

No. 46, 1937.]

# ACT

**To amend the laws relating to natives in urban areas, to the regulation of the recruiting and employment of native labourers and to the acquisition of land by natives.**

**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:—

Interpretation.

1. In this Act the expression "the principal Act" means the Natives (Urban Areas) Act, 1923, as amended.

Amendment of section 1 of Act 21 of 1923, as amended by section 2 of Act 25 of 1930.

2. Section *one* of the principal Act is hereby amended by the substitution for paragraph (e) of sub-section (1) of the following paragraph:

"(e) require any employer (including the Union Government, with which is included the Railway Administration, any provincial administration and divisional council, within the urban area to provide accommodation for any native in his employment; and the nature and situation of that accommodation shall be subject to the approval of and to regulation by the urban local authority: Provided also that the urban local authority shall itself be bound to conform to any such regulation in respect to all natives employed by it."

Insertion of new section 4bis in Act 21 of 1923.

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

"Restriction as to right of natives to acquire land in urban areas.

4bis. (1) Subject to the provisions of this section, no native and no association, corporate or unincorporate, in which a native has any interest, shall, except with the approval of the Governor-General, given after consultation with the local authority concerned, enter into any agreement or transaction for the acquisition from any person other than a native of any land situated within an urban area, or of any right to any such land, or of any interest therein or servitude thereover: Provided that the provisions of this section shall not apply to any land which, having been held at the commencement of the Natives Land Act, 1913, by any such society as is referred to in paragraph (h) of sub-section (1) of section *eight* of that Act, was alienated by the society prior to the commencement of the Native Trust and Land Act, 1936: Provided further that the provision of this section shall not apply to an insurance company, building society, savings bank or similar institution approved of by the Minister in which the interest of natives does not exceed twenty per cent. of the liabilities of the company, society, bank or other institution in respect of policies, share capital or deposits, as the case may be.

(2) Any person who is a party to any attempt at acquisition, or to any agreement or transaction, which is in contravention of this section, shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds.

(3) The provisions of this section shall not prohibit—

- (a) the letting of any land in a location or native village; or
- (b) the provision of accommodation—
  - (i) in a location, native village or native hostel; or
  - (ii) in any mission house, private hostel or similar institution approved by the

- Minister in terms of paragraph (g) of sub-section (2) of section *five*; or
- (iii) in premises in respect of which a licence has been issued under sub-section (4) of section *five*; or
- (iv) in terms of paragraph (f) of sub-section (1) of section *twelve*; or
- (v) by an employer for natives in his employ where such provision is not prohibited by this Act or the regulations; or
- (e) the acquisition of any land situate within any area approved by the Minister for the residence of natives in terms of paragraph (h) of sub-section (2) of section *five* or of any right to any such land or of any interest therein or servitude thereover.

(4) In the application to this section of the provisions of section *twenty-six*, every reference to the commencement of this Act shall be deemed to be a reference to the commencement of the Native Laws Amendment Act, 1937.

Insertion of new section *4ter* in Act 21 of 1923.

4. The following new section is hereby inserted in the principal Act after section *four bis*:

“Restriction as to right of natives to acquire land in rural townships.”

*4ter* (1) Notwithstanding anything in any law contained, no native and no association, corporate or unincorporate, in which a native has any interest, shall enter into any agreement or transaction for the acquisition from any person other than a native of any land situated within a rural township, or of any right to any such land, or of any interest therein or servitude thereover: Provided that the provisions of this section shall not apply to any land which, having been held at the commencement of the Natives Land Act, 1913, by any such society as is referred to in paragraph (h) of sub-section (1) of section *eight* of that Act, was alienated by the society prior to the commencement of the Native Trust and Land Act, 1936: Provided further that the provisions of this section shall not apply to an insurance company, building society, or savings bank or other similar institution approved of by the Minister in which the interest of natives does not exceed twenty per cent. of the liability of the company, society, bank or other institution in respect of policies, share capital or deposits, as the case may be: Provided further that whenever the Governor-General is satisfied that any land of which any rural township consists or which is situated within any rural township had been laid out or divided into lots or sites before the commencement of the Native Laws Amendment Act, 1937, with the intention that the lots or sites, or more than half of them, should be sold to natives, he may by proclamation in the *Gazette* exclude that land or any portion thereof from the provisions of this section.

(2) Any person who is a party to any attempt at acquisition, or to any agreement or transaction, which is in contravention of this section, shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds.”

Amendment of section 5 of Act 21 of 1923, as amended by section 3 of Act 25 of 1930.

5. Section *five* of the principal Act is hereby amended—

- (a) (i) by the substitution in sub-section (2) for the words “classes of natives shall be exempted from the operation of any proclamation issued under sub-section (1)” of the words “natives shall be exempt from the operation of any proclamation issued under sub-section (1), but any native may be required by an authorized officer to produce proof that he falls within one of the classes hereby exempted, and if upon demand he fails to produce such proof to the officer, he shall *prima facie* be presumed not to be so exempted”;

- (ii) by the addition at the end of paragraph (c) of the said sub-section of the following words: " Provided that a native who occupies in any location premises owned by an urban local authority and who has by reason of the value of such premises become qualified to be registered in the Province of the Cape of Good Hope as a parliamentary voter shall, notwithstanding his registration as a parliamentary voter, not be so exempted in terms of this paragraph "; and
- (iii) by the deletion in paragraph (e) of the said sub-section of the words " The burden of proving that such native is so employed shall be on the native or his employer ", and the substitution of the following: " Such native shall be supplied by his employer with a document proving such service " ;
- (b) by the addition at the end of paragraph (j) of sub-section (2) of the following words " unless such exemption is cancelled by the Minister after consultation with the local authority and an enquiry by the native commissioner of the area within which such native resides, at which enquiry such native shall be entitled to be heard. "
- (c) by the insertion in sub-section (3) after the word " authority " of the words " or by the Minister "; by the substitution in that sub-section for the words " one month as from the first day of the month following " of the words " a reasonable period, which period shall be clearly stated in the notice and shall be not less than three days from the date of "; and by the substitution in that sub-section for the words " said month " of the words " period stated in the notice " ;
- (d) by the substitution in sub-section (5) for all words following the figure " (4) " of the words " accommodates on those premises any native who is not exempted by or under sub-section (2) or permits him to be so accommodated, or who, being the holder of such a licence accommodates on those premises a number of natives of one or other sex in excess of the number specified in that licence or permits them to be so accommodated, shall be guilty of an offence " ; and by the addition at the end of that sub-section of the following paragraph :
- " If any native resides or is accommodated on any premises, the owner, lessee, occupier or person in charge or control thereof shall be deemed to have accommodated that native on those premises, unless it is proved that he did not know that the native was so residing or was being so accommodated and that he could not by the exercise of reasonable care have prevented him from so residing or being so accommodated " ;
- (e) by the repeal of sub-section (6) ;
- (f) by the addition at the end of the section of the following new sub-sections :—
- "(6) (a) The urban local authority having jurisdiction in any area proclaimed under sub-section (1) shall, if the Minister so requires, by written notice served upon any person who conducts any school or other institution for secular instruction or any entertainment on premises situated within that area and outside a location, native village, native hostel or area approved by the Minister for residence of natives in terms of paragraph (h) of sub-section (2) mainly for the benefit of natives, direct that person to cease to conduct that school, institution or entertainment elsewhere than within a location, native village, native hostel or area so approved within a period stated in the notice, not being less than six months after service of the notice, and any such person who fails to comply with the directions set forth in any such notice shall

be guilty of an offence: Provided that the Minister shall, at the request of the owner of the premises on which any such school or other institution is being conducted, acquire the said premises: Provided also that the Minister shall take into consideration the reasonable recreational requirements of natives whose residence is with their employers or who are otherwise exempt from residence in the location, native village or native hostel.

