

Act No. 19
of 1954.

ACT

To provide for the removal of natives from any area in the magisterial district of Johannesburg or any adjoining magisterial district and their settlement elsewhere, and for that purpose to establish a board and to define its functions; and to provide for other incidental matters.

(English text signed by the Governor-General.)
(Assented to 4th June, 1954.)

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

1. In this Act, unless the context otherwise indicates— Definitions.
- (i) "Administrator" means the Administrator of the Transvaal; (i)
 - (ii) "board" means the Natives Resettlement Board established under section *two*; (vii)
 - (iii) "council" means the council of the city of Johannesburg; (viii)
 - (iv) "land" includes any right in or over land; (ii)
 - (v) "magistrate" includes a native commissioner, an additional magistrate or an additional native commissioner; (iv)
 - (vi) "Minister" means the Minister of Native Affairs; (v)
 - (vii) "native" means any person who is a member of an aboriginal race or tribe of Africa, and whenever there is doubt as to whether any person is a native, he shall be presumed to be a native, unless the contrary is proved; (vi)
 - (viii) "rates" means rates levied on the value of land or premises; (iii)
 - (ix) "specified area" means any area described in the Schedule to this Act, and any area within the magisterial district of Johannesburg or within any magisterial district adjoining such first-mentioned district, to which the Governor-General may, by proclamation in the *Gazette*, apply the provisions of this Act. (ix)

2. (1) There is hereby established a board to be known as the Natives Resettlement Board, which shall be a body corporate capable of suing and being sued in its corporate name and of performing all such acts as are necessary for or incidental to the exercise of its powers and the performance of its functions and duties under this Act. Establishment
of Natives
Resettlement
Board.

(2) The board shall not be liable for any tax, duty, fee or other charge imposed by or under any law.

3. (1) The board shall consist of not less than nine and not more than ten members appointed by the Governor-General, of whom not less than four or (if ten members are appointed) five shall be nominated by the Minister on the ground mainly of their acquaintance with and wide knowledge of the affairs of the council, and for each member (other than the member designated as chairman of the board) there shall be an alternate appointed in the same manner as such member.

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Constitution
of board.

(2) The Governor-General shall designate one of the members of the board to be chairman of the board.

(3) The name of every person appointed as a member or as an alternate to a member of the board shall be made known in the *Gazette*.

4. (1) A member or an alternate to a member of the board shall be appointed for such a period as the Governor-General may in each case determine, and shall be eligible for re-appointment on the termination of any period for which he has been appointed.

Tenure of
office of
members of
board.

(2) A member or an alternate to a member of the board shall vacate his office—

- (a) if he resigns or dies or the board is abolished in terms of section *thirty-one*;
- (b) if his estate is sequestrated or a notice with reference to him is published under sub-section (1) of section *ten* of the Farmers' Assistance Act, 1935 (Act No. 48 of 1935);
- (c) if he becomes of unsound mind or is convicted of an offence under section *eight* or is convicted of any other offence and sentenced to imprisonment without the option of a fine; or
- (d) in the case of a member, if he has absented himself from three consecutive meetings of the board without its leave which shall not be granted for a period exceeding six months in any period of twelve months.

(3) A member or an alternate to a member of the board may at any time be removed from his office by the Governor-General.

5. (1) The first meeting of the board shall be held at a time and place to be determined by the Minister, and all subsequent meetings shall, subject to the provisions of sub-section (2), be held monthly at such times and places as the board or the chairman of the board, if authorized thereto by it, may determine.

Meetings of
the board.

(2) The chairman of the board may at any time call a special meeting of the board, and shall call such a meeting within fourteen days after receipt of a written request, signed by not less than four members of the board, desiring such a meeting to be called.

(3) Five members of the board shall form a quorum for a meeting of the board.

(4) The chairman of the board shall preside at all meetings thereof at which he is present, and if he is absent from any meeting the members present thereat may elect one of their number to preside at such meeting.

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

(6) A member or an alternate to a member of the board shall not be present at or take part in the discussion of or vote upon any matter before the board, or any committee thereof, in which he or his spouse, or his partner or employer, or the partner or employer of his spouse, has, directly or indirectly, any pecuniary interest.

6. (1) There shall be payable to a member or an alternate to a member of the board who is not in the full-time employment of the State, such remuneration and allowances in respect of his services as the Minister may in consultation with the Minister of Finance, determine.

Remuneration
and allowances
of members of
board.

(2) A member or an alternate to a member of the board who is in the full-time employment of the State, may receive such remuneration, in addition to his salary and allowances in respect of such employment, as may be determined subject to the laws governing the public service.

(3) Any remuneration or allowances which may become payable under this section shall be paid out of the funds of the board.

(4) The board shall refund to the Department of Native Affairs for the benefit of the Consolidated Revenue Fund any amount paid out of public funds by way of transport or subsistence allowance to a member or an alternate to a member of the board whilst engaged in connection with the business of the board, including any such business entrusted to the executive committee appointed under section *seven* or any committee appointed under paragraph (b) of sub-section (1) of section *twelve*.

7. (1) The board shall appoint an executive committee consisting of the chairman of the board and two other members, of whom one shall be a member appointed on nomination by the Minister on the ground mainly of his acquaintance with and wide knowledge of the affairs of the council, and one shall be a member not so appointed.

Appointment
and powers
of executive
committee.

(2) The chairman of the board shall be the chairman of the executive committee.

