval of the Minister) of one or more of its members and one or more other persons, to conduct any enquiry which the board may deem necessary for the proper carrying out of its functions, and any member or committee so authorized shall for the purpose of such enquiry exercise all the powers conferred and perform all the duties imposed upon the board in respect of any such enquiry conducted by it.

Investigations  
by individual  
members and  
committees of  
board.

(2) In appointing a committee under sub-section (1), the board shall designate one of the members thereof who is a member of the board, to be the chairman.

(3) A summons under section *twenty-eight* read with sub-section (1) for the attendance before any member of the board or before any committee conducting an enquiry under the said sub-section, or for the production of any book, document or thing, may be signed by such member or by the chairman of the committee, as the case may be.

30. The Minister may assign to the board an officer in his department to be the secretary, and such other officers in his department as may be necessary to enable the board to carry out its functions.

Assignment of  
officers to board.

31. (1) The Minister shall, subject to the laws governing the public service, appoint such inspectors (one of whom shall be the chief inspector) as may be necessary for the purpose of ascertaining such facts as may be required by the Minister, the board, any officer in charge of a deeds registry or any officer referred to in section *twenty-three*, in connection with the application of this Act, and of ascertaining whether the pro-

Appointment  
and powers  
of inspectors.

visions of this Act and of any other statute prohibiting or restricting the ownership, acquisition or occupation of land by any class of persons are being complied with.

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(2) Any such inspector may for any such purpose—

(a) without previous notice, at any time during the day or night, enter upon any premises whatsoever and make such examination and enquiry as may be necessary;

(b) at any time and at any place require from any person who has the possession, custody or control of any book, record or other document, the production thereof, then and there or at a time and place fixed by the inspector;

(c) examine and make extracts from and copies of any book, record or document, and require from any person an explanation of any entries therein, and seize any such book, record or document, as in his opinion may afford evidence of a contravention or evasion of any provision referred to in sub-section (1);

(d) question either alone or in the presence of any other person as he thinks fit, with respect to any matter relevant to any such purpose, any person whom he finds on any premises entered under this section;

(e) require any person whom he has reasonable grounds for believing to be in possession of information relevant to any such purpose, to appear before him at a time and place fixed by him and then and there question that person concerning any matter relevant to any such purpose.

(3) An inspector exercising any power under paragraph (d) or (e) of sub-section (2) shall keep a record of any statement made to him, and the person who made the statement shall be entitled to a copy of the statement as so recorded.

(4) Any person who is questioned under paragraph (d) or (e) of sub-section (2) shall be entitled to all the privileges to which a person giving evidence before a court of law is entitled.

(5) Every person occupying or residing upon any premises entered by an inspector under sub-section (2) or employed by any such person, shall at all times furnish such facilities as are required by the inspector for the purpose of exercising his powers under the said sub-section.

(6) An inspector entering any premises under sub-section (2) may be accompanied by an interpreter or any member of the South African Police.

(7) Every such inspector shall be furnished with a certificate signed by an officer thereto designated by the Minister stating that he has been appointed as an inspector under this section, and any inspector exercising any power conferred upon him by this section shall on demand produce such certificate.

32. (1) No inspector and no interpreter or member of the South African Police referred to in sub-section (6) of section *thirty-one*, shall disclose any information in relation to the financial or business affairs of any person, firm or business, acquired in the exercise of his powers or in the performance of his duties, to any person, except—

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- (a) to the Minister or a member of the board or any committee thereof or an officer in the public service for the purposes of the performance of any duty in connection with any matter investigated under the said section; or
- (b) for the purpose of the performance of his duties; or
- (c) for the purpose of the institution of any legal proceedings or when required to do so before a court or under any law.

(2) No member of the board or of any committee thereof and no such officer shall disclose any information received by him under sub-section (1), to any person, except for a purpose referred to in paragraph (b) or (c) of the said sub-section.

33. Whenever the Governor-General or the Minister, as the case may be, is by this Act authorized to issue any proclamation or notice, he may in like manner, whenever it is deemed expedient, withdraw or amend such proclamation or notice including a proclamation deemed to have been issued under section *eleven*.

Withdrawal and  
amendment of  
proclamations and  
notices.

34. (1) Any person who—

Penalties.