- (b) In the absence of agreement as to the price to be paid therefor, such price shall be determined in accordance with the law relating to arbitration in force in the province in which such premises are situate, or if there is no such law in force in such province, in accordance with the law relating to arbitration in force in the Province of the Transvaal.
- (c) In addition to the price paid for such premises, the Minister may pay to the person or body to whom such school or institution belongs, such compensation as he may consider to be reasonable for any loss or inconvenience sustained by such person or body as a result of a direction issued under paragraph (a).
- (d) The Minister may, at the request of any person who conducts a church upon premises situate in any area proclaimed under sub-section (1) and outside a location, native village or area approved by the Minister under paragraph (h) of sub-section (2), if he is satisfied that such person intends to conduct a church in the location or village in lieu of such first-mentioned church, acquire such premises at a price which may include compensation in accordance with the provisions of paragraph (c).

(7) As from the commencement of the Native Laws Amendment Act, 1937, no person shall conduct, on premises situated within any urban area outside a location, native village, native hostel or area approved by the Minister for residence of natives in terms of paragraph (h) of sub-section (2) any church, school or other institution or any place of entertainment which is not in existence at the commencement of the said Act, mainly for the benefit of natives without the approval of the Minister given with the concurrence of the local authority concerned, which approval may with like concurrence be withdrawn.

(8) No European shall, without the approval of the Minister given with the concurrence of the local authority concerned, which approval may with like concurrence be withdrawn, reside in any location or native village: Provided that—

- (a) any officer of the department of native administration of a local authority; and
- (b) any member of the South African Police, with his family, may, for the better carrying out of his duties as such officer or member, reside in a location or native village without such approval and provided also that due consideration shall be given to the religious, educational and social needs of such location or native village as may make desirable the residence of an accredited European worker."

Insertion of new section 5bis in Act 21 of 1923. 6. The following new section is hereby inserted in the principal Act after section five:

"Restriction of right of natives to enter an urban area for certain purposes. 5bis. (1) The Governor-General shall, if requested to do so by a resolution adopted by a duly constituted meeting of any urban local authority, by proclamation in the *Gazette*, declare that from and after a date to be specified therein no native shall enter the urban area under the jurisdiction of that urban local authority for the

purpose of seeking or taking up employment or residing therein, otherwise than in accordance with conditions to be prescribed by the Governor-General in that proclamation; and the Governor-General may at any time after consultation with the urban local authority concerned, of his own motion issue any such proclamation in respect of any urban area.

(2) The Governor-General may, if requested to do so by a resolution adopted by a duly constituted meeting of the urban local authority, by further proclamation in the *Gazette* repeal or suspend the operation of any proclamation issued by him under sub-section (1) at the request of that urban local authority, and may at any time after consultation with the urban local authority concerned, if he thinks fit to do so, by further proclamation in the *Gazette* repeal or suspend the operation of any proclamation issued by him under sub-section (1) of his own motion.

(3) Any native who contravenes the provisions of any such proclamation shall be guilty of an offence."

Insertion of new section 5ter in Act 21 of 1923.

7. The following new section is hereby inserted in the principal Act after section *five bis* :

"Introduction of natives into urban areas where registration of natives is in force.

5ter. (1) No person shall introduce any native into any urban area the local authority of which has been required under section *twelve* to exercise the powers referred to in paragraph (a) of sub-section (1) of that section, in order that that native shall seek or take up employment therein, without the written permission of an officer assigned for the purpose by that local authority, and no such officer shall grant his permission unless the person introducing the native or any person who employs or intends to employ the native has given security to his satisfaction that if the native does not find employment within a time fixed by him, or at the termination of any contract of employment entered into or that may be entered into by the native, he will be returned to his home or his last place of residence.

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

(3) Whenever the Union Government (including the Railway Administration) or any provincial administration has introduced any native who is in its employ or whom it intends to employ into any such urban area, it shall, at the request of the officer so assigned, at its expense, return that native to his home or his last place of residence, if it does not take that native into its employ or if any contract of employment entered into between it and that native has expired or been terminated."

Insertion of new section 5quater in Act 21 of 1923.

8. The following new section is hereby inserted in the principal Act after section *five ter* :

"Entry of foreign natives into urban areas.

5quater. (1) No native, other than a native lawfully domiciled in the Union, the mandated territory of South-West Africa, Basutoland, the Bechuanaland Protectorate or Swaziland, shall enter an urban area or accept employment or continue in employment, and no person shall employ or continue to employ any such native within an urban area without the written permission of the Secretary for Native Affairs, which shall not be granted without the concurrence of the urban local authority: Provided that, if at the date of the coming into operation of this section any such native is employed in any urban area, he may, if his contract of employment is for a fixed period, continue in employment under that contract until the expiration of that fixed period, or the termination of the contract, or the expiration of a period of twelve

months, whichever event first occurs, and if his contract is for an indefinite period or is renewable from time to time, continue in employment under that contract or under that contract as so renewed for a period not exceeding twelve months from the said date.

(2) Any native who enters any urban area or accepts employment in any urban area contrary to the provisions of this section or continues in employment in any urban area otherwise than in accordance with the said provisions, shall be guilty of an offence.

(3) Any person who employs any native in any urban area contrary to the provisions of this section or continues to employ any native in any urban area otherwise than in accordance with the said provisions, shall be guilty of an offence."

Insertion of new section 5 *quinquies* in Act 21 of 1923.

9. The following new section is hereby inserted in the principal Act after section *five quater* :

"Certain provisions not to apply to natives employed in certain industries.

*5quinquies*. The provisions of any proclamation issued under section *five bis* and the provisions of sections *five ter* and *five quater* shall not apply to or in respect of natives employed in any urban area whatsoever in a mining industry, or to or in respect of natives employed in any particular urban area in any other industry to which the Minister may, by notice in the *Gazette*, after consultation with the urban local authority concerned, extend the provisions of this section."

Insertion of new section 5*sexies* in Act 21 of 1923.

10. The following new section is hereby inserted in the principal Act after section *five quinquies* :

"Removal of natives who have unlawfully entered an urban area.

*5sexies*. (1) Any native who has been convicted under sub-section (3) of section *five bis* or sub-section (2) of section *five quater* or who has been introduced into any urban area in contravention of the provisions of sub-section (1) of section *five ter*, may, if he is a native lawfully domiciled in the Union, the mandated territory of South-West Africa, Basutoland, the Bechuanaland Protectorate or Swaziland be removed from the area to his home or last place of residence, and if he is a native not lawfully so domiciled, be removed from the area to his home under a warrant issued by a magistrate or native commissioner and addressed to any police officer.

(2) Any person convicted—

(a) under sub-section (2) of section *five ter* of having introduced a native into an urban area in contravention of the provisions of sub-section (1) of that section; or

(b) under sub-section (3) of section *five quater* of having employed a native in an urban area in contravention of the provisions of sub-section (1) of that section, or of having continued to employ a native in an urban area otherwise than in accordance with the said provisions,

may be required by order of the court which convicted him, made at the time of his conviction or at any time thereafter, to pay the costs of the removal of that native under warrant in terms of sub-section (1).