(3) The executive committee may, subject to the directions of the board, exercise all the powers and perform all the functions of the board between meetings of the board, but shall not have power, save in so far as the board otherwise directs, to set aside or vary any decision of the board, and any action taken or

decision made by the executive committee shall be subject to review at the first ensuing meeting of the board.

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(4) The executive committee shall meet at such times and places as the chairman of the board may direct.

8. (1) A member or an alternate to a member of the board who directly or indirectly receives any fee or reward from any person in connection with any matter whatsoever dealt with by the board, shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding one year.

Prohibition
on receiving of
fees or rewards
and preservation
of secrecy.

(2) A member or an alternate to a member of the board, or any officer or other person in its service, who discloses, except with the consent of the board or in the performance of his duties or as a witness in a court of law, any information acquired by him in the course of his duties, shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds.

9. (1) The work incidental to the performance by the board of its functions shall be performed at its expense and under its directions and control by—

Staff of board.

- (a) officers in the public service who may on the recommendation of the Public Service Commission be seconded to the service of the board;
- (b) officers in the service of the council who may by arrangement with the council be seconded to the service of the board; and
- (c) such other persons as may be appointed by the board on such terms and conditions as may be approved by the Minister in consultation with the Minister of Finance.

(2) Any person appointed under paragraph (c) of sub-section (1) shall, except in so far as it is otherwise provided in the terms and conditions of his appointment, be subject to the conditions of employment applicable to temporary employees of the council, as if he were such a temporary employee, and for that purpose any reference to the council in any staff regulations or resolutions of the council or in any agreement or award which is in operation under the Industrial Conciliation Act, 1937 (Act No. 36 of 1937), or any other law, and which relates to the conditions of employment of employees of the council, shall be construed as a reference to the board, and any reference therein to any officer of the council in whom any powers are vested either in terms of any such staff regulations or resolutions or for the purpose of any such agreement or award, shall be deemed to be a reference to an officer or employee of the board designated by it or under its authority.

(3) The Minister shall designate one of the officers so seconded from the public service as secretary to the board and such officer shall be the chief administrative officer of the board.

(4) Any officer seconded to the service of the board under this section shall in all respects remain subject to the laws

governing the public service or the service of the council, as the case may be, and for that purpose—

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(a) the chief administrative officer of the board shall, in relation to any officer in the public service, be deemed to be the head of the department in which such officer is employed;

(b) the provisions of sub-section (2) shall *mutatis mutandis* apply in relation to any officer in the service of the council so seconded to the service of the board.

(5) Any officer in the public service who has been seconded to the service of the board may receive such remuneration, in addition to his salary and allowances as such an officer, as may be determined subject to the laws governing the public service.

(6) Any reference in sub-section (2) or (4) to an officer of the board shall be deemed to include a reference to any officer seconded under paragraph (a) or (b) of sub-section (1) to the service of the board.

10. (1) The funds of the board shall consist of—

Funds and assets
of board.

(a) any loans granted to the board on such conditions as the Minister of Finance may determine, out of moneys appropriated by Parliament for the purpose;

(b) moneys derived from the sale or lease of land or premises by the board;

(c) any amounts which may become payable to the board under this Act or any regulations made under section *thirty-three*;

(d) any amounts obtained from any other source.

(2) The council shall pay to the board out of its native services levy fund referred to in section *nineteen* of the Natives (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945), such amounts as the Minister may from time to time after consultation with the Native Services Levy Committee appointed under section *seven* of the Native Services Levy Act, 1952 (Act No. 64 of 1952), direct, and any such amounts shall be used by the board exclusively for the purposes set out in sub-section (3)*bis* of the said section *nineteen*.

(3) Any assets (including any land) or rights acquired and any liabilities or obligations incurred by the Government of the Union prior to the commencement of this Act, for a purpose connected with the object for which the board is established, shall, save as may be otherwise determined by the Minister after consultation with the Minister of Finance, and subject to such conditions as may be so determined, be deemed to have been acquired or incurred by the board, and any amount paid by the Minister before such commencement in connection with such a purpose, shall be deemed to be a loan granted to the board under paragraph (a) of sub-section (1) subject to conditions to be determined by the Minister of Finance.

(4) Notwithstanding the provisions of section *sixteen* of the Deeds Registries Act, 1937 (Act No. 47 of 1937), the transfer

to the board of any land referred to in sub-section (3) may be effected by endorsement on the title deed on application to the officer in charge of the deeds registry concerned, and such endorsement shall for all purposes be sufficient evidence of the fact that the ownership in the land in question is vested in the board.

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(5) The board shall cause full and correct account to be kept of all amounts received or expended by it.

(6) Any moneys in the possession of the board which are not required for immediate use, shall, subject to the provisions of sub-section (7), be invested by it with the Public Debt Commissioners or in such other manner as the Minister may in consultation with the Minister of Finance determine.

(7) The board may from time to time pay to the Consolidated Revenue Fund, such amounts from funds standing to its credit as may in each case be approved by the Minister in consultation with the Minister of Finance.

11. The books and statements of account and balance sheet of the board shall be audited annually by the Controller and Auditor-General. Auditing of accounts.

12. (1) The object for which the board is established is to effect the removal from specified areas of natives residing in those areas and to provide for the settlement elsewhere of such natives, and to that end the board shall, in addition to any other powers vested in it by this Act, have power— Object and general powers of board.

