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of 1951.

(b) by the addition at the end thereof, of the following sub-section:

“(6) When it is proved to the satisfaction of the Minister that the objects of a company registered as a limited company comply with the provisions of sub-section (1) and that by its constitution the company is required to apply its profits, if any, or other income in promoting its objects and is prohibited from paying any dividend to its members, then the Minister may by licence authorize the company to make by special resolution a change of its name including or consisting of the omission of the word ‘Limited’; and as from the date on which the Registrar records the registration of such special resolution passed pursuant to such licence, the company shall be deemed to be an association licensed under this section.”

Short title.

3. This Act shall be called the Companies Amendment Act, 1951.

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ACT

To provide for the establishment of certain Bantu authorities and to define their functions, to abolish the Natives Representative Council, to amend the Native Affairs Act, 1920, and the Representation of Natives Act, 1936, and to provide for other incidental matters.

(English text signed by the Governor-General.)
(Assented to 27th June, 1951.)

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:—

Definitions.

1. In this Act—

- (i) “chief” means a person duly appointed or recognized as a chief under sub-section (7) of section *two* of the Native Administration Act, 1927 (Act No. 38 of 1927), and includes any person appointed under sub-section (8) of that section to act temporarily in the place of such a chief; (ii)
- (ii) “councillor” means a person appointed as a member of a tribal authority; (iv)
- (iii) “headman” means a person duly appointed as a headman under sub-section (8) of section *two* of the Native Administration Act, 1927 (Act No. 38 of 1927), and includes any person appointed under that sub-section to act temporarily in the place of such a headman; (i)

Act No. 68 of 1951.	<p>(iv) "Minister" means the Minister of Native Affairs;</p> <p>(iii)</p> <p>(v) "regional authority" means a Bantu regional authority established under paragraph (b) of sub-section (1) of section <i>two</i>; (vi)</p> <p>(vi) "territorial authority" means a Bantu territorial authority established under paragraph (c) of sub-section (1) of section <i>two</i>; (vii)</p> <p>(vii) "tribal authority" means a Bantu tribal authority established under paragraph (a) of sub-section (1) of section <i>two</i>. (v)</p>
Establishment of tribal, regional and territorial authorities.	<p>2. (1) The Governor-General may—</p> <p>(a) with due regard to native law and custom and after consultation with every tribe and community concerned, establish in respect of any native tribe or community, or in respect of any two or more such tribes or communities or one or more such tribes and one or more such communities jointly, a Bantu tribal authority;</p> <p>(b) in respect of any two or more areas for which tribal authorities have been established, establish a Bantu regional authority; and</p> <p>(c) in respect of any two or more areas for which regional authorities have been established, establish a Bantu territorial authority:</p> <p>Provided that no regional or territorial authority shall be established, except after the Minister has consulted the natives in every area in respect of which such authority is to be established.</p> <p>(2) A tribal authority shall be established in respect of the area assigned to the chief or headman of the tribe or community in question, or, where such authority is established in respect of two or more tribes or communities or one or more tribes and one or more communities jointly, in respect of every area assigned to a chief or headman of any such tribe or community.</p> <p>(3) The establishment of a tribal, regional or territorial authority, and the area or areas in respect of which it has been established, and any modification of any such area, shall be made known by notice in the <i>Gazette</i>.</p>
Constitution of tribal, regional and territorial authorities.	<p>3. (1) A tribal authority shall, subject to the provisions of sub-section (3), consist of the chief or headman of the tribe or community in question and so many councillors as may be determined by the Governor-General, and a regional or territorial authority shall consist of a chairman, designated as such by the Governor-General, and so many members as may be so determined.</p> <p>(2) The method of appointment of such councillors may be prescribed by regulation.</p> <p>(3) The chairman and the members of a regional authority shall be elected or selected in the manner prescribed by regulation from amongst the chiefs, headmen and councillors of the tribal authorities for the areas in respect of which such regional authority is established, and the chairman and the members of a</p>

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territorial authority shall be elected or selected in the manner so prescribed from amongst the members of the regional authorities for the areas in respect of which such territorial authority is established.