(3) A warrant may be issued under sub-section (1), or an order may be made under sub-section (2), notwithstanding the fact that a penalty has been imposed under this Act or any other law upon the person against whom the warrant is issued or the order is made."

Amendment of section 6 of Act 21 of 1923, as amended by section 4 of Act 25 of 1930,

11. Section *six* of the principal Act is hereby amended—

(a) by the substitution for sub-section (1) of the following sub-section :

"(1) Except with the written approval of the Minister given after consultation with the local authority concerned and conveyed in writing under

- the hand of the Secretary for Native Affairs, no owner, lessee or occupier of land situated outside an urban area within five miles of the boundary thereof shall allow natives to congregate upon or any native who is not *bona fide* in his employ to reside upon, or to occupy any dwelling on, that land; and except in accordance with the approval of the Minister so conveyed, natives shall not congregate upon and no native who is not *bona fide* in the employ of the owner, lessee or occupier of such land shall reside upon, or occupy any dwelling on, the land";
- (b) by the substitution in sub-section (2) for the word "three" of the word "five" and for the word "five" of the word "ten";
- (c) by the addition at the end of paragraph (b) of sub-section (5) of the following words: "Provided that a native who occupies in any location premises owned by an urban local authority and who has by reason of the value of such premises become qualified to be registered in the Province of the Cape of Good Hope as a parliamentary voter shall, notwithstanding his registration as a parliamentary voter, not be so exempted in terms of this paragraph.";
- (d) by the substitution for paragraph (e) of sub-section (5) of the following paragraph—
- "(e) the wife, minor child, unmarried daughter or *bona fide* dependent of any native referred to in paragraph (a) or (b) or of any native employed exclusively in farming operations by the owner, lessee or occupier of land referred to in sub-section (1), so long as she or he resides with such native, or any widow of such first-mentioned native or minor child of such first-mentioned native residing with the widow;";
- (e) by the deletion in paragraph (e) of sub-section (5) of the words "congregation or" and the addition at the end of that sub-section of the following new paragraph:
- "(f) any labour tenant as defined in the Native Trust and Land Act, 1936 (Act No. 18 of 1936), or any member of his family *bona fide* dependent upon him."

Amendment of section 7 of Act 21 of 1923, as amended by section 5 of Act 25 of 1930.

12. Section *seven* of the principal Act is hereby amended by the deletion in sub-section (3) of the words "(other than a tenancy terminable by him on the giving of one month's notice or any shorter notice)" and the insertion after the word "shall" where it first occurs in the said sub-section of the words "at his request".

Insertion of new section 7bis in Act 21 of 1923.

13. (1) The following new section is hereby inserted in the principal Act after section *seven*:

"Fencing of locations, native villages and native hostels. 7bis. Subject to the approval of the Minister, any urban local authority may erect fences around or within any location, native village or native hostel, or around or within any area of land which has been set apart for use by natives or occupation or residence of natives and which is under the administration and control of that authority."

(2) This section shall be deemed to have come into operation on the first day of January, 1924.

Amendment of section 8 of Act 21 of 1923, as amended by section 9 of Act 21 of 1928.

14. (1) Section *eight* of the principal Act is hereby amended—

- (a) by the insertion after the word "not" occurring in that portion of sub-section (1) that precedes paragraph (a) of the words "or which has at any time under section *twenty-one* been granted the right to manufacture, sell and supply kaffir beer within its area";
- (b) by the addition at the end of paragraph (c) of sub-section (1) of the words "and any licence fees and other charges referred to in paragraph (d) *bis* of sub-section (2) of section *twenty-three*";
- (c) by the deletion of the concluding paragraph of sub-section (1);
- (d) by the substitution for sub-section (2) of the following sub-section:—
- "(2) the native revenue account shall be chargeable only with—

- (a) such services as may be rendered by the urban local authority to or in respect of any area of land which has been set apart for use by or occupation or residence of natives or in respect of any location, native village or native hostel under the administration and control of the urban local authority;
  - (b) any service which by this Act or any other law may be declared chargeable thereto; and
  - (c) any service, expenditure or grant which may be certified in writing by the Minister to be for the benefit or the welfare of the native residents within the area of the urban local authority"; and
- (e) by the addition at the end of the section of the following new sub-sections :

"(9) Any fine recovered or bail estreated in respect of a contravention of and any fee collected in connection with any of the following provisions shall accrue to the urban local authority concerned and shall be paid by it into the native revenue account :

- (a) section *five*, *five ter* or *five quater* or any proclamation issued under section *five* or *five bis* ;
- (b) any regulation made under sub-section (1), paragraph (c) or (d) of sub-section (2) or sub-section (3) of section *twenty-three*."

- (10) (a) The Minister may surcharge any urban local authority with the amount of any payment which the Provincial Auditor (or other person appointed to audit the accounts of such urban local authority) may certify as having been made from the native revenue account without the Minister's approval granted under this section.
- (b) The amount of any such surcharge shall, within such period as the Minister may allow be paid by such urban local authority to the town clerk or other official appointed by the urban local authority to receive moneys on its behalf and shall by such town clerk or other official be forthwith paid into the native revenue account.
- (c) Upon failure of the urban local authority to pay the surcharge within the period allowed by the Minister, the Minister may recover the amount of such surcharge by action in a competent court."

(2) All payments into the native revenue account of any urban local authority made before the commencement of this Act which, under the provisions of the principal Act, as amended by this Act, would have been lawfully made, if made after the said commencement, are hereby validated ; and the native revenue account of any urban local authority shall be chargeable with any expenditure incurred by the urban local authority before the commencement of this Act which, under the said provisions, as so amended, might lawfully have been charged against that account, if incurred after the said commencement.

Amendment of section 9 of Act 21 of 1923. 15. Section *nine* of the principal Act is hereby amended by the addition at the end thereof of the following new sub-sections :

"(3) If any native who is in employment resides in a location, native village or native hostel, the urban local authority may give notice to his employer requiring him to pay to it, out of any wages of that native in respect of any period after the notice was given, all rents, fees for services and other charges which may be payable by that native in respect of the residence therein during any such period of that native or any other natives ; and whenever any such notice has been given, the employer



shall pay to the urban local authority the rents, fees and charges so payable by that native: Provided that the employer shall not be liable so to pay any amount in excess of twenty-five per cent of the wages of that native in respect of any such period. In this sub-section the expression "employer" includes the Union Government (including the Railway Administration) and a provincial administration.

(4) An urban local authority may remit in respect of any resident in a location, native village or native hostel the whole or any portion of any fees and charges for rent, water, sanitary, health, medical and other services or any consolidation of such services payable by him or his employer in terms of this Act or any regulation.

(5) A warrant of execution against the movable property of any native who has failed to pay any rent, fees or other charges for which he is liable under this Act or any regulation in respect of his residence in a location, native village or native hostel may be issued by the magistrate of the district in which that location, native village or native hostel is situated, if he is satisfied after enquiry on due notice to such native who shall have an opportunity of being heard that the rent, fees or other charges are due by that native. Such a warrant shall be executed in like manner as if it had been issued pursuant to an ordinary judgment of a magistrate's court, except that it shall not be necessary to serve a copy of the warrant upon the native against whose movable property it is directed. The remedy provided by this sub-section shall be additional to and not in substitution for any remedies that may be provided by any regulation made under paragraph (g) of sub-section (3) of section *twenty-three*.