(a) with the approval of the Minister, and subject to such conditions as he may in consultation with the Minister of Finance determine, to acquire or hire such property and to appoint such servants as it may consider necessary for the effective performance of its functions;

(b) to appoint from amongst its members one or more committees and to vest in a committee so appointed such of its powers as it may deem fit: Provided that the vesting of any powers in any such committee shall not have the effect of divesting the board or the executive committee referred to in section *seven* of those powers, and that any action taken or decision made by any such committee shall be subject to review at the first ensuing meeting of the board, and, where a meeting of the executive committee takes place before such a meeting of the board, also at that meeting of the executive committee;

(c) with the approval of the Minister and subject to such conditions as he may, in consultation with the Minister of Finance, determine either generally or in any particular case—

(i) to acquire by purchase, exchange, expropriation or otherwise such land as the board may consider necessary for the attainment of the object for which it is established;

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- (ii) to develop any land belonging to the board and to provide services and amenities in any specified area or any area to which natives are or are intended to be removed;
 - (iii) to sell, let, hypothecate or otherwise dispose of or encumber any land belonging to the board or to exchange it for other land or to donate it for any purpose or to deal therewith in any other manner as the board may deem fit;
- (d) with the approval of the Minister, given after consultation with the Administrator and the council, to require the council, with due regard to the provisions of the Townships and Town Planning Ordinance, 1931 (Ordinance No. 11 of 1931), of the Transvaal, and the directions of the board—
- (i) to sub-divide, lay out, plan and develop any specified area or any portion thereof;
 - (ii) to cause surveys, plans, sections, maps, diagrams or drawings to be made in respect thereof;
 - (iii) to reserve or set aside any portion thereof for streets, open spaces or other public purposes;
 - (iv) to construct roads, streets, thoroughfares, bridges, subways, drains, sewers, aqueducts, conduits, water and other mains, power lines and such other works, including buildings, on or over such areas as the board may consider necessary;
- (e) with the approval of the Minister, given after consultation with the Administrator and the council, and with due regard to the provisions of the said Ordinance, to do any act or perform any function in relation to any specified area or any area to which natives are or are intended to be removed under this Act, which in terms of paragraph (d) the board is empowered to require the council to do or perform in relation to any specified area or any portion thereof;
- (f) with the approval of the Minister, and subject to such conditions as he may in consultation with the Minister of Finance, determine—
- (i) to build houses or other structures on land belonging to the board elsewhere than in a specified area, and to grant leases over such land or houses or to dispose of the right of occupation of such houses to natives removed from such an area;
 - (ii) to make available any such land for lease by such natives for the purpose of enabling them, subject to the approval of the board and on such conditions as it may deem fit, to provide for their own housing requirements;
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(iii) to grant loans or advance money or make available materials for any purpose which in the opinion of the board will contribute towards the attainment of the object for which the board is established;

(g) with due regard to any relevant agreements between the Union Government and the council which are in existence at the date of commencement of this Act, to enter into contracts with the Union Government, including the South African Railways Administration and the Provincial Administration of the Transvaal, the council or any other body or person for the performance of any act which the board is empowered to perform; and

(h) generally to do all such things as in the opinion of the board are necessary for or incidental to the attainment of the object for which the board is established.

(2) The board shall keep a register of all immovable property acquired by or vested in the board, reflecting the descriptions of such property, the dates and costs of acquisition thereof, details of any consolidations, subdivisions or disposals and such other particulars as may be deemed necessary.

(3) Save as provided in paragraphs (d) and (e) of sub-section (1), the board shall not be required to comply with the provisions of the Proclamation of Townships Ordinance, 1905, or the Townships Act, 1907, or the Townships Amendment Act, 1908, or the Townships and Town Planning Ordinance, 1931, of the Transvaal, or of any other law relating to townships or town planning.

13. (1) The board shall have the right, after notice to the council—

Assistance and facilities to be afforded to board by council.

(a) to connect any drain, sewer, conduit, water or other main or power line on land belonging to the board, to any drain, sewer, conduit, water or other main or power line in the vicinity of such land which is under the control of the council;

(b) to connect any road, street or thoroughfare on such land to any road, street or thoroughfare controlled by the council,

in so far as may be reasonably practicable and necessary for the purpose of providing essential services on land belonging to the board or ensuring convenient entrance to or exit from such land, and may for the purpose of paragraph (a) require the council or its servants to furnish any assistance or information which the board may consider necessary for the effective exercise of its powers under that paragraph.

(2) The council shall in so far as may be reasonably practicable supply water and electricity from and receive water or sewerage at any connection made under sub-section (1) in the same manner and on the same conditions as if the services in question were

provided in respect of land within the jurisdiction of the council: Provided that any charges made in respect of such services shall not exceed the charges for similar services in respect of a location or native village defined and set apart by the council under section two of the Natives (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945).

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14. (1) The board shall from time to time, but not less than once in every year, submit to the Minister reports on its activities, and the Minister shall lay copies of all such reports on the Tables of both Houses of Parliament within fourteen days after receipt thereof if Parliament is then in ordinary session or if Parliament is not then in ordinary session, within fourteen days after the commencement of its next ensuing ordinary session.

Reports by
board.

(2) The Minister shall forward to the Administrator and the council copies of all reports submitted to him in terms of sub-section (1).

15. (1) Notwithstanding anything to the contrary in any other law contained, the Governor-General may on the recommendation of the Minister by proclamation in the *Gazette* direct that any restrictive condition affecting the use or occupation of land belonging to or to be acquired by the board shall be suspended for such period or shall lapse or shall be modified in such manner and to such extent as may be specified in that direction.

Extinction or
modification of
any restrictions
on land.