(4) The Minister may, subject to the provisions of the regulations, cancel the appointment of any councillor or any member of a regional or territorial authority if after an enquiry held by an officer of the public service appointed by the Minister for that purpose, at which such councillor or member shall be entitled to be heard, he is satisfied that such councillor or member is negligent in the performance of his duties or that, for any other reason, the removal of such councillor or member from his office is desirable in the general interests of natives in any area in respect of which the tribal, regional or territorial authority concerned has been established.

(5) Whenever a tribal authority is established in respect of two or more tribes or communities or one or more tribes and one or more communities jointly—

- (a) the Governor-General may with the consent of all the tribes or communities concerned designate the chief or headman of one of such tribes or communities to be the chief or headman of all such tribes or communities and to constitute, together with the councillors referred to in sub-section (1), the tribal authority for all such tribes or communities jointly;
- (b) every chief or headman of any of the tribes or communities affected, except the chief or headman so designated, shall cease to hold office as chief or headman, except to the extent and subject to the conditions determined by the Governor-General.

(6) A chief or headman designated under paragraph (a) of sub-section (5), shall be deemed to have been duly appointed under section *two* of the Native Administration Act, 1927 (Act No. 38 of 1927), to be the chief or headman, as the case may be, in respect of every tribe or community in respect of which the tribal authority in question has been established, and shall, subject to such restrictions and conditions as the Governor-General may determine, and the provisions of paragraph (b) of sub-section (5), have all the powers which are in terms of any law, or any native law or custom of any of the tribes or communities concerned, vested in a chief or headman so appointed.

(7) The Minister may designate one or more officers in the public service to act in a supervisory capacity in relation to any regional or territorial authority, and an officer so designated may attend any meeting of the authority concerned, and, in the case of an officer so designated in respect of a regional authority, also any meeting of the territorial authority having jurisdiction within an area for which such regional authority has been established, and take part in the proceedings at that meeting, but shall not have the right to vote thereat.

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Powers,
functions and
duties of tribal
authority.

4. (1) A tribal authority shall, subject to the provisions of this Act—

- (a) generally administer the affairs of the tribes and communities in respect of which it has been established;
- (b) render assistance and guidance to its chief or headman in connection with the performance of his functions, and exercise such powers and perform such functions and duties, including any of the powers, functions or duties conferred or imposed upon its chief or headman under any law, as are in accordance with any applicable native law or custom, or in terms of any regulations, required to be exercised or performed by such tribal authority;
- (c) advise and assist the Government and any territorial or regional authority having jurisdiction in any area for which such tribal authority has been established, in connection with matters relating to the material, moral and social well-being of natives resident in that area, including the development and improvement of any land within that area;
- (d) generally exercise such powers and perform such functions and duties as in the opinion of the Governor-General fall within the sphere of tribal administration and as he may assign to that tribal authority.

(2) Subject to the provisions of any regulations—

- (a) a tribal authority shall exercise its powers and perform its functions and duties with due regard to the rules, if any, applicable in the case of similar bodies in terms of the native laws or customs of the respective tribes or communities in respect of which such authority has been established;
- (b) the chief or headman in respect of any tribal authority shall exercise his powers and perform his functions and duties, including any powers, functions and duties vested in him by virtue of any law, with due regard to such rules.

(3) No judgment, decision or direction given or order made by a chief or headman, or the deputy of a chief, in the exercise of jurisdiction conferred upon him by or under any law, shall be deemed to be invalid by reason of its having, in consequence of the operation of sub-section (1) or (2), been given or made by such chief, headman or deputy acting on the advice or with the consent or at the instance of a tribal authority, and any judgment, decision or direction so given or order so made shall for all purposes be deemed to have been given or made by such chief, headman or deputy.

Powers, functions
and duties of
regional
authorities.

5. (1) A regional authority shall have power—

- (a) to advise and make representations to the Minister in regard to all matters affecting the general interests of natives within any area under the jurisdiction of such authority;

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- (b) subject to the provisions of any regulations, and to the directions of the Minister, to provide for—
- (i) the establishment, maintenance, management and conduct of educational institutions, and the advancement of scholastic and other education;
 - (ii) the construction and maintenance of roads, bridges, drains, dams, furrows and any works which it may consider necessary for purposes of sanitation or for ensuring satisfactory water supplies or for preventing or combating soil erosion;
 - (iii) the suppression of diseases of stock by the construction, maintenance and operation of dipping tanks and in any other manner it may consider necessary;
 - (iv) the establishment, maintenance, management and conduct of hospitals, clinics and other similar institutions;
 - (v) the improvement of farming and agricultural methods generally;
 - (vi) afforestation; and
 - (vii) generally all such matters as in the opinion of the Governor-General are within the sphere of regional administration and as he may assign to such regional authority.