(6) Any moneys recovered under sub-section (5), other than costs incurred in the execution of a warrant issued under the said sub-section, shall be paid into the native revenue account of the urban local authority administering the location, native village or native hostel."

Amendment of section 10 of Act 21 of 1923, as amended by section 6 of Act 25 of 1930.

16. Section *ten* of the principal Act is hereby amended—

- (a) by the insertion in sub-section (1) after the word "authority", where it first occurs, of the words "and, should the Minister after consultation with the urban local authority concerned so direct, for any portion of an urban area in which natives reside";
- (b) by the insertion in sub-section (1) after the word "established" where it first occurs of the words "by that urban local authority"; and
- (c) by the substitution for sub-section (2) of the following sub-section:

"(2) Whenever a native advisory board has been established and is performing its functions for any location or native village in an urban area or for any portion of an urban area, no regulation for that location or native village or affecting that portion of the urban area shall be made or withdrawn by the urban local authority under sub-section (3) of section *twenty-three* until after consultation with that native advisory board: Provided that this sub-section shall not apply in respect of any regulation for any location or native village, or affecting any portion of an urban area for which the Minister has directed that there shall be an advisory board, made or withdrawn at a time when no native advisory board has been established for that location, native village or portion of an urban area, or when the native advisory board established for that location, native village or portion of an urban area is not performing its functions."

Amendment of section 11 of Act 21 of 1923.

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

- (a) by the insertion in sub-section (1) after the word "area", where it first occurs, of the words "and may, subject to the approval of the Minister, appoint one of the officers so appointed or assigned or any other officer for the management of its department

of native administration", and by the substitution in that sub-section for the words "any duty in the management of native affairs in the urban area" of the words "the duties to which he was so appointed or assigned";

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

"(1)*bis*. Subject to the provisions of any law or regulation applicable to an urban local authority governing the retirement of its officers on grounds of ill-health or on reaching a prescribed age, the officer appointed in terms of sub-section (1) for the management of its department of native administration and any officer appointed or assigned in terms of that sub-section for the management of a location within its area, whether so appointed or assigned before or after the coming into operation of this sub-section, shall not without his consent be removed from his office, or have his salary or other emoluments reduced unless the Minister has notified to the local authority his approval: Provided that any urban local authority may suspend any such officer from the duties of his office for incapacity, neglect or misconduct, pending the notification by the Minister of his approval of the removal from office of that officer, and in the event of such approval being notified the officer shall be deemed to have been removed from office from the date of his suspension"; and

- (c) by the addition at the end of sub-section (2) of the words "Every native commissioner shall be deemed to have been appointed under this sub-section as an officer for the area of his jurisdiction".

Amendment of section 12 of Act 21 of 1923, as amended by section 7 of Act 25 of 1930.

18. Section *twelve* of the principal Act is hereby amended—

- (1) by the substitution for the word "authorize" occurring in that portion of sub-section (1) that precedes paragraph (a) of the words "by the said proclamation or by any subsequent proclamation require";
- (2) by the insertion in paragraph (a) of sub-section (1) after the words "male native" of the words "including any such contract already in existence at the date of the proclamation of the area";
- (3) by the substitution for paragraphs (b), (c), (d), (e), (f), (g) and (h) of sub-section (1) of the following paragraphs:

"(b) to require every male native entering the proclaimed area, unless specially exempted by regulation, to report his arrival within a prescribed period, to obtain a document certifying that he has or has not obtained permission to be in the proclaimed area, and to produce that document on demand to an authorized officer;

(c) to refuse permission to be in the proclaimed area to any such native—

(i) whenever there is a surplus of native labour available within the proclaimed area as disclosed by any return rendered under section *sixteen* or *sixteen bis*.

(ii) if he fails to show that he has complied with the laws relating to the carrying of passes by natives and, in the Provinces of Transvaal and Natal, if he is without a document of identification as prescribed by regulation under the Native Service Contract Act, 1932, or if he is in possession of such document of identification and it appears therefrom that he is domiciled on land outside a location as defined in the said Act, and has not been released from the obligation of rendering service to the owner as, defined in the said Act, of the land on which he is domiciled.

(iii) if he appears to the prescribed officer to be under the age of eighteen years and does not prove the contrary to the satisfaction of the prescribed officer, unless he is accompanied by, coming to, or residing with his parent or guardian in the proclaimed area: Provided that such permission may be granted to any such native who is not so accompanied, if he is coming to approved employment and if the person introducing him or employing him or about to employ him undertakes to return him to his home when required by the prescribed officer to do so and makes a deposit with the prescribed officer to cover the cost of such return when called upon by him to do so: Provided further, that any such native whose parent or guardian cannot readily be found, and who is, in the opinion of the prescribed officer, after reference to a medical officer, physically capable of performing work approved by the native commissioner of the area, may be granted such permission in order that he may accept employment for the performance of such work, pending enquiry by the prescribed officer as to the consent of his parent or guardian,

and to require any native referred to in subparagraph (iii) to depart from the urban area or to cause him to be removed to his home;

(d) to prohibit any female native from entering the proclaimed area for the purpose of residing or obtaining employment therein after a date to be specified in any such proclamation, without a certificate of approval from an officer designated by the urban local authority and one from the magistrate or native commissioner of the district where she resides, and to require any female native who is within the proclaimed area to produce the said certificates on demand by an authorized officer: Provided that—

(i) no such certificate shall be issued to any female native who is under the age of twenty-one years without the consent of her guardian; and

(ii) subject to the necessary accommodation being available, a certificate (which may be for a limited period and may at any time after one month's notice commencing from the first day of the month following that in which notice is given be cancelled by the officer so designated) shall upon application be issued to any female native who produces satisfactory proof that her husband, or in the case of an unmarried female her father, has been resident and continuously employed in the said area for not less than two years;

(e) to require every native who enters the proclaimed area, or who remains in the proclaimed area without entering into employment after the termination of a contract of service, or after the expiration of his licence as a togt or casual labourer, or after discharge from imprisonment, to report to the prescribed officer and to reside at a place to be indicated by that officer until he has found employment and, if he fails to find employment within a period (not being less than seven or more than fourteen days) to be fixed by that officer, to depart from the proclaimed area

within a period specified by the prescribed officer and not to return within a period specified by him: Provided that natives born and permanently residing in such area shall be exempt from such requirements and that exemption from such requirements may be allowed in circumstances to be prescribed;