(2) No recommendation shall be made by the Minister under sub-section (1) except after not less than one month's prior notice to every person who in his opinion is likely to be affected thereby.

(3) The provisions of sub-sections (2), (3) and (4) of section seventeen shall *mutatis mutandis* apply in connection with any notice required to be given under sub-section (2) of this section.

16. Notwithstanding anything to the contrary in any other law contained, the board may, with the written approval of the Minister, expropriate any land situate in any specified area or elsewhere as the board may consider necessary in order to achieve the object for which the board is established: Provided that land which, in terms of any law relating to mining, is or is deemed to be proclaimed land or which forms part of any such land, or upon which prospecting, digging or mining operations are being carried on, or on which there are reasonable grounds for believing that minerals exist in workable quantities, shall not be expropriated except after consultation with the Minister of Mines: Provided further that the Minister shall not approve of the expropriation of any land unless he is satisfied that the board is unable to purchase such land on reasonable terms and (in the case of land outside a specified area) that no other suitable land is available to the board and that the board is unable to purchase other suitable land on reasonable terms.

Expropriation
of land.

17. (1) Upon receipt of the written approval of the Minister to expropriate any land, the board shall serve or cause to be served on the owner a notice in the manner prescribed in sub-

Procedure on
expropriation.

section (2) setting forth clearly and fully a description of the land and inviting the owner to state the amount claimed by him for the land: Provided that it shall not be necessary for the board to serve any notice on any person who is not to the knowledge of the board, the owner of the land to be expropriated.

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(2) The notice referred to in sub-section (1) shall be served—

- (a) by delivery of the notice to the owner personally; or
- (b) by leaving the notice with some adult inmate of his place of residence; or
- (c) by despatching the notice by registered post in an envelope addressed to his last known address; or
- (d) if service cannot be effected as provided in paragraph (a), (b) or (c), by publication in both official languages of the Union in three consecutive ordinary issues of the *Gazette* and once a week during three consecutive weeks in a newspaper circulating in the magisterial district in which the land is situate.

(3) It shall not be necessary in any notice under sub-section (1) to name the owner, but the notice if it does not name him shall describe him as the owner in respect of the land in question.

(4) A notice under sub-section (1), which has been served as provided in sub-sections (2) and (3), shall be deemed to have been duly served, and the date of service of a notice under paragraph (d) of sub-section (2) shall be the date of the first publication thereof.

(5) A notice to expropriate shall be served within thirty days after receipt of the approval by the Minister and if not served within that time, such approval shall lapse unless the Minister has agreed in writing to the extension thereof.

(6) Upon the service of any such notice the ownership in the land described in the notice shall pass to the board free of all encumbrances and the board may, after expiry of a period of not less than thirty days from the date of such service, take possession of and use the land.

18. (1) Whenever any land has been expropriated under section *seventeen*, the board shall forthwith—

Duties of
registrar of
deeds on
expropriation.

- (a) transmit to the registrar of deeds a certified copy of the notice by which the expropriation has taken place; and
- (b) transmit to every holder of a bond registered over such land, whose name and address are known to it, a copy of such notice.

(2) Upon receipt of the copy referred to in sub-section (1) the registrar of deeds shall—

- (a) record thereon the time and date of such receipt; and

- (b) note in the appropriate records that the land in question has been expropriated.
- (3) A mortgagee to whom a copy of a notice of expropriation has been transmitted shall within fourteen days of the date of receipt thereof, transmit to the board—
- (a) a statement in writing setting forth the amounts received by him in payment of the debt secured by the bond and particulars of the amount still owing thereunder; and
- (b) the bond of which he is the holder and any document of title relating to the land which may be in his possession or under his control.
- (4) (a) Every owner on whom a notice has been served under section *seventeen* shall, within thirty days after the date of expropriation, or within such further period as the board may allow, deliver or cause to be delivered to the board—
- (i) a statement in writing setting forth the amount of compensation, if any, claimed by him;
- (ii) his documents of title to the land if these are in his possession or under his control;
- (iii) a list signed by him of the said documents if these are not in his possession or under his control, setting forth the registration numbers and dates thereof and the name and address of the person in whose possession or under whose control those documents are and the registration numbers and dates of mortgage bonds, if any, on the land and the names and addresses of the holders thereof.
- (b) The board may by notice in writing call upon any person named in any list delivered to it under subparagraph (iii) of paragraph (a), to deliver or cause to be delivered to the board, within a period specified in the notice, the documents referred to in that subparagraph.

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19. (1) If the owner of land and the board do not, within a period of sixty days from the date of expropriation of such land, or within such further period as the board may allow, come to an agreement as to the amount of compensation to be paid for the land, such amount shall subject to the provisions of section *twenty*, be determined by two arbitrators, one of whom shall be appointed by the board and the other by the owner or (if he is absent from the Union or his whereabouts cannot be readily ascertained or he fails to nominate any person or to advise the board of the name and address of the person nominated by him within fourteen days after having been required in writing by the board to make a nomination) by the Minister.

Appointment
of arbitrators
and referees.

(2) The arbitrators shall before taking any steps in connection with the arbitration appoint a suitable person as a referee in case the arbitrators do not agree, and the decision of such

referee shall be final and if the arbitrators fail to appoint or are unable to agree upon the appointment of a person as a referee, the Minister shall appoint a suitable person as a referee, whose decision shall be final.

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(3) The costs, calculated in accordance with the table of costs in magistrates' courts, in connection with any determination of compensation in terms of this section, shall, in the absence of agreement between the parties, be paid as directed by the arbitrators or if the arbitrators are unable to agree, as directed by the referee, whose decision shall be final.