- (a) contravenes the provisions of sub-section (1) of section *four*, paragraph (a), (b) or (c) of sub-section (1) of section *five*, sub-section (1) of section *eight*, section *nine*, sub-section (1) of section *ten*, sub-section (1) of section *twelve*, sub-section (1) of section *sixteen* or section *nineteen*; or
- (b) contravenes or fails to comply with any condition of a permit; or
- (c) contravenes or fails to comply with the provisions of sub-section (4) of section *fifteen*, sub-section (5) of section *thirty-one* or section *thirty-two*; or
- (d) having been summoned or called under section *twenty-eight* or under the said section read with section *twenty-nine*, fails without sufficient cause to attend at the time and place specified in the summons or to remain in attendance until excused from further attendance, or refuses to be sworn or to affirm as a witness; or
- (e) refuses or fails, without sufficient cause, to answer fully and satisfactorily to the best of his knowledge and belief any relevant question lawfully put to him at an enquiry under section *twenty-eight* or under the said section read with section *twenty-nine*, or to produce any book, document or thing in his possession or custody which he has been lawfully required to produce at such enquiry; or

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- (f) having been sworn or having made an affirmation at any such enquiry, gives an answer to any relevant question lawfully put to him or makes any relevant statement, which is false in any material particular, knowing such answer or statement to be false; or
- (g) falsely holds himself out to be an inspector; or
- (h) refuses or fails, without sufficient cause, to answer fully and satisfactorily to the best of his knowledge and belief any relevant question lawfully put to him by an inspector in the exercise of his powers; or
- (i) gives an answer to any such question or makes any relevant statement to an inspector, which is false in any material particular, knowing such answer or statement to be false; or
- (j) hinders or obstructs the chairman, the secretary or any member of the board or of a committee thereof, or any person nominated under paragraph (c) of sub-section (1) of section *twenty-eight* or under the said paragraph read with section *twenty-nine*, or any inspector, in the exercise of his powers or functions under this Act,

shall be guilty of an offence, and liable on conviction, in the case of an offence referred to in paragraph (a), (b) or (f), to a fine not exceeding two hundred pounds or to imprisonment for a period not exceeding two years, or to both such fine and imprisonment, and in the case of an offence referred to in any other paragraph, to a fine not exceeding one hundred pounds or to imprisonment for a period not exceeding one year or to both such fine and imprisonment.

(2) The court which convicts any person of a contravention of sub-section (1) of section *four*, sub-section (1) of section *ten* or sub-section (1) of section *twelve*, shall order the person convicted to vacate the land or premises to which the conviction relates, on or before a date to be specified in such order but not less than fourteen days after the date of the conviction.

(3) Any person who fails to comply with an order made under sub-section (2), shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months, or to both such fine and imprisonment, and to a further fine not exceeding five pounds for every day during which the failure to comply with such order continued.

35. (1) A person who in appearance obviously is a white person shall for the purposes of this Act be presumed to be a member of the white group until the contrary is proved.

Presumptions.

(2) A person who in fact is or is generally accepted as a member of an aboriginal race or tribe of Africa shall for the purposes of this Act be presumed to be a member of the native group until the contrary is proved.

(3) A person who is not in appearance obviously a white person and who is not in fact or is not generally accepted as a member of an aboriginal race or tribe of Africa shall for the

purposes of this Act be presumed to be a member of the coloured group until the contrary is proved.

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(4) Whenever in any proceedings under this Act, whether civil or criminal, it is alleged by or on behalf of the Minister or any officer in charge of a deeds registry or in any indictment or charge that any company is a company wherein a controlling interest is held by or on behalf or in the interest of a member of any group, that company shall be presumed to be such a company, until the contrary is proved.

36. (1) The Governor-General may make regulations—

Regulations.

- (a) as to the registration of any persons as members of any group referred to in any proclamation under sub-section (2) of section *two*;
- (b) as to the manner in which any governing body referred to in sub-section (1) of section *six*, is to be constituted (including the election of all or some of its members), the powers and functions of such governing body (including the power to levy rates and charges), the supervision to be exercised over such governing body by any local authority referred to in sub-section (2) of the said section, and the powers and functions of such local authority in any group area concerned;
- (c) prescribing the form of a certificate under section *twenty-one* and the fee payable in respect thereof;
- (d) prescribing requirements to be complied with in connection with the registration of immovable property for the purpose of ensuring compliance with the provisions of this Act; and
- (e) generally, as to all matters which he considers it necessary or expedient to prescribe in order that the purposes of this Act may be achieved.