- (f) to establish, equip, control and manage such accommodation as may be needed for natives seeking employment in the proclaimed area;
- (g) to prohibit any male native from working as a togt or casual labourer or from carrying on any work as an independent contractor in the proclaimed area unless the prescribed officer has by licence authorized him to do so for a period stated therein, and unless he has paid such licence fees as may be prescribed, and to require any native so working to carry such badge as may be prescribed, and in the manner prescribed, and to take service by the day under such conditions as may be prescribed;
- (h) to prohibit any male native who is not under a contract of service from remaining in the urban area for a longer period not exceeding fourteen days than is prescribed unless the prescribed officer has issued to him a certificate of registration authorizing him to do so for a period stated therein, and unless he has paid such registration fees as may be prescribed, and to require any native so registered, who is not under a contract of service, to carry such documents as may be prescribed, and to produce them on demand by an authorized officer: Provided that natives born and permanently residing in such area shall be exempt from such requirements."
- (4) by the deletion of paragraphs (i) and (j) of sub-section (1);
- (5) by the substitution in the proviso at the end of sub-section (1) for the words "visitor to the proclaimed area holding such document as may be prescribed, shall be exempt from the provisions of paragraphs (i) and (j) of this sub-section" of the words "entering the proclaimed area for any purpose other than that of seeking or taking up employment therein, and holding such document as may be prescribed, shall be exempt from the provisions of paragraph (e) of this sub-section, but any native entering the proclaimed area for any such purpose shall produce such prescribed document held by him on demand by an authorized officer";
- (6) by the substitution in sub-section (2) for the words "may be required to produce on demand to an authorized officer proof that they fall within one of the classes hereby" the words "any native may be required by an authorized officer to produce proof that he falls within one of the classes hereby exempted, and if upon demand he fails to produce such proof to the officer, he shall *prima facie* be presumed not to be so";
- (7) by the addition at the end of paragraph (b) of sub-section (2) of the following words: "Provided that a native who occupies in any location premises owned by an urban local authority and who has by reason of the value of such premises become qualified to be registered in the Province of the Cape of Good Hope as a parliamentary voter shall, notwithstanding his registration as a parliamentary voter, not be so exempted in terms of this paragraph;" and
- (8) by the deletion in sub-section (3) of the words "paragraphs (a), (g) and (h) of" and by the substitution in that sub-section for the words "those paragraphs", in both places where these words occur, of the words "that sub-section".

Repeal and substitution of section 16 of Act 21 of 1923.

19. Section *sixteen* of the principal Act is hereby repealed and the following new section substituted therefor :

“Statistical returns to be rendered bi-ennially by urban local authorities to Minister.”

16. (1) Every urban local authority shall render to the Minister, once in every alternate calendar year, upon such date and in such form as he may prescribe, a return showing :

- (a) the number and sexes of natives within the urban area and their places of origin ;
- (b) the number and sexes of natives employed therein ;
- (c) the occupations in which they are employed and the number and sexes employed in each such occupation ;
- (d) the number and sexes of natives which, in the opinion of the urban local authority, is necessary to supply the reasonable labour requirements of the urban area ;
- (e) the number and sexes of natives within the urban area which the urban local authority considers not necessary for the purpose mentioned in paragraph (d) and desires to have removed ;
- (f) particulars of all immovable property within the area of jurisdiction of the urban local authority of which natives are the registered owners,

and embodying such further information as the Minister may prescribe or require.

(2) One or more officers may be appointed by the urban local authority for the purpose of obtaining information for such return.

(3) An officer so appointed may, in the due performance of his duties under this section, enter upon any land or premises within the urban area and obtain access thereto and ask all such questions as are relevant to the information to be rendered, and every person of whom any such question is asked shall answer same to the best of his knowledge and belief.

(4) The date upon which the first such return shall be rendered by any urban local authority shall be not less than six months after the coming into operation of this section.

(5) Different dates may be prescribed upon which different urban local authorities shall render such returns.

(6) If any urban local authority fails to render to the Minister a return in accordance with the provisions of sub-section (1) on or before the prescribed day, the Minister may cause to be prepared such return as ought to have been rendered to him by the urban local authority, and he may recover from the urban local authority all costs reasonably incurred by him in connection with the preparation of the return, and, for the purpose of recovering those costs, he may avail himself of any of the methods mentioned in sub-section (4) of section *three*.

(7) If the Minister has reason to believe that any such return rendered by an urban local authority is incorrect in any respect, he may cause to be prepared a return showing any of the matters referred to in sub-section (1), and if from this return it appears that the return rendered by the urban local authority was incorrect in any material particular, he may recover from the urban local authority all costs reasonably incurred by him in connection with the preparation of the return, and, for the purpose of recovering those costs, he may avail himself of any of the methods mentioned in sub-section (4) of section *three*.

(8) The Minister may out of moneys to be voted by Parliament for the purpose make to any local authority with a native population of over five thousand a grant not exceeding one-half of the cost incurred by such authority in connection with the preparation of such return.

(9) The Minister shall cause every return rendered in terms of sub-section (1) or prepared under sub-section (4) to be published in the *Gazette*."

Insertion of new section 16bis in Act 21 of 1923.

20. The following new section is hereby inserted in the principal Act after section *sixteen* :

"Statistical returns to be rendered periodically by urban local authorities to prescribed officers. 16bis. (1) Every urban local authority the urban area of which has a population of ten thousand and over shall render to such officer upon such dates and in such form as the Minister may prescribe, returns showing the number of natives within its urban area who are desirous of obtaining employment, the number of natives employed within that area during every month covered by the return, the likely labour requirements of the area during the following period, and such other information as the Minister may prescribe.

(2) The provisions of sub-section (4) of section *sixteen* shall, *mutatis mutandis*, apply in respect of the returns referred to in sub-section (1) of this section."

Insertion of new section 16ter in Act 21 of 1923.

21. The following new section is hereby inserted in the principal Act after section *sixteen bis* :

"Removal of redundant natives from urban areas. 16ter. (1) The Governor-General may by proclamation in the *Gazette* declare any urban area to be an area in respect of which the Minister may, after consultation with the Native Affairs Commission and on being satisfied that the number of natives within that area is in excess of the reasonable labour requirements of that area, exercise the following powers—

- (a) require the urban local authority within a specified period to lodge with him a list of the names of the natives who, in its opinion, ought to be removed from the urban area ;
- (b) determine which of the natives specified in that list shall be removed from the urban area ;
- (c) make provision under section *thirty-eight* of the Native Trust and Land Act, 1936 (Act No. 18 of 1936), for the accommodation of the natives so removed who are lawfully domiciled in the Union ;
- (d) notify the urban local authority of the names of the natives to be so removed and of the arrangements made for the accommodation of those of them who are lawfully domiciled in the Union.

(2) An urban local authority upon receiving notification from the Minister in terms of paragraph (d) of sub-section (1) shall cause written notice to be served upon each native concerned—

- (a) calling upon him to remove with his family within a period to be stated in the notice—
  - (i) if he is a native lawfully domiciled in the Union, to the place where accommodation has been provided for him and his family under paragraph (c) of sub-section (1); or
  - (ii) if he is not a native lawfully domiciled in the Union, to any place outside the Union ; or
  - (iii) to any place to which, in terms of sub-section (3), he may be authorized to remove with his family : Provided that if a native who has been called upon to remove to any place under sub-paragraph (i) proves to the satisfaction of the Minister that residence at that place will be injurious or dangerous to his health or to the health of any member of his family, the Minister may direct such native to remove with his family, within such period as the Minister may allow, to another place which the Minister after such enquiry as he may deem

fit, regards as suitable for the health of such native or such member of his family, where accommodation has been provided for such native and his family under paragraph (c) of sub-section (1) ;

(b) if he is lawfully domiciled in the Union, notifying him of the arrangements made for his accommodation and that of his family in terms of paragraph (c) of sub-section (1) ;

(c) offering to pay to him the reasonable costs of the removal of himself, his family, his movable property and that of his family to any place referred to in paragraph (a) : Provided that if the Minister so directs, in the case of a native who is to remove to a place outside the Union, the urban local authority shall offer to pay to him only the reasonable costs of removal to a place on the borders of the Union from which his home may most conveniently be reached.

(3) If any native upon whom a notice has been served under sub-section (2) desires to remove with his family to any place within the Union other than the place at which provision for his accommodation has been made under paragraph (c) of sub-section (1), the Minister may, if he is satisfied that suitable accommodation exists for that native and his family at that other place, and that he is permitted to occupy it, authorize him to remove thereto with his family.