20. (1) Whenever the Minister approves of the expropriation of land, the compensation payable therefor shall not exceed, in the case of land situate within the area of jurisdiction of the council, the lesser amount of either—

Basis for
determination
of amount of
compensation.

- (a) subject to the provisions of sub-section (5), the maximum amount which would have been payable in terms of Chapter III of the Slums Act, 1934 (Act No. 53 of 1934), if the expropriation had taken place under that Act; or
- (b) subject to the provisions of sub-sections (2), (3), (4) and (5) an amount determined by one or other of the following methods, whichever is appropriate, namely—
 - (i) in the case of land acquired by the owner by purchase, by adding to the purchase price an amount calculated at the rate of six per cent. per annum on that price for the period from the date of acquisition of the land by the owner to the date of expropriation; or
 - (ii) in the case of land acquired by the owner otherwise than by purchase, by adding to the purchase price paid by the last previous owner who acquired it by purchase, an amount calculated at the rate of six per cent. per annum on that price for the period from the date of acquisition by such last previous owner to the date of expropriation.

(2) If any land expropriated under this Act forms part of a larger area of land acquired by the owner or the last previous owner, as the case may be, the amount payable as compensation shall be an amount which bears the same ratio to an amount determined in accordance with the applicable sub-paragraph of paragraph (b) of sub-section (1), as the assessed value of such expropriated land bears to the assessed value of such larger area of land.

(3) Whenever the purchase price paid in respect of any land by any person cannot be readily ascertained, that price shall for the purpose of paragraph (b) of sub-section (1) be deemed to be the assessed value of that land at the date of purchase thereof.

(4) In the event of improvements having been made to land since the date of acquisition thereof by the owner or the last

previous owner, as the case may be, there shall be added to the compensation as determined under paragraph (b) of sub-section (1)—

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(a) an amount equal to the actual cost of such improvements plus an amount calculated at the rate of six per cent. per annum on such cost from the date on which the improvements were completed to the date of expropriation, less a reasonable amount in respect of depreciation; or

(b) where such actual cost or the date of completion of such improvements cannot be readily ascertained, an amount equal to the assessed value of the improvements.

(5) Where a goodwill value, which is likely to be lost on account of the expropriation of any land, is attached to any profession or business being conducted on that land, there shall be added to the compensation determined under paragraph (a) or (b) of sub-section (1), an amount equivalent to the assessed value of such goodwill, but not exceeding the net profit derived from such profession or business during the immediately preceding period of twelve months, or, where such profession or business has been carried on for less than twelve months, an amount equivalent to twelve times the average net profit per month during the period such profession or business has actually been conducted on such land.

(6) If the Minister is of opinion that the owner of the land expropriated acquired such land at more than a normal price for speculative purposes, he may order in writing under his hand that the compensation payable therefor according to the provisions of paragraph (b) of sub-section (1) shall be calculated *mutatis mutandis* according to the said provisions on the basis of a lesser amount for which another named person or the predecessor of the said owner, acquired that land within a period not exceeding three years prior to the expropriation.

(7) In the event of the land expropriated not being situated within the area of jurisdiction of the council, the compensation payable therefor shall not exceed an amount calculated according to the provisions of paragraph (b) of sub-section (1).

(8) For the purposes of this section—

(a) any transfer duty, transfer or survey fees paid in connection with the acquisition of land shall be deemed to form part of the price at which that land was acquired; and

(b) the expression "assessed value" means the value assessed by the arbitrators appointed under sub-section (1) of section *nineteen* or (where they fail to agree) by the referee appointed under sub-section (2) of that section.

21. Any compensation for land expropriated shall be paid to the owner of such land, if his address is known, or, if his address is not known, to the master of the supreme court for deposit in the guardian's fund: Provided that where the land is mortgaged, the compensation may be applied as far as may be

Payment of
compensation.

required towards the payment of the claims of mortgagees in their legal order of preference provided such mortgagees have complied with the provisions of section *eighteen*: Provided further that in the event of the said land having been sold prior to expropriation to a person who adduces proof that he has paid the purchase price either in full or in part, the full amount of the compensation payable in respect of such land, less any amount still due to the seller in respect of the purchase price, may be paid to the purchaser, whether or not he has taken transfer of the land.

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of 1954.

22. (1) The registrar of deeds shall, subject to the provisions of section *thirty-one* of the Deeds Registries Act, 1937 (Act No. 47 of 1937)—

Registration
of transfer
of land.

- (a) register the transfer to the board of any land expropriated by it;
- (b) at the same time note in his register the suspension, lapsing or modification of any restrictive condition upon the use or occupation of such land which may have been suspended or modified or may have lapsed by virtue of any proclamation issued under section *fifteen*;
- (c) if such land is subject to any bond, endorse upon the bond that the land is released therefrom.

(2) The board shall have the right to appoint a conveyancer to act for it in connection with the transfer of land acquired by it and shall be responsible for the costs of transfer.

(3) Notwithstanding anything to the contrary in any other law contained, the registrar of deeds may, on being satisfied that the title deeds of any land have been lost or destroyed, register the transfer to the board of such land without the production thereof or the authority of any order of court.

(4) No transfer of land which has been expropriated under this Act shall be registered unless the registrar of deeds has been furnished with a certificate signed on behalf of the board that—

- (a) the procedure prescribed in section *seventeen* has been observed; and
- (b) all amounts payable by the board on the transaction have been paid or guaranteed.