(2) Different regulations may be made in respect of different groups and of different areas or provinces of the Union.

(3) The regulations may provide for legal presumptions in regard to membership of any group established under sub-section (2) of section *two*, and may prescribe penalties for any contravention thereof or failure to comply therewith, not exceeding a fine of fifty pounds or imprisonment for a period of six months.

(4) No regulations shall be made under paragraph (b) of sub-section (1), unless the Minister has consulted the Administrator of the province and any local authority concerned.

37. (1) The provisions of this Act, in so far as they relate to the board or to inspectors, shall come into operation in the Union upon a date to be fixed by the Governor-General by proclamation in the *Gazette*, and in so far as they relate to any other matter, they shall come into operation in each province of the Union upon a date to be fixed for that province by the

Coming into  
operation of  
this Act.

Governor-General by proclamation in the *Gazette*: Provided that in the case of the province of the Cape of Good Hope, Natal or Transvaal, the Governor-General may either fix a date for the province or by one proclamation or by more than one proclamation issued at different times, fix different dates for different areas within any of the said provinces.

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(2) For the purposes of sub-section (1), the territories referred to as the Northern Districts in section *three* of the Northern Districts Annexation Act, 1902 (Act No. 1 of 1902) of Natal, shall be deemed to be included in the province of Transvaal.

(3) Any reference in this Act to its commencement shall be construed in accordance with the provisions of sub-section (1).

**38.** (1) Sections *ten* to and including *fifteen* and paragraphs (*b*) to and including (*f*) of sub-section (1) of section *sixteen* of the Asiatic Land Tenure Act, 1946 (Act No. 28 of 1946), sections *fourteen*, *fifteen* and *sixteen* of the Asiatic Land Tenure Amendment Act, 1949 (Act No. 53 of 1949), and section *four* of the Asiatic Land Tenure Amendment Act, 1950 (Act No. 15 of 1950), are hereby repealed as from the date fixed by the proclamation first referred to in section *thirty-seven*.

Repeals and  
saving.

(2) Any reference in the firstmentioned Act or in any other law to the Land Tenure Advisory Board established by section *ten* of the said Act, shall, as from the said date, be deemed to be a reference to the board.

(3) As from the date fixed under section *thirty-seven* for the province of Natal or for any area in that province, the laws specified in the First Schedule shall, in their application in that province or in any such area, as the case may be, be amended to the extent set out in the second column of that Schedule.

(4) As from the date fixed under section *thirty-seven* for the province of Transvaal or for any area in that province, the laws specified in the Second Schedule shall, in their application in that province or in any such area, as the case may be, be repealed and amended to the extent set out in the Second Column of that Schedule.

(5) For the purposes of sub-sections (3) and (4), the territories referred to as the Northern Districts in section *three* of the Northern Districts Annexation Act, 1902 (Act No. 1 of 1902) of Natal, shall be deemed to be included in the province of Transvaal.

(6) As from the date fixed under section *thirty-seven* for any province of the Union, or for any area in the province of the Cape of Good Hope, Natal or Transvaal, the provisions of sub-section (1) of section *one* of the Natives Land Act, 1913 (Act No. 27 of 1913) shall cease to apply in respect of land in that province or area which is situated in the controlled area or in any group area.

(7) Nothing in this Act contained shall affect in any way the application of the provisions of the Diplomatic Immunities Act, 1932 (Act No. 9 of 1932).

**39.** This Act shall be called the Group Areas Act, 1950.

Short title.

## First Schedule.

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of 1950.

<i>Law amended.</i>	<i>Extent of amendment.</i>
Transvaal Asiatic Land Tenure Amendment Act, 1936 (Act No. 30 of 1936).	The repeal of paragraphs (e) and (f) of sub-section (1), and sub-sections (4) and (5) of section <i>fourteen</i> .
Asiatic Land Tenure Act, 1946 (Act No. 28 of 1946).	The repeal of sections <i>one</i> to and including <i>four</i> , sections <i>six</i> to and including <i>nine bis</i> , and sections <i>sixteen</i> , <i>seventeen</i> and <i>thirty-nine</i> .
Asiatic Land Tenure Amendment Act, 1949 (Act No. 53 of 1949).	The repeal of sections <i>six</i> to and including <i>thirteen</i> , and sections <i>seventeen</i> and <i>eighteen</i> .
Asiatic Land Tenure Amendment Act, 1950 (Act No. 15 of 1950).	The repeal of section <i>three</i> .