(4) If any native fails to comply with the notice served upon him or direction issued to him under sub-section (2), he and his family may be removed from the urban area to the place where accommodation has been provided for him and his family under paragraph (c) of sub-section (1) or to the place to which he has been authorized under sub-section (3) to remove with his family, under a warrant issued by a magistrate or native commissioner and addressed to any police officer, or, if he is not lawfully domiciled in the Union, he and his family may be removed from the Union under such warrant.

(5) Whenever any native who is the owner of land or has the right to occupy land within any urban area is required to remove or is removed therefrom under the provisions of this section, the urban local authority shall at his request acquire from him that land or that right at a price, in default of agreement, to be determined in the manner described in paragraph (a) of sub-section (1) of section seven.

(6) The expenditure (other than compensation payable by the urban local authority under sub-section (5)) incurred in effecting the removal of any native and any movable property under the provisions of this section shall be defrayed from funds appropriated from time to time by Parliament for the purpose.

(7) The expenditure incurred in making provision for the accommodation of natives removed under the provisions of this section and in settling them upon the land provided shall be defrayed from the South African Native Trust Fund established under section eight of the Native Trust and Land Act, 1936.

(8) Natives who are not lawfully domiciled in the Union, the mandated territory of South-West Africa, Basutoland, the Bechuanaland Protectorate or Swaziland shall, in so far as it is practicable to do so, be removed from the urban area under the provisions of this section before natives who are lawfully so domiciled are so removed : Provided that the failure to comply with the provisions of this sub-section shall not affect the validity of anything done under the provisions of this section."

Amendment of section 17 of Act 21 of 1923, as amended by section 8 of Act 25 of 1930.

22. Section *seventeen* of the principal Act is hereby amended—

(a) by the substitution for paragraph (e) of sub-section (1) of the following paragraph :—

“(e) has been convicted of selling or supplying intoxicating liquor other than kaffir beer to a native or of being in unlawful possession of any such liquor, or has been convicted more than once within a period of three years of selling or supplying kaffir beer to a native or of being in unlawful possession of kaffir beer; or”;

(b) by the substitution for paragraph (f) of sub-section (1) of the following paragraph :—

“(f) is a female who, being prohibited under paragraph (d) of sub-section (1) of section *twelve* from entering any area for any purpose mentioned in that paragraph without the certificates prescribed by that paragraph, has entered that area for such a purpose without the said certificates, or, having entered the area, has failed to produce the said certificates on demand by an authorized officer”;

(c) by the substitution in paragraph (g) of sub-section (1) for the letter “(j)” of the letters and word “(e) or (e)”;

(d) by the insertion in that portion of sub-section (1) that follows paragraph (g), after the word “may”, of the words “without warrant arrest and”;

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

“(2) If any native who has been so required to give a good and satisfactory account of himself fails to do so, the magistrate or native commissioner inquiring into the matter may adjudge him to be an idle or disorderly person and may, by warrant addressed to any police officer, order—

(a) that he be removed from the urban area or proclaimed area, as the case may be, and sent to his home or to a place indicated by the Secretary for Native Affairs and that he be detained in custody pending his removal; or

(b) that he be sent to and detained for a period not exceeding two years in a farm colony, work colony, refuge, rescue home or similar institution established or approved under section *fifty* of the Prisons and Reformatories Act, 1911 (Act No. 13 of 1911), or any amendment thereof, and perform thereat such labour as may be prescribed under that Act or the regulations made thereunder for the persons detained therein,

and that he do not at any time thereafter, or during a period specified in the warrant, enter any urban area or proclaimed area indicated in the warrant, except with the written permission of the Secretary for Native Affairs”;

(f) by the insertion after sub-section (2) of the following new sub-sections :

“(2)*bis*. Any magistrate or native commissioner whose area of jurisdiction extends over the urban area or proclaimed area concerned or any portion thereof may suspend the execution of any such warrant for any period and on any conditions determined by him.

(2)*ter*. If any native who has been removed from an urban area or proclaimed area under any warrant issued under paragraph (a) of sub-section (2), or who has been sent to an institution under any warrant issued under paragraph (b) of that sub-section, enters any urban area or proclaimed area in contravention of the order contained in the warrant, he shall be guilty of an offence.”



Amendment of section 18 of Act 21 of 1923. 23. Section *eighteen* of the principal Act is hereby amended by the insertion in sub-section (1) before the word "hostel" of the words "location, village or".

Amendment of section 19 of Act 21 of 1923, as amended by section 10 of Act 25 of 1930. 24. Section *nineteen* of the principal Act is hereby amended by the substitution for the words "either of the next two succeeding sections", where they occur in paragraph (c) of sub-section (1) and in sub-section (2), of the words "section *twenty, twenty-one or twenty-one bis*".

Insertion of new section 20 in Act 21 of 1923. 25. Section *twenty* of the principal Act is hereby repealed and the following new section substituted therefor :

"20. (1) Whenever no notice under section *twenty-one* or *twenty-one bis* has been issued in respect of the urban area within which any location or native village is situated it shall be lawful for householders in such location or native village, subject to such conditions as may be prescribed, which may or may not include the issue of permits, to brew, use or possess for domestic consumption such limited quantities of kaffir beer as may be prescribed in respect of such location or native village: Provided that the Minister may, upon the request of an urban local authority made in accordance with the provisions of sub-section (1) of section *twenty-one*, declare by notice in the *Gazette* that as from a date to be specified therein the brewing, use and possession of kaffir beer by householders in accordance with the foregoing provisions of this section, in an urban area in respect of which a notice has been issued under section *twenty-one bis*, shall be lawful.

(2) If, upon the representation of or after consultation with the local authority concerned, the Minister is satisfied that the brewing of kaffir beer by householders in terms of sub-section (1) is unsuited to local conditions by reason of the floating character of the native population or is proving detrimental to the interests of the natives owing to its abuse, he may, after consultation with the Native Affairs Commission, established under section *one* of the Native Affairs Act, 1920, (Act No. 23 of 1920), by notice in the *Gazette* declare that from and after a date to be specified in such notice the brewing, manufacture, use or possession by householders in the location or native village concerned of kaffir beer shall be prohibited, or if a notice has been issued in respect of such location or native village under sub-section (1), withdraw such notice.

(3) While the brewing, use or possession of kaffir beer by householders for domestic consumption is lawful in any location or native village in terms of sub-section (1) of this section, the operation of any law inconsistent with the said sub-section or any regulation relating to such brewing, use or possession of kaffir beer shall, to the extent of the inconsistency, be deemed to be suspended in such location or native village, and on the issue of a notice under sub-section (2), or the withdrawal of a notice issued under sub-section (1), any law, the operation of which has been so suspended, shall again have effect."

Amendment of section 21 of Act 21 of 1923. 26. Section *twenty-one* of the principal Act is hereby amended—

(a) by the substitution for sub-sections (1) and (2) of the following sub-sections :

"(1) The Minister may, upon the request of a local authority for any urban area in respect of which a notice under section *twenty-one bis* has not been issued, made after reference to the native advisory board or boards in such urban area and in pursuance of a resolution passed at a meeting of which at least seven days' notice had been given and at which not less than two-thirds of the members of such local

authority were present, declare by notice in the *Gazette* that as from a date to be specified therein, such local authority shall have the exclusive right to manufacture, sell and supply kaffir beer within such urban area.