23. (1) If within three months after the date on which any land registered in the name of a native is acquired by the board under this Act, that native in writing advises the Minister that he desires to acquire ownership in other land, the South African Native Trust (hereinafter referred to as the Trust) shall, notwithstanding anything contained in the Native Trust and Land Act, 1936 (Act No. 18 of 1936), but subject to the provisions of sub-sections (2) and (3)—

Land to be made
available to
natives in lieu
of land acquired by
board.

- (a) make available for purchase by that native such land belonging to the Trust as it may determine and afford him such assistance as it may deem fit in connection with the purchase of such land; or

(b) if the Trust is unable to make available such land or to reach agreement with the native concerned as to the purchase price or the other conditions of sale of any such land which the Trust is able to make available, afford that native such assistance as it may deem fit in connection with the purchase of any land (not being land belonging to the Trust) in a released area as defined in the said Act which that native may be able to acquire.

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(2) No assistance shall be granted to any native under sub-section (1) except in accordance with and subject to the provisions of the aforesaid Act.

(3) Any land made available under sub-section (1) shall either be land comprising an economic agricultural unit or land in a village or settlement established by the Trust, and the conditions of title to any such land shall conform to the conditions generally applicable in relation to land of the same class as that made available in the area in which such land is situated.

24. (1) No rates shall be levied upon any land or premises owned by the board so long as such land or premises have not been leased or sold to any person by the board.

Exemption from rates in respect of land belonging to the board.

(2) Whenever any such land or premises have been leased or sold by the board, it shall become rateable as from the date of the lease or sale as if it had been transferred on that date to the person to whom it has been leased or sold and rates thereon shall as from that date become payable by that person.

(3) In respect of the year in which any land or premises is leased or sold as aforesaid, rates on that land or premises may be levied on the same basis as that on which rates on other land or premises within the same area are levied for that year, and the person to whom the land or premises is so leased or sold shall in respect of that year pay such a portion of the rates thereon as is represented by the proportion which the unexpired portion of the year as from the date of the lease or sale bears to the whole year.

25. The board may, by notice in writing addressed or delivered to any native residing in a specified area, or posted up at or near the main entrance to the premises occupied by him, require that native to vacate the premises in which he resides, together with the members of his household, and to remove all property belonging to him or any member of his household from those premises, within a period stated in the notice, but ending not earlier than the last day of the month following that during which such notice is given: Provided that no native entitled to reside in the area under the jurisdiction of the council shall be required to vacate any premises, unless—

Notice to vacate premises in specified area.

- (a) in the case of a native residing in the township of Sophiatown, Martindale, Newclare or Pageview as described in the Schedule to this Act, a house or other place of residence for himself and his household or (if he so elects) a right to occupy land on which he may provide for the housing needs of himself and his household; or
- (b) in the case of a native who, except for the members of his household, is the sole occupant (otherwise than as a lessee under a sub-lease) of a house which is situated elsewhere than in any of the said townships and has been approved under the bye-laws or regulations of the local authority in whose area it is situated, a house or other place of residence for himself and his household or (if he so elects) a right to occupy land on which he may provide for the housing needs of himself and his household; or
- (c) in the case of any other native, a right to occupy land as aforesaid or a place of residence,

is offered to him by the board and specified in the notice requiring him to vacate any such premises.

26. (1) Whenever it is proved to the satisfaction of a magistrate by means of affidavits placed before him that any native or any member of his household, has failed to vacate any premises in accordance with the requirements of a notice under section *twenty-five*, that magistrate may, after consultation with the chairman of the board and the chairman of the non-European affairs committee of the council, if such consultation is considered necessary by that magistrate, issue such orders and give such instructions and confer such authority as he may deem necessary—

Procedure on failure to vacate premises.

- (a) to effect the immediate removal of such native or member of his household from those premises;
- (b) to effect the transfer of such native or member of his household to the house, place of residence or land offered by the board and specified in such notice;
- (c) to ensure the demolition and removal from such premises of all buildings and structures which may have been erected thereon, and of any property belonging to that native or any member of his household in so far as the demolition or removal thereof may be considered necessary:

Provided that—

- (i) before the magistrate issues any order as aforesaid, he shall be satisfied on affidavit that a notice of the intention to apply for such an order, and of the time and place at which the application will be made, in both official languages of the Union and in a native language commonly used by natives in the specified area in question has, not less than three days prior to the making of the application been served on the person concerned or where such service cannot be effected,

has been posted up in a prominent place on the said premises;

- (ii) such person shall be entitled to appear or to be suitably represented before such magistrate by an advocate or attorney and to reply either orally or by affidavit or through his representative to the allegations set out in the said affidavits.

(2) Any member of the police force or any officer in the service of the council or any officer or person in the service of the board may take any steps which may be necessary for carrying out any instruction given to him or in connection with the exercise of any authority conferred upon him under sub-section (1), and no action shall lie in respect of any loss or damage which may be sustained in consequence of the *bona fide* carrying out of any such instruction or exercise of any such authority.

(3) Any expenditure incurred by the board in giving effect to the provisions of paragraph (a), (b) or (c) of sub-section (1) shall be met from the funds of the board.

27. (1) The chairman of the board may appoint in writing any member of the board or any officer referred to in section *nine* as an inspector who may at all reasonable times in furtherance of the object for which the board is established—

- (a) enter upon any premises in a specified area;
- (b) question any person found in or upon any such premises;
- (c) inspect the title deeds, books or other records of any person which relate in any way to the ownership or occupation of or residence on land or premises in a specified area, and make extracts from such title deeds, books or other records;
- (d) call upon any person to furnish any information at his disposal relating to the ownership or occupation of or residence on such land or premises.