(2) Any such authority may make bye-laws in regard to any matter within its purview in terms of paragraph (b) of sub-section (1), including bye-laws prescribing fees for services rendered by such authority or rates payable by any specified class of persons in respect of services made available by such authority: Provided that no such bye-law shall have any force or effect until it has been approved by the Governor-General and made known by notice in the *Gazette*, and that the Governor-General may, before approving of any bye-law, refer it back to the authority concerned for consideration and thereafter amend it in such manner as he may deem fit or make additional bye-laws or amend or repeal any existing bye-law.

(3) A bye-law which is amended by the Governor-General before approval thereof under sub-section (2), shall be deemed to have been duly made in the amended form by the regional authority concerned, and any additional bye-law made or amendment or repeal of an existing bye-law effected by the Governor-General in giving any such approval, shall be deemed to have been duly made or effected by that authority.

(4) Whenever a regional authority fails to make bye-laws in regard to any matter referred to in paragraph (b) of sub-section (1) or in sub-section (2), the Minister may, after a local enquiry held in public by an officer in the public service designated by him for the purpose, at which such authority shall be entitled to be heard, by notice in writing require that authority to make such bye-laws and to submit such bye-laws for the approval of

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Levy of rates by regional authority.	<p>6. (1) A regional authority shall have power with the approval of the Governor-General to levy a rate not exceeding one pound in any one year upon each male adult native ordinarily resident in any area in respect of which such authority has been established.</p> <p>(2) No such rate shall have any force or effect until it has been made known by notice in the <i>Gazette</i>.</p>
Powers, duties and functions of territorial authority.	<p>7. (1) A territorial authority shall in respect of any area for which it has been established have such of the powers, functions and duties which in terms of this Act are vested in a regional authority, as may be assigned to such territorial authority in respect of any such area by the Governor-General by proclamation in the <i>Gazette</i>, and such other powers, functions and duties, relating to the administration of native affairs, as may be specified in that proclamation, and the provisions of this Act which are applicable in respect of the exercise of any such powers or the performance of any such functions or duties by regional authorities, shall <i>mutatis mutandis</i> apply in respect of the exercise of those powers or the performance of those functions or duties by such territorial authority.</p> <p>(2) Whenever any powers, functions or duties have in terms of sub-section (1) been vested in a territorial authority, the regional authority established for the area in respect of which such powers, functions or duties have been so assigned, shall be deemed to have been divested of those powers, duties and functions, except in so far as the Governor-General otherwise determines.</p>
Finances of tribal, regional and territorial authorities.	<p>8. (1) The Minister shall cause to be established in respect of every tribal, regional or territorial authority, a treasury into which shall be paid such amounts as are hereinafter specified, and from which all expenditure incurred in connection with any matter within the purview of the authority concerned shall be met.</p> <p>(2) Every such treasury shall be under the control of the Minister, who may on such conditions as he may deem fit, vest the control thereof or of any portion thereof in the authority concerned.</p>
Amounts to be paid into treasury of tribal authority.	<p>9. (1) There shall be paid into the treasury of a tribal authority—</p> <p>(a) all fees and charges which in accordance with the recognized customs of any of the tribes or com-</p>

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munities in respect of which such authority has been established, or in terms of any regulation, are payable for the benefit of any such tribe or community or of the tribal authority;

- (b) all fines and fees collected by the chief (or his deputy) or headman concerned in the exercise of any civil or criminal jurisdiction conferred upon him by any law;
- (c) the proceeds of any levy which may be imposed upon any such tribe or community or any of the members thereof in terms of any law other than this Act;
- (d) all amounts derived from any property owned by any such tribe or community;
- (e) any moneys which may be assigned to such authority by the Minister out of any fund held by him for the benefit of any such tribe or community under any law;
- (f) any moneys which Parliament may appropriate for the purpose, and any donation made by any person for the benefit of any such tribe or community; and
- (g) all other amounts derived from any source whatsoever for the benefit of any such tribe or community.