(2) A notice issued under sub-section (1) shall not have the effect of rendering unlawful or restricting the sale of kaffir beer at a kaffir beer house established in such urban area in pursuance of the provisions of section *one hundred and twenty-eight* of the Liquor Act, 1928. (Act No. 30 of 1928)."

(b) by the addition at the end of sub-section (4) of the following words: "Provided that kaffir beer may, subject to such conditions as may be prescribed, be sold to female natives of over the apparent age of twenty-one years in any room other than a room in which kaffir beer is sold also to male natives".

Insertion of new section 21bis in Act 21 of 1923.

27. The following new section is hereby inserted in the principal Act after section *twenty-one*:

"Manufacture and sale of kaffir beer by natives in certain circumstances. 21bis. (1) The Minister may, upon the request of a local authority for any urban area in respect of which a notice under sub-section (1) of section *twenty-one* has not been issued, made in accordance with the provisions of the said sub-section, by notice in the *Gazette* authorize such local authority—

(a) to issue, subject to any regulation, to any male native of good character, a yearly licence entitling him to manufacture and sell or supply kaffir beer for consumption on the premises in any location or native village within such urban area, subject to such conditions and the payment of such licence fees or other charges as may be prescribed; and

(b) to let a site or building to such native for the manufacture and sale of kaffir beer under such licence.

(2) Every licence issued under paragraph (a) of sub-section (1) shall expire on the thirty-first day of December of the year in which it is issued, but may from time to time, subject to any regulation, be renewed by the local authority for a period of one year.

(3) The Minister may, after reference to the urban local authority concerned and consultation with the Native Affairs Commission, established under section *one* of the Native Affairs Act, 1920 (Act No. 23 of 1920), if he is satisfied that the manufacture and sale of kaffir beer under licences issued under sub-section (1) are proving detrimental to the interests of the natives owing to the abuse of such beer, declare by notice in the *Gazette* that from and after a date to be specified in such notice no such licences shall be issued or renewed by such urban local authority.

(4) Any person to whom a licence has been issued in pursuance of the provisions of paragraph (a) of sub-section (1), who—

(a) manufactures, sells or supplies kaffir beer on any premises other than the premises in respect of which the licence has been issued; or

(b) sells or supplies kaffir beer for consumption at any place other than such last-mentioned premises; or

(c) contravenes or fails to comply with any condition subject to which such licence has been issued, shall be guilty of an offence.

(5) Any person to whom a site or building has been let in pursuance of the provisions of paragraph (b) of sub-section (1), who employs any person who is not a native on such site or in such building, shall be guilty of an offence.

(6) Any person who sells or supplies any kaffir beer under any such licence—

- (a) to any person who is not a coloured person *bona fide* resident in the location or native village, or who is not a native; or
- (b) to any male native under the apparent age of eighteen years, or to any female native under the apparent age of twenty-one years; or
- (c) to any female native over the apparent age of twenty-one years, otherwise than in a room in which kaffir beer is not sold also to male natives,

shall be guilty of an offence.

(7) Upon the conviction of any person to whom any such licence has been issued of any offence under this section or under any law or regulation relating to the sale of intoxicating liquor or kaffir beer, the urban local authority may without notice cancel his licence."

Amendment of section 23 of Act 21 of 1923, as amended by section 13 of Act 25 of 1930.

28. Section *twenty-three* of the principal Act is hereby amended—

(a) by the insertion after paragraph (a) in sub-section (1) of the following new paragraph:

"(a)*bis*. the proper carrying out of sub-sections (3) and (5) of section *nine*";

(b) by the substitution in sub-section (1) for the word "differing" of the word "different";

(c) by the substitution in paragraph (a) of sub-section (2) for the words "in contravention of this Act" of the words "or any native is residing or is being employed or accommodated in contravention of this Act or any regulation";

(d) by the addition at the end of paragraph (b) of sub-section (2) of the words "or any regulation";

(e) by the insertion in paragraph (c) of sub-section (2), after the word "premises" of the words "or that portion thereof", and after the word "*twenty-one*" of the words "or *twenty-one bis*";

(f) by the insertion in paragraph (d) of sub-section (2) after the word "authority" where it first occurs of the words "or by a native licensed under section *twenty-one bis*", and by the addition at the end of that paragraph of the words "or of a native so licensed";

(g) by the insertion after paragraph (d) of sub-section (2) of the following new paragraphs:

"(d)*bis*. the fees or other charges to be paid for or in connection with a licence referred to in section *twenty-one bis*, the manner in which, the period for which and the conditions subject to which such a licence shall be issued or renewed, and the conditions subject to which kaffir beer may be sold or supplied under such a licence to male natives or to female natives;

(d)*ter*. the conditions under which kaffir beer may be brewed, manufactured, used or possessed and the quantities of kaffir beer which may be brewed, manufactured, used or possessed in any location or native village in which the domestic brewing of kaffir beer is lawful under the provisions of section *twenty*."

(h) by the addition at the end of sub-section (2) of the following new paragraphs:

"(h) the dissemination of information regarding the demand for, and the available supply of, native labour; the proper distribution of native labour; the establishment of native labour exchanges; and the charges to be paid for any service rendered by such exchanges;

(i) the fees payable in respect of the execution of any warrant issued under sub-section (5) of section *nine*;

(j) any matter to be prescribed by the Minister under this Act";

(i) by the deletion in paragraph (h) of sub-section (3) of the words "building societies";

(j) by the substitution in sub-section (3) for paragraph (j) of the following paragraph:

"(j) the prohibition, restriction or regulation of the introduction into or supply or possession in the urban area of sprouted grain, and of the introduction into or supply or possession in any location, native village or native hostel of yeast, sprouted grain or other fermenting agency capable of being used in the manufacture of kaffir beer, and the confiscation of anything which has been the subject of a conviction under any regulation made under this paragraph: Provided that if the manufacture of kaffir beer by householders or by a native licensee is lawful in any location or native village under section *twenty* or *twenty-one bis*, no regulation made under this paragraph shall prohibit the introduction into or supply to or possession in that location or native village of sprouted grain by or the supply thereof to any householder entitled to brew beer under section *twenty* or any native licensed under section *twenty-one bis*".

(k) by the deletion of paragraph (k) of sub-section (3); and

(l) by the insertion after paragraph (s) of sub-section (3) of the following new paragraph:

"(t) the places in respect of, the circumstances in, and the conditions under which licences may be issued under sub-section (4) of section *five*".

Insertion of new section *25bis* in Act 21 of 1923.

29. The following new section is hereby inserted in the principal Act after section *twenty-five*:

"General powers of Minister.

*25bis.* (1) If any urban local authority neglects to perform any act which, by or under the provisions of this Act, other than the provisions of paragraph (b) or (c) of sub-section (1) of section *seven* or of section *eight* or by section *eighteen* of the Natives (Urban Areas) Act, 1923, Amendment Act, 1930, it is empowered or required to perform, or performs any such act in such a manner that, in the opinion of the Minister, effect is not given to the objects and purposes of this Act or of section *eighteen* aforesaid, as the case may be, the Minister shall after consultation with the Native Affairs Commission, established under section *one* of the Native Affairs Act, 1920 (Act No. 23 of 1920), in addition to any other power specifically conferred upon him in terms of this Act, have power to require such urban local authority, by written notice given through the Administrator, to perform such act, or to perform such act in accordance with the directions of the Minister set forth in such notice, within a period to be specified in such notice, and if such urban local authority fails to comply with such notice to the satisfaction of the Minister, he may, after reference to the Administrator and after written notice to the urban local authority, perform such act and do all such things as may be necessary to give effect to such notice, and shall for that purpose have all the rights and powers which the urban local authority may have in connection with the performance of such act.