(2) Any inspector referred to in sub-section (1) may be accompanied by an interpreter or other assistant in the performance of his functions under that sub-section.

(3) An interpreter or assistant shall, while acting under the lawful directions of any inspector referred to in sub-section (1) whom he accompanies, be deemed to be an inspector, and any question put through, reply made to, requirement made by or obstructing or hindering of or interference with an interpreter or assistant while so acting, shall be deemed to be a question put by, reply made to, requirement made by, obstruction or hindering of or interference with an inspector.

28. (1) The board may with the approval of the Minister, and subject to such conditions as may be determined by him in consultation with the Minister of Finance and the council, on

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Appointment
and duties
of inspectors.

Transfer of
land to
council.

not less than three months' notice in writing given to the council, transfer any land owned by the board together with any improvements thereon, to the council which shall be bound to accept transfer thereof and shall, subject to such terms and conditions as may be determined by the Minister in consultation with the Minister of Finance and the council, pay to the Department of Native Affairs for the benefit of the Consolidated Revenue Fund the cost of such land and improvements together with any interest or other charges, including any expenses incurred in connection with the removal of natives to such land, and such proportion of all direct and indirect expenditure incurred by the board up to the date of such notice as may, in relation to such land and improvements, be deemed by the Minister, after consultation with the Minister of Finance and the council, to be reasonable: Provided that in the determination of any amount payable by the council under this sub-section due regard shall be had to any income derived by the board from the land and improvements in connection with the transfer of which such amount is payable.

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of 1954.

(2) The council shall within one month of the date of the notice referred to in sub-section (1) apply for the Minister's approval to the defining and setting apart as a location, native village or native hostel in terms of section *two* of the Natives (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945), of any land to be transferred to the council for any such purpose, if such land has not already been so defined and set apart, and shall, upon receipt of such approval, forthwith proceed to define and set apart the said land accordingly.

(3) The provisions of sub-section (2) of section *twenty-nine* shall *mutatis mutandis* apply in respect of the recovery of any amount which may by virtue of the provisions of sub-section (1) of this section become payable by the council.

29. (1) If the council neglects to perform any act which by or under the provisions of this Act it is empowered or required to perform, or performs any such act in such a manner that, in the opinion of the board, effect is not given to the object for which the board is established, the board shall report accordingly to the Minister who may, after consultation with the Administrator, and subject to such conditions as the Minister may determine, require the council, by written notice given through the Administrator, to perform such act, or to perform such act in accordance with the directions set forth in such notice, within a period to be specified in such notice, and if the council fails to comply with such notice to the satisfaction of the Minister, he may, after consultation with the Administrator and after written notice to the council, direct the board to perform such act and do all such things as may be necessary to give effect to

Powers of
Minister.

such notice, and the board shall for that purpose have all the rights and powers which the council may have in connection with the performance of such act.

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of 1954.

(2) Should the council fail within the period fixed in any notice given under sub-section (1), or within any extension of that period granted by the Minister after consultation with the Administrator, to comply with any requirement specified in that notice, the board may, after written notice to the council, recover the costs incurred by the board in performing any act or doing anything in accordance with a direction of the Minister given under sub-section (1)—

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

or by all three or any two of such methods for recovery, and a certificate by the board as to the amount of such costs shall be *prima facie* proof of that amount.

30. The Governor-General may, if he deems it expedient, after reference to the Administrator and the urban local authority concerned, by proclamation in the *Gazette* and as from a date to be specified in such proclamation, designate the board as an urban local authority for the purpose of the application, within one or more specified areas, or within any area belonging to the board and specified in the proclamation, of such provisions of the Natives (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945), as may be so specified, and thereupon in respect of the provisions and the area or areas so specified, the board shall be vested and charged with all the powers, duties and functions of an urban local authority under that Act to the exclusion of any other urban local authority or any other body designated for the purpose in terms of section *thirty-nine* of the said Act.

Designation
of board as
urban local
authority.

31. (1) Whenever the Governor-General is satisfied that the board has achieved the object for which it was established, he may by proclamation in the *Gazette* declare that the board shall be abolished with effect from a date to be specified in the proclamation.

Abolition
of board.

(2) As from the date specified in any proclamation issued under sub-section (1) all the powers, duties, assets and rights of the board shall vest in the Minister and all the liabilities and obligations of the board shall devolve upon the Minister, and any reference in any law or document to the board shall be deemed to be a reference to the Minister.

(3) The registrar of deeds shall cause all such notes and endorsements to be made in his registers and on the title deeds of any land owned by the board as may be necessary to give effect to the provisions of this section.

32. Any rights or assets acquired or liabilities or obligations, including any expenditure, incurred by the council prior to the commencement of this Act, for any purpose connected with the object for which the board is established, shall be deemed to have been duly acquired or incurred by the council in the exercise of powers vested in it by law.

**Act No. 19
of 1954.**

Validation
of certain
actions of
council.

33. (1) The Minister may make regulations, not inconsistent with this Act, as to—

Regulations.