(2) If a tribal authority has been established in respect of more than one tribe or community, the Minister may, subject to the provisions of any regulations, direct that a separate account be opened in respect of any such tribe or community, or any two or more such tribes or communities jointly, and determine what moneys payable into or out of the treasury established in respect of such authority shall be credited to or charged against any such account.

Amounts to be paid into treasury of regional authority.

10. There shall be paid into the treasury of a regional authority—

- (a) all amounts collected in respect of any rate levied under section *six*, or which may become payable to such authority under any law assigning to any such authority any tax or any portion of a tax payable by natives within an area for which that authority has been established;
- (b) all fees or rates paid under any bye-law made in terms of sub-section (2) of section *five*;
- (c) all fines recovered in respect of contraventions of any such bye-law or in respect of a failure to pay on or before the due date, as prescribed by regulation, any rate imposed by virtue of the provisions of section *six*;
- (d) any moneys which Parliament may appropriate for the purpose, and any donations which may be made for the benefit of the regional authority;
- (e) all other amounts derived from any source whatsoever for the benefit of the regional authority.

Amounts to be paid into treasury of territorial authority.

11. (1) There shall be paid into the treasury of a territorial authority—

- (a) all amounts which may become payable to that authority in pursuance of the exercise by that

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authority of any powers which have been vested in it by virtue of the provisions of sub-section (1) of section *seven*;

(b) by any regional authority, such amounts as the Governor-General may determine either generally or in the case of any particular regional authority.

(2) If at any time the amount available in the treasury of a territorial authority exceeds its requirements, that authority may, with the approval of the Minister, make such grants as it may deem fit to any person or body, including any regional or tribal authority, towards any object which in its opinion will be to the advantage of natives resident in any area for which such territorial authority has been established.

Abolition of certain councils upon establishment of regional or territorial authorities, and transfer of assets and liabilities.

12. (1) Upon the establishment under this Act—

(a) of a regional authority for an area under the jurisdiction of a local council established under section *five* of the Native Affairs Act, 1920 (Act No. 23 of 1920), such local council shall cease to exercise jurisdiction in respect of that area;

(b) of a territorial authority for an area under the jurisdiction of a general council established under section *fourteen* of the said Act, that general council shall cease to exercise jurisdiction in respect of that area,

and if a regional or a territorial authority has been established in respect of every area or portion of any area under the jurisdiction of any such local or general council, that local or general council shall cease to exist.

(2) Whenever in terms of sub-section (1), a local or general council ceases to exist, all the assets, liabilities, rights and obligations of such council shall vest in and become binding upon the regional or territorial authority concerned according as to whether such council ceased to exist by reason of the establishment of a regional or of a territorial authority, and if a local or a general council has ceased to exercise jurisdiction in respect of any area or portion of an area for which it has been established, but continues to exercise jurisdiction over any other such area or portion of an area, the Minister may, if he deem fit, apportion the assets, liabilities, rights and obligations of such local or general council as between that council and the regional or territorial authority concerned in such manner as he may consider equitable.

(3) For the purpose of this section, the district council established under section *thirty-eight* of the Glen Grey Act, 1894 (Act No. 25 of 1894), of the Cape of Good Hope, and every board of management established under the Native Reserves Management Ordinance, 1907 (Ordinance No. 6 of 1907), of the Orange Free State, shall be deemed to be a local council established under section *five* of the Native Affairs Act, 1920.

Legal proceedings by or against regional or territorial authority.

13. Any legal proceedings by or against a regional or territorial authority may be instituted by or against the chairman of that authority in his official capacity.