## Second Schedule.

<i>Law repealed or amended.</i>	<i>Extent of repeal or amendment.</i>
Law No. 3 of 1885 of the Transvaal.	The repeal of the whole.
The Asiatics (Land and Trading) Amendment Act (Transvaal), 1919 (Act No. 37 of 1919).	The repeal of the whole, except section <i>one</i> , so much of section <i>eleven</i> as defines any expression used in section <i>one</i> and section <i>twelve</i> . The amendment of section <i>twelve</i> by the substitution for the words "Asiatics (Land and Trading) Amendment Act (Transvaal)" of the words "Gold Law (Coloured Persons) Amendment Act". The amendment of the long title by the deletion of the words "with reference to the prohibition of ownership of land by Asiatics and", and the substitution for the words "and trading by them" of the words "by coloured persons".
Asiatic (Cape Malay) Amendment Act, 1924 (Act No. 12 of 1924).	The deletion in sub-section (1) of section <i>one</i> , of the words "Law No. 3 of 1885 of the Transvaal, of section <i>two</i> of the Asiatics (Land and Trading) Amendment Act (Transvaal), 1919 (Act No. 37 of 1919) or" and of the word "other".
Asiatics in the Northern Districts of Natal Act, 1927 (Act No. 33 of 1927).	The repeal of section <i>fourteen</i> .
Transvaal Asiatic Land Tenure Act, 1932 (Act No. 35 of 1932).	The repeal of sections <i>seven</i> , <i>eight</i> and <i>nine</i> .
Transvaal Asiatic Land Tenure Amendment Act, 1936 (Act No. 30 of 1936).	The repeal of sections <i>one</i> , <i>eight</i> , <i>nine</i> , <i>ten</i> and <i>eighteen</i> . The deletion of paragraphs (e) and (f) of sub-section (1), and of sub-sections (4) and (5) of section <i>fourteen</i> .
Asiatic Land Tenure Act, 1946 (Act No. 28 of 1946).	The repeal of sections <i>one</i> , <i>five</i> , <i>six</i> , <i>seven</i> , <i>eight</i> and <i>nine bis</i> , sections <i>sixteen</i> to and including <i>nineteen</i> , sections <i>twenty-five</i> to and including <i>thirty-two</i> and sections <i>thirty-seven</i> and <i>thirty-nine</i> .

<i>Law repealed or amended.</i>	<i>Extent of repeal or amendment.</i>	<b>Act No. 41 of 1950.</b>
Asiatic Land Tenure Amendment Act, 1949 (Act No. 53 of 1949).	The repeal of sections <i>one</i> to and including <i>five</i> , sections <i>ten</i> to and including <i>thirteen</i> , and sections <i>seventeen</i> to and including <i>nineteen</i> .	
Asiatic Land Tenure Amendment Act, 1950 (Act No. 15 of 1950).	The repeal of sections <i>one</i> and <i>two</i> .	

**Act No. 42 of 1950.**

## ACT

**To amend the Silicosis Act, 1946.**

*(Afrikaans Text signed by the Officer Administering the Government.)*

*(Assented to 24th June, 1950.)*

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

1. In this Act, the expression "principal Act" means the Silicosis Act, 1946 (Act No. 47 of 1946), as amended by the Silicosis Amendment Act, 1947 (Act No. 16 of 1947). Meaning of principal Act.
2. (1) Sub-section (1) of section *one* of the principal Act is hereby amended— Amendment of section 1 of Act 47 of 1946.
  - (a) by the substitution, for the definition of the word "miner", of the following definition:
 

" 'miner' means a person other than a Native, who has lawfully worked in a dusty occupation at a scheduled or registered mine, or at such a mine as is mentioned in paragraph (b) of the undermentioned definition of the expression 'registered mine' and in relation whereto the Minister has acted in terms of that paragraph; and if such a person so worked at a mine which, after his death, became a scheduled or registered mine, or at a mine in relation whereto the Minister, after the said person's death, has acted as afore-said, he shall be deemed to have been a miner at the time of his death".
  - (b) by the substitution, for the definition of the expression "Native labourer", of the following definition:
 

" 'Native labourer' means a Native who has lawfully worked in a dusty occupation at a scheduled or registered mine, or at such a mine as is mentioned in paragraph (b) of the undermentioned definition