- (a) the regulation and control of land owned by the board, the planning or replanning and laying out of any such land, the reservation or setting aside of any such land by the board for streets, open spaces or other public purposes or any works constructed by it or under its authority and the siting, construction, erection, maintenance and control of buildings and other improvements thereon;
- (b) the vacation of land expropriated;
- (c) the powers, functions and duties of inspectors appointed under section *twenty-seven*;
- (d) the conduct of and procedure at expropriation proceedings, including the subpoenaing of witnesses and the payment of allowances to such witnesses;
- (e) the procedure relating to the calling for and acceptance of tenders for the execution of any work on behalf of the board or for the supply of any goods or materials to the board;
- (f) generally any other matter in regard to which it may be necessary to make regulations in order to ensure the effective administration of this Act.

(2) In any regulation made under this section, provision may be made for the imposition of penalties for a contravention or default in complying with the provisions thereof or with any requirements or conditions prescribed in any permit, order or other document issued thereunder.

(3) Whenever any person has been convicted under any regulation made in terms of paragraph (a) of sub-section (1), the board may order him to remove or alter any building or improvement in respect of the siting, construction, erection, maintenance or control of which he has been so convicted or cause such building or improvement to be removed or altered at his expense.

(4) Any regulation made under this section shall be laid upon the Tables of both Houses of Parliament within fourteen days after promulgation thereof if Parliament is then in ordinary session, or if Parliament is not then in ordinary session within fourteen days after the commencement of its next ensuing ordinary session, and shall, if both Houses of Parliament pass resolutions disapproving thereof or of any provision thereof during the session in which it is so laid upon the said Tables,

cease to have effect to the extent to which it is so disapproved of, on the day on which the last of such resolutions is passed.

Act No. 19
of 1954.

34. (1) Any person who—

Offences and
penalties.

- (a) contravenes or fails to comply with any provision of this Act or any regulation made thereunder;
- (b) falsely holds himself out to be an inspector;
- (c) in any statement or particulars or document which he is, in terms of this Act or any regulation framed thereunder, required to furnish, furnishes information, particulars or documents which are false in any material particular, knowing the same to be false;
- (d) obstructs, hinders, resists or interferes with any inspector in the exercise of his powers or the performance of his functions or duties in terms of this Act or any regulation made thereunder or refuses or fails without reasonable cause to furnish any information, particulars or documents or fails to comply with any requirement made by such inspector,

shall be guilty of an offence and liable on conviction, where no other penalty is prescribed, to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

(2) Notwithstanding anything to the contrary in any other law contained, a magistrate's court shall have jurisdiction to issue any order or instruction or to impose any penalty which may be given or imposed under this Act or any regulation made thereunder.

(3) Any fine recovered or bail estreated in respect of a contravention of this Act or any regulation made thereunder shall accrue to the board.

35. (1) Notwithstanding the provisions of section *eight* of the Natives (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945), or any notice issued thereunder, the townships of Sophiatown, Martindale and Newclare, as described in the Schedule to this Act, shall not for the purposes of the said section, be regarded as areas predominantly occupied by natives.

Sophiatown,
Martindale and
Newclare not
to be regarded
as areas
predominantly
occupied by
natives.

(2) Government notices numbers 192, 193 and 194 dated 4th February, 1949, are hereby withdrawn.

36. This Act shall be called the Natives Resettlement Act, 1954, and shall come into operation upon a date to be fixed by the Governor-General by proclamation in the *Gazette*.

Short title
and
commencement.

Schedule.

DESCRIPTION OF AREAS.

(1) The Township of Sophiatown being portion of the freehold farm Waterval No. 10, district of Johannesburg, in extent 113 morgen 383 square roods and more fully defined on the general plan of the township framed by Surveyor James B. Tucker in June, 1903, and approved by the Surveyor-General on the 4th January, 1905, under S.G. No. A. 5005/03.

(2) The Township of Martindale being portion in extent 23 morgen 337 square roods of portion marked E of the freehold farm Waterval No. 10, district of Johannesburg, and more fully defined on the general plan of the township framed by Surveyor James B. Tucker in August, 1904, and approved by the Surveyor-General on the 19th October, 1904, under S.G. No. A. 4549/04.

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of 1954.

(3) The Township of Newclare being portion in extent 73 morgen 22 square roods of portion marked E of the freehold farm Waterval No. 10, district of Johannesburg, and more fully defined on the general plan of the township framed by Surveyor O. T. de Villiers in September, 1905, and approved by the Surveyor-General on the 28th August, 1912, under S.G. No. A. 1025/12.

(4) The Township of Pageview being portion 3, in extent 11 morgen 227 square roods of the freehold farm Johannesburg No. 29, district of Johannesburg, and portion 213 (a portion of portion of portion) in extent 8 morgen 510 square roods of the farm Braamfontein No. 11, district of Johannesburg, and more fully defined on the true extract of the general plan No. 626/94 approved by the Surveyor-General on the 21st April, 1894.

Act No. 20
of 1954.

ACT

To amend the South Africa Act, 1909.

(*Afrikaans text signed by the Governor-General.*)
(*Assented to 4th June, 1954.*)

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

1. Section *seventy-eight* of the South Africa Act, 1909, is hereby amended by the addition at the end of sub-section (3) of the words "and a member of the executive committee shall not be disqualified from being elected as a member of the provincial council".

Amendment of section 78 of the South Africa Act, 1909.

2. This Act shall be called the South Africa Act Amendment Act, 1954. Short title.

Act No. 21
of 1954.

ACT

To amend the Criminal Procedure and Evidence Act, 1917, the Female Jurors Act, 1931, and the General Law Amendment Act, 1949.

(*English text signed by the Governor-General.*)
(*Assented to 4th June, 1954.*)

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