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Conflict between different systems of native administration.
- 14.** If in the application of this Act or the Native Affairs Act, 1920 (Act No. 23 of 1920), or any other law, any conflict is found to exist between the said Acts or between either of those Acts and any such other law, or any provision of either of those Acts or any such other law is found to give rise to administrative difficulty, the Governor-General may, by proclamation in the *Gazette*, determine the extent to which either of such Acts or such other law shall apply in any area, in any manner he may deem necessary to remove the conflict or difficulty.
- Native conferences.
- 15.** The Governor-General may at any time convene, in such manner as he may deem fit, a conference of natives in the Union or any part thereof, in order to ascertain the views of the native population in regard to any matter affecting the general interests of natives in the Union or that part thereof.
- Offences and penalties.
- 16.** Any person who contravenes or fails to comply with any bye-law made by a regional authority under section *five*, or by a territorial authority by virtue of powers vested in it in terms of section *seven*, shall be guilty of an offence and liable on conviction to a fine not exceeding twenty-five pounds or, in default of payment, imprisonment for a period not exceeding three months.
- Regulations.
- 17.** (1) The Governor-General may make regulations, not inconsistent with this Act—
- (a) providing for the administration, supervision and control of the treasuries, and the keeping and audit of the accounts, of tribal, regional and territorial authorities;
 - (b) providing for the appointment of councillors and the selection or election of members of regional and territorial authorities;
 - (c) prescribing the conditions of office of councillors and the periods and conditions of office of members of regional and territorial authorities;
 - (d) providing for the calling of meetings of regional and territorial authorities, and prescribing the quorum for and procedure at such meetings, including the procedure in the event of the absence of the chairman from any such meeting, the method of voting at such meetings, and the exercise of a casting vote by any person presiding at such a meeting and the circumstances under which such a vote may be exercised;
 - (e) providing for the appointment and the determination of the conditions of appointment and the duties of officers and employees of regional and territorial authorities;
 - (f) prescribing the times for the payment of rates or fees levied or prescribed under this Act, and the circumstances under which or the conditions subject to which any person may be exempted from liability for the payment thereof,

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Abolition of Natives Representative Council.	18. The Natives Representative Council established by section <i>twenty</i> of the Representation of Natives Act, 1936 (Act No. 12 of 1936), is hereby abolished.
Amendment of laws.	19. The laws mentioned in the Schedule to this Act are hereby amended to the extent indicated in the third column of that Schedule.
Short title.	20. This Act shall be called the Bantu Authorities Act, 1951.

Schedule.

Number and year of law.	Title of Law.	Extent of amendment.
Act No. 23 of 1920.	Native Affairs Act, 1920.	<p>(1) By the addition at the end of section <i>two</i> of the following sub-section, the existing section becoming sub-section (1):</p> <p style="padding-left: 2em;">“(2) The Minister of Native Affairs may in his discretion and subject to such conditions as he may deem fit, assign to a member of the commission any of the powers, duties or functions conferred or imposed upon him under any law.”.</p> <p>(2) (a) By the addition at the end of sub-section (1) of section <i>eight</i> of the words “or the rates which shall be payable by any specified class of persons in respect of services made available by such council.”.</p> <p>(b) By the addition at the end of that section of the following sub-sections:</p> <p style="padding-left: 2em;">“(5) If a local council fails to make bye-laws in regard to any matter referred to in sub-section (1), or to prescribe fees payable for any service rendered by such council or rates payable by any specified class of persons in respect of services made available by such council, the Minister of Native Affairs may, after a local enquiry held in public by an officer in the public service designated by him for that purpose, at which the local council concerned shall be entitled to be heard, by notice in writing require such local council to make bye-laws in respect of any such matter or to prescribe</p>

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Number and year of law.	Title of Law.	Extent of amendment.
Act No. 12 of 1936.	Representation of Natives Act, 1936.	<p>such fees or rates, and if that local council fails to make such bye-laws or prescribe such fees or rates, or to submit such bye-laws for the approval of the Governor-General under sub-section (3), within a period of six months from the date of the notice, the Minister may himself make such bye-laws or prescribe such fees or rates.</p> <p>(6) Any bye-laws made or fees or rates prescribed by the Minister under sub-section (5), shall be deemed to have been made or prescribed, as the case may be, by the local council concerned."</p> <p>(3) By the repeal of sections <i>thirteen</i> and <i>sixteen</i>.</p> <p>(1) In section <i>one</i>—</p> <p>(a) by the substitution for the definition of "native advisory board" of the following definition: "‘native advisory board’ means a native advisory board established under the Natives (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945);”</p> <p>(b) by the insertion after the definition of "native advisory board" of the following definition: "‘native commissioner’ includes an additional native commissioner and an assistant native commissioner and, in respect of any area for which no native commissioner has been appointed, means the magistrate, additional magistrate or assistant magistrate of the district;”</p> <p>(c) by the substitution for the definition of "ordinary session" of the following definition: "‘regional authority’ means a Bantu regional authority established under paragraph (b) of section <i>two</i> of the Bantu Authorities Act, 1951;”</p> <p>(d) by the deletion of the definition of "the Council"; and</p> <p>(e) by the addition at the end of the section of the following definition: "‘tribal authority’ means a Bantu tribal authority established under paragraph (a) of section <i>two</i> of the Bantu Authorities Act, 1951."</p> <p>(2) By the substitution for section <i>two</i> of the following section:</p> <p>“Electoral areas for election of senators under this Act.</p> <p>2. (1) Subject to the provisions of sub-sections (2) and (3), there shall, for the purposes of the election of senators under this Act, be the following four electoral areas in the Union:</p> <p>(a) the Province of Natal;</p> <p>(b) the Provinces of the Transvaal and the Orange Free State;</p> <p>(c) the Transkeian Territories;</p> <p>(d) the Province of the Cape of Good Hope, excluding the Transkeian Territories.</p> <p>(2) Whenever the Governor-General is satisfied that civilisation and local government amongst natives have progressed to such a stage as to justify an increase in the representation of natives in the Senate, he may, by proclamation in</p>