(2) The provisions of sub-section (4) of section *three* shall *mutatis mutandis* apply in respect of any expenditure incurred by the Minister in the exercise of his powers under sub-section (1)."

Amendment of section 26 of Act 21 of 1923, as amended by section 15 of Act 25 of 1930.

30. (1) Section *twenty-six* of the principal Act is hereby amended by the deletion of paragraph (g) and the substitution of the following paragraph :

„(g) affecting except as provided in section *eighteen* any compound in a labour district under the Native Labour Regulation Act, 1911 (Act No. 15 of 1911), which is occupied principally by native males being native labourers employed upon any works and machinery as the said terms “works” and “machinery” are defined in section *two* of the Mines and Works Act, 1911, as amended by section *one* of the Mines and Works (Amendment) Act, 1931 (Act No. 22 of 1931), or upon any mines, or any other compound or place for accommodating natives which the Minister may exclude from its operation.”

(2) This section shall be deemed to have come into operation on the first day of January, 1924.

Amendment of section 29 of Act 21 of 1923, as amended by section 17 of Act 25 of 1930.

31. Section *twenty-nine* of the principal Act is hereby amended—

(a) by the insertion before the definition of the expression “authorized officer” of the following new definitions :

“accommodate”, in relation to an urban area or part thereof, or to any land or premises within an urban area, means to house or provide with lodging; and “accommodation” has a corresponding meaning;

“acquire”, in relation to land, means to acquire by purchase, exchange or donation or to hire; and “acquisition” has a corresponding meaning;

(b) by the insertion in the definition of the expression “authorized officer” after the word “*eleven*” of the following words “a registering officer referred to in paragraph (a) of sub-section (1) of section *twelve*”;

(c) by the insertion after the definition of the expression “kaffir beer” of the following new definition: “magistrate” includes an additional magistrate;

(d) by the insertion after the definition of the expression “native” of the following new definition: “native commissioner” includes an additional native commissioner;

(e) by the insertion after the definition of the expression “regulation” of the following new definition: “rural township” means any township, sub-divided estate, private township or hamlet, established, approved, proclaimed or otherwise recognized as such after the commencement of the Native Laws Amendment Act, 1937, under Ordinance No. 33 of 1934 of the Province of the Cape of Good Hope, Ordinance No. 10 of 1934 of the Province of Natal, Ordinance No. 6 of 1928 of the Province of the Orange Free State or Ordinance No. 11 of 1931 of the Province of the Transvaal, or any amendment of any of the said Ordinances, not situated within or being an urban area and not situated within a scheduled native area or released area, as defined by or under the Native Trust and Land Act, 1936.

Amendment of section 19 of Act 25 of 1930.

32. Section *nineteen* of the Natives (Urban Areas) Act, 1923, Amendment Act, 1930, is hereby amended—

(a) by the insertion in sub-section (1) after the words “urban local authority” wherever they occur, of the words “or the Minister”;

(b) by the insertion in paragraph (c) of sub-section (2) after the words “urban local authority”, of the words “or the Minister” and the insertion in the said paragraph after the words “such local authority” of the words “or in respect of which he has been authorized by the Minister to issue such permits”; and

(c) by the insertion in the Afrikaans version after the word “gebied” where it occurs for the first time in sub-section (1) and where it occurs in paragraph (c) of sub-section (2) of the words “onder beheer”.

Amendment of section 2 of Act 15 of 1911.

33. Section *two* of the Native Labour Regulation Act, 1911, is hereby amended—

- (a) by the insertion after the definition of the expression “labour district” of the following new definition:  
“machinery” shall mean any appliance or combination of appliances intended for developing, receiving, transmitting or converting power other than an appliance or combination of appliances in use for private domestic purposes”;
- (b) by the substitution for the definition of the expression “mine” of the following definition:  
“mine” shall mean any place at which any mineral is searched for, won or treated for profit”;
- (c) by the insertion after the definition of the expression “mine” of the following new definition:  
“mineral” shall mean any inorganic substance and shall include coal, graphite and mineral oils”;
- (d) by the substitution for the definition of the expression “works” of the following definition:  
“works” shall mean any place where there is any machinery, and shall include any works under the control of the Union Government (with which is included the Railway Administration) or of any provincial administration.

Amendment of section 8 of Act 27 of 1913, as amended by sections 44 and 50 of Act 18 of 1936.

34. Section *eight* of the Natives Land Act, 1913, as amended, is hereby amended—

- (a) by the substitution for paragraph (g) of sub-section (1) of the following paragraph:  
“(g) applying to land within an urban area, as defined in section *twenty-nine* of the Natives (Urban Areas) Act, 1923; or”; and
- (b) by the deletion of paragraph (h) of the said sub-section.

Amendment of section 11 of Act 18 of 1936.

35. Section *eleven* of the Native Trust and Land Act, 1936, is hereby amended by the substitution for sub-section (4) thereof of the following sub-section:

“(4) Notwithstanding any provision in any law or grant or deed applying or relating to any such land as is referred to in paragraph (a), (b), (c) or (d) of sub-section (2) of section *ten* which prohibits or restrains the alienation of the land to a native or its occupation by a native or which requires it to be occupied by a person who is not a native, the land may be dealt with in terms of this Act as if that provision had not been contained in that law or grant or deed.”

Amendment of section 7 of Act 22 of 1919.

36. Section *seven* of the Agricultural Holdings (Transvaal) Registration Act, 1919, is hereby amended by the addition at the end of the definition of the expression “Minister” of the words “and in relation to land situated within a scheduled native area or released area, as defined by or under the Native Trust and Land Act, 1936, shall mean the Minister of Native Affairs”.

Townships not to be established within scheduled native areas or released areas except with consent of Minister of Native Affairs.

37. No township, sub-divided estate, private township or hamlet situated within a scheduled native area or released area, as defined by or under the Native Trust and Land Act, 1936, shall be established, approved, proclaimed or otherwise recognized as such after the commencement of this Act under Ordinance No. 33 of 1934 of the Province of the Cape of Good Hope, Ordinance No. 10 of 1934 of the Province of Natal, Ordinance No. 6 of 1928 of the Province of the Orange Free State or Ordinance No. 11 of 1931 of the Province of the Transvaal, or any amendment of any of the said Ordinances, unless the Minister of Native Affairs has by writing addressed to the Administrator of the province within which the township, sub-divided estate, private township or hamlet, as the case may be, is situated, declared his consent to its being so established, approved, proclaimed or recognized.

Amendment of section 25 of Act 18 of 1936.

38. Section *twenty-five* of the Native Trust and Land Act, 1936, is hereby amended by the addition at the end of sub-section (2) of the words “Provided that none of the provisions of this Chapter shall be declared to be applicable to any land within the area of jurisdiction of any authority constituted for the control and management of any village or township under the provisions of section *thirty* of the Native Administration Act, 1927 (Act No. 38 of 1927)”.

Amendment of section 38 of Act 18 of 1936.

39. Section *thirty-eight* of the Native Trust and Land Act, 1936, is hereby amended by the insertion after the word “native” where it occurs the second time of the words “who is lawfully domiciled in the Union and who is”.