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Number and year of law.	Title of Law.	Extent of amendment.
		<p>the <i>Gazette</i>, increase the number of electoral areas into which the Union is at that time divided for the purposes of the election of senators under this Act, and shall by that proclamation define the limits of each electoral area: Provided that—</p> <p>(a) the total number of electoral areas shall not at any time exceed six;</p> <p>(b) the Governor-General shall not at any time define the electoral area of the Transkeian Territories so as to consist of any area other than the area of jurisdiction of the United Transkeian Territories General Council.</p> <p>(3) If at any time the area of jurisdiction of the United Transkeian Territories General Council is altered, the Governor-General shall, by proclamation in the <i>Gazette</i>, make such adjustments in the boundaries of other electoral areas as may have become necessary by reason of the alteration.”.</p> <p>(3) By the substitution for sub-section (1) of section four of the following sub-section:</p> <p>“(1) The voting units of the four original electoral areas shall, for the purposes of the election of senators under this Act be as follows:</p> <p>(a) of the electoral area of the Province of Natal—</p> <p>(i) the chiefs of tribes within the electoral area which do not fall under the jurisdiction of a local council or a regional authority and in respect of which no tribal authorities have been established;</p> <p>(ii) the local councils;</p> <p>(iii) the regional authorities;</p> <p>(iv) the tribal authorities established in respect of areas which do not fall within the jurisdiction of a local council or a regional authority;</p> <p>(v) the native advisory boards; and</p> <p>(vi) the electoral committees;</p> <p>(b) of the electoral area of the Provinces of the Transvaal and the Orange Free State—</p> <p>(i) the chiefs of tribes in the Province of the Transvaal which do not fall under the jurisdiction of a local council or a regional authority and in respect of which no tribal authorities have been established;</p> <p>(ii) the local councils;</p> <p>(iii) the regional authorities;</p> <p>(iv) the native reserve boards of management;</p> <p>(v) the tribal authorities established in respect of areas which do not fall under the jurisdiction of a local council, a native reserve board of management or a regional authority;</p> <p>(vi) the native advisory boards; and</p> <p>(vii) the electoral committees;</p> <p>(c) of the electoral area of the Transkeian Territories, the members of the United Transkeian Territories General Council other than native commissioners;</p> <p>(d) of the electoral area of the Province of the Cape of Good Hope, excluding the Transkeian Territories—</p> <p>(i) the chiefs of tribes within the electoral area which do not fall under the jurisdiction of a local council or a regional authority and in respect of which no tribal authorities have been established;</p>

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Number and year of law.	Title of Law.	Extent of amendment.
		<p>(ii) headmen of locations which do not fall under the jurisdiction of a local council or a regional authority or under the jurisdiction of a chief and in respect of which no tribal authorities have been established;</p> <p>(iii) the local councils;</p> <p>(iv) the regional authorities;</p> <p>(v) the tribal authorities established in respect of areas which do not fall under the jurisdiction of a local council or a regional authority;</p> <p>(vi) the native advisory boards; and</p> <p>(vii) the electoral committees.”.</p> <p>(4) By the substitution for section <i>five</i>, as amended by Act No. 23 of 1938, of the following section: “Constitu- tion of electoral committees to represent natives not under juris- diction of other voting units. 5. (1) The areas under every native commis- sioner not situate within the Transkeian Terri- tories and which do not fall under the jurisdiction of a chief, a headman, a local council, a regional authority, a native reserve board of management or a tribal authority, or within an area for which a native advisory board has been established and in which not less than three hundred taxpayers are domiciled shall whenever the Minister so directs be divided by that native commissioner into not less than three and not more than five wards in such manner that within each ward shall be domiciled approximately an equal number of taxpayers.</p> <p>(2) The native commissioner shall, not less than forty-two days before the polling day fixed under section <i>thirty</i> or <i>thirty-one</i> in respect of any election of a senator to represent the electoral area concerned, and in the manner prescribed by regulation, convene a meeting of the taxpayers domiciled in each such ward or in the areas referred to in sub-section (1), if those areas have not been divided into wards.</p> <p>(3) At any such meeting the taxpayers domi- ciled in the ward or in the said areas, as the case may be, shall be entitled to elect in the manner prescribed by regulation, such a taxpayer to represent them on an electoral committee, and the persons so elected for the area under a native commissioner shall constitute an electoral com- mittee for that area.”.</p> <p>(5) By the substitution in sub-section (4) of section <i>six</i> for the words “the native appeal court” of the words “a native appeal court” and for the words “over the Province” of the words “in any area within the Province”.</p> <p>(6) By the repeal of sections <i>twenty</i> to <i>twenty-nine</i>, in- clusive.</p> <p>(7) By the deletion of the words “or the Council” wherever they appear in sections <i>thirty</i> and <i>thirty-one</i>.</p> <p>(8) By the deletion of sub-sections (5), (6) and (7) of section <i>thirty-two</i> and the substitution for sub-section (8) of that section of the following sub-section:—</p>

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		<p>“(8) Every nomination made under sub-section (1) shall be lodged with the native commissioner of the district for which the district council making the nomination is established, every nomination made under sub-section (2) shall be lodged with the native commissioner within whose area is situated the area of jurisdiction of the voting unit making the nomination, and every nomination made under sub-section (3) or (4) shall be lodged with the magistrate of a district within the electoral circle or electoral division concerned.”.</p> <p>(9) By the substitution in sub-section (1) of section <i>thirty-three</i>, as amended by Act No. 23 of 1938, for the word “magistrate” of the words “native commissioner or the magistrate”, and the deletion in sub-section (2) of that section of the expressions “(6) or (7)” and “or (6)” and of the words “or, in the case of a nomination under sub-section (7) of section <i>thirty-two</i>, less than one hundred”.</p> <p>(10) In section <i>thirty-seven</i>, as amended by Act No. 45 of 1947—</p> <p>(a) by the deletion in sub-section (1) of the words “and not less than three months before the polling day fixed under section <i>thirty-one</i> in respect of any election of members of the Council which has become necessary by reason of the expiry of the period for which members of the Council have been elected”;</p> <p>(b) by the deletion in the proviso to sub-section (1) of the words “or in respect of an election of members of the Council”;</p> <p>(c) by the substitution for sub-section (5) of the following sub-section: “(5) A voting unit shall at any election of senators held under this Act be entitled to exercise a number of votes equal to the number of taxpayers so determined to be domiciled within the area of its jurisdiction.”; and</p> <p>(d) by the deletion of sub-section (6).</p> <p>(11) By the insertion in section <i>thirty-nine</i> after the words “native advisory board” of the words “regional authority, tribal authority”.</p> <p>(12) By the deletion of sub-sections (2) and (4) of section <i>forty</i>.</p> <p>(13) In section <i>forty-three</i>—</p> <p>(a) by the substitution in paragraph (e) of sub-section (1) for the words “the provincial council of the Province of the Cape of Good Hope and the Council” of the words “and the provincial council of the Province of the Cape of Good Hope”;</p> <p>(b) by the deletion of paragraphs (i) and (j) of sub-section (1);</p> <p>(c) the substitution in sub-section (2) for the words “the native appeal court” of the words “a native appeal court” and for the words “over the Province” of the words “in any area within the Province”; and</p> <p>(d) by the substitution in sub-section (4) for the words “members of the provincial council of the Cape of Good Hope or members of the Council” of the words “or members of the provincial council of the Cape of Good Hope”.</p> <p>(14) By the deletion in the long title of the words “to establish a Natives Representative Council for the Union”.